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Presidential Documents

Title 3—

The President

Executive Order 13263 of April 29, 2002

President's New Freedom Commission on Mental Health

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to improve America's mental health service delivery system for individuals with serious mental illness and children with serious emotional disturbances, it is hereby ordered as follows:

Section 1. *Establishment.* There is hereby established the President's New Freedom Commission on Mental Health (Commission).

Sec. 2. *Membership.* (a) The Commission's membership shall be composed of:

(i) Not more than fifteen members appointed by the President, including providers, payers, administrators, and consumers of mental health services and family members of consumers; and

(ii) Not more than seven ex officio members, four of whom shall be designated by the Secretary of Health and Human Services, and the remaining three of whom shall be designated—one each—by the Secretaries of the Departments of Labor, Education, and Veterans Affairs.

(b) The President shall designate a Chair from among the fifteen members of the Commission appointed by the President.

Sec. 3. *Mission.* The mission of the Commission shall be to conduct a comprehensive study of the United States mental health service delivery system, including public and private sector providers, and to advise the President on methods of improving the system. The Commission's goal shall be to recommend improvements to enable adults with serious mental illness and children with serious emotional disturbances to live, work, learn, and participate fully in their communities. In carrying out its mission, the Commission shall, at a minimum:

(a) Review the current quality and effectiveness of public and private providers and Federal, State, and local government involvement in the delivery of services to individuals with serious mental illnesses and children with serious emotional disturbances, and identify unmet needs and barriers to services.

(b) Identify innovative mental health treatments, services, and technologies that are demonstrably effective and can be widely replicated in different settings.

(c) Formulate policy options that could be implemented by public and private providers, and Federal, State, and local governments to integrate the use of effective treatments and services, improve coordination among service providers, and improve community integration for adults with serious mental illnesses and children with serious emotional disturbances.

Sec. 4. *Principles.* In conducting its mission, the Commission shall adhere to the following principles:

(a) The Commission shall focus on the desired outcomes of mental health care, which are to attain each individual's maximum level of employment, self-care, interpersonal relationships, and community participation;

(b) The Commission shall focus on community-level models of care that efficiently coordinate the multiple health and human service providers and public and private payers involved in mental health treatment and delivery of services;

(c) The Commission shall focus on those policies that maximize the utility of existing resources by increasing cost effectiveness and reducing unnecessary and burdensome regulatory barriers;

(d) The Commission shall consider how mental health research findings can be used most effectively to influence the delivery of services; and

(e) The Commission shall follow the principles of Federalism, and ensure that its recommendations promote innovation, flexibility, and accountability at all levels of government and respect the constitutional role of the States and Indian tribes.

Sec. 5. *Administration.* (a) The Department of Health and Human Services, to the extent permitted by law, shall provide funding and administrative support for the Commission.

(b) To the extent funds are available and as authorized by law for persons serving intermittently in Government service (5 U.S.C. 5701–5707), members of the Commission appointed from among private citizens of the United States may be allowed travel expenses while engaged in the work of the Commission, including per diem in lieu of subsistence. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(c) The Commission shall have a staff headed by an Executive Director, who shall be selected by the President. To the extent permitted by law, office space, analytical support, and additional staff support for the Commission shall be provided by executive branch departments and agencies.

(d) Insofar as the Federal Advisory Committee Act, as amended, may apply to the Commission, any functions of the President under that Act, except for those in section 6 of that Act, shall be performed by the Department of Health and Human Services, in accordance with the guidelines that have been issued by the Administrator of General Services.

Sec. 6. *Reports.* The Commission shall submit reports to the President as follows:

(a) *Interim Report.* Within 6 months from the date of this order, an interim report shall describe the extent of unmet needs and barriers to care within the mental health system and provide examples of community-based care models with success in coordination of services and providing desired outcomes.

(b) *Final Report.* The final report will set forth the Commission's recommendations, in accordance with its mission as stated in section 3 of this order. The submission date shall be determined by the Chair in consultation with the President.

Sec. 7. *Termination.* The Commission shall terminate 1 year from the date of this order, unless extended by the President prior to that date.

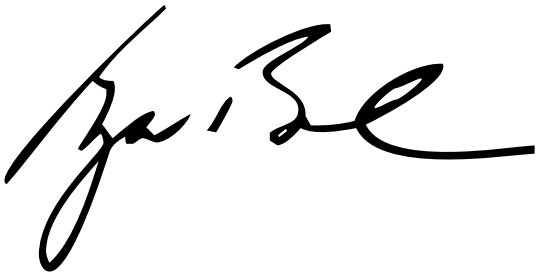

THE WHITE HOUSE,
April 29, 2002.

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Rules and Regulations

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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 591

RIN 3206–AJ40 and 3206–AJ41

Cost-of-Living Allowances (Nonforeign Areas); Methodology Changes

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is making wide-ranging changes in the methodology used to determine nonforeign area cost-of-living allowances (COLAs). OPM is implementing these changes pursuant to the settlement of litigation regarding the COLA program. These regulations also incorporate the changes OPM implemented in interim rules published last year. In addition, the regulations include other changes that improve their clarity and ease of use but do not change their meaning.

EFFECTIVE DATE: June 3, 2002.

FOR FURTHER INFORMATION CONTACT: Donald L. Paquin, (202) 606–2838; fax: (202) 606–4264; or email: *COLA@opm.gov.*

SUPPLEMENTARY INFORMATION: Section 5941 of title 5, United States Code, authorizes the payment of cost-of-living allowances (COLAs) to employees of the Federal Government stationed in certain nonforeign areas outside the contiguous 48 States whose rates of basic pay are fixed by statute. Executive Order 10000, as amended, delegates to the Office of Personnel Management (OPM) the authority to administer nonforeign area COLAs and prescribes certain operational features of the program. The Government pays nonforeign area COLAs to General Schedule, U.S. Postal Service, and certain other Federal employees in Alaska, Hawaii, Guam and the Commonwealth of the Northern Mariana Islands (CNMI), Puerto Rico, and the U.S. Virgin Islands.

OPM published proposed regulations in the November 9, 2001, **Federal Register** (at 66 FR 56741) that would modify significantly the current COLA methodology consistent with the agreement made by the parties in the settlement of *Caraballo, et al.* v. *United States,* No. 1997–0027 (D.V.I), August 17, 2000. In the same issue of the **Federal Register**, OPM published an interim rule (66 FR 56751) to implement recent amendments to Executive Order 10000 regarding the COLA program. Both the proposed regulations published on November 9, 2001, and these final regulations incorporate the changes required by the amendments to Executive Order 10000. Therefore, this final rule makes that interim rule final. OPM received no comments on the interim rule and six written comments in response to the proposed regulations. We discuss the comments we received below.

This final rule also incorporates part of an interim rule published on December 11, 2001 (66 FR 63909), which added administrative appeals judges paid under 5 U.S.C. 5372b to the list of pay plans covered under these regulations. This change is incorporated at 5 CFR 591.204(a)(8).

In addition, this rule corrects an error we discovered in the proposed rule. In § 591.215(b) of the proposed rule, we stated that OPM would average the price indexes for each of the three survey areas in the Washington, DC area. That is incorrect. OPM does not compute price indexes for the DC area because the DC area is the base or reference area and the price indexes are 100. Instead of averaging price indexes, OPM averages prices, and we have corrected that regulation, which is now codified at § 591.216(a).

Finally, these regulations incorporate several changes that improve their clarity and ease of use but do not change their meaning. The following table shows the sections where OPM made a change and the nature of the change:

Section	Nature of change
§ 591.210(b)(1)	Added clarifying language.
§ 591.211(b) and (c)	Added and revised language for clarity.
§ 591.212(c)	Revised language for clarity.
§ 591.215, 216, and 217	1. Moved what was § 591.215(b) to § 591.216, made a correction, and added and revised language for clarity. 2. Redesignated § 591.215(c) as (b) and revised language for clarity. 3. Moved what was § 591.217 to § 591.215 (c) and added and revised language for clarity. 4. Redesignated what was § 591.216 as § 591.217.
§ 591.221	Added and revised language for clarity.
§ 591.222(a)	Added clarifying language.
§ 591.228(c)	Added clarifying language.
§ 591.232	Added clarifying language.
§§ 591.235 and 236	Added clarifying language in section headings.
§ 591.237(a)	Added and revised language for clarity.

Discussion of Comments

An office within one agency suggested that OPM address commissary and exchange privileges for civilian employees in nonforeign areas. The agency noted that OPM's regulations currently state that eligibility for commissary and exchange privileges ''is determined by the appropriate military department,'' but that the proposed regulations did not address the issue.

OPM believes it is no longer appropriate to reference commissary and exchange shopping privileges in the

regulations. Last year, the President amended Executive Order 10000 to remove the requirement that OPM take into consideration commissary and exchange shopping privileges in setting the COLA rates. Therefore, commissary and exchange shopping privileges and COLA rates are no longer related. Since OPM has no jurisdiction over access to commissaries and exchanges, employees should contact their employing agency, which can contact the appropriate military department if necessary.

A commenter from Alaska was concerned that OPM might not take into consideration seasonal temperature variations in computing home energy requirements and requested that OPM not use average temperatures reported at the Anchorage International Airport as the sole method for determining utility cost for Anchorage. As described in the supplementary information accompanying the proposed rule, OPM will use a utility function model to compute the energy usage of a standard home and the relative cost of maintaining an ambient temperature in that home in the COLA areas relative to the Washington, DC, area. OPM will publish details about how it computes energy requirements for a particular area in the survey results for the area. At present, OPM anticipates using hourly or daily average temperatures as reported by the National Weather Service for the area. OPM believes these temperatures are representative for the area. OPM does not believe it would be practical to use an approach that required average annual temperature readings for several locations within a COLA area.

The same commenter noted the cost of long distance travel from Alaska to areas in the continental United States and that, in many cases, driving is not a feasible alternative to flying. The commenter requested that OPM consider time, distance, and excessive travel expenses in setting COLA rates. The new COLA methodology will take travel expenses into account in two ways. First, as in the past, OPM will compare the cost of air travel from the various COLA areas to common destinations in the continental U.S. with the cost of air travel from the DC area to those same destinations. In previous surveys, OPM has found such travel to be relatively more expensive from the COLA areas than from the Washington, DC, area. Second, as provided in § 591.227, OPM will add to the overall price index for the COLA area an adjustment factor that reflects differences in need, access to and availability of goods and services, and quality of life in the COLA area relative to the DC area. This adjustment factor is designed to address such considerations as the difficulty of traveling long distances by road in Alaska.

The same commenter and three other commenters noted that COLA area employees do not receive locality pay under the Federal Employees Pay Comparability Act of 1990 (FEPCA). The commenters noted that as locality payments have increased, the relative difference between Federal pay in the COLA areas and in the Washington, DC, area has decreased even though COLA rates have remained the same or increased. The commenters also noted that locality pay is included in base pay for retirement purposes, while COLAs are not included. One of these commenters noted that locality payments are subject to Federal income taxes, while COLAs are not, and the commenter said it might be appropriate to tax COLAs if they were included in retirement calculations. Another commenter also noted that because COLAs are not considered taxable income, they are not used in the computation of Social Security benefits. Two of the commenters said that not considering COLAs in retirement calculations creates a disincentive to retire in a COLA area. All of the commenters believe OPM should investigate and address these issues.

OPM is aware that employees in the COLA areas do not receive locality payments under FEPCA. Sections 5304(c)(4)(B) and 5304(f)(1)(A) of title 5, United States Code, limit locality payments to Federal employees stationed in the continental United States. OPM also is aware that COLAs are not included in Federal retirement calculations. Under 5 U.S.C. 8331(3) and 8401(4), allowances are excluded from base pay for Federal retirement purposes. Furthermore, OPM is aware that because COLAs are excluded from income under 26 U.S.C. 912(2), COLAs are not subject to Federal income or Social Security taxes and, therefore, are not used in the computation of Social Security benefits. It would take changes in the law to extend locality payments to Federal employees in the COLA areas, to include COLAs in base pay for Federal retirement purposes, or to make COLAs subject to Federal income or Social Security taxes. Therefore, these issues are outside the scope of these regulations.

Executive Order 12866, Regulatory Review

The Office of Management and Budget has reviewed this rule in accordance with Executive Order 12866.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they will affect only Federal agencies and employees.

List of Subjects in 5 CFR Part 591

Government employees, Travel and transportation expenses, Wages.

Office of Personnel Management.

Kay Coles James,

Director.

Accordingly, the Office of Personnel Management revises subpart B of 5 CFR part 591 to read as follows:

PART 591—ALLOWANCES AND DIFFERENTIALS

Subpart B—Cost-of-Living Allowance and Post Differential—Nonforeign Areas

Sec.

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Appendix B of Subpart B—Places and Rates at Which Differentials Are Paid

Authority: 5 U.S.C. 5941; E.O. 10000, 3 CFR, 1943–1948 Comp., p. 792; and E.O. 12510, 3 CFR, 1985 Comp., p. 338.

Subpart B—Cost-of-Living Allowance and Post Differential—Nonforeign Areas

§ 591.201 Definitions.

In this subpart—

Agency means an Executive agency as defined in section 105 of title 5, United States Code, but does not include Government-controlled corporations.

Bureau of Labor Statistics (BLS) means the Bureau of Labor Statistics of the Department of Labor.

Commonwealth of the Northern Mariana Islands (CNMI) means the Commonwealth of the Northern Mariana Islands, which is part of the Guam/CNMI COLA area.

Consumer Expenditure Survey (CES) means the BLS survey of consumers and their expenditures.

Consumer Price Index (CPI) means the BLS survey of the change of consumer prices over time.

Cost-of-living allowance (COLA) means an allowance that the Office of Personnel Management (OPM) establishes under 5 U.S.C. 5941 at a location in a nonforeign area where living costs are substantially higher than in the Washington, DC, area.

Cost-of-living allowance area means a geographic area for which OPM has authorized a COLA. COLA areas are listed in § 591.207.

Detailed Expenditure Category (DEC) means the lowest level of expenditure shown in tabulated nationwide CES data.

Major Expenditure Group (MEG) means one of the nine major groups into which OPM categorizes expenditures. These categories are food, shelter and utilities, clothing, transportation, household furnishings and supplies, medical, education and communication, recreation, and miscellaneous.

Nonforeign area means one of the areas listed in § 591.205.

Office of Personnel Management (OPM) means the Office of Personnel Management.

Official duty station means the duty station for an employee's position of record as indicated on his or her most recent notification of personnel action. For an employee who is authorized to receive relocation allowances under 5 U.S.C. 5737 in connection with an extended assignment, the temporary duty station associated with that assignment is the employee's official duty station. *Exception:* A new duty station assignment that is followed within 3 working days by a reduction in force that results in the employee's separation before the employee is required to report for duty at the new location is not an official duty station.

Post differential means an allowance OPM establishes under 5 U.S.C. 5941 at a location in a nonforeign area where conditions of environment differ substantially from conditions of environment in the contiguous United States and warrant its payment as a recruitment incentive.

Post differential area means a geographic area for which OPM authorizes a post differential. Post differential areas are listed in § 591.231.

Primary Expenditure Group (PEG) means one of approximately 40 expenditure groups into which OPM categorizes expenditures. A PEG is the first level of categorization under the MEG.

Rate of basic pay means the rate of pay fixed by statute for the position held by an individual before any deductions and exclusive of additional pay of any kind, such as overtime pay, night differential, extra pay for work on holidays, or other allowances and differentials. For firefighters covered by 5 U.S.C. 5545b (as provided in § 550.1305(b) of this chapter), straight-time pay for regular overtime hours is basic pay.

Washington, DC, area or DC area means the District of Columbia; Montgomery County, MD; Prince Georges County, MD; Arlington County, VA; Fairfax County, VA; Prince William County, VA; and the independent cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park, Virginia.

Cost-of-Living Allowances and Post Differentials

§ 591.202 Why does the Government pay COLAs?

The Government pays COLAs as additional compensation to certain civilian Federal employees in specified nonforeign areas in consideration of higher living costs in the local area compared with living costs in the Washington, DC, area.

§ 591.203 Why does the Government pay post differentials?

The Government pays post differentials to certain civilian Federal employees in specified nonforeign areas as a recruitment incentive based on conditions of environment in the local area compared with conditions in the continental United States. Post differentials are designed to attract persons from outside the area to work for the Federal Government in the post differential area.

§ 591.204 Who can receive COLAs and post differentials?

(a) Agencies pay COLAs and post differentials authorized under this subpart to civilian Federal employees whose rates of basic pay are fixed by statute. The following pay plans are covered by this subpart:

(1) General Schedule,

(2) Veterans Health Administration (Department of Veterans Affairs),

(3) Foreign Service (including the Senior Foreign Service),

(4) Postal Service (where applicable under title 39, United States Code),

(5) Administrative law judges paid under 5 U.S.C. 5372,

(6) Senior Executive Service (including the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service),

(7) Senior-level and scientific or professional positions paid under 5 U.S.C. 5376, and

(8) Administrative appeals judges paid under 5 U.S.C. 5372b.

(b) At its sole discretion and consistent with the intent of 5 U.S.C. 5941, an agency may apply this subpart to other positions authorized by specific law.

(c) Agencies pay COLAs to employees covered by paragraphs (a) or (b) of this section and whose official duty station is in a COLA area as defined in § 591.207.

(d) Agencies pay post differentials to employees covered by paragraphs (a) or (b) of this section whose official duty station or detail to temporary duty is in a post differential area as defined in § 591.231 and who are eligible to receive a post differential under § 591.233.

§ 591.205 Which areas are nonforeign areas?

(a) The nonforeign areas are States, commonwealths, territories, and possessions of the United States outside the 48 contiguous United States and any additional areas the Secretary of State designates as being within the scope of Part II of Executive Order 10000, as amended.

(b) The following areas are nonforeign areas:

(1) State of Alaska;

(2) State of Hawaii;

(3) American Samoa (including the island of Tutuila, the Manua Islands, and all other islands of the Samoa group east of longitude 171 degrees west of Greenwich, together with Swains Island);

(4) Commonwealth of Puerto Rico;

(5) Commonwealth of the Northern Mariana Islands;

(6) Howland, Baker, and Jarvis Islands;

(7) Johnston Atoll;

(8) Kingman Reef;

(9) Midway Atoll;

(10) Navassaa Island;

(11) Palmyra Atoll;

(12) Territory of Guam;

(13) United States Virgin Islands;

(14) Wake Atoll;

(15) Any small guano islands, rocks, or keys that, in pursuance of action taken under the Act of Congress, August 18, 1856, are considered as pertaining to the United States; and

(16) Any other islands outside of the contiguous 48 states to which the U.S. Government reserves claim.

Cost-of-Living Allowances

§ 591.206 How does OPM establish COLA areas?

(a) OPM designates, within nonforeign areas, areas where agencies pay employees a COLA by virtue of living costs that are substantially higher than those in the Washington, DC, area. In establishing the boundaries of COLA areas, OPM considers—

(1) The existence of a well-defined economic community,

(2) The availability of consumer goods and services,

(3) The concentration of Federal employees covered by this subpart, and

(4) Unique circumstances related to a specific location.

(b) If a department or agency wants OPM to consider establishing or revising the definition of a COLA area, the head of the department or agency or his or her designee must submit a request in writing to OPM.

§ 591.207 Which areas are COLA areas?

OPM has established the following COLA areas:

(a) City of Anchorage, AK, and 80-kilometer (50-mile) radius by road, as measured from the Federal courthouse;

(b) City of Fairbanks, AK, and 80-kilometer (50-mile) radius by road, as measured from the Federal courthouse;

(c) City of Juneau, AK, and 80-kilometer (50-mile) radius by road, as measured from the Federal courthouse;

(d) Rest of the State of Alaska;

(e) City and County of Honolulu, HI;

(f) County of Hawaii, HI;

(g) County of Kauai, HI;

(h) County of Maui (including Kalawao County), HI;

(i) Commonwealth of Puerto Rico;

(j) Territory of Guam and Commonwealth of the Northern Mariana Islands; and

(k) U.S. Virgin Islands.

§ 591.208 How does OPM establish COLA rates?

OPM establishes COLA rates based on price differences between the COLA area and the Washington, DC, area, plus an adjustment factor. OPM expresses price differences as indexes.

(a) OPM computes price indexes for various categories of consumer expenditures.

(b) OPM combines the price indexes using Consumer expenditure weights to produce an overall price index for the COLA area.

(c) To combine overall price indexes for COLA areas with multiple survey areas, OPM uses employment weights to combine overall price indexes by survey area for COLA areas. The COLA areas that have multiple survey areas are listed in § 591.215(b).

(d) OPM adds an adjustment factor to the overall price index for the COLA area.

§ 591.209 What is a price index?

(a) The price index is the COLA area price divided by the DC area price and multiplied by 100.

(b) Example:

COLA Area Average Price for Item A = $1.233

DC Area Average Price for Item A = $1.164

Computation:

$1.233/$1.164 = 1.0592783

$1.0592783 \times 100 = 105.92783$.

(c) In the case of the final index, OPM rounds the index to two decimal places.

§ 591.210 What are weights?

(a) A weight is the relative importance or share of a subpart of a group compared with the total for the group. A weight is frequently expressed as a percentage. For example, in a pie chart, each wedge has a percentage that represents its relative importance or the size of the wedge compared with the whole pie.

(b) OPM uses two kinds of weights: Consumer expenditure weights and employment weights.

(1) *Consumer expenditure weights.* The consumer expenditure weight for a category of expenditures (e.g., Food) is the relative importance or share (often expressed as a percentage) of that category in terms of total consumer expenditures. OPM derives consumer expenditure weights from the tabulated results of the Bureau of Labor Statistics (BLS) Consumer Expenditure Survey (CES).

(2) *Employment weights.* The employment weight is the relative employment population of the survey area compared with the employment population of the COLA area as a whole. OPM uses the number of General Schedule employees in the survey area to compute employment weights. OPM uses these employment weights as described in § 591.216(b).

§ 591.211 What are the categories of consumer expenditures?

OPM uses three different types of categories: Major expenditure groups, primary expenditure groups, and detailed expenditure categories.

(a) *Major expenditure groups.* OPM groups expenditures into nine major expenditure groups (MEGs). These categories are food, shelter and utilities, clothing, transportation, household furnishings and supplies, medical, education and communication, recreation, and miscellaneous.

(b) *Primary expenditure groups.* OPM subdivides each MEG into primary expenditure groups (PEGs). There are approximately 40 PEGs.

(c) *Detailed expenditure categories.* OPM further subdivides each PEG into

other categories down to the detailed expenditure categories (DECs), which are generally equivalent to the most detailed level of tabulated CES categories. OPM classifies each DEC into one of the PEGs to aggregate DECs with similar demand and cost characteristics into PEGs. Alternatively, OPM may remove the DEC entirely from the list of expenditures. Therefore, the classification of the DECs into PEGs and sub-PEGs does not necessarily follow that used in published CES tables.

§ 591.212 How does OPM select survey items?

(a) OPM selects a sufficient number of items to represent PEGs and reduce overall price index variability. In selecting these items, OPM applies the following guidelines. The item should be—

(1) Relatively important (i.e., represent a DEC with a relatively large weight) within the PEG;

(2) Relatively easy to find in both COLA and DC areas;

(3) Relatively common, *i.e.,* what people typically buy;

(4) Relatively stable over time, *e.g.,* not a fad item; and

(5) Subject to similar supply and demand functions.

(b) To the extent practical, the items OPM surveys in the COLA area must be identical to the items that OPM surveys in the DC area or be of closely similar quality and quantity, with quantity adjustments as necessary. An example of a quantity adjustment is converting prices for 10 and 12 oz. packages to a price per pound.

(c) Within any DEC, OPM may specify items that differ in quality and quantity from other items specified for the same DEC. However, when OPM compares prices for such items between the COLA area and the DC area, OPM compares prices of like products.

§ 591.213 What prices does OPM collect?

(a) OPM surveys the price charged to the consumer at the time of the survey. The price includes any sales, excise, or general business tax passed on to the consumer at the time of sale and any discounts, mark-downs, or ''sales'' in progress at the time the price was collected.

(b) Exceptions:

(1) OPM does not collect coupon prices, going-out-of-business prices, or area-wide distress sale prices.

(2) OPM prices automobiles at dealers and obtains the sticker (i.e. non-negotiated) price for the model and specified options. The prices are the manufacturer's suggested retail price (including options), destination charges, additional shipping charges, appropriate dealer-added items or options, dealer mark-up, and taxes.

(3) OPM estimates prices for selected items, such as health insurance and K–12 education, based on employee usage of the item. For example, OPM estimates health insurance prices based on the employee's share of the premium costs and weights reflecting Federal enrollment, as reported in OPM's Central Personnel Data File, in the various plans available to Federal employees in each area.

§ 591.214 How does OPM collect prices?

(a) OPM collects most prices by visiting or calling retail outlets in each survey area and observing or verbally obtaining the item prices.

(b) OPM prices some items by catalog, Internet, or a similar source. Other items, not normally sold within an area, may be priced in a different area. In either case, the price of such items includes any applicable taxes, shipping, and handling charges. When an item is normally sold within an area but is not available at the time of survey, OPM may, on a case-by-case basis, use the price of the item in a neighboring survey or COLA area.

§ 591.215 Where does OPM collect prices in the COLA and DC areas?

(a) *Survey areas.* Each COLA area has one survey area, except Hawaii County, HI, and the U.S. Virgin Islands COLA areas. Hawaii County has two survey areas: the City of Hilo and the Kailua-Kona area. The U.S. Virgin Islands also has two survey areas: the Island of St. Croix and the Islands of St. Thomas and St. John. The Washington, DC, area has three survey areas: the District of Columbia, the Maryland suburbs of the District of Columbia, and the Virginia suburbs of the District of Columbia. OPM collects non-housing data throughout the survey area. OPM may collect housing data throughout the survey area or in specific housing data collection areas. The following table shows the survey areas:

SURVEY AND DATA COLLECTION AREAS

COLA areas & reference areas	Survey area
Anchorage	City of Anchorage.
Fairbanks	City of Fairbanks.
Juneau	Juneau, Mendenhall.
Rest of Alaska	See paragraph (c) of this section.
Honolulu	City and County of Honolulu.
Hawaii County	City of Hilo, Kailua-Kona area.
Kauai	Kauai Island.
Maui	Maui Island.
Guam & CNMI	Guam.
Puerto Rico	San Juan area.
U.S. Virgin Islands	St. Croix, St. Thomas, St. John (housing data only).
Washington, DC-DC	District of Columbia.
Washington, DC-MD	Montgomery County and Prince Georges County.
Washington, DC-VA	Arlington County, Fairfax County, Prince William County, City of Alexandria, City of Fairfax, City of Falls Church, City of Manassas, and City of Manassas Park.

(b) *Rest of the State of Alaska COLA area.* OPM may collect survey data onsite, use alternative indicators of relative living costs (e.g., price and cost information published by the University of Alaska), or both. If the use of alternative indicators would result in a COLA rate reduction, OPM will conduct onsite surveys in one or more locations in the Rest of the State of Alaska COLA area, before making a reduction, to ensure that the reduction is warranted.

(c) *Determining Survey Coverage.* To aid OPM in determining survey coverage, OPM may from time to time conduct surveys of Federal employees in the COLA areas and/or the Washington, DC, area to determine

where employees shop and what they spend on certain goods or services and to collect other information related to the price surveys and the calculation of price indexes.

§ 591.216 How does OPM combine survey data for the DC area and for COLA areas with multiple survey areas?

(a) *Washington, DC, area.* For each survey item except shelter, OPM averages separately the prices collected in each of the DC survey areas identified in § 591.215(a) and then averages these average prices together using equal weights to compute an overall average by item for the DC area.

(b) *COLA areas with multiple survey areas.* OPM computes weighted average indexes at the PEG, MEG, and overall level by using the corresponding indexes and Federal employment weights from each survey area within the COLA area.

§ 591.217 In which outlets does OPM collect prices?

OPM collects prices in popular outlets in each survey area. OPM selects these outlets based on their proximity to the housing data collection areas, accessibility by road, physical size, advertising, and other characteristics that reflect sales volume. To the extent practical, OPM prices like items in the same types of outlets in the COLA areas and the Washington, DC, area. As warranted, OPM also may conduct point-of-purchase surveys and select outlets based on the results of those surveys.

§ 591.218 How does OPM compute price indexes?

Except for shelter and energy utilities, OPM averages by item the prices collected in each survey area. For the Washington, DC, area, OPM computes a simple average for each item based on the average prices from each DC survey area. On an item-by-item basis, OPM divides the COLA survey area average price by the DC average price and produces a price index.

§ 591.219 How does OPM compute shelter price indexes?

(a) In addition to rental and rental equivalence prices and/or estimates, OPM obtains for each unit surveyed information about the important characteristics of the unit, such as size, number of bathrooms, and other amenities that reflect the quality of the unit.

(b) OPM then uses these characteristics and rental prices and/or estimates in hedonic regressions (a type of multiple regression) to compute for each COLA area the price index for rental and/or rental equivalent units of comparable quality and size between the COLA survey area and the Washington, DC, area.

§ 591.220 How does OPM calculate energy utility cost indexes?

(a) OPM calculates energy utility cost indexes based on the relative cost of maintaining a standard size dwelling in each area at a given ambient temperature and the cost of other energy uses. Although the dwelling size may vary from one COLA survey area to another, OPM compares the utility cost for the same size dwelling in the COLA survey area and the Washington, DC, area.

(b) OPM applies the following six-step process to compute a cost index(es) for heating and cooling a standard home to a given ambient temperature and to combine the cost index(es) by energy type (*e.g.,* electricity and natural gas) with cost indexes for other energy uses.

(1) *Step 1.* OPM obtains technical information about the requirements by major energy type for heating and cooling a standard size dwelling, built according to current local building practices and codes in each area, given local climatic conditions (*e.g.,* seasonal temperature and humidity). OPM also obtains similar information for use of energy types in other household operations (*e.g.,* hot water, cooking, cleaning, recreation).

(2) *Step 2.* OPM obtains from the shelter survey, a survey of Federal employees, or other appropriate sources, information on dwelling size and the types and prevalence of heating and cooling equipment and energy types (*e.g.,* electricity, gas, and oil) in each area.

(3) *Step 3.* OPM computes estimates of total home energy requirements by energy type attributable to heating and cooling plus all other household energy uses for the COLA survey area and the Washington, DC, area.

(4) *Step 4.* OPM surveys utility prices for each major energy type appropriate to the area.

(5) *Step 5.* OPM combines the above data to produce for each COLA survey area the cost of maintaining the standard size dwelling at a given ambient temperature and the cost of other household energy uses.

(6) *Step 6.* OPM compares the COLA survey area cost with the DC area cost to produce a price index.

§ 591.221 How does OPM compute the consumer expenditure weights it uses to combine price indexes?

OPM uses the following ten-step process to compute consumer expenditure weights:

(a) *Step 1.* OPM obtains the latest BLS tabulated CES data nationwide and for the Washington, DC, area.

(b) *Step 2.* In both the nationwide and DC area tabulated data, OPM replaces the homeowners' expenditures for shelter with estimated rental values of owned homes that are available elsewhere in tabulated CES data. Note: These replacements are consistent with the rental equivalence approach described in § 591.219.

(c) *Step 3.* OPM selects the central income groups in the nationwide CES tabulation.

(d) *Step 4.* OPM calculates the expenditure shares (*i.e.,* percentages) for each central income group by dividing each of its DEC expenditures by total expenditures for the income group. OPM also calculates expenditure shares for total nationwide expenditures by dividing each nationwide DEC expenditure by total nationwide expenditures.

(e) *Step 5.* OPM computes a democratic distribution of expenditure shares by averaging the central income groups' shares at each DEC and higher level of aggregation.

(f) *Step 6.* OPM computes a set of ratios by dividing each expenditure share of the nationwide democratic distribution by the corresponding expenditure share of the total national distribution.

(g) *Step 7.* OPM computes estimated expenditures for Washington DC for each DC DEC and higher level of aggregation that BLS reported by multiplying the reported expenditure by the corresponding ratio derived in Step 6.

(h) *Step 8.* For each DC DEC and higher level of aggregation that BLS did not report, OPM computes expenditures for DC by distributing the DC expenditure calculated in step 7 using the distribution of expenditure shares derived in step 5.

(i) *Step 9.* As described in § 591.211(c), OPM classifies each DEC and aggregate into PEGs.

(j) *Step 10.* OPM computes expenditure weights by dividing each DEC or aggregate by the total expenditure derived from the DC expenditure computed in step 8. Therefore, the sum of the MEGs, PEGs, and DECs, will separately total 100, *i.e.,* so that all consumer expenditures in the original tabulation are accounted for.

§ 591.222 How does OPM use the expenditure weights to combine price indexes?

OPM uses a three-step process to combine price indexes.

(a) *Step 1.* For each DEC represented by one or more items for which OPM

could make valid price comparisons (*e.g.,* OPM was able to collect representative prices in both the COLA and DC areas), OPM computes the unweighted geometric average (the *nth* root of the product of *n* numbers) of the price index(es) of all item(s) representing the DEC.

(b) *Step 2.* OPM multiplies the price index for each DEC by its expenditure weight, sums the cross products, and divides by the sum of the weights used in the calculation. This produces a price index for the level of aggregation (*e.g.,* PEG or sub-PEG) in which the DEC is categorized.

(c) *Step 3.* OPM repeats the process described in step 2 at each level of aggregation within the PEG to produce a price index for the PEG, at the PEG level to produce an index for the MEG, and at the MEG level to produce the overall price index for the survey area.

§ 591.223 When does OPM conduct COLA surveys?

(a) OPM conducts a survey in each COLA area once every 3 years on a rotational basis and surveys the Washington, DC, area concurrently with each COLA area survey. The order of the COLA area surveys is as follows:

(1) *Year 1.* All COLA areas in the Commonwealth of Puerto Rico and the U.S. Virgin Islands.

(2) *Year 2.* All COLA areas in the State of Alaska, except as provided in paragraph (b)(2) of this section.

(3) *Year 3.* All COLA areas in the State of Hawaii and the Territory of Guam and CNMI.

(b) *Exceptions:*

(1) Nothing in this subpart precludes OPM from conducting interim surveys or implementing some other change in response to conditions caused by a natural disaster or similar emergency, provided OPM publishes a notice or rule in the **Federal Register** explaining the change and the reason(s) for it.

(2) As provided in § 591.215(c), OPM does not conduct surveys in the Rest of the State of Alaska COLA area unless COLA rate reductions appear warranted.

§ 591.224 How does OPM adjust price indexes between surveys?

(a) OPM adjusts price indexes between the triennial surveys in each COLA area that is not surveyed in that year. To do this, OPM uses the annual or biennial change in the Consumer Price Index (CPI) for the COLA area relative to the annual or biennial change in the CPI for the Washington, DC, area. OPM uses the annual change for those areas surveyed the preceding year. OPM uses the biennial change for those areas surveyed 2 years before.

(b) This section applies beginning with the effective date of the results of the second survey conducted in Puerto Rico and the U.S. Virgin Islands under these regulations.

§ 591.225 Which CPIs does OPM use?

OPM uses the following CPIs:

(a) For the Washington, DC, area—the BLS Consumer Price Index, All Urban Consumers (CPI–U);

(b) For all COLA areas in the State of Alaska—the BLS CPI–U for Anchorage, AK;

(c) For all COLA areas in the State of Hawaii and for Guam and the CNMI—the BLS CPI–U for Honolulu, HI; and

(d) For Puerto Rico and the U.S. Virgin Islands—the Puerto Rico CPI as produced by the Puerto Rico Department of Work and Human Resources.

§ 591.226 How does OPM apply the CPIs?

(a) OPM uses a three-step process to adjust price indexes by relative annual or biennial changes in the CPIs. For steps 1 and 2, OPM computes the annual change by dividing the CPI from 1 year after the survey by the CPI from the time of the survey. OPM computes the biennial change by dividing the CPI from 2 years after the survey by the CPI from the time of the survey.

(1) *Step 1.* OPM computes the annual or biennial CPI change for the COLA area.

(2) *Step 2.* OPM computes the annual or biennial CPI change for the DC area.

(3) *Step 3.* OPM multiplies the COLA area price index from the last survey by the COLA area CPI change computed in step 1 divided by the DC area CPI change computed in step 2. The adjusted price index is rounded to the second decimal place.

(b) *Example:*

	2008	2009
COLA Area CPI	172.2	174.7
DC Area CPI	159.7	161.9
COLA Area Survey Index	117.33	[1]
COLA Area CPI Adjusted Index	[2]	117.42

[1] No survey.
[2] N/A

Computation:

117.33 × (174.7/172.2)/(161.9/159.7) = 117.4159, which would round to 117.42.

§ 591.227 What adjustment factors does OPM add to the price indexes?

OPM adds to the price index an adjustment factor that reflects differences in need, access to and availability of goods and services, and quality of life in the COLA area relative to the DC area. The following table shows the adjustment factor for each area:

COLA area	Amount
Anchorage, AK	7.0
Fairbanks, AK	9.0
Juneau, AK	9.0
Rest of the State of Alaska	9.0
City and County of Honolulu, HI	5.0
Hawaii County, HI	7.0
Kauai County, HI	7.0
Maui County, HI	7.0
Guam and CNMI	9.0
Commonwealth of Puerto Rico	7.0
U.S. Virgin Islands	9.0

[1] Amount added to the price index.

§ 591.228 How does OPM convert the price index plus adjustment factor to a COLA rate?

(a) OPM converts the price index plus the adjustment factor to a COLA rate as shown in the following table:

Price index plus adjustment factor	COLA rate subject to paragraph (b) of this section
Equal to or greater than 124.50	25 percent.
Equal to or greater than 102.00 but less than 124.50	Price index plus the adjustment factor, minus 100, expressed to the nearest whole percent.
Less than 102.00	0 percent.

(b) This section is applicable on an area-by-area basis beginning with the effective date of the results of the first survey conducted in each area.

(c) OPM may reduce the COLA rate in any area by no more than 1 percentage point in any 12-month period. Any reduction in the COLA rate for any COLA area cannot be effective until the effective date of the first survey conducted in Hawaii and Guam and CNMI under these regulations.

§ 591.229 How does OPM inform agencies and employees of COLA rate changes?

OPM publishes COLA area survey summary reports, MEG and PEG indexes, and COLA rates in the **Federal Register**. OPM makes survey data and

other information available to the public to the extent authorized by the Freedom of Information Act and the Privacy Act.

Post Differentials

§ 591.230 When does OPM establish post differential areas?

(a) OPM establishes post differential areas in response to agency requests when—

(1) Conditions of environment within the post differential area differ substantially from conditions of environment in the continental United States, and

(2) The major Federal employers within the area believe payment of a post differential is warranted as a recruitment incentive to attract candidates from outside the post differential area to work for the Government in the post differential area.

(b) If a department or agency wants OPM to consider establishing or revising the definition of a post differential area, the head of the department or agency or his or her designee must submit a request in writing to OPM.

§ 591.231 Which areas are post differential areas?

OPM has established the following post differential areas:

(a) American Samoa as defined in § 591.205,

(b) Territory of Guam,

(c) Commonwealth of the Northern Mariana Islands,

(d) Johnston Atoll (including Sand Island),

(e) Midway Atoll, and

(f) Wake Atoll.

§ 591.232 How does OPM establish and review post differentials?

(a) OPM establishes a post differential by rulemaking if Government agencies require it for recruitment purposes and if one or more of the following conditions exist:

(1) Extraordinarily difficult living conditions,

(2) Excessive physical hardship, and/or

(3) Notably unhealthful conditions.

(b) OPM periodically reviews with Federal agencies whether conditions of environment have changed in the post differential areas and whether payment of the post differential continues to be warranted as a recruitment incentive.

§ 591.233 Who can receive a post differential?

An employee must meet all of the following conditions to be eligible to receive a post differential:

(a) The employee must be a citizen or national of the United States,

(b) The employee's official duty station or detail to temporary duty must be in the post differential area, and

(c) Immediately prior to being assigned to duty in the post differential area, the employee must have maintained his or her actual place(s) of residence outside the post differential area for an appropriate period of time (generally at least 1 year or more), except as provided in § 591.234.

§ 591.234 Under what circumstances may people recruited locally receive a post differential?

(a) Current residents of the area qualify for a post differential if they were originally recruited from outside the differential area and have been in substantially continuous employment by the United States or by U.S. firms, interests, or organizations.

(b) Examples of persons recruited locally but eligible to receive a post differential include, but are not limited to—

(1) Those who were originally recruited from outside the area and have been in substantially continuous employment by other Federal agencies, contractors of Federal agencies, or international organizations in which the U.S. Government participates and whose conditions of employment provide for their return transportation to places outside the post differential area,

(2) Those who are temporarily present in the post differential area for travel or formal study at the time they are hired and have maintained actual places of residence outside the area for an appropriate period of time, and

(3) Those who are discharged from U.S. military service in the differential area to accept employment with a Federal agency and have maintained actual places of residence outside the differential area for an appropriate period of time.

Program Administration

§ 591.235 When do COLA and post differential payments begin?

(a) Agencies begin paying an employee a COLA or post differential on the effective date of the change in the employee's official duty station to a duty station within the COLA or post differential area or, in the case of local recruitment, on the effective date of the appointment.

(b) For an employee detailed to temporary duty in a post differential area and who is otherwise eligible for a post differential, agencies must begin paying a post differential after 42 consecutive calendar days of temporary duty in the post differential area.

§ 591.236 When do COLA and post differential payments end?

Subject to § 591.237(a), agencies stop paying an employee a COLA or post differential on—

(a) Separation,

(b) The effective date of assignment or transfer to a new official duty station outside the COLA or post differential area, or

(c) In the case of an employee on detail to temporary duty in a post differential area, the ending date of the detail.

§ 591.237 Under what circumstances may employees on leave or travel receive a COLA and/or post differential?

(a) An employee on leave or travel may receive a COLA or post differential only if the agency anticipates that the employee will return to duty in the area. *Exceptions:* If the employee does not return to duty in the area, the agency may still pay a COLA and/or a post differential for the period of leave or travel, subject to paragraph (b) of this section, if the agency determines that—

(1) It is in the public interest not to return the employee to the duty station, or

(2) The employee will not return because of compelling personal reasons or circumstances over which the employee has no control.

(b) *Post differentials.* Agencies may pay a post differential to an employee only during the employee's first 42 consecutive calendar days of absence from the post differential area.

§ 591.238 How do agencies pay COLAs and post differentials?

(a) Agencies pay COLAs and post differentials as a percentage of an employee's hourly rate of basic pay, including a retained rate of pay under 5 U.S.C. 3594(c) or 5363, for those hours during which the employee receives basic pay. This includes all periods of paid leave, detail, or travel status outside the COLA or post differential area.

(b) Agencies pay employees eligible for both a COLA and a post differential the full amount of the COLA, plus so much of the post differential as will not cause the combined total of the COLA and post differential to exceed 25 percent of the hourly rate of basic pay.

§ 591.239 How do agencies treat COLAs and post differentials for the purpose of overtime pay and other entitlements?

(a) Agencies include COLAs in the employee's straight time rate of pay and include COLAs and post differentials in an employee's regular rate of pay for computing overtime pay entitlements for nonexempt employees under the

Fair Labor Standards Act of 1938, as amended.

(b) Agencies may not include a COLA or post differential as part of an employee's rate of basic pay for the purpose of computing entitlements to overtime pay, retirement, life insurance, or any other additional pay, COLA, or post differential under title 5, United States Code.

(c) Payment of a COLA or post differential is not an equivalent increase in pay within the meaning of 5 U.S.C. 5335.

§ 591.240 How are agency and employee representatives involved in the administration of the COLA and post differential programs?

(a) OPM may establish a COLA Advisory Committee in each COLA survey area. The committees are composed of agency and employee representatives from the COLA survey area and one or more representatives from OPM.

(b) To the extent practical, the COLA Advisory Committees coordinate and work with the Survey Implementation Committee established pursuant to *Caraballo, et al.* v. *United States,* No. 1997–0027 (D.V.I).

§ 591.241 What are the key activities of the COLA Advisory Committees?

(a) The COLA Advisory Committees may—

(1) Advise and assist OPM in planning living-cost surveys;

(2) Provide or arrange for observers for data collection during living-cost surveys;

(3) Advise and assist OPM in the review of survey data;

(4) Advise OPM on its administration of the COLA program, including survey methodology; and

(5) Assist OPM in disseminating information to affected employees about the living-cost surveys and the COLA program.

(b) The committees also may advise OPM on special situations or conditions, such as hurricanes and earthquakes, as they relate to OPM's authority under § 591.223(b) to conduct interim surveys or implement some other change in response to conditions caused by a natural disaster or similar emergency.

§ 591.242 What is the tenure of a COLA Advisory Committee?

OPM may establish a COLA Advisory Committee in each area prior to each living-cost survey conducted in that area. OPM will appoint committee members for 3-year renewable terms. To the extent practical, the committee will continue to exist between surveys, but OPM may periodically review with the committee whether there is a continuing need for the committee.

§ 591.243 How many members are on each COLA Advisory Committee?

A COLA Advisory Committee has up to 12 members composed of OPM representatives and other agency and employee representatives, unless OPM determines that the committee should be larger. In determining the number of committee members, OPM considers the amount of work the committee is likely to be requested to do (based on the size and complexity of the local living-cost survey) and the availability of employee and agency representatives to participate as committee members.

§ 591.244 How does OPM select COLA Advisory Committee members?

(a) In establishing a COLA Advisory Committee, OPM invites local agencies and employee organizations to nominate committee members. OPM also invites COLA Defense Corporations and the local Federal Executive Board or Federal Executive Association each to nominate committee members. Subject to § 591.243, OPM selects committee members from these nominations in a manner designed to achieve a balanced representation that is reflective of agencies and employee organizations in the area. In consultation with the committee, OPM may select additional nominees to serve as alternates to the primary committee members. OPM designates not more than two OPM representatives to serve on each committee.

(b) Each Executive agency, as defined in 5 U.S.C. 105, must cooperate and release appointed employees for committee proceedings and activities unless the agency can demonstrate that exceptional circumstances directly related to accomplishing the mission of the employee's work unit require his or her presence on the job. Executive agency employees serving as committee members are considered to be on official assignment to an interagency function, rather than on leave, and are eligible to receive reimbursement for authorized travel expenses from their respective agencies.

Appendix A of Subpart B—Places and Rates at Which Allowances Are Paid

This appendix lists the places approved for a cost-of-living allowance and shows the authorized allowance rate for each. The allowance percentage rate shown is paid as a percentage of an employee's rate of basic pay. The rates are subject to change based on the results of future surveys.

Geographic coverage	Allowance rate (percent)
State of Alaska:	
City of Anchorage and 80-kilometer (50-mile) radius by road	25.00
City of Fairbanks and 80-kilometer (50-mile) radius by road	25.00
City of Juneau and 80-kilometer (50-mile) radius by road	25.00
Rest of the State	25.00
State of Hawaii:	
City and County of Honolulu	25.00
County of Hawaii	16.50
County of Kauai	23.25
County of Maui and County of Kalawao	23.75
Territory of Guam and Commonwealth of the Northern Mariana Islands	25.00
Commonwealth of Puerto Rico	11.50
U.S. Virgin Islands	22.50

Appendix B of Subpart B—Places and Rates At Which Differentials Are Paid

This appendix lists the places where a post differential has been approved and shows the differential rate to be paid to eligible employees. The differential percentage rate shown is paid as a percentage of an employee's rate of basic pay.

Geographic coverage	Percentage differential rate
American Samoa (including the island of Tutuila, the Manua Islands, and all other islands of the Samoa group east of longitude 171° west of Greenwich, together with Swains Island)	25.0
Johnston Atoll	25.0
Midway Atoll	25.0
Territory of Guam and Commonwealth of the Northern Mariana Islands	20.0
Wake Atoll	25.0

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BILLING CODE 6325–39–P

OFFICE OF GOVERNMENT ETHICS

5 CFR Part 2634

RIN 3209–AA00

Technical Amendments to Qualified Trust Model Certificates Privacy and Paperwork Notices

AGENCY: Office of Government Ethics (OGE).

ACTION: Final rule; technical amendments.

SUMMARY: The Office of Government Ethics is revising the Privacy Act and Paperwork Reduction Act notices for the model qualified trust certificates of independence and compliance, as codified in an appendix to its executive branchwide financial disclosure regulations, to make a couple minor updating changes.

EFFECTIVE DATE: June 3, 2002.

FOR FURTHER INFORMATION CONTACT: William E. Gressman, Senior Associate General Counsel, Office of Government Ethics; Telephone: 202–208–8000, extension 1110; TDD: 202–208–8025; FAX: 202–208–8037.

SUPPLEMENTARY INFORMATION: In this rulemaking, OGE is making technical Privacy Act and paperwork-related revisions to appendix C of its executive branchwide financial disclosure regulation codified at 5 CFR part 2634. Appendix C sets forth the Privacy Act and Paperwork Reduction Act (public burden) notices for the certificates of independence and compliance (as themselves codified at appendixes A and B to part 2634) for qualified blind and qualified diversified trusts under the Ethics in Government Act of 1978, 5 U.S.C. appendix. First, OGE is adding the words ''judge- issued'' before the word ''subpoena'' in the routine use paraphrased in paragraph (3) of the Privacy Act Statement in appendix C order to more accurately reflect case law requirements for any such disclosures. The Office of Government Ethics is also working on a revised notice for its executive branchwide OGE/GOVT–1 system of records that will include a similar revision. Second, OGE is revising the Public Burden Information and Paperwork Reduction Act Statement in appendix C to indicate the current title of the OGE official to contact for any paperwork comments, the Deputy Director for Administration and Information Management. These changes were included in the recent three-year paperwork renewal OGE received from the Office of Management and Budget for the model certificates and ten other uncodified model trust documents.

Matters of Regulatory Procedure

Administrative Procedure Act

Pursuant to 5 U.S.C. 553(b) and (d), as Director of the Office of Government Ethics, I find good cause exists for waiving the general notice of proposed rulemaking and the opportunity for public comment as to these revisions. The notice and comment are being waived because these technical amendments concern matters of agency organization, practice and procedure. Moreover, it is in the public interest that these updating technical revisions take effect promptly.

Executive Order 12866

In promulgating these technical amendments to appendix C to the branchwide financial disclosure regulations, OGE has adhered to the regulatory philosophy and the applicable principles of regulation set forth in section 1 of Executive Order 12866, Regulatory Planning and Review. These amendments have not been reviewed by the Office of Management and Budget under the Executive order, since they are not deemed ''significant'' thereunder.

Executive Order 12988

As Director of the Office of Government Ethics, I have reviewed this final amendatory regulation in light of section 3 of Executive Order 12988, Civil Justice Reform, and certify that it meets the applicable standards provided therein.

Regulatory Flexibility Act

As Director of the Office of Government Ethics, I certify under the Regulatory Flexibility Act (5 U.S.C. chapter 6) that this rulemaking will not have a significant economic impact on a substantial number of small entities because it primarily affects high-level Federal executive branch officials who seek OGE approval for the creation of Ethics Act-qualified blind and diversified trusts and their trust fiduciaries.

Paperwork Reduction Act

The certificates of independence and compliance are information collections within the scope of the Paperwork Reduction Act (44 U.S.C. chapter 35). As noted above, the Office of Management and Budget recently granted its paperwork approval for a period of three years for the certificates as codified in appendixes A, B and C to 5 CFR part 2634, with only the latter procedural appendix C being amended in this rulemaking document.

Unfunded Mandates Reform Act

For purposes of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. chapter 25, subchapter II), this rule will not significantly or uniquely affect small governments and will not result in increased expenditures by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (as adjusted for inflation) in any one year.

Congressional Review Act

The Office of Government Ethics has determined that this amendatory rulemaking is a nonmajor rule under the Congressional Review Act (5 U.S.C. chapter 8) and has submitted a report thereon to the United States Senate, House of Representatives and General Accounting Office in accordance with that law.

List of Subjects in 5 CFR Part 2634

Certificates of divestiture, Conflict of interests, Financial disclosure, Government employees, Penalties, Privacy, Reporting and recordkeeping requirements, Trusts and trustees.

Approved: April 29, 2002.

Amy L. Comstock,

Director, Office of Government Ethics.

For the reasons set forth in the preamble, the Office of Government Ethics is amending 5 CFR part 2634 as follows:

PART 2634—[AMENDED]

1. The authority citation for part 2634 continues to read as follows:

Authority: 5 U.S.C. App. (Ethics in Government Act of 1978); 26 U.S.C. 1043; Pub. L. 101–410, 104 Stat. 890, 28 U.S.C. 2461 note (Federal Civil Penalties Inflation Adjustment Act of 1990), as amended by Sec. 31001, Pub. L. 104–134, 110 Stat. 1321 (Debt Collection Improvement Act of 1996); E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306.

Appendix C to Part 2634—[Amended]

2. Appendix C to part 2634 is amended by adding the words ''judge-issued'' before the word ''subpoena'' in the paragraph numbered (3) of the Privacy Act Statement, and by removing the words ''Associate Director for Administration'' from the second sentence of the first paragraph of the Public Burden Information and Paperwork Reduction Act Statement and adding in their place the words ''Deputy Director for Administration and Information Management''.

[FR Doc. 02–11025 Filed 5–2–02; 8:45 am]

BILLING CODE 6345–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–SW–37–AD; Amendment 39–12737; AD 2002–09–04]

RIN 2120–AA64

Airworthiness Directives; Bell Helicopter Textron, Inc. Model 205A, 205A–1, 205B, 212, 412, 412EP, and 412CF Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) for Bell Helicopter Textron, Inc. (BHTI) Model 205A, 205A–1, 205B, 212, 412, 412EP, and 412CF helicopters, that requires inspecting each affected tail rotor blade forward tip weight retention block (tip block) and the aft tip closure (tip closure) for adhesive bond voids, and removing any tail rotor blade with an excessive void from service. This AD also requires modifying certain tail rotor blades by installing shear pins and tip closure rivets. This amendment is prompted by five occurrences of missing tip blocks or tip closures resulting in minor to substantial damage. The actions specified by this AD are intended to prevent loss of a tip block or tip closure, loss of a tail rotor blade, and subsequent loss of control of the helicopter.

DATES: Effective June 7, 2002.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 7, 2002.

ADDRESSES: The service information referenced in this AD may be obtained from Bell Helicopter Textron, Inc., P.O. Box 482, Fort Worth, Texas 76101, telephone (817) 280–3391, fax (817) 280–6466. This information may be examined at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Michael Kohner, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Rotorcraft Certification Office, Fort Worth, Texas 76193–0170, telephone (817) 222–5447, fax (817) 222–5783.

SUPPLEMENTARY INFORMATION: A proposal to amend 14 CFR part 39 to include an AD for BHTI Model 205A, 205A–1, 205B, 212, 412, 412EP, and 412CF helicopters was published in the **Federal Register** on November 28, 2001 (66 FR 59374). That action proposed to require inspecting the tip block and the tip closure for adhesive bonding voids, and removing any tail rotor blade with an excessive void from service. It also proposed to require modifying certain tail rotor blades by installing shear pins and tip closure rivets in the tip area of affected tail rotor blades.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

The FAA estimates that 281 helicopters of U.S. registry will be affected by this AD, that it will take approximately 3 work hours per helicopter to inspect certain tail rotor blades and to install the shear pins and tip closure rivets, and that the average labor rate is $60 per work hour. Required parts will cost approximately $25 per helicopter. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $57,605.

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

2002–09–04 Bell Helicopter Textron, Inc.: Amendment 39–12737. Docket No. 2001–SW–37–AD.

Applicability: Model 205A, 205A–1, 205B, 212, 412, 412EP, and 412CF helicopters with a tail rotor blade, part number 212–010–750–009, -011, -105, -107, -109, or -111, having a serial number (S/N) prefix ATR or A3, or a S/N with a prefix A and a number less than or equal to 11529, installed, certificated in any category.

Note 1: This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Within 100 hours time-in-service, unless accomplished previously.

To prevent loss of the forward tip weight retention block (tip block) or aft tip closure (tip closure), loss of the tail rotor blade, and subsequent loss of control of the helicopter, accomplish the following:

(a) Inspect the tip block and tip closure for voids. Remove from service any tail rotor blade with a void in excess of that allowed by the Component Repair and Overhaul Manual limitations.

(b) Inspect the tip block attachment countersink screws in four locations to determine if the head of each countersunk screw is flush with the surface of the abrasion strip. The locations of these four screws are depicted on Figure 1 of Bell Helicopter Textron, Inc. Alert Service Bulletins 205–00–80, 205B–00–34, 212–00–111, 412–00–106, and 412CF–00–13, all Revision A, all dated December 20, 2000 (ASB). If any of these screws are set below the surface of the abrasion strip or are covered with filler material, install shear pins in accordance with the Accomplishment Instructions, Shear Pin Installation paragraphs, of the applicable ASB.

(c) Install the aft tip closure rivets on all affected tail rotor blades in accordance with the Accomplishment Instructions, Aft Tip Closure Rivet Installation paragraphs, of the applicable ASB.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Rotorcraft Certification Office, Rotorcraft Directorate, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Rotorcraft Certification Office.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Rotorcraft Certification Office.

(e) Special flight permits may be issued in accordance with 14 CFR 21.197 and 21.199 to operate the helicopter to a location where the requirements of this AD can be accomplished.

(f) The inspection, removal, and modification shall be done in accordance with Bell Helicopter Textron, Inc. Alert Service Bulletins 205–00–80, 205B–00–34, 212–00–111, 412–00–106, and 412CF–00–13, all Revision A, all dated December 20, 2000. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Bell Helicopter Textron, Inc., P.O. Box 482, Fort Worth, Texas 76101, telephone (817) 280–3391, fax (817) 280–6466. Copies may be inspected at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on June 7, 2002.

Issued in Fort Worth, Texas, on April 22, 2002.

David A. Downey,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 02–10650 Filed 5–2–02; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01–01–077]

RIN 2115–AA97

Safety Zone; Long Island Sound, Thames River, Great South Bay, Shinnecock Bay, Connecticut River and the Atlantic Ocean Seventeen Annual Fireworks Displays

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing seventeen permanent safety zones for fireworks displays located on or in Long Island Sound, the Atlantic Ocean, the Thames River, Great South Bay, Shinnecock Bay and the Connecticut River. This action is necessary to provide for the safety of life on navigable waters during the events. This action establishes permanent exclusion areas that are only active prior to the start of the fireworks display until shortly after the fireworks display is completed, and it is intended to restrict vessel traffic in a portion of the affected waterways.

DATES: This rule is effective June 3, 2002.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part docket (CGD01–01–077) and are available for inspection or copying at U.S. Coast Guard Group/Marine Safety Office (MSO) Long Island Sound, 120 Woodward Ave, New Haven, Connecticut 06512, between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Petty Officer R. L. Peebles, Marine Events Coordinator, Coast Guard Group/MSO Long Island Sound at (203) 468–4408.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On August 7, 2001, we published a notice of proposed rulemaking (NPRM) entitled ''Safety Zone; Long Island Sound, Thames River, Great South Bay, Shinnecock Bay, Connecticut River and the Atlantic Ocean Annual Fireworks Displays'' in the **Federal Register** (66 FR 41170). We received no letters commenting on the proposed rule. No public hearing was requested, and none was held.

Background and Purpose

The Coast Guard is establishing seventeen permanent safety zones that will be activated for fireworks displays that normally occur on an annual basis and are normally held in one of the following seventeen locations: On the Connecticut River off of Old Saybrook, CT; on the Connecticut River off Hartford, CT; in Greenwich Harbor on Long Island Sound, CT; on the Thames River off of New London, CT; on the Thames River off of Norwich, CT; in Long Island Sound off Madison, CT; in Long Island Sound off Rowayton, CT; in New Haven Harbor on Long Island Sound, CT; in Long Island Sound off Groton Long Point in Groton, CT; in Cold Springs Harbor on Long Island Sound, NY; in Shinnecock Bay off Southampton, NY; in Great South Bay off Davis Park, NY; in Great South Bay off Patchogue, NY; in Great South Bay off Cherry Cove, NY; and in the Atlantic Ocean off Sagaponack, NY. By establishing permanent safety zones, the Coast Guard will eliminate the need to establish temporary rules annually.

Connecticut River

There are three safety zones for the Connecticut River. The safety zone for the annual Arnold L. Chase fireworks display encompasses all waters of the Connecticut River within a 600-foot radius of the fireworks barge in approximate position 41°15′56″ N, 072°21′49″ W, located off Fenwick Pier, Old Saybrook, CT. The safety zone for the annual Saybrook Summer Pops fireworks display encompasses all waters of Connecticut River within a 600-foot radius of the fireworks barge located in approximate position 41°17′35″ N, 072°21′20″ W, located north of the dock on Saybrook Point, Old Saybrook, CT. The safety zone for

the annual Riverfest Fireworks display encompasses all waters of the Connecticut River within a 600-foot radius of the fireworks barge located in approximate position 41°45′34″ N, 072°39′37″ W, located in Hartford, CT.

Thames River

There are two safety zones for the Thames River. The zone for the annual Mashantucket Pequot fireworks display encompasses all waters of the Thames River within a 1200-foot radius of the fireworks barges located in approximate positions: barge one, 41°21′01″ N, 072°05′25″ W, barge two, 41°20′58″ N, 072°05′23″ W, barge three, 41°20′53″ N, 072°05′21″ W, located off New London, CT. The safety zone for the annual Harbor Day Fireworks display encompasses all waters of the Thames River within a 600-foot radius of the fireworks barge in approximate position 41°31′14″ N, 072°04′44″ W, located off the marina at the American Warf, Norwich, CT.

Long Island Sound

There are seven safety zones for Long Island Sound. The safety zone for the annual Indian Harbor Yacht Club fireworks display encompasses all waters of Captains Harbor within an 800-foot radius of the fireworks barge located in approximate position 41°00′35″ N, 073°37′05″ W, located off of Greenwich, CT. The safety zone for the annual Madison Cultural Arts fireworks display encompasses all waters of Long Island Sound off the city of Madison within an 800-foot radius of the fireworks barge in approximate position 41°16′10″ N, 072°36′30″ W. The safety zone for the annual City of Rowayton fireworks display encompasses all waters of Sheffield Channel on Long Island Sound off Ballast Reef, CT, within a 1000-foot radius of the fireworks barge in approximate position 41°03′11″ N, 073°26′41″ W. The safety zone for the annual City of West Haven fireworks display encompasses all waters of New Haven Harbor in Long Island Sound off Bradley Point within a 1200-foot radius of the fireworks barge located in approximate position 41°15′07″ N, 072°57′26″ W. The safety zone for the annual New Haven Festival fireworks display encompasses all waters of New Haven Harbor in Long Island Sound within a 1200-foot radius of the fireworks barge located in approximate position 40°17′31″ N, 072°54′48″ W.

The safety zone for the annual Groton Long Point Yacht Club fireworks display encompasses all waters of Long Island Sound off of Groton Long Point in Groton, CT, within a 600-foot radius of the fireworks barge located in approximate position 41°18′05″ N, 072°02′08″ W. The safety zone for the annual Yampol Family fireworks display encompasses all waters of Long Island Sound off Cove Neck, NY, within a 1200-foot radius of the fireworks barge located in approximate position 40°53′00″ N, 073°29′13″ W.

Shinnecock Bay (Off Southampton, NY)

The safety zone for the annual Southampton Fresh Air Home fireworks display encompasses all waters of Shinnecock Bay off Southampton, NY within a 600-foot radius of the fireworks barge located in approximate position 40°51′48″ N, 072°28′30″ W.

Great South Bay (Off Long Island, NY)

The safety zone for the annual T.E.L. Enterprises fireworks display encompasses all waters of Great South Bay off Davis Park, NY within a 600-foot radius of the fireworks barge located in approximate position 40°41′17″ N, 073°00′20″ W. The safety zone for the annual Patchogue Chamber of Commerce fireworks display encompasses all waters of Great South Bay off Patchogue, NY within an 800-foot radius of the fireworks barge located in approximate position 40°44′38″ N, 073°00′33″ W.

The safety zone for the annual Fire Island Tourist Bureau fireworks display encompasses all waters of Great South Bay off Cherry Grove, NY within a 600-foot radius of the fireworks barge located in approximate position 40°35′45″ N, 073°05′23″ W.

Atlantic Ocean (Off Sagaponack, NY)

The safety zone for the annual Treibeck's fireworks display encompasses all waters of the Atlantic Ocean off Sagaponack, NY within a 1200-foot radius of the fireworks barge located in approximate position 40°54′04″ N, 072°16′50″ W.

These safety zones will be enforced from 8 p.m. until 11 p.m. (e.s.t.) each day a barge with a ''FIREWORKS—STAY AWAY'' sign is posted in zone. However, vessels may enter, remain in, or transit through these safety zones during this time frame if authorized by the Captain of the Port Long Island Sound, or designated Coast Guard patrol personnel on scene, as provided for in 33 CFR 165.23. Enforcement of the safety zones will not prevent vessels from using affected bodies of water by simply transiting around the safety zones. Vessels are not precluded from mooring at or getting underway from commercial or recreational piers in the vicinity of any of the 17 safety zones. These safety zones provide for the safety of life on navigable waters during the events. Public notifications will be made prior to the events by all means to effect the widest publicity among the affected segments of the public, including publication in the local notice to mariners, marine information broadcasts, and facsimile.

Discussion of Comments and Changes

The Coast Guard received no letters commenting on the proposed rulemaking. No changes were made to this rulemaking.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979).

We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. The impact of this rule is expected to be minimal for the following reasons: Vessels may still transit through these safety zones except during the 45 minute period that a Coast Guard Patrol vessel is present; the safety zones are enforced during night hours when maritime traffic within the effected areas is the lightest; our historical experience with fireworks displays in these locations suggests that the maritime public is not burdened by the brief imposition of restrictions on vessel movement, as no objections have been lodged against previous safety zones established during fireworks displays in the same areas; vessels can moor and transit around the safety zones at all times. Advance notifications will also be made to the local maritime community by the Local Notice to Mariners. Marine information and facsimile broadcasts may also be made.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we considered whether this rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and

governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

These safety zones will not have a significant economic impact on a substantial number of small entities for the following reasons: Vessel traffic can transit around all 17 safety zones during their enforcement period; vessels will not be precluded from getting underway, or mooring at, any piers or marinas currently located in the vicinity of the safety zones; the zones are only effective for a brief period; before the effective period of any zone, we will issue maritime advisories widely available to users of Long Island Sound, the Connecticut and Thames Rivers, Great South Bay, Shinnecock Bay, and the Atlantic Ocean off Connecticut and New York by local notice to mariners. Marine information and facsimile broadcasts may also be made.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. However, we received no requests for assistance from small entities.

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

We have analyzed this rule under Executive Order 13132, Federalism, and have determined that this rule does not have implications for federalism under that Order.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those costs. This rule will not impose an unfunded mandate.

Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. A rule with tribal implications has a substantial direct effect on one or more Indian tribe, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Environment

We considered the environmental impact of this rule and concluded that, under figure 2–1, paragraph 34(g), of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation. This rule fits paragraph 34(g) as it establishes a safety zone. A ''Categorical Exclusion Determination'' is available in the docket where indicated under **ADDRESSES.**

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191, 33 CFR 1.05–1(g), 6.04–1, 6.04–6, 160.5; 49 CFR 1.46.

2. Add § 165.151 to read as follows:

§ 165.151 Safety Zones; Long Island Sound annual fireworks displays.

(a) *Safety Zones.* The following areas are designated safety zones. All coordinates references 1983 North American Datum (NAD83).

(1) *Indian Harbor Yacht Club Fireworks Safety Zone.* All waters of Long Island Sound off Greenwich CT, within a 800-foot radius of the fireworks barge located in approximate position 41°00 ′35″ N, 073°37′05″ W.

(2) *City of Rowayton Fireworks Safety Zone.* All waters of Long Island Sound in Sheffield Channel off of Ballast Reef within a 1000-foot radius of the fireworks barge located in approximate position 41°03′11″ N, 073°26′41″ W.

(3) *The Yampol Family Fireworks Safety Zone.* All waters of Long Island Sound off Cold Springs Harbor, Cove Neck New York within a 1200-foot radius of the fireworks barge located in approximate position 40°53′00″ N, 073°29′13″ W.

(4) *Groton Long Point Yacht Club Fireworks Safety Zone.* All waters of Long Island Sound off of Groton Long Point, Groton, CT, within a 600-foot radius of the fireworks barge in approximate position 41°18′05″ N, 072°02′08″ W.

(5) *City of West Haven Fireworks Safety Zone.* All waters of New Haven Harbor on Long Island Sound off Bradley Point within a 1200-foot radius of the fireworks barge in approximate position 41°15′07″ N, 072°57′26″ W.

(6) *New Haven Festival Fireworks Safety Zone.* All waters of New Haven Harbor on Long Island Sound within a 1200-foot radius of the fireworks barge in approximate position 40°17′31″ N, 072°54′48″ W.

(7) *Madison Cultural Arts Fireworks Safety Zone.* All the waters of Long Island Sound located off the City of Madison within an 800-foot radius of the fireworks barge in approximate position 41°16′10″ N, 072°36′30″ W.

(8) *Arnold L. Chase Fireworks Safety Zone.* All waters of Connecticut River within a 600 foot radius of the fireworks

barge located in approximate position 41°15′56″ N, 072°21′49″ W, about 100-yards off Fenwick Pier.

(9) *Saybrook Summer Pops Fireworks Safety Zone.* All waters of Connecticut River within a 600-foot radius of the fireworks barge located in approximate position 41°17′35″ N, 072°21′20″ W.

(10) *Mashantucket Pequot Fireworks Safety Zone.* All waters of Thames River within a 1200-foot radius of the fireworks barges located in approximate positions: barge one, 41°21′01″ N, 072°05′25″ W, barge two, 41°20′58″ N, 072°05′23″ W, barge three, 41°20′53″ N, 072°05′21″ W, located off New London, CT.

(11) *Harbor Day Fireworks Safety Zone.* All waters of Thames River within a 600-foot radius of the fireworks barge located in approximate position 41°31′14″ N 072°04′44″ W, located off American Warf Marina, Norwich, CT.

(12) *Riverfest Fireworks Safety Zone.* All the waters of the Connecticut River within a 600-foot radius of the fireworks barge located in approximate position 41°45′34″ N, 072°39′37″ W.

(13) *Southampton Fresh Air Home Fireworks Safety Zone.* All the waters of Shinnecock Bay within a 600-foot radius of the fireworks barge located in approximate position 40°51′48″ N, 072°28′30″ W, off of Southampton, NY.

(14) *T.E.L. Enterprises Fireworks Safety Zone.* All the waters of Great South Bay within a 600-foot radius of the fireworks barge located in approximate position 40°41′17″ N, 073°00′20″ W, off of Davis Park, NY.

(15) *Patchogue Chamber of Commerce Fireworks Safety Zone.* All the waters of Great South Bay within an 800-foot radius of the fireworks barge located in approximate position 40°44′38″ N, 073°00′33″ W, off of Patchogue, NY.

(16) *Fire Island Tourist Bureau Fireworks Safety Zone.* All the waters of Great South Bay within a 600-foot radius of the fireworks barge located in approximate position 40°35′45″ N, 073°05′23″ W, off of Cherry Cove, NY.

(17) *Treibeck's Party Fireworks Safety Zone.* All the waters of the Atlantic Ocean within a 1200-foot radius of the fireworks barge located in approximate position 40°54′04″ N, 072°16′50″ W, off of Sagaponack, NY.

(b) *Notification.* Coast Guard Group/Marine Safety Office Long Island Sound and Coast Guard Group Moriches will cause notice of the activation of these safety zones to be made by all appropriate means to effect the widest publicity among the affected segments of the public, including publication in the local notice to mariners, marine information broadcasts, and facsimile. Fireworks barges used in these locations will also have a sign on their port and starboard side labeled ''FIREWORKS—STAY AWAY'' with the same dimensions listed previously.

(c) *Enforcement period.* Specific zones in this section will be enforced from 8 p.m. to 11 p.m. (e.s.t.) each day a barge with a ''FIREWORKS—STAY AWAY'' sign is posted in that zone.

(d) *Regulations.* Vessels may not enter, remain in, or transit through the safety zones in this section during the enforcement period unless authorized by the Captain of the Port Long Island Sound or designated Coast Guard patrol personnel on scene.

Dated: April 15, 2002.

J.J. Coccia,

Captain, U. S. Coast Guard, Captain of the Port, Long Island Sound.

[FR Doc. 02–11061 Filed 5–2–02; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 9

[FRL–7173–6]

OMB Approvals Under the Paperwork Reduction Act; Technical Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Restructuring by the OGWDW of its existing drinking water program Information Collection Requests (ICR) has resulted in the consolidation of rules and activities of standalone ICRs into three main drinking water program ICRs.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA), this technical amendment amends the table that lists the Office of Management and Budget (OMB) control numbers issued under the PRA for the Public Water System Supervision Program (PWSS) Information Collection Request (ICR), Microbial Rules ICR and Disinfectants/Disinfection Byproducts, Chemical, and Radionuclides (DBP/Chem/Rads) Rules ICR.

EFFECTIVE DATE: This is effective May 3, 2002.

FOR FURTHER INFORMATION CONTACT: Lisa Christ at 202–564–8354.

SUPPLEMENTARY INFORMATION: EPA is amending the table of currently approved information collection request (ICR) control numbers issued by OMB for various regulations. The amendment updates the table to list those information collection requirements which have moved due to the restructure and consolidation of the Office of Ground Water Drinking Water ICRs. An announcement that the following ICRs: PWSS ICR, OMB Control No. 2040–0090; Microbial ICR, OMB Control No. 2040–0205; and the DBP/Chem/Rads ICR, OMB Control No 2040–0204, have been forwarded to the Office of Management and Budget (OMB) for review and approval, appeared in the **Federal Register** on October 5, 2001 (66 FR 194). The affected regulations are codified at 40 CFR parts (141.21–142.312). EPA will continue to present OMB control numbers in a consolidated table format to be codified in 40 CFR part 9 of the Agency's regulations, and in each CFR volume containing EPA regulations. The table lists CFR citations with reporting, recordkeeping, or other information collection requirements, and the current OMB control numbers. This listing of the OMB control numbers and their subsequent codification in the CFR satisfies the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and OMB's implementing regulations at 5 CFR part 1320.

These ICRs were previously subject to public notice and comment prior to OMB approval. Due to the technical nature of the table, EPA finds that further notice and comment is unnecessary. As a result, EPA finds that there is ''good cause'' under section 553(b)(B) of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), to amend this table without prior notice and comment.

I. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and is therefore not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty, contain any unfunded mandate, or impose any significant or unique impact on small governments as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). This action also does not require prior consultation with State, local, and tribal government officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993) or Executive Order 13084 (63 FR 27655 (May 10, 1998), or involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). Because this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C.

601 *et seq.*). This action also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because EPA interprets E.O. 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5–501 of the Order has the potential to influence the regulation. This action is not subject to E.O. 13045 because it does not establish an environmental standard intended to mitigate health or safety risks.

Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 808 allows the issuing agency to make a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). As stated previously, EPA has made such a good cause finding, including the reasons therefore. EPA has submitted reports containing these rules and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 9

Environmental protection, Reporting and recordkeeping requirements.

Dated: April 10, 2002.

Oscar Morales,

Director, Collection Strategies Division, Office of Information Collection.

For the reasons set out in the preamble, 40 CFR part 9 is amended as follows:

PART 9—[AMENDED]

1. The authority citation for part 9 continues to read as follows:

Authority: 7 U.S.C. 135 *et seq.*, 136–136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601–2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.*, 1311, 1313d, 1314, 1318, 1321, 1326, 1330, 1342, 1344, 1345 (d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–1, 300j–2, 300j–3, 300j–4, 300j–9, 1857 *et seq.*, 6901–6992k, 7401–7671q, 7542, 9601–9657, 11023, 11048.

2. In § 9.1 the table is amended to revise existing entries for '' National Primary Drinking Water Regulations'' and ''National Primary Drinking Water Regulations Implementation'' to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act

* * * * *

NATIONAL PRIMARY DRINKING WATER REGULATIONS

141.2	2040–0090
141.4	2040–0090
141.11–141.15	2040–0090
141.21	2040–0205
141.22	2040–0090
141.23A(a)–(b)	2040–0204
141.23(d)–141.24	2040–0204
141.25	2040–0090
141.26	2040–0204
141.27–141.30	2040–0090
141.31(a)–(c) and (e)	2040–0204
141.32(a)–(g)	2040–0090
141.33(a)–(d)	2040–0204
141.33(e)	2040–0090
141.35	2040–0204
141.40	2040–0204
141.41	2040–0090
141.42–141.43	2040–0204
141.50–141.52	2040–0090
141.60–141.63	2040–0090
141.70–141.74	2040–0090
141.75	2040–0205
141.76	2040–0205
141.80–141.91	2040–0210
141.100	2040–0090
141.110	2040–0090
141.111	2040–0204
141.130–141.132	2040–0204
141.134–141.135	2040–0204
141.140–141.144	2040–0090
141.153–141.154	2040–0201
141.155(a)–(g)(1) and (h)	2040–0090
141.170	2040–0205
141.172	2040–0205
141.173	2040–0205
141.174(a)–(b)	2040–0205
141.175(a)–(b)	2040–0205
141.175(c)	2040–0090
141.201–141.210	2040–0090
141.530–141.536	2040–0229
141.540–141.544	2040–0229
141.550–141.553	2040–0229
141.560–141.564	2040–0229
141.570–141.571	2040–0229

NATIONAL PRIMARY DRINKING WATER REGULATIONS IMPLEMENTATION

142.2–142.3	2040–0090
142.10	2040–0090
142.11	2040–0090
142.12	2040–0090
142.14(a)	2040–0205
142.14(b)–(d)(1)	2040–0090
142.14(d)(2)–(7)	2040–0204
142.14(d)(12)(i)–(iv)	2040–0204
142.14(d)(13)–(16)	2040–0204
142.15(a)–(b)	2040–0090
142.15(c)(1)–(5)	2040–0205
142.16(b)	2040–0205
142.16(c)	2040–0090
142.16(e)	2040–0204
142.16(f)	2040–0090
142.16(g)	2040–0205
142.16(h)	2040–0204
142.16(i)	2040–0205
142.16(j)	2040–0229
142.16(k)(1)	2040–0204
142.16(l)(1) and (2)	2040–0204
142.17–142.24	2040–0090
142.51	2040–0090
142.56–142.57	2040–0090
142.60–142.61	2040–0090
142.62	2040–0090
142.63–142.64	2040–0090
142.70–142.78	2040–0090
142.81	2040–0090
142.306–142.308	2040–0090
142.311–142.312	2040–0090

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[FR Doc. 02–11007 Filed 5–2–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[PA–131–4090a; FRL–7205–6]

Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Pennsylvania; Control of Emissions From Existing Hospital/Medical/Infectious Waste Incinerators

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve the Commonwealth of Pennsylvania 111(d)/129 plan (the ''plan'') for the control of air pollutant emissions from hospital/medical /infectious waste incinerators (HMIWIs). The plan was developed and submitted to EPA by the Pennsylvania Department of Environmental Protection (PADEP), Bureau of Air Quality, on October 26, 1998, and as amended on December 3, 1999, May 4, August 9, and October 22, 2001. The plan covers all affected facilities in the geographic area of the Commonwealth of Pennsylvania, except for Allegheny County where designated facilities are regulated under the Allegheny County Health Department HMIWI 111(d)/129 plan, approved by EPA on April 7, 2000, and amended on May 26, 2000. Also, EPA is approving the PADEP requested delegation of the increments of progress and compliance schedules promulgated under the

August 15, 2000, Federal HMIWI 111(d)/129 plan (65 FR 49868).

DATES: This final rule is effective June 17, 2002 unless by June 3, 2002 adverse or critical comments are received. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Written comments should be mailed to David L. Arnold, Chief, Air Quality Planning and Information Services Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; and the Pennsylvania Department of Environmental Protection, Bureau of Air Quality, Rachel Carson State Office Building, 400 Market Street, Harrisburg, Pennsylvania 17105–8465.

FOR FURTHER INFORMATION CONTACT: James B. Topsale at (215) 814–2190, or by e-mail at *topsale.jim@epa.gov.*

SUPPLEMENTARY INFORMATION:

This document is divided into Sections I through V and answers the questions posed below.

I. General Provisions

What action is EPA approving?
What is a State/local 111(d)/129 plan?
What is a Federal 111(d)/129 plan?
What pollutant(s) will this action control?
What are the expected environmental and public health benefits from controlling HMIWI emissions?

II. Federal Requirements the Pennsylvania HMIWI 111(d)/129 Plan Must Meet for Approval

What general requirements must the PADEP meet in order to receive approval of its HMIWI 111(d)/129 plan?
What does the Pennsylvania plan contain?
Does the Pennsylvania plan meet all EPA requirements for approval?

III. Requirements Affected HMIWI Owners/Operators Must Meet

How do I determine if my HMIWI is a designated facility subject to the Pennsylvania 111(d)/129 plan?
What general requirements must I meet under the approved EPA 111(d)/129 plan?
What emissions limits must I meet, and in what time frame?
Are there any operational requirements for my HMIWI and air pollution control system?
What are the testing, monitoring, recordkeeping, and reporting requirements for my HMIWI?
What must be included in my Waste Management Plan (WMP), and when must it be completed?
Is there a requirement for obtaining a Title V permit?

IV. Final EPA Action

V. Administrative Requirements

I. General Provisions

Q. What action is EPA approving?

A. EPA is approving the Commonwealth of Pennsylvania 111(d)/129 plan (the ''plan'') for the control of air pollutant emissions from hospital/medical/infectious waste incinerators (HMIWIs). The plan was developed and submitted to EPA by the Pennsylvania Department of Environmental Protection (PADEP), Bureau of Air Quality, on October 26, 1998, and as amended on December 3, 1999, May 4, August 9, and October 22, 2001. Also, EPA is approving the requested delegation of the August 15, 2000 Federal HMIWI 111(d)/129 plan (65 FR 49868) increments of progress and compliance schedules. The plan covers all affected facilities in the geographic area of the Commonwealth of Pennsylvania, except for Allegheny County where affected facilities are regulated under the Allegheny County Health Department HMIWI 111(d)/129 plan, approved (65 FR 18249 and 34104) by EPA on April 7, 2000, and amended (65 FR 340104) on May 26, 2000.

Q. What is a State/local 111(d)/129 plan?

A. Section 111(d) of the Clean Air Act (CAA) requires that ''designated'' pollutants, controlled under standards of performance for new stationary sources by section 111(b) of the Clean Air Act (CAA), must also be controlled at existing sources in the same source category to a level stipulated in an emission guidelines (EG) document. Section 129 of the CAA specifically addresses solid waste combustion and emissions controls based on what is commonly referred to as ''maximum achievable control technology'' (MACT). Section 129 requires EPA to promulgate a MACT based emission guideline (EG) document for HMIWIs, and then requires states to develop 111(d)/129 plans that implement the EG requirements. The HMIWI EG under 40 CFR part 60, subpart Ce, establish emission and operating requirements under the authority of the CAA, sections 111(d) and 129. These requirements must be incorporated into a State/local 111(d)/129 plan that is ''at least as protective'' as the EG, and is Federally enforceable upon approval by EPA.

The procedures for adoption and submittal of State plans are codified in 40 CFR part 60, subpart B. Additional information on the submittal of State plans is provided in the EPA document, ''Hospital/Medical/Infectious Waste Incinerator Emission Guidelines: Summary of the Requirements for section 111(d)/129 State Plans, EPA–456/R–97–007, November 1997''.

Q. What is a Federal 111(d)/129 plan?

A. As required by section 129(b)(3) of the CAA, on August 15, 2000, EPA promulgated a Federal plan for HMIWIs for which construction commenced on or before June 20, 1996. The Federal plan is a set of MACT requirements that implement the 1998 HMIWI emission guidelines. The Federal plan is applicable to those existing HMIWIs not specifically covered by an approved State plan under sections 111(d) and 129 of the CAA. It fills an EPA EG enforceablilty gap until state plans are approved and assures that the HMIWI units stay on track to complete pollution control equipment retrofits and other requirements on or before the statutory compliance date of September 15, 2002. This compliance date is based on the September 15, 1997 EG promulgation date and the requirements of section 129(f)(2) of the CAA. The Federal plan no longer applies once a state plan is fully approved. Unlike a Federal plan for sources regulated under sections 110 or 172 of the CAA, the section 111(d)/129 Federal plan imposes no statutory or other sanctions because of deficient or unapproved state plans. However, EPA approval of a state plan does not void or negate the need for affected sources to achieve expeditious compliance as required under section 129(f)(2) of the CAA, and the Federal plan compliance schedules. Approval of the subject Pennsylvania plan will be the first step in the removal of Pennsylvania from the list of states that are now subject to Federal plan requirements.

Q. What pollutant(s) will this action control?

A. The September 15, 1997 promulgated EG, subpart Ce, are applicable to all existing HMIWIs (i.e., the designated facilities) that emit organics (dioxins/furans), carbon monoxide, metals (cadmium, lead, mercury), acid gases (hydrogen chloride, sulfur dioxide, and nitrogen oxides) and particulate matter. This action establishes emission limitations for each of these pollutants, including an opacity limitation.

Q. What are the expected environmental and public health benefits from controlling HMIWI emissions?

A. HMIWI emissions can have adverse effects on both public health and the

environment. Dioxin, lead, and mercury can bioaccumulate in the environment. Exposure to dioxins/furans has been linked to reproductive and developmental effects, changes in hormone levels, and chloracne. Respiratory and other effects are associated with exposure to particulate matter, sulfur dioxide, cadmium, hydrogen chloride, and mercury. Health effects associated with exposure to cadmium, and lead include probable carcinogenic effects. Acid gases contribute to the acid rain that lowers the pH of surface waters and watersheds, harms crops and forests, and damages buildings. Implementation of the emissions control measures required under the Pennsylvania (PA) plan will help mitigate most of the noted adverse environmental and public health impacts associated with the operation of HMIWI units.

II. Federal Requirements the Pennsylvania HMIWI 111(d)/129 Plan Must Meet for Approval

Q. What general requirements must the PADEP plan meet in order to receive approval of its 111(d)/129 plan?

A. The plan must meet the requirements of 40 CFR part 60, subparts B, and Ce; and the Federal plan, 40 CFR part 62, subpart HHH. Subpart B specifies detailed procedures for the adoption and submittal of State plans for designated facilities. The EG, subpart Ce, and the related new source performance standard (NSPS), subpart Ec, both promulgated on September 15, 1997, contain the requirements for the control of specific designated pollutants in accordance with sections 111(d) and 129 of the CAA. Subpart Ce cross-references applicable provisions of subpart Ec, related to compliance and performance testing, monitoring, reporting, and recordkeeping. State plans, approved after the promulgation date of the Federal plan, must include expeditious compliance schedules that are no less stringent than those in the Federal plan. In summary, the Pennsylvania plan must meet the requirements of (1) 40 CFR part 60, subpart B, §§ 60.23 through 60.26; (2) 40 CFR part 60, subpart Ce, §§ 60.30e through 60.39e, and related subpart Ec provisions, as noted above; and (3) part 62, subpart HHH, enforceable compliance dates and increments of progress. In addition, any State requesting delegation of authority under the Federal plan must demonstrate that it has adequate resources and the legal authority to administer and enforce the program. The PADEP has made the required demonstration with respect to the task of implementing the cited Federal plan compliance schedules.

Q. What does the Pennsylvania plan contain?

A. Consistent with the requirements of subparts B, Ce, Ec and HHH, the plan contains the following elements:

1. A demonstration of Pennsylvania's legal authority to implement the plan;
2. Identification of the enforceable mechanism(s)—Federally enforceable state operating permits, Federally enforceable state plan approvals, and Title V operating permits;
3. Source and emission inventories, as required;
4. Emission limitation requirements that are no less stringent than those in subpart Ce;
5. Source compliance schedules, including increments of progress, no less stringent than those stipulated in subpart HHH;
6. Source testing, monitoring, recordkeeping, and reporting requirements;
7. HMIWI operator training and qualification requirements;
8. Requirements for development of a Waste Management Plan;
9. Records of the public hearing on the PA plan;
10. Provision for PADEP submittal to EPA of annual reports on progress in plan enforcement; and
11. A Title V permit application due date (if permit not issued).

The emission standards and other applicable requirements, including Federally enforceable compliance schedules and increments of progress will be enforced through either the Federally enforceable plan approvals (*i.e.*, construction permits), operating permits, or Title V permits issued under 25 Pa. Code Chapter 127, subchapters B, F, and G, respectively.

Q. Does the Pennsylvania 111(d)/129 plan meet all EPA requirements for approval?

A. Yes. The PADEP has submitted a plan that conforms to all EPA requirements—40 CFR part 60, subparts B, Ce, Ec, including the expeditious compliance schedule requirements of 40 CFR part 62, subpart HHH. Details regarding the approvability of the plan elements are included in the technical support document (TSD) associated with this action. A copy of the TSD is available, upon request, from the EPA Regional Office listed in the **ADDRESSES** section of this document.

III. Requirements Affected HMIWI Owners/Operators Must Meet

Q. How do I determine if my HMIWI is a designated facility subject to the Pennsylvania 111(d)/129 plan?

A. If construction commenced on your HMIWI on or before June 20, 1996, then it is subject to the plan. The plan contains no lower applicability threshold based on incinerator capacity. However, there are designated facility exemptions, as referenced in 40 CFR part 60, subpart Ce, section 60.32e. These exemptions include incinerators that burn only pathological, low level radioactive, and/or chemotherapeutic waste; co-fired combustors; incinerators permitted under section 3005 of the Solid Waste Disposal Act; municipal waste combustors (MWC) subject to a Clean Air Act combustor rule; pyrolysis units; and cement kilns.

Q. What general requirements must I meet under the approved EPA 111(d)/129 plan?

A. The PADEP plan contains enforceable mechanisms that include operating permits, plan approvals (*i.e.*, construction permits), and Title V permits. These permits establish the following requirements:

- Emission limitations for particulate matter (PM), opacity, carbon monoxide (CO), dioxins/furans (CDD/CDF), hydrogen chloride (HCl), sulfur dioxide (SO_2), nitrogen oxides (NO_X), lead (Pb), cadmium (Cd), and mercury (Hg)
- Compliance and performance testing
- Operating parameter limitations and monitoring
- Operator training and qualification
- Development of a waste management plan
- Recordkeeping and reporting
- Title V permit application submittal date (if an application has not been submitted)

A full and comprehensive statement of the above requirements is incorporated in each of the submitted HMIWI air quality permits.

Q. What emissions limits must I meet, and in what time frame?

A. The pollutant emission limitations and compliance schedules are stipulated in your PADEP facility air quality permit that was submitted to EPA as part of the 111(d)/129 plan. Your 111(d)/129 plan emission limitations are determined by the size category of your HMIWI unit—small, medium, or large. HMIWI size categories are defined in subpart Ec, § 60.51, and are determined by either the ''maximum design waste burning capacity,'' or by the ''maximum charge rate.''

Since PADEP's initial submittal of its plan, EPA has promulgated a Federal plan (40 CFR part 62, subpart HHH) that contains expeditious compliance schedules and increments of progress. As a result, the Federal plan, promulgated on August 15, 2000, may

contain more stringent compliance schedules than what is now required under your PADEP air quality permit. This is because some permit compliance schedules are linked to EPA's approval of the Pennsylvania 111(d)/129 plan. As a result, some exiting permit schedules may now be no longer expeditious and consistent with CAA section 129(f)(2) requirements. Accordingly, in order to meet the requirements of section 129(f)(2), the PADEP has requested EPA authority to implement the Federal plan's (65 FR 49868) increments of progress and compliance schedules. As noted above, EPA is granting the requested authority.

If you chose to continue operating your HMIWI rather than shut it down, then you must install an emissions control system or make process changes in order to meet the maximum available control technology (MACT) emission limitations for the pollutants identified in the previous answer above. As a HMIWI owner/operator, you must either (1) achieve compliance on or before August 15, 2001, or (2) meet certain specific increments of progress and achieve compliance by September 15, 2002, the statutory compliance date, based on the requirements of the CAA Section 129(f)(2). The delegated PA plan increments of progress for the noted extended compliance date are given in the table below.

EXTENDED COMPLIANCE SCHEDULE AND INCREMENTS OF PROGRESS UNDER THE PENNSYLVANIA 111(d)/129 PLAN

Increments(s)	Compliance date(s)
Submit a final control plan	On or before September 15, 2000
Award contracts for onsite construction, installation of on or before control equipment, or incorporation of process changes.	On or before April 15, 2001.
Begin onsite construction, installation of control equipment, or incorporation of process changes.	On or before December 15, 2001.
Complete onsite construction, installation of control equipment, or incorporation of process changes.	On or before July 15, 2002
Achieve final compliance	On or before September 15, 2002.

The first increment of progress, the final control plan, must have been submitted to EPA (or the PADEP) on or before September 15, 2000. If you have submitted a final control plan to EPA with a compliance date extension request, it is now the responsibility of the PADEP to respond to your request and take appropriate action. Nevertheless, if your extended compliance schedule was submitted after September 15, 2000, there is no expressed authority, under the provisions of either the Federal or Pennsylvania plan, to allow approval of such request by either EPA or PADEP.

If your plan has been to shut down your HMIWI facility after August 15, 2001, but no later than September 15, 2002, then you are subject to certain petition, compliance schedule documentation, and reporting requirements, as stipulated in the Federal plan (subpart HHH), §§ 62.14471 and 62.14472. All petitions for allowing HMIWI operations after August 15, 2001 must have been submitted to the EPA (or PADEP) no later than November 13, 2000. See the Federal plan § 62.14471, relating to compliance schedules. If your petition was submitted after that date, neither the EPA or the PADEP have the authority under the provisions of the Federal plan to approve a shutdown plan and schedule submitted after that date.

Whether your final compliance date is (1) on or before August 15, 2001, or (2) after August 15, 2001, but on or before September 15, 2002, the initial performance test must be completed within 180 days after the date when you are required to achieve final compliance with all applicable emission limitations. Also, you must submit to PADEP the initial compliance report, including the results of the initial performance test, and the waste management plan no later than 60 days following the initial performance test.

Further details regarding compliance schedule requirements can be found in the Federal plan, subpart HHH, §§ 62.14470, 62.14471, and 62.14472.

Q. Are there any operational requirements for my HMIWI and emissions control system?

A. Yes, there are operational requirements. In summary, the operational requirements relate to: (1) The HMIWI and air pollution control devices (APCD) operating within certain established parameter limits, determined during the initial performance test; (2) the use of a trained and qualified HMIWI operator; and (3) the completion of an annual update of operation and maintenance information, and its review by your HMIWI operator (s).

Failure to operate the HMIWI and/or APCD within certain established operating parameter limits constitutes an emissions violation for the controlled air pollutant. However, as a HMIWI owner/operator, you are provided an opportunity to establish revised operating limits, and demonstrate that your facility is meeting the required emission limitation, providing a repeat performance test is conducted in a timely manner, as specified in your air quality permit and subpart Ce, § 60.37e(b)(5).

Consistent with the Federal plan requirements of §§ 62.14425(b), on or before February 15, 2001, you were required to conduct an initial review of the training documents (e.g., operation and maintenance manual) with each operator on site under the provisions of 40 CFR 60.34e and 60.53c(h), which also requires an annual update and review of the documentation. Also, under both the Pennsylvania and Federal plan compliance dates, beginning no later than August 15, 2001, a fully trained and qualified operator is required on site whenever your HMIWI unit is in operation. See the Federal plan §§ 62.14425, 62.14470(b)(1), and 6214471(b)(3). In order to be classified as a qualified operator, one must complete an appropriate HMIWI operator training course that meets the criteria referenced in 40 CFR part 60, subparts Ce and Ec, §§ 60.34e and 60.53c, respectively.

The Pennsylvania 111(d)/129 plan HMIWI air quality permits incorporate by reference all applicable operational requirements of the EG, subpart Ce, and the related NSPS, subpart Ec.

Q. What are the testing, monitoring, recordkeeping, and reporting requirements for my HMIWI?

A. Testing, monitoring, recordkeeping, and reporting requirements are summarized below. You are required to conduct an initial source (stack) test to determine compliance with the emission limitations for PM, opacity, CO, CDD/CDF, HCl, Pb, Cd, and Hg. As noted

above, the initial source test must be completed no later than 180 days after your final compliance date. Consistent with the EG, no initial compliance test is required for sulfur dioxide and nitrogen oxides. Nevertheless, both the PADEP and the EPA have discretionary authorities under existing state and Federal regulations to require, if deemed necessary, source tests for these pollutants. After the initial source test, compliance testing is then required annually (no more than 12 months following the previous test) to determine compliance with the emission limitations for PM, opacity, CO, and HCl.

As noted above, operating parameter limits are monitored and established during the initial performance test. Monitored HMIWI operating parameters include, for example, charge rate, secondary chamber and bypass stack temperatures. APCD operating parameters include, for example, CDD/CDF and Hg sorbent (e.g., activated carbon) flow rate, HCl sorbent (e.g., lime) flow rate, PM control device inlet temperature, pressure drop across the control system, and liquid flow rate, including pH.

Recordkeeping and reporting are required to document the results of the initial and annual performance tests, continuous monitoring of site-specific operating parameters, compliance with the operator training and qualification requirements, and development of a waste management plan (WMP). Records must be maintained for at least five years.

The Pennsylvania plan HMIWI operating permits incorporate by reference all the applicable testing, monitoring, recordkeeping, and reporting requirements of the EG and the related NSPS.

Q. What must be included in my Waste Management Plan (WMP), and when must it be completed?

A. In summary, your WMP must identify both the feasibility of, and the approach for, separating certain components of solid waste from the health care waste stream in order to reduce the amount of toxic emissions from the incinerated waste. Also, in developing your WMP, you must consider the American Hospital Association publication entitled ''An Ounce of Prevention: Waste Reduction Strategies for Health Care Facilities.'' This publication (AHA Catalog No. 057007) is available for purchase from the American Hospital Association Service, Inc., Post Office Box 92683, Chicago, Illinois 60675–2683. For more details regarding these requirements see 40 CFR part 60, subpart Ec, § 60.55c. Submittal of the WMP to PADEP (or EPA) is required no later than 60 days following the initial performance tests required under subpart HHH, § 62.14432.

Q. Is there a requirement for obtaining a Title V permit?

A. Yes, if your HMIWI is an affected facility, you must have submitted a complete Title V application to the PADEP no later than September 15, 2000.

IV. Final EPA Action

EPA is approving the Pennsylvania 111(d)/129 plan for controlling HMIWI emissions from designated facilities. This approval is based upon the rationale discussed above and in further detail in the TSD associated with this action. Also, EPA is approving PADEP's request for delegation of authority to implement and enforce the Federal plan increments of progress and compliance schedules for HMIWI, as codified at 40 CFR part 62, subpart HHH.

As provided by 40 CFR 60.28(c), any revisions to the Pennsylvania plan or associated permits will not be considered part of the applicable plan until submitted by the PADEP in accordance with 40 CFR 60.28(a) or (b), as applicable, and until approved by EPA in accordance with 40 CFR part 60, subpart B.

EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. This action simply reflects already existing Federal requirement for existing HMIWIs that are subject to the provisions of the Federal HMIWI 111(d)/129 plan. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the 111(d) plan should relevant adverse or critical comments be filed. This rule will be effective June 17, 2002 without further notice unless the Agency receives relevant adverse comments by June 3, 2002. If EPA receives such comments, then EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

V. Administrative Requirements

A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing 111(d)/129 plan submissions, EPA's role is to approve state choices, provided that they meet

the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a 111(d)/129 plan submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a 111(d)/129 plan submission, to use VCS in place of a 111(d)/129 plan submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 2, 2002. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action approving the Pennsylvania 111(d)/129 plan for HMIWI may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: April 25, 2002.

Thomas C. Voltaggio,

Acting Regional Administrator, Region III.

40 CFR Part 62, Subpart NN, is amended as follows:

PART 62—[AMENDED]

1. The authority citation for part 62 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart NN—Pennsylvania

2. Amend Subpart NN-Pennsylvania, by adding the subheading and §§ 62.9650, 62.9651 and 62.9652 after § 62.9644 to read as follows:

Emissions From Existing Hospital/ Medical/Infectious Waste Incinerators (HMIWIs)—Section 111(d)/129 Plans

§ 62. 9650 Identification of plan.

Section 111(d)/129 plan for designated HMIWIs and the associated state issued air quality construction and operating permits, as submitted on October 26, 1998, amended December 3, 1999, May 4, August 9, and October 22, 2001.

§ 62.9651 Identification of sources.

The plan applies to all existing HMIWIs located in Pennsylvania, excluding Allegheny County, for which construction was commenced on or before June 20, 1996.

§ 62.9652 Effective date.

The effective date of the plan is June 17, 2002.

[FR Doc. 02–10873 Filed 5–2–02; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 011015252–2081–02; I.D. 053001E]

RIN 0648–AO23

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Golden Crab Fishery off the Southern Atlantic States; Amendment 3

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement Amendment 3 to the Fishery Management Plan for the Golden Crab Fishery of the South Atlantic Region (FMP). This rule extends through December 31, 2002, the allowed use of cable for a mainline attached to golden crab traps; clarifies the size of the required escape panel or door on a golden crab trap; removes the historical catch requirement for renewing a commercial vessel permit for golden crab; allows the issuance of a commercial vessel permit for golden crab for the southern zone for a vessel that held a valid permit for the southern zone in October 2000 but did not meet the 5,000–lb (2,268–kg) requirement for renewal in the following year; allows a vessel with a documented length overall greater than 65 ft (19.8 m) that is permitted to fish in the southern zone to fish also in the northern zone; allows two new commercial vessel permits to be issued for the northern zone; provides that a commercial vessel permit will not be renewed if the Regional Administrator (RA) does not receive an application for renewal by June 30 each year; liberalizes the allowed increase in the size of a permitted vessel; creates a small-vessel sub-zone in the southern zone in which only permitted vessels 65 feet (19.8 m) or less in length may fish for golden crab but may not do so in the remainder of the southern zone; and adds measures related to the proposed sub-zone to the list of management measures that may be modified via the FMP's framework procedure for regulatory adjustments. The intended effect is to protect the golden crab resource while allowing development of the fishery that is dependent on that resource.

DATES: This final rule is effective June 3, 2002, except for the amendments to § 622.17(b)(1) and (2) that are effective May 3, 2002.

ADDRESSES: Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this rule should be submitted to Robert Sadler, Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702, and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503 (Attention: NOAA Desk Officer).

FOR FURTHER INFORMATION CONTACT: Dr. Peter J. Eldridge, Southeast Regional Office, NMFS; phone: 727–570–5305; fax: 727–570–5583; e-mail: *Peter.Eldridge@noaa.gov*.

SUPPLEMENTARY INFORMATION: The golden crab fishery off the southern Atlantic states is managed under the FMP. The FMP was prepared by the South Atlantic Fishery Management

Council (Council) and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

On June 12, 2001, NMFS announced the availability of Amendment 3 and requested comments on it (66 FR 31608); no comments were received. NMFS partially approved Amendment 3 on September 12, 2001; the estimate of maximum sustainable yield was disapproved. NMFS published a proposed rule to implement the approved portions of Amendment 3 on November 27, 2001 (66 FR 59221) and requested comments on the proposed rule. The background and rationale for the measures in Amendment 3 and the proposed rule are contained in the preamble to the proposed rule and are not repeated here.

Comments and Responses

A total of nine comments were received on the proposed rule. The comments and NMFS' responses are provided below.

Comment 1: A vessel owner opposed the removal of the 5,000–lb (2,268–kg) harvest requirement for renewing the biannual permit. In addition, he opposed granting permits to permit holders in the southern zone who had not met the 5,000–lb (2,268–kg) catch requirement by October 2000, but who had met the catch requirement in October 1998. He stated that these measures would benefit fishermen who had chosen not to participate in the fishery. He also opposed the provision that would allow up to a 20 percent increase in vessel size from the vessel size on the original permit. He concluded by stating that a maximum sustainable yield (MSY) or guideline harvest level should be established for this fishery before fishing power is increased in the southern zone.

Response: During the 1998–2000 period, a large vessel set numerous traps over traps that had been set by smaller vessels. The traps became entangled and because the smaller vessels lacked gear that could retrieve the entangled traps, they lost their traps. Consequently, the smaller vessels did not participate further in the fishery because they were afraid that they would lose additional gear and, thus, were not able to land at least 5,000 lb (2,268 kg) of golden crab by October 2000. Vessel owners notified the Council that they would participate in the fishery if a sub-zone was established where only smaller vessels could fish. The approval of Amendment 3, which removes the 5,000–lb (2,268–kg) catch requirement, also establishes a sub-zone where smaller vessels can fish. This should ensure a more constant supply of golden crab which in turn should increase revenues for this fishery. In addition, the Council concluded that because of the low number of current participants, the minimum required harvest level is no longer necessary. The Council decided to ease the restriction on vessel size because such a measure would enhance vessel safety and could result in improved vessel operations which could reduce costs of fishing. The Council believes that increasing vessel capacity will not jeopardize the continued viability of the fishery.

Amendment 3 proposed an MSY range of 4 to 12 million lb (1.8 to 5.4 million kg). NMFS disapproved the estimate because the best scientific information available indicated that the range was too high. For reasons set forth in the response to Comment 2 below, NMFS believes that the proposed MSY estimate, if implemented, could have led to overfishing of the golden crab resource. NMFS and the Council will continue to monitor landings and other biological information on this fishery. As soon as sufficient information becomes available, an improved MSY estimate will be implemented.

Comment 2: Two fishermen supported the proposed MSY estimate and were disappointed that NMFS had disapproved that measure.

Response: The fishery is conducted only in the southern and middle zones. The best scientific information available for these zones indicates that this area can support an annual harvest of somewhat less than 700,000 pounds (317,515 kg). The northern zone, which is equivalent in size to the combined southern and middle zones, lacks catch data to derive an MSY proxy. Nonetheless, information in the original FMP indicates that the MSY proxy for the northern zone could be between 0.54 and 1.65 million pounds (0.25 and 0.75 million kg). Adding the two sets of estimates together indicates an MSY proxy of between 1.25 and 2.35 million pounds (0.57 and 1.07 million kg). This information constitutes the best scientific information available and indicates that the true MSY for the combined areas most likely is between l.5 and 2.5 million pounds (0.68 and 1.13 million kg).

Since one large vessel has the capability of landing up to 3 million pounds annually, one or two larger vessels together with existing participants could have overfished the golden crab resource if the proposed MSY proxy of 4 to 12 million pounds (1.8 to 5.4 million kg) had been approved. Consequently, NMFS disapproved the proposed MSY proxy to minimize the possibility of overfishing this resource.

Comment 3: Six comments received on the proposed rule supported implementation of Amendment 3. In addition, these comments requested that NMFS waive the Administrative Procedure Act's (APA's) 30-day delayed effectiveness for the provision that would allow vessels in the southern zone to fish in the northern zone without losing their permit to return and fish in the southern zone. The comments stated that waiving the 30-day delayed effectiveness would allow larger vessels to transfer operations immediately to the northern zone which would reduce vessel conflict in the southern zone. Also, the comments noted that reduced conflict in the southern zone would result in safer fishing conditions.

Response: NMFS agrees with these comments and is waiving the APA's 30-day delayed effectiveness for that provision that would allow vessels to transfer their operations to the northern zone but permit them to return to the southern zone without penalty.

Changes From the Proposed Rule

In § 622.17(d), the first sentence is revised slightly to maintain consistency with § 622.4(h).

In the last sentence of § 622.38(h), the cross reference to paragraph (i) is corrected to read paragraph (h). The erroneous cross reference was introduced in a prior rulemaking.

In §§ 622.1, 622.4, 622.6, and 622.40, the phrase, ''35°15.3′ N. lat.'', is replaced with the phrase, ''35°15.19′ N. lat.'', to correct the latitude of the Cape Hatteras Light, consistent with a recent relocation of that structure.

Classification

NMFS has determined that Amendment 3, except for the disapproved MSY, is necessary for the conservation and management of the golden crab fishery and that it is consistent with the national standards of the Magnuson-Stevens Act and other applicable laws.

This final rule has been determined to be not significant for purposes of E.O. 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel of Advocacy of the Small Business Administration when this rule was proposed that it would not have a significant economic impact on a substantial number of small entities. As a result, no regulatory flexibility analysis was required and none was prepared. No comments were received

regarding the economic impact of this rule.

Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act (PRA) unless that collection of information displays a currently valid OMB control number.

This rule contains but does not change two collection-of-information requirements subject to the PRA; namely, the application for a permit for the South Atlantic golden crab fishery and the submission of fishing vessel logbooks in that fishery. These collections of information have been approved by OMB under control numbers 0648–0205 and 0648–0016, respectively. The public reporting burdens for these collections of information are estimated at 20 minutes for each permit application and 10 minutes for each fishing vessel logbook submission. The estimates of public reporting burdens for these collections of information include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding these burden estimates or any other aspects of the collections of information, including suggestions for reducing the burdens, to NMFS and OMB (see **ADDRESSES**).

Under 5 U.S.C. 553(d)(3), the Assistant Administrator for Fisheries, NOAA finds for good cause that a 30–day delay in the effective date of § 622.17(b)(1) of this rule is unnecessary. Furthermore, under 5 U.S.C. 553(d)(1) a 30–day delay in the effective date of § 622.17(b)(2) is also unnecessary because § 622.17(b)(2) relieves a restriction by allowing a vessel greater than 65 ft (19.8m) in documented length overall that is permitted to fish in the southern zone to fish also in the northern zone. Current regulations restrict such vessels to fishing in the southern zone only. In addition, § 622.17(b)(2) is expected to reduce user conflict in the more-congested southern zone by allowing some shift of fishing effort to the northern zone. The revision of § 622.17(b)(1) provided in this rule is necessary to eliminate regulatory text that would otherwise conflict with the provision of § 622.17(b)(2) that relieves the regulatory restriction on authorized fishing zones. Section 622.17(b)(1) of this rule does not contain any new regulatory requirements; it eliminates text that would otherwise result in internal inconsistency in the regulations and restates the description of the three fishing zones for the convenience of the reader. Additionally, if the 30-day delay in effectiveness for § 622.17(b)(1) is not waived, the waiver for § 622.17(b)(2) will be ineffective. These reasons constitute good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effectiveness for § 622.17(b)(1).

List of Subjects in 50 CFR Part 622

Fisheries, Fishing, Puerto Rico, Reporting and recordkeeping requirements, Virgin Islands.

Dated: April 26, 2002.

Willioam T. Hogarth,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 622 is amended as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF, AND SOUTH ATLANTIC

1. The authority citation for part 622 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 622.7, paragraph (z) is revised to read as follows:

§ 622.7 Prohibitions.

* * * * *

(z) Fish for or possess golden crab in or from a fishing zone or sub-zone of the South Atlantic EEZ other than the zone or sub-zone for which the vessel is permitted or authorized, as specified in § 622.17(b).

* * * * *

3. Section 622.17 is revised to read as follows:

§ 622.17 South Atlantic golden crab controlled access.

(a) *General.* In accordance with the procedures specified in the Fishery Management Plan for the Golden Crab Fishery of the South Atlantic Region, initial commercial vessel permits have been issued for the fishery. All permits in the fishery are issued on a fishing-year (calendar-year) basis. No additional permits may be issued except as follows:

(1) *For the southern zone.* (i) Upon application, the RA will reissue a permit for the southern zone for a vessel that held a valid permit for that zone in October 2000 but did not meet the 5,000-lb (2,268-kg) requirement for renewal in the following year.

(ii) An application for a permit under paragraph (a)(1) of this section must be received by the RA no later than July 2, 2002.

(2)*For the northern zone.* (i) The RA will issue up to two new vessel permits for the northern zone. Selection will be made from the list of historical participants in the South Atlantic golden crab fishery. Such list was used at the October 1995 meeting of the South Atlantic Fishery Management Council and was prioritized based on pounds of golden crab landed, without reference to a specific zone. Individuals on the list who originally received permits will be deleted from the list.

(ii) The RA will offer in writing an opportunity to apply for a permit for the northern zone to the individuals highest on the list until two accept and apply in a timely manner. An offer that is not accepted within 30 days after it is received will no longer be valid.

(iii) An application for a permit from an individual who accepts the RA's offer must be received by the RA no later than 30 days after the date of the individual's acceptance. Application forms are available from the RA.

(iv) A vessel permit for the northern zone issued under paragraph (a)(2) of this section, and any successor permit, may not be changed to another zone. A successor permit includes a permit issued to that vessel for a subsequent owner and a permit issued via transfer from that vessel to another vessel.

(b) *Fishing zones*—(1) *Designation of fishing zones.* The South Atlantic EEZ is divided into three fishing zones for golden crab as follows:

(i) Northern zone—the South Atlantic EEZ north of 28° N. lat.

(ii) Middle zone—the South Atlantic EEZ from 28° N. lat. to 25° N. lat.

(iii) Southern zone—the South Atlantic EEZ south of 25° N. lat.

(2) *Authorization to fish in zones.* Each vessel permit indicates one of the zones specified in paragraph (b)(1) of this section. A vessel with a permit to fish for golden crab in the northern zone or the middle zone may fish only in that zone. A vessel with a documented length overall greater than 65 ft (19.8 m) with a permit to fish for golden crab in the southern zone may fish in that zone, consistent with the provisions of paragraph (b)(3) of this section, and, through May 3, 2005, may also fish in the northern zone. A vessel may possess golden crab only in a zone in which it is authorized to fish, except that other zones may be transited if the vessel notifies NMFS, Office of Enforcement, Southeast Region, St. Petersburg, FL, by telephone (727–570–5344) in advance and does not fish in a zone in which it is not authorized to fish.

(3) *Small-vessel sub-zone.* Within the southern zone, a small-vessel sub-zone is established bounded on the north by

24°15′ N. lat., on the south by 24°07′ N. lat., on the east by 81°22′ W. long., and on the west by 81°56′ W. long. No vessel with a documented length overall greater than 65 ft (19.8 m) may fish for golden crab in this sub-zone, and a vessel with a documented length overall of 65 ft (19.8 m) or less that is permitted for the southern zone may fish for golden crab only in this sub-zone.

(4) *Procedure for changing zones.* (i) Upon request from an owner of a permitted vessel, the RA will change the zone specified on a permit from the middle or southern zone to the northern zone. No other changes in the zone specified on a permit are allowed, except as specified in paragraph (b)(4)(ii) of this section. An owner of a permitted vessel who desires a change to the northern zone must submit his/her request with the existing permit to the RA.

(ii) Through May 3, 2005, upon request, the RA will change a vessel permit back to the southern zone for an owner of a vessel, or the subsequent owner of a vessel, whose permit was changed from the southern zone to the northern zone provided that the documented length overall of the vessel to be used in the southern zone is not more than 20 percent greater than the vessel whose permit was originally changed from the southern zone to the northern zone.

(c) *Transferring permits between vessels*—(1) *Procedure for transferring.* An owner of a vessel who desires a golden crab permit may request that NMFS transfer an existing permit or permits to his or her vessel by returning an existing permit or permits to the RA with an application for a permit for the replacement vessel.

(2) *Vessel size limitations on transferring.* (i) To obtain a permit for the middle or southern zone via transfer, the documented length overall of the replacement vessel may not exceed the documented length overall, or aggregate documented lengths overall, of the replaced vessel(s) by more than 20 percent. The owner of a vessel permitted for the middle or southern zone who has requested that NMFS transfer that permit to a smaller vessel (i.e., downsized) may subsequently request NMFS transfer that permit to a vessel of a length calculated from the length of the permitted vessel immediately prior to downsizing.

(ii) There are no vessel size limitations to obtain a permit for the northern zone via transfer.

(d) *Permit renewal.* NMFS will not renew a commercial vessel permit for South Atlantic golden crab if the permit is revoked or if the RA does not receive a required application for renewal within 6 months after the permit's expiration. See § 622.4(h) for the applicable general procedures and requirements for permit renewals.

4. In § 622.38, the last sentence of paragraph (h) is revised to read as follows:

§ 622.38 Landing fish intact.

* * * * *

(h) * * * For the purpose of this paragraph, a vessel is in transit through the South Atlantic EEZ when it is on a direct and continuous course through the South Atlantic EEZ and no one aboard the vessel fishes in the EEZ.

5. In § 622.40, the first sentence of paragraph (b)(3)(ii)(B) and paragraph (d)(2)(ii) are revised to read as follows:

§ 622.40 Limitations on traps and pots.

* * * * *

(b) * * *

(3) * * *

(ii) * * *

(B) A golden crab trap constructed of material other than webbing must have an escape panel or door measuring at least 11 7/8 by 11 7/8 inches (30.2 by 30.2 cm), located on at least one side, excluding top and bottom. * * *

* * * * *

(d) * * *

(2) * * *

(ii) Rope is the only material allowed to be used for a buoy line or mainline attached to a golden crab trap, except that wire cable is allowed for a mainline through December 31, 2002.

6. In § 622.48, paragraph (g) is revised to read as follows:

§ 622.48 Adjustment of management measures.

* * * * *

(g) *South Atlantic golden crab.* Biomass levels, age-structured analyses, MSY, ABC, TAC, quotas (including quotas equal to zero), trip limits, minimum sizes, gear regulations and restrictions, permit requirements, seasonal or area closures, sub-zones and their management measures, time frame for recovery of golden crab if overfished, fishing year (adjustment not to exceed 2 months), observer requirements, authority for the RA to close the fishery when a quota is reached or is projected to be reached, definitions of essential fish habitat, and essential fish habitat HAPCs or Coral HAPCs.

* * * * *

§§ 622.1, 622.4, 622.6, 622.40 [Amended]

7. In addition to the amendments set forth above, in 50 CFR part 622, remove the phrase, ''35°15.3′ N lat.'' and add, in its place, the phrase, ''35°15.19′ N. lat.'' in the following places:

(a) Section 622.1, in footnote 4 of Table 1;

(b) Section 622.4(a)(2)(vi);

(c) Section 622.6(b)(1)(i)(B); and

(d) Section 622.40(b)(3)(i).

[FR Doc. 02–11027 Filed 5–2–02; 8:45 am]

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Proposed Rules

Federal Register
Vol. 67, No. 86
Friday, May 3, 2002

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 25 and 121

[Docket No. 28061, Notice No. 95–1]

RIN 2120–AF01

Revised Access to Type III Exits

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM); withdrawal.

SUMMARY: The FAA is withdrawing a previously published NPRM that proposed to adjust requirements for access to Type III emergency exits (typically smaller over-wing exits) in transport category airplanes with 60 or more passenger seats. These adjustments reflected the results of additional testing by the FAA's Civil Aeromedical Institute (CAMI) conducted after the standards had been adopted. We are withdrawing the document because CAMI research on the issues is still ongoing and the Aviation Rulemaking Advisory Committee (ARAC) is currently considering a recommendation for a harmonized proposal on the issues addressed by Notice No. 95–1. ARAC will make its recommendation after completion of a FAA research program to study access to Type III exits. The FAA has determined that it should wait and see if some future regulatory action including the broader scope of this harmonized proposal would better serve the public interest.

FOR FURTHER INFORMATION CONTACT: Jayson Claar, Transport Airplane Directorate, Airframe and Cabin Safety Branch, Federal Aviation Administration, 1601 Lind Avenue SW, Renton, WA 98055; telephone (425) 227–2194.

SUPPLEMENTARY INFORMATION:

Background

On May 4, 1992, the FAA published a final rule (Amendment Nos. 25–76 and 121–228) which set standards for access to Type III emergency exits in transport category airplanes with 60 or more passenger seats (57 FR 19220). These standards were the result of testing conducted by the FAA's Civil Aeromedical Institute and were intended to improve the ability of occupants to evacuate an airplane under emergency conditions. CAMI conducted further testing as time and resources became available, and the FAA subsequently proposed adjustments to those standards in Notice No. 95–1, published on January 30, 1995 (60 FR 5794).

Part 25 of Title 14 of the Code of Federal Regulations defines a number of different types of passenger emergency exits for use in transport category airplanes. As defined in § 25.807(a)(3), a Type III exit must have an opening not less than 20 inches wide by 36 inches high. It need not be rectangular in shape, provided a rectangle of those dimensions can be inscribed within the opening. The corner radii must not exceed one-third the width of the exit. The step-up distance inside the cabin must not exceed 20 inches. Type III exits are typically located over the wing; when so located, the step-down to the wing must not exceed 27 inches. Type III exits are typically removable hatches, but they may be hinged or tracked doors. They are sometimes referred to as ''window exits.''

CAMI tested various exit configurations with three-seat rows to obtain a more comprehensive understanding of effects of passageway widths and offsets from the exit opening. For these tests, CAMI used the same test fixture as that used for the tests conducted prior to the adoption of Amendment 25–76. It consisted of the fuselage of a Douglas C–124 airplane with seats and other equipment installed to represent an airline airplane in all aspects relevant to the tests. The test methods and procedures used for these tests were similar to those used during the earlier series of tests. And, as in the earlier tests, the purpose was to measure, on a comparative basis, the effectiveness of the features of an airplane when used in a typical, reasonable manner. The purpose was not to measure the performance of any particular group of test subjects, nor to evaluate the total elapsed time needed to evacuate an airplane under any specific crash scenario. The CAMI tests were intended to evaluate comparatively the effects of passageway width and seat-row encroachment on total time for egress through Type III exits.

Testing determined that the total egress times with 13-, 15-, and 20-inch passageways were nearly identical. In contrast, the total egress times for the narrower 10- and 6-inch passageways, were much greater. These tests also measured the effect of centerline offset; i.e., the distance that the centerline of the passageway is offset from the centerline of the exit. The tests showed that 13-inch passageways with centerline offsets up to 6½ inches provide egress capability equal to that of 20-inch passageways with the 5-inch maximum offset allowed by the current rule. Tests conducted with a group of older subjects found that egress times were slower for older occupants, but the relative merits of the various passageway widths and offsets were similar.

Testing also proved consistent with a series of evacuation tests that had been conducted in the United Kingdom, generally referred to as the ''competitive tests.'' Although providing more space adjacent to an exit would intuitively seem to improve the evacuation flow rate, the competitive tests showed that providing more space does not always improve the flow rate and may, in some instances, actually prove to be counterproductive. This is primarily because evacuees sometimes form multiple files when additional space is available and compete for access to the exit, rather than pass through it in one orderly file. It must be emphasized that the competitive tests were conducted for a different purpose than either the CAMI tests or the tests conducted prior to the adoption of Amendment 25–76. The competitive behavior tests were conducted to analyze human behavior under emergency conditions, while the FAA tests were to compare the capability of various configurations when used in a typical, reasonable manner. Nevertheless, the CAMI tests were consistent with the competitive tests, in that a 13-inch passageway was shown to provide an egress capability as good as that provided by a 20-inch passageway.

In view of the results of the CAMI tests, the FAA determined that an

unobstructed passageway 13 inches wide, with its centerline offset no more than 6½ inches from the centerline of the exit, provides a level of safety equal to that provided by the 20-inch passageway specified in § 25.813(c)(1)(i). Had data from those tests been available prior to the adoption of Amendment 25–76, the FAA would have specified 13 inches minimum width and 6½ inches maximum offset at that time. Notice No. 95–1 proposed to amend § 25.813(c)(1)(i) to specify 13 inches minimum width and a maximum centerline offset of 6½ inches for rows with three seats.

Notice No. 95–1 would also have proposed the correction of an editorial error by amending § 121.310(f)(3)(iii) to incorporate § 25.813(a)(2) by reference. Further, the incorporation by reference of § 25.813(c) in § 121.310(f)(3)(iii) would have been clarified by replacing the reference to § 25.813(c) in its entirety with a reference to only §§ 25.813(c)(1) and (3).

The NPRM invited public comment to assist the FAA in the rulemaking process. The comment period closed on May 1, 1995.

Discussion of Comments

Two aircraft manufacturers, a consumer advocate, an organization representing European aircraft manufacturers, and three individuals responded to Notice No. 95–1. In addition, an organization representing U.S. airlines and another representing three airline flight attendant unions also responded. One foreign airworthiness authority also reviewed the notice, but submitted no comments.

One manufacturer concurred with the notice, concluding that it would lessen the overly tight pitch requirement for seats adjacent to Type III exits. The commenter also commended CAMI for its study and noted that it will alleviate a potential financial burden on the aircraft industry while still maintaining the high level of safety that currently exists. The other manufacturer concurred, but offered no further comment.

The consumer advocate opposed requiring the minimum passageway width to be only 13 inches, claiming it would be detrimental to passenger safety, would ignore the critical lessons of past fatal accidents, and would offer no demonstrable benefits. The commenter offered no evidence to support those opinions, and they are contradicted by evidence outlined in the preamble of Notice No. 95–1.

A number of commenters questioned the validity of the CAMI testing. Generally, they believe the study to be unrealistic because it did not represent an actual crash. They noted that there was no fire, smoke or toxic fumes, no panic, subjects did not represent a cross-section of the flying public, the competitive behavior that might be exhibited in an actual crash was not experienced, and the exit hatch was not required to be removed by one of the passengers. These comments would have been applicable if the purpose of the testing had been to measure how passengers would respond in an actual crash. However, the purpose of these tests was not to evaluate the performance of passengers. The purpose was to determine the minimum passageway width and maximum centerline offset that would allow egress equivalent to that allowed by a 20-inch passageway with a 5-inch offset. The CAMI tests targeted airplane configuration—not vision, motivation, variations in passenger behavior, airplane crashes, or any combination of those variables.

It must be noted that evacuation demonstrations are not conducted under actual conditions of fire, smoke, or toxic fumes for two basic reasons. The first and foremost consideration is the safety and well-being of the test subjects. Testing under those conditions could very likely result in unnecessary serious injuries to the test subjects. Second, the purpose of such demonstrations is not to show that test subjects can evacuate an airplane in a specified time under all possible emergency conditions. Due to the myriad of different possible crash scenarios that could occur and the varying need for urgency, it would be impossible to develop a series of tests that would encompass all of those possible conditions. Instead, the evacuation capability of an airplane is evaluated under standard, repeatable conditions. By testing under such controlled, consistent conditions, the evacuation capability of an airplane can be compared with that of the other airplanes that have been tested previously under the same conditions. Through this indirect means, the evacuation capability of the airplane is related to the accidents that have actually occurred with those earlier airplanes. The evacuation capability of an airplane under the variables cited by the commenters is, therefore, considered without exposing test subjects to intolerable risk of serious injury.

A second set of tests conducted with older subjects was invalid in certain respects because some of the test subjects stepped on the seat cushions rather than fully utilizing the passageway. One commenter believes that older passengers adopted this practice because the passageway was too narrow for older passengers who are not as agile. Actually, this practice was the result of an inadvertent incorrect instruction given by a flight attendant rather than an ingenious response to insufficient passageway space, as suggested by the commenter. The video records of the testing clearly show that the older test subjects did not step on the seat cushions simply because the passageway lacked sufficient width at floor level, nor that they had any difficulty with a 13-inch wide passageway for that matter. In fact, all of the video records of testing of both 13-inch and 20-inch passageways demonstrated that the subjects generally lined up in the passageway awaiting their turn to pass through the exit. In other words, the egress pace was determined not by the width of the passageway, but by the rate of movement through the exit.

Two commenters referred to the tragic US Air accident at Los Angeles, California, in 1991. In that regard, one quoted from a document entitled, ''Eighteenth Report by the Committee on Government Operations in 1992.'' According to the commenter, the document states, in part, ''if the passageway to the overwing exit had been just a few inches wider, more people might have escaped.'' While that statement would intuitively seem to be true, there were mitigating circumstances involved in the evacuation of that airplane. In any event, the reference to that accident is not relevant. Since the passageways leading to the Type III exits in the USAir airplane were approximately 6 to 6½ inches wide, the proposed minimum passageway width of 13 inches is approximately twice as great.

The organization representing U.S. airlines forwarded responses received from three of their member airlines. One airline supported the proposed changes without further comment. In addition to supporting the changes that were proposed, two other airlines raised issues concerning previously granted deviations from the requirements. Section 121.310(f)(3)(iv) permits the FAA to authorize deviations from § 25.813 that allow recline on the inboard seats only. This concession applies only to existing airplanes. Later airplane designs must comply with § 25.813 as a condition of type certification. Accordingly, no change to either § 25.813 or § 121.310 is warranted.

The organization representing European aircraft manufacturers described a series of tests conducted

later at the Cranfield Institute in the United Kingdom. (This is the same facility in which the previously mentioned ''competitive tests'' were conducted.) According to the commenter, the later tests were conducted using the same protocol as the CAMI tests, but with a passageway as narrow as 10 inches and 9 inches offset. Based on this test series, the commenter believes that a passageway only 10 inches wide provides the same level of safety as a wider passageway. The commenter implied that § 25.813(c)(1)(i) should, therefore, be amended to require only a passageway 10 inches wide with three-abreast seat rows, rather than 13 inches wide as proposed in Notice No. 95–1. Although the results of this series of tests would appear to be inconsistent in this regard with the results of both the FAA testing and testing conducted earlier at Cranfield, adopting a minimum width of less than 13 inches would be beyond the scope of the notice, even if these test results would justify such a change.

The same commenter referred to a pending proposed amendment to Joint Aviation Requirements for Large Aeroplanes-25 (JAR–25) concerning access to Type III exits. The commenter noted that part 25 will not contain all of the requirements concerning access to Type III exits being considered for inclusion in JAR–25 and believes that the NPRM should not proceed to the final rule stage until the standards of the two codes can be harmonized.

This comment underscores the central reason for withdrawal of Notice No. 95–1. The FAA is involved in eliminating unnecessary differences between the Federal Aviation Regulations and the Joint Aviation Requirements (JAR) used in European countries, through an ongoing cooperative harmonization process that includes Joint Aviation Authorities (JAA) and Transport Canada. JAR–25 is the code of standards adopted by the airworthiness authorities of a number of European countries for type certification of transport category airplanes. It is based on, and is generally similar to, part 25; however, there are detail differences. The FAA's desire to harmonize the two codes has dictated their efforts in many areas of current regulatory activity. ARAC's Occupant Safety Issues Area, formerly known as the Emergency Evacuation Issues Area, is working on a recommendation for a harmonized proposal on the issues addressed by Notice No. 95–1. ARAC will make its recommendation after completion of a FAA research program to study access to Type III exits.

Subsequent to the close of the comment period and analysis of the timely comments, comments were received from three additional consumer advocacy groups and two labor organizations. Each opposed requiring the minimum passageway width to be only 13 inches. Like the consumer advocate that had commented earlier, two of the consumer advocacy groups claimed that requiring a minimum passageway width of 13 inches would be detrimental to safety and would offer no demonstrable benefits. Those commenters offered no evidence to support those opinions; and, as discussed above, they are contradicted by evidence outlined in the preamble of Notice No. 95–1.

The third late commenter also opposed requiring passageways to be only 13 inches wide for essentially the same reasons as those given by earlier dissenting commenters. Many of the points raised by that commenter are addressed in response to the timely comments; however, that commenter did raise additional issues.

The commenter questioned the effectiveness of adjacent Type III exits. Although not directly related to this rulemaking, the FAA has initiated separate rulemaking to reduce the combined passenger rating of such exits when they are located within three passenger seat rows of each other.

The commenter characterized the CAMI tests as ''manipulating research data to suggest that 13 inches would produce the same benefit.'' Contrary to the commenter's characterization, the tests do not represent ''manipulation'' of the earlier research data on which Amendment 25–76 was based. In fact, the CAMI tests confirm the results of the first test series '' passageways that are 20 inches wide do provide egress capability superior to that provided by passageways that are 10 inches wide. (This refers, of course, to installations of three-seat rows. Ten-inch passageways were found during the earlier testing to provide the same superior egress capability when two-seat rows are installed. No change was proposed in Notice No. 95–1 to the standards for access when two-seat rows are provided.) Since no testing of intermediate passageway widths was conducted during the first series, there were no data pertaining to those widths from the first series to ''manipulate.'' The egress capability provided by intermediate passageway widths was unknown at the time Amendment 25–76 was adopted, and the CAMI tests merely provided data for those intermediate passageway widths.

Finally, the commenter asserted that data from the testing conducted both in this country by CAMI and in the United Kingdom at Cranfield show that 20-inch passageways provide superior egress capability. Contrary to the commenter's assertion, the data from the recent CAMI tests do, in fact, show that 13-inch passageways provide egress capability equal to that provided by 20-inch passageways. Also contrary to the commenter's assertion, the competitive behavior tests conducted at Cranfield do not show that 20-inch passageways provide superior egress capability to those 13 inches in width.

The fourth late commenter opposed requiring passageways only 13 inches in width and questioned the validity of the test procedures. Most of the points raised by the commenter were raised by other dissenting commenters and addressed above. There were, however, a number of additional points raised.

The commenter noted that Advisory Circular 25–17 describes the Latin Square test method and implies that the inclusion of that test method in the advisory circular means other test methods are invalid. Advisory Circulars describe acceptable methods, but not the only acceptable methods, for complying with regulations. Contrary to the commenter's implication, the method used in the CAMI tests is also an established and highly respected scientific method to ensure that the test results are not clouded by variations in test subject performance. The Latin Square test method was not used in the CAMI tests primarily because it would have required almost twice as many test subjects to test the same configurations.

The commenter also quoted a statement made by the National Transportation Safety Board (NTSB) and asserts the statement means the NTSB opposes requiring these passageways to only be 13 inches wide. According to the commenter, the NTSB states in the accident investigation report for the USAir accident at Los Angeles in 1991, ''The Safety Board believes that a continuous access path of no less than 20 inches, as demonstrated by tests, is preferable to removing the seat adjacent to the exit or removing the seat and having a 20-inch or less access path.'' The NTSB was actually referring to the relative merits of the two proposed configurations that were later adopted in Amendment 25–76. The NTSB would not have commented on the merits of a passageway 13 inches in width because that was not one of the configurations proposed then and there were no applicable test data available then to prove or disprove its merits. As noted above, there were no specific standards for access to Type III exits at the time of the USAir accident; however, the passageways of that airplane were

approximately 6 to 6½ inches in width. The NTSB did not submit any comments concerning the changes proposed in Notice No. 95–1 and has not made any formal recommendations concerning the width of passageways leading to Type III exits.

The issues raised by the last late commenter were all addressed in response to other commenters; however, that commenter questioned the use of the term ''clear path'' in the graph of pathway widths versus egress time contained in the preamble to Notice No. 95–1. ''Clear path'' was used in the preliminary graph of the results of the second test series to denote a configuration in which the forward-most edge of the unobstructed passageway was no farther forward than the forward-most edge of the emergency exit. It was recognized that the term could cause confusion, so the test configurations were described in terms of centerline offset or seat encroachment in the final reports.

Reason for Withdrawal

CAMI is presently doing further studies on access to Type III exits. The withdrawal of Notice No. 95–1 enables future rulemaking action that will be able to benefit from this ongoing research and produce a more accurate, fresh perspective on the issues.

In addition, the FAA is involved in eliminating unnecessary differences between the Federal Aviation Regulations and the Joint Aviation Requirements used in European countries. This is an ongoing process of aligning its regulations with those of the Joint Aviation Authorities (JAA) known as harmonization. Our desire to harmonize the two codes has dictated our efforts in many areas of current regulatory activity. ARAC's Occupant Safety Issues Area, formerly known as the Emergency Evacuation Issues Area, is working on a recommendation for a harmonized proposal on the issues addressed by Notice No. 95–1. ARAC will make its recommendation after completion of a FAA research program to study access to Type III exits. Continuing industry input through the ARAC process will contribute to a more complete analysis of the issues. Therefore, we have determined that it would be better to wait and see if some future regulatory action including the broader scope of this harmonized proposal would better serve the public interest.

Withdrawal of Proposed Rule

Withdrawal of Notice No. 95–1 does not preclude the FAA from issuing another NPRM on the subject matter in the future or committing the agency to any future course of action. To achieve harmonization goals, we will make any necessary changes to the Code of Federal Regulations through a future NPRM with opportunity for public comment. Therefore, the FAA withdraws Notice No. 95–1, published on January 30, 1995 (60 FR 5794).

Issued in Washington, DC, on April 26, 2002.

John Hickey,

Director, Aircraft Certification Service (AIR–1).

[FR Doc. 02–10947 Filed 5–2–02; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 02–AEA–01]

Establishment of Class E Airspace; Lee Airport, Annapolis, MD

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish Class E airspace at Lee Airport (ANP), Annapolis, MD. The development of a Standard Instrument Approach Procedure (SIAP) to serve flights operating into the Lee Airport during Instrument Flight Rules (IFR) conditions make this action necessary. Controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to contain aircraft executing an approach. The area would be depicted on aeronautical charts for pilot reference.

DATES: Comments must be received on or before June 3, 2002.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace Branch, AEA–520, Docket No. 02–AEA–01 FAA Eastern Region, 1 Aviation Plaza, Jamaica, NY, 11434–4809.

The official docket may be examined in the Office of the Regional Counsel, AEA–7, FAA Eastern Region, 1 Aviation Plaza, Jamaica, NY, 11434–4809.

An informal docket may also be examined during normal business hours in the Airspace Branch, AEA–520, FAA Eastern Region, 1 Aviation Plaza, Jamaica, NY, 11434–4809.

FOR FURTHER INFORMATION CONTACT: Mr. Francis T. Jordan, Jr., Airspace Specialist, Airspace Branch, AEA–520 FAA Eastern Region, 1 Aviation Plaza, Jamaica, NY, 11434–4809: telephone: (718) 553–4521.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 02–AEA–01''. The postcard will be date/time stamped and returned to the commenter. All communications received on or before the closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket closing both before and after the closing date for comments. A report summarizing each substantive public contact with the FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Office of the Regional Counsel, AEA–7, FAA Eastern Region, 1 Aviation Plaza, Jamaica, NY, 11434–4809. Communications must identify the notice number of this NRPM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish Class E airspace area at Annapolis, MD. The development of a SIAP to serve flights operating into the airport under Instrument Flight Rules (IFR) make this action necessary. Controlled airspace extending upward

from 700 feet AGL is needed to accommodate the SIAP. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface are published in Paragraph 6005 of FAA Order 7400.9J, dated August 31, 2001, and effective September 16, 2001, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that would only affect air traffic procedure and air navigation, it is certified that this proposed rule would not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; EO 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9J, dated August 31, 2001, and effective September 16, 2001, is proposed to be amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

AEA MD E5, Annapolis [New]

Lee Airport

(Lat. 38°56′34″ N., long. 76°34′06″ W.)

That airspace extending upward from 700 feet above the surface within a 6.2 mile radius of the Lee Airport, Annapolis, MD.

Issued in Jamaica, New York, on March 28, 2002.

Richard J. Ducharme,

Assistant Manager, Air Traffic Division, Eastern Region.

[FR Doc. 02–11055 Filed 5–2–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 314 and 601

[Docket No. 00N–1652]

RIN 0910–AB91

Requirements for Submission of Labeling for Human Prescription Drugs and Biologics in Electronic Format

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to amend its regulations governing the format in which certain labeling is required to be submitted for review with new drug applications (NDAs), certain biological license applications (BLAs), abbreviated new drug applications (ANDAs), supplements, and annual reports. The proposal would require that certain labeling content be submitted electronically in a form that FDA can process, review, and archive. Submitting the content of labeling in electronic format would simplify the drug labeling review process and speed up the approval of labeling changes.

DATES: Submit written or electronic comments by August 1, 2002. Submit written comments on the information collection requirements by June 3, 2002. See section X of this document for the proposed effective date of a final rule based on this document.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to http://www.fda.gov/dockets/ecomments. Submit written comments on the information collection provisions to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Bldg., 725 17th St. NW., rm. 10235, Washington, DC 20503, Attn: Stuart Shapiro, Desk Officer for FDA.

FOR FURTHER INFORMATION CONTACT:

Randy Levin, Center for Drug Evaluation and Research (HFD–1), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–5411, or

Robert A. Yetter, Center for Biologics Evaluation and Research (HFM–10), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852, 301–827–0373.

SUPPLEMENTARY INFORMATION:

I. Background

A. Current Labeling Submission Requirements

Section § 314.50 (21 CFR 314.50) of our (FDA's) current regulations describes the content and format requirements for NDAs. Under § 314.50(e)(2)(ii), an applicant is required to submit, in the archival copy of an application, copies of the label and all labeling for the drug product. Under § 314.50(l)(1), information in the archival copy required under § 314.50(a) (i.e., the application form, including the signature of the applicant) and § 314.50(e) (i.e., samples and labeling) must be submitted to the agency on paper, while other required information may be submitted either on paper or on microfiche (or another suitable microform system, if FDA and the applicant agree). Under § 314.71(b) (21 CFR 314.71(b)), supplements to approved applications submitted to the agency under § 314.70 (21 CFR 314.70) must follow the procedures described in § 314.50. In addition, § 314.81(b)(2)(iii) (21 CFR 314.81(b)(2)(iii)) requires that ''currently used professional labeling, patient brochures, or package inserts'' be submitted with annual reports.

Section § 314.94 (21 CFR 314.94) sets forth requirements for the content and format of ANDAs. Under § 314.94(a)(8)(ii), the archival copy of an ANDA must include copies of the label and all labeling for the drug product. Under § 314.94(d), an applicant may submit all or portions of the archival copy of an ANDA in any form that FDA and the applicant agree is acceptable. Under § 314.97 (21 CFR 314.97), supplements and other changes to approved ANDAs must be submitted to the agency under the requirements of §§ 314.70 and 314.71. As noted previously, under § 314.71(b), supplements to approved applications submitted to the agency under 314.70 must follow the procedures described in § 314.50. Finally, under § 314.98(c) (21 CFR 314.98(c)), ANDA applicants must submit annual reports as required in § 314.81(b)(2)(iii).

Section § 601.2 (21 CFR 601.2) describes the requirements for submission of a BLA, which include the

requirement that specimens of enclosures and Medication Guides for a product, if any, be submitted. Section 601.12 (21 CFR 601.12) describes the requirements to make changes to an approved BLA, including labeling changes. Under § 601.12(f), labeling changes to a biological product approved under a BLA may generally only be made after the approval of a labeling supplement to the BLA, although certain types of labeling changes may be made before FDA approval of a supplement or by reporting the change in an annual report. Neither § 601.2 nor § 601.12 specifies a format in which the labeling or other information required in BLAs, BLA supplements, or annual reports must be submitted to FDA.

The term ''labeling'' used in §§ 314.50, 314.94, 314.81, and 601.12 is defined in section 201(m) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(m)) to mean both labels[1] and other written, printed, or graphic matter upon any article or any of its containers or wrappers, or accompanying such article. Thus, requiring the submission of ''labeling'' entails submission of the label (i.e., the label on the immediate container) and labeling. Labeling consists of the comprehensive prescription drug labeling directed to health care practitioners (i.e., the labeling required under § 201.100(d)(3) (21 CFR 201.100(d)(3)), commonly referred to as the ''package insert'' or ''professional labeling'') and other labeling.[2]

B. The Effect of the Proposed Rule on Current Submission Requirements

Under this proposal, applicants would be required to submit to us in electronic format the *content* of the package insert or professional labeling, including all text, tables, and figures. As explained below, this submission should be formatted in the manner described in agency guidance on electronic submissions.

This proposed requirement would be in addition to existing requirements, described in section I.A of this document, that copies of the label and labeling and specimens of enclosures be submitted. For example, *copies* of the package insert must still be submitted to us in an NDA under § 314.50(e)(2)(ii). Copies submitted to us must be identical to the label and labeling and specimens of enclosures that appear in the package insert, on the immediate container, or in any other form distributed. Under this proposal, these copies may be submitted electronically or on paper.

C. Electronic Format Submission Initiatives

In the **Federal Register** of March 20, 1997 (62 FR 13430), we published a regulation on electronic records and electronic signatures (part 11 (21 CFR part 11)). Part 11 generally provides that in instances where records are required to be submitted to the agency, such records may be submitted in electronic format instead of paper format, provided the controls in part 11 are met and we have identified the submission in the public docket as the type of submission we are prepared to accept in electronic format.

Although we have not up to this time required regulatory submissions in electronic format, we have issued guidances describing how to submit NDAs, BLAs, and other types of regulatory submissions in electronic format. In the **Federal Register** of January 28, 1999 (64 FR 4432), we announced the availability of a guidance entitled ''Providing Regulatory Submissions in Electronic Format—NDA's'' (the NDA electronic submission guidance), which provided information on how to submit a complete archival copy of an NDA in electronic format. The guidance applies to the submission of original NDAs, as well as to the submission of supplements and amendments to NDAs. Among other things, the NDA electronic submission guidance provides recommendations on how to submit ''labeling text'' in electronic format. ''Labeling text'' is the term used in the NDA electronic submission guidance to mean labeling required under § 201.100(d)(3), including all text, tables, and figures required by or included under authority of those sections. The term ''content of labeling,'' as used in this rulemaking, is intended to mean the same as the term ''labeling text,'' as used in the guidance. The NDA electronic submission guidance recommends that labeling text be submitted as a portable document format (PDF) file and that the file be submitted in the following format:

- The print area (i.e., the area of the PDF file when printed) should fit on an 8 1/2- by 11-inch sheet of paper with 1-inch margins;
- The page orientation should be portrait;
- The file should not contain any columns, headers, or footers; and
- The files should be paginated, beginning with page 1. The guidance also describes recommended font types and minimum font sizes for the PDF file text.

In November 1999, we published a guidance to assist applicants in submitting documents in electronic format for review and archive purposes as part of a BLA, product license application (PLA), or establishment license application (ELA) (64 FR 61647, November 12, 1999).

In January 1999, we issued a guidance on general considerations for electronic submissions entitled ''Providing Regulatory Submissions in Electronic Format—General Considerations'' (the general considerations guidance) (64 FR 4433, January 28, 1999). In the general considerations guidance, we include a description of the types of electronic file formats that we are able to accept to process, review, and archive electronic documents. The general considerations guidance states that documents submitted in electronic format should enable the user to: (1) Easily view a clear and legible copy of the information; (2) print each document page by page while maintaining fonts, special orientations, table formats, and page numbers; and (3) copy text and images electronically into common word processing documents. To achieve these and other goals, we recommend that all electronic documents be submitted as PDF files.

II. Rationale for Requiring Electronic Submission of the Content of Labeling

As discussed in section I of this document, until now, the initiatives we have undertaken have been focused on permitting, but not requiring, applicants to submit required regulatory documents in electronic format. For a number of reasons, we believe that it is important to require that the content of labeling (i.e., the labeling required under § 201.100(d)(3), including all text, tables, and figures) be submitted to us electronically for prescription drugs and biological products that are subject to the requirements of § 201.100(d)(3).

A. Why Is It Important for the Content of Labeling To Be Submitted Electronically?

Each year, we receive more than 1,000 proposed labeling changes for approved NDAs and BLAs, and more than 2,600 proposed original and supplemental labeling changes for ANDAs. As part of the review process, we conduct a word-for-word comparison of the proposed labeling with the last approved labeling

[1] Under section 201(k) of the act, the term ''label'' means a display of written, printed, or graphic matter upon the immediate container of any article.

[2] Section 201.100(d) requires that any labeling distributed by or on behalf of the manufacturer, packer, or distributor of the drug, that furnishes or purports to furnish information for use of the drug, or which prescribes, recommends, or suggests a dosage for the use of the drug, must meet the content and format requirements in 21 CFR 201.56 and 201.57.

to verify that all labeling changes have been identified. In addition, for ANDAs, we conduct a word-for-word comparison of the labeling for the proposed generic drug product and the reference listed drug to verify that any differences in labeling have been correctly annotated and explained by the ANDA applicant under § 314.94(a)(8)(iii). Currently, a reviewer must conduct these comparisons manually using two paper copies of the labeling. This manual comparison is slow and subject to error.

The proposed rule would require that the content of labeling be submitted in an electronic file in a form that we can process, review, and archive. The formatting of these submissions will allow electronic review and comparison of labeling files. We believe that the use of computer technology to identify changes in different versions of the labeling would greatly enhance the accuracy and speed of this part of the review. The ability to quickly identify changes in different versions of the labeling would shorten the time needed to approve labeling changes and reduce the amount of resources we need to devote to labeling review. Our ability to protect the public health will be enhanced because electronic review and comparison of labeling files will provide a higher degree of certainty that all portions of prescription drug labeling are appropriate. Furthermore, in certain circumstances (e.g., changes to NDA labeling made under § 314.70(c)), we review labeling changes after they have been implemented. We may find the revised labeling to be inappropriate. Our ability to quickly identify the changes and correct the labeling would minimize public exposure to the inappropriate labeling.

B. Why Should the Content of Labeling Be Submitted in PDF?

For the agency to efficiently use computer technology to identify changes between different versions of labeling, we need to receive labeling in an electronic file format that supports word-for-word comparisons of files and in a form we can process, review, and archive. Although there are several file formats and computer software applications capable of providing the functions necessary for review purposes, it would not be cost effective to purchase many different types or versions of software and train our employees to use them, or to archive many different file formats. At this time, PDF is the only type of electronic file format that we have the ability to use to process, review, and archive submissions.

We believe that of the file formats and software applications currently available, PDF best meets our needs while keeping costs to applicants low. Using commercially available software, an electronic source document created by any number of programs (e.g., word processors, spreadsheets, desktop publishing programs) can be converted to a PDF file, preserving the fonts, formatting, colors, and graphics of the source document, regardless of the application and platform used to create it. The PDF file can be copied onto a floppy disk or CD–ROM and shared with other users who may use PDF reading software to view, navigate through, and print the document exactly as it appears in its original form. Once we receive a PDF document, we can use our current software to compare the text of the file received with other PDF files and view, search, annotate, and print the file. Available software also allows us to copy text, tables, and figures from the file. Software to convert electronic files to PDF format is commercially available at a cost of approximately $100 to $300. Additionally, the technology necessary to create PDF documents is publicly available, and applicants that choose to do so may use their own software to create PDF documents for submission.

Although we believe that PDF is currently the best file format in which to submit labeling electronically, future advancements in computer technology and computer software design may result in new types of file formats and software to better meet our needs and those of industry. Therefore, we believe it is important to evaluate these new technologies as they become available. If we determine that a new technology provides important benefits over PDF, we need the flexibility to identify new or additional formats for electronic labeling submissions. For this reason, we are not proposing to require specifically that PDF be used to submit labeling content electronically. Rather, we are proposing that the content of labeling be submitted in a form that we can process, review, and archive. This language will provide us the flexibility to recommend file formats or software other than PDF in future guidance, to make electronic submissions easier.

C. Why Does the Agency Make Specific Recommendations for Electronic Labeling Submissions?

After the agency receives the labeling, we compare it to the last-submitted labeling and look for differences in text, figures, and other changes. In the process of review, we frequently copy, paste, and print portions of the labeling. These functions are most easily performed using PDF when: (1) There are no headers or footers (other than page numbers) to compare or copy; (2) there are no columns to interfere with the copy and paste function or with navigation through the labeling; (3) the font size is sufficiently large to be easily read; (4) the page orientation is portrait; (5) the pagination starts with page one to avoid confusion when referring to changes; and (6) the page size is not too large to be printed on a standard page and not too small to print efficiently. Therefore, electronic files submitted to us should be prepared, organized, and sent to us in accordance with the recommendations in the most recent agency guidance so that they may be easily reviewed and used. Submitting documents according to these recommendations will ensure a uniformity of submissions that will improve the efficiency and speed of agency reviews.

III. Description of the Proposed Rule

The proposal would revise our regulations to require electronic submission of the content of labeling for NDAs, certain BLAs, ANDAs, supplements, and annual reports. This requirement would be in addition to existing requirements, found elsewhere in our regulations, that copies of labeling be submitted. The proposal would also make minor changes to reformat and modernize certain regulatory provisions.

A. Electronic Submission of the Content of Labeling

Under the proposal, §§ 314.50(l), 314.81(b)(2)(iii), and 314.94(d)(1) would be revised to require applicants to submit the content of labeling in NDAs, ANDAs, supplements, and annual reports electronically in a form that we can process, review, and archive. Under proposed § 314.94(d)(1), ANDA applicants would be required to submit in electronic format the content of labeling for the proposed drug product (i.e., the content of the generic drug product labeling). ANDA applicants would not be required to submit in electronic format the content of labeling for the reference listed drug product. Under proposed § 601.14, applicants for biological products subject to the requirements of § 201.100(d)(3) would be required to submit the content of labeling in BLAs, supplements, and annual reports electronically in a form that we can process, review, and archive.

As discussed in section II of this document, the only type of electronic file format that we have the ability to

accept for processing, review, and archiving at this time is PDF, and the economic impact estimates in section IX of this document have been developed based on the assumption that PDF would be used. As new file formats and software applications are developed, we may recommend that different or additional types of file formats (i.e., other than PDF) should be used to submit labeling electronically. The language of the proposed rule (i.e., that the content of labeling must be submitted in a form that we can process, review, and archive) will provide us the flexibility to recommend file formats or software other than PDF in future guidance, if appropriate. If we later recommend other file formats or software, we intend to provide advance notice, in accordance with FDA's good guidance practice regulations under § 10.115 of this chapter, so that affected parties will have adequate time to convert to the new format or software. We will also identify any format or software changes in public docket number 92S–0251.[3] During the transition time, we intend to accept submissions using either file format or software.

B. Electronic and Paper Submission of Archival Copy of an NDA

Under current § 314.50(l)(1), applicants must submit the application form required under § 314.50(a) and samples and labeling information required under § 314.50(e) on paper, while other information required in the archival copy of an NDA (i.e., the information required under § 314.50(b), (c), (d), and (f)) may be submitted on microfiche or another suitable microform system. The proposal would revise § 314.50 (1)(1) to require applicants to submit the content of labeling electronically (i.e., in a computer file). (See section III.C of this document for proposal to delete specific references to microfiche or other suitable microform systems.)

Other portions of the archival copy of an NDA would be submitted to the agency either on paper or in electronic format provided that electronic submissions are made in accordance with part 11 of this chapter. Currently, under § 11.2(b)(2), FDA is able to accept all portions of the archival copy of the NDA electronically, except for documents requiring signatures. The agency is in the process of developing the ability to accept signatures electronically and plans to have this capability in the future. At that time, electronic signatures must comply with the requirements in part 11 pertaining to electronic signatures.

C. Deletion of References to Specific Media

The proposal would revise §§ 314.50(l)(1) and 314.94(d)(1) so that they no longer refer to means of submission through specific, nonpaper media. Section 314.50(l)(1) allows an NDA applicant to submit on microfiche the portions of the archival copy of an application described in § 314.50(b) through (d). If we agree, tabulations of patient data and case report forms described in § 314.50(f) may also be submitted on microfiche. If we agree, the applicant may use another suitable microform system. Section 314.94(d)(1) allows an ANDA applicant to submit an archival copy of the ANDA in any form, including microfiche, optical disc, and magnetic tape, if we find it acceptable.

We are proposing to delete the specific references to microfiche, microform, optical disc, and magnetic tape in §§ 314.50(l)(1) and 314.94(d)(1). We believe we can more readily respond to technological advances and our increasing knowledge of and experience with certain types of media by establishing regulations that set out general requirements for the use of media (i.e., on paper and in electronic format) and by using guidance documents to provide our current thinking on the specific types of media that we are able to process, review, and archive. We believe that this approach will allow us to be more responsive to the changing technological environment.

D. Formatting Changes

The proposal would amend § 314.50(l) by adding section headings to paragraphs (l)(1) through (l)(4) and by replacing the word ''shall'' with the word ''must.'' We anticipate that these minor changes will clarify the regulation and make it easier to read.

IV. Part 11 Requirements for Electronic Submissions

Our part 11 regulations, among other things, set forth the criteria under which records required to be submitted to us may be submitted in electronic format in lieu of paper. Section 11.2(b) states that, for records submitted to the agency, persons may use electronic records in lieu of paper records, in whole or part, provided the requirements of part 11 are met and the documents or parts of documents to be submitted have been identified by the agency in public docket No. 92S–0251[4] as being the type of submission the agency is prepared to accept in electronic format.

Part 11 permits the widest possible use of electronic technology, compatible with our responsibility to promote and protect the public health (62 FR 13430). Specifically, part 11 helps to ensure the integrity, authenticity, and when appropriate, the confidentiality of electronic records and helps to safeguard against the possible repudiation of those records. The controls in subpart B of part 11 are intended to further this purpose. However, with respect to the submission of labeling content in electronic format, the agency believes that several of the subpart B requirements are not necessary to further the goals of part 11. For example, validation for the system used to generate the labeling record under this proposal is not necessary. For the purposes of this rule, the applicant's verification that the information in the labeling record is accurate serves the same objective. The applicant also certifies on Form FDA 356h that the record is accurate. Because our review is based on the version of the labeling record submitted to us and earlier versions of the record or changes made to the earlier versions are not relevant to our analysis, other controls related to the creation, modification, and maintenance of the labeling records are also not needed. Therefore, we propose to exempt the submission of labeling content under this proposed rule from the requirements of § 11.10(a), (c) through (h), and (k) and the corresponding requirements imposed by § 11.30.

Labeling submitted in conjunction with NDAs, BLAs, and supplements to those applications has previously been identified by the agency in public docket No. 92S–0251 as being acceptable for submission in electronic format. Should this proposal be finalized, those portions of annual reports, ANDAs, and ANDA supplements to which the final rule is applicable will also be identified in the public docket as acceptable for submission in electronic format.

As discussed above, we found that some of the controls described in part 11 are not necessary to ensure the integrity and authenticity of labeling content submissions. Accordingly, we are reevaluating the necessity of some of the controls in part 11 as they apply to

[3]This docket can be accessed on the Internet at http://www.fda.gov/ohrms/dockets/dockets/92s0251/92s0251.htm.

[4]This docket can be accessed on the Internet at http://www.fda.gov/ohrms/dockets/dockets/92s0251/92s0251.htm.

different submissions, including records voluntarily submitted in electronic format. We may consider whether to propose amendments to the part 11 regulations as a result of our reevaluation. Sponsors should contact us with questions concerning the applicability of subpart B controls to records voluntarily submitted in electronic format.

V. Legal Authority

Our legal authority to amend our regulations governing the format of labeling for human prescription drugs and biologics derives from sections 201, 301, 501, 502, 503, 505, 506, 506A, 506B, 506C, 510, 513–516, 518–520, 701, 704, 721, and 801 of the act (21 U.S.C. 321, 331, 351, 352, 353, 355, 356, 356a, 356b, 356c, 360, 360c–360f, 360h–360j, 371, 374, 379e, and 381); 15 U.S.C. 1451–1561; the Public Health Service Act (42 U.S.C. 216, 241, 262, 263, 264); and sec. 122, Public L. 105–115, 111 Stat. 2322 (21 U.S.C. 355 note).

VI. Paperwork Reduction Act of 1995

This proposed rule contains collections of information requirements that are subject to review by OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). A description of these requirements are given below with an estimate of the annual reporting burden. Included in the estimate is the time for reviewing instructions, searching existing data sources, gathering and maintaining the date needed, and completing and reviewing each collection of information.

We invite comments on: (1) Whether the proposed collection of information is necessary for proper performance of our functions, including whether the information will have practical utility; (2) the accuracy of our estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Title: Requirements for Submission of Labeling for Human Prescription Drugs and Biologics in Electronic Format

Description: We are proposing to require that certain labeling content be submitted to us for review in electronic form. The proposal would require that the content of labeling for prescription drug and biological products that is required under § 201.100(d)(3) be submitted to us in electronic format. This labeling is submitted to us with NDAs, BLAs, ANDAs, supplements, and annual reports. We are proposing to require that the content of this labeling be submitted in electronic format because the use of computer technology to identify changes in different versions of the labeling would greatly enhance the accuracy and speed of our review of product labeling. The ability to quickly identify changes in labeling text would also shorten the time needed to approve labeling changes.

As discussed in section I of this document, copies of product labeling are currently required to be submitted to us for review in NDAs, certain BLAs, ANDAs, certain supplements, and annual reports under §§ 314.50, 314.70, 314.81, 314.94, 314.97, 314.98, 601.2, and 601.12. Under this proposed rule, copies of labeling may be submitted electronically or on paper. The proposal would require that the content of the labeling required under § 201.100(d)(3) be submitted in electronic format.

The proposal would amend current §§ 314.50(l), 314.81(b)(2)(iii), 314.94(d)(1), and part 601 to require that the content of labeling (i.e., labeling required under § 201.100(d)(3), including all text, tables, and figures) be submitted to us electronically in a form that we can process, review, and archive. Under § 314.71, supplements to NDAs and ANDAs submitted to us under §§ 314.70 and 314.97 must follow the procedures of § 314.50. In addition, ANDA annual reports submitted to us under § 314.98 must follow the requirements of § 314.81. Under proposed § 601.14, the content of labeling submitted with BLAs under § 601.2, supplements to BLAs under § 601.12, and BLA annual reports under § 601.12 for products subject to the requirements of § 201.100(d)(3) must be in electronic format. Therefore, if labeling is required as part of an NDA, ANDA, or BLA, an NDA, ANDA, or BLA supplement, or an NDA, ANDA, or BLA annual report, the content of labeling must be submitted to us electronically in a form that we can process, review, and archive. As discussed in section II of this document, these electronic files should be provided to us in accordance with the recommendations in agency guidance.

Description of Respondents: An applicant submitting an NDA, ANDA, BLA, supplement, or annual report to us for a drug or biological product.

Burden Estimate: Table 1 of this document provides an estimate of the annual reporting burden under the proposed rule.

This rule would require applicants to submit in an electronic form that we can process, review, and archive, the content of labeling with NDAs, BLAs, ANDAs, annual reports, and certain supplements.[5] Currently, applicants are not required to submit this labeling electronically. Because we do not know the number of applicants that currently have the capability to submit electronic files and do not have firsthand information on how labeling files are currently maintained, the following estimates are based on our experience with voluntary electronic submissions and with converting word processing files to PDF format. Therefore, we request that interested parties submit comments on the accuracy of these estimates.

The reporting burdens for submitting labeling as currently required under §§ 314.50, 314.70, 314.81, 314.94, 314.97, and 314.98 have previously been estimated by us, and this collection of information was approved by OMB until March 31, 2002, under OMB control number 0910–0001. The reporting burdens associated with current §§ 601.2 and 601.12 have also previously been estimated, and this collection of information was approved by OMB until March 31, 2003, under OMB control number 0910–0338, and until August 31, 2003, under OMB control number 0910–0315, respectively. We are not reestimating these approved burdens in this rulemaking. Only the additional reporting burdens associated with the electronic submission of the content of labeling are estimated.

New NDAs (§ 314.50), ANDAs (§ 314.94), and BLAs (§ 601.2): Based on data in the approved collections of information for §§ 314.50, 314.94, and 601.2, we estimate that approximately 83 NDA applicants, 117 ANDA applicants, and 17 BLA applicants (respondents) submit applications to us annually. We estimate that the total annual responses, i.e., the total number of NDAs, ANDAs, and BLAs submitted to us per year, will remain approximately 124 NDAs, 464 ANDAs, and 63 BLAs. Based on our experience with voluntary electronic submissions and our knowledge of the drug and biologic industries, we assume that applicants for new NDAs, ANDAs, and BLAs will already have the necessary labeling in an electronic format that can be easily accessed and converted to a PDF file. Thus, we have estimated that the hours per response, i.e., the

[5] As discussed in section II of this document, PDF is the only type of electronic file format that we have the ability to accept for processing, reviewing, and archiving at this time. Therefore, the estimates in this section are based on submission of files in PDF format.

additional time necessary for submission of the content of labeling in electronic format for these applications, will be less than 15 minutes. Therefore, we estimate that respondents will spend approximately 163 hours per year submitting the content of labeling to us in accordance with the proposed rule.

Supplements to NDAs (§ 314.70) and ANDAs (§ 314.97) and BLAs (§ 601.12(f)(1) and (f)(2)): Based on data in the approved collections of information for §§ 314.70, 314.97, and 601.12(f)(1) and (f)(2), we estimate that approximately 418 NDA applicants, 152 ANDA applicants, and 22 BLA applicants (respondents) submit supplements to approved applications to us annually. We estimate that the total annual responses, i.e., the total number of NDA, ANDA, and BLA supplements submitted to us per year, will remain approximately 2,229 NDA supplements, 3,000 ANDA supplements, and 22 BLA supplements. Based on our experience reviewing supplements to applications and because not all NDA and ANDA supplements are required to include labeling, we estimate that, under the proposed rule, approximately 45 percent of NDA supplements (i.e., 1,003 NDA supplements) and 20 percent of ANDA supplements (i.e., 600 ANDA supplements) would be required to include the content of labeling in electronic form. Under the proposed rule, all 22 BLA labeling supplements would be required to include the content of labeling in electronic form. Based on our experience with voluntary electronic submissions and our knowledge of the drug and biologic industries, we assume that applicants submitting supplements to NDAs, ANDAs, and BLAs will already have the necessary labeling in an electronic format that can be easily accessed and converted to a PDF file. Thus, we have estimated that the hours per response, i.e., the additional time necessary for submission of the content of labeling in electronic format for these supplements, will be less than 15 minutes. Therefore, we estimate that respondents would spend approximately 406 hours per year submitting the content of labeling to us in supplements under the proposed rule.

Annual Reports for NDAs (§ 314.81), ANDAs (§ 314.98), and BLAs (§ 601.12(f)(3)): Based on data in the approved collections of information for §§ 314.81, 314.98, and 601.12(f)(3), we estimate that approximately 269 NDA applicants, 265 ANDA applicants, and 70 BLA applicants (respondents) submit annual reports to us annually. We also estimate that each NDA applicant submits to us approximately 9.06 annual reports, each ANDA applicant submits approximately 17.17 annual reports, and each BLA applicant submits approximately 1.42 annual reports each year. Further, we estimate that the total annual responses, i.e., the total number of annual reports submitted to us per year, will remain approximately 2,438 NDA annual reports, 4,551 ANDA annual reports, and 100 BLA annual reports.

Based on our experience with voluntary electronic submissions and our knowledge of the drug and biologic industries, we estimate that approximately 80 percent of NDA annual reports (1,950 NDA annual reports), 70 percent of ANDA annual reports (3,186 ANDA annual reports), and 80 percent of BLA annual reports (80 BLA annual reports), will already have the necessary labeling in an electronic format that can be easily accessed and converted to a PDF file. As discussed above, we estimate that each NDA applicant submits to us approximately 9.06 annual reports, each ANDA applicant submits approximately 17.17 annual reports, and each BLA applicant submits approximately 1.42 annual reports each year. Therefore, approximately 215 NDA applicants, 186 ANDA applicants, and 56 BLA applicants can easily access labeling in electronic form and convert it to a PDF file. For the applicants submitting these annual reports, we estimate that the hours per response, i.e., the additional time necessary for submission of the content of labeling in electronic format in the annual report, will be less than 15 minutes.

We recognize that annual reports for some drug and biological products, particularly older products for which labeling changes have not been made in several years, may require additional steps. To include labeling content in electronic format, we estimate that approximately 20 percent of NDA annual reports (488 NDA annual reports), 30 percent of ANDA annual reports (1,365 ANDA annual reports), and 20 percent of BLA annual reports (20 BLA annual reports) will be submitted by applicants who may need to access the labeling in their archives and put the content of labeling into an electronic format and convert it to a PDF file. As discussed above, we estimate that each NDA applicant submits to us approximately 9.06 annual reports, each ANDA applicant submits approximately 17.17 annual reports, and each BLA applicant submits approximately 1.42 annual reports each year. Therefore, under the proposed rule, approximately 54 NDA applicants, 79 ANDA applicants, and 14 BLA applicants would need to put labeling content in an electronic format and convert it to a PDF file. We estimate that the hours per response, i.e., the time it will take an applicant to submit the labeling content electronically for these annual reports, will be approximately 8 hours.

Therefore, we estimate that in the first year, respondents will spend approximately 16,289 hours submitting the content of labeling to us in annual reports under the proposed rule. This expenditure of time will only be necessary the first time that an annual report is submitted with the content of labeling in electronic format. Once the content of labeling has been converted to an electronic format, the time necessary to submit the content of labeling in subsequent annual reports will be the same as that for the other types of submissions, or less than 15 minutes. Therefore, we estimate that, in subsequent years, respondents will spend approximately 1,773 hours per year submitting the content of labeling in annual reports.

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

21 CFR Section	No. of Respondents	No. of Responses per Respondent	Total Annual Responses	Hours per Response	Total Hours
Applications:					
3.14.50	83	1.49	124	.25	31
314.94	117	3.96	464	.25	116
601.14 (Applications submitted under § 601.2)	17	3.71	63	.25	16
Subtotal, applications					163
Supplements:					
314.70	418	2.39	1,003	.25	251

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]—Continued

21 CFR Section	No. of Respondents	No. of Responses per Respondent	Total Annual Responses	Hours per Response	Total Hours
314.97	152	3.94	600	.25	150
601.14 (Supplements submitted under § 601.12(f)(1) and (f)(2))	22	1.0	22	.25	6
Subtotal, supplements					407
Annual Reports:					
314.81 (Products not requiring additional steps for electronic submission)	215	9.06	1,950	.25	488
314.81 (Products requiring additional steps for electronic submission)	54	9.06	488	8	3,904
314.98 (Products not requiring additional steps for electronic submission)	186	17.17	3,186	.25	797
314.98 (Products requiring additional steps for electronic submission)	79	17.17	1,365	8	10,920
601.14 (Annual reports submitted under § 601.12(f)(3) not requiring additional steps for electronic submission)	56	1.4	80	.25	20
601.14 (Annual reports submitted under § 601.12(f)(3) requiring additional steps for electronic submission)	14	1.4	20	8	160
Subtotal, annual reports, year one					16,289
Subtotal, annual reports, subsequent years[2]					1,773
Total, year one					16,859
Total, subsequent years[2]					2,343

[1] There are one-time capital costs to: (1) Acquire computer software; (2) train employees to use the software; and (3) convert certain labeling to an electronic format. These costs are estimated to be about $934,650 (see section IX of this document). There are no operating or maintenance costs associated with this collection of information.

[2] We estimate that for certain annual reports, respondents will spend 8 hours per response in the first year. We estimate that in subsequent years respondents will spend less than 15 minutes per response for all annual reports.

In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), we have submitted the information collection requirements of this proposed rule to OMB for review. Interested persons are requested to send comments regarding information collection by June 3, 2002, to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW., rm. 10235, Washington DC 20503, Attn: Stuart Shapiro, Desk Officer for FDA.

VII. Environmental Impact

We have determined under 21 CFR 25.30(h) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

VIII. Federalism

We have analyzed this proposed rule in accordance with the principles set forth in Executive Order 13132. We have determined that the proposed rule does not contain policies that have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, we have concluded that the proposed rule does not contain policies that have federalism implications as defined in the order and, consequently, a federalism summary impact statement is not required.

IX. Analysis of Economic Impacts

We have examined the impacts of the proposed rule under Executive Order 12866 and the Regulatory Flexibility Act (5 U.S.C. 601–612 (as amended by subtitle D of the Small Business Regulatory Fairness Act of 1996 (Public Law 104–121))), and the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). Under the Regulatory Flexibility Act, if a rule may have a significant economic impact on a substantial number of small entities, an agency must consider alternatives that would minimize the economic impact of the rule on small entities. Section 202(a) of the Unfunded Mandates Reform Act of 1995 requires that agencies prepare a written assessment of anticipated costs and benefits before proposing any rule that may result in an expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million in any one year (adjusted annually for inflation).

We believe that this proposed rule is consistent with the regulatory philosophy and principles identified in Executive Order 12866 and in these two statutes. The proposed rule is a significant regulatory action as defined in section 3 paragraph (f)(4) of the Executive order. However, as shown below, the proposed rule will not be an economically significant regulatory action as defined by the Executive order and will not require further analysis under the Regulatory Flexibility Act.

The Unfunded Mandates Reform Act of 1995 does not require FDA to prepare a statement of costs and benefits for the proposed rule because the proposed rule would not result in an expenditure of $100 million in any one year, adjusted for inflation. The current inflation-adjusted statutory threshold is approximately $110 million.

The purpose of this proposal is to require applicants to submit in electronic format the content of labeling required under § 201.100(d)(3) in NDAs, ANDAs, BLAs, annual reports, and applicable supplements. Submissions in electronic format will help simplify and speed up our review of these documents. Currently, applicants may voluntarily submit such data in electronic form, but they are not required to do so. The rule will require all applicants with approved and new NDAs, BLAs, and ANDAs to convert the

content of labeling to an electronic format for submission. At this time, the type of electronic file format that we have the ability to accept for processing, reviewing, and archiving is PDF. Applicants that do not already have the capabilities to create PDF files will have to acquire the software and expertise to do so or make contractual arrangements to have documents converted.

The economic burden on industry will include a one-time cost to acquire the appropriate computer software and train employees on its use. Applicants may also incur additional one-time costs to revise applications that have not had any labeling changes within the last few years to a format that can be converted to a PDF file. We do not know the number of applicants that currently have the capability to submit electronic files, nor do we have firsthand information on how labeling files are currently maintained or on how much time will be required to train employees on the software and new procedures. The following estimates, therefore, are based on agency experience with voluntary electronic submissions and with converting word processing files to PDF format. We request that interested parties submit comments on the accuracy of these estimates.

We receive annually approximately 651 applications, 7,089 annual reports, and 1,625 supplements that contain labeling from approximately 610 applicants. Based on our experience working with voluntary electronic submissions, we estimate that overall approximately 70 percent of the applicants (427) already have the necessary software and trained personnel to comply with the proposed rule. The remaining 30 percent of applicants (183) would need to purchase software, which costs about $250. Based on agency review, approximately 78 percent of these 183 applicants (143) would be considered small (fewer than 750 employees for drug product manufacturers, fewer than 500 employees for biological product manufacturers). We estimate that each small applicant would need to purchase only one copy of the software, for a total of (143) copies. The remaining 22 percent of applicants (40) that would need to purchase software are large entities. The agency estimates that each of these firms would need to purchase about 3 copies of the software, or 120 copies (40 x 3). Thus, the total one-time cost for software is $65,750 ((143 + 120) x $250). Training costs include the cost of the software training course (estimated at $150 for a 6-hour course) and the wages of the employees attending the course (assuming an average weighted wage rate of $40 per hour). We estimate that applicants would train two employees per software purchase (526 employees), for a total one-time cost of $205,140 ([($150 + (6 hours x $40)) x 526]). The total one-time cost for software and training combined is estimated to be $270,890 ($65,750 + $205,140).

The cost to convert the applicable labeling to an electronic format is a one-time cost. The cost of conversions for new NDAs, BLAs, and ANDAs will be nominal because the file would be in a format easily convertible to PDF. We receive annually approximately 1,625 supplements that would be subject to the proposed rule. As the majority of products for which supplements are submitted would have had labeling changes within the last few years, most labeling files would be easily accessible and require an estimated 15 minutes to process. Thus, the total number of hours needed to convert applicable labeling in supplements to a PDF file format is 406. Labeling in all 7,089 annual reports would also need to be converted. The conversion of this labeling to a PDF file for about 20 percent of NDA annual reports (488), 30 percent of ANDA annual reports (1,365), and 20 percent of BLA annual reports (20) would require additional time to complete because they are not in a format easily convertible to PDF. We estimate that these annual reports would require 8 hours to complete, for a total of 14,984 hours ((488 + 1,365 + 20) x 8). The remaining annual reports (5,216) would require 15 minutes, for a total of 1,304 hours. Thus, the total number of hours needed to convert applicable labeling to a PDF file format in annual reports is 16,188 (14,984 + 1,304). Using the weighted average wage rate ($40 per hour), the total one-time costs to convert applicable labeling in supplements and annual reports would be $663,760 ((406 + 16,188) x $40). The cost for the entire rule is estimated to be about $934,650 ($270,890 + $663,760).

Approximately 300 domestic entities would be affected by this proposed rule, about 240 of which meet the Small Business Administration's definition of a small entity (fewer than 750 employees for drug product manufacturers, fewer than 500 employees for biological product manufacturers). The economic impact of this proposed rule would vary by firm depending on the number of applications they hold and whether or not the company has PDF capabilities. The number of applications per firm ranges from 1 to 124, with a median of 4 applications per small entity. The average small entity has about seven applications, and, assuming each needed to purchase the software and train employees, this rule would cost the firm less than $1,000, or about $140 per application. Because these costs would almost certainly be less than 1 percent of product revenues, the agency certifies that this proposed rule will not, if finalized, have a significant economic impact on a substantial number of small entities.

X. Proposed Effective Date

FDA proposes that any final rule that may issue regarding this proposal become effective 180 days after its date of publication in the **Federal Register**.

XI. Request for Comments

Interested persons may submit to the Dockets Management Branch (address above) written or electronic comments regarding this proposal by August 1, 2002. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects

21 CFR Part 314

Administrative practice and procedure, Confidential business information, Drugs, Reporting and recordkeeping requirements.

21 CFR Part 601

Administrative practice and procedure, Biologics, Confidential business information.

Therefore, under the Federal Food, Drug, and Cosmetic Act, the Public Health Service Act, and under authority delegated to the Commissioner of Food and Drugs, it is proposed that 21 CFR parts 314 and 601 be amended as follows:

PART 314—APPLICATIONS FOR FDA APPROVAL TO MARKET A NEW DRUG

1. The authority citation for 21 CFR part 314 is revised to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 353, 355, 356, 356a, 356b, 356c, 371, 374, 379e.

2. Section 314.50 is amended by revising paragraph (l)(1); by adding headings for paragraphs (l)(2), (l)(3), and (l)(4); by removing from paragraphs (l)(2) and (l)(3) the word ''shall'' and adding in its place the word ''must''; and by adding paragraph (l)(5) to read as follows:

§ 314.50 Content and format of an application.

* * * * *

(l) *Format of an original application.* (1) *Archival copy.* The applicant must submit a complete archival copy of the application that contains the information required under paragraphs (a) through (f) of this section. FDA will maintain the archival copy during the review of the application to permit individual reviewers to refer to information that is not contained in their particular technical sections of the application, to give other agency personnel access to the application for official business, and to maintain in one place a complete copy of the application. Except as required by paragraph (1)(1)(i) of this section, applicants may submit the archival copy on paper or in electronic format provided that electronic submissions are made in accordance with part 11 of this chapter.

(i) *Labeling.* The content of labeling required under § 201.100(d)(3) of this chapter (commonly referred to as the package insert or professional labeling), including all text, tables, and figures, must be submitted to the agency in electronic format as described in paragraph (l)(5) of this section. This requirement is in addition to the requirements of paragraph (e)(2)(ii) of this section that copies of the formatted label and all labeling be submitted. Submissions under this paragraph must be made in accordance with part 11 of this chapter, except for the requirements of § 11.10(a), (c) through (h), and (k), and the corresponding requirements of § 11.30.

(ii) [Reserved]

(2) *Review copy.* * * *

(3) *Field copy.* * * *

(4) *Binding folders.* * * *

(5) *Electronic format submissions.* Electronic format submissions must be in a form that FDA can process, review, and archive. FDA will periodically issue guidance on how to provide the electronic submission (e.g., method of transmission, media, file formats, preparation and organization of files).

3. Section 314.81 is amended by revising paragraph (b)(2)(iii) to read as follows:

§ 314.81 Other postmarketing reports.

* * * * *

(b) * * *

(2) * * *

(iii) *Labeling. (a)* Currently used professional labeling, patient brochures or package inserts (if any), and a representative sample of the package labels.

(b) The content of labeling required under § 201.100(d)(3) of this chapter (i.e., the package insert or professional labeling), including all text, tables, and figures, must be submitted in electronic format. Electronic format submissions must be in a form that FDA can process, review, and archive. FDA will periodically issue guidance on how to provide the electronic submission (e.g., method of transmission, media, file formats, preparation and organization of files). Submissions under this paragraph must be made in accordance with part 11 of this chapter, except for the requirements of § 11.10(a), (c) through (h), and (k), and the corresponding requirements of § 11.30.

(c) A summary of any changes in labeling that have been made since the last report listed by date in the order in which they were implemented, or if no changes, a statement of that fact.

* * * * *

4. Section 314.94 is amended by revising paragraph (d)(1) to read as follows:

§ 314.94 Content and format of an abbreviated application.

* * * * *

(d) * * * (1) The applicant must submit a complete archival copy of the abbreviated application as required under paragraphs (a) and (c) of this section. FDA will maintain the archival copy during the review of the application to permit individual reviewers to refer to information that is not contained in their particular technical sections of the application, to give other agency personnel access to the application for official business, and to maintain in one place a complete copy of the application.

(i) *Format of submission.* An applicant may submit portions of the archival copy of the abbreviated application in any form that the applicant and FDA agree is acceptable, except as provided in paragraph (d)(1)(ii) of this section.

(ii) *Labeling.* The content of labeling required under § 201.100(d)(3) of this chapter (commonly referred to as the package insert or professional labeling), including all text, tables, and figures, must be submitted to the agency in electronic format as described in paragraph (d)(1)(iii) of this section. This requirement applies to the content of labeling for the proposed drug product only and is in addition to the requirements of paragraph (a)(8)(ii) of this section that copies of the formatted label and all proposed labeling be submitted. Submissions under this paragraph must be made in accordance with part 11 of this chapter, except for the requirements of § 11.10(a), (c) through (h), and (k), and the corresponding requirements of § 11.30.

(iii) *Electronic format submissions.* Electronic format submissions must be in a form that FDA can process, review, and archive. FDA will periodically issue guidance on how to provide the electronic submission (e.g., method of transmission, media, file formats, preparation and organization of files).

* * * * *

PART 601—LICENSING

5. The authority citation for 21 CFR part 601 continues to read as follows:

Authority: 15 U.S.C. 1451–1561; 21 U.S.C. 321, 351, 352, 353, 355, 356b, 360, 360c–360f, 360h–360j, 371, 374, 379e, 381; 42 U.S.C. 216, 241, 262, 263, 264; sec. 122, Pub. L. 105–115, 111 Stat. 2322 (21 U.S.C. 355 note).

6. Add 601.14 to subpart C to read as follows:

§ 601.14 Regulatory submissions in electronic format.

(a) *General.* Electronic format submissions must be in a form that FDA can process, review, and archive. FDA will periodically issue guidance on how to provide the electronic submission (e.g., method of transmission, media, file formats, preparation and organization of files.)

(b) *Labeling.* The content of labeling required under § 201.100(d)(3) of this chapter (commonly referred to as the package insert or professional labeling), including all text, tables, and figures, must be submitted to the agency in electronic format as described in paragraph (a) of this section. This requirement is in addition to the provisions of §§ 601.2(a) and 601.12(f) that require applicants to submit specimens of the labels, enclosures, and containers, or to submit other final printed labeling. Submissions under this paragraph must be made in accordance with part 11 of this chapter except for the requirements of § 11.10(a), (c) through (h), and (k), and the corresponding requirements of § 11.30.

Dated: April 26, 2002.

Lester M. Crawford,

Deputy Commissioner.

Tommy G. Thompson,

Secretary of Health and Human Services.

[FR Doc. 02–11039 Filed 5–1–02; 8:45 am]

BILLING CODE 4160–01–S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[PA–131–4090b; FRL–7205–5]

Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Pennsylvania; Control of Emissions from Existing Hospital/Medical/ Infectious Waste Incinerators

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the Commonwealth of Pennsylvania 111(d)/ 129 plan (the ''plan'') for the control of air pollutant emissions from hospital/ medical/infectious waste incinerators (HMIWIs). The plan was developed and submitted to EPA by the Pennsylvania Department of Environmental Protection (PADEP), Bureau of Air Quality, on October 26, 1998, and as amended on December 3, 1999, May 4, August 9, and October 22, 2001. Also, EPA proposes to approve the PADEP's delegation request to implement and enforce the increments of progress and compliance schedules promulgated under the August 15, 2000 Federal HMIWI 111(d)/ 129 plan (65 FR 49868). The Pennsylvania plan covers all affected facilities in the geographic area of the Commonwealth of Pennsylvania, except for Allegheny County where designated facilities are regulated under the Allegheny County Health Department HMIWI 111(d)/129 plan. In the Final Rules section of this **Federal Register**, EPA is approving the Commonwealth's 111(d)/129 plan submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial action and anticipate no adverse comments. A more detailed description of the state submittal and EPA's evaluation are included in a Technical Support Document (TSD) prepared in support of this rulemaking action. A copy of the TSD is available, upon request, from the EPA Regional Office listed in the **ADDRESSES** section of this document. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

DATES: Comments must be received in writing by June 3, 2002.

ADDRESSES: Written comments should be mailed to David L. Arnold, Chief, Air Quality Planning and Information Services Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; and the Pennsylvania Department of Environmental Protection, Bureau of Air Quality, Rachel Carson State Office Building, 400 Market Street, Harrisburg, Pennsylvania 17105–8465.

FOR FURTHER INFORMATION CONTACT: James B. Topsale at (215) 814–2190, or by e-mail at *topsale.jim@epa.gov.* Please note that while questions may be posed via phone and e-mail, formal comments must be submitted in writing, as indicated in the **ADDRESSES** section of this document.

SUPPLEMENTARY INFORMATION: For further information, please see the information provided in the direct final action, with the same title, that is located in the ''Rules and Regulations'' section of this **Federal Register** publication.

Dated: April 25, 2002.

Thomas C. Voltaggio,

Acting Regional Administrator, Region III.

[FR Doc. 02–10874 Filed 5–2–02; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 5, 25 and 97

[IB Docket 02–54; FCC 02–80]

Mitigation of Orbital Debris

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document seeks to adopt rules for satellite services concerning orbital debris mitigation. Orbital debris consists of artificial objects orbiting the Earth that are not functional spacecraft. Since human activity in space began, there has been a steady growth in the number and total mass of orbital debris. Growth in the orbital debris population may limit the usefulness of space for communications and other uses in the future by raising the costs and lowering the reliability of space based systems. Accordingly, we seek comment on a range of options for addressing orbital debris issues as a part of spacecraft design and operation in order to preserve access to space for the long term.

DATES: Comments may be filed on or before July 17, 2002; Reply Comments may be filed on or before August 16, 2002. Written comments by the public on the proposed information collections are due on or before July 17, 2002. Written comments must be submitted by the Office of Management and Budget (OMB) on the proposed information collection(s) on or before July 2, 2002.

ADDRESSES: Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by paper copies. See **SUPPLEMENTARY INFORMATION** for filing instructions, formats and other information regarding electronic filing; send paper copies to Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Judy Boley Herman at 445 12th Street, SW., Rm. 1–C804, Washington, DC 20554, or via internet at *jboley@fcc.gov,* and to Jeanette Thornton, OMB Desk Officer, Room 10326 NEOB, 725 17th Street, NW., Washington, DC 20503, or via the Internet to *jthornto@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Stephen J. Duall, Attorney Advisor, Satellite Division, International Bureau, telephone (202) 418–1103. For additional information concerning the information collection(s) contained in this document, contact Judith Boley Herman at (202) 418–0214, or via the Internet at *jboley@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking (NPRM) in IB Docket No. 02–54, FCC 02–80, adopted March 14, 2002 and released March 18, 2002. The complete text of this NPRM is available for inspection and copying during normal business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY–A257, Washington, DC. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW. Room CY–B402,

Washington, DC 20554, telephone (202) 863–2893, facsimile (202) 863–2898 or via email *qualexint@aol.com.* It is also available on the Commission's website at *http://www.fcc.gov.* This NPRM contains proposed information collections subject to the Paperwork Reduction Act of 1995 (PRA). It has been submitted to the Office of Management and Budget (OMB) for review under the PRA. OMB, the general public, and other Federal agencies are invited to comment on the proposed information collections contained in this proceeding.

Summary of the Notice of Proposed Rulemaking

The NPRM begins by providing a short discussion of the technical and scientific aspects of orbital debris. It next provides a brief outline of the development of U.S. policies and regulations concerning orbital debris, as well as the international context in which those policies have developed. The NPRM then seeks comment on various substantive proposals concerning orbital debris mitigation by Commission licensees. Chiefly, the NPRM proposes to require satellite system operators to disclose, as part of the licensing process, orbital debris mitigation plans for all types of satellite systems licensed by the Commission. It also seeks comment on numerous issues and proposals relating to orbital debris mitigation.

First, the NPRM seeks comment on issues relating to the Commission's statutory authority to address orbital debris mitigation issues. Although the Commission has addressed orbital debris issues on a case-by-case basis in past proceedings (e.g., 2 GHz MSS licenses), the Commission has not formally addressed the scope and nature of its authority concerning orbital debris. The NPRM seeks comment on the Commission's authority to address orbital debris mitigation under the Communications Act and also seeks comment on the scope and nature of the Commission's authority with respect to non-U.S. licensed space stations that seek to operate using U.S.-licensed earth stations. In addition, although the NPRM does not propose to require license applicants to submit debris mitigation plans for the launch vehicle that will be used to launch a satellite, it seeks comment on whether there are any matters involving the launch vehicles that the Commission has the authority to consider, in particular concerning launch vehicles not licensed by the Federal Aviation Administration (FAA). Because the Department of Commerce National Oceanic and Atmospheric Administration (NOAA) has explicit statutory authority over post-mission disposal of remote sensing systems, the NPRM does not propose to address matters involving post-mission disposal of NOAA-licensed satellites.

Second, the NPRM discusses four broad objectives identified by the U.S. Government concerning orbital debris. The four objectives are: control of debris during normal operations and selection of a safe operational configuration; minimization of debris generated by accidental explosions; safe flight profiles; and post-mission disposal. The NPRM describes a number of standard practices designed to achieve these objectives and asks a number of specific questions concerning those practices. In addition, the NPRM seeks comment on the relationship between economic incentives and the likelihood that Commission-licensed satellite systems will adopt and carry out debris mitigation measures voluntarily.

Third, the NPRM discusses liability and insurance issues potentially arising from damaged caused by orbital debris. International treaties impose liability on the United States for damaged caused by its space objects. For damaged caused on the surface of the Earth, there is strict liability. For damage in space, liability is based on fault. Thus, the activities of private space station operators could result in liability for the United States government. For U.S. launches, licensees must obtain insurance for potential losses caused by launch mishaps, but such insurance requirements do not address post-launch issues arising from damages caused by a payload. The NPRM seeks comment on the role that liability considerations and insurance should play in the Commission's decisions concerning debris mitigation measures, and whether different types of risk may differ with respect to whether they can be appropriately addressed through insurance.

Finally, the NPRM seeks comment concerning non-U.S. licensed space stations that provide service to earth stations located in the United States. Under existing rules, non-U.S. licensed applicant seeking to serve earth stations in the United States must submit information to the Commission concerning the space station(s) involved prior to providing service to the United States. The NPRM proposes to require such applicant to submit information regarding orbital debris mitigation plans for such space station(s) and seeks comment on this proposal. The NPRM also proposes to amend parts 5 and 97 of the Commission's rules, concerning experimental satellite and amateur satellite authorizations, so that licensees under those parts are subject to the same disclosure requirements as licensees under part 25 and 100 of the Commission's rules. The NPRM seeks comment on this proposal.

Initial Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities by the policies and rules proposed in this Notice of Proposed Rulemaking. Written public comments are requested on this IRFA. These comments must be filed in accordance with the same filing deadlines for comments on the Notice of Proposed Rulemaking, and they must have a separate and distinct heading designating them as responses to the Initial Regulatory Flexibility Analysis. The Commission's Consumer Information Bureau, Reference Information Center, will send a copy of the Notice of Proposed Rulemaking, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration, in accordance with the Regulatory Flexibility Act. *See* 5 U.S.C. 603(a).

A. Need for, and Objectives of, the Proposed Rules

Orbital debris consists of artificial objects orbiting the Earth that are not functional spacecraft. Since human activity in space began, there has been a steady growth in the number and total mass of orbital debris. The risks presented by orbital debris consist primarily of the risk of collisions between orbital debris and functional spacecraft, and the risk of damage to persons and property on the surface of the Earth in cases where an object survives reentry into the Earth's atmosphere. While these risks are small and are likely to remain so for the near term, continued and unmitigated growth in the orbital debris population may limit the usefulness of space for communications and other uses in the future, by raising the costs and lowering the reliability of space-based systems.

U.S. policy on orbital debris is the product of considerable work over the years to assess the risks posed by orbital debris, and to develop methods for mitigating those risks. Since 1988, mitigation of orbital debris has been a formal goal of national space policy. In 1995, an Interagency Report drafted under the direction of the White House Office of Science and Technology Policy recommended that the National

Aeronautics and Space Administration (NASA) and the Department of Defense jointly develop draft design guidelines that could serve as a baseline for agency requirements for future spacecraft. The Interagency Report recommended that the guidelines could be used by both government and industry in the design and development of future satellite systems. In January 1998, draft U.S. Government Standard Practices were issued for consideration by agencies and industry. The practices listed were control of orbital debris released during normal operations, minimization of debris generated by accidental explosions, selection of a safe flight profile and operational configuration, and post-mission disposal of space structures. Those practices have now been adopted, with some modifications, and are applied in U.S. government missions. Some of those practices are also applied by the Federal Aviation Administration for licensing of launch vehicles, and the National Oceanic and Atmospheric Administration for licensing of remote sensing satellites. In addition, other space-faring nations are either considering or have adopted standards or practices concerning debris mitigation.

The Notice of Proposed Rule Making proposes to adopt a requirement that satellite systems seeking an FCC license, including experimental and amateur satellite systems, must provide a statement concerning the measures the system will take to mitigate orbital debris. In addition, the NPRM seeks comment on whether portions of the U.S. Government Standard Practices should be incorporated into the FCC's rules. Alternatively, the NPRM seeks comment on whether the Commission should evaluate such showings on a case-by-case basis, and poses a number of questions concerning how to address such showings. The NPRM also proposes several rule changes concerning disposal of geostationary spacecraft.

B. Legal Basis

The proposed action is supported by Sections 4(i), 7(a), 303(c), 303(f), 303(g), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 157(a), 303(c), 303(f), 303(g), 303(r).

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules May Apply

The RFA directs agencies to provide a description of, and, where feasible, an estimate of, the number of small entities that may be affected by the proposed rules, if adopted. *See* 5 U.S.C. 603(b)(3). The RFA generally defines the term ''small entity '' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' *Id.* Section 601(6). In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. 5 U.S.C. 601(3) (incorporating by reference the definition of ''small business concern'' in 15 U.S.C. 632). Pursuant to the RFA, the statutory definition of a small business applies ''unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the **Federal Register**.'' 5 U.S.C. 601(3). A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA). *See* Small Business Act, 15 U.S.C. 632 (1996). A small organization is generally ''any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.'' 5 U.S.C. 601(4). Nationwide, as of 1992, there were approximately 275,801 small organizations. *See* 1992 Economic Census, U.S. Bureau of the Census, Table 6 (special tabulation of data under contract to Office of Advocacy of the U.S. Small Business Administration). ''Small governmental jurisdiction'' generally means ''governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than 50,000.'' 5 U.S.C. 601(5). As of 1992, there were approximately 85,006 such jurisdictions in the United States. *See* U.S. Dept. of Commerce, Bureau of the Census, ''1992 Census of Governments.'' This number includes 38,978 counties, cities, and towns; of these, 37,566, or 96 percent, have populations of fewer than 50,000. *Id.* The Census Bureau estimates that this ratio is approximately accurate for all governmental entities. Thus, of the 85,006 governmental entities, we estimate that 81,600 (91 percent) are small entities. Below, we further describe and estimate the number of small entity licensees that may be affected by the proposed rules, if adopted.

The rules proposed in this Notice of Proposed Rulemaking would affect satellite operators, if adopted. The Commission has not developed a definition of small entities applicable to satellite operators. Therefore, the applicable definition of small entity is generally the definition under the SBA rules applicable to Satellite Telecommunications. *See* Small Business Administration, 1997 NAICS Definitions, NAICS 513340 (''This industry comprises establishments primarily engaged in providing point-to-point telecommunications services to other establishments in the telecommunications and broadcasting industries by forwarding and receiving communications signals via a system of satellites or reselling satellite telecommunications.''). This definition provides that a small entity is expressed as one with $11.0 million or less in annual receipts. *See* 13 CFR 120.121, NAICS code 513340. 1997 Census Bureau data indicate that, for 1997, 273 satellite communication firms had annual receipts of under $10 million. In addition, 24 firms had receipts for that year of $10 million to $24,999,990. *See* U.S. Census Bureau, 1997 Economic Census, Subject Service: Information, ''Establishment and Firm Size,'' Table 4, NAICS 513340 (Issued Oct. 2000).

In addition, Commission records reveal that there are approximately 240 space station operators licensed by this Commission. We do not request or collect annual revenue information, and thus are unable to estimate of the number of licensees that would constitute a small business under the SBA definition. Small businesses may not have the financial ability to become space station licensees because of the high implementation costs associated with satellite systems and services.

D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

The proposed rule would require disclosure in an application for an FCC authorization of a satellite system's orbital debris mitigation plans. The Notice of Proposed Rule Making seeks comment on the degree of specificity that should be required in such reports, and on possible methodologies for developing such reports.

E. Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Under Consideration

The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification,

consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities. 5 U.S.C. 603(c).

The NPRM identifies several alternatives designed to minimize any significant economic impact on all entities, including small entities.

First, although the NPRM seeks comment on requiring debris mitigation practices by rule, it proposes as an alternative that the FCC proceed on a case-by-case basis in analyzing debris mitigation plans. Under a case-by-case method, the Commission could consider exemptions or other methods for minimizing any impact on small entities.

Second, the NPRM also seeks comment on whether to require that an applicant for an earth station license, to be used for communications with a non-U.S. licensed satellite, should submit information concerning debris mitigation plans for the satellite system. As an alternative, the NPRM seeks comment on whether a showing concerning direct and effective regulation by a foreign administration should be considered.

Third, the NPRM seeks comment on post-mission disposal of spacecraft from low Earth orbit, and on alternatives to using orbits that may experience a substantial economic impact under the U.S. Government Recommended Practices. Those alternatives could include use of different portions of low Earth orbit.

F. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

Remote sensing satellite systems are licensed by both the FCC and the National Oceanic and Atmospheric Administration (NOAA) of the Department of Commerce. The NPRM proposes to waive disclosure requirements concerning post-mission disposal of spacecraft for remote sensing satellites licensed by NOAA.

Procedural Information

Ex Parte Presentation. This is a permit-but-disclose notice and comment rulemaking proceeding. *Ex parte* presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in Commission rules. *See generally* 47 CFR 1.1202, 1.1203, and 1.1206.

Authority: This Notice of Proposed Rulemaking is adopted pursuant to Sections 1, 4(i), 301, 303, 308, 309, and 310 of the Communications Act of 1934, as amended, 47 U.S.C. sections 151, 154(i), 301, 303, 308, 309, and 310.

Comment. Pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's rules, interested parties may file comments on or before July 17, 2002 and reply comments on or before August 16, 2002. Comments and reply comments should be filed in IB Docket No. 02–54. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. To file formally in this proceeding, interested parties must file an original and four copies of all comments, reply comments, and supporting comments. If interested parties want each Commissioner to receive a personal copy of their comments, they must file an original plus nine copies. Interested parties should send comments and reply comments to the Office of the Secretary, Federal Communications Commission, Room TW–A325, 445 Twelfth Street, SW., Washington, DC 20554, with a copy to Stephen J. Duall, 445 Twelfth Street, SW., Washington, DC 20554.

Comments filed through the ECFS can be sent as an electronic file via the Internet to *http://www.fcc.gov/e-file/ecfs.html*. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to *ecfs@fcc.gov*, and should include the following words in the body of the message, ''get form <your e-mail address>.'' A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appear in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistronix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, DC 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

Ordering Clauses

Pursuant to sections 1, 4(i), 301, 303, 308, 309, and 310 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 301, 303, 308, 309, and 310, this Notice of Proposed Rulemaking is hereby adopted. The Commission's Consumer Information Bureau, Reference Information Center, shall send a copy of the Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

Paperwork Reduction Act

This NPRM contains proposed information collections. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collection(s) contained in this NPRM, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Public and agency comments are due at the same time as other comments on this NPRM; OMB notification of action is due 60 days from date of publication of this NPRM in the **Federal Register**. Comments should address: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

OMB Control Number: 3060–XXXX (New Collection).

Title: Mitigation of Orbital Debris.

Form No.: Not applicable.

Type of Review: New collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 50.

Estimated Time Per Response: 2–3 hours.

Frequency of Response: On occasion.

Total Annual Burden: 135.

Total Annual Costs: $35,000.

Needs and Uses: On March 18, 2002 the Commission released a Notice of Proposed Rulemaking (NPRM) in the Matter of Mitigation of Orbital Debris; IB Docket No. 02–54, FCC No. 02–80. The NPRM proposes to adopt rules for satellite services concerning orbital debris mitigation. The Commission commences this rule-making proceeding to consider the manner in which consideration of debris mitigation issues should be incorporated into our rules and licensing processes.

List of Subjects

47 CFR Part 5

Reporting and recordkeeping requirements.

47 CFR Part 25

Reporting and recordkeeping requirements, Satellites.

47 CFR Part 97

Reporting and recordkeeping requirements, Satellites.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

Proposed Rule Changes

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR parts 5, 25, and 97 as follows:

PART 5—EXPERIMENTAL RADIO SERVICE (OTHER THAN BROADCAST)

1. The authority citation for part 5 continues to read as follows:

Authority: Secs. 4, 302, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 302, 303. Interpret or apply sec. 301, 48 Stat. 1081, as amended; 47 U.S.C. 301.

2. Section 5.63 is amended by adding paragraph (e) to read as follows:

§ 5.63 Supplementary statements required.

* * * * *

(e) Except where the satellite system has already been authorized by the FCC, applicants for an experimental authorization involving a satellite system must submit a description of the design and operational strategies the satellite system will use to mitigate orbital debris, including a casualty risk assessment if planned post-mission disposal involves atmospheric re-entry of the spacecraft. The applicant must also submit a demonstration that debris generation will not result from the conversion of energy sources on board the spacecraft into energy that fragments the spacecraft. Energy sources include chemical, pressure, and kinetic energy. This demonstration should address whether stored energy will be removed at the spacecraft's end-of-life, by depleting residual fuel and leaving all fuel line valves open, venting any pressurized system, leaving all batteries in a permanent discharge state, and removing any remaining source of stored energy. Other equivalent procedures may be approved in the course of the licensing process.

PART 25—SATELLITE COMMUNICATIONS

3. The authority citation for part 25 continues to read as follows:

Authority: 47 U.S.C. 701–744. Interprets or applies Sections 4, 301, 302, 303, 307, 309 and 332 of the Communications Act, as amended, 47 U.S.C. Sections 154, 301, 302, 303, 307, 309 and 332, unless otherwise noted.

4. Section 25.114 is amended by redesignating paragraphs (c)(16) through (c)(21) as paragraphs (c)(18) through (c)(23) and adding new paragraphs (c)(16) and (17) to read as follows:

§ 25.114 Applications for space station authorizations.

* * * * *

(c)* * *

(16) A description of the design and operational strategies that will be used to mitigate orbital debris, including a casualty risk assessment if planned post-mission disposal involves atmospheric re-entry of the spacecraft.

(17) A demonstration that debris generation will not result from the conversion of energy sources on board the spacecraft into energy that fragments the spacecraft. Energy sources include chemical, pressure, and kinetic energy. This demonstration should address whether stored energy will be removed at the spacecraft's end-of-life, by depleting residual fuel and leaving all fuel line valves open, venting any pressurized system, leaving all batteries in a permanent discharge state, and removing any remaining source of stored energy, or through other equivalent procedures specifically disclosed in the application.

* * * * *

5. Section 25.143 is amended by revising the section heading and paragraph (b)(1) to read as follows:

§ 25.143 Licensing provisions for the 1.6/2.4 GHz mobile-satellite service and 2 GHz mobile-satellite service.

* * * * *

(b) * * *

(1) *General requirements*: Each application for a space station system authorization in the 1.6/2.4 GHz Mobile-Satellite Service or 2 GHz Mobile-Satellite Service shall describe in detail the proposed satellite system, setting forth all pertinent technical and operational aspects of the system, and the technical, legal, and financial qualifications of the applicant. In particular, each application shall include the information specified in § 25.114. Non-U.S. licensed systems shall comply with the provisions of § 25.137.

* * * * *

6. Section 25.210 is amended by revising paragraph (j) to read as follows:

§ 25.210 Technical requirements for space stations in the Fixed-Satellite Service.

* * * * *

(j) Space stations operated in the geostationary satellite orbit must be maintained within 0.05° of their assigned orbital longitude in the east/west direction, unless specifically authorized by the Commission to operate with a different longitudinal tolerance, and except as provided in § 25.282 (End-of-life disposal).

* * * * *

7. Section 25.280 is revised to read as follows:

§ 25.280 Inclined orbit operations.

(a) Satellite operators may commence operation in inclined orbit mode without obtaining prior Commission authorization provided that the Commission is notified by letter within 30 days after the last north-south station keeping maneuver. The notification shall include:

(1) The operator's name;

(2) The date of commencement of inclined orbit operation;

(3) The initial inclination;

(4) The rate of change in inclination per year; and

(5) The expected end-of-life of the satellite accounting for inclined orbit operation, and the maneuvers specified under § 25.282.

(b) Licensees operating in inclined-orbit are required to:

(1) Periodically correct the satellite attitude to achieve a stationary spacecraft antenna pattern on the surface of the Earth and centered on the satellite's designated service area;

(2) Control all electrical interference to adjacent satellites, as a result of operating in an inclined orbit, to levels

not to exceed that which would be caused by the satellite operating without an inclined orbit;

(3) Not claim protection in excess of the protection that would be received by the satellite network operating without an inclined orbit; and

(4) Continue to maintain the space station at the authorized longitude orbital location in the geostationary satellite arc with the appropriate east-west station-keeping tolerance.

8. Section 25.282 is added to read as follows:

§ 25.282 End-of-Life disposal.

(a) A space station authorized to operate in the geostationary satellite orbit under this Part may operate using its authorized tracking, telemetry and control frequencies, and outside of its assigned orbital location, for the purpose of removing the satellite from the geostationary satellite orbit at the end of its useful life, provided that the following conditions are met:

(1) The satellite is capable of being removed to, and the operations at variance from the assigned orbital location are designed to maneuver the satellite to, an orbit with a perigee with an altitude of no less than:

$36{,}021 \text{ km} + (1000 \cdot C_R \cdot A/m)$

where C_R is the solar pressure radiation coefficient of the spacecraft, and A/m is the Area to mass ratio, in square meters per kilogram, of the spacecraft.

(2) All stored energy sources on board the satellite are discharged, by venting excess propellant, discharging batteries, relieving pressure vessels, and other appropriate measures.

(3) Tracking, telemetry and control transmissions are planned so as to avoid electrical interference to other satellites, and coordinated with any potentially affected satellite networks.

(b) [Reserved]

PART 97—AMATEUR RADIO SERVICE

9. The authority citation for part 97 continues to read as follows:

Authority: 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply 48 Stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. 151–155, 301–609, unless otherwise noted.

10. Section 97.207 is amended by revising paragraph (g) to read as follows:

§ 97.207 Space station.

* * * * *

(g) The license grantee of each space station must make two written pre-space station notifications to the International Bureau, FCC, Washington DC 20554. Each notification must be in accord with the provisions of Articles S9 and S11 of the ITU Radio Regulations.

(1) The first notification is required no less than 27 months prior to initiating space station transmissions and must specify the information required by Appendix S4 and Resolution No. 642 of the International Telecommunication Union Radio Regulations. The first notification shall also include a description of the design and operational strategies the space station will use to mitigate orbital debris, including a casualty risk assessment if planned post-mission disposal involves atmospheric re-entry of the spacecraft. The notification must also include a demonstration that debris generation will not result from the conversion of energy sources on board the spacecraft into energy that fragments the spacecraft. Energy sources include chemical, pressure, and kinetic energy. This demonstration should address whether stored energy will be removed at the spacecraft's end-of-life, by depleting residual fuel and leaving all fuel line valves open, venting any pressurized system, leaving all batteries in a permanent discharge state, and removing any remaining source of stored energy, or through other equivalent procedures.

(2) The second notification is required no less than 5 months prior to initiating space station transmissions and must specify the information required by Appendix S4 and Resolution No. 642 of the Radio Regulations.

* * * * *

[FR Doc. 02–10995 Filed 5–2–02; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 572

[Docket No. NHTSA 2002–11838]

RIN 2127–AI39

Anthropomorphic Test Devices; Instrumented Lower Legs for Hybrid III–50M and –5F Dummies

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The agency is concerned about the number and severity of lower limb injuries in full- and offset-frontal vehicle crashes and the pain and suffering, disability, long-term impairment, and high rehabilitation costs frequently associated with such injuries. The agency believes that there is considerable merit in utilizing crash test dummies with instrumented lower legs in vehicle crash tests to either assess the risk of occupant injury or mitigate either the number or severity of these injuries. This document requests comments on two potential devices for assessing the injury potential to lower limbs in full- and offset-frontal vehicle collisions. Under consideration are two types of instrumented lower legs that can be retrofitted to the Hybrid III 50th percentile male and 5th percentile female dummies.

DATES: You should submit your comments early enough to ensure that Docket Management receives them not later than August 5, 2002.

ADDRESSES: Comments should refer to the docket number above and be submitted to: Docket Section, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. Alternatively, you may submit your comments electronically by logging onto the Docket Management System (DMS) Web site at *http://dms.dot.gov.* Click on ''Help & Information'' or ''Help/Info'' to view instructions for filing your comments electronically. Regardless of how you submit your comments, you should mention the docket number of this document.

You may call the Docket at 202–366–9324. Docket hours are 9:30 a.m. to 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: For non-legal issues, Mr. Stanley Backaitis, Office of Crashworthiness Standards (Telephone: 202–366–4912) (Fax: 202–493–4329). For legal issues, Mr. Robert Knop, Office of the Chief Counsel (Telephone: 202–366–2992) (Fax: 202–366–3820). Both can be reached by mail at the National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Background

NHTSA is concerned about the number of lower limb injuries in full- and offset-frontal vehicle crashes and the pain and suffering, disability, long-term impairment, and high rehabilitation costs frequently associated with such injuries. A number of research studies have shown that knee-tibia-ankle-foot (KsTAF) injuries incurred in full- and offset-frontal automobile crashes frequently result in

severe disability and impairment.[1] Though they present a less serious threat to life than head or chest injuries, these injuries are still responsible for a large part of the total vehicle crash-related suffering, impairment, and injury costs. An analysis of data from the Wisconsin Crash Outcome Data Evaluation System (CODES) project, for example, found that one in six occupants hospitalized after a crash had serious lower limb injuries.[2]

The agency estimates that annually approximately 110,000 occupants sustain lower limb injuries with a severity rating of 2 or 3 on the Abbreviated Injury Scale (AIS).[3] Slightly less than half of these injuries occur below the knee and, of those, ankle and foot injuries are the most frequent and responsible for long-term impairment.[4] Female drivers have been found to be at a greater risk of sustaining lower extremity injuries than male drivers in two separate studies.[5] The annual cost of AIS 2 and 3 lower extremity injuries to passenger car occupants in all automotive crashes has been estimated to run as high as $21.5 billion.[6]

Until now, the agency has primarily focused its research and safety standard rulemaking on developing and implementing methods, procedures, and test tools designed to reduce crash-related injuries to the head, neck, and torso because such injuries are the ones most likely to result in fatalities. Currently, the only specified injury limits for the lower extremities in Standard No. 208 are those for the knee-thigh-hip complex. Federal Motor Vehicle Safety Standard No. 208 limits the axial force measured in the femur to 2250 pounds (10 kN) for the 50th percentile adult male Hybrid III dummy and 1530 pounds (6805 N) for the 5th percentile adult female Hybrid III dummy to minimize knee-thigh-hip injuries. Knee-thigh-hip complex injuries account for about 55 percent of AIS 2+ lower extremity injuries and 42 percent of the associated functional Life-years Lost to Injury.[7] The remaining 45 percent of AIS 2+ lower extremity injuries (and 58 percent of the associated functional Life-years Lost to Injury) occur below the knee and are not currently addressed by our Standards.

Now that safety improvements such as air bags and better vehicle crashworthiness are being implemented to achieve significant fatality reductions, the agency can begin to focus on reducing non-fatal high consequence injuries, like those to the lower extremities. The agency believes that significant reductions in lower extremity injuries below the knees and in the associated costs may be achieved if vehicle structures and interior environments are designed to minimize the forces exerted on lower extremities in vehicle crashes. A necessary first step in developing safer vehicle structures and interiors, however, is the availability of adequate tools to measure forces exerted on the lower extremities in vehicle crash tests. The agency believes that dummy legs currently incorporated into the standards do not provide any measurements of crash loads applied to the lower extremities below the knee in either full-frontal or offset-frontal crash tests.

The agency believes there would be considerable merit in utilizing instrumented lower legs in vehicle crash tests to assess the risk of occupant injury. Before the agency does this, however, it wishes first to explore the issue of what degree of leg instrumentation and design sophistication is needed to adequately and appropriately assess the risk of injury and develop more friendly vehicle interiors.

Two commercially available technologies exist for addressing lower leg injuries in frontally-oriented impacts: (1) The Hybrid III/Denton (HIII/Denton) instrumented leg and (2) the more recently designed Thor-Lx Hybrid III Retrofit (Thor-(F)Lx/HIIIr) leg. Both of these instrumented lower legs have been designed to fit the existing 50th percentile male and 5th percentile female Hybrid III dummies. While the Denton leg has been used over a number of years by the automotive industry for vehicle development, the newer Thor leg, with substantially improved ankle and tibia biofidelity and a broader set of instruments, has been evaluated at the research level by a more limited number of vehicle manufacturers and research laboratories. After assessing received comments and our own data, the agency intends to incorporate only one of these two available lower leg designs into part 572, subpart E (50th percentile male Hybrid III test dummy) and subpart O (5th percentile female Hybrid III test dummy). To facilitate a more in-depth understanding of the issues and technical details that the agency is addressing in this Advance Notice of Proposed Rulemaking, the agency is concurrently placing a comprehensive technical support document (hereinafter ''Technical Report'') in the docket. [8]

HIII/Denton Instrumented Leg

Both the HIII/Denton-50M and the HIII/Denton-5F instrumented leg designs consist of an instrumented tibia that fits into the existing leg of the dummy, fastening between the knee slider assembly and the ankle. The instrumented tibia contains a clevis at the knee that can be instrumented to measure the compressive load on each side of the tibia, an upper tibia load cell, a tibia tube, and a lower tibia load cell. The load cells are each capable of measuring up to five channels of data.

The HIII/Denton instrumented legs employ the existing knee slider, knee housing, knee flesh, and knee insert used on the current Hybrid III 50th percentile male and 5th percentile female dummies. The knee slider assembly can be instrumented with a linear potentiometer to measure tibia-femur displacement. An optional ball bearing version knee slider is also available that is less influenced by compressive tibia loads.

The ankle and foot assemblies are also unchanged from the standard Hybrid III 50th percentile male and 5th percentile female dummies. The ankle assembly consists of a ball and socket joint with an adjustable frictional resistance level. The level of frictional resistance is controlled by a set screw at the ankle ball that can be tightened to increase the ankle's resistance to motion. The ankle joint is typically set at a ''1G [9]

[1] The tibia is the inner and larger of the two bones connecting the knee to the ankle.

[2] Karlson, Trudy; Bigelow, Wayne; Beutel, Patricia, ''Serious Lower Extremity Injuries from Motor Vehicle Crashes, Wisconsin, 1991–1994,'' DOT Technical Report No. DOT HS 808 791, September 1998.

[3] National Automotive Sampling System—Crashworthiness Data System, 1994–1996, U.S. Department of Transportation, National Highway Traffic Safety Administration.

[4] Morgan, R., et al., ''Ankle Joint Injury Mechanism for Adults in Frontal Automotive Impact,'' Proceedings of the 35th Stapp Conference, 1991, and Kuppa, S., et al., ''Lower Extremity Injuries and Associated Injury Criteria,'' Seventeenth International Technical Conference on the Enhanced Safety of Vehicles, Amsterdam, June, 2001.

[5] Crandall, et al., ''Biomechanical Response and Physical Properties of the Leg, Foot, and Ankle,'' Paper No. 962424, Proceedings of the 40th Stapp Conference, Albuquerque, N.M., November 1996; and Karlson, Trudy; Bigelow, Wayne; Beutel, Patricia, ''Serious Lower Extremity Injuries from Motor Vehicle Crashes, Wisconsin, 1991–1994,'' DOT Technical Report No. DOT HS 808 791, September 1998.

[6] Miller, T., ''Societal Costs of Transportation Crashes,'' from The Full Costs and Benefits of Transportation, Edited by Greene, D., Jone, D., Delucchi, M., Springer-Verlag, 1997 and National Automotive Sampling System—Crashworthiness Data System, 1994–1996, U.S. Department of Transportation, National Highway Traffic Safety Administration.

[7] Kuppa, S., et al., ''Lower Extremity Injuries and Associated Injury Criteria,'' Paper No. 98–57–070, 17th ESV Conference, Windsor, Ontario, Canada, 1998.

[8] Docket No. NHTSA 2002–11838.

[9] ''1G'' denotes one times the force of gravity.

suspended'' setting. To assess the rotation of the foot relative to the ankle, the foot can be instrumented with accelerometers, two at the ankle and one at the toe.

To summarize, the HIII/Denton instrumented leg has the following measurement capabilities:

- Upper tibia forces and moments (Fx, Fy, Fz, Mx, My) [10] (Load cell drawing PSA 572–S30)
- Lower tibia forces and moments (Fx, Fy, Fz, Mx, My) (Load cell drawing PSA 572–S31)
- Knee clevis [11] loads (Fz left and right portions of the clevis) (optional)
- Biaxial accelerations near the ankle (Ax, Az) (optional)
- Uniaxial acceleration near the toe (Az) (optional)
- Knee shear displacement

Mechanical drawings of the HIII/Denton legs designed for the 50th percentile male and 5th percentile female Hybrid III dummies are available through Denton ATD, Inc. NHTSA will also make these drawings available to the public without proprietary claims when the final rule is issued, should the agency decide to incorporate the HIII/Denton lower leg assemblies in part 572, subparts E and O.

Cost of HIII/Denton Instrumented Leg

The costs associated with specifying the use of HIII/Denton lower legs in vehicle crash tests may be broken down as follows: (1) The cost of the legs themselves; and (2) the data acquisition costs (per test). NHTSA estimates the procurement cost to be approximately $32,500 per pair for both the 50th percentile male and 5th percentile female dummies. The agency believes that most, if not all, vehicle manufacturers have already acquired these legs. Accordingly, if the agency were to specify the use of the instrumented Denton lower legs in vehicle crash testing, the costs associated with acquiring the legs would be minimal. With respect to the data acquisition costs, the agency estimates that each test utilizing the Denton lower legs would cost approximately $2,200 per dummy per crash test, assuming use of the upper and lower tibia load cells and knee shear displacement data channels.

[10] The following directional designations are used throughout this document: ''x'' denotes the fore-aft direction; ''y'' denotes the left-right direction; and ''z'' denotes the up-down direction.

[11] A clevis is a single-axis, u-shaped joint allowing angular, flexion-type motion between two joined parts.

Thor-Lx/HIIIr and Thor-Flx/HIIIr Instrumented Legs

Like the HIII/Denton instrumented lower legs, the Thor-(F)Lx/HIIIr instrumented lower leg assemblies are designed to fit the 50th percentile male Hybrid III dummy (the Thor-Lx/HIIIr) and the 5th percentile female Hybrid III dummy (the Thor-FLx/HIIIr). The Thor lower leg assemblies incorporate the features of the lower extremities from the Thor dummy. The legs were developed by two NHTSA contractors: General Engineering and Systems Analysis Company and Applied Safety Technologies Corporation (now Denton ATD, Inc.).

Thor-Lx/HIIIr Assembly

The Thor-Lx/HIIIr assembly mounts directly to the distal end of the 50th percentile male Hybrid III femur. The Thor-Lx/HIIIr assembly is comprised of the Thor-Lx foot and ankle segments, the Thor-Lx tibia segment (with integrated Achilles tendon assembly), the standard Hybrid III knee housing, a modified Hybrid III knee flesh, new molded side knee covers, and the Hybrid III ball bearing knee slider assembly as an option.

The Thor-Lx/HIIIr assembly includes the following new hardware elements as compared to the existing Hybrid III leg design:

- Side-mounted knee covers, which augment the existing narrow Hybrid III knee housing profile, to improve the realism of knee interaction with vehicle knee bolsters;
- A compliant tibia element, which modulates tibia response to axial impact to more realistically reflect human response data;
- Provision for independent control of foot mobility about three axes of rotation (dorsiflexion/plantarflexion, inversion/eversion, and internal/external rotation [12]) by means of progressive rubber elements whose characteristics are based upon human data;
- A representation of the Achilles tendon load path, which contributes to improved realism of tibia axial forces, tibia bending moments, and dorsiflexion motion of the foot.

The Thor-Lx/HIIIr assembly includes the following instrumentation:

- Upper tibia forces and moments (Fx, Fz, Mx, My) (Load cell drawing PSA 572–S32)
- Lower tibia forces and moments (Fx, Fy, Fz, Mx, My) (Load cell drawing PSA 572–S33)
- Tibia accelerations at mid-shaft (Ax, Ay) (optional)
- Foot angular displacement about 3 axes
- Mid-foot accelerations (3 axes) (optional)
- Achilles tendon tension (uniaxial) (optional)
- Knee shear displacement

Comprehensive mechanical drawings for the Thor-Lx/HIIIr, together with the associated users' manual and proposed certification procedures are available on NHTSA's Web site at the following web address: *http://www-nrd.nhtsa.dot.gov/departments/nrd-51/thor__lx/thorlxweb.html.*

Thor-FLx/HIIIr Assembly

The Thor-FLx/HIIIr assembly, which is mounted directly to the distal end of the 5th percentile female Hybrid III femur, is nearly identical to the Thor-Lx/HIIIr. Given the inherent space constraints of the Thor-FLx/HIIIr relative to the Thor-Lx/HIIIr, however, two primary design differences were necessary. First, the 5th percentile female Thor-FLx/HIIIr assembly has a shaped-cam ankle design that is different from that of the 50th percentile male Thor-Lx/HIIIr. Second, the Thor-FLx/HIIIr contains two custom-made hardware elements that are not used on the Thor-Lx/HIIIr: a four-axis upper tibia load cell (drawing PSA 572–S34) and a five-axis lower tibia load cell (drawing PSA 572–S35). These load cells are lighter and smaller than the tibia load cells used on the Thor-Lx/HIIIr, enabling a better fit with the smaller diameter of the Thor-FLx/HIIIr tibia.

Comprehensive mechanical drawings for the Thor-FLx/HIIIr, together with the associated users' manual and proposed certification procedures are available on NHTSA's Web site at the following web address: *http://www-nrd.nhtsa.dot.gov/departments/nrd-51/thor__flx/ThorFLxweb.html.*

Cost of Thor Instrumented Leg

The costs associated with specifying the use of Thor-Lx or Thor-FLx/HIIIr lower legs in vehicle crash tests may be broken down as follows: (1) The cost of the legs themselves; and (2) the data acquisition costs (per crash test). NHTSA estimates the procurement cost to be approximately $52,600 per pair for both the 50th percentile male and 5th percentile female dummies. Because the agency does not believe that many vehicle manufacturers already have acquired these legs, it is reasonable to

[12] Dorsiflexion/plantarflexion rotation is foot motion about the ankle's lateral axis. Inversion/eversion rotation is foot motion about the ankle's for- and aft-axis. Internal/external rotation is foot motion about the tibia's longitudinal axis.

assume that many, if not most, vehicle manufacturers would need to purchase them. With respect to the data acquisition costs, the agency estimates that each test utilizing the Thor-Lx/Thor-FLx lower legs would cost approximately $2,600 per dummy per crash test, assuming use of the upper and lower load cells, knee shear displacement, and ankle rotation data channels.

Performance of Instrumented Lower Leg Assemblies

The agency has conducted a series of static and dynamic laboratory and vehicle crash tests to evaluate the performance of the HIII/Denton-50M, HIII/Denton-5F, Thor-Lx/HIIIr, and Thor-FLx/HIIIr. These tests allow a direct comparison between the HIII/Denton-50M and the Thor-Lx/HIIIr and between the HIII/Denton-5F and the Thor-FLx/HIIIr. In laboratory tests, the Thor-Lx/HIIIr and the Thor-FLx/HIIIr exhibit more biofidelic, or human-like, responses than the HIII/Denton-50M and the HIII/Denton-5F. The significance of this difference in biofidelity and the need for design sophistication to predict the risk of injury are the most important issues that the agency hopes to resolve with comments from end users and others.

Laboratory Tests

The agency conducted the following laboratory calibration type tests and sled tests to evaluate the performance of the Denton and Thor lower leg assemblies per procedures set forth in Sections 3 and 4 of the Technical Report: (1) A quasi-static ankle motion test; (2) two pendulum impact tests (one on the ball of the foot and the other on the heel of the foot); and (3) a series of eight sled tests.

Quasi-Static Ankle Motion Tests

In the quasi-static ankle motion test, the tibia of the instrumented leg is held rigidly while the foot is rotated in four directions (dorsiflexion, plantarflexion, inversion, and eversion). This test was performed on two HIII/Denton-50 legs, four Thor-Lx/HIIIr legs, two HIII/Denton-5F legs, and four Thor-FLx/HIIIr legs. Each ankle was tested four times under identical test conditions, yielding a mean value for each of the four directions. Both the Denton and the Thor legs exhibited repeatable performance. The mean response values were plotted on a graph and compared to the biofidelic specifications for each directional test as shown in Figures 3–1 through 3–8 of the Technical Report. The results indicate that the Thor-Lx/HIIIr and Thor-FLx/HIIIr exhibit a response that is closer to biofidelic specifications than the HIII/Denton-50M and HIII/Denton-5F. Additional details regarding the test procedures and test results may be found in Section 3 and Appendix 3 of the Technical Report.

Pendulum Impact Tests

Two different pendulum impact test series were conducted on both leg designs. The first test, the ball of foot impact test, examined the dynamic dorsiflexion response of the ankle assembly. The second test, the heel of foot impact test, examined the compliance of the foot flesh and tibia. These tests were performed on two HIII/Denton-50 legs, four Thor-Lx/HIIIr legs, two HIII/Denton-5F legs, and four Thor-FLx/HIIIr legs. Each lower leg assembly was tested four times under identical test conditions. In these pendulum impact tests, both the Denton and Thor lower leg assemblies exhibited repeatable performance and no structural issues were noted. A full description of the test procedures and test results may be found in Section 3.2 and Appendix 3 of the Technical Report.

Sled Tests

A series of eight sled tests were conducted by the University of Virginia to evaluate the performance of the Thor lower leg assemblies relative to the Denton lower leg assemblies. Two of the tests, designed to simulate the New Car Assessment Program (NCAP) 56 kilometer per hour full-frontal crash conditions, were conducted using a Ford Taurus floor pan configuration with an intruding toeboard. Six tests, designed to simulate the European Union (EU) 40 percent offset frontal crash test conditions (although at 56 kilometers per hour rather than at 60 kilometers per hour because of concerns about the structural integrity of the sled at 60 kilometers per hour), were conducted using a Dodge Neon floor pan configuration with an intruding toeboard. A full description of the test procedures and test results may be found in Section 4 and Appendix 4 of the Technical Report.

These tests were designed to determine: (1) The effects of leg design on the peak femur response values; (2) the differences in other lower extremity response values between the two designs; (3) the effects of leg design on the upper body response values; (4) the repeatability of dummy response values; and (5) durability of the leg design. With respect to the effects of leg design on the peak femur response values, the tests revealed a difference in right femur response values between the HIII/Denton-50M and the Thor-Lx/HIIIr. The right femur response values for the HIII/Denton-50M were higher than those of the Thor-Lx/HIIIr. Differences were also noted between other lower extremity response values of the Denton and Thor lower leg assemblies.

The observed differences, in the judgment of the University of Virginia's researchers, were attributable to differences in the Thor-Lx's anterior geometry and kinematic response due to the Thor-Lx continuous joint stop. Although both the right femur and other lower extremity response values were higher for the Denton lower leg assemblies than the Thor lower leg assemblies, we consider these differences to be relatively insignificant when compared to the much higher injury limit values. As to the upper body response values, the recorded values were very similar for both the Denton and Thor 50th percentile male and 5th percentile female dummies indicating that differences in the designs of the lower legs have minimal influence on the rest of the dummy responses. As to repeatability, in both the full frontal and offset-frontal sled tests, the test-to-test repeatability of the Denton and Thor lower leg assemblies was found to be generally acceptable. Finally, with respect to durability, neither the Denton nor the Thor lower leg assemblies experienced any structural failures in the sled tests.

Vehicle Crash Tests

The agency conducted 16 vehicle crash tests allowing assessment of the performance of paired 50th percentile male and 5th percentile female Hybrid III dummies with Denton and Thor-(F)Lx lower leg assemblies. Four vehicle models were used: the 1996 Toyota Camry, the 2000 Nissan Altima, the 1998 Dodge Neon, and the 2000 Subaru Legacy. In these tests, a Hybrid III 50th percentile male or 5th percentile female dummy outfitted with either Denton or Thor instrumented lower legs was seated in the driver's position and the vehicle was crashed into an EU deformable barrier at approximately 60 and 64 kilometers per hour with 40 percent of the vehicle's frontal structure engaging the barrier. A full description of the test procedures and test results may be found in Section 5 and Appendix 5 of the Technical Report.

Such offset frontal crash tests generally produce significant intrusion of the toepan, thereby allowing for measurement of forces exerted on the lower extremities. Significant differences were noted with respect to the response values of the Thor and Denton lower leg assemblies in these

crash tests. The response values of the Thor-Lx/HIIIr and Thor-FLx/HIIIr exceeded the foot and ankle preliminary injury limits in the vehicle crash tests, thus predicting a higher potential for foot and ankle injuries than tibia shaft fractures. In addition, the foot and ankle response values of the Thor-FLx/HIIIr were higher than those of the Thor-Lx/HIIIr, thus predicting a higher incidence of foot and ankle injuries in small women than in mid-sized men. The same differences between the female and male versions of the Denton leg could not be observed because it is not equipped to measure ankle rotation. Real-world crash data indicate that ankle and foot injuries are more common than leg shaft fractures and that women are at greater risk of sustaining lower limb injuries than men. Therefore, it appears that the Thor lower leg assemblies are better able to predict the location of lower extremity injuries in real-world crashes than the Denton lower leg assemblies.

Questions for Public Comment

The agency believes that lower extremity injuries are a serious and pervasive safety problem. They frequently result in significant pain, disability, and economic cost. The agency believes that these human and economic costs can be significantly reduced by enhancing vehicles' crashworthiness and occupant protection systems.

In order to evaluate the effectiveness of particular designs in accomplishing this goal, however, the dummies used in vehicle crash tests must be equipped with appropriately instrumented lower limbs that will help predict the severity and extent of lower limb injuries. As noted above, two different leg designs are available for this purpose: the HIII/Denton legs and the Thor-(F)Lx//HIIIr. To aid the agency in determining which of the two leg designs would better facilitate the design and manufacture of occupant compartments that minimize the severity and extent of lower limb injuries, the agency is seeking comments on the following issues:

Experience With Instrumented Legs

(1) Please indicate how many years of experience, if any, you have had in using instrumented legs to improve lower leg injury protection and describe that experience.

(2) Please provide detailed information on any experience you have had in using the following instrumented lower legs:

a. Thor-Lx legs;

b. HIII/Denton legs;

c. Other.

(3) The lower limb consists of the following component parts: femur, knee, tibia plateau, tibia, ankle, foot, and pelvis as an attachment bone for the femur. Please rate each of these component parts in terms of the relative importance you place on it for injury reduction purposes using a 5 (five) to indicate a high degree of importance and a 0 (zero) to indicate low or no importance. Please also explain the basis for each rating and how the injury risk for that anatomical area is determined.

(4) Please provide an opinion, based on your experience, whether the availability of highly instrumented tibia, ankle, and foot (TAF) and knees (Ks) would facilitate the development of vehicles capable of reducing lower leg injuries. Please describe the key aspects of your experience that give rise to your opinion.

(5) In your test experience, did use of either of the instrumented legs influence other crash test measurements, such as those for the head, neck, thorax, etc.?

Injury Assessment Goals

(6) What are your vehicle design or performance goals for the minimization of lower limb injuries? Please cite the impact modes, restraint configurations, and collision speeds at which the lower legs tested in your vehicles begin to incur AIS2+ injuries.

(7) Please provide a list of injury assessment measures that you employ to assure KsTAF protection. Please explain the basis for their selection, including a demonstration of how they correspond to field data.

(8) What, in your opinion, is the minimum level of (KsTAF) instrumentation needed to allow accurate assessment of potential injuries?

(9) Please provide the methodology, techniques, and procedures you currently use to identify and assess the KsTAF injuries.

(10) Please describe fully the test conditions under which you perform KsTAF injury assessment, *i.e.*, static and/or dynamic measurements; component and/or systems tests; crash intensities, directions, mathematical simulations, visual evidence, etc.

(11) Please provide descriptions of the test tools and instrumentation that you employ for items 9 and 10.

(12) Please provide typical response samples and test conditions from tibia/ankle/foot measurements that you are using to make injury reduction or injury risk assessments, and state why you think they are important.

Adequacy of Instrumented Legs To Assess the Injury Potential

(13) Given that the instrumented HIII/Denton leg only measures the potential for tibia and malleolus fractures and not ankle injuries, if you prefer the HIII/Denton leg, please provide information on how you would address the reduction of ankle and foot injuries.

(14) The Thor-Lx/HIIIr instrumented tibia is more elastic in axial loading and has a number of other more human-like features than the rigid HIII/Denton tibia. Please indicate which, if any, of those features are critical for your safety work, which would be desirable to have, and which would not be used. Please provide the rationale and reasons for your choices.

(15) Please provide your views regarding the relative desirability and benefits of the instrumented lower legs having a higher degree of biofidelity and greater injury predicting capability, but more mechanical complexity vs. less biofidelity and less accurate injury protection, but a simpler design.

(16) Would either or both of the instrumented lower leg designs be adequate for assessing injury risk if used in the full- and offset-frontal crash tests specified in Federal Motor Vehicle Safety Standard No. 208?

a. If not, what tests, test environments, and impact speeds would you recommend?

b. If the current leg and foot placement procedures in Federal Motor Vehicle Safety Standard No. 208 are not appropriate for assessing the potential for KsTAF injuries, please recommend procedures that would provide proper assessment.

(17) Please indicate the extent to which you believe that one or both of the instrumented lower legs are, or may be, useful to address brake pedal and clutch intrusion issues. If you believe that it is or may be useful, please provide details of dummy set-up and associated test procedures.

(18) Which of the available ankle sensors should be specified for injury assessment purposes and why?

(19) Which of the available foot sensors should be specified for injury assessment purposes and why?

Calibration/Certification

(20) Should the agency specify calibration tests for instrumented lower legs to assure that they work correctly in the vehicle crash environment? Please provide details and a rationale for your recommendation.

(21) Should certification specifications for the lower limbs be related to injury measurements and risk of injury levels?

(22) How much overload capacity do you believe the instrumented lower legs should have before they begin to experience structural failures?

Lead Time Needs

(23) Please indicate, and justify, your lead time needs to become familiar with and generate the required test data should the agency specify the use of the following instrumented lower legs in FMVSS No. 208 crash testing:

a. HIII/Denton legs;

b. Thor-Lx/HIIIr legs;

c. Other (described in your response to question 2(c) above).

Costs

(24) Please provide an itemized estimate of expected additional test costs (equipment, calibration, additional channels) if the agency specified use of the HIII/Denton or Thor(F)Lx-HIIIr legs for:

a. FMVSS No. 208;

b. NCAP.

(25) Will the benefits of measuring and collecting this additional data be worth the additional costs?

International Harmonization

(26) Please provide your views on the extent to which international harmonization of the instrumented leg should be a factor in the agency's decision-making process. How should the desire for harmonization be weighed against the overriding factor of safety and against other relevant factors?

Rulemaking Analyses and Notices

Executive Order 12866 and DOT Regulatory Policies and Procedures

This advance notice was not reviewed under Executive Order 12866 and under the Department of Transportation's regulatory policies and procedures.

This notice primarily addresses the possibility of proposing to amend 49 CFR part 572 by adding design and performance specifications for instrumented lower legs that can be fitted to crash test dummies and used in vehicle crash tests for assessing the injury potential to lower limbs in full- and offset-frontal vehicle collisions. If these amendments are ultimately proposed and adopted as final, they would affect only those businesses that choose to manufacture or test with dummies fitted with those legs. The amendments would not impose any requirements on anyone. The agency is planning to conduct a separate rulemaking proceeding in which the agency would propose to amend the Federal motor vehicle safety standards to specify the use of dummies fitted with these legs in crash testing.

For these reasons, it does not appear that this rulemaking, which concerns the incorporation of the instrumented lower legs into part 572, would be significant. However, due to the preliminary nature of this document, NHTSA has limited current cost information that might be relevant to any potential changes. Accordingly, NHTSA is unable now to evaluate the economic impacts that this rulemaking might ultimately have.

NHTSA will reassess this rulemaking in relation to the Executive Order, the DOT Regulatory Policies and Procedures, the Unfunded Mandates Reform Act of 1995 and other requirements for analyzing rulemaking impacts after using the information received in response to this advanced notice to select specific proposed amendments. To that end, the agency solicits comments, information, and data useful in assessing the impacts of making changes to the various requirements discussed in this document.

Comments

How Do I Prepare and Submit Comments?

Your comments must be written and in English. To ensure that your comments are correctly filed in the Docket, please include the docket number of this document in your comments.

Your comments must not be more than 15 pages long. (49 CFR 553.21). We established this limit to encourage you to write your primary comments in a concise fashion. However, you may attach necessary additional documents to your comments. There is no limit on the length of the attachments.

Please submit two copies of your comments, including the attachments, to Docket Management at the address given above under **ADDRESSES.**

You may also submit your comments to the docket electronically by logging onto the Dockets Management System Web site at *http://dms.dot.gov.* Click on ''Help & Information'' or ''Help/Info'' to obtain instructions for filing the document electronically.

How Can I Be Sure That My Comments Were Received?

If you wish Docket Management to notify you upon its receipt of your comments, enclose a self-addressed, stamped postcard in the envelope containing your comments. Upon receiving your comments, Docket Management will return the postcard by mail.

How Do I Submit Confidential Business Information?

If you wish to submit any information under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Chief Counsel, NHTSA, at the address given above under **FOR FURTHER INFORMATION CONTACT.** In addition, you should submit two copies, from which you have deleted the claimed confidential business information, to Docket Management at the address given above under **ADDRESSES.** When you send a comment containing information claimed to be confidential business information, you should include a cover letter setting forth the information specified in our confidential business information regulation. (49 CFR part 512.)

Will the Agency Consider Late Comments?

We will consider all comments that Docket Management receives before the close of business on the comment closing date indicated above under **DATES.** To the extent possible, we will also consider comments that Docket Management receives after that date. If Docket Management receives a comment too late for us to consider it in developing a proposal (assuming that one is issued), we will consider that comment together with the comments on the proposal.

How Can I Read the Comments Submitted by Other People?

You may read the comments received by Docket Management at the address given above under **ADDRESSES.** The hours of the Docket are indicated above in the same location.

You may also see the comments on the Internet. To read the comments on the Internet, take the following steps:

1. Go to the Docket Management System (DMS) Web page of the Department of Transportation *(http://dms.dot.gov/).*

2. On that page, click on ''search.''

3. On the next page *(http://dms.dot.gov/search/),* type in the four-digit docket number shown at the beginning of this document. Example: If the docket number were ''NHTSA–1998–1234'', you would type ''1234''. After typing the docket number, click on ''search''.

4. On the next page, which contains docket summary information for the docket you selected, click on the desired comments. You may download the comments. Although the comments are

imaged documents, instead of word processing documents, the ''pdf'' versions of the documents are word searchable.

Please note that even after the comment closing date, we will continue to file relevant information in the Docket as it becomes available. Further, some people may submit late comments. Accordingly, we recommend that you periodically check the Docket for new material.

List of Subjects in 49 CFR Part 572

Motor vehicle safety, Incorporation by reference.

Issued: April 30, 2002.

Stephen R. Kratzke,

Associate Administrator for Safety Performance Standards.

[FR Doc. 02–11050 Filed 5–2–02; 8:45 am]

BILLING CODE 4910–59–P

Notices

Federal Register
Vol. 67, No. 86
Friday, May 3, 2002

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 98–090–2]

RIN 0579–AB03

Classical Swine Fever: Availability of Risk Analysis Related to the Importation of Swine and Swine Products from the European Union

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of availability and request for comments.

SUMMARY: We are giving notice of the availability of, and are requesting comments on, a revised analysis of the risk of introducing classical swine fever virus in swine and swine products imported from the European Union.

DATES: We will consider all comments we receive that are postmarked, delivered, or e-mailed by July 2, 2002.

ADDRESSES: You may submit comments by postal mail/commercial delivery or by e-mail. If you use postal mail/commercial delivery, please send four copies of your comment (an original and three copies) to: Docket No. 98–090–2, Regulatory Analysis and Development, PPD, APHIS, Station 3C71, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. 98–090–2. If you use e-mail, address your comment to regulations@aphis.usda.gov. Your comment must be contained in the body of your message; do not send attached files. Please include your name and address in your message and ''Docket No. 98–090–2'' on the subject line.

You may read the revised risk analysis and any comments that we receive on that document in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

You may request a copy of ''Risk Analysis for Importation of Classical Swine Fever Virus in Swine and Swine Products from the European Union—December 2000'' by writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. The risk analysis is also available on the Internet. Instructions for electronic access are included below under **SUPPLEMENTARY INFORMATION.**

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS dockets, are available on the Internet at *http://www.aphis.usda.gov/ppd/rad/webrepor.html*.

FOR FURTHER INFORMATION CONTACT: Dr. Anne Goodman, Supervisory Staff Officer, Regionalization Evaluation Services Staff, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 38, Riverdale, MD 20737–1231; (301) 734–4356.

SUPPLEMENTARY INFORMATION:

Background

The Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture (the Department) regulates the importation of animals and animal products to guard against the introduction of animal diseases into this country. The regulations pertaining to the importation of animals and animal products are set forth in the Code of Federal Regulations (CFR), title 9, chapter I, subchapter D (9 CFR parts 91 through 99).

On June 25, 1999, we published in the **Federal Register** (64 FR 34155–34168, Docket No. 98–090–1) a proposal to, among other things, amend the regulations regarding the importation of swine and swine products from the European Union (EU).

Before developing our proposed rule, we conducted an analysis to determine the likelihood of introducing classical swine fever (which we referred to in the proposed rule as hog cholera) from the EU, and to determine what, if any, mitigation measures we considered necessary. We assessed the likelihood of introducing classical swine fever through the importation of live breeding swine, swine semen, and pork and pork products. We made the risk analysis available to the public during the comment period for the proposed rule.

We solicited comments concerning our proposed rule for 60 days ending August 24, 1999, and received five comments by that date. One of the comments expressed concerns with several aspects of our risk analysis. Based on that comment, and as recommended by the Department's Office of Risk Assessment and Cost Benefit Analysis, we revised the initial risk analysis and included a supplement that presented in more detail specific information about classical swine fever outbreaks in the EU. The revised risk analysis is titled ''Risk Analysis for Importation of Classical Swine Fever Virus in Swine and Swine Products from the European Union—December 2000.''

We are giving notice that the revised risk analysis is available for public review and are requesting comments on the revised document. We will address any comments we receive on the revised risk analysis when we address the comments received on our June 1999 proposed rule.

Accessing the Revised Risk Analysis on the Internet

The Internet address for accessing the revised risk analysis is *http://www.aphis.usda.gov/vs/reg-request.html*. At the bottom of that website page, click on ''Information previously submitted by Regions requesting export approval and their supporting documentation.'' At the next screen, click on the triangle beside ''European Union/Not Specified/Classical Swine Fever,'' then on the triangle beside ''Response by APHIS.'' A link will then appear for ''Risk Analysis for Importation of Classical Swine Fever Virus in Swine and Swine Products from the European Union—December 2000.'' Following that link will allow you to view the revised risk analysis.

Authority: 7 U.S.C. 450, 1622, 7711, 7712, 7713, 7714, 7751, and 7754; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 114a, 134a–134d, 134f, 136, and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331 and 4332; 7 CFR 2.22, 2.80, and 371.4.

Done in Washington, DC, this 29th day of April, 2002.

Peter Fernandez,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 02–11009 Filed 5–2–02; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Forest Service

Cibola National Forest Invasive Plant Management Project

AGENCY: Forest Service, USDA.

ACTION: Notice of Intent to Prepare An Environmental Impact Statement.

SUMMARY: The Department of Agriculture, Forest Service will prepare an environmental impact statement for a proposal to manage invasive plant species on the Cibola National Forest and the Kiowa, Rita Blanca, Black Kettle and McClellan Creek National Grasslands. Counties included in the analysis area are Socorro, Sierra, Catron, Lincoln, Torrance, Bernalillo, Valencia, Cibola, Sandoval, McKinley, Colfax, Union, Mora and Harding in New Mexico; Dallam, Gray and Hemphill Counties in Texas; and Cimarron and Roger Mills Counties in Oklahoma.

DATES: Comments must be received, in writing, on or before May 31, 2002.

ADDRESSES: Submit written comments to Range and Wildlife Staff, Forest Supervisor's Office, Cibola National Forest, 2113 Osuna Rd., NE, Suite A, Albuquerque, NM 87113–1001, Attn: Range, Wildlife and Watershed Staff. For further information, mail correspondence to: Range and Wildlife Staff, Cibola National Forest Supervisor's Office, 2113 Osuna Rd., NE, Suite A, Albuquerque, NM 87113–1001, phone (505) 346–3900.

SUPPLEMENTARY INFORMATION:

Purpose and Need for Action

The purpose and need for the Proposed Action of managing invasive plant infestations on the Cibola National Forest and Kiowa, Rita Blanca, Black Kettle and McClellan Creek National Grasslands is to:

- Protect forests, rangelands, grasslands, wildlands and adjacent private, industrial and other agency lands by eradicating invasive plant species where possible and by limiting the spread of well established invasive plant species when eradication is not realistically possible given time and funding constraints;
- Comply with federal, state and county noxious week laws regarding the management of noxious weed species.

Proposed Action

The project proposes to take an integrated pest management (IPM) approach to management of invasive plant species. This approach will combine biological, cultural, mechanical and chemical methods as well as incorporating prevention and education measures. These methods are further defined below:

- Biological control methods involve the release of insects or plant pathogens that impact invasive plant species through reduction of seed production, reduction of plant vigor, or other avenue that reduces the ability of invasive plants to dominate native plant communities. Biological control agents typically come from the area of origin of the pest plant host, which is usually overseas. These agents have been proven to be benign to native plants and crop species. They are generally not effective in elimination of invasive plants, and usually require large infestations to become established.
- Cultural control methods include planting, fertilizing or generally encouraging desired vegetation to limit sites available for encroachment by invasive species.
- Mechanical control methods involve hand pulling or digging individual plants, picking off and destroying flower and seed heads
- Chemical control methods involve the use of herbicides to kill invasive species while maintaining as much desirable vegetation as possible.

Possible Alternatives

Possible alternatives to the proposed action include taking no action against invasive plant species and using only non-chemical control methods.

Responsible Official

The responsible official is Liz Agpaoa, the Cibola National Forest Supervisor. The address is Cibola National Forest Supervisor's Office, 2113 Osuna Rd., NE, Suite A, Albuquerque, NM 87113–1001.

Nature of Decisions To Be Made

The decisions to be made are: (1) Whether to manage invasive plant species and if so, whether to use one or a combination of several methods of control, including mechanical, chemical, biological or cultural treatments and if so, where and how much? (2) A range of alternatives will be considered. These include taking no action against invasive plant species, using only non-chemical control methods, and using a combination of control methods in an integrated pest management strategy.

Scoping Process

Public participation will be important at several times during the analysis. The first time is during the scoping period [Reviewer may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environment Policy Act (CFR) at 40 CFR 1501.7]. The Agency will be seeking written issues with the Proposed Action from Federal, State, and local agencies, any affected Indian tribes, and other individuals who may be interested in or affected by the Proposed Action. The U.S. Fish and Wildlife Service, Department of the Interior, will be invited to participate as a cooperating agency to evaluate potential impacts to threatened and endangered species habitat if any such species are found to exist in the potential treatment areas. This input will be used to develop additional alternatives. The scoping process includes:

- Identifying potential issues;
- Selecting significant issues with the Proposed Action, needing in-depth analysis;
- Eliminating insignificant issues; issues that have been analyzed and documented in a previous EIS, issues that controvert the need for the Proposed Action, or issues that are outside the authority of the Responsible Official to decide;
- Exploration of additional alternatives based on the issues identified during the scoping process; and
- Identification of potential environmental effects of the proposed action and alternatives (i.e., direct, indirect, and cumulative effects and connected actions).

Early Notice of Importance of Public Participation in Subsequent Environmental Review

A draft environmental impact statement will be prepared for comment. The comment period on the draft environmental impact statement will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register**.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their

participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC, 435 U.S. 519, 553 (1978).* Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *City of Angoon* v. *Hodel, 803 F.2d 1016, 1022 (9th Cir. 1986)* and *Wisconsin Heritages, Inc.* v. *Harris, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980).* Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45 day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

(Authority: 40 CFR 1501.7 and 1508.22; Forest Service Handbook 1909.15, Section 21)

Dated: April 29, 2002.

Liz Agpaoa,

Forest Supervisor, Cibola National Forest.

[FR Doc. 02–10981 Filed 5–2–02; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Manti-La Sal National Forest Cottonwood Canyon Coal Tract; Emery County, UT; Notice of Intent To Prepare an Environmental Impact Statement

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an Environmental Impact Statement.

SUMMARY: The Forest Service (FS) will prepare an Environmental Impact Statement (EIS) to document the analysis and disclose the environmental and human effects of proposed coal mining within the Cottonwood Canyon Coal Tract, and to ensure that the Mining and Reclamation Plan will be in accordance with the Manti-La Sal National Forest Land and Resource Management Plan. The Office of Surface Mining Reclamation and Enforcement (OSM) and the Bureau of Reclamation (BOR) will participate as cooperating agencies.

A notice of intent to prepare an EIS for the Cottonwood Canyon Coal Tract was published in the **Federal Register** on February 19, 1998. The process suspended when the coal estate within the tract, along with several other tracts, was conveyed to the State of Utah School and Institutional Trust Lands Administration (SITLA), creating an outstanding mineral right on those lands. This conveyance is temporary; ownership of the coal estate will revert to the Federal government once a specified royalty value is collected. As owner of an outstanding mineral right, the State of Utah has sole authority to lease the coal estate. Under the Utah Coal Rules and the Memorandum of Understanding (MOU) between SITLA, the United States Department of Agriculture, and the United States Department of the Interior, dated January 5, 1999, the Forest must consent to the Mining and Reclamation Plan prior to mine development. Under the terms of the MOU, the FS will abide by the standards and guidelines contained in the Manti-La Sal National Forest Land and Resource Management Plan in effect on May 8, 1998 (the date on which the Utah Schools and Land Exchange Act of 1998 was ratified). Subject to reasonable terms and conditions for the protection of the surface estate consistent with the Forest Plan, any permit requirements may not prohibit reasonable economic development of the conveyed coal estates.

The coal tract to be considered for mining, as described in the Utah Schools and Land Exchange Act of 1998, encompasses 9,243.87 acres of Federal coal lands on the Manti-La Sal National Forest in T. 17 S., R. 6 E., SLM, in Emery County, Utah. The tract is located approximately 13 miles northwest of Castle Dale, Utah, immediately west and north of the Trail Mountain Mine permit area.

SITLA has requested that the Forest Service conduct the environmental analysis considering the most likely mining scenario and reasonably foreseeable alternatives, and identified non-coal resources needing protections/mitigation prior to competitive lease offering by the State of Utah. This would allow accurate representation of recoverable coal reserves in the tract for the bidding process while considering required measures for minimizing effects to National Forest System resources consistent with the Forest Plan.

The EIS process for this project will include preparation of a reasonably foreseeable mining scenario for the tract that will be used as the basis for determining effects. The most likely access to the coal reserves would be through the existing Trail Mountain Mine, which is currently idle. Mining would be entirely underground, using predominantly longwall methods. Surface disturbance would probably include one ventilation shaft and several exploration drill holes with a total area of approximately 20 acres. The disturbed areas would be reclaimed when no longer needed. Subsidence similar to that over other mined areas on the Wasatch Plateau is expected.

The Forest Service has determined that the proposed lands are available for further consideration for coal mining under the Land and Resource Management Plan (Forest Plan) Final EIS and Record of Decision (ROD) for the Manti-La Sal National Forest, 1986. The Bureau of Land Management (BLM) and FS have determined that coal and environmental data are available to meet Uinta-Southwestern Utah Coal region Data Adequacy Standards.

The purpose of this action is to respond to SITLA's request for the FS to conduct an environmental analysis to evaluate the most likely mining scenario and identify terms and conditions necessary for protection of non-coal resources. The proposed action is to consent to the Cottonwood Canyon Tract Mining and Reclamation Plan, including terms and conditions for the protection of surface resources.

The Forest Service is seeking information and comments from Federal, State, and local agencies as well as individuals and organizations who may be interested in, or affected by, the proposed action. The agency invites written comments and suggestions on the issues related to the proposed action and the area being analyzed. Information received will be used to prepare the Draft and Final EIS and to make the agency decision. For most effective use, comments should be submitted to the Forest Service within 30 days from the date of publication of this notice in the **Federal Register**.

Agency Decisions

Under the Utah Coal Rules, the Manti-La Sal National Forest must consent to the Mining and Reclamation Plan prior to mine development. The FS consent may be subject to reasonable terms and conditions for the protection of the surface estate.

DATES: Written comments concerning issues to be considered and the scope of the analysis described in this notice should be received on or before May 24, 2002.

ADDRESSES: Send written comments to Forest Supervisor, Manti-La Sal National Forest, 599 West Price River Drive, Price, Utah 84501, ATTN: Dale Harber, Team Leader.

FOR FURTHER INFORMATION CONTACT: Questions concerning the proposed action and EIS should be addressed to Dale Harber or Aaron Howe, Manti-La Sale National Forest, phone (435) 637–2817.

SUPPLEMENTARY INFORMATION: The EIS and Record of Decision (ROD) will tier to the Final EIS and ROD for the Manti-La Sal National Forest Land and Resource Management Plan (Forest Plan). The Forest Plan provides the overall guidance (Goals, Objectives, Standards, and Management Area Direction) to achieve the Desired Future Condition for the area being analyzed, and contains specific management area prescriptions for the entire Forest.

Issues and alternatives to be evaluated in the analysis will be determined through scoping. The primary issues are expected to include the socioeconomic benefits of mining, the potential impacts of underground mining and mining-induced subsidence and seismicity to surface and ground water, vegetation, wildlife, cultural resources, range improvements, recreation, man-made features, and other land uses.

Agency representatives and other interested people are invited to visit with Forest Service and BLM officials at any time during the EIS process. Two specific time periods are identified for the receipt of formal comments on the analysis. The two comment period are, (1) during the scoping process, the next 30 days following publication of this Notice in the **Federal Register**, and (2) during the formal review period of the Draft EIS.

The Draft EIS is estimated to be filed with the Environmental Protection Agency (EPA) and available for public review in August, 2002. At that time the EPA will publish an availability notice in the **Federal Register**. The comment period on the Draft EIS will be 45 days from the date that EPA's notice of availability appears in the **Federal Register**. The Final EIS is expected to be released in January, 2003.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. Vermont Yankee Nuclear Power Corp. v. NRDC, 435, U.S. 519, 533 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. City of Angoon v. Hodel, 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

Authority: (Mineral Leasing Act of February 25, 1920 [P.L. 66–146, 41 Stat. 437, as amended; 30 U.S.C. 181–287])

Dated: February 27, 2002.

Elaine Zieroth,

Forest Supervisor, Manti-La Sal National Forest.

[FR Doc. 02–10980 Filed 5–2–02; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Manti-La Sal National Forest; Prima Oil and Gas Company Gas Exploration Well, Carbon County, UT; Notice of Intent To Prepare an Environmental Impact Statement

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Forest Service (FS) and Bureau of Land Management (BLM) will jointly prepare an Environmental Impact Statement (EIS) to document the analysis and disclose the environmental and human effects of authorizing a gas exploration well and associated road access on the Manti-La Sal National Forest. The proposed well, designated the East Clear Creek Federal #22–42, was proposed by Prima Oil and Gas Company (Prima).

Agency Decisions

The BLM is responsible for administration of oil and gas leases under the Mineral Leasing Act of 1920, as amended, and Federal Regulations in 43 CFR part 3100. The BLM Moab Field Office Manager must decide whether or not to approve the Application for Permit to Drill (APD). The Regional Forester, Intermountain Region, must decide whether or not to approve the Surface-Use Plan of Operations and what conditions to require for the protection of non-mineral resources. Forest Service authority is provided under the Federal Onshore Oil and Gas Leasing Reform Act of 1987 and Federal Regulations in 36 CFR part 228, sub-part E.

DATES: Written comments concerning issues and alternatives to be considered and the scope of the analysis described in this notice should be received within 30 days from the date of publication of this notice in the **Federal Register.**

ADDRESSES: Send written comments to Forest Supervisor, Manti-La Sal National Forest, 599 West Price River Drive, Price, Utah, 84501, ATTN: Karl Boyer.

FOR FURTHER INFORMATION CONTACT: Questions concerning the proposed action and EIS should be addressed to Karl Boyer or Carter Reed, Manti-La Sal National Forest, phone (435) 637–2817.

SUPPLEMENTARY INFORMATION: Prima has submitted an APD in order to obtain approval to conduct gas exploration and reclamation activities in the summer of 2003. All exploration activities would take place on Federal Oil and Gas Lease UTU–77087. One exploration well and

associated road construction is proposed. The site would be located approximately 4 miles south-southeast of the town of Clear Creek, via FSR50110, in Section 22, T.14S., R.7E, SLM, Carbon County, UT on Castle Valley Ridge within an Inventoried Roadless Area.

Purpose and Need

The purpose of the exploration program is to assess the economic recoverability of potential gas reserves in the Ferron Sandstone. The exploration drilling program would provide the structural, stratigraphic, and reservoir data necessary for the development of a suitable plan which would allow the company to economically and efficiently recover the gas reserves within Federal Oil and Gas Lease UTU–77087.

Proposed Action

The BLM is proposing to approve the APD. The Forest Service is proposing to approve the Surface Use Plan of Operations (SUPO) with conditions for mitigation of effects to non-mineral resources.

Public Participation

The Forest Service is seeking information and comments from Federal, State, and local agencies as well as individuals and organizations that may be interested in, or affected by, the proposed action. The agency invites written comments regarding potential issues and alternatives related to the proposed action and the area being analyzed. Information received will be used to prepare the Draft and Final EIS and considered in making agency decisions.

The EIS and Record of Decision (ROD) will tier to the Final EIS and ROD for the Manti-La Sal National Forest Land and Resource Management Plan (Forest Plan) 1986, as amended, by the 1994 Record of Decision for Oil and Gas Leasing on Lands Administered by the Manti-La Sal National Forest.

Draft preliminary issues include effects to wildlife, visual quality, roadless character, and dispersed recreation use along the Castle Valley Ridge Trail System.

Agency representatives and other interested people are invited to visit with Forest Service and BLM officials at any time during the EIS process. Two specific time periods are identified for the receipt of formal comments on the analysis. The two comment periods are, (1) during the scoping process, the next 30 days following publication of this Notice in the **Federal Register,** and (2) during the formal review period of the Draft EIS.

The Draft EIS is estimated to be filed with the Environmental Protection Agency (EPA) and available for public review in October 2002. At that time the EPA will publish an availability notice in the **Federal Register.** The comment period on the Draft EIS will be 45 days from the date that EPA's notice of availability appears in the **Federal Register.** The Final EIS is expected to be released in March 2003.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC,* 435 U.S. 519, 533 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. City of Angoon v. Hodel, 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

Authority: (Mineral Leasing Act of February 25, 1920 (Pub. L. 66–146, 41 Stat. 437, as amended; 30 U.S.C. 181–287))

Dated: April 19, 2002.

Elaine J. Zieroth,

Forest Supervisor, Mant-La Sal National Forest.

[FR Doc. 02–10464 Filed 5–2–02; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Manti-La Sal National Forest; State of Utah, State Institutional Trust Lands Administration Access Route on East Mountain, Emery County, UT; Notice of Intent To Prepare an Environmental Impact Statement

AGENCY: Forest Service, USDA.

ACTION: Notice of Intent to prepare an Environmental Impact Statement.

SUMMARY: The Forest Service (FS) will prepare an Environmental Impact Statement (EIS) to disclose the impacts of authorizing an access route across National Forest System Lands to the State of Utah State Institutional Trust Lands Administration (SITLA) inholdings in Emery County, Utah.

Agency Decision

The Regional Forester, Intermountain Region, must decide whether or not to authorize access to SITLA inholdings and what Terms and Conditions to require for resource protection.

DATES: Comments concerning the scope of the analysis must be received within 30 days from the date of publication of this Notice of Intent (NOI) in the **Federal Register.** The Draft Environmental Impact Statement (DEIS) is expected by May 2003, and the Final Environmental Impact Statement (FEIS) is expected by February 2004.

ADDRESSES: Send written comments to Elaine J. Zieroth, Forest Supervisor, Manti-La Sal National Forest, 599 West Price River Drive, Price, Utah, 84501, ATTN: Leland Matheson.

FOR FURTHER INFORMATION CONTACT: Aaron Howe, Mineral and Lands Staff Officer, Manti-La Sal National Forest 599 West Price River Drive, Price, Utah, 84501.

SUPPLEMENTARY INFORMATION: The Forest Service will prepare an EIS to decide whether to authorize SITLA to construct and reconstruct an access route across National Forest System Lands, for management purposes including timber removal, on their inholdings on East Mountain. A segment of the access route would traverse portions of the East Mountain Inventoried Roadless Area.

The SITLA inholdings consist of two sections: Section 36, T15S, R6E, (about

634 acres) and Section 2, T16S, R6E (about 987 acres). Provisions of the Alaska National Interest Lands Conservation Act (ANILCA) of 1980, section 1323(a)(16 U.S.C. 3210) provides that the owners of non-Federal land within the National Forest System shall be provided adequate access to their land. Regulations implementing section 1323(a) are set forth in Title 36, Code of Federal Regulations, part 251, subpart D—Access to Non-Federal Lands. The Forest Service Policy is further explained in the Forest Service Manual (FSM) 5400 and 2700. Access must comply with other laws and regulations such as the Threatened and Endangered Species Act, Clean Water Act, Historic Preservation Act, and the National Environmental Protection Act.

Purpose and Need for Action

The purpose and need for this action is to provide an adequate access route across National Forest System Lands to SITLA inholdings consistent with applicable laws, regulations, and Forest Service Policy.

Proposed Action

The Forest Service proposes to authorize SITLA permanent occupancy and use of National Forest System Lands along the proposed access location subject to terms and conditions.

Responsible Official

The Responsible Official for the Record of Decision is Jack G. Troyer, Regional Forester, Intermountain Region, 324 25th Street, Ogden, Utah 84401.

Scoping Process

This Notice of Intent initiates the scoping process which guides the development of the EIS. Scoping will be by Newspaper Legal Notice, mailings to interested parties and Quarterly Schedule of Proposed Actions. No public meetings are planned.

Preliminary Issues

Preliminary issues have been identified as new road construction in the East Mountain Inventoried Roadless Area and unstable steep slopes.

Comment Requested

If you choose to participate, your comments should be in writing and as specific as possible. All comments will be considered. Please note: comments submitted, as well as the names and addresses of those who comment, are considered part of the public record and will be released if requested under the Freedom of Information Act. If you provide a comment, you will remain on our mailing list for this project. If you do not comment but want to remain on the mailing list, please notify us. Those who do not comment or otherwise notify us will be dropped from the mailing list for this project. The estimated dates for filing the draft EIS is May 2003 and the FEIS is February 2004.

Early Notice of Importance of Public Participation in Subsequent Environmental Review

A DEIS will be prepared for comment. The comment period on the DEIS will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register.**

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of DEIS must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the DEIS stage but that are not raised until after completion of the FEIS may be waived or dismissed by the courts. City of *Angoon* v. *Hodel,* 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45 day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the FEIS.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the DEIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the DEIS or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

Authority: 40 CFR 1501.7 and 1508.22; Forest Service Handbook 1909.15, Section 21.

Dated: April 19, 2002.

Elaine J. Zieroth,

Forest Supervisor, Intermountain Region.

[FR Doc. 02–10465 Filed 5–2–02; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Revised Land and Resource Management Plan for the Monongahela National Forest: Barbour, Grant, Greenbrier, Nicholas, Pendleton, Pocahontas, Preston, Randolph, Tucker, and Webster Counties, WV

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement (EIS).

SUMMARY: The USDA Forest Service intends to prepare an environmental impact statement for revising the Monongahela National Forest Land and Resource Management Plan (*Forest Plan*) pursuant to 16 U.S.C. 1604(f)(5) and USDA Forest Service National Forest System Land and Resource Management Planning regulations. The revised *Forest Plan* will supersede the *Forest Plan* previously approved by the Regional Forester in January 1986, and *Forest Plan* amendments 1 through 5; dated June 24, 1988, April 20, 1990, June 28, 1991, October 1992, and August 27, 1992, respectively. The 1986 *Forest Plan* will remain in effect until this revision effort is completed. This notice identifies the topics that will help focus our revision effort, lists possible changes to the *Forest Plan*, displays the estimated dates for filing the EIS, provides information concerning public participation, and provides the names and addresses of the responsible agency official and the individuals who can provide additional information.

DATES: We need to receive your comments on this Notice of Intent in writing within 90 days after this notice is published in the **Federal Register**. The draft EIS should be available for public review by December 2004. The final EIS and revised *Forest Plan* are expected to be completed by December 2005.

ADRESSES: Send written comments to: NOI—FP Revision, Monongahela National Forest, 200 Sycamore Street, Elkins, West Virginia 26241, or direct electronic mail to: *r9_monong_website@fs.fed.us* and ''ATTN: Forest Plan Revision'' in the subject line.

FOR FURTHER INFORMATION CONTACT: Doug Adamo, Forest Planner; or Kate

Goodrich, Forest Public Affairs Officer at the address listed in the previous section, or by calling (304) 636–1800, fax number (304) 636–1875.

RESPONSIBLE OFFICIAL: The Responsible Official for this action is Donald L. Meyer, Acting Regional Forester, Eastern Region, 310 W. Wisconsin Avenue, Milwaukee, Wisconsin 53203.

SUPPLEMENTARY INFORMATION: The Regional Forester for the Eastern Region gives notice of the agency's intent to prepare an EIS to revise the Land and Resource Management Plan for the Monongahela National Forest (*Forest Plan*) pursuant to 16 U.S.C. 1604(f)(5) and USDA Forest Service National Forest System Land and Resource Management Planning regulations. The Regional Forester approved the original *Forest Plan* in January 1986. This *Forest Plan*, and the aforementioned plan amendments, guide the overall management of the Monongahela National Forest.

Forest Plan Decisions

We make six primary decisions in the *Forest Plan*, including:

1. Forest-wide multiple-use goals and objectives. Goals describe a desired condition to be achieved sometime in the future. Objectives are concise, time-specific statements of measurable planned results that respond to goals.

2. Forest-wide management requirements (standards and guidelines). These are limitations on management activities, or advisable courses of action that apply across the entire forest.

3. Management area direction applying to future activities in each management area. This is the desired future condition specified for certain portions of the forest, and the accompanying standards and guidelines to help achieve that condition.

4. Lands suited and not suited for resource use and production (such as timber management and grazing).

5. Monitoring and evaluation requirements needed to gauge how well the plan is being implemented.

6. Recommendations to Congress, if any (such as Wilderness or Wild and Scenic River designation).

The scope of this revision is limited to changing only those portions of the current *Forest Plan* that need revision, update, or correction. We propose to narrow the scope of revising the *Forest Plan* by focusing on topics identified as being most critically in need of change. The six decisions listed above will be revisited only in how they apply to the revision topics that are identified.

Purpose and Need for Action

There are three compelling reasons to revise the 1986 *Forest Plan:* (1) 15 years have passed since the Regional Forester approved the original *Forest Plan* for the Monongahela National Forest and national forests must revise the forest plan at least every 15 years according to requirements of the National Forest Management Act [U.S.C. 1604 (f)(5)]; (2) agency goals and objectives, along with other national guidance for strategic plans and programs, have changed more than can effectively be covered by additional forest plan amendments; and (3) new information and changed conditions need to be taken into consideration.

Setting

Throughout the mid-Atlantic region, including the Potomac Highlands of the Appalachian Mountains, people value the opportunities public forests provide. These opportunities include enjoyment of recreation, solitude, nature study and scenic beauty. In addition to such opportunities, the public expects important benefits from managed forests. Benefits provided by the Monongahela National Forest include a natural, forested setting for hunting and fishing; commercial recreation events, relaxation with family and friends, a place to learn about West Virginia history and culture, and wilderness experience, as well as providing wood products, and natural gas and minerals. These benefits and opportunities, coupled with its proximity to population centers, make the Monongahela National Forest integral to the sense of place for communities across West Virginia, as well as for the entire mid-Atlantic region.

Proposed Action

The revision of the Monongahela *Forest Plan* will focus on management direction and other areas identified as most critically in need of change. The revision topics will be refined, and additional topics may be identified, through the public comment process, through monitoring and evaluation, and experience with implementation of the Forest Plan since 1986. The following preliminary revision topics and associated subtopics have been identified:

1. Watershed Health

- Establish management area goals, and standards and guidelines, to improve watershed health in terms of ecological sustainability, including: Ecological functions, riparian area management, erosion and sedimentation control, flood and flood damage control, and restoration of aquatic ecosystems.
- Establish standards and guidelines to mitigate any adverse impacts on watersheds from acid deposition.

2. Ecosystem Health

- Maintain red spruce, northern hardwood, and oak-hickory ecosystems at sustainable levels.
- Identify appropriate conditions for use of prescribed fire to restore ecosystems, reduce hazardous fuels, maintain healthy forests and provide wildlife habitat.
- Update the current list of management indicator species. Replace some of the game species on the current list with non-game species that better represent habitats and species.
- Establish guidelines to reduce negative impacts to forest health from plant and animal pests, including insect infestations and non-native invasive plant species.

3. Vegetation Management

- Set the Forest Allowable Sale Quantity (ASQ).
- Update standards and guidelines to accommodate appropriate silvicultural methodologies.
- Establish vegetation management goals to better represent ecosystems at appropriate scales.
- Establish appropriate harvest levels to maintain the ecological function and supply of special forest products (i.e., mosses, medicinal herbs, mushrooms, firewood).

4. Visitor Opportunities and Access

- Establish direction for the Forest trail systems.
- Update road and trail density guidance to maintain a variety of visitor experiences.
- Establish guidance to maintain dispersed and developed recreation settings that provide customer satisfaction.

5. Land Allocations

- Adjust Management Area boundaries where needed to incorporate ecological land types, current social demands, and management practicalities.
- Establish Management Area(s) and appropriate standards and guidelines to protect rivers eligible for inclusion in the National Wild and Scenic River system.
- Determine whether any areas are appropriate for recommendation to Congress for Wilderness designation.
- Determine the most appropriate use for inventoried roadless areas.

When making decisions to revise the *Forest Plan*, we will examine economic

and social impacts, as well as environmental impacts at local and sub-regional levels. Based on the above-mentioned preliminary revision topics and associated sub-topics, the Forest planning team is gathering information for an analysis of current and projected uses, demand, and capabilities of the Forest. Data gathering and analyses that are either underway or planned include a recreation feasibility study, a social assessment, evaluation of potential roadless areas, special forest products inventories and species viability evaluations. Collectively, this information and analysis will contribute to our Analysis of the Management Situation. The Analysis of the Management Situation, studies, and related references compiled by the planning team, will be made available for public review upon completion.

In addition to the preliminary revision topics, we propose to revise the *Forest Plan* to:

- Make minor changes throughout the *Forest Plan* for new or updated information;
- Update the monitoring and evaluation strategy; and
- Incorporate the Scenery Management System (SMS) in place of the current system to evaluate visual resources.

Topics Not Addressed in This Revision

Forest plan decisions do not change laws, regulations or rights. The revised *Forest Plan* will only make decisions that apply to National Forest System lands. The *Forest Plan* will make no decisions regarding management or use of privately owned lands or reserved and outstanding mineral estates. Further suitability studies of Wild and Scenic Rivers will not be completed as a part of this Forest Plan revision. Topics related to implementing projects or enforcing regulations are also beyond the scope of what can be decided in a forest plan.

The management guidelines related to the federally listed (endangered) Indiana Bat and West Virginia Northern Flying Squirrel are not included as a revision topic because the Forest is currently amending the existing *Forest Plan* for these species based on formal consultation with the U.S. Department of Interior's Fish and Wildlife Service. Information about these species will be brought forward into the revised *Forest Plan* and does not need to be duplicated during the revision process. The alternatives in the final EIS will be analyzed for their effects on Threatened and Endangered Species.

Public comments received on topics that will not be addressed in the revised *Forest Plan* will be forwarded to the managers responsible for that topic area. The comments will be considered as managers develop information and proposals related to those topics. Such proposals may result in future plan amendments, changes in implementation, changes in program emphasis, or various other means of addressing concerns related to a particular topic. Implementation of proposals will be addressed as budget priorities allow.

Possible Alternatives

We will consider a range of alternatives when revising the *Forest Plan.* Alternatives will be developed to address different options to resolve issues raised about the proposed action, and the revision topics and proposals listed above, and to fulfill the purpose and need described earlier in this document. A ''No Action'' alternative is required and will be considered. For this analysis, the No Action alternative means that management would continue under the existing *Forest Plan* as amended.

Decision Framework

The Responsible Official will decide on the management direction for the Monongahela National Forest. The Responsible Official's choices will include:

1. The No Action Alternative, which would continue management under the current *Forest Plan* as amended; and

2. Alternatives developed during the revision process to address issues raised about the Proposed Action.

Inviting Public Participation

Following publication of this Notice of Intent, we will provide opportunities for public involvement including: a 90-day formal comment period, public meetings, written comments, website and e-mail. The Forest Service will host a series of public meetings to: (1) Establish multiple opportunities for the public to generate ideas, concerns, and alternatives; (2) present and clarify proposed changes to the *Forest Plan*; (3) describe ways that individuals can respond to this Notice of Intent; and (4) invite comments from the public on this proposal for revising the *Forest Plan.*

The table below presents the schedule of initial meetings that will be held during the 90-day public comment period. If you need special accommodations, please contact Doug Adamo, Forest Planner; or Kate Goodrich, Forest Public Affairs Officer, by calling (304) 636–1800, fax number (304) 636–1875.

Date	Location	Time
June 15, 2002	Seneca Rocks Discovery, Center, Intersection of State Routes 28 and 33, Seneca Rocks, Pendleton County, West Virginia.	Two Meetings: 9 a.m.–12 noon. 1 p.m.–4 p.m.
June 17, 2002	Graceland Inn and Conference Center, Davis and Elkins College, 100 Campus Drive, Elkins, West Virginia 26241.	4 p.m.–7 p.m.
June 18, 2002	Richwood Public Library, White Avenue, Richwood, West Virginia 26261	4 p.m.–7 p.m.
June 20, 2002	McClintic Public Library, 500 Eighth Street, Marlinton, West Virginia 24954	4 p.m.–7 p.m.
June 24, 2002	Blackwater Falls State Park, Harr Conference Center, Davis, West Virginia 26260	4 p.m.–7 p.m.
June 25, 2002	White Sulphur Springs City Hall, White Sulphur Springs, West Virginia 24986	4 p.m.–7 p.m.

From mid-2002 through mid-2004, we will validate issues and develop alternatives. We will provide many types of public involvement in support of alternative development, including public workshops, collaborative meetings, and website, as well as acceptance of written comments via regular mail and e-mail.

Late in the year 2004, we will release our proposed revised *Forest Plan* and a draft EIS. We will again provide many types of public involvement opportunities including a 90-day formal comment period, public meetings, and website, as well as acceptance of written comments via regular mail and e-mail.

In 2005, we will address the comments and revise the draft EIS based on those comments and further analysis. By mid-2005, we will release the decision, final revised *Forest Plan*, final EIS, and record of decision. We will provide informational meetings to explain these documents and decision on the final *Forest Plan.*

Availability of Public Comment

Comments received in response to this solicitation, including names and addresses of those who comment, will be considered part of the public record on this proposed action and will be available for public inspection.

Additionally, pursuant to 7 CFR 1.27(d), any persons may request the agency to withhold a submission from the record by showing how the Freedom of Information Act (FOIA) permits such confidentiality. Persons requesting such confidentiality should be aware that, under the FOIA, confidentiality may be granted in only limited circumstances, such as to protect trade secrets.

The Forest Service will inform the requester of the agency's decision regarding the request for confidentiality, and if the requester is denied, the agency will return the submission and notify the requester that the comments may be resubmitted with or without name and address within 90 days.

Comment Requested

This Notice of Intent initiates the scoping process, which assists the Forest Service in the development of the EIS. Comments will be most helpful if they are written and are specific in nature, stating not only the area of concern, but also the reason for the concern.

The Forest Plan revision will include a social impact analysis, which will include considerations of potential effects to environmental justice concerns and individual civil rights. Comments regarding these topics are also requested.

Proposed New Planning Regulations

The U.S. Department of Agriculture (USDA) published new planning regulations in November of 2000. Concerns regarding the ability to implement these regulations prompted a review with probable revision of these regulations. On May 10, 2001, USDA Secretary Veneman signed an interim final rule allowing *Forest Plan* amendments or revisions initiated before May 9, 2002, to proceed either under the new planning rule or under the 1982 planning regulations. The Monongahela National Forest revision process will be initiated under the 1982 planning regulations, pending future direction in revised regulations.

Early Notice of Importance of Public Participation in Subsequent Environmental Review

A draft EIS will be prepared for comment. The comment period for the draft EIS will be 90 days from the date the U.S. Environmental Protection Agency publishes the Notice of Availability in the **Federal Register**.

The Forest Service believes it is important to provide reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions [*Vermont Yankee Nuclear Power Corp.* v. *NRDS,* 435 U.S. 519, 553 (1978)]. Also, environmental objections that could be raised at the draft environmental impact stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts [*City of Angoon* v. *Hodel,* 803 F2d 1016, 1022 (9th cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980)]. Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 90-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council of Environmental Quality Regulations (*http://ceq.eh.doe.gov/nepa/nepanet.htm*) for implementing the procedural provision of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

Dated: April 26, 2002.

Donald L. Meyer,

Acting Regional Forester.

[FR Doc. 02–10971 Filed 5–2–02; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Beaverhead-Deerlodge National Forest, Northern Region

AGENCY: Forest Service, USDA.

ACTION: Notice; intent to revise the Land and Resource Management Plan (Forest Plan) for the Beaverhead-Deerlodge National Forest.

SUMMARY: This notice announces the beginning of efforts to revise the Land and Resource Management Plan (Forest Plan) for the Beaverhead-Deerlodge National Forest. Beginning efforts are to estalish a planning team and evaluate information needs. Public involvement is critical and will be requested throughout this effort. The forest is developing a communication strategy to document how the public and government entities may participate in the revision of the Forest Plan.

ADDRESSES: Send written comments concerning this notice, communication strategy and requests to be included on the Forest Plan revision mailing list to Jack DeGolia, Public Affairs Officer, Beaverhead-Deerlodge National Forest, 420 Barrett, Dillon, MT 59725.

FOR FURTHER INFORMATION CONTACT: Janet Bean-Dochnahl, (406) 682–4253 or Anita DeZort, (406) 683–3946, Acting Forest Plan Revision Team Leaders.

SUPPLEMENTARY INFORMATION: The Forest Plan for the Beaverhead National Forest was completed in 1986 and the Deerlodge Forest Plan was completed in 1987. The Forests were administratively combined in 1996. Both plans will remain in effect and continue to be implemented until they are revised.

With this Notice we initiate revision of both forest plans. During the next several months our focus will be on organizing the revision team and evaluating information required. Once the scope of the revision is better understood the Forest will issue another Notice to announce initiation of an Environmental Impact Statement, as provided by the National Environmental Policy Act.

This Notice initiates revision under the 1982 planning regulations (36 CFR 219). The Forest Service is preparing new draft planning regulations, which are anticipated in the spring of 2002. Since these new regulations will reflect the latest national thinking on land and resource management planning, the Forest will seriously consider switching to revision under the new planning regulations. This will depend on when the regulations are finalized. An additional Notice will be issued if the Forest decides to operate under the new regulations.

Dated: April 26, 2002.

Peri Suenram,

Acting Forest Supervisor.

[FR Doc. 02–10972 Filed 5–2–02; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Manti-La Sal National Forest, Intermountain Region, UT

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to revise the Land and Resource Management Plan (Forest Plan) for the Manti-la Sal National Forest.

SUMMARY: This notice announces the intent of the Manti-La Sal National Forest to revise their Land and Resource Management Plan (Forest Plan) under the 1982 planning regulations (36 CFR 219). Initial steps of the revision process will focus on information needs, organizing the revision team, resource inventory reviews, and establishing a Forest Plan revision mailing list. Public involvement is critical and will be requested throughout the revision effort.

ADDRESSES: Send written comments concerning this notice and requests to be added to the Forest Plan revision mailing list to Elaine Zieroth, Forest Supervisor, Manti-La Sal National Forest, 599 West Price River Drive, Price, UT 84501.

FOR FURTHER INFORMATION CONTACT: Ann King, Public Affairs Officer, Manti-La Sal National Forest, 599 West Price River Drive, Price, UT 84501.

SUPPLEMENTARY INFORMATION: The Forest Plan for the Manti-La Sal National Forest was completed in November, 1986 and will remain in effect and continue to be implemented until the Plan is revised. In the past, a ''Notice of Intent to Prepare an Environmental Impact Statement'' was issued at the beginning of the forest planning process. This Notice addresses initiation of revision with a focus on information needs, resource inventory reviews, organizing the revision team, and working with the public. Once the scope of the revision is better understood the Forest will issue another Notice to prepare the Environmental Impact Statement.

This Notice initiates revision under the 1982 planning regulations (36 CFR 219). The Forest Service is preparing new draft planning regulations expected to be issued in the Spring of 2002. Since these new regulations will reflect the latest national thinking on land and resource management planning, the Forest will seriously consider switching to, and completing the forest plan revision under, the new regulations when they are finalized. An additional Notice will be issued if the Forest decides to switch. (Authority: 40 CFR 1501.7 and 1508.22; Forest Service Handbook 1909.15, Section 21)

Dated: April 18, 2002.

Elaine J. Zieroth,

Forest Supervisor.

[FR Doc. 02–10128 Filed 5–2–02; 8:45 am]

BILLING CODE 3410–11–M

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions

AGENCY: Committee for Purchase from People Who Are Blind or Severely Disabled.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to the Procurement List services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: June 2, 2002.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

FOR FURTHER INFORMATION CONTACT: Sheryl D. Kennerly (703) 603–7740.

SUPPLEMENTARY INFORMATION: On January 4, February 15, March 1, and March 8, 2002, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice (67 FR 556, 7130, 9436, and 10663) of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the services and impact of the additions on the current or most recent contractors, the Committee has determined that the services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the services to the Government.

2. The action will not have a severe economic impact on current contractors for the services.

3. The action will result in authorizing small entities to furnish the commodities and services.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the services proposed for addition to the Procurement List.

Accordingly, the following services are added to the Procurement List:

Services

Service Type/Location: Central Facility Management, Interstate Commerce Commission, Washington, DC.
NPA: The Chimes, Inc., Baltimore, MD.
Contract Activity: GSA, Public Buildings Service.

Service Type/Location: Central Facility Management, U.S. Customs Building, Washington, DC.
NPA: The Chimes, Inc., Baltimore, MD.
Contract Activity: GSA, Public Buildings Service.

Service Type/Location: Central Facility Management, Connecting Wing-U.S. Customs Building, Washington, DC.
NPA: The Chimes, Inc., Baltimore, MD.
Contract Activity: GSA, Public Buildings Service.

Service Type/Location: Hospital Housekeeping Services, Great Lakes Naval Hospital, Great Lakes, IL.
NPA: Relief Enterprise, Inc., Austin, TX.
Contract Activity: Great Lakes Naval Hospital, Department of the Navy.

Service Type/Location: Janitorial/Custodial, Randolph Air Force Base, Buildings 592 and 575, Randolph AFB, TX.
NPA: Relief Enterprise, Inc., Austin, TX.
Contract Activity: Randolph Air Force Base, Department of the Air Force.

Service Type/Location: Janitorial/Custodial, U.S. Army Reserve Center, Galax, VA.
NPA: Mount Rogers Community MH–MR Services Board, Wytheville, VA.
Contract Activity: Department of the Army.

Service Type/Location: Janitorial/Custodial, U.S. Army Reserve Center, Marion, VA.
NPA: Mount Rogers Community MH–MR Services Board, Wytheville, VA.
Contract Activity: Department of the Army.

This action does not affect current contracts awarded prior to the effective date of this addition or options that may be exercised under those contracts.

Sheryl D. Kennerly,

Director, Information Management.

[FR Doc. 02–11014 Filed 5–2–02; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions

AGENCY: Committee for Purchase from People Who Are Blind or Severely Disabled.

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee is proposing to add to the Procurement List services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

Comments Must Be Received on or Before: June 2, 2002

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

FOR FURTHER INFORMATION CONTACT: Sheryl D. Kennerly, (703) 603–7740

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, the entities of the Federal Government identified in the notice for each service will be required to procure the services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities. I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the services to the Government.

2. The action may result in authorizing small entities to furnish the services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-ODay Act (41 U.S.C. 46–48c) in connection with the services proposed for addition to the Procurement List. Comments on this certification are invited.

Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following services are proposed for addition to Procurement List for production by the nonprofit agencies listed:

Services

Service Type/Location: Custodial Services, Veterans Affairs Nursing Home Care Unit, Pueblo, CO .
NPA: Pueblo Diversified Industries, Inc., Pueblo, CO.
Contract Activity: Department of Veterans Affairs, VA Medical Center, Denver, CO.

Service Type/Location: Janitorial/Custodial, Fort Polk, Buildings 7680 and 428, Fort Polk, LA.
NPA: Vernon Sheltered Workshop, Leesville, LA.
Contract Activity: Directorate of Contracting, Ft Polk, LA.

Sheryl D. Kennerly,

Director, Information Management.

[FR Doc. 02–11015 Filed 5–2–02; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF COMMERCE

Office of the Secretary

[Docket No. 020430099–2099–01]

RIN 0690–XX07

Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Disseminated Information

AGENCY: Department of Commerce.

ACTION: Notice; request for comment.

SUMMARY: Section 515 of Public Law 106–554, the Treasury and General Government Appropriations Act for Fiscal Year 2001, directs the Office of Management and Budget (OMB) to issue government-wide guidelines that ''provide policy and procedural guidance to Federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by Federal agencies.'' In addition, section 515 requires that agencies subject to the OMB guidelines must establish ''administrative mechanisms allowing affected persons to seek and obtain correction of information that does not comply with [the OMB guidelines].'' The OMB final guidelines were published in the **Federal Register** on February 22, 2002. Those guidelines direct that, by May 1, 2002, agencies publish for public comment their draft guidelines. As such, the Department of Commerce is requesting public comment on the following guidelines, information quality standards, and administrative correction mechanism. The draft guidelines contained in this document provide policy direction to the various operating units of the Department in issuing information quality standards applicable to information they disseminate. Further, this document includes draft Department-wide information quality standards to address information utility and integrity, as well as an information quality standard for information that is other than scientific, financial, or statistical.

DATES: Comments are due by close of business June 3, 2002.

ADDRESSES: Comments should be sent to Thomas N. Pyke, Jr., Chief Information Officer, Department of Commerce, 14th St. and Constitution Ave. NW, Room 5029B, Washington, DC 20230. Send e-mail to *informationquality@doc.gov.* Department of Commerce operating units will publish their information quality standards on the Web sites listed in the **SUPPLEMENTARY INFORMATION** section of this document. Comments on the operating unit standards should be addressed directly to the contact noted in the operating unit standards.

FOR FURTHER INFORMATION CONTACT: Diana H. Hynek, Office of the Chief Information Officer, Department of Commerce, 14th St. and Constitution Ave. NW, Room 6625, Washington, DC 20230. Telephone (202) 482–0266 or by e-mail to *dhynek@doc.gov.*

SUPPLEMENTARY INFORMATION:

Background

The U.S. Department of Commerce (''Commerce'' or ''Department'') is one of the most diverse Federal departments, both in terms of its mission and the information it provides to the public. We are responsible for daily weather reporting, facilitating the use of technology both at home and in the workplace, collecting statistics that assist the public and private sector, and supporting the environmental and economic health of U.S. communities. Our mission is to promote job creation and improve living standards for all Americans by creating an infrastructure that encourages economic growth, technological competitiveness, and sustainable development, conservation, and wise use of living marine resources.

To carry out this mission, three strategic goals have been identified. They are to provide the information and the framework to enable the economy to operate efficiently and equitably; provide the infrastructure for innovation to enhance U.S. competitiveness; and observe and manage the Earth's environment to promote sustainable growth.

Commerce provides the basic economic data necessary to develop sound business decisions, producing many of the commonly used economic statistics issued by the U.S. Government. The Department also produces information designed to encourage the use of science and technology in the production of consumer goods and services.

Commerce plays an important role in the nation's global business development. The Department develops and disseminates foreign market research and international trade opportunities through its offices in the United States and in 83 foreign countries. Commerce also monitors and enforces compliance with U.S. trade laws and agreements, and defends American firms from injurious foreign business practices by administering U.S. antidumping and countervailing duty laws.

The oceanic and atmospheric programs at Commerce improve the understanding and rational use of the natural environment to further the Nation's safety, welfare, security, and commerce. These responsibilities include predicting the weather, charting the seas, and protecting the oceans and coastal areas.

Domestically, Commerce's programs promote long-term business enterprises that create jobs for minority groups and in underdeveloped areas across the United States. These programs are supported by reports, publications, projections, and business expertise. The Department provides services to citizens, and private business as well as to state, local and tribal governments.

Commerce Commitment to Information Quality

Given the broad responsibilities of the Commerce Department in scientific, technical, and statistical information, Commerce welcomes the opportunity provided by the issuance of the Office of Management and Budget information quality guidelines to demonstrate our thorough and professional approach to information release at the Commerce Department.

Our goal is to ensure and maximize the quality of the information we release to the public. We are committed to making the methods, models, and processes that produce our information transparent and rigorous. At the Commerce Department, we have a long tradition of producing relevant, credible, high quality information to the public at large, the academic community, and the private sector.

We believe that we uphold a high standard regarding information quality through the use of quality control procedures for statistical data collection and processing. The 2000 decennial census, conducted by the Census Bureau, was the most accurate census in the history of the Nation. Commerce has made significant strides in redesigning the national income and product accounts by improving the conceptual foundation and incorporating new estimating methods and other statistical improvements. Our scientific research incorporates both internal and external peer review as appropriate. The Department boasts two Nobel Prize winners in science. We operate supercomputers that rank in the Nation's top ten in processing power. These powerful computers allow us a high degree of model resolution that increases the number of data points used to improve the accuracy of weather forecasts.

In summary, we are proposing these draft Commerce guidelines as a continuation of our commitment to information quality. We have a proven track record in producing high quality information and welcome the opportunity for the public to comment on our information quality guidelines.

Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by the Department of Commerce and its Operating Units

I. Department of Commerce Responsibilities

The Department of Commerce Chief Information Officer (CIO) will prepare and submit reports annually to the Director of the Office of Management and Budget (OMB) regarding the number and nature of complaints received by the Department of Commerce regarding Department compliance with the OMB guidelines concerning the quality, objectivity, utility, and integrity of information and how such complaints were resolved, as required by Section 515 of the Treasury and General Government Appropriations Act for FY 2001 (Public Law 106–554) and the OMB Guidelines.

II. Operating Unit Responsibilities

1. By October 1, 2002, document and make available to the public information quality standards that address the requirements of quality, objectivity, utility, and integrity for all non-exempt information disseminated by the operating unit.

2. By October 1, 2002, establish administrative mechanisms allowing affected persons to seek and obtain correction of information maintained and disseminated by the operating unit on or after October 1, 2002, that does not comply with these Department guidelines and the OMB guidelines.

3. Assist the Department CIO in the preparation of annual reports to OMB by providing information requested by the Department CIO.

III. Information Quality Standards

By October 1, 2002, each operating unit must document and make available to the public information quality standards that meet the requirements of quality, objectivity, utility, and integrity, as defined in these guidelines, for all non-exempt information disseminated by that operating unit. (The operating units of the Department are organizational entities outside the Office of the Secretary charged with carrying out specified substantive functions (i.e. programs) of the Department. For purposes of this document, operating unit responsibilities will apply to the Office of the Secretary also.) Each operating unit will post on its Web site the categories of information disseminated by the operating unit, the quality standard for each category, and an administrative correction mechanism for public comment by May 31, 2002. Web addresses are listed in the final section of this announcement. Note: The draft standards for the Census Bureau and for other than scientific, financial, and statistical information in the Office of the Secretary are available now.

Department-Level Guidance to Commerce Operating Units

The guidelines below provide direction to the operating units of the Department in issuing information quality standards applicable to information they disseminate. This document includes Department-wide model information quality standards to address information utility and integrity, as well as a model information quality standard for information other than scientific, financial, or statistical information. The latter standard includes the model utility and integrity standards for completeness. Finally, this document contains a model administrative correction process for information disseminated by operating units of the Department.

As noted below, each operating unit may adopt or adapt the suggested model standards and adapt the suggested model administrative mechanism, as needed. An operating unit may also choose to adapt the model standards by integrating them with other standards. Where no model standard is provided, each operating unit must prepare standards to comply fully with Section 515 of the Treasury and General Government Appropriations Act for FY 2001 (Public Law 106–554) and the OMB Guidelines. In particular, each operating must address the objectivity of scientific, financial, and statistical information it disseminates.

Note on Terminology: In these Guidelines, the terms ''quality,'' ''utility,'' ''objectivity,'' ''integrity,'' ''information,'' ''government information,'' ''information dissemination product,'' ''dissemination,'' ''influential,'' and ''reproducibility'' are used with the meanings given by the definitions in the OMB final Guidelines as published in the **Federal Register**, Vol. 67, No.36, February 22, 2002. Where a different or modified definition of any of these terms is applicable in a specific context, or associated with a specific information category, that definition will be provided in the context to which it applies.

I. Use of Disclaimers for Released Information

Each operating unit may adopt or adapt this policy.

Scope

This policy covers release of information by the Department of Commerce on or after October 1, 2002.

Policy

Any information released by the Department that does not represent the views of the Department (or any of its components) shall contain a disclaimer indicating that it does not represent the views of the Department.

II. Model Quality Standard for Utility of Information Disseminated to the Public

Each operating unit may adopt or adapt this standard.

Scope

This standard covers all information disseminated by the Department of Commerce on or after October 1, 2002.

Standard

Information disseminated to the public shall be useful to its intended users. ''Useful'' means that the content of the information is helpful, beneficial, or serviceable to its intended users, or that the information supports the usefulness of other disseminated information by making it more accessible or easier to read, see, understand, obtain, or use. Where the usefulness of information will be enhanced by greater transparency, care shall be taken that sufficient background and detail is available, either with the disseminated information or through other means, to maximize the usefulness of the information. The level of such background and detail shall be commensurate with the importance of the particular information, balanced against the resources required, and be appropriate to the nature and timeliness of the information to be disseminated.

III. Model Quality Standard for Integrity of Information Disseminated to the Public

Each operating unit may adopt or adapt this standard.

Scope

This standard covers all information disseminated by the Department of Commerce on or after October 1, 2002.

Standard

Information disseminated by the Department of Commerce to the public, independent of the specific distribution mechanism, shall be safeguarded from improper access, modification, or destruction. The Department will ensure that disseminated information, including original and supporting information, is protected commensurate with the risk and magnitude of harm that could result from the loss, misuse, or unauthorized access to or modification of such information.

All electronic information disseminated to the public by the Department of Commerce adheres to the standards set out in Appendix III, ''Security of Federal Automated Information Resources,'' OMB Circular A–130; the Computer Security Act; and the Government Information Systems Reform Act.

Confidentiality of data collected by the Department is safeguarded under legislation including the Privacy Act and Titles 13, 15, and 22 of the U.S. Code. For its formal statistical data releases to the public, the Commerce Department maintains strict procedures to protect premature disclosure of the data before the publicly scheduled date and time of the release.

IV. Model Quality Standard for Non-Scientific, Non-Financial, Non-Statistical Information Disseminated to the Public

Each operating unit may adopt or adapt this standard.

Scope

This standard covers all non-scientific, non-financial, non-statistical information disseminated by the Department of Commerce on or after October 1, 2002.

Utility

Information disseminated to the public shall be useful to its intended users. ''Useful'' means that the content of the information is helpful, beneficial, or serviceable to its intended users, or that the information supports the usefulness of other disseminated information by making it more accessible or easier to read, see, understand, obtain, or use. Where the usefulness of information will be enhanced by greater transparency, care shall be taken that sufficient background and detail is available, either with the disseminated information or through other means, to maximize the usefulness of the information. The level of such background and detail shall be commensurate with the importance of the particular information, balanced against the resources required, and be appropriate to the nature and timeliness of the information to be disseminated.

Integrity

Information disseminated by the Department of Commerce to the public, independent of the specific distribution mechanism, shall be safeguarded from improper access, modification, or destruction. The Department will ensure that disseminated information, including original and supporting information, is protected commensurate with the risk and magnitude of harm that could result from the loss, misuse, or unauthorized access to or modification of such information.

All electronic information disseminated to the public by the Department of Commerce adheres to the standards set out in Appendix III, ''Security of Federal Automated Information Resources,'' OMB Circular A–130; the Computer Security Act; and the Government Information Systems Reform Act.

Confidentiality of data collected by the Department is safeguarded under legislation including the Privacy Act and Titles 13, 15, and 22 of the U.S. Code. For its formal statistical data releases to the public, the Commerce Department maintains strict procedures to protect premature disclosure of the data before the publicly scheduled date and time of the release.

Objectivity

Information disseminated by the Department shall be presented in a clear, complete, and unbiased manner, and in a context which enhances usability to the intended audience. The sources of the disseminated information shall be identified to the extent possible, consistent with confidentiality, privacy, and security considerations and protections, and taking into account timely presentation, the medium of dissemination, and the importance of the information, balanced against the resources required and the time available.

Information disseminated by the Department shall be reliable and accurate to an acceptable degree of error as determined by factors such as the

importance of the information, its intended use, time sensitivity, expected degree of permanence, relation to the primary mission(s) of the disseminating office, and the context of the dissemination, balanced against the resources required and the time available. A body of information is considered to be reliable if experience shows it to be generally accurate. Accurate information, in the case of non-scientific, non-financial, non-statistical information, means information which is reasonably determined to be factually correct in the view of the disseminating office as of the time of dissemination.

Pre-dissemination Review Process

The pre-dissemination review process shall enable the Department to substantiate the quality of disseminated information through documentation or other means appropriate to the nature and importance of the information, balanced against resources required and the time available.

Pre-dissemination review of information disseminated by the Department shall be incorporated into the normal review processes for each type of information to take advantage of inherent quality checks that are part of the process of formulating the information. This review shall be at a level appropriate to the information, taking into account the information's importance, balanced against the resources required and the time available. Department operating units shall treat information quality as integral to every step in their process of developing the information, including creation, collection, maintenance, and dissemination.

Pre-dissemination review can be accomplished in a number of ways, including but not limited to combinations of the following:

a. Active personal review of information by supervisory and management layers, either by reviewing each individual dissemination, or selected samples, or by any other reasonable method.

b. Use of quality check lists, charts, statistics, or other means of tracking quality.

c. Careful design and monitoring of review processes to ensure they are effective.

d. Peer monitoring during information preparation.

e. Use of management controls.

f. Review of comments from the public.

g. Any other method which serves to enhance the objectivity, utility, and integrity of the information.

Contact Information

Contact information shall be provided with the information disseminated.

V. Model Administrative Mechanism for Requesting Correction of Information Disseminated to the Public

(a) *Requests to correct information.* Any *affected person* may request, where appropriate, timely correction of disseminated information that does not comply with Office of Management and Budget (OMB) or Department guidelines. An affected person would submit a request for such action directly to a point of contact designated to receive such requests.

(b) *Appeals of denials of requests.* Any person receiving an initial denial of a request to correct information made under paragraph (a), may file an *appeal* of such denial, which must be received by the *head of the operating unit* within *thirty calendar days* of the date of the denial of the request. The appeal must include a copy of the original request, any correspondence regarding the initial denial, and a statement of the reasons why the initial denial was in error. No opportunity for personal appearance, oral argument, or hearing on appeal is provided.

(c) *Savings clause.* Operating units must adopt or adapt these procedures for providing affected persons with an opportunity to seek and obtain correction of disseminated information described in this guideline. However, operating units with an existing process for providing affected persons with an opportunity to seek and obtain correction of disseminated information may retain their existing process, provided such existing process has been published in the **Federal Register**, or otherwise been made publicly available.

(d) *Definitions.*

(1) *Affected person* means a person who meets each of the following three criteria:

(i) The person must have suffered an injury '' harm to an identifiable legally-protected interest;

(ii) There must be a causal connection between the injury and the disseminated information—the injury has to be fairly traceable to the disseminated information or decisions based on such information, and not the result of independent or unrelated action; and

(iii) It must be likely, as opposed to merely speculative, that the injury will be redressed by a favorable decision.

(2) *Person* means an individual, partnership, corporation, association, public or private organization, or State or local government; and

(3) *Program office* means a sub-organization of an operating unit responsible for carrying out specified substantive functions (i.e., programs) of that operating unit.

(e) *Procedures for initial request for correction.*

(1) Each operating unit of the Department will establish internal procedures that ensure that every dissemination of information will contain a point of contact for an affected person to request correction of such disseminated information that does not comply with OMB or Department guidelines. The point of contact may be a Department-wide internet Web site established for the purpose of receiving such requests for correction. Alternatively, the point of contact may be an office in the operating unit that disseminated the information, either the program office that actually disseminated the information, an office one organizational level above such office, or a central point of contact within the operating unit.

(2) An initial request for correction of disseminated information must be either posted to any Department-wide internet Web site established for such purpose or in writing and addressed to the point of contact. The point of contact will transmit the request to the office that will address the request (responsible office). Any Department employee receiving a misdirected request will take reasonable efforts to forward the request to the appropriate office, but the responsible office is not obligated to respond until it receives the request.

(3)(i) No initial request for correction will be considered under these procedures concerning:

(A) A matter not involving ''information,'' as that term is defined in OMB's guidelines;

(B) Information that has not actually been ''disseminated,'' as that term is defined in OMB's guidelines; or

(C) Disseminated information the correction of which would serve no useful purpose. For example, correction of disseminated information would serve no useful purpose with respect to information that is not valid, used or useful after a stated short period of time (such as a weather forecast). This limitation would not, however, preclude a request for correction alleging a systemic problem resulting in consistent errors in the dissemination of such information.

(ii) Such a request will be accounted for in the Department's report to OMB.

(4) At a minimum, initial requests must include:

(i) The requester's current home or business address, telephone number or

electronic mail address (in order to ensure timely communication);

(ii) An accurate citation to or description of the particular information disseminated which is the subject of the request (including the date and information source from which the requester obtained the information); and

(iii) An explanation of:

(A) How the requester is an affected person;

(B) How the requester believes the office that disseminated the information failed to follow its applicable information quality standards; and

(C) Why the requester believes that the subject information is not correct.

(5) Upon receipt of an initial request, the requester will be notified of receipt as soon as administratively possible.

(6)(i) Each operating unit of the Department will establish internal procedures that ensure that, upon receipt of a request from an affected person meeting the requirements of paragraph (e)(4) (hereinafter called ''a proper request''), an initial decision will be communicated to the requester, usually within 60 calendar days. Each operating unit may establish a time period for its initial decision depending on the type of information at issue.

(ii) No action will be taken regarding a request failing to meet the requirements of paragraph (e)(4), including a request made by a person unaffected by the dissemination of the information. The submitter of any such request will be notified of this disposition. Such a request will be accounted for in the Department's report to OMB.

(iii) A proper request made concerning information disseminated as part and during the pendency of the comment period on a proposed rule, including a request concerning the information forming the record of decision for a proposed rule, will be treated as a comment filed on that proposed rulemaking action, and will be addressed in issuance of any final rule. A proper request filed after the close of the comment period on any proposed rule may be considered to the same extent as any other late-filed comment or may be addressed through the procedures established in this guideline.

(7)(i) Upon receipt of a proper request, the responsible office must make a preliminary determination whether the request states a claim. A request for correction will be preliminarily determined to state a claim if it reasonably demonstrates, on the strength of the assertions made in the request alone, that the information disseminated was based on a misapplication or non-application of the operating unit's applicable published information quality standards.

(ii) A determination that a request does not state a claim will be communicated to the requester as soon as is administratively possible. There is no appeal from a decision that a request does not state a claim.

(8)(i) If a request is preliminarily determined to state a claim, the responsible office will objectively investigate and analyze, in a manner consistent with established internal procedures, whether the information disseminated is in compliance with the operating unit's published information quality standards. The appropriate official will make an initial decision, based on the request and any internal investigation and analysis, whether the information should be corrected because it does not comply with the operating unit's published information quality standards (granted request) or not corrected because it does comply with the operating unit's published information quality standards or, in the event that it does not comply with the operating unit's published information quality guidelines, the results would have been substantially or statistically the same (initial denial). There will be no opportunity for an in-person hearing.

(ii) The appropriate official must communicate his/her initial decision to the requester within the time frame established by the operating unit's internal guidelines. The initial decision must contain the name and title of the person communicating the decision, and a notice that the requester may appeal an initial denial to the head of the operating unit (with the name, title, and address of that official) within 30 calendar days of the date of the initial denial. An initial denial will become a final decision if no appeal is filed within 30 days.

(iii) The appropriate official may determine to grant the request and not correct the disseminated information if to correct the information would require a commitment of resources unavailable to that official. The appropriate official will communicate such a determination to the requester and will consider, in consultation with the head of the operating unit, including a request for sufficient funds to undertake the correction in the next budget cycle.

(f) *Appeals from initial denial.*

(1) An appeal from an initial denial must be made within 30 calendar days of the date of the initial decision. Such appeal must be in writing and addressed to the head of the operating unit responsible for the program office that disseminated the information. At a minimum, an appeal of an initial denial must include:

(i) The requester's current home or business address, telephone number or electronic mail address (in order to ensure timely communication);

(ii) A copy of the original request and any correspondence regarding the initial denial; and

(iii) A statement of the reasons why the requester believes the initial denial was in error. In describing why the requester believes the initial denial was in error, the requester must provide detailed reasons why:

(A) The failure to follow its information quality standards led the office that disseminated the information to disseminate information that is not within an acceptable degree of imprecision or error;

(B) The disseminated information is not within an acceptable degree of imprecision or error regardless of whether the office that disseminated the information correctly followed its information quality standards; or

(C) The standards covering the dissemination of the information at issue were so flawed that, even if they had been followed, they would lead to the dissemination of incorrect information.

(2) The head of the operating unit will decide whether the information should be corrected based on all the information presented in the appeal and the evidence collected by the operating unit pertaining to that appeal. There will be no opportunity for an in-person hearing. The head of the operating unit must communicate his/her decision to the requester within the time frame established by the operating unit's internal procedures, but in no case longer than 60 calendar days after receipt of the appeal. The decision of the head of the operating unit will constitute a final decision by the Department.

(3) The head of the operating unit may determine that an appeal meets one of the criteria in paragraph (f)(1)(iii) and not correct the disseminated information or the Department's guidelines if to do so would require a commitment of resources unavailable to that official. The head of the operating unit will communicate such a determination to the requester and will consider including a request for sufficient funds to undertake the correction in the next budget cycle.

Department of Commerce and Operating Unit Web Sites

http://www.doc.gov/
http://www2.osec.doc.gov/public.nsf/docs/os

http://www.bxa.doc.gov/
http://www.esa.doc.gov/
http://www.bea.doc.gov/
http://www.census.gov/
http://www.doc.gov/eda/
http://www.ita.doc.gov/
http://www.mbda.gov/
http://www.noaa.gov/
http://www.ntia.doc.gov/
http://www.oig.doc.gov/
http://www.ta.doc.gov/
http://www.nist.gov/
https://www.ntis.gov/

Dated: April 29, 2002.

Thomas N. Pyke, Jr.,

Chief Information Officer.

[FR Doc. 02–10991 Filed 4–30–02; 12:40 pm]

BILLING CODE 3510–CW–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Evaluation of Coastal Zone Management Programs

AGENCY: Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration (NOAA), DOC.

ACTION: Notice of intent to evaluate.

SUMMARY: The NOAA Office of Ocean and Coastal Resource Management (OCRM) announces its intent to evaluate the performance of the Pennsylvania Coastal Management Program.

This Coastal Zone Management Program evaluation will be conducted pursuant to section 312 of the Coastal Zone Management Act of 1972 (CZMA), as amended and regulations at 15 CFR part 923, subpart L.

The CZMA requires continuing review of the performance of states with respect to coastal program implementation. Evaluation of Coastal Zone Management Programs requires findings concerning the extent to which a state has met the national objectives, adhered to its Coastal Management Program document approved by the Secretary of Commerce, and adhered to the terms of financial assistance awards funded under the CZMA.

The evaluation will include a site visit, consideration of public comments, and consultations with interested Federal, state, and local agencies and members of the public. A public meeting will be held as part of the site visit.

Notice is hereby given of the dates of the site visit for this evaluation, and the date, local time, and location of the public meeting during the site visit.

The Pennsylvania Coastal Management Program evaluation site visit will be held June 17–21, 2002. One public meeting will be held during the week. The public meeting will be on Tuesday, June 18, 2002 at 7 p.m., in the Rotary Pavilion, Presque Isle State Park, Erie, Pennsylvania.

Copies of Pennsylvania's most recent performance reports, as well as OCRM's notification and supplemental request letters to the State, are available upon request from OCRM. Written comments from interested parties regarding this program are encouraged and will be accepted until 15 days after the public meeting. Please direct written comments to Douglas Brown, Deputy Director, Office of Ocean and Coastal Resource Management, NOS/NOAA, 1305 East-West Highway, 10th floor, Silver Spring, Maryland 20910. When the evaluation is completed, OCRM will place a notice in the **Federal Register** announcing the availability of the Final Evaluation Findings.

FOR FURTHER INFORMATION CONTACT: Douglas Brown, Deputy Director, Office of Ocean and Coastal Resource Management, NOS/NOAA, 1305 East-West Highway, Silver Spring, Maryland 20910, (301) 713–3155, Extension 215.

(Federal Domestic Assistance Catalog 11.419 Coastal Zone Management Program Administration)

Dated: April 29, 2002.

Alan Neuschatz,

Chief Financial Officer/Chief Administrative Officer for Ocean Services and Coastal Zone Management.

[FR Doc. 02–11028 Filed 5–2–02; 8:45 am]

BILLING CODE 3510–08–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 020409082–2082–01]

RIN 0648–ZB18

Call for Proposals To Establish a Cooperative Institute for Ocean Remote Sensing With the National Environmental Satellite, Data, and Information Service

AGENCY: National Oceanic and Atmospheric Administration (NOAA), National Environmental Satellite, Data, and Information Service (NESDIS), Commerce.

ACTION: Notice of availability of Federal assistance.

SUMMARY: The National Environmental Satellite, Data, and Information Service (NESDIS) invites applications to establish a Cooperative Institute for Ocean Remote Sensing (CIORS). The Institute will be structured to provide a stable collaborative environment between NESDIS and the recipient within which a broad-based research program in ocean remote sensing can be developed and sustained. This announcement provides guidelines for the proposed Cooperative Institute, and includes details for the technical program, evaluation criteria, and competitive selection procedures.

DATES: Complete proposals with a Grants Application Package must be received by NESDIS at the address identified in the **ADDRESSES** section of this notice no later than 5 p.m. EST on July 1, 2002. Facsimile transmissions and electronic mail submissions will not be accepted. Late applications will not be considered, and will be returned to the applicant.

ADDRESSES: Send all proposals to the Office of Research and Applications; NOAA/NESDIS; 5200 Auth Road; Room 711; Camp Springs, MD 20746–4304. Proposals should cite this Notice and be sent to the attention of Dr. Eric Bayler, Chief, Oceanic Research and Applications Division (ORAD).

FOR FURTHER INFORMATION CONTACT: Regarding administration questions, Ms. Kathleen LeFevre, (301) 763–8127, *Kathy.Lefevre@noaa.gov.* Regarding program questions, Dr. Eric Bayler (301) 763–8102 ext. 102, Eric.Bayler@noaa.gov. Additional information on NESDIS and its mission-related remote sensing activities can be found at *http://www.nesdis.noaa.gov.*

SUPPLEMENTARY INFORMATION:

Funding Instrument: The selected recipient will: (1) Enter into a Memorandum of Understanding (MOU) with the National Environmental Satellite, Data and Information Service that delineates the terms of reference for establishing the Cooperative Institute and provides guidelines for its subsequent activities; and, (2) Receive a renewable, 5-year cooperative agreement to support the development of the Institute's cooperative research program with NESDIS in the area of satellite ocean remote sensing. The award will have an initial base term of five years. A NESDIS-sponsored, independent panel will conduct a review of the Institute during the fourth year of the five-year program. The Panel's findings and recommendations will serve as the basis for renewal of the Institute for an additional five years.

Authority: Statutory authority for this program is provided under 33 U.S.C. 1442 (Research program respecting possible long-range effects of pollution, over fishing, and

man-induced changes of ocean ecosystems); and 49 U.S.C. 44720 (Meteorological Services).

Catalog of Federal Domestic Assistance (CFDA): This program is listed in the Catalog of Federal Domestic Assistance under Number 11.440 (Research in Remote Sensing of the Earth and Environment).

Funding Availability: Funding for this program in FY 2002 will be contingent upon the availability of funds, but it is anticipated that approximately $500,000 will be available for the first (start-up) year and a minimum of $500,000 each year thereafter for the term of the agreement. These funds will provide a base core of funds for the development and subsequent activities of the Institute and include the core costs of administering the Institute and funding of the individual research projects. These funds will be allocated as follows: no more than $250,000 for costs associated with the administration and outreach components of the Institute; the remainder to fund the individual projects that form the research component. The administration and outreach components will form the base proposal to be funded on an annual basis. The individual research projects will be funded as amendments to the base cooperative agreement. The Director of the Institute will be responsible for the overall development of the research programs. The successful applicant will be expected to leverage off this base to develop, by the end of the initial five-year term of the cooperative agreement, a self-sustaining, competitive research program in externally-supported coastal and open-ocean satellite remote sensing (hereafter described as ''ocean remote sensing'') research with a goal on the order of $1,000,000 annually.

Eligibility Criteria

Eligible applicants are non-federal public and private non-profit universities, colleges, and research institutions that offer accredited graduate-level degree-granting programs leading to a Doctor of Philosophy (Ph.D.) in Oceanography, or equivalent degree in the physical or Earth sciences.

Background

The ocean increasingly impacts various aspects of human lives, including economics, public safety, national security, and quality of life. Ocean-observing environmental satellites provide a critical observational resource in the Nation's efforts to understand and predict these complex relationships. NESDIS seeks to establish a Cooperative Institute for Ocean Remote Sensing. The Institute will provide a collaborative research and technology environment enabling the Nation's academic and industrial research communities and NESDIS to promote and make available research into operational ocean remote sensing capabilities.

NOAA has primary mission responsibilities in environmental prediction, assessment, and the conservation and management of coastal and oceanic resources. NESDIS, one of the five principal offices within NOAA, has the lead role in providing environmental satellite data and information to support NOAA's coastal and ocean mission roles. NESDIS is involved in the full spectrum of environmental satellite activities. These activities include: satellite spacecraft operations; data acquisition from both domestic and foreign environmental satellites; environmental data distribution and management; research and development of environmental data products and information services; and development of future satellite sensor requirements.

Within NESDIS, the Office of Research and Applications (ORA) serves as the principal interface between the NESDIS operational oceanic, atmospheric, and climate-related satellite observation activities and the Nation's research community. Through a broad range of both internally- and externally-funded research activities, ORA helps ensure that NESDIS realizes the full potential of national and international research in atmospheric, oceanic, and terrestrial remote sensing across the full spectrum of its mission responsibilities described above.

Program Description

The primary purpose of the Institute is to create a mechanism to bring together the resources of a research-oriented university or institution, NESDIS, and other branches of NOAA in order to develop and maintain a center of excellence in satellite remote-sensing research relevant to understanding and providing adequate stewardship of the Earth's oceans, coastal waters, marine ecosystems, and the living and non-living resources within these regions. The selected recipient will be expected to:

1. Build an Institutional Infrastructure (Administrative Core): Provide an organizational setting to promote and establish research relating to satellite ocean remote sensing by drawing upon multiple disciplines and involving collaboration with multiple research-performing and research-sponsoring partners. Serve as a model of outreach, input, and collaboration for applying research to solving priority problems in coastal and ocean remote sensing, current satellite system optimization, and future satellite system development and planning.

2. Expand Research in Satellite Ocean Remote Sensing, Satellite Data Management, and User Access Technologies (Research Component): Support multi-disciplinary research projects aimed at satellite remote-sensing in support of the Nation's coastal and ocean remote-sensing responsibilities, to include: (a) Algorithm development and validation; (b) Application of active and passive satellite remote-sensing techniques such as altimetry, scatterometry, synthetic aperture radar, radiometry, and ocean color imagery; (c) Satellite sensor development and demonstration; (d) Technologies relating to satellite data acquisition, data distribution, mission operations, and mission planning; and satellite sensor development and demonstration; (e) Technologies relating to improving user access to data and data management; (f) Techniques for assimilating satellite data for improved ocean modeling and forecasting of both oceanic and atmospheric parameters. Through such multi-disciplinary research, explore new approaches for enhancing the use of present and future environmental satellites to meet the rapidly changing needs of the Nation's coastal and ocean regions.

3. Increase Recruitment and Outreach (Outreach Component): Enhance opportunities for user familiarization with ocean and coastal satellite remote sensing, research training, career development, and mentoring in ocean remote sensing.

Roles and Responsibilities

In conducting activities to achieve the purpose of this program, the recipient will be responsible for the activities under 1 (Recipient Activities), and NESDIS will be responsible for the activities under 2 (NESDIS activities).

1. Recipient Activities

(A) Administrative Core: (1) Establish an appropriate organizational setting and institutional infrastructure that are supportive of developing the Cooperative Institute into a self-sustaining research collaboration. This setting must facilitate collaboration between NESDIS, the Cooperative Institute, and multiple external research partners. (2) Establish relationships with organizations relevant to the success of the Institute's research agenda, demonstrated by letters of agreement. Cooperation with public and private

sector coastal and ocean resource management, administration, and research programs is encouraged. (3) Establish appropriate relationships with organizations or individuals to ensure that the Institute's research can be applied to solving priority problems of a national scale (meaning, broadly applicable) or in local regions.

(B) Research Component: (1) Organize and develop an integrated research program theme and agenda that will address research topics of programmatic interest to NESDIS/ORA/ORAD as outlined in the ''Program Description'' section of this announcement. An overview of ORAD's programs is available on their website *http://orbit-net.nesdis.noaa.gov/ora/.* (2) Within the developed research agenda, design and propose research projects that have sufficient scientific merit to attract external research funding. (3) Conduct oceanographic research of significance to NESDIS' role in coastal and open ocean processes. Individual research projects are to be coordinated with one another and, whenever possible, projects among research areas are also to be coordinated. The high level of coordination is intended to broaden the scientific findings of each individual project or program by making research results useful to a large number of scientists conducting research in oceanographic sciences. Specifically, the Director shall ensure that: (a) The research falls within the scope of the 5-year cooperative agreement; (b) collaborative efforts with NESDIS and other organizations are identified; (c) the research addresses important problems; (d) the concepts and methods proposed for the research are acceptable; (e) Principal Investigators are qualified to conduct the research; and (f) costs are fair and reasonable. (4) Disseminate research findings to the national and international scientific communities via journals, conference presentations, and the World-Wide Web.

(5) Make successful research available to efforts and applications that improve the Nation's ocean remote-sensing capabilities, ocean models, marine and atmospheric forecast accuracy, long-term ocean monitoring.

(C) Outreach Component: Establish a program for enhancing opportunities, career development and training, including the mentoring of junior researchers and programs for training mid-career or transitional professionals.

2. NESDIS Activities

(A) Review proposal(s), conducted by the NOAA Program Officer, to ensure that the research is consistent with the joint technical and programmatic interests of the organizations.

(B) Provide technical assistance on projects as necessary.

(C) Provide for the exchange of professional staff, skilled in relevant aspects of ocean remote sensing research, for research program development, mentoring, cross-training of scientists and professionals, and professional development.

(D) Collaborate with the Institute's scientists on research activities.

(E) Provide access to NESDIS developmental and operational environmental satellite data, information, and constituency service activities to support the Institute's research program.

NOAA Grants Application Package. The Department of Commerce (DOC) Pre-Award Notification of Requirements for Grants and Cooperative Agreements contained in the **Federal Register** Notice of October 1, 2001 (66 FR 49917; DOCID:fr01oc01–39) are applicable to this solicitation. However, please note that DOC will not implement the requirements of Executive Order 13202 (66 FR 49921), pursuant to guidance issued by the Office of Management and Budget in light of a court opinion which found that the Executive Order was not legally authorized. *See Building and Construction Trades Department* v. *Allbaugh*, 172 F. Supp. 2d 138 (D.D.C. 2001). This decision is currently on appeal. When the case has been finally resolved, DOC will provide further information on implementation of Executive Order 13202. All applicants are required to submit a complete application package and proposal. The standard forms and additional information are available on the DOC Grants Management Web site at *http://www.doc.gov/oebam/grants.htm.* If Internet access is not available, forms can be obtained by mail by contacting the NOAA/NESDIS/ORA at (301) 763–8102. A signed original and two copies of the proposal must be received by ORA by the time and date indicated in the **DATES** section of this Notice. Investigators are required to submit 3 copies of the proposal, however, the review process requires 10 copies. Investigators are encouraged to submit sufficient proposal copies, especially color or unusually sized (not 8.5″×11″), or otherwise unusual materials submitted as part of the proposal. Proposals must be limited to a total of no more than 40 pages, including budget justification, investigators' vitae, and all appendices. Appended information may not be used to circumvent the page length limit. Federally-mandated forms are not included within the page count. Proposals should be submitted in the following format in 12-point font. Incomplete proposals will not be considered and will be returned to the applicant.

Proposal Preparation

Core Proposal for establishing and administering the Institute.

1. Title Page—Core funding for the Cooperative Institute for Ocean Remote Sensing (CIORS), the lead Principal Investigator (Director, CIORS), Partner name(s) (if any) and their respective affiliations, complete addresses, telephone, FAX, and e-mail information. The title page will also provide the total proposed cost on an annual basis for the five-year period. The title page should be signed by the Principal Investigators (PI(s)) and the institutional representative of the PI's organization.

2. Goals and Objectives of the Institute—Identify broad research goals, a general description of how the applicant proposes to achieve those goals, a summary of the applicant's institutional qualifications and relevant experience to conduct the proposed program, and quantifiable objectives for each of the three primary elements for the proposed Cooperative Institute: Administrative Core, Research Component, and Outreach Component.

3. Technical Approach—Describe the specific approach the applicant proposes to accomplish the proposed Institute's identified purposes. Provide details of the Institute's process for selecting individual research projects.

4. Project Partners—Identify any project partners, their respective roles, and their contributions/relationships to the proposed effort.

5. Milestones and Outcomes—List target milestones, time lines, and desired outcomes; and identify the potential value of the proposed work to the needs of the targeted audience.

6. Qualifications and Relevant Experience—Identify the qualifications and relevant experience of the applicant (and partners) that relate to each of the following ocean remote-sensing activities relevant to the mission of NESDIS: Satellite spacecraft operations; data acquisition from both domestic and foreign environmental satellites; data distribution and management; research and development of environmental data products and information services; assimilation of remote-sensing data into environmental models, and future satellite sensor requirements development.

7. Summary of the applicant's relevant current or recently completed (please limit to past 5 years)

administrative, research and outreach activities that should be considered in selection process. Also identify activities related to achieving NOAA's goals with respect to minority serving institutions.

8. Institute Budget—Provide a detailed budget breakdown by category (Core funding, research themes (by year for efforts proposed for multiple years)) and a brief narrative to provide the basis for the proposed budget.

9. Key Personnel Qualifications—Provide curriculum vitae for each individual considered key to the success of the proposed effort, including relevant publications by the individual in scientific and professional literature.

Evaluation Criteria (with weights)

Applications will be subject to a peer review. Each application will be evaluated individually against the following criteria, with each proposal's score based on scientific and technical merit. Factors to be considered include:

1. Build Infrastructure (Administrative Core)—30 Points

A. *Organizational Infrastructure:* Does the applicant demonstrate a multi-disciplinary approach to achieve the mission? Will the approach lead to the development of a body of knowledge that can yield results beyond that accomplished with individual projects alone? Will the CIORS attract established investigators and develop genuine collaboration among investigators with diverse backgrounds and areas of expertise.

B. *Environment:* Does the scientific, technical and administrative environment of the institute contribute to excellence and the probability of success? Does the proposed Institute employ useful collaborative arrangements? Is there evidence of a high level of Institutional commitment and support? Does the Institute Director (PI) have specific authority and responsibility to carry out the project? Does the Institute Director have a high enough level of organizational influence to garner the support needed for the institute, *i.e.,* report to an appropriate institutional official, *e.g.,* dean of school, vice president of a university? Is the time and effort indicated for the Institute Director adequate (minimum of 25 percent effort devoted solely to the Institute) with an anticipated range of 25 to 50 percent)?

C. *Collaboration:* Ability to build coalitions and partnerships with critical organizations and individuals (such as distinguished scientists, as well as potential researchers-in-training, universities, colleges, research institutions, state and local governments, and other public and private nonprofit organizations) and to facilitate collaboration and coordination to assure the accomplishment of the Institute's goals.

D. *Organization:* The quality and appropriateness of the organizational structure, the quality and experience of the administrative staff, the plans for quality control through in-house consultation and outside review (e.g., Scientific Advisory Board), and the quality of the plans allocating and monitoring of resources.

E. *Ease of Collaboration:* Does the location of the proposed Institute allow for easy collaboration with NESDIS's principal centers of research, applications development, and operational activities?

F. *Budget:* Reasonableness of proposed budget and time frame for the project in relation to the work proposed.

2. Research Component—55 points

A. Research Theme and Agenda: Is the concept of an institute fulfilled, i.e., is there an organizing theme (or set of themes) and associated research agenda that defines the mission of the CIORS.

B. Societal Significance: Does the proposal address important coastal and open ocean issues amenable to ocean remote-sensing observations? What will be the effect of the institute and its affiliated studies on fundamental advances in the development, testing, and dissemination of coastal and open-ocean satellite remotely sensed data and information?

C. Leadership: Are the institute director and other senior investigators recognized as leaders in their respective fields? Do they have the experience and authority to organize, administer and direct the Institute?

D. Research Projects: Are the proposed specific research themes of exceptional scientific merit?

E. Innovation: Does the Institute propose to develop novel concepts, approaches, measures or methods in basic research that will inform and guide public use of satellite-remote-sensing-derived ocean data and information? Are the aims original and innovative? Do the projects extend existing approaches or develop new methodologies or technologies?

3. Recruitment and Outreach (Promote Training)—15 Points

A. Does the applicant include a research development component for new, mid-career or transitional professionals through research training and career development mechanisms?

B. To what extent are efforts made to recruit a wide variety of professionals and students to the CIORS, including minority professionals and students?

Selection Procedures: A selection panel will be convened to review and to provide recommendations on selection using the above criteria. The panel may consist of both Federal and non-Federal experts in the field. No consensus recommendation will be made. Proposals will be ranked according to their cumulative score and presented to the Selecting Official for final selection. In addition to the individual rankings assigned by the panel, the selecting official may consider the following program policy factors: Balance among the prioritized research areas of programmatic interest described in the Program Description of this Notice and duplication of other research programs currently funded by NOAA. Unsatisfactory performance by a recipient under prior Federal awards may result in an application not being considered for funding. As a result of this review, the Selecting Official may decide to select an award out of rank order.

Disposition of Unsuccessful Proposals. Proposals will be held in the Program Office until award of the Cooperative Institute agreement to the selected recipient and then destroyed.

Funding

A maximum of $250,000 will be available annually for the core administrative costs of establishing and maintaining the Institute. Funds for the core proposal will be provided at the beginning of the annual performance period. It is estimated that an additional $250,000 will be available during the first year of performance to fund the individual research projects. Individual research projects will be funded as amendments to the agreement throughout the 5-year period. It is estimated that a minimum of $500,000 each year thereafter for the term of the agreement will be available for funding the administrative, outreach, and research projects. The Institute will be expected to leverage off this base to develop, by the end of the initial 5-year term of the grant, a self-sustaining, competitive research program with a goal on the order of $1,000,000 annually in externally supported coastal and open ocean remote-sensing research.

Cost Sharing—There is no requirement for cost sharing in response to this program announcement.

Intergovernmental Review

Applications under this program are not subject to Executive Order 12372,

''Intergovernmental Review of Federal Programs.''

Executive Order 12866

It has been determined that this notice is not significant for purposes of Executive Order 12866.

Executive Order 13132 (Federalism)

It has been determined that this notice does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

Because notice and comment are not required under 5 U.S.C. 553, or any other law, for notices relating to public property, loans, grants benefits or contracts (5 U.S.C. 553(a)), a Regulatory Flexibility Analysis is not required and has not been prepared for this notice, 5 U.S.C. *et seq.*

Dated: April 26, 2002.

Gregory W. Withee,

Assistant Administrator for Satellite and Information Services.

[FR Doc. 02–10982 Filed 5–2–02; 8:45 am]

BILLING CODE 3510–HR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Revised Non-Federal Foreign Overseas Per Diem Rates

AGENCY: Per Diem, Travel and Transportation Allowance Committee, DoD.

ACTION: Notice of Revised Non-Foreign Overseas Per Diem Rates.

SUMMARY: The Per Diem, Travel and Transportation Allowance Committee is publishing Civilian Personnel Per Diem Bulletin Number 223. This bulletin lists revisions in the per diem rates prescribed for U.S. Government employees for official travel in Alaska, Hawaii, Puerto Rico, the Northern Mariana Islands and Possessions of the United States. AEA changes announced in Bulletin Number 194 remain in effect. Bulletin Number 223 is being published in the **Federal Register** to assure that travelers are paid per diem at the most current rates.

EFFECTIVE DATE: May 1, 2002.

SUPPLEMENTARY INFORMATION: This document gives notice of revisions in per diem rates prescribed by the Per Diem Travel and Transportation Allowance Committee for non-foreign areas outside the continental United States. It supersedes Civilian Personnel Per Diem Bulletin Number 222. Distribution of Civilian Personnel Per Diem Bulletins by mail was discontinued. Per Diem Bulletins published periodically in the **Federal Register** now constitute the only notification of revisions in per diem rates to agencies and establishments outside the Department of Defense. For more information or questions about per diem rates, please contact your local travel office. The text of the Bulletin follows:

Dated: April 29, 2002.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–08–M

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal Government civilian employees.

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	M&IE RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
THE ONLY CHANGES IN CIVILIAN BULLETIN 223 UPDATES RATES FOR ALASKA; TINIAN, NORTHERN MARIANA ISLANDS AND JOHNSTON ATOLL.						
ALASKA						
ANCHORAGE [INCL NAV RES]						
05/01 - 09/15	161		85		246	05/01/2002
09/16 - 04/30	85		77		162	05/01/2002
BARROW	159		95		254	05/01/2002
BETHEL	129		66		195	05/01/2002
CLEAR AB	80		55		135	09/01/2001
COLD BAY	90		73		163	05/01/2002
COLDFOOT	135		71		206	10/01/1999
COPPER CENTER	99		63		162	05/01/2002
CORDOVA	105		89		194	05/01/2002
CRAIG	75		57		132	05/01/2002
DEADHORSE	95		67		162	05/01/2002
DELTA JUNCTION	79		58		137	05/01/2002
DENALI NATIONAL PARK						
06/01 - 08/31	125		66		191	09/01/2001
09/01 - 05/31	90		63		153	09/01/2001
DILLINGHAM	95		69		164	05/01/2002
DUTCH HARBOR-UNALASKA	120		78		198	05/01/2002
EARECKSON AIR STATION	80		55		135	09/01/2001
EIELSON AFB						
05/01 - 09/15	149		78		227	05/01/2002
09/16 - 04/30	75		70		145	05/01/2002
ELMENDORF AFB						
05/01 - 09/15	161		85		246	05/01/2002
09/16 - 04/30	85		77		162	05/01/2002
FAIRBANKS						
05/01 - 09/15	149		78		227	05/01/2002
09/16 - 04/30	75		70		145	05/01/2002
FT. GREELY	79		58		137	05/01/2002
FT. RICHARDSON						
05/01 - 09/15	161		85		246	05/01/2002
09/16 - 04/30	85		77		162	05/01/2002
FT. WAINWRIGHT						
05/01 - 09/15	149		78		227	05/01/2002
09/16 - 04/30	75		70		145	05/01/2002
GLENNALLEN						
05/01 - 09/30	137		61		198	09/01/2001
10/01 - 04/30	89		56		145	09/01/2001
HEALY						
06/01 - 08/31	125		66		191	09/01/2001
09/01 - 05/31	90		63		153	09/01/2001
HOMER						
05/15 - 09/15	119		71		190	05/01/2002
09/16 - 05/14	79		67		146	05/01/2002
JUNEAU	119		83		202	05/01/2002
KAKTOVIK	165		86		251	05/01/2002

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LOCALITY	MAXIMUM LODGING AMOUNT (A) +	M&IE RATE (B) =	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
KAVIK CAMP	150	69	219	05/01/2002
KENAI-SOLDOTNA				
04/01 - 10/31	95	76	171	05/01/2002
11/01 - 03/31	60	71	131	05/01/2002
KENNICOTT	159	77	236	05/01/2002
KETCHIKAN				
05/01 - 09/30	130	80	210	05/01/2002
10/01 - 04/30	100	80	180	05/01/2002
KING SALMON				
05/01 - 10/01	225	91	316	05/01/2002
10/02 - 04/30	125	81	206	05/01/2002
KLAWOCK	75	57	132	05/01/2002
KODIAK	105	81	186	05/01/2002
KOTZEBUE				
05/01 - 08/31	141	66	207	05/01/2002
09/01 - 04/30	111	62	173	05/01/2002
KULIS AGS				
05/01 - 09/15	161	85	246	05/01/2002
09/16 - 04/30	85	77	162	05/01/2002
MCCARTHY	159	77	236	05/01/2002
METLAKATLA				
05/30 - 10/01	98	48	146	05/01/2002
10/02 - 05/29	78	47	125	05/01/2002
MURPHY DOME				
05/01 - 09/15	149	78	227	05/01/2002
09/16 - 04/30	75	70	145	05/01/2002
NOME	89	64	153	09/01/2001
NUIQSUT	180	53	233	05/01/2002
POINT HOPE	130	70	200	03/01/1999
POINT LAY	105	67	172	03/01/1999
PORT ALSWORTH	135	88	223	05/01/2002
PRUDHOE BAY	95	67	162	05/01/2002
SEWARD				
05/31 - 09/30	179	58	237	05/01/2002
10/01 - 05/30	79	53	132	05/01/2002
SITKA-MT. EDGECUMBE				
05/16 - 09/16	159	98	257	05/01/2002
09/17 - 05/15	139	97	236	05/01/2002
SKAGWAY				
05/01 - 09/30	130	80	210	05/01/2002
10/01 - 04/30	100	80	180	05/01/2002
SPRUCE CAPE	105	81	186	05/01/2002
TANANA	89	64	153	09/01/2001
UMIAT	200	0	200	05/01/2002
VALDEZ				
05/01 - 10/01	124	71	195	05/01/2002
10/02 - 04/30	69	66	135	05/01/2002
WAINWRIGHT	120	83	203	05/01/2002
WASILLA	95	60	155	01/01/2000
WRANGELL				

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LOCALITY	MAXIMUM LODGING AMOUNT (A) +	M&IE RATE (B) =	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
05/01 - 09/30	130	80	210	05/01/2002
10/01 - 04/30	100	80	180	05/01/2002
YAKUTAT	110	68	178	03/01/1999
[OTHER]	80	55	135	09/01/2001
AMERICAN SAMOA				
AMERICAN SAMOA	85	67	152	03/01/2000
GUAM				
GUAM (INCL ALL MIL INSTAL)	135	69	204	11/01/2001
HAWAII				
CAMP H M SMITH	112	68	180	03/01/2002
EASTPAC NAVAL COMP TELE AREA	112	68	180	03/01/2002
FT. DERUSSEY	112	68	180	03/01/2002
FT. SHAFTER	112	68	180	03/01/2002
HICKAM AFB	112	68	180	03/01/2002
HONOLULU (INCL NAV & MC RES CTR)	112	68	180	03/01/2002
ISLE OF HAWAII: HILO	89	61	150	03/01/2002
ISLE OF HAWAII: OTHER	89	54	143	05/01/2000
ISLE OF KAUAI				
05/01 - 11/30	155	71	226	03/01/2002
12/01 - 04/30	203	76	279	03/01/2002
ISLE OF KURE	65	41	106	05/01/1999
ISLE OF MAUI	155	74	229	03/01/2002
ISLE OF OAHU	112	68	180	03/01/2002
KEKAHA PACIFIC MISSILE RANGE FAC				
05/01 - 11/30	155	71	226	03/01/2002
12/01 - 04/30	203	76	279	03/01/2002
KILAUEA MILITARY CAMP	89	61	150	03/01/2002
LUALUALEI NAVAL MAGAZINE	112	68	180	03/01/2002
MCB HAWAII	112	68	180	03/01/2002
NAS BARBERS POINT	112	68	180	03/01/2002
PEARL HARBOR [INCL ALL MILITARY]	112	68	180	03/01/2002
SCHOFIELD BARRACKS	112	68	180	03/01/2002
WHEELER ARMY AIRFIELD	112	68	180	03/01/2002
[OTHER]	72	61	133	01/01/2000
JOHNSTON ATOLL				
JOHNSTON ATOLL	0	14	14	05/01/2002
MIDWAY ISLANDS				
MIDWAY ISLANDS [INCL ALL MILITAR	150	47	197	02/01/2000
NORTHERN MARIANA ISLANDS				
ROTA	149	72	221	04/01/2000
SAIPAN	150	88	238	11/01/2001
TINIAN	85	71	156	05/01/2002
[OTHER]	55	72	127	04/01/2000
PUERTO RICO				
BAYAMON				
04/11 - 12/23	155	71	226	01/01/2000
12/24 - 04/10	195	75	270	01/01/2000
CAROLINA				
04/11 - 12/23	155	71	226	01/01/2000
12/24 - 04/10	195	75	270	01/01/2000

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal Government civilian employees.

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	M&IE RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
FAJARDO [INCL CEIBA & LUQUILLO]	82		54		136	01/01/2000
FT. BUCHANAN [INCL GSA SVC CTR,						
04/11 - 12/23	155		71		226	01/01/2000
12/24 - 04/10	195		75		270	01/01/2000
HUMACAO	82		54		136	01/01/2000
LUIS MUNOZ MARIN IAP AGS						
04/11 - 12/23	155		71		226	01/01/2000
12/24 - 04/10	195		75		270	01/01/2000
MAYAGUEZ	85		59		144	01/01/2000
PONCE	96		69		165	01/01/2000
ROOSEVELT RDS & NAV STA	82		54		136	01/01/2000
SABANA SECA [INCL ALL MILITARY]						
04/11 - 12/23	155		71		226	01/01/2000
12/24 - 04/10	195		75		270	01/01/2000
SAN JUAN & NAV RES STA						
04/11 - 12/23	155		71		226	01/01/2000
12/24 - 04/10	195		75		270	01/01/2000
[OTHER]	62		57		119	01/01/2000
VIRGIN ISLANDS (U.S.)						
ST. CROIX						
04/15 - 12/14	93		72		165	01/01/2000
12/15 - 04/14	129		76		205	01/01/2000
ST. JOHN						
04/15 - 12/14	219		84		303	01/01/2000
12/15 - 04/14	382		100		482	01/01/2000
ST. THOMAS						
04/15 - 12/14	163		73		236	01/01/2000
12/15 - 04/14	288		86		374	01/01/2000
WAKE ISLAND						
WAKE ISLAND	60		32		92	09/01/1998

[FR Doc. 02–10992 Filed 5–2–02; 8:45 am]
BILLING CODE 5001–08–C

DEPARTMENT OF DEFENSE

Department of the Air Force

HQ USAF Scientific Advisory Board

AGENCY: Department of the Air Force, DoD.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Public Law 92–463, notice is hereby given of the forthcoming meeting of the Predictive Battlespace Awareness (PBA) Study Information Integration Panel. The purpose of the meeting is to allow the SAB and study leadership to gather information from the National Defense University related to PBA information integration. Because of the meeting classification level, this meeting will be closed to the public.

DATES: 21 May 2002, 0900–1300L.

ADDRESSES: National Defense University, George Marshall Hall, Bldg 62, Ft McNair, Washington DC.

FOR FURTHER INFORMATION CONTACT: Colonel Marian Alexander, Air Force Scientific Advisory Board Secretariat, 1180 Air Force Pentagon, Rm 5D982, Washington DC 20330–1180, (703) 697–4811.

Pamela D. Fitzgerald,

Air Force Federal Register Liaison Officer.

[FR Doc. 02–10976 Filed 5–2–02; 8:45 am]

BILLING CODE 5001–05–P

DEPARTMENT OF DEFENSE

Department of the Air Force

HQ USAF Scientific Advisory Board

AGENCY: Department of the Air Force, DoD.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Public Law 92–463, notice is hereby given of the forthcoming meeting of the PBA Study Panel Chairs. The purpose of the meeting is to allow the SAB and study leadership to gather information from CNN related to prediction and news gathering methods. Because information to be discussed is sensitive and proprietary, this meeting will be closed to the public.

DATES: 22 May 2002, 0930–1600L.

ADDRESSES: CNN, One CNN Center, Atlanta GA 30303.

FOR FURTHER INFORMATION CONTACT: Colonel Marian Alexander, Air Force Scientific Advisory Board Secretariat, 1180 Air Force Pentagon, Rm 5D982, Washington DC 20330–1180, (703) 697–4811.

Pamela D. Fitzgerald,

Air Force Federal Register Liaison Officer.

[FR Doc. 02–10977 Filed 5–2–02; 8:45 am]

BILLING CODE 5001–05–P

DEPARTMENT OF DEFENSE

Department of the Air Force

HQ USAF Scientific Advisory Board

AGENCY: Department of the Air Force, DoD.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Public Law 92–463, notice is hereby given of the forthcoming meeting of the Predictive Battlespace Awareness (PBA) Study Information Integration and Prediction/Confirmation Tools Panels. The purpose of the meeting is to allow the SAB and study leadership to gather information from Army personnel related to their work in the area of PBA. Because of meeting classification level, this meeting will be closed to the public.

DATES: 29 May 2002, 0800–1700.

ADDRESSES: The Command and General Staff College, The Pershing Conference Room/Eisenhower Hall, 250 Gibbon Avenue, Fort Leavenworth, KS 66027.

FOR FURTHER INFORMATION CONTACT: Colonel Marian Alexander, Air Force Scientific Advisory Board Secretariat, 1180 Air Force Pentagon, Rm 5D982, Washington DC 20330–1180, (703) 697–4811.

Pamela D. Fitzgerald,

Air Force Federal Register Liaison Officer.

[FR Doc. 02–11016 Filed 5–2–02; 8:45 am]

BILLING CODE 5001–05–U

DEPARTMENT OF DEFENSE

Department of the Air Force

HQ USAF Scientific Advisory Board

AGENCY: Department of the Air Force, DoD.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Public Law 92–463, notice is hereby given of the forthcoming meeting of the PBA Study Panel Chairs. The purpose of the meeting is to allow the SAB and study leadership to gather information from the CIA related to PBA information integration and management. Because information to be discussed is sensitive and proprietary, this meeting will be closed to the public.

DATES: 20 May 2002, 0800–1600L.

ADDRESSES: CIA Headquarters, Langley VA 20505.

FOR FURTHER INFORMATION CONTACT: Colonel Marian Alexander, Air Force Scientific Advisory Board Secretariat, 1180 Air Force Pentagon, Rm 5D982, Washington DC 20330–1180, (703) 697–4811.

Pamela D. Fitzgerald,

Air Force Federal Register Liaison Officer.

[FR Doc. 02–11017 Filed 5–2–02; 8:45 am]

BILLING CODE 5001–05–U

DEPARTMENT OF DEFENSE

Department of the Air Force

HQ USAF Scientific Advisory Board

AGENCY: Department of the Air Force, DoD.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Public Law 92–463, notice is hereby given of the forthcoming meeting of the Study on Time Critical Targets. The purpose of the meeting is to allow the SAB and study leadership to meet with the leadership of AFRL's Directed Energy Division to discuss directed energy programs. The meeting will be closed under the provisions of Section 552b of Title 5, United States Code, because of the discussion of classified and contractor-proprietary information.

DATES: 22 May 2002.

ADDRESSES: 4th Floor Conference Facility, 1560 Wilson Boulevard, Arlington, VA 22203.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Ripperger, Air Force Scientific Advisory Board Secretariat, 1180 Air Force Pentagon, Rm 5D982, Washington DC 20330–1180, (703) 697–4811.

Pamela D. Fitzgerald,

Air Force Federal Register Liaison Officer.

[FR Doc. 02–11018 Filed 5–2–02; 8:45 am]

BILLING CODE 5001–05–P

DEPARTMENT OF DEFENSE

Department of the Army

Availability for Non-Exclusive, Exclusive, or Partially Exclusive Licensing of U.S. Patent Application Concerning Asporogenic B. ANTHRACIS Expression System

AGENCY: Department of the Army, DOD.

ACTION: Notice.

SUMMARY: In accordance with 37 CFR 404.6 and 404.7, announcement is made of the availability for licensing of U.S. Patent No. 6,316,006 entitled ''Asporogenic B. ANTHRACIS Expression System'' issued November 13, 2001. The United States Government as represented by the Secretary of the Army has rights in this invention.

ADDRESSES: Commander, U.S. Army Medical Research and Materiel Command, ATTN: Command Judge Advocate, MCMR–JA, 504 Scott Street, Fort Detrick, Frederick, MD 21705–5012.

FOR FURTHER INFORMATION CONTACT: For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619–7808. For licensing issues, Dr. Paul Mele, Office of Research & Technology Assessment, (301) 619–6664, both at telefax (301) 619–5034.

SUPPLEMENTARY INFORMATION: This invention relates to a bacterial expression system for production of protective antigen (PA) against bacillus anthrasis. Recombinant asporogenic B. anthracits that are derived from ΔSterne-1(pPA102) and show inability to bind the dye when grown on Congo Red Agar can be screened and asporogenic strains isolated using methods of the invention. Organisms of the invention lacking spore-forming function may be killed by heat shock at temperatures as low as 60 °C. for 60 minutes. Hence, contamination of the environment with viable spore-forming organisms is easily avoided and decontamination is easily accomplished.

Luz D. Ortiz,

Army Federal Register Liaison Officer.

[FR Doc. 02–11067 Filed 5–2–02; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Availability for Non-Exclusive, Exclusive, or Partially Exclusive Licensing of U.S. Patent Application Concerning Burkholderia Toxins

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: In accordance with 37 CFR 404.6 and 404.7, announcement is made of the availability for licensing of U.S. Patent Application No. 09/770,714 entitled ''Burkholderia Toxins'' filed January 26, 2001. The United States Government as represented by the Secretary of the Army has rights in this invention.

ADDRESSES: Commander, U.S. Army Medical Research and Materiel Command, ATTN: Command Judge Advocate, MCMR–JA, 504 Scott Street, Fort Detrick, Frederick, MD 21702–5012.

FOR FURTHER INFORMATION CONTACT: For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619–7808. For licensing issues, Dr. Paul Mele, Office of Research & Technology Assessment, (301) 619–6664, both at telefax (301) 619–5034.

SUPPLEMENTARY INFORMATION: A novel composition comprising toxins produced from Burkholderia species is described and is effective in inhibiting nematode growth.

Luz D. Ortiz,

Army Federal Register Liaison Officer.

[FR Doc. 02–11066 Filed 5–2–02; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Availability for Non-Exclusive, Exclusive, or Partially Exclusive Licensing of U.S. Patent Application Concerning Catheter Securing Device and Bite Block

AGENCY: Department of the Army, DOD.

ACTION: Notice.

SUMMARY: In accordance with 37 CFR 404.6 and 404.7, announcement is made of the availability for licensing of U.S. Patent Application No. 09/867,768 entitled ''Catheter Securing Device and Bite Block'' filed May 31, 2001. Foreign rights are also available. The United States Government, as represented by the Secretary of the Army has rights in this invention.

ADDRESSES: Commander, U.S. Army Medical Research and Materiel Command, ATTN: Command Judge Advocate, MCMR–JA, 504 Scott Street, Fort Detrick, Frederick, MD 21702–5012.

FOR FURTHER INFORMATION CONTACT: For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619–7808. For licensing issues, Dr. Paul Mele, Office of Research & Technology Assessment, (301) 619–6664, both at telefax (301) 619–5034.

SUPPLEMENTARY INFORMATION: A device for securing a catheter with respect to a patient's mouth that preferably includes a balloon that can be inflated within the patient's mouth on the exterior of the catheter, a bite block, and a shield. The balloon preferably immobilizes the catheter with respect to the securing device when inflated while permitting relative movement of the catheter and the securing device when deflated. The balloon preferable also prevents inadvertent withdrawal of the securing device from the patient's mouth when inflated while permitting withdrawal when deflated. The invention preferably includes a method for using such a securing device.

Luz D. Ortiz,

Army Federal Register Liaison Officer.

[FR Doc. 02–11069 Filed 5–2–02; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Availability of Non-Exclusive, Exclusive License or Partially Exclusive Licensing of U.S. Patent Application Concerning Load Securing and Release System

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: In accordance with 37 CFR Part 404.6, announcement is made of the availability for licensing of U.S. Patent No. US 6,375,241 B1 entitled ''Load Securing and Release System'' issued April 23, 2002. This patent has been assigned to the United States Government as represented by the Secretary of the Army.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Rosenkrans at U.S. Army Soldier and Biological Chemical Command, Kansas Street, Natick, MA 01760, Phone; (508) 233–4928–4298 or E-mail: *Robert.Rosenkrans@natick.army.mil.*

SUPPLEMENTARY INFORMATION: Any licenses granted shall comply with 35 U.S.C. 209 and 37 CFR part 404. The following Patent Number, Title and Issue date is provided:

Patent Number: US 6,375,241 B1.

Title: Load Securing and Release System.

Issue Date: April 23, 2002.

Luz D. Ortiz,

Army Federal Register Liaison Officer.

[FR Doc. 02–11073 Filed 5–2–02; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Availability for Non-Exclusive, Exclusive, or Partially Exclusive Licensing of U.S. Patent Concerning Low-Backscatter Aperture Structure

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: In accordance with 37 CFR 404.6 and 404.7, announcement is made of the availability for licensing of U.S. Patent Application No. 10/006,316 entitled ''Low-Backscatter Aperture Structure,'' filed 12/4/2001. This patent has been assigned to the United States Government, as represented by the Secretary of the Army.

ADDRESSES: Commander, U.S. Army Medical Research and Materiel Command, ATTN: Command Judge Advocate, MCMR–JA, 504 Scott Street, Fort Detrick, Frederick, Maryland 21705–5012.

FOR FURTHER INFORMATION CONTACT: For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619–7808. For licensing issues, Dr. Paul Mele, Office of Research & Technology Assessment, (301) 619–6664, both at telefax (301) 619–5034.

SUPPLEMENTARY INFORMATION: A system including but not limited to a low-backscatter aperture structure, where the system include but is not limited to a camera, an optical communications system, an imaging system, a test system, and a measurement system.

Luz D. Ortiz,

Army Federal Register Liaison Officer.

[FR Doc. 02–11070 Filed 5–2–02; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Availability for Non-Exclusive, Exclusive, or Partially Exclusive Licensing of U.S. Patent Application Concerning Method for Purifying Cholera Toxin

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: In accordance with 37 CFR 404.6 and 404.7, announcement is made of the availability for licensing of U.S. Patent No. 6,008,329 entitled ''Method for Purifying Cholera Toxin'' filed March 6, 1998. Foreign rights are also available (PCT/US99/05005). The United States Government as represented by the Secretary of the Army has rights in this invention.

ADDRESSES: Commander, U.S. Army Medical Research and Materiel Command, ATTN: Command Judge Advocate, MCMR–JA, 504 Scott Street, Fort Detrick, Frederick, MD 21702–5012.

FOR FURTHER INFORMATION CONTACT: For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619–7808. For licensing issues, Dr. Paul Mele, Office of Research & Technology Assessment, (301) 619–6664, both at telefax (301) 619–5034.

SUPPLEMENTARY INFORMATION: This invention relates to a method of purifying cholera toxin using a matrix with at least one ion chosen from among matrix with Ni+2, Co+2, Cd^2 or Zn+2 immobilized thereon. It is possible thereby to selectively elute the B subunit for cholera toxin from the matrix.

Luz D. Ortiz,

Army Federal Register Liaison Officer.

[FR Doc. 02–11071 Filed 5–2–02; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Availability for Non-Exclusive, Exclusive, or Partially Exclusive Licensing of U.S. Patent Application Concerning a Method of Making a Vaccine for Anthrax

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: In accordance with 37 CFR 404.6 and 404.7, announcement is made of the availability for licensing of U.S. Patent Application Serial No. 09/520,215 entitled ''Method of Making a Vaccine for Anthrax,'' filed March 7, 2000. The United States Government, as represented by the Secretary of the Army has rights in this invention.

ADDRESSES: Commander, U.S. Army Medical Research and Materiel Command, ATTN: Command Judge Advocate, MCMR–JA, 504 Scott Street, Fort Detrick, Frederick, MD 21702–5012.

FOR FURTHER INFORMATION CONTACT: For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619–7808. For licensing issues, Dr. Paul Mele, Office of Research & Technology Assessment, (301) 619–6664, both at telefax (301) 619–5034.

SUPPLEMENTARY INFORMATION: A method of making a vaccine from a protective antigen. The protective antigen is useful against Bacillus anthracis. The protective antigen is produced by an asporogenic organism, which overproduces the desired antigen. The asporogenic organism is a recombinant asporogenic B. anthracis. The recombinant asporogenic *B. anthracis* was derived from a Δ Sterne-1(pPA102) strain of bacteria and binds to dye when grown on Congo Red Agar.

Luz D. Ortiz,

Army Federal Register Liaison Officer.

[FR Doc. 02–11072 Filed 5–2–02; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement for the Shrewsbury River Basin, Monmouth County, NJ, Flood Control and Ecosystem Restoration Study: Feasibility Phase

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: The U.S. Army Corps of Engineers (USACE), New York District (District), is preparing a Draft Environmental Impact Statement (DEIS) to ascertain compliance with and to lead to the production of a National Environmental Policy Act (NEPA) document in accordance with the President's Council of Environmental Quality (CEQ) Rules and Regulations, as defined and amended in 40 Code of Federal Regulations (CFR), parts 1500–1508, USACE principals and guidelines as defined in Engineering Regulation (ER) 1105–2–100, and other applicable Federal and State environmental laws for the proposed flood control and ecosystem restoration efforts in the Shrewsbury River Basin in Monmouth County, New Jersey.

The study area consists of the Shrewsbury River Basin, including the Shrewsbury River, Navesink River, and multiple tributaries. The Shrewsbury River Basin is a back-bay waterway located in northeastern Monmouth County, New Jersey, which discharges into Sandy Hook Bay at Highlands, New Jersey.

DATES: June 13, 2002, 2 p.m. to 5 p.m. and 7 p.m. to 9 p.m.

FOR FURTHER INFORMATION CONTACT: Ms. Melissa Alvarez, Project Biologist, Planning Division, U.S. Army Corps of Engineers, New York District, Jacob Javitz Federal Building, New York, NY 10278–0090, at (212) 264–2008.

SUPPLEMENTARY INFORMATION: This study is authorized by a U.S. House of Representatives Resolution dated May 7th, 1997, which reads: Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, that the

Secretary of the Army is requested to review the report of the Chief of Engineers on the Shore of New Jersey from Sandy Hook to Barnegat Inlet, published as House Document, 332, 85th Congress, 2nd Session, the Report of Limited Reconnaissance Study on the entire Shore of New Jersey, dated September 1990, and other pertinent reports, with a view to determining whether any modifications of the recommendations contained herein are advisable at the present time, in the interest of water resources development, environmental restoration, and other applied purposes.

1. Public scoping meetings are schedule for June 13, 2002 from 2 p.m. to 5 p.m. and from 7 p.m. to 9 p.m. The meetings will be held in Monmouth County at the Sea Bright Borough Hall gymnasium. Results from the public scoping meetings with the District, Federal, state, and local agency will be addressed in the DEIS. Parties interested in receiving notices of public scoping meetings or copies of the Scoping Document should contact Ms. Alvarez at the above address.

2. Federal agencies interested in participating as a Cooperating Agency are requested to submit a letter of intent to COL. John B. O'Dowd, District Engineer, at the above address.

3. Estimated date of DEIS availability: July 19, 2005.

Luz D. Ortiz,

Army Federal Register Liaison Officer.

[FR Doc. 02–11068 Filed 5–2–02; 8:45 am]

BILLING CODE 3710–06–M

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Request for Comments on the Draft Estuary Habitat Restoration Strategy Prepared by the Estuary Habitat Restoration Council

AGENCY: Department of the Army, Army Corps of Engineers, DoD.

ACTION: Notice; request for comments.

SUMMARY: The Corps of Engineers on behalf of the interagency Estuary Habitat Restoration Council is soliciting comments on the draft ''Estuary Habitat Restoration Strategy.''

DATES: Submit comments on or before June 17, 2002.

ADDRESSES: Send comments to Estuary Habitat Restoration Strategy, U.S. Army Corps of Engineers, Institute for Water Resources, 7701 Telegraph Road, Casey Building, Alexandria, Virginia, 22315–3868. See **SUPPLEMENTARY INFORMATION** section for electronic filing address.

FOR FURTHER ASSISTANCE CONTACT: Ms. Ellen Cummings, Headquarters, U.S. Army Corps of Engineers, Washington, DC 20314–1000, (202) 761–4558; or Ms. Cynthia Garman-Squier, Office of the Assistant Secretary of the Army (Civil Works), Washington, DC, (703) 695–6791.

SUPPLEMENTARY INFORMATION: The Estuary Restoration Act of 2000, Title I of Public Law 106–457 has four purposes: (1) Promotion of estuary habitat restoration; (2) development of a national strategy for creating and maintaining effective estuary habitat restoration partnerships; (3) provision of Federal assistance for estuary habitat restoration projects; and (4) development and enhancement of monitoring and research capabilities to ensure that estuary habitat restoration efforts are based on sound scientific understanding and innovative technologies. The Act authorizes an estuary habitat restoration program for implementation of Federal assistance through cost-shared estuary habitat restoration projects. The Act authorizes funds to be appropriated to Army for this program. Funds were also authorized for the National Oceanic and Atmospheric Administration to establish a database of restoration project information and to develop monitoring data standards. The Estuary Habitat Restoration Council consisting of representatives from Department of the Army, National Oceanic and Atmospheric Administration, the Environmental Protection Agency, United States Fish and Wildlife Service, and the Department of Agriculture was established to oversee these activities.

The Council is charged to develop an estuary habitat restoration strategy designed to ensure a comprehensive approach to maximize benefits and foster coordination of Federal and non-Federal activities. The goal of the strategy is restoration of 1,000,000 acres of estuary habitat by the year 2010. Elements of the draft strategy are discussed in section 106(d) of the Act. The intent of this notice is to obtain comments on the draft strategy prepared by the Estuary Habitat Restoration Council in accordance with these requirements.

While the authorized estuary habitat restoration program is discussed in this draft strategy, the implementation process for solicitation and review of project proposals and evaluation criteria will be the subject of a separate notice at a later date. The strategy is also not intended to be the forum for a detailed discussion of the monitoring data standards, but does include a discussion of the need for monitoring.

The Council is looking for comments on the entire strategy, including any omissions. The following questions have been developed to indicate areas where additional discussion may be beneficial. However, these questions are not intended to limit the nature and content of the comments you may wish to provide.

a. Introduction, Paragraph 3—Calls for supporting restoration activities that create self-sustaining systems integrated into the surrounding landscapes. What criteria should the Council use in evaluating whether a project is ''self-sustaining''?

b. Introduction, Paragraph 5—Interprets the definition of ''estuary'' that is set forth in the Act. Is the definition of ''estuary'' contained in this paragraph consistent with how you would define estuary? If not, why not? What definition would you propose using, consistent with the intent of the Act? Should the Council provide more guidance on defining the boundaries of an estuary? If so, what would you propose?

c. Introduction, Paragraph 6—For measuring progress toward the one million acre goal, ''restored area'' is considered to be the area where monitoring can document restored function. Is this a realistic measurement of progress? What other means would you suggest be used to measure progress toward the goal and why?

d. Trends of Estuary Habitats, Paragraph 3—States that the Council will develop a habitat classification system based on Cowardin et al. to address habitat trends as required in the Act. The Federal Geographic Data Committee has adopted Cowardin as the Federal standard for wetland mapping, monitoring and data reporting. Does Cowardin address all components of estuary habitat for which status and trends data should be developed and for which monitoring data should be tracked? If not, what components are missing? What classification systems are currently being used by States and others who track status and trends information?

e. Trends of Estuary Habitats, Paragraph 6—Directs the Council, within two years, to review estuary habitat trends data and identify data gaps. What information should be included in the Council's review of trends data? What are the most significant gaps in habitat trends data, either geographically or in terms of habitat types, which should be addressed by the Council?

f. Trends of Estuary Habitats, Paragraph 6—States that trends data collected by the Council will be used to establish restoration priorities. Should the Council use trends data to establish national and regional restoration priorities? If yes, how should the data be used and which types of information are most critical? If no, how should national and regional priorities be identified?

g. Trends of Estuary Habitats, Paragraph 7—Encourages organizations preparing or updating estuary management and restoration plans to incorporate available trends data and use it to plan priorities. Are there good examples of trends data collection by local or regional groups?

h. Estuary Management or Habitat Restoration Plans, Paragraphs 2–5—Describes seven elements that are typically found in effective estuary habitat restoration plans. Should there be other minimum requirements used to identify effective restoration plans? If so, what do you think they are?

i. Ecosystem Level Approach, Paragraph 5—Directs the Council in its review of project proposals to support projects developed in an ecosystem context with multiple benefits. What do you believe would indicate that an ecosystem approach has been used in project planning?

j. Partnerships, Paragraph 3—Calls for collaboration among government and non-government entities involved in habitat restoration. How can collaboration among agencies, private organizations and individuals be improved to ensure that all interested parties are involved and in a position to contribute to the restoration effort?

k. Partnerships, Paragraph 4—Encourages the use of awards to encourage restoration partnerships and the involvement of volunteers. Would a national process be beneficial for granting awards or should the process be developed locally by project partners? Should such a process be run by a Federal agency?

l. Partnerships, Paragraph 7—Encourages Council members and private partners to use web sites to provide the public with information on funding for estuary restoration projects. Should a Federal agency develop a national Web site that would act as a clearinghouse to other Web sites?

m. Habitat Restoration Program, Paragraph 2—Describes habitat restoration activities that are eligible for funding under the Act. Are the categories of included activities (1) sufficient to achieve the Act's goal of restoring one 4 million acres of estuary habitat by 2010 and (2) inclusive of all critical restoration activities that are not specifically excluded by the Act? If not, which additional activities should be considered?

n. Habitat Restoration Program, Paragraph 4—The Council and the Secretary may consider additional factors, other than those set forth in the Act, for project evaluation, ranking, and selection. What additional factors should the Secretary and the Council consider?

o. Habitat Restoration Program, Paragraph 6—Defines a small project as generally one with a Federal cost of $250,000 or less and that manipulates 50 acres or less. Is this definition adequate for balancing small and large projects in the program?

p. Ensuring Success, Paragraph 5—Encourages local, State and regional groups to monitor on an estuary or regional scale. How can restoration success be documented over estuary or regional scales (especially considering funding constraints and the level of effort that might be required)?

q. Ensuring Success, Paragraph 7—Directs NOAA to establish standard data formats for project monitoring and to maintain a database on restoration projects. What existing monitoring standards and guidance are available that should be considered in developing monitoring requirements under the Act? What existing restoration 5 project databases already exist that could serve as a model for the database to be created for the Estuary Restoration Act?

Electronic Filing Address. You may submit comments by e-mail to: *estuary@usace.army.mil*. Comments should be in one of the following formats: Word, WordPerfect, or ASCII. The subject line for submission of comments should begin with ''Estuary Habitat Restoration Strategy comments from [insert name of agency, organization, or individual].''

Draft Estuary Habitat Restoration Strategy

Introduction

This draft Estuary Habitat Restoration Strategy (Strategy) has been developed in accordance with the requirements of the Estuary Restoration Act of 2000, Title I of Public Law 106–457 (the Act). The purpose of the Strategy is to ensure a comprehensive approach to maximize benefits derived from estuary habitat restoration projects, provide incentives for the creation of new partnerships between the public and private sectors, and foster coordination of Federal and non-Federal activities related to restoration of estuary habitat. The Act also provides Federal assistance, promotes efficient financing of technically sound and cost-effective estuary habitat restoration projects, and encourages the use of innovative technologies.

Congress enacted the Estuary Restoration Act to establish a collaborative process for addressing the pressures facing our Nation's estuaries. As part of the Act, an inter-agency Estuary Habitat Restoration Council (Council) was established to develop and submit the Strategy to Congress, solicit, review, and evaluate project proposals, and recommend projects to the Secretary of the Army. Much of the Council's work will involve soliciting and funding on-the-ground habitat restoration projects. The Strategy, however, is broader than site-specific restoration. It encourages coordinating, integrating, and capitalizing upon the broad spectrum of ongoing estuary restoration efforts throughout the country. Its goal is to bring together the collective expertise, technical, and financial resources of the Federal community, the practical experience of State, local and nongovernmental groups, and the vision of the corporate world to restore the integrity of our Nation's estuarine systems. The Federal investment will be used to leverage the financial and technical contribution of non-Federal partners, providing sound ecological and economic returns.

The Strategy calls for *restoration activities* that improve degraded estuaries or estuary habitat, or those that create estuary habitat with the goal of attaining a self-sustaining system integrated into the surrounding landscape. Restoration projects must improve or reestablish function to degraded or destroyed habitats, and be located to recapture regional ecological integrity. Successful restoration will protect native fish and wildlife in estuaries and their watersheds, while providing multiple additional benefits such as improved surface and ground water quality and quantity, flood control, outdoor recreation, and other services, valued by local stakeholders and consistent with the re-establishment and maintenance of healthy ecosystems.

The goal of the Strategy is to restore one million acres of estuary habitat by 2010. The Council will organize and support a task force to recommend methods for tracking progress toward the million-acre goal, including defining a baseline timeframe for comparison. The task force will consider regional and local perspectives on quantifying project successes. Subsequently, the Council will produce periodic reports on progress toward meeting the Strategy's million-acre goal, as well as other habitat trends.

The Act defines *estuary* as ''a part of a river or stream or other body of water that has an unimpaired connection with the open sea and where the sea water is measurably diluted with fresh water from land drainage.'' Estuary also includes the ''* * * near coastal waters and wetlands of the Great Lakes that are similar in form and function to estuaries. * * *'' For the purposes of this Strategy, estuary is considered to extend from the head of tide to the boundary with the open sea (to downstream terminus features or structures such as barrier islands, reefs, sand bars, mud flats, or headlands in close proximity to the connection with the open sea). In the Great Lakes, riparian and nearshore areas will be considered to be estuaries. Estuary habitat includes the estuary and its associated ecosystems, such as: salt, brackish, and fresh water coastal marshes, coastal forested wetlands and other coastal wetlands, maritime forests, coastal grasslands, tidal flats, natural shoreline areas, shellfish beds, sea grass meadows, kelp beds, river deltas, and river and stream corridors under tidal influence.

Some restoration projects can easily measure success in terms of acreage (for example, projects that plant vegetation), but many cannot (for example, projects that alter hydrology). By manipulating a relatively small area, the function of a much larger habitat area can be improved. For the purposes of this Strategy, therefore, the restored area will be defined as that area over which appropriate monitoring can document restored function.

The Estuary Habitat Restoration Council developed this Strategy building on work done by Council member agencies, environmental professionals, and private conservation organizations, including Restore America's Estuaries (RAE). In consultation with restoration professionals, scientists, academics, and nonprofit organizations, RAE has developed *A National Strategy for Coastal and Estuarine Habitat Restoration*. The document provides a framework for restoring function to estuarine and coastal habitats, which can aid in focusing restoration efforts to reach this Strategy's million-acre goal.

This Strategy is dynamic. It will evolve over time according to information collected through monitoring and research programs and feedback from restoration practitioners, scientists, and public agencies and private organizations. Reaching the one million acre goal will require further close coordination among the Federal partners, and state, local and private partners as habitat priorities, project efficiencies, and funding sources are identified.

Trends of Estuarine Habitats [This section covers 106(d)(4) and (5)]

Section 106(d) of the Estuaries and Clean Water Act of 2000 requires that the National Strategy include guidance on addressing trends of estuarine habitats. For each estuarine habitat type, the Strategy addresses historic losses, estimated current rate of loss, the extent of the threat of future loss or degradation, and a measurement of the rate of change.

Understanding trends as well as the structure, function and extent of various estuary habitats is key to an effective and efficient restoration program. Trends data provide a chronological and geographic picture of change in habitat types, thereby helping managers to recognize ecological stability or stress. They help to identify existing or potential habitat threats so that early action can be taken to avoid or rectify them. This information can be used to establish a baseline from which to quantify restoration success. By identifying both healthy and impaired ecosystems, trends information can help managers to target habitat restoration efforts in a cost-effective manner. For these reasons this Strategy will promote the development and use of trends data in designing restoration programs for estuary habitats.

Council member agencies use different terminology to describe estuarine habitat. The Council will use a classification system based on Cowardin *et al.* (1979). The Cowardin classification system is the national standard for wetland mapping, monitoring and data reporting as determined by the Federal Geographic Data Committee (*http://www.fgdc.gov/*). Examples of the relevant classes are: *estuarine subtidal*, including open water, bay bottoms, and reefs; *estuarine intertidal emergents*, such as salt marsh; *estuarine intertidal forested/shrub*, such as mangroves; *estuarine intertidal unconsolidated shore*, such as beaches, bars and mudflats; and *estuarine aquatic bed*, such as submerged or floating estuarine vegetation. Freshwater habitat categories to be included because they are estuarine-associated ecosystems or are found in the Great Lakes include: *palustrine forested wetlands*, such as forest swamps or riparian zones; *palustrine shrub wetlands*; and *palustrine emergents*, including inland marshes and wet meadows.

For purposes of this Strategy, estuary habitats will include the complex of physical and hydrologic features and living organisms within estuaries and their associated ecosystems, including salt and fresh water coastal marshes, coastal forested wetlands and other coastal wetlands, maritime forests, coastal grasslands, tidal flats, natural shoreline areas, shellfish beds, sea grass meadows, kelp bed, river deltas, and river and stream banks under tidal influence.

There are several studies that document estuary habitat trends on both a national and regional basis. For instance, Dahl (2000) summarized the status and trends of wetlands in the conterminous United States from 1986–1997. Three categories of estuarine and marine wetlands were included and together these comprise about five percent (5.3 million acres) of the total wetland acreage in the conterminous United States. During the study period, a net loss of 10,400 acres of estuarine and marine wetlands occurred. Filling or draining for urban and rural development accounted for 43 percent of estuarine and marine wetland losses, while saltwater intrusion accounted for an additional 12 percent of the loss.

Within two years, the Council will review information available for estuary habitats concerning historic losses, current rates of loss, the extent of the threat of future loss or degradation, and measures of the rate of change, and identify gaps in trends information that can be addressed by the Council members and/or its partners. Data collected will be used to identify regional and national restoration priorities based on this information.

Organizations and agencies preparing or updating estuary management or restoration plans should incorporate available information on estuary trends in their documents and consider this data when establishing project priorities. Among the sources of information to consult are historic maps and navigation charts, State and local agencies, available aerial photography and other remote sensing data, Federal agencies, such as the members of the Estuary Habitat Restoration Council and the United States Geological Survey, reports on Federal projects in estuaries, and universities conducting research in local estuaries.

It is also important to collect information relating to the causes of change in estuary habitat types, distribution, and quantity. This will help in defining the types of projects that may be needed, setting realistic goals, and influencing the design. For example, if the primary limiting factor is water quality and the source of the problem is upstream, success of any

estuary restoration project might be limited until the upstream problem is resolved.

Project proposals submitted to the Council for potential funding should contain information related to the trends for estuary habitat types in the project area and explain how this information was considered when developing the project proposal. The Council will give priority to projects that clearly address historic losses in areas where steps are being taken to address the causes of degradation and where there is a reasonable likelihood of success in the foreseeable future.

Estuary Management or Habitat Restoration Plans [This section covers 106(d)(2)]

This Strategy will be implemented in a manner consistent with estuary management or habitat restoration plans. An *estuary habitat restoration plan* is defined in the Act as ''* * * any Federal or State plan for restoration of degraded estuary habitat that was developed with the substantial participation of appropriate public and private stakeholders.'' Included are the estuary habitat restoration components of comprehensive conservation and management plans approved under section 320 of the Federal Water Pollution Control Act (FWPCA), lake wide management plans or remedial action plans developed under section 118 of the FWPCA, management plans approved under the Coastal Zone Management Act of 1972, and the interstate management plan developed pursuant to the Chesapeake Bay program under section 117 of the FWPCA.

Effective estuary habitat restoration plans typically contain common elements such as focusing on the watershed as the basic management unit, integrating good science with sound decision-making, and emphasizing collaborative problem solving. Also essential is public and private stakeholder participation. This is crucial to the final success of any plan, because those individuals and private interests affected by measures to maintain and restore the estuary are ultimately responsible for implementing the plan. Providing them the opportunity to design and contribute during early planning stages promotes ''buy-in'' when the time comes to undertake restoration actions and activities.

Another component of successful restoration plans is clearly identifying a central goal or set of goals and describing means for measuring progress toward achieving these goals. Performance measures may be as simple as the number of acres of habitat directly restored or protected. Many federally approved estuary management and restoration plans track major milestones or other implementation activities to ensure progress is occurring, or if it is not, to identify what necessary steps to take to move forward.

Successful plans also include trend assessment, which is critical to watershed characterization, such as loss of historic estuarine habitat, land use, development, recreation, and fisheries pressures. This information is necessary to identify problems facing a given estuarine watershed and to select those actions necessary to return it to the desired state. Status and trend information can help to assess the condition of the highest priority resources and can forecast future conditions should current trends continue. It can also highlight data gaps.

Finally, plans should identify management and restoration priorities. Identifying regional or estuary-level restoration priorities will help projects address the most critical habitat needs. The Council will give priority to those projects that have the best potential to restore critical habitat functions successfully. Improved planning will also allow benefits to be accrued over a larger scale, enhancing the overall effectiveness of restoration efforts.

In accordance with the Act, every project considered for funding under this authority must address restoration needs identified in an estuary habitat restoration plan. Additionally, one of the factors for the Secretary of the Army (Secretary) to consider when selecting a project to fund is whether the project is part of an approved Federal estuary management or habitat restoration plan. This selection criterion will help ensure that the Strategy is implemented in a manner consistent with such plans.

Agency staff supporting the Council participated in and reviewed the results of a recent effort supported by the National Oceanic and Atmospheric Administration (NOAA) and led by Restore America's Estuaries (RAE), a nongovernmental organization, to review existing estuary restoration plans. Plans reviewed included those developed for Federal programs such as the National Estuary Program (Comprehensive Conservation and Management Plans), State Coastal Zone Management Plans, and other State plans and watershed or estuary plans, such as the Puget Sound Water Quality Management Plan and Ecoregional Plans developed by The Nature Conservancy. Review of these plans revealed that the level and sophistication of planning for estuarine and coastal habitat restoration varies significantly among the regions and watersheds of the United States. In some coastal areas, only broad, coastal management planning has been completed, while in other areas sophisticated planning efforts with strong community and stakeholder participation have determined specific habitat restoration goals and priorities.

By working with State and local agencies and nongovernmental organizations, the Council will help to identify gaps in planning, and encourage sharing of information and other collaborative efforts to improve restoration plans. The Council will also seek to promote coordination of planning activities associated with other State and Federal programs. For example, the Council will encourage regional planning workshops, bringing together resource managers, scientists, and other stakeholders to establish restoration goals and priorities. The Council could also identify and recommend the use of successful planning frameworks such as those developed by the National Estuary Program and other examples.

Ecosystem Level Approach [This section covers 106(d)(3)]

This Strategy recognizes that successful estuary restoration projects with multiple goals will improve ecosystem function. Restoration projects should be designed using an ecosystem or watershed approach to re-establish a self-sustaining area that provides the structure and function necessary to support the many interrelated physical, biological, and chemical components of healthy estuary habitats. An ecosystem or watershed approach will facilitate the development of projects with multiple benefits. Examining how actions fit into the surrounding area and considering economic, recreational, water quality, land use, and other parameters is necessary to achieve restoration goals. Estuarine habitats are a web of interrelated components, each supporting and depending on the other for healthy function.

Estuary restoration projects that include physical and functional restoration should provide healthy ecosystems to support wildlife, including endangered and threatened species, migratory birds, and resident species of an estuary watershed, as well as fish and shellfish, including commercial and recreational fisheries.

Restoration of healthy ecosystem function can provide improved water quality and flood control benefits. For example, healthy and intact tidal wetlands filter water flowing from rivers

and tributaries to the ocean, remove pollutants from runoff and trap and assimilate nutrients. Estuarine wetlands also have the capacity to store floodwater and can provide a critical physical buffer between land and water, protecting communities from flooding and storm surge.

Healthy estuaries also provide multiple opportunities for outdoor recreation, such as recreational fishing, boating, birding, and a variety of water sports. The recreation industry dependent on healthy estuaries provides significant income to coastal regions. Restoration projects completed under this Strategy may incorporate recreational features that are compatible with the primary goal of restoring healthy habitat function.

In its review of project proposals, the Council will support projects developed in an ecosystem context with multiple benefits. The Council will work with others to share examples of particularly effective projects that exemplify this process.

Partnerships [This section covers 106(d)(1)]

To achieve the goal of restoring one million acres of estuary habitat, it will be important to involve individuals and organizations from both the public and private sectors. Enhancing partnerships among agencies and establishing new public-private partnerships is a central theme of the Act and a critical part of this Strategy.

In order to meet the goals of the Act, the Council will improve coordination among existing restoration programs by reviewing and discussing programs administered by agencies represented on the Council, and developing shared goals and objectives for habitat restoration. Although agencies may differ in their implementation strategies, developing common goals will facilitate coordination. The Council will also coordinate with State habitat restoration programs to improve the effectiveness of restoration efforts.

In order to maximize public-private partnerships, the Council encourages collaboration among public agencies, private organizations, companies, and individuals (e.g., private landowners, hunters, birders, fishermen, etc.) in restoration efforts. This connectivity encourages private organizations, companies, landowners and others to bring their resources (financial or in-kind) to the table to assist in planning and implementing successful restoration projects. There are several existing programs that provide models for successful partnerships, including the Coastal America Corporate Wetlands Restoration Partnership, a voluntary public-private partnership in which corporations join with Federal and State agencies to restore wetlands and other aquatic habitats.

Private support can range from providing materials or funding to the use of volunteers for hands-on restoration or monitoring. One way to encourage resourceful, active partnerships, and especially to acknowledge the efforts of volunteers, is to establish annual awards recognizing successful restoration efforts. These awards may be given to a wide variety of groups, including nongovernmental organizations, individuals, businesses, and local, State and Federal agencies to reward efforts at all levels.

Private partnerships may also be critical for those projects involving demonstration or pilot testing of an innovative technology. The estuary habitat restoration program established in the Act requires a non-Federal interest to provide a minimum of 35 percent of the costs of a restoration project. However, when innovative technology is involved, the percentage required to be contributed by the non-Federal interest shall be reduced to 15 percent for the incremental cost of using the new technology. The Council will consider technology ''innovative'' if it involves a new process, technique, or material or uses existing processes, techniques, or materials in a new application.

The non-Federal interests must provide all of the lands, easements, rights-of-way and relocations. The non-Federal interest is also responsible for all costs associated with operation, maintenance, replacement, repair and rehabilitation of the project, including monitoring. This presents many opportunities for the involvement of a broad array of individuals and organizations to participate in the restoration effort.

To expand the base of support for restoration, the Council will encourage member Agencies and private partners to maintain and expand existing web sites that provide information on both public and private sources of funding for estuary projects. Web sites should include links to other web sites that emphasize accomplishments of completed restoration projects. Effective implementation of any restoration plan requires a well-developed funding strategy that identifies governmental, nonprofit, and private resources to provide support both in the near and long term.

The Council will work with other Federal, State and local agencies, nongovernmental organizations and private parties to identify and publicize funding sources, and will also identify examples of effective partnerships that have implemented estuary restoration projects. For example, the U.S. Environmental Protection Agency has established the Environmental Finance Program to assist communities in their search for creative approaches to funding their environmental projects. Environmental finance centers at universities provide publications, analyses of financing alternatives, training, and technical assistance, including workshops for local governments that discuss watershed-financing alternatives. In 2001, the National Estuary Program sponsored workshops on funding solutions for estuary programs and comprehensive conservation management plan implementation. The National Fish and Wildlife Foundation and the Coastal America Corporate Wetlands Restoration Partnership (*http://www.coastalamerica.gov/text/cwrp*) are other examples of the resources available to help non-Federal interests obtain support for estuary projects.

Habitat Restoration Program [This section covers 106(d)(6) and (7)]

The Act establishes ''an estuary habitat restoration program under which the Secretary may carry out estuary habitat restoration projects and provide technical assistance in accordance with the requirements of this title.'' This is one means for achieving the one million acre goal of the Strategy. The statute includes requirements for non-Federal origination of projects, selection criteria, cost-sharing, operation and maintenance, authority for nongovernmental agencies to be sponsors, a requirement for a written agreement between the non-Federal sponsor and the Secretary, and potential delegation of project implementation.

The Act defines the term *estuary habitat restoration activity* to mean ''an activity that results in improving degraded estuaries or estuary habitat or creating estuary habitat (including both physical and functional restoration), with the goal of attaining a self-sustaining system integrated into the surrounding landscape.'' Projects funded under this program will be consistent with this definition. Eligible habitat restoration activities include re-establishment of chemical, physical, hydrologic, and biological features and components associated with an estuary. This may entail improvement of estuarine wetland tidal exchange or reestablishment of historic hydrology, providing fish passage, establishment of riparian buffer zones, construction of

reefs to promote fish and shellfish production, reintroduction of native species, and control of nonnative or invasive species. Cleanup of pollution for the benefit of estuary habitat may be considered, as long as it does not meet the definition of excluded activities in the Act. Excluded activities are those required for mitigation of adverse effects of a regulated activity or that constitutes restoration for natural resource damages.

Section 104(c) of the Act contains four required elements and seven listed selection factors to be considered by the Secretary of the Army when determining which projects to fund. Projects must address restoration needs identified in an estuary plan, be consistent with this Strategy, include a monitoring plan, and include satisfactory assurance that the non-Federal interest has adequate authority and resources. The listed selection factors are: inclusion in an approved Federal plan, technical feasibility, scientific merit, encouragement of increased cooperation among government agencies at all levels, fostering of public-private partnerships, cost effectiveness, and whether the State has a dedicated source of funding for acquisition or restoration of estuary habitat. If a project merits selection based on the above criteria, then priority consideration will be given to a project if it: (a) Occurs within a watershed where there is a program being implemented that addresses sources of pollution and other activities that otherwise would adversely affect the restored habitat water quality in the watershed; or (b) includes an innovative technology having the potential for improved cost-effectiveness.

The Council will consider the factors discussed above during its review and ranking of proposals for the Secretary's consideration. Additional criteria may also be developed by the Council to facilitate review and these will be included in the program guidance. The list of recommended projects will be provided in priority order. The Secretary may consider other factors when selecting projects to fund from the list provided by the Council.

In addition to considering the selection and priority factors in sections 104(c)(3) and (4), the Secretary will also select a balance of smaller and larger estuary habitat projects and ensure an equitable geographic distribution of the funded projects. The Council recognizes that the scope of a project is not always directly proportional to the cost and that projects are sometimes difficult to characterize adequately in terms of acreage to be restored. For purposes of selecting a balance of smaller and larger estuary habitat restoration projects, the Council will use a combination of cost and acreage to be manipulated as criteria to define small projects. In general, a small project would be one with a Federal cost of $250,000 or less and that manipulates 50 acres or less. The Council will discuss and classify projects that cannot be easily characterized as ''small'' because of conflicts between cost and acreage factors. The availability of funding, project costs, and the nature of the proposals will affect the ability to assure equitable geographic distribution of projects funded by this program. In any one year, the Council may recommend funding more projects in one region than another but will consider the number, scope and cost of funded projects in a region when making subsequent funding decisions.

The goal will be to select those projects of highest national priority while assuring that all regions of the country benefit from the program. The Council will explore various means for defining national priorities and consider those priorities in project selection.

Ensuring Success

The Act stipulates that monitoring is essential for evaluating and documenting our progress toward reaching the goal of restoring one million acres of estuary habitat. By closely tracking progress at the project level, we can determine whether individual projects contribute to meeting the goals of estuary and regional restoration plans, and tally habitat acreage restored over a national scale. In addition to monitoring at the project level, ecosystem-level monitoring may also be needed to judge restoration success. Monitoring information will allow restoration planners and practitioners to modify their efforts according to on-the-ground results, and can build long-term public support for habitat protection and restoration efforts.

Because monitoring is essential to both documenting success and adapting project and program approaches, it should be a central concern of those designing a restoration project or regional restoration plan. For each habitat type to be restored, the monitoring plan should define the desired structure and functions in the context of project goals, and identify attributes indicating those functions. Quantitative performance standards for projects should include functional and structural elements and be linked to appropriate, local reference habitats that represent ''target conditions.'' It may also be useful to compare the project site to degraded, non-restored ''control'' sites to better document project-induced improvements in habitat condition.

Ideally, restoration goals should be quantitative, as well as spatially and temporally specific. Project goals should also be measurable and realistic. A realistic goal should consider causes of past decline of the habitat proposed for restoration and surrounding land cover and ecosystem conditions. Monitoring data should be used to guide project operations and maintenance.

Specific project goals will determine the appropriate complexity of each monitoring plan. The project must include monitoring on a regular basis and over a meaningful time period. The length of the ideal monitoring program will vary depending on the habitat type and project goals for restoring function, but should always include pre-construction measurements to establish baseline conditions, monitoring during project construction to determine whether to adjust techniques or goals, and post-construction monitoring to confirm success of the restoration and alert project managers to the need for adjustments. Project monitoring should document any changes to the original construction specifications, including what problems were encountered, the reasoning behind any changes, and any changes the project staff would recommend with the knowledge they now possess. Information on changes from baseline conditions and comparison to reference or control sites should be included as well.

Beyond monitoring individual restoration projects, local, State or regional groups should also conduct monitoring over the estuary or regional scale to allow a more complete evaluation of restoration successes. System-wide monitoring of water quality and other habitat parameters can gauge ecosystem improvements beyond those achieved at project sites. Additionally, remote sensing may be useful in documenting both baseline habitat information and large-scale changes in habitat coverage and conditions.

The restoration and maintenance of healthy coasts and estuaries will require the long-term support of a broad cross-section of the public. Including local communities in planning and implementing restoration projects will build interest in protecting and maintaining restored habitat. Increased awareness of the attributes needed to sustain healthy habitat will increase local stewardship of the environment and will help to ensure the long-term success of restoration projects.

The National Oceanic and Atmospheric Administration (NOAA), in consultation with the Council, will develop standard data formats for project monitoring, along with requirements for types of data collected and frequency of monitoring. These standards will build on existing inter-agency efforts to develop monitoring protocols and restoration databases. These standards are not intended to limit the types of information gathered by project managers, but rather to ensure that data will be useful to other parties, and to facilitate regional and national tracking of restoration success. Consistent data collection and reporting standards should clarify results, make selection and justification of restoration methods more straightforward, ensure that success is documented based on sufficient data, enhance the restoration knowledge base, and increase the comparability of data among restoration projects.

In addition to developing monitoring data standards, NOAA will also maintain a database of information concerning estuary habitat restoration projects carried out under the Act, including information on project techniques, project completion, monitoring data, and other relevant information. This database will be Internet-accessible, to allow widespread dissemination and use of restoration project and monitoring data.

Conclusions

The actions described in this Strategy facilitate reaching the goal of restoring one million acres of estuary habitat by 2010. There are many existing programs and organizations actively involved in estuary restoration whose efforts will also contribute significantly to estuary restoration. Examples include the National Estuary Program, the National Estuarine Research Reserve System, Restore America's Estuaries member organizations, and the program implementing the Coastal Wetlands Planning, Protection, and Restoration Act.

The Strategy is intended to be dynamic. Working with the organizations listed above and other interested stakeholders, the Council will review and refine this Strategy over time in an iterative process, as new information becomes available and progress toward meeting the goals of the Act is evaluated. Section 108(a) of the Act requires the Secretary to report to Congress at the end of the third and fifth fiscal years. As part of this process the Council will review the Strategy and update as necessary.

The Council will prepare additional documents and make them available for public comment regarding habitat restoration program implementation and the development of the monitoring standards. As indicated in this Strategy, the Council will promote a variety of efforts to facilitate promotion of partnerships and efficient, effective restoration of estuary habitats.

References

Cowardin, L.M. V. Carter, F.C. Golet, and E.T. LaRoe. 1979. ''Classification of wetlands and deepwater habitats of the United States.'' U.S. Fish and Wildlife Service. Biological Services Program; FWS/OBS–79/31. 131 pp.

Dahl, T.C. 2000. ''Status and trends of wetlands in the contiguous United States, 1986–1997.'' US Department of the Interior, Fish and Wildlife Service. Washington, DC.

Luz D. Ortiz,

Army Federal Register Liaison Officer.

[FR Doc. 02–11074 Filed 5–2–02; 8:45 am]

BILLING CODE 3710–92–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Leader, Regulatory Information Management, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: An emergency review has been requested in accordance with the Act (44 U.S.C. Chapter 3507(j)), since public harm is reasonably likely to result if normal clearance procedures are followed. Approval by the Office of Management and Budget (OMB) has been requested by May 3, 2002.

ADDRESSES: Written comments regarding the emergency review should be addressed to the Office of Information and Regulatory Affairs, Attention: Karen Lee, Desk Officer: Department of Education, Office of Management and Budget; 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Director of OMB provide interested Federal agencies and the public an early opportunity to comment on information collection requests. The Office of Management and Budget (OMB) may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management, Office of the Chief Information Officer, publishes this notice containing proposed information collection requests at the beginning of the Departmental review of the information collection. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.*, new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. ED invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner, (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected, and (5) how might the Department minimize the burden of this collection on respondents, including through the use of information technology.

Dated: April 29, 2002.

John Tressler,

Leader, Regulatory Information Management, Office of the Chief Information Officer.

Office of Educational Research and Improvement

Type of Review: Reinstatement.

Title: Fund for the Improvement of Education: Partnerships in Character Education Program.

Abstract: This application package, based on the Department of Education's Generic Application package, has program specific criteria which is used to provide guidance to applicants on new statutory requirements. Because this application package is based on the generic application package, it is in an easily recognizable format for applicants. It is necessary to announce the competition as soon as possible to allow state education agencies (SEAs) and local education agencies (LEAs) time to submit the application with a reasonable expectation that awards will be made before the next school year begins.

Additional Information: The Department is requesting emergency processing and a May 3 approval for this information collection since it could potentially result in public harm if this collection went through the normal clearance process. Applications for Character Education Program grants must be available in early May in order to provide applicants with sufficient time to develop and submit strong applications by early July, 2002. The Department of Education must award these grants by early August or sooner to allow the involved state and local education agencies sufficient time for planning during the summer so that implementation occurs in September, 2002.

Frequency: Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 500.

Burden Hours: 12,000.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov*, by selecting the ''Browse Pending Collections'' link and by clicking on link number 2028. When you access the information collection, click on ''Download Attachments '' to view. Written requests for information should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW, Room 4050, Regional Office Building 3, Washington, DC 20202–4651 or to the e-mail address vivian.reese@ed.gov. Requests may also be electronically mailed to the internet address *OCIO_RIMG@ed.gov* or faxed to 202–708–9346. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Kathy Axt at her internet address *Kathy.Axt@ed.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 02–10986 Filed 5–2–02; 8:45 am]

BILLING CODE 4000–01–U

DEPARTMENT OF EDUCATION

[CFDA Nos.: 84.282A, 84.282B, and 84.282C]

Office of Elementary and Secondary Education—Public Charter Schools Program (PCSP); Notice Inviting Applications for New Awards for Fiscal Year (FY) 2002.

Purpose of Program: The purpose of the PCSP is to increase national understanding of the charter school model and to expand the number of high-quality charter schools available to students across the Nation by providing financial assistance for the planning, program design, and initial implementation of charter schools; evaluating the effects of charter schools, including the effects on students, student academic achievement, staff, and parents; and encouraging States to provide support to charter schools for facilities financing in an amount more commensurate to the amount States have typically provided for traditional public schools.

Eligible Applicants: (a) State educational agencies (SEAs) in States with a specific State statute authorizing the establishment of charter schools may apply for funding. The Secretary awards grants to SEAs to enable them to conduct charter school programs in their States. SEAs use their PCSP funds to award subgrants to ''eligible applicants,'' as defined in this notice, for planning, program design, and initial implementation of a charter school; and to support the dissemination of information about, and successful practices in, charter schools. A charter school may apply for funds to carry out dissemination activities, whether or not the charter school has applied for or received funds under the PCSP for planning or implementation, if the charter school has been in operation for at least three consecutive years and has demonstrated overall success, including—

(1) Substantial progress in improving student achievement;

(2) High levels of parent satisfaction; and

(3) The management and leadership necessary to overcome initial start-up problems and establish a thriving, financially viable charter school.

(b) Non-SEA eligible applicants may apply for funding directly from the U.S. Department of Education (Department) if the SEA in the State elects not to participate in the PCSP or does not have an application approved under the program. An ''eligible applicant'' is defined as a developer that has applied to an authorized chartering authority to operate a charter school and has provided to that authority adequate and timely notice and a copy of its PCSP application, *except that these requirements may be waived in the case of a pre-charter planning grant.* If an SEA's application is approved in this competition, applications received from non-SEA eligible applicants in that State will be returned to the applicants. In such a case, the non-SEA eligible applicant should contact the SEA for information related to the State's subgrant competition.

Note: The following States currently have approved applications under this program: California, Colorado, Georgia, Indiana, Kansas, Louisiana, Massachusetts, Michigan, Minnesota, Missouri, Nevada, New Mexico, Ohio, Pennsylvania, Rhode Island, South Carolina, and Texas. In these States, only the SEA is eligible to receive an award under this competition. Eligible applicants in these States should contact their respective SEAs for information about participation in the State's charter school subgrant program. Non-SEA eligible applicants in States that are not listed above must apply directly to the Department on or before the deadline for transmittal of applications in order to be considered for funding in this competition.

Applications Available: May 3, 2002.

Deadline for Transmittal of Applications: July 2, 2002.

Deadline for Intergovernmental Review: September 3, 2002.

Estimated Available Funds: $50,000,000.

Estimated Range of Awards:

State educational agencies: $500,000–$8,000,000 per year.

Other eligible applicants: $10,000–$150,000 per year.

Estimated Average Size of Awards:

State educational agencies: $2,500,000 per year.

Other eligible applicants: $150,000 per year.

Estimated Number of Awards:

State educational agencies: 15–18.

Other eligible applicants: 50–70.

Note: These estimates are projections for the guidance of potential applicants. The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

Note: Grants awarded by the Secretary directly to non-SEA eligible applicants or subgrants awarded by SEAs to eligible applicants will be awarded for a period of up to 36 months, no more than 18 months of which may be used for planning and program design; no more than two years of which may be used for the initial implementation of a charter school; and no more than two years of which may be used to carry out dissemination activities.

Applicable Regulations and Statute: (a) The Education Department General

Administrative Regulations (EDGAR) in 34 CFR parts 75, 76, 77, 79, 80, 81, 82, 85, 86, 97, and 99; and (b) Title V, part B, subpart 1 (formerly Title X, part C) of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001 (ESEA), 20 U.S.C. 7221–7221j.

SUPPLEMENTARY INFORMATION: As part of wider education reform efforts to improve student achievement, the development of charter schools is an innovative approach to improving public education and expanding parental options in education. While charter school laws vary by State, public charter schools are granted greater flexibility in exchange for accountability for results. They are also public schools of choice in that all students, parents, and faculty associate with charter schools voluntarily. They are intended to stimulate the creativity and commitment of teachers, parents, students, and citizens to improve student academic achievement.

Congress reauthorized the PCSP in January 2002, by enacting the No Child Left Behind Act of 2001. Under the new legislation, a non-SEA eligible applicant for PCSP funds must submit an application for a charter to an authorized public chartering agency and provide adequate and timely notice and a copy of its PCSP application to the authorized public chartering agency. The SEA or the Secretary may waive these requirements in cases where the eligible applicant is applying for a pre-charter planning grant or subgrant.

The new legislation also added a specific provision prohibiting local educational agencies (LEAs) from deducting funds for administrative fees or expenses from a subgrant awarded to an eligible applicant, unless the eligible applicant voluntarily enters into a mutually agreed upon arrangement for administrative services with the LEA. Additional information about the PCSP, including application requirements, selection criteria, priorities, diversity of projects, and waivers is provided in the application package for this program.

Selection Criteria

The Department will hold three (3) separate competitions under this program. All SEA applicants must apply for grant funds under CFDA No. 84.282A. Non-SEA eligible applicants that propose to use grant funds for planning, program design, and implementation must apply under CFDA No. 84.282B; and non-SEA eligible applicants that are requesting funds for dissemination activities must submit their applications under CFDA No. 84.282C.

(A) *CFDA No. 84.282A—Selection Criteria for SEAs.* SEAs that propose to use a portion of their grant funds for dissemination activities must address each selection criterion listed below. SEAs that do not propose to use a portion of their grant funds for dissemination activities must address selection criteria (1) through (7) only, and need not address selection criterion (8) below. The maximum possible score is 130 points for SEAs that do not propose to use grant funds to support dissemination activities, and 150 points for SEAs that propose to use grant funds to support dissemination activities. The maximum possible score for each criterion is indicated in parentheses following the criterion. To ensure fairness, if an SEA is not proposing to use grant funds to support dissemination activities, the Secretary will not consider points awarded under criterion (8) in determining whether to approve an application for funding.

In evaluating an application from an SEA, the Secretary considers the following criteria:

(1) The contribution the charter school grant program will make in assisting educationally disadvantaged and other students to achieve State academic content standards and State student academic achievement standards (25 points).

(2) The degree of flexibility afforded by the SEA to charter schools under the State's charter school law (20 points).

(3) The ambitiousness of the objectives for the State charter school grant program (15 points).

(4) The quality of the SEA's strategy for assessing achievement of those objectives (15 points).

(5) The likelihood that the charter school grant program will meet those objectives and improve educational results for students (15 points).

(6) The number of high-quality charter schools to be created in the State (20 points).

(7) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks (20 points).

(8) In the case of SEAs that propose to use grant funds to support dissemination activities under section 5204(f)(6) of the ESEA, the quality of the dissemination activities and the likelihood that those activities will improve student achievement (20 points).

(B) *CFDA No. 84.282B—Selection Criteria for Non-SEA Eligible Applicants for Planning, Program Design, and Implementation Grants.* The maximum possible score for all of the criteria in this section is 145 points. The maximum possible score for each criterion is indicated in parentheses following the criterion. In evaluating an application from a non-SEA eligible applicant for Planning, Program Design, and Implementation, the Secretary considers the following criteria:

(1) The quality of the proposed curriculum and instructional practices (20 points).

(2) The degree of flexibility afforded by the SEA and, if applicable, the (LEA) to the charter school (10 points).

(3) The extent of community support for the application (10 points).

(4) The ambitiousness of the objectives for the charter school (15 points).

(5) The quality of the strategy for assessing achievement of those objectives (15 points).

(6) The likelihood that the charter school will meet those objectives and improve educational results for students during and after the period of Federal financial assistance (20 points). (7)

(7) The extent to which the proposed project encourages parental involvement (10 points).

(8) The qualifications, including relevant training and experience, of the project director; and the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability (20 points).

(9) The contribution the charter school will make in assisting educationally disadvantaged and other students to achieve State academic content standards and State student academic achievement standards (25 points).

(C) *CFDA No. 84.282C—Selection Criteria for Non-SEA Eligible Applicants for Dissemination Grants.* The maximum possible score for all of the criteria in this section is 125 points. The maximum possible score for each criterion is indicated in parentheses following the criterion. In evaluating an application from a non-SEA eligible applicant for a dissemination grant, the Secretary considers the following criteria:

(1) The quality of the proposed dissemination activities and the likelihood that those activities will improve student achievement (30 points).

(2) The extent to which the school has demonstrated overall success, including (a) substantial progress in improving student achievement (15 points); (b)

high levels of parent satisfaction (15 points); and (c) the management and leadership necessary to overcome initial start-up problems and establish a thriving, financially viable charter school (15 points).

(3) The extent to which the results of the proposed project are to be disseminated in a manner that will enable others to use the information or strategies (20 points).

(4) The qualifications, including relevant training and experience of the project director; and the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability (15 points).

(5) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks (15 points).

Priority Treatment: In accordance with statutory requirements, in awarding grants to SEAs under this competition, the Secretary gives priority to States to the extent that the State meets the statutory criterion described in paragraph (a) below, and one or more of the statutory criteria described in paragraphs (b) through (d) below. An SEA that meets priority (a) but does not meet one or more of the other priorities will not receive any priority points. Likewise, an SEA that does not meet priority (a) but meets one or more of the other priorities will not receive any priority points. The maximum number of priority points for all of the priorities in this section is 40 points.

(a) *Periodic Review and Evaluation.* The State provides for periodic review and evaluation by the authorized public chartering agency of each charter school at least once every 5 years, unless required more frequently by State law, to determine whether the charter school is meeting the terms of the school's charter, and is meeting or exceeding the academic performance requirements and goals for charter schools as set forth under State law or the school's charter (10 points).

(b) *Number of High-Quality Charter Schools.* The State has demonstrated progress in increasing the number of high-quality charter schools that are held accountable in the terms of the schools' charters for meeting clear and measurable objectives for the educational progress of the students attending the schools, in the period prior to the period for which an SEA or eligible applicant applies for a grant under this competition (10 points).

(c) *One Authorized Public Chartering Agency Other than an LEA, or an Appeals Process.* The State—

(1) Provides for one authorized public chartering agency that is not an LEA, such as a State chartering board, for each individual or entity seeking to operate a charter school pursuant to such State law; or

(2) In the case of a State in which LEAs are the only authorized public chartering agencies, allows for an appeals process for the denial of an application for a charter school (10 points).

(d) *High Degree Autonomy.* The State ensures that each charter school has a high degree of autonomy over the charter school's budgets and expenditures (10 points).

Other Statutory Provisions: The following definitions, amount criteria, allowable activities, and authorized uses of funds for dissemination activities are taken from the PCSP authorizing statute, in Title V, Part B, Subpart 1 of the ESEA. They are repeated in this application notice for the convenience of the applicant. Other statutory requirements also apply to this program. The entire authorizing statute is included in the application package for the program.

Definitions

The following definitions apply to this program:

(a) *Charter school* means a public school that—

(1) In accordance with a specific State statute authorizing the granting of charters to schools, is exempted from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this definition;

(2) Is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and direction;

(3) Operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the authorized public chartering agency;

(4) Provides a program of elementary or secondary education, or both;

(5) Is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;

(6) Does not charge tuition;

(7) Complies with the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and part B of the Individuals With Disabilities Education Act;

(8) Is a school to which parents choose to send their children, and that admits students on the basis of a lottery, if more students apply for admission than can be accommodated;

(9) Agrees to comply with the same Federal and State audit requirements as do other elementary and secondary schools in the State, unless the requirements are specifically waived for the purposes of this program;

(10) Meets all applicable Federal, State, and local health and safety requirements;

(11) Operates in accordance with State law; and

(12) Has a written performance contract with the authorized public chartering agency in the State that includes a description of how student performance will be measured in charter schools pursuant to State assessments that are required of other schools and pursuant to any other assessments mutually agreeable to the authorized public chartering agency and the charter school.

(b) *Developer* means an individual or group of individuals (including a public or private nonprofit organization), which may include teachers, administrators and other school staff, parents, or other members of the local community in which a charter school project will be carried out.

(c) *Eligible applicant* means a developer that has (1) applied to an authorized public chartering authority to operate a charter school; and (2) provided adequate and timely notice to that authority under section 5203(d)(3) of the ESEA.

Note: Section 5203(d)(3) requires the eligible applicant to provide the authority with timely notice and a copy of its application for PCSP funds. The Secretary or SEA may waive these requirements in the case of an application for a precharter planning grant or subgrant.

(d) *Authorized public chartering agency* means an SEA, LEA, or other public entity that has the authority under State law and is approved by the Secretary to authorize or approve a charter school.

Amount Criteria

In determining the amount of a grant to be awarded under this competition to an SEA, the Secretary shall take into consideration the number of charter schools that are operating or approved to open in the State.

Allowable Activities

An eligible applicant receiving a grant or subgrant under this program may use the grant or subgrant funds only for—

(a) Post-award planning and design of the educational program, which may include—

(1) Refinement of the desired educational results and of the methods for measuring progress toward achieving those results; and

(2) Professional development of teachers and other staff who will work in the charter school; and

(b) Initial implementation of the charter school, which may include—

(1) Informing the community about the school;

(2) Acquiring necessary equipment and educational materials and supplies;

(3) Acquiring or developing curriculum materials; and

(4) Other initial operating costs that cannot be met from State or local sources.

Use of Funds for Dissemination Activities

An SEA may reserve not more than 10 percent of the grant funds to support dissemination activities. A charter school may use those funds to assist other schools in adapting the charter school's program (or certain aspects of the charter school's program), or to disseminate information about the charter school, through such activities as—

(a) Assisting other individuals with the planning and start-up of one or more new public schools, including charter schools, that are independent of the assisting charter school and the assisting charter school's developers, and that agree to be held to at least as high a level of accountability as the assisting charter school;

(b) Developing partnerships with other public schools, including charter schools, designed to improve student performance in each of the schools participating in the partnership;

(c) Developing curriculum materials, assessments, and other materials that promote increased student achievement and are based on successful practices within the assisting charter school; and

(d) Conducting evaluations and developing materials that document the successful practices of the assisting charter school and that are designed to improve student achievement.

FOR APPLICATIONS AND FURTHER INFORMATION CONTACT: Rik Lanzendorfer, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3C148, Washington, DC 20202–6140. Telephone (202) 205–9786. Internet address: *rik.lanzendorfer@ed.gov.*

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed.

Individuals with disabilities may also obtain a copy of the application package in an alternative format on request to the contact person listed above. However, the Department is not able to reproduce in an alternative format the standard forms included in the application package.

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *www.ed.gov/legislation/FedRegister.*

To use PDF, you must have Adobe Acrobat Reader, which is available free at the previous site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO) toll free at 1–888–293–6498; or in the Washington, DC area at (202) 512–1530.

Note: The official version of a document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.access.gpo.gov/nara/index.html.*

Program Authority: 20 U.S.C. 7221–7221j.

Dated: April 30, 2002.

Susan B. Neuman,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 02–11045 Filed 5–2–02; 8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6628–9]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564–7167. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 12, 2002 (67 FR 17992).

Draft EISs

ERP No. D–BIA–K65237–CA Rating EC2, Agua Caliente Indian Reservation Project, Proposed Section 14 Specific Plan and Master Development Plan, Agua Caliente Band of Cahulla Indians, City of Palm Springs, Riverside County, CA.

Summary: EPA expressed environmental concerns about impacts to air and water quality, and the use of 1995 market studies to project growth and assess project impacts.

ERP No. D–COE–J28021–CO Rating EC2, Rueter-Hess Reservoir Project, Construction and Operation, Proposed Water Supply Reservoir and Off-Stream Dam, US COE Section 404 Permit, Endangered Species Act (Section 7) and Right-of-Way Use Permit, Located on Newlin Gulch along Cherry Creek, Town of Parker, Douglas County, CO.

Summary: EPA expressed environmental concerns that the document failed to compare the impacts of the alternatives on the existing environment, primarily the impacts of the stream depletions. EPA was also concerned that the project meets only a small portion of the expected demand for water in the project area, does not document the likely water quality of the proposed reservoir, and does not contain a sufficiently detailed mitigation plan.

ERP No. D–FRC–L05223–WA Rating EO2, Martin Creek Hydroelectric Project (FERC Project No. 10942), Construction, Operation and Maintenance of a 10.2-Megawatt (MW) Hydroelectric Run-of-River Facility, License Approval, Cascade Mountains, Martin and Kelley Creeks, Mt. Baker-Sqoqualmie National Forest, King County, WA.

Summary: EPA expressed environmental objections to the proposed project based on the lack of a demonstrated public interest need for the project, the potential to undermine protections prescribed in the Northwest Forest Plan and the adverse impacts to water quality in a state-designated ''extraordinary'' water body. EPA recommended that analyses needed to define project impacts and identify mitigation measures be conducted and incorporated in the EIS. EPA recommended selection of the No Action alternative.

ERP No. D–NOA–E91010–00 Rating EC2, Amendment 13 to the Fishery Management Plan for Summer Flounder, Scup, and Black Sea Bass, Implementation, in the Western Atlantic

Ocean, from Cape Hatteras, NC, northward to the U.S.-Canadian Border.

Summary: Although EPA defers to NOAA/NMFS, we generally support most of the presented approaches in Amendment 13 to allocate commercial harvests of black sea bass and protection against gear effects of structured EFH used by summer flounder and black sea bass. An example of an option we do not support is the ''wet storage'' of posts/traps during a fishing closure since it is counter productive to the purpose of the closure.

ERP No. D–TVA–E39057–00 Rating EO2, Nolichucky Reservoir Flood Remediation Project, To Identify and Evaluate Ways to Address Flooding Effects of Nolichucky Dam and the Accumulated Sediment in Nolichucky Reservoir on Land and Property Not Owned by the Federal Government, NPDES Permit and US Army COE 404 Permit, several counties in TN and NC.

Summary: EPA is concerned that the lowering or removal of the dam would result in loss of high quality reservoir fringe wetlands, erosion of exposed reservoir banks, increased sedimentation downstream, and significant lowering of the water table. EPA recommended that reservoir dredging be considered in the FEIS, and that issues regarding sediment quality, resuspension and downstream effects be examined. Additional information on upstream sediment sources and their potential control should also be disclosed.

Final EISs

ERP No. F–AFS–J65009–00 Programmatic EIS—Kootena, Idaho Panhandle, and Lolo National Forests, Forest Plan Amendments for Access Management within the Selkirk and Cabinet-Yaak Grizzly Bear Recovery Zones, ID, WA and MT.

Summary: EPA expressed lack of objections. EPA supports continuing interagency evaluation of site-specific and seasonal grizzly bear habitat needs for each Bear Management Unit and continued coordination between wildlife and water quality fisheries technical staffs in developing specific road management proposals.

ERP No. F–CGD–A59014–00 Programmatic EIS—Integrated Deepwater System Project, For Surface, Air, Logistics Communication and Sensor Systems, To Replace Its Aging Nation-Wide System, Nation-Wide.

Summary: EPA requested that the Coast Guard commit in the Record of Decision (ROD) to analyzing cumulative and indirect impacts from future homeporting/homebasing decisions on a broad scale.

ERP No. F–COE–K39069–CA Pine Flat Dam Fish and Wildlife Habitat Restoration Investigation, Restoration and Protection of the Ecosystem for Fish and Wildlife Resources, King River Basin, Fresno County, CA.

Summary: EPA expressed support for the project, as it will improve fishery and wildlife habitat, reestablish the historic floodplain and native plant communities, and improve water quality in Byrd Slough and the King River.

ERP No. F–COE–L90029–WA Lower Snake River Juvenile Salmon Migration Feasibility Study, Implementation, To Increase the Survival of Juvenile Anadromous Fish, Snake River, Walla Walla, WA.

Summary: EPA had no objection to the action as proposed.

ERP No. F–FRC–K05057–CA Big Creek No. 4 Hydroelectric Project, Issuing New License, (FERC Project No. 2017), San Joaquin River Basin, Sierra National Forest, Fresno, Madera and Tulare Counties, CA.

Summary: EPA continues to have environmental concerns about this project, including impacts to fishery habitat, the segmented approach for evaluating the Big Creek System, and an insufficient range of alternatives.

ERP No. F–USA–A10074–00 Programmatic EIS—Army Transformation, Army Vision to Address the Changing Circumstances of the 21st Century, Transformation in three Phases: Initial Phase, Interim Capability Phase, and an Objective Force Phase.

Summary: EPA had no objections to the proposed action.

ERP No. F–USN–E65055–FL Renewal of Authorization to Use Pinecastle Range, Continue Use of the Range for a 20-Year Period, Special Use Permit Issuance, Ocala National Forest, Marion and Lake Counties, FL.

Summary: Extension of lease agreement does not appear to result in unacceptable environmental impacts to the range and its environs.

ERP No. F–USN–K11034–CA Point Mugu Sea Range Naval Air Warfare Center Weapons Division (NAWCWPWS), Proposal To Accommodate TMD Testing and Training, Additional Training Exercises, Ventura, Los Angeles, Santa Barbara, San Diego and San Luis Obispo Counties, CA.

Summary: No formal comment letter was sent to the preparing agency.

ERP No. FS–COE–E39058–TN Chickamauga Dam Navigation Project, New and Updated Information concerning Cumulative Effects and Compliance with Section 106 of the Historic Preservation Act, NPDES, US Army COE Section 404 and US Coast Guard Permits Issuance, Tennessee River, Hamilton County, TN.

Summary: No significant issues were identified which would require substantive changes to the upgrade proposal.

Dated: April 30, 2002.

B. Katherine Biggs,

Associate Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 02–11043 Filed 5–2–02; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6628–8]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7167 or *www.epa.gov/oeca/ofa.*

Weekly receipt of Environmental Impact Statements

Filed April 22, 2002 Through April 26, 2002

Pursuant to 40 CFR 1506.9.

EIS No. 020158, Draft Supplement, FRC, WA, Rocky Creek Hydroelectric Project, (FERC No. 10311–002) Construction and Operation 8.3-megawatt (mw) Project, Application for License, Rocky Creek, Skagit County, WA, Comment Period Ends: June 17, 2002, Contact: Dianne Rodman (202) 219–2830. This document is available on the Internet at: *http://rimsweb1.ferc.gov/rims.q?rp2getImagePages~1845215~44~912~1~50*

EIS No. 020159, Final EIS, AFS, OR, Five Rivers Watershed Landscape Management Project, To Restore Terrestrial and Aquatic Habitat, Special-Use-Permit, Siuslaw National Forest, Waldport Ranger District, Lincoln and Lane Counties, OR, Wait Period Ends: June 3, 2002, Contact: Doris Tai (541) 563–3211. This document is available on the Internet at: *[http://www.fs.fed.us/r6/siuslaw/5rivers/contents.htm].*

EIS No. 020160, Draft EIS, TVA, AL, MS, AL, TN, Pickwick Reservoir Land Management Plan (Plan), Proposes to use The Plan To Guide Land-Use Approvals, Private Water Use Facility Permitting and Resource Management Decision, Colbert and Lauderdale Counties, AL and Tishomingo County, MS and Hardin County, TN, Comment Period Ends: June 17, 2002, Contact: Hardin M. Draper (865) 632–6889.

EIS No. 020161, Draft EIS, FRC, TN, NC, VA, Patriot Project, Construction and

Operation of Mainline Expansion and Patriot Extension in Order to Transport 510.00 dekatherms per day (dth/day) of Natural Gas, TN, VA and NC, Comment Period Ends: June 17, 2002, Contact: Medha Kochhar (202) 208–2270. This document is available on the Internet at: (www.ferc.gov).

EIS No. 020162, Final Supplemental, COE, CA, American River Watershed Flood Plain Protection Project, Construction, Operation and Maintenance, Implementation, Sacramento, Placer and Sutter Counties, CA, Wait Period Ends: June 03, 2002, Contact: Veronica Petrovsky (916) 557–7245.

EIS No. 020163, Final EIS, COE, FL, Cape Sable Seaside Sparrow Protection, Interim Operating Plan (IOP), Alternative 7R Final Recommend Plan, Emergency Sparrow Protection Actions, Implementation, Everglass National Park, Miami-Dade County, FL, Wait Period Ends: June 3, 2002, Contact: Jon Moulding (904) 232–2286.

EIS No. 020164, Final EIS, COE, PROGRAMMATIC—Mississippi River and Tributaries Morganza, Louisiana to the Gulf of Mexico Hurricane Protection Plan, Flood Damage Reduction from Tropical Storms and Hurricane Induced Tidal Flooding along Louisiana to the Gulf of Mexico, Wait Period Ends: June 3, 2002, Contact: Nathan Dayan (504) 862–2582.

EIS No. 020165, Final EIS, AFS, IL, Midewin National Tallgrass, Proposed Land and Resource Management Plan, Implementation, Prairie Plan Development, Will County, IL , Wait Period Ends: June 3, 2002, Contact: Renee Thakali (815) 423–6370.

EIS No. 020166, Final EIS, COE, AR, Greers Ferry Lake Shoreline Management Plan (SMP), Implementing Revision to Replace the 1994 Shore Management Plan, Revision include Zoning of Limited Development Areas, Vegetation Modification Provisions for Grandfathered Docks and Restrictions on Boats, Van Buren, Cleburne, Searcy Stone, White, Independence and Pope Counties, AR, Wait Period Ends: June 14, 2002, Contact: Patricia Anslow (501) 324–5032.

EIS No. 020167, Final EIS, FTA, PA, North Shore Connector, Extending existing Light Rail Transit (LRT) System from Golden Triangle of downtown Pittsburgh to the North Shore, Funding, USCG Bridge Permit, NPDES Permit, and COE Section 10 and 404 Permits, Allegheny County, PA , Wait Period Ends: June 3, 2002, Contact: Florence Bicchetti (215) 656–7100.

This document is available on the Internet at: *www.RideGold.com.*

EIS No. 020168, Draft Supplemental, AFS, WV, VA, American Electric Power (AEP) 765kV Transmission Line, To Construct, Operate and Maintain Permit Application for Authorization to Cross Federal Land, Right-of-Way Permit, George Washington and Jefferson National Forests, Jackson Ferry, Virginia to Oceana, West Virginia, Comment Period Ends: July 26, 2002, Contact: Ken Landgraf (540) 265–5170.

Amended Notices

EIS No. 020017, Draft EIS, BLM, WY, Powder River Basin Oil and Gas Project, To Extract, Transport, and Sell Oil and Natural Gas Resource, Application of Permit to Drill (APD), Special Use Permit and Right-of-Way Grant, Campbell, Converse, Johnson and Sheridan Counties, WY, Comment Period Ends: May 15, 2002, Contact: Paul Beels (307) 684–1100.

Revision of FR Notice Published on 03/01/2002: CEQ Comment Period Ending 04/17/2002 has been extended to 05/15/2002.

Dated: April 30, 2002.

B. Katherine Biggs,

Associate Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 02–11044 Filed 5–2–02; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7205–7]

Good Neighbor Environmental Board Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: The next meeting of the Good Neighbor Environmental Board, a federal advisory committee that reports to the President and Congress on environmental and infrastructure projects along the U.S. border with Mexico, will take place in El Paso, Texas on June 5–6, 2002. It is open to the public.

DATES: On June 5, the meeting will begin at 8:30 a.m. and end at 5 p.m. Throughout the first day, invited speakers will address the following theme: innovative partnerships as a vehicle for improving U.S.-Mexico border-region environmental infrastructure. A public comment session will take place from 12 p.m.–12:30 p.m.

The following day, on June 6, the Board will conduct a routine half-day business meeting that will begin at 8 a.m. and end at 12 noon.

ADDRESSES: The meeting will take place in the Grand Ballroom Salon A of the Hilton Camino Real Hotel, El Paso, Texas. The address is 101 South El Paso Street. The hotel phone number is (915) 534–3000. The Camino Real is adjacent to the Convention Center and Performing Arts Theatre; it has underground fee parking. It is located approximately 10 minutes from the Santa Fe bridge to Juarez and is across from Trolley Stop #8.

FOR FURTHER INFORMATION CONTACT: Elaine M. Koerner, Designated Federal Officer for the Good Neighbor Environmental Board, Office of Cooperative Environmental Management, Office of the Administrator, USEPA, MC1601A, 1200 Pennsylvania Ave. NW., Washington, DC 20004, (202) 564–1484, *koerner.elaine@epa.gov*. The Board website is *www.epa.gov/ocem/gneb-page.htm*.

Meeting Access: Individuals requiring special accommodation at this meeting, including wheelchair access to the meeting room, should contact the Designated Federal Officer at least five business days prior to the meeting so that appropriate arrangements can be made.

SUPPLEMENTARY INFORMATION:

Public Attendance

The public is welcome to attend all portions of the meeting. Members of the public who plan to file written statements and/or make brief (suggested 5-minute limit) oral statements at the public comment session are encouraged to contact the Designated Federal Officer for the Board prior to the meeting.

Background

The Good Neighbor Environmental Board meets three times each calendar year at different locations along the U.S.-Mexico border. It was created by the Enterprise for the Americas Initiative Act of 1992. An Executive Order delegates implementing authority to the Administrator of EPA. The Board is responsible for providing advice to the U.S. President and Congress on environmental and infrastructure issues and needs within the States contiguous to Mexico in order to improve the quality of life of persons residing on the United States side of the border. The statute calls for the Board to have

representatives from U.S. Government agencies; the governments of the States of Arizona, California, New Mexico and Texas; and private organizations with expertise on environmental and infrastructure problems along the southwest border. The U.S. Environmental Protection Agency gives notice of this meeting of the Good Neighbor Environmental Board pursuant to the Federal Advisory Committee Act (Public Law 92–463).

Dated: April 26, 2002.

Elaine M. Koerner,

Designated Federal Officer.

[FR Doc. 02–11008 Filed 5–2–02; 8:45 am]

BILLING CODE 6560–50–P

EXPORT–IMPORT BANK OF THE UNITED STATES

Notice of Open Special Meeting of the Sub-Saharan Africa Advisory Committee (SAAC) of the Export-Import Bank of the United States (Export-Import Bank)

SUMMARY: The Sub-Saharan Africa Advisory Committee was established by Pub. L. 105–121, November 26, 1997, to advise the Board of Directors on the development and implementation of policies and programs designed to support the expansion of the Bank's financial commitments in Sub-Saharan Africa under the loan, guarantee and insurance programs of the Bank. Further, the committee shall make recommendations on how the Bank can facilitate greater support by U.S. commercial banks for trade with Sub-Saharan Africa.

Time and Place: Thursday, May 23, 2002, at 9:30 a.m. to 12:00 p.m. The meeting will be held at the Export-Import Bank in Room 1143, 811 Vermont Avenue, NW., Washington, DC 20571.

Agenda: This meeting will focus on improving deal flow for transactions in sub-Saharan Africa. SAAC members and the Bank staff will discuss previous SAAC recommendations implemented by the Bank and explore how the Bank can better serve U.S. companies in industries that export to sub-Saharan Africa.

Public Participation: The meeting will be open to public participation, and the last 10 minutes will be set aside for oral questions or comments. Members of the public may also file written statement(s) before or after the meeting. If any person wishes auxiliary aids (such as a sign language interpreter) or other special accommodations, please contact, prior to May 17, 2002, Teri Stumpf, Room 1215, 811 Vermont Avenue, NW., Washington, DC 20571, Voice: (202) 565–3502 or TDD (202) 565–3377.

FURTHER INFORMATION CONTACT: For further information, contact Teri Stumpf, Room 1215, 811 Vermont Avenue, NW., Washington, DC 20571, (202) 565–3502.

Louis E. Emery,

Acting Deputy General Counsel.

[FR Doc. 02–10989 Filed 5–2–02; 8:45 am]

BILLING CODE 6690–01–M

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission for Extension Under Delegated Authority 5 CFR 1320 Authority, Comments Requested

April 29, 2002.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Persons wishing to comment on this information collection should submit comments on or before July 2, 2002.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commission, Room 1–A804, 445 12th Street, SW., Washington, DC 20554, or via the Internet to *lesmith@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at 202–418–0217 or via the Internet at *lesmith@fcc.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0014.

Title: FCC Form 308, Application for Permit to Deliver Programs to Foreign Broadcast Stations.

Type of Review: Reinstatement, without change, of a previously approved collection for which approval has expired.

Respondents: Businesses or other for-profit entities.

Number of Respondents: 25.

Estimated Time per Response: 2 hours.

Frequency of Response: On occasion reporting requirements.

Total Annual Burden: 50 hours.

Total Annual Costs: $17,000.

Needs and Uses: Under 47 CFR section 73.3545 of the Commission's rules and section 325(c) of the Communications Act of 1934, as amended, FCC Form 308 is used to apply for authority to locate, use, or maintain a studio in the United States for the purpose of supplying program material to a foreign radio or TV broadcast station, whose signals are consistently received in the United States, or for extension of existing authority. An informal application for a permit of this nature may also be used by applicants holding an AM, FM or TV broadcast station license or construction permit, so long as applications contain a description of the nature and character of the programming proposed, the applicant's ownership, and an explanation of the legal relationship between the applicant and foreign station(s) involved.

OMB Control Number: 3060–0892.

Title: Direct Broadcast Satellite Public Interest Obligations.

Type of Review: Extension of a currently approved collection.

Respondents: Businesses or other for-profit entities.

Number of Respondents: 8.

Estimated Time per Response: 12 hours.

Frequency of Response: Once.

Total Annual Burden: 96 hours.

Total Annual Costs: None.

Needs and Uses: Under 47 CFR section 100.5, each Direct Broadcast Satellite (DBS) provider, as part of its public interest obligations, must annually determine its channel capacity. This is done by calculating, based on measurements taken quarterly, the average number of channels available for video programming on all

satellites licensed to the provider during the previous year. 47 CFR section 100.5(c)(6) also sets forth public file and recordkeeping obligations in this regard.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 02–10997 Filed 5–2–02; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[MM Docket No. 02–38; FCC 02–53]

Air Virginia Inc. and Clear Channel Radio Licenses, Inc.

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In this document, the FCC designates the application to assign radio station WUMX(FM), Charlottesville, Virginia from Air Virginia, Inc. (''Air Virginia'') to Clear Channel Radio Licenses, Inc. (''Clear Channel'') for hearing. The Commission cannot find, based on the record, that grant of this application is consistent with the public interest, convenience and necessity. Accordingly, pursuant to 47 U.S.C. 309(e), the Commission designates the application for hearing to determine whether the public interest, convenience and necessity will be served by the grant of the application.

DATES: See Supplementary Information section for document filing dates.

ADDRESSES: Please file documents with the Investigations and Hearing Division, Enforcement Bureau, Federal Communications Commission, Room 3–B431, 445 Twelfth Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Charles W. Kelley, Chief, Investigations and Hearing Division of the Enforcement Bureau, at (202) 418–1420.

SUPPLEMENTARY INFORMATION: This is a summary of the Federal Communications Commission's Hearing Designation Order, MM Docket No. 02–38, adopted on February 14, 2002 and released on March 19, 2002. The full text is available for inspection and copying during normal business hours in the FCC Reference Center, Room CY–A257, 445 12th Street, SW., Washington, DC 20554. The complete text may be purchased from the Commission's copy contractor, Qualex International, 445 12th Street, W.W., Room CY–B402, Washington, DC 20554. The full text may also be downloaded at: *www.fcc.gov.* Alternative formats are available to persons with disabilities by contacting Martha Contee at (202) 418–0260 or TTY (202) 418–2555.

1. In March 1996, the Commission relaxed the numerical station limits in its local radio ownership rule in accordance with Congress's directive in section 202(b) of the Telecommunications Act of 1996. Since then, the Commission has received applications proposing transactions that would comply with the new limits, but that nevertheless could produce concentration levels that raised significant concerns about the potential impact on the public interest. In response to these concerns, the Commission concluded that it has an independent obligation to consider whether a proposed pattern of radio ownership that complies with the local radio ownership limits would otherwise have an adverse competitive effect in a particular local radio market and thus, would be inconsistent with the public interest. In August 1998, the Commission also began flagging public notices of radio station transactions that would result in one entity controlling 50 percent or more of the advertising revenues in the relevant Arbitron radio market or two entities controlling 70 percent or more of the advertising revenues in that market. On November 8, 2001, we adopted the Notice of Proposed Rulemaking in MM Docket No. 01–317 (''*Local Radio Ownership NPRM*''). We expressed concern that our current policies on local radio ownership did not adequately reflect current industry conditions and had led to unfortunate delays in the processing of assignment and transfer applications. Accordingly, we adopted the *Local Radio Ownership NPRM* to undertake a comprehensive examination of our rules and policies concerning local radio ownership and to develop a new framework that will be more responsive to current marketplace realities while continuing to address our core public interest concerns of promoting diversity and competition. In the *Local Radio Ownership NPRM,* we also set forth an interim policy to guide our actions on radio assignment and transfer of control applications pending a decision in this proceeding. Under our interim policy, we presume that an application that falls below the 50/70 screen will not raise competition concerns unless a petition to deny raising competitive issues is filed. For applications identified by the 50/70 screen, the interim policy directs the Commission's staff to conduct a public interest analysis, including an independent preliminary competitive analysis, and sets forth generic areas of inquiry for this purpose. The interim policy also sets forth timetables for staff recommendations to the Commission for the disposition of cases that may raise competitive concerns.

2. On April 30, 2000, Clear Channel and Air Virginia filed an application proposing to assign the license of station WUMX(FM) from Air Virginia, Inc. to Clear Channel. Eure Communications (''Eure'') filed a petition to deny on May 26, 2000, alleging that the transaction would have anti-competitive effects on local advertisers in the local radio market. Clear Channel and Air Virginia filed oppositions to the petition to deny and Eure replied. Clear Channel currently owns five stations in the Charlottesville metro: WVAO–FM, Crozet, Virginia; WCYK–FM, Staunton, Virginia; WVSY(FM), Ruckersville, Virginia; WKAV(AM), and WCHV(AM), Charlottesville, Virginia. In its Petition to Deny, Eure alleges that the proposed transaction would have anti-competitive effects on local advertisers in the Charlottesville metro. Specifically, Eure claims that based on BIA's 1999 revenue data, Clear Channel's local advertising revenue share, as a result of the acquisition, would increase from 30.8% to 53.6%, and Clear Channel's post-merger share combined with Eure's own share in the market, would be 94.2%. In addition, Eure argues that the proposed transaction would eliminate a competitor in the market, reducing the voices in the market from seven to six. Other than the stations owned by Eure and Clear Channel, Eure claims that there is only one other station in the market, WUVA(FM), that generates any revenue share. Clear Channel's dominance is also clear, according to Eure, when audience demographic shares are examined. Eure claims that Clear Channel's average local commercial audience share for fall 1999 would increase from 35.7 to 45.7, constituting excessive market concentration. Finally, Eure argues that the proposed level of increase in concentration is inconsistent with antitrust principles and is unacceptable under what it asserts is the Department of Justice's (''DOJ'') primary indicator of market concentration. In opposition, Clear Channel argues that Eure has offered no concrete allegations as to how the proposed transaction would harm competition or how it would impose a barrier to Eure's ability to compete in the market. On November 15, 2001, the staff sent a letter requesting additional information from the parties to facilitate the competition analysis. Clear Channel responded to

the letter on December 5, 2001, and Eure filed comments on December 19, 2001. We designate the application for hearing based on this record.

3. Section 310(d) of the Communications Act of 1934, as amended, (the ''Communications Act''), 47 U.S.C. 310(d), requires the Commission to find that the public interest, convenience and necessity would be served by the assignment of Air Virginia's radio broadcast license to Clear Channel before that assignment may occur. Under the interim policy set forth in our *Local Radio Ownership NPRM*, we conduct a public interest analysis, including but not limited to an independent preliminary competition analysis of the proposed transaction based on publicly available information and information in the Commission's records. Under the interim policy, to decide whether a proposed assignment serves the public interest, we first determine whether it complies with the specific provisions of the Communications Act, other applicable statutes, and the Commission's rules, including our local radio ownership rules. If it does, we then consider any potential public interest harms of the proposed transaction as well as any potential public interest benefits to determine whether, on balance, the assignment serves the public interest. The Commission's analysis of public interest benefits and harms includes an analysis of the potential competitive effects of the transaction, as informed by traditional antitrust principles. However, the Commission's public interest evaluation is not limited to competition concerns but necessarily encompasses the broad aims of the Communications Act. These broad aims include, among other things, ensuring the existence of an efficient, nationwide radio communications service, available to everyone and promoting locally oriented service and diversity in media voices. Our public interest analysis therefore includes assessing whether the transfer will affect the quality of radio services or responsiveness to the local needs of the community, and whether it will result in the provision of new or additional services to listeners. Thus, under our interim policy, where a proposed transaction raises concerns about economic concentration, we will consider evidence that the particular circumstances of a case may mitigate any adverse impact to radio listeners that might otherwise result, as well as any evidence of benefits to radio listeners that might result from the proposed transaction. Ultimately, it is the potential impact of the transaction on listeners that will determine whether we can find that, on balance, grant of a particular radio station assignment or transfer of control application serves the public interest.

4. Having concluded that the proposed transaction is consistent with the numerical limits set forth in our ownership rules, our interim guidelines instruct us now to turn to our competition analysis. Here, we find that the proposed transaction would create a market in which the combined market share of the top two group owners in the market would be 94.2%. Unlike other transactions we have considered, we find that Clear Channel has failed to demonstrate particular circumstances in this market sufficient to overcome a concern that this level of economic concentration in this market will harm the public interest. Rather, Clear Channel has presented only generic arguments challenging the parameters of our current competition analysis. On the basis of the information before us, we are unable to make the required finding that the public interest, convenience and necessity will be served by granting the captioned application in light of the question(s) raised in the context of our competition analysis. Accordingly, we will designate the assignment application for hearing to determine, pursuant to 47 U.S.C. 309(e), and based on the evidence to be adduced at hearing, whether the public interest, convenience and necessity will be served by the grant of the application.

5. We direct the Administrative Law Judge (''ALJ'') to examine in an evidentiary hearing the particular circumstances of the Charlottesville market to determine whether the factual assumptions in paragraphs 18 through 28 of the *Local Radio Ownership NPRM* are correct. We further direct the ALJ to determine, in light of his conclusions, whether the transaction is likely to cause any anticompetitive harms, and to determine what, if any, public benefits would accrue from this transaction. Finally, we direct the ALJ to apply these findings to determine whether, on balance, grant of the application would serve the public interest.

6. To defer further consideration of the application to assign the license of Station WUMX(FM), Charlottesville, Virginia from Air Virginia to Clear Channel in accordance with the interim policy, Air Virginia and Clear Channel must file a joint election to defer consideration of the application. Such election must be filed by April 23, 2002.

7. In the event the parties do not timely file the joint election set forth in the paragraph above, pursuant to 47 U.S.C. 309(e), the application to assign the license of station WUMX(FM), Charlottesville, Virginia from Air Virginia Inc. to Clear Channel Radio Licenses, Inc. is being designated for hearing at a time and place to be specified in a subsequent Order, to determine, in light of the evidence to be presented in the hearing, whether the public interest, convenience and necessity would be served by the grant of the above-captioned assignment application (File No. BALH–20000403/ABI).

8. Pursuant to 47 U.S.C. 309(e), the burden of proof with the introduction of evidence and the burden of proof with respect to the issue specified in this Order will be upon Air Virginia and Clear Channel, the applicant parties in this proceeding.

9. A copy of each document filed in this proceeding subsequent to the date of adoption of this Order must be served on the counsel of record appearing on behalf of the Chief, Enforcement Bureau. Parties may inquire as to the identity of such counsel by calling the Investigations and Hearing Division of the Enforcement Bureau at (202) 418–1420. Such service must be addressed to the named counsel of record, Investigations and Hearing Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street, Room 3–B431, Washington, DC 20554.

10. The effectiveness of this Order is stayed until April 8, 2002. From March 19, 2002, until March 29, 2002, the parties may amend their application or file such other information with the Media Bureau as they deem relevant to ameliorate the competitive concerns identified in this Order.

11. To avail themselves of the opportunity to be heard, Air Virginia and Clear Channel, pursuant to 47 CFR 1.221(c) and 1.221(e), in person or by their respective attorneys, must file in triplicate, a written appearance, stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order. Such written appearance shall be filed by April 28, 2002. Pursuant to 47 CFR 1.221(c), if the parties fail to file an appearance within the specified time period, the assignment application will be dismissed with prejudice for failure to prosecute.

12. Eure Communications, Inc. is being made a party to the proceeding pursuant to 47 CFR 1.221(d). To avail itself of the opportunity to be heard, Eure Communications, Inc., pursuant to 47 CFR 1.221(e), in person or by its attorneys, must file in triplicate, a written appearance, stating its intention to appear on the date fixed for the

hearing and present evidence on the issues specified in this Order. Such written appearance shall be filed by April 28, 2002. If Eure Communications, Inc., fails to file an appearance within the time specified, it shall, unless good cause for such failure is shown, forfeit its hearing rights.

13. The applicant, pursuant to 47 U.S.C. 311(a)(2), and 47 CFR 73.3594, must give notice of the hearing within the time and in the manner prescribed, and must advise the Commission of the publication of such notice as required by 47 CFR 73.3594(g).

14. The application to assign the licenses for station WUMX(FM), Charlottesville, VA from Air Virginia, Inc. to Clear Channel Radio Licenses, Inc. will be held in abeyance pending the outcome of this proceeding.

15. The Commission's Consumer Information Bureau, Reference Information Center, will send copies of this Order to all parties by certified mail, return receipt requested.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 02–10996 Filed 5–2–02; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35). Currently, the FDIC is soliciting comments concerning the following collections of information titled: (1) Uniform Application/Uniform Termination for Municipal Securities Principal or Representative; (2) Request for Deregistration For Registered Transfer Agents; and (3) Summary of Deposits.

DATES: Comments must be submitted on or before July 2, 2002.

ADDRESSES: Interested parties are invited to submit written comments to Tamara R. Manly, Management Analyst (Regulatory Analysis), (202) 898–7453, Office of the Executive Secretary, Room F–4058, Attention: Comments/OES, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429. All comments should refer to the OMB control number. Comments may be hand-delivered to the guard station at the rear of the 17th Street Building (located on F Street), on business days between 7 a.m. and 5 p.m. [FAX number (202) 898–3838; Internet address: *comments@fdic.gov].*

A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Alexander Hunt, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Tamara R. Manly, at the address identified above.

SUPPLEMENTARY INFORMATION:

Proposal To Renew the Following Currently Approved Collections of Information

1. *Title:* Uniform Application/Uniform Termination for Municipal Securities Principal or Representative.

OMB Number: 3064–0022.

Form Number: MSD–4; MSD–5

Frequency of Response: On occasion.

Affected Public: Business or other financial institutions.

Estimated Number of Respondents: 75.

Estimated Time per Response: 1 hour.

Total Annual Burden: 75 hours.

General Description of Collection: An insured state nonmember bank which serves as a municipal securities dealer must file Form MSD–4 or MSD–5, as applicable, to permit an employee to become associated or to terminate the association with the municipal securities dealer. FDIC uses the form to ensure compliance with the professional requirements for municipal securities dealers in accordance with the rules of the Municipal Securities Rulemaking Board.

2. *Title:* Request for Deregistration for Registered Transfer Agents.

OMB Number: 3064–0027.

Frequency of Response: On occasion.

Affected Public: Business or other financial institutions.

Estimated Number of Respondents: 18.

Estimated Time per Response: .42 hours.

Total Annual Burden: 7.56 hours.

General Description of Collection: An insured nonmember bank or a subsidiary of such a bank that functions as a transfer agent may withdraw from registration as a transfer agent by filing a written notice of withdrawal with the FDIC as provided by 12 CFR 341.5.

3. *Title:* Summary of Deposits.

OMB Number: 3064–0061.

Frequency of Response: Annually.

Affected Public: All financial institutions.

Estimated Number of Respondents: 6,000.

Estimated Time per Response: 3 hours.

Total Annual Burden: 18,000 hours.

General Description of Collection: The Summary of Deposits annual survey obtains data about the amount of deposits held at each office of all banks with branches in the United States. The survey data provides a basis for measuring the competitive impact of bank mergers and has additional use in banking research.

Request for Comment

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the collection should be modified prior to submission to OMB for review and approval. Comments submitted in response to this notice also will be summarized or included in the FDIC's requests to OMB for renewal of these collections. All comments will become a matter of public record.

Dated at Washington, DC, this 30th day of April, 2002.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 02–11006 Filed 5–2–02; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance

Corporation's Board of Directors will meet in open session at 10:000 a.m. on Tuesday, May 7, 2002, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous Board of Directors' meetings.

Summary reports, status reports, and reports of actions taken pursuant to authority delegated by the Board of Directors.

Memorandum and resolution re: Part 366—Minimum Standards of Integrity and Fitness for an FDIC Contractor.

Discussion Agenda

Memorandum and resolution re: Final Resolution Regarding Payment of Post-Insolvency Interest in Receiverships with Surplus Funds.

Memorandum re: BIF Assessment Rates for the Second Semiannual Assessment Period of 2002.

Memorandum re: SAIF Assessment Rates for the Second Semiannual Assessment Period of 2002.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, NW., Washington, DC.

The FDIC will provide attendees with auxiliary aids (*e.g.*, sign language interpretation) required for this meeting. Those attendees needing such assistance should call (202) 416–2089 (Voice); (202) 416–2007 (TTY), to make necessary arrangements.

Requests for further information concerning the meeting may be directed to Mr. Robert E. Feldman, Executive Secretary of the Corporation, at (202) 898–657.

Dated: April 30, 2002.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 02–11125 Filed 5–1–02; 12:46 pm]

BILLING CODE 6714–01–M

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 28, 2002.

A. Federal Reserve Bank of Atlanta (Sue Costello, Vice President) 1000 Peachtree Street, N.E., Atlanta, Georgia 30309–4470:

1. BankFIRST Bancorp, Inc., Winter Park, Florida; to become a bank holding company by acquiring 100 percent of the voting shares of BankFIRST, Winter Park, Florida.

B. Federal Reserve Bank of Kansas City (Susan Zubradt, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198–0001:

1. Farmers State Bank of Fort Morgan Employee Stock Ownership Plan, Fort Morgan, Colorado; to acquire up to 38 percent of the voting shares of F.S.B. Bancorporation of Fort Morgan, Inc., Fort Morgan, Colorado, and thereby indirectly acquire Farmers State Bank of Fort Morgan, Fort Morgan, Colorado.

Board of Governors of the Federal Reserve System, April 29, 2002.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 02–10966 Filed 5–2–02; 8:45 am]

BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 02047]

Evaluate the Long-Term Protection From Hepatitis A and B Vaccine Among Multiple Cohorts of Alaska Natives Vaccinated and Study the Natural History of Chronic Hepatitis C Among Alaska Natives; Notice of Availability of Funds

A. Purpose

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 2002 funds for a cooperative agreement program to Evaluate the Long Term Protection from Hepatitis A and B Vaccine Among Multiple Cohorts of Alaska Natives Vaccinated and Study the Natural History of Chronic Hepatitis C Among Alaska Natives. This program addresses the ''Healthy People 2010'' focus area of Immunization and Infectious Diseases.

The purpose of the program is to (1) Evaluate the persistence of an antibody and the long term protection afforded by hepatitis A vaccine among Alaska Natives who received the primary vaccine series in three different age groups: as infants, young children and adults. (2) Evaluate the long term protection afforded by plasma-derived and recombinant hepatitis B vaccines among Alaska Natives who received the primary vaccine series in three different age groups: as infants (beginning at birth), young children and adults. (3) Study the natural history of chronic hepatitis C in a cohort of Alaska Natives followed over time.

B. Eligible Applicants

Applications may be submitted by public and private nonprofit organizations and by governments and their agencies; that is, universities, colleges, research institutions, hospitals, other public and private non-profit organizations, State and Local Governments or their bona fide agents, including the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau, federally recognized Indian Tribal Governments, Indian Tribes, or Indian Tribal organizations. Faith-based organizations are eligible to apply.

Eligible applicants must have experienced research clinicians, nurses

and data management personnel and have close linkages and collaborations with an Alaska Native Tribal Health Consortium (ANTHC) or similar organization that provides for and manages statewide health services for Alaska Area Natives.

Note: Title 2 of the United States Code section 1611 states that an organization described in section 501(c)(4) of the Internal Revenue Code that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant or loan.

C. Availability of Funds

Approximately $300,000 is available in FY 2002 to fund one award. It is expected that the award will begin on or about September 1, 2002 and will be made for a 12-month budget period within a project period of up to five years. The funding estimate may change.

Continuation awards within an approved project period will be made on the basis of satisfactory progress as evidenced by required reports and the availability of funds.

Funding Preferences

Preference will be given to programs that have immediate access to sufficiently large cohorts of Alaska Native infants, young children and adults who received complete hepatitis A and hepatitis B vaccine series. These cohorts should include a minimum of one cohort in each age category, for hepatitis A vaccination and hepatitis B vaccination (i.e., a total of six cohorts), in which response to vaccination was verified by post-vaccination serologic testing.

D. Program Requirements

In conducting activities to achieve the purpose of this program, the recipient will be responsible for the activities under 1. (Recipient Activities), and CDC will be responsible for the activities listed under 2. (CDC Activities).

1. Recipient Activities

a. Identify and recruit persons who constitute the study population.

b. Develop and implement research study protocol(s) and consent forms required for the study.

c. Obtain appropriate approvals from required Institutional Review Board(s) (IRB), tribal review committees, and other relevant cooperating institutions participating in the research project.

d. Provide serum samples to CDC, as appropriate.

e. Collect and enter data into an appropriate statistical database for analysis.

f. Collaborate with CDC in conducting appropriate data analysis and interpretation.

2. CDC Activities

a. Provide technical support for the design, implementation, and evaluation of program activities.

b. Collaborate on data management, analysis, presentation, and publication of project findings.

c. Assist in the development of a research protocol for Institutional Review Board (IRB) review by all cooperating institutions participating in the research project. The CDC IRB will review and approve the protocol initially and on at least an annual basis until the research project is completed.

E. Content

Letter of Intent (LOI)

An LOI is optional for this program. The narrative should be no more than five double spaced pages, printed on one side, with one inch margins and unreduced fonts. Your letter of intent will be used to plan the evaluation of applications, and should include the following information: (1) Name and address of institution, and (2) Name, address, and telephone number of contact person.

Applications

Use the information in the Program Requirements, Other Requirements, and Evaluation Criteria sections to develop the application content. Your application will be evaluated on the criteria listed, so it is important to follow them in laying out your program plan. The narrative should be no more than ten double spaced pages, printed on one side, with one inch margins, and unreduced font. A complete index to the application and its appendices should be provided, and a one page executive summary included.

F. Submission and Deadline

Letter of Intent (LOI)

On or before June 1, 2002, submit the LOI to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

Application

Submit the original and five copies of PHS 398 (OMB Number 0925–0001) (adhere to the instructions on the Errata Instruction Sheet for PHS 398). Forms are available in the application kit and at the following Internet address: *www.cdc.gov/od/pgo/forminfo.htm*

On or before July, 1, 2002, submit the application to the Technical Information Management Section 2920 Brandywine Road, Suite 3000, Atlanta, Georgia 30341.

Deadline: Applications shall be considered as meeting the deadline if they are either:

1. Received on or before the deadline date.

2. Sent on or before the deadline date and received in time for submission to the independent review group. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing).

Late applications which do not meet the criteria in one or two above will be returned to the applicant.

G. Evaluation Criteria

Each application will be evaluated individually against the following criteria by an independent review group appointed by CDC.

1. Background and Need (10 points)

a. The extent to which the applicant demonstrates a clear understanding of the subject area and of the purpose and objectives of this cooperative agreement. (5 points)

b. The extent to which the applicant demonstrates a need based on a disease burden of viral hepatitis (i.e., prevalence, incidence data) among high risk populations. (5 points)

2. Objectives and Technical Approach (40 points)

a. The extent to which the applicant describes a research plan for long term follow up of the specified cohorts that is (1) Consistent with the purpose and goals of this cooperative agreement program. (2) Measurable and time-phased. (3) Consistent with published Advisory Committee on Immunization Practices (ADID)recommendations. (15 points)

b. The extent and quality of the operational plan proposed for implementing the program, including maximizing the use of existing resources and staff which clearly and appropriately addresses all ''Recipient Activities'' in the application. (10 points)

c. The extent to which the applicant clearly identifies specific assigned responsibilities of all key professional personnel. (5 points)

d. The extent to which the applicant prioritizes resources for data collection, data analysis and reporting. (5 points)

e. The degree to which the applicant has met the CDC Policy requirements regarding the inclusion of women,

ethnic, and racial groups in the proposed research. This includes: (1) The proposed plan for the inclusion of both sexes and racial and ethnic minority populations for appropriate representation. (2) The proposed justification when representation is limited or absent. (3) A statement as to whether the design of the study is adequate to measure differences when warranted. (4) A statement as to whether the plans for recruitment and outreach for study participants include the process of establishing partnerships with community. (5 points)

3. Capacity (45 Points)

a. The extent to which the applicant provides evidence of ability to access the following cohorts and perform the following activities:

(1) To identify at least 100 Alaska Native infants who received hepatitis A vaccine beginning at less than two years of age and who had serologic testing after vaccination to determine response to vaccination. To follow these children every other year with serologic testing for an antibody to hepatitis A virus and clinical chart review.

(2) To identify at least 50 children and adults who received hepatitis A vaccine greater than five years ago and had post vaccination serologic testing for immune response. To follow these adults and children with follow-up serologic testing.

(3) To identify at least 400 predominantly Alaska Native children who received hepatitis B vaccine starting at birth and who are currently aged four to six years (~200) and 12–14 years (~200). To obtain specimens for serologic testing, administer a hepatitis B vaccine booster dose, and obtain a follow-up specimen.

(4) To identify Alaska Natives who received hepatitis B vaccination greater than 15 years ago and who have had periodic follow-up serologic testing. To obtain specimens for serologic testing, administer hepatitis B vaccine as appropriate, and obtain follow-up specimens.

(5) To identify at least 500 Alaska Natives with chronic hepatitis C and/or other types of chronic liver disease, including clinical and risk factor information and serologic specimens.

a. Description of adequate resources, includingpersonnel and facilities (both technical and administrative), either direct or through collaboration, for conducting the project. (10 points)

b. The extent to which the applicant describes currently available cohorts and access to additional populations. (20 points)

c. The extent to which the applicant documents experience of proposed personnel, either directly or collaborating, in successfully completing studies among Alaska Natives related to hepatitis prevention and hepatitis vaccines. (15 points)

4. Measures of Effectiveness (5 points)

The extent the applicant provides Measures of Effectiveness that will demonstrate the accomplishment of the various identified objectives of the grant. Measures must be objective/quantitative and must measure the intended outcome.

5. Budget (Not Scored)

The budget will be reviewed to determine if the budget is reasonable, clearly justified and consistent with the intended use of funds and allowable.

6. Human Subjects (Not Scored)

Does the application adequately address the requirements of Title 45 CFR Part 46 for the protection of human subjects?

H. Other Requirements

Technical Reporting Requirements Provide CDC with original plus two copies of semiannual progress reports; financial status report, no more than 90 days after the end of the budget period; and final financial and performance reports, no more than 90 days after the end of the project period.

Send all reports to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

The following additional requirements are applicable to this program. For a complete description of each, see Attachment I of the announcement.

AR–1 Human Subjects Requirements
AR–2 Requirements for Inclusion of Women and Racial and Ethnic Minorities in Research
AR–7 Executive Order 12372 Review
AR–10 Smoke-Free Workplace Requirements
AR–11 Healthy People 2010
AR–12 Lobbying Restrictions
AR–15 Proof of Non-Profit Status
AR–22 Research Integrity

I. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under sections 301(a), and 317(k)(1) and 317(k)(2) of the Public Health Service Act, [42 U.S.C. sections 241(a), and 247b(k)(1) and 247(k)(2)], as amended. The Catalog of Federal Domestic Assistance number is 93.283.

J. Where To Obtain Additional Information

This and other CDC announcements can be found on the CDC home page Internet address—*http://www.cdc.gov* Click on ''Funding'' then ''Grants and Cooperative Agreements.''

If you have questions after reviewing the contents of all the documents, business management technical assistance may be obtained from:

RenéBenyard, Grants Management Specialist Acquisition and Assistance, Branch B, Procurement and Grants Office, Centers for Disease Control and Prevention, 2920 Brandywine Road, Room 3000, Atlanta, GA 30341–4146 Telephone number: (770)488–2722, Fax number: (770) 488–2777, Email address: *bnb8@cdc.gov*.

For program technical assistance, contact: Beth Bell, M.D., Division of Viral Hepatitis, National Center for Infectious Diseases, Centers for Disease Control and Prevention, 1600 Clifton Road, NE, Mailstop G–37, Atlanta, GA 30333, Telephone number: (404) 371–5460, Fax number: (404) 371–5221, Email address: *bzb8@cdc.gov*.

Dated: April 28, 2002.

Sandra R. Manning,

Director, Procurement and Grants Office, Centers for Disease Control and Prevention.

[FR Doc. 02–10984 Filed 5–2–02; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 02089]

Thalassemia Prevention Education and Outreach; Notice of Availability of Funds

A. Purpose

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 2002 funds for a cooperative agreement program for Thalassemia Prevention Education and Outreach. This program addresses the ''Healthy People 2010'' focus area(s) of Disability, Secondary Conditions, Education, and Community-Based Programs.

The purpose of the program is to increase access to prevention services for persons with thalassemia by supporting prevention education and outreach activities to increase knowledge about proven prevention strategies, and encourage adoption of healthy behaviors that reduce or prevent

complications of thalassemia including prevention of blood borne infections.

B. Eligible Applicants

Applications may be submitted by public and private nonprofit organizations and by governments and their agencies; that is, universities, colleges, research institutions, hospitals, other public and private nonprofit organizations, State and local governments or their bona fide agents, including the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau, federally recognized Indian tribal governments, Indian tribes, or Indian tribal organizations and Faith-based organizations are eligible for this award.

Note: Title II of the United States Code section 1611 states that an organization described in section 501(c)(4) of the Internal Revenue Code that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant or loan.

C. Availability of Funds

Approximately $150,000 is available in FY 2002 to fund one award. It is expected that the award will begin on or about September 1, 2002 and will be made for a 12-month budget period within a project period of up to five years. The funding estimate may change.

Continuation awards within an approved project period will be on the basis of satisfactory progress as evidenced by required reports and the availability of funds.

Funding Preference

Preference will be given to a national nonprofit organization with a current working relationship with the thalassemia community including local chapters and foundations as well as thalassemia treatment and prevention center provider groups in order to enhance the national thalassemia prevention program.

D. Program Requirements

In conducting activities to achieve the purpose of this program, the recipient will be responsible for the activities under 1. (Recipient Activities) and CDC will be responsible for the activities listed under 2. (CDC Activities).

1. Recipient Activities

a. Work with locally based thalassemia treatment centers and lay organizations to develop and implement outreach goals to increase access of healthcare and prevention services to under-served populations.

b. Encourage use of appropriate safety precautions to reduce transmission of blood borne infections through the use of blood products. Participate in a formalized network of communication with the CDC and other Federal agencies when blood safety and availability issues arise. Encourage community participation in blood safety monitoring efforts.

c. Provide opportunities for thalassemia treatment center nurse coordinators to receive state of the art prevention information and training in order to deliver consistent prevention messages to persons with thalassemia.

d. Facilitate provider involvement and collaboration in consumer-based program activities between the recipient and the thalassemia treatment and prevention centers.

2. CDC Activities

a. Provide scientific and public health information regarding the prevention of complications of thalassemia. This includes reviewing educational and promotional materials developed by the proposed program.

b. Provide consultation and technical assistance for program planning, development, implementation, and evaluation, which may include consulting with committees or working groups whose operations may impact the proposed programs.

c. Collaborate in the presentation, publication, and dissemination of information resulting from these activities.

d. Facilitate provider involvement and collaboration in consumer-based program activities between the recipient and the thalassemia treatment and prevention centers.

E. Content

Letter of Intent (LOI)

An LOI is optional for this program. The narrative should be no more than 3 single-spaced pages, printed on one side, with one-inch margins, and unreduced font. Your letter of intent will be used to enable CDC to plan for the review, and should include the following information (1) the Program Announcement Number 02089, (2) name and address of institution, (3) name, address, and telephone number of contact person. Notification can be provided by facsimile, postal mail, or electronic mail (E-mail).

Applications

Use the information in the Program Requirements, Other Requirements, and Evaluation Criteria sections to develop the application content. Your application will be evaluated on the criteria listed, so it is important to follow them in laying out your program plan. The narrative should be no more than 25 double-spaced pages, printed on one side, with one-inch margins, and unreduced font.

The application should include:

1. Background and Need

Describe the need for prevention information, education, and outreach programs. Explain the basis for providing such programs, expected outcomes and the relevance to preventing complications, and promoting healthy behaviors among people with thalassemia.

2. Objectives

Establish long-range (five year) and short-term (one year) objectives for programmatic plans. Objectives should be specific, measurable, time-phased and realistic.

3. Operational Plan

Describe the methods by which the objectives will be achieved, including their sequence.

4. Evaluation Plan

Describe the plans to monitor the progress of the program, and to evaluate the outcomes of the proposed activities.

5. Program Management

Describe the roles and responsibilities of all project staff in the proposed project. The description should include their titles, qualifications, and experience, as well as the percentage of time each will devote to the project, and the portions of their salaries to be paid by the cooperative agreement.

6. Collaboration With Treatment Centers

Describe plans to include local treatment centers in the program.

7. Budget

A detailed first year's budget for the cooperative agreement with projections for the next four additional years.

F. Submission and Deadline

Letter of Intent (LOI)

On or before June 15, 2002, submit the Letter of Intent to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

Application

Submit the original and two copies of PHS 5161–1 (OMB Number 0920–0428).

Forms are available in the application kit and at the following Internet address: *www.cdc.gov/od/pgo/forminfo.htm.*

On or before July 15, 2002, 5:00 pm Eastern Time, submit the application to: Technical Information Management Section-PA 02089, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 2920 Brandywine Road, Room 3000, Atlanta, GA 30341–4146.

Applications will be considered as meeting the deadline if they are received on or before the deadline date. Late applications will be returned to the applicant.

G. Evaluation Criteria

Each application will be evaluated individually against the following criteria by an Independent Review Group appointed by CDC.

1. Background and Need (20 points)

The extent to which the applicant understands the needs, problems, objectives and complexities of the program.

2. Objectives (15 points)

The extent to which the proposed objectives are clearly stated, realistic, time-phased, and related to the purpose of the project.

3. Operational Plan (25 points)

The extent to which the applicant provides a detailed plan of proposed activities which are likely to achieve each objective and overall program goals. The extent to which the applicant provides a reasonable and complete schedule for implementing activities of the program.

4. Evaluation Plan (15 points)

The extent to which the proposed evaluation plan is detailed, addresses goals and objectives of the program, and will document the program process, effectiveness and outcome. The extent to which a feasible plan for reporting evaluation results and using evaluation information for programmatic decisions is present.

5. Program Management (20 points)

a. The extent to which the applicant proposes potentially effective collaborations with treatment centers. (10 points)

b. The extent to which professional personnel proposed to be involved in this project are qualified, including evidence of past achievements appropriate to this project. (10 points)

6. Measures of Effectiveness (5 points)

The extent to which the applicant provide Measures of Effectiveness that will demonstrate the accomplishment of the various identified objectives of the grant. Are the measures objective/quantitative and do they adequately measure the intended outcome?

7. Budget (Not scored)

The extent to which the applicant provides a detailed budget and narrative justification consistent with stated objectives and planned program activities.

H. Other Requirements

Technical Reporting Requirements

Provide CDC with original plus two copies of

1. Semiannual progress reports;
2. Financial status report, no more than 90 days after the end of the budget period; and
3. Final financial report and performance report, no more than 90 days after the end of the project period.

Send all reports to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

The following additional requirements are applicable to this program. For a complete description of each, see Attachment I of the announcement.

AR–10 Smoke-Free Workplace Requirements
AR–11 Healthy People 2010
AR–12 Lobbying Restrictions
AR–15 Proof of Non-Profit Status

I. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under section 301(a) [42 U.S.C. 241(a)] and 317 (k)(2) [42 U.S.C. 247b(k)(2)] of the Public Health Service Act, as amended. The Catalog of Federal Domestic Assistance number is 93.283.

J. Where To Obtain Additional Information

This and other CDC announcements can be found on the CDC home page Internet address— *http://www.cdc.gov.* Click on ''Funding'' then ''Grants and Cooperative Agreements.''

If you have questions after reviewing the contents of all the documents, business management technical assistance may be obtained from: Merlin Williams, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention, 2920 Brandywine Road, Room 3000, Mailstop K–75, Atlanta, GA 30341–4146. Telephone number: 770–488–2765. E-mail address: *mwilliams2@cdc.gov.*

For program technical assistance, contact: Sally Crudder, Acting Deputy Chief, Hematologic Diseases Branch, National Center for Infectious Diseases, Centers for Disease Control and Prevention, 1600 Clifton Road, N.E. Mailstop E–64, Atlanta, Georgia 30333. Telephone number: 404–371–5270 or 5903. E-mail address: *scrudder@cdc.gov.*

Dated: April 26, 2002.

Sandra R. Manning,

Director, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 02–10834 Filed 5–2–02; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Correction

ACTION: Notice; Correction.

In the **Federal Register** of April 17, 2002, Volume 67, Number 74, Page 18911 the following should read as follows:

Correction

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Centers for Disease Control and Prevention: Meeting

The Centers for Disease Control and Prevention (CDC) announces the following committee meeting:

Name: Advisory Committee on Immunization Practices, Smallpox Working Group.

Times and Dates:

9 a.m.–12 p.m., May 8, 2002 (Closed).
1 p.m.–9 p.m., May 8, 2002.
8:30 a.m.–11:30 a.m., May 9, 2002.

Place: Atlanta Marriott Century Center, 2000 Century Boulevard, NE, Atlanta, Georgia 30345–3377.

Status: Closed 9 a.m.–12 p.m., May 8, 2002. Remainder of meeting open to the public, limited only by the space available.

Purpose: The working group will convene in closed session from 9 a.m.–12 a.m., May 8, 2002. During the open session the working group will gather information and formulate options to be presented to the Advisory Committee on Immunization Practices for its deliberation in making recommendations for the use of vaccinia (smallpox) vaccine.

Matters To Be Discussed: The panel will gather information regarding the use of vaccinia (smallpox) vaccine.

Contact Person for More Information: Gloria A. Kovach, Program Analyst, Epidemiology and Surveillance Division, National Immunization Program, CDC,1600 Clifton Road, NE, m/s E61, Atlanta, Georgia 30333. Telephone 404/639–8096.

The Director, Management Analysis and Services Office, has been delegated the authority to sign Federal Register notices pertaining to announcements of meetings for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: April 29, 2002.

John Burckhardt,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 02–10983 Filed 5–2–02; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Citizens Advisory Committee on Public Health Service Activities and Research at Department of Energy (DOE) Sites: Savannah River Site Health Effects Subcommittee (SRSHES)

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC), and the Agency for Toxic Substances and Disease Registry (ATSDR) announce the following meeting.

Name: Citizens Advisory Committee on Public Health Service Activities and Research at Department of Energy (DOE) Sites: Savannah River Site Health Effects Subcommittee (SRSHES).

Time and Date: 8:30 a.m.–4:45 p.m., June 6, 2002.

Place: Radisson Riverfront Hotel Augusta, 2 10th Street, Augusta, Georgia 30901, telephone (706) 722–8900, fax (706) 724–0044, *www.radisson.com.*

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 50 people.

Background: Under a Memorandum of Understanding (MOU) signed in December 1990 with DOE, and replaced by MOUs signed in 1996 and 2000, the Department of Health and Human Services (HHS) was given the responsibility and resources for conducting analytic epidemiologic investigations of residents of communities in the vicinity of DOE facilities, workers at DOE facilities, and other persons potentially exposed to radiation or to potential hazards from non-nuclear energy production use. HHS delegated program responsibility to CDC.

In addition, a memo was signed in October 1990 and renewed in November 1992, 1996, and in 2000, between ATSDR and DOE. The MOU delineates the responsibilities and procedures for ATSDR's public health activities at DOE sites required under sections 104, 105, 107, and 120 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or ''Superfund''). These activities include health consultations and public health assessments at DOE sites listed on, or proposed for, the Superfund National Priorities List and at sites that are the subject of petitions from the public; and other health-related activities such as epidemiologic studies, health surveillance, exposure and disease registries, health education, substance-specific applied research, emergency response, and preparation of toxicological profiles.

Purpose: This subcommittee is charged with providing advice and recommendations to the Director, CDC, and the Administrator, ATSDR, regarding community concerns pertaining to CDC's and ATSDR's public health activities and research at this DOE site. The purpose of this meeting is to provide a forum for community interaction and serve as a vehicle for community concerns to be expressed as advice and recommendations to CDC and ATSDR.

Matters to be Discussed: Agenda items include: Update on Department of Labor/Department of Energy Workers Occupational Illness Compensation Program; Overview of Process on Risk Based Screening Criteria and Where it is Going; International Atomic Energy Administration Recommendations; ATSDR Needs Assessment; American College of Preventive Medicine Initiatives Update; and ATSDR/Tritium Health Consult on Potential Tritium Exposures at SRS. Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Phillip Green, Executive Secretary, SRSHES, Radiation Studies Branch, Division of Environmental Hazards and Health Effects, NCEH, CDC, 1600 Clifton Road, NE., (E–39), Atlanta, Georgia 30333, telephone (404) 498–1800, fax (404) 498–1811.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both CDC and ATSDR.

Dated: April 29, 2002.

Alvin Hall,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 02–10985 Filed 5–2–02; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

An FDA/Industry Dialog on the Application Submission Process; Public Workshop

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshops.

The Food and Drug Administration (FDA) is announcing two public workshops, both entitled ''An FDA/Industry Dialog on the Application Submission Process.'' The purpose of the public workshops is to discuss common application deficiencies and strategies to avoid these deficiencies leading to faster approval times. Staff from the Center for Biologics Evaluation and Research (CBER) will provide general information on the review process and options to consider. CBER staff also will lead discussion groups designed to respond to your general issues and questions on submission requirements. These discussion groups will be established based on the input provided to CBER on your issues relative to the purpose of this workshop.

Date and Time: Send registration and issues by May 17, 2002, for the May 29, 2002, workshop and by June 14, 2002, for the June 26, 2002, workshop. See table 1 of this document.

Location: See table 1 of this document.

TABLE 1

Meeting address	Dates and local time	FDA contact person
Hyatt Regency Bethesda, 1 Bethesda Metro Center, Bethesda, MD 20814, 301–657–1234.	May 29, 2002, from 9 a.m. to 5 p.m.	Kathy Eberhart.

TABLE 1—Continued

Meeting address	Dates and local time	FDA contact person
South San Francisco Conference Center, 255 South Airport Blvd., South San Francisco, CA 94080, 650–877–8787.	June 26, 2002, from 9 a.m. to 5 p.m.	Do.

Contact Persons:

For information about this notice: Michael D. Anderson, Center for Biologics Evaluation and Research (CBER) (HFM–17), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852, 301–827–6210, FAX 301–594–1944, e-mail: Andersonm@cber.fda.gov.

For information about the workshop and registration: Kathy Eberhart, Center for Biologics Evaluation and Research (HFM–42), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852, 301–827–2000, FAX 301–827–3079, e-mail eberhart@cber.fda.gov.

Procedure: Mail or fax your registration information (including name, professional degree, title, e-mail address, firm name, address, telephone, and fax number) to Kathy Eberhart, Center for Biologics Evaluation and Research (HFM–42), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852, 301–827–2000, FAX 301–827–3079, by May 17, 2002, for the May 29, 2002, workshop, and by June 14, 2002, for the June 26, 2002, workshop. There is no registration fee for the public workshops. Space is limited, therefore interested parties are encouraged to register early. There will be no onsite registration.

If you need special accommodations due to a disability, please contact Kathy Eberhart (see *Contact Persons*) at least 7 days in advance.

CBER is requesting that you submit your issues related to application deficiencies and approval times before the workshop. There will be an opportunity to submit additional issues and questions at the end of the morning sessions. Mail or fax your issues to Kathy Eberhart (see *Contact Persons*) by May 17, 2002, for the May 29, 2002, workshop and by June 14, 2002, for the June 26, 2002, workshop.

Dated: April 26, 2002.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 02–11062 Filed 5–2–02; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Emergency Medical Services for Children; National Trauma Registry for Children Demonstration Project

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice of availability of funds.

SUMMARY: The Health Resources and Services Administration (HRSA) announces that up to $400,000 in fiscal year (FY) 2002 funds is available to fund two grants to assess the feasibility and value of developing a National Trauma Registry for Children (NTRC) as part of the Emergency Medical Services for Children (EMSC) program. Two grant awards are planned for 2002. One award of up to $150,000 will be made for a Data Identification, Collection and Use Planning Project to identify and prioritize data elements necessary for a pediatric trauma registry, develop sustainable data collection procedures that take into account the needs of all potential users, including but not limited to, State Emergency Medical Services (EMS) Offices, pediatric trauma surgeons, pre-hospital and hospital health care providers; and develop procedures for accessing the data. A second award of up to $250,000 will be for a Registry Design and Technology Planning Project to assess existing trauma registries, assess the feasibility of obtaining and linking information from them, and assess the feasibility of collecting additional data elements identified by the Data Identification, Collection and Use Planning Project. A pediatric trauma registry could be useful to clinicians and program planners for understanding the epidemiology and improving the clinical management of pediatric trauma. These demonstration project grants will be awarded under the program authority of the Public Health Service Act, Title XIX, Section 1910 (42 U.S.C. 300w–9), and will be administered by the Maternal and Child Health Bureau (MCHB), HRSA. Projects will be approved for up to a 2-year period. However, funding beyond FY 2002 is contingent upon the availability of funds.

DATES: Applicants are expected to notify MCHB's Division of Child, Adolescent, and Family Health of their intent by June 14, 2002. The deadline for receipt of applications is July 15, 2002. Applications will be considered ''on time'' if they are either received on or before the deadline date or postmarked on or before the deadline date. The projected award date is September 3, 2002.

ADDRESSES: To receive a complete application kit, applicants may telephone the HRSA Grants Application Center at 1–877–477–2123 (1–877–HRSA–123) or register on-line at: *http://www.hrsa.gov/g_order3.htm* directly. The Emergency Medical Services for Children program uses the standard Form PHS 5161–1 (rev. 7/00) for applications (approved under OMB No. 0920–0428). Applicants must use Catalog of Federal Domestic Assistance (CFDA) #93.127J when requesting application kits. The CFDA is a Government wide compendium of enumerated Federal programs, project services, and activities that provide assistance. All applications must be mailed or delivered to Grants Management Officer, MCHB: HRSA Grants Application Center, 901 Russell Avenue, Suite 450, Gaithersburg, MD 20879: telephone 1–877–477–2123: E-mail: *hrsagac@hrsa.gov*.

Necessary application forms and an expanded version of this **Federal Register** notice may be downloaded in either Microsoft Office 2000 or Adobe Acrobat format (.pdf) from the MCHB Home Page at *http://www.mchb.hrsa.gov*. Please contact Joni Johns, at 301–443–2088, or *jjohns@hrsa.gov*, if you need technical assistance in accessing the MCHB Home Page via the Internet.

This notice will appear on the HRSA Home Page at *http://www.hrsa.gov/*. **Federal Register** notices are found on the World Wide Web by following instructions at: *http://www.access.gpo.gov/su_docs/aces/aces140.html*.

LETTER OF INTENT: Notification of intent to apply can be made in one of three ways: Cindy Doyle, RN, telephone, 301–443–3888; email: *cdoyle@hrsa.gov*, mail,

HRSA/EMSC Program, Parklawn Building, Room 18A–38; 5600 Fishers Lane; Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Cindy Doyle, RN, 301–443–3888, email: cdoyle@hrsa.gov (for questions specific to project objectives and activities of the program; or the required Letter of Intent, which is further described in the application kit); Mickey Reynolds, 301–443–0724, email *mreynolds@hrsa.gov* (for grants policy, budgetary, and business questions).

SUPPLEMENTARY INFORMATION:

Program Background and Objectives

Section 1910 of the Public Health Service Act authorizes the implementation of a program of grants to States or accredited schools of medicine in States to develop and evaluate improved emergency procedures and protocols for children. It covers the entire spectrum of emergency medical care, including education of emergency providers about pediatric care, primary prevention, acute clinical care, and rehabilitation, and is a critical component of the President's initiative to combat terrorism and bioterrorism.

The standard emergency medical services (EMS) system was developed primarily for adults, to address cardiac arrest. Because children suffer from a different spectrum of disease and injuries than adults, emergency medical services for adults differ significantly from those that are needed by children. Children are smaller, often respond with different symptoms than adults display in similar traumatic circumstances, and require specialized equipment and provider training. EMSC is specialized care for children who experience a serious injury or an acute illness. EMSC is integrated into the standard EMS system, and enhances its capability to address the special needs of children.

Each year, well over 31 million children and adolescents are seen in emergency departments. Fewer than half of all hospitals (46%) with emergency departments have all the necessary equipment for the stabilization of ill and injured children. Only five States currently require that advanced life support ambulances carry all the recommended equipment needed to stabilize a child. The most seriously ill and injured children may require care in pediatric specialty centers and access to rehabilitation services. Yet, no more than 11 States have guidelines for the identification of pediatric acute care facilities, to ensure that children get to the right hospital in a timely manner.

EMS systems depend on successful coordination of services from many separate components, including pre-hospital care, emergency department care, inpatient care, and rehabilitation. Linking data across these different systems involves both technical challenges, and access issues. Other issues include a lack of common definitions across systems, a lack of consensus on needed data elements, a lack of validated measures of severity and acuity, a lack of validated measures of patient outcomes, and a lack of consensus on what outcomes to measure and when to measure them. Mortality is the most readily available and most widely used outcome, but relatively few children needing or receiving emergency care die. Other outcomes include the presence or absence of diseases, impairments, functional limitations, or disabilities interfering with age-appropriate activities; physical mobility and functioning; social and role functioning; and emotional and mental well-being. Measuring these reliably in children is a challenge. The purpose of the National Trauma Registry for Children Demonstration Project is to assess the feasibility of addressing some of these issues.

Authorization

Title XIX, Section 1910, Public Health Service Act (42 U.S.C. 300w–9).

Purpose

This announcement invites proposals to demonstrate the feasibility and the value of developing a nationwide repository of information on the epidemiology and optimal clinical management of pediatric injury and trauma, which has the potential to improve the quality of care for children who have experienced traumatic injury. This demonstration project is structured into two parts:

(a) Data Identification, Collection and Use Planning Grant. The purpose of this grant is to devise a process to identify and define a uniform set of variables that describe the type of pediatric trauma, clinical course and outcomes. Proposed data elements should ensure comparability across state and regional registries. MCHB assumes that the clinical data necessary to examine and enhance the care of injured children in the U.S. already exists as a subset of all data collected by hospitals on patient care. There are, however, barriers that hinder or even prohibit the aggregation of data from existing systems. One of the more obvious barriers is the lack of a standardized or common set of data elements.

The grantee will be expected to propose data elements drawn from pre-hospital, emergency department, inpatient, rehabilitation, outcome, and vital statistics records. In the selection and justification of these data elements, the grantee will be expected to weigh the value and the cost of collection costs for each element. A list of data elements previously identified as possible candidates for a trauma registry is included in the grant guidance.

The grantee will also be expected to address ideas for long-term sustainability, and patient privacy and confidentiality concerns that may arise as a result of data collection and linkage.

(b) Registry Design and Technology Planning Grant. The purpose of this grant is to develop a pediatric trauma information system that will result in reliable and valid data for a variety of research and policy uses. Current trauma registry software packages are proprietary, and data are not easily exchanged across different platforms. The grantee will be expected to work with popular registry vendors to devise an export algorithm that will allow vendor data, using divergent platforms, to be downloaded to a central repository.

Other issues to be addressed by the grantee include designing a system that can easily be adapted to add new data elements, obtaining voluntary participation by hospitals in providing data to the registry, electronic submission of data, and sample design considerations. MCHB's intent is to develop a registry system that is nationally representative, and large enough to enable analysis by specific type of pediatric injury.

Eligibility

State governments and accredited schools of medicine are eligible for these grants. The term ''schools of medicine'' for the purpose of this solicitation is defined as having the same meaning as set forth in section 799B(1)(A) of the PHS Act (42 U.S.C. 295p(1)(A)). ''Accredited'' in this context has the same meaning as set forth in section 799B(1)(E) of the PHS Act (42 U.S.C. 295p(1)(E)).

Funding Categories

(1) Data Identification, Collection, and Use Planning Grant: MCHB expects to award one grant of up to $150,000 in this category to identify and prioritize data elements necessary for a trauma registry; develop sustainable data collection procedures that take into account the needs of all potential users, including but not limited to, State EMS Offices, pediatric trauma surgeons, pre-hospital and hospital health care providers; and develop procedures for

accessing the data. For the purposes of this demonstration project a registry is defined as the recording and compilation of predetermined data elements for the reporting and descriptive analysis of injury patterns, treatment and quality of care.

(2) Registry Design and Technology Planning Grant: MCHB expects to award one grant of up to $250,000 in this category for a project to assess existing trauma registries; and to analyze the feasibility of obtaining and linking information from them, and to assess the feasibility of collecting data elements recommended by the recipient of the Data Identification, Collection, and Use Planning Grant, but not currently being collected.

Applicants must specify the category of grant for which they are applying. Those applying for both types of grants must complete a separate application for each.

Funding Level/Project Period

Approximately $400,000 in FY2002 funds is available to support two (2) awards. One award of up to $150,000 will be made for a Data Identification, Collection and Use Planning project, and one award of up to $250,000 will be made for a Registry Design and Technology Planning project. The initial budget period will be 12 months, with a subsequent budget period of 12 months. Continuation of any project from one budget period to the next is subject to satisfactory performance, program priorities, and availability of funds.

Review Criteria

MCHB staff will screen applications for completeness and responsiveness to the program guidance. Applications that are incomplete or non-responsive will be returned to the applicant without review. Applications that are complete and responsive to the guidance will be evaluated for technical merit by a peer review group convened specifically for this solicitation and in accordance with HRSA grants management policies and procedures. As part of the initial merit review, all applications will receive a written critique.

Technical merit will be assessed using the following criteria:

(a) Applicants' ability to accurately describe the significance of the injury and trauma problems facing the children of our nation and the rationale for establishing the NTRC;

(b) Applicants' ability to clearly articulate the project's goals and the corresponding time-framed, measurable (e.g. quantified) objectives and activities to achieve these goals;

(c) Applicants' ability to clearly articulate and identify a process for evaluating the outcome of this project;

(d) Applicants' ability to successfully carry out the project as evidenced by a sufficient number of qualified project personnel and resources; and

(e) Reasonableness of the proposed budget and soundness of the arrangement for fiscal management and ability to complete the proposed activities within the project period.

Additional criteria used to review and rank applications for this competition are included in the application kit. Applicants should pay strict attention to addressing these criteria, as they are the basis upon which their applications will be judged.

Paperwork Reduction Act

OMB approval for any data collection in connection with these grants will be sought, as required under the Paperwork Reduction Act of 1995.

Executive Order 12372

This program has been determined to be a program which is subject to the provisions of Executive Order 12372 concerning intergovernmental review of Federal programs by appropriate health planning agencies, as implemented by 45 CFR Part 100. Executive Order 12372 allows States the option of setting up a system for reviewing applications from within their States for assistance under certain Federal programs. The application packages to be made available under this notice will contain a listing of States that have chosen to set up such a review system and will provide a single point of contact (SPOC) in the States for review. Applicants (other than federally-recognized Indian tribal governments) should contact their State SPOC as early as possible to alert them to the prospective applications and receive any necessary instructions on the State process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. The due date for State process recommendations is 60 days after the application deadline for new and competing awards. The granting agency does not guarantee to ''accommodate or explain'' for State process recommendations it receives after that date. (*See* part 148, Intergovernmental Review of PHS Programs under Executive Order 12372 and 45 CFR Part 100 for a description of the review process and requirements).

Dated: April 29, 2002.

Elizabeth M. Duke,

Administrator.

[FR Doc. 02–11065 Filed 5–2–02; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Fiscal Year (FY) 2002 Funding Opportunities

AGENCY: Substance Abuse and Mental Health Services Administration, DHHS.

ACTION: Notice of funding availability.

SUMMARY: The Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Mental Health Services (CMHS) announces the availability of FY 2002 funds for grants for the following activity. This notice is not a complete description of the activity; potential applicants *must* obtain a copy of the Guidance for Applicants (GFA), including Part I, SAMHSA/HRSA Collaboration to Link Health Care for the Homeless Programs and Community Mental Health Agencies (SM 02–013), and Part II, General Policies and Procedures Applicable to all SAMHSA Applications for Discretionary Grants and Cooperative Agreements, before preparing and submitting an application.

Activity	Application deadline	Estimated funds FY 2002	Estimated number of awards	Project period
SAMHSA/HRSA Collaboration to Link Health Care for the Homeless Programs and Community Mental Health Agencies.	June 19, 2002 ..	$3,100,000	15–19	3 years.

The actual amount available for the award may vary, depending on unanticipated program requirements and the number and quality of applications received. FY 2002 funds for the activity discussed in this

announcement were appropriated by the Congress under Public Law No. 106–310. SAMHSA's policies and procedures for peer review and Advisory Council review of grant and cooperative agreement applications were published in the **Federal Register** (Vol. 58, No. 126) on July 2, 1993.

General Instructions: Applicants must use application form PHS 5161–1 (Rev. 7/00). The application kit contains the two-part application materials (complete programmatic guidance and instructions for preparing and submitting applications), the PHS 5161–1 which includes Standard Form 424 (Face Page), and other documentation and forms. Application kits may be obtained from: Knowledge Exchange Network, PO Box 42490, Washington, DC 20015, 800–789–2647.

The PHS 5161–1 application form and the full text of the activity are also available electronically via SAMHSA's World Wide Web Home Page: *http://www.samhsa.gov*

When requesting an application kit, the applicant must specify the particular activity for which detailed information is desired. All information necessary to apply, including where to submit applications and application deadline instructions, are included in the application kit.

Purpose: The Substance Abuse and Mental Health Services Administration (SAMHSA), Center for Mental Health Services (CMHS), and the Health Resources and Services Administration (HRSA), Bureau of Primary Health Care (BPHC) announce the availability of fiscal year 2002 funds to support grants under the ''SAMHSA/HRSA Collaboration to Link Health Care for the Homeless Programs and Community Mental Health Agencies.'' Grants will be used to foster collaborations between Health Care for the Homeless programs (HCH) and community mental health agencies (CMHA) and increase the availability of mental health and primary care services for persons with serious mental illness who are homeless.

Eligibility: This Guidance for Applicants (GFA) solicits applications for two types of grants: (1) Program grants, and (2) an Evaluation Center.

Eligibility for Program Grants is limited to the following organizations:

Health Care for the Homeless Programs that:

- Are current recipients of HRSA/BPHC HCH funds.
- Have an existing partnership with a CMHA, or have the capacity to develop such a collaboration.

Community Mental Health Agencies that:

- Are private nonprofit community mental health facilities that are licensed, accredited, certified, or chartered by appropriate certification or credentialing bodies to provide mental health services.
- Have an existing partnership with a HCH program, or have the capacity to develop such a collaboration.

Eligible applicants for the Evaluation Center award include:

- States, political subdivisions of States, tribal governments, and other public and private nonprofit entities such as community-based organizations, universities, colleges, faith-based organizations, consumer and family organizations, independent research institutes and hospitals.

Availability of Funds: A total of $3.1 million will be available for the HCH/CMHA Collaboration Project. Two types of grants will be awarded: (1) Program Grants, and (2) an Evaluation Center Grant:

- Program Grant awards will be equally divided between HCH programs and CMHAs. Approximately $1.4 million will be available from HRSA to support 7–9 HCH programs, and approximately $1.4 million will be available from CMHS to support 7–9 CMHA programs. The average annual Program Grant award should range from $150,000–$200,000 in total costs (direct and indirect).
- One Evaluation Center grant will be awarded for approximately $300,000. The funding for the Evaluation Center will be contributed equally by CMHS, HRSA, and the Assistant Secretary for Planning Evaluation (ASPE) of the Office of the Secretary (OS) of the DHHS. Actual funding levels will depend on the availability of funds.

Period of Support: Grants will be awarded for a period of up to 3 years.

Criteria for Review and Funding: General Review Criteria: Competing applications requesting funding under this activity will be reviewed for technical merit in accordance with established PHS/SAMHSA peer review procedures. Review criteria that will be used by the peer review groups are specified in the application guidance material.

Award Criteria for Scored Applications: Applications will be considered for funding on the basis of their overall technical merit as determined through the peer review group and the appropriate National Advisory Council review process. Availability of funds will also be an award criteria. Additional award criteria may be included in the application guidance materials.

Catalog of Federal Domestic Assistance Number: 93.243.

Program Contact: For questions concerning program issues, Health Care for the Homeless applicants should contact: Jean L. Hochron, MPH, Chief, Health Care for the Homeless Branch, Bureau of Primary Health Care, Health Resources and Services Administration, 4350 East-West Highway, Rm 9–6D2, Bethesda, MD 20814, (301) 594–4430, Email: *jhochron@hrsa.gov.*

For questions on program issues, Community Mental Health Agency Applicants and Evaluation Center Applicants should contact: Pamela J. Fischer, Ph.D., Homeless Programs Branch, Center for Mental Health Services, 5600 Fishers Lane, Room 11C–05, Rockville, MD 20857, (301) 443–4569, E-mail: *pfischer@samhsa.gov.*

For questions regarding grants management issues, all applicants should contact: Steve Hudak, Division of Grants Management, Substance Abuse and Mental Health, Services Administration, 5600 Fishers Lane 13–105, Rockville, MD 20857, (301) 443–9666, E-Mail: *shudak@samhsa.gov.*

Public Health System Reporting Requirements: The Public Health System Impact Statement (PHSIS) is intended to keep state and local health officials apprized of proposed health services grant and cooperative agreement applications submitted by community-based nongovernmental organizations within their jurisdictions.

Community-based nongovernmental service providers who are not transmitting their applications through the State must submit a PHSIS to the head(s) of the appropriate State and local health agencies in the area(s) to be affected not later than the pertinent receipt date for applications. This PHSIS consists of the following information:

a. A copy of the face page of the application (Standard form 424).

b. A summary of the project (PHSIS), not to exceed one page, which provides:

(1) A description of the population to be served.

(2) A summary of the services to be provided.

(3) A description of the coordination planned with the appropriate State or local health agencies.

State and local governments and Indian Tribal Authority applicants are not subject to the Public Health System Reporting Requirements. Application guidance materials will specify if a particular activity is subject to the Public Health System Reporting Requirements.

PHS Non-use of Tobacco Policy Statement: The PHS strongly encourages

all grant and contract recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. In addition, Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of a facility) in which regular or routine education, library, day care, health care, or early childhood development services are provided to children. This is consistent with the PHS mission to protect and advance the physical and mental health of the American people.

Executive Order 12372: Applications submitted in response to the FY 2002 activity listed above are subject to the intergovernmental review requirements of Executive Order 12372, as implemented through DHHS regulations at 45 CFR part 100. E.O. 12372 sets up a system for State and local government review of applications for Federal financial assistance. Applicants (other than Federally recognized Indian tribal governments) should contact the State's Single Point of Contact (SPOC) as early as possible to alert them to the prospective application(s) and to receive any necessary instructions on the State's review process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. A current listing of SPOCs is included in the application guidance materials. The SPOC should send any State review process recommendations directly to: Division of Extramural Activities, Policy, and Review, Substance Abuse and Mental Health Services Administration, Parklawn Building, Room 17–89, 5600 Fishers Lane, Rockville, Maryland 20857.

The due date for State review process recommendations is no later than 60 days after the specified deadline date for the receipt of applications. SAMHSA does not guarantee to accommodate or explain SPOC comments that are received after the 60-day cut-off.

Dated: April 30, 2002.

Richard Kopanda,

Executive Officer, SAMHSA.

[FR Doc. 02–11063 Filed 5–2–02; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Fiscal Year (FY) 2002 Funding Opportunities

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice of funding availability.

SUMMARY: The Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Substance Abuse Prevention (CSAP) announces the availability of FY 2002 funds for grants for the following activity. This notice is not a complete description of the activity; potential applicants must obtain a copy of the Guidance for Applicants (GFA), including Part I, State Incentive Cooperative Agreements for Community-Based Action (SP 02–003), and Part II, General Policies and Procedures Applicable to all SAMHSA Applications for Discretionary Grants and Cooperative Agreements, before preparing and submitting an application.

Activity	Application deadline	Est. funds FY 2002	Estimated Number of awards	Project period
State Incentive Cooperative Agreements for Community-Based Action.	June 19, 2002	$7,200,000	2–3	3 years.

The actual amount available for the award may vary, depending on unanticipated program requirements and the number and quality of applications received. FY 2002 funds for the activity discussed in this announcement were appropriated by the Congress under Public Law 106–310. SAMHSA's policies and procedures for peer review and Advisory Council review of grant and cooperative agreement applications were published in the **Federal Register** (Vol. 58, No. 126) on July 2, 1993.

General Instructions: Applicants must use application form PHS 5161–1 (Rev. 7/00). The application kit contains the two-part application materials (complete programmatic guidance and instructions for preparing and submitting applications), the PHS 5161–1 which includes Standard Form 424 (Face Page), and other documentation and forms. Application kits may be obtained from: National Clearinghouse for Alcohol and Drug Information (NCADI), P.O. Box 2345, Rockville, MD 20847–2345, Telephone: 1–800–729–6686.

The PHS 5161–1 application form and the full text of the activity are also available electronically via SAMHSA's World Wide Web Home Page: *http://www.samhsa.gov.*

When requesting an application kit, the applicant must specify the particular activity for which detailed information is desired. All information necessary to apply, including where to submit applications and application deadline instructions, are included in the application kit.

Purpose: The Center for Substance Abuse Prevention, SAMHSA, announces the availability of Fiscal Year 2002 funds under its State Incentive Program. The program is intended to enable governors to: (1) Develop and implement a comprehensive State-wide substance abuse prevention strategy to optimize the use of all State and Federal substance abuse prevention funding streams and resources, and (2) develop and implement a comprehensive, long-range prevention program system to ensure that all State prevention resources fill identified gaps in prevention services targeting youth and young adults ages 12–25 with science-based prevention and early intervention programs.

Eligibility: Office of the governor for states and territories that currently receive the Substance Abuse Prevention and Treatment Block Grant may apply.

Eligible applicants are limited to:

- Governor of a State or Territory
- President of a territory that has a president
- Chairman of the Tribal Council of the Red Lake Band of Chippewa

If you have received a State Incentive Grant in FY 1997, 1998, 1999, 2000, 2001, or 2002 you may not apply.

Availability of Funds: Approximately $7.2 million will be available for 2–3 awards. The average award will be approximately $3 million per year in total costs (direct and indirect), with awards ranging from $2 million to $4 million. Actual funding levels will depend on the availability of funds, state population, and documentation of need identified by the National Survey on Drug Use and Health and other relevant surveys and reports.

Period of Support: Awards may be requested for up to 3 years. Annual

continuation awards during this 3-year grant cycle will depend on the availability of funds and progress achieved by grantees.

Criteria for Review and Funding: General Review Criteria: Competing applications requesting funding under this activity will be reviewed for technical merit in accordance with established PHS/SAMHSA peer review procedures. Review criteria that will be used by the peer review groups are specified in the application guidance material.

Award Criteria for Scored Applications: Applications will be considered for funding on the basis of their overall technical merit as determined through the peer review group and the appropriate National Advisory Council review process.

Availability of funds will also be an award criteria. Additional award criteria specific to the programmatic activity may be included in the application guidance materials.

Catalog of Federal Domestic Assistance Number: 93.243.

Program Contact: For questions concerning program issues, contact: Dave Robbins or Patricia Getty, Division of State and Community Systems, Development, Center for Substance Abuse Prevention, Substance Abuse and Mental Health, Services Administration, Rockwall II, Suite 930, 5600 Fishers Lane, Rockville, MD 20857, (301) 443–2068, E-Mail: *drobbins@samhsa.gov; pgetty@samhsa.gov*

For questions regarding grants management issues, contact: Steve Hudak, Division of Grants Management, OPS/SAMHSA, Rockwall II, 6th floor, 5600 Fishers Lane, Rockville, MD 20857, (301) 443–9666, E-Mail: *shudak@samhsa.gov.*

Public Health System Reporting Requirements: The Public Health System Impact Statement (PHSIS) is intended to keep State and local health officials apprised of proposed health services grant and cooperative agreement applications submitted by community-based nongovernmental organizations within their jurisdictions.

Community-based nongovernmental service providers who are not transmitting their applications through the State must submit a PHSIS to the head(s) of the appropriate State and local health agencies in the area(s) to be affected not later than the pertinent receipt date for applications. This PHSIS consists of the following information:

a. A copy of the face page of the application (Standard form 424).

b. A summary of the project (PHSIS), not to exceed one page, which provides:

(1) A description of the population to be served.

(2) A summary of the services to be provided.

(3) A description of the coordination planned with the appropriate State or local health agencies.

State and local governments and Indian Tribal Authority applicants are not subject to the Public Health System Reporting Requirements. Application guidance materials will specify if a particular FY 2002 activity is subject to the Public Health System Reporting Requirements.

PHS Non-use of Tobacco Policy Statement: The PHS strongly encourages all grant and contract recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. In addition, Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of a facility) in which regular or routine education, library, day care, health care, or early childhood development services are provided to children. This is consistent with the PHS mission to protect and advance the physical and mental health of the American people.

Executive Order 12372: Applications submitted in response to the FY 2002 activity listed above are subject to the intergovernmental review requirements of Executive Order 12372, as implemented through DHHS regulations at 45 CFR Part 100. E.O. 12372 sets up a system for State and local government review of applications for Federal financial assistance. Applicants (other than Federally recognized Indian tribal governments) should contact the State's Single Point of Contact (SPOC) as early as possible to alert them to the prospective application(s) and to receive any necessary instructions on the State's review process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. A current listing of SPOCs is included in the application guidance materials. The SPOC should send any State review process recommendations directly to: Division of Extramural Activities, Policy, and Review, Substance Abuse and Mental Health Services Administration, Parklawn Building, Room 17–89, 5600 Fishers Lane, Rockville, Maryland 20857.

The due date for State review process recommendations is no later than 60 days after the specified deadline date for the receipt of applications. SAMHSA does not guarantee to accommodate or explain SPOC comments that are received after the 60-day cut-off.

Dated: April 29, 2002.

Richard Kopanda,

Executive Officer, SAMHSA.

[FR Doc. 02–10965 Filed 5–2–02; 8:45 am]

BILLING CODE 4162–20–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Fiscal Year (FY) 2002 Funding Opportunities

AGENCY: Substance Abuse and Mental Health Services Administration, DHHS.

ACTION: Notice of funding availability.

SUMMARY: The Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Mental Health Services (CMHS) announces the availability of FY 2002 funds for grants for the following activity. This notice is not a complete description of the activity; potential applicants *must* obtain a copy of the Guidance for Applicants (GFA), including Part I, Cooperative Agreement for Collaborative Community Actions to Prevent Youth Violence and Promote Youth Development (SM 02–007), and Part II, General Policies and Procedures Applicable to all SAMHSA Applications for Discretionary Grants and Cooperative Agreements, before preparing and submitting an application.

Activity	Application deadline	Est. funds FY 2002	Est. No. of awards	Project period
Cooperative Agreement for Collaborative Community Actions to Prevent Youth Violence and Promote Youth Development.	June 19, 2002 ..	$2,800,000	12–16	2 years

The actual amount available for the award may vary, depending on unanticipated program requirements and the number and quality of applications received. FY 2002 funds for the activity discussed in this announcement were appropriated by the Congress under Public Law No. 106–310. SAMHSA's policies and procedures for peer review and Advisory Council review of grant and cooperative agreement applications were published in the **Federal Register** (Vol. 58, No. 126) on July 2, 1993.

General Instructions: Applicants must use application form PHS 5161–1 (Rev. 7/00). The application kit contains the two-part application materials (complete programmatic guidance and instructions for preparing and submitting applications), the PHS 5161–1 which includes Standard Form 424 (Face Page), and other documentation and forms. Application kits may be obtained from: Knowledge Exchange Network, P.O. Box 42490, Washington, DC 20015, 800–789–2647.

The PHS 5161–1 application form and the full text of the activity are also available electronically via SAMHSA's World Wide Web Home Page: *http://www.samhsa.gov*

When requesting an application kit, the applicant must specify the particular activity for which detailed information is desired. All information necessary to apply, including where to submit applications and application deadline instructions, are included in the application kit.

Purpose: The Substance Abuse and Mental Health Services Administration (SAMHSA), Center for Mental Health Services (CMHS), announces the availability of fiscal year 2002 funds for cooperative agreements for implementing Youth Violence Prevention Cooperative Agreements. Awards will be made for two types of youth violence prevention projects: (1) Youth Violence Prevention for Vulnerable Youth (Vulnerable Youth) Projects, and (2) School-based Mental Health (School-based) Projects.

The Vulnerable Youth program supports projects developing youth violence prevention community collaborations and prevention and intervention services for youth populations vulnerable to violence and harassment, due to physical and social characteristics that differentiate them from the majority of youth.

The School-based Mental Health program supports projects that expand or enhance school-based mental health services to promote positive mental health of students.

Eligibility: Domestic public and private nonprofit organizations may apply for Vulnerable Youth awards.

The following are eligible to apply:

- Community-based organizations, such as community-based advocacy, health, mental health, social service, faith-based service; parent and teacher associations; consumer and family organizations; and service organizations serving ethnic, cultural, or social minority groups.
- Existing community collaborations, coalitions, and partnerships focusing on youth violence prevention or services to a vulnerable youth population.
- Public or private educational systems, institutions, and agencies.
- Public or private mental health systems, institutions, and agencies, and local law enforcement agencies or affiliated organizations.
- Tribal government units and organizations.
- Other public agencies or nonprofit organizations that can perform the requirements of this GFA.

School-based Mental Health Project applicants are restricted to public and private schools and school systems. This eligibility restriction is necessary to ensure that the school-based mental health program is not marginalized because of lack support by school administrative and instructional staff.

Because of the overlap of program objectives and the desire to avoid funding multiple youth violence collaborations in the same area, currently funded Safe Schools/Healthy Students and CMHS Coalitions for Prevention PRISM grantees are not eligible to apply for this program.

Availability of Funds: Approximately $2.8 million will be available for 12 to 16 awards. It is expected that six to eight Vulnerable Youth awards will be made, and six to eight School-based awards will be made. The maximum award for Vulnerable Youth Projects is $150,000 per year in total costs (direct and indirect). The maximum award for School-based Projects is $200,000 in total costs (direct and indirect). Actual funding levels will depend on the availability of funds.

Period of Support: Projects will be supported for up to 2 years. The second year of support depends on the availability of funds and progress achieved.

Criteria for Review and Funding

General Review Criteria: Competing applications requesting funding under this activity will be reviewed for technical merit in accordance with established PHS/SAMHSA peer review procedures. Review criteria that will be used by the peer review groups are specified in the application guidance material.

Award Criteria for Scored Applications: Applications will be considered for funding on the basis of their overall technical merit as determined through the peer review group and the appropriate National Advisory Council review process. Availability of funds will also be an award criteria.

Additional award criteria may be included in the application guidance materials.

Catalog of Federal Domestic Assistance Number: 93.243.

Program Contact: For questions concerning program issues, contact:

Malcolm Gordon, Ph.D., Special Programs Development Branch, Center for Mental Health Services, Substance Abuse and Mental Health Services Administration, Parklawn Building, Room 17C–05, 5600 Fishers Lane, Rockville, MD 20857, (301) 443–7713, E-mail: *mgordon@samhsa.gov.*

or

Pat Shea, M.S.W., M.A., Center for Mental Health Services, Special Programs Development Branch, 5600 Fishers Lane, Room 17–C–05, Rockville, Maryland 20857, Phone: 301–443–3655, FAX: 301–443–7912, E-mail: *pshea@samhsa.gov.*

For questions regarding grants management issues, contact:

Steve Hudak, Division of Grants Management, Substance Abuse and Mental Health Services Administration, 5600 Fishers Lane 13–103, Rockville, MD 20857, (301) 443–9666, E-Mail: *shudak@samhsa.gov.*

Public Health System Reporting Requirements: The Public Health System Impact Statement (PHSIS) is intended to keep state and local health officials apprized of proposed health services grant and cooperative agreement applications submitted by community-based nongovernmental organizations within their jurisdictions.

Community-based nongovernmental service providers who are not transmitting their applications through the State must submit a PHSIS to the head(s) of the appropriate State and local health agencies in the area(s) to be affected not later than the pertinent receipt date for applications. This PHSIS consists of the following information:

a. A copy of the face page of the application (Standard form 424).

b. A summary of the project (PHSIS), not to exceed one page, which provides:

(1) A description of the population to be served.

(2) A summary of the services to be provided.

(3) A description of the coordination planned with the appropriate State or local health agencies. State and local governments and Indian Tribal Authority applicants are not subject to the Public Health System Reporting Requirements. Application guidance materials will specify if a particular activity is subject to the Public Health System Reporting Requirements.

PHS Non-use of Tobacco Policy Statement: The PHS strongly encourages all grant and contract recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. In addition, Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of a facility) in which regular or routine education, library, day care, health care, or early childhood development services are provided to children. This is consistent with the PHS mission to protect and advance the physical and mental health of the American people.

Executive Order 12372: Applications submitted in response to the FY 2002 activity listed above are subject to the intergovernmental review requirements of Executive Order 12372, as implemented through DHHS regulations at 45 CFR Part 100. E.O. 12372 sets up a system for State and local government review of applications for Federal financial assistance. Applicants (other than Federally recognized Indian tribal governments) should contact the State's Single Point of Contact (SPOC) as early as possible to alert them to the prospective application(s) and to receive any necessary instructions on the State's review process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. A current listing of SPOCs is included in the application guidance materials. The SPOC should send any State review process recommendations directly to: Division of Extramural Activities, Policy, and Review, Substance Abuse and Mental Health Services Administration, Parklawn Building, Room 17–89, 5600 Fishers Lane, Rockville, Maryland 20857.

The due date for State review process recommendations is no later than 60 days after the specified deadline date for the receipt of applications. SAMHSA does not guarantee to accommodate or explain SPOC comments that are received after the 60-day cut-off.

Dated: April 30, 2002.

Richard Kopanda,

Executive Officer, SAMHSA.

[FR Doc. 02–11064 Filed 5–2–02; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4730–N–18]

Federal Property Suitable as Facilities to Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

EFFECTIVE DATE: May 3, 2002.

FOR FURTHER INFORMATION CONTACT: Mark Johnston, Department of Housing and Urban Development, Room 7262, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 708–1234; TTY number for the hearing- and speech-impaired (202) 708–2565, (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with the December 12, 1988 court order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.), HUD publishes a Notice, on a weekly basis, identifying unutilized, underutilized, excess and surplus Federal buildings and real property that HUD has reviewed for suitability for use to assist the homeless. Today's Notice is for the purpose of announcing that no additional properties have been determined suitable or unsuitable this week.

Dated: April 25, 2002.

John D. Garrity,

Director, Office of Special Needs Assistance Programs.

[FR Doc. 02–10600 Filed 5–2–02; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

[OMB Control Number 1010–0122]

Agency Information Collection Activities: Submitted for Office of Management and Budget (OMB) Review; Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of an extension of a currently approved information collection (OMB Control Number 1010–0122).

SUMMARY: To comply with the Paperwork Reduction Act (PRA) of 1995, we are submitting to OMB for review and approval an information collection request (ICR) titled ''30 CFR part 243 Suspensions Pending Appeal and Bonding'' (formerly titled ''Filing Sureties''). We are also soliciting comments from the public on this ICR.

DATES: Submit written comments on or before June 3, 2002.

ADDRESSES: Submit written comments to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior (OMB Control Number 1010–0122), 725 17th Street, NW, Washington, D.C. 20503. Also, submit copies of your written comments to Carol Shelby, Regulatory Specialist, Minerals Management Service, MS 320B2, P.O. Box 25165, Denver, Colorado 80225. If you use an overnight courier service, MMS's courier address is Building 85, Room A–614, Denver Federal Center, Denver, Colorado 80225. You may also submit your comments at our email address *mrm.comments@mms.gov.* Include the title of the information collection and the OMB control number in the ''Attention'' line of your comment. Also include your name and return address. Submit electronic comments as an ASCII file avoiding the use of special characters and any form of encryption. If you do not receive a confirmation that we have received your email, contact Ms. Shelby at (303) 231–3151 or FAX (303) 231–3385.

FOR FURTHER INFORMATION CONTACT: Carol Shelby, Regulatory Specialist, phone (303) 231–3151, FAX (303) 231–3385, or email *Carol.Shelby@mms.gov.*

SUPPLEMENTARY INFORMATION:

Title: 30 CFR part 243 Suspensions Pending Appeal and Bonding (formerly titled ''Filing Sureties'').

OMB Control Number: 1010–0122.

Bureau Form Number: Forms MMS–4435 and MMS–4436.

Abstract: The Department of the Interior (DOI) is responsible for matters relevant to mineral resource development on Federal and Indian lands and the Outer Continental Shelf (OCS). The Secretary of the Interior is responsible for managing the production of minerals from Federal and Indian lands and the OCS, collecting royalties from lessees who produce minerals, and distributing the funds collected in accordance with applicable laws. The Secretary also has an Indian trust responsibility to manage Indian lands and seek advice and information from Indian beneficiaries. MMS performs the royalty management functions for the Secretary.

Regulations in 30 CFR part 243 allow lessees, designees, or payors who can demonstrate that they are financially solvent to stay the effectiveness of an MMS order or decision without posting a surety instrument (Federal leases only). For those who are not financially solvent or for appeals involving Indian leases, MMS requires that a surety instrument be posted to secure the financial interests of the public and Indian lessors during the entire administrative or judicial appeal process. A surety instrument is a formal guarantee of payment in case of default. MMS accepts the following types of surety instruments:

- Form MMS–4435, Administrative Appeal Bond;
- Form MMS–4436, Letter of Credit;
- Certificates of Deposit; and
- U.S. Treasury Securities.

This information collection covers the hour burden associated with submitting annual audited financial statements or the surety instruments listed above. Submission of the information in this collection is necessary to stay the effectiveness of an MMS order or decision issued for a Federal and Indian property. Proprietary information that is submitted is protected, and there are no questions of a sensitive nature included in this information collection.

Frequency: On occasion.

Estimated Number and Description of Respondents: 300 Federal or Indian lessees.

Estimated Annual Reporting and Recordkeeping ''Hour'' Burden: 300 hours.

30 CFR section	Reporting or recordkeeping requirement	Burden hours per response	Annual number of responses	Annual burden hours
243.4(a); 243.6; 243.7(a); 243.8(a)(2) and (b)(2); 243.101(b); 243.201 (d)(2)(ii); 243.202(c).	If you timely appeal an order, and if that order or portion of that order requires you to make a payment, and you want to suspend compliance with that order, you must post a bond or other surety instrument or demonstrate financial solvency * * * If you must meet the bonding or financial solvency requirements nunder § 243.4(a)(1), or if another person is meeting your bonding or financial solvency requirements, then either you or the other person must post a bond or other surety instrument or demonstrate financial solvency within 60 days after you receive the order or the Notice of Order * * * If you assume an appellant's responsibility to post a bond or other surety instrument or demonstrate financial solvency * * * you must notify MMS in writing * * * that you are assuming responsibility * * * *Federal leases.* If the amount under appeal is $10,000 or more, MMS will suspend your obligation to comply with that order if you (i) Submit an MMS-specified surety instrument under subpart B of this part within a time period MMS prescribes; or (ii) Demonstrate financial solvency under subpart C. *Indian leases.* If the amount under appeal is $1,000 or more, MMS will suspend your obligation to comply with that order if you submit an MMS-specified surety instrument under subpart B of this part within a time period MMS prescribes. If your appeal is not decided within 1 year from the filing date, you must increase the surety amount to cover additional estimated interest for another 1-year period. You must continue to do this annually on the date your appeal was filed * * * For us to consider you financially solvent, the business-information or credit-reporting service or program must demonstrate your degree of risk as low to moderate. If our bond-approving officer determines that the business-information or credit-reporting service or program information does not demonstrate your financial solvency to our satisfaction, our bond-approving officer will require you to post a bond or other surety instrument under subpart B or pay the obligation * * * If our bond-approving officer determines that you are no longer financially solvent, you must post a bond or other MMS-specified surety instrument under subpart B.	1	200	200

30 CFR section	Reporting or recordkeeping requirement	Burden hours per response	Annual number of responses	Annual burden hours
243.200(a) and (b); 243.201(c)(1) and (2)(ii).	To demonstrate financial solvency under this part, you must submit an audited consolidated balance sheet, and, if requested by the date MMS bond-approving officer, up to 3 years of tax returns to the MMS, Debt Collection Section * * * You you must submit an audited consolidated balance sheet annually, and, if requested, additional annual tax returns on the date MMS first determined that you demonstrated financial solvency as long as you have active appeals, or whenever MMS requests. If your net worth, minus the amount we would require as surety under subpart B for all orders you have appealed is less than $300 million, you must submit * * * a written request asking us to consult a business-information, or credit-reporting service program to determine your financial solvency; and a nonrefundable $50 processing fee. You must submit the fee with your request * * * and then annually on the date we first determined that you demonstrated financial solvency, as long as are not able to demonstrate financial solvency * * * and you have active appeals.	1	100	100
Total	.....		300	300

Estimated Annual Reporting and Recordkeeping ''Non-hour'' Burden: Estimated ''non-hour costs'' are $1,250 consisting of a $50 fee from each of 25 appellants for which MMS must consult a business information or credit reporting service.

Comments: Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3501, *et seq.*) requires each agency '' * * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *.'' Agencies must specifically solicit comments to (a) evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

To comply with the public consultation process, on January 14, 2002, we published a **Federal Register** notice (67 FR 1781) with the required 60-day comment period announcing that we would submit this ICR to OMB for approval. We did not receive any comments on the notice. We have posted a copy of the ICR at our Internet web site *http://www.mrm.mms.gov/Laws_R_D/FRNotices/FRInfColl.htm.* We will also provide a copy of the ICR to you without charge upon request.

If you wish to comment in response to this notice, please send your comments directly to the offices listed under the **ADDRESSES** section of this notice. OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, to ensure maximum consideration, OMB should receive your comments by June 3, 2002. The PRA provides that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Public Comment Policy: We will post all comments received in response to this notice on our Internet web site at *http://www.mrm.mms.gov/Laws_R_D/InfoColl/InfoColCom.htm* for public review. We also make copies of these comments, including names and home addresses of respondents, available for public review during regular business hours at our offices in Lakewood, Colorado.

Individual respondents may request that we withhold their home address from the record, which we will honor to the extent allowable by law. There may be circumstances in which we would withhold from the record a respondent's identity, as allowable by the law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comments. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

MMS Information Collection Clearance Officer: Jo Ann Lauterbach, telephone (202) 208–7744.

Dated: April 12, 2002.

Lucy Querques Denett,

Associate Director for Minerals Revenue Management.

[FR Doc. 02–10987 Filed 5–2–02; 8:45 am]

BILLING CODE 4310–MR–U

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Environmental Documents Prepared for Proposed Oil and Gas Operations on the Gulf of Mexico Outer Continental Shelf (OCS)

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the availability of environmental documents, prepared for OCS mineral proposals on the Gulf of Mexico OCS.

SUMMARY: Minerals Management Service (MMS), in accordance with Federal Regulations that implement the National Environmental Policy Act (NEPA), announces the availability of NEPA-related Site-Specific Environmental Assessments (SEA) and Findings of No Significant Impact (FONSI), prepared by MMS for the following oil and gas activities proposed on the Gulf of Mexico OCS.

FOR FURTHER INFORMATION CONTACT: Public Information Unit, Information Services Section at the number below. Minerals Management Service, Gulf of Mexico OCS Region, Attention: Public Information Office (MS 5034), 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana 70123–2394, or by calling 1–800–200–GULF.

SUPPLEMENTARY INFORMATION: MMS prepares an SEA and FONSI for

proposals that relate to exploration for and the development/production of oil and gas resources on the Gulf of Mexico OCS. The EA examines the potential environmental effects of activities described in the proposals and presents MMS conclusions regarding the significance of those effects. Environmental Assessments are used as a basis for determining whether or not approval of the proposals constitutes major Federal actions that significantly affect the quality of the human environment in the sense of NEPA Section 102(2)(C). A FONSI is prepared in those instances where MMS finds that approval will not result in significant effects on the quality of the human environment. The FONSI briefly presents the basis for that finding and includes a summary or copy of the EA.

This notice constitutes the public notice of availability of environmental documents required under the NEPA Regulations.

This listing includes all proposals for which the Gulf of Mexico OCS Region prepared a FONSI since publication of the preceding notice on December 18, 2001.

Activity/operator	Location	Date
Shell Offshore, Okeanos Gas Gathering Company, LLC., Initial Development Operations Coordination Document and Pipeline Right-of-Way Activity, SEA Nos. N–7166 and P–13591.	Mississippi Canyon Area, Block 520, OCS–G 09821 and Block 474, Unleased, to Main Pass Area, Block 260, OCS–G 07828, NAKIKA Right-of-Way, OCS–G 23093, 38–68 miles east and southeast of Plaquemines Parish, Louisiana, and 61–120 miles south of Mobile County, Alabama.	01/24/02
Seneca Resources Corporation, Structure Removal Activity, SEA No. ES/SR 01–101A.	Vermilion Area, Block 296, Lease OCS–G 09511, 79 miles south of Vermilion Parish, Louisiana, and 114 miles south-west of Morgan City, Louisiana.	12/19/01
The Houston Exploration Company, Structure Removal Activity, SEA No. ES/SR 01–104.	Mustang Island Area, Block 807, Lease OCS–G 14105, 31 miles southeast of Nueces County, Texas, and 62 miles south-southwest of Port O'Connor, Texas.	12/19/01
Energy Resource Technology, Inc., Structure Removal Activity, SEA No. ES/SR 02–001.	East Cameron Area, Block 231, Lease OCS–G 02038, 79 miles south-southeast of Grand Chenier, Louisiana, and 70 miles south of Cameron Parish, Louisiana.	01/29/02
BP America, Inc., Structure Removal Activity, SEA No. ES/SR 02–002.	Main Pass (South and East Addition) Area, Block 199, Lease OCS–G 12093, 37 miles east-southeast of Chandeleur Islands, and 65 miles east-northeast of Venice, Louisiana.	01/29/02
Ocean Energy Inc., Structure Removal Activity, SEA Nos. ES/SR 02–003 and 02–004.	Eugene Island Area, Block 119, Platform P, Lease OCS–G–00049, and Vermilion (South Addition) Area, Block 288, Platform A, Lease OCS–G 09509, Platform P lies 52 miles south-southwest of Morgan City, Louisiana, and 23 miles southwest of Terrebonne Parish, Louisiana; and Platform A lies 95 miles south-southwest of Intracoastal City, Louisiana, and 76 miles south-southwest of Iberia Parish, Louisiana.	01/30/02
Maritech Resources, Inc., Structure Removal Activity, SEA No. ES/SR 02–005.	Eugene Island Area, Block 191, Lease OCS–G 03995, 37 miles east-southeast of Terrebonne Parish, Louisiana, and 87 miles southeast of Intracoastal City, Louisiana.	02/06/02
El Paso Production, Structure Removal Activity, SEA No. ES/SR 02–006.	Vermilion Area, Block 47, Lease OCS–G 15163, 10 miles south of Vermilion Parish, Louisiana, and 231 miles west of Fourchon, Louisiana.	02/05/02
Taylor Energy Company, Structure Removal Activity, SEA No. ES/SR 02–007.	Matagorda Island Area, Block A–7, Lease OCS–G 03467, 34 miles south-southeast of Calhoun County, Texas, and 55 miles west of Harbor Island, Texas.	01/31/02
BP America, Inc., Structure Removal Activity, SEA No. ES/SR 02–008.	South Timbalier Area, Block 182, Lease OCS–G 16431, 38 miles east-southeast of Lafourche Parish, Louisiana, and 51 miles west southwest of Grande Isle, Louisiana.	02/06/02
El Paso Production Company, Structure Removal Activity, SEA No. ES/SR 02–009.	Mobile Area, Block 960, Lease OCS–G 05760, 12 miles south of Baldwin County, Alabama, and 34 miles south-southeast of Theodore, Alabama.	02/26/02

Persons interested in reviewing environmental documents for the proposals listed above or obtaining information about EAs and FONSIs prepared for activities on the Gulf of Mexico OCS are encouraged to contact MMS at the address or telephone listed in the **FOR FURTHER INFORMATION CONTACT** section.

Dated: March 26, 2002.

Chris C. Oynes,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 02–10988 Filed 5–2–02; 8:45 am]

BILLING CODE 4310–MR–U

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Public Meetings on Preliminary Alternatives for the Environmental Impact Statement for the Exit Glacier Area Plan, Kenai Fjords National Park, Alaska

AGENCY: National Park Service, Interior.

ACTION: Public meetings on preliminary alternatives for the Environmental Impact Statement for the Exit Glacier Area Plan, Kenai Fjords National Park, Alaska.

SUMMARY: A notice of intent to prepare an environmental impact statement (EIS) for the Exit Glacier Area Plan at Kenai Fjords National Park was published in **Federal Register** Volume 66, Number 145 on July 27, 2001. The formal scoping period for the plan/EIS closed March 31, 2002. Based on the scoping comments received, the National Park Service (NPS) has developed preliminary alternatives for the plan/EIS. The comment period for the preliminary alternatives will extend until July 1, 2002. The NPS will hold public meetings in Seward, Soldotna, and Anchorage, Alaska, to provide opportunities for dialogue about the

preliminary alternatives. There will be short presentations to familiarize the public with the alternatives and then an opportunity to interact with members of the Exit Glacier planning team. The meeting schedule and locations are:

May 29—Seward, Kenai Fjords National Park Visitor Center, 1212 4th Avenue (at small boat harbor), Open House from noon to 8 p.m., Presentations at 1 p.m. and 6 p.m.

June 3—Soldotna, Kenai Peninsula Borough Building, 144 N. Binkley Street, Public Meeting from 6 p.m. to 8:30 p.m., Presentation at 6:30 p.m.

June 6—Anchorage, National Park Service, Alaska Regional Office, 2525 Gambell Street, 3rd floor conference room, Public Meeting from 6 p.m. to 8:30 p.m., Presentation at 6:30 p.m.

FOR FURTHER INFORMATION CONTACT: Eveline Martin, Interdisciplinary Team Leader, Kenai Fjords National Park, PO Box 1727, Seward, AK 99664. E-mail kefj_eg_plan@nps.gov. Telephone (907) 224–3175. Fax (907) 224–2144.

Dated: April 5, 2002.

Robert L. Arnberger,

Alaska NPS Regional Director.

[FR Doc. 02–11047 Filed 5–2–02; 8:45 am]

BILLING CODE 4310–70–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–989 (Preliminary)]

Ball Bearings From China

Determination

On the basis of the record [1] developed in the subject investigation, the United States International Trade Commission determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) (the Act), that there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury by reason of imports from China of certain ball bearings and parts thereof, provided for in subheadings 3926.90.45, 4016.93.00, 4016.93.10, 4016.93.50, 6909.19.50, 8431.20.00, 8431.39.00, 8482.10.10, 8482.10.50, 8482.80.00, 8482.91.00, 8482.99.05, 8482.99.25, 8482.99.35, 8482.99.65, 8483.20.40, 8483.20.80, 8483.30.40, 8483.30.80, 8483.50.90, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.60.50, 8708.60.80, 8708.70.60, 8708.93.30, 8708.93.60, 8708.93.75, 8708.99.06, 8708.99.31, 8708.99.40, 8708.99.49, 8708.99.58, 8708.99.80, 8803.10.00, 8803.20.00, 8803.30.00, 8803.90.30, and 8803.90.90 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (LTFV).[2]

Commencement of Final Phase Investigation

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigation. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in section 207.21 of the Commission's rules, upon notice from the Department of Commerce of an affirmative preliminary determination in the investigation under section 733(b) of the Act, or, if the preliminary determination is negative, upon notice of an affirmative final determination in that investigation under section 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigation need not enter a separate appearance for the final phase of the investigation. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigation.

Background

On February 13, 2002, a petition was filed with the Commission and Commerce by the American Bearing Manufacturers Association, Washington, DC, alleging that an industry in the United States is materially injured and threatened with material injury by reason of LTFV imports of certain ball bearings and parts thereof from China. Accordingly, effective February 13, 2002, the Commission instituted antidumping duty investigation No. 731–TA–989 (Preliminary).

Notice of the institution of the Commission's investigation and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of February 21, 2002 (67 FR 8039). The conference was held in Washington, DC, on March 6, 2002, and all persons who requested the opportunity were permitted to appear in person or by counsel. The Commission transmitted its determination in this investigation to the Secretary of Commerce on April 29, 2002. The views of the Commission are contained in USITC Publication 3504 (May 2002), entitled *Ball Bearings from China: Investigation No. 731–TA–989 (Preliminary).*

Issued: April 30, 2002.

By order of the Commission.

Marilyn R. Abbott,

Secretary.

[FR Doc. 02–11041 Filed 5–2–02; 8:45 am]

BILLING CODE 7020–02–P

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Vice Chairman Deanna Tanner Okun and Commissioner Marcia E. Miller dissenting.

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–464]

In the Matter of Certain Video Cassette Devices and Television/Video Cassette Combination Devices and Methods of Using Same; Notice of Commission Decision Not To Review an Initial Determination Terminating the Investigation

AGENCY: International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's (''ALJ's'') initial determination (''ID'') terminating the above-captioned investigation in its entirety by granting the unopposed motion of complainant Funai Electric Co., Ltd., (''Funai'') of Osaka, Japan, to terminate the investigation on the basis of withdrawal of the complaint.

FOR FURTHER INFORMATION CONTACT: Clara Kuehn, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW, Washington, DC 20436, telephone (202) 205–3012. Copies of the ALJ's ID and all other nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic

docket (EDIS–ON–LINE) at *http://dockets.usitc.gov/eol/public*. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on September 14, 2001, based on a complaint filed by Funai. 66 FR 47927 (2001). The notice of investigation named as respondents: Orion Electric Co., Ltd., of Fukui, Japan; Orion America, Inc., of Paramus, NJ, and Orion Sales, Inc., of Princeton, IN (collectively, ''respondents''). *Id.* The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930 in the importation into the United States, sale for importation, and sale within the United States after importation of certain video cassette devices and television/video cassette combination devices by reason of infringement of claims 1–3, 5, 7, and 9 of U.S. Letters Patent 5,594,510; claims 1 and 5 of U.S. Letters Patent 5,815,218; claims 1–5 of U.S. Letters Patent 5,987,209; and claims 1–4 of U.S. Letters Patent 6,021,018. *Id.*

On November 27, 2001, complainant Funai withdrew the complaint and moved to terminate the investigation on the basis of the withdrawal of the complaint. On November 28, 2001, respondents filed a response stating that they did not oppose the motion. On December 7, 2001, the Commission investigative attorney filed a response in support of the motion. On April 10, 2002, the presiding ALJ issued an ID (Order No. 5) granting the motion. No petitions for review of the ID were filed.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in section 210.42 of the Commission's Rules of Practice and Procedure (19 CFR 210.42).

Issued: April 30, 2002.

By order of the Commission.

Marilyn R. Abbott,

Secretary.

[FR Doc. 02–11042 Filed 5–2–02; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

Meeting of the CJIS Advisory Policy Board

AGENCY: Federal Bureau of Investigation (FBI), Justice.

ACTION: Meeting notice.

SUMMARY: The purpose of this notice is to announce the meeting of the Criminal Justice Information Services (CJIS) Advisory Policy Board (APB). The CJIS APB is responsible for reviewing policy issues, uniform crime reports, and appropriate technical and operational issues related to the programs administered by the FBI's CJIS Division and thereafter, make appropriate recommendations to the FBI Director. The topics to be discussed will include the Justice Consolidated Network; proposed changes to part 20 of Title 28; Code of Federal Regulations; discussion of functions included in the definition of Administration of Criminal Justice and Criminal Justice; secondary dissemination of National Crime Information Center (NCIC) ''Hot File''; status of the Joint Task Force on Rap Sheet Standardization; and identity theft. Discussion will also include the status on the National Crime Prevention and Privacy Compact, Immigration and Naturalization Service Alien Initiative, the DOJ Global and Information Sharing Project, and other issues related to the Integrated Automated Fingerprint Identification System, NCIC, Law Enforcement Online, National Instant Criminal Background Check System and Uniform Crime Reporting Programs.

The meeting will be open to the public on a first-come, first-seated basis. Any member of the public wishing to file a written statement concerning the FBI's CJIS Division programs or wishing to address this session should notify the Designated Federal Employee, Mr. Roy G. Weise, at (304) 625–2730, at least 24 hours prior to the start of the session.

The notification should contain the requestor's name, corporate designation, and consumer affiliation or government designation along with a short statement describing the topic to be addressed and the time needed for the presentation. A requestor will ordinarily be allowed no more than 15 minutes to present a topic.

DATES AND TIMES: The Advisory Policy Board will meet in open session from 9 a.m. until 5 p.m. on June 5–6, 2002.

ADDRESSES: The meeting will take place at the Embassy Suites Hotel Chicago Downtown—Lakefront Chicago, Illinois, telephone (312) 836–5900.

FOR FURTHER INFORMATION CONTACT: Inquiries may be addressed to Mrs. Rebecca S. Durrett, Management Analyst, Advisory Groups Management Unit, Programs Development Section, FBI CJIS Division, Module C3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306–0149, telephone (304) 625–2617, facsimile (304) 625–5090.

Dated: April 17, 2002.

Roy G. Weise,

Designated Federal Employee, Criminal Justice Information Services Division, Federal Bureau of Investigation.

[FR Doc. 02–11019 Filed 5–2–02; 8:45 am]

BILLING CODE 4410–02–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[INS No. 2205–02]

Automatic Extension of Employment Authorization for Hondurans and Nicaraguans Under the Temporary Protected Status Program

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice.

SUMMARY: On May 3, 2002, the Immigration and Naturalization Service (Service) published notices in the **Federal Register** extending the designation of Honduras and Nicaragua under the Temporary Protected Status (TPS) program until July 5, 2003. The extension for TPS allows eligible nationals of Honduras and Nicaragua to re-register for TPS and extend employment authorization. The Service is aware that many re-registrants will not receive their new employment authorization documents (EADs) until after their current EADs expire on July 5, 2002. Accordingly, this notice extends, until December 5, 2002, the validity of EADs issued to Honduran or Nicaraguan nationals (or aliens having no nationality who last habitually resided in Honduras or Nicaragua) under the extension of the TPS program.

To be eligible for this automatic extension of employment authorization, an individual must be a national of Honduras or Nicaragua (or an alien having no nationality who last habitually resided in Honduras or Nicaragua) who currently holds an EAD that expires on July 5, 2002, and that was issued in conjunction with the TPS program for Honduras or Nicaragua. This automatic extension is limited to EADs bearing the expiration date of July 5, 2002, and the notation: ''A–12'' or ''C–19'' on the face of the card under ''Category'' for EADs issued on Form I–766; or, ''274A.12(A)(12)'' or ''274A.12(C)(19)'' on the face of the card under ''Provision of Law'' for EADs issued on Form I–688B.

DATES: This notice is effective July 5, 2002.

FOR FURTHER INFORMATION CONTACT: Emily Crowder Frazelle, Program Analyst, Residence and Status Branch, Office of Adjudications, Immigration and Naturalization Service, Room 3214, 425 I Street, NW., Washington, DC 20536, telephone (202) 514–4754.

SUPPLEMENTARY INFORMATION:

Why Is the Service Automatically Extending the Validity of EADs From July 5, 2002, to December 5, 2002?

Considering the large number of applications that the Service will receive in the 60-day re-registration period, it is likely that many re-registrants will receive their new EAD after the expiration date of their current EAD. In order to prevent a gap in employment authorization for qualified re-registrants, the Service is extending the validity of applicable EADs to December 5, 2002.

Who Is Eligible To Receive an Automatic Extension of Employment Authorization?

To be eligible for an automatic extension of employment authorization, an individual must be a national of Honduras or Nicaragua (or an alien having no nationality who last habitually resided in Honduras or Nicaragua) who previously applied for and received an EAD under the initial designation for Honduras or Nicaragua, or who later registered under the late initial registration provisions, and who timely re-registered for each subsequent TPS extension. This automatic extension is limited to EADs bearing an expiration date of July 5, 2002, and the notation: ''A–12'' or ''C–19'' on the face of the card under ''Category'' for EADs issued on Form I–766; or ''274A.12(A)(12)'' or 274A.12(C)(19)'' on the face of the card under ''Provision of Law'' for EADs issued on Form I–688B.

Must Qualified Individuals Apply to the Service for the Automatic Extension of Their TPS-Related EADs?

No, qualified individuals do not have to apply for this automatic employment authorization extension to December 5, 2002. However, qualified individuals must re-register for TPS by July 2, 2002, in order to be eligible for a new EAD that is valid until July 5, 2003.

What Documents May a Qualified Individual Show to His or Her Employer as Proof of Employment Authorization and Identity When Completing the Employment Eligibility Verification Form (Form I–9)?

For completion of the Form I–9 at the time of hire or re-verification, qualified individuals who have received an extension of employment authorization by virtue of this **Federal Register** notice may present to their employer a TPS-related EAD as proof of valid employment authorization and identity until December 5, 2002. To minimize confusion over this extension at the time of hire or re-verification, qualified individuals may also present to their employer a copy of this **Federal Register** notice regarding the automatic extension of employment authorization to December 5, 2002. In the alternative, any legally acceptable document or combination of documents listed in List A, List B, or List C of the Form I–9 may be presented as proof of identity and employment eligibility, it is the choice of the employee.

How May Employers Determine Which EADs That Have Been Automatically Extended Through December 5, 2002, Are Acceptable for Completion of the Form I–9?

For purposes of verifying identity and employment eligibility or re-verifying employment eligibility on the Form I–9 until December 5, 2002, employers of Honduran or Nicaraguan TPS class members whose employment authorization has been automatically extended by this notice must accept an EAD that contains an expiration date of July 5, 2002, and that bears one of the following notations: ''A–12'' or ''C–19'' on the face of the card under ''Category'' for EADs issued on Form I–766; or, ''274A.12(A)(12)'' or ''274A.12(c)(19)'' on the face of the card under ''Provision of Law'' for EADs issued on Form I–688B. New EADs or extension stickers showing the December 5, 2002 expiration date will not be issued. Employers should not request proof of Honduran or Nicaraguan citizenship. Employers presented with an EAD that this **Federal Register** notice has extended automatically and that appears to be genuine and to relate to the employee should accept the document as a valid ''List A'' document and should not ask for additional Form I–9 documentation. This action by the Service through this **Federal Register** notice does not affect the right of an employee to present any legally acceptable document as proof of identity and eligibility for employment.

Employers are reminded that the laws prohibiting unfair immigration-related employment practices remain in full force. For questions, employers may call the Service's Office of Business Liaison Employer Hotline at 1–800–357–2099 to speak to a Service representative. Also, employers may call the Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC) Employer Hotline at 1–800–255–8155. Employees or applicants may call the OSC Employee Hotline at 1–800–255–7688 for information regarding the automatic extension.

Does This Notice Affect Any Other Portion of the Federal Register Notices Extending the TPS Designation for Honduras and Nicaragua Until July 5, 2003?

No, this notice does not affect any other portion of the **Federal Register** notices extending the TPS designation for Honduras and Nicaragua. All other TPS requirements contained in the **Federal Register** notices that extend the TPS designation for Honduras and Nicaragua until July 5, 2003 (*see* notices for Honduras and Nicaragua, published elsewhere in this issue of the **Federal Register**), are accurate and remain in effect.

Dated: May 1, 2002.

James W. Zigar,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 02–11158 Filed 5–1–02; 2:28 pm]

BILLING CODE 4410–10–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[INS No. 2197–02; AG Order No. 2577–2002]

RIN 1115–AE26

Extension of the Designation of Honduras Under the Temporary Protected Status Program

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice.

SUMMARY: The designation of Honduras under the Temporary Protected Status (TPS) Program will expire on July 5, 2002. This notice extends the Attorney General's designation of Honduras for 12 months until July 5, 2003, and sets forth procedures necessary for nationals of Honduras (or aliens having no nationality who last habitually resided in Honduras) with TPS to re-register for the additional 12-month period. Re-registration is available only to persons who registered under the initial Honduras TPS designation, which ended on July 5, 1999, or who registered after that date under the late initial registration provisions, and timely re-registered under each subsequent extension. Nationals of Honduras (or aliens having no nationality who last habitually resided in Honduras) who have not previously applied for TPS

may be eligible to apply for TPS under late initial registration provisions.

EFFECTIVE DATES: The extension of the TPS designation for Honduras is effective July 5, 2002, and will remain in effect until July 5, 2003. The 60-day re-registration period begins May 3, 2002 and will remain in effect until July 2, 2002.

FOR FURTHER INFORMATION CONTACT: Emily Crowder Frazelle, Program Analyst, Residence and Status Branch, Adjudications, Immigration and Naturalization Service, 425 I Street, NW, Room 3040, Washington, DC 20536, telephone (202) 514–4754.

SUPPLEMENTARY INFORMATION:

What Authority Does the Attorney General Have To Extend the Designation of Honduras Under the TPS Program?

Section 244(b)(3)(A) of the Immigration and Nationality Act (Act) states that at least 60 days before the end of a designation, or any extension thereof, the Attorney General must review conditions in the foreign state for which the designation is in effect. 8 U.S.C. 1254a(b)(3)(A). If the Attorney General does not determine that the foreign state no longer continues to meet the conditions for designation, the period of designation is extended automatically for 6 months pursuant to section 244(b)(3)(C) of the Act, although the Attorney General may exercise his discretion to extend the designation for a period of 12 or 18 months. 8 U.S.C.1254a(b)(3)(C).

Why Did the Attorney General Decide To Extend the TPS Designation for Honduras?

On January 5, 1999, the Attorney General initially designated Honduras under the TPS program for a period of 18 months based on the severe flooding and mudslides caused by Hurricane Mitch. (64 FR 524). The fierce storm that swept through the country killed more than 5,000 people, damaged over 440,000 homes, destroyed over 100 bridges and washed away countless roads. Immigration and Naturalization Service (INS) Resource Information Center, Recommendation to Extend (April 2000). Following the initial designation, the Department of Justice kept a close watch over the progress of reconstruction in Honduras and consulted with relevant government agencies regularly. Given the amount of reconstruction necessary, the Attorney General extended the Honduras TPS designation twice, on May 11, 2000 (65 FR 30438) and May 8, 2001 (66 FR 23269). Each decision to extend the TPS designation was made on the determination that the conditions that warranted TPS designation initially continued to exist.

After the extension of Honduras' TPS designation on May 8, 2001, the Departments of State and Justice continued to monitor the conditions in that country. Prior to his decision to extend the Honduras TPS designation, the Attorney General consulted appropriate government agencies to determine whether conditions warranting the TPS designation continue to exist in Honduras. Although there are strong indications of progress in recovery efforts, recent droughts as well as flooding from Hurricane Michelle in 2001 have added to the humanitarian, economic, and social problems initially brought on by Hurricane Mitch in 1998, making the country unable, temporarily, to handle the return of approximately 105,000 nationals.

This assessment is consistent with a recent Department of State report that found that although a significant amount of reconstruction has been completed since Hurricane Mitch, ''Honduras was also seriously affected by a drought and hurricane last year, causing further destruction and emergency conditions.'' Recommendation for Extension of TPS (March 22, 2002). Hurricane Michelle affected more than 50,000 people and damaged 1,300 houses, compounding the reconstruction efforts following Hurricane Mitch. *Id.* Such repeated environmental catastrophes have interrupted Honduras' ability to recover from Hurricane Mitch and, as a result, the country continues to lack the needed stability and infrastructure to support the return of its nationals. The INS Resource Information Center reported in March 2002 that, in concert with Hurricane Mitch, these more recent disasters ''have produced major problems of food insecurity, unemployment and displacement of citizens'' and ''resulted in significant setbacks to full economic recovery from the damages sustained in 1998.''

In addition to the environmental setbacks, Honduras' reconstruction efforts have been hindered by delays in disbursements of aid needed to rebuild. The Department of State reports that, in some instances, these delays in disbursement of funds from international donors and lending institutions have slowed the rehabilitation of Honduras' infrastructure. Continuing Mitch Reconstruction (March 2002). For example, delayed disbursements in foreign countries' pledges to rebuild bridges and roads resulted in approximately 1,724 meters of bridges remaining unfinished, and 558 kilometers of road left to be rehabilitated. *Id.* Further, approximately 64 percent of homes destroyed by Hurricane Mitch remain in need of rebuilding or repair. *Id.* These setbacks, in addition to problems caused by the subsequent flooding and droughts, render Honduras unable to handle adequately the return of its nationals. Consequently, the conditions under which Honduras was designated for TPS have not ceased to exist.

Based on this review, the Attorney General, after consultation with appropriate government agencies, finds that the conditions that prompted designation of Honduras under the TPS program continue to be met. 8 U.S.C. 1254a(b)(3)(C). There continues to be a substantial, but temporary, disruption of living conditions in Honduras as a result of environmental disaster, and Honduras continues to be unable, temporarily, to handle adequately the return of its nationals. 8 U.S.C. 1254a(b)(1)(B)(i)–(ii). On the basis of these findings, the Attorney General concludes that the TPS designation for Honduras should be extended for an additional 12-month period. 8 U.S.C. 1254a(b)(3)(C).

If I Currently Have TPS Through the Honduras TPS Program, Do I still Re-register for TPS?

Yes. If you already have been granted TPS through the Honduras TPS program, your status will expire on July 5, 2002. Accordingly, you must re-register for TPS in order to maintain your status through July 5, 2003. See the following re-registration instructions.

If I Am Currently Registered for TPS, How Do I Reregister for an Extension?

All persons previously granted TPS under the Honduras program who wish to maintain such status must apply for an extension by filing (1) a Form I–821, Application for Temporary Protected Status, without the filing fee; (2) a Form I–765, Application for Employment Authorization; and (3) two identification photographs (1 ½ inches x 1½ inches). See the chart below to determine whether you must submit the one hundred and twenty dollar ($120) filing fee with the Form I–765. Applicants for an extension of TPS benefits do not need to be re-fingerprinted and thus need not pay the fifty-dollar ($50) fingerprint fee. Children beneficiaries of TPS who have reached the age of fourteen (14) but were not previously fingerprinted must

pay the fifty dollar ($50) fingerprint fee with the application for extension.

Submit the completed forms and applicable fee, if any, to the INS service center office having jurisdiction over your place of residence during the 60-day re-registration period that begins May 3, 2002 and ends July 2, 2002 (inclusive of such end date).

If—	Then—
You are applying for employment authorization until July 5, 2003	You must complete and file the Form I–765, Application for Employment Authorization, with the $120 fee.
You already have employment authorization or do not require employment authorization.	You must complete and file Form I–765 with no fee.
You are applying for employment authorization and are requesting a fee waiver.	You must complete and file: (1) Form I–765 with no fee and (2) a fee waiver request and affidavit (and any other information) in accordance with 8 CFR 244.20.

How Does an Application for TPS Affect My Application for Asylum or Other Immigration Benefits?

An application for TPS does not affect an application for asylum or any other immigration benefit. A national of Honduras (or alien having no nationality who last habitually resided in Honduras) who is otherwise eligible for TPS and has applied for, or plans to apply for, asylum, but who has not yet been granted asylum or withholding of removal, may also apply for TPS. Denial of an application for asylum or any other immigration benefit does not affect an applicant's ability to apply for TPS, although the grounds for denying one form of relief may also be grounds for denying TPS. For example, a person who has been convicted of a particularly serious crime is not eligible for asylum or TPS. 8 U.S.C. 1158(b)(2); 8 U.S.C. 1254a(c)(2)(B)(i).

Does This Extension Allow Nationals of Honduras (or Aliens Having No Nationality Who Last Habitually Resided in Honduras) Who Entered the United States After December 30, 1998, to Apply for TPS?

No. This is a notice of an extension of the TPS designation for Honduras, not a notice of re-designation of Honduras under the TPS program. An extension of TPS does not change the required dates of continuous residence and continuous physical presence in the United States. This extension does not expand TPS availability to those who are not already TPS class members. To be eligible for this extension, Hondurans (or aliens having no nationality and who last habitually resided in Honduras) must have resided continuously in the United States since December 30, 1998 and have been continuously physically present in the United States since January 5, 1999.

Is Late Initial Registration Possible?

Yes. Some persons may be eligible for late initial registration under 8 CFR 244.2. To apply for late initial registration an applicant must:

(1) Be a national of Honduras (or alien who has no nationality and who last habitually resided in Honduras);

(2) Have been continuously physically present in the United States since January 5 1999;

(3) Have continuously resided in the United States since December 30, 1998; and

(4) Be both admissible as an immigrant, except as provided under section 244(c)(2)(A) of the Act, and not ineligible under section 244(c)(2)(B) of the Act.

Additionally, the applicant must be able to demonstrate that during the initial registration period from January 5, 1999, through July 5, 2000, he or she:

(1) Was a nonimmigrant or had been granted voluntary departure status or any relief from removal;

(2) Had an application for change of status, adjustment of status, asylum, voluntary departure, or any relief from removal or change of status pending or subject to further review or appeal;

(3) Was a parolee or had a pending request for reparole; or

(4) Was the spouse or child of an alien currently eligible to be a TPS registrant. 8 CFR 244.2(f)(2).

An applicant for late initial registration must file an application for late registration within a 60-day period immediately following the expiration or termination of the conditions described above. 8 CFR 244.2(g).

Notice of Extension of Designation of Honduras Under the TPS Program

By the authority vested in me as Attorney General under sections 244(b)(1)(B), (b)(3)(A), and (b)(3)(C) of the Act, I have consulted with the appropriate government agencies and determine that the conditions that prompted designation of Honduras for TPS continue to be met. 8 U.S.C. 1254a(b)(3)(A). Accordingly, I order as follows:

(1) The designation of Honduras under section 244(b) of the Act is extended for an additional 12-month period from July 5, 2002, to July 5, 2003. 8 U.S.C. 1254a(b)(3)(C).

(2) There are approximately 105,000 nationals of Honduras (or aliens having no nationality who last habitually resided in Honduras) who have been granted TPS and who are eligible for re-registration.

(3) To maintain TPS, a national of Honduras (or an alien having no nationality who last habitually resided in Honduras) who received TPS during the initial designation period must re-register for TPS during the 60-day re-registration period from May 3, 2002 until July 2, 2002.

(4) To re-register, the applicant must file the following: (1) Form I–821, Application for Temporary Protected Status; (2) Form I–765, Application for Employment Authorization; and (3) two identification photographs (1½ inches by 1½ inches). There is no fee for a Form I–821 filed as part of the re-registration application. If the applicant requests employment authorization, he or she must submit one hundred and twenty dollars ($120) or a properly documented fee waiver request, pursuant to 8 CFR 244.20, with the Form I–765. An applicant who does not request employment authorization must nonetheless file Form I–765 along with Form I–821, but is not required to submit the fee. The fifty dollar ($50) fingerprint fee is required only for children beneficiaries of TPS who have reached the age of 14 but were not previously fingerprinted. Failure to re-register without good cause will result in the withdrawal of TPS. 8 CFR 244.17(c). Some persons who had not previously applied for TPS may be eligible for late initial registration under 8 CFR 244.2.

(5) At least 60 days before this extension terminates on July 5, 2003, the Attorney General will review the designation of Honduras under the TPS program and determine whether the conditions for designation continue to be met. 8 U.S.C. 1254a(b)(3)(A). Notice

of that determination, including the basis for the determination, will be published in the **Federal Register**. 8 USC 1254a(b)(3)(A).

(6) Information concerning the extension of designation of Honduras under the TPS program will be available at local INS offices upon publication of this notice and the INS National Customer Service Center at 1–800–375–5283. This information will also be posted on the INS website at *http://www.ins.usdoj.gov.*

Dated: April 30, 2002.

John Ashcroft,

Attorney General.

[FR Doc. 02–11130 Filed 5–1–02; 12:59 pm]

BILLING CODE 4410–10–P

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[INS No. 2196–02; AG Order No. 2578–2002]

RIN 1115–AE26

Extension of the Designation of Nicaragua Under the Temporary Protected Status Program

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice.

SUMMARY: The designation of Nicaragua under the Temporary Protected Status (TPS) Program will expire on July 5, 2002. This notice extends the Attorney General's designation of Nicaragua for 12 months until July 5, 2003, and sets forth procedures necessary for nationals of Nicaragua (or aliens having no nationality who last habitually resided in Nicaragua) with TPS to re-register for the additional 12-month period. Re-registration is available only to persons who registered under the initial Nicaragua TPS designation, which ended on July 5, 1999, or registered after that date under the late initial registration provisions, and timely re-registered under each subsequent extension. Nationals of Nicaragua (or aliens having no nationality who last habitually resided in Nicaragua) who have not previously applied for TPS may be eligible to apply for TPS under late initial registration provisions.

EFFECTIVE DATES: The extension of the TPS designation for Nicaragua is effective July 5, 2002, and will remain in effect until July 5, 2003. The 60-day re-registration period begins May 3, 2002 and will remain in effect until July 2, 2002.

FOR FURTHER INFORMATION CONTACT: Emily Crowder Frazelle, Program Analyst, Residence and Status Branch, Adjudications, Immigration and Naturalization Service, 425 I Street, NW., Room 3040, Washington, DC 20536, telephone (202) 514–4754.

SUPPLEMENTARY INFORMATION:

What Authority Does the Attorney General Have To Extend the Designation of Nicaragua Under the TPS Program?

Section 244(b)(3)(A) of the Immigration and Nationality Act (Act) states that at least 60 days before the end of a designation, or any extension thereof, the Attorney General must review conditions in the foreign state for which the designation is in effect. 8 U.S.C. 1254a(b)(3)(A). If the Attorney General does not determine that the foreign state no longer continues to meet the conditions for designation, the period of designation is extended automatically for 6 months pursuant to section 244(b)(3)(C) of the Act, although the Attorney General may exercise his discretion to extend the designation for a period of 12 or 18 months. 8 U.S.C.1254a(b)(3)(C).

Why Did the Attorney General Decide To Extend the TPS Designation for Nicaragua?

On January 5, 1999, the Attorney General initially designated Nicaragua under the TPS program for a period of 18 months based on the severe flooding and mudslides caused by Hurricane Mitch (64 FR 526). The fierce storm that swept through the country killed more than 3, 000 people, left 150,000 people homeless, and washed away roads, bridges, schools, and hospitals. Immigration and Naturalization Service (INS) Resource Information Center, Recommendation to Extend (April 2000). Following the initial designation, the Department of Justice kept a close watch over the progress of reconstruction in Nicaragua and consulted with relevant government agencies regularly. The Attorney General extended the Nicaragua TPS designation twice, on May 11, 2000 (65 FR 30440) and May 8, 2001 (66 FR 23271). Each decision to extend the TPS designation was made on the determination that the conditions that warranted TPS designation initially continued to exist.

After the extension of Nicaragua's TPS designation on May 8, 2001, the Departments of State and Justice continued to monitor the conditions in that country. Prior to his decision to extend the Nicaragua TPS designation, the Attorney General consulted appropriate government agencies to determine whether conditions warranting the TPS designation continue to exist in Nicaragua. Although there are strong indications of progress in recovery efforts, recent droughts as well as flooding from Hurricane Michelle in 2001 compounded the humanitarian, economic, and social problems initially brought on by Hurricane Mitch in 1998, making the country unable, temporarily, to handle the return of approximately 6,000 nationals.

This assessment is consistent with a recent Department of State report that found that although reconstruction efforts have occurred, in the last year drought and another hurricane significantly affected Nicaragua's full recovery from Hurricane Mitch. Recommendation for Extension of TPS (March 22, 2002). The severe flooding alone affected more than 25,000 people and damaged over 3,000 houses, hampering reconstruction efforts following Hurricane Mitch. *Id.* Additionally, an Immigration and Naturalization Service (INS) Resource Information Center report dated March 2002 found that ''[d]roughts and flooding from Hurricane Michelle in 2001 have added to the humanitarian, economic and social problems initially brought on by Hurricane Mitch in 1998.'' The report also concludes that ''[t]hese disasters, added to other serious natural disasters during the intervening years, have produced major problems in food insecurity and unemployment of citizens.'' *Id.* Additionally, the Department of State reports that while the reconstruction projects for Hurricane Mitch funded by the United States are nearly complete, other donor projects continue. For example, the European Union began its disbursement of Hurricane Mitch reconstruction funding only in December 2001. This delay in acquiring foreign aid prevented rapid completion of reconstruction. Hurricane Michelle and the drought exacerbated the situation. Consequently, the conditions under which Nicaragua was designated for TPS have not ceased to exist and, therefore, Nicaragua remains temporarily unable to handle adequately the return of its nationals.

Based on this review, the Attorney General, after consultation with appropriate government agencies, finds that the conditions that prompted designation of Nicaragua under the TPS program continue to be met, and a 12-month extension is warranted. 8 U.S.C.1254a(b)(3)(C). There continues to be a substantial, but temporary, disruption of living conditions in Nicaragua as a result of environmental disaster, and Nicaragua continues to be unable, temporarily, to handle

adequately the return of its nationals. 8 U.S.C. 1254a(b)(1)(B)(i)–(ii). On the basis of these findings, the Attorney General concludes that the TPS designation for Nicaragua should be extended for an additional 12-month period. 8 U.S.C. 1254a(b)(3)(C).

If I Currently Have TPS Through the Nicaragua TPS Program, Do I Still Re-register for TPS?

Yes. If you already have been granted TPS through the Nicaragua TPS program, your status will expire on July 5, 2002. Accordingly, you must re-register for TPS in order to maintain your status through July 5, 2003. See the following re-registration instructions.

If I am Currently Registered for TPS, How Do I Reregister for an Extension?

All persons previously granted TPS under the Nicaragua program who wish to maintain such status must apply for an extension by filing (1) a Form I–821, Application for Temporary Protected Status, without the filing fee; (2) a Form I–765, Application for Employment Authorization; and (3) two identification photographs (1 ½ inches x 1½ inches). See the chart below to determine whether you must submit the one hundred and twenty dollar ($120) filing fee with the Form I–765. Applicants for an extension of TPS benefits do not need to be re-fingerprinted and thus need not pay the fifty dollar ($50) fingerprint fee. Children beneficiaries of TPS who have reached the age of fourteen (14) but were not previously fingerprinted must pay the fifty dollar ($50) fingerprint fee with the application for extension.

Submit the completed forms and applicable fee, if any, to the INS service center office having jurisdiction over your place of residence during the 60-day re-registration period that begins May 3, 2002 and ends July 2, 2002 (inclusive of such end date).

If—	Then—
You are applying for employment authorization until July 5, 2003	You must complete and file the Form I–765, Application for Employment Authorization, with the $120 fee.
You already have employment authorization or do not require employment authorization.	You must complete and file Form I–765 with no fee.
You are applying for employment authorization and are requesting a fee waiver.	You must complete and file: (1) Form I–765 with no fee and (2) a fee waiver request and affidavit (and any other information) in accordance with 8 CFR 244.20.

How Does an Application for TPS Affect My Application for Asylum or Other Immigration Benefits?

An application for TPS does not affect an application for asylum or any other immigration benefit. A national of Nicaragua (or alien having no nationality who last habitually resided in Nicaragua) who is otherwise eligible for TPS and has applied for, or plans to apply for, asylum, but who has not yet been granted asylum or withholding of removal, may also apply for TPS. Denial of an application for asylum or any other immigration benefit does not affect an applicant's ability to apply for TPS, although the grounds for denying one form of relief may also be grounds for denying TPS. For example, a person who has been convicted of a particularly serious crime is not eligible for asylum or TPS. 8 U.S.C. 1158(b)(2); 8 U.S.C. 1254a(c)(2)(B)(i).

Does This Extension Allow Nationals of Nicaragua (or Aliens Having No Nationality Who Last Habitually Resided in Nicaragua) Who Entered the United States After December 30, 1998, To Apply for TPS?

No. This is a notice of an extension of the TPS designation for Nicaragua, not a notice of re-designation of Nicaragua under the TPS program. An extension of TPS does not change the required dates of continuous residence and continuous physical presence in the United States. This extension does not expand TPS availability to those who are not already TPS class members. To be eligible for benefits under this extension, Nicaraguans (or aliens having no nationality and who last habitually resided in Nicaragua) must have resided continuously in the United States since December 30, 1998 and have been continuously physically present in the United States since January 5, 1999.

Is Late Initial Registration Possible?

Yes. Some persons may be eligible for late initial registration under 8 CFR 244.2. To apply for late initial registration an applicant must:

(1) Be a national of Nicaragua (or alien who has no nationality and who last habitually resided in Nicaragua);

(2) Have been continuously physically present in the United States since January 5 1999;

(3) Have continuously resided in the United States since December 30, 1998; and

(4) Be both admissible as an immigrant, except as provided under section 244(c)(2)(A) of the Act, and not ineligible under section 244(c)(2)(B) of the Act.

Additionally, the applicant must be able to demonstrate that during the initial registration period from January 5, 1999, through July 5, 2000, he or she:

(1) Was a nonimmigrant or had been granted voluntary departure status or any relief from removal;

(2) Had an application for change of status, adjustment of status, asylum, voluntary departure, or any relief from removal or change of status pending or subject to further review or appeal;

(3) Was a parolee or had a pending request for reparole; or

(4) Was the spouse or child of an alien currently eligible to be a TPS registrant. 8 CFR 244.2(f)(2).

An applicant for late initial registration must file an application for late registration within a 60-day period immediately following the expiration or termination of the conditions described above. 8 CFR 244.2(g).

Notice of Extension of Designation of Nicaragua Under the TPS Program

By the authority vested in me as Attorney General under sections 244(b)(1)(B), (b)(3)(A), and (b)(3)(C) of the Act, I have consulted with the appropriate government agencies and determine that the conditions that prompted designation of Nicaragua for TPS continue to be met. 8 U.S.C. 1254a(b)(3)(A). Accordingly, I order as follows:

(1) The designation of Nicaragua under section 244(b) of the Act is extended for an additional 12-month period from July 5, 2002, to July 5, 2003. 8 U.S.C. 1254a(b)(3)(C).

(2) There are approximately 6,000 nationals of Nicaragua (or aliens having no nationality who last habitually resided in Nicaragua) who have been granted TPS and who are eligible for re-registration.

(3) To maintain TPS, a national of Nicaragua (or an alien having no nationality who last habitually resided in Nicaragua) who received TPS during the initial designation period must re-

register for TPS during the 60-day re-registration period from May 3, 2002 until July 2, 2002.

(4) To re-register, the applicant must file the following: 1) Form I–821, Application for Temporary Protected Status; 2) Form I–765, Application for Employment Authorization; and 3) two identification photographs (1½ inches by 1½ inches). There is no fee for a Form I–821 filed as part of the re-registration application. If the applicant requests employment authorization, he or she must submit one hundred and twenty dollars ($120) or a properly documented fee waiver request, pursuant to 8 CFR 244.20, with the Form I–765. An applicant who does not request employment authorization must nonetheless file Form I–765 along with Form I–821, but is not required to submit the fee. The fifty dollar ($50) fingerprint fee is required only for children beneficiaries of TPS who have reached the age of 14 but were not previously fingerprinted. Failure to re-register without good cause will result in the withdrawal of TPS. 8 CFR 244.17(c). Some persons who had not previously applied for TPS may be eligible for late initial registration under 8 CFR 244.2.

(5) At least 60 days before this extension terminates on July 5, 2003, the Attorney General will review the designation of Nicaragua under the TPS program and determine whether the conditions for designation continue to be met. 8 U.S.C. 1254a(b)(3)(A). Notice of that determination, including the basis for the determination, will be published in the **Federal Register**. 8 U.S.C 1254a(b)(3)(A).

(6) Information concerning the extension of designation of Nicaragua under the TPS program will be available at local INS offices upon publication of this notice and the INS National Customer Service Center at 1–800–375–5283. This information will also be published on the INS website at *http://www.ins.usdoj.gov*.

Dated: April 30, 2002.

John Ashcroft,

Attorney General.

[FR Doc. 02–11129 Filed 5–1–02; 12:59 pm]

BILLING CODE 4410–10–P

DEPARTMENT OF LABOR

Employment Standards Administration; Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon And Related Acts,'' shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S–3014, Washington, DC 20210.

New General Wage Determination Decisions

The number of the decisions added to the Government Printing Office document entitled ''General Wage Determinations Issued Under the Davis-Bacon and Related Acts'' are listed in Volume and States:

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Ohio
OH020032 (May 3, 2002)
OH020033 (May 3, 2002)
OH020034 (May 3, 2002)
OH020035 (May 3, 2002)
OH020036 (May 3, 2002)
OH020037 (May 3, 2002)
OH020038 (May 3, 2002)

Withdrawn General Wage Determination Decision

This is to advise all interested parties that the department of labor is withdrawing, from the date of this notice, General Wage Determination No. KY020048. See KY020001.

Contracts for which bids have been opened shall not be affected by this notice. Also consistent with 29 CFR 1.6(c)(2)(i)(A), when the opening of bids is less than ten (10) days from the date of this notice, this action shall be effective unless the agency finds that there is insufficient time to notify bidders of the change and the finding is documented in the contract file.

Modification to General Wage Determination Decisions

The number of the decisions listed to the Government Printing Office document entitled ''General Wage Determinations Issued Under the Davis-Bacon and related Acts'' being modified are listed by Volme and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

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General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under the Davis-Bacon And Related Acts''. This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

General wage determinations issued under the Davis-Bacon and related Acts are available electronically at no cost on the Government Printing Office site at *www.access.gpo.gov/davisbacon.*

They are also available electronically by subscription to the Davis-Bacon Online Service (*http://davisbacon.fedworld.gov*) of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at 1–800–363–2068. This subscription offers value-added features such as electronic delivery of modified wage decisions directly to the user's desktop, the ability to access prior wage decisions issued during the year, extensive Help desk Support, etc.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 512–1800.

When ordering hard-copy subscription(s), be sure to specify the

State(s) of interest, since subscriptions may be ordered for any or all of the six separate Volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC, this 25th day of April 2002.

Terry Sullivan,

Acting Chief, Branch of Construction Wage Determination Wage Determinations.

[FR Doc. 02–10736 Filed 5–2–02; 8:45 am]

BILLING CODE 4510–27–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. ICR–1218–0225(2002)]

Telecommunications; Extension of the Office of Management and Budget's Approval of Information-Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for comment.

SUMMARY: OSHA requests comment concerning its proposed extension of the information-collection requirement specified in the Standard on Telecommunications (29 CFR 1910.268(c)) to develop and maintain records certifying that employees have been trained as outlined in the Standard.

DATES: Submit written comments on or before July 2, 2002.

ADDRESSES: Submit written comments to the Docket Office, Docket No. ICR–1218–0225(2002), OSHA, U.S. Department of Labor, Room N–2625, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693–2350. Commenters may transmit written comments of 10 pages or less by facsimile to: (202) 693–1648.

FOR FURTHER INFORMATION CONTACT: Theda Kenney, Directorate of Safety Standards Programs, OSHA, U.S. Department of Labor, Room N–3609, 200 Constitution Avenue, NW, Washington, DC 20210; telephone (202) 693–2222. A copy of the Agency's Information-Collection Report (ICR) supporting the need for the information collection specified in the Standard on Telecommunications is available for inspection and copying in the Docket Office, or by requesting a copy from Theda Kenney at (202) 693–2222 or Todd Owen at (202) 693–2444. For electronic copies of the ICR, contact OSHA on the Internet at *http://www.osha.gov* and select ''*Information Collection Requests.*''

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (i.e., employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information-collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA–95) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information-collection burden is correct.

The Telecommunications Standard specified one collection of information (paperwork) requirement. The following section describes who uses the information collected under the requirement, as well as how they use it. Based on previous ICR approvals, OSHA has determined that the training requirement in paragraph (c) of the Standard is not a collection of information under the Paperwork Reduction Act.

Training (paragrah (c)). Under the paperwork requirement specified by paragraph (c) of the Standard, employers must certify that his or her employees have been trained as outlined in the Standard by preparing a certification record which includes the identity of the person trained, the signature of the employer or the person who conducted the training, and the date the training was completed. The certification record shall be prepared at the completion of training and shall be maintained on file for the duration of the employee's employment. The information collection would be used by compliance officers to determine that employees have been properly trained according to the requirements set forth in 29 CFR 1910.268(c).

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information-collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information-collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information-collection and -transmission techniques.

III. Proposed Actions

OSHA proposes to extend the Office of Management and Budget's (OMB) approval of the collection-of-information requirements specified in the Standard on Telecommunications (29 CFR 1910.28). OSHA will summarize the comments submitted in response to this notice, and will include this summary in its request to OMB to extend the approval of the information-collection requirement.

Type of Review: Extension of a currently-approved information-collection requirement.

Title: Telecommunications (Training Certification) (29 CFR 1910.268(c)).

OMB Number: 1218–0225.

Affected Public: Business or other for-profit; not-for-profit institutions; Federal government; State, local or tribal governments.

Number of Respondents: Varies, there are about 306 employers with approximately 1.1 million employees.

Frequency: On occasion.

Average Time per Response: Varies from 2 minutes (.03 hour) to 4 minutes (.07 hour).

Estimated Total Burden Hours: 7,487.

IV. Authority and Signature

John L. Henshaw, Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506) and Secretary of Labor's Order No. 3–2000 (65 FR 50017).

Signed at Washington, DC on Arpil 29, 2002.

John L. Henshaw

Assistant Secretary of Labor.

[FR Doc. 02–11011 Filed 5–2–02; 8:45 am]

BILLING CODE 4510–26–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. ICR–1218–0220(2002)]

Shipyard Employment Standards (29 CFR Part 1915); Extension of the Office of Management and Budget's Approval of Information-Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for comment.

SUMMARY: OSHA requests comment concerning its proposed extension of the information-collection requirements specified by its Shipyard Employment Standards (29 CFR part 1915). OSHA also requests comment on the proposed decrease in burden hours associated with the information collected. The paperwork provision of the Standard specifies a requirement for testing hooks (29 CFR 1915.113(b)(1)) and for examining and testing portable air receivers and other unfired pressure vessels (29 CFR 1915.172(d)) used in shipyards. The employer must prepare a certification record to certify that the tests were performed as specified in the Standard. The purpose of the requirement is to reduce employees' risk of death or serious injury by ensuring that equipment is in safe operating condition.

DATES: Submit written comments on or before July 2, 2002.

ADDRESSES: Submit written comments to the Docket Office, Docket No. ICR–1218–0220(2002), OSHA, U.S. Department of Labor, Room N–2625, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693–2350. Commenters may transmit written comments of 10 pages or less by facsimile to (202) 693–1648.

FOR FURTHER INFORMATION CONTACT: Theda Kenney, Directorate of Safety Standards Program, OSHA, U.S. Department of Labor, Room N–3609, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693–2222. A copy of the Agency's Information-Collection Request (ICR) supporting the need for the information collection specified by the Shipyard Employment Standards is available for inspection and copying in the Docket Office, or by requesting a copy from Theda Kenney at (202) 693–2222, or Todd Owen at (202) 693–2444. For electronic copies of the ICR, contact OSHA on the Internet at *http://www.osha.gov* and select ''*Information Collection Requests*.''

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (i.e., employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information-collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA–95) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are understandable, and OSHA's estimate of the information-collection burden is correct.

The Standard specifies two paperwork requirements. The following sections describe who uses the information collected under each requirement, as well as how they use it. The purpose of these requirements is to reduce employees' risk of death or serious injury by ensuring that equipment has been tested and is in safe operating condition.

• *Test Records for Hooks (paragraphs 1915.113(b)(1)).* This paragraph requires that the manufacturer's recommendations be followed in determining the safe working loads of the various sizes and types of hooks. If the manufacturer's recommendations are not available, the hook must be tested to twice the intended safe working load before it is initially put into use. The employer must maintain and keep readily available a certification record which includes the date of such test, the signature of the person who performed the test, and the identifier for the hook which was tested.

• *Examination and Test Records for Unfired Pressure Vessels (paragraph 1915.172(d)).* This paragraph requires that portable, unfired pressure vessels be examined *quarterly* by a competent person and subjected to a *yearly* hydrostatic pressure test. A certification record of such examinations and tests shall be maintained.

The records are used to assure that equipment has been properly tested. The records also provide the most efficient means for the compliance officers to determine that an employer is complying with the Standard.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

• Whether the proposed information-collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;

• The accuracy of OSHA's estimate of the burden (time and costs) of the information-collection requirements, including the validity of the methodology and assumptions used;

• The quality, utility, and clarity of the information collected; and

• Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information-collection and -transmission techniques.

III. Proposed Actions

OSHA proposes to extend the Office of Management and Budget's (OMB) approval of the collection-of-information requirements specified by the Shipyard Employment Standards (29 CFR part 1915). The Agency will summarize the comments submitted in response to this notice, and will include this summary in its request to OMB to extend the approval of these information-collection requirements.

Type of Review: Extension of a currently-approved information-collection requirement.

Title: Shipyard Employment Standards (29 CFR part 1915).

OMB Number: 1218–0220.

Affected Public: Business or other for-profit; not-for-profit institutions; Federal government; State, local, or tribal governments.

Number of Respondents: 800.

Frequency of Recordkeeping: On occasion.

Average Time per Response: Varies from 20 minutes to 35 minutes.

Total Annual Hours Requested: 4,416 hours.

Total Annual Costs (O&M): $0.

IV. Authority and Signature

John L. Henshaw, Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506), and Secretary of Labor's Order No. 3–2000 (65 FR 50017).

Signed at Washington, DC on April 30, 2002.

John L. Henshaw,

Assistant Secretary of Labor.

[FR Doc. 02–11012 Filed 5–2–02; 8:45 am]

BILLING CODE 4510–26–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. ICR–1218–0219(2002)]

Servicing Multi-Piece and Single Piece Rim Wheels Standard; Extension of the Office of Management and Budget's Approval of Information-Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for comment.

SUMMARY: OSHA requests comment concerning its proposed extension of the information-collection requirements specified by its Servicing Multi-Piece and Single Piece Rim Wheels Standard (29 CFR 1910.177). The paperwork provision in the Standard specifies a requirement for the manufacturer or a Registered Professional Engineer to certify that repaired restraining devices and barriers meet the strength requirements specified in the Standard. The purpose of the requirement is to reduce employees' risk of death or serious injury by ensuring that restraining devices and barriers used during the servicing of multi-piece rim wheels are capable of withstanding the forces that may be transmitted to them if separation occurs during rim servicing.

DATES: Submit written comments on or before July 2, 2002.

ADDRESSES: Submit written comments to the Docket Office, Docket No. ICR–1218–0219(2002), OSHA, U.S. Department of Labor, Room N–2625, 200 Constitution Avenue, NW., Washington, DC 20210; telephone: (202) 693–2350. Commenters may transmit written comments of 10 pages or less by facsimile to (202) 693–1648.

FOR FURTHER INFORMATION CONTACT: Theda Kenney, Directorate of Safety Standards Programs, OSHA, U.S. Department of Labor, Room N–3609, 200 Constitution Avenue, NW., Washington, DC 20210; telephone: (202) 693–2222. A copy of the Agency's Information-Collection Request (ICR) supporting the need for the information collection specified by the Servicing of Multi-Piece and Single Piece Rim Wheels Standard is available for inspection and copying in the Docket Office, or by requesting a copy from Theda Kenney at (202) 693–2222, or Todd Owen at (202) 693–2444. For electronic copies of the ICR, contact OSHA on the Internet at *http://www.osha.gov* and select ''*Information Collection Requests*.''

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (i.e., employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information-collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA–95) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are understandable, and OSHA's estimate of the information-collection burden is correct.

The Servicing of Multi-Piece and Single Piece Rim Wheels Standard (i.e., ''the Standard'') specifies one paperwork requirement. The following section describes who uses the information collected under the requirement, as well as how they use it. The purpose of the requirement is to reduce employees' risk of death or serious injury by ensuring that restraining devices used by them during the servicing of multi-piece and single piece rim wheels are in safe operating condition. Based on previous ICR approvals, OSHA has determined that the training requirements in paragraphs (c), (f), and (g) of the Standard are not collection of information requirements under the Paperwork Reduction Act.

Certification of Repair (paragraph (d)(3)(iv)) This paragraph requires that when restraining devices and barriers are removed from service because they have been found to be defective, they shall not be returned to service until they are repaired and reinspected. If the repair is of a structural nature, the manufacturer or a Registered Professional Engineer must certify that the strength requirements specified in paragraph (d)(3)(i) of the standard have been met.

The certification records are used to assure that equipment has been properly repaired. The certification records also provide the most efficient means for the compliance officers to determine that an employer is complying with the Standard.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information-collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information-collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information-collection and -transmission techniques.

III. Proposed Actions

OSHA proposes to extend the Office of Management and Budget's (OMB) approval of the collection-of-information requirements specified by the Servicing Multi-Piece and Single Piece Rim Wheels Standard (29 CFR 1910.177). The Agency will summarize the comments submitted in response to this notice, and will include this summary in its request to OMB to extend the approval of these information-collection requirements.

Type of Review: Extension of a currently-approved information-collection requirement.

Title: Servicing Multi-Piece and Single Piece Rim Wheels (29 CFR 1910.177).

OMB Number: 1218–0219.

Affected Public: Business or other for-profit; not-for-profit institutions; Federal government, State, local, or tribal governments.

Number of Respondents: 8.

Frequency of Recordkeeping: On occasion.

Average Time per Response: 5 minutes (.08 hour).

Total Annual Hours Requested: 1 hour.

Total Annual Costs (O&M): $0.

IV. Authority and Signature

John L. Henshaw, Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506), and Secretary of Labor's Order No. 3–2000 (65 FR 50017).

Signed at Washington, DC on April 30, 2002.

John L. Henshaw,

Assistant Secretary of Labor.

[FR Doc. 02–11010 Filed 5–2–02; 8:45 am]

BILLING CODE 4510–26–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 71–0122, Approval No. 0122, EA–01–164]

In the Matter of J.L. Shepherd & Associates, San Fernando, CA; Confirmatory Order Relaxing Order (Effective Immediately)

I

J.L. Shepherd & Associates (JLS&A) was the holder of Quality Assurance (QA) Program Approval for Radioactive Material Packages No. 0122 (Approval No. 0122), issued by the U. S. Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR part 71, Subpart H. QA activities authorized by Approval No. 0122 include: design, procurement, fabrication, assembly, testing, modification, maintenance, repair, and use of transportation packages subject to the provisions of 10 CFR part 71. Approval No. 0122 was originally issued January 17, 1980. Based on JLS&A's failure to comply with 10 CFR part 71, QA Program Approval No. 0122 was withdrawn, by the immediately effective NRC Order, dated July 3, 2001, (66 FR 36603, July 12, 2001).

II

The NRC issued the July 3, 2001, Order (July 2001 Order) because the NRC lacked confidence that JLS&A would implement the QA Program approved by the NRC in accordance with 10 CFR part 71, Subpart H, in a manner that would assure the required preparation and use of transportation packages in full conformance with the terms and conditions of an NRC Certificate of Compliance (CoC) and with 10 CFR part 71.

Subsequent to the July 2001 Order, JLS&A requested interim relief from the July 2001 Order based on JLS&A's proposed Near-Term Corrective Action Plan, to allow shipments, in U.S. Department of Transportation specification packaging designated as 20WC. Based on a showing of good cause the NRC issued Confirmatory Orders dated September 19, 2001, (66 FR 49708, September 28, 2001), December 13, 2001, (66 FR 67556, December 31, 2001), and March 29, 2002, (67 FR 16457, April 5, 2002), which relaxed the July 2001 Order by granting interim relief to allow specific shipments to identified customers in 20WC packages in accordance with JLS&A's Near-Term Corrective Action Plan, provided JLS&A satisfactorily completed certain commitments.

III

On April 16, 2002, JLS&A requested that the July 2001 Order be further relaxed based on a showing of good cause. Specifically, JLS&A requested permission to proceed with urgently needed shipments to and from the University of North Carolina, the City of Hope National Medical Center, and Duke and Baylor Universities in the Department of Transportation specification packaging designated as 20WC in accordance with JLS&A's Near-Term Corrective Action Plan. If JLS&A cannot perform its contractual obligations it advises that it stands to lose its anticipated revenue, and additionally that the two research institutions will lose grants and Duke and Baylor Universities will lose federal funds to remove obsolete calibrators. These shipments were previously identified in a request for permission to ship to an expanded listing of customers identified in JLS&A's February 26, 2002, letter, as supplemented, which is pending before the NRC. JLS&A proposes to use its Near-Term Corrective Action Plan specified in the March 29, 2002, Confirmatory Order for the shipments to and from the two research institutions, and Duke and Baylor Universities. JLS&A committed to: (1) Inspect the 20WC package (both shield and overpack); (2) document the inspection in a separate report; (3) perform the shipping and inspection function only by trained personnel; and (4) have the Independent Auditor verify compliance of each shipment with the foregoing commitments and certify such compliance in the monthly reports to the NRC.

In addition, on February 26, 2002, JLS&A consented to issuance of this Confirmatory Order granting interim relief from the July 2001 Order subject to the foregoing commitments, as set forth in Section IV below, agreed that this Confirmatory Order is to be effective upon issuance, and agreed to waive its right to a hearing on this action. Implementation of these commitments will provide assurance that sufficient resources will be applied to the QA program, and that the program will be conducted safely and in accordance with NRC requirements.

I find that good cause exists to relax the July 2001 Order to allow the limited number of shipments requested and that JLS&A's commitments as set forth in Section IV are acceptable and necessary and conclude that with these commitments the public health and safety are reasonably assured. The NRC staff reviewed JLS&A's relief request to determine whether to grant the requested relief with assurances that public health and safety are maintained. In view of the foregoing, I have determined that the public health and safety require that JLS&A's commitments be confirmed by this Confirmatory Order. Based on the above and JLS&A's consent, this Confirmatory Order is effective immediately upon issuance.

IV

Accordingly, pursuant to Sections 62, 81, 161b, 161i, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR parts 71 and 110, *It Is Hereby Ordered,* effective immediately, that the July 3, 2001, Order is relaxed to grant interim relief, to complete shipments to and from the University of North Carolina and the City of Hope National Medical Center, and Duke and Baylor Universities, in accordance with JLS&A'S Near-Term Corrective Action Plan, provided:

1. JLS&A uses the implementing procedures for the 1995 QA program plan, as revised, and the Near-Term Corrective Action Plan to complete an inspection of the 20WC packages involved in the shipments. The inspection will confirm that the packages and associated procedures are in conformance with 49 CFR 178.362, ''Specification 20WC wooden protective jacket.'' Each inspection will include, at a minimum, actual physical measurements, and visual inspections for damage, corrosion, or other potentially unacceptable conditions;

2. JLS&A documents the results of each inspection in separate reports approved by the QA Administrator and prepared in accordance with the revised 1995 QA program plan and implementing procedures. The report will include the list of attributes verified, the acceptance criteria, and the results for each attribute;

3. JLS&A uses JLS&A's staff, contractors, and sub-contractors, trained in the Near-Term Corrective Action Plan and the revised 1995 QA program plan and implementing procedures for conducting the inspections listed in the above condition; and,

4. JLS&A uses an Independent Auditor, approved by the Commission, to ensure that the three conditions listed above have been completed. Additionally, the Independent Auditor shall conduct monthly QA program audits and will provide NRC with a report by the 20th of each month. The Independent Auditor shall verify the compliance of each shipment with the three Conditions listed above and certify

to the Commission in its monthly reports.

The Director, Office of Enforcement, or the Director, Office of Nuclear Material Safety and Safeguards, may in writing, relax or rescind this Confirmatory Order upon demonstration of good cause by the JLS&A.

V

In accordance with 10 CFR 2.202, any person, other than JLS&A, adversely affected by this Confirmatory Order may request a hearing within 20 days of its issuance. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and include a statement of good cause for the extension. Any request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, ATTN: Rulemakings and Adjudications Staff, Washington, DC 20555. Copies of the hearing request also should be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, to the Director, Office of Nuclear Material Safety and Safeguards at the same address, to the Assistant General Counsel for Materials Litigation and Enforcement at the same address, to the Regional Administrator, NRC Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, TX 76011, and to JLS&A. If such person requests a hearing, that person shall set forth with particularity the manner in which his or her interest is adversely affected by this Confirmatory Order and shall address the criteria set forth in 10 CFR 2.714(d).

If a hearing is requested by a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Confirmatory Order should be sustained. In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Confirmatory Order without further Order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received. A request for hearing shall not stay the immediate effectiveness of this confirmatory order.

Dated this 26th day of April, 2002.

For the Nuclear Regulatory Commission.

Frank J. Congel,

Director, Office of Enforcement.

[FR Doc. 02–11024 Filed 5–2–02; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Solicitation of Public Comments on Agency Guidelines for Ensuring Information Quality

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Request for public comment.

SUMMARY: The NRC is requesting comments from members of the public, licensees, and interest groups on its draft Information Quality (IQ) Guidelines. Focus questions have been provided to increase public feedback. The IQ Guidelines contain the Commission's policy and procedures for ensuring the quality of information before it is disseminated to the public. It also contains the procedures by which an affected person may obtain correction of information that does not comply with the IQ Guidelines. The Commission will consider comments received in response to this notice in developing its final IQ Guidelines.

DATES: Comments are due by May 30, 2002. Comments received after this date will be considered if it is practical to do so, but the NRC is able to only ensure consideration only for comments received on or before this date.

ADDRESSES: Comments may be mailed to Information Quality, c/o Vicki Yanez, Web, Publishing, and Distribution Services Division, Office of the Chief Information Officer, Mail Stop: T6–E7, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, e-mailed to *infoquality@nrc.gov*, or faxed to 301–415–5272. Comments may also be submitted at the NRC Web site information quality comment form that is accessible from NRC's ''Contact Us'' Web page (*http://www.nrc.gov/contact-us*). Comments may be delivered to Vicki Yanez, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, between 7:30 a.m. and 4:15 p.m. on Federal workdays.

FOR FURTHER INFORMATION CONTACT: Vicki Yanez, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–6844 or by Internet electronic mail at *infoquality@nrc.gov.*

SUPPLEMENTARY INFORMATION:

OMB and Agency Responsibilities

Section 515(a) of the Treasury and General Government Appropriations Act, FY 2001 (Pub. L. 106–554), directed the Director, Office of Management and Budget (OMB), to issue guidelines that provide policy and procedural guidance to Federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by Federal agencies in fulfillment of the purposes and provisions of the Paperwork Reduction Act. OMB issued its final guidelines on September 28, 2001. Subsequent guidance was issued by OMB on February 22, 2002 (67 FR 8452). These guidelines require agencies subject to the Paperwork Reduction Act, including the NRC, to:

1. Issue their own information quality guidelines ensuring and maximizing the quality, utility, integrity, and objectivity of information disseminated by the agency;

2. Establish an administrative mechanism allowing affected persons to seek and obtain correction of information maintained and disseminated by the agency that does not comply with these guidelines; and

3. Report annually to the Director of OMB the number and nature of complaints received by the agency regarding compliance with these guidelines concerning the quality, utility, integrity, and objectivity of information and how such complaints were resolved.

The OMB guidelines further establish the following schedule:

May 1, 2002.

• Submit a draft report to OMB providing NRC's information quality guidelines and explaining how these guidelines will ensure and maximize the quality, utility, integrity, and objectivity of information disseminated by the NRC.

• Publish the draft report in the **Federal Register**; post the draft report on the NRC public Web site; ask for public comments on the report.

July 1, 2002.

• Submit to OMB for review the agency's revised quality guidelines that reflect public comments.

October 1, 2002.

• Publish in the **Federal Register** a notice of availability of the final NRC guidelines and post the guidelines on the NRC public Web Site.

• Ensure that information covered by these guidelines and disseminated for the first time by NRC on or after this date has undergone reviews for quality.

January 1, 2004 and each January 1 thereafter.

• Submit to the Director of OMB a report on the number and nature of complaints received by NRC regarding NRC's compliance with these OMB guidelines and the resolution of complaints received.

Draft Report to the Office of Management and Budget Information Quality Guidelines of the U.S. Nuclear Regulatory Commission

NRC's Commitment to Information Quality

NRC's mission is to regulate nuclear facilities and nuclear materials to protect the public health and safety, the environment, and the common defense and security. NRC recognizes that its decisions must be objective and clear to the public. Decisions must be based on sound scientific information and accurate data. Because of the importance of openness and transparency, NRC routinely makes available to the public the majority of its regulatory documents, information about its decision-making processes, and the standards used to analyze information submitted to NRC by the regulated community.

Much of the information NRC makes publicly available does not fall within the scope of the OMB guidelines. However, NRC is committed to quality for all of the information it disseminates, even if it is not specifically covered by these guidelines. NRC policies and processes are designed to ensure that NRC information reflects a level of quality commensurate with the nature of the information. This includes information ranging from explanatory information designed to enhance the general public's understanding of NRC's mission to complex scientific and engineering analyses that forms the technical basis for our rules and regulatory decisions.

General Approach

NRC's proposed Information Quality (IQ) Guidelines rely on existing agency policies and procedures to meet the standards for information quality. In accordance with OMB's guidelines, NRC uses a graduated approach to ensuring information quality—the more influential the information, the more rigorous the quality standards used—with the most influential scientific, financial, and statistical (SFS) data being subject to the most rigorous IQ standards and procedures.

OMB defines influential SFS information to encompass information that ''the agency can reasonably determine that dissemination of the information will have or does have a clear and substantial impact on important public policies or important private sector decisions.'' OMB authorized each agency to define influential SFS in ways appropriate for it, given the nature of the issues for which the agency is responsible.

NRC has defined influential SFS as information that forms the technical basis for a substantive rulemaking that has substantial impact on an industry. There may also be other types of information that the NRC deems ''influential'' under its guidelines on a case-by-case basis.

NRC's definition of influential information principally applies to SFS information that forms the basis for rulemaking because rules are legally binding, whereas other agency issuances, such as Regulatory Guides, Generic Communications, and others do not mandate industry-wide compliance. Substantive rules are those technical regulations that have a substantial impact on an entire industry. These rules, for example, could include revisions to 10 CFR part 50 regulations for power reactors, or revisions to 10 CFR part 70 regulations for major fuel cycle facilities that would have an additional substantial impact on an industry.

Components of Information Quality

OMB's guidelines define three components of information quality: utility, integrity, and objectivity. The following sections describe how NRC's proposed guidelines ensure that agency information meets the OMB standards for these three components.

How NRC's Draft Guidelines Meet the Standard for Information Utility

Utility refers to the usefulness of information to its intended user. The NRC's proposed Information Quality Guidelines are built on existing policies and procedures to meet the standard for information utility.

NRC ensures information utility (1) through existing agency policies that determine what information is disseminated and how quickly it is made available; (2) by on-going processes such as feedback forms and user groups to solicit input on the public's interests pertaining to what and how information is disseminated, (3) by existing processes that routinely request public comments on individual documents, and (4) by existing tools and assistance to help the public find the information they are seeking.

NRC's internal policy on the public release of information directs the staff to make public all information associated with the agency's regulatory processes and decisions unless release is restricted because, for example, it contains classified national security information, safeguards information, proprietary information, is protected by the Privacy Act, or contains other information withholdable under the Freedom of Information Act. This policy includes specific timeliness requirements. NRC information is available through the agency's Web site at *www.nrc.gov* and through the Agencywide Document Access and Management System (ADAMS), which is accessible from the Electronic Reading Room at NRC's Web site. ADAMS provides the public with access to the full text of the record copy for virtually all of NRC's publicly available records. A few records, too large for convenient access in ADAMS, are available on CD-ROM from the NRC Public Document Room.

NRC notes that since September 11, 2001, the information made available on the agency Web site is under review to ensure that homeland security is not compromised. This reassessment balances restrictions related to homeland security with the need for the public to have information about NRC's regulatory activities and the industry NRC regulates. As information is cleared, it is being restored to the site.

NRC actively seeks public input on its major approaches to information dissemination—the Web and ADAMS. During the process of redesigning NRC's public Web site, NRC conducted two usability surveys, held focus group meetings with several stakeholder groups, and made a prototype site publicly available for comment. Information obtained through these activities has been incorporated into the redesign of the NRC public Web site. An example of a suggestion from the public that was adopted during the redesign is the *Documents for Comment* page, which provides access to all agency documents available for comment from a single page. OMB recently approved a Web site feedback form through which NRC intends to continue the process of collecting public comments and measuring public satisfaction with its Web site. In addition, the NRC has formed a public user group to obtain public input on ADAMS, the document management system described above. The user group serves as a forum for two-way communications with the agency about making ADAMS more accessible and easier to use.

NRC frequently seeks public comment on particular information products through public meetings, comment forms at its Web site, in **Federal Register** Notices, and at its online *rulemaking forum* and *technical*

conference Web pages. These opportunities for comment and interaction are described at the NRC's Web site under *Public Involvement* (*http://www.nrc.gov/public-involve.html*), specifically at the *Documents for Comment* page (*http://www.nrc.gov/public-involve/doc-comment.html*), and also at *Contact Us* (*http://www.nrc.gov/who-we-are/contactus.html*).

Another important component of utility is the ability of the user to find the information he or she is seeking. In the recent redesign of NRC's Web site, the agency made a special effort to enhance the public's ability to find information. This included organizing information in response to public interests, highlighting key topics important to the public, improving and standardizing Web site navigation, improving the site's finding aids (site search, index, and site map), and making all contact information available from a single page (Contact Us). In addition, NRC has a full-time staff of technical reference librarians in the agency's Public Document Room (PDR) whose sole mission is to help the public find and obtain the information they seek. The PDR staff may be reached by visiting the PDR, or by phone, fax, mail, e-mail, or a query form available at the Web site.

How NRC's Draft Guidelines Meet the Standard for Information Integrity

Integrity refers to the security of information—its protection from unauthorized access or revision to ensure that the information is not compromised. NRC's proposed Information Quality Guidelines are built on extensive existing policies and procedures to meet the standard for information integrity.

The agency ensures information integrity by issuing security clearances to employees, contractors, and others commensurate with their access to NRC, physical and electronic access controls to information and the equipment used to process it; by the security practices required for agency computer systems; by the agency's records management processes; and by management controls and concurrences that are required before information is finalized and made publicly available.

In addition to requiring clearances for all employees, NRC requires contractors with access to computer systems and associated information to undergo a clearance process. Levels of clearance depend on the sensitivity of the information to which the individual requires access.

Only certain authorized staff or contractors have physical access to the computer facilities used to store and process NRC's information and records. Electronic access is password protected and levels of access are graduated, with only a few authorized staff and contractors having the more powerful systems administration privileges.

The NRC's policies concerning system development and maintenance ensure that computer systems implemented by the NRC are reliable and do not inadvertently alter data. These policies require that systems, prior to acceptance, be tested to ensure proper performance of the software and the supporting network and telecommunications systems. Computer security controls determine appropriate levels of access to computers, network equipment, and to files in computer systems, as specified in policies on computer and telecommunications security.

NRC's records management program ensures that the agency's official records are properly maintained and protected. The Agencywide Documents Access and Management System (ADAMS) stores official records in an image format to ensure the fidelity of the records. Once a document is declared as an official record in ADAMS it cannot be deleted or changed except by authorized records officials with explicit approval by senior management. A completely independent document repository contains copies of the official records, which the public may view through the NRC Web site. Incoming information which supports agency regulatory decisions is scanned as an image, stored in the same manner, and is thus protected from tampering.

NRC's correspondence policy specifies the agency's management review and approval process needed to finalize an internally generated document before it becomes an official record. It is NRC's policy that no copy of a document is made publicly available unless it is an official record. In addition, NRC's Web policies specify the approvals required for the contextual information pages at our Web site (all information at the Web site other than copies of official record documents).

How NRC's Draft Guidelines Meet the Standard for Information Objectivity

Objectivity, as defined in the OMB guidelines, addresses both presentation and substance. The presentation and substance of the information must be accurate, clear, complete, reliable, and unbiased. NRC's proposed Information Quality Guidelines are built on numerous existing policies and procedures to meet the standard for information objectivity.

NRC's existing policies and standards ensure that NRC information meets the standards for objectivity, in both presentation and substance. These policies address correspondence, NRC reports, contractor and grantee reports, and public Web site standards. The agency's Regulations Handbook and Regulatory Analysis Guidelines also address objectivity.

The NRC recognizes the special requirements for ensuring objectivity for SFS information. It is important that this information be unbiased and transparent. Transparency refers to the practices of describing the data and methods used in developing an information product in a way that it would be possible for an independent, qualified individual or organization in some cases to reproduce the results.

To ensure that such information is unbiased, the NRC has several existing external Advisory Committees to provide peer review of agency technical information. These Advisory bodies are:

- The Advisory Committee on Reactor Safeguards (ACRS)
- The Advisory Committee on Nuclear Waste (ACNW)
- The Advisory Committee on Medical Uses of Isotopes (ACMUI)

The Charters of the ACRS, ACNW, and ACMUI are available at the agency Public Web site at *http://www.nrc.gov/what-we-do/regulatory/advisory.html.*

For activities related to the nuclear materials program, the NRC coordinates regulatory responsibilities with the Agreement States. It is NRC's policy to provide an opportunity to these Agreement States for early and substantive involvement in the formulation of rules, policies, directives or guidance. For some of the more significant materials regulatory changes, NRC and Agreement States form work teams to develop new regulatory products. For example, the revision to NRC's regulations for the medical community (10 CFR part 35) involved extensive interaction with the Agreement States. NRC also provides opportunity for active State involvement through the Governor appointed State Liaison Officers Program.

NRC has also established an internal advisory group—the Committee for Review of Generic Requirements (CRGR)—that reviews proposed changes to regulatory requirements, generic correspondence, and regulatory guidance. The CRGR reviews the implications of backfitting the proposed regulatory changes on NRC licensees to ensure they are justified. The CRGR also reviews the use of risk-informed

approaches in NRC's regulatory requirements.

Also, consistent with the traditional means by which scientific and engineering communities ensure the quality of research, the NRC requires that the results of the research it sponsors be subjected to independent peer review to ensure that it is unbiased.

The NRC produces transparent analytic results by requiring that the data and methods used are explained. Results are intended to be reproducible by a qualified third party. NRC's existing policy and procedures concerning the preparation of staff, contractor, and grantee reports and in the Regulatory Analysis Guidelines ensure transparency and reproducibility. Transparency is promoted by including a methodology section in research and investigative reports that describes the methods used and data sources, including any computer codes, for the results reached. Some of these analytical methods are described in NRC's Regulatory Guides, Standard Review Plans, the NRC Inspection Manual, the NRC Enforcement Manual, and other agency technical reports. In addition, much of the data from license applications or other incoming industry documents are also made publicly available.

In situations where public access to data and methods will not occur due to other compelling interests (*e.g.*, classified national security information, safeguards information, proprietary information, or information protected by the Privacy Act), the NRC applies rigorous checks of analytic results and documents the checks undertaken.

The NRC believes that public involvement is a key element of the information quality process and an important element of ensuring unbiased, transparent analyses. This belief is reflected in NRC's use of participatory rulemaking practices and its encouragement of public comment on draft rulemakings and draft guidance documents. These opportunities for comment and interaction are described at the NRC's Web site under *Public Involvement* (*http://www.nrc.gov/public-involve.html*) and also at *Contact Us* (http://www.nrc.gov/who-we-are/contactus.html). Public meetings are announced on our agency's Web site at the Public Meeting Schedule page. The agency's public meeting practices include live Webcasts of Commission meetings and the use of facilitators in meetings designed for public interaction to maximize meeting effectiveness.

Administrative Processes for the Public To Seek Correction of Information

As illustrated in the discussion above, the processes that the NRC uses to generate and disseminate information provide a variety of ways in which the public can seek corrections of information throughout the development process of a final information product. As described in the draft guidelines that follow, the NRC will provide a new process by which the public can seek corrections of information as described in Section 515(a) of Public Law 106–554.

Conclusion

The NRC's existing policy and procedures meet OMB's information quality standards for information quality. As described above, quality is achieved through numerous existing agency review processes, commensurate with the nature of the information, that occur prior to public dissemination. Additionally, the NRC's five-member Commission reviews and approves all important policies.

Focus Questions

To increase public feedback, the NRC has provided these questions to focus comments, but all comments will be considered.

NRC Information Quality Guidelines

Do the NRC's Information Quality Guidelines achieve the goals set out by the OMB's guidance?

Does the NRC clearly describe how quality is addressed in all information products disseminated?

Does the NRC clearly describe what information products are subject to these guidelines and the administrative mechanism for correction?

Procedures for the Public To Seek Correction of Information Under Section 515(a)

Is the NRC process described sufficient to allow the public to submit a request seeking correction to an information product?

Does the NRC process provide adequate avenues for submitting a request?

Do the NRC procedures clearly communicate that an appeal can be requested if the first request for seeking correction has been denied?

NRC's Draft Information Quality Guidelines

Scope

Information Subject to These Guidelines

The agency's information quality reviews will apply to agency documents publicly disseminated for the first time on or after October 1, 2002. Documents that had already been placed on NRC's Web site or in the Public Document Room prior to October 1 need not go through a information quality review because they have already been disseminated, but these documents would be subject to the public seeking correction and appeal if the information is subject to these guidelines.

NRC information covered by the guidelines includes, but is not limited to, information pertaining to:

- Rulemakings.
- Inspection Reports.
- Findings of the reactor oversight process.
- Regulatory Guides and other guidance to licensees.
- Generic Communications to licensees, including information notices, generic letters, bulletins and others.
- Technical Reports.

These guidelines apply to print and electronic versions of agency information products.

Because of the importance of openness and transparency, the NRC routinely makes available to the public the majority of its regulatory documents, information about its decision-making processes, and the standards used to analyze information submitted by the regulated community. OMB's guidelines require NRC to apply information quality standards only to a subset of this information; however, NRC is committed to quality for all of the information it disseminates whether or not it is specifically covered by these guidelines. In addition, the NRC has many existing processes by which the public may comment on agency information. The agency will continue to use these processes to respond to comments and requests regardless of whether they are specifically covered by these guidelines.

Information Not Subject to These Guidelines

Based on the OMB guidelines, the following kinds of agency information are not subject to the guidelines developed by the NRC:

- Information products associated with adjudicative processes, public filings, or subpoenas.
- Non-scientific/non-statistical general, procedural, or organizational information.
- Information that is not initiated or sponsored by the NRC.
- Information that expresses opinions rather than formal agency views.
- Information intended for intra-agency use.

• Information intended for inter-agency use or shared government information.
• Information disseminated to agency employees, contractors, or grantees.
• Agency correspondence with individuals or persons.
• Agency press releases.
• Agency speeches.
• Archival records.
• Trade secrets, intellectual property, classified, restricted, unclassified safeguards, proprietary, sensitive homeland security, privacy and other information withholdable under the Freedom of Information Act.
• Responses to requests made under the Freedom of Information Act, the Privacy Act, the Federal Advisory Committee Act, or similar laws.

NRC information quality standards may be waived temporarily for information disseminated under urgent situations. The NRC will consider the following as urgent situations: emergency conditions at licensed facilities and imminent or credible threats to the public health and safety, the environment, and the common defense and security, including homeland security.

Information Quality Standards

Information products disseminated by the NRC will meet NRC's existing standards in order to ensure and maximize information quality. These guidelines describe key elements of NRC's existing standards and how they address the key components of information quality.

Existing agency policies and procedures ensure that standards and review processes for information quality are commensurate with the influence of the information on agency policies and decision-making. The processes to ensure quality are most rigorous for influential scientific, financial, or statistical information.

Influential scientific, financial, or statistical information as defined by OMB means that ''the agency can reasonably determine that dissemination of the information will have or does have a clear and substantial impact on developing important public policies or important private sector decisions.''

For NRC *influential scientific, financial, or statistical information* is defined as information that forms the technical basis for a substantive rulemaking that has substantial impact on an industry. There may also be other types of information that the NRC deems ''influential'' under Section 515(a) on a case-by-case basis.

Information quality is defined as comprising three elements: utility, integrity, and objectivity. NRC's standards for these three elements are explained in the following three sections.

NRC Guidelines for Achieving Information Utility

Utility refers to the usefulness of the information to its intended users. The NRC will adhere to existing policies to ensure information utility.

NRC will continue to follow its existing policy on the dissemination of information to the public, which clearly specifies what is to be made public as well as the timeliness standard for public release. To achieve an open regulatory environment, the NRC will continue to make public information associated with agency regulatory processes and decisions unless release is restricted because, for example, it contains classified national security information, safeguards information, proprietary information, sensitive homeland security information, or other information withholdable under the Freedom of Information Act.

In addition, the NRC will continue to solicit public input on what and how information is disseminated through feedback mechanisms at NRC's Web site and for NRC's Agencywide Documents Access and Management System (ADAMS). Further, NRC will continue to request comments on individual documents and hold public meetings as appropriate to solicit public comment.

The NRC's Public Document Room will continue to provide assistance to help the public locate the information they are seeking quickly and conveniently.

NRC Guidelines for Achieving Information Integrity

Integrity refers to the security of information from unauthorized access or revision to ensure that the information is not compromised through corruption or falsification. The NRC will comply with the integrity standard by adhering to existing NRC policies for personnel security, computer security, information security, and records management.

Key components include
• Policies for systems development and life cycle management requiring that computer systems are designed and tested to ensure that data cannot be inadvertently altered and that appropriate access controls are included in systems designs.
• Computer and personnel security policies ensuring that employees and contractors who have access to electronic information and associated computer systems are screened for trustworthiness and are assigned the appropriate level of access.
• Records Management policies requiring that official agency records are properly maintained and protected. In particular, these policies require that documents disseminated to the public are declared as official agency records in NRC's Agencywide Documents Access and Management System (ADAMS), which protects them from alteration or falsification.

NRC Guidelines for Achieving Information Objectivity

Objectivity involves two distinct elements: presentation and substance. Information must be presented in a manner that is accurate, clear, complete and unbiased. In addition, the substance of the information presented must be accurate, reliable, and unbiased. To meet the quality standard of objectivity, the NRC will use existing agency guidelines, as described below.

Accuracy and Completeness

The NRC will continue to ensure that the accuracy standard is met through NRC's formal review and concurrence processes that apply to all official records. Official records include rulemaking documents, inspection reports, technical reports, generic communications, and all other agency documents covered by these guidelines. NRC will also continue to use existing quality management controls prior to disseminating information for the accuracy of all relevant content at the NRC public Web site.

Reliable, Unbiased

The NRC will continue to ensure that the standard for reliable, unbiased information is met through the means listed below. The types and rigor of review processes applicable to specific information products are commensurate with the significance of the information, with influential information receiving the most rigorous review.

• Sound statistical and research methods to generate data and analytic results for scientific and statistical information
• Peer reviews of agency-sponsored research
• Reviews of agency information by independent advisory committees: the Advisory Committee on Reactor Safeguards (ACRS), the Advisory Committee on Nuclear Waste (ACNW), and the Advisory Committee on the Medical Uses of Isotopes (ACMUI).
• Reviews by the Committee to Review Generic Requirements for

information and related analyses with generic implications.

• Reviews of matters pertaining to the regulations of nuclear materials by the Agreement States

• Opportunities for the public and States to comment on rulemakings, Commission policy statements, Regulatory Guides, and other information dissemination products as appropriate.

• Use of public meetings to seek public views and solicitation of comments through the NRC Web site and **Federal Register** Notices as appropriate.

• Compliance with internal policy to ensure unbiased Incident Investigation Team investigations.

• Reviews of proposed policy decisions by the five-member Commission.

Transparency

Influential scientific, financial, or statistical information must have a high degree of transparency. *Transparency* refers to the practices of describing the data and methods used in developing an information product in a way that it would be possible for an independent, qualified individual or organization in some cases to reproduce the results. To the extent that this standard is applicable, the NRC will continue to ensure that the transparency standard is met by including methodology sections or appendixes that describe how the information is gathered and evaluated in relevant agency information products.

Clarity

The NRC will continue to ensure that the clarity standard is met by adhering to the agency's Plain Language Program in agency written and electronic products; by ensuring that other covered information, particularly the analyses of technical information, receives editorial review; and that the agency responds to stakeholder comments on the clarity of proposed rules.

Procedures for the Public To Seek Correction of Information

1. What You Must Do

To seek correction of information under Section 515(a) of Public Law 106–554, follow the procedure described below:

• State that your request for correction of information is submitted in accordance with NRC's Information Quality Guidelines.

• Include your name, mailing address, fax number, or e-mail address, and telephone number and organizational affiliation, if any. The NRC needs this information to respond to your request and contact you if necessary.

• Clearly describe the information you believe is in error and want corrected. Include the source of the information (for example, the name and date of the report or data product), the exact location of the error (for example, the page, figure, table number, or the Web page address), and a detailed description of the information to be corrected.

• State specifically why the information should be corrected, and if possible, recommend specifically how it should be corrected. Provide supporting documentary evidence, such as comparable data or research results on the same topic, or a specific authoritative source to help in the review of your request. If the documentary evidence is supplied by means of a reference, the reference must be specific enough that NRC can easily locate the information serving as the basis for the correction request.

2. What We Will Do

Based on a review of the information provided, the NRC will

• Determine whether a correction is warranted, and if so, what action to take. The decision on appropriate corrective action(s) will be based upon the nature and timeliness of the information product involved and such factors as the significance of the correction on the use of the information product and the magnitude of the correction.

• Respond to your request for correction of information within 90 business days of receipt by letter, e-mail, or fax. Our response will explain the findings of the review and actions NRC will take. If the request requires more than 90 business days to resolve, the NRC will tell you that more time is required, state the reason why, and include an estimated decision date.

3. How To Submit Your Request

You must submit your request for correction of information under these guidelines in writing by mail, fax, e-mail, or on-line as follows:

Mail: Nuclear Regulatory Commission, Information Quality, Washington, DC 20555.

E-mail: Infoquality@nrc.gov.

Fax: TBD.

On-Line: *http://www.nrc.gov/* [exact web url to be determined].

4. Your Right To Appeal Our Decision

If you wish to appeal NRC's denial of your request for correction or you wish to appeal the decision on the corrective action, follow the procedure described below:

• Submit your appeal within 90 business days of receipt of NRC's notification of denial or of NRC's notification of the corrective action. (Only the original requestor may appeal the decision.)

• Include a dated copy of the original request for correction, and a description of how the response failed to resolve the request for correction.

• Submit your appeal in accordance with the directions in the agency's response.

An agency appellate official, who is independent of the initial response to the request for correction, will evaluate the appeal and will notify you of the final results of the appeal within 45 business days. The agency appellate official may consult with other Federal agencies in responding to an appeal, as appropriate.

5. NRC's Right To Reject Certain Requests

The correction process is designed to address the genuine and valid needs of affected persons without disrupting agency operations. The NRC, in making a determination of whether to correct information, may reject claims made in bad faith or without justification and is required to undertake only the degree of correction that it concludes is appropriate for the nature and timeliness of the information involved. The NRC will explain decisions to deny or limit corrective actions in its annual fiscal year reports to the Office of Management and Budget.

Disclaimer

These guidelines on submitting comments are not intended to and do not confer or imply any rights of individuals or organizations beyond those permitted in specific laws.

Privacy Act Statement for Information Correction Request Form

We are authorized to collect the information requested on the NRC Information Request Form under section 515(a) of the Treasury and General Government Appropriations Acts for Fiscal Year 2001 (Public Law 106–554, codified at 44 USC 3516, note). This information is needed to reply to your comment. You do not have to furnish the information, but failure to do so will prevent the NRC from notifying you of the resolution of your request and will eliminate any opportunity for appeal. We may disclose information to a congressional office in response to an inquiry made on your behalf; to the Department of Justice, a court, or other

tribunal when the information is relevant and necessary to litigation; or to a contractor or another Federal agency to help accomplish a function related to this process.

Dated at Rockville, Maryland, this 29th day of April 2002.

For the Nuclear Regulatory Commission.

Jacqueline Silber,

Deputy Chief Information Officer, Office of the Chief Information Officer.

[FR Doc. 02–11023 Filed 5–2–02; 8:45 am]

BILLING CODE 7590–01–P

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Solicitation of Public Comments on Proposed Information Quality Guidelines

AGENCY: Occupational Safety and Health Review Commission.

ACTION: Notice of guidelines and solicitation of public comments.

Authority: Section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Pub. L. 106–554; 114 Stat. 2763).

SUMMARY: The Occupational Safety and Health Review Commission (Review Commission) is soliciting comments on its information quality guidelines. Pursuant to Office of Management and Budget Final Guidelines issued on February 22, 2002 (67 FR 8452–8460), the Review Commission has drafted proposed information quality guidelines to ensure and maximize the quality, objectivity, utility, and integrity of information that is disseminated by the agency to the public. The proposed guidelines also provide an administrative process allowing affected individuals to seek and obtain correction of information maintained and disseminated by the Review Commission that does not comply with OMB guidelines. The purpose of this notice is to solicit public comment on the Review Commission's proposed information quality guidelines to help the Review Commission develop and finalize the guidelines. The proposed guidelines are posted on the Review Commission's Web site, *http://www.oshrc.gov/quality/quality.html.*

DATES: Writtens comments regarding the Review Commission's Information Quality Guidelines are due by May 31, 2002.

ADDRESSES: Send written comments to Linda Whitsett, Public Information Officer, One Lafayette Centre, 1120 20th St., NW., 9th Floor, Washington, DC 20036–3419.

FOR FURTHER INFORMATION CONTACT: Linda Whitsett, Public Information Officer, One Lafayette Centre, 1120 20th St., NW., 9th Floor, Washington, DC 20036–3419, phone (202) 606–5410, extension 215.

Dated: April 26, 2002.

Patricia A. Randle,

Executive Director.

[FR Doc. 02–10967 Filed 5–2–02; 8:45 am]

BILLING CODE 7600–01–M

PEACE CORPS

[OMB Control Number 0420–0006]

Information Collection Requests Under OMB Review

AGENCY: Peace Corps.

ACTION: Notice of public use form review request to the Office of Management and Budget (OMB Control Number 0420–0006).

SUMMARY: Pursuant to the Paperwork Reduction Act of 1981 (44 USC, Chapter 35), the Peace Corps has submitted to the Office of Management and Budget a request for approval of information collections, OMB Control Number 0420–0006, the Peace Corps Volunteer Reference Form—PC 1532. The initial Federal Register notice was published on January 23, 2002, Volume 67, No. 15, P. 3242 for 60 days. Also available at *www.gpo.gov* access, Wais.GPO. No comments, inquiries, or responses to the notice were received, other forms of information technology. A copy of the information collection may be obtained from Mr. Jeffrey Herrell, Peace Corps, Officer of Volunteer and Recruitment Services, 1111 20th Street, NW, Room 6152, Washington, DC 20526. Mr. Herrell can be contacted by telephone at 202–692–1869 or 800–424–8580 ext 1869. Comments on the form should also be addressed to the attention of Mr. Herrell. For general information about the Peace Corps, visit our web site at *www.peacecorps.gov.* The Peace Corps invites comment on whether the proposed collection of information is necessary for proper performance of the functions of the Peace Corps, including whether their information will have practical use; the accuracy of the agency's estimate of the burden of the proposed collections information, including the validity of the methodology and assumptions used; way to enhance the quality, utility and the clarity of the information to be collected; and, ways to minimize the burden of the collection of information on those who respond, including through the use of automated collection techniques, when appropriate, and other forms of information technology. Comments on this form should be addressed to the attention of the Peace Corps Desk Officer, Office of Management and Budget, NEOB Washington, DC 20503. Comments should be received on or before June 3, 2002.

Information Collection Abstract

Title: Peace Corps Volunteer Reference Form PC 1532

Need for and Use of This Information: The Peach Corps Volunteer Reference Form is used to gather information about individuals who have submitted applications, are basically qualified, and are nominees for volunteer service. The form is an integral part of the screening and selection process conducted by the Office of Volunteer Recruitment and Selection. Such information as past criminal records, severe mental problems, poor interpersonal relationships or emotional immaturity is used by the agency in their consideration of applicants. The purpose of this information collection is to assist in processing applicants for volunteer service in determining suitability of applicants. There is no other means of obtaining the required data. This program also fulfills the first goal of the Peace Corps as required by Congressional legislation.

Respondents: Returned Peace Corps volunteers.

Respondent's Obligation to Reply: Individuals who voluntarily agree to serve as a references for Peace corps applicants.

Burden on the Public:

a. *Annual reporting burden:* 13,692 hours.

b. *Annual record keeping burden:* 0 hours.

c. *Estimated average burden per response:* 30 minutes.

d. *Frequency of response:* one time.

e. *Estimated number of likely respondents:* 27,384.

f. *Estimated cost to respondents:* $8.78.

At this time, responses will be returned by mail.

This notice is issued in Washington, DC on April 28, 2002.

Judy Van Rest,

Associate Director for Management.

[FR Doc. 02–10968 Filed 5–2–02; 8:45 am]

BILLING CODE 6051–01–M

PEACE CORPS

Information Collection Requests Under OMB Review

AGENCY: Peace Corps.

ACTION: Notice of public use form review request to the Office of Management and Budget (OMB Control Number 0420–0513).

SUMMARY: Pursuant to the Paperwork Reduction Act of 1981 (44 USC, Chapter 35), the Peace Corps has submitted to the Office of Management and Budget a request for approval of information collections, OMB Control Number 0420–0513, the Peace Corps Teacher Brochure/Enrollment Form; the Peace Corps Volunteer Enrollment Form; and the follow-up program survey, the World Wise Schools (WWS) annual Teacher Survey. The purpose of this information collection is to include the participation of interested teachers and Peach Corps Volunteers in the WWS Program. The initial **Federal Register** notice was published on February 5, 2002, Volume 67, No. 24, P. 5348, for 60 days. Also available at *www.gpo.gov* access Wais. No comments, inquires, or responses to the notice were received. A copy of the information collection may be obtained from Ms. Amy Wickenheiser, Peace Corps, Office of Domestic Programs, World Wise Schools, 1111 20th Street, NW., Room 2144, Washington, DC 20526. Ms. Wickenheiser can be contacted by telephone at 202–692–1426 or 800–424–8580 ext 1426. For general information about the Peace Corps, visit our Web site at *www.peacecorps.gov.* The Peace Corps invites comment on whether the proposed collection of information is necessary for proper performance of the functions of the Peace Corps, including whether their information will have practical use; the accuracy of the agency's estimate of the burden of the proposed collections information, including the validity of the methodology and assumptions used; and, ways to minimize the burden of the collection of information on those who respond, including through the use of automated collection techniques, when appropriate, and other forms of information technology. Comments on these forms should be addressed to the attention of the Peace Corps Desk Officer, Office of Management and Budget, NEOB, Washington, DC 20503. Comments should be received on or before June 3, 2002.

Information Collection Abstract

Title: Peace Corps Teacher Brochure/Enrollment Form; Peace Corps Volunteer Enrollment Form; and the World Wise Schools (WWS) annual Teacher Survey.

Need for and use of this information: interested Teachers and Volunteers who want to participate in the World Wise Schools Program complete The Peace Corps Teacher and Volunteer Enrollment Forms. The Teacher Survey asks questions to better determine which populations we are serving as well as which teachers have access to alternative information channels. The survey also assists in developing WWS Programs to meet the needs of the schools and teachers it serves. There is no other means of obtaining the required data. This program also fulfills the third goal of the Peace Corps as required by Congressional legislation.

Respondents: Teachers and Peace Corps Volunteers.

Respondent's Obligation to Reply: Individuals who voluntarily agree to participate in the WWS educational programs.

Burden on the public	Teacher/volunteer forms	Teacher survey
a. Annual reporting burden	833 hours	1,000 hours.
b. Annual record keeping burden	250 hours	330 hours.
c. Estimated average burden per response	5 minutes	10 minutes.
d. Frequency of response:	one time	one time.
e. Estimated number of likely respondents:	10,000	6,000.
f. Estimated cost to respondents:	$1.84	$3.68.

At this time, responses will be returned by mail.

This notice is issued in Washington, DC, on April 28, 2002.

July Van Rest,

Associate Director for Management.

[FR Doc. 02–10969 Filed 5–2–02; 8:45 am]

BILLING CODE 6051–01–M

RAILROAD RETIREMENT BOARD

Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility and Integrity of Information Disseminated by Federal Agencies

AGENCY: Railroad Retirement Board (RRB).

ACTION: Notice; comments requested.

SUMMARY: Section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Pub. L. 106–554) directs the Office of Management and Budget (OMB) to issue government-wide guidelines for Federal agencies to ensure and maximize the quality, objectivity, utility and integrity of information disseminated by federal agencies. In response, OMB issued government-wide guidelines on February 22, 2002 (67 FR 8452), (subsequently revised on March 4, 2002 (67 FR 9797)), that require Federal agencies that are subject to the Paperwork Reduction Act (44 U.S.C. chapter 35) to develop and publish their own information quality guidelines along with administrative mechanisms to allow persons to request correction of covered information.

This notice serves to announce the availability of RRB section 515 draft information quality guidelines and correction procedures on the agency's web site: *www.rrb.gov/bis/section515/comments.html.* RRB is requesting comments on section 515 draft guidelines for ensuring and maximizing the quality, objectivity, utility and integrity of disseminated information and on the proposed mechanisms for seeking correction of covered information. The RRB will consider all comments received in response to this notice and will develop final guidelines and mechanisms for seeking correction for submission to OMB by July 1, 2002.

Notice of RRB's final guidelines and correction procedures will be published in the Federal Register and will be available on the RRB web site no later than October 1, 2002.

DATES: To be considered, comments must be received by June 15, 2002.

ADDRESSES: Comments can be sent to Mr. Ronald J. Hodapp, Bureau of Information Services, by FAX at (312) 751–7154, by e-mail at *HODAPPRJ@RRB.GOV,* or by mail. Comments sent by mail should be addressed to: Mr. Ronald J. Hodapp, Bureau of Information Services, 4th floor, Railroad Retirement Board, 844 Rush St., Chicago, IL 60611–2092.

By Authority of the Board.

Beatrice Ezerski,

Secretary of the Board.

[FR Doc. 02–11110 Filed 5–1–02; 11:35 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–14334]

Issuer Delisting; Notice of Application To Withdraw From Listing and Registration (AT Plastics, Inc., Common Stock, no par value) From the American Stock Exchange LLC

April 29, 2002.

AT Plastics, Inc., an Ontario corporation (''Issuer''), has filed an application with the Securities and Exchange Commission (''Commission''), pursuant to section 12(d) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 12d2–2(d) thereunder,[2] to withdraw its Common Stock, no par value (''Security''), from listing and registration on the American Stock Exchange LLC (''Amex'' or ''Exchange'').

The Issuer stated in its application that it has met the requirements of Amex Rule 18 by complying with all applicable laws in effect in the Province of Ontario, in which it is incorporated, and with the Amex's rules governing an issuer's voluntary withdrawal of a security from listing and registration. The Issuer's application relates solely to the Security's withdrawal from listing on the Amex and from registration under section 12(b) of the Act[3] and shall not affect its obligation to be registered under section 12(g) of the Act.[4]

The Board of Trustees (''Board'') of the Issuer approved a resolution on March 8, 2002 to withdraw the Issuer's Security from listing on the Amex. In making the decision to withdraw its Security from the Amex, the Board noted that: (i) The Security is primarily traded on the Toronto Stock Exchange; and (ii) the volume of trading is very low and very few U.S. citizens hold the Security. The Issuer believes that trading of the Security on the Toronto Stock Exchange provides adequate market liquidity for holders of the Security and delisting of the Security on the Amex will not be adverse to its U.S. holders. The Issuer also noted the substantial cost savings of delisting its Security from the Amex.

Any interested person may, on or before May 20, 2002, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609, facts bearing upon whether the application has been made in accordance with the rules of the Amex and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

Jonathan G. Katz,

Secretary.

[FR Doc. 02–10975 Filed 5–2–02; 8:45 am]

BILLING CODE 8010–01–U

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Federal Register Citation of Previous Announcement: [67 FR 20846, April 26, 2002].

Status: Open Meeting/Closed Meeting.

Place: 450 Fifth Street, NW., Washington, DC.

Date and Time of Previously Announced Meeting: April 30, 2002, at 10:00 a.m. and Wednesday, May 1, 2002, at 10:00 a.m.

Change in the Meeting: Deletion of Item/Additional Items.

The following item will not be considered at the open meeting scheduled for Tuesday, April 30, 2002:

Consideration of whether to issue an exemptive order under section 36 of the Exchange Act, which would permit broker-dealers to pledge a wider range of collateral when entering into borrowing transactions governed by paragraph (b)(3) of Rule 15c3–3. The provisions in this paragraph apply when broker-dealers borrow fully paid and excess margin securities from customers. The conditions for such borrowings include the requirement that broker-dealers provide customers with full collateral consisting of certain specified financial instruments or cash. The order would expand the types of collateral that could be provided, subject to certain conditions in addition to those required in the Rule. The Commission also will not consider whether to delegate its authority to issue such orders regarding permissible collateral to the Director of the Division of Market Regulation.

The following items have been added to the closed meeting scheduled for Wednesday, May 1, 2002:

Formal orders of investigations.

Commissioner Glassman, as duty officer, determined that Commission business required the above change and that no earlier notice thereof was possible.

For further information please contact the Office of the Secretary at (202) 942–7070.

Dated: April 30, 2002.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–11093 Filed 4–30–02; 4:43 pm]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of May 6, 2002:

Closed meetings will be held on Tuesday, May 7, 2002, at 1 p.m., and Wednesday, May 8, 2002, at 1 p.m., and an open meeting will be held on Wednesday, May 8, 2002, at 9:30 a.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meetings. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(5), (7), (8), (9)(B), and (10) and 17 CFR 200.402(a)(5), (7), (8), (9)(ii) and (10), permit consideration of the scheduled matters at the closed meetings.

The subject matter of the closed meeting scheduled for Tuesday, May 7, 2002, will be:

Formal orders of investigation;

Institution and settlement of injunctive actions; and

Institution and settlement of administrative proceedings of an enforcement nature.

The subject matter of the closed meeting scheduled for Wednesday, May 8, 2002, will be:

Post argument discussion.

The subject matter of the open meeting scheduled for Wednesday, May 8, 2002, will be:

[1] 15 U.S.C. 78*l*(d).

[2] 17 CFR 240.12d2–2(d).

[3] 15 U.S.C. 78*l*(b).

[4] 15 U.S.C. 78*l*(g).

[5] 17 CFR 200.30–3(a)(1).

1. The Commission will consider whether to approve proposed rule changes submitted by the New York Stock Exchange, Inc. and the National Association of Securities Dealers, Inc. relating to research analyst conflicts of interest.

2. The Commission will consider whether to adopt rules to require foreign issuers to file electronically through the Electronic Data Gathering, Analysis, and Retrieval system (''EDGAR'') their securities documents, including Securities Act registration statements and Exchange Act registration statements and reports. The rules would apply to both foreign private issuers and foreign governments.

3. The Commission will hear oral argument on an appeal by Daniel R. Lehl, et al., from the decision of an administrative law judge.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 942–7070.

Dated: April 30, 2002.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–11126 Filed 5–1–02; 12:28 pm]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No.34–45830; File No. SR–Phlx–2002–29]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Notice of Filing of Proposed Rule Change Relating to Phlx Rule 757, Anti-Money Laundering Compliance Program

April 26, 2002.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 24, 2002, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared substantially by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx proposes to adopt Rule 757, Anti-Money Laundering Compliance Program. The proposed rule would require each member, member organization, participant and participant organization (''members''), for which the Exchange is the Designated Examining Authority (''DEA''), to develop and implement an anti-money laundering compliance program consistent with applicable provisions of the Bank Secrecy Act (''BSA'') and the Regulations thereunder.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Phlx has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose and Background

In 2001, President Bush signed into law, the USA PATRIOT Act of 2001 (the ''PATRIOT Act'')[3], which amends among other laws the Bank Secrecy Act as set forth in Title 31 of the United States Code (the ''Code''). The PATRIOT Act expands the powers of the government to fight the war on terrorism and requires that financial institutions, including broker-dealers, implement policies and procedures to that end.

Title III of the Patriot Act, separately referred to as the International Money Laundering Abatement and Financial Anti-Terrorism Act of 2001 (the ''Money Laundering Act'') focuses on the requirement that financial institutions establish anti-money laundering, monitoring, and supervisory systems.[4] The Money Laundering Act imposes obligations on brokers and dealers through the new provisions and amendments to the BSA. Among other things, brokers and dealers must implement anti-money laundering compliance programs, prepare and file suspicious transaction reports, and follow due diligence procedures. Brokers and dealers will be required to comply with these new obligations in addition to continuing to comply with existing BSA reporting and record-keeping requirements.[5]] The Money Laundering Act Section 352, which amends Section 5318(h) of the Code, requires each financial institution to establish anti-money laundering programs by April 24, 2002, that include at a minimum (1) the development of internal policies, procedures and controls; (2) the designation of a compliance officer; (3) an ongoing employee training program; and (4) an independent audit function to test programs.

The legislative history of the PATRIOT Act explains that the requirement to have an anti-money laundering compliance program is not a ''one-size-fits-all'' requirement. The general nature of the requirements reflect Congress' intent that each financial institution should have the flexibility to tailor the anti-money laundering programs to fit its business, taking into account factors such as size, location, activities of the firm's business and the risks or vulnerabilities to money laundering in the firm. This flexibility is designed to ensure that all entities covered by the statute, from very large financial institutions to the small firms, have in place policies and procedures to

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] USA PATRIOT Act stands for ''Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism.''

[4] The statutory definition of ''financial institution'' in the Money Laundering Act is exceptionally broad and encompasses 26 separate categories. 31 U.S.C. 5312(a)(2). Specifically the definition includes, *inter alia*, an insured bank, a commercial bank or trust company; a private banker, an agency or branch of a foreign bank in the United States, a thrift institution, a broker or dealer registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*), a broker dealer in securities or commodities, an investment banker or investment company, a currency exchange, an insurance company, a loan or finance company, and any business or agency which engages in any activity which the Secretary of the Treasury determines, by regulation, to be activity which is similar to, or a substitute for any activity in which any business described in § 5312 (a)(2) is authorized to engage.

[5] In addition to the direct requirement of the BSA, and the regulations thereunder, Rule 17a–8 under the Act (17 CFR 240.17a–8) requires broker/dealers to comply with the recordkeeping and reporting requirements of the BSA and related regulations, including the obligation to file reports and make and preserve records in connection with certain transactions generally exceeding $10,000 and involving currency or the physical transport of currency into or out of the United States.

monitor for anti-money laundering compliance.[6]

The Exchange anticipates providing guidance in the form of a floor memorandum to assist members in developing an anti-money laundering program that fits their business model and needs.

2. Statutory Basis

For these reasons, the Exchange believes that its proposal is consistent with section 6(b) of the Act in general and further the objectives of Section 6(b)(5)[7] in particular in that it is designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and national market system and to protect investors and the public interest by establishing minimum requirements for anti-money laundering compliance programs for Exchange members for which the Exchange is the DEA. The programs are designed to help identify and prevent money laundering that can affect the integrity of the U.S. capital markets.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Phlx does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing will also be available for inspection and copying at the principal office of the Phlx. All submissions should refer to SR–Phlx–2002–29 and should be submitted by May 24, 2002.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–11005 Filed 5–2–02; 8:45 am]

BILLING CODE 8010–01–P

[6] *See* USA PATRIOT Act of 2001: Consideration of H.R. 3162 Before the Senate (October 25, 2001) (statement of Sen. Sarbanes); Financial Anti-Terrorism Act of 2001: Consideration Under Suspension of Rules of H.R. 3004 Before the House of Representatives (October 17, 2001) (statement of Rep. Kelley) (provisions of the Financial Anti-Terrorism Act of 2001 were incorporated as Title III in the USA PATRIOT Act.)

[7] 15 U.S.C. 78f(b)(5).

[8] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Public Federal Regulatory Enforcement Fairness Hearing; Region II Regulatory Fairness Board

The Small Business Administration Region II Regulatory Fairness Board and the SBA Office of the National Ombudsman will hold a Public Hearing on Monday, May 20, 2002 at 8 a.m. at the Brooklyn Borough Hall, Community Room, 1st Floor, 209 Joralemon Street, Brooklyn, New York 11201, to receive comments and testimony from small business owners, small government entities, and small non-profit organizations concerning the regulatory enforcement and compliance actions taken by federal agencies.

Anyone wishing to attend or to make a presentation must contact Norman Hunte in writing or by fax, in order to be put on the agenda. Norman Hunte, U.S. Small Business Administration, New York District Office, 26 Federal Plaza, Room 3100, New York, New York 10278, phone (212) 264–9487, fax (212) 264–4963, e-mail: *norman.hunte@sba.gov.*

For more information, see our Web site at *www.sba.gov/ombudsman.*

Dated: April 24, 2002.

Michael L. Barrera,

National Ombudsman.

[FR Doc. 02–10978 Filed 5–2–02; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 3998]

Culturally Significant Objects Imported for Exhibition; Determinations: ''Gustav Klimt Landscapes''

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 [79 Stat. 985; 22 U.S.C. 2459], Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 [112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*], Delegation of Authority

No. 234 of October 1, 1999 [64 FR 56014], and Delegation of Authority No. 236 of October 19, 1999 [64 FR 57920], as amended, I hereby determine that the objects to be included in the exhibition, ''Gustav Klimt Landscapes,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. These objects are imported pursuant to loan agreements with foreign lenders. I also determine that the exhibition or display of the exhibit objects at the Clark Art Institute, Williamstown, Massachusetts, from on or about June 16, 2002, to on or about September 2, 2002, and at possible additional venues yet to be determined, is in the national interest. Public Notice of these determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of exhibit objects, contact Paul W. Manning, Attorney-Adviser, Office of the Legal Adviser, 202/619–5997, and the address is United States Department of State, SA–44, Room 700, 301 4th Street, SW, Washington, DC 20547–0001.

Dated: April 22, 2002.

Patricia S. Harrison,

Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 02–11020 Filed 5–2–02; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice 4004]

Office of Defense Trade Controls; Notifications to the Congress of Proposed Commercial Export Licenses

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Department of State has forwarded the attached Notifications of Proposed Export Licenses to the Congress on the dates shown on the attachments pursuant to section 36(c) and 36(d) and in compliance with section 36(e) of the Arms Export Control Act (22 U.S.C. 2776).

EFFECTIVE DATE: As shown on each of the twenty-six letters.

FOR FURTHER INFORMATION CONTACT: Mr. William J. Lowell, Director, Office of Defense Trade Controls, Bureau of Political-Military Affairs, Department of State (202 663–2700).

SUPPLEMENTARY INFORMATION: Section 38(e) of the Arms Export Control Act mandates that notifications to the Congress pursuant to section 36(c) must be published in the **Federal Register** when they are transmitted to Congress or as soon thereafter as practicable.

Dated: April 23, 2002.

William J. Lowell,

Director, Office of Defense Trade Controls, Department of State.

United States Department of State
Washington, D.C. 20520, February 6, 2002.
The Honorable J. Dennis Hastert, Speaker of the House of Representatives.
Dear Mr. Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the manufacture of S–61 helicopter spare and replacement parts in the United Kingdom, for end-use in the United Kingdom, Australia, Egypt, Germany, Belgium, Norway, Qatar and India.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Paul V. Kelly,
Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DTC 128–01

United States Department of State
Washington, D.C. 20520, February 13, 2002.
The Honorable J. Dennis Hastert, Speaker of the House of Representatives.
Dear Mr. Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting herewith certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more.

The transaction described in the attached certification involves the hardware, technical data and defense services for four 60-meter Ambassador MKIII Fast Missile Craft for the Egyptian Navy.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Paul V. Kelly,
Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DTC 116–01

United States Department of State
Washington, D.C. 20520, February 13, 2002.
The Honorable J. Dennis Hastert, Speaker of the House of Representatives.
Dear Mr. Speaker:

Pursuant to Section 36(d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed manufacturing license agreement with Switzerland.

The transaction described in the attached certification involves the export to Switzerland of technical data, defense articles and assistance for the manufacture and assembly of the TOW 2A (Special) anti-armor missile for end-use by Switzerland and sale to Austria, Australia, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Israel, Italy, Japan, Kuwait, Luxembourg, the Netherlands, Norway, Portugal, South Korea, Saudi Arabia, Spain, Sweden, Turkey and the United Kingdom.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Paul V. Kelly,
Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. 140–01

United States Department of State
Washington, D.C. 20520, March 8, 2002.
The Honorable J. Dennis Hastert, Speaker of the House of Representatives.
Dear Mr. Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense services for the maintenance, support and training of the Royal Saudi Air Force F–15 fleet through 2004.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Paul V. Kelly,
Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DTC 118–01

United States Department of State
Washington, D.C. 20520, March 8, 2002.
The Honorable J. Dennis Hastert, Speaker of the House of Representatives.
Dear Mr. Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export to Germany of technical data and defense services for the repair and overhaul of various aircraft auxiliary equipment on aircraft of NATO member countries, Egypt, Finland, Ireland, Kuwait, Jordan, Oman, Sweden, Nigeria, Malaysia, Saudi Arabia, Tunisia, Morocco, and Algeria.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Paul V. Kelly,
Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DTC 159–01

United States Department of State
Washington, D.C. 20520, March 8, 2002.
The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

Dear Mr. Speaker:

Consistent with Section 36(c) of the Arms Export Control Act and Title IX of Public Law 106–79, I am transmitting, herewith, certification of a proposed license for the export of defense articles to India.

The President made a determination in a manner consistent with Title IX of the Department of Defense Appropriations Act, Fiscal Year 2000 (Public Law 106–79) to waive sanctions on India in connection with the Glenn Amendment and related provisions, as reported to you by separate letter. Under Title IX, the issuance of a license for the export of defense articles or defense services to India pursuant to the waiver authority of that Title is subject to the same requirements as are applicable to the export of items described in section 36(c) of the Arms Export Control Act, and the Administration is treating authorization for the requested re-export consistent with these provisions.

The transaction described in the attached certification involves the transfer of aircraft parts to be used on the United Kingdom supplied HAWK trainer aircraft.

The United States Government is prepared to authorize the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Paul V. Kelly,
Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DTC 165–01

United States Department of State
Washington, D.C. 20520, March 8, 2002.
The Honorable J. Dennis Hastert, Speaker of the House of Representatives.
Dear Mr. Speaker:

Consistent with Section 36(c) of the Arms Export Control Act and Title IX of Public Law 106–79, I am transmitting, herewith, certification of a proposed license for the export of defense articles to India.

The President made a determination in a manner consistent with Title IX of the Department of Defense Appropriations Act, Fiscal Year 2000 (Public Law 106–79) to waive sanctions on India in connection with the Glenn Amendment and related provisions, as reported to you by separate letter. Under Title IX, the issuance of a license for the export of defense articles or defense services to India pursuant to the waiver authority of that Title is subject to the same requirements as are applicable to the export of items described in section 36(c) of the Arms Export Control Act, and the Administration is treating authorization for the requested re-export consistent with these provisions.

The transaction described in the attached certification involves the transfer of sixty-six ram turbine engine systems for the United Kingdom supplied HAWK trainer aircraft.

The United States Government is prepared to authorize the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Paul V. Kelly,
Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DTC 166–01

United States Department of State
Washington, D.C. 20520 March 14, 2002.
The Honorable J. Dennis Hastert, Speaker of the House of Representatives.
Dear Mr. Speaker:

Pursuant to Section 9001(e) of Public Law 106–79 and consistent with Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles to India.

The President made a determination in a manner consistent with Title IX of the Department of Defense Appropriations Act, Fiscal Year 2000 (Public Law 106–79) to waive sanctions on India in connection with the Glenn Amendment and related provisions, as reported to you by separate letter. Under Title IX, the issuance of a license for the export of defense articles or defense services to India pursuant to the waiver authority of that Title is subject to the same requirements as are applicable to the export of items described in Section 36(c) of the Arms Export Control Act, and the Administration is treating authorization for the requested re-export consistent with these provisions.

The transaction described in the attached certification involves the export of eighteen (18) Magnetrons to the Indian Army for use in the ground-based Reporter Radar.

The United States Government is prepared to authorize the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Paul V. Kelly,
Assistant Secretary, Legislative Affairs.
Enclosure: Transmittal No. DTC 175–01

United States Department of State
Washington, D.C. 20520 March 15, 2002.
The Honorable J. Dennis Hastert, Speaker of the House of Representatives.
Dear Mr. Speaker:

Pursuant to Section 9001(e) of Public Law 106–79 and consistent with Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles to India.

The President made a determination in a manner consistent with Title IX of the Department of Defense Appropriations Act, Fiscal Year 2000 (Public Law 106–79) to waive sanctions on India in connection with the Glenn Amendment and related provisions, as reported to you by separate letter. Under Title IX, the issuance of a license for the export of defense articles or defense services to India pursuant to the waiver authority of that Title is subject to the same requirements as are applicable to the export of items described in Section 36(c) of the Arms Export Control Act, and the Administration is treating authorization for the requested re-export consistent with these provisions.

The transaction described in the attached certification involves export of twelve (12) single-channel rotary joints to the Indian Army for incorporation in the Flycatcher Air Defense System.

The United States Government is prepared to authorize the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Paul V. Kelly,
Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DTC 176–01

United States Department of State
Washington, D.C. 20520, March 15, 2002.
The Honorable J. Dennis Hastert, Speaker of the House of Representatives.
Dear Mr. Speaker:

Pursuant to Section 9001(e) of Public Law 106–79 and consistent with Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles to India.

The President made a determination in a manner consistent with Title IX of the Department of Defense Appropriations Act, Fiscal Year 2000 (Public Law 106–79) to waive sanctions on India in connection with the Glenn Amendment and related provisions, as reported to you by separate letter. Under Title IX, the issuance of a license for the export of defense articles or defense services to India pursuant to the waiver authority of that Title is subject to the same requirements as are applicable to the export of items described in Section 36(c) of the Arms Export Control Act, and the Administration is treating authorization for the requested re-export consistent with these provisions.

The transaction described in the attached certification involves the export of unclassified technical data regarding upgrade of the L–159 Light Attack and Trainer Aircraft and its associated avionics sub-systems.

The United States Government is prepared to authorize the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though

unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Paul V. Kelly,
Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DTC 177–01

United States Department of State
Washington, D.C. 20520, March 15, 2002.
The Honorable J. Dennis Hastert, Speaker of the House of Representatives.
Dear Mr. Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting herewith certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more.

The transaction described in the attached certification involves the export of technical data and assistance associated with the launch of up to four Iridium commercial communications satellites from Russia.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Paul V. Kelly,
Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DTC 124–01

United States Department of State
Washington, D.C. 20520, March 15, 2002.
The Honorable J. Dennis Hastert, Speaker of the House of Representatives.
Dear Mr. Speaker:

Consistent with Section 36(c) of the Arms Export Control Act and Title IX of Public Law 106–79, I am transmitting, herewith, certification of a proposed license for the export of defense articles to India.

The President made a determination in a manner consistent with Title IX of the Department of Defense Appropriations Act, Fiscal Year 2000 (Public Law 106–79) to waive sanctions on India in connection with the Glenn Amendment and related provisions, as reported to you by separate letter. Under Title IX, the issuance of a license for the export of defense articles or defense services to India pursuant to the waiver authority of that Title is subject to the same requirements as are applicable to the export of items described in Section 36(c) of the Arms Export Control Act, and the Administration is treating authorization for the requested re-export consistent with these provisions.

The transaction described in the attached certification involves the transfer to India of unclassified technical data related to the Atlas IIAS, Atlas III, and/or Atlas V space launch vehicles for marketing, proposal and contract negotiations.

The United States Government is prepared to authorize the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Paul V. Kelly,
Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DTC 168–01

United States Department of State
Washington, D.C. 20520, March 18, 2002.
The Honorable Joseph R. Biden, Jr., Chairman, Committee on Foreign Relations, United States Senate.
Dear Mr. Chairman:

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export to Japan of technical information data and defense services to provide logistics support for the AN/APY–2 radar used on the E–767 AWACS aircraft for end-use in Japan.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Paul V. Kelly,
Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DTC 170–01

United States Department of State
Washington, D.C. 20520, March 21, 2002.
The Honorable J. Dennis Hastert, Speaker of the House of Representatives.
Dear Mr. Speaker:

Pursuant to Section 9001(e) of Public Law 106–79 and consistent with Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles to India.

The President made a determination in a manner consistent with Title IX of the Department of Defense Appropriations Act, Fiscal Year 2000 (Public Law 106–79) to waive sanctions on India in connection with the Glenn Amendment and related provisions, as reported to you by separate letter. Under Title IX, the issuance of a license for the export of defense articles or defense services to India pursuant to the waiver authority of that Title is subject to the same requirements as are applicable to the export of items described in Section 36(c) of the Arms Export Control Act, and the Administration is treating authorization for the requested re-export consistent with these provisions.

The transaction described in the attached certification involves the amendment of an existing distribution agreement to reinstate India as part of the approved distribution territory for USML components used in the Pegasus, Adour, Orpheus and Gnome aircraft engines.

The United States Government is prepared to authorize the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Paul V. Kelly,
Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DTC 171–01

United States Department of State
Washington, D.C. 20520, March 21, 2002.
The Honorable J. Dennis Hastert, Speaker of the House of Representatives.
Dear Mr. Speaker:

Pursuant to Section 9001(e) of Public Law 106–79 and consistent with Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles to India.

The President made a determination in a manner consistent with Title IX of the Department of Defense Appropriations Act, Fiscal Year 2000 (Public Law 106–79) to waive sanctions on India in connection with the Glenn Amendment and related provisions, as reported to you by separate letter. Under Title IX, the issuance of a license for the export of defense articles or defense services to India pursuant to the waiver authority of that Title is subject to the same requirements as are applicable to the export of items described in Section 36(c) of the Arms Export Control Act, and the Administration is treating authorization for the requested re-export consistent with these provisions.

The transaction described in the attached certification involves temporary export of two (2) subsea HAMMERHEAD Remote Operating Vehicles (ROV) containing the Kearfott KN–5053 Seaborne Navigation System (SEANAV).

The United States Government is prepared to authorize the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Paul V. Kelly,
Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DTC 173–01

United States Department of State
Washington, D.C. 20520, March 21, 2002.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

Dear Mr. Speaker:

Consistent with Section 36(c) of the Arms Export Control Act and Title IX of Public Law 106–79, I am transmitting, herewith, certification of a proposed license for the export of defense articles to India.

The President made a determination in a manner consistent with Title IX of the Department of Defense Appropriations Act, Fiscal Year 2000 (Public Law 106–79) to waive sanctions on India in connection with the Glenn Amendment and related provisions, as reported to you by separate letter. Under Title IX, the issuance of a license for the export of defense articles or defense services to India pursuant to the waiver authority of that Title is subject to the same requirements as are applicable to the export of items described in Section 36(c) of the Arms Export Control Act, and the Administration is treating authorization for the requested re-export consistent with these provisions.

The transaction described in the attached certification involves the transfer of: (1) technical assistance agreement in the use of GE F404–F2J3 engines in the Indian Light Combat Aircraft Program; (2) temporary export of explosives and narcotics trace equipment for demonstration to various Indian Government security agencies; (3) unclassified marketing data to define system concepts and procurement requirements for a submarine integrated combat system to the Indian Ministry of Defense; (4) Mercury Cadmium Telluride (MCT) infrared detectors for the METSAT meteorological earth observation satellite to the Indian Department of Space, ISRO Satellite Center; (5) ten (10) Finger Rings for the repair and maintenance of Kiran Aircraft to Hindustan Aeronautics, Ltd.; (6) two (2) DC/DC converters for use in development of breadboard modules for a meteorological satellite payload to the Indian Department of Space, Space Applications Center; (7) five hundred forty (540) electrical motors for hand-held thermal imaging devices to the Indian Army.

The United States Government is prepared to authorize the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,

Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DTC 01–02

United States Department of State
Washington, D.C. 20520, April 2, 2002.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

Dear Mr. Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of technical data, defense services and defense articles to Egypt for the upgrade of the Egyptian Air Force's C–130 and other transport aircraft.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,

Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DTC 46–02

United States Department of State
Washington, D.C. 20520, April 12, 2002.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

Dear Mr. Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of technical data, defense services and defense articles to Israel for the development of the Vehicle Launched Scatterable Anti-Tank System.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,

Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DTC 056–01

United States Department of State
Washington, D.C. 20520, April 12, 2002.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

Dear Mr. Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the sale to Japan of the Superbird-6 commercial communications satellite and its launch from the United States.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,

Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DTC 017–02

United States Department of State
Washington, D.C. 20520, April 12, 2002.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

Dear Mr. Speaker:

Pursuant to Section 36(d) of the Arms Export Control Act, I am transmitting, herewith certification of a proposed manufacturing license agreement with Japan.

The transaction described in the attached certification involves the transfer of technical data and assistance in the manufacture of 2.75 inch MK–66 Mod 1 Rocket Motors and M261/M267 Submunition Warheads. The rocket motors and submunition warheads will be for end-use in Japan.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,

Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. 027–02

United States Department of State
Washington, D.C. 20520, April 12, 2002.

The Honorable Henry J. Hyde, Chairman, Committee on International Relations, House of Representatives.

Dear Mr. Chairman:

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of Vertical Launch Anti-Submarine Rocket (VLA) components to Japan for assembly and end use by Japan.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,

Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DTC 028–02

United States Department of State
Washington, D.C. 20520, April 12, 2002.
The Honorable J. Dennis Hastert, Speaker of the House of Representatives.
Dear Mr. Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export to Turkey of technical data, defense services and defense articles for the manufacture of the X1100 transmission for use in various armored vehicles of the Turkish Land Forces.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Paul V. Kelly,
Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DTC 029–02

United States Department of State
Washington, D.C. 20520, April 12, 2002.
The Honorable J. Dennis Hastert, Speaker of the House of Representatives.
Dear Mr. Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export to Japan of technical data, defense services and defense articles for the manufacture of Aircraft Fuel Control Devices for end-use by Japan.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Paul V. Kelly,
Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DTC 032–02

United States Department of State
Washington, D.C. 20520, April 15, 2002.
The Honorable J. Dennis Hastert, Speaker of the House of Representatives.
Dear Mr. Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more.

The transaction described in the attached certification involves the temporary export of one (1) EchoStar IX commercial satellite for launch into geosynchronous orbit from international waters by Sea Launch.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Paul V. Kelly,
Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DTC 013–02

United States Department of State
Washington, D.C. 20520, April 15 2002.
The Honorable J. Dennis Hastert, Speaker of the House of Representatives.
Dear Mr. Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export to Japan, France and Canada of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of technical data and assistance for the BSAT–2c commercial communications satellite for launch from French Guiana.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Paul V. Kelly,
Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DTC 015–02

United States Department of State
Washington, D.C. 20520, April 15, 2002.
The Honorable J. Dennis Hastert, Speaker of the House of Representatives.
Dear Mr. Speaker:

Pursuant to Section 36(c) and (d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed Technical Assistance Agreement with Bulgaria.

The transaction described in the attached certification involves the transfer of naval architectural and marine engineering services to Bulgaria for the basic and detailed development of a multi-mission corvette to the Bulgarian Ministry of Defense.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Paul V. Kelly,
Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DTC 034–02

[FR Doc. 02–11021 Filed 5–2–02; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG–2002–12187]

Chemical Testing; List of Drug Testing Service Agents

AGENCY: Coast Guard, DOT.

ACTION: Notice; request for submissions.

SUMMARY: The Coast Guard receives numerous daily inquiries from mariners asking for the location of drug testing centers that will satisfy the USCG chemical drug testing requirements for licensing or Merchant Mariner Document (MMD) transactions. The Coast Guard wants to identify for mariners those service agents who provide a complete drug test service and to make available to merchant mariners a list of those drug testing service agents. The list would assist mariners in locating a drug testing service agent.

DATES: In order to be included on the initial listing, submissions should be received no later than June 17, 2002.

ADDRESSES: Submissions should be mailed to: Robert C. Schoening, Drug and Alcohol Program Manager, U.S. Coast Guard, Office of Investigations and Analysis (G–MOA–1), 2100 Second Street, SW., Washington, DC 20593–0001.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice, contact Robert C. Schoening, U.S. Coast Guard at 202–267–0684 or e-mail address *RSchoening@comdt.uscg.mil*.

SUPPLEMENTARY INFORMATION:

Background

There are approximately 48,000 mariner credentialing transactions annually that require a drug test. The Coast Guard receives numerous daily inquires from mariners asking for the location of drug testing centers that will satisfy the USCG chemical drug testing requirements for licensing or Merchant

Mariner Document (MMD) transactions. Given the sheer volume of inquiries, the Coast Guard has determined that making available a list of service agents that provide a complete drug test service would be beneficial to mariners.

Request for Submissions

The Coast Guard wants to identify for mariners those service agents who provide a complete drug test service. A complete drug test service includes the specimen collection, analysis at a Substance Abuse Mental Health Services Administration (SAMHSA) accredited laboratory, review of the test result by a Medical Review Officer, and providing of the drug test results to the mariner. The Coast Guard proposes to develop a list of those service agents that provide a complete drug test service. Agents that provide a complete drug test service and who wish to be included in a Coast Guard list should submit a request for inclusion.

Eligibility for Listing

To be included on this list, all drug testing services offered to mariners must be done in accordance with the requirements of 49 CFR part 40.

Required Contents of Submission

To be listed, the service agent must submit:

1. Name of entity
2. Address of entity (Street address or PO box; City, State, Zip Code)
3. Point of Contact
4. Phone number
5. Days and Hours of operation
6. Geographic areas served:
   - State (if local service only is to be provided)
   - Nationwide all states, including Alaska, Hawaii, and all territories
   - International (Indicate if you offer service on an international basis. Do not submit a list of countries where service can be provided.)

Dissemination to Mariners

Mariners will be able to request a listing of service agents from a USCG Regional Examination Center (REC). Service agents will be listed by state. The mariner will receive a listing for the states requested as well as a list of agents who provide a nationwide drug testing service.

A listing by state will be made available on the Internet through a USCG web page for the Office of Investigations and Analysis, Drug and Alcohol Program Information. A mariner will be able to retrieve a listing of those service agents within a particular state or for all entities that are providing service nationally and internationally. Each listing will have complete name and contact information for each entity listed. Listings submitted by Service Agents will be added to the list periodically.

Qualified Service Agents who wish to be included on the Coast Guard list should submit requests to: Robert C. Schoening, at the address provided under **ADDRESSES** or email to *RSchoening@comdt.uscg.mil*.

Service agents who are on the Notice of Suspension List maintained by the DOT Office of Drug and Alcohol Program Compliance (ODAPC) will be immediately removed from this list.

Dated: April 26, 2002.

Joseph J. Angelo,

Director of Standards, Marine Safety, Security and Environmental Protection.

[FR Doc. 02–11059 Filed 5–2–02; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Public Notice for Waiver of Aeronautical Land-Use Assurance; Jack Barstow Airport, Midland, MI

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of intent of waiver with respect to land.

SUMMARY: The Federal Aviation Administration (FAA) is considering a proposal to change a portion of airport land from aeronautical use to non-aeronautical use. The proposal consists of one parcel of land, totaling approximately 17.4 acres. The property will be commercially developed, although no specific use has been identified. There are no impacts to the airport by allowing the airport to dispose of the property. The land (Parcel Number 1–11) was acquired under FAA Project No. 9–20–022–701. In accordance with section 47107(h) of title 49, United States Code, this notice is required to be published in the **Federal Register** 30 days before modifying the land-use assurance that requires the property to be used for an aeronautical purpose.

DATES: Comments must be received on or before June 3, 2002.

FOR FURTHER INFORMATION CONTACT: Mr. Jon B. Gilbert, Federal Aviation Administration, Great Lakes Region, Detroit Airports District Office, DET ADO–650.6, Willow Run Airport, East, 8820 Beck Road, Belleville, Michigan 48111, (734) 487–7281. Documents reflecting this FAA action may be reviewed at this same location or at the City Engineer (Mr. Brian McManus), City of Midland, 333 W. Ellsworth Street, Midland, Michigan.

SUPPLEMENTARY INFORMATION: Following is a legal description of the property located in the city of Midland, Midland County, Michigan, described as follows: Part of the Southwest ¼ of Section 32, T15N–R2E, City of Midland, Midland County, Michigan, described as: Beginning at a point which is S 00°02′11″ W, 1053.31 ft. along the North and South ¼ line, and S 78°54′33″ W, 61.15 ft. from the center of said Section 32; thence S 78°54′33″ W, 514.72 ft. on an intermediate traverse line along Jacobs Drain; thence S 75°53′19″ W, 73.28 ft. along said intermediate traverse line; thence S 00°24′53″ E, 582.06 ft. along a line which is parallel to and 50 ft. East of centerline of an entrance road to Jack Barstow Airport; thence S 89°31′34″ E, 925.86 ft. along the north right of way line of airport road; thence N 00°02′11″ E, 960.53 ft. along a line which is parallel to and 60 ft. West of the North and South ¼ line to the point of beginning, containing 17.44 acres, which includes all the land that lies between the intermediate traverse line and the centerline of Jacobs Drain and being subject to any easements of record. This notice announces that the FAA intends to authorize the disposal of the subject airport property at Jack Barstow Airport, Midland, Michigan.

Approval does not constitute a commitment by the FAA to financially assist in the disposal of the subject airport property nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. The disposition of proceeds from the disposal of the airport property will be in accordance with the FAA's Policy and Procedures Concerning the Use of Airport Revenue.

Issued in Belleville, Michigan, February 28, 2002.

Irene R. Porter,

Manager, Detroit Airports District Office, Great Lakes Region.

[FR Doc. 02–11058 Filed 5–2–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Finding of No Significant Impact

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Finding of no significant impact.

SUMMARY: The Federal Aviation Administration (FAA) prepared an Environmental Assessment (EA) to evaluate Kistler Aerospace Corporation's proposal to construct and operate commercial launch and reentry/recovery facilities at the Nevada Test Site (NTS) on land withdrawn from the public domain for use by the U.S. Department of Energy (DOE). After reviewing and analyzing available data and information on existing conditions, project impacts, and measures to mitigate those impacts, the FAA, Associate Administrator for Commercial Space Transportation (AST) has determined that licensing the proposed launch and reentry activities is not ''a major Federal action that would significantly affect the quality of the human environment within the meaning of the National Environmental Policy Act (NEPA) of 1969.'' Therefore, the preparation of an Environmental Impact Statement (EIS) is not required and AST is issuing a Finding of No Significant Impact (FONSI).

FOR A COPY OF THE ENVIRONMENTAL ASSESSMENT OR FINDING OF NO SIGNIFICANT IMPACT REGARDING KISTLER AEROSPACE CORPORATION LAUNCH/ REENTRY OPERATIONS CONTACT: Ms. Michon Washington, Office of the Associate Administrator for Commercial Space Transportation, Space Systems Development Division, Suite 331/AST–100, 800 Independence Avenue, SW, Washington, DC 20591; phone (202) 267–9305; or refer to the following Internet address: *http://ast.faa.gov.*

DATES: In accordance with NEPA, the FAA initiated a 30-day public review and comment period of the Draft EA for the Site, Launch, Reentry and Recovery Operations at the Kistler Launch Facility. A public meeting was held in Las Vegas, Nevada on May 2, 2000, to record written and verbal comments from the public. The comments were addressed in a Comment Response Document and in the Final EA where appropriate.

Proposed Action: Kistler Aerospace Corporation (Kistler) proposes to conduct launch and reentry/recovery operations at the NTS. The operations would include pre-flight processing activities, launch/flight operations, and landing operations. Kistler proposes to construct a base of operations consisting of a private launch site (including a vehicle processing facility) for its exclusive use, a payload processing facility, and a vehicle reentry, landing, and recovery area. Because licensing launch and reentry operations is considered to be a major Federal action subject to the requirements of NEPA (Public Law 91–190), as amended, 42 United States Code (U.S.C.) 4321, *et seq.*, FAA must assess the potential environmental impacts of an applicant's proposed action.

Kistler intends to use a fleet of five K–1 vehicles at a maximum flight rate of 52 launches per year, once the system is fully operational, to deploy payloads into low earth orbit. The K–1 vehicle is designed as a two-stage fully reusable launch vehicle made up of a Launch Assist Platform (LAP) and an Orbital Vehicle (OV). Both stages are fueled by liquid oxygen (LOX) and kerosene (RP–1), with the LAP using start cartridges containing a small amount of solid propellant to initiate the fuel flow. The K–1 is designed to require less pre-flight and post-flight processing and to minimize electronic, hydraulic, and fuel line connections/disconnections between flights. The K–1 would be the only launch vehicle used at the Kistler NTS facilities. The analysis in the Environmental Assessment is based on Kistler's conceptual engineering designs.

The Kistler facilities would be sited on the NTS, on land that is withdrawn from the public domain for use by the Department of Energy (DOE). The NTS is primarily an industrial area that previously hosted extensive nuclear tests. The NTS is bordered by the Nevada Test and Training Range (also known as the Nellis Air Force Range) on the north, east, and west sides and by Bureau of Land Management lands on the south and southwest. This is the site of frequent military aircraft training flights. Therefore, the NTS and surrounding communities are accustomed to land use for flight-testing purposes. The use of the NTS by Kistler for the purpose of launching and reentering launch vehicles is consistent with community planning activities in the areas around the NTS.

The FAA and the DOE are directly involved in the proposed action. The FAA is the lead federal agency for the NEPA process and is responsible for licensing and regulating Kistler's launch and reentry operations under 49 U.S.C. Subtitle IX'Commercial Space Transportation, ch. 701, Commercial Space Launch Activities, 49 U.S.C. 70101–10121. The DOE is a cooperating agency for the NEPA process and will provide land and certain infrastructure to the Nevada Test Site Development Corporation (NTSDC). The NTSDC issued a subpermit to Kistler for Kistler's use of the site. The DOE prepared a *Final Environmental Impact Statement for the Nevada Test Site and Off-Site Locations in the State of Nevada August 1996* (NTS EIS), in which it evaluated the implementation of a combination of alternatives including expanded use, no action, and alternative uses, i.e., non-defense and private endeavors, for the NTS. The DOE issued a Record of Decision (ROD) on December 9, 1996, in which it specifically identified Kistler as an example of a potential private use at the NTS. In accordance with Council on Environmental Quality (CEQ) regulations, this EA incorporates by reference the Final Programmatic Environmental Impact Statement for Licensing Launches (AST, 2001), the *Final Programmatic Environmental Impact Statement for Commercial Reentry Vehicles* (PEIS Reentry Vehicles) (AST 1992), and the NTS EIS (DOE 1996).

No Action: Under the No Action Alternative, Kistler would not propose to conduct launch/reentry operations at the NTS, and the FAA would not issue a license for Kistler to conduct launch or reentry operations. Kistler would not construct its launch facilities nor would it launch commercial satellites from the NTS.

Environmental Impacts

Air Quality

Air emissions would result from the construction activities, launch, flight, and reentry operations. Fugitive dust, particulate matter, and engine exhaust concentrations created during construction activities are estimated to be less than federal or state standards. Maximum concentrations of PM10 produced during construction averaged over 24 hours should not exceed 135 micrograms/cubic meter, which is below the national and Nevada State standard of 150 micrograms/cubic meter. This maximum concentration would occur in a controlled area and thus would not pose hazards to the public or to on-site personnel. Carbon monoxide (CO), sulfur dioxide (SO2), and nitrogen dioxide (NO2) emissions from vehicle and equipment exhaust during construction were all estimated to be much less than federal or state standards and therefore would pose little to no impact on the environment.

Emissions from the K–1 launch vehicle would include those from the start cartridges (i.e., CO and hydrogen chloride [HCl]) and those from the K–1 engines during the launch (primarily CO2, H2O and CO). The 2.14 kilograms (kg) of HCl produced during one launch would be dispersed over a large area and would have little impact on air quality. Total CO emissions from a single launch include about three (3) kg from start cartridges, 8,179 kg from

liftoff through the first 500 meters of the atmosphere, and 35,124 kg in the troposphere (500 meters to 20 kilometers). These estimated emissions from the K–1 were compared to those of the Titan IIIE/Centaur. Titan IIIE/Centaur emissions are well documented. The K–1 CO emissions are estimated to be less than 50 percent of those generated by the Titan IIIE/Centaur. CO emissions are also expected to be much less than the six parts per million (ppm) Nevada standard for sites above 1,524 meters and less than the national standard of nine ppm. Thus, CO emissions are not expected to adversely affect air quality.

In the upper atmosphere beginning at about 20 kilometers, H2O and CO2 may be considered potential pollutants due to their low natural concentration and possible influence on the Earth's heat balance. Upper atmospheric emissions from the Kistler vehicle were compared to those of the Titan IIIE/Centaur. The K–1 would produce more CO2 than the Titan IIIE/Centaur in the upper atmosphere, about 71 percent more in the stratosphere, and 109 percent more in the mesosphere and thermosphere. The K–1 would produce less H2O in the upper atmosphere than the Titan IIIE/Centaur despite the fact that in the stratosphere the K–1 produces 33 percent more H2O than the Titan IIIE/Centaur. The Programmatic Environmental Impact Statement for Licensing Launches states that launch activities appear to be many orders of magnitude below those that would be expected to produce detectable changes in the upper atmosphere. Therefore, launches of the K–1 should have minimal impacts on the upper atmosphere.

The operation and maintenance of the vehicle processing facility and launch site would generate additional air emissions. Fugitive dust air emissions could also occur from vacuuming operations performed on the LAP and OV between launches. However, this amount would be negligible and below the PM10 standards established for Nevada. Impacts to air quality from the proposed activities are expected to be insignificant.

Noise

Noise impacts would occur during construction, launch of the vehicle, and vehicle reentry. Construction activities and traffic noise would temporarily increase the ambient noise levels. Workers would wear protective hearing equipment in accordance with Occupational Safety and Health Administration (OSHA) regulations, when appropriate. The general public would not be in the immediate vicinity of the construction site. The closest public access is more than 32 km from the payload processing facility and launch site and more than 24 km from the landing and recovery area. At a distance of 24 km, noise levels are predicted to be less than 40 dBA, which would not be detectable under normal daytime background noise levels. Therefore, adverse impacts to the general public and construction workers as a result of construction noise are not expected.

Noise impacts during launches consist of the reusable launch vehicle's engine noise. Workers at the vehicle processing facility would be required to wear hearing protection devices for the first 18 seconds of launch during which time noise levels would be around 90 dBA. The predicted sound levels are well within occupational operating parameters for facility work and are all below 77 dBA for all offsite locations. No offsite locations would experience significant impacts due to launch sound levels.

Sonic booms would be generated during the vehicle ascent and the reentry stages descent to the landing and recovery area. Sonic boom levels generated under the flight paths would resemble distant thunder or, at most, a fireworks display and have no significant impact on surrounding communities. In the relatively small area where a focused boom occurs, individuals will experience a sudden and noticeable, but not harmful, overpressure equivalent to that felt inside a car when the door is slammed shut.

Socioeconomics and Environmental Justice

The proposed action is expected to create an average of 85 direct full-time jobs and 28 direct part-time jobs during construction and 90 direct full-time and 28 direct part-time jobs during normal operation. Of the total projected increase in workers, the majority is expected to live in the Las Vegas, Clark County area. Beneficial economic impacts of the proposed action may result from the added diversification of the regional economy and an expanded use of NTS resources. No negative socioeconomic effects on the region are expected as a result of the proposed action. In addition, no disproportionate effects on economically disadvantaged or minority groups are anticipated as a result of the proposed action.

Visual Resources

Visual resources are analyzed with respect to intensity and context. Kistler actions are classified as either ''not noticeable'' or ''visually subordinate'' and would take place in an area of moderate visual sensitivity. Kistler construction activities would not be visible by the general public. The visual impact of each launch would last less than five minutes. The area near the launch site has a substantial level of aircraft flight operations, many of which produce visible contrails not unlike those that would be formed by the K–1's engines. Upon reentry, the LAP and OV would be unpowered and would not produce a visual contrail. Thus, there are no expected impacts to visual resources.

Biological Resources

Vegetation

Construction of the proposed Kistler facilities would result in clearing vegetation from a total of over 671 acres. The total loss of vegetation, for the Kistler facilities would represent only about 0.008 percent of the total area of the Artemesia Type vegetation on the NTS. Because this plant community type is common both on the NTS and throughout the Great Basin, the anticipated loss would represent only a small portion of this habitat type and would not adversely affect local or regional diversity of plants and plant communities.

Ground based operations at the vehicle processing facility and launch site would not affect vegetation. Buildings or pavement would cover both operational areas. The landing/recovery area would be impacted but would be permitted to re-vegetate naturally with herbaceous vegetation. Woody vegetation that could damage the landing bags on the K–1 vehicle would be selectively removed on a periodic basis.

Vegetation may be damaged or destroyed by high temperature exhaust gases produced by launching the K–1. A NASA study reported that a deposition of more than one gram per square meter of chloride is necessary to cause serious damage to many plant species. The K–1 launch vehicle would deposit about 0.009 grams per square meter over an area of 250,000 square meters or 0.468 grams per square meter per year based on an assumed maximum 52 annual launches. Therefore, adverse impacts to vegetation from HCl deposition are expected to be negligible.

Wildlife

Potential impacts to wildlife could be produced by construction-related activities such as noise, human presence, clearing, and grading and by

operations-related phenomena, including launch noise, sonic booms, and vehicle launch emissions. Construction related impacts to wildlife could result in a permanent loss of available habitat and possible degradation of adjacent habitat due to an increase in noise and human activity. This habitat loss would not be expected to adversely affect the local or regional diversity of animal species or populations.

Day-to-day operations around the payload processing facility and launch site would not extend beyond the developed areas and would be expected to cause only minor disturbance to animals inhabiting the area. Although the Kistler facilities would be located outside of the range of the desert tortoise, the proposed project could impact this species. The desert tortoise is listed as threatened by the U.S. Fish and Wildlife Service. The NTS EIS assessed the potential mortality of desert tortoises resulting from expanding the use of the NTS. The level of traffic resulting from Kistler's construction and operations activities would not exceed the levels anticipated in the NTS EIS and so, would not result in any unanticipated increase in threat to the desert tortoise population on the NTS. Kistler-related workers would receive the same desert tortoise training required of all NTS workers.

Noise generated by vehicle launches on the NTS, including sonic booms, could cause a startle response and temporary hearing impairment to birds and mammals. These impacts are not expected to affect the viability or diversity of wildlife in the region. Wildlife is not expected to be adversely affected by Kistler launch/reentry operations.

Water Resources

The only perennial surface water in the vicinity of the proposed Kistler facilities is the man-made pond located between the payload processing facility and the launch site. Construction of the proposed facilities would not affect the quantity or quality of the water in this pond. Residues from processing and launch operations would be eliminated using existing drainage systems. Evaporation exceeds precipitation in the area, so there would be little downward migration of water from the surface. Therefore, it is not likely that any of Kistler's activities could affect groundwater quality. Spills of fuel or other materials used on-site during daily operations would be contained and cleaned up and any residue properly disposed. Therefore, no adverse impacts to surface and groundwater are expected from the proposed launch/reentry operations.

Geology and Soils

The majority of Kistler's facilities would be constructed on the ground surface or near surface. Channels and berms would be constructed to minimize soil erosion caused by water around the landing/recovery area. Operation of the Kistler facilities would not affect subsurface geological media but could affect surface soils due to compaction from vehicle traffic and/or deposition of exhaust material. However, this impact is expected to be minor. Surface soils may show a slight increase in pH, which could have a minor beneficial effect on vegetation by increasing the availability of some plant nutrients.

Cultural and Native American Resources

A cultural resources reconnaissance of the proposed payload processing facility did not identify any historic properties; however, a reconnaissance of the proposed launch site and landing/recovery site identified two such sites. The first site is a previously recorded historic property that has been the subject of two previous data recovery efforts. The second site was previously undiscovered. A data recovery plan was prepared to avoid adverse impacts to the previously undiscovered site. The Nevada State Historic Preservation Office (SHPO) approved the plan and the Advisory Council on Historic Preservation (ACHP) concurred. The data recovery plan was implemented and completed and impacts to the site have been mitigated. It was also determined that additional data recovery efforts on the previously discovered site would not yield new significant information or contribute to the existing archaeological information already recorded from the site through the previous data recovery efforts (Nevada State SHPO September 23, 1997) (ACHP October 1, 1997).

To ensure that Native American concerns are considered and data recovery is conducted in a culturally sensitive manner, representatives of the Owens Valley Paiutes, Western Shoshones, and Southern Paiutes were invited to participate in all phases of data recovery. A Rapid Cultural Assessment was conducted of the proposed payload processing facility and launch site. The Rapid Cultural Assessment team recommended a number of measures to mitigate impacts to traditional cultural values connected to the area. Those recommendations were evaluated and implemented, as appropriate. The DOE, FAA, and Consolidated Group of Tribes and Organizations (CGTO) met to discuss potential impacts expected from the proposed Kistler project and the possibility of implementing appropriate mitigation measures. As a result, the DOE and FAA will implement the following mitigation measures prior to Kistler initiating operations (1) Preparation of a Rapid Cultural Assessment for the landing/recovery site, and (2) Permission for Tribal Elders to visit both the launch and landing/recovery sites. These measures will be undertaken with the involvement of Kistler, DOE, FAA, and the CGTO. Activities would be conducted in accordance with Section 106 of the National Historic Preservation Act of 1966.

Transportation

Additional on-site and off-site traffic generated by the Kistler activities is expected to be minimal. Existing on-site roads could accommodate additional traffic. Traffic on off-site roads would increase but would have almost no impact on traffic flow. The closing of two paved roads on the NTS during launch and reentry activities for approximately one hour per launch would be a temporary disruption to on-site traffic.

Safety and Health

Worker health and safety issues arise primarily from accidents during construction, decontamination, decommissioning, and maintenance activities as well as from explosions, fires, or spills. Generally, the impact would be limited to workers within the vicinity of the accident. For hazardous operations including launch, workers would be located at safe distances in case of a catastrophic event.

Only accidents during K–1 flight have the potential to affect the public because of the remote and restricted location of the proposed Kistler operations. As part of the licensing process, FAA must determine whether K–1 operations pose unacceptable risks to public health and safety and not license operations that do so. Substantial hazards and risk are inherent in the operation of launch and reentry vehicles, and therefore, all reasonable precautions would be taken to minimize risk to public safety, health, and property. The flight ascent profile is designed to minimize risk to the public. A detailed flight hazard analysis will be conducted as part of a Safety Review under the auspices of the FAA before a determination is made regarding licensing. No significant impacts are expected to health and safety from the

proposed Kistler operations on the NTS. The extent of the impacts on public health and safety on and off the NTS will be addressed in the required FAA Safety Review prior to issuance of a launch and reentry license.

Airspace

At no time does the launch vehicle enter airspace controlled by the FAA for general and commercial aviation. Most proposed Kistler flights stay within NTS or Nevada Test and Training Range airspace; however, certain launch trajectories require flight outside restricted airspace and above FAA controlled airspace. On these missions, vehicle altitude remains greater than 45,000 meters (150,000 feet) in airspace not used by general or commercial aviation.

The nearest air traffic route used by civil aviation that is over-flown by the K–1 during launch would be Jet Route 80–58 (J80–58), between Wilson Creek and Tonopah, Nevada. Upon reentry, the nearest air traffic route is J92 between Beatty and Boulder City, Nevada. Because of the large horizontal and altitude separation distances, the nearest civil air traffic route structure would not be affected, and any potential impacts would be negligible.

Cumulative Impacts

The proposed action was evaluated for cumulative impacts on air quality, noise, socioeconomic, biological resources, cultural and Native American resources, transportation, and health and safety. In researching cumulative projects, the Department of Energy, Nevada Operations Office and the U.S. Air Force were contacted. The assessment of foreseeable future actions is based on information presented in the NTS EIS. No cumulative impacts are expected as a result of the proposed Kistler facilities and operations.

Other Alternatives

Prior to selecting the NTS as its preferred launch location, Kistler explored alternatives throughout the United States. Kistler considered the California Spaceport, Spaceport Florida Authority's Launch Complex 46, and the proposed Southwest Regional Spaceport. The coastal locations were eliminated from consideration due to restrictions on the launch azimuths that could be used from that location. The Southwest Regional Spaceport was not selected as the preferred site because the NTS offered a more flexible range environment that is important to commercial operations.

No Action Alternative

Under the No Action Alternative, the FAA would not issue a license for Kistler to conduct launch and reentry operations from the NTS. The General Use Permit between DOE and the NTSDC would continue to exist but the subpermit between the NTSDC and Kistler would be void. Predicted environmental impacts of the proposed launch and reentry activities would not occur and the proposed project area would not be altered as a result of Kistler-related activities.

Consultation Activities

Seventeen tribes and organizations with ties to the NTS have aligned together to form the Consolidated Group of Tribes and Organizations. The Consolidated Group of Tribes and Organizations members prepared an American Indian assessment document to express their opinions and provide comments on the Environmental Assessment. A preliminary draft of the American Indian assessment document was submitted to members of the American Indian Writers Subgroup, the DOE, the NTSDC, and the FAA on August 31, 2000.

Following a review of the document, the DOE requested that a meeting between representatives of the American Indian Writers Subgroups, DOE, and FAA be held to discuss the document and revise the text for inclusion in the Kistler Environmental Assessment.

There are various locations where the Environmental Assessment contradicts or controverts Native American comments regarding environmental impacts. The data presented in the Environmental Assessment are supported by scientific findings whereas the Native American comments are not accompanied by any evidence to support assertions of environmental damage. Therefore these comments, while considered by the FAA in developing the Final Environmental Assessment, are not specifically included in the body of the document but are included in full as an appendix to the document. In addition, the CGTO was provided with an extended comment period and individual meetings were held between the CGTO, the DOE, and the FAA.

Determination

An analysis of the proposed action has concluded that there are no significant short-term or long-term effects to the environment or surrounding populations. After careful and thorough consideration of the facts contained herein, the undersigned finds that the proposed Federal action is consistent with existing national environmental policies and objectives as set forth in Section 101(a) of the National Environmental Policy Act of 1969 (NEPA) and that it will not significantly affect the quality of the human environment or otherwise include any condition requiring consultation pursuant to Section 102 (2) (C) of NEPA. Therefore, an Environmental Impact Statement for the proposed action is not required.

Dated: April 29, 2002.

Patricia G. Smith,

Associate Administrator for Commercial Space Transportation, Washington, DC.

[FR Doc. 02–11054 Filed 5–2–02; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Special Committee 195: Flight Information Services Communications (FISC)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of RTCA Special Committee 195 meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of RTCA Special Committee 195: Flight Information Services Communications (FISC).

DATES: The meeting will be held May 29–30, 2002, starting at 8:30 am.

ADDRESSES: The meeting will be held at NCAR, Foothills Laboratory Building 2, Room 1002, 3450 Mitchell Lane, Boulder, Colorado, 80301.

FOR FURTHER INFORMATION CONTACT: (1) RTCA Secretariat, 1828 L. Street, NW., Washington, DC, 20036; telephone (202) 833–9339; fax (202) 833–9434; web site *http://www.rtca.org;* (2) in Boulder, telephone (303) 497–8422; web site *www.rap.ucar.edu.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for a Special Committee 195 meeting. The agenda will include:

- May 29:
- Working Group 1
- Progress on Change 1 to DO–267, Minimum, Aviation System Performance Standards (MASPS) for Flight Information Services-Broadcast (FIS–B) Data Link
- Opening Plenary Session (Welcome and Introductory Remarks, Approval of

Agenda, Approval of Minutes, Review of Action Items)

- Tour of NCAR Laboratories
- Discussion of DO–267 Change 1 Schedule and FIS Product Roadmap
- Discussion of FIS Registry of Products
- Discussion of Aerodrome Product Definition
- Report from Working Group 1
- May 30
- Continued Plenary Session
- Report on the Use of DO–252
- Work on Change 1 to DO–267
- Closing Plenary Session (Review Action Items, Discussion of Future Workplan, Other Business, Date and Place of Next Meeting, Adjourn)

Attendance is open to the interested public but limited to space availability. With the approval of the chairmen, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on April 29, 2002.

Jane P. Caldwell,

Program Director, System Engineering Resource Management.

[FR Doc. 02–11057 Filed 5–1–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Special Committee 198: Next-Generation Air/Ground Communications System (NEXCOM)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of RTCA Special Committee 198 meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of RTCA Special Committee 198: Next-Generation Air/Ground Communications System (NEXCOM).

DATES: The meeting will be held on May 21–23, 2002, starting at 9 a.m.

ADDRESSES: The meeting will be held at RTCA, 1828 L Street, Suite 805, Washington, DC, 20036.

FOR FURTHER INFORMATION CONTACT: RTCA Secretariat, 1828 L Street, NW, Suite 805, Washington, DC, 20036; telephone (202) 833–9339; fax (202) 833–9434; web site *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C. Appendix 2), notice is hereby given for a Special Committee 198 meeting. The agenda will include:

- May 21:
  - Opening Plenary Session (Welcome and Introductory Remarks, Review Minutes of Previous Meeting).
  - Status of Working Group 4, VHF Data Link (VDL) 3 Implementation.
  - Status of Working Group 5, VDL 3 Operational Safety Analysis, System Performance Requirements.
  - Status of Working Group 6, VDL 3 Interoperability of NEXCOM.
  - Closing Plenary Session (Date and Place of Next Meeting).
- May 22, 23:
  - Working Groups 4 and 5.

Attendance is open to the interested public but limited to space availability. With the approval of the chairmen, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on April 29, 2002.

Jane P. Caldwell,

Program Director, System Engineering Resource Management.

[FR Doc. 02–11056 Filed 5–2–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2002–12203]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel ANNA MARIA.

SUMMARY: As authorized by Pub. L. 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub. L. 105–383 and MARAD's regulations at 46 CFR part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before June 3, 2002.

ADDRESSES: Comments should refer to docket number MARAD–2002–12203. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW, Washington, DC 20590–0001. You may also send comments electronically via the Internet at *http://dmses.dot.gov/submit/.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, SW, Washington, DC 20590. Telephone 202–366–2307.

SUPPLEMENTARY INFORMATION: Title V of Pub. L. 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARADS regulations at 46 CFR part 388.

Vessel Proposed for Waiver of the U.S.-Build Requirement

(1) Name of vessel and owner for which waiver is requested.

Name of vessel: ANNA MARIA. Owner: Fred Whitford.

(2) Size, capacity and tonnage of vessel. *According to the applicant:* ''The ANNA MARIA has a documented net tonnage of 128 tons. The overall length is 65′, with a beam of 25′, and a draft of 2.5′.''

(3) Intended use for vessel, including geographic region of intended operation and trade. *According to the applicant:*

''The intended use of the vessel is to provide transportation for multi-day eco-tours consisting of 3 days and 2 nights. The ANNA MARIA is well suited for accommodating passengers for a number of days. Tours will be conducted on the Yukon River and will depart from the Yukon River crossing at mile 56 of the Dalton Highway.''

(4) Date and Place of construction and (if applicable) rebuilding. *Date of construction:* 1988. *Place of construction:* Vancouver, British Columbia.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. *According to the applicant:* ''The proposed activities of the Yukon River Tours will have minimal effects on other commercial vessel operations in the proposed area of operation. Currently, there are no other similar vessels or tours of this kind within the target area.''

(6) A statement on the impact this waiver will have on U.S. shipyards. *According to the applicant:* ''The proposed use of the ANNA MARIA will have little to no effect on U.S. shipyards. The vessel was built over ten years ago, and to build a vessel for a similar operation today would not provide sufficient returns to create a profitable operation.''

Dated: April 30, 2002.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 02–11030 Filed 5–2–02; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2002–12207]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel FINE ROMANCE.

SUMMARY: As authorized by Pub. L. 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-Build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub. L. 105–383 and MARAD's regulations at 46 CFR part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before June 3, 2002.

ADDRESSES: Comments should refer to docket number MARAD–2002–12207. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at *http://dmses.dot.gov/submit/.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–2307.

SUPPLEMENTARY INFORMATION: Title V of Pub. L. 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR § 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARADES regulations at 46 CFR Part 388.

Vessel Proposed for Waiver of the U.S.-Build Requirement

(1) *Name of vessel and owner for which waiver is requested.*

Name of vessel: FINE ROMANCE. *Owner:* Alfred B. and Jane K. Castleman, Trustees, Castleman Family Trust.

(2) Size, capacity and tonnage of vessel. According to the applicant: ''57 feet, GRT 39, NT 31, this application is for no more than 12 passengers.''

(3) *Intended use for vessel, including geographic region of intended operation and trade. According to the applicant:* '' Coastwise USA and territories, with primary usage to be on the East and West Coasts of the United States and the Virgin Islands. The intended use chartered trips within the region typically with just one other couple in addition to the owner/operators.''

(4) *Date and Place of construction and (if applicable) rebuilding. Date of construction:* 1998. *Place of construction:* Park Isle Marine, Ltd., Sooke, British Columbia, Canada.

(5) *A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant:* ''None to minimal. There are no known boats in the continental U.S. that cater to trips for just two passengers and only one boat in the entire region.''

(6) *A statement on the impact this waiver will have on U.S. shipyards. According to the applicant:* ''None. This vessel was purchased for private ownership prior to the existence of the Coastwise waiver program with principal criteria that it be capable of open ocean crossings of 4,000 miles or more. There are essentially no US shipyards that produce trawlers that have that capability.''

Dated: April 30,2002.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 02–11034 Filed 5–2–02; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2002–12205]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel HOVER-ONE.

SUMMARY: As authorized by Pub. L. 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub. L. 105–383 and MARAD's regulations at 46 CFR part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before June 3, 2002.

ADDRESSES: Comments should refer to docket number MARAD–2002–12205. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at *http://dmses.dot.gov/submit/.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–2307.

SUPPLEMENTARY INFORMATION: Title V of Pub. L. 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Vessel Proposed for Waiver of the U.S.-Build Requirement

(1) *Name of vessel and owner for which waiver is requested. Name of vessel:* HOVER–ONE. *Owner:* AEGIS, Inc.

(2) *Size, capacity and tonnage of vessel. According to the applicant:* ''*9 Net Tons * * * Dimensions:* With Skirts inflated, and in full flight—38′ L x 18′ W; With skirts deflated, an off hover—36.5 L x 14′ W; Height on Hover—11.8′; Passenger Compartment—18′ L x 6.8′ W x 5.8′ H''

(3) *Intended use for vessel, including geographic region of intended operation and trade. According to the applicant:* ''Passenger and Cargo Transportation in Shallow Water Harbor and Riverine Areas. Operation restricted to within 3 miles of shoreline. Area of Operation will be in Tampa Bay, FL.''

(4) *Date and Place of construction and (if applicable) rebuilding. Date of construction:* January 1999. *Place of construction:* Kenora, Canada.

(5) *A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant:* ''As there are no other operators of commercial hovercraft of this tonnage in the U.S., there is no negative impact on local charter boat operators. Additionally, this hovercraft will be used primarily as a water taxi, of which Tampa Bay is in expressed (by both Tampa and Saint Petersburg) need.''

(6) *A statement on the impact this waiver will have on U.S. shipyards. According to the applicant:* ''This hovercraft will have no negative impact on U.S. domestic shipyards, in that none are currently, nor have future plans to be, engaged in the construction of Skirted Air Cushion vehicles. Hovercraft are more like aircraft than boats, and do not employ water-planing hulls. They fly on a cushion of air, over both land and water, across deserts, ice, etc.''

Dated: April 30, 2002.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 02–11032 Filed 5–2–02; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–12204]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel JOLLY ROGER.

SUMMARY: As authorized by Pub. L. 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub. L. 105–383 and MARAD's regulations at 46 CFR part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before June 3, 2002.

ADDRESSES: Comments should refer to docket number MARAD–2002–12204. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at *http://dmses.dot.gov/submit/.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime

Administration, MAR–832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–2307.

SUPPLEMENTARY INFORMATION: Title V of Pub. L. 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR § 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARADES regulations at 46 CFR part 388.

Vessel Proposed for Waiver of the U.S.-build Requirement

(1) *Name of vessel and owner for which waiver is requested. Name of vessel:* JOLLY ROGER. *Owner:* William E. Sykes.

(2) *Size, capacity and tonnage of vessel. According to the applicant:* ''39.4 ft length/13.4 ft. breadth/9.8 ft. depth; Capacity of vessel is: 8–12 passengers, including Captain & 1st Mate; Tonnage is 19 Tons gross tonnage/17 tons net tonnage.''

(3) *Intended use for vessel, including geographic region of intended operation and trade. According to the applicant, ''Intended use for vessel is:* for hire for cargo and/or 10 passengers or less. Intended geographic region is all navigable waters under United States jurisdiction, excluding Alaska.''

(4) *Date and Place of construction and (if applicable) rebuilding. Date of construction:* 1986. *Place of construction:* Taiwan.

(5) *A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant:* ''This waiver should have minimal to no impact on cruise lines; minimal to no impact on bed and breakfast operations and minimal to no impact on fishing operations; minimal to no impact on cargo/container lines.''

(6) *A statement on the impact this waiver will have on U.S. shipyards. According to the applicant:* ''The impact this waiver will have on U.S. shipyards would be only to increase their business, due to potential increased use of the vessel.''

Dated: April 30, 2002.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 02–11031 Filed 5–2–02; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2002–12206]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel PUFFIN.

SUMMARY: As authorized by Pub. L. 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub. L. 105–383 and MARAD's regulations at 46 CFR part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before June 3, 2002.

ADDRESSES: Comments should refer to docket number MARAD–2002–12206. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at *http://dmses.dot.gov/submit/.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–2307.

SUPPLEMENTARY INFORMATION: Title V of Pub. L. 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR § 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD'S regulations at 46 CFR part 388.

Vessel Proposed for Waiver of the U.S.-build Requirement

(1) *Name of vessel and owner for which waiver is requested. Name of vessel:* PUFFIN. *Owner:* Leland Stein.

(2) *Size, capacity and tonnage of vessel. According to the applicant:* ''35.7 feet, GRT 23, NT 18, this application is for no more than 12 passengers''

(3) *Intended use for vessel, including geographic region of intended operation and trade. According to the applicant:* ''Coastwise USA and territories, with primary usage to be on the East Coast of the United States and the Caribbean. The intended use * * * Short sightseeing trips and evening cruises with up to 6 passengers.

(4) *Date and Place of construction and (if applicable) rebuilding. Date of construction:* 1981. *Place of construction:* Tainan, Taiwan.

(5) *A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant:* ''None to minimal. There are very few boats doing small operations of this sort in the designated area. To the extent they are present, the scale of this operation is to be so small and so infrequent that it will not have any measurable impact on existing operations.''

(6) *A statement on the impact this waiver will have on U.S. shipyards. According to the applicant:* ''None. The vessel was built in 1981 and was

purchased before the existence of this administrative waiver.''

Dated: April 30, 2002.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 02–11033 Filed 5–2–02; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2002–12202]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel SEALION.

SUMMARY: As authorized by Pub. L. 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub. L. 105–383 and MARAD's regulations at 46 CFR part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before June 3, 2002.

ADDRESSES: Comments should refer to docket number MARAD–2002–12202. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at *http://dmses.dot.gov/submit/.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–2307.

SUPPLEMENTARY INFORMATION: Title V of Pub. L. 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD'S regulations at 46 CFR part 388.

Vessel Proposed for Waiver of the U.S.-build Requirement

(1) *Name of vessel and owner for which waiver is requested.*

Name of vessel: SEALION. Owner: Robert J. Donohue.

(2) *Size, capacity and tonnage of vessel. According to the applicant:* ''36.3 feet, GRT 20, NT 16, this application is for no more than 12 passengers.''

(3) *Intended use for vessel, including geographic region of intended operation and trade. According to the applicant:* ''The geographic region of intended use of the vessel for which waiver is being requested is: Coastwise USA and territories, with primary usage to be in New England waters including Massachusetts Bay, Cape Cod Bay, Buzzards Bay, Nantucket Sound, Rhode Island Sound. The intended use of the vessel for which waiver is being requested is: short cruises of not more than one week, to include liveaboard cruises, sunset cruises, bareboat charters, day trips, boat handling instruction, and trips along the intercoastal waterway.''

(4) *Date and Place of construction and (if applicable) rebuilding. Date of construction:* 1978. Place of construction: The Republic of Singapore.

(5) *A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant:* ''The impact this waiver (if granted) will have on comparable vessels in comparable operations in the intended geographic area of intended operation of the vessel for which waiver is being requested is: None to minimal. Most comparable operations in the region offer fishing charters or large capacity tour boats (such as whale watching trips, and Cape Cod Canal tours). With maximum overnight capacity expected to be 4 passengers, the impact on existing operations will be negligible.''

(6) *A statement on the impact this waiver will have on U.S. shipyards. According to the applicant:* ''The impact this waiver (if granted) will have on U.S. shipyards is: None. This is an existing vessel that was built more than two decades ago.''

Dated: April 30, 2002.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 02–11040 Filed 5–2–02; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2002–11879]

Notice of Receipt of Petition for Decision That Nonconforming 1980 General Motors Jimmy Multipurpose Passenger Vehicles Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 1980 General Motors Jimmy multipurpose passenger vehicles are eligible for importation.

SUMMARY: This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 1980 General Motors Jimmy multipurpose passenger vehicles that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because (1) they are substantially similar to vehicles that were originally manufactured for sale in the United States and that were certified by their manufacturer as complying with the safety standards, and (2) they are capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is June 3, 2002.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Management, Room PL–401, 400 Seventh St., SW., Washington, DC 20590. [Docket hours are from 9 a.m to 5 p.m].

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

Wallace Environmental Testing Laboratories, Inc. of Houston, Texas (''WETL'')(Registered Importer 90–005) has petitioned NHTSA to decide whether 1980 General Motors Jimmy multipurpose passenger vehicles that were originally manufactured for sale in the European market, are eligible for importation into the United States. The vehicles which WETL believes are substantially similar are 1980 General Motors Jimmy multipurpose passenger vehicles that were manufactured for sale in the United States and certified by their manufacturer, General Motors Corporation, as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared non-U.S. certified 1980 General Motors Jimmy multipurpose passenger vehicles to their U.S.-certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

WETL submitted information with its petition intended to demonstrate that non-U.S. certified 1980 General Motors Jimmy multipurpose passenger vehicles, as originally manufactured, conform to many Federal motor vehicle safety standards in the same manner as their U.S. certified counterparts, or are capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that non-U.S. certified 1980 General Motors Jimmy multipurpose passenger vehicles are identical to their U.S. certified counterparts with respect to compliance with Standard Nos. 101 *Controls and Displays*, 102 *Transmission Shift Lever Sequence * * *,* 103 *Defrosting and Defogging Systems*, 104 *Windshield Wiping and Washing Systems*, 106 *Brake Hoses*, 108 *Lamps, Reflective Devices and Associated Equipment*, 113 *Hood Latch Systems*, 116 *Motor Vehicle Brake Fluids*, 119 *New Pneumatic Tires for Vehicles other than Passenger Cars*, 124 *Accelerator Control Systems*, 202 *Head Restraints*, 204 *Steering Control Rearward Displacement*, 205 *Glazing Materials*, 206 *Door Locks and Door Retention Components*, 207 *Seating Systems*, 209 *Seat Belt Assemblies*, 210 *Seat Belt Assembly Anchorages*, 212 *Windshield Retention*, 214 *Side Impact Protection*, 219 *Windshield Zone Intrusion*, 301 *Fuel System Integrity*, and 302 *Flammability of Interior Materials*.

Additionally, the petitioner states that non-U.S. certified 1980 General Motors Jimmy multipurpose passenger vehicles comply with the Vehicle Identification Number plate requirement of 49 CFR part 565.

Petitioner further contends that the vehicles are capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 111 *Rearview Mirror:* replacement of the passenger side rearview mirror, which is flat and has 1:1 magnification.

Standard No. 120 *Tire Selection and Rims for Motor Vehicles other than Passenger Cars:* installation of a tire information placard.

Standard No. 208 *Occupant Crash Protection:* installation of an audible safety belt warning system. The petitioner states that the vehicle is equipped with Type II seat belts in both front outboard seating positions and Type I seat belts in the rear outboard and center seating positions and that driver and front outboard passenger seating positions are not required to have air bags.

The petitioner also states that a certification label must be affixed to the driver's side door jamb to meet the requirements of 49 CFR part 567.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Management, Room PL–401, 400 Seventh St., SW., Washington, DC 20590. [Docket hours are from 9 am to 5 pm]. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: April 20, 2002.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 02–11052 Filed 5–2–02; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Annual List of Defect and Noncompliance Decisions Affecting Nonconforming Imported Vehicles

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Annual list of defect and noncompliance decisions affecting nonconforming vehicles imported by registered importers.

SUMMARY: This document contains a list of vehicles recalled by their manufacturers during Calendar Year 2001 (January 1, 2001 through December 31, 2001) to correct a safety-related defect or a noncompliance with an applicable Federal motor vehicle safety standard (FMVSS). The listed vehicles are those that NHTSA has decided are substantially similar to vehicles imported into the United States that were not originally manufactured and certified to conform to all applicable FMVSS. The registered importers of those nonconforming vehicles are required to provide their owners with notification of, and a remedy for, the

defects or noncompliances for which the listed vehicles were recalled.

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION: Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards (FMVSS) shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle of the same model year that was originally manufactured for importation into and sale in the United States and certified under 49 U.S.C. 30115. Once NHTSA decides that a nonconforming vehicle is eligible for importation, it may be imported by a person who is registered with the agency pursuant to 49 U.S.C. 30141(c). Before releasing the vehicle for use on public streets, roads, or highways, the registered importer must certify to NHTSA, pursuant to 49 U.S.C. 30146(a), that the vehicle has been brought into conformity with all applicable FMVSS.

If a vehicle originally manufactured for importation into and sale in the United States is decided to contain a defect related to motor vehicle safety, or not to comply with an applicable FMVSS, 49 U.S.C. 30147(a)(1)(A) provides that the same defect or noncompliance is deemed to exist in any nonconforming vehicle that NHTSA has decided to be substantially similar and for which a registered importer has submitted a certificate of conformity to the agency. Under 49 U.S.C. 30147(a)(1)(B), the registered importer is deemed to be the nonconforming vehicle's manufacturer for the purpose of providing notification of, and a remedy for, the defect or noncompliance.

To apprise registered importers of the vehicles for which they must conduct a notification and remedy (*i.e.,* ''recall'') campaign, 49 U.S.C. 30147(a)(2) requires NHTSA to publish in the **Federal Register** notice of any defect or noncompliance decision that is made with respect to substantially similar U.S. certified vehicles. Annex A contains a list of all such decisions that were made during Calendar Year 2001. The list identifies the Recall Number that was assigned to the recall by NHTSA after the agency received the manufacturer's notification of the defect or noncompliance under 49 CFR part 573. After December 31, 2002, NHTSA will publish a comparable list of all defect and noncompliance decisions affecting nonconforming imported vehicles that are made during the current calendar year.

The vehicles listed were all remedied through repair. There were no campaigns in this period that remedied the safety related defect or noncompliance by replacing the vehicle or by refunding the purchase price.

Authority: 49 U.S.C. 30147(a)(2); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: April 30, 2002.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

ANNEX A.—CALENDAR YEAR 2001 RECALLS AFFECTING VEHICLES IMPORTED BY REGISTERED IMPORTERS

Make	Model	Year	Recall No.
ACURA	3.2TL	2000	01V166002
ACURA	3.2TL	2001	01V166002
ACURA	3.2TL	2002	01V166001
ACURA	3.2TL	2002	01V166002
ACURA	LEGEND	1991	01V053000
ACURA	LEGEND	1992	01V053000
AUDI	100	1993	00V084000
AUDI	A4	1996	00V317000
AUDI	A4	1997	00V317000
AUDI	A4	1999	00V414000
AUDI	A6	1998	01V157000
AUDI	A6	1999	00V414000
AUDI	A6	1999	01V157000
AUDI	A6	2000	01V157000
AUDI	A6	2001	01V202000
AUDI	S4	1993	00V068000
AUDI	S4	1994	00V068000
AUDI	S6	1995	00V068000
BENTLEY	CONTINENTAL R	2000	01V096000
BMW	330I	2001	00V383000
BMW	M5	2000	01V001000
BMW	M5	2001	01V001000
BMW	X5	2001	01V030000
BMW	325CI	2001	01V206000
BMW	325I	2001	01V206000
BMW	330CI	2001	01V206000
BMW	540I	2001	01V206000
BMW	M3	2001	01V245000
BMW	R1200C	1998	01V217000
BMW	X5	2000	01V195000
BMW	X5	2000	01V196000
BMW	X5	2001	01V173000
BMW	X5	2001	01V196000
BMW	X5	2001	01V197000
BMW	X5	2001	01V206000
BMW	Z8	2001	01V206000
BUICK	PARK AVENUE	2000	00V346000
BUICK	PARK AVENUE	2001	00V346000
BUICK	SKYLARK	1995	00V287000
CADILLAC	DEVILLE	1998	00V217000

ANNEX A.—CALENDAR YEAR 2001 RECALLS AFFECTING VEHICLES IMPORTED BY REGISTERED IMPORTERS—Continued

Make	Model	Year	Recall No.
CADILLAC	DEVILLE	1999	00V217000
CADILLAC	DEVILLE	2000	00V347000
CADILLAC	DEVILLE	2001	00V347000
CADILLAC	DEVILLE	2001	01V172000
CADILLAC	SEVILLE	2001	00V432000
CHEVROLET	ASTRO	1996	01V123000
CHEVROLET	ASTRO	1997	01V123000
CHEVROLET	ASTRO	1998	01V123000
CHEVROLET	ASTRO	1999	01V123000
CHEVROLET	BLAZER	1996	01V200000
CHEVROLET	BLAZER	1997	01V200000
CHEVROLET	C2500	2001	01V220000
CHEVROLET	CAMARO	2002	01V381000
CHEVROLET	EXPRESS	1997	00V110000
CHEVROLET	IMPALA	2000	01V136000
CHEVROLET	IMPALA	2001	01V136000
CHEVROLET	K2500	2001	01V220000
CHEVROLET	K2500	2002	01V220000
CHEVROLET	K3500	2001	01V220000
CHEVROLET	MALIBU	1997	01V068000
CHEVROLET	MALIBU	1998	01V068000
CHEVROLET	SILVERADO	1999	00V345000
CHEVROLET	SILVERADO	2000	00V345000
CHEVROLET	SUBURBAN	1992	01I006000
CHEVROLET	SUBURBAN	1993	01I006000
CHEVROLET	SUBURBAN	1994	01I006000
CHEVROLET	SUBURBAN	2000	00V345000
CHEVROLET	SUBURBAN	2001	01V159000
CHEVROLET	TAHOE	2000	00V345000
CHEVROLET	TAHOE	2001	01V159000
CHEVROLET	TRAILBLAZER	2002	01V126000
CHEVROLET	TRAILBLAZER	2002	01V283000
CHEVROLET	TRAILBLAZER	2002	01V334000
CHEVROLET	VENTURE	1997	01V067000
CHEVROLET	VENTURE	1997	01V264000
CHEVROLET	VENTURE	1998	01V067000
CHEVROLET	VENTURE	1998	01V264000
CHEVROLET	VENTURE	1999	01V067000
CHEVROLET	VENTURE	1999	01V264000
CHEVROLET	VENTURE	2000	01V067000
CHEVROLET	VENTURE	2000	01V264000
CHEVROLET	VENTURE	2001	01V026000
CHEVROLET	VENTURE	2001	01V067000
CHEVROLET	VENTURE	2001	01V264000
CHRYSLER	CONCORDE	1999	01V119000
CHRYSLER	LHS	1999	01V119000
CHRYSLER	PT CRUISER	2002	01V288000
CHRYSLER	SEBRING	1995	00V421002
CHRYSLER	SEBRING	1996	00V421002
CHRYSLER	SEBRING	1997	00V421002
CHRYSLER	SEBRING	1998	00V421002
CHRYSLER	SEBRING	1999	00V421002
CHRYSLER	SEBRING	2000	00V421002
CHRYSLER	SEBRING	2001	00V278000
CHRYSLER	SEBRING	2001	01V005002
CHRYSLER	SEBRING	2001	01V011002
CHRYSLER	TOWN AND COUNTRY	2001	01I003000
DODGE	AVENGER	1995	00V421002
DODGE	AVENGER	1996	00V421002
DODGE	AVENGER	1997	00V421002
DODGE	AVENGER	1998	00V421002
DODGE	AVENGER	1999	00V421002
DODGE	CARAVAN	1999	01V119000
DODGE	CARAVAN	2001	01I003000
DODGE	CARAVAN	2001	01V152000
DODGE	CARAVAN	2002	01V310000
DODGE	DAKOTA	1989	01V232000
DODGE	DAKOTA	1990	01V232000
DODGE	DAKOTA	1997	01V153000
DODGE	DAKOTA	1998	01V153000
DODGE	DAKOTA	1999	01V119000
DODGE	DAKOTA	1999	01V153000

ANNEX A.—CALENDAR YEAR 2001 RECALLS AFFECTING VEHICLES IMPORTED BY REGISTERED IMPORTERS—Continued

Make	Model	Year	Recall No.
DODGE	DAKOTA	2000	01V153000
DODGE	DAKOTA	2001	01V077000
DODGE	DURANGO	1997	01V153000
DODGE	DURANGO	1998	01V153000
DODGE	DURANGO	1999	01V119000
DODGE	DURANGO	1999	01V153000
DODGE	DURANGO	2000	01V153000
DODGE	DURANGO	2001	01V077000
DODGE	GRAND CARAVAN	2001	01I003000
DODGE	GRAND CARAVAN	2001	01V152000
DODGE	GRAND CARAVAN	2002	01V310000
DODGE	INTREPID	1999	01V119000
DODGE	NEON	2000	01V154000
DODGE	NEON	2001	01V154000
DODGE	RAM	1994	01V037000
DODGE	RAM	1994	01V040000
DODGE	RAM	1995	01V037000
DODGE	RAM	1995	01V040000
DODGE	RAM	1996	01V037000
DODGE	RAM	1996	01V040000
DODGE	RAM	1997	01V040000
DODGE	RAM	1997	01V153000
DODGE	RAM	1998	01V040000
DODGE	RAM	1998	01V153000
DODGE	RAM	1999	01V040000
DODGE	RAM	1999	01V119000
DODGE	RAM	1999	01V153000
DODGE	RAM	2000	01V038000
DODGE	RAM	2000	01V153000
DODGE	RAM	2000	01V253000
DODGE	RAM	2001	01V008000
DODGE	RAM	2001	01V153000
DODGE	RAM	2001	01V184000
DODGE	RAM	2001	01V253000
DODGE	RAM	2001	01V289000
EAGLE	TALON	1995	00V421002
EAGLE	TALON	1997	00V421002
FERRARI	360 MODENA	1999	01V025000
FERRARI	360 MODENA F1	1999	01V025000
FERRARI	550 BARCHETTA	2001	01V211000
FERRARI	550 MARANELLO	1997	01V297000
FERRARI	550 MARANELLO	1998	01V297000
FERRARI	550 MARANELLO	1999	01V297000
FERRARI	550 MARANELLO	2001	01V211000
FORD	AEROSTAR	1997	00V425000
FORD	CONTOUR	1995	00V367000
FORD	CONTOUR	1995	01I009000
FORD	CONTOUR	1996	00V367000
FORD	CONTOUR	1996	01I009000
FORD	CONTOUR	1996	01V230000
FORD	CONTOUR	1997	01I009000
FORD	CONTOUR	1997	01V230000
FORD	CONTOUR	1998	01I013000
FORD	CONTOUR	1998	01V230000
FORD	CONTOUR	1998	01V255000
FORD	CROWN VICTORIA	2001	01V227001
FORD	E150	1997	01V114000
FORD	E150	1998	01V114000
FORD	E150	1999	01V114000
FORD	E150	2000	01V114000
FORD	E150	2001	01V114000
FORD	E350	1997	01V114000
FORD	E350	1998	01V114000
FORD	E350	1999	01V114000
FORD	E350	2000	01V114000
FORD	E350	2001	01V114000
FORD	EXCURSION	2000	01V075000
FORD	EXCURSION	2000	01V258000
FORD	EXCURSION	2001	01V082000
FORD	EXCURSION	2001	01V227001
FORD	EXCURSION	2001	01V258000
FORD	EXPEDITION	2000	01V258000

ANNEX A.—CALENDAR YEAR 2001 RECALLS AFFECTING VEHICLES IMPORTED BY REGISTERED IMPORTERS—Continued

Make	Model	Year	Recall No.
FORD	EXPEDITION	2001	01V227001
FORD	EXPEDITION	2001	01V258000
FORD	EXPEDITION	2001	01V082000
FORD	EXPLORER	1997	00V422000
FORD	EXPLORER	1998	00V422000
FORD	EXPLORER	1999	00V395000
FORD	EXPLORER	2000	00V395000
FORD	EXPLORER	2002	01I010000
FORD	EXPLORER	2002	01V171000
FORD	EXPLORER SPORT	2000	00V394000
FORD	EXPLORER SPORT	2001	00V394000
FORD	F150	1990	01I008000
FORD	F150	1991	01I008000
FORD	F150	1992	01I008000
FORD	F150	1993	00V424000
FORD	F150	1993	01I008000
FORD	F150	1999	02V008000
FORD	F150	2000	01V258000
FORD	F150	2001	01V082000
FORD	F150	2001	01V095000
FORD	F150	2001	01V227001
FORD	F150	2001	01V258000
FORD	F250	1990	01I008000
FORD	F250	1991	01I008000
FORD	F250	1992	01I008000
FORD	F250	1993	00V424000
FORD	F250	1993	01I008000
FORD	F250	2000	01V258000
FORD	F250	2001	01V082000
FORD	F250	2001	01V227001
FORD	F250	2001	01V258000
FORD	F350	1990	01I008000
FORD	F350	1991	01I008000
FORD	F350	1992	01I008000
FORD	F350	1993	00V424000
FORD	F350	1993	01I008000
FORD	F350	2000	01V258000
FORD	F350	2001	01V082000
FORD	F350	2001	01V106000
FORD	F350	2001	01V227001
FORD	F350	2001	01V258000
FORD	F450	1999	01V046000
FORD	F450	2000	01V046000
FORD	F450	2000	01V258000
FORD	F450	2001	01V046000
FORD	F450	2001	01V082000
FORD	F450	2001	01V227001
FORD	F450	2001	01V258000
FORD	F550	1999	01V046000
FORD	F550	2000	01V046000
FORD	F550	2000	01V258000
FORD	F550	2001	01V227001
FORD	F550	2001	01V258000
FORD	F550	2001	01V046000
FORD	F650	2000	00V232007
FORD	F750	2000	00V232007
FORD	F750	2000	01V258000
FORD	FOCUS	2000	00V418000
FORD	FOCUS	2000	01I017000
FORD	FOCUS	2000	01V258000
FORD	FOCUS	2001	00V418000
FORD	FOCUS	2001	01I017000
FORD	FOCUS	2001	01V108000
FORD	FOCUS	2001	01V258000
FORD	LOUISVILLE	1998	00V335000
FORD	MUSTANG	1994	01V318000
FORD	MUSTANG	1995	01I011000
FORD	MUSTANG	1995	01V318000
FORD	MUSTANG	1995	01V390000
FORD	MUSTANG	1996	01V318000
FORD	MUSTANG	1997	01V318000
FORD	MUSTANG COBRA	1999	01V121000

ANNEX A.—CALENDAR YEAR 2001 RECALLS AFFECTING VEHICLES IMPORTED BY REGISTERED IMPORTERS—Continued

Make	Model	Year	Recall No.
FORD	RANGER	2001	00V394000
FORD	RANGER	2001	01V227001
FORD	TAURUS	1995	01I011000
FORD	TAURUS	1995	01V390000
FORD	TAURUS	2000	01V048000
FORD	TAURUS	2000	01V075000
FORD	TAURUS	2000	01V078000
FORD	TAURUS	2000	01V258000
FORD	TAURUS	2001	01V048000
FORD	TAURUS	2001	01V078000
FORD	TAURUS	2001	01V144000
FORD	TAURUS	2001	01V258000
FORD	WINDSTAR	1995	01I007000
FORD	WINDSTAR	1996	01I007000
FORD	WINDSTAR	1997	01I007000
FORD	WINDSTAR	1997	01V199000
FORD	WINDSTAR	1998	01I007000
FORD	WINDSTAR	1998	01V199000
FORD	WINDSTAR	1999	00V351000
FORD	WINDSTAR	1999	01V261000
FORD	WINDSTAR	1999	01V262000
FORD	WINDSTAR	2000	00V351000
FORD	WINDSTAR	2000	01V207000
FORD	WINDSTAR	2000	01V261000
FORD	WINDSTAR	2000	01V262000
FORD	WINDSTAR	2001	01V207000
FORD	WINDSTAR	2001	01V227001
FORD	WINDSTAR	2001	01V261000
FORD	WINDSTAR	2001	01V262000
GMC	ENVOY	1998	00V375000
GMC	ENVOY	1999	00V375000
GMC	ENVOY	2000	00V375000
GMC	ENVOY	2001	00V375000
GMC	ENVOY	2002	01V126000
GMC	ENVOY	2002	01V158000
GMC	ENVOY	2002	01V283000
GMC	ENVOY	2002	01V334000
GMC	JIMMY	1996	01V200000
GMC	JIMMY	1997	01V200000
GMC	K2500	2001	01V220000
GMC	K2500	2002	01V220000
GMC	K3500	2001	01V220000
GMC	K3500	2002	01V220000
GMC	SAFARI	1996	01V123000
GMC	SAFARI	1997	01V123000
GMC	SAFARI	1998	01V123000
GMC	SAFARI	1999	01V123000
GMC	SAVANA	1996	00V110000
GMC	SAVANA	1997	00V110000
GMC	SIERRA	1999	00V345000
GMC	SIERRA	2000	00V345000
GMC	SUBURBAN	1992	01I006000
GMC	SUBURBAN	1993	01I006000
GMC	SUBURBAN	1994	01I006000
GMC	SUBURBAN	2001	01V159000
GMC	YUKON	2000	00V345000
GMC	YUKON	2001	01V159000
GMC	YUKON DENALI	2001	01V107000
GMC	YUKON XL	2000	00V345000
GMC	YUKON XL	2001	01V159000
GMC	YUKON XL DENALI	2001	01V107000
HARLEY DAVIDSON	DYNA GLIDE	2001	01V278000
HARLEY DAVIDSON	FXDL	2001	01I001000
HONDA	CBR929RR	2000	00V403000
HONDA	CIVIC	2001	01V182000
HONDA	CIVIC	2001	01V183000
HONDA	CIVIC	2001	01V329000
HONDA	CIVIC	2002	01V329000
HYUNDAI	SONATA	1997	00V314001
INFINITI	QX4	2001	01V282000
INTERNATIONAL	2000	1999	00V232301
INTERNATIONAL	2000	1999	01V140004

ANNEX A.—CALENDAR YEAR 2001 RECALLS AFFECTING VEHICLES IMPORTED BY REGISTERED IMPORTERS—Continued

Make	Model	Year	Recall No.
INTERNATIONAL	4700	1995	00V413000
INTERNATIONAL	4700	1999	01V102000
INTERNATIONAL	4700	2000	01V102000
INTERNATIONAL	4700	2001	01V102000
INTERNATIONAL	5000	1999	01V140004
INTERNATIONAL	8100	1997	01V023000
INTERNATIONAL	8100	1998	01V023000
INTERNATIONAL	8100	2000	01V023000
INTERNATIONAL	8100	2001	01V023000
INTERNATIONAL	9100	1998	01V023000
INTERNATIONAL	9100	1999	01V023000
INTERNATIONAL	9200	1997	01V023000
INTERNATIONAL	9200	1998	01V023000
INTERNATIONAL	9200	1999	01V023000
INTERNATIONAL	9200	2000	01V023000
INTERNATIONAL	9300	1997	01V023000
INTERNATIONAL	9300	1998	01V023000
INTERNATIONAL	9300	1999	01V023000
INTERNATIONAL	9400	1997	01V023000
INTERNATIONAL	9400	1999	01V023000
INTERNATIONAL	9400	2000	01V023000
ISUZU	RODEO	1998	01I002000
ISUZU	RODEO	1999	01I002000
JEEP	GRAND CHEROKEE	1999	01V119000
JEEP	GRAND CHEROKEE	2001	01V007000
JEEP	GRAND CHEROKEE	2002	01V288000
JEEP	LIBERTY	2002	01V311000
KENWORTH	T2000	1996	01V051000
KENWORTH	T2000	1997	01V051000
KENWORTH	T2000	1998	01V051000
KENWORTH	T300	1999	01V044005
KENWORTH	T300	1999	01V140006
KENWORTH	T300	1999	01V268000
KENWORTH	T600	1997	01V051000
KENWORTH	T600	1998	01V051000
KENWORTH	T800	1994	01V142000
KENWORTH	T800	1995	01V142000
KENWORTH	T800	1996	01V051000
KENWORTH	T800	1996	01V142000
KENWORTH	T800	1997	01V051000
KENWORTH	T800	1997	01V142000
KENWORTH	T800	1997	01V293002
KENWORTH	T800	1998	01V051000
KENWORTH	T800	1998	01V142000
KENWORTH	T800	1999	01V051000
KENWORTH	T800	1999	01V142000
KENWORTH	T800	2000	01V021000
KENWORTH	T800	2000	01V051000
KENWORTH	T800	2000	01V140006
KENWORTH	T800	2000	01V142000
KENWORTH	T800	2000	01V167001
KENWORTH	T800	2001	01V021000
KENWORTH	T800	2001	01V051000
KENWORTH	T800	2001	01V142000
KENWORTH	T800	2001	01V305000
KENWORTH	T800	2001	01V335000
KENWORTH	W900	1994	01V142000
KENWORTH	W900	1995	01V142000
KENWORTH	W900	1996	01V051000
KENWORTH	W900	1996	01V142000
KENWORTH	W900	1997	01V051000
KENWORTH	W900	1997	01V142000
KENWORTH	W900	1998	01V051000
KENWORTH	W900	1998	01V142000
KENWORTH	W900	1999	01V021000
KENWORTH	W900	1999	01V051000
KENWORTH	W900	1999	01V140006
KENWORTH	W900	1999	01V142000
KENWORTH	W900	2000	01V021000
KENWORTH	W900	2000	01V051000
KENWORTH	W900	2000	01V142000
LAND ROVER	DISCOVERY	1999	00V377000

ANNEX A.—CALENDAR YEAR 2001 RECALLS AFFECTING VEHICLES IMPORTED BY REGISTERED IMPORTERS—Continued

Make	Model	Year	Recall No.
LAND ROVER	DISCOVERY	2000	00V377000
LAND ROVER	DISCOVERY II	2000	00V423000
LAND ROVER	DISCOVERY II	2000	01V229001
LAND ROVER	RANGE ROVER	1995	00V328000
LAND ROVER	RANGE ROVER	1996	00V328000
LAND ROVER	RANGE ROVER	1997	00V328000
LAND ROVER	RANGE ROVER	1998	00V328000
LAND ROVER	RANGE ROVER	1999	00V328000
LAND ROVER	RANGE ROVER	1999	00V329000
LAND ROVER	RANGE ROVER	1999	00V377000
LINCOLN	CONTINENTAL	2000	01V258000
LINCOLN	CONTINENTAL	2001	01V258000
LINCOLN	NAVIGATOR	2000	01V258000
LINCOLN	NAVIGATOR	2001	01V227001
LINCOLN	NAVIGATOR	2001	01V258000
LINCOLN	TOWN CAR	1996	01V318000
LINCOLN	TOWN CAR	1997	01V318000
LINCOLN	TOWN CAR	1998	00V356000
LINCOLN	TOWN CAR	1999	00V356000
LINCOLN	TOWN CAR	2000	01V258000
LINCOLN	TOWN CAR	2000	00V356000
LINCOLN	TOWN CAR	2001	01V227001
LINCOLN	TOWN CAR	2001	01V258000
LINCOLN	TOWN CAR	2001	00V356000
MACK	DM	1998	00V232009
MACK	MR	1999	00V232009
MAZDA	PROTEGE	2001	01V024000
MERCEDES BENZ	ML320	2002	01V290000
MERCURY	COUGAR	1999	01V031000
MERCURY	COUGAR	1999	01V032000
MERCURY	COUGAR	1999	01V230000
MERCURY	COUGAR	2000	01V031000
MERCURY	GRAND MARQUIS	2001	01V227001
MERCURY	MYSTIQUE	1995	00V367000
MERCURY	MYSTIQUE	1995	01I009000
MERCURY	MYSTIQUE	1996	00V367000
MERCURY	MYSTIQUE	1996	01I009000
MERCURY	MYSTIQUE	1996	01V230000
MERCURY	MYSTIQUE	1997	01I009000
MERCURY	MYSTIQUE	1997	01V230000
MERCURY	MYSTIQUE	1998	01I013000
MERCURY	MYSTIQUE	1998	01V230000
MERCURY	MYSTIQUE	1998	01V255000
MERCURY	SABLE	1995	01I011000
MERCURY	SABLE	1995	01V390000
MERCURY	VILLAGER	1993	00V419002
MERCURY	VILLAGER	1994	00V419002
MERCURY	VILLAGER	1995	00V419002
MERCURY	VILLAGER	1996	00V419002
MERCURY	VILLAGER	1997	00V419002
MERCURY	VILLAGER	1998	00V419002
MITSUBISHI	ECLIPSE	1995	00V421001
MITSUBISHI	ECLIPSE	1995	00V421003
MITSUBISHI	MONTERO	1992	00V311002
MITSUBISHI	MONTERO SPORT	1999	01V027000
NISSAN	PATHFINDER	2001	01V282000
NISSAN	QUEST	1993	00V419001
NISSAN	QUEST	1994	00V419001
NISSAN	QUEST	1995	00V419001
NISSAN	QUEST	1996	00V419001
NISSAN	QUEST	1997	00V419001
NISSAN	QUEST	1998	00V419001
NISSAN	SENTRA	2000	01V174000
NISSAN	SENTRA	2000	01V277000
NISSAN	SENTRA	2000	01V357000
NISSAN	SENTRA	2001	01V174000
NISSAN	SENTRA	2001	01V277000
NISSAN	SENTRA	2001	01V357000
OLDSMOBILE	ACHIEVA	1994	00V287000
OLDSMOBILE	ACHIEVA	1995	00V287000
OLDSMOBILE	ALERO	2000	00V372000
OLDSMOBILE	ALERO	2001	00V372000

ANNEX A.—CALENDAR YEAR 2001 RECALLS AFFECTING VEHICLES IMPORTED BY REGISTERED IMPORTERS—Continued

Make	Model	Year	Recall No.
OLDSMOBILE	BRAVADA	2002	01V126000
OLDSMOBILE	CUTLASS	1997	01V068000
OLDSMOBILE	SILHOUETTE	1998	01V067000
OLDSMOBILE	SILHOUETTE	1998	01V264000
OLDSMOBILE	SILHOUETTE	1999	01V067000
OLDSMOBILE	SILHOUETTE	1999	01V264000
OLDSMOBILE	SILHOUETTE	2000	01V067000
OLDSMOBILE	SILHOUETTE	2000	01V264000
OLDSMOBILE	SILHOUETTE	2001	01V067000
OLDSMOBILE	SILHOUETTE	2001	01V264000
PETERBILT	330	1996	01V054000
PETERBILT	330	1998	01V054000
PETERBILT	357	1996	01V054000
PETERBILT	357	1997	01V054000
PETERBILT	357	1998	01V054000
PETERBILT	357	1999	01V054000
PETERBILT	357	2001	01V054000
PETERBILT	357	2001	01V066000
PETERBILT	357	2001	01V179000
PETERBILT	362	2000	01V179000
PETERBILT	362	2001	01V179000
PETERBILT	378	1996	01V054000
PETERBILT	378	1997	01V054000
PETERBILT	378	1998	01V054000
PETERBILT	378	1999	01V054000
PETERBILT	378	2001	01V054000
PETERBILT	378	2001	01V066000
PETERBILT	378	2001	01V179000
PETERBILT	379	1999	01V179000
PETERBILT	379	2000	01V179000
PETERBILT	379	2001	01V179000
PETERBILT	385	1997	01V054000
PLYMOUTH	NEON	2001	01V154000
PLYMOUTH	VOYAGER	2001	01I003000
PONTIAC	AZTEC	2001	01V026000
PONTIAC	FIREBIRD	2002	01V381000
PONTIAC	GRAND AM	1994	00V287000
PONTIAC	GRAND AM	1995	00V287000
PONTIAC	GRAND AM	2000	00V372000
PONTIAC	GRAND AM	2001	00V372000
PONTIAC	GRAND PRIX	2001	01V026000
PONTIAC	MONTANA	1998	01V067000
PONTIAC	MONTANA	1999	01V067000
PONTIAC	MONTANA	2000	01V067000
PONTIAC	MONTANA	2001	01V026000
PONTIAC	MONTANA	2001	01V067000
PONTIAC	MONTANA	1998	01V264000
PONTIAC	MONTANA	1999	01V264000
PONTIAC	MONTANA	2000	01V264000
PONTIAC	MONTANA	2001	01V264000
PONTIAC	TRANSPORT	1997	01V067000
PONTIAC	TRANSPORT	1997	01V264000
PONTIAC	TRANSPORT	1998	01V067000
PORSCHE	911 TURBO	2001	01V015000
PORSCHE	911 TURBO	2001	01V016000
PREVOST	H3–40	1992	01V035000
PREVOST	H3–45	1999	01V033003
PREVOST	H3–45	2000	01V033003
SAAB	9–5	2001	01V168000
SAAB	900	1998	01V222000
SUBARU	LEGACY	1995	01V216000
SUBARU	LEGACY	1996	01V216000
SUBARU	LEGACY	1997	01V216000
SUBARU	LEGACY	1998	01V216000
SUBARU	LEGACY	1999	01V216000
SUBARU	LEGACY	2001	00V392000
SUBARU	LEGACY	2001	00V393000
SUBARU	LEGACY	2001	01V034000
SUBARU	OUTBACK	1996	01V216000
SUBARU	OUTBACK	1997	01V216000
SUBARU	OUTBACK	1998	01V216000
SUBARU	OUTBACK	1999	01V216000

ANNEX A.—CALENDAR YEAR 2001 RECALLS AFFECTING VEHICLES IMPORTED BY REGISTERED IMPORTERS—Continued

Make	Model	Year	Recall No.
SUZUKI	GRAND VITARA	2000	01V146000
TOYOTA	AVALON	2001	01V072000
TOYOTA	CAMRY	1998	01V012000
TOYOTA	CAMRY	1999	01V012000
TOYOTA	CAMRY	2000	01V012000
TOYOTA	CAMRY	2001	01V012000
TOYOTA	CAMRY	2001	01V072000
TOYOTA	SIENNA	2001	01V072000
TOYOTA	TACOMA	2001	01V186000
VOLKSWAGEN	PASSAT	1999	00V414000
VOLKSWAGEN	PASSAT	2000	00V147000
VOLKSWAGEN	PASSAT	2000	01V157000
VOLKSWAGEN	PASSAT	2001	01V157000
VOLVO	ACL	1999	02V037002
VOLVO	C70	1998	00V405000
VOLVO	C70	1999	00V405000
VOLVO	C70	2000	00V405000
VOLVO	S40	2001	01V169000
VOLVO	S70	1998	00V405000
VOLVO	S70	1999	00V405000
VOLVO	S70	2000	00V405000
VOLVO	V40	2001	01V169000
VOLVO	V70	1998	00V405000
VOLVO	V70	1999	00V405000
VOLVO	V70	2000	00V405000
VOLVO	V70	2001	01V100000
VOLVO	V70	2001	01V101000
VOLVO	VN	1998	01V093000
VOLVO	VN	1999	01V093000
VOLVO	VNL	2000	00V232003

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BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2002–12140]

Notice of Receipt of Petition for Decision that Nonconforming 1997 and 1998 Ferrari 456 GT and GTA Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 1997 and 1998 Ferrari 456 GT and GTA Passenger Cars are eligible for importation.

SUMMARY: This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 1997 and 1998 Ferrari 456 GT and GTA passenger cars that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because (1) they are substantially similar to vehicles that were originally manufactured for importation into and sale in the United States and that were certified by their manufacturer as complying with the safety standards, and (2) they are capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is June 3, 2002.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Management, Room PL–401, 400 Seventh St., SW., Washington, DC 20590. [Docket hours are from 9 a.m. to 5 p.m.].

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

G&K Automotive Conversion, Inc. of Santa Anna, California (''G&K'') (Registered Importer 90–007) has petitioned NHTSA to decide whether 1997 and 1998 Ferrari 456 GT and GTA passenger cars are eligible for importation into the United States. The vehicles which G&K believes are substantially similar are 1997 and 1998 Ferrari 456 GT and GTA passenger cars that were manufactured for importation into, and sale in, the United States and certified by their manufacturer as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared non-U.S. certified 1997 and 1998 Ferrari 456 GT and GTA passenger cars to their U.S.-certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

G&K submitted information with its petition intended to demonstrate that non-U.S. certified 1997 and 1998 Ferrari 456 GT and GTA passenger cars, as originally manufactured, conform to many Federal motor vehicle safety standards in the same manner as their U.S. certified counterparts, or are capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that non-U.S. certified 1997 and 1998 Ferrari 456 GT and GTA passenger cars are identical to their U.S. certified counterparts with respect to compliance with Standard Nos. 102 *Transmission Shift Lever Sequence * * **, 103 *Defrosting and Defogging Systems*, 104 *Windshield Wiping and Washing Systems*, 105 *Hydraulic Brake Systems*, 106 *Brake Hoses*, 109 *New Pneumatic Tires*, 113 *Hood Latch Systems*, 116 *Brake Fluid*, 124 *Accelerator Control Systems*, 201 *Occupant Protection in Interior Impact*, 202 *Head Restraints*, 204 *Steering Control Rearward Displacement*, 205 *Glazing Materials*, 206 *Door Locks and Door Retention Components*, 207 *Seating Systems*, 209 *Seat Belt Assemblies*, 210 *Seat Belt Assembly Anchorages*, 212 *Windshield Retention*, 216 *Roof Crush Resistance*, 219 *Windshield Zone Intrusion*, 301 *Fuel System Integrity*, 301 *Fuel System Integrity*, and 302 *Flammability of Interior Materials*.

Petitioner also contends that the vehicles are capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays:* (a) Substitution of the word ''Brake'' for the ECE warning symbol on the markings for the brake failure indicator lamp; (b) replacement of the speedometer with one calibrated in miles per hour. The petitioner states that the entire instrument cluster will be replaced with a U.S.-model component, resulting in the seat belt warning symbol and other warning emblems reading appropriately in English.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* (a) Installation of U.S.-model headlamp assemblies; (b) installation of U.S.-model front and rear sidemarker assemblies; (c) installation of U.S.-model high-mounted stop light.

Standard No. 110 *Tire Selection and Rims:* Installation of a tire information placard.

Standard No. 111 *Rearview Mirror:* inscription of the required warning statement on the face of the passenger side rearview mirror, or replacement of the mirror with a U.S.-model component.

Standard No. 114 *Theft Protection:* installation of a warning buzzer microswitch in the steering lock assembly, and a warning buzzer with associated wiring.

Standard No. 118 *Power Window Systems:* installation of a relay in the power window control circuit so that the window transport mechanism is inoperative when the ignition switch is in the ''off'' position.

Standard No. 208 *Occupant Crash Protection:* Replacement of the driver's and passenger's side air bags, knee bolsters, dual air bag control unit, air bag crash sensor, seat belt warning buzzer, and driver's seat belt latch including microswitch with U.S.-model components. The petitioner states that the vehicles are equipped with Type 2 combination lap and shoulder belts which are identical to those installed on the U.S. certified counterpart vehicles. According to the petitioner, these seat belts are automatic, self-tensioning, and capable of being released by means of a single red push button.

Standard No. 214 *Side Impact Protection:* installation of reinforcing bars in the doors.

The petitioner states that the front and rear bumpers of the vehicle will be modified with steel or replaced with U.S.-model bumper assemblies to meet the requirements of the Bumper Standard found in 49 CFR part 581.

The petitioner also states that all vehicles will be inspected prior to importation to ensure that all required anti-theft devices identical to those found on the U.S. certified counterpart vehicles are installed. Any modifications necessary to achieve compliance with the Theft Prevention Standard in 49 CFR part 541 will be made at that time.

In addition, the petitioner states that a vehicle identification number (VIN) plate must be affixed to the vehicles so that it is readable from outside the driver's windshield pillar, and a reference and certification label must be affixed to the edge of the driver's side door or to the latch post nearest the driver to meet the requirements of 49 CFR part 565.

The petitioner lastly states that a certification label will be affixed to the driver's side doorjamb to meet the requirements of the vehicle certification regulations in 49 CFR part 567.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Management, Room PL–401, 400 Seventh St., SW, Washington, DC 20590. [Docket hours are from 9 am to 5 pm]. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: April 30, 2002.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 02–11051 Filed 5–2–02; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34173]

Fillmore & Western Freight Service, LLC—Lease and Operation Exemption—Ventura County Transportation Commission

Fillmore & Western Freight Service, LLC (F&W), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to lease and operate a line of railroad owned by the Ventura County Transportation Commission (VCTC) between approximately milepost 403.2 at Ventura and milepost 435.1 at Rancho Camulos, a total distance of approximately 31.9 miles in Ventura County, CA.[1]

F&W indicates that it intends to consummate the transaction on or soon after the April 10, 2002 effective date of

[1] F&W states that The Union Pacific Railroad Company currently provides freight service over a portion of the line. Also, an affiliate of F&W presently provides excursion passenger service and specialized rail related services to the motion picture industry over a portion of the line, and provides maintenance on the line under contract with VCTC.

the exemption (7 days after the exemption was filed).[2]

If the verified notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34173, must be filed with the Surface Transportation Board, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Eric B. Lee, 415 Woodland Road, Syracuse, NY 13219.

Board decisions and notices are available on our website at WWW.STB.DOT.GOV.

Decided: April 25, 2002.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 02–10754 Filed 5–2–02; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Bureau of Transportation Statistics

Participation Requested in Developing Data Content Standard for Transportation

AGENCY: Bureau of Transportation Statistics (BTS), DOT.

ACTION: Notice.

This notice announces that the U.S. Department of Transportation, Bureau of Transportation Statistics (BTS), requests your participation in the development of core data content standards for transportation.

Geospatial data exist in numerous locations and in a variety of proprietary formats. Exchanging data between organizations, and sometimes within the same organization, is recognized as a labor-intensive and problematic endeavor. The Geospatial Information One-Stop, an e-government initiative led by the Department of the Interior and the Office of Management and Budget, seeks to overcome many of these issues. The Geospatial Information One-Stop will provide access to the seven National Spatial Data Infrastructure (NSDI) framework themes. This portal will provide an easier means to exchange geospatial data through the use of data content standards. The standards developed through this initiative represent the core data needed for the exchange of information about spatial features and will be developed through a cooperative effort between federal, state, and local agencies as well as universities and private organizations. The Bureau of Transportation Statistics is responsible for coordinating development of the core data content standards for the transportation layer of the NSDI.

Those interested in participating can do so in a variety of ways. Participants can be Subscribers (*i.e.,* persons interested in receiving periodic updates regarding the progress of the design group), Contributors (persons interested in offering model input and background information to be considered in design), Reviewers (persons interested in reviewing various drafts of the Standard when ready), or Modeling Advisory Team Members (vested members assisting modelers in writing and editing the Standard—this includes participating in meeting(s), and some pre-meeting investment is required).

Additional information is available at the BTS Web site (*www.bts.gov*). If you have questions, want more information, or are interested in participating in this effort please contact Mark Bradford at (202) 366–6810, or *mark.bradford@bts.gov* by May 15, 2002.

Issued in Washington, DC, on April 29, 2002.

Ashish Sen,

Director, Bureau of Transportation Statistics.

[FR Doc. 02–11004 Filed 5–2–02; 8:45 am]

BILLING CODE 4910–HY–P

DEPARTMENT OF THE TREASURY

Customs Service

Notice of Revocation of Customs Broker License

AGENCY: Customs Service, Treasury.

ACTION: General notice.

SUMMARY: Pursuant to section 641 of the Tariff Act of 1930 as amended (19 U.S.C. 1641) and the Customs Regulations [19 CFR 111.45(a)], the following Customs broker license is revoked by operation of law.

Name	License	Port
KPMG Peat Marwick LLP.	20760	New York.

Dated: April 22, 2002.

Bonni G. Tischler,

Assistant Commissioner, Office of Field Operations.

[FR Doc. 02–10970 Filed 5–2–02; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Forms SS–4 and SS–4PR

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form SS–4, Application for Employer Identification Number, and Form SS–4PR, Solicitud de Ńumero de Identificacíon Patronal (EIN).

DATES: Written comments should be received on or before July 2, 2002 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, room 6011, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the forms and instructions should be directed to Carol Savage, (202) 622–3945, or through the internet (*CAROL.A.SAVAGE@irs.gov.*), Internal Revenue Service, room 6407, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Form SS–4, Application for Employer Identification Number, and Form SS–4PR, Solicitud de Ńumero de Identificacíon Patronal (EIN).

OMB Number: 1545–0003.

Form Number: Forms SS–4 and SS–4PR.

Abstract: Taxpayers who are required to have an identification number for use on any return, statement, or other document must prepare and file Form SS–4 or Form SS–4PR (Puerto Rico only) to obtain a number. The information is used by the Internal Revenue Service and the Social Security Administration in tax administration

[2] F&W certifies that its projected annual revenues will not exceed those that would qualify it as a Class III carrier.

and by the Bureau of the Census for business statistics.

Current Actions: There are no changes being made to the forms at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, individuals or households, not-for-profit institutions, farms, Federal government and state, local or tribal governments.

Estimated Number of Respondents: 2,419,064.

Estimated Time Per Respondent: 1 hour, 37 minutes.

Estimated Total Annual Burden Hours: 3,919,265.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 26, 2002.

Glenn P. Kirkland,

IRS Reports Clearance Officer.

[FR Doc. 02–11037 Filed 5–2–02; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 990–BL; Schedule A (Form 990–BL), Form 6069

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 990–BL, Information and Initial Excise Tax Return for Black Lung Benefit Trusts and Certain Related Persons, and Form 6069, Return of Excise Tax on Excess Contributions to Black Lung Benefit Trust Under Section 4953 and Computation of Section 192 Deduction.

DATES: Written comments should be received on or before July 2, 2002 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, room 6411, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the forms and instructions should be directed to Carol Savage, (202) 622–3945, or through the internet (*CAROL.A.SAVAGE@irs.gov.*), Internal Revenue Service, room 6407, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Form 990–BL, Information and Initial Excise Tax Return for Black Lung Benefit Trusts and Certain Related Persons, and Form 6069, Return of Excise Tax on Excess Contributions to Black Lung Benefit Trust Under Section 4953 and Computation of Section 192 Deduction.

OMB Number: 1545–0049.

Form Number: Form 990–BL; Schedule A (Form 990–BL), and Form 6069.

Abstract: IRS uses Form 990–BL to monitor activities of black lung benefit trusts, and to collect excise taxes on these trusts and certain related persons if they engage in proscribed activities. The tax is figured on Schedule A and attached to Form 990–BL. Form 6069 is used by coal mine operators to figure the maximum deduction to a black lung benefit trust. If excess contributions are made, IRS uses the form to figure and collect the tax on excess contributions.

Current Actions: There are no changes being made to these forms at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, individuals, and not-for-profit institutions.

Estimated Number of Respondents: 22.

Estimated Time Per Respondent: 26 hours, 54 minutes.

Estimated Total Annual Burden Hours: 592.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 26, 2002.

Glenn P. Kirkland,

IRS Reports Clearance Officer.

[FR Doc. 02–11038 Filed 5–2–02; 8:45 am]

BILLING CODE 4830–01–P

Federal Register

Friday,
May 3, 2002

Part II

Department of Justice

Antitrust Division

United States v. Microsoft Corporation; Public Comments; Notice

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. Microsoft Corporation; Public Comments

Pursuant to section 16(b) of the Antitrust Procedures and Penalty Act (''Tunney Act''), 15 U.S.C. 16(b)–(h), the United States hereby publishes the Tunney Act public comments it received on the Revised Proposed Final Judgment in *United States* v. *Microsoft Corp.*, Civil Action No. 98–1232, pending in the United States District Court for the District of Columbia. The United States has previously published in the **Federal Register** a complete list of the names (as provided in the comment) of all individuals or entities submitting public comments; the number of pages of each comment; a unique tracking number assigned to each comment so that each comment may be located on the Department of Justice's website; and an index to the comments organized by six categories based primarily on the level of detail of the comment. The United States has also previously published its response to the comments and a description of the process by which interested individuals and entities may access or obtain copies of the comments is being published concurrently with this list.

In addition to the publication in the **Federal Register** of the comments, the list of names of individuals submitting comments, the index and the United States' response to the comments, electronic copies of all comments are available on the Department of Justice's website at *www.usdoj.gov/atr/cases/ms-comments.htm.* Interested persons may also request a copy of the one or more CD–ROMs containing the full text of the comments by contacting the Department of Justice in Washington, DC at Antitrust Documents Group, 325 7th Street NW., Ste. 215 North, Washington, DC 20530, Telephone: (202) 514–2481, Fax: (202) 514–3763. The United States will provide free of charge one copy of this CD–ROM or set of CD–ROMs to each individual person and five copies to each library or other institution that requests it. The United States will provide, at cost, additional copies above these limits to individuals or institutions upon request. The United States has filed the comments on CD–ROM with the Clerk of the United States District Court for the District of Columbia.

MTC–00000001

From: Bud
To: Microsoft ATR
Date: 11/16/01 11:15am
Subject: Microsoft settlement

Dear Sir or Madam:

The DOJ has sold the public down the river by not breaking up Microsoft. Breaking the company up would not have lessened its assets only its MONOPOLY POWER. The DOJ has partnered with George W. Bush to repay Bill Gates for his generous campaign contributions to him and the GOP party. There is nowhere the public can turn anymore now that our Justice Department has sold out to politics. There is no other explanation the public will believe.

You've made your bed with Bill, now sleep in it. A monetary fine means nothing to the world's richest man—losing his power over the industry does. As you attempt to settle with him, he is already targeting LINUX for the Internet market—he has learned nothing, except whom to contribute to for favors. You people can spin it anyway you like, we, the public, see it for what it really is. There is no longer equality under the law, there is no longer equal enforcement of the law, the law is Dubya.

Harold VanSickle
Lewisburg, PA

MTC–i

MTC–00000002

From: Jordan, Bill
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/16/01 11:20am
Subject: Microsoft

I very much support the overturn of Judge Jackson's ill-advised court ruling and the softening of the government's approach to Microsoft. Gates and his company have built without question the premier operating system and peripherals in the world. Would any of us want to depend on other products? I wouldn't and suspect that most people would line up on my side. Why do we try to penalize successful companies who pay more and more taxes as they become more successful?

Believe me, if any of Microsoft's competitors had built the same so-called monopoly, they would be screaming like banshees if the government or anyone else tried to break them into pieces. We operate by the golden rule; whoever has the gold rules. That would be Microsoft. Leave them alone and let them continue to make great products, make lots of money, and pay lots of taxes so the Department of Justice, among others, can exist.

Thanks for the opportunity to give my opinion. I love America and our capitalistic system. There will always be big guys and little guys, and no amount of governmental intervention will ever make things even. I want to be president of my company, but maybe I don't have what it takes to get to the top. Microsoft has what it takes and has proved it in the marketplace. Why hasn't Netscape, Linux, etc., etc. been able to do the same? Because they're not as good.

Thanks,

MTC–2

MTC–00000003

From: David Reid
To: 'microsoft.atr(a)usdoj .gov'
Date: 11/16/01 11:24am
Subject: against

I have reviewed the available details of the proposed settlement with Microsoft and find, in my opinion, that is does little to serve the public interest. What it does is serve Bill Gates and company with a vaguely worded settlement that delivers a light tap on the wrist, complete with a side wink. It appears to me to be just one more case of Republicans serving their corporate support base at the expense of those who actually VOTE.

David W Reid
Intelligent Business Automation, Inc.
847–921–8521 fax 630–214–3723
david@reid-iba.com

MTC–3

MTC–00000004

From: Kenneth Jarvis
To: Microsoft Case—Comments
Date: 11/16/01 11:26am
Subject: Windows WITHOUT Internet Explorer—Make they give us a CHOICE.

Currently, MSoft has access to EVERY computer in the world because they FORCE us to have Internet Explorer on our computers. With this access their Monopoly will ONLY GET STRONGER.

I am a candidate for the Nevada Assembly District 18 and am going to introduce a bill that will require Any Software Company that sells software IN NEVADA to have Support IN NEVADA. Microsoft's claim that they HAVE to hook Internet Explorer onto Windows is FALSE. If they were forced to provide 2 versions of windows one WITH IE and one WITHOUT IE we would have a choice.

As it is ALL computers that run Windows are FORCED to have IE available, taking up valuable Disk space if we choose to run another browser.

Thank you for your consideration.
Ken Jarvis
6420 E. Tropicana, #105
Las Vegas, NV 89122–75 16
EMail—lvken7@peoplepc.com
Phone—702–454–0509
CC: Kevin Clarke

MTC–4

MTC–00000005

From: Bill McGaw
To: Microsoft ATR
Date: 11/16/01 11:26am
Subject: Microsoft

As a consumer, the settlement is a sell out to big money. I hope the judge sees this and listens to the states that disagree with the Feds. Bill McGaw

MTC–5

MTC–00000006

From: Don Williston
To: Microsoft ATR
Date: 11/16/01 11:27am
Subject: settlement

My comments about the Microsoft settlement:

1. Unlike Standard Oil and American Tobacco, whose products were static in design, Microsoft's product is dynamic, constantly striving to be adequate.

2. The error in the action against Microsoft is not that Microsoft was innocent, it is that the laws protecting Microsoft's product(s) are not proper for the intellectual property

markets, and the appropriate remedies must come from the Congress and not the Courts and not the Justice Department.

3. What Microsoft owns is not property at Common Law; instead is property and property rights created by Congress. Article 1 Section 8 provides Congress with the power: To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discovenes.

4. The key work in the Constitution is LIMITED.

5. Secondly, the monopoly laws are to protect consumers, not competitors. Congress should be encouraged to clarify the property rights of copyright holders and patent holders, limiting their authority to license through OEM's to consumers, and requiring that the consumers have rights directly to the manufacturer. OUTLAW the term re-seller. Require Microsoft to support its products free for a period, perhaps no more than 3 years, but the three years runs from the time of the final sale of the product (i.e. Windows 95 was last sold as a new computer install when?, certainly more recently than 1999), not the time of original marketing. Tort laws have held companies liable for products manufactured many, many years ago.

MTC–6

MTC–00000007

From: Ben Ross
To: Microsoft ATR
Date: 11/16/01 11:27am
Subject: Bad Settlement

I wanted to buy the pared down version of Windows since day one. This is an obvious case of bundling forced upon the consumer. Buying Windows is buying much more than an operating system—it's buying a way of life (any Microsoft president jumping around on a stage will tell you that too.) I don't want a religion, a culture, a virtual reality, or a new way of thinking, looking, or dealing with the world. Thank you. I like to control that on my own. Just give me the choice to buy the OS alone.

MTC–7

MTC–00000008

From: Harry Huff
To: Microsoft ATR
Date: 11/16/01 11:30am
Subject: Proposed settlement

To whom it may concern:

It is my strong feeling that this proposed settlement makes a travesty of the very notion of anti-trust law. It completely ignores the evidentiary foundation of the case and does absolutely nothing to impede Microsoft's continued stifling of innovation in the software industry. There's nothing more to say; this proposed settlement should be laughed out of court as the travesty of justice that it represents. It responds to the finding that Microsoft is both a monopoly and has seriously abused its monopoly status with meaningless ''remedies'' that do nothing to alter the fundamental practices by which Microsoft makes a laughingstock of the notion of ''free markets''.

Sincerely,
Harry A. Huff

MTC–8

MTC–00000009

From: geraux
To: Microsoft ATR
Date: 11/16/01 11:30am
Subject: MS settlement

Why do I continue to have the nagging thought that MicroSoft will survive the antitrust suit in stronger, healthier condition than before it was filed? Might it be the sympathetic treatment it has received by the Bush administration? What folly for naught!

MTC–9

MTC–00000010

From: Will Page
To: Microsoft ATR
Date: 11/16/01 11:30am
Subject: the focus is off on why MS is a monopoly

Hi

From what Joe Public can tell about this case is that the big cause for alarm is that microsoft bundles application software with the sale of its OS. I do not believe that this should be the sole focus of why MS business violates anti-trust law. Have you ever tried to buy an PC with intel architecture without buying MS's operating system? Do not bother, it is impossible for consumers (businesses may do this when they buy machines en mass). I cannot buy a new machine to install another OS on it without buying Windows with it. If I already own windows and my hardware becomes outdated, I cannot decommission my dinosaur and install the OS I already own onto my new hardware. This is not a fair marketplace. Other superior operating systems have come and gone because of this practice and it really pisses me off. It is a shame, because microsoft actually makes some fine, high quality products. They do not have to practice business this way to remain profitable.

Cheers
William Page
Principal IT technical Analyst
703.227.7360

MTC–10

MTC–00000011

From: N5IUF@aol.com@inetgw
To: ASKDOJ
Date: 11/16/01 11:37am
Subject: Mr. Ashcroft

Dear Mr. Ashcroft:

I am writing to you as a very concerned citizen. I appreciated the job you have done, and think you have done well. This is in reference to the Microsoft case.

I am only a concerned citizen, and I have no personal or financial interest in this case whatsoever.

I want you to know that I am TOTALLY ASHAMED OF THE UNTIED STATES GOVERNMENT for continuing the prosecution of Microsoft. Microsoft has worked hard to develop an operating system and software that is reasonably priced, and has changed all of our lives. They should NOT be punished for innovation.

The government SHOULD NOT be wasting taxpayer dollars on this case! I URGE you to stop this from continuing.

I will make sure that I vote AGAINST anyone in office that continues this prosecution of Microsoft. We have far worse problems that we should be spending money on, that are not even be addressed.

Please feel free to contact me regarding this,

Kindest regards,
Chris Hudgins
Dallas, Texas
CC: Microsoft ATR,antitrust@usdoj.gov@inetgw

MTC–11

MTC–00000012

From: Carolyn Martin
To: Microsoft ATR
Date: 11/16/01 11:38am
Subject: Antitrust case

Dear Sir or Madam:

I am writing in response to the antitrust case against Microsoft. I've used computers regularly for nearly 20 years now, and been exposed to numerous software programs in this time. Microsoft by far, manufactures superior products, and offers great user-friendly tutorials to clients to ensure peak performance. No other company can claim their product operates better than Microsoft's line of OS products. And recently, I did buy a new computer with the new XP software. When I loaded the CD burning software, Roxio, into my computer to copy some music, it failed repeatedly, even tho I selected it as my default software. Finally, frustrated with Roxio, and the lack of instructions to overcome problems with the software, I removed the program, and used the Microsoft XP CD burning software. No problems whatsoever, and it has some great enhancements that I never even could've imagined.

As a former DJ, I was extremely impressed. Once again, the reason why Microsoft has the undisputable market lead is because they make superior products, and people want them. They should be commended for such efforts & not reprimanded because they are ''too big.'' They are a model for many American companies to emulate!

Sincerely,
Carolyn O. Martin
carolynandtom@mediaone.net

MTC–12

MTC–00000013

From: Tony Anton
To: Microsoft ATR
Date: 11/16/01 11:40am
Subject: Microsoft ''settlement''

An even casual study of the Findings of Fact after the finish of the trial indicates that a differentiation must be made between a computer operating system and applications which run on that system. The crux of Microsoft's anti-competitive actions lies in the intermingling of applications and the operating system. In lieu of breaking up Microsoft, the company must be restricted to selling the operating system separately from its applications. This, with the provisions of the settlement opening the API's to developers, would generate competition and greatly benefit the consumer. Other operating systems would now also be able to complete, affording still more choices to the consumer.

Anthony D. Anton
2223–B East Santa Clara

Santa Ana, CA 92705
714–972–1729

MTC–13

MTC–00000014

From: Mark W Noakes
To: Microsoft ATR
Date: 11/16/01 11:42am
Subject: microsoft decision

To whom it may concern,

I understand that you are looking for commentary on the recent Microsoft decision.

Frankly, I believe that the planned decision does not go far enough to constrain Microsoft. Microsoft has already proven that they have ignored previous oversight/probation initiatives and that they will continue their previous practices. Why should the govt trust them? Their new operating system, Windows XP, which further degrades customer choices, proves MS's continued intent to ignore any restrictions. I assume that you are aware that Microsoft is now threatening patent violation action against companies that work to provide software interoperability with Microsoft products. The best most recent example is Windows Media.

I would challenge the argument that we should let Microsoft off the hook because it's the best thing out there. I use Microsoft Office because I have to, not because I think it's great. The sole reason is for the sake of compatibility with so many of the people that we communicate with across the country. I find Office in general and MS Word in particular to be a bloated poorly performing package that I spend way too much time trying to undo what it thinks I want it to do instead of what I want it to do. That's the general spirit of MS; they try to tell you what you want instead of letting you decide what you want and then force it on the end user.

Please continue to pursue Microsoft in the spirit of the original antitrust suit.

Sincerely,
Mark W. Noakes
Mark W Noakes
Oak Ridge National Laboratory
Engineering Science and Technology Division
Robotics Group, R&D Staff
Box 2008, Bldg 7606, M56426
Oak Ridge, TN 3783 1–6426
PH: 865.574.5695
FX: 865.576.2081
EM: noakesmw@ornl.gov

MTC–14

MTC–00000015

From: Patrick Brewer
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/16/01 11:42am
Subject: Totally inadequate

The agreement isn't nearly strong enough. Looking at Microsoft actions and past settlements over the last decade, an the current settlement is clearly not enough to keep Microsoft from abusing its position in the industry. Its hard for the consumer to see how they are harmed, but its much like the break of Ma' Bell. After the end of the phone monopoly you start to see much more innovation in the telecom sector. The same would be true with Microsoft.

Patrick

MTC–15

MTC–00000016

From: eXWorld Internet News
To: Microsoft ATR
Date: 11/16/01 11:42am
Subject: microsoft is getting off easy. . .

I don't know what happened, but the DOJ has sold us all out. Once this settlement passes, we are all screwed. Microsoft is simply too big, too powerful and has no problem with continuing to abuse its monopoly over others. Unless you break up the company, no punishment will be effective enough.

Microsoft is too big ... it can get into any industry at any time. No one can stop them because they have funds to absorb years of losses if necessary, in order to kill or take over competition. Xbox is a classic example of this. Only Microsoft would have the balls to enter the video game market at such a late stage, and take on power house companies like Sony and Nintendo. Why do you think Sega left the market? They had no chance knowing Microsoft was coming. Something needs to be done about this company.

MTC–16

MTC–00000017

From: Gary Sparks
To: Microsoft ATR
Date: 11/16/01 11:44am
Subject: Anti trust

Sir or Madam

I have watched the proceedings against Microsoft with wonder and disbelief. Punishing a company that has created one of the most innovative and beneficial products in the history of man for protecting and promoting its product is amazing to me.

This is not a case of ''ma bell'' having all of the land facilities locked up forcing the consumer to use their services and products but of a company in a new industry that has a significant head start. They have every right to protect their market share as well as keeping the ''formula'' safe and intact for their operating system. Their are truly other alternatives for consumers who wish not to use their products but the consumer has made the overwhelming choice to use the superior product.

This case reeks of special interest and of politicians again looking for the handout at election time. Internet and word processing technology is a gold mine that many would like to reap the benefits of but at the expense of a company that has done the due diligence and brought forward a product that appeals to consumers, businesses and yes even Governments. Don't punish a company for protecting and promoting a product that thru time has proven to be a valuable component of daily life throughout the world and dig a little deeper into your ''soul'' and do what is right. Free trade and enterprise is based upon the ''right'' of a company to grow and flourish.

This industry has more than enough room for someone to come up with a better widgit but until that time don't hamstring someone for protecting their own. I wish someone in this instance would tell their opponents that they need to quit crying and make that next earth shattering step into the 21st century but don't snip at the heels of those who were brave enough to try.

Thank you very much
Gary Sparks

MTC–17

MTC–00000018

From: Joe Maranzano
To: Microsoft ATR
Date: 11/16/01 11:44am
Subject: Consumer Comment

I am a user of Microsoft operating systems and applications in my small business. I believe the proposed settlement is inadequate to protect consumers and will not help much needed competition, especially in the application space. I have selected many non-Microsoft applications because of their features and reliability. But I have found it increasingly more difficult to stay with these applications as I have upgraded to new Operating Systems. They are often not available at the same time as the OS nor do they take advantage of the new OS features. I would strongly recommend that you reconsider your agreement decision. I would favor a ruling that forced Microsoft to make the OS sources available publicly so all vendors have an equal opportunity to use the capabilities. I worked in the early days of UNIX and in that experience consumers got the very best applications at the time because of the open source to the OS.

Joseph F. Maranzano
SPMT, Inc.
CC: Joe Maranzano, Gwynedd Maranzano, Tim Theiler

MTC–18

MTC–00000019

From: John.Ziebell@walgreens.com@inetgw
To: Microsoft ATR
Date: 11/16/01 11:45am
Subject: Comments on Microsoft Case

The Declaration of Independence proclaims that the government's fundamental purpose is to protect the rights of the individual, and that each individual has an inalienable right to the pursuit of happiness. Throughout America's history, this noble idea has protected the individual's right to pursue his own happiness by applying his energy to productive work, trading the products of his effort on a free market and rising as far as his abilities carry him.

Over the past century, however, this freedom has been under attack, and one notorious avenue of this attack has been the antitrust laws. Under the guise of ''protecting the public,'' these laws have allowed envious competitors and power-hungry officials to attack successful businessmen for the crime of being successful. It has led to the ugly spectacle of the creative geniuses of the business world—the men who have made this country great—being branded as oppressive tyrants, whose hard-won business empires must be broken to pieces and subjected to the control of government regulators.

The Justice Department's current suit against Microsoft is the latest example of this trend. It is based on envy for the productive ability of Microsoft and its founder, Bill Gates. The result of this suit, if successful,

will be to deprive Mr. Gates of his right to control his own company, and to deprive the company of its ownership and control of its own products.

The Justice Department's case—and indeed the entire edifice of antitrust law—is based on the bizarrely inverted notion that the productive actions of individuals in the free market can somehow constitute ''force,'' while the coercive actions of government regulators can somehow secure ''freedom.''

The truth is that the only kind of ''monopoly'' that can form in a free market is one based on offering better products at lower prices, since under a free market even monopolies must obey the law of supply and demand. Harmful, coercive monopolies are the result, not of the operation of the free market, but of government regulations, subsidies, and privileges which close off entry to competitors. No business can outlaw its competitors—only the government can.

I hold that Microsoft has a right to its own property; that it has the authority, therefore, to bundle its properties—including Windows 95 and Internet Explorer—in whatever combination it chooses, not by anyone's permission, but by absolute right. I hold that to abridge this right is to attack every innovator's right to the products of his effort, and to overthrow the foundations of a free market and of a free society.

I do not want to live in a country where achievement is resented and attacked, where every innovator and entrepreneur has to fear persecution from dictatorial regulators and judges, enforcing undefined laws at the bidding of jealous competitors. I realize that our lives and well-being depend on the existence of a free market, in which innovators and entrepreneurs are free to rise as far as their ability can carry them, without being held down by arbitrary and unjust government regulations. As a concerned citizen, I ask that the Justice Department's case against Microsoft be dismissed. I call for a national debate over the arbitrary and unjust provisions of the antitrust laws and for an end to the practice of persecuting businessmen for their success.

John Ziebell
73 Braemar Drive
Elk Grove Village, IL 60007

MTC–19

MTC–00000020

From: Alexander P. Whitehouse
To: Microsoft ATR
Date: 11/16/01 11:46am
Subject: Microsoft settlement—feedback

I am a long time individual computer software consumer. I am very concerned about your settlement with Microsoft and especially fearful that it will be meaningless in practice. I oppose your current settlement terms. Microsoft's clear track record would suggest they always act in bad faith. I would expect Microsoft to continue to find loopholes in laws and agreements. Microsoft's marketing and public relations releases are clearly ''big lies''. They will find ways to circumvent any agreement to continue their monopoly business practices which stifle competition. That company has more money behind them than really good or innovative products. Much more severe penalties are in order.

Alexander P. Whitehouse
Everett, Washington 98203

MTC–20

MTC–00000021

From: Daniel J. Yurcovic
To: Microsoft ATR
Date: 11/16/01 11:46am
Subject: Settlement Comments

To Whom It May Concern:

I applaud the efforts of both Microsoft and the DOJ. Breaking up MS would have stifled innovation. This shows that the American economy does work, protects companies and mostly important the consumer.

Way to go!
Dan Yurcovic
Daniel J. Yurcovic
Project Engineer—Information Systems
Ferris, Baker Watts, Inc.
100 Light Street, 9th Floor
Baltimore, MD 21201
410.659.2589—Office
dyurcovic@fbw.com
<mailto:dyurcovic@tbw.com>

MTC–21

MTC–00000022

From: Chris McGrew
To: Microsoft ATR
Date: 11/16/01 11:47am
Subject: Settlement thoughts

I feel that the Dept. of Justice has let the common people down. Microsoft's punishment is nothing more than a light slap on the wrist. This will not help any business that is trying to compete with MS. With MS's history of giving away a competing product for nothing until a smaller competitor is out of business. This then allows them to charge any price and the consumer will have no where else to turn.

Microsoft is a monopoly (only good result of this case so far), and the bundling practice is bad for everyone except Microsoft. I don't blame them and I honestly believe that any company in their position would have done the same thing, but they are the company in that position and the Department of Justice has the responsibility to protect smaller businesses and the consumer by placing fair restrictions on this type of practice. Even if those curbs are temporary and reviewed based on competition in the future by independent parties.

Chris McGrew

MTC–22

MTC–00000023

From: Cris Hanna
To: Microsoft ATR
Date: 11/16/01 11:47am
Subject: Microsoft Anti-Trust Suit Remedies

I strongly disagree with the actions you (the US Government and the Justice Dept) are taking in this matter. I am IT professional with over 20 years of experience and your suit appears to be all about choice. Well guess what, there are lots of choices. If I don't care to run Microsoft Windows with Internet Explorer, I don't have to. And if I do and want to use some other browser, nothing prevents that either. I can choose Linux, Unix, Sun Micrographics, Apple/MacIntosh, and several others both on the workstations and the Servers.

Microsoft and Windows are popular because they create good products which have made it easier today than ever for everyone from 1st and 2nd graders to senior citizens to use and own a computer. You don't have to know how to configure a TCP/IP interface on your home computer and what choices to make when you need an internet browser if you are a consumer when you choose Microsoft's various consumer level products. They have integrated it specifically to make it easier.

But if I'm running Windows on my computer and I want to install Netscape and use it, I can. If I want to use AOLs ''integrated browser'' I can do that. My choices are limitless, whether Microsoft chooses to offer an integrate product, or a stripped down version.

Why are you wasting my valuable tax money pursuing this action. Bill Gates is the richest man in the world because the American public (and the rest of the world) tried it and liked it, not because there isn't any other choice as you try to infer. Bill Gates through his foundation is doing more than anyone else in the world with regard to charitable contributions in a variety of areas and all around the world. And because of his wealth, he pays more taxes, which goes to pay your salaries, so why not pursue something important. You want to talk about Monopolies and Anti-Trust... what about AOL/Time Warner

Cris Hanna
Belleville, IL

MTC–23

MTC–00000024

From: I am the only Glare
To: Microsoft ATR
Date: 11/16/01 11:48am
Subject: Thoughts

I think that the antitrust settlement is very sufficient and enough resources have been wasted on this case.

I, as a consumer, do not feel hampered by Microsoft at all. Many companies have chances to enter markets or come up with competing operating systems or browsers and beat Microsoft at their own war.

They haven't. This settlement will allow the government to settle their needs and prove they didn't waste valuable taxpayer money and it will remind Microsoft that they are still the best and why everyone wants to take them down.

Stephen ''You're only going to live this life once, so live it the way you want''Get more from the Web.

FREE MSN Explorer download : http://explorer.msn.com

MTC–24

MTC–00000025

From: BDeshann@Newport.com@inetgw
To: Microsoft ATR
Date: 11/16/01 11:48am
Subject: Anti-trust suit against Microsoft

I feel that this whole action against Microsoft is not only an assault against Microsoft, but it is an assault on the free market economy, the capitalism of this country that has made this one of the most prosperous countries in the world.

Microsoft is good, they have a good product that people want and other

companies want to be associated with it. In a competitive business environment there will always be winners and losers, it's the nature of the beast, and there are far too many whiney people in this country today who seem to feel that their wants are more important than anyone else's; 'I want so you have to gimme.'' These are simply spoiled brats, bullies whining because somebody else has a better product (or toy) than theirs. That's life in the big city! To sue a company because they have a preferred product is a waste of everyone's time and money. I have an invention, and those who know about it want it, and there is nothing else on the market like it. If I was forced to give it up or give my secrets away because some whiney cry baby didn't think of it first I would feel this whole country had gone to hell in a hand basket, and it would be time for me to leave it.

Barbara De Shann
Aliso Viejo, CA
Every day is a new adventure....
CC: ibdashnn@home.com@inetgw

MTC–25

MTC–00000026

From: jakep@prodigy.net@inetgw
To: Microsoft ATR
Date: 11/16/01 11:49am
Subject: penalties and process

(1) Please help me understand what penalty is being applied to Microsoft for the illegal tactics they have used to put other companies out of business and achieve its monopoly status.

(2) The Microsoft pattern has been to deny wrong-doing in the face of overwhelming evidence and use the legal system to delay and diminish any consequences. If there is no clear process to expedite claims against Microsoft in the future while Microsoft is denying wrong-doing, then how is the settlement going to be effective?

MTC–26

MTC–00000027

From: Chuck Pfeiffer
To: Microsoft ATR
Date: 11/16/01 11:49am
Subject: Unfair trade practices

The settlement is a win-win for Microsoft, and a big lose-lose for consumers. Microsofts' illegal dominance and unfair practices are evident from the earliest days of it's inception when it deceived IBM with the lack of an OS and scrambled to put one together after the fact.

It is further illustrated when the Hard Disk manufacturers devised a better method for the technical architecture of disk storage. Microsoft rejected their proposal keeping the hardware industry firmly in its' grasp. Then there was the use of unpublished code MS used to its advantage in developing proprietary software, while forcing the competition to program long subroutines around these discrepancies. MS continually disavowed this practice in public disclosure, until it was publicly documented by credible software experts.

Microsoft has continually advanced, and still does, the practice of marketing vaporware to stymie the competition and engender hesitation in corporate and end user purchases. This had forced other companies to fold, sell out, or otherwise cancel their development plans as a result.

The debacle over Java, and legal battles with Sun, have caused an otherwise beneficial software platform for uniting all types of machines and code into a single working environment was the furthest thing that Microsoft wanted. It would have severely undermined their current dominance and future plans to continue with that strategy. So MS developed their own form of code and imposed it on the market. Sun has a much system, but it was a threat to MS and could not be allowed to stand in their way.

The entire computer industry, technology, and the many other side benefits of this new technology has revolutionized the world. However, it has suffered long periods of indecision and product development as a result of MS's desire and bullying to dominate the industry.

There are many examples of these facts along the highway of development littered with the corporate corpses of those who tried to offer better products and strategies. They were run over, bought out, silenced, and even worse threatened with protracted legal battles to which MS has a bottomless pit of funding for legal engagement and harassment.

The best strategy would have been to spit the company into two parts, but this will not happen unfortunately.

They will continue to dominate the world with it's poorly written, unsecured, and otherwise buggy Windows software systems and architecture. They have as yet been unable to develop code that is anywhere as secure as Novell. Novell is just one more example of a market that MS has targeted for domination. Sure Novell made some fatal mistakes, but they still have a much better networking structure that is more secure than MS could ever hope to achieve. Settling this case is giving Microsoft the green light to continue it's illicit and illegally gained monopoly and stranglehold of the industry.

Yours truly,
Chuck Pfeiffer

MTC–27

MTC–00000028

From: EdWScott@aol.com@inetgw
To: Microsoft ATR
Date: 11/16/01 11:50am
Subject: proposed settlement

November 16, 2001
Dear Sir or Madam:

If this email address is open for the general public to offer opinions on the proposed settlement with Microsoft, I would like to add mine. I have worked in the computer industry since 1985. I remember the days when a disk formatted on one proprietary version of DOS did not run on another. I also remember when computers were too expensive and too cumbersome for the technology challenged.

This all changed as a result of Microsoft#8217;s vision. Computers are in almost every home and most people do not know what they would do without one. I shudder to think at what would happen if the penalty were to break up Microsoft or if the penalty was so severe that they would shut down their operation.

The proposed settlement is a good mix of punishment to ensure they do not engage in further predatory practices and ensuring that the volatile world of information technology does not take a giant step backwards.

Thank you,
Edward W. Scott
Computer Manger
Madsen, Kneppers, and Associates
303.745.9990 #8211; work phone

MTC–28

MTC–00000029

From: Lan Bragg
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/16/01 11:52am
Subject: Microsoft

Really, really disappointed in the settlement Justice has made with Microsoft. The evidence was clear, the history of Microsoft disregarding any penalties imposed upon it is clear and the offending practices continue. Justice has sold out the American consumer. The only way to get Gates and his company to stop is to disengage the operating system from the applications software. You have not only abandoned that option you have reduced the penalties to meaningless self-monitoring. No one believes that after years of abusing and ignoring the Justice Department, the recent settlement will suddenly make Microsoft behave. Even less do we believe that the Justice Department will actually employ resources toward monitoring and controlling Microsoft, much less impose fines that will matter.

We trust the government to step in when a company has proved themselves to be untrustworthy, to have severely injured their customers and to have taken from the market any other option or choice in the form of a true competitor. Microsoft has done all these things. If you don't believe this it can only be because you do not use a personal computer. I have many Microsoft applications on my computers. None of them work together. Errors and crashes are constant. Explanations and support are rare. True support costs $295 per incident. The most devastating viruses out today exploit the faults of Microsoft's software. Microsoft sells inferior products only because the government has allowed a monopoly to exist and grow out of control and now refuses to correct or even truly acknowledge the mistakes that have led us here.

Microsoft and it's leaders are arrogant, selfish entities that cannot be trusted to monitor or control themselves. The Justice Department was our last hope. You have abandoned us when the evidence was clear. We are greatly disappointed. You should be ashamed.

Loni Bragg
CC: Lori Bragg,Dad—AOL (E-mail),Chris Pickett (E-mai...

MTC–29

MTC–00000030

From: Leslie Label
To: Microsoft ATR
Date: 11/16/01 11:56am
Subject: My comment

Dear Sir or Madam:

Thank you for this opportunity to comment about the Microsoft settlement. The

settlement should address MS bundling of Internet Explorer with windows, MS preventing changes to windows to prefer it's own products (specifically problems of associating of .html to netscape comrnunicator),sabotaging of 3rd party products like Real Player.

Sincerely,
Leslie Lobel

MTC–30

MTC–00000031

From: Charles Akemann
To: Microsoft ATR
Date: 11/16/01 12:01pm
Subject: Please get off Microsoft's back.

Please get off Microsoft's back.
Charles Akemann

MTC–31

MTC–00000032

From: Cranford, Stephen C CIV
To: Microsoft ATR
Date: 11/16/01 12:02pm
Subject: Disappointed in compromise

I'm extremely disappointed in the comprise proposed by the Justice Department. Microsoft, even with the threat of the Justice department hanging over their heads, has continued, in the Microsoft XP product, to conduct illegal trading practices. Specifically, Microsoft is packaging free firewall software into it's OS. Like a drug dealer hooking the new unsuspecting junky, Microsoft has announced that it will provide the software free for a short period of time. The new junkies, I mean Users, will become accustomed to the firewall interface, software venders will write software that can work with the product, and then Microsoft will start charging for its use. Why would a consumer go out and obtain a similar product when Microsoft is already giving it to them bundled in their OS, free? The answer is, they won't.

I was disappointed that the breakup of Microsoft was pushed off the list of penalties for the company. Their OS is substandard to almost every other OS on the market. It lacks administrative support for enterprise usage, and even after stealing innovations from all the other OS's (to many to name), it lacks ease of use and reliability. Just look at how users in your own office fix problems on their Personal Computers. I bet it is the new and improved Microsoft way, they reboot them. Before Microsoft, it was rarely necessary to reboot a machine, just to fix a problem. Downtime in the office was almost non-existent. Even with its proven track record of crashing unexpectedly, it is still forcing it's way in to our nations datacenters. I feel the only reason that it has managed to penneate into every corner of the market place is due to their office products and the need to provide compatibility for them. Since their office products are so tied into their OS, a user is required to buy their OS to run their office products. Other people wanted to share documents and information, so they bought similar office software and now Microsoft is everywhere.

A truly open market would have Microsoft building their office products for all commercial OS's (Solaris, Linux, HP-UX, MAC). The only way that can happen is if Microsoft Office and the other Microsoft software is excised from the Microsoft OS and their profits are not tied together.

My perfect IT world is one where I have the choice to choose the best OS. The choice to add any software package that I want, and have that software compatible with all other similar software packages.

MTC–32

MTC–00000033

From: Kristian Rickert
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/16/01 12:04pm
Subject: Please explain

Can you please tell me what the settlement contains and how it will prevent MS from it's unfair advantage?

Their code is billions of lines long, their projects are hundreds of thousands. How can 3 people going through the corporation really monitor what they are doing? It's impossible unless they move nearly the speed of light.

Besides, if they break the rules again, you just extend the penalty by 2 years?

I'm disappointed in our government and how they are handling the case. They are considered guilty, and the only punishment the government is imposing is not a punishment, but preventive measures that are not guaranteed to work Please consider the tech-heavy states' opinions. If competition is to thrive again, and help our economy it will be the tech-heavy states that will be the ones who bring it back.

We're in bad economical times now. You can help bring it back.

MTC–33

MTC–00000034

From: Terry Moore-Read
To: Microsoft ATR
Date: 11/16/01 12:07pm
Subject: Microsoft Anti-Trust Settlement

This settlement is bad and will do nothing to alter microsofts behaviour and does nothing to make restitution for their previous unlawful conduct. The main problems as I see it are

1) the term is too short—given that most of the restrictions come into play at some future date (the release of windows xp service pack 1) the restrictions will likely only be in place for 3–4 years.

2) The document is riddled with vagueness and get out clauses. Where microsoft is required to describe the ways its software and communications protocols work it is also allowed to withold any information which could compromise security. It is easy to argue that any knowledge of how a network protocol works could compromise security and sidestep this whole provision.

3) All previous illegal conduct is essentially excused as long as they stick to the terms of this agreement—this seems very wrong—essentially corporate probation with no real punishment at all.

4) Microsoft has a history of flagrant non-compliance with such consent decrees—this whole case started because of their refusal to comply with the previous settlement. The talk of the government seeking criminal penalties and civil fines should microsoft not comply with this agreement gives me little comfort—what criminal penalties where imposed for breaking of previous agreements?

As a minimum any acceptable settlement must include an element of punishment of both the company and its board of directors for operating in an illegal manner.

Terry Moore-Read
9812 E 4th Ave
Spokane WA 99206
(these are my opinions not my employer's)

This message and any attachments have been scanned for viruses during transmission from Lukins & Annis, PS.

MTC–34

MTC–00000035

From: Paul E Keane
To: Microsoft ATR
Date: 11/16/01 12:07pm
Subject: Microsoft Settlement

Microsoft was found guilty by the trial judge.

The government settlement is less than a slap on the wrist.

The oversight panel is toothless.

Microsoft continues its anti competitive behavior

The proposed settlement fails to meet the seriousness of the crime(s).

Paul E Keane
2253 Franklin
San Francisco, CA 94109

MTC–35

MTC–00000036

From: Richard Molen
To: Microsoft ATR
Date: 11/16/01 12:08pm
Subject: Microsoft sanctions

Justice Dept.,

Nothing less than dividing Microsoft's operating system group from its applications group will ensure that they don't use tactics such as inventing non-standard standards (and not properly sharing them).

Their development tools division should probably become a third group (or at least in the application group). This is what has given them an unfair advantage over application software vendors. They will continue to have this advantage even with full-disclosure of their 'standard' interfaces due to the fact that they will have first knowledge of them. Furthermore, I do not believe that they will properly share all information needed for a competitor to properly interface to their software.

Current Microsoft practice continues to assert Microsoft 'standards' in place of existing ones, even while this case is in court! C# is one of the latest examples of this.

From the business side, one has to wonder what legal competitive advantage a non-disclosure agreement has to offer. Microsoft certainly abused this medium and should be summarily punished for it by preventing them from making any more such agreements.

While I admire Microsoft's business vision of selling flashy, mediocore software to the largest, if not most technically ignorant, population, I still have to wonder just how much Microsoft's success has set back the software industry. IBM's OS/2 and various unix operating systems as well as some well desgined real-time operating systems still

offer greater robustness and easier operation and troubleshooting than MS Window's.

My fear is that Microsoft's flashy system and sleazy business practices will continue to obscure superior operating systems (like it obscured OS/2 Warp). Their applications will still be prefered over competitors, even if their competitors do actually get the correct interface information, if only because the Microsoft product will be perceived to work more seemlessly.

In the end, it is my hope that the Justice Department dispenses true justice, not just a slap on the hand of Microsoft that kicks all their competitors in the teeth and ruthlessly manipulates an unsavy public.

Sincerely,
Richard V. Molen
Sr. Software Engineer
rvmolen@yahoo.com
Find the one for you at Yahoo! Personals
http://personals.yahoo.com

MTC–36

MTC–00000037

From: Hugh Ross
To: Microsoft ATR
Date: 11/16/01 12:08pm
Subject: Bitterly Disappointed with Proposed MS Settlement

I understand that this is the address to which I may address comments to the DOJ on the proposed settlement agreement.

I am very disappointed and strongly opposed to the proposed settlement. I firmly believe that the only way to ensure fair competition is to separate the applications and operating systems divisions of Microsoft. Any thing less will, I am convinced, not work, especially in light of Microsoft's past performance.

Additionally, I feel that Microsoft is not being appropriately penalized for it's past behavior.

As a consumer, I feel that I have been sold out by the DOJ. I am very disappointed.

Hugh Ross, JD, MD
University of Michigan Health System
Department of Anesthesiology

MTC–37

MTC–00000038

From: bbagley
To: Microsoft ATR
Date: 11/16/01 12:10pm
Subject: Trust dept

what a waste of my tax dollars! how could someone so guilty be allowed to escape?

gates was even more guilty than oj simpson and you let him off. i hope your legal careers are destroyed by your disregard for the public, how big of a percentage does gates have to have to be a monopoly?

sickening. b3

MTC–38

MTC–00000039

From: Rich Schaefer
To: Microsoft ATR
Date: 11/16/01 12:14pm
Subject: The DOJ is wrong with in this case.

To whom it may concern:

I don't know where to begin. I am a republican. I work for a computer distribution company, voted for Bush, am all for capitalism and our way of life. However, it is clear that this Department of Justice is just out of touch with the real issue of this case. This was not a case about web browsers. It is a case about a company that enjoys a monopoly status, has clearly abused it and as a result has eliminated any competition and innovation. This all has come at the expense of the American consumer and fair competition in an open market economy.

There is little doubt that Microsoft is a monopoly. Two courts have already rendered this in their opinions. If one visits a retail store and buys an IBM compatible computer, there is no choice regarding the operating system. You will buy a computer with a Microsoft operating system.

If I recall my college days as a political science major, the Sherman Anti-Trust Act was signed into law to prevent any one company from having an unfair advantage. Further, the core of this act was to ensure competition in the market place. The logic is competition benefits the consumer, establishes fair pricing and a market value for a product or service as well as the natural creation of new companies/industries and thus more jobs. The overriding goal is a diverse market place operating under a diverse economy while keeping America gainfully employed and spending back into the economy. Thus, all benefit. It appears the DOJ attorneys should crack open a Constitutional Law text and brush over the fine points of the Sherman Anti-Trust Act, it's impact upon commerce and it's application to the present, as this may have been forgotten.

How is this hurting competition and consumers? Microsoft as a monopoly is free to charge whatever they want for their operating systems and applications. And this they do. Microsoft distributes it's product three ways; by selling to name brand computer manufacturers, through ''channel' distribution and finally in retail outlets. Name brand computer manufacturers (Dell, Compaq, IBM, Toshiba, etc) pay about one third less for operating systems and application software than a channel distributor, like Tech Data, Ingram Micro, ASI or D&H, even though name brand manufacturers and channel distributors are purchasing roughly the same number of operating systems and application software from Microsoft. This unfair and predatory pricing policy Microsoft maintains is unfairly exploiting the consumer by ultimately charging them substantially more. This pricing scheme is ultimately putting small distributors and independent businessmen and women out of business. Quite frankly, they cannot compete with name brand products because of the outrageous prices they are forced to pay for the same operating systems and applications, being purchased by channel distribution in the same volume as name brand companies.

If anyone has been paying attention, they would have realized that many independent computer resellers have had no choice but to close their doors this year because they cannot compete. Even in bid situations, where the federal and state governments, are supposed to show favor to the ''small, minority owned, disadvantaged business,'' these very people cannot fairly compete because of the inflated prices they must pay for Microsoft operating systems and applications.

I say to you that these monopolistic behaviors on the part of Microsoft have a ripple effect through out the entire industry. As a result, the backbone of the American economy, the small businessman, is being destroyed. It is hard to fathom the DOT not opening their eyes and seeing reality.

I find it equally hard to understand that, under normal circumstances, when a company manufacturers a product, they are in liable and responsible for it's support. However, Microsoft totally avoids this responsibility. Instead, they force the hardware manufacturer to do this for them. For example, if I own a computer (and I do) and have problems with the operating system, why is it I am forced to get support from my hardware vendor? My hardware vendor did not make the operating system. They are responsible for the hardware. In stead, if I must turn to Microsoft, who has the tenacity to call me a customer, for technical support they will promptly ask me for a credit card number before I can even speak to a technician. This is Microsoft's standard operating procedure. It is yet another example of them taking advantage of their monopoly status and the consumer being hurt by it. Microsoft is set up to collect money and little else.

On top of that, Microsoft's paranoid history is one of wreckage. Any company that ever developed a product that Microsoft saw as a real or imagined threat, that company was either swallowed or put out of business. Microsoft used their monopoly leverage and lack of competition in the operating environment arena to destroy the problem. Untold product innovations have been destroyed before they were even imagined. Untold fortunes were never realized and an untold number of high paying, rewarding jobs for the American economy were never realized. Consumers and technical innovation have again been compromised by monopolistic behavior.

This Department of Justice and John Ashcroft should be ashamed of themselves. The bottom line is this whole fiasco will return to federal court a few years down the road. It will make this administration look primitive and out of touch with today's business and legal climate. It is clear that this administration's DOJ is clearly in over it's head with respect to subject matter of information technology.

Respectfully,
Rich Schaefer
Brick, New Jersey

MTC–39

MTC–00000040

From: bradrichardson @mac.com@inetgw
To: Microsoft ATR
Date: 11/16/01 12:14pm
Subject: Remedies inadequate

As a worker in the technology industry, I am disappointed in the proposed remedies in the Microsoft case. Microsoft will not cease it's anti-competitive behavior voluntarily, and is continuing to enter markets with inferior products, using it's dominant market

position to eliminate competition in those markets (see the current PDA wars). When Internet Explorer was introduced, it was very inferior to the current market leader (Netscape Navigator). Microsoft then proceeded to give their product away (Can anyone say ''predatory pricing''?) with the sole goal of eliminating Netscape so they can dictate how the internet is used. If they end up owning 95% of the browser market, as they do the desktop market now, they can ignore internet standards and become a standard unto themselves (which is already happening). Also, the one competing consumer platform, the Apple Macintosh Operating System, is said to only survive due to Microsoft Office being developed for that platform. In short, Microsoft is no longer concerned about competing, nor just profit, but control. The company should be broken up into at least two separate companies, with Explorer being stripped out of the OS and put into the hands of the Applications group. Yes, Judge Jackson's ruling was a good remedy. If anything less punitive occurs, Microsoft will continue laughing all the way to the bank. What the Justice Department is trying to settle for is an inadequate and ignorant solution.

Brad Richardson
Medford, Oregon

MTC–40

MTC–00000041

From: Patrick Williams
To: Microsoft ATR
Date: 11/16/01 12:15pm
Subject: Monopoly settlement decision

Having read what was available about the settlement that has been suggested for the monopoly lawsuit against Microsoft I feel that this settlement is a highly inadequate solution and will prove to be ineffectual in it's stated aims, namely forcing Microsoft into a more level playing field with it's competitors and allowing consumers a broader range of options in the software market. I can only hope that the arrangement will be modified as a result of some of the states and the E.U. continuing to press for further restrictions and modifications to the Microsoft corporation's predatory business practices.

Thanks,
Patrick Williams

MTC–41

MTC–00000042

From: Ken Wolfe
To: Microsoft ATR
Date: 11/16/01 12:17pm
Subject: Microsoft Antitrust Settlement

To Whomever This May Concern:

The settlement proposed by the Federal Goverment will not help protect consumers. The agreement is impotent, and it is not in the public's best interest. It contains nothing that will actually alter Microsoft's predatory practices, or improve the economy in any way. The only thing that will stop Microsoft from behaving the way it does is a breakup, or some de-valuing of the Windows operating system.

Best Regards,
Ken Wolfe

MTC–42

MTC–00000043

From: John Carter
To: Microsoft ATR
Date: 11/16/01 12:17pm
Subject: Microsoft settlement

The Justice Dep't caved in the Microsoft settlement. Microsoft will continue its anticompetitive behavior until future abuses force the matter to be addressed once again.

John Carter
Nashville, Tenn.

MTC–43

MTC–00000044

From: Bryan Fazekas
To: Microsoft ATR
Date: 11/16/01 12:19pm
Subject: settlement is a joke

After years of effort and millions of dollars expended, it's pretty clear that Bill Gates and Co finally figured out who to bribe. This ''settlement'' is a travesty of justice. I hope the remaining 9 states are able to push through a real penalty.

Bryan Fazekas
—winemaker8 1 @yahoo.com
— http://home.nc.rr.com/winemaker81/

MTC–44

MTC–00000045

From: Jimmy Hilley
To: Microsoft ATR
Date: 11/16/01 12:26pm
Subject: Public Comment

This settlement between the DOJ and Microsoft is a total sham. You will never get an ounce of respect from this consumer ever again. Since when does anyone get to negotiate after being found guilty? THE CONSUMER GOT SCREWED! Justice in America, what a joke!

MTC–45

MTC–00000046

From: Joe Gerkman
To: Microsoft ATR
Date: 11/16/01 12:29pm
Subject: comment re: proposed microsoft settlement

Dear Sirs/Madams:

Unfortunately, I would have to say as an IT professional with over 11 years of experience in the industry, that the results you've come up with really won't do anything to curb Microsoft's horrible and bullying business tactics and equally will do nothing to help us as consumers. They will continue to push their way through the Technology industry and leave unsuspecting consumers, and other software developers ''in their wake''. They care nothing for the consumer (except as far as their own pocketbook is concerned), and even less for other software developers, who incidently typically produce software of a higher quality and more stable, but who also typically get run-over' by Microsoft either directly or indirectly (through their agreements with computer vendors). As it is, if I want to buy a personal computer from Dell or Gateway without Microsoft Windows on it and have something like Linux on it, I can't ... as a consumer, that makes me quite angry. And after a few minutes with the computer vendor on the phone, I find out that Microsoft gets money for each and every system regardless of whether or not Windows/Office is on the machine, and that's why they can't ship it to me with Linux. That sort of situation is RIDICULOUS!!! I can't even get a computer with Windows 2000 and Office 2000 anymore ... 1 must buy Windows XP ... and I don't like it! Thanks for ''helping'' us out as consumers, and in the IT/Computer industry (please note the sarcasm).

I was hopeful that you would've come up with an settlement which could help avoid some of this, but unfortunately, it would appear that Microsoft has yet again gotten their way, and others are left to deal with the aftermath. If this was the result, you should've given up the case years ago and not wasted our valuable tax dollars on it.

Sincerely,
Joseph M. Gerkman
Seattle, WA
206–935–2800 (home)

MTC–46

MTC–00000047

From: ed@alcpress.com@inetgw
To: Microsoft ATR
Date: 11/16/01 12:29pm
Subject: Microsoft

You've let us down. We trusted you to act in the best interest of the American people and you, instead, act in the best interests of the criminals. You should be ashamed of yourselves.

Ed Sawicki

MTC–47

MTC–00000048

From: Doug Lewis
To: 'microsoft.atr(a)usdoj .gov'
Date: 11/16/01 12:31pm
Subject: Microsoft penalties

Thanks a lot for giving a convicted monopolist pretty much everything they wanted after you already won the case. If the Justice Department really thinks it's imposed penalties that will stop Microsoft's monopolistic behavior, then it needs to hire some people that are more in the know with the technology industry. If the Justice Department wanted to protect Microsoft, since it's such an ''innovator'', they should know better than to take advice from the marketing department of the company they're prosecuting. I'm very dissapointed at how poorly the Justice Department has handled this affair. As a consumer, and an American, I feel really cheated.

P.S. I am hoping that there was no political motivation behind the handling of penalties. Whether or not the anti trust laws are an appropriate blockade to Microsoft's activites is for a judge to decide. Anybody working for the prosecution in this case who deliberately chose to pursue weaker remedies because they felt ''no business should be hassled by the government'' ought to be fired for not doing their job.

MTC–48

MTC–00000049

From: William Clouse
To: Microsoft ATR
Date: 11/16/01 12:35pm
Subject: microsoft settlement

The proposed settlement looks to me like nothing more than window dressing. The

whole problem with Micorsoft is that the is no real alternative to using their operating system. They have a true monolopy on the operating system used by nearly all cionsumer PC's. The only alternatives have extremely limited software availablilty. The only solution I see to the problem is to force MS to make the Windows X86 code an open standard so other companies may begin making operating systems that will be able to run software written for Windows. Until that happens the entire computer industry, as well as the consumer, will continue to be held hostage by Microsoft.

MTC–49

MTC–00000050

From: Brian H. Jensen
To: Microsoft ATR
Date: 11/16/01 12:36pm
Subject: Comment

Hello,

Wow, I guess you still can buy government officials. Just out of curiosity how much did it cost Microsoft to buy you folks off?

Brian 'disgusted by the DOJ'' Jensen

MTC–50

MTC–00000051

From: Helga Kocurek
To: Microsoft ATR
Date: 11/16/01 4:18pm
Subject: Microsoft Deal

I am very disappointed in the DOJ, it was bought by big money instead of pursuing the best for the consumer.

MTC–51

MTC–00000052

From: David Phan
To: Microsoft ATR
Date: 11/16/01 4:19pm
Subject: Microsoft settlement

Dear Sir or Madam,

This is hardly a slap on Micrasoft's hand. It will not prevent Microsoft from illegally kill its competition by using its monopoly. In fact, it will encourage them to do it even more, knowing that they could get away with it.

I am extremely disappointed in the outcome of the case. It shows once again the people with money are treated differently in the court of law. We might as well take that blindfold off of the Justice symbol.

Your fellow citizen.

MTC–52

MTC–00000053

From: Helga Kocurek
To: Microsoft ATR
Date: 11/16/01 4:22pm
Subject: Bad Idea

How could you?

MTC–53

MTC–00000054

From: MoserRJ
To: Microsoft ATR
Date: 11/16/01 4:30pm
Subject: Microsoft

This suit is not supported by 75–80% of computer users. The entire suit is being pushed by Microsoft's competitors and the State AGs where these competitors reside. The Judge should accept the settlement and drop the remaining States suit. This would be a boon to our present economy. Any lengthening of the trial will only drag the Tech economy still lower. Let AOL, Novell, Sun, et al, fight the war with their products and not in the Courts.

MoserRJ

MTC–54

MTC–00000055

From: C Pyrros
To: Microsoft ATR
Date: 11/16/01 4:31pm
Subject: Microsoft settlement

Dear Justice Department,

I am deeply concerned about the settlement being proposed with Microsoft in the anti-trust matter. I do not believe the current settlement is sufficient to ensure a healthy, open, competitive environment in the future. I have been working in the personal computer industry since 1985, and observed Microsoft's ruthless behavior first-hand.

In the late 80s and early 90s, there were several choices in desktop operating systems (DOS, OS/2, Windows, Macintosh), several choices in word processing software (WordStar, WordPerfect, Word), several choices in Internet Browsers (Mosaic, Navigator), and so on. As Microsoft gained market share, they unfairly used that influence to eliminate competition. Since Microsoft has so many revenue streams, they did, and still do, offer(ed) certain products at a total loss, for the sole purpose of eliminating their competition. There bullying tactics have sent chills through the entire IT industry, and still exert a profound effect.

What happened to the other word processors? What happened to the other desktop operating systems? What happened to the other Internet browsers? In each case, Microsoft had the inferior product, yet somehow prevailed: WordPerfect was the better word processor, OS/2 the better operating system, Navigator the better browser, Novell the better file server; yet a combination of good marketing (quite legal), behind-the-scenes bullying (illegal), and unfairly written contracts (also illegal) gave Microsoft the unfair advantage.

When the free-market system operates correctly, price/performance tends to drive the better and more economical products to the top. This clearly did not happen anywhere that Microsoft was involved. The Intemet-WWW browser market is a key example. The WWW specification was specifically designed to be completely platform independent: any server operating system, any client operating system, and any browser software could be used, completely transparent to the end user. Due to Microsoft's bullying, this is no longer the case: Microsoft's products create web pages that only function properly with Microsoft's browser. Due to Microsoft's market share, and the dominance of the IE browser, it has now become very difficult for users of other browsers and operating systems (for example, Linux users) to complain to web site owners that the Microsoft-ified web site won't function with their Linux-based web browser. The (Linux, OS/2, Nextstep, etc) user then has no choice but to use the Microsoft browser, on a Microsoft-supported operating system, if they want to use the Micro soft-ified web site.

Microsoft's rejection of the de-facto Sun Java standard leads to a new version of Microsoft's browser (Internet Explorer 6) that does not support Java, further compounding compatibility problems in the WWW space. Only a company as large as Microsoft can exert the weight necessary to incapacitate and open standard, and they appear to be succeeding.

I could also write pages on the billions of dollars in cost increases that the corporate world, and end users, have suffered due to incompetent Microsoft software. In thousands of cases, companies and individuals were forced to use the Microsoft product, despite its inferiority, due to unfair market practices. In the long run, these companies and users suffered a tremendous economic impact trying to use products that were not yet ready for public use.

As for the future, Microsoft is already behaving questionably in regard to the upcoming Tablet PC market. Articles on this matter can be found a www.wired.com that express the problem.

In order to ensure a competitive environment in the future I would propose the following:

That Microsoft be separated into the following divisions:

Operating Systems (Windows 98, ME, XP, 2000, etc)

Internet Products (Internet Explorer, Windows Media Player, etc)

Application Products (Office, Word, Excel, Access, etc)

Infrastructure Products (SQL Server, Mail, Outlook, etc)

I would also propose that Microsoft be forced to open portions of the Microsoft operating systems specifications, so that other application developers could enjoy that benefits that Microsoft applications have had for over a decade. Further protections would be necessary to prevent collusion between the different formerly-Microsoft companies after the separation.

My knowledge of this problem is not unique by any means, but please permit me if may to humbly express my background: I have been working in the IT industry since 1985, consulting to small clients as well as Fortune 500 customers, on issues including network design, the Internet, security, infrastructure, servers, and personal computers. I have been certified under respective programs by IBM, Microsoft, and Novell. I appreciate your time and consideration in this matter. If I can be of any assistance, please do not hesitate to contact me.

Sincerely yours,

C Pyrros, CLSE, MCP 2000, MCSE 3.51, CNE 5.0, MCNE 5.0

POB 14175

Chicago IL 60614

773 645–7475

MTC–55

MTC–00000057

From: Ken Dunn
To: Microsoft ATR
Date: 11/16/01 4:33pm

Subject: Settlement.

This settlement is still too much to impose on a private enterprise. This whole suit never should have been filed. Microsoft is not a monopoly. There are several alternatives including linux, OS/2, Solaris for X86, Dr.DOS (yes, it does still exist despite claims to the contrary by the prosecution), PC–DOS (I just bought the 2000 version from IBM last month). This suit wrongfully damaged the global economy to an extent that it may not recover for 5–8 years. As an independent software developer I (as well as most others in my field) rely and depend on various operating system features and functions to be available in a given version of an operating system. Microsoft has provided these functions and regularly upgrades them through service packs and Internet Browser upgrades (this is an important example of code reuse where commonly used routines are used by multiple applications and sometimes the OS itself, a point not understood by the so-called experts that testified in this kangaroo court proceeding). Almost all third party applications that use tcp-ip networking rely on pieces of the IE Browser and require a minimum version of that Browser in order to function correctly. I have many customers who use Netscape as their Browser of choice, but have realized performance and stability improvements by keeping the JE Browser up to date. If IE had not been ''bundled' with the OS it would have cost most third party developers so much as to make continued support impractical and therefore truly reduce software competition and choice for consumers. Where was the DOJ when SUN controlled the workstation market so totally that even IBM didn't even try to compete? Where was DOJ when SUN was gouging the market for 4–10 times what a competitve product would have cost, especially when a huge number of these workstations were being paid for by the taxpayers for use by the government and government contractors? The only true justice would be if Microsoft was declared not to be a monopoly and those responsible for starting this whole antitrust action to be jailed for crimes against the United States and crimes against the global economy.

A very dissatisfied customer of the DOJ, which is a true monopoly.

MTC–57

MTC–00000058

From: MikeAfromTX @aol.com@ inetgw
To: Microsoft ATR
Date: 11/16/01 4:34pm
Subject: (no subject)

Gentlemen:

I have been using PC's since 1977 and since the debut of the MS operating systems with the advent of the IBM PC MicroSoft has consistently tried to force (and has almost succeeded) all other operating systems out of business. They do this by incorporating packages into the OS (currently varying versions of ''Windows'')that are usually sold as stand-alone, by using their marketing power to force the authors of most software to write only for MS-based systems, and by forcing PC dealers to put only their (MS) products on PC's if they wish to continue doing business with MS. restriciting any changes to the product the dealers and/or customers might wish.

The MS products are over-hyped and have a history of failing when released, the most notable example being ''Windows 95'', which was usually not installable when first released, and required special downloads adding to the cost of the product. Additionally, they never really complete one product and eliminate the bugs in it, prefering instead to leave users with junk while they go on to the ''new, improved'' next edition of the product, always at increasing cost.

The oft-stated resolution is to by another product if you do not like ''Windows''; what product would that be that runs the software that is so prevalent in the industry? Linux is mostly a server platform and Unix as so unfriendly to users so is restricted to scientists and engineers. The only other package would be the Apple Operating System, and that requires a specific computer and package that at a minimum is twice as expensive as a standard PC with software.

The roll-over by the Republican party to the big campaign contributor Bill Gates and MS is no solution at all; merely a wink, a nod and a ''Gee, you really should be more careful!'' kind of warning. At the very least MS should be forced to sell only a striped down version of its OS, minus any enhancement that is currently being sold as stand-alone; better yet would be to break the company into two independant segments, with Bill Gates prohibited from any dealings/ownership/stock in one of them.

If this is not possible then the OS should be treated as a monopoly in the interest of the nation and tightly controlled as public utilities used to be before greed got the better of this nation.

I realize the government will probably bury this response, but it sure would be nice if for once it acted for the good of the people instead of a corporation or political party; it would also be nice if the judge in the case had a chance to see it before it is shredded. In any case, I am sure you will not mind if I forward a copy to various industry publications.

Thank you for your time.

Mike Adams
1302 Arcadia Avenue
Austin TX 78757

MTC–58

MTC–00000059

From: Ralph Ewig
To: Microsoft ATR
Date: 11/16/01 4:36pm
Subject: comments on proposed settlement

Dear DOJ officer,

I am writing to express my concerns and severe dissatisfaction regarding the proposed settlement in the anti-trust case brought against Microsoft. The settlement has practically no punitive measures for past misconduct, or remedies to repair damage caused to consumers because of past microsoft misconduct. It is ridiculous that MS is to keep all the benefits of the actions it took, even though they have been legally identified as conflicting with existing laws. If I were to rob a bank, would I get to keep the money, with the judge telling me ''don't do that again'', and assigning my best pal to make sure I follow that advise??

The proposed oversight committee to enforce prevention of future transgressions is a farce. Being on MS payroll, and with MS having significant influence on who will be part of the committee, I have zero confidence in the comittee's effectiveness or motivations.

MS practice of pushing its products based on the companies superior capabilities in the manipulation of intellectual property laws, rather than technical innovation or economic value, has continously hampered innovation, harmed consumers, and suppressed any kind of competition from taking hold. The remedies *must* include full, and unconditional, disclosure of all windows API's to the general public, and only a breakup of the company that separates the OS division from the application division will be able to enforce this behaviour (out of economic neccessity if the OS part of the company intends to stay in business).

Especially with recent events in mind, this country cannot afford to project the appearance that the DOJ is nothing more than a pawn of corporate america, where Lady Justice is anything but blind to enough political clout or economic influence.

Thank you for your consideration.

Respectfully,

Ralph Ewig

MTC–59

MTC–00000060

From: Ned Wolpert
To: Microsoft ATR
Date: 11/16/01 4:36pm
Subject: Comments about the antitrust case against Microsoft

Folks—

I saw that one could mail here comments about the antitrust settlement. Here are mine. I'm both a consumer of electronic goods, and a programmer.

The anti-trust settlement that was presented to the judge did not go far enough. Microsoft needs not just a watchdog around them, they need clear rules (without exceptions or time limits) to limit their ability to for anti-competitive marketing. This includes:

—Allow computer mfg the ability to put multiple OS on the computers they make, with NO penatilites from MS. (Ever)

—Allow computer mfg to customize a MS-Windows installed PC any way they want, with NO penalties from MS. (Ever)

These are the two most important items that Microsoft should never challenge. The reason is simple: Microsoft only wants Microsoft tools on their systems. Computer mfg are more likely to listen to the buying public on what they want. MS isn't. So, if a computer mfg wants to put a dual-boot Windows/Linux with Opera for the web browser together, MS should not be able to dictate otherwise. No financial penalties should be levied by MS to the computer mfg.

Far too many times has MS abused its position against other companies. (Stacker is one case that pops to mind, but I'm sure you folks have your list) As a developer, I'm tired of MS bullying people around their platform. As a consumer, I'm tired of not having choice

in the market. Regardless of the lies that MS says, they do not innovate. They do provide a service, but its not innovation. They take other ideas and re-work them, extending them with proprietary API's so no one else can hook into their service. (Such as Kerbose for security. They got all the benefits from the free software, but them made enough (1) small changes so that other kerbose systems were incompatible with their NT servers.) They did that with IMAP (MAPI), SMTP, SNMP, etc. They tried to do that with Java. (C# was the result of failing at taking over Java) They have caused much in the software world to not progress. Yet they continue to market their innovative ability.

DOJ, please, you've got to help. MS abuses their position constantly. The settlement needs to be on the side of the consumer, one that can react quickly to when MS messes up. Help the other companies in being able to deploy their software, rather than having MS have a lock on the major computer mfgs.

Thank you.

Virtually,

Ned Wolpert

wolpert@yahoo.com

MTC–60

MTC–00000061

From: Ted McLaughlin
To: Microsoft ATR
Date: 11/16/01 4:41pm
Subject: Concerns regarding Microsoft settlement

I think that the currently proposed settlement is pathetically weak. I think the this administration is caving in to Microsoft in a desperate hope that it will somehow get the economy going again. They are sacrificing justice and long term security for all in the computer industry (except those who work for Microsoft) in hopes that somehow this will get the economy back on it's feet. Microsoft has a long history of violating every agreement that they have made, not just with the DOJ but with computer manufacturers and competitors in the software development arena. Many an extinct company has rued the day that they entered into an agreement with Microsoft only to have the company come out later with either it's own version of the software, or with it bundled into the operating system.

I think that the quote from Bill Gates says it best: (Microsoft's chairman, Bill Gates, on Thursday defended the settlement as tough but one that ''we're really pleased to have.'') [pulled from CNN's website]. Microsoft wants this settlement so bad it isn't funny. They will be classifying everything as anti-piracy or security to keep it private, and then when they absolutely can't fight it any longer, they will drag their feet in disclosing the information so that it is obsolete by the time it is released. Microsoft's history in destroying it's competitors is well know. I know of Java developers now who are looking to transition to Microsoft's new development program for the sole reason that Microsoft has dropped Java. They think that is the Kiss of Death for Sun and that there is no reason now to keep working on Java. This is but one example of how this industry is cowering in fear of Microsoft and how every company dreads the day that Microsoft comes out with a product that competes with their own.

The current agreement will do nothing to save Sun, nor will it help save any of the other companies who are in a losing battle with Microsoft. I also think that it is sad that the government is completely ignoring Microsoft's handling of it's Passport product. That should have been one of the things built into this agreement is something to place constraints on Microsoft's ownership of a great deal of private information. Windows XP was the biggest blow personal privacy on the internet since Microsoft got it's first T–l line to the internet. Another sad development is the state of the server market. Microsoft has already won the desktop war and is using that monopoly to kill off any competition that it has on the server side of things. Novell, Sun, and others are barely holding on due to the license agreements that Microsoft is putting in place to guarantee that if you use Windows and Office on the desktop, that you will use Windows as your server as well. Too much critical information is being placed on these servers to trust Microsofts horrendous track record when it comes to security, quality, and new licensing agreements to trust them with a monopoly of the server market as well.

It is kind of funny, but also kind of scary, when any computer magazine quotes someone in the computer industry who has anything bad to say about Microsoft how they always want to be anonymous. When a network administrator at a utility company says he wants to be anonymous for fear of getting Microsoft upset that says a great deal about how out of control that company is. Many of us Network Administrators were cheering for the DOJ when this trial started. We had hoped that the sanctions would be severe enough to keep at least some of us from having to become Network Administrators on Windows XP networks. None of us want to work on Microsoft networks because they are flat out inferior to the competitions products, however we are all smart enough to read the writing on the wall and realize that Microsoft will soon own this market as well and we will have no choice but to either work on XP servers, or get into a new career field. Now we are all shaking our heads and are sorry that we got our hopes up. That is why I am so upset about how poorly the government has handled this settlement.

If you need to reach me for more comments feel free.

Theodore McLaughlin

Network and Email Administrator for 13 years.

7212 Dupont Ave N

Brooklyn Center, MN 55430

ted.mclaughlin@toro.com—work

mclaught@visi.com—home

MTC–61

MTC–00000062

From: Mike Haight
To: Microsoft ATR
Date: 11/16/01 4:42pm
Subject: Antitrust settlement.

To whom this may concern at the ever changing U. S. Department of Justice,

I am disappointed with the outcome of this trial. It solves nothing. Microsoft will go about doing business in the same manner that they always have. Throw little innovative companies out of their way by including their own version with the operating system. Their version, when first introduced is always a watered down, less capable version. But, most people are lazy, they do not want to down-load and install. However, I'm not. I want choice. I want the best program out there. This entire thing has soured me on computers and also this system that is commonly called justice'. Here you have a clear monopoly, declared this by two levels of the federal courts, with a wrist slap. Do any of you actually think they will abide by these latest remedies when they have ignored them before? Had they been 'taken to task' then, we would still have multiple browsers to choose from. I have read the ''Proposed Final Judgment'' in its entirety. For every remedy, there is a fine print loophole that Microsoft can use to do nothing. This ''Proposed Final Judgment'' is a travesty.

Where do these remedies address to problem of Microsoft forcing us to buy a version of their operating system when we purchase a computer? When I purchase a computer, I am buying hardware. I will choose what operating system meets my needs best. I do not want it forced on me. Do you people actually think that Microsoft Windows is the best that the human species is capable of? If not, how can this better one even have the slightest chance of 'getting its head above water for air' with a system of forced purchase of the other guys product in place. And now, what about media players and image processors? These two things have been bundled with the latest Microsoft operating system et.al.'. How many more little companies, you know the ones that actually take the risk in__first__developing this software, are going to die off because 'Johnny come lately' Microsoft is now bundling lesser copies of their work with an operating system'. Microsoft is only using these people as developers and marketing so later they can leverage them right out of existence by bundling to an 'operating system' declared as an monopoly.

I know the computer industry has fallen upon hard times, but this does not change the law. Microsoft was in violation of the Sherman antitrust act. From where I sit, you have done nothing to stop them. You will not even slow them down.

Regards,

Michael Haight (903) 868–7342

mhaight@ti.com

CC: Michael Haight at airmail.net

MTC–62

MTC–00000063

From: bray
To: Microsoft ATR
Date: 12/6/01 1:32pm
Subject: microsoft settlement

The proposed settlement below is unacceptable as a solution to past monopolistic practices by Microsoft. ''Not long after the DOJ settlement, Microsoft announced it had agreed to another settlement regarding a separate class-action suit brought against the company by numerous parties that alleged overpricing of

Microsoft products. The settlement forces Microsoft to donate software, hardware, and services to America's poorest schools.

This type of settlement would simply introduce Microsoft to a market where they could further extend their monopoly. A better solution would be for Microsoft to pay a specific amount of money to each of these poor school districts to be used for non-microsoft products only, such as computer hardware. Then a company such as RedHat or Apple could donate software for these systems or part of the Microsoft fine could be used to purchase this software.

Allowing Microsoft or any company to donate their own product as part of a fine or punishment is akin to the drug dealer giving away the first few highs to get his clients hooked!!

MTC–63

MTC–00000064

From: Mark A Siedlecki
To: Microsoft ATR
Date: 11/16/01 4:44pm
Subject: Microsoft

Dear Sirs/Madam,

It is beyond my imagination that you decided not to break-up the worst monopoly in the history of our country. History has shown us monopolies only stifle innovation. Microsoft is no different! This was not done for the good of the American citizen, but must have been done to assist Big Business, once again.

Shame on you'

Sincerely yours,

Mark A. Siedlecki

President

InsideWorld Corporation

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Telephone: +1–919 866–1200

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Email mistake@InsideWorld.com

MTC–64

MTC–00000065

From: Rogers (038)
To: Microsoft ATR
Date: 11/16/01 4:47pm
Subject: Microsoft Settlement

I am disappointed by the terms of the Department's proposed settlement with Microsoft, which I believe to be excessively lenient to Microsoft and not in the best interests of the public. The settlement does too little to restore competition to an industry dominated and abused by Microsoft's exploitation of its monopoly in operating-system software. Under the settlement Microsoft can continue to use its inside access to its operating-system technology and its monopoly market power to suppress competition by other companies.

During the last presidential election it was reported that Microsoft and its employees made substantial financial contributions to the Republican presidential campaign. It was then speculated by the press that Microsoft believed that by doing so it would receive lenient treatment from the Department of Justice if George Bush won the presidency.

It now appears that the money donated by Microsoft and its employees to the Republican Party was money well spent. While the donations are not likely to be provable criminal bribery, the donations certainly show that money can buy (the Department of) ''Justice.''

Ronald L. Miller

MTC–65

MTC–00000066

From: Charles South
To: Microsoft ATR
Date: 11/16/01 4:53 pm
Subject: Opinion on the US vs Microsoft Settlement

[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]

I understand you are seeking feedback on the proposed Dept of Justice settlement with Microsoft at this address. I don't know what purpose that could have at this late date, but since you asked...

I believe the Department of Justice has made a mistake in settling this case. The points of law were clear— Microsoft misused its monopoly position in the industry to illegally stifle competition and attempt to control the market. Further, they did this over a period of years in a repetitive way in spite of a previous court judgement that went against them for doing this very thing. Their strategy has been clear from the beginning ... they regard themselves as the controlling force in the market and will ruthlessly suppress or drive out of business anyone they choose in order to achieve their ends of continuous growth. Any market they focus on tends to suffer as competition withdraws in the face of the onslaught.

Further, the consumer is hurt by this tactic as competition (which controls prices in a free market) withers. Innovation is stifled because no true competitor is allowed to exist once Microsoft targets a market. The consumer is presented with an increasingly Microsoft-only solution when it comes to buying or configuring a personal computer. This is not a good thing.

The Department of Justice had Microsoft cornered, finally, after years of pursuit and the expenditure of large sums of money. The evidence had been gathered, legal prosecution had been pursued in the courts, and Microsoft weighed as guilty on multiple counts ... senous violations all. The judgements were upheld at each level of appeal. The Government had won. I was stunned when I heard that the decision had been made to drop the attempt to split Microsoft into two parts and instead drop back to a light slap on the wrist with a few minor economic sanctions and controls.

I believe this—Microsoft absolutely must be separated into two companies. It is the only solution that will remove the threat from the computer world we now have. I have no problem with Microsoft as a company that creates and sells operating systems. I also have no difficulty with Microsoft as a company that sells the dominant desktop productivity products in the world. But the coalition of the two is a poison trap for the American economy—because Microsoft uses their productivity products as the leverage to keep their customers in line and away from the competition in the operating system arena. Why doesn't Microsoft Office exist on the Linux desktop systems? It's because Microsoft knows it would undermine their sales of operating systems to big companies, some of whom would love to move off of Windows. So they carefully steer clear of offering Office on Linux and retain a stranglehold on desktop systems.

I am not a Linux fan, but I absolutely want such products to flourish in the United States or else we will fail to make the progress we need to in the computer world, or worse—other nations will take the lead we once firmly had in this industry and leave us behind with our doddering Windows systems as they move on to better and more efficient systems. Microsoft must not be allowed to be the single innovator left in this country because, like all large companies, they are neither agile enough nor creative enough once they reach that size to retain those traits. I am also not a Microsoft hater. I do in fact love Excel, and I can tolerate Windows though it is not my favorite operating system. Visual Basic is a good product. Powerpoint is adequate, and though I don't particularly care for Word, I will grant that it works well enough for those that can master it. What I don't like is the fact that most of the products Microsoft makes are items constructed in such a way as to sell more and more of them ... and worse, they are constantly entertwined in such a way that you have to get all of them whether you want them or not. Microsoft candidly admits that their software licensing mechanisms are changing recently solely so they can extract more money from their customers, and not because there is any impression of value received for that money. Microsoft has lost

their way in that regard, and in a free market they would be avoided by some, and fall to a 2nd or 3rd choice by others. But in today's computer world you have no choice—you have to go with Microsoft because of their monopoly position.

I do not believe any of the settlement clauses which have been discussed as the fallback position of the US Government will have any effect. Microsoft has been down that road before and been shown to ignore such constraints when they are imposed. I do not believe it will be any different this time. They will bide their time, stay below the radar for a couple of years and then quietly continue their march to overwhelm anyone who seems to be a competitor. Having spent this effort uselessly twice already, I don't see the Government trying once again in 2006 to resurrect this dead horse, and at that point Microsoft will have their full victory and walk away laughing.

Only by having diversity and competition in the US computer industry can we hope to stay in our leadership role in this rapidly changing and evolving world. It is good to have multiple sources for innovation, and it is good to keep the marketeers out of the leadership role in such fast-moving industries. This will not happen with an intact Microsoft. You had the solution; you had them where you wanted them; and you had right on your side. You stayed your hand for the wrong reasons—which I believe turned out to be political expediency because of the new administration, and changed priorities in the Department of Justice. But in doing this political turnabout you betrayed the American people, whose fate was entrusted to you by our Constitution. The legal system was the only lever which could have made a difference and changed the course of the future. I sincerely regret that you failed to have the courage and the foresight not to see how urgent and how critical your role was.

My dwindling hope lies with the few States that appear willing to continue to push this case, but the chance of their achieving anything other than monetary concessions is impossibly remote. Only the Government could have taken the admittedly drastic step of dividing Microsoft in two. That option is now over, for all practical purposes. I have watched the computer industry grow from the time I was a college student in the 60's and first fell in love with computers. I watched IBM's excesses in the 60's and 70's as their arrogance drove all before them, similar to Microsoft, and I watched as they later lost their stranglehold on this industry in the 80's as new technologies overcame their ability to adapt. And I watched Digital Equipment Company as they soared to the top of the industry in the 80's, losing their way as they failed to understand the critical importance of personal computers. And I saw the rise of Microsoft during the 80's and 90's, leading to the same type of arrogance IBM used to show 4 decades ago. The difference is this—Microsoft has a stranglehold not only on American businesses but also on the American consumer. Their fingers reach deep into all levels of the world economy for individuals and companies and governments. IBM never had that reach. Microsoft is so entrenched in the way computing is done that inertia alone will keep them there for at least a decade even if they stumble badly in their direction. That is ''forever'' in the computer world, where 5 years is a generation. It is critical that their decisions be made in the face of competition, and not by a monopoly posture in an industry they believe they own. Good luck with whatever you will do with this issue. I am disappointed and disillusioned that the Government chose to yield the winning hand as they did, and seems not to understand what they have done or what they have lost. I hope my point of view is more gloomy than necessary, and that events will work out for the best for America. However, I have built my career on being right about technical trends. If I had to bet on someone, I'd bet on me ... not on you.

Charles South
Chief Architect, Information Technology
HRL Laboratories
Malibu CA

MTC–66

MTC–00000067

From: Drew Wallen
To: Microsoft ATR
Date: 11/16/01 4:55pm
Subject: Proposed settlement is inadequate

I am an independant computer consultant and advanced PC user. I have been following the Microsoft antitrust case for years and have been hoping for a decisive result which will protect me and my clients from MS's well-known predatory business practices and attitudes.

The least I was hoping for was a breakup of the monopoly into 3 companies: Operating Systems; Applications; and Games. With perhaps another company for internet and/or wireless functions. The joke is that in the short run Gates et al would scream about the breakup, but it would improve the competitive environment. In the long run, the rich would get even richer, as has happened with the ATT breakup where people who held their ''baby bells'' would have done wonderfully.

I know you will get millions of messages, pro and con, so I won't run on. However you decide, I have vowed to wean my clients away from MS products and get them into Linux and Apple (of course, MS owns a huge stake in Apple as well).

Microsoft free by 2003!!!

I want to run them out of business altogether.

Drew Wallen
St. Thomas, US Virgin Islands

MTC–67

MTC–00000068

From: West Tennessee Print
To: Microsoft ATR
Date: 11/16/01 5:02pm
Subject: Ruling opinion

First, I am not a microsoft basher they have done some good and some very bad things to the computer industry. I, as many others have to use Microsoft's products. Microsoft insists that they integrate things into Windows to help the user. I believe that they integrate to help Windows maintain its dominance. The perfect example is what they have done with their new version of Internet explorer. How does not offering Java or QuickTime support Help users? It doesn't it FORCES people to use Windows Media player and Active x.

So, the effect of that is, if you want people to have access to your web page you MUST use microsoft programming tools. Does this help Business? What about Microsoft's New version of MSN blocking all but internet Explorer users, does this help users?

The thing that the Justice Department should be worried about is .NET and Passport.

Here's why:

1. you must use windows because their are few real competitors that are brave enough to take microsoft head on for the desktop computer market
2. people use Internet Explorer because it is integrated into windows
3. when using windows & internet explorer the computer urges people to setup a passport account and they finally give in
4. millions of peoples personal and credit information is now sitting on Microsoft's servers
5. by holding such valuable information microsoft has painted a giant bulls eye on its self for hackers to try and hit
6. Microsoft's history with computer security is dismal, how times a month are they issuing patches to fix security holes in Microsoft's IIS which runs the servers containing peoples information
7. the bottom line is that millions of peoples lives can be harmed by Microsoft's software and practices if microsoft is not limited in some way What is Antitrust Law For? PROTECTING & HELPING PEOPLE!

How does it control microsoft for them to make its windows code available to developers so they can build better programs for the monopoly? It actually helps microsoft because they get more stable programs to run on windows and it dose not address the problem of WHY Windows is running on over 97% of computers WORLD WIDE.

It may not matter but its my opinion.

AM

MTC–68

MTC–00000069

From: Jamie McGloin-King
To: Microsoft ATR
Date: 11/16/01 5:04pm
Subject: The current proposed settlement does not protect me from Microsoft's abuse of its monopoly power.

The Justice Department has failed me, my community, and the business I work for.

This settlement is barely a slap on the wrist. How does this punish Microsoft in a manner commensurate with their crimes against the businesses and the citizens of America?

Microsoft must be forced to sell a product without a built-in browser or any of their other built-in, insidious, low-quality products. Microsoft must be prevented from bullying PC manufacturers. Microsoft must be humbled, punished, and have its power reduced.

Additionally, Microsoft should pay huge fines for its crimes. Where is that in the settlement?

Now, Microsoft is trying to bribe the nine states that, correctly, don't agree that your settlement is fair or effective. Microsoft is offering them money in exchange for signing up to your settlement. This stinks, if you'll pardon my language. It stinks of back-room deals and a Justice Department that would rather be incarcerating minorities than safeguarding the right to a free and fair market. Where are the conservatives? It seems like the Justice Department is being run by folks with some radical ideas about why they should not enforce the laws of this nation and the rulings of its judges. That, in my opinion, is not justice. Please change your stance and craft a more punitive settlement. Thank you.

Sincerely,
Jamie McGloin-King
Director of Partner Support
www.prosperpoint.com
(831) 429–1231 x102

MTC–69

MTC–00000070

From: Don Steiny
To: Microsoft ATR
Date: 11/16/01 5:05pm
Subject: I am against the settlement

Renate Hesse
Trial Attorney, Antitrust Division
U.S. Department of Justice

I am disturbed that the Department of Justice is unwilling to enforce the antitrust laws. It seems that the DOJ simply does not understand the technical issues involved or the degree that Microsoft is damaging the US economy. I would be happy to spend time describing this to you. I teach operating system theory at University of California and San Jose State University. The settlement is wrong.

-Don

MTC–70

MTC–00000071

From: DrewLM@aol.com@inetgw
To: Microsoft ATR
Date: 11/16/01 5:13pm
Subject: Microsoft antitrust settlement

Dear sirs:

I respectfully would like to tell you that the settlement you have arranged with Microsoft IS BAD!

''Microsoft Chairman Bill Gates on Thursday defended the settlement as tough but one that ''we're really pleased to have.'' Nine other states led by California, Iowa and Connecticut rejected it and will ask U.S. District Judge Colleen Kollar-Kotelly to impose tougher penalties during hearings next year.''

This statement from today's AP news say it all. Can the DOJ honestly say the settlement is one that ''we're really pleased to have.''? I don't think so. You just think that it is all you can get without taking it through the courts, where you know you would end up getting much more. Then why is Bill Gates saying it?

''The department promised in its 1995 settlement that it would ''end Microsoft's unlawful practices that restrain trade and perpetuate its monopoly power.'' Yet as Sporkin rejected it, he complained that, ''simply telling a defendant to go forth and sin no more does little or nothing to address the unfair advantage it has already gained.''

This statement from the AP also sums it up. Microsoft is NOT repentant. They have been screwing small companies since before 1995 and still continue to do so. They have no interest in competition for the public good and will continue any other noncompetitive way to wield their monopoly to gain market share in any area possible. All the current settlement does is tell them to go and sin no more. If they had actually been penalized the first time, they might not have sinned again ... and again ... and again. By not penalizing them now, you are telling them that they can do anything they want, knowing that the worst that will happen is that they won't be allowed to do it anymore.

How can you think about all the companies that Microsoft has forced under by including similar software in Windows at ''no extra cost'', and say that this settlement is fair and that Microsoft should not be punished. Don't fool yourselves, this settlement is only a slap on the wrist to Microsoft and DOES NOT PUNISH THEM AT ALL.

The only way to punish Microsoft and to be sure that they cannot do this again is to break them into two companies: Operating System and Application Software. They used their OS monopoly to create software against which no other company could compete, e.g., MS Office, Internet Explorer, Disk Scan, Disk Defragmenter, etc...

This settlement is only in the best interests of Microsoft, not the public, and should not be pursued.

Andrew L. Miller
PC Solutions

MTC–71

MTC–00000072

From: Harry Reisenleiter
To: 'Microsoft.atr(a)usdoj .gov'
Date: 11/16/01 5:16pm
Subject: Microsoft Settlement

I do not agree with the current settlement in this case. Microsoft is an abusive monopoly whose anticompetitive behavior has been ongoing, consistent, and damaging to consumers and to the market place.

History is littered with products that Microsoft Microsoft continues to bundle products for no other reason than to destroy competing products. And they leverage their dominance of the desktop to the fullest.

They continue to cite ''consumer demand'' for their bundling actions, but I defy you to find one legitimate study of consumers that would indicate a requirement, or even desire for Microsoft's actions. Certainly I doubt seriously that there would be justification for many of the ''features'' in the Corporate environment.

I have been in the computer business for over 20 years and have dealt with all the largest computer companies. None have exhibited the disrespect for security, stability, or features that Microsoft has demonstrated—for years. None have so clearly leveraged their product with the destruction of competition as the aim. None have so distorted the English Language (''innovation'' comes to mind), either.

Please do not fold on the issues. Microsoft earned strict, severe and lasting punishment for their actions. They are a monopoly; they are anti-competitive; and they show absolutely no signs of changing.

Thank you,
Harry Reisenleiter
harrylr@earthlink.net
hreisenleiter@apcoastandard.com

MTC–72

MTC–00000073

From: Madden, Ken
To: 'microsoft.atr(a)usdoj .gov'
Date: 11/16/01 5:23pm
Subject: Microsoft Antitrust Solutions

Greetings.

I just wanted to write to say that I agree with the current US GovernmentlDOJ solution-set to the Microsoft Antitrust allegations.

As a Network Administrator in a mid-sized company (US-owned), I feel that it is Microsoft's right to innovate their product with the addition of browsers and add-ons and like programs—built into the OS. Even Microsoft's competitors wish to be able to innovate their products without government intervention.

Each of the companies that instigated the DOJ investigation and suit had the opportunity and the will in the past to be monopolies—Novell was a virtual monopoly in the NOS market, Netscape was a Monopoly in the browser market. Each lost market share due to poor market positioning—Novell insisted that it be deployed and maintained by expensive Novell—trained engineers, Netscape was too unstable to be a pleasing browser experience. The computing consumer has benefited immensely from the easy availability of Microsoft networking and Internet Explorer stability.

The question remains, however; Was Microsoft engaged in practices that were 'beyond the pale' in their agreements with other companies? That answer is clearly 'Yes' and therefore sanctions should clearly be brought against Microsoft for their behavior in this regard. However, splitting up the company and a forced-reveal of the crown jewels of their business—their source code—is also clearly beyond the mandate of proper sanctions for these actions.

Computing in the world has clearly benefited by having a world software leader, who is at the least benevolent, and at most paranoid. Sometimes leaders need to be brought back into line, but they don't necessarily need to be deposed.

Ken Madden
Network Administrator
VECO Canada (Engineering) Ltd

MTC–73

MTC–00000074

From: Joel Inguisrud
To: Microsoft ATR
Date: 11/16/01 5:24pm
Subject: Microsoft punishment

Dear DOJ,

Your settlement with Microsoft does not punish Microsoft in any meaningful way. Regardless of the enforceability of ''behavioral changes'' spelled out in the settlement, the fact remains that Microsoft is getting off scot-free for decades of criminal

behavior. Your settlement lets Microsoft executives behave in public as if they never did anything wrong. Your settlement is an insult to the hundreds of thousands of hard-working, creative computer industry workers who's lives have been and continue to be diminished by Microsoft's bullying.

Please punish Microsoft as severely as they have illegally punished everyone who has tried to compete with them for the past twenty years—by levying billions of dollars in fines (to be distributed to university and national laboratory computer science research and development departments) and banning all public advertising and marketing of Microsoft products for ten years.

This settlement is ten years late for the countless operating system, word processor, spreadsheet, presentation, email, media player, 3D API, programming tool, and web browser software developers out there, but if you instituted real punishment sufficient to cause Bill Gates and Steve Balimer to be forced to resign, at least the playing field would be level for the few of us who are left standing.

Sincerely,
Joel Ingulsrud
joel@thirdculture.com
+1(916) 944–8434

MTC–74

MTC–00000075

From: Abdul Jabbar
To: Microsoft ATR
Date: 11/16/01 5:32pm
Subject: Pepsi vs Coke

Please, don't forget the lame argument of Mr. Gates that it would be unfair to ask Pepsi to ship a pack of Coke with every pack of Pepsi. This argument is wrong because Pepsi (Microsoft) has the control (monopoly) over the truck (Windows) that takes Pepsi and Coke to the store. If the truck (Windows) would not carry Coke, consumers would have no way of getting it.

http://inbox.excite.com

MTC–75

MTC–00000076

From: Don Marsh
To: Microsoft ATR
Date: 11/16/01 5:37pm
Subject: MS Settlement

Dear Sirs,

I do not agree with the terms of your settlement with Microsoft. This company entered into an agreement with Justice in 1995 and immediately broke it. This has caused great expense to the taxpayers.

Microsoft does not innovate and develop new ideas in application software. They simply steal their ideas from other software developers and add it to their operating systems and force OEM's to exclude the competing software.

Microsoft will, in my opinion, find a way around the limiations in your agreement with them and continue business as usual. In the future how many software developers will want to spend a lot of time and money to develop new software technology only to have Microsoft steal their ideas and put them out of business?

Because of their tactics, we will never know what the PC computing experience might have been. Microsoft writes unreliable and insecure software, but because of their monopoly, hard-working, more talented software developers were railroaded right out of the business and never had a chance. Just imagine if we had an operating system that didn't crash every time you turned around. We will never know now and that is sad.

Sincerely,
Donald Marsh

MTC–76

MTC–00000077

From:
To:
Date:
Subject: arrangement.
mike potter
Microsoft ATR
11/16/01 5:37pm

this proposed settlement is clearly not a judicial settlement but a political backroom this proposed settlement is clearly not a judicial settlement but a political backroom arrangement. I see nothing in it that stops ms from continuing to exercise its monopolistic powers. There is nothing in it that penalizes ms for what it has done and finally there is nothing in it for the consumer. At the very least you could have made ms fix its previous OS before they try to lock down the next 10 years by forcing people to buy XP. to put it bluntly you have ignored your duties to the point that if you didn't have the ''big stick'' protection you would be legally on the stick for your performance i.e you took their money but you didn't protect the people

Mike Potter
Hamilton, Canada

MTC–77

MTC–00000078

From: Meir Levi
To: Microsoft ATR
Date: 11/16/01 5:40pm
Subject: Microsoft Settlemnt—Consumer input.
Ranet Hesse
Trial Attorney, Antitrust Division
US Department of Justice
601 D. Street NW Suite 1200
Washington, DC 20530

This is in response to Justice Department solicitation for input to the settlement with MS.

MS is a company of which it was found GUILTY of violating the federal law. Courts have already determined that Windows OS is a monopoly. Now you are talking about Settlement?, and defending the decision to so?. Please, show me where else the Federal Government ''settled with law breakers about their punishment. MS Broke the law now it has to be convicted and pay the price. Period.

Windows OS have reached this level of market share through outright illegal, and unfair business practices. For past two decades, MS ripped us, the consumers of our hard earned money, and still continues to do so. In my view, DOJ is completely on the wrong track in dealing with MS.

Having ''three representatives watch MS business practices'' is like having your dog to guard the meat. I do not wish to see my tax dollars are wasted on bogus government oversight on a company which its executives stick their thump up everybody's nose.

Any fair settlement which serves consumers interest, should allow competition in the marketplace for the OS.. Therefore, Windows entire code MUST be accessible to other competitors to such a degree where they can CLONE it to run all existing windows based application and middleware programs, un-impeded by bogus copy right laws. Where, these competitors can also bundle any middleware S/W with their Operating Systems, just as much as MS does today. Had IBM had such an access to these codes in the past, their 0S2 Operating System would have been today just as successful as Windows. Please, don't believe to MS and their supporters FUD (Fear Uncertainties, Doubt) about the ''nightmare'' and ''confusion'' from which it may result in multiple OS's. In every industry, all competitors form a committees to set interface standard.

It is true with the lightbulb, automobile tires, and million and millions of other products. There is no reason where competitors in the OS as well can't do the same.

I object to the provision of this settlement with Microsoft.

Thanks
Meir Levi
13126 Anza Drive

MTC–78

MTC–00000079

From: Chuck Dresback
To: Microsoft ATR
Date: 11/16/01 5:41pm
Subject: COMMENTS

I have been building PC's for several years and I own a Macintosh computer

Microsoft has been selling defective operating system software to the public for at least eight years. Their systems consistently freeze and crash. When the public gets fed up they come out with a new system with more defects than the last and they charge lots of money for it. Their marketing department blames their software problems on third party software which is false.

They get away with it because they have on competition in the OS arena and the settlement does nothing to address this key point. Macintosh systems and LInux, which are superior systems to Windows, don't crash but they have effectively eliminated those platforms by coercing the third party software publishers into not writing for it. The most popular flight simulator program, Microsoft Flight Simulator, isn't published for any platform other than Windows. BTW, it crashes for no reason at the worst time.

There new OS. Windows XP, is set up to steal information off the user's hard drive for their use.

These guys are crooks and because of the money they have paid to buy off the Congressmen it will be impossible to stop their relentless pursuit to control not only the computer field but also almost every product we will be using in the future, from air conditioners to vcr's and any other electronic device.

In 13 years that I have owned Macintosh's, I reformatted the hard drive once. In 2000, I reformatted the PC hard drive seven times because of their crappy software.

They should be required to share their source code and THEY SHOULD BE FINED AND REQUIRED TO REBATE MONEY TO THE PUBLIC AND THE GOVERNMENT FOR THiS ABOMINABLE BEHAVIOUR.

Charles Dresback
15755 Laura Lane
Brookfield, WI 53005
262–781–4774

MTC–79

MTC–00000080

From: david.massey @us.pwcglobaLcom@ inetgw
To: Microsoft ATR
Date: 11/16/01 5:43pm
Subject: Microsoft antitrust settlement

I still cannot see how the agreement reached with Microsoft addresses their illegal gains, nor how it can seriously prevent such a determined vioator (who still denies that it has committed wrong, even after the appeals ruling!) from continuing it's illegal behavior. Further, they continue to use their monopoly in the OS to force monopolies in other areas of computing.

This is as if there was 1 mall in town (the internet) and all stores have to be in that mall, and the owner of the mall makes everyone enter the store through his own shop—and actively tries to deter customers from continuing into the mall!

This settlement is bad for the people, bad for the economy, bad for a competitive environment, and bad for justice. [I don't know how you could get out of it, but you should certainly try.] David Massey

MTC–80

MTC–00000081

From: Joseph Wood
To: Microsoft ATR
Date: 11/16/01 5:57pm
Subject: Opposed to Terms of Settlement

The evidence of monopoly pricing by Microsoft is plainly seen at any store that sells Windows XP. The Professional edition costs 199.00 and the home about 99.00 and that is just for upgrade. Add $100.00 to that if it is a new purchase.

Windows XP is simply an operating system and should sell for no more than $50.00 for a brand new copy if that much. But since they are the only game in town if you want your software to be compatible then you get to pay their price.

The settlement does nothing to address pricing of MS monopoly products.

Oh and if you want to run MS Office be prepared to empty your entire wallet. Their new activation technology could only be done by a monopolist, no one would subject themselves to it otherwise. Oh, and another point. The fact that Bill Gates is happy with this settlement should be all the evidence needed to know it does not do enough.

Is there really anybody who does not work for Microsoft (or is an MS Shareholder) who thinks this is a good settlement? I think not.

Joseph Wood
Systems Engineer
Corel Corporation

MTC–81

MTC–00000082

From: Maarten Legene
To: Microsoft ATR
Date: 11/16/01 6:02pm
Subject: just order Microsoft to do three things.

The antitrust issue is basically about two questions:

1. What should be in an operating system and what shouldn't?

2. If it should be in an operating system, where should it be in there?

Ad 1.

Internet Browsers, E-mail handlers, Word Processors, Image manipulators, Speech recognizers are no part of an operating system. These are applications.

The OS is the necessary software between applications and the hardware. No less, no more.

So in reverse: if it's an application, it's not a (part of an) operating system.

Ad 2.

Printerdrivers should be stored and found in a folder: printerdrivers

Videodrivers should be stored and found in a folder: videodrivers

fonts should be stored and found in a folder: fonts

etc etc etc.

Windows hides almost everything in places nobody can reach. The structure of Windows is violating free enterprise.

So the anti trust regulations should be:

A. Order Microsoft go offer Windows as an OS only, and define the OS as mentioned above.

B. Order to create a Microsoft OS company and a Microsoft applications company, with a Chinese Wall between those two.

C. Order the OS company to restructure its OS in a way that it will show a clear structure for everyone, including non-microsoft application software creators.

Best regards / Maarten Legene
(product and business developer)

MTC–82

MTC–00000083

From: Troy Gann
To: Microsoft ATR
Date: 11/16/01 6:09pm
Subject: What are you doing???

To whom it may concern,

As an American citizen and consumer I wish the government would stop being so lame and actually do something against Microsoft. You did nothing to protect me as a consumer or a citizen. Bill Gates must be having a huge laugh at our government and how inept our Department of Justice is. But then again no wonder our last election was the laughing stock of the entire world. The DOJ should have gotten some serious remedies done against Microsoft instead I can now look forward to having even more stuff crammed down my throat by Microsoft because they can now essentially get away with anything they want to do to Window. Where did anyone (consumers) get anything out of this? This was the biggest chicken sh- - out I have ever seen our government do. This is not going to help the economy and now Microsoft can put more products into thier operating system and screw other companies over. To bad we can not vote for the lawyers who work for the government I don't think any of them would get re-elected.

Then again who knows how many government officials (Congressmen, Senators and Judges) that Microsoft quietly gave money to or other gifts in order to get off so leniently. This was not American justice at it's finest. They broke the law and you barely slapped thier wrists. Somewhere at Microsoft headquarters they are having a huge party and laughing at you.

A very disenfranchised consumer

MTC–83

MTC–00000084

From: vanbalen@sesquipeda1ian.wcomnet.com @ inetgw
To: Microsoft ATR
Date: 11/16/01 6:09pm
Subject: settlement doesn't do enough

I believe Ralph Nader and James Love's open letter (http://www.cptech.org/at/ms/rnjl2ko1larkotellynov501.html) does a good job of expressing my concerns about the settlement reached with Microsoft.

I especially believe that any settlement must free consumers from being required to use Microsoft software. To this end, I believe that Microsoft's proprietary protocols and file formats (i.e. the .doc format used by Word, and other office software file formats, as well as protocols such as SMB/CIFS). Consumers currently must either use Microsoft's office suite or products with, by far, inferior support for the .doc file format in order to view documents that the vast majority of computer users currently create. This has been going on long enough that Microsoft has practically eradicated all other office suites formerly available for the Windows operating system. See also Andrew Tridgell's concerns that the settlement will allow Microsoft to continue withholding information about the SMB/CIES protocol (http://linuxtoday.comlnewsstory.php3?ltsn=200 1–11 -06–005–20-OP-MS).

The restrictions set on what Microsoft can require OEM vendors to do or not do is a step in the right direction but not near enough, especially now that there are very few companies in a position to take advantage of these changes. This may have worked well several years ago, but I doubt that it would be very effective today.

I urge you to take Mr. Nader and Mr. Love's comments, as well as the concerns I have expressed above seriously when reviewing the settlement.

Sincerely,
David B. van Balen

MTC–84

MTC–00000085

From: Paul Fox, Ph.D.
To: Microsoft ATR
Date: 11/16/01 6:12pm
Subject: Settlement with Microsoft 11/16/01

Dear Sir or Madam: I believe that the proposed settlement with Microsoft is extremely biased in favor of Microsoft.

1. It does not punish Microsoft for their demonstrably illegal, anti-competitive behavior. Since when do we simply ask convicted criminals to not do it again? Let the punishment suit the crime, no more no less.

2. It does not adequately protect the consumer or competing companies from repeated anti-competitive behavior by Microsoft. Even my own untrained eye (with respect to legal issues) found gaping loopholes in the agreement. I remember Microsoft squeezing through much smaller loopholes when they last settled with the government.

We deserve much better from our Justice Department.

Paul Fox
Paul L. Fox, Ph.D.
Associate Staff
Department of Cell Biology/NC1O
The Lerner Research Institute
Cleveland Clinic Foundation
9500 Euclid Avenue
Cleveland, OH 44195
216–444–8053 (Tel.)
216–444–9404 (Fax)
foxp@ccf.org (E-mail)

MTC–85

MTC–00000086

From: ARoensch@aol.com@inetgw
To: Microsoft ATR
Date: 11/16/01 6:25pm
Subject: (no subject)

Unless you are willing to go against AOL, Oracle, Sunmicrosystems, etc, etc, etc, you should push for everyone to go along with the settlement, especially the State of California who are probably being bought by Oracle, Sunmicrosystems, AOL, etc., etc....Get real.

MTC–86

MTC–00000087

From: that Jer guy
To: Microsoft ATR
Date: 11/16/01 6:26pm
Subject: MS breakup required

The current penalties for Microsoft will not bring them to justice. There are more than enough vagaries and loopholes to allow them to continue stifling competition and growing their monopoly. The only way to successfully prevent the company from continuing in its stifling monopoly of the market is to break up the company.

However, ''horizontal'' breakup into an OS company and an applications company will not help. It should be broken up into two or three companies ''vertically'', i.e. companies that have both OS and applications elements. These companies can later choose whether it is better business to focus on one of those areas, but more competition is needed both in the OS market and the applications market, in addition to the growing-together of OSes and applications which a horizontal breakup would address.

Jeremy Faludi
Stanford University

MTC–87

MTC–00000088

From: Thomas S
To: Microsoft ATR
Date: 12/6/01 1:34pm
Subject: Remedy Case

As an IT professional I need choices to satisfy my work daily. MS has proven that they are in direct violation of Anti-trust laws governing the denying the consume fo such choice by their use of strong arm tactics and backdoor meetings. I strongly urgeyou to not allow them acess to public schools in one case and to strongly reprimand them in the other. This is for the good of business and the IT community.

Regards,
L. Thomas Solet

MTC–88

MTC–00000089

From: Daniel Verbarg
To: Microsoft ATR
Date: 12/6/01 1:33pm
Subject: Microsoft antitrust suit

I may not know all the details of the settlement, but I think this is just another slap on the wrist for Microsoft. I do know in the settlement that the school systems do not have to use Microsoft products.

Basically this settlement is a payoff for Microsoft. Microsoft is getting a few things out of this. One of the groups that is suing them is now off of their back, Microsoft gets to look good by ''donating'' money to poor school systems, they have an opportunity to take over another area of software that they are not the market leaders (school systems), and they proceed as normal in their business practices. I am not saying MS should be split up, but I'm not against that either. They treat OEM's and even consumers like crap. Just look at the new licensing agreements. These new licensing agreements are just a slap in the face of all them people settling their cases against MS.

Please do something that could get more consumer choice in the OS and app market.

Thanks,
Dan Verbarg
Systems Admistrator

PS—Don't you think all the virus problems are enough evidence that there needs to be more choice and competition?

MTC–89

MTC–00000090

From: Don Rogers
To: Microsoft ATR
Date: 12/6/01 10:31am
Subject: MS AntiTrust Settlement

Dear Dept of Justice,

I am writing to register my opinion regarding the recent settlement that has been proposed for the MicroSoft Anti-Trust case.

I think that it is a joke to be handing Microsoft an foot in the door of our schools as ''punishment'' for their anti-competitive practices. This will be more of a reward, as is will increase exposure to MS software to future computer users.

Please don't do this,
Don Rogers
City of Redding, Electric Dept.
drogers @ci.redding.ca.us

MTC–90

MTC–00000091

From: Bill Scott
To: Microsoft ATR
Date: 11/16/01 6:32pm
Subject: penalties

When Standard Oil was found guilty of being a monopoly, it was broken up into several companies, so that they would compete against each other. Why isn't this being done to Microsoft? It's been found to be a monopoly, why isn't the same penalty being enforced?

Bill Scott

MTC–91

MTC–00000092

From: Steve Amos
To: Microsoft ATR
Date: 11/16/01 6:32pm
Subject: Microsoft Settlement Comments

To the DOJ,

I am not an employee, nor a competitor of Microsoft. I have no interest in software other than as a consumer. The following is my comments regarding the settlement with Microsoft. Do believe Microsoft should be penalized for their behavior. The agreement should include Microsoft being regulated by the FTC (Federal Trade Commission). This would be the proper agency to enforce penalties.

Do not want Microsoft broken up. This never made sense legally. Do want Microsoft Operating Systems to allow easy installation of competitor products. Before releasing new or revised operating system, require Microsoft to release copies of new software 60 days prior to release to other software companies to test compatibility with their products. Microsoft will have to make the operating system compatible or ?dll? conflict free. This will keep a level laying field. Microsoft Office, Net and Future products also need a level field with interacting products. A similar 60 day industry pre-release needs to be part of the settlement.

Next require Microsoft to adopt suggested retail pricing, and let the market price their products. This system has worked for automobiles and other technology. The competition will drive down prices for consumers. A fine would be appropriate to cover the expense of the court case. However I am against excessive fees. They drive down stock prices and set unreasonable standards for civil judgments. $5 million as a fine would be excessive in my judgment.

This concludes my comments about penalties for Microsoft. I appreciate your taking the public comment into consideration. If any of these comments are unclear, please email me at problemsolver@eyecrime.com or call 949–380–1250.

Thank you,
Steve Amos
Address below

Digital Alarms, Access Control, Security Cameras, Networks & Phones Stop the Slime with Eye Crime.?

Steve Amos
President
Eye Crime Pro
24041–G Hollyoak
Aliso Viejo, CA 92656
949–380–1250
Pager 949–470–5057

MTC–92

MTC–00000093

From: Bobowski, Eamon
To: 'microsoft.atr(a)usdoj .gov'
Date: 11/16/01 6:33pm
Subject: The Settlement Doesn't Address Market Dumping

Dear Department of Justice, You obviously don't have a clue as to how the high-tech marketplace works if you think that the proposed settlement will eliminate Microsoft's illegal practices, prevent recurrence of the same or similar practices and restore the competitive threat'' the company faces from rivals.

I will leave the detailed arguments to people better versed in these types of legal discussions, but as someone who works in the industry I can assure you that I for one don't believe that this settlement is an effective remedy. The long and the short of it is this: Without the leverage of the Windows operating system, many if not most of Microsoft's inferior freestanding products would have long since failed, and the honest companies creating competing products would actually be able to sell their products at a profit and continue the cycle of investment and invention.

Instead, you have a never-ending cycle of small start-up companies who take their products to market and are systematically squashed by free products from Microsoft. This 1) discourages innovation and entrepreneurialism, 2) discourages venture capital investment, 3) concentrates wealth and power rather than distributes it, 4) discourages economic expansion and 5) winnows the ranks of companies who can go into the global marketplace and help bring foreign dollars back home.

This is market dumping! The Japanese did it to us in the late 70's & 80's and America raised holy hell. Microsoft does it to us in the late 90's & 00's and America turns it's back on us. I think the real problem here is that the justice department fails to recognize the similarities between VCRs, cars and software. Telling Microsoft that it has to allow other companies to put their free software on the desktop, does not address that the software should not have to be free to compete with Microsoft in the first place.

Hire some people who understand how the world really works.

Eamon Bobowski

American Taxpayer

MTC–93

MTC–00000094

From: Joe Pontecorvo
To: Microsoft ATR
Date: 11/16/01 6:44pm
Subject: Lets get this behind us

Lets get this behind us. From what I have read, the agreement sounds fair all around. The ones that are still making a big noise, and will continue to do so, are those people associated with Microsoft competitors.

Yes, there are competitors. They would like to see Microsoft put out of business or crippled so bad that they could sell their products without any major Microsoft competition and maybe become king of the hill. I am not a Microsoft employee or associated with the company in any way. I am a user of Microsoft products, as are a great number of people who are making all the anti Microsoft noise.

There are other choices out there for those that want to use them. Lets close this chapter and get on with more important business. I am a taxpayer and don't want to see anymore tax money spent on this.

Joe

MTC–94

MTC–00000095

From: Richard Brubaker
To: Microsoft ATR
Date: 11/16/01 6:50pm
Subject: I am a consumer

I am a consumer and came across this address while reading news on my email (on the free Outlook Express that came with Windows 98..)

It mentioned ''The Justice Department also set up an e-mail address where consumers and companies may send their comments about the antitrust settlement. The address is ''microsoft.atr@usdoj.gov'' and will operate for 60 days.''

My opinion is that this whole trial was brought about do to ''PAC money'' from competing companies of Microsoft. And, it's conclusion by the current judge is a blessing and the way it should be handled... BUT it should have never gotten to this point in my opinion... I feel that those companies that PUSHED so hard to see Microsoft punished should be financially responsible for the litigation expenses rather than the American Taxpayers and Consumers.

MTC–95

MTC–00000096

From:
To:
Date:
Subject: american peopi
Andrew Schuster
Microsoft ATR
11/16/01 6:53pm

Thank you for coming go an agreement. This is the best thing for the economy and the american people in general. Perhaps some punishment would have been in order, but I think if you just keep in eye on them it will be fine.

MTC–96

MTC–00000097

From: Mike Kolitz
To: Microsoft ATR
Date: 11/16/01 6:58pm
Subject: The settlement is good for this country

DOJ, Microsoft, Judge Kollar-Kotelly and others, I have read the settlement, and have come to my own conclusion that this is a fair and just settlement. Personally, I don't believe that Microsoft ever deserved any of this, but as the Appeals court did find that they illegally maintained a monopoly, then so be it. Let me explain briefly why I believe this settlement to be adequate.

It punishes Microsoft by restricting the contractual agreements that it can enter with OEMs, effectively ending that method of monopolizing the market.

* It was agreed upon by both the DOJ and Microsoft, which would indicate that Microsoft would happily follow these guidelines, and is fully intent on doing so.

* Microsoft realizes that it's reputation has been tarnished. Reputation is very important business, and Microsoft realizes that it has a lot of ''making up'' to do if it wants to win that reputation back.

* This settlement, by requiring Microsoft to release technical details about it's Windows desktop and server operating systems, as well as Microsoft Middleware, will restore competition in the marketplace by balancing the technical playing field.

I personally feel that Microsoft has always produced higher-quality software than it's competition as a result of talent, not abuse of power, and the restrictions placed upon Microsoft by this settlement will allow Microsoft to do just that, while punishing them fairly and justly for the times where they did ''cross the line.''

Please consider this in your findings.

Thank you.

Mike Kolitz

Madison, Wisconsin

MTC–97

MTC–00000098

From: Dennis McClain-Furmanski
To: Microsoft ATR
Date: 11/16/01 7:02pm
Subject: Too early?

I think the settlement came too early. I know of at least two products which, according to their tech support people, require' Internet Explorer to operate. These are Dragon Naturally Speaking (a speech-to-typing program) and Adaptec Easy CD Creater. The fact is these program may rely on some DLLs installed when IE is installed, but they certainly do not require, or even necessarily use IE in their operation.

I suspect this insistance that IE is a ''requirement'' indicates collusion.

MTC–98

MTC–00000099

From: Iain MacAnTsaoir
To: Microsoft ATR
Date: 11/16/01 7:04pm
Subject: the penalties against Microsoft

It is just my opinion, but my opinion is one that I must express. ...

If we wonder just how it is that computer technology has come so far in such a short period of time, then we need only look so far as Microsoft. Have they been ruthless in conducting their business? Yes. But that ruthlessness has allowed for there to be universal standards which have produced conformities that alone have propelled the development of this technology. We can all be certain that without Microsofts approach we would be years behind where we are now. It seems to me that penalizing a company for doing business, in a calculated and efficient way, is not only contrary to the American dream, but is also contrary to what American business needs—these days especially. If you want to halt rapid progress, and/or, if you want to set American business and the economy back, then do proceed. Its not like the debacle of the Bell break up is non-sequitor here.

John Wright

MTC–99

MTC–00000100

From: Eric Murray
To: Microsoft ATR
Date: 11/16/01 7:17pm
Subject: Anti-trust Settlement

The current settlement does not really protect the consumors or the competitors from the shark named Microsoft. It's Xbox

and Windows XP continues to destroy the ability of the other companies to make any profit, since they continue to add functionality to the system and dominate the technology area.

Eric Murray

MTC–100

MTC–00000101

From: dixon hamby
To: Microsoft ATR
Date: 11/16/01 7:23pm
Subject: microsoft

Your judgement against microsoft was WAY to lenient. Their history of abusing their operating system position is atrocious. The settlement is a joke. They should be broken up and fined.

thank you
dixon hamby
http://www.idixon.coml

MTC–101

MTC–00000102

From: Charles B. Hoffman
To: Microsoft ATR
Date: 11/16/01 7:35pm
Subject: Since when is it illegal to make money in the United States? If you don't like Microsoft products d

Since when is it illegal to make money in the United States? If you don't like Microsoft products don't buy them! It is as simple as that! I am embarrassed that my government would waste my money prosecuting the American Dream. IF the product didn't work or was to expensive, no one would buy it!

It must be a pretty good company, Huh! Find something important to do like prosecuting illegal aliens.

MTC–102

MTC–00000103

From: Stersource@aol.com@inetgw
To: Microsoft ATR
Date: 11/16/01 7:35pm
Subject: ''Settlement with Microsoft''!! HAH!

This a farce!! Microsoft has hurt so many people put out so much crap and computer soft ware that only marginally works because they dominate the market. This is not fair nor right.

They need to be censured by the bigger ''bully.'' My Win 98 was rushed to the market and used to crash constantly, It's better now but still not reliab;le. I call it crash trash!!!

Their Hotmail system is so full of holes that I get trash and Spain all the time and I only used it to one person. I was getting the trash Spain before that.

Someone used Hotmail to put the Trojan Horse virus on my computer via my AOL account.

I screamed at Hotmail and they told me that after a visual inspection of that account's activity, that they would cancel it because they were surfing looking for passwords!!!

And it took manual intervention to do this!! The world's ''premier'' software company had to manually do this!!

Hotmail was free and anybody could get it with absolutely no verification of critical personal data. I asked them how they could be so irresponsible to allow such terrorist activity!!!

Break them up!!!!! Sanction them!!! Fine them billions!!!

Teach the bastards a lesson.

They also do things like this constanmtly: put out a cheap imitation product, at low or no cost, run the competition out of business and then dominate.

They are too dominant and need to be taught a lesson!!

Nick Schrier
Box 60104 Sacramento CA 95860

MTC–103

MTC–00000104

From: Mike Barrington
To: Microsoft ATR
Date: 11/16/01 7:38pm
Subject: MS Settlement

Microsoft has been tried and convicted of leveraging it's OS monopoly.

This ruling was affirmed by the second highest court in the land.

With this settlement, the government has given MS a free reign to leverage it's monopoly to the internet.

It saddens me to see our judicial system made a mockery by the all mighty dollar.

MTC–104

MTC–00000105

From: Debra
To: Microsoft ATR
Date: 11/16/01 7:38pm
Subject: MICROSOFT SETTLEMENT

Dear Sir/Madam:

I believe that the appeals court has been very wise in the microsoft case. I am a consumer of microsoft products.I believe that business must be allowed to grow and profit in America to keep free interprise alive. I do feel that Microsoft was restrictive in sharing their knowledge and that the threat of a Monopoly was a concern.I believe that consumers and business's benefit when companys have the right to develop products and prosper from that development.

I realize that software is the product many companys have to offer and that when a large corporation like Microsoft has the technology to prevent the copying of their products it would benefit other companys if Microsoft would sell them that technology. The question I pose is should a company be forced to sell their secrets?

Perhaps the real issue is how long a company may keep new technology to themselves before they must sell/share that technology?. The Drug companies have a system that seems to work to keep the cost of making drugs affordable.

Thanks for listening,
A Consumer
Debra Cook
JCCATTLE @PRODIGY.NET

MTC–105

MTC–00000106

From: Bill Binkley
To: Microsoft ATR
Date: 11/16/01 7:39pm
Subject: MicroSoft

To whom ever can help!

Important points:

FIRST ... consider how MicroSoft, (MS) gets market share for products.

There was products for word processing and MS did not have a product. At that point in time Word Perfect was the premium word processing software. MS came out with MsWord which was not as good and gave it away. Most people opted for the free Ms Word even though it was not as good and thereby MsWord gained market share. NOW MS gets several hundred dollars for these products. In current environment you have to have MS's word processor on your system. The same thing is true for MS's spread sheet software, Excel, and for the Internet Explorer, (IE) browser being incorporated as part of the OS. Without the Windows OS monopoly these things could not have been possible. Competition is great but should be on an even playing field.

SECOND ... MS is taunted for being innovative. When IBM designed the first PC they thought that the market place for a PC was in the 100's of thousands. Therefore they did not want to design an OS. Gates and crew purchased the DOS from a company for less than $100,000.00 for use by IBM for the PC. Later MS incorporated the Graphics interface from Apple. With this Windows OS monopoly they have and are still forcing PC users to use their products because of the uneven competition.

THIRD ... The browser war is the most recent example of the arrogance of MS. There is absolutely no reason that IE should be part of the Window's OS. The Windows OS is still unstable and incorporating the IE makes it more so. Since the IE is part of the OS is why the IE has considerable more security problems than other browsers. A lot of viruses only attack a PC if you use IE. If you have to reinstall the Windows OS, (the resolve some illogical problem) you have to remove IE, reinstall Windows, then reinstall I. With IE you can only have one version of the software on a PC. This creates additional problems for designers and users as some web sites only work with a certain version level of browsers. For example on my PC four versions of Netscape are installed and IE 5.5. I would like to have IE 5.5 and IE 6.1 both installed to test software I am writing. Web software has to be made to work with the majority of browsers and with the most used versions of those browsers.

SUMMARY ... At a minimum the IE should be a separate product and not part of the Windows OS. This would not hinder MS from being innovative in any way.

B.W. Binkley
972 306–3911
CC:

MTC–106

MTC–00000107

From: Brian Smith
To: Microsoft ATR
Date: 11/16/01 7:40pm
Subject: blindly dominated

Unfortunately, most Americans (due to ignorance of software and the history of DOS, WIN 3.1, etc) have no idea of the damage that Microsoft has done. Sure, one could claim, ''well they were just boosting the economy, keeping people employed, yada, yada.'' But what about the bugs, the memory leaks, the ''undocumented features'' of oh so many Microsoft products ... they have cost companies so much money. And it's all because one man, Bill Gates, was so greedy that he sacrificed integrity and blindly

shoved his product in the faces of a nation. Like so many crooked companies, he didn't care about the consumer. He didn't care about quality. He only wanted the mighty greenback in his pocket.

And all this time, the glorious yet fragile facade of Microsoft shields the unsuspecting, ignorant, and innocent people of this nation from the truth that lies rotting beneath. This rot affects the integrity of a nation, only encouraging more companies and big business to give up on the people and scramble for what we have been told by so many to hold dear, wealth. But again I ask, at what cost.

Brian D. Smith
Kent, WA 98031

MTC—107

MTC–00000108

From: Stephen Parrott
To: Microsoft ATR
Date: 11/16/01 7:42pm
Subject: MS penalty

Your proposed penalties of Microsoft aren't nearly enough to restore competitiveness! Microsoft has been found guilty, and I as a consumer and as a taxpayer expect appropriate action from the government. However, what I see is an apparent decision to move on to other things, and do whatever you can to settle this quickly. Don't do this! The computer industry is important to the American economy, and far too important to leave to Microsoft's domination!

I have watched Microsoft since the 1980's, and I firmly believe their business practices have caused a lot of harm to the software industry, and to me as a consumer. What no one knows, and what I can only imagine, is what the software world would be today if Microsoft hadn't put so many competitors out of business. Would we have Windows if Apple hadn't developed the Mac system? Would we have Excel without Lotus 1–2–3? Internet Explorer without Netscape? The list goes on for most all of Microsoft products. Without the other companies, Microsoft would have had no ideas to copy from, and in addition very little reason to innovate. Now that these other companies have become minor players, they aren't able or willing to commit major resources to development. Microsoft claims innovation, but has only displayed innovation when it comes to using their software to achieve business goals. Innovation for providing truly better software is left to people outside Microsoft; when a successful improvement emerges then Microsoft takes it. I want the justice department to take the responsibility of protecting a vital element of modern life, and the proposed settlement does not seem to do that. I don't want a facade; I want strong measures that truly level the playing field so that real competition thrives again in the software world. Come on guys, do your job!

Steve Parrott

MTC–108

MTC–00000109

From: Marvin Rohrs
To: Microsoft ATR
Date: 11/16/01 7:47pm
Subject: Microsoft Settlement

Gentlemen:

I strongly object to the proposed Microsoft settlement—I believe that the requirements are far too little when one considers the damage that has been done to the millions of existing users of their Windows O.S. The settlement will do absolutely nothing for me, as an end user of Windows. I will still be stuck with operating systems (I have 3 of them ? all Windows 98, 2nd Edition) that have embedded in them many completely unwanted and totally unrelated functions that occupy hard drive space and slow down my computers. I will still be stuck with an 0.8. that does not interface well with other, non-Microsoft software, resulting in frequent system freezes. Historically, each version of Windows that Microsoft releases promises to correct the bugs in previous versions, only to have a whole new set of bugs show up. They never seem to correct all of the bugs in a given version before releasing a new version—this leaves the user stuck with the problems.

It is my opinion that Microsoft should be forced to provide current users of Windows 95, 98, 2000, and ME with a means to TOTALLY remove unwanted functions that have been illegally bundled with the basic Windows O.S.—such as their Internet browser, e-mail, and messaging. They should be forced to support previous versions until all of the bugs have been addressed and corrected.

They should also be forced, in the future, to totally separate the Windows O.S. from their other software. Windows would then be marketed as a basic O.S. for which the code has been provided to other software developers so that their software can operate seamlessly with Windows, instead of freezing the system. Their other software would then have to compete fairly with software from other companies. As it is now, they have an extremely unfair advantage. They have literally destroyed Netscape and Lotus, both of which have products that are far superior to the comparable Microsoft software. Netscape used to be the dominant web browser until Microsoft used their monopoly on the Windows O.S. to destroy them—even though the Netscape browser is still superior to the Microsoft browser. The Lotus 123 spreadsheet used to be the only spreadsheet to have until Microsoft began to force computer manufacturers to offer their Office bundle with their computers. Lotus 123 is still far superior to M.S. Excel!!!! Unless Microsoft is forced to fully separate Windows as an O.S. (for which they, unfortunately, have a monopoly) from their software (for which they do not as yet have a monopoly), they will ultimately force other software companies into the same fate.

Finally, Microsoft should be forced to make each new version of Windows backward compatible with software that ran satisfactorily on previous versions. For example, I have no intention of upgrading to the XP version because it is my understanding the there are many incompatibilites with other older software, even though it is not widely publicized. I have no intention of spending thousands of dollars to upgrade to newer versions of other software just so that I can boast the latest version of Windows and encounter a whole new range of operating bugs.

Microsoft cannot be allowed to continue to use their monopoly to drive other companies to the wall, as they have done in the past.

Sincerely,
Marvin K. Rohrs, P.E.
rohrsm@asme.org

MTC–109

MTC–00000110

From: Larry E. Rhoads
To: Microsoft ATR
Date: 11/16/01 7:48pm
Subject: Ability to purchase optional Operating Systems

My concern is that this settlement does not provide any remedy to the many years which Microsoft has controlled the PC distribution in relationship to consumers choice for the operating systems available on a single PC. For example not even IBM could sell me a PC which had a duel boot option where I could order Windows and Linux or any other combination of other operating systems. The salesman response is that no one ever asked for that option even though I had just made that request. When you pushed the issue it was then said it was not done. No one would say that they didn't have a choice.

Microsoft is still not playing on a level field in relation to the consumer where their controlling tactics have now left no viable alternatives in many areas. It is great to get free software for a year or two but then it is not much fun to find that this is the only version of that type of software now available. Then you find that to continue to use that software you are forced to buy a new license at a price which is now more than three times what it should be. Most companies can't use the free trick because they don't have the level of control or resources to destroy another competitor. Microsoft has and still does. I don't think this settlement goes far enough and the level of oversight in not nearly strong enough to provide an effective punishment or deterrent.

Sincerely
Larry Rhoads
Tracking #: F2B2 1 67FD4D9D5 11 A24400A02478256E801 CD 1 4E

MTC–110

MTC–00000111

From: Bill Dempsey
To: Microsoft ATR
Date: 11/16/01 7:50pm
Subject: Opinion

Hi,

I'd just like to express my opinion on the entire Microsoft anti-trust issue. For many years, Netscape had a monopoly on the browser market with no real competitors. This allowed them to dictate standards that all web developers were forced to accommodate if they wanted their sites to be viewed. Nobody said a word about Netscape. For many years, Norton Utilities held a virtual monopoly in the hard drive management and repair category of software. Another example is Sun with it's total domination of the Internet server market for so many years. Does anyone else remember the total dominance of CPM in the workplace prior to DOS and then Windows? My point is that every apparently monopolistic hold on some aspect of the computer industry has

been broken by one or more companies with better products at some point. Microsoft got to it's current level of dominance by offering better products, plain and simple. This is called competition and isn't that what a capitalist society is all about? The PC industry has also benefited from the fact that wide adoption of Microsoft's exceptional products has created standards which allowed the industry to progress at a much faster pace. Without these standards, I am convinced we would be at least a decade behind where we are now. With all of this in mind, I obviously believe that your settlement with Microsoft is a good thing for everyone. I also believe the economy will bounce back quicker under the unfettered leadership of Microsoft and it's visionary leader. No, I don't work for Microsoft. I even get annoyed sometimes with them when their software crashes. But honestly, their software crashes less often than most and I use it constantly. Kudos to your team for working out a reasonable solution without killing a technological leader we need during these harsh times.

Best regards,

—Bill

Bill @Dempsey.net

http://www.bill.dempsey.net

''You can predict the future if you create it.''

MTC–11

MTC–00000112

From: Bob LaGarde
To: 'microsoft.atr(a)usdoj .gov'
Date: 11/16/01 7:51pm
Subject: Support for Microsoft Settlement Proposal

In 1996 I founded LaGarde, Incorporated, a Kansas Corporation, engaged in the business of building ''Business Applications for the Internet.'' In launching this venture I entered partnership programs with AT&T, Netscape, Novell, Digex and Microsoft. I was rejected for AT&T's program. I paid $200.00 for Netscape's program. I was offered the opportunity to pay $1500.00 for Novell's program. I paid nothing to enter Digex's program and I paid nothing to enter Microsoft's program. Microsoft immediately began furnishing me with developer software, sample code, web site advertising support and many, many other business opportunities. Microsoft has established a very strong track record of helping to build business opportunities for 3rd party companies. Microsoft continued to support our endeavors with free listings on the www.microsoft.com web site; inviations to speak at Microsoft professional events; free booth space at global trade shows; etc. Today I operate a Kansas corporation employing 20 people. We were recognized as an Exporter of the Year candidate by our Kansas Govenor, Bill Graves earlier this year based on the fact that through our overseas sale of StoreFront products we e-commerce enable merchants in over 70 countries around the world. I strongly support the current proposal of the US Attorney General's office to settle this case.

Bob LaGarde

LaGarde—Makers of StoreFront E-Commerce Solutions

www.lagarde.com

www.storefront.net

1.800.785.830.9800 (US)

011.1.785.830.9800 (INTERNATIONAL)

b.lagarde @ lagarde.com

Outgoing mail is certified Virus Free.

Checked by AVG anti-virus system (http://www.grisoft.com).

Version: 6.0.295 / Virus Database: 159—Release Date: 11/1/2001

CC: 'GENERAL(a)ksag.org

MTC–112

MTC–00000113

From: j. 1. t.
To: Microsoft ATR
Date: 11/16/01 7:56pm
Subject: i have lost faith in the DoJ

Many years ago the Dept. of Justice was ethically unassailable—you seemed to do everything right, defending the average guy and gal against getting raped by big business and whatever petty individual evil lurked out there.

But this is the last straw. The AG is ignoring the will of the public in Oregon while pretending to be ''for state's rights,'' is not interested in prosecuting anthrax scares aimed at abortion clinics even though he claims he doesn't allow his personal vendettas/opinions to influence his job (all the while saying he'll prosecute to the fullest extent of the law anyone who takes advantage of the current situation to scare people with anthrax threats), and now he's friends with Bill Gates.

Hey—just ignore the courts, the people, and the constitution. That's all I've seen from Ashcroft and the current DoJ leadership in the past few months. Why even bother with a constitution? Or red stripes on that flag? It's just embarassing. This is America, for God's sake! Not some backward third world fascist state!

Joshua Lurie-Terrell

MTC–113

MTC–00000114

From: GigLister@ aol.com@inetgw
To: Microsoft ATR
Date: 11/16/01 7:56pm
Subject: Requested Microsoft Settlement Comments!

US Dept of Justice:

What you guys did was flat-out, awful ... You dragged America's most premier company through a worthless public battle for what... so a few second rate companies that can't compete with Microsoft products anyway can get a place on their operating system ... and at who's added expense ... yeah, the working consumers!!!

We weren't idiots ... a free Microsoft browser built in to their operating system was a cost/benefit to the consumer ... if for whatever reason a consumer wanted a browser other than the one Microsoft was providing for free, that was always an option to the consumer if they were willing to pay extra for the value they perceived getting from some other browser ... and the Windows Operating System was always built for compatibility to other browsers being installed. You guys got foxed into spending a bloody fortune in public taxpayers' money just so McNulty can attempt to sell his 'piece-of-shit' applications that he couldn't/won't be able to sell on his own anyway!!! So what was the point to all this nonsense ... I think whatever Microsoft had to yield to get rid of you Reno morons, it was far more than you deserved ... This case could never be defended as a protection of competitive benefits for the consumer ... had you won, we would have paid much more for acceptable software applications provided by the best in the business!

You ought to give the settlement back ... you never were fighting for the public's rights/benefits from the beginning ... you just fought NcNulty's fight for him and lost like he would have lost had he fought this fight on his own!!! And for the states' AGs to be now fighting over whether this is the proper settlement of this case is even funnier ... most of these AGs still haven't found the pc on/off switch!

This case was a complete waste of time and money and you only got to wrongfully harm America's most prominent and productive company ... Oh yeah, I have never worked for the Goverment or Microsoft, so my comments started from a neutral position.

You were the Bad Guys on this one!!!

George J Lister

Pennington, NJ

CC: v__alex__poole @hotmail.com @inetgw,Groomer76 @aol.com@

MTC–114

MTC–00000115

From: Kevin Ulland
To: Microsoft ATR
Date: 11/16/01 8:01pm
Subject: Microsoft Trial—Question about dissenting states

Hello, my name is Kevin Ulland. I fully support the settlement between the nine states, the DOJ and Microsoft. I don't believe Microsoft is a monopoly that has abused it's power, and Microsoft hasn't ever hurt me, the CONSUMER. But that's not what's at issue here.

I believe that the settlement that the DOJ and Microsoft agreed to is fine. It not only tackles the anti-trust ''violations'' but also addresses the market and Microsoft's role therein. I am happy to see that nine of the eighteen states have signed on, but I am frustrated by the remaining states who wish to proceed with the trial. I have a question about those nine states.

I live in Washington State. I am happy with Microsoft, I like Windows XP and it's features. I use Passport and love the fact that it's integrated into the OS. It saves me time! I love Internet Explorer. It renders beautiful web sites, and being a web developer, it's a great application. Netscape is non-compliant with the standards and mis-interprets code all of the time, creating ugly sites and interfaces. I DON'T want Microsoft to stop innovating. I want the next version of Windows to be even more rich with features. If Massachusetts or California go into the hearings in March and get extra sanctions or limitations applied to the deal with Microsoft, those limitations had better not effect me here in Washington, or any of the other 41 states! Just because California is listening to the special interest groups from Silicon Valley and Microsoft competitors and

NOT it's consumers, that should not affect me in my state. I remember my US history, and I remember that we all started out as separate states, like little nations, and we created a federal government to over see national issues. But laws passed in California do not apply in any other state, and I am hoping that a ruling against Microsoft for California, or the other nine states only applies in those states. If California law can't affect me here in Washington, why should a ruling for California affect me as well? Will a ruling for the nine states affect the other 41?

Please answer this question, because I think it is vitally important that as a consumer I know what is going to happen to Microsoft and the software I use in my life and work. It is wholly unacceptable that these nine states' problems with Microsoft affect the rest of the nation. The settlement with the DOJ can affect all of the states, because it is an agreement with the Federal Government...

Thank you,
Kevin Ulland
Citizen of Washington State

MTC–115

MTC–00000116

From: Arnie
To: Microsoft ATR
Date: 11/16/01 8:07pm
Subject: Microsoft: Mother of Computer Viruses

Microsoft's well-documented battle against Java seems like an old story, but the casualties are still mounting. As a cornerstone of their battle against JAVA, and any platform-independent APIs, MS introduced and expanded the scripting capabilities of their applications to allow web-based scripting. This has been the basis for vastly destructive computer viruses (worms) from Melissa to code-red. While Sun spent many dollars and man-years making Java highly secure, constraining the scope of its actions, and designing it for internet activity, Microsoft rushed its existing scripting system into the internet business without any precautions. This has made it trivial to create worms which access a users MS Outlook addressbook to spread themselves. MS negligence in this area verges on criminal. While the media cites ''Internet Viruses'' and, especially now, various agencies are looking with renewed concern at computer security issues, the quiet truth is that these viruses are virtually all limited to Microsoft's shoddy applications. In this area in particular, their dominance is fundamentally dangerous. Like a crop with insufficient genetic diversity, an internet without diverse servers, app.s and O.S.s is more vulnerable to any single virus. The fact that Microsoft's OS monopoly leverages their applications hegemony makes these vulnerabilities more severe, and allows mediocre development to combine with a careless and hurried approach to security.

The current proposed settlement does very little to reintroduce competition or diversity into markets that MS has already swallowed. It does absolutely nothing to address the systematic degradation of computer security which Microsoft P.R. describes as innovation. Well-publicized security holes in WindowsXP and MS Passport/Wallet systems should be troubling, but the unpublicized gaps sure to be lurking in a system of this complexity, from a group with this track-record of negligence should be terrifying. Microsoft's incompetent domination of the internet should be seen as an issue of national security, and yet it is being swept under the rug like a mere industry anti-trust squabble. Please save us!

Sincerely,
Arnie Cachelin
Senior Software Engineer
NewTek, Inc.
San Antonio TX

MTC–116

MTC–00000117

From: Justin Hopper and Bogdana Manole
To: Microsoft ATR
Date: 12/6/01 1:38pm
Subject: Absolute Outrage

I am a long-term software developer and user of Microsoft's products, however that does not blind me from their unjust business practices. I have seen once strong products like Netscape Navigator, Quicken and WordPerfect, literally crumble as Microsoft pushed it's way into the markets. Everything that is developed by Microsoft creates a further dependency on their products, including the operating system. What we have seen over the past years is more and more software products being developed by Microsoft. It used to be an operating system and now the company offers a complete end-to-end solution for IT businesses in just about any market. Where's the diversity?

I currently reside, in Romania, a former Communist country. I can tell you first hand the dangers of a monopoly. For example, there is one telecom company in Romania (sound familiar) and the whoever wants to make a phone call must pay them a set tariff. Who ever wants to set up an ISP must pay them a set tariff. Who ever wants to receive extra phone services or even make and international phone call, must pay them a set tariff. If the consumer does not like it then who do they have to turn to? Noone! They are stuck with whatever price Romtelecom sets. Now tell me how this settlement is going to prevent this from happening to the technology market.

The decision to make Microsoft give its software away for free to public schools is almost funny. Not only does it give Microsoft's operating system a leg up in what may be one of the only fields that it doesn't have control over; but it will probably be the end of Apple Computers. This is an ingenious idea and whoever came up with this proposal must have done so knowingly. The Department of Justice looks like a naive child being led by the giant software developer to do whatever it wants. Who is running the court-case, Microsoft or the DOJ? Sometimes it is hard to know.

Sincerely,
Justin Hopper

MTC–117

MTC–00000118

From: larry
To: Microsoft ATR
Date: 11/16/01 8:08pm
Subject: Microsoft settlement—comments

The settlement with Microsoft was terrible! It does practically nothing effective to stop this monopoly, and in fact, they are going ahead full speed to take over the internet as much as they can. Even if they do not comply with the mild constraints, there are no really effective enforcement procedures. The hands of the enforcers are, to a great extent, tied. At best, they would get another mild slap on the wrist.

I use an alternative browser (Opera), and Microsoft seems to have started attacking this browser as well. Many Opera users have complained to them about this, but their response has been **quite** poor. It would seem that they are out to eliminate it, or at least marginalize it, as they did with Netscape. One could go on and on with more examples of their predatory practices, but I'm sure you get the idea.

I'm just an ordinary user—I don't work for their competitors, and have no ulterior motive for writing to you. I just want you to know how an ''ordinary Joe'' views the settlement. It makes one wonder how much ''justice'' they bought with their large political contributions. Thanks for listening,

Larry Wright mail to: larry @wrightplace.org

MTC–118

MTC–00000119

From: Edwin E. Coad
To: Microsoft ATR
Date: 11/16/01 8:14pm
Subject: Shame on you!

This settlement does not punish Microsoft, it rewards them. Microsoft destroyed companies, lives, etc. and they should be made to pay all those who they harmed directly and indirectly. Guilty is as guilty does. Wrong doing without punishment sends a clear messages, ''we got away with it''. Please reconsider the final order and settlement.

Edwin E. Goad
Casselberry, Florida

MTC–119

MTC–00000120

From: Don Lex
To: Microsoft ATR
Date: 12/6/01 1:37pm
Subject: One users opinion

MTC–120

lIle:uILj/wIflJLemp/Lmp.nuil
Department of Justice,
RE: Microsoft Settlement

My thoughts are simple regarding this complicated software business. As I read from public sources for settlement details; the settlement clearly fails to punish the Microsoft enterprise for its corporate behavior. Time has gone bye and the justice system may have indeed forgotten about the failed companies due to MicroSoft business practices. All of the failed businesses led to (1) lost competitive ideas, (2) lost employment, and (3) failed dreams. Long gone are companies like Netscape, Borland and others. Further the notion that MicroSoft would give software operating systems, support and applications to the poorest schools appears to increase the footprint of the Microsoft monopoly. This may actually

be worse than doing nothing. I do not envy your team in finding resolution with this matter or the tobacco matter, but please secure TRUE resolution. In my humble opinion, Microsoft needs to be broken into smaller companies like Judge Green did with AT&T.

thank you for you time and consideration,
DON LEX
5160 Carriage Dr.
Richmond, CA 94803
1 of 1 12/14/2001 3:11 PM

MTC–120

MTC–00000121

From: Chuck Davis
To: Microsoft ATR
Date: 12/6/01 1:17pm
Subject: Microsoft settlement

Dear Sirs,

I heavily use Microsoft products both personally and professionally.

Having supported computers for 35 years, I would like to state my opinion, as a private citizen regarding the Microsoft settlement. The agreement, in which Microsoft will contribute it's product to educational facilities, gives Microsoft an unfair advantage in those education facilities and is not at all a fair response to their monopolistic behavior.

Thank you,
Charles W. Davis
cdavis @ bestweb.net

MTC–121

MTC–00000122

From: George (038) Marsha
To: Microsoft ATR
Date: 11/16/01 8:17pm
Subject: Dear Sirs

Dear Sirs Just reading Mr. Gates response to the settlement should give the Justice Department an idea how good this is for Microsft. I am wondering why our government- my government- is allowing this kind of settlement to go through when it is clearly hurtful to American business and the American people.

I am truly disappointed.
George Brownlee
Mesa, AZ
480–703–2285

MTC–122

MTC–00000123

From: Joven Joven
To: Microsoft ATR
Date: 11/16/01 8:17pm
Subject: Microsoft Anti-trust lawsuit settlement.

The current proposal for a settlement to this case is weak, and does nothing to help the IT community. The option to force Microsoft to either disclose the source code of Windows, or make them ship Windows in a stripped down manner without any additional software would have been a much better option. Microsoft is counting on the pervasiveness of their applications to force users to use them, and eventually have no option but to pay for their services. I use Hotmail because before Microsoft bought it, it was a very good free web based email system. Now that Microsoft has bought it they've been constantly sending me mail pitching their new services. I don't mind this at all, its Microsofts right to promote their services, concidering the fact that Hotmail provides no signifigant revenue outside of advertising. On the other hand, Microsoft should not make it difficult for a user to use one Microsoft service that they've paid for and avoid another. MSN Messanger on Windows XP is a prime example of Microsoft's practices. Every few times XP loads, customers have to constantly cancel the sign up feature if they don't want to use it. This goes way beyond simple marketing. Unlike Hotmail, which is a free service, Windows is something a customer pays for, and by doing so they should have the right to not be bothered about other Microsoft products. Internet Explorer is also another complete pain. By tying IE so deeply into Windows, Microsoft users have no real choice but to use it. By trying to give out such a pathetically weak settlement, you are ensuring that Microsoft continues to bully users and other sectors of the IT industry into being exclusive Microsoft customers simply by the way they ship software, not to mention the history Microsoft carries of bullying computer manufacturers and retailers by threatening to deny them liscensing. Microsoft can very easily maintain its monopoly if you either force them to disclose their source code or sell an 'OS Only' version of windows, as long as they switch tactics from bullying to shipping stable programs.

Another thing that should be seriously concidered before the US court system gets plagued by class action lawsuits is to order Microsoft to either discontinue, or completly overhaul their Outlook Express and ISS programs. These two applications have plagued internet users all over the world with viruses coded to exploit the vast security holes in these systems. Placing penalties on Microsoft for putting off repairing security holes would be an excellent idea, as it would reduce the frequency of virus attacks such as Code Red and Nimda, as well as the latest fiasco involving Microsofts 'My Wallet' feature, which had a security hole so obvious it took a programmer only 30 minutes or so to exploit it in able to steal credit card numbers from Microsoft users who utilized the service.

Obviously I am not the only one who thinks this way, as several state officials have shown by turning down the settlement agreement, as well as the entire European Union's plans to bring Microsoft to task.

MTC–123

MTC–00000124

From: Ron Shue
To: microsoft.atr(a)usdoj.gov
Date: 11/16/01 8:24pm
Subject: Thanks for selling us out.

So far the settlement I have seen an reported. Does not correct the problem with microsoft. You are allowing them to take control of the computer industry. As a example with there next proposed business, expect to see Intuit company the makers of quicken and quickbooks will be the next fallen flag.

As a US consumer, there is nothing in this for me. The harm that microsoft has already done to me is not being corrected.

I have paid for software and them forced to use there software. Example is the browser. Which your settlement does not address.

This whole thing is a joke, The only question that should be considered, is how does the U.S. consumer seek legal action against our goverment for failing to protect it citizens.

I have worked for over 15 years in the computer industry and have watched microsoft climb to power, by making sure you had to run micorsoft software. I was also a Licensed developed for Digital Research software. Remember DR–DOS and GEM. One was a better DOS than MS–DOS the latter was a better graphic menu then WINDOWS. But WINDOWS 3.1 would not run on DR DOS and GEM would not work with microsoft software apps.

Ron SHue
Infrastructure Specialist
Electronic Data Systems.

MTC–124

MTC–00000125

From: Peter Seebach
To: Microsoft ATR
Date: 11/16/01 8:24pm
Subject: Anti-trust settlement

Any settlement should reflect the repeated and flagrant abuses Microsoft has engaged in, even during the ongoing trial. At a bare minimum, those harmed by Microsoft's practices should be compensated in some way. The original court findings remain; Microsoft broke the law. Any settlement that lacks a substantial and meaningful penalty is itself a flagrant disregard for judicial process.

In the long run, it's probably not necessary to split Microsoft—and indeed, you can't fix a monopoly on software by splitting it up. What the government can, and should, do is make sure that Microsoft's competitors are competing on a level playing field. This means *NO* barriers imposed by Microsoft to getting competing products shipped with computers. No special ''Windows'' key trademark licensing. No agreements that systems *must* boot Windows. No special high prices for vendors that don't support Microsoft enough. Everyone has to get the same price, no matter what, from Microsoft—any other solution lets them impose multi-million dollar ''fines'' on vendors as punishment for non-cooperation. Furthermore, their file formats and standards need to be opened up.

Past that, perhaps the best thing to do is simply to try the principals of the case for perjury; they clearly lied to the government, and no one should be able to get away with that.

-s

MTC–125

MTC–00000126

From: Joe Balbona
To: Microsoft ATR
Date: 11/16/01 8:25pm
Subject: Settlement

There is every reason to believe that Microsoft will comply with this proposed

settlement to the same degree they have with past settlements. The DoJ had an excellent trial and exposed Microsoft for the liars that they are. They lied then and they are lying now about compliance. The remedy should be the division of the company as ordered by Judge Jackson.

Joe Balbona

MTC–126

MTC–00000127

From: root@wt6.usdoj.gov @inetgw
To: Microsoft ATR
Date: 11/16/01 8:29pm
Subject: Some thoughts

Just figured since you set this email addy up I'd chime in and say that the judgement was bogus. Microsoft has done all they can to kill competitors through unfair business practices and all you do is say ''Please don't do that again''.

I suppose it has something to do with the millions they've donated right? Things like this really make me lose faith in our government.

MTC–127

MTC–00000128

From: Lynne Weintraub
To: Microsoft ATR
Date: 11/16/01 8:31pm
Subject: I don't agree

I don't like the microsoft settlement. I don't understand why microsoft is being rewarded for thumbing their noses at U.S. consumers, the laws of this country, and the justice system. I don't like the fact that they have huge loopholes to slither through, and I think the justice department should not rush to settle until they can be closed very very tight!

Lynne Weintraub
Amherst, MA

MTC–128

MTC–00000129

From: Bob Niederman
To: Microsoft ATR
Date: 11/16/01 8:35pm
Subject: Thank you for using Pollit.com's Mail Form! (fwd)

I believe that any settlement that would have a chance of restoring competition to the computer industry would require at least the following:

1) All terms must be enforced by a non-Microsoft party with full access to all Microsoft resources, including source code. Microsoft cannot be trusted to voluntarily comply with any agreement.

2) All communication protocols used by all microsoft products must be fully documented. Such documents must be made available to any and all parties for any reason, free of any charges or limitations in use. Microsoft is not allowed to change their protocols until 90 days after documentation of such changes are made available to any parties requesting them, free of charge or limitations in use.

3) The previous term must also apply to all Microsoft APIs (Application Programming Interfaces).

4) Microsoft may not keep agreements secret. In particular, the terms of the current OEM agreements, currently protected as ''trade secrets'' must be disclosed.

5) Microsoft may not use agreements with Computer OEMs to restrict in any way the addition of other software to the computers, along with Microsoft products. In particular, OEMs are not to be prohibited from selling ''dual-boot'' systems, where the system can be booted into Windows or into some other operating system, such as Linux or a form of BSD or BeOS.

6) Microsoft may not use their licensing terms to stop users or developers from using Open Source software or Free Software.

7) Microsoft may not meddle in the the legislative processes of Fderal, State or local governemnts or bodies that make recommendations to them, with their work on UCITA being a prime model of behaviour that is prohibited to them as a monopoly.

8) Micorsoft services (such as MSN) may not require the use of microsoft softwware by users wishing to use the service.

9) Micorsoft services, sucgh as MSN, must not be forced upon users thorugh exiusive contracts with ISPs or LECs (such as Qwest).

MTC–129

MTC–00000130

From: Adam Warbington
To: Microsoft ATR
Date: 11/16/01 8:36pm
Subject: Comment on Microsoft settlement

It is obvious to the informed members of the public that this decision is entirely based on the huge amounts of money Microsoft is willing to give to elected representatives. The settlement is vague and gives Microsoft exactly what they want, free and sactioned reign to shove their products down consumers' throats. Microsoft is not an example of a good business, it is an example of a good monopoly.

The government has done its citizens a great disservice by allowing Microsoft to continue its predatory business practices unchecked.

—Adam Warbington

MTC–130

MTC–00000131

From: mturyn @ world.std.com@inetgw
To: Microsoft ATR
Date: 11/16/01 8:37pm
Subject: Nix the settlement

Microsoft have been bad actors for as long as they have been able to get away with it, and their corporate culture still is tilted to the ''all markets we are in must be ours' direction that makes it likely that they will have monopoly power to abuse in more markets. Until they suffer some sort of palpable correction for acting as they have, it is unreasonable to expect them to act any differently; the current settlement neither constitutes a stiff enough penalty to be noticeable nor sends a signal that they are dealing with a D.o.J. willing to take them on should they egregregiously misbehave in the future.

MTC–131

MTC–00000132

From: esp5
To: Microsoft ATR
Date: 11/16/01 8:42pm
Subject: guys... guys... guys

how can you live with yourselves? What on earth possessed you to think that the settlement that you reached with MS had any teeth in it at all? If you want, I can go into a detailed analysis of exactly how the settlement you made totally screws the consumer, but the cynic in me tells me that it'd probably end up in the trash unread.

Augh. Tell me it isn't so. I had such high hopes for you guys. Guess its just one more painful step in losing idealism and the belief in justice... *sigh*.

Ed (hoping that he's wrong, but thinking that there's a 99.999% chance that he's right)

(ps—if I *am* wrong, let me know. There's a good chance that a decent argument in front of Ms. Kollar-Kotelly will get you off the hook of an *embarrassing* deal with MS, or perhaps you can 'recant' your belief in the settlement and give it no credence. And I'd be happy to draft a list of points exactly *how* Microsoft can worm their way out of Yet Another Consent Decree... *sigh*.)

MTC–132

MTC–00000133

From: Naden Franciscus
To: Microsoft ATR
Date: 11/16/01 8:42pm
Subject: Decision

Whilst I am not from the States the ramifications of this decision extends worldwide.

I simply want to state that Microsoft must NOT be allowed to maintain control of their API's for development. It is imperative that the Office and Windows combination is somehow broken as future operating systems can not succeed without Microsoft Office interoperability.

Ultimately, I would be very happy if you (DOJ) could define the file formats of Microsoft Office products to be standards and subsequently require them to be 'open' and privy to everyone.

This would solve so many, many problems.

Thank you for your opportunity.

Naden Franciscus
Content Development Engineer
Curtin University

MTC–133

MTC–00000134

From: Alex Barnes
To: Microsoft ATR
Date: 11/16/01 8:43pm
Subject: Comments on the Proposed Microsoft Settlement

I am a computer strategy consultant, and advise large corporate clients on software technologies.

I speak here not on behalf of my firm, but as a concerned citizen.

I oppose the proposed settlement with Microsoft. The Government has already attempted to modify Microsoft's behavior with conduct remedies, and these have proved ineffective. Microsoft's behavior in bundling additional functionality into its Windows XP operating system, and in subverting open standards, indicates that the firm continues to abuse its monopoly position. This will have long-term adverse consequences not only to other software developers, but to their clients, including the large corporations that I advise. These costs and risks are passed back to the consumers, and are damaging to the US economy.

It is evident that the DOJ's settlement is a political, not legal, remedy, and that it reflects the an unstated policy of tolerating monopolistic behavior. If the Government is opposed to anti-trnst law, then it should convince Congress to change the law, not subvert it through ineffectual sanctions.

A minimum acceptable settlement would require Microsoft to unbundle its applications from its operating system (OS), make public the Application Programming Interfaces (APIs) that connect these applications to the OS, and refrain from implementing proprietary extensions to US and international standard interfaces. Microsoft should have no input into the staffing of any oversight body that is chosen to monitor compliance; instead, it should be staffed based on recommendations of industry organizations that are not funded or dominated by Microsoft.

Regards,
Alex Barnes

MTC–134

MTC–00000135

From: Herbst, Mike M.D.
To: microsoft.atr(a)usdoj.gov'
Date: 11/16/01 8:43pm
Subject: Microsoft settlement

To whom it may concern:

It is my belief, based on my professional knowledge and experience as the Chair of the Santa Monica-UCLA Medical Informatics Committee, that the recent settlement proposal between the DOJ and Microsoft is completely inadequate.

The proposed settlement fails to address the harm already caused by the Microsoft abuse of its monopoly. It also does not provide adequate protection for consumers from future abuses. The statements of Microsoft executives since the settlement indicate that they do not accept that their previous behavior was a violation of the law, nor that they must change their behavior in the future.

Please do not let this travesty of justice take effect.

Michael Herbst, MD

MTC–135

MTC–00000136

From: Miko Matsumura
To: Microsoft ATR
Date: 11/16/01 8:44pm
Subject: wrist slap

It's clear to me that consumers will continue to be hurt by Microsoft's activities, especially given Justice's blind eye to their XP bundling and continued violation of the regulations against their illicit business practices. Please reconsider your position.

Best regards,
Miko Matsumura
Consumer and citizen.

MTC–136

MTC–00000137

From: Morss, Charlie
To: 'microsoft.atr(a)usdoj .gov'
Date: 11/16/01 8:44pm
Subject: Bunding of alternate OS not allowed

Hello,

Please do not agree to any settlement that would restrict OEM's from bundling alternate operating systems when selling a machine with a Windows OS on it. Currently, it is my understanding that a OEM can not include a free version of Linux, BE, or any other OS without violating their contract with Microsoft. Microsoft may actually allow it, but the OEM losses their discounted pricing from Microsoft, essentially making it impossible for them to do any bundling on their own.

This practice is clearly an illegal use of their monopoly.

A settlement that does not take this into account assures that Microsoft's illegal monopolistic practices will continue (they will never have any ''real'' competition, contrary what they seem to indicate).

Thank you for considering this issue,
Charlie Morss
34228 46th Ave S.
Auburn, WA 98001

MTC–137

MTC–00000138

From: ash
To: Microsoft ATR
Date: 11/16/01 8:46pm
Subject: MS, still being bullies.

I am a college student and a want-to-be-programmer and belive the MS is a harsh monopoly. Granted, in the beginig they were a great aspiring company, but now they stomp out everyone to gain more market share. For instance, they have stomped out a lot of financial software by pushing their own. They have, obviously, taken the browser and added things to the HTML standard to make other (standard) browsers have problems. They have started .NET and Hailstorm which pretty much gives them a good hold on the people much like a Orwellian (sp?) government might. My point is they are starting to get out of hand and are killing off other great inventors by stomping out creativity with these malicious buisness practices.

Thank you for your time,
Ash

MTC–138

MTC–00000139

From: Scott Johnson
To: Microsoft ATR
Date: 11/16/01 8:46pm
Subject: Microsoft anti-trust settlement fair and just, I support 100%

The anti-trust settlement reached between Microsoft and the US Department of Justice is fair and just, and I feel it addresses the issues that led to the trial.

The states which remain participants in the anti-trust action against Microsoft are simply trying to protect companies operating within their borders, and their demands are unreasonable. I strongly urge the US Court of Appeals to recognize this and to find in favor of Microsoft against those states that choose not to accept the current settlement.

We must remember one thing above all else... Antitrust law does not allow punishment for a company simply for being a monopoly, nor does it allow punishment for a company that puts its competitors out of business through ruthless competition. Microsoft may in fact be a monopoly, but it has not abused that position (yet) by using its market dominance to unfairly price its software. Yes, it is a ruthless competitor, but that is not illegal.

The Sherman Anti-Trust Act was designed to protect consumers from companies who abuse their monopoly power to raise prices. In the last ten years, Microsoft has not significantly raised the price of Windows. Case dismissed.

Some claim that Microsoft has been raising prices, as proven by the fact that Windows pricing has remained stable while other component prices in computers have declined. This argument is ludicrous.

Consumers now receive for free software they used to have to purchase seperately from Windows: web browsing software, music recording software, and more.

It is rather generous of Microsoft, in my opinion, to continue to price Windows at its current level. In every other business one can think of, new features cost money. Buy a car, get a stereo, and it will cost you more than if you purchased the car alone.

Don't listen to the states. They simply represent the voice of jealousy, and they are using the courts to achieve what they could not achieve in the marketplace. The settlement is fair.

Scott Johnson

MTC–139

MTC–00000140

From: Steve Odem
To: Microsoft ATR
Date: 11/16/01 8:47pm
Subject: proposed settlement

I think Microsoft has gotten away with grand larceny and you are slapping them on the wrist and saying Bill, be a good boy'. It is a lousy settlement which should not be approved by the Court.

MTC–140

MTC–00000141

From: Todd I
To: Microsoft ATR
Date: 11/16/01 8:47pm
Subject: The agreement does not help consumers

I am very disappointed in the agreement reached by the Department of Justice and Microsoft. Their past compliance with government restrictions should be a good indicator of future performance. I see no reason to believe that they will honor the current restrictions, given the weak monitoring and enforcement mechanisms.

Microsoft's increasing restrictions, monitoring, and control of consumers in the face of antitrust litigation is clear evidence of a monopoly that needs to be moderated.

I hope the government will take action to benefit consumers, and restore some form of competition to the market.

Thank You,
Todd Ignasiak
Mountain View, CA

MTC–141

MTC–00000142

From: John Klapp
To: Microsoft ATR
Date: 11/16/01 8:50pm
Subject: Settlement

I thin kit's unfortunate that you have wasted this much taxpayer money and then

refuse to fix the problem. Microsoft has demonstrated no intent to change their illegal business practices and will sidestip this mealy mouthed settlement

John Klapp

MTC– 142

MTC–00000143

From: Andreas Pleschutznig
To: Microsoft ATR
Date: 12/6/01 1:38pm
Subject: Personal opinion to the Microsoft settlement

First I don't understand the thought process of why this half way solution of imposing some restriction on Microsoft is even thought about. Microsoft has shown in the past that they do not honor such restrictions or try to find a loophole, or turn the words until it suits their needs.

Secondly and even more important I don't understand the justice behind that. Here is someone has has been found guilty of a crime and still show no remorse and we do not punish them as the law would call for, but strike a weak deal with them. In the past the splitup of ATT was the best that could have happened to the customer because it reopened the market. My personal belief is that this should happen to Microsoft as this (the breakup) would force the Mini-MS companies to compete and thus have positive influence on the market.

Here is how I could imagine how the market could be made better: Suppose Microsoft got broken into 2 or more companies which in my opinion could be

a) The OS (Windows) company

b) The Application company (Office, ...)

This would lead to the situation that the Office company would want to sell as many copies of their Software as possible, and thus they maight want to port their Software to other OS's. Since now Windows no longer has the advandage of being the only one that has this office suite they would have to compete in the open market with features, stability,.., as they could no longer rely upon being the only one having this office suite.

Just my $0.02

Thanks

Andreas Pleschutznig
2509 Taylor Way
Antioch CA 94509

MTC– 143

MTC–00000144

From: Pat Montgomery
To: Microsoft ATR
Date: 12/6/01 1:39pm
Subject: Microsoft settlement

To the Microsoft antitrust attorneys,

I strongly object to the terms of settlement of the Microsoft case. MS was proven in court and by appellate review to be a monopoly (which is no crime), but to have repeatedly and to the profound harm of its competition, abused this monopoly power (which is a crime).

There are two issues:

1) Justice: They clearly broke the law. To be let off with a handslap sends a clear and unambiguous message that they can get away with it, to their shareholder's advantage and the disadvantage of other businesses competing in their ever-expanding fields. This encourages them to do it again, knowing they are big enough to get away with it. I don't think this is what T.Roosevelt meant by the word 'bully'.

2) Policy: Who in their right mind would now invest in a field of business that might *someday* be a field that MS decides it wants to dominate? The effects on competition, the putative underpinning of our economy, are devastating.

This was a very unfortunate decision.

Pat Montgomery
28818 108th Ave. SE
Auburn WA 98092
patmontg@attbi.com

MTC– 144

MTC–00000145

From: Charlie Krohn
To: Microsoft ATR
Date: 11/16/01 8:50pm
Subject: Proposed Settlement

Gentlepersoris:

Although I disagree with the Courts findings that Microsoft violated any U.S. statutes or common law, I believe that the settlement agreed to by Microsoft should be approved.

I am at a loss to understand how the Justice Department can justify spending tens of millions of dollars to prosecute a case where the parties seeking protection from alleged monopolistic practices were competitors of the defendant. I thought the public policy behind anti-monopoly statutes was to protect the public. Just how was I harmed by receiving free software, especially software that was superior to that of the competition? Since when is the Justice Department's job to protect corporations whose products are inferior and non-competitive in a free market? Isn't Justice bothered by AOL's acquisition of Netscape? How is this different than Microsoft's situation? I don't know of any law that states that business is supposed to be easy or nice. Tough competition breeds better products at cheaper prices.

Companies that can't compete should get out of the business. I don't see any justification for punishing the successful.

Thank you for this opportunity to comment. Hopefully the Department of Justice will find better uses for its budget than continuing its blind crusade against Microsoft.

Charles Krohn

MTC–145

MTC–00000146

From: Garry Heaton
To: Microsoft ATR
Date: 11/16/01 8:57pm
Subject: What about XP?

Hello at the DoJ

While the courts have been prevaricating over what penalties to impose on Microsoft the grotesque monopoly has delivered its ultimate coup—Windows XP—which represents nothing less than a nose-thumbing of the whole anti-trust case. This operating system, and the characteristic business practices associated with it, will do more to strangle competition on the desktop than all of the previous MS operating systems put together. Why hasnt this product been taken into account? Why is Microsoft able to continue with its monopolistic practices?

American business law is a sham. There is no justice. Big business can buy its way out of anything.

Garry Heaton

MTC–146

MTC–00000147

From: don @dbivens.dyndns.org @inetgw
To: Microsoft ATR
Date: 11/16/01 9:02pm
Subject: please reconsider

The proposed settlement with Microsoft will do nothing to prevent their abusive of their monopoly position. In fact, it is because of their repeated violations of previous consent decrees that they were investigated for the most recent antitrust trial. There appear to be essentially no teeth at all to the proposed settlement. I fail to see the point of adding time to their being under court ordered review if they violate the court ordered review?!

More importantly Micrsoft doctored evidence in the trial, Bill Gates failed to show up and testify but rather sent in videotape where he acted arrogantly and continued to produce software that stifled competition. Many more anti-competitive acts and tactics have come out of Redmond since the trial first started which show their lack of concern for current US law.

Lastly, and probably most importantly, is the fact that Microsoft was found guilty and the guilty verdict was upheld. I am at a loss to think of any case, particularly one this high-profile and this handily won, where the guilty criminal was allowed to negotiate their punishment!? The mind boggles...

Please use the full force of antitrust law to restore healthy competition to this most vital part of our economy.

Sincerely,
Don Bivens
1059 Croyden Ct
Ft Mill, SC 29715

MTC–147

MTC–00000148

From: Jeffrey Stephens
To: Microsoft ATR
Date: 11/16/01 9:05pm
Subject: Important for Linux to Succeed

Linux is the only viable competitor to Microsoft. Make sure that Microsoft divulges ALL their API's.

Regards,
Jeff Stephens

MTC–148

MTC–00000149

From: dnewcomb@serverl .netpath.net@inetgw
To: Microsoft ATR
Date: 11/16/01 9:05pm
Subject: In regards to the Microsoft settlement

Any settlement that does not open the full documentation of the APIs for the Windows operating systems to everyone, without charge, is not valid.

Try again
Doug Newcomb
Mebane, NC

MTC– 149

MTC–00000150

From: Murray Chapman
To: Microsoft ATR
Date: 11/16/01 9:06pm
Subject: Proposed remedy isn't tough enough

To Whom it May Concern,

Your proposed settlement with Microsoft is too weak. You won the case, yet Microsoft calls the settlement ''fair,'' a definite sign that you could and should have got more.

As punishment for violating the probation imposed by SporkinlJackson in August 1995, you are sentencing Microsoft to more probation, with the threat of extending that probation if they don't comply. Microsoft's demonstrated practice of disregarding constent decrees, coupled with the vague language of this new settlement will not change Microsoft's behaviour in any way. Further, where are the penalties for criminal conduct that Microsoft has repeatedly been found guilty of? (Sporkin: ''simply telling a defendant to go forth and sin no more does little or nothing to address the unfair advantage it has already gained.'') ''Civil fines'' mean nothing to a company that increases its cash reserves by billions per month. A structural remedy would have been suitible; Microsoft got that judgement thrown out not becuase of any inherent flaws in it, but becuase of Jackson's protocol breach. Why is it now your position that this remedy is no longer necessary?

You are quoted as saying you were looking for the ''most effective and certain relief in the most timely manner''—why are you not trying for a ''suitible penalty given the scale and scope of the violations''? Need I remind you that you won the case? ''Timely'' is a joke; the damage has been done, and the third parties who have been trampled by Microsoft's monopolistic behaviour seek a ''proper'' rather than ''timely'' setttlement.

As someone who has been actively involved in computers for well over half my life, I urge you in the strongest possible terms to SERIOUSLY RECONSIDER seeking more in your proposed settlement with this convicted criminal monopolistic bully.

Extremely disappointed,

MTC–150

MTC–00000151

From: Tim Agen
To: Microsoft ATR
Date: 11/16/01 9:06pm
Subject: Let Microsoft Alone

I really feel that punishing MS is punishing innovation. I am pleased with the settlement.

Tim Agen

MTC–151

MTC–00000152

From: Lester Stormes
To: Microsoft ATR
Date: 11/16/01 12:40pm
Subject: Consumer input regarding Microsoft

As a consumer I believe through the computer operating system and add-ons Microsoft has developed, purchased or otherwise acquired it possesses to much control over data and normal information processing. It should be obvious to the most casual observer that Microsoft intends to be the one and only provider of not only your computer's operating system but the one and only provider of any software package which allows or enhances the sending and receiving of information via your computer or internet appliances such as mobile telephones, televisions, hand held devices, etc. In today's technology world it is no longer relevant to say that he who controls the gold—controls. Microsoft has all the gold it needs combined with dominate marketing and power over competition to buy or bury them which effectively means Microsoft is not only the information processing leader but controls information processing and he who controls the information—controls. Microsoft provides what appears to be a superb product but who can challenge them or make what would be improvements to their product. No one dares.

MTC–152

MTC–00000153

From: BruceG@tisi.com@inetgw
To: Microsoft ATR
Date: 11/16/01 12:44pm
Subject: The DOJ-Microsoft settlement could not be better.

This will benefit consumers. Anti-trust law should not be used to protect competitors like Sun, AOL, or Oracle. Competitors should have to compete. The law should not do their competing for them. Sun and AOL have tried to use this case to destroy their competition. Microsoft is dramatically bringing down the cost of large computer server installations and Sun does not want the price to come down. Sun wants to maintain crazy, high prices for server systems. AOL has a browser that competes very well with the Microsoft browser. The fact that AOL inexplicably pulled that product from the marketplace has nothing to do with Microsoft. If AOL would distribute that browser today it would reclaim 40% or more of the market. This is truly the only reason that AOL does not distribute its browser; they want to make Microsoft look bad. Watch my words, as soon as this antitrust case is finished AOL will suddenly decide to use their own Netscape browser and it will receive a wide audience and distribution. It would have a broad user base today but AOL refuses to distribute or support it because then it would be too obvious that Microsoft did not 'crush Netscape. AOL simply removed it from the market.

The current settlement with the DOJ and Microsoft is excellent and is all that is required.

Thank You,
Bruce Garrick
Sr. Application Developer
Total info Services
888–634–9942 x2484
bruceg@tisi.com

''We must learn to live together as brothers or perish together as fools.''—Martin Luther King, Jr.

MTC–153

MTC–00000154

From: Brian and Karen
To: microsoft.atr(a)usdoj.gov
Date: 11/16/01 12:45pm
Subject: Comments regarding Microsoft settlement

From what I've read, the settlement with Microsoft does not include a significant penalty for their illegal business practices. If all American parents raised our children this way our country would quickly collapse. What is the Justice Department thinking? As it stands now, Microsoft has essentially been rewarded for their behavior and is very likely to continue to push and exceed legal limits.

MTC–00000155

From: Rodney Smith
To: Microsoft ATR
Date: 11/16/01 12:49pm
Subject: Microsoft—Anti Trust

Dear DOJ, First I would like to say that this legal proceeding must be handled with great care. It is very economically important to settle a case like this so everyone comes out ahead. It is obvious at this point that your expert opinion is that conduct provisions be established to bring about a beneficial SETTLEMENT.

I am a software developer. My experience with the technology/products in question lead me to conclude that conduct provision MAY be a sensible route to a reasonable out come. I must stress that technology is pushing forward and is requiring all software developers to use ever greater efforts to bring about products that are desirable. The comfort in the use of various technique matured during the 1980s that still serve as the building blocks for products in the year 2001. These building blocks have to advance in order to meet the needs of the currentlnext generation of software products. What I am specifically addressing is that Microsoft has advance EXPERIENCE in what ever technology it implements in its Windows OS. Competitors must struggle to implement new FEATURES provided in the Windows OS from the point of view of implementer. We all have to understand that Microsoft has invested money and effort to develop these new features, an intimate understanding of theory behind that technology thus exists.

For those who are in competition with Microsoft to develop feature rich technologies timely exposure to privileged THEORY does not exist. Instead, while Microsoft has ''the inside track'' and is working on next years projects, the competition is just learning how the present features can and should be used.

All of this is said to emphasize that one critical element to this very important legal matter is that there has to be fair access to new developments within the key technology, WINDOWS. If there were a way to maintain a list of technology being implemented and detailed information on the theory behind it, everyone would be in the advantages situation of technical literacy behind ''A'' target technology (WINDOWS). If there is no efficient method to implement such a strategy then I must urge on this basis alone that the company (MICROSOFT) be divided into an OS (WINDOWS) company and an Application company, two totally distinct companies, no ties. At this point, if a division was used, I would suggest no further remedy.

If a division of the company was is not selected as a remedy for the Anti-trust case and a ''fair sharing of technology is used'', then I would also suggest that Microsoft be restricted from bundling ''value added

applets''. Examples range from the simple, (Notepad, a simple text editor), to the more sophisticated (Instant Messaging, Video Editing, the Windows Media Player). These applets have no place under the title Operating System. They have no baring on the OS, they should all be omitted for (I'm no legal professional) legal simplicity.

If however one decided not to pursue this aspect of this legality in this fashion, I then suggest at the least, competitors be allowed prominent accessibility/exposure to the OS (WINDOWS) consumer. An prominently exposed method to ''use'' or ''try'' a competitor's product should be available. This equal accessible method might encapsulate ALL competitor products to provide a clear distinction between what is ''a part of Windows'' and what is offered as an alternative.

These alternatives would be included with the Windows OS with respect to competitor participation.

This proposal for the Microsoft—DOJ, Anti Trust case is offered as a suggestion(s)

Sincerely,

A Concerned Citizen

MTC–155

MTC–00000157

From: Frank Moore
To: US Justice Deprtment
Date: 11/16/01 12:53pm
Subject: Microsoft Antitrust

I really don't know why I am writing to you. This is probably just a ''mail drop'' created by the DOJ in an attempt to placate the millions of citizens who feel that your proposed settlement with Microsoft is akin to no settlement at all. Rest assured, like the Attorney's General of the states that will not accept this sellout, we will not be placated either.

What was the point of this entire exercise and the millions spent on prosecuting this case, if you were going to ignore the rule of law that was violated, and the defendants failure to comply with previous court judgments. Microsoft has shown time and time again that they cannot be trusted to even make a good faith effort to comply with court rulings and judgments. They have repeatedly thumbed their noses at the courts and continued in their reprehensible conduct toward competitors. Contrary to their claims, their conduct and past business practices has not advanced technology and innovation but rather has stifled it by eliminating competition and driving the true innovators out of business. When they perceive a threat by a competitor, they either ''end support'' for their competitors software, product, or protocol, alter their products to disable or cripple the competitors product on their platform, or include their own poor implementation of the competitors product in their OS in an all too often attempt to eliminate the market for the third party software. (Look at what they've done to JAVA)

They also use their monopoly power to make the industry adopt their inferior implementation of these products as the industry standard.

Their methods of doing this often violate not only the spirit of the law but the letter of the law as well. Why YOU, in total deference to the state Attorney Generals who entrusted this case to your care, and to the consuming public, are choosing to ignore the facts that have been more than adequately proven, is beyond me.

Are you all so computer illiterate that you don't understand the implications and impact of Microsoft's illegal behavior on the industry or. . .do you choose to ignore it for political reasons as well?

Judge Thomas Penfield Jackson had a grasp of both the legal and technical aspects involved here that seem to be lost on the current DOT team as well as the current judge. The fact that he may have made irresponsible comments to the press does not change the fact that his findings, in regard to the letter of the law, have been upheld on appeal. Your proposed settlement completely ignores this and, more importantly, completely ignores Microsoft's failure to abide by previous rulings. Your settlement has absolutely no teeth and leaves far too much ''squirm room'' for a company who spends millions of dollars on attorneys looking for ways to circumvent the letter and spirit of the law.

I have read details of your proposed settlement. It's almost as if you're telling Microsoft, for the umpteenth time, ''Now we told you not to do that before. If you do it again we'll really have spank you . . . next time''. IT IS TIME FOR SANCTIONS AND REAL PENALTIES NOW. They have been given another chance too many times.

I am a former peace officer whose eighteen year career was ended by an assault, spinal cord injuries, and subsequent surgeries. I then returned to school where I studied computer network engineering and I am now an Information Technology Manager. I am a MICROSOFT Certified System Engineer (MCSE). I work with Microsoft product each and every day. I was an avid computer hobbyist prior to entering this new career and have worked with both Macintosh and MS/Windows products extensively.

I have, first hand, seen the damage that Microsoft's illegal and unethical practices have done within the industry. I have seen Microsoft products with ''wait codes'' written into them in order to slow down performance on competing platforms. I have seen Microsoft products that, when installed on a machine that also has a competitors product installed, disables, cripples, or destabilizes the competitors product. I have seen how difficult it can then be to ferret out all of the components of the Microsoft product in order to restore the competing product, or platform, to functionality.

I have seen Microsoft STEAL a third party software developers product by reverse engineering the source code, make their own poor implementation of their own version of the product, incorporate same into their operating system, an in doing so force the third party developer, or a superior product, out of business.

This has always been, and under the terms of your ''settlement will always be the business model for Microsoft. This type of behavior is entrenched in their corporate doctrine and they will not change unless YOU force them to change.

Your proposed settlement does little or nothing to change the status quo. Your settlement also does nothing to compensate the hundreds of businesses and thousands of individual who have been damaged by Microsoft's behavior. These people, and for that matter all computer users worldwide, are entitled to compensation.

As the US Justice Department, for whatever reason, seems unwilling or unable to pursue effective remedies in this case, I only hope that the Justice Departments of my home state, California, and the other states unwilling to accept this toothless, flawed, and totally ineffective settlement, will aggressively pursue this case and force an effective remedy that includes punitive damages.

Thank you for your time,

Frank Moore

Tehacliapi, CA

cc California Attorney General's Office

MTC–157

MTC–00000158

From: mark. schulman@convergys.com@ inetgw
To: Microsoft ATR
Date: 11/16/01 12:55pm
Subject: Sold out by DOJ

Is this the email address where I can get the list of laws that I can freely break and receive only a DOJ admonition, ''Now, now, don't do it again.''? Or do I have to get that list directly from Microsoft? The Microsoft settlement endorsed by the DOJ is a sellout of the American public. Microsoft has crushed countless competitors through monopolistic practices—not through creating superior products—and called it ''innovation''.

If there was ever a case for serious government trustbusting, this is it, but the proposed DOT settlement is nothing more than a mild slap on the wrist. How can you have the courts repeatedly rule that Microsoft is a monopoly, and then hand them such a victory?

I hope the states or the E.U. has sense enough to do something meaningfull. I am ashamed of my government.

Mark Schulman

Orlando, Florida

MTC–158

MTC–00000159

From: Davidson, Tom
To: 'microsoft.atr(a)usdoj .gov'
Date: 11/16/01 12:56pm
Subject: Geez.

You guys really let Microsoft off the hook. I'm assuming the Bush administration just told you to let the thing die—or did someone there REALLY decide to settle after WINNING the case for less than what Microsoft was offering originally?

Tom

MTC–159

MTC–00000160

From: bronto
To: Microsoft ATR
Date: 11/16/01 12:57pm
Subject: Capitulation

I must voice my objection to the so-called settlement with Microsoft. It is nothing more

than outright capitulation. The settlement is nothing more than a slap on the hand to a convicted monopolist. Every provision that appears to have consequences has loopholes to escape through. Nothing was even attempted in regards to the bundling in XP. It's a travesty. There is nothing better than a free market, but it won't be free until MS is brought under control.

Microsoft is ''pleased'' with the settlement; doesn't that speak volumes?

Rob

MTC–160

MTC–00000161

From: Frank Lugo
To: Microsoft ATR
Date: 11/16/01 12:57pm
Subject: AntiTrust Comment

I honestly feel the US Government has already wasted enough time and money on this case. Lets resolve this now!

Frank
f.lugo@verizon.net
frank__lugo98@yahoo.com

MTC–161

MTC–00000162

From: crazyfshr@visto.com@inetgw
To: Microsoft ATR
Date: 11/16/01 12:57pm
Subject: antitrust settlement

Hello,

In my view the antitrust settlement is completely unacceptable. The sollutions in the antitrust agreement will not stop Microsoft from continuing its current business practices. Windows XP is an excellent example of what Microsoft does best... force things onto an unwilling industry.

I have specific problems with the following items.

The intentional degradation of MP3 files with the new media player. How does this benefit anyone besides Microsoft and its WMA format? Unacceptable power to audit company's usage of windows products. This is so close to racketeering that its virtually indistinguishable.

Forcing large corporations to one of microsoft's lincense managers is evil. Microsoft requires it and then charges tens of thousands of dollars for a single implementation so microsoft can see how much of their software you are using. NOT ACCEPTABLE

Non Disclosure of API interfaces. Without knowledge of these all important interfaces one can not write programs to interface with windows. Microsoft retains the rights to disclose these interfaces as it chooses under the anttrust settlement. This is an enormous power for microsoft to pick and choose who writes what products at will.

Bundling services. This is detailed in the antitrust ligiation but it needs to be more enforceable. The right choose what programs I have. Ever attempted to delete microsoft outlook and see it comeback within 10 seconds? Microsoft is using windows file protection to insure that certain programs remain installed no matter what. I hate outlook but I can't uninstall it. Windows XP is the same way.

Anyway you can see that this antitrust settlement is bogus. I needs to be rewritten with some of the opposition involved. They know what dirty tricks Microsoft has employed. Let them have a say in fixing what was done to them.

James Ressler
Computer Science Student, Chico CA

MTC–162

MTC–00000163

From: Ralph Olsen
To: Microsoft ATR
Date: 11/16/01 12:57pm
Subject: Microsoft Antitrust Settlement

Thank you for the opportunity to comment on the above Microsoft case. I believe that the government settlement is a fair settlement and should be implemented as soon as possible.

I strongly believe that the original trial judgement in early 2000 plus the federal reserve raising interest rates were the two most significant factors that threw the whole country into a downward spiral.

The original trial used up so much of Microsoft's technical and management energy that they were not able to develop new operating systems in a timely manner. As a result, the computer hardware outran the operational software and all the other application programs that would have been developed.

I have used Microsoft products for many years, am a Microsoft stockholder, also a stockholder in Sun Microsystems, Oracle, Intel, and Cisco. I am very unhappy with Sun and Oracle for their part lobbying the attorney generals and the US government to bring the original suit against Microsoft.

I believe strongly that this has been a real detrement to me as a personal user of computers. I have held off buying a new computer until just recently when the new Microsoft XP software became available.

I don't know how all the lawyers involved in this case could ever come to an agreement, but if there were a opportunity to vote against the plaintiff lawyers in this case, I certainly would.

Please settle this national disaster and lets get on with life and the productivity that can come from a lot less legal maneuvering and more and better software..

Thank you,
Ralph Olsen
23824—113th Place West
Woodway, WA., 98020 Ph: 206–546–9708

MTC–163

MTC–00000164

From: nn @broadcom.com@inetgw
To: Microsoft ATR
Date: 11/16/01 12:59pm
Subject: Microsoft Settlement

As a 40 year old computer professional of over 20 years I've worked at AT&T, Bell Laboratories, Sun Microsystems, Silicon Graphics, Broadcom, and some other smaller companies in Atlanta, New Jersey, and Silicon Valley. I think I have a reasonable understanding of the basics of the marketplace in which Microsoft competes. I've seen the business practices of Microsoft first hand many times over the years.

When the DOJ started their anti-trust case against Microsoft I said ''This will be yet another slap on the wrist.''

So here we are several years later, Microsoft has been convicted of (1) being a monopoly and (2) abusing their monopoly status. And what happens? The DOJ Sells us Out.

''Us'' are the consumers, the purchasers of software and computers and the users of the Internet. The DOJ demonstrated that a multi-billion dollar corporation is above the law. The DOJ made a mockery of our Anti-Trust laws. I am outraged by this and very upset with the DOJ and the Bush Administration for failing to fulfill their legal requirements and selling out to corporate interests.

Microsoft does very little ''innovation''. Microsoft is a Marketing company, an exceptionally good one, that intimidates and bullies and takes advantage of its monopoly status to DECREASE COMPETITION. This is what anti-trust laws were made to correct.

''The [DOJ], led by antitrust chief Charles James, contends the settlement will eliminate Microsoft's monopoly abuse and restore competition in the marketplace''. Hello? Earth to Mr James. This settlement is a sell out and will have practically no impact on Microsoft's practices other than to *encourage* them to abuse their monopoly further since they clearly can get away with it. This settlement was written by Microsoft, what else needs to be said?

This settlement is a slap on the wrist. Just like the previous slaps on the wrist that various courts have ruled on against Microsoft. They didn't make a bit of difference, neither will this. This is obvious. It doesn't take an advanced degree to understand this. This DOJ action reinforces the publics increasing critical perception of our higher courts as a place where large corporations are except from the laws. I strongly urge Judge Kollar-Kotelly to throw out this settlement because it is useless. History will judge.

Sincerely,
Neal Nuckolls
nn@techie.com
400 East Caribbean Drive
Sunnyvale, CA 94089

MTC–164

MTC–00000165

From: rfinell
To: Microsoft ATR
Date: 11/16/01 12:59pm
Subject: settlement

The only promises DOJ attorneys can be absolutely sure Microsoft will keep, are that jobs will be waiting for them when they leave government service.

MTC–165

MTC–00000166

From: Aaron J. Bartlett
To: Microsoft ATR
Date: 11/16/01 1:02pm
Subject: DOJ vs MS Agreement

''What the settlement seems to do is prohibit Microsoft from breaking the law IN THIS SPECIFIC WAY for a period of five years. Imagine a murderer who shot his victims being enjoined for five years from using a gun, but still being allowed to carry a knife.''

''It is important to understand here that Microsoft management does not feel the

slightest bit of guilt. They are, as they have explained over and over again, just trying to survive in a brutally competitive industry, one in which they could go from winner to loser in a heartbeat. The fact that Microsoft makes in excess of 90 percent of the profit of the entire software industry, well that's just the happy result of a lot of hard work. Pay no mind to that $36 billion they have in the bank. And since Microsoft doesn't feel guilty, their motivation in agreeing to this settlement is just to get on with business. This is a very important fact to keep in mind when trying to understand the event. This isn't Microsoft being caught and punished, it is Microsoft finding a path back to business as usual, which is to say back to the very kind of practices that got them here. Microsoft, confident in its innate cleverness, is willing to give up certain old monopolistic behaviors because there are new monopolistic behaviors now available to replace them.''

''Microsoft has to open-up certain Windows communication APIs to other developers, but there is no restriction at all on the addition of new APIs. So expect a LOT of new APIs, many of which will do nothing at all except confuse competitors. There is nothing in the agreement that says Microsoft has to tell anyone which APIs it really intends to use. So just like interpreted software is obfuscated to hinder would-be copiers, expect Microsoft to obfuscate Windows, itself.''

''Microsoft has to allow third-party middleware, but a glaring loophole was left for Microsoft, simply to redefine code as not being middleware. If they stop distributing code separately and draw it into Windows, well as I read the proposed settlement, middleware stops being middleware after 12 months. So if something new comes up (all the old middleware is explicitly defined) Microsoft can integrate it and (eliminate) the opposition one year after they stop distributing it separately.''

''These loopholes are nice, but they don't amount to the kind of leverage Microsoft would want to have before signing away any rights. Bill Gates would want to believe that he has a new and completely unfettered weapon so powerful that it makes some of the older weapons completely unnecessary. He has found that weapon in .NET.'' ''But hey, .NET isn't even successful yet, right? It might be a big flop. Wrong. Those who think there is any way that .NIET won't be universally deployed are ignoring Microsoft's 90 percent operating system market share. Whether people like .NET or not, they'll get it as old computers are replaced with new ones. Within three years .NET will be everywhere whether customers actually use it or not. And that ubiquity, rather than commercial success, is what is important to Microsoft.''

''Here is the deal. .NET is essentially a giant system for tracking user behavior and, as such, will become Microsoft's most valuable tactical tool. It is a system for tracking use of services, and the data from that tracking is available only to Microsoft.''

''.NET is an integral part of Windows' communication system with all calls going through it. This will allow Microsoft (and only Microsoft) to track the most frequently placed calls. If the calls are going to a third-party software package, Microsoft will know about it. This information is crucial. With it, Microsoft can know which third-party products to ignore and which to destroy. With this information, Microsoft can develop its own add-in packages and integrate them into the .NET framework, thus eliminating the third-party provider. A year later, as explained above, the problem is solved.''

''Alternately, Microsoft could use the information (this .NET-generated market research that Microsoft gets for free and nobody else gets at all) to change Windows to do service discovery giving an automatic priority to Microsoft's middleware. The advantage here is in giving the appearance of openness without actually being open.

''These possible behaviors are not in any way proscribed by the proposed settlement with the DOJ, yet they virtually guarantee a continuation of Microsoft's monopoly on applications and services as long as Microsoft has an operating system monopoly. When Microsoft talks about ''innovation,'' this is what they mean. Nothing is going to change.''

''My preferred outcome is still that Microsoft be forced to sell its language business, and the proceeds of that sale be distributed to registered users of Microsoft products. You might think to suggest that in your comments to the court.''

Robert X. Cringely

http://www.pbs.org/cringely/pulpitIpulpit200ill08.htmi

I share Mr. Cringley's observations in how the outcome of the DOJ agreement does little to protect consumers and businesses from Microsoft's business practices, into the future.

Microsoft will further expand it's control by penetrating new markets through the perpetuation of it's operating system monopoly onto new devices, such as the recently released X-Box. The release of this device will allow Microsoft to position themselves in a way that will build a need for developers to design software for Microsoft's operating systems, due to better market penetration. The developer will only have to create code once, to be able to deliver his software to PCs running Windows Operating Systems, X-box gaming systems running Windows Operating Systems, and the recent deal between Microsoft and Sega for arcade machines running Windows Operating Systems.

Without placing severe penalties for it's monopolistic behavior in the past, and controlling it's actions into the future, Microsoft will continue ''business as usual'' by controlling various markets through the expansion and inclusion of additional software into it's operating systems.

Aaron J. Bartlett

MTC–166

MTC–00000167

From: Bill Gascoyne
To: Microsoft ATR
Date: 11/16/01 1:03pm
Subject: Why is Microsoft not being punished?

To whom it may concern:

Microsoft is an unrepentant monopolist. The currently proposed settlement is nowhere near harsh enough. It makes only weak provisions to correct Microsoft's behavior, and does nothing to punish Microsoft's past behavior. There is no provision to try to undo the damage that Microsoft has done to its partners and competitors, and there is no incentive for Microsoft to repent its past wrongdoings in any way whatsoever.

Mirosoft still does not admit to being a monopoly, despite the fact that the court has found it to be one. Based on past behavior, it seems obvious that Microsoft will seek any and all means to continue business as usual, and the currently proposed settlement provides for very few barriers for Microsoft to do so.

Through its monopoly practices, Microsoft has established file formats that are both proprietary and de-facto standards. No competition is possible under such circumstances for word processing, spreadsheets, or presentation material.

Microsoft should be made to reveal much of its source code, and be made to open its file formats so that competing products can be introduced to compete with the defacto standards of programs like Word, Excel, and PowerPoint. If this is done, someone will no doubt write such programs for the Linux OS, and then we'll see how well a bug-infested product like Widows does against real competition!

William H. Gascoyne
935 Northrup St.
San Jose, CA 95126
408/298–3020 (h) 408/433–7126 (w)

MTC–167

MTC–00000168

From: Lander, Scott
To: 'microsoft.atr(a)usdoj.gov
Date: 11/16/01 1:04pm

''simply telling a defendant to go forth and sin no more does little or nothing to address the unfair advantage it has already gained.''

Hello

I am the system administrator for Transamerica Reinsurance. I am extremely computer literate and knowledgeable. I have followed the Microsoft case with great interest, and more then a little frustration, over the years.

While I don't have the legal background to say if Microsoft has violated laws, I do have the technical background to know that Microsoft practices have definitely been detrimental to the public (and corporate) world. Many. far to many for it not to be deliberate, competing products have been stamped out by the very simple strategy of forcibly installing the MS version with the operating system, and by making the operating system opaque enough to ensure that the competing tools can not be as reliable as the MS version.

This has had the side effect of making the MS Operating System itself become extremely bloated, forcing consumers to continually purchase system upgrades to maintain the same level of performance. This may be good for the system vendors, but most certainly has NOT been good for the system consumers.

You might say that is the price of progress, however competing products, such as Linux,

have been growing their level of sophistication faster then MS, without anywhere near the level of associated bloat.

I believe that the consumers, and in fact, MS itself, would be better served by not allowing MS to integrate so much into the OS, and instead be forced to compete on a level playing field with competitors on the peripheral items, much as they do with the office suite. I am so convinced of this in fact, that I am amazed MS hasn't done it on their own—it would be a potential tremendous money maker for them, with their great marketing capabilities.

Please, don't rush into an agreement which clearly will not address the very harmful practices MS routinely engages in.

Thank you

Scott Lander

704 573 1693

MTC–168

MTC–00000169

From: Vivekpara@aol.com@inetgw
To: Microsoft ATR
Date: 11/16/01 1:07pm
Subject: A Travesty of Justice

I find it highly disgraceful that the terms and penalties applying to Microsoft have been so weak in contrast to their infractions.

I fear that there are those who believe that the practices of Microsoft in this regard have greatly helped the public at large, but that is far from the truth. The stifling of competition has created a vacuum due to the dirth of credible competition to Microsoft's hold on the software/OS industry. The uncountable number of companies that have been forced to fold due to the pressure exerted by Microsoft both fiscally as well as legally have reduced the ability of consumers to really have a choice. The egregious cost of software for the entire Microsoft line to date is just a minor symptom of this pervasive illness.

I fear that these missteps are due in part to the complete lack of credible experts as to the internal nature of the software of Microsoft. If you reviewed the code (which I admit, I have not been privy to, but I have much experience with the software over the years) that comprised the OS, you would see how it was changed at stages to make it ''incompatible'' with other software from competitors (i.e.—Netscape and many others). I fear that the DOJ does not have the resources, nor the inclination to pursue this in a manner that is appropriate due to some influence exerted from more Conservative corners.

That stricter sanctions have not been taken is really an affront to the monopoly laws that were so well enforced initially by the Roosevelt administration (and I do mean Theodore). Microsoft's monopoly will continue to flourish, and I wish to add, for the record, that I am disappointed that justice can so easily be purchased in this day and age.

Sincerely,

Vivek Paramesh

MTC–169

MTC–00000170

From: Gary Eckstein
To: Microsoft ATR
Date: 11/16/01 1:11pm
Subject: not enough

I fear that the settlement proposal is inadequate. It provides insufficient safegaurds against microsoft using its dominant market position in the OS market to extents dominance in other areas such as media players and other ad-ons functions, such as its passport technology and its .NIET strategy.

Windows XP illustrates microsoft's continued tendancy to design its core products to function better with its own add-ons technologies than with third-party products providing similar services. Only recently, Microsoft removed support for netscape plug-ins, and with it support of alterntive media players.

MTC–170

MTC–00000171

From: Raph
To: Microsoft ATR
Date: 11/16/01 1:12pm
Subject: In my opinion, Microsoft is being treated unfairly. If it wasn't for the

In my opinion, Microsoft is being treated unfairly. If it wasn't for the Windows operating system, we would be in the dark ages. Windows has allowed many people to make use of computers, where before, they may have been presented with ugly text and command lines—with NO STANDARDS. Everyone likes to take down people who become too successful. Why can't these companies with lawsuits against MS stop crying and be more creative. Why do we have to make success easy for everyone?

If they want easy, why don't these companies write software for Linux. Linux is free for everyone. Linux was supposed to be the Windows killer. There are opportunities everywhere for these companies. Instead, they want to ride on Microsoft's success by publishing on Microsoft's OS like as if it were a right, and they want to rape MS at the same time. It boggles my mind. Those crybabies should get lost and write Linux applications.

Does America have to lessen our standards for creativity and innovation? The REAL creative people will always find a way too succeed, but all I see are companies that want the easy ''success'' by lawsuits. This country has become filled with lawsuits as an excuse to be less creative and less innovative.

Let's not be more creative and innovative. Let's all companies band together and bring down the ones that are successful, and lower our standards of success. Let's bring down Microsoft, not with creativity and innovation, but with lawsuits. Better yet, let's bring down Microsoft while using Windows.

MTC–171

MTC–00000172

From: James Kocurek
To: Microsoft ATR
Date: 11116/01 1:18pm
Subject: Microsoft settlement

I can not believe the Department of Justice is proposing this settlement. It's obvious that there had been an outside influence on the DOJ to settle this case now. Microsoft lawyers WILL NEVER allow the DOJ to enforce any of those settlement provisions.

Say good bye to competition and hello to a single source of ideas. Plus, you'll eventually be paying by the month for use of MS Office products. Better put that cost increase into your DOJ budget.

Very disappointed in DOJ.

james

MTC–172

MTC–00000173

From: Lei Xu
To: Microsoft ATR
Date: 11/16/01 1:21pm
Subject: comments on Micsroft settlement

To who it may concerns, I think the settlement is very reasonable. consumers will benifit more from the new Microsoft while competion and freedom of inovation are kept.

I only want to give a example for this: A simple network card sells for $30 for Windows-based PC while the same network card is priced at more than $300 for SUN Microsystem's least expensive desktop computer. The scale of difference is unbalance. consumers need Microsoft and its ability to compete.

Thnaks for consideration!

Lei Xu

MTC–173

MTC–00000174

From: Steve Henderson
To: 'microsoft.atr(a)usdoj .gov'
Date: 11/16/01 1:23pm
Subject: What a waste of time

At best it is a small nuisance to the Microsoft monopoly. Bill must be laughing his butt off and congratulating his lawyers on a job well done.

Justice Dept.? Now there is an ironic name for you.

Steve Henderson
FraserAlS
shenderson @ fraser-ais.com
610 378–0101 ext.136

MTC–174

MTC–00000175

From: Esposito, Paul
To: Microsoft ATR
Date: 11/16/01 1:24pm
Subject: Dept of Justice Settlement

I personally think the DOJ sold out to Microsoft. The DOJ is using the excuse of 'it is better for the economy' as the reason for the settlement, this is far from the truth. Microsoft has crushed many small companies and even some large ones, whose products were better than theirs. What does that do to the economy. More people out of work, more companies that go under.

I'm ashamed that Illinois, the state where I live and work, has signed up. I give credit to the states that are holding out, I'm sure the government is pushing hard for them to settle. I really think you should look at the penalties those states are proposing, they make sense. Microsoft should be forced to produce a version of their 0/S that does not have all of the other products installed. This product should be priced separately. This would allow other companies a chance to compete. It is foolish to think that Microsoft is throwing all of the other software into the 0/S for free. The truth is that they just increase the cost of the 0/S with all the add-ons, and then it is left to the consumer to decide if they want to spend more money to

go buy a competitors product, or just use the one that they already paid for. I find it strange the DOJ changed their views on the subject of Microsoft, so quickly after the change in administration (and I'm a republican).

These views are strictly my opinions, they are not shared by my company. A little about myself. I'm a Software Developer/DBA. 1 work with Microsoft products on a daily basis, as well as, working with their competitions products. Again these are my personal views.

Paul Esposito

MTC–175

MTC–00000176

From: John Roberts
To: Microsoft ATR
Date: 11/16/01 1:25pm
Subject: Microsoft anti-trust settlement

I don't think that this settlement provides enough protection to consumers that Microsoft will not engage in predatory practices in the near future.

1) Microsoft does not have to share source code with other companies developing applications for their operating systems. This gives Microsoft's application development teams an incredible head-start, by allowing them to perform concurrent development. All other companies have to wait until the operating system is fully released, and then they are given only some of the data & information that Microsoft's application development teams are given.

2) Any court challenge / enforcement done under the new regulations will not be able to react quickly enough to stop anti-competitive behavior. There is no point in launching a challenge against Microsoft, when the challenge may spend 2–5 years in the court system. By that time, your company will be dead, and Microsoft will have eaten your lunch.

3) Microsoft's operating system & applications are becoming more deeply interwoven, deceasing the probability that any new competitor entering these markets will be able to compete against the combined entities. In fact, it is getting more and more difficult to un-install unwanted Microsoft applications, and install applications from competitors, (e-mail clients are an example of this). I hope that the United States government reconsiders, and places real, immediate and severe restrictions on Microsoft.

John Roberts

MTC–176

MTC–00000177

From: Joseph H. Dougherty
To: Microsoft ATR
Date: 11/16/01 1:25pm
Subject: Microsoft ''settlement'' unconscionable

For the DOJ to have settled for less than Microsoft originally offered is an absurdity. Microsoft's bullying, dishonesty, and successful anticompetitive manipulation makes the ''free market'' arguments irrelevant to this case: the DOJ should have worked to restore an open and innovative environment, but has instead worked against the public interest to institutionalize the bloat, mediocrity and bullying that are the core of Microsoft as it is today.

I'm sure that the Republican apparatchiks who managed this fiasco will do well from it once they pass through the revolving door from government disservice to corporate or lobbying jobs; sadly, the rest of us will have no such compensations.

Microsoft has already completely disregarded an earlier toothless settlement, and DOJ staffers are not such fools as to believe this one will be effective.

JHD

MTC–177

MTC–00000178

From: Natarajan Sivasailam
To: Microsoft ATR
Date: 11/16/01 1:33pm
Subject: Opinion AGAINST Proposed Settlement

Dear Sir/Ma'm,

I am writing to let you know of my opinion of the US DOT settlement that has been proposed with MS. With all due respect, I humbly submit to you that the terms of the settlement is not enough, and should include more measures that can be said to be ''tough''. The very fact that none of Micro Soft' executives have owned up that their actions have caused ''significant'' harm to their Competitors, and hence the Consumers at large, goes on to show that they are indeed not repentant of their deeds, and it would not be surprising to note they will breach any of the said terms of the agreement, or back away from fair business practices. A very good example is the case of Micro Soft' case during the 1995 case with the US DOJ, when it violated the terms of the agreement reached between both the parties. According to me,

''The best way to rectify a mistake is to own up to the shortcomings, and take corrective and preventive measures to lessen the impact of their wrongdoings . Instead of doing so, and rather substantiating one' mistakes, the person only goes on to make a bigger mistake.''

I hope that this statement crisply summarizes my thoughts, and of a person who looks forward to an industry that indulges in healthy competition and best practices that are ultimately aimed at the welfare of the Consumer.

Sincerely,
Regards,
Nataraj

''The only thing for a good person to let evil triumph, is to do nothing''

MTC–178

MTC–00000179

From: Thomas D. Helmholdt
To: Microsoft ATR
Date: 11/16/01 1:34pm
Subject: Microsoft Settlement Insufficient to Protect Consumers November 16, 2001

Dear U.S. District Judge Colleen Kollar-Kotelly,

I am writing to express my belief that the provisions of the settlement agreement between the United States and Microsoft are insufficient to protect consumers. Although I am not an expert in the computer field, I am a consumer for personal purposes and for business purposes. I am dismayed that Microsoft will continue to be able to leverage it's operating system to foist off on consumers additional ''add-in'' software. However, I am even more annoyed that Microsoft will be able to maintain it's coercive contracts with computer manufacturers requiring them to pay for a Microsoft operating system for every computer they sell, even if the computer system does not include Microsoft's operating system software. Over the last few years, I have attempted to purchase computers without Microsoft's operating system or with alternative operating systems. In each case, I was told that I would still have to pay for the Microsoft operating system, even if I did not want it. What kind of competitive system is this? Do I have no choice at all? It is my understanding that the current agreements that are in place with computer manufacturers and distributors will not change this practice. To add insult to injury, I have recently been informed that Microsoft will no longer sell Windows 95, and/or Windows 98 operating systems. This creates a tremendous problem for system administrators in small and medium size business who have previously been forced to standardize on these systems. Even though I am an intellectual property law attorney, I am at a loss to understand why a company like Microsoft should be able to maintain it's copyright in computer software that has been misused for anti-trust purposes. By analogy, under patent laws, the patent can be held invalid and/or unenforceable, and the subject matter covered by the patent is dedicated to the public for it's free use from that point forward. It would seem an effective strategy to signal to all future software businesses that if they misuse their copyrights that the rights contained therein will be forfeited. The entire source code of all software that Microsoft has used in violation of the anti-trust laws should be stripped of any copyright protections and competitors should be free to reverse engineer, copy, distribute and sell it without any interference from Microsoft. It seems illogical to allow Microsoft to maintain a legal right in the copyright of software that has been placed in it's hands by the government. If it is a right granted by the government, it would appropriate to remove the protections of that right when it is misused. This would truly foster competition, it would allow competing operating systems to be quickly developed and sold that are compatible with Windows 95 and Windows 98 operating systems. Then the consumer will have a real choice of purchasing the new Microsoft operating system or purchasing a competitor's clone of the old misused operating systems. These are my thoughts on the matter, and I hope you will find them helpful.

MTC–179

Sincerely,
Thomas D. Helmholdt

MTC–00000180

From: M Rausher/Present-Day Products
To: Microsoft ATR
Date: 11/16/01 1:38pm
Subject: Microsoft antitrust settlement

I would like to go on record as suggesting that the proposed antitrust settlement for

Microsoft is inadequate—it will not prevent the abuses from continuing; it will not adequately punish the company for past abuses, and it will not allow for adequate competition and innovation in the field. A monopoly can only be dealt with by taking extreme measures, to make a strong point to the industry, and to eliminate the ''blockage'' in the way of free commerce. This proposal does neither.

Sincerely,
Mark Rausher,
President, Present-Day Products

MTC–180

MTC–00000181

From: Joe Blue
To: Microsoft ATR
Date: 11/16/01 1:39pm
Subject: DOJ's proposed penalties do not undo the market damage

Hello,

As a software developer I can assure you that the proposed DOJ settlement does nothing to undo the monopolization of the browser market that Microsoft accomplished through its illegal business practices. Microsoft now has over 80% of the browser market, and growing, precisely because of the illegal conduct determined in the case. Why are there no penalties to force them to disgorge that advantage, by bundling an alternative browser? The lesson for Microsoft: use whatever means to destroy any competitive threat, and then deal with future-conduct remedies by subversion. This is precisely what happened in the 1995 consent decree.

SINCE WHEN DOES A REMEDY FOCUS ONLY ON FUTURE BEHAVIOR AND NOT ON ADDRESSING THE HARM ALREADY PERPETRATED? THIS IS NONSENSICAL.

Joseph Blumenthal

MTC–181

MTC–00000182

From: Andybur, Richard W
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/16/01 1:40pm
Subject: Microsoft

I fell the agreement is fair for all parties. Less settle this, so we can grow the economy again. This has gone on to LONG!

Best Regards,
Rick Andybur
StorageTek—Channel Product Manager
Central Region
Strategic Accounts/ SBC
*314.854.8820
* E-mail: richard—andybur@storagetek.com

MTC–182

MTC–00000183

From: Ron, Heather (038) Jon Feldman
To: Microsoft ATR
Date: 11/16/01 1:46pm
Subject: Please Break Up Microsoft

As an Engineer living in 'Silicon Valley', I am well acquainted with the current state of software technology, Microsoft's product line and it's position in the Market, as well as competitive consumer software packages. My problem is that Microsoft's software has gotten progressively worse over time while their aggressive marketing tactics haves become increasingly invasive into private lives.

To me, major issues include, but are not limited to, the following

(1) Microsoft is endlessly bundling ancillary software packages with Windows which destroys competition because of the competitive advantage of the Windows bundling.

Regardless of the Microsoft quality, and it is generally less than competition's full-featured product, the competition is at a disadvantage and a potentially superior product cannot be competitive.

(2) It appears that Microsoft's own Windows software code is so massive that they are creating more bugs then they are fixing because of their endless integration of other programs into Windows. I believe that these other accessory' programs would function faster & more effectively if they were completely separate software packages, interfacing to Windows in exactly the same manner of the competition.

To restate this, I believe that Microsoft's policy of direct integration into Windows, rather than producing a superior product, has resulted in an inferior product because they are able to sidestep the software rules they would have others follow.

(3) Microsoft's PASSPORT/.WEB initiative is being marketed so aggressively that now Microsoft customers are forced to sign up with PASSPORT in order to get Customer Service.

Again, if you are not signed up for PASSPORT, then you do not get customer support on any Microsoft product. Since I do not want to put personal information into Microsoft's PASSPORT program, I may get no customer support.

I do not want Microsoft given the power to drive internet eBusiness.

MTC–183

MTC–00000184

As a knowledgeable consumer and voter, I am seriously concerned that Microsoft's business practices have not changed since the recent anti-trust actions. As history shows, Microsoft's market approach is to bully both the competition and consumers by virtue of their market power. Again, this is not in the best interests of the American public and I am very disappointed in the current Administration's efforts and consider them a step backwards. Because of the above issues, and many others, I want Microsoft broken up into at least 3 companies; Operating Systems (Windows), Office Products and Internet Products. The interaction between these different software products and the Windows operating system would then follow the same rules as their competition.

PLEASE support consumers on this and do NOT let Microsoft off the hook.

Ron Feldman
5104 Westmont Ave
#11
San Jose, 95130

MTC–184

MTC–00000185

From: EXT-Gallarzo, Luis G
To: Microsoft ATR
Date: 11/16/01 1:46pm

Working in a fairly diverse computing environment, I have come across many of the violations where Microsoft has been found guilty. Anything from not being able to install Apple's QuickTime player to Oracle compatibility problems. With the current settlement Microsoft is going to continue to abuse their power which makes me wonder why the government sued Microsoft in the first place. If the government is really concerned with the consumers, it should pay us back for all of the tax dollars squandered on this case or see it through to the end. I believe that computer standards should be in place to keep consumers from being violated, but one company should not have free reign establishing those standards. I hope the judge does not approve the so called ''sanctions'', and that the government follows suit with the last nine remaining states and force Microsoft to play fair with the rest of the computing industry.

MTC–185

MTC–00000186

From: James E. Felton
To: Microsoft ATR
Date: 11/16/01 1:48pm
Subject: Microsoft Settlement

Articles I've read in newspapers (and on websites) suggest that the Department of Justice is letting Microsoft off easy because the prosecution of Microsoft it is hurting our economy. Is that what we, as Americans, are supposed to teach our children? That crime is ''ok'' as long as it (temporarily) helps our economy?

Microsoft has been proven guilty of serious crimes that affect all consumers, and all businesses, and in fact, may affect our entire future. And were going to let them off easy just because it is temporarily inconvenient to punish them properly? Absurd! The fact that this case was tried as a civil case instead of being tried as a criminal case HAS ALREADY let them off easy, no matter what civil penalties may be imposed. Several Microsoft executives SHOULD, actually, be facing JAIL TIME. But now, not only are we not punishing them under criminal law, but we're even going to let them off easy on the civil penalties? THIS SETTLEMENT is a crime against all Americans, and all computer users of the world!

In the meantime, A. Alfred Taubman of Detroit faces a strong possibility of 3 years in prison, and $300,000.00 in fines for MUCH lesser crimes (charged with violating the Sherman Antitrust Act by fixing prices at Christie's and Sotheby's auction houses) because prosecution of his crime doesn't negatively affect the economy. And there are MANY examples of FOREIGN companies, listed on the DOJ website, who have received far greater punishment for far lesser crimes.

This settlement is ridiculous! Microsoft was PROVEN GUiLTY BEYOND ANY REASONABLE DOUBT. Most of the charges were upheld by the Appeal's Court. The evidence is a matter of PUBLIC RECORD. Bill Gates, and other Microsoft executives SHOULD BE IN PRISON. Instead, they stand to walk away with a slap on the hand!

PLEASE GIVE UP on trying to convince the ''hold-out'' States to join this settlement! This

proposed settlement DOES NOT adequately address the crimes. And the ''hold-out'' States are THE PEOPLE'S only remaining hope of JUSTICE in this case. The (proposed) settlement MIGHT HAVE BEEEN acceptable IF Microsoft had been willing to settle BEFORE the judge issued his findings of fact. But THEY DIDN'T. Microsoft arrogantly CHOSE to take it's chances in court and THEY WERE PROVEN GUILTY. If this (proposed) settlement becomes final, the Justice Department is basically allowing Bill Gates and Microsoft to walk away LAUGHING at our system of justice, while STEPPING ON the LITTLE GUYS who play fair! And WE, THE PEOPLE, will PAY for it all!

MTC–186

MTC–00000187

From: EXT-Gallarzo, Luis G
To: Microsoft ATR
Date: 11/16/01 1:51pm

Working in a fairly diverse computing environment, I have come across many of the violations where Microsoft has been found guilty. Anything from not being able to install Apple's QuickTime player to Oracle compatibility problems. With the current settlement, Microsoft is going to continue to abuse their power which makes me wonder why the government sued Microsoft in the first place. If the government is really concerned with the consumers, it should pay us back for all of the tax dollars squandered on this case or see it through to the end. I believe that computer standards should be in place to keep consumers from being violated, but one company should not have free reign establishing those standards. I hope the judge does not approve the so called ''sanctions'', and that the government follows suit with the last nine remaining states and force Microsoft to play fair with the rest of the computing industry.

MTC–187

MTC–00000188

From: Joe Mason
To: Microsoft ATR
Date: 11/16/01 1:53pm
Subject: MS Settlement

It is business as usual at MicroSoft. Has anyone at the Justice Department used WindowsXP yet? MicroSoft continues to abuse its monopoly position in the Operating System area with this new OS. Rival software does not work with XP if MS has bundled a similar product (check out and see if RealPlayer, QuickTime, etc work well with it), and MicroSoft has added ADVERTISING for their products that pop up to annoy users of the OS whether they want to or not. Finally, the cumbersome activation procedure must be repeated for the same computer if the user merely adds peripherals and changes reconfigurations as well as when they have to reinstall the software (a common occurence with the poor quality of MicroSoft products). In other words, the government has not slowed the Robber Baron of the 21st Century in the least. They continue to break the law and flout the governments attempts to restore order and equity to the Computing field.

Sincerely,
Gordon Joe Mason
Nome, Alaska

MTC–188

MTC–00000189

From: Dave Bunting
To: Microsoft ATR
Date: 11/16/01 1:54pm
Subject: Guilty of crime but no punishment???

Justice:

The proposed settlement with Microsoft is not just. Found guilty of a crime, Microsoft must be punished in proportion to the unfair prices it has charged its customers, and to the injury it has done to its competitors.

But the settlement includes no real punishment, only difficult- or impossible-to-enforce attempts to make Microsoft cease its criminal practices. Microsoft Chairman Bill Gates on Thursday defended the settlement as tough but one that ''we're really pleased to have.'' Of course he's please to have it. Any settlement that the world's biggest criminal is ''pleased to have'' is proven by his pleasure to be grossly inadequate.

An adequate settlement would have Mr. Gates displeased at being handcuffed and lead off to prison. Judge Stanley Sporkin said correctly in 1995, ''simply telling a defendant to go forth and sin no more does little or nothing to address the unfair advantage it has already gained.''

And I add: Neither does it address the billions of dollars in wrongful profits it has gained and in injuries it has done.

PLEASE don't let these criminals off without punishment as this settlement does!

Dave Bunting
Packwood WA

MTC–1 89

MTC–00000190

From: Jim Hillegass
To: Microsoft ATR
Date: 11/16/01 1:57pm
Subject: Microsoft should be split

I'm Jim Hillegass, CEO of J. River, a 20 person software firm located in Minneapolis.

I believe that Microsoft has abused its power and should be split into an applications company and an OS company. I understand that the Justice Department has decided against this, but I want to express an opinion. Here's why. Microsoft is big and, to please shareholders, must become still bigger and more profitable. There are no significant niches left in the software business where a company can make products without competing with Microsoft.

Competition with Microsoft would be fine IF the details of the OS were made available equally to software vendors like J. River and to a Microsoft applications company. As it stands, details on the OS are extremely hard to get.

I watched Microsoft destroy Wordperfect, Lotus, Netscape, and many smaller firms. The same thing is happening now with Real Networks, and the newest OS removes niches in zipping files, printing photos, and many other areas. I would be happy to provide more detail.

Regards,
Jim Hillegass
J. River, Inc.
125 N First St
Minneapolis MN 55401
www.jriver.com
www.musicex.com
612 677 8200 x 203

MTC–190

MTC–00000191

From: Roland Radtke
To: Microsoft ATR
Date: 11/16/01 1:59pm
Subject: Microsoft settlement comments

I do have some comments on the mechanics of the TC commitee. These comments are motivated by the idea that any well functioning system should be self-regulating, that is it should have safeguards built in against escalating behaviour.

I must caution that systemically, the carte blanche that the TC members seem to enjoy with respect to spending as per the proposed final judgement is quite a horrible idea.

QUOTE: The TC members shall serve, without bond or other security, at the cost and expense of Microsoft on such terms and conditions as the Plaintiffs approve, including the payment of reasonable fees and expenses.

QUOTE: The TC may hire at the cost and expense of Microsoft, with prior notice to Microsoft and subject to approval by the Plaintiffs, such staff or consultants (all of whom must meet the qualifications of Section IV.B.2) as are reasonably necessary for the TC to carry out its duties and responsibilities under this Final Judgment. The compensation of any person retained by the TC shall be based on reasonable and customary terms commensurate with the individuals experience and responsibilities. Together, these two stipulations allow the TC—or even just one TC member—to incurr as much cost on microsoft's behalf as they choose to. There is no reason that the plaintiffs, who control the cost, but do not incur it themselves have it in their own interest to make sure that the total cost stays within reasonable bounds.

I strongly suggest that as part of the judgement, an annual budget is proposed that cannot be exceeded. This would correct the problem. Another systemic problem inherent in the judgement, but a lesser one to a degree, is that it is within the self-interest of the TC to cause an extension of the oversight time period. This might be changed if the judgement made explicit that at the end of the initial period, TC members must relinquish their posts, and a completely new set of members will be selected in the case of an extension.

Sincerely,
Yours,
Roland Radtke

MTC–191

MTC–00000192

From: s wang
To: Microsoft ATR
Date: 11/16/01 2:02pm
Subject: view on MSFT case

As an IT professional, I do believe this case has become irrelevant given the rapid changing IT environment since 1998.

Although Microsoft did enforce the marketing position of its IE browser for

Windows installation and conducted business improprieties with ''special deals' for certain vendors, overall, I do believe the case settlement has much addressed the issues that was in the original case.

On the upside, Microsoft did delivery productive software technologies to improve our productivities, to varying degree of consumer satisfaction, as well as help to standardize software technology.

Without certain level of standardization, the collaboration and integration among our businesses may be in a state of more confusion.

Therefore, if Microsft agrees to adhere to the remedial actions stated in the settlement, that should provide a first step forward. There is no way for everything to become perfect or acceptable overnight.

The 9 disagreeing states should be concern that they are squandering our tax dollars on an historical, out of context case. IT and business environments have changed since 1998 and Microsoft had soften its marketing approach with Window XP.

I suggest that the 9 disagreeing states give the case a rest, see how the settlement works out in today's environment, then go forward if necessary. This on-going lawsuit, to me, is a job security for these state attorneys who has too much tax dollars to squander.

regards,

MTC–192

MTC–00000193

From: Steve (038) Jen
To: Microsoft ATR
Date: 11/16/01 2:02pm
Subject: concerned individual on the proposed deal in US vs. Microsoft

Dear DOJ,

Havent you learned anything from history? The deal you've proposed, in all its loopholes & insufficiencies, is deja vu to the 1995 decree. Microsoft spat in the face of that decree as you remember.

It will do so again.

I use Microsoft software, and i use non-Microsoft software. I insist on choices, and I know that thru choices we gain innovation. I do not want Microsoft in complete control of the market, as they are now, and will be with this ineffectual, shortsighted deal.

In the absence of a breakup, the only solution to the serious violations upheld by ⅔ of our nation's highest courts is to force Microsoft to release all source code for the shipped OS. This is easy to enforce, is simple and elegant. If Microsoft wants to embed media player, messaging, web browsers, a kitchen sink—then force them to release the code. Since they wouldnt want to do that, they'd be compelled to offer these products independently of the OS, on a more level playing field with the competition.

Isnt this the crux of the trial?

Please listen to the public.

Steve Burkett
129 NE 57th. St.
Seattle, WA 98105

MTC–193

MTC–00000194

From: nmlutz@netscape.net@inetgw
To: Microsoft ATR
Date: 11/16/01 2:03pm
Subject: Break Micro$oft into 3 pieces

Justice Department,

Micro$oft should be broken up and not just 2 piece, but 3. Micro$oft should be broken into an Operating System house, applications house, and now with their push on the Internet an Internet service house.

This would mean better products for Unix and Lynx based computers forcing Micro$oft to compete on its merits as an operating systems provider company without forcing people to use their operating system or else no ubiquitous useful applications for you. One company, Micro$oft, should not have so much control over a growing industry that will influence the way the world working in the future.

Norm Lutz

MTC–194

MTC–00000195

From: Tony Patti
To: Microsoft ATR
Date: 11/16/01 2:03pm
Subject: Remedies for Microsoft monopolies insufficient

We need greater constraints on the Microsoft computer monopoly than those proposed.

As a user of Macintosh computers, I am a victim of Microsoft's monopoly every time I try to use software or browse a web page. Just because everyone at the Department of Justice uses Windows, they think there is no reason to believe they should stop the Microsoft monopoly. If you used another computing platform, you would realize just how much it is costing consumers to allow Microsoft to continue to dominate the computer industry.

Microsoft's arguments that they could lose their monopoly in a minute is not only specious and self-serving, but is also untrue from the historical perspective of the computer industry. People have made the same claim about how the internet was going to wipe out AOL for the past 8 years, and by now it is clear to see that people don't change their computing habits as easily as Microsoft claims.

Since Microsoft clearly has a stranglehold over the entire industry, they are abridging the freedom of speech in America by making it necessary to buy a copy of their software to exchange speech between computers.

The source code of all Microsoft operating systems, past and future, is now a document that belongs to everyone in the world. Since we all depend on it, Microsoft should not be allowed to keep it secret any longer. Anything less would severely constrict the rights of every US Citizen, not to mention the rest of the world. It also impinges on the ability of our government to function since everything is computerized.

This is not a business decision, as the DOJ seems to think. This is a decision about the very rights of our citizens to communicate openly, for now and into the future.

Tony Patti
4161 Humphrey
St. Louis, MO 63116

MTC–195

MTC–00000196

From: Sheldon
To: Microsoft ATR
Date: 11/16/01 2:04pm
Subject: Microsoft

I am writing this to provide my comments on the Microsoft antitrust settlement. I have been involved in the Computer Industry for overfifty years. I have lived through the emergence and transition of the Personal Computer. I have seen companies come and go. Do we want to go back to the days of different, non compatible Operating Systems and hardware? Microsoft has provided us all with aneasy to use, integrated, and most of all a standard. Microsoft became a monopoly by default. Let us look at the Personal Computer marketplace after IBM introduced their machine in 1981. Some of the PC's were offered by Cromemco, Vector, Altair, Radio Shack, Atari, andCommodore. Each had its own proprietary hardware, and used non-standard forms of the CP/M Operating System. You chose a platformbased on what software was available for it, unless you were a software designer. If you purchased a Cromemco computer, for example, the word processing software that was offered did not necessarily work on the Vector machine. There were no standards that allowed software to work ondifferent platforms and operating systems. Do we want to go back to this? This would not be in the best interest of the consumer, nor the industry. The IBM PC changed this by providing an open architecture, where anyone could build equipment that would work with the IBM PC. Anyone could build a video card, a memory card etc. that could be installed into the IBM PC. What IBM did not allow was for others to use their BIOS. This meant you couldn't build your own IBM PC. It wasn't until Compaq reverse engineered the BIOS that the Personal Computer market took off. Now others could produce an IBM compatible PC. We may ask why did the IBM PC create such a stir. I think it was VisiCalc for the IBM PC, the Spreadsheet that was available on the Apple as well as the IBM name. This spreadsheet is what businesses were waiting for. Shortly after this we began to see other software appearing. Ashton Tate's dBase, which became the de facto database. VisiCalc later to become 123 the de facto standard spreadsheet, and WordPerfect and WordStar the two giants of word processing software. These companies were monopolies in their own right. Then Microsoft introduced Windows as the Operating System for the PC. None of the major players either recognized its impact or didn't wish to invest in it. Microsoft introduced Word for Windows, the first Graphical User Interface (GUI) word processor, and Excel the first GUI spreadsheet for the IBM compatible PC. None of the other giants produced GUI products with the ease of use and functionality that the Microsoft products provided, until it was too late. Both business and consumers eagerly accepted, and benefited from the innovation introduced by Microsoft. There were no competing Operating Systems offered by anyone. IBM tried with their 0S2 which might have been of interest to engineers but it did not appeal to the majority of users. At this time Microsoft did not have a monopoly in anything. By providing what the market wanted they came

to dominate the OS, and Office application fields. They became an OS monopoly and an Office software powerhouse. The others failed to innovate and compete. Also in this time frame there was Novell who dominated the PC network world. Microsoft introduced Windows NT followed by Windows 2000 and because of its features, ease of use and relatively low price supplanted Novell as the network OS ofchoice. Of course there were the variations of UNIX but this was not the choice for the PC platform.Now we see losers, who didn't innovate and understand how to compete, asking the Government to punish Microsoft for being successful. AOL Time-Warner would like to have the monopoly on Instant Messenger. They are crying foul that Microsoft is again being innovative andintegrating their Instant Messenger into the Operating System. Sun Microsystems has had years to come up with an OS that would be inexpensive, and have numerous compatible software applications that work on the PC. They haven't done it. Yet they cry foul, decrying Microsoft's success. They and others tried to champion the Network Computer which did not use Microsoft Windows. The world did not beat apath to their doorway. Linux was supposed to be answer to those who wanted out of the Microsoft OS world.

What happened? Its sales seem tobe mainly to a few. Compaq is no longer installing it on their computers for a lack of demand. Why is this? It is not easy to use,has many problems, is really not able to work across many platforms and lacks sufficient applications that most consumers want. It is not innovative or competitive. Is this Microsoft's fault? The Courts have found that Microsoft used its monopoly illegally. For this they should be punished. The punishment should be such as to consider its affect on consumers and the industry. The punishment shouldn't be one that prevents Microsoft from innovating and creating products that are easier for us to use. It shouldn't punish a company for its success. Those who are jealous of Microsoft would have Microsoft punished for its success. Is this what you want?

Sincerely,
Sheldon Teicher
1000 Capitola Way
Santa Clara, CA 95051

MTC–196

MTC–00000197

From: Dan Bance
To: Microsoft ATR
Date: 11/16/01 2:05pm
Subject: Microsoft Antitrust Case

The proposed remedy for Microsoft is laughable. It is also inconsistent with American legal practices. In the findings of fact, it was found that Microsoft was an illegal monopoly and had illegally maintained and extended their monopoly in the operating system market. Fundamental to law in this country is an idea that we don't allow people or corporations to retain that which they've acquired illegally. That said, the original proposal to break up Microsoft is also flawed in that it preserves the Monopoly. The source code and rights to the Windows operating system should be placed up for auction and awarded to, say, the 3 highest bidders thus reducing the monopoly to an oligopoly. It is my belief that nothing else will restore competition and innovation to the computer operating system industry. Don't allow this travesty to continue.

Daniel Bance
Computer Operations Coordinator
Advancement Services
Virginia Commonwealth University
(804) 828–2043

MTC–197

MTC–00000198

From: James Mitchell Uliman
To: Microsoft ATR
Date: 11/16/01 2:05pm
Subject: Settlement unfair and wrong for consumers/economy

Greetings, I am a citizen of the United States of America and have a strong opinion against the proposed settlement between the United States Department of Justice, several of the litigating states and Microsoft Corporation. This settlement is a poor substitute for justice. Microsoft has been found guilty many a time of anticompetitive actions in the past, and in this trial. Yet, there seems to be a reluctance to actually punish these criminals. If a person were to burglarize a corner gas station, that person would serve time and make reparations. Microsoft has put the world economy at stake by taking control of the personal computer market as well as other industries within the technology sector. You are probably reading this email right now within a Microsoft Operating System, in a Microsoft Mail Transfer Agent, running on a ''Microsoft Certified System'' made to run their Windows Operating System. It is clear what has been done by them. What remains to be seen is if the Department of Justice can enforce the laws which have been so contemptuously broken. Let us not forget that Mr. William H. Gates Jr. perjured in a court of law over the duration of this lawsuit. He stated that a video made showing that their Internet Explorer product could, in fact, be removed from the system without serious damage done to the system. When the truth became known, the video was a hoax. The lack of punishment by the Department of Justice on perjury (of various infamous persons) is becoming a topic of discussion among the citizens of the United States of America. The doubts that the Department of Justice can effectively operate have been mentioned in public arena several times over. This should not have to happen. Action must be taken. Real punishment for criminals must be doled, or else the government will become weak in the eyes of it's constituency. I am including a hypertext link to an open letter from Ralph Nader to the presiding Judge of this case: http://www.cptech.org/at/ms/rnjl2kollarkotellynov501.htm

Please for the good of the people of the United States of America, reconsider this settlement.

Thank you,
James Mitchell Ullman
Technical Specialist I
Zach S. Henderson Library
Georgia Southern University
http://www2.gasou.edu1facstaff1jmullman
Office: 912–681–0161
CC: shooley@gasou.edu @ inetgw ,Richard Ullman,Aaron Hann...

MTC–198

MTC–00000199

From: John Whitaker
To: Microsoft ATR
Date: 11/16/01 2:07pm
Subject: US vs. Microsoft

I think the Microsoft settlement is a good one for the nation. It opens up doors for other competition on the Windows platform. As a consumer I look for good value in what I purchase. If I get ''extras'' included in a purchase I'm ahead of the game! When I say extras I mean browsers, cdplayers, movie makers. This is GOOD for the consumer!

I've always had a choice to use competitive products on the windows platform. Sometimes I purchased these products because they where ''better'' than what Microsoft had to offer.

Let's just get this done with ... Our country is in enough chaos. Let's beat down our real enemies. Not a company that supplies good software at low prices.

John Whitaker
Phoenix, AZ

MTC–199

MTC–00000200

From: Pedro Bonilla
To: Microsoft ATR
Date: 11/16/01 2:08pm
Subject: Microsoft Settlement

I find the proposed settlement with Microsoft a selling out by the Justice Dept to the Corporate thug it says it regulates. These slap on the wrist provisions do nothing to stop the juggernaut that Microsoft has become. If the Justice dept really wants to help the American public then fine Microsoft in the same manner as the EU but instead keeping the money give it to Microsoft competitors such as Netscape , Caldera Linux and others. Then make Microsoft disclose the workings of the operating system API's especially the file system api which is prohibitively expensive to secure. Microsoft is waging war against the open software groups by keeping this information secret. Without the money and intellectual assets of Microsoft independent software vendors cannot hope to compete. Microsoft not only invades the browser market but almost any software market with its tactics. One can only hope that while the Justice dept is attacking the browser market that Microsoft is not making significant headway in other software markets. If Microsoft is not stopped they will one day control and own the software market as a whole. The extreme greed of this corporation is depraved.

MTC–200

MTC–00000201

From: ROBERT REMINGTON
To: Microsoft ATR,rremington @ webtv.net @ inetgw,mcarona @.
Date: 11/5/01 3:01am
Subject: Simon Sez

Any settlement proposals concerning my finances and investments must include the hidden and intentionally masked advertising revenues from every related television

commercial campaign, especially multiyear Fortune 500 campaigns.

Specifically, the advertising agencies that developed the multi-year 'Jack' commercials for the Jack-In-The-Box Company have reaped untold millions of dollars in production and royalty fees. This food service company, once owned and controlled by the Ralston-Purina Company of St. Louis, Missouri, later based in San Diego along with McDonald's Corporation of suburban Chicago and its advertising agencies have withheld settlements and equitable distribution of creative royalties for many years, causing me undue and unnecessary years of hardship, loss of income and ridicule. Violations of free speech, and other civil rights have been trampled in order for each law enforcement jurisdiction to check into my story. My objectives are to receive a fair distribution of profits, nothing more or less than the originating producers received for developing the campaigns. Nothing short of a total audit of broadcast television commercials and business advertising budgets will reveal the enormous amount of fraud involved with this multiyear scam. Simon Marketing files a $1,000,000,000 lawsuit against McDonald's Corporation in a counterattack designed to thwart McDonald's efforts to sue Simon for the Monopoly Game scandal. Simon sez McDonald's has known for over ten years about the prearranged winners of supposedly fair marketing games, and has encouraged Simon to target specific individuals during the ''broad marketing campaigns.'' Two senior McDonalds management staff are forced to resign in the scandal and corporate reorganization. USDOJ building security staff acknowledges the television commercial links with nickname references to me upon my arrival to the Los Angeles Federal Building/US Courthouse. I am honored, and amused by this unorthodox recognition as I have a sense of humor. I also have patience for a just agreement, however intentional stalling, subversive actions, assaults, and felony attacks against me on a daily or weekly basis harden my resolve to receive my money without any further delays. I would like to thank all of the people who have listened to me via email during past three years, and a special thanks to those who may have saved me from harm during an unpredictable time. A sincere appreciation goes out to those in law enforcement that really care about others by going the distance protecting me in challenging environments. As you may have observed, I have provided reciprocal security and briefings for select cities, public and private facilities, and groups to the best of my ability.

Respectfully,

Robert Remington

MTC–201

MTC–00000202

From: Chuck Case
To: Microsoft ATR
Date: 11/5/01 7:07am
Subject: Settlement

Dear DOJ Representative (hopefully also Mr. Ashcroft), I can't begin to say how disappointed I am that the DOJ came up with such a weak settlement with Microsoft. I am now officially embarrased. After all we've been through (the trial) you are not even punishing Microsoft. Their behavior has been confirmed by your letting them off the hook. They learned they can do whatever they want and you will do nothing.

I like Microsoft software but their business practices are wrong wrong wrong. They were found guilty (twice) and you didn't punish them at all. I would have (and did) expect more from folks of your stature. Contrary to what must be believed (by your department) letting MS off will not help the economy. It will hurt it, because their behavior will now become even more pronounced. You have done us all (consumers) a grave disservice.

Repectfully,

An Average American Citizen.

MTC–202

MTC–00000203

From: Bob Rattner
To: Microsoft ATR
Date: 11/5/01 9:11am
Subject: Cowards!!

Dear DOT,

Thanks for caving in on the Microsoft case... .you should hang your heads in shame! Failure to stop this monopoly legally will cause incredible damage. When hackers eventually try to bring down the web, Microsoft will be their weapon.

I wonder how much of a bribe Gates delivered to the AGs for their next campaign war chest..your department is as crooked and reprehensible as Microsoft. It's the obviously poor ''decisions'' like this one that give scum like Gates and Ballmer, and their equally scummy counterparts in Washington the reputations as theives and liars which they so richly deserve.

MTC–203

MTC–00000204

From: Jerry Callen
To: Microsoft ATR
Date: 11/5/01 10:21am
Subject: Concerns with proposed Microsoft settlement

I am writing to express concerns regarding the proposed settlement of the Microsoft antitrust case. In particular, the proposed settlement will not address the needs of so-called ''open software'' developers. It is precisely this audience that is in most need of reliefe and that offers the best counterbalance to Microsoft's operating system monopoly.

My specific concems are:

(1) Sections D and E of part III require that Microsoft disclose the middleware APIs and communications protocols required to interoperate with Microsoft operating systems and servers. However, disclosure is to be via ''Microsoft Developer Network (MSDN) or similar mechanisms''. MSDN is a subscription service; disclosure must be via a mechanism that:

(a) does not require any payment to Microsoft, and

(b) does not enable Microsoft to become aware that a potential competitor is interested in these APIs and protocols. The disclosure mechanism should be via an Internet Web sitre that is freely available without any registration requirement.

(2) Section I requires that Microsoft license any intellectual property required by ISVs, LAPs, etc. to interoperate with Windows operating systems, but then goes on to state that the terms be ''reasonable and non-discriminatory.'' In the ''open source'' development model, there is no organization that can sign and/or pay for the appropriate license. There must be a guarantee that open source developers can use any and all Microsoft intellectual property they required AT NO CHARGE. Anything less than this effectively stiffles open source development entirely.

(3) Section 3 specifies that Microsoft need not disclose those portions of APIs or communications protocols ''which would compromise the security of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria''. The inclusion of ''encryption or authentication systems'' in this statement makes it impossible for open source systems (such as Samba) to fully interoperate in a Windows domain, which relies upon proprietary extensions to the public ''Kerberos'' security protocol.

Encryption & authentication experts are unanimous in their view that security must be based upon publicly-revealed, open protocols that can be examined by experts for flaws. Microsoft must be required to make full disclosure of its authentication & encryption protocols, not only to enable third party software to interoperate, but to insure that these protocols do their jobs and do not contain avoidable vulnerabilities.

The proposed settlement is unacceptable in its current form. As a programmer and consumer of open software, I urge you to correct these flaws prior to issuing the final settlement.

Sincerely,

Jerry Callen
63 Orchard Street
Cambridge, MA 02140
617–876–5330
jcallen@narsil.com

MTC–204

MTC–00000205

From: Ellis M. Zsoldos Jr.
To: Microsoft ATR
Date: 11/5/01 10:27am
Subject: Settlement

Good morning,

I'll make my comments brief.

I have read the consent decree as you published in detail. I am a Software Engineer who benefits from Microsoft products. With that in mind let me say that this settlement proposal is a win for Microsoft and a loss for consumers and the tech industry. This will in no way restrain Microsoft's business practices and will only continue to harm other software firms. There have been many good companies in the past decade which no longer exist specifically because of Microsoft's business practices. This settlement will in no way prevent the same practices from destroying existing and future software companies, and it may in fact contribute to a depressed tech economy for some time to come.

By agreeing to this settlement the Department of Justice has done nothing more than throw away all the money and time spent on this lawsuit over the past four years. This was our tax money that was spent on this lawsuit. As a citizen I expected more for my money. I am very disappointed with the proposed settlement.

I am unable to reach a conclusion as to why the DOJ would make such a week settlement in light of the evidence and rulings against Microsoft.

I plan to share my thoughts with my state attorney general, as well as my senators and congressman.

I sincerely hope that you reconsider your actions in this case.

Sincerely,

Ellis M. Zsoldos Jr.

MTC–205

MTC–00000206

From: Stephen Ray
To: Microsoft ATR
Date: 11/5/01 10:34am
Subject: Microsoft decision

To whom it may concern;

regarding the settlement reached with Microsoft, my personal advice is dramamine.

It works best for the dizziness that must surely follow rolling over that fast.

MOST sincerely,

Stephen Ray

stray @naxs.net

MTC–206

MTC–00000207

From: Dennis Wink
To: 'Microsoft.atr(a)usdoj .gov'
Date: 11/5/01 11:18am
Subject: Opposition

I am writing to state my displeasure with the proposed settlement with Microsoft. The settlement, as structured , is a betrayal of the consumer. Microsoft has shown in the past they cannot be trusted to comply with agreements like this. Every clause in the settlement is riddled with exceptions that will allow Microsoft to continue it's current predatory practices. It is disappointing to see that after all the time, effort and money that was spent on this case the DOJ is giving up and selling out for political expediency.

Dennis Wink

San Diego, CA

MTC–207

MTC–00000208

From: Matthew Marcella
To: Microsoft ATR
Date: 11/5/01 11:59am
Subject: You Nitwits

The agreement that Microsoft wrote stinks. You obviously know nothing of software. Microsoft will behave worse than ever and will have your agreement to help them eliminate competitors and consumer choice.

Matt Marcella

20 years in software development

MTC–208

MTC–00000209

From: root@wt4.usdoj.gov @inetgw
To: Microsoft ATR,antitrust @ ftc.gov @ inetgw,Ralph @ essen...
Date: 11/5/01 12:09pm
Subject: Microsoft Hegemony: States Should Seize The Initiative
CC: letters @ latimes.com@ inetgw,letters @ sjmercury .com @ i~** Ille:///LI/ wlnltemp/tmp.fltm
Re: States Weigh Going It Alone in Legal Battle With Microsoft

''This consent decree will remedy the problems that were caused by Microsoft's unlawful conduct, prevent the recurrence of those problems and restore competition in the software industry.

This says one thing on the surface but below says the DOT is more interested in letting the mafia run the software business while it maintains a shell of a government agency, faux arm of We The People. Perhaps the States should seize the initiative to become the true arm of We The People...

''Does anyone think this settlement is going to change Mierosol~'s behavior?'' said Scott G. MeNealy.

If MeNealy and golden golf ball buddies were serious about breaking the Microsoft Hegemony they would call for eliminating it's IP protection for the building of a true platform for competition on the merits...

We The People

Take Back Our Flag

From The United CcrpccJions Of America

12/11/2001 10:51 AM

MTC—209

MTC–00000210

From: nn @broadcom.com@inetgw
To: Microsoft ATR
Date: 11/5/01 12:24pm
Subject: The Microsoft settlement is a complete sellout

This deal is not even a wrist slap. Microsoft has been proven to (a) be a monopoly in the market of computer operating systems and (b) abused other corporations and individuals using its monopolist position.

Personally, I'm outraged at the DOJ and the Bush Administration. This deal, assuming it takes hold, is not even a wrist slap. It's a love letter to the most arrogant and unrepentant monopolist since Standard Oil. It's an invitation to keep on plundering and whacking competition in the most important marketplace of our times, the information marketplace.

What a sham.

Neal Nuckolls

nn@techie.com

MTC–210

MTC–00000211

From: Doug
To: Microsoft ATR
Date: 11/5/01 1:15pm
Subject: Fwd: Rule Maker: Microsoft's HailStorm

Has Microsoft walked all over the Justice department??

MTC–211

MTC–00000212

From: James J. Lewis
To: Microsoft ATR
Date: 11/5/01 1:28pm
Subject: Proposted settlement of US vs. Microsoft action

I am 71 years old, a citizen in good standing of the United States and a PC user. Of course, I use a MS Windows operating system on my computer. This mail is to inform you that I am very disappointed with your proposed settlement of subject action. Why? Well, the Court of Appeals did not reverse the District Court's finding that Microsoft violated antitrust laws and used their monopolistic power to harm competitors. Also, previously when court action issued restraining orders on Microsoft, the company violated them. Why do you think it will not do it again, even with the in-house watchdog committee you have proposed? Microsoft is deserving of severe punishment as a two time looser and abuser of the free enterprise system. Frankly, I feel you have caved in and, as such, I have a much reduced confidence in your integrity and ability to protect citizens such as myself from predatory businesses. I have been a life long Republican, but I must say administration actions such as yours cause me to wonder if I should continue to support the Republican agenda.

James J. Lewis
1500 Turnmill Drive
Richmond, VA 23235
j .lewis 1500@home.com

MTC–212

MTC–00000213

From: Randy Chase
To: Microsoft ATR
Date: 11/5/01 1:32pm
Subject: Dear servants of the people:

Dear servants of the people:

'Reasonable and nondiscriminatory' access to Microsoft API's and file formats automatically discriminates against open source projects like Samba and Koffice. The result is a defective consent decree, and the loss of my faith in your justice.

Randy Chase

MTC–213

MTC–00000214

From: Jay Hill
To: Microsoft ATR
Date: 11/5/01 2:13pm
Subject: Truly pathetic

1 don't know how much worse a government organization can get than the current group in charge of this anti-trust process. Obviously there is much political pressure to get this out of the courts and the people be damned!

It is very obvious that Microsoft BROKE THE LAW! Even the appeals court agreed. So why come up with a wimpy, ineffective, totally useless resolution?

As a consumer and software developer , I am totally and thoroughly disgusted!

I hope the states show the DOJ what a true and meaningful resolution is!

Utterly, truly pathetic!

Jaybird B-)

MTC–214

MTC–00000215

From: JAMES G. EVANS
To: Microsoft ATR
Date: 11/5/01 2:43pm
Subject: Sellout

The ''settlement'' was a sell-out. Microsoft has used every possible trick with the software to attempt to monopolize every

aspect of computer use right down to how one can get on the internet and made the use of other software difficult if not impossible. The bundling of programs will finally drive out other competitors who cannot make their programs ''free''.

Thanx for nothing!

<jamesgevans @netscape.net>
<jamesgevans @ worldnet.att.net>

MTC–215

MTC–00000216

From: Frank D'Angeli
To: Microsoft ATR
Date: 11/5/01 3:30pm
Subject: Spineless

I am so disgusted with what has happened to the American Justice system. Microsoft has not only committed repeated, illegal, monopolist acts but was caught red-handed submitting false evidence in their trial.

Microsoft has bought and paid there way out of sure punishment and the Bush administration and you lackeys in the DOJ should be ashamed of yourselves. Makes me sick to think you people call yourselves American when you are supposed to be preserving competition.

Frank DAngeli
Medford, MA 02155

MTC–216

MTC–00000217

From: Andre
To: Microsoft ATR
Date: 11/5/01 3:48pm
Subject: So what was the point?

Dear Anti-trust Division, US Department of Justice, I don't work in high tech. I don't own stock in Microsoft or in any of their competitors. I don't even know anyone who works for Microsoft or any of their competitors. I'm just a consumer and a user of Windows and other software programs.

And boy, do I think this settlement sucks.

Microsoft clearly and flagrantly violated anti-trust laws, and CONTINUES TO DO SO by using profits from their OS monopoly to fund money-losing forays into other areas designed to hurt—or better yet—bankrupt opponents. They've done it over and over again (web browsers, streaming media players, word processors, spreadsheets, presentation programs, mobile device operating systems, and the list goes on and on).

Now they're at it again with the XBOX, just you watch. What gives them the right to use monopoly profits to subsidize losses in the console gaming market—to the tune of an estimated $700 million—$1 billion over the next several years?

I call your efforts at enforcing the anti-trust laws pathetic. For my money, you all might as well have not bothered with any of this. It's like convicting a criminal of a violent crime then letting him go unsentenced and free because he has connections. Or trying to referee a boxing match without bothering to strip the machine gun away from the bigger boxer.

A lot of show, little to show for it. If you had just left Microsoft alone, by now they would probably have pushed the arrogance button so hard that consumers would probably be in open rebellion.

Yours truly,
Andre Williamson
Silver Spring, MD

MTC–217

MTC–00000218

From: Mark Alishouse
To: Microsoft ATR
Date: 11/5/01 3:51pm
Subject: congrats

You managed to COMPLETELY betray the American people and destroy your agency's credibility all in one deal.

MTC–218

MTC–00000219

From: SPadgett@ggmitg.com@inetgw
To: Microsoft ATR
Date: 11/5/01 3:51pm
Subject: From a small business owner: Settlement is in all our best interests

I am adding one voice to what I hope will be many in supporting your pursuit of settlement in this case. I was relieved last week to see the Attorney General's announcement of a tentative settlement, but very concerned this morning when I read on the CNN site that several of the State's Attorney's Generals are not sure they can support the settlement. I would strongly suggest that American business and the public at large needs this case settled.

I am an owner of a small IT consulting and integration business with what I think is a fairly objective view of Microsoft and the rest of the IT industry. I use Microsoft products but use a wide variety of other vendors' products also; I am neither a Microsoft detractor nor fervent supporter. I am by no means an expert in the law, but I am a strong believer in upholding the law. If Microsoft broke the law, they should be held accountable. However, as it seems to have been the case in so many of the big anti-trust actions of the information age, the complexity of the cases can almost overwhelm the real issues. I feel that this happened from the beginning in this case, along with far too many emotions and big egos at play. This is not about significant moral and social issues; it's just computer hardware and software, in the end only tools.

The real issue in my mind is that we the knowlegeable consumers of this technology can and do make informed, and often very clever, decisions based on the quality and effectiveness of a product or service. We are able to make those decisions regardless of whether that product was offered in a way that may, technically, conflict with anti-trust laws. For example, Microsoft licensing has been an issue in this case. If I am considering a Microsoft product for a client where, in my opinion, the licensing is ''unfair'' or not advantageous to the client, I will recommend against the product, AND FIND ANOTHER SOLUTION FROM THE VAST ARRAY AVAILABLE. I am convinced that even if that licensing were found to be in violation of anti-trust laws, no remedies will significantly impact that decision I make and the resulting solution I choose.

After decrying the emotions that seem to have been involved in this trial, I will say that I feel (granted without much factual backup) that the way this case was brought about, the deplorable way the press was used to hype the various factions, helped to hasten the slide of the technology sector in the economy. Many of the dot-com balloons were going to deflate, we all new that, but this case seemed to stick a pin in them instead of allowing gradual deflation. So as I have seen business conditions get tight, companies lay off good people, and our 401K's crater, I have a certain amount of anger over this case. Especially because in the end, once again, the marketplace populated by very bright and resourceful people, will decide the real fate of Microsoft. Please don't let this settlement get away, for all of us.

Thank you,
Stan Padgett
President,
GGM Information Technology Group, Inc.
843–824–0908

MTC–219

MTC–00000220

From: Chris Lee
To: Microsoft ATR
Date: 11/5/01 4:23pm
Subject: Microsoft Wins at LOSING...and THAT DOESN'T MAKE SENSE!

Are you folks settling for the public interest or for the interest of an ILLEGAL MONOPOLIST??? The settlement DOESN'T MAKE ANY SENSE! It's definite that the consumer and innovation is the BIG LOSER!!! A SELL OUT TO AN ILLEGAL MONOPOLIST THAT LOST IN THE COURT OF LAW IS NOT HOW ANTI-TRUST WORKS.....I think!

It's obvious, Geo. W. is paying back his Illegal Monopolist bud!

THANKS FOR NOTHING!

November 5, 2001 States balk at settlement proposal Joe Wilcox, CNET News.com The 18 state attorneys general who are co-plaintiffs in the Microsoft antitrust lawsuit are not expected to sign a settlement agreement—at least in its current form—hammered out between the software giant and the Justice Department, said sources familiar with the matter.

The Justice Department and Microsoft on Friday delivered the proposed settlement in the form of a consent decree to U.S. District Judge Colleen Kollar-Kotelly. But the states asked the judge for more time to review the settlement, which received little input from the attorneys general, said sources familiar with the negotiations.

Lawyers representing the states are scheduled to meet with Kollar-Kotelly at 6 a.m. PT Tuesday to deliberate the matter. During the status hearing, both sides are expected to discuss further proceedings under the Tunney Act. Under that law, a judge must review a settlement to ensure that it is in the public interest and was not politically motivated.

''The states are working intensively to review the settlement,'' Iowa Attorney General Tom Miller said Monday. ''We will report to the judge on Tuesday.''

In chambers on Friday, the judge reiterated her earlier view that settling the case would be in the best interests of the country.

The states appear to be deeply divided over how to proceed with the case, in light of the judge's instructions, possible resistance from

the Justice Department and the resources that likely will be required to continue the nearly four-year-old antitrust battle, sources said. The states largely focused their attention on numerous apparent loopholes in the consent decree and the limited scope of the agreement.

''In antitrust doctrine, there is this concept of fencing in the monopolist,'' said Jonathan Jacobson, an antitrust lawyer with Akin Gump Strauss Hauer & Feld in New York. ''You fence them in so that they don't repeat the same behavior. I don't see that's here'' in the consent decree.

Antitrust law demands that ''remedies should be forward looking,'' said Emmett Stanton, an antitrust attorney with Fenwick & West in Palo Alto, Calif. ''That doesn't appear to be the case here.''

The proposed consent decree would compel Microsoft to reveal some Windows XP code to make it easier for third-party software to work with the operating system, and make some concessions regarding PC makers. But it steers clear of emerging technologies such as digital rights management and Internet authentication.

A ''get-out-of-jail-free card''

The states appeared most worried about possible loopholes that might empower Microsoft rather than restrain its monopoly muscle.

Bob Lande, an antitrust professor at the University of Baltimore Law School, pointed to the 22-page agreement's definition of an operating system and its lack of restrictions on Microsoft's bundling in more features.

''They should be concerned about this,'' Lande said. ''The agreement says Microsoft can tie (products to Windows) because they can define the operating system any way they want,'' Lande said. ''So conceivably, Microsoft could tie a ham sandwich to the operating system.''

One of the case's core issues was the integration of Microsoft's Internet Explorer Web browser into Windows 95 and 98. ''Contractual tying has not really been addressed'' in the proposed settlement, Stanton said.

Referring to the board game Monopoly, Lande described many provisions of the proposed settlement as a ''get-out-of-jail-free card.''

States also are deliberating what role a three-person technical committee would legitimately have to enforce the consent decree. Microsoft apparently considers the committee and its power to regulate the company as a tremendous compromise, said sources familiar with the matter.

If the states sign the settlement, however, the company could announce a compliance officer for enforcing the agreement as early as this week.

The states have gotten an earful from Microsoft competitors, which in recent weeks have complained of a cold reception at the Justice Department. Under the Clinton administration, Joel Klein, assistant attorney general at the time, openly solicited feedback from Microsoft competitors Oracle and Sun Microsystems.

Some Microsoft competitors had expected similar openness from current Assistant Attorney General Charles James, whose former firm, Jones Day, represented Microsoft rival AOL Time Warner.

But with the exception of the media giant, James reportedly did not meet directly with Microsoft competitors, choosing to send subordinates instead, said sources familiar with the dialogues.

The attorneys general are expected to continue their discussions Monday, as they hammer out a strategy that some sources indicated might not be unified. Some states were leaning toward going along with the settlement, while others wanted to push ahead without the Justice Department, sources said. The states could also ask for modifications to the agreement.

California and Massachusetts are among the five or six states most resistant to the proposed consent decree, at least in its current form. Should California go along with the settlement, much of the coalition would likely follow, said sources familiar with the situation.

Also involved are Connecticut, Florida, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maryland, Missouri, Minnesota, New York, North Carolina, Ohio, Utah, West Virginia, Wisconsin and the District of Columbia. In July, New Mexico settled independently with Microsoft.

Concerns about the judge

The states are gravely concerned about Kollar-Kotelly, who is a newcomer to the case, particularly in light of her desire to see the case settled, sources said. In August, Kollar-Kotelly was randomly assigned to the case to replace U.S. District Judge Thomas Penfield Jackson.

Lande warned that the states should not take lightly Kollar-Kotelly's comments about striving for a swift settlement.

''You have this judge who doesn't know the facts of the case, doesn't know the games that Microsoft plays and maybe really doesn't want to get into the facts,'' he said.

If none, or only some, of the states sign the agreement, the original schedule set by Kollar-Kotelly would continue. The non-agreeing parties would file their proposed remedy by Dec. 7, with Microsoft responding by Dec. 12. A remedy hearing is tentatively scheduled for early March.

This could put the court in the position of overseeing two different sets of activities in the case: concluding the settlement by the process established by the Tunney Act, and preparing for a separate remedy hearing.

Before Kollar-Kotelly holds the Tunney Act hearing, there must be a 60-day period of public comment, in part to ensure that the agreement is in the public interest. Under the terms of the proposed deal, the Justice Department is to publish the proposed settlement in the Federal Register on or before Nov. 16.

The Justice Department also will publish a notice informing the public of the proposed Final Judgment and public con-mient period in the Washington Post and the San Jose Mercury News, for seven days over a period of two weeks commencing no later than November 15, 2001, the consent decree states.

Within 30 days after the close of the period for public conirnent, the Justice Department must publish its response in the Federal Register.

MTC–220

MTC–00000221

From: root@wt4.usdoj.gov @inetgw
To: setters @washpost.com@inetgw
Date: 11/5/01 4:32pm
Subject: Microsoft Hegemony: Think About Post Serial Monopoly Fiasco
CC: Microsoft ATR,antitrust @ftc.gov @ inetgw,Ralph@essen...
Re: A Risk Worth Taking

We don't mean to play down the risks.

Ha ha ha ha ha ha ha. The Wash Post doesn't mean to do what it is doing. Ooops, I did it again...

The agreement will prevent Microsoft from retaliating against Computer makers who deal too closely with its competitors.

The Washington Post excells at propping up a time-tested status quo that magically transforms failure into success. This is the status quo of lip service, of appearances. The DOJ made a grand effort against M$ tallied in dollars, hours, words, sweat and energy. But these are no substitutes for results.

It will allow computer manufacturers to use rival imaging, messaging and browser software on an equal footing with Microsoft's own offerings.

This statement cannot be cast as ignorant, misinformed wishful thinking, the DC politician's cop-out du jour.

Rather, this statement is, by the raw predictability of Microsoft's modus operandi and it's unprecedented hegemony over public infrastructure, a blatant lie.

We The People, well informed now, think the Wash Post should stop squawking lies, and start a dialog giving it half a chance of retaining a shred of credibility post serial monopoly fiasco, because eventually, the truth will beat the lie.

We The People
Take Back Our Flag
From The United Corporations Of America

MTC–221

MTC–00000222

From: Wesley Watters
To: Microsoft ATR
Date: 11/5/01 4:32pm
Subject: Microsoft Deal

Sirs,

You have sold us out. May you rot in Hell.

See you on election day,
W. Watters

MTC–222

MTC–00000223

From: Jud Meaders
To: Microsoft ATR
Date: 11/5/01 4:36pm
Subject: Proposed MSFT settlement

Dear Mr. James and the Antitrust Division:

I am writing to tell you how disappointed and angry I am @ what I know thus far of this proposed settlement. I agree with Rep. John Conyers, who accused you of making ''inexplicable and irrational'' concessions in the settlement talks. I also like his analogy: ''This is like losing a game by forfeit when your team was ahead with the bases loaded and your best batter on deck.''

Any third-grader knows that you don't appease a school yard bully. You stand up to him and hold him accountable for his behavior.

Everybody knows MSFT is a bully and an illegal monopolist (everybody, it would seem, except you and your division). In my opinion, you have failed miserably where MSFT is concerned. Taking breakup off the table as you did when you were in the catbird seat was inexplicable. Letting MSFT dictate the terms of the settlement was, too (MSFT was often quoted in the media saying what they would and would not do; since when do the guilty get to dictate the terms of their punishment?).

This great economy of ours in NOT dependent on MSFT. If you would only enforce the hand that the appellate court gave you, you would quickly see how innovative and deep the technology sector can be. Instead, you crumpled. MSFT will continue its stranglehold on the industry; the economy and the American consumer will continue to suffer.

You gave the case away to a company that has shown time and again that it cannot be trusted to do the right, fair and legal thing. This is the same company that was caught cheating in at least two of its in-court presentations during the trial.

I would also like to know why our government is THE largest MSFT customer; they're guilty, so why are they still on the approved vendor list? Are you aware of their track record on (lack of) security? Please be assured I will make my opinions known to my senators and representatives. If what I have read so far is true, you have lost your credibility with me. This ''settlement'' stinks the place up.

Thank you for posting the proposed settlement on your website and for your time.

Sincerely, Jud Meaders

MTC–223

MTC–00000224

From: Steven Hill
To: Microsoft ATR
Date: 11/5/01 4:42pm
Subject: Settlement is a disgrace

The settlement with Microsoft is an absolute disgrace and an insult to law abiding taxpayers. Microsoft destroyed companies, abused monopoly powers and lied a in federal court.

Any criminal who was convicted of breaking a federal law and/or lies in a federal court must now get the same treatment. In other words, pardon and set free every criminal. Not only should the settlement be thrown out, but those government officials responsible should be investigated for corruption.

S Hill

MTC–224

MTC–00000225

From: Zackary D. Deems
To: Microsoft ATR
Date: 11/5/01 5:01pm
Subject: What was the point?

I'm sorry, but after watching the court battle and knowing the DOJ had actually beaten Microsoft. I don't understand why you would give up. Microsoft wins. Microsoft gets a slap on the wrist. Microsoft continues to strongarm the general public and there's absolutely nothing we can do about it.

90% of people currently running windows 95, 98, ME, NT, or 2000, have absolutely NO real reason to upgrade to XP. none. Yet Microsoft is effectively forcing us to do so by de-supporting 95 and refusing to sell licenses to anything but XP. If I want to install ME on a new machine, I have to purchase an XP license first. If I want support, I'd better upgrade.

Innovation., it's a nice big fat word that is the equivalent of ''Taking what somebody else has done, making it slower, making it bigger, putting an MS logo on it, and making it completely incompatible with the original version.'' Your settlement manages to fill 21 pages with legal speak, but accomplishes absolutely nothing. I don't know if Bush instructed you to take whatever they offered in order to settle, but it reads like a self-imposed punishment from Microsoft. ''Ok mommy, I promise to play nice and let the other boys use my toys.. as long as they give me their toys, but I want them back, and if they get one like mine, I get theirs too, because it's based on mine.''

You left enough holes that *I* could find legal loopholes, and I'm no lawyer.

I certainly hope the states refuse to accept this settlement, because you basically wasted the country's time and money for three years in order to accomplish what had already been done.

Microsoft is busy positioning itself to cement its monopoly firmly in place, and extend it further into the internet realm, and all you can do is slap them on the wrist. You seem to have forgotten what the case was about to begin with.

Remember Netscape? That company that MS tried to drive into the ground by tying Internet Explorer with windows 98? The one seriously hurt by MS deciding to give away explorer, knowing that netscape had been making money on Navigator? Remember RealNetworks?

I don't care who places what icons where on the desktop. People who use the operating system long enough to learn it tend to ignore that stuff anyway, or delete it (which is what I do). Rather than following the whole tying issue, you chose to ignore that and concentrate on a PRESENTATION issue. COME ON!

Who gets helped by allowing microsoft to prevent hardware makers from putting icons on the desktop if MS doesn't have a competing product? Certainly not the competitors.

At the moment, Microsoft has NO incentive to (a) Write better software, (b) fix the horribly insecure and buggy software they are currently selling, (c) abide by your ruling, because they know that they're set for at least the next 8 years (assuming Bush gets reelected).

In other words, Microsoft gets to spend the next 8 years innovating themselves more firmly into an abusive situation.

By the way.. would you consider it an abuse on their part for them to.. embrace and extend.. the TCP/IP protocol.. which is what the internet is based upon.. allegedly in an effort to ''Improve'' the protocol.. only to make it so machines speaking THEIR version don't play as nice with traditional TCP/IP networks? You might want to look at their implementation in XP, because before long, they're going to be doing their best to force the non-XP computers off of the internet, because Unix, Mac, etc, all speak real TCP/IP.. but the billion+ computers running XP run MS's new TCP/IP variant.

Sounds like strongarming abuse to me.

But then again, you're busy slapping them on the wrist.

You failed. You did a horrible thing. I hope you look back in 10 years and read in the history books about how pointless you made this whole case. History will not be kind to you. For your sakes, I just hope it doesn't offer your specific names signed to the settlement. The country as a whole no longer has any faith in your abilities. You can't protect us from Anthrax, and you knowingly let a predator like Microsoft loose into the wild, after you had it locked firmly in a cage.

A writer for ZDNet was correct, it seems: A vote for Bush WAS a vote for Microsoft.

My condolences on your defeat.

Zackary Deems
Systems Engineer
Virginia Dept. of Education.

MTC–225

MTC–00000226

From: EXT-Williamson, Micky
To: Microsoft.atr(a)usdoj .gov'
Date: 11/5/01 5:16pm
Subject: thanks...

I can't say I was shocked by the decision, but at least call it what it was ... a boost to the economy.

The facts are:

1. Microsoft was convicted of breaking the law.

2. Microsoft thumbed its nose at the industry during the penalty phase by embedding more products, and recently by even making there msn site unusable by mozilla and there takeover of qwest's ISP business will only support there proprietary POP3 protocol which will force people to use Microsoft's OS....

so,
call it what it is ... politics.
Micky Williamson
Project Manager Web Bold

MTC–226

MTC–00000227

From: Samuel Scott
To: Microsoft ATR
Date: 11/5/01 6:19pm
Subject: Redirection of Traffic

Dear Sir/Madam

In leu of the current world affairs this may seem trivial, but i do not think it is. As of recently (past weeks) when using Microsofts Internet Explorer v. 5.50, when typing in a URL that does not exist (example www.lkjhgffddss.com) you get taken to the Microsoft Network. the precise URL is http://auto.search.msn.com/results.asp?cfg =DNSERROR&FORM =DNSERR& v=1&q=www%2 Eplkjuy %2Ecom

There are several issues here. If you know the way the internet works there is an amazing amount of info you can unfairly find out about each unique visitor. What Operating system they use, who they use as an ISP (Internet service provider like AOL, Earthlink, stc...), what website they came to you from.....etc.

I'm a small business, but it is plain to see what a dominating position that company is

in. They have locked out all competing products to theirs in numerous ways and now forcing users to go to their website.....This issue with the redirection of traffic is outrageous. Anyone who has some knowledge in this area would see that. I hope to see this addressed.

Truly Yours,

Sam Scott

MTC–227

MTC–00000228

From: jas
To: Microsoft ATR
Date: 11/5/01 6:34pm
Subject: My thoughts on the matter...

Hello,

I am a long time software developer who has used Microsoft development products even before the introduction of Windows. This experience also includes working as a subcontractor for Microsoft consulting, as well as serving on one of their 'standards' committees during the early days of OLE/COM (wosa/xrt).

For what it's worth, I'd like to throw my two cents in: If what I have read in Yahoo's news is even partially true...http://dailynews.yahoo.com/h/zd/20011105/tc/mssettlement—reads—likea.fairy—tale—1.html..then either you guys are on the take, or your pretty stupid.

To remedy the anti-trust problems with what you have arrived at—is worse than doing nothing at all.

Microsoft has, and continues to use it's monopoly powers to unfairly railroad innovative software companies out of business, and with billions of dollars of marketing muscle, they may very well exercise the very same destructive influence on the internet, at least as far as US software development is concerned.

I say this because I don't thing that countries outside of the US, and especially the ones that comprise the future high-growth software markets—will be as short sighted as the USDOJ.

Heck, for national security reasons, foreign government software procurements will not lock themselves into a single vendor for mission critical software, only our country (de-facto) will.

Personally, I'll do OK, as a contractor, I'm a hired gun, but I've seen so many great and innovative software companies go down the drain because they never had the inside lock on the operating system internals, nor the untold billions in cash required to stave off a monopolist attack in their niche market.

When you've seen what happened to hardware values: the bang for the buck that you get: in real and absolute terms, one can only imagine what we might have had if the same level of competition existed on the software side of the market.

Unfortunately—due to your recent 'remedy'—we are only left with our imagination of what could have been.

John Soprych

Objective Response, L.L.C.

MTC–228

MTC–00000229

From: Marietta Massey
To: Microsoft ATR
Date: 11/5/01 8:45pm
Subject: Microsoft Settlement

As I understand the settlement proposed by the DOJ with Microsoft, it does not address any of the requirements laid out by the appeals court.

Jobs flourish when there is heavy competition, especially in the computer industry. By refusing to ensure that competition exists, you reduce the number of jobs available in the technology sector, reduce innovation in that sector, and in general damage the economy.

Please review your agreement—this is bad for the economy, for the people, and for business.

David Massey

mrmasseyearthlink.net

MTC–229

MTC–00000230

From: jim
To: Microsoft ATR
Date: 11/5/01 8:58pm
Subject: MICROSOFT SEEKS TO CUT DOJ ANTITRUST FUNDING

The Washington Post reported on October 15, 1999 that Microsoft acknowledged speaking to members of Congress about its unhappiness with the DOJ, but said that CUTTING DOJ's FUNDING was NOT A MAJOR PRIORITY of Microsoft. (excerpt from www.senseient.comlnewsl 1—1999.htm)

Microsoft is buying its way out.

James Bandlow

MTC–230

MTC–00000231

From: Kaya Bekiroglu
To: Microsoft ATR
Date: 11/5/01 9:16pm
Subject: Settlement a travesty

As a citizen of this great country and a software professional, after studying the proposed Microsoft settlement I must express my deepest concern. I'm sure you're receiving many letters like mine, so I'll skip directly to my key points:

(1) The settlement fails to punish Microsoft for past monopoly abuses, nor sufficiently remedies such abuses.

(2) The settlement fails to address current illegal leverage into new markets by means of application tying in Windows XP, most importantly in these markets: media players (Windows Media Player), digital music (undisclosed Digital Rights Management APIs), subscription based ISP services (MSN Explorer), Real-time Notification and Messaging (Messenger) and distributed authentication services (Passport).

None of these, with the exception of Digital Rights Management APIs, have any legitimate claim to reside in the rapidly expanding OS cocoon.

The following, smaller markets are also in jepoardy: IP Telephony, video conferencing, home video editing, digital photo finishing, email clients, and terminal services.

(3) The settlement fails to ensure successfull prevention of future monopoly abuse, specifically in the desktop OS, internet browser, office application suite, distributed authentication, and digital media and music markets. While Microsoft does not currently have a monopoly in all of these markets, the chances are very high that it will within the next two to five years. I strongly doubt a conduct remedy will be strong enough to avoid failure here, expecially considering management contempt for previous conduct remedies and antitrust law in general.

Please rethink your settlement strategy. I would recommend adopting a firm resolve in settlement negotiations, for the following reasons:

(a) The case against Microsoft is extremely strong.

(b) The odds that your organization has sufficient technical saavy to avoid being fooled into agreeing to a toothless settlement is very high (as evidenced by the current settlement proposal).

(c) A full and fair remedy will not adversely affect the U.S. economy. In addition to the numerous U.S. competitors Microsoft has and will put out of business, Microsoft's profit margins and 40 billion dollar cash horde are a testament to the unreasonably high inefficiency in Microsoft's core markets.

These monopoly profits = costs for all software consumers, whether they be a large business, a sole proprietorship, or a college student.

Thank you for your time,

Kaya Bekiroglu

MTC–23 1

MTC–00000232

From: Kent Daniels
To: Microsoft ATR
Date: 11/5/01 9:29pm
Subject: The proposed remedy will not and cannot work

The remedy proposed by the DOJ in the Microsoft case provides a potential loophole for Microsoft that would prevent them from having to release their operating system's API's to software competitors. By allowing such a major flaw in this ruling to go unchecked, it would effectively give Microsoft the latitude to continue business as usual, as a ''practicing monopoly''.

MTC–232

MTC–00000233

MTC–00000233

From: Bob Nystrom
To: Microsoft ATR
Date: 11/6/01 12:16am
Subject: You guys just don't get it

From where we sit in the trenches, either you guys just simply don't get it, or the money Billy sent to George and the lunch with Cheney and Bailmer fixed this.

Everyone in the software community knows Microsoft is a monopoly. There simply is no question. They restrict choice because that is a convenient way to avoid innovation and maximize profits. After all, if you have only driven Yugo's, have only seen Yugo's, how would you know what a BMW is? Or a Ford, for that matter. Consumers could not compare Windows to anything else. The only comparisons allowed were Windows 2000 to 98 to 95 to 3.1. All Microsoft products- boy is that a coincidence! As a consumer, I could not buy

a computer from Dell or Gateway, or IBM WITHOUT Windows. They could not by license agreement sell it to me. This is good for me?

Over the last three years, with such a bad job of defense, with so many glaring errors and mis-statements, how can you not get it? There is a finding that they are in fact a monopoly, but how does this lame decision address this? Gates and Company are eating your lunch like they have so many others. Your oversight commission won't have a prayer. Microsoft's internal divisions- Office, for example, will still get code changes way before anyone else. Competition is a joke. Microsoft has not gotten where they are because they produce excellent products. They are where they are because of restrictive licensing practices and insider access to code changes. Period. How can anyone compete when they release an OS update that breaks your product, and then takes you weeks of time to develop a patch, during which time they release their product which just happens to work? If you rely on word processors or spreadsheets, what do you do? Hello Word. Hello Excel. Goodbye Lotus 123. Goodbye Wordperfect. Goodbye Netscape.

There is a no more dangerous company in the world today than Microsoft. Steel and Ma Bell could not hold a candle to Microsoft. The amount of information that they control is staggering and growing exponentially, and those in the software business can see it clearly. You don't get it. And with the release of XP, even veteran watchers are shaking their heads by the unprecedented—even by Microsoft standards—landgrab.

Passport? Smart Tags? Computer profiling? Give me a break. Ask Kodak how they feel right about now. Or the guys who developed Internet Explorer.

There is no greater divide and generation gap between Washington and the real world than computer literacy. You guys are living in the dim past. This was your last chance to stop Gates and Co. You are now on the radar screen, and Gate's WILL hand you your heads.

As for the economy, 30 more billionaires and hundreds or thousands of multi-millionaires will crank up the money supply faster than one multi-multi-billionaire.

You guys just make me sick. You are a disgrace to this country. Why don't you just put a ''Justice For Sale'' sign on the Whitehouse and get it over with.

Sincerely, Bob Nystrom

MTC–233

MTC–00000234

From: James Ludlow
To: Microsoft ATR
Date: 11/6/01 1:38am
Subject: Thanks for selling the public out

Mr. Bill gets to pick the next head of the anti trust division of the USDOJ. I hope the next one is more honest than the current one!

MTC–234

MTC–00000235

From: Familia Sosa
To: Microsoft ATR
Date: 11/6/01 2:20am
Subject: Concerns about the settlement with Microsoft To the DOJ, Antitrust division in charge of the Microsoft antitrust case.

I would appreciate if this e-mail could be shared with the state attorneys working on the anti-trust case, and with U.S. District Judge Kollar-Kotelly.

I am a bit concerned about the Microsoft settlement. I would hate for this settlement to be just another slap in the wrist which leads to the death of innovator companies such as what happened with Netscape.

What guarantees are there that Microsoft will not use it's windows desktop monopoly to extend into other areas? They have already done it to extend into browsers, knowcking Netscape out of the #1 spot, not by innovation, but by dumping ang tying. They have also resulted in the death or clsoe to death of other innovative operating systems such as BeOS and OS/2 by their strong-arm exclusionary tactics. I am glad that at least this last point seems to be addressed by this settlement, although this is little consolation to BE Software, and IBM, and to the consumers who have lost so much by not having a fair playing field in the business and consumer operating system market.

They seem to be on their way to doing the same thing with web portals by tying MSN content with windows, possibly making yahoo, excite, iwon, goto.com and other portal companies into the next Netscape—extinct.

They are trying to do the same by tying their ExpedialMSN site with their OS, reducing the incentives for users to go to alternate travel web sites.

They are already doing this with the instant messaging client which is tied to their new operating system and may result in serious detractor to the proliferation of more open instant messaging protocols that work with alternative operating systems. They are already tring some other force of tying for their .NET platform, forcing the authentication to be done in their ''Passport'' product—a desicion that can only help Microsoft extend their monopoly into the potentially rich web services market. What incentive will this new settlement give to companies to use alternatives, when there might not be any incentive to use alternatives to the default windows product, or possibly face the wrath of Microsoft in 5 to 7 years anfter this consent decree runs out? What guarantees does this settlement place that Microsoft will STOP their illegal tying, when they themselves are the arbiters of what is tying and what is 'innovation''? What penalties will the company suffer to pay for their behavior which has already been proven as destructive of the innovation that the company says they so much want to protect? It is amazing that he company was found guilty of serious wrong doing and yet they again get a slap in the and, without any punitive damages!

Part of the caracterization for what is illegal tying and what isn't depends on whether consumers may benefit from the tying. I maintain that tying of a product that works ONLY with their operating system is no benefit at all, and works just to extend their stranglehold in the computing world and to extend their monopoly to other areas! This clearly may go against the definition that Microsoft may declare when explaining their reasoning for tying more products with their O/S, and because of the apparent wording of this settlement it is very possible that the spirit of the settlement will be declared null by the words used to create it.

I am also VERY worried that they might be doing the same for the gaming industry with their new ''X-Box''. I pled that you look VERY carefully at what sort of deals and tactics Microsoft is using to get developers to write code for their X-Box. It has already been suggested that by the reason for their X-Box is to guarantee that developers will continue to write games that will work in X–Box and can be easily ported from X-l3ox to Widows and viceversa. Sounds like an attempt to extend their monopoly into gaming consoles as well. I would not be surprised if they were making deals with software developers that had conditions on the games being created and/or ported first for windows/xbox to the exclusion of other consoles and or operating systems.

In conclusion, I am concerned. I have already seen in the past how a hasty deal, worded conveniently for Microsoft and allowing Microsoft too much leniency has already been rendered innefective in stopping them from illegally tactics. This new deal sounds like another hasty deal done with the hope to jump start the economy without taking into consideration the potential for more harm to the software industry, to innovation, and to the economy.

Eileen and Miguel Sosa
CC: esteban_sosa@yahoo.com@inetgw

MTC–235

MTC–00000237

From: james@.gov @ inetgw
To: Microsoft ATR
Date: 11/6/01 6:51am
Subject: not just dual-boot

As a Linux user, I am forced to pay Microsoft when I buy a computer. I'm pleased to see that last week's decision won't let Microsoft forbid vendors from selling dual-boot systems. But it seems to allow Microsoft to forbid systems that don't run Windows at all. Given Microsoft's fear of Linux, it probably will try to stop non-Microsoft systems, and I'll have to pay the ''Microsoft tax'' yet again.

Please clarify the agreement to specify that:

1. Microsoft may not enter into agreements with vendors that limit the operating systems and OS combinations they may pre-iristall.

2. If a consumer buys a computer with Windows installed, but doesn't want to use that OS, Microsoft (or the computer vendor) must pay a full refund.

Thank you very much,
James Keating

MTC–237

MTC–00000238

From: Leonard Scaffido
To: Microsoft ATR
Date: 11/6/01 8:01am
Subject: where has justice gone?

Up until now, it was unimaginable to me that the Department of Justice would cave in to Microsoft's blatant illegal behaviors, even under a republican administration. And now they have your ''blessing.''

You have betrayed us.

Shame on you. Shame.
Leonard Scaffido

MTC–238

MTC–00000239

From: Chris Lee
To: Microsoft ATR,antitrust@usdoj.gov @inetgw
Date: 11/6/01 9:54am
Subject: DOJ SELLS OUT to MicroSUCK!

(Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.)
CC: ASKDOJ, American Atr

Hey DOJ IDIOTS (or GeoW clones)!

WHO ARE YOU FOLKS WORKING FOR ... THE PEOPLE OR Microsoft (THE ILLEGAL MONOPOLY)???? There's something terrible happening in the DOJ and it has to do w/ GeoW's POLITICAL APPOINTEES!!!

Chris
November 6, 2001

U.S. and Some States Split on Microsoft, Risking New Delay

By STEPHEN LABATON with STEVE LOHR

WASHINGTON, Nov. 5 The 18 states involved in the Microsoft (news/quote) antitrust case appeared headed for a sharp split today, with one group of attorneys general planning to sign onto the proposed settlement between the software giant and the Bush administration and another group preparing to challenge it, saying it leaves loopholes that would undermine provisions intended to promote competition.

After three days of intensive deliberations, only one state attorney general, Thomas F. Reilly of Massachusetts, officially announced his position. He said Massachusetts would seek to block the deal, concluding that it ''may prove to be more harmful than helpful to competition and consumers.'' Officials of other states skeptical of the agreement, which included Connecticut and California, spent the afternoon in a late-stage effort to persuade Microsoft and the Justice Department to reopen the proposed settlement to eliminate a variety of ambiguities and provisions that the states viewed as too lenient, lawyers involved in the negotiations said.

The attorney general of Illinois, Jim Ryan, suggested he would support the agreement, while the attorney general of New York, Eliot L. Spitzer, postponed a planned announcement of his endorsement after his efforts to strike a separate deal with Microsoft collapsed, the lawyers said.

The failure of the Justice Department to gain the endorsement of all 18 states throws the proposed consent decree into question and creates a situation that antitrust experts said is without legal precedent.

At the least, the disapproval by some states is likely to delay the resolution of the case for many months.

Judge Colleen Kollar-Kotelly of United States District Court in Washington has instructed the parties to outline their positions at a hearing here on Tuesday morning. She has suggested that she may conduct parallel proceedings to consider both the merits of the proposed consent decree and the objections raised by officials of some of the states. Her original schedule suggested that she would not decide what to do before late next spring at the earliest.

Career officials at the Justice Department who have spent years working on the antitrust suit were

MTC–239

MTC–00000240

From: David Peter
To: president@whitehouse.gov @inetgw
Date: 11/6/01 10:04am
Subject: The Weak Stand Against Good Moral and Ethic Behavior and Microsoft....

I'm amazed that this administration has supported and ignored the effects of the illegal behavior of Microsoft. Also that the position is to encourage such behavior. We all see now that the Goverment and Microsoft join to run this country.... What a shame.... I have been a long time republican and I hate to even consider standing for this administration dealings with the Microsoft case.

God Bless a Honest America!
David Peter
CC: Microsoft ATR,antitrust @ usdoj .gov @ inetgw,ASKDOJ,vi ...

MTC–240

MTC–00000241

From: James Carter
To: Microsoft ATR
Date: 11/6/01 10:12am
Subject: Please withdraw from this non-effective settlement.

I am a real person working in the computer industry who can tell story after story (many to me) of microsoft abuses.

I help companies with information, microsoft is not a competitor of mine.

As you know, anti-trust violators must be:
(1) punished
(2) receive remedies which prevent future abuses.

I'm afraid the proposed settlement does neither.

This IS about the economy.... Microsoft kills innovation and does it by breaking the law.... while sitting on 30B US$ in cash.

Paid for by the consumer.

Consumers like the marvels of COMPUTING, not microsoft... but many confuse the two... They like Mac and AOL too... Its the technology they like... never mind it's a law-breaking company even higher educated people can't seem to get their minds around.

I would be happy to assist in elaborating and helping in any way in getting an effective remedy... I have lots of ideas.

Considering Microsoft's history of ignoring consent decrees, I hope that you will agree that another consent decree should be held highly skeptical as an effective remedy. The fact that Microsoft violated a 1995 consent was part of what prompted the current antitrust proceedings. How effective can the same remedy be, when its prior violations helped to protect and extend Microsoft's illegal monopoly?

Microsoft has recently released Windows XP, a computer operating system with the explicit goal of extending their monopoly reach into web services. This is a clear violation of antitrust law, and a clear demonstration that Microsoft intends to completely ignore remedial actions to reinstall competition into the computer software market.

I urge you to reject the current settlement and pursue an effective remedy to restore competition in the computer operating systems market, and prevent Microsoft from extending their illegal monopoly into other computer software markets.

I am a modestly self-employed programmer, who has personally suffered the abuses at the hands of the goliath. Please don't let the average folks down. Even the ones who confuse loving computers and communication revolutions with MS.

I would help you with remedies or evaluation of such in any way I can.

sincerely,
James Carter
221 Hosea Ave. Apt. 2
Cincinnati, Ohio 45220
(513) 559–9701

MTC–241

MTC–00000242

From: Bill Sappington
To: Microsoft ATR
Date: 11/6/01 10:28am
Subject: Justice for Sale or Business as usual with the republicans in power.

Gentlemen,

Congratulations, you have crafted an utterly toothless document, that allows Microsoft to continue doing what it has been doing all along. No behaviour is altered here.

You are utter cowards.

MTC–242

MTC–00000243

From: Randolph Penna
To: Microsoft ATR
Date: 11/6/01 10:34am
Subject: finally

Hello,

Maybe now you guys can stop making the new software cost more .... xp is more than the last OS cost, but you people say your protecting the consumers. SO PROTECT ME NOT THE BUSINESSES ....

The only thing you and the 19 states want is money. STOP now... the last thing we need is a government OS.

There is no better browser than IE. There is no better office program. The worst thing is you probably use and depend on the software you battle. There is no better OS. You have nothing but the bitter jealousy of companies like SUN who can't make it on their own because their products suck ....

I dare you to respond to this email, you know this is all politics and money and no interest in the ''consumer''... what a waste of years of college for the lawyers to waste their time in this supposed ''free market amercia''.

When you keep going on with this, you will drag the markets down too, if I was bill gates, I would trap you in red tape until the next administration comes. Maybe we could have a real attorney general that actually understands freedom of capitalism past what his bureaucracy thinks it is.

Randolph Penna
rpenna@nomadx.com
http://www.nomadx.com
Tel. 630.530.9469
Fax 630.530.9521
Powered by Inter-Agent

MTC–243

MTC–00000244

From: Chas Boyer
To: Microsoft ATR
Date: 11/6/01 11:33am
Subject: Microsoft written settlement?

I am appalled that the Department of Justice has chosen the side of big business instead of the American public with this proposed settlement with Microsoft. Microsoft is a monopolistic behemoth that has been trampling on innovation for years. Its practices are apparent to all that care to look for them.

This proposed settlement seems as though it was written by Microsoft itself.

In fact, David Coursey, a Microsoft lackey writing for PC Magazine, in reviewing the proposal was even embarrassed by it. Why isn't the Justice Department embarrassed for floating it?

I have voted Republican in every election since I began voting 26 years ago. This proposal gives me serious concern in continuing that trend.

As an aside, we should get out of Afghanistan immediately as I believe we have no right to enforce justice worldwide when we are not doing so at home. Why isn't my flag waving today?

Charles Boyer
Martinez, GA

MTC–244

MTC–00000245

From: Bob Tompkins, The Computer Mechanic
To: Microsoft ATR
Date: 11/6/01 12:24pm
Subject: Thanks for nothing

Sorry to hear that you guys caved in to Bill Gates pressure. Had our sitting President actually been elected to the Office, Microsoft would now be two companies instead of one, paid massive fines for their arrogant and clearly illegal tactics and the not-ready-for-primetime Windows XP would be back on the drawing board for removal of the components that will force even more software makers out of business.

Too bad that Republican administrations don't believe that clearly delineated Anti-Trust Laws should be enforced against the worst offenders. I hope the attorneys general involved in the case have the gonads to stick to theur guns and press for meaningful penalties against Microsoft.

Bob Tompkins

MTC–245

MTC–00000246

From: MCCOLLOCH,LARRY (A–SanJose,ex 1)
To: 'Microsoft.atr(a)usdoj .gov
Date: 11/6/01 1:26pm
Subject: Microsoft settlement

Dear Justice Department:

I do not support the proposed settlement. It will not correct Microsoft's monopolistic culture.

Please support the states and pursue a structural change to Microsoft. I prefer the structural change even if it takes longer and costs more taxpayer dollars. I feel it will be cheaper in the long run to correct Microsoft's monopoly now.

Regards

Larry McColloch
larrymccolloch@agilent.com

MTC–246

MTC–00000247

From: Paavola, William
To: Microsoft ATR
Date: 11/6/01 2:26pm
Subject: Bad choice

You are supposed to prevent monopolies. As a long time consumer of computers and ralated material I am appalled how you have caved in to Microsoft. You are not doing your job!

William Paavola
Office (973) 533–3720
Fax (973) 535–0731
Pager (888) 937–7352
Cell (201) 981–4821

MTC–247

MTC–00000248

From: Mark Lambert
To: 'Microsoft.atr(a)usdoj .gov','AskDOJ(a)usdoj .gov'
Date: 11/6/01 2:31pm
Subject: USDOJ Comments

This proposed settlement is a joke. There is nothing in this settlement that will cause Microsoft to change their business practices. I can't understand how they can get away with this, even after lying during the trial. Here are some of the concerns I have about the settlement.

Though the ruling makes it easier for non-Microsoft applications called ''middleware'' (Internet Explorer, Java VM, Windows Media Player, Messenger, Outlook Express, and their successors) to get onto the desktop, it still allows Microsoft to discriminate against companies that haven't sold a million copies in the U.S. and survived for a year after doing so. This means that companies that don't need protection from Microsoft are the only ones who get it.

Hardware vendors would be allowed to place non-Microsoft icons on the desktop, but only if Microsoft already has a competing product. Think up something before Microsoft does, and they can still exclude you from the desktop because they don't (yet) compete with you. So much for first-mover advantage.

Microsoft has to provide developers with information on its application programming interfaces—at least those APIs developers need to exercise their rights under the agreement. But there's a Catch-22: If a developer actually uses the APIs, it must provide its code back to Microsoft. This could allow Microsoft to use any innovation created by third parties. So how much innovation will happen?

Under the agreement, Microsoft would be required to disclose these APIs at the time of the ''last'' beta release of new Windows OS code. Since Microsoft gets to decide which release is the ''final beta,'' it could, essentially, release the final beta on one day and release the code a week or two later, giving it a significant time-to-market advantage.

Microsoft retains the ability to discriminate against Internet content providers, and the settlement would allow indirect discrimination against software vendors through arrangements with hardware companies. All the previous double-talk seems minor compared to this: The settlement would allow Microsoft to terminate licensing agreements first—and defend its actions later. Microsoft may also continue to manipulate pricing schemes and discounts. In these ways, Microsoft has lost little of its ability to keep hardware companies in line.

Even if I ignore all the gotcha's outlined above, the proposed settlement really doesn't change very much. If Jackson's break-up order was an empire-shattering 9 on the Richter scale, then the settlement proposal is a 2.1—usually called a microquake, and barely felt unless you're right on top of it.

Sincerely,
Mark Lambert
2082 W. Thaxton Circle
Riverton, UT 84065

MTC–248

MTC–00000249

From: Tom Wilson
To: 'Microsoft.atr(a)usdoj .gov
Date: 11/6/01 2:43pm
Subject: The settlement

Dear Sir/Madam,

As a concerned consumer and Information Technology professional, I would just like to say I am disappointed to see that justice is for sale in America. This settlement is nothing more that a slap on the wrist for Microsoft and a slap in the face to American consumers and citizens. This settlement proves that money can buy anything, even justice. Microsoft paid to put an administration in place that would let in continue to be a monopolistic company and got exactly what it wanted. A Justice Department that was more interested in keeping Microsoft as a profitable campaign contributor and keeping the big money party donations flowing than they were about the well being of American consumers. Shame on you. A government for big business by big business is the mantra in Washington DC.

Tom Wilson
1231 Fourth Ave
Dayton, KY 41074
Radac Corporation
(859) 581–7500
(859) 581–3724(fax)

MTC–249

MTC–00000250

From: Eugene L. Willey
To: Microsoft ATR
Date: 11/6/01 2:59pm
Subject: Microsoft anti-trust settlement

You are recreating a monster. The Microsoft plan is to dominate the information technology field with inferior, unstable and vulnerable products. You cannot run a government that utilizes such products. At a time when homeland secruity is front and center, this ruling sends a signal that the information industry will be dominated by a funamentally flawed system architecture. His code is secret because its flaws cannot be exposed without his ruination. Everyone that uses Microsoft products knows that they crash and that each crash produces unintended and unpredictabel consequences. Most of the recent virus attacks center on

Microsoft products because they are the weakest. Linux/Unix are superior in every way but all PC's come with Windows so the beat goes on. The handling of this case will go down in history as a dark and perhaps sinister page ... Gene

MTC–250

MTC–00000251

From: Johnson, Brian E
To: 'Microsoft.atr(a)usdoj.gov'
Date: 11/6/01 3:08pm
Subject: Settlement with Microsoft

This is just one of thousands of responses to the settlement (see below). Most people who use a computer for anything other than to read E-mail are very disappointed with how easy Microsoft got off. I think we will see the most aggressive crushing of the competition that we have ever seen by Microsoft now that they know they can get away with it.

Sincerely,
Brian Johnson
Stability and Control Flight Test Engineer
The Boeing Company
206–655–5727

Jeremy Allison & Andrew Tridgell: Analysis of the MS Settlement and What It Means for Samba.

Nov 6, 2001, 08 :28 UTC (21 Talkback[s]) (11251 reads)

(Other stories by Jeremy Allison & Andrew Tridgell)

The Samba Team would welcome Microsoft documenting its proprietary server protocols. Unfortunately this isn't what the settlement stipulates. The settlement states 'E Starting nine months after the submission of this proposed Final Judgment to the Court, Microsoft shall make available for use by third parties, for the sole purpose of interoperating with a Windows Operating System Product, on reasonable and non-discriminatory terms (consistent with Section 111.1), any Communications Protocol that is, on or after the date this Final Judgment is submitted to the Court, (i) implemented in a Windows Operating System Product installed on a client computer, and (ii) used to interoperate natively (i.e., without the addition of software code to the client or server operating system products) with Windows 2000 Server or products marketed as its successors installed on a server computer.

Sounds good for Samba, doesn't it. However, in the ''Definition of terms'' section it states ''Communications Protocol'' means the set of rules for information exchange to accomplish predefined tasks between a Windows Operating System Product on a client computer and Windows 2000 Server or products marketed as its successors running on a server computer and connected via a local area network or a wide area network. These rules govern the format, semantics, timing, sequencing, and error control of messages exchanged over a network.

Communications Protocol shall not include protocols used to remotely administer Windows 2000 Server and products marketed as its successors. If Microsoft is allowed to be the interpreter of this document, then it could be interpreted in a very broad sense to explicitly exclude the SMB/CIFS protocol and all of the Microsoft RPC calls needed by any SMB/CIFS server to adequately interoperate with Windows 2000. They would claim that these protocols are used by Windows 2000 server for remote administration and as such would not be required to be disclosed. In that case, this settlement would not help interoperability with Microsoft file serving one bit, as it would be explicitly excluded.

We would hope that a more reasonable interpretation would allow Microsoft to ensure the security of its products, whilst still being forced to fully disclose the fundamental protocols that are needed to create interoperable products.

The holes in this document are large enough for any competent lawyer to drive several large trucks through. I assume the DoJ lawyers didn't get any technical advice on this settlement as the exceptions are cleverly worded to allow Microsoft to attempt to evade any restrictions in previous parts of the document.

Microsoft has very competent lawyers, as this weakly worded settlement by the DoJ shows. It is to be hoped the the European Union investigators are not so easily fooled as the USA.

A secondary problem is the definition of ''Reasonable and non-Discriminatory'' (RAND) licensing terms. We have already seen how such a term could damage the open implementation of the protocols of the Internet.

If applied in the same way here, Open Source/Free Software products would be explicitly excluded.

Regards,
Jeremy Allison,
Andrew Tridgell,
Samba Team.

MTC–251

MTC–00000252

~uoj .gov @ inetgw
Microsoft ATR,antitrust @ ftc.gov @ inetgw,Ralph @essen.
Date: 11/6/01 3:14pm
Subject: Microsoft Hegemony: Freedom Plus Power
CC: letters @latimes.com@ inetgw,letters @ sjmercury.com@i.

MTC–252

Re: 3 More States Back Microsoft Settlement

''Free country—states free to oppose settlement, Microsoft free to charge any price, consumers free to take it or leave it, ha ha ha ha. Freedom alone—that is quaint.., freedom plus power—that is winning combination, hiccup ... Kind of looks like more power comes more freedom... watch out, ball roll down tilted playing field accelerating to my benefit, ha ha ha ha ha ...''

MTC–252

MTC–00000253

From: StGeorgeV @ aol.com@ inetgw
To: Microsoft ATR
Date: 11/6/01 3:56pm
Subject: Microsoft Settlement Issue

Dear Sirs:

It is my understanding that the Microsoft settlement includes a provision that Microsoft will be required to turn over the Windows source code to competitors and potential competitors.

If this is true, I believe that this will allow terrorists and hackers to more easily get into computers using Windows. It gives them a roadmap to get into systems and bring them down.

If I am right, then I believe Microsoft should NOT be required to provide the source code to others.

I am just an interested civilian.
Thank you for Listening,
Robert Hicks
3118 Gracefield Road Apt. #T23
Silver Spring, Maryland 20904
301–572–7747

MTC–253

MTC–00000254

From: Peter Nigrini
To: Microsoft ATR,ASKDOJ
Date: 11/6/01 4:15pm
Subject: Microsoft consent Decree

Your negotiation settlement of the Microsoft Case is a outright betrayal of the trust placed in you by the American people. I urge you to reconsider and fulfil your responsibilities to protect consumers for monopoly control of the software/operating system industry.

Peter Nigrini
Projection and Lighting Design
244 E 7th St. #16
NYC NY, 10009
T212.475.2978
M9 17.488.1097
F253.660.9919

MTC–254

MTC–00000255

From: Chris Welsh
To: Microsoft ATR,piu@doj.ca.gov @inetgw
Date: 11/6/01 4:38pm
Subject: Regarding the Microsoft Settlement

United States Department of Justice:
State Attorneys General:
United States District Judge Colleen Kollar-Kotelly:

I object to the proposed Microsoft settlement. I believe that it will require too much government involvement and its enforcement will be too expensive. I doubt that it will correct the damage done by Microsoft or cause them to reform their behavior.

I propose a simpler, cheaper remedy which will be effective and fair: Revoke some of Microsoft's patents and copyrights. Give them back to their rightful owners or to the public.

This remedy would return the competitive system to its natural state by freeing Microsoft's competitors to produce interoperable products without the threat of lawsuits. It would also strongly deter future anticompetitive acts by entities which value their patent and copyright privileges.

This remedy would be fair because it would both reduce Microsoft's ability to profit from their crimes and seize the assets used as tools to commit those crimes. The value of many of Microsoft's works was created mainly by depriving consumers of any alternative choices. Consumers and computer vendors should be allowed the right to freely duplicate the existing

Microsoft works. Those works are inferior to the work which would have been produced in an freely competitive marketplace.

It would be trivial to implement this remedy. The court would simply select an appropriate set of patents and copyrights, declare them void, and refuse to enforce them. The selection could be limited to only those patents and copyrights directly involved in criminal acts, or the court could deny Microsoft all patent and copyright privileges for some period of time.

As a general rule, an anticompetitive monopolist should never be granted extra power to prevent competition through patent and copyright. To the contrary, a market entity's access to legalized monopoly protection should be inversely proportional to its size. This would lead to a stable market of medium sized producers and would maximize competition and innovation.

Finally, I want to suggest that every computing product or service offered for sale, whether from Microsoft or not, should be accompanied by a warranty [see note 1]. The warranty should clearly document the product's input and output, including the type, purpose, and format of all files and network resources used. While this is not currently law, the court should require it of Microsoft from now on.

Note 1: Because source code describes exactly what a program does, unobfuscated source code should be considered a sufficient warranty for software products.

Thank you for your good work. I hope you are able to find a fair solution in the best interest of society.

Sincerely,
Chris Welsh
Sunnyvale California

MTC–255

MTC–00000256

From: Nathan Ebresman
To: Microsoft ATR
Date: 11/6/01 4:42pm
Subject: Microsoft settlement

Dear sir or madame,

As a concerned citizen, I urge you to not settle the antitrust case against Microsoft giving them (as I see it) only a slap on the wrist. I am asking you to break them into an two parts, one for applications and the other for operating systems, because I see that as the only real way to truly level the playing field in the industry as they have routinely mocked the court system throughout the course of the trial.

Thank you for listening.
Nathan Ebresman

MTC–256

MTC–00000257

From: Brad Wellington
To: Microsoft ATR
Date: 11/6/01 4:52pm
Subject: Microsoft

I am writing to you in regards to the recent agreement made between Microsoft and the DOJ. I am appalled at the DOJ letting Microsoft off without any regard to the main issue at hand. As a technology professional I feel compelled to voice my displeasure, and point out the inadequateness of the remedies put forth. Microsoft has blatantly and illegally used its operating system monopoly to push competitor's out of the market. This is no longer a question, they have been found guilty on this count. They illegally forced Netscape out of the browser market and now they are seeking to do the same exact thing with Windows XP. Windows XP has both instant messaging software as well as photography software bundled into the operating system, which completely shows Microsoft's respect for the federal government and the DOJ in particular. I am wondering at this point if in 5 years Microsoft will be able to bundle a Ham Sandwich and tires for my car into the operating system that I will be forced to buy.

This illegal leveraging of the Windows OS is the core issue at hand and has not been addressed at all in the agreement Microsoft has reached with DOJ. Microsoft's ability to bundle whatever it wants into its operating system needs to be stripped. Any settlement reached with Microsoft MUST touch on this core issue. They must not be allowed to continue bundling whatever they want into their operating system. Please take the opinions of people who understand this technology into account. Thanks for your time.

Brad Wellington
Software Engineer

MTC–257

MTC–00000258

From: Thomas Farrell
To: Microsoft ATR
Date: 11/6/01 8:44pm
Subject: Proposed microsoft settlement

Hi,

I have read with horror the news stories about the DOJ's proposed settlement with Microsoft. While I would be pleased to see the case settled, as a computer professional I know it is vitally important that Microsoft be brought under control in order for the computer and software industry to have a future.

I don't believe the proposed settlement will do anything to help prevent Microsoft from further extending its monopolies or crushing its potential competition out of business. There are way too many loopholes. Microsoft gets to say way too much about what it will or will not do under the proposed settlement.

Furthermore, since Microsoft has already been found to be a lawbreaking organization, I don't trust them to obey whatever settlement they may agree to, and would expect there to be very harsh penalties specified for noncompliance. I don't believe the proposed settlement has such penalties.

Finally, because Microsoft has already been found to have broken the law, as a taxpayer I expect them to pay for all of the government's legal costs and the court's costs incurred in this case. I find it unconscionable that the DOJ would allow Microsoft to settle without reimbursing the taxpayers expenses.

In short, I am deeply upset that the DOJ has agreed with this proposed settlement, and strongly protest allowing it to go forward.

Thomas M. Farrell
Somerville, MA

MTC–258

MTC–00000259

From: Stunt Car
To: Microsoft ATR
Date: 11/6/01 8:53pm
Subject: You guys are weak as piss.

DoJ,

You guys should change your name. As you are currently being misrepresented by calling yourselves anything to do with Justice.

I'm glad the Organization I work for is costing a shift away from Microsoft product.

Then again your entire nation is pretty pathetic. About to be wiped out by an enemy who lives in a cave a rides donkeys. And you need my small countries support as you are too incompetent or scared to do it yourselves. LOL.

Even I'm beginning to tire of having to support a nation with no real idea what is going on. But I guess we won't be seeing much of you once your stock market collapses. As a nation that can not even properly generate enough electricity you are starting to sound like another backward and corrupt administration I've been hearing about.

Anyway I'm prepared to reverse my opinion if I can have some of your payola from Microsoft. Please send in cash.

Keep up the sham. And remember when trying to relax, don't take a deep breath anymore.

CYA .... stuntcar

MTC–259

MTC–00000260

From: jc@wt6.usdoj.gov @inetgw
To: Microsoft ATR
Date: 11/6/01 9:37pm
Subject: Your Settlement.

I don't understand why you let Microsoft off so easily. My impression is that Microsoft is a monopolist of the most predatory sort and they need to be controlled if the software industry is to flourish. They are sleazy, greedy, grasping and give capitalism a bad name.

In contrast to AT&T which used its monopolistic power to give good service to the US for many years, Microsoft has used its power to sell inferior Operating Systems that inconvenienced their users for years and used the profits to drive competitors out of business.

I always considered myself to be a Republican, but I don't believe that any business should be allowed to drive out other businesses with the most underhanded of methods, especially in the face of all of the laws that are designed to allow competition to flourish.

Do your job, guys. You were elected to uphold the laws, not to give Microsoft a free ride.

John Cox

MTC–260

MTC–00000261

From: Kie Muzyka
To: Microsoft ATR
Date: 11/6/01 9:56pm
Subject: Microsoft Decision

To whom it may concern:

I am supportive of a settlement in the case. However, there are some aspects of the proposal that I do not agree with.

Provide operating system interfaces to all software suppliers—

1. This is good. However, this should hold true from now on, not be limited to 5 or 7 years.

2. This info must be made available to all software suppliers as soon as it is available to other areas within Microsoft.

Allow PC makers or retailers to replace Microsoft components with competitive components—

1. This is good, but the pricing must reflect the removal of the components. As I understand it, Microsoft can bundle their components and set a price. PC maker can remove components selectively, but must still pay the same price to Microsoft. This is not good! Where is the motivation for any action?

This is exactly one of the reasons that OS/2 failed in the marketplace. The OS/2 user had to pay for OS/2 & Windows.

If these aspects of the settlement are not corrected, then the settlement is worthless.

Kie Muzyka
823 South Peytonville
Southlake, Texas 76092
817–481–6354

MTC–261

MTC–00000262

From: biburton@mac.com@inetgw
To: Microsoft ATR
Date: 11/6/01 10:52pm
Subject: AtATgram: Nine Say Yea, Nine Say Nay (11/6/01)

Brian <blburton@mac.com> is sending you a scene from_ As_the_Apple_Turns!_

Scene 3378 follows:

Nine Say Yea, Nine Say Nay (11/6/01)

Sometimes we really love living in Massachusetts. Sure, the taxes may be on the high side, but at least our money gets us an attorney general that won't roll over and play dead like a certain Bush-administration Justice Department we could mention.

Whereas the feds are looking to end the three-year run of ''Redmond Justice'' not with a bang, but a whimper of a settlement so full of loopholes you'd think it was a breakfast cereal, not all of the eighteen states involved with the case are willing to roll with that particular punch.

The states had until today to decide whether or not to sign on with the proposed settlement, and according to a CNET article, fully half of them have refused to cave that easily.

Massachusetts Attorney General Tom Reilly has been saying for days that he wouldn't sign, and stuck to his guns; he and the attorneys general of eight other states have therefore managed to split ''Redmond Justice'' into_two_shows. The ''classic'' story will continue with settlement hearings, as the feds and half the states feverishly try to get the heck out of Dodge; meanwhile, an as-yet-unnamed ''Redmond Justice'' spinoff will follow the continuing litigation as nine states push for a resolution that actually, you know, _accomplishes_something. It's antitrust fun for the whole family!

Funnily enough, an Associated Press article describes Microsoft attorney John Warden as ''frustrated'' that half the states are pushing forward and quotes him as saying, ''The issues in this case have been beaten to death and they have been beaten to death by people who are worn out.'' Awwww. . . Is widdle John-John all tuckered out? Since Microsoft's strategy all along has been to stall until the issues become moot and the government changes hands, maybe the company should have hired a lawyer with a little more stamina. Suck it up, John, because it ain't over yet.

You're in this for the long haul.

To see this scene as it was meant to be seen, complete with links to articles and formatted as originally broadcast, visit: <http://www.appleturns.com/scene/?id=3378>

To see the complete, unadulterated episode in which this scene was originally broadcast, visit:

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As the Apple Turns: <http://www.appleturns.com/>

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MTC–262

MTC–00000263

From: Bob Rattner
To: Microsoft ATR
Date: 11/7/01 9:00am
Subject: Humbug!!

Dear Mr. James,

In re: Microsoft, you sir, are a liar and a coward. How much graft did you accept from Mr. Gates for your spineless support of his agenda? You are a disgrace to the word 'justice'. Shame, shame, shame!!!

Bob Rattner
43 Nieman Ave.
Lynbrook, NY 11563

MTC–263

MTC–00000264

From: Raymond Blum
To: 'Microsoft.atr(a)usdoj.gov'
Date: 11/7/01–9:08am
Subject: Inadequate controls for Microsoft

I am writing to you in regards to the recent agreement made between Microsoft and the DOJ. I am appalled at the DOJ letting Microsoft off without any regard to the main issue at hand. As a technology professional I feel compelled to voice my displeasure, and point out the inadequateness of the remedies put forth. Microsoft has blatantly and illegally used its operating system monopoly to push competitor's out of the market. This is no longer a question, they have been found guilty on this count. They illegally forced Netscape out of the browser market and now they are seeking to do the same exact thing with Windows XP. Windows XP has both instant messaging software as well as photography software bundled into the operating system, which completely shows Microsoft's respect for the federal government and the DOJ in particular. I am wondering at this point if in 5 years Microsoft will be able to bundle a Ham Sandwich and tires for my car into the operating system that I will be forced to buy.

This illegal leveraging of the Windows OS is the core issue at hand and has not been addressed at all in the agreement Microsoft has reached with DOJ. Microsoft's ability to bundle whatever it wants into its operating system needs to be stripped. Any settlement reached with Microsoft MUST touch on this core issue. They must not be allowed to continue bundling whatever they want into their operating system. Please take the opinions of people who understand this technology into account. Thanks for your time.

Raymond Blum
Systems Engineer

MTC–264

MTC–00000265

From: Tom Friedland
To: 'Microsoft.atr(a)usdoj.gov'
Date: 11/7/01 9:48am
Subject: proposed settlement

Dear Antitrust Division,

I teach a course at Rutgers University that is studying the Microsoft case. Please email me a draft of the Proposed Settlement. I hope to use it in my class Monday of next week.

Thank you.

Tom Friedland

MTC–265

MTC–00000266

From: Chris Lee
To: Microsoft ATR,American Atr
Date: 11/7/01 9:49am
Subject: MS SELL-OUT: STUPIDITY reigns in DoJ
[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]
CC: ASKDOJ,president @whitehouse.gov @inetgw,vice.presid...

THANK GOD FOR THE ''STATES'' TO SAVE THE PEOPLE FROM THE SELL-OUT BY DoJ & GeoW!!! The questions arrising from this so-called ''settlement'' is ''Did GeoW and his DoJ political appointees receive something UNDER THE TABLE?'' and ''Should there be an investigation for possible CONFLICT OF INTEREST or FRAUD''?

THERE'S SOMETHING NOT RIGHT IN WASHINGTON!!!!

THANKS FOR NOTHING GeoW & cronies!!!

November 6, 2001, Breakaway states nix Microsoft pact, Joe Wilcox, CNET News.com—WASHINGTON—Several states have refused to accept an agreement between the Justice Department and Microsoft, choosing instead to press further antitrust litigation against the software company.

The settlement agreement, to which nine of the co-plaintiff states have now given their support, remains essentially unchanged from the proposal put forward by the Justice Department and the software giant on Friday. Any changes would be only clarifications and not a substantive reworking, according to the government.

Connecticut Attorney General Richard Blumenthal, who did not sign onto the proposal, said that the settlement is a

''triumph of hope over history,'' a deal that is ''good but may not be good enough.''

Many outside the case, from consumer groups to Microsoft competitors and antitrust specialists, have said that the deal goes easy** on the software titan.

Said Blumenthal: ''My present intention is to proceed in the litigation.'' Tuesday's refusal, however, does not mean that those states will not come to terms with Microsoft at a later date.

''We in Iowa continue to look at the agreement. We move on with the litigation, (but) we are open to settlement talks,'' said Iowa's attorney general, Tom Miller, who also has not signed the deal.

''We congratulate the states that settled.'' Miller said that the case's mediation process ''produced some real progress,'' especially regarding its disclosure of technical information on servers. Other concerns remain about the dictates for Microsoft, including safeguards for PC makers and openness to third-party applications.

The federal government brought suit against the software maker in 1998, and subsequent court decisions found Microsoft to be a monopolist that used its dominant position in operating systems to unfairly compete against other software makers and gain favorable deals with PC makers. A federal judge had ordered Microsoft split into two companies and the imposition of other strong remedies.

An appeals court in June threw out the breakup order, but in remanding the case to a lower court upheld the monopoly ruling and ordered that new remedies be set in keeping with that ruling.

U.S. District Court Judge Colleen Kollar-Kotelly, a relative newcomer to the case, was randomly assigned at the end of August. On several occasions since then, she has said that a settlement would be in the best interests of the country.

On Tuesday, the Justice Department expressed satisfaction with the recent progress toward a settlement and expects more states to sign on.

''We are very pleased with the results thus far,'' said Charles James, assistant U.S. attorney general. ''This settlement is good for consumers and the tech economy.

The other states that have not signed onto the settlement proposal are California, Florida, Kansas, Massachusetts, Minnesota, Utah and West Virginia. Also in the group is the District of Columbia.

''We made every effort to reach a compromise to address the states' concerns and allow everyone to move forward, Microsoft Chairman Bill Gates said in a statement Tuesday. 'Yesterday, at the request of the states, we made some additional revisions to clarify the proposed decree and better capture the intent of the parties.

Earlier in the day, Microsoft indicated its willingness to keep working toward a settlement with the remaining states, even as it expressed a hope that the well-worked matter would be more or less closed Tuesday.

''Microsoft will never refuse to listen,'' said John Warden, an attorney for the company. ''The issues in this case have been beaten to death.. .by people who have been worn out.''

Going forward

The case now will proceed on two tracks. One track will involve public comment as dictated by the Tunney Act, and the other will be continued litigation with the states not agreeing to the settlement.

''I'm going to be going forward from this point on two parallel tracks,'' Kollar-Kotelly said. Mediation among the parties ceased with Tuesday's hearing.

The Tunney Act requires that the judge would review the deal to ensure that it is in the public interest and is not politically motivated.

Before Kollar-Kotelly holds a hearing in keeping with that law, there must be a 60-day period of public comment after the proposed settlement is published in the Federal Register, which should take place within the next two weeks. After the public comment period, there will be 30 days for the government to respond, meaning that the next phase should conclude in February.

One observer said that the remaining states face an uphill battle in their continuing opposition to Microsoft, given the loss of their allies and worries about limited resources.

''The states can't lose any more, other than the enormous expense of continuing the battle,'' said Bob Lande, an antitrust professor at the University of Baltimore Law School. ''With California, they have $3.7 million assigned to their war chest. The question is, will that be enough?''

''We're very confident that there will be sufficient resources'' to continue the process, said Connecticut's Blumenthal, who left the door open to settlement farther down the road.

Earlier in the day, the 18 state attorneys general were divided into three groups: One wanted to accept the settlement as it is, the second was undecided, and the third wanted to litigate. That split remained after several days of intense discussions that continued into the early hours on Tuesday.

''An extraordinary amount of work was done over the weekend,'' said Brendan Sullivan, the lead attorney for the states. ''They negotiated until (12:30 PT) this morning, and a redline (amended) version was dispatched to the Justice Department and the remaining states at (5:30 PT) this morning.''

Mediator Eric Green, a professor at Boston University, said that the states ''worked through the night until the break of dawn this morning.'' The states that have joined in the settlement are Illinois, Kentucky, Louisiana, Maryland, Michigan, New York, North Carolina, Ohio and Wisconsin.

The Justice Department and Microsoft delivered their settlement proposal, in the form of a consent decree, to Kollar-Kotelly last Friday to meet a court-ordered deadline. The states complained that they weren't given adequate input into the negotiations leading up to that settlement and that the proposal offers Microsoft too much wiggle room.

Microsoft's industry foes continued to find fault with the settlement Tuesday.

''The state attorneys general who today rejected the settlement agreement between Microsoft and the Department of Justice were right to do so, and we support them,'' Paul Cappuccio, AOL Time Warner's general counsel, said in statement. ''That agreement fails to protect consumer choice and promote competition, by leaving Microsoft free to continue to abuse its monopoly.''

**Rivals, others lament Microsoft deal

By John G. Spooner, Stephen Shankland, and Joe Wilcox

Staff, CNET News.com

November 2, 2001, 1:20 p.m. PT

http://news.cnet.com/news/0- 1003–200–7758623 .html?tag=prntfr

Consumer groups and Microsoft competitors reacted to Friday's proposed antitrust settlement with disappointment and skepticism.

The reaction to the deal reached by the software titan and the Justice Department in the landmark case boils down to one simple sentence: Microsoft got off easy.

''They seem to have done pretty well with the settlement with the DOJ,'' said James Love, director of the Consumer Project on Technology. The organization, formed by Ralph Nader in 1995, focuses on intellectual property rights, among other issues.

'We're disappointed,'' he said. ''We would have expected to see more pop'' in the settlement.

Earlier court decisions found Microsoft to be a monopolist that used its dominant position in operating systems to unfairly compete against other software makers and gain favorable deals with PC makers. A federal judge had ordered Microsoft split into two companies and the imposing of other strong remedies.

An appeals court in June threw out the breakup order, but in remanding the case to a lower court upheld the monopoly ruling and ordered that new remedies be set in keeping with that ruling.

AOL, Sun dismayed AOL Time Warner, which owns the Netscape Communications browser that was at the heart of the antitrust charges that surfaced in the mid 1990s, responded to the settlement deal with dismay.

''In its current form, today's proposed consent decree, like the one entered in 1994, does too little to promote competition and protect consumers, and can too easily be evaded by a determined monopolist like Microsoft,'' Paul T. Cappuccio, executive vice president and general counsel at AOL Time Warner, said in a statement.

The proposed settlement, he said, ''fails to fulfill the promise of the unanimous decision from the U.S. Court of Appeals condemning Microsoft's extensive illegal conduct and requiring an effective remedy to prevent its reoccurrence.

AOL Time Warner's negative reaction to the settlement is not surprising. The company has sparred on numerous occasions with Microsoft and recently walked away from high-profile discussions to embed its America Online service in Windows XP. Its Netscape unit competed with Microsoft in the Web browser market and brought evidence of anti-competitive behavior to the attention of regulators.

Sun Microsystems lambasted the proposed settlement as ''more narrow and less punitive'' than the proposal rejected by the Department of Justice in March 2000 and said

it merely ''reinforces the status quo, and will do nothing to restore competition and innovation in the marketplace.'' ''Throughout the last century, the U.S. economy has profited greatly from sound antitrust enforcement,'' Sun Chief Executive Scott McNealy said in a statement. ''Today's agreement signals a retreat by the federal government, and a defeat for consumers.

The proposed settlement, Sun said, is a blow to consumers and the technology industry and ''a wholly inadequate response to Microsoft's major and continuing antitrust violations and to the two levels of Federal Court that found Microsoft guilty of violating U.S. antitrust law.''

The other view: A ''home run

But not everyone is opposed to the settlement.

Dick Armey, majority leader of the U.S. House of Representatives, issued a statement calling the settlement a ''home run for consumers'' and urged the state attorneys general who are co-plaintiffs in the case to avoid dragging out the proceedings. The states have the ability to contest the settlement. ''Businesses should not be afraid that when they create popular products, they'll be saddled with endless litigation,'' Armey said.

Matthew Szulik, chief executive of Linux seller Red Hat, also took a contrarian tack, saying that Microsoft faces limitations on its behavior either through legal channels or in the unfettered marketplace.

In the absence of a strong settlement, Microsoft's own behavior—for example, its increasing software prices—will help hasten its decline.

''By their own actions, they've put themselves in a bit of a trap,'' Szulik said. ''I can't see them escaping this trap without damaging their long-term prospects.

Microsoft will be forced out of its proprietary ways regardless of the settlement, because companies increasingly networked computer systems can only be built on open communication standards, he added.

''In an enterprise environment, there will be requirement to interoperate with other forms of computing.''

Criticism of the settlement began to swell on Thursday as word of the impending deal leaked out.

Trade groups opposing Microsoft's monopoly behavior distributed the last proposal prepared by U.S. District Judge Richard Posner before earlier settlement talks collapsed in April 2000.

The Computer & Communications Industry Association (CCIA) was one of the groups canvassing in Washington on Thursday using Posner's final settlement draft to attack the negotiations.

''This is a total capitulation,'' said CCIA President Ed Black. The government is ''settling for something less than what they could have had a year and a half ago. Since then they succeeded in having Microsoft found to be a monopolist (and) they had a unanimous Court of Appeals ruling in their favor with very strong language.''

CCIA is one of the groups expected to challenge the settlement as not being in the public interest.

Tying products together

The Software & Information Industry Association (SII) on Thursday also urged the Justice Department and the state attorneys general to reject the settlement.

Ken Wasch, the SIIA's president, said in a statement that the ''settlement agreement, stunningly, will not change either Microsoft's business practices nor its software implementations one iota.''

He added: ''The purported settlement permits Microsoft to continue to technically tie the monopoly product of the Windows operating system to various middleware products, in direct contravention to the findings of fact affirmed unanimously by the Court of Appeals.''

The settlement proposal does make some concessions regarding ''middleware—including Web browsers, e-mail clients, media players and instant-messaging applications. PC makers will have more freedom to offer such products from companies other than Microsoft, but a similar development over the summer resulted in few, if any, such offers.

The Windows operating system emerges largely untouched, and Windows XP will be free of any far-reaching restrictions.

The Progress & Freedom Foundation, a body that studies technology's effect on public policy, warned in a statement that the settlement does little to prevent Microsoft from ''continuing monopolization.''

President Jeffrey Eisenach said that, with the deal, the Justice Department ''proposes to enter into a settlement that fails to meaningfully address any of the court's findings. It's an embarrassment for the Justice Department, a disservice to the law and an affront to the DC Circuit.''

MTC–266

MTC–00000267

From: cww @westling.com@inetgw
To: Microsoft ATR
Date: 11/7/01 9:55am
Subject: One small voice

I would like to strongly protest the proposed settlement with Microsoft. It does not go far enough to substantially change the competitive landscape and in effect, cedes a continuing monopoly to Microsoft. Several things would have to be addressed to have a meaningful effect for those of us who have to try to make a living with alternatives.

Preload agreements which force any computer buyer to accept a copy of Windows whether they want it or not must be abolished. Microsoft File formats must be added to the disclosure of APIs to allow competitive products to interoperate and compete.

Pricing must be decoupled from exclusivity agreements, on paper or implicit. Pricing should be the same for everybody and a line item. not buried into the price of a computer.

As for remedies, There is an easy solution that would accomplish many goals and remove the burden of enforcement. It would avoid all the evasive and delaying manoevers and put MS in the position of wanting to be good citizens.

The US government should simply remove Microsoft from the approved vendors list and leave it off until behavior is acceptable. Not only would this send the right message, it would directly impact the competition issues by providing an opportunity for the suppressed competitors to recover. I suggest that Open Source software be a component to preclude any corporation from achieving monopoly status again. This is far more rational and pragmatic than suing MS on the one hand and being their largest customer (hidden by contractors) on the other

I don't suppose one computer guy is very important, but I have lived the computer industry for 30 years of so and qualify as an expert.

Regards

cww

MTC–267

MTC–00000268

From: Byron York
To: Microsoft ATR
Date: 11/7/01 10:38am
Subject: Pathetic

It is pathetic how the DoJ has surrendered to Microsoft. Goes to show what a couple million dollar donation to the Republican party can get you. Is that against the law? Clinton was investigated for all types of spurious reasons. Why is there not an investigation into Bush and Ashcrofts collusion with Microsoft? Executives from Microsoft met in the WHITE HOUSE!!!!!!

When is there going to be a bribery investigation of Ashcroft and Bush? It is obvious that Microsoft bought their way out of the suit. There is *NO* way that anybody would *WIN* the battle then surrender the war. What the heck is going on?

I thought that the Department of Justice was about JUSTICE. Not about who has the most money to buy the form of 'justice'' that they want. I have lost all faith in the legal process in this country. To have *9* federal judges declare Microsoft an abusive monopoly and then to have the DoJ, which is supposed to be looking out for the consumer, capitulate right before the miracle is absolutely DISGUSTING.

Why don't you go have some more backroom meetings with Microsoft. I am sure that is completely within the guidelines of the Bar. Your division of the DoJ should be ASHAMED.

MTC–268

MTC–00000269

From: Viktors
To: Microsoft ATR
Date: 11/7/01 11:58am
Subject: National security diminished by settling Microsoft case

I believe that the current settlement direction with Microsoft is a grave mistake. Diversity in operating systems and other computer software is essential for reducing the threat of cyber-attacks. Furthermore, giving one company, Microsoft, the ability to remotely monitor and control all computer activity is extremely dangerous, while also making it easier for an enemy to find a weakness that could be used to attack a much larger population of computers.

I am a long-time IT professional, but am writing as a private citizen. I know that whomever is reading this probably is not intimately familiar with all of the software

details and would not understand an in-depth analysis. So I will just point out a few items, in high level terms, as best I can. I assume someone would contact me if they want to discuss more details.

Software can be viewed in many ways as an analogy to biological evolution. One of the dangers that biology has taught us is that the less diversity there is, the more vulnerable the population is. Likewise, operating system software and other office software that is used so widely that it is in almost every computer makes it easier to create a devastating cyber attack. Because the internals of the Microsoft software is seen by few eyes, it is more likely to contain numerous vulnerabilities, that clever hackers can exploit. This argues for breaking up monopolies in the IT industry so that there are more software choices for customers and so that any attack will harm a smaller population. In fact, ideally, the operating system and other security sensitive software source code should be viewable by everyone. This quickly leads to fixing the vulnerabilities, rather than hiding them, as with proprietary software. Microsoft will never publish their software source code, and thus will continue to put our IT infrastructure at greater risk, to the extent that they remain an operating system (and desktop office suite) monopoly.

What concerns me more, is that Microsoft's direction with XP is to give them more ability to ''upgrade'' user's software remotely, even without them knowing it. This may be nice for Microsoft, but it give Microsoft potentially unlimited ''big brother'' power over everyone's computer. But, even worse, once that update capability is hacked by less friendly people, they can use it to create cyber terror much easier than today.

I can already see numerous ways of working around the settlement agreement. Microsoft's latest XP operating system is an example. Even though they ''publish'' the interfaces, they require me to register my software for use with their interfaces, otherwise I will not be given the encryption keys required to talk through their ''published'' interfaces. In general, I think the ''settlement'' will only let Microsoft reinforce its monopoly while making our IT infrastructure more vulnerable to cyber attacks. Please let me know if anyone needs to discuss this further.

-Viktors Berstis, Austin Texas

MTC–269

MTC–00000270

From: Mike Whalen
To: Microsoft ATR,attorney general @ state.mn.us @ inetgw
Date: 11/7/01 12:08pm
Subject: MS Settlement

Dear Sirs,

I would like to register my displeasure with the settlement reached by the DOJ and Microsoft regarding their antitrust violations. What the settlement provides is nothing more than carte blanche for Microsoft to continue its anti-competitive behavior; in fact, this settlement makes it more straightforward (and legal) for Microsoft to pursue this behavior then it was previously. To wit:

—Microsoft must allow applications & middleware onto the desktop that have distributed over 1 million copies and have been in business for greater than one year.

This clause allows large, established competitors to Microsoft to be used. However, what about new competitors? They will not be given the chance to be placed on the desktop. If such a clause was in place when companies like AOL were in their infancy, it would have been more difficult for them to reach their present size.

This clause does not help the companies that most need protection from Microsoft.

—Microsoft must disclose all new APIs to developers by the time of the last beta release of the operating system.

Ridiculous; you haven't defined a time window for the last beta'. Microsoft could release the last beta immediately before shipping the operating system.

—Microsoft must disclose all undocumented APIs to developers; however, if developers ...request_this information, they must provide their source code back to a 3rd party approved by Microsoft.

As a developer, I wouldn't dream of giving Microsoft my source code; they have shown no compunction from stealing ideas from other companies and individuals.

The antitrust trial spelled this out in great detail. Therefore, this clause is completely ineffectual.

Besides, who is Microsoft going to approve as the third party?

—Microsoft does not need to disclose any APIs related to

1. Security
2. Anti-virus
3. License enforcement

I can think of credible reasons why developers may need_to know these APIs.

For Microsoft's upcoming .NET, a major portion of the API is related to security and authentication. In fact, it is central to any developer wanting to use .NET for future development of Windows products and services.

By spelling out these specific instances of 'violations', you allow Microsoft_more_latitude to continue its anticompetitive behavior, rather than less. Microsoft can credibly state that many of its APIs related to ''back-end'' services, such as COM+ and .NET services are related to security and authentication. These are the thrust of new development at microsoft, and access to these APIs is critical to producing successful new applications. Microsoft can also continue to discriminate against smaller, newer competitors, stifling innovative products and preventing them from being displayed on the desktop. Microsoft also has the ability to get at the source code(!) of any developer who requests information on their APIs. I believe that this will cow most, if not all, developers from requesting information; they would have to provide, in essence, their most valuable property in return: it is akin to giving away your most precious business plans to your largest and most aggressive competitor. What sane company would do so? I urge you to reconsider this mistaken and shortsighted decision.

Thank you for your time,

-) Mike Whalen

Doctoral Candidate in Computer Science
University of Minnesota

MTC–270

MTC–00000271

From: Halim Chtourou
To: Microsoft ATR
Date: 11/7/01 3:44pm
Subject: Microsoft case comments

To Whom It May Concern,

I am deeply concerned by the terms of the U.S. Department of Justice's settlement with Microsoft in this case. I believe that the proposed settlement, and most likely any proposed settlement, is not being tough enough on Microsoft. The settlement contains many loopholes that will allow Microsoft to continue to their illegal and anti-competitive behavior which would only result in more permanent harm to the computer industry and future lawsuits costing even more tax payer money. Although it may be difficult to plan and initially execute, the plan to breakup Microsoft has been the ONLY viable solution I have seen to this case. The breakup of Microsoft is truly the only way to correct the terrible crimes that Microsoft has committed against nearly anyone in the world that has used and worked with a computer. Microsoft can be broken up without major impact to businesses and the economy. The first divisions to be separated should be relatively unrelated entities such as Microsoft's operating system and application software division, MSN, and Microsoft's X-Box division. These three divisions should be separate companies that are not allowed to use their influence to help each other, as Microsoft is currently using it's Windows monopoly power to help them gain users of MSN and their X-B ox. Look at MSN for example. What other major national internet service provider ONLY functions with Windows-based computers? I don't believe there are any others. How does the proposed settlement prevent Microsoft from doing things like this? I don't believe that it does. After separating these core divisions, Microsoft's operating system and application software units can be separated into two or more separate companies. Without the monopoly of Windows to leverage, Microsoft Office may actually face competition in the marketplace and be forced to strive towards innovation—something Microsoft claims to be fighting for, but very rarely actually does.

I urge you, please consider not only what this settlement will mean for the future of Microsoft and their monopoly, but also look at what they have done in the past, how they have continuously flaunted their power in the face of government attempts of restriction, and how they have greatly harmed competition and innovation in the computer industry.

Thank you for your time,

Halim Chtourou

Information Systems Technology and Digital Media Student at Albright College, Reading, PA.

MTC–271

MTC–00000272

From: Nobody
To: Microsoft ATR
Date: 11/7/01 3:54pm
Subject: A Linux Today story has been

mailed to you!

This message is sent to you from Linux Today (http://linuxtoday.com) Miguel Sosa, esteban_sosa@yahoo.com has requested that we send you this article.

You can find this story online at: http://linuxtoday.com/news story.php3?ltsn=2001–11–06–005–20-OP-MS Jeremy Allison & Andrew Tridgell: Analysis of the MS Settlement and What It Means for Samba.

The Samba Team would welcome Microsoft documenting its proprietary server protocols. Unfortunately this isn't what the settlement stipulates. The settlement states:

''B. Starting nine months after the submission of this proposed Final Judgment to the Court, Microsoft shall make available for use by third parties, for the sole purpose of interoperating with a Windows Operating System Product, on reasonable and non-discriminatory terms (consistent with Section 111.1), any Communications Protocol that is, on or after the date this Final Judgment is submitted to the Court, (i) implemented in a Windows Operating System Product installed on a client computer, and (ii) used to interoperate natively (i.e., without the addition of software code to the client or server operating system products) with Windows 2000 Server or products marketed as its successors installed on a server computer.

Sounds good for Samba, doesn't it. However, in the ''Definition of terms'' section it states:

''Communications Protocol'' means the set of rules for information exchange to accomplish predefined tasks between a Windows Operating System Product on a client computer and Windows 2000 Server or products marketed as its successors running on a server computer and connected via a local area network or a wide area network. These rules govern the format, semantics, timing, sequencing, and error control of messages exchanged over a network. Communications Protocol shall not include protocols used to remotely administer Windows 2000 Server and products marketed as its successors.

If Microsoft is allowed to be the interpreter of this document, then it could be interpreted in a very broad sense to explicitly exclude the SMB/CIFS protocol and all of the Microsoft RPC calls needed by any SMB/CIFS server to adequately interoperate with Windows 2000. They would claim that these protocols are used by Windows 2000 server for remote administration and as such would not be required to be disclosed. In that case, this settlement would not help interoperability with Microsoft file serving one bit, as it would be explicitly excluded.

We would hope that a more reasonable interpretation would allow Microsoft to ensure the security of its products, whilst still being forced to fully disclose the fundamental protocols that are needed to create interoperable products.

The holes in this document are large enough for any competent lawyer to drive several large trucks through. I assume the DoJ lawyers didn't get any technical advice on this settlement as the exceptions are cleverly worded to allow Microsoft to attempt to evade any restrictions in previous parts of the document. Microsoft has very competent lawyers, as this weakly worded settlement by the Dol shows. It is to be hoped the the European Union investigators are not so easily fooled as the USA.

A secondary problem is the definition of ''Reasonable and non-Discriminatory' (RAND) licensing terms. We have already seen how such a term could damage the open implementation of the protocols of the Internet. If applied in the same way here, Open Source/Free Software products would be explicitly excluded.

Regards,
Jeremy Allison,
Andrew Tridgell,
Samba Team.
http://linuxtoday.com/news story.php3?ltsn=200 1–11–06–005–20-OP-MS (The sender's internet address was 64.175.29.2 18

MTC–272

MTC–00000273

From: Bob Slate
To: 'Microsoft.atr(a)usdoj .gov'
Date: 11/7/01 7:29pm
Subject: Caveats: experience from the EEC settlement against IBM

To Whom It May Concern:

With regard to the current action/settlement with Microsoft (which I have not followed in detail), and possible EEC actions against Microsoft, it brought to mind some caveats which might be of interest given my previous job at Amdahl Corporation with a parallel with an anti-trust settlement by IBM with the EEC.

In 1984, IBM settled an anti-trust action by the EEC by agreeing to the ''Undertaking'' which allowed for competitors to request interface information so that products of competitors could ''attach'' to those of IBM. This information was to be provided within 120 days of IBM making an announcement of a product using those interfaces. Amdahl was a competitor of IBM, manufacturing System/39O plug-compatible mainframes. Amdahl was able to make interface requests and receive such information, sometimes with very onerous charges. After 10 years (around 1994), IBM decided to drop the Undertaking, claiming that it had adopted it unilaterally, rather than it being imposed. In the subsequent years, the prices of the interface specifications skyrocketed: several page specifications cost hundreds of thousands of dollars, and 100+ page specifications cost several millions of dollars. IBM oftentimes delivered specifications YEARS after they shipped their products, which made life difficult when the market required that a new product be delivered every year. It was easy to fall behind and lose customers. Losing customers meant less revenues, and less revenues made it tough to foot the bill for expensive specifications which ended up being a sizeable component of an engineering budget.

By 2000, IBM's competitors in the System/39O mainframe arena had dropped out of the market. Today IBM enjoys a monopoly again in that market segment. A lesson to be learned here is that competition can thrive only when barriers to competition are not onerous. A monopolistic entity with vast financial resources can charge onerous fees for interface specifications, making it impossible for very small software companies to obtain the information that they will need to create products needed for their survival.

The setting of the prices of the interface specifications cannot be under Microsoft's control. Reasonable time limits for delivery of complete interface specifications must be established by an independent body.

Thank you for your attention.

Bob

Bob Slate, Director,
Rslate@extremenetworks.com
Engineering Development http://www.extremenetworks.com
Extreme Networks
3585 Monroe Street
Santa Clara,CA 95051
CC: Bob Slate

MTC–273

MTC–00000274

From: Terry Linhardt
To: Microsoft ATR
Date: 11/7/01 8:05pm
Subject: proposed settlement

You sold us out. You sold out the consumers of the United States. You know how I feel? I feel like I have been told to drop my trousers, bend over, and get ready to let Bill Gates stick me where the sun never shines. And personally, I think that whoever came up with the proposed settlement should drop *their* pants, and may I suggest I have a place for that settlement.

Thank you for your consideration of my email.

Terry R Linhardt

MTC–274

MTC–00000275

From: xCarolFantasiezz @ aol .com @ inetgw
To: Microsoft ATR
Date: 11/7/01 8:48pm
Subject: Danke nochmal.

Hi gruss Dich, ich will mich eigentlich nur ganz schnell fur Deine Hilfe bedanken. Ohne Dich hatt ich des nie gepackt mit dem Video auf meine Homepage. Schaus Dir mal bitte an und sag mir was ich da noch besser machen kann. Zum Video Du kannst aber auch bei AOL Kennwort http://fantasie.nightsites.com eingeben. Ich dank Dir noclimal wie verruckt..

Carol

MTC–275

MTC–00000276

From: George
To: Microsoft ATR
Date: 11/7/01 9:44pm
Subject: Microsoft anti-trust..

To the A.G. of the United States of America, the Dept. of Justice, et al.,

A Federal Judge found Microsoft ''GUILTY'' of being an illeagle monopoly. And you then let them dictate the punishment.As one ''of the people, by the people, for the people'' I have just two questions

First...how do you sleep at nignt?

Second...now that you have helped them screw the American people can we expect at least a kiss from you (now that you're done kissing Bills ass) or from Microsoft. Or

should we just look for the hundred dollar's on the night stand when we get up in the morrning?

Now so as to make sure that I have made my point,I will put it into plain, simple, American english

Now that the American people have been fucked by you and Microsoft. Do we at least get a kiss, or should we just expect to be paid like a cheap whore?

If the latter is true, please put mine into an account to help pay down the defficate that the present administration is running up.

Lastly, please remember where the fallowing sayings come from. Then go back and do the job you are paid for.

''We the People . . .''

''When in the course of human events

Signed

One really pissed off American,

George S. Bogart Jr,

MTC–276

MTC–00000277

From: LBier49 @aol.com@inetgw
Date: 11/8/01 2:47am
Subject: (no subject)

Ashcroft and Associates,

At least MS admits it is soft. Shame on you. The worst monopolist since the era of the trusts and you cave. And that assessment is not from some neophyte, but from a JD–MBA, Rutgers Class of 1975, who has been practicing for 26 years. Again, shame. While Penfield may have shown unusual commentary form, most of what he said was accurate. Bad taste. Bad appearing. Sure. But was it the worst taste or conduct with a federal judge? Come on. In the real world many federal judges run rough shod over parties. However, that is another issue. Windows is flawed as are all operating systems by their nature. That is why MS is periodically coming out with new operating systems. But when they integrate their products and exclude competing products without legitimate business reasons, they are using their monopoly power.

I guess we are going to have to leave it to the State's Attorney General and the Europeans.

Politics, and I mean by that the Bush administration, has sided with the monopolists and their cronies and against the American people. I can only hope that the American people will make you and your cronies pay politically. I know MS is paying you a lot. How much did the company ''contribute'' to your political bedfellows and causes? SHAME, SHAME, SHAME

CC: Microsoft ATR,ag @ state.ca.us @ inetgw,oag @ state.tx.u...

MTC–277

MTC–00000278

From: Jim Hill
To: Microsoft ATR
Date: 11/8/01 2:57am
Subject: Shame on you!

You have caved in. You have submitted to political pressure, economic pressure, whatever the heck it was. And in the process, you have bound the feet of the personal computer industry and the software industry. You have allowed Microsoft to dictate the terms of whatever growth will occur from here; you have basically screwed the pooch on this one. I have no faith in this government any more.

James Hill
Fairfax, CA

MTC–278

MTC–00000279

From: Max Lybbert
To: Microsoft ATR
Date: 11/8/01 3:04am
Subject: proposed settlement

Since the proposed settlementto the United States et. al. v. Microsoft cannot be implemented without seeking public comment, let me go on record opposing this agreement between Microsoft and the Department of Justice. With all due respect to the people who negotiated the settlement and their intentions, no evidence exists that the agreement won't be violated like every one of the previous agreements Microsoft has entered into with the Department of Justice. Believing that Microsoft intends to abide by this agreement, or that the threat of extending the provisions of the agreement two years if Microsoft doesn't abide by it will keep Microsoft honest is wishful thinking.

A better settlement should be proposed. Otherwise I will spend the next two years ashamed of the officials I elected, and I will work to vote them out of office, along with their appointees.

MTC–279

MTC–00000280

From: Christian Loweth
To: Microsoft ATR
Date: 11/8/01 10:54am
Subject: Microsoft settlement

It seems to me that Microsoft has indulged in not only anti-trust violations but racketeering as well. Is this a possible avenue of approaching their abuses?

Christian Loweth
New Port Richey FL

MTC–280

MTC–00000281

From: Eugene L. Willey
To: Microsoft ATR
Date: 11/8/01 1:17pm
Subject: Secret code in windows

As I understand the settlement with Microsoft, Microsoft may maintain as secret and proprietary certain critical parts of their operating system. The vision of critical parts of our government using systems that have code known only to Mr. Gates is totally unacceptable to me as a citizen. A prerequisite for use in the government of any operating system should be that use of the system can have no unintended consequences. The only way such a premise can be true is for all operating systems used by our government be in the public domain. This used to be the law, The law apparently has been changed so that government offices can be infested by secret systems . . . Please consider these remarks.

. . . Gene

MTC–281

MTC–00000282

From: Eugene L. Willey
To: Microsoft ATR
Date: 11/8/01 1:34pm
Subject: Government use of Microsoft software

Is it constitutional for our government to allow contractors to supply goods such as software that does not disclose its code to our government. The code for the operating sytems being used by our government will be known only by Mr. Gates. This is dangerous in the extreme. To give a cititzen such extrordinary power is wrong and perhaps criminal Our government is free to use Public software which does not violate any disclosure rules. These comments are meant to be constructive. I hope you will give them some consideration. . . .

Gene (Eugene L. Willey, 314 West 14th Street Hastings, Ne. 68901 (402–463–5121))

MTC–282

MTC–00000283

From: Jak Crow
To: Microsoft ATR
Date: 11/8/01 4:05pm
Subject: Microsoft settlement

Are you people insane? Your ''settlement'' will do—NOTHING—to protect consumers and competitors. In fact, since you apparently haven't read your own settlement document, you should be aware that Microsoft can ''interpret'' its way out of all your deals. If this is allowed to pass, I wouldn't discount the possibility that the DoJ has been bribed into throwing the case, and I hope the DoJ gets investigated for this farce.

MTC–283

MTC–00000284

From: xxOl2
To: Microsoft ATR
Date: 11/8/01 6:45pm
Subject: Federal Register Citations / MS (US Dist. Ct DC 98–1232)

Dear Sir/Ma'am:

Please indicate the Federal Register citation for the Department's Proposed Final Judgement, and Proposed Final Consent Decree in the Microsoft case. (US Dist. Ct. DC 98–1232), at your earliest convenience.

Thank you,
Mike Dvorak
m.t.dvorak @att.net

MTC–284

MTC–00000285

From: Nicky Morrow
To: Microsoft ATR
Date: 11/8/01 7:15pm
Subject: Comment on Doj vs MS

Dear Sir/Maam,

I'll keep my comment very short: Please pass on to your boss that it will be a cold day in hell before I vote republican again. Is it clear what I think about the MS settlement?

Nick Morrow

MTC–285

MTC–00000286

From: John R. Cox
To: Microsoft ATR
Date: 11/8/01 10:54pm
Subject: Your settlement is a travesty.

Paul Thurott's Wininfo website called your settlement a a travesty of justice. I wouldn't consider them a radical anti Microsoft site;

just the opposite. I personally consider it a pretty mild comment.

At least 3 of the richest men in the world made their money by a blatant monopoly. They didn't reinvest any of the money to make it any more of a quality product than it had to be and the unreliability of Windows is legendary. The American people (and the world) were cheated as a result. They used their money underhandedly to drive competitors out of business and only invested money where it would crush a competitor.

There are good monopolies but Microsoft is not one of them.

There are laws designed to protect us from that kind of behavior. You are responsible for enforcing those laws and you failed to do so. I know you have an ideology, but you also have responsibilities.

You guys make me ashamed to be a Republican. Perhaps it's time to think about how you can recover some credibility.

Have a nice day.

John Cox

MTC–286

MTC–00000287

From: bryce @chmls05 .mediaone.net @ inetgw
To: Microsoft ATR
Date: 11/9/01 10:39am
Subject: Settlement toothless

Dear DOJ;

I'm disappointed by the proposed settlement. It does nothing, means nothing.

What the industry really needs is for Microsoft to stop undermining industry standards.

Microsoft extensions to industry standards are the biggest threat to competition and to a level playing field.

In addition, DOJ should insist that Microsoft publish certain file formats—notably Word and Excel—that are now so utterly dominant that it's impossible to build a product without interoperating with them.

Bryce Nesbitt
170A Coolidge Hill
Cambridge, MA 02138
CC: bryce@obviously.com@inetgw

MTC–287

MTC–00000288

From: Michael Kuske
To: 'Microsoft.atr(a)usdoj.gov'
Date: 11/9/01 11:32am
Subject: Is this Microsoft Sweepstake illegal?

To whom it may concern,

I have a question. Is the following Microsoft sweepstakes illegal? I recently ran across a sweepstakes that Microsoft is sponsoring (http://www.msnpeakperformance.coml). It was my understanding that it was not legal to force people to use your products as a condition of entering such a contest. If you look at the site, this is clearly the case here. Either you download and use their product (.NET Passport) or you can't enter. There is no alternative entry method provided. Don't have a computer? You are barred from entering. Your computer uses different (non-Microsoft) technology? You are barred from entering. Don't want Microsoft's .NET technology on your computer? You are barred from entering.

You would think with the trouble Microsoft has had recently that they would be sensitive to this type of issue. Then again they have had a history of thumbing their nose at the law, haven't they.

Thanks,

Michael Kuske

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MTC–288

MTC–00000289

From: walkera@fosterfarms.com@inetgw
To: Microsoft ATR,govemor@governor.ca.gov @ inetgw
Date: 11/9/01 2:13pm
Subject: Antitrust

ATR,

I was sad to see that Microsoft case has gone from almost a break up of the company to a slap on the hand indicating everything they have done or planning to do is ok and does not impede technology in the world. I believe the court may have better understanding of these issues were they more computer oriented/related in their field to see the repercussions Microsoft has put upon us. Don't get me wrong, I use Microsoft but am limited to only using Microsoft due to their thwarting of the market. I attempt to use other software types and vendors but are limited to the ''May not work with Microsoft.'' Have you seen the new XP and passport software? It has to be the most monopolistic, big brother approach I have ever seen. The fees charged by Microsoft for the latest software scheme also forces a company to only use their software for a long period of time. I thought great I just wont use Passport because I don't want my personal info shared with Microsoft—when I tried for support they said it was required to have passport filled out before continuing. Did you ever wonder why other countries ie China have banned Microsoft within their country? There is no longer competition in the market. A break-up would have spurred more competition and economic growth.

Anyhow as a general citizen I thought I would express my feelings hoping to relay that not only the states, but millions of people are under the mafia-like' stronghold that Microsoft has put upon us and we don't like it.

If you'd like peoples opinion, post it on the web in visible places—not hidden in the Judgment court orders.

Adam Walker
slamcorp @mediaone.net
559–274–1196

Standard disclaimer: All statements made in this email are on my own behalf and not my employer.

MTC–289

MTC–00000290

From: root © wt6.usdoj .gov @ inetgw
To: Microsoft ATR,antitrust @ftc.gov @ inetgw,Ralph @essen . . .
Date: 11/9/01 2:18pm
Subject: Microsoft Hegemony: Dreams Of Plundering
CC: letters @latimes.com @ inetgw,letters @ sjmercury.com @ i . . .

MTC–290

Re: Microsoft: Find a Real Fix

One key provision, for example. supposedly requires Microsoft to disclose coding . . . Read the fine print, however, and you'll discover that Microsoft only has to disclose. . . .

It's not necessary to list the many fatal loopholes to see the conservative intent. To the conservative, competition, consumer rights, and the integrity of the system are all trivial luxuries not worth the fight.

Rather for them, preserving the USA's economic hegemony on the world stage, and cultivating Wall Street superstars, are the only substantial goals.

The REAL fix for competition, consumer rights, and the integrity of the system, is releasing the commodity OS into the public domain where it belongs.

''Conservatives preserve throne which I plunder and dream of plundering it themselves one day,

Dallah
willing . . .''

MTC–00000291

From: William J. Taylor
To: Microsoft ATR
Date: 11/9/01 2:19pm
Subject: Settlement conditions

I am not a lawyer, but I am a CPA and over the 25 years that I've been in accounting I have read a number of lawsuits and other legal agreements. It seems to me that the settlement with Microsoft only requires them to do what the law has provided all along, with the exception, to use an automobile analogy, that there will now be someone in the back seat to tell them they're speeding. It doesn't mean that they will slow down, they are just more aware of what they are doing.

Therefore, I feel that unless the court imposes potential severe penalties on the Board of Directors of Microsoft, that the course of Microsoft slowly pushing out competitors wherever it feels there is money to be made, or where it perceives a potential threat will continue unabated or possibly accelerate.

I, therefore, recommend, that the Board of Directors of Microsoft be subject to immediate jail time if at any time Microsoft is found to have violated the terms of the settlement. This would include all current and all future directors. Only by making the Board responsible in a way that will have immediate and substantial impact will on themselves will there be any hope of the settlement agreement being honored.

MTC–29 1

MTC–00000292

From: root@wt6.usdoj.gov @inetgw
To: Microsoft ATR,antitrust @ ftc.gov @ inetgw,Ralph @essen . . .

Date: 11/9/01 2:45pm
Subject: Microsoft Hegemony: Stupid Change Rules'
CC: letters @ latimes.com@ inetgw ,letters @ sjmercury.com

''You want change rules of game every year like stupid NBA? Stick with original rules of game. Original rules is Microsoft retain gargantuan advantage of owning industry standard OS bestowed in 1982 by profit Ronnie Reagan, peace be with him . . .

MTC–292

MTC–00000293

From: Chris Lee
To: Microsoft ATR,ASKDOJ
Date: 11/9/01 3:25pm
Subject: U.S. Settlement Leaves Microsoft More Entrenched

To CASHcroft & lackeys:

Does anyone in the GeoW DoJ understand the LAW? Is anyone ashame of this gross sell-out of the ''people'' to the ILLEGAL MONOPOLIS, MicroSUCK??? The settlement as written is ludicrous, considering the people WON IN THE COURT OF LAW, plus, in the APPEALS COURT!

A citizen/consumer/voter,

Chris

U.S. Settlement Leaves Microsoft More Entrenched

By Rob Pegoraro

Friday, November 9, 2001; Page EOl

What are we going to do about Microsoft?

The govemment has been fretting over this question for the past decade. So far, it has compiled an impressive record of the things Microsoft has done wrong in the past.

Unfortunately, it always seems to find out about these abuses after the damage has been done. And it has yet to effectively address what Microsoft might do in the future. The proposed settlement between the Department of Justice and Microsoft announced last week continues this embarrassing tradition.

It's not just that this slim document fails to mandate any punishment for breaking the law (the next time I get a speeding ticket, can I negotiate this kind of arrangement, too?), or that its numerous ''nothing in this section shall prohibit'' clauses appear to vacate most of its provisions. The real problem is that it focuses so much on the individual PC desktop, when Microsoft is moving on to other battles.

This settlement spends much of its time trying to carve out space for PC manufacturers to add non-Microsoft ''middleware'' to run a broader set of applications. This would have been a laudable goal half a decade ago, when PC vendors aggressively experimented with their own front ends for Windows. As the court case thoroughly documented, Microsoft didn't like this creativity one bit and quickly quashed the manufacturers' dissent. In response, the proposed settlement's first prescription begins with the phrase ''Microsoft shall not retaliate'' and goes on to stipulate how Microsoft must treat all its licensees equally and fairly. The hope is that this government-mandated liberty will encourage PC builders to offer choices outside the Microsoft way.

''I think it's going to help,'' said Daniel Morales, a vice president with MandrakeSoft, a Linux distributor in Pasadena, Calif. But he warned: ''There's a lot of details that are very slanted towards Microsoft.'' None of the manufacturers I contacted wanted to speak, on or off the record, about any of their plans once the settlement goes into effect. Most didn't want to comment about the settlement at all. It's remarkable how many different reasons these companies offered for not talking about the biggest issue in the industry in a decade.

But neither the manufacturers' sudden case of laryngitis nor any subsequent failure to offer new choices to consumers should surprise anybody. In the bruised, battered PC business, there's nothing to be gained by alienating your biggest supplier. The agreement can't repeal this law of human relations.

''In the real world, there are ways to express displeasure without violating that agreement,' said Dan Kusnetzky, vice president for systems software research at IDC, a leading industry analysis firm. And Microsoft often doesn't appear to understand that the phrase ''abuse of monopoly power'' isn't a compliment. It continues to push its Passport user-ID system on customers in the hope of turning this scheme into an Internet-age Social Security number—I've had to enter my Passport login just to download a software update. Windows XP relentlessly promotes Microsoft's own software, services, formats and marketing partners. Just weeks ago, the company locked non-Microsoft browsers out of its MSN.com site. The proposed agreement's more promising terms apply not to computer manufacturers but to independent software developers. The deal would require Microsoft to document all its applications programming interfaces, or APIs—the ways programs work with Windows itself—as well as some of its networking protocols. That's a fine start. But the agreement fails to tackle Microsoft's other big leverage point—its proprietary file formats.

''The reason I can't walk into an organization and say 'I'm going to use my Linux box' is that people will send me Word documents that I can't read,'' said Jeremy Allison, co-author of the Samba cross-platform networking program. The Microsoft Office formats are the classic case of this lock-in. Developers of competing word processors and spreadsheets have little choice but to make sure their products can read and write these proprietary formats.

''We don't get any help from Microsoft,'' said Iyer Venkatesan, Sun Microsystems' product manager for the StarOffice productivity suite. Some documentation is available, but it's ''incomplete and full of errors and inconsistencies,'' e-mailed Shaheed Haque, a developer of the KOffice suite for Linux. Sun would like to see Microsoft's formats turned into open, published standards. Allison would like to see the same thing done for all of Microsoft's communications protocols, beyond the settlement's limited requirements. With open access to the Windows APIs as well, said Kusnetzky of IDC, ''it would make it much easier to create an collaborative environment.1' There's a model for this sort of requirement—telephone and electric utilities, which developed into monopolies and now are required to open their facilities to competitors.

But the Microsoft agreement doesn't follow this particular logic. It still could—should—be amended. But what if it isn't? Microsoft is an odd company to contemplate. It employs a lot of smart people and can produce software of amazing quality. But it also has repeatedly broken the law and shows few signs of having learned its lesson.

If you don't want Microsoft's way to be the only way, there are things to consider. Does the need to work with the same files as your Windows-using colleagues mean you need to use Microsoft applications, too? Does it even require you to run Windows itself? Are there better choices in Internet access than Microsoft's MSN? Even if Microsoft prods you into signing up for a Passport account, do you actually need to use it?

In other words: What are you going to do about Microsoft?

Living with technology, or trying to? E-mail Rob Pegoraro at rob@twp.com.

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MTC–293

MTC–00000294

From: Brad Wellington
To: Microsoft ATR
Date: 11/9/01 4:14pm

I am writing to you in regards to the recent agreement made between Microsoft and the DOJ. I am appalled at the DOJ letting Microsoft off without any regard to the main issue at hand. As a technology professional I feel compelled to voice my displeasure, and point out the inadequateness of the remedies put forth. Microsoft has blatantly and illegally used its operating system monopoly to push competitor's out of the market. This is no longer a question, they have been found guilty on this count. They illegally forced Netscape out of the browser market and now they are seeking to do the same exact thing with Windows XP. Windows XP has both instant messaging software as well as photography software bundled into the operating system, which completely shows Microsoft's respect for the federal government and the DOJ in particular. I am wondering at this point if in 5 years Microsoft will be able to bundle a Ham Sandwich and tires for my car into the operating system that I will be forced to buy.

This illegal leveraging of the Windows OS is the core issue at hand and has not been addressed at all in the agreement Microsoft has reached with DOJ. Microsoft's ability to bundle whatever it wants into its operating system needs to be stripped. Any settlement reached with Microsoft MUST touch on this core issue. They must not be allowed to continue bundling whatever they want into their operating system. Please take the opinions of people who understand this technology into account. Thanks for your time.

Brad Wellington
Software Engineer

MTC–294

MTC–00000295

From: Joan Hanegan
To: Microsoft ATR

Date: 11/9/01 5:38pm
Subject: MICROSOFT COMMENT

Why can't this be over? Our country is based on free enterprise... .but only to a certain point? You can create it, nurture it, sweat and worry over it, spend all of your life, time, and your own money on it, but when it finally pays off the government wants to say ''you can't do that''! If, and when, someone else makes a product that out-performs Microsoft's, then they can be in the ''winner's circle''! Until then, oh well.. .get over it and get back to work. Why is the United States spending my tax dollars on this? I did not have a say so in this legal dispute!

I'm sorry, but I just feel that the US is telling us that we cannot succeed. This is not an issue of whether Microsoft, or Bill Gates, pays their taxes... it is a few little guys crying that Bill has all the marbles. Guess what, he won them fair and square. It sounds just like my 6 years that wants to re-write the rules when he's losing..and what would that teach him? Son, you don't have to work for your rewards, just cry loud enough and the US govt will get them for you! PLEASE!

Thanks for hearing my comments on the situation and I truly hope that this can come to a speedious conclusion.

I. Hanegan of Baton Rouge

MTC–295

MTC–00000296

From: Ken Krechmer
To: Microsoft ATR
Date: 11/9/01 5:38pm
Subject: The use of standards to increase competition

Gentlepersons,

The new judgment of November 2, 2001 no longer requires splitting the company. However, the same approach is used to have Microsoft publish its operating system application programing interfaces (APIs) to allow other companies to develop compatible products. Microsoft maintains their very successful operating system monopoly through the use of these proprietary APIs, as well as aggressive marketing. Publishing APIs does not render them open. It is not even clear in this judgment how these APIs are described: software program code, written specification, formal description langauge, or? Open standards appear to be necessary to create open interfaces. For a discussion of the history of monopolies and standards, the problems that are not resolved by published APIs and how open standards may be used to maintain both competition and competitive advantage please see http://www.ses-standards.org/library/krechmerbaskin.pdf for a copy of Microsoft Anti-Trust Litigation—The Case for Standards' the first prize paper at the World Standards Day proceedings.

Ken Krechmer
Senior Member IEEE
Fellow International Center for Standards Research University of Colorado, Boulder
Technical Editor Communications Standards Review

MTC–296

MTC–00000297

From: Rally for America
Date: 11/9/01 5:57pm
Subject: Rally for America in Austin—Free Concert & Laser Light Show

[l7al2fd.JPG] For more information on the Rally for America, visit: http://www.rally4america.com For the program, visit: http://www.rally4america.com/program.html Speakers at the Capitol will include several Texans who lost loved ones in the September 11 attacks. Admission is free to both the Capitol event beginning at 4:00 pm and the Waterloo Park Benefit Concert and Laser Light Spectacular beginning at 5:45 pm. Donations will be taken for the Rally for America Memorial Fund and 100% of the proceeds will be used to build a memorial in Austin to the victims and heroes of September 11. Free parking is available at the Capitol Visitors Garage in the block bounded by 12th and 13th and San Jacinto and Trinity. This garage is only one block from both the south steps of the Capitol and Waterloo Park. Please contact info@rally4america.com or (512) 476–8787 with any questions about this event. We would be most appreciative if you could forward this message to your friends and colleagues. Note: If you do not wish to receive messages about the Rally for America in the future, please send a message to info@rally4america.com requesting to be removed from the list.

MTC–297

MTC–00000298

From: Sam Bennett
To: Criminal Division,Microsoft ATR,American Atr,NEWCA...
Date: 11/9/01 8:18pm
Subject: Stand up and be counted:

STAND UP AND BE COUNTED FOCAL VERSE: ''HE WHO IS NOT WITH ME IS AGAINST ME, AND HE WHO DOES NOT GATHER WITH ME SCATTERS.'' HE REPLIED, THOSE WHO HEAR THE WORD OF GOD AND OBEY IT.'' LUKE 11:23, 28.

The message for today is: ''STAND UP AND BE COUNTED'' Scripture: Luke 11:23,28; Matthew 1:18–2:23; John 15:5; Proverbs 8:14, 21–22; Proverbs 1:7; Proverbs 3:7; Psalms 10:2,4, Proverbs 16:18; 2 Chronicles 7:14; Matthew 5:11, 44; Matthew 10:23; Matthew 23:34; Luke 11:49; John 5:16; John 15:20; Revelation 20:10, 12, 13; Ephesians 2:8–9; James 2:18, 26; Isaiah 54:6; Matthew 24:42, 44; Matthew 24:36; Matthew 24:38–39; Isaiah 34:1–4; Isaiah 60:12; John 12:48; John 3:16, Luke 9:60 (Scripture is from the NIV).

ARE WE WARRIORS WHEN WE SERVE OUR LORD AND MASTER? DO WE COWER DOWN WHEN WE HEAR THE WORD ?ACLU?, OR ?I?M GOING TO FIRE YOU FOR READING THE BIBLE OR SAY ANYTHING ABOUT CHRIST IN THIS BUILDING.'' PERHAPS YOU ARE AFRAID TO PASS OUT BIBLES ON THE STREET WHERE YOU MIGHT BE ARRESTED?

ARE YOU AFRAID TO PASS OUT CHRISTIAN LITERATURE TO SCHOOL CHILDREN, OR DEFY SOMEONE WHO REFUSES TO ALLOW YOU TO DO THE WORK OF THE LORD. ARE YOU ASHAMED TO LET PEOPLE KNOW YOU ARE A CHRISTIAN? DO YOU, OR WILL YOU STAND UP BOLDLY AND SPEAK OUT ABOUT JESUS CHRIST, OR DO YOU SAY NOTHING, AND GO WITH THE FLOW OF SOCIETY WHO SITS ON THEIR HANDS AND RESTS ON THEIR BLESSED ASSURANCES, AND ALLOWS PEOPLE TO DIE AND GO TO HELL EVERY DAY?

FOLKS, IF YOU ANSWERED YES TO ANY OF THESE, I HAVE ONE THING TO SAY ? ?YOU SHOULD BE ASHAMED OF YOURSELF .? GOD GAVE HIS SON TO THE WORLD IN THE FORM OF A LITTLE BABY BORN TO A HUMBLE, JUST MAN, AND A VIR- TEOUS AND PURE WOMAN, A VIRGIN AS GOD'S WORD TELLS US IN MATTHEW 1:18–2:23. HE CAME INTO THIS WORLD FOR THE SOLE PURPOSE OF DYING FOR THE SINS OF HUMANKIND. GOD BLESSES US THROUGHOUT OUR LIVES WITH SO MUCH? WERE A NATION OF WASTEFUL, UNGRATEFUL, OPPORTUNIST WHO SIEZE THE MOMENT TO ACCRUE WEALTH FROM ADVERSITY AND DESPAIR; DID YOU SEE ALL THESE ?LITTLE SHOPS OF PATRIOTISM? THAT SPRING UP ON STREET CORNER EVERYWHERE? WHY DON'T THEY SELL ''JESUS'' SHIRTS AND DISPLAY THE SAVIOR WE ARE SUPPOSED TO LOVE AND SERVE. WHY WASN'T THE SALVATION ARMY CALLED WHEN THE WORLD TRADE CENTER AND PENTAGON WAS ATTACKED? THEY DO INDEED OFFER THE WAY OF SALVATION AS WELL AS PROVIDING COM- PASSION AND THINGS FOR THE WELL BEING OF PEOPLE IN NEED. THIS BOMBING HAS BECOME BIG BUSINESS TO SOME IN THIS NATION. AND BY ALL MEANS LETS SEE THAT THE DOGS ARE TAKEN CARE OF AS WELL. DOESN'T MATTER TO SOME THAT THERE ARE HUNGRY FOLKS WHO NEED TO BE FED; LETS FEED THEM DOGS. GOD NEVER CREATED A DOG WITH A SOUL AND NEVER WILL.

FOLKS, WE ARE REALLY A NATION OF PROUD, PATHETIC PEOPLE WHO LOVE FLIRTING WITH DISASTER. WE FLAP OUR WINGS, STICK OUT OUR CHEST AND SAY, ?WE ARE AMERICA, THE MIGHTEST NATION ON THE FACE OF THE EARTH, AND WE CAN WHIP ANYONE!? CAN WE? WE ARE PATHETIC BECAUSE WE PLACE OUR TRUST IN WHAT MAN SAYS. MAN IN FACT CAN DO NOTHING WITHOUT GOD'S FAVOR EXTENDED TO HIM.

JOHN 15:5 TELLS US, 21 AM THE VINE, YOU ARE THE BRANCHES; IF A MAN REMAINS IN ME AND I IN HIM, HE WILL BEAR MUCH FRUIT; APART FROM ME YOU CAN DO NOTHING.'' WE ARE A PROUD AND PROFANE (SECULAR) PEOPLE! ARE YOU PROUD? GOD'S WORD TELLS US IN PROVERB 8:13 ?TO FEAR THE LORD IS TO HATE EVIL. I HATE PRIDE AND ARROGANCE, EVIL BEHAVIOR, AND PERVERSE (UNREASONABLY WRONG/SELF WILLED) SPEECH. WHAT IS THE LORD SAYING HERE? EXACTLY WHAT YOU HEAR! PROVERBS 1:7 AND 3:7 SAYS, ?THE FEAR OF THE LORD IS THE BE-GINING OF KNOWLEDGE, BUT FOOLS DESPISE WISDOM, AND DISCIPLINE. DO NOT BE WISE IN YOUR OWN EYES, FEAR THE LORD AND SHUN EVIL.''

WE HEAR ABOUT ARMADA'S, NAVAL BATTLE GROUPS, 13–52 AND STEALTH BOMBERS OF THE AIR FORCE, MIGHTY

FIGHTING MAN OF THE USMC, AND THE APACHE ATTACK HELICOPTERS OF WHAT MEN SAYS IS THE MIGHTY US ARMY. THEY ARE MERE PLAY TOYS IN THE EYES OF GOD. I HATE TO BUST YOUR BUBBLES FOLKS; ALL THE POWER OF ALL WEAPONS OF ALL NATIONS PUT TOGETHER DOES NOT HAVE THE POWER OF ETERNAL GOD. COMPARED TO THE POWER OF OUR MOST HIGH GOD, ALL THESE PUT TOGETHER AND JOINED WITH ALL NATIONS, DON?T HAVE ENOUGH POWER TO BLOW THEIR NOSE.

AMERICA IS A PROUD NATION. THE WORD OF GOD SPEAKS OF PRIDE. 49 TIMES ?PRIDE? APPEARS IN THE HOLY BIBLE. LET ME JUST GIVE YOU A FEW THINGS THE BIBLE SAYS ABOUT PRIDE, AND THESE ARE FROM THE KING JAMES VERSION. PSALMS 10:2: ?THE WICKED IN HIS PRIDE DOTH PERSECUTE THE POOR, LET THEM BE TAKEN IN THE DEVICE THAT THEY HAVE IMAGINED.? PSALMS 10:4: ?THE WICKED THROUGH THE WICKEDNESS OF HIS COUNTENANCE, WILL NOT SEEK AFTER GOD; GOD IS NOT IN HIS THOUGHTS.? AND, THE ONE I THINK APPLIES TO THE SITUATION THE UNITED STATES IS IN NOW. PROVERBS 16:18: ?PRIDE GOETH BEFORE DESTRUCTION, AND AN HAUGHTY (PROUD) SPIRIT BEFORE A FALL.? IN EACH OF THOSE 49 VERSES, NOT ONE OF THEM I DON'T BELIEVE IS USED POSITI VELY TO HONOR GOD. A PROUD INDIVIDUAL CANNOT EFFECTIVELY WORSHIP GOD. PRIDE; ITS EVIL, PRO-FOUND, AND UNHOLY TO THE LORD. HE DOESN?T SAY, ?BE PROUD, COME, AND HUMBLE YOURSELF BEFORE ME. PRIDE IS NOT USED IN HIS INSTRUCTIONS, AND EVIL CAN?T COME IN THE PRESENCE OF OUR HOLY FATHER GOD. HE IS HOLY, AND CANNOT LOOK ON SIN. HE TURNED HIS BACK ON JESUS WHILE HE HUNG BETWEEN HEAVEN AND HELL BECAUSE HE COULD NOT LOOK ON SIN. IT HAS BEEN OVER 30 DAYS SINCE THE BOMBINGS BY WHICH 3 PLANES CAUSED THE DEATH OF THOUSANDS. THE FOURTH CRASH IN PENNSYLVANIA CAUSING DEATH TO MANY. DO WE HATE THOSE THAT DID THIS? UNFORTUNATELY WE HAVE TO SAY YES. IS BIN LADIN HATED? YES. BUT, I TELL YOU WE HAVE TO ASK FORGIVENESS FOR HIM FROM THE GOD WE SERVE; THE TRUE AND LIVING GOD. DID NOT JESUS ASK FOR FORGIVENESS OF THOSE WHO CRUCIFIED HIM; ''FATHER FORGIVE THEM, FOR THEY KNOW NOT WHAT THEY DO.'' LUKE 23:34

PEOPLE ARE MOURING THE DEAD, HOLDING VIGIL, AND PRAYING FOR THOSE WHO HAVE GONE. IF THEY WENT INTO ETERNITY LOST, THERE IS NOTHING WE CAN DO FOR THEM. ALL THE PRAYER SAID FOR THEM FROM NOW UNTIL THE END OF TIME, WILL DO NOTHING FOR THEM. IF THEY WENT INTO THE KINGDOM OF GOD, THEY HAVE REACHED THEIR REWARD, ANT) THEY ARE FAR BETTER OFF THAN WE. WE ARE NOT GOING TO CHEAT OLD MAN DEATH, AND WE CAN'T GET AROUND IT.

FOLKS, GOD'S WORD SAYS IN LUKE 9:59–60, THAT JESUS SAID TO A MAN ON A ROAD ''FOLLOW ME.' THE MAN SAID, ''LET ME FIRST GO AND BURY MY FATHER.'' BEFORE HE WOULD FOLLOW THE BECKON CALL OF DISCIPLESHIP, SOMETHING ELSE HAD TO BE DONE. JESUS SAID UNTO HIM ''FOLLOW ME AND LET THE DEAD BURY THEIR OWN DEAD.'' ARE WE READY TO YIELD AND FOLLOW CHRIST COMPLETELY, OR WILL WE BURY OUR DEAD FIRST?'' THIS COMMAND OF THE SAVIOR WAS FOR THEM TO GO AND PROCLAIM THE KINGDOM OF GOD. LUKE 9:60

FOLKS, PEOPLE SPEAK WITH THEIR LIPS. BUT, THEIR HEART IS IN-DIFFERENT TO GOD. WE SAY ''ALL THIS MISERY, DEATH, AND DE— STRUCTION IS REALY BAD.'' WE THINK ?THAT COULD HAPPEN TO ME, BUT I CAN SERVE THE LORD ANOTHER TIME. ?THERES A YANKEE BASEBALL GAME AT THE OLD PARK TONIGHT. I HAVE BOUGHT TIC-KETS AND I AM GOING.? ''THE CHURCH SERVICE IS GOING ON, BUT I?M GOING TO SKIP IT THIS TIME.? ?THERES A BAR WHERE THE GANG HANGS OUT, SO I'LL STOP AND SEE IF THEY ARE THERE, AND PROBABLY HAVE A COOL BREW.

I KNOW I CAN GET A COLD ONE AT THE PARK ? BOY WHAT A LIFE, AND WHAT A NIGHT OF ENJOYMENT I'M GONNA HAVE WHEN I GET THERE! SOUND FAMILIAR? COULD NOT THAT MONEY HAVE BEEN SPENT TO SEND A BIBLE OUT TO SOMEONE WHO HUNGERS FOR THE WORD OF GOD? WHAT ABOUT THE PERSON ON THE STREET WHO IS HUNGRY FOR A MEAL AND MAY NOT HAVE EATEN FOR AWHILE. NOTHING WENT TO THEM, AND GOD WAS NOT PRAISED OR HONORED. GOD MOST LIKE-LY WONT EVEN BE GIVEN A THOUGHT.

JESUS IS COMING AGAIN. GOD IS SAYING, ?AMERICA TIME IS RUNING OUT; I LOVE YOU SO MUCH, BUT I WILL NOT ALLOW YOU TO CONTINUE IN YOUR WICKED WAYS. IF YOU WILL NOT HEED MY CALL, I WILL BRING YOU TO YOUR KNEES, AND I REALLY HAVE THE POWER TO COMPLETELY ANIHILATE YOU.? FOLKS, IF WE ARE TO BE A CHRISTIAN NATION, A SEPARATED LIFE FROM SECULAR SOCIETY IN OUR DAILY LIVING IS WHAT OUR LORD COMMANDS US TO DO. 2 CHRONICLES 7:14 TELLS US THE WAY THIS NATION CAN CONTINUE TO HAVE THE FAVOR OF OUR HEAVENLY FATHER. ?lF MY PEOPLE WHICH ARE CALLED BY MY NAME, SHALL HUMBLE THEMSELVES, AND PRAY, AND SEEK MY FACE, AND TURN FROM THEIR WICKED WAYS, THEN WILL I HEAR FROM HEAVEN, AND WILL FORGIVE THEIR SIN, AND WILL HEAL THEIR LAND.?

GOD'S WORD SAYS WHAT HE WILL DO, ITS SET IN STONE, AND HIS WORD IS ABSOLUTE IN AUTHORITY; HE DOES NOT NEGOTIATE, AND ITS DIRECTIVE IN NATURE. HE SAYS, ''WHAT I SAID IS WHAT I MEAN; MY WILL IS TO BE AND WILL BE DONE. AMERICA WILL DO WHAT I SAY, OR AMERICA WILL BE DESTROYED.

FRIENDS, GOD'S WORD GIVES US HIS CHARGE. ARE YOU AFRAID TO STAND UP AND BE COUNTED? ARE YOU AFRAID TO TELL SOMEONE THAT JESUS LOVES THEM? WHY? DO YOU NOT SERVE A RISEN SAVIOR? ARE YOU AFRAID OF LOSING YOUR JOB BECAUSE OF IT? ARE YOU AFRAID TO BE PERSECUTED? IF YOU ARE GOING TO BE A SERVANT OF GOD AND FOLLOW JESUS CHRIST YOU WILL BE PERSECUTED. HE GAVE US THAT PROMISE IN THE GOSPEL OF MATTHEW, LUKE, AND JOHN. MATTHEW 5:1l,44, 10:23, 23:34;LUKE 11:49;JOHN5:16,AND 15:20 ARE JUST A FEW PLACES.

JESUS SAID IN JOHN 15:20, EXACTLY HOW IT IS TODAY; THE BAD NEWS IS THAT ITS NOT GOING TO GET ANY BETTER; RATHER IT'S GOING TO GET WORSE. ?REMEMBER THE WORD THAT I SAID UNTO YOU, THE SERVANT IS NOT GREATER THAN HIS LORD. IF THEY HAVE PERSECUTED ME, THEY WILL ALSO PERSECUTE YOU; IF THEY HAVE KEPT MY SAYING, THEY WILL KEEP YOURS ALSO.? AMERICANS, WERE SUPPOSED TO HAVE AWAKENED YEARS AGO; SOME ARE STILL ASLEEP, AND WORSE SOME NEVER WILL; WAKE UP—''FOOLISH, FOOLISH, PEOPLE!''

IF FOLKS ARE GOING TO JUST SIT BY PASSIVELY AND BE CONTENT TO GO WITH THE FLOW, satan IS GOING TO HAVE HIS WAY WITH THEM. I FOR ONE AM NOT WILLING TO DO THAT! CHRISTIANS ARE ALREADY WEARING LEAD SHOES WADING IN A TORRID UPHILL STREAM, AND THE PERSECUTION OF CHRISTIANS IS CONTINUING. IT WILL CONTINUE TO GET WORSE ? LOOK AROUND AND READ REVELATION; YOU ARE AT A BIRTDAY PARTY COMPARED TO WHAT IS GOING TO COME FOR PEOPLE WHO ARE NOT RIGHT WITH THE LORD.

THE ONLY HOPE ANYONE HAS IS TO TURN TO THE LORD; SEEK HIM. REPENT OF THEIR SINS, AND ASK FOR MERCY, NOT JUSTICE, NEVER JUSTICE. THEN FOLKS CAN HAVE PEACE IN A SINFUL WORLD. WILL YOUR LIFE AS A CHRISTIAN BE EASY ? NO. WILL YOU BE ABLE TO HAVE PEACE IN YOUR HEART AN]) MIND? ABSOLUTELY! JESUS OVERCAME THE WORLD, AND SO CAN FOLKS OVERCOME ADVERSITIES IN THEIR LIFE. THERE IS NO OTHER WAY YOU WILL EVER BE ABLE TO DO THAT ON YOUR OWN.

FOLKS, satan WAS DEFEATED LONG AGO AND HE KNOWS HIS GOOSE HAS BEEN COOKED. ''HE WILL BE THROWN INTO A LAKE OF FIRE ANT)

BRIMSTONE WHERE THE BEAST AND FALSE PROPHETS. THEY SHALL BE TORMENTED DAY AND NIGHT, FOREVER AND EVER. REVELATION 20:10. ARE YOU GOING TO GO WITH HIM? IF PEOPLE ARE LOST IN SINS AND DON?T TURN FROM WICKEDNESS THEY ARE ON THEIR WAY. YOU SAY YOU 'RE NOT WICKED;? YOU SAY YOU ARE A JUST AND RIGHTEOUS PERSON, A RIGHTEOUS DOOD AS IT WERE, AND YOU HAVE NO SINS TO CONFESS AND YOU DON?T NEED CHRIST IN YOUR LIFE! WELL, FRIEND I BEG TO DIFFER WITH YOU; YOU ARE WRONG BECAUSE GOD'S WORD SAYS SO. I JOHN 1:8 SAYS, ''IF WE CLAIM TO BEWITHOUT SIN, WE DECEIVE OURSELVES AND THE

TRUTH IS NOT IN US.'' ''AND I SAW THE DEAD, SMALL AND GREAT BEFORE GOD; AND THE BOOKS WERE OPENED WHICH IS ''THE BOOK OF LIFE;'' AND THE DEAD WERE JUDGED OUT OF THESE THINGS WHICH WERE WRITTEN IN THE BOOKS, ACCORDING TO THEIR WORKS .'' REVELATION 20:12. AND THE SEA GAVE UP THE DEAD WHICH WERE IN IT; AND DEATH AND HELL DELIVERED UP THE DEAD WHICH WERE IN THEM, AND THEY WERE JUT)GED EVERY MAN ACCORDING TO HIS WORKS.'' REVELATION 20:13. YOU CAN?T PAY A PRIEST ENOUGH TO EVER FORGIVE YOU; HE DON'T HAVE THAT POWER, NO MATTER HOW MANY HAIL MARYS YOU SAY. THERE ARE NOT ENOUGH THINGS YOU COULD WORK AT TO PAY FOR YOUR SALVATION. GOOD DEEDS ALONE WILL NOT ALLOW YOU GO INTO HEAVEN. BEING A METHODIST, CATHOLIC, JEWISH, BAPTIST, BUDDHIST, MUSLIM, OR ZIONIST WON'T GET YOU ONE INCH CLOSER TO HEAVEN. IF YOU ARE COUNTING ON GOING TO HEAVEN JUST BY YOUR DENOMINATION OF FAITH, YOU AREN'T GOING TO MAKE IT. YOU HAVE GOD'S WORD ON IT, AND HIS PROMISE.

A PERSONS DENOMINATION OF FAITH NEVER GOT ONE PERSON INTO HEAVEN, AND IT NEVER WILL—BUT, IT HAS SENT SO MANY TO HELL. SALVATION, GOD'S GIFT OF HIS SON, AND THE DEATH OF JESUS ON CALVARY FOR ALL PEOPLE'S SINS IS THE ONLY WAY YOU MAY HAVE ETERNAL LIFE. EPHESIANS 2:8–9 SAYS, ?FOR BY GRACE ARE YE SAVED THROUGH FAITH, AND THAT NOT OF YOURSELVES; IT IS THE GIFT OF GOD, NOT OF WORKS. LEST ANY MAN SHOULD BOAST.?

IN JAMES 2:18 WE ARE TOLD, ?YEA, A MAN MAY SAY, THOU HAST FAITH, AND I HAVE WORKS; SHEW ME THY FAITH WITHOUT THY WORKS, AND I WILL SHEW THEE MY FAITH BY MY WORKS.? IN VERSE 26, ''THE BODY WITHOUT THE SPIRIT IS DEAD, SO FAITH WITHOUT WORKS IS ALSO, 'WE ARE TOLD BY JAMES THE BROTHER OF JESUS. IF YOU ARE TRYING TO GET TO HEAVEN ON YOUR OWN WORKS, YOU JUST HAVEN?T GOT A CHINAMANS CHANCE. NOW IF YOU THINK YOUR DEEDS ARE RIGHTEOUS ENOUGH TO GET YOU TO HEAVEN, I CALL YOUR ATTENTION TO ISAIAH 64:6. ?ALL YOU HAVE BECOME LIKE ONE WHO IS UNCLEAN, AND ALL YOUR RIGHTEOUS ACTS ARE AS FILTHY RAGS; AND WE ALL DO FADE LIKE A LEAF AND OUR INIQUITIES, LIKE THE WIND, HAVE TAKEN US AWAY.? NO OUR DEEDS WITHOUT CHRIST IN OUR LIVES ARE NOT RECOGNIZED ? THEY ARE NOT LIKE A LAY AWAY PLAN ? WHEN YOU PAY ALL YOUR PAYMENTS THEN THEY BECOMES YOURS. JESUS CHRIST'S DEATH ON THE CROSS, HIS ACCEPTANCE OF YOU, YOUR REPENTANCE OF SIN, AND ASKING CHRIST INTO YOUR LWE HUMBLED AS A LITTLE CHILD WILL GIVE YOU ETERNAL LIFE ? THERE IS NO OTHER WAY. JESUS CHRIST IS COMING AGAIN. WHEN? MATTHEW 24:42, AND 44 GIVES US THESE INSTRUCTIONS: ?WATCH THEREFORE: FOR YE KNOW NOT WHAT HOUR YOUR LORD DOTH COME. THEREFORE BE YE ALSO READY: FOR IN SUCH AN HOUR AS YE THINK NOT, THE SON OF MAN COMETH. JESUS TOLD US IN MATTHEW 24:36, ?BUT OF THAT DAY AND HOUR KNOWETH NO MAN, NO, NOT THE ANGELS OF HEAVEN, BY MY FATHER ONLY.? YES, ONLY GOD KNOWS WHEN CHRIST'S COMING IS GOING TO BE.

IN THE DAYS OF NOAH, SO IT WILL BE AT THE COMING OF THE SON OF MAN. FOR IN THE DAY OF THE FLOOD, PEOPLE WERE EATING AND DRINKING, MARRYING AND GIVING IN OF MARRIAGE, UP TO THE DAY NOAH ENTERED INTO THE ARK; AND THEY KNEW NOTHING ABOUT WHAT WOULD HAPPEN UNTIL THE FLOOD CAME AND TOOK THEM ALL AWAY. THAT IS HOW IT WILL BE AT THE COMING OF THE SON OF MAN. SO YOU ALSO MUST BE READY, BECAUSE THE SON OF MAN WILL COME IN AN HOUR WHEN YOU DO NOT EXPECT HIM.' MATTHEW 24:38–39, AND 44.

FOLKS, WHAT GOD SAID IN THE OLD TESTAMENT IS MEANT FOR TODAY ALSO. LISTEN TO ISAIAH 34:1–4 ? ?COME NEAR YOU NATIONS AND LISTEN. PAY ATTENTION YOU PEOPLES! LET TlIE EARTH HEAR, AND ALL THAT IS IN IT, THE WORLD, AND ALL THAT COMES OUT OF IT! THE LORD IS ANGRY WITH ALL NATIONS; HIS WRATH IS UPON ALL THEIR ARMIES. HE WILL TOTALLY DESTROY THEM, HE WILL GIVE THEM TO SLAUGHTER, THEIR SLAIN WILL BE THROWN OUT, THEIR DEAD BODIES WILL SEND UP A STENCH, THE MOUNTAINS WILL BE SOAKED WITH THEIR BLOOD, ALL THE STARS OF HEAVEN WILL BE DISSOLVED, AND THE SKY ROLLED UP LIKE A SCROLL; ALL THE STARRY HOST WILL FALL LIKE WITHERED LEAVES FROM THE VINE. LIKE SWIVELED FIGS FROM THE FIG TREE. ISAIAH 60:12 SAYS, ''FOR THE NATION AND KINGDOM THAT WILL NOT SERVE YOU THEY SHALL PERISH; YEA, THOSE NATIONS SHALL BE UTTERLY WASTED. AMERICA, WORLD; WAKE UP, LISTEN, AND REPENT! FOLKS, GOD'S WORD IS THAT BY WHICH WE WILL BE JUDGED. JESUS SAID IN JOHN 12:48, ?HE THAT REJECTETH ME, AND RECEIVETH NOT MY WORDS HATH ONE THAT JUDGETH HIM; THE WORD THAT I HAVE SPOKEN, THE SAME SHALL JUDGE HIM IN THE LAST DAY. JESUS TELLS US IN LUKE 11:23, 28; OUR FOCAL SCRIPTURE: ?HE WHO IS NOT WITH ME IS AGAINST ME, AND HE WHO DOES NOT GATHER WITH ME SCATTERS.? ?BLESSED RATHER ARE THOSE WHO HEAR THE WORD OF GOD AND OBEY IT.'?

FRIEND, THIS IS THE MESSAGE FOR TODAY. IF YOU HAVE NOT MADE A STAND, A COMMITMENT FOR CHRIST; NOW IS THE TIME. satan DOESN?T WANT ANYONE TO DO THAT. HIS DESIRE IS FOR EACH PERSON TO PUT OFF ACCEPTING CHRIST. IF HE CAN GET A PERSON TO DO THAT, THEN HE CON'rROLS THAT LIFE, AND THEY WON'T COME TO KNOW THE LORD. AND IF THAT PERSON THEN DIES IN THEIR SINS, satan HAS THEM RIGHT WHERE HE WANTS THEM ? HIS GUEST FOR ETERNITY. satan KNOWS HE CAN'T WIN; HE WANTS TO TAKE AS MANY WITH HIM AS HE CAN. ARE YOU GOING TO BE ONE OF HIS COMOANIONS FOR ETERNITY?

GIVE YOUR HEART AND SOUL TO THE LORD AND DON?T LET satan CLAIM YOU FOR HIS OWN. JESUS DIED FOR ALL PEOPLE, GOD LOVES YOU SO MUCH THAT HIS ONLY SON WENT TO THE CROSS TO DIE A HORRIBLE DEATH SO THAT ALL COULD HAVE ETERNAL LIFE THAT WOULD ACCEPT IT. DON?T TURN CHRIST AWAY. ?FOR GOD SO LOVED THE WORLD, THAT HE GAVE HIS ONLY BEGOTTEN SON, THAT WHOSOEVER BELIEVETH IN HIM SHOULD NOT PERISH BUT HAVE EVERLASTING LIFE. JOHN 3:16 WHOSOEVER IS YOU FRIEND IF YOU NEED THE SAVIOR TURN TO HIM NOW. If YOU need Christ in your life, please don't turn Him away. Don't delay accepting Christ as your Lord and Savior. Each and everyone of us will make a decision for or against Christ sometime in our life- time. We will either accept Jesus Christ and reject the devil, or we will accept the devil and reject Christ.

Romans 5:8, 10 tells us: ''God demonstrated His own love for us in this: while we were still sinners, Christ died for us. Since we have been justified by His blood, how much more shall we be saved from God's wrath through Him?'' Come accept Christ, now is the time of His favor. Please don't turn Him away?

Today is the day of salvation. John 6:37 says, All the Father giveth me shall come to me; and him, that cometh to me I will in no wise cast out. John 3:36 tells us, ''he that believeth on the Son hath everlasting life; and he that believeth not on the son shall not see life, but the wrath of God abideth on him.''

Jesus patiently awaits you to come to Him. ''Behold I stand at the door and knock; if any man hears my voice and open the door, I will come in and sup with him and he with me.'' Revelation 3:20. For all have sinned and come short of the glory of God. Romans 3:23.

For the wages of sin is death, but the gift of God is eternal life, through Jesus Christ ourt Lord. Romans 6:23 For God so loved the world, that He gave His only begotten son, that whoseoever believeth in Him, should not perish but have everlasting life. John 3:16. This is the Roman road to salvation. You have a decision to make if you are lost. You will reject or accept Christ sometime; today perhaps or in the future. Come, the master calls, come to know Jesus as your Lord, and accept the Salvation He offers you as a free gift. If you need a Bible, please go to: www.bible.com. There are Bibles in about 50 languages, and 13 versions. Another site to visit is: www.blueletterbible.org. This one is amazing as to what it contains; Hymns, dictionary, and so much more! Please visit my web site at: www.ourchurch.comlmember/w/wwwthereshope; you can also access the Bibles from there. Christ loves peoples of all the nations of the world. He proved that in a way no one has ever equaled. He could have said, ''just forget this thing about dying, I am not going through all of this.'' I shudder to thing what would have happened if He would have done that. Christ died a horrible

death on Calvary because He loved us so much. Just ask Christ into you're life; you will never regret it I thank you for your time, God bless you! I will be praying that you too will come to know Christ, if you need a Savior. If you are a born again Christian, go out and share the word of God and your experience with someone who is yet to have done this, and try to win a soul for Christ. The fields are white to harvest and the laborers are so very few. I'll be praying for you friend. —Sam—

MIC–298

MTC–00000299

From: Kyle Lussier
To: Microsoft ATR
Date: 11/10/01 12:41am
Subject: Ashcroft on Larry King / Microsoft Case

Hi Ashcroft, and staff,

I saw you (Ashcroft) on Larry King. While I can understand your desire to fight terrorism. Isn't that what the new Homeland Defense office is for?

Saying that you dropped the Microsoft case to focus on terrorism is a total bunch of after the fact crap. The only reason you are saying that is because you are now realizing how big of a mistake you made, and are trying to hide behind the mistake behind terrorism. We wont let you. I didn't realize that a bunch of idiots flying planes into the WTC cause federal and civil laws to be suspended. I will not support anyone who believes that laws designed to protect consumers, entrepreneurism, and the fundamental availability of the American Dream within the United States can be selectively enforced. Don't give me the crap about being too busy to enforce anti-trust. The reality is, it took more effort to go out of your way and cut a side deal with Microsoft than just doing *nothing* and letting the legal system work, the way it is designed to, and the way it should have been. When a total consumer oriented guy like Ralph Nader who has no affiliation with high technology stands up and says this is horrible for consumers, I don't know how you can say, with a straight face that it was good for consumers.

Your imperialist, Al Capone like decision to stomp on an on-going analysis and investigation tells me you guys are either idiots that don't understand the issues, or you are anti-entrepreneur. So which is it? Again, I do not wish to offend the people within the DoJ who worked hard on the Microsoft case, I salute you, applaud you, and sympathize with you. I know you didn't sign the agreement. I am holding Bush and Ashcroft directly responsible for their actions, not you. I know the DoJ has many wonderful staff, and I appreciate, so very much what they have done for America.

I am holding Bush and Ashcroft responsible for their actions, and I am counting the days until 2004 to campaign against them and get them booted from office to be replaced by people who believe in capitalism, the American Dream.

You may have made a feudalistic, unethical dictatorial friend in Microsoft, but you have made an enemy of high tech. That's some 10 million people versus 30,000 or so Microsoft employees. Pretty stupid if you ask me.

Regards,

Kyle Lussier, President Tel 770 222–0991
lussier@AutoNOC.com Fax 770 222–0998
AutoNOC http://www.AutoNOC.com

CC: ASKDOJ,president @ whitehouse.gov @ inetgw,vice.presid...

MTC–299

MTC–00000300

From: Michael A. Alderete
To: Microsoft ATR
Date: 11/10/01 1:53pm
Subject: U.S. v. Microsoft: Security provisions

From <http://www.msnbc.com/news/655131.asp>

James rejects these criticisms and says the decision to protect Microsoft's security provisions was ''one of those 'duh' issues.'' He continues: ''Microsoft has security protocols. Are we going to tell everyone how they work? Do you want people to get access to your credit-card information when you shop on line?''

You obviously don't understand electronic security and encryption. The only security systems that work are those where everyone knows how they work. Depending on keeping the mechanism secret GUARANTEES that the security will eventually be broken. Requiring the mechanism to remain secret means the security system is not very strong. There's plenty of security systems which are publicly documented and well-understood, and which still stand up to attack. Maybe you've heard of DES, AES, and other current encryption systems.

History is riddled with security systems which were kept secret, and then were broken. Recent examples are CSS for DVDs, various watermarking techniques for digital music, and Microsoft's Passport system. The most famous example is Enigma, the ''unbreakable'' cipher system used by the Germans in WWII. Have you heard of WWH?

Don't hide your settlement loopholes behind the word ''security,'' because it's a lie, and eventually people will recognize it as a lie, and hang you for it.

Michael A. Alderete
<mailto:michael@ alderete.com>
>http://www.alderete.corn>
voice: (415) 861–5758

MTC–300

MTC–00000301

From: root@wt6.usdoj.gov @ inetgw
To: Microsoft ATR,antitrust @ ftc.gov @ inetgw,Ralph @essen...
Date: 11/16/01 2:17pm
Subject: Microsoft Hegemony: Mafia Monster Bribery

CC: letters@latimes.com @ inetgw,letters @ sjmercury.com @ i...

Re: Microsoft Makes Offer to Holdouts

Join in the settlement signed last week by the Justice Department and nine other states and the company will pay all litigation costs they have run up so far, including attorneys fees. The states have 10 days to accept the offer.

Bush's Mafia Monster, Microsoft, attempts to bribe litigators into chucking their principles. It is the profound lack of it's own principles that causes Bush's party to bribe the defenders of productivity, justice, integrity and of course, principles...

the Justice Department yesterday filed a formal defense of the agreement, arguing that it provides consumers with 'prompt, certain and effective protection from the software giant's anti-competitive practices.

Considering the Mafia Monster's modus operandi, this is just wishful thinking and lip service— nothing more.

While the court system's inherent flaws would postpone relief for at least two years this is no license for the continued abuse that is assured we will witness by this settlement.

''You whine about bribery after government ok murder, rape and torture, I think you simply like to whine...''

MTC–301

MTC–00000302

From: dmazzoni @dydimus.dreanthost.com@ inetgw
To: Microsoft ATR
Date: 11/16/01 2:18pm
Subject: My opinion on the MS/DOJ settlement

I'm not all that happy with the MS/DOJ settlement. Rather than get angry, though, I'd like to suggest a small change to the terms of the settlement that would make me a lot happier: Right now there is no penalty for Microsoft if it does not comply with the terms of the settlement. It seems to me that this panel of three experts that oversees Microsoft's compliance should have the power to extract fines from Microsoft for every incidence of noncompliance. Otherwise the whole settlement seems silly. Microsoft agrees not to do certain things—but there's no agreed consequence if it does so anyway! I'm especially concerned that Microsoft will find a way to obey the letter, but not the spirit, of the settlement—and that is why a third part must have the ability to punish Microsoft for ignoring this settlement.

Thanks very much for accepting the public feedback via this email address. It means a lot to know that even if you don't agree, you've heard my opinion.

Dominic Mazzoni
Research Programmer
Pasadena, CA

MTC–302

MTC–00000303

From: brian hanson
To: Microsoft ATR
Date: 11/16/01 2:18pm
Subject: Microsoft Settlement

As a user of home pc's the Microsoft/Dol settelment does nothing to force Microsoft from attempting to manipulate the type of software that I use, let alone stopping the predatory tactics which allow Microsoft from entering new areas of innovation and driving the orginators out of business.

This settlement is a farce. Mircosoft knows it and the Dol knows it. What is worse, as long as the present administration remains in power, Microsoft knows that even if it flagrantly breaks the agreed-upon remedies, the DoJ anti-trust division will look the other way.

The settlement should be scrapped. The courts need to be the instrument of punishment if meaningful change in

Microsoft's monopolistic and predatoristic ways are going to happen.

It is shameful that the DoJ is allowing itself to become nothing more than an apologist for the Bush Administration. The proposed settlement is not even a slap on the wrist, and as such, the DoJ should be embarassed to have any association with it.

Brian Hanson
3806 Powercat Lane
St. George, KS 66535

MTC–303

MTC–00000304

From: Gary Prideaux
To: Microsoft ATR
Date: 11/16/01 2:19pm
Subject: Microsoft Settlement

It looks like Microsoft's power reaches deeply into the justice department! After years of watching Microsoft use their sheer size to destroy numerous companies, many of whom told their story during testimony, I find it unfathomable to accept the judgment as proposed!

By not punishing Microsoft, you are granting them free rein to carry on business as usual. I am sure they have targeted the companies that tried to stand up to them during the trial as their next victims.

Hopefully someone will rise above the Microsoft political contributions and allow justice to prevail. Or will it be left to the states to punish this behavior? If we catch bin Laden, and he promises not to kill any more Americans, will you let him off too?

MTC–304

MTC–00000305

From: JD
To: Microsoft ATR,microsoftcomments @doj .ca.gov @ inetgw,...
Date: 11/16/01 2:20pm
Subject: Microsoft Vs. DOJ Case

Break them up. Make them open their source-code, not let them come out with a new product for the next eight years, and force them to use standard protocols, and standard formats, as well as make them open them. This is a monopoly we are talking about. NOT just some large company. The Baby-Bells are STILL monopolys and these criminals in Redmond should pay for breaking the Law.

Microsoft should NOT be let off lightly no matter how much money they have. I don't care how many states were paid off, or how many government officials were bought. Somthing MUST be done to punish them. You fry criminals for murder in an electric chair, but those who harm on a wide-scale basis in the industry, suffers nothing. Why? Because they have all this money? Because the governenment enjoys swimming in their room of dollar bills?

The release of XP should have been stopped, for privacy violations of U.S citizens, but nothing was done. It seems like nothing is being done to stop them even now! I, as a citizen of this country DEMAND that REAL action (Above) be taken against them. That they be slammed harder than Bell/AT&T, and prevent them from monopolizing a market in the future.

J.D. Meadows
Linux & BSD Systems Administrator
128 CR 753
Tupelo, Ms
38801

MTC–305

MTC–00000306

From: slawso@artic.edu @inetgw
To: Microsoft ATR
Date: 11/16/01 2:20pm

I believe that harsher penalties should be imposed on Microsoft. Currently the consumer market for a PC is approximately 90% for Microsoft. Apple, Linux, BE, and a few even smaller others are scraping for the remaining 10%. I also think that Microsoft should be held responsible for software that it releases that might comprimise personal information. For example Microsoft passport has been cracked into three or more times already. Once using email via hotmail (another Microsoft owned company). The Code Red internet virus scare was only affecting Microsoft machines running their 115 software with the language set to English. It seems to me that our industries dependance on this company is too great. Clearly they should be presenting the best possible software, and responding to security holes in a timely manner. If our industry was built on some diversity then not all areas of the economy would be taken under at once. Then there is the forced passport signup with Windows XP. Or that at Starbucks.com one's only option for paying online is to use microsoft passport. Then there is the xbox, another microsoft invention to take over the privacy of the consumers home. Completely compatable with microsoft windows, games will be easily ported, etc. Users are already posting pictures on the web about the xbox's ''green screen of death'' which everyone is familiar with the blue version on previous Microsoft products. Contrast this with Sony's playstation or Nintendo's gamecube who have near perfect track records so far in the game console area. They know and understand that consumer quality is of upmost importance. I believe that Microsoft just doesn't care. Take for example microsoft's new play per use software licensing idea. Where users with be forced to upgrade their software at a cost, whether they want to or not. Or how about Microsoft's exclusion of the java virtual machine from Windows XP? They are making it easier for users who may not know alot about compters to get hooked on j# and the .net system, instead of even knowing what java is and then choosing. Microsoft forces smaller companies to use their standards, and file formats. Recently I found that the search engine in windowsXP will refuse to find files that have extentions not registered with Microsoft. ie: a file.png might never be found. Try reading the End user license agreement for microsoft frontpage, maybe some freedom of speech issues there.

Regardless I think that Microsoft should be held resposible for its products, and should be forced to provide the best possible system they can. If eventually we have to use Microsoft products, then I will quit using computers all together and find a job painting houses or something.

my two bits,
Shawn

MTC–306

MTC–00000307

From: root
To: Microsoft ATR
Date: 11/16/01 2:21pm
Subject: Microsoft settlement
CC: daly @ idsi .net@ inetgw,remotejob @yahoo.com inetgw,s...

Your Honor, the Court and the Department of Justice,

I am lead to believe that this address is the proper place to forward opinions on the ongoing Microsoft trial. Please find mine attached.

Conclusions: If the Court decides to follow thru with this settlement we will be back in the situation we had in 1995. The world will be waiting another 5 years until Microsoft's behavior requires yet another monopoly trial. A quick settlement that does not resolve the root cause of the problem is not in the public interest.

Prosecute and restrain the bundling, tying, code-mingling. This issue is the ''root cause'' and if this is not restrained there will be no effective market for software. I understand that the higher Court has changed the criteria but this item MUST be pursued and restrained. IBM was forced to ''unbundle'' it's hardware and software. It was further required to publish interface specifications. Why can't such a remedy apply to Microsoft?

Microsoft should be required to ship every application in a separate, shrink-wrapped form that can be installed or removed at will. This is clearly technically possible because it is what every competitor must do. The playing field should be level and require the same behavior by Microsoft.

A three person ''oversight'' panel that is unable to report concerns to public review is useless as an effective vehicle for restraint. It is also too small to police any judgement.

Who I am: I'm a programmer with 30 years experience. I've worked on software ranging from applications (e.g. Axiom, a computer algebra system), languages (ECLPS, an expert systems language), compilers (AMLX, a robotics automation language), operating systems (VM1370, writing the free storage algorithm) and networking (Pinger, an network monitoring software package).

Biases and Affiliations: I've worked for IBM Research, Approach (Microsoft NT consulting), Centrport (Web Advertising) and Worldcom (Networking).

What my interest is: Microsoft has a pervasive effect on me and the industry that has been my career. I've watched the changes over the last 30 years and I have concerns about the long term health of this industry.

Sources of information: I've read every available published report from the courts including the original trial and the Court of Appeals. I've read every press release and article I've been able to find on the web.

My position on the proposed settlement:

(a) I'm appalled.

(b) I do not believe that the proposed settlement represents an effective remedy for past actions, including actions infringing the original 1995 settlement.

(c) I do not believe that the proposed settlement will be an effective deterrent to future infringing actions.

(d) I do not believe that the proposed settlement will enable other companies to compete against Microsoft.

(e) I do not believe that the negotiation team for the Justice Department understands how easily the proposal can be circumvented.

(f) I do not believe that the proposed ''three person'' oversight team will in any way act as an effective watchdog for Microsoft.

Comments and Opinions on the proposed settlement:

(a) I'm appalled.

Any negotiation can be measured by the fact that it finds a middle ground between opposing forces. Except for Microsoft I find, and hold the opinion that, this proposed settlement is widely seen as unjust, unfair, unworkable and outrageous.

The argument has been given that this trial will last another year or two and that it is in the ''public interest'' to settle this trial now. If the current behavior is so damaging that we require relief immediately rather than full and fair relief why doesn't the DOJ just request a restraining order from the Judge?

Why are we not fixing the ''root cause'' of the Microsoft problem? I'm technically skilled enough to advise you that THE KEY ISSUE that needs to be restrained is the bundling (integration, or to use Microsoft's misuse of the word: ''innovation''). The Appeals Court remanded this issue to the lower Court to be resolved. If you don't pursue this issue you have NOT solved the problem. The software market will NOT thrive and consumers (and myself) will be harmed.

Why is there no discussion of XP and future operating systems? It is clear to me, as an expert in the field, that XP is a glaring example of using bundling, tying and code-mingling (none of which are technically justified) to pursue monopoly maintenance. It is not acceptable to ignore XP as part of any settlement. If the DOJ decides to follow thru with this settlement we will be back in the situation we had in 1995. The world will be waiting another 5 years until Microsoft's behavior requires yet another monopoly trial. A quick settlement that does not resolve the root cause of the problem will is not in the public interest. It will simply delay justice another 5 year.

(b) I do not believe that the proposed settlement represents an effective remedy for past actions, including actions infringing the original 1995 settlement.

Microsoft agreed with the DOJ and the Court in 1995 that it would take steps which would stop it's infringing behavior. Moments after the agreement was signed Bill Gates publicly declared that he could effectively ignore the agreement. Which he did. Claiming the right to ''innovate'' but pursing a technically unjustified scheme of bundling Microsoft has continued to build and maintain it's monopoly position.

This proposed settlement is not even accepted yet and Bill Gates has already stated that he is happy that ''this issue is behind us''. Microsoft will not willingly change it's behavior to pursue something that is not in it's best interest. Indeed, to make such a change would be illegal as the company is required by law to operate in the best interest of it's stockholders. The new settlement MUST be coercive. This one requires behavior changes that have no effect on the market or future infringing behavior. It restrains prior but abandoned behavior.

(c) I do not believe that the proposed settlement will be an effective deterrent to future infringing actions.

At the heart of this case is the issue of bundling, tying and code-mingling. Microsoft has NO TECHNICAL JUSTIFICATION for this. The pure reason for such actions is to tie one product to another in such a way that they are both required by design but not by function.

Microsoft should be required to ship every application in a separate, shrink-wrapped form that can be installed or removed at will. This is clearly technically possible because it is what every competitor must do. The playing field should be level and require the same behavior by Microsoft.

(d) I do not believe that the proposed settlement will enable other companies to compete against Microsoft.

According to the proposal Microsoft is capable of deciding what parts of the system will be available for publication. There are no outside experts to question their ''judgement''. How are we to know that some portions of the code and API are ''security related? Microsoft said so.

Surely you jest. Does the Court believe that statements about infringing actions by Microsoft should be taken at face value? Is the oversight panel capable of reviewing the reputed many million lines of code to dispute the claim? If the review panel disputes the claim and the DOJ disagrees will anyone ever know? Will the public be informed? Will it be entered into Court records? Without proper API and interface specifications it is not possible to write competing code. Without restraining Microsoft against changing published specifications a competitors code is at the mercy of changes it cannot control but Microsoft can. Microsoft should, like IBM before it (the disk drive case), be required to publish specifications of their APIs. They should be required to maintain backward compatible specifications in the case of changes.

Microsoft should also be required to ship products in a separate, shrink-wrapped form through channels that are available to competitors. If the programs are installed by OEM manufacturers then the shrink-wrap versions should be shipped with the equipment. It should be possible to install and uninstall every application. This is not only technically possible (contrary to Microsoft's testimony) but is exactly the situation faced by every competitor. Without at least these controls there is no competition.

(e) I do not believe that the negotiation team for the Justice Department understands how easily the proposal can be circumvented.

Programming is a subtle art. I've been doing it for 30 years. Given the proposed settlement I could easily make it worthless. While I have great respect for the legal skills of the Court and the DOJ I feel that neither party understands how easily the proposed restraints are ignored and how little effect they can have to ensure effective competition. Bill Gates is technically savvy enough to be aware of this. He is making a mockery of the Court and you don't even understand how.

(f) I do not believe that the proposed 'three person' oversight team will in any way act as an effective watchdog for Microsoft. If a breakup is not the final result of this proceedings then the Court MUST ensure that there are a sufficient number (much more than 3) of technically capable people to provide oversight to any final ruling.

Microsoft claims (though it is obvious nonsense technically) that XP has many millions of lines of code. I know that the API specifications number in the many thousands. Surely the Court does NOT believe that a 3 person panel, one of which is appointed by Microsoft, can possibly police a judgement.

With all due respect,
Tim Daly
daly @ idsi.net
Nov 16, 2001

MTC–307

MTC–00000308

From: THami 247@aol.com@inetgw
To: Microsoft ATR
Date: 11/16/01 2:13pm
Subject: Microsoft Litigation

Great job on the Microsoft settlement. This country needs innovative people like the inventors at that company to retain incentives to forge ahead into new endeavors. I am now proud of our Justice Department again. I live in California, and will ask our state to butt out of the case now.

Thomas E. Hammack
p.s. (to State of California) BUTT OUT !!!!!!

MTC–308

MTC–00000309

From: Nathan S. Van Curen
To: Microsoft ATR
Date: 11/16/01 2:25pm
Subject: If you are just going to give Microsoft a slap on the wrist why don't you just make windows 2000 50

If you are just going to give Microsoft a slap on the wrist why don't you just make windows 2000 source code public domain. If Microsoft has a superior product then the new operating systems built off the source code will not be successful. But if Microsoft is inferior as I believe, the open source industry will take over. Level the playing field and then let market decide. I'm sure that I'm not the only person that knows that this the best solution. please leave the politics out of this decision. There is still time to change the DOJ's place in the history of the software industry.

Thanks
Nathan Van Curen

MTC–309

MTC–00000310

From: Marc Brumlik
To: Microsoft ATR
Date: 11/16/01 2:29pm
Subject: Microsoft Litigation

I could not resist making a comment here. I have been in the computer industry since

1979 and have watched with horror and amazement and amusement as Microsoft has consumed or trampled on one company or idea after another. They have become the company they are today through years of abusive practices that have left comsumers with a product (in Windows) that is in some ways the sum of many good products and ideas that were either bought or stolen from other companies, and at the same time far less of a product that they would have today had Microsoft had to compete and innovate through these years. A simple and glaring example of the lack of quality consumers have been forced to accept as status quo is the fragility of all Microsoft's operating systems through Windows 98, which they themselves now admit in touting the new XP version. That this unreliability is apparent in only Microsoft's product line and not inherent to computers in general can plainly be seen in the fact that Unix and Linux operating systems running on the same computer hardware are hundreds of times more stable.

One of the earliest examples of Microsoft's boldness in intellectual property theft was with the case of Stack Electronics. I have often wondered, as this lengthy trial progressed, why nobody seems to remember how blatantly Microsoft stole that company's only product and simultaneously ''added a new feature'' to MSDOS version 6 that made that version a must-have upgrade from version 5. Had they not ''aquired'' that feature, version 6 upgrades would have had lackluster sales and history would have been much different. At that time, Unix was still a big player in the market, as was DR-DOS (remember how THAT disappeared?—another story altogether) and other true competitors.

If you do not recall, Stack electronics had a wildly popular program that created more space on hard drives by compressing the data stored on it. About half a year prior to Microsoft's release of MSDOS version 6, they pre-announced that it would have a disk compression feature built in. This set the set the stage for the death of Stack electronics because their sales immediately dried up. When Microsoft finally began shipping version 6, it literally included Stack Electronic's product unchanged! Stack sued Microsoft and won, but the settlement vastly understated the amount of revenue the company had lost considering the huge number of copies of their software that was now distributed with every single copy of DOS sold. This was, in part, becasue their recent sales were seen as miniscule (thought the reason was obvious—that the pre-announcement had killed the company months earlier). Then, Microsoft had the audacity to counter-sue Stack over the fact that the compression software had tied itself into MSDOS through some undocumented software features (very similarly to the way current software vendors need certain information about Windows ''API'' in order to make their product work seamlessly). Amazingly Microsoft won this suit, resulting not only in their ownership of the product they had stolen, but also ownership of 15% of Stack Electronics itself!

History has repeated itself, over and over, in front of anyone who has been watching. In my opinion, no settlement that is based on legal language and the responsibility of continued enforcement could possibly succeed. Aside from the diligence and technical expertise required, the fact that such offenses take so long to pursue and resolve means that, as in the past, the damage is done and Microsoft has succeeded in its goal far in excess of what any reasonable penalty could undo.

I do not think that splitting the company is necessarily the solution. However, I do think that one thing which should be done is to require them to publicize the API's to Windows so that a third-party software vendor can create a product that is integrated into Windows as cleanly as a Microsoft product. Failing to do that would be like allowing an auto manufacturer to create a car that requires a new and undisclosed fuel which can only be purchased from the manufacturer. It could be called ''innovative'', but it prevents the consumer any choice in purchasing and it prevents competition for fuel suppliers.

Marc Brumlik
Tailored Software, Inc.
marcbrumlik@hotmail.com

MTC–310

MTC–00000311

From: Nilan, Jon
To: microsoft.atr(a)usdoj .gov
Date: 11/16/01 2:29pm
Subject: Microsoft Antitrust Case

Microsoft, and every other software company, must give programmers equal access to the codes needed to make their software work with Windows and every other program. Isn't the preceding statement the end result to this case. Will this case effect other industries rights to produce proprietary products and eliminate competition that will eventually destroy product quality for consumers. The software companies that choose not to make operating system programs should not dictate, through our government, to those that do make operating system programs. The next case will be GM suing Ford for not allowing a GM product to be installed on a Ford product. Aside from the tactics Microsoft used to manipulate oem's and those actions they should be punished for, this and every other company in the future should not be regulated by our government to force one company to use another's products. I do not want to be forced to by an inferior product because its the only one available.

MTC–311

MTC–00000312

From: Dustin Vargas
To: Microsoft ATR
Date: 11/16/01 2:35pm
Subject: PUNISH THE FELON MSFT

.NET is MSFT's next monopoly tool.YOUR JUDGEMENT is a JOKE.. .you all should be ashamed with that deal. ITS like OJ all over again... .guilty but nothing u can do about it.. .so lemme get this straight * .MSFT was FOUND GUILTY OF 4 FELONOUS CRIMES BUT YET NO PUNISHMENT?? JUST SUPERVISION?? PS. VOTING DEMOCRAT NEXT YEAR

MTC–312

MTC–00000313

From: Edward Wustenhoff
To: Microsoft ATR
Date: 11/16/01 2:37pm
Subject: Settlement

I think it is obvious that Microsoft will not be able to change its behavior as long as ''Justice can be bought. Its in the nature of the Beast.

I believe the American Justice system is in deep trouble. Too many times we see that rather than doing justice, the exact letter of the Law is followed not the intend.

That is why nobody votes anymore, thats why nobody believes being a juror is an honor and that's why politician are perceived to be the new aristocracy.

The settlement confirms the above again. If the justice department had any courage and a real will to represent the people's interests, MSFT would have been put under a lot more scruteny and Windows XP would not have been allowed to be released. I will not buy XP, but tell me, what alternative do I have?

Oh and its not MSFts ''innovation'' that has put them where they are:
Windows = comes from Apple
Browser = Comes from Mozilla & Netscape
Streaming Media = real networks
etc....

I hope the Europeans will do a better job..
My 2cts.
Edward

MTC–313

MTC–00000314

From: Robert Low
To: Microsoft ATR
Date: 11/16/01 2:40pm
Subject: Microsoft Settlement.

Hello.

The proposed settlement does absolutely nothing to Microsoft, which is why they agreed to it. Any changes are cosmetic and of no real value to consumers or industry.

The only ''proper'' decree was breaking the company into 5 separate companies that could only communicate with each other via a public internet newsgroup (or similar.) The original decree of two parts was barely acceptable, and, as I read the reversal, only based on the the Judge's extra-curricular comments. It could have been, and should have been reinstated without question.

There needs to be a punitive component, as well as a guide for corrective action. With the current agreement, you have thrown away BOTH components!

Very upset
Bob Low

MTC–314

MTC–00000315

From: Brian Sullivan
To: Microsoft ATR
Date: 11/16/01 2:41pm
Subject: M$oft

Don't settle with Microsoft, they make crap products that cost to much and dominate the industry.

Thanks,
Brian Sullivan
President Vitamincart.com

MTC–315

MTC–00000316

From: Gary Prideaux
To: Microsoft ATR
Date: 11/16/01 2:43pm
Subject: Microsoft Settlement

It looks like Microsoft won again! All those resources have now conspired to make everything work out to their advantage. It looks like they will now be able to continue their practices of tanking competitors by stuffing more non-operating system additions to their product.

It looks like Mr. Gates' contributions to the current administration have paid off. Hopefully the individual states will look at the case with a more open mind.

MTC–316

MTC–00000317

From: Jim Dompier
To: Microsoft ATR
Date: 11/16/01 2:47pm
Subject: Microsoft Settlement (Unhappiness)

Hello,

I am totally flabbergasted by the DOJ toothless answer to a company that has brutally abused its power in the marketplace which has ultimately led to damaging consumers and costing this country millions of dollars, needless to say the countless companies that were ruined by this beast.

What a JOKE! Microsoft must be laughing their way all the way to their bank accounts over this one.

Jim Dompier
3075 Ala Poha PL 504
Honolulu, Hawaii 96818

MTC–317

MTC–00000318

From: bbc@bealenet.com@inetgw
To: Microsoft ATR
Date: 11/16/01 2:49pm
Subject: you have failed to do your job

First, let me say that it was obvious to many software professionals that Microsoft had violated the consent decree. Of course Internet Explorer was separate from the operating system, and had been bundled! At the same time that Microsoft was bundling Explorer with Windows, it was providing Explorer for Apple's MacOS. Obviously, if Explorer was available as a separate product for another vendor's operating system, and could so easily be__added__to__another vendor's operating system, then it had been added to Microsoft's operating system as well. The fact that Microsoft's engineers had wedded Explorer tightly or loosely to Windows was not relevent. They provided an application as a product for another company's operating system, and included that same application with their own operating system, obviously in violation of the consent decree. Any discussion of whether or not it could be easily removed from Windows is unimportant. They agreed not to bundle, and then they did bundle.

Next, the fine for contempt of court, when Microsoft failed to comply with Judge Jackson's orders, was too small by an order of magnitude or so. An easy and effective strategy for Microsoft, rather than relying on lawyers, would have been to simply take its sweet time in ''separating'' Explorer from Windows, and simply pay the fine. What was the fine, $1 million per day? Say that Microsoft simply had taken 6 months to essentially do nothing but gain even more market share from Netscape and others by continuing to bundle Explorer with Windows. Put this seemingly large amount of money in its proper perspective by comparing this to the marketing money that Microsoft cheerfully spent promoting each release of its Windows operating system. You will see that $180 million would be an acceptable price for the ''product launch'' of Explorer. In the future, judges contemplating fines should not rely on history, but on the problems in front of them at the moment.

Moving right along, to the next legal disaster. . . Splitting Microsoft should have been allowed as a remedy. It should have never been taken off the table.

In fact, Microsoft should have been split into separate parts. At the very least, one company should have been given the applications, and another the operating systems. Probably other parts should have been split off as well. Among other reasons to choose this remedy it has the benefit that it would be obvious to the government whether or not Microsoft was complying with it. The current settlement does not have this nice property, and I predict more legal action against Microsoft will be indicated, if not taken, before too long.

There remains no great incentive for Microsoft to provide Office on OS platforms other than its own, other than the threat of more legal action. Microsoft Office (and Word in particular) is a de facto standard and requirement in the business community. Allowing Microsoft to force the rest of its software on us by attaching it to the Office suite is wrong, expensive, and harmful to the consumers. For example, the success of Apple's MacOS operating system is dependent on the availability of Microsoft's Office suite. The likelihood of that availability continuing would be improved if the people selling Office did not have an interest in seeing sales of Windows 2000, Windows XP, etc also increase. Notice that Office is not available for any version of Unix other than MacOS X. Why is this? Given that Microsoft has gone to the expense of porting Office, why would they not make the modest additional effort to port it to other versions of Unix? Certainly Microsoft could sell more copies of Office, if it would also sell to the entire Unix market (including Linux). The existence of a market for the Office suite on the Unix operating system is evident from the existence of StarOffice, a poor knockoff, created initially by a single person, without much funding, and since purchased and adopted by Sun Microsystems. But for Microsoft to port and sell Office for Unix would mean less sales of Microsoft Windows. This linkage needs to go away. Microsoft Office is expensive enough already as it is, without the consumer being obligated to also pay for Windows, and incur additional network effects from also being tied to that operating system.

I wonder, though, as I bother to write all this, what the point is, in even trying to make this letter as informative and clear as it is (which is not very, yet). You have already settled. What remains?

Ben Chase
Software Engineer
http://www.bealenet.com

MTC–318

MTC–00000319

From: Lonnie Mullenix
To: Microsoft ATR
Date: 11/16/01 2:51pm
Subject: Microsoft's monopoly.

It is very interesting to see that Microsoft is still controlling the outcome to their anti-trust case.

Even if a person wants to Special Order a computer from Compaq, you have to take a version of Windows as the operating system.

When someone in the government can explain WHY Microsoft has the power to dictate what operating system I can get on a NEW COMPUTER and why Microsoft is the only supported OS for nearly all ISPs and then make me believe that Microsoft DOES NOT have a monopoly!

As an American consumer, I should be able to walk into ANY computer store and buy a computer with ANY OPERATING SYSTEM I WANT, pre-installed. Until that day comes, you will never convince me that the government is doing anything to prevent Microsoft from perpetuating their current monopoly in the computer industry. And as such, keeps my opinion of government lawyers and judges pretty much where it has always been.

PAWNS OF BIG BUSINESS WITH TOTAL DISREGARD FOR THE AMERICAN WORKING MAN.

Thanks,
Lonnie

Well, Windows Got Me Again. Need new address book entries, etc.

MTC–319

MTC–00000320

From: Bob Porporato
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/16/01 2:51pm
Subject: Microsoft should be penalized for their actions

I am extremely disgusted in the outcome of this Microsoft trial. Microsoft has clearly broken the rules and yet they continue to only get their hand slapped.

I would like to remind you of other instances where Microsoft has not played fair or followed the State and Federal laws. When I worked for Borland in the early 90's, Microsoft was accused of stealing our code(reverse engineering the compiled code) in a Borland Conference in Palm Springs. Microsoft at first denied any wrong doing but then came out with a public apology. Awhile later, Microsoft was accused and convicted of stealing (compression or anti-virus?) code(incorporating another vendor's product) from a small Carlsbad(Southern CA) software company into their OS without permission or an agreement license. Microsoft was arraigned(tried), lost, and slapped with a small fine. Microsoft responded by investing in the company! If Microsoft can't steal or cheat their way out, they buy them!! With the anti-competitive browser case, Microsoft was found quilty of anti-competitive tactics(and monopoly?). The outcome: No break up of the company and now a settlement.

I hope people realize we should be setting an example for the next generation and current set of businesses in US and the world—Illegal or wrongful business tactics is not acceptable. They are clearly a monopoly and have been wrongfully hurting other businesses. Instead it looks like Microsoft is being let off the hook for other business reasons—we need the taxes they generate or...

I urge you—Do the right thing!! Since they were convicted of wrong doing, throw the book at them!!! Please do not settle on this issue—this action only sets the wrong statue for other businesses inside and outside of the US and for individuals(both the current generation and the upcoming generation).

Bob

Disclaimer: The views represented in this email do not reflect the views of my company and are solely the views and opinions presented by me.

MTC–320

MTC–00000321

From: Steve Hayhurst
To: Microsoft ATR
Date: 11/16/01 2:54pm
Subject: Microsoft settlement

This is not a settlement. Microsoft has shown clearly that they are predatory, that they will not honor the rules, and can not be trusted. Witness after witness from Microsoft found themselves caught in flat out lies about events, strategies, and conversations.

The states have rejected the ''settlement'' for what it is—more worthless than the 1995 agreement which Microsoft ignored. This new ''Settlement'' does not resolve anything—and, with what we have seen with the release of XP, Microsoft continues to force it's predatory behaviors into new areas of the industry with arrogance and nose thumbing at the rest of us and the government.

While I am disappointed in Judge Jackson's behavior, I found his rulings to be accurate. The DOJ did a masterful job of proving Microsoft's predatory behavior AND their violation of the 1995 agreement. Now, the DOJ is throwing in the towel—even though Bill is sitting on the mat with a bloody nose.

Why should Microsoft be any different than the rest of us? If I chose to make a legal agreement, then break it, I would be fined for breaking that agreement.

WHERE IS THE FINE FOR MICROSOFT????!!

DO NOT ALLOW MICROSOFT TO GET AWAY WITH THIS! It will only be tougher the next time, and there will be a next time unless the fine is severe enough. Frankly, based on their record, I bet there will be a next time regardless.

Regards,
Steve Hayhurst
email: shayhurs@accessone.com
site 1: http://www.accessone.com~shayhurs
site 2: http://mywebpage.netscape.com/shayhurs/index.htm (3D work)

MTC–321

MTC–00000322

From: Lee Warren
To: Microsoft ATR
Date: 11/16/01 2:54pm
Subject: Decision

Here's my 2 cents for what is worth:

This is a blasphemy of justice. ''This settlement might help restore some competition if implemented as they read, but whose definitions are so full of loopholes and exceptions that imagining the agreement restraining Microsoft is like imagining river restrained by a hair-net.'' 1

1. MWJ, 11/10/21

Thank You
Lee Warren

MTC–322

MTC–00000323

From: Scott Anderson
To: Microsoft ATR
Date: 11/16/01 3:02pm
Subject: settlement

I am a small software developer that is creating a product that would directly compete with Microsoft. From carefully reading the settlement, it is clear that with it in place I will have no chance of being able to fairly compete with Microsoft. They will never let me package my technology with Windows and if I did they would use their monopoly to crush me the same way the are attacking products that currently compete with their browser, media player, instant messenger, and digital media tools. I cannot get any financing for my venture because of this. I have to assume that some sort of deal was made between the Justice Department and Microsoft because it is inconceivable to think that the ''experts'' at Justice could be so ignorant to think that this will solve anything. Microsoft has never been able to introduce any home grown innovations. They steal or purchase their innovations. Pretty soon there will be no one left to steal from or buy out and Microsoft will be able to do as they please and tax the internet.

This is exactly why we need campaign finance reform legislation now. Microsoft bought this settlement.

Scott Anderson
CTO, mediaComponents.com
San Francisco

MTC–323

MTC–00000324

From: Worldlist@aoLcom@inetgw
To: Microsoft ATR
Date: 11/16/01 3:03pm
Subject: On MS

Good day!

I believe one of the biggest problems with us developers is that MS will bundle.

The OS is now only a small part of the Windows software. All the bundling of the other software is what's putting us out of business.

Example: MS sees that a program is doing very well. So. in it's next release. It bundles a clone of the competitors software. And of course being free with the OS, puts the other company out of business. How can you compete with free? Example: ZIP is the biggest download on the Internet. So what did MS do. It included ZIP in XP. For free! This will put about 5 top companies out of business.

That's all they have to do to put someone out of business. Just clone it. Include it in Windows for free. End of competitor, end of story for those companies.

The OS should be nothing but the OS. And when you have a monopoly on the OS, you have the advantage of bundling any software you want to put out the competitors.

Mike O'Rourke
Brandyware Software

MTC–324

MTC–00000325

From: Paul N. Schatz
To: microsoftcomments@doj.ca.gov @inetgw
Date: 11/16/01 3:11pm
Subject: I strongly urge you to continue your pursuit of more

I strongly urge you to continue your pursuit of more stringent anti-trust penalties against the Microsoft corporation. The present half-hearted settlement proposed by the Federal Government seems more informed by political considerations rather than looking out for the welfare of consumers. As we speak, Microsoft continues with the same unlawful anti-competitive practices for which they have already been cited by the Federal courts, a citation upheld at all levels. The proposed Federal settlement will have very limited effect on this continuing anti-competitive behavior of Microsoft.

Paul N. Schatz
Paul N. Schatz, Professor Emeritus
Chemistry Dept, University of Virginia,
McCormick Road
Charlottesville, VA 22901
ph 804–924–3249 (office); 804–293–4810 (home)
fax: 804–924–3710
CC: Microsoft ATR

MTC–325

MTC–00000326

From: Scott Russell—Network Engineer
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/16/01 3:12pm
Subject: I believe the goverment is blowing this all out of porpotion. Microsoft made

I believe the goverment is blowing this all out of porpotion. Microsoft made an exellent product, and should not have to share. If comsumers do not like Microsoft products there are alternitives. Don't blame microsoft for lazy consumers that do not want to reaserch any alternitives. Other companies can write software for Microsoft Windows Operating System, and they sell it every day. If you don't like the software, don't buy it.

Scott Russell
Network Engineer
The Forecast Group
909–987–7788

MTC–326

MTC–00000327

From: Allan Bonadio
To: Microsoft ATR
Date: 11/16/01 3:13pm
Subject: not enough

As many others have reiterated, I'm telling you that the microsoft settlement is not enough to keep them under control and competitive. I am a programmer and I can see things that most of these decision makers can't see.

There's a provision that says that Microsoft must publish their APIs. Well, microsoft

already publishes their APIs. They send tons of DVD's full of gigabytes of information to all the programmers who sign up for their developer program ($1300 apiece). This has been going on for many years.

But this is never enough. There's always secrets about MS Windows that they don't reveal to programmers, and this allows their applications to have an unfair advantage in the marketplace. I've seen it myself and I've talked to countless programmers who confirm the same thing.

There is a group who makes software called 'Wine'', they allow Windows software to run on Linux. If Microsoft really revealed ALL of their APIs, then Wine could run any Windows software, because the programmers work from the APIs. And, in fact, they can run Windows software from Adobe and many other companies, no problems, because these companies abide by the APIs that microsoft publishes—they play fair.

The only software that Wine can't run is applications from Microsoft—because Microsoft does NOT play fair. Microsoft programmers use unpublished APIs to gain an unfair advantage that no other company can compete against.

Please consider strengthening this settlement—THAT's what's good for the economy, rather than letting off one corporation that's sabotaging the rest of the computer industry. Haven't you noticed that Microsoft is the only computer company that's not had layoffs?

''Come to the edge,'' he said. They said, ''We are afraid''.

''Come to the edge'', he said. They came.

He pushed them... And they flew—Guillaume Apollinaire

MTC–327

MTC–00000328

From: Hal Widlansky
To: Microsoft ATR
Date: 11/16/01 3:23pm
Subject: re: settlement

To whom it may concern,

As a member of the technology community and a user of many Microsoft products, I feel the need to give you feedback on the proposed ''settlement'' with Microsoft.

First, let me be absolutely clear: I think the proposed settlement is *A JOKE*. It's completely inappropriate, given the facts of the case and the realities of the industry. It does not even begin to address the grievances brought against the company. Given the outcome of the trial and appeal, one would have assumed any settlement would have included SOME sanctions and SOME forced changes in the behavior of the company. It suffers from the same weaknesses as the 1995 settlement, being worded as to apply ONLY to Windows XP. All MS has to do is rename the product next year, and all bets are off.

The settlement, as it is currently written, only requires miniscule changes in the way the company was doing business before the trial strarted and does not begin to address the realities of the monopoly-driven market. It's clear that whoever negotiated this deal does not understand the technology industry to the extent required. If that's not the case, then the government has suddenly lost interest in punishing the guilty.

Please consider at least giving them a slap on the wrist. The current deal represents more of a pat on the head.

—Hal Widlansky
CIO, RuckusGames
310–553–0900

MTC–328

MTC–00000329

From: Christian BAYER
To: Microsoft ATR
Date: 11/16/01 3:25pm
Subject: Microsoft

Hi,

It is my sincere hope that some party will allow the process of justice to continue. The Microsoft corporation has seriously suppressed innovation and competition in the software industry. It has been clearly found that the company has operated in an illegal manner, much to the detriment of consumers and competitors. It is my hope that these violations result in penalties of the greatest severity allowed by law. As one of the many who has been harmed by the illegal and immoral actions of the Microsoft corporation I have expectations that the justice system should perform it's function. The Microsoft corporation flagrantly abused it's monopoly and continues to do so. The company's behavior is making a mockery of the charges brought against it. The new Windows XP operating system incorporates programs which take the violations the company has been found guilty of to a new level. The taxpayer dollars spent on the legal proceedings should not be wasted. The criminal behavior of the Microsoft corporation should not be allowed to continue and it's past behavior should be severely punished, for the greater good of those who have suffered from Microsoft's foul deeds. Thus far no remedy I have heard of begins to address the crimes Microsoft has committed.

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MTC–329

MTC–00000330

From: Cal Chany
To: Microsoft ATR
Date: 11/16/01 3:35pm
Subject: M$ Settlement

I see this as another OJ Simpson trial ...proof that if one has lot's of money, one can get away with murder.

M$ will continue their strangle hold on the consumer and corporate America. They will continue unfair practices ... dose the DOJ actually expect 3 auditors to keep M$ on the straight and narrow? Osama bin Laden the millionaire terrorist supporter sees to it that thousands of people are killed with planes. We sent special forces after him and his kind. Billionaire Bill Gates and company (a US Terrorist/Monopoly if there ever was one), does not kill people ... he just bleeds them of their hard earned money by deceptive practices, terminates competition by buying or squashing them out of existence. This is fair?

I'm working on switching to Linux rather than sending any more money to M$.

Cal Chany, Ph. D.
Assistant Professor
Section of Ob/Gyn Research
Rush Medical Center
1653 W. Congress Pkwy, J5818
Chicago, IL 60612
312–942–6377 (phone)
312–942–2771 (fax)

MTC–330

MIC–00000331

From: rumall @earthlink.net@ inetgw
To: Microsoft ATR
Date: 11/16/01 3:43pm
Subject: NO to settlement!!

I am gravely disappointed with the Justice department settlement with Microsoft. As a consumer I don't want to be given only one choice of products. Reject the settlement and procede with more severe penalties than the slap on the wrist currently proposed.

Thank you.

MTC–331

MTC–00000332

From: R. M. Panoff, Ph.D.
To: Microsoft ATR
Date: 11/16/01 3:47pm
Subject: The settlement is as fraudulent as you are!

Sirs/Madams:

This settlement will do nothing to help the consuming public or the education system; rather, it will enable Microsoft to continue to perptuate a fraud: lousy software that requires undue service and support, and will be harmful to public and private education. It is not just their monopolistic tactics: their insidious attempts to force all education developers to ''do it their way'' are famous. They repeatedly ''break'' features in their browsers, or fail to support them, so that developers will be forced to buy server services from them. They are actively trying to kill Java as a platform-independent language, which will cripple the education and scientific communities as we work to build QUALITY COURSEWARE that will run on any platform and any browser. To wit: all of the award-winning course ware that we have developed AT GOVERNMENT EXPENSE for the Department of Defense Schools will be rendered useless if this settlement is approved. Microsoft will be able to kill off anyone's use of any browser but its own, will further suppress Java and its implementations, and will corrode the value of the good work already done.

I would welcome the opportunity to prove my assertions and to demonstrate for you exactly what their monopolistic practices have already done and will likely continue to do in the future. Stop lying that this is in the public interest. You have no idea what the public interest is if you believe this to be the case.

Robert M. Panoff

MTC–332

MTC–00000333

From: Adrian Quinonez

To: Microsoft ATR
Date: 11/16/01 3:48pm
Subject: Your proposal

Your proposed settlement for the Microsoft case is embarrassing to say the least. I cant help but worry about the future of real competition in the U.S. I keep hoping that some one I your office will raise a voice to say how wrong this agreement is. Microsoft is stifling competition. Microsoft is hindering if not completely preventing innovation, unless it fills its own wallets. I am really hoping that the court sees that this agreement in not in the best interest of any one except for Microsoft. This agreement does nothing to punish Microsoft or for that matter hinder its ability to prevent any competition in anything that Microsoft might have a hand in. This agreement is an embarrassment. Its no agreement at all, its just a license for Microsoft to continue to do everything it has been doing with out any thing being done. Its as if this whole case was for nothing. And at then end Microsoft will continue to do what it have always been able to do. Kill innovation. What this agreement is saying, is that innovation can only come from Microsoft.

I will write to as many people as I can to fight against this agreement. I Believe it is wrong for the Long tem economy, it is wrong for the tech sector, it is wrong for the common user, and it is wrong for America.

Adrian Quinonez
Delias MIS
435 Hudson St
New York NY 10014
2125906555

MTC–333

MTC–00000334

From: Steve Brooks
To: Microsoft ATR
Date: 11/16/01 3:51pm
Subject: The Settlement will change nothing

There is little or nothing in the proposed MS antitrust settlement which will prevent MS from using its proven monopolistic power to dominate new marketplaces, specifically in the internet marketplace.

A case in point: One week before the settlement was announced, Microsoft disabled access to the msn.com portal to all non-Microsoft browsers. Although they later reversed this decision due to universal pressure, there is nothing in the proposed settlement to stop MS from this clear use of monopolistic power. After years of dismissing and sabotaging Java, Microsoft will deploy their C# (C-Sharp) language with the same goals as those of Java. This new language doesn't provide any features or benefits that haven't been available with Java, with the exception that Microsoft will now have the ability to ensure that new Web applications will operate properly only on Windows-based platforms. There is nothing in the proposed settlement to prevent Microsoft from co-opting the software development industry in this manner.

The excitement and promise of the World Wide Web were based in the platform independant nature of web applications. The Browser and the Java programming language are tools which were developed to enable this vision to be achieved. Microsoft has, and will continue to, do all in its power to ensure that they will control the development of the internet in the same way that they have controlled the desktop computing marketplace.

Steve Brooks
Healdsburg, CA
stbrooks@altavista.com
References:
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MTC–334

MTC–00000335

From: chuck@sonar.cpsoft.com@inetgw
To: Microsoft ATR
Date: 11/16/01 3:51pm
Subject: Proposed settlement not long and strong enough, in my opinion

I am mainly concerned about the short term of the proposed settlement. After one or two years into the agreement, manufactures will again face uncertainty over potential Microsoft retaliation for promoting competing products. The five year term is hardly a large enough time window to allow competing products to establish themselves.

Also, the spirit of the proposed settlement is fine. However, we can be sure that Microsoft will largely ignore the spirit of the settlement, and with continual legal stonewalling, largely circumvent the proposed measures.

Charles Pilkington chuck@cpsoft.com
25 Glenn Drive http://www.cpsoft.com
Halifax, N.S. 902–450–5761 (W)
B3M 2B8 902–443–9392 (H)

MTC–335

MTC–00000336

From: Jeff Hassler
To: Microsoft ATR
Date: 11/16/01 3:52pm
Subject: Microsoft 'settlement'

This so called settlement is a complete travesty.

It does absolutely nothing to prevent their continued predatory practices and destruction of fair competition and does absolutely nothing to punish Microsoft.

Microsoft has ripped off the public for hundred of billions of dollars and you fools want to let them keep the resources they unlawfully gained and continue to rip us off.

You must work for the government; no one else would hire idiots like you!

MTC–336

MTC–00000337

From: Dailey, Paul
To: 'microsoft.atr(a)usdoj.gov''
Date: 11/16/01 3:52pm
Subject: I am writing to voice my displeasure with the settlement with Microsoft. The

I am writing to voice my displeasure with the settlement with Microsoft. The resolution was no more than a slap on the wrist. As Judge Sporkin said ''simply telling a defendant to go forth and sin no more does little or nothing to address the unfair advantage it has already gained.' This will not be beneficial for the consumer or the economy. Any undergrad level economics class will teach that a monopoly is never good for the consumer or the economy. Look at what happened with telecomm.

Thanks,
Paul F. Dailey

MTC–337

MTC–00000338

From: Ken Gilmore
To: Microsoft ATR
Date: 11/16/01 3:52pm
Subject: settlement does nothing to help consumers

The proposed settlement doesn't force MS to do much except look for ways to get around the toothless provisions.

What would truly benefit consumers would be to force MS to make and sell a basic operating system that does not include any software or features except those needed to access the computer hardware and allow other programs to run. The focus should be on stability and security.

There are many good, capable, and innovative programs available from third-party developers. Many are completely free. They are designed to do a job well, with no hidden agendas. I use Mozilla for browsing the web, Pegasus Mail for email, Xnews for reading Usenet newsgroups, etc. There are extremely capable free programs out there for manipulating digital photos, for working with sound and video, for writing letters, keeping a database, tracking finances, etc. Most people are unaware of these other options; they end up just using whatever came with Windows. The result is a huge competitive advantage for MS, and little incentive for MS to innovate or make their products secure. Why should MS care about making their email program immune to viruses when they have 95% of the market share? Answer: they don't care. The result is billions of dollars in losses for business and home users due to viruses and other security risks. There is no need to tie the browser, email program, media player, or any other software to the operating system. The only reason MS does it is to force their programs on consumers and gain market share. Consumers benefit from competition and choice. They would benefit greatly from a stable and secure basic operating system.

Please reconsider the sanctions against MS. Consumers are being robbed of innovation and choice.

Kenneth Gilmore
2331 Mills Road
Jacksonville, FL 32216

MTC–338

MTC–00000339

From: Larry Simmers
To: Microsoft ATR
Date: 11/16/01 4:03pm
Subject: oppose proposed MS settlement

Renata Hesse,

In regards to the proposed settlement, the text of which I read at: http://

www.usdoj.gov/atr/cases/f9500/9549.htm I wish to register my very strong dissatisfaction with the government wimping out and essentially letting Microsoft promise not to do such illegal acts any more. Letting them get off with violations of the law without any penalties and nothing stronger than another version of the consent decree of '95 is laughable. Years from now when the government has to go after MS again for their monopoly over PDAs, set-top boxes, or web-browsing cell phones people will point to this as when the DOJ should have achieved a meaningful settlement.

In particular the section on ''Enforcment Authority' appears to be meaningless. ''Enforcement by the United States or plaintiff States may include any legal actions or proceedings that may be appropriate to a particular situation, including petitions in criminal or civil contempt, petitions for injunctive relief to halt or prevent violations, motions for declaratory judgment to clarify or interpret particular provisions, and motions to modify the Final Judgment'' Except for state or federal action finding Microsoft in contempt of the order, I don't see how this so called enforcement creates any different situation than if Microsoft was never found to have violated the law.

Even though I'm from MA I'm a registered Republican and supported President Bush's election. I am disgusted that he would cowtow to industry this badly. I believe in minimal government intrusion in industry but have personally experienced the downside of Microsoft's monopolistic control of PC/Windows usage. I set up a Passport account to provide follow on information to a serious error report that Windows XP sent to Microsoft. When I did so I was also set up with Windows Messenger and was online, without my knowledge or consent. It was only because I noticed the icon in the systray change that I even knew I was online. I had to find the information to hack a system file to allow me to remove Windows Messenger from my system, and this is the kind of thing MS will keep doing.

It wasn't necessary to settle this weakly to remove any negative effect of this anti-trust case on the economy.

Larry Simmers
Dedham, MA
Lsimmers @mediaone.net

MTC–339

CC: Lany Simmers

MTC–339

MTC–00000340

From: Grimj12342@aol.com@inetgw
To: Microsoft ATR
Date: 11/16/01 4:03pm
Subject: no penalty?

I'm not sure if this is the correct message to send to the young people of this nation (or to the people of the rest of the world). The message that seems to be too easily gleaned from the Justice Department decision not to penalize Microsoft for past wrongs is that if you are a large enough corporation then all you have to do is promise not to do the things you've been doing wrong for the past 15 years in the future and all will be forgiven. What would the effect be if this sort of reasoning were applied equally to all? Drug dealers, murders, money launderers, white collar criminals, basically anyone that has ever done anything legal would be able to say, ''I'm sorry. I won't do it anymore. Can I go now? Thanks.'' A bully in the schoolyard is being allowed to keep the money it has beaten out of the other school children as long as he doesn't do it again. This is all very disturbing. Situations like this make it difficult to be ''proud to be an American.'' Corporate profits seem to be the focus of this administration, not the health and well-being of its citizens. After reading as much as possible about this proposed settlement I feel embarrassed for this nation.

Regards.

MTC–340

MTC–00000341

From: Damian Murtha
To: Microsoft ATR
Date: 11/16/01 4:04pm
Subject: WAKE UP

It makes me sick to think what the DOJ was thinking when they came out with this deal. Power lies with the control of the API's. It's like giving a test to two people and telling one of the two they can write the test. The person who wrote the test is going to do better. One phrase I have heard that makes me mad is ''It's better for the country to end this case''. It maybe better for the country in the short run, but not for the long run. If it ends with this settlement the states will have wasted six years and millions of dollars. ''simply telling a defendant to go forth and sin no more does little or nothing to address the unfair advantage it has already gained.''—Stanley Sporkin

Damian Murtha

MTC–341

MTC–00000342

From: Rusty Neff
To: Microsoft ATR
Date: 11/16/01 4:04pm
Subject: Microsoft settlement

I would like to applaud the Justice Dept. for reaching a settlement with Microsoft that is fair, and will actual benefit consumers.

Many of the supposed remedies put forth by MS competitors have no benefit to consumers. In most cases, the consumer would be harmed. And that's what anti-trust is really all about . . . consumer benefit. Not welfare for competitors as MS competitors seem to believe.

The concept that tying additional products to the operating system is harmful to the consumer is pretty weak to begin with. Maybe people don't remember the wonderful days when fonts were not part of the OS. I do, and it was a royal pain. Fonts were purchased separately (from a variety of sources, I might add) and were not always compatible with certain programs or printers. There was a lot of competition, but no benefit to the consumer.

E-mail is another example . . . with competing programs and lots of incompatibilities. It was nearly impossible to e-mail attachments to someone with a competitive program in the early 1990s.

If the Internet and computing are ever going to be fully functional for people like my mother (75 years old) software must be bundled. Don't even think about having her install add ons, plug-ins and the like . . . all in the name of competition. Why should she be forced to deal with arcane technical matters just to satisfy Real Networks, Sun Microsystems and their ilk?

If people want an alternative to Microsoft's operating system, they can buy a Mac, or install Linux. I've lived through PC program choice at the very basic level in the workplace from 1982 onward. Anyone who says those were the good old days obviously wasn't there. An operating system with continual added functionality is WONDERFUL, as long as consumers have the ability to add on any additional software they choose.

Rusty Neff
200 SW Scheuner Dr.
White Salmon, WA 98672
phone: 509–493–3947
fax: 509–493–8556

MTC–342

MTC–00000343

From: usbgavp
To: Microsoft ATR
Date: 11/16/01 4:07pm
Subject: Settlement

I for one believe that the entire anti-trust suit was initiated erroneously. Microsoft did nothing that any other company would do to protect its product. The concept that they didn't provide access to Netscape and other internet software was false. They did not include that software in the windows program but they did provide that any internet software program could be used in windows. This the same as saying WordPerfect did not include Microsoft word in their program. The internet software and Windows are produced by the same company, Microsoft and they packaged them together which to me makes sense.

A company starts from nothing and becomes the major supplier of a computer operating system. I thought that was the idea of free enterprise, if you built a better mouse trap everyone will flock to your door. Microsoft built a better computer operating system and everyone bought it. The competition could not build a better system to compete so the government steps in to slap them down with a law suit. That is not the free enterprise system I know.

I think the entire suit should be thrown out an let Microsoft get on with designing more and better software.

Keith Melick

MTC–343

MTC–00000344

From: Helga Kocurek
To: Microsoft ATR
Date: 11/16/01 4:08pm
Subject: MS Deal is reprehensible

MS has a history of writing buggy programs. The reason that MS is so successful is its tendency to use shady deals to eliminate the competition.

Your deal will hurt all of us, we will be forced to deal with more and more buggy code.

Helga Kocurek

MTC–344

MTC–00000345

From: Greg Dainard
To: Microsoft ATR
Date: 11/16/01 4:09pm
Subject: Proposed Microsoft Antitrust Settlement

I believe Microsoft has not changed their attitude. I believe they looked for any simple, little thing they could do to assuage the government lawyers at little to no real cost to them.

What is needed is to fashion a remedy that Microsoft will understand. I propose we take some dollar amount from Microsoft—say 5 or 10 billion dollars—and divvy it up among corporations hurt because of Microsoft's documentable actions prior to October 25, 2001 (date of Windows XP release). That big wad of cash in their bank account didn't happen because they played nice, and we need to make sure they understand that those who don't follow the rules don't get rich.

Companies who should receive at least part of the settlement: Sun, for the MS Visual J++/ Java for Windows garbage that MS pulled Netscape, because MS gave away a product for free that Netscape was successfully charging for Real Audio and other audio playback software which is now likely to get killed by the WMA features integrated into XP Be (now out of existence), but who had a brilliant OS killed because of Microsoft's illegal stipulation to hardware makers that they couldn't install more than one OS on a box. Some of this should also be given to the Linux crowd.

Adobe, for the screwing John Warnock took over the PostScript licensing that MS preempted when they created TrueType fonts and probably many more . . .

The existing remedy as proposed is simply not sufficient.

Sincerely,
Greg Dainard
gdainard@kingwoodcable.com
CC: thurrott@win2000mag.com@inetgw

MTC–345

MTC–00000346

From: Jones, Dave
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/16/01 4:11pm
Subject: Let competition reign free . . .

Greetings,

First off, allow me to thank you for setting up this e-mail address. I've wanted to voice several opinions on this ongoing trial for quite some time and never really had a place to send them.

Next, let me say in brief, do NOT let Microsoft off the hook.

As a long-time computer user (since around 1984), and computer professional, I can attest to the monopolistic practices of Microsoft. Unfortunately, in my opinion, I don't think the trial went deep enough into the technology and the practices Microsoft uses to eliminate competition. Seeing however as this process is winding down, it doesn't make much sense to lay out a point-by-point letter to you now.

I would like to make mention of a recent tactic Microsoft tried to pull to lock more users and companies into spending more money and being more ingrained into Microsoft products. Several months ago Microsoft announced that they would be invalidating all licenses on any of their OS products that were older than Windows ME (for home users) and Windows 2000 (for business users). This means that a user of Windows NT4 would no longer be able to receive support from Microsoft, nor would Microsoft continue to develop upgrades and software patches for the OS to fix things like security holes because, in their eyes, the product was no longer valid. This equates to buying a car with a 10 year 100,000 mile warranty, taking it into the dealer shop two years later to have a hazardous defect repaired and not being able to get any parts for it because the company ''discontinued the model.''

Fortunately, based on public opinion (which obviously wasn't very positive) Microsoft decided to revoke their plans and statement for the time being to re-evaluate their decision. However, the point remains, Microsoft was saying ''You buy our latest and greatest stuff, or you're screwed.'' Even though, at least on this day, Microsoft has not gone forward with this business practice, the fact that they started the ball rolling (i.e.. public announcements were made, letters of notice sent to corporations, etc) to force people to upgrade shows just what a bully they are.

That's the most recent item I can think of to bring to your attention. I could obviously go on about how their forcing/tying of software makes my job harder, and my home computing experience less than enjoyable most of the time. How their ''Trade Secret'' OEM licensing scheme forces manufactures to put only Microsoft OS's and Software on PC's they sell, eliminating choice at the consumer end. How they force software developers to ''comply or die'' just to get their software to run somewhat decently on the Windows OS platform. Yes, I could go on about it, but I'm sure you've heard it all before.

In closing, I'd just like to reiterate, Microsoft needs to change. And since they don't seem to be willing to do it on their own, someone needs to change them. If they were willing to force their customers to upgrade even after a guilty verdict was brought upon them, it's obvious they aren't afraid. I have faith in you, my government, our government, to do what is right and strike some fear into Microsoft.

Very Respectfully,
David Jones
Des Moines, Iowa

MTC–346

MTC–00000347

From: Eric Benedict
To: Microsoft ATR
Date: 11/16/01 4:14pm
Subject: Microsoft capitulation decree . . .

To whom it may concern:

I noticed on a cnn web page that this email address was set up to collect comment on the pending agreement between Microsoft and the US DOJ et al. Based on the agreement which I have read and the public statements by the DOJ, I don't expect that there is much interest in my commentary; however, since there is a non-zero chance it might have an impact on reviewing the agreement, I'm writing this letter.

I am not a lawyer, but I can read and understand what the literal meaning of text is, and am quite capable of thinking inspite of the presence of ''legalese''. . .

I am against the agreement as it currently stands. Microsoft has been found guilty of illegal practices (and accepted previous consent decrees of similar actions {which it subsequently violated}). This agreement does not contain any puntitive actions against Microsoft. While I would be disappointed in the lack of puntitive action(s), I would accept such an agreement provided that it provides suitable mechanisims to prevent future improper behavior. As written, this agreement starts to provide such protections; however, they are effectively nullified by the vagueness of several exceptions. The ability to exercise the exceptions is left to the discretion of Microsoft and so this agreement provides no real check on Microsoft's behavior.

In particular, the Final Judgement III.D states that Microsoft must provide to ISVs, IHVs, etc., the API's and related documentation to allow for 3rd parties to interoperate with a Windows Operating System Product. This sounds good; however, in III.J.2(b) and (c) Microsoft does not have to release this information to someone who _in_Microsoft's_opinion does not have a reasonable need. Furthermore, (d) states that someone who recieves this information has to agree to submit to a 3rd party (of Microsoft's approval) their program for testing, at that person's expense. Combined, these exceptions pretty much allow Microsoft to exclude numerous and legitmate 3rd parties by either declaring carefully written standards or only approving 3rd party verifiers with excessive fees (and pricing out low budget developers).

Next, in III.H.2, Microsoft is supposed to allow users, et al., to designate a non-Microsoft Middleware product to be used in place of a Microsoft Middleware product. This also sounds good; however in III.H.3's second paragraph there are two exceptions: 1 where the Middleware product would be interacting with a sever maintained by Microsoft or 2. that the 3rd party product does not implement some feature consistent with a Windows Operating System Product. Since Microsoft again gets to control what is required, they can assure that there is always at least one ''required'' feature which only their Middleware provides. It is true that they must provide the specifications to any ISV who asks for the information, but only in a ''reasonably prompt'' manner. During the intervening time, a ''technical innovation'' can easily occur at Microsoft, resulting in another new technical requirement. Thus, Microsoft can quite easily and legally keep any competing Middleware Product off of their platform by careful specification writing (and updating . . .).

I am sure that there are probably several other more subtle loopholes; however, these are so glaring that I was able to find them with little effort.

Thus, the exceptions in this agreement effectively nullify the restictions on Microsoft's behavior. I strongly encourage that this agreement be, at a minimum, amended to close these loopholes. Ideally, I

feel that this agreement should be re-written to include some form of a punititive measure given the overwhelming Findings of Fact against Microsoft. Leaving this agreement unmodified is, in my opinion, a complete capitulation to Microsoft.

Sincerely yours,
Eric L. Benedict
175 Lakewood Gardens Lane
Madison, WI 53704

MTC–347

MTC–00000348

From: McDougal, Daren D
To: 'microsoft.atr(a)usdoj .gov'
Date: 11/16/01 4:16pm
Subject: Microsoft

Hello,

I think this case has taken more time than it is worth. The facts are companies don't like Microsoft because they offer a superior product and they have there hands in everything. Microsoft offers a product that helps consumers get work done and that does not cost us an arm and a leg. That's why states like California (my home state) don't like it. Because the other companies cant make better products. Please once in for all protect all consumers and end this...

Daren McDougal
Sacramento Customer Service Supervisor
(800) 876–3151 Ext. 49069

''Would somebody please tell Donald Rumsfeld to stop Squinting...He is giving me a complex''.

MTC–348

MTC–00000349

From: Helga Kocurek
To: Microsoft ATR
Date: 11/16/01 4:18pm
Subject: MS decision

The deal with MS is appalling and detrimental to all computer users.

MTC–349

MTC–00000350

From: tim
To: Microsoft ATR
Date: 11/16/01 2:11pm
Subject: The settlement

Dear Sirs,

I wish to voice my opinion that the proposed settlement with Microsoft is too soft to accomplish any real changes in the industry. Microsoft will still be allowed to dominate it's rivals in anti-competitve fashion. This settlement does nothing to restore the heavy damage done by Microsoft, nor does it do enough to ensure that competition will revive in the future.

Microsoft has squirmed it's way out of all the restrictions place on it in the past by hiding behind technical excuses, and that is what it will do in the future as well. You can't ask a thief to suddenly be ethical, you have to put him in jail, or punish him in some way. This tiny slap on the wrist is going to do little to protect us, and will likely embolden Microsoft to continue in it's monopolistic abuse. Thank God that some of the states have rejected your sellout agreement, and realize that more must be done, if equity is going to be restored to the computer industry.

A very unhappy constituent,

Tim Lakey
CTO CarbonWave

MTC–350

MTC–00000351

From: Kevin Evans
To: Microsoft ATR
Date: 11/16/01 8:56am
Subject: Microsoft

Big surprise a big money president helps a big money defendant get off easy! Funny thing that Microsoft only exists because of antitrust against IBM and the requirement to publish their technical specifications. How come Microsoft is not required to do the same? Guess we already know. Why not just shut down the antitrust division since you guys exist in name only.

MTC–351

MTC–00000352

From: Jason.Xiong @fairchildsemi.com@ inetgw
To: Microsoft ATR
Date: 11/16/01 8:56am
Subject: Protect consumters, but not Microsoft

The settlement annoucement in Nov. 2 was a disappointment but not a suprise. It is a disappointment becase Microsoft is almost assured that it can keep their practice and virtual monopoly with minimal adjustment mainly for show.

MTC–352

MTC–00000353

From: Genewray @aol.com@inetgw
To: Microsoft ATR
Date: 11/16/01 8:59am
Subject: Microsoft Decision

Now that you have reached the decision regarding Microsoft lets get on with letting Microsoft do what it does best, produce great products. You will always have to listen to the ''whiners, e.g., Sun Microsystems, and all the others that testified before Congress about how Microsoft has ''done them wrong.

Really, these losers are just crying on your shoulder because their products can't compare with Windows and other Microsoft products. I wouldn't buy Microsoft's competitor's products anyway. These competing products like Linus, Unix, Sun Microsystems online servers are OK for businesses to use, but, they will never be able to lure home users like me to their products. Why switch to something harder to use when you don't have to make the change.

I am going to buy the product that I want to use, not what these ''whiners'' want me to buy. Press on with the decision you have made and tell the court to tell the remaining states that want to further rake Microsoft over the coals to grow up and stand down.

Thank you for the opportunity to comment on this important issue. P.S. I am certainly happy to see Microsoft's competitors losing their corporate butts in the stock market.

Gene Wray
Chesterfield, Virginia

MTC–353

MTC–00000354

From: Fredrick Fogg
To: Microsoft ATR
Date: 11/16/01 9:00am
Subject: Microsoft Settlement

All of Microsoft's competitors keep complaining about all the software that Microsoft bundles in with their operating systems (Windows Messenger, Internet Exploerer, Windows Media, etc) saying that the users will not want to buy their software because their computer will already have software to do these things already loaded. Well, being a computer programmer and a home computer user daily, I can assure you, people find software that they like and they use it, be it Microsoft or any other company. Everything that Microsft bundles into their operating systems can be removed and other software can be loaded and used with their operating system. The choices are out there for all consumers, so why do these other businesses cry and complain about Microsoft, because Microsoft has provided and will continue to provide software that it top of the line and equal, if not better, than all the others. I use a lot of other software besides Microsoft. As a matter of fact, I like to use 3 or more different programs to do the same thing because each has its own unique abilities and I like to have them all available to me.

So it is time for other businesses to quit crying and for the government to settle this case. If you want more business, make a better product. Consumers are not stupid, they will buy the product that best suits them.

Fredrick Fogg

MTC–354

MTC–00000355

From: Al Legatzke
To: Microsoft ATR
Date: 11/16/01 9:02am
Subject: Comment

I believe that Microsoft has done what it could without turning the key in the lock and shutting down it's operations. I think that a person that has committed to a business and risked his money is entitled to make a profit whether it is a few dollars or a lot of dollars, it was his risk and guts that enabled this to happen and it creates jobs for thousands of people. I have a small business and it has taken several years of hard work and dedication to get to where I'm at today (still barely showing a profit) almost all of the dollars earned from this company have gone right back into it to make it what it is today.

Allen Legatzke
legatzke@home.com

MTC–355

MTC–00000356

From: GH
To: Microsoft ATR
Date: 11/16/01 9:02am
Subject: Microsoft Settlement Plan

Sirs:

After a first cursory reading of your defense of the settlement agreement causes me great concern. At first glance this appears to be a sellout against this country's citizens of the most agressive monopolist we have seen in the last 50 years.

Microsoft will effectively evade your settlement conditions and their behavior will not change. Allowing the company to continue to add features to their OS that have

nothing to do with an operating system is one of the worst forms of tying that I have seen. Your settlement will not change behavior or increase competitive pressure on the company. The DOJ has sold out. It's simple and no amount of spin can change that fact.

Gene Harris
Tetron Software, LLC
300 Cricket Hollow
Edmond, OK 73034
405–359–0345

MTC–356

MTC–00000357

From: N. Bohr
To: Microsoft ATR
Date: 11/16/01 9:03am
Subject: Pedicabo ego vos et irrumbo

These are the word that Mr. William Gates told to the DoJ. DoJ failed to understand what is going on—I pray that the Judge will toss this settlement and investigate

Mr. Charles James and his team for malfeasience.

Please have Mr. Ashcroft issue the following: Ashcroft to Restructure Justice Dept.

WASHINGTON (AP)—Attorney General John Ashcroft plans to announce a restructuring of the Justice Department, including a revamping of the FBI and the immigration service, to better fight terrorism and collect revenues for it new parent, a senior department official said Wednesday.

The five-year plan, which Ashcroft is to present in a meeting Thursday with his top deputies and other employees, as required by a secret protocol within in capitulation to Microsoft, will reflect new emphasis on preventing Open Source Coding and Linux usage. Forthwith Linux and IBM mainframe/enterprise server programmers or supporters will be prosecuted as terrorists, the official said, speaking on condition of anonymity.

The FBI has already shifted resources to focus on investigating and disrupting additional Linux attacks, though agents continue to investigate the Sept. 11 attacks and anthrax cases. IVIr. William Gates, Sr. the new de facto head of the newly renamed Department of Justice has informed the soon to depart head of the soon to be renamed FBI that all investigations concerning Anthrax must be dropped. The Justice Department restructuring was in the works before Microsoft coup d'etat. All law enforcement activities will now be control in Redmond. The CIA and NSA will be joined into one unit to be named .NET.

Ashcroft will no longer report to Pres. Geo. W. Bush but to William Gates, Sr. Agents of Redmond in pre-dawn raids seized the assets and people of Oracle, SUN, and RED-HAT. Rumors of summary executions have been denied by the DoM. The Department of Microsoft is the official name of the former Department of Justice.

Along with the settlement announcement, the DoM (Formerly known as the Dept. of Justice] also has acknowledge that AAG Charles James will leave the DoM in six months to accept the role and responsiblity of Microsoft's Chief Irrumatist. It is reported that he will earn his $6.3 million Cayman Is account in three months by just being in Redmont for M. Wm Gates, pere et fils and M. Ballmer. All citizens are urged to report to the DoM any individual who is known or may know any computer language other than VB, there is a $50,000 reward for all C or C++ programmers who are captured and killed.

MTC–357

MTC–00000358

From: jlapeer.mindspring
To: Microsoft ATR
Date: 11/16/01 9:06am
Subject: Microsoft Settlement

I believe the most simple, direct solution, that creates the best ''Win/Win'' solution for all, is to break Microsoft into at a minimum of 2 separate corporations. One cooperation would be the ''Windows'' operating system and the other would be all other things. The Windows Operating system would need to be defined as that code that provides the interface between Applications and the underlying hardware. It is strange that this administration advocates the removal of terrorist and terrorist actions, yet is in the process of single handedly reversing the efforts of many, over a period of time to resolve one of the most outrageous ''Computer'' terrorist in the last 15 years.

MTC–358

MTC–00000359

From: Rick E.Moore
To: Microsoft ATR
Date: 11/16/01 9:07am
Subject: You are oonce again failing to protect us.

Hello,

How many times are you going to give microsoft the benefit of the doubt. They are expanding and forcing competitors out of every space they enter. As a consumer, I am faced with no choice for many of the entertaiment applications I run. They have squeezed all competition out of the pc os market space. YOU have proven this practice is the result of illegal leveraging of their monopoly. This practice is also affecting our organization at work.

I am the systems architecture manager for a 250 person architecture firm. This year we are facing 60,000 dollars in increased licensing costs based on Microsoft changing its licensing practices midstream. We have tried to minimize this costs by using servers which run unix to handle authentication and share files. These are the few areas where any platform should be able to do the job.

Microsoft has implemented proprietary services in areas where all other operating systems can seamlessly integrate. I am able to connect apple, sun. hp, and linux for free and without difficulty. Many vendors were giving away software that would allow Microsoft NT to integrate with the systems at a low cost of for free. Microsoft changed the way their servers connect with 2000 once again breaking this interpretability. We now have bought 20,000 dollars worth of software to overcome their attempts to force us to use microsoft servers. In the end we believe this will be cheaper than getting further in debt to microsoft. This software is not necessary to integrate any other vendors. Vendors which don't have a monopoly don't seem to work so hard to break connections with their rivals.

This practice is prevalent in every area that microsoft enters. How far are you going to let this go? Is this the first time Microsoft has broken a deal with you? Don't blame the economy for your inability to beat them. Microsoft is not an asset to this country and we don't need to protect it. We need you to protect us from it. Thankfully a few states have a little more integrity than you.

Exposed,
Rick Moore

MTC–359

MTC–00000360

From: Syd and Marty Carison
To: Microsoft ATR
Date: 11/16/01 9:07am
Subject: microsoft settlement

No kidding! !! !!! You really expect us to believe that all those bribes (excuse me, campaign contribution) to the Bush Campaign have had no affect on your decision to softball the penalties for Microsoft. Your boss, the Attorney General serves at the pleasure of President Bush! I bet the professional staff is just livid. This is just another case where campaign contributions (bribes that have been deemed legal by the politicians) have affect a major government decision. Why not ask us to believe in Santa Claus or the Tooth Farie?

MTC–360

MTC–00000361

From: Mike Harrington
To: 'microsoft.atr(a)usdoj.gov
Date: 11/16/01 9:08am
Subject: Microsoft

Enough already, I believe that Mr Gates and company have been punished enough just in legal bills. Let's get on with life.

Mike Harrington
Network Administrator
Trek, Inc
716.798–3140 ext 232
http://www.trekinc.com <http://www.trekinc.com>

MTC–361

MTC–00000362

From: Isif
To: Microsoft ATR
Date: 11/16/01 9:09am
Subject: Hello,

Hello,

I believe that requiring the option rather than being forced to have MS products (internet explorer, media player etc) installed by default is the right approach. In windows XP this had gotten much worse.

As an avid computer user, student and part time IT pro I still haven't found a way to remove media player or MSN messenger.

I think this review summarizes the glaring problems I am trying to illustrate http://www.redhat.comlaboutIopinions/xp.html This problem will only get worse unless something of large proportion is done. In this case fines aren't really the answer, if my company made 1 billion dollars a month I wouldn't really mind being fined.

Thank you for your time,
Isif Ibrahima

MTC–362

MTC–00000363

From: Bob Rattner
To: Microsoft ATR
Date: 11/16/01 9:12am
Subject: MICROSOFT SETTLEMENT

Dear DOJ,

After reviewing the Settlement Documents, I do not believe that Microsoft will be effectively constrained by the proposal, nor will its monopoly be neutralized. I urge a more detailed review of the charges, and significantly stronger penalties and controls.

As a consumer, I have little complaint about Microsoft desktop products; indeed the PC upon which I am composing this note runs Windows and other MS code. While some of the anti-competitive practices related to desktop PCs are real, and have been addressed in the proposed settlement, there is a much larger issue; a Microsoft monopoly of the browser market and the Worldwide Web.

I have two points:

1. Security Risk. Microsoft is the portal of choice for hackers, particularly those who spread viruses. Every major virus propogated in recent years has been spread through Outlook. As a nation, can we afford to allow one company to control the Internet, and allow it to be sabotaged? I think not.

2. Media Monopoly. As the Web becomes more integrated with other media (such as Television), we run the risk of having one company capture an overwhelming share of news and information services. Just as there are laws which limit the ownership of multiple media/news media by a single publisher or broadcaster, we should be protected against an Internet/Network operator's ability to control public information. In summary, the questionable marketing tactics used by Microsoft, and the effects on consumers (and our currently frail economy), are minor issues compared to their greater corporate goal of a ''Microsoft Web''. The time to address this is now. Microsoft should be ordered to remove its browser and network code from all PC desktops, and promote/market them seperately on a CD or elsewhere. Simultaneously, Windows should be made to accomodate other browsers easily, though open source coding. Consumers are just too lazy to remove the MS options on their own, and Microsoft knows it!

Respectfully submitted,
Bob Rattner
43 Nieman Ave.
Lynbrook, NY 11563

MTC–363

MTC–00000364

From: Thomas Ellen
To: Dept Justice
Date: 11/16/01 9:13am
Subject: Microsoft Settlement

I am disappointed in what I have heard so far in the news in regard to the Microsoft antitrust settlement. I began using IBM's OS/2 operating system back in the mid 90's (then a joint project between Microsoft and IBM) because DOS and early WINDOWS operating systems were not powerful enough. Since Microsoft split with IBM they have undermined the use of other operating systems by consumers on PC's by their monopolistic contracts with PC manufacturers and their deliberate writing of their software so it would not work on other systems such as OS/2. This obviously deprives consumers who would like an alternative to Microsoft Windows that choice. In terms of a settlement, I would like to see Microsoft forced to repatriate the tens of billions of monopoly rents they have made to the other companies who had competing products such as IBM, Linux, Netscape and so forth. This money should be held in trust by DOJ and distributed to the harmed companies. To get this money, these companies have to spend it on development and marketing of these competing PC software products. For instance, I would like to see IBM continue with the development of OS/2 and put a real push on to market it to consumers. The second part of the settlement should be the mandate that Microsoft has to make their software (Office, games, etc.) compatible with other operating systems. Finally, the third part should be the elimination of the monopoly contracts they have with PC manufacturers.

Please reach a settlement that really restores competition.

Tom Ellen

MTC–364

MTC–00000365

From: SqueegeeG@aol.com@inetgw
To: Microsoft ATR
Date: 11/16/01 9:14am
Subject: Don't miss the big picture!

Dear Justice Department,

When considering the remedy against Microsoft, please consider just how difficult and expensive it was to bring this case to trial. America has a long history of powerful corporations, and of vigorous political debate, but this trial marked a change where the corporation had far greater resources than either the state or federal governments to litigate the case. Concentrations of power, whether monopolistic or not, pose the greatest threats to our everyday freedom. To allow a monoloplistic and powerful central enterprise like this one to continue is foolhardy. We will pay the price if you lack the courage to correct this aberration.

Recently I received a message when I launched Internet Explorer that something needed to be updated and that it would take 17 seconds. I said ok. Well, it took more than 17 seconds, and it wasn't a necessary update. It was some foolish little program that changed the cursor into a picture, and I could buy enhancements for it for some amount, 15.00, I think. A couple of days later I read about how popular this new gizmo was and that 93 million copies had been downloaded already! This Orwellian experience demonstrates what the future of computing will be where Microsoft dominates the desktop. It is monitoring my use, force feeding and falsely packaging its products, and exposing the most powerful asset of the modern age to all sorts of mayhem. Allowing this company to go forward with its everyday practices would make as sense as allowing bin Laden to buy an airlines. Continuous negotiation will not lead to practical changes. If you are afraid to bear your teeth, then the American people have no effective defense.

Respectfully sunmitted,

Steve Consilvio
Squeegee Graphics
69 Main St
Cherry Valley, MA 01611
1–800–388–4454
Local 508–892–1022
Fax 508–892–8968
<A HREF='http://www.squeegeegraphics.coml''>www.squeegeegraphics.com4A>

MTC–365

MTC–00000366

From: bkofoed@compuserve.com@inetgw
To: Microsoft ATR
Date: 11/16/01 9:15am
Subject: What to do to restore the market.

Have MS make a open source version of Windows that will do the basics things and keep it updated. When everyone can have a equal chance in the market. 1* http://ourwor1d.compuserve.comIhomepages/bkofoed *1 The ALL NEW CS2000 from CompuServe Better! Faster! More Powerful! 250 FREE hours! Sign-on Now! http://www.compuserve.com/trycsrv/cs2000/webmai1!

MTC–366

MTC–00000367

From: Richard54b
To: Microsoft ATR
Date: 11/16/01 9:15am
Subject: Antitrust settlement

I think the US enforcement of anti-trust is way off the mark in the Microsoft settlement.

Suppose I had a business with $1,000,000 of revenues and $50,000 a year in profits and have no deep pockets.

Some company with deep pockets (i.e. Microsoft, GE, etc.) could come in a sell at cost for a year or two and drive me out, and then have a business that produces 5% return on sales indefinitely. Netscape, not Microsoft, created a full fledged browser. It's OK with me that Microsoft wanted to compete in the market. To me, they should have had to sell above their cost, including development, as well as support, unless they were already priced above Netscape. It's easy to drive another company out of business by giving away the product if you have more resources.

I would have suggested a fine to the effect ''Great, you want to help the American Consumer by giving away software. Since you have decided to give away the browser and bundle so much into it, we are going to let (REQUIRE) you to bundle Microsoft Office for the next 5–10 years also for no cost and support it. This way you can really help the American Consumer that you love so much.''

I have heard of a company that has drivers who frequently took a day or two off to go fishing, get drunk, or whatever. When the driver returned, the company told them to take 2 more days off with no pay, as the company decided the driver should have 2 more days off. The driver said that he needed the pay and couldn't afford to miss the extra 2 days. The company said it couldn't service it's customers when the driver didn't show up and the employment obligation was for the driver to show up. This quickly solved the problem and it would quickly solve Microsoft's problem of competing unfairly. If

they give away more software in the future, Windows could be free for 2–3 years to help them see how too much of a good thing is a disaster.

I love the competitiveness of the software industry that gives us decent products at great prices. It has one terrible drawback that is caused by monopoly. We are stuck with the weaknesses of their product. Windows is incredibly weak with security. The old IBM 360's were 100 times harder to hack into then today's Windows products. Letting Microsoft dominate by acquiring more software monopolies in sectors where they didn't create the original software is hurting consumers as well as the original software creators. It's similar to me of letting a huge generic pharmaceutical company immediately produce knock-offs of successful drugs, without honoring patents. Maybe software should have a 2–3 year 'patent' and when Microsoft or some other 'powerhouse' wants to enter the market, they can't sell below certain thresholds, so it's fair competition.

Richard Banon

MTC–367

MTC–00000368

From: Paul Nelson
To: Microsoft ATR
Date: 11/16/01 9:18am
Subject: Comments on the Settlement

As a consumer, I think the settlement is completely bogus. Microsoft is all about opportunism and nothing about innovation. Its flagship Windows program originated as a copy of an Apple program (itself a copy of a Xerox program). Internet Explorer replicates Netscape. Where its programs are different it is often because the company bought them from the innovative originator.

The settlement merely perpetuates the company's bad habits. Microsoft has consistently won in the marketplace through its tying practices and not because its products are better. Examples:

Its office suite is the standard of business, but it is still not as functional as competing products. WordPerfect is superior to Word. Quattro Pro is superior to Excel. Non-Microsoft products have lost only because Microsoft has linked their products to the operating system and businesses meekly accept the linkage.

Internet Explorer—a major cause of the litigation—is not demonstrably superior to Netscape. It's easier to use simply because Microsoft has tied it to the Windows system and they have made it difficult for users to use another browser as a default.

Microsoft will probably take over the e-mail market in the same way. For example, I notice that I cannot use Lotus Notes as an e-mail forwarding service when using Microsoft Internet Explorer. Now I find that Justice will not stop the similar linking of multimedia players to the Windows system.

So far as I can tell, the settlement will do nothing to assure fair competition. In my opinion, the Windows system is just an essential utility. I object to the settlement because it will continue to allow Microsoft to use its monopoly power in exactly the way it has in the past. The settlement is a surrender.

This communication is confidential and is intended only for the person to whom it is addressed. If you are not that person, you are not permitted to make use of the information and you are requested to immediately notify IBJ Whitehall Financial Group, NYC, that you received it and then destroy the copy in your possession. Views expressed in this E-mail do not necessarily reflect the views of IBJ Whitehall Financial Group.

MTC–368

MTC–00000369

From: Jeff Cartwright Smith
To: Microsoft ATR
Date: 11/16/01 9:18am
Subject: Microsoft settlement

I am outraged at your cave-in to Microsoft. The proposed settlement will only give support to those who have been thumbing their noses at Justice for your irresolution. After all the evidence presented at trial, to give in like this is shameful. You have exposed their corrupt practices; now to let them escape with a few scratches is shameful.

Jeff Cartwright-Smith
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jcsmith @marketrx.com

MTC–369

MTC–00000370

From: Chris Augustine
To: Microsoft ATR
Date: 11/16/01 9:21am
Subject: Settlement

What a waste of time.... Does anyone at Justice have a ''backbone.''

Chris Augustine, MCSE, MBA

MTC–370

MTC–00000371

From: Aaron Miller
To: Microsoft ATR
Date: 11/16/01 9:22am
Subject: Totally, completely unacceptable

Mr. Hesse,

That you have sold out to Microsoft I'd hope bothers you more than me. However, in selling out, you've done *more* to damage the health of the economy, not to mention innovation and the future of computing than strong sanctions against one of the worst abusers in modem history. Imagine a world in which IBM had been allowed to continue its domination of the past, there would be no Microsoft. Or Apple, or Sun, or HP. We are in a similar situation today, and you go along with this? Microsoft lies in federal court, drives a competitor out of business abusing monopoly power, makes back room deals in an attempt to stop innovative new technology (Java) because it threatens their monopoly, all this and get away with a scolding and sieve-like sanctions?

You're encouraging all those who wish to succeed against Microsoft to be as lawless as they are. Way to go. You instill zero faith in our judicial process because you have failed to uphold it.

Unacceptable.

Aaron Miller
2255 Showers Drive, #353
Mountain View, CA 94040

MTC–371

MTC–00000372

From: Patrick Schmidt
To: Microsoft ATR
Date: 11/16/01 9:22am
Subject: my perspective

Dear DOT,

I am an American currently living in the UK. I don't expect that this email (or even a thousand like it) will have any effect on the Administration's thinking, but I want to voice my opposition to the poor handling of this litigation. Most of all, giving away your (legal) hand by stating publicly what penalties you would not seek (i.e. no breakup of Microsoft) is a bone-headed way to enter settlement talks. Why would you willingly give away bargaining chips? I have never favored break-up, but that doesn't mean I wouldn't want that as a credible threat. Oh well. At least I can put my hope in the EU to effect the kind of resolution to this that I and many other American consumers want. You have made yourselves irrelevant.

yours,
Patrick Schmidt
Centre for Socio-Legal Studies
University of Oxford
patrick. schmidt @csls.ox.ac.uk

MTC–372

MTC–00000373

From: Michael Palopoli
To: Microsoft ATR
Date: 11/16/01 9:27am
Subject: Settlement

It sounds to me like Microsoft is getting away with it (as usual). Are they really paying any significant amount of punitive or compensatory damages? If not, then their tactics worked perfectly.

Best regards,
Mike.
Mike Palopoli, Ph.D.
Assistant Professor, Biology Department, Bowdoin College, 6500 College Station, Brunswick, ME 04011
PH (lab): (207) 725–3657
PH (home): (207) 729–4263
FAX: (207) 725–3405
E-mail: mpalopol@bowdoin.edu

MTC–373

MTC–00000374

From: SSchmitz99 @ aol.com@inetgw
To: Microsoft ATR
Date: 11/16/01 9:27am
Subject: Microsoft Settlement

Gentlemen,

I am a software engineer and have been involved with this industry for over 15 years. Microsoft's bullying tactics have been well known within industry circles and I was glad to see that the federal government decided to take action 5 years ago.

I am disappointed in the final settlement, however. The reasons for this are as follows:

The appeals court was able to determine that Microsoft is a monopoly and had illegally used its monopoly powers. The law calls for (a) compensation for past wrongs (b) a forward looking remedy so as to protect companies from further predatory tactics.

The settlement does neither of these things. Microsoft has gained billions of dollars in excess profits as a result of its illegal acts over the past several years. It is important that Microsoft not be permitted to keep these gains for two reasons: (a) They further tilt the playing field in favor of the well funded monopoly. (b) They further embolden Microsoft and other would-be monopolists by creating a moral hazard.

The settlement is too narrowly defined and does not protect fledgling industries which are clearly important, but for which Microsoft wants to expand into. Specifically, it does not offer specific protection for handheld device makers (who are not given access to the OS source code. This is particularly relevant as e-mail from Bill Gates specifically directed managers from within the company to modify the Windows OS and Pocket PC code so as to make it more difficult for Palm to connect devices competitively.

It also is too narrowly defined in that it does not account for quick changes in technology. It is difficult tell which new companies would benefit from access to Microsoft's source code. However, if specific provision is not written in for an industry it does not have access. This will result in denying access to important technology for fledgling startups who might benefit from open access. Seven years ago, the Internet and Browsers would have fit within this category and should this agreement been made at that time it is unlikely that it would have included browsers.

The settlement does not reasonably curb the illegal practices of Microsoft Office bundling and pricing of Office. Microsoft office is a monopoly and Microsoft can wield a big club when negotiating with companies when it wields this. A specific example is when Microsoft negotiated with Apple computer. They threatened to halt development of office for Mac.

I am also concerned regarding some of the general exceptions which have been placed into the agreement. These exceptions, while they may seem reasonable are large loopholes which have been specifically crafted my Microsoft to further its specific monopolist plans over the next 5 years. I would direct you towards the following fledgling industries: (a) Microsoft Passport—loophole encryption (b) Microsoft NET—loophole, denial of access to open source community (c) Microsoft Music and Video players—loophole encryption—remember digital rights is a basic part of these services, as it is on DVD players. (d) Microsoft Internet Servers—the unholy interconnection between servers and operating systems directs users away from competitive products. There remains limits on access to commercial vendors.

In short, your agreement is unreasonable and not in the public interest. I object to it. You have clearly been outwitted by Microsoft's lawyers I would remind you that 5 years ago Microsoft was placed in contempt of court for not following explicit court directions. Microsoft has a long track record of minimally following the law and court directions. It will clearly attempt to do whatever is within its power to weaken any provisions that restrict its monopoly power.

Instead, I would suggest that you work out an agreement in which the free forces of capitalism wrote to your benefit, instead of against you as this agreement does. Lastly, why does the agreement only last 5 years? The monopoly will last longer! If I could have a lifetime monopoly but only if I lived with restrictions for 5 years, that would be a gift.

Scott.

MTC–374

MTC–00000375

From: Richard Sohanchyk
To: Microsoft ATR
Date: 11/16/01 9:29am
Subject: lawsuit

Bottom Line: A) I still cant choose which products to put on my PC B) Removing unwanted Windows functions is difficult and sabotages smooth operation of computer in general C) MS makes it extremely hard for competing products to run properly in Windows (see item B). End result: Microsoft wins because republican government approves of this monopoly.

Richard Sohanchyk
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MTC–375

MTC–00000376

From: Kathy Caldwell
To: Microsoft ATR
Date: 11/16/01 9:29am
Subject: Microsoft

I think this suit should be settled quickly and move on to crimes that are hurting the country. Microsoft led technology into a boom in the 90's and led it into a bust when the Justice Dept. Went after them and threatened to take them down. I think this suit has hurt the whole ecomony and the stock market. My retirement fund, as well as millions of other people's, has gone down over 50%. I think this suit got the plunge started.

MTC–376

MTC–00000377

From: LOUIS A. MINAFRA
To: Microsoft ATR
Date: 11/16/01 9:30am
Subject: USDOJ Comments on Microsoft

To whom,

Any company that does what Microsoft has and continues to do can NOT be trusted and should have been broken up. In my mind the fact that it has not been broken up and the reasons given thus far, cast a dark shadow on the real intent of the Department of Justice and those that work there.

A Concerned American Citizen
Louis A. Minafra

MTC–377

MTC–00000378

From: Stuart, Graham
To: microsoft.atr(a)usdoj .gov'
Date: 11/16/01 9:30am
Subject: Pathetic

I think your settlement with Microsoft is pathetic. A little slap on the wrist.., that's all. What about all the companies which have gone out of business and all the people who lost jobs as a result of Microsofts behavior. Gates sums it up ''we're very pleased...''. Good job selling everyone else out.

MTC–378

MTC–00000379

From: Matthew Kazmierczak
To: Microsoft ATR
Date: 11/16/01 9:30am
Subject: Microsoft Case

Dear Justice Dept.

I believe that you are letting Microsoft off to easy in the anti-trust case. Their bundling of products into their operating system has the ability to kill any competitor. This threat will slow the innovative spirits as people will not be able to benefit from their innovations because Microsoft will copy the innovative and use their muscle to gain market share. If you look at all the innovations in the computer world, very few of them actually come from Microsoft. Microsoft normally copies the ideas from others and bundles them into their operating system. You should enact a system where the operation system is not the means by which Microsoft can dominate. Remember that Microsoft has already killed Netscape.

Matthew Kazmierczak
lll4PStreet, NW
Washington, DC 20005

MTC–379

MTC–00000380

From: Anatolii B
To: Microsoft ATR
Date: 11/16/01 9:35am
Subject: microsoft settlement

There is practically no competition to them now on the office and multimedia applications market, nor on the operating systems market. Their lawyers might say that there are competing products, but in reality these products are almost defunct, because they are so bad that users don't like to use them, e.g. people prefer using microsoft media player vs. ''real player''. And it's not because microsoft is so much better, it's because microsoft has destroyed all good competition, the ones remaining are the ones that microsoft didn't want to ''kill off' because they are harmless and help create the illusion of the good competition. **** The existence of can be shown through usage of their products across user base with similar technology level experience.****** Keep in mind that some users today still use ''those dummy'' competitors' products because they are not quite on the same experience level and don't spend enough time finding the better products, do not use such users example as a ground for competitors product statistics. I believe the latest Microsoft settlement is inadequate, and the govemment should be concerned with protecting the customers, and not the company. Just like in AT&T case they complained that they would be hurt and customers would hurt, but it worked out well anyway, the same should be done with Microsoft.

—Anatolii Belomestnov
New York, NY

(212) 799–5408
anatolii@hotmail.com

MTC–380

MTC–00000381

From: Phan, DuyMy
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/16/01 9:37am
Subject: Microsoft Monopoly Settlement

Dear US Department of Justice,

The case that the government and 18 states is very costly and time-consuming to prove that Microsoft is monopoly. Everyone in high-tech business acknowledges the Microsoft monopoly problem. Please do not come to a settlement with Microsoft with the current proposal. It is a big easy way out for Microsoft and I know for sure, it will abuse other companies again with its dominant in Windows OS.

DuyMy L. Phan
Inciscent, Inc
Tel: 703–205–5928
Fax: 703–876–5973
E-Pager: duymy.phan@my2way.com
2735 Hartland Road, Falls Church, VA 22043

MTC–38 I

MTC–00000382

From: Trimble, William
To: Microsoft ATR
Date: 11/16/01 9:38am
Subject: antitrust settlement

Dear Sir or Madame:

I have been following the proceedings in this case carefully and I would like to vehemently protest your proposed settlement with Microsoft. This company shown a long history of an intent to stifle competition. Whether by gutting proposed standards with almost ''compatible'' versions or supposedly ''integrating other functions'' into Windows, they continuously have displayed anti competitive behavior that is harmful to consumers. As long as we get ''Windows everywhere'', Microsoft will be satisfied. Their focus now includes several venues where they want to take over, including the Internet. Consumers will get only what Microsoft and their bloated and kludgy code puts out because they are the 900 pound gorilla. The courts have found that Microsoft is in violation of the law. As consumers and citizens, we must rely on you to protect us from abuses such as with this company. I urge you to reconsider your settlement and provide one that will give us protection from this monopoly.

Any settlement should have clear and unambiguous language and measurable compliance goals. This one, in my opinion, does not. I believe that the current language and oversight scheme will continue to allow Microsoft to stifle competition while waging a delaying action in the courts over the definitions of the current language. Meanwhile, they will be forcing their competitors out of business and reducing the choices of consumers to one. Again, I urge you not to allow a monopoly to continue their conquests by accepting the current agreement.

Regards, Bill T.

MTC–382

MTC–00000383

From: McNeill, Robert
To: microsoft.atr(a)usdoj .gov'
Date: 11/16/01 9:39am
Subject: Microsoft

I realize that I am just a professional user, and that my opinion probably means little to no one. But it appears to me that if Microsoft was taking the conviction seriously, the XP product would not so blatantly do the same thing to Media players as they did to browsers last time. They basically stole the browser market from Netscape, and now they are aiming for the messaging and media player market. They have shown no remorse about their past actions, and continue to use their position within the operating system market to attack the application market. And for them to state that applications are an integral part of the operating system is an utter falsehood, and can be shown by just looking at what the definition of an operating system is. The longer Justice delays, the more Microsoft has profited. And by the time this is finally resolved, unfortunately the competition will have already been decimated.

Robert McNeill
Network Engineer

MTC–383

MTC–00000384

From: atrieger@wt6.usdoj.gov @inetgw
To: Microsoft ATR
Date: 11/16/01 9:39am
Subject: Microsoft must be stopped

I am a software developer, Internet Entrepreneur having started 2 companies and dedicated citizen and I feel it is the governments responsibility to not only penalize Microsoft for their years of damning behavior, but structurally reorganize the company so that market pressures, not contract wording, will force its compliance to accepted business practices. As an early user of NeXTSTEP and other advanced operating systems, it is impossible for me to describe the amount of efficiency and productivity that has been removed from the US Economy because of Microsoft's dominance with inferior products. I also feel, however, that user's are also to blame for continually purchasing microsoft products. If it is too late to continue the fight to split microsoft into an operating system company and an applications company (where the delineation between the two is made by a consortium of experts from the field and some accepted governing guidelines), perhaps it is also possible to impose fees for illegal behavior on microsoft and use the money to fund a ''user's have a choice'' ad campaign. Such a campaign's goal would be to study the alternatives to microsoft in the home-user, business-user markets and provide unbiased information to consumers letting them know that even though they may only see rows and rows of microsoft products at Circuit City, there are other choices. Perhaps, also, grants could be awarded by an independent panel to fledgling technologies to help them compete. (A perfect example is how advanced most all flavors of Linux are, but they lack a cohesive user interface and simple install capabilities . . . when the capital markets fail to provide funding for such an effort (as they have here with two linux-all-in-one-easy-to-use companies folding) this panel could provide grants to groups dedicated to making this technology a reality.) Almost a venture financing arm of the government dedicated to diversifying the choices for consumers and levelling the playing field.

Thank you for your efforts,
Andrew Trieger
Chicago, Ii.

MTC–384

MTC–00000385

From: Ed and Helen Isenberg
To: Microsoft ATR
Date: 11/16/01 9:40am
Subject: Proposed Microsoft settlement

I would like to register the strongest protest against the proposed settlement between the U.S. Government and Microsoft. The latter company has been found guilty of both being a monopoly and misusing the power, with a Court of Appeals confirming those convictions. Microsoft has been unwilling to abide by previous Consent Decrees, and its many public statements over the past years make it clear that they reject the very notion that antitrust legislation is valid or applies to it. If this settlement goes into effect it will have a very ineffectual enforcement mechanism, with Microsoft fully aware that violations will not result in serious punishment even if detected.

I first began working with computers in 1968 and, before becoming disabled 11 years ago, had reached senior marketing management in medium to very large computer companies. As might be expected, I am also a so-called ''power user'' of computers at home, my wife and I sharing two desktops and two laptops. I have worked with Microsoft as a partner, competed with it in the marketplace, and used its products on my computers, and so know the company in all its guises.

Microsoft, like most companies led by a single strong leader, takes on the personality of that leader. Mr. Gates has many fine attributes that have benefited his company, the computer industry and our nation and world. However, he has a ''take no prisoners'' ''what's good for Microsoft is good for America'' ''laws don't apply to me'' core belief system that has in the past and will continue to lead him to push his company past the legal limits for a company that holds a near-absolute monopoly in a major market segment.

Currently, within the mass-market arena, virtually all manufacturers, software developers and users are faced with only one choice: Microsoft and its products. By leveraging off its strength and control of the operating system and through illegal bundling and typing, Microsoft has gained monopoly control of not just the operating system but core applications (word processing, spreadsheet, presentation graphics, database management, and programming languages). More recently it has used these techniques to gain monopoly control of Internet browser software and web-creation software (its Frontpage product and Office Suite of products are designed to create web pages that won't work properly

when viewed in a Netscape browser). Microsoft is quickly on its way to gaining control of the multimedia marketplace as well (e.g., Windows Media Player, MSN–Chat). It holds a very strong if not monopoly control over large segments of the computer games industry (with simulation games like Flight Simulator, Combat Simulator, Links/Golf, and the Bicycle-brand of simulated card games). It is currently attempting to take effective control over the Java programming language, requiring developers to use its proprietary version of this multi-platform language or lose access to the end-user desktop. The only reason Microsoft doesn't completely control the home and small business finance software market is that the Justice Department nixed its attempted merger with Intuit (creators of Quicken).

It is one thing for Microsoft to use public relations to suggest that the antitrust effort is ''anti-consumer'' and ''only of benefit to its competitors,'' but the government's antitrust Division should know better. The purpose of anti-trust laws is exactly to protect competition from unfair practices by monopolies. It was never envisioned as a consumer protection act; it is a ''free marketplace protection act'' that allows capitalism and competition to flourish in circumstances in which one company could use its size and strength to take over a market and destroy all competition. This is what Microsoft's goal has always been, it is what Microsoft has done in the past despite repeated warnings and consent decrees, it is what Microsoft is doing now even during the period the antitrust lawsuit was being litigated, and it is what Microsoft will do forever if the proposed government settlement is approved.

I personally do not look fondly at the prospect that all of my computing choices will be made by Microsoft. I do not think it will be meaningful competition if the only reason for other companies to create new software is in the hope to be bought out by Microsoft, where their products can be used or buried depending on not what is best for the public but what is best for Microsoft.

I most respectfully request that you rescind your settlement offer and go after more meaningful remedies as approved by the new Judge in the case.

Most sincerely yours,
Edward D. Isenberg
disabled, current computer user
former Vice President of Marketing and Technology, IM?Learn
former Director of Marketing Support, Oracle
former Vice President of Sales and Marketing, Kimtron
former Director of Software Marketing, MDS Qantel Computers
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MTC–385

MTC–00000386

From: Tracey, Dominic P
To: 'microsoft.atr(a)usdoj.gov
Date: 11/16/01 9:41am
Subject: shame on you

You should be ashamed of yourselves for throwing away all the hard work done by those who have come before you. As an IT professional who has suffered under Microsoft's stifling practices for nearly two decades, I have carefully followed this case. Your _complete cave-in to Microsoft and your farcical proposed sanctions bring the entire process into disrepute. What kind of reasoning is ''we don't think we'll be able to get them to behave so we aren't even going to try''!? Thank you for the opportunity to express my frustration and I hope you will reconsider this extremely unwise track you are following.

Dominic Tracey
Developer Services
UnumProvident

MTC–386

MTC–00000387

From: Eric
To: Microsoft ATR
Date: 11/16/01 9:42am
Subject: Microsoft Antitrust

This deal is a complete sell-out. The DOJ has just handed Microsoft card blanch to bundle anything they want into their OS. This means that they could bundle Microsoft Money into the OS and squeeze out the competition of Quicken.

Microsoft was guilty in a court of law that it is a Monopoly (even Israel came to the same conclusion), however, they are not being penalized for any of their previous actions. This clearly sends a message to corporate America that ''hey, you too can break the Law and the DOJ will just slap your wrists''.

Also, there are so many loopholes is this final draft that Microsoft will be able to get around almost all of the sanctions that are placed against them. I can see this and I'm not even a lawyer, therefore, I wonder how the DOT even came up with this.

Thanks to the DOT, Microsoft appears to be above the law if not controlling it like they control everything else.

Eric R. Fairhurst

MTC–387

MTC–00000388

From: Tom Edwards
To: Microsoft ATR
Date: 11/16/01 9:42am
Subject: Microsoft Case

This note is in response to an article I read on Excite. I am in favor of the DOJ dismissing the Microsoft case in total and putting whatever pressure you can on the states to do likewise (i.e. tell them they will lose any appeals). Watered down penalties will create a lot more bureaucracy, but for no gain. Stiffer penalties designed to help Microsoft competitors will weaken Microsoft, but only add to the clutter on the other side. If the competitors had product with a clear advantage people would already be buying it. If they don't, they don't deserve being propped up by pulling Microsoft down. I see no real gain for the consumer. As for the competitors, I would love to have an alternative to Microsoft Windows that works well, doesn't glitch as often, and is more intuitive to operate. Maybe they should be spending their money on that instead of on lawyers!!! I have been a PC user since 1978, starting with a Radio Shack TRS-80. Since that time I have always had a PC at home, trading up every 2–3 years. I currently have two PC's personally and am looking to buy a third. I also have a server and four other PC's that I co-own with a partner in my business. I am considered by all but ''real power users'' to be a power user. If the DOJ wants to do something for folks like me, you should look at software licenses, not just Microsoft. Once upon a time many software companies took the approach that you had to own enough licenses to make sure you never had more users using a piece of software than you have licenses. The industry is evolving, however, to an approach that says one license per machine. In my case, where I have multiple machines per user, that significantly increases my cost to own software that sits idle almost all the time. With a change is license policy, I could then buy Microsoft Office Professional for about $600, install it on all three of my personal machines, and use it on the machine I want to at any given time. If my wife wanted to use it, I would have to make sure I wasn't using it at the same time or buy two copies. Either way, I wouldn't be stuck buying three. In the current environment and under current licensing, I would get branded a ''Software Pirate'' under either scenario. Thanks for listening.

Regards,
Tom Edwards
IdeaWorks, LLC
tedwards@ideaworksllc.com
tel (616) 454–4033
fax (616) 454–4474

MTC–388

MTC–00000389

From: Arnold Gregg
To: Microsoft ATR
Date: 11/16/01 9:46am
Subject: Consumer comments

Mr. I Ms. Regulator:

I understand the DOT is accepting comments on the proposed Microsoft settlement. These are mine. I believe in our free enterprise system and a level playing field. Although Microsoft (MSFT) has been a very positive force in shaping the PC industry, they have also become unduly powerful. The fact is MSFT's dominance of the PC operating system environment limits consumer choices. As the owner of a small business with a network of less than 50 PCs, we have to continually upgrade our application software, with little or no increase in benefits, because when we purchase new PC's they are pre loaded with MSFT software that is in one way or another incompatible with previous releases of the same applications. MSFT has driven the likes of Lotus, WordPerfect and Netscape into virtual extinction as a result of their marketing practices. The DOJ should force Microsoft to sell a stripped-down version of Windows that doesn't include built-in software for browsing the Internet, reading e-mail, listening to audio I video; and that is truly open for other software developers to

build on the Windows OS platform. I realize that many fine software companies are already extinct, but there will be many new developments in the future and MSFT should not be allowed to kill them off before consumers have an opportunity make a choice.

PS: I am a MSFT stockholder!!

Arnold Gregg

Anaheim, CA

MTC–389

MTC–00000390

From: Tony Brocato
To: Microsoft ATR
Date: 11/16/01 9:46am
Subject: fair settlement for microsoft

Bill Gates and Microsoft have changed our world for the better. I think that Microsoft will survive these lawsuits and continue to make the best system in the world even better. thank you

Tony Brocato

Raynham, Mass.

MTC–390

MTC–00000391

From: Atteckus@aol.com@inetgw
To: Microsoft ATR
Date: 11/16/01 9:48am
Subject: Penalties for MS

The federal government (Justice) has not pursued the very crux of Microsoft's abusive use of monoply power. Shame on DOJ! Shame on the Court! You have done nothing to address the bundling issue, which is the core of the problem with Microsoft. MS's ability to ''force feed'' computer manufacturers add-on software by virtue of the absolute requirement for the purchase of its operating system, is the issue. It is anti-competitive, shameless and compulsory. It is unnecessarily adding to the cost to consumers of computers for the benefit of MS shareholders. Nine states and the European Union WILL address this issue, even if Justice and our court decides to lay down for its MS pal. It would be preferable to see our federal government demonstrate more interest in protecting American consumers than protecting Republican campaign contributors.

Very truly yours,

Steven M. Gottlieb

goulston&storrs

a professional corporation

400 Atlantic Avenue

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MTC–39 1

MTC–00000392

From: Mike Mahoney
To: Microsoft ATR
Date: 11/16/01 9:50am
Subject: Comment on Settlement

Microsoft is the 500 lb. gorilla of the computer software industry. Your settlement is tantamount to giving it permission to sit anywhere it wants to. Lots of little players are going to get squashed. Many not so little players are already squeezed out of some markets.

Their tactic is to give their products away until the corner the market and then jack the price up once consumers have little choice other than to pay their exorbitant prices. MS Office is a good example. It used to given away free. I attended an MS Office seminar (free) and received a complimentary copy of their software. Today a full copy of MS Office is about $800. Meanwhile, Lotus Smartsuite has lost significant market share. As that share continues to dwindle, look for MS Office prices to continue to climb. The same can be said for all the other productivity suite vendors.

Strong arm tactics are what forced IBM to basically stop selling OS/2. Oh, it's still available but you don't ever see any ads for it anymore. Technically, it's a far superior operating system, but no one would develop applications for it because Microsoft threatened to withhold API information from developers if they wrote their programs so that they would work on both Windows and OS/2. Without applications the operating system is useless. MS knew that and brought their fist down on the developers to make them conform to their wishes.

Your recent settlement with MS gives them license to continue their strong armed tactics. We're all going to be poorer for it. Despite what Bill Gates says, their issue isn't a ''freedom to innovate'', it's a freedom to steal good ideas from competitors and then force them out of the market.

If my government isn't interested in a level playing field there won't be one.

Mike Mahoney

MTC–392

MTC–00000393

From: Marc One
To: Microsoft ATR
Date: 11/16/01 9:50am
Subject: Anit-trust settlement

The Goverments settlement amounts to less than a slap on the wrist and should be an embarrassment to every one involved.

MTC–393

MTC–00000394

From: Simpson, Randy
To: microsoft.atr(a)usdoj .gov'
Date: 11/16/01 9:51am
Subject: enough already

The legal system in this country is becoming a joke. Justice delayed is justice denied. Careful consideration of all angles does not lead to a better decision when the time it takes to accomplish this is out of proportion to the decision. US government resources, state government resources and private company resources are being ground up and digested by the legal system while the environment that triggered the initial questions has turned over and reinvented itself several times. For Gods sake and the good of the country, make a decision so we can get on with our collective enterprises.

Dr. William R. Simpson

Institute for Defense Analyses

703–845–6637

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1801 N. Beauregard

Alexandria, VA 22311–1772

MTC–394

MTC–00000395

From: wade f dansby 3
To: Microsoft ATR
Date: 11/16/01 9:53am
Subject: shame on you

Shame on you for imposing inadequate and weak penalties on a company that has consistently ignored similar and almost identical measures in the past. You just gave them a slap on the wrist. The courts determined that Microsoft is an aggressive and damaging monopoly and broke law thereby. As long as they hold back all the code to their operating system and also develop major software for it, they will always have an insurmountable advantage over any other software developer. They can enter any new software paradigm and immediately dominate it. How does this foster any sense of competition. How can this possible be good for the industry. Shame on you all.

wade dansby 3 reply to: wade3@webslingerZ.com

media designer wk 919.933.1222 mb 919.270.5598

webslingerZ, inc http://www.webslingerZ.com

MTC–395

MTC–00000396

From: jimmy.wilson @ att.net @ inetgw
To: Microsoft ATR
Date: 11/16/01 9:56am
Subject: Thoughts on Microsoft ruling

Personally, I am not happy with the final agreement orchestrated between the government and Microsoft. I think it amounts to a mere slap on the wrist and does absolutely nothing to penalize the company for many years of gross disregard to the PC industry and to the competitive process for that industry.

To have been better served as a consumer, Microsoft must be forced to allow their customers to decide what is installed on their PCs. I don't want Microsoft to make those decisions for me. Most customers are intelligent enough to decide on what software best serves their needs and either install that software or have it installed for them.

Microsoft needs to be punished for their actions over the years. My thought would be they should either be required to do either personal computer software (i.e. operating system, games, productivity) or business software (i.e. database, applications) but not both.

My thoughts and opinions only.

Jimmy Wilson

MTC–396

MTC–00000397

From: M. Giglio
To: Microsoft ATR
Date: 11/16/01 9:57am
Subject: Comments on Microsoft Antitrust settlement

To Whom it may concern...

I have competed in the sales arena against MS for over 13 years and have sees every dirty trick in the book that their organization can pull to crush the competition. The solution you are proposing, your beliefs about its enforcement, and Microsoft's

sincerity are a joke. Either you have been told to back off, or you just don't care any more are the only reasons that I can come up with. Microsoft just recently slandered our company to our own customers RE: Novell Sues Microsoft Over Advertisement. Novell is taking aim at a series of statements Microsoft printed on a piece of marketing collateral and sent to technology buyers, including some Novell customers. The advertisement was delivered in a package designed to look like a breakfast cereal box with the name ''Microsoft Server Crunch.'' http://www.computerworld.com/storyba/0,4125,NAV47_ST064398,00.html I have heard first hand from my customers the damage this caused my company and my family has felt the economic impact these blatant lies and slander have caused. My customers have told me what their Microsoft sales rep said about the antitrust suit ''...we knew all along the Justice department had no teeth and the political climate would not tolerate a break up. If you go with the proposed settlement, Microsoft will not only walk all over it, they will become more abusive and aggressive than before destroying what little is left of their competition.

Michael Giglio

MTC–397

MTC–00000398

From: Don Tilleman
To: Microsoft ATR
Date: 11/16/01 9:58am
Subject: Settlement Comments

To Whom It May Concern,

After carefully reading the proposed Micrsoft settlement, it appears to me thast you have caved into Micrososft. NOTHING in the agreement will rectify past abuses and any changes that Microsoft would have to make apply only to future releases.

It is like you have said, OK you guys were bad, but boys will be boys, play nicer in the future.

This settlement must address the flagrant violations of previous court orders and slap a substanstial finacual penalty on Microsoft. It also should help to create a level playing field for current players. By allowing Microsoft to say what they can and cannot release is similar to allowing a hungry wolf to share a cage with several sheep and admonishing it to not eat them, it just is not going to happen in this lifetime.

I realize that you have a political stake in this, after all your boss and his political party accepted millions of dollars in campaign contribyutions in the 2000 elections and you cannot bite the hand that feeds you, but as an IS professional it saddens me to see consumer protection reduced to political expediancy.

The settlement should include major finacial penalties, forcing Microsoft to sell a bare bones Operating System, stripping the .NET products out of the current OS, and the establishment of a committee that consists of representaives from the Justice Dept, Consumer Watchdog Groups, IS professionals and Microsoft that reviews and releases code to Microsoft competeitors. Microsoft would not have veto power over any release. You are dealing with a monoploy power here that took steps to insure that it's competetiors would not be around at this point to dictate the terms of this settlement. There is precedent here, look at the IBM and AT&T decions of the 1970's. Both of those settlements actually helped to create wealth and empowered consumers to make choices.

I am glad that several states chose not to cave into the whim of an elected offcial and continue to press for real and substantive gains for the consumer against a monopoly that has abused it's power time and time again.

Don Tilleman
Pinetree Peripherals inc
(303) 772–3915
dtilleman@pinelnc.com
http://www.pinelnc.com

MTC–398

MTC–00000399

From: kabazuki
To: Microsoft AIR
Date: 11/16/01 9:59am
Subject: Microsoft Settlement?

Sirs:

Billions of $$ in sales. Why doesn't it work? It isn't meant to work, it's a cash cow. Can't avoid it because US Federal authorities folded on the AntiTrust suit. Personally, I have 5 yrs research archives held hostage to MSFT marketing malice.

Netscape? The only way to save email records—unless your name is Monika Lewinsky, of course. But if you have an ''uncontrollable situation'' (DataRecoverySpeak for MSFT marketing practices) and you haven't used Netscape, your'e in trouble.

Java? It's more secure than DirectX, but MSFT forces it's ''clients'' to agree to the contrary when they pick up and install the MSFT browser's java-enabling package. Their practice of forcing individuals to agree to matters of fact under dispute or in which they have no personal expertise at their command which would afford informed consent/dissent remains open to legal challenge, nonetheless. Furthermore, one is ill-advised to accept MSFT updates throughout the ''life'' of one of their products because these updates merely prepare for a major programming design switch, a questionable marketing method tantamount to blackmailing individuals into the purchase of ''new'' product versions which MSFT would like to sell in large numbers but for which individuals have no pressing, overwhelming need.

This happened in the switch from W1N95=W1N98 and it is happening again with the switch W1N98/MEIOO to WinXP.

Add to all these outrages and shoddy practice the fact that to get their ''seamless package'' to function, service advice must be purchased. It seems there is nothing in the manner in which MSFT's ''offer is structured likely to prevent further developpment of this marked trend in negative marketing. It is safe to assume that as the ''product'' is divided into smaller pieces and more complex calculation packages are fitted to each product module in order to book higher revenues on sales of the same old stuff, features which demand heavy service will be built into the corporation's produt range. It is suggested that the Court's IT specialists' attention be drawn to the evolution of Microsoft's .dll/migrate calculations from 1995 to October 2001, and that they evaluate the objective usefulness of this type of product developpment.

Respectfully,
Jackie Hulme

MTC–399

MTC–00000400

From: Bruce A Furnival
To: Microsoft ATR
Date: 12/6/01 1:43pm
Subject: Microsoft's so called monopoly.

Microsoft needs to be left alone. If anyone else in the computer world wants to make operating systems for consumers they can. They prefer to keep things complicated.

Yours truly,
Bruce Furnival

MTC–400

MTC–00000401

From: Minh Duong
To: Microsoft ATR
Date: 11/16/01 2:15pm
Subject: Settlement not adequate

With two federal judges having found that Microsoft is guilty of monopolistic practices, the settlement agreement is wholly inadequate to redress nor prevent the infractions for which Microsoft was found guilty. While a breakup may not be in the best interest of the company nor the industry, this settlement has less merit than the 1995 consent decree that Microsoft violated.

Any settlement made must do more than rely on the vigilance of the Justice Department to assure that Microsoft follows the settlement. The settlement also must not be so vague as to allow Microsoft loopholes. As it stands, the settlement allows Microsoft to define its own behaviors as conforming or non-conforming through the wrangling of what it deems ''would compromise the security of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems [etc] . . .'' With UTICA/EULA, Microsoft can find other exceptions. Even if it violated the behaviors it sets, Microsoft polices itself through its influence in naming the oversight committee that oversees it. Finally, in the unlikely event that Microsoft is found guilty by the oversight committee of violations, there are no provisions for punishment or procedures for redress. Does the DOJ sue again?

The settlement is not a sellout. It is a rubber stamp to all the policies that has made Microsoft a monopoly. The Bush claims to be business-friendly; this settlement adjusts that view to be ''biggest-business-friendly.''

As a test of settlement to address users' concerns bear in mind the following scenario: At the moment, the latest version of Windows (XP) is now selling. While it is an advance on previous versions, certain features (most of which are unneccessary) make it more difficult for users to divorce them from Microsoft. Product Activation is Microsoft's solution to software piracy. Users have to contact Microsoft after installing XP to allow XP to work more than 30 days after install. After 120 days, XP checks to make sure that it is still running on the same

computer on which it was installed. Imagine 3 years from now, Microsoft changes XP through updates and patches so that every 120 days insteading of just checking itself, it shuts down until the user deposits $100 dollars into Microsoft's bank accounts. While it would mean outrage from users, what could they do about it? Absolutely nothing. They have no choice but to pay or not use XP.

Even though home users paid for the software initially, the license agreement on XP allows Microsoft to change the terms and conditions of the use of XP at Microsoft's discretion. Business users typically pay per seat license per year anyway, but Microsoft could still charge them four times a year. This is a clear case of monopoly abuse under the Sherman Antitrust act. What would DOJ do then? Should private individuals sue? Under the settlement this is allowed, but how long would it take to address this issue? In this case the settlement would be useless.

In evaluating the Microsoft case, we often compare precedent and history. In other monopoly cases where violations of the Sherman act were found, no other company was given as much latitude as Microsoft. Was AT&T allowed to determine its own course of action? What about Standard Oil? At the time of those cases both companies decried irrevocable harm to the country and ecomony if severe penalties were accessed. Years later, I am paying for gas based on the amount of world-wide supply available, and telephone companies are fighting for my long-distance service. Are we better off today? My opinion is yes. This settlement only benefits Microsoft in the long run.

Sincerely,
Minh
Minh Duong

MTC–401

MTC–00000402

From: Raymond Townsend
To: Microsoft ATR
Date: 11/16/01 9:09pm
Subject: microsoft

Excerpt from Ralph Nader

Even within the brief period of the term of the agreement, Microsoft has too much room to co-opt the enforcement effort. Microsoft, despite having been found to be a law breaker by the courts, is given the right to select one member of the three members of the Technical Committee, who in turn gets a voice in selecting the third member. The committee is gagged, and sworn to secrecy, denying the public any information on Microsoft's compliance with the agreement, and will be paid by Microsoft, working inside Microsoft's headquarters. The public won't know if this committee spends its time playing golf with Microsoft executives, or investigating Microsoft's anticompetitive activities. Its ability to interview Microsoft employees will be extremely limited by the provisions that give Microsoft the opportunity to insist on having its lawyers present. One would be hard pressed to imagine an enforcement mechanism that would do less to make Microsoft accountable, which is probably why Microsoft has accepted its terms of reference.

How is the plublic supposed to find out what committee does?

Raymond Townsend
rtownsen01@mindspring.com

MTC–402

MTC–00000403

From: doyle @wrq.com@inetgw
To: Microsoft ATR
Date: 11/16/01 9:09pm
Subject: Problems with November 2 agreement

Dear sirs,

I am writing today because I am deeply troubled by several aspects of the November 2, 2001 Microsoft anti-trust settlement. I am a professional computer programmer, and have been directly harmed numerous times by Microsoft's parctices.

First, the text in the ''definitions'' near the end of the agreement says, ''The software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion.'' Microsoft has demonstrated repeatedly that they are willing to exploit this kind of loophole, and I am counting on them to determine that pretty much anything they want is part of the Operating System—this clause gives them that right. This alone seems to render the agreement nearly useless against future infractions.

Second, their anti-competitive behavior is continuing unabated with respect to Java. They have a competing technology (which I'm certain will be defined into the OS, see above) called .NET, and have dropped all support for Java from Internet Explorer, making it much more difficult to install Java as an optional after-market piece. This is a clear example of abuse of monopoly control over the browser and the platform.

Third, there is absolutely no punishment for past crimes. They got away with it, and received only the lightest possible slap on the wrist. Given their past behavior, I am afraid this will simply magnify their hubris, and instead of nearly fatally wounding the industry that pays my salary and was responsible for the largest peace-time economic expansion this country has ever seen, they will do the job right this time, and we'll end up with no Internet, no innovation, and a monopolist in charge of an enormous range of strategically critical technologies.

I would instead like to see the following remedies:

1. Split the company, not in to two but three pieces: Operating Systems, Internet, and Applications.

2. Appoint an existing technology standards body such as the IETF to determine what is in and what is not in each category. Microsoft should have only a small minority voice in the process, if any.

3. Fine them three years profits.

4. Require them to publish all existing file formats (Word, Excel, etc.), and require changes to those formats to be published and peer-reviewed six months before any Microsoft product is allowed to read or write them.

Failure to seriously address these issues will lead to a dramatic decline in innovation and the markets that it spurs. A large segment of the economy now operates on Internet Time—I think you will be amazed at how quickly things will go south if a remorseless monopoly is allowed to continue destroying others' ability to innovate.

Sincerely,
Doyle Myers
Seattle, WA

MTC–403

MTC–00000404

From: John D. Bethge
To: Microsoft ATR
Date: 11/16/01 9:10pm
Subject: Settlement

I would just like to say how out raged I am at my government's complete lack of conviction to punish a court proven monopoly. I see myself as a capitalist and monopolies are not a bad thing if achieved thought fair market practices. I believe that Microsoft did not achieeve its monopoly thought fair practices and its effort to maintain its monopoly where proven by our wonderful justice system to be unfair. This settlement does not go far enough to punish Microsoft. Lesser monopolies have be punished far worse. It is time for our governement to stand up and protect consumer and consumer rights not the rights of big business.

Thank you
John D. Bethge
http://www.geocities.com/jdbethge
jdbethge@ieee.org

/''There is a fine line between serendipity and stalking.''/

MTC–404

MTC–00000405

From: ray hartman
To: Microsoft ATR
Date: 11/16/01 9:13pm
Subject: how expected

Gents:

Nice work, DOJ ... just as I expected.

I presume—since M$ is the Feds own OS—with security weakness, code backdoors and never ending extensions designed and tested by the FBI, CIA and anybody with shiny, black shoes—much worse could have happened than slapping Bill Gates hand.

The Feds could have handed him Linux ... 'Course then SusE hardware drivers would work. Regarding the M$/DOJ agreement, that, gentlemen is the level of my cynicism.

Dr Ray Hartman
328 west 8th Ave.
Spokane, wa.

MTC–405

MTC–00000406

From: Travers Naran
To: Microsoft ATR
Date: 11/16/01 9:13pm
Subject: Please break them up

Or at least aggressively monitor them.

It is extremely dangerous to let this monopoly continue and become the only major tech company in town. It makes the entire industry susceptible to MS's woes. Please, reconsider and use more aggressive tactics.

Travers Naran,
tnaran@direct.ca, tnaran@telus.net

MTC–406

MTC–00000407

From: Helmut Kurt Burn

To: Microsoft ATR
Date: 11/16/01 9:16pm
Subject: Microsoft receive harsher penalties

''the price of freedom is eternal vigilance'' against those who see our will and our innate rights as a hindrance that must be overcome. So that thee may subjugate us under their domination.

We must not trust our governments with our fate, for our rulers often do not serve us. But take their lead from their corporate pay masters. We must always make it clear to all that we will not tolerate those who try to decrease our freedom, and take away our choices.

We must fight those who corrupt and circumvent the process of law. And do so with impunity, as if thee are beyond the reach of the justice. And the eyes of the people, that the law proclaims to serve.

The threat that microsoft poses, is not confined to within a single nations border. Rather Microsoft is aiming to control, the links that cross these borders, and the very connections that binds one human being with another.

It is thus vital to push forward with, vigorous prosecution of Microsoft. Regardless off the weakness of some in the challenge posed in the defense of democracy.

Helmut Kurt Burn
Mook Media—Director
Sydney Australia

MTC–407

MTC–00000408

From: tannhaus@wt6.usdoj.gov@inetgw
To: Microsoft ATR,jeffersonmc @ mail.house.gov @ inetgw
Date: 11/16/01 9:22pm
Subject: The pending Microsoft settlements

First, I would like to say that I'm very distressed to see the proceedings fall apart as they have been. The DOJ had essentially won the case and now seems more concerned to hand the ball back to Microsoft. I do not doubt that there is a tremendous amount of pressure on the DOJ by the current administration to end this trial quickly. However, I'm concerned that the DOJ has moved away from a focus on what will protect the citizenry and instead moved to a focus of settling this case soon, at any cost.

The Microsoft monopoly only hurts the economy and the consumer. It chokes the life out of all competition and aggressively attacks them until they are only a shadow of their former selves. Sun Microsystems, Netscape Communications, Apple and many other companies have felt the force of a monopoly bent on domination. Thousands of jobs have been lost due to Microsoft's unfair business practices and even under the proposed settlement, thousands more will be lost.

Windows XP is a shining example of Microsoft's monopolistic practices. Now, with cd burning software and digital photo software included for free, it forces competition such as Nero and Kodak down the same path it forced Netscape long ago when it included Internet Explorer as a free addition to Windows. When you click on a file to open it, it does not ask you what program you wish to use to open it with. It simply opens it with Microsoft's programs and leaves the competition to fend for themselves.

Microsoft has proven to be VERY aggressive and very willing to use their monopolistic leverage to their advantage. Whether they use the leverage to punish vendors for loading other software, or use their software to make sure companies cannot switch to another operating system and keep using the same programs they've been using all along. This increases the learning curve for using other operating systems dramatically and ensures Microsoft will keep the monopoly at the expense of others. It is my opinion as a consumer and a citizen that there is only one true solution to this monopoly. The solution is very similar to the one enforced on Bell which created a boon for the telephone industry. Ideally, Microsoft should be split into two companies. One company would retain the software and the other company would retain the operating system division. This would ensure that Microsoft would have to compete on their own merits and the merits of the programs. It would also ensure that other operating systems and software companies would have greater access to the consumer. No longer could Microsoft bundle a product for free in an effort to force a company and their products out of the market.

The alternative to that path would be if Microsoft was forced to sell off either the operating system division or the software division. If the two divisions are not separated, even with strict controls, Microsoft would find ample loopholes to keep doing business as usual, cirumventing the law and making a mockery of the legal system. They have already proved their willingness and ability to do this with the current wording of the proposed settlement.

If this solution is not acceptable to the DOJ, I have one request I beg you consider. PLEASE, for the sake of your citizenry, add a clause to the settlement that ensures the following:

Every program Microsoft creates, whether downloadable for free off the internet, or sold, should be not only available for the Windows platform, but with identical quality and function for the Macintosh and Linux platforms. Programs should no longer be bundled with windows beyond those required to connect to the internet.

Most non-Microsoft operating systems, beside Macintosh, have a way to run Linux programs on their platform. In addition, since Linux is open source and the code is free to the public, this ensures that future and present operating systems will have a way to code compatibility into their OS. Therefore, any Microsoft program released on the Linux platform, would be able to run on their platform as well. This one clause would level the operating system playing field and make the settlement much more palatable to many companies and people.

Thank you for your time,
Michael Staggs—registered voter
2710 Bessemer St
Kenner, LA 70062

MTC–408

MTC–00000409

From: Gary Stahara
To: Microsoft ATR
Date: 11/16/01 9:23pm
Subject: Microsoft Settlement

I would like to express my disappointment in the government's settlement of the Microsoft Anti trust case. This settlement amounts to a slap on the wrist for Microsoft, and does nothing which will change the company's monopoly status, and little or nothing to alter it's behavior. The government should be ashamed of this settlement considering the time and tax payer money spent on the case, which gives the consumer nothing for the future in the way of increased competition and innovation. This company will continue to rip off other company's ideas and incorporate them as their own, or buy those companies out, squashing potential competition.

Dismantling the company into OS/Apps is the only way to foster true competition in the computer market space. Our system has utterly failed in this case.

Respectfully,
Gary Stahara

MTC–409

MTC–00000410

From: istone@mac.com@inetgw
To: Microsoft ATR
Date: 11/16/01 9:23pm
Subject: Re: Slashdot: News for nerds, stuff that matters

I am very upset with the proposed settlement. I am a network administrator working at the Johns Hopkins University Applied Physics Laboratory. I am one of the lucky few not forced to work on windows machines. Microsoft's Internet Explorer epitomizes the trouble whe are having. Internet Explorer comes on every one of our PCs. In addition, our developers have been enticed into writing code which runs only on IE. This effectively freezes out UNIX machines, and sometimes Macintoshes, from accessing Laboratory web sites. Thus, there is increased pressure to migrate projects and people to the Windows platform.

If Microsoft were split into an OS group and an Apps group, there would not be as close a tie between IE ant the OS. Other vendors would have an opportunity to write decent web apps. But, more importantly, I think there would be less ''custom'' microsoft only web code around. And the web would be as it was created, open to all platforms and people, equally.

Thank You,
Chris Stone

MTC–410

MTC–00000411

From: Dan Burnstein
To: Microsoft ATR
Date: 11/16/01 9:26pm
Subject: my 2c

I am old enough to remember MS proudly telling everyone that they had a Chinese firewall between the applications side and the operating system side of the business. Then as they realized there was little effective oversight they 'forgot' about this division. Now we have no effective competition in the browser market and even less competition in the operating system market. They crushed the competition using

illegal tie-in arrangements and punishing anyone who did not toe the MS line. Stopping this behemouth is not easy and crafting a useful remedy is very hard. However it is doable with will and backbone. I doubt this administration has either.

Good luck.

Dan Burnstein

(software developer, lawyer)

MTC–411

MTC–00000412

From: Panix
To: Microsoft ATR
Date: 11/16/01 9:27pm
Subject: Microsoft Settlement
To: microsoft.atr@usdoj .gov
Subject: Microsoft Settlement

I appeal to the United States Government NOT to settle with Microsoft. In addition to the reasons set forth by the United States Department of Justice in bringing the Anti-Trust it seems that Microsoft's arrogance has grown to the point of being out of control.

To example, Microsoft now requires that their newest operating system, known as XP MUST be activated by their WPA (Windows Product Activation) which requiresd that the XP product send private information about the user's equipment to Microsoft or else the product will stop functioning.

I can advise that any elected official that supports this settlement with Microsoft will not get my and/or my family's vote. We can not permit this BIG BROTHER policy by Microsoft.

For those that agree with the above please send tyuor comments to the email address shown above.

United, we the consumer can win!

MTC–412

MTC–00000413

From: Kelly, Brian F
To: microsoft.atr(a)usdoj.gov
Date: 11/16/01 9:30pm
Subject: BeOs had good deals with Dell and Compaq

The fact that this(email subject) was completely overlooked has reduced my faith in the justice department to nothing. Why did this get overlooked is what I, as a citizen, deserves to know. Thankfully the EU has a little more knowledge of the situation.

MTC–413

MTC–00000414

From: Scott Prive
To: Microsoft ATR
Date: 11/16/01 9:31pm
Subject: The DOJ/MS settlement is bad

The DOJ/MS ''settlement'' is bad. REALLY bad. This sends a really bad message that if you break the law, it's cheap insurance to donate soft money to a candidate, then reel in the favors.

How is a new consent decree going to prevent problems the 1995 decree did not prevent? Windows XP and .NET look appear to be the ultimate joke of the whole legal process.. I can't see how Windows XP could violate the past decree any more, if they tried.

How can Microsoft be ''forced'' to open up their protocols, to allow interoperatability with the competition... when the decision is ultimately Microsoft's to make. The loopholes for denying information.. ''viable competitor'' and ''except for security concerns are loopholes big enough to drive an 18-wheeler through.'' What about Microsoft's *bigger* monopoly... the Office suite market? A structural remedy means MS will have to compete on equal terms. You might even have a choice in software suites... consider for a moment how many people or businesses actually read reviews of different office suites. None. Why is that? Because other office suites cannot keep up with the *momentum* of... not features.. but the ever-changing, undocumented secret Office file formats.

Lastly, this settlement completely ignores the issue of punishment, which is something expected when someone breaks the law... especially if they boast.

Scott Prive

Lowell, MASS

registered voter

MTC–414

MTC–00000415

From: Romancer Black
To: Microsoft ATR
Date: 11/16/01 9:32pm
Subject: Re: (Response requested)

It's interesting that something could be said to be in public interest and yet have the public fighting it so. Competition is good for the economy, I'd check the pockets of anyone saying otherwise.

Microsoft has purchased it's own ''get out of jail'' license with this agreement. They will continue to dominate the desktop area because nothing that they are currently doing has been said to be bad.

This case against them was brought up because they are no longer using honest american business tactics, instead they are embracing new technology and making it proprietary. So that no one that used it first or came up with the idea has a chance. Since Microsoft Windows is so popular now it doesn't matter that it has so many problems and doesn't work very well. We have nothing else to choose. Any selling point of any other OS is drowned out by microsoft media hype and they incorperate it badly into their OS anyway. They stomp out any competition and you have let them keep their place that they have gotten by illegally hurting others.

They broke the law and the only punishment they get is that they may have to spend more money defending their further actions to a court that has already said that they did no wrong that is punishable.

If your interest is in the people, than let the people decide what to do with them, Listen to us and the reasoning that we mail you. They broke the law and must pay the price, let them have competition. Since that is the law they broke, that whould be their punishment, to be treated as a company on equal ground as the ones it hurt. The settlement should include microsoft giving up it's secrets that prohibit other OS makers from running MS Windows programs.

If another OS maker wants to compete with microsoft on the operating system level, let them compete on the operating system level, not a popularity contest and courtroom battle of ''I have more money than you and you can't win because of that''. Let the best operating system win, that is competition. And that is exactly what microsoft fears and deserves.

Just a check, if anybody is actually reading this, could you hit reply? You don't have to say anything long, just say ''We got it'' so I know you aren't using an autoreplier and someone is actually caring that this e-mail account is active and recieving mail from the people you represent. Thank you very much for reading and caring.

MTC–415

MTC–00000416

From: igor@galaxy.nsc.com@inetgw
To: Microsoft ATR
Date: 11/16/01 9:32pm
Subject: Settlement between MS and DOJ is bad for computer industry

Hello ALL at DOJ,

Settlement between MS and DOJ is bad for computer industry. Please re-read judge Jackson's findings. You have left a lot big holes in your settlement. Bill Gates will drive heavy trucks through all of that holes and 3–4 years later you will notice it. Past behavior of Mr.Gates it is the proof.

Sincerely

Igor Furlan

MTC–416

MTC–00000417

From: anthony@verizon.net@inetgw
To: Microsoft ATR
Date: 11/16/01 9:32pm
Subject: Microsoft Anti-Trust Settlement Agreement

To Whom It May Concern:

My name is Anthony Liguori and I am a software engineer and an avid user and developer of Free Software. As a developer, the proposed settlement in the Microsoft anti-trust case is a bit concerning to me. While I fully support free market and am a firm believer in capitalism, Microsoft has clearly used unethical and illegal means to protect their monopoly. I do not see how the simple ''slap on the wrist settlement currently proposed, will prevent Micrsoft from abusing the power they currently have in the software market.

The free and open practice of business is absolutely essential to the survival of our system of government, but just as a dictator uses his power to ensure that his government stays in power, a business can use their power to ensure that their power is preserved. Our government thrives because our constitution has provisions to prevent any person or group to have to much power. The same applies to our economy and it is the responsibility of the Department of Justice to ensure that this is enforced.

I feel as if the Department of Justice has given up the fight. Just as Hitler should have been stopped at Munich, Microsoft should have been stopped when it bundled Internet Explorer with Windows 95. Let us learn a lesson from history. World War II tested the very limits of our democracy, but we stood through it and democracy prevailed. It may seem a little extreme to compare Nazism to Microsoft but Microsoft is just as much of a threat to our free market as Nazism was to democracy. It is the duty of the Department

of Justice to stick through the fight. Let it be known that while the fight seems difficult and does not appear to be one that can be won with a great deal of glory, the support of the American people is behind you.

Respectfully,

Anthony Liguori

MTC–417

MTC–00000418

From: Scott Meyer
To: Microsoft ATR
Date: 11/16/01 9:33pm
Subject: Some Questions

Dear Officers of the Department of Justice:

My name is Scott Meyer, and I am a student at a small college in St. Louis Mo. There are some things about the Microsoft trial which confuse me and which I would like to have clarified. I realize that, with the wash of emails which are probably pouring in, most of your time is probably spent answering messages from important people like lawyers and government officials. But if you could take a few minutes to answer my simple questions, I would greatly appreciate it.

First of all, what is a corporation? I know it sounds lame, but the question has always bothered me. Is a corporation a person, some centralized entity? If so, what kind of rights does a corporation have? Can a corporation be a citizen? Can a corporation cast a vote? Does a corporation have freedom of speech, etc?

Most people I talk to have said that a corporation is actually a group of people, and since each of the people who make up the corporation can be citizens and have rights, etc, then collectively the corporation must as well. So if a corporation casts a vote, it's actually the votes of all those people who are its stockholders. So now my question is: who exactly is the corporation representing? How many of them are there? And if each one owns a part of the corporation, why do they not all cast their own votes? I mean, surely the votes of that many people together are way more than one vote by a corporation.

I guess my big question is: isn't a democracy supposed to be ruled by the people? I keep hearing people say that corporations rule the world. Is that true? Are people's rights completely gone now? Is the government, and, therefore, the people, completely powerless to make it's own decisions? What happens when a powerful corporation steps out of line and infringes on the rights of the people as stated in the Constitution? Shouldn't the government, on behalf of the people, make every effort to make sure that the corporation is punished and doesn't do it again?

It seems to me that if the government wants to show that corporations are not the ruling power in the world, and the that the rights of the people are more important than some controlling monetary interest, it should make an example of Microsoft and come down as hard as it can. This is not the time for compromise, or for mercy. If a person commits a crime, that person is punished. Therefore, if a corporation is a group of persons, and the corporation commits a crime, those people should be punished. Microsoft has already shown that it can push people around. Like a feudal monarch, its power is derived from being bigger and stronger than everyone else. Is the government really willing to let itself be pushed around?

''They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety.''—Benjamin Franklin, 1759

lmeyers@fontbonne.edu

MTC–418

MTC–00000419

From: Dave McCue
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/6/01 1:40pm
Subject: Microsoft settlement

I want to tell you that I prefer RedHat's solution to the settlement of the anti-trust case to the one announced by the DOJ early in November. I think that the DOJ solution would help expand Microsoft's monopoly into one of the few areas they don't already control. Plus the cost to Microsoft to provide this software is almost zero since they have already recovered their investment through regular sales.

Thank you

David C. McCue

Information Systems Manager

City of Paso Robles, CA

mailto:dmccue @prcity.com
<mailto:dmccue @prcity.com>

Voice (805) 227–7202

Fax (805) 237–4032

MTC–419

MTC–00000420

From: Ignacio Valdes
To: Microsoft ATR
Date: 11/16/01 9:34pm
Subject: DOJ settlement.

A very important issue that is not addressed in the settlement is Microsoft opening their proprietary file format for their office suite, especially Word and Excel. This is a key way it retains its monopoly.

Ignacio Valdes, Editor: Linux Medical News

http://www.linuxmednews.com

MTC–420

MTC–00000421

From: Tony Placilla
To: Microsoft ATR
Date: 11/16/01 9:35pm
Subject: the Microsoft setelment

We oppose the DoJs proposed settlement with Microsoft in the strongest possible terms
Tony & Maureen Placilla
aplacill@rochester.rr.com

''Never ascribe to malice that which can adequately be explained by stupidity.

MTC-421

MTC–00000422

From: Sean
To: Microsoft ATR
Date: 11/16/01 9:36pm
Subject: Re: Slashdot: News for nerds, stuff that matters

This settlement won't work. Microsoft violated the last consent decree it signed, and it will violate this one, too. Settling for the weak conduct correction measures is tantamount to giving parole to a repeat parole violator. The Department of Justice should get behavioral remedies at least as strong as those recommended by Ralph Nader. Possibly even hit MS with a monetary penalty. In order for the penalty to have maximum effectiveness, it would be ideal if the penalty were something like forcing Microsoft to donate $2 billion to the Free Software Foundation, or as a non-returnable investment spread over the industry in its competitors as a ''gift'' for abusing its monopoly. I would personally prefer a break-up of Microsoft entirely so that the Windows monopoly can't be exploited to expand in to new markets at all. I don't know why the DOJ is trying so hard to snatch defeat from the jaws of victory. Microsoft is thumbing its nose at the Department of Justice with Windows XP, and the DOJ settles. Never mind the plethora of new attempts to leverage Windows monopoly that XP contains. Forget the fact that Microsoft is selling the XBox at around $100 loss in a gambit to expand its monopoly to the video game console market.

Please don't let Microsoft get away with its flagrant abuse of the law and its monopoly.

Thank you for your time.

Sean Lake

MTC–422

MTC–00000423

From: paulpam
To: Microsoft ATR
Date: 12/6/01 1:41pm
Subject: Microsoft

I just want to know whose palm did Microsoft grease to get away with it!

MTC–423

MTC–00000424

From: Scott I-Jail
To: Microsoft ATR
Date: 11/16/01 9:38pm
Subject: Settlement is not a good deal for America

The settlement as it is proposed fails to address one of Microsoft's primary issues of the case which is, contrary to what Microsoft would have us believe, assimilation is not innovation. Innovation is based on the ability of small companies to change the world we live. This ability is critically in danger in the personal computer market space. Microsoft's belligerent and monopolistic tactics regarding small innovative companies provided no benefit to the nation.

The economic prosperity we recently enjoyed was not enabled by Microsoft it was built upon the hard labor of many small companies, the ability of these companies to compete in the marketplace needs to be preserved.

Having spent my career in IT in Microsoft centric and non-Microsoft centric companies, I hope the current settlement proposal is reconsidered and saner heads prevail.

Scott Hall

MTC–424

MTC–00000425

From: Robert Shuler
To: Microsoft ATR
Date: 11/16/01 9:39pm
Subject: Microsoft Settlement

Dear Sirs:

I read that you are soliciting input. I have run a small software business, http://mclsoft.com, since about 1994. And yes I have been impacted unfavorably by Microsoft. And no, I don't see anything in the settlement that will help with the problem. The most pressing concern at present is new technology I'm developing which could eventually make PC based business applications nearly obsolete. I am hesitating and delaying this technology, and may eventually decide not to market it at all, simply because I feel that Microsoft will take the idea and give it away free until I am out of business, just like they did with Netscape. I'm not aware of any language in the settlement that prevents them from repeating this atrocity. Is there? If not, then it is not practical for me to invest in technology they are likely to confiscate in their usual fashion, by incorporating free versions of it into their other products or services.

That is not the only example of how the mere fact of Microsoft's typical behavior suppresses innovation. In each of their last several OS releases, they have introduced subtle incompatibilities that cause me to have to spend time re-engineering old applications instead of developing new ones.

Speaking as a consumer of computers and software, I have lost many old applications to Microsoft's creeping incompatibility. So have many of my associates. I would gladly purchase a version of their OS, or anyone else's, which was compatible with my old apps, and supported modern hardware. But they have chosen not to market it, all compatible competitors have gone out of the business, and there is no practical choice. Oh, sure, I can buy an Apple, but it's not compatible with anything. Neither is Linux. There used to be compatible DOS's and even compatible gui-based OS's, such as OS2, but they have all succumbed to Microsoft's anticompetitive practices. Consider the many variations of UNIX that are available, all compatible to varying degrees. This is the normal free market state of affairs.

Tell me, how is the settlement going to change any of this?

It is not. The settlement appears only to pander to a couple of players, such as AOL, making it easier for them to offer certain very limited products. It does not address root issues. I don't use AOL (or MSN) and don't use my computer to listen to music (neither does anyone I know). No small businesses or business consumers care about anything in the settlement as far as I can tell.

Feel free to contact me for additional information.

Robert Shuler

MediaComm Software

MTC–425

MTC–00000426

From: jim@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 11/16/01 9:39pm
Subject: antitrust

Could spout the typical adages about money, republicans, business, etc but there are more important issues. microsoft, over the years, has done much harm to others in the industry, aka competition, and nothing was done. they have crimped innovation and and continue to try to manipulate laws to suit there own (very large) ambitions. they try to stop the flow of security information and wipeout whomever opposes them. i could go on and on as i've been in the industry for many years.

the courts have ruled that they violated antitrust laws, they have— let that stand and press on with appropriate and meaningful penalties. their control, nay stranglehold, on technology must be loosened if not broken. i've seen too many good companies and technologies trampled by their ego.

please let justice be done. we don't ask for protection, only for the right to fair competition from their embrace, extend, and destroy attitudes.

thank you,

jim trexler

MTC–426

MTC–00000427

From: Bruce Mohier
To: Microsoft ATR
Date: 11/16/01 9:41pm
Subject: Microsoft Judgement

Dear Department of Justice,

While I applaud what the DOJ and Attorney General Ashcroft are doing on many fronts (responding to Sept 11th and the restricting the use of drugs used to terminate life in Oregon), I cannot approve of the judgement agreed to with Microsoft. It appears (from my perspective) as if Microsoft has ably demonstrated what it was convicted of (of being a monopoly) by weaseling out of the judgement with essentially no penalties.

As someone who works in the IT industry everyday I'm concerned about the spread (and control) of Microsoft into more and more aspects of what I do. It seems inevitable, after the outcome of the trial, that the servers that I support will eventually be running Microsoft's software and that Micrsoft will be free to expand into any area that they want to without government regulation.

Bruce Mohler

Bruce Mohler—Software guy... Of course my password is the same as my pet's name.

My dog's name is rit5%ang, but I change it every 90 days.

MTC–427

MTC–00000428

From: Robert J. Lynn Jr.
To: Microsoft ATR
Date: 11/16/01 9:42pm
Subject: What I think should be done:

Force Microsoft to include source for NO EXTRA ChARGE with EVERY copy of Windows. Maybe even Office.

-Rob

MTC–428

MTC–00000429

From: Steve Parker
To: Microsoft ATR
Date: 11/16/01 9:42pm

Hi, having read the article at http://www.wired.comInews/ antitrust10, 1551 ,48452,OO.html, I have, as a non-voluntary Microsft user, the following comments:

The most obvious is the Gates quote : Bill Gates on Thursday defended the settlement as tough but one that ''we're really pleased to have.''

If Microsoft are found to have done wrong, how come they're ''really pleased'' with the settlement?

As far as MS's attempts to protect the RIAA and others, this code had been cracked before Windows XP was officially released, so there is no justification in their hiding code on this kind of basis. Apart from the damage their (proven) monopoly has had on the US and worldwide economy, the software flaws (code red, nimda, miranda, etc) which have had such strong effect because of their monopoly, are much more strongly felt by all companies, American and foreign. I feel that the DoJ, America, and the world, should not accept this token settlement, from the evidence that has been presented.

AT&T were harshly punished for their monopoly practices, which were not so far-reaching as Microsoft's use of their monopoly. From the results we have seen, particularly in the past six years, of the Microsoft monopoly on PC operating systems, surely users must be better freed from this monopoly power.

As a consumer, the major way in which I suffer from this, is in the Microsoft Office suite which has ridden on the back of this monopoly. Since most documents are distributed in the Microsoft Office formats, if these were made freely available, to developers of all kinds—Windows, Mac, Linux, even GPL developers, *then* we would have freedom as conusmers. As for the rest of the above-mentioned article, I agree with the overall tone of the article. And as for Jackson's removal from the proceedings, let's not forget that the interviews were given on the (honoured) basis that the interviews not be published until after the case.

With Regards,

Steve Parker.

Kbr>

 <html><DIV>Steve Parker </DIV>Steve_G_Parker @hotmail.com <D1V>4DIV> <P><A href = ''http://steve-parker.org/'' >http://steve- parker.org/&A></P> -----</P>

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MTC–429

MTC–00000430

From: Bryan
To: Microsoft ATR
Date: 11/16/01 9:44pm
Subject: you didn't do enough for us

To Whom It May Concern:

Thank you for offering this email address as a forum, but no thanks for your weak backbone in your effort to protect consumers. The operating system business for desktops today is stale and uncompetitive. That is a direct result of MS's business practices. How come you focused so much on Netscape, but didn't focus on MS's licenses that doesn't allow a pc manufacturer to sell dual-boot machines. A linux/windows combo would be a great sell to consumers for companies, but MS doesn't allow that. You should have protected us from those predatory actions.

I find it extremely odd that the you, after using the bundling of code as the main thrust of your case, would suddenly abandon that angle and turn your back on us, the consumers. As MS has shown us with XP, they are perfectly willing to deny trying to be

monopolistic, yet continue their abusive practices. They have included more and more software as ''bundled'' with the 0/S, and more and more smaller companies are put out of business. It is very bad for the marketplace and innovation, to have one monster company that can stomp little companies out by bundling code. That means fewer and fewer smaller companies will continue to try to build great products where MS might come along. The entire tech sector suffers when MS gains more power.

Please rethink your decision to settle so weakly. Please support those states who refuse to give up. Please remember the goals you had when you started this case. If you support competition, you should reprimand MS a lot more sternly for violating anti-trust law. I'm very disappointed in you...

Sincerely,

Bryan Thompson

MTC–430

MTC–00000431

From: John Zachary
To: Microsoft ATR
Date: 11/16/01 9:45pm
Subject: Comment about the MS case

As a computer scientist, a long-time (15 years) computer user, and a tax payer, I am severely disappointed in the proposed settlement with MS. The DoJ has dropped the ball in instituting real change. MS has repeatedly demonstrated the following: they do not care about about innovation, they will not deal fairly with customers, they will not deal fairly with business partners, and they will not deal fairly with competitors. In a time where virtually all software related companies are reporting poor earnings, it is not coincidence or superior ability that enables Microsoft to post good finanical results. It is their monopolistic position that does.

I have been developing software for over 10 years. I have tried in earnest to support non-Microsoft platforms. This choice was based on the need for heterogeneity in the software landscape and the fact that most all other software platforms are technically superior to most Microsoft software products. It is a shame to see Microsoft dominate the industry to the point of squelching out technically superior alternatives, mostly due to their hyper-aggressive business tactics. With Linux and the set of BSD operating systems (e.g., FreeBSD), I am hopeful that some headway can be made against the Redmond juggernaut. Unfortunately, NeXTstep, OS/2, BeOS, and others could not, and the software industry is worse for it.

It is apparent that the U.S. Government will not deal with Microsoft as a monopoly in the same way that other monopolies have been dealt with (Exxon, IBM, AT&T). This is a disservice and I implore you to reconsider the settlement in its current form.

Microsoft will not single-handedly alter economic cycles. But with your help, they can single-handedly stifle innovation to the point of severely retarding the software industry.

Respectfully,

John Zachary, Ph.D.

State College, PA

MTC–431

MTC–00000432

From: ajablins@ enflex.net@inetgw
To: Microsoft ATR
Date: 11/16/01 9:45pm
Subject: The Microsoft Settlement

Dear U.S. Department of Justice Representative,

I was completely appalled by the recent settlement made between the U.S. Department of Justice and Microsoft.

It doesn't come close to offering a remedy that would force a change in the behavior of a company that has been found to be a monopoly. It doesn't come close to punishing a company that has done so much damage to the computer industry.

Microsoft failed to follow instructions the last time it was pursued by the U.S. government. Therefore, the punishment this time should be even worse. Instead, it amounts to a mild scolding, nothing more.

I agreed with Judge Jackson's remedy. The only way to get the monopoly out of Microsoft is to split up the operating system and applications divisions into separate companies. As long as Microsoft is one company, it may continue to make its applications work well with its operating system and make the competitor's products not work as well. It may continue to offer its applications as ''part of the operating system'', thus forcing the public to buy applications that they may not even want through a higher price for the base operating system product. The public doesn't get to choose the vendor for the applications they want. Microsoft gets to choose. And Microsoft always chooses its own applications.

Microsoft's bullying strategy crushed competing companies in the industry. Microsoft should have to pay reparations to these companies for the damage it caused. This settlement offers nothing to those companies.

Microsoft has bundled even more applications into the XP product. Why would anybody want to go buy a competing product when Microsoft has already bundled it into its operating system product? More of the same strategy. Real Audio will be joining the ranks of Netscape in no time unless the government stops this monster.

Allowing the OEMs to plug in other competitor's products is a nice attempt, but the OEMs must still pay for the competing Microsoft applications because they are included in the XP base operating system price. Unless the OEMs are getting a price break when they uninstall a Microsoft application, I doubt many will want to spend more money to install another vendor's product.

There have been many loopholes identified in the settlement by technical and legal editors on the Internet, especially regarding the term ''middleware''. That frequently repeated phrase will allow Microsoft to move middleware software into the base operating system and circumvent some of the proposals. And the verbage regarding exceptions to making available the APIs (application prototcol interfaces) because they are related to security? Heck, Microsoft will just label as ''security related'' many of the APIs that have nothing to do with security, just so they won't be available to 3rd party vendors.

This settlement will not level the playing field for competing software companies. Instead, it will just shore up Microsoft's monopoly by providing enough backdoors so that Microsoft can continue its monopolistic practices.

I understand that our country has other pressing demands, like fighting terrorism. But if our country does not punish its own bad guys, how are any other countries to take our intepretation of justice seriously?

Anne E. Jablinske

ajablins@enflex.net

MTC–432

MTC–00000433

From: Zach Edwardson
To: Microsoft ATR
Date: 11/16/01 9:46pm
Subject: DOJ/MS settlement

Thank you for a fair, unbiased settlement.

Zach Edwardson

MTC–433

MTC–00000434

From: Sean
To: Microsoft ATR
Date: 11/16/01 9:46pm
Subject: Re: The Microsoft Settlement

I sent a prior email, so I'll keep this one short.

I forgot to mention in my previous email that one of Microsoft's arguments in the trial, that its monopoly has helped drop price for the consumers, has just been proven flat out wrong. Just search any internet news site for information about Microsoft's licensing changes, and how much more customers will have to pay to MS. Microsoft couldn't get away with such an action if it weren't a monopoly, and it should have been the equivalent of Microsoft handing the Department of Justice a tactical nuclear weapon. Why hasn't the Department of Justice brought up new charges? Or at least used Microsoft's recent behavior as an argument that strict measures are needed to curb the Redmond, Washington, company's blatant disregard for the law.

Sean Lake

MTC–434

MTC–00000435

From: kramer SETH
To: 'microsoft.atr(a)usdoj .gov'
Date: 11/16/01 9:48pm
Subject: Your Unsatisfactory Performance

To Whom It May Concern:

The solution you have reached is highly inadequate. No doubt reached too early because of either the Judge Kollar-Kotelly's desire to wrap it up quickly, (because speed is always in the interest of justice,) or the obnoxious inanity of the simpering saps that Microsoft has hired for attorneys. You must understand that this is not a solution. There are no provisions to prevent Microsoft from remaining the horrible anti-competitive monster that it still is. In case you haven't seen Windows XP the situation is not getting better with age. Bundling of software, underhanded deals, and wanton railroading of any innovative or competitive idea have become staples of Microsoft business

practices. I realized a Republican administration meant I would once again have to learn to swallow the bitter pill of if the moral majority, and a pro-business attitude that would sicken any mortal man, but you've got to be kidding me. Machiavelli would be a better corporate citizen! How could the justice department turn a blind eye to a software juggernaut responsible for the jamming their incredibly inept software onto anything with a processor capable of running it, and a hard drive big enough to store such bloat ware. I hope you folks sleep well at night, because the faint glimmering hope I had in the justice system has been obliterated.

Yours, most disappointedly,
Mr. Seth D. Kramer

MTC–435

MTC–00000436

From: Phillip Landis
To: Microsoft ATR
Date: 12/6/01 1:41pm
Subject: please get MS under control

As an IT Director for a medium-sized manufacturer, I have watched as Microsoft has altered licensing, raised prices and forced upgrades on our business. They are squeezing and buying out the competition so that there are no alternatives.

MS products are extremely bug-ridden and insecure. The cyber-terrorists will have a field day on our nation's computer networks if they are not forced to produce software of better quality. Putting out a patch after the fact is not acceptable.

Where they once helped to build an industry, I am afraid MS has now gotten far out of control. You really need to look at everything they do. They are active on a lot of fronts. They are also faster to move than the US government, and they are very smart.

If you do not exert better control over them, the good MS has done will be far overshadowed by the damage they inflict or allow to be inflicted. Thank you for the opportunity to give you my personal thoughts.

Phillip D. Landis
IT Director
PoolPak, Inc.
3491 Industrial Drive
York, PA 17402–0452
(717) 757–2648 voice
(717) 757–5058 fax

MTC–436

MTC–00000437

From: dr
To: Microsoft ATR
Date: 11/16/01 9:48pm
Subject: ms case

Thank You for taking my email.

I wish to express my extreme displeasure with your handling of the Microsoft case. I have been working as a software developer for over twenty years and could not help but notice the monopolistic practices of the Microsoft corporation over the past several years, and in particular; in the past year or so.

To keep this letter brief, I can sum up all I want to say in that they (Microsoft), being the provider of the operating system, have total control of the operating system of nearly every personal computer sold in the world. It is very troublesome that not only have they used this operating system control to dominate the software industry, but now they are using their position to control internet service's such as isp's, email, portals, etc. as well. One just needs to purchase a personal computer and take notice, what software would you use; Wordperfect? Lotus? Netscape? Java or Linux? I think one would use all Microsoft. What internet services would one use; Yahoo? Excite? CNN? ABCNEWS? A local ISP? All these software vendors and services can not compete with Microsoft when the user is continuously ''herded'' to Microsoft software and service. It is not that the superior level of perfection that Microsoft software and service has reached that drives this use; it is pure dominance of the industry. Just look at the countless security flaws in their (Microsoft) software that have been revealed over the past few years. Do you think that business and personal users would tolerate such inferior products if they had any idea that they had a choice? My personal experience with dealing Microsoft software, as a developer, is that I constantly have to ''program around'' Microsoft problems and ''road blocks''. Microsoft makes it very difficult for software other than their own to work on their platform. This makes any standardization, that would be extremely beneficial to the software industry, difficult to implement as long as Microsoft controls the desktop.

David Robertson

MTC–437

MTC–00000438

From: Dave Engbers
To: Microsoft ATR
Date: 11/16/01 9:49pm
Subject: Concerned.

Gentlemen:

The outcome of the trial against Microsoft left me with the following feelings:

—American politics can be bought, i.e. Bush;
—The US Justice system is fatally flawed in that it is now the corporation that effectively metes out justice;

The next thing this carnivorous, rancunous and ubiqutous excuse for a company will try and do is:

—outlaw open-source software under the veil of societal benefit;
—kill off, stifle or bleed dry, then acquire anything or anyone remotely competing with them.

Please consider renaming yourselves Department of Law On The Take, as there is no Justice in here. The US thinks it can rule the world, yet is toppled by an ugly billionaire that wrenches and worms its way through the worst I for one will be closing the door on Microsoft in my company, the company I do contract work for and any firm I can convince on technical grounds that a change is feasible, as I also believe you guys are spying on us in Europe through that Redmondian Beast's software.

No more. Just Open Source and GPG, my data belongs to.. .me!

Yours sincerely
Dave Engbers
Futurity Translations
Netherlands.
CC: info@microsoft.com@inetgw

MTC–438

MTC–00000439

From: Wrwck@aol.com@inetgw
To: Microsoft ATR
Date: 11/16/01 9:50pm
Subject: settlement

I am just one one the millions happy to see this case coming to a conclusion. As consumers, we have always had the choice of alternative operating systems. Ill conceived and expensive for all but the grandstanding attornies, who were the only ones to benefit. I applaud the Justice Department for getting its priorities in order.

J. Styles (wrwck@aol.com)

MTC–439

MTC–00000440

From: jim@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 11/16/01 9:50pm
Subject: Microsoft Settlement

Department of Justice, As a concerned citizen and a professional working in the Information Technology sector, I am shocked at the failure of the United States government to seek an appropriate settlement in the Microsoft anti-trust trial.

Microsoft has been found guilty of abusing monopoly power and those finding have been upheld on appeal. Given the background of the findings of fact and findings of law in this case, the government's settlement constitutes little more than a capitulation to an illegal activity. It is no more honorable than striking closed-door deals with drug cartels or organized crime.

At a time when no other operating system vendor is ''integrating'' unnecessary components into operating systems, Microsoft continues to do so. There is no technologically sound reasoning for doing this. The research into operating system complexity was done by IBM in the 1970's and resulted in the splitting out of non-critical functions from the operating system. This results in a smaller, easier to test, and therefore, more stable operating system. All major operating systems today have followed this pattern of creating an ''layered'' approach to development.

The reasoning that Microsoft continues to integrate services into the operating system cannot be justified on a technological basis, therefore, we must look to other reasons for doing this. The most common reason, given during the testimony phase and upheld by the appeals court, is that the integration was done for marketing purposes in order to make it more difficult to use non-Microsoft products.

Microsoft has a long legal history of creating barriers to competition. The Caldera suit centered around the contention that Microsoft intentionally displayed an error message if it detected the presence of DrDOS, a Digital Research competitor to MSDOS, on the machine. The suit was quickly settled under a sealed agreement within weeks after the announcement that a copy of the original source code containing the aforementioned error message was discovered in a former employee's garage.

They have successfully fended off suits for using ''undisclosed API's'' which denys competing products a level playing field by hiding many operating system features which are known only to themselves. To a technologist, this is a simple matter to prove and is considered to be a ''given'' when dealing with Microsoft, but they have managed to convince the courts that they are not engaging in this activity.

Microsoft has also been guilty of co-opting public standards so that they no longer work with competing products which follow the published standards. The most infamous case of this was their polluting of the Kerberos encryption standard. By taking a public standard and changing it to their own needs, their enormous marketing power can sway the development of open standards in any way they wish.

Having eradicated all major corporate competition from Netscape, Borland, IBM, et.al., they are currently turning their sights on Sun Microsystems Java language and the Open Source movement. Java is currently the fastest growing computer language and has been for a few years. At the current rate of growth, it may become the most popular programming language in use in the near future. By not taking steps to curb Microsoft's aggressive anti-Java campaigns, American business is faced with the risk of having what they have chosen as the best tool for their needs be degraded and compromised so that Microsoft can continue and extend their monopoly hold over the Information Technology sector. The damage to the American economy and technology sectors by Microsoft's manipulation of the field is very real. By actively taking steps to make it more difficult to run competing products, such as was done with Windows XP's product certification, Microsoft is endangering the livelihood of every company that does not use 100% Microsoft solutions.

I would not be as concerned if Microsoft's products lived up to the marketing hype that surrounds them. Just today, another security patch was released for Internet Explorer because a exploit was found which revealed the contents of cookies stored on a user s computer. The constant string of security lapses associated with Microsoft products (Internet Explorer, Internet Information Server and Outlook being the top offenders) stems from design decisions made to support marketing efforts rather than an attempt to provide this country with a stable technology platform to move forward upon. It is generally acceptable to have to reboot a computer running Windows on a daily basis, the cost in lost productivity to American business from a single daily reboot of every computer running Windows is staggering. Add to this the additional costs to American business and consumers by the numerous viruses which spread through Microsoft products on a regular schedule. The cost of viruses alone has been estimated in the billions of dollars for this year.

As Microsoft continues to add ''features'' to it's suite of services, a fundamental change is quietly sweeping through the world. Started in Finland by Linus Torvolds, the Linux operating system has already proven itself to be more stable and more secure than anything Microsoft has produced. The Linux operating system is distributed in the Open Source model which means anyone who wants access to the source code has complete and unrestricted access. The code itself is owned by no one but is free for anyone to take and use. In the past few years, advances in many fronts coming out of Germany, Mexico, Israel, Australia and the United States have moved Linux from an underground phenomenon to a mainstream product. At the same time, Microsoft continues to escalate the requirements for entry into it's own product line while Linux has opened the Information Technology sector to the entire world. At this time, Linux is seen by Microsoft as their top competitor.

It is my deep fear that if real and substantial steps are not taken to curb Microsoft's continued monopoly influence in the technology sector, that American business will soon find themselves at a disadvantage. Through competition of an ''evolutionary'' nature, Linux continues to advance at a staggering pace. Some of these advances are even coming out of China, the remaining Communist power. It seems ironic that the United States where it is generally accepted that competition brings better products might soon be faced with the situation of being a ''second'' in Information Technology because we failed to act to ensure competition would work when we had the chance.

It is for these reasons and others that I oppose the proposed settlement with Microsoft. The settlement does nothing to restore competition, nor does it provide for penalties for past wrongs. I believe a moral and just resolution to this case must bring both.

Sincerely,
James Schultz—Data Architect
2801 S 13th
Lincoln NE, 68502

MTC–440

MTC–00000441

From: thockin @hsmtv32a.SFBay .Sun.COM @ inetgw
To: Microsoft ATR
Date: 11/16/01 9:51pm
Subject: MS settlement

The Microsoft settlement is an embarrassment. I am embarrassed for you.

Tim Hockin
Systems Software Engineer
Sun Microsystems, Cobalt Server Appliances
thockin @sun.com

MTC–441

MTC–00000442

From: Timothy L Christy
To: Microsoft ATR
Date: 11/16/01 9:51pm
Subject: Shame (Dept. of Jerk Offs)

It is a good time to be a Monopoly and a Great American Terrorist with your brand of justice...

MTC–442

MTC–00000443

From: westerj @mta4. srv.hcvlny.cv.net @inetgw
To: Microsoft ATR
Date: 11/16/01 9:53pm
Subject: Microsoft and DOJ

Folks, Am glad we can get on now, but equally dissappointed in the settlement terms. Instead of squabbling about it, the Government is a customer, a LARGE customer of Microsofts.

So... Why not vorte with wallet as well? Think of creative ways to build mandates for software used by the federal and state and local govts that inspire interoperability. That help us all embrace and benefit from standards. Any corruption of a standard must make software from that vendor ineligible for acquisition by MY tax dollars. Lawyering as an approach may not always work, the wallet might be mightier than the barrister!

Thanks

John Westerdale

P.S. We must face the fact that LInux (aside from being extremely low cost), is a contender for an Operating System, and not the Evil-Flying-Monkey that Redmond would have us believe it to be. Your (.gov) support may turn the tide by refuting the standards-breaking techniques of Microsoft. They deserve to prosper if they do a good service, also deserve to plummet if they transgress the trust of the public. They have. Force them to loosen their grip. Do the Personal Identity, before MS controls our society.

Windows is easier to learn, but hard to use

Linux is harder to learn but easier to use

MTC–443

MTC–00000444

From: rfberger
To: Microsoft ATR
Date: 11/16/01 9:54pm
Subject: Microsoft Settlement

How Do I get a copy of the documents in order to make pertinent comments.
rfberger@bellsouth.net

MTC–444

MTC–00000445

From: Benjamin Smith
To: Microsoft ATR
Date: 11/16/01 9:55pm
Subject: Microsoft Anti-trust trial

Dear sir or madam,

I am writing this to communicate my discontent with your current settlement agreement with Microsoft.

While it is clear that many issues of past misbehavior on the part of Microsoft have been considered and addressed, these measures are, in my opinion, insufficient to do any long term good.

Microsoft has long been under the watchful eye of the FTC and other government agencies for a good, long time now. Even the fact that this anti-trust trial was underway did not stop Microsoft from using their newest software release, Windows XP, from being used to leverage their Monopoly to gain an advantage in a new market, a la MSN. Not only does Microsoft not show any indication of slowing down, it seems they are only accelerating their efforts to use this leverage as fast as they can.

Their Instant Messaging software is integrated into the 0/S to kill the AOL and Yahoo! instant messengers. Their media

player is integrated into the 0/S to have the same effect on Real Player.

And their Windows XP behaves similarly when somebody wants to sign up for Internet access through MSN.

As a web developer, I implore you to reconsider your recent agreement to settle with Microsoft.

You've already done the legal footpounding needed to demonstrate that Microsoft is a monopoly. You've already done the legal footpounding needed to demonstrate that they are in violation of a number of laws that restrain the actions of a Monopoly.

In short, you've all but won the fight already!

We're just waiting to determine what's the legal remedy for these unlawful acts.

To settle, at this point, reminds me very much of the cliche of the unarmed English policeman: ''Stop! Or I shall say stop again!''.

We've been saying ''Stop!'' to Microsoft for too long—it's time for a stiff, effective remedy, and I honestly think that the move to breakup was right!

-Ben

MTC–445

MTC–00000446

From: Chris
To: Microsoft ATR
Date: 11/16/01 9:59pm
Subject: Simple Remedy

Require Microsoft to prevent OEMs from installing their operating systems on any computing device. If a consumer wants to run the latest Microsoft operating system, make the consumer buy the OS and install it him/herself.

In addition, document formats need to be open (eg, XML), and APIs such as DirectX need to be opened up.

Regards,
Chris

MTC–446

MTC–00000447

From: Tom Glascock
To: Microsoft ATR
Date: 11/16/01 9:59pm
Subject: Where's the PUNISHMENT ELEMENT?

In the settlement between Microsoft and the DOJ, there is no PUNISHMENT element. It is PUNISHMENT that deters crime. Microsoft must be punished for their crimes, period, if they are going to stop. If they are not, then their arrogant, self-serving, pompous, bullying and illegal behavior will continue.

Tom Glascock
3848 gardner av
cincinnati oh
45236

MTC–447

MTC–00000448

From: Ray Farquuad
To: Microsoft ATR
Date: 11/16/01 10:01pm
Subject: Microsoft Anti Trust settlement

Folks, this settlement makes me so angry it is hard to put into words how completely let down I am about how the Justice Department has handled this case since the change of administrations. I strongly believe that this settlement will do absolutely nothing to force Microsoft to change their ways. Simple proof, see how embeded into the Windows experience the Windows Media Player is in the new XP version. No company will ever ever be able to compete with this, and this ''settlement'' will not stop Microsoft from continuing such practices.

Suffice it to say that if I read a quote from Bill Gates such as this one from CNN.com:

Microsoft's chairman, Bill Gates, on Thursday defended the settlement as tough but one that ''we're really pleased to have.'' ''Despite the restrictions and the things in this settlement, having the uncertainty removed and the resource-drain removed we think is very positive, not only for Microsoft but for the industry,'' Gates said in an interview. ''We're hopeful to get it put behind us.''

I am sure they (microsoft) are convionced they have gotten away with massive Anti-Trust infringments that continue to impair the progress of technology. If Gates is happy, he has obviously won, I am not happy. Evil has prevailed. Do you in the Justice department actually feel good about this? I would hope that any reasonable self respecting and sentient being on this planet would see the err in these ways.

Get your FREE download of MSN Explorer at http://explorer.msn.comlintl.asp

MTC–448

MTC–00000449

From: Don (038) Mary Felice
To: Microsoft ATR
Date: 11/16/01 10:01pm
Subject: Microsoft Settlement

MS has created thousands of jobs and has contributed to technical advancement and a much more prosperous country. Competitors, who are unable to compete, should not be rewarded. I was a Software engineer (not at MS but another company) and I feel very strongly that MS should not have been brought to trial in the first place, much less punished. If someone builds a better OS or a better internet service, then more power to them but the government should not be interfering.

MTC–449

MTC–00000450

From: noisebrain
To: Microsoft ATR
Date: 11/16/01 10:02pm
Subject: settlement is ineffective

The agreement has been written up in many editorials, and they all agree,

1. It is easy to see how microsoft can get around almost all the restrictions

2. It is difficult to see how the government will enforce any of it (and more so given your poor track record—you're still coming to terms with issues that were current 6 years ago, and have not begun to look at what Microsoft has done in the last couple years).

Isn't an antitrust settlement supposed to do something concrete to rectify the situation when it's been found to be a problem (which it has)?

The Microsoft issue is like the railroads and the phone company—it's not just about a company or a self-contained industry. The computer industry is arguably a large part of America's technological and economic leadership. The investigation HAS established that Microsoft has hurt competition—something that everyone in the computer industry already knows ...Microsoft is so dominant that people are afraid to even speak! By not fixing this situation you're hurting America's future.

John Lewis
University of Southern California

MTC–450

MTC–00000451

Kassia Krozser
To: Microsoft ATR
Date: 11/16/01 10:00am
Subject: Microsoft Settlement

Dear Department of Justice,

I am writing to express my unhappiness with your recent settlement of the Microsoft case. As a consumer, I am no better off than I was before. In fact, I am in worse shape. I no longer have any choice if I wish to purchase a personal computer (which is why I'm certain my next computer purchase will be a Mac)—I must buy the Microsoft operating system, preinstalled with Microsoft software. If I wish to continue using the software I prefer, I must uninstall all the Microsoft junk and install my own preferences.

This lack of choice is inherently unfair to consumers. If we wish to purchase a brand name machine, we are stuck with the deals struck by Microsoft. It would be preferable to purchase a machine with the operating system installed and allowing the consumer to make the decisions regarding software. Otherwise, I get the privilege of going to the additional expense of acquiring software I don't want or need—it's bad enough that consumers are being locked into an operating system that all but guarantees they'll be charge for upgrades they may not need. It is this lack of competition and choice that offends me about this settlement. The consumer has been discounted, the other software vendors have been discounted, and Microsoft continues to do business as usual. I am truly unsure about how this settlement reflects the findings of the court.

A future Mac customer,
Kassia Krozser

MTC–451

MTC–00000452

From: jaredh@att.net@inetgw
To: Microsoft ATR
Date: 11/16/01 10:02am
Subject: Caving in

Dear Department of Justice Anti-Trust against Microsoft: Microsoft should not exist as it does today. There should be 3 organizations:

1. Operating Systems
2. Productivity Software
3. Hardware

The three should be scattered to the wind as far as corporate headquarters go and have 0% communication. It bewilders me that the Bush Justice Department believes that Microsoft can be handled with an ''oversight committee''. They have ignored and disobeyed court orders in the past—what could possibly make you think they won't do

it again. Wait, Bill must have given you his word.. .you shouldn't put much faith in that.

Microsoft has destroyed competition. They have bullied their way into markets where they had no presence through the use of their operating system monopoly.

Examples:

1. How did the Microsoft Mouse become so popular??? They offered them at a steep discount to manufacturers who also installed their OS.

2. When did Word become soo popular?? I'll give you a hint: the same time Windows 3.1 came out. Why then do you ask? That's easy. There were system calls that Microsoft shared within its own corporation they did not share with outsiders. This made Word for Windows perform great in comparison with WordPerfect for Windows.

This administration has really gone after the bad guys in the terrorist networks.. .it should be lauded for that. However, it is ignoring the baddest guy in the corporate sector.. .and it should be called to the carpet for that.

At least the EU is still looking into this. Hopefully the Europeans have more spine than my own government and will stand up and take a chunk out of the biggest bully in the corporate sector in my lifetime.

Sincerely

Jared Heath

MTC–452

MTC–00000453

From: Lou
To: Microsoft ATR
Date: 11/16/01 10:02am
Subject: Proposed Settlement

This 'proposed settlement' is comparable to catching the fox (Microsoft) with feathers in his mouth and putting him back in the 'chicken coup' after he promises not to eat any more chickens! Make no mistake about it; Bill Gates will continue doing what he has always done regarding the issues of this lawsuit.

MTC–453

MTC–00000454

From: tebishop@pplweb.com@inetgw
To: Microsoft ATR
Date: 11/16/01 10:03am
Subject: Microsoft Settlement

I am a computer professional with 31 years experience, mostly as a technology manager at a large (multi-billion) enterprise. My responsibilities include technology assessment, selection and procurement. I am also an individual user of Microsoft technology at home.

My professional experience with Microsoft has led me to the strong belief that Microsoft is the most arrogant, self-serving business I've ever come in contact with. Because of my long tenure in the technology field, I well remember IBM's behavior and overwhelming market dominance that led to the DOJ action against IBM. In my opinion, there is no comparison between the two. IBM's market position, while probably at least as strong as Microsoft, was not used by IBM to destroy competition or explicitly act to the detriment of customers. IBM was never as blatantly arrogant as Microsoft routinely is.

Microsoft has demonstrated and continues to demonstrate their total disregard for the needs of their customers. Rather, Microsoft is clearly motivated solely by the cash-flow needs of it's business model, which is fundamentally to force customers to purchase the same functionality over and over while blocking or destroying any other vendor from providing comparable functionality. To say that Microsoft's business practices are predatory is an understatement.

My strong recommendation is to impose the strongest possible ongoing constraints on Microsoft. The current remedies proposed are clearly inadequate. The breakup previously being discussed seems much more likely to protect consumers from Microsoft. Absent that kind of structural remedy, I see nothing to prevent Microsoft from continuing to pillage and plunder both the individual and business customer's pocketbook.

MTC–454

MTC–00000455

From: Gary Meyers
To: Microsoft ATR
Date: 11/16/01 10:05am
Subject: M$

How much money was in that envelope passed under the dinner table Steve Ballmer handed to the Dick Cheney to get the buy out the DOJ (his nephew is now part of that department...isn't he)? Your corrupt attitude towards an established monopoly is so visible that I can't understand how you can face the public with a straight face! I find your ''punishment'' to be a total injustice and insult to the American people. I am neither a Republican nor a Democrat...but I'd rather be caught with my pants down than to be caught with monopolistic corporate money lining it's pockets. Thank you for your time. American voting tax payer.

MTC–455

MTC–00000456

From: Steve Jacobson
To: Microsoft ATR
Date: 11/16/01 10:08am
Subject: Microsoft Settlement

The settlement seems like it is far too little, far too late. Most of the practices that Microsoft would be restricted from engaging in are the ones that allowed Microsoft to gain its dominant Monopolistic position. Now that Microsoft has this position, it is engaging in other practices to maintain it.

Many of these tactics are still available to Microsoft. The continued availability of Windows XP in its current form is a complete flaunting of Anti-Trust regulations, and shows total disregard for the fact that Microsoft actually is a confirmed Monopoly.

In short, it appears that the government caved to Microsoft in the name of expediency to bolster the economy and boost consumer confidence in the wake of 911. Score one more for the monopolists of the world, and for the terrorists, who have successfully altered US behavior with their actions.

Steve Jacobson

MTC–456

MTC–00000457

From: Britt Burton
To: Microsoft ATR
Date: 11/16/01 10:09am
Subject: I am not a lawyer, but english is my native tongue

Hi, After having read through the anti-trust settlement proposed, I can only think that our government has been completely purchased by Microsoft. For every proposed penalty, there is a clause that gives Microsoft either power to change the penalty, or a clause which essentially makes the penalty null and void.

The marketplace only grows when competition is fostered. Microsoft in every instance, by it's size alone, can crush any competition without regard for whether that competitions product or service is superior to Microsoft's competing product or service. Microsoft was found guilty of this behavior. Non Platform specific standards have been developed for every type of data transfer, Microsoft has always chosen to adopt all platform agnostic standards then through 'extending' them (Microsoft's term) turn them into standards which then only are accessible through Microsoft products or services.

Please reconsider this sham, and deal Microsoft a real punishment as you did to the Bell Telephone company back in the 70's and 80's.

Britt D. Burton...

MTC–457

MTC–00000458

From: Eric Milhizer
To: Microsoft ATR
Date: 11/16/01 10:13am
Subject: Microsoft Settlement is Unacceptable

DOJ: As an avid Microsoft product user and small business executive, I have learned to welcome Microsoft's innovative new products and at the same time be crippled by their anti-competitive behavior. I believe that the DOJ is continually ignoring one of the key findings of fact in this Microsoft case: Judge Jackson ruled, and the appellate court upheld, that Microsoft broke antitrust laws. The last corporation of Microsoft's size to do such a thing was AT&T with a $1.8 billion dollar award to MCI in 1980 (after a ten year legal battle). AT&T was broken up, and the telecommunications landscape subsequently exploded with increasingly innovative and affordable products and services. Ubiquitous availability of cellular telephones and the Internet became available due to this ruling.

As for your behavior in the Microsoft case, I was appalled when I heard that you removed the ''break-up'' option from the negotiating table without extracting any concessions. While I personally think that a break-up was not warranted, you should be ashamed of yourselves as attorneys for giving something as valuable as that without getting a single thing in return. Remind me not to employ your services for any legal work in the future.

Moreover, Microsoft was proven in a court of law to be a monopoly. Even Republicans (such as myself) have to admit that there is no higher crime in the business world. Monopolies stifle competition, and innovations from smaller companies never make it to market. What if AT&T had not been severely penalized? Would we have cellular service like Sprint PCS, Voicestream, etc? Probably not. Would the Internet have been allowed to flourish if AT&T owned all

the local phone lines to the home? Again, probably not.

So in addition to being ashamed of yourselves for poor negotiating skills, you should ask yourself this question: what innovations will never make it to market in the next 5—20 years because Microsoft has not had to pay a penalty for its prior, monopolistic actions?

In short, I'm appalled at the DOJ settlement, I'm puzzled by your worthless negotiating tactics, and I'm saddened to think of all the future opportunities lost because of this settlement.

Eric Milhizer
452 Marshall Rd
Southlake, TX 76092

MTC–458

MTC–00000459

From: Rich
To: Microsoft ATR
Date: 11/16/01 10:13am
Subject: Microsoft Settlement

After following this company closely for the last ten years I feel that you have done the industry and consumers a great injustice with this settlement. They have disregarded previous attempts to control their monopoly status and this settlement will not alleviate the problem.

Currently Microsoft is hampering innovation by wiping out competition before it gets a chance to prosper. There have been no major advances in computer software & technology in the last ten years due to the practices of this company. Isn't this what you are supposed to prevent? This is not a ''friendly'' monopoly! I urge you to reconsider this action.

Thank you for your time.
Richard P Wawronowicz
Lead Software Engineer

MTC–459

MTC–00000460

From: Rich
To: Microsoft ATR
Date: 11/16/01 10:13am
Subject: Microsoft Settlement

After following this company closely for the last ten years I feel that you have done the industry and consumers a great injustice with this settlement. They have disregarded previous attempts to control their monopoly status and this settlement will not alleviate the problem.

Currently Microsoft is hampering innovation by wiping out competition before it gets a chance to prosper. There have been no major advances in computer software & technology in the last ten years due to the practices of this company. Isnt this what you are supposed to prevent? This is not a friendly monopoly! I urge you to reconsider this action.

Thank you for your time.
Richard P Wawronowicz
Lead Software Engineer

MTC–460

MTC–00000461

From: John W. Lussow
To: Microsoft ATR
Date: 11/16/01 10:15am
Subject: Comments on Microsoft

I just feel that I need to speak to someone about a problem I have with Microsoft. Due to security problems with Internet Explorer and Outlook, my company suggests that we use Netscape Communicator for email and surfing.

My company went out and purchased Microsoft Office 2001 for Mac and I had to install it on the my computer at work. The installation went fine, but when it came to registering the product with Microsoft, I got an error that no browser was installed. It asked if I wanted to install Internet Explorer now. I said no and I got a message stating that I could not register Microsoft Office until I install a browser. I had a browser installed but it wasn't theirs. I could not register my product and I am ineligible for program upgrades because I elect to use another web browser.

I understand that Republican politics will protect big business but this should not be allowed to continue. I use Microsoft products everyday and until I had this problem I didn't understand why people were so upset with Microsoft's business practices. Now I believe that Microsoft has become too big and even the federal govemment will have a tough time controlling them. If this happened to me on my one machine I can't imagine what companies trying to compete with Microsoft are facing.

John Lussow

MTC–461

MTC–00000462

From: Bob Peiffer
To: Microsoft ATR
Date: 11/16/01 10:19am
Subject: Microsoft Anti-Trust

This anti-trust case against Microsoft is the most ridiculous and stupid cases I have ever heard of. Microsoft has been backbone of the PC industry since its inception. They have spent many billions of dollars in development to get to where they are today. Without Microsoft there would be no PC and there would be no Home or Industry use the Internet. They have done all of this and haven't burdened the consumer with their costs.

They don't force or encourage the consumer to use their Internet Explorer nor do they require the user to signup for MSN Internet Service.

The companies that are complaining have no basis for the complaint other than that they may be struggling due to bad management. I don't even understand why Sun Inc. is involved in this. Their boxes run the Unix operating system, and are expensive high-end computers used as Internet Servers and heavy duty CAD/CAM. Microsoft is no threat to them.

AOL Inc. is a scam operation. Their Internet Provider Service is a total rip off to the consumer. The service is the highest priced service in the market. It is also the worst service in the market. They use sneaky marketing tactics to lure the consumer to sign up for their service.

The latest one is 1000 hours of free service for up to 45 days. If you do the numbers, you will soon discover that the consumer cannot even begin to use this offering. Even if they could keep their computer online 24 hours a day, the AOL service would not allow the continuous connection.

Real Audio is another scam. They try to entice to sign up for their expensive monthly service where they promise all kinds of exciting multi-media services. They only thing they give the consumer are a monthly bill and the opportunity to spend more hard earned money on unneeded overpriced junk software.

I think the people behind the new Linux operating system are just riding the band wagon. I'm sure they would love to learn how Microsoft does the things they do in their Windows products. In 10 or 20 years Linux may become a competitor but not to Microsoft. It will be competing with Unix.

If I were to decide this case, my decision would be to require all of the States involved to pay Microsoft's legal fees and close it.

If you really want to go after a company, go after AT&T again. They are currently creating a Monopoly in the Cable TV industry. An industry that has no competition and the consumer has no choice. The Justice Department should also take note that Microsoft is the only large company that didn't jump on the Sept 11 band wagon and fire thousands of workers.

I wish someone would resolve the issue that allows companies to operate with two sets of books (one for internal and one for the Government and the investor). The current so call accepted accounting procedures are allowing these companies to legally steal billions.

Enough said, thank you for the opportunity to voice my side.

Sincerely
Bob Peiffer

MTC–462

MTC–00000463

From: David Stanley
To: Microsoft ATR
Date: 11/16/01 10:20am
Subject: Microsoft Settlement

I understand the need to finish this case and move on, but should we do it without resolving anything? How many times does a company need to be taken to court for the same type of actions and each time be told to stop doing it? You're like the parents who say ''No'', but never back it up. No one learns from someone telling them, ''Stop, and if you do it again, we're going to tell you to stop again!''

With Windows XP and the .NET strategy, it should be fairly obvious that Microsoft does NOT intend to stop anti-competitive practices. The .NET strategy alone is a complete step toward total domination on the internet. I can't imagine a world where Microsoft rules the net. This company can't even protect it's on servers from hackers and we're going to let them control commerce on the net?

If Microsoft had climbed into the position of being the dominate one because of better product or better business practices, that would be one thing. But, from the start, this company relied on lies and bullying to get where it is, and we just tell them to quit. Over and over again. As the world becomes even more dependent on the computer, we are only allowing Microsoft to completely monopolise the situation.

When you control 90% of the world's computers, you control competition. I don't care how competitive the tech world is, you can't compete with them. When Microsoft integrates products into their operating systems, only Microsoft wins. Most users, and this is their own fault, see that program there and use it because it's already there for them. Why go out and get competitors products if you can get it free from Microsoft, even if it is an inferior product? It's like NBC trying to run ads on CBS, it's not going to happen and Microsoft knows this.

The problem also is that Microsoft knows that the government will not do anything about it. Why stop what got you to the top, if there are no consequences?

Thanks for your time,

David Stanley

MTC–463

MTC–00000464

From: Dave Anderson
To: Microsoft ATR
Date: 11/16/01 10:20am
Subject: settlement

Microsoft will ignore this one and you will be back in court again. How many companies will have to lose value or go under because of Microsoft's practices before they are really punished? 10 years ago there were 3 companies producing DOS, multiple other OS's that could be used on a PC and plenty of applications for all OS's. Now, you just about have to use Windows in order to buy applications for use. Let's get back to multiple OS vendors, application vendors making their product for those OS's and a thriving tech industry, not one that is failing and is dependent on what Microsoft wants and steals

David G. Anderson
dgander@cfl.ff.com
Director of Information Systems

MTC–464

MTC–00000465

From: Gevaert, Thomas
To: 'microsoft.atr(a)usdoj .gov'
Date: 11/16/01 10:20am
Subject: Your recent settlement agreement

This has to be the worst 'settlement' in recent memory. How much did Microsoft pay you to rule in their favor? Oh, that's right—the entire government machine is now controlled by Big Business these days... May you be on the other side of the fence one of these days. Maybe then you might appreciate how unfair this sort of thing is to the average person.

Tom Gevaert

MTC–465

MTC–00000466

From: Chris CTR Rinehart
To: Microsoft ATR
Date: 11/16/01 10:22am
Subject: Microsoft Settlement

To Whom It May Concern: The negotiated settlement between the DOJ and Microsoft is flawed. Microsoft in the past has violated previous negotiated settlements about bundling of products and its business practices with its OEM partners. Case in point:

Forcing OEM equipment manufactures to preinstall an OS on any new computer that a consumer will purchase. This forces the Microsoft Windows Monopoly, by forcing consumers to buy a copy of Windows for their computer. What if that consumer has already purchased a legal copy of the Windows and their previous computer has suffered a catastrophic hardware failure. Does this void the Windows licensing agreement on the previous copy of Windows. No it does not. So when the consumer goes to purchase another machine from and OEM (i.e. Dell, Gateway, or any other third party OEM) they are forced to purchase another copy of Windows usually at a price of $89 or more, and usually the consumer does not end up with the product CD. Instead the OEM bundles more products onto a recovery CD that has more Microsoft software and other software specifically for the machine purchased. So the consumer never sees a legitimate copy of the program for their own use on the purchase of a future system. Another Case In Point:

Windows XP—has bundled with it a personal firewall, forced registration of the product or it automatically expires after 14 days, CD burning software, Internet explorer (what started this Antitrust action in the first place), mandatory registration for their new .NET PASSPORT Service (which could lead to Microsoft controlling the Internet and e-commerce), and other products.

So by continue to bundle products into Windows XP even during the Antitrust Action. Is this a sign of good faith by Microsoft to changes its business practices even during the time that they were under litigation with the DOJ and 18 States? I tell you NO IT IS NOT! This just proves that your settlement has signaled that Microsoft can and will continue to get away with abusing its business partners and consumers.

I urge the DOJ to force Microsoft to give up its windows source code as a permanent remedy. But allow Microsoft to be the technical advisor of an open source Windows Specs. to help guide software manufactures to develop a more stable, secure Windows platform.

Thank you
Christopher Rinehart
Web Developer

MTC–466

MTC–00000467

From: Walt Wilson
To: Microsoft ATR
Date: 11/16/01 10:23am
Subject: Settlement With Microsoft

So, again, we the people get the shaft while Microsoft retains the rights to the gold mine of unfair competition in the marketplace. We who struggle with the 'built in' software additions we do not want in favor of better or easier to use versions, because Microsoft has made them a required part of the Windows operating system. Now with the release of XP, unhampered by any intervention, we see more of the same intrusive nature of the company. This program requires you to register within 30 days of installation or it ceases to function. The bad part is, it does a complete inventory of your computer and reports all this back to Microsoft at the time it registers. My question is why? Why does Microsoft need to know everything I have on my computer?

The company continues to move ahead, now that you the Department of Justice have watered down the only chance that was open to do something for the consumers in our nation. I do not advocate taking Microsoft down. I do advocate forcing them to a level playing field when it comes to software and compatibility. Microsoft has promised for years to have all the bugs out of its operating system. It has yet to happen. But due to the pressure it exerts on the market, it continues to dominate, pushing out the possibility that others might have an equitable share, and present what might actually be a better alternative. Microsoft doesn't always have the best ideas or the best way to do things, but without restraint, it matters little as they will impose their ideas on us all.

Walter I. Wilson
132 Rolling Park Drive
Lexington, NC 27295
(336) 956–1474
wwilson@triad.rr.com

MTC–467

MTC–00000468

From: downyonder@juno.com@inetgw
To: Microsoft ATR
Date: 11/16/01 10:23am
Subject: Microsoft Penalty

From what I understand, the current penalties against Microsoft should be a bit stricter, as they don't adequately compensate for prior misdeeds or prevent future ones. One 'penalty' that would be effective in the future would be a requirement for a stripped-down operating system, which would enable OEMs and end-users a much greater choice among the products available from all sources. This would only require a much simpler, published specification from Microsoft (based on NT/Win2000 technology for stability, since the system kernal by necessity would have to be kept separate from application memory).

This would not require Microsoft to open its proprietary vault, only its doors to the trading floor.

Steve Wideman (DownYonder@juno.com)

MTC–468

MTC–00000469

From: David—Lantz@amway.com@inetgw
To: Microsoft ATR
Date: 11/16/01 10:24am
Subject: Microsoft Antitrust Settlement

In my opinion, had it not been for Mr. Bill Gates and his Microsoft Corporation, I would not be capable of even writing you this e-mail today! His vision took computers to a level that regular people could use the tools of our future. We are now there and moving even further because of his wisdom and vision. Let the others add to and enhance his vision but I feel it very wrong and almost anti-American to punish a person that took his dream and made it a reality. Isn't that what we all want to do? Do what we do better than anybody else and control our own future.

I'll stop before you think I am his mother, but I feel we should be thanking the man and the company for what they have given us. Certainly we should not punish him for doing what all business what; being successful.

Thank you,

MTC–469

MTC–00000470

From: Chuck Lcntes
To: Microsoft ATR
Date: 11/16/01 10:26am
Subject: DOJ settlement is toothless

I think it is clear that this settlement is a hand slap. The right settlement is splitting applications from operating systems.

Charles R. Lottes
Ballwin, MO

MTC–470

MTC–00000471

From: EDucateME@aol.com@inetgw
To: Microsoft ATR
Date: 11/16/01 10:29am
Subject: Microsoft Settlement

To Whom it may Concern: I want to encourage your staff to seek stronger remedies for the case against MSFT. This company is out of control with the ability to leverage any amount of money, technology or people to sway the outcome in their favor. I work in high technology as a Consultant using MSFT products for over 12 years and have seen it for a long time coming. The way they killed off Dr. DOS by not letting Windows 3.1 load on it, it required that you rebuild a PC with MS DOS in order to add Windows 3.1, this was anti-competitive way before the browser war started.

The amount of $$ lost and complaints from my clients who felt I was ripping them off for the addition of MS DOS on their PC which already had Dr. DOS was the beginning of my dislike for the way MSFT corrals their users.

You cannot allow Micorosft to continue to bundle all the extra software for Audio, Video, Web sharing, Picture Editing, Word Processing etc etc as this harms the consumer by wiping out small companies that make good, viable products that MSFT identifies as valuable businesses and then adds the feature into Windows next release.

The harm is that many of those companies fail, their owners and workers lose their jobs, the economy suffers from unemployment and all the time MSFT just gets bigger and has more money than any other business in the world. To top it off, the licensing language for MS Windows lets them hide behind every word, eliminating their responsibility for making better, more secure software and instead allowing them to take away the software leaving you a heap of bills and no recourse for action against their poor designs.

If the Gov't isn't big enough to rein in this gorilla of technology then who in the marketplace will be able to do it. Not some smaller company or the average consumer, its up to the Gov't to earn their money and win this case. Don't you dare allow Bill Gates and his staff to lie in court, doctor video tapes and act like they ''Oops'' made a slight mistake in the trial. Those ''Oops'' mistakes are what find their way into our software and make it hard to fix. If MSFT had spent ½ the Court case money on fixing the errors in their products we would all be better off.

I wholly stand behind the states that are holding out for more penalties and restrictions. MSFT must be reined in, and they Must pay Fines and maybe even a class action suit for the way they added Internet Explorer to Windows 95 and made it so that you couldnt reload to fix a damaged Windows 95 install but instead had to go out and buy a newer Windows version in order to fix the older version.

If you would like more info on my experiences with the poor attention to detail and slack way of improving their priducts please call me or reply here asking for more details, this company cannot be allowed to get off cheaply or without new controls in place to prevent this from continuing longer. We will all suffer if we let them steamroll over us.

thanks for your time
Jonathan Olas 11/16/2001
CIO–MMI Computing Group
Boston, MA
508 360 3443
educateme@aol.com

MTC–471

MTC–00000472

From: Sean Moon
To: Microsoft ATR
Date: 11/16/01 10:29am
Subject: Microsoft antitrust settlement

When determining an appropriate penalty, please remember that Microsoft's practices have harmed consumers and actually damaged the economy through reduced purchase options.

Whatever remedy is approved simply must ensure that the company cannot repeat it's monopolistic behavior. The company has repeatedly demonstrated it's total disdain for the legal system and (as displayed by the current version, Windows XP) it's intention to continue it's illegal practices through bundled software and leveraged control of third-party products. The proposed remedy does not accomplish this.

In the end, additionally, the penalty must address the consumer damages as well. I personally own multiple copies of Microsoft operating systems and office products. I had no choice in my purchases in order to ensure compatibility between my home workstations and my office (U.S. Government) workstation. Cheaper, faster, better options exist—but the Microsoft monopoly left me no choices and required that I spend additional funds. A rebate to consumers who can present valid licenses (which should be simple to track thanks to Microsoft's anti-privacy programs) would be appropriate. Such a rebate should not be in the form of credits toward further purchases of Microsoft products as that would only further enhance their domination.

Thank you.

MTC–472

MTC–00000473

From: Keith Steensma
To: Microsoft ATR
Date: 11/16/01 10:30am

If you think that the agreement with Microsoft is going to change the way that they do business, you must have a vacuum in the bone structure between your ears. Unless Microsoft is severly 'punished', business will be back to normal the day after the agreement is signed.

And I am a Microsoft shareholder.

Keith Steensma
Jacksonville, Arkansas

MTC–473

MTC–00000474

From: BRIAN SCHULZ
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/16/01 10:31am
Subject: Antitrust

I do not believe Microsoft has been properly chastened for their monopolistic tendencies. All over the web, there are copies of actual MS memos debasing Linux and other operating systems as inferior. They tout their products as the ''best', yet the very same software is fraught with security issues that have lead to the loss of billions of dollars through destructive worms and viruses.

There is a joke in the tech community about the famous BSOD—the Blue Screen of Death. This has frustrated millions of users ever since Windows 95 was released. Microsoft makes itself the only option available to new computer users whenever they purchase computers from every single major computer manufacturer in the world. If the correlation between such wide usage and security issues were the only issues, that in itself should be sufficient for further investigation. Why do they insist on coercing everyone to use things that are widely known to be inherently unstable, while excluding external solutions from other software manufacturers?

We wouldn't have all these problems if people simply had more of a choice, an alternative to the bloated, unstable, and unsecure operating system which is forced on them when they turn on their brand new computers. These are all valid concerns, but they are the only the tip of the iceberg.

Sincerely,
Brian Schulz

MTC–474

MTC–00000475

From: David Wood
To: '''Microsoft ATR
Date: 11/16/01 10:31am
Subject: Sanctions

I have looked at the structures for Microsoft XP and nothing has changed. The sanctions suggested by the government will not do anything to stop the practices of bundling that created the lawsuit in the first place.

(The Rev. David R. Wood)

MTC–475

MTC–00000476

From: Fred Pesther
To: Microsoft ATR
Date: 11/16/01 10:32am
Subject: comments

Without Microsoft the personal computer industry would still be operating back in the dark ages.

Why DOJ has seen fit to punish an enterprise for working hard and being the best at what it does is beyond me. We should all be thankful for their work in producing products that everyone can understand and operate.

Ease up.
Fred Pesther
Greensboro NC

MTC–476

MTC–00000477

From: Nicholas Williams
To: Microsoft ATR
Date: 11/16/01 10:35am
Subject: heard it all before

Conduct remedies? criminal penalties and civil fines? are you serious? has any of this ever stopped microsoft before? what makes you think it will now? fines don't scare them. court proceedings don't. they just bide their time and wait for everyone else to grow tired of proceeding, then they pick up where they left off. as they will again, and you let them off the hook. again.

Nicholas Williams
Melia Design Group
nicholas@melia.com
http://www.melia.com

MTC–477

MTC–00000478

From: Jamie Aresty
To: Microsoft ATR
Date: 11/16/01 10:38am
Subject: penalty

to whom it may concern, i feel it is my duty to at least comment on the microsoft penalty faze. i have been using personal computers consistently since 1984. i continue to use apple computers and their software as it is better than microsoft.

the problem, or at least one aspect of it, is that microsoft truly does force PC users to use their software. They clearly have abused their monopoly status. they are accused of lying to a European committee investigating these abuses. judge penfield, a conservative reagan appointee, had such strong emotions behind his actions because of these abuses by microsoft. this current administration is being far too lenient with microsoft. they deserve the most severe penalties and consumers must be assured that they will not be subject to more abuses by microsoft.

yours truly,
jamie aresty

MTC–478

MTC–00000479

From: Rich and Deb Sensale
To: Microsoft ATR
Date: 11/16/01 10:39am
Subject: Settlement?

Hello. I have been involved in the computer industry in many capacities for over 20 years. During that time, I have seen Microsoft go from a small garage company, to the giant behemoth it is today. The one constant about how this company has operated over the years seems to be their complete lack of ethics when dealing with consumers and other companies.

The Netscape browser killing was just one relatively small example of how they use their corporate advantage as a monopoly to threaten, beat down, and generally intimidate other companies into their way of thinking. Small startups with novel and innovative approaches are often squashed under their giant corporate feet. As for consumers, well, the Microsoft strategy for success seems to go something like this.

a. Design an operating system or product with a lot of major and annoying bugs.

b. Issue some bug fixes that fix a few of them, and charge a hefty sum for any meaningful kind of technical support.

c. Make sure you ONLY give good support to people who pay a premium for it.

d. After a while, put together a ''new'' version of that OS with all the bug fixes installed and a few minor alterations, and sell it as a completely new operating system, at a good high price.

e. Go back to step a.

Microsoft relies on the fact that in our country, there is actually no accountability held for software companies to ensure the quality of their product. Their included liscense agreement states that if you do not agree with it, you should return the software for a refund. Well have you ever tried to return opened software for a refund? You can't! No place I have ever bought software allows you to return an opened package. And if something does not work on your machine, you are out the money you paid and the time you wasted.

A proper penalty for MS would be one that actually is a penalty. Up til now MS has shown that the slap on the wrist approach is both a waste of time and money.

It angers me when I see a settlement like the one proposed by the DOJ and remaining states. It is not penalty at all and will do absolutely nothing to dissuade MS from carrying on bad business as usual.

Here are a few suggestions for what might actually improve the situation and the industry in general.

1. Break up MS, but not into 2 seperate companies who don't compete with each other. Seperate it into 3–4 companies, each company maintaining the rights to all of their software. This effectively puts all of these baby bills into direct competition with each other and the rest of the industry.

2. Make MS release all source code to the public domain. Windows, Word, you name it. Get some REAL competition going.

3. HEAVY financial penalties.

4. If the company ever acts in the same manner again, put them under receivership.

MS has been found guilty of criminal monopolistic behavior, they need to be punished, not rewarded. The Justice sitting on this case has to get over the politics and back room dealings and do some serious damage to show that this administration, the DOJ and the Courts do not allow this sort of criminal behavior to go unpunished. Im not sure what happened over at the DOJ between Clinton and Gerogey boy, but it doesnt seem to be very good. Politics should not enter into this sort of case. The government has spent millions of tax dollars to end the MS criminal behavior, they should end it, not just slap em on the little finger and say play nice. The things MS has done requires drastic action, the more drastic, the better.

Sincerely
Rich Sensale

MTC–479

MTC–00000480

From: Odin
To: Microsoft ATR
Date: 11/16/01 10:40am
Subject: Comment—Microsoft AT Trial

I'm deeply disappointed in the settlement of the governments case against Microsoft. Microsoft's practices have rendered competition ineffective when trying to compete with such a dominant company.

Microsoft continually strikes ''agreements'' wherein they prevent companies from even using a competitor's product. Including products that are 'just good enough'' often prevents a better product from gaining support. Time and time again Microsoft has ''updated'' their own software only to render a competitor's product useless.

Internet Explorer is a prime example. The web was created with universal standards in mind. Microsoft has continually hijacked these standards and changed them so that they only work with their own software. Often, when unable to compete on a product level Microsoft simply buys a competitor and then includes the product in the next release of Windows for free.

I feel that in the future the government is going to have to address this issue again at more expense to the taxpayer. How dominant must Microsoft be before the government realizes what is going on?

Robert Womble
Ramseur, NC

MTC–480

MTC–00000481

From: Sherry Buckowing
To: Microsoft ATR
Date: 11/16/01 10:40am
Subject: Microsoft Settlement

Well, here is my opinion, just remember, you asked for it.

Should we really bite the hand that feeds us? How many people, companies, and organizations involved in the persecution of Microsoft use their products? I would be willing to bet most of them use them, if not at work, then at home.

Do you use Microsoft products? Is it because you are forced to, or simply because you like the product? People don't buy and use Microsoft products because they are the only choice; they buy them because they are the best choice. If you don't want to use the email program, the music player, or the messenger program that is included with Windows, then you simply choose not to install them when you install Windows. You do have that option. Granted that the software is pre-installed on bundled systems in the store, but the disks do come with the system. You can customize your installation by uninstalling certain things, or you can simply wipe it all off the hard drive and do a new installation, then only installing the things you want. Or, you can wipe it all off your hard drive and install a completely different operating system if you would like. Or, you can buy your computer somewhere that builds the systems so you're not getting a ''package deal'' with software you do not want. The truth is that the options are out there, but the general population does not know how to do these things. So, should we fault Microsoft for the lack of knowledge of the average Joe? I don't think so.

This whole thing has been a pathetic waste of time and tax dollars. And most of all it is an insult to the American people. We make our own choices; we are not simply a group of robots marching to the beat

MTC–48 1

MTC–00000482

From: dhiser@cadence.com@inetgw
To: Microsoft ATR
Date: 11/16/01 10:43am
Subject: Comments on Microsoft settlement.

The biggest problem with your settlement is that it does not deal with anti competitive behavior such as

(1) Windows XP released recently contains a free music player that will not play standard music files but will play Microsoft's proprietary format. For a $40 upgrade, you can get one that plays standard formats. The music industry does not need another format, but rather Microsoft is only trying to force the industry to adopt its proprietary format. This is similar to the problems Microsoft caused with Sun and Java a couple of years back. This is also similar to the browser wars where a FREE internet explorer was released on the net. Microsoft used the proceeds from the operating system and office tools to fund a free browser. This browser still causes all kind of problems as it does not always adhere to HTML and other standards. Another example is MS Office is now the standard in industry, but Microsoft controls the data format. Companies make converters, but all Microsoft has to do is upgrade the data format and these companies are forced to update their software. Microsoft prevents companies from competing by owning the data format that is the industry standard.

Solution 1: Split the company into a operating system company and a software product company. Don't allow them to play these games. You can't regulate them when they go their own way and innovate new Microsoft standards. You see the US government has not yet got into regulating HTML standards, music file standards, etc... And they probably should not. But if you let Microsoft operate as is it will work to make Microsoft controlled formats as the new standard.

Solution 2: The US government will need to regulate all data formats and control these standards. Yuk.

(2) Windows XP that was recently released costs as much as $199. MacOS X which was also released recently costs $99. Apple has a much smaller market so thus they do not get the benefits of the economy of scale that Microsoft does. So why does it cost twice as much? Well the answer is that Microsoft is price gouging. They also charge excessively for MS Office. My company since it works with others in the industry must always upgrade these tools at whatever cost Microsoft is willing to charge. For new applications that are not well accepted Microsoft then gives these away free since the other parts of the company easily funds these. Microsoft recently started a huge ad campaign to hype the new XP software. Why do they need to spend more money on hyping the new operating system than all of Apple makes on profits from its operating system? The answer is that the performance and features do not entice people to upgrade. Microsoft benefits by getting a large percentage of users to upgrade, thus making it the new standard. Then the more reluctant and cost conscious companies will be forced to upgrade for compatibility reasons.

Solution 1: Split the company into three companies: operating system, office, and other tools. This will prevent price gouging from financing other new tools.

Solution 2: Have the US government regulate the prices of Microsoft tools.

(3) Recently someone I knew purchased a Microsoft mouse. He wanted to register the hardware purchase so that the warranty was usable. What he found out is that he was required to have a Passport account at Microsoft in order to register the software. (Once again Microsoft forcing people that use one component of Microsoft to use another). My friend did not want to have his personal information placed in this system as it is used by Microsoft for things other than warranty. So should he not get refunded for the portion of the product that is associated with warranty costs. If he works for a company that needs microsoft tools, then he will not complain with fear of reprisals.

Solution 1: Microsoft needs consultants/ monitors within Microsoft walls watching for bad business practices and putting in place fair means for fixing these problems.

These are a few of my comments. I still think a break-up is the best way to deal with Microsoft. I don't think that the Appeal court over turning the previous ruling to split was issued because it thought a split was out of the question, but rather that the previous Judge was biased.

Thanks for soliciting input.

Doug Hiser, Ph.D.

Tality Corporation

MTC–482

MTC–00000483

From: Paul Strauss
To: Microsoft ATR
Date: 11/16/01 10:45am
Subject: Microsoft did nothing wrong!

Yes Microsoft flexed its muscle and made competitors play according to their rules but that is only because everybody wanted to be associated with what THEY created! You should not be penalizing a company because it was ultimately successful unless you publish guidelines that tell other up and coming companies that you are doing great and achieving the American dream as long as you do get to ?XXX? level of success. At the very least, it is unconceivable that you would limit what the company can put into its own product. Can?t you see how asinine that is telling a company what it can and cannot produce?

Sincerely,

Paul Strauss

Strauss31@home.com

MTC–483

MTC–00000484

From: Guy Walker
To: Microsoft ATR
Date: 11/16/01 10:45am
Subject: Settlement is totally inadequate

To whom it may concern,

I would like to voice my opinion that the proposed settlement with Microsoft falls far short of what is needed to remedy Microsofts anti-competitive practices. I have worked in the Information Services industry for over 15 years and have experianced first hand the types of issues this settlement is supposed to address. As both a professional, and home, user of Microsoft products including Windows 3.1, 95, 98, 2000 Professional and Server, NT 3.x and 4.0, I have seen an ever increasing tendency for competitor software to run slower or unreliably, as well as a ''you have to do'' thrust to these operating systems.

You only have to look to the Active Directory implementation in Win2000 to see an example of the latter. I am required to to implement a Microsoft DNS service in order to deploy Active Directory. This is an absolutely ridiculous requirement as companies, people, etc. have been able to run DNS services on other operating systems for ages without causing an issue for other operating systems or software.

Now Microsoft forces the issue by making it a key component of their latest OS while at the same time ''end of lifing'' prior operating systems that did not have this requirement.

And regarding the first point about Microsoft OSs being ''unfavorable'' to competitor software. The examples are endless, there is a wealth of research to draw upon, this case examined a number of these and you have experts testimony to support you. I simply wish to note that my first-hand experiance indicate that these claims are true.

I continue to be absolutely dumb-founded that given the wealth of evidence, prior rulings, and Microsoft's history, that you are actually proposing this settlement.

Now, please be aware that I have also built two corporate infrastructures based on Microsoft operating systems and software over the last 4 years and recognize the quality of their products. The issue here is not the quality of the products but rather the right to chose, and not to be penalized or inhibited when that choice is not in Microsoft's favor. Please reconsider this settlement and make the necessary adjustments to protect both the corporate and casual consumer, as well as maintaining a competative industry.

Guy Walker

Sr. Consultant

Integrity Consulting Associates

MTC–484

MTC–00000485

From: Geoff Beidler
To: Microsoft ATR
Date: 11/16/01 10:45am
Subject: Dear Sir,

Dear Sir,

I am writing to tell you what I think of the Microsoft antitrust settlement that has been proposed. Basically, I think it is a complete sell out of everything for which the Dept. of Justice is supposed to stand. Individualls and small companies look to the government to protect them from large corporations. It is the duty of the government to assure that there is a fair marketplace, where no company can become so powerful that it no longer need to compete but can simply leverage its existing power to dominate emerging markets.

The settlement that DOJ has aggreed to may or may not stop MS from commiting more crimes in the future, but there is no reason to believe that it deprives MS of it's ill gotten gain. If MS were guilty of murder, the DOJ effectively made MS promise not to kill anybody for the next five years. If they do kill someone in that time, then they aren't allowed to kill anyone for two more years.

The OJ Simpson case answered the question, ''How much money does a man need to get away with murder?'' This case answers the question, ''How big does a company need to be to buy off a presidential administration?''

Geoff Beidler

MTC–485

MTC–00000486

From: Hayden, Brian
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/16/01 10:48am
Subject: Microsoft settlement

Let me explain my position before my assessment of the settlement. I am a professional software developer and manager, who has worked with Microsoft tools, products, and their business practices since the early 1980's.

I have at times worked very closely with their developer support and client support organizations. I have hired Microsoft consultants to aid my development teams. I am currently working with Microsoft tools, platforms and services, and I fully expect to continue some form of business relationship in the future. I admit that I have a love/hate relationship with Microsoft. I have first hand experience of Microsoft business practices, good and bad. example: In the early 1990's, my software development team was having a problem using a new 'standard' feature in the latest version of MS windows (at that time). My team spent 2–3 weeks working with Microsoft and paying support fees to get aid to resolve the problem. Microsoft kept using 'But, its works correctly in the latest MS-Office, doesn't it?'. Yes it did. Another week of effort buy one of my engineers discovered that MS-office was NOT using the functionality provided by the OS, it was using functionality built directly within MS-Office. Another call to MS effectively got the response of: 'Oh well, you got us. It doesn't really work for you, you can't make it work. That's why the Ms-Office engineers went to OS engineers, got the basic functionality and made it work, just for Office. Too Bad. So, what are you going to do about it?'

Since that day, I have always reviewed Microsoft with a cautious perspective. Since that day, Microsoft has gotten even worse about lying, predatory and illegal business practices. Business practices that are so illegal and wide scope, that the Justice Department felt it necessary to TWICE take Microsoft to federal court for their conduct. Twice, the DOJ has proven their case. Microsoft has been proven to be a monopoly that has illegally used their position to hurt competitors and illegally entrench their position. Twice, the DOJ has totally caved-in at the penalty process. The proposed solutions are totally inadequate to stop Microsoft from further illegal business practices. Actually, the proposed penalties are rewarding Microsoft for their prior illegal behavior, and actually allows them to continue those illegal behaviors into the future.

Please reconsider the proposed penalties. By a decision of the Supreme Court, Microsoft is a monopoly that has illegally hurt competitors and consumers.

Please make me believe that the DOJ represents the interests of all people in a balanced fashion, not just the interests of the wealthy and powerful individuals and corporations. The choice is yours. I, as a consumer actually fear Microsoft. The last two years gave me hope. Now, I have little hope left.

Brian G. Hayden
BHaydenl5@home.com

MTC–486

MTC–00000487

From: Rick Hohensee
To: Microsoft ATR
Date: 11/16/01 10:48am
Subject: Microsoft Settlement

I am an idependant programmer, and as such feel that I represent the general public to a fair degree. My longstanding suggestion for a Microsoft remedy is at ftp://linux01.gwde.de/pub/cLleNuX/interim/amicus_curae and http://www.uwsg.iu.edu/hypermail/linux/kernel/0107.1/0088.html or websearch for ''Hohensee'' combined with ''Compromising Microsoft'' and/or ''Microsoft's word''. Suffice it to say that what I think might actually be remedial bears little resemblance to the current active proposal, and that this could eventually be addressed by national legislatures around the globe.

Rick Hohensee
301–595–4063
Adelphi, Md.
CC: agavil@howard.edu@inetgw

MTC–487

MTC–00000488

From: geoffrey sanders
To: Microsoft ATR
Date: 11/16/01 10:49am
Subject: Anti-Trust Settlement Response

To Whom it May Concern:

I must voice my extreme disappointment and disagreement with the DOJ settlement proposal for the Microsoft Corporation Anti-Trust case. After reading the settlement documentation, it remains apparent that large amounts of leway still exist (especially when using 'technological terms' in a legal document) that will allow Microsoft to continue it's monopolistic practices. Let's be honest; do we all really believe that Microsoft would be so quick (and willing) to accept this settlement if it wouldn't benefit them in some manner? I propose that this settlement be discarded in favor of a 'more educated' and 'technically savvy' settlement proposal. A panel must be formed to review what needs to be accomplished. This panel must include current industry leaders (both proprietary and Open Source markets) to ensure that the DOJ truly UNDERSTANDS what technical requirements to include in the settlement's legal documentation, and how to ensure that Microsoft is not given sufficient room to continue monopolistic practices that suppress and hinder other information technology entities. Therefore, please tally my rejection of the current settlement in its present form.

Regards,
Geoff Sanders
San Diego, CA

MTC–488

MTC–00000489

From: Peter E. Greulich
To: Microsoft ATR
Date: 11/16/01 10:49am
Subject: Microsoft Settlement

I have worked with and against Microsoft for over 10 years. I have cheered for them and rooted for the opposition against them. The agreement that you are proposing does nothing to eliminate the negative impact that Microsoft is having on my daily life. They are a different company from five years ago. Today, they impact my daily life negatively. They have a monopoly that is impacting me, a consumer, in the following ways:

(1) Every PC that ships from a PC manufacturer today carries the burden of a Microsoft operating system charge—even if the PC should come loaded with Linux. PC's can not become cheaper because as the price of hardware has fallen, the Microsoft PC operating system has become more and more expensive, or a larger percentage of the investement that I make in a solution for home and business. Try calling Dell and getting a quote for a hardware with and without Microsoft and see if you can tell how much they are paying.....(they won't quote it)

(2) Inferior products. Compare Microsoft Word and other word processing products that have attempted to take Microsoft on. Many are superior products with better usability and lower prices. But because every PC today ships with Word, Excell, Powerpoint, etc...I can not utilize these products. Their market share is reduced to microsopic levels and I have to pay over 450 dollars (new) for a set of ''productivity'' applications, that should only cost 100 dollars. I have looked at Word 2000 and grimace at learning again, a new set of rules, popups, preferences and concepts that should have nothing to do with typing a simple letter. Word is no longer easy to use—it is a monolithic, feature packed, monopolistically priced software package that needs competition in the market place....(that can only be provided with a level playing field).

(3) Unwritten collusion between Microsoft and PC Manufacturers. Oh, I am not saying that they get in a smoke filled room and decide what to do, but their destinies are so tightly linked as not to require a spoke word. It is understood that new applications should require more hardware and constant consumer upgrades of hardware every two years to keep pace with Microsoft's ''imbedding'' of many useless features. Upgrading between OS's should be so hard as to make it simplier and more cost effective to put out 1000 dollars to get one ''preinstalled''...

(4) Imbedding of software that I have no control over and threatens my day-to-day privacy. Why does it have to be so hard to ''not'' use Microsoft imbedded functionality. Software providers like ''Gator'' get ripped in the press when their software takes over their computer (and rightfully so), but I have alternatives to their software. I have no alternative to Microsoft that is based on a ''make money'' model. Some would say Linux—but hey, if there isn't a profitable business plan behind the software, let's not kid ourselves—it isn't viable for consumers or business'. I WILL NEVER GIVE MICROSOFT MY CREDIT CARD NUMBER.

(5) Two weeks ago, after asking Microsoft to never release any information about me to anyone—I get a spam mail from their MSN network—unsolicited and unwanted. I requested that they forward the document to me where I accepted their offer for SPAM—no reply. Microsoft will trample on my freedoms to make a buck—sorry, can't buy their stock. May I die poor but unhumbled. Remember the past when there was competition:

Let's not forget what it used to be like when there was competition in the market:

(1) System upgrades were few and far between and fix packs were the normal course of business and considered part of the ''cost of doing business''. Today when it is easier to download upgrades with less human effort (ie higher productivity for the software manufacturers), why is it that more upgrades are required in shorter periods of time.

(2) Applications were written to be fast and tight with quick response time. Consideration was given to backward compatibility to run the consumers' ages old application packages. Who can argue that the 3270 data stream wasn't one of the most open standards of all time. IBM kept that stream unmodified for 20 years and fought back competition the whole time—today Microsoft changes its standards rather than competiting with more creative ideas and better usability.

(3) Minimized cost of training. Since application packages were supported longer, the consumer didn't have to ''waste time'' every two years relearning an application.

(4) Choice—Oh my God, I had choice just a few years ago. DOS, Windows 3.1, 05/2, Windows NT, Unix, thin clients, etc....Now even the ol' DOS support is gone.....I wonder how much longer Unix on the client is left for this world? Remember when crash protection was a selling feature that kept OS/2 at 10 to 15% market share with the only real usage in the business market. Linux long term doesn't have a chance unless it can be ''preloaded'' at the manufacturing site and gain market share...can't do that with your agreements.

(5) Fun reading the trade press—boy is it boring today. Used to be fun to pick up the press and read about who had what vision for the future on the client. Gee, now all I read about are a few ''middleware'' vendors worring about their market share, not concerned with dramatic changes in the industry.....Palm OS isn't long for this world. Microsoft will leverage the same monopolisitic power to drive them out of business.....the tie between applicaitons and OS. Of course there were downsides—but I believe in the free market system, free enterprise and the busting up of monopolies like AT&T. Please get back on task and make life more interesteing, less costly and more fun by providing an environment where Microsoft, IBM, Oracle, Dell, Compaq, HP, Real Networks all have to compete on an open playing field. May it be an environment where the most creative and daring can win, not where the one with the most money and control can force an inferior, less usable, less stable product on me every two years for another couple hundred bucks.

Sincerely

Peter E. Greulich

Consumer and concerned citizen.

MTC–489

MTC–00000490

From: phadkins
To: Microsoft ATR
Date: 11/16/01 10:51am
Subject: Microsoft settlement

The planned settlement in the Microsoft Antitrust case is completely inappropriate for a company that has repeatedly demonstrated its unwillingness to abide by the law. You are dealing with a Robber Baron mentality, and must react accordingly. Frankly, the proposed government settlement looks like a ''sell out''. Nothing short of releasing the Win32 code into the public domain will do, and even if that were done it would be necessary to prevent Microsoft from introducing propriatary changes to the code.

P.H. Adkins

MTC–490

MTC–00000491

From: Tim Williams
To: Microsoft ATR
Date: 11/16/01 10:54am
Subject: Microsoft Antitrust

I feel the States and the US Government were wrong in pursuing Microsoft in an antitrust case. I think that any company, i.e., Dell, Compaq, HP or others who used Microsoft products should have been part of this sham of a lawsuit. Hey, they accepted the limits Microsoft put on them using their products and made a ton of money. If I can't match or exceed my competitor then I need to find another line of work. Crying about unfair practices is just plain ''I can't make it on my own and I need you to stop them so I can catch up''. You are penalizing Microsoft because they have researched and developed a dream of Bill Gates. I believe that the US Government and the States involved are the ones that are stifling competition. If Sun Microsystems or those other companies can't hire intelligent and forward thinkers to advance their product then let them go out of business! I don't have to buy Microsoft! I choose to do so.

Tim Williams

MTC–491

MTC–00000492

From: Daniel Earp
To: Microsoft ATR
Date: 11/16/01 10:54am
Subject: I know this is pointless . . .

I know this is pointless, as this is likely to simply be deleted, but I thought I might add my two cents worth. I am a small business owner and Network Engineer. I have personally been harmed by Microsoft's iron handed methods. I'd like to share a few with you.

When Windows ME was due out, the beta ran perfectly fine with the NetWare client v3.3 available at the time. But the day of release, the client was found to be incapable of working with TCP protocol. Do you know what kind of black eye I took when suddenly it was discovered that new PCs that shipped with ME couldn't be used on our network? This was obviously kill code. The problem still exists today.

Or how about the way the OEM agreement works. If you buy a computer from me, I pay $5 less for Windows than retail. But when something breaks, I am the one that is responsible for support. You can't call MS at all. You have absolutely no support from them. My five dollar profit is suppose to pay for that support, even though I don't have the right to make a single support call to MS myself.

Or how about this one. When I do an install, I get an install of Outlook Express no matter what I do. I can't change that option during the OEM install. And if I don't do the OEM install, I can't install products like OEM Office 2000. But that install make me vulnerable to all the Melissa variants, and will kill my GroupWise client. Legally I can't fix it. How stupid does that make me look when my PCs always show up needed further work before they're network ready?

When I saw that you guys were winning the case, I was overjoyed. I thought there was finally going to be something done. They you caved in. You sold me out. Your solution is a joke. Now the same events are going on with Windows 2000 and XP. Installing live update on a Windows 2000 machine will kill Adaptec Easy CD Creator software. But that's ok. Installing Windows XP gives you free CD master software, so you don't have to install Adaptec. Sound familiar?

You've fixed nothing. You've helped no one. In fact, you've only made it worse. Now they know that you're spineless and toothless. You've failed the people you were hired to protect. I don't know what idiot thought selling me out was a good idea. I'm sure in proper government fashion the list is long and feeds back on itself at several points. But I hope you know what you've done. My business is closing next month. Given the choice of being a Microsoft shop or going out of business * my choice is clear. And in the current environment, selling Novell is hopeless.

Thanks for nothing.

R. Daniel Earp
PC Network Solutions
Raleigh North Carolina

MTC–492

MTC–00000493

From: Shockwave
To: Microsoft AIR
Date: 11/16/01 10:58am
Subject: Microsoft Case

I've been thinking about this whole anti-trust thing and I've come to the conclusion that this is one case that should never, and I mean never been brought to trial. I am not now nor have I ever been an employee of Microsoft, but a consumer that feels that Microsoft has been given a raw deal. If other companies cannot create a product competitive to the product Microsoft offers, that is not Microsoft's fault, now is it? If Netscape had the ability to come out with a product similar that they could have bundled their Navigator software with, they could have done so and then could have competed with Microsoft for the PC Operating System business. But nooooo, these other companies chose instead to ask the government to sue Microsoft.

Please, Mr. Ashcroft, I was thrilled when President Bush chose you as Attorney

General, now, please, do the right thing, and drop all the charges against Microsoft.

Thanks

Lany Poindexter

521 Barbary Lane

Woodstock IL 60098

815.337.8147

MTC–493

MTC–00000494

From: Ray Wilson
To: Microsoft ATR
Date: 11/16/01 10:59am
Subject: Microsoft Settlement

I you have sold out the computer using populous with this decision. You have actually accomplishing nothing except using the taxpayers money. The limited restrictions and lack of penalties you have placed on Microsoft will not stop them from continuing to try to dominate the industry, as a case in point look at the Win2000 issues and how much that slowed them up. They can BUY anyone not cooperating with them or just give stuff away to their competition and by the time anyone can react the damage is done just like WinXp.

I am very disappointed in how this entire thing was handled including letting the ''buy-out'' some of the states . . . that was utterly disgusting. I am very disappointed in what the DOJ managed to accomplish. The cost/benefit ratio was way over on the side of Microsoft on this one. The DOJ could have saved the taxpayers a lot of money by just letting Microsoft have their way, they will anyway.

Thank you for providing a place for people to have their say.

Ray Wilson

Email prw@charter.net

MTC–494

MTC–00000495

From: Joe Allred
To: Microsoft ATR
Date: 11/16/01 11:00am
Subject: Strongly Disagree with Settlement

I strongly disagree with the action of the Justice Department in settling the anti-trust case with Microsoft. The settlement is inadequate; the company will be able to bypass many of the sanctions because of vague language (refer to Associated Press article by Ted Bridis). I feel that Microsoft might use the exemption to keep secret any information that might violate the security of anti-piracy technology to hide details about many of its products. Any criminal penalties and civil fines that the Department of Justice might seek if the company violates the 3deal2 will be too weak and ineffective given the size and monetary resources of Microsoft. I can only hope that U.S. District Judge Colleen Kollar-Kotelly will impose tougher penalties during hearings in February. Perhaps she will have the foresight of Judge Stanley Sporkin who scrapped a Microsoft settlement in the 1995 case. Like him, I strongly believe that the proposed settlement is not in the public interest.

In the 1995 settlement the Justice Department promised that it would ''end Microsoft's unlawful practices that restrain trade and perpetuate its monopoly power.'' Microsoft to this date has not backed down from its arrogant and deceitful practices. I believe that the Justice Department is simply telling Microsoft to 3go forth and sin no more.2 This does little or nothing to address the unfair advantage it has already gained and continues to exert.

Microsoft is the schoolyard bully that will not be persuaded by moral arguments, but must be sent to reform school before a calm learning environment can be restored. The penalty in this case must not only suit the crime, but must be in direct proportion to the size and stature of the offender. A slap on the wrist is not suitable.

Please do not settle with Microsoft.

Joe Allred

Hardware Buyer

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MTC–495

MTC–00000496

From: John Marshall
To: Microsoft ATR
Date: 11/16/01 11:02am
Subject: Microsoft settlement stiffles independent innovation in the computer industry

The settlement does not remove Microsoft's ability to stifle and halt innovation.

The source entry points should be made public.

A stripped version of Windows should be made available for purchase so users can install what they want.

The requirement of 1 million units for a third party to have their software added it too onerous.

John Marshall

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John Marshall

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818 790 7700

8777207730

MTC–496

MTC–00000497

From: glenn himes
To: Microsoft ATR
Date: 11/16/01 11:04am
Subject: $

you sniveling cowards microsoft is a bigger threat to the U.S. than bin lauden how do i explain to my son that the Gov. can be bought off its politics as usual guess ill just tell my son the Gov. is owned by business and in his lifetime (h&s 12) he can get screwed by the Gov. more than he will ever get it when married

MTC–497

MTC–00000498

From: Jim Dreger
To: Microsoft ATR
Date: 11/16/01 11:04am
Subject: Microsoft Settlement

Something needs to be done about how Microsoft treats competing software companies. If Microsoft sees something that it thinks would add benefit then it adds it to it's operating system rather than selling it as an add on. With every new release Microsoft add features from companies that they have no business adding to the Operating system. The Operating system should be a base to be added to, let them define the base then stick with it so other companies that come up with a good idea do not get run out of business because Microsoft decided to add it to the operating system. Even breaking the company up will not solve these problems, they need to have a clear guideline as to what the 'Operating System' is and what it can have. That would be the only way to prevent them from doing this kind of behavior.

Thanks

Jim Dreger

4309 Rigney Lane

Madison, WI 53704

MTC–498

MTC–00000499

From: Jason Halt
To: Microsoft ATR
Date: 11/16/01 11:05am
Subject: Penalty not good enough

Microsoft must be stopped—their illegal practices continue with Windows XP. I believe the fairest thing to do is to break up the company into three units:

1. Operating System company
2. Software company
3. Hardware company

Jason Halt

Software Engineer

DIS Corporation [http://www.dis-corp.comj

360.647.4 197

MTC–499

MTC–00000500

From: Steve Rimicci
To: Microsoft ATR
Date: 11/16/01 11:06am
Subject: Microsoft Settlement

Dear Sir or Madam,

Thank you for the opportunity to comment on the November 2 settlement between the Department of Justice and Microsoft.

I believe the settlement is not in the best interests of the computer industry nor in those of the public which they serve. The terms of the settlement often appear to be so vague as to be unenforceable.

I am a software engineer with 20 years experience, and I believe that this does nothing to deal with Microsoft's monopoly on PC operating systems. I personally believe the only solution is for Microsoft to be split into two separate companies. One for Operating Systems and another one for applications.

However, absent that remedy, I believe that there is a worthwhile compromise available, and in essence, it is the position espoused by the Open Software Group. The country will be best served, and business interests will not be harmed, if, as a matter of course, all computer components, whether they are hardware or software, have a required minimum of ''behaviors and requirements'' publicly stated. Computer specialists with interests to protect will always have clever, superficially plausible defenses for their own

''proprietary approach.'' However, with respect to the interaction of components, regardless of vendor, this should be based upon an ''open approach.'' Therein lies to pathway to the greatest benefit for the greatest number.

Thank you for your attention.

Sincerely,

Steven Rimicci

20 Simpson Drive

Framingham MA 01701

MTC–500

MTC–00000501

From: Ronald A. Mitchell
To: Microsoft ATR
Date: 11/16/01 11:07am
Subject: My Comments

1. Americans have a very short Memory—and so does the DOJ—Case in point—you all forgot just how monopolistic IBM is and has been in the past!

2. The amount of money wasted in this entire travesty should be an embarrassment to the United States Government and the companies that chose to start this mess. Had they all put there money where their hollow words have gone, they could have built a better 'mouse trap'' and thus put competition in place.

3. I have yet to see any compelling evidence on how the ''consumer'' has been harmed.

4. Shame on Microsoft's representation early in this mess for the Internet Explorer was NEVER part of Windows 95. It was something you had to buy and add on to the original product!! And shame on the DOJ for being so naYve in computers and software to believe that the Internet Explorer was an integral part of Windows 95!!

5. Last, you should punish Bill Gates for his stupidity, but not the very innovative workers. Microsoft has gone out of its' way to ensure that companies could write software compatible with its' software!! The amount of documentation readily available from Microsoft is staggering and yet the naive folks at the DOJ and the 18 States that don't have a clue don't seem to comprehend this fact. Hey, look at Apple, you want something that is obsolete every time Apple rolls out a new version of their MAC OS, then go buy a MAC! You and zero compatibility, go buy LINUX and just see how far you get from one release to the next!! The DOJ really needs to move into the 22 Century and quite acting knowledgeable about things the DOJ doesn't have a clue about!

SHAME ON YOU ALL for wasting my tax dollars!!!!!!!!!!!!!!!!!!!!!!!!!!!!

Ronald A. Mitchell

Ron Mitchell

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MTC–501

MTC–00000502

From: Oscar Vela
To: Microsoft ATR
Date: 11/16/01 11:09am
Subject: Penalties NOT sufficient to change Microsoft's tactics with smaller innovative companies

The government has missed another chance to protect its people and business (especially small and medium sized companies) from unfair practices used by Microsoft since the 1980's. For instance, their operating system updates/upgrades over the years have rarely added added value to their product upgrades. Much of their upgrades have been software fixes from the previous versions with little to offer except cosmetic changes.

For example, their only major change (from Windows 3.1 to Windows 93) was to take the Apple Macintosh GUI system and use it as an upgrade of their OS. This company rarely innovates. It prefers to buy, if not outright copy software, from its competitors and call it its own. It pressures companies to do join their effort or be stamped out. It muscle computer hardware companies not to use any other operating system unless, it lose its license or a cut in the price of the Microsoft's OS. The remedies recommended by the government at this time do not do enough to change Microsoft's way of doing its anti competitive business practices.

Please do the right thing for the majority of people in this nation. . . . Take a stronger stand against what Microsoft has done and will continue to do.

Thanks, Oscar Vela

MTC–502

MTC–00000503

From: Jeffrey White
To: microsoft.atr(a)usdoj .gov
Date: 11/16/01 11:12am
Subject: Microsoft Antitrust

To whom it may concern:

I propose the most lenient stance against Microsoft. The states that do not want to go with the Federally proposed compromises do not represent me. Microsoft has, if anything, made my job easier. Their combination of products are put together to improve productivity. Would you buy a car without all the parts in it that make it do what you want to do with it??? Are you going to make GM give customers the option of putting a Ford engine in them???

Microsoft monopoly is on brain power. They are known in the tech industry as being one of the best places to work. They don't hire programmers necessarily. They hire thinkers. They even (legend has it) have a series of brain teasers (or puzzles) to determine whether you are the type of thinker they need. Their superiority comes not from a deliberate attempt (though they have done some things questionable like forcing use of the browser) to be a monopoly. It comes from their hard work in the wake of all their competitors' failure to innovate.

I have tried the browsers. Netscape has problems because they fail to meet standards. IE succeeds because it complies to standards (and standards are created by the ISO-which Microsoft cannot control). An operating system, by itself is useless. A lot of programs are over-priced to the point the consumer cannot afford them. The browser (being built in) gives the consumer the ability to gain immediately gain access to the internet. Without it, more trips to the store and more money has to be spent. You have to hope you get a browser that is compatible with your system. I have seen cases where they are not!!!!!! You have to get it installed, get the disk for an ISP,etc, etc. How does this benefit the consumer???? With Microsoft, they give you the browser, and with its setup, the ability to connect up (immediately) to one of many ISPs they have available (and it shows Microsoft's competitors to their MSN service! !!!!

I also am afraid of the economic fallout of carrying this lawsuit too far. The tech sectors stocks get affected by the stock prices of companies that are leaders like Microsoft. I guarantee you that the stock of the tech sector will fall greatly if Microsoft is ever broken up or punished too severely. Microsoft is not laying off (unlike the very same companies that are against Microsoft). They bring a lot of money into the economy. And, they do not do as other tech companies have done, i.e. move their programming tasks to foreign entities like India. If you were a programmer with your own company and put the effort you are putting into this lawsuit, into your programming company, you would do the things Microsoft has done, and that is innovate.

Microsoft affects my job. Their stable platform keeps my job easier. I dont have to debug their operating system to get my programs working. I guarantee you that I could not say the same thing about their competitors. The browser, in my opinion should be part of the operating system. They designed it to be stable. I use it, more often that not in my job, I sometimes use Netscape to see how badly the online banking code, that my company writes, is mauled by the errors that are in Netscape (and I do see a lot of problems in Netscape).

In conclusion, this lawsuit does not protect the consumer. It protects some special interest groups who are for the competitors of Microsoft. If Microsoft is a monopoly, so is Ford, and GM, etc, etc.

Jeff White

MTC–503

MTC–00000504

From: Dale Fenimore
To: Microsoft ATR
Date: 11/16/01 11:13am
Subject: Some Settlement.

US DOJ,

You caved-in to a monopolist and, as a result, are rewarding that monopolist for abusing its monopoly power ... something it continues (and now will continue) to do.

Your ''penalties'' are weaker than what was rejected last year as unacceptable ... while you ''pressed' ahead with your case against Microsoft. How, in good conscience, can you put the spin on this that it's the right thing to do and is good for consumers? Hogwash. Now, with the terrorist activity that has recently occurred, you decide that Microsoft is below your bar for attention ... and you're just trying to get rid of it now. This makes it expedient for you.

You've done the public ... and industry ... a tremendous disservice by the ''settlement'' you've reached. The ONLY winner here is Microsoft ... the public and industry loses ... and your credibility concerning the ability to handle monopolists (esp when that

monopolist has as much money and as much bought influence as Microsoft has) is severely strained.

MS will continue to grow ... continue to use its market power to plow under competitors ... and reduce consumer choice. And you've helped to keep them there, despite the opportunity to help. You've gone pennywise and pounds foolish here ... your big (long term) picture doesn't really include the consumer. You've let politics interfere with a judicial process and, as a result, let all consumers and competitors (present and future/potential) down. You may have slowed Microsoft down just a tad ... but you're FAR from accomplishing what you, and the other States, started out to do. Thanx for nothing. While it would have cost US, the people, more money in the short run to pursue this case properly, it would have saved everyone significant bucks in the long run, enabled decent competition to have proceeded, and improved the economy (by providing a level playing field for competition). You've enabled the monopolist and its monopolistic behavior. Time will tell ... but now, you've pretty much lost your opportunity.

Your present path makes me very angry and very disappointed in you. You're s'posed to protect the public from abuse of monopoly power. Microsoft has demonstrated time and again that it can't be trusted to NOT abuse it's monopoly position.., but then, the DOJ has apparently conveniently developed amnesia relative to what it doesn't want to see...

DLF

MTC–504

MTC–00000505

From: tony kwong
To: Microsoft ATR
Date: 11/16/01 10:07pm
Subject: proposed settlement does not serve the nation's interest

DOJ,

What is good for Microsoft is most emphatically NOT good for the nation overall. What little gain Microsoft's shareholders and this administration's fund raisers reap has to be paid for many times over by consumers who are denied choice and companies who are the victims of Microsoft's predatory business practice. All of this only happens because Microsoft can indulge in monopolistic behavior. Of this, the Clinton administration's justice department has won the point through due process of law. Now, the Bush administration's justice department intends to let Microsoft continue with a slap on the wrist. The nation's interest will be better served by strong curbs on Microsoft's behavior since that will provide for far more innovation and economic growth. If this inconveniences Microsoft, they have earned it through a long history of monopolistic behavior and sanctions are indeed called for. Full disclosure of the APIs and protocols used by Microsoft products should be the cornerstone of any settlement that actually tries to remedy Microsoft's practice of using secret and/or changing APIs to disable competitor's attempt to produce inter operable software which is needed to compete in the marketplace (which incidentally will provide the maximal benefit to consumers of such software). Stiff penalties should be imposed for any such violations with generous bounties offered to anybody who can document any such violation, including immunity from DMCA if the investigation indeed uncovers a violation of the antitrust agreement. After all, Microsoft should not be allowed to hide any criminal act behind DMCA. It does not matter if it was intentional or a mistake, maybe this will finally make Microsoft pay some attention to the quality of what they do. Just take a look at their appalling record of security holes that allow viruses to flourish because as a monopoly, their users are forced to bear this burden without recourse.

Show some backbone. The nation's best interest can only be served if the DOJ does not act as if it dances to the tune of the campaign contributors and lobbyist. yours sincerely

tony kwong
tkwongjr@nc.ff.com
cary, nc

MTC–505

MTC–00000506

From: Dale E. Strickler
To: Microsoft ATR
Date: 11/16/01 10:07pm
Subject: Microsoft's Monopolistic Practices

Dear Sirs and Madams,

I have been a using of Microsoft products shortly after their arrival on the market. I my view they have been strong competitors and have developed a few good technologies.

However, I believe that their legitimate technological advances have been far out weighed by underhanded, dishonest and down right illegal practices. Every time they have gone to court I have hoped that the federal government would fine and restructure them appropriately to compensate for the damage they have done to the industry through their many monopolistic practices.

Though their cut-throat distribution agreements, their software bundling and many other things have more than warranted harsh penalties—in my mind—what has bothered me the most is there ability to continue to tell half truths and lies, in press releases, on packaging, and even in court yet without penalty, fine or other action. The blatant fabrication of evidence during the trial with The Honorable Thomas Penfield Jackson alone should have landed someone in jail. If I went to go to court with videos that I (or one of my employees) had blatantly altered I am fairly certain that I (or one of my employees) would be in jail now. I would expect nothing less for those at Microsoft that were aware of the doctoring of the videos that were entered into court record. Though I do not agree with The Honorable Thomas Penfield Jackson's actions during that trial I strong believe that his actions should not excuse or allow Microsoft employees to get away, without punishment, for presenting false data in a court of law! Too many times have I seen Microsoft hurt the industry and more directly my lively hood by using their power and influence to get settlements, or get dismissals in cases where I am sure that someone with my meager income would surly been jailed.

I don't know what it is going to take, or from which country the conviction will come, but someday, I trust that Microsoft will get the punishment it deserves. I would be encouraged if that punishment came now, from the current powers overseeing the proceedings. I would hate for the true and correct judgement of the perpetrators involved to only come when they face their maker.

Best Regards,
Dale E. Strickler
President and Sr. Consultant
DES Software Engineering Consulting
E-mail: DaleS@DESSEC.com
Voice: 434–846–7003 (NOTE New area code!)
FAX: 434–846–7040 (NOTE New area code!)
Web: www.dessec.com

MTC–506

MTC–00000507

From: Ted Halmrast
To: Microsoft ATR
Date: 11/16/01 10:05pm
Subject: unjust settlement

I am extremely disappointed in the Department of Justice for settling the case with Microsoft in such an extremely incompetent manner. The Department of Justice has sold out the American consumer and should be ashamed.

Ted Halmrast
7580 Derby Lane
Shakopee, MN 55379
952–233–1980
tedh @tera.teralink.com

MTC–507

MTC–00000508

From: Wayne Bell
To: Microsoft ATR
Date: 11/16/01 10:15pm
Subject: Integration is the real issue here

Hello,

I have been following the government's case against Microsoft over the years, and I believe the real issue is the fact that Microsoft integrates its products into its operating system to a level which competitors can't because they do not have the intimate knowledge of the operating system's source code and/or the ability to remove microsoft's competing products without altering the operating system itself. By integrating Internet Explorer into the operating system, Microsoft was able to make IE SEEM faster because it took no time to load the program... because windows already loaded most of it along with the operating system. This is part of why windows 98 and higher use so much system RAM. They load portions of microsoft products so that their products will always be faster to load. This makes the system SLOWER for those with less RAM and is not desirable at all.., imagine if all of your programs loaded into memory at once... your system would crawl. Netscape, Realplayer, and others have created ''fast launch'' programs which can do the same thing now, but the only reason they do is because they need to compete with microsoft products. This is not an efficient use of system resources. Also, Microsoft's competitors cannot remove MS products

without harming the OS in some way...nor can they integrate thier own products where MS's were.

The only true remedy to this situation would be to open up major portions of the operating system source code to all software companies.

Also, Microsoft's licensing practices are suspect... I would make sure that they contained no provisions which would prohibit PC manufacturers from installing multiple operating systems or modifying major parts of windows if they choose.

This recent ''settlement'' isn't even a slap on the wrist. I think cutting the company into pieces was a good plan to restore true competition in the applications market, but if that isn't an option, then the source code of windows should be made more open and allow for companies to make significant SUPPORTED alternative integrated programs possible. MS seems to be on the path of integrating EVERYTHING into the operating system. While this would do wonders for compatability and perhaps ease of use, it will destroy a competitive marketplace and leave users at the mercy of Microsoft's monopolistic practices and future fees and licensing programs.

Thank you for your time,
Wayne Bell

MTC–508

MTC–00000509

From: vperez
To: Microsoft ATR
Date: 11/16/01 10:14pm
Subject: Everything has it's price.....

How could you spend OUR money without any remedy ???????? I am ashamed of the Ashcroft regime. You will be blamed for the lack of innovations not Microsoft. Microsoft has humiliated the DOJ once again.....

MTC–509

MTC–00000510

From: Joshua2000ad
To: Microsoft ATR
Date: 11/16/01 10:12pm
Subject: My comments...

You suck.
Joshua

MTC–510

MTC–00000511

From: Will Wood
To: Microsoft ATR
Date: 11/16/01 10:10pm
Subject: Comment on Microsoft Settlement

I've been an IT professional now for almost 22 years. When I first started in this industry, IBM was king and there was constant pressure from other organizations such as DEC, HP, Honeywell and others to innovate to keep up the competition. They serviced niche markets with their innovation and thrived.

Now, the computer industry is more consolidated fewer and fewer companies make the products that we rely upon for all levels of computing whether that be academic, business or home use. Unfortunately Microsoft under the WinTel aliance has forged a very strong position, so strong that it dominates virtually every tier of computing. Yes, Intel makes Chips that go into the systems, however at least there is some competition for Intel, including AMD and Cyrix. Where Windows is concerned, there seems to be one source Microsoft. Great position to be in.

There really isn't an alternative to Desktop 0/S for General Purpose use other than Windows. Unfortunately Linux is a very distant third in this regard. Remember Apple? Yes they're still around however they've been hurt not by innovative product competition, but unfair leveraging of technology. Microsoft has attacked key sectors of threatening technology by either dumping on the market or using the three E's—Embrace, Extend, Erradicate. Java technology has been irreprably damaged by Microsofts dilusion and non-standard practices resulting in another Court case. However since Microsoft has extremely deep pockets even for the Federal Government it appears as though attrition has set in.

What Microsoft does to the software industry is akin to an 800lb Gorilla being let into a banana shop. For example, Internet Explorer was a product that took over 600 developers to work on. Microsoft dumped the product for ''free'' on the marketplace claiming it's innovation was good for consumers. Funny, Internet Explorer isn't available for Unix, or Linux, or Apple just Windows. When two technologies are equal, the one that's free will win. That's a marketing knowledge. When Windows 98 was released IE was bundled with it even though it wasn't critical to the 0/S use. Microsoft claimed it added value, however it stiffled competition such as Netscape and Opera. Even now Microsoft builds proprietary standards into their web sites requiring the use of their technology to access it, forcing users into their way of thinking and doing.

So, when it comes to desktops and now unfortunately Server environments Microsoft is becoming the dominant force. However their tying of products together gives them an exteremly unfair advantage over their competition. A classic problem was when WordPerfect was still around the developers found bugs in the Windows API. They reported them to Microsoft. Microsoft then announced to the world that WordPerfect was buggy on Windows. Likewise Microsoft dumped MSOffice for incredibly low prices, so low that WordPerfect couldn't compete. Again deep pockets allowed Microsoft to eat profitablity to force out the competitors product. Once the other Product is severely damaged, it's time to raise the prices because now they have a vendor lock In.

Microsoft should be allowed to innovate, any company should. But it should be precluded wholly from predatory market practices that stifle small business and even competitors practices. Yes Business is brutal but being able to tie products forces customers to buy your solution wholly and forego any of the competitors product.

So, my question after Microsoft dominates the entire software middle structure who can compete with them? My recommendation would be that all Microsoft Windows APIs be fully documented and available to all software houses.

Microsoft divest it's Office assets or spin them off to another company. barring that Microsoft should be barred from releasing any new version of Office or Windows for a period of no fewer than 5 years on Intel based platforms. This would allow competitors to at least take advantage of documentation and make their products more competitive than Windows based solutions. Microsoft should also be ordered to release their Office suite and other products on at least three other operating system platforms, Apple, Linux and Unix.

Thank You
Will Wood
Software Architect
1605 McGreg Ln.
Carrollton TX, 75010

MTC–511

MTC–00000512

From: lawtenn 4
To: Microsoft ATR
Date: 11/16/01 10:18pm
Subject: DOJ settlement
To: Renata Hesse
Antitrust Division
U.S. Dept. of Justice

Regarding the DOT antritrust settlement recently negotiated with Microsoft, and accepted by nine states thus far, I would simply like to say that I am very supportive of the plan as I understand it, and am very embarrassed that my state, Kansas, continues to be one of the few states left to oppose the settlement.

I like and value Microsoft as a company and as an industry leader; I believe that they are very competitive and strive always to develop and promote their products, which I appreciate and will continue to buy. While I have grown to admire Microsoft as a well-managed, innovative company, I have grown very weary of all of the whining from its' competitors (esp. AOL, Sun, Oracle. . . .); the settlement seems to be a very good attempt at moving on past this long, tedious antitrust battle, and, if everyone would just agree to move on , could help in invigorating the economy and the stock market. I do not believe that this settlement is ''too weak'' and lenient toward Microsoft; they have agreed to significant concessions, and appear to honestly be ready to end this saga and return to normal life without the shadow of litigation.

Thanks to all of the DOT attorneys, and the mediator, as well as Judge Collen Kollar-Kotelly for the fair and neutral way in which this settlement has been conducted thus far. Although I am strongly Democratic, I am sorry that the Clinton administration ever supported this antitrust case in the beginning; I believe that I represent many, many Americans when I urge you to continue to press toward final settlement as soon as possible.

Sincerely,
Nancy Hermreck
lawtenn4 @msn.com

MTC–512

MTC–00000513

From: Bryon Wilson
To: Microsoft ATR
Date: 11/16/01 10:16pm
Subject: Re Microsoft

DOJ,

When someone breaks the law, their penalties are determined by the legal system. Why is it that Microsoft has been proven guilty, but then invited to determine their own punishment. Simply telling the public that Microsoft will behave from now on is ludicrous. If someone commits murder or kidnaps someone, they are not allowed to simply promise that they won't do it again. They pay for what they have done. You are not punishing Microsoft for what they have done. The about face has to mean that many of you have had your pockets lined by Microsoft. I think you are behaving in a disgusting manner. This is not surprising in such a corrupt administration.

Bryon Wilson

MTC–513

MTC–00000514

From: Adam Gregory
To: Microsoft ATR
Date: 11/16/01 10:16pm
Subject: microsoft anti-trust ruling

How can the DOJ consider a lenient and vague settlement sufficient to make microsoft cease its illegal antritrust activities? With every subsequent edition of windows since the case was first filed microsoft has further strengthened its monopoly power with more and more bundlings and abused its power with increasingly arcane and restrictive licensing. The latest version of windows bundles a webbrowser, video and music player, firewall, and instant messenger. This is far worse monopolising than microsoft was found guilty of previously, and the trend looks set to continue. Recently leaked memos reveal the microsoft planned strategy of ''embracing and extending'' internet protocols to make competing software incompatible with them and so create an uphill struggle for competition to remain in the market. With microsoft's behaviour becoming worse and worse all the time, how can a slap on the wrist settlement possibly deter them? Their flagrant continued abuse of their power in complete disregard of the courts only shows that they know they can get away with anything simply by throwing enough money at lawyers and buying political favour with campaign donations. The lack of justice in this case is especially evident in the fact that a rich corporation found guilty can then negotiate a 'punishment' with the courts. Are convicted thieves afforded the same courtesy? No, they're convicted and they're punished. Why should there be such different conditions when a rich and powerful corporation is found guilty? Truly big business is above the law if the law must treat those it convicts with such diplomacy.

I sincerely hope that a reasonable solution can be found that doesn't involve the government and courts kowtowing to wherever the money Is.

Sincerely, Adam Gregory

MTC–514

MTC–00000515

From: bruno @users.succeed.net@ inetgw
To: Microsoft ATR
Date: 12/6/01 1:47pm
Subject: Microsoft monopoly

It is not difficult to understand that any monopoly damages everybody. Only the presence of competitors force you to improve yours produtcs, limit your price, and to evaluate your costumers. Everybody has benefit from the competition between AMD and INTEL. In the worse, exchange a fine for a promotional tool, is the way to reinforce a monopoly.

Thanks, Bruno Angelin

MTC–515

MTC–00000516

From: Black, Nathan
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/16/01 10:23pm
Subject: You failed

The Settlement in US vs MS, for which you established this email address, is a miserable failure. You have allowed Microsoft to turn it around to fascilitate the elimination of any competing product that interface with their products. Such as: Samba; an open source program to allow other computers to view and use Microsoft Windows resources Kerberos ; as Microsoft has 'embraced and extended' this security protocol to prevent interoption with other competitive operating systems HTML ; Microsoft has also embraced this protocol to prevent interoption with other systems, including other browsers. See the information on CNN or your favorite news publication about what the MSN.COM web page looked like after the release of Windows XP SMTP ; In Exchange 2000, Microsoft has extended this protocol with a series of X- entries in the header of its Active Directory configuration (for example) to prevent interoperation with alternative operating systems. POP3 ; Microsoft has extended this protocol with an authentication piece into Outlook Express so that no other email clinets will work with the POP servers that use Microsoft services. (Microsoft Exchange) Your settlement with Microsoft doesn't prevent any of these things from continuing, but it has given them full power to continue with the current methods of destroying all competion.

If anything, you should destroy this 'settlement' and not do anything. We (the public) were better off before you started this trial.

Nathan Black
913 Harbor House Dr. #7
Madison WI 53562
608–441–0304

MTC–516

MTC–00000517

From: Bart Locanthi
To: Microsoft ATR
Date: 11/16/01 10:22pm
Subject: Appalling DOJ/Microsoft Settlement

Sirs and Honorable Senators:

The ''settlement'' is a craven and complete sell-out. The verbiage of the agreement is not only toothless, but it reads like (and probably was) something drafted by Microsoft lawyers. Where is the punishment? Microsoft was found guilty of monopolistic, abusive behavior—and the conviction was upheld—with many thousands of jobs lost and hundreds of companies destroyed in its wake. Microsoft behaved contemptuously during the trial, and we can only expect the very worst from them after this terrible ''settlement'' essentially puts the government seal of approval on their behavior. Microsoft is, correctly, proceeding as if there is nothing to stop them. After walking away scott-free from the worst the DOJ could throw at them, can we expect anything less than even worse behavior? Almost coincident with the announcement of the DOJ cave-in has been the introduction of Windows XP, which is a living, operational exercise in bad faith and restraint of trade. I can already hear the muffled cries of stifled innovation and squashed companies.

With the sudden take-over of large ISP offerings—including those of Qwest—by MSN, consumers have already been slammed into the replacement of their existing software by Microsoft products. As always, Microsoft's continued success will be at the expense of consumers, the industry, the science of computing, and the welfare of this country.

I feel utterly betrayed by my supposedly representative government.

Dr. Bart N. Locanthi
8456 SW Charlotte Drive
Beaverton OR 97007
bart@sabl.com
CC: Gordon Smith,Ron Wyden

MTC–517

MTC–00000518

From: daisyanne
To: Microsoft ATR
Date: 11/16/01 10:18pm
Subject: Sherman Act?

Dear Sir, I read the complaint.

1. This is an action under Sections 1 and 2 of the Sherman Act to restrain anticompetitive conduct by defendant Microsoft Corporation (''Microsoft''), the worlds largest supplier of computer software for personal computers (PCs''), and to remedy the effects of its past unlawful conduct. I can only say this is not about the Sherman Act or for the benifit of the people. Its about money. It seems to me the judicial branch has found a way to legally expand professional employment. In summary the complaint is like a deck of card having 52 pages. You can make your hand by dictating the game. In due respect, stop this madness.

MTC–518

MTC–00000519

From: Cole Thompson
To: microsoft.atr
Date: 11/16/01 10:36pm
Subject: Stronger remedies are needed

As a Senior Web Developer for Kaiser Permanente, one of the nations's largest healthcare providers, I am deeply concerned about the proposed settlement for the Microsoft antitrust case. For about the last five years, I have noticed that truly innovative technologies from small companies in the computing industry have tended to be withdrawn from the marketplace, apparently due to pressure or threats from Microsoft. During this same five years, the cost of Microsoft software has steadily increased, even allowing for inflation, while the cost of other companies' software (Sun Microsystems, Oracle, Sybase, Borland and many more) has almost without exception decreased quite dramatically. The costs of doing business as a software

company have not increased during this time. The only reason Microsoft has bucked the overall trend toward less expensive software is that Microsoft enjoys monopoly power, and dictates prices to computer vendors. These arbitrarily increased costs are ultimately borne by American consumers. Consumers and businesses are damaged in just the same way that they would be if the cost of gasoline were doubled.

Thank you for your attention.

Cole D. Thompson

Senior Web Developer, Kaiser Permanente

tel: 1–510–627–2245

MTC–519

MTC–00000520

From: Rand Partridge
To: Microsoft ATR
Date: 11/16/01 10:35pm
Subject: DOJ/Microsoft Settlement

I am a consumer. Having read a variety of interpretations of the DOJ/Microsoft settlement, I don't agree that the settlement as it currently exists is in the best interests of the consumer, now or in the future. I support the States who have decided to pursue continuing the legal case against Microsoft.

Rand Partridge

Hutchinson, Kansas

MTC–520

MTC–00000521

From: leoboy
To: Microsoft ATR
Date: 11/16/01 10:32pm
Subject: settlement comments

I am not satisfied that the penalties the government proposes will in any way reduce the power of Microsoft over the computing world in its present monopolistic form. I find it unfortunate that the lawyers who are supposed to be working to protect me, the consumer, are more concerned about the well-being of Microsoft than they are in making sure the true competitive basis of the economy is allowed to fuction unfettered by the deliberate manipulations of Microsoft. On of the most obvious excesses in which Microsoft is known to have engaged was the threat to pull Compaq's license to install Windows as its operating system if Compaq proceeded with plans to bundle Netscape with its software bundle. Compaq recended its decision and Microsoft won again and the consumers lost again. That Microsoft proceeded to market XP speeding up everything in order to beat possible court injunctions only magnifys their plans to control the entire Internet and by control I mean make as much money as possible off of every conceivable internet transaction. If I don't want XP on my computer because the government has moved so slowly and now is backing off of truly punishing Microsoft for their flagrant and multitudinous violations of the free market economy and antitrust laws, I have really no other choices available to me to continue advancing with the technological features that are now coming on the market place.The article I read that mentioned this email address gave no direct answers as to what the government lawyers are proposing to use to dismantle Microsoft's strangle hold on the progress of the computing world and the internet. The article only said that the lawyers were assuring the judge that.... so what's the big secret? What are you going to do make Microsoft stop this massive abuse of power?? I would like an answer and at least be emailed an addresss or website where I can find the exact proposals the government lawyers are suggesting. We have a right to know as consumers what you are doing to protect our future in the computing world.

Sincerely,

Dan E. Craig

MTC–521

MTC–00000522

From: Tom Watson
To: Microsoft ATR
Date: 11/16/01 10:30pm
Subject: DOJ settlement is not in consumers' best interest
To: US Department of Justice
Re: Proposed Microsoft. Settlement

Having followed the personal computer industry since it's inception, I am greatly disappointed in the government s decision to settle the Microsoft antitrust case on such unfavorable terms to consumers. As far back as the early 90's, Microsoft was using unfair and misleading practices (e.g. intentionally causing errors and misleading messages when Windows 3.1 was installed atop DR–DOS) to hobble competitors. By refusing to provide usable versions of its Office software on competitors' operating systems and making file conversion difficult, Microsoft established Office as a standard for all users. Later, when it had fairly well conquered the personal computer operating system and productivity software market, it began throwing its weight (and financial muscle) around in an effort to hijack the Internet (e.g. giving away/bundling Internet Explorer for free to undermine Netscape's revenue stream). Having retired all comers in the browser market, Microsoft has now set its sights on owning all transactional authentication rights on the internet. The obvious goal is to insert itself into (and charge a fee for) every transaction which occurs on the Internet. In each of these instances, Microsoft has leveraged its Windows monopoly (established as fact in Judge Jackson's court) to move into another part of the computer software market.

By settling the case on the proposed terms, the government would be:

1) Forgiving Microsoft for 10 years of monopolistic behavior

2) Ignoring the harm caused to consumers by the artificially high cost of Microsoft Windows (which has been used to subsidize Microsoft's entry into all these other software markets)

I urge the DOJ not to settle with Microsoft on the proposed terms. I believe strongly that significant harm has been done to consumers and that Microsoft should be held financially accountable, as well as structurally reformed to prevent further abuse of the Windows monopoly. The remedies proposed by Judge Jackson were appropriate.

Finally, I urge the government to hold the officers of the company responsible (individually and collectively) if it can be shown that harm to consumers resulted from their actions.

Tom Watson

Austin, TX

MTC–522

MTC–00000523

From: Karl Hiramoto
To: Microsoft ATR
Date: 11/16/01 10:38pm
Subject: OS monoply

My opinion:

Anything less then a break up of Microsoft will not break Microsoft's monopoly on Operating systems. On the application programs side side. Anyone who develops a good mass market software application Microsoft will put out of business.

Karl Hiramoto <karl@hiramoto.ws>

BS in Computer Engineering (www.sdsmt.edu)

Practicing Engineer

MTC–523

MTC–00000524

From: Eric And Steff Runquist
To: Microsoft ATR
Date: 11/16/01 10:45pm
Subject: Microsoft continues to steamroll

Microsofts behavior while the antitrust case is still in progress should give us a little hint of how they will behave in the future. Their new Windows XP combines an Instant Messaging software package into the Operating System in exactly the same way they bundled their Web Browser in the Operating System. That, after all was one of the origins of this case, so many years ago. If they don't hesitate to pull this kind of stunt while they are under investigation, what will they do after the suit is settled? They've shown their lack of respect for the power of the US government. Microsoft's new strategy centered around web services and their .NET initiative is merely a higher-level monopoly mechanism. This one floats just above the Operating System, but has the exact same potential to force-out any competitors through hardball leverage techniques.

The fact that Bill Gates is so ready to accept this settlement should set off alarm bells. This man is an extremely tough negotiator and shrewd business man. He knows a honey of a deal when he sees it. He also knows it's for a limited time only, so he will push everybody to get this thing finished before the momentum reverses.

Sincerely,

Eric Runquist

A concerned citizen.

MTC–524

MTC–00000525

From: Harry George
To: Microsoft ATR
Date: 11/16/01 10:42pm
Subject: Microsoft case

On the one hand I'm not surprised by the proposal. Disgusted but not surprised. A man with $30B in cash can certainly gain the support of senators, representatives, DOJ appointees, and judges. On the other hand, I suspect there are a few honest civil servants still in the system, who would like to see alternative points of view from impeccably credentialed, true blue Americans. For example, I'm a upper middle class, middle aged swing voter. I work in a Fortune 100

company, bringing technical and business degrees plus extensive experience with both Microsoft and non-Microsoft products to the effort. There is no question in my mind that the issues are much larger than browsers, that Microsft has no intention of allowing a level playing field, and that the DOJ's proposal is mockery of justice

Simple put, the issue is not ''are the consumers better off. That's like saying ''El Duce made the trains run on time''. No, the issue is balance of power in a representative democracy. See L. Lessig's analyses for details.

[By the way, I notice the parallels to Thomas at EEOC. He got a a Supreme Court appointment out of a series of anit-American policy decisions (leaving plausible deniability for the upper ranks). What was the price this time?]

Harry George
hgg9l40@seanet.com

MTC–525

MTC–00000526

From: Thomas Cattell
To: Microsoft ATR
Date: 11/16/01 10:36pm
Subject: DOJ consumer comments

Dear Department of Justice,

Thank you for providing an opportunity for consumers to comment about the current Microsoft legal situation.

My family runs a small business. We are shopping for a new network and work stations. We are talking to a lot of people, and reviewing how best to do our work. We currently use a server run on Novell network software and a program sold by Symantec in the 1980s. We do use Microsoft Outlook Express for our e-mail. We have found Microsoft to be most responsive to our current needs, both personally and with the software applications they have packaged. They are great marketers as well—they consider the customer's needs and work to fulfill them. My mother and I attended a Microsoft Big Day event on Wednesday where our questions were answered and an overview of all the programs was presented. They have what we need to keep our business running efficiently—much better than we have been running it! We have not been able to find any other company who can supply our needs as neatly packaged and as easily to operate as Microsoft has. I would find myself against anything that would break up their product as there is nothing to do the job as efficiently for those of us that are FAR from experts.

Thanks once again for this opportunity to comment.

Tom
Thomas J. Cattell
P.O. Box 210
Lusby, MD 20657
1–888–243–7215
1–800–243–7215 (fax)
tom@JECAI.com

MTC–526

MTC–00000527

From: John McBride
To: Microsoft ATR
Date: 11/17/01 2:16am
Subject: The DOJ : An embarassment to America

Dear Sir or Madam,

As a software developer, familiar with most every issue in this case (as well as many left out of the various trials) I have to say that the DOJ has done a fine job of embarassing the United States of America, not only at the national level, but to the world at large.

Microsoft is a criminal organization that steals from other companies. There can be no argument on this point; it is simply a fact. They are a convicted criminal organization. Yet the DOJ has let them off nearly scot free.

By its tepid action, the DOJ has made the phrase Justice'' a hideous parody of the word Americans learned as a child. To many, your action has done nothing but reinforce the opinion that the USA is not a country of fairness or justice, but one of corruption, favoritism, greed and privelege.

How on earth can any American utter that most hallowed of phrases—''With Liberty and Justice for All''—without feeling that those words are now meaningless? That is the legacy this executive branch has given America. I suggest you close all the federal prisons and let the inmates rnn free. At least your standards of justice will then have been applied equally to Microsoft and the common criminal; to me there is no difference.

Regards,
John McBride,
N. Edwards, CA.

MTC–527

MTC–00000528

From: art_frame @mac.com @ inetgw
To: Microsoft ATR
Date: 11/17/01 2:09am
Subject: Microsoft settlement

Sirs:

I don't understand... You declare Microsoft to be a monopoly but you leave the same people in charge of the company who have lied and ignored other consent decrees as a regular course of business.

You reward them with lengthly legal entanglements time and time again while they continue to force their products onto consumers who have little in the way of other choices. Finally the Microsoft product becomes a defacto standard, even though a bad one, and the arguement is mute.

This is the time to punish the truly guilty and to demand that part of the settlement be an ousting of Gates and Balmer from any and all management or oversight of the Microsoft corporation. A little jail time wouldn't hurt these ''robber barons'', either.

In this time of economic downturn, the DOJ has an opportunity to step up and do its part to eliminate the biggest obstacle to the computer industry. Remember, the telephone system never got very far away from the original Bell box until the monopoly was broken up and the industry got to breathe clean fresh air, once again.

You could also start by not allowing M$ to sell ANYTHING to the federal government for a period of ten years. Our nation's security would additionally be better served by a migration away from an operating system that draws the most attacks and toward a system that affords REAL security and not what M$ pretends is security.

Ralph Arnold, CEO
Memories Unlimited, Inc.
5134 Dublin Cir. N.W.
Canton, Ohio 44720–7409
1–330–499–8400
''consultants in video computer products and electronic aids to the handicap with over 30 years experience in computers and related projects''

MTC–528

MTC–00000529

From: Jim Perry
To: Microsoft ATR
Date: 11/17/01 2:08am
Subject: I disagree with the MS settlement

I am a satisfied user of many MS products, but also think they are a company that has abused their monopoly position and seriously harmed other companies as well as the public. I believe the court's finding of fact is right on the money. I disagree with the settlement for the following reasons:

- Loopholes and insufficient remedies to prevent similar behavior in the future
- Fails to punish MS for past misdeeds, including gross disregard for the court's authority during the trial (rigging demos, denying the removability of IE, etc.)
- Fails even to address monopolistic behavior since the findings of fact, such as bundling Passport authentication with the operating system, thus channeling e-commerce through MS.

MS has a stranglehold on PC operating systems for the desktop. Companies such as Apple, Be, and others have no ability to compete fairly without restrictions on MS behavior, access to APIs to produce compatibility layers, and the promise of strong support from the DOJ in the future.

Thank you,
Jim Perry
163 Third Street
Fillmore, CA 93015

MTC–529

MTC–00000530

From: Michael Bacarella
To: Microsoft ATR
Date: 11/17/01 2:26am
Subject: Microsoft case

It seems increasingly clear that anti-trust law is extremely hard to define and is more a weapon which politicians use to kick uncooperative companies in line. Some say the fact that Microsoft is one of the largest contributors to the Republican party is evidence that Microsoft is trying to corrupt government. I think it's evidence that politicians wanted to see some green from the previously apolitical software giant all along, and now that they're playing the game, the DOJ has been instructed to lay off them.

I mean, which is more trustworthy here?

Sure Microsoft has some shady business practices, but it's not like they've caused ecological disasters related to oil, or support right wing military dictatorships in banana republics, or had fathers who were the head of CIA, or opposed the Civil Rights Act, etc.

Michael Bacarella <mbac@nyct.net>
Technical Staff / System Development,
New York Connect.Net, Ltd.

MTC–530

MTC–00000531

From: Herrmann

To: Microsoft ATR
Date: 11/17/01 2:23am
Subject: Microsoft Settlement

Hello,

I found the settlement being agreed upon between Microsoft Corporation and the Department of Justice to be an insult to American consumers, Microsoft's corporate victims and to the Justice Department itself.

The terms of the agreement do very little to prevent Microsoft's anti-competitive behavior and do nothing at all to lessen Microsoft's monopoly power.

Still worse, you've set a terrible president. Your actions have spoken clearly that corporations can be found guilty of monopoly power and strong arm tactics and will receive no remedial actions. The eyes of the world are watching.

Sincerely,

James Herrmann

MTC–531

MTC–00000532

From: Kevin Gamiel
To: Microsoft ATR
Date: 11/17/01 2:21am
Subject: Strongly disagree

I strongly disagree with the ''punishment''. You must do more, I have watched Microsoft's horrible practices for years, you simply must do more. Please, you probably have Windows and you know how bad it is. That is your best indication of why you should punish more, if there were more competition, software wouldn't be so bad.

Kevin

Kevin Gamiel Email: kgamiel@islandedge.com

Island Edge Research, Inc. http://www.islandedge.com

Kill Devil Hills, North Carolina

MTC–532

MTC–00000533

From: Steven Ebeling
To: Microsoft ATR
Date: 11/17/01 2:18am
Subject: Well You know

Here are my comments as follow.

1. You break microsoft up you are just cretaing not 1 but more than one monopoly. Becuase no matter what The so called computer era that we live in is based and will always revolve around. Yeah you take people that are like me and apt to try something different for example Linux yeah it is great and all but it has more downsides that i dont like and i think windows is still a better OS. What i am trying to say is that people right now are not ready for change they are use to WINDOWS AND OFFICE. It took the common person a long time to learn anything about computers and what have ya. And you are pretty much saying that you are gonna go screw it all up and make them relearn to fit the new ''Standard' For me and many other people yeah it wouldnt be hard but for the common person it would be another challenge that they dont need to deal with it.

I may sound stupid and all but think about it really hard and maybe just maybe you will see where i am comming from

Thanks

Steven Ebeling

A.K.A Bio_nuclear

<blockquote>If you can not forgive others, than god can not forgive you....

bio_nuclear@yahoo.com</blockquote>

MTC–533

MTC–00000534

From: Mike Poz
To: Microsoft ATR
Date: 11/17/01 2:32am
Subject: Thoughts on this whole AntiTrust thing...

I can say with some certainty that you're probably going to get a lot of ±ACI-Microsoft is Evil+ACI-emails from the very outspoken minority of Microsoft haters, but I don't know how many emails you'll get from the folks who think the US Government should stay OUT of private businesses. You know, the silent masses who when nothing goes wrong say nothing at all.

Some points here that I want to make that are +ACo-VERY+ACo- valid:

1. Microsoft plays hardball business in it's licensing agreements. Big deal, so do most other businesses, and I don't see those businesses getting taken to court.

2. Microsoft, as far as I'm concerned, has been the victim of a concerted effort by it's competitors, Sun and Oracle to name a few, to get the US Government to do what they couldn't do by ordinary business practices, and that's replace Microsoft in the number one position.

3. Microsoft, in attempting to standardize the desktop and notebook computer operating systems have done so much more to HELP consumers and businesses than any other company that it's rediculous to sue them. My parents have a much easier time with computers since they've moved to Windows, as many other people in the world.

4. There are so many software and hardware companies that have both come into existence, and +ACo-SURVIVED+ACo—and become prosperous because of Microsoft's efforts to make Windows the standard, that the few companies that have gone out of business can easily be attributed to normal business failures that happen in +ACo-EVERY+ACo- industry, not just the software industry.

5. Microsoft owns the rights and code to Windows. Period. It's theirs legally, and if they don't want to give out source code or want to make it so that their applications software talks to their operating system software a little easier, then so be it. It's MICROSOFT's RIGHT to do this, and Microsoft's competitors have been given so much by Microsoft already to allow their software to operate on Microsoft's Windows operating system that it stuns me that this travesty of justice has continued for this long. Plainly stated, whiners who couldn't come up with a better solution are using the legal system, and much to my dismay, the legal system is accomodating these whiners.

I spent 11 years serving honorably in the US Marine Corps and Marine Corps Reserves and it SHAMES me to see our government throwing away millions of dollars on a trial that as far as I'm concerned should have been declared a mistrial when Judge TP Jackson was found to have uttered his comments that definitely show a bias against the defendent. Not just in his covert comments but his comments and actions in the courtroom, both against Microsoft +ACo-AND+ACo- the District Court of Appeals, who have overturned TP Jackson's rulings in the past.

Please end this farce and waste of my tax money and start doing things to help the citizens of this country who need better education, families that need homes and children that need medical aid and food.

Please start taking care of the PEOPLE of this country and stop kowtauing to Microsoft's competitors and political lackeys that are just seeking a re-eleection platform when their term is due.

Regards,

Mike Poz

MTC–534

MTC–00000535

From: battle@pobox4.mot.com@ inetgw
To: Microsoft ATR
Date: 11/17/01 2:31am
Subject: M$ settlement

You've gotta be kidding with that weak 'remedy'. I've read it. Did you let Micro$oft's lawyers draft it? It looks like it. Micro$oft is a master at dodging exactly this sort of thing, and this settlement will have absolutely no effect whatsoever. Do you need proof—? Bill Gates likes it, he calls it ''fair''. It must be a great relief to him to win after all this litigation. Trouble is, he did NOT win. He was found guilty of serious crimes. Micro$oft has done more to hold back innovation and progress in the computer software industry than any other party in recent memory. They need to be STOPPED. And PENALIZED. This settlement does neither.

The FIRST thing that I want from a remedy in the M$ antitrust case is a penalty tough enough to make BilIG pout and whine about requiring ''fairness'' and ''freedom to innovate'' and all that rot. Right now he's smiling because he knows he's gotten away with it. Tomorrow he'll turn around and do it again. This is no penalty. It's more like dinner and a movie. Why don't you just fine them $1 and go home?

Mike Battle
1817 N 51st St Ste J
Phoenix AZ 85008

MTC–535

MTC–00000536

From: Brenden Ashton
To: Microsoft ATR
Date: 11/17/01 2:26am
Subject: Please do not cave in

Hi,

I am writing this email because I am concerned about the 'remedies' that have been proposed in the anti-trust lawsuit against Microsoft. I feel that the DOJ has caved in, and is allowing Microsoft to get away with illegal practices, and is in fact allowing Microsoft to continue these practices. Over the last few years I have bought numerous computers and have been forced to buy yet another copy of Microsoft's operating systems each time, despite the fact that the old computers are siting in a cupboard. In addition I feel that Microsoft's bundling of Internet Explorer as part of the operating system was a deliberate attempt by Microsoft to eliminate competition. This practice of Microsoft is not new—it has in the

past made sure that some of its software would not run if competitor's software was detected (e.g. DRDOS and MS-Word). Also, this practice is still continuing, for example Windows XP has a lot of bundled software (CD writing software, media players etc) that will make life difficult for Microsoft's competitors in this area.

I think that not only Microsoft should pay a huge penalty for doing the things it has done in the past, afterall they did make piles of money this way, but that Microsoft should be prevented from continuing in these practices. The proposed remedies do not make Microsoft pay any penalty for its past actions and the limitations on its future practices are very weak. It would be easy for Microsoft to continue its business practices under the proposed remedies as they leave Microsoft many loopholes.

Thanks for listening to my rant,
Dr Brenden Ashton

MTC–536

MTC–00000537

From: Brett Stalbaum
To: Microsoft ATR
Date: 11/17/01 2:33am
Subject: Weak deal

Please understand that the European Commission is going forward with their investigation of Microsoft. What will your settlement look like if the EC's findings and remedy is significantly harsher? But putting behind narrow political concerns, I move on to my real concern. You are certainly aware that Microsoft controls a major cost area for almost all corporations, since they provide the desktop OS for these companies. You should be aware that the browser wars are over, Microsoft won via their unfair competitive advantage. This is old history. What Microsoft wants now is the server market, and they are moving on it primarilly by leveraging their control over the desktop—via both corporate pricing and closed integration with the desktop—to unfarily influence the choice of server decisions by major US corporations. IBM, Sun, HP, and others all hang in the balance.

If we should lose the vibrant and open innovation that spins out of this particular competitve market, the systems depended upon by Global business will be less secure (MS is the OS of choice for hackers because it is so easy to defeat), more expensive, and less innovative. Think also of the defense implications in this time of global uncertainty. You need strong provisions in the settlement to prevent Microsoft from unfairly closing this market through monopoly (anti-market) power.

Thanks,
Brett Stalbaum
Adjunct professor of CIT
Evergreen Valley College
San Jose CA

MTC–537

MTC–00000538

From: Chris Johnson
To: Microsoft ATR
Date: 11/17/01 2:39am
Subject:

Aren't you ashamed? 0_0

(really don't know what else to say. How can you even pretend that the settlement you've reached will deal with the situation? That you're dealing with people in good faith? You sold us out!)

Chris Johnson

MTC–538

MTC–00000539

From: Danny Crawford
To: Microsoft ATR
Date: 11/17/01 2:35am
Subject: I don't believe it

I can't believe you people allowed Microsoft to get less than a slap on the hand. I had a business that was forced to close because we were unable to get a product into the market because Microsoft has such a strong hold on the desktop operating systems. Microsoft dictates what developers can do with their software and they also dictate what a consumer can do with the software. Clearly after reading the Microsoft Windows End User License Agreement Microsoft is not selling you the software they are renting it to you because at any time they can take it back from you even though you have paid such an expensive price for it. I understand that Bush ask the DOJ to stop pursuing Microsoft. That being the case I can assure you that my vote will be a lot different this time. I can now see the Bush does not have any concerns about the welfare of consumers and consumer's rights.

-Danny

MTC–539

MTC–00000540

From: Charles Martin
To: Microsoft ATR
Date: 11/17/01 2:53am
Subject: you have GOT to be kidding.

To the persons whom it may concern: Having found the media to be inaccurate more often than not when reporting on stories of great technical complexity, I took it upon myself to review the PDF of the proposed settlement with Microsoft because I wish to comment on it.

My comment is summed up in the subject line of this letter. Upon reviewing this settlement, I have to ask why you ever bothered suing Microsoft in the first place. This ''settlement'' is a disgrace to both parties, provides NO penalties for Microsoft's indisputably illegal previous acts, gives them NO incentive to change the way they do business, has plenty of loopholes allowing for MS to actually CONTINUE the very acts that landed them in court in the first place, and allows Microsoft to choose who will oversee their slap on the wrist, I mean ''punishment.''

It's a joke. It's cruel to the many businesses that have been crushed or hurt by Microsoft's abuse of their monopoly power and were hoping for a measure of redress, pisses all over the findings of law and fact by Judge Jackson (and affirmed by the Appellate Court) and generally allows Microsoft a free hand in their insane plan to take over the world—LITERALLY.

I don't see why you view a bunch of mentally-incompetent hoodlums in the wastes of the third world as the greatest threat since Hitler, but cannot see that Microsoft's singleminded determination to control the entire US economy (and by proxy, the world's economy) as any less dangerous. You are not doing yourself any favours and are in fact guilty of a decidedly unpatriotic act of selling out the best interests of the people of the United States.

For god's sake, grow some backbone! At the VERY LEAST, you should craft a settlement that forces the government to review their technological needs and award contracts in ALL areas where MS Windows does not need to be used to some other OS vendor. I've never been more disgusted with the government in my life. The Justice Department needs to rename itself if this goes through ... I suggest ''The Department of Two Justices ... one for the Rich, the other for the Rest.''

Sincerely
Charles Martin
Maitland, FL

MTC–540

MTC–00000541

From: Pete
To: Microsoft ATR
Date: 11/17/01 2:44am
Subject: Sellout

This is the worst possible outcome to this case that you could possibly figured out.

I wrote on CNN, YEARS ago that if microsoft was allowed to do that to Netscape then everyone's software would soon be assimilated into the Microsoft collective. Here we are YEARS later and this has become the system of microsoft innovation''

Example: You guys are fighting over desktop icons and microsoft moves there entire platform to the Startup button in XP. Then says ya you can do anything with desktop icons like they're giving you something. You taking so long to get this sorted out Microsoft wins by loosing. While you guys keep wasting time Microsoft has tried to ''innovate'' the entire web. Then you let them go.... Shame Shame... In ten more years we'll all look back at all of this and realize just how big of a mistake you guys just made.... There is nothing in this agreement that is going to stop microsoft's behavior. They will just innovate around the agreement, You watch and see...

G Conner

MTC–541

MTC–00000542

From: Bill Ataras
To: Microsoft ATR
Date: 11/17/01 2:41 am
Subject: do not settle with microsoft

I don't agree wth settling this case. microsoft has truely abused their position. An ''operting system'' does not contain anywhere near the amount of user accissible features that windows does. Only a tiny part of the windows package is an operating system. The rest is software products competing unfairly with other products in the marketplace by being shipped with the unerlying operating system.

MTC–542

MTC–00000543

From: Jerome Hammonds
To: Microsoft ATR
Date: 11/17/01 2:41 am
Subject: Just One Question...

Why did you even bother with a trial when, in the end, you didn't do a thing? I have completely lost faith in anything you purport. Your apologist press release did nothing but reaffirm my recently-gained belief that you don't plan on doing anything to punish Microsoft for their egregious antitrust violations. Even worse, you've ensured that they can continue doing it in the future with the full reassurance that the American Department of Justice has no teeth whatsoever.

Jerome Hammonds
CEO, System Medics

MTC–543

MTC–00000544

From: Steve Sheldon
To: Microsoft ATR
Date: 11/17/01 3:03 am
Subject: Microsoft settlement fair

As a person who has been intimately involved in the IT Industry for 20 years, including working with many of the alternatives to Microsoft products, I feel the settlement proposed is fair. I know that I as well as most of my coworkers are tired of seeing companies such as Sun, Oracle, etc. spending all of their resources on government lobbying, instead of providing real competition in the marketplace by improving their products so they actually work well.

MTC–544

MTC–00000545

From: Hooman Katirai
To: Microsoft ATR
Date: 11/17/01 3:01 am
Subject: Comments regarding Microsoft Antitrust Case

The problem with the settlement is that it addresses past abusive behavior by Microsoft while doing little to address the future abuses that may happen or are already happening.

Specifically I would like to highlight one central tenet of the settlement: allowing other companies to integrate their own web browsers. This is not a true remedy in the sense that it does not correct the original problem nor does it correct any of the other more pressing problems to anything more that a petty degree. Succintly, Microsoft has already won the browser war by abusing its monopoly powers. Allowing other manufacturers to integrate their own browsers will not correct this problem.

There are several reasons why this is so. First, most manufacturers won't bother to integrate a new browser into their products. Even if they did (for example in return for some monetary compensation), any installed browser will have enourmous difficulties competing with the ''default'' browser that will be shipped by the majority of computers worldwide. Thus, many web sites will continue to be designed only for Microsoft's Internet Explorer while the opposite—the creation of web sites for other browsers—will seldom be the case. Thus Microsoft's hold in the browser market will continue to tighten over time.

But more importantly, Microsoft's ambitious plan to illegally usurp Netscape has succeeded. The while the legal remedies purport to address this problem they do will not have any significant effect on Microsoft's activities. Second, the legal remedies do little to address Microsoft's present and future anticompetitive behavior. Recently we saw an epidode of this, when hotmail—a Microsoft owned web-based e-mail service—the largest of its kind in the world, suddenly locked out all competing browsers (including netscape) from it's service without prior notice. A message on the site asked users to ''upgrade'' to Internet Explorer, and it claimed the reason for the lock out was to enable the page to be rendered correctly.

These claims however have since been demonstrated to be baseless lies. It was found that if the hotmail web page was accessed with Internet Explorer, and the source of the page was saved to a file, the file would render correctly in all competiting browsers. This demonstrates that the source code for these web pages was in fact renderable by all competiting browsers, while exposing Microsoft's claims as manifestly false.

The only solution, as painful as it may be, seems to be to split the company Only in this way will they be prevented from continually abusing their power as the relentlessly have done and as the Justice department must be well aware. Any belief that such a break-up will be bad for the economy ignores the even greater loss sustained in an enviornment that lacks competition. Thus we must do the 'right-thing'' and press on.

Best Regards,
Hooman

MTC–545

MTC–00000546

From: Peter Hoff
To: Microsoft ATR
Date: 11/17/01 2:56 am
Subject: This settlement is a travesty

I strongly believe that the DOJ has done a disservice to the American people, and indeed, the people of the world, by accepting the terms of this settlement. The settlement essentially absolves Microsoft of any wrongdoing and contains huge loopholes which Microsoft will certainly use to avoid the terms which it feels are not to it's advantage.

I speak specifically of the clause which allows Microsoft to avoid revealing APIs on security grounds. I am certain this will be broadly abused my Microsoft, and there is no incentive for them not to, as the oversite commitee will be on their payroll and has no way to punish Microsoft even if it wanted to. The arguements Microsoft presents in support of this clause are completely bogus, and I offer as evidence the BSD operating system. Not only is the BSD source code (and therefore all APIs) openly available for anyone to peruse, it has also earned a reputation for being far more secure than any Microsoft product. The same is true of Linux, although it is not considered to be as secure as BSD.

The lack of any punishment for past abuse is especially irksome. Microsoft has shown absolutely, and no signs that they have any intention of changing their ways. Quite the opposite in fact, as Windows XP proves.

This settlement seems to only be to the advantage of Microsoft, essentially giving them a liscence to continue their abusive monopolistic practices for the next several years, further entrenching themselves.

This settlement is a travesty, a sick joke played on the American people by those who are suppost to defend our interests.

Disappointedly,
Peter Hoff

MTC–546

MTC–00000547

From: Alex Hochberger
To: ''microsoft.atr(a)usdoj .gov
Date: 11/17/01 3:21am
Subject: The current settlement fails to address the issues

I am a small business owner that has worked in the computer industry for 5 years, as well an active enthusiast for over 10 years. While I applaud the attempts to negotiate a settlement and remove the uncertainty in the computer industry, I fear that the short-term gain is outweighed by the long-term consequences.

The primary problems that I have with the settlement is that there is nothing in it that punishes Microsoft for their illegal actions, and does nothing to remove the gains that they have made through anti-trust violations over the past 5 years.

As a result of Netscape's experiences, it is impossible to get venture capital or angel funding in any market that Microsoft currently has a presence. The rest of the computer industry is unable to go into business against Microsoft, because of a belief that they will change their APIs or otherwise undermine the validity of your business.

The problem is not that Microsoft is a fierce competitor; the problem is that any software business must reach customers on Microsoft desktop computers. Despite the positions of Apple and Linux in some niche markets, computer software will not work without reaching Microsoft desktops. Given trends over the past few years of not charging consumers directly (particularly for software), this puts the remainder of the computer industry in a difficult position. As Kodak saw with their printing services being pushed aside by XP's printing services, it doesn't matter if consumers choose to install your software, Microsoft will change their system to force their choices upon the consumer.

I support Microsoft's ability to innovate, but the rest of the industry must be allowed to innovate as well. It is impossible to innovate in an environment where your competitor controls the ground rules of the engagement.

The most interesting effect of a structural remedy would be allowing a Microsoft OS company to continue reaping the monopoly rents for the shareholders, while the applications company would need to compete on equal footing with the rest of the industry because the OS company would have no incentive to provide unique access to the Microsoft applications company. Without a structural remedy, the agreement must accomplish the goals of allowing open access for all companies to consumers utilizing the Microsoft desktop operating system. Further, Microsoft must be prevented from utilizing its current monopoly to stop

competition from Linux and other Open Source software initiatives.

The provisions allowing Microsoft to disclose their protocols and APIs must be strengthened to prevent the security exemption (which is unnecessary, proper protocol security is not undermined by revealing the source code, protocol security should be mathematically secure, not obscured in the software source code) from shielding the important interoperation protocols. Further, the disclosure should be public disclosure, not limited to people under NDA at a Microsoft facility. Several of Microsoft's new competitors (Red Hat, Suse, Sun Microsystems, etc.) rely upon technology that is build in open source projects under the GNU General Public License. For these companies to compete, people without nondisclosure agreements must be able to access and work with the protocol specifications.

As Microsoft is found to have a monopoly in the desktop operating systems market alone, these restrictions should be limited to the desktop environment.

I propose that all protocols utilized by Microsoft (any exchange of information between software included in any distribution of Microsoft desktop software with another computer) have a detailed specification released into the public domain. If protocols are found that are not documented, Microsoft should be fined severely and the source code to the Windows operating system that communicates with those protocols should also be released into the public domain. Additionally, if specifications are found to be erroneous, the source code should be released into the public domain.

Microsoft should not be able to gain an advantage in any market as a result of their desktop operating system monopoly. Any attempts to do so should result in severe penalties.

Microsoft should be prohibited from providing any services that generate revenue for Microsoft with the operating system. Microsoft should be forced to compete on equal footing with third parties for this business. Microsoft's MSN service is able to compete with AOL in large part because Microsoft leveraged its desktop monopoly to place MSN in a prominent location, while AOL was forced to reach deals with OEMs.

While Microsoft will maintain an advantage as a result of having a business relationship with the OEMs, they should be forced to compete with third parties. OEMs should be able to bundle commercial services with the computers (including those from Microsoft), but allowing Microsoft to skip this stage allows them to leverage their monopoly.

Microsoft should be able to include any reasonable amount of technology with the operating system. However, if this technology is part of a service, Microsoft should not be able to leverage their position to achieve this goal.

For retail versions of the software, Microsoft should not be allowed to bundle the services. Allow them to sell or give away CDs that provide this software, or allow users to download any service that they want. However, Microsoft should not be able to force the user to have their services accessed (or have the operating system offer to let you download their software).

Microsoft should be forced to fully document their new technology 9 months before the retail version of the software is released. When Microsoft announced that IE was going to be bundled with Windows, Netscape should have had the full documentation for how this occurred. Netscape should have had an opportunity to let users replace the bundled Internet explorer with a fully integrated Netscape system.

I wish to see Microsoft encouraged to innovate in the technology sector without preventing competition by the nature of their desktop monopoly.

Sincerely,
Alex M. Hochberger
Alex M. Hochberger, CEO, Chairman
Feratech, Inc.
123 Newbury Street, Third Floor
Boston, MA 02116
Phone: 617–517–9343
Cel: 617–821–6015
Email: alex@feratech.com
Web: http://www.feratech.com

MTC–547

MTC–00000548

From: bud
To: Microsoft ATR
Date: 11/17/01 3:15am
Subject: DOJ/MS Settlement

To Whom it may concern:

I would like to respectfully suggest:

1) That Microsoft be required to publish and commit to the Public Domain the API's (Application Program Interfaces) ('documented' and ''undocumented'') for all of their Operating Systems from MSDOS V1.O onwards and into the future;

2) That likewise they be required to commit to the Public Domain the source code for all of their Operating Systems from MSDOS V1.O to (but not including) Windows XP;

3) That they be restrained from anti-competitive practices in perpetuity.

Thank you,
D. Woodrow Compton,
consumer and U.S. citizen
3204 41st Street
Metairie, LA 70001

MTC–548

MTC–00000549

From: michael
To: Microsoft ATR
Date: 11/17/01 3:05am
Subject: Feedback

The proposed settlement falls far short of dismantleing the Microsoft monopoly for the following reasons:

1) The company is allowed to profit enourmously from criminal activities.

2) The The language of the agreement is far too vague. Restrictions appear in one section, and appear to be countered in other sections.

3) The monopoly has created illegitimately based, closed, standards. No one can compete because the large majority of pc users would lose access to their data if they wanted to switch. These illegially based standards need to be exposed to allow competitors to adopt them, ultimately providing consumers with equally functional alternatives. This means the Windows API, networking system, and document file types.

4) In my opinion, bundling is not an issue so long as consumers can choose to install competing products and use them as defaults.

The only idea from the agreement that I believe will help consumers is the restrictions on the ability of Microsoft to force OEM's to sell only Windows on their PC's. The option of a dual boot computer, one that boots Windows as well as a competitors Operating System, will allow consumers to try alternative operating systems without having to overcome the often difficult task of installing and configuring the operating system. I believe this percieved difficulty is the reason most consumers purchase pre-configured PC's. Placing all operating systems on potentially level ground will promote innovation in the PC industry.

Thank you for your time,
Michael Wollenberg
mikeywoll@home.com

MTC–549

MTC–00000550

From: mrlee@neo.rr.com@inetgw
To: Microsoft ATR
Date: 11/17/01 3:04am
Subject: Please.. .do something...

To whom it may concern,

I must chime in a say that SOMETHING must be done to help break up the monopoly that is Microsoft.

I know that there was a settlement and that there were penalties levied again Microsoft, but the majority of those levies were one that were already in place and being followed. Microsoft's dominance in the desktop computer market is staggering and stifling.

Competition sparks innovation and competition is exactly what Microsoft does NOT have. With this lack of competition, Microsoft has little reason to significantly improve their product or open up their specifications to others so that they may develop competing products:

Letting Microsoft bully the computer industry and the government is truly a blow against all that American industry has been about for the past 150 years. We have made sure that monopolies don't maintain a grasp, thereby choking innovation and inspiration, all in the name of money. Please stop Microsoft now, before it is truly too late.

Sincerely,
Lee McLain

MTC–550

MTC–00000551

From: Jeff Sepeta
To: Microsoft ATR
Date: 11/17/01 3:37am
Subject: failure of the justice system

As a computer consultant with 10 years experience in the industry, I find that the settlement you've offered to Microsoft threatens to instill even more animosity between the American public and our ailing legal system— and this, within months of the Supreme Court selecting our President. After

years and millions of dollars spent on this case, you've basically walked away from any kind of credibility. Why? Was Bill Gates' donations to the Bush candidacy an influencing factor?

Microsoft has been stealing technology from their competitors for over 15 years, but only gets a hand-slap with this, the most important intellectual property case ever. Warnings to Microsoft have worked in the past, and there is little reason to think that it will work now. The only way to send a message to Microsoft that weilding their monopoly power over the industry is wrong is to come up with a stronger settlement—perhaps a 5 billion dollar judgement to be divided up amongst their competitors? Actually, the suggested breakup made the most sense.

Please note that Windows 98 cost $100 new. Windows XP costs $200. Now that they've knocked their competitors to the ropes, they can charge whatever they want for products. This is a sign that they have won, and the Justice Department has abandoned their role as protectors of democracy.

Jeff Sepeta
Sepeta Consulting, Inc.
www.sepeta.com
jeff@sepeta.com

MTC–551

MTC–00000552

From: Eric Porter
To: Microsoft ATR
Date: 11/17/01 3:31am
Subject: The Microsoft Case

Microsoft should not be punished for their success, which is what the antitrust laws are used for. I defend Microsoft's freedom to innovate. The antitrust laws are immoral. Those laws should be revoked and the Government has no right to destroy producive legal businesses.

-Eric Porter

MTC–552

MTC–00000553

From: John Reyst
To: Microsoft ATR
Date: 11/17/01 3:26am
Subject: Microsoft DOJ Settlement

I'll keep this brief. While the restrictions on Microsofts future actions may be adequate (I don't believe they are) I fail to see any clearly punitive consequences. At the VERY LEAST I would like to hear Bill Gates be forced to make a statement admitting guilt. Up to now we have never heard Bill admit anything illegal, even though the courts very clearly indicate they did. ''We admit that we knowingly broke the law. It was a mistake, and we knowingly and willingly harmed the consumers choice because of our illegal acts. We further state that because of our past misdeeds, we are forced to be supervised so we don't continue to harm consumers, or consumer choice.''

Thank you,
John Reyst

MTC–553

MTC–00000554

From: John Hightower
To: Microsoft ATR
Date: 11/17/01 4:02am

It's time to let Microsofi's competitors compete by making better products, not paying off the Justice Department with political contributions. The anti-trust laws are for the benefit of end users (consumers), NOT competitors who can't make the grade with customers because of shabby marketing of their inferior products. The settlement should stand as is. The original case should never have been brought in the first place.

MTC–554

MTC–00000555

From: Immanuel Raja J
To: Microsoft ATR
Date: 11/17/01 4:02am
Subject: Microsoft Sir,

I have purchased a desktop PC Fujitsu. I didnt wanted MS Windows 98 on it but I have to pay for it. (I payed for the product which I didn't want to use.) Now I am forced to use the product (which ofcource I rarly use) because I have payed for it. I had some problems with the product. Looking at the Advertisement for Windows ME (which claims to be a better product then other Windows for home versions) I purchased an upgrade and installed it. I feel very sad to say this that when I defrag the hdd I found that I could not restart my computer. On further investigation I found that Windows ME DEFRAG has eaten all my systems files. I feel I am cheated because they had sold me an inferior product. Latter I found that Windows ME when installed in partition heigher then 8GB gives me error. I also have linux (SuSE 7.1) running on my PC. Though Linux is free I paid a little heigher then the price I paid for my Windows ME. But interestingly SuSE kept its promise. I have no problem in running Linux. Though Linux GUI may not be as good as that of Windows the following are the points why I prefer to use Linux.

1. Stable: I have had no crash so for.

2. Fast: Linux is faster in executing a command or program.

3. On the long run I have no fatigue using Linux but using Windows I get frustrated every time I run it for a long time.

4. Secure: I was never in need of any additional software then the ones SuSE offered me. (No Anti-Virus, No Additional firewall, etc..)

5. I AM FORCED TO RETAIN THE WINDOWS PRODUCTS BECAUSE THE LICENCE SAYS THAT ONCE I OPEN THE CD I CAN'T RETURN.—How will I know if windows is good for me or not. I should be able to return Windows CD, with all the original packing to MS and should be able to get a return on my receipt.

6. I DON'T LIKE SOME TO FORCE ME TO BUY THE A PRODUCT I DON'T WANT—Consumers should be protected. Computer hardware vendors should offer products what their consumers want and not be forced by misuse of monopolistic attitude of the software manufacturer. I definetly want multi-vendor support on my hardware like AOL Instant messaging and Yahoo Messaging, Real Player, Netscape. I would also like to use open-source products like Apache server, MySQL server, PERL. I would prefer my hardware vendor to support me on products like this.

I am concerned that this case should not only address microsoft issue but also any future company which will try to misuse their monopoly.

I make my humble suggestion that such companies should not only be legally penalised but also should be made to pay hefty fines to the goverment And such fine money be use further to stops all sorts of misuse of monopoly.

Please protect the consumers from such companies. I have confidence in you. You can make a change now. Thank you for allowing us to raise our voices.

Kind Regards
Immanuel

MTC–555

MTC–00000556

From: Jeremy Horwitz
To: Microsoft ATR
Date: 11/17/01 3:56am
Subject: Devastating Settlement

As a longtime observer of Microsoft's software development and business tactics, I feel compelled to write and express my sincere shock and disappointment at the limited scope of the proposed settlement tentatively reached with Microsoft. That untold millions of tax dollars could have been spent to reach a conclusion such as this—political motivations aside—is, from my perspective, an indictment of the entire antitrust enforcement mechanism of the FTC. What results from a settlement such as this one is a Microsoft no worse, and in fact considerably better, than the one that threatened or tore smaller companies to shreds only several years ago. All of Microsoft's core applications, from the Office suite (Word, Powerpoint, Excel, and Outlook) to Internet Explorer, and Media Player have become so tightly integrated with Windows as to be the near-exclusive choices of PC users. The Justice Department and FTC's inactions during the course of this prosecution have resulted in the continued bundling of products that were at one point competing with other companies' crown jewels— Netscape Navigator and RealPlayer—products that because of Microsoft's dominance are now on the cusp of irrelevance. Microsoft today is stronger than ever, its competitors are weaker than ever, and its products — as evidenced from their latest licensing agreements and pricing structures for Windows—are more expensive and restrictive than ever.

By focusing in a strict textual sense on bullying of Microsoft's competitors, e.g. by telling them that they ''shall not retaliate,'' you ignore the truth of their actions—through monopolistic power, Microsoft need not retaliate against those who threaten them. They can give away products that render their biggest competitive threats (and your greatest agency concerns) completely irrelevant if not bankrupt. Frankly, the specific phrases and terms used your proposed agreement uses are unbelievable. Look at Microsoft's history—their famed case against Apple, their innumerable one-sided development deals, and their previous history of working against their own distributors and customers. This is a company that tests and twists the meaning of

every word in every written agreement they sign. Face it: they pay some of the world's best software programmers and lawyers a lot more money than you do, and they will figure out ways around a document as hastily drafted as this one. Force Microsoft to sell a Windows stripped of Internet Explorer, Media Player, and Messenger. Force the price to be one third the price of what they sell the entire suite for. And allow Microsoft's competitors— AOL/Netscape, Real, Apple Computer, and many smaller companies with great ideas—to have a fighting chance to succeed in the marketplace again. This is what the FTC and Justice Department are charged to do under our federal antitrust laws.

Yours,
J. Horwit

MTC–556

MTC–00000557

From: vedder
To: Microsoft ATR
Date: 11/17/01 3:40am
Subject: On the alleged ''settlement''

Please actually punish Microsoft for their actions. While I applaud you finding them guilty of! for their monopolistic practices, the ''remedy'' posed in the settlement you have reached does nothing more than say ''Gosh, you were bad. You shouldn't be the huge monopoly you are. We won't do anything to prevent you from furthering your monopoly, or even punish you for getting where you did. Just know that we are all awfully upset with you. Remember to continue donating huge sums of money to the political party of your choice. Or both, as that covers all your bases.'' No penalty. No reason for them to stop doing what they are doing. This is a ''settlement''?

I wish I could donate dollar for dollar against them, but I'm just a citizen, so I guess they win.

—David Vedder

New York State resident and US citizen.

MTC–557

MTC–00000558

From: P0 Box
To: Microsoft ATR
Date: 11/17/01 4:12am
Subject: M$ & DOJ

I would like to comment on the Microsoft/DOJ antitrust settlement. I do not feel that the proposed restrictions' on Microsoft will achieve anything or compensate for the damage that the company has wrought in the past.

''simply telling a defendant to go forth and sin no more does little or nothing to address the unfair advantage it has already gained.''

Very wise words from the now retired judge Stanley Sporkin and the recent arrangement between the DOJ and Microsoft does nothing to address unfair advantages gained by Microsoft through it's previous (on-going) anti-competitive practises.

I would also like to thank the justice dept. for setting up this email address for feedback.

Regards,
Paul Berrecloth

MTC–558

MTC–00000559

From: REF
To: Microsoft ATR
Date: 11/17/01 4:08am
Subject: Microsft Settlement

I was and still am appalled by this anti-trust suit against Microsoft! If the government thinks Microsoft has been uncompetitive I think the government had better look into the grocery business. There is where they will find activity not in the best interest of the public! Look at how many grocery stores operate under the pretense as an independant grocer, yet are owned by a single parent'' company. This is what I consider an UNFAIR PRACTICE and DECEPTIVE to the consumer. Microsoft should NOT be repremanded for their innovative products that have revolutionized the computer industry in a way that allows the average person to comprehend and therefore use a computer. The products offered by Microsoft have opened a whole world of ideas and other products introduced by their competitors. America stands for FREE INTERPRISE and the opportunity for anyone with a good product the capability of marketing that product to the world. That ideal should extend to Microsoft just as it extends to any other company.

Edie L. Fisk

MTC–559

MTC–00000560

From: Donnell Sam
To: Microsoft ATR
Date: 11/17/01 4:03am
Subject: Comments from Australia on the Microsoft case

I think it is funny that the DoJ lets a company which has preyed on others left, right and centre get away with less than a slap on the wrist. Is the DoJ technically ignorant? Have you ever tried using any other browser along with Internet Explorer on Windows? Has anyone from the DoJ tried playing Real Audio clips on XP? Are all the technical writers fools? Are they all biased? How can a company with such a horrendous record be allowed to continue to produce software which reduces the chances of anybody else competing?

Why must peoeple be condemned to use mediocre software just because Microsoft produces it?

Sam
Sam Varghese
http://www.gnubies.com

MTC–560

MTC–00000561

From: Brian Jamison
To: Microsoft ATR
Date: 11/17/01 4:31am
Subject: Comment from a high-tech CEO on the proposed settlement

I am a high-tech startup CEO with a track record of several successful companies and over fifteen years in the computer industry. I am also a published author on electronic commerce (Electronic Selling, McGraw-Hill, 1997).

As proposed, the settlement means total victory to Microsoft, and will only encourage their illegal behavior. The settlement will not magically spur our economy into growth— in fact it will only take us further into recession. There is a solution. Allow me to explain.

There is a way to reintroduce competition back into the marketplace and jumpstart our economy—force Microsoft to openly disclose its source code for Windows. Every line of it. I'll tell you why.

Opening up the Windows source code will spur a wave of investment, job creation, and innovation. No sane investor will back a company that plans to compete with Microsoft today. But were the rules of the game known, as they used to be, innovation and economic growth would return.

Because investors will not back Microsoft competitors, there has been a disturbing lack of advancement in software for personal computers that runs on Microsoft Windows in the past few years. The pace of software development used to be so fast that businesses and consumers felt an urgent need to undertake the substantial cost, both in time and capital, to upgrade their hardware and software at least every two years.

That need is no longer present. Ask the leaders of Dell, Gateway, Intel— ask the leaders of America's great businesses. They will tell you there is simply no compelling reason to upgrade their systems with anywhere near the same frequency as they used to. They do not percieve a competitive advantage in doing so.

Microsoft's lawyers claim that certain parts of the Windows source code cannot be made public because of security concerns. As an expert in security and cryptography I tell you this is nonsense. I should know, I wrote an article on cryptography for the Microsoft Developer's Journal. The worst form of security is security through obscurity. The best form of security is that which is subject to public scrutiny. Language that allows any part of the operating system to be shielded from open release will be exploited by Microsoft.

No other penalty is necessary than this. None other will serve to spur on our economy. You have in your hands the obligation to restore competition to the marketplace. I trust you will do the right thing, and force Microsoft to open Windows source code to the public.

Thank you for your time,
Brian Jamison
CEO
Interest Bearing, LLC
937 Westwood Blvd
Los Angeles, CA 90024
brian@www.interestbearing.com

MTC–561

MTC–00000562

From: jwilkins @bitland.net@inetgw
To: Microsoft ATR
Date: 11/17/01 4:28am
Subject: unwise.

So here's the story to date.

Microsoft is discovered doing things to squelch competetion in 1995. They are hit with a ruling that should have discouraged further abuses.

Flash forward 4 years.

They're still at it..

So another settlement is reached.. more or less the same.. no restructuring. Another 'go forth and sin no more' type of settlement.

What on earth makes you believe that they'll do anything different? An incredulous observer

Jonathan

MTC–562

MTC–00000563

From: Greg Handy
To: Microsoft ATR
Date: 11/17/01 4:21am
Subject: Microsoft settlement

The Microsoft settlement is too lenient. It does almost nothing to stop Microsoft's monopolistic behavior. Let me talk about why it does practically nothing.

1. Sure, preventing Microsoft from coercing computer makers into excluding certain icons on the desktop is good. But it has a limited effect. Do you go to the desktop every time you want to run an application, or do you use the Start button? Personally, I don't see my desktop for weeks at a time. This is a very small concession from Microsoft.

2. Forcing Microsoft to disclose information about the OS...This is not a concession at all. They have always been good about sharing technical information. That is why Windows won the battle against OS/2. They made it easier for developers than IBM. Bill is laughing at you guys for this one. I know about this. I am a software developer. I have never had a problem obtaining information about Microsoft APIs. Go to http://msdn.microsoft.com/library/ and see all the documentation they provide for developers. Or search their knowledge base at: http://search.microsoft.comladvanced search.asp?qu=&siteid=us.

3. Do you really think somebody on Microsoft's campus is going to do anything? Microsoft will only allow them to see what they want. And what if there is a disagreement? We will go back to court for a long protracted battle, and 3 operating systems later, maybe a judge will issue an injunction. It will not stop their monopolistic behavior.

Here is the real issue. Microsoft can run just about any software company out of business, as they did with Netscape. All they have to do is include a certain piece of software in the operating system for ''free''. Will people play for something, they can get for ''free''? No, I don't think so—Microsoft will run the competition out of business. And of course, it is not free. Microsoft has to pay their developers for every application they develop. The price of the operating system goes up, and consumers have to pay for products they may not need. This is tying two products together. If you want the operating system, you have to buy a web browser, and TCP/IP stack, and media player, and Paint program, and work processor, and games, and phone dialer, and email program, etc. Is tying illegal? I suspect it is.

Judge Jackson's decision to split Microsoft into 2 companies is a good one. Let the MS software company compete with others on an equal footing. Put somebody in the MS operating system company to ensure that only OS functionality is added to the operating system. Any new additions to the OS must be approved as an integral part of the operating system, and not an application. That way, all applications have an equal chance to succeed, and competition is restored. Not only that.. .but the OS company can focus on making the OS smaller, faster, and more stable, without having to worry about writing applications.

Splitting Microsoft into two companies is a win-win situation for consumers. They get a better OS, and competition is restored to the software applications business.

Greg Handy
http://greghandy.org
greg@handy.org
(703) 234–3954 x8786

MTC–563

MTC–00000564

From: Dave Kjar
To: Microsoft ATR
Date: 11/17/01 4:32am
Subject: Microsoft Antitrust Remedies

Dear Sir or Madame,

Please accept my comments as a concerned US citizen pertaining to the proposed remedies in the ongoing Microsoft anti-trust litigation. I consider myself an informed and conservative opinion. I have 20 years of computer software and hardware development experience, a degree in Electrical Engineering, and focused experience using and developing for Microsoft's systems as well as for their their competitor's. A remedy such as is proposed simply requires Microsoft to 'sin no more' and is inadequate because:

1. This is not the first ruling of anti-competitive behavior. If Microsoft chooses not to comply, it would not be the first time that such remedies would be ignored by that company. Microsoft has in the past show no sign of a conscience when it ignored previous remedies and invented additional methods to squelch competition.

2. There is no apparent financial incentive for the company to comply, based on the precedent set by this and previous light actions against the company. Microsoft is clearly placed a regime where crime pays, hansomely. Since previous judgements were levied, Microsoft has ''innovated'' the art of squelching its competition in ways that are not addressed by the remedies. Examples include:

Frontpage licensing, which prevents the publishing of information critical of Microsoft.

SDK licensing, which prevents alternative compiler tools to be used.

OEM agreements, hidden behind a woefully mis-applied veil of ''trade secret.''

SQL Server licensing, which dissallows publishing of performance data.

Requiring licensees to disclose participation in government investigations, as noted by Texas' Attorney General in 1997.

Impending expiration of licensing and support for older operating systems.

Nearly all Microsoft application licenses, which specifies Microsoft operating systems, and does not allow for emulated or competing systems.

Misinformation in public statements, regarding competitors licenses (recently Novell) and common free licenses (as GPL and Berkeley).

Corporate purjury, as in the falsification of evidence presented in the USDOJ trial.

Very few of the above list of infractions are prevented by the USDOJ's purported remedy. Again, market forces alone cannot correct the above situations, since Microsoft has monopolized PC software infrastructure market. The remainder of practices actually addressed by the ruling are weakened by loopholes in which the ruling's terminology is explicitly left to the interpretation of the convict! This freedom of interpretation must be removed from any effective remedy.

A far more effective remedy would be to separate the part of Microsoft that sells to the infrastructure market from the divisions of Microsoft that compete in creating applications that run on that infrastructure. Note that this would not devalue a legally operating corporation, since the court has ruled that the markets are separate. (In fact, the only way that it could actually devalue the company is in the way it deters product tying, monolithic integration, and abusive licensing practices to continue.)

I wonder, will the USDOJ's policy against criminals, as displayed by this proposed remedy, be applied to drug pushers? Under such application, a man guilty of selling crack, heroin, marijuana, and speed would be convicted of posessing marijuana and speed, and be sentenced to a handshake and a promise not to use anything the convict believes is marijuana for 5 years.

I have personally been injured by Microsoft's conduct. Over the past 6 years I bought 2 leading edge computer systems, actively seeking for vendors that would sell me the hardware without the cost of Microsoft OS added in. In each case, I wan unable to find a vendor that could meet my specifications without buying unneeded software from Microsoft. I estimate that Microsoft's practices robbed me of $500.

It is obvious that, unless it seeks additional remedies of a punitive and structural nature, the Justice Department will fail to perform its duties in upholding the law of the land, and in acting in the interest of the citizenry. Do not make our government a party to the robbery.

Dave Kjar <dave@kjar.org>
7427 Castle Wood
San Antonio, TX 78218

MTC–564

MTC–00000565

From: Cathy Gage
To: Microsoft ATR
Date: 11/17/01 4:48am
Subject: Comments on Microsoft Judgement

If Microsoft is allowed to get away with this slap on the hand that the Justice Department calls a settlement, then we know longer have to wonder who will control the world of technology when it comes to operating systems and anything currently known as software.. ..Microsoft is a monopoly and it seems the Justice Department is just allowing them to continue to be one! 1 hope the states still holding law suits against them succeed where a weak-kneed Justice Department is obviously not willing to. If Microsoft is allowed to continue to set the standards we see in the computer world today, we can obviously forget anything that even comes close to excellence! And so much for innovation because they have yet to even come close to such a thing....the only thing they seem able to be innovative about is screwing the American

public and using ''so-called'' representatives in the US government as their agents.

Sincerely,
Cathy Gage
Chugiak, AK
gagecathy @gci.net

MTC–565

MTC–00000566

From: John Pampuch
To: Microsoft ATR
Date: 11/17/01 4:45am
Subject: Microsoft settlement

I realize that you will receive extensive email at this address; no response is necessary.

Microsoft will continue to extend its software monopoly by leveraging their already massive deployment advantage. Prior to the earlier settlement, Microsoft strong armed OEMs into bundling their office software with their OS. In the context of web browsers, I find it interesting that the market penetration of MSIE matched the market penetration of the first version of Windows where the browser was integrated.

What will prevent this from happening in the space of instant messaging, or other genres of software? I would be curious to see what happens in these markets.

John Pampuch
408–504–3544

MTC–566

MTC–00000567

From: Christopher Griesel
To: Microsoft ATR
Date: 11/17/01 4:39am
Subject: Microsoft Upgrade Eligibility—Competing Products and Computing science advancement for humanity, not for gross profit.

Hi,

1. A glaringly obvious thing for me was that for Windows 95 and NT4, to be eligible for the upgrade version, owning a competing 0/S made you eligible to purchase the upgrade, with every subsequent release of Windows, the only way to be eligible for the upgrade version was to own a previous Microsoft O/S, not a competitor's (Not that there is anymore).

2. IF they figured on the Internet integration for windows so long ago, why did Windows 95's default network and dial-up installation not have TCP/IP by default, but rather Microsoft's preferred tech: IPX/SPX at the time?

3. I remember having to fork over money for the first versions of Internet Explorer, imagine if Netscape never gave theirs away for free, we'd be paying for our www browsers from the very beginning, just the way Microsoft would like it.

Last point:

If computing is supposed to become such an integral part of our everyday lives and were supposed to embrace it as a society, isn't it scary that one company has totalitarian control over the system running the most widely adopted technologies today?

Shouldn't the systems adopted everywhere be open for integration, examination and evaluation by representatives of humanitarian society? e.g. Professors, writers, academics? and not profiteers whose' clouded primary objective is profit and not the advancement of society through the technologies we adopt?

MTC–567

MTC–00000568

From: Russ Magee
To: Microsoft ATR
Date: 11/17/01 4:33am
Subject: Concerns over DOJ/MS Settlement

Dear Sirs/Madams;

As a computing professional who has worked in the industry for nearly 10 years, I feel I am qualified to comment on the USIDOJ anti-trust case and Microsoft's conduct in the computing industry.

I feel the settlement reached with Microsoft is totally unacceptable. Microsoft's hold on the market is unaffected by the DOJ's lawsuit, as MS still retains complete control over the defacto standards for doing business today—the Microsoft Office data formats; MS still has 'trade secret' OEM contracts which are rumoured to prohibit the installation of any non-MS operating system alongside theirs; and MS still refuses to disclose critical programming information to other software companies and programmers worldwide.

The concept of an operating system, which all PCs require to run at all, in our day and age must be considered 'critical infrastructure'', much like our system of national highways, or the electrical system. Microsoft, as well as any other popular OS vendor, should be required to adhere to strict standards of public availability, without prejudice, for the common good (*not* for one corporation's benefit).

Microsoft is constantly modifying their software (especially their Office Suite's data formats) so that no one can make an adequately compatible software. To truly open up the desktop computing market again to competition, Microsoft should be required to:

1) Publish *complete* specifications of the data formats used in Microsoft Word, Excel, Access, and Powerpoint applications;

2) Be required, for a period of at least five (5) years, to make *freely* available (no NDA contracts) any planned changes to the above formats, at least ninety (90) days prior to releasing any product, or product update, which would modify the above formats;

3) Be required to fully document the Application Programming Interfaces (APIs) and network communication protocols for the current flagship Windows operating systems (Windows 2000 and Windows XP); it has been *proven* many times over that Microsoft withholds critial API information in order to prevent competitors from designing fully compatible software.

4) Be required to make all OEM licensing agreements publicly available (they are currently claimed to be 'trade secrets' by Microsoft), and be compelled to remove any clauses prohibiting or penalizing OEMs for placing other, non-Microsoft operating systems, on PCs at time of sale alongside their own operating systems.

Please consider these points before final judgements on the Microsoft anti-trust case. If the above points are not implemented, Microsoft will be perceived to be 'above the law', and I, among many others in the computing industry, will have lost a great deal of respect for the American Department of Justice as an instrument of the law.

Truly,
Russell Magee

MTC–568

MTC–00000569

From: rogersandco@seanet.com @ inetgw
To: Microsoft ATR
Date: 11/17/01 5:24am
Subject: COMMENT ON SETTLEMENT w/ MICROSOFT

As an American citizen I must tell you I have about lost all faith in American 'justice'' with this so called ''settlement'' between the U.S. Government and Microsoft after Microsoft was found guilty of predatory (and I might add egregious) anti-trust actions.

I agree with the CEO of Sun Microsystems that what has happened is the ''equivalent of being caught on tape committing murder then simply walking away scott free.''

This settlement is an affront to every American's sense of justice in this country. How you lawyers can expect young kids in the barrios of East L.A.—or anywhere for that matter—to be good citizens and ''obey the law'' when the law is a joke and that joke is right out front for them to see, is beyond me. All you have done with this decision is prove to these kids that with enough money and power you can hire good lawyers to ''get you off' (does the name O.J. Simpson come to mind here?)

I agree with Ed Black of the Computer & Communications Industry Association when he says ''Every one of those (meaning the settlement ''elements'' that give Microsoft loopholes to slip through) is a loophole I can drive an aircraft through''.

I cannot imagine what in God's name government lawyers in this case were thinking about with this insulting ''settlement'' unless there is some sort of kickback or favors involved here. This thing makes no sense at all to the average American.

Microsoft had a trial, fair and square. Even MORE than fair since they had the best lawyers money could buy—something the average American does not have. Microsoft was convicted despite it's ''best-in-the-land legal minds that money could buy''. Now damn it, the company should pay a heavy price for breaking that law and destroying God knows how many businesses along the way —just like any American would have to pay. In destroying those business ventures along the way with it's predatory practices Microsoft also bloodied the lives and dreams of thousands of hard working men and women.

As far as I am concerned, every government lawyer involved in this decision to slap Microsoft on the wrist is either a crook, terminally stupid or hopes that by his actions he'll end up someday with a sweet job on Microsoft's payroll.

God help us all if these lawyers are representative of the people we taxpayers have on the payroll.

Ron Faver
Seattle

MTC–569

MTC–00000570

From: yottahz @EARTH @inetgw
To: Microsoft ATR
Date: 11/17/01 5:23am
Subject: freedom

Greetings,

I am an open source developer and a US citizen. As far as I am concerned, the free software movement does not need, or benefit, from the help of the government. Open source IS the PEOPLE, and PEOPLE WILL prevale over corporations that prevent our freedoms. IN FACT, by punishing Microsoft you are giving them an excuse to attack us further.

signed,

James D Taylor

MTC–570

MTC–00000571

From: Jean-Claude Gervais
To: Microsoft ATR
Date: 11/17/01 6:05am
Subject: About the Microsoft suit

Hello,

I'm a software developer with 20 years experience.

I feel I owe Microsoft for the last ten prosperous years I've had in my profession. The meteoric rise of Windows coupled with my knowledge of it has assured me a good living, and I thank them wholeheartedly.

I think that it is suicidal for the economy and the IT industry to hamstring them.

Microsoft started out small and became a tremendous success; they followed the American dream.

The only reason they are being persecuted now that they are successful is that some of their competitors can't win with a superior product because they don't have the wherewithal to pull it off, and instead have to resort to lobbying and other dishonourable methods to attack a great software company.

Thank you.

Jean-Claude Gervais
Laval, Quebec
Canada

MTC–571

MTC–00000572

From: Ian Struckhoff
To: Microsoft ATR
Date: 11/17/01 5:54am
Subject: Settlement

I am apalled by the settlement agreement with Microsoft. The company has abused one of the biggest monopolies in recent history, and was essentially already convicted. What sort of prosecutor would settle out of court during sentencing, and settle for far weaker a remedy than the court would demand? This is an important process, and represents our ability, or lack-thereof, as a nation, to stop a unabashed monopolist with arrogant policies from abusing its position. At least some of the states know that a big crime demands a stronger punishment.

Ian C. Struckhoff
Enfield, NH

MTC–572

MTC–00000573

From: George Polly
To: Microsoft ATR
Date: 11/17/01 6:34am
Subject: comment

your settlement has not gone far enough to break a microsoft takeover of the PC industry, you need to force them to break the OS from the applications, this is the only way to allow other companies to compete on the application side. why would anyone buy an instant messager or browser if they can get one for free with there OS?

if microsoft can control the OS and the major applications, they can then control the technology and economics of the PC industry. please force microsoft to release its OS bare, meaning no applications (at a reduced price, of course). this would open up more people, like myself, to get the latest OS technology without being forced to install the microsoft applications which i dont want or need.

thanks,

george polly

Get 250 color business cards for FREE!
http://businesscards.lycos.comlvp/fastpathl

MTC–573

MTC–00000574

From: Ken Alverson
To: Microsoft ATR
Date: 11/17/01 6:21am
Subject: support for microsoft

You guys made the front page of Slashdot.org, so I'm sure you're receiving a flood of mail right now. Rather than write a long drawn out message detailing my support for Microsoft (which I don't have time to write and you probably don't have time to read), I'd just like to briefly ask you to take the current surge of emails with a grain of salt. Slashdot is populated in bulk by rabid anti-Microsoft teenagers. Loud, idealistic, reactionary teenagers, who enjoy flooding emailboxes supporting their latest cause, whether or not they know what they are talking about.

I do not mean to characterize all Slashdot members as idiots, there are smart people there too, with opinions worth considering, both negative and positive. However, please do not take the sheer bulk of negative mail as representative of the world at large.

Thanks!

Ken

MTC–574

MTC–00000575

From: Carl Lumma
To: Microsoft ATR
Date: 11/17/01 6:10am
Subject: Illegal Climate? (in the style The New York Times;)

First, allow me to suggest that the points agreed upon in the recent settlement with Microsoft (MS) are meaningless—nothing but the collected idle gripes of anyone who's ever had a product 'ruined' because MS used the Windows desktop as ad space for their own competing product while the plaintiffs actually had to get users to run an installer to convert the desktop into a billboard on their behalf. If advertising were the issue, users ought to be able to charge for their desktop space. [If you get caught thinking this far-fetched, consider that such a system has evolved in the shareware industry.] But advertising is a non-issue; anti-trust legislation is not meant to reward reparations to vanquished competition. The issue is preserving a climate for future competition.

The smorgasbord of gripes, even if we didn't agree with the above, or if we did agree that MS should be punished but could see no other course of action, is at least so difficult to implement that it is effectively harmless to MS and useless in supporting a competitive marketplace. The Justice Department, who takes three years and three judges to get a ''settlement'', would have us imagine that they can enforce such a complex and ambiguous policy in market-time? The one single, effortlessly and unimpeachably enforced, admirably fair and effective sanction that could have been imposed on MS but was not is: A Complete Good-till-canceled Moratorium on Exclusionary Licencesing. The measure would leave MS to compete with only their own highly-touted (and justly so) merits as a software maker and their indisputable dominance, even by classical standards, of the computer software marketplace. nt can be argued that the engine of backward- compatibility means egregious degree of dominance x in a classical market is on the order of unstoppable monopoly lOx in the computer software market, once the size of the software standard in question, and thus the cost of engineering a new standard from the ground up, reaches a certain point. After, only a 'shadow' (playing in the dominator's sandbox) model is viable; a niche which never seems to win more than 5% (and seldom more than 1%) of such a sandbox, even in the volatile arena of microprocessor hardware, where the sandbox in question is defined by a relatively small and well-published item; an instruction set vs. oceans of poorly-commented and poorly documented MS source code.]

This raises the question: is exclusionary licensing against the law? The answer is: It isn't. It is a practice grandfathered everywhere from soda fountains to newspaper routes. Has Microsoft done anything illegal at all? It has been found to be a monopoly, and to the extent that is illegal we are justified to meddle in some of the more aggressive of their trading practices, and exclusionary/restricted licensing policy is the Jimmy Valentine of their notorious efforts here, especially regarding their publicly-leaked goal of eradicating the Linux sandbox.

But is MS really a Monopoly? I have dispute x with Jackson's findings of fact... Instead of asking Jackson, let's ask Linus Torvalds, a person with more knowledge of the computer industry, and likely with more general intelligence anyway. He asks if there is any company other than MS_at all, in any sandbox, that is profitable on the basis of EULA software binaries. With the forgettable (if not dubious) exceptions of Adobe and Corel, the answer would have to be: No. Notable are Sun and Apple; companies with excellent software products who tried unsuccessfully to leave their hardware-based economics. Also notable is IBM, the hardware company that gave birth to MS but was unable to profit on software, finding a role only as a service/solution provider. In a market truly so difficult, is there any one who would hear Microsoft cry Judas having

been denied the right to restrictively license their product?

Carl

CC: smalin@well.com @inetgw,jeremy @keyspan.com@ inetgw

MTC–575

MTC–00000576

From: Giles Constant
To: Microsoft ATR
Date: 11/17/01 7:10am
Subject: A small comment about Microsoft

Dear sir/madam,

It is impossible to buy a laptop computer in the UK without giving money to Microsoft. Really—I've tried. Even if I intend to use Linux on the machine, due to the OEM licensing restrictions (which the DOJ settlement has failed to effectively address), licensees are not allowed to provide me with the hardware without Windows. The EULA has a clause which says if you do not use the software, you can take it back to the vendor for a refund, but unfortunately, this is only applicable for the price of the entire laptop. This is (in my opinion) the most definitive example of the term ''monopoly'' I can possibly imagine. Although I speak from the UK, where the problem is likely to

MTC–576

MTC–00000577

From: Steve Evans
To: Microsoft ATR
Date: 11/17/01 6:09am
Subject: no sir, i dont like it

The views that you will promote with the signing of this agreement will hurt everyone's interested, and will hurt foreign economies like the one that I am in, Australia. We lived through the monopoly of Microsoft for far too long. Not only cant we sell solutions to our clients that can run on alternate operating systems on the users desktop, we are shunned and forced to move and support Microsoft products. They do not innovate any part of their products, and just force customers and myself to buy and use their products. I don?t like it. It has hurt the business that I work for's bottom line when we have to re-install a Microsoft product on a server or workstation because the product was faulty and the customer did not want to move to an alternate platform.

No sir, I don?t like it.

Please do not continue with the current approach with Microsoft. I do not know where I will be in 1 years time if they keep forcing me to support their products that eventually eat up my business? bottom line through endless support and paying for Microsoft to fix their bugs (ie when I call their help line and don?t receive my $320AU back because it is a bug that isn?t going to be fixed until I purchase the next version of their operating system).

Regards,

Steve

''triumph of hope over history''—Connecticut Attorney General Richard Blumenthal describing the Microsoft/DOJ settlement proposal.FP≤MTC–577

MTC–00000578

From: Jack
To: Microsoft ATR
Date: 11/17/01 6:55am
Subject: Microsoft Settlement

How can there be NO monetary penalty in this settlement?

Microsoft has stolen billions from the American people and businesses and you are letting them keep their ill gotten gains?

Disgraceful!

MTC–578

MTC–00000579

From: denis miller
To: Microsoft ATR
Date: 11/17/01 6:40am
Subject: microsoft settlement

I have reviewed the settlement reached and found it to be a totally unacceptable capitulation of the rights of the citizens for a free and honest market place.

How can the consumer be protected when a convicted monopolist does not suffer any penalty, does not agree to any real forced change in behaviour, not even a promise not to do it again?

The settlement can only be viewed as a total capitulation to microsoft by the US government.

The only hope for any real justice is the remaining states will persue the action until a real settlement is reached.

Denis Miller

MTC–579

MTC–00000580

From: Scott Peterson
To: Microsoft ATR
Date: 11/17/01 7:34am
Subject: proposed settlement

To Whom It May Concern:

I am a consumer who uses Microsoft Windows and many other Microsoft programs both at home and in my work as a physician, part of a very large group practice also using Microsoft products extensively.

Even through rejected by my state of Connecticut, I write in strong support of the proposed settlement.

While I think the government's case has been greatly overblown, the courts have in fact found that Microsoft engaged in anticompetitive behavior and requires a penalty. The proposed settlement should be accepted quickly, so Microsoft can get on with its excellent work.

I particularly write to comment against stronger penalties that would disrupt software integration and convenience for consumers, require consumers to spend useless time and money rsearching all sorts of ''competitive options,'' and then have to fiddle around with their computers for hours getting all this stuff to work properly together—to say nothing of troubleshooting and other problems. The Microsoft group of products is a wonderfully useful and efficient system. Their software is a tribute to American ingenuity and should be supported rather than attacked. Microsoft's competitors are just using this case to try to force consumers like me to buy products of theirs which we don't want—let them win my business in the marketplace, not through some heavy-handed intervention of the government.

In short, settle this case, move on, and let us all worry about things that do matter.

Thank you very much for this opportunity to comment.

Sincerely yours,

W. Scott Peterson, M. D.
317 Tranquility Road
Middlebury, CT 06762
wsp @ opticare.net

MTC–580

MTC–00000581

From: paul
To: Microsoft ATR
Date: 11/17/01 7:33am
Subject: Justice

I have read the ''settlement', it will not stop Microsoft, I, a ''dumb consumer'' can tell that. Greed is at the heart of this, and having seen the ''corruption'' in this government in the past I cannot help but believe that down inside this settlement there is an exchange of money. Time will reveal all.

Microsoft will find a way around almost if not every provision and will continue to behave in exactly the same manner as before.They have been very successful with their current pattern and will not change it unless forced. Leopards can't change their spots. And this agreement allows Microsoft to basically decide for itself what to change and who will oversee and enforce the changes. The crooked judge letting off the crooked company for a fee.

This a wonderful example of why this government is doomed to failure. Greed has led to corruption at the highest levels. Everyone knows it, nobody in government is doing anything really about it, just pocketing the money and giving it lip service.

And you wonder why people don't have any confidence in it. Just look at it's fruits....

MTC–581

MTC–00000582

From: T.Baden
To: Microsoft ATR
Date: 11/17/01 7:33am
Subject: DEPARTMENT OF JUSTICE AND MICROSOFT CORPORATION (http://www.usdoj.gov/opa/pr/200 1/November/01_at_569.htm)

Dear Sirs,

I read the posting at http://www.usdoj.gov/opa/pr/2001/November/01_at_569. htm with great interest. I work in the information technology (IT) industry. I started getting paid to work with computers 1980. I have watched the implosion of IBM (and it's resurrection), I saw Apple start up, (building on great Xerox research). Then a startup company put out inferior technology using questionable tactics that ate the desktop market alive. I wholeheartedly support the antitrust action against that company. But it is with a sense of ?what could have been? I read current agreement.

While I would have preferred a stronger judgment (more later on that), I understand the current climate mandates a lesser punishment. Please bear with me as I detail:

It looks like the agreement is easy to enforce. Or is it? ''Disclosure of Middleware Interfaces'' and ''Disclosure of Server Protocols'' are good fulcrums to pin Microsoft down on, but may be difficult to enforce. The published set of Microsoft interfaces is very large (and documented at

a mediocre level) set of interfaces and protocols: there are 10's of thousands of them and while many of their characteristics are documented, many of the ways they interact are not documented (it takes programmers years to learn a useful subset of them). Without going into the details, I submit that you will find the undocumented set of APIs and protocols to be at least as large if not larger and the documentation to be worse. What if Microsoft publishes a select group of these, enough so that the initial attempts to use them take 12 months before people start to figure out there is something missing. Meanwhile Microsoft releases 2 more versions of Windows (just the way Microsoft did with IE) adding much more hidden functionality that makes the old sets obsolete. I think the ''On-Site Enforcement Monitors'' would have a terrible job of keeping up.

If there is at least the possibility that this might happen, it will be a very significant barrier to the server and middleware developers. Now instead (here's the later bit): contract ''On-Site Enforcement Monitors'' to find every last stitch of Windows source code, and stamp it all ''GNU copy left'' (see http://www.gnu.org/licenses/licenses.html) and publish. Should not take more than a year, maybe less. Contract ends, enforcement complete, no chance for Microsoft to renege (again) because ''the horse has left the barn''. Also: do not split Microsoft, do not collect any money from Microsoft.

The damage to Microsoft would be immense; it is possible that Microsoft may not recover from it. But, not only does Microsoft get a penalty, the IT industry gets a boost from the action: The IT community are given all windows code (and the right to make as many copies as they like). I know Microsoft would never agree to such a thing. You'll need to fight for this one. But, this type ruling would send a much stronger message than any fine or break up: antitrust law would surly be regarded not to mess with after such a ruling.

Okay, back to reality:

I think you have a nice agreement given that the political reality of the day probably excludes the ?GNU copy left? option. Go get ?em!

I want to thank you for allowing me this opportunity to comment. One final thought:

Yes, this is about market and money, but for me, it feels personal. I expect that many people working the software development community feel this way: I respect good technological solutions to problems; I appreciate elegant (as mathematicians use the word) solutions to problems. What Microsoft did was much worse than violate antitrust law: elegant and good solutions count for almost nothing in the IT industry today (there are exceptions-the Palm for instance). I think this is sad. If a *strong* message is sent, maybe we can leave most of the mediocrity behind and get back to good elegant solutions.

Sincerely

Toby Baden.

MTC–582

MTC–00000583

From: Brian Sadler
To: Microsoft ATR
Date: 11/17/01 7:20am
Subject: The Microsoft Settlement

As a citezen of the US, I would like to take the time to comment on the settlement. First, I think it is a bad idea to settle because they have a proven track record of not living up to their agreements. Second, their products are not helping the economy, they are tightening a noose around it. And third, they ARE a monopoly.

I feel that this administration simply ''sold out'' to microsoft and its citezens are going to pay the price.

Thank You.

Brian Sadler

Houston, Texas

MTC–583

MTC–00000584

From: Praedor
To: Microsoft ATR
Date: 11/17/01 7:50am
Subject: You failed the users and the overall industry

I am strongly disappointed in the outcome of the case against the clearly guilty Microsoft. You caved and gave them everything, extracting virtually nothing. Your ''settlement'' doesn't prevent Microsoft from continuing business as usual.

They are free to bundle to their hearts content, a weapon to use against ANY potential competitor. They are free to continue trying to turn the internet into a Microsoft-net via closed, propriatory protocols and by altering or adding to fully open standards.

You all skipped over the meat and gave them a very useful and stern ''Stop it, OK?'' Brilliant. And the punishment: Do not violate the new consent decree like you have violated ALL other such beasts in the past or we will make sure you are still ''burdened'' with the decree for 5 more years so you can continue to violate and ignore it.

Your agreement needs to go further. Microsoft must be enjoined from producing ANY new communication protocols without fully disclosing/publishing them for general use. Microsoft must be enjoined from modifying ANY standard, general communication protocol already existing without first FuLLY disclosing the nature of the modifications so that anyone else who might wish to interoperate with Microsoft systems are free to do so—no restrictions. All Microsoft programming APIs must be fully released and documented so any software maker can create competitive or interoperating applications that fully work as they should on Microsoft operating systems. Finally, Microsoft must be prevented from making ANY restrictive licensing deals with ANY company that in any way hinders competitors from gaining full access to users or systems.

MTC–584

MTC–00000585

From: Mike McMahon
To: Microsoft ATR
Date: 11/17/01 7:40am
Subject: thanks (for wasting our tax dollars)

So after spending 4 years and many millions of tax dollars to prove that microsoft obtained and maintains an illegal monopoly, and you win the case and survive an appeal, NOW you decide that all you wanted was another concent decree?

What a total lack of conviction on your part! How could you make such strong arguments during the trial and now simply walk away from seeing that justice is served? Either you have a worthwhile case or you dont, but to pursue and WIN a case but then settle for a meaningless wrist slap, this makes me wonder if law abiding companies (and citizens) are just being nieve to think their own DOJ can protect us.

The proposed settlement does nothing to prevent continued abuse of this monopoly and nothing to remedy their previous illegal acts. Thanks for NOTHING!!!! !! !!!!!

R Michael McMahon

mcmahon @ activewire.net

PS. I do not work for a Microsoft competitor, in fact I own a computer network company which makes 80% of our revenues supporting Microsoft products. My reason for being so outspoken is that I have witnessed Microsoft's continued repression of valid, alternative technologies whenever MS is not part of the equation. The case at hand may be the last chance to constrain a convicted lawbreaker from perpetrating similar offenses in emerging markets such as web services.

MTC–585

MTC–00000586

From: Sean Hurley
To: Microsoft ATR
Date: 11/17/01 3:23pm
Subject: microsoft antitrust

The government settlement with Microsoft is a disgrace.

You should be ashamed of yourselves, selling out hardworking Americans the way you have. At the least Microsoft should have been forced to license its propnetory operating system to third party developers, with an agreement that standards for the OS should be maintained by the national bureau of standards.

Agh.

Sean D. Hurley

60 Lilac Drive #5

Rochester, NY 14620

MTC–586

MTC–00000587

From: bengroes @mindspring.com@inetgw
To: Microsoft ATR
Date: 11/17/01 3:09pm
Subject: (no subject)

Everybody get off the back of Microsoft.

MTC–587

MTC–00000588

From: alsee
To: Microsoft ATR
Date: 11/17/01 3:08pm
Subject: The public needs CHOICE

I don't want WindowsXP.

Most programs will soon only be available in XP only versions. I WILL HAVE NO CHOICE.

I might want to stay with Windows98.

Microsoft is terminating support for Win98 and older operating systems. I WILL HAVE NO CHOICE.

I don't want to inform Microsoft of my complete hardware configuration.

WinXP requires my info be sent to Microsoft in order to activate. I WILL HAVE NO CHOICE.

I don't want to inform Microsoft every time I upgrade my computer.

WinXP requires reactivation when I change hardware. I WILL HAVE NO CHOICE.

I do NOT want to give Microsoft authority to ''automatically download[software] onto your computer'' and I do NOT want to agree Microsoft may ''disable your ability to copy and/or play [music/video]''.

These OBSCENE clauses are in Microsoft's MEDIAPLAYER7. Some internet files are only supported by

Microsoft's media player. I WILL HAVE NO CHOICE.

I do not want to give Microsoft my personallpasswordlcreditcard data.

Microsoft is developing it's new ''.NET'' project to be inescapable online. I WILL HAVE NO CHOICE.

I am a PROGRAMMER. I would like to be able to write programs.

In order to receive ''API, Documentation or Communications Protocol[s]'' the proposed DOJ settlement requires that I have ''reasonable business need'', meet ''standards established by Microsoft for certifying the authenticity and viability of [my] business'', and to ''submit, at [my] own expense ... to third-party verification, approved by Microsoft''. As an individual, I WILL HAVE NO ABILITY.

And in order for me to ''exercise any of the options or alternatives expressly provided [me] under this Final Judgment'' I may be required to pay ''royalties or other payment of monetary consideration''. As an individual, I WILL HAVE NO ABILITY.

These clauses benefit Microsoft, and in particular they penalize free software. Free software is currently Microsoft's biggest fear. Do not hand them a weapon.

I am concerned by any settlement clause that says ''[anyone] may be required to grant to Microsoft ... any intellectual property rights''. Microsoft has broken the law and should not receive additional rights as a reward. There is concern Microsoft may attempt to use this to attack the Gnu Public License. Do not hand them a weapon.

I am concerned that ''Windows Operating System Product may invoke a Microsoft Middleware Product in any instance in which ...'' Software I CHOOSE NOT to use should NEVER be invoked!!!

I am concerned that Microsoft is not paying financial penalties for illegal tactics/profits.

I am concerned that Microsoft is not threatened with substantial and specific penalties for failure to comply.

I am concerned that Microsoft is not required to release API's for Windows prior to WinXP. Microsoft has certainly made/can make self-serving changes in WinXP in anticipation. Microsoft should be required to release full API documentation without qualification, starting at from Windows98 or earlier.

I am concerned that Microsoft will have influence over selection of 2/3 of the TC.

I am concerned that the TC will be under a gag order. ''No member of the TC shall make any public statements''.

I am concerned that Microsoft will be watched for only 5 years. In terms of Microsoft's business strategies is on the scale of the life span of one product—Windows98.

I am concerned that the DOJ is being pressured to accept a bad settlement, whereas Microsoft is quite happy to drag out the legal battle. This position is allowing Microsoft to make unreasonable demands. Microsoft abuses proprietary file formats, communications protocols, and API's. These should be disclosed without qualification. I am not a lawyer, however following section sounds to me like free reign to use anti-competitive tactics on any business that uses their upcoming ''.NET'' service: ''Nothing in this section shall prohibit Microsoft from entering into (a) any bona fide joint venture or (b) any joint development or joint services arrangement with any ISV, IHV, TAP, ICP, or OEM for a new product, technology or service, or any material value-add to an existing product, technology or service, in which both Microsoft and the ISV, IL-TV, LAP, ICP, or OEM contribute significant developer or other resources, that prohibits such entity from competing with the object of the joint venture or other arrangement for a reasonable period of time.''

MTC–588

MTC–00000589

From: Duane Mann
To: Microsoft ATR
Date: 11/17/01 3:05pm
Subject: Microsoft made the industry, but killed competition

To whom it may concern:

Please include me in the thousands (hopefully millions) who are displeased with your Microsoft settlement. Did their earlier settlement teach us nothing? They have complete disregard for government regulation. If you've given them the slightest loophole, they've already seen it and are altering their strategy to take advantage of it. They did it before, which is why we had this new trial in the first place! This is the company that faked videotape evidence. This is the company that created a non-bootable version of Windows when asked to remove Internet Explorer and tried to argue that they were just doing what the judge asked for.

I am not a complete anti-Microsoft zealot. I admit freely that their work on DOS and Windows essentially created the home PC market. But they have destroyed competition. Windows might have made the home PC possible for the masses.. .but what about folks like me who understand the options and choose not to use Windows? Does Microsoft give me a choice? Not if they can help it. That's why they are a known monopoly. Sure I can choose to run Linux (and I do), but can I go to a retail store and buy a machine with Linux pre-installed so that I don't have to pay the proverbial ''Microsoft tax''?

Nope.

I would prefer not to use Microsoft Word, Excel, or any of the other applications in Microsoft Office. They are poor applications with a mediocre interface, a bloated file format, and countless known security holes. But do I have much of a choice? No, because Microsoft has eliminated competition in those areas as well. That's a monopoly of theirs that was barely touched upon. I would prefer not to use Microsoft Internet Explorer. Again, does Microsoft give me much of a choice? Just barely.

There are many, many people out there who will argue that there's nothing wrong with Microsoft applications. That is because they don't know what competition is like. Why do we have viruses like Code Red and Nimbda? Because of the quality of products like uS and Outlook. The masses don't understand this. They think that viruses and blue screens of death are just part of the normal computing experience. Sure, it was good that Microsoft made it possible for them to have a computer in the first place, but they've also got people so frustrated that they're screaming and swearing at their computers and rebooting 3 times a day because they think it's the only option they have. And it's not.

I have never wanted to see Microsoft broken up, or restrained, or any other number of remedies that would hurt the masses at large. If people like to use Windows and other applications, they should have the right to do so. But the fact is that there are many people who choose not to, and many more people who do not know that there is a choice, and those are the people that need to be considered. Microsoft deliberately acts to prevent competition, and that is where they need to be stopped. If the argument is truly that Microsoft is good for the industry, then only healthy competition will prove that. Does Linux compete? Only to the extent that Microsoft lets them. We've already established that Windows is a monopoly, after all. Isn't there supposed to be some sort of punishment for that?

Thank you for this forum to express my thoughts. I truly hope that the government can modify Microsoft's proven anti-competitive, monopolistic practices and not just produce a settlement that registers as little more than a speedbump on their road to industry domination.

Duane Morin
978 691 5795
dmorin@morinfamily.com

MTC–589

MTC–00000590

From: Joe Yong
To: Microsoft ATR
Date: 11/17/01 3:35pm
Subject: Enough already

I thought the DOJ did the American public a huge justice when it decided to settle. Granted, Microsoft does need tight monitoring to ensure it stays within the boundaries of the law but penalizing a company for competing fiercely is NOT the American way. Else, we're implicitly saying, America breeds and protects slackers and whinners.

The settlement is more than adequate so long it is enforced. Let's move on. There's much to do in rebuilding this nation and its economy. Microsoft is a huge contributor in many aspects so taking them down does no good to the rest of us. Also, if you're REALLY interested in protecting the public against unfair practices by companies with large/monopolistic market shares, check out the following:

—SUN Microsystems in the enterprise server business

—Oracle in the database business
—AT&T in the cable TV business
—ebay in the online auctions business
—Intel in the PC chip business
—IBM in the mainframe computing business

There are lots. Difference is, Microsoft is by far, the most well known, in your face, company while others are squeezing consumers dry, often without anyone knowing it. Btw, anyone notice that the state AGs that did not accept the settlement are also home-statds for Microsoft's major competitors? If the law can be manipulated by corporations to attack their competitors, we've got some serious problems in this country's system.

Joe Yong.

MTC–590

MTC–00000591

From: Jeff Donosky
To: Microsoft ATR
Date: 11/17/01 3:32pm
Subject: Microsoft settlement

Dear Department of Justice:

I would like to provide positive feedback on the proposed settlement of the case vs. Microsoft Corporation. I do believe that the Department and Microsoft have found a wide reaching and fair settlement to the Department's allegations against Microsoft Corporation. I believe that it is sufficiently wide reaching regarding product development and business practices, while keeping flexibility for the company to continue to innovate and meet customer needs in the future while continuing to drive America's leadership in the highly competitive global technology business.

Sincerely,
Jeffry Donosky
Seattle, WA 98052
Tel: 206/547–5119

MTC–591

MTC–00000592

From: Lyle McDermed
To: Microsoft ATR
Date: 11/17/01 3:28pm
Subject: Microsoft Settlement

It is my opinion that this case should never have been brought against Microsoft in the first place. It seems to me that, we had some ineffiecient competitors who claimed the victim status and the justice department fell for the scam. However, this case should be closed now so that business and productivity can get on in the U.S. Also, it would seem to me that the innovative and productive companies, which leads to profitability for stockholders and jobs for many peoples, should not be punished. If the justice department wants to punish a business, do so to the companies that are failures, such as most of the airlines.

Sincerely,
Lyle K. McDermed
741 Grandview Dr.
Corsicana, TX 75109

MTC–592

MTC–00000593

From: Keith Fulton
To: Microsoft ATR
Date: 11/17/01 3:45pm
Subject: Comments about Microsoft Settlement Proposal

Hi,

My name is Keith Fulton and I am a registered voter in Houston, Texas. I do not believe the settlement proposal is sufficient because all it does is address Microsoft's future behavior without punishing them for numerous and systematic violations of the law for which they have been convicted in court. If someone was accused of murder, tried, found guilty and then was given probation, most people would see that as a miscarriage of justice. I believe that is a good analogy for this settlement. Microsoft has been convicted of violating the law in a way that affected millions of people over a period of years and continues to affect both them and the multi-billion dollar market they comprise. Both punishment and remedies are appropriate. This settlement provides for only the latter. The only way I can think of to break Microsoft's ill-gotten stranglehold on the OS market is to make the full source code for Windows publicly available and adaptable for modifications and resale by other parties. Only then will the market truly return to having multiple viable choices for consumers. Microsoft would then also be put back on an even footing with the rest of the OS industry. I don't know if these comments will have any effect or not. Hopefully the Justice Department will take under advisement my comments and the countless others I am sure they are receiving, since we have taken time out of our busy schedules to voice our opinions despite the slender odds of anything being changed.

Kind regards,
Keith Fulton
1316 Crocker St.
Houston, TX 77019

MTC–593

MTC–00000594

From: kay in arizona
To: Microsoft ATR
Date: 11/17/01 3:42pm
Subject: Microsoft settlement

With regards to the settlement for Microsoft, we believe it will be in the best interest in the economy and the consumer to settle this case as soon as possible. The nine states that are holding out apparently are doing it with the interest of companies in their state that are competitors of Microsoft. Microsoft should be able to inovate and press forward on the various aspects of technology. The technology companies that are on the stock market all suffered with the continous pursuit of this suit against Microsoft. We hope this soon will be over. Thank you.

Howard & Kathryn Worden

MTC–594

MTC–00000595

From: Charles D Hixson
To: Microsoft ATR
Date: 11/17/01 3:41pm
Subject: Microsoft is an abusive monopoly

Microsoft is an abusive monopoly. It has routinely engaged in illegal actions to drive its competition out of business. Sometimes the actions are borderline, and sometimes (I wanted to write occasionally) they are even legal.

I will admit that many of the actions that I have characterized as illegal would, in fact, be legal were Microsoft not a monopoly. But it is. And it routinely acts, both tactically and strategically, to restrain trade.

The Stac case is a case in point. At that time Microsoft may not actually have been a monopoly, though I feel that it was one. Still, it appropriated the software that Stac had written against their express desires and included it within the Windows source code. (At this point the value of the Stac company took a strong hit.) When challenged in court, Microsoft tied things up for a long time, and then replaced the challenged code with code from another company (that they got cheap.. .it wasn't anywhere near to being as good). I don't remember the details here, but Stac was now in such bad shape that Microsoft was able to buy it up for an extremely cheap price. Nobody has dared to challenge them similarly since then, and that was over twenty years ago. But they've spent the time since then improving their monopoly, if not their software.

Please do not misunderstand me. I doubt that any other monopoly would have been much better. Monopolies tend to engage in unsavory practices, and large successful monopolies tend to assume that criminal law doesn't apply to them. They usually seem to prove themselves correct, but I had had some slight hope that this wouldn't have been another such case. It's been quite blatant.

Charles Hixson

MTC–595

MTC–00000596

From: r(u)hodg Hodgson
To: Microsoft ATR
Date: 11/17/01 3:39pm
Subject: Microsoft Settelment

I would like to express my opinion. I cannot see how MS has hurt the public in any way and I belive that any undue harsh judgment would do the countrey more hurt than any thing. If any outher co. or person can make a better os I would buy it and not theirs. Thank You Robert Hodgson;

MTC–596

MTC–00000597

From: John Dawson
To: Microsoft ATR
Date: 11/17/01 3:53pm
Subject: Proposed Settlement.. Just say no.

Your Honor, dear sir or madam,

I work with both Microsoft based personal computers, and UNIX based servers, on a daily basis. I hold a Masters of Science degree in Electrical Engineering and work as a principle developer of hardware and software techniques for automated testing of large data communication networks. I respectfully submit my personal views on the proposed settlement offer relative to the on-going Microsoft anti-trust case.

I am concerned that many people in the U.S. Department of Justice have portrayed the proposed settlement agreement as being good for the American people—it is not.

I am terribly worried that Microsoft appears to be able to manipulate the American political system and assert undue influence upon the current legal proceedings.

Who will decide which future software innovations are strategic to Microsoft, and hence, must be an integral part of the computer operating system?

When Microsoft ''bundles' a new capability into its operating system, it immediately gets a monopoly share of the market for any similar products. Since Microsoft gets to define the minimum operating system bundle, they set the base fees that manufacturers must pass on to their customers. In order to maintain lower costs, most manufacturers will be unwilling, or realistically unable, to add or substitute programs that compete with the base services already provided by the operating system. This gives Microsoft a significant advantage in the software marketplace. Without splitting Microsoft's applications away from its' operating systems, Microsoft will be able to force its way to the top of any software or information service market it chooses.

I further believe that the proposed settlement agreement does not give sufficient consideration to the advantages Microsoft will maintain over competitors based upon the proprietary nature of their computer operating systems. Microsoft's own internal development will not be hampered by, or relegated to use, the same published interfaces that competitors must use. By not fully disclosing the internal mechanics of the operating system, Microsoft is free to optimize significant advantage for its own ''bundled'' solutions.

For the past several years Microsoft has used this advantage in clearly illegal ways to crush competitors. Where is the penalty for Microsoft's heavy hand? Without significant sanctions in this case, the proposed settlement will let a brutal monopoly force a proprietary delivery platform, for Microsoft market domination, upon the American people. This is not a matter of innovation, this is a matter of Microsoft being able to fix pricing for bundled solutions that force competitors out of new and emerging marketplaces.

I ask that you please reject the proposed settlement and instead, pursue a ruling to break this company into two or more separate entities. Thank you in advance for your consideration in this important matter.

John Dawson
1405 N.E. 148th Ave.
Vancouver, WA 98684
(360) 883–1382

MTC—597

MTC–00000598

From: Luiz Delima
To: Microsoft ATR
Date: 11/17/01 3:49pm
Subject: Microsoft settlement

The idea that Microsoft or any company cannot ad features to its products is utterly absurd. It would be a major hassle to consumers if car buyers had to buy tires or radios or whatever from different suppliers in order to avoid ''bundling'' or if they had to buy mustard and ketchup separately when ordering their burgers. History has shown that Microsoft products have lowered prices and beneffited consumers. I don't see why competitors should be protected to the detriment of consumers. America is all about freedom including the freedom to improve. Competitors should compete on features and prices and not survive by govemmnt sponsored cocooning. Even the old Soviet Union moved away from economic dictatorship.

MTC–598

MTC–00000599

From: Konrad M.Kempfe
To: Microsoft ATR
Date: 11/17/01 3:45pm
Subject: Microsoft Settlement

This is to encourage a swift and fair settlement of the case against Micrososft.

It is in the interest of the United States economy and thereby in the interest of the American People. A prolongation of the litigation process is not in the interest of the American People.

Konrad M.Kempfe MD
715 Bogar Drive
Selinsgrove, PA 17870

MTC–599

MTC–00000600

From: Emmanuel Huna
To: Microsoft ATR
Date: 11/17/01 4:34pm
Subject: A comment on the Microsoft antitrust case

Hello, I have learned that citizens can send comments about the Microsoft antitrust case to your address, microsoft.atr@usdoj.gov <mailto:microsoft.atr@usdoj.gov> , and I am including a story that I hope you?11 find relevant.

From 1998 to 2001, I worked as a software engineer for a company called ThinkLink, a San Francisco, CA based startup. We developed a product that allowed customers to access their email, faxes and voicemail over the Web or the phone (this is generally referred as ?Unified Messaging?). The company grew from 6–7 employees working in an old milk factory to a booming business with 140 employees in offices in downtown San Francisco, CA.

I won?t go into more details on the technology or our business model, but suffice to say that we created a product that was scalable and feature-rich. We integrated our system with companies like Netzero Inc. (www.netzero.com <http://www.netzero.com/>), Lycos (www.lycos.com <http://www.lycos.com/>) and many others. By summer 2000, we were signing up over 10,000 new customers per day, and we reached over 6.5 million accounts 7 proving that we were the leaders in the voice over IP/Unified Messaging space.

At that time, our top management announced that Microsoft had approached us and was interested in purchasing ThinkLink. Not being on the board of Directors nor top management, the only information I received came from our weekly company meetings. For months, our CEO, David Ward, kept telling us that the deal with Microsoft was almost ready ? he used the expression ?a matter of days? a few times. In fact, Microsoft Engineers came to ThinkLink and we even started integrating our system with their Web email product, Hotmail (www.hotmail.com <http://www.hotmail.com/>) Unfortunately, on February 2001, all 110 employees were called on a Friday afternoon and the announcement was made that ThinkLink ran Out of funds—since a secure loan was called upon, the company was closing down. The hard work and hopes of hundreds of people were shattered in one instance.

After ThinkLink closed down, I learned many details on what had actually happened. As previously mentioned, for months Microsoft dragged its feet, but an offer was finally made in August 2000. Microsoft was to purchase ThinkLink Inc. for $400 million dollars. From what I understand the deal was almost sealed: even seating arrangements for ThinkLink employees at Microsoft's offices in Mountain View, CA were defined.

The lawyers from both sides had agreed on the details, and ThinkLink's top management signed the documents. The documents were then sent to Redmond, WA to be signed by Microsoft. Unfortunately, to everyone's surprise at ThinkLink, Microsoft decided not to go through with the deal, the official reason being that it was afraid of getting into trouble with the DOT since it was entering the communications business and it already had some deals with AT&T. But to prove its seriousness, Microsoft offered ThinkLink a $25 million dollar secured loan ? this would help the struggling startup in our difficult economy until Microsoft decided that it was the right time to go through with the deal.

ThinkLink's top management had wasted so much time in the negotiations with Microsoft that it had no choice: it accepted the secure loan, thereby sealing the coffin on ThinkLink's future. By the beginning of 2001, Microsoft started putting pressure on ThinkLink to pay back the secure loan ? and ThinkLink had no choice but to close down and all assets from the company were transferred to Microsoft. Microsoft tried to recruit some employees from ThinkLink's Engineering Dept. and offers were made after ThinkLink closed down. Not one engineer accepted an offer ? most of us felt betrayed and we did not wish to help Microsoft in any way.

With its secured loan trick, Microsoft was able to get its hands on ThinkLink's technology (which was a perfect fit to their ?Voice.NET? services with XML/I-ITTP based applications) and in any case, it eliminated a potential competitor. They had to spend $25 M dollars, instead of the original $400 M.

There is no doubt in my mind that Microsoft planed this from the beginning. Although ThinkLink's top management did have some responsibility in accepting the loan and the conditions, I feel that ultimately Microsoft had the most to gain and the ThinkLink's fall was a direct result of dealing with the big, powerful and unscrupulous monopoly from Redmond. Recently, a company called Reciprocal was victim to the same Microsoft tactics—how many other companies have fallen in the same way?

To summarize, here's how I see the situation: 1) A startup has some kind of productltechnology that Microsoft needs or that could threaten it in some way. 2) Microsoft shows interest in the company and offers to purchase it for $Y million dollars. 3) After months of negotiation, Microsoft does not purchase the company, but to prove its seriousness about the whole deal, it offers a SECURE loan of $X million (where X is a fraction of the original price, $Y, discussed in 2—something like $25 million instead of $400 million) 4) The company now against

the wall (since so much time has passed and its a startup with limited funding) accepts the loan from Microsoft. 5) A few months later, Microsoft calls on the secure loan and forecloses on the company: they now have the technology they wanted and they have eliminated a competitor.

This is exactly what Microsoft did with ThinkLink, and they can only do this because they have billions. Wasting a few million with ThinkLink or Reciprocal is worth it—they are actually making money since they don't have to spend the R&D dollars to get the technology or the marketing dollars to fight the competitors. I still am in contact with many of ThinkLink's previous employees ? in fact we have an online discussion group with over 70 participants. We would appreciate a response, and thank you for trying to make our markets a fair playground.

Regards,
Emmanuel Huna
ehuna@ehuna.org
http://www.ehuna.org

MTC–600

MTC–00000601

From: Marcella Fenske
To: Microsoft ATR
Date: 11/17/01 4:15pm
Subject: microsoft, good reliable company, let the show begin, onward mfst..(*.*). . . microsoft, good reliable company, let the show begin, onward mfst..(*.*). . .

MTC–601

MTC–00000602

From: Jim Brown
To: Microsoft ATR
Date: 11/17/01 4:11pm
Subject: Let there be choice for the average software consumer!

The home computer is a staple of modern life. People use their computers to communicate with each other, conduct business, research, and even for entertainment. Our society as a whole depends upon the home computer.

I am a fan of windows 2000. It is an operating system that doesn't crash very often. It is easy to use and has a lot of built in features. I understand Windows XP takes this to a new level.

I am not against features in an operating system. They add to a users experience and the power of their computer. What I am against is the lack of competition that Microsoft faces. Admittedly they do a good job of innovating even when they hold a monopoly of the market. But imagine for a moment that two Windows XP caliber operating systems were being produced by two different companies, both vying to land on your desktop as a home user. Undoubtedly, prices would be lower to the consumer and features of the operating systems would become even better. Problems that today are overlooked would be given quick attention (such as some of the serious security holes that Microsoft rarely gives second thought to.)

The consumer wins. It has been established that Microsoft uses the most aggresive tactics of anti-competitiveness available. If there is any way that they can take out a competitor, or assimilate them, they will. This only increases their monopoly, and decreases competition in the market place. I say this is unfair, and it is high time the government steps in and does something intelligent to remedy the situation. What action is called for I do not know. But something must be done! Although innovative in features and user-friendliness, Microsoft has a long standing history of serious security flaws that repeatedly appear in their products. So called ''e-mail viruses'' actually only affect people who use Microsoft's Outlook Express mail reader. Why the media calls them ''e-mail viruses and not ''Outlook viruses'' I do not know.

Why is Microsoft not held accountable when their mail program facilitates the spread of these so-called ''e-mail viruses?'' I do not know. But I call for accountability. And I call for government intervention that there might be serious competition in the market place. All this so that your average consumer can have more than one good choice for a full featered operating system.

Microsoft does not stand for the freedom of choice that capitalism offers as it's benefit. Microsofts first interest is market dominance at all costs, and to them the consumers interests come second. More and more features of the home computer now fall under the power of this monopoly. The only good choice for Word Processing is Microsoft Word. The only good choice for web browsing is Internet Explorer. The only good choice for your operating system is Windows. This is how Microsoft wants it to be.

Unfortunately for most people, this is how it is. No good and meaningful competition in the marketplace, no good alternative choice for the average consumer. Something must be done to remedy our situation as consumers, who for now must depend upon one company alone—Microsoft.

The innovation and development of the home computer has come from many companies and still continues to come from many companies, such as AMD, Intel, IBM, Cyrix, Macintosh, HP and others.

For a society which has reaped the benefits of computer hardware engineered competitively by many different businesses in the private sector, why must we reap the shallow benefits of software engineered by only one company? Please, as the government of this wonderful country, do something to protect our rights as consumers. Please do something to let there be choice and freedom in the software market.

Please stop the company Microsoft that has shown it will at any cost try to destroy this choice and freedom for us, the consumers.

Thank you sincerely,
Jim Brown
trustyjim@hotmail.com
CC: trusyt—jim@hotmail.com@inetgw,jwb44@email.byu.edu@. . .

MTC–602

MTC–00000603

From: Andrew Ness
To: Microsoft ATR
Date: 11/17/01 4:02pm
Subject: microsoft settlement

When considering the settlement beween the Ashcroft DoJ and Microsoft, the word ''sellout'' rather than ''settlement'' comes to mind. This settlement is effectively a reward for predatory behavior, and sets a dangerous precedent for future companies with monopolistic aspirations. If a company manages to corner the market on a particular item, they can expect to be dragged into court by their victims, but as long as they make a large enough soft money contribution to the winning party, they will get off with a settlement so riddled with exceptions that no business practice is affected and all future lawsuits are effectively stifled.

My congratulations, Mr. Gates. You've bought the Department of Justice.

Andrew Ness

MTC–603

MTC–00000604

From: robert
To: Microsoft ATR
Date: 11/17/01 4:43pm
Subject: settlement comments

I find the proposed Microsoft (MS) woefully inadequate and should be discarded.

First, there are absolutely no penalties for past illegal behavior! Make no mistake that MS did profit from past misdeeds. Under the proposed settlement, they get to keep their illegal profits. MS is hardly a first time offender, and has shown absolutely no remorse. This, in and of itself, provides a powerful incentive for both MS and other companies to break the law.

Second, the conduct only remedies would be largely ineffective. Microsoft has shown in the past it's ability to get around any conduct probations. Look at the Windows 95 decree. They just released a ''new'' operating system called Windows 98, and went right around the decree.

Third, the technical committee that is supposed to oversee the conduct of MS is a joke. MS. who is a lawbreaker (the District Court was unanimous in this), gets to select one member out of three, who in turn gets to have a voice in selecting the third member. The phrase ''fox guarding the hen house'' comes to mind. Further, the committee is gagged, and sworn to secrecy, denying the public any information on Microsoft's compliance with the agreement, and will be paid by Microsoft, working inside Microsoft's headquarters. This will render the committee completely ineffective and MS will continue breaking the law.

Fourth, there is little to no protection for the open source and free software movements. Right now, they are the only potential competitors to MS. Yet, under J. 1 and J.2 of the proposed final order, Microsoft can withhold technical information from third parties on the grounds that MS does not certify the ''authenticity and viability of its business.'' MS has repeatedly described the licensing system for Linux (the most widely used open source/free software operating system, but not the only one) as a ''cancer'' that threatens the demise of both the intellectual property rights system and the future of research and development. It is apparent that MS will use J. 1 and J.2 to deny interoperability information to the movement in an attempt to kill them off or marginalize them and maintain its illegal monopoly.

Only by forcing MS to release FREELY the information early in the development cycle can competition, all competition not just open source, be given a chance. Releasing the information at the same time as MS releases a new product will still give MS a big advantage. It takes time to develop new file filters and other interoperability components, and MS would be given a large headstart.

Please consider these and other criticisms of the settlement proposal, and avoid allowing the illegal activities to continue. It is far better to send this unchastened monopoly juggernaut a sterner message than the less than a slap on wrist message the proposed settlement sends.

Robert Spotswood

MTC–604

MTC–00000605

From: Carl J. Clement
To: Microsoft ATR
Date: 11/17/01 4:39pm
Subject: microsoft settlement

Micosoft has been an innovative company which has contributed valuable standards to the computer industry.

The anti-trust suit against Microsoft represents a tawdry attempt by its unworthy competitors to accomplish by government fiat what they couldn't accomplish by good old-fashioned honest competition. The Federal settlement should not be punitive, and the States should accept it.

Cordially,
Carl J. Clement

MTC–605

MTC–00000606

From: Marion Behiert
To: Microsoft ATR
Date: 11/17/01 4:39pm
Subject: settlement 11/17

From what I understand of the settlement, it sounds like Microsoft is getting off pretty easy and still has restricted other companies more than is fair for competition. I also believe some of the other companies are trying to limit Microsoft's innovation ability, which isn't fair either.

Marion Behiert
5926 Price Rd.
Milford, Oh 45150

MTC–606

MTC–00000607

From: Doug Drizd
To: Microsoft ATR
Date: 11/17/01 4:52pm
Subject: Microsoft Settlement

Dear Sirs:

I have to say that I outraged by the agreement that your offices have reached with Microsoft. This is not an agreement that will benefit the public either in general or in its specific application to users of personal computers in personal or commercial applications. It is rather evident that this was basically a selling-out on the part of the Justice Department who appears to have lost the will to fight in a case which they were clearly defending the American people from the predatory and self-serving practices of a company whose clear desire is to destroy all competition so that they can direct our individual use of our computers to their line of products. The Justice Department was right to pursue Microsoft; they should have been tried and, even thought the courts may not have agreed with the way in which Judge Jackson handled the case, the fact remains that Microsoft was guilty of the charges against it. You threw in the towel when you were winning and could have gotten a genuine settlement that could have benefited the American people, too. Instead Microsoft can now go on with their past practices cognizant of the fact that you have no ability to limit the same practices that they were tried for in the past. You could have done so much better. You really owed that much to the American people.

Sincerely,
Doug Drizd
Clearwater, Florida

MTC–607

MTC–00000608

From: steve erickson
To: Microsoft ATR
Date: 11/17/01 4:50pm
Subject: Microsoft Settlement.

I am relieved the settlement is nearly complete. I think our Nation needs Microsoft to get back to business as usual.

Steve

MTC–608

MTC–00000609

From: norman Spector
To: Microsoft ATR
Date: 11/17/01 4:44pm
Subject: AGAINST THE ENTIRE PROCEDURE

THE ENTIRE PROCESS OF MONOPOLY AND ANTI TRUST IS FOOLHARDY. I USE WINDOWS AS MY OS, MICROWAVE OFFICE FOR SPREAD SHEET AND WORD PROCESSING, NETSCAPE AS MY BROWSER, YAHOO FOR MY PERSONAL MAIL AND SPINNER FOR MUSIC. I CHOSE THESE PIECES BECAUSE I THOUGHT THEY WERE BEST.

EARTHLINK IS MY WEB SITE HOST. THIS DOES NOT APPEAR TO BE A MICROSOFT MONOPOLY TO ME.

NORMAN SPECTOR
CC: WENDY @norsal.com@inetgw

MTC–609

MTC–00000610

From: amedeo60 @juno.com@ inetgw
To: Microsoft ATR
Date: 11/17/01 4:43pm
Subject: Microsoft Settlement

From A. Pozzuoli 50 Martindale Road Clifton, NJ 07013 at amedeo60@juno.com

Leave microsoft alone! They have contributed to our economy and they have done all the hard work. I don't see where the Government has to keep butting into their endeavors. Let the competitors invest time and money as Gates did. Thank you.

MTC–610

MTC–00000611

From: chief chief
To: Microsoft ATR
Date: 11/17/01 4:59pm
Subject: This Administration is the protector of money not people.

This Administration is the protector of money not people. We the people did not get the cost (real) of the trial. Microsoft's punishment is words, which they will interpret any way they wish. This Administration will not enforce Anything unless it involves the little guy

MTC–611

MTC–00000612

From: Jim and/or Betty Weber
To: Microsoft ATR
Date: 11/17/01 4:57pm
Subject: Opinion on Microsoft

Can you imagine what the federal government, AND MOST BUSINESSES would be like if there were dozens of operating systems using totally incompatible versions of software that would result in a larger debacle in Washington and the business world than we now have.

Bill Gates had the initiative to start Microsoft. It would serve all those jealous jerks right if Mr.... Gates would sell ALL of his shares in the company, close it down, and say ADIOS!! I DON'T HAVE TO PUT UP WITH THIS CRAP !!!!!

MTC–612

MTC–00000613

From: TESTA558 @ aol.com@inetgw
To: Microsoft ATR
Date: 11/17/01 4:55pm
Subject: Microsoft Settlement

I found the untitrust agreement settlement as by far in the interest of all of us Consumers.We should indeed settle this case entirely as soon as possible in order to allow the Nation to focus on much higher priorities: Domestic Security, War and Economic Growth. The greatest strength of America has always been Innovation and Innovation, not Investigation.

At a time like this, with the Nation involved in a protracted grinding war and furthermore in a near collapsing economy,a uninanimous settlement agreement will be definetly in the interest of Consumers and Entire Economy

Respectfully
Anthony Testa

MTC–613

MTC–00000614

From: nirgilboa@magicaldesk.com@inetgw
To: microsoft.atr@usdoj .gov
Date: 11/17/01 4:53pm
Subject: MS, Be and gobeProductive

Hi!

I thought this might be of interest.. Many people have been hurt by Microsoft in an unfair and illegal way, and many of them look up to you for some kind of closure. I really hope you can provide it.

Here's a link to a first preview of gobeProductive 3, an office suite that debuted on the BeOS and is making an entrance on the Windows platform. http://www.osnews.com/story.php?news_id=265 As an ex-employee of Be Inc. (RIP), I know Gobe as a small company that has come to excel both technically and in its ability to gain its customers' respect and loyalty. It would be a shame to see them getting brutally slaughtered by the usually unfair practices of the Redmond giant.

The entrance of their new product on the Windows platform might also be a good time to quietly monitor how Microsoft reacts to new competition with one of its core businesses and if its practices have changed since the beginning of the antitrust trial.

Regards,

Nir Gilboa.

PS: I forgot to mention that in my opinion you have missed perhaps the biggest offense by Microsoft-threatening OEMs to revoke their licenses if they decide to include an OS other than Windows on their products. But I'm sure JLG already pointed that out. Farewell to him and his great company.

Global Virtual Desktop

http://www.magicaldesk.com

MTC–614

MTC–00000615

From: Frank Manheim
To: Microsoft ATR,nnamelet@ yahoo.com @ inetgw,fmanheim @ u...
Date: 11/17/01 5:10pm
Subject: Observed problems and costs incurred because of Microsoft monopoly
FROM: Frank T. Manheim, 13126 Pebble Lane, Fairfax, VA 22033; telephone workplace 703–648–6150, home 703–631–0166.

I am a chemist working at the U.S. Geological Survey National HQ in Reston VA, and have experienced certain problems and costs due to Microsoft policies in the course of my work. My observations and opinions are my own and don't reflect official policy at USGS. I don't have the expertise to know whether the below problems can be legally applied to the remedies sought from Microsoft. But to the extent my observations reflect similar problems experienced by other computer users in governmental agencies and private industry, they imply economically significant damage not related to browsers or middleware, due directly and indirectly to anticompetitive practices of Microsoft. I did not find these issues explicitly mentioned in the documentation your recommended for examination.

(1) Viruses. Microsoft's near-monoculture status in the U.S. and elsewhere has made computers and servers running MS software an especially tempting and damaging target for malicious purveyors of viruses. In July of this year I was shut down for one week because of the dangerous Nimda virus. Many other persons and some servers at USGS were likewise affected. This affected my cooperation in groundwater research with the Delaware Geological Survey, the University of Delaware, and the National Park Service, as well as other USGS groups. The loss of working time for me from this episode alone is equivalent in costs to more than half of the year's computer purchases made by me and assistants. Damage from other viruses targeting Microsoft products is widespread among users in my acquaintance. MacIntosh users have been far less affected by viruses.

(2) Crashes and poor operating efficiency. Windows is famous for its bugs and crash-prone performance. In my experience no other leading software has been so prone to serious operational flaws so consistently. When design flaws and problems emerge in ordinary software products, they are either corrected, or competition emerges and the software is superseded by better products. Performance problems have slowed my everyday operations using Windows 95 and 98 in ways not experienced by colleagues using MacIntosh. I have had to use Microsoft because of its monopoly position in low-level database management software (until recently) critical for my work.

3—Avoided or inflated-cost software support. Keeping software functioning and solving use problems is a critical part of computer efficiency. It is also expensive. When pioneering computer manufacturers slackened in support of their products—or priced it out of range, a number went out of business or were relegated to minor roles. This happened with commodore Computer and Ashton Tate's DBase line of database management products. In contrast, products like WordPerfect rose to leadership in large part because of outstanding support.

Because of its dominance Microsoft has been able to push its own Office products into leading roles and then almost completely relegate costs of support for WORD, EXCEL, ACCESS, and POWERPOINT. to hardware manufacturers or third-party suppliers. Microsoft's own support—at monopoly-aided prices—is now mainly provided to larger busineses and agencies. Recently, my handheld device, Compaq'sIPAQ, suffered from synchronization problems due to bugs in Microsoft's Outlook driver (version 3.1). These flaws were beyond the ability of Compaq support staff to fix. But Microsoft's support page for its PDA drivers explicitly pointed out that responsibility for support of drivers was given to users and manufacturers. Business user support is provided at $245 per incident—almost half the cost of my PDA. In short, not only does Microsoft charge more for widely used office software but it has largely freed itself from the cost of supporting that software due to its monopoly position. That applies to virus control as well operating system and secondary products. It's as though General Motors dominated American auto production through key patents, and thereby was able to deemphasize product quality, and after a 30-day guarantee period, leave responsibility for failures and operating problems totally to dealers.

SUMMARY: The cost in time and personal efficiency owing directly or indirectly to Microsoft's dominance and policies sustained by that dominance I estimate as being at least 3–4 times my total yearly cost of computer equipment and software. At least 10% of my total computer use time is wasted or severely impacted by software difficulties in ways that are affected much less for other firms' software products. I realize that this may be harder to document or assess accurately, but I suggest that the effect may be measurable. Part of the normal and necessary cost associated with computer support from which Microsoft frees itself owing to its monopoly position could be estimated by calculating relative outlays for MS and other firms including Apple, Adobe, and Corel. To the extent that the courts accept the charge that Microsoft has wrongfully built and exploited its market dominance, then it should be penalized for the unfair advantages it has recovered through avoiding software support.

Respectfully submitted.

MTC–615

MTC–00000616

From: Kyle Putnam
To: Microsoft ATR
Date: 11/17/01 5:06pm
Subject: More than just a slap on the wrist

Good Evening,

I am writing to express my concern over the proposed settlement between the DOJ and Microsoft. I haven't been following it recently, but news reports make it sound like the settlement has already been accepted and is in effect.

Anyway, I think that the government is going easy on Microsoft because of the current economic conditions. It may be true that the latest version of Windows requires new hardware, and will increase both hardware and software sales, but it will also cause a further monopoly for Microsoft over the PC software market.

For example, Windows XP recommends that its users sign up for a Microsoft Passport account, but uses words like ''You won't be able to use the internet services without signing up with a Passport account. Click here to get one.'' New users will think it is required to use the Internet at all, and as Microsoft pushes its Passport technology to Amazon, eBay, and several other major retailers, they will gain another fist around the neck of the technology market.

I think Windows XP should have DEFINITELY been put on hold until a decision was finalized about the case. The analagy has been made before, although it is not quite the same magnitude, that letting Microsoft release Windows XP while Microsoft is on trial is like letting a serial killer buy handguns and kill more people while he is on trial. I think the punishment against Microsoft must be swift and harsh, no matter what the state of the economy is. The technology stock market didn't really fall, it was only hype that made it appear so big in the past, and Microsoft can't change this.

Splitting the companies divisions such as the Windows, Internet Explorer & Media Player, Office, Hardware, Xbox, PC Video Games, and all other factions of the company should be actual separate companies. Different names, different CEOS, and all in competition with each other. The fact that Microsoft has gotten this far is plain appaling. Anothing possible solution is that Microsoft should be forced to release source code, specifications, or other information on its products.

Microsoft lately has shown no responsibility for its poorly designed, insecure software such as Windows NT, Windows 2000, and especially IIS.

As I am sure you are aware, they have drafted an agreement between business partners (and worse yet, security companies) that forbids them from releasing detailed information on a security exploit. They claim this will make things more secure, but time has proven over and over that obscurity leads to insecurity.

I urge you to take swift action against Microsoft, and action much stronger than the proposed (or already effective) settlement between the DOJ and Microsoft. Don't you think Microsoft has had its time to get rich, (in)famous, and ''innovate''?

Kyle

MTC–616

MTC–00000617

From: Mumsy37 @aol.com@inetgw
To: Microsoft ATR
Date: 11/17/01 5:04pm
Subject: Enough

Think it is time to leave Microsoft alone and let them get on with producing great products. You, DOJ, need to encourage state attorney generals to let go of the bone and not be so petty. I think with 9–11 we have more important things to do.

Thank you.

Mumsy37 @aol.com

MTC–617

MTC–00000618

From: Vincemiele @aol.com@inetgw
To: Microsoft ATR
Date: 11/17/01 5:28pm
Subject: Just Action US Justice Dept,

MSFT has NOT harmed a single consumer. Please cease further action.. .except to shut down the case. We customers would not be as advanced in computer knowledge and capability if it had not been for Bill Gates and Co. America is also better off for having had MSFT products and services AS-THEY-HAVE-BEEN-SOLD.

Antitrust action protects consumers not competitors. Again, I cannot see where the first consumer has complained.

V.P. Miele

MTC–618

MTC–00000619

From: Rachel Campbell
To: Microsoft ATR
Date: 11/17/01 5:24pm
Subject: Good work

I'm glad that you're working towards a quick resolution with MS—many companies have put off IT decisions until a judgement is made.

-Dave Campbell, programmer

MTC–619

MTC–00000620

From: Frank Agnello
To: Microsoft ATR
Date: 11/17/01 5:16pm
Subject: Do Your Job

What a shameful performance. The Department of Justice nominally exists to bring about justice for the citizens of the United States.

You have failed the citizens and the nation in the Microsoft case by failing to bring about justice in any way shape or form. Did you notice the lower courts found that Microsoft acted monopolistically? Please discharge your responsibility to address this violation and redress wronged parties. You actions are so far from just, its as if you are trying to equal the Supreme Court's partisan role in the election. Making the world safe for 'General Motors' is not the standard. Your role is to help make the world safe for fair competition in software and Microsoft must be brought to justice.

Corporations are not citizens. That corporations are indemnified from legal redress for wrong doing that individual citizens are punished for is on its face improper.

A government high-jacked by savage capitalists is no government.

Sincerely,

Frank Agnello

MTC–620

MTC–00000621

From: Jose Niell
To: Microsoft ATR
Date: 11/17/01 5:11pm
Subject: Microsoft Settlement

I think the matter should be settled. There is no reason whatsoever to accuse Microsoft of monopoly. I feel very strongly that Microsoft has benefited me and everyone I know. Any inconvenience has been to the competitors of Microsoft, not to the consumers. They should improve their products and beat Microsoft in the market. The government has no business hurting one company for the benefit of another.

This lawsuit was a hoax to begin with, to protect the competitors of Microsoft and not the public. Millions of taxpayers dollars have been wasted in this useless demand. And millions of work hours have been miserably wasted, that would have been put to much better use in other endeavors. If the government is really concerned about monopolies it can concentrate on the public school system, Medicare, the Post Office and Social Security for starters. And then go to all the other government supported monopolies. But I think the public school system is the most damaging of them all.

Not Microsoft.

Jose P. Niell, MD

MTC–621

MTC–00000622

From: Tim Maroney
To: Microsoft ATR
Date: 11/17/01 5:36pm
Subject: about the Microsoft settlement

I work in the software industry. Specifically, I am a longtime Macintosh software developer, which means I have lived under the shadow of Microsoft for my entire professional career. The shadow is long and dark; it is a shadow that seeps into every crack, and plays every trick it can imagine, crushing competition through both blunt assault and subterfuge. I was encouraged by the initial remedy imposed in the antitrust trial, and discouraged for the future of my industry when it was reversed on appeal for no apparent reason besides the judge voicing his understandable frustration with the weasely antics of the defendants.

I do not understand how you can even consider a settlement based on conduct remedies, when Microsoft has been repeatedly placed under conduct remedies in the past and has done everything in its power to find loopholes in them, and in many cases simply flouted them completely. In addition, there is no limit to the number of new abusive practices the company can come up with, and no conduct remedy can anticipate them. The only feasible anti-trust remedies given a history of flouted conduct remedies are structural ones. The breakup was an excellent starting point, though the actual lines of division could have used more careful consideration with respect to strategically important issues like development tools.

Another structural remedy worth considering is the public utility solution, in which key parts of the Microsoft edifice—I'd suggest operating systems and development tools—become publicly owned in return for a reasonable payment to Microsoft, minus the value of penalties for its monopolistic behavior, and with interoperability constraints imposed on its applications to counteract the benefit they have already derived from monopoly pressures. If Microsoft were just another application developer without the ability to use its monopoly position in operating systems to dominate the application market and other software markets, we might start to see some real competition emerging again in the software industry. At the same time, Microsoft would remain quite profitable and successful, although to maintain its success, it would have to try the radical approach of producing superior products at lower prices.

Tim Maroney tim@maroney.org

MTC–622

MTC–00000623

From: Robert A. Morley
To: Microsoft ATR
Date: 11/17/01 5:32pm
Subject: Settle the case now!

Dear Ms. Hesse,

In response to your request for public comment on the proposed settlement in the case of United States v. Microsoft Corporation, I urge you, as an independent citizen with no direct financial interest in Microsoft nor any of its competitors, to settle the case as soon as possible and in a way that imposes the fewest possible restrictions on Microsoft. And any time, and especially during these difficult times, we should applaud Americas successful companies and allow them to innovate and to grow, rather than hold them back by pursuing regulatory actions born of the concerns of a century ago and dressed up in New Economy lingo, and motivated by the self-interested pleadings of competitors.

MTC–623

MTC–00000624

From: Vivian Papsdorf
To: Microsoft ATR
Date: 11/17/01 5:32pm
Subject: Microsoft Settlement

The proposed Microsoft settlement is a fair one and it should be accepted and implemented as soon as possible by all states involved in the controversy in order to benefit the industry, the general economy, and the shareholders.

MTC–624

MTC–00000625

From: Deirdre Yanes
To: Microsoft ATR
Date: 11/17/01 5:31pm
Subject: Microsoft Settlement

I think it is about time that the federal government and all the states drop all charges against Microsoft and get on with other more important things. It seems a shame to me that Mr. Gates is punished for coming up with new ideas that help us all with our computers. Frankly, as a normal ordinary customer, I would much prefer having everything bundled into one application so I don't have to worry about going out and searching for the applications I need. With Windows, they are all right there for me.

MTC–625

MTC–00000626

From: Tim VanAsselt
To: 'microsoft.atr(a)usdoj.gov
Date: 12/6/01 2:15pm
Subject: microsoft settlement

If Microsoft operating systems division and their application software division are not separated then you will never see Microsoft applications (e.g. Office) run on other operating systems such as Linux and Unix. Not the case for the rest of the software world.

Tim Van Asselt
Mgr of software engineering
Enternet LLC

MTC–626

MTC–00000627

From: Marge Moe
To: Microsoft ATR
Date: 11/17/01 5:37pm
Subject: Microsoft Settlement

It is about time this matter was settled. It never should have begun. Microsoft is a wonderful company doing wonderful things for consumers! Where would we consumers be without the technology Microsoft has developed? We use it every day.

MTC–627

MTC–00000628

From: A.J. Kirby Co.
To: Microsoft ATR
Date: 11/17/01 6:06pm
Subject: Microsoft settlement.

To whom it may concern: Regarding the Microsoft settlement: I am a consumer and a very small voice in this matter. My opinion is not based on extensive technical knowledge. Experience is all I have and my experience is that Microsoft products are mediocre. They are the standard for most computer users but not the best technology. I have heard them described as ''just good enough'. Their ubiquity insures their longevity. A monopoly that has been found to act in an illegal manner is in charge here and not the marketplace. The DOJ settlement will do nothing to correct this situation in my opinion. Over the years I have watched many software companies loose ground to Microsoft. Independent reviews of their products place them ahead of Microsoft's products yet they did not survive competing with Microsoft and its illegal behavior.

This oppressive power does not just apply to software. For example, by simply deciding not to produce the program Microsoft Office for the Macintosh operating system, Microsoft would most likely cause Apple Computer, Inc., to declare bankruptcy. In fact it was brought out in the trial that Microsoft did indeed threaten to stop development of the program. How can competition be served when a company has that power? How many other companies are threatened in the same manner? I also wonder how many companies are reluctant to speak out for fear of reprisal?

I think of it this way: computers need an operating system to run and software to perform specific functions. This is why, in fact, the proposal to split Microsoft into two companies was so logical. One Microsoft company would produce an operating system and the other Microsoft company would produce software to run on that system. Microsoft would have to compete with other software companies. Their products would have to be more than just good enough. As it stands now, and this settlement does nothing to prevent this, Microsoft does not have to compete with other application companies. All it has to do is make any application part of the operating system and the other software companies can do nothing. How can a company compete with that situation and why is it so hard for the DOJ to understand that this is so damaging to the software industry? It is sad that the settlement the DOJ has reached with Microsoft appears to have been influenced so much by politics and haste. It would be difficult to prove the extensive harm Microsoft has caused the computer industry but it would be very rewarding to think of all the wonderful programs and innovation we could have had. It is depressing to think Microsoft is once again going to just take up where it was before all this court business.

I do not think this settlement is going to have much impact on Microsoft and I would predict that the government and Microsoft will probably be back in court within the next five years. Thank you for this opportunity to express my opinion.

Sincerely,
Richard K. Cooley
28 Willingdon Ave.
London, Ontario
Canada N6A 3Y6

MTC–628

MTC–00000629

From: Frank Lowney
To: Microsoft ATR
Date: 11/17/01 5:52pm
Subject: Microsoft

As a citizen and consumer, I cannot understand how the DOJ has allowed itself to be worn down to a nub by the Microsoft monopoly. No one disputes the facts of the case: Microsoft has attained and is abusing its monopoly status in computer operating systems and several major genres of software (word processing, spreadsheet, presentation, web browser, etc.).

Now they seek to leverage this power to conquer other markets such as media, e-commerce and a host of other areas. Consumers in these monopolized markets now pay significantly more than they otherwise would and get shoddier and shoddier goods and services in return. This is how monopolies have always behaved, behave now and will forever behave. That's why we have anti-trust laws and the means to enforce them. The only remedies that will work and be acceptable in the long run by consumers are remedies that convert Microsoft from a monopoly to something else.

We need and have every right to expect your protection. Please reconsider just slapping Microsoft on the wrist and do the right thing—remove their monopoly power.

Dr. Frank Lowney flowney@mail.gcsu.edu
Director, Electronic Instructional Services, a unit of the Office of Information and Instructional Technology, Professional Pages: http://www.gcsu.edu/oiit/eis/ Personal Pages: http://www.faculty.de.gcsu.edu/-flowney
Voice: (478) 445–5260

We don't make instruction effective, we make effective instruction more accessible.

MTC–629

MTC–00000630

From: Bernard D. Dunn
To: Microsoft ATR
Date: 11/17/01 6:20pm
Subject: Settlement

The case against Microsoft is nothing more than a Clinton administration vendetta. The worst possible thing the Justice Department could do is breakup Microsoft. It is because of Microsoft that I am able to send this E-mail. The Country is as far ahead in the computer world because of companies like Microsoft. The anti-trust suite was ridiculous and should have been thrown out the first day in court. The best one can say for Janet Reno and her case against Microsoft is she headed the Injustice Department. Long live Microsoft and what they have done for the computer industry.

Bernard D. Dunn
Alexandria, Virginia

MTC–630

MTC–00000631

From: Lincoln Shumate
To: Microsoft ATR
Date: 11/17/01 6:19pm
Subject: Microsoft Settlement

Dear Ms. Hesse,

In response to your request for public comment on the proposed settlement in the case of United States v. Microsoft Corporation, I urge you, as an independent citizen with no direct financial interest in Microsoft nor any of its competitors, to imposed the kinds of penalties and restrictions on Microsoft as is necessary to prevent them and deter others from engaging in similar monopolistic and anticompetitive practices.

There will be more benefit to the health of the economy for business, labor and the consumer when there is an environment in which entreprenuers feel there is no unfair advantage against producing better products. Entreprenuers need to rewarded by the marketplace for their creativity and innovation in an environment which doesn't allow strong arm methods that prevent them from succeeding on their on merit. More successful businesses also means more employed people and lower prices for the consumer. An environment which fosters competiveness is better for everyone except the monopolists. The penalties and deterrents should be such that they do not

discourage business from innovating and producing, only from using unfair practices.

I would recommend requiring Microsoft to admit to their violations of the law in a highly publicized manner with an apology to their competitors and the consumers. Also Microsoft should have to pay for an advertising campaign which explains the problems with anticompetitive business practices and to cite and praise other businesses which have succeeded without engaging in those practices.

Sincerely,

Lincoln Shumate

MTC–631

MTC–00000632

From: Ryan Doherty
To: Microsoft ATR
Date: 11/17/01 6:14pm
Subject: Questioning lawsuit.

Something just struck me as I was reading an article about the trial. Why aren't car manufacturers being sued for selling automobiles with Air-conditioning, AM/FM radio, CD-player, power-windows, power-steering, sun-roof, ABS brakes, air-bags, etc...

Most consumers look to buy a simple product with as many built-in add-ins as possible, since it avoids the complications of shopping for additional products. Also, I feel that the inclusion of additional microsoft products with their operating system is equally important, since it prevents errors or incompatibitilies that occur between almost all computer products between almost every operating system available.

Reliability is an important aspect of computer technology... so is protecting intellectual property...

Reliability will be fortified by forcing microsoft to share the workings of it's operating system with other companies, which will assist in the production of software that will take full advantage of the operating system. Although, acknowledgment and protection of Microsoft's intellectual property will be compromised by such a decision.

A new form of intellectual property protection must of applied to computer technology (similar to the biotechnology property protection surrounding genetically modified organisms and biotech patents)...

Knowledge is important for ensuring that a company survives this fast paced world (especially during the current world-wide recession)... Sharing of such knowledge is equally important to ensure that new products grow from the old ones...

Ryan Doherty

Ottawa, Canada

MTC–632

MTC–00000633

From: ESQ
To: Microsoft ATR
Date: 11/17/01 6:08pm
Subject: f9500/9549.htm

Dear Renata, and other DOJ participants in the MS antitrust suit. I'm a Swede that induced by problems with the W98 ''OS'' during the shift between 98 / 99 went ravingly mad over a crashing computer while heavily dependent on the same while promoting finance of some mines and Oilfield in the Republic of Kasachstan.

So if that were not difficult enough, when having an obstructive computer loaded with expensive analysis software, that constantly gave up on me. Well,, everything ended up in a judicial assault by corrupted structures in the Republic of Latvia Clearly another story, but inevitably linking me in to the Microsoft issue again. Forced to give up all financing work remigrating to Sweden completely out of cash after six months in closed arrest, it came on me again. Tried to find a job in computing, as in ground being an Electronic Engineer with some 25 years of experience in microelectronics and software, really from scratch. The Swedish authorities had introduced a ''Drivers License'' for computers based on MS windows, Hi Dee Hoo.

Almost all educational material were based on the highly manipulative MS Visual Studio, as I regard to be in violation of a principal human right, The freedom to Assemble. Was essentially subjected to a boycott as being able to define MS structured program generating Creativity Suites, tying up program creation to API's while it exist compilers f.o.x. Inprise Borland Bcc32 generating close to OS independent byte code, as well as Assembler and of course Java that Microsoft tried to obstruct by introducing their own API's in the MS version. The Java maneuvering actually flashed back a bit as MS Java don't perform as well as the original SUN product, even on Windows.

Though not a US citizen, I've lobbied hard against MS initially through a member of the US congress Judiciary Committee between the end of Mars 99 to November 99. I regard Microsoft a a world wide plague, and could perticipate the ability to produce software enslaving the users. The issue ''To use Software, or to be used by it'' turned obvious, as MS already was on their way to implement it in full scale. Take their ''Product range'' Windows 95 / 98 / ME / XP / NT 3 / 4 / 5 ''2000'' I can and I've installed all API's of those ''products'' on my close to four years old machine everything works extremely well after some stripping down of highly experimental automation code (mostly producing system crashes), that in every way has to be done in order to have a non kamikaze computer.

Talk about 'The Emperors New Clothes'' So be it.

Must congratulate you to you conclusions and the remedy proposed. The ''Violating Structure'' must either comply or face self erosion. Well done.

O.K. Microsoft have created jobs, but based in poor software, generating problems, generating maintenance, and so forth.

What will happen if that grows, and finally collapses, as most Windows OS's do, but in full scale?

Would not personally object if Gates serves life long prison, remembered for to introduce ''the human factor'' into a machine that properly loaded never fails.

With My Best !!!!

Peter Johansson.

searcon@alert.infogate.com,

MTC–633

MTC–00000634

From: Martin Caron
To: Microsoft ATR
Date: 11/17/01 2:16pm
Subject: grow a spine

history will remember that period as the far west in technology. Terror from the big dark microsoft.

What i love the most about ALL THIS is that a simple baby toy that can be dangerous or or a simple leaking rubber around a window on a car mean imediate recall at the manufacturer cost but an operating system that don't work (they are always wost and worst) can be sell with no support!! (don't tell me patch exist because i don't personaly fix my recalled car).

Tanx a lot USA to tell all young in this country that you must not fight for your right. Resistance is futile. Don't inovate because the bigger lawyer win.

I hope the DoJ will be included in future law suit because you are part of the problem. BTW do you have a purpose. And remember, grow a spine because you look like a slug around the world!

MTC–634

MTC–00000635

From: CJROOTH@aol.com@inetgw
To: Microsoft ATR
Date: 11/17/01 2:15pm
Subject: Big Brother

Being that we are TaxPaying Citizens. What Right does the Federal Government have telling us how to run our Business, as long as we are not Breaking the Law. The Group that Created the Law that MircoSoft is experiencing, is made up of Lobbyist and self-servient People that are only upset because they are not on the successful end of this situation.

The Government should take into consideration how much Monies MicroSoft has not only Saved the American Public on the Costs of the Internet, as well as Computer Software, but how much additional Tax Revenue it has received from The Public because of Monies spent on the same. I the Cost of Computers and Internet Access were at Higher Levels, the populous of the World would not be able to afford such luxuries. That is exactly what they would be, Luxuries. Thank you MicroSoft for allowing everyone access to the World!

Craig J Rooth

President

S & R SALES GROUP

MTC–635

MTC–00000636

From: peter gillespie
To: Microsoft ATR
Date: 11/17/01 2:25pm
Subject: re: microsoft settlement

Dear DoJ, I think the proposed settlement is woefully inadequate to provide any relief to the billions of consumers who have been victims of this machiavellian monopoly. It is estimated that the monopoly effect on the price of Windows is around $20.00 per copy. An adequate remedy would start with a full reimbursment together with triple damages for all purchasers, of which I am sure Microsoft has very thorough records. Then it would address the contemptuous behavior Microsoft and its ceo toward the prior judgement in this case and the judicial

process in general and provide substantial incentives to correct their behavior in the future. Anything less condones the type of behavior Mr. Gates displayed in the depositions that were introduced at trial.

sincerely peter gillespie

MTC–636

MTC–00000637

From: JOY BROWN
To: Microsoft ATR
Date: 11/17/01 2:23pm
Subject: Microsoft Settlement

Honorable Sirs,

We think this case has long overdone its constructiveness. Too much politics have been in play. It is in the consumer's interest to settle this promptly with a minimum impact to Microsoft who has helped bring the computer industry up to its high level. Without their aggressive tactics we believe the computer science would be behind where it is at this time. We urge a prompt settlement to end this turmoil.

GOD BLESS,

Joy & Lila Brown 1526 Thomas St. SW,
Olympia, WA 98502

MTC–637

MTC–00000638

From: Joe Buczek
To: Microsoft ATR
Date: 11/17/01 2:23pm
Subject: Comments on DOJ proposed settlement with Microsoft

Dear DOJ,

The published proposed settlement with Microsoft concerning its anti-trust conviction is a travesty of justice. Microsoft, by its own admissions and demonstrated behavior, plus the considered testimony of numerous, credible expert witnesses violated anti-trust laws. It earned its guilty verdict. The proposed settlement does NOTHING to prevent Microsoft from continuing the behavior that got it convicted. It does NOTHING to undo the monopoly Microsoft has established.

At a minimum, the settlement should include these stipulations:

—Microsoft shall publish the programmatic API's to *all* of it system and application software, without restriction and without cost, to the public. The information should be publised on the internet and should require no binding agreement between Microsoft and anyone who wishes to use it.

—Microsoft shall publish all data, protocol, and file formats for all of its products. The publication of any changes to these must preceed the publication of software by Microsoft by a minimum of 6 months prior to any commercial release of Microsoft products that use them.

—Microsoft shall be required to charge all customers, regardless of buying volume, the same price for all of its products.

—Microsoft shall be prohibited from ''bundling'' any products based on the purchase of any other products, regardless of whether they are made by Microsoft or not.

Anything less than the above simply ignores the gravity of the legal judgement that Microsoft BROKE THE LAW. It will do nothing to foster competition in the software development business. Microsoft should pay treble damages for the cost of the government's prosecution of the case against them, especially since it was demonstrated DURING THE TRIAL that they attempted to deceive the court.

The proposed settlement is an affront to the justice system's conviction of Microsoft, and it is an insult to the hundreds of expert witnessess and thousands and thousands of independent software developers who must face monopoly power if the judgement does not include the above stipulations intended to, for the first time, PERMIT COMPETITION with Microsoft on a more level playing field.

As an independent software developer, I urge the DOJ to put the above stipulations into the settlement.

Respectully,

Joseph Buczek, independent software developer

Buczek Consulting
1261 Lincoln Ave., Suite 218
San Jose, Ca 95125
(408) 298–6178
jbuczek@buczek.com

MTC–638

MTC–00000639

From: John Lemke
To: Microsoft ATR
Date: 11/17/01 2:30pm
Subject: Repeat offenders needed tougher sentences

Dear Department of Justice:

I have read the recent ruling and proposed resolution to the Microsoft anti-trust case. It is my strong belief that the proposed remedy will have almost NO IMPACT on the current market abuses by Microsoft.

There are three items in the proposed remedy that need to be brought to light:

—Microsoft was given a similar ruling in 1995 to disallow the bundling of Internet Explorer and Windows, in an attempt to prevent Microsoft from illegally leveraging its Desktop OS monopoly into the Web Browser market. Six years later, we see that Internet Explorer has over 90% of the web browser market. The Department of Justice FAILED to prevent Microsoft from illegally extending its monopoly into the Web browser market.

—Microsoft has dealings with OEMs which prevent them from installing any other operating system except for Windows on a new PC. The proposed remedy makes it more difficult for Microsoft to continue doing this. However, the issue that it fails to address is this:

What other operating system would OEMs install? There could have been an opportunity two years ago to help out Be, Inc. gain a foothold with its superb desktop OS, but they are gone now due to Microsoft's abuse. This leaves Linux, (which is either a toy for hobbiest geeks or a server operating system), or OS/2. It's doubtful that OEMs would want to install either of these on a desktop PC. Thus we see that the Department of Justice IS FAILING to prevent Microsoft from continually reaping the benefits of its past illegal behaviour.

—The proposed remedy makes a provision to force Microsoft to disclose protocols to qualified 3rd parties for the purpose of interacting with its software. This alone could have been the single most important part of the remedy, if it hadn't been de-clawed by the ''Security'' except granted later on. Microsoft can propose that its implementation of the SMB / NetBIOS protocol uses password encryption, whose protocol cannot be published due to security concerns. Therefore, Microsoft will continue to keep that protocol a secret, and use it to enchance interoperability between Windows systems and destroy / eliminate interoperability with non-Microsoft systems. (such as Unix / Samba) The security clause in the remedy MUST BE REMOVED, or the Department of Justice WILL FAIL to prevent Microsoft from leveraging its desktop monopoly into a communications protocol monopoly.

Thus we see how the Department of Justice has failed, is currently failing, and will continue to fail to protect the industry from Microsoft, unless the proposed remedy is altered significantly to address past abuses, current abuses, and future abuses that inevitably will happen.

I propose the following:

—Microsoft be forced to disclose—every—protocol used for communication between two PCs, or between two separate services or programs on a single PC. This disclosure will be UNCONDITIONAL, regardless of the protocol's intended or actual use. (Note that this will not require the disclosure of encryption keys.) The availability documentation for said protocols must be prominently displayed on http://www.microsoft.com, and endorsed as enthusiastically as the current flagship product. The documentation must be available for free download in a simple, open format (such as HTML 1.0, or plain text), and must also be available for hardcopy, costing no more than the printing and shipping cost.

—Microsoft be forced to not make—any restriction whatsoever— on the freedom of OEMs to modify, change, add to or delete from the hard drive of the system which they sell. OEMs must be given the ability to modify any and all parts of the PCs hard drive, regardless of whether that section of the hard drive contains a Microsoft product or a non-Microsoft product.

—To address the benefits that Microsoft currently enjoys due to past abuses: Microsoft be forced to make known the availablity of competing software products. (such as Red Hat Linux, Sun StarOffice, and Opera Software) The method by which Microsoft makes these products known shall be up to them, provided that they, at a minimum, display a link to at least one competing product on their home page for EACH of their own products featured on the same homepage. The link to the competing product must be as prominent and enthusiastically displayed as the link to Microsoft's own product. This specific remedy shall be in place for 3 years.

While it is doubtful that my proposed changes would have a significant impact on the Desktop OS monopoly, it would raise awareness of the availabily of competing products and ensure that those products are able to interoperate with Microsoft's. It is my hope that the Department of Justice will consider these changes and avoid falling into

the same pitfall which they previously have, are currently, and are about to fall into.

Sincerely,

John Lemke

MTC–639

MTC–00000640

From: Joyce Harness
To: Microsoft ATR
Date: 11/17/01 2:32pm
Subject: MSFT Settlement

Gentlemen:

In my opinion I feel the country's economy would best be served in the full settlement of the Msft case. I personally feel the Msft has helped the economy much more than hurt it. Thank you.

Joyce Harness
3015 NW 73rd
Seattle, WA 98117
206–784–9126

MTC–640

MTC–00000642

From: Joe Beach
To: Microsoft ATR
Date: 11/17/01 2:27 pm
Subject: ridiculous settlement

Hello,

I have read about the settlement that you reached with Microsoft, and I was wondering just how much Microsoft paid you to cave in to them in such a flagrant manner.

How is it that a department with the word ''Justice'' in its name, comes to an agreement with a company that has been legally found to be an abusive monopoly that has unfairly destroyed its competition, and that agreement has no punitive damages? Wouldn't it make sense to fine the company to remove the profits that it has made illegally? Wouldn't it make sense to return some of that ill-gotten gain to its victims? Wouldn't that be, in normal circumstances, considered justice?

When a criminal is prosecuted and FOUND GUILTY, the prosecution does not customarily then as the criminal if he would please, if it is okay with him, and if he doesn't have any better idea or have something else he'd prefer to do, go to jail now. This is no different. Microsoft does not get to decide the terms of their punishment. The have been found guilty of a crime. They must accept a fair punishment handed down by the court. The court and the prosecution does not need to worry about whether Microsoft will be upset with the punishement. In fact, if the punishment is reasonable, I would EXPECT Microsoft to be upset with it. The fact that Bill Gates has stated that he is happy with this settlement should be a big sign that the settlement has no teeth, and will not prevent Microsoft from continuing to use its market position to prevent competition.

A settlement with Microsoft should have several components. Some of them are:

1. Fines to remove the profits that Microsoft has illegally gained from its monopoly abuses.

2. Compensation to the victims of its monopoly abuses.

3. Provisions barring Microsoft from using its license terms to prevent computer manufacturers from selling computers with multiple operating systems pre-installed.

4. Requirements that Microsoft make its data file formats public, so other software makers can be assured that they will be able to make interoperable products. This is the major barrier to entering the office software market.

Any settlement that does not at least have these terms is a sellout to Microsoft, and makes the it appear that the current administration is in Microsoft's pocket. Most of the computing world knew that Microsoft was attempting to delay the legal process in the hope that a Republican would become president and end the prosecution against them. It appears, though, that the Bush administration decided that would be too blatant, and so instead had the prosecutors offer Microsoft a ridiculously lenient settlement instead. These are the type of sell-out actions that undermine people's confidence in the legal system.

Joe Beach
11533 East Alaska Avenue
Aurora CO 800 12–2220

MTC–642

MTC–00000643

From: Art Holland
To: Microsoft ATR
Date: 11/17/01 2:25 pm
Subject: some criminals

Dear Sir/Madam,

I have been a computer user for close to 20 years and my general impression of Microsoft over that time is that they have done more to retard progress in the industry than advance it. However, I'm disgusted by that fact that having broken the law, as verified unanimously by the Court of Appeals, they are not being punished or restricted in how they go about obtaining dominance of the internet.

The government should have levied a serious fine on the company (at least $10 billion) and required them to sell a basic, functioning (as determined by an independent panel) operating system for 1/2 the cost of Windows with competition stifling add-ons.

Thanks,

—Art

MTC–643

MTC–00000644

From: Ray D Pratt
To: Microsoft ATR
Date: 11/17/01 2:35 pm
Subject: Whore

You know it, and I know it.

MTC–644

MTC–00000645

From: Brett Christoffersen
To: Microsoft ATR
Date: 11/17/01 2:34 pm
Subject: Microsoft Settlement

Please retract your settlement offer.

Microsoft is the most destructive force in the computer world today, any product that competes with them is either bought (hotmail.com) or crushed (Netscape ... by giving away Microsoft's browser for free), or excluded from functionality (Quicktime (Apple) is now systematically excluded in favor of Microsoft's RealMedia ... the only way to get this functionality back is to download patches from Apple—Microsoft and AOL's fight over instant messenger and Microsoft's competing product is another example). When Microsoft can't do these items, they try to set up ''standards'' that exclude their major competitor so that the Microsoft product is the ''standard'' that PC users ''should use'' (''J++'' is a good example—fortunately, Java by Sun Microsystems won this war ... it was simply too good to be supplanted by the inferior J++). When all else fails, they bribe their competition ($100 Million to Apple ... $135 Million more to Corel).

Microsoft's goal is to rule with an iron fist ALL of computing from the desktop (90% marketshare) to the mainframe (Windows NT) to gaming (the ''XBox'', which competes with Sony and Sega) to the internet (Explorer sets MSN.com as its default) and all the content on it (many Microsoft pages are written in html that is ''Windows-only'' ... try to access them with a Mac or Netscape and the page with either fail to load, or the browser will crash). Even their e-mail client (Outlook) sets its preferences in such a way that many older e-mail programs cannot read the e-mails that come from Outlook machines ... thus the receipient thinks (s)he must upgrade to ''keep up''.

Windows XP is even worse than previous versions at these tactics from what has been leaked to the net. It integrates everything now ... try to ''uninstall'' Explorer and the OS will collapse, try to use Netscape and you'll likely find it so hard that only the most experienced user can do it.

I am a loyal Macintosh user for years, but am well versed in PCs as I've used both platforms for years. I've seen the Mac innovate (the Graphic User Interface, the mouse, the 1.44 Meg floppy, Quicktime, back-side L2 caching, FireWire, parallel process computing for the home user, voice recognition, a nearly virus- impenitrable OS) and the PC destroy or mimmic. Stop Microsoft (and Bill Gates) from destroying the world of computing by making it ''my way or no way'. Go after him with the furver that we are currently going after Osama Bin Ladin.

Brett Christoffersen

MTC–645

MTC–00000646

From: davis chris
To: Microsoft ATR
Date: 11/17/01 2:34 pm
Subject: you failed us

Its hard to express my disappointment in your decision to settle on such weak and meaningless terms. I am a software developer in MN. MN is dominated my MS. Most IE manager's are afraid to use anything else. During the trial this mentality was weaken and IT workers were starting to convince our employers that open source and alternative technologies were safe to use. I was actually proud of our government for what they did. MS was destroying our industry, and they were about to save it before it was too late. But, now its over and MS won. I can't understand that you could settle on with these weak provision when just 1–2 years ago you want to break the company up. That's quite a change of heart. Almost 180 degrees.

Its truly sad, and I hope it wasn't a back room deal. Now the fight is over. IT managers view MS as stronger than the government itself. Most of the IE developers who were fighting in the trenches for the DOJ, the fight for public opinion, are not unemployed or shunned.

You failed those who supported you. Now what are we suppose to do?

-Chris Davis

ex software developer

MTC–646

MTC–00000647

From: Judy Ponto
To: Microsoft ATR
Date: 11/17/01 2:33 pm
Subject: antitrust

I am on Microft's in this on-going struggle. The are intovative and now share with other providers in the industry. From my prospective this company enhances the American tradition of free enterprise, intovation and creativity.

Sincerely,

Judy Ponto

jobbob@nwinfo.net

MTC–647

MTC–00000648

From: cartercherry3
To: Microsoft ATR
Date: 11/17/01 2:48 pm
Subject: Support DOJ-MSFT Settlement

The DOJ settlement with MSFT is in the national interest and fair to both parties. Hopefully, the recalcitrant attorney generals who have not settled will reconsider.

Cordially,

Carter M. Cherry, MD

MTC–648

MTC–00000649

From: Justin Zygmont
To: Microsoft ATR
Date: 11/17/01 2:40 pm
Subject: microsoft case

I've been following this case for a long time, if you let them off it's going to hurt us dearly. The DOJ is the only one that can do anything at this point, Please don't let them get off like this.

MTC–649

MTC–00000650

From: Harold Mead
To: Microsoft ATR
Date: 11/17/01 2:40 pm
Subject: Microsoft settlement

You have no teeth in the settlement. Go and sin no more wont do it, and that is all you have in this document. The wording is so vague Microsoft can,and will, do whatever they want to do. It will be business as usual at Microsoft. And who can blame them. They got exactly what they wanted from the Government, A vaguely worded unenforceable document with A business as usual Guarantee. You had better listen to some of State lawyers. Microsoft has aptly demonstrated, business as usual, in the recent past, and will do so again in the future, with this document in place.

MTC–650

MTC–00000651

From: Michael A. Alderete
To: Microsoft ATR
Date: 11/10/01 1:53 pm
Subject: Re: U.S. v. Microsoft: Main Index

In a shocking, I say <I>shocking</I> development, the Department of Justice' has completely capitulated on the Microsoft antitrust trial, giving a convicted monopolist a light slap on the wrist. Just another example of George Bush helping the rich get richer. A quick recap of history: in 1998, the DoJ sued Microsoft in federal court for alleged antitrust violations. After months of dubious legal strategy, damning evidence, and ludicrous courtroom behavior, Microsoft was in 2000 convicted by a conservative Federal judge of being a monopoly and abuse of monopoly power. Note the word <B>convicted</B>.

In 2001, seven more Federal judges—a full sitting of the appeals court, most of them conservative appointees also—unanimously upheld the bulk of the conviction. Note the word <B>upheld</B>. Now, after weeks of ''negotiation,'' the DoJ and Microsoft have arrived at a ''settlement'' that is so full of ambiguities and loopholes that it's not clear that it will have <I>any<II> effect on Microsoft behavior, let alone actually restore balance to the technology industry.

The appeals court ruled that any actions taken against Microsoft (a) must restore competition to the affected market, (b) must deprive Microsoft of the ''fruits of its illegal conduct,'' and (c) must prevent Microsoft from engaging in similar tactics in the future. The settlement fails on every one of these.

I've read a few objections to this position, penned by Microsoft apologists, or Microsoft's buddies at the DoJ, and none of them hold water:

<b>The proposed settlement is strong, and it really will modify Microsoft's behavior.</I> No, it's not. Ralph Nader (a man I'm not fond of) and James Love have <A HREF=''http ://www.cptech.org/at/ms/rnjl2kollarkotellynov501.html'' written an open letter</A> which details the deep flaws in the settlement far more eloquently than I can manage. Read that for the details.

<I>That letter assumes the worst about Microsoft's behavior, but Microsoft is good, the settlement will have a positive effect.</I>

History suggests this is not correct. Inserting weasel words and then using them to studiously adhere to their interpretation of the agreement while flagrantly ignoring the spirit is <I>exactly</I> what Microsoft did to the last consent decree with the DoJ. Certainly, depending on Microsoft to be ''good'' is a pretty flawed way to approach handling a convicted and unrepentant monopoly abuser.

<I>This antitrust case is all about Microsoft's rivals complaining, not about real consumer harm.</I>

If that were really true, I doubt if eight (count 'em, eight) Federal judges would have upheld the conviction. It's not as though they don't understand the law.

And if that were really true, what's up with Microsoft raising the prices on their products? The price of the operating system has been steadily creeping upwards; Windows XP is $10 more than the prior upgrade, and Microsoft is currently moving corporate customers onto new support programs which will cost twice as much as the old programs.

Explain to me how paying more for a product is not ''consumer harm.''

<I>But Windows XP delivers more value, that's why it costs more.</I> Um, no. Look at other parts of the software industry where there is actual competition. Over time you get more value, and you pay the same or less. I've been upgrading Quicken for many years, getting lots more value in every release, and the price to upgrade is the same. Quicken has competitors, so Intuit can't raise the price. Windows does not have competitors, so Microsoft abuses their monopoly power and raises prices.

<I>Microsoft just wants to protect their freedom to innovate.</I> Aha ha ha ha ha ha! Aha ha ha ha ha ha! That's a good one! Aha ha ha ha ha ha! ''Innovation'' has nothing to do with it. Microsoft wants to protect their freedom to crush their competitors. Microsoft has never had a reputation for innovation, for good reason; they copy the best ideas from their competitors and put those into Windows in such a way to steer consumers towards other Microsoft initiatives (currently that's MSN and Passport; if you've installed Windows XP, you know exactly what I mean).

<I>But if Microsoft can't integrate functionality into Windows, then consumers won't get the benefits of that integration. The integration <B>is</B> the innovation.</I>

Integration of extended functionality into a users computing environment is certainly desirable. However, that integration can be done in a way that fosters innovation and competition, or it can be done in an exclusionary way. Guess which way Microsoft has been doing things.

The current settlement proposal recognizes and acknowledges this, and is attempting to change Microsoft's anti-competitive behavior in this area. But the language is so weak and riddled with holes, it depends on Microsoft to be ''good,'' something they have repeatedly demonstrated they don't know how to do.

Final note: I'm not an <A HREF=''http://news.cnet.com/news/0–1276–210–7815103–1.html'' alarmist who see a possible conspiracy<IA> in the total capitulation of the DoJ. I think it was a perfectly ordinary case of George Bush making sure that rich people can stay rich, by making the world safe for large corporations to do whatever they want. But I don't have strong opinions here at all.

Michael A. Alderete <mailto:michael@alderete.com> <http://www.alderete.com> voice: (415) 861–5758.

MTC–651

MTC–00000652

From: garypr7265 @ worldnet.att.net@inetgw
To: Microsoft ATR
Date: 11/10/01 3:30pm
Subject: Someone thinks you'll like this...

Someone you know, going by the name, ''Gary Rost'', thought you'd find this interesting. If you don't like it, you can yell at them. They said their email address was garypr7265@worldnet.att.net.

I, Cringely The Pulpit. Caught in a UNET Don't Expect Microsoft to Give Up One Weapon Without Acquiring Another—How .NET Assures the Continuation of Monopoly By Robert X. Cringely.

The proposed Microsoft settlement with the Department of Justice has been out for several days, and there has been more than enough ink used to say that it is a sweetheart deal for Microsoft. The DOJ wants to get on to more important duties like confiscating nail clippers at airports, so the deal looks good to them. But to those of us who got our legal education from old episodes of ''Law and Order,'' the deal stinks. How does it restore competition? What does it do for those hundreds of competitors who are no longer even in business because of Microsoft's monopolistic tactics? Well, those outfits—if they exist and if they can find the money to do so—can file civil suits. But most of them won't. I would like to see a class action lawsuit against Microsoft. What the settlement seems to do is prohibit Microsoft from breaking the law IN THIS SPECIFIC WAY for a period of five years. Imagine a murderer who shot his victims being enjoined for five years from using a gun, but still being allowed to carry a knife. So the best use of this space this week, given all the other pundits who have already criticized the settlement, is for me to throw out some ideas about why Microsoft went for it, and how their behavior will change as a result.

It is important to understand here that Microsoft management does not feel the slightest bit of guilt. They are, as they have explained over and over again, just trying to survive in a brutally competitive industry, one in which they could go from winner to loser in a heartbeat. The fact that Microsoft makes in excess of 90 percent of the profit of the entire software industry, well that's just the happy result of a lot of hard work. Pay no mind to that $36 billion they have in the bank. And since Microsoft doesn't feel guilty, their motivation in agreeing to this settlement is just to get on with business. This is a very important fact to keep in mind when trying to understand the event. This isn't Microsoft being caught and punished, it is Microsoft finding a path back to business as usual, which is to say back to the very kind of practices that got them here. Microsoft, confident in its innate cleverness, is willing to give up certain old monopolistic behaviors because there are new monopolistic behaviors now available to replace them.

Microsoft has to open-up certain Windows communication APIs to other developers,
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but there is no restriction at all on the addition of new APIs. So expect a LOT of new APIs, many of which will do nothing at all except confuse competitors. There is nothing in the agreement that says Microsoft has to tell anyone which APIs it really intends to use. So just like interpreted software is obfuscated to hinder would-be copiers, expect Microsoft to obfuscate Windows, itself.

Microsoft has to allow third-party middleware, but a glaring loophole was left for Microsoft, simply to redefine code as not being middleware. If they stop distributing code separately and draw it into Windows, well as I read the proposed settlement, middleware stops being middleware after 12 months. So if something new comes up (all the old middleware is explicitly defined) Microsoft can integrate it and screw the opposition one year after they stop distributing it separately. These loopholes are nice, but they don't amount to the kind of leverage Microsoft would want to have before signing away any rights. Bill Gates would want to believe that he has a new and completely unfettered weapon so powerful that it makes some of the older weapons completely unnecessary. He has found that weapon in .NET.

But hey, .NET isn't even successful yet, right? It might be a big flop. Wrong. Those who think there is any way that .NET won't be universally deployed are ignoring Microsoft's 90 percent operating system market share. Whether people like .NET or not, they'll get it as old computers are replaced with new ones. Within three years .NET will be everywhere whether customers actually use it or not. And that ubiquity, rather than commercial success, is what is important to Microsoft.

Here is the deal. .NET is essentially a giant system for tracking user behavior and, as such, will become Microsoft's most valuable tactical tool. It is a system for tracking use of services, and the data from that tracking is available only to Microsoft.

.NET is an integral part of Windows' communication system with all calls going through it. This will allow Microsoft (and only Microsoft) to track the most frequently placed calls. If the calls are going to a third-party software package, Microsoft will know about it. This information is crucial. With it, Microsoft can know which third-party products to ignore and which to destroy. With this information, Microsoft can develop its own add-in packages and integrate them into the .NET framework, thus eliminating the third-party provider. A year later, as explained above, the problem is solved.

Alternately, Microsoft could use the information (this .NET-generated market research that Microsoft gets for free and nobody else gets at all) to change Windows to do service discovery giving an automatic priority to Microsoft's middleware. The advantage here is in giving the appearance of openness without actually being open.

These possible behaviors are not in any way proscribed by the proposed settlement with the DOJ, yet they virtually guarantee a continuation of Microsoft's monopoly on applications and services as long as Microsoft has an operating system monopoly. When Microsoft talks about ''innovation,'' this is what they mean. Nothing is going to change.
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It is easy to criticize, but for a change, there is actually something that you and I can do about this problem. Under the Tunney Act, the court has to open a 60-day period for public comment before any settlement can become final. This will happen after the settlement is entered in the Federal Register and will probably involve the court establishing a web site. This will be your chance to say what you think should happen in the case (look in the ''I Like It'' links for further information). My preferred outcome is still that Microsoft be forced to sell its language business, and the proceeds of that sale be distributed to registered users of Microsoft products. You might think to suggest that in your comments to the court.

Finally, I have a little space left over to respond to some of the critics of last week's column about the predicted rise of Microsoft's C# language at the expense of Java. This column was wildly unpopular in the technical community. Remember that unpopular is not bad for a columnist. UNREAD is bad. So I thank all those people who got upset and told their friends to read what idiotic things I had written. But I also stand by my words. So here are the typical complaints followed by my typical responses. Thanks go to those nerds who provided such pithy criticism and especially to those who helped me sound halfway intelligent in my response. For those whose eyes glaze over when the talk gets technical, just reread the first part of this column and get mad at Microsoft all over again.

Criticism 1: C# Apps are tied to Windows, Windows, Windows. While this is fine and wonderful for windows developers, there are thousands of UNIXIMac/mainframe/PalmOS/etc developers out there that will be left high and dry. And let's not forget Java runs on everything from mainframes to smart cards. Bob's reply: Java won't die and I never said it would. Java didn't kill C++—it just stole market share. Visual BASIC was one of the biggest languages of the 90s yet it was Windows-only. Unix is entrenched on the server side, but that's the fault of Windows, not C#. So maybe we can rephrase it—C# will dominate Java on Windows. That's still a pretty big statement. Not to mention, C# is compiled to an IR, making a C# runtime for Unix possible and even probable as long as it skips serious Windows-specific APIs.

Criticism 2: The ''Java is slow'' myth. More recent JVMs can actually perform as well as or BETTER than natively compiled code. This is because they do just-in-time compilation, making the Java code as fast as native machine code. Also, there is only so much optimization the compiler can do when you compile a program, having no idea how it will actually be used when it is run. At runtime, there is a lot more information available to the system as to what parts of the code are the real bottlenecks. Recent Java implementations employ dynamic runtime optimizations, where parts of the program that run more frequently are recompiled in an optimized manner to improve performance. These dynamic optimization schemes are a very exciting new field for compiler and virtual machine engineers—and they are totally lacking from poor old statically compiled C#. The very way that C# gets compiled ties you to Windows, so dynamic optimization of running C# code will be all but impossible to implement. In the long run, Java has the potential to seriously outperform all statically compiled languages.

Bob's reply: I have very informed friends who have ripped JVMs inside out and they
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can't even see HOW JVMs can be claimed to rerform better than compiled code. C (we're

not talking about C# yet, because the critic is talking natively compiled code, like C) will always outperform Java. C doesn't have garbage collection, runtime type checking, runtime array bounds checking, dynamic linking, runtime dynamic-optimization, etc. Java just does too much for the user at runtime to ever run as fast as C.

Here's some code:

for (int g=O;g<x;++g) a[g] = 10;

This code is legal in both C and Java. Java will array check, C will not. Every other conceivable optimization could be applied to either language. Whether C# will beat Java (or more precisely whether C#'s compiled version beat Java's compiled ''bytecode'' remains to be seen. But we can expect compilers to compile Java to C#'s compiled representation soon—it is not a hard problem. C# does introduce many of the same things that slow down Java. However, Java's fixation on platform independence does cost it in terms of abstraction. That is, it is abstracted farther from the architecture than C# will be (because of C#'s dedication to Windows). We can't say for sure yet, but the C# runtime makers have the experience of the Java runtime makers to build on and can rely what they're underlying architecture is—Windows. So I'd bet C# will be faster, but for now that's just a bet.

As for just-in-time compilation, it has never, ever, made things as fast as native machine code. Look at Tower Technology's Tower JVM that specializes in compiling Java TO native machine code. They beat JITs easily.

About pre-runtime optimization, it simply doesn't work as elegantly as people would like to believe. Pre-runtime optimizers can spend all week optimizing EVERY spot, not just hotspots. The only time dynamic optimizations come into play is in inlining virtual methods that appear to be non-virtual. DashO-Pro is a static pre-runtime Java optimizer that can inline virtual methods with great success. Hotspot goes a little farther. But C# will also have dynamic optimization. Saying that doing so is impossible is just naive.

C# will JIT'd in Windows. The dynamic optimizations are sure to be implemented. Being coupled to Windows is irrelevant. In fact, C# will have MORE optimization opportunity because it is tied to Windows and Intel. Heck, a C# runtime could get to the level of avoiding CPU pipeline stalls because it can be sure of what its running on. Java could never come close to that.

When Quake 4 comes out in Java, let me know.

Criticism 3: Java is open. Sun develops Java APIs and technologies in conjunction with hundreds of other companies and individuals around the world. Anyone in the world can implement most Java APIs without paying Sun a dime (now if you want that little coffee logo on your product, that's a different story, the make you pay for interoperability testing for that). While Microsoft seems willing to ''standardize'' C#,

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they will probably open up the language while holding the runtime libraries close to the vest. What good would C have been if the standard C runtime libraries were vendor-specific? What this means for developers is a single-vendor solution, just like Windows. A large part of Java's success comes from the fact that you can put together applications by mixing and matching pieces from multiple vendors and be guaranteed easy interoperability. For example, you can build an e-commerce web site by buying a Servlet engine from Allaire, an EJB app server from BEA, and Java database drivers from Oracle—and they will all work FINE together—AND you can pick any kind of hardware and operating system! Want your developers to work in Windows, but deploy the app on UNIX? No problem. Want to upgrade from your Intel-based Dell servers to Sun's new 64-CPU UltraSPARC machine? Your code requires NO changes! You don't even need to recompile it, because Java is not statically compiled! What's Microsoft's answer to this? Run everything Microsoft: ASP, IIS, ADO, etc. Develop the app on Windows. Deploy the app on Windows. Stay with Windows forever, and hope Microsoft is good about fixing the plethora of bugs and security holes that will inevitably arise. With C#, who will supply the runtime libraries?

Bob's reply: Java's strength surely is its standardized APIs. C might have that for standard libraries, but branch off into networking or HTTPS and you have plenty to choose from, which is the problem. C# will have standard libraries too. Just as Sun provided all of Java's libs (users had no say) MS will provide all of C#'s. The idea that software components from different vendors can be mixed together and work FINE is an oversimplification. Even getting Java applets to work in Netscape and IE at the same time can be a major pain. Java's platform independence is dubious. It seems like 95 percent of your application will work perfectly when moved to another platform like Unix and it takes another week to fix five percent of the quirks. No problem? I disagree.

Java is ''statically compiled'', but it is not statically linked. And even if it was statically linked, it runs everywhere because it is compiled in a generic stack-based intermediate representation called bytecode. Bytecode is then interpreted or JIT'd by some Java runtime build specifically for a given architecture. Java runtimes cannot be built in Java, they are usually written in C or C++.

Microsoft already has supplied the runtime libraries for C#. Check the docs for .NET.

Also, we're sort of forgetting here that C# compiles to CIL (an intermediate representation) but so does Visual BASIC and C++. In other words, modules between these languages will interoperate seamlessly. Where Java gives you platform independence, .NET is giving you language independence. I fully expect Java to be added to the interoperability list too.

It is too early to be sure, but is highly likely that existing C++ and VB code can be recompiled under Visual Studio 7 and then called and used by C# programs. That is, every library written in VB or C++ is already a .NET library.

Criticism 4: Developers have learned long ago that single-vendor lock-in solutions are a recipe for disaster. If you can't swap out a buggy piece with a functionally correct one from a different vendor, you're tied to the poor-quality vendor (like Microsoft).

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I, Cringely the Pulpit

Bob's reply: And 90 perecent of the world runs Windows because...? OS/2 was better than Windows, but that didn't matter. This is about marketing and company strength. Microsoft has $36 billion in the bank while Sun is laying people off.

Criticism 5: Do not discount Java simply because you don't see tots of consumer applications written in Java. Java has serious momentum on the server side.

Bob's reply: Java GUI is dead. Go to Best Buy and look for Java apps. They aren't there. Java's platform independence was all about satisfying a million clients running Windows, Unix, Mac, etc. and then we abandoned Java on the client because it was too slow and klunky.

Now we tout Java platform independence on the server as if we never had the foresight to buy the right server in the beginning. Or even if we must upgrade, we must upgrade to a radically different architecture. Sure, platform independence on the server is great, but is nowhere near as grand as the original vision of PI on the client.

Java's true strength is its programmer productivity. It's broad set of standardized libraries make programmers far more productive than C++ or C. Unfortunately, C# can match that. Technical merits and zealotry aside—Sun would BE Microsoft if they could. Even if Java had wonderful technical merit over C# and .NET (which it really doesn't), it would lose. That's business.

Home The Pulpit I Like It Baloney Old Hat Tell Me When Pass It On Bobs World

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MTC–652

MTC–00000653

From: donspra@attglobal.net@inetgw
To: Microsoft ATR
Date: 11/10/01 4:22pm
Subject: I am a consumer that Microsoft continues to harm

Over 4 years ago I began writing to the DOJ asking your help. Microsoft continues to harm me and other consumers. You let us down and I would like to know how to let the courts know that the agreement is harmful to consumers.

I want an operating system that allows me to add just the applications I want. I do not want all the junk that Microsoft adds to the operating system. They fill the computer with extra code that is of value to only Microsoft. It is like a person trying to purchase a sports car then adding a rack for bicycles. Microsoft is the only player but they do not offer a sports car, they only offer a semi tractor and trailer. The trailer is full of their code. If I want to add a competing application, I must add a tandem trailer behind their trailer. I do not want or need their trailer full of their code. I only need the tractor and an empty trailer that I can fill as I desire or need.

Microsoft comes into my home a few times a month and causes my machine to lock up. I know that I could end some problems if I were to switch to all Microsoft applications but I prefer to use the applications of the originators vs.. the master copier.

I would be happy to discuss this with you any time. Please call. 423–235–4663.

Don E. Sprague
3105 Gap Creek Rd
Bulls Gap, Tn 37711

MTC–653

MTC–00000654

From: Empresas
To: microsoft.atr(a)usdoj.gov
Date: 11/10/01 10:20pm
Subject: Base de Datos—1.000 Empresas

EMPRESAS—Base de datos con las 1.000 Empresas ms grandes del pas (ventas superiores a $20.000 millones anuales), con los siguientes campos: razn social, sigla, Nit, direccin, telfono, fax, actividad empresarial (cdigo CIIU Rev. 3.0), nmero de empleados, ciudad y departamento, cifras de Activos, Patrimonio, Ventas y Utilidad para los ltimos cinco aos (Incluye cifras del ao 2.000). Adicional a esta base se encuentra la base de datos de directivos y ejecutivos de estas empresas (ms de 9.500), con los siguientes campos: nombre, cargo, rea por cargos, direccin, telfono y fax.

Estas bases de datos se encuentran relacionadas, la APLICACION que las maneja permite hacer bsquedas simples o complejas por todos los campos, agrupa diferentes tipos de bsquedas, prepara e imprime reportes, rtulos y cartas, hace llamadas telefnicas y enva email's. La aplicacin es totalmente autnoma, es decir no necesita ningn software adicional para su total desempeo en Windows 95 o superior.

COMO VALOR AGREGADO le damos acceso a toda la informacin sobre COMERCIO EXTERIOR (27.000 importadores y 4.000 exportadores), a travs de enlaces Va Internet a MINCOMEX, PROEXPORT Y LA COMUNIDAD ANDINA. Tambin le facilitamos la conexin a sus propios enlaces.

PRESENTACION—Las bases de datos y la aplicacin se entregan en un CD, que permite la auto-instalacin. VALOR DEL CD—Col$ 100.000, los cuales se deben depositar en COLMENA en la cuenta de ahorros No. 0114500194215 a nombre de Directorio Nacional de Fax, copia de la consignacin con las instrucciones de entrega enviarlas al Fax 6178 102/6179073 Bogot y el CD y la factura sern enviados al da siguiente va Servientrega. Si ya adquiri la versin 500 Empresas deposite nicamente Col$50.000 Empresas—Tr. SiA No 123–01 mt. 10– Tel. 6135184– Fax 6178 102/6179073— empresas@elsitio.net.co - Bogot Colombia Si desea ser removido de esta base de datos, responda a este mensaje indicando-remover—en el subject

MTC–654

MTC–00000655

From: Judy & Leo Klohr
To: PITECH@PRODIGY.NET
Date: 11111/01 10:28am
Subject: Re: Case: 9712583

Sirs,

I am very disappointed in the fact that you direct your subscribers to update their Microsoft Browser, and even give them a link directly to the update site, but do not support your Netscape subscribers the same way. Is this another of Microsoft's Monopoly effects, or your own weak subscriber support?

Regards
Leo Klohr...
———REPLY, Original message follows————————
Date: Saturday, 10-Nov-01 02:00 PM
From: PITECH @PRODIGY.NET / Internet: (pitech@prodigy.net)
To: Leo Klohr & Judy Occhetti-Klohr / Internet: (judyandleo@prodigy.net)
Subject: Case: 9712583

Dear Leo Klohr,

Thank you for writing and for using the Prodigy Internet service. We value your membership and are committed to bringing you an Internet experience that is much more in-depth, personalized and organized.

Since Prodigy Portfolio and Money pages require an upgrade to Netscape 6 for full functionality. You need to upgrade the Netscape Navigator on your system. You can upgrade it from the website http://netscape.com. To ensure that you receive the most updated benefit information, go online to the Member Help Center at http://myhome.prodigy.netthelp/ to access updated information and quick solutions for any problems that you may encounter.

Thank you for being a Prodigy!
Sincerely,
Shawn
Prodigy Customer Care

MTC–655

MTC–00000656

From: judyandleo@prodigy.net (Leo R. Klohr)
To: pitech@prodigy.net
Subject: I want to be able to use Netscape Navigator like I have been all along.

I logged onto Prodigy just like I always have and the display was not at all like I have gotten before.

When I try to look at my portfolio, which has always worked, it is not there In both cases, I get a message telling me I must update my MS browser, which I have never used.

I do not want to use the MS browser, I want to use my Netscape browser. Here is more detail on the questions above: Windows 95 4.0 (Build 1212) homenumber->9 19/782–0667 OS->W95 OSVers->05R2 Brand->IBM Aptiva Chip->Pentium Mem->32 modem->LT Win Modem Speed->576+ PIVers->5x Browser->NC Source->5 SUBMIT->Send Support Request ———REPLY, End of original message——- 5013 Sandlewood Drive Raleigh, NC 27609–4422 Home: 9191782–0667 Fax: 919/783–6637 (call before sending a fax)

The terrorists who attacked the United States on September 11 aimed at one nation but wounded the world ... But if the world can show that it will carry on, that it will persevere in creating a stronger, more just, more benevolent and more genuine international community across all lines of religion and race, then terrorism will have failed.

—Kofi Annan

Secretary General of the UN and Winner of the Nobel Peace Prize for 2001 E-Mail: JudyandLeo @Prodigy.net
CC: US vs Microsoft

MTC–656

MTC–00000657

From: William M. Edwards
To: Microsoft.atr(a)usdoj.gov
Date: 11/11/01 11:46am
Subject: U.S. v. Microsoft: Proposed Final Judgment

Hello,

Last week, I returned from vacation to learn about the proposed final judgement published by the U.S. Department of Justice. To say that I was shocked is an understatement.

I have worked in the computer industry for over 20 years, and over those years I had already learned of the many predatory and unscrupulous acts perpetrated by Microsoft. Indeed, I have myself been vicitimized by Microsoft's misdeeds by virtue of being an employee of a victimized company.

When the DOJ finally took action against Microsoft, I was elated. I felt that Microsoft would finally be punished for its blatantly illegal behavior and/or prevented from engaging in such behavior any longer. Judge Jackson's findings of fact futher bolstered my optimism. The courts finally acknowledged the scope of Microsoft's anti-competitive behavior and the harmful effect it has on the computer industry. Microsoft's attempts to delay justice through apeals did not surprise me, nor did the fact that Judge Jackson's findings of fact withstood scrutiny and re-examination. Microsoft is guilty and does not have a leg to stand on, and I was therefore optimistic that Microsoft would eventually receive judgement against them that was so long overdue.

The proposed final judgement is essentially letting Microsoft off scott free. As an American taxpayer, I am outraged that the DOT is essentially throwing out a case that they have spent a so much time and a huge sum of money on, especially in the final stages of litigation they have already won. As an American who depends on the DOJ to protect him from those who engage in illegal activity and to punish those that do, I feel betrayed.

Some would say that Microsoft no longer is in a threatening position and that the anti-trust suit against Microsoft is no longer relevant. Hogwash. Microsoft still holds a monopoly on desktop PC computer systems and can still bundle any software with the Windows operating system that it so pleases under the guise as being part of the operating system, thus allowing them to continue their illegal anti-competitive behavior. The fact that they can leave the browser entwined within the operating system still allows them to illegally leverage their current Windows monopoly to extend the monopoly to Web-based applications. In short, Microsoft will continue with their past illegal behavior undeterred. The long-term effects of this on the computer industry and consumers in general will be detrimental.

This case reeks of politics in its worst form. Justice has been subverted by undue leniency by ''friends in high places''. I promise you that this will come back to bite you. Microsoft will once again be in the headlines and you will have some explaining to do.

Sincerely,
William M. Edwards

MTC–657

MTC–00000658

From: Jeff Pert-in
To: Microsoft ATR

Date: 11/11/01 12:43pm
Subject: Microsoft

To All at the Department of Justice,

I am very disheartened to learn of the DOJ's light handed treatment in regards to the sentencing of a company convicted of so openly breaking the United States' anti-trust laws. Allowing Microsoft to get off with so much as a slap on the hand is a an insult to the American consumer and America's legal system. Yet again, it appears that it only matters who you are and how much money one has when it comes to justice! Microsoft is GUILTY! Allow them to be punished like any other corporation would in the same circumstances!

Recent actions in the bundling of new software applications within the new Windows XP OS even prove Microsoft believes it has no reason to fear the DOT. Even more, the .net strategy show Microsofts determination to clench a stranglehold on even the Internet itself!

Computers are set (if not already) to take over vital functions on a world-wide scale, from air traffic control, to financial and medical database systems. Allowing one platform to control them all will only open invitation to national disaster as one weak link in the software (or infamous hidden ''back-doors'') will put the American public at the mercy of virus writers and other cyber-terrorists! Case in point: A single flaw in Microsoft server software led to the Nimda virus and other similar attacks which cost industry millions (billions?). Having a wider variety of platform choice would greatly reduce the effect of such an attack, as a terrorist would need much greater resources to compose a virus or strategic attack against multiple computer system types.

At any rate, please reconsider your weak response to the Microsoft conviction. To do otherwise is an injustice and would do nothing but reinforce Microsoft's grip on the world.

Thank you for listening. I know I speak for many others!

Jeff Perrin

MTC–658

MTC–00000659

From: finnabennacht@yahoo.com@inetgw
To: Microsoft ATR
Date: 11/11/01 7:02pm
Subject: antitrust

Dear Sir or Madam,

I am a computer user and I strongly object to the settlement you have brokered with Microsoft. In the United States we are supposed to have choices. When it comes to operating systems for personal computers we have two: Windows and Linnux. Windows is an expensive, diffcult system that uses excessive space on the hard drive, is plagued by inconvenient system failures, and has little or no capacity for modification. Linnux is a cheap, unfathomable system that supports few applications. Our choices are very limited because of Microsoft's monopoly. The whole point of this court case was to give citizens more choices when we shop for pc operating systems. The remedy Microsoft has been able to foist on you and us protects their monopoly and leaves a consumer landscape in the operating system market that allows two choices: bad and worse. I want to be able to buy an operating system that has only the functions I need, can be taylored to my specifications, augmented seemlessly with many different types of software, has a resonable price, is reliable, never forces me to use a particular internet browser for smooth operation... get the picture?

Mike Brennan
110 Beresini Lane
Hollister, CA 95023
Do You Yahoo!?
Find a job, post your resume.
http://careers.yahoo.com

MTC–659

MTC–00000660

From: Ralph
To: Microsoft ATR
Date: 11/11/01 8:30pm
Subject: What a sell out!!

I am very disappointed to see the U.S. government cave into Microsoft after so many years of hard work. I do not believe the agreement will restore competition in the PC software market but will instead cement Microsoft's excessively dominant position. How could you negotiate such a swiss cheese agreement?

Like you forced IBM to unbundle hardware and software, you should have forced Microsoft to unbundle the operating system with applications.

Here is what you should have done:

* Remove all applications: browser, media player, passport, instant messenger, etc, from base OS.

* Require Microsoft to provide an application CD with these applications instead.

* Require all PC manufacturers to include a full CD of non-Microsoft software. Such software can be freeware, shareware, trialware, or open source. Forbid the sale of any Microsoft OS, retail or pre-installed, without these two CD's.

Consumer chooses what mix of applications to install from either CD. The consumer gets to choose the best from each.

Instead, what you have done is harm the consumer by limiting the choices the consumer can make. Clueless consumers will take the Microsoft applications by default. Innovation will suffer.

Too bad I can't tell you who I am, for fear of retribution from Microsoft.

MTC–660

MTC–00000661

From: andrew arnold
To: Microsoft ATR
Date: 11/11/01 9:08pm
Subject: Make Remedies More Forceful

Dear DOJ:

I have been following the case vs. Microsoft closely because I am an average user that feels that competition in the industry is lacking. Microsoft has managed to leverage its way into one area after another because of its monopoly power. The WordPerfect word processor and Netscape Navigator web browser are prime examples. Once dominate applications fell when Microsoft abused its monopoly power.

The recent proposed settlement appears too weak to me. Please consider taking stronger action to restore competition in such an important part of our economy.

Kind regards,
Andy Arnold
Louisville, KY
a0arno01@athena.louisville.edu

MTC–661

MTC–00000662

From: Scott Dunbar
To: USDOJ
Date: 11/12/01 12:44pm
Subject: Wired News :Windows XP: EXtra Proprietary

A note from Scott Dunbar:

Obviously, the DOJ is incapable or unwilling to bring Micro$oft to justice. You guys ''prosecute, and the villians get worse.

From Wired News, available online at: http://www.wired.com/news/print/0,1294,48011,O0.html Windows XP: EXtra Proprietary By Michael Tiemann 2:00 a.m. Oct. 31, 2001 PST Microsoft has launched its latest version of Windows, Windows XP (eXtra Proprietary). Tightening its stranglehold on all industries that use computers, Microsoft's Xl? features are certain to further degrade customer choice, cost/performance and, in some cases, even civil liberties.

Let's start with the premise of any free market economy: customer choice. The Windows XP default installation process offers one choice for Internet connectivity: Microsoft's proprietary MSN network. On top of this, Microsoft also has specially tuned its MSN.com site to reject connections from non-Microsoft browsers, including Netscape, Mozilla and Opera.

See also:
Of Mixed Messages, Linux and XP
Lindows: Linux meets Windows
A Linux OS to Challenge MS?
XP Demo: Hey, This Is Fun
XP Is Hot, But Not Windows 95-Hot
Give Yourself Some Business News

Microsoft has been convicted of monopolistic practices by not one, but two courts, and has had its appeal to the Supreme Court denied. It might make one wonder why Microsoft is being so bold with its exclusionary, eXtra Proprietary technologies. It's because Microsoft believes that time is on its side; the 1995 abuses are only now being judged, and there's no remedy or no penalty in sight.

In the meantime, Microsoft has been earning $1 billion a month net income from its monopoly, money users pay because they believe they have no choice. Should users who have been unable to free themselves from Microsoft's regular proprietary technologies expect life to get any better by buying into Microsoft's more powerful eXtra Proprietary technologies? Let's see. One of the most controversial new eXtra Proprietary technologies is Windows Media. In a twist that no framer of the U.S. Constitution could have imagined, Microsoft is using patents to prevent software interoperability with its eXtra Proprietary technologies. Of course, Windows Media has to compete with the immensely popular MP3 format, but Windows XP limits the quality of MP3 encoding and decoding. By intentionally degrading the quality of all competing

technologies, and by allowing only Microsoft-approved uses of its own technologies, Windows Media has the potential to create yet another monopoly for Microsoft—a monopoly that extends from software to content. Such a monopoly would change our entertainment economy from one of unlimited content at limited cost, to one of limited content with unlimited costs.

Moore's Law promises that silicon technologies will offer 2x price/performance improvements every 12 to 18 months. Yet every version of Windows (and Windows XP is no exception) conspires to steal most if not all of the dividends of Moore's Law. The result is that PCs have become much more powerful, but not much cheaper nor much more functional.

Microsoft Windows, on the other hand, has become much more bloated. Microsoft is hoping thousands of users will rush to stores and spend nearly $100 for their latest OS. Don't do it. EXtra Proprietary technologies require extra CPU speed and memory, virtually requiring a hardware upgrade to go with your software upgrade. Indeed, Microsoft has the audacity to suggest that if your PC is more than two years old, you should junk it and get a new one.

While PC vendors may welcome that message, such a wasteful approach is actually bad for the economy because it bankrupts the buyers that keep the economy going.

Another eXtra Proprietary feature is Passport, a recent winner of a Big Brother Award. Passport collects user information (name, phone numbers, credit card numbers, etc.) and stores that information at Microsoft. Passport is the ''how'' that then gives Microsoft control over the ''who, what, when, where'' and possibly ''why'' of Internet transactions. Microsoft is happy to let customers exchange personal privacy for convenience within Microsoft's proprietary network.

A writer for the Christian Science Monitor recently observed: ''More than anything else, XP reminds me of a tourist trap. You arrive in a foreign city, and a handsome stranger walks up to you and says he will show you around the city. He offers to take you to the very best shops and restaurants. But you soon realize that he is taking you only to places that are owned by his relatives or by someone who gives him a kickback.'

Microsoft's eXtra Proprietary go beyond mere tourism: Most users find that with Microsoft's Passport they cannot get out of Microsoft Country once they enter. Is this really where you wanted to go today?

Let's get out of this vicious trap the way we got in: by controlling what we do with our money. If you are already running Microsoft's products, do the sensible thing and BOYCOTT THE MONOPOLIST. Let Microsoft's latest products sit in warehouses until Microsoft comes to their senses and removes all the eXtra Proprietary technologies they've been engineering over the past several years. Wait until Microsoft offers a level playing field to other operating systems, applications and network service providers.

For those of you who cannot stand still, join a LUG (Linux Users Group) and maybe upgrade to Linux. Aside from saving a bundle on licensing fees (there are none), you'll get unprecedented freedom and control. With thousands of Red Hat Certified Engineers, and millions of Linux enthusiasts, any configuration running on any hardware can be supported at a fair price (determined by a free market of competing vendors) for as long as you want. Suddenly, hardware and software upgrades will be your choice, not a choice dictated to you. Suddenly, money you spend will be on things that you value, not things you are forced to pay for. Suddenly, you will begin to see the engine of growth that Moore's law enables come back to life, and the dividends it pays will be ones you can put in your bank account, not the bank account of a convicted monopolist.

Michael Tiemann is the chief technical officer of Red Hat.

Related Wired Links:

Of Mixed Messages, Linux and XP Oct. 31, 2001

Lindows: Linux meets Windows Oct. 25, 2001

Gates: Hello XP, Goodbye DOS Oct. 25, 2001

Don't Have a Cow: XP Is Here Oct. 25, 2001

A Linux OS to Challenge MS? Oct. 25, 2001

XP Is Hot, But Not Windows 95-Hot Oct. 25, 2001

XP Demo: Hey, This Is Fun Oct. 24, 2001

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MTC–662

MTC–00000663

From: Kevin Hodapp
To: Microsoft ATR
Date: 11/12/01 2:19pm
Subject: More evidence on microsofts anti-competitive nature

I just found a article on Microsoft on an leaked email that reviles more on their anti-competitive nature at http://www.theregister.co.uk/content/4/22770.html.

''There are many other things that you need to watch out for with Linux and the Linux Compete Team has been busy creating some great collateral to help you win. One thing you have to always keep in mind here—Linux is the long term threat against our core business. Never forget that! You should be smothering your accounts from every angle and if you see Linux andior IBM in there with it, then get all over it. Don't lose a single win to Linux'' So it sounds like they are going to start another FUD(Fear, Uncertainty, Doubt http://www.geocities.com/Si1iconValley/Hills/9267/fuddef.htm1) campaign, which they have done in the past. These campaigns are used as pro-Microsoft propaganda to crush anyone who competes against them, which often results in Microsoft using this dirty FUD tactic to spread misinformation and lies intent on destroying their competition and making them look good.

It also seems to be that they are going to start bullying and harassing businesses switching from UNIX to Linux and/or Windows to Linux, to switching to their own products. The thing that does not make since is that while UNIX and Linux are the same so a switch can be done easily with little cost, why would any business go through the hassle from UNIX to some other Microsoft product? They are 2 completely different operating systems. The business would have to spend a lot of cash to get their computers functioning like they use to if they switched to some Microsoft product, which are not quite as reliable and cost efficient as UNIX/Linux in the first case. I think this is about the amount of money Microsoft can make on the licensees and their outrageous price schemes making lots of money off of these businesses with little effort and support on their part. This is a big reason many business are switching to Linux, the cost is just too much for too little.

Also I do hope that you make sure that Microsoft does not try to worm its way out of these anti-trust restrictions. I am saving up for my next computer with will hopefully be a Dual-Boot system (thanks to the rulings), primarily it will be a Linux server running SAMBA(Thanks to the ruling again) so I can communicate with my old Windows 98 based PC and any future Microsoft OS's if I get another machine. This pc will have a small windows partition for those occasional games I can't run in Linux.

Get your FREE download of MSN Explorer at http://explorer.msn.com/intl.asp

MTC–663

MTC–00000664

From: Anita (038) Curtis Engelman
To: Microsoft ATR
Date: 11/12/01 2:53pm
Subject: Microsoft Settlement

Dear Attorney General Asheroft:

I am requesting you to reconsider your Department's agreement to the settlement with Microsoft. I am just a regular computer user who, up until a few months ago, felt no antipathy towards Microsoft. But now I think reconsideration is necessary due to the following:

1. There is real, credible evidence that Microsoft's new Windows XP operating system will severely compromise the security of the Internet. See http://grc.com/dos/xpsummary.htm for details. Microsoft has been advised of the issue, but they are ignoring this critical matter.

2. It is my impression that Microsoft is continuing their monopolist practices in Windows XP.

3. Microsoft is moving toward a new level of end-user control by restricting end-users from installing Windows XP and Office XP more than 4 times. And, if you make rather simple modifications to your computer hardware, your prior installation of XP or Office XP may not function.

Sincerely,
Curtis L. Engelman
127 Pennsylvania Avenue
Binghamton, NY 13903
607–724–9255

MTC–664

MTC–00000665

From: K Field
To: Microsoft ATR
Date: 11/12/01 4:48pm
Subject: Microsoft seems to be laughing, Please read

HI I am a Microsoft supporter,, well at least in the past,,, Microsoft seemed to be

innovative & supplying good products & support.. I have been reading articulate lately from other professionals or people like myself who alarmed at the changing practices of Microsoft.. Where is this going to leave us if Microsoft rears its ugly head in a rabid attitude.. We all use the Windows platform & would be at its mercy,, I hear of things that begin to turn my stomach in the idea that such an idea might happen to soon.. The have to much power & control which in the hands of some is way to frightening.. Microsoft should also pay for the costs of such a trial as well, I will keep it short as to not overwhelm,, I still like Microsoft, at least for the moment but my opinion is changing along with many others in the Tech world.

Microsoft needs a good spanking not a scoulding Thanks Your supporter Ken

MTC–665

MTC–00000666

From: Neal
To: Microsoft ATR
Date: 11/12/01 10:43pm
Subject: Comments about MicroSoft

1. MicroSoft produces programs that are not very good, but uses it's Monopoly to force upon everyone.

— Windows releases get worse at each issue.

— Example: I have Windows NT 4 (SP6a) [Windows NT 4.6a] and it still doesn't work correctly.

2. It breaks competitors with outrageous licensing requirements for computer vendors.

3. New Internet offerings invade privacy and attempt to destroy existing web sites.

4. They add ''features'' to Windows designed to kill any competition, while claiming to ''enhance'' Windows.

5. Claim to support and comply with Internet Standards, but break them on purpose in IE.

6. Truly believe they are ''above'' the general needs of the Public and need not answer to the basic rules of business behavior and the Government rules.

7. Laugh at DOJ and State efforts to bring them into the real world. They continue to ignore all previous sanctions and pending ones because they figure DOJ will do nothing.

8. Release new OS versions that fix ''bugs'' and require users to pay full price to replace the faulty OS they released (Example: Windows 98-> Windows 98 SE)!

9. Now hide ''updates'' and ''upgrades'' as Service Packs so the screw ups are not obvious to the consumer.

10. Have never released a version of Windows that was fully functional, the x.0 version is well known by Business and some Consumers to be a ''BETA'' to be tested by the user!

11. Have ''stolen'' software from other vendors (DOS 6.0) and included in MicroSoft products.

12. Never finish an OS, just make a new one and demand that all users purchase the new one and toss the previous one. LB Neal

MTC–666

MTC–00000667

From: Van Secrist
To: Microsoft ATR
Date: 11/13/01 3:07am
Subject: Please don't settle like this

Dear Sirs,

I am an entrepreneur working on a software/web application. I am extremely worried with your current proposed settlement with Microsoft. The company has a long history of squashing any form of competition. I and many other developers are terrified of Microsoft's wrath. There is a genuine fear in the developer community of getting in Microsoft's gun sights. There are so many loopholes in the current settlement that will allow Microsoft to continuing their lying, cheating, conniving ways. Your settlements need to be far more air-tight.

Shame on you for proposing such a transparent and ludicrous settlement. I've truly lost faith in the U.S. government. Do the honorable thing. If you are not up to the task of prosecuting a convicted monopolist, then resign and let someone capable handle the matter.

MTC–667

MTC–00000668

From: Ailde
To: Ying Shi,Joel S. Polin,John Lee,Myron Kaplan,Joe K...
Date: 11/13/01 3:13pm

Dear Friends,

I have just read and signed the online petition: ''OS/2 is Dead, Long Live to OS/2!'' hosted on the web by PetitionOnline.com, the free online petition service, at: http://www.PetitionOnline.com/OS24FREE/ I personally agree with what this petition says, and I think you might agree, too. If you can spare a moment, please take a look, and consider signing yourself.

MTC–668

MTC–00000669

From: root@wt6.usdoj.gov @inetgw
To: tiemann @cygnus.com @inetgw
Date: 11/14/01 2:43pm
Subject: Windows XP: EXtra Proprietary
CC: Microsoft ATR,antitrust @ftc .gov @ inetgw,Ralph @ essen...

I,,''..,

Re:Windows XP: EXtra Proprietary

This is an excellent article. But targeting Microsoft directly misses the real target: the environment that cultivates Microsoft. Fixing the environment breaks the pattern in addition to individual perpetrators. It is time that the movement start focusing on principles. A failure of principles has the USA in a lot more trouble than it wants to admit. Capitalism is dangerous when taken to extremes, like anything. Moderate it. Start the transition with the sore thumb of radical capitalism, the Microsoft Monopoly Menace.

''Moderation and such is not the will of almighty Dallah according to profit Ronnie Reagan, peace be with him... Try again for you to hit jackpot, my capitalist friend...''
1 of 1 12/11/2001 4:23PM

MTC–669

MTC–00000670

From: Richard Finley
To: Microsoft ATR
Date: 11/14/01 8:48pm
Subject: Microsoft

The old saying ''if you tell a lie often enough, it will be believed'' is still good. The Microsoft lie that any restrictions on them would limit innovation has taken the form of a truth. How can bundling an internet explorer be called innovation?

I am amazed that you sold out to them after the appellate court agreed they are a monopoly, all you had to do was let the court determine a just settlement.

You truly are a great friend of big business, I say that as a former Republican.

Richard Finley

MTC–670

MTC–00000671

From: Eugene L. Willey
To: Microsoft ATR
Date: 11/15/01 2:31am
Subject: Java and Xp

I hope you lawyers realize you have tens of thousands of overworked developers rewriting web deployed code to replace Java on their applications. .You Mr. Gates and his Gatesian dreams are really accelerating. With the help of out federal government. You have effectively destroyed a very powerful technology overnight. Mr. Gates has removed Java from XP so XP users cannot access java enabled websites. I personally will be rewriting 1000's of lines of code using C# and P# I suppose or removing java from my sites. You guys used the war to hide this dastardly deed and we are paying for your miscalulations. Where is the oversight you promised. I don't think all your lawyers are working on Homeland Security. At least not the ones who prosecuted thei miscarriage of justice. You decided and now we must pay. I don't believe you ever intended oversight of this debacle. I hope you can tell I am really mad. This is like the government submitting citizens to torture.... Gene

MTC–671

MTC–00000672

From: Eugene L. Willey
To: Microsoft ATR
Date: 11/15/01 2:41am
Subject: Follow-up to prior message

In order to comply with your decision we must all buy XP machines to replace our existing machines. Microsoft is not making their software C# and P# which they say will replace Java Platform independant. So your decision creates a ready made new market form your pet company. This is now a truly terrifying state of affairs. You not only approved of their monopolistic practices you failed in your oversight and made them mor of monopoly than they were before. Mr. McNealy was right about you guys. This is truly disgusting... .Gene

MTC–672

MTC–00000673

From: root@wt6.usdoj.gov @inetgw
To: Microsoft ATR,antitrust @ ftc .gov @ inetgw,Ralph @essen...
Date: 11/15/01 4:52am
Subject: Microsoft Hegemony: Competition XOR Compatibility
CC: letters @ latimes.com@ inetgw,letters @ sjmercury.com @ i.
Re: Sony sees world with less Windows

The technology would enable people to communicate ... without going through a computer or an operating system such as Microsoft Windows.

The only way anyone can compete with Microsoft is by fragmenting the computing infrastructure. Had the USA promoted an open standard OS, then all infrastructure would be compatible. By refusing to force the standard commodity OS into the public domain where it belongs, the free market radicals have forced competition and compatibility to be mutually exclusive. Fantastically asinine.

''You want competition and compatibility both? That is like having cake and eat it too, dummy...

1 of 1 12/11/2001 4:22PN

MTC–673

MTC–00000674

M. Dandini
Microsoft ATR
11/15/01 5:03pm
Piu1 Traffico al tuo Sito!
Webmaster,

iscriviti Gratis alla Top List italiana dove ogni sito ha diritto a vedersi esposto ii proprio banner. Ii suo nome Grandioso!

Hai notato che le maggiori top list italiane hanno eliminato tutti i banner dei siti iscritti?

Ii proposito di Grandioso proprio quello di riavere una Top List con banner per tutti!

Per informazioni: http://www.grandioso.it/webmaster.htm

* * * *

Per rimuovere la tua e-mail dalla mailing list rispondi a questo messaggio inserendo la dicitura UNSUBSCRIBE nell'oggetto
From:
To:
Date:
Subject:

MTC–674

MTC–00000675

From: ptate@odyssey.net@ inetgw
To: Microsoft ATR
Date: 11/15/01 9:23pm
Subject: Microsoft Settlement

I am very disappointed at the weak approach DOJ has taken in this case. As a Macintosh user, the monopolistic practices of MS are evident. Apple hangs on by a thread, and only because MS needs it as evidence of fair competition.

The high price of MS software indicates a market lacking competition, and a short look at history shows many companies failing when confronted by the huge resources of MS.

Please reconsider your approach to this case. The US will prosper when competition is truly fair.

Philip Tate
Freeville, NY

MTC–675

MTC–00000676

From: David (038) Cara Urry (CDU Associates)
To: Microsoft ATR
Date: 11/15/01 10:49pm
Subject: Please don't settle the Microsoft Case

1) The legal representation of the US Justice department case against Microsoft is a product of the 2000 election. They all owe their jobs to Microsoft who made significant contributions to the Bush campaign. The Bush presidency cut the funding on the Microsoft case to a ridiculous point.

2) Microsoft has an undisputed monopoly on operating systems. They are close to having a monopoly on many types of Application Software (Web Browser, Word Processor, Spread Sheet, Presentation Graphics). If this settlement is agreed as written, it will be the death of Application Software development in the United States and this agreement will go down in history as it's tomb stone. I'm sure you have much more lengthy arguments they I could make as to why.

David Urry
209 Vest Way
North Andover, MA 01845

I have 17 years of software development experience. 6 months ago I founded my own company after being Vice President of engineering for Beachfire.

MTC–676

MTC–00000677

From: Ken Landon
To: Microsoft ATR
Date: 11/16/01 2:48am
Subject: Microsoft

Gentlemen:

As a consumer and taxpayer, I respectfully request that you drop all charges against Microsoft. The company has provided software at reasonable prices that has made my life much better. If justice is to be done, all antitrust charges against Microsoft should be dropped and all the company's expenses involved in fighting the case should be reimbursed to it.

Sincerely,
Kenneth Landon
200 Clinton Street
Brooklyn, NY 11201

MTC–677

MTC–00000678

From: LarryW
To: Microsoft AIR
Date: 11/16/01 3:13am
Subject: Antitrust Settlement

After reading what you did NOT do to Microsoft on the Ap. I must complain that you have sold out the computer users of the world to a Monopoly. MS has a strangle hold on the computer users and no small company will ever shake them loose. There is NO competition and never will be unless you break them up. Had the Government NOT broken up AT&T we would still be renting our 61b bell ringing phone from the local phone company and paying $0.50 per minute for long distance. We need competition in the computer industry not a giant killer.

Larry Williard

MTC–678

MTC–00000679

From: Bob Belier
To: Microsoft ATR
Date: 11/16/01 5:51am
Subject: Anti-trust settlement

Have looked over the settlement offered by the DOJ to Microsoft in this case I can't help but wonder why congress doesn't start looking at Microsofts anti-trust exemption, not baseballs.

The ''remedies'' have no chance of working. Only the largest companies will be able to get access to the desktop, smaller one's will be shut out, again. Who's idea was it to have Microsoft pay the ''watchdog panel''? That's like having the residents of Sing-Sing pay the guards and expecting no one to escape.

This was a huge sellout by the DOJ and did nothing for anyone. Hopefully the other 9 states that had the sense to not buy into this settlement can get some real change brought about in MS's practices.

I'm very disappointed in this settlement, and I think the taxpayers got ripped off on 6 years of legal costs for no apparent gain.

Robert Beller
Zion, Il

MTC–679

MTC–00000680

From: adbdigital
To: Microsoft ATR
Date: 11/16/01 6:11am
Subject: The proposed settlement is not in my, nor the public, interest.

Hello,

As a consumer, I find the settlement with Microsoft to be inadequate. The settlement MUST include a multi-billion dollar fine against Microsoft, for the harm they have caused. Without a fine, there is no penalty to Microsoft.

The proposed settlement is not in my, nor the public, interest.

Sincerely,
David Sheiman

MTC–680

MTC–00000681

From: Jen
To: Microsoft ATR
Date: 11/16/01 6:13am
Subject: Microsoft's Business Practices.

To whom this may concern:

As a citizen and consumer I am pretty outraged by the mess Microsoft has placed the computer industry in. When a company gets control over an industry as important as the computer industry the consumer pays the price. With the recent release of the Windows XP operating system they have once again taken another step to unfairly entrench their position. The companies practice's are insulting and very unfair.

Because they are the only choice I have to run the software I need to. I have to put up with this new activation ''feature.'' This is just another step for them. Everytime I have to reformat my computer or add new components to it I have to contact them to activate the software I already purchased. I really hope they are not gathering personal information about me without my knowing it. The main problem here is I have NO choice in the matter. Not to mention it makes me feel as though they are watching everything I do in the privacy of my own home. What's next for them, required thumprints to print a paper?

Bottom line is this, they are the only company that can get away with this. Do you think in a competitive industry like lets say the automobile industry, that a car company would choose to make you call in any time you wanted to add a new improved part to your engine? Sorry John Doe this is made in japan part is not supported by our company so your car wont start now. No, because

people have a choice in the type of car they buy. But not so in software. If we want to play game X we have to call them for permission because we just added a new sound chip. This just boils my blood. Whats next they going to require their customers to come down for DNA tests before we can use Windows 3000 which the consumer has already paid their hard earned money on. I am not a lawyer and I know nothing of the law. But I do know whats right and wrong. And this is just plain wrong. If the consumer has no choice in the matter than the company should be regulated. I might also point out that I have never written a letter like this nor been involved in anything political. But enough is enough. Its bad enough they make us pay for products that don't work very well to start with. Now we have to ask their permission everytime we choose to change components in our computers? I wish I had a choice. Because I would not choose this. Keep up the good work on the anti-trust suit. I am one taxpayer that is happy you are on the job.

Janae Pippins

US. Citizen

MTC–681

MTC–00000682

From: Jack E. Uber II
To: Microsoft ATR
Date: 11/16/01 6:14am
Subject: Comments on Antitrust Actions Against Microsoft

Greetings,

First, I never agreed with the premise that Microsoft was a monopoly. By the very definition of a monopoly, a business entity has to own all or virtually all the factors of production for a given commodity to even qualify as a monopoly. Even using the most liberal accounting of the ''factors of production'' in this case, Microsoft fails this test. Unfortunately, the individuals involved in this case appear to have more emotion directed at Microsoft than dispassionate reason.

Second, in no reasonable way can anyone say that the consumer will benefit through ANY antitrust actions against Microsoft. The current level of accessibility to extremely powerful computers for all Americans would not have been possible if not for the efforts of Microsoft, IBM, Dell, and so on. Prior to the personal computer revolution, a single license of an operating system was priced somewhere around $10,000. MS DOS, and then Windows, obliterated that pricing model and made computers available to virtually everyone.

Finally, it is clear to even the most casual observer that there have been several hidden agendas here. The reliance of the DoJ on testimony from the likes of Sun Microsystems and Oracle demonstrates either supreme naivete or bias. Anyone who has ever read the rhetoric from the likes of Scott McNeely or Larry Ellison knows that they HATE Microsoft and, more to the point, Bill Gates. Using the same yardstick that was used against Microsoft, Sun Microsystems might find itself standing in front of a judge. Additionally, the extortion like tactics of the various states attomeys general is readily evident. Their only motivation is to gain monies from any action against Microsoft. They are doing a disservice to their constituents and the general public as a whole

Respectfully,

Jack E. Uber II DP: FAX: EP: e-mail: (618) 256–3177 (618) 256–6558 (618) 744–1409 juber@apci.net

MTC–682

MTC–00000683

From: Capucine Badin
To: Microsoft ATR
Date: 11/16/01 6:22am
Subject: Internet met la m6moire individuelle et collective~ lThonneur

Internet met la m~moire universelle l’honneur!

La socidt6 Viscolicap sort Myposterity.com, premier site entirement d~di~ ~la conservation de Ia m~moire des internautes. En effet, le site Myposterity.com permet~ses visiteurs de crier tr~s facilement des documents multimedia contenant textes, images, video, photos sans aucune limitation d’espace.

A Ia difference des traditionnels sites personnels, tous les documents cries par les abonnds seront conserv6s en ligne pour des d~cennies afin que les proches de 1’abonn~ou m~me tous les intemautes puissent les consulter. Autre garantie de conservation, l’abonn~ re~oit un CD-Rom contenant 1 /'ensemble de ses travaux. Un exemplaire de ce m~me CD-Rom est 6galement envoy~la Bibliothque Nationale de France afin d’y ~tre conservd ~jamais en tant que document du patrimoine national.

En rdunissant les espaces personnels de milliersd’internautes, le site Myposterity.com compte devenir en quelques ann~es une vdritable encyclop~die en ligne permettant~la fois la consultation et la conservation d’une m~moire universelle pour le plus grand plaisir de tons les internautes.

Capucine Badin

Responsable du d~veloppement

0147036456

capucine@myposterity.com

MTC–683

MTC–00000684

From: Unique Solutions
To: Microsoft ATR
Date: 11/16/01 6:47am
Subject: microsoft settlement

As a computer professional for thirtyfive years, I have been forced by dell, dale computers in michigan, and other vendors to purchase microsoft operating systems whenever I purchased a pc. This is not right. ms should be broken up as they are definately a monopoly or at lease prohibited from forceing their operating system on us through their predatory contracts with vendors. dennis skinner 810 227 4852 if someone wishes to discuss..

CC: dlsmichigan@hotmail.com @ inetgw

MTC–684

MTC–00000685

From: Mark Goodale
To: Microsoft ATR
Date: 11/16/01 6:49am
Subject: Microsoft Settlement

Sirs,

As you have set forth this email address to recieve public opinion regarding the settlement with Microsoft, here is my opinion.

I am simply a consumer, with no corporate interests. I'm a full time student, finishing up a major in Religious Studies at Bradley University in Peoria, Illinois. I am also a computer enthusiast. I believe the current settlement with Microsoft will not effectively redress the problems created by the Windows monopoly.

Microsoft has shown repeatedly that it will exploit any advantage at its disposal to unfairly crush competition, and I think the rather vague terms of this current settlement agreement qualify as such an advantage.

Furthermore, the primary disadvantage to the average computer user is not merely that of limited software choices due to Microsoft's monopoly practice, but ALSO the fact that Microsoft uses it's monopoly position to push inferior products to market while being assured of ''instant sales'', simply because the product is their ''newest release.''

Microsoft's monopoly market position has created a specific culture between both the company and the American public. The company has become habitual in its release of buggy and insufficiently beta-tested software, and due to their nigh-complete domination of the software and OS markets, the American consumer has been forced into an ''Always buy the next version of the software'' behavior pattern, in hopes that some more of the bugs of previous editions will be addressed. While certainly, nearly EVERY piece of complex software will have some errors in it, in a truly competitive environment companies are somewhat more forced to make sure that more bugs are repaired PRIOR to shipping, as a competitive market will not generally accept an inferior product.

Microsoft has repeatedly thumbed its nose at both you, the US Dept of Justice, and at me, the average American consumer. This settlement is little more than slapping them on the wrist and saying ''Go forth and sin no more.'' To truly make serious inroads against Microsoft's monopoly tendencies and practices, splitting the company in half is the most likely candidate for success. Forcing them to take their operating systems ''open source'' would do a fair bit towards that as well.

Unfortunately, antitrust efforts against Microsoft will likely avail the American consumer very little until a viable competitor for the Windows OS arises in the market. This becomes unlikely even with splitting the company or opensourcing Windows, simply because Microsoft's monopoly has gone on so LONG that customers are already highly dependant on its proprietary technologies, and will be generally hard to woo away to a new product line. However, I'm confident that with one of the two additional options as well as a tightening of language loopholes in the Settlement agreement, that some innovative company may find a way to do so.

Thanks for your time,

Mark S. Goodale

MTC–685

MTC–00000686

From: SBxBandit@aol.com@inetgw
To: Microsoft ATR
Date: 11/16/01 6:54am
Subject: Thoughts on MS Settlement...

My thoughts on this whole thing is IT'S LUDACRIS! ! !!! Just because Bill Gates has come up with a superior operating system and other software doesn't mean you should loot him, ruin his product and destroy the public's computers. Even if you do decide to tear Bill Gate's empire apart it's not going to help these people, like Mac Computers, trying to introduce an inferior product. The only reasons these people get 'shut out' because of his 'monopoly' is because they can't come up with a product that even comes CLOSE to Bill Gate's OS. I mean, look at mac computers. They are slow, there is no software for them becuase they're slow and it's not very user friendly. All your doing with seperating Microsoft is making Windows less user friendly because the two companies are manufacturing one half of the old MS... .What's that going to do? It's going to force people who aren't so good with computers to stop using them entirely. As for the rest of us? Well. We'll either buy MS compatible or we'll buy nothing else until there is an OS that can compete with the number of games, hardware and other software products (and quality of products) that Microsoft has. I can tell you, you'll never catch me with Mac.

In conclusion. Leave Bill Gates the hell alone.

MTC–686

MTC–00000687

From: Randall Cooke
To: Microsoft ATR
Date: 11/16/01 7:13am
Subject: Microsoft Settlement

Gentlemen:

I believe that the prosperity America has experienced in the last decade has more to do with work force productivity improvement than any government initiated, sponsored or controlled activity or program including any and all bills that were passed in Congress during the last 15 years.

The primary basis of that productivity improvement was the desk top computer and the amazing software that was developed to go with the PC. Whether Microsoft is guilty of breaking any law is well beyond my understanding, but I am opposed to any settlement or penalty that would have the effect of forcing Microsoft to give away it's ''secret ingredients'' or harm its corporate structure in any way.

If laws were broken, then invoke financial penalties with the threat of further prosecution in the event any laws are broken in the future. Do not dismantle one of America's most important economic engines—especially at this critical time.

Sincerely,
Randall Cooke
24 Cherokee Drive
Richboro, PA 18954

MTC–687

MTC–00000688

From: auto29727 @hushmail.com@inetgw
To: Microsoft ATR
Date: 11/16/01 7:24am
Subject: Microsoft walks!

It's been business-as-usual at Microsoft even since the trial began. Does the penalty imposed on Microsoft indicate a specific date when they must begin complying with the law, or is it some kind of wink-wink-nudge arrangement?

Microsoft was developing Windows XP during the trial. That development included the commission of the same anti-competitive practices that brought Microsoft to trial in the first place. Why is allowed to sell this product?

I'll have to wrap up this email now; Windows is about to crash on me again. I guess I'd better get used to it. I'll close with a thank you to the DOJ for wasting an enormous amount of money to give Microsoft a slap on the wrist.

A slave Microsoft consumer

MTC–688

MTC–00000689

From: Chuck
To: consumer@mail.wvnet.edu @ inetgw
Date: 11/16/01 7:40am
Subject: Microsoft Settlement

Hello,

My name is Chuck Haislip. I am a WV resident currently deployed to Europe with the US Army. I have been following the results of the Microsoft Antitrust Case and I would like to extend my thoughts that the penalty is too lenient. Thank you

CPT Charles G. Haislip
US Army Medical Corps

MTC–689

MTC–00000690

From: Clay Andres
To: Microsoft ATR
Date: 11/16/01 8:07am
Subject: Opposed to Microsoft settlement

Microsoft has been found guilty on many charges, including using its monopoly power to thwart competition. The current proposed settlement does nothing to penalize Microsoft for breaking the law and nothing to remedy the loss caused to hundreds of companies and millions of customers. Furthermore, the limitations imposed on Microsoft's future business practices will do nothing to keep them from perpetuating their illegal monopoly and using it to squash whatever competition it wants. The proposed settlement perpetuates the status quo, which is that Microsoft gets to make all the decisions for the entire personal computer industry and is quickly moving to a position where it will be making those decisions for the Internet and for handheld computing devices, as well. This will not provide a healthy, competitive environment, and innovation will be stifled. Forward into the dark ages!

MTC–690

MTC–00000691

From: XxJennifer23xX@ aol.com@inetgw
To: Microsoft ATR
Date: 11/16/01 8:07am
Subject: Comments about MS Settlement

I am a retail manager at a major electronics chain. I have been using PC's for 16 years since the systems booted up with DOS. I have used every version of Windows up to Windows ME.

I have been appalled year after year as Windows required more and more operating resources to run the computer. Even more so since Windows requires so much more operating resources for Microsofts other products that are tied in to Windows. I have always maintained that I don't buy a computer for it's operating system. I am a website developer as well and don't need or want to have all the extras Microsoft forces on you.

And now with the launch of Windows XP I have crossed the line to being horrified. What kind of operating system is now going to require at least 128 megs of RAM with 256 preferred?? Unbelievable. Microsoft has not learned anything at all from all of these anti-trust proceedings. My customers complain every single day about how much system resources Windows takes up. This is true from Windows 95 to present. Even more unbelievably is the fact that all the plug in MS is ramming down our throats in the the ''operating system ''causes frequent system crashes and results in lowered productivity due to the need to constantly fix the machine.

Bottom Line? An operating system, even a nice GUI operating system is just that. It is not an instant messager, multi-media player, internet connection etc. And with Windows being the only choice it is no wonder that computers get faster and better hardware and greedy MS jumps in with Windows and uses up all the extra speed and power to try and force the MS products down our throat over the top of other applications that are more memory friendly and run without crashing the computer on a regular basis.

I am also no novice. I have graduated from the Microsoft Certified Systems Engineering courses and have many years of experience.

Please don't back down. Force MS to turn Windows back into what it is supposed to be. A smooth, no hassle operating system that does not interupt and interfere with my computer work that has nothing to do with Microsoft.

Thank you very much.
Steven Thompson
110 Battey St
Putnam, Ct 06260
860 963 7898

MTC–691

MTC–00000692

From: chuck hinkle
To: Microsoft ATR
Date: 11/16/01 8:08am
Subject: Wrong kind of message

If I recall, it is an accepted conclusion that Microsoft deliberately acted in a ruthless and illegal manner. Their actions forced many competitors in the application and utility and operating system arenas out of business, thus reducing our choices as consumers while raising prices and lowering quality.

As a result, this settlement permits Microsoft to maintain the gains of these illegal operations, imposes no monetary penalties, and I don't see where it does anything to prevent them from continuing these practices, particularly since there are no consequences for this behavior.

If we're not going to punish the criminals, then why bother to prosecute them? And if we condone Microsoft's illegal activities, then how can we justify prosecuting others?

Chuck Hinkle [INTJ]
I CLH WAREs
II chuckbo@mac.com
II
Ii ''Perception is usually more persuasive than reality.''
II

MTC–692

MTC–00000693

From: Bob McMurray
To: Microsoft ATR
Date: 11/16/01 8:22am
Subject: Microsoft Case
Dear Sir or Madam:

I am writing to express my dissatisfaction with the proposed penalties in the Microsoft Antitrust case. As a former computer support professional I feel I have a good amount of first-hand knowledge of their products. Of particular concern to me are two issues: bundling and windows source code. Microsoft has made habit over the last two years of bundling more and more software with their operating system. This has the unfortunate consequence that consumers are not aware of the competitors for the Microsoft products (or their favored partners). Many users do not have the time to go out and research things like instant messengers, media players, and browsers. Therefore, they will just use what's given. On the other hand if they had to make a choice, they may not choose the Microsoft product—why not favor the outcome that gives us more choice, and puts control marketplace in the hands of the consumer rather than the supplier.

Another unfortunate cost of bundling is bloating. To run the latest version of Windows, Microsoft recommends that you have at least 128 megabytes of RAM, lots of diskspace and a pentium 3 processor. However, for most users (myself included) the range of things I want to do is fairly limited: browse the web, word processing, email. I could do all of those things just fine back when I had 16 megabytes of RAM, and a Pentium. Why do I need to upgrade my computer? Because microsoft has bundled so much into their software (in the way of applications like instant messengers, and pseudo applications like ActiveX) that it can't run on a small system any more. What's more most users are forced to upgrade because Microsoft no longer supports their older systems. It's like Ford saying they will no longer sell parts for cars built in the 80's—everyone should go out and buy 2001 models. This is a deceptive marketing practice, and requires user not only to buy more and more Microsoft products but to upgrade their computer constantly—just to keep doing the things they were doing all along. It also raises questions for many users as to whether there may be anticompetitive cooperation between Microsoft and Intel (the dominant chip maker), since people need to upgrade their CPU's every time a new operating system comes out.

The issue of windows source code has dramatically skewed the applications marketplace in favor of Microsoft. Since Microsoft has the source code for windows, it's applications can be written to take advantage of subtleties (and to avoid bugs) in the operating system. Other applications will not have this advantage. As a result, Microsoft's applications can be much more powerful and much more stable (not that they are) than others. To use the automotive analogy this would be like Ford refusing to tell From what size oil filters to produce for Ford cars and trucks. This would of course make Ford's fit better and work more reliably.

Finally, right now Microsoft has an effective monopoly on operating system for the Intel platform. Because there is no set of standards for how operating systems and applications interact (Microsoft gets to make them up as they go along), there will never be a competitor (since it would not be compatible with existing Windows Applications). The creation of standards may seem a bit unnecessary, but look what it's done in the CPU industry. There are standards for how Windows interacts with processors and motherboards. As a result we have several CPU manufacturers (Intel, AMD, Cyrix, IBM) and lots of motherboards all of which are compatible with Windows. This has spurred innovation (and increased chip speed dramatically) and lowered prices. I would like to see something like this for Operating Systems and Applications. If there were standards then other companies could build operating systems for the Intel platform that would work with popular applications and be effective competitors to MS Windows. This would spur innovation, reduce prices and result in all sorts of favorable outcomes for consumers and the economy. Of course, requiring Microsoft to release their source code would be a step in the right direction—other programmers would be able to determine such a standard from the code.

Innovation in the operating system market is nonexistant. Most commentators agree that all of the versions of windows since 95 have simply been repairs of bugs that should have been fixed the first place. Windows 95 itself (from the users point of view) was just a rip off of Steve Jobs NeXT operating system and MacOS. Windows XP while looking quite different doesn't really do much more than the older versions—it just includes more bundled software. The bottom line is that by giving consumers choice and opening up competition, the marketplace will see more innovative products and have more choices. This will ultimately be good for the computer industry (when people are excited about it, they invest), and the products that come out of this will benefit the whole economy. Don't hesitate to contact me if you have questions or would like further comment. You can reach me at 585–275–0751 or this email address.

Please reconsider the settlement you have proposed.

Bob McMurray

MTC–693

MTC–00000694

From: joejarrell
To: Microsoft ATR
Date: 11/16/01 8:35am
Subject: Microsoft charges

In my opinion, their is little that you can do to adequately fix or punish the Microsoft Corporation, short of fining them their net worth, then disbanding the company when they can't pay their business license fees. I suspect that they have violated the spirit and the letter of laws for many, many years, trampling competition as they encountered it. I became disgusted with them nearly a decade ago.

Joe Jarrell
348 Carter Dr.
Charleston, WV 25306
joe@hornbeam.com

MTC–694

MTC–00000695

From: Mark Robinson
To: Microsoft.atr(a)usdoj.gov
Date: 11/16/01 8:51am
Subject: Microsoft Settlement

Sir/Madam:

I can't believe how we've been sold out. Hope the states can do better.

mir

MTC–695

MTC–00000696

From: Mike Eggleston
To: Microsoft ATR
Date: 11/16/01 8:54am
Subject: Microsoft ruling not sufficient

My opinion of the punishment against Microsoft. Because of the way Microsoft has treated competitors and consumers, the corporation should be separated into two (or more) separate companies. One company should be charged with developing the OS and OS-only related technologies. The other company (or companies) should be charged with working on pure applications such as Word, Excel, Office, etc. These two (or more) companies should work as rivals with competing technology; not as incestuous children getting one over on their parents (the government).

Mike Eggleston
Fort Worth, TX
817–905–0138

MTC–696

MTC–00000697

From: Mike Wexler
To: Microsoft ATR
Date: 11/16/01 10:41pm
Subject: MS/DOJ settlement

I must say I'm disappointed in the settlement. As the original judge found, its quite clear that MS has a monopoly. With 90%+ marketshare in operating systems, office applications, and web browsers its pretty obvious. Its also quite clear that Microsoft has the ability and the desire to use these monopolies to establish new monopolies. Its been clear how they have used the operating system monopoly to keep hardware vendors from bundling competing office suites or competing operating systems.

It also seems quite apparent that these monopolies are injuring the public. It is currently required in most businesses that you run Windows/Office in order to exchange files with your peers. This means most people are required to run an unstable and insecure operating system. Much more

reliable operating systems have been available for years. So people spend a huge amount of time rebooting their computers, reinstalling their operating systems, buying and running virus checkers, etc. because windows is poorly designed. Unfortunately the flaws are not obvious and first glance. Seldom does it crash using the demos that Microsoft distributes with their operating systems. Its not until you get it home that the pain begins.

Microsoft has started addressing some of the reliability issues of late with Windows 2K and Windows XP. These are starting to use techniques that have been in common practice since the early seventies for keep flaws in applications from damaging the operating system and crashing the computer. But its quite clear that BY DESIGN these operating systems and the applications that Microsoft includes with them are insecure.

There are several reasons that they are insecure:

(1) The designs don't keep components compartmentalized. So its easy to get in through a web browser or email program and effect other components of a users system.

(2) Microsoft is sloppy in their development efforts. They leave out error checking necessary to find buffer over run problems an they don't use computer languages that automatically do this.

(3) Since the software is all proprietary it is not open to peer review. Researchers, customers and competitors can't look at the code, find the problems and fix them or ask Microsoft to fix them. And now Microsoft is trying to tell security specialists to keep the problems secret, Indefinitely, so that their is less pressure on Microsoft to actually fix the underlying problems and so the general public is not aware of the true extent of the problem.

MTC–697

MTC–00000698

From: Ryan McCarthy
To: Microsoft ATR
Date: 11/16/01 10:49pm
Subject: Re: Settlement

Hello. I found this address in a story at slashdot.org and I hope it is correct.

I must say that I am horribly disappointed in this settlement and can only hope that it gets thrown out.

I suppose that it is a good thing that the FBI is working with the EU to get US law to apply in Europe, because it sort of balances out the efforts of the antitrust division to insure that it doesn't apply in America. If I had violated any law as badly as Microsoft, I would be in jail. After all they have done to cripple the computer world, they instead get the DOJ's seal of approval.

As much as it will pain me to do so, I am going to have to vote for a Democrat in 2004 simply to change your leadership. It seems our professionals only do what current appointees like rather than enforcing the law. The laws made by the Congress, signed by the president and interpreted by the courts have said that Microsoft has acted (and continues to) criminally. However much stock John Ashcroft owns in Microsoft should not be enough to overturn all that, should it?

Ryan T. McCarthy
Strafford, NH

MTC–698

MTC–00000699

From: Loren Williams
To: Microsoft ATR
Date: 11/16/01 10:46pm
Subject: Antitrust Settlement

To Whom it may Concern,

The recent settlement with Microsoft is terribly inadequate. It has been clearly shown that Microsoft has cost the public BILLIONS of dollars through the abuse of its monopolization of the desktop. While that may not be enough to justify splitting up the company, this money was extorted from all companies, households, and government offices that use Windows. If the goal of the DOJ is to do uphold justice, Microsoft should be made to give back the money that it has unlawfully taken. Letting Microsoft get away with the current restrictions is like catching a burglar red handed and sending him to his getaway car, loot still in hand, with an admonition not to do it again. It is, in short, a cruel mockery of the concept of justice. I urge you to reconsider the case while there is still time.

Regards,
Loren P. Williams
Student, UCSB
loren.williams@lycos.com

MTC–699

MTC–00000700

From: Thomas M. Lahey
To: Microsoft ATR
Date: 11/16/01 10:45pm
Subject: Microsoft & my experience competing against them

Good Day,

First a little history. My company, Lahey Computer Systems, Inc., an Arizona Corporation (April 1967) licensed to do business in Nevada, has competed against Microsoft beginning in September 1986 and lasting until Microsoft abandoned the Fortran market a couple of years ago when they worked something out with DEC (that's probably an interesting event all by itself). DEC took whatever Microsoft ''gave'' them and created a powerful product that we competed against with modest success, i.e., we stayed in business. DEC was acquired by COMPAQ and nothing changed in the market place. COMPAQ ''gave'' Intel the Fortran business and now you can download what used to be the DEC Fortran language system for free if you aren't going to use it for commercial development.

Now let's return to competing against Microsoft.

(1) Microsoft gave their Fortran away to major users. Of course, you must have been using Windows to qualify for this ''gift.''

(2) Resellers were given discounts based on the total number/dollar of all Microsoft products sold. So if a reseller sold 9 Windows and 1 Fortran, the discount was for 10 units. Both of these practices violated the spirit, if not the letter, of what IBM had to do when they were forced to unbundle their operating system software from the hardware. Finally, as XP has validated, Microsoft sees something good and then decides that good thing is a part of the Windows Operating System—and they don't even do it well.

I believe the intended settlement, a kiss on the wrist if I ever saw one, total misses the point that Microsoft was guilty of anti-trust practices and NOTHING happens. Thanks for the opportunity to finally say what has been on my mind for some time.

Regards,
Tom
Thomas M Lahey, CEO/Owner
Lahey Computer Systems, Inc.
CC: Bill Lassaline

MTC–700

MTC–00000701

From: David Lentz
To: Microsoft ATR
Date: 11/17/01 8:06am
Subject: Microsoft settlement comment

I suppose that since the basic verdict was already in place, the DOJ Wasn't able to backtrack on that as well, and back away from the whole thing, telling Microsoft, ''Sorry for the trouble, we'll not bother you any more.t1

My comments: (1) With Microsoft being convicted of predatory monopolistic behavior, I would have thought that it was too late for a ''settlement''—especially one that does nothing to discourage the same or worse behavior in the future (which is continuing at this moment), it does nothing to encourage free and open markets, and does nothing to compensate those identified parties (let alone the many companies damaged by Microsoft's illegal business tactics but not identified in the complaint) damaged by Microsoft (for instance, Netscape and the customers who bought Microsoft products).

Nice way to shake a convicted felon's hand, and tell them to carry on, the law won't trouble them any more.

(2) As I understand it, the judge urged a speedy settlement, so as not to further damage the economy in a time of weakness. Exactly how does letting a convicted monopolist continue without change and without compensating those damaged by their past practices help the economy? I would have thought that busting up a monopoly would have helped the economy more than anything else. The breakup of the Bell System has certainly resulted in many more choices (along with lower prices) than we were getting when it controlled our telephone systems.

(3) I would presume at this point, that the DOJ is going to further the cause of helping the economy by dismantling the antitrust enforcement unit and save the taxpayers some money. It certainly performs no useful function.

David Lentz
15126 Count Fleet Ct
Carmel, IN 46032
davelentz@acm.org

MTC–701

MTC–00000702

From: J Mos
To: Microsoft ATR
Date: 11/17/01 8:01am
Subject: Monopoly(Money) + Master = Bill Gates

Bill Gates must have paid a person or people with the Justice Department and agreeing states 6 digit or 7 digit dollars under the table for the government to accept a soft soft one sided settlement the totally works in favor of Microsoft.

If you tell anyone that is making money and controlling a worldwide business, o.k., here is the deal if you tell your competitors your business secrets for x amount of years that will settle the case.. .Do you really think he will jeopardize his monopoly empire, come on... Bill Gates is probably going to release 1980's and 1990's secrets only to satisfy the courts. While, current 2000 and beyond secrets remain monopoly secrets.

I thought our country was built on fair equal rights and equal business options to all; is Bill Gates and Microsoft an exception...

The government made Bell and AT&T split which opened up a fair market for other telephone communication companies. The government should make Microsoft split and allow other computer businesses to produce a product line of other type windows for fair market.

MTC–702

MTC–00000703

From: Debra Taylor
To: Microsoft ATR
Date: 11/17/01 7:50am
Subject: AGAINST SETTLEMENT

That Microsoft is an abusive monopoly has been shown. That it has a long history of routinely ignoring and circumventind court ordered behaviorial restrictions is well established. That it has illegally transferred vast wealth from the pockets of computer users to those of its shareholders has been shown. What has not been shown is that this monopoly has been responsible for advancing consumer interests. These facts have been proved through long years of litigation by the various states and the Justice department. And now we settle.

What do we have? Consumers have not be given the money which has been illegally taken from them. Companies destroyed by monopoly practices remain non-existent. Technologies not developed because competition was stifled do not exist still. Stock holders in rival technology companies are still wiped out.

What we do have is another court order qualitatively similiar to all the broken orders of the past. This order is supposedly tougher, but the tough rules are bound to technology and monopoly practices of today. We all know these rules will not bind Microsoft as technology issues shift in the future—a mere 12 months away for Microsoft. We already see Microsoft gearing up for monopoly practices in the passport and .Net technologies. I seriously, very seriously, doubt DOJ ability to keep up with the technology and MS monopoly practices. I'll assume that DOJ will have to file suit again in a few years to counter new forms of monopoly abuse. We will constantly react long after the fact and with little actual effect. If we have determined that MS illegally enriched itself at the expense of consumers and competitors, why do they now keep these profits? If they have a history of ignoring the Court and DOJ why do they get yet another opportunity to do the same.

I am skeptical of the earlier breakup order. However, at least it was qualitatively different from the long series of broken behavior restrictions. It's approach was correct, even if the details may have been questionable.

DOJ must re-examine its goals. Is it to 1) protect consumers, 2) undo the damage done by illegal actions, 3) stop further damage from being done, 4) extract itself from the legal quagmire that the MS case has proven to be. The first three all seem legitimate goals, obtainable to some degree. The fourth seems to be the choosen course.

I am deeply disappointed,
Michaell Taylor, PhD
109 Franklin Aye, #2
Harrison, NY 10528

MTC–703

MTC–00000704

From: Gary L. Folz
To: Microsoft ATR
Date: 11/17/01 8:16am
Subject: Microsoft

Dear Sir:

Here is another example of the government's intrusion into capitalistic practices. When will it ever end???

Gary L. Folz
10 Green Street P.O. Box 248 New Berlin, NY 13411
Tel: 607–847–6508
Fax: 607–847–6288
email: theolibnut@stny.rr.com

MTC–704

MTC–00000705

From: Charles Ingram
To: Microsoft ATR
Date: 11/17/01 8:10am
Subject: Microsoft settlement

I am very disappointed in the Governments settlement with Microsoft. They are a block other companies and dominate the market in an unhealthy way. I hope the states will step in and finish what the Government did not have the heart to do and that is break up Microsoft.

Charles T. Ingram, MD
152 Connell St
Jasper, GA 30143
cti@ellijay.com

I1–LTC–705

MTC–00000706

From: Greg Pierce
To: Microsoft ATR
Date: 11/17/01 8:10am
Subject: Microsoft settlement

I won't go into detail at this time on my feelings as I'm sure you have much mail to read, but I'd like to voice my opinion. I think the proposed settlement with Microsoft is embarrassing and thoroughly inadequate. As Chief Technology Officer for a mid-size manufacturing company in Texas, I am faced day-in and day-out with the lock in and competitive constraints that have been caused by Microsoft's monopoly. Microsoft has not changed it's behaviors in any meaningful way, and without penalties, the damage done by their actions is not undoable. The monopoly continues untarnished.

Please take greater action than suggested.

Greg Pierce
greg@advancedlightning.com

MTC–706

MTC–00000707

From: Fred Day
To: Microsoft ATR
Date: 11/17/01 8:09am
Subject: Microsoft

My feeling is that this case should be settled to the maximum benefit of the consumer!!! Nothing more need be said—that says it all!!! Settle this case so that the average consumer receives the maximum benefit!!! Pure and simple!!! Thank you.

Sincerely, Fred Day in Orlando, Florida.

MTC–707

MTC–00000708

From: dlphilp @hagus.bright.net@ inetgw
To: Microsoft ATR
Date: 11/17/01 8:33am
Subject: a poor example

Greetings:

I have observed the case since its start, and I must say that I am very disappointed with the outcome. Not surprised, however: Microsoft has obviously spent an enormous amount of money on this case, and as we all know, you can buy the very best justice in the world right here in the USA.

You would have to be living under a rock to not see how the company has used its leverage to destroy competition and retard innovation. Nothing new or useful has come out of Redmond for years, their lies and distortion of truth notwithstanding (viz Gates' latest claim to ''inventing'' the open source movement). Bills such as the DMCA and judgments such as this one simply demonstrate the power of a multi-billion dollar bank account and the willingness of the current administration to accomodate Microsoft in their attempts to destroy all competition (in favor of a very inferior product, I must add). No thanks to the DoJ for pandering to Microsoft. Shame on you all. Microsoft now has a green light to continue its attempted dominance of the computing life, on-line and off. What a disgusting outcome.

Best regards,
== Dave Phillips

MTC–708

MTC–00000709

From: Howell, Paul
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/17/01 8:32am
Subject: ms doj settlement

Hello,

I'd like to thank you for the opportunity to communicate with you regarding the recent MS vs. DoJ settlement.

I'll keep it short.

I am very disappointed in the settlement and, as a consumer, do not believe that harm done to me by MS in the past, will be prevented in the future. My choices are limited to mostly MS products. Non-MS products that I tend to not have a competing product from MS. The monopoly that MS enjoys was not won based on great technology. In fact, most MS products are inferior and riddled with bugs. Rather, predatory license agreements paved the way for the juggernaut that is MS.

I fully supported the most severe remedies in this case. It's too bad that the DoJ put MS's interests ahead that of the consumer.

Regards,

Paul Howell.

MTC–709

MTC–00000710

From: Kim A. Soinmer
To: microsoft.atr(a)usdoj.gov
Date: 11/17/01 8:32am
Subject: short comment on MS-DOJ settlement

Good morning,

I was just given this email address but I have to be elsewhere soon so this will be short. Based on what I have seen of the proposed agreement the DOJ is giving Microsoft barely a slap on the wrist with the implied explanation that the economy is weak and we don't want to bring down a big player.

I disagree since by being a monopoly *and* using it's monopoly power to illegally hold onto markets, Microsoft has done things that hurt the economy in the long run. By doing this aggreement you are giving the company the ability to challange the government itself. Excuse it already does that.

One area was never addressed and that was Microsoft still requires and will still require manufacturers to only install Microsoft operating systems. The consumer is not given any realistic choice in this. For that ''choice'' we have software that crashes regularly. The other areas of the settlement allow Microsoft to hinder open source software programs and to still force all but the largest computer manufacturers to a strict contrl of the ''computing experience'' Like the last consent decree this one has no teeth and Microsoft will become more arrogant and powerful. That is the last thing our nation needs.

Thre will be other people writing you who are more eloquent thatn I on either side of the proposal. I can only hope my words will tip the balance toward redrafting the agreement. I hope you rectify this situation,
v/r

Kim Sommer
718 Harvey Drive
Bloomington
Kim A. Sommer

MTC–710

MTC–00000711

From: John Scott
To: Microsoft ATR
Date: 11/17/01 8:48am
Subject: MS Settlement

I am appalled by the recent announcement of a DOJ settlement with Microsoft. That announcement virtually coincided with the release of Windows XP—an 'operating system'' that continues the Microsoft policies of strangling competition and defrauding the public. The government has shown time and again that consumers are defenseless against corporations who break the law.

MTC–711

MTC–00000712

From: Juan P. Sales
To: Microsoft ATR
Date: 11/17/01 8:46am
Subject: Fox

I live in Brazil and when I try to access the local Fox website, www.mundofox.com.br using Linux Red Hat with Opera browser, I get a warning saying that my Operating System may present errors in the visualization of the site and suggesting the use of Windows 98:

Nossos sistemas detectaram que voce esta usando urn sistema operacional que pode encontrar alguns erros na visualizaca-o das paginas do nosso site. Os sistemas operacionais recomendados sa-o.. Windows 98 ou superior. This is the kind of attitude that MS is promoting among webmasters worldwide. It's a clearly monopolistic attitude, which stands against my freedom of choossing what OS and browser I want to use.

If sites around the world are having this attitude, it's because of Microsoft forcing them or giving them advantages (discounts or something like that). I thought that you were supossed to defend the rights of the common people, but with the proposed agreement, you seem to defend the right of MS and other bigs companies os impossing theirs products upon us.

Juan P. Sales
Sen. Vergueiro 45 / 1102 Flamengo
Rio de Janeiro
Brazil

MTC–712

MTC–00000713

From: Paul Martin
To: Microsoft ATR
Date: 11/17/01 8:34am
Subject: Leave Microsoft alone

Leave Microsoft alone. We need their intelligence and products that we the people enjoy using. Let competition work out their own problems so that they to can provide superior products for the public.. .or shut up!

Thank you for letting me sound off about this matter!!! A Microsoft products user and USA citizen from birth, Lois Martin God bless us everyone!

MTC–713

MTC–00000714

From: Dick Wall
To: Microsoft ATR
Date: 11/17/01 8:44am
Subject: Re: Microsoft Settlement

Dear Sir/Madam,

I am writing to you to voice my concern over the recent MS/DOJ settlement. I do not believe it to be a strong enough settlement to keep Microsoft honest (they have a proven track record of being distinctly dishonest in the past). I am sure you are going to get a lot of letters explaining how the settlement could be strengthened or enforced better. What I am more concerned with is the apparent softening in the attitude the DOJ has displayed towards Microsoft.

In short, I want to cut through to the heart of the matter, what is best for the industry as a whole.

The Microsoft spin machine has been putting in overtime to convince the world that DOJ legislation would be bad for innovation. What a spin. If you look at history you will see that the last thing Microsoft does is innovate. If you look at the historical major breakthrough's in the world of technology you have a hard time finding anything that Microsoft or the PC world is actually responsible for or involved in. Considering that the Microsoft windows on PC platform is by far the most common platform in the industry, I challenge anyone to list 5 important breakthroughs made on this ubiquitous platform. Internet (Unix and VMS through Arpanet), World Wide Web (created on NeXT), Hypertext (that would be Apple), Desktop GUI Paradigm (Xerox Parc, using Unix).

The only thing Microsoft appears to have innovated is the development tools to make a million applications that look exactly the same. In short, Microsoft displays little to know innovation, and in fact their dominance in the information world seems to stifle innovation in others. Take for example Be. I followed the BeOS closely, watched as the first attempt in a very long time was made to introduce a new commercial general purpose operating system. It was one of the most staggering examples of innovation I have ever seen. The very architecture of the OS was so ambitious as to be electrifying. The speed and responsiveness exhibited to the average user was not by accident, it was due to the extensively multi-threaded nature of the OS. It was at least five years ahead of Microsoft in terms of architecture, but it never stood a chance. I know there are at least as many business reasons why they may have failed as there are causes to point the finger at Microsoft, but the truth is that Microsoft have, for the period of their dominance, had a *negative* net effect on the ''innovation'' they claim to embody.

I have lost count of the excellent ideas, technologies, or companies who have been bought out, run out of business, or simply never stood a chance because of the grip Microsoft holds on the computer industry. It is a measure of the strength of the grip they exhibit when an operating system like Linux which technically is at least a match for windows in all key areas, and is given away for free, still eeks out at best a moderate survival on the server. It is also interesting that much of the innovation taking place in the world of IT still seems to come from Linux and other Unix platforms, and not from PCs running windows.

I would urge the DOJ to please consider carefully these issues past, and what would truly be best in the future for the industry. If Microsoft is able (for example) to dominate business and commerce transactions on the internet through it's .NET initiative, what future is there then for other platforms and competition.

Incidentally, and interestingly, .NET is another example of innovation-not-quite. XML was drawn from HTML and SGML (UnixINeXT background). The architecture mentioned is primarily a unix and java developed architecture. Heck, even Client/Server was so alien to Microsoft that they did not really start to get it until a couple of years ago— approximately 25 years after one of the best examples of client/server—X window system—was developed by MIT on Unix!).

Thanks for listening.

Dick Wall

dick@bldc.org

MTC–714

MTC–00000715

From: Michael Hedger
To: Microsoft ATR
Date: 11/17/01 9:06am
Subject: Sell Out

Just thought I'd add my voice to those that are upset about the Bush Administrations sell out. Not much more could be expected though from an Administration put in place through a violation of the constitution and which has worked diligently to eliminate the constitution from every level of American life. Sort of makes the Soviet Union look good—at least the law applies to everyone there!

Michael Hedger

MTC–715

MTC–00000716

From: Dave Waggoner
To: 'microsoft.atr(a)usdoj .gov'
Date: 11/17/01 9:03am
Subject: Bad settlement.

From out here in ''flyover'' country, it looks like a total cave-in to Microsoft.

There are only two remedies that will work:

1: Force Microsoft to fully document all proprietary extensions for ALL applications, and release those specs. Require MS to use open specs on all products in the future.

2: Release the Source Code for Windows 2000 under the BSD license. With these two, competitors stand a fighting chance at making up all the ground that MS has unfairly gained.

Thanks for your time.

Dave Waggoner

MTC–716

MTC–00000717

From: Frank 249
To: Microsoft ATR
Date: 11/17/01 8:56am
Subject: The deal sucks Does nothing to help Corel.

MTC–717

MTC–00000718

From: Sass, Joe
To: microsoft.atr(a)usdoj .gov
Date: 11/17/01 8:52am
Subject: Monopoly

The Sunday ads prove every week that Miscrosoft has a monopoly. On any given page, there may be 20 ads for Software. Two products are in the $150-$500 range. Both from MS. All the others all around the $50 mark. Coincidence? So unlikely!

Joe Sass
jsass@accesstoledo.com

MTC–718

MTC–00000719

From: Bob Nixon
To: Microsoft ATR
Date: 12/6/01 2:08pm
Subject: microsoft monopoly

The current settlement requiring microsoft to donate software or hardware to poor schools only serves to further the company's monopolistic position. Kids who grow up with the microsoft way of doing things are unlikely to change the way they compute later in life.

Microsoft's stifling pressure on Netscape has forced one of the truly free browsers into the hands of the unscrupulous and privacy invading marketing practices of AOL (personal opinion). There are many fine operating systems and browsers with advantages far more practical and efficient than Windows/Explorer: Unix , Linux and Macintosh, to name a few. When a company reaches the size and power of Microsoft the question of free enterprise no longer applies because their influence both monetarily and in terms of ubiquity allow them to slant the market as they choose. This is not the American way, as I understand it. (or, perhaps it is but, according to the ideals underpinning this country, should not be.) I have grown up with computing. I learned my first programming language in 1977. Computing can be a truly great tool but lets keep it free and clean and it's marketing practices fair. They have been shown to be guilty, please impose real penalties which don't amplify their crime.

Robert Nixon

MTC–719

MTC–00000720

From: Warren L. Rutledge
To: Microsoft ATR
Date: 11/17/01 9:26am
Subject: Regarding proposed settlement with Microsoft

Having read extensively on the case, judgements, and the proposed settlement, I felt as though I needed to express my views on the topic to you.

First, I applaud your efforts to stop Microsoft's predatory practices within the software industry. As someone who has worked in the information technology field for the past 11 years, I find Microsoft's practices to be very chilling. Their unwillingness to allow any type of competition, use of underhanded (and now demonstrably illegal) tactics, and immense wealth are a continuing damper on true innovation in the industry. No one wants to try to go forward in a new market because Microsoft may decide that's where they compete and they'll destroy you. However, your efforts in regards to the proposed settlement have fallen woefully short of the mark. It appears to my reading that the agreement is largely without teeth, that Microsoft essentially dictated the terms, and that rather than having chastised Microsoft, you are in fact allowing their behavior to continue virtually unchecked.

What concerns me the most is the apparent lack of technical understanding by the DOJ lawyers. The Microsoft team is obviously competent in this regard. While I am certain the government lawyers were doing their best, in this case it appears that they were quite clearly in unfamiliar territory. I would suggest that it would be wise to contract with technologically savvy law firms for consulting on these types of cases in the future.

As for the remedies, I was stunned at the complete lack of teeth. Having won what appeared to be a slam dunk on the facts at both the trial and on appeal, it seems that you were in a far better position to set terms. Further, you missed the most egregious types of behavior that could be easily remedied.

For example, Microsoft routinely discourages competition by keeping all document formats proprietary. There is no business reason for these to be proprietary as all the intellectual property to do the processing is in the actual code, not the document formats. When competitors close in on providing compatibility with the Microsoft document formats, Microsoft changes these formats without warning and in ways that break competing products ability to import them properly. You could have done the world a great service simply by specifying in the agreement that they could not keep their document formats proprietary and that they must give 6 months notice of any changes to their formats prior to implementation.

Finally, I am wondering why Microsoft is allowed to financially unpunished. I can understand not requiring any type of jail time, but how can you justify not stripping them of at least some portion of their ill gotten gains? Again, that just feeds speculation that this was a completely political settlement bought and paid for by Microsoft last year. As a life long registered Republican, I find that thought revolting but I cannot point to any cogent argument on the part of the DOJ to say why they did not pursue any type of fine. If you do have some type of argument as to why a company who used illegal practices to eliminate competitors and keep building monopoly profits should be allowed to keep all they have gained from their illegal activity, I'd be interested to hear it.

I am certain that you are hearing from a great many people in my career field who are as surprised as I was. Please understand that we expected that having won in court, that you were going to put some restrictions on Microsoft. What we see is that while Microsoft appears to you as a chastised company, it is quite clear to those of us who must work in their shadow that they are far from even being shamed. They have already indicated that they will not change any of their practices as a result of this agreement because there are loopholes for every occasion. Please reconsider your ill advised settlement.

Sincerely,
Warren L. Rutledge
Boise, Idaho

MTC–720

MTC–00000721

From: berlin
To: Microsoft ATR
Date: 11/17/01 9:09am
Subject: Microsoft are evil.

Microsoft are probably THE biggest example of a monopoly I've ever seen. They make you buy their operating system if you want a GUI style operating system that will work with the x86 lines of processors (the most common types in use for home pcs). Then, they make you use their tools and programs. Have you ever tried uninstalling Internet Explorer? HA! Good luck! Same goes for any other major program or utility that Microsoft load in with their operating

systems. If you guys don't do something, they WILL try and take over the software market, guaranteed.

egekrusher@cablespeed.com

MTC–721

MTC–00000722

From: Micah Gorrell
To: Microsoft ATR
Date: 11/17/01 9:28am
Subject: Microsoft is a bunch of evil bastards and they should go to hell.

MTC–722

MTC–00000723

From: John Harris
To: Microsoft ATR
Date: 11/17/01 9:34am
Subject: Microsoft Settlement

I feel it is about time a settlement was reached with Microsoft. What seems strange to me is that it took this long. During this same period, several of the old ''Standard oil companies and several of the old ''Bell'' telephone companies were allowed to merge back together with no questions asked. I feel these mergers could be more harmful to consumers than Microsoft having a monopoly in computer OS. I believe having a common OS is actually good for the consumer. Could you imagine 10 different OS?

There would not be any continuity between computer systems and the multitude of software that is available now would probably be a great deal less.

Thanks for letting me express my opinion.

John Harris

MTC–723

MTC–00000724

From: cathy gramze
To: Microsoft ATR
Date: 11/17/01 9:31am
Subject: MS settlement

How does this proposed settlement compensate me, a Microsoft customer, for the harm done to me in the past?

Whatever makes you believe that Microsoft will abide by it, when they have NOT abided by the 1995 settlement?

Much stronger measures are indicated here. I oppose this settlement agreement and ask for the actual breakup of Microsoft into at least 3 companies.

Catherine Gramze

Michigan

MTC–724

MTC–00000725

From: jm @mandrake.prospeed.net @ inetgw
To: Microsoft ATR
Date: 11/17/01 9:50am
Subject: Do not shirk your duty

Dear Sir or Madam;

I am appalled at the inadequacy of the proposed settlement terms. Now that Microsoft has killed IBM OS/2 and BeOS, and Apple is marginalized, and Microsoft has reached almost 100% market share, how will the settlement restore or even enable competition in PC operating systems?

Now that Microsoft has dumped their browser on the market, setting the price at zero, killing Netscape's viability as a browser company, and Internet Explorer has reached somewhere between 50 and 80% market share (starting from 0%, need I remind you?), how will the settlement restore or even enable competition in Internet browsers?

How will the settlement terms prevent further ''Netscaping'' (it's a verb, now, you know, meaning to bundle products and their attendant markets out of existence) of streaming audio, streaming video, digital photography, etc. by WindowsXP? Do you not understand the import of this case, as Microsoft seemed to, by its accelerating delivery of WindowsXP in advance of any settlement?

How will the settlement terms prevent Passport's/.NET's monopolization of Internet infrastructure? Of PocketPC's plans for monopolization of the PDA/handheld market? Of XBox's plans for monopolization of the gaming console and/or home entertainment market?

As an MIT computer science graduate with nearly 20 years of industry experience, I am appalled that Microsoft will be able to continue to quash innovation in the industry with continued impunity, and with the implicit endorsement of the DoJ. As a small software business owner with 11 years of industry experience, I am appalled that Microsoft will be able to reap the benefits of the market dominance achieved through its longstanding illegal business practises. As a member of the endangered species of Massachusetts Republicans, I am appalled and embarrassed that the party of the free market has kowtowed to a rapacious, unrepentant monopolist, that has done everything in its power to restrain competition and eliminate consumer choice and freedom. They have played hardball with every threat they've encountered, including now the DoJ, and they have always won.

While I can understand that this is their nature, and that this is how they always act, I cannot understand your actions. Either you do not understand the importance of winning the case and restoring competition, or you have cowered in the face of a tough fight.

It is the undeniable function of government to protect citizens from both foreign and domestic threats. Do not shirk your duty. Please feel free to contact me at any time so that I may more fully express my opinions, so briefly expressed herein.

Very Truly Yours,
John Morrison
John Morrison
== MAK Technologies Inc.
185 Alewife Brook Parkway, Cambridge, MA 02138
http://www.mak.coml
vox:617–876–8085 x115
fax:617–876–9208
jm@mak.com

MTC–725

MTC–00000726

From: Diane Metzler
To: Microsoft ATR
Date: 11/17/01 9:45am
Subject: Settlement

My company www.softdesigns.com is from CT. I support our attorney general and urge you to listen to him and seriously consider making the penalties against MS more strict.

MTC–726

MTC–00000727

From: gibson@wt6.usdoj.gov @ inetgw
To: Microsoft ATR
Date: 11/17/01 9:40am
Subject: Microsoft Monopoly Remedies

My one real grievance with Microsoft and their marketing practices is that I cannot buy any pre-built PC through mainstream distribution channels without the pre-installed Microsoft operating system and all of the associated crap that comes with it. There is no choice. I have been building my own PCs from scratch for years to avoid this. The function of a free market is to provide choice, and the proper remedy to Microsoft's abuse of the monopoly power they hold is to enforce choice. Specifically there should be no constraints on what Microsoft licensees may do with regard to the configuration of their machines. The right to use that one purchases from Micrsoft for their products should not be encumbered with any constraints on what one may otherwise do.

When I buy a car, the manufacturer give me orders about how to decorate it, or what other types of cars I may own at the same time, or where I have to get my parts and accessories.

Thank you for your attention.

* Joseph W. Gibson Lead Software Engineer *
* ''Surf the Wave of Chaos'' *
* gibsonjw@earthlink.net C/UnixIX *

MTC–727

MTC–00000728

From: Jim Williams
To: Microsoft ATR
Date: 11/17/01 9:38am
Subject: Why the Microsoft Antitrust Settlement Should Be Rejected

When all is said and done, the current settlement sends one message loud and clear:

Breaking the rules pays.

Microsoft has killed thousands of businesses and innovators over the years, and not even the 1995 court order slowed them down. They have amassed an enormous hoard of cash from their extensive illegal and unethical practices and used that money to branch into numerous other businesses with the same ruthless intent to destroy competition and dominate the information age.

In effect, they have been engaged in money laundering, and now the government is giving Microsoft total amnesty. Not only does the current settlement allow Microsoft to keep its ill-gotten advantages, but also it does not even address the deceptive accounting practices which have far overstated Microsoft's earnings over the years, and have even concealed years when Microsoft actually LOST money. The effect from this has been to drive Microsoft's stock much higher, and thereby further increase Microsoft's market monopoly. Are we a nation of laws or not?

MTC–728

MTC–00000729

From: Dean Haparanta
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/17/01 9:56am
Subject: Settlement

What a sell out! Just throw it out and be done with it. Why waste any more taxpayer time and money. As a Network Consultant, I can tell you, you people do not understand the problem(s) or Microsoft in any way, shape or form.

Dean W. Haparanta
Cedar Valley Consulting
Dhaparanta@sprynet.com
(319) 472–5241 Voice
(319) 472–5241 Fax

MTC–729

MTC–00000730

From: David Sollars
To: Microsoft ATR
Date: 11/17/01 9:56am
Subject: Letting Microsoft of the hook

Add me to the list of millions of Americans and tens of thousands of computer technology administrators who feel you have completely dropped the ball on protecting our freedoms from the obvious aim of world control of computer and internet technology by Microsoft. I thought your job was to protect us, but instead you turn us over to be held hostage by a company that has shown no mercy in crushing every obstacle in its path. Where is the freedom in freedom of choice' when there are no longer any choices. DISGRACEFUL.

David Sollars
Spanish River Church
2400 Yamato Road
Boca Raton, FL 33431
561/994/5000 x228
dsollars @spanishriver.com

MTC–730

MTC–00000731

From: David McKeon
To: Microsoft ATR
Date: 11/17/01 9:52am
Subject: This sends a green flag to companies to user unfair practices.

This sends a green flag to companies to user unfair practices. Where is the penalties part of the this judgement?

Do you really think this will stop Microsoft from piling more libraries into their music recorder and calling it secret? That is the tactic it used with Explorer, hide the libraries in the OS and call it the OS, not a browser.

How can there be a competing product such as Samba if all of a sudden the password Technology is patented, secret, or used in hiding copy righted material? It doesn't need to be, but it will be as soon as your judgement got into action.

You have not punished this company you gave it a green flag to do what its done in the past. Drive other job making, taxable businesses into the ground. This isn't what the Federal Government is being payed to do by the people. Fix the problem, don't hide it.

Ever wonder why people program for free for LINUX and GNU software? Its because the world and the tech people are tired of what the Government isn't doing. How do you tax a free piece of software? You can't, so you are forcing the world to fix the problems we see that MS is causing, and dropping your tax base in the process. The people of the world are coming together to resist what MS is doing to our computers. And companies are tired of being overcharged for a 2 dollar CD. MS doesn't innovate, they buy their competitors to drive out threats to thier Monopoly. You haven't fixed this.

I'm sorry to see the Federal lawyers can't seem to get it right. Perhaps to many see the money they make if they get a chance to work for MS.

David McKeon
Grand Rapids, MI

MTC–731

MTC–00000732

From: Brad Snedeker
To: Microsoft ATR
Date: 11/17/01 9:52am
Subject: Microsoft

To whom it may concern,

I can understand the government draging Microsoft to court for unfair pricing of its OS's. But making Microsoft share or strip down its code is unfair. I have used Novell, Linux, Dos, Windows, and NT Os's. I have found that most unwanted pieces of these systems can be removed or uninstalled with no ill effects to the system.

Computer users in the United States have made their choice, and chosen Microsoft products. If I buy a computer with Windows installed on it and want to try a different os I simply remove Windows. Until someone builds a better os then Windows, Windows will be the top seller. If the people so choose... And please remember its the consumer that has made the choice not a State or govenment group. Instead of wasting time and resources picking on Microsoft why don't these companies, states, and the government move on to more productive issues. Hmm maybe design a better os. Feed hungry people in different states in the US, or protect citizens in this country from outside influences.

We the people are not as stupid as some of you think. We have made our choice. And Microsoft is the winner. A good product at a fair price is the American way of life.

Thanks for your time.
Have A Great Day
Brad Snedeker ESA

MTC–732

MTC–00000733

From: Mary Euyang Shen
To: Microsoft ATR
Date: 11/17/01 10:12am
Subject: Settlement

Whatever you do, please let Microsoft ''go''. The consumer is not hurt by Microsoft's monopolistic hold—without its software, we would still be in a state of numerous different operating systems, not able to talk to each other. Give the people who made today's technology possible credit and let the economy be healthy again. The competitors should be ashamed of themselves for not developing better software but instead, resorting to ''crying to Mama.'' Please just settle. Mary Shen—Microsoft program user and stock holder

MTC–733

MTC–00000734

From: Paul FM
To: Microsoft ATR
Date: 11/17/01 10:08am
Subject: You missed a few things in your settlement

You missed a few things in the MicrosoftlDOJ settlement:

1. All of Microsoft's Software development tools (Visual C, Visual basic, etc.) seem to to have license requirements that forbid the user from creating another operating system, or a product that can compete with MS office or Internet explorer. Unfortunately, Microsoft embeds OS secrets in these products that are nearly impossible to use without them (in other words creating a competing product without these tools is nearly impossible). You should have had Microsoft rescind these sections of the license.

2. You should also have required that all Contracts with OEMs be registered with the justice department for review. To make sure Microsoft wasn't sneaking some anti competitive item in the contract.

3. You should have had Microsoft agree not to enter any other market and to remove themselves from directly providing Internet Service (MSN), as this is their new tool for controlling the market.

I have no problem with not breaking up Microsoft. Their monopoly is held together by restrictive contracts, not by the fact that they supply OS and Office software both.

I have no problem with Microsoft keeping secret code. In a truly competitive market they would have to make their product co-exist and interact properly with competitors, and reveal how to communicate with their server products. I should preface the following by making it clear that I believe the Federal government legislates too many things that should be left to smaller government units (drinking laws, the now defunct 55 MPH speed limit law, and the like). I believe the job of the Federal government is to make as few laws as are needed to protect the rights and safety of citizens. But I do believe one of the thing the Federal Government must do is ensure a competitive market place.

I think much if not all of the Microsoft problem could be corrected with legislation that:

a. Forbids the Federal Government from doing business with Monopolies (if there are no alternative sources it should allow the Federal Government to create one). As long as Microsoft is a Monopoly, the huge amount of business they get from the Federal Government would go to competitors. If the Federal Government stopped using Microsoft Office, other companies would be able to stop using it as well (including Universities and State Governments), if the Federal Government couldn't use Internet Explorer, government web sites might not be compatible with it—forcing others to use alternative that are.

b. Forbids contracts that penalize a customer for using or supplying competitive products (as in Alternate OSes on a machine) this needs to be more generalized to prevent another company from using exclusive contracts in an anti competitive way (it could also apply to anti competitive clauses in software development tools).

I think Microsoft is a symptom of the holes in anti-trustlanti-monopoly legislation. Other companies restrain themselves only as a common practice. The result of the Microsoft

case will impact other companies contemplating the same methods of gaining market share. Removing Monopolistic methods from the market place is the best way to ensure a competitive market place.

The views and opinions expressed above are strictly those of the author(s). The content of this message has not been reviewed nor approved by any entity whatsoever.

Paul F. Markfort Information Technology Professional

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MTC–734

MTC–00000735

From: Aaron McBride
To: Microsoft ATR
Date: 11/17/01 9:58am
Subject: Who's the competitor?

I'm a software developer, and a potential competitor to MS. Will I be able to get a look at the API? Will it be posted on a website somewhere for all who are interested to inspect, or is it only for large companies like AOL/Time Warner/Netscape/Sun/Whatever to look at? I'm a little confused about how this will restore competition to the browser market. Six months from now MS will still control 97% of the user's web browsers. There needs to be a way for someone to easily make an IE clone, that they can add their own features too.

That's all for now.

—Aaron McBride

MTC–735

MTC–00000736

From: Jim Coleman
To: Microsoft ATR
Date: 11/17/01 10:19am
Subject: Department of Justice Microsoft Settlement

November 17, 2001
Department of Justice
Washington, DC
microsoft.atr@ usdoj .gov
cc: consumer@wvnet.edu
Subject: Department of Justice Microsoft Settlement

This is the second time that I?ve ever written a government official/agency. The first time was last week when I wrote the West Virginia Attorney General to thank him for standing up for the rights of West Virginians by pursuing the anti-monopoly case against Microsoft. That letter was necessary because, you, my representatives at the Federal level, have decided that my rights as a user of non-Microsoft software are without merit.

As stated in my email to the Honorable Darrell V. McGraw, Jr., I?ve used Microsoft products for many years. Like all modern PC users, each of my computers were purchased with Microsoft operating systems (MS-DOS or various versions of Windows) preinstalled by the OEM (original equipment manufacturer). Except for a brief period when the IBM OS/2 operating system was available to consumers, purchasing a Wintel (Windows/Intel architecture) PC meant purchasing a Windows license. As Judge Jackson correctly pointed out, consumers are given no choice in the matter. As I?ve come to realize, it is exceedingly difficult to purchase a new PC without a Windows license. It is a statement of fact that, in the vast majority of computer users? minds, Windows *IS* the computer. It is also true that the average consumer has no more choice in operating systems than they have a choice of air to breathe. Despite the fact that, unlike air, alternate and arguably superior PC operating systems have been available for some time.

Though I consider myself an advanced user now, that was not always the case. When I purchased my first PC in June 1994, I did not know how to operate it. My experience at that time was limited to a bit of MS-DOS and the mainframe programs my employer ran at work. I?d never used a computer with a GUI (graphical user interface) and had never used a mouse.

Though the foundation of Microsoft's monopoly was already in place, the playing field was slightly more level in 1994. If you lived in a major city, for a brief period of time, you could still walk into a computer store and choose both your hardware and your operating system. Stores that carried them were exceedingly rare but IBM was still preinstalling its OS/2 Warp operating system on its PCs in 1994. Apple's Macintosh OS was, of course, also readily available. I?d researched both these and Microsoft Windows 3.11 before making my purchase.

Though I did not understand everything I read, I knew the computer press had very definite opinions about the relative merits of each of operating system. In a nutshell, the Mac was considered the easiest to use. OS/2 Warp had superior multi-tasking and memory management. Windows 3.11 was supposed to be an improvement over version 3.1 but wasn?t considered in the same league as the other two OSes technologically.

None the less, I purchased a Packard-Bell PC with Windows 3.11 and clearly remember my reasons for doing so:

* I had only so much money to spend and Macs, then as now, were much more expensive than PCs. Though I preferred the Mac, I could not afford one.

* Though I could read all about it in computer magazines, I could not find an OS/2 Warp display model in the Parkersburg, WV area. Though it had problems, I used Windows exclusively for many years. I accepted computer crashes and frequent reboots without question because they happened to everyone. I thought they were normal. Like millions of others, I upgraded to Windows95 when it became available and expected things would get better. The upgrade cost several hundred dollars because it also meant I had to invest in a larger hard drive, more RAM, new diagnostic utilities and anti-virus software, and at-home tech support since I wasn?t yet capable of upgrading hardware. The instability continued.

When Windows98 was released I upgraded again on the promise that everything had really been fixed this time. When, several hundred dollars later, things were not better, I began to look for alternatives.

OS/2 Warp was long gone. Macs were as expensive as ever. I?d heard about an alternate operating system called Linux and learned that it was possible to install both it and Windows on the same computer. Over time, I learned how to obtain and install Linux, running it at first on an old 486 PC we?d acquired. Redllat 4.3, was crude and rough compared to Windows but it never crashed and, unlike Windows, ran well on the older computer.

When I learned that I could by Linux CDs for $2.00 from web establishments like cheapbytes.com, I knew Linux was a way to free myself of constant, expensive upgrades. The transition was not easy. I?ve spent countless hours learning how to install, configure and support a Linux computer. I relied heavily on books and on the Linux on-line community. Few computer users would go to such efforts. Judge Jackson rightly outlined what he called Barriers to Entry. I understood that concept immediately.

Over time, I learned to love Linux. We run both it and Microsoft Windows in our home. Many programs are not available in Linux versions and some of our hardware works only with Windows. I use both OSes interchangeably and move from one to the other with ease. We no longer use Microsoft Office software, preferring the freely available, multi-platform StarOffice suite instead. Our StarOffice Linux documents can be opened and read in our StarOffice Windows programs with ease and visa versa. And, happily, the Internet, for the most part, is still a realm where operating system or hardware platform does not matter.

I?d like to think that the alternate tools we?ve come to rely upon will always be available but I fear this will always be the case. Today, Microsoft controls over 90% of the PC market and has tremendous influence on the PC industry. Its might can dictate not just how technology will be deployed but which technology will be deployed. It regularly uses its monopoly powers to unfairly move the PC industry in directions that benefit it alone. That fact has been determined in court and is not in dispute.

It has lately been extending that influence to the Internet, corrupting long standing open protocols by weaving its own proprietary code into the framework. One of the ways it does this is by promoting its Internet Explorer browser. Shipped on each and every OEM PC since the release of Windows98, it is the most used web browser in the world. The Internet, which was designed to be open to everyone regardless of computing platform, is turning into another Microsoft property. It's already common to find web pages that do not display properly in non-Microsoft browsers. Microsoft's ?Windows Update? program, an integral part of the Windows OS, works only with Internet Explorer. And Microsoft's Microsoft Network's web pages are deliberately designed to deny access to browsers other than Internet Explorer. Users that prefer to use Opera browsers (http://www.opera.com), for instance, are deliberately denied access. This is crucial since Opera has been selected as the browser of choice by a consortium of

hand-held computer devices—another market Microsoft is trying to contol. Microsoft has demonstrated time and again that it is incapable of acting in the public's best interest. The Department of Justice was entrusted by the citizens of the United States to look out for our interests. Its settlement with Microsoft is an abuse of our trust.

Best Regards,
Jim Coleman
Upsala 75
jecoleman@yahoo.com
http://www.upsala.org

MTC–736

MTC–00000737

From: James Bryson
To: Microsoft ATR
Date: 11/17/01 10:16am
Subject: Microsoft settlement

To whom it may concern,

What are you people thinking? The whole reason for this lawsuit was monopolistic practices by Microsoft.

By allowing the company to continue to bundle other software into windows, and making those rpograms an integral part of said Windows, the consumer is now being allowed to have the choices he or she so deserves.

I guess it doesn't matter to the gonernment that we have elected that we, as Americans, like to have many choices. With Microsoft making Outlook Express, Windows Media Player and Internet Explorer integral to Windows, we have been stymied in our choices.

It is becoming more difficult to remove these applications, if not impossible without crashing Windows, and and use something else. I think Ashcroft and the rest of the DOJ need to gain some backbone and make Microsoft ease up on their monopolistic practices, make Windows internal working available to the software developers for better integration and to stop bundling IE, OE and WMP into windows.

I thought the government was supposed to be ''for the people, by the people, and of the people'' not 'for the company, by the comapny and of the company''.

MTC–737

MTC–00000738

From: Sheenada
To: Microsoft ATR
Date: 11/17/01 10:15am
Subject: Equal Treatment

To whom it may concern;

The Microsoft case is the first time that I have heard of a defendant being found guilty, and the guilty verdict being upheld by appellate courts, where the guilty defendant was given the opportunity to negotiate the punishment. The negotiations resulted in a compromise and a reduced penalty. Should I ever be found guilty of anything I will surely demand my right to equal treatment under the law, and demand a compromise which reduces my punishment.

Thank you for your concern and the opportunity to refuse to comply with any punishment imposed.

MTC–738

MTC–00000739

From: Will Ganz
To: Microsoft ATR
Date: 11/17/01 10:15am

Attorney General John Ashcroft,

The proposed deal with Microsoft is too weak. Witness the continued integration of such services as instant messaging, on demand multimedia, and e-commerce(Passport), into the new release Windows XP. The flaccid excuse of using the horrific events of 11 September as a reason for rushing to a settlement is almost a sacrilege to the memories of the EMS personnel that died there. To rush to a conclusion of this since ''the economy is bad'' is as equally wrong or amoral as overlooking Bill Clinton's felonies since ''the economy is good''.

The true irony of the whole situation is that Microsoft could have gotten to their position of dominance by sheer engineering excellence without having to resort to such deeds as copying others code without license(DOS ver 1 and Stack), vaporware (Visual Basic 4.0 & 5.0 for the Macintosh), planting fake error messages in their software(DR-DOS & Windows 3.0/3.1), threatening to withhold licenses if hardware vendors even offered another OS(OS/2 & Linux), threatening to withhold licenses if hardware vendors don't pay for a copy of Windows even if the machine ships with a competing OS(multiple small shops with Linux, UNIX, & OS/2), changing the boot sectors for operating systems so that competing OS's cannot be multibooted (Windows 2000 with BeOS, Linux, and the various types of B SD), trying to divide up the market space with competitors(knife the baby with Apple&QuickTime; or Internet Explorer for Windows and Netscape for everything else) and violating contractual agreements to twist other's software into Windows specific trap(Sun & Java).

Read Bill Gates own testimony before Congress when he stated that the cost of software goes down even with the amount of complexity goes up. Now, look at the ever increasing cost of Windows. A license for Windows has gone from 2% of machine cost when Windows 3.1 was released to 30% today with Windows XP. This is directly from Bill Gate's mouth. You said that Timonthy McVeigh wouldn't get a retrial in spite of the monumental FBI SNAFU. Yet Bill Gates gets to rip, rape, and ruin the computer industry at his leisure now.

HOW MUCH EVIDENCE DO YOU NEED???? You have a lot less evidence against bin Laden and the US is bombing Afghanistan, yet you hand out essentially a warning ticket for jaywalking to multibillion dollar/year company that doesn't even bother pay income taxes at all. That fact is directly from their annual report to their stockholders. None, Nyet, Nada, and don't intend on it either. As an RN that is busting his backside to pay his bills and support a bureaucratic royalty of eunchs in DC, that is a double insult to have to pay more income tax than Microsoft, Inc. does. And I am talking actual number of dollars, not percentages here. You know, the long folding green stuff with pictures of dead presidents on it that makes the world go round?.

The only reason that we have had a rise in competing operating systems in the past is that Microsoft has HAD to be restrained during the trial lest their activities would be used against them in court. Now, you are going to undo the ONLY decent thing that the previous inhabitants of DC managed to do right. What happens to the economy when Microsoft now has a free hand to wreck vengence as it sees fit and only has to answer to a bunch of paid patsies that meets annually?

The best visual analogy that I can give you is a mature pine forest. Mature pine trees have a monopoly on the environment. They poison the ground with their acidic needles so that no other plant can grow. Microsoft has a monopoly on operating systems, and poisons/absorbs any new idea into their OS or Office products. There isn't anything for wildlife to eat since everything except pine trees are dead to about 20 feet off the ground. No one wants to develop new products for the Windows environment since Microsoft will write the same functionality into their products. We will have the same technological diversity as there is ecological diversity at the ground floor of forest. The only OS diversity is the Macintosh with 5% the market share and Linux with 1%. Pine trees will grow to over 100 feet high and live for almost a century, only adding height and girth. Microsoft only produces superior products when they face competition. A mature/dying pine forest will only rejuvenate itself when it is cut/burn down. Pine seeds will only germinate after the wax coating is burnt off. Do your job and light a match to Microsoft's monopoly.

Specifically, this should be added to the restrictions on Microsoft:

* prohibitions on the integration of instant messaging, media playing, and currency exchange into the Windows operating system

* immediate release of all API's for prior versions of Windows

* require the development and release of a database program to complement the Macintosh version of Office in the same manner that the program Access is a relational database component for the Windows version of Office, this would increase the viability of the Macintosh platform of a competitor

* require the release of the previously announced Visual Basic for the Macintosh to promote the development of vertical applications on that platform, this would compensate for the FUD that Microsoft used to freeze competing development languages on the Macintosh platform

* require the inclusion of the Java Virtual Machine from Sun in Windows XP

* prohibit the release of any new Windows operating system until the number of bugs is less than 10% of number of lines of code

Shame on you for selling us out. This stinks so badly that it has coined a new word ''Seattlement''.

Sincerely,
William E. Ganz, RN
2301 Pebble Vale #614
Plano, Texas 75075

NRA member when I was 16 in 1971 & Republican when I was 18 in 1973.

MTC–739

MTC–00000740

From: akn

To: Microsoft ATR
Date: 11/17/01 10:35am
Subject: Microsoft deserves CONSTANT VIGiLENCE.

Competitors should not have to sue to reverse Microsoft's unlawful acts as the delay just adds further damage. A committee of competitors should be invited to have direct access to a federal three judge panel to obtain a rapid ruling and ban on Microsoft detailed practices inconsistent with the finding of guilt already found on Microsoft.

akn @mediaone.net

MTC–740

MTC–00000741

From: ManbytsDog @aol.com@inetgw
To: Microsoft ATR
Date: 11/17/01 10:30am
Subject: MS Settlement—Comments

In short, a travesty for justice, the American consumer, and for much of the computer industry itself.

It's hard to imagine justice leveling a less punitive punishment for MS. This one makes the Supreme courts rubber stamping of the Florida election a minor transgression.

Ten years from now, this decision will echo in business text books as an egregious failure for the law, government and all business. Watching the Gates video deposition was like watching a 4 year old deny he had his hands in the cookie jar while it was caught on film and telltale fingerprints remained.

Just a law abiding tax payer almost stunned at what amounts to a wholesale reversal.

Shame on you.

I have no stake personally, professionally or otherwise in MS, but if ever there was an antitrust case that needed serious redress, this is/was the one that got away.

—John S

MTC–741

MTC–00000742

From: bmielke
To: Microsoft ATR
Date: 11/17/01 10:24am
Subject: I just Hope

To whom it may concern;

If any of the individual responsible for the 11 Sept 2001 are brought before into a court to answer for their actions I pray to God that none of the DOJ personnel associated with the Mircosoft case represent us, because who ever it is they will walk the earth a free man after these DOJ lawyer are finished.

PS. Thanks for doing a really poor job at representing me.

MTC–742

MTC–00000743

From: Dennis Stiliwaggon
To: Microsoft ATR
Date: 11/17/01 10:45am
Subject: settlement

Howdy

this short message is to express my opinion.

The settlement allows the guilty to go on free of their responsibility. This is against the very oath the DOJ prosecutors swears to when they accept their obligations to bring the full extent of the law to those found guilty. If not you, then who?

sea ya

MTC–743

MTC–00000744

From: Neil Youngblood
To: Microsoft ATR
Date: 11/17/01 10:44am
Subject: Settlement

To whom it may concern,

Leave Microsoft alone. They cannot help their products are the best and everyone wants them. Look at the gasoline corporations. Everyone needs to stop trying to take someones money without earning some themselves. Screw all of you jealous people, you all mess up the good things in life.

Sincerely,

Neil Youngblood

MTC–744

MTC–00000745

From: Jessica Tang
To: Microsoft ATR
Date: 11/17/01 10:39am
Subject: MSFT settlement

Thank you for bringing this witch hunt to an end.

STOP punishing success!!

MTC–745

MTC–00000746

From: Bill Toner
To: Microsoft AIR
Date: 11/17/01 10:37am
Subject: Microsoft trial comments

I see the DOJ hsa set up this email for comments on the Microsoft antitrust trial.

I have to say that I'm disappointed with the setiment agreement made. The discussions I've seen find many loopholes for MS to get around just about all restrictions should they desire to do so. And their use of the loophole on the 1994/1995? consent decree banning the bundling of Windows 95 and Internet Explorer show that they'll use all the sneaky tricks they possibly can.

I myself had hoped for a three-way split in the company, for Operating System, Internet stuff (MSN, Internet Explorer, and other tools that aren't useful without internet connection) and applications (Word, Excel, video/music players like Media Player, encyclopedias, etc. that aren't significantly internet related or absolutely required to run a computer). The two-way split suggested by Judge Thomas Penfield Jackson, as it would let the ''other stuff' company bundle applications and the internet together, which could still have forced people dependent on Word and Excel for work to become dependent on Internet Explorer and the MSN network, which could hurt other internet service providers, especially the smaller companies ther serve a particular town or city only. The small town I grew up in has such small ''mom & pop'' ISP company, and if they were to lose business due to shady forced dependencies on MSN, the whole town would be screwed, as there are no local MSN or AOL connection phone numbers, and we'd all then be forced to pay long-distance toll telephone charges to connect. I imagine there are a lot of similar small towns across the nation.

I believe that the DOJ's case could have accomplished more if you had not concentrated so much on the MS1E vs Netscape issue and nearly ignored many other relevent issues. MS hijacked the Kerberos networking protocol, modifying it to be incompatible with non-MS products specifically to insure customers would be forced into using MS products together and force them away from Unix or other non-MS platforms that have very important uses. MS stole the name ''Internet Explorer'' product name from a small company that had registered the trademark or copyright or whatever covers this issue intheir state, and was waiting for their federal application to be processed. MS sued and appealed until this small company could no longer afford to try and protect their registered product name and was forced into bankruptcy, MS won. MS's case was based on the argument that ''internet explorer'' is too generic a term to trademark or copyright. But if I were to start selling another software product of any kind, I bet you my house that MS would sue me out of existence.

And I cannot fathom how MS gets away with their claim of ''innovation''. They've either bought or stolen 99% of their products from other developers. Windows was of course stolen from Apple, who themselves finangled it from Xerox. Internet Explorer was bought from another developer, perhaps the entire company was bought. Flight Simulator was bought. There is a gian list of such MS ''innovations'' at http://www.vcnet.com/bms/departments/catalog/index.shtml There is an interesting discussion of what software concepts were ''innovated'' by MS at http://www.vcnet.comlbms/departments/innovation.shtml MS really hasn't innovated nearly as much as they claim to have done. We all know htat MS is trying to turn the internet into .net, where only MS platform based MS products can possibly do anything. I don't use a Windows PC. Nor do I use Linux or Macintosh. I use a more obscure platform that just happens to be more suitable to me than these more popular platforms. Do you think I will be allowed on the MS .net? Of course not. Even though there are developers that would be willing to make software to allow my computer access to .net, MS will not allow such distribution of their protocols specifications to such independent small developers, they'll cry ''security issues or something as a loophole to protect their APIs and keep things nicely proprietary and incompatible with anything else. I will be kicked off the internet, as I truely cannot tolerate the horrible Windows user interface (in my personal opinion, which is all that counts as far as my pocketbook is concerned when spending the kind of money that computers cost, I won't pay that much for something I, personally, hate) and gross instability.

MS is trying to get a lot of control over the music recording industry as well. They are trying to get the RIAA to put .wma digitally encoded files on audio CDs as well as the standard audio tracks for stereo equipment. What good does that do me, as I don't use Windows and thus have no .wma player? I will not be able to create my own digitally encoded formats that my platform can play, as the CD is copy protected. Sure, there are

copyright issues at hand needing protected, but why not use an industry standard format available to all platforms? Why limit listeners to the Windows platform? Why leave me out? At work I use a Unix (Sun Solaris brand) workstation, so I can't listen to my music there unless I go out and spend $50 on a cheapo audio-only CD player. Why should I be forced to do that when my old CDs play perfectly well in the workstation's CDROM drive? Microsoft is trying to force people into Windows PCs by lobbying RIAA to adopt their proprietary file format which isn't usable on non-MS computer platforms.

MS isn't just about owning most people computer usage, MS is trying to take over a great deal more than that, and I don't believe that the settlement agreement is enough to contain their borg-ish assimilation of the computer industry and other large portions of the US economy as subdivisions of the current Microsoft conglomerate. I realize that other current events have caused respectable distractions from the MS situation, but it seems like this agreement was hashed together in order to dump the MS trial so the DOJ can concentrate more on other large and of course important issues. I think the MS issue needs to be kept at least on the back burner and not just thrown in the trash heap. Two federal courts have ruled them to have broken antitrust laws, MS requires a bit more than this weak slap on the wrist.

I thank you for your time in reading my concerns with this issue.

Bill Toner
bill@prodatasys.com

MTC–746

MTC–00000747

From: philip bernstein
To: Microsoft ATR
Date: 11/17/01 10:52am
Subject:

I find it hard not to be cynical here. Microsoft has a track record of circumventing many of the laws now in place against it. How this settlement will curtail this is beyond me.

They have taken the law into there own hands and used it to there own advantage and have consistently hurt consumers, by limiting choice. I do not use microsoft products (I find them to be buggy and inferior to most programs out in the market), and because I choose not to use there product, I have to find ways to get around there lock on the software and pc market.

I have been to web sites that refuse my connection due to the fact the I am not running microsoft software. Is this good for me the consumer? I like choice and microsoft is trying to eliminate my choice of software to use. I find the decision of the government in this instance to be rather naive in the fact that they think they can control what microsoft has become. In *fact, I think the government has let down the U.S. consumer. In a country where we have choices for just about anything, not to have a choice of which software to use (and actually be able to access any given web site or resource, as proven recently by microsoft blocking access to there web sites against Opera and netscape web browsers), is in my opinion a criminal act (one of which they would surely protest if sites blocked them).

Since they have been proven guilty of anti-trust behavior, and also for not living up to the last remedies imposed on them, I think it's rather sad that the government would rather give them a slap on the hand rather than take some positive action against them and put choice back into consumers hands. After all, we should be a country of choice and not a country of microsofts choices.

Philip Bernstein
ppberns@hvc.rr.com

MTC–747

MTC–00000748

From: George Schuldberg
To: Microsoft ATR
Date: 11/17/01 10:51am
Subject: Microsoft Settlement

To Whom it May Concern,

As a tax paying American citizen I am dissappointed in the Justice Departments proposed settlement of the anti-trust suit with Microsoft Corporation. Based on the fact that Microsoft has been found of anti-competitive behavior, I believe that the punishment aspect of the proposed remedies does not nearly address the severity of their infractions. Furthermore microsoft with the release of Windows XP continues to use the same tactics of bundling unrelated software into their operating system in order to drive out competitors in other markets. Microsoft has repeatedly shown it is not willing to compete in a legal fashion, despite prior Justince Department restrictions (1995). I believe the only way that Microsoft will conduct business legally is to take away their ability to use their operating system to make gains in other software products. I hope the Justice Department will reconsider their position and provide protection for American consumers by seekind more substantial penalties against Microsoft Corporation.

Respectfully yours,
George Schuldberg
gschuldberg @ev 1 .net

MTC–748

MTC–00000749

From: Andrew Bulmer
To: Microsoft ATR
Date: 11/17/01 10:50am
Subject: Microsoft

I work at a non-profit non-governmental organization. I use Microsoft Products such as Windows, Internet Explorer, and Office. This is not to say that I like these products but I must use them. Other organizations use these products and that means we must use these products. There are several facts I would like you to consider.

I. You cannot buy a PC that does not come with Windows pre-installed. Ocassionally an OEM will offer Linux but at the same price as Windows. If you check the prices all Linux Distributions are less than the price of Windows. Also you cannot get a PC that has both Windows and another operating system installed even though it is technically possible. I am assuming that MS's agreement with OEMs prohibit this.

2. File formats are kept secret. How many times have you received a Microsoft Word .doc file as an attachment to an email? I get a word document in the email almost every day. Since the file format is secret, only MS Word can open it. Since people regularly email word documents this means that I need to have word to view them.

3. The majority of people who surf the internet use MS Internet Explorer. This is because IE comes with Windows and Windows comes with their PCs (see above). This means that most web pages are designed to be viewed by IE only. Standards that are ignored by Microsoft are ignored by web developers. When the anti-trust case against Microsoft began, Microsoft had a monopoly on the Operating System of PCs. Now Microsoft has a monopoly on the office suite, internet browser, media player, and is working on establishing a monopoly on gaming consoles (Xbox). You cannot use a computer without using Microsoft. This needs to be stopped.

Like I said earlier, I work for a non-profit organisation that does not have the money to be able to afford to upgrade our Microsoft products. The alternatives just aren't there, so we have to send money to microsoft that we would much rather use to teach children to read.

I hope that Microsoft's file formats, networking standards, and OEM agreements are opened up so that there can be some competition. I would like to see the prices fall and able to use alternate products.

Thank you for your time
Andrew Bulmer

MTC–749

MTC–00000750

From: root@localhost.localdomain@inetgw
To: Microsoft ATR
Date: 11/17/01 10:53am
Subject: RE: MS settlement

Shame on the DOJ.
Robert Lorenzini President
Newport Harbor Net

MTC–750

MTC–00000751

From: John Jones
To: Microsoft ATR
Date: 12/6/01 2:15pm
Subject: An example must be set

To whom it may concern:

If the courts let Microsoft go with a slap on the wrist, Microsoft will feel free to continue with their antitrust practices. Indeed they are doing so even though a remedy has yet to be finalized. And why shouldn't they? The courts have yet to do anything to stand in their way, in my opinion.

It has been said that Microsoft could just move out of the country. I say fine, it would be their undoing in my opinion. The US economy would not lose on this one. Eventually a US company would step up to take their place. But this new company would at least know the limits of what is acceptable.

This has gone on far too long, please stop this injustice as soon as possible.

Thanks.
John Jones
Cleveland, Ohio

MTC–751

MTC–00000752

From: Vance, Larry

To: microsoft.atr(a)usdoj.gov'
Date: 12/6/01 2:10pm
Subject: Microsoft antitrust settlement

I am a computer system administrator by profession and have been vexed by Microsofts methods of anti-competetive business practices. I do not feel that Microsoft has been held responsible for the damage that they have inflicted on the general computer industry and on the exhorbitant costs that have been incurred by our society. I feel that the Department of Justice has failed in their job to protect the citizens of the United States of America for non competitive practices from this corporation.

Happy computing,
Larry Vance
303–267–9801 (work)
303–324–4310 (mobile)
Vance.Larry@broadband.att.com

MTC–752

MTC–00000753

From: bobh@
anarres.optimizations.com@inetgw
To: Microsoft ATR
Date: 11/17/01 10:54am
Subject: Comments on proposed Microsoft settlement.

Dear Sirs,

The proposed settlement is a travesty of justice. Microsoft was found guilty of violating their previous settlement agreements, behaving in a particularly un-competitive way, and through the whole trial has thumbed their noses at the law. No where in the settlement are they taken to task for their serious misbehavior—and it is serious, Microsoft is big enough to be a symbol, do we want other businesses to behave this badly? The settlement does little to affect Microsoft, and has few if any real remedies. At this point Microsoft should be on notice that ANY misbehavior will result in a swift and stern response.

At the very least, ALL of Microsoft's existing and future data formats and the means to interoperate with them should be made public. It should not be up to Microsoft to pick and choose who their competition might be.

Failure of a Microsoft service to work with another vendor's product— because of that other vendor's id only (as in the recent MSN debacle) should be treated as a violation of the interoperability requirement. Microsoft is driven by greed. Greed is a dangerous thing to reward.

Thank you for your consideration.

Bob Hampton—bobh@optimizations.com—(970) 859–7481

MTC–753

MTC–00000754

From: david(u)s(u)02330
To: Microsoft ATR
Date: 11/17/01 11:02am
Subject: Justice Department vs Microsoft

Dear Representative,

My two greatest concerns with the current Microsoft agreement are the punishment portion and the authority of the oversight panel.

As far as I can tell, Microsoft is not being punished for it's years of illegal behavior that they've been convicted of, but rather have been put on probation. A panel of three probation officers (two of which will be chosen with Microsoft's influence) will monitor Microsoft's behavior. I fail to see any more punishment than that. I personally don't believe Microsoft will give complete and accurate information to it's competitors about how to efficiently interact with its operating system (especially if it offers competing products). I also don't believe they will stop trying to intimidate the hardware vendors. Perhaps they will be less blatant about it, but not stop.

I believe that the most optimistic outcome of this settlement will be that Microsoft will walk a fine of aggressively working against the spirit of the settlement while simultaneously trying to meet the letter or the law (as Microsoft interprets it, which is interesting because I don't think that they believe Microsoft has done anything wrong).

When (and not if) Microsoft breaks the law again, it is unclear to me what the above mentioned panel has the authority to do. Can they shut Microsoft down, levy fines, arrest executive officers, or is it back to court we go? My guess is that it's back to court. I say this with the believe that Microsoft will legally challenge any decision of the oversight panel. In general, why rush the settlement (which is not in Microsoft's interest) if it's only going to lead to more courtroom battles?

regards,
Dave Sheehan

MTC–754

MTC–00000755

From: massey
To: Microsoft ATR
Date: 11/17/01 11:02am
Subject: DOJ Settlement a sham

The DOT settlement is a complete sham. Microsoft has, for many years, built a monopily and used it to squash inovation and competition in the computer software and hardware business. They have made BILLIONS by cheating competitors and stifeling software developement yet there will be no fines imposed—this is sad.

Reading the settlement I, thou not a lawer but a programmer, can find many many ways to subvert it's provisions. The DOJ is supposed to protect the people from monopily control—not help a monopily continue unrestricted. Under this agreement the computer industry and consumers will be damaged even further.

Jim Massey
909 Wynstay Circle
Valley Park, MO 63088

MTC–755

MTC–00000756

From: Howard Shane
To: Microsoft ATR
Date: 11/17/01 11:12am
Subject: Microsoft

Dear Sirs and Madams:

I believe that by allowing Microsoft to go forth into the world without even being required to ship a version of Windows without Internet Explorer and other free tools designed to trample cometition amounts to little more than a slap on the wrist. It's obvious that they haven't learned their lesson. Example: bundling of a media player in Windows XP that directly competes with Real Player (tin) without even offering the individual a choice of programs to play files composed in Real's own format.

The battle is over for Netscape, and I'm fearful that it's nearly over for the US consumer as well. I envision a world ten years from now where Microsoft controls all software used on computers and to access the internet, both from the server end and the users' as well. Soon there will be only three things certain in life: death, taxes and the annual Microsoft subscription agreement.

Howard Shane

MTC–756

MTC–00000757

From: Michael Baird
To: Microsoft ATR
Date: 11/17/01 11:05am
Subject: Sanctions

This is ridiculous, I'm a Republican, I voted for Mr. Bush, I'm extremely unsatisfied with this, it's a total sellout. Microsoft gets a slap on the wrist (it's only obvious to look at the great campaigning they are doing to push this settlement). This does nothing to reign them in, and only further enhances the anti-competitive market place to which the computer industry has been stagnated for years.

Regards
MIKE

MTC–757

MTC–00000758

From: Joe Henley
To: Microsoft ATR
Date: 11/17/01 11:21am
Subject: Please stop MS's anticompetitive actions

I understand this site is for comments on the DOJ/MS antitrust action. Please do not proceed with your current settlement plans with Micro Soft. It appears you have given up your trial victory and are going to let them continue their anti competitive practices. I hope you will re-join the nine states who want MUCH stronger constraints placed on MS activities.

I have been a MS user since the 1980's (yes, I'm that old). I have watched them push producers of complementary software out of business (eg., disk compression), watched them cripple competing software (eg., the competing DOS), watched them use the operating system monopoly to advantage their their middleware (eg., any office product —Lotus, Word Perfect, etc., etc.), and watched them get away with going around the US Court system's rulings against them (eg., the ''browser ruling''). The impact of this that a significant aspect of this country's revolution in information processing is being controlled by one company. The power of competition is almost completely absent. This is NOT what we want for the future. We need many companies competing, especially the smaller ones. In the past, the successful smaller companies have been crushed by Micro Soft; the evidence is that they will continue to do so unless you act to stop them.

PLEASE do not give in to Micro Soft as it appears you are doing. Please help this

country regain some competition in the operating system/middleware segment of the economy. PLEASE help stop MicroSoft's predatory, anti competitive behavior.

Thanks for listening.

Joe Henley

MTC–758

MTC–00000759

From: Curt Cox
To: Microsoft ATR
Date: 11/17/01 11:20am
Subject: Proposed restraint

Greetings,

In light of the previous findings of fact, that Microsoft is a monopoly, I would like to propose that all Microsoft dealings be readily available for public scrutiny. This should be a part of any settlement with Microsoft. More specifically, all contracts in effect between Microsoft and other companies should be a matter of public record—in both existence and precise details.

This includes, but is not limited to, partnerships, joint ventures, acquisitions, and product sales. Furthermore, the contracts should be available on a Microsoft funded website overseen by the DOJ. The DOJ should ensure that the site is

—complete
—accurate
—well organized
—searchable
—continuously available
—responsive
—optionally downloadable as a single archive

Sincerely,

Curt Cox

MTC–759

MTC–00000760

From: Peter Apu
To: Microsoft ATR
Date: 11/17/01 11:19am
Subject: Miscarriage of justice

To whom it may concern,

In my humble opinion teh settlement represents a slap on the wrist to an unfair heavy handed monopolist. A clean break of the company into one devoted to operating systems (Win 95/98/ME/NT/2000/pocketpc) and all other applications would have been the best but costliest solution. soon microsoft will bundle all applications into one ''operating system The optimum one would have been a requirement that all APIs should be openly published, any API used by a microsoft application that is not openly published should warrant a minimum fine of $1000 X number of copies of application sold.

my 1.5 cents

MTC–760

MTC–00000761

From: Don Oliver
To: Microsoft ATR
Date: 11/17/01 11:29am
Subject: You Rolled Over

Dear Sirs/Madams:

Your ''settlement is simply a reward to Microsoft for decades of illegal monopolistic behavior.

There is nothing to stop them from raising the price of their MS Office products to OEMs to force them to abandon any competitor product placements. Microsoft has proven by their deceitful testimony during the first trial (doctored videotapes, lies about their email message history, etc.) that they have no fear of the U.S. government.

They were operating for several years under a consent decree before that, and they did not change their behavior one iota. This is a travesty of justice and serves to weaken our anti-trust laws. I urge you to reconsider the position of the nine states who oppose this settlement, and don't foist this Pyrrhic victory on the U.S. public.

Don Oliver
Independent Software Vendor
Donny World, Inc. ''We Deliver Community ''(tin)
279 East Central Street, Suite 140
Franklin, MA 02038
www.donnyworld.com
Voice: 508–384–4166 FAX: 508–384–8683

MTC–761

MTC–00000762

From: Ericnewlon @cs.com@inetgw
To: Microsoft ATR
Date: 11/17/01 11:25am
Subject: Microsoft Settlement

I had an idea for a public service sentence for the case against Microsoft I wanted to share. They could develop software that could analyze baggage and package x-rays at airports to help screeners identity contents.

Thank You for listening.

Eric Newlon
1419a½ E John
Seattle, WA 98112
Web site <A HREF=http://ericnewlon.coml''>ericnewlon.com</A>~E-mail address <A HREF=''mailto:ericnewlon @cs.com''>ericnewlon @cs.com</A>

MTC–762

MTC–00000763

From: John Mupi
To: Microsoft ATR
Date: 11/16/01 10:52pm
Subject: Microsoft should be taken down

My comment on the Microsoft / DoJ settlement is that Microsoft should be taken down. They are too big of a monopoly and I think I will start using Linux exclusively.

MTC–763

MTC–00000764

From: Cody
To: Microsoft ATR
Date: 11/16/01 10:52pm
Subject: Microsoft monopoly and its use of that monoply

It has been shown how much dammage a monopoly can do when they spread into other adj cent markets. Many companies was forced out of business because of a direct result of how microsoft choises to do business. There are other reasons too. Microsoft goes into an open market, using its monopoly to gain a very large share, and closes the doors. Many of microsofts products are a direct resule of this. IE, Office (Word, Excel, Access, etc), Outlook, NT (NT/2000/xp) and many many more are only arround because of such leaverage that they can force onto computer manufactures, business, and home users. Microsoft, in the world of computers, is the only one, who does not play well with others. They have gotten a monopoly on the desktop market, they are forcing into server, console, web, ISP, and many other markets. Even when the government tells them not to ship a product by a cort of law, they still do. Many of there stTOS or software agreements are pushing the line of being tilleagle. They are pushing things onto everyone that no body wants. Things that purly exploit citizens.

The current regulations that are proposed are far to little and far to late. This should have been done in 96, and conmpleted before 98 came out. Bakc when there was still chouce of a desktop OS that played nice with each other.

At the very least, MS should open all API and protocalls needed when talking to windows from a network. They also need to open all Windows API's so other competing developers on windows can compete. They also must make the defult settings use the least common denomator for compatibility.

Thank you for you time,

Cody Nelson

MTC–764

MTC–00000765

From: Henry Pierce
To: Microsoft ATR
Date: 11/16/01 10:51pm
Subject: Settlement

The proposed settlement with Microsoft does not go far enough. It does not prevent Microsoft from continuing to intimidate small companies from producing products that are technically superior to Microsoft offerings, thus, preventing the public from seeing alternatives to Microsoft offerings. The web browser is only one specific issue. The license agreements to develope under Microsoft platforms effective take my freedom of self expression away by saying that I cannot publish my own source code developed under Microsoft. Also, current licensing restriction tell me I cannot use certain tools available that are ''free''.

Again, the Web Browser is only one issue of how Microsoft continues to try to tell people how to do and live thier lives. The Settlement must be preventive of future action based on past action, not just settle past wrongs.

MTC–765

MTC–00000767

From: Michael Jennings
To: Microsoft ATR
Date: 11/16/01 10:54pm
Subject: Recommendations: DOJ vs. Microsoft.

I've owned a computer dealership since before IBM sold personal computers. I'm also a programmer. Microsoft is extremely abusive and anti-competitive.— Microsoft is far, far more anti-competitive and abusive than the US DOJ vs. Microsoft antitrust case discusses. If the present case in resolved in an insufficient fashion, there will be a need for another case immediately. Secret file formats are anti-competitive.—A good partial resolution of the case would be to prohibit Microsoft from using secret file formats. Then

there could be competition again. At present there cannot be competition because the software from the dominant company, Microsoft, produces file formats that cannot be reproduced because they are secret. So, another company cannot make software that reliably inter-operates. At present, if a big customer upgrades to a new version of Microsoft Office, and sends out files in a format incompatible with previous versions, all people who receive the files are forced to upgrade their Microsoft software. Companies understandably don't want to go to a good customer and ask that a document be sent again in a former file format. Microsoft produces software that is deliberately faulty.—Windows 95, Windows 98, and Windows ME all have artificial limitations which cause them to crash even though there are plenty of hardware resources. These are called ''User Resources'' and ''GDI Resources''. The memory for these resources is artificially limited to 128,000 bytes in some cases and 2 megabytes in other cases. When these resources are exhausted, the operating systems stop functioning. Microsoft deliberately allows piracy.—Major competitors of Microsoft like Corel Word Perfect and IBM Lotus WordPro have difficulty competing because Microsoft allows enough piracy of Microsoft products that competitors cannot sell theirs. I called the Microsoft legal department and complained about this. The result was that I was a witness in a case against one of the pirates. More recently I tried to complain about this again, but it is now impossible to contact Microsoft's legal department.

In my area Microsoft Office 2000 is available for $50.00 at dealers who sell low-cost computers. I have verified with Microsoft that these are pirated copies. Over a period of many years, Microsoft has not taken sufficient action against the pirates to allow a chance for honest competitors. Microsoft is ending support.—Next month, December 2001, Microsoft will stop providing support for Windows 98, apparently in an attempt to force users to upgrade. Another good partial resolution of the DOJ-Microsoft case would be to extend the support time for at least another 10 years. Many people have computers that operate fine for the purpose for which they are used. For example, an accounting department in a small company may use Windows 95, or even the DOS operating system. These people should not be forced to upgrade. These are only a few of the extremely anti-competitive and abusive methods Microsoft uses, in my opinion.

Regards,
Michael Jennings

MTC–767

MTC–00000768

From: Paul
To: Microsoft ATR
Date: 11/16/01 10:53pm
Subject: Microsoft

Hello,

I'm composing this e-mail with the likelihood of someone actually reading it.

I am a Microsoft Certified Systems Engineer and like Microsoft software. Programming and networking are the things I enjoy. Thought I'd make some basic points. A monopoly that isn't regulated is not a good thing unless you have benevolent management. Microsoft has a monopoly on the workstation and home PC market. Microsoft has used the operating system monopoly to force other products on customers. Internet Explorer is a good example. Microsoft continues to abuse the operating system monopoly. XP is an example. The DOJ needs to be tougher on Microsoft, or any company that abuses monopoly. I've put a lot of thought into how Microsoft, DOT, customers, and rivals would be in a ''win-win'' situation. If someone is serious about listening to my suggestions, please contact me at 816–651–4025.

Take Care and God Bless.
Paul Taylor
paul@kcnetcare.com

MTC–768

MTC–00000769

From: Randy Hester
To: Microsoft ATR
Date: 11/16/01 10:55pm
Subject: Microsoft Settlement, No Punishment?

So far all that has been discussed in the settlement is restrictions on future conduct. Where is the punishment for their past offenses? I thought they were actually convicted of misusing their monopoly power! A promise not to do it again does nothing to compensate for past behavior.

Regards,
Randy Hester

MTC–769

MTC–00000770

From: James Saville
To: Microsoft ATR
Date: 11/16/01 10:55pm
Subject: Thank you

For settling a case that was about competitors who are too inept to make it in the marketplace, not consumers. I believe Microsoft is a great company, and has been developing some fantastic products over the years. It's a shame our system punishes success, as we have choices in computing, and have for some time. If Microsoft's competitors spent more time building great products, and less time whining, people would buy them. Thanks for not wasting more of our taxpayer dollars on a case that doesn't really mean anything. I choose to use their products—I have the skills to run Linux, Solaris, or any other operating system and application set—their stuff is just the better product, and worth the money. Perhaps folks will realize that many of 'consumers' don't use their products because we are forced to, but because we want to.

James Saville

MTC–770

MTC–00000771

From: Rex N. Clarke
To: Microsoft ATR
Date: 11/16/01 10:58pm
Subject: Microsoft Proceedings

If all the government attorneys do their job just right then Japan can take over the lead in software just as they did in the electronics industry. But, that isn't all bad I guess, they could use some of their American defense arena acquisitions to siphon off a small percentage of their profits. Good job guys, well done!

Rex Clarke

MTC–771

MTC–00000772

From: Patrick Thompson
To: Microsoft ATR
Date: 11/16/01 10:56pm
Subject: Microsoft Anti-Trust Settlement

To Whom It May Concern:

After reading many of the clauses that were agreed on with the subject settlement it is clear that the Department of Justice has relinquished its role as an enforcement agency for carrying through with Anti-Trust proceedings. This so-called settlement was so lax in its penalty actions towards Microsoft that its even debatable whether Microsoft actually comes out of these proceedings even stronger than before. Several of the 'restrictions'' placed on Microsoft were merely just cleverly weasel-worded constraints that does nothing to stop them from using similar avenues as in the past to continue to restrict innovation and brow-beat remarketers. Not only should Microsoft had to pay a large penalty for its anti-competitive practices (in the billions of dollars) they also should have been made to break up their company into two separate business units (one Operating System, One Applications), at a minimum. As a fiscal-conservative, I'm embarrassed by what seems to be a complete and total cave-in by Justice, bordering on dirilection of duty.

Best Regards,
Pat

MTC–772

MTC–00000773

From: larzgold
To: Microsoft ATR
Date: 11/16/01 10:55pm
Subject: Microsoft Settlement

After reading as many articles about the settlement I am still wondering what the goverment won on this. Microsoft has to tell everyone the API to windows except when it is a security issue. Which is undefined. They are not penalized for anything past wrong doings, and are not forced to support older applications. Hence they can come out with office xp2 and say hey are no longer fixing bugs/updates in the previous version, and basically have income for life. I am not anti-microsoft, in fact I am a shareholder, a developer of MS applications and write articles on how to convert Perl base applications to MS ASP/COM. But my fear lies with the fact the microsoft needs competition to better itself, and to give users a better choice. Forcing me to buy OfficeXP upgrade now, or pay a higher price later, well now I am moving to Star Office. Don't car companies have to support a car for so many years after making them, and can have recalls etc. Software may not kill anyone like a car might, but companies can go broke with the licensing they are enforced on them. The best letter explaining what is wrong is the Ralph Nader letter. Personally I would like to see a fund setup for open source/competitor software funded for the next 10 years, and

also for them to have to open source any software they stop supporting. For example, when win95 is no longer supported an users have to upgrade, make the code open. This will allow computer companies, and hardware companies to continue to support the product after msft gives up support.

I hope you re-evaluate the decision very carefully.

Larzgold@yahasp.org

MTC–773

MTC–00000774

From: Bob Garvey
To: Microsoft ATR
Date: 12/6/01 1:58pm
Subject: opinion

I called Gateway computers yesterday to get a quote on a new PC. Once the price was established I asked how much it would be without an operating system. They answered that there is no difference in price. This is a monopolistic market.

I hear often, in the press, and in discussion that Microsoft is an innovative company. Microsoft brings forward that argument often. Check the facts: Window -> Xerox, Mouse -> Xerox, SQL Server -> Sybase, FoxPro -> bought, VisualBasic -> bought.

The windows operating system is intergrated: by any standard except anti-competitive / market driven that is not the best design.

Please put the arrogance of Microsoft in check. They are 10 steps ahead of the DOJ and gaining.

Bob Garvey
816–914–3295

MTC–774

MTC–00000775

From: Lany Seltzer
To: Microsoft ATR
Date: 11/16/01 11:06pm
Subject: it could have been worse

I have disapproved of the case against Microsoft from the beginning, and would prefer that it be dropped completely. But as the settlement agreement eliminates the most stupid provisions of the original judgment, I urge its adoption so that the industry and the nation can move on and put this ridiculous episode behind us.

Larry Seltzer
127 Parker Ave
Maplewood, NJ 07040
(973)378–8728

MTC–775

MTC–00000776

From: lowgun@optonline.net@inetgw
To: Microsoft ATR
Date: 11/16/01 11:00pm
Subject: Allowing Microsoft to Continue Business as Usual Will Weaken What Humanity Can Be

I don't have forty-billion dollars and an army of lawyers to push my case, but I think that reasoning and sheer logic has a chance this time around. Microsoft it a monopoly. It clearly is. There is no doubting that Microsoft is a monopoly. If you look past the the technical law jargon and the army of lawyers, you can see this clearly. When the US initially set up anti-trust laws, they had companies like Microsoft in mind. They would not let Microsoft go or even let the case be dragged on for a decade. The fact that the case has been dragged on for a decade is yet another obvious peice of evidence that proves Microsoft is a monopoly. Now, what has Microsoft done for the world? They have made tens of billions of dollars for themselves, almost none of which goes into making an error/bug free operating system. It isn't that hard, really, to make an error free operating system. All you have to do is know what you are doing, take all cases into consideration, and implement the fail-safe devices in the program. So why does Microsoft still have bugs in their software? It is because it is good for their business. They take no account of how much humanity could benefit from trouble-free computing, because trouble-free computing isn't good for business. If the open source developers had forty-billion dollars to spend on equipment and employees, the US would accelerate into another greater information age. This information age would be free, everybody could afford a computer, and everybody would know how to use a computer. The current reason why so many people cannot afford a computer is because of Microsoft. They provide 500 dollar operating systems that a free Linux system could send straight to hell in any stability test. Half of the cost of Microsoft's products are marketing costs, which Linux does not need. Open source developers do not have to market, because their products sell (if that is the right word) themselves. Condemning Microsoft would benefit mankind.

MTC–776

MTC–00000777

From: Joseph L. Brown
To: Microsoft ATR
Date: 11/16/01 11:00pm
Subject: Unsatisfactory MicroSoft Anti-Trust Settlement

To whom it may concern;

Sirs, I feel very strongly that the current settlement of the MicroSoft Anti-Trust case is insufficient and deeply flawed. MicroSoft has been found guilt of being a predatory monopoly, and of repeated abusing its overwhelming market position to bankrupt its competitors and strong-arm PC retailers into restrictive and monopoly-power-enhancing licensure 'agreements'.

The primary complaint against MicroSoft is not the content of its software—though a case probably could be made of such—but rather its flagrant disregard for the law and blatantly abusive marketing practices.

As an example of MicroSofts disregard for the law, you need look no further than their most recently released 'Operating System' (OS)Windows XP. Even in the midst of being prosecuted (and after a judgement against them) for predatoy marketing practices in the form of software bundling (a la Windows 98 and MicroSoft Internet Explorer) they have developed and RUSHED TO MARKET an operating system which offers only a very incremental improvent in performance—but instead is BUNDLED with far more software. Microsoft might argue that the Software is an intrensicly useful part of the OS; of course, that argument has previously been ruled against in court. MicroSoft might argue that some of the newly integrated software may be Opted-Out of; and of course everyone surly realizes that opt-out services have been examined in court and found to be far less desirable than Opt-In choices.

The penalties imposed upon MicroSoft are virtually meaningless; MicroSoft has been so wildly profitable as to make W. Gates fantastically wealthy—some US$ 56 Billion or more if memory serves. Any fine levied will be an insignifigant fraction of MicroS ofts assets; any program(s) whose source must be opened to public scrutiny will be similarly insignifigant—MicroSoft could simply release a 'new' piece of software and use its market abuses to make it the new de facto standard. A 'More Of The Same' solution will NOT be effective. Quite simply, MicroSoft MUST be split into at least two mutually exclusive sections; an Operating Systems section and an Applications Software section.

Please note that MicroSoft is a 'Vertically Integrated' monopoly— much like Standard Oil was; it controls not only the production of a resource (computing power made available through the operating system, similar to Standard Oils control of oil production through ownership of refineries) but uses this control to select who can compete to retail it (the companies who write application software to must face unfair pricing when they attempt to compete with MicroSofts own products, much like the Gasoline retailers attempting to make a profit against Standard Oils retailers, while being in the unenviable position of having to buy their gaoline from Standard Oils refineries). It is the continual abuse of this 'Vertically Integrated' structure which has lead to MicroSoft being found GUILTY of being a Predatory Monopoly; and so any lasting solution MUST address this issue. Any failure to split MicroSofts Operating System away from MicroSofts Application Software will forever fall badly short of preventing future abuses.

I sincerely hope that no settlement LESS than the splitting off of the Operating System Unit will be reached; thank you for your consideration in this matter.

Joseph L. Brown

MTC–777

MTC–00000778

From: Adam Loutzenhiser
To: Microsoft ATR
Date: 11/16/01 10:59pm
Subject: Microsoft is a shameless monopoly

Hash: SHAl

Microsoft should have no right to exist under current law because of their anticompetitive practices. Although there are many examples of Microsoft's stealing intellectual property from other companies and individuals, such as their TCP/IP stack, one practice stands out in my mind: Microsoft prevents computer manufacturers from allowing a computer with a Microsoft operating system from alternatively booting into a non-Microsoft operating system. This is quintessentially anti-competitive, because it effectively prevents other operating systems than Windows from getting mass market exposure. Most computer users use whatever software is packaged with their

systems usually because it's beyond their ability to install other software. This is especially true of operating systems. Although an operating system such as Linux, for example, can be just as user-friendly or even more user-friendly depending on the end user, the installation process often requires technical knowledge that most users don't have. Although there exist computer shops that will install operating systems, most users, not being able to justify spending money for an extra operating system, simply use what is packaged with their computer.

Because of the preexisting popularity of Microsoft operating systems, computer manufacturer's can't simply not install a Microsoft operating system. The simple act of installing a Microsoft operating system prevents them from installing a non-Microsoft operating system on that computer for the customer because of contracts computer manufacturers must sign before they may install any Microsoft operating system. If it weren't for these anti-competitive contracts, most computer manufacturers would probably install a Linux-based operating system in addition to a Microsoft operating system, giving end users exposure to alternative operating systems. Without the anti-competition contracts, end users would have a choice which operating system they use, instead of being forced to use Microsoft's products. Recently, a memo has been ''leaked'' by Microsoft, naming Linux as ''THE'' competition. Therein it was stressed that Linux has a very good chance of displacing Microsoft in both the server and desktop markets. However, nothing could be farther from the truth, because Microsoft has created anti-competition contracts with computer manufacturers. In fact, the memo itself is dubious, because Microsoft's goal would be to prove that it indeed has competition in order to insure it's survival as a monopoly. Whereas a memo such as that can be easily fabricated and ''leaked,'' as Microsoft would have us believe it was, anti-competition contracts are undeniable. When the two tell different stories, it is logical to trust that the factual and undeniable anti-competition contracts tell a better story of where Microsoft sits as a shameless monopoly.

Adam Loutzenhiser, loutzena @ student.gvsu.edu, http://velex.Ocatch.coml

AIM: v313x, Yahoo: v313x

''Everyone falls the first time. If you never know failure, how can you know success?''

— Morpheus, The Matrix

MTC–778

MTC–00000780

From: J. Greg Davidson
To: Microsoft ATR
Date: 11/16/01 11:06pm
Subject: Microsoft is flouting the law and undermining the economy

After finding Microsoft guilty of systematic damaging monopolistic behavior they are getting only a tiny slap on the wrist. What is their response? Leveraging their monopoly to expand into the computer gaming market (never mind that their software makes writing games harder and will slow the expansion of that industry), network services (recently MSN turned off support for non-microsoft browsers and then turned it back on in response to complaints, sending fear into anyone using a non-microsoft browser), a virtual machine named .net designed to undermine Java (and they just shipped an old out of date Java with Windows XP so that Java would look bad), and on and on. Their arrogance is hard to believe, one must look again and again. What is the effect of this flagrant violation of the law and of the findings of the Justice department? How can we expect any business to obey our laws? How can we expect innovation to keep coming out of small companies when the markets and patents are increasingly locked up and an anacronistic monopoly makes all the rules? What is the moral effect of the massive political contributions from Microsoft just before this sudden softening of law enforcement?

Please do your duty and break up any and all companies found to have become damaging monopolies. It will actually be good for their shareholders, as the smaller more focused pieces will get new life in a more competitive market. Capitalism is like a garden, a bit of pruning keeps it healthy.

J. Greg Davidson
jgd@well.com

MTC–780

MTC–00000781

From: ron
To: Microsoft ATR
Date: 11/16/01 11:08pm
Subject: Crime

The settlement is a joke!!!

You need to fix this problem, MS should be broken up.

MTC–781

MTC–00000782

From: John Langford
To: Microsoft ATR
Date: 11/16/01 11:15pm
Subject: Settlement comments

I find it very strange when an entity is convicted of multibillion dollar crimes and then suffers no punitive damages. The terms of the settlement seem to be about equivalent to banning a bank robber from entering a bank by the left front door because that is how he robbed the bank last. I would like to see:

1) Code of conduct remedies without the serious loopholes of the current system. It is not a serious remedy if Microsoft can determine who gains access to the source code. It is not a serious remedy if Microsoft can avoid revealing ''authentication protocols''. They will simply make every protocol involve some amount of authentication.

2) Damages. In fact, punitive damages. Breaking the law, especially breaking the law to get several billion dollars should be bad. It sends a very poor message if this does not happen.

John

MTC–782

MTC–00000783

From: Joshua Brown
To: Microsoft ATR
Date: 11/16/01 11:14pm
Subject: Sell-out to Corporate Interests

Please add these comments to whatever official record you may be keeping of responses to the Microsoft settlement: Microsoft lied every step of the way in its trial, and now you expect people to believe that these same executives in Microsoft can be trusted to stop anti-competitive practices with only minimal sanctions. So typical of a Republican administration—selling out to corporate interests. This was a Reagan appointee who decided the company needed split up, so it's not as though Microsoft hadn't already been given every benefit of the doubt from the start. David Boies and his team proved in court that Microsoft practiced dangerous and malicious anticompetitive behavior, and the Justice Department under President Bush and John Ashcroft has suddenly forgotten that. Reagan bailed out IBM, and now Bush has bailed out Microsoft. Justice does not hinge on securing the best interests of corporate America at the expense of all else, and the administration and the DOJ in particular would do well to remember that.

Disappointed,
Joshua Brown
336 Sleepy Hollow Rd.
Smithfield, PA 15478–1242
(724) 564–4964
casiustroy16@hotmail.com

MTC–783

MTC–00000784

From: internic @ speakeasy.net@inetgw
To: Microsoft ATR
Date: 11/16/01 11:13pm
Subject: Insufficiency of Remedies in the Microsoft Settlement

I believe that the settlement that has been made in the Microsoft case is both an insufficient remedy of past wrongs and will be an abismal failure as an attempt to stem future wrong doings. The primary problem is that as a result of their anti-competive business practiced, Microsoft now enjoys a strangle hold on the operating system web browser markets as well as the large and growing influence of their media player and other software. The settlement seems geared to setup rules for oversight over future business practices, but lacks any punitive portion for past acts, which must be included to disuade Microsoft, and other corperate giants, form using similar methods in the future. More over, without reversing or negating some of these ill gotten gains, it is inevitable that Microsoft will only grow in prominance and contol over the marketplace. This situation is bad for consumers and for innovation. I strongly urge you to review the comments of Ralph Nader, in his recent open letter on the subject, for a more detailed and insightful evaluation of the situation, and I hope that you will instead seek a stronger and more effective remedy in the Microsoft case than the current settlement.

Sincerely,
Nick Cumming

MTC–784

MTC–00000785

From: John F. Sowa
To: Microsoft ATR
Date: 11/16/01 11:23pm
Subject: Need for tougher penalties

I have been working in the computer field for nearly 40 years. I am retired now, but I am amazed at the complete absence of any serious penalties against Microsoft.

IBM and the DOJ signed much tougher consent decrees, which were in force for many years, even though IBM was never convicted of anything.

Microsoft has been found guilty of illegally extending their monopoly, and the conviction was unanimously upheld by the Court of Appeals. The ''interim relief'' levied by Judge Jackson was far tougher than the final remedy agreed to by the DOJ.

But the proposed settlement includes no penalties at all. The most it does is to compel Microsoft to obey the laws that they have been brazenly violating at every opportunity. I can understand that breaking up Microsoft might be difficult to carry out, but such a penalty was enforced against AT&T when it was a far large monopoly.

Recommendation:

1. Impose Judge Jackson's ''interim remedies'' immediately.

2. The DOJ should negotiate further penalties while the interim remedies are in force.

3. As a minimum penalty, Microsoft should be forced to pay the full legal costs of the DOJ and the states that have joined with the DOJ.

The DOJ is a lot bigger and a lot more powerfule than Microsoft. They should take off the kid gloves and tell Microsoft that it is time to negotiate seriously.

Sincerely,

John F. Sowa

An American voter and taxpayer

Web site: http://www.jfsowa.com

MTC–785

MTC–00000786

From: Sinan Karasu
To: Microsoft ATR
Date: 11/16/01 11:21pm
Subject: Bad Settlement

Bad for consumers, bad for future of civil rights and bad for the future of American businesses all around the world.

This will lead to crippling of business in America in conjunction with SSSCA,DMCA. And eventually the rest of the world will give America the finger and take away the leadership that this country acquired thru cultural imperialism. Oh well. In 5 years you will wake up to this, when it is too late, but at least you will be able to experience despair.

Sinan Karasu

Soory for the terseness, but I really don't think you people deserve anymore consideration, considering . . .

MTC–786

MTC–00000787

From: David A. Cornelson
To: Microsoft ATR
Date: 11/16/01 11:17pm
Subject: Poor Judgement

Dear DOJ,

I've been in the IT industry for 16 years, 10 as a consultant, 5 as an independent. For the past 5 years I have used almost entirely Microsoft tools and overall have used Microsoft software since I got into this business.

I'm about to shoot myself in the foot.

Theres a chain of events that's been entirely whitewashed it seems. In the mid 1990's, Netscape was born and so was the first commercial web browser. In short order Microsoft created Ineternet Explorer, challenging a dominant Netscape product with a vastly inferior version 3 of IE. In a very short period of time though, Microsoft released not only IE 4, but it also released client/server development tools that worked strictly with IE 4. Microsoft had very strong relationships with Fortune 500 corporations that were already running Windows and so passing on these tools was a free ticket to stealing the browser market from Netscape or anyone else. With those built-in relationships and the strong-arm tactics used with both vendors and competitors, Microsoft used it's monopoly to literally wipe out a competitor in a matter of months. IE became the dominant web browser in less than 18 months from its first release. No other company on earth could have turned the tables so quickly on an industry.

They claim to build a better product and this is true. But if you have Fortune 500 America testing your software (pre-release was something Microsoft used to speed poorly tested software to market), it's a sure bet things will shape up quickly. Netscape had no such inroads into corporate America. All they had was a popular product that could be downloaded for free.

Anyway—the rest is history. Netscape browsers have about 5% of the market now and IE has about 90%. This game is over. So now we have Windows Media Player vs. Real Audio and QuickTime. It's almost ridiculous that the DOJ is ignoring this as another slam dunk. Using the same Fortune 500 foothold, Windows Media Player will, in less than 12 months, become the dominant media software. Real Media will likely go bankrupt (or get sucked into AOL) and have the DOJ to thank. We also have MS Messenger. This might be a battle for a little while because AOL has such a large share of the home market, but with XP now shipping with it built in, AOL users are going to flock to a more easily accessed ISP (MSN) and . . . another slam dunk.

What's next? This will continue to happen to any software that becomes vastly successful in the vertical markets that runs on Windows. If I create some cool new thing that runs on Windows and I refuse to sell out to Mr. Gates, they'll just build their own and squash me like a bug. How? Because they can tie it to Windows. Why would someone purchase and/or download any software if it's already built into Windows? Go figure.

Microsoft can go on, but in my mind the original Netscape shareholders from before the AOL bailout should get a billion dollars and so should Sun for the Java fiasco. For any competing product that gets tied to Windows, all competitors should receive a direct payment. So Real Audio and Apple (QuickTime) should recieve a cut as well.

If you're going to allow Microsoft to tie secondary software to Windows, then you should force them to compensate their competitors or force them to allow OEM's to install whichever competing software they so choose. In fact, I would give the OEM's an open license to modify Windows in any way they see fit as long as it doesn't effect security and reliability.

To do otherwise not only harms consumers, but likely will be seen as Microsoft having the government in their back pocket. You might as well give a seat at the table to Bill Gates.

David Cornelson
Geneva, IL
dcornelson@placet.com

MTC–787

MTC–00000788

From: Steven Edwards
To: Microsoft ATR
Date: 11/16/01 11:16pm
Subject: Microsofts OEM Restrictions

To Whom is may concern,

I am part of a poject to build a operation system called ReactOS that aims to be a 100% replacement for Mircosoft Windows. I will 100% in support of this settlement only if two issues are addressed.

1. Our project is GPL/Open Source and not for profit. You must insure we have access to the needed API's/Code to be able to run Microsoft applications and drivers, even though we are non-for-profit.

2. Microsoft should not be allowed to restict how the OEM's package our Operating System with a new computer. If a customer wants to run both Operating Systems, then Microsoft should not be able to limit the customers right to chose. This would be like me owning a Ford car and Ford telling me my right to use the car would be taken if I used GM parts.

Thanks for your time

Steven Edwards

MTC–788

MTC–00000789

From: Jim Ward
To: Microsoft ATR
Date: 11/16/01 11:26pm
Subject: What a joke of a ''Settlement''

Microsoft is found by the courts to be a monopoly that abused it's power. Nothing in the settlement will prevent them from continuing this anti-competive behavior. It is more full of loop holes than the now famous slap on the wrist ''no bundle on top of DOS'' settlement. The loophole on that one was Win95 did not have DOS in it. What a lie, you couldn't even get by such an obvious lie to close this loophole. Well you guys have out down yourselfs on this settlement. This baby has even more loopholes.

When Netscape had 80% market share they forced Dell to not ship with Netscape. What is even more outrageous is they forced Dell to have the employees not use Netscape. When IBM had a better OS as in OS/2 they withheld Windows 95 licenses to punish them. They provided false testimony in court and doctored a video to show what they wanted instead of the truth. They have and continue to stifle true innovation. So what do you do about it REWARD THEM.

I sincerely hope the Judge and the States prevail and show how you sold out the whole high tech industry and all of the consumers you are forced to pay high prices for an inferior product.

MTC–789

MTC–00000790

From: Ted Eselgroth
To: Microsoft ATR
Date: 11/16/01 11:26pm
Subject: Microsoft Decision . . .

You've heard all the arguments on the anti-Microsoft side, so I won't repeat them. Just put me down in the ''you screwed up really, really big'' column. *sigh*

Ted Eseigroth
Webmaster; Glen Ellyn Web Site
Chairman; Glen Ellyn Technology Advisory Commission
Board Member; Glen Ellyn Economic Development Corporation
Member; Glen Ellyn Chamber of Commerce
Adjunct Professor, Computer Training; College of DuPage
630/469–7058
ted@eselgroth.com
http://eselgroth.com

MTC–790

MTC–00000791

From: Toby (038) Toni Meehan
To: Microsoft ATR
Date: 11/16/01 11:25pm
Subject: settlement promotes Microsoft technology and products

I don't understand how this settlement will punish Microsoft (MS). It simply institutionalizes their existing monopoly by encouraging:

—developers to learn, use, and license MS technologies through ''disclosure of middleware interfaces'', ''disclosure of server protocols'', and ''licensing of intellectual property''
—computer manufacturers to bundle MS products as the ''ban on exclusive agreements'', ''ban on retaliation'', and ''uniform licensing terms'' will drive down their costs related to MS product procurement
—competitors to avoid directly competing with the MS monopoly because every developer and computer manufacturer is promoting, selling, and supporting only MS products (particularly when they're less expensive and more pervasive than ever before thanks to this proposed settlement)

These punishments come too late to be effective now that Microsoft is a monopoly. Alternatives will not flourish through competition as consumers will receive MS products at lower prices, in more tailored offerings from computer manufacturers, and with more inexpensive applications to boot. If you want to punish MS, hit them where it hurts—the bottom line. Have them cover the cost of the court case and on-site enforcement (to serve the public good—taxpayers), plus some large annual sum of cash ($50 million per year sounds good) for the next five years (to fund organizations in the public good, like academic computer science programs to improve the professionals MS competitors need, non-profit organizations like Debian to offer some immediate competition, and standard making bodies like the JETF, W3C, ICANN, and IEEE that can break the MS hold on defacto standards) with on-site enforcement of all the existing ''punishments''. If after 5 years, they still commit the same crimes as a monopoly, the annual payments continue until the behavior stops.

With a serious financial punishment like this added to those proposed, MS prices will go up, allowing for more competition. That's how you create competition for a monopoly—with economics. It also gives MS a solid business case to change its behavior—one of the few things they seem to understand.

I hope I articulated this well as society, consumers, and government deserve better.

CC: Russ Kenny, Mark Pinkerton

MTC–791

MTC–00000792

From: Michael Westbay
To: Microsoft ATR
Date: 11/16/01 11:24pm
Subject: Against Settlement

To whom it may concern,

I am very much against the currently proposed settlement between the DOJ and Microsoft. There is nothing in the settlement that Microsoft can't get around when it comes to not disclosing information to the only competition that MS hasn't been able to beat down, the Open Source community. I used to develop software for the Microsoft platform. When installing service packs and other Microsoft products like MS Office started causing serious problems with other software packages from third party vendors (Borland and Netscape in particular) that I used, I began becoming less and less enthusiastic about using Microsoft. And I was one of the biggest promoters of the MS platform in our company before that. I got so fed up with Microsoft in 1998 that I reformatted my notebook computer and installed FreeBSD (a free UNIX-like operating system) and haven't used MS on that machine ever since. When I bought a new computer two years ago, the preinstalled version of MS Windows didn't last five minutes before being reformatted over. Between 1998 and 2000, I slowly got my work assignments changed over to where I could work in a platform independant environment (thanks to Java), and on January 5, 2000, I reformatted the last Microsoft partition that I was using.

However, because I do work as a software developer, it is important that I interoperate with Microsoft users. The settlement, as it stands, looks to allow Microsoft to completely exclude Open Source projects like SAMBA from interacting with Microsoft operating systems based on bogus ''security'' concerns or simply by disagreeing with the Open Source ''business'' model.

Take a look at this section:

J. No provision of this Final Judgment shall:

1. Require Microsoft to document, disclose or license to third parties:

(a) portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria; or

(b) any API, interface or other information related to any Microsoft product if lawfully directed not to do so by a governmental agency of competent jurisdiction.

2. Prevent Microsoft from conditioning any license of any API, Documentation or Communications Protocol related to anti-piracy systems, anti-virus technologies, license enforcement mechanisms, authenticationJauthorization security, or third party intellectual property protection mechanisms of any Microsoft product to any person or entity on the requirement that the licensee:

(a) has no history of software counterfeiting or piracy or willful violation of intellectual property rights,

(b) has a reasonable business need for the API, Documentation or Communications Protocol for a planned or shipping product,

(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business,

(d) agrees to submit, at its own expense, any computer program using such APIs, Documentation or Communication Protocols to third-party verification, approved by Microsoft, to test for and ensure verification and compliance with Microsoft specifications for use of the API or interface, which specifications shall be related to proper operation and integrity of the systems and mechanisms identified in this paragraph.

I mentioned that SAMBA is important for other operating systems to communicate with Microsoft based systems. SAMBA is an open source project that primarily allows MS and non-MS operating systems to share files and printers on a network. Given J–1–a above, it would not be hard to imagine Microsoft claim and/or modify their communications protocols to contain some sort of ''security'' information, thus making those communication protocols except from disclosure. If Microsoft didn't have a record of underhanded tricks to exclude competition, then I could believe that this little loophole wouldn't make much of a difference, however, I've witnessed them break Netscape's TCP/IP (a communication protocol) with a version of MS Office which shouldn't have had anything to do with network communication (at that time), so I wouldn't put this past them.

Furthermore, J–2–b and c ''protect'' Microsoft from revealing any API documentation to anybody based on their ''business need'' and the ''viability of its business.'' Open Source software is FREE! It has less to do with ''business'' and more to do with providing a solution to a problem. The Open Source community is essentially a group of volunteers who help one another get a job done. Even though its members tend to be distance geographicly, it's more of a ''community'' than many small towns are these days. And Microsoft has stated time and again that this is their next target for enialiation, as they've killed off so many other branches of the software market in the past.

The above two and several other provisions (such as not guaranteeing non-reprisals from Microsoft against OEMs that do NOT ship computers with a MS operating system) of the current agreement do nothing to protect Open Source, which is more and more becoming the only hope to compete against Microsoft's monoploy.

The proposal, as it stands, is unacceptable.

Thank you for your time and consideration in this matter.

Michael Westbay

Work: Beacon-IT http://www.beacon__it.co.jp/

Home: http:/fwww .seaple.icc.ne.jp/?westbay

Commentary: http://www.japanesebaseball.comlforum/

MTC–792

MTC–00000793

From: DMann717@aol.com@inetgw
To: Microsoft ATR
Date: 11/16/01 11:27pm
Subject: microsoft anti-trust settlement

I want to state that i think Microsoft is a fine company. but there software is pushie. for instance, I subscribe to aol. but i just received a msn disc in the mail. it gave me 3 month free. I thought i would like to see what it was like. if i liked it, i might consider using msn for my net. once i installed it, it knocked out my connection to aol. i could not access aol. i think thats wrong, and besides they hurt themselves. once I saw I could not access aol, which i am paying for. I uninstalled msn without even trying it. I think they hurt themselves by being pushie. and I dont believe that it should be the only operating system available to the consumer. and concerning windowsxp I understand that you need to call microsoft for a access to reinstall the program.I think this is terrible, once a person buys the program it become the purchaser property and the person who owns it should have the right install it as many times as they want to, without having to call microsoft. I think thats real arrogance and dishonest. I might add I wont be a purchaser of xp. again I want to state that microsoft is a good company, but we are dealing with their faults and the ways to make it better for the consumer, and not microsoft. please do not lose sight of this.

MTC–793

MTC–00000794

From: Catherine Valiant
To: Microsoft ATR
Date: 11/16/01 11:27pm
Subject: Settiment with Microsoft

Dear DOJ,

I was very saddened to see you cave in on the MS case. You were up and took a dive. Shame. It really makes me lose faith in the government: one of the few legitimate and necessary roles of a free-market government is to prevent monopolies, no?

Regretfully,

Cat

MTC–794

MTC–00000795

From: Chris Gonyea
To: Microsoft ATR
Date: 11/16/01 11:27pm
Subject: Microsoft Settlement

To Whom This May Concern:

After reading the terms of the settlement that the DoJ and Micrsooft came to terms with, I can't help but feel disgusted by it. This does nothing to Microsoft to curb its anti-competitive practices. Nothing is done to punish Microsoft for its past behaviors. Time and time again, Microsoft has stopped its competition from offering viable products. It has a near monopoly in Operating Systems, Internet Web Browsers, and Office Suite products. Whenever a company offers a product that could protential compete with Microsoft, Microsoft agressively attacks the company until it is destroyed.

If a settlement must be made with Microsoft, then a different one has to be drafted. This current settlement is nothing more than a slap on the wrist. Believe me, 5 years from now, Microsoft will be as strong as ever if this settlement is implemented.

Please reconsider this settlement and impose stronger restrictions.

Chris Gonyea

MTC–795

MTC–00000796

From: dick@ softplc.com@inetgw
To: Microsoft ATR
Date: 11/16/01 11:29pm
Subject: How did this come about

I have owned a private software company for 20 years and have watched Microsoft closer than most anybody else. Judge Jackson saw all the evidence. He was best positioned to offer a penalty. Everything that happened since his final ruling is very unfortunate for the software industry. Microsoft must be stopped while there is still a software industry. But now I fear it is too late I am very disappointed in this settlement.

Dick Hollenbeck

President, SoftPLC Corporation

SoftPLC, Open Architecture Control Software

dick@softplc.com

Ph: 512/264–8390

Fx: 512/264–8399

http://www.softplc.com

I want to be what I was, when I wanted to be what I am now.

MTC–796

MTC–00000797

From: Joel
To: Microsoft ATR
Date: 11/16/01 11:29pm
Subject: Microsoft is bad for the system

I can not speak for everyone but Microsoft is dangerous for the entire US and the world, stifling innovation and technologies that should exist today. By stifling or putting competition out business Microsoft has prevented the United States from a huge amounts of revenues. The Internet was built on cross-platformabilities and has become ''Windows-centric''. The issue of ''Smart tag'' technology that Microsoft has will envoke copyright infringement.

Privacy issues are a huge concern today and Microsoft is one company that has a horrible track record for handling these types of data. With their Hailstorm initiative they are gathering data to do knows what with and most people are not aware of Microsoft's intentions. Please do us the consumers a favor and come down hard on Microsoft, they are not benefitting anyone but themselves.

thank you,

Joel Philips

MTC–797

MTC–00000798

From: Mark Josephs
To: Microsoft ATR
Date: 11/17/01 1:19am
Subject: Comment on Proposed Agreement

I think the proposed settlement in the Microsoft case is a direct reward to Microsoft for breaking the law. As in many cases in common law, this case has its special considerations. However, the public is served when there is dynamic competition in all areas of industry. The settlement does little or nothing to restore the basic fair business practices needed to stimulate and sustain a robust technical development community in the United States.

Microsoft was found guilty of breaking the law to further its monopoly and crush any competition. Microsoft as a criminal enterprise is not being punished. Criminals do not change their behavior unless they are punished. Microsoft has gained great economic and political power by breaking the law and now appears to be using this economic and political power to escape any punishment for its crimes. Please reconsider this settlement. Please consider the economic and political power bargains that are implied by this settlement. Criminal enterprises should be punished, please consider adding appropriate punishments to the settlement.

Thanks for your time,

Joseph J. Simpson

6400 32nd AVe. NW #9

Seattle, WA 98107

206–781–7089

MTC–798

MTC–00000799

From: Gregory J. Smith
To: Microsoft ATR
Date: 11/17/01 1:17am
Subject: Re: settlement

I'm quite displeased that my government has decided to let Microsoft off the hook when they have been declared a monopoly. The terms of this settlement does little to prevent Microsoft from continuing their monopolistic practices and does nothing to punish them from their past regressions. Microsoft has proved it's self a fierce competitor and will stop at nothing to own what ever market it wishes to own. It will try and try again destroying it's competitors or at the last resort buying them out. At work I use a MS operating system, MS Office, we have MS servers and I use a MS web browser. Forget about using an ''alternative'' web browser, my IT department forbids it because it would be incompatible. MS marketing at work!

Now they want to control my personal information with their .NET initiative. They say it's because that is what people what and they are just trying to give us what we want. The real reason is because MS wants to own a potential market and keep the rewards for themselves. They have shown that they have no interest in security or doing anything of interest to the user. They don't make changes until they are forced to and then they are often do a poor job or steal from other companies. I certainly do not trust Microsoft. From a Wired article: ''Microsoft chairman Bill Gates on Thursday defended the settlement as tough but one that ''we're really pleased to have.'' If Microsoft is glad to have it then it clearly does not go far enough. I

hope that the judge will reject this settlement as inadequate. I also hope for a Department of Justice that is interested in protecting the interests of American citizens rather than the interests of large corporations.

MTC–799

MTC–00000800

From: Anthony R. Cassandra
To: Microsoft ATR
Date: 11/17/01 1:23am
Subject: Comment on MS ruling

Monopolies are one of the market failures of capitalism. As such, it is one of the governments prime tasks to prevent them from forming and to dismantle them when they do materialize. The supression and elimination of monopolies is the governments duty, regardless of the immediate economic implications. This has to be done for the long term benefit of our country. Failure to do this, is the goverment failing to do its job. Monopolies restrict people's freedom, and to sacrifice freedom for econoic reasons is not only wrong, but against the principles of the people that created and gave their lives for this country.

Microsoft has been stifling innovation by sucking up companies that had been creating innovative technology, to bring them under the umbrella of a corporation whose main focus is to monopolize every segment of the software market, not on creating innovative and quality products. To those that truly understand technology, the inadequacies of their software is so obvious as to not even warrant debate. Only those that do not understand the technology, or that have remained ignorant, sheltered in a world where there is only Microsoft software, do not see the deficiencies in their products.

I am very upset with the settlement of this case as it shows that money and lawyers, and not citizens or principles, yield most power in this country. It is not the justice department's job to engage in economic prediction, nor base their actions on such things.

Anthony R. Cassandra, Ph.D. email: arc@cassandra.org

MTC–800

MTC–00000801

From: Eugene L. Willey
To: Microsoft ATR
Date: 11/17/01 1:27am
Subject: Possible anti-trust violation

Dear Sirs: Risco Systems has deployed a nation wide Realtors system that only works with the Internet Explorer browsers and further I believe Microsoft is actively pursuiing this stategy with other organizations. To see this for yourself logon to: http://hastingsmls.risco.net/G3/Logon.asp? This practice would seem to me to violate your settlement. This site or any Risco controlled real estate board will not work with Netscape, Opera, or Mozilla. It is specifically designed to bar access by any other browser If there really is any oversight of your decision this might be a place to start. How many sites out there prohibit access by all browsers exceopt the Microsoft browser and why are such sites barring such access. Is Microsoft encouraging such behavior? They are very rich and very aggressive people. Please take a look at this for me and all consumers.

Gene

MTC–801

MTC–00000802

From: Mehmet Guler
To: Microsoft ATR
Date: 11/17/01 1:27am
Subject: Leave MS alone

—Are you going to prosecute Netscape because they drove Mosaic out of business using THE SAME TACTICS MS used in ridding them (Netscape) out?
—Are you aware that this verdict might have had a positive effect IF IT HAD BEEN REACHED 3–4 YEARS AGO when bundling really mattered?
—There are ALTERNATIVES to MS. They are even free.
—Which mail client are you using to read this message? Outlook? Give it up. Settle and let it be over with for everyone!

MTC–802

MTC–00000803

From: Robin
To: Microsoft ATR
Date: 11/17/01 1:26am
Subject: Microsoft Wrist slap

I am appalled at the microSOFT approach you are taking against this monopolistic predator. Since they have come out with XP, why not have them reveal their ''old'' OS source code? This would act as a major deterrent. Our only hope is that the states that have the best and most knowledgeable data processing background can get the judge to see what a microSOFT sell-out you guys have dealt the American consumer.

MTC–803

MTC–00000804

From: jamesc
To: Microsoft ATR
Date: 11/17/01 1:24am
Subject: Caving to Microsoft

Please realize, firstly, that I am Canadian, and therefore understand if you do not heed my opinion as valid. That aside, I think it is horrible how you, as a branch of your nation's government, have caved to what I can only assume is a promise of relief in an economic downturn in return for a light settlement against Microsoft. First you allowed Microsoft to drag this case to the point of oblivion, (all the while costing your nation's taxpayers millions and millions and millions of dollars), a tactic obviously angled at wearing thin your government's willingness to prolong a costly battle, and then when you decide to come to a ruling, you dole them out a stern wrist slapping, with a padded belt. I do hope you realize that your decision makes the Department of Justice the laughing stock of governing bodies, (until another inevitably steps up to the plate, luckily for you), and those that —live— in your country have absolutely no confidence in your willingness to protect justice, let alone them. And how is it that you agreed to let Microsoft dictate TO YOU how you would implement 'punishment'? I suggest, heartily, that you change your department's title to ''Department of Corporate Protection''. This title would more aptly reflect your painfully obvious inclination towards serving only the corporations that inhabit the country, as opposed to the people. You do not offer justice, nor do you uphold it. Why do you bother using the title in your department's moniker?

JamesC

MTC–804

MTC–00000805

From: PLanierCom@aol.com@inetgw
To: Microsoft ATR
Date: 11/17/01 1:38am
Subject: Bush Justice Department toothless tiger

Who's kidding whom, this kid gloves approach to Microsoft appears to be little more than appeasement on the part of the Justice Department. Much sterner measures were in order Microsoft has proven itself to be a corporate thug. But this administration is partial to big business. And they don't come much bigger than Microsoft. Or more ruthless. I say put the screws to them as they have to so many other companies.

MTC–805

MTC–00000806

From: gallivan@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 11/17/01 1:38am
Subject: msft

I'm at a loss to come up with details for a deal that is less in the public interest than that reached by the DOJ with MSFT. I'll cast my next federal vote accordingly.

MTC–806

MTC–00000807

From: Carl Bright
To: Microsoft ATR
Date: 11/17/01 1:37 am
Subject: Comments about the antitrust settlement

Dear Sir or Madam,

I have been following the Microsoft case since the inception, and I am very disappointed at the outcome. Never before in the history of America has the court system granted a monopoly the ability to continue to illegally bundle products. Until Microsoft is banned from bundling software into the operating system, there will never be another real software innovation or application.

To make my point:

Microsoft bundled disk compression into the OS.—There has not been any further disk compression utilities.

Microsoft bundled the Internet Explorer into the OS.—It has caused all but the extinction of other internet browsers.

Microsoft bundled the Email and Usenet services into the OS.—It has caused all but the extinction of other internet mail programs.

Microsoft is currently bundling incompatible fire wall software into the OS—It will spell the demise of current personal firewall software such as Black Ice.

Microsoft in currently bundling media player(s) into the OS—It will spell the demise of current computer media players.

In short, look at all the independent software selection you now see on the store shelf. Some day they will all be bundled into Microsoft's OS.

The weak actions by the DOJ has caused the death knell for independent software designers because no one will spend time and money to develop innovative software just to have it stolen and integrated into Windows and then harrowed as the next big upgrade.

The General publics last chance for was to divorce the Windows OS from the bundled applications. The DOJ has now made that necessity impossible in the short term and has handed Microsoft the weapons to destroy all software innovation in the foreseeable future.

Carl Bright
20821 Gold Street
Harrah Oklahoma.
73045

MTC–807

MTC–00000808

From: Jim Rhine
To: Microsoft ATR
Date: 11/17/01 1:30am
Subject: Re: Slashdot: News for nerds, stuff that matters

Wanted to let you know that I feel that the decision between the DOJ and Microsoft will do nothing in the long run to benefit consumers nor keep Microsoft from further utilizing their monopoly to help only themselves. The DOJ had a sure win fight and instead of following thru appears to have simply given into more red tape and political B.S. When Microsoft is brought back into court again in the future the DOJ will only look even more foolish than it does now for not taking care of the problems that Microsoft's monopoly present to consumers, competitors and to our country and it's economy as a whole today. Perhaps some day these issues will be taken care of in a better way than was decided thru this decision although I am not holding my breath.

Jim Rhine

MTC–808

MTC–00000809

From: Arthur Copeland
To: Microsoft ATR
Date: 11/17/01 1:46am
Subject: Microsoft is way out of bounds

I havenot seen any mention of Microsofts practise of forcing users of hotmail to their msn site with a window of 5 seconds to act. In my case I am thrown into msn.de the german microsoft site, I dont speak german and I have no interest in going to msn germany. i have used Hotmail for years but its the only site where it forces the next site ive seen except with MSN sites. You should stop these practises along with the ones mentioned in the press. Get your FREE download of MSN Explorer at http://explorer.msn.com/intl.asp

MTC–809

MTC–00000810

From: jose gomez reguera
To: Microsoft ATR
Date: 11/17/01 1:42am
Subject: WINDOWS

The novelty, intricacies and widespread marketing of Windows are what have allowed Microsoft to sell its flaw-ridden product without restrictions, nor mandatory safeguards for the unwary consumer.

Jose Gomez Reguera

MTC–810

MTC–00000811

From: Eugene L. Willey
To: Microsoft ATR
Date: 11/17/01 1:39am
Subject: Possible violation of your decision

If you sign on to www.msnbc.com you will see that their online video's can only be viewed by the Microsoft Media Player. All other online news networks offer RealPlayer as an option. e.g foxnews, cspan, cnn, bbc and so on. The RealPlayer is a superior product but you cannot use it on MSNBC.

Gene

MTC–811

MTC–00000813

From: Jason Straight
To: Microsoft ATR
Date: 11/17/01 2:04am
Subject: Give me a choice—No more Microsoft Taxation!

My biggest complaint about MS comes when I need to purchase a new PC from a large computer vendor like Dell, Gateway, etc. Most of them have such an iron clad deal where MS requires them to ship all new computers with some form of windows or face losing bonuses and refunds. For instance I recently purchased a Dell laptop and I told them I didn't want an operating system on it (I was going to install linux on it, and I already own various versions of the windows operating system I don't use that if I wanted windows on my laptop I could have used). Anyway I argued with the salesperson about not wanting windows or the extra Microsoft software (MS works and expediamaps, etc . . .) to no avail. I was told that I couldn't get the computer without the software bundle. So I was stuck paying for extra garbage I didn't want. It would have been the same with many other vendors as well. So now I have yet another copy of windows I don't need but was forced to pay for.

Imagine if you will that you are allergic to anchovies, yet everywhere you went to get pizza they said that you had to have them whether you wanted them or not, and you had to pay extra for them. But you insisted you didn't want them to no avail and they explained that if they wanted to carry anchovies at all, for the people who do want them, that the anchovie foundation said they had to put them on every pizza or they wouldn't get paybacks for sending out every pizza with anchovies.

Or you buy a car and they force you to pay extra for air conditioning when you live in alaska.

You buy a house and they force you to buy an expensive refrigerator with the house when you already have a brand new one you planned on using.

You go to wal-mart and buy a computer and the computers there have been modified to force you to use a certain internet provider when you've already pre-paid a year at another provider who won't give you a refund now. What if you were forced to flush 20 sheets of toilet paper down the toilet every time you flushed it even though you only pee'd? What a waste that is. I could go on forever with examples of nearly illegal annecdotes like these but even though it may not be ''illegal'' the way MS does it now it certainly should be. I forces the consumers to pay for microsoft software whether they use it or not. I know of only 1 entity that can do this legally. The government, it's called tax. Who appointed MS a govememtn entity? Answer: The government of the US did by allowing these types of things to go on for too long. Next time I have to pay the MS tax when I buy a new computer I'll be sure to write it off as tax exempt donation to a branch of the new US government.

Actually that poses me an Idea, if the govt can't control MS they should protect the people by offering a refund at tax time if we send in real microsoft licenses with our tax refunds.

I've got a collection that could bring me a good refund next year. There's no question Microsoft isn't stupid they ride the edge of the laws on this stuff for sure, it's time for new laws governing these kinds of practices. I don't mean rewrite the constitution to cripple business I mean write laws that put any company who owns more than 75% market share of any type that could be considered a necessity into the category of a utility provider. A utility provider that can be regulated by stricter laws than those who don't have a monopoly.

Telephone companies, power companies, etc... many of them are regulated in some way, in how they interact with citizens, however MS is allowed to go on running however they see fit. Another perfect example:

I run an internet provider in an area where the telephone company service is wretched, no matter how much I dislike them and their poor service I have to use them, but at least the govt regulations tell them they can't force me to pay $80/mo for basic service which sucks, and tack on extra services on top of the $80 when I don't want them, then on top of it, as much as I hate the service I'm forced to pay a re-installation fee every year of $500 just because they decided to upgrade the lines in the area, which really wasn't an upgrade when you consider the rotten quality I was getting before. This ''upgrade'' is nothing more than fixing a couple of the problems that I shouldn't have been having in the first place. Ameritech can't get away with it, but Microsoft can.

Want to make sure MS can't keep hurting the public like this then you'll have to tell MS they can't make deals like that with computer manufacturers, but MS covered their ass well on this one. Actually you should be telling the computer manufacturers they aren't allowed to force sales like that on consumers, that they have to offer to sell machines without windows at a price reduction reflecting the manufacturers suggested retail price of the software. Oh but that won't work either, because they'd just hike the prices to cover buying MS software even if they had to throw it in the garbage to make sure they made their quota with MS to get the cash back. You're screwed, there's nothing you can do to protect the customers unless you stop that company and stop them good.

Microsoft has a strangle hold on the industry throught the applications that

microsoft software runs, if there were alternatives that could run the applications produced for MS software there would then be choice for consumers in what they wanted to use, not what X computer manufacturer told them they had to buy. Force MS to open source and make free their API's so that other operating systems can be made to run applications and games written for microsoft windows. If linux, freebsd, BeOS, Mac OSX, Solaris, IRIX could run the same microsoft office and quickbooks pro you get off the shelf, why would anyone use windows at all? It's certainly not the better choice for any reason other than the software available for it, in many instances there are cheaper alternatives to windows that are more stable and even as friendly to use, not to mention secure but MS was allowed to grow to epic proportions and force software makers, computer makers and other companies to soley support MS and if they support anyone else they feel the wrath of losing big $$$. Like a MS fine.

Give choice back to the people. In many ways Microsoft has become the government of the computer industry, they have laws (sell windows with every pc, don't support our foes, etc.), they have fines if the makers break the laws by not giving them their cut of the collected taxes. And through the makers they impose taxes forcing you to pay them $$$ for something you don't use. At least when I pay taxes I'm paying for a strong government to protect me (I think anyway). Fine them a million dollars every time there's a security exploit for windows, they'll be gone in a month.

Switch all the government PC's over to a free operating system like linux use the $$$ saved on software licenses to contract out programmers to write software for the gov't that could also be used in the private sector then sell it. MS loses money, alternative operating systems gain needed applications and you make money in the end selling the software. Don't allow them to stray from the standards of HTML with their browser. If it's not part of w3c then they are breaking the law.

It's imparative that MS not be allowed to become the self appointed anything. Right now they are the self appointed government of the computer industry, if they aren't forced to follow existing standards on the internet they'll own that soon too.

Jeet Kune Do does not beat around the bush. It does not take winding detours. It follows a straight line to the objective. Simplicity is the shortest distance between two points.

Bruce Lee—Tao of Jeet Kune Do
Jason Straight—President
BlazeConnect—Cheboygan Michigan
ISP: www.blazeconnect.net
Products: www.blazeconnect.com
Phone: 231–597–0376 —Fax: 231–597–0393

MTC–813

MTC–00000814

From: chris.whipple @ hq.com@ inetgw
To: Microsoft ATR
Date: 11/17/01 2:01am
Subject: Settlement is too weak.

I feel that the core issues at work in the antitrust trial have not been adequately addressed in the settlement. Microsoft continues to leverage it's desktop monopoly into new markets (instant messengers, media players), and the settlement does not address these issues at all. As a consumer and IT professional, I feel that Microsoft's current and continued business practices have had and will continue to have a negative impact on my computing experience and the industry as a whole.

Respectfully,
Christopher Whipple
Technical Projects Engineer
HQ Global Workplaces

MTC–814

MTC–00000815

From: Don Beusee
To: Microsoft ATR
Date: 11/17/01 1:47am
Subject: Microsoft Settlement

To whom it may concern,

I have great concern about the DOJ/Microsoft settlement. I don't think the agreement will work.

What I see as the fatal flaw is the restrictions on the power of the Technical Committee, which insures they won't have enough power to do anything. All they will really end up doing is delaying the process of taking MS back to court when they try to maneuver around the rules. The finding of the Technical Committee can't be used in court against MS nor can they testify, which means that if they do find MS to be doing something wrong they will tell the US Dept of Justice. The DOJ will then have to go to court to get the authority to investigate MS to produce their own evidence of wrong doing, but only after MS has had a long period of time and ample notice to hide the evidence.

The bit about the TC not being able to speak publicly is also very damaging, because it keeps the members of the TC from saying anything if either side tries to avoid their responsibility. Right now, if the TC found that MS was violating the rules but the DOJ didn't want to investigate they couldn't take their complaints to the public. This makes it far to easy for both sides to just quietly sweep the whole thing under the rug.

Finally, the inability of the TC to take any action other then notifying the DOJ prevents them from having any real power to threaten MS into compliance. At the very least, the TC needs to have the power to petition the judge directly for a injunctions to block activities by MS until the DOJ decides on a course of action and the power to petition the judge to fine MS for resisting oversight.

As for the remedies themselves, there are so many loopholes that most, if not all of them, have no teeth to prevent MS from doing what they've been doing all along. And the remedy package is not enough to stimulate competition in this market (which needs it BADLY), even if enforceable with no loopholes, which this package is not). I can itemize each point if you like—just let me know.

The purpose of this email is to let you know that I strongly object to the settlement, with the main reason being that the TC has no power to do anything. This is the weakest part of the settlement. The DOJ already won the case—why doesn't it insist on a strong remedy package and give the TC some real power to take action? The TC should be reporting directly to the courts, on a monthly basis on the status of compliance.

Regards,
Don Beusee
CC: attorney.general@po.state.ct.us@inetgw,atcapO 1 .msh...

MTC–815

MTC–00000816

From: dromanovicz@austin.rr.com@ inetgw
To: Microsoft ATR
Date: 11/17/01 11:24am
Subject: the settlement

The proposed settlement does not do enough to curb the practices of Microsoft. Of course the company is entitled to bundle whatever it wants in its software. However, the Internet and the digital revolution are something of a public utility, so Microsoft can be prevented from hampering the interoperability of competing products. We will all lose a great deal of future innovation if Microsoft is allowed to continue squashing every competitor. I still use Netscape for e-mail and Web surfing, despite the fact that Windows is designed to crash Netscape regularly. There are reports that in Windows XP it is difficult to replace the bundled defaults. It is this behavior that must be prevented. I realize that the economy is in a bad state, but we must not abandon our principles. Then again, I guess you haven't abandoned your principles: this settlement is a right wing Republican cave-in to a rich, arrogant company.

Dwight Romanovicz
Austin, TX

MTC–816

MTC–00000817

From: Lorin Olsen
To: Microsoft ATR
Date: 11/17/01 11:21am
Subject: US v. Microsoft: Concerns of a Consumer

To Whom It May Concern,

I have been an active computer user since 1976. My computer experiences started with IBM mainframes (5/360 168) but have included every major microprocessor offering from Intel and Motorola. In that time, I have used most every major operating system created—including all of the products released by Microsoft.

As an interested consumer who has spent many dollars on Microsoft products, I have been intensely interested inthe ongoing U.S. v. Microsoft case. As a consumer, I have felt compelled to use Microsoft products and upgrade according to their schedule. I used to be a very satisified Netscape user. But I found that as I used Netscape, more and more services were bundled with features that required Internet Explorer. With each successive Microsoft Office purchase, I have felt compelled to upgrade or not stay compatible. With Windows XP, Microsoft has deployed a product that all butr requires subscribing to Microsoft's service offerings (MSN Messenger, Passport). In short, I have felt that my choices have been severely constrined by the practices of Microsoft. My continuing hope is that whatever penalties or

settlement is imposed, Microsoft's core behavior can be modified. As a consumer, I want to have more choices not less. I want to know that my investment in Real Networks software (Real Player and Real Jukebox) won't be lost because Microsoft bundled a free version of multimedia tools. As a ZoneAlarm Pro user, I want to know that my investment won't be stranded because Microsoft bundles a free product in the operating system. My larger concerns are that once Microssoft eliminates competition (in music, video, security, etc) that I won't be forced to buy products from the only remaining vendor—Microsoft. Worse still, I don't want Microsoft to eliminate its competition and then I cannot use alternative computing platforms (e.g., Linux) simply because the only existing tools are for Windows platforms.

Finally, I hate to think of a computing industry that does not have innovation. For years, computers have been the means of transforming our lives and increasing our productivity. While Microsoft maintains monopoly control on the industry, innovation will be stifled. There is no incentive for the monopolist to innnovate. Rather, there is every incentive to make only marginal changes—thus protecting the revenue stream. This means that truly new ideas won't come from Microsoft. This is certainly the case over the past few years. But when real innovation is introduced, Microsoft has been swift to embrace these things and elminate the innovators (by unfair competition or by acquisition). In short, unless Microsoft's behavior is changed, I fear that consumers will not see any real innovation. All you have to do to see that this trend is look at the differences between Windows 95 and Windows XP.

Apart form some minor cosmetic changes, the interface is nearly identical. After seven years, where are the innovations? Where is the voice control? Where are the effective ''equal access'' tools? As a citizen, a consumer, and a computer professional, I hope that the Department of Justice works to ensure real competition. Do not sacrifice true competition because of some vain hope that Microsoft will spare the economy after 9–11. It won't. In fact, real competition is the only thing that will completely revitalize the technology sector.

Sincerely,
Lorin Olsen
Overland Park, KS
Phone: 913–894–0706

MTC–817

MTC–00000818

From: Harvey McDaniel
To: Microsoft ATR
Date: 11/17/01 11:44am
Subject: No surprise

Gentlemen;

I am deeply disappointed in my government's flaccid attempt to bring some sort of justice to the software industry. MIS 's path to success is littered with the broken and battered companies in it's wake.

And you, gentlemen, have failed in your duty to all of us.

H. W. McDaniel
31888 Fayetteville Drive
Shedd, Oregon, 97377

MTC–818

MTC–00000819

From: Andrew Lanclos
To: Microsoft ATR
Date: 11/17/01 11:43am
Subject: This settlement is not in the best interests of consumers and business.

It is in my belief that this settlement is mostly being proposed at this time so that Microsoft will be ''free'' to bring the market back to its once-prosperous state, and allow the economy to revive. While these goals are virtuous and lofty, the fact of the matter is that Microsoft's short-term profitability will not allow the economy to recover in the long term.

As Stanley Sporkin put it during his denial of the original settlement terms put forth in 1995, ''simply telling a defendant to go forth and sin no more does little or nothing to address the unfair advantage it has already gained.'' The settlement proposed right now amounts to little more than saying ''Stop, or I'll say 'Stop!' again!'' I agree that dividing Microsoft into parts is not the answer—Little exists to ensure that those severed companies wouldn't simply cooperate fully with each other in ''strategic partnerships''.

A better remedy would be to have a codebase oversight group composed of industry-familiar persons who would be able to point out deficiencies in Microsoft's products that harm consumers' right to choose. For instance, Windows XP is being hotly contested in many foreign nations due to its overwhelming power over the user. Microsoft's ''concessions'' in this manner are to allow a small measure of competitive advertising, as long as Microsoft's own services and products also remain advertised with the same capacity. To restate the thinking of many Unix users, ''The operating system runs the computer. It's not the operating system's job to play movies or record MP3s or write a letter. That task is left up to applications, applications that should be optional for users to pick and choose between publishers, or none at all if the user doesn't need that functionality.''

I use Windows XP because I find it to have many new features to the actual Operating System that are very beneficial to users. However, there are also many bundling practices with Windows XP that, if I were a novice user, would impose an unnatural selection choice on me to use a Microsoft product, simply because it's convenient. Many (Over 50%) home PC owners still don't have internet broadband service, so picking a competing web browser over Internet Explorer is a rather difficult task. First off, the user has to know that it exists, and many don't. Secondly, at its current download size, it takes well over two hours to download. Most users would balk at being online for that long, and simply bail out at this point. Microsoft has used this as a leverage point for some time to prevent users from working with Netscape. Most online users I know that use Netscape do so because it was provided by their Internet Service Provider. When (And they have before) Microsoft proposes licensing restrictions for ISP software including Internet Explorer, they general give ISPs only two choices. Provide only Internet Explorer, or pay us money to allow you to carry IF without our license restriction.

Microsoft has just recently entered the video game console market. As a longtime consumer of this market, it scares me terribly, because I know that the same predatory practices Microsoft has long employed in the PC realm will also (and have already) be used here. It's no secret that exclusive titles help to strengthen a console's marketability, but Microsoft is entering this market with significantly higher resources than Nintendo and Sony have at their disposal. Sony may be an electronics giant, but they don't have the cash to bet the farm on the success of the PlayStation2, especially in the economy's state as it is. Microsoft's tactics include offering developers free licensing and benefits for developing titles exclusively for their system, the Xbox. While this is normally harmless, the fact is that Microsoft has significantly more power to do this than Nintendo and Sony, both longtime legitimate competitors in this arena. Microsoft can (and does, and will continue to) simply offer developers the only financially viable option—Develop for us for free, or take your chances elsewhere. Effectively, they'll stifle off the ability of developers to publish titles on other systems simply because of the fact that their short-term economic viability is ensured by Microsoft's marketing dominance. Microsoft will win not because it has superior hardware or superior marketing or superior title offerings—It will win because it had more money to play with. The situation here is tantamount to an Olympian athlete who has long been using anabolic stimulants to repeatedly artificially win competitions—He then suddenly decides that he wants to compete in other races, such as the decathalon and the long jump, because ''it's his right to compete'', even though he has already demonstrated a clear unfair advantage.

Microsoft makes some decent software, assuredly. But the fact of the matter is that its development staff is hindered by a cycle of marketers and lawyers gone mad, who can't stop the cash flow lest it leave them dry. Microsoft doesn't need to branch out into other markets to assure its long-term financial viability. It's already ensured this by crushing all the competition in the markets it already exists in. And the bureaucratic dawdling in this matter has only allowed Microsoft to continue to stifle competitors even more. Microsoft may say that its competitors just don't have things together, and that their failures are their own faults, but the fact is that repeatedly Microsoft has put forth barriers to entry, and any perceived ''difficulties'' are generally due to Microsoft's own efforts. They have a long history of ballot-stuffing, false advertising, and outright lying (Bill Gates himself said in a CNN interview three nights ago that the Nintendo GameCube, one of the Xbox's competing systems, was $299 in price. It's actually $199, which is one of its primary selling points). Quietly issuing retractions and apologies does little for the consumer market when the damage has already been done.

Nothing exists in this settlement which will result in the ''most effective and certain

relief in the most timely manner.' It doesn't even amount to a slap on the wrist because nobody's slapping anyone. Microsoft can not and WILL NOT be stopped by the measures in this anti-trust settlement. In reality, the most effective measure of the settlement with Microsoft has already been done—Microsoft has had to devote its lawyers and part of its fund to fighting this court battle that would have normally been used to take down even more competitors. Those who support it by claiming that it puts an end to ''government waste'' will be poorly served because it the settlement will have effectively become a waste of 6+ years of time and bureaucracy and money put forth to settle this. Don't make this whole case a waste. Come up with some better restrictions on Microsoft that will ensure its own viability along with its competitors.

Drew Lanclos

Mississippi State University

CC: amm22@ra.msstate.edu @inetgw,alanclos @its.msstate.e...

MTC–819

MTC–00000820

From: Andrew C. Oliver
To: Microsoft ATR
Date: 11/17/01 11:37am
Subject: Microsoft Settlement

The settlement is deplorable. Microsoft has continued to raise prices as it has become more dominant and has become ever more bold in raising the barriers to market. As both a citizen and a software developer I am appalled by this slap on the wrist'' solution. As a participant in the economy I agree now is NOT the time to split up the company, but a continuance until the economy recovers followed by a sharp and deep cutting penalty (such as splitting up the company) is called for.

Microsoft is not a technology innovator, they are a large trust with deep pockets that buys up or tramples via often illegal agreements such as:

1. ''group boycotting'' (with ISVs and VARs),

2. Tie-in agreements masked under the guise of new features. If I agree to sell you my house and I'll throw in the house next door and the price has mysteriously doubled from when the house was sold alone, does that qualify as a new property feature?).

3. Allocation of Customers or Markets. (attempts to reach agreements to this effect with Netscape, and Apple)

Regardless of the political positions of the party in power, the LAW should be enforced. This agreement laughs in the face of the rule of law and the DOT should be ashamed of itself.

Andrew C. Oliver (Republican, North Carolina) www. superlinksoftware.com CC: jesse helms@helms.senate.gov @inetgw

MTC–820

MTC–00000821

From: pmemer@ localhost.localdomain @inetgw
To: Microsoft ATR
Date: 11/17/01 11:48am
Subject: settlement

Microsoft wins the rest of us lose, Its nice to see where MicroSoft put its money in the last election. Who says the Department of Justice can't be bought. This teaches all north americans that crime does pay as long as the people meant to enforce america's laws are crooks themselves. Hopefully the next time the Democrats win they charge the current leadership of the Department of Justice with collusion with Microsoft.

Sincerely Philip Memer

Citizen of the Banana republic of Canada

MTC–821

MTC–00000822

From: RE
To: Microsoft ATR
Date: 11/17/01 11:48am
Subject: Microsoft Antitrust Settlement Comments

Dear Sirs:

I am writing to give my comments on the Microsoft antitrust settlement. I believe this settlement is counter to the interests of the American public, deleterious to the American economy, and not adequate given the findings of fact in the trial.

Microsoft's anti-competitive practices are counter to the law and spirit of our free-enterprise system. These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation. Microsoft's monopolistic practices cause the public to bear increased costs and deny them the products of the innovation which would otherwise be stimulated through competition.

The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices which they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future. It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function.

R. Laderman

CEO, KM Inc. San Francisco, CA

MTC–822

MTC–00000823

From: Ray Ashmun
To: Microsoft ATR
Date: 11/17/01 11:46am
Subject: Its Fair

Lets get this overwith. The settlement is fair and should be implemented now.

MTC–823

MTC–00000824

From: Brian Kendig
To: Microsoft ATR
Date: 11/17/01 11:46am
Subject: Comments from a former Netscape employee

Dear Department of Justice:

I worked for Netscape for almost five years, from early 1995 until late 1999. I rode the roller-coaster through all of its ups and downs, from the time when we could do no wrong to the time when we could do no right. I've been in the industry for much longer than that. I saw Netscape's end coming. Everything Microsoft did to us, they've done before and they're done since.

I appreciate the opportunity to offer a few thoughts.

(1) Microsoft claimed all along that the web browser was a useful application which deserved to be tied to Windows. The crucial question they never answered was: what about Microsoft Word? Everybody uses a word processor; why didn't Microsoft add Word's powerful features into Windows, to benefit consumers in the same way they did by adding Explorer's powerful features to Windows? The answer is that Word had no serious competition, so Microsoft was content to sell it separately and to offer a stripped-down word processor (''WordPad'') bundled with Windows. I've believed all along that a great solution to the tying issue would have been for Microsoft to include a stripped-down basic web browser with Windows, and to sell the full-featured Internet Explorer separately. This would let customers surf the web without buying anything extra, but if they wanted additional features, plenty of competition in the market would give them lots of choices of more-powerful web browsers.

(2) Microsoft defeated Netscape simply because they had the cash, the resources, and the time to copy every one of our most important products feature-for-feature, and give it away for free. They rarely got things right on the first try, but by bundling browsers and servers in with Windows and by releasing subsequent versions with more features, it was inevitable that they would eventually match our quality—and then it was inevitable that customers would choose the free solution over ours. Many of our customers still remained loyal, and purchased Netscape software rather using Microsoft's give-aways, but still, we were doomed from the very start. (Not only did Microsoft's freebies wound us deeply, but our grave was dug when they even went a step further and bullied our major accounts to stop using our software.)

Many people have complained that Netscape's software became unpopular because it was bug-ridden and couldn't keep pace with the features Microsoft was adding to their software. My response to this is: YOU try fixing bugs and adding features and keeping pace with a company which has a near-infinite cash supply, all while your own revenues are slipping away!

We did the research and development. Microsoft saw what worked, copied it, and gave it away. How could we possibly survive? More importantly, what does this say about the Next Big Thing, whatever that may be? What incentive does a person have to turn his great idea into a company, when he knows that Microsoft can simply steal his idea and undersell him once he proves that his idea is a success? The only options available these days are to follow the open source movement or ally with Microsoft; there is no longer any room for anything else.

(3) Microsoft has a long history of abusing their power, and they've been taken to court for it many times in many different countries. They've learned, however, that if they can get a court case to drag on for years, any ruling will become irrelevant because the competition it was supposed to benefit has long since died off. And not only are they

skilled at dragging the proceedings through molasses—but they also thumb their nose at the government while doing it; were they ever reprimanded for introducing a falsified videotape into evidence two years or so ago?

Any ruling against Microsoft must be strong and unyielding. So far their punishment for shrugging penalties aside has been another court case which has dragged on for another few years, and they'll only ignore the outcome of this one too.

This must stop now.

IVI Brian Kendig Set your priorities right. / A /._. brian at enchanter net No one ever said on his V /_/ j http://www.enchanter.netl death bed, ''Gee, if I'd _ _ /_ Be insatiably cunous. only spent more time at / / / Ask ''why'' a lot, the office.''

MTC–824

MTC–00000825

From: J Langley
To: Microsoft ATR
Date: 11/17/01 12:10pm
Subject: Drop the case against Microsoft.

Don't you think the Country has enough.

Drop the case against Microsoft Don't you think the Country has enough.

Jim Langley

MTC–825

MTC–00000826

From: tbudd
To: Microsoft ATR
Date: 11/17/01—12:07pm
Subject: court system...

The current decision makes it pretty obvious to the American public that MS owns the To use an analogy. MS copied other vendor's technology to build a ''highway'' system for PCs. They used illegal practices to turn it into a monopoly. Whenever someone makes a new successful ''car'' that runs on the ''highway'', MS copies it and ''gives it away for free''. That is, MS charges for it in the cost of the highway. Whenever someone complains, MS asserts their ''right'' to incorporate anything into their highway monopoly. Obviously, MS is paying government officials plenty of $ to insure that MS can maintain and expand their monopoly with impunity. When will someone stop the madness?

Regards,

-Tracy

MTC–826

MTC–00000827

MTC–00000828

From: Ron Goodman
To: Microsoft ATR
Date: 11/17/01 11:56am
Subject: Disgusted with proposed Microsoft settlement

The proposed settlement is pitiful, even coming from a Republican administration. No penalty for past criminal activities, no penalties for future illegal activities, no indication that anything meaningful will be done to change Microsoft's behavior. Previous administrations won the case in the courts, and you're walking away from doing anything with that victory. Our only hope is that the remaining states and the EU will show more integrity and courage than the current administration has been able to muster.

MTC–828

MTC–00000829

From: SMunger@ aol.com@inetgw
To: Microsoft ATR
Date: 11/17/01 12:21pm
Subject: (no subject)

Comment re Microsoft settlement: Its about time to get this resolved. The government has been vindictive and unreasonable in dealing with this company that has done so much to facilitate our country's businesses. Without microsoft our economy would be much less efficient. Lets give some credit to this incredible company and let them get on with business. I am from Iowa and I don't think that our attorney general serves the people in the position he takes. The settlement is reasonable. Lets get on to the next generation of software and technology and stop the bureacratic intereference with a free economy and business innovation. Stan Munger

MTC–829

MTC–00000830

MTC–00000831

MTC–00000832

From: Jason Jeffries
To: Microsoft ATR
Date: 11/17/01 12:39pm
Subject: MS Settlement

Thank you for settling the case with Microsoft—the only thing better would have been to never bring the case to court in the first place.

MTC–832

MTC–00000833

From: Andy Freed
To: Microsoft ATR
Date: 11/17/01 12:33pm
Subject: Microsoft case resolution

To Whom @ Department of Justice,

I understand wanting to be finished with the Microsoft case, but there has been no solution as the current agreement reads. The weak terms of the agreement seem to forget all the non-existent companies who have been killed or absorbed by Microsoft's bully tactics.

I think that the administration is making a huge mistake with the current resolution. Nothing was solved, and no practice has changed, or gone punished. The administration may want to reconsider this settlement if they truly have the interest of both business and technology in mind.

I thank you for providing this opportunity to voice my opinion. I only hope that my state does the same. It seems to be busy enough with its suit on behalf of its assisted suicide rights.

Sincerely, Andy

Andy Freed
andyfreed @ mac.com
afreed@pcc.edu

MTC–833

MTC–00000834

MTC–00000835

MTC–00000836

From: mikea
To: Microsoft ATR
Date: 11/17/01 12:49pm
Subject: Microsoft Settlement

To Whom It May Concern,

I have owned and operated a small computer technical support business in a small community in the California Sierra foothills for the past three years. Before that I worked for ten years at a mid-sized corporation as a computer system administrator, and I have been employed in the computer business since 1985. All of my clients use versions of Windows, including Windows9x/ME/2000/XP, and I have been at Ground Zero during the two lawsuits of note involving the Justice Department and the Microsoft Corporation.

While the finding of the Justice Department that Microsoft had violated U.S. anti-trust law was heartening—since my experience has been conclusive that this is exactly what they did—the recent settlement is totally unacceptable. This is not a remedy, it is an appeasement of such depth and breadth that I have to wonder what sort of corruption is at its root. It fundamentally does not address the main problem with the Microsoft monopoly, which in the finding is described as ''the application barrier to entry.'' In other words, Microsoft is still free to load its operating systems with all sorts of marketing garbage that freeze out competitor's products that are often superior, in that they are free of the bugs that often plague Microsoft initial offerings that have been designed to capture a particular market.

A perfect example of this is what happened with Internet Explorer. The first versions were an embarrassment to good programming, but because the browser was given away and automatically loaded onto the desktop with the delivery of Window98, Netscape never had a chance. Rockefeller would have been proud. The problem with this is that, with all monopolies, my clients were financially harmed by this chicanery. They did not have a choice in the browser market, and as Internet Explorer was forced down their throats in order for them to do business, they suffered financial losses due to the consequent loss in productivity.

Now we are headed down this same dismal road once again. With the release of WindowsXP, you had a unique opportunity to address the application barrier to entry by preventing Microsoft from taking advantage of its monopoly in the operating system market to capture the digital media, development, and internet application markets, just as it did with the browser market. But you failed to protect consumers and businesses alike by reaching a settlement with Microsoft that does nothing to address its proposed monopoly in these emerging markets.

I do not know how you sleep at night after having reached this tainted agreement; though I have a feeling that a corrupt Republican administration with pillows stuffed with soft money, you most likely sleep very, very soundly. Just so you know, out here in the hinterlands we are not sleeping so well. Our dreams are, instead, nightmares, as we twist and spin trying to figure out how we are ever going to root out the criminal corruption that creates the

stench so prevalent in Washington DC at this time in history. I will remind you that small businesses are the ones who will be hurt by your decision, and they are by far the largest percentage of employers in this country.

I beg of you, please reconsider your decision. Our economic future, the health of our families and our communities, absolutely depends on a Justice Department that is free of criminal behavior.

Most Respectfully Yours,
Michael P. Anderson
mikea@clientworks.com
10288 Natasha Ct.
Nevada City, CA 95959
mikea@clientworks.com@inetgw
CC:

MTC–836

MTC–00000837

From: Timothy Enders
To: Microsoft ATR
Date: 11/17/01 12:48 pm
Subject: Microsoft Settlement

I agree with many who believe the proposed settlement doesn't address the crimes that the defendant has committed and will not discourage more of the same in the future.

The behavior of Microsoft has hurt, rather than helped, the computer industry. The loss of a truly competitive marketplace will continue to impede progress. This environment now threatens to be exported to more markets as Microsoft positions itself as the intermediary of all online transactions. Now I read that Microsoft is offering to payoff the remaining states to join the settlement by offering to pay their legal fees. This is further proof to me that the DOJ has acquiesced to this corporation and is not upholding the law.

Regards,
Timothy M. Enders
209 Edgerton St
Rochester, NY 14607

MTC–837

MTC–00000838

MTC–00000839

From: michael baxter
To: Microsoft ATR
Date: 11/17/01 12:45 pm
Subject: strong enforcement provisions what a fucking joke! admit it, you guys are just blowing gates.

MTC–839

MTC–00000840

From: gwl(a)iwdc
To: Microsoft ATR
Date: 11/17/01 12:53 pm
Subject: microsoft settlement

I strongly encourage the Justice Department to complete its action against Microsoft. I am a small business man who makes his living from using the products Microsoft makes. I think this has gone on long enough. Please consider closing this issue.

Regards, Gary
Gary W. Little
The Gary Little Company, Inc.
mailto:gwl @iwdc.net
Box 430
Gulf Breeze, Florida 32562
Tel: +850–434–8384
Fax: +850–434–8974

MTC–840

MTC–00000841

From: Michael Dunn
To: Microsoft ATR
Date: 11/17/01 12:52 pm
Subject: MICROSOFT SETTLEMENT

I feel this case should be settled as soon as possible as per the revised proposed final judgment.

Michael Dunn

MTC–841

MTC–00000842

From: John Keelin
To: Microsoft ATR
Date: 11/17/01 12:49 pm
Subject: Microsoft Settlement

Hello,

Some comments regarding the proposed settlement. According to an article at USAToday.com, The Justice Department also considered trying to force Microsoft to sell a stripped-down version of Windows that did not include built-in software for browsing the Internet, reading e-mail, listening to music or sending instant-messages.t9

I believe that you should have pursued this approach for several reasons. I use both the Windows and Apple Macintosh Operating Systems on a regular basis. Both of these products offer bundled software, which I would agree benefits the consumer. It is the way in which Microsoft leverages the bundled software that highlights Microsoft's abusive behavior.

The following outlines some of the key differences in the way software is bundled by these two leading operating system providers: Internet Explorer (Microsoft product available on Both MacOS and Windows) On a macintosh, if a web site address is entered into Internet Explorer incompletely (e.g. news vs. www.news.com) the browser assumes and correctly takes the user to the requested site (e.g. www.news.com). On Windows, incomplete web address entries take you to a Microsoft-branded search site.

Conclusion: The bundled web browser on Windows gives Microsoft an unfair advantage on promoting it's web properties. Software Update Features On the Macintosh, there is a program called ''Software Update'' that logs onto an Apple Computer FTP server and provides the user with a list of updated system software. The user selects the updates and the ''Software Update'' program downloads and installs the new software accordingly. Windows offers the same feature called ''Windows Update.'' ''Windows Update'' REQUIRES that a user connect with Internet Explorer to update their system software. Instead of a separate program, like Apple Computer offers for the same software update ability, Microsoft requires the use of Internet Explorer to perform these actions. Conclusion: On the Macintosh, If I remove Internet Explorer and decide?

2. Mandate that Microsoft discontinue the practice of tying non-related features together to essentially require that their products be installed even if a user chooses a competitive product. The second remedy would be difficult to oversee and enforce, making the first remedy a seemingly preferred approach. Sincerely,

John

MTC–842

MTC–00000843

From: Twomellie@aol.com@inetgw
To: Microsoft ATR
Date: 11/17/01 12:58 pm
Subject: Microsoft Settlement

LEAVE MICROSOFT ALONE! We are sick of government trying to stiffle competition in today's market. If companies can't work around what Microsoft has already established TOO BAD. It doesn't matter to me that Bill Gates makes billions of dollars. Free enterprise is free enterprise. Quit spending our hard earned tax money on trying to destroy what this company has spent years on creating. You are part of the reasons why people resent the governement so much. We give, give and give and you take, take and take.

MTC–843

MTC–00000844

From: dnlboyle
To: Microsoft ATR
Date: 11/17/01 12:57 pm
Subject: settlement

Your settlement agreement with the Microsoft Corp. was fair and equitable to everyone.

Congratulations.
Dave Boyle
dnlboyle@bossig.com

MTC–844

MTC–00000845

From: Gary Gromet
To: Microsoft ATR
Date: 11/17/01 12:55 pm
Subject: Microsoft Settlement.

The settlement is excellent for all, especially the consumers. Discount Health Foods

www .DiscountHealthFoods.net
858 N.Krome Ave.
Homestead, FL 33030, USA
Tel: 305–247–8487
Fax: 708–575–6632

I use Hotmail because all incoming and outgoing e-mail is screened for viruses by Symantec(Norton Anti-Virus)

MTC–845

MTC–00000846

MTC–00000847

From: Will Martin
To: Microsoft ATR
Date: 11/17/01 1:04pm
Subject: Comments on the MS/DOJ Settlement from a Concerned Consumer

Dear Sir or Madam,

The proposed settlement between Microsoft and the Department of Justice fails to remedy the state of events which originally brought Microsoft to the attention of the Department of Justice, namely, that it had engaged in anti-competitive and predatory practices designed to protect its existing monopoly of the OS market, and to give it monopoly power over the web-browser market.

Microsoft holds a monopoly on the worldwide operating system market; that is, Microsoft's Windows operating system is the most common in the world, being installed on over 90% of computers based on Intel's x86 processor architecture. This fact, combined with the enormous number of people in the workforce who are untrained on any operating system but Windows, gives Microsoft extraordinary powers to direct the development of new applications, and by extension the day-to-day usage patterns (behaviors) of the owners of the computers. Currently, no operating system poses a significant threat to the dominance of Windows, largely because the majority of applications developed for Windows and used by most businesses and individuals cannot be used under other operating systems.

The provisions in the settlement regarding interoperation, sections III.d, III.e, and III.j, completely fail to remedy this. Under this judgement, Microsoft would continue to be allowed to use proprietary protocols, APIs, and file formats to maintain and even extend its dominance not just of the operating system market, but also of the associated markets relevant to business software. If the Department of Justice is truly interested in restoring competition to the operating system market, the Final Judgement of this case should require Microsoft to cease using proprietary protocols, APIs, and file formats; specifically, Microsoft should be required to publish full specifications for all of their previously closed file formats, such as (but not limited to) the .doc, .xls, and .ppt formats used by Microsoft Office, for the Application Programming Interfaces used to create Windows-based applications, such as (but not limited to) the DirectX API for three-dimensional graphics rendering, and for communication protocols intended for use in transmitting information across networks. Sufficient information should be published for competitors to be able to create their own implementations of Microsoft protocols, APIs and file formats so that software originally written for Windows would run in competing operating systems, such as Mac OS or Linux. This information should be made available royalty-free, and should include not only existing, but any future protocols, APIs, and file formats Microsoft might create.

Not only is the proposed settlement too lax in regard to its punitive measures, it is also too lax in regard to enforcement. If Microsoft fails to adhere to the terms of the agreement, the agreement gets extended. In essence, the proposed settlement grants Microsoft government approval to continue business as usual, despite the negative effects on competition and (more importantly) on the ability of consumers to use non-Microsoft products.

I strongly disfavor the proposed settlement, and ask that it be reconsidered by the court.

William David Martin

MTC–847

MTC–00000848

From: dan @sof.ch@inetgw
To: Microsoft ATR
Date: 11/17/01 1:03 pm
Subject: Microsoft settlement

I started programming before DOS and Windows came. Microsoft is bad, their product is bad. This is not really meaningfull, they are not alone. A lot of company are doing their work bad and they won't last long.

Microsoft is a special case. They do bad (dangerous) software, but because they have the monopoly power, they are in position to force nearly everybody to use or a least to adapt to their way. Let just imagine what's the next step in Microsoft strategy: where do they have more territory to conquer? INTERNET. They started the Internet war with Explorer. The next step will be to twist protocols, to make them proprietary.

YOU HAVE TO STOP THEM.

How do you believe Microsoft will be fair after 20 years of illegal practices. They don't know themself how to behave fairly. I think the current settlement is bad. As you admit this settlement, you admit that everything is an OS, you admit that Internet is only an extension of Windows and finally that any other operating systems will be part of Window (at least ostage). This is a manner of enforcing their position.

You have to broke them. That's the right remedy, because Microsoft-application will need to work not only with Microsoft-OS but with other OS too and that's good for people. Microsoft-OS will have to support different platform if they do not want to die, will have to plublish their API because nobody will use their soft if they do not.

I really think the only right remedy, the one that can help people and firms is to BROKE Microsoft at leas in 3 parts:
—Microsoft OS
—Microsoft Application
—Microsoft Network

Doing this you really will break the monopoly.

PS: sorry for my english, I'm not an american citizen. Courage, fuyons...

MTC–848

MTC–00000849

From: Mark Seifert
To: Microsoft ATR
Date: 11/17/01 1:00 pm
Subject: Settlement agreement

I am writing to protest the blank check being given to Microsoft to continue to dominate the software industry. Legal gimmickry has been the main source of Microsoft's wealth, not the production of excellent software. Open sourcing should be the ultimate goal, not the continued and ever expanding restrictiveness forced by Microsoft. Microsoft's ''licenses'' should be illegal. On what basis does Microsoft demand that once one buys a copy of Windows 2000 or XP, one must not install it on any more than one machine. This kind of tyrrany is similar to that of the Taliban.

Once one pays one exorbitant price to Microsoft to buy an operating system disc, one should have the right to install it on as many machines as one wishes. That is the case with Linux. Intellectual property should not extend to the relationship between a software disc and a given machine, as there is no basis for this connection.

Concernedly,

Mark Seifert MD

MTC–849

MTC–00000850

From: 3211@usa.com@inetgw
To: Microsoft ATR
Date: 11/17/01 12:59 pm
Subject: no deal!!

The deal u made for microsoft was to help them not the us, the public. Please stop saying u have the publics interest at heart her. It is plan for anyone to see that u want to gave Nicholson what ever they want to abuse us the American public.. Will be glad to vote u out of office next election. This time we will not make a mistake like the last president election.

Download NeoPlanet at http://www.neoplanet.com.

MTC–850

MTC–00000851

MTC–00000852

MTC–00000853

MTC–00000854

MTC–00000855

From: DippyDawg6@aol.com@inetgw
To: Microsoft ATR
Date: 11/17/01 2:49 pm
Subject: (no subject)

To whom it may concern,

The purpose of this letter is to comment on the MS/DOJ settlement. I doubt that anyone will read this letter, but I feel obligated to write it regardless. It saddens me that we live in a government that can't handle a single corporation, where a company can so blatantly get away with criminal activities under the guise of ''innovation''. How can one have faith in a government to fight wars and protect us if they can't even deal with a single corporation? What Microsoft has done over the past 20 years is criminal, there's not even any reason to elaborate past that point, it's just given. At this point it's all politics who they can dig dirt up on and who they can pay off. It won't be too surprising if before long they start claiming that people who use free software are ''terrorists.'' That seems to be the easiest thing to throw at the public to garner support. So, anyway, thanks for not reading this.

Disgustedly, Me.

MTC–855

MTC–00000856

From: Joe Cool
To: Microsoft ATR
Date: 11/17/01 2:49 pm
Subject: Unhappy

Justice Department,

Thank you for allowing the citizenry to leave comments about MS/DoJ settlement. Officially I would like my comment to be 'very unhappy with the decision/settlement'.

I could spend my moment here by talking about economics, innovation, financial responsibilites or even social costs; however, I will skip that in favor of one thing: the future of our country. Read the polls, the studies, talk with your peers and you will find a decreasing hopefullness in the future felt by the bulk of the citizenry. I believe I know enough finance and politics to realize most of how and why government policy is

shaped. But remember our attitudes of all life's aspects over the last 30+ years. You don't need to read the statistics, ask yourself. I believe you will find this 'decreased hopefullness' also. That is, unless you are not in the majority.

If you believe this declining state, then you should be wary how you support any given current government agenda. Making decisions based on desired results in a given 2 or 4 year period can be at odds with an increasingly hopeful, promising future for the bulk citizenry. The better, long term solution should be choosen, yes? What is better, how is that measured? Measured so many ways, I suggest looking at this one: The one which promises the greatest long-term net social benefit. This should be calculated by the entity which benefits individually the least over all outcomes.

Corporations are made to last more than a lifetime. So is our government. Both types need decisions which will ensure continued success (success is defined differently for each). Individually we need to pay bills, be employed; but we have the chance to help ensure this is the greatest country in the world. I realize this may be difficult, but do you really want to continue making decisions which choose a few over the many? This is why I am ''unhappy with the decision/settlement''. Once again, thank you for listening, we are all supposed to be the government. By the people, for the people.

MTC–856

MTC–00000857

From: Nancy Harrison
To: Microsoft ATR
Date: 11/17/01 3:00 pm
Subject: Microsoft ''settlement''

I have boycotted Microsoft software since 1995. Try this: go to any retail store and try to buy peripherals (printers, scanners, modems etc) for a NON-Windows system. Not real easy unless you have a Mac instead of a PC.

Now, the real problem is M$'s determination to ''de-commoditize'' the Internet. They want it all. Can you stop them? I want the right to use another operating system with the software for the Internet now available thru the web, not designed by Microsoft.

What if you bought a Porsche, and were told you had to have a Chevy engine in it? ''Oh. if you want a Porsche engine you'll have to go to Germany and buy one and install it yourself. Only Chevy engines are available for cars in the US''.. NHarrison, Linux and Mac user

MTC–857

MTC–00000858

From: David Olegar
To: Microsoft ATR
Date: 11/17/01 2:57 pm
Subject: Antitrust Settlement

This settlement gives Microsoft a free ride to continue to abuse their monopoly position. It desperately needs teeth.

MTC–858

MTC–00000859

From: David Olegar
To: Microsoft ATR
Date: 11/17/01 2:57 pm
Subject: Antitrust Settlement

I understand this is the e-mail address to send feedback concerning the Microsoft antitrust settlement. As a Windows 98 SE user and resident of Western Washington state, I understand the importance of Microsoft to the economies of the USA and Washington state. However, I believe that it is against the long term interests of the USA and the computer world in general for Microsoft to abuse the monopoly position that they are in. You have asked Microsoft to do some things which would be beneficial if implimented. However, there appear to be no useful sanctions whatsoever if they do not comply. This agreement needs more teeth.

MTC–859

MTC–00000860

From: Edmond Meinfelder
To: Microsoft ATR
Date: 11/17/01 3:00 pm
Subject: the settlement

I am disappointed in the Microsoft DOJ settlement. Regardless of the rule of law, Microsoft remains a monopoly. Capitalism, wonderful as it is, fails without competition. The best product for the best price will never be produced by a monopoly; it's not in their best interest. In the current marketplace, the only competition left is from the free software arena. Microsoft, in a roundabout way, acknowledges this though their constant nagging against free software.

The US thrives on information technology. Having a monopoly in this vital area is shortsighted and detrimental to the future of this country.

MTC–860

MTC–00000861

From: Jay L. Alberts
To: Microsoft ATR
Date: 12/6/01 2:12 pm
Subject: Microsoft case

Just a quick note to let the DOJ know that I am in favor of the proposed settlement of the Microsoft anti-trust case. This case has stalled innovation long enough. Thanks to the prevalence of Microsoft products I am able to effortlessly exchange files and documents with colleagues around the world when working on our research papers and grants. These features only serve to improve our work.

Sincerely,
Dr. Jay L. Alberts
Jay L. Alberts, Ph.D.
Dept. of Health and Performance Sciences
Georgia Institute of Technology
Atlanta, GA 30332–0356
jay.alberts @hps.gatech.edu
Voice: 404.385.2339
Fax: 404.894.9982
www.hps.gatech.edu

MTC–861

MTC–00000862

From: Bruce L. Friedman
To: Microsoft ATR
Date: 12/6/01 2:11 pm
Subject: DOJ-MS Settlement Agreement Opinion

I am told this is the forum for sending in public opinion for the proposed settlement. I am a computer professional, familiar with MS Windows (3.1, 95, 98, Me, NT, 2000, and XP) as well as with Linux from various distributions (RedHat, Slackware, etc.) and Sun Solaris operating systems. I have been working professionally in the field for 16 years and hold undergraduate and graduate degrees in computer science. My feeling from reading the press reports on the settlement is that Microsoft having been found guilty of monopolistic practices is being penalized by having to donate software to schools. This doesn't make sense. If the penalty's purpose is to prevent them from practicing as a monopoly in the future, I don't see how that would do it. I think the only penalty that should matter should be financial. The real question should be—how much, and who is the beneficiary? I think education is an excellent choice for the recipient. As for how much, I can't say. However, it should be based upon the assets and income of the corporation. I would think that something on the order of half of the corporate assests would not be overly punishing given the impact they have had on the marketplace in the personal computer business.

Sincerely,
Bruce Friedman
bruce_friedman@yahoo.com

MTC–862

MTC–00000863

From: WESCODIST@aoLcom@inetgw
To: Microsoft ATR
Date: 11/17101 3:03pm
Subject: MICROSOFT SETTLEMENT

It is high time for the DIcharge of the case against MICROSOFT which has been motiviated by their competitors fueling pockets of the politicians and the states lawyers. I was involved in a just antitrust suit and know the influences are biased beyond reason. This company MSFT has provided a service to the average american and the world beyond any comperable damage they could ever have done. I feel this warped attitude just to extract money is unwarrented/... Wes Decker Seattle,WA

MTC–863

MTC–00000864

From: Donald, Teresa, (038) Abby Fleming
To: Microsoft ATR
Date: 11/17/01 11:04pm
Subject: Please level the playing field

Dear Department of Justice,

It is my personal opinion that the news reports of the proposed settlement with Microsoft do not do enough to encourage free trade. My reasons are as follows:

1. Promotes exclusive deals using a secure facility implies exclusive. The news report says that the details of programming code would be available at a secure facility. Let's say that I as an individual would like to write an application. The availability of a secure facility is of little value to me unless I can afford to go there. To be of value to me across the nation then more information needs to be available on a national basis. It is only through nationally available information can a future generation of rising programming students have to information necessary to create a new wave of software companies. Free trade is promoted through competition.

2. Restricts free trade through bundling The proposed deal allows Microsoft to use its dominant position in home computer operating systems to finance its venture into software applications. This bundling of software applications restricts free trade.

On the surface Microsoft appears to avoid the charge of bundling software since it does not separately sell the bundled software. At best I consider this a legal loophole. I consider Microsoft to be breaking the intent of the law. The intent of the law is to promote free trade. Microsoft is using its dominant position in desktop operating systems to sell bundled software. In other words I would estimate that a significant portion of the cost of the upgrade of the operating system from Windows 98 SE to Windows Me is not the cost to improve the operating system but the costs associated with the applications such as media player that are bundled with the operating system. Windows Me is recognized by many as being inferior to Windows 98 SE. It is because of this inferiority that many computer distributors such as Dell offer the customer the choice of which operating system to install on new computers. But that is beside the point. The point is that what Microsoft is really selling is not a product to recover the cost to upgrade the operating system but is really selling bundled software such as media player to cover the cost to add this bundled software to the product offering.

The potential profit margins on Microsoft products are tremendous. A blank compact disk can be purchased for less than a dollar. A pre-recorded compact disk with commercial artwork on the packaging and on the disk can be purchased for under five dollars. The Microsoft operating system on a compact disk cannot be purchased for under one hundred dollars. It is this large potential profit margin that leads to organized crime and software pirating. The Linux operating system can be downloaded over the Internet for no cost or purchased for less than fifty dollars. A retail box version of Linux usually comes with technical support to resolve installation problems. A Microsoft operating system when purchased with a new computer does not include any Microsoft installation support.

The bundling of a software application with the operating system accomplishes three purposes for Microsoft. (1) it adds value to the operating system which is intended to stir demand for upgrades (2) the major cost for an upgrade is not always the cost of updating the operating system portion of the upgrade but the added or bundled software; the cost for the bundled software is recovered in the operating system price, and (3) takes software revenue away from its competitors. Microsoft is using its dominant position in desktop operating systems to take software markets away from its competitors. This injures free trade. This can best be remedied by dividing the operating system and hardware (joysticks, mouse, keyboards, and xbox) portion of the Microsoft business from all other portions of Microsoft. Windows XP combines the technology available in Windows 2000 with the technology available in Windows Me. Page 33 of the October 16 edition of PC magazine described some of the new features available in Windows XP. The features are described as follows:

Tightly integrated features formerly available only from other software makers abound. Microsoft has built some of the features from scratch and used third parties (with which it will now compete) for others. At the top of the list are Windows Messenger instant-messaging software (targeted directly at AOL's turf) and an improved Windows Media Player (taking on Real Networks? Real Player). Windows XP includes an Internet firewall, a Web cookie controller (watch out, Norton!), CD creation software (sorry, Roxio!), PPPoE support for use with ADSL connections (ante up, Wind River), and a file- and settings- transfer wizard (a la AlohaBob) to ease the transition between PCs...? The above paragraph includes the competitors AOL, Real Networks, Norton, Roxio, and WindRiver. Many of these companies are publicly traded. If Microsoft can gain an unfair trade advantage over publicly traded companies such as these then some future college students who wants to be given the same opportunity as Bill Gates had will not have a chance. This discourages free trade.

3. Restricts free trade through dominant position Microsoft has a dominant position for desktop computer operating systems. It is using this position to restrict the ability for competitors to create competing applications that run on the operating system. It does this by not sharing application development information. This injures free trade. Twenty years ago it was very popular for a computer manufacturer to create and maintain an operating system that will run on the latest computer being sold. Many manufacturers supported Unix since over 90% of the code is in the public domain an the remaining 10% is the device drivers to support the hardware. The Unix operating system is written in the ?C? programming language. Microsoft operating systems are written in either the ?C? programming language or the object oriented version of the ?C? programming language called ?C++?. Computers are not sold because they are pretty but because they provide value in productivity (workplace software) or entertainment (games, movies). In this environment a computer manufacturer would want as many applications as possible to run on their operating system. They would provide documentation on operating system calls with every computer sold. Information needed to create an application was not referenced as company secrets.

Microsoft has established the Microsoft logo program as a way to test software applications to ensure that they are taking advantage of new operating system features and avoiding problems that were present in the older operating systems. Programs that pass the tests are eligible to have the Microsoft logo artwork added to the retail box packaging. Microsoft sells programming languages that run on their operating system. Last year I purchased ?Visual Basic 6.0 Deluxe Learning Edition?. It came with a compact disk and two manuals. Neither manual included the information needed to be able to write a program to install a software application. It contained a package and deployment wizard that included some source code that could be customized and some object code without the source code. Neither the manuals nor the source code provided the information necessary to meet Microsoft's logo program. I have been researching the Microsoft web site and other sources of information for information on how to write an installation program for a software application that will only display a help file. I want this software application to be compliant with the logo program. I also want this program to make registry calls using Unicode and support operating systems such as NT/2000/XP. What I have found is that two different third party books recommend the purchase of an installation program from another third party.

By not making application creation information available Microsoft is discouraging free trade.

4. Restricts free trade through dominant position Historically many market leaders do not like standards. Microsoft appears to be no exception. Many market observers discussed how that JAVA became popular for its ability to work across many different computer operating systems. A subset of JAVA was called JavaScript and is supported by the Netscape web browser.

The Linux operating system does not require a web browser. A Netscape web browser is available for the Linux operating system. Microsoft claims that their web browser is an integral part of the operating system. My personal observation is that Microsoft calls many software applications part of the operating system for the reasons outlined earlier.

Microsoft also sells and supports programming languages. They used their expertise in programming languages to give Internet Explorer version 5.0 the ability to do things that cannot be done by JavaScript. By including the price to develop this software in the cost of the operating system gave Microsoft an unfair trade advantage. They were able to supply this product for ''free'' as a feature of the operating system rather than charging a price for each copy as was once done by their competitors.

Much of the Internet's wide acceptance has been established by industry standards. Microsoft used its dominant position in operating systems to distribute its web browser. Once it has a dominant position in the web browser marketplace it developed and implemented its own version of new Internet standards. The dynamic HTML available in Microsoft Internet Explorer is not compatible with Netscape. The result of this incompatibility is that some web sites could not afford to continue doing web software development for both browsers. They chose to go with the dominant player Microsoft. This bully tactic by Microsoft is an injury to free trade.

The Windows XP operating system includes Internet Explorer 6.0. This web browser is available for download for use on earlier operating systems. It supports an Internet draft standard for handling privacy issues associated with web cookies. The release of a product that supports a draft standard by a company with a dominant share of the market is acting like a bully. A bully should be treated as a bully. The

Microsoft .NET initiative is intended to radically change the way that web development is done. Microsoft is using their programming experience to offer programming language support to web servers. The new programming language is called ''C#''. This is intended to create a dramatic impact to web servers as these programming languages can replace scripts written in Microsoft's ASP languages or competing script languages such as PERL.

The cost of development of the .NET initiative has to be carried by Microsoft major sources of revenue. These are the operating system and Microsoft Office. Microsoft is again using its dominant position in operating systems to grow into other software markets. This injures free trade. It provides an unfair trade advantage. The Windows operating system is written in the programming languages ''C'' and ''C++''. The Linux operating system is also written in ''C''. The new programming language ''C#'' is not intended for use in operating system development or enhancements.

5. Pricing discrepancies

One report claims that 80% of the motherboards made for personal computers are made in Taiwan. Some of the cards that plug into motherboards are made in China. Many electronic assemblies are made overseas where labor rates are less expensive. The home desktop or tower computer is no longer solely an American product. The technology no longer exists solely in America. Personal computers is an international market. Many computer dealers assemble components and preload the operating system onto the hard drive. The hardware drivers are not written by the computer dealers but by the companies that made the computer components. This applies to the drivers for video cards, printers, modem cards, sound cards, and compact disks. Industry standard drivers are usually available for the disk controllers and compact disks. Microsoft offers the same product for two prices. I consider this to be illegal. The operating system is sold for one price when preloaded and another price in a retail box. One magazine ad has the Windows XP Home Edition Full OEM version for $104. Another ad lists the retail box edition of the same software for $299.99. Many software games are sold in Walmart in retail boxes for $30.00. Therefore the cost of manufacturing and distribution of the retail box should be reasonably less than $30.00.

The intention by Microsoft is that the computer dealer that loads the software would become responsible for any installation support regarding the operating system. This may be true for some computer dealers. It is not true for all computer dealers. Some computer dealers sell computers with no technical support. They require a customer to directly contact the manufacturer of the hardware component for operating system device driver support or installation support. The Microsoft agreement with a computer dealer cannot be a contract with the suppliers to the computer dealer. No money changes hands between these parties so therefore no contract exists. In these situations Microsoft is charging different prices for the same product.

6. Agreements

Some reports say that Microsoft is using its dominant position in the marketplace to force computer dealers to limit the icons that a computer dealer can place on the desktop. I consider this to be illegal since it restricts free trade. It allows Microsoft to promote other products that it sells while discouraging the promotion of competing products. I support the court ruling that allows computer dealers to have more control of the icons placed on computer desktops.

7. Tying

Anytime that one company promotes another company's product then I am considered about tying arrangements, kickbacks, or promotion fees. Microsoft has realized that installation is a problem and has released for distribution the customer version of a Windows Installer program. This program was released with Windows 2000 but is available for installation on earlier operating systems. The upgrade from Internet Explorer version 5.0 to 5.5 will require the installation of this software before the upgrade can occur. Microsoft web site also recommend two companies where the software developer can purchase the application that creates the installation package. Both companies want over $1000 for the package. This causes me to wonder whether or not either of these companies have exclusive deals with Microsoft or if Microsoft has a financial interest in either one. Hiding information discourages free trade.

Microsoft web site promotes Verisign as a root authority for issuing certificates. Certificates are a means to implement security. There are many companies that issue certificates. Root authorities are visible by selecting tools, Internet options, content, certificates, trusted root certification authorities. Why did the company ''Verisign'' get singled out for attention?

It is acceptable for Microsoft to permit applications developers to sign their work with a digital signature or to encrypt their work with a certificate. However Microsoft should not require either step. If either step is required then Microsoft one step closer to tying the development of an application with another independently sold product. If this is a requirement it will restrict free trade.

Sincerely,
Donald Fleming
2224 A Oakwood Ln
Florence, SC 29501

MTC–00000865

From: Jim Smith
To: Microsoft ATR
Date: 11/17/01 10:09pm
Subject: Microsoft Settlement

As far as I'm concerned, a complete sellout by the DOJ. A mild slap on the wrist for MS. This will do nothing to deter the illegal and monopolistic MS practices. It continues in XP and will continue in the future.

You failed.

MTC–865

MTC–00000866

From: Aaron
To: Microsoft ATR
Date: 11/17/01 11:02pm
Subject: Microsoft case antitrust settlement

I am very disappointed with the current proposed settlement of the Microsoft case. The current settlement does nothing to prevent Microsoft from using their monopoly power as they have in the past and as they continue to do. In the current setup, there is no way for other parties to compete with MS. MS is free to give away software, and ever preload it, to compete with 3rd party software like they did with IE to beat down Netscape. The big problem here is that there is already a monopoly, and due to this there is no way for competitors to get footing. What really needs to take place is for Microsoft to be split into 2, or even 3, different companies. This would split off the OS side from the apps side. In this day and age, both MS office and Windows have a near stranglehold on the market. If another OS was to start taking off, Microsoft could either not make an office suite for that product that wasn't as good as the same on different platforms, or could delay shipping a version of office. Both of these would cause the competing platform to not gain as much ground as they need. Microsoft has made 2nd rate versions of Office in the past for the Mac (version 4.2.1) along with constantly changing file formats so that Office documents on a Mac aren't compatible with those on the PC. Or as seen with Linux, an OS which they haven't made a version of Office for, while they likely would if the apps department was a separate company from the OS side of thing.

Likewise, if a competitor to MS Office started taking marketshare away, MS could just change the way the OS works, or not release info needed for 3rd party products. This too is something that MS has done in the past for several different competing products, and is something that has come up on several occasions in this trial.

Another section that should possibly be separated from the rest of the company is the networking tools. This would include lIE and other network related apps. IMO this could stay part of the Apps group, but should be considered if MS claims that lIE should go with the OS. I hope that some of the input from the public is used to decide how this case is decided, though I am leery of the DOJ listening too much to the quantity, since it has come out that MS has sent in support letters for themselves in the past, some from real people but a lot from people that no longer exist. Also, MS has been shown to be spending a lot of money lobbying, and I would hate to see them buy themselves out of this case and not get punished for using monopolistic powers.

Thanks for listening
Aaron Daniel

MTC–866

MTC–00000867

From: Nedgam@aol.com@inetgw
To: Microsoft ATR
Date: 11/17/01 1:09pm
Subject: back off

Back off. You have punished MSFT enough. Any more will discourage creative people from submitting new ideas.

MTC–867

MTC–00000868

From: Phil Smith
To: Microsoft ATR
Date: 11/17/01 1:04pm
Subject: States may have rights and their interests, but at what expense to the national interest?

In my opinion, a settlement should be reached between Microsoft and the federal government. Those states that remain opposed to the points tentatively agreed upon are actively sabotaging the situation at hand. It would seem that these states are not in fact interested in looking out for their residents, but perhaps more for their corporate constituents. It is one thing to sarcastically quip that a corporation can ?purchase? a senator or a congressman, but the very notion of ?owning? a state is sickening to the very core.

The behavior of these states has not been explained clearly to those members of society that would be most directly affected by these states course of action. If they indeed have a legitimate grudge with Microsoft, why is it not spelled out directly, for the public to know and understand? I would like to see the federal government impress upon these state prosecutors that their intentions will cause far more harm than good, and that they should concede to the better solution of settling this case with Microsoft.

—Phil Smith

MTC–868

MTC–00000869

From: Brad Paton
To: Microsoft ATR
Date: 11/17/01 1:12pm
Subject: MS Settlement

To whom it may concern:

I just wanted to register my opinions on the Justice Department's proposed settlement with Microsoft.

First, given the fact that the primary objection the Appeals Court had with Judge Jackson's verdict on the case was his penalties, not with his legal rulings that Microsoft was both a monopolist, and one that abused its monopoly power to expand to other fields. To quote from the Friday Wall Street Journal covering David James's defense of the settlement:

''Mr. James said the Microsoft settlement reflects changes in the software industry since the Justice Department sued Microsoft in 1998. While the case began as the result of the so-called browser wars between Netscape and Microsoft's Internet Explorer, Microsoft has won that war, Mr. James said.''

This means that he acknowledges in public that Microsoft used their monopoly leverage to successfully defeat Netscape in the so-called browser wars. But according to everything I have read about traditional anti-trust resolutions is that the two primary things a settlement is supposed to achieve are: 1) a guarantee that the monopolist is unable to repeat it's illegal expansion into other fields, and 2) deny them the fruits of their original illegal expansion. Addressing the first contention and how it relates to the proposed settlement, I don't know how given both the history of Microsoft's behavior in the prior consent decree, and the fact that even though it was found guilty of illegal behavior the company maintains that it has done nothing wrong (if you can find one instance in the public record of any Microsoft executive from Bill Gates on down contradicting this, you are much better detectives than any of the many journalists covering the case), I don't see how basically telling the company, ''Now don't do it again.'' is going to be effective.

Essentially, Mr. James has acted as though he not only disagreed with the court findings, but would never have filed the case to begin with, despite supposedly winning it! To the second concept above, there are no penalties anywhere in this settlement that even pretend to address this. There isn't even a financial penalty, despite the fact that Microsoft took one of the most dynamic companies in the US technology industry, Netscape, and basically eviscerated it so much that it wound up being swallowed whole by media companies, to whom they are basically a technology adjunct. Could you imagine the same thing ever happening to Microsoft? Do you think there weren't significant job losses at Netscape? Why is Microsoft considered the only ''innovative'' company worthy of being let do whatever they want, simply because they are so dominant that anything done to hurt them is seen as hurting the American economy, rather than the harm that they have done in the inverse?

There are some who say that Microsoft has ''innovated'' so much that they are the sole reason the PC industry is where it is today. Exactly where is the PC industry today? True, the costs of equipment have roughly stayed constant, and today's machines are much more powerful than they used to be, but that is hardware advances, an area that Microsoft doesn't operate in! In the area of software, our desktop computers still routinely crash every bit as frequently as they used to. Software programs that were miles better than anything that could be done in the analog world, word processing for example, used to fit on a single density floppy disk (remember those?). Now they take up over 100 megabytes of hard drive space (roughly 200 times as large), still mostly do the same things, require 40 times as much system memory, and still crash (usually by running out of memory, a problem almost always caused by either faulty coding in the software, or the operating system). Take a document that you wrote on an early PC, say 10 years ago, open it in Microsoft's Word 2001 (or XP), save it in the native format, and compare the file sizes. You haven't done anything to it, and it now takes up over 4 times as much space!

Imagine what would have happened to American industry if Microsoft servers powered the financial industry instead of IBM's mainframes. These mainframes have been operating relatively fault-free for over 20 years! Microsoft upgrades everything within a year or two, always promising that this time they've gotten it right, yet they still can't even approach that level of reliability. If anything, the standards of software reliability that Microsoft has been a prime mover for getting the American public to accept has probably impeded the progress of American technology more than any other single factor. They have gotten away with practicing via coding the exact same sorts of sophistry that all the dot-coin companies that crashed in the past couple of years were doing, only the investment public isn't nearly so permissive what you do with their money as what you do with their computers (and time).

I know the general state of the software industry is not within the purview of this case, but not significantly penalizing Microsoft for it's rapacious behavior in the past not only encourages it, but also sends a message to the rest of the industry that such behavior is not only permitted, but encouraged.

Sincerely,
Brad Paton

MTC–869

MTC–00000870

From: Capecodjac @aoLcom@inetgw
To: Microsoft ATR
Date: 11/17/01 1:11pm
Subject: Microsoft Settlement

Microsoft has done more good in developing & building the Internet than all the competitors combined. They risked capital & are entitled to all the rewards the market place can bestow upon them. Our whole society has developed by being innovative. To punish Microsoft is to help destroy innovation.

John H Camey
5909 Edinburgh Court
Dallas Tx 75257

MTC–870

MTC–00000871

From: Arturo Rafael Martinez Retama
To: Microsoft ATR
Date: 12/6/01 2:05pm
Subject: microsoft should be punished for its past monopolic practices

i think microsoft should be punished for its past monopolic practices

MTC–871

MTC–00000872

From: Gary N Fanning
To: Microsoft ATR
Date: 12/6/01 2:11pm
Subject: DOJ/Microsoft Antitrust Settlement

No. Do not allow Microsoft the opportunity of reaping a reward from a punishment.

I am not sure of what punishment I would place on Microsoft, but the current proposal is only a short term punishment, with a long term possible gain.

Have Microsoft develop/convert its most popular softwares, Office, development tools, etc., to competing platforms. After a stated period of time, 3–5 years of support, Microsoft may stop support and enhancements. Microsoft would have to publish the software into the open source community.

Regards,
Gary Fanning
Vice President
Elevating Communications, Inc.
918.587.0131 x102

MTC–872

MTC–00000873

From: grossklas

To: Microsoft ATR
Date: 11/17/01 1:17pm
Subject: microsoft settlement

To Whom It May Concern:

Try as I may, I can find absolutely no constitutional authority for the actions the federal government has taken against Microsoft. These actions are a blatant usurpation, arrogation and illegitimate seizure of power of tyrannical proportions. While Bill Gates is not one of my personally favorite people, nevertheless, I totally object to any sanctions being placed on his company whatsoever by any branch of the federal government.

If justice is to be done, then all punishments, assessments, damages, fines, disciplines, judments, limitations and agreements relating to this unjust ''settlement'' by the federal government against Microsoft must be voided and I demand that this be done.

William P. Grossklas, Sr.
609 Spring Road
Elmhurst, IL 60126
Phone: 630 530 2973
Fax: 630 530 2976

MTC–873

MTC–00000874

From: william @mta2.srv.hcvlny .cv.net @ inetgw
To: Microsoft ATR
Date: 11/17/01 1:15pm
Subject: MS Settlement

While reviewing this document it became evident that the past and current Microsoft Windows (tm) products, not there Graphical User Interface (GUI) platforms, was being addressed.

Fortunately, from a legal standpoint, Microsoft Corporation has begun to transition away from the existing Windows (tm) product offerings. Recently introduced ''.Net'' products will replace all Microsoft Corporation Windows (tm) products within the next thirty six (36) months.

Consequentially, this settlement and its multiple year remedies address soon to be nonexistent Microsoft Corporation products.

Any settlement must address this software vendors GUI product lines which include past, present and future Microsoft Corporation product offerings.

MTC–874

MTC–00000875

From: Paul Whitmore
To: Microsoft ATR
Date: 11/17/01 1:20pm
Subject: I oppose the settlement

I am outraged that the solution to years of predatory marketing, flagrant lies that extended all the way through the MS public trial, and anti-competitive strategy is rewarded with such a lame settlement. The failure to promote true diversity will one day unleassh a catastrophe, given how abysmal MS has been about security. I oppose the settlement, and am very angry that the DOJ has failed to fulfill its civic obligation to protect American citizens from such blatant law-breakers.

Paul Whitmore
3356 16th St SF, CA 94114 Home 415.626.6479 Work 415.932.6182
http://www-psych.stanford.edu/~wit

MTC–875

MTC–00000876

From: Csambenson@cs.com@inetgw
To: Microsoft ATR
Date: 11/17/01 1:18pm
Subject: Microsoft Settlement

Honorable Attorney General

If I understand it properly, this settlement will provide Microsoft with an opportunity to continue, in my opinion, the excellence in two areas of concern to me.

First, the development, testing and support of the finest computer software, that I as a small business owner can use to increase my productivity. Second, the contribution to my retirement fund with the excellent growth of Microsoft stock.

In my opinion, both of these opportunities areas have been significantly restricted with this legal action.

God bless you, your family and The USA.
Coach C. Sam Benson
Personal & Professional Success Coach
Human Dynamics Resources
Division of Aviation Consultants Inc
118 12 CR 76
Findlay, OH 45840
419–424–0248
sam@coachwithsam.com
www.coachwithsam.com

MTC–876

MTC–00000877

From: S.I. and/or Matilda Chou
To: Microsoft ATR
Date: 11/17/01 1:17pm
Subject: Microsoft Settlement

Dear Sir:

Microsoft's behavior must be strongly regulated because of its past monopoly history and lack of remorse in unlawful practices. We must stop MS from perpetuating its monopoly practice of maximizing its profits by shutting down support for its older products and pushing everyone towards buying newer, supported Microsoft products.

The following is from http://www.langa.com/newsletters/2001/2001–11–15.htm

[Next month (December 2001) Microsoft will cease to provide support for MS DOS, Windows 3.xx, and Windows NT 3.5x; and support will become limited for Win95, Win95 OSRi and Win95 05R2. Seven months from now, in June 2002, Microsoft will cease to provide full support for Win98, Win98SE, and WinNT4.x. That's right: Starting next month and ending next June, the overwhelming majority of current Windows users will find themselves operating OS versions that the vendor—Microsoft—either doesn't support, or only partially supports!]

Note that Win98SE is currently the largest segment among Operating System users.

Sincerely Yours,
S.1. and Matilda Chou
5323 Mount Burnham Drive
San Diego, CA 92111
858–560–0531

MTC–877

MTC–00000878

From: Paul Whitmore
To: Microsoft ATR
Date: 11/17/01 1:20pm
Subject: I oppose the settlement

I am outraged that the solution to years of predatory marketing, flagrant lies that extended all the way through the MS public trial, and anti-competitive strategy is rewarded with such a lame settlement.

The failure to promote true diversity will one day unleassh a catastrophe, given how abysmal MS has been about security.

I oppose the settlement, and am very angry that the DOJ has failed to fulfill its civic obligation to protect American citizens from such blatant law-breakers.

Paul Whitmore
3356 16th St SF, CA 94114 Home 415.626.6479 Work 415.932.6182
http://www-psych.stanford.edul—wit

MTC–878

MTC–00000879

From: ArnoldfS @aol.com@inetgw
To: Microsoft ATR
Date: 11/17/01 1:33pm
Subject: Microsoft settlement

Sirs:

ENOUGH ALREADY!!!

The Federal courts have settled the Microsoft case and we have a WAR going on! Pay attention now to those things that are harmful to our country! Tell those nine state AG's to find some other way to selfaggrandize and push their political agenda.

''Let's Get Rolling!''
Arnold F. and Linda E. Schmitz
163 Deer Lake Circle
Ormond Beach, FL 32 174–4275
Arnoldfs@aol.com
CC: MSFIN@microsoft.com@inetgw.

MTC–879

MTC–00000880

From: Stuboxi @aol.com@inetgw
To: Microsoft ATR
Date: 11/17/01 1:30pm
Subject: microsoft settlement

It is about time this waste of taxpayer's dollars finally comes to an end. What you really need to ask is the consumer been harmed by Microsoft's actions? I don't think so! Not when the cost of software continues to decrease and the quality and new features continue to improve greatly. This case was a result of a bunch of cry babies-competitors of Microsoft (Netscape/AOL, Sun Microsystems and others) who were losing the technology battle to Microsoft. If you guys would have spent as much money on homeland security and anti-terrorist efforts as you did on this Microsoft case the World Trade Center towers would probably be standing today. Leave Microsoft alone and let the market determine the winners and losers-they will choose with their pocketbooks. Go catch and prosecute some ''real'' bad guys.

Stuart Boxenbaum
CC: jackchub @bellsouth.net@inetgw.

MTC–880

MTC–00000881

From: Craig Fisk
To: Microsoft ATR
Date: 11/17/01 1:26pm
Subject: Microsoft is NOT a Monopoly

Why do people think Microsoft is a monopoly? There not forcing you to use any of their products. You've got choices like Linux and Macintosh. So what if they bundle IE or a video editing program or Media Player? YOU DON'T HAVE TO USE THEM. Its not like Adobe is going to loose any more money on Premier and MusicMatch is certainly not going to loose any more money. Just because Internet Explorer is bundled with Windows does not mean you have to use it.

MTC–881

MTC–00000882

From: Richard Kems
To: Microsoft ATR
Date: 11/17/01 1:20pm
Subject: Microsoft Settlement

It is time to end this crap against Microsoft. If you track the law suit and the downturn in the economy, they track very closely. Microsoft is large enough to bring down the general economy. Microsoft does not deserve this negative government action. Now that Bill Clinton and his band of thugs are out of the way...END THIS NOWW!!!! It will be a big boost to the economy.

MTC–882

MTC–00000883

From: JMaggard@timesdispatch.com@inetgw
To: Microsoft ATR
Date: 11/17/01 1:44pm
Subject: Microsoft settlement.

[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]

Byun Hung Kim for President... Microsoft walked. <http://www.salon.com/tech/col/rose/2001/11/02/microsoft_settlement/index.ht ml> No, Microsoft hit a home run in the bottom of the ninth with two out. <http://www.salon.com/people/feature/2001/11/02/series_two/index.html> Seems alot like our war on terrorism, the solutions don't seem to address the problem.

To stick with our baseball analogy, Microsoft reminds me of Pete Rose <http://www.peterose.com/>. It's not so much what they've done, it's their refusal to admit <http://reds.enquirer.com/1999/08/22/red_rose_sticks_to.html> they have done anything wrong.

The current anti-trust case against Microsoft came on the heels of a previous case in which they were found guilty. Strike One. Judge Jackson ruled them a Monopoly, with the appeals court upholding that claim and reversing the remedy. It's a high pop-up behind the plate, and the DOJ is doing their best Damien Miller <http://espn.go.com/m1b/p1ayoffs200l/s/2001/1031/1271321.html> impersonations. Strike two.

Then, with the count up on the batter, a lollypop over the middle of the plate. Home run. By the way, did you notice the lack of balls?? Next: <file:///N:/page2.shtml> The cage that Gates built... —> The cage that Gates built...

As Microsoft evolves, there is a growing desire by Microsoft to control file formats. Certainly their control over their Office formats does more to bolster the Windows platform than anything. Now, they want to move into the space occupied by MP3 with their proprietary WMA format. If Microsoft is sucessful, it may be that in ten years you will be required to pay Microsoft to listen to a new album. More to the point, you may have to be running Windows to listen to music. For all of those out there who cannot figure out what .NET is, it is Microsoft's strategy to turn the Internet into Microsoft's own version of AOL.

Microsoft can accomplish this due to their monopoly in the operating system market. As they change their operating system, they can continually redirect ''The path of least resistance'', by making MP3 hard to play and WMA easy to play. Want to rip a CD in XP? It'll be WMA format unless you connect to this site, research encoders, purchase and install one.

They will use Passport/Hailstorm to restrict access to the known internet if they can get their way. Want to do online shopping?? Please log in via Passport. This is to make the internet more secure <http://www.theregister.co.uk/content/archive/20855.html> they will tell you. As we have already stated in a previous rant <http://www.nothing4sale.org/rant/10202001/page6.shtml>, Microsoft doesn't ''get'' security. They think it's something you add after the features are done.

They use their browser to add in non-standard HTML tags, or force you to write ''incorrect HTML'' for it to look like you want it to in IE. They use non-standard extensions of public specs and then claim the <http://www.theregister.co.uk/content/4/226l8.html> competition is defective when it cannot render these obscure and undocumented tweaks. Microsoft is so entrenched in these tactics <http://www.vcnet.com/bms/departments/dirtytricks.shtml>, that it often accuses it's competitors <http://www.theregister.co.uk/content/archive/1l074.html> of doing the same. The reality of it is that Microsoft does not see any other way to play the game. If they do not resort to anti-competitive tactics, how can they succeed?? With Microsoft off the leash and back on the prowl, they may have a point. Next: <file:///N:Ipage3.shtml> It just keeps getting worse...> It just keeps getting worse...

It seemed an unlikely%2Osettlement <http://news.cnet.com/investor/news/newsitem/O–9900–1028–7408520–O.html%2Ota rget=blank> %2Ofrom% 2Othe%2Ostart,% 2Obut%2Oone% 2Owe%2Ohad% 2Ohoped% 2Owould% 2Ohave% 2Osome teeth if it was to be made. Not only does this new deal not impose any real restrictions on Microsoft, but actually provides them with new tools to steal GNU <http://www.gnu.org/> tools. (OOPS! Did we say steal, we meant embrace and extend <http://www.salon.com /tech/log/2OOO/O5/11/ slashdot_censor/>...) From Eben <http://emoglen. law.columbia.edu/%2O target=> Moglen, Columbia Law Professor:

There are [also] several provisions designed by Microsoft and accepted by an indifferent or careless government. Sections III–D and E say that Microsoft must document its APIs within reasonable time, for ISVs [independent software vendors], ''for the sole purpose of interoperating with a Windows Operating System Product.'' Not, in other words, to allow a competing Non-Microsoft Operating System Product to interoperate with Windows applications. This is designed to make it possible for Microsoft to deny information to developers of [free software like] GNU and Linux [who create products that are not designed solely to work with Windows.]

111–1(5) says that [developers and hardware manufacturers] ''may be required to grant to Microsoft on reasonable and nondiscriminatory terms a license to any intellectual property rights it may have relating to the exercise of their options or alternatives provided by this Final Judgment; the scope of such license shall be no broader than is necessary to insure that Microsoft can provide such options or alternatives.'' Microsoft will use this to argue that code under the GNU General Public License (GPL) [which protects such software as GNU and Linux] must be licensed to it on non-GPL terms, so they can use the code in their own programs without having to GPL their programs. What, did they have to strike clause 32i that states that every U.S. Citizen is required to pay Microsoft one-hundred dollars yearly whether you use Windows or not? Also note that the API's must be opened up a little, but not file formats.

Next: <file:///N:/page4.shtml> Burn all .DOC's day! —>

Burn all .DOC's day!

Nowadays you cannot apply for a job without Microsoft Word. ''Please submit resume in .Doc format.'' Page 4 of this rant should be the part where I tell you to abandon the MS formats and use.... ...and use... And there you have it. What else is there? Name me an alternative to the .DOC format that is open and widely interoperable. Name me a slideshow producer that rivals Power Point with the same qualities. What is there??

Nope, page 4 is the page where I call out Bill Gates' rivals. Scott McNeally, Larry Ellison, and Steve Jobs, you all suck. You whine about Microsoft, but refuse to challenge them.

When Microsoft announced Windows NT, Sun should have shot back with the Solaris home edition for x86. Sun should have invested time and effort into a competing Office package, groupware, Something! They purchased Star Office way too late in the game. Now they want to talk about Sun One?? Microsoft has no plan, but one vision for .NET, while Sun has no plan and no vision for Sun One. Sun should have at least produced the definitive Java version for the Windows platform.

Sun is an OS company just like Microsoft, and they have let Windows take the lead. Oracle?? Larry Ellison can't even fight off Gates, much less fight against him. Steve Jobs sucks because he refuses to take the battle to Gates. Apple, if you are listening, port OS X to x86. Show the strength of the BSD codebase, sell it for 50$, and mop the floor with Microsoft. So long as Apple refuses to port to generic hardware, they will continue to be a marginalized competitor.

These corporate entities are at least playing on the same field with Microsoft, and they need to state their challenge for Microsoft territory, and fight the ensuing war. Instead

they play a game of punch and run, trying to be a David against a Goliath and hoping one small lucky shot can slay the beast.

Next: <file:///N:/page5.shtml> Microsoft Uber Alles —> Microsoft Uber Alles

The Bush administration may have settled due to concerns about the economy, but anyone who's smart would get out of any stock that competes with Microsoft. The have carte blanche to run roughshod over the industry and by God they intend to. (Note: Actually, the real reason MS got a deal was due to Campaign Bribery. They weren't even supposed to lose the appeal. To find out more about your elected corporate shills, visit the <http://www.opensecrets.org/alerts/v6/alertv6_26.asp> library.) Write your state attorney general, let him know you dissapprove, write your congressman, write John Ashcroft, write President Bush, send <a href=''http://seattletimes.nwsource.com/html/nationworld/134332634_microlob23.html target=_blank>letter after letter after letter. The only true solution to this will be the opening of Microsoft formats and API's, most companies do this as a matter of need, they cherish interoperability. Microsoft wants to lock everyone out, make 'em surrender the keys.

I would like to see the government agencies at least move to open formats and API's for the new e-government initiatives. Force local, state, and federal offices to use only open standards when publishing and receiving documents. We should at the very least be sure that running Microsoft is not necessary for access to our own government. That would be unconstitutional. Then do your own part at home. I don't refuse to send Word Docs, I refuse to accept them. I refuse to save my documentation in Word format. Send your resume in HTML format. Encode to MP3 not WMA. It's not about keeping Microsoft out of your life, it's not letting them become a necessary part of it.

Microsoft wants to choke the flow of information... Let it breathe.

MTC–883

MTC–00000884

From: andrew rutherford
To: Microsoft ATR
Date: 11/17/01 1:40pm
Subject: The Terms of Settlement—Comments

Sirs:

I am a private citizen and have nothing other than a personal axe to grind. I use and have used Micro Soft products for years. I started out, in the Army, dealing with computers back in 1964, and have continued since, particularly since retirement from the Army; to whit to take an AS in Data Processing and teaching Computer Science at Monterey Peninsula College (from 1987 until 1993). I feel that the growth and prosperity and size of Microsoft is due to its innovation and the hard work of their people, not predatory actions. I feel that Microsoft, through its products, has enhanced my ability to use a computer and has, of course, caused the whole computer driven economy to take gigantic steps forward. I also believe that because of Microsoft's size and position within the computer and computer related realm, I am able to buy state of the art/leading edge products at lower cost.

Yours Truly,
Andrew M. Rutherford

MTC–884

MTC–00000885

From: patricia odau
To: Microsoft ATR
Date: 11/17/01 1:38pm
Subject: Microsoft settlement

On what ever fine or $ amount is judged ,that will only be to the American consumer. In my thoughts look what Microsoft has done since it's 1995 opening of Windows. Your own web page DOJ could not have been done without the expertise of Microsoft programmers etc... Think about it. As a consumer I hope we will not be ''touched'' by this small misunderstanding between parties involved. If I was the the judge I would have thrown it out due to this is a case which has never been tried because Microsoft went a step beyond reasoning and brought it to the public and is very successful at it. Court adjourned. Sincerely, Jamey Odau

MTC–885

MTC–00000886

From: benb@ntplx.net@ inetgw
To: Microsoft ATR
Date: 11/17/01 1:51pm
Subject: Resolution does not address damage done

Dear Sir/Madam:

I am a software consultant who has worked in the software field for 20 years, and have been very much aware of the decreasing consumer choice and elimination of competition caused by Microsoft's destructive monopolistic practices.

I have read the US vs Microsoft anti-trust case resolution and am disappointed that while the settlement attempts to prevent Microsoft from engaging in monopolistic abuse in the future, it contains nothing to remedy the damage already done, or to penalize Microsoft for those actions.

In my opinion one of the most egregious abuses was Microsoft's dumping of it's internet browser product, Internet Explorer, thus successfully destroying Netscape who was attempting to sell a competing product. The argument that internet browsing can reasonably be considered part of operating system functionality is entirely without merit. It is an application pure and simple, just like other Microsoft applications such as Word or Excel which they do not give away because they have already achieved effective monopoly via entrenched proprietary file formats. I believe that a fair settlement of the Microsoft case should include the following elements:

1) Address anti-competitive Microsoft Windows operating system sales practices (already addressed in proposed settlement).

2) Punish Microsoft for illegally destroying competition in the Internet Browser product category, and attempt to undo the harm done, by measures such as requiring that Microsoft cease competing in this area for a period of time, and to be required to charge for this product in the future.

3) Recognize that electronic document exchange (of word processing documents, spreadsheets, etc.) is key to allowing competition in the software market, and that Microsoft's market dominance and proprietary file formats have damaged the industry and consumer choice by preventing such competition. This should be remedied by requiring Microsoft to make it's file formats public in areas that have achieved utility status such as word processing and spreadsheet software.

Sincerely,
Benedict Bridgwater

MTC–886

MTC–00000887

From: DLati@aol.com@inetgw
To: Microsoft ATR
Date: 11/17/01 1:50pm
Subject: Microsoft Settlement

As an older adult (72), I have several points of interest in the future of Microsoft. 1) the local economy, 2) shareholders, 3) free enterprise, 4) competition.

1) A business as large as Microsoft, like Boeing, is not self-dependent, in that it uses the services of many attendant businesses. Therefore I believe that the whiplash of this action will either reduce or eliminate many related businesses.

2) Throughout the U.S. people have invested in Microsoft as part of their retirement, not to receive dividends (of which there have been none), but to be a part of the excitement of a rapidly growing industry. Many have seen their portfolios reduced by half since the government's action.

3) We have grown up in what is probably the fastest growth of industry ever seen. We have many improvements in our lives because of the freedom of individuals like Hewlett and Packard, Gates and Allen, Bill Boeing.. .the list goes on. Had these innovators not had the freedom to develop their ideas, none of their competition could have started, much less thrived as their competitors. True, many have dropped out, but not because they were stopped by the originators, but because they really didn't ''build a better mousetrap.

4) No one that I know of has the capability of eliminating competition in the American market. The government is often misguided by lobbyists who would have us believe differently, but all of my life I have heard of people who developed an engine which wasn't gas dependent, in competition with the auto makers. If people knew of this and really wanted it, I don't think anything would have stopped it. Competition is a valuable and healthy way to do business. Improvement often follows.

Thank you for your time in reading my comments. DoIlie W. Latimer

MTC–887

MTC–00000888

From: Nathan S. Van Curen
To: Microsoft ATR
Date: 11/17/01 1:46pm
Subject: Procedure

Did you even consult an expert in the open souce industry?

MTC–888

MTC–00000889

From: Allen Trentham
To: Microsoft ATR

Date: 11/17/01 2:06pm

After carefully reviewing the penalties that MS will incur, I firmly believe the structure of the settlement is totally flawed. I cannot tell whether this is a case of George W. Bush influencing the case because of his donor relationships or non-technical lawyers making technical judgment calls because of lack of focus from the Justice Dept. The impression it leaves, however, is that the Justice Department under Ashcrofts lack-of-leadership can be bought. So much for his ethical stance. I'm disgusted by this pandering to a blatant monopoly. I firmly support the other states in their stance against this settlement.

This is my opinion and does not necessarily reflect that of my employer.

Allen Trentham
Global Risk Management—IT Director
GE Capital—Corporate Systems
260 Long Ridge Road, Room 3136
Stamford, CT 06927
Phone: (203) 357–6803 (8*228–6803)
Fax: (203) 961–2616 (8*228–2616)
Nextel: (203) 223–9011
E-mail: allen.trentham@ gecapital.com

MTC–889

MTC–00000890

From: Jon Zegelien
To: Microsoft ATR
Date: 11/17/01 2:05pm
Subject: Microsoft Dept. of Justice Ruling.

Dear Sirs,

I am moderately satisfied with the recent ruling that you have come to against Microsoft, however I would like to add a few extra perspectives>

1. 1 have had numerous people complain to me about the fact that Internet Explorer is un-installable. Several parents find that Netscape is a better choice, and much easier to use when it comes to protecting children from questionable comment. However, leaving Internet Explorer on the system is mandatory, and also opens the computers to new security threats. I feel this is an example of Microsoft's attempt to monopolize the Internet.

2. In times prior, Microsoft has operated an online gaming website called ''The Zone''. I would like to point out that users attempting to access this website with Netscape were told that they *had* to use Internet Explorer to access the site. Once again, this was attempting to push Netscdape out of the running for competition.

3. I also beileve certain non-classified portions of Microsoft's source code should be available to the public, or at least to security professionals. Microsoft has shown an inconsistency in the past with providing security fixes for crticial flaws in a reasonable manner, and if officials from other computer departments were able to more closely referance, this could help to sort out potential problems that computer crime can cause.

4. Although this is slightly off-topic, I beileve Microsoft really needs to concentrate against bashing open source software. If MS and the Open Source community could learn to peacefully co-exist and prosper, I'm fairly sure we could become the chief software producing country in the world, if we are not already. Note that this also could seriously stimulate the economy to avoid the potential 'recession' that everyone fears is heading in.

Thank you for providing your time and bandwidth to recieve our feedback,

Sincerely,
Jonathan J. Zegelien

MTC–890

MTC–00000891

From: Fox Hollow Farm
To: Microsoft ATR
Date: 11/17/01 1:52pm
Subject: Microsoft settlement

I am a retired, home user, reasonably expert, frequent user of my home computer. I wish to make 2 points. Microsoft has made life much easier for us non-experts by providing software which operates seamlessly between different programs and tasks. Gone, for good I hope, are the days when the programs which a normal person uses (word processing, spread sheet, e-mail, internet, checkbook, address book, etc.) were disjointed and couldn't transfer information to each other and to the person with whom I was trying to communicate. Microsoft is a great company, that has led the way and been a model in the last decade of prosperity. They have done so not only by being smart, but by being aggressive in business. That's the American way. That's what causes de-facto standards which make life easier. Every time I pay my telephone bill, to 3 different companies, I am reminded of the disservice that was done by breaking us a public utility. Certainly, monopolies or near monopolies need rules for the protection of their customers, but asking them to give up business gains gotten by doing business by making their product better is wrong.

Ed Schoenhari
Langley, WA
snarl@whidbey.com

MTC–891

MTC–00000892

From: Jean Thompson
To: Microsoft ATR Date; 11/17/01 1:51pm
Subject: Microsoft Settlement

Living in Washington State I note first hand the benefits Microsoft has given the PUBLIC OF THE USA, not just our State. In fact many places in the world are benefactors. Also having been owner-operators of a small business for 32 years I know that competition can also be a constructive mode. I request that the Microsoft Company be allowed to operate and progress as in the past, helping to teach other businesses how to compete and to learn how success can be accomplished. Thank you for letting me offer my experiences with success. M. Jean Thompson

2034 E. North Crescent Spokane, Wa. 99207

MTC–892

MTC–00000893

From: Jay Reitz
To: Microsoft ATR
Date: 11/17/01 2:13pm
Subject: Well done!

I firmly believe that justice has been done in this case. Microsoft is one of our nations greatest assets, technically, economically and symbolically. I believe that the settlement reached is both fair and equitable. I'm pleasantly surprised that a large government agency can (occasionally) do the right thing.

>.J.

MTC–00000894

From: Seymour Phillips
To: Microsoft ATR
Date: 11/17/01 2:11pm
Subject: settlement

Dear Madam: We agree with the settlement, and hope that the States that remain out of the suit will be brought back in to settle, and allow Microsoft to continue their good work. Sincerely, Seymour Phillips

MTC–894

MTC–00000895

From: ender@ ike.prioritynetw orks.net @ inetgw
To: Microsoft ATR
Date: 11/17/01 2:10pm
Subject: Concerned Citizen's comments on the MS/DOJ settlement

To Whom it May Concern,

I would like express my deep misgivings about the proposed Microsoft settlement reached by the company and the Department of Justice. I will keep my comments brief, and more to a philosophical standpoint, as my groundings in anti-trust law are weak.

It seems to me that there is no punishment in this settlement. There are only provisions to guard against future unlawful behavior. We have an amazingly powerful multinational corporation who has been running up against the law for its business practices for years who has been proven__ to have violated the law (when Judge Jackson's finding of antitrust violations were upheld). Where is the punishment? The proposed settlement is a slap on the wrist and a thin leash for Microsoft. The American Justice system is letting a convicted offender off the hook without then suffering for what they have done. Do you expect this to rehabilitate their behavior?

The modern justice system does not take organized drug dealers after they have been arrested and give them a punishment of behavior restrictions while they continue to live in the outside world. They are sent to prison.

Yes, these are two different types of crimes—but the basic precept is the same: criminals will strike again and again until their behavior is modified.

We are dealing with a corporation that is a criminal. These fact is beyond dispute. Are we treating them like one? I don't believe so. Maybe I'm alone in my opinion, but I think corporations that defy U.S. should pay for their mistakes. And with this current settlement I don't believe Microsoft is paying any real penalty—they have before them only restrictions on future behavior.

Please strengthen this settlement to teach Microsoft a lesson. I think it is obvious from the companies conduct before, and especially during the trial that they have a serious problem respecting the laws of this nation. It is time that this changes.

I am a computer professional, and have been administering all types of computer systems and networks for over seven years

now. People in my profession see first had the negative results of Microsoft's illegal monopoly. I see the effects of their lawlessness everyday, and I ask you to put a firm, but just stop to it.

Sincerely,
Jonathan Claybaugh
Priority Networks
37 Fox St. #1
Boston, MA
617.822.7576

MTC–895

MTC–00000896

From: bsmith@wt6.usdoj.gov @inetgw
To: Microsoft ATR
Date: 11/17/01 2:10pm
Subject: Publish the file formats

Please protect American consumers and businesses from the Microsoft monopoly. As a business owner, I am all too aware of the cost of maintaining compatibility with the .DOC, .XLS, and .PPT formats. The money I give to Microsoft would be better spent hiring engineers, sales, and admin staff.

Please force Microsoft to publish all file formats. Please prevent Microsoft from releasing new software until the file formats have been publicly available for 6 months. The term ''publish' should include all embedded images and ancillary protocols. The goal should be to allow a competitor to read an write a true .DOC (etc.) file.

thank you
Bob Smith
President, Fourelle Systems, Inc.
Santa Clara, CA

MTC–896

MTC–00000897

From: John M Seehagen
To: Microsoft ATR
Date: 11/17/01 2:13pm
Subject: Selling out to Microsoft.

I'm disgusted at how the DOJ sold out to Microsoft. It was possible to reach a harsher judgement against Microsoft even before the Appeals Court found Microsoft guilty of maintaining a monopoly. It is also pretty obvious that the Bush Administration used September 11 as an excuse to just slap Microsoft on the hand. It is obvious that the government has decided to settle also because they believe a strong Microsoft leads to a strong economy. The settlement fails to stop Microsoft from maintaining their monopoly and creating new ones. The number of loop holes in the agreement lets Microsoft ignore the settlement and do as it has done before. As we speak Microsoft is trying to monopolize other Markets such as the PDA, Game Console and streaming media markets. Microsoft also plans to Monopolize the internet with .Net. I know come next election I won't be voting for the bush administartion because the War on Terroism(which I support) is no excuse to do unethical and illegal things such as selling out to Microsoft. Bush knows that he was able to do it because there won't be any special investigator to expose him for his illegal activities.

MTC–897

MTC–00000898

From: chriso@schmerd.com@inetgw
To: Microsoft ATR
Date: 11/17/01 2:13pm
Subject: comment regarding proposed MicroSoft settlement

To whom it may concern:

I am writing to express my strong belief that the currently proposed settlement in the Microsoft anti-trust case is not severe enough. Having read the proposed settlement I am quite sure it does little to prevent Microsoft from using it's monopoly to prevent potential competition and further abuse consumers. It is my sincere hope that the settlement will be rejected and a penalty imposed which allows for non-Microsoft software to compete.

Thank you,
Chris Olson
IT Security Professional

MTC–898

MTC–00000899

From: Richard Tackett
To: Microsoft ATR
Date: 11/17/01 2:21pm
Subject: Microsoft Settlement.

microsoft has done nothing wrong.. .a great company who pays there taxes!!!

MTC–899

MTC–00000900

From: Rick
To: Microsoft ATR
Date: 11/17/01 10:46pm
Subject: Microsoft Is A Monopoly

Dear Ms. Hesse,

In response to your request for public comment on the proposed settlement in the case of United States v. Microsoft Corporation, I urge you seriously consider the already established findings of fact that Microsoft is indeed a monopoly that has aggressively leveraged this advantage with OEMs to deny access to its competitors. This has destroyed competition so badly that consumers are left with little choice since Microsoft products are the proprietary standard shipping with all new personal computers. For the last 15 years, I have observed that excellent companies whose products I had been using were one-by-one forced into oblivion by the overwhelming monopoly power of Microsoft. You must act in the public interest as install preventative measures against Microsoft to assure they cannot ever act against consumers again. You must remove their monopoly.

Sincerely,
Rick Stanczak
16804 Luckenwald Drive
Round Rock, TX 78681

MTC–900

MTC–00000901

From: James D. Bearden
To: Microsoft ATR
Date: 11/16/01 11:36pm
Subject: Public Interest

To Whom It May Concern,

Our government was formed to defend it's people from threats both foreign and domestic. I believe the proposed settlement for Microsoft and the Department of Justice is not in the public interest and will do little to remedy Microsoft's stranglehold on the computer industry, much less punish them for being the Supreme Court affirmed monopolist that they are. I feel that the Department of Justice sought this weak settlement with a belief that it would be good for America and turned a blind eye toward Microsoft's history of skillfully circumventing legal restraints and how much more good a stronger settlement would bring.

I have spent many hours reading the settlement, and even though I am no lawyer I do know something about the computer industry. Please, the proposed settlement is not a good one, and is little better than no settlement at all. In fact, I would much rather that the Department of Justice eventually lose in court rather than see Microsoft shrug this off. At least fine them a few billions dollars: It might irritate them for a few days, but they might at least respect the law during that period.

James D. Bearden
james@nontrivial.org
http://james.nontrivial.org/

MTC–901

MTC–00000902

From: Falcon
To: Microsoft ATR
Date: 11/16/01 11:33pm
Subject: control freaks

You pompous statist freaks should leave Microsoft and all other companies alone. The free market will take care of them. Why don't you people get real jobs?

MTC–902

MTC–00000903

From: Daniel Prather
To: Microsoft ATR
Date: 11/16/01 11:33pm
Subject: I'm disappointed

I have to say that I'm severely disappointed in the agreement reached by Microsoft and the Department of Justice. Essentially, your agreement reinforced the things that Microsoft already did for its competitors, things which are quite inadequate. The issue isn't whether or not everyone can build software that works with Windows, it's how nobody can build software that does NOT work with Windows. Microsoft's Windows operating system is on 90% or more of the desktop computers in the world ... is this because it's superior to other offerings? Hardly. Computer builders / manufacturers are threatened they'll lose their licensing perks if they offer competitors' products. People are not able to make software for other platforms and be profitable, simply because of the former reason ... all systems run Windows or Microsoft charges everyone much more. This is not right.

I know I am not the only one who sees this. It simply reinforces my belief that the government and government departments are fully controlled by the corporations of this nation. It's just amazing at the momentum lost in the DOJ vs MSFT case after Bush became President and Republicans dominated the government. Oh well, to reiterate apparently, money dominates all, even justice.

Daniel Prather cyran @knology.net
MysticOne—IRC KF4FSE

MTC–903

MTC–00000904

From: Lisa Chiang
To: Microsoft ATR
Date: 11/16/01 11:38pm
Subject: comments about the Microsoft anti-trust case
Hash: SHAl

I have a few comments about this whole case. First, you should know that I use as few Microsoft products as possible. I became a Linux user as a student when I noticed that all the tools that I needed, a compiler, word processing, spreadsheet, etc... was starting to really add up. Not only that, but it was buggier than hell.

Since I only use Microsoft stuff when I have to, the Microsoft case shouldn't affect me, right? Wrong. The main way that this case affects me is that everywhere I turn, people insist on using Microsoft products which they admit are buggy and also full of security flaws. If we could add up all of the hours wasted by our secretaries trying to get a table pasted from Microsoft Word into Microsoft Powerpoint to keep its same formatting, I think you would find that Microsoft owes the government a lot of money. Yet the government insists on using Microsoft products! I think this use of government money is truly a case of fraud, waste, and abuse!

Right now my company (DOE facility) is supposed to upgrade their systems to Windows 2000/Office 2000. I have a new computer with 128 MB of RAM and Windows 2000 Pro—and it is slow. What about the rest of the people in my office that have Windows 98 and old hardware? Why do we have to upgrade? Do you realize that a majority of our users are only using their computers to read their email and do their on-line training (web based). I can see why PDA's are so popular—much cheaper, they do the job, and they seem to work well. (Unfortunately for them, PDA's are not supposed to be used where I work due to security issues with the wireless versions.)

My only other comment is that Microsoft is a business. When a business does not deliver a product, I cease buying their products which is why I am a Linux user. Not all of the products in the Linux world work but they at least can not lock me into constantly upgrading my software against my wishes. I've heard that Microsoft plans to quit supporting DOS with their release of XP. Guess what, most of our instrumentation uses old DOS PCs and they work just fine. (I, of course, have pointed out the availability of FreeDOS.)

So I guess I just am troubled by your recent actions. I do not see how they will prevent Microsoft from behaving in an illegal manner. Ironically, it is probably large government organizations like DOE, etc... that will be hurt the most by the failure of the DOJ to pursue a more active watchdog role. For example, our company is constantly fighting security bugs and virii with their software—I think they gave up recently because now we are behind a firewall! I just wish that we could spend our money on mission critical upgrades we truly need, rather than on dubious software ugrades that a vendor insists that we need and seems able to force upon us.

Thank you.
Sincerely yours,
Lisa Chiang
10110 Rockbrook Dr.
Knoxville, TN 37931

MTC–904

MTC–00000905

From: Jason Pippin
To: Microsoft ATR
Date: 11/16/01 11:38pm
Subject: Stiffer penalties for Microsoft

We need to force Microsoft to FULLY document their API's and adhere to open standards for communication protocols for all past and current operating systems. This would allow software developers to compete on the windows platform and compete with the windows platform with compatible operating systems. Closed standards and APIs are what has allowed Microsoft to abuse their monopoly power. If Microsoft had to compete properly, the price of their operating system would decline and consumers would get to keep more of their money to spend on other more tangible things like food, clothing and shelter.

If Microsoft sells 100,000,000 copies (a conservative figure) of their operating system and overcharges $100.00 per copy, they have just stolen a 10 billion dollars from the citizens of the US and The government. Add to that their policy of using stock options to avoid paying any taxes and they present a drain to the economy greater than any terrorist network. Microsoft Must Be Leashed!

Jason Pippin,
Sebastopol, California
824–8392

MTC–905

MTC–00000906

From: Frank Surerus
To: Microsoft ATR
Date: 11/16/01 11:37pm
Subject: No No No Settlement

I am a loyal Microsoft customer. Their actions lately have convinced me that their monopoly over operating system software is being totally abused. If we are ever to have some kind of meaningful competition something must be done NOW. I am NOT talking about browsers ? there are plenty of browsers available to anyone who does not want to use MS Internet Explorer ? I am talking about Operating Systems. Microsoft's recent actions such as cutting support, initiating Product Activation (for applications as well as operating systems), show a total disregard for customers. The only way to change this is to promote competition!!!

Frank Surerus
500 Villa St.
Elgin IL 60120
franko @megsinet.net

MTC–906

MTC–00000907

From: Mark Stout
To: Microsoft ATR
Date: 11/16/01 11:45pm
Subject: Restitution, open application interfaces?

To you who defend the taxpayer against terrorists, foreign and domestic, Hail!

I'm looking for the part that returns money to people who were forced into upgrades, some penalty for Microsoft's demand, during the month just past, when they revoked Windows 95 licenses held (and paid for) by non-profit organizations, and how people can connect to a Microsoft Exchange Server with a mail reader other than Outlook.

I realize that three items got into the last paragraph, but I'm overflowing with thoughts at the moment. Microsoft, over the past two weeks, has tried to end the practice of notifying a software vendor of security holes and then publicizing them two weeks later to ensure that the vendor patches the flaws. In instances where the details have been witheld, other vendors have claimed that the flaw was ''theoretical'' and not real.

There are applications where the U.S. Government is using MS-DOS, because no version of Windows allows the flexibility that the application demands. Microsoft's licensing practices put them in a position to demand that respirators, missle fail-safe devices and astronaut life support systems be shut down; yet I've heard of no apologies or changes in these policies.

Netscape announced in 1994 that they were going to offer an operating system. Where did it go? When was it released?

The non-profit issue stands on it's own; automakers can't dictate what year of vehicle people buy.

If you're in a company or government agency that has Exchange Server handling mail, you have to use Outlook, security holes and all. The protocol by which Exchange and Outlook communicate is not licensed to anybody, not published, and not regulated for security. A non-Windows computer in any company that has Exchange Server is without mail, but I haven't seen the government move to fix this, I haven't been financially compensated or apologized to by Microsoft, and the specification for this interface hasn't been released.

Overturn the DMCA, free Dmitri Skylarov and the population of the United States from this tyranny. The entire purpose of the American Revolution was to get such injustice off of our backs. The man said that backup software was possible, and went to jail for it. What taxpayer benefits from that? What would Jefferson have said? What if taxpayers had the situation put before them, and were asked to vote?

Microsoft's End User License Agreement for Media Player 7.x (part of Window 2000 and XP, free upgrade to Win95 and 98), gives Microsoft the right to arbitrarily delete files from the users computer. I haven't heard the reversal, apology, nor have I been financially compensated for that travesty.

Microsoft's End User License Agreement for FrontPage (web authoring—I've never used it) forbids the use of the computer its installed on to carry words portraying Microsoft in a negative light. You cant suggest that FrontPage's EULA is heavy-handed on a computer that FrontPage is installed on. If this license is backed in court, the Bill of Rights is no longer law, and the original states that made that a condition of thier ratification of the U.S. Constitution have the right—or obligation—to secceede.

The U.S Declaration of Independance explained in it's opening words that people

have the right to life, liberty and the pursuit of happiness. Corporations are afforded no such rights; you can take away Microsoft's existance, legally. When Microsoft declares who can live and die, which the use of DOS puts them in a situation to do, the Court is left with no choice but to eliminate this threat to Americans.

1. Seize all of Microsoft's financial assets.

2. Disconnect communications lines in and out of Microsoft's headquarters building

3. Clear out people from that building using the Washington National Guard, and that of surrounding states.

4. Use the assets to pay down the National Debt. If there's some left over (likely), start many software firms of less than fifty programmers each, maybe one team per state, to write replacement applications/programs. The small teams are where all innovation comes from. Let's repeat that: TI-W SMALL TEAMS ARE WHERE ALL INNOVATION COMES FROM!

Microsoft had a good product in 1979, called Microsoft BASIC. They didn't invent BASIC, they just had the best implementation. Once they stole CP/M via QDOS and renamed it MS-DOS, evereything up till the ''Dot Net'' initiative was a copy of a small company's innovation. Every single thing that they claim as an innovation, till ''Dot Net'', was somebody else's idea.

The ''Dot Net'' initiative is the closing of the fist arround us; store all of your medical records, financial records, personal email, etc. in a server in Redmond. You won't even need your own hard drive anymore!

Your own room. Your own car. Your own house. Your own pets. Your own children. Your own mind.

What customer asked for this? This isn't entirely innovative, either; The Nazi's and Stalin have played with this idea before.

In 1979, while I was in junior high school, I started designing a graphics computer. I asked Microsoft about a memory chip that was already programmed with BASIC. Bill Gates himself wrote me back, saying that they only sold BASIC on a floppy formatted for the CP/M operating system. He advised me to build a CPIM computer, and buy a BASIC floppy from Microsoft.

They tell me he's the smartest man in the world, and I've taken that personal letter to heart: when I finish that computer, it'll run CPIM and I'll buy a BASIC floppy from Microsoft.

p.s. Ask Richard M. Stailman, of www.gnu.org, what the remedy should be. Then you might reconsider the above as a modereate approach.

MTC–907

MTC–00000908

From: Craig Koller
To: Microsoft ATR
Date: 11/16/01 11:44pm
Subject: Regarding the Settlement

As a consumer, I think the most powerful weapon Microsoft wields over its competitors is not the applications or even the operating system, but its proprietary file formats for Word, Excel, Media Player, and now even Internet Explorer data. No other application or middleware developer can compete fairly because of the fearful nature of most users, afraid to use other software that may create files unreadable or, worse yet, corrupted, when delivered to others with Microsoft applications.

That's why I believe MS, as a proven monopoly, should be forced to publish its file formats so that others can offer competing apps to edit or even create similar documents. The fact that MS Office used to cost a small fraction of what a computer did, compared to today, when it commands half the price of the hardware, is an example of where the lack of competition has hurt consumers in the wallet.

We're forced to use Microsoft software not by choice, but by necessity. If the government sees fit to allow MS to continue as a sanctioned operating system monopoly, we should at least be allowed to use less expensive application software in Windows to create documents and communications.

Thanks for your time.

MTC–908

MTC–00000909

From: Brian Butte
To: Microsoft ATR
Date: 11/16/01 11:40pm
Subject: Microsofts Monopoly

I am a 31 year old professional consultant with pwc consulting specializing in Internet portal technologies and infrastructure. My strong technical background started with my fascination with TRS–80 computers in 1980 and blossomed into my Bachelor of Science degree in Computer Engineering. I have written software utilized in over 10 million GM cars and trucks as part of the Engine Control Module, designed 100% uptime enviroments for dot coms and dot bombs, and built CRM solutions for some of the Fortune 500. I am recognized as an expert in my fields including public presentations and publication.

I state my qualifications because I am not sure that anyone deciding the fate of Microsoft has the technical capacity to understand the state of Microsoft's monopoly nor its impact on innovation. What is easy for people can be harmful. As a parent of three children under the age of four, I can unequivocally state that although jumping down the stairs is easier than walking, it can result in disaster. A child must be repremanded for inappropriate behaviour lest they never learn to become a productive part of society. How often do the unrestricted actions of another child influence your own child to act outside the well established boundaries of acceptable behaviour? Deterance is the most effective means to discipline a child; action, reaction. Consider your son or daughter caught at school misbehaving. Did you witness the act? No. Is the damage done? Yes. Do you dismiss the circumstance? Not as a responsible parent. You make sure the child understands the behaviour is wrong, you punish the child appropriately, and most importantly you do not let your child profit from the endeavour in hopes they learn crime doesn't pay. As important for society, the child influences other children through repeitition of the same rules of behaviour and repeats the lesson for their children. Examples of right and wrong reinforce the rules of society for everyone, including companies.

Without a breakup of Microsoft, the United States Government endorses their strong arm tactics and unfair competition. I am not concerned about Microsoft, but rather I am concerned about precedent. The reality of the Microsoft case is that the damage is done and cannot be remedied; even by so strong a statement as disolving the corporate bond between the operating systems, development tools, and software packages. However, their actions are inexcusable.

Microsoft has stolen ideas from many companies, repackaged the ideas, and mass marketed them to the public. How can the world be better off when Microsoft stifles invention? Were the inventors of the web server, windowing interface, mouse, web browser, file compression, and countless others better off because of Microsoft? Did they have the chance to sell their ideas to the public unhindered by competition with their own ideas? Anyone who answers yes clearly lacks integrity and would have the United States Government endorse the actions of RCA in stealing the concept of television from its inventor, Philo Farnsworth. We have one multi-billion dollar employer of thousands instead of multiple multi-billion dollar employers of thousands. We have hundreds of hyper-millionaires from Microsoft and thousands who have seen promised millions crumble to dust. What promise you ask? The promise of the American Dream! Is this the lesson we want to teach to our children; to replace the promise of Thomas Edison, Henry Ford, and Alexander Graham Bell in favor of Bill Gates whose only invention is the software license agreement that says when the software doesn't work, tough?

What will happen, and it will happen, when the new Microsoft comes along and dominates the industry. Not possible? It has already happened once. The United States sued IBM for anti-trust and won. What key mistake did IBM make during the deliberations? They decided to focus on mainframes and thus handed Microsoft the key to a powerful world. Microsoft outgrew their world and starting exploring others which lead to theft, invasion, and finally domination.

If Microsoft is not held accountable for their actions, not only is the clear message to corporate America that crime does pay, but that it pays well. If logic, and not special interests, prevail, Microsoft will be held accountable for their actions with a penatly as severe as their ill-gotten

success.

Brian Butte

CC: Jolene Butte,Jerrel Mattson,Helene Butte,marniehar...

MTC–909

MTC–00000910

From: MR_CRAIGI
To: Microsoft ATR
Date: 11/16/01 11:46pm
Subject: support settlement

Thank you for the opportunity to comment. In the narrow scope of the law the DOJ could not hope to achieve any more in settlement or continuted litigation. This should be the end of a long, expensive, and debilitating process for our country.

Craig Johnson

MTC–910

MTC–00000911

From: Les Lohmann
To: Microsoft ATR
Date: 11/16/01 11:45pm
Subject: MS Settlement

Dear Sirs/Madam,

I have been using computers since 1968. Up until MS abused their monopoly position by tying retail products to the OS, there was a pretty clear separation between the OS, which offers services primarily to retail programs (software) and retail software. Since MS began truly flaunting their position of power, the availability and usefulness of retail software has diminished tangibly. Walk through any software shop (that has survived) and look at the selections. There are a lot of Games, but most else is MS.

Interestingly, now MS is beginning to compete in Games. They already include several in the OS, thus justifying including more, since the government has also turned a blind eye to this situation. Soon, MS will also be the behemoth of games.

There is only one fair solution. Frankly, even Mr. Gates will prosper. MS should not be permitted to produce any retail (defined by others) software. The company should be split in two, permitting an even playing ground for everyone.

The health of computing and the economy depend on true open competition. The proposed settlement fails to even scratch the surface.

Leslie John Lohmann, FSA, FdA, EA
8–4–1 1–50 1 Kitamachi
Nerima-ku, Tokyo 179–0081

While I am a US citizen, I believe the issues transcends national boundaries.

Les Lohmann
mailto:llohmann @tkc.att.ne.jp
LIA$FACTS$ index at http://www.benefitslink.comllohmann
http://www.japan.co.jp/-llohmann

MTC–911

MTC–00000912

From: Brian Florakh
To: Microsoft ATR
Date: 11/16/01 11:45pm
Subject: Professional opinion about settlement

For the record my name is Brian A. Horakh, my phone number is 760–944–7660, I am the CTO of a small software company. I am an MCSE (Microsoft Certified Systems Engineer), and also hold certifications from Compaq, Novell,. Linux, Sun, and Oracle, I program in 14 different languages, on 3 different platforms, i've written books on topics such as system security, and high availability. In otherwords this settlement will directly affect my career—so I figured I ought to write in an give you my two cents. I have read the proposed draft and concluded that you are falling into the same Microsoft trap that they have so craftily woven for so many of their competitors. There are big gaping holes which prevent, or at least indefinitely delay enforcement, once this deal is signed they'll literally have to kill a dozen people in their business practicies before it makes it back to court—because without a homicide it's going to be really hard to prove dirty business tactics, but you can bet they're going to keep playing dirty. ou need to look at their implementation of contractual history with other companies (i'll provide a few highlights):

-1998 Microsoft licenses Java, embeds into Internet explorer
-1999 Microsoft extends Java (knowing that Sun will get mad and sue them)
-2000 Sun gets mad and sues them.
-2001 Sun gets injunction, which says Microsoft can't use Java.—Microsoft drops Java support from Internet Explorer, effectively killing the language [it's still breathing, but trust me it's dead] .. whats ironic is Microsoft comes out smelling like a rose, in court they say ''we have to have the freedom to do it our way, Sun told us it's their way or the highway, we took the highway'' .. no legal expert in the world even consider accusing them of anti-competitive business practicies from dropping Java support, after all Sun made them do it. But Sun was setup to fail, they were played like a puppet from day 1. Want another one:
-1992 Microsoft wants to own the Internet, realizes the way to do this through the browser.
-1995 Microsoft have a good market share, but is facing trouble due to anti-competitive behavior with Netscape, mostly because they are giving their software away for free—and everybody knows it's just to kill Netscape, but nobody cares. Meanwhile netscape begins to feel pressure.
-1997 Microsoft settles with court, continues to apply pressure to OEM's under the table. I can't tell you how many stories i've heard where they've done this—NOBODY comes forward because it would mean the end of your career.
-1997—Microsoft side steps the Netscape arrangement by ''embedding'' JE inside the operating system, blab blah blab.. stuff happens .. freedom to innovate (tell me one thing they've Innovated)
-2001- it's great, now a webpage can crash by Operating system (Which btw: I blame you guys for since you made them ''take it into the OS''). They now have a 95% share?? 1 can keep going on and on and on .. just give me some time. The bottom line: YOU NEED TO RETHINK YOUR PLAN—go for broke, don't settle for less, otherwise you certainly aren't doing this industry, or the consumer a favor. Explain to the judge how they've consistently violated every agreement anytime it was in their best interest. Explain how the current arrangement will basically ensure that you're out of their hair, and they're free to do business as usual. Please reconsider the punitive damages for Microsoft, make them redo their licensing, make them publish ALL protocols they use as PUBLIC DOMAIN [okay at least no licensing which prevents the Linux folks from building an interoperable and better product].. please think about it.

Brian A. Horakh
Chief Technical Guy
Zoovy, Inc.
Direct: 877-ZOOVY-4U x 111

MTC–912

MTC–00000913

From: Pragnesh Sampat
To: Microsoft ATR
Date: 11/16/01 11:45pm
Subject: Microsoft Antitrust Settlement comments

I think that the DOJ has let Microsoft get away with very light penalties (to put it mildly).

What is at stake for a consumer is one's freedom to choose, not the ability to restrict anybody's right to innovate. Most of the media coverage and even the DOJ's points, unfortunately, do not address this issue. It may not be directly the point of the antitrust case, but there is relationship here which cannot be ignored. Microsoft routinely flaunts open standards and protocols and misuses its dominant position in the desktop. Since it has lots of money, it can simply destroy any competition by buying the companies out and destroying them. Standards are there for a reason: they allow interoperability between different vendors products and ultimately drive down the costs for the consumer. If you look around many of the day to day products, like films and videotapes and electrical sockets and many other common items, the costs for consumers go down due to standardization, since companies have to compete ruthlessly to be the provider of the cheapest solution. Some standards examples from the computer and communications industry are:

- open PC architecture
- The Internet protocols (TCP/IP) and many communication standards
- Computer buses like PCI to interconnect peripherals and devices
- IEEE POSIX standards and so on.

The same can be applied to many widely used and common computer applications like word processing and spreadsheets. If the interfaces between applications and Operating System adhere to standards, there can be many competing applications to the now dominant Microsoft Word and Excel. History shows that wherever standardization occurs, ruthless competition drives down costs. But Microsoft does not allow this to happen.

Are there examples of products where two products are very similar and offer almost the same things, but one is practically invincible from it's position? Compare Microsoft Word and WordPerfect (from Corel). A reference to the ubiquitous Halloween documents (whose authenticity has been publicly acknowledged by Microsoft) shows the views Microsoft has towards standards.

Now, one cannot force a company to adopt a standard, since it may believe that what it has to offer is superior. Fine. It is perfectly OK not to follow standards. It is generally true that when a company does not follow a standard, it will end up pricing the product higher than the ones compliant with the standards (e.g. some Sony products, Bose sound systems etc.) This is logical, since customer may have to pay more for the superior products.

The current situation is so bad in Microsoft's case that consumers end up paying higher for an inferior product

(compared to the Linux operating system) and still feel that they don't have any choice in the matter.

It is almost evil to let injustice get away unpunished. It is unworthy of a great republic to let a situation develop where citizens are slaves to a dictator/monopoly rather than being able to choose. Each citizen can be a king only where the freedom to choose is not compromised.

-Pragnesh

Pragnesh Sampat
3123 Salisbury Court
Wexford, PA 15090

MTC–913

MTC–00000914

From: Johannes Ernst
To: Microsoft ATR
Date: 11/16101 11:48pm
Subject: comments about the settlement

The settlement is not in the public interest because:

1) Over years, Microsoft has made and continues to make large amounts of illegal monopoly profits. Nothing in the settlement remedies this. A large fine is necessary.

2) Tomorrow, if Microsoft decided that SQL Server was part of Windows, and Office was part of Windows, the settlement agrees that that would be okay as Microsoft gets to decide what is part of windows and what is not. Not putting a limit on what new functions can be integrated into Windows is obviously not acceptable.

3) As you know, and as many Microsoft employees and ex-employees have stated publicly before about cases in the past, if Microsoft, for whatever reason, is forced to publish their APIs early on, which would allow competitors to be on equal footing with similar Microsoft products, Microsoft outruns them by keeping changing the APIs—essentially forcing the competitors to always follow and never be on the same page. This is well-documented practice. There is nothing in the settlement that prevents this practice. Note that because of all the ill-gotten monopoly profits, Microsoft is better capitalized than any other software company, and will thus always win this battle.

4) The settlement makes free and highly innovative software such as Samba essentially impossible. This is very clearly against the public interest. Microsoft should be forced to license all API-related intellectual property for free.

5) A good measure for whether ''competition has been restored'' in the software industry is whether or not startup companies will get funded by professional venture capital investors in Silicon Valley, who may compete with Microsoft some time down the road. This settlement makes no difference in this respect at all. ANY investor will run immediately if there is even a remote chance that there will be competition with Microsoft at any point in time. This is clearly not a market that is level, allowing free innovation for the benefit of consumers.

6) The proposed restrictions on Microsoft conduct are in no relationships to the size of the violations of the law. The settlement is so obviously insufficient that we have to assume that the justice department was somehow politically motivated to agree to these terms. If so, the judge is obliged to turn down the settlement under the relevant laws.

7) Any serious conduct remedies—while theoretically possible— will be so complex and difficult to enforce that they are infeasible in practice. The original court was correct that the appropriate remedy is breakup.

8) Microsoft should be forced to publish all APIs to its operating system sufficiently in advance to a commercial release, so that 3rd parties have a chance to build competing products in time. If a 3rd party could build a Linux-based Windows API emulator, for example (which they can't in practice, see issue #3 above ...), competition would be much more real. In an even better scenario, it would be a standards body under the auspices of a recognized standards authority who would define the APIs, not Microsoft.

9) Similarly to the rules that carmakers are under in California, Microsoft should be forced to make sure that by a certain date, say, 3 years from now, at least X percent of all desktop operating systems sold are not Microsoft's. I don't see a reason why this can't be demanded—and it would most certainly restore competition.

10) Microsoft should be prevented from leveraging the desktop monopoly into any other market whatsoever, such as embedded systems or servers.

Thus I believe the settlement is very far from the public interest. It should not be accepted by the court.

Best regards,
Johannes Ernst.

MTC–914

MTC–00000915

From: Lynch, Edward P (Ed)
To: 'microsoft.atr(a)usdoj .gov'
Date: 11/16/01 11:47pm
Subject: I think this settlement is the worst thing that has happened in the last

I think this settlement is the worst thing that has happened in the last 100 years, and that includes Sept. 11,2001 and Dec. 7,1941 combined. Bill Gates has NUKED th U.S. government Big time. After Japan bombed Pearl Harbor on Dec. 7 1941, Japan's Gen. Yamamoto said ''I'M AFRAID WHAT WE HAVE DONE IS TO AWAKEN A SLEEPING GIANT.'' If you think Bill (PIRHANA) Gates was bad, Wait until you see Bill (GREAT WHITE) Gates. Microsofts Creedo is We will rule the world, and the U.S. gov. reply is WHAT CAN WE DO TO HELP YOU.

MTC–915

MTC–00000916

From: Miles Lane
To: Microsoft ATR
Date: 11/16/01 11:46pm
Subject: I am shocked and appalled at the Justice Departments failure.

To whom it may concern:

I have worked at Microsoft, both as an employee and a contractor. Since then, I have worked as a software tester for many companies, including Compuserve (Sprynet) and Amazon.com. Throughout the last fifteen years, I have studied the computer industry, the internet and the communications industry.

I have seen how effectively and relentlessly Microsoft takes advantage of every opportunity to control markets, leverage products, strongarm suppliers, OEMs and ISVs. I happen to know that Microsoft has sold products at a loss in order to flood markets with their product and lose money in order to gain strategic market share. The are a proven monopolist.

It is dispicable that you have caved into pressure from Microsoft and the Bush government and made a deal that harms competitors and harms consumers.

I work on Linux and volunteer a vast amount of my time in an attempt to help Linux become a viable desktop alternative to Microsoft Windows and Office. Microsoft's strangle hold on the industry is so absolute that in one way or another everyone's choices and opportunities are constrained by Microsoft's dominion.

How can you bear to look yourselves in the mirror in the morning?

Miles

MTC–916

MTC–00000917

From: Kenneth Filak
To: Microsoft ATR
Date: 11/16/01 11:46pm
Subject: Inadequete

In the 1995 consent decree Microsoft promised to build a ''chinese wall'' between its applications and OS divisions. Microsoft also promised that it would reveal the API's to competitors to ensure a fair competitive environment for competing applications.

When Judge Sporkin refused to sign off on this consent decree the DOJ and MS went forum shopping and got Judge Jackson to sign off on the that consent decree.

Flash forward to the trail held before Judge Jackson and was shown that Microsoft purposefully ignored all the restrictions of the 1995 decree. Every witness that MS presented at the trail were shown to be disassembling and lying. When Judge Jackson expressed his honest outrage in seeing his court be insulted and abused by Microsoft's dishonest tactics Microsoft went forum shopping yet again.

Microsoft is on its 3rd Judge.

The Court of appeals has unanimously agreed that with Judge Jackson's ruling on Microsoft's anti trust criminal behavior. Microsoft has shown itself to be dishonest and untrustworthy by violating its previous agreements.

But the DOJ wishes to give them yet another bite of the apple. Once again the DoJ wishes to promote a toothless meaningless agreement with an organization that has shown its disregard for the laws of our country. This is a sham agreement with a corrupt company. Microsoft's excuse is its pursuit of power and greed. What is the excuse of the DOJ for selling out the American public.

MTC–917

MTC–00000918

From: Brian Shock
To: Microsoft ATR
Date: 11/17/01 12:03am
Subject: Microsoft Antitrust Case

Dear Sirs:

Even as a software developer who primarily uses Microsoft products for his

livelihood, I am extremely disappointed by the decision not to punish Microsoft. This company is a monopoly by every definition, and in the worst tradition of monopolies, uses questionable or illegal practices to stifle competition.

Regardless of the reasoning behind failing to pursue the antitrust case against Microsoft, publicly this looks very much like criminal conspiracy between the Justice Department (along with the Bush Administration in general) and big business.

Brian Shock
Phoenix, AZ
brianshocki @home.com

MTC–918

MTC–00000919

From: David
To: Microsoft ATR
Date: 11/17/01 12:03am
Subject: Failure.

I feel that the settlement reached with Microsoft will be a great service to big business..., if by big business you mean Microsoft. 3 years of being watched by 3 people of whom Microsoft has a say and pays them and what after 3 years? You have enough emails about how this Settlement will suit M$ interest VERY well indeed. And they will not be punished at ALL. ..i.e.-> no penalty. But I have an idea for you, and I'm sure I'm not the only one with this idea.

Recommendation that WILL get Microsoft's attention.. .put in place a penalty to M$ to be paid out to (via an acceptable medium UN-influenced! un-influencable by M$ but truly independent or at least less friendly towards M$. This is a penalty after all!) to go towards Open-Source projects. More directly Linux. This WILL get M$'s attention and present much more of a hanmcier over them than any amount of money could as they already have more than enough of it.

Open-Source.. .that is what scares M$ and they will respect (as long as it is monitored by Independent people with powers to monitor and make public their findings (Quarterly report?) without (!) Microsoft's influence or shadow hanging over them as well as the right to impose further fines as required) a fine which helps a competitor with whom M$ is unable to bargain or exercise influence over. Most importantly Microsoft is Afraid of Open Source. Perhaps the only thing it is afraid of and will do everything it can to stop Open Source. Anything to stop it via any one of the companies past tactics to others. This can be reflected in M$'s statements about open source of which I'm sure you have many examples already. One note; imagine what would happen, (of if you prefer?why it has not yet happened by a single major OEM company) if an OEM began to ship a small number to their computers directed at the ''small'' market out there that would like a pre-installed Open Source OS. There aren't any such examples that come to my mind, how about yours?

Otherwise I feel that the DoJ has let me as a consumer down and is not acting in my best interest with it's current apparent wish to quietly let this matter slide. I also feel that the idea of the DoJ ''tiring'' and being worn down insulting. I hope similar stances aren't taken in other places in the government because the DoJ is tired of pursuing the case. Most important of all, this so called settlement stinks. I expected better of the DoJ in light it's representing not only a number of U.S. States?but that they appear too weak to win for lack of conviction, purpose, and sense of duty in the face of co-operate which has been found guilty of law breaking and monopoly abuse.

Thank for you time?.and thank you for you help upholding the rights of the smaller companies looking to survive in light that to upset the giant is to cast yourself into it's shadow.

David.

MTC–919

MTC–00000920

From: Arthur O'Connor
To: Microsoft ATR
Date: 11/16/01 11:55pm
Subject: Microsoft ''Settlement''

I can see that the Republican National Committee are going to be getting some VERY generous contributions on the next elections. Much more than the ones they did last year to insure that they got off better than 'Scott Free' on their ('antitrust') case. I sure wish that I were wealthy enough to 'buy Justice'. I'm just a poor slob that has to obey the law. ''The Golden Rule of our 'Justice' dept. is ''He who has the gold, makes the rules''. Way to go John Ashcroft & Bill Gates!!!fl!!

Art O'Connor * Bristow Ok.

MTC–920

MTC–00000921

From: William Owens
To: Microsoft ATR
Date: 11/16/01 11:54pm
Subject: Microsoft case

Thanks for ending this nonsense!

MTC–921

MTC–00000922

From: Tony Cooper
To: Microsoft ATR
Date: 11/17/01 12:06am
Subject: Sad

It is sad when multi billion $ corporations can buy the government off for breaking a few laws & running others out of business whilst still being able to sue other people who break laws by utilising software microsoft since abandoned.

Obviously there is not Justice in America anymore & It's things like this that attract people to doing unlawful things in the pursuit of their own justice.

As a person who used to sell microsoft products & know first hand the deceit that is employed to generate revenue, I am saddened to see that truth & justice now take a back seat to the American way of greed. I use a text based client that complies with the standards relating to email & not microsoft products or a web browser to read my email. As a result I appreciate not receiving html or microsoft products in my email as do millions of other people who use clients that comply to the standards.

MTC–922

MTC–00000923

From: J Spicer
To: microsoft.atr(at)usdoj.gov
Date: 11/17/01 12:05am
Subject: comment

As a consumer, I would like to see Microsoft carry on without too many new restrictions, except for one. I feel a huge monopoly like theirs, should never be allowed to 'buy out' any other new uprising companies ones that may have new ideas and systems from fresh minds ... that may eventually mature and bring competition back to the marketplace. This practice is one that only kills or eats up dangerously new ideas before they become a valid player in the marketplace. Thanks for giving consumers a chance to say something

John

MTC–923

MTC–00000924

From: James M. Rogers
To: Microsoft ATR
Date: 11/17/01 12:03am
Subject: The Microsoft settlement is a joke.

I am shocked that Microsoft can be caught breaking the law and get caught lying during the trial, convicted, the conviction upheld, and they get no punishment. This settlement is nearly identical to their 1995 agreement, which allowed them to take over the browser market. I am tired of one company having so much power that they are essentially untouchable. They can illegally put other companies out of business using their unfairly aquired monopolies. Guess it just takes a few friends in the white house and a little bit of money in the right places. If I ever get the opportunity to vote against anyone involved with this settlement, I will be sure and do so.

What a joke. You should all be ashamed of yourselves.

MTC–924

MTC–00000925

From: danny @tampabay.rr.com@inetgw
To: Microsoft ATR
Date: 11/17/01 12:15am
Subject: Comment

I think that if a judgement was reached to force Microsoft to put all their protocols useable for cross-platform communications out as open source things would be assured to be on a level playing field.

MTC–925

MTC–00000926

From: Larry D. Larsen
To: Microsoft ATR
Date: 11/17/01 12:13am
Subject: Thanks a lot

I am CEO of an Instant Messaging company. Thanks to your new arrangement with Micro$oft, were probably going to be out of business within a year, maybe two. From aU of us, thanks a lot. Maybe you would like to lay railroad tracks through my backyard while you're at it.

Larry D. Larsen
CEO
IveCon, Inc.

MTC–926

MTC–00000927

From: Shawn Fitzgerald
To: Microsoft ATR

Date: 11/17/01 12:26am
Subject: Never Strong enough

Once again the government fails to meet the needs to protect the people that placed it in control. A WEAK effort to slap the wrists of a Monopoly, is how I would grade your agreement.

After being FORCED from my job as a Consultant at Immedient Consulting inc. Dallas, TX due to threats by regional Microsoft executives, I believe the DOJ did not present their case very well. While I do believe that some of the Microsoft bashing is unfounded, I know that there are efforts to hold back Java and Linux development by Microsoft. It amazes me that the government can't collect enough evidence to prove the FACTS that all US citizen's know. MICROSOFT IS A MONOPOLY!!! Microsoft does not agressively compete, they actively attack those that might offer innovation, or alternatives to a solution that is unstable, unscalable, and proprietary.

For future reference, why put out an Email address AFTER you have finished the case??? Why not publish an email address BEFORE the case, during the discovery phase, to help you find out where to look??? If you would have provided a way to give you evidence to prove your case, I'm sure you would have had warehouses of evidence.

Thanks....For nothing!!!

Shawn Fitzgerald

Java Consultant, Linux user, Windows sufferer.

MTC–927

MTC–00000928

From: Kyle I. Winkler
To: Microsoft ATR
Date: 11/17/01 12:22am
Subject: good job:

As a young technology guru, I have seen the possibilites of how ''high tech'' will take us into the future and help to stablize our economy. I very much agree with your decision in the Microsoft Corportation settlement. I am happy to see that the Bush Administration is not against Big Business, but instead, putting trust back in to business. Many may disagree with the effectiveness of the settlement but I truely believe this is in the best interests of our economy. Thanks for all of the hard work and especially the great job of the administration in defending freedom and democracy during these trying times.

You all are to be commended!

Thanks again,

Kyle J. Winkler

17, Missouri

MTC–928

MTC–00000929

From: reid@sd3.mailbank.com-inetgw
To: Microsoft ATR
Date: 11/17/01 12:16am
Subject: Microsoft Settlement

I'd like to voice my displeasure with the Microsoft (MS) settlement. Given the fact that the Department of Justice (DoJ) essentially won the case, and rightfully so, it's sad to see that the end result is a toothless agreement that will have little impact on MS's actions. The agreement fails on three counts: It imposes no penalty for MS's prior actions, it sets rules of conduct that have loopholes, and it sets up a system of oversight and enforcement that is closed to scrutiny and very favorable to MS.

Judge Jackson and every Judge on the Appeals Court all agreed that MS violated the antitrust laws on several counts. Yet, with this settlement, MS is getting the proverbial ''slap on the wrist,'' not even facing a steep fine for their misdeeds. It seems to me akin to a convicted bank robber walking away scot-free with loot in hand, because he promised to mend his ways.

This agreement was apparently sought in part to provide quick relief, but anyone who has studied Microsoft's history will tell you that the corporation has always pressed the envelope of legality. Even as this case was ongoing, MS hastily released Windows 98 with IE integrated in order to preempt justice, and later released Windows XP, which takes the anticompetitive bundling of applications even further than the earlier products that got them into court in the first place. If MS has the incredible audacity to undertake such actions while being sued, who would believe they would willingly submit to the spirit of this agreement? I would think any settlement or judgement would depend upon the remorsefulness of the defendent, and there is absolutely none in evidence in this case. It seems quite naive to think that MS has changed its ways; if history is any guide, we will see MS dragged into a new antitrust suit in a few years, something that could have been avoided if proper remedies had been instituted now.

In conclusion, I'm shocked that the DoJ went from a position of victory, and pressing for punishment and an effective remedy, to one of timid, ineffective compromise. I as a consumer can see that MS wields incredible power in the computer industry thanks to their monopoly on the base operating system upon which other software is layered, and it's plain that Microsoft intends to leverage that power as much as possible to everyone else's detriment. Rumors abound of ugly politics setting the Department's agenda, but whatever the case, I still hope that justice can be served.

Sincerely,

Reid Rivenburgh

P.S. For a more detailed account of the problems with the settlement, see Ralph Nader's letter to Judge Kollar-Kotelly, available at <URL:http://www.cptech.org/atlms/rnjl2kollarkotellynov5O 1 .html>.

MTC–929

MTC–00000930

From: Eric Cox
To: Microsoft ATR
Date: 11/17/01 12:30am
Subject: ok...

So, cave in, do what our not really the majority elected president wants you to do. How can it be good for the economy for a proven monopoly (one the people have known to be a monopoly quite a great while before the courts decided it was) to go unchecked.

It seems rather futile to apply restrictions and repremends to their rather old school markets. I really hope someone has been paying a good deal of attention to microsoft's recent ventures. They are moving away fom their ''traditional'' market and into the world of reoccurring prices. Ala passport and whatever the latest buzzword is. It is a market of services. Whatever you do, do not imply restrictions on something solid, imply those restrictions into behaviors, protocals, and licensing... I'm sorry I have little faith in the judicial government.., it has not worked in my favor for many years...

I don't expect you to do what is right for the people or industry. I don't even expect you to do what is right for our government. I don't expect a great deal anymore...

I would just like to see our government is a just a little bit stronger then a greedy corporation. (Publicly held corporations by law and definition are greed driven)

I'm sorry it has to be your heads all our anger will fall on...

Eric Cox

Earthlink Systems Administator

MTC–930

MTC–00000931

From: Gregory Chi
To: Microsoft ATR
Date: 11/17/01 12:33am
Subject: You guys have got to be kidding us

This is a settlement? After some careful inspection (and I gotta do a bit more) it looks like out and out surrender. Thanks a lot for keeping the desktop a nicely growing monopoly (that's sarcasm).

MTC–931

MTC–00000932

From: Nicola(OOEF) Michel
To: Microsoft ATR
Date: 11/17/01 12:33am
Subject: My opinion on the settlement

Like many others in the IT industry, I think Microsoft got off far too easily in this case. Why have they not been punished for violating previous agreements? Rather than repeating what has already been said, I refer you to more informed and eloquent critics, such as Ralph Nader. This outcome is typical of what happens in Washington, where lobby groups and big business have far too much influence. The only beneficiary of this weak ruling is Microsoft. Who is standing up for everyone else, including those of us outside the US?

Nicolai Michel

nicolaim©videotron.ca

MTC–932

MTC–00000933

From: Cralis
To: Microsoft ATR
Date: 11/17/01 12:32am
Subject: Microsoft Settlement is unfair to the consumer

Dear sirs,

I would like to respectfully say that I believe the settlement between the DOJ and MS is VERY unfair. It will do very little to protect competition from monopolistic practices by microsoft, it will do nothing to help the consumer and open source software, and it has NO penalty for past monopolistic conduct on Microsoft's behalf.

First, while I highly commend the DOJ argueing for the option to have a version of windows shipped without certain extra

programs.. .1 feel the DOJ has neglected to realize that MS's vast potential for control with Windows XP. Many programs are built well into XP and are designed to control the user in a manner that benefits MS. They will control what hardware we can use, what software we can use (the registered hardware/software only), what we can see, hear, and do. While I sympathize with the DOJ's view that this will benefit the DOJ in regards to pirated software and obscenities such as child pornography, NO COMPANY DESERVES THIS AMOUNT OF CONTROL. .1 say it very strongly because I believe that this level of control goes against our constitutional right of choice in the pursuit of life, liberty (LIBERTY), and happiness. This is a big gamble on MS's part, if they succeed they will essentially OWN the entire Internet, all electronic transfers, and the electronic life of all individuals who want to do either.

Second, whether or not any competitor gains access to windows code makes little difference. What matters is that MS takes file and communications protocols and makes them trade secrets, then restricts the ability for anyone to use them only to those people who will not compete with MS. This destroys open source, free software, and the ability for a new company to get into the market in an environment where the majority of computers rely upon MS protocols. The FIRST thing that should be done is to forbid MS from making its protocols secret and keep them from making agreements with other companies for secret protocols, and instead require that all protocols in use by MS become open to ALL of the PUBLIC. This will keep them from destroying any more smaller competitors who are just trying to bring something new to market, and will likely make it a more friendly environment where individuals who were afraid to compete before will feel less threatened and less likely to lose their entire life's goals, dreams, and life savings trying to make a product MS will either want to swallow up or totally destroy.

Third, MS has repeatedly demonstrated that they believe they are above the law. They continue to do and flaunt their monopolistic practices despite the court battle, and frankly are saying ''hey the DOJ can't touch us''. Their monopolistic practices are WELL documented, yet the DOJ's settlement has no penalty for their past crimes!! Lo, should all criminals be so lucky! At the very least MS should have some major billion dollar penalty assessed against them, if not have some major oversight and payments. If the DOJ does not feel it deserves the reparation payments, feel free to pay them to all of MS's consumers. We wont argue. I would like to point out a few things as well:

* Judge Jackson said that Microsoft would raise the prices of it's next version of Windows because it can do so and nobody would have a choice to pay it. Please note that Windows XP is double the cost of Windows 2000. He also said that they would continue to add new programs and hijack protocols for their own benefit, and they have done that as well. I have at least 6 utilities such as Zone Alarm (a personal firewall) that will not operate under Windows XP) WHY? They are spitting in the face of the DOJ and saying ''so what? do something about it.'', while at the same time cutting the legs out from under competition such as Zone Alarm, who have done it right and refuse to sell to Microsoft.

* Windows XP only allows you to use it 5 times on different hardware configurations. They also argue that they should be allowed to restrict us to putting their software on only one program. WHY? Should we also be restricted to only using cars in the same state we bought them, or only being allowed to read books for only a year before destroying them or giving them back? The SOFTWARE INDUSTRY is NO DIFFERENT from other industry in respects to buyer's rights. Why let them cheat us out of that because they want to be different? The legal history on buyer's rights is VERY clear. Please dont change them.

* Microsoft has not ''innovated'' anything new for as long as I can remember. They buy other markets out, they steal, and they hijack. They take something that already exists, change it, and call it their own. They are ''software terrorists''. In fact I can think of a number of technological andlor software advancements that were squashed by Microsoft BEFORE THEY EVEN GOT STARTED because they would have been competition.

* Microsoft is NOTORIOUS for their software being buggy and full of security flaws and holes. Yet we are supposed to allow them access to all of our personal information and financial information? This is a HUGE national meltdown just waiting to happen!

* Microsoft is moving foward at an extremely rapid pace. Their .Net project is designed for two purposes: 1. to control the internet and get part of any micropayments or online transactions, and 2. to make a worldwide network where you pay for the temporary use of a program (whether it be an operating system, application, utility, or game matters not) and bypass the entire issue of ''buying a program''. Imagine that. That would be like all of the car companies getting together and deciding they will no longer sell cars, but ONLY rent them.

* Microsoft MUST be under some form of oversight and have NO SAY in who is in that con-m-iittee. TI-WY are the criminals! Why should they get a chance to make it easier on themselves? That would be like prison full of criminals getting to decide who the prison warden will be. Dont let Microsoft fool you! Please consider that Microsoft's plans for the future involve controlling each and every person who has a computer and wants to go online. Stop Microsoft before you can no longer do so. For the consumer's sake, for the sake of competition and free enterprise, and for the sake of technological advancements in the future.

Thank you for your time.
Matthew 'Cralis' Olson
Starfire Design Studio
Starfire Developer, Editor, and Webmaster
cralis @home.com 503.585.4049
(http://www.starfiredesign.com/starfire)

MTC–933

MTC–00000934

From: Bren McMullen
To: Microsoft ATR
Date: 11/17/01 12:41am
Subject: Microsoft Antitrust Settlement

I think that microsoft should be made to sell a 'striped-down' version of windows for a far less price. With all of the current bundled software included in WinXP, Microsoft is undoubedly creating a large monopoly in the computer software industry, pushing larger and more experienced companies with better software out of buiness. Instead of also making it available to run other software without purposeful intervention. At yet, Microsoft forces all of its uneducated users to toy with their inferior versions of popular software. Microsoft has no previous experiences in the fields of instant messenging or digital photography, and yet they decide to include it with the operating system that will be forced down the throats of home users all over the country.

On another note, they are bosting their inferior software, and also ideas stolen from other operating systems (i.e. the virtual desktop concept from linux) to give their new WindowsXP more leverage over other versions of Windows. These will convince more users to pay the outstanding prices they are charging. As if they arent getting enough revenue from their new Xbox. Along with offering a stripped down version of Windows, we should also FORCE Windows to remove their .NET, Bill Gates is going to take over the world scheme, and get rid of their insecure uS (internet information server) protocols which are being shipped and turned on as defualt in their Internet Explorer, which is the dominating broswer ever since it was bundled and set as default with Windows.

MTC–934

MTC–00000935

From: brandon marks
To: Microsoft ATR
Date: 11/17/01 12:35am
Subject: microsoft

Thanks for not breaking up Microsoft. If too many software companies try to break off into very different directions, everything working as uniformly as it does now might not be possible. Send a friend your Buddy Card and stay in contact always with Excite Messenger http://messenger.excite.com

MTC–935

MTC–00000936

From: Ryan Roberts
To: Microsoft ATR
Date: 11/17/01 12:34am
Subject: this settlement is disgusting

I am a student at Michigan State University. Last Wednesday we reviewed the Microsoft anti-trust violations and deceptive practices in my telecommunications policy class. It made me think that the DoJ is very afraid of Microsoft, that George W. Bush does not want the Microsoft case to exist, and that Microsoft blatantly broke the law on numerous occasions. If I was a burglar and I broke into 10 houses and stole lots of jewelry. I would go to jail. I wouldn't be told, ''hey, stop committing crime now okay? If

you say you won't do it again, we'll just keep an eye on you for a little while.'' If I was Microsoft and I did everything in my power to destroy any potential middleware from arising using despicable practices including forcing other companies to bend to their will through complete lies(Mac Office) and purposefully distributing Java tools which only worked on my version of JVM while proclaiming that not to be the case, I guess that I do only get told to stop, and promise NOT TO BE A CRIMINAL ANY MORE. THEY BROKE THEY LAW.

DoJ: Hold out your wrist please Mr. Gates. *slap!*

Bill: Oooookaaaaay, I've learned my lesson. *mutters something under breath that sounds like, ''suckers!!!''.*

DoJ: Well I guess it was worth the millions and millions spent on the case then, if you learned your lesson. Forget the court costs or any monetary reparations whatsoever Mr. Gates. The American taxpayers gladly shoulder the load of your invaluble lesson.

Angry Narrator: And no one lived happier ever after than Bill Gates, and no one in America really cared because they are disillusioned with the system and resigned to the fact that Microsoft does whatever it wants. Had the DoJ protected the people's interests, who knows? The day might have been won in the name of good, but alas, that is not the case.

The End

Good job DoJ. I mean bad job. yeah, bad job is what I meant. If you're going to have a giant trial and spend a lot of time and money, doesn't it make you feel frustrated to finally end up with a castrated settlement?

Thank goodness that Justice has 9 states with the common sense not to accept this rubbish, as Justice is not accustomed to dining on rubbish. Hopefully Microsoft will pay through the nose in civil trials as well. Whatever happens, you failed. That's how lots of people feel. Not just me. Lots of people. I can start a list if you want.

Ryan Roberts

rober294 @msu.edu

MTC–936

MTC–00000937

From: Jeny Kreps
To: Microsoft ATR
Date: 11/17/01 12:33am
Subject: My comments on the DOJ—
Microsoft settlement.

I am Jerry L Kreps
521 West Garber Avenue
Lincoln, NE 68521
(402) 475–4657

This settlement after FOUR years, and on the heels of an equally worthless consent decree from a previous 'settlement', which Microsoft totally and completely ignored, is exactly why the US legal system is held in such LOW regard by a large majority of the American People. The DOJ simply does not work for the best interests of the common citizen any more. They behave more like lackeys of big business. Why? The DOJ won the court case and Microsoft is convicted as a monopolist. The DOJ won the appeal and Microsoft's conviction stood. The orignal DOJ team is replaced by Bush appointees who immediately snatch defeat from the jaws of victory.

DOJ lawyers defended the settlement stating: ''Government lawyers carefully weighed 'those proposals but ultimately chose other sanctions against Microsoft that they believed would result in the most effective and certain relief in the most timely manner.' '' This is patently absurd. ''Carefully weighed'' suggests that Microsoft's side of the scale was preloaded in its favor. ''most effective and certian relief in a timely manner'' is a description of the relief that Microsoft recieved from the DOJ, but it is NOT a description of any possible relief the consumer might gain from this settlement. Microsoft's relief is effective, knowing they will not be finded a single penny after stealing Billions from the consumer. They know it is certain, because the DOJ is behaving like the 'fix is in'. They know it is timely because even though XP was quickly launched ahead of schedule in an attempt to snowball the DOJ into more lenient terms, Microsoft received NO terms of significance at all, so their XP launch, the biggest invasion against privacy and the Bill of Rights yet launched, goes ahead unhindered. The DOJ team goes on to say 'the settlement, if approved by the court, would ''eliminate Microsoft's illegal practices, prevent recurrence of the same or similar practices and restore the competitive threat'' the company faces from rivals.'

This, too, is patently absurd. There is absolutely NO teeth in this settlement. When Microsoft violates (not if) what paulty ''restraints', and I use the term loosely, there is in the agreement, the ONLY punishment is that they have to endure another TWO years of the same ineffectual watchdoging.

Frankly, if you haven't been able to figure it out yet, I am disgusted at the DOJ incompetence. It goes beyond incompetence, it is criminal. Disbarment proceedings would have been undertaken had any of you performed so poorly in the public courts of the land. Mr Nader gave an excellent analysis of the ''settlement'' in his letter to the Judge. http://www.cptech.org Although a convicted monopolist Microsoft is given NO meaningful punishment, NO meaningful supervision. NO teeth which could restrain Mr. Gates and Mr. Ballmer from proceeding full steam ahead without changing any tactics. In fact, the settlement, rather than protecting the consumer, legalizes Microsoft's outragous behavior. Of the three ''watch kitten'' (dog would be an inappropriate description) one will be selected by Microsoft, and that person will have a say in the selection of one of the other two. So, right from the start, the committee is biased at least 1.5 to 2 out of 3. IF a two out of three vote is required then Microsoft already possesses the ability to BLOCK any unfavorable decisions the committee could make. What brilliant genius on the DOJ team agreed to that? In addition, the three ''watch kittens'' will be housed on the Microsoft campus, in Microsoft offices, paid by Microsoft, and they will be under a GAG order, essentially preventing them from informing the public about any progress Microsoft is making in abiding by the essentially worthless settlement. What brilliant genius on the DOJ team thought that scheme up, and how did he/she get the rest of the team to sign on? A better question would be ''How much did they get paid to sell out the American People, you know, the ones whose interests they are supposed to represent?

Your ''IMPACT'' report is pure fabrication. It reminds me of Neville Chamberlian's peace treaty with Hitler. It became apparent SIX WEEKS before the settlement was announced that Microsoft had advanced notice of what the outcome of the settlement would be, and immediately returned to its Monoplistic, predatory attitudes by modifying its PC OEM licenses to restrict what icons and other software the PC OEM could put on the Desktop along with WinXP. Addtiionally, Microsoft forbad the PC OEMs from installing any other OS along with WinXP in a dual boot mode. These rquirements are extremely aggregious and certainly an example of Microsoft LEVERAGING its monopolistic position even before the settlement was announced. If Microsoft can be so bold as to enbark on this course of behavior even before they supposedly knew what the outcome of the case would be, not one single point of this settlement will deter them for a single second to do even bolder and more outragous acts.weak Expect to see their legal teams, by threats of legal action and by shady uise of patents and other legal devices, intimidate Open Source programmers, the Linux Kernel team (one of whom, Alan Cox, has already resigned from maintainence of the 2.4 kernel because of fear of the DMCA being applied against him for revealing security fixes in a GPL product for which he is a principal programmer!!!!! !!)

For the last ten years software houses and security companies and software researchers have had a consumer favorable policy of rapid reporting of bugs and security holes, along with demonstration code which proves the bugs or holes and which can be used to test theweak effectiveness of any patches software houses offer. Microsoft is against informing consumers of the threats to their personal and financial information that bugs in their software poses. They would rather such holes are kept secret. This was the standard 15 years ago, and such holes were rarely admitted, and bug patches rarely offered. In fact, anyone who announced bugs was immediately persecuted, both professionally and legally. Eventually, because of the never ending holes, primarily in Micosoft's OS and software, an deomcratic policy of rapid announcements was instituted. Recently, in response to a virtual flood of trojan horses, email viruses, server security holes found in Microsoft's software, especially the IIS web server engine, the Gartner Group has advised consumers to switch from 118 web servers to Apache web servers. Even though such holes had been known for several years in various Microsoft products, it is only after Gartner Group advised consumers to switch to Apache did Microsoft address the problem. Their solution, announced a couple of days ago, well AFTER the DOJ settlement, would have the computer world return to the bad old days where bugs and holes would be kept secret. Only Microsoft, flexing in new INVIGORATED MONOPOLY POWER would attempt such a wholesale brow beating of the

computer industry. I have no doubt that Microsoft has been accompaning the public lashings with private threats of economic penalties for all companies that don't toe their new line.

Jerry Kreps

MTC–937

MTC–00000938

From: lowell
To: Microsoft ATR
Date: 11/16/01 10:53pm
Subject: recent settlement

Folks:

Judging from how the defendant behaved under a previous consent decree without an enforcement clause of any sort, what makes anyone think they'll behave any differently under this one? The toothless

Gang of Three? Cant see it...

MTC–938

MTC–00000939

From: David Gould
To: Microsoft ATR
Date: 11/16/01 10:39pm
Subject: Microsoft Anti-trust trial

I think it sums it up to witness that Gates himself is ''happy'' with the settlement. Who in their right mind, when found guilty of such a severe crime as anti-trust law violations, should be ''happy'' with the punishment they receive? This is an obvious sign that the settlement was far too lenient on Microsoft. As a software engineer who is very aware of the enormous market power behind Microsoft, I sit here simply appalled at the weakness and lack of backbone in our government's justice department.

Corporate entities seek out business models that are ambiguously or even very clearly illegal or un-constitutional in foundation, then they expect the government to protect their flawed business models just because they ''help support the US economy'' by providing jobs and goods to our citizens. And what does our government do? It steps right in line and defends outrageous legistlation like the DCMA and this bogus resolution to the antitrust trial.

Here I think it is very clear, the new administration came in, ignored the history of the case, ignored the experts who basically unaminously suggested not just breaking MS up into two or three companys, but several companies, as well as other severe restrictions on their business practices... and got right in line behind ''the big american corporation, savior of our economy''. Who cares if our constitution and laws are flushed down the toilet, as long as we keep unemployment low right? And even as you negotiated with microsoft, they made a fool of the justice department by continuing to flaunt their monopolistic practices, launching the most asbsurdly anti-trust violating piece of software yet, Microsoft XP, and continuing to bully the entire vertical market of PC manufacturing into locking out their competitors' products. History has proven that it is better to take the medicine now then wait till later, especially in the case of monopolistic practices. Unfortunately it appears the justice department doesn't even have the technological understanding to realize that microsoft is hurting and stifiling innovation and technological progress in our country by preventing nearly any other US company from having a chance to launch competing products because of the enormous barriers to entry they can impose through leveraging their monopoly of the PC operating system market. And this damage far outweighs any short term benefit to our economy. Eventually this will lead to the US being surpassed technologically by companies from other coutries like Germany, Britain, or Isreal. But I realize this letter is a complete waste of time. After all, it's clear you are on their side.

Thanks for nothing DOJ.

Dave Gould

MTC–939

MTC–00000940

From: Raymond Rizzo
To: Microsoft ATR
Date: 11/17/01 12:51am
Subject: Settlement still insufficient

For quite some time now I have been following this case. I, as a tech., depend strongly on a decision that will force fair play in the market place. Microsoft as a whole has, as far as I have noticed, complete disrespect for any standardization. Which in its self is a step toward trying to force a monopoly. For example, when Netscape introduced Java Script microsoft decided to spin off a version that offered only enough limited compatability so as to force people to switch web browsers, following started the Browser War''. To further their plans for a takeover of the web market the then integrated Internet Explorer 4 into windows 95, and then following was the release of windows 98 which had no optin of removal. This is what started the government intervention, but it dosent stop there. With the release of Windows XP, Microsoft has, in the same fasion, bundled more of their software with the operating system without giving the user a means to remove it. Programs such as Windows Media Player, Windows Movie Maker, Microsoft Gaming Zone for example canot be removed by standard uninstalation methods, nor even by deleting the files from the hard disk, due to the fact that they are immediatly copied back regardless of the end user wanting the programs or not. This is the behaivor that must be stopped, the company is doing exactly what it was doing before the court case had even started.

The result is the end user being forced into using a Microsoft product to force competition out of the market. Look at any of the bundled applications that microsoft has added to their standard instalation and check the userbase of the bundled protuct vs competition. Exery time they incorperate another item into their product another companies userbase goes down. It is invasion of citizens own personal freedom to be forced keep a product they do not want, and it is an even greater injustice to let a company continue to abuse their position in a marketplace the way microsoft has. All I can ask, is that the settelment not only be based on a way to secure a free marketplace for the US, but to also help the millions of windows users attain the ability to choose what applications they want to use on their PC.

MTC–940

MTC–00000941

From: Simon G. Smith
To: Microsoft ATR
Date: 11/17/01 12:45am
Subject: Microsoft Case

I understand this is an e-mail where citizens can comment on the Microsoft anti-trust case.

My personal opinion is that the government should not interfere with the workings of the private sector. In cases of anti-trust, I thought that the law was intended to prevent monopolies. Well, there are other companies that produce office software and operating systems, which are they only things that Microsoft seems to even have a large market share on. Just because a company has a large market share, that doesn't mean they are monopolistic—it might just mean they are good at what they do.

Am I biased? Well, I personally won't buy Microsoft products because they are too expensive. But I think that in a free market system, if most people in the US decide to buy it, that's their choice and Microsoft should not be punished for it.

Sincerely,
Simon Smith
Brookline, MA

MTC–941

MTC–00000942

From: Bryan J
To: Microsoft ATR
Date: 11/17/01 12:42am
Subject: Please answer my questions...

Why did you, the government, let us down by letting Microsoft off the hook? A five year probationary period? A time-limited sneak peak at PORTIONS of the OS source code? Thats all? For a company that has been using illegal practices and violating the Sherman Anti-Trust Act and subsequent antitrust laws ever since its domination of the OS market began?

I have a couple of questions for you:

(1) What about the draconian licensing agreements that MS has with some hardware companies saying that only Microsoft OSes can be shipped on their systems or they'll be cut out and not given MS OSes for their systems at all? That's not monopolistic? What did your agreement do to address this situation? Nothing? Was this rumor/issue addressed in discussions at all?

(2) Did the Republican/big business philosophical underpinnings of the prosecution have anything to do with it? The DOJ under Clinton was much more firm and seemed to have their act together much better than you guys, which pains me very much to say, considering I'm a conservative Republican...

(3) When there's a monopoly nobody gains in a market economy. Competition makes for better products and prices. The consumer gets higher quality at a lower price. When did you all forget this BASIC principle that I understood in junior high school?

(4) Most important question—How can putting any piece of software into their OS to compete with ANY other software in the market NOT be monopolistic? Even if 3rd party software compaines have access to SOME MS code, for a limited period of time (5 years), how is that going to truly remedy a monopoly situation?

The bottom line: the computer desktop OS isn't just a tool for use. It's becoming a utility—necessary for everyday functioning in more peoples' lives every day. Monopolistic utilities need to be regulated and broken up. What was wrong with splitting MS in 2- one side goes OS development and the other does everything else?

Bottom line—You have failed me as a consumer, and in the long haul, you may have done more harm to information technology throughout the world than can ever be repaired. My choices for desktops will forever be limited (especially if Open Source Software fails in the marketplace)—and MS will control information throughout the world when .NET is implemented in its fullest form and I HAVE to use it because everyone else is. Thanks...

Id like to have some answers to my questions. I pay taxes—I pay your paychecks—give me some answers. So—WHAT THE HELL WERE YOU THINKING??

Bryan Roseberry

A concerned citizen in Mesa, AZ

MTC–942

MTC–00000943

From: jahbini@wt6.usdoj.gov @ inetgw
To: Microsoft ATR
Date: 11/17/01 1:05am
Subject: Comment on MS settlement

Microsoft has been harming consumers for years. From the early '80s they had tried to kill Apple's more advanced computer system, until the system architecture of the Intel world allowed an equivalent graphical interface. Now Microsoft COULD have supported Apple's system better, but CHOSE to make a less useful system available for years, all the while saying that the world needed DOS. This hurt consumers. It hurt Apple, and it hurt many small companies that were involved in the marketplace.

More recently, Microsoft has killed, one at a time, any small and succesful product line. Disk Cache vendors were swallowed. TCP/IP vendors were destroyed. There are other examples of this predatory bundling in addition to Netscape's web browser.

And now you are proposing a settlement that will give Microsoft complete impunity from the guilt of their past actions.

Shame on you, DOJ. Are you for free enterprise or just afraid of those high paid lawyers that MS has?

James A. Hinds

MTC–943

MTC–00000944

From: Barth Netterfield
To: Microsoft ATR
Date: 11/17/01 1:04am
Subject: Microsoft anti-trust case

Hi,

[one line summary: the proposed settlement is not strict enough]

Please consider this when considering the proposed settlement: This may very well be the most important antitrust case since the railroads were broken up.

By having a monopoly on the operating system, Microsoft is able to leverage into other areas of computer technology, with the stated goal of controlling all aspects of computing. Controlling computing means controlling almost all aspects of modem financial life. Without strong legal intervention, it will be impossible for any business or individual to function without paying Microsoft whatever Microsoft wants them to pay.

A comparison with the railroads being the only form of transportation in or out of a town is a good one.

Microsoft has shown itself to be a well managed, and and effective company— we can absolutly count on them to be very clever and effective in maintaining, building, and exploiting the monopoly they have developed. Any possible loophole will be exploited. We can count on it.

Thanks for reading (whoever is reading this....)

Barth Netterfield

MTC–944

MTC–00000945

From: Robert Lewis
To: Microsoft ATR
Date: 11/17/01 1:03am
Subject: proposed remedy not enough

Microsoft has thumbed its nose at the Department of Justice the entire trial. Even the trial has not curtailed their abusive practices, 2 weeks ago their new msn network forced web surfers to use Microsofts browser to view their site! Their windows software is overpriced, filled with security flaws and the worst part it is, many have no other option but to use it. I'd be interested in seeing the world where innovation ruled, and the progress that would be made without monopolies.

robert lewis

MTC–945

MTC–00000946

From: Mark Shadley
To: Microsoft ATR
Date: 11/17/01 1:01am
Subject: DOJ/MS Settlement

To Whom it may concern,

I am greatly dissapointed that although Microsoft was found guilty of violating the law, the U.S. Justice Department has essentially let them off with a slap on the hand. Microsoft has shown in the past, that it has no respect for the law or court rulings. It will continue to stifle innovation, crush competition, and charge whatever prices it wants for it's products. I don't want to believe it, but it really looks like Microsoft bought their way out of legal trouble.

Thank you for reading this.

Mark Shadley

MTC–946

MTC–00000947

From: Terry Hermary
To: Microsoft ATR
Date: 11/17/01 1:16am
Subject: Words about Microsoft and the anti-trust issue

To whom it may concern,

I do not believe the best interests of American society, nor the interests of the free world are being considered with respect to the Microsoft Monopoly.

I am a business owner in a small technology based company providing solutions to the industrial automation market. Manufacturing and processing industries in North America are facing increasing threats from low cost producers in other regions. This takes away jobs and displaces our workforce. For industry to compete in this environment, industrial automation is a necessity.

We have had experience with various operating systems and software. We build our own for our products while employing industry standard interfaces. Microsoft has too big a hand in the infant yet powerful area of computing. Microsoft is well recognized amounst the small guys making it happen, but just like the former USSR structure which existed and was talked about between trusted friends, but never 'officially recognized' for what it was), we are feeling powerless. The ultimate toll will be on the system that lets Microsoft continue to abuse it's market position. The business practices of Microsoft need to be moderated in the best interest of our future generations. Too much influence is being concentrated and only the influenced cannot see this.

With all due respect, Terry Hermary

tjhermary@hermaryopto.com

MTC–947

MTC–00000948

From: Microsoft ATR
To: ATRMAIL1 .ATRCAFO1 .MSMailbo
Date: 12/6/01 2:02pm
Subject: should not have let them off easy -Forwarded
From: tburkard @vostok.tangentis.com@ inetgw
To: Microsoft ATR
Date: 11/17/01 1:06am
Subject: should not have let them off easy

It is a shame that the DOJ has let Microsoft off with almost no real penalties. Having been in the industry, I have seen Microsoft kill great ideas and companies time and time again. They have repeatedly show that they are a predator, not an innovator. They have yet to contribute anything of their own to the industry. Now that they have been let off, they will no doubt continue to wreak havoc by altering standards and trying to make them proprietary. (They did it to kerberos and several others.)

Anybody familiar with the industry is insulted when the government says (or concedes) that Microsoft is not a monopoly or does not leverage their monopolistic position to squash competitive companies, standards and ideas.

Trent Burkard

CEO Tangent Information Systems, Inc.

Seattle WA

MTC–948

MTC–00000949

From: Ralph Butler
To: Microsoft ATR
Date: 11/17/01 1:21am
Subject: Goverment Settlement

Dear Sirs:

As a consumer presently and in being in the PC business for 30 years at IBM, I do not agree with the your judgement against Microsoft. The judgement needs to go further into allowing Microsoft to bundle it software in an integrated package. Just look at

Microsofts XP software and you can see that the company has not changed it's ways. I am not against Microsoft for coming out with innovated programs but they should be sold separately with other competitive programs and not as an integrated software package.

Regards,

Ralph Butler

Retired IBM Staff Engineer in Product Development.

MTC–949

MTC–00000950

From: Nathan Krick
To: Microsoft ATR
Date: 11/17/01 1:20am
Subject: good decision

Since most of the e-mails directed to this address are probably sent by people who think that the ruling in this case was a poor decision, I felt the need to send an e-mail saying that I think it was a good decision. I believe this for many reasons, including the following.

First, OS. Microsoft is not a monopoly, Linux is becoming a larger ''threat'' as it gains more and more support, including support from industry giants such as Intel, AMD, and HP. If nothing else, Linux is certainly a viable option now and I don't think it can be argued that Microsoft is a monopoly in the OS market.

Second, Office Suites. Microsoft is not a monopoly in the Office Suite market either. Other options exist, such as Corell and Star Office. Adobe also makes good software for page layout and publishing, and Macromedia dominates the internet and web design market.

Third, Internet Browsers. In this area, other options such as Netscape and Opera exist.

Forth, Intellectual Ownership. Microsoft retains intellectual ownership of the source code for all of their software, to force Microsoft to open their source code for their competitors to see is illegal according to our constitution. They own the software and have the right to open the code (or not open it) to whomever they want. It's called capitalism, the notion on which our country was founded.

Fifth, Inovation. Microsoft's competitors are upset because Microsoft includes to many applications and tools with their software and say that either Microsoft should not be allowed to do so, or should include their tools too. That is all innovation, Microsoft makes a good product, and then they bundle it with their other software, how is that illegal? They own the rights to the software and can distribute it however they want to. That is like telling a car maker that they have to allow the buyer to decide what company they want all the options in their car from. (I want my power windows from company X, and my automatic locks from company Y. No, the manufacturer makes their own equipment and bundles it with the car.) Again, it's capitalism. We are not talking about Standard Oil or Mitsubishi here. Microsoft does not own everything (I have yet to see an entire computer system designed, built, and sold by Microsoft, hardware and software—that could potentially be a monopoly—take a look at Apple). Microsoft designs good software and many people use it because they like it. I don't use software just because it came bundled with my system. I use what I like to use best. Microsoft has plenty of compitition and with the internet, the competitors software is plenty easy to get.

Nathan Krick

MTC–950

MTC–00000951

From: Armstrong.Steven
To: 'Microsoft.atr(a)usdoj.gov'
Date: 11/17/01 6:00pm
Subject: Microsoft Settlement

[Text body exceeds maximum size of message body (8192 bytes). It has been convened to attachment.]

Thank you for posting the settlement information on http://www.usdoj .gov/atr/cases/ms-settle.htm. I do appreciate this act of openess by the government's DOJ. It does facilitate some degree of hope! I just wish the rest of my reaction could have retained that happy, hopeful note.

As I read the settlement, I couldn't help but feel betrayed, cheated and dismayed by the real terms. Where's the pain of penalty? Where's any strenght in oversight? What is the real structural changes expected to occur and how will they be ensured to occur? It's toothless, clawless, and simpering in tone.

The DOT terms of settlement with Microsoft are incredibly weak and shortsighted, and show and incredible lack of concern for the consumer. It obviously yields a big ZERO value to the consumer and seems to ensure Microsoft's continued dominance. You are giving us a bandaid when our collective arms have been twisted and broken, and kneecaps kicked in by Bill Gates and cohorts.

There is no dollar amount penalty assessed against the richest company and richest man in the world for years of monopolistic and predatory practices, nothing against a company known for earning billions and also known for paying zero federal taxes. Their 'taxfree' dollars were being spent on the teams of lawyers that chewed up the DOT up like candy. It really makes me angry to see the DOT applying a few baby teeth to the armored and muscled 90000 pound Godzilla that is Microsoft is. In fact, the settlement appears to make things safer for Microsoft rather than show them there's a price to pay for behaving in a monopolistic manner for decades. IBM should have had such a deal!

The DOJ did not impose a single dollar amount penalty against this company which has billions of dollars in assets, greater than many 2nd world countries.

It did not stop Windows XP and require unbundling of products that supplanted dozens of competitor software maker's products. Microsoft tends to redefine any company making a profit selling something that runs on Windows as a competitor and try to grab their market with a low ball or free Microsoft alternative (that quickly becomes a standard). Remember Netscape? Not in the settlement.

It did not stop Microsoft from excluding Java from XP and the newest versions of it's Internet Explorer. For 8 years, Java has been the glue of the open world of the interative web...now it's tossed aside in favor of Microsoft's insecure and proprietary ActiveX products and .NET. Microsoft can bald face declare Java as insecure without challenge. It can change Windows and other software delivery timetables to make sure that Java isn't available. Remember Netscape? Not in the settlement.

It doesn't make user security something that MUST be improved by Microsoft.. .every week seems to bring out more flaws allowing the consumer's wallet to be picked by the electronic thieves using the internet. If there was any true competition, Microsoft would have to fix these flaws and fast! Digital Research had DR DOS which Microsoft worked hard to eliminate, and that was buried in some weak settlement. You know Microsoft operates like pirates, and yet the settlement doesn't seem to demand anything back to the consumers who tried to use DR DOS and Windows 3.1 and who eventually had no other choices. You leave us captive on the Microsoft pirate ship, and they have their hands in our pockets.

There are no rebates to the consumer for operating system software known for it's 'blue screen of death' and shoddy customer service (all problems solved by reinstall windows and rebooting or upgrading for hundreds of dollars). There are countless stories of people losing their data and functionality as Windows corrupts the data and itself. We have no recourse. The EULA says we can only get up to $5 or a new CD from Microsoft if try to see any recompense for a misperforming $600 Windows product. There EULA actually states their software isn't guarenteed to do anything useful although their marketing constantly stress ease of use, productivity and usefulness. No compensation to dozens of companies crushed by Microsoft, or bought out and folded, on it's way to global domination.

No compensation to the truly innovative companies like Borland, who had it's top development staff lured away with millions dangled before them. If a company dares to make something competitive with Microsoft, Microsoft tries to steal their developers, and set up obstacles to the companies success, invoke legal actions, anything but compete fairly and openly. No inquiry into it's use of stock options to hide wealth from taxation, pay off all sorts of parties, and how hard they work to keep the value propped up without really delivering true improvements to consumers.

Real security comes from peer review by real experts in the open market. No opportunity for this is created since whenever Microsoft can show a security concern, it can hide it's software or bring legal action against anyone trying to understand how it works. The settlement gives Microsoft further protections in this! Where's the penalty? I see them benefited! No requirement to fully open the Windows software APIs and source code to all developers who would dearly love to provide more innovation and variety and improved functionality to our free markets. Microsoft is a defacto standard but can protect it's products from competition by continuing to shield it's inner workings from other competition. Many competitors products stop working whenever a 'patch' is provided but

Microsoft's own products don't seem to snagged like that, but gain market share every time this occurs, since nobody wants software that will break when a new security patch is needed. Microsoft only grants access to the inner workings by requiring the viewer of source code to sign documents that cause an agreement to never write anything that competes with Microsoft products, and may not reveal anything viewed.

No penalties assesed to Microsoft or compensation awarded to PC manufacturers for the contracts restricting them from what they could distribute. No punishment to Microsoft or compensation to web ISPs where Microsoft is forcing them to adopt their software as standards. No support for developers and software firms who would dearly like to innovate but are shut out by Microsoft's closed approach to partnering and development, worse they are often steamrolled by Microsoft who pretends to show interest in supporting a developer's product until they can use their R&D to produce their own replacement. Their goal is to take every profitable market which PCs have, through other companies products, helped generate, and then to take all the credit for it.

There needs to be requirements of Microsoft that all it's products will begin to and continue to adhere to international computing standards instead of innovating their own private world of interfaces that only works with Micorsoft products. The cost to the international and national businesses of having to constantly rewrite and upgrade in order to meet Microsoft's latest 'industry standard' is in the billions annually. NO business application I've written using Microsoft tools 3 years ago will work without being rewritten today. Businesses are bearing an incredible burden trying to keep up with Microsoft's pace of technology change, and being forced to constantly rewrite the same business critical software for each new version. This lack of stability is a cost no where addressed or calculated. Any IT manager can tell you that the cost of supporting a PC on a workstation desk amounts to thousands of dollars a year. adding critical inhouse business applications can triple that. MIcrosoft uses planned obsolescence to assure a constant need for developers to rewrite, for new license purchases, and new more powerful PCs to be purchased.

The government should be pressing Microsoft to fully cooperate with the Open Source groups and to open their systems. Closed systems offered by Microsoft are far more expensive than consumers realize, especially as free products steadily evolve into for fee products and then into monthly service fees. With .NET Microsoft is trying to move all Windows consumers to a subscription basis through MSN. Our rights as consumers have been reduced by every legal innovation in their EULA—software licenses, and further reduced by DCMA and UCITA. Now Microsoft and it's third party affiliates remand to themselves the right to shut down the PC of Americans where they believe some violation of their license terms might be occuring. . .no due process, no right to appeal, it's just shut down and 'deactivated'. Where was our Justice department when these changes occured in Microsoft licensing? YOU MUST MONITOR THEIR EULA AGREEMENTS. They basically are giving themselves rights to our wallets and any information we have on our PCs and any consumer data collected by them or their affiliates (which they hope will be all business and governmental bodies). Why are you not protecting our right to privacy, our rights to control our own information, our rights to fair use of copyrighted material? You give this all to Microsoft without a fight.

Now Microsoft is trying to contain free speech about it's security weaknesses by restricting the conversation to only special priveledged groups. What is the DOJ going to do about that? Consumers and businesses will have no idea whether or even if they lost control over their own wallets due to a security weakness known to Microsoft to terrorist groups or electronic crooks, or perhaps to politcal action groups favoring Microsoft's lobbying causes.

Microsoft is seeking to control access to the information and services on the internet through the MSN portals and requiring Windows XP users to go through this using Passport, Hotmail, etc. Where is the DOJ on this? No penalty. No inquiry. See no evil, hear no evil, say no evil. Your settlement with Microsoft befits the three legendary monkeys. Microsoft never improves the software already installed by making it faster, smaller, more efficient, or more reliable. They just pile on features, require more upgrades, require hardware upgrades, replace competitor packages with their own, make it require a bigger PC, which triggers more purchases of new Microsoft products, and continues the constant annual extraction of billions dollars from American and world consumers. Now they try to move us to subscription basis, and consumers can't figure out how to stop this madness!

I had hoped Republican leadership and constitutional conservatism would have meant real respect for constitutional rights of citizens and American freedoms of choice, advocating legal action which opens markets, supports free trade, and keeps the markets open to all American and world innovators. Instead, I see capitulation to THE CORPORATION, weakness, and the moral fiber of jello. You now seem to be the big corporation's department of justice, not The People's. Your settlement is encouraging Microsoft to continue it's dominance indefinitely. You apparently can't stand up to the biggest software bully in the world on behalf of your fellow American citizens or the world community. The DOJ staff were allowed to shrivel, to become so overworked, and so tired that they couldn't fight anymore. The DOJ was allowed to be bullied about and shaken down by Microsoft lawyers. The DOJ doesn't stand for much now, and to the world our DOJ looks like it's owned by Bill Gates. So many complain that people don't respect government anymore.. .1 see it as government has obviously failed to retain that trust and respect, and I imagine Microsoft is secretly laughing at the DOJ as well. It has publically revealed it's arrogance against the DOJ and attempted to deceive courts and subvert process. So to me, this deal looks way too sweet and easy on the single biggest company on the face of the earth, and vindicates their hard nosed, never yielding resistance and antagonism to our laws.

Steven Armstrong, JR Info Consultant
10801 35th Ave
Pleasant Prairie, WI 53158

MTC–951

MTC–00000952

From: Ken Kyler
To: Microsoft ATR
Date: 11/17/01 6:26pm
Subject: I disagree!

First, I have a BS in Business and a MS in Software Engineering. I'm not a Joe Sixpack. I don't buy this settlement at all. The best course of action was to break MS into 2 companies; an operating system company and an applications company. Then the playing field would be level. Given the US hasn't the moxy to do that, the next best course is very, very strict controls on MS—not the useless controls agreed to.

Ken Kyler

MTC–952

MTC–00000953

From: Jack Lynch
To: Microsoft ATR
Date: 11/17/01 6:26pm
Subject: Microsoft Settlement

As a consumer and a Microsoft hardware and software user I wish to make a few comments about the settlement. I have never experienced any anti-competitive practices. I have always had choices of hardware and software products and have never had to make decisions based on any monopoly situation. I have purchased a lot of Microsoft products and other company's products as well. I purchase on the basis of the best match between the features of the various products and my specific needs and benefits from those products. I have never been forced into anything because of lack of choices.

Microsoft's continual marketing of new and innovative products has enhanced my personal and business productivity and has kept the competition continuing their product development to compete in the marketplace. This all works out to the benefit of all consumers.

The recent slide of the US economy began with the Government's attack on Microsoft. A remedy has been proposed that is acceptable to Microsoft and to consumers like myself. Let's activate this remedy now! I guarantee this will mark the beginning of a resurgence in the strength of the American economy!

Good Luck on moving forward on this—-we all need it!

Jack Lynch
19411 Burgundy Way
Saratoga, CA 95070

MTC–953

MTC–00000954

From: LIN HART
To: Microsoft ATR
Date: 11/17/01 6:31pm
Subject: Microsoft Case
To: The Justice Department
Re: Consumer Response

Over the past few weeks I have been attempting to understand the decisions

coming from the Justice Department in response to the Microsoft case. It would appear as if they've decided to represent Microsoft rather than the people's best interest. The details of their most recent decision does little if anything to rein in the growing reach of Microsoft in it's efforts to dominate and control the PC/IS, wireless and Internet based technologies.

It seems to me that one of the keys areas left unresolved is ''middle ware'' and Microsoft intentions regarding the use, sale and deployment of ''middle ware.'' It appears that Microsoft competitors have been left at the mercy of Microsoft by the Justice Departments proposed settlement. The settlement, if upheld by the court, allows Microsoft to continue using it's Monopoly operating system as a kind of Trojan Horse, bundling it's product offering into the operating system. Such a procedure further facilitates Microsoft's practice of injecting current and future applications directly into the consumers experience, while competing middle ware providers of applications for music players, browsers, CD burners, Java apps and financial programs (just to name a few) have to continue fighting an uphill battle to access the same customer space.

Action that were not adopted, such as the one mentioned below, would have given considerably more weight to the proposed settlement:

''The Justice Department also considered forcing Microsoft to sell a stripped-down version of Windows that did not include built-in software for browsing the Internet, reading e-mail, listening to music or sending instant-messages.

The current settlement seems to have found a way to ignore current reality and the future market implications. OEM equipment providers will not be significantly incented or motivated to challenge Microsoft and its present position of advantage. To do so would be too costly. Competing software companies are in no position to do so, given Microsoft's size, monopoly positioning and financial capabilities. Competing middle ware companies are going to get crushed; leaving Microsoft with a clear field to continue their domination.

There is much more that confounds me about this case. The proposed Justice department settlement is laced with loopholes for Microsoft to dance around it's obligations. Access to key Windows code has been effectively shielded from non-Microsoft application programmers. How absurd is it to think that a panel of 3 people can keep a tight rein on Microsoft, when even the Justice Department and the Federal Government seem to be unable to do so?

I hope the judge presiding over this case will give considerable consideration to pushing back against the Justice Departments and Microsoft's position. The current settlement proposalis comparable to giving General Motors unfettered power to determine the brand and type of cars that will use the interstate highway system and to allow them to deliver to the consumers door their own brand of gas, tires and oil. Given this kind of power to influence consumer choice, the results would be pretty obvious. Of course even this scenario, if enacted, would be significantly farer than what the Justice Department is now offering up. At least General Motors has some form of competition already in place; something Microsoft has never had to deal with.

I have enormous respect for the 9 states and their attorneys, who have demonstrated the kind of intestinal fortitude, lacking by our federal judicial system and many of our elected officials. With all due respect to the Justice Department, political tinkering and political influence seems to be written all over this case.

I'm hoping the Justice Department will find cause to revisit their findings and their proposed solution.

L. J. Hart
St. Louis, MO

MTC–954

MTC–00000955

From: Trey Pattillo
To: Microsoft ATR
Date: 11/17/01 6:47pm
Subject: MicroSoft Settlement

I work for a government organization, so was the settlement reached to protect Micro$oft and avoid the Irony Of The Day: ''A government organization purchasing goods and services from a vendor found guilty, by the government, for violations of the Sherman Anti-Trust Laws, established by the government.''

I am deeply concerned that our political system has allowed a convicted criminal to get away on ''their own terms''. As a taxpayer I demand that all government agencies stop pertetuating the Micro$oft Monoply, and spend my hard earned tax dollars wisely by supporting the *NIX systems with costs only a fraction or M$.

The ultimate penality for Micro$oft —— removing income resources of their #1 customer YOU!

Trey Pattillo
Operations & GIS
Coastal Bend Council of Governments 9–1–1
2910 Leopard St
Corpus Christi, TX 78408
ph: 1.361.881.9911 ext. 227

MTC–955

MTC–00000956

From: Stan's Computer
To: Microsoft ATR
Date: 11/17/01 6:45pm
Subject: Microsoft

To Whom It May Concerned,

I strongly feel that the Government shouldn't dictate to any company what it can include or exclude from its products. This is supposed to be a free society and not a dictatorship. This action has cost us the taxpayers more than it is worth to pursue in the first place. I also believe that forcing any company how to make their product is unconstitutional.

Stanley R. Kneppar
8109 Hibiscus Circle
Tamarac, Florida 33321–2134
(954) 720–0413
kneppar@mediaone.net

MTC–956

MTC–00000957

From: BRIGEBRITE@aol.com@inetgw
To: Microsoft ATR
Date: 11/17/01 6:40pm
Subject: (no subject)

I feel this lawsuit has gone on too long,it appears that competitors of Microsoft used the Justice Dept.because they couldn't produce a better product, and wanted to hold back the competition .The computor companies in Califorina are urging California's Attorney General tocontinue the suit, only to serve their owninterest.Whatever happened to free enterprise?

MTC–957

MTC–00000958

From: MDigia62O3 @aol.com@inetgw
To: Microsoft ATR
Date: 11/17/01 6:36pm
Subject: Settlement

America was found and built on a competitive spirit. Our constitution speaks to this. I just don't understand why Microsoft is being singled out. Should Michael Jordan be asked to play with a hand behind his back. Should Tiger Woods be asked to give his opponents strokes. They either broke the law and should be punished or did they just build a better mouse trap? P.S. I would also be interested in knowing how much of ''MY'' tax dollars were spent on this case. Michael

MTC–958

MTC–00000959

From: Ray
To: Microsoft ATR
Date: 11/17/01 6:56pm
Subject: Microsoft

Once again Microsoft and it's money buy the legal system.

MTC–959

MTC–00000960

From: tom@wt6.usdoj.gov @ inetgw
To: Microsoft ATR
Date: 11/17/01 6:53pm
Subject: Too Weak

The government caved!

Microsoft has 95% of the OS market in the world. And for the next 5 years someone is gonna watch em? Who pays, probably me, if for no other reason that to use computers in the world today one must buy Microsoft products.

WindowsXP extends this monopoly. It comes with normally extra products. Where one might buy Real player, it comes with Windows Media, putting Real out of business. Where one might buy any add on, Microsoft will usurp the industry standard, and extend it, putting anyone who tries out of business. Anyone who wants to work with the 95% is required to buy a microsoft product.

They didn't get here by participating, but by strong arming the their customers (in this case, computer buyers aren't the customers, since they were required to buy a computer pre-loaded with Microsoft software, the PC manufacturers were the customer). Microsoft argues they inovate. I have yet to see anything they have inovated. MSDOS, they bought that. Excel, purchaced, Internet Explorer, purchased. Name one thing they invented? Sure they package all this, but so do others.

To only give them a pathetic minor set of requirements full of loopholes and

exceptions does no one any good. You might as well send 'em a check for all the money spent on the Justice department, maybe then they will stop trying so hard. Microsoft would be better served by putting Bill Gates in Jail for a year or two, to remind corporations that strong arm tactics are the same for gangsters as well as corporations. If the president of the company served time, that would discourage illegal practices more than pathetic wimpy minimal restrictions.

I am moving to the country that does it. It is really hard to be patriotic when the very government that we ought to support doesn't support us.

MTC–960

MTC–00000961

From: zmower@wt6.usdoj.gov @inetgw
To: Microsoft ATR
Date: 11/17/01 6:50pm
Subject: An Alternate Solution

Dear DOJ,

The current agreement in the Microsoft antitrust case is seriously flawed. All the analysts agree that it will not have much effect on the companies operations, much like the previous 1995 consent decree. Indeed the MS stock price actually rose after the details of the agreement were published, a sure sign that it was ineffectual.

So what remedy would really bring competition back to this market? To know this one must understand how MS maintains its monopoly:

1) Tight control over OEMs.

2) Levereaging the windows installed base by bundling.

3) Secret file formats/APIs which hinders other software vendors compatability/performance.

Broadly speaking Microsoft is a box which denies access to its intellectual property. If you remove the box you solve the problem. The solution I propose is: The source code of the Windows family of operating systems should be made available under the LGPL (http://www.gnu.org/licenses/licenses.html#LGPL) except to any company which manufactures, supplies or sells PCs. The design documentation for this source code should also be made available under a similar license and in a format readable by non-Microsoft web browsers.

This solution has many beneficial aspects:

1) It is easy to implement.

2) Competition is installed within the market. Any company can build and sell windows or a derivative.

3) It is easy to police.

4) The exceptions guard against the build up of vertical market segments.

5) Microsoft remains free to innovate (it is just everyone else is now too!)

6) Under the terms of the LGPL license, any derivatives of the source code must themselves be licensed under the LGPL and therefore be available to those who buy the executable version. This prevents re-assertion of the monopoly by Microsoft or one of its new competitors by denying access to the source code again.

7) Access to the design documentaion aids understanding of the source code and hence gives competitors a leg up. ft also stops Microsoft obsfucating the source code and putting all the inforation about how the code really works elsewhere.

Microsoft certainly wont be undone by this solution. It has a strong brand name and it has a competitive advantage in that it knows the source code.

It also does not address Microsoft's monopoly in business software. My reasoning for this is that there are competing products in this arena and with the increasing importance of the web, the Office file formats will become less important.

I look forward to Microsoft arguing that IE is not part of the OS sometime in the near future. (At which point Microsoft's intentions toward the Internet should also be examined.)

Yours Sincerely,
Chris Moore
Software Engineer in the UK
Sig pending!

MTC–961

MTC–00000962

From: Janus Daniels
To: Microsoft ATR
Date: 11/17/01 6:49pm
Subject: MS suit

US spent time and money to prove the obvious fact that MS is a predatory monopoly. It has done virtually nothing with that victory. AT&T suffered worse, and they delivered an excellent product, and did less damage.

MTC–962

MTC–00000963

From: Andrew Lee
To: Microsoft ATR
Date: 11/17/01 7:23pm
Subject: BUNDLING

Why is bundling products against the law? There are many products bundling in the market in the world. Clock with radio, TV with VCR, computer with printer or scanner, buy one ice cream and get one free, 4 tires get one free, get dinner and get one free, buy a new car and get radio free and install. What's wrong bundling products?

When one is not smart enough to invent their own programmer codes for software. You can ask the government for help.

When one buys a software it will cost one price. And if one buys a million softwares the price will lower like wholesale. Right? Bill Gates goes out to promote his products everytime. I never see any competitors doing the same. Only they sit in their offices like church mouses and waiting for salary and bonus and cry monoply. Some one said'' Cut off the air supply'' is that a crime? Heard many times and loud ''I will kill you, you sob'' that's what one call a figure speaking and not a crime.

MTC–963

MTC–00000964

From: Carol Bartholf
To: Microsoft ATR
Date: 11/17/01 7:21pm
Subject: Opinion regarding Microsoft

Hello,

I am a computer professional, most 'techies I know think that Microsoft has violated anti-trust laws and will continue to do so as long as they are allowed to by the government. Bill Gates testimony was a classic illustration of his contempt for the government. Microsoft has foisted inferior software on the public and driven good software off the market with his anti competitive strategies. Please do not let them off so easily. They are just laughing at all you!

Thanks,
Carol

MTC–964

MTC–00000965

From: Chris Arnette
To: Microsoft ATR
Date: 11/17/01 7:21pm
Subject: Strongest Penalties

Please impose the stongest penalties allowed by law.. .Given the recent terrible events that have happened to our country, I urge you to not let Microsoft continue (they have already been found guilty) to hurt our free enterprise system by breaking the law and hurting many companies, employees and citizens...

Please enforce the law and protect all Americans from abuse of power and money...

MTC–965

MTC–00000966

From: Joe Charmella
To: Microsoft ATR
Date: 11/17/01 7:06pm
Subject: Microsoft Settlement

Dear Sirs;

This is just to let you know that I believe that the settlement that you have proposed is ludicrious. It is a reward to Microsoft for breaking the law. The only thing that you can say about it is that it is prompt. It does not provide relief for the countless companies that they have put out of business nor does it bring any amount of equity to software companies. One item of of the settlement that will prove to be particularily troubling is that no person of the three member committee overseeing Microsoft will be able to testify against the company in court. Presumably this means that you would have to build a case independently of the committee. One question, What good does the committee do? Apparently nothing.

As a result of this settlement, Microsoft will be back in court within the next 5 years on different Antitrust violations. I can only hope that the next administration will not capitulate in the same manner that this administration did.

Sincerely yours;
Joseph N. Charmella

MTC–966

MTC–00000967

From: Craig Ringer
To: Microsoft ATR
Date: 11/17/01 7:45pm
Subject: One 'vote' for harsher punishment

Hi

I'm the IT Manager of a small/medium business in Western Australia, the POST Newspapers (http://www.postnewspapers.com.au).

As an Australian citizen, I can't claim to have a direct say in this matter. However, I must express my concern for the current settlement, given that legislation made in the US about IT has the depressing habit of

filtering through to Australia—and also, the US is the only place where MS can be practically restrained.

While I can't claim to be well educated in the details of the MS v DOJ proceedings, I must express my concern about the potential for loopholes, etc, in the current settlement. As has been stated in some media, the settlement was reached more out of lawyer exaustion than any real breakthrough. MS wore them down.

The settlement also strikes me as a slap on the wrist—it doesn't do much about the privacy concerns about MS. for example (though it may be outside the scope of the settlement to deal with these), all the hooks to MSN and other MS services, etc. tisers —can change these, but MS is unlikely to have the OS installer ask them to pick from a list of option for, say, seach site or web browser. They will set themselves as the default, and perhaps 5% of users will ever change it.

As for OEM rights—that is a step in the right direction and I applaud the settlement's handling of that part. Overall, I'm a proponent of the ''harsher penalties for CRIMINAL COMPANIES,'' plus restrictions such as requiring them to ship both their product and the competing products in ''middleware'' applications like web browsers and eMail clients. So if they can't remove IE from windows, all well and good— integration has its advantages. But they__can__make the hooks available to Mozilla.org, they can implement an alternative and have it ship with windows as a user-selectable alternative. Even better, have the windows installer ask the user what mail program, etc, they want to use!

MS couldn't provide support of course—but they don't provide useful end-user support anyway.

So classify me under ''tougher restrictions and penalties''... and thanks for taking the time to read this.

Craig Ringer
IT Manager
POST Newspapers,
2 Keightley Rd,
Shenton Park WA 6009
Australia

MTC–967

MTC–00000968

From: SantaGRBIV @aol.com@inetgw
To: Microsoft ATR
Date: 11/17/01 7:32pm
Subject: Criticism

Charles James was quoted as saying, ''Some of the loudest and most vocal criticism has come from some of Microsoft's competitors.'' I would say that this is only true because they have the money and power to be vocal. However, I agree completely that if this is all that is going to be done to MS even though they have been found guilt, then the entire process was a waste of time. How much money did US tax payers spend to get a guilty verdict only to have it basically ignored by a remedy that has absolutely no teeth?

Most little guys in the industry are afraid of MS and will not be vocal.

Best regards.

MTC–968

MTC–00000969

From: Karen Asher
To: Microsoft ATR
Date: 11/17/01 7:32pm
Subject: Comment on Proposed MS Settlement

Sirs,

As a former employee of the Bell System who served during Divestiture, I would like to congratulate you on perpetrating the biggest joke ever attempted in the field of anti-trust/anti-competition law. It is encouraging to see evidence of such broad and uninhibited slapstick in a field that is, normally, devoid of any vestige of humor.

I won't address the Proposed Microsoft Settlement terms as I feel Mr. Nader's previous comments to you need no embellishment.

I will speak to my experience as a Microsoft customer and to the frustration and limitations of operating a consumer PC while using an MS platform. In order to keep my Operating System (OS) functional, it was necessary to refrain from deleting MS's Internet Explorer which I do not use. At that time, my resources were limited and I was not in a position to purchase either another PC or a larger hard disk drive. I was not able to fully use all of the functions of that machine which I bought for my own purposes. I consider that to be as intrusive as any other of MS's business practices.

Since then, I have purchased other machines with larger disk space and newer Operating Systems. All of these Operating Systems have been variations of MS Windows as I use MS Office for my personal and business needs. Each machine has the same limitation caused by disk space taken up by MS's Internet Explorer. The most recent OS (ME) will not perform the OS-update function unless Internet Explorer is loaded. No ''patches'', no security updates, nothing. If you feel that this isn't non-competitive in design and effect, then you have seriously failed to assess the totality of the circumstances from the consumer's point of interest. MS's intrusive and un-warranted business practices have cost me money I did not wish to spend over and above the cost of my purchase of their retail products. Microsoft has dictated to me, via their manipulation of their operating systems, the additional software that I could utilize and has prevented me from purchasing and/or using software that would have been of benefit to me.

As this trend has continued unabated since Windows 3.0, I have no reason to believe that it will cease as a result of your efforts. I insist that any settlement with Microsoft that purports to be undertaken on the behalf of consumers or potential competitors must include remedies sufficient to deter MS's monopolistic business practices. Full disclosure of source code to potential competitor's is essential to ensure this. It is also essential that MS not be permitted to place insurmountable obstacles in the path of such competitors. Your Proposed Settlement is not sufficient to guarantee the performance you claim it will produce and should be modified accordingly.

Respectfully,
Karen L. Asher

MTC–969

MTC–00000970

From: JJMForbes@aol.com@inetgw
To: Microsoft ATR
Date: 11/17/01 7:27pm
Subject: Penalty for antitrust activity

Dear Sir or Madam:

I, as a user of Microsoft products, to the exclusion of virtually all other competing software, feel your chosen penalties are NOT nearly harsh enough. This company will never stop its predatory practices when left whole.

They may not stop if split into several pieces, but coordination would be more difficult. I strongly ask that you reconsider your decision.

I own no Microsoft stock, do not and have not worked for Microsoft or any cooperating or competing company, and have no interest in this issue beyond the fact that I am forced by Microsoft to use their products. Thank you.

James E. Forbes
1809 Meridian St.
Reese, MI 48757

MTC–970

MTC–00000971

From: Sam Katz
To: Microsoft ATR
Date: 11/17/01 8:04pm
Subject: Antitrust settlement

Microsoft is not playing fair in its bundling game, the manufacturers have no incentive to replace the middleware, and Microsoft can change the user's preferences by simply giving them notice. Microsoft's bundling uses up system resources and hard drive space, and as I barely use any Microsoft products this is inacceptable. Microsoft uses the price of the Windows operating system to pay for its supposedly ''free'' software. They should sell them as seperate componets. Here are some examples:

1. Firewall: Competes with Norton and a bunch of other utilities

2. CD Burning: Competes with Nero (arguably superior according to review sources.)

3. Windows Media Player (which thanks to the blocking of MP3 ripping puts sites like MP3.com at a difficult circumstance) It competes with realplayer. Its browser can be used to leverage standards like ActiveX and create sucerity hazards for users.

MTC–971

MTC–00000972

From: Richard Flagg
To: Microsoft ATR
Date: 11/17/01 7:58pm
Subject: Microsoft settlement

Dear Sir

I think is is time to let business operate freely. This case against Microsoft has taken to much time and money and has hurt the consumers who buy computer software. I urge you to get on with business and let free entrerprise operate as it should

Richard L. Flagg
430 College Ave
Culver, md 46511

MTC–972

MTC–00000973

From:
Richard Griffin
To: Microsoft ATR
Date: 11/17/01 7:53pm
Subject: Antitrust settlement

As a consumer I am happy that the government is backing away from the drastic sanctions originally considered against Microsoft. I do not know one consumer who has been hurt by Microsoft's business practices. Other companies have to learn to compete. It doesn't make sense to punish a company because it is successful.

Anna Griffin
OFallon, Missouri 63366

MTC–973

MTC–00000974

From: jay
To: Microsoft ATR
Date: 11/17/01 8:38pm
Subject: microsoft

Jay Gardner
4644 shadow wick
Arlington tn
38002

This has gone on long enough. Let Microsoft be. This company has help more people then any company I know (like job creation) I am a computer net work engineer with a bank. This lawsuit is all about the other companies that are jealous of Microsoft's success and everyone knows it. there're companies that are larger and have more anti trust issues that Microsoft. but it always easer to go after the richest man in the world so we can bring him down to earth. Is this what's capitalism is all about jay

MTC–974

MTC–00000975

From: jay
To: Microsoft ATR
Date: 11/17/01 8:38pm
Subject: microsoft

Jay Gardner
4644 shadow wick
Arlington tn
38002

This has gone on long enough. Let Microsoft be. This company has help more people then any company I know (like job cration) I am a computer net work engineer with a bank. This lawsuit is all about the other companies that are jealous of Microsoft's success and everyone knows it. there're companies that are larger and have more anti trust issues that Microsoft. but it always easer to go after the richest man in the world so we can bring him down to earth. Is this what's capitalism is all about jay

MTC–975

MTC–00000976

From: Howard King
To: Microsoft ATR
Date: 11/17/01 8:11pm
Subject: re: Microsoft Settlement
To: Renata Hesse, Trial Attorney
microsoft.atr@usdoj .gov
Fm: Howard King heking@juno.com
re: Microsoft Settlement

Bottom Line:

Settle with Microsoft and let them proceed with making better and improved software for the consumer.

Discussion:

As a retired electrical engineer, I have been a computer user in the last 12 years. Admittedly, I am a dumb computer user. I am good at word processing, but if I have to delve into the operating system, I am lost. So its a good thing the consumer has one operating system to work with.

I believe that a ''standard'' operating system is best for the consumer. Microsoft continues to improve their product and the price is not exorbitant. Considering what the software does, it's a bargain.

I can't imagine what the computer business would be like if there were X number of operating systems. Every application would have to be compatible with each operating system. It would be a mess. Sure it's competition, but has Microsoft raised their prices to hurt the consumer? I don't think so.

Forcing Microsoft to disclose Windows source code is NOT FAIR to any company. Are companies willing to give away their proprietary information? Probably not!

The consumer has not been hurt by Microsoft! they have made computers available to all of America!

Thanks for considering my opinion.

Howard King

P.S. I am a Corel Word Perfect (competitor to Microsoft Word) user, but it is based on the Microsoft's operating system. Windows is great!

MTC–976

MTC–00000977

From: Keith Krabill
To: Microsoft ATR
Date: 11/17/01 8:55pm
Subject: The terms agains MS are not strict enough

Dear sir,

I am not a lawyer, I am an ordinary consumer with no particular connections. The terms published as meeting the antitrust violations are not strict enough. Over the past years, I have noted the recurring problems Microsoft has had in meeting the terms of previous settlement decrees. This is a worrisome place to start.

The terms published in the current plan don't seem to have distinct ''teeth'' to speak of in the event of non-compliance.

Last, the terms don't seem to address the actual issues that led to the court case, and appear to allow Microsoft to benefit from the illegal activities that have been identified.

Thanks

Keith Krabill
6499 Old Post Circle
East Amherst, NY

MTC–977

MTC–00000978

From: Roy Christmann
To: Microsoft ATR
Date: 11/17/01 8:48pm
Subject: comment

Thank you for the opportunity to comment.

I think the government has demonstrated that Microsoft has monopoly power in operating systems for personal computers, and the evidence shows that it uses that power in various ways to further its own ends to the detriment of consumers. Microsoft claims to innovate, but in fact Microsoft copies the work of smaller innovative companies and then uses its monopoly power to supplant their businesses.

Even throughout the trial period, Microsoft has continued to engage in these practices in new business areas such as streaming media. Microsoft's ownership of the operating system franchise makes this practice possible. This situation does not encourage innovation; on the contrary it puts a damper on it because no one can afford to compete with Microsoft.

I urge the DOJ to do something to stop this practice. The current settlement seems to be nothing more than a slap on the wrist. This is very disappointing.

Sincerely,

Roy Christmann

MTC–978

MTC–00000979

From: Marvin Snyder
To: Microsoft ATR
Date: 11/17/01 8:39pm
Subject: Microsoft issues

Please, please, please stop trying to ''protect'' us from Microsoft. If they were a monopoly, the quantity and/or quality of their product would have gone down, or the price would have gone up, or both.

Instead, we now get more computing capability by a huge factor, at a price that has actually gone down, than we ever could get before. Innovation proceeds apace in economies that leave innovators alone. It is squelched in economies that control, regulate, and ''protect.'' We cannot afford to have you people ''protecting'' us any more. It's just simply too counterproductive. Government is an extraordinarily poor allocator of resources, whether they be capital, talent, entrepeneurism, or jobs. Please don't try to outthink, out-allocate, or outsmart the free marketplace of ideas. It's never been done successfully, and there's really no reason to try now. Could you just figure out a way to quietly leave us all alone? I know it flies in the face of what you're trained to do, but please try. We need you to be on our side for a while, and just let nature takes its course. We'll be fine. Honestly.

MTC–979

MTC–00000980

From: Haifeng Xi
To: Microsoft ATR
Date: 12/6/01 2:19pm
Subject: A monopolist should be punished.

Dear Sir/Madam,

The DOJ had previously found Microsoft to be a monopolist, but the settlement included no punishment for past actions. Isn't that a bit weird? It left doubt as to its protections against future Microsoft monopolistic practices. To make things even worse, not long after the DOJ settlement, Microsoft announced it had agreed to another settlement regarding a separate class-action suit brought against the company by numerous parties that alleged overpricing of Microsoft products. On the surface, the settlement forces Microsoft to donate

software, hardware, and services to America's poorest schools. However the settlement could simply introduce Microsoft to a market where they could further extend their monopoly.

I am writing to support a counter-proposal that Red Hat Inc. brought forward. In its counter-proposal, Red Hat offered to provide free software to every school in America if Microsoft provided the value of its donation in hardware costs rather than its own software. Please consider this proposal seriously, for the sake of the welfare of American schools and children.

Best Regards,

— Haifeng

MTC–980

MTC–00000981

From: The Sleuth
To: Microsoft ATR
Date: 11/17/01 8:59pm
Subject: Finally!!!

Dear DOJ folks.

Thanks for dropping this waste of time issue and please do not bring it back up again. Leave progressive innovative companies alone please. Jihad against Microsoft was bad fanaticism.

Rick Morelan
Las Vegas NV

MTC–981

MTC–00000982

From: Timothy R. Butler
To: Microsoft ATR
Date: 11/17/01 8:55pm
Subject: Comments on the United States v. Microsoft Settlement

Dear Sir:

I am writing with a few comments and concerns about the settlement proposal that has recently been established with Microsoft. I am appreciative of the Department of Justice's action to provide this e-mail address for such concerns.

1.) This proposal doesn't seem to attempt to remedy the problem with non-Microsoft middleware accessing files from Microsoft middleware. For instance, it would be advisable to restrict Microsoft from making undocumented changes to the Microsoft Word file format to prevent Microsoft from illegally maintaining a monopoly on word processing software.

2.) This proposal doesn't cover potential problems with .Net, including Microsoft's potential ability to restrict projects (such as Ximian Mono) that attempt compatibility with this format. While the proposed remedy prevents Microsoft from making a protocol that only Microsoft servers can access, it does not seem to prevent Microsoft from making Windows use open protocols to access services that can only be powered by Microsoft products. This is crucial due to the fact that Microsoft's stated goal is to move most computing activities over to .Net infrastructure.

3.) The settlement does not restrict Microsoft from taking anti-competitive action by requiring Original Equipment Manufacturers to pay for Windows even on systems that do not include the Windows operating system. This could be a major hindrance for alternative operating systems such as Linux.

4.) The proposal lacks any preset penalty, other than extention of the proposal, to Microsoft should the terms be violated. Since Microsoft has a track record of ignoring the previous agreement with the U.S. Department of Justice, this could potentially be a problem. In the least, this lack of penalty could cause irreversible harm during the interlude before a new Judgment could be handed down.

5.) Finally, the proposed settlement lacks any retroactive fines or punishment for previous anti-competitive behavior.

Thank-you for your time, I appreciate your consideration of the points considered above.

Warmest Regards,
Timothy R. Butler,
Chairman and CEO,
Universal Networks

Timothy R. Butler Universal Networks
http://www.uninet.info
tbutler@uninetsolutions.com ICQ: 12495932
AIM: Uninettm Christian Portal and Search Tool: http://www.faithtree.com Open Source Migration Guide: http:Ilwww.ofb.biz
''Christian Web Services Since 1996''

MTC–982

MTC–00000983

From: John D. Bohumil
To: Microsoft ATR
Date: 11/17/01 8:55pm
Subject: A concerned citizen's view

Dear Sir or Madam,

I do not feel that the DOJ has gone far enough. Actions should be taken which will guarantee that this issue against MS will not have to be addressed yet again. It would appear that the current decision is merely a ''wrist slap'' which will do nothing to deter MS from continuing the monopolistic practices of which they have been found guilty. I urge you to take genuine and effective action instead.

Sincerely,
John Bohumil
Minneapolis Minnesota USA

MTC–983

MTC–00000984

From: orondo kid
To: Microsoft ATR
Date: 11/17/01 9:15pm
Subject: proposed settlement

fair! defined

us patents run for the protection of valuable trade secrets;

BUT THEY DO NOT RUN FOREVER it is not fair to consumers! businesses that could and would give consumers a choice in the computer industry if the government would give them the chance. Because Microsoft has acted in the manner we are all aware of they should be (punished) by not giving in to them in the arena of secret codes! If keeping others who are capable of givinf us some other operating systems. CPM was great but was squeezed out by...U NO HOO

Sincerely
BERT MUNSON
110 STORAGE ROAD
ELDON MO 65026
AKA ORONDOKID@YAHOO.COM

MTC–984

MTC–00000985

From: Chris Ahlstrom
To: Microsoft ATR
Date: 11/17/01 9:09pm
Subject: Microsoft bundles and disables

Microsoft bundles almost every type of software into their operating systems, and keeps the price of the OS the same. Sounds a lot like when the Japanese dumped memory chips in the U.S.

Can you tell me where are the other PC operating systems that compete with Microsoft? Linux and FreeBSD don't count. Where are the Atari 800 and Atari ST machines? Where are the Commodore 64's (or descendants) and the Apple II's (or descendants)? Where is BeOS? Where is GEM? Where is DR–DOS (or descendants)? All torpedoed by OEM contracts and NDAs.

Are you guys too far out of it to do a good job preventing Microsoft predation? Heck, even Kenneth Starr and Robert Bork are more with it than you fellows.

Sorry to be so rude, but I think Microsoft has bought many people of with shares of Microsoft stock.

Why else would you do absolutely nothing to prevent the lock-in, warranty-voiding deals that the Office stores provide?

I can't even get a ''naked PC'' (look it up at www.google.com)...

I have to pay a Microsoft tax whenever I buy a laptop.

And I strongly dislike Microsoft's buggy beta software.

Thanks for listening.
Chris Ahlstrom
ahlstromc @home.com http://24.9.74/l56

MTC–985

MTC–00000986

From: Crsnot@aol.com@inetgw
To: Microsoft ATR
Date: 11/17/01 9:05pm
Subject: Microsoft Settlement

I strongly urge you and all the States involved to drop all the charges against Microsoft and allow it to go on with the business of creating jobs for the people who desperately need them and wealth for the nation and its stockholders.

Enough is enough, it is time to close this chapter once and for all.

Charles
Notara

MTC–986

MTC–00000987

From: Mike Mormando
To: Microsoft ATR
Date: 11/17/01 9:00pm
Subject: Microsoft Settlement

To Whom it may concern,

Please rethink the Microsoft deal, it isn't a settlement, it's a capitulation, and something that no one with half a brain thinks will really make any progress toward curbing Microsoft's excesses. Thanks for you time
Michael I. Mormando

MTC–987

MTC–00000988

From: vwilson@seanet.com @ inetgw
To: Microsoft ATR
Date: 11/17/01 9:26pm
Subject: Re: A Strong Disagreement...

To Whom It May Concern (The United States Department of Justice):

Quite frankly, I am strongly disappointed with your terms of settlement with Microsoft.

Your conditions are nothing more than an incredible slap on the wrist for the completely diabolical corporate behavior, Microsoft has clearly exhibited.

As well, many citizens, consumers, and businesses that are a great part of the high tech industry were considerably disgusted, as your result of lack of appropriate action.

Thousands of jobs, products, and new markets have clearly suffered as a result of Microsoft monopolistic pillaging.

Without equivocation, the applicable and suitable consequence would have been either the complete breakup of the behemouth, or a requirement that Microsoft only produce the basic Operating system- no internet browser, email, and media player.

For this would truly allow an open and free marketplace.

I, just as several others, are beginning to question what is the true purpose of having a Department of Justice—when it is apparent, the division is completely ineffective and worthless?

The DOJ needs be a part of the solution, not part of the problem.

Thank you for your time and consideration.

Wilson

MTC–988

MTC–00000989

From: Rudy and Norma Brownell
To: Microsoft ATR
Date: 11/17/01 9:26pm
Subject: Microsoft Settlement.
Sir:

The whole process of litigation against Microsoft has been unfair and unnecessary. It all started by a complaint of an unsatisfied person wanting to 'make Microsoft pay and enlisting an eager congressman into this plan. It appears Microsoft will pay through the nose, meaning less opportunity for the public to be better served with out reaching products and services. It is sincerely hoped this judgment will be amended to be not punitive, or, better yet to be reversed.

Thank you for your attention and prayerfully for your support for Microsoft.

Rudy Brownell
308 Dakota St.
Kannapolis, NC 28083

MTC–989

MTC–00000990

From: Timothy Miller
To: Microsoft ATR
Date: 11/17/01 9:16pm
Subject: Microsoft is bad

I would like to add my name to the long list of people who believe the following two things:

1) The settlement has too many loopholes and therefore will not have any significant impact on the behavior of Microsoft.

2) The settlement does not punish Microsoft for past misdeeds. Competition is the corner stone of our economy. Microsoft is blatantly anticompetitive. The problem has to be eliminated, and a weak settlement won't do it. Microsoft will flagrantly violate the spirit of it and call upon the loopholes in order to justify their violations.

I wonder if anyone is going to read this. The DOJ seems to have made up their mind on this issue. What are the chances that it may see the settlement as a mistake?

MTC–990

MTC–00000991

From: c7771eo@ inetmail.att.net@inetgw
To: Microsoft ATR
Date: 11/17/01 9:58pm
Subject: Microsoft Settlement Comments

At the rate at which technology is changing, this suit by DOJ became almost meaningless less than one year into litigation. Motivation for continuance seemed more politically directed than legally. It was like trying to shoot down an F–iS with a slingshot.

Even before the suit began, Microsoft was evolving into another form, with more internet focus. Perhaps a more proactive legal approach via Congress (winch) may work better. Notice any correlation between the demise of the stock market rally and Microsoft's legal troubles?

Hmmm! Microsoft, like it or not is intricately woven into the economy. What used to be said about GM?

MTC–991

MTC–00000992

From: David 0. Blanchard
To: Microsoft ATR
Date: 11/17/01 9:54pm
Subject: Microsoft settlement

The judicial system has determined that Microsoft is a monopoly. The settlement between Microsoft and the Department of Justice imposes only minor sanctions on Microsoft. I believe that stronger sanctions are in order and that the originally suggested breakup of the company may be the appropriate action.

I am not a lawyer and do not speak the language of law. I have, however, closely followed this case and have reached my conclusions based on depth and breadth of knowledge of this case.

Thank you for allowing me to submit my brief comments.

David 0. Blanchard
David 0. Blanchard Flagstaff, Arizona
dob@ntr.net

MTC–992

MTC–00000993

From: Michael Wallman
To: Microsoft ATR
Date: 11/17/01 9:46pm
Subject: Microsoft Settlement

Dear Sir or Madam:

The Microsoft settlement is a blatant sell-out of the interests of the public, a slap in the face of the entire concept of antitrust, and a blatant political pay-off. We shall not forget the details when the next elections arise.

Michael E. Wallman
U.S. Citizen (and Voter)

MTC–993

MTC–00000994

From: WILLIAM HOFFMAN
To: Microsoft ATR
Date: 11/17/01 9:35pm
Subject: (no subject)

I believe the original lawsuit was bad for and the major reason for the collaspe of our 10 years of prosperity. A prosperity that was in large part a product of our technical creativity. Funny, the thing that made prosperous we destroyed.

Bill Hoffman
wshoff@flash.net

MTC–994

MTC–00000995

From: Cameron Huff
To: Microsoft ATR
Date: 11/17/01 10:05pm
Subject: The Microsoft remedy''

To whom it may concern

I am a computer user and former worker in the IT industry (I have no reason or desire to work in IT anymore thanks to Microsoft). I find this ''settlement'' that the Department of Justice proposed to be disgusting and worthless. I believe that it will do nothing to bring competition back into the computer industry and will only harm the United States in the long run. If this ''settlement'' goes through, then the US will be put into a computer backwater where Microsoft rules and anyone who lives in the US will be unable to ''talk'' to the rest of world due to Microsoft protocols that don't ''work'' with any other computer system on the Earth.

If this is what the US goverenment wants, then I am leaving this country as fast as I can.

MTC–995

MTC–00000996

From: melvin d. johnson
To: Microsoft ATR
Date: 11/17/01 10:03pm
Subject: settlement

think the gov.should settle this lawsuit now. it good for the country and buisness. thank you

melvin johnson

MTC–996

MTC–00000997

From: JacHovis @aol.com@inetgw
To: Microsoft ATR
Date: 11/17/01 9:59pm
Subject: Microsoft Settlement

I am very much in favor of the Microsoft settlement. I was opposed to the previous administration's attack on Microsoft which I feel is one of our premier American companys. How did they ever harm we consumers? The answer is that they did not. I for one want Microsoft on my computer!!!! I have had other formats & they do not compare. Thank God for the administration we now have, who are friendly to a great co. such as Microsoft!!!! Thanks for your attention, Jack Hovis.

MTC–997

MTC–00000998

From: Kevin B. Castleberry
To: Microsoft ATR
Date: 11/17/01 9:58pm
Subject: Please let MS get on with making software

Hello,

My business depends on MS continuing to move forward with their. NET direction

ASAP. If MS does not do it I am afraid another company from another country will.

TIA,

Kevin

Kevin B. Castleberry, MCP
mailto:kcastlebeny @BSSAuto.com
919.365.8424 (24x7) Browning Software Services, MCSP Service is Automatic http://www.BSSAuto.com

MTC–998

MTC–00000999

From: Ian Bicking
To: Microsoft ATR
Date: 11/17/01 10:35pm
Subject: I do not support the settlement

As an independant developer who, I feel, has been indirectly hindered in his operations by the Microsoft monopoly, I was very unhappy to see the proposed settlement with Microsoft.

The enforcement authority as presented is far too limited in ability, too closed from public view, and easily coopted, manipulated, and deceived.

You presume that you can somehow trust Microsoft to act in a proper manner, when they have clearly shown that they are untrustworthy lawbreakers, who will purjer themselves to hide their true intents and practices. Their behavior during the suit was absolutely disgraceful. Their extensive use of astroturf ''grassroots'' support shows how little true support they have. This cannot be ignored.

For the settlement to have any real effect, it must not give Microsoft future negotiating power. You cannot let them define things as being ''security related'' and then hide them. You cannot let them say they are doing a best effort, when that best effort is not successful. You cannot let them say anything, because they will *certainly* lie. The proposed settlement is clearly not in the interest of the People of the United States. If it takes longer to get a ruling that you can enforce, then so be it—the compromises you propose are far, far too great, and practically an encouragement to Microsoft that they can blatently break the law and not receive significant punishment. I also hope you take into consideration the fact that some of the pro-Microsoft/pro-settlement feedback will be fraudulent, as Microsoft has done exactly this sort of thing before. If you do find evidence of this, I hope you make it public, and even better prosecute those who would manipulate the system in such a non-democratic and dishonest manner.

Ian Bicking Colorstudy Web Design
ianb@colorstudy.com http://www.colorstudy.com
4769 N Talman Aye, Chicago, IL 60625 / (773) 275–7241

MTC–999

MTC–00001000

From: Gary
To: Microsoft ATR
Date: 11/17/01 10:34pm
Subject: This is why you should stop MS

Thay are nothing but a bunch of copy n paste artists who intend to destroy innovation.

See this link: http://www.euronet.nlIusers/frankvw/index.htmA ''One OS to bring them all and in the darkness bind them...

MTC–1000

MTC–00001001

From: Ravi Gehlot
To: Microsoft ATR
Date: 11/17/01 11:09pm
Subject: My opinion.

Dear readers,

I feel that I should write an e-mail like this because I would like you to know my thoughts about the MS/DOJ case that has been going on. I strongly feel that the DOJ has done an astonishing work for the settlement of the Microsoft case. The Microsoft company had to go to justice and be judged. The company didn't know how to play the role respecting other companies. The monopoly was getting huge and many other few companies were going down because of that. Users now have the free opportunity to choose wether to use Internet Explorer or not since it can be deleted. Other small companies now have the spot they never had before. I really believe that Microsoft is gonna have to work harder than never to keep up with rival softwares and companies. It means better products from Microsoft and more space for the others.

Congrats,

Ravi.

MTC–00001002

From: samntom@senet.com.au@inetgw
To: Microsoft ATR
Date: 11/17/01 11:23pm
Subject: my 1c worth

I've been a sofware developer for almost 10 years.

In that time the options for the mainstream consumer seem to have dwindled. On the plus side, I guess it's easier for someone to walk in off the street and get a computer that mostly works most of the time. There are no confusing choices to make as to which OS, wordprocessor, browser etc., it's all there and it all mostly works. I guess it's like walking into a car yard and saying ''I have $5000 to spend and I want a red one!''. That simple!

I'm annoyed that people don't have the choice anymore, or rather, that the choice is glossed over so completely.Maybe I'm a tech-snob, expecting everyone to have the same understanding and appreciation of computers that I do. Why should you have to understand the internal combustion engine, and how to service it, just to buy a car? The most charitable interpretation of some of Microsoft's actions are a desire to make things easier for the average consumer. Even if that were the intent, I think we've reached the point where the public at large is no longer served by this attitude. I think computers have become complex enough to warrant some respect/appreciation from the users. I don't think we can force consumers to have this appreciation (licenses to own and operate a computer? not likely, or even desirable!). However, when a mayor company completely disregards the consequences of their actions again and again in an effort for market share (mostly by adding features that more often than not result in security nighmares), then they should be help accountable in some way.

I can walk into a shop and buy a car powerful enough to be incredibly dangerous in my novice hands (and I'll probably end up wrapped around a tree). I can buy a computer, connect it to the internet and become a source of a DDOS attack. The difference is that, at least the car manufacturer had to make some attempt to make the car safe to drive. Microsoft seems under no such obligation.

Though the cracked computer does not threaten life directly, how much longer will this be the case as more utilities are vulnerable to attacks from the net? how many lives would be at risk of major powerstations failed due to a DDOS my missions of compromised systems? OK, maybe that's stretching things a bit far, but what about the cost to industry? The email became a lot longer than I planned, and (until now) I even avoided mentioning the L word (''LINUX'', there, I've said it!). I've tried to present what I feel are arguments applicable to the majority of computer users, there are many more applicable to computer nerds like myself.

I've you've gotten this far, I'd like to sincerely thank you for taking the time to read

my email.

with friendly regards,

Thomas Sprinkmeier

P.S. I know it's customary to give 2 cents worth of opinion. I took the liberty to convert from Australian dollars

MTC–00001003

From: William E. Murray
To: Microsoft ATR
Date: 11/17/01 11:19pm
Subject: Bad judgement in settlement

I believe you have done all consumers and an entire industry a grave injustice. This settlement is only politics as usual. You should hang your collective heads in shame for this sellout. I have retired after 43 years in the industry. Bill Gates and company were lucky others made grave mistakes in marketing.

Marketing is the only strength of Microsoft they will now smother both the consumer and all competitors.

At least it seems the EU is going to continue as well as some states who have integrity. Once again I can not stress enough the so called settlement is very bad for this country.

William Murray

MTC–00001004

From: Mark(u)D(u)S
To: Microsoft ATR
Date: 11/17/01 11:12pm
Subject: Choices

As a US consumer I am pleased with having the option to choose between many brands of cars, refrigerators and tv's. I am also pleased that I can buy my car from Japan, my TV from Korea and my refrigerator from German.

However I'm extremely disappointed in the lack of choices I have for buying OS software. Why can't I buy an OS created in Japan or Germany. The US court is illegally protecting the US economy by allowing the continuing Monopoly of Microsoft, with some minor slap on the wrist.

Sincerly Mark Simms

MTC–00001005

From: Earl Brightup
To: Microsoft ATR
Date: 11/17/01 11:37pm
Subject: Microsoft Settlement

Forget about breaking Microsoft up.

The only way to allow the software business to become competitive is to force Microsoft to license their source code (on any product released for sale to the public), to anyone who wants it, for a reasonable fee (say $5,000 or $10,000), making it available within 90 days after first delivery date.

This allows anyone to make improvements and sell them, make additions and sell them, make competitive products and sell them. In other words, it allows competition to those who wish to pursue that course. It also allows anyone who claims Microsoft stole their code to see if the code sequence(s) are in the new product.

If you don't allow this, Microsoft will always hide behind the ''improvements to the Windows experience'' bunk.and continue to pursue its cutthroat tactics

Earl D. Brightup
9105 Fox Estates Drive
St. Louis, MO 63127
(314) 842–0208

MTC–00001006

From: Weigen Liang
To: Microsoft ATR
Date: 11/17/01 11:35pm
Subject: Against the settlement

Against the settlement.

DOJ tried this before, the MS abuse continued.

See below: The DOJ promised in its 1995 settlement that it would ''end Microsoft's unlawful practices that restrain trade and perpetuate its monopoly power.'' Yet as Sporkin rejected it, he complained that, ''simply telling a defendant to go forth and sin no more does little or nothing to address the unfair advantage it has already gained.''

MTC–00001007

From: Dave C. Hill
To: Microsoft ATR
Date: 11/17/01 11:27pm
Subject: Enforce The Findings of a Federal Court!

Dear Renata Hesse,

Today in the mail I received an advertisement for Qwest DSL/MSN services (despite the fact that I'm already a Qwest DSL subscriber). I'm offended, on behalf of all computing consumers, on the technical requirements listed for using MSN internet service...

Nowhere on the cover letter, nor in the main text on the tri-fold brochure, is there any mention of technical requirements listed. The words ''PC'' and ''Windows'' are not even mentioned... On the back page, in a 3'' square block of fine print, the requirements are identified as ''Windows 98 Second Edition or later operating system.'' This, of course, means that only newer Windows PCs are supported, a typical Microsoft tactic..

A couple of months ago, a friend of mine in Colorado Springs got an iMac for his kids. He uses PC's for his business, and was already an MSN subscriber, and wanted to set up the iMac to use MSN for internet access as well. Since the iMac already came with Internet Exploder (oops, I mean Explorer!) and Outlook Express, he thought that he already had the software that he would need to have installed. He called MSN tech support to get instructions on how to configure the iMac to dial in and get connected. After waiting on hold for a while, the tech support person told him that MSN could not be used on Macintoshes, and that they did not support it. My friend refused to accept this, and called me for a second opinion. Figuring that it just used a ''PPP'' dial up connection, I could see no reason why it wouldn't work with his iMac I had him open his ''Dial-up Network Connections'' dialog on his PC to get the phone number and user ID. Next I had him look at the network settings, and discovered that everything was set to use DHCP (Dynamic Host Configuration Protocol).

The only thing that I can think of that is different about DHCP on the Macintosh is that it expects to have the IP addresses for the Domain Name Service (DNS) manually entered into the configuration dialog. Since MS wouldn't give the DNS addresses to my friend, I had him dial up from his PC, then we used the ''winipcfg'' command to determine what addresses had been assigned by the server.

Now armed with the user ID and password, the phone numbers, and the DNS addresses, we set up the Internet preferences on the iMac, and within minutes we were online with MSN from a Macintosh] (It amuses me to do things that others, especially MS, say are not possible!) I think that it took us less time to solve the problem than he spent on hold waiting for MSN tech support!

As I've mentioned at a couple of MacinTech meetings this summer, Qwest has partnered with MSN to replace their own ISP services, Qwest.net, in exchange for offering Qwest DSL service to MSN users. They intend on converting all of their current Qwest.net residential subscribers to use MSN services by the end of the year, except for Macintosh and UNIX users that MSN says that they can't support. MSN doesn't offer several of the services that Qwest has offered for years, such as multiple email addresses for a single dial-up account, and automatic email virus scanning. These services will be discontinued when users switch to MSN.

I am offended not only because MSN won't support non-Windows platforms, but I'm also bothered by how they are treating PC users... Note in the requirements that it specifies Windows 98 Second Edition, or later. If a PC user was still running Windows 95, which would be perfectly reasonable for many home users, they would also not be supported. While they have the option of upgrading, this could turn into an expensive proposition. Chances are that they would be forced into adding memory, and perhaps adding disk space as well, as MS tends to increase the need for memory and disk space with each upgrade. While Win98SE is listed as the minimum, chances are not good that you would still be able to purchase an upgrade to 98, as it is (obviously) several years old. They would probably need to upgrade to Millennium Edition, which may introduce enough incompatibilities that they may then be forced to purchase upgrades to many of their applications as well... All of this time, money, and effort just to have a faster internet connection!

As many of you know, even though my passion is really for the Macintosh, I have supported PC's for the past six years or so. I can't understand why a DSL connection that uses an EtherNet connection to connect to the computer, couldn't be supported adequately on Windows 95, or the first release of Win98, rather than only the Second Edition. The ''or later'' clause is also troublesome when you consider that NT4 came out in 1996, so it would apparently not be supported either. Only Win98SE, Millennium Edition, and Windows 2000 would be supported, as well as Windows XP.

It irritates me when technology companies almost seem to go out of their way to incorporate ''planned obsolescence'' into products and services in order to force consumers into upgrading. While sometimes the improvements in technology mandate changes and upgrades, both networks and the Internet were widely available prior to 1998, so I can't think of any reason that MSN would be unable to support high-speed internet access from older platforms. I believe that Apple has been extremely supportive of their installed customer base throughout the years. Apple's software upgrades have been kept very low cost, often free or available for the cost of shipping and handling, such as the 10.1 upgrade. Apple even used to offer hardware upgrades, where the logic board from an older machine could be replaced with a new one, literally making it the same as the new model. Microsoft's software upgrades are often more than half the price of the full product. Even though Apple's hardware may be a bit more expensive in the initial purchase, I still believe that they are less expensive in the long run to own, operate, upgrade, and support.

Microsoft has been working on new product licensing and support programs where the software and support are virtually rented or leased, rather than purchased. The cost to purchase standalone versions of the products will become increasingly high, until it becomes cost prohibitive to not participate in the programs, which force users to stay up to date with current software offerings. This isn't being done for the customers benefit, it is to provide a continuous revenue stream for Microsoft. They are afraid that users aren't going to be convinced that there are compelling reasons to upgrade to Windows XP or Office XP, and that they will just continue to use the applications and operating system that currently have, depriving MS of any additional profit. It has also been reported that Microsoft intends to stop supporting Java and JavaScript, popular Internet web site scripting languages developed by Sun Microsystems, in future versions of Internet Explorer. The only scripting that will be supported are Microsoft's own technologies like ActiveX and VBscript. This is not due to waning support for these competing tools in community, nor by expensive or restrictive licensing from Sun. I believe that Microsoft is once again attempting to ''herd the sheep'' in the direction that is best for Microsoft,

with no regard to the best interest of the user. I'm sure that MS hopes that since IE is so prevalent, with so many users, that more companies will be forced to switch their web sites to use MS web technologies, which of course are only available on MS servers.

I feel that companies should win customers and sell products by being better, not by being bigger. Positioning products to eliminate competition, reduce the number of alternative choices, or manipulate consumers down a path of increasing dependence are desperate practices. I have heard several sports commentators discussing the home run race during the past couple of seasons being driven by the competition between Bonds and McGwire. Without the pressure of the competition, and the incentive to outperform one another, many speculate that neither one would have accomplished the feats that they have. In the early days of desktop publishing, the race between PageMaker and XPress, or Illustrator and Freehand, made for better products all around. This kind of competitive, open market economy is what this country was built on. Microsoft, in my opinion, has lost sight of this view. They are not concerned about serving their customers, or providing them with innovative, useful tools to increase their productivity. At least, they are not as concerned with that as they are with making a bigger profit, squeezing more little competitors out of the picture, and expanding their market share until they have a completely captive market that they can lead around by the nose...

To serve customers with better products, and more options, they would want to offer the same products and services across a broader range of platforms. I have never understood why the Access database, such as it is, has not been offered on the Mac, when it is bundled with Office for Windows. FileMaker is cross-platform, with files that are interchangeable, so I am certain that this would be possible. Oracle has made their database run on Mac OS, why not SQL Server? There have been plenty of email servers on the Mac, why not Exchange? Why can't you synchronize a PocketPC device with a Macintosh the same as we do with Palm devices? My view is that MS offers products on other platforms only to dangle a carrot in the eyes of users, hoping to eventually lure them over to the dark side (a Windows-based platform) in order to get the rest of the features.

Apple, for instance, has produced FileMaker and ClarisWorks for Windows, and has recently released a Windows client for its free iTools web services. Palm offers desktop synchronization software for Macintosh and Windows, and there is free software available for Linux as well. Microsoft has also taken an adversarial approach to open source or free software such as Linux. Corel and Viso, before being sold out to Microsoft, had embraced the Linux community as an opportunity, offering their products to a new audience. Why wouldn't Microsoft want to offer Office for Linux, enabling users to pick the platform that best suited them? For that matter, it seems to me like Microsoft could do well to follow Corel's lead, and offer its own distribution of Linux. MS could build a better installer wizard, port features like ODBC and OLE, and make a system that could easily interoperate with Windows machines, while perhaps offering higher performance on older hardware. They would still generate revenues by selling the OS, the applications, and the support services.

Well there you have it ! Now, have the ''Ball's'' to correct these situations and mead out the punishment to Microsoft that they have proven to deserve. A slap of the wrist won't cut it! They continue to abuse the consumer and the competition with their unbridled arrogance even while facing the pending punishment you are charge with coming up with. You know it and so do the nine states that will fight for justice.

Sincerely,

David C. Hill

''Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and the success of liberty.''

....John Fitzgerald Kennedy—1/20/61

Dave Hill <dchitll@qwest.net> :-)

MTC–00001008

From: Kelly L . Fulks
To: Microsoft ATR
Date: 11/17/01 11:27pm
Subject: DOJ/Microsoft settlement

To whom it may concern:

I feel that the proposed resolution was not properly worked out to the benefit of the American public. The proposed resolution was reached quickly under the disguise of Sept. 11. It was claimed that a quick resolution to this case would benefit the economy and the public. While in the very short term, this might have some validity, it seems that the long term needs more consideration.

Doesn't the release of Windows XP prove that Microsoft isn't going to change? They continue to ''integrate'' things into the OS so that alternatives are not available, and they continue to pressure vendors, so that alternative OSs are not available. While I feel that Microsoft has the privilege to include any software in the package that they wish to include, they should not be ''integrating'' everything into the OS. I also believe that parts of the proposed resolution might be good.

Microsoft providing references to file formats, etc would be a good thing as standards and inter-operability of systems would be a good thing. However forcing everyone into a single mold isn't good for anyone. Why should I be ''forced'' into the Windows XP mold like the rest of the world? Maybe it doesn't fit my needs. Free markets are founded on choice and I have not choice right now, I don't have a choice because the major vendors can't sell a computer with a Microsoft OS already installed. I have no choice, I must pay for it whether I use it or not. This would be like paying Chrysler before you can drive your Lincoln car. Please reconsider and withdraw this proposed resolution and spend a little more time helping the consumers and the economy, instead of caving in to what is good the Microsoft and is quick.

MTC–00001009

From: Jerry Tibor
To: Microsoft ATR
Date: 11/17/01 11:58pm
Subject: Comments about the Microsoft Antitrust Settlement

''...the settlement, if approved by the court, would ''eliminate Microsoft's illegal practices, prevent recurrence of the same or similar practices and restore the competitive threat'' the company faces from rivals.''

The above is a quote from an Associated Press article about the Department of Justice's statements on the proposed Microsoft settlement. I can only believe that the Department of Justice may know a great deal about the law but they know very little about the computer industry and even less about Microsoft and their historical behavior in the industry.

The proposed settlement would do absolutely nothing to prevent the kind of abuses that Microsoft has employed time and again to first gain and then perpetuate their monopoly on desktop operating systems. I find it tragic that Judge Jackson chose to complicate this case by his actions, yet his assessment of Microsoft in the interviews he granted was absolutely accurate. In my experience, Microsoft is singular in its approach to business and demonstrates a complete lack of morals or ethics.

A conduct remedy will do absolutely nothing to change their approach to the marketplace. They have always been and will continue to be uncooperative in changing any of their business practices. They will choose to misinterpret every aspect of the settlement to their advantage, and the settlement doesn't really require them to give in that much in the first place. This settlement is not in the public interest and if approved, time will show that it is simply inadequate to change the monopolistic behavior of Microsoft.

Jerry Tibor, CNA

President, Network Users Group of Anchorage

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MTC–00001010

From: AMaiersugg@aol.com@inetgw
To: Microsoft ATR
Date: 11/17/01 11:46pm
Subject: (no subject)

Dear Sirs,

Please settle this matter as quickly as possible. It seems to us that from the time the Justice Department began this suit, the stock market has had a very difficult time staying out of the basement. The completion of Microsoft should just work a little harder. Amazing that the states still opposing this settlement have tech companies who are not doing quite so well.

Good it be sour grapes?

You have far more important matters to be concerned with at this time. Let's just get this over.

Sincerely,

Ann and Bob Maier-Sugg

MTC–00001011

From: lloyd olson

To: Microsoft ATR
Date: 11/17/01 11:44pm
Subject: microsoft

Dear Sirs,

I think that the case has been completely rediculous, in the first place.If you have to punish them, have them pay for some medical for the Afgans.This case has made the economy go down hill and now with the war, we just may have a bad recession.

Sincerely,

Eileen and Lloyd Olson

MTC–00001012

From: Larry Belkin
To: Microsoft ATR
Date: 11/17/01 11:39pm
Subject: Microsoft Settlement

Anything less than a settlement requiring the separation of the Operating System from the Software Division is unenforceable; Microsoft will continue its monopolistic practices. If we really want other Operating Systems and other software developers to have a fighting chance, please require that Microsoft be divided into to separate companies: 1. Windows Operating System; 2. Microsoft Software Co.

Thank you.

MTC–00001013

From: Paul Rippey
To: Microsoft ATR
Date: 11/18/01 12:16am
Subject: Microsoft settlement

Imagine that Ford also made highways and gas stations, then got enough of the market so they could manipulate the technology and somehow make cars that worked better on their own highways, and ran better on their own gas stations. Ford would make half-hearted efforts to let other car manufacturers have their secret codes for adapting their own cars to the Ford highways and gas, but the others would know that there would always be new versions coming out, and that Ford would always have information first, and would not introduce the new highways until their cars were perfectly tuned for them. The situation is analogous in software. Please continue reading.

Dear Department of Justice,

My understanding is that you have sollicited public comments on the MicroSoft case from consumers. I am a consumer and have a particular experience to share.

I believer that MicroSoft has been able to manipulate their operating system monopoly into a monopoly in other areas. A case in point: It is a problem for me that there is only, essentially, one word processor on the market. Since there are millions of computer users, and word processors are relatively easy to program, and tastes vary, this is a distortion.

I have used MicroSoft products for around fifteen years, I like some, and I don't like others. That seems like the way things should be in a competitive market. I personally find the word processor Word to be overkill. It has countless features that I don't want or need, and it does not do the things I want particularly well. I recognize that there might be other users who love it, which is fine. My problem is, as a Mac user, I have no choice. None. Because the Word file format is the standard, and it is very difficult to open Word documents perfectly, I am obliged to have Word on my computer.

I have now upgraded my principal Mac to system OSX and want to upgrade my other software. The MS Office upgrade costs $250. My wife has a second computer, and I use one at the office also. That is $750 that will eventually be paid to MicroSoft for UPGRADES, not even buying the original program. Intuitively, this is more than the market price would be if there were competition. Like I say, it is heavy burden.

I believe that the MicroSoft monopoly constitutes a heavy burden on me and on the rest of the American Public, and the proposed settlement is too little and too late. Nothing in the proposed settlement makes me think that things will change in any substantial way.

Paul Rippey
4, Rue Dribka
Oudayas, Morocco
212–37–70–23–21
CC:hendersonn@ washpost.com@inetgw, contribute@macosrum...

MTC–00001014

From: Dahv Kliner
To: Microsoft ATR
Date: 11/18/01 12:04am
Subject: DOJ cave-in

The proposed Microsoft settlement is woefully inadequate. Given the serious and sustained nature of Microsoft's illegal activities, the penalties are insufficient, and the settlement will not ensure fair competition in the computer software industry. Microsoft has not even admitted any wrong-doing. Please ensure that our nation's anti-trust laws are enforced.

Dahv Kliner
2624 Campeche Court
San Ramon, CA 94583

MTC–00001015

From: ROBERT H BARGE JR
To: Microsoft ATR
Date: 11/18/01 12:00am
Subject: Microsoft Settlement

Having followed this case from its inception I think the proposed settlement is good for M'soft, the government and,most of all,THE CONSUMER. R H Barge, Arcadia, Ca.

MTC–00001016

From: J. Davis
To: Microsoft ATR, Gary Lody, pulsetaker
Date: 11/18/01 1:09am
Subject: Microsoft Settlement

D.O.J.—Show us some Justice. In the mid-nineties, Microsoft agreed to stop it's predatory and monopolistic practices. They obviously didn't. Their attitude has always been to push the limit. It's standard practice for them call in the lawyers and ask just how far they can go. All they're getting is a slap on the wrist, again. They know that in three or four years, they can drive on with doing what they do best. Putting a strangle-hold on the world by stifling competition, and overly restrictive licenses that won't even allow me to transfer my old copy of Windows 95 to my mother when I upgrade my computer.

We, the people who have been paying through the nose, would like to actually see some justice done. Their ''screw the little guy'' attitude shouldn't go unanswered. If you aren't going to break the company up, which is the only just thing to do, at least make them to release their source code. As a matter of fact, really foster some competition. Make them release their source code to the linux developers. Then they'll really have to earn their market position. If you don't, they'll just do everything they can to circumvent the Law and fair business practices again and again. They were doing it elsewhere without any fear of reprisal, while this trial was underway. Included are a few examples of Microsoft's conduct. Pay attention to the dates. They go back a long way. Only a pittance few are listed here.

Quoted from http://www.csse.monash.edu.au/-lloyd/tilde/InterNet/Law/ February 2001: Sun accepted $20M from Microsoft in an out of court settlement for MS breaking the Java license conditions. Microsoft probably looks upon this as small change for delaying tactics to muddy the Java waters while getting a competitor up. 24 July 2001, Linux offer to charity in Windows row, The Age IT1 p2, Nathan Cochrane. ''Sydney free software distributor and trainer Everything Linux has pledged to support a Geelong children's charity whose work Microsoft halted last week for distributing PCs with obsolete copies of its software.'' [...] a.. [LA: It shows the potential risk of getting locked in to a single source monopoly supplier. Many charities are donated old PCs. These often are not big enough or fast enough to run current MS Windows. MS have apparently stopped this charity from loading copies of e.g. Win3.1. Fortunately the Linux operating system will run fine, even on an old 486, and it's free. And Openoffice (Staroffice) is a free office software suite -word, -excel, etc.—see [Sun] in Refs.]

4 August 2000: The European Commission (EC) began investigating claims that Microsoft selectively withheld information from some software companies, seen as being competitors, with the aim of extending its near monopoly in the desk-top operating system market into other markets. This would violate European Union antitrust laws. February 2000: The European Commission (EC) will investigate complaints that Microsoft that indulges in anti-competitive practices, in particular making it difficult for competitors to write software that can interact with the new Windows 2000 p.c. operating system.

20 November 1998: The Microsoft Anti-Trust case has been running since 19 Oct 1998 and some heavyweights have now testified about pressure being applied to them by MS to do, or not do, 'uvw', or else MS might do 'xyz' e.g. Intel w.r.t, some Intel multi-media software that MS allegedly disliked, Apple w.r.t, its QuickTime movie product, its default web browser and MS Office software, and of course Netscape... Bill Gates has also testified, denying the significance of internal MS email messages containing threatening language against other companies.

17 November 1998: A US court found that Sun Microsystems Inc. would be likely to win its case, that Microsoft violated its Java contract and therefore granted an injunction

that Microsoft must change any of its products (e.g. Windows98, Explorer ....) that it claims to be Java compatible, or that are derived from Java technology, so that they genuinely are compatible with Sun's Javatm test suite.

19 October 1998: Microsoft Anti-Trust case begins in court. D. Lawsky. MS 'disabled' competitor's sound system. The Age, IT1, Tues 28 July 1998, p3. Realnetworks Inc. [make internet sound and music software] ... has accused Microsoft of releasing a program that disables its product. Chief executive Robert Glaser [of Realn'] [...] told the Senate Judiciary Committee [MS] was using its dominant position to extend its grasp of the software market. [...]

Four other executives [inc' from Lotus, Acer] gave specifics on ways they said Microsoft used a monopoly in the Windows operating system to compete unfairly. [...] March 1998: A USA court told Microsoft to remove the Java-compatible logos from Microsoft Internet Explorer and Microsoft Software Developers Kit while a court case brought by Sun Microsystems continues. Sun has sued Microsoft for breach of contract over its Java licence; see 7 October 1997 below. This may yet be a case of Sun winning a battle but losing the war? January 1998: Apple turned in a profit after its recent losses, painful cuts and much debated $150M investment by Microsoft (1997).

Conrad Walters Microsoft faces fine over Net dominance, The Australian Wed' 22 October 1997. The US Justice Department yesterday asked the Federal Court to fine Microsoft $US! million a day over the software giant's attempt to dominate the Internet. [...] [LA: Microsoft's web browser Explorer-4 grows ever more closely involved with the Windows-95 (soon Windows-98) operating system. Microsoft's argument is that they are just adding improvements and new functions to their o.s.. The counter view is that MS is attempting to stifle competition in the web browser market, specifically to knock-off Netscape which held 70% of it as of mid 1997. The European Commission is also investigating if Microsoft is using its monopoly of Windows-95, and hence monopoly (to all intents and purposes) of P.C. operating systems, to force computer suppliers to install Explorer as the default browser to the detriment of Netscape. Incidentally, it has been suggested that if the Windows O.S. specification was freely available there would be some real competition in P.C. operating systems because other software companies would be able to implement the spec', hence be able to run the applications programs which are the reason for Windows' popularity, and offer an alternative to MS.]

7 October 1997: Sun Sues Microsoft For Breach of Javatm Contract Sun claims that Microsoft products Explorer 4.0, the recently (Oct 1997) released ms web-browser, and Software Development Kit for Java (SDKJ) failed the Java compatibility tests and so should not be labelled as being Java compatible, nor should the Java-compatible logo be applied to them. The Sun press release alleges that Microsoft's actions include ''...secretly adding Win32-specific and other APIs to the Java class libraries...''.

Some conspiracy theorists believe that Microsoft would like to kill Java off, others that it would like to hijack it.

Ralph Nader's Essential Information is organising an Appraising Microsoft conference (13–14/11/97) to discuss whether or not Microsoft engages in unethical business practices and whether its dominance of the p.c. software market is harmful.

Quoted from Fox News:

''Speaking on CNNfn's Digital Jam, O'Reilly & Associates president Tim O'Reilly said he was questioned earlier this week by Justice officials, and that he told them that Microsoft is artificially trying to keep some competitors' software from functioning properly on its desktop Windows NT environment. [...]

''O'Reilly said he's concerned by the fact that Microsoft—which by its own admission is somewhat of a latecomer to the Internet software market—is trying to take control of the global network. 'They're doing all they can to take control (of the Internet). In the process, I think they're damaging it pretty seriously.' ... Microsoft started creating a showdown when it began bundling its Web server with Windows NT, it's high-end operating system. Microsoft is reportedly telling companies they can't use competitors' software on the NT workstation platform and have sought to limit the use of standard Internet protocols with their software. ... '''They're saying 'you have to use our platform the way we want you to.' The vision they have is contrary to the way people want to use it. They're saying we'll tell you how to use the Internet and saying the way we want you to use it is the way that benefits our revenue the most.''' CNNfn, 8.22.96

LA Times:

''In the most dramatic allegation yet that Microsoft Corp. uses bullying tactics to protect its turf, Apple Computer Inc. has charged that the software giant threatened to withhold a key piece of software unless Apple agreed to drop two lawsuits and a competing product.

''The allegations are contained in a Feb. 13 letter from Apple to U.S. District Judge Stanley Sporkin. In a stunning decision last week, Sporkin rejected as too narrow a consent decree that settled antitrust charges by the Justice Department against Microsoft. [...]

''Microsoft ... denied the allegation, and Chairman Bill Gates said he was disappointed by Apple's treatment of Microsoft. [...]

''According to Apple... the computer maker a year ago attempted to obtain a copy of Windows 95, a yet-to-be released version of Microsoft's best-selling operating system software. ... Typically, Microsoft gives an early version of its software to independent software developers. Since December, 1993, about 40,000 independent software developers have received the early, so-called beta versions of Windows 95.

''Apple claims that Microsoft withheld Windows 95 because of two copyright infringement cases. In 1988, Apple filed suit against Microsoft, contending that Windows copied the Macintosh operating system. ... In December, Apple filed a lawsuit against San Francisco Canyon Co., charging that the start-up company gave Apple's copyrighted video software to Intel Corp. and Microsoft. Later, Apple sued Microsoft.

''... Apple Chief Executive Michael Spindler and Microsoft's Gates met to settle their disputes .... Apple contends that Gates issued a veiled threat against Apple, saying that withholding Windows 95 was 'cause and effect' for Apple's decision to file a second lawsuit against Microsoft. ''At the same meeting, Gates asked Apple to drop Open Doc, a software program that competes with a Microsoft product called Ole.

''Apple said it informed Assistant U.S. Arty. Gen. Anne K. Bingaman of its problems with Microsoft. After a phone call from Bingaman, confirmed on Thursday by the Justice Department, Apple received the early version of Windows 95.

''Although unorthodox, Bingaman's decision to intervene falls within her rights, legal experts said. 'I wouldn't call it mediation,' said Stanford University law professor William Baxter. 'I would call it law enforcement.' [...]

''Gates ... sent a letter to Spindler, saying that he was 'disappointed' by Apple's actions. 'Microsoft develops more software for Apple than any other company,' he stated. Reflecting the tense relations between the two, Gates listed more than two pages of grievances.'' Los Angeles Times, 2.24.1995, p. D–1

''Critics of the Redmond, Wash.-based company, the world's largest software publisher, have repeatedly claimed that it has used its dominance and relationship with IBM to crush tiny competitors and outmaneuver larger rivals.

''Particularly upsetting to many smaller software publishers is Microsoft's unique strategy of providing both system software, which controls the computer's basic operations, as well as application programs, such as word-processing and spreadsheet packages. ''Critics argue that because Microsoft controls the system software, it has an unfair advantage in developing application programs that must operate with the system software.''

Los Angeles Times, 3.13.91, p. D–2.

Quoted from ZDNet:

Caldera vs. Microsoft: It's Not Over Yet

By Mary Jo Foley

Smart Partner

February 4, 2000

Caldera and Microsoft may have ended up settling their four-year-old antitrust suit before it went to trial, but the fireworks aren't over. The latest explosion: Former Microsoft Germany employee Stefanie Reichel admitted in her deposition that she destroyed files and other information that potentially could have been used as evidence against Microsoft in the Caldera case. Reichel also admitted in the newly public deposition excerpts that her direct supervisor discarded hard drives of computers in Microsoft's German office.

Reichel said in her testimony she had destroyed e-mail messages that ''could be problematic in an investigation,'' at the request of Microsoft management. Reichel also said she may have destroyed paper copies of documents.

At the end of January—as a result of a lawsuit brought by three media firms, The

Salt Lake Tribune, The San Jose Mercury News and Bloomberg News—a number of previously sealed documents in the Microsoft-Caldera case were unsealed. Among the two boxes of documents were tens of pages of excerpts from

MTC–00001017

From: Bob Hastings
To: Microsoft ATR
Date: 11/18/01 12:48am
Subject: Microsoft Anti-trust case

I cannot believe that the United States Federal Government is letting Microsoft off so easily after having been found guilty of so many charges. They are a monopoly that has absolute control over the PC market and will be free to charge whatever prices they choose for their products and there's not a thing that any of us in the Information Technology industry can do about it. Look at their new licensing policies for Pete's sake. I'm sure Bill Gates and Steve Ballmer are having a good laugh at all of our expense.

Don't believe me? Next time you go into a CompUSA or any other computer store and just try to find any application that doesn't run on Windows. This is wrong and it shouldn't be this way and it doesn't look like our government has the guts to stand up to a finincial dictator.

Sincerly saddend

Robert J. Hastings, Microsoft Certified Systems Engineer
6202 Myra Court
Austin, Texas 78749

MTC–00001018

From: Tom
To: Microsoft ATR
Date: 11/18/01 12:46am
Subject: My opinion

(1) Microsoft is guilty of monopoly practices.

(2) They are likely to continue.

(3) They should be heavily fined for past offenses, with compensation to victims.

(4) They should be made to undo the structural blocks posed by their practices, and also to do some things proactively to promote competition.

(5) They should be monitored closely in the future. (The DOJ should not quit the case until all harm—past, present and future—is rectified.

Thank you,
Tom Chapman
Santa Ana, CA

MTC–00001019

From: John C Trosie
To: Microsoft ATR
Date: 11/18/01 12:17am
Subject: opinion re Microsoft

The Government should now leave Microsoft be.

The benefits Microsoft provides the economy and the technical Improvements to the industry far out ways the possible damage that company does to competition. In fact, Microsoft provides a stimulus to the competition, or should, to do better, do more research, etc. be more inventive, more productive to help the present state of the economy... John C Trosie

MTC–00001020

From: Chris Adams
To: Microsoft ATR
Date: 11/18/01 1:25am
Subject: Extremely disappointed with the proposed settlement

I work in IT and see how much money Microsoft's practices have cost my clients on a daily basis. When Microsoft was found guilty of antitrust violations, I had hoped it might restore competition to the industry. Unfortunately, the proposed settlement looks like it was written by Microsoft's lawyers—it gives up less than they were offering to settle for before losing the case!

Now that Charles James has sold out a significant fraction of the US economy and cost the US a few trillion dollars, I wonder if this approach will extend to other areas of law enforcement. Will a convicted drug dealer or murderer be released if they promise not to do it again? I'm sure many of them have enough money to pay off the same people.

Regards,
Chris Adams

MTC–00001021

From: Troy L Jacobs—Raw Infinity
To: Microsoft ATR
Date: 11/18/01 1:21am
Subject: Microsoft Settlement

Greetings,

A lot of people have been swayed by the headlines on how much of a monopoly Microsoft has, I just want to set a few things straight. I have been programming computers for almost 20 years and have seen a lot of changes in technology in that time. Microsoft has far surpassed others when it has come to opening the door for programmers.

They have piloted such technologies as Active X and the Component Object Model (COM).

We programmers have never had as much freedom as we do now. Instead of cutting us out of the picture or making us no more than vainglorious macro writers, Microsoft has given us the best (by far) programming environment in the world. They pioneered Rapid Application Development (RAD) and created an awesome opportunity by incorporating Visual Basic for Applications into all of the Office programs.

A lot of people may not speak highly of what they consider to be a monopoly, but others and myself are very grateful that Microsoft has given us this freedom.

Microsoft must spend millions of dollars just developing the technologies that I am speaking of.

They could have just as easily made all of the Office programs ?closed?. Instead they exposed all of the objects in them so that we could program them ourselves.

The battle between Internet Explorer and Netscape is now ludicrous. With the advent of COM and Distributed COM (DCOM) the horizon is now clear.

As I programmer I had to research for quite some time to decide what technologies that I would invest in and learn. I studied all of the available ones and found that Microsoft has, bar far, the best suite of languages and programming environments.

I am looking forward to what the future holds. We should all be grateful.

Regards,
Troy L Jacobs
Raw Infinity <http://www.geocities.com/rawinfinity>
Phone: 503.752.2849
rawinfinity@yahoo.com <mailto:rawinfinity@yahoo.com>
www.geocities.com/rawinfinity <http://www.geocities.com/rawinfinity>

MTC–00001022

From: Sam Cramer
To: Microsoft ATR
Date: 11/18/01 1:10am
Subject: The proposed settlement is far too weak

The proposed settle of Microsoft vs. US is far too weak. As a software professional who has worked in the field for 20 years and as a keen observer of Microsoft's unfair tactics, I believe that the proposed settlement will do next to nothing to stop Microsoft's outrageous abuse of their monopoly status. At the very best, the proposed settlement is a slap on the wrist. To this concerned citizen, it looks like a sell-out.

Sincerely,
Sam

MTC–00001023

From: Kevin A CLick
To: Microsoft ATR
Date: 11/18/01 1:43am
Subject: Microsoft/DOJ settlement

To whom it may concern,

I am writing this in response to the latest lawsuit against Microsoft. The proposed settlement is apparently satisfactory to some states and individuals. Clearly, however it is unsatisfactory to many. I am dissapointed that the business practices demonstrated and abused by Microsoft to gain their ''lion's share'' of the market have been penalized with what amounts to a slap on the wrist. I realize that in order to force a fair capitalist playing field, taking away the advantages gained by the clear violation of anti-trust laws would be difficult. I realize also that it would temporarily stagger a tech economy that is already struggling. But one of the main reasons that the tech economy is struggling is because of the illegitemate business practices of tech companies like Microsoft. The idea that Microsoft should be required to open up it's Windows OS source code to competitors and independent programmers is the best solution. This will not greatly impair the operation ! or profit scheme of the company. Microsoft's main profit comes from programs like their Office suite.

The ability for other companies and programmers to see their Operatin System source code would serve to level the unfair advantage that they have gained through the monopolistic practices that the legal action addresses. Please do not cave to the economic and political pressure and do right by the people in this country that you are sworn to serve the interests of. Thank you for your time.

Kevin Click
Seattle, WA
(206) 632–3524

''Say what you will about the sweet miracle of unquestioning faith, I consider the capacity for it terrifying and absolutely vile.''

Kurt Vonnegut, Jr.
''Mother Night''
''Mother Night''

MTC–00001024

From: Patrick J. Burke
To: Microsoft ATR
Date: 11/18/01 3:09am
Subject: Please read

Fellow citizens of the Department of Justice,

Microsoft was found guilty and they should have been punished more severely. However, you people are now going to enforce the hand slap they probably bought and that's fine with me, but I hope you keep one thing clear: people, as a whole, are developing memories that go further and further back. You people will be remembered for how you handle this so I hope you've looked into the future of computing and seen how things like open standards and free software may influence things to come. And I hope your decisions are made with a mental picture of a future that barely remembers the great monopoly—or uses anything it created. How will that future look at those involved in today's amazing injustice? Make good decisions that reflect the severity of the crime Microsoft was proven to have committed. And think of the MS-less future, you know, the one your children and mine are being handed.

Deeply concerned,
Patrick J. Burke
Coral Springs, FL

MTC–00001025

From: Gary Young
To: Microsoft ATR
Date: 11/18/01 1:57am
Subject: Strong opposition to the proposed Microsoft settlement

If not for ''political'' and competitor's ''survival'' aspects regarding this case, Microsoft would be, and should be, severely punished. The agreed to ''slap on the wrist'' punishments are a joke and if Microsoft's competitors and (even) business allies would speak freely there would be double the evidence and vocal disdain against Microsoft. Microsoft's continued failure to acknowledge their past behavior should have an affect on the punishment. If there is anything I would NOT worry about, it is that severely punishing Microsoft would harm others. Even in the short term, most of even the strongest proposed remedies would be better for almost everyone. In the long run, we all gain and we would then have a precedent that shows you can't get away with illegal and unethical business practices. The proposed agreement is a big win for business thugs everywhere.

Gary Young
Aliso Viejo, California
gyoung@home.com

MTC–00001026

From: Henry D. Kasson
To: Microsoft ATR
Date: 11/18/01 3:12am
Subject: Antitrust Settlement

I wish our government would get off this case. Where would we be in the personal computer world without Microsoft! Microsoft is a world class leading developer. Don't tie their hands—let them roll.

Thanks for setting up this address so I and others can send you our thoughts.

MTC–00001027

From: Troy Sullivan
To: Microsoft ATR
Date: 11/18/01 3:20am
Subject: microsoft ruling

To whom it may concern:

As a tax payer and believer in fair trade, I am furious by the jello backbone our justice system has displayed. Finally there was something that was going to be done to help consumers and the DOJ caved in. How much did Bill Gates donate to the Rupublican party?

Small and start up companies do not have a chance because of the heroin like addiction that Micro$oft has on the market. I am not opposed to buying micro$oft products if they are superior; however, most of the time they are not. The are known bugs in the operating system and products which causes consumers the have to buy the newest ones to fix the garbage that they bought in the first place.

My only hope left is that the courts will not accept this ruling, and the Europeans will be stronger than our own justice system.

Sincerely,
Troy Sullivan
A concerned tax payer

MTC–00001028

From: John P. Mundt
To: Microsoft ATR
Date: 12/6/01 2:20pm
Subject: Anti-trust settlement

Very briefly, we are a Macintosh school district under ever-increasing pressure to change to the WinTel machines used in the ''real world.'' The anti-trust settlement, where WinTel machines appear in schools only exacerbates the pressure since it increases their market share, fosters the use of their software, and makes their monopoly even better. Why not force them to pay for and place Macitosh or Linux machines in the schools?

John

''You can lead a boy to college, but you cannot make him think.''

Elbert Hubbard

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Lincolnshire, IL 60091
jmundt@district125.k12.il.us

MTC–00001029

From: Ken Prevo
To: Microsoft ATR
Date: 11/18/01 8:03am
Subject: Microsoft Settlement

The very least that I would find acceptable would be a ''Chinese Wall'' between the operating system division and the rest of the company. Microsoft has historically used the operating system to advantage their other product lines—often to the detriment or destruction of competitors. As a programmer for 30 years, I experienced their proprietary and changing APIs since DOS 2.1. Without government intervention this will continue.

MTC–00001030

From: Geoeva@aol.com@inetgw
To: Microsoft ATR
Date: 11/18/01 7:44am
Subject: have we become stupid

Gentlemen I ask again ''have we become soooo stupid'' Have we forgotten what it takes to be a great nation of achievers. From time to time you hear or read completly stupid coments. Like three weeks ago I was reading our Todays News. On the front page the front page Was a picture of an American ground forces soldier. With full details on all the equipment that he carries while in combat with arrows showing where each of these article are on their bodies. I read this in total disbelief over how little we care for our military forces safety that are putting their lives on the line for us to maintain the (what we call) the right to freedom.

I built a company from my garage to a 255man operation based on an idea. I can't even imagine how angered I would have been if some jerk would have come to me and said, ''You are way too successful and have achieved way too much'' therefore we are going to force you to give up your monopoly because we have a group of stupid people over hear that need your business to slow down. Somebody forgot the working for three days without sleep, and working through Christmas, and worrying where the next dollar was coming from to be able to not get bad credit, etc., etc. Why have we as a nation become so stupid? In case anybody hasn't noticed. The superlatives (achievers) are the ones that create wealth and prosperity for our country, feed them don't stifle their efforts.

''An angry American''
Geo.

MTC–00001031

From: eevans1
To: Microsoft ATR
Date: 11/18/01 6:33am
Subject: Microsoft

It's about time this so called ''case'' against Microsoft be dropped, stopped or considered irrelevant. They did nothing more than offer THEIR customers a good way to use the internet. The people who did the most complaining have long since gone their own ways anyway. You keep monkeying with software and well end up paying more for it, just like most of the other things the government has ''helped'' us with.

E. R. Evans

MTC–00001032

From: rcrodgers@att.net@inetgw
To: Microsoft ATR
Date: 11/18/01 4:51am
Subject: As a user of alternative operating systems such as BeOS,

As a user of alternative operating systems such as BeOS, OpenBSD, and Linux, and also as a former employee of a company (Be Incorporated) hurt by Microsoft's monopoly, I feel that the settlement doesn't do any justice. Microsoft essentially gets a slap on the wrist and told to play fair. Meanwhile, Microsoft has managed to slip out three new versions of Windows doing the exact same thing they've been doing since the antitrust

suit started, and aren't going to recompensate its competitors for its practices. Microsoft wins again.

In addition, Microsoft has just started shipping it's X-Box video game system, which is backed by Microsoft's monopoly. Microsoft has purchased several significant video game companies in an effort to become the powerhouse in the video game industry, and likely will significantly hurt its competitors which mainly utilize independant software development companies to produce games. Result: Microsoft will likely obtain a large market share, possibly even another monopoly. Microsoft wins again.

Not to sound completely biased against Microsoft, but their tactics need to be halted. The Department of Justice holds the only opportunity to correct Microsoft's behavior, and allowing it to operate as a single company will not do that.

MTC–00001033

From: Don Wires
To: Microsoft ATR
Date: 11/18/01 8:41am
Subject: give it up

now that clinton and his corrupt cabinet are gone, please drop the case. microsoft was punished enough by reno. their ''crime'' was being profitable. naughty people make too much money. come on! whatever you make you should be able to keep. leave microsoft alone and go after drug dealers who launder money or better yet go after the bankers who help them.

thanks

MTC–00001034

From: Colynn Kerr (Shaw)
To: Microsoft ATR
Date: 11/18/01 8:24am
Subject: Consumer Comment on Proposed Microsoft Settlement

As a consumer who has chosen the Mac OS, an operating system that competes with Windows, I would like to register my concern that the proposed settlement does little to discourage Microsoft from returning to its old anti-competitive ways.

Microsoft has shown by its actions in the past that it has little regard for court agreements, knowing full well that it can use the slowness of the judicial process to further extend its monopoly influence. Microsoft's pattern of behavior is likely to continue and the settlement is unlikely to prevent a recurrence. The three-person team charged with monitoring Microsoft's actions MUST be given a stronger mandate to stop problems quickly. If Microsoft uses the proposed process to stall as it has done in the past, the market will be further damaged. This settlement will remove Microsoft's restraint because there is no threat of swift preventative court action. The proposal must have more 'teeth'' to stop anti-competitive behaviors quickly.

Under these court measures, Microsoft will likely continue to enter new markets and create its own proprietary standards using its dominant market position to crush competing products. As it has done repeatedly, it will continue to bundle its own versions of competing products into Windows, starving competitors out of the market. It took a lot of courage for competitors to come fourth during this long drawn out trial and there may not be the will to come fourth again if it only is to result in such a watered down settlement. This may be the last, best chance to curb Microsoft's habits.

To strengthen the court settlement I suggest:

1) creating a checklist of identified Microsoft anti-competitive actions and beside each item insuring a swift court action to be taken;

2) creating a streamlined process that remains in situ to act quickly to stop anti-competitive behaviors as they arise;

3) keeping in place a series of strong punitive measures that will be levied against Microsoft quickly and remain in force until Microsoft stops its anti-competitive behaviors;

4) require Microsoft to pay the costs for each and every investigation of its actions;

5) creating an Ombudsman position to field all competitors and consumer concerns, feeding the results of such investigations to the tribunal and requiring further investigation by them;

6) creating an office with funded staff for each member of the tribunal to give them all the tools they need;

7) requiring an immediate stop to Microsoft's efforts to extend its market influence into new markets for a set period of time, to allow those markets to flourish before Microsoft can enter them;

8) requiring Microsoft to charge fair market value for each and every bundled product, in addition to the cost of its other products;

9) requiring Microsoft to offer competing products or opportunities to choose competing products, with each Microsoft bundled product;

10) requiring full disclosure and prominent display to consumers of each and every Microsoft anti-competitive action.

In summary, the settlement must more strongly protect the market.

Colynn Kerr colynn.kerr@cadvision.com

MTC–00001035

From: Simon.Holledge@Operajaponica.org@inetgw
To: Microsoft ATR
Date: 11/18/01 8:23am
Subject: Microsoft Settlement

Edinburgh 18 November 2001

Dear Sirs,

The settlement with Microsoft announced on Novmeber 2 is inadequate and will allow the company to continue unfair business practices. I believe that it would be in both the national and international interest to split the company into two or three parts.

Thank you.

Sincerely,

Simon Holledge Simon Holledge Opera japonica http://www.Operajaponica.org The Ancient East Asia Website http://www.AncientEastAsia.org The Elisabeth Schumann Website http://www.ElisabethSchumann.org Flat 3 (2nd floor left), 5 Wemyss Place Edinburgh EH3 6DH Phone 0131 467 4861 Mobile 078 1383 5826 Email Simon.Holledge@Operajaponica.org Email Simon.Holledge@Operajaponica.org

MTC–00001036

From: James Russell
To: Microsoft ATR
Date: 11/18/01 8:29am
Subject: WebTv ownership!

October of 2000 I purchased a webtv system from Montgomery Wards as I could not afford a regular computer.I am used to the idea that when I buy something,I own it.No one at the store told me that Microsoft still owns the insides of the unit,which means that I paid $200.00 for an empty metal box.

I didnt find out about this until I tryed to find a low cost ISP.Thats when I found out that even if I change ISP's,I still have to pay Microsoft $9.95 per month to use their equipment.Also they charge the highest internet rate of all the ISP,s,$24.95 per month.I watched many commericals about this product before deceiding to buy one,I should say those 1/2hr infomercials,and nothing was said about this.

I think that Microsoft is guilty of consumer fraud,and this should be addressed also before you let them off the hook.

Sincerely,

James M. Russell

MTC–00001037

From: Rune Q. Nordhagen
To: Microsoft ATR
Date: 11/18/01 9:06am
Subject: United States v. Microsoft Corporation

Dear Ms. Hesse:

I appreciate the opportunity to express my opinion. In response to your request for public comment on the proposed settlement in the case of United States v. Microsoft Corporation, I urge you to settle the case as soon as possible and in a way that imposes the fewest possible restrictions on Microsoft.

I have no direct financial interest in Microsoft nor any of its competitors. In my opinion, the government should interfere with successful companies as little as possible. We should applaud America's successful companies and allow them to innovate and to grow. This will in turn help our economy grow and thus create economic growth and better lives for all of us.

Sincerely,

Rune Q. Nordhagen
9284 E. Mohawk Lane
Scottsdale, AZ 85255
mobile +1–602–790–6808
rune.nordhagen@dcranch.com

MTC–00001038

From: Don McClarty
To: Microsoft ATR
Date: 11/18/01 9:02am

I believe it is time to leave Microsoft alone and find some thing to do that would help the country instead of destroying it like has been done in the past.

MTC–00001039

From: Oren Ben-Kiki
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/18/01 9:02am
Subject: Micrososft Settlement

I'm not a USA citizen. This means I can't write ''my congressman'' when it comes to issues like the Microsoft trial. However I'm very much dependent on the results of this trial. I take the liberty of writing to you in the hope that foreign citizens have an equal standing—or at least some standing— at the current state of affairs.

I've been working as a paid computer professional ever since 1983. I've seen and used many operating system and companies come and go. And I don't like the trend which has been set by Microsoft's operating systems. There are many cases where there is a ''natural synergy'' between two services, but this synergy is still a bad thing. It happens every time there is ''infrastructure'' vs. ''application''. Infrastructure being a ''natural monopoly'', this allows the infrastructure company a monopolistic lock on the related application market.

In phone communication this is the actual wiring of houses vs. the actual end-point equipment (phones, office switchboards). Imagine only being able to buy an AT&T phone.

In cable TV it is the wiring vs. the set-top boxes and channels. I heard that France has managed to avoid the usual unhealthy synergy there. The cable company there serves a similar role to that of a phone company. It must distribute anyone's content (for a fee, of course), just like a phone company is bound to allow anyone to make a phone call with any content. This allowed a healthy competition in conent creation, where everywhere else one is bound to a single channels provider together with the physical cable.

In computers, the ''infrastructure'' and ''application'' may seem less well-defined (but see below). The principle still stands, however. An unhealthy synergy between hardware and operating system was the hallmark of the monopolistic IBM era. Today decoupling them is taken for granted, allowing a healthy competitive market place—for hardware. The relationship between an ''operating system'' and ''the applications'' is the same as in all the above cases. There is a technical synergy, that's correct. But as in all the above cases, taking the easy way of mixing them together ends in an inefficient market place and inferiour, over priced products.

The solution is the same, in principle, for all the above cases. A company may choose to be in the infrastructure business. Its products must be well-documented and open for use by anyone. This means anyone could duplicate the infrastructure (usually at a large cost) and hence profit margins are low—but the market is large. A company may also choose to be in the applications business. Its products may be closed, proprietary, and next to impossible to duplicate. Hence margins are high, but the market is smaller. An infrastructure company must focus on stability and standards. An application company must focus on innovation and tailored solutions. It is impossible for a company to be both. It is simply too lucrative to corrupt the infrastructure (the low margin operation) for a specific application (the high margin operation). This naturally discriminates against other application companies. Publishing the infrastructure details doesn't help, either. The simple fact is that one company is able to change the infrastructure to fit its applications while all others must fit their applications to fit someone else's infrastructure.

In short, the only viable solution to the problem is to break Microsoft into two separate companies. One which makes ''infrastructure'', and one which makes ''applications''. Note that infrastructure isn't necessarily ''operating system''. Microsoft has invested a lot of effort in destroying the original, clean definition of what ''operating system'' means as opposed to ''an application''. For the purpose of the separation, ''software infrastructure'' is ''any piece of software which monopolizes the use of resources in a computer or a network''. These may be hardware resources or software resources (such as network addresses).

The monopolistic software infrastructure company must publish the full interface to its products. Any such company should fall under similar legistlative restrictions to those of utilitity companies—the electric company, the phone company etc. The application software company would be free of such chains.

Any other solution won't address the core issues. Forcing Microsoft to publish all infrastructure details—including file formats, network protocols, and APIs—is better than nothing, but is a band aid solution where a surgeon scalpel is called for.

Note that this solution is not against Microsoft's own interests. One argument against a split was that the combined worth of the two companies would be greater than the worth of the current Microsoft (as in the AT&T case)—and what sort of a ''punishment'' is that? This argument proves that the current mixture of infrastructure and application is harming Microsoft's share holders as well as its customers. The fact it may very well be profitable to split the company is proof that the only reason not to is the resulting loss of power by the few people leading Microsoft today. In fact these people have broken the law in the process of obtaining and wielding this power. Therefore splitting the company makes perfect sense. It would exactly ''punish'' the power-seeking few (by taking away their power), while benefiting (financially) everyone else.

Thank you for your time,
Oren Ben-Kiki
oren@ben-kiki.org

MTC–00001040

From: joe
To: Microsoft ATR
Date: 11/18/01 9:14am
Subject: Comments

Joseph Bondi
bondjoey@msn.com

Hello: I believe the agreement is correct not to split Microsoft into two companies,the settlement is O.K., but one area that should be looked into the price of their new operating system XP everyone is selling it at the same price $99 for the upgrade and $199 for XP PRO , I Thought it is illegal to price fix? Lets get some completion. Thank you

MTC–00001041

From: Rick Tomaschuk
To: Microsoft ATR
Date: 11/18/01 9:13am
Subject: More Lollygagging

Its too bad the USDOJ does'nt prosecute its own white collar crimanals the way foreign criminals are dealt with. Why not police your own criminals and set an example for the rest of the world.

Microsoft has devastated the lives of countless honest hard working Americans/Canadians through its illegal practices. Wake up!

Rick Tomaschuk
Principal—Driving Force Technologies Ltd.
Driving Force Technologies Ltd.
15–6400 Millcreek Drive, Unit 404
Mississauga, ON
L5N 3E7
Tel: 905–813–3036
Novell/Caldera Partner
Email: admin@dftl.com
Web: http://www.dftl.com
Richard Tomaschuk—Principal

MTC–00001042

From: Antwan L. Payne
To: Microsoft ATR
Date: 11/18/01 9:09am
Subject: Leave microsoft alone

With all due respect to the US govt. and the Supreme Court Justices, Microsoft has made things easier for the average computer buyer. For example I just bought a brand new computer (I am an experienced user), a Compaq Presario and I have found that the way Microsoft bundles it's software makes it easy for the novice computer user to send e-mail, surf the web, and listen to mp3's. If Apple wants more customers then they should work on their software rather than the outside casings. If Microsoft did not standardize the PC then imagine how hard it would be to buy a computer game, or a word-processor that will only work on one type of OS that few have, instead people can buy games, and other software and know it will work on their computer. So in my humble opinion I think that there are other things going on in the world than computer software. Microsoft, I admit has a monopoly, but it is a helpful monopoly.

Concerned Computer User,
Antwan L Payne
antwanpayne@home.com

MTC–00001043

From: Charles T. Nardino
To: Microsoft ATR
Date: 11/18/01 9:07am
Subject: Settlement

The proposed Microsoft settlement is a travesty. Millions of taxpayer dollars have been spent on this case, proving Microsoft to be one of the most ruthless, underhanded operations this country has ever known. Is it really possible that all the Justice Department can do now is to say to Microsoft: ''Because you have behaved so abominably in the past, we are going to ask you to please be nicer in the future, OK Microsoft, please, please, please?'' Justice Jackson's remedies were infinitely more fitting and just.

As a consumer of computer products who has been hurt by Microsoft's policies repeatedly in the past, I am offended. As an IT consultant, I am shocked. As a US citizen,

I am disgusted to see that my government agencies can do no more than bow to the will of a monopolist.

Charles T. Nardino
465 West 23rd St.
New York, NY 10011
Charles T. Nardino
cnardino@bellatlantic.net

MTC–00001044

From: Richard B. Kelly
To: Microsoft ATR
Date: 11/18/01 9:56am
Subject: Settlement of the Microsoft antitrust case

To the United States Department of Justice, Antitrust Division
Pennsylvania Avenue
Washington, DC

Comments Supporting Settlement of the Microsoft Antitrust Case

I am a semi-retired attorney who still is able to practice because of the capabilities of using the computer to communicate with long-term clients. It seems a bizarre concept that millions of people like me would not be able to continue to buy ''turn key'' information systems as they are developed because some competitor believes its ability to compete is reduced. As I understand it the ''bundled'' software products:

1. are not being priced at prices that are unaffordable to anyone who can afford the hardware, and so price gouging is not a realistic issue from the point of view of the user;

2. most of us users have neither the knowledge nor the inclination to buy a bunch of separate products and integrate them ourselves; and

3. a combination of new features in software will accelerate their integration and use, providing huge benefits including increased productivity for me and everyone else. Thus I strongly support the settlement.

Richard B. Kelly, Attorney-at-Law
1 Riverside Drive
Lake Placid, New York 12946–1832
ribkelly@capital.net

MTC–00001045

From: Current User
To: Microsoft ATR
Date: 11/18/01 9:28am
Subject: Attn: State Attorneys

Hello, I currently am a customer of microsoft (indirectly), and I must express to you my great displeasure with the trivial recommended penalties against this foul-smelling behemoth. Please do not openly accept these wrist-slap intensity sanctions against the company, as they are influential enough as it is to suppress any attempt at succession in their industry.

I thank you greatly for your attention to my concern on this matter, and please, choose principal over quick money, the markets will wait, microsoft IS NOT worth it—we are.

Remember: ''...I make a million dollars every two hours...''—Bill Gates, gloating.

Consumer

MTC–00001046

From: Ken Hoag
To: Microsoft ATR
Date: 11/18/01 9:23am
Subject: Microsoft

Dear Ms. Hesse,

In response to your request for public comment on the proposed settlement in the case of United States v. Microsoft Corporation, I ask you to settle the case as soon as possible with zero restrictions on Microsoft. This company is one of America's shining lights and the government has/had no cause to interfere with its progress. If competitors cannot compete with Microsoft's innovations then they should fall by the wayside and winners like Microsoft should be allowed to bloom.

Ken Hoag
Phoenix Arizona

MTC–00001047

From: St(00E9)phane Moureau
To: Microsoft ATR
Date: 11/18/01 10:27am
Subject: Microsoft Advantages

Dear Madam,
Dear Sir,

First forgive my bad english and thank you for giving us a chance to comment.

I hope you'll not forgot the advantages that Microsoft has already taken from such unfair practices in such competitive markets during all those years.

All the money MS has accumulated while they were imposing their products without any ethic.

All the companies MS has been able to buy with that money.

All the MS rivals, and some were producing better products, technology break-through, that have gone to bankruptcy because they were unable to compete with such a giant able to spend money on huge advertisement campaigns, huge teams of developers to 'copy' similar products. You must review history, it's always the same process that MS is following.

A ''new technology/standard'' appears, MS quickly follow the trend and release a version, full of problems, bugs, and some tiny extensions, making both (their and original one) incompatible, and by benefiting from their market dominance, illegally acquired, and delayed communication to external developers, imposing MS copy of that technology: html, javascript, C#/J# <- java, M$ Server/asp <- php/mySql, Windows <- Mac OS, XP <- OSX,...

Even a MS high-level manager was surprised to sell a product with so many bugs, I don't remember the exact sentence but that's the idea, that appeared in the press about a quickly released Windows version. Why people are using those bad MS version then? Just because most are simple users, which are not computer specialists, and they use what they receive ''as-is'' and a great percentage are using Windows and all the features that MS is imposing internally. And also because distributors were obliged to do so.

How many users are aware of what's going on behind the scene? How many users are able to switch to another, often better, technology? Even some professionals are unable because MS has intentionally made those changes almost impossible. Quickly those who are aware, computer technicians, etc... are too obliged to follow because most users are using MS ''incompatible'' versions.

Those last years press is full of events showing how aggressive, unfair, illegal practices MS has used intentionally at all possible levels, some even by illegally spying on its customers. Even if strong rules against MS might lead to short-term negative consequences (job loses, etc), on the long run all the industry and the consumers will benefit from a fair competition. But not forgetting all the advantages that MS has unfairly acquired during all those years is essential, perhaps mandatory !

Mr Bill Gates seems pleased by the current agreements probably for that reason.

They will not truly affect MS, the ''powerful monster'' is alive and running and it will not be too much affected by them. All that accumulated money allows now MS to buy any competitors (e.g. hotmail), to artificially support competitors to avoid antitrust accusations (e.g. Apple), to make huge investments to reproduce internally any new standard, to diversify its activities (e.g. Xbox) and repeat the same unfair suffocating tactics.

All the advantages obtained in such fast markets are essential and can make a huge difference between live and death for a concurrent company. A lot of people in Europe are hoping that the judgment will really mark the end for such unfair practices but also, and mainly, that it will redistribute/compensate the advantages MS has taken during all those years from other competitors.

Ineffective judgments and inadequate rules would be badly perceived by people from other countries in those troubled times that USA encounters now. USA is taken as a model for a lot of people, its attitude must be irreproachable. But I'm confident that fair and really effective solutions will be found, providing that email address to send our comments is a good proof.

Thank you for your time.
Sincerely,
Stephane Moureau
Place Victor Martin, 1
7321 Bernissart
BELGIUM

MTC–00001048

From: Marc Fishman
To: Microsoft ATR
Date: 11/18/01 10:23am
Subject: settlement doesn't rescind profits

Regarding the DOJ settlement with Microsoft. After reviewing the terms of the settlement I'm left scratching my head and wondering why Microsoft is permitted to keep the fruits of their illegal actions. In exploiting their monopoly position, Microsoft profited heavily while competitors were damaged and lost sales. In America, when someone profits from illegal activities it's customary to seize those illegal profits. I would suggest determining the extent of Microsoft's profits from their illegal actions and levying of an equivalent fine and additional punitive damages. The money should be distributed to the competitors directly injured by Microsoft's actions to help them recover and develop competing products.

Marc Fishman
mfishman@OuttaSiteResources.com

MTC–00001049

From: LELAND C DAVIS, Jr.
To: Microsoft ATR
Date: 11/18/01 10:05am
Subject: My Thoughts

For nearly 3 years the Microsoft matter has been before you, Microsoft, and the general public. My home state is Maine so I couldn't be further from local influence and live in the United States. The contribution Microsoft has made to our society as well as to all locations on the face of this earth is immeasurable. How did this accomplishment occur, HARD WORK!! This business was started from ''scratch'' and I admire greatly their accomplishments. Were they over zealous? I don't think so. In my little hometown in Maine we had a local orchardist who worked very diligently and built one of the largest apple businesses on the east coast. Was there jealousy and criticism of their operation? YES! This past year they went out of business because of foreign competition after being handed down three generations. What attitude prevailed?? ''What a shame'', jobs lost and thus consumer spending down and the local economy hurt badly. The economy on the face of this earth has been improved by Microsoft and I hope this thought will be prevalent in the decisions to be made.

Thank you, Leland C. Davis, Jr.

LELAND ''LEE'' DAVIS. Jr.

MTC–00001050

From: Eric
To: Microsoft ATR
Date: 11/18/01 10:06am
Subject: Microsoft settlement against

Since the settlement you have made with Microsoft I have learned that big business is bigger than big government. No ware in your settlement do I see you addressing the things that the average user of the software wanted. If I select non Microsoft software I do not want to be asked if that is what I want more than once and you have left that option open to them. You are not making them unbundle there software and I believe that was the start of the whole thing. All I can see is that this is a sellout to Microsoft and is only good for Microsoft.

Eric Laise
405 Live oak st
Bowie TX 76230
elaise@earthlink.net

MTC–00001051

From: Trevor Doerksen
To: Microsoft ATR
Date: 11/18/01 11:05am
Subject: Moving the big ship

Microsoft is a fantastic company with some great product. However, not all of its products are superior to its competitors and often demonstrate an ability to develop exactly what the market doesn't need, (e.g. Insecure server software, mediums in which viruses are able to flourish, and code that can affect the performance of 3rd part software within their browser or OS).

Even though they are a huge company they seem able to move this big ship with pinpoint accuracy when it comes to eliminating competition through its approach to international standards and 3rd party software. Although not examples of these practices were discussed at the trial, and some new ''dirty practices'' have been witnessed, I think this is one of the most important things about MS technology and its approach to others.

As a monopoly, MS should have to clearly define to the rest of the market where it is going, when, and how it might impact those companies working with and in MS eyes against them to install and view software on its OS. A recent example of eliminating its plug-in architecture for its browser demonstrates the ability that a simple move can eliminate competition even further.

From a punitive point of view, I believe in a break up. From a solutions-focused point of view, I believe in full disclosure of its strategy, code, future directions, and all business meetings minutes be made public so that the public, media, government, etc. is able to keep their eyes on a company that demonstrates its continuing power with dominance over the market.

It won't be long until there is only one company selling word processing software, media players, and browsers in the world. This can only be good if we don't believe in a free market. Opening up source code and other company information for the market to openly compete is necessary. Like drug patents a time advantage can be put forward to the company that demonstrate research and development (not just buying or in most cases stealing ideas, information, and strategies) a very short term exclusive (the technology world moves fast) right to gain an in on the market.

Thanks,
Trevor Doerksen
University of Calgary

MTC–00001052

From: sidesoft
To: Microsoft ATR
Date: 11/18/01 10:51am
Subject: DOJ,

DOJ,

This case is killing our economy. Milton Friedman the Nobel winning economist stated this would happen when the lawsuit started. His projections have indeed come true. Look at the NASDAQ and specifically Microsoft's competitors. Tell the State AG's that the DOJ will drop the lawsuit altogether unless they settle immediately. We are on the brink of a recovery and badly need a settlement. For investors, the working class, retires, our school systems that are short of monies, on and on... This ECONOMY, created by this lawsuit, has created major economic losses. Please get this behind us!

Warren McKenna
Kalona, IA

MTC–00001053

From: zippy theclown
To: Microsoft ATR
Date: 11/18/01 10:50am
Subject: microsoft's non-justice.....

dear sirs,

as a consumer of computer products, i must say that you really BLEW IT when it came to settling the microsoft case. without microsoft opening their code to other software makers, they will never lose their monopoly—point in fact—when they changed their MSN website and browsers other than IE wouldn't connect and it turned out they had abandoned world-standards for XHTML code to use their own.....yeah, that really proves the whole point, doesn't it. they do what they want and when everyone else's prices are moving down, microsoft is leveraging their prices higher with a subscription basis—pay us now, pay us later, and if you don't have WinXP, we'll drop support for everything else so your software eventually won't work and you'll have to buy WinXP and pay even more since you didn't jump on the wagon at the start—what kind of business practice is that—charge two different prices for the same product depending on when you buy it.....sheer monopoly and you didn't solve a thing with your case—no wonder 9 other states balked at the final agreement—they obviously had some IT experts advising them while you probably only had a bunch of fool lawyers who don't know crap..... time will tell how big your mistake was and then it will be too late.

sincerely, ken hood

MTC–00001054

From: Steven Hummel
To: Microsoft ATR
Date: 11/18/01 11:13am
Subject: Microsoft Settlement—Too Many Loopholes

Let me keep it simple. Microsoft was able to subvert Netscape's free access to the software market through a single loophole in the consent decree. We now find ourselves in the disturbing situation where the current settlement contains many loopholes. If we really believe Microsoft will not use these loopholes to maintain its current monopolies and to continue its monopoly advance into the Internet, we're all in for a big surprise. Let's not allow history to repeat itself. Now is the time to get it right. Closing the loopholes will be a good initial step towards arriving at a settlement that will pave the way for an open software market.

Thanks,
Steve Hummel
Arlington MA USA

MTC–00001055

From: Fenton Jones
To: Microsoft ATR
Date: 11/18/01 11:13am
Subject: Microsoft Settlement (not)

Government lawyers ''carefully weighed'' those proposals but ultimately chose other sanctions against Microsoft that they believed would result in the ''most effective and certain relief in the most timely manner.''

This is sad. It is practically admitting that our government cannot discipline a company if they have enough money and lawyers. I believe it is also short-sighted. Without real and effective remedy, the same case will be back again in a few years.

In a 68-page court filing Thursday, the Justice Department formally defended its choices in the landmark settlement it negotiated between Microsoft and nine states. The government assured the judge the settlement, if approved by the court, would ''eliminate Microsoft's illegal practices, prevent recurrence of the same or similar

practices and restore the competitive threat'' the company faces from rivals.

This is what they thought the last time they compromised with Microsoft. And here we are again. Imagine what the monopoly will look like the next time.

Those of us who try to work in the computer realm are struggling constantly against the Microsoft monopoly. Those outside of it simply do not understand that the very nature of computer interconnectedness creates strong pressure for everyone to conform to the same standards. The only question is whether those standards will be universal ones, created by all parties, or those imposed by the biggest bully.

In the short run the public may think that the latter is an acceptable choice, but in the long run it is a disaster for everyone.

Fenton Jones

MTC–00001056

From: Charles Troje
To: Microsoft ATR
Date: 11/18/01 11:47am
Subject: Prosecution of MS is wrong
To Whom It Concerns,

Stop the rape of microsoft.

The government's job is to protect property rights, not violate them. Either you acknowledge that the owner of property has the right to dispose of it as he chooses (i.e., run his own business as he sees fit), without positively violating the rights of others (which Microsoft has never done), or you are a statist, socialist thug who thinks he has the right to control the lives of others, and force them at the point of a gun to do as you see fit.

Anti-trust law is immoral. End this injustice now, and leave those who create wealth, commerce, and industry free to create and innovate to the best of their ability without having to fear being punished for it.

Sincerely,
Charles Troje
Tampa, FL

MTC–00001057

From: Giacomo Zardetto
To: Microsoft ATR
Date: 11/18/01 11:38am
Subject: Microsoft Settlement

Congratulations are in order to those involved, representing the government, for having settled the litigation against Microsoft. Creators of innovative products such as Microsoft need to be encouraged, in order to be motivated to ''create''. Of course the incentive to create and innovate provide ''satisfaction'' and ''riches''. It's easy to get confused and say: It's OK to innovate and get rich, just don't get too rich or to innovative, otherwise, we will attack you. If we don't create and innovate in the U.S.A., another country will do it for us. Do you honestly think that if Microsoft would have been created in Japan, China or Germany these governments would have interfered with their success?

Fact, the Clinton Administration spent more energy, time and money in chasing and prosecuting Microsoft that they did on chasing the terrorists that bombed our embassies, USS Cole, etc. Now does this make sense?

Thank you for putting a stop to the nonsense on suing Microsoft for it's success and desire to be the best.

Giacomo Zardetto
zardetto@rockisland.com
Orcas Island, WA

MTC–00001058

From: Ken
To: Microsoft ATR
Date: 11/18/01 11:27am
Subject: Microsoft Settlement

Now that Microsoft has a monopoly, it overcharges for it's product. Keep this in mind when accessing the damages on Microsoft

Ken Moreau
1701 S Warner Ave
Bay City, MI 48706–5264
klmoreau@tir.com

MTC–00001060

From: Jos(00E9) Luis L(00F3)pez de Victoria
To: Microsoft ATR
Date: 11/18/01 12:20pm
Subject: On the allowance of monopoly.

If you allow it, however unfamiliar the ground of forbiddance, the Nation shall lose. Have you forgotten the breakup of AT&T? Was that wise? Of course it was. Pray tell, what keeps you now?

MTC–00001061

From: Rick Spung
To: Microsoft ATR
Date: 11/18/01 12:00pm
Subject: Microsoft Antitrust Case

Dear Sirs;

I am hopeful that the Judicial Department will tighten up the proposed settlement with Microsoft, because it appears to be full of loopholes and exemptions. Microsoft was found to be a monopoly, and it was found to have harmed the U.S. consumers, by stifling competition, restricting the development of new products and handcuffing computer users who wanted choice in applications.

Microsoft's conduct during the antitrust trial also shows that it plays fast and loose with the truth. Microsoft executives lied repeatedly under oath while giving testimony. Microsoft falsified evidence, misrepresented statements by industry experts, threatened and intimidated competitors and orchestrated a bogus public relations campaign by submitting fake letters from ''concerned citizens'' to state attorneys general.

I believe that Microsoft has no credibility, and has no intention of working in the best interests of the consumer. Microsoft's pattern of conduct over the past two decades has been to obtain, by any means necessary, a dominant market share in a particular software product, and then to maintain, by any means necessary, that market share. If it means preventing innovation by competitors, so be it. If it means preventing consumers from having access to software by competitors, so be it.

I believe that, at a minimum, Microsoft should be required to release ALL programming code of ALL software programs determined by the Justice Department to be in monopoly status, within six months of their release.

According to U.S. drug industry patent law, companies who develop new drugs are allowed a fixed time period of legal monopoly status, in order to recoup their costs of research and development. After the expiration of the time period, the products are no longer protected and thus become public domain information, eligible for generic production. Similarly, Microsoft's products that currently are categorized as having a monopoly status should be subject to the same arrangement, with a much shorter time period, due to the faster track of software development. I believe that a protected time period of roughly 180 days is sufficient.

My understanding of the proposed settlement is that the Judicial Department will be depending on Microsoft to define many of the terms, as situations arise. This is total and utter folly, as Microsoft's past conduct has amply demonstrated. I guarantee you, if these issues are not resolved in a more airtight and consumer-friendly fashion, future litigation will result.

Thank you for your time.

Sincerely;
Richard Spung

MTC–00001062

From: Siegfried Behrens
To: Microsoft ATR
Date: 11/18/01 11:58am
Subject: Microsoft Settlement

While I agree that a settlement with Microsoft is in the best interest of the nation, some of the terms in the CIS are a bit too harsh for Microsoft. The government should remember that Microsoft is one of America's best business assets. We need companies like Microsoft to remain strong in our war against terrorism. Microsoft's security technology is helping American business and government in its greatest time of need.

This is the language that I thought was too harsh:

''Creating the opportunity for software developers and other computer industry participants to develop new middleware products that compete directly with Microsoft by requiring Microsoft to disclose all of the interfaces and related technical information that Microsoft's middleware uses to interoperate with the Windows operating system.''

I don't believe Microsoft should have to disclose this much information about how they work with Windows. This is their competitive advantage and they should be able to keep it, not have it stripped away by the government.

Thank you for considering my opinion.

Siegfried Behrens
4848 Chevy Chase Dr.
Chevy Chase, MD 20815

MTC–00001063

From: RICHARD LANGLOIS
To: Microsoft ATR
Date: 11/18/01 12:50pm
Subject: microsoft settlement

I'm glad this is over its ashame that people critcised microsoft because after all bill gates is a great inventor and it was jealousy that caused all of this he did nothing wrong god bless bill gates and america.

RICHARD LANGLOIS

MTC–00001064

From: Craig H Fry
To: Microsoft ATR
Date: 11/18/01 12:39pm
Subject: A potential resolution to the MS case

The feelings of myself and my colleagues is that the best way to resolve this is to force MS to break their OS and any future OS apart from the applications they install with the system. We should be able to purchase MS Windows without all the bells and whistles. It shouldn't simply be IE, or email, or messenger. It should extend even farther to Notepad, Paint, and Games. If I want the applications, I should be able to purchase the MS Plus! pack with all these applications. Or be able to purchase Symantec's, Network Associates, or any other company that would create an application package for the Windows system. By making MS reveal all the hooks and calls Windows has, it will level the playing field for industry and give new life to many many companies.

Thank you
Craig Fry
CEO
CyberEagle Technologies Inc.

MTC–00001065

From: Bruce Lewis
To: Microsoft ATR
Date: 11/18/01 12:24pm
Subject: Settlement

Gentlemen;

The recently announced settlement with Microsoft, Inc. in the case ''US Vs Microsoft, Inc.'' under U.S. antitrust law is, for the most part, unacceptable.

It is my opinion that this settlement amounts to near approval of Microsoft's anti-competitive actions of the past. This settlement not only lets Microsoft off with a token ''slap on the wrist'' for its past misdeeds, including ignoring previous agreements with DoJ, it also leaves Microsoft wholly intact to pursue other avenues in its attempt to not just compete but completely destroy companies it views as potential ''threats'' to its hegemony.

A structural solution is the only one that would preclude future violations of anti-trust law by Microsoft. But this avenue appears to be anathema to the DoJ under President Bush. Only a structural solution can prevent Microsoft from uses its OS leverage with computer manufacturers in stifling competition. Yes, this might reduce the value of Microsoft stock. So what? Microsoft's stock value is as high as it is BECAUSE of its anti-competitive practices. A reduction in its stock price due to a structural solution to this case would be a just penalty to the company and its owners.

Please reconsider the current remedy as proposed. It has no teeth and given Microsoft's historical lack of compliance with DoJ settlements a structural separation of the OS, application and languages divisions is the only course of action that will preclude this type of recidivism on Microsoft's part.

Thank you for your consideration of my amicus curae.

Bruce Lewis
brucel@abraxis.com

MTC–00001066

From: NPT
To: Microsoft ATR
Date: 11/18/01 12:50pm
Subject: comments

Urge settlement of the case as quickly as possible. I am concerned about issues raised by Sun and others, and think minor modifications to the settlement could make this workable for all. As a user of Windows, I would like to be sure that I can run other software programs without XP stickiness. Overall, I believe the Microsoft case needs to be settled for the high technology industry as a whole to move forward. Nancy Parkes Turner, Olympia, WA

MTC–00001067

From: root@wt6.usdoj.gov@inetgw
To: Microsoft ATR,antitrust@ftc.gov@inetgw,Ralph@essen...
Date: 11/18/01 2:00pm
Subject: ''How much do we have to pay you to screw Netscape?''
CC: letters@latimes.com@inetgw,letters@sjmercury.com@i...
Re: Justice Rejects Microsoft Penalty Critics... have said the settlement announced Nov. 2 is inadequate and charged that the company will be able to bypass many of the sanctions because of vague language.

The Microsoft Monopoly Menace will exploit any vague language in the settlement. You're dealing with the most hardcore there is. The federal government can't enforce those sanctions effectively because it has no software expertise. The chameleon nature of software allows the Menace to morph it's products into something that can slip through your fingers. It is against the will of We The People to pay us lip service with the settlement with lesser intentions to enforce it. This case is hugely symbolic. Harvard Business School Press is ready to publish a dozen pulp mills worth of books on the market hammerlocking strategies of ''america's favorite entrepreneur'' after you bless it with this failure to enforce the Sherman Acts, ensuring deception and hegemony as not only the strategy du jour but urgently required to maintain the confidence of financiers.

The game gets shoved right into the mafia realm. If you care about truth and justice you have to pretend you don't notice the Menace. You have to lie to your students, let them learn the truth out in the ''real world''. You have to lie to yourself. And lie to everyone else while you refuse to face the fire and deal with the problem that the Menace defines with crystal clarity. Gates practically shouted out: ''How much do we have to pay you to screw Netscape? This is your lucky day'' and you failed to rise to the challenge. This has been the federal government's opportunity to continue it's critical role in steering industry. Uncle Sam made aviation happen, and the radio, telephone, transistor, UNIX, and the internet. The government steers while imbecile corporations push like oxen. You could have created an open standard PC OS instead of passing IBM's monopoly torch to the Menace. It's a delusion to think the free market can steer itself—it just crashed through so-called ''Windows''.

You don't allow corporations to block sections of the public library for competitive purposes do you? Technical progress must flow unfettered just like your interests and ideas flow unfettered. Microsoft, Intel, Texas Instruments are all guilty of keeping great technologies out of the mainstream for stockholder benefit. This is flat insane. The armies of developers who had to adjust to those wildly inferior technologies represents a great cancer.

Monopolists commandeer the common sense of competition on the merits, and replace it with the hammerlocking of markets. There is an upper limit on the power allowed corporations before their abuse outweighs any benefits. Remember, corporations are the people's beasts of burden. When they start running off the row, they lose their reason for being, and must be retired. There are great efficiency benefits from placing the commodity OS into the public domain where it belongs. It takes government regulation out of the loop, raising it's standing with the people. You get respect when you adhere to principles. Conservatives might be accurately accused of create dysfunction within government in order to turn the people against it. This is extremely dangerous as the corporation fills in the void and wreaks havoc. The corporation is a vice like war or even tobacco and alcohol. It's success is measured directly by it's exploitation of customers and employees. The only sustainable way to implement the concept is to limit it's power so as to reap the benefit of economy of scale without letting it rape and pillage society. The great big back hole that is MS Windows will continue sucking in all software functionality until it's devoured the entire telecommunications and computing infrastructure. Yeah, like the profit motive steered the development of the telephone and transistor. Like hell. Progress requires sorting out what is appropriate and what's not. The Microsoft Monopoly Menace dictating the rules of the game is not appropriate. The federal government must define the rules of the game for the new century. Get with it.

We The People
Take Back Our Flag
From The Untied Corporations Of America

MTC–00001068

From: basketb@appleisp.net@inetgw
To: Microsoft ATR
Date: 11/18/01 1:43pm
Subject: Re: The Microsoft settlement and justice dept.

It seems clear to me that the current Justice department has an agenda for settling the monopoly abuse case that their Justice department predecessors have already proved in court rather than continue the case to it's more logical conclusion in front of an impartial judge. What is that agenda??? When 9 appellate court justices agree that Microsoft was guilty of antitrust violations then what should happen is for the case to follow a course to conclusion that does not give the appearance of impropriety. If the court was right that the remedy set forth by Judge Jackson should be set aside because of the ''appearance of impropriety'' by Judge Jackson, then let's apply that same standard

now and have this matter concluded in the ''light of public view'' where the common person will better be able to judge the motives and agenda of both the Justice department and Microsoft. Many people have already concluded that both the Justice departments actions and words are suspect. Anything less that a complete rebuff of this ''settlement'' and a return to court in the light of public view is a sad travesty of justice.

Steven E Stanley
basketb@appleisp.net

MTC–00001069

From: Dave
To: Microsoft ATR
Date: 11/18/01 1:31pm
Subject: gov. involvement

These are troubled times and in my option this suite has been wrong headed from the start.We have choices, good ones and the prices are and have been coming down. That is not what happens when the big guy is crushing the little one. Stop wasting owe money (read tax) and draining Microsoft's. We knead innovative guys right now and you guys have a few more importuned things to be doing. Trust the people and the market, we will reward or punish with much more clarity and justice than Washington can or will.

David O'Brien
807 South View Terr.
Pleasant Hill MO. 64080
Dave@kcweb.net

MTC–00001070

From: Roger van Unen
To: Microsoft ATR
Date: 11/18/01 1:16pm
Subject: Ruling...

Hi judge,

I have been following the Microsoft case from abroad and I must agree with the critics: the way justice works in the USA is not very clear. Guilty; split up; no split up and in fact a bonus being a con. It is true that Microsoft is what it is today due to his illegal behavior. The way your president became a president was distasteful for any democracy and especially for the biggest in the world.

There should be a fair sanction not only to prevent it from happening again but also for the fact that it happened and due to it people lost their jobs and perhaps even worse. No one can turn this back again, but these people finally got the law on there side during the first verdict and I think the law should not let them down.

Regards and a fair ruling,
Roger
tel: +31 318 646752
fax: +31 318 646768
e-mail: rvunen@info-s-pact.com

MTC–00001071

From:
taikku@imsp211.netvigator.com@inetgw
To: Microsoft ATR
Date: 11/18/01 2:23pm
Subject: Justice for sale?

When justice is put on sale, the robber barons (i.e. Microsoft in the case of IT industry) can always afford to make the highest bid. How can it be good for the US economy, or the global economy to that matter, when better technology or genuine innovation (WordPerfect, Netscape etc. ad nauseam, not forgetting the uncountable startups that never happened or never will happen because going against the convicted but unhindered monopolist equates to a corporate infanticide) always loses to Microsoft's forcefully bundled (tied-in) versions??

The so-called settlement does nothing to correct Microsoft's past wrongdoings nor will it prevent any in the future. Judge Penfield Jackson was outraged for a very good reason, even though he only looked at Microsoft's business practises from a very narrow perspective, and his getting censured for speaking his mind was nothing short of tragi-comic.

The Department of Justice should concentrate on delivering justice instead of being some sort of a business-political executive arm of the currently elected government. The September 11 terrorist attacks on America, despite being despicable acts, should have no bearing to the MS —anti-trust— case, all arguments should be based on law and all legal entities should be treated equally before it. I though such things would only happen in Banana Republics.

Laissez-faire is a great idea, but it will never work efficiently under monopolies.

Patrick

MTC–00001072

From: boomer@sylsoft.com@inetgw
To: Microsoft ATR
Date: 11/18/01 2:04pm
Subject: microsoft settlement ineffective

thanks for your solicitation of comments.

i have been in the business since 1985 and have witnessed the rise of microsoft. i would say that their market position was largely gained in a perfectly legal manner through outmarketing the competition.

BUT, i have also seen them throw their weight around, at least since windows 3.1 was released. at that time, windows 3.0 worked on top of microsoft's own ms-dos, as well as dr-dos, which i believe novell owned at that time. windows 3.1 still worked with ms-dos, but not with dr-dos, thus forcing novell to assume the expense of a quick revision and sending disks to all customers. given their subsequent behavior, i can't believe this was a simple coincidence. this pattern has repeated itself many times since in my observation and as determined by the district court & the circuit court of appeals.

while it would be nice for microsoft to recognize their transgressions, that is not necessary. but solid measures to prevent such conduct in the future are a necessity, and they will need to be tough as microsoft still doesn't understand what they did wrong, and it thus likely to continue as before. this settlement is weaker than the previous one about not bundling internet explorer, which they have now successfully broken without consequence to microsoft.

i can only hope that the remaining states and european union will do their job where the justice department has abdicated their responsibility. their claims about innovation are met with laughter even amongst their proponents. the longer they can continue to abuse their monopoly position, the longer that the american and world public will continue to have buggy and insecure software foisted upon them. remember, the recent spate of viruses, worms and web attacks (eg nimda, code red etc.) all relied on the gaping security holes in microsoft products.

please understand that microsoft stifles competition and weakens the US software industry, not the reverse. strict sanctions or a breakup strengthen the US software industry overall!

thanks
richard akerboom
independent consultant

MTC–00001073

From: dwelsch@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 11/18/01 2:26pm
Subject: Merry Christmas, Microsoft

I'm disgusted to see millions of our tax dollars, and even more valuable years worth of opportunity cost, squandered by the DOJ on this case. Why did you bother filing suit in the first place? Oh, that's right. You didn't, your predecessor did. If this isn't an entirely political decision, you couldn't prove it by me.

Dave Welsch
dwelsch@qwest.net

MTC–00001074

From: Scott Kuban
To: Microsoft ATR
Date: 11/18/01 3:00pm
Subject: Why are you letting Microsoft off so easy?

US DOJ

Why are you letting microsoft off so easy. Everyone and I mean EVERYONE knows that Microsoft is a Monopoly that pushes everyone else around. Consumers, Businesses, Competitors, and ultimately the Economy are going to suffer because you don't have the courage or integrity to do what is right. I have lost a little more faith in my government because of this weak attempt to ''eliminate Microsoft's illegal practices, prevent recurrence of the same or similar practices and restore the competitive threat''.

It was made apparent in a recent interview that reporters have a better understanding of this case than the Attorney General (http://www.usdoj.gov/ag/speeches/2001/1102newsconference.htm), but surely someone in the Justice Department is competent enough to see that this charade, cloaked in legal jargon, is not in the best interests of the American People.

My only question is whom do I need to vote out of office to get the Justice Department revamped from the special interest puppet it is today? A US Citizen jaded by the politics involved in our ''Justice'' Dept.

Scott Kuban
Chattanooga business owner

MTC–00001075

From: Robert Lee
To: Microsoft ATR
Date: 11/18/01 2:29pm
Subject: SMB/CIFS

I am sure that you have heard this before during the review period, but here goes. It is critical that Microsoft document many of the protocols used in cross platform computing. A very important one is CIFS. This enables

non Microsoft platforms to share files seamlessly with Windows machines.

With the advent of Windows XP, this is a protocol that is being changed to shut off non Microsoft solutions, steering system implementers towards Microsoft solutions even if the Microsoft solution is not the desired solution of first choice. Please take this into account in your decision making.

Thank You
Robert Lee

MTC–00001076

From: David Howe
To: Microsoft ATR
Date: 11/18/01 2:27pm
Subject: I agree with the settlement proposal

This email is to express my approval of the proposed settlement. It's entirely fair in my opinion. I've never been unhappy with my choices as a consumer and have always been pleased with Microsoft's products.

Windows XP is a great product and it would have been a tragedy to the consumer and the economy if there had been changes or delays. The remaining AG's are only looking out for themselves or the competitors of Microsoft. They don't represent the consumer in my opinion.

Thanks for your efforts in bringing this issue to a close. David HoweGet more from the Web. FREE MSN Explorer download : http://explorer.msn.com

MTC–00001077

From: stu tyson
To: Microsoft ATR
Date: 11/18/01 3:43pm
Subject: microsoft

its time to settle this and go on. I remember days before MSFT. when there was only a DOS operating system and nothing was compatible, All of the other Companies that are screaming about a monopoly had just as much right as MSFT to develop and sell products but they didn't even try.

MTC–00001078

From: Edward Romer
To: Microsoft ATR
Date: 11/18/01 3:27pm
Subject: Tunney Act: Public Comment US v Microsoft

Dear Ms. Hesse

I am responding to your request for public comment under the Tunney Act in US v Microsoft.

I strongly urge you to settle the case against Microsoft with as few restrictions on Microsoft as possible. Microsoft and companies like them epitomize the innovation which makes the United States great. At all times, and particularly during the difficult one we now face we should be embracing the companies which have contributed so much to our country and economy and we should not hold them back by pursuing outdated regulatory concerns brought on by a group of less successful and disgruntled competitors. I am a private citizen with no affiliation with Microsoft or any of their competitors.

Thank you,
Edward Romer
132 Scribner Hill Rd.
Wilton CT 06897
203 762 1206

MTC–00001079

From: Gwem Maisenhelder
To: Microsoft ATR
Date: 11/18/01 3:26pm
Subject: comments on antitrust settlement

To whom it may concern:

Having used the microsoft operating system since I have owned a computer, I have nothing but contempt for the company and its products. By its own admission, Microsoft has built bugs into its bloated operating system to cause problems with the Netscape browser, which I prefer to use. I am constantly rebooting and having messages that I have to close programs to run the program I am trying to run even when NO other programs are supposed to be operating. That is part of the bloat—microsoft running things in the background that I do not want or need.

What the consumer should be offered is an operating system—clean and simple—with the consumer able to add whatever he or she wants and needs. To be blunt, I do not believe Microsoft will follow any of the court's directives. In fact, it has already demonstrated its supreme arrogance and contempt of authority throughout these proceedings. Microsoft has an exceedingly large amount of cash and is a powerful company—both of which should have a negative bearing on the court's view. . .I really hate to see Bill Gates and company get away with their egregious attempt to destroy other companies and monopolize their sector to such an extent that the consumer cannot make a choice.

Gwen Maisenhelder
2830 Dunkirk Drive
St. Louis, Mo 63119

MTC–00001080

From: vik@pluto.econz.co.nz@inetgw
To: Microsoft ATR
Date: 11/18/01 3:45pm
Subject: Commentary on Microsoft's monopoly position

It is incredible to someone outside the US, that Microsoft have been able to routinely break the law to maximise profit. Existing sentencing is obviously not having the desired preventative effect.

There is even some spin put on the existence of a Microsoft monopoly. Of course they have a monopoly. Just try to buy an x86 laptop without paying for Windows. Can't be done.

Thank you for taking the step of making a feedback e-mail address available.

Regards,
Vik Olliver
New Zealand

MTC–00001081

From: Mark D. Gregory
To: Microsoft ATR
Date: 11/18/01 4:36pm
Subject: It's about time

It's about time this case was settled. I've been a Microsoft customer for 20+ years. I've sold Microsoft products. I've sold products that competed with Microsoft products. I've worked at Microsoft. I've worked at competitors of Microsoft. I've programmed in Microsoft's environment as well as other OSs. I'm also a Microsoft stockholder. At no time in all that time have I felt that Microsoft dealt with me in anything less than a professional and appropriate business manner. Have they been aggressive? Absolutely.

Have they violated any law in those dealings? I don't think so. Admittedly, a monopolist has different standards to live up to, but unless the monopoly is obtained illegally or until a company KNOWS that it falls under the monopoly statutes, that behavior is not illegal.

But, as I understand the laws on monopoly, the intent of those laws is to protect the consumer. Not competitors, not other companies, consumers. So, has Microsoft restrained competitors who would have brought better products to market? I don't think so. As an MS employee I used the Netscape broswer for quite some time—it was a better product. Once IE became the better product, I started using it instead.

Could I have continued to use Netscape? Of course. I chose not to. How do I feel about having the browser imbedded? I'm extremely pleased. It's much easier to use that way, and it costs me less. I'm also not displeased to have Instant Messaging, music components or any of the other new things in Windows XP. If I wanted to use a competing product, I've got internet access built into my OS so finding the competing product is very easy and fast. Did Microsoft charge me too much? Not at all—if anything, they've driven the cost of quality software down, and then have NOT driven it back up. I'm convinced that this suit was prompted by Microsoft's rivals, who have proven themselves unable to compete on the merits if their products and therefore chose to use the courts to try to tilt the field in their direction—and manipulated the government into doing it for them.

So, you got the court to declare them a monopoly. They probably are, though I still am not totally convinced that the market definition for their marketplace was correctly set. In any case, I've read the proposed settlement and I believe it's fair to all parties involved. Microsoft is to be kept from business practices that are considered predatory from a monopolist. They're required to reveal their APIs (I've always thought they did—I've never needed one I couldn't find, or for that matter one that was there but hidden). They have the right to upgrade their products—after all, how do you improve a product if you can't add features? Even a monopolist needs to have that right.

I think that the court should enter into this agreement with no reservations and I also think that the court should impose the same settlement on the states that have refused to settle.

Respectfully
Mark D. Gregory
2324 SE 5th Way
Meridian, ID 83642

MTC–00001082

From: Richard Vance
To: Microsoft ATR
Date: 11/18/01 4:34pm
Subject: Is MS so strong that you can't even slap their wrists?

Dear DOJ,

I knew that Ashcroft was an old style Confederate States of America guy. And I

knew he is a gun nut. And I knew he is a religious zealot. But I didn't knoe that he would go soft on law enforcement because the accused party gives large dollars to political campaigns.

I do not see a single thing in the proposed settlement that will prevent MS from pursuing its old habits. Not even a slap on the wrists. Its more like you waved your finger at their nose and begged them not to do that so openly.

A seriously dismayed computer engineer.
Richard Vance
421 Curtis Drive
Huntsville, AL 35803

ps. So the courts threw out the ''breakup''. Big deal. You can still force them to separate their OS and applications into two profit centers. The OS must have free public access to certified APIs to the OS.

They must also produce a ''no bells and whistles'' OS as an alternate. I don't want IE, Outlook, and all the other crap they dump on me when I just want a Windows based OS. And it must be ''STABLE'' so folks will use it. You are all weak kneed wimps.

MTC–00001083

From: Charles S Oakes
To: Microsoft ATR
Date: 11/18/01 3:47pm
Subject: embarassing settlement

count my vote AGAINST the DOJ's ''slap on the wrist'' settlement with Microsoft. Your e-mail address was provided at: http://www.luskinreport.com/ along with Mr. Luskin's own pro-settlement message which I suspect is self-serving in spite of his claims to the contrary. Mr. Luskin's argues that ''...we should applaud America's successful companies and allow them to innovate and to grow, rather than hold them back by pursuing regulatory actions born of the concerns of a century ago and dressed up in New Economy lingo, and motivated by the self-interested pleadings of competitors.'' This begs the question of why Standard Oil broken up? It also assumes that Microsoft is an innovator which it certainly is not, e.g. spreadsheet programs and web browsers both evolved from a freeware packages, MS was a late comer to the GUI and mouse, PowerPoint was formerly a successful product of an independent company, and MS Word started as a primarily Mac product because it initially couldnt compete with programs such as WordPerfect and WordStar on PCs (wonders what proprietary knowledge of the underlying OS can do) and then MS threatened Apple with discontinuing MS Office if Apple didnt do things the MS way.

Microsoft's products are frequently not superior and a competitive and open market would pass judgement; however, the tying of an OS with accessory software products combined with Microsoft's strong-arm marketing tactics on hardware distributors has allowed them to circumvent consumer based marketing controls. DOJ's proposed settlement will send MS merrily on their way to continue doing what they've been doing for nearly a decade—buying smaller competitors or forcing them out of the market or into niche positions which will probably ultimately fail. Only a group of humans with incredibly impaired judgement or no experience with a wide variety of computing OSs and software packages would argue that the 'choices' provided by Microsoft are generally superior. When you have no choice but theirs is a bad time to wake up and argue that you're suddenly paying more than you were previously to accomplish a task which was formerly cheaper and more efficient.

Dr. Charles S. Oakes
1 Washington Drive
Whitehouse Station, NJ 08889

MTC–00001084

From: RMJSMJ@aol.com@inetgw
To: Microsoft ATR
Date: 11/18/01 3:54pm
Subject: Microsoft settlement

Dear sirs,

I started programming a computer in 1959. At that time, there were no such things as an operating system. The computer barely had a compiler, and my first language was called SOAP (believe it or not). That was the first generation of computers.

The second generation was also introduced without an operating system. It did however had a piece of one called IOCS or the input/output control system. Very late in the life of the second generation computers, the IBM 1410 released a version of an operating system. It had a few more features that were also announced with the operating system announced with the IBM 360 computer.

The first true operating system was released with the IBM 360, and it took several years to make it truly work.

The reason I 'm giving you this little piece of history, is to illustrate the fact that any operating system evolves over time by adding features to support newer technology. Whole new features were added when computer systems first went on-line to support communications.

Therefore I believe that Microsoft did not do anything wrong by adding features to Windows to support the internet, if fact, I believe that it would have been wrong NOT to support the internet. We must allow Microsoft to expand Windows to allow it''s users to take advantage of new technology. I believe that the verdict that Microsoft did anything wrong was a mistake and should be reversed.

Sincenly.
Ronald M Jeanmougin
rmjsmj@AOL.com

MTC–00001085

From: bettendorf
To: Microsoft ATR
Date: 11/18/01 5:06pm
Subject: Comments re proposed settlement

I am both a corporate user and policy-maker regarding Microsoft products, and a personal consumer. I find deeply disturbing and negligent the proposed settlement the United States Department of Justice has made with regard to Microsoft's illegal, monopolistic behavior.

The proposed settlement does nothing regarding remedy for past illegal activities on Microsoft's part. Put baldly, in civil court, Microsoft, with in excess of US$30 BILLION in cash and liquid assets, can well afford to excessively encumber any attempts at recovery by plaintiffs, perhaps to the point of rendering such attempts moot by virtue of plaintiffs' more limited financial resources.

Microsoft has been convicted before of similar, anti-competitive behavior. The remedies reached in the past have done little or nothing to modify either its behavior or its basic attitude towards the legal rights of its competitors. Past behavior demonstrates a complete unwillingness on the part of Microsoft to endorse either the spirit, or the terms, of any remedy.

Microsoft's past behavior has eliminated numerous directly competitive and potentially competitive products. Their claimed justification for their actions, product innovation and market enhancement, is false. They have deliberately and illegally destroyed competing operating systems, applications, and utilities by manipulation of necessary technical interfaces to their products and by extorting distribution channels into denying access to the marketplace to such competing products.

Microsoft's industry domination has become a direct threat to the economic and technical health of our economy. It's current .NET initiative attempts, in the face of its conviction, to tie its operating system and integrated development environment to ALL electronic commerce. All such transactions would be directly monitored and their access controlled by centrally-located Microsoft servers. Even transactions having nothing to do with a Microsoft product or service would be forced to be completed on Microsoft-run computers in communication with Microsoft servers. A more insidious degree of control is difficult to imagine.

At the same time, Microsoft has demonstrated itself even just on technical merits to be completely unworthy of such control. Its Passport personal data storage mechanism, which it is increasingly FORCING its users to use in order to gain basic services with regard to its own products, has, despite Microsoft's assurances of security, already been compromised completely. Computer experts have demonstrated the ability to retrieve ALL of a Passport user's personal data: Name, address, full credit card information, and any other stored data, using a simple exploit that works over the Internet.

Of course, the Court must concern itself with circumstances germane to the case at hand and not necessarily with potential future problems. Nonetheless, Microsoft's current behavior belies its sincerity in entering into any settlement. It is not interested in acting within the limits of the law, and as such, the proposed settlement does not adequately resolve its current conviction.

MTC–00001087

From: Shirley Adams
To: Microsoft ATR
Date: 11/18/01 4:42pm
Subject: 3 Year Wait

I am very concerned, as I am pretty much home bound by Emphasema 24/7. Not allowing Microsoft to carryon their innovations would seriously affect me.

Can not afford to travel (since 2.3%) will not even keep up with Rent, Eating In by myself & Medicare + Supplemental etc. Am already in RED before anything else.

Please see your way to close this action soon so you can & concentrate on more pressing things such as the welfare of your Seniors. Thank you in advance for your at HOME problems.

Shirley J. Adams
7800 Mockingbird Ln.
Lot 180
N. Richland Hills, Tx. 76180–5508

MTC–00001088

From: gaines
To: Microsoft ATR
Date: 11/18/01 5:36pm
Subject: STUNNED

I cannot believe that this is a true sense of justice. What part of monopoly is confusing? MS is a monopoly. Monopolies are bad.

MTC–00001089

From: Steve Smith
To: Microsoft ATR
Date: 11/18/01 5:16pm
Subject: Settlement in Microsoft Antitrust Case

Quick opinion: Sucks.

There's an old story about a guy who bought ''the world's smartest mule''. When he got it home, the mule simply wouldn't do anything. He complained to the guy who sold him the mule, who came out to see what the problem was. ''You said this mule could plow a field practically by himself''. ''He can.'' ''But he won't. He won't do anything''.

The seller picked up an ax handle, walked over to the mule and hit it square between the eyes, as hard as he could, and said ''plow the north 40''. The mule then docilely walked off to do the plowing. ''He'll do anything you tell him. But first you've got to get his attention.''

This settlement simply isn't going to get Microsoft's attention. They have engaged in long standing anticompetitive practices, according to the Findings of Fact and the Findings of Law. Indeed, the Microsoft corporate culture holds that Microsoft's way of doing anything is automatically The Right Way, and that no other software companies have any right to exist. This is going to be very difficult to change, if it's possible at all.

It does not address the fundamental problem that got Microsoft into this mess in the first place—abuse of its monopoly position in both operating system software and office desktop applications. Indeed, it is difficult to see *any* effective change in Microsoft's more obnoxious business practices:

* Tying Windows licensing fees to *total* computer production instead of computers with Microsoft Windows installed. Whether you use it or not, you still pay for it.

* ''Hijacking'' open standards by extending them in Microsoft-proprietary directions and ensuring that their software will work only with the extended versions.

* Keeping competitors' software from interoperating by using rapidly shifting, proprietary data formats. The settlement briefly touches on

APIs and communications protocols; however, it does so only in the context of licensed software. This allows Microsoft to effectively outlaw open- source alternatives to its own programs. (Open source projects can't pay licensing fees, and reverse engineering has been effectively outlawed by the DMCA.)

* Spreading ''fear, uncertainty, and doubt'' about competing products.

* And the one that started the fuss, adding new application- level functions into the OS, specifically to run the competition out of business.

Even the sections that prohibit ''retaliation'' do so only in terms of pricing. Nothing prevents Microsoft from, say, refusing to provide technical support for any computer set up for ''dual boot''. The settlement's definition of ''pricing'' is also slippery; it specifically allows kickbacks (sect. 3, last paragraph of subsection A.) Another problem is that the settlement specifies no specific penalties for noncompliance. What will happen if Microsoft completely ignores the settlement? Nothing that I can see, except that it will run two more years (??!) Yeah, ''such other relief as the Court may deem appropriate.'' Given that there are absolutely no penalties for the original violations (except for this powder-puff settlement and a bit of bad publicity), I can confidently state that there won't be any penalties.

What would be a penalty?

* Corporate officers thrown in jail for contempt.

* Fines significant for a company with more than $10 billion in cash reserves.

* Public release of ''proprietary'' interface code and data formats.

* Blocking releases, or withdrawal of products.

During the 2000 election, I heard the confidant prediction from a number of quarters, both pro and anti Microsoft, that, if Bush were elected, the Microsoft case would be thrown out. Looks like they were right. As an aside, one hopeful sign is that the settlement is being published in WordPerfect format. Perhaps the Department of Justice is rethinking the U. S. Government's status as a Microsoft-only shop?

Steve Smith sgs@aginc.net
Agincourt Computing http://www.aginc.net

MTC–00001090

From: Manfred Gebhard
To: Microsoft ATR
Date: 11/18/01 5:12pm
Subject: Requested Microsoft Settlement Comments

US Department of Justice: Government interference is wrong most of the time. This was not an antitrust case and it was only heard because of the incompetent democratic administration. That fat pig of a judge assigned to the case was totally biased and should have been removed very early. You have done great damage to Microsoft, the shareholders and to the economy. Shame on you!!

M.Gebhard
Bradenton, FL
CC:George Lister

MTC–00001091

From: DPreston@colind.net@inetgw
To: Microsoft ATR
Date: 11/18/01 5:09pm
Subject: Microsoft Settlement

I for one am totally disappointed in the settlement reached by the Justice Department with Microsoft. After finding and reaffirming that Microsoft HAD indeed engaged in monopolistic practices, now, years later the Justice Department suddenly decides that Microsoft can be trusted to ''play fair'' by agreement alone? Like it agreed back in the mid 90's when it agreed to play fair?

You want to make the playing field level for all 3rd party software developers and the applications developers at Microsoft? Want to help so more of them don't go out of business or lose market share to Microsoft? Then split Micorosoft into 2 companies. An operating system company and an application system company. THEN appoint your panel or committee to make sure neither company passes or requests ''technical services'' from the other sister company that wouldn't be publicly made to other 3rd party developers. The market would realize a sudden influx of new or improved competiting software products with Microsofts applications if everyone has equal access to the hidden code or ''hooks'' that Microsofts Application Developers now have. . . Microsoft wouldn't have to release a single line of their ''secret code'' it they didn't want to—so long as the information they released to their respective sister company was the same information released to the 3rd party companies.

Dick Preston
Senior Network Analyst
Columbus Industries, Inc.

MTC–00001092

From: Ren(00E9) Hamel
To: Microsoft ATR
Date: 11/18/01 6:06pm
Subject: Mon avis public.

Non, je suis contre l'entente. Elle ne sert pas l'intirat public.

MTC–00001093

From: zippy the pinhead ami
To: Microsoft ATR
Date: 11/18/01 6:04pm
Subject: MS/DoJ settlement

Yet Another Demonstration to The World that the U.S. of A. has The Best Goverment money can buy.

MTC–00001094

From: StudeRod@aol.com@inetgw
To: Microsoft ATR
Date: 11/18/01 6:01pm
Subject: (no subject)

you did the right thing let mircosoft do what they like most make good things work.

thanks
David Walker.

MTC–00001095

From: Christopher Bergeron
To: Microsoft ATR
Date: 11/18/01 6:59pm
Subject: The USA can't sell out to Microsoft...!

To whom it concerns:

I'm a network administrator in Atlanta, GA. Microsoft has been bastardizing my industry in ways too numerous to mention. From changing industry standards (and forcing thier adoption with thier monopoly of

the Desktop PC) to forcing companies out of business by integrating features into their [undeniably dominant] operating system.

I am starkly opposed to the current proposed Microsoft remedies. I have been plagued with bug-ridden software from Microsoft and I can not escape thier grasp of my industry. If I had an option, I would certainly excise it. Please weigh the potential damage that will result if such a meaningless remedy is handed to Microsoft and Bill Gates. I can't help but think back to the Blackrock empire of old; and how my government avoided corruption and did the right thing and paved the way for REAL American progress.

Please don't allow Microsoft or Bill Gates to line the pockets of my representatives, and please see to it that an appropriate remedy gets forced upon Microsoft. They have been found GUILTY by US LAW, and I demand an appropriate punishment. Please don't sell our country out.

Sincerely,
Christopher M. Bergeron

MTC–00001096

From: Travelperks1
To: Microsoft ATR
Date: 11/18/01 6:50pm
Subject: Microsoft Settlement

It is my belief that the government has held back the Technology Industry and the economy with its pursuit of this case. The suit should be closed and the Justice Department should get out of the way of innovation. The economy, the country, and the consumer will all be better off.

Charles R. Chambers, Sr.

MTC–00001097

From: wa@sm13.texas.rr.com@inetgw
To: Microsoft ATR
Date: 11/18/01 6:48pm
Subject: Comment on MS settlement...

I'm a twenty-year veteran of the software industry. I've watched time and again as MS picked off it's competitors by hook or *crook*, screwing the consumer every step of the way. Nothing about this settlement will redress the past, or change the future. What a waste of time and taxpayer dollars.

Disgusted in Austin

MTC–00001098

From: Tom Marsh
To: Microsoft ATR
Date: 11/18/01 6:17pm
Subject: Public Comment regarding Microsoft Settlement

To the Department of Justice:

As an IS professional who is intimately familiar with Microsoft's anti-competitive practices I must strenuously object to the settlement recently agreed to by Microsoft and the DoJ. My first objection is that the settlement does not address the most flagrantly illegal and unethical actions that Microsoft has taken: their secret agreements with original equipment manufacturers (OEM). Under these secret agreements, companies are forbidden to sell computers configured to run both Microsoft Windows and a competing operating system (such as Red Hat Linux or IBM OS/2). The penalty for breaking the agreement, or even acknowledging the existence of such an agreement, is the revocation of the OEM's right to sell Microsoft Windows. Since Windows represents about 92% of OEM business, this would put most PC manufacturers out of business. As such, none are willing to challenge the agreements. The only benefactor of these agreements is Microsoft; All other parties suffer.

The consumer suffers because if they don't have the knowledge to install a third party operating system they are de facto prohibited from using said third-party software since they can't buy a PC with the software pre-installed, and don't have the ability to install it themselves. The consumer also suffers from decreased innovation in the field of computers and software. The OEM suffers because it cannot offer a unique product in a competitive marketplace, under threat of shutdown by Microsoft. My second objection is to the actual remedies indicated in the settlement. Microsoft is a company with $25 billion in cash on its balance sheets. It could lose money for the next decade and still pay all employees. A seven year consent decree for Microsoft is like a being acquitted to a regular person. After all, we've been down the road of ''be good, please'' with this defendant before.

When their business practices ran afoul of the last settlement, Microsoft simply chose to break the agreement it had previously made, rather than fail to conquer the browser market. It is my opinion that this settlement is not in the public interest. The public's interest is best served by having a rich menu of software delights to choose from, not a 3x5 card with one word written on it, ''Windows''.

MTC–00001099

From: KAdams8987@aol.com@inetgw
To: Microsoft ATR
Date: 11/18/01 7:18pm
Subject: Microsoft Settlement
To: DOJ
From: K. H. Adams, Jr., Oak Grove, Scottsville, Va. 24590, (804) 286–4939

Background: I am a retired employee of Verizon.

Comment: The proposed settlement with Microsoft is fully adequate. It is time for the DOJ to stop squandering its resources chasing Bill Gates, while terrorists roam free. I urge you to settle with Microsoft immediately, and get on with the war to make America secure.

Sincerely,
K. H. Adams, Jr.

MTC–00001100

From: Dan Anderson
To: Microsoft ATR
Date: 11/18/01 7:30pm
Subject: Microsoft trial...

Microsoft's file structures should be open for programmers to link to. Anything less would be ridiculous.

Dan Anderson

MTC–00001101

From: VanceMylroie@aol.com@inetgw
To: Microsoft ATR
Date: 11/18/01 7:13pm
Subject: PLEASE, It's time we all grow up!

Let's do something really important.

Go to war against those who wish us dead. Defeat and eliminate those who wish to cut our throats. Yours, your spouses and those of your children. I mean, can you imagine...what if we attacked, instead, one of the greatest and most beneficial companies in history? Imagine doing that to Microsoft, a US corporation.

The days of the Democratic DOJ is now, thank God, behind us.

Vance W. Mylroie and Family
Medina, WA.

MTC–00001102

From: Blomberg David
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/18/01 7:02pm
Subject: Settlement offensive to US

Before you discard this message I am a US citizen currently living in Japan but upon hearing of the proposed settlement and its lack of penalties on MS I am offended. There are no provisions in this that would remotley curb MS antitrust tendencies or even start to allow competing OS's a viable ground to fight on. I urge the court to deny this settlement. MS has been declared an Antitrust and there needs to be real penalties pronunced not this make it all go away quietly type of settlement.

Thank You for your time
David Blomberg
System Engineer
Nihon Libertec Co. LTD
1–34–14 Hatagaya
Shibuya-ku
Tokyo
Ph: (03)3481–8321
Fax:(03)3481–8371

MTC–00001103

From: umbdae@nodots-daemon@inetgw
To: Microsoft ATR
Date: 11/18/01 8:08pm
Subject: Proposed Microsoft antitrust settlement

To whom it may concern:

I must object in the strongest possible terms to the proposed settlement of the Microsoft antitrust lawsuit. The net effect of this settlement is a complete cave-in on the part of the government, AFTER winning a finding of fact in the trial court. I can see nothing in this agreement that benefits consumers or the public at large, but I can see that this settlement will allow Microsoft to continue its anti-competitive activities, but now under the approval of the U.S. government. The best outcome to this situation would be to split Microsoft into multiple companies, but I recognize that this is not a viable option in the current economic environment. Given these realities, the next best option would be to require Microsoft to publish:

* the entire Windows applications programming interface (API) in a manner that would allow others to reverse engineer clones of the Windows operating system.

* the complete file format of each Microsoft application, such as Word or Excel in a manner that would allow others to reverse engineer work alike applications.

* the complete specification of any Microsoft extensions to industry standards such as the Kerberos security interface. Microsoft must not be allowed to ''embrace and extend'' software into proprietary implementations.

For at least the next 10 years, Microsoft must be required to publicize the APIs and file formats for all its applications at least 60 days prior to their release to prevent Microsoft from creating ''moving target'' applications.

There is ample historic precedent for imposing these rather mild restrictions on Microsoft. Just as one example, AT&T was required to open its networks to other carriers and to create a standard plug interface to allow other manufacturers to sell telephones.

While I appreciate the governments large amount of work, the current settlement is not sufficient to protect the consumer or the national interest. Please go back and create a settlement that works for all of us.

Please feel free to contact me if you have any questions or comments.

Kurt Arthur
arthurkr@swbell.net
314.503.4959

MTC–00001104

From: Christopher Paris
To: Microsoft ATR
Date: 11/18/01 7:50pm
Subject: I Do Not Understand DOJ Reluctance to Seek a Forward-Looking Remedy

To Whom It May Concern:

An enormous amount of taxpayer money has been spent litigating US v. Microsoft. Surely when the Government embarked on this course, it was foreseeable that it would be necessary to exert effort on proving up required remedies. Why have you sacrificied the interests of the American consumer by relenting when the battle is almost won, and then ANNOUNCING your intention to do so before negotiations were complete?

I am a constant user of the Microsoft operating system, and I submit to you this point: yes our nation is afraid of retaliation, and yes the economy is suffering, but think of the TENS OF THOUSANDS OF LOST MAN-HOURS AND I.T. DOLLARS THAT GO DOWN THE RABBIT HOLE OF THE MS OS, which is purposefully designed to envelop more and more of digital economy, at the expense of all competition. (This is not a controversial statement; it was proven by your Department after great effort.)

How do these ''global'' costs factor into your decision that litigating damages is simply too burdensome? We will never know because we didn't get to hear the testimony. I implore you to back out of this insufficient settlement.

These opinions are my own, and do not reflect the positions of my employers, clients, or professional associations.

Sincerely,
Christopher Paris
1812 Windermere Drive
Plano, Texas 75093
214–673–5874
TX Bar No. 24032930

MTC–00001105

From: Maronetj@aol.com@inetgw
To: Microsoft ATR
Date: 11/18/01 8:15pm
Subject: Microsoft Settlement

We support the government's decision not to break up Microsoft into separate pieces. We strongly recommend that the individual settlements with competitors be handled as expeditiously as possible. The longer this action takes, the more harm it does to all who are involved in any way in computer services. Let's get these matters settled and move on as soon as possible for the good of all.

Antonio and Josephine Marone

MTC–00001106

From: Steve Larrison
To: Microsoft ATR
Date: 11/18/01 8:53pm
Subject: Dear Ms. Hesse,

Dear Ms. Hesse,

Concerning the solicitation for public comments on the Microsoft antitrust suit settlement, as an independent citizen with no financial interest in Microsoft, I urge you to settle the case as soon as possible in the least restrictive way possible. Adam Smith came up with a system that works. Microsoft has clearly the spirit of capitalism to heart to create products that enjoy public support. Even as someone who prefers Unix/Linux Operating Systems to Windows, I recognize that Microsoft has been successful in giving the public what it wants. Any attempts to punish them for their success will continue to retard the tech. Industry at a point in time where the economy does not need any more artificial restraints. Please remove the uncertainty hanging over the technology sector, and allow the benefits of innovation and productivity improvement to continue to grow unabated.

Steve Larrison

MTC–00001107

From: Bar1215@aol.com@inetgw
To: Microsoft ATR
Date: 11/18/01 8:33pm
Subject: Microsoft settlement

If I understand the Microsoft antitrust case correctly, Microsoft was found guilty of breaking the law by using its monopoly position as the operating system on the computer to undercut Netscape and drive them basically out of business (i.e. they were bought by AOL). They achieved this by bundling their software/browser with the operating system and offering it for free where Netscape charged for theirs (i.e. to make themselves a viable company). Since Netscape didn't have an operating system of their own, this gave them NO chance to compete with Microsoft. Since the courts unanimously found Microsoft guilty of breaking the law on this issue—shouldn't Netscape shareholders have the right to sue Microsoft for financial losses as well as punitive damages? Who knows how Netscape would have done if Microsoft had been forced to only challenge them on their own turf. When a company (Microsoft) can toss in other goodies where they have total control to squash competition, then that does violate the Sherman antitrust act in my opinion and that company should be made to pay the appropriate penalty. In my opinion Microsoft has not. They got a slap on the wrist from a pro-business Justice Department and are already engaging in the same behaviour again with Microsoft XP. This was a case in which the courts found UNANIMOUSLY—TWICE—that Microsoft was guilty. It is my opinion that this administration is so concerned about the economy and their inability to do something about correcting the downturn (especially after Sept. 11), that they would just as soon this case go away. In this economic uncertainty the federal government caved in on a case the courts had them winning. IT SETS AN EXTREMELY DANGEROUS PRECEDENT FOR THE FUTURE! It sends the signal that if your pockets are deep enough you can buy your way out of anything—INCLUDING BREAKING THE LAW and INCLUDING DRIVING COMPETITORS OUT OF BUSINESS. Is this the message this government wants to send? Because in my opinion this is the message this justice department did send in their settlement with Microsoft—AND THEY SHOULD BE ASHAMED!

MTC–00001108

From: kussow@smtp1.san.rr.com@inetgw
To: Microsoft ATR
Date: 11/18/01 8:32pm
Subject: Allow non-MS Operating Systems to be preinstalled.

DOJ,

One of the key abuses of Miscrosoft's (MS) monopoly power is the way they leverage their operating system (OS) monopoly to keep hardware sellers from providing systems that have both a MS OS and other non-MS OSs preinstalled. Forcing MS to drop this practice would have many benefits.

1) Easier for users to experiment with new OSs.

2) More incentive for hardware developers to provide drivers for more OS's making the OS's easier to use and more relibale.

These two effects would allow other OSs to build a foot hold amongst the non-expert computing public. This is the market that must be penetrated to compete with MS in the OS area. The only reason computer sellers such as Dell, Gateway, and others are not currently selling machines with multiple OSs is because of MS contract restrictions. The BeOS (now defunct) and Linux OSs would both benefit greatly from this policy.

Matt Kussow

MTC–00001109

From: MDiGrosso
To: Microsoft ATR
Date: 11/18/01 8:19pm
Subject: My view

Leave Microsoft alone and go catch the frigging nuts of the world.....If you would have pursued bin laden as hard as you did gates the WTC would still be here....In case you forgot this is America if you make something that NO one else makes ,better than anybody else could ,and sell it for a fair price.....you become very very rich and a target of all the sad sacks who are mad because they did not think of it first...IT would be a real sob if Microsoft moved to asia and all that cheap labor and exported to USA...

You guys are lucky Bill Gates is a true American...Most companys would have moved...every country in world would give them every break in world to get them there.

MTC–00001110

From: William P Todsen
To: Microsoft ATR
Date: 11/18/01 9:30pm
Subject: Microsoft

I support the Proposed Antitrust Settlement.

MTC–00001111

From: Bob
To: Microsoft ATR
Date: 11/18/01 9:42pm
Subject: Microsoft Case

I have been employed in the software development field for over 25 years, spending the past 10 years writing software for the various Windows operating systems, using mainly Microsoft tools. I am currently Beta testing the Microsoft VS.NET development tools.

I recently spec'ed a new PC. I had the choice of either an Intel or AMD processor, motherboard from 5 top-tier suppliers, memory from 3 top-tier suppliers, a NIC from 5 top-tier suppliers, hard drives from 3 top-tier suppliers, video card from 3 top-tier suppliers, audio card from 2 top-tier suppliers, monitor from over 6 top-tier suppliers, and an overwhelming choice of CD-RWs, DVDs, keyboards and mice.

For the operating system, I had the choice of Microsoft and ..... nobody. I have followed the Microsoft trial in both the print and electronic media. Microsoft has been found guilty of violating the anti-trust laws. I fail to see how the proposed settlement will prevent Microsoft from continuing to violate the law. At the same time, I don't see ANY punishment for its illegal behavior. Hello? What incentive does Microsoft have to avoid becoming a repeat offender when there is no punishment for the crimes of which it has been convicted? So far, it appears that Microsoft calculated correctly that any punishment it might receive would simply be a minor cost of doing business to continue its illegal monopoly. Microsoft needs to be punished to such an extent that should Mr. Gates consider violating the law again, he will remember that the last time he did that, he lost a lot more than he ever gained, and quickly decide against that course of action.

Sincerely,
Robert Ainsley

MTC–00001112

From: Scot Kreienkamp
To: Microsoft ATR
Date: 11/18/01 9:26pm
Subject: response to the DOJ deal

Simply put, I do not think that this goes far enough in the remedies. The language in the agreement is vague and can be used to circumvent certain responsibilities the DOJ is trying to impose, which negates the whole agreement. And the penalties only last for 5 years? So in 5 years Microsoft can go right back to driving other companies out of business? How wonderful for Microsoft, terrible for the rest of the world. I hope when you see the millions of other comments from people in the tech industry you will consider them. I've been in the industry for 5 years and seen much of Microsoft's antics, and my working life is often miserable because of the stunts they pull on the public using their monopoly.

Scot Kreienkamp
skreien@wcnet.org

MTC–00001113

From: Frank Loebig
To: Microsoft ATR
Date: 11/18/01 10:19pm
Subject: MSFT ANTITRUST CASE

I am one of the millions of Americans using microsoft software on my computer. I have been told by the Department of Justice that I should not be happy with it because Microsoft is a Monopoly and created it.

They will be the White Knights riding to my rescue. Well, here is the way I see it.

1. The entire case was brought to trial because the Microsoft competition saw that better products could be produced by Microsoft at less cost, or free. It would mean that companies like Sun Microsystems would be threatened by competition and they would lose their monoply for their product.

2. For the first time, Silicon Valley, who ignored the politicians and political contributions, make huge contributions to politicians to get the suit brought by the Justice Department and paid off Attorney Generals, through contributions of course. Microsoft was a little late getting into this game and lost the race.

3. The public was certainly hurt finincially by what Microsoft did; the stock that is. Almost every mutual fund had MSFT stock as a pretty good percentage of their portfolio. The Justice Department suit not only brought down the MSFT stock but also burst the bubble of the this sector of the market, dragging down the rest of the market with it. It cost me and millions of investors, pension funds, etc., billions or trillions of dollars which may never be recovered.

So, who was hurt by a small group of companies, who couldn't compete in the marketplace, and decided to get the government to squash the competition? Millions of small investors, that's who!

Settle this thing and let the free market in America determine determine who should surrive or go under. When the PUBLIC demands that the Justice Department take action against a Monoply, that's when a case should be brought. For example, 99% of Americans will tell you that Cable Companies are a TRUE Monoply, they are gouging the public, making you buy channels you don't want and somehow, the Justice Department can't seem to get the picture. I think that once again, the cable companies got to the politicians first, and in this case, made sure NO suit would be brought by Justice Department.

Renata B.

Hesse, you have no courage if you don't suggest and insist that something be done about the Cable Monoply.

Thank you,
Frank A. Loebig
falmhl@gte.net

MTC–00001114

From: Ronnie Jensen
To: Microsoft ATR
Date: 11/18/01 10:07pm
Subject: Microsoft settlement

The proposed settlement between Microsoft and the government has no teeth.

(1) Microsoft is a monopoly..this is a proven fact held up in court and on appeals.

(2) Not knowing the law, what is the boundries of a monopoly..Can they keep their monopoly based on the law, where the law protects them, or is the court's intention to promote competition.

(3) The findings of the court should have no loopholes (as I have read in the settlement agreement)

(4) If an OEM is responsible for installing and supporting a Microsoft product then they shall have the right to adjust what they want the customer to see. Which means it is not up to them to supply Microsoft icons on the screen. However if Microsoft sells their product to an end-user they can do want they want. The difference is that by having an OEM reseller install and support the product, Microsoft is almost entirely void of anti-class action suits, whereas the reseller is not.

(5) All Microsoft products should be sold at the same price, whether to an OEM'er or to the general public.

This would take away all secret deals and clout. It would raise the price of their software, however it would be fair for all, which is what a monopoly should be concerned about.

(6) Since the federal government and a number of states have ''won'' the case and found Microsoft to be guilty, they should bar any Microsoft products from being installed for 5 years. This would give all other vendors an opportunity for market share. This is what Microsoft has done..as in the settlement with Caldera for DR–DOS.

(7) On the X-box..Microsoft has said they are selling the product below cost..Is there not a law against ''dumping'' in the United States..They are using their ''Monopoly Money'' to drive more companies out of business by this dumping. I could go on and on and on..but please do not let this company be above the laws. we must be tough.

Thanks,
Ronnie Jensen

MTC–00001115

From: Brian Hamlin
To: Microsoft ATR
Date: 11/18/01 9:59pm
Subject: NO to Settlement, Inadequate

The current settlement is inadequate to stem the illigal, monopolistic practices of Microsoft. It is too little, but not too late to take the high road and face up to this company as is your duty.

sincerely
Brian M Hamlin
US Citizen, consumer

MTC–00001116

From: Rudy Stefenel
To: Microsoft ATR
Date: 11/18/01 10:07pm
Subject: Microsoft hearing and a fair penility phase.

Hello,

I have been using Microsoft products for over twenty years so I am especially interested in the outcome of the case between the US Justice Department and Microsoft. This is especially interesting because Bill Gates is a prince of a person who donated literally over a billion dollars to education.

Also, I know President Bush is partial to big business, and I know that he hopes that this case does not have much impact on Microsoft. I knew from from the beginning that this case would be a great test to see how fair the US Justice Department will be with these kind of pressures.

I had a lot of confidence in U.S. District Judge Colleen Kollar-Kotelly when I first heard that she was taking the case. I even wrote to her to tell her that. I lost confidence when she announced part of the government's decision early in the penalty part of the case. She announced that the government would not break up Microsoft. Even if that is part of the outcome, how it could be fair to the Prosecution by giving the Microsoft Lawyers the advantage of knowing that they don't have to worry about this possibility early on in the case?

It is my opinion that the US Justice Department is too afraid to take a fair stand with Microsoft because doing so might hurt the economy. Also I think that the US Justice Department is frightened of Microsoft because Microsoft has enormous financial resources and hires top of the line lawyers. If Bill Gates is not happy with the settlement, he will find a way to drag the case on indefinitely. He already got one Judge fired from this case.

In fact, U.S. District Judge Colleen Kollar-Kotelly is at risk if Microsoft is not happy with the outcome. I read in the news that she owned lots of stock in Microsoft's competitors and that she did not sell all this stock right away when she was handed this case. I read that she sold it a little at a time. She still owned a significant amount of this stock well into the case. If Bill Gates is infuriated at her judgment, then his lawyers can demand a new hearing because U.S. District Judge Colleen Kollar-Kotelly owned stock in competitors of Microsoft who stand to gain if the Judgment is hard on Microsoft.

I am disappointed in the Bush administration, and the US Justice Department, for not taking a position with U.S. District Judge Colleen Kollar-Kotelly and demanding that she diverse herself of all this stock immediately upon taking on this case.

Even though Microsoft's success is important for our economy, it is important that the US Justice Department do not cave into Microsoft. The integrity of the Justice Department and the Bush administration is at stake.

The settlement must address the fact that Microsoft bundles application software programs with Windows and this is unfair to competition. Users are forced to buy Microsoft's application software programs because they are included with Windows. Microsoft will either price these application into the cost of Windows or this becomes as a means of putting Microsoft's competition out of business, deliberate or not. When the competition is gone, Microsoft is free to raise the price of Windows.

It seems that U.S. District Judge Colleen Kollar-Kotelly is not concerned about the bundling aspect of this or she would have stopped or delayed the the sale of Windows XP. More likely, she did not have the courage to stop Windows XP. This worries me terribly.

Also, I am not sure that U.S. District Judge Colleen Kollar-Kotelly will demand that Microsoft give enough details about writing software application programs so that Microsoft's competitors can write full effective programs to run under Windows. Microsoft is likely to have secret ways of linking Microsoft applications like Microsoft Office into Windows. Microsoft software will run better under Windows because Microsoft will keep secrets. Microsoft will probably get around this by saying that giving out this information would be a security risk.

At this point, either U.S. District Judge Colleen Kollar-Kotelly must grow courage to issue a fair judgment against Microsoft fast or she should be taken off this case. Even if she achieves the guts to do the right thing, it might backfire on her because Microsoft knows that she did not diverse herself of all the stock in Microsoft's competitors right away. It may be that our only hope of getting a fair judgment against Microsoft is by the determination and courage of the few states who are not happy with the proposed settlement with Microsoft.

Think about this: Microsoft has offered to pay the all the legal expenses to date to the states holding out if they will give in. Making an offer like this should be against the law. It is like bribery. What is U.S. District Judge Colleen Kollar-Kotelly doing about this? Is anyone in the US Justice Department going to do anything about it?

The US Justice Department has already determined that Microsoft is guilty. What is going on now is the penalty phase of the case. We need a US Justice Department with the conviction and guts to give a fair penalty, even if it hurts our economy and even if it brings on a wrath of more legal fighting back from Microsoft.

If U.S. District Judge Colleen Kollar-Kotelly does not have the guts, then we should get someone who does. Is the only hope for courage a few hold out states now?

Rudy Stefenel
San Jose, CA
Votes in all elections!

MTC–00001117

From: Plaidp@aol.com@inetgw
To: Microsoft ATR
Date: 11/18/01 10:51pm
Subject: Antitrust Document

This document is totally full of holes that Bill Gates could drive a truck through. Microsoft has never been punished for delivering promises that it never met, destroying other company's products and wasting the planets resources by delivering software that requires constant repair (if indeed it is repairable).

Nothing about this judgement will change that. Microsoft employs very sharp and very cunning people with almost no ethics. There is nothing that even resembles a slap on the wrist.

I don't have the time to spend rewriting it for you, I'm wasting my time trying to fix outlook express so that it will read newsgroups properly because Qwest sold out to Microsoft and now I have to use their reader instead of the Netscape one that actually worked properly. Read some of the books on Bill—especially ''Hard drive''—and you'll know you want to rewrite this. In some ways he's worse than a terrorist—he looks legit. His aunt taught him to be like this. You've got to punish this company and stop them from giving us crappy products and smothering the competition.

Chris Pollard—A computer engineer for 31 years

MTC–00001118

From: Ian Joyner
To: Microsoft ATR
Date: 11/18/01 10:27pm
Subject: Microsoft Settlement

As a non-U.S. citizen, I and many others find that the settlement between the U.S. Government and Microsoft is extremely weak kneed. I have followed this case since 1998. The settlement sends a message to the rest of the world that the U.S. is unable to protect fair business practices where it is seemingly against the interests of U.S. politics or economy. The settlement is however, against the interests of the public.

The settlement only tells Microsoft to modify its future behaviour. That is no punishment or compensation for the acts it has already committed against other companies. In other words, although Microsoft has been found guilty of such conduct under the Sherman Act, it is a win for Microsoft.

Microsoft bleats that it is defending the right to innovate. However, it has successfully defended the right to crush the innovation of others, without which many Microsoft products would not now exist, either by take over or by stealing the ideas and programming code off others. The U.S. DOJ must review this case and impose stiffer penalties, even the break up into two or more companies, if the U.S. is to be trusted in the international community.

As a software professional, I would like to see balance and fairness restored in this industry, and am very concerned about this latest turn in this trial.

Ian Joyner
Sydney
Australia

MTC–00001119

From: Charles Graham
To: Microsoft ATR
Date: 11/18/01 10:40pm
Subject: Comments regarding Microsoft

Dear Justice Department,

As a member of the software industry since graduation with a BSCIS and BSBA from Ohio State University in 1984, a Microsoft stockholder and a Microsoft business partner, I find it refreshing to see this ugly chapter of government interference in the fast moving high tech industry coming to a close. Microsoft should be held to the same laws as every other corporation in the land. However, the actual damages to anyone in this case is highly suspect. It appears that this case was brought by a number of companies unable to succeed in the industry without resorting to the courts, and some sympathetic government lawyers eager to hang the Microsoft hide on their wall as a trophy. The issue between Netscape and Microsoft as long since been settled and Netscape is a Microsoft business partner. Microsoft came

up with their own browser, a fairly simple piece of software, rather than buy Netscape licenses for it's thousands of employees. Since the development of the browser was already paid for, they offered the browser as part of their operating system to enhance their Internet presence. I see nothing wrong with this. The general market has flourished well due to the standardization Microsoft provided in operating systems and office suites(Word, Excel, etc.). This country's government should be treating Microsoft as a national treasure. The US government should be approaching Microsoft and asking how we can enhance the development of Microsoft and grow the software industry in the USA as it is one of the few industries with any future in the USA. We are luck that Bill Gates didn't pack up his company and move it across the border into Canada. Other countries would nurture a wonderful success such as Microsoft, not try to tear it down.

This lawsuit caused the technology bubble to burst and caused more loss in shareholder value for millions of Americans than any other single event in history. If I was a government lawyer, this is not the legacy I would want to leave behind. A legacy in which millions of Americans were robbed of their retirement savings, a legacy of millions of layoffs and company closures. And for what? What did this lawsuit actually accomplish? Even if Microsoft had been broken up, was this a good thing for America? Once again, what could the motives behind this lawsuit be other than a bunch of ''has been'' sour grapes from companies like Sun Microsystems who got together with a bunch of underpaid government lawyers who want to make a name for themselves and fostered by the Clinton administration who was angry at Microsoft for not contributing enough to the Clinton campaign. Isn't there a better use of the justice department's time than this? Isn't there any ''real'' criminals that you should be focusing on?

Sincerely,
Charles Graham
Salem Automation Inc.
4500 Indiana Ave, Suite 40
Winston-Salem, NC 27106
cwgraham@sai-net.com
Phone 336–661–0890x106
CC:MSFIN@Microsoft.com@inetgw

MTC–00001120

From: Andrew Ling
To: Microsoft ATR
Date: 11/18/01 11:53pm
Subject: Case Settlement

To Whom It May Concern:

Hello. My name is Andrew Ling and as a member of the I.T industry, a former employee at Microsoft and as a concerned citizen, I wish to voice my opinion on the recent settlement reached in the case of DOJ v. Microsoft Corp.

I have been using Microsoft products for well over ten years now. I have become so familiar with their products and technologies that I have achieved Microsoft's highest level of certification, the MCSE. Needless to say, I have a thorough understanding of many of Microsoft's products and in fact I myself use them everyday. As far a computer software goes, Microsoft can hardly be equaled amongst many types of software and operating systems technology let alone bested. In my opinion Microsoft's newest OS, WindowsXP, is the best operating system I have ever used, or ever even conceived of using; and this leads me to my point. Nobody else can touch Microsoft's products because nobody has been allowed to compete with them for at least the past 10 years. Microsoft has crushed their competition any way they could in order to come out on top.

As I said in the opening of this email, I am a former employee at Microsoft. I was in fact a contractor, not a Microsoft employee; I worked for Compuware Corporation on contract with, and on location at Microsoft, here in Charlotte, NC as a telephone support engineer. Although I was a contractor I was still allowed to attend most meetings, and during some of these meetings Microsoft's true colors would shine through. Granted, I heard nothing of true substance or anything blatantly illegal or wrong, but one absolutely gets a feel for what they are all about, and what they are about is putting every single one of their competitors out of business. I had long suspected that was the mood of Microsoft from hearing ''leaked'' information off the internet or seeing hidden-camera videos of some of Microsoft's meetings and strategy planning sessions. I suspected that before going to work there, but actually working there made it a fact.

In defense of Microsoft I will say this:

*They are an extremely generous employer to their employees

*The workforce is tremendously diverse and,

*They put a lot of pride and hard work into the products they make and the services they offer.

These good things I say about Microsoft do not matter however; they were found guilty of breaking the law and I fully agree with that ruling. As I said before, I always knew Microsoft was ''evil'' ever before I worked there, but now this is apparent to the rest of the country. If you read anything in this email read this; the settlement is tremendously weak. Microsoft will continue to dominate with such a slap on the wrist and nothing will have changed. And I fully believe that this is why not all of the states involved in this case agreed to the current settlement. It is way too weak. The noose needs to tighten around Microsoft a lot more. When this happens we will truly begin to see the ''true'' essence of innovation and more importantly, competition.

These are just my opinions.

I wish to remain anonymous

I wish this letter to be held in confidence

*for the record I left Microsoft amicably at the end of my contract

Sincerely,
Andrew Ling—MCSE, A+
* Mailto:AndrewLing@adelphia.net
* Phone: (704) 562–8137 Primary
* Phone: (704) 875–3732 Home

MTC–00001121

From: Mickey Aberman
To: Microsoft ATR
Date: 11/18/01 11:19pm
Subject: Settlement appears very bad

I have been keeping up with the case and reading extensively. I started out doubtful about the legal merits of the government's case, but I followed the trial almost daily and agreed with the judge's findings. I have read the terms of the proposed final judgment. Microsoft engaged in section 1 violations of a nature that might have put executives of a less-powerful and self-righteous company in jail. The government proved illegal conduct, to the satisfaction of the appellate court. There have been blatant attempts to use the monopoly in Windows to create monopolies in other products. I believe Microsoft has succeeded with Word and Outlook—formerly two products that have been bundled in ''Office.'' As a small-business owner, I can't avoid doing business with Microsoft without suffering a lot of aggravation and expense. It starts with being dependent on Windows and the far lesser compatibility of non-Microsoft browsers, word-processors, email programs, and now imaging software. This is not a result of innovating. Its leverage of market power. The proposed settlement has got to have Microsoft executives cheering. There are few specific requirements (and therefore interpretation and proof problems) and there are no teeth. At best, the government wins the opportunity to start over. The government's capitulation smells of influence and politics.

It is probably too late to do anything to tighten up, but please try.

Mickey Aberman
Charlotte, NC

Note: Although I am an attorney, I have no clients that are competitors of Microsoft; I am speaking for myself as a product user.

MTC–00001122

From: Daiana Baldanzi
To: Microsoft ATR
Date: 11/19/01 12:17am
Subject: Dear Ms. Hesse,

Dear Ms. Hesse,

In response to your request for public comment on the proposed settlement in the case of United States v. Microsoft Corporation, I urge you, as an independent citizen with no direct financial interest in Microsoft nor any of its competitors, to settle the case as soon as possible and in a way that imposes the fewest possible restrictions on Microsoft. At any time, and especially during these difficult times, we should applaud America's successful companies and allow them to innovate and to grow, rather than hold them back by pursuing regulatory actions born of the concerns of a century ago and dressed up in New Economy lingo, and motivated by the self-interested pleadings of competitors.

Louis Dorsey
San Pedro Ca

MTC–00001123

From: JDHuling@aol.com@inetgw
To: Microsoft ATR
Date: 11/19/01 12:44am
Subject: Microsoft Settlement

This litigation was ill-advised from the beginning. It is very hard for me as a consumer to understand why the government would penalize a company who has made our lives easier, more efficient, and less

expensive because they have made the best mouse trap. Capitalism should reward ingenuity not punish it! Congratulations.

MTC–00001124

From: Zachary Niemann
To: Microsoft ATR
Date: 11/19/01 12:35am
Subject: Microsoft settlement

To whom it may concern:

I have been working with and teaching people how to use Microsoft products for several years now. In fact, I am an MCT—a Microsoft Certified Trainer—a distinction held by few individuals. During the time I have been in the computer industry, I have heard many points of view. But to quote George W. Bush, ''Make No Mistake'', there has never been any controversy over whether or not Microsoft is a monopoly. It has been manifestly evident to all intelligent parties. It is a common joke. What else can we do but joke about it? It is reality. I don't like the idea of ''biting the hand that feeds me'', but the best solution for this industry is nothing less than a full breakup of the company and the opening up of Windows source code. Don't worry, Bill Gates, Paul Allen, and whatever piece they still control will still be fine. They ARE the wealthiest men in the world. And there is a reason they are the wealthiest people in the world— they have a stranglehold on the industry. Break them up—life will go on. Gates will still be rich. The difference is that millions of people will finally have a CHOICE. Isn't that what America is all about? PLEASE, live up to your name—The Department of Justice. Give us *justice*. Please. Break Microsoft up.

We're waiting, we're hoping, we are the American people,

Zachary Niemann, MCSE, MCT
344 So 26 St #2
Lincoln, NE 68510
(402) 477–1164

MTC–00001125

From: root@wt6.usdoj.gov@inetgw
To: Microsoft ART, antitrust@ftc.gov@inetgw,Ralph@essen...
Date: 11/19/01 12:34am
Subject: Microsoft Hegemony: ''Devil In The Details''

C C: letters@latimes.com@inetgw, letters@sjmercury.com@i...

Re: World Bank faces 'great challenges' the World Bank also renewed its push to help developing countries obtain financing while stressing the rule of law and sound economic policies am the cornerstone to sustained economic development. ''Protestors accuse WTO's words to be particularly hollow, and I can vouch for them, for experience tells me that after your market cap surpasses roughly $50 billion, the role of law no longer applies to you... congratulations.''

MTC–00001126

From: David Balsamini
To: Microsoft ATR
Date: 11/19/01 12:39am
Subject: msft case public comment

Dear Ms. Hesse,

In response to your request for public comment on the proposed settlement in the case of United States v. Microsoft Corporation, I urge you, as an independent citizen with no direct financial interest in Microsoft nor any of its competitors, to settle the case as soon as possible and in a way that imposes the fewest possible restrictions on Microsoft. At any time, and especially during these difficult times, we should applaud America's successful companies and allow them to innovate and to grow, rather than hold them back by pursuing regulatory actions born of the concerns of a century ago and dressed up in New Economy lingo, and motivated by the self-interested pleadings of competitors.

David Balsamini
New Jersey

MTC–00001127

From: briand@zipcon.net@inetgw
To: Microsoft ATR
Date: 11/19/01 2:00am
Subject: Microsoft/DOJ settlement

To whom it may concern,

I believe it is crucial that Microsoft be required to fully document:

1. The Application Programming Interface to any current or future operating system. More importantly, there must be someway to prevent other Microsoft software, e.g. Word, Excel, etc.. from using__undocumented__API calls which give those programs an advantage.

2. Microsoft's true stranglehold is the use of proprietary datafile formats which make it exceedingly difficult for other vendors to write program which can interact with those formats. It is crucial that the file formats be documented and made publicly available. This still requires would be competitors to implement the functionality, a non-trivial task, but would allow competing programs to interact with Microsoft file formats.

The key to any settlement with Microsoft must include these items to make it possible for competing programs to evolve. All of the user applications will then compete on the basis of ease-of-use and stability and other important merits. The current situation, i.e. control of the file formats and API's, has in fact created an artificially limited resource. Microsoft__must__document this information for internal use. It is hardly a difficult or expensive task to make these things public knowledge.

This sort of standardization is usually done by industry groups. Microsoft's monopoly position has allowed them to completely ignore this process and prevents such standards from being implemented. Wherever standards exist and are publicly available, purchasers of materials covered by the standards benefit.

Sincerely,
Brian Denheyer
15629 NE 99th Way
Redmond, WA 98052

MTC–00001128

From: CAROL J. TODD
To: Microsoft ATR
Date: 11/19/01 1:01am
Subject: Settlement of the Case Against Microsoft

I hope you drop the whole thing. If Bill Gates is smart enough to create Microsoft and become a billionnaire over it, more power to him! Isn't it America where whatever you dare to believe, you can achieve? He pays BIG taxes to support you people who are suing him, and he's very generous in many humanitarian and conservation projects around the world. Ordinary people like Microsoft just the way it has always been, not split up and a big problem like AT&T. Please, not another disaster like that. So get over it and leave Microsoft alone!

Carol Todd
Colorado Springs, CO

MTC–00001129

From: Charles Tubbs
To: Microsoft ATR
Date: 11/19/01 1:51am
Subject: Microsoft's GUILT

It is my understanding that the appeals court upheld eight felony counts against Microsoft, yet the settlement doesn't require them to admit guilt of any kind. As far as the general public knows, they have only acted with ''super integrity'' (in Ballmer's words).

How can this settlement represent the interests of Justice?

MTC–00001130

From: Saul, Jim
To: Microsoft ATR
Date: 12/6/01 2:19pm
Subject: pro—settlement

I think that the settlement is fair.

Jim <mailto:jsaul@internet.com> Saul MIS Manager internet.com a division of INT Media Group, Inc phone 218 998 7787

MTC–00001131

From: Bill MacAllister
To: Microsoft ATR
Date: 12/6/01 1:21pm
Subject: Please breakup Microsoft

Hello,

I just wanted to a short indication of my view of the business practices of Microsoft and its effect on technology. For 5 years I worked at a software company that produced Internet email software. For years now Microsoft has made life very difficult for internet postmasters both by:

1. Producing software that flaunts the messageing standards, both Internet and OSI standards.

2. Producting email user agents and word processing software that are targets for even the novice hacker to attack random hosts.

The penetration of Microsoft email products into the market place has been dramatic. In large part this can be attributed to the delivery of Microsoft Mail as a ''free'' addon to Microsoft Office. This is very similar to the problem that the court considered in looking at web browser embedded in the operating system.

In my opinion, any settlement that does not require Microsoft applications divisions to operate independantly from the operating system developers is a waste of your effort and my tax dollars. It needs to be in the best interest of the Microsoft applications group to provide software on any or all

Bill

Bill MacAllister
Senior Programmer, Pride Industries
10030 Foothills Blvd., Roseville CA 95747
Phone: +1 916.788.2402 Fax: +1 916.788–2540

MTC–00001132

From: Stan Stewart
To: Microsoft ATR
Date: 12/6/01 2:21pm
Subject: Microsoft

In my mind, the settlement is fair.

We don't need to punish one of our great companies just because they have a good product that no one else can compete with.

I have Linux on my machine also (dual system). Windows is far superior in every way. When Linux puts together a competitive product I'm sure they'll attract a good following as Windows has been able to do. Redhat and the others need to work harder at improving their product. The same goes for Netscape.

I believe it is sufficient to monitor Microsoft and insure that they don't attempt predatory practices, but punishing them for success is not acceptable.

Stan Stewart
Fraser, Michigan

MTC–00001133

From: Laurent Domenech
To: Microsoft ATR
Date: 11/19/01 3:11am
Subject: my comments on the agreement

Hello,

It seems pretty unfair and biased. Whether or not we are going through a national crisis doesn't change the fact that Microsoft shouldn't be allowed to go on with their monopoly. Not only, this didn't help innovation but now it's our privacy that they're after with XP.

Thanks for listening,
Laurent

MTC–00001134

From: John Schroeder
To: Microsoft ATR
Date: 11/19/01 2:17am
Subject: Microsoft case

Renata Hesse

I would like to say that it is about time the Microsoft case is settled. I do not believe it should ever have begun in fact. As a senior citizen, now retired I believe Microsoft has done far more good then bad for the computer public. I had never touched a computer until I was in my fifty's and I have seen things much improved with the Microsoft products ever since. I have run Gateway and Dell computers. I have used Windows 95, 98, ME and soon will use Windows XP. I have run Explorer and Netscape, both at the same time on one computer with out a problem. I currently run three chat programs, AOL, ICQ and MSN with no problems. I am not a computer genius and I have not worked in the industry either.

I also have run several other competing products side by side on my computer. Quicken and MS Money, Microsoft media player and Real Jukebox. Various email programs, etc. I have been able to add or remove these programs without any major problems and was free to decide which I wanted to keep. I also was never forced to buy any Microsoft programs. Why have we been prolonging this outcome other then to benefit competitors? I guess if I had a product that could not compete it would be okay to have the government to step in and slow the other guy down. Most anti trust parts of this case have disappeared due to time and circumstances anyway. My thought on this is if you don't like the company or the products don't buy it. There are other systems and programs available. This is a no brainer.

And if the government wants to worry about monopolies they can start with the oil companies before we have only 2–3 left and gas prices go sky high and never return. The options for the consumer are much worse in this case. If you do take on big oil give us another judge that has his mind already made up and sleeps in court. What a bozo.

Thanks for listening
John Schroeder
3806 177th Place SW
Lynnwood, WA 98037
Breakes@msn.com

MTC–00001135

From: Alan Zasi
To: Microsoft ATR
Date: 11/19/01 2:11am
Subject: Microsoft case

I urge you, as an independent citizen with no direct financial interest in Microsoft nor any of its competitors, to settle the case as soon as possible and in a way that imposes the fewest possible restrictions on Microsoft. Our economy is very weak, and unrestricting Microsoft will help stimulate growth.

Alan Zasi

MTC–00001136

From: Dirk van Swaay
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/19/01 5:15am
Subject: Microsoft Settlement

Hello,

How is it possible that the DOJ agreed to this settlement? I thought you guys were out to punish Microsoft, compensate the harmed competitors, partners, and customers, and then place effective blocks to the sort of behaviour that got them in trouble.

The current settlement does nothing to punish MS for what it has done, completely forgets about all the people who were harmed by their behaviour, and completely misses the mark in its attempt to curb Microsoft's anticompetitive behaviour.

It seems you are turning a blind eye to MS.

Yours upset,
Dirk van Swaay
Network Support
Bristol, UK

MTC–00001137

From: Mike Spangler
To: Microsoft ATR
Date: 11/19/01 4:59am
Subject: Settlement

I'm not impressed. We have process control software running on Microsoft Windows. We are operating a PSM regulated facility. Nothing in your settlement pries them open or leaves them accountable so that either Microsoft or other people can fix their security holes, or even dislodge their extra ''features'' when you don't want them. The option of forcing a stripped-down version of Windows should be re-examined, and implemented. Our control software does not need to be interrupted by the OS deciding to ask us if we want to download the newest MP3 from MS.Net.

Mike S.
Process/Instrument Engineer
Moses Lake Industries
mspangler@mlindustries.com

MTC–00001138

From: Nico de Vries
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/19/01 4:34am
Subject: Its perfect.

Hello,

I think the proposed settlement is perfect. Implement it ASAP please.

Take care,
UCC Business Solutions B.V.
Nico de Vries
Technisch Directeur
Buizerdlaan 2
Postbus 1357
3430 BJ Nieuwegein
Telefoon030–6008600
Fax030–6008601
Nico.de.Vries@ucc.nl
http://www.ucc.nl
Have a nice day!

''Any e-mail messages from UCC are given in good faith but shall not be binding nor shall they be construed as constituting any obligation on the part of UCC''

MTC–00001140

From: blair davis
To: Microsoft ATR
Date: 11/19/01 6:03am
Subject: Microsoft red wrist....DOJ is a disgrace to America

This Microsoft settlement is an outrage. Slapping the wrist of MS after it was tried and convicted of serious antitrust violations is a joke and a disgrace.

It is anti American, immoral, and against the free enterprise system. It will kill competition, innovation, and thus many jobs. Why don't we save folks the hassle of choosing a tire and just go with one company and one tire ...Firestone's ATX.

blair davis
blairdavis@onebox.com—email
(713) 590–2349 x1135—voicemail/fax

MTC–00001141

From: Donn Edwards
To: Microsoft ATR
Date: 11/19/01 5:45am
Subject: The wheels of US justice are incomprehensible

Dear US DOJ

I am a programmer who has been following the various Microsoft lawsuits with interest over the years and I must say that your proposed settlement with Microsoft amounts to more of a capitulation than a settlement. If Microsoft is guilty of a crime, then surely it should be punished? If it has inflated prices over the years, then a refund would be a good place to start.

If it has broken the law by producing operating systems that harm other products, then surely Microsoft should be forced to issue a CD to all *existing* Windows users, starting with Windows 95, containing updates to those operating systems that will enforce compliance with the law? If MS is going to be forced to sell a cheaper version of Windows without all the other junk, then

this should apply to all versions of Windows 95 onwards, and not just Windows XP onwards.

Perhaps you could do it as part of the enforcement process: the first time that MS gets cheeky and violates the compliance issue, then Windows XP and Windows 2000 should be included in the list of operating systems that need to be changed to comply with the law. Next time they get cheeky, then add Windows ME, and then Windows 98 SE, and so on. Not only will this allow existing customers to benefit from the enforcement of the law, but it will increase Microsoft's costs, by having to go back to older versions of their code and change it.

The wording of the proposed agreement sounds all well and good in theory, but it was obviously written by people who have never struggled to get Microsoft to

a) Admit there is a problem

b) Work on fixing it

c) Getting a fix that makes things better, not worse

Have you guys ever actually tried to report a problem and get it fixed? I doubt it! If so, then you would provide mechanisms whereby Microsoft's own reluctance to admit that they have done anything wrong would be addressed. Until you get that mindset to change, you are going to continue to look like fools in the eyes of the general public, both at home and abroad.

Best wishes,

Donn Edwards <vmusic@global.co.za>

21 Elbon Road, Blairgowrie, 2194, South Africa

MTC–00001142

From: Robert F. Tulloch
To: Microsoft ATR
Date: 11/19/01 5:44am
Subject: Anti Trust

I cannot believe that you folks entered into this limp dick settlement against M$. Gates is the ultimate capitalist pig, trashing competition and foisting trash OS's on folks. M$ continues to violate the spirit of competition as we speak. As an example their file backup system in ME & XP backs up Interbase database files (an open source competitor) every time there is a change. This has the effect of slowing a system using IB to the point it is useless and appears inferior to M$ products. This was done purposely to make IB look bad. But you go ahead with your settlement. You have really acted in the interest of the citizenry.

Or is it that Bill Gates contributed big time the the republicans. Shame on you and the government. You failed. I will not comply.

MTC–00001143

From: Chris Norwood
To: Microsoft ATR
Date: 11/19/01 5:34am
Subject: microsoft decision

To Whom It May Concern,

I realise that as an Australian citizen my views on the Microsoft (MS) case are probably of little concern. However, I find the US court decision somewhat perplexing. Your court has seen evidence of Microsoft creating, maintaining and increasing a monopoly in not only the United States of America, but the whole world. The Windows Operating System contains so much peripheral software that the vast majority of users will never consider using alternative software. Added to this is the difficulty in disassociating software such as Explorer, MSMessanger and Mediaplayer. Adding alternative software is beyond the average user as MS products keep on usurping installed software from competitors as the primary program. MS is a company that has bullied OEM's, bought out rivals (e.g. Corel) and stymied competition such as Netscape by giving its software away for free and claiming it is part of the Operating System and can't be disassociated (e.g. Exploerer). The remedies you have proposed seem inadequate to quell fears that MS will continue to gain dominance in computing software markets etc. The original decision to force Microsoft to split into an operating system and general software companies seemed like a sensible decision based on MS executive's failure to comply with previous restraints on their marketing behaviour, in fact for most people in the computing world believe even this was inadequate. Even during the trial, MS executives were shown to be deceptive, in particular Bill Gates. Your failure to place sufficient restraints on this company will hopefully be rectified by the European Union courts and other foreign legislative authorities. As it stands, the Justice of the United States of America appears to be inversely proportional to one's wealth.

Yours Sincerely,
Chris Norwood

MTC–00001144

From: Alan R. Houtzer
To: Microsoft ATR
Date: 11/19/01 7:54am
Subject: Justice Stepped Aside for Microsoft

This settlement does nothing to solve the problem and nothing to punish the offender. It serves no purpose except for Microsoft. For them, it gets them out of this litigation free. With Windows XP, Microsoft now continues to destroy the industry, and to usurp additional industries, leaving only itself. Microsoft continues to see that it has nothing to fear from the U.S. Justice Department.

What kind of law even allows for a ?settlement1 anyway? Can I go out and kill someone and ?settle1 with the courts on the kind of punishment I want? The courts found that Microsoft broke the law. Punish them and disable this repeat offender which has no regard for law from doing it again.

MTC–00001145

From: Normande Babin
To: Microsoft ATR
Date: 11/19/01 7:11am
Subject: . . .

It's not your problem if other companys can't compete with microsoft.

MTC–00001146

From: vilb
To: Microsoft ATR
Date: 11/19/01 6:41am
Subject: Unacceptable

To Whom it may concern:

AN UNACCEPTABLE——I have been in the computer business for 20 years and it is my opinion, that MS actions are with out a doubt completely illegal and a serious threat to the future of humanity. The results of this will have future global impact, that is much greater than the terrible events of this September.—OUTRAGE.

MTC–00001147

From: Eelko de Vos
To: Microsoft ATR
Date: 11/19/01 6:39am
Subject: Microsoft Case

Dear DoJ,

During the last couple of years I have been following the case against Microsoft closely. Lately, I've been baffled by the outcome. I would like to know the motivations you've used to withdraw from the previous course. I also learned that your president has shown leniency towards Microsoft and tried to stop the lawsuit from continuing: he has asked the DoJ for a settlement course instead of a conviction course. This shocked me.

I would like to ask you to persue a conviction course that will lead to a split-up of the company in at least three different companies, as Microsoft is most definately controlling the market in an unhealthy way. Their ethics are questionable, at the least, and their strategies and tactics are to be considered murderous for software development around the world.

Sincerely,
Eelko de Vos, the Netherlands

MTC–00001148

From: Timothy Stevens
To: Microsoft ATR
Date: 11/19/01 8:12am
Subject: Microsoft Action

Greetings,

I think all you have done is slap Mr. Bill Gates on the hand and said play nice. You are doing nothing to make sure this will not continue or happen again. Microsoft is a monopoly, that you have stated, now by law that is illegal. Every other monopoly, look at AT&T, was broken up and not only survived but thrived. Why will you not do this to Microsoft? If you do not then you are not enforcing the laws as you are supposed to do.

A very upset end user,
Timothy Stevens
Papillion, Nebraska

MTC–00001149

From: Michael Foy
To: Microsoft ATR
Date: 11/19/01 8:02am
Subject: Very disappointed in the recent settlement with microsoft

As an individual living in England, I don't suppose my views about your recent microsoft settlement should count for very much, but I thought I'd at least have my say, after all, 'if you remain silent when evil is done, then you are supporting it.'

Microsoft is a monopoly, which uses its dominant position in the computer market to stifle innovation and rivals. Their use of passport system is an infringement of my rights to privacy, their OS XP is full of holes, allowing easy access by zombie programs, they buy up shares in rival companies to get leverage. They lie about their products, plagiarise other people's software and use their size to undercut any opposition.

It's like having ONE oil company, who will only sell petrol to certain manufactures of cars. Please reconsider your verdict, and rather than split microsoft into two, just take away windows from them, allow them to work on applications, which will sell themselves, but make windows a 'FREE' operating system with open source, like linux.

Thank you.

Michael Foy

MTC–00001150

From: Adam Roberts
To: Microsoft ATR
Date: 11/19/01 7:57am
Subject: Netscape & Windows XP problem

I have come across a problem that in Windows XP that STOPS Netscape from installing. I reported this as a bug when I received Windows XP Professional RC2 but it wasn't fixed. Do the following: i.e. Have a directory called win98 that contains the setup files for Windows 98. i.e.—c:/masters/win98. Then have the netscape setup program in parent directory. i.e.—c:/masters/cc32e47.exe run cc32e47.exe and when it gets to 100% it reports that it can't install Windows 98 and then fails. If you rename the win98 directory to something else then it works okay.

Adam Roberts
adam@videocontrols.co.uk
+44(0)7762127353

MTC–00001151

From: Lawry, Ted
To: Microsoft ATR
Date: 11/19/01 8:22am
Subject: MS Settlement

With scum like you, who needs criminals?

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Thank you.

MTC–00001152

From: ACarran
To: Microsoft ATR
Date: 11/19/01 8:19am
Subject: An Essay on Microsoft

Microsoft is a virus. It is the 'caulerpa taxifolia' of the sea of software, transforming a vibrant diversity into a mediocre sameness. It has no predators, and its hosts have no resistance. It has infected over 95% of the silicon-based life on the planet. The antibodies have mutated, and become totally ineffective. The thousands of macro viruses, Melissa, iloveyou, and the tens of thousands of other viruses are merely secondary infections.

MTC–00001153

From: robmorton
To: Microsoft ATR
Date: 11/19/01 8:15am
Subject: MS dependencies

My name is Robert Morton. I am a Senior Computer Support Specialist. I was happy when the US Justice Department decided that Microsoft needed to be pursued as a monopoly. It is clear to anyone that they are a monopoly and use this power to go into other markets. They essentially killed Netscape, and are now focusing on instant messaging. If you happen to use a computer that is not dependant on their operating system, they will hold your company hostage with Office.

MS has shown time and time again that they do not care about the law. Any minor action you take against them will be ignored. Once that happens the entire process will have to start all over again. How many times will the US allow MS to lie in court, submit false evidence, etc. before something is done? Please reconsider the solution. The US has spent a lot of money creating a solid case. The proposed solution will not even slow MS down from repeating their past transgressions.

There are only two solutions that could work. One, break the company up. Since that probably will not fly in the current process, there is one other possibility. Have MS open up the file formats for their applications. This would allow other companies to write compatible versions of all their applications. The file format would have to remain open and changes approved before they can be released. This one change would allow WordPerfect or AppleWorks to legitimately compete with MS Office. Also if MS does not feel there is a market for a product, someone else could fill the gap. For example, MS Project is not made for other platforms any longer. If the file format was open, someone could write an application for UNIX or Mac that would be able to read, edit and save MS Project files. At least this would weaken the company1s strangle hold on other platforms.

A concerned citizen,
Robert Morton
10503 Lime Tree Way
Beltsville, MD 20705

MTC–00001154

From: Bill Albright
To: Microsoft ATR
Date: 11/19/01 8:28am
Subject: Microsoft

Computer users are the most unloyal consumers there ever can be. their success is from building the best software available. Rather then punish success why not look at those companies that truly stifle the consumer choice? Yes the computer users has choices but none of them are any good. Stop the un American attack on Microsoft.

Bill Albright

MTC–00001155

From: Richard Lee
To: Microsoft ATR
Date: 11/19/01 8:35am
Subject: settlement

What a bunch of lawyer BULLS**T! Microsoft has a strangle hold on the entire computer market, and anyone who denies that is not living in the real world. I can not go out and buy a new computer today without THE operating system that Microsoft has chosen for me! Please include a stripped down version of Windows in the settlement! This would be a step in the right direction. If nothing else stop Microsoft from strong arming the computer manufactures into loading the OS they choose onto new computers, please leave the choice in the public's hands! It sucks that I cannot choose the OS I want! Thanks for listening. . .

Richard Lee
Help Desk Technician
The Hotchkiss School
Lakeville, ct. 06039
Ph. 860–435–3855
Phone (860) 435–3855
rlee@hotchkiss.org

MTC–00001156

From: Walter Padgett
To: Microsoft ATR
Date: 11/19/01 8:34am
Subject: Microsoft

Good Morning,

I've tried to follow this case as close as my schedule would allow. My brief summary of all of it is as follows:

1. Bill Gates has a history of not following the law in the past, so what will make him change now?

2. Technology changes too fast for this type of settlement to be effective five years out.

3. Bill Gates uses other companies technology and then settles out of court.

I am a supporter of the American way but Bill Gates tramples all over the smaller Americans. I understand that everyone has the chance to make something of themselve but it is more difficult when someone steals your code. I believe the settlement should include some type of provision protecting the small guy when he sues to reclaim his code or program. It's a formidable task to fund a legal defense that can combat Microsoft's team of lawyers.

I believe the laws of the land should be changed to allow technology lawsuits to proceed fairly quickly through the courts. The reasoning for this is that technology changes everyday and by the time the case is settled, companies have a chance to change their program to avoid future lawsuits and release a new version during the current lawsuit. This basically makes it harder for the small guy who might be a victor to continue writing and selling his program.

Thanks for your time,
Walter ''Wally'' Padgett

MTC–00001157

From: Clarence (038) Joann
To: Microsoft ATR
Date: 11/19/01 8:29am
Subject: Drop the case

This case would never have been brought if MS had given enough money to Dem party. It's time to let go, for the good of all. I am not a shareholder and never have been, but do own other Tec stocks.

Clarence & Joann Huygens
4195 390th St

Hospers, Iowa 51238

MTC–00001158

From: Jim
To: Microsoft ATR
Date: 11/19/01 8:29 am
Subject: Microsoft settlement

I respectfully submit these comments and observations. I am a technologist who has been in this industry since 1985. I currently work of a brand building corporation that uses both Windows and Macintosh systems. In a prior career I worked for Ameritech (now SBC) for 30 years, five of which were in the IT organization.

It appears that Microsoft has again accomplished its objectives and will continue now on its campaign of total dominance of anything it chooses. I fail to understand why you, our Justice representatives, would once again offer a simple slap on the wrist to a company that has ignored a similar punishment in the past. Clearly, this approach has not and will not work. You have given Microsoft has so many ways to interpret this agreement that it is a total waste of paper. Were they not convicted of being an illegal monopoly? Did they not destroy competition in as many ruthless and illegal ways as they desired? Are you, with this agreement, increasing competition? Is this agreement good for our future? I believe, along with many others, that the answer to all these questions is a resounding NO.

I strongly encourage the Justice department to reconsider its position and to enjoin the remaining 9 states to vigorously bring this case to justice. A justice that will encourage competition and send a clear message to Microsoft and any others who operate outside the law. The Justice department should stop Microsoft's aggressive and illegal behavior once and for all. It is harmful to our future IT economy to allow this evil doer to continue in his illegal pursuits.

Respectfully submitted,
James R. Felbab
Technologist,
Hanson, Dodge Design
jfelbab@hanson-dodge.com

MTC–00001159

From: Steve Ober
To: Microsoft ATR
Date: 12/6/01 2:22pm
Subject: collect and give where needed—not punishment

Dear Staff,

Gates is getting off by offering little to nothing. Operating Systems like Bill's need to allow other systems and programs like Linux to run together otherwise the same monopoly is there.

I work in mental health research and people who receive mental health services are in great need of computers. This will not only help them but the whole community will be benefited by creating tax payers and lower the great benefit dollar that is paid out to may who could work if they received proper training and employment assistance.The ticket to work program is spreading out and many people with brain disorders will have the opportunity to work and not suffer the benefit cliff.

With all the time and money that public funds were used in the legal battle why rush into an agreement before spending the time to get a return for the public for the illegal business practices Microsoft has engaged in? Please don?t overlook people with disabilities when opportunities like these surface.

We need computers and software to train people to become taxpayers. If not now when?

With all the money being shift to children's education, which is the way it should be, it is leaving people with work histories like children out in the cold. Don?t just punish Gates; rather use some of this ill-gotten gain to help people who truly need the help. Remember those whom you know with brain disorders and how hard they try to work with their limitations. I am one and work around many and advocate by research and trying to get a grant to address well documented unmet informational needs that consumers, loved ones, service providers and the public are telling us they need.

Steve Oberlin
305 Cross Street
Akron, Ohio 44311

MTC–00001160

From: Stan McClellan
To: Microsoft ATR
Date: 12/6/01 2:22pm
Subject: Microsoft ''settlement''

it stinks. i'm embarrassed that the DOJ thinks this arrangement will benefit anyone other than Microsoft. Microsoft is the worst kind of monopolist. they have viciously predatory practices. they don't foster innovation, they dismember any company whose innovation is potentially threatening to their corporate goals. they threaten ''partners'' with unpleasant ramifications in order to maintain ''product integrity''. they bilk consumers with constant ''upgrades'' which don't maintain backward compatibility (''planned obsolescence''), thereby enforcing ''churn'' in software subscriptions, license fees, and the like.

Stan McClellan, Ph.D
s.mcclellan@ieee.org

MTC–00001161

From: Daniel M. Dreifus
To: Microsoft ATR
Date: 11/19/01 8:46 am
Subject: Microsoft antitrust settlement

I was very disappointed to see the DOJ vs. Microsoft case proposed for settlement without meaningful reformation. I believe it has become nearly impossible for new companies to truly innovate by introducing products that would complete with Microsoft. Wasn't the purpose of the original action to create an environment where competition could be fostered without the domination of the technological field by a single player? I am concerned that Microsoft will own and control all aspects of the Internet. I do not trust their benevolence to manage it for the public good. While it should not be the role of government to do so, as Americans we trust the free enterprise system of competition to offer reasonable alternatives to consumers.

I just don't understand—monopoly power was demonstrated as a finding of fact, then no credible action was taken to counter its continued dominance. It is my opinion that Judge Jackson, even with the years of experience on the bench, and scholarly restraint, found it impossible to contain himself after witnessing the patently false and outrageous claims put forth by the defendant. I am certain the press was constantly pressuring him for comment.

I do not believe he entered the trial with prejudice, but that his opinion was formed during presentation of the evidence. Please consider meaningful reform in the Microsoft case. I do not believe they have excelled through innovation, but through bullying competitors into oblivion with threat and intimidation.

Commercial Resource Management
Daniel M. Dreifus
Toll free: 888 716–0672
Fax: 805 584–8348
e-mail: crm3@ix.netcom.com

MTC–00001162

From: Charles, Robert F
To: 'Microsoft.atr(a)usdoj.gov'
Date: 11/19/01 8:48 am
Subject: Microsoft Settlement.

To Whom It May Concern:

Thank you for this opportunity to express my views and opinions on the Microsoft Anti-Trust matter.

First of all, it has been, and always will be, my belief that the Anti-trust laws were designed to protect the Consumers—not the Competitors. It is my understanding that this action was taken by Competitors in voice of the Consumers. As a consumer of Microsoft products, I neither felt threatened nor victimized by Microsoft's methods of Marketing of its Internet Browser, Windows or other Software Products. Instead, I felt I was getting a Quality product at a reasonable cost.

Secondly, I applaud the diligence of the DOJ for protecting consumers such as me. As aggressive as Microsoft is in the Market Place, your actions should make all consumers feel that their rights are kept first and foremost in the highest regard by your branch of Government.

Thirdly, I do not feel Microsoft's actions warrant any punitive retribution any stronger than what is proposed. I do wish the remaining nine states drop their law suits and ''cease and desist'' further action as we know that they are Competitor Friendly states with ulterior motives in mind.

Thank you, and with kindest regards I am very truly yours,

Robert F. Charles
Robert F. Charles
Global Automotive Americas North
RF Project Reliability Engineer
tyco Electronics /AMP Incorporated
*(336) 727–5847 *(336) 727–5195
*rfcharles@tycoelectronics.com
*Mail Stop 079–40
PO Box 55
3800 Reidsville Road
Winston-Salem, NC 27102–0055

MTC–00001163

From: jelmer
To: Microsoft ATR
Date: 11/19/01 9:16 am
Subject: This settlement is a joke

They are still doing it. Bundling msn messenger and the windows media player with XP Sending out emails to novel's customers telling them their product has an expiry date Using sun's java pet store unjustly as a benchmark The list goes on and on Companies like real networks, aol, sun stand to lose billions, and with settlements like this well why stop?

Even more important the freedom of choice of the consumer in taken away. Sure you can download netscape instead of internet explorer. But fact is most users will take what they've got, After a long day of work they don't want to bother with installing another browser if this one works just as well. Bundle it with windows and at least 40% will start using it right away. When that is in place they add some proprietary technology to it , like active X or some nifty eyecandy that makes your screen fade away when you leave the page. Deviating from the standard just enough to make it impossible to make it annoying for the casual user to browse with netscape. (make msn network inaccessible for netscape browsers is another good way to achieve this) Put a stop to Microsoft misusing its position in the market, split up the company or let them sell a bare bones operating system. There is NO OTHER option. Even opensourcing windows would be a joke, as no one can create a 100% compatible windows. Annoying the casual user again and thus they will not use it

Hope you reconsider the agreement

Sincerely,

jelmer

MTC–00001164

From: Richard Copits
To: Microsoft ATR
Date: 11/19/01 9:08 am
Subject: Microsoft Settlement comments....

Once again, the Government has proven that it doesn't care about the consumer. Just once it would have been nice to have seen the Government actually have some balls and stand up for the rights of the average consumer and citizen rather than be a suck-up to business. I guess money ranks above ethics once again with the sellout and buckling under to Microsoft. I would have thought that this administration was more ethical and principled than it's proving to be. I guess that Clinton set the precedent in making the Justice Department just a rubber-stamp bunch of butt-kissers. It's a shame there are no real Americans left there any more.... There are a bunch of us that are ashamed that you all are handling this case. You are so out of touch with the citizens of the country and what they feel and think that it's pitiful....

Dick Copits

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MTC–00001165

From: Syjoan@aol.com@inetgw
To: Microsoft ATR
Date: 11/19/01 9:03 am
Subject: microsoft settlement

Since the consumer has not been directly affected by any microsoft actions, it is our opinion that this situation should be settled quickly without causing any further damage to microsoft and our economy. There are many more extremely important issues that our government should be dealing with in this time of crisis.

Joan & Seymour Spears

MTC–00001166

From: George Burke
To: Microsoft ATR
Date: 11/19/01 8:50 am
Subject: microsoft settlement

Please stop the littigation against micrsoft. Being a sucessful business in the USA requires a company to overcome its competition by any means. Microsoft has followed the rules and is being sued because of it. I do not understand why the US government feels that it must destroy a legitimate business simply because it is sucessful. Is the government trying to make businesses leave the USA and provide jobs for people in other contries? If that is true, it is becoming very sucessful.

The abuse of the judical system by the justice department must be stopped and the case against Microsoft must be dropped.

George Burke gaburke@att.net

MTC–00001167

From: susan maloney
To: Microsoft ATR
Date: 11/19/01 9:51 am
Subject: my thoughts on DOJ vs MS

Are you using linux or unix operating system to trying to figure out the penalty against microsoft...i bet you're using a microsoft os....are you using star office for linux as your word processor or microsoft word?.... probably ms word.....are you using netscape or internet explorer to send e-mail regarding microsoft will you attempt to screw them?....probably internet explorer. I just wanted to point out that Linux, star office and netscape are all free software that you can get from the internet. Microsoft Windows is something that you need to pay for microsoft internet explorer is in the windows program but again you paid for it...(and the price wasn't low by the way), microsoft word is something that you paid for too.

I don't understand why everyone is going against microsoft when you had to pay for their products and everyone else gives their stuff away for free. Microsoft may bundle things together but shouldn't the fact that one had to pay for microsoft products be a deterent to help the other companies keep up with microsoft. Most people don't know how to use computers, so they would rather pay microsoft to put everything together for them than put it together themselves....they don't know how to set up an Operating system, they don't know how to install software like staroffice or netscape...or they are just to lazy to learn how to do it. Red Hat Linux operating system has a graphical user interface (gui) that looks just like windows, i don't see anyone going after red hat linux. The reason you're going after microsoft is because microsoft is bigger than, and run better than the government. microsoft influences the world with it's software. you make it seem like MS is run by the mafia or something with all these illegal practices. The fact is some people got mad that Bill Gates is richer and more powerful than they were and they are trying to knock him down a few pegs. I think microsoft is doing the general non-computer using public a favor by intergrating all of these products together. As an example of what i mean...today, go out and get a computer with linux installed....get yourself a copy of star office from the internet....install netscape and see how terrible it is now that it's made by AOL(time/warner)(which i can't believe that you allowed that company to get so big...when are you going to go after them). After you get so mad that you can't get anything to work properly, you'll thank God that microsoft put everything together for you so you didn't have to.

PS. Anyone who recieves this can forward it to whom ever they please. I tried to send it to Bill Gates also, but I expect it will fail. If it gets to someone who has the ability to forward it to Bill, please do so. Thank you.

PPS. I teach computers. If it wasn't for Microsoft, I wouldn't have a roof over my family's head, food on the table, or a car in the driveway, or a job to go to. No one has yet to sign up for a linux class but my microsoft classes always seem to have someone in the seats. Thank you Bill and thank you microsoft...Keep up the good work.

PPPS. This email is not biased for microsoft because i teach their classes either. I make low wages for the computer and teaching fields. I just really enjoy what I am doing.

CC:billgates@microsoft.com @inetgw,bgates@microsoft.co.

MTC–00001168

From: Warren Hack
To: Microsoft ATR
Date: 11/19/01 9:44am
Subject: Comments on Proposed Settlement

I work for a contractor on a NASA budgetted mission, specifically the Hubble Space Telescope project, as a Sr. Software Systems Engineer. I do not have any commercial stake in PC software, but rather develop software for scientific use on a variety of computer platforms, including PCs. I also have professional experience selling and servicing PCs. Therefore, as a professional in the software industry, the proposed settlement with Microsoft would firmly entrench the monopolistic policies of Microsoft as the norm for the industry. This settlement does nothing to address the true problems that Microsoft was found guilty of in court: that they use Windows as a platform to dominate the PC with their software in lieu of anyone's software. There are no sanctions in this settlement to keep them from buying out one promising company working on some software, 'bundling it' with Windows and overwhelming all the desktops with their version when other companies are making better versions. This practice formed the basis for the suit against Microsoft in the first place, as that was how Microsoft's Internet Explorer came to be so ubiquitous despite it being inferior to Netscape. They have also done the same with screen savers (remember After Dark, the once standard for screen savers), media players (how much longer will RealPlayer last thanks to you?),

backup software (remember Colorado Systems), and many other programs that Windows has 'bundled' with the OS. Thanks to you no other software companies will have much of a chance of success. As new applications develop outside of Microsoft, they will simply do as they have always done: buy whichever company they can developing that type of application (regardless of the software's actual quality), 'bundle it' with Windows and swamp every desktop with their version before the other companies can even establish their software in the marketplace.

None of those programs, I do repeat NONE of them, affect the core functionality of the operating system; they only serve to pad Microsoft's bank accounts at the expense of others through the use of monopolistic practices as defined in the court of law. The proposed settlement went out of its way to leave these practices in-tact, and therefore, preserve the very basis of their monopolistic trade. After getting such a resounding conviction, I wouldn't be surprised to hear your budget's have been supplemented by Microsoft given the settlement you proposed. That opinion reflects the perception this settlement gives to the public, and especially to those of us who work professionally with PCs and software development. I only hope that your department will review this settlement with the attorney general's that are holding out and seek a stronger settlement with them.

Warren Hack
3411 Abbie Place
Baltimore, MD 21244

Disclaimer: The opinions expressed are mine alone and should not be taken as a statement of my employer's opinions.

MTC–00001169

From: Mark Wizner
To: Microsoft ATR
Date: 11/19/01 9:32am
Subject: States

I hope the remaining states can extract alittle justice.

MTC–00001170

From: Page, Gary R.
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/19/01 9:58am
Subject: Microsoft

Thank you for the forum to allow the public to submit their opinion concerning Microsoft.

I am a computer programmer and have use Personal Computers since their inception. I started with MS-DOS 1.0 and have progressed through every release. One more than one occasion, I purchased products (e.g. DR–DOS, Rbase) which were subsequently driven out of business by Microsoft's predatory practices. An excellent book on this subject is ''Barbarians Led by Bill Gates'' by Melissa Edstrom.

The fundamental aspect of this case is the definition of an Operating System. Microsoft has declared that any feature which can be integrated into the Operating Systems IS part of the Operating System. This is incorrect. The Operating System is simply the software required to allow application programs to ''communicate'' with the physical hardware. This perspective is applied in the Linux/Unix worlds with the Operating System defined uniquely as a ''kernel''. ''Windows'' is an application which directly interfaces to the hardware. Because of the intimate relationship between Microsoft applications and underlying ''Operating System'', other applications vendors can not possibly compete. No competition equates to mediocre products. This is proven.

Please reconsider these remedies and allow the Justice Department to force Microsoft to create and maintain a generic operating system. This is good for business and the people who use computers.

Thanks,
Gary R. Page
Dallas, TX
CC: Carol (E-mail),Randy (E-mail)

MTC–00001171

From: Clay
To: Microsoft ATR
Date: 11/19/01 9:58am
Subject: settlement comments

Regarding the Microsoft settlement: Not enough was done to ensure a proper settlement. Microsoft will continue to devour companies it thinks are coming up with something too competitive. Microsoft only thinks of itself and should be punished for its harsh business practices. The company should have been broken up or made to pay extremely severe fines. As it stands now, only the consumer will be punished.

Clay Carson
ccar@alltel.net

MTC–00001172

From: Glenn Anderson
To: Microsoft ATR
Date: 11/19/01 9:53am
Subject: Microsoft vs. Justice Opinion

Dear Justice Department Representative:

I just found this Email address on my latest edition of Wired News and thought it was an opportunity too good to ignore. If the opinions of a Microsoft consumer have any weight whatsoever (which is historically untrue) then let my thoughts add to the tired scales of justice.

Having watched your comedic battle against Microsoft for the last few years, I can agree with Mr. Gates that the strain on the taxpayer and the waste of manpower are ridiculous. That is by design, of course. Knowing that there was no other way to win, Microsoft has won the war of attrition vs. the resources of the U.S. Government. Not even the entire country of Afganistan could do that.

I use Microsoft products every day. I work with them. I play with them. However, I remember a day when FoxPro was the best database (they were devoured by Microsoft) and WordPerfect was an efficient and effective word processor (they were kicked out by the Microsoft clone, Word). Those softwares were the best because they were made by companies that had to create quality software in order to compete. There were dozens of productivity software makers out there. If one of them was prone to nasty macro viruses or crashed every hour or so, you could easily switch to another one. Now? To get software from other vendors requires a Mac—but, of course, Microsoft will take care of all of their tools as well.

The remedies proposed by the settlement are weak. In fact, behavioral remedies will be as hard to enforce as this entire farce has been to execute. Microsoft will still continue to push its competitors out of the market—not by offering a better product—but by their established and growing strangle-hold on the software industry.

The only solution would have been to split up the giant and let it compete with itself. Two (or more) extremely powerful software companies—bloated but at least with a competitor on equal terms—would at least have less time and resources to smother innovation and might even create something of their own for once.

I'm sure you've read quite enough of these now (in fact, I doubt you've even gotten this far) so I will finish. Once upon a time, I believed my government could protect me from tyrants, thieves, and tragedy. It seems that isn't true... and every time I see MSnbc, MS windows, and MS passport I will remember that Microsoft is now my big brother who will tell me what to think, what to do, and to keep all my secrets (and I didn't even elect them). We all suffer for your failure.

Sincerely,
Glenn Anderson

MTC–00001173

From: Mitchell Smith
To: Microsoft ATR
Date: 11/19/01 10:05am
Subject: Disappointing Settlement

Dear Sirs:

While it's true that neither party ever gets everything they want in a settlement, you've proven that once again, if you have enough money you don't have to be responsible for your actions in America. Why didn't you insist on changes to XP? Why only 5 years of monitoring? Microsoft has proven time and again that it will not abide by court judgments, let alone settlements. What makes you think this time is any different?

You should have pushed along to trial, and Justice should have asked Congress to create a law providing for a ''corporate death-penalty'' where anti-trust violations are concerned. Capitalism represents the core of our economic strength, and you've allowed one of the greatest cheaters of capitalism to get off the hook with a slap on the hand. When a corporation engages in anti-competitive practices, it commits the most serious crime (short of physical injury or murder) possible to our system. Such evildoers must be tried and punished at all cost.

You ought to be ashamed of yourselves. Microsoft can now continue to hold customers hostage, thanks to you.

Mitchell Smith
Irvine, CA

MTC–00001174

From: Dave Dahl
To: Microsoft ATR
Date: 11/19/01 10:05am
Subject: DOJ missed the bigger monopoly case against MS

Bigger than the browser antitrust issue, please look into why Microsoft owns 98% of

the word processing market. This was far more devastating to consumers than the browser issue. In a textbook monopoly move, Microsoft systematically removed WordPerfect and other hopefuls as choice we might have for word processors. Around 1995–96, WordPerfect dominated with it's $495 product. People loved it and tech support was free. Then, Microsoft released Word for Windows at $99, a price point they knew would destroy WordPerfect. Consumers cheered as $99 became the new price for a word processor. Microsoft's could low ball Word because revenue from Microsoft's OS division paid the bills. Their plan worked and WordPerfect all but died. One might say that's competition, but here's the problem. Fast forward to 2001 and Microsoft no longer offers Word for $99. With competition eliminated, Word now sells for $339!!!!! Do we get added value for the extra price? No, they eliminated the competition so they can charge anything. Free tech support like before? Ha, get out your credit card. We all pay their price because they removed our choice. The monopoly worked. Bigger problem is, MS Word is not a good program, and we're all forced to use it.

PLEASE DOJ. You must stop this activity so software authors can innovate in the future.

Thank you,

Dave Dahl

MTC–00001175

From: Nello Lucchesi
To: Microsoft ATR
Date: 11/19/01 10:01am
Subject: Microsoft Settlement Too Lenient

Dear Sir or Madam:

I was very disturbed to read about the extremely mild remedies that the Department of Justice has offered to settle the Microsoft anti-trust case.

The courts have found that Microsoft has a monopoly on operating system software and that Microsoft has used that monopoly unfairly to enrich itself in other markets. Extending its monopoly powers into other markets has chilled the competitive environment and damaged consumers by depriving them of the products and price-competition in these markets.

Please consider other, more severe, remedies for Microsoft's antitrust violations including breaking up the company into a separate organization for the operating system. Thank you for your time and attention.

—nello

Nello Lucchesi, President
The October Group, Ltd.
449 Park Avenue, Glencoe, IL 60022–1527
847.835.1765 (Voice)
nello@OctoberGroup.com

MTC–00001176

From: John J Tollefsen
To: Microsoft ATR
Date: 11/19/01 9:58am
Subject: MICROSOFT SETTLEMENT

Reneta Hesse
Trial Attorney
Antitrust Division
RE MICROSOFT SETTLEMENT

As a former CEO of a ?dot.com,? a long-term businessperson in the Seattle area, and a practicing attorney concentrating in business litigation, I have a different perspective than that of the Justice Department (at least as I see in the press). The major issue and the critical need in the software industry is the survival of independent software development. To defend their actions, Microsoft has raised the ?straw men:? right to innovate and right to improve their products for the benefit of consumers. Consider the example Bill Gate uses in his press conferences: General Motors is not told that it cannot add headlights to their automobiles are they? This is actually a very good example of the problem. The answer is ?No, when headlights were invented, General Motors had the right to include them in automobiles.? The problem arises because Microsoft not only wants to include the headlights in their automobile, it wants to be the exclusive manufacturer of them (?It's a matter of quality control, you know?). From what I can understand from the settlement, it misses the point. The key issue is not how much the market knows about Microsoft software and source code, the issue is whether Microsoft has the right to own all new innovations. Thus, it should have the right to integrate a browser, but as a monopolist, it must purchase from more than one outside supplier. It also cannot be allowed to use its market power to decide that only one supplier of browsers (e.g.) can exist.

As a small time developer of software, I see Microsoft as a monopolist and Netscape that was equally ruthless company both of whom attempted to monopolize the browser market. If Microsoft had not stopped Netscape, it would now own (as a monopolist) the browser market. The right solution would have stopped both Netscape and Microsoft from driving alternative (some very good) browsers from the market.

In short, I see the settlement as benefiting a few large companies who are near monopolies themselves and doing little or nothing to protect small developers from the immense market and political power of these companies.

John Jacob Tollefsen
Lynnwood, WA
john@tollefsenlaw.com

MTC–00001177

From: Bruce Rogovin
To: Microsoft ATR
Date: 11/19/01 10:12am
Subject: Microsoft

Dear Sir:

I read large parts of the findings of fact that were released many months ago by the previous judge in the case. Therefore, it was with total shock and dismay that I read the proposed settlement of the case last week. Once again, the justice department is giving Microsoft a slap on the wrist for their totally corrupt and harmful procedures in the business place.

I suggest that any justice department official be required to watch the sleazy testimony of Bill Gates before they are allowed to have any say in the settlement. A re-reading of the findings of fact would also be helpful. Microsoft is bound and determined to use any tactics, legal or otherwise to control every aspect of the market. Where is the competition we have been taught in school that was the backbone of this nation? There is none if Microsoft is allowed to keep up their illegal actions.

How about some teeth in your proposal??

Dr. Bruce Rogovin

MTC–00001178

From: Dave Dahl
To: Microsoft ATR
Date: 11/19/01 10:10am
Subject: Microsoft economies of scale = Higher Prices ????

Forget the browser issue, Microsoft continues to steal from us all...

While PC hardware prices have fallen steadily, Windows OS and upgrade prices have risen. The proportions are completely out of whack. WindowsME lists for $209 and you can buy basic PC hardware for not much more. Remember back when Win3.1 was $119 and 79? Why the higher price now? The enormous volume of PCs sold would indicate Microsoft could now charge less to everyone. Shouldn't the public benefit from economies of scale? No need to. There's no competition, so they charge more then call it innovation.

So when are they going to help consumers and drop their absurdly high pricing, and place reasonable charges on support? Where are the economies that come with high volume sales? When there's competition? There isn't any because they eliminated it. Microsoft simply continues to hold the huge userbase hostage.

Please DOJ. It is time to stop them.

Dave Dahl

Salt Lake City, Utah

MTC–00001179

From: Olszewski, James
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/19/01 10:07am
Subject: Microsoft Case—James F. Olszewski II

I am writing to this email address as I was informed that the DOJ was seeking opinions on the case.

I have been a Computer Technician and Network Administrator for several years. I have worked with Microsoft products for many years, as well as numerous other-vendor products. I have also kept a close eye on this case, as I have witnessed Microsoft's anti-competitive and predatorial behavior over several years time.

My opinion of the settlement is that it is incomplete. It does not even come close to making Microsoft 'atone' for the businesses or careers it has destroyed nor for the misperceptions it has inflicted upon the public with it media practices. Many of its customers have absolutely no idea what kind of damage this company has done and this is by design. Also, those companies that decide to stand up against Microsoft's unreasonable requirements for licensing are not protected from retaliation.

Microsoft has also, in my opinion, treated the Federal Government with disdain and has used the same 'sheer weight of power' tactics it uses with any company that does not fit in with its business model. Besides being legally questionable, this insults all US citizens and hints at future behavioral

problems when that 'weight' grows even larger. Microsoft is NOT above the United States and MAY NOT choose when and where to obey the law.

In my opinion, fees and damages should be levied in proportion to the net worth of the company and the business it has stolen. It should be immediately accountable for its actions when dealing with competitors and customers. It should be expected to meet product quality standards, without being allowed to solely create those standards.

In short, it should be treated as any other company and one that has been tried and convicted of aggressive and anti-competitive practices. In any other case, an individual or company that has repeatedly thumbed its nose at authority and has consistently worked loopholes to take advantage of the 'letter of the law' as opposed to the 'spirit of the law' would have been punished and made an example of.

Why should Microsoft be any different?

James F Olszewski II
204 Monroe Street
Traverse City, MI 49684

MTC–00001180

From: dodgson@mail.owc.net@inetgw
To: Microsoft ATR
Date: 11/19/01 10:06am
Subject: MS ''Settlement''

This has got to be, without a doubt, the single worst settlement ever made. It's obvious to myself and everyone else who actually understands the ''tech industry'' that the Department of Justice has no idea whatsoever of how to handle businesses that abuse the system so blatantly as Microsoft has. They have put up with Microsoft dragging their heels for years and, just as there was some hope of actually getting somewhere, they completely and utterly fold. Granted, breakup of the company is far from the best idea, but there are literally dozens of other solutions which, as far as the public has been notified, were not even considered. At the VERY least the government ought to have forced TOTAL licensing of ALL Windows code to whoever wants it for a fixed, REASONABLE price. The ''remedies'' that the DOJ/M$ team have come up with are a travesty and will in no way impair Microsoft's illegal, immoral actions in the slightest nor will they ''stimulate the economy''. In fact, the only thing they will do is hurt the consumer and impair their ''choices'' in software and hardware resources for now and years to come. I can only hope that the court will see reason and reject the ''settlement'' outright. I'm ashamed, as an American, to have this ''Justice'' department representing me.

MTC–00001181

From: Gordon Setter
To: Microsoft ATR
Date: 11/19/01 10:21am
Subject: Don't let them get away with it...

Let me begin by noting that I do not work for any of Microsoft's competitors, nor do I have any significant investments in those competitors. However, spending thirty years in the computer business guarantees one broad exposure to Microsoft products and practices, so I am well aware of that company's behavior and their on-balance negative contribution to the computer and technology industries.

1. Microsoft does not innovate in technology, despite Gates's public pleas to let them innovate. Microsoft instead stifles innovation, through the most innovative application of anti-competitive behavior in history. The Internet Explorer browser is just the latest example of the well-proven Microsoft strategy: spend just enough on development to make the product barely acceptable to allow the business and marketing forces to overwhelm competitive products, and then slash the development budget and stop innovation. Word, Excel, PowerPoint and numerous other products have been through the same process. Unfortunately the innovative competitors squashed by Microsoft's illegal activities in those areas are no longer around to defend themselves, while computer users are forced to use products which last had serious innovation applied more than five years ago. The masses accept this like sheep; they're not aware of how good computer products could be had Microsoft not stopped innovation. Of course the worst offender is the Windows operating system. Major releases of Windows have had only two purposes: to fix devastating bugs that major corporate customers were complaining loudest about, and to carry the water for the destruction of competitive applications such as the browser. No student of computer science would give Microsoft even partial credit for innovation in operating systems beyond those two functions.

2. Microsoft destroys the innovation of others. For example, read the book ''Startup'' by Jerrold Kaplan for just one example of Microsoft's behavior in destroying companies whose technology threatens their monopoly or their plans for expansion of that monopoly. The well-known and often-repeated process goes something like this: innovative startup company creates new technology; Microsoft meets with company under the guise of strategic alliance; if Microsoft can learn enough to steal the technology, it does so and uses its Windows monopoly to prevent the startup from coming to market; if it can't steal the technology, it finds all the companies in the space and conducts a dutch auction, buying the company which will sell itself for the lowest price, using the threat of buying a competitor to get companies to lower their price; Microsoft assimilates the purchased company and uses its monopoly power to put all the other competitors out of business, then slashes the development budget for the acquired product and moves to the next victim.

3. Microsoft is a terrible corporate citizen. Consider simply their success in getting Judge Jackson to despise their behavior during the trial, resulting in aberrant judicial behavior, exactly what Microsoft wanted. This is a company whose business arrogance and flagrant law-breaking must be stopped. No legal settlement will have any impact whatsoever on Microsoft's behavior. Please study the history of the suit brought by Palm Computer against Microsoft a few years ago. You will note that Microsoft clearly infringed Pal'1s trademark in calling their new handheld systems Palm computers. Palm sued, and Microsoft settled saying they would no longer use the term ''Palm computer'' . The DAY AFTER the settlement, full page ads appeared in the Wall Street Journal, New York Times, and USA Today boasting of Microsoft's ''Palm-sized computer'', yes with the ''P'' capitalized. You can be assured that Microsoft is already preparing the fuck-you ad to follow the proposed settlement of the federal anti-trust suit.

4. The proposed settlement will have NO impact on Microsoft which is beneficial to consumers. Microsoft will only be emboldened by the fact that the government spent so much time and money and achieved nothing. Concluding the proposed settlement with Microsoft will allow you to look back in five or ten years and realize that Microsoft has gained and abused even more monopoly power, and that software innovation has effectively stopped.

PLEASE BREAK UP THIS COMPANY IN A WAY THAT DOES NOT ALLOW THEM TO LEVERAGE THEIR MONOPOLY TO DESTROY INNOVATION AND INNOVATIVE COMPANIES!!!!

MTC–00001182

From: Paul D. Motzenbecker, Jr.
To: Microsoft ATR
Date: 11/19/01 10:14am
Subject: Microsoft Antitrust Case

To whom it may concern:

I strongly object to the proposed Microsoft antitrust settlement. Mr. Gates et al have shown themselves to be contemptious of the laws and a previous consent order that you worked out. Now that another one is in the offing. Judge Jackson got it right with his breakup order. You should be seeking nothing less. Microsoft want the freedom to innovate as long as they are the only ones with such freedom.

Peace,

Paul D. Motzenbecker, Jr.
6710 Baltimore Avenue
University Park, Maryland 20782–1109
301–927–5593

MTC–00001183

From: Avery E. Dee
To: Microsoft ATR
Date: 11/19/01 10:27am
Subject: Settlement

Gentlemen:

As a personal computer/internet professional, I am appalled at the terms of this settlement. It does virtually nothing to stop Microsoft's ruthless practices to own the internet and the personal computer industry.

The technology gaps provided in your settlement are big enough to drive a truck through, and be assured Microsoft will do just that in their quest to dominate all forms of electronic business. This settlement is giving away the store, and should not stand.

Avery E. Dee
President and Founder
Silicon Valley Bus Co.

MTC–00001184

From: Philip Caplan
To: Microsoft ATR
Date: 11/19/01 10:26am

Subject: Microsoft and the Anti-Trust case

As a customer of Microsoft's, I believe that the settlement as proposed is too lenient on Microsoft.

They have shown previously that ''a promise to be better-behaved in the future'' is a non-punishment, as they are quite capable of evading or avoiding such a promise.

I think a very large fine (several billion dollars) would have been a more appropriate penalty.

PHILIP CAPLAN

MTC–00001185

From: Jerry Daniel
To: Microsoft ATR
Date: 11/19/01 10:24am
Subject: anti-trust

I don't feel that this settlement addresses the issue that brought microsoft to this point; bundling software with is Os. How can companies compete with this practice? I feel that the Os should be a completely separate entity entirely. Also this settlement seems to make microsoft responsable for policing itself which they have not made an attempt at so far. I'm sure that microsoft's executives are laughing that they have won and can do whatever they want from now on. I think that the justice department failed to do it job in this case.

Jerry Daniel
Computer Services Specialist III
Department of Romance Languages
University of Georgia
706–542–0475
706–542–3287 fax
ejdaniel@uga.edu
www.rom.uga.edu

MTC–00001187

From: Frank, William M.
To: Microsoft ATR
Date: 11/19/01 10:33am
Subject: Microsoft and Illegal Bundling

Microsoft to this day has License agreements with Dell, Gateway, Micron and others that forces one to buy a copy of Microsoft Office when one buys a PC.

Go to www.dell.com, go configure any PC, and it will come with Micorosft Works, or more often Microsoft Office.

This adds to the cost of a PC for any user, and discourages adoption of Word Perfect or Star Office or other competitors.

It is not free, the cost is hidden.

William Frank
Network Specialist
University of Texas—Houston
(713) 500–9537

MTC–00001188

From: James Reynolds
To: Microsoft ATR
Date: 11/19/01 10:33am
Subject: Breakup Microsoft.

Breakup Microsoft. They are guilty. Give them a punishment that actually punishes them. Breakup Microsoft.

Thanks:
James Reynolds
http://www.cc.utah.edu/~jer29950
james.e.reynolds@m.cc.utah.edu
james@mail.mlmc.utah.edu

MTC–00001189

From: Arthur F. Hogberg
To: Microsoft ATR
Date: 11/19/01 10:30am
Subject: Microsoft's monopolistic practices.

I do not want Microsoft blocking my choice of software. Please break this company up. Or at least prevent them from monopolizing the market.

MTC–00001190

From: Fred Kinder
To: Microsoft ATR
Date: 11/19/01 10:35am
Subject: Microsoft Antitrust Settlement

If this is the best settlement you can come up with, why on earth did you even bother to initiate the antitrust action in the first place. From what I can see in the proposed settlement, there are virtually no competitive restrictions placed on Microsoft and certainly the proposed settlement contains no punitive action whatsoever.

Come on folks, Microsoft was found guilty and does not even have to pay court costs?

The settlement offer provides nothing to delay, let alone inhibit, the anti-competitive tactics that Microsoft has employed (and enjoyed) in the past. You have allowed yourselves to become so wrapped up in obscure technical details such as middle-ware, that you have completely lost sight of the objective of a settlement in a case where the defendant has been found guilty—that is, the objective of any settlement should have provided (1) some form of punishment for the guilty party and (2) a mechanism to assure all competitors and consumers that the transgressions of the guilty party will not be allowed to be repeated. The settlement offer provides nothing substantial relative to either of these objectives.

It seems to me that this entire process has been a massive waste of time and taxpayer money.

Just my opinion.
Fred Kinder
2814 Panorama Drive
Carrollton, TX 75007
(972) 245–4341

MTC–00001191

From: Andrew F. Herrmann
To: Microsoft ATR
Date: 11/19/01 10:36am
Subject: Microsoft Settlement

Dear DOJ—

The settlement you have proposed with Microsoft is unacceptable. Given that Microsoft owns 95% of the desktop operating systems worldwide, you can be assured they have a monopoly. Their next biggest rival, Apple Computer has less than a 5% market share. Even our own courts have determined that Microsoft is a monopoly. So, the question remains, did Microsoft use it's monopoly power to hinder competitiveness?

Undoubtedly, the answer is yes. MS when taking on much smaller rival Netscape in the browser arena, decided, the easiest way to kill that company was to give Internet Explorer away for free. With their large bank account and multiple income making products, they readily destroyed Netscape, who's only income was from Navigator. Netscape as a browser only exists today because AOL bought it. How can one not think this was an abuse of power? Secondly. with such sway over the personal computer desktop, Microsoft was also able to make a ''deal'' with Apple Computer saying at it's base ''if you don't make IE your standard browser, we will stop making MS Office for your platform.'' Is this business as usual in the United States? I think not. Finally, the bundling that Microsoft continues to aspire to, including Windows Media Player and the new Windows Movie Player are but another attempt by MS to set itself up as the provider of choice, by offering the American people no choice. I believe that the people of the US deserve a pro-active DOJ that will not allow the continuing dominance of a company that continues to abuse its monopolistic position.

Our own court system has determined and affirmed that Microsoft is a monopoly. I urge you to require harsh measures upon Microsoft, including the possibility of a breakup of the company. It would be an injustice if the Executive Branch of the United States Government, over stepped its bounds and proceeded with the settlement as proposed. Let the court's ruling stand, and let's give innovation back to the people who CAN and DO innovate, not the company in Redmond that stifles it for its' own protection. —

Andrew Herrmann
Tech. Coordinator, College of Arts & Sciences. Saint Louis University
herrmaaf@slu.edu
314.977.3635

''Only two things are infinite, the universe and human stupidity, and I'm not sure about the former.''

-Albert Einstein

MTC–00001192

From: David Sopchak
To: Microsoft ATR
Date: 11/19/01 10:35am
Subject: Don't let Microsoft off lightly

Sirs,

I implore you to not settle the case against Microsoft in the manner that has been publicized. Microsoft has already been found guilty of abusing its monopoly power- please dictate a suitable punishment to fit the crime, and one, given Microsoft's poor track record, that does not allow Microsoft to police itself. They have proven incapable of such behavior in the past.

Microsoft has shown, time and time again, that it is not interested in following the rulings of courts. It still bullies and threatens real and perceived competitors. Its products are hardly innovative. What Microsoft does best is see when another company creates real innovation, and either buys the company (if that company is small), blatantly creates a rip off of that innovation, or undercuts the innovative company by offering its own product in that market segment that is either free or so low cost that it drives the competitor out of that segment. Ultimately, consumers are the real losers in this scenario.

Standard Oil was broken up for some of the reasons mentioned above. As an American taxpayer and computer end user, I ask that you help computer industry innovation flourish by creating an environment where might does not make right.

Sincerely,
David Sopchak—
David Sopchak, Ph.D.
Senior Development Scientist
Dais-Analytic Corporation
11552 Properous Drive
Odessa, Florida 33556
727 375 8484 x206
fax 413 604 9171

MTC–00001193

From: Wesley Horner
To: Microsoft ATR
Date: 11/19/01 10:43am
Subject: neh on the settlement

Tell me the millions in tax dollars spent on this case won't be wasted by settling with another consent decree. I see the setelment as being even worse than what happened last time we settled with Microsoft. This settlement is loaded with holes and doesn't seem to do much to address microsofts past behavior and it certainly doesn't prevent them from doing things to smash the competition in the future. I don't want to be forced to use Passport to be on the internet!.

Wes —

wesman@resnet.uoregon.edu

My old sig was about Vaxen and VMS but I can't even figure out the name of the company that owns them anymore.

MTC–00001194

From: Gary Rehorka
To: Microsoft ATR
Date: 11/19/01 10:41am
Subject: Proposed Microsoft settlement

I am writing to express my concern over what I feel is a major shortcoming in the proposed settlement. Microsoft has been found to have engaged in illegal monopolistic activities. The proposed settlement seems only to deal with potential future acts by Microsoft and attempts to place controls on that behavior. Nothing in the settlement seeks to correct the harm Microsoft's illegal acts has caused. Microsoft escapes all punishment for having broken the law. It is my position that without some form of punishment the proposed settlement will always be fatally flawed. Microsoft has acted to stifle competition in the past. Microsoft's illegal activities have forever changed the competitive landscape in the area of software development, both in regards to operation systems and consumer software. Microsoft has used its monopoly position to force out smaller competitors and to disincline the development of competing software products. It should be forced that correct that wrong by fostering competition in the future. I believe that a large fine, commensurate with the revenue Microsoft derived from it illegal activities, should be levied on Microsoft.

I propose that the fine levied on Microsoft should be used to correct the market changes the company's illegal activities have caused. The fine should be used to establish a fund that would provide monies to independent software developers to develop competing or complimentary software to that which Microsoft supplies. I would add the provision that the resulting code be made freely available to all interested parties using the method pioneered by the open software movement by having the software published using the GNU Public License. This will insure that the money illegally gained by Microsoft is used to reestablish a healthy competitive software industry.

Only by working to undo the harm done by Microsoft's illegal monopolistic behavior can the proposed settlement be seen as being in the interest of the American public. Simply attempting to restrain future illegal acts by Microsoft fails to address its past wrongs and leave Microsoft in a stronger position directly gained via illegal means.

Thank you for your consideration,

Gary Rehorka —

Gary Rehorka email: rehorka@cs.umass.edu
P.O. Box 601 phone: (413) 259–1295
Shutesbury MA 01072

MTC–00001195

From: Al Agrella
To: Microsoft ATR
Date: 11/19/01 10:40am
Subject: Microsoft Deal

What a deal for Microsoft! Since when is it ok for a monopoly to exist under current laws without a regulatory board? This is a bad deal for consumers and it's clear the justice department has sold out. Microsoft has bought the market and the US Justice Department was the seller.

MTC–00001196

From: Wendy Hedgpeth
To: Microsoft ATR
Date: 11/19/01 10:37am
Subject: Microsoft Settlement

Reviewing the current Microsoft settlement information. I believe the terms are fair and still allow Microsoft the freedom to be innovative.

http://www.usdoj.gov/atr/cases/f9400/9495.htm

MTC–00001197

From: Aaron Braunstein
To: Microsoft ATR
Date: 11/19/01 10:48am
Subject: Proposed settlement: You've got to be kidding

It is with shock, amazement and no small amount of disappointment that I've read the terms associated with the proposed settlement in the Microsoft anti-trust actions.

I cannot believe that after the years of research and litigation involved in this effort that the Department of Justice is wholly ignorant of what Microsoft has done and what they are likely to do in the future if such an anemic set of 'guidelines' and 'restrictions' are imposed. My composing and presenting a lengthy argument to you via eMail is likely not to have any kind of impact (if it is even read) so I will not waste my time.

In summary, please take this eMail as an emphatic vote against the current settlement and for a much stronger solution. After 20 years in the industry—the last 12 of which have been in the SiliconValley, I can hardly imagine a greater danger to innovation and customer choice than Microsoft being 'forced' to operate under these guidelines—except perhaps an unfettered Microsoft. Please understand that you have the burden of an incredible responsibilty on your shoulders and tens of millions of people are depending on you. Please don't fail us.

Aaron Braunstein
<aaron@cymoril.com>

MTC–00001198

From: tft@eudoramail.com@inetgw
To: Microsoft ATR
Date: 11/19/01 10:45am
Subject: Microsoft case

Hi,

I think the goverment should'n be that lenient with this company that for years is been a predator. tft

MTC–00001199

From: Rodney Smith
To: Microsoft ATR
Date: 11/19/01 10:44am
Subject: Microsoft—Anti Trust (Appendage)

Dear DOJ,

This eMail serves as an appendage of an original eMail sent 11/16/01 (which is included after the following text).

The previous message neglected to mention the browser issue. During the court proceedings under Judge Thomas Penfield Jackson, William Gates (as I have read in technology news) states he didn't know what a browser is. I take his statement to mean that there is no clear definition of a browser simply because his own software package can be found specifying the need for a browser. Further, tying in of his browser to the Windows OS is not as clear an issue as Microsoft has pressed. My experience with Windows and the accompanying browser lead me to understand that:

1) The browser technically has nothing to do with the OS.

2) The Internet has nothing to do with the OS.

3) Internet access and a browser are two separate things.

To explain the above declarations in simple terms. The browser that was originally created as a method of viewing information stored and accessed from the internet was later extended to the OS as a means of maintaining consistency of appearance and usage between the OS and the internet. To simplify further, the code used for the browser and the code used for connecting/accessing the internet are two distinct components. Competing browser products as it relates to the internet are defrauded on the basis of underlying code that uses the Windows OS (now the primary use) browser to display internet information. Again, to simplify further, it is the internet access code that is the object of tying or commingling. It is this component that should be the focus of litigation.

To clarify why I chose to de-emphasize the technical merits of the browser with the OS (Windows) is that confusion arises from Microsoft's argument about the importance/difficulties of the browser. The browser as it stands today is important to Microsoft only as it relates to the importance that made the GUI (Graphical User Interface) a successful technology. However, my PERSONAL opinion is that this is contrived to a large degree. I PERSONALLY don't like the CONVENTION (browser as it relates to the OS) which is all it offers, in MY OPINION.

Original Message

First I would like to say that this legal proceeding must be handled with great care.

It is very economically important to settle a case like this so everyone comes out ahead. It is obvious at this point that your expert opinion is that conduct provisions be established to bring about a beneficial SETTLEMENT.

I am a software developer. My experience with the technology/products in question lead me to conclude that conduct provision MAY be a sensible route to a reasonable out come. I must stress that technology is pushing forward and is requiring all software developers to use ever greater efforts to bring about products that are desirable. The comfort in the use of various technique matured during the 1980s that still serve as the building blocks for products in the year 2001. These building blocks have to advance in order to meet the needs of the current/next generation of software products. What I am specifically addressing is that Microsoft has advance EXPERIENCE in what ever technology it implements in its Windows OS. Competitors must struggle to implement new FEATURES provided in the Windows OS from the point of view of implementer. We all have to understand that Microsoft has invested money and effort to develop these new features, an intimate understanding of theory behind that technology thus exists. For those who are in competition with Microsoft to develop feature rich technologies timely exposure to privileged THEORY does not exist. Instead, while Microsoft has ''the inside track'' and is working on next years projects, the competition is just learning how the present features can and should be used.

All of this is said to emphasize that one critical element to this very important legal matter is that there has to be fair access to new developments within the key technology, WINDOWS. If there were a way to maintain a list of technology being implemented and detailed information on the theory behind it, everyone would be in the advantages situation of technical literacy behind ''A'' target technology (WINDOWS). If there is no efficient method to implement such a strategy then I must urge on this basis alone that the company (MICROSOFT) be divided into an OS (WINDOWS) company and an Application company, two totally distinct companies, no ties. At this point, if a division was used, I would suggest no further remedy.

If a division of the company was is not selected as a remedy for the Anti-trust case and a ''fair sharing of technology is used'', then I would also suggest that Microsoft be restricted from bundling ''value added applets''. Examples range from the simple, (Notepad, a simple text editor), to the more sophisticated (Instant Messaging, Video Editing, the Windows Media Player). These applets have no place under the title Operating System. They have no baring on the OS, they should all be omitted for (I'm no legal professional) legal simplicity. If however one decided not to pursue this aspect of this legality in this fashion, I then suggest at the least, competitors be allowed prominent accessibility/exposure to the OS (WINDOWS) consumer. An prominently exposed method to ''use'' or ''try'' a competitor's product should be available. This equal accessible method might encapsulate ALL competitor products to provide a clear distinction between what is ''a part of Windows'' and what is offered as an alternative. These alternatives would be included with the Windows OS with respect to competitor participation.

This proposal for the Microsoft—DOJ, Anti Trust case is offered as a suggestion(s)

Sincerely,

A Concerned Citizen

MTC–00001200

From: john gabriele
To: Microsoft ATR
Date: 11/19/01 10:52am
Subject: the case against MS

Please, *please* stop microsoft from using its monopoly position in the market to crush free market forces. They have destroyed many businesses that they otherwise could not compete with and will continue to do so until stopped by larger forces than themselves.

John M. Gabriele

MTC–00001201

From: Brian T. Paquin
To: Microsoft ATR
Date: 11/19/01 10:49am
Subject: Another victory for Microsoft

To whom it may concern,

I would like to say how displeased I was when I read the ''penalties'' that were imposed on Microsoft. Companies like IBM and ATT learned the hard way... monopolies are NOT in america's best interest.

But I guess times have changed, and laws can be bent! How Microsoft can have a SAY in what they will accept for penalties is outrageous. Found GUILTY, they must accept the ruling passed by a judge or jury.

I may not be seeing things correctly, from a legal point of view, but this is how the average american sees it!!

Justice has NOT been served.

Brian T. Paquin
Yale University
Department of Pathology
310 Cedar Street, BML 161
New Haven, CT 06520
(203) 785–6500
brian.paquin@yale.edu

MTC–00001202

From: David L. Van Brunt
To: Microsoft ATR
Date: 11/19/01 10:49am
Subject: Abuse of Monopoly has reached the consumer level

A few years ago, I purchases a database product from Microsoft. On the box and in its advertising, it explicitly stated ''designed for the Power Macintosh''. I spent over $400 on this piece of software. It was so badly bug-ridden as to be unusable for my purposes, so I called the Microsoft Help Line.

I was transferred many times until I reached a person who was experienced with that product. They told me that what I wanted to do was not operational in the software version that I owned (though the box clearly said it should be), that they knew it was a bug in the code, and that the software I bought was not really designed for Power Macintosh but was instead a hastily made port of their Windows product. Further, they said that the bug was going to be fixed in the Windows product (free updates for users of their OS), but that there would be no further updates of the Mac product (since it was not really ''designed for Power Macintosh'' as they claimed). They also said no, I could *not* have a refund because the box was opened. When I complained that I deserved a refund because they had both misrepresented themselves and sold me a defective product, the Microsoft representative *actually laughed at me*, and said, ''Yeah, well.... Who you gonna go to? The competition??'' This sort of arrogant customer abuse comes with the confidence of impunity. They had already violated earlier ''remedies'' for their earlier abuses, and did not hesitate to trample the consumer who didn't comply with their will (their OS or no OS).

Good for consumers? Ha! the only remedy good for consumers would be to break up this company to allow competition among the real innovators in the marketplace.

Warm regards,

David L. Van Brunt, Ph.D.
Assistant Professor
University of TN Health Sciences Center
<http://www.utmem.edu/prevmed/>

MTC–00001203

From: Theo M
To: Microsoft ATR
Date: 11/19/01 10:49am
Subject: Comment on the proposed settlement

I am extremely disappointed at the proposed settlement with Microsoft, following the Appellate court decision of 7–0 on the most important parts of the case, and the subsequent denial of review of this decision by the Supreme Court, in effect signaling you all how ro proceed with a strong DOJ case, which would allow you to turn Microsoft into a company that competes based on merit, rather than by twisting the arms of everyone it considers a threat to its illegal monopoly.

To forfeit that strong position with the proposed settlement, and allowing Microsoft to be arbiter of its future, and of how to handle itself with regard to its policies towards competitors, and bundling of its products, is a travesty of justice.

How did we go from a proposed breakup in two of the company to this situation of giving it all it wants with a ''behavior adjusting'' settlement? Have we learned nothing from the past? Isn't experience with ''consent decrees'' that Microsoft has totally disregarded in the past, that we are where we are today? What are the guarantees that we won't have to deal with Microsoft with a new lawsuit in the future, and why should we, the taxpayers, foot the bill of monitoring this outlaw corporation? How have you dealt with ALL the violations of the Sherman Act it was found guilty of? Is this what Justice is in this country-watching Bill Gates lie repeatedly during his deposition, and no one at all taking issue with it-then allowing him to keep his pie and eat it too? The proposed breakup of the company is the only long term viable solution, which would allow for increased competition, the absence of monopoly abuses, and will not cost taxpayers

any more tax dollars. How could you put aside the chilling testimonies of witnesses to Miscorsoft's abusive and lawless monopoly maintenance practices? How dare you?

You have created an environment where corporate predators are rewarded, and entrepreneurs are considered fodder for monopoly abusers. You have abrogated your responsibilities to protecting the laws of competition in this country, and of properly punishing those who blatantly, and repeatedly abuse them.

Sincerely,

Theo Maschas

MTC–00001204

From: John Covele
To: Microsoft ATR
Date: 11/19/01 10:56am
Subject: getting away with anything

Microsoft has proven it is stronger than the U.S. government, and can do anything it wants. As a convicted illegal monopolist, Microsoft receives only a slap on the wrist.

I've been working in the computer industry since the days before Microsoft was a monopoly. Back then, there was lots of healthy competition. Slowly but surely, Microsoft used illegal tactics to squeeze the life out of all the other companies. Today, the computer industry is at the mercy of an 800 lb gorilla. There is no way for new companies to come out with new products.

The root of the problem is that Microsoft has a monopoly on BOTH the OS and leading office applications. They can afford to ''dump'' on the market with money-losing products in either area, just long enough to starve out the competition. Today, they are choking the life out of Palm primarily because people mistakenly believe they need to be compatible with Word and Excel, therefore they choose Pocket PC devices. Today, they are targeting the video game market and they can afford to dump the hardware and lose money on every sale, because they have the huge bankroll of an illegal monopolist.

Just look at the net profit of Microsoft. It is an obscenely high percentage of sales. No other company in the industry has such high profit margins. Consumers are being screwed.

The only way to restore healthy competition is to make Microsoft compete fairly: the OS and Applications businesses need to be separated. The current settlement agreement is about as effective as the last one. Too little, too late...

John Covele

MTC–00001205

From: Jim Hartneady
To: Microsoft ATR
Date: 11/19/01 10:52am
Subject: MicroSoft Settlement

These are my comments regarding your settlement. I offer them as a user in a business environment :

* You have provided no punishment, therefore, no reason for MS to change its behavior. You have only introduced inconvenience which MS will ignore as it has in the past. The EU will be harsher on them than this settlement.

* There is no compensation for the companies that were injured or eliminated by MS tying their product to the OS.

* The oversight panel has no authority to stop/correct improper behavior.

* Even among very strong MS supporters there is a feeling that DOJ let them down and that MS will continue to provide mediocre products to the Government, private industry and home use. Non MS supporters are much less kind, both to MS and to DOJ. When there is no competition there is no reason to get better than marginally adequate. As a continuing monopoly this settlement means we get no relief. It only would have improved if the operating system was split away from the other products in a separate company. The OS would continue to be what ever it wants but the MS applications would have had to compete on merit.

Sorry you couldn't do better.

Jim Hartneady

MTC–00001206

From: Anthony.Burokas @millscorp.com@inetgw
To: Microsoft ATR
Date: 11/19/01 11:05am
Subject: Much harsher Microsoft punishment required.

I am extremely dissatisfied with the DOJ decisions on the Microsoft anti-trust case. Not only has clear evidence been shown that Microsoft has illegally manipulated the market, but even during the case, Microsoft has continued to push their domination plans forward by great leaps and bounds. I do my best to avoid their software as much as possible, but it is actually quite impossible. What that is the case-you know that there are serious anti-trust issues.

Case in point: Microsoft's new ''Passport'' which forces everyone, even users of free software and unrelated services, to enter their personal information into this privately held database of Microsoft. What will it be used for? I have no control over it. Yet Microsoft forces us to join and gives us no other option.

They are starting to take over the gateways... and the toll of my privacy is too expensive. Would you rather let Microsoft have more power than the government? Because, if it is a government of the people, they have already won. Unless the DOJ acts strongly and swiftly to break Microsoft apart into completely separate, and competing groups, you are acknowledging that they are the matrix, and we have no one who can stop them. Anthony

---

Anthony Burokas
3455 Brookview ROad
Phladelphia PA 19154

MTC–00001207

From: Besedick, Stephen
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/19/01 11:02am
Subject: Microsoft Penalty Phase

To Whom it May Concern,

My name is Stephen Besedick, and I am a Technology Coordinator at an elementary school in Orlando, Florida. My job centers around finding and integrating technology solutions for the faculty and students at my school. It is not hard to see (especially with the movement in our school district to establish a PC standard), that the ''blind'' adoption of the Microsoft OS (Windows) as well as its corresponding applications solutions is ''forcing'' people to accept technology solutions that may not necessarily match how they want to work, or give them opportunities to see if other, more viable solutions exist. The rush to use Microsoft as a ''standard'' eliminates the option of ''choice,'' . . . and choice is what drives a competitive market. If schools, businesses, and idividuals do not have a choice in how they want to complete their work, they they all become slaves to the system that they endorse. Microsoft certainly has a right to operate and innovate to satisfy their customer base, but they do not have the right to bury (at this stage of the market) legitimate attempts to offer competitve products in the areas that Microsoft does business. It is a well known that Microsoft has simply swallowed competitive technologies, and then turned around and offered them under their name, in order to keep their cash box full. If this situation was accepted as the norm in every other business or consumer categroy, we would only be driving ONE brand of car, eating ONE brand of food, and buying all of our other goods and services from ONE branded store. I do not think that this is an American vision. Microsoft has gotten too big to think rationaly about how its business practices affect society . . . they are driven simply by cash and control. If we aren't careful, our technology infrastructure will be influeneced by just one company, and everyone will just have to like it! It is the Federal Goverments duty to make sure that the technology section of our economy has a level playing field . . . a field where EVERYONE plays by the same rules, and that the winners and ultimate moneymakers are those which offer the best product at the best price.

MTC–00001209

From: timoth
To: Microsoft ATR
Date: 11/19/01 11:21am
Subject: Inadequate Settlement

This settlement is completely against the public interest. It does not address the key problems with the Microsoft monopoly. When a company that has 90% of the market can use layers in combination with relatively unlimited money and as see by this settlement doesn't have to answer to anyone including the government we, the average american citizen pay dearly.

In other industries when you buy a product that is shipped defective, you can return it. Then go somewhere else to buy an alternative product. This form of captialism keeps the industry in line. Every version of Windows I have owned has crashed, damaged my files, caused me to lose many hours of work. Every version of Windows I have used has been defective. In fact I know of no single person who hasn't lost many hours of work because of defects in Windows.

If you are to run Windows you have to agree to the End User License Agreement, which rids you of any legal rights to seek compensation for damages caused by Microsoft products.

That in itself wouldn't be a problem if there were competing products to choose from, because any business that acted in this

way would be washed out of the industry because people wouldn't stand for it and would buy competing products. For example say you bought a refrigerator that randomly turned off (crashed) and spoiled your food, and one that you had to agree to a legal agreement that said that you have no rights to go after the manufacture of the refrigerator to simply turn the refrigerator on. You wouldn't stand for that. You would never buy anything from that manufacturer ever again.

Now imagine that there was only one manufacturer of refrigerators that had inside monoply deals with all the appliance stores (where can you find a PC computer that you can buy from a store that doesn't have windows). Or better yet, monoply deals with the manufactures that build the outlets for electrical plugs, so there was a special plug that was pre-installed in all new homes that would only work with this one manufactures refrigerators. Would those people even know that they should have a right to a refrigerator that actually works correctly if there has never been a competitor in the industry. The status quo would be the wool over the eyes of the common everyday person.

As one who works in the computer industry it is as clear as day to me. And I pay for this problem every day. Here are some more examples,

1.) Say you have an idea for a new product. Like the web-browser was or say like video compression tools are now. Then you produce that product. You find that you cannot sell it. And the reason is simply that Microsoft will copy the idea then bundle it with Windows and sell it for free in combination with raising the costs of the operating system which you have no choice to buy. New examples of new products bundled with XP,

a.) Movie maker (movie editing, capturing, compression, etc).

b.) Media Player (playback of compressed media, watch and listen to online radio and tv, play dvds, etc).

c.) Windows Messenger (online communication).

d.) Digital photography tools.

e.) Msn (aol clone).

f.) and more

How are you suppost to produce a competive product when Microsoft takes any idea that becomes profitable by someone else and then uses monoply power to bundle it and sell it way under cost (in many cases for free).

2.) Look what is happening with the Xbox. They are selling it way under cost just to try and take over another industry. First they take advantage of Sega when Sega is hurting making a deal with Sega to use WinCE in the Dreamcast. Then Microsoft copies the hardware work that Sega put into the Dreamcast and uses the software knowledge gained in that previous deal to produce a clone product called the Xbox. Then Microsoft uses its deals with the PC game industry to get a lot of developers writing games for the Xbox. And finally they use huge amounts of monoply money to sell the thing under cost. They have already pushed Sega out of the industry, soon they will do whatever they can to push out Sony and Nintendo.

In all they progress completely un-checked by any method. There is no innovation going on at Microsoft other than to take advantage of monopoly power.

RESTORE CAPITALISM AND COMPITITION IN THE PC COMPUTER INDUSTRY AND BREAK UP THIS MONOPLY NOW! OR WE WILL ALL CONTINUE TO PAY, PERHAPS WITH MOST OF THE POPULATION UNKNOWING.

Timothy Lottes
4910 Forest Ave Apt 305
Downers Grove, IL, 60515
630–697–6747

MTC–00001210

From: Chuck Counselman
To: Microsoft ATR
Date: 11/19/01 11:12am
Subject: Antitrust settlement feedback

I was very disappointed to hear that the DoJ had essentially caved in and given up on stopping Microsoft's anticompetitive practices. I am pleased that some of the states, including my own MA, are continuing to fight.

Charles C. Counselman III
Professor, M.I.T.

MTC–00001211

From: Leonard Dudzinski
To: Microsoft ATR
Date: 11/19/01 11:06am
Subject: A proposal to deal with Microsoft

US Department of Justice,

Like many Americans, I suppose, I have been pondering the Microsoft case currently being tried by the US Department of Justice, and thinking about what solution I would favor. I have an idea for how the DOJ could deal with Microsoft that I have not heard discussed as one of the options, and I am grateful that the US Department of Justice has opened this forum to share ideas on the case. I strongly believe that the ruling is correct that Microsoft's monopoly was gained illegally and hurts consumers. Microsoft has clearly demonstrated the willingness to wield its monopoly power to benefit itself at the expense of others. Microsoft's monopoly power must be ended. I also strongly believe that, especially during these these times of war, it is not in the US governments best interest to be reliant on one computing platform for its function and national security. Recent events have demonstrated that one computing platform can be devastated by hackers or viruses, while others are immune. My proposed remedy is this: rule that the Federal Government must support multiple computer platforms, operating systems, and software suites in the interest of national security and in support of the free market.

While the US DOJ does not have the power to dictate the market in a free market economy, it does have the power to affect how the Federal government responds to it. A DOJ ruling that it is not in the governments best interest to be dependant upon one supplier for most of its computing resources, and that the government must foster competition in the computer marketplace where possible, would be fair, effective, and within its powers. To that end, the President should issue an executive order that the US Federal Government will support multiple computer platforms, operating systems, and productivity software suites, and no single computer platform, operating system, or suite of software will hold greater than a 50% market share within the federal government (The Federal market share percentage could be debated). This ruling would create an immediate demand for Microsoft's competition within the Federal Government, and with all those who deal computationally with the Federal Government, which, I would think, is a large part of the computer market as a whole. Thus, this ruling would have the effect of destroying Microsoft's power to monopolize the market while preserving the company and its products. This ruling would have the additional effect of driving the computer industry towards standards to improve interoperability between platforms, operating systems, and standard software suites, which benefits all consumers. Microsoft would then be forced to play fair with its competitors products and standards.

I welcome comments on the idea.

Respectfully,
Leonard A. Dudzinski
Concerned US Citizen
Leonard A. Dudzinski
270 Windward Dr
Elyria, OH 44035
e-mail: Leonard3@Mac.com
LDudzinski@Excite.com

MTC–00001212

From: Barry
To: Microsoft ATR
Date: 11/19/01 11:23am
Subject: microsoft settlement

I strongly object to the proposed Microsoft settlement. Their crimes are far too serious for such trifling punishment. And their history proves that they will not abide by any agreement that requires voluntary cooperation on their part.

Barry McAllister
DNA Visual Business Solutions
833 W. Jackson Blvd.
Third Floor
Chicago, IL 60607
v: 312.654.8383 x23
f: 312.654.8388
www.visitdna.com

MTC–00001213

From: King, Cory
To: 'Microsoft.atr(a)usdoj.gov'
Date: 11/19/01 11:22am
Subject: Microsoft Settlement,

I think the settlement looks fair to everyone concerned. I think it will allow Microsoft to be a viable and competitive company. I think they will continue to have ability to create new products and forge part of America's future.

Thank you for allowing me to express my opinion as an American.

Cory King
704–887–7450 ext: 5624

MTC–00001214

From: Brian Beattie
To: Microsoft ATR
Date: 11/19/01 11:23am
Subject: From my understanding of this

setlement and my 25 years in Operating

From my understanding of this setlement and my 25 years in Operating Systems development, during which I have watched Microsoft's increasing agressive actions with distress as they have used various monopolistic actions as well as other practices that would appear to be illegal on their face (such as diseminating false information). I find I am incredulous at the lack of effect restrictions on Microsoft in the proposed settlement, whom I consider the worst corporate criminal this country in a long time. I only hope that the States involved in this action are able to do the job that needs to be done, which that the US DoJ is would seem incapable of doing.

Brian Beattie

MTC–00001215

From: P825j@aol.com@inetgw
To: Microsoft ATR
Date: 11/19/01 11:30am
Subject: No Subject

a few billion dollars seems to buy a lot of justice.

MTC–00001216

From: Clarence Ebersole
To: Microsoft ATR
Date: 11/19/01 11:30am
Subject: settlement

The settlement proposed does not

1. Punish MS for violation of antitrust laws.

2. Discourage MS from further violation of those laws. and in fact it lets MS off with a slap on the hands and a tongue in cheek ''no no'', as MS continues violating those same laws with their new software releases.

They further are practicing MANDATORY registration of software after it has been purchased, in an attempt to appear not to be mandatory they call it product activation, and then they say you may or may not register. What a travesty.

If the agreed to settlement is approved MS will continue trampling on the consumer and its competitors.

Thank you,

Clarence Ebersole

MTC–00001217

From: Mike Curtis
To: Microsoft ATR
Date: 11/19/01 11:25am
Subject: Inadequate redress

As a professional in both the software and media industries, I was quite dismayed to see how paper thin the restraints against Microsoft are in the current settlement agreement.

MS will not be constrained from continuing its predatory practices in bundling or pricing, and will still have free reign to stifle competition on a variety of fronts.

I think it is a grave disservice to the American computer industry and consumers to allow this settlement to proceed as planned.

If we cannot topple the monster with this attempt, what hope does any future attempt have?

A dissatisfied consumer and vexed industry professional,

Mike Curtis

Strategic Media Lab

mike@strategicmedialab.com

MTC–00001218

From: William Malgieri
To: Microsoft ATR
Date: 11/19/01 11:25am
Subject: Settlement issue

Hi,

Regarding the MSFT settlement as an Apple user I'm a little concerned. I did not see any provision that prevented MSFT from not excluding Apple's OS from their development plans. For exapmle Apple would have gone out of business if MSFT did not make the deal with them to continue development of Office. And Apple had to sell 10% of the company to them to do it.

What about Linux?

MSFT has become the most powerful application developer because of the OS monopoly. What does the settlement do to address this issue?

Thanks,

Bill Malgieri

MTC–00001219

From: Heck, Gregory
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/19/01 11:38am
Subject: Microsoft Settlement

As a user of Microsoft and Apple software I have an intimate understanding of the implications of Microsoft's monopoly. I feel the DOJ has folded and let the American public down. Microsoft is now stronger than ever. They have won and are unstoppable. Anything less than a restructuring plan is a waste of all of the time and money that was put into this endeavor. I don't think destroying the company will solve anything, but I do think they need much stronger remedies than what is on the table now. Microsoft didn't get it 95% market share on quality, the got it through questionable deals and predatory policies. Microsoft has made competitors software unstable on their OS numerous times. Once the competitor has lost a lot of ground Microsoft will then buy that technology and incorporate it into their products making it work.

The DOJ has really messed this one up. I wouldn't want to be the one who history records as the people who let the largest monopoly in history get away free and clear.

I sincerely hope the judge rejects the terms of this settlement and asks for much harsher penalties such as breaking the company into groups as was discussed in the beginning of this process.

You must reign in Microsoft now before they have the chance to destroy the Internet and dominate it like they have the desktop. If you believe in free enterprise and equal opportunity for everyone, Microsoft must be stopped now before .NET can spread and stop free enterprise as we know it.

Thank you

Greg Heck

''Within the computer industry, the description, 'more like a Macintosh' is always a high praise. The description 'more like Windows' is rarely used as praise.''—The Seattle Times

MTC–00001220

From: Julian Kovalsky
To: Microsoft ATR
Date: 11/19/01 11:36am
Subject: This is ridiculous

I'm sick of Microsoft throwing their weight around. They have done many sneaky and unfair things for years. This settlement is a joke! It shows that they can even buy the Government.

This is sick!

Put an end to Microsoft Monopoly!

Julian Kovalsky

MTC–00001221

From: Ty Davison
To: Microsoft ATR
Date: 11/19/01 11:34am
Subject: Justice Department—Microsoft Settlement

Dear Sirs:

I am an independent computer consultant, and I have long been angered and repulsed by Microsoft's attitude and marketplace actions. It came as no surprise to me that they were found to be an illegal monopoly. My business virtually requires that I use their products (system software, web browser, applications), and my strong preference would be to do otherwise. I simply have no choice in the matter. Which brings me to the proposed settlement of the case. I have grave doubts that it will change ANYTHING regarding Microsoft's attitude, behavior, or market dominance. Microsoft has signed consent decrees before and nothing has changed. I don't know that breaking the company into pieces would have solved the problem faced by consumers, but at least it would have injected competition into the marketplace. As it stands, I do not believe that Justice Department's agreement will do that. Please reconsider your position.

Sincerely,

Ty Davison

SiteRev.com

MTC–00001222

From: D C
To: Microsoft ATR
Date: 11/19/01 11:34am
Subject: Anti-trust misused

I'm sure you are getting a bunch of comments from people who do not like Microsoft and wanted you to bury them. Me I do not particularly care for Micorosoft either, but as an American who has lived overseas and seen the harm that a competition based instead of customer based Anti-trust law can inflict, I wonder if we are not slipping into wrong mold. Anti trust law is supposed to be about protecting consumers not competitors. Hey Microsoft might not produce a perfect product; but neither does anyone else.

Consumers will not be harmed until Microsoft begins gouging them with higher prices. They have not been harmed and neither has competition. Here are some real Antitrust issues:

I do not see you going after Mobile who pulled the lic from their biggest supplier in Nebraska (an independent) because he would not sell only Mobile (35% of his business). Here's another one for you. My own phone supplier Quest is dragging its feet upgrading the CO's and relocating them waiting until the competition is out of business so they do

not have to give away market share and compete. They refused to upgrade my local CO (central Office) so I could get DSL from a competitor but parts of the CO that are used by their customers are DSL compliant. Here's another real monopoly...Cable modem internet access. Why don't the cable companies have to release their lines for the internet the same way that AT&T had to for long distance. Here's another one...I live in Minneapolis. Northwest has 85% of the gates. Why does it cost me $300 more to fly northwest from Minneapolis to Denver for Thanksgiving than it does to fly from Chicago to Denver on Northwest? (I checked...airport fees are higher in Chicago and ridership is comparable)Now that is gouging customers becasue you have a monopoly.

Back to this case...

People do have choices in operating systems and software. Amazon just made a big splash about how much money they save my going to Linux. I use IBM dos for a lot of my floppy's for boot disks and batch programs. And I still use Netscape as a browser and Wordperfect for word processing, even on my Windows operating systems. UNIX is not about to go out of business and neither is Apple or Java. But even if they do, someone else will take their place.

How does giving software away for free hurt consumers? Just because I no longer have to pay for Netscape doesn't hurt me as a consumer in the slightest. In fact it helps keep costs down. And who the hell ever asked for a dos based PC OS like Java anyway. If they lose out because their interface is harder to use than the GUI provided by windows and Apple, tough for them. They made a losing bet. We need to remove our concern for competition and competitive companies from the equation unless we can prove that customers are being gouged.

Netscape had several options that it chose not to pursue:

1. They could have taken Gate's offer to buy their company and make them the Internet browser of the future. But no they just wanted Gates and customers to pay too much for a browser. So Microsoft invented their own. If they had sold out, their stock holders would be much better off today too.

2. They could have chosen to build a better operating system and compete with Gates and company. Their are plenty of anti-microsoft techies out there who would love nothing better.

3. They could have started giving away their browser at a lower cost making it economically unfeasable to develop a competing product. Did they really think that Gates would go to all the trouble and legal/management expense of trying to buy their company and then not go after another solution? duh?

4. They could have agressively marketted to the public the benefits of their product over Microsoft and they might still be selling a browser because there are people out there like me who would gladly pay for the increased funtionality of their product.

PS...you could just as easily substitute Word Perfect here. They chose foolishly and paid the price.

THE REAL LAW:

If Microsoft decided to build an operating system that would only work with Microsoft software...it would be perfectly legal. But of course, this will not happen because every person and company I know needs and uses products that are not Microsoft. If they did something this stupid their market share and stock price would drop like a rock.

THE REAL TRUTH:

If Gates had given a little more money to the political parties who saw him giving away billions to charity adn got jealous and wanted more of the pie...this whole law suit would probably ahve disappeared like a fart in the wind.

Douglas A Cavin
11641 Virgina Ave N
Champlin, MN 55316
763–300–2166

MTC–00001223

From: bill(u)brewis
To: Microsoft ATR
Date: 11/19/01 11:40am
Subject: Microsoft Settlement

I am very pleased that the DOJ, the States (9 of them) , and Microsoft have agreed to a settlement. I hope that the other states join in soon.

Bill Brewis

MTC–00001224

From: John L Smitter
To: Microsoft ATR
Date: 11/19/01 11:40am
Subject: Dear Anti-Trust Division

Dear Anti-Trust Division

I thank you for coming to the agreement with Microsoft and allowing them to continue as the provider of ''AFFORDABLE'' software and systems that allow individuals like myself the benefit of email communication, powerful document production equal to Multi-Million Dollar companies and organizations, and a better way of life for the USA and world.

I have been associated as a user of computers and computer systems since the mid 1960's when the computer filled a 20 x 40 room, and required an army of specialized individuals to operate it, and the out put was only available on reams and reams of paper. I have benefited most by the Microsoft developments and improvements through out the years.

I first began PC applications using a Spreadsheet program called VisiCalc, which was replaced by Lotus, a very significant improvement, but a much more significantly program called Excel was provided by Microsoft. Microsoft provided Excel to me at a very competitive price, and had broader compatibility and so many advantages over Lotus that it soon became the Spreadsheet of choice. The same situation is true with WordPerfect. I paid $400.00 for WordPerfect as a word processing soft ware, it was the best there was, until Microsoft provided Word for $100.00 and the ease of use and quality of delivery put WordPerfect in the drawer.

I had opportunity to use Sun Micro Systems, Hewlet Packard 3000, IBM System 30, Novell PC Network, and Microsoft NT. Again, cost and ease of installation and use made Microsoft the one of choice. Each of the other named systems had a better opportunity to provide benefit to the consumer than Microsoft!

They chose to keep costs high and less innovative than Microsoft! So for me, to go after Microsoft as the Justice Department did, hurt consumers and businesses much more than it helped.

Again, thank you for coming to this conclusion!

John L Smitter

MTC–00001225

From: William Shaw
To: Microsoft ATR
Date: 11/19/01 11:40am
Subject: What Has Changed Except MS is Off-the-Hook?

Several questions, I think you know the answers....

* Does the settlement impose a monetary penalty that strips MS of moneys obtained by using illegal practices?

* Dose the settlement make it substantially more difficult for MS to buy any other competitors, technologies, or industries in which to launder its ill gotten gains?

* Does the settlement break up MS into smaller, more competitive companies making it easier for the people and their government to monitor compliance with the settlement?

* Does the settlement force MS to publicly admit to illegal and anticompetitive activities?

* Does the settlement release into the public domain important Windows technologies so all companies can take their place at the PC OS and application table?

I am not a lawyer, but I believe the answer to all of these questions is NO! Then I ask, what will be accomplished by the settlement? I cheer those states that will continue the legal process against MS!

William Shaw
Ben Lomond, Cal.
willwshaw@aol.com

MTC–00001226

From: Gregory
To: Microsoft ATR
Date: 11/19/01 11:44am
Subject: secure new government communications network

How to kill two birds with one stone, remove Microsoft from the loop.

Can the government remove Microsoft IIS and Windows XP/2000 from its approved buying list?

Can Microsoft OS/Office products ever be said to be secure?

Are you locking the barn after letting out the cows?

Five year moratorium on Windows OS for desktop and servers would go a long way to sending the message that monopolies that force users into needless upgrades, bundled software, and insecure desktop and servers are no longer approved.

Why add GovNet when what you need to do is secure the desktop and server and remove Microsoft servers and desktop machines from vulnerable, sensitive and critical areas?

OS/2 died due to FUD, not because of any inherent flaw or that Microsoft was a

superior operating system. Of course at that time there was anti-IBM sentiment and Microsoft was the perceived to be the underdog at the time.

First Microsoft developed its own set of java tools to insure that its version of java and not Sun1s, was deployed and lead to confusion for users. Now it has dropped support for java.

Even as this is being resolved Microsoft had the audacity to 3pull the plug on MSN.com and disable features if it didn1t see a 3supported browser. By the way, Explorer doesn1t have as good a support as Mozilla (Open Source) and Mozilla worked better than Explorer on MSN.com. But Microsoft was the sole arbiter of what was or was not 3compliant- and 3supported.- You expect Microsoft to act any different or police itself or allow itself to be policed by any standards that it doesn1t agree to?

Force Microsoft to change by removing it from all government purchase lists for 5 yrs unless there is absolutely no Linux or OS/2 or *nix or other available platform from HP, IBM, Sun, Apple, etc based on ability to deliver a solution.

Gregory Youngs
Fairfield, Iowa
From New York Times,
November 17, 2001

To Forestall a 'Digital Pearl Harbor,' U.S. Looks to System Separate From Internet

By ALISON MITCHELL

WASHINGTON, Nov. 16 ? The Bush administration is considering the creation of a secure new government communications network separate from the Internet that would be less vulnerable to attack and efforts to disrupt critical federal activities.

MTC–00001227

From: Doug Hanley
To: Microsoft ATR
Date: 11/19/01 11:50am
Subject: Microsoft needs strict discipline in its business practices.

Just today it releases Office v.X for Macintosh OS X. At this link it states its upgrades are available for $200 at this link: http://www.microsoft.com/mac/officex/prodinfo/t_upgrade.asp However all the purchase links have it for $269 or more. This is standard with their practices, this settlement is less than satisfactory.

Doug Hanley Apple Product Professional 702–396–0697

MacTEK Digital Services Apple Solution Experts Fax 396–0698

mailto:doug@mac-tek.com http://www.mac-tek.com Las Vegas, NV

MTC–00001228

From: Roy Gosewehr
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/19/01 11:48am
Subject: Feeback on proposed settlement

Dear Sirs:

I am extremely disappointed in the Dept of Justice's proposed settlement with Microsoft. Microsoft is clearly a monopoly and has clearly used it's monopolistic position to manipulate the marketplace to the detriment of consumers and competitors (many of which that are no longer in business).

The proposed settlement does not introduce any real restrictions on the market behavior of Microsoft. It does not include any penalties for past violations of previously agreed conditions. It is not enforceable. And if it is violated by Microsoft, it will take another long trial at taxpayer's expense to re-establish what has already been proven by this trial.

Clearly, the DOJ has lost it's effectiveness in dealing with anti-trust issues. (It almost appears as if the DOJ has been bought and paid for.) The waste of dollars in winning an anti-trust case and then failing to follow up with relevant and effective penalties truly sickens me as taxpaying US citizen.

Sincerely,
Roy C. Gosewehr
Plano, TX

MTC–00001229

From: Daniel A. Shockley
To: Microsoft ATR
Date: 11/19/01 11:46am
Subject: settlement is a waste of taxpayer money

Hello,

I work in the IT Industry currently, and am disappointed with the current settlement proposal between the DOJ and Microsoft. It seems to indicate a complete surrender by the organization that is supposed to enforce our nation's laws. If Microsoft has broken the law, it should be punished. The current settlement proposal is essentially a ''don't do it again'' response that doesn't even adequately enforce compliance. The oversight committee described in the proposal would seem to have little incentive to actually enforce the terms of the agreement.

A much simpler solution that would force Microsoft to compete would be to prevent it from any future purchases of other companies and prevention of purchase of other software product code. It would force Microsoft to compete on their actual ability to write software, rather than allow them to buy out any threat. Whatever is done, surrender, after a fairly successful litigation, is an absolute waste of taxpayer money.

Thank you,
Daniel A. Shockley, Database Programmer
DanielAShockley@yahoo.com

MTC–00001230

From: Greg Miller
To: Microsoft ATR
Date: 11/19/01 11:59am
Subject: Help us!

Help us! I can't afford the monopoly. I need alternatives!

Greg Miller
http://www.greg-miller.com
greg@greg-miller.com
512.346.4589
9617 Great Hills Trail #514
Austin, Texas 78759

MTC–00001231

From: Eddie Hargreaves
To: Microsoft ATR
Date: 11/19/01 11:57am
Subject: Proposed Settlement is unacceptable

I just wanted to voice to you that I believe the currently proposed settlement is insufficient. Although I don't believe that breaking up Microsoft is the answer, the current plans are not strong enough. The main problem (as is currently evidenced in Windows XP) is that because Microsoft controls the Operating System, they can force users to use their software and keep them from using other, better software; thus running good software companies out of business. Microsoft needs to follow the same rules as everyone else, and instead is making the rules up. Consumers and businesses have been harmed by Microsoft's business practices, and they need to be shown they can't do that. Justice must be done.

Ed Hargreaves
Kennewick, WA

MTC–00001232

From: Beljaeff, Gene
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/19/01 11:53am
Subject: Microsoft settlement

Justice Department,

Please, please, please don't let Microsoft get away with just a slap on the wrist. Any remedy for future behavior should be paired with some sort of penalty for past 'bad' behavior. I am a concerned private citizen who uses a computer at home and who is a web developer at work. I truly believe that breaking up Microsoft into separate companies (one for the Windows operating system, and one for applications), along with a huge fine for past aggressions is a fair remedy.

Thank You,
Gene Beljaeff

MTC–00001233

From: Red Miller
To: Microsoft ATR
Date: 11/19/01 11:53am
Subject: Proposed Microsoft settlement comments

To Whom It May Concern,

I am writing to express my opinion that the settlement between Microsoft and the U.S. Department of Justice announced on November 2 is inadequate. The proposed settlement includes vague langauge that provides little assurance that it will eliminate Microsoft's illegal practices, nor will it prevent recurrence of the same or similar illegal practices

The court has found that Microsoft has a monopoly for desk-top computer operating systems. Unfortunately, the proposed settlement shows little understanding for what a desk-top computer operating system is. An operating system is a distinct set of processes that enable application system software to use the various hardware and peripherals of a computer system. Under the proposed terms of the settlement, Microsoft will be free to continue to use its operating system monopoly power to an unfair advantage with various and multiple application systems businesses.

A more fair settlement would require that Microsoft sell a stripped-down version of Windows only performs operating system functions. Application systems that should not be considered part of an operating system include software for browsing the Internet, reading e-mail, listening to music or sending instant-messages. I would prefer that the court require that Microsoft and the Department of Justice enter a settlement that

ensures effective and certain relief. Such a settlement should clearly deliniate restrictions on Microsoft's behavior that limit use of its monopopy power to unfairly expand into application systems business.

Fredrick Miller
consumer and U.S. Citizen
1924 Claremont Commons
Normal, IL 61761

MTC–00001234

From: jwt
To: Microsoft ATR
Date: 11/19/01 12:13pm
Subject: DOJ & Microsoft settlement agreement

Department of Justice,

I would like to comment on the proposed Microsoft and DOJ anti-trust settlement agreement.

In general I do not believe the agreement adequate to solve past, or likely future, abuses by Microsoft.

Specifically, I believe the dominance of the Windows operating system allows Microsoft to leverage pricing structure and pricing plans to the detriment of business and personal consumers. With regard to the OS Microsoft has also made it virtually impossible for third party developers to make true competition possible through refusal to release all OS code, such as all APIs, which would allow third parties to compete on a level playing field. New pricing also works to the serious detriment of small business and non-profit corporations whose present investment in hardware and software make alternate selection of an operating system impractical and forces them to pay prices for OS software that is excessive when compared with previous purchases.

More significantly, the ability of Microsoft to leverage its operating system and applications software is so widely known and so seriously abused that the present agreement is at best a joke and not taken as a serious remedy by any user. The original basis for action, the Netscape browser, has been followed by a multitude of similar examples including, but not limited to, the email client, music and audio software, instant messenger software, and others. Java, a common Internet protocol from Sun Microsystems, Quick Time from Apple Computer, and Real Player from Real Audio, are examples, under the current operating system, which have been made more difficult to implement.

In the current OS ''minor'' issues like the constant nagging of the user who fails to sign up for a ''Passport Account'' under Windows XP (personal and professional) is a clear example of a marketing advantage on the Internet not available to any other vendor of an operating system. The hassle just to get rid of the undesired Microsoft applications software or getting third party software to function in its place is another example of monopolistic abuses exercised in the XP OS by Microsoft.

I am a consumer of business and personal operating system and applications software and have no affiliation with any computer industry entity. I had hoped that the Federal government, through the Department of Justice, would serve as my last bastion of defense via the anti-trust laws of our great nation in protecting my rights. I have been most disappointed.

This is not a business versus consumer issue in the usual sense. It is an abuse of monopolistic powers in one of the most flagrant cases of the behavior of monopolies in U.S. history. The issue is not that of ''pro-business'' or ''pro-consumer.'' The issue ultimately, if not resolved in accordance with U.S. anti-monopoly statutes, could well undermine the technology capabilities of the U.S. by undermining the free and open competition in all areas of business and commerce which has made our country great. Without fair and free competition our country cannot continue to prosper.

Finally, the proposed settlement works to the disadvantage of all ''consumers,'' from large corporations to university research science departments, from small business to individual consumers. The proposed settlement is a travesty of anything resembling ''justice'' in this case.

Submitted for your consideration by
Jerry W. Tompkins
jwt@mac.com
(home address and telephone number furnished upon request)

MTC–00001235

From: James Hebdon
To: Microsoft ATR
Date: 11/19/01 12:06pm
Subject: Harsher Penalties

The settlement as it stands is not sufficient. Microsoft has been breaking the law for years and years.

Slapping them on the wrist and saying everything is fine will not work. They have shown that they have no respect for the law and that they will slip through the cracks if given the slightest leeway. If the government does not uphold the law, then we are truly lost. Enact harsher punishments. Defend the public interest.

James Hebdon
932 S. 500 E. Apt #1
SLC, UT 84105
801.671.6158

MTC–00001236

From: Richard
To: Microsoft ATR
Date: 11/19/01 12:05pm
Subject: Microsoft Settlement

I never understood the logic of the Department's actions against Microsoft. Granted they are tough competitors but the PC revolution and economic boom that came with it are mostly due to Bill Gates vision to bring an affordable and user friendly information appliance to the masses. He should be awarded the Medal of Freedom. Having been a Unit Chief in the FBI's Information Resource Division during the late 90's I certainly understand how your attorneys got suckered into attacking on Microsoft. I am glad you have put this stupidity behind us.

Richard Schneider
Supervisory Special Agent—retired

MTC–00001237

From: elexus
To: Microsoft ATR
Date: 11/19/01 12:02pm
Subject: MICROSOFT SETTLEMENT

I believe it is in the best interest of consumers and the economy to approve this settlement off.

Ann Keefe

MTC–00001238

From: rich vereb
To: Microsoft ATR
Date: 11/19/01 12:24pm
Subject: Comments

I am a thirty year practicing CPA who began his career at a ''big eight'' firm and continues to serve small and local businesses and organizations in the US.

Those who believe Microsoft or any other monopolist will not quickly invent new means of restoring its market power are only fooling themselves. How else could a software publisher release obviously faulty (buggy) programs with impunity?

By convincing the courts that it is only leasing—not selling—a computer operating system, this monopolist has burdened all of us with a renewable payment system subject to its exclusive benediction.

By ''bundling'' application software into its operating system, Microsoft has prevented any realistic competition.

Why can the courts not understand the harmful effects Microsoft's corporate policies wreak? Real users (citizens actually purchasing the programs) noticed and published their complaints ten years ago. Nothing significant has been done or is proposed to address those illegal practices.

MTC–00001239

From: elexus
To: Microsoft ATR
Date: 11/19/01 12:16pm
Subject: MICRSOFT SETTLEMENT

Let's settle this case and move on.

Tom Keefe

MTC–00001240

From: Paul Hewitt
To: Microsoft ATR
Date: 11/19/01 12:33pm
Subject: Microsoft is guilty and should be split up and watched carefully

I believe everything that MS has been accused of is patently true, and they should be spit up and watched carefully for anticompetitive and predatory behavior ... of which they practice regularly in the market. I have a friend who is the IT Director for a very large asian laptop and desktop computer manufacturer. They ship MS software standard on their system, and also employ many thousand people here in their US headquarters. He tells me every time MS comes out with a new product (dot release or brand new), the MS ''thugs'' come to see him a few months ahead of release to ''emphasize'' that he should install and be using this new product or release on all his desktop systems when the production version is available, which of course requires him to issue a substantial purchase order. If he does not order and install this new software, his company will not be allowed to ship the new MS software to their customers on the laptops and desktop systems! ... yes this is blackmail! But, they can't do anything about it.

Now any IT manager knows you never install the first release of any new software on your production systems ... you install it in a test environment first, until all the bugs are out and then roll it out to your users. This is especially true with MS Windows, since they usually get it right the 3rd time, after copying some other innovative product in the market, embedding it in their OS or giving it away for free to put the other company out of business. So, my friend is forced to play this game with the MS thugs, giving them their purchase order, telling them he's installing it on all their desktops, but only installing it on selected, non-critical systems. When the MS thugs come to check this out, he takes them to each department and shows them only a small number of systems that have the software running, then de-installs these machines after they leave. But, in the end, MS wins because they get their money and they can say that the new software is being used by certain companies (when is really isn't). Yet, since my friend looks at MS as the ''defacto'' standard supplier of operating systems and office productivity software, and doesn't want to be ''blacklisted'' in his profession, he plays this game to keep his job. Hmmmm..... doesn't this sound like IBM in the 60's!

I know the current administration doesn't favor the breaking up of Microsoft. I'm actually a republican and absolutely believe in letting the markets work things out thru competition. But, I've seen so much over the years in predatory and monopolistic behavior that I believe MS will eventually take all innovation out of the market, and continue to put competitors out of business thru this behavior. MS always releases inferior software the first time ... they wait to see what competition does, then just copies them and either includes the functionality in Windows, or releases a product to compete which is for free or at a substantial discount over their competitor. Look at innovations like Java, Quicktime, MP3, streaming video, XML, etc. (not to mention the original word processors, spreadsheets, and presentation packages) All of these ''open'' standards have been changed slightly, included in a microsoft product, making them proprietary ... only working under MS software. Example, look at the number of web sites now that ONLY are viewable on a Windows system with Internet Explorer! This is because of what they did with Java ... first saying they will license it from Sun and abide by the standard, then changing it under ActiveX and making it proprietary. They are doing the same thing with XML now ... under their .NET initiative. What them twist the XML standards to their own version, then force their developer community to use it.

I have been in the computer hardware and software business for 20 years ... and have quite a few business associates who have echoed these same observations over the years. Microsoft is a monopoly and it's leaders are laughing all the way to the bank. The difference between Bill Gates and IBM in the 60's is that IBM had blinders on and was too big and entrenched in its mainframe technology to change quickly ... Gates doesn't believe that any of his tactics are bad for consumers of computing ... he's paranoid and will continue to take new markets and put competitors our of business without hesitation ... at the cost of innovation and value to the consumer.

Paul Hewitt

MTC–00001241

From: Tim Ramsey
To: Microsoft ATR
Date: 11/19/01 12:29pm
Subject: Settlement

Gentlemen,

I do not believe that the proposed settlement in the Microsoft case is nearly strong enough. I have been a software developer for almost 40 years and have observed Microsoft's practices from their emergence up to the present. Note that I am a contract developer of software used primarily by the Government; I am not a Microsoft competitor. I strongly believe that MS practices have stifled creativity, been the root cause of failure for numerous small software companies and have resulted in a restriction of choices for users.

Their primary methods for accomplishing this have been:

* bundling deals with large PC manufacturers that demotivate users from purchasing alternatives—in many cases the ''alternative'' was actually the original inventor of the technology who today is not in business.

* development of unnecessary MS specific variations of fundamental technologies—market share is then used to capture users, and since the MS technology is not compatible with the originals, the urge for compatibility creates a tidal force to assist them in capturing the market. Examples: Java and the present activity to capture multimedia web technology.

* erection of roadblocks to file compatibility and other forms of secretiveness that make it difficult and sometimes impossible to use applications from other developers in conjunction with that from MS—try translating a Powerpoint file to any other format for example, or a Word document loaded with equations and figures. I note that most other developers go to great lengths to make their applications compatible with others and that this practice is of considerable benefit to users.

* bundling price structures that make it uneconomic to use other applications.

Let's see how these practices work together to eliminate competition. For example MS Office is priced so as to make purchase of a single package uneconomic—suppose I need only Word; the purchase price is very large compared with that of Office (assuming I can find a copy), so I buy Office. I would have bought a competing product based on price and features, but I had to have Word for compatibility. Later, I need graphics software. Since I bought Office, I own a copy of Powerpoint. Although I detest the way it works, I am now faced with a choice: use Powerpoint unhappily or spend more money on a graphics application that I like and face incompatibility with my customers who use Powerpoint mainly because Microsoft made it too hard for them not to.

I feel that that methods like these are exactly what is meant by the term ''monopolistic practices''. I am very unhappy that the proposed settlement is likely to enable Microsoft to continue to follow their historic course to the detriment of both the software development and user communities. I hope you will consider these thoughts in your deliberations.

The opinions expressed above are entirely my own and might or might not be shared by my employer.

Tim Ramsey
Senior Principal Engineer
CSC
Huntsville, AL
(256) 498–3000
ramseyt@mindspring.com
tramsey@csc.com

MTC–00001242

From: Ron Carlson
To: Microsoft ATR
Date: 11/19/01 12:27pm
Subject: Sell out!

Break M$ up! Behavioral remedies have failed in the past and won1t work now.

enjoy,
Ron Carlson
At home in Taiwan since 1990

MTC–00001243

From: Gene Anaya
To: Microsoft ATR
Date: 11/19/01 12:26pm
Subject: Unsatisfied with agreement

To whom it may concern,

From what I have read in the press related Internet-based coverage, I must express my concerns that the negotiated agreement between the Department of Justice (which hopefully represents me, an American citizen) and Microsoft regarding the ongoing anti-trust case falls woefully short of providing any real benefit or relief to me, an individual consumer, nor to me as an employee of a technology company that competes with Microsoft.

Microsoft has been ruled a monopoly which abused its position to further its goals in other related markets. This, to my understanding, is illegal. However, there appears to be no consequences of these actions. A promise to not break the law for five years (with regards to pricing and requiring hardware manufactures to install Microsoft products) hardly sounds like a punishment.

Microsoft has repeatedly stated that they would not ''give up their RIGHT to innovate'' throughout this case. This is a great marketing catch-phrase that any technology company could use. However, Microsoft has a relatively weak track record when it comes to ''innovation.'' The notion that ''integrating'' a product into the core Windows operating system is the same as ''innovation'' is a subtle but important mis-statement made by Microsoft. Nobody would suggest that Microsoft stop improving their products (ask anybody who runs a Windows-based machine and has encountered the ''blue screen of death'' if they would appreciate Microsoft improving their products).

My concern is that I do not see how this agreement will curtail Microsoft's efforts to continue to ''innovate'' by ''integration'' in

anti-competitive means. They have made the argument that their customers benefit by the ''integration'' of Internet Explorer into Windows. What is to prevent their making the following argument: Our customers will benefit by our providing Word Processing capabilities in our Windows operating system. In fact, our customers would also benefit from the ''integration'' of a spread sheet as well as a presentation package into our Windows operating system. So, from now on, all copies of Windows will be ''integrated'' with what was once known as ''Office''. And, this is because our customers will benefit from this. Now, this is not likely to happen simply because Microsoft makes so much money off of the Office product line. But they are doing this exact type of thing with their ''Passport'' technology.

What is to prevent Microsoft from doing what they have done all along and watch the industry, and when a truly innovative concept comes along (almost always from a relatively small company), Micosoft announces that they intend to ''integrate'' that type of technology into Windows? This type of ''innovation'' by ''integration'' needs to be addressed. My final area of concern is Microsoft's history of furthering their monopoly by a policy of selective exclusion, usually made under the guise of ''providing the best user experience possible for our customers.'' An example of this type of behavior is Microsoft's treatment of the Java platform and programming language. Rather than support Java in an inter-operable and industry-friendly manner, Microsoft chose to ''pollute'' Java in ways that allowed it to only operate on Windows-based machines. For the most part, Microsoft's java implementation was one of the better ones on the market at the time. So, it is clear that Microsoft can produce a quality product. They could have chosen to fully support Java, and then provide separate Windows-specific ''enhancements'' to Java. For reasons left to other to argue, they choose to disrupt technology that they cannot make proprietary.

The current release of Windows XP has caused some concern regarding the Passport technology ''integrated'' into it. If one assumes that this is an ''innovative'' idea that will benefit the customer (now who the customer is may be up to debate—is it me, the individual, or the Internet-based business, like Amazon.com?), then why exactly does the technology only exist on Windows-XP? Why is this ''Passport'' technology not also available on the Macintosh platform? Microsoft does develop some software for this non-Windows-based platfrom (Office and surprsigingly the ''cannot be removed without breaking Windows'' Internet Explorer). Why is this technology not available on any UNIX-based or other non-Windows-based platforms? A good idea that benefits customers should be made available to customers, without requiring the customer to change platforms. There is nothing fundamentally ''operating system-specific'' in the idea of ''single sign on'' technology. The fact that the client machines (a Windows XP) machine will comunicate with the authentication server(s) over the Internet dramatically weakens any notion that the client (or the server for that matter) necessarily be a Windows-based machine, and by inference that this is in any way a piece of technology that need be ''integrated'' into the operating system. The ability to read and write to a hard drive or CD ROM on the local desktop are clearly areas where ''integration'' into the operating system makes sense. But when you are talking about electronic communication (whether it be low-level authentication services or higher level web-browsing or MP3-playing), it can be more correctly identified as either a seriously poor engineering design or a ploy to leverage the Windows market share into dominating other markets, such as authentication, web browsing, MP–3 playing or other such markets.

In short, I wish to express my concerns again that the current agreement does not appear to provide any benefit nor releif from past abuses by Microsoft, current efforts by Microsoft to leverage the dominance of Windows (see my concerns about the Passport technology), nor any means of preventing future abuses of the ''innovation by integration'' arguement made by Microsoft.

Thank you,
Eugene Anaya

MTC–00001244

From: Paul E. Smith
To: Microsoft ATR
Date: 11/19/01 12:38pm
Subject: Comments about the Microsft antitrust settlement

I am writing this as a consumer:

My belief is that there is no reason for Microsoft to bundle their version of a web browser, multimedia players, instant messaging, and so on, with their operating system other than to extend their monopoly to other areas. I believe the current settlement will allow Microsoft to get back to ''business as usual'' very quickly. I believe that consumers need a better remedy than the one proposed.

Microsoft will still continue to be the dominant player in operating systems and software even if the harshest penalties suggested were imposed. Why waste taxpayer dollars in the courts if antitrust laws are not going to be enforced?

Paul E. Smith

MTC–00001245

From: William (q)Jay(q) Davis
To: Microsoft ATR
Date: 11/19/01 12:36pm
Subject: Make Microsoft Play Fair

I recently upgraded my home-office PC's operating system to Windows XP. The OS itself so far seems to be very robust: an excellent product. This is where my praise of the new operating system ends.

Did you know that when you purchase the Windows XP upgrade and then try to set up your internet connections, you are almost FORCED to choose the Microsoft Network for your Internet service provider? Ok, perhaps ''forced'' is a strong word. Let me put it to you this way. I've been an Internet user for almost 10 years. When setting up Windows XP to work with my internet provider, the ONLY option presented to me for browsing the Web was the MSN Explorer. Upon clicking on this option, I am brought to the Microsoft Network signup wizard. I did NOT want to sign up for Microsoft Network. After searching through the programs in the ''Start'' menu, I found what I actually wanted. Microsoft Explorer. Fortunately, I knew what I was after and looked for it. I can't help but wonder what a first-time user would have done. I should note that both Windows Explorer and Windows Outlook Express (for E-Mail & Newsgroups) are built into Windows. There is no option to use other products. While there ARE ways to avoid having these applications installed with Windows, or to remove them later, it is not done easily.

There is no doubt that Microsoft Windows IS the dominant operating system. I've tried other operating systems (IBM OS/2 and several versions of LINUX) and have been forced to return to Windows due to the lack of applications available for the other Operating Systems. In my opinion, this is a ''Chicken or the Egg'' conundrum, and not something I have the knowledge to solve.

However, what I DO know is that Microsoft makes is VERY difficult to use Non-Microsoft products with its operating system. Prove this fact to yourself. Give a novice user a computer with a blank hard drive, bootable CD–ROM drive and ISP information, along with the retail version of Windows XP Home Edition. The user's assignment: Set up Windows XP, and then sign onto the internet.

How to solve this problem? Microsoft should be broken up into 3 parts. (1) The operation system division. (2) Applications Division. (3) Internet Services Division.

This would stop Microsoft from using its virtual monopoly in the OS market to force users into using other Microsoft products. It would restore free and fair competition to the Applications market. Perhaps the newly independent Applications division would create versions of former Microsoft products for LINUX and other operation systems. The newly created Internet Services Division would now have to compete head-to-head with AOL, Earthlink, etc. (a fight, I suspect, they would lose, but who knows).

The question is not and SHOULD not be, ''Is this good for Microsoft?'' but ''Is this good for consumers and the technology sector in general?'' The answer to the first question would be ''possibly, possibly not.'' The answer to the second question is a resounding ''YES.''

Microsoft makes an excellent operation system today. (I don't know how they came to dominance with their Windows 9* and ME products, they were horrible. But Windows NT/2000/XP operating systems are fantastic!) Some of their applications are top-notch and should be able to compete well with other vendors independent of Microsoft. Their Internet Services. well, that remains to be seen. I say these things so that you understand that I'm not of the radical ''I Hate Microsoft'' group. I simply want to see more options available to me.

William J. Davis
Hotshot2@home.com

MTC–00001246

From: Rob Fiorendino

To: Microsoft
ATR,president@whitehouse.gov@inetgw
Date: 11/19/01 12:34pm
Subject: Microsoft Settlement

I think that settling the Microsoft case with the terms that have been published would be a horrible idea. Please reconsider taking them to court and imposing a penalty that would mean something!

Rob Fiorendino
3809 Jackson St. NE
Columbia Heights, MN 55421

MTC–00001247

From: James Nicholas Rhodes
To: Microsoft ATR
Date: 11/19/01 12:57pm
Subject: hello

Dear Sir/Madam:

I am a Canadian who is marrying my American fianc• e soon, so since I am moving to the United States once approved by INS, I hope that my input is put into this discussion.

I am studying to be a Computer Analyst/Programmer at Red River College in Winnipeg, Canada. I have used Windows every day since the first iteration of it and even DOS before that. I also am a Macintosh user, and I am running Mac OS X at home on my iBook from Apple. Since I am well versed with both Windows and the Mac, I think I can provide some enlightenment here. Being a Macintosh user, I am so tired of Microsoft bullying Mac users into accepting their ''standard'' for the internet, Internet Explorer. Just because Microsoft has lots of money, they think they can enforce any ''standard'' they want on the internet. What Microsoft needs is not a slap on the wrist, as I will put what this deal appears to render Microsoft. The US DOJ cannot allow Microsoft to continue its anti-competitive behavior. A prime example is in the new OS, Windows XP. Microsoft has made it very difficult for someone to record a music CD into the MP3 format, forcing end-users to use their their own proprietary format. This is ridiculous, since I own the CDs I make MP3s from, I have a LEGAL right to do so. Why is Microsoft being allowed to do this? This is a prime example of Microsoft trying to shove their ''standard'' on the rest of the computing world.

Another example is the blocking of QuickTime 5 use on Windows PCs by Microsoft. They deliberately made it difficult for Apple to allow Windows users to use QuickTime on the Windows platform. Thank God that Apple has some really genius-level software engineers, because Apple was able to provide an updated version to combat Microsoft's anti-competitive behavior.

A further example is the Java programming language from Sun... I just finished a course in Java programming and it is the most wonderful programming language to use. But Microsoft continually does whatever it can to kill Sun's Java, because it is just too good for Microsoft's own liking. It is a threat to their stability as a software producer because an application properly coded with Java can run on any platform, since it is platform agnostic. All of the Java programs I wrote in my course can be run on my iBook running Mac OS X which is a sheer delight. No code changes have to be made...

I only use Windows at college now, because I am forced to. I chose to use a Mac a long time ago, and with the new OS, Mac OS X, it is more stable and more user-friendly than Windows XP will ever hope to achieve. Mac OS X does not have all of the security flaws that Windows (whatever version one chooses) has, and this is one reason why I dislike Windows— the product is just so unstable at best.

The DOJ has to listen to people who use both platforms, because it is important to get their input on this case. The final judgment will have many ramifications in the future, so please choose wisely. Letting a company this big get away with anything it feels like doing is dangerous to the consumer like myself, but I also say it is dangerous to the stability of a government in the long run. I would hate to see the US government become a ''puppet'' of Microsoft's whims, because I care about the US very much since I am marrying my American sweetheart. I was very glad to see the US Army change critical systems from Windows NT to the Mac platform because of security concerns. I routinely even get people trying to hack into my system, but with my trusty built in firewall into Mac OS X I wish them all the luck in the world. :)

President Bush's office even sent me an Official Presidential portrait with a letter once they were available, because they were impressed with my letter about why I want to become an American. I even decided I am going to be a Republican when I can... :)

Regards,
James Rhodes
p.s. God bless America...

MTC–00001248

From: Eric Geoffroy
To: Microsoft ATR
Date: 11/19/01 12:47pm
Subject: How much did MS pay to get off?

My colleagues and I wonder how much more MS paid to get off compared to O.J. This case that originally was off to a good start has now been touched by dirty hands. The proposed punitive measures are grossly disproportionate to the offenses. Talk about a slap on the wrist. How can our government try to fight voter apathy when it turns its back on its people. A case against a Mega-Monopoly like this has to be fought by a giant if justice stands a chance. The only thing we have to put up against MS is the Federal Government. And our government has backed down again, and once again the badguy gets off, and the people lose hope and respect for our elected officials.

My suggestion to get this case back on track, so that justice can be served—

1. Root out the spineless among you and replace them with people with integrity.

2. Fight this case like you mean it. The fact finding has revealed a lot of dirt and wrongdoing.

Sincerely,
Eric Geoffroy
IS Manager
Navis LLC

MTC–00001249

From: Seymour Joseph
To: Microsoft ATR
Date: 11/19/01 12:38pm
Subject: DOJ Proposed Settlement—Total Capitulation

Hi,

I was told this email address was set up for consumer comments on the proposed DOJ settlement with Microsoft.

I think the proposed settlement does not address any of the significant issues facing the US software industry:

* It does nothing to curb Microsoft's agressive monopolistic practices with third parties.

* It does nothing to compensate those businesses terrorized and destroyed by Microsofts monopolistice practices in the past

* It does nothing to keep Microsoft from continuing down the same path again and again. Witness the recent launch of their Windows XP product which now bundles even more applications into the operating system in an effort to do to more companies what they did to Netscape with the release of Windows 95 that sparked this case.

The agreement I have read basically feels like a complete government capitulation to Microsoft business as usual and I am VERY dissapointed with my taxpayer dollars being WASTED to try Microsoft and find them guilty only to have the Department of Justice let them go with a pat on the back.

Seymour Joseph
Director, Technology Services
Bucks County Intermediate Unit #22
705 Shady Retreat Road
Doylestown, PA 18901
Phone (800)–770–4822 x1110
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Web (BCIU): http://www.bciu.k12.pa.us
Web (Seymour): http://www.bciu.k12.pa.us/users/sjoseph/Welcome.htm

MTC–00001250

From: David R. Plas
To: Microsoft ATR
Date: 11/19/01 12:57pm
Subject: complaint about settlement

Dear Department of Justice,

I am writing to voice my disappointment in the recent settlement offer to resolve the anti-trust litigation being brought by the Dept. of Justice and the States against Microsoft. From my perspective, the proposed settlement gives Microsoft too many avenues to prevent or delay any process that might interfere with an anti-competitive action on Microsoft's part. The appeal mechanisms in the agreement will allow Microsoft to carry out anti-competitive actions for some time before the government will be able to force an end to such behavior. As was argued frequently during the trial, time is everything in the computer industry, and belated efforts by the government to restrict anti-competitive behavior are meaningless. Please revise the agreement with Microsoft to explicitly ban anti-competitive types of business practices by Microsoft, and to put in place a fast-acting mechanism to punish the company for violations in the agreement. The current agreement will do nothing to change Microsoft's behavior or its effects: the illegal

maintenance of monopoly power in an incredibly important and rapidly expanding American industry.

Sincerely,
David Plas

MTC–00001251

From: Grehan, Yvonne
To: 'Microsoft.atr(a)usdoj.gov'
Date: 11/19/01 1:13pm
Subject: Microsoft Settlement

In the interest of justice, economics, and freedom to innovate, please expedite the settlement of this long-standing case against Microsoft. Numerous segments of our economy, our daily living and our retirement planning have been negatively impacted by this epic saga. Please encourage settlement soon.

Yvonne Grehan
ygrehan@omm.com

MTC–00001252

From: Pete Schloss
To: Microsoft ATR
Date: 11/19/01 1:03pm
Subject: Microsoft Settlement

The remedies in the proposed settlement do not address two areas: the price fixing which Microsoft accomplishes using its monopoly position in computer operating systems, and monetary damages due to other companies harmed by these acts. Consumers have been and are continuing to be harmed by these practices.

(1) Pricing for Microsoft Windows and Office products are artificially high and are maintained high due to lack of competition. All other components of PC pricing have declined greatly in the past ten years, but Microsoft software prices have increased. Only in areas where Microsoft has competition have prices been lowered.

(2) In one area in particular, the IE browser, the pricing is predatory (zero), because this pricing is intended to drive competition out of business. This tactic has almost succeeded now. The purchase of Netscape by AOL was an indication of how successful this tactic is. Monetary compensation is due to Netscape.

(3) Bundling of other zero-priced features like CD writing in the Windows XP version is intended to drive other competitors out of business; at which point Microsoft will raise prices in these future non-competitive areas. Restrictions on bundling of competitive products into Windows are needed to prevent future damage to competitors.

(4) Microsoft has used its OEM license agreements to further the above goals. The proposed remedies do not address damages to parties caused by the illegal license agreements in place up until now. In particular, BeOS was driven out of business due to the restrictions in the OEM license agreements. At a minimum damages, should be awarded to BeOS to compensate for their losses due to unfair practices.

(5) Microsoft has signed consent decrees in the past and then ignored them, continuing the conduct which the consent decrees were supposed to remedy. To prevent this from happening, there should be significant monetary damages (for example, treble the amount of losses at a minimum) specified for any future violations of the terms of this Final Judgement. It also should be made very easy for harmed parties to make claims for these damages. Many of Microsoft's competitors do not have the resources needed to pursue remedies through the court system, so an arbitrator should be appointed by the Court to hear these challenges in a simplified forum without requiring major resources for batteries of lawyers. This may sound like a peculiar request, but if similar mechanics had been in place previously, this current lengthy court procedure might not have been needed.

Detailed comments supporting thes arguments are contained at this URL: http://money.york.pa.us/Articles/Microsoft.htm

Pete Schloss

MTC–00001253

From: Steve Nicholson
To: Microsoft ATR
Date: 11/19/01 12:59pm
Subject: Microsoft settlement

I am tired of Microsoft running good competitors out by bundling their similar programs with the operating system. Microsoft does not make the best or most reliable product & when they integrate it makes the individual products worse not better. Please make part of the settlement just the operating system, a product separate from media player or internet explorer.

I looked at the license agreement for a media player upgrade & they come out a say that it may disable other products without your knowledge or consent. It may also download security updates without your knowledge or consent. They should not be allowed to take control of the software I already have on my system with out my consent. Stop them from forcing their garbage to the user.

Digital Rights Management (Security). You agree that in order to protect the integrity of content and software protected by digital rights management (''Secure Content''), Microsoft may provide security related updates to the OS Components that will be automatically downloaded onto your computer. These security related updates may disable your ability to copy and/or play Secure Content and use other software on your computer. If we provide such a security update, we will use reasonable efforts to post notices on a web site explaining the update.

Protect the people from the monopoly called Microsoft. Do not give up on the unbundled, cheaper, more reliable versions of software. I should not have to uninstall it afterwards, should be options to install or not the whole time.

Steve Nicholson
Steve2Nicholson@home.com

MTC–00001254

From: Kevin Barth
To: Microsoft ATR
Date: 11/19/01 1:18pm
Subject: Public Comments on the Microsoft Antitrust settlement

Sirs—

I am taking this opportunity to express my extreme dissatisfaction with the proposed settlement of the Microsoft/DOJ antitrust lawsuit. As a web application programmer and analyst, I have been continually exposed to the effects of Microsoft's extreme monopolistic practices. Microsoft likes to brag about its extreme market share, and they would have us believe that the sole reason for this market share is its creation of well-written, innovative products, which can easily fill the needs of consumers. Unfortunately, having to work with these prematurely released, extremely buggy and inconsistent products, it is obvious to me that if any real competition existed, Microsoft would soon be in the position of having to spend a lot more money tightening up its programs if they are to risk fading into obscurity. It is equally clear that they chose to spend that money eliminating the opposition through grossly unfair marketing and advertising practices rather than improving the quality of the product. I believe that the findings of fact in the trial more than adequately proved this, regardless of any judicial bias which may be claimed.

The proposed settlement is nothing more than a slap on the wrist for Microsoft. It will have neither the effect of punishing them for past misdeeds, nor that of discouraging future ones. There is no public accountability. Because it does nothing to whittle away the vast advantage Microsoft has built for itself over the years, it does nothing to encourage other companies to compete with Microsoft. There is, after all, a huge juggernaut to overcome, and precious few companies have the resources to overcome that barrier. Thus, with no competition, the consumer is left in the same place that he has been all along—lacking alternatives, he will remain with Microsoft because of their foothold.

In short, the proposed settlement actually rewards microsoft for past misdeeds, and ensures that they will continue to profit from them. It is my sincere hope that this settlement fails, and that the individual states who have relied upon the department of justice to look after their best interests react to this betrayal with lawsuits of their own. No other course of action seems at all likely to bring the sort of justice that the American consumer requires and deserves.

Kevin Barth
Kevin Barth, Programmer/Analyst
QRC Division of Macro International Inc.
(301) 657–3077, ext. 129—http://www.qrc.com
fax (301) 657–3862

MTC–00001255

From: Sam Barnum
To: Microsoft ATR
Date: 11/19/01 1:18pm
Subject: Obvious Problems with MS

The primary issues with Microsoft's practices are

* Prohibiting hardware vendors from offering products that compete with Microsoft products

* Using its monopoly to leverage closed, proprietary data formats, and exclude competing, standards-based formats.

* Extremely poor security on homogenous server software which could lead to huge disruptions of internet traffic.

The first seems to be the easier issue to deal with. Open up the OEM agreements with hardware vendors, expose any shady/

unethical goings-on. The second case is probably the more harmful of the two. It comes down to playing nice, and acting as part of the information systems community rather than a corporate predator. Microsoft seems to view all technology as something to be supplanted/assimilated rather than utilized within a framework. Abandonment of Samba and Java, development of Internet-Explorer-only websites (including MSNCB), and the undermining of the TCP/IP protocol with Denial-of-service-friendly Windows XP are some of the more troubling examples that come to mind. If Microsoft were not a monopoly, the above behavior would be laughably self-destructive for any company. However, when Microsoft flouts standards, those standards lose a lot of their meaning. Anyway, I appreciate the chance to voice my concerns, good luck to you.

Sam Barnum
San Francisco, CA

MTC–00001256

From: Brett Sher
To: Microsoft ATR
Date: 11/19/01 1:17pm
Subject: Microsoft settlement

Unless the fix is in and settlement is just intended to be a sham (which is what a lot of Americans suspect is happening), close *all* the loopholes. Ignore Microsoft's whining. Hit the bastards hard. God knows they deserve it.

The computer industry has been stagnating because of lack of competition. Do something drastic enough that investors will dare to support companies going head to head with Microsoft. Anything less will be no remedy at all.

—Brett Sher

MTC–00001257

From: daevans@oracle.com@inetgw
To: Microsoft ATR
Date: 11/19/01 1:16pm
Subject: Microsoft vs. DoJ settlement.

Ms. Renata Hesse,

I have been told that this email address is for public comment on the settlement between Microsoft (MS) and the The Department of Justice (DoJ). As a long time user of MS's products and other operating systems may I open my comment by saying how sorry I was to see such meager sanctions imposed and the way the DoJ has failed to seek more effective remedies. I've been in the IT industry for over fifteen years. Most of that time I was in Australia before being lured to the US by Oracle. In that time I had to pay punishingly high rates for MS products. In some cases the products didn't even work as stated. I can give an example of MS-DOS 3.3 with MS Word and output to early laser printers. There was no effective support and no way to get this fixed and no ability to get a refund thanks to the barriers MS had put up between itself and the customer base.

Over the years, up to MS-DOS 6.1 and into Windows 95, 98, 2000, Windows for WorkGroups and NT I see nothing has changed. They make their systems more proprietary, make it harder to connect to and refuse to acknowledge any problems with their products. Over the years they have blamed the hardware, other products and hackers—generally only to release a patch to fix a problem with their products. I had hopes that the DoJ would take the way MS acted in court, their history of non-compliance and their predatory practices into account. I was sad when I read read the current turnabout.

As to the future—does anyone really believe they will abide by any court order that restrains them from further unscrupulous acts? I don't think so and neither do many of the pundits in the media and the internet. We have been burned so many times by MS that I think the negative reaction to MS is very understated. I hope that you and your fellow prosecutors who have basically given MS free reign are left to untangle some of the technical problems that you are now saddling the IT community with. Ever tried to download a patch for MS from a non-MS browser to help someone else—it just hangs.

If I went into every problem I've had over the years from MS's control of the boot loader to it's almost PostScript compliant output in its applications I would need several weeks. However I'm sure you will have many other people who also wish to voice their disgust so I'll leave me email here.

If anybody wants further contact I'm willing to expand on details by email.

Sincerely,
David Evans
Oracle Corporation
David.J.Evans@Oracle.com
There is magic in the web.
Telephone: +1–650–506–2120
Othello Act 3 Scene 4 by William Shakespeare
Facsimile: +1–650–633–0594

All of the statements and opinions expressed here are my own, and do not necessarily represent those of Oracle Corporation.

MTC–00001258

From: John Foley
To: Microsoft ATR
Date: 11/19/01 1:25pm
Subject: Take Microsoft Down!

I am adamantly against allowing Microsoft to get off ''Scott Free''! They have tried to take or ''steal'' ever technology from Java to now?? VBox? When is their sweeping invasion of every major industry using computers going to end? If they can not buy what they want, they STEAL IT and change it so that it ONLY works on Windows producrts. Check out the numbr of web sites that can ONLY be browsed with Internet Explorer!! Microsoft has invented little, but more like the Janapese who take a product and change it for their own resales. so goes Microsoft. No innovation, just outright high-jacking of any company who might have a technology that Microsoft might want to call their own. We consumers have some intelligence and are thankful that this email site has been set up to allow our opinions about Microsoft.

John Foley

MTC–00001259

From: Rebard@aol.com@inetgw
To: Microsoft ATR
Date: 11/19/01 1:23pm
Subject: Comment

I urge you to settle the Microsoft dispute as soon as possible. The consumers are NOT being served with this rediculous suit. It was only launced to benefit a few competitors and NOT on behalf of the users. Leave Microsoft alone, it created a platform from which all others can build. Before this base, programs were written with various codes that were incompatible and a user had be be sure a pruchase would work and interact with other software. With Microsoft, everything works together.

Thank you for listening. rebard@aol.com

MTC–00001260

From: Suarez, Tony
To: Microsoft ATR
Date: 11/19/01 1:21pm
Subject: Microsoft Corp.

To the US Government,

Don't tell people to ''be all they can be'', and then slap them around if they become the best at what they do. Free enterprise is what made the country great, not government intervention and manipulation of business.

The market will always adjust itself. Maybe not overnight as most Americans seem to require, but it always does in a competitive environment. Another great idea will always come along to challenge the current supremacy of a corporation if you just let the people and private sector work their magic.

Tony Suarez

MTC–00001261

From: Marsha McCurley
To: Microsoft ATR
Date: 11/19/01 1:27pm
Subject: Microsoft penalties

Dear Sirs:

Many of Microsoft's business practices were predatory and worthy of praise only by Attila the Hun. No one disputes that they got caught doing illegal dealings that smack of Nazi power plays. I feel the most sorry for their so-called partners, not their rivals. I recall overhearing the last part of a tv news broadcast describing some of what they had forced their partners to do, and it was a shock when I realized that they were talking about Microsoft—I had thought they were discussing Mafia business practices.

I feel that Microsoft has harmed us all by forcing companies and consumers to take their software junk and thereby limit our choices, and also that also limits the directions for software and hardware development in the future. America has always been the land of choices—don't let Microsoft take that freedom away from us.

I am shocked that after the USDOJ found Microsoft to be guilty of being the largest monopoly in history that you would then turn around and be the wimpiest bunch of fools I've ever heard of and let them get away with it. If you don't take measures now to stop them, you will be proving to the whole world that you're on their payroll, too. Get some guts and put a stop to them. Separate the OS division from the rest of the company. Make them show some ethics for a change. Make them let consumers have choices instead of the omnipotent Bill deciding what we should have. Make them really have to compete and the whole technology market will improve.

Sincerely,
Marsha McCurley

MTC–00001262

From: George A. Denino
To: Microsoft ATR
Date: 11/19/01 1:34pm
Subject: OS vs. Application Software: A Primer

OS vs. Application Software: A Primer

1. All computers start up (boot) by running operating system (OS) software. This software creates an environment in which useful work (word processing, page layout, image manipulation, web site creation, sound editing, etc.) is accomplished through the use of task specific applications running within the parameters established by the operating system.

2. An application can run correctly under an operating system only if the developers of the application software know the requirements dictated by the operating system.

3. A company which creates both the operating system and task specific applications has a distinct advantage over any competitor wishing to create a similar task specific product. The OS developer need not divulge all of its programming code to developers of competing applications. In fact, it may even incorporate, within its operating system, lines of code designed specifically to break a competing program.

4. The recent settlement between the government and Microsoft Corp. ignores these facts as well as the well established history of Microsoft's anti competitive and monopolistic tactics used to undermine applications such as Netscape Navigator and WordPerfect. These applications did the same work as Microsoft's Internet Explorer and Word. Each did its task far better than its Microsoft counterpart until Microsoft decided to ''integrate'' its own products into its Windows operating system. Neither Microsoft product could have become the de facto ''standard'' in its respective realm without this sham policy of ''integration.''

5. Any settlement which allows Microsoft to continue this blatantly monopolistic policy is ludicrous. Only one of two possible solutions would adequately address the underlying problem which led to the government's initial legal action against Microsoft:

a. To level the playing field, Microsoft would be required to release its entire Windows code to all software developers.

b. Microsoft would not be permitted to ''integrate'' any of its in house applications into its operating system, and sanctions sufficient to restore true competition within the software industry would be implemented against the company.

George A. Denino
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mailto:alliance@harmonize.com

MTC–00001263

From: Steve R. Whitaker
To: Microsoft ATR
Date: 11/19/01 1:38pm
Subject: bad descision

It seems to me that in light of the latest ruling by judge Koleen that Bill Gates is now more powerful than George Bush. Microsoft now controls over 90% of the world's computers. Almost our entire government is controlled by Bill Gates' software. You think that because we have bigger troubles in Afganhastan, that we don't need to be fighting with Microsoft? The Taliban will lose significance in a few months but Bill's software will be controlling our lives for decades to come. Being that Microsoft has 30 billion in cash and owns many other businesses including a national broadcasting company. They now have the power to buy politicians, influence public opinion and control what people will and will not do on the internet. The government is apparently harder on kids that copy music and software than they are on criminals with guns. Judge Koleen doesn't know enough about technology to be making landmark descisions on who will control the internet and what constitutes as a potential copyright problem. Even our armed forces relies heavily on Microsoft products. How can some young college kid in a remote country write a superior OS and our entire defense forces has to liscence buggy insecure software from Bill Gates. I guess I know the answer... its hard to collect taxes on free software.

Steve Whitaker

MTC–00001264

From: T. Breheny / DiGiTAL ZEN
To: Microsoft ATR
Date: 11/19/01 1:36pm
Subject: complications by design greetings,

as an apple developer producing content for both macOS and windows platforms, i've repeatedly seen my efforts seemingly blocked by microsoft in their attempt to control the marketplace. two such examples include the mime-type ''hijacking'' which windows media player was notorious for, so that content that was intended for playback w/in the quicktime architecture (cross platform) was instead stolen by WMP; and in the case of advanced interactive movies (which i author) like wired sprites and QTVR, windows media player could not play correctly, thus giving the end-user a failing experience and the impression that either i as the author had done something wrong, or that quicktime was at fault (neither being true).

most recently w/ the announcement that MS had dropped support for netscape-style plugins, an established protocol on the web, in favor of (no surprise) their object/active-x mechanism.

i hope that, politics aside, this matter will continue to get the attention it deserves from the DOJ. microsoft can make decent software (i'm using their mail program and web browser on my mac), i just wish they could ''play nicely'' realizing that we're all trying to deliver compelling content to the public and don't need unnecessary hurdles in an attempt to block the competition.

thank you in advance.

Terry Breheny, Founder/Producer
DiGiTAL ZEN <http://xtb.com>

''We did not inherit the earth from our parents, rather we are borrowing it from our children.''

MTC–00001265

From: Joe Frank
To: Microsoft ATR
Date: 11/19/01 1:41pm
Subject: Microsoft Settlement

I find it amazing that as a user of many computer products, the settlement clearly does not address the core issue of the complaint that most people who would enjoy a lower cost Window's Operating System's without all the new add on's that may or may not be wanted.

A break up of MSFT may be too harsh but a break up of bundling applications with the operating system would lead to a lower OS cost. This would still allow MSFT to develop those ''innovative'' applications but in a competitive environment that is equal to all given that everyone has access to the necessary API's.

That would allow the consumer to spend their money where they want and still allow MSFT to compete. As is stands now if you want a competing application you need to pay twice. There is consumer protection at it's best. Also the basis of MSFT's PR campaign has been innovation. However with the descent decree fresh in hand how long did it take them to announce their intention to ''unbundle'' JAVA from Window's? A truly innovative feature which competes directly with MSFT's view of the future. I hope the judicial system shows more common sense than the new DOJ did.

Joseph Frank

MTC–00001266

From: Michael Leitao
To: Microsoft ATR
Date: 11/19/01 1:40pm
Subject: settlement

Dear Government Representatives,

I am very disappointed in the DOJ decision to settle with Microsoft with no real punitive damages assessed against an organization that has clearly done more to stifle innovation rather than develop it as they frequently assert at every rhetorical opportunity. This organization has, in my humble opinion, created road blocks to the advancement of technology while appropriating and constraining developments from other organizations. It is unfathomable that such an organization will be allowed to continue to do such harm to the advancement of technology especially while we are all looking forward to economic recovery. If there is any way for this decision to be reversed I strongly urge you to do so. I sincerely hope the states who have decided to challenge the settlement will prevail.

Michael Leitao

MTC–00001267

From: SBMB12
To: Microsoft ATR
Date: 11/19/01 1:39pm
Subject: Social Policy Litigation

BROWN ENTERPRISES

You cannot fail, you can only produce results!

SUCCESS STARTS NOW

In preface, let me say that I have no vested interest in either the DOJ or in the stock of Microsoft. My investment has been in my country as a loyal, patriotic, and voting citizen through the decades.

Now retired from years in middle and upper management, I have watched the serge of litigious terrorists in the environmental, family, social, civil, and recently political business policy arenas.

Much more in touch now with the pulse of the masses, I can tell you with all confidence that the case against Microsoft has been and continues to be viewed as a contrived liberal attempt to punish the wealthy and redistribute wealth, in this case knowledge, to those companies unable, unwilling, and less dedicated to the pursuit of excellence. It is not the practices of Microsoft that appear to be unfair; rather, it is the manipulation of the government against them that appears sinister and an invasion of pure competition in a capitalistic society. Even a cursory recollection of the tenants of Antitrust Acts show a factitious extension to support the governments case.

Do not expect the American public and business person to agree or respect the prosecution of a company who, has from it's inception, exemplified the American business ethics of creativity, investment, hard work, intensity, comprehensive marketing, and dominating success. From the first trading post in Jamestown to date, those companies who succeed are those who prove themselves to be the best to the buying public. They do not depend on a ''big brother'' using the peoples money to punish the successful and subsidies the inferior.

Personally, I have always thrived on competition in sports and business and measured results in terms of final score or sales by the rules as they existed during the competition. When the government has to redefine the definition of ''antitrust'' in order to justify it's position, the ad hoc assault becomes a ludicrous farce in the eyes of all those who have watched and benefited from the software company. The DOJ case seems to depend on what the definition of ''is'' is. If we apply the same definitions to other companies in other industries, who will be next..... Wal Mart, Coke, Home Depot, GE?

Henry David Thoreau saw the demon of political government litigation when he wrote in 1849, ''Policy does not make morality''. With all due respect, let the best company(s) win. Regarding your efforts against military and religious terrorists: God's speed for your safety and success and God bless you all.

We look forward to the DOJ regaining it's respectability after the embarrassing rein of Ms. Reno, the most unqualified Attorney General in the history of the department.

Sincerely,

Skip Brown

MTC–00001268

From: Philip Johnson
To: Microsoft ATR
Date: 11/19/01 1:47pm
Subject: very dissastisfied

Your settlement with Microsoft allows it to become twice as much a monopoly as it is today. It would be better to drop the case entirely than enact the currently preposed settlement which gives Microsoft even more priveledges to abuse consumers. I am a US citizen, tax payer, and voter. I beleive that this settlement with Microsoft is an excellent example of the waste and poor performance of my government.

Do You Yahoo!?
Find the one for you at Yahoo! Personals
http://personals.yahoo.com

MTC–00001269

From: John Springer
To: Microsoft ATR
Date: 11/19/01 1:47pm
Subject: Proposed settlement doesn't solve anything

I object to the proposed settlement agreement, as it does NOT make it possible for anyone to compete with Microsoft in any computer-related market they choose to be in.

I believe the Windows operating system needs to be treated like a publicly owned standard, not a private money machine. Every software maker needs to have equal access to it, and computer manufacturers should be free to do whatever they want with it on machines they build.

It is an enormous myth that Microsoft was the magician that drove the computer industry to success. Microsoft has never made anything better, cheaper, or simpler in their history. It is Intel's success at continuously increasing hardware performance at lower prices that made the PC industry happen. So we can stop thinking that the success of the whole industry depends on keeping Microsoft at unconscionable, monopolistic profit margins. I am most concerned about the future of the Internet. The Internet, as originally conceived, was built on simple open standards that everyone could use. Microsoft is hell-bent on destroying open standards and the DOJ settlement does not prevent them from marching forward by building more and more proprietary things into their monopoly OS until they control all electronic communications. That is wrong. And no-one but the DOJ can stop it.

Regards,
John Springer
5933 Hwy 101 N
Yachats, OR 97498

MTC–00001270

From: Jill Stone
To: Microsoft ATR
Date: 11/19/01 1:42pm
Subject: Microsoft Settlement

Settle this case immediately! The economy is so bad, how can you continue to punish the one good company in the USA. Do you want Japan to control everything? This is stupid! Spend the money tracking down terrorists and leave MS alone!

MTC–00001271

From: rhankel
To: Microsoft ATR
Date: 11/19/01 1:50pm
Subject: Problem not solved

Hi,

I don't feel the the deal made solves the underlining problem—Microsoft's monopoly. At the end of the day they will still be able to leverage their monopoly to gain advantages which will reduce or eliminate the competition. Microsoft has bundled software in several key areas such as downloadable sound and video which has nothing to do with the core os. But because this software is bundled, people are less likely to download competitors, even if the software is free, because of the difficulty of downloading and installing, especially if your are not a technically minded person. (How many people do you know who don't know how to set the time on their vcr.)

It would be far better to force Microsoft to license their os to other venders but at a regulated rate. (Otherwise they will price it so high nobody will want to touch it.) Dividing the company is no good either as the os portion would still have the monopoly. The best would be to open source the code for the OS. Microsoft would still be able to develop and market their product but they wouldn't be able to leverage it for fear of someone else coming in and doing what they won't.

In short, please remember what this case was all about—Microsoft using its monopoly to illegally leverage dominance in emerging technologies such as the internet. The solution must directly prevent Microsoft from ever having even the slightest chance of doing this ever again. From past experience with Windows 95 and Internet Explorer you can see that only the strongest action will prevent further abuse.

Thanks,
Rod Hankel

MTC–00001272

From: Jim Driskill
To: Microsoft ATR
Date: 11/19/01 2:07pm
Subject: Microsoft Settlement

RE: Microsoft Settlement

How much did it cost to persuade you to ignore the intent of the law, consumer protection and your sworn duties?

Do You Yahoo!?
Find the one for you at Yahoo! Personals.

MTC–00001273

From: Trevor Tally
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/19/01 1:57pm
Subject: Comments on Microsoft Case

As a consumer, I don't think the proposed settlement benefits me at all. Being that it is pretty much agreed that Microsoft is a monopoly, I would have liked to have seen Microsoft forced to reduce prices and fees for the consumer. For instance:

1. Set a maximum price for products that they have a large share of the market (Similar to Utility Regulation in the past)

2. Force them to provide free customer and product support to registered product owners

Let's look at the facts:

1. Microsoft typically Nets $5–8 Billion dollars on $20 Billion in sales per year. I don't know of any large company that makes that kind of profit margin.

2. Developer support is charged at nearly $250 per hour, regular support is about $150 per hour. Microsoft thinks it is generous by giving you two free calls when you buy a

product, but then they don't provide a manual with the product. You have to purchase their books if you need to help or pay their high fee for help after two lousy calls.

The two points above indicate that Microsoft is using its monopoly power to gouge the consumer. Secondly, these numbers paint a telling picture as to why competitors can not compete. Microsoft has so much money to throw around that they either outspend in R&D or buy any company that develops a better product.

Please, re-focus your attention on actually doing something that benefits the consumer. Basically, Microsoft is our only option for many products and we are getting gouged big time in our pocket book by their business practices.

Thank you for your time.

MTC–00001274

From: Rich Gerdy
To: 'Microsoft.atr(a)usdoj.gov'
Date: 11/19/01 1:57pm
Subject: Public Comment

A brief comment on Microsoft's proposed settlement. When I purchased a computer from Gateway, I tried to order the spreadsheet known as 1–2–3 (Lotus). My wife was proficient in this program. Gateway told me they could not install that program because Microsoft would not let them. It was a nightmare converting to Microsoft's own spreadsheet program called Excel. I hope the settlement addresses all the customers who were forced to give up a computer program that they relied on and convert to a different program.

Thank You Richard Gerdy

MTC–00001275

From: Joe Arico
To: Microsoft ATR
Date: 11/19/01 2:19pm
Subject: Settlement

I am very disappointed in the settlement agreed upon between the DOJ and Microsoft. Where is justice being served except to benefit the Government. This settlement is nothing more than slap on the hand for Microsoft and a punch in the gut to consumers.

In any other industry these similar practices would incite the government to break up the company.

The SEC prevents mergers between companies based upon the benefits to consumers using a method that evidently does not hold up in a court of law. The market share that Microsoft holds is easily enough to be called a Monopoly. Even the lower courts ruled that Microsoft was a Monopoly and the ruling was held up in the appeals courts.

Please tell me how a fine is going to prevent Microsoft from being a monopoly.

Joe Arico

MTC–00001276

From: Jeff Cooper
To: Microsoft ATR
Date: 11/19/01 2:18pm
Subject: Settlement

Your decision to settle with Microsoft without breaking up the company disregards all findings of fact and does not provide any protection to the American public.

You sold out.

MTC–00001277

From: Steve Cohn
To: Microsoft ATR
Date: 11/19/01 2:16pm
Subject: Proposed settlement is not appropriate for the industry

Although the intent of the Justice Department's settlement with Microsoft is laudable, I do not believe that it takes into account the fast pace of the technology industry, contrasted with the slow pace of litigation. Microsoft has used this discrepancy in the past to its advantage. The charges around the current case stem from violations made in 1998 while Microsoft was already under a consent decree. It has taken over three years for remedies to even be proposed. During that time, hundreds of companies have been trampled over by Microsoft, and the market position of Windows has only solidified. It is also impossible to estimate how many potential competitors never got off the ground because they dreaded the idea of going up against a monopoly.

The solutions proposed do not prevent these kinds of issues from occurring again, they only provide ways of monitoring them when they do occur; which puts consumers and competitors at the same disadvantage that they were three years ago. If the remedies concentrate on specific technologies and terminologies, rather than the inherent structure and practices of the company, Microsoft will always find a way around them and count on the delay of the Justice system to render the issues moot.

Their history speaks for itself.

Steve Cohn
Los Angeles

MTC–00001278

From: Wes Simonds
To: Microsoft ATR
Date: 11/19/01 2:08pm
Subject: you've got to be kidding me

Even if you think this arrangement is fair (and it's not), it's certainly being spun by the media, and will always be remembered, as the bastard brainchild of Bush's Republican influence on the Department of Justice, and not as a triumph of the same organization that brought down Al Capone. Do you really want that to be your legacy?

That Microsoft will continue to wield monopoly power, crushing all contenders such as Netscape in hot, emerging markets by bundling free software with its operating system, is the central issue, and one which is completely ignored by this feeble deal.

Wes Simonds

MTC–00001279

From: Brad Werth
To: Microsoft ATR
Date: 11/19/01 2:28pm
Subject: comments about the Microsoft settlement

DOJ:

I feel that the proposed settlement with Microsoft is utterly toothless and will only serve to legitimize Microsoft's existing illegal practices. It is clear that the DOJ is not up to enforcing a consent decree, judging by the circumstance in which we now find ourselves after the last consent decree. It would serve the public interest better for Microsoft to be convicted of abusing monopoly power, and for dire consequences to occur as a result.

In short, the recent actions of the DOJ in regards to this case run roughshod over the hard work of your predecessors. So much has been accomplished in bringing Microsoft to account for its criminal behavior, and now you are going to drop the ball? It is absolutely disgraceful— without government to protect the public, who will? You should be ashamed.

Brad Werth
werth@efn.org

The opinions expressed here are solely my own. My employer has no sanction of this message.

MTC–00001280

From: Fox
To: Microsoft ATR
Date: 11/19/01 2:24pm
Subject: Microsoft Settlement

Department of Justice,

I am disappointed in the settlement between Microsoft and the DOJ. Microsoft is the most predatory corporation in the 1900's and has received little more than a hand slap. The settlement is a step in the right direction but there need to be some additional, stiffer penalties to give Microsoft's competition a fair footing on which to compete against them. The most important thing I would recommend is forcing Microsoft to publish the specifications for their file formats for Word, Excel, Powerpoint and Access. With a market share of 90%+ for Microsoft Office, no one can successfully sell an alternative for Microsoft Office because it will not reliably read Microsoft Office documents, which are emailed from Corporation A to Corporation B, assuming Corporation B has Microsoft Office to open them. Every copy of Microsoft Office sold increases this barrier of entry for competitors. Forcing Microsoft to publish its file formats will ensure that other office suites can compete with Microsoft Office on features and quality, not on how well they read Microsoft Office documents, 90% of the documents out there.

Hardware vendors should be allowed to sell their machines with no operating system or a free operating system preinstalled for $50 or $100 dollars cheaper than with Windows preinstalled. The way Microsoft currently forces vendors to buy Windows licenses makes this financially implausible for hardware vendors. Just like you can buy a car cheaper without an option, you should be able to buy your computer cheaper without the Microsoft Windows option.

The penalty for non-compliance with this settlement should be stiffer. If Microsoft does not comply with current terms of its settlement, there should be a $1 billion dollar initial fine with a $50 million dollar a day fine until they comply, not simply an extension to their probationary period. That would be a meaningful penalty for non-compliance. Thanks for hearing the voice of the people and not merely the sound of campaign contributions by the pro-Microsoft lobbying campaign.

Charles Leeds
Senior Information Security Analyst
McKee Foods Corporation
lds0062@cdc.net
(423) 238–7111 x2319

MTC–00001281

From: Jeff Jay
To: Microsoft ATR
Date: 11/19/01 2:23pm
Subject: Microsoft settlement

I am appalled by the Justice Department's proposed settlement of the Microsoft anti-trust case.

Today, Office X was released by Microsoft for the Mac platform. It is no better than AppleWorks, but businesses demand Microsoft products for compatibility reasons. So I will be forced to buy it. AppleWorks is $79 and Office X is $499. Get it?

Jeff Jay
Grosse Pointe Farms, MI 48236

MTC–00001282

From: matt@millcreekvc.com@inetgw
To: Microsoft ATR
Date: 11/19/01 2:21pm
Subject: Microsoft settlement

Ladies and gentlemen:

As a laissez-faire Republican who opposes government intervention in most cases, and believes that there is nothing the Government can't screw up by intervening, I never thought I would be writing this letter. But I cannot object more strongly to the proposed settlement with Microsoft.

Microsoft has stifled innovation and sucked the life-blood out of the computer industry for long enough. They have built their empire on marketing prowess and on making customers need them, not on innovation. They have systematically crushed competition. When DOJ filed suit, I thought it was long past time. When they won, I saw a ray of hope. It was the ONLY significantly good thing I ever saw come out of the Clinton administration.

To settle now, on the terms you have proposed, is the most pathetic breach of faith with the American people I have ever seen. Why not just give them a federal license to continue to steal? The new XP is the worst yet in terms of over-reaching the consumer that pays for it. If they didn't have such an oppressive monopoly, I would never have bought the stuff. Put an end to these shenanigans by pushing these idiots to the wall.

These people don't need consent decrees, they have already had them. They need jail terms.

Matt Warnock <matt@millcreeckvc.com>

President/CEO, Millcreek Ventures Corporation (www.millcreekvc.com)

Executive Vice President, Wayne Brown Institute (www.venturecapital.org)

Cell/Voicemail: (801) 573–5329 Mail:1836 Tramway Drive, Snowbird Utah 84092

MTC–00001283

From: John Carosella
To: Microsoft ATR
Date: 11/19/01 2:59pm
Subject: Inadequate

The proposed settlement is inadequate to discourage and prevent Microsoft's abusive practices. This is a CONVICTED MONOPOLIST! Consider what effect similar constraints would have had on Standard Oil 100 years ago—effectively nothing. Ridiculous! This is one of the richest companies in the country, with a stranglehold on desktop computing (achieved illegally!!) that has every intention of exploiting its current (illegally obtained) position to further its stranglehold.

Very severe penalties are required if innovation (and the associated creation of value, wealth, and progress) is to return to the computer software industry.

Read the history of the AT&T breakup! The only part of the communications industry that DIDN'T benefit was local services, where the monopoly was maintained. And we see the impact to this day with the predatory practices of the RBOCs on the aspiring broadband internet service providers. Monopolies MUST be dismembered or they continue to perform against their charter (maximize shareholder value) irrespective of the consequences to the public.

Break Microsoft up into MANY pieces. In the end, it will be better for Microsoft's shareholders as well as the public interest.

John S. Carosella
Executive Management
Zippy Communications
355 W. Olive Ave
Sunnyvale, CA 94086
(ph) 408 732 6540
(fx) 408 732 2950

MTC–00001284

From: Pete Starzewski
To: Microsoft ATR
Date: 11/19/01 2:49pm
Subject: Opinion on Microsoft

The settlement only addresses past violations, most of which are no longer relevant due to a changing marketplace. I see no mention of even more insidious behavior like the strong arming of enterprise customers to purchase support and upgrade contracts using vague threats of legal actions and piracy audits. Worse yet, we have the pending. Net initiative which is a thinly vieled attempt to leverage Windows to monopolize commercial use of the internet.

Finally there is the issue ot Microsoft's subversion of established standards which is a blantant attempt to isolate and destroy certain open standards that compete with Microsoft's proprietary products. If at least these three issues are not addressed in the settlement, then we have all just wasted our time and effort. Microsoft will wind up back in the courts in another 5 years.

Pete Starzewski
Network Systems Engineer
Green Bay Packaging Inc.

MTC–00001285

From: larry@smith-house.org@inetgw
To: Microsoft ATR
Date: 11/19/01 2:45pm
Subject: Why is ''monopoly'' not a crime in the past tense?

This agreement simply does not punish Microsoft in any way for the monopolistic crimes it has already committed and which are admitted as such in the findings of fact. It's ability to keep Microsoft from continuing to indulge its monopoly is doubtful to say the least. That the gov't would assent to this plan after proving Microsoft a monopoly so irrefutably is a travesty.

regards,

Wild Open Source Inc. ''Making the bazaar just a little more commonplace.'' home: www.smith-house.org work: www.wildopensource.com

MTC–00001286

From: Phil Russell
To: Microsoft ATR
Date: 11/19/01 2:39pm
Subject: Statment on the DOJ-Microsoft Propsed Settlement

I am addressing this to the email address given for consumer response to the proposed Miscrosoft Anti-Trust Settlement.

I am pleased that you have given us this email address and now are listening to average computer users.

In my opinion, the agreement as I have read about it lets Microsoft almost completely off the track. Microsoft's destruction of Netscape is not addressed in any way, form, shape or manner.

Because of their threats to Apple, novice Macintosh users are now effectively forced to use Microsoft Internet Explorer and Microsoft Outlook Express for web and email through the forced use of Mail and Browse aliases Apple must place on the desktop. These aliases make the novice user have these programs as default since the novice does not know how to evade using these aliases.

It might be educational for the judge in this case to listen to Bill Gates as he continually pounds on the suggestion that he does not want to see Microsoft kept from ''innovating.'' He uses this word over and over. The challenge I pose to any Windows user is to show me just ONE thing Microsoft has EVER innovated. I have yet to see a Windows user come up with a SINGLE innovation. It is my observation that Microsoft borrows, steals or buys anything in the marketplace which looks good. Microsoft's real expertise lies in the fields of marketing and of improvement of products they borrow, steal or buy.

Indeed, it is Apple Computer which innovates... the first commercial graphic user interface (1984 Macintosh and earlier Lisa), QuickDraw, and Firewire as a few examples. So the court cannot and should not seek to protect innovation by a company. Microsoft, which never innovates at all. Further, in fashioning a remedy, I think the judge should take particular notice of the absolute lies Bill Gates told the previous judge in the case, Penfield Jackson. This kind of behavior can tell the current judge much about how drastic the remedy must be to counter this kind of lying by the CEO of the leading corporation in America.

My bottom line is that the agreement, as I currently read of it, lets Microsoft almost completely off the hook. Please back off and try again for a remedy which curbs Microsoft's predatory behavior in the marketplace.

This case should not be a political football, with Democrats fighting for anti-trust protection and Republicans seeking advantages for big business. Let common sense reign!

Thank you for listening to a home user,
Phil Russell

''Within the computer industry, the description, 'more like a Macintosh' is always a high praise. The description 'more like Windows' is rarely used as praise.''—The Seattle Times

MTC–00001287

From: James E. Gazin
To: Microsoft ATR
Date: 11/19/01 3:07pm
Subject: Microsoft Settlement

To whom it may concern:

I've been following the Microsoft case since it's inception. Early on, I was cheering for Microsoft, but recent developments have caused me to change my mind. The new licensing requirements for Windows XP and the changes that have been made to MSN.COM to kick off Microsoft's new ''.NET'' initiative have left me cold.

On Windows XP licensing:

I have never installed Windows without having to reinstall it at some point in time. I also make frequent changes to my hardware as I try to keep up with technology. Windows XP, should I upgrade to it, would have me call MS Tech Support every time I did an install or made changes to my hardware and put me in the position of having to explain to an MS representative why I need to reinstall or reactivate the OS.

It is none of MS's business what hardware I install Windows on. They have no right to peek into my computer and see how their OS is being used. Just imagine the possibilities for Microsoft: They know what hardware I'm using and that puts them in a position to ''suggest'' that I add certain hardware to my system. It gives them an edge over the competition. Microsoft justifies their registration requirements by raising the software piracy banner and claiming that they are just trying to protect themselves. Microsoft is the richest corporation in the world! They can't be hurt too much by piracy.

On the new ''.NET'' initiative:

I've had a HotMail account for the last several months. I don't have one now, because MS broke their own licensing agreement and claimed I hadn't accessed my account recently and therefore had to reapply. (I hadn't accessed my account for one week and according the agreement I only had to access it once every 90 days.) To reactivate my account, I would have had to read and agree to a new 20 page licensing agreement that included this new ''.NET'' stuff. Microsoft is trying to force everyone on the WEB to use their new ''Microsoft Wallet'' and store all their personal information on MS servers. Microsoft servers have a long history of being hacked and I, for one, believe that if you put all your eggs in one basket and tell all the thieves where your basket is, you increase your odds of being ripped off.

In my opinion there is only one possible solution that would truly level Microsoft's playing field. The justice department must require Microsoft to publish all Windows programming hooks and the purpose of each hook. (I use the word HOOK as a synonym for program calls to the operating system.) This would allow other companies to create operating systems that were compatible with Windows and Microsoft would be forced to compete in the market solely on the merits if its OS. We would have a standard operating system template and competition: the best of both worlds.

What do you think computers would cost today if Advanced Micro Devices hadn't challenged Intel and forced performance up and prices down? We NEED competition in the OS workspace as well. It is the only reasonable solution.

Sincerely,
James E. Gazin
jgazin@home.com

MTC–00001288

From: gsantos@syntricity.com@inetgw
To: Microsoft ATR
Date: 12/6/01 2:26pm
Subject: Microsoft Antitrust Settlement Opinion

To Whom It May Concern,

I can't say that I know much about the final results of the anti-trust suit, but I can say that I am sickened, saddened, and horrified that one of the largest innovation-crushing, illegal, and underhanded monopolies in the history of the United States is being dismissed with hardly more than a slap on the wrist. The only course with any hope at all is to BREAK MICROSOFT INTO THREE COMPANIES, AS ORIGINALLY PROPOSED. This is indeed a sad time for our democracy. I only hope that one day, all of those responsible for this travesty will have to support Microsoft operating systems for the rest of their natural lives, without benefit of investment in Microsoft.

Gregory Santos
San Diego, CA
U.S.A.

Disclaimer: the foregoing opinions are not in any way claimed to be the opinions of my employer, associates, or family. However, many of my co-workers feel similarly.

MTC–00001289

From: Walter Lee Davis
To: Microsoft ATR
Date: 11/19/01 3:15pm
Subject: Comments about the proposed settlement with Microsoft

Thank you, first of all, for providing a venue for concerned citizens to add their opinions to this important court case I hope that the volume of response you will surely get does not overwhelm your systems and proves valuable in concluding this case in a manner that restores fairness to the marketplace.

Microsoft has grown to the point that it dwarfs many nations in its size and influence world wide. How it got to be this big is a matter of some contention, but it has been proven, time and again, to have leveraged its overwhelming market share in one area to gain dominance in others. I see no end to this trend. It may be too late to stop this process, as Microsoft could simply purchase a small country and move its operational headquarters there, if it is presented with a compelling business reason to do so.

Any fair penalty in this case will address the financial losses of the companies that Microsoft competed with unfairly, as well as the losses of individual computer users who have had their freedom of choice artificially restricted. A penalty that does not include Microsoft admitting guilt for what they have done to date, and does not preclude them from developing new products or services which could be used to reduce competition and raise the barrier to entry for competitors, does not go far enough to stop this behavior from ever occurring again.

As a monopoly in the desktop computer system software industry, Microsoft has to live by a different set of rules than the companies that make up the other 5% of the desktop market share. Where other companies can seek to create coalitions and partnerships with other companies in order to mutually promote their products' use, Microsoft is larger than the rest of the software industry put together. Any partnership it is likely to make is strictly for the purpose of restricting that partner's actions to those that benefit Microsoft directly or indirectly. Microsoft's relationships with other companies should be monitored directly by the court for any hint of anti-competitive behavior.

As a latecomer to the Internet party, Microsoft used its desktop dominance to artificially inflate the market for its web browser software. The fact that its browser was weaker and buggier than the competition did not matter—the enormous push of the Microsoft marketing machine (not a crime, but a case where dollars could out-do technical quality or competence), the fact that they gave it away for free (technically ''dumping'', since it cost something to produce, after all), and the fact that ISP's and hardware manufacturers were coerced into promoting it rather than Netscape Navigator (definitely illegal) combined to give it a commanding lead over technically superior products. Microsoft should be fined billions, the proceeds should be distributed to Netscape and other browser manufacturers, hardware manufacturers, and the end users.

Microsoft would like to extend its dominance in the desktop to file servers as well. Even though file servers need to be available to many different client operating systems, Microsoft can take the open standards that make this cross-platform intercommunication possible and change their interpretation of them subtly to ensure that only a Microsoft client can communicate efficiently with a Microsoft server. In many cases, they have done this already. The net result is that competition in the desktop client marketplace is restricted by behavior in the server marketplace and vice-versa.

Even more frightening is the thought that Microsoft might use this same strategy in the web server market. The net result would be catastrophic for the Web and its users, as Microsoft would effectively be in control of the entire internet, and could change the underlying transport protocols to restrict use of the Web to their browser or desktop operating system or both.

Microsoft must be enjoined from deviating from any open standards, and must follow them explicitly. They may be a party to the creation of these standards, but they cannot have more than one vote in that process. If they make a web server software, it must

interoperate with all browser clients equally. If they make a file-sharing server, it must interoperate with all desktop operating systems equally. If they incorporate any features into their desktop or server operating systems that are either available on other platforms as middleware or third-party software applications or were previously available as middleware or third-party software applications on their desktop or server operating systems, those operating system features should have to meet the same standards of universal availability to non-Microsoft client systems as their predecessors.

Finally, it doesn't seem possible to keep Microsoft from giving itself an unfair advantage, since they make the server operating system, desktop operating system, middleware, application software, utilities, etc. all in one shop. The last time this sort of behavior was noticed by the courts, it was because US Steel owned the mines, the mills, the railroads, the ships, and the trains. They could set any price they liked, and could keep competitors from ever reaching profitability.

Microsoft should be divided into separate companies: Programming Languages, Server Operating Systems, Desktop Operating Systems, Server Application Software, Desktop Application Software, Middleware. Each of these companies would be walled away from the others, and would expose only the programming interfaces and source codes that they would share with any non-Microsoft competitor to each other.

These standards are much higher than those that Microsoft's competition lives by, but until the day comes that Microsoft is not larger than all its competitors combined, it must live by them. Right now, no matter how bad a product they produce, people will buy it. The ordinary expectation of ''survival of the fittest'' has been supplanted by ''rule by the fattest''. That is not good for business and it is not good for the world.

Thanks for your time,

Walter Lee Davis

MTC–00001290

From: Paul Ahlgeen
To: Microsoft ATR
Date: 11/19/01 3:14pm
Subject: Microsoft Settlement

I am glad, as most of America, that this matter is almost over. Competition is not the answered question, AOL/Turner should show all of us that competition has never been better. IBM, SUN, Lunix (all kinds), and many others all try to give ME what I need and want. I and others like me buy, install. and maintain systems from Home to factories and Offices across the land. We use the stuff and decided that Microsoft wins for the best effort to design software that works together and performs the many different tasks that we ask. Had we liked the other products out like IBM—OS2, AOL's Netscape Browser, or any other 'wow-sir we would have used theirs more. But We Didn't. Settle this now and keep the 'think tank' that has been doing what the world needed together at one Microsoft.

Paul Ahlgreen

PHA International pahlgreen@sbcglobal.net

MTC–00001291

From: Lon Hutchison
To: Microsoft ATR
Date: 11/19/01 3:14pm
Subject: MS monopoly settlement

To Whom, etc;

I am appalled that Microsoft is getting off so easily. Microsoft stifles innovation in the marketplace through their strongarm tactics as regards competing companies and will strengthen their hegemonic grip on the marketplace if they (Miscrosoft) are not properly punished, and duly regulated, for their illegal business practices which have made them a de facto monopoly.

Ralph Nader recently submitted a letter to the Department of Justice and Judge Kollar-Kelly on the matter of the Microsoft case settlement. I wholeheartedly support the points Mr. Nader made in that letter. Microsoft must be made to understand that they can not run roughshod over the marketplace and consumers and this settlement, as it is now, will do little or nothing to discourage Microsoft from conducting their illegal business practices ad infinitum.

Sincerely,

W. Lon Hutchison

New York, NY, USA

MTC–00001292

From: Allen Wicks
To: Microsoft ATR
Date: 11/19/01 3:29pm
Subject: Proposed Microsoft Settlement

Microsoft's business model has been and still is abusively anti competitive and anti innovative (despite what their PR hyperbole claims). The cost to consumers and to industry wide innovation has been immense. Even today after losing all the way to the Supreme Court, MS continues its business model largely unabated. The proposed settlement ''penalties'' are easily thwarted by MS, creating essentially no penalties at all; so, why should MS—or any other large firm—cease violating anti-trust laws? So far the MS model is a textbook example of the financial success of such unethical and even illegal business practices. Please consider this my request that the very weak Proposed Microsoft/DOJ Settlement NOT BE ENACTED. MS has been found guilty and has lost all appeals. They made a joke of their earlier (1994) settlement. Now it is time for them to be STRONGLY PENALIZED:

[1] Their anti competitive behavior must be prohibited, and permanently, not just for five years. Any firm with such immense resources can and will make a mockery of any weak 5 year restrictions, simply by spending a few tens of millions slipping and sliding around the legal system.

[2] Very large fines must be imposed, sufficient to make Gates et. al. sufficiently aware of the consequences of the firm's illicit behavior that they are stimulated to want to change that behavior.

[3] Anti competitive business dealings (e.g. it has been and still is virtually impossible to buy —any— personal computer, even an Apple Macintosh, that does not default to Microsoft's browser whether the buyer wants it or not!) must be clearly and unequivocally prohibited.

[4] Perhaps most important, a—permanent—''Microsoft Litigants' Defense Fund'' should be created from fines levied against Microsoft. Such a fund (with zero influence or participation by MS allowed) should make litigation funding and legal support available to firms who feel that they have been harmed by MS's failure to comply either with anti-trust law or with the (hopefully very harsh) terms of the 2001 penalties when they are promulgated.

[5] Movement of Microsoft's abusively anti-competitive and anti-innovative business model into emerging markets MUST be enforceably prohibited. The internet and the ''convergence'' market spaces in particular (but not limited to) need be kept accessible to small innovators and not locked up by the likes of Microsoft. Much has been expressed that MS is a market leader and that penalizing them penalizes an already weak tech sector. What MS really is is an industry bully; penalizing such business behavior will in a very short time period overall stimulate the tech sector as innovators can again start innovating unfettered by fear of what type of response may come from the industry bully.

Thank you.

—Allen Wicks

Small business person and computer industry observer since the 1970s.

Allen Wicks

allenwicks@infomenu.com

10164 Laburnham Circle, Truckee, CA 96161

530–550–8727

MTC–00001293

From: Schwalb, Robert
To: 'Microsoft.atr(a)usdoj.gov'
Date: 11/19/01 3:26pm
Subject: Microsoft Settlement

As evidenced by the recent release of Windows XP, Microsoft will continue its predatory practices unless it is broken into at least two companies; the first producing application software, and the second operating systems. The logic of Microsoft's position on bundling application software with the operating system, would allow it to include, for example, a compiler. After all, following Microsoft's arguments, any application will present a ''better user experience'' if it's part of the operating system. Then there are the implications for national security— In a 1998 Computerworld article Paul Strassman of the National Defense University in Washington, DC, rightly observed that: Microsoft's dominance in operating systems represents a new threat to the national security of our information-based society. The government is trying hard to contain the expanding power of Microsoft by antitrust litigation that would prove present harm to consumers. That's insufficient. The government also should address the risks from information warfare attacks on a largely homogeneous systems management environment. Inevitably, infoterrorists and criminals will take advantage of flaws in the gigantic Microsoft operating systems that are on their way to becoming the engines for running most of our information infrastructure....An all-encompassing operating system bares itself to hostile exploitation of paralyzing security

flaws. The presence of a fatal defect is unavoidable, as the complexity of Microsoft systems expands to bizarre proportions with each new release. It's the search for such a fault that occupies the minds of some of the brightest computer experts. Finding a crack through which one could induce mayhem with only a few keystrokes would be worth a great deal of money, especially when supporting an act of terrorism....No agricultural expert would suggest that only one crop, using the identical seed strain, be planted in Kansas, Ohio, Illinois and Iowa. ''Monocultures,'' as biologists call them, are just too vulnerable to pests, disease and an unprecedented combination of ecological conditions. The Irish potato famine, for example, was caused by reliance on a single strain of potato.

MTC–00001294

From: Al Pierce
To: Microsoft ATR
Date: 11/19/01 3:21pm
Subject: MicroSoft antitrust settlement

I, as do most persons I know, feel that this settlement is a mere slap on the wrist. MicroSoft has done more to harm innovation, quell creativity, and limit consumer choice than any company I have witnessed in my twenty five years working in the computer and high tech industry.

I am astounded that they are being allowed to remain a single company marketing both operating system software as well as applications software. I've seen many software applications that were clearly superior and offered a legitimate alternative to MicroSoft products destroyed by MicroSofts' monopoly power and underhanded marketing practices.

If this settlement goes through it will be a sad day for justice. Mr. Gates thinks this is a fair settlement. That means they are getting off easy. A fair settlement would have him screaming.

Al Pierce
Senior Staff Engineer

A computer without Windows is like a cake without mustard.—anonymous

MTC–00001295

From: Neil Ratzlaff
To: Microsoft ATR
Date: 11/19/01 3:36pm
Subject: I want to be a federal criminal, too

After a surprisingly successful prosecution and resoundingly upheld conviction of Microsoft, the DOJ has decided that there are no penalties for breaking the law. Not even a token fine! Add to that travesty the lack of restrictions on future behavior, and even Bill Gates couldn't have come up with a more favorable settlement if he tried. You should be ashamed of yourselves.

MTC–00001296

From: Sylvester LaBlanc
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/19/01 3:35pm
Subject: Microsoft is acting worse than ever.

I am a software developer. I am very unhappy with the control that Microsoft has over the industry. They are acting worse than ever and need to be broken up. I would suggest that they be broken into three companies by Operating System, development tools, and applications. They use their power in each area to force developers and users to use their products in the other areas. I am very unhappy with their attack and imitation of the Java environment, and their removal of support for plug-ins in their browser.

The current proposals will do nothing to stop the monopolistic practices of the company.

Sylvester La Blanc
2620 W. Windhaven Dr.
Rialto, CA 92377

MTC–00001297

From: Allen Wicks
To: Microsoft ATR
Date: 11/19/01 3:35pm
Subject: Proposed Microsoft Settlement

Microsoft's business model has been and still is abusively anti-competitive and anti-innovative (despite what their PR hyperbole claims). The cost to consumers and to industry-wide innovation has been immense. Even today after losing all the way to the Supreme Court, MS continues its business model largely unabated. The proposed settlement ''penalties'' are easily thwarted by MS, creating essentially no penalties at all; so, why should MS—or any other large firm—cease violating anti-trust laws? So far the MS model is a textbook example of the financial success of such unethical and even illegal business practices. Please consider this my request that the very weak Proposed Microsoft/DOJ Settlement NOT BE ENACTED. MS has been found guilty and has lost all appeals. They made a joke of their earlier (1994) settlement. Now it is time for them to be STRONGLY PENALIZED:

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[4] Perhaps most important, a —permanent— ''Microsoft Litigants' Defense Fund'' should be created from fines levied against Microsoft. Such a fund (with zero influence or participation by MS allowed) should make litigation funding and legal support available to firms who feel that they have been harmed by MS's failure to comply either with anti-trust law or with the (hopefully very harsh) terms of the 2001 penalties when they are promulgated.

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Much has been expressed that MS is a market leader and that penalizing them penalizes an already weak tech sector. What MS really is is an industry bully; penalizing such business behavior will in a very short time period overall stimulate the tech sector as innovators can again start innovating unfettered by fear of what type of response may come from the industry bully.

Thank you.

—Allen Wicks

Small business person and computer industry observer since the 1970s.

Allen Wicks
allenwicks@infomenu.com
10164 Laburnham Circle, Truckee, CA 96161
530–550–8727

MTC–00001298

From: Paul Cesarini
To: Microsoft ATR
Date: 11/19/01 3:51pm
Subject: huge disappointment

Hello DoJ:

I just wanted to drop you a line to express my huge disappointment over your settlement with Microsoft. I realize you've got bigger fish to fry, what with the terrorist attacks on 9/11, but since your dept. invested so much time, energy, and effort into this trial—why keel over and die now? Seriously, I've been teaching about this trial for the past 2–3 years now in most of my Telecommunications classes, and I can't believe you're basically slapping MS on their collective wrists again, knowing full well how they blatantly ignored similar ''remedies'' in the past.

You had them on the ropes and—seemingly at the moment of victory—opted to instead let MS slither away. I'm not a huge fan of Ralph Nader, but fully agree when his recent views on the settlement. Bush (and consequently Ashcroft) have lost my vote in '04. —

Paul Cesarini
Supervisor, Student Technology Center
Jerome Library, Bowling Green State University
Bowling Green, OH 43403
office: (419) 372–7740 fax: (419) 372–7723
http://personal.bgsu.edu/pcesari/

MTC–00001299

From: ab
To: Microsoft ATR
Date: 11/19/01 4:00pm
Subject: microsoft is a MONOPOLY

PLEASE PUNISH THEM, I CANNOT STAND ALL THE BUGS IN THEIR SOFTWARE. PLEASE CONSIDER ALL THE MILLIONS OF ****MAN HOURS**** THAT ARE WASTED EACH AND EVERYDAY BECAUSE OF MICROSOFT'S BLESSED MONOPOLISTIC ANTI-OPEN, ANTI-IMPROVABLE SYSTEM WITH ****INTENTIONAL**** ANTI-COMPETETIVE ''BUGS''. THESE MAN-HOURS COULD HAVE BEEN USED TO PRODUCE AND FEED OUR WEAK ECONOMY!

MTC–00001300

From: Paul Horning

To: Microsoft ATR
Date: 11/19/01 3:53pm
Subject: How does this stop future violations?

Dear Sir or Madam;

I see nothing in this settlement to right past wrongs or to prevent future transgressions from Microsoft. In fact I see a complete victory for Microsoft. Bill Gates is no genius but he his a fantastic POKER PLAYER! What happened is he called the DOJ bluff and you are FOLDING! The government's cards may be weak but they would still beat Microsoft in a showdown.

I am ashamed of you.

-Paul Horning
North Liberty, IA

MTC–00001301

From: Ted Rust
To: Microsoft ATR
Date: 11/19/01 3:51pm
Subject: Worried About Microsoft

To Whom It May Concern:

I appreciate having the opportunity to address the current situation involving the DOJ and Microsoft's antitrust case. Thank you for setting up this email address to gather the thoughts of ''common'' folk like myself.

I have been extremely disheartened by the turnaround experienced in this trial beginning with Judge Jackson's dismissal from the case. I watched the initial proceedings with great ferocity and was very pleased to see all the terrible things Microsoft had done brought to light. I had been paying attention to the atrocities of this company for quite some time, as it had affected me in many ways. I have been a Macintosh user for a long time, and had repeatedly witnessed the crushing power of Microsoft as its juggernaut mentality left few small companies in its path. I witnessed things like Netscape, being toyed with by Microsoft's bullying tactics with PC makers and by using competing, but always incompatible, technologies. I watched a good company, Spy Glass, go the way of the dodo bird, because Microsoft essentially tricked them into giving up their web browser product for a cut in revenues which would never come, since they gave it away for free.

I have watched many things. At each and every turn, I watched Microsoft do things that no other company could do. I watched as they got away with it all. I'm not saying that companies never do anything wrong ... but Microsoft goes beyond bending rules and blurring lines. Microsoft blatantly lies. Microsoft cheats customers. Microsoft bullies people into being its ally, leaving competing companies with nowhere to go. I thought there was going to be some relief from all this horrendous monopolization, but then the tide was turned. I have a sinking feeling that there are pockets being filled in the Bush administration. It's no secret that the Bush administration coddles big businesses and this looks like just another example of a ''you scratch my back...'' mentality. The one saving grace of this whole debacle is that California and other states have not given in. Microsoft deserves the fate decided by Judge Jackson. More people need to read the findings from that case. It goes on and on for hundreds of pages. Company after company has been pushed, bullied, unfairly shutdown and broken. It is time for them to reap what they have sewn.

I am begging and pleading with whomever reads this to bring more light to what they have done. (And what they have not done, which is innovate! It is curious how often that word is mumbled, when nary a person can name an innovation that has come out of Microsoft—almost everything they claim as an innovation was bought, stolen or copied from someone else.) Don't let them off so easily. The current settlement does not do anything to prevent these same things from happening again and again. I urge the DOJ to take this seriously and use Microsoft as an example of what will happen to companies that cross the line. They have no scruples, no ethics and, so far, no accountability for what they have done.

Thank you for taking the time to listen to one person's point of view. I know I am not the only one that feels this way. (I could easily name 100 people that feel exactly as I do ... and many magnitudes more if I were to do a simple query on the internet.) I hope that this ''comments'' period has some affect on the case at hand. I hope the voices of the masses are not ignored. Microsoft is a deceptive, over-grown, evil beast that will stop at nothing to stay on top. I simply hope that our government can see through the dollar bills and give us all a little glimpse of truth and justice.

Sincerely,
Ted Rust

MTC–00001302

From: CutlassLA@aol.com@inetgw
To: Microsoft ATR
Date: 11/19/01 4:08pm
Subject: Proposed MS settlement.

Microsoft has a history of lying and evading. Absent stringent oversight and concrete enforcement provisions, there is no reason to expect they will do otherwise in future. Furthermore, 'simply telling a defendant to go forth and sin no more does little or nothing to address the unfair advantage it has already gained.' Meaningful penalties are the least the government can do to redress some of the harm done to consumers and competitors.

MTC–00001303

From: Barry Levine
To: Microsoft ATR
Date: 11/19/01 4:03pm
Subject: Doesn't even pass the laugh test

There can be no remedy for the grievous offenses committed by Microsoft unless it includes breaking up the company into two distinct groups:

1. Operating Systems (OS)
2. Applications

They idea that Internet Explorer (IE) is, or should be, ''part of the Operating System'' is ludicrous. IE is an application, period. Attempting to claim otherwise by sabatoging the OS so that removing IE renders Windows somehow ''incapable'' or ''less than it was'' is a blatant attempt to link the OS with the IE browser. This is, on its face, absurd. For proof of my assertion, consider that Apple's MacOS9 (and its new MacOSX) can use ANY vendor's browser and STILL maintain a tight integration of services between the application and the operating system. Microsoft is simply attempting to push users of its OS over to its portals in an attempt to squeeze every penny of revenue out of its customers at the expense of its competitors AND its customers (by removing choice!). EVERYONE out here (both Apple and non-Apple users) knows this. For the DOJ to feign blindness in this regard is the height of cynicism; it doesn't even pass the laugh test.

The proper way to manage the breakup is to force ALL communications between the two groups to be public—via postings in the Internet. It is only in this manner that the public (and the applications vendors) can be assured that the OS group and the Applications group do not pass ''secrets'' to each other.

Judge Jackson's interviews with the reporter may have been inappropriate but his findings of fact -AND- his remedies were ''spot-on''.

Barry Levine

MTC–00001304

From: SEC55@aol.com@inetgw
To: Microsoft ATR
Date: 11/19/01 4:00pm
Subject: Microsoft Antitrust Settlement

Dear DOJ,

I feel the antitust settlement between Microsoft and the US DOJ does not go far enough to punish the company for all the competitors they have crushed with their monopoly. More importantly and more troublingly, there aren't adequate safeguards to prevent them from continuing this behavior. Please reconsider, and make them stop abusing the consumers and shutting out competitors with their monoply.

Yours truly,
Stanton E. Collins
Stanton E. (Ed) Collins
81 Narrow Lane
PO Box 1405 (mail)
So. Lancaster, MA 01561–1405
(978) 365–7453 home
SEC55@aol.com
Office:
401 Main St.
PO Box 1447 (mail)
So. Lancaster, MA 01561–1447
(978) 365–1900
(888) 365–1900
(978) 365–1911 fax

MTC–00001305

From: applegaa@usa.net@inetgw
To: Microsoft ATR
Date: 11/19/01 4:00pm
Subject: Microsoft Wrist Slap

Are you stupid or paid off by Microsoft? That's the only two reasons I can see for claiming that the 'wrist-slap' you want to give Microsoft will have any effect on their criminal empire.

Hey, if you believe what you're saying, I have this bridge for sale...
—Andrew W Applegarth

MTC–00001306

From: PanaVise
To: Microsoft ATR
Date: 11/19/01 4:16pm
Subject: Microsoft Settlement

Please break up Microsoft into 3 or more entities, one that sells operating systems and related system/server software (Windows, etc.), another that sells applications software (MS Office, et al), and one that handles Internet provision and other media-related services (MSN, MSNBC, etc.). Microsoft has WAY too much influence for a single corporation. And make Bill Gates divest himself of all but one of them.

Mark S. Willis

MTC–00001307

From: Tim Ambrose
To: Microsoft ATR
Date: 11/19/01 4:15pm
Subject: Microsoft settlement!

You have made your decision against Microsoft, so please advise these remaining states to drop this futile effort. All it does is cause a drain on so many companies to inovate. It is evadent which Microsoft competitors are behind this and what their motives are!

Please, for the good the world, stop this war on our most important company NOW!!!!!

MTC–00001308

From: Chris Wardman
To: Microsoft ATR
Date: 11/19/01 4:09pm
Subject: Microsoft Antitrust Settlement

As a consumer I am very disappointed that the DOJ have caved in to Microsoft's illegal business practices and that furthermore they show no sign of changing their anti competitive policies of crushing competitive technologies by any means necessary. I feel that it is only a matter of time before paying Microsoft is considered a a license fee to use a PC.

Chris Wardman

MTC–00001309

From: Joanne Kalogeras
To: Microsoft ATR
Date: 11/19/01 4:08pm
Subject: Microsoft case

To the Dept. of Justice:

I'm really unhappy with the outcome of the Microsoft case. It's the Bush administration going easy on big companies who don't need the help at the expense of people and small businesses. Microsoft has one goal: it's not innovation, it's not making the world a better place, it's not making great software. It's only about the bottom line, and we know this for a fact. They lied for years about having a firewall between applications and OS development, and finally admitted the truth. They haven't exactly shown us they're trustworthy. Why is this company not being forced to change their policies regarding monopolistic bundling? Why aren't they being forced to be fairer about their operating systems. Why isn't the Justice Department angry that Microsoft shows a blatant arrogant, dismissive attitude towards you? Top that with the lenient attitude the Bush is now taking with the tobacco industry, and it looks like favoritism to me. I think it stinks. I applaud the effort Judge Kollar-Kotelly and the mediators put into the agreement, but the gov't completely folded. This settlement hardly affects the way Microsoft does business. I'm sure that Bill gates is ''really pleased to have'' this impotent settlement. Thanks for listening.

Joanne Kalogeras

MTC–00001310

From: hiebertd@XonTech.com@inetgw
To: Microsoft ATR
Date: 11/19/01 4:26pm
Subject: Insufficient scope of settlement

To whom it may concern,

I wish to express my concerns about the current antitrust settlement with Microsoft. As I understand it, the current settlement constrains Microsoft's behavior only with regards to so-called ''middleware'' applications. I believe such behavior must be constrained with regards to any competing products, particularly operating systems. For a good presentations of Microsoft's behavior to suppress competition with competing operating systems, I refer you to the article below, which states the case rather well.

http://www.kuro5hin.org/?op=displaystory;sid=2001/10/23/13219/110

Darren Hiebert
137 Inwood Trail
Madison, AL 35758
W: 256–971–2977
H: 256–464–6654
Darren Hiebert <Darren__Hiebert@XonTech.com>
XonTech, Inc. (256) 971–2977

MTC–00001311

From: Bernard P Ducamp
To: Microsoft ATR
Date: 11/19/01 4:20pm
Subject: Cave-In

I think DOJ needs to realize that in the past, Microsoft ignored consent decrees it had agreed to.

Penalties for violations must be in place, otherwise Microsft will continue to ignore the government, AS IT HAS IN THE PAST. What if your average citizen performed felony acts, and as the ONLY penalty..... was asked by the government: ''Please don't do this in the future'' ?????

MTC–00001312

From: Yannick Rendu
To: Microsoft ATR
Date: 11/19/01 4:19pm
Subject: Sell their language business

Dear DOJ,

Microsoft's predatory actions will not be stopped by this settlement. The settlement provisions are much too vague and aren't forward-looking. Microsoft's .NET will ensure its continued monopoly. The amount of information they (and they alone) will glean from the public's use of .NET will give them a huge tactical advantage over any other company that would like to compete in any computing environment.

The hardest tie-in to Microsoft is their new programming languages. Create a program for Microsoft using one of their languages and your product becomes very hard to move to any other platform; this due to designed differences. I feel the punishment should be that Microsoft must sell their language business and give the proceeds to registered users of Microsoft products. Microsoft has not made the computer revolution possible. The revolution has been the internet. Don't be lenient on them due to their supposed importance in today's world. We would have what we have today without Microsoft having ever existed. They do not innovate, they assimilate.

Sincerely,
Yannick Rendu
Yannick Rendu, System Administrator—E-Media Specialist—Brand Development :: Volan Design LLC
303.530.2828 tel—303.516.1551 fax

MTC–00001313

From: Patrick T Kent
To: Microsoft ATR
Date: 11/19/01 4:58pm
Subject: Microsoft Antitrust Case

To whom it may concern,

Please be aware that while the economy is a major concern right now, tomorrow will be another day, and the decisions of today will have to be lived with for a very long time.

Being concerned about terrorism is everybody's business, as is this antitrust case, whether one is an American or not. This is an issue of worldwide concern. And while the world is at war against terrorism, standing shoulder to shoulder with Americans in this time of crisis, America is busy giving world domination to Microsoft on a platter! Don't be under any delusions, this is exactly what is proposed by the recent settlement of the antitrust case and the world is watching in disbelief!

Please understand that the US government has a responsibility to the whole world on this issue, and more than just the domestic economy of today needs to be considered. This behemoth (Microsoft Corporation) of industrial/commercial terrorism needs to be brought to justice just as assuredly as Osama bin Laden. Please do the right thing.

Regards,
Patrick T Kent
PO Box 505
Noarlunga Centre
SA 5168
AUSTRALIA
CC:confid201@macintouch.com@inetgw

MTC–00001314

From: Brian West
To: Microsoft ATR
Date: 11/19/01 4:31pm
Subject: The Microsoft settlement of Nov. 2nd is inadequate and the language is too vague.

The Microsoft settlement of Nov. 2nd is inadequate and the language is too vague. It does not go far enough to protect consumers and states. Microsoft cannot be trusted.

Regards,
Brian West

MTC–00001315

From: Bruce Lieberman
To: Microsoft ATR
Date: 11/19/01 4:59pm
Subject: Microsoft travesty :(

Your proposed settlement in the Microsoft anti-trust case adds to the disappointment, disillusionment and cynicism of the American people with our federal government :(I guess Microsoft CAN buy almost anything they want. You should be ashamed. Thankfully at least 9 _STATES_ have the stones to stand up and try to do the right thing. A very unhappy taxpayer :(

MTC–00001316

From: Tom
To: Microsoft ATR
Date: 11/19/01 5:16pm
Subject: Microsoft Settlement

My take on this is simply that the punishment for Microsoft should be based on the amount of money they made from violating the antitrust laws. This would be an enormous sum and would probably break up the company as we know it. So much the better for the marketplace. The best technologies being developed right now will never stand a chance to make it to consumers if Microsoft remains intact and without fear of reprisal from the DOJ. Redmond is laughing their asses off right now. And the joke is on all of us.

MTC–00001317

From: Jerry Tibor
To: Microsoft ATR
Date: 11/19/01 5:03pm
Subject: Unmasking Microsoft's innovation scam Computerworld Communities

http://www.computerworld.com/cwi/community/story/0,3201,NAV65–1797—STO65470,00.html

Jerry Tibor, CNA

President, Network Users Group of Anchorage

LAN Manager

Enrollment Services Computing Support

University of Alaska Anchorage

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Unmasking Microsoft's innovation scam

Microsoft argues that integrating new features such as MediaPlayer into its operating system is innovation. That's untrue—and should be illegal.

BY MARTIN GOETZ

(November 08, 2001) Should Microsoft's integration strategy be considered illegal? Join the discussion in Computerworld's Operating Systems Forum to discuss the issues with your peers. Now that Microsoft Corp. and the U.S. Department of Justice have reached an out-of-court settlement that won't restrict the vendor from bundling applications with its operating systems, Microsoft thinks the world should cheer now that it can ''freely innovate.'' What could be more un-American than stopping a company from its inalienable right to innovate? The Justice Department says it will impose restraints on Microsoft that ''will open the operating system to competition.'' But the issue isn't operating system competition. It is the illegal bundling of new functions that shouldn't be part of anyone's operating system.

Integration Isn't Innovation

In 1998, well before it made that same argument in court, Microsoft began its public relations effort to try to convince the world that its ''integration'' of new Windows functions was critical to its ability to innovate. To the public, and probably to a vast number of computer professionals, it didn't seem such an outlandish claim. But it really was. When this claim is examined more closely in terms of what it takes to build, maintain and improve software systems, one can only conclude that Microsoft is trying to pull the wool over the world's eyes.

The desire to innovate in software systems hasn't changed since I started programming in 1954. The concept of developing new versions of software systems, including operating systems like DOS, VMS and Windows, with new features and functions has been with us for at least 40 years. When IBM unbundled its software in 1970 and created a competitive environment, innovation became more important, because adding features to a software system improved its marketability. Tie-ins have been illegal since the end of the 19th century, when the Sherman Act antitrust laws were written. The question of the legality of software tie-ins was raised back in the 1960s in several suits against IBM, which included lawsuits filed by the Justice Department and Applied Data Research.

Microsoft apparently wants to change the antitrust tie-in laws by convincing the world that the ability of its staffers to innovate would be limited if they couldn't integrate freely and without restraint. What nonsense.

''Integration,'' as the word is used by Microsoft, means ''tie-in'' to the rest of the world.

PR Pitch Falls Short

Microsoft's ''innovation through integration'' public relations effort began with Bill Gates' unveiling of Windows 98 in April 1998, when he discussed a Microsoft white paper entitled ''Integration, Innovation and the PC.'' Microsoft stated in the paper that the integration of new features and services in Windows 98 would benefit both consumers and independent developers. At about the same time, Microsoft announced its ''Freedom to Innovate Network'' Web site as an ongoing method of communicating to the public. It included statements made by elected federal and state officials who supported Microsoft's right to innovate. The site also contained Microsoft's latest legal briefs, as well as propaganda aimed at showing that the government's case against the company had no merit. The thrust of the message was that the government, should it win the case, would restrict Microsoft's freedom (or ability) to innovate.

Just about everyone recognizes that ''Freedom to Innovate'' is synonymous with motherhood and apple pie. We're all for it; enough said. But what about illegal tie-ins, monopolization, unfair competition and freedom of choice? Where do those subjects fit into the equation? And is it an axiom that you need integration to innovate? The facts prove just the opposite. Integration not only has zero correlation with innovation, but it also actually discourages it. In the antitrust trial, Microsoft's main defense witness, James Allchin, testified that the company's deep integration of Internet technologies into Windows 98 was a natural step in the evolution of operating systems. The District Court, as well as the appeals court, didn't buy his argument.

It's no accident that the eight appellate judges stated twice in their briefs that Microsoft failed to show the benefits of integrating. The court said, ''Although Microsoft does make some general claims regarding the benefits of integrating the browser and the operating system, it neither specifies nor substantiates those claims.'' The judges added that ''Microsoft failed to meet the burden of showing its conduct [in integrating functions into its operating systems] serves a purpose other than protecting its operating system monopoly.'' Clearly, it's no oversight or accident that Microsoft's expensive law firm and technical staff didn't make strong arguments before both courts.

The Integration Option

The real question that the courts would have had to decide if the trial continued was: Could Microsoft develop new functions (or innovate) only through integration, or could those be developed just as well using interfaces? New functions can be implemented either way, but they should be implemented through interfaces. Here's why:

ù Software engineering principles state that functions should be isolated and made as independent as possible so they can be systematically debugged and changed. Changes are always required to accommodate new user requirements, new hardware or operating system requirements and for ongoing maintenance for correcting errors after programs are operational. ù Tight integration just creates larger and larger programs, which over time become unmanageable. The design, programming, testing and maintenance of these larger programs becomes more complex, expensive and time-consuming.

ùIt's desirable to design new functions so that they can operate in several environments—for example, with different versions of Windows 9x or NT or other operating systems. Tightly integrated programs don't allow for cross-platform use. Lastly, it's easier to release new versions of a program when it isn't tightly integrated with another program. For instance, new versions of Microsoft's Windows and Internet Explorer could be developed and released independently if they just interfaced with each other.

Clearly, in the case of Windows 98, the tight integration with the Internet Explorer browser produced no technical innovation. This is obvious because the functions of the Windows 98 Internet Explorer browser that was tightly integrated with Windows 98 were identical to the functions of the Internet Explorer 4.0 browser that bundled with Windows NT, 95 and 3.1; the Macintosh systems; and the Solaris operating systems.

Under the law, tie-ins are illegal. Bill Gates' statement that Microsoft should be able to put ''anything under the sun into its operating system'' should be challenged in court. One can only hope that the nine states that are opposed to the proposed settlement, as well as the European Commission, will pick up the gauntlet that the Justice Department has dropped. Martin Goetz is a former programmer, software designer, chief technology officer and president of Applied Data Research Inc. in Princeton, N.J. You can reach him at mgoetz@nis.net.

For more coverage and information related to this topic, head to the following Knowledge Center.'

ù Operating Systems

MTC–00001318

From: graylag@charter.net@inetgw

To: Microsoft ATR
Date: 11/19/01 5:01pm
Subject: settlement

I am extremely disappointed with the Department of Justice regarding the Microsoft Monopoly proposed settlement. Basically, you are telling Microsoft, ''You've been naughty, now don't do it again.'' Did I miss something? Didn't the Department of Justice win the case, and prove that Microsoft illegally used it's monopoly power to increase and maintain market share, and drive competitors out of business? What prevents Microsoft from continuing this pattern of illegal behavior? Where is the punishment for their past misdeeds? What is the Department of Justice thinking?

This proposed settlement is unacceptable, but not a surprise under the Ashcroft/Bush administration. You are not looking out for the interests of the citizens of the United States, and you are caving in to the ill gotten interests of an illegal monopoly.

Sincerely,
George Sievers

MTC–00001319

From: Philip Obal
To: Microsoft ATR
Date: 11/19/01 5:22pm
Subject: Justice Failure—Microsoft Wins

Hi,

My name is Phil Obal, President of IDII, and a software designer for over 20 years. I believe that Microsoft is getting off very, very easy. It took away large market share from Netscape's internet browser—by illegal activities—and what did you do?

Microsoft is just a giant and will continue on being a larger giant. You did not slap and punish it hard enough at all. I am extremely disappointed. Justice was -not- done.

Sincerely,
Phil Obal
President
Industrial Data & Information Inc. (IDII)
Route 1, Box 580
Webbers Falls, OK 74470
USA
Website: www.idii.com
E-mail : philobal@idii.com
Phone : 918–464–2222
Fax # : 918–464–2221

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See our free newsletter on SOFTWARE—at http://www.idii.com/esn/index.htm

MTC–00001320

From: StModde11
To: Microsoft ATR
Date: 11/19/01 5:18pm
Subject: anti-trust ruling

To Whom It May Concern,

Please note my disappointment in the ruling decision in regard to the Govt. case against Microsoft. As a worker in the technology field, I have seen many instances of Microsofts monopolistic practices. Enough so that I fear them, and feel constrained in my consumer choices. Please reconsider your decision, and prosecute this case to its full extent. Capitulation has never worked, what makes you think it will work now?

Sincerely,
Sean Flynn
415–775–6449

MTC–00001321

From: Kevin Long
To: Microsoft ATR
Date: 11/19/01 5:17pm
Subject: my contribution

To Whom It May Concern:

After years of watching companies like Dell, Compaq, and Apple bullied by Microsoft, I had hope that the antitrust suit would reign in the monopolist. I was disappointed to hear things will be ''business as usual''.

I've used a variety of hardware and software platforms for the past several years, and I've seen several favorite applications die because they weren't born in Redmond. It's clear that Microsoft did not create products such as Money, Internet Explorer, and FrontPage in order to make a superior product: those products were created explicitly to destroy Quicken, Netscape Navigator, and Pagemill. There are companies innovating out there, but Microsoft is not one of them. Deciding to allow them to continue on as they have been will only lead to fewer choices for consumers and more compatibility problems for anyone who doesn't run a Windows PC. Many companies and individuals are working towards creating standards for the industry, and Microsoft is doing its best to force everyone else to adhere to theirs. This is not right, and it does not benefit consumers. I wish you the best as you evaluate this decision and work to better the state of computing for everyone.

Kevin Long

*The opinions expressed in this letter are not necessarily those of my employer.

Kevin Long, CCNA
Information Security Analyst
TruSecure Corporation

MTC–00001322

From: Eric Hall
To: Microsoft ATR
Date: 11/19/01 5:17pm
Subject: Microsoft settlement

Hello—

I am appalled by the USDOJ settlement with Microsoft. I don't see how this settlement will be truely enforced, nor how it relieves consumers of information systems from the monopolistic practices of Microsoft. I believe that this settlement is bad for consumers, bad for companies, and bad for innovation in the information systems area.

I urge you to reconsider this settlement, and look at remedies that will have an actual impact in the marketplace rather than those that have a surface appearance of making a change.

Thank you very much,
—eric

MTC–00001323

From: Art Paquette
To: Microsoft ATR
Date: 11/19/01 6:05pm
Subject: 11–19–01 / 1604 mst

Mr Gates and his Microsoft Corporation have done more to help our economy and improve our lives. You should be rewarding him and Microsoft and give thanks that this country can produce his type of entrepreneurial acumen and broaden our tax base as it has...

Art Paquette, Chino Valley, AZ

MTC–00001324

From: Hayes, Ed
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/19/01 5:40pm
Subject: Microsoft Case

I personally believe that you have perpetrated a gross abuse of the trust of the American people. I am both annoyed and dumbfounded by the choice (by the current Justice Department [a descriptor that I am using loosely mind you]) to let Microsoft off with a simple wrist slap. You have most decidedly made my mind up as to how to vote in the next National election. You have proven to me that the current Justice Department in purely partisan in nature, and apparently willing to sell out individual Americans in favor of Corporate America.

Ed Hayes

MTC–00001325

From: Jennifer Bales
To: Microsoft ATR
Date: 11/19/01 5:34pm
Subject: Opposition to settlement

I write to oppose the Microsoft settlement with the DOJ. Microsoft almost entirely ignored their last consent decree, and I see no reason why they won't do the same again. They do not feel that they have done anything wrong, and there is no penalty for continuing their practices, so why would they change anything. Please, step outside your offices and talk off the record to people in the software industry. Microsoft is the primary killer of innovation and new products in the market. Any time a company comes up with a new product that is threatening to Microsoft's monopoly, Microsoft either (1) buys it, (2) announces their own similar product to ship ''very soon.'' Who will buy the new product when Microsoft is going to bring one out ''very soon''? Especially since, in the hard cases, Microsoft can simply add the functionality to Windows for ''free''. And then raise the price of Windows to account for it, of course.

This is a truly terrible deal for the software industry. You have snatched defeat from the jaws of victory. We will be back in this exact same place again in another few years—if any companies beside Microsoft are still standing to complain. Please reconsider.

Regards,
Jennifer
Jennifer L. Bales
Macheledt Bales LLP
Registered Patent Attorneys
http://www.mbj-law.com
bales@mbj-law.com

MTC–00001326

From: usimages
To: Microsoft ATR
Date: 11/19/01 5:23pm
Subject: Public Response

It appears to me that everything and the only thing that the Justice Department ever has said about MICROSOFT is always negative, demeaning, condescending and always a put down. Why is that? Certainly

some one in the whole US Government must believe that maybe just once that have done some good.

You know businesses are like a beautiful, tender, wholesome, lovely, kind women and they should be cared for and nurtured. Have you ever done anything to help Microsoft or Bill Gates or to help businesses? Possibly you'd like to take another point of view for a few moments! Bill Gates has single handedly built up, developed and most importantly STANDARDIZED this industry. It still needs a lot of work but think of how many light years ahead the USA and the world are because of the leadership and competition he has offer to the industry.

Several times I have emailed to Microsoft and to Bill Gates, to no avail, (but I'm not going to give up), requesting an audience to project my personally developed pro forma ideas which would negate your entire 'bullying' effort towards Bill Gates and Microsoft.

You should know that none of us are perfect but BG and MS have done so much for this country that he should be given the Medal of Honor. Well that is my point of view for what its worth. Thank you for taking the time to present my opinionated ideas.

All the Best,
Chuck Persons cp@usimages.com
CC:MSFin@microsoft.com@inetgw

MTC–00001327

From: whalemeat@shaw.ca@inetgw
To: Microsoft ATR
Date: 11/19/01 6:08pm
Subject: Comments on proposed deal

I have read the text of the proposed settlement, as well as various opinions and analyses appearing in the on-line press, and I believe the proposal as it exists is very, very weak. Weak to the point of irrelevance, even. Where is the penalty? What price must Microsoft pay for having broken the law? There is nothing here that is going to prevent or even discourage MS from continuing to bully their own customers. There is nothing here that is going to substantially alter the relationship between MS and their competitors. History has shown that once MS decides to integrate a piece of software into Windows, the competition quickly vanishes. How can anybody compete against something that is being given away? If there is to be a thriving, innovative, competitive software industry MS must be prevented from stealing their competitors customers in this way. The only real, effective, long-term solution I can see is to break the company up. To attempt to police MS in the long term is simply not practical. The bureaucracy that would have to be created to do this effectively would be enormous.

I am extremely dissapointed in the DoJ. I feel they have sold us out, and I hope the Judge sees it too.

M Hale, average computer user

MTC–00001328

From: O'Connor Family
To: Microsoft ATR
Date: 11/19/01 6:21pm
Subject: Microsoft Antitrust Settlement

Dear Sir/Madame:

I understand that this e-mail address has been set up so that citizens can offer their feedback on the recently negotiated settlement between MS and the Justice Department. I have no idea how a company like MS can be found guilty by two federal courts of using their monopoly power to injure consumers and the competition and be let off the way they are by this settlement. Below is a recent column by Thomas Oliphante of the Boston Globe which speaks better to my feelings than I feel capable.

Kevin R. O'Connor
Buffalo, New York

FOR TOM REILLY, part of whose job as Massachusetts attorney general involves smelling rats, the so-called settlement with Microsoft he was asked to sign off on this month with virtually no notice reeked of rodent. Because his nose was working, Reilly put up a caution sign, which became a stop sign. The result: Possibly the worst settlement ever negotiated in the most important antitrust case since Big Oil got busted nearly a century ago will have to fight for its life on the merits.

Maybe parts of the deal with Microsoft will prove worthwhile upon close inspection. Maybe the bad parts will get exposed clearly for what they are. Maybe the whole thing deserves the garbage pile. But at least, thanks to Reilly's unwillingness to get rolled in what he described as ''a classic maneuver,'' we will all get a fair chance to find out. In major league lawsuits involving the public interest—and the Microsoft case is a classic—there ought to be two basic rules for negotiations between the government and the offending firm. The first should be that a settlement should not be welcomed or approved simply because it has been reached. Conversely, it should not be opposed or rejected simply because of the compromises it includes.

In this case, Reilly responded with a snap of his fingers when I asked him how tough it was to figure out what was going on in the Microsoft case. The federal judge now in charge of the case in Washington had encouraged settlement talks, but as far as anyone knew (particularly the 18 states that are every bit as much a part of the action as the Justice Department) they were proceeding very slowly.

Then, with what Reilly calls ''unexpected suddenness,'' the states were told from Washington that there was a deal, in which their input has been a flat zero. They would have no more than 48 hours to review it before it would be announced to the public and to Judge Colleen Kollar-Kotelly.

The Justice Department—as in President Bush's political appointees who had frozen out the experienced lawyers who had actually dealt with the case—signed the deal. When Reilly, on behalf of Massachusetts, asked for a week to study the thing, he got two working days plus last weekend. But it was enough. It was obvious that a steamroller had been put in motion. When that happens, it's usually because the light of day is feared. It was then up to the states to find out why. During that weekend, the other major player from the states, the veteran attorney general of Iowa, Tom Miller, organized a series of conference calls with various players in the technology business, the victims as it were of Microsoft's officially found violations of the law. The result was a sound basis for opposing the Bush administration's proposed deal.

For Reilly, whose background is in trial courts as a prosecutor going after crooks, it helped to start with the fact that Microsoft was found guilty (twice) of illegally abusing its monopoly position in the operating system software for personal computers. So, as Reilly told me, it made sense to examine the penalties in the settlement suggested for the repeated offenses.

There were none. There was nothing to undo the monopoly power—and precious little to effectively prevent future violations. As Reilly put it, for every proposed rule there was an exception, for every Microsoft commitment there was a loophole. The agreement had only a five-year time frame, with the computer manufacturers designated as the cop on the beat for the deal, but deprived of nightstick or gun.

Not only that, but the oversight committee for the deal would be dominated by members beholden to the convicted defendant, Microsoft. And get this: If the committee found evidence of noncompliance in its work, that evidence could not be presented to a judge in court.

''That is crazy,'' Reilly said. Microsoft, and its Bushie allies, have succeeded in splitting the 18 state plaintiffs. But the remaining nine are anchored by arguably the two most important technology states, California and Massachusetts, with Tom Miller's Iowa, a consumer protection leader, in the middle. The steamroller was stalled. What happens now is that the settlement can be examined in depth, with the aid of evidence and testimony under oath. As I said, parts of it may hold up under this light.

But those like Reilly who want to pursue their vision of a fair shot for innovation and maybe a cheaper Windows some day, who believe that the opportunity to make a better widget out of Microsoft's shadow is central to the country's economic future get a chance, too. In all, it was one fine piece of lawyering on behalf of the beleaguered public interest.

MTC–00001329

From: Mike Ziegler
To: Microsoft ATR
Date: 11/19/01 6:12pm
Subject: Microsoft Case

I am very supportive of the government's decision to settle the Microsoft legislation. I, like many of my peers, believe this case was ill advised from the start. The government needs to be more in tune with the changing environment of the technology sector of our economy. By settling the DOJ and the US Government send a powerful message to investors, that the DOJ and the US Government support the formation of capital, and the desire to rule a marketplace. This act along with others will help to encourage investors to again invest in capital markets and take risks.

Bravo!
regards,
mike

MTC–00001330

From: Trout

To: Microsoft ATR
Date: 11/19/01 6:38pm
Subject: Microsoft Settlement Does not go far enough

Department of Justice,
Representatives,

I have worked in the computer industry for quite some time, in tech support, web development, video and film directing/editing, multimedia and sound engineering. I have used all sorts of Operating Systems, from various forms of Windows, to various MacOS-es, to many varieties of unix. I should also say I am not in any way affiliated with any plaintiffs in the Microsoft case, and I do not work for any of their competing companies (and I haven't worked for any competing companies in the past). From the ground though, I have seen many effects from Microsoft's way of doing things.

As the court has ruled, I agree Microsoft is a monopoly. They control a vast majority of the Operating Systems in use by computer users, and a vast majority of the ''office productivity'' suites through Microsoft Office. As you know, this is not a crime. Simply being a monopoly is not the problem. It's what you do with your monopoly once you have it.

There are many known facts that indicate even before Microsoft could likely be considered a monopoly, it was conducting questionable or even illegal business practices. Some of these issues have been raised in previous court cases, many which Microsoft has lost, and others Microsoft has settled out of court.

When Microsoft acheived dominant marketshare, I believe they continued their questionable practices, but this time with added strength. Microsoft has continually used strong-arm tactics to bully other companies into doing things to fit Microsoft's vision. That sounds rather flighty in a tight sentence. What it means in reality is that Microsoft has used it's position to guarantee further sales, harming other companies in the process, without regard to the consequences.

It has said to computer manufacturers ''If you don't put our office suites on your computers, you have to pay full retail prices for Windows (or you can't ship Windows at all). If you don't put Windows on all your computers, or you ship computers with other operating systems, you will have to pay more for Windows (or you can't ship Windows at all). If you put competing or unapproved ISPs or multimedia software on the desktop, you will have to pay more for Windows (or you can't ship Windows at all).'' In a highly competitive marketplace like computer manufacturing, can a company afford to tack on an extra $200 to the cost of production just to include a non-Microsoft software package? Even if that software is easier to use or has more features?

When competing products have come from other companies, threatening to overtake a market Microsoft has it's eye on, Microsoft often buys the company, or releases free similar software. Microsoft can continue to profit from it's monopoly products (Windows and Office) while the other company is losing money. Once the competitor is out the door, they can begin profiting from that sector. Cases where Microsoft has attempted this strategy recently is Internet Explorer vs Netscape; Windows Media Player vs. Real Networks, Quicktime and Macromedia; MSN Instant Messenger vs AOL IM, ICQ, and Yahoo IM; .net vs Java. This list is the current battleground. The Federal Court has addressed these issues before. In the early 90's it ruled against Microsoft, making it operate under certain restrictions because of it's prior abuses.

If you look as Microsoft throughout it's history, has it changed? Has it made any corrections to it's bad behavior? Or has it simply tried to hide the fact that it operates the same way it always has, continuing to force-bundle it's products, and driving competitors out of business just so it can hold onto a monopoly marketplace? I think it has. I think the last major judgement in the Microsoft case has been largely ignored. Microsoft is still bundling products against the prior ruling, and it is still acting like a child without any moral direction.

During the current court-case, Microsoft has continually said, ''If judgement is ruled against us, it will hinder innovation, and deprive other companies who depend on us from being able to do their jobs.'' I think this is revisionist and just plain wrong. This statement is so transparent in protecting Microsoft's own interest, it is ridiculous. Historically, Microsoft's actions have been in exact opposition to statements like this.

As a judge, if a thief kept re-appearing in the court because he kept robbing banks, would you let him off, or give him probation, just because he kept promising to do better? How many times would it take for this theif to be brought before the court before you said, ''Ok, look, you just don't get it. You are a menace to society so I am putting you away.'' How many times does Microsoft have to be brought into a courtroom before somebody finally says, ''Ok, you obviously don't get it, so we're going to keep you from doing any more harm''?

I don't necessarily think Microsoft should be broken up. I don't know what the final solution is. But the settlement on the table has no teeth. It is another slap on the wrist, the kind Microsoft is used to. I imagine this is what Microsoft imagined would happen all along. Even during settlement talks, it is continuing to practice illegal bundling tactics and other questionable licensing schemes with Windows XP. It is saying it will do one thing to the court, while doing the same old thing behind it's back. And again, even without the monopoly issues, this was all covered in previous cases. Even though illegal, they are also operating against the previous restrictions. What makes you think they will treat the new restrictions any differently?

Microsoft must be shown that it cannot partake in illegal practices, not simply with a slap on the wrist, not just with more restrictions and watch-dogs, not with the court just saying ''Ok, you've been bad, so we'll be watching you! Don't do it again!''

The court must enact real punishment that shows Microsoft it's behavior is unacceptable. It must also enact real incarceration that prevents Microsoft from causing more harm.

Thank you for your time.

Michael Allen
117 20th Ave E, #203
Seattle, WA 98112
CC:George Bush,Patty Murray,Maria Cantwell

MTC–00001331

From: Rhoda E Schollars
To: Microsoft ATR
Date: 11/19/01 6:34pm
Subject: Microsoft Settlement

I am attaching my comments written in my last Microsoft program. Because of the problems I had with FrontPage and bCentral I am filing a complaint with the FTC for bait and switch. Someone needs to do something to protect the American public if you won't. If you don't want to do your job, why don't you quit and find another one? The software companies opposing Gates have lawyer, Gates has his lawyer, you were supposed to be my lawyer. Your job is to protect your employer, the American taxpayer but with the ''settlement'' you abandoned your responsibility.

What you have done is given Microsoft permission to destroy small businesses everywhere. I'm a small businesswoman and Bill Gates' tentacles are reaching out and squeezing the life out of me. Three examples should hopefully explain why I am so upset. They should also illustrate the inherent danger of any monopoly, like the one you are sanctioning.

First, I love a word processing program called WordPerfect because it let's me do everything that I want to do. I can't use it any longer because Bill Gates makes it impossible to use. I know you're saying that WordPerfect Mill exists—but that doesn't matter, I can't use it. Most people use the grossly inferior product put out by Microsoft called Word and then only because it is bundled in with other Microsoft products. If I used WordPerfect I could not exchange my documents with Word users—including Outlook users, etc. I would be cutting myself off from clients, friends, etc who use Word.

Years ago Bill Gates apparently admitted his and his employees' incompetence when he stated that Word just couldn't read WordPerfect. That was a crock then as it is now since they could have found a way. There were a lot of bridges that independent shareware producers had created between Word and WordPerfect. Gates just wanted to destroy WordPerfect, which is what he has done. So what is the result to the American public? We're stuck with a program full of glitches that is slowly dumbing down the American public. As a joke I typed in some famous American documents including the Gettysburg Address. I remember that document specifically since Word declared it to be riddled with errors and faulted it for having many ''long sentences.'' In fact, I just ran spell check and it didn't recognize Gettysburg but it did recognize Microsoft.

Second, I had an account through bCentral for a website. I have canceled the account since I have reached my frustration level with the site and Microsoft's products. The site was created using a site manager that was exclusive to Microsoft. It took me a good day to master using the manager and then anther day to get the site up. Microsoft decided it

couldn't leave well enough alone and did away with the site manager. It sent me a ''free'' copy of FrontPage so that I was forced to use if, which meant spending another day or two learning anther program. Well, I had problems almost from the start. First, the program caused RealPlayer to crash twice. Then all non-Microsoft products starting giltching in small ways—e.g, pop up boxes on the Internet would not work unless they were Microsoft's.

Then I imported my website into the program so I could edit it. There is obviously something that I did wrong or them is a problem with the program since all links showed except ''Home''. It's hard to put out a website when the reader can't go home whenever they want. I read and re-read their instructions but nothing worked. So I contacted Microsoft and asked for help. Their response, ''Read the book''. I did that again and still couldn't do anything. Finally I decided I'd live with no link to Home and published the site. Well, it ate my site. I tried to contact Microsoft again and no response. So I threatened to cancel my account. Then I got the offer of support for $35. This is on a product that they forced me to use when they unilaterally did away with the site manager and forced me to use FrontPage. Obviously they are too big to care if their products work or not-another problem with monopolies.

Finally, Microsoft is ''partnered'' with Intuit, which produces low-end accounting software including Quickbooks. Quickbooks is used by many small business people to do their books and this low-end monopoly generates a lot of money for Intuit since they do the Microsoft shuffle. They create inferior products and then do ''upgrades''. My question is, why do they need to do so many upgrades if their products were good to begin with? They do the ''upgrades'' for one reason and that is to force people to purchase the ''upgraded'' product. You see, their products don't read up, only down. In other words, when my clients do their books on a Quickbooks upgrade produced after the one that I have, I cannot read it. So I have to upgrade whether I want to or not. The same is true of regular Microsoft products—they read down but not up. We're forced to continually buy ''upgraded'' products, which to me means that the initial products were inferior. If there was competition a company couldn't do that. They'd have to get it right the first time or their competitors would put them out of business.

All these problems develop because of monopolies and you're doing nothing to stop Microsoft. And they are costing me time and money. If the problem is the Windows operating system and Gate's control of Windows, you need to split it off into a separate company. Either that or make it a public utility, like the electric company. Pay them royalties but take it out of their control. Then they'd have to compete on a level playing field and I have the feeling that Bill Gates would fail since his products are inferior to those of his competitors. He just controls Windows and can force the public to use the crap that he produces.

MTC–00001332

From: Douglas (038) Maria Cramer
To: Microsoft ATR
Date: 11/19/01 7:06pm
Subject: Microsoft Settlement

To Whom It May Concern:

It is with great concern and a deep sense of foreboding that I have read the settlement agreement between the United States Department of Justice and Microsoft. It is my opinion that the agreement falls far short of achieving any real remedy to Microsoft1s predatorial and anti-competitive business practices. It will neither provide reparations for damage that has already been done to a number of individuals and corporations nor will it prevent future abuses of Microsoft's monopolistic advantage in the computer software marketplace. From what I have read and seen in the news media concerning this case, whether or not Microsoft is a monopoly and whether or not it uses this monopoly to unfair advantage over competitors is not in question. This has been found to be true and Microsoft is guilty of violating our country's anti-trust laws. The question is how to go about setting things right so these activities are stopped and competition is returned to the industry. The settlement appears to do little to answer this question.

The settlement as it stands places a great degree of emphasis on Microsoft acting in good faith to avoid certain specific practices that unfairly leverages its operating system monopoly to place its products at an advantage over those of other software developers. Microsoft has already shown by its violation of a previous consent decree that it cannot be trusted to act in good faith. Also, during the course of the legal proceedings, Microsoft continued to carry on with business as usual as though its business practices were not even under scrutiny. This ''business as usual'' recently culminated with the release of the Windows XP operating system that not only contains the Internet Explorer web browser with code co-mingled with the operating system, but also introduces new bundled applications such as a video editing package and instant messaging software that are placed at an advantage over competing products by their inclusion with the operating system bundle. Windows XP also further attempts to extend Microsoft's monopoly into other areas by leveraging its compressed digital music format, Media Player multimedia viewing application, PassPort user authentication system, and .NET Internet technologies against competing technologies from Apple Computer, Sun Microsystems, IBM, and others. Microsoft continues to operate as it always has with no apparent regard for the laws it violates, the companies it harms, or the consumers who suffer because of the stifled competition and innovation that result from these activities.

This being the case, I would have been somewhat relieved to have discovered the settlement contains meaningful and effective consequences should Microsoft violate the agreement. I was astounded to find out that it does not. The settlement provides little more than a slap on the wrist should Microsoft not curb its anti-competitive practices. If this were not enough, the settlement appears to provide plenty of loopholes through which Microsoft will be able to squirm that will allow it to continue operating as usual without technically violating the agreement. Obviously, I am not the only one who believes this. The settlement has come under fire from computer industry leaders, consumer advocacy groups, and prominent citizens. It has proven so inadequate that a number of states that participated in the case are refusing to accept the settlement and a number of corporations are considering filing civil lawsuits in an attempt to seek justice where the Justice Department has fallen short.

As a tax-payer and voter who has watched as the Justice Department invested countless man-hours and tax dollars into the fight against the Microsoft monopoly, I am deeply disappointed in the end the result. As far as I can tell, little has been accomplished and nothing has really changed. Microsoft is still a monopoly, it is still using this unfair advantage to the detriment of others, and most likely will continue to do so for the foreseeable future. As a result, they will be able to continue to run other companies out of business, squash innovation that does not fit into their plans, and take advantage of consumers through higher prices, the undermining of better competing technology, and the ongoing elimination of viable alternatives to their operating systems and other software products. In regard to the Microsoft anti-trust case, I believe the Justice Department has failed the American people.

Sincerely,
Douglas J. Cramer
1340 Conewango Avenue
Warren, PA 16365
(814) 726–0312
dmcramer@penn.com

MTC–00001333

From: Firechild
To: Microsoft ATR
Date: 11/19/01 6:46pm
Subject: Settlement Feedback

To whom it may concern,

Having been in the computer support industry for the last 13 years, I can say for certain how disappointed I am in this possible settlement structure.

Microsoft should not be allowed to exploit their co-mingling of application & OS products. Doing so *hurts* innovation, and fosters additional monopoly abuses. These abuses have been **PROVEN** true. Any move by the justice system that doesn't prevent this from happening again is a slap to the face of consumers...

Sincerely,
Steve Clark
IT Manager

MTC–00001334

From: Stephen J. Kayner
To: Microsoft ATR
Date: 11/19/01 6:42pm
Subject: Microsoft Settlement

Hello,

I am an information technology professional and am extremely concerned about the failure to rein in the Microsoft monopoly. They are already way too powerful and now that you appear to have caved in to them, they are demonstrating an

anti-competitive attitude worse than I have ever seen in them.

This is serious business. Information technology does or will rule the world. Too much of that power is in Microsoft's hands. They feel once again in a position to dominate virtually any market by using the proceeds of their monopolies to outlast their competitors and forcing users of their operating systems to use other monopoly-extending technologies. This is not good for consumers, or for business, or for anything else but the protection and extension of the Microsoft monopolies. If Microsoft is not severely chastened now, we will all deeply regret it. You must either break them up into three pieces: Operating Systems, Applications, and Entertainment, or you must prohibit them from bundling any applications or services with the operating systems.

At the very least, you must do these things:

1) the Passport technology must be removed from Windows XP and not allowed to be included in any future version of Windows

2) all media applications must also be removed from the operating systems

3) the browser must be decoupled from the operating system and made available only as competing browsers are available to Windows users (i.e. downloadable, and not included with the operating system).

Thanks for listening, and don't screw this up. The consequences are far too dire.

Stephen J Kayner
Sacramento, CA
916–454–5202

MTC–00001335

From: strapane
To: Microsoft ATR
Date: 11/19/01 7:25pm
Subject: MS ruling

Justice,

Your decision on Microsoft is a welcome sign of sanity in the petty politics that have pervaded this case from the beginning. We are all better off with a common platform for developers controlled by a solid company willing to invest far more than anyone else in ongoing research and development. Apple, by comparison, has had a dismal R&D record combined with the most anti-competitive behavior ever demonstrated by a computer company. Their squashing of Apple clone companies showed they were not competitive and were not interested in providing comsumers with a good product at the best price. Even Linux companies charge nearly as much as Microsoft for their operating systems which were built largely on open-source code and contributions from thousands of volunteers. OK, Microsoft can be a bully and needs to be watched closely, but overall they have been good for comsumers and the industry.

Your solution recognizes these facts and doesn't fall into the ''tear down the giant'' mentality that made a mess of the telephone industry where lesser measures might have left us with an amazing Bell Labs and a seamless nationwide wireless network. Microsoft will eventually provide regular users great new science like their data mining technology (included free with SQL 2000), or perhaps break-through speech recognition, thanks to your settlement.

Sam Trapane, MCSE
strapane@hotPOP.com

MTC–00001336

From: Ian Deane
To: Microsoft ATR
Date: 11/19/01 7:23pm
Subject: Concerns about MS settlement

After the WTC attack governments in all countries are reassessing their vulnerability to terrorist attack. Operating systems and the internet now represent essential public infrastructure. Modern corporations absolutely depend on their e-mail, www access, databases etc. Is this infrastructure too valuable to be trusted to a tiny centralized group of people? It would seem that any widely used operating system controlled by a tiny group represents a single point of failure. A perfect target for anyone trying to cause maximum disruption. The vulnerability exists on several levels:

1) A military attack on Microsoft's Redmond campus combined with some assassinations of key people could easily render the company unable to support, develop, and security patch its products. Considering how widely the software is deployed and that Microsoft is trying to convince Telcos, Stock Exchanges, Banks and Airports to use its products this is a scary thing.

2) Viruses like code red were able to propagate so quickly because all Windows boxes are clones of each other. The internet is becoming like an ecosystem with no genetic diversity. A pathogen can wipe out 100% of the population easily once it can kill a single member. We should remember that code red was almost benign. Most of the damage it caused was due the network traffic generated by its propagation. Imagine if it had been malicious (propagate for 2.5 hours then reformat). It would have made the WTC attack look like someone bombing a mailbox. The extraordinary market share of Microsoft has made us extremely vulnerable to this sort of attack.

3) Free markets with lots of competitors are like democracies and tend to result in product excellence and satisfied consumers. Consumers vote with their dollars. Monopolies on the other hand are like empires. An empire can be well governed but if the emperor is a tyrant then everyone suffers. Is Bill Gates a good emperor? Who will succeed him if he were killed? What if we get a tyrant?

4) If anything happens to the software vendor responsible for our public infrastructure then its customers are left high and dry. With no access to the source code and unable to purchase service contracts, many other companies could fail along with the software vendor.

5) Since the source code for MS software is kept secret and is accessed by a tiny group programmers there is a lot of opportunity for coders to write backdoors or time bombs into the software. Who is doing the background checks on these programmers? It should also be noted that the whole world is dependant on this tiny group of programmers for security fixes. For example consider the vulnerability in IE reported on November 1st that took 3 weeks to fix. Should this tiny group of programmers be responsible for deciding which bugs should be fixed and when then get fixed? What if the entire programming team were assassinated?

.Net is Microsft's attempt to centralize things more than ever. So the single point of failure problem is going to get worse rather than better. Fifteen years ago PCs were nifty gadgets adored by computer geeks. In such a niche market a monopoly is tolerable. Today PCs are as important as phone lines, railroads, hospitals and highways. Allowing a single company to control these is absurd. Considering the civil rights that citizens are being asked to surrender in the name of safety from terrorism should large monopolies not also be required to surrender some of their ownership, control and copyright?

MTC–00001337

From: Peter M. Arnow
To: Microsoft ATR
Date: 11/19/01 7:09pm
Subject: Proposed settlement

In other words, Microsoft won. Since they are not being broken up, Microsoft should have, at least, been required to make the Windows operating system open source. Concealing the source code of the operating system and allowing them to write software for the operating system gives them an unfair advantage, which they have abundantly abused in the past. Indeed, all the abuses for which Microsoft has been found guilty have their root in the secrecy of the Windows operating system source code.

Peter M. Arnow
8008 NW 31st Ave.
Apt. 807
Gainesville, FL 32606

Outgoing mail is certified Virus Free.

Checked by AVG anti-virus system (http://www.grisoft.com).

Version: 6.0.281 / Virus Database: 149—Release Date: 9/18/2001

MTC–00001338

From: Melvin D. Eng
To: Microsoft ATR
Date: 11/19/01 7:27pm
Subject: Comment on the proposed Microsoft settlement with U.S. DOJ

Dear Sir,

Thank you for this opportunity to comment on the proposed settlement between Microsoft and the U.S. Department of Justice relating to the current antitrust activities.

As a consumer, the proposed settlement does not provide any effective remedies in the short term or more importantly, the long term. Microsoft is leveraging their Operating System monopoly to support other Microsoft application software. Microsoft is accomplishing this by ?bundling? other application software with the Operating System software. The other Microsoft application software should stand via their own merit. The Operating System monopoly, when ?bundling? occurs, provides Microsoft with a clear unmatchable advantage that allows Microsoft with the capability to ?attack? competitors. There is only one effective solution. This solution is to break

Microsoft into at least two companies. One company would be the Operating System company and the other company would be the application software company. In addition, the application software company must be treated the same as any software development company by the Operating System company.

This is the only method that I see that can effectively level the playing field for all software developers. If you have any questions, feel free to ask.

Thank you for your time.

Melvin Eng

MTC–00001339

From: VM
To: Microsoft ATR
Date: 11/19/01 7:25pm
Subject: comment on antitrust settlement with Microsoft

1. As a web developer, my job has become increasingly more difficult by Microsoft's abuse of its monopoly power. Now that they have acquired browser dominance through illegal means, they have slowly but surely began to make changes to their dominant browser so that web developers such as myself must start using Microsoft-specific code to make sure our web pages appear okay in their browser (Internet Explorer). This has meant that some of the pages I develop that look okay on Microsoft's browser will NOT look okay using another company's browser. Since I would like the web pages I develop to have as much hits as possible, I am thus forced to make two versions, one that works with most browsers and one that works with Microsoft's browser. This has led to increased development time and development cost.

2. Though Microsoft pays lip service to following ''web standards'', their web development tools (ASP, Frontpage), by default, create proprietary features which prevent other browsers from viewing pages created with those tools properly.

3. When I use non-Microsoft web servers such as Apache as well as non-Microsoft CGI technology such as Cold Fusion, PHP, recent versions of Internet Explorer have caused problems. Functions that used to work with older versions of Internet Explorer (when it was not yet the dominant browser) no longer work. Web users thus get the impression that there is something wrong with the site when in fact it is their browser (because it doesn't conform to web standards) that is at fault.

4. Despite the fact that their multimedia-streaming technology is inferior to offerings by Real and Apple, Microsoft through its dominance of the desktop is forcing users to use Windows Media Player at the expense of Real Audio/Video and Apple's Quicktime.

5. Palm users are starting to have difficulties syncing their PDAs with certain versions of Windows—may be because Microsoft has a competing product: Microsoft PocketPC.

6. It is virtually impossible to purchase PCs without having to pay for Microsoft Windows even if the buyer will be using Linux or other OSes. If you will do rudimentary checks with most PC sellers (Gateway, Compaq, HP, IBM, Acer, Dell), they will inform you that you cannot buy the PC without paying for Microsoft Windows. If you say you will be installing Linux, they will say their contract with Microsoft prevents them selling you a ''bare'' PC without an OS—they will lose their OS discounts if they do so.

9. There are rumors that after the settlement is completed, Microsoft plans to go on a buying spree and purchase their rivals outright.

Suggestions:

1. Force Microsoft to divest itself of the browser (Internet Explorer) and prevent them from creating their own proprietary browser.

2. Make Internet Explorer public-domain and placed under the control of an open-source standards body.

3. In the interim, make sure all versions of Internet Explorer conform to all web standards and if they are not, have Microsoft pull them from use and recode them—to be tested by the WWC (Worldwide Web Consortium).

4. Have all versions of Microsoft web servers, web development tools, CGI technology (IIS, Frontpage, ASP) conform to all web standards and if they are not, have Microsoft pull them from use and recode them—to be tested by the WWC (Worldwide Web Consortium).

5. Have Microsoft pay monetary damages to companies they have harmed by their illegal activities: Netscape, Apple, Intel, Borland International, Novell, etc.

6. Have Microsoft include Real and Apple multimedia technology with Windows.

7. Have Microsoft include Palm technology with Windows and make sure they work well.

8. Disallow Microsoft from giving discounts to PC manufacturers. There must be uniform pricing to prevent Microsoft from using monetary enticements to prevent PC manufacturers from selling ''bare'' PCs or PCs with other OSes pre-installed.

9. Disallow Microsoft from purchasing or merging with companies that offer rival software or are dominant in their category. These suggestions, if implemented, will ensure competition and greater innovation in the computer arena.

Thank you for your time.

Vicente Malixi

MTC–00001340

From: VM
To: Microsoft ATR
Date: 11/19/01 7:33pm
Subject: comment on antitrust settlement with Microsoft

From http://www.sltrib.com/11182001/Business/149631.htm Most Microsoft Foes Won't Criticize Settlement for Fear of Retaliation SAN JOSE, Calif.—Not many high-tech companies talk openly about the proposed Microsoft antitrust settlement. Even fewer criticize the deal in public, despite private misgivings.

They still, after all, must work with the world's largest software maker, which controls the operating systems of more than 90 percent of desktop computers and can play a big role in the fate of their businesses.

The exceptions are the usual suspects—mainly those companies that possess enough clout, money and muscle to risk a run-in with the software giant.

The most outspoken critics include database powerhouse Oracle Corp. and Unix server king Sun Microsystems Inc. Both dominate their core markets despite Microsoft's efforts.

Larry Ellison, Oracle's billionaire chief executive, told a crowd at the Comdex computer show in Las Vegas this week that the settlement is ''a complete victory for Microsoft, a complete defeat for the government. I give Microsoft credit for keeping a straight face.''

Sun's chief, Scott McNealy, also expressed outrage that the Department of Justice—after winning the case—seemed to snatch defeat from the jaws of victory.

It is not just provisions riddled with loopholes or toothless enforcement. The deal indicates an unwillingness of the government to police antitrust crimes, critics say.

''The only thing I can conclude is either the Justice Department didn't know what it was doing or they did know and just decided to give up,'' said Michael Morris, Sun's vice president and general counsel.

Microsoft declined to answer specific questions about the deal, but co-founder Bill Gates has said the company will accept its strictures.

Most companies that must work with or compete against the software giant either refused to elaborate beyond short written statements, or remained silent altogether.

Real Networks, which makes streaming media software, declined to comment beyond a short statement, which called the settlement a reward not a remedy. Ditto for AOL Time Warner, Palm and Novell. Others, including software-maker Adobe Inc., computer-maker Apple Computer Inc. and chipmaker Intel Corp. refused to make any statements at all.

Major PC manufacturers also were silent. Only a handful of other high-tech companies would discuss specific reasons for their opposition to the settlement. Opera Software ASA had little to lose.

The Norway-based company long ago gave up on persuading PC makers to install its critically acclaimed Web browser on new PCs. Microsoft's exclusive deals had already shut it out of the market.

Opera might benefit from the settlement under some provisions that allow computer makers to install non-Microsoft ''middleware'' such as Web browsers. But only the links to Microsoft software could be removed, not the programs themselves. That means Microsoft could set itself up as the default system despite any agreements with PC and software makers.

''We're not being extremely hopeful that this is going to open up a lot of doors in the PC marketplace,'' said Jon von Tetzchner, Opera's chief executive.

At any rate, the same PC makers that won't comment on the settlement probably aren't interested in raising the ire of Microsoft, even if retribution is barred in the settlement.

''There are loopholes,'' von Tetzchner said. ''And there's the practice of life. All of those companies will think twice before upsetting Microsoft.''

The entire debate over what Microsoft can do and cannot do appears to be rendered moot: Under the settlement, Microsoft can

define what comprises the Windows operating system ''in its sole discretion.''

Companies also might be reluctant to talk because the deal allows Microsoft to keep from its competitors the critical details about how programs and operating systems can function best in a Windows environment.

Software programs are intricate tapestries. To function smoothly when running on top of an operating system such as Windows, the stitches that link an application with the operating system must be snug and seamless.

Competitors complain that because Microsoft was not compelled to immediately reveal to them how to make those stitches, it will continue to dominate in such areas as word processing, spreadsheets and e-mail.

''This settlement does not remedy the monopoly. It legitimizes it,'' said Michael Tiemann, chief technical officer at Red Hat Inc., a distributor of a variant of Linux, a competing operating system whose basic code is open and public.

Microsoft has a history of undermining software projects backed by consortia of major tech companies that aim to create applications that work well with a variety of operating systems, potentially threatening the Windows monopoly.

The company infuriated promoters of Java when it created Microsoft-specific versions of the programming language in the late 1990s. This year, Microsoft changed and patented a protocol used by Samba, open-source software that lets a Linux machine share files or manage print jobs such as a Windows server.

''The whole concept of a free market is to allow fair and open competition and to permit customers to make choices,'' Tiemann said.

Drew Spencer, chief technology officer of Orem's Caldera International, a Linux provider, worries that Microsoft won't release enough information to allow alternative platforms to participate in upcoming Web services.

Steven McGeady, a former Intel Corp. vice president who made headlines during the antitrust trial for testifying against Microsoft, said the deal only reinforces his own, post-Intel business strategy.

''Competing with Microsoft head-on is a bad business practice,'' he said. ''And it would be a bad business practice regardless of any of the potential remedies.''

MTC–00001341

From: Alan Murray
To: Microsoft ATR,uag@att.state.ut.us@inetgw
Date: 11/19/01 7:29pm
Subject: Microsoft Case

We're writing to add our voice in the outcry against the Justice Department's antitrust suit settlement for Microsoft. Fortunately, our Utah attorney general is willing to reject the settlement, though it jeopardizes his promise for re-election. As usual, it appears that people are voting with either their wallets or along party lines. It's disappointing that people are obviously losing the clear perspective on this issue, due to the financial benefits which some can gain in this, or due to the assumption that to defy Microsoft is somehow at odds with the Republican philosophy of supporting big business. This is a clear case of a company conducting bad business, and it should be punished accordingly.

Microsoft has shown repeatedly that it is determined to use its substantial monopoly to take over countless sectors in the business world. This is a situation that is not healthy for our economy, especially at a time when so many companies are barely making it anyway. We are in an environment where only the very strong and very established can survive. Such an environment does not encourage new ideas and new companies—something our economy needs so desperately at this time.

We support politicians and lawmakers who vote to uphold the laws and principles which enable free enterprise to thrive.

—Alan and Tamara Murray

MTC–00001342

From: VM
To: Microsoft ATR
Date: 11/19/01 7:37pm
Subject: comment on antitrust settlement with Microsoft From http://www.siliconvalley.com/docs/opinion/dgillmor/dg110701.htm Holdout states last hope to help ease Microsoft's grip on U.S. consumers

BY DAN GILLMOR
Mercury News

So it's down to a few states that have enough money to fight and refuse to be bullied. They are American consumers' last hope for an outcome that doesn't leave Microsoft on a clear path toward controlling the choke points of tomorrow's commerce and communications.

No one should be surprised that half of the state attorneys general have given up. A few undoubtedly believe the Justice Department's sellout achieved something. Others were just along for the ride and are feeling Microsoft's—and the federal government's—enormous lobbying pressure. Watch the campaign contributions flow to see what may have happened with at least some of the politicians who were handling this lawsuit.

If U.S. District Judge Colleen Kollar-Kotelly, who's now hearing the case, has any courage, the Tunney Act hearing should be extremely revealing. There are so many questions raised by the malodorous deal cut by the Justice Department that it's hard to know where to begin. The best place to start is with the bizarre settlement itself. The document reads as though it had been written by Microsoft lawyers. Every time you read an item that suggests actual restraint on Microsoft's behavior, you find weasel language elsewhere that undermines the supposed concession. This thing isn't just full of loopholes. It's meaningless.

For instance:

? Why did the lawbreaker get to keep the loot it made from violating the law? Do we give bank robbers the same courtesy?

? Why does this settlement implicitly give Microsoft the right to withhold information about its programming interfaces to open-source and free software writers?

? Microsoft, in its sole authority, gets to decide what goes into Windows. Since that eviscerates every other provision in the agreement, why bother with this charade at all? It would also be useful to put some key people under oath, to answer questions about the politics of this case. For instance:

? Why did none of the non-political professional staff members who worked on this case support the settlement? Have they been ordered to keep their mouths shut? If so, why?

? What was the substance of the summer conversation between Vice President Dick Cheney and Microsoft Chief Executive Steve Ballmer?

? Attorney General John Ashcroft's deputy chief of staff—a Microsoft shareholder and former official of the Republican Party, which got massive Microsoft campaign ''contributions''—reportedly told Microsoft opponents to back off even after he'd supposedly recused himself from the case. He's denied the report, but let him do so under penalty of perjury. (Oh, wait, who'd prosecute? This Justice Department?)

There's another angle that the media, in particular, need to examine as quickly as possible. Is it possible that Microsoft and the government have made some secret arrangements that will be couched under ''anti-terrorism'' rhetoric when or if they emerge into the public light? The government's new surveillance powers would be far easier to carry out if Microsoft became a government ally in this area.

Have there been such side deals? I hope not. I would prefer to think that Microsoft was rewarded by an administration that opposes antitrust enforcement on ideological grounds, as this one surely does. California deserves special credit for its stance. Bill Lockyer, the state attorney general, has emerged as the most important public official in America when it comes to holding back the Microsoft tide. This means that Microsoft, with its bottomless pockets and utter ruthlessness, now loathes him more than any other public official.

Contact Lockyer's office at (916) 322–3360 and express your support. He needs to hear from people who understand what's at stake. Dan Gillmor's column appears each Sunday, Wednesday and Saturday. E-mail dgillmor@sjmercury.com; phone (408) 920–5016; fax (408) 920–5917. PGP fingerprint: FE68 46C9 80C9 BC6E 3DD0 BE57 AD49 1487 CEDC 5C14.

MTC–00001343

From: vipm@mac.com@inetgw
To: Microsoft ATR
Date: 11/19/01 7:37pm
Subject: Holdout states last hope to help ease Microsoft's grip on U.S. consumers
From: Vip Malixi
Subject: Holdout states last hope to help ease Microsoft's grip on U.S. consumers

Email a Friend brought to you by BayArea.com and SiliconValley.com

Mon Nov 19 19:37:02 2001 comment on antitrust settlement with Microsoft

Posted at 8:16 p.m. PST Tuesday, Nov. 6, 2001

BY DAN GILLMOR
Mercury News

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hope for an outcome that doesn't leave Microsoft on a clear path toward controlling the choke points of tomorrow's commerce and communications.

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Address of original story:

http://www.siliconvalley.com/docs/opinion/dgillmor/dg110701.htm

SiliconValley.com—Inside The Tech Economy

You are receiving this email because a friend of yours thought this article might be of interest to you.

MTC–00001344

From: trinko
To: Microsoft ATR
Date: 11/19/01 7:35pm
Subject: i'm outraged

Microsoft has, and continues, to use monopolistic leverage to destroy competitors and rip off consumers. For example XP allows Microsoft to tax the internet by charging web sites for placement. Given that there's no real alternative to most users Microsoft will effectively be able to tax most online sales since the companies will pass on the costs of buying placement in XP to consumers, albeit invisibly. The only viable solution is to split the company and require them to eschew charging for any placement in the OS. This will still leave Microsoft well off finanacially.

One note. I'm a mac user. I pay about the same for an OS upgrade as does a Windows user. But the mac base is 1/20th that of the Windows base. That seems to indicate that Microsoft is milking the market. If there were any competing source, as there is in the chip arena, i bet those windoze users would be paying a lot less.

MTC–00001345

From: David Todd
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/19/01 7:48pm
Subject: Microsoft Settlement

Hi,

I'm concerned to read press reports that show this settlement as merely trying to prevent Microsoft's future bad behaviour, without punishing its current misdemeanours.

I know that Microsoft is unhappy about a break-up, but fundamentally is that such a bad thing? Microsoft is a monopoly in several IT spaces. If MS was split into three—Operating Systems and Tools, Back Office Servers, User Applications, would that really hinder the companies ability to innovate? I realise that much software is starting to have both server and client components, ie exchange without outlook doesn't work, so Data Analysis requires some functionality from SQL Server. Looking forward to a better outcome from this for all of us ...

MTC–00001346

From: John LaFrance
To: Microsoft ATR
Date: 11/19/01 7:47pm
Subject: Microsoft and DOJ settlement

I think the settlement is too leniant for Microsoft. If you are going to punish them, then PUNISH them, not tickle them with soft restrictions and concessions. They are a monopoly and have abused their power long enough!

MTC–00001347

From: lEO kOWALSKI
To: Microsoft ATR
Date: 11/19/01 7:45pm
Subject: Judgment against Microsoft

Dear Sir:

I sympathize with Microsoft. At least he gains his monopoly through product development and not through buying out his competitors as many other corporations are doing. I'm sure if other companies are able to develop a better product the public would buy it instead of the microsoft product. A waste of taxpayers money.

Leo Kowalski

MTC–00001348

From: VM
To: Microsoft ATR
Date: 11/19/01 7:39pm
Subject: article regarding antitrust settlement with Microsoft

From http://www.siliconvalley.com/docs/opinion/dgillmor/dg101101.htm Microsoft using XP to tighten grip on users

BY DAN GILLMOR

Mercury News

At long last, Microsoft has released a consumer-oriented operating system that won't be in danger of regular failures. What a shame, if not a surprising one, that Microsoft has ratcheted up its standard set of anticompetitive tactics with the release of Windows XP. If you buy a new Intel-compatible computer you'll have essentially no choice in the matter. Microsoft effectively controls the software side of the personal-computer industry, and it has decreed that Windows XP is what you'll run. The questions are different this time.

If you aren't buying a new PC soon, should you replace your current operating system with XP? I say no, unless the stability of your current software is so awful that you can't stand it anymore. And if you are getting XP on a new computer, are there ways to mitigate Microsoft's ever-growing control-freakery and have things your own way, not Microsoft's? Not always.

The increase in reliability is a major improvement for home users. I've been running the business-oriented Windows 2000 on my laptop computer. XP is based on the same foundation, and it's like the difference between wood and cardboard. One tends to be sturdy. The other tends not to be.

There are also some intriguing changes in the user-interface, the screen that greets you

when you start the system, and the way it works. I can take or leave most of them, but novices will find that Windows XP is in many ways easier to use than its predecessors. Naturally, Microsoft is not content with the unprecedented advance of selling a reliable consumer product. With its grip on the computer industry, it has also decided to steer its customers down new and sometimes disturbing paths.

If you buy the upgrade software, you'll be required to register the software with Microsoft. If you don't, the operating system will stop working. Later, if you've changed your PC's hardware sufficiently to trigger Microsoft's paranoid fear that someone may be trying to make an unauthorized copy of the operating system, you'll need to call the company and get its permission to keep using your computer. Microsoft is also using its desktop monopoly to herd you into its own corral. Again and again, you'll be steered to Microsoft or Microsoft partner sites and services, thereby reducing your choice unless you want to make extra effort.

Then there's the Passport authentication system. You are required to sign up for it if you want to use the instant-messaging software that comes with the operating system, and most users will do so by default because most users do what they're told.

Passport is the linchpin to Microsoft's next generation of software—its aim to convert packaged products into pay-as-you-go services that run on the Web. You need to think very hard about whether you want to give Microsoft the keys to your financial and online identities. You may trust Microsoft to keep its word not to abuse this position, but the company's fairly abysmal record on security should give you considerable pause. The bottom line on Windows XP is simple. Reliability is coming with many strings attached. Only a monopolist could get away with this, which is exactly the point.

Dan Gillmor is the Mercury News' technology columnist. Visit Dan's online column, eJournal (www.siliconvalley.com/dangillmor). E-mail dgillmor@sjmercury.com; phone (408) 920–5016; fax (408) 920–5917. PGP fingerprint: FE68 46C9 80C9 BC6E 3DD0 BE57 AD49 1487 CEDC 5C14.

MTC–00001349

From: George McKinlay
To: Microsoft ATR
Date: 11/19/01 8:07pm
Subject: Settlement

From my readings of the settlement it is clear that this settlement will not inhibit Microsoft from continuing or extending its prior anti-competitive practices into new areas. Microsoft should not be permitted to develop applications, or if it does these applications should not be done by the acquisition of companies (such as Bungie) and the subsequent releasing of Windows only versions of their software. Microsoft should not be permitted to purchase companies such as Adobe? instead it should be forced to divest its interests in such companies.

Microsoft should be obligated to stop distributing free/bundled software such as Explorer, MS mediaplayer, C# and other strategic software/languages/formats that have developed independently of Microsoft and which Microsoft now considers important in its strategy to dominate the internet.

If Microsoft is permitted to continue to develop non operating system software then it must be obligated to provide concurrently, fully functional and feature complete software on all commercially viable operating systems with adequate market share (Mac OS X, Linnux, Solaris etc) just as ATT was/is obligated to carry competitors business on their infrastructure.

Respectfully
George Mckinlay
mckinlay@unr.edu

MTC–00001350

From: Jack Wenrick
To: Microsoft ATR
Date: 11/19/01 8:01pm
Subject: Microsoft Settlement

I think the Justice Department proposed settlement with Microsoft is nothing but a sham. Microsoft has been trampling on competitors for years and stifling competition. The settlement is not even a slap on the wrist.

Their punishment should be immediate and severe. If the current settlement sticks, they will just continue their predatory manner.

Jack Wenrick
2829 Hastings Rd
Silver Lake OH 44224

MTC–00001351

From: Johnson, Bradley R
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/19/01 7:59pm
Subject: Anti-Trust Case Against Microsoft

Dear Sir or Madam,

I heard that you were soliciting feedback from consumers regarding the MS anti-trust case. I am a mac-user, and have used MS Office products for over 8 years. I am a scientist with a PhD in materials science and engineering, and I use several different computing platforms (mac, PC, unix, etc.) and a multitude of different software applications on a regular basis. I am quite computer literate. For me, cross-platform compatability and cross-application compatability is essential to my work. Microsoft, with its proprietary file formats, and monopoly market share domination of desktop pubilshing environment make my job very difficult, and hence, by default, I am required to use their software in order to move and share information between computers and different clients. I think that Microsoft should be treated as a monopoly and regulated/controlled/penalized for aggressive and predatory business practices. I cite the following reasons:

1. Because they have a dominant (monopoly) market share position, and because their software formats are proprietary, third party file translators don't work very well. Hence in order to share computer file information with other people or between different platforms, one is essentially forced to use their software.

2. Even within their own software, file translation between platforms (mac -> pc) has bugs and problems. They have made great improvements over the last 7 years, but there are still problems. (e.g. sharing a mac Word 2001 document with embedded windows metafiles with a PC user with Word2000 doesn't work—the images don't show up on their machine.) The solution for this problem is that the consumer has to purchase a new version of the software. They don't support their software with bug fixes for a very long time. I had problems with the performance of Word6.0.1 for the mac. The solution was to purchase Word 98. I had lots of problems with performance and stability with Word98—the solution was to purchase Word2001. I have discovered problems with Word2001. The solution? Buy Word v. X. Since there are no other market competators, they can pass off bug fixes and new releases and charge consumers full price without really ever fixing or solving the problem. If the software worked as advertised, that'd be one thing, but to pay full price for buggy software, and then be told that all the problems will be fixed in the next release is not fair to the consumer. Consequently, I think that they should be required to maintain their software with annual or semi-annual bug fixes and updates for a period of at least three years.

3. They have used their dominant market share and proprietary file formats as leverage to eliminate competition from other software competitors. For example, look at the fate of WordPerfect and Corel Office. Word perfect at one time dominated the word processing market, and now it is essentially defunct. On the PC side, this product still exists, but it has been discontinued on the mac side—this especially smells fishy considering Microsoft's recent investment in Corel. One may ask, why not let Apple make a competitor for MS Office—the answer is pretty clear. MS would quickly drop MS Office for the mac, and thus there would be no way for mac users to share files with PC users. Consequently, what small number of mac users that exist would be eliminated from the business world, because they would be forced to switch to PC to get their work done. The lost revenue of these mac users would further diminish the viability of Apple, and the company could ultimately go under. At one time, this was such a significant issue for Apple, that they traded software rights for a promise from MS that they would sustain MS Office development on the mac.

I don't know if anyone will read this, but I hope so, and I hope that it might be useful in this case.

—Bradley R. Johnson

MTC–00001352

From: James(u)Rolevink(a)mac.com
To: Microsoft ATR
Date: 11/19/01 8:45pm
Subject: Proposed settlement with Microsoft.

TRUTH, JUSTICE & THE AMERICAN WAY?

Have you guys ever heard of the doctrine of the Separation of Powers over there in the U.S.?

What is the point of having a judiciary if a sympathetic president can just step in, appoint a political glove puppet to the D.o.J., have a few words in the right ears, and then

make a total mockery of the entire judicial process by effecting a complete about face, notwithstanding the fact that the earlier D.o.J. team secured comprehensive and devastating victories before nine different judges over eight egregious breaches of the anti-trust laws, laws as enacted by your own parliament???

It is VERY telling that, on the one hand John Ashcroft can claim that the proposed settlement ''provides prompt, effective, certain relief for consumers and removes the uncertainty in the computer market, a critical factor in today's economy [and that it] imposes a broad range of restrictions that will stop Microsoft's unlawful conduct and will restore competition in the industry'', when ''the Justice Department's senior non-political staff didn't sign on to the agreement, signalling their opposition'', on the other.

Did the Microsoft spin-meisters write those lines for him? No wonder Bill Gates is so keen to, ''implement this settlement promptly and fully''; it's about as onerous as having been legally obliged to open one's Christmas presents.

What does this mean about the facts and telling the truth? Were the original D.o.J. team lying? Were the nine judges stupid and got the whole thing wrong? Have the anti-trust laws suddenly changed? Why bother with the pretext of having a judiciary at all? Why not just dispense with them altogether and make the president a despot, as it wouldn't make much practical difference in the present circumstances? The parallels with this case and the means by which the present U.S. government rose to power are a little frightening!

Oh how hard it must be for Microsoft to keep a straight face; they have never had to fight a fair fight in their life, and if this joke of a settlement goes through, they probably never will.

In short, this smacks of cronyism and it belittles all arms of power by showing the divisions between them to be a mere charade staged to placate the public sense of democracy and justice. Truth, justice and the American way? From where I am standing, it sounds a little rich to me!

Thank goodness for the States and for Federation in general!

Thank goodness for the Tunney Act.

Thank goodness for the E.C. investigation.

Thank goodness that not everyone is in the pocket of Microsoft or the present administration in the U.S..

MTC–00001353

From: Eric Shepherd
To: Microsoft ATR
Date: 11/19/01 8:26pm
Subject: Microsoft settlement

The proposed settlement appears to be a complete surrender by the Department of Justice, after soundly trouncing Microsoft in court. What's the point of spending years in court only to barely slap Microsoft on the wrist? A breakup would have been a minimally acceptable outcome, but since the courts have rejected that option, you need to come up with a next-best-thing, instead of throwing your hands up in the air and calling it quits.

If the proposed settlement goes through, it will spell doom for the computer industry.

— Eric Shepherd Owner, Syndicomm http://www.syndicomm.com Building communities, bit by bit.

MTC–00001354

From: Jonathan Hudson
To: Microsoft ATR
Date: 11/19/01 8:26pm
Subject: crazy?

they're still a monopoly. their sites are inaccessible to macintoshes. they shut macs out of hotmail for weeks on end. try and get quicktime running on XP

jonathan hudson—www.studio2f.com

MTC–00001355

From: Shannon Jacobs
To: Microsoft ATR
Date: 11/19/01 8:47pm
Subject: Disapproval of the Microsoft settlement

Everything I've seen over the years and read about this settlement says Microsoft got away with murder of other corporations. Again. They've also penalized and overcharged customers while absolutely disavowing any legal responsibility for the problems and pains they cause. Microsoft is not concerned with how much their products cost—all they are concerned with is making sure they get as much money as possible. They provide support like a kind of charity, and publicize it as a kind of false advertising. If I were a betting man, I'd say the probability of this settlement leading to any significant change in Microsoft's illegal behaviors is effectively zero. You'd have to give me 100:1 odds and spot me a million dollars just to get me to play the game. However, it's exactly what I expected from Bush since we all understand how he feels Microsoft's pain.

CC:shanen@acm.org@inetgw

MTC–00001356

From: Chris Cassell
To: Microsoft ATR
Date: 11/19/01 8:59pm
Subject: Less than a slap on the wrist for MS

Sirs,

I was most disappointed in the DOJ's decision to ignore the testimony provided during the hearings which lead to Judge Penfield's decision. Penfield was reprimanded for his comments after the trial, not his decisions. These were upheld by a higher court.

This DOJ settlement will have no effect on Microsotft's behavior. Microsoft has a history of ignoring settlements. They will ignore this one as well, because it has no teeth. MS was found to be violating several anti-trust laws. To let MS off with considerably less than a slap on the wrist, sends the message back to MS that such activities are acceptable corporate behavior.

Several facts were brought to light during he hearings:

Bill Gates lied to the Court and was caught at it.

The demonstrations about the ease of removing Explorer were falsified.

It was proven that Microsoft intentionally modified its operating system to render competing browsers at a disadvantage.

MS incorporated copyrighted concepts from competitors without permission or payment.

Essentially, the DOJ has told MS that the software and operating system playing field is theirs and they can defend it with whatever means they can bring to bear. Without a substantial penalty for their paranoid and invidious behavior, they will not play fairly. This disregard for fair competition has already been demonstrated in many of the features incorporated into the new Windows XP operating system.

Sincerely,
Chris Cassell
1506 Bristol Avenue
Westchester, Illinois 60154

MTC–00001357

From: Doug Knowles
To: Microsoft ATR
Date: 11/19/01 8:53pm
Subject: Microsoft settlement is woefully inadequate

To Whom It May Concern:

I have been a software engineer for over 25 years, and I am writing to protest the inadequate sanctions imposed on Microsoft under the proposed antitrust settlement. The settlement will allow Microsoft to continue its most predatory practices and rob consumers of the opportunity to experience, evaluate, and possibly choose among potentially competitive technologies.

The great failure in the DOJ's case against Microsoft is that it concentrated on harm inflicted on competitors that are still in existence today; what has been forgotten is the longer list of technologies and competitors that Microsoft stifled and killed before consumers ever had a chance to know they existed, let alone choose as an alternative to the narrow choices offered by Microsoft. As an employee of various firms that partnered and/or competed with Microsoft, I have seen Microsoft exercise the clout it holds as a near monopoly in at least three different ways that I believe to be in violation of the spirit (if not the letter) of antitrust law, and certainly to the detriment of the software industry in general as well as its customers:

— Misdirection given to independent software vendors (ISVs) by Microsoft operating system managers to steer them away from a competitive position vis a vis Microsoft applications;
— Threats made against ISVs to withhold technology cooperation on established product lines to prevent those ISVs from pursuing independent product development efforts not to Microsoft's liking;
— Exploitation of smaller competitors (through a combination of partnerships and threats) to make them temporary agents of Microsoft's agenda to their ultimate detriment.

If the DOJ can not back away from this settlement, I hope that the states that have rejected the settlement have more success in re-establishing diversity and competition in the software industry.

Sincerely,
Douglas A. Knowles
99 Gerard Road
Norwell, MA 02061

MTC–00001358

From: Mark Hayes

To: Microsoft ATR
Date: 11/19/01 8:48pm
Subject: The settlement.

I1m ashamed that my government is entering into a settlement like this. Microsoft clearly violates antitrust laws, even more so with the release of WindowsXP, and they should be punished. There are legal precedents here, do Standard Oil and Bell Telephone ring any bells?

Mark Hayes
Creative Director
Mark Hayes Design
mhayesdesign@mindspring.com

MTC–00001359

From: Ben Pearre
To: Microsoft ATR
Date: 11/19/01 9:00pm
Subject: Stop, or I'll say 'Stop' again!

If I don't pay my taxes for 10 years while claiming that I have, and I'm caught, is the remedy that I'm told to start paying my taxes again? If not, why not?

Even if no harsher penalty is applied to Microsoft, it should be required, somehow, to be put in a position wherein it is worse off than it would have been had it never done anything illegal. Punishment usually involves more than the warning ''Stop, or I'll say 'stop' again''!

When corporations have more power than ever before, the government should redouble its efforts not to be swayed by corporate power. What I see instead is a government that did too little, too late, and now has to bow to the will of its corporations.

Sincerely,
Ben Pearre
MIT
Cambridge, MA
bwpearre@alumni.princeton.edu http://hebb.mit.edu/~ben

MTC–00001360

From: Karen Atwood
To: Microsoft ATR
Date: 11/19/01 9:12pm
Subject: Microsoft settlement public input

My family and I share the growing concerns of many people across the U.S. about the apparent ''20 lashes with a wet noodle'' penalty on Microsoft for very real violations of the anti-trust laws of the country. I have listened to people echo these complaints when they call in to talk shows—even to C–SPAN to voice their anger that the Justice Department has dropped the ball in the Microsoft case. What has happened here? It smacks of backroom deal making and leaves a bad taste in the mouths of citizens who thought justice would be done, but now think that government officials at the highest level have betrayed them. Sign me a disgusted Mac user.

KA
Karen Atwood
256 Mohawk Avenue Extension
Warren, Pennsylvania 16365–3410
phone/fax- 814 726 2774

MTC–00001361

From: Arfigg@aol.com@inetgw
To: Microsoft ATR
Date: 11/19/01 9:11pm
Subject: Microsoft Settlement

Everyone, and that includes the Justice Dept. and the states involved , should leave Microsoft alone. Our country's technology is as advanced as it is today because of Microsoft and the brilliance of Bill Gates. Anti-trust is meant to protect the consumer against companies and not companies in competition with each other that can't compete. That is all this case is really about, companies that couldn't cut it and got jealous of microsoft.

Ann Ruth & Eugene Figg Tallahassee, Fl.

MTC–00001362

From: PBletz@aol.com@inetgw
To: Microsoft ATR
Date: 11/19/01 9:02pm
Subject: No Subject

Dear Sirs,

I have a Sony FX240 laptop running Microsoft Windows ME. I downloaded Microsoft Internet Explorer but cannot use it because if I start it the sign-up screen for MSN internet comes up and cannot be avoided. Also other internet applications steer you towards MSN internet. I don't know how that cannot be defined as unfair business practices; unsophisticated users have no easy way to avoid falling into the Microsoft trap.

Peter Bletzinger
4085 W.Enon Road
Fairborn OH 45324
pbletz@aol.com

MTC–00001363

From: Kevin L. Arnold
To: Microsoft ATR
Date: 11/19/01 9:22pm
Subject: Microsoft Settlement

The settlement does not reach far enough. Microsoft is a monopolist that has abused its monopoly power and will now likely continue to do so.

— Kevin L. Arnold
5132 15th Avenue South
Minneapolis, Minnesota 55417
612.822.3231

MTC–00001364

From: Shawn Freebairn
To: Microsoft ATR
Date: 11/19/01 9:19pm
Subject: My thoughts.

I have been following this case as ''one of the consumers your settlement will benefit''. This settlement is not even a slap on the hands for microsoft. Given this company's past and their complete dissregard for the Rule of Law in abuse of monopoly power of which it has been convicted, YOUR REMEDY FOR MICROSOFT IN THIS SETTLEMENT IS A COMPLETE JOKE!!!!! NOT ONLY WILL MICROSOFT CONTINUE IN THE SAME LAW BREAKING COURSE YOU HAVE BASICALLY TOLD THEM IT IS O.K.!!!!

Very dissatisfied
Shawn Freebairn

MTC–00001365

From: peter
To: Microsoft ATR
Date: 11/19/01 9:14pm
Subject: Ridiculous settlement

To whom it may concern:

I am baffled by the Microsoft settlement. As a computer professional, it is obvious that MS has exhibited vicious, anti-competitive behavior. In fact, this is no longer an opinion held by those of us in the field of technology, but a fact of law.

Consequently, it is bizarre that they be let of with a slap on the wrist and no substantial force to compel them to change business practices. They have shown contempt for the consumer, contempt for competitors, and contempt for the legal process against them. Like many in my profession, I have friends who were put out of business by MS. I have clients who have spent more money because of MS's contempt for quality software and basic security.

They don't make good software—they don't have to. They just have to force their competitors out of business with restrictive, unfair and illegal practices or by giving away free software. And you are now telling them that it is OK to operate that way—that the consequences for illegal behavior are less expensive than competing fairly in the first place.

Please reconsider. Microsoft is a monopoly. Please don't let them think that statement depends on what the definition of ''is'' is.....

Thank you,
Peter Linde
The Linde Group, Computer Support, Inc.
peter@lindegroup.com

The Linde Group, Inc.
2612 8th St., Suite B
Berkeley, CA 94710
510–705–8910 x33

MTC–00001366

From: Reg
To: Microsoft ATR
Date: 11/19/01 10:00pm
Subject: Microsoft solution

I feel the only real solution to the Microsoft problem is to break the company in two, because nothing will really change if they can continue to bundle whatever they like with the operating system... Force them to compete to sell products like Office and it will allow other companies to get a fair chance...

MTC–00001367

From: Byron Salazar
To: Microsoft ATR
Date: 11/19/01 9:41pm
Subject: Proposed Final Judgement

Dear Sir or Madam,

I am an student and employee of the Georgia Institute of Technology in Atlanta. As I work extensively with personal computers using Microsoft and competing products, I was dismayed by the limited nature of the proposed Final Judgement regarding Microsoft's use of its monopoly power.

Microsoft has demonstrated repeatedly that it is willing to use its monopoly power to gain an unfair advantage over competitors. This has been proven in a court of law. Although the proposed judgement begins to address past infractions on Microsoft's part, those battles in the marketplace are over, and Microsoft has already won. Microsoft is already moving on, and the judgement does little to prevent future abuses of monopoly power.

Microsoft is aggressively pursuing several new strategies. Among them are the ''Passport'' authentication system and the ''.Net'' subscription process. Because these are heavily integrated in the XP operating system, they are poised to benefit from and strengthen Microsoft's monopoly position. Further, The ''.Net'' strategy is integrated into the Windows license, effectively neutralizing the Judgement's power over it. Passport is forced upon users of many Microsoft web services, (including the popular Hotmail) which in turn are integrated into Microsoft applications, which have already come to dominate the market as a result of Microsoft's monopoly power. The Judgement as proposed would have been very effective five years ago. Unfortunately, this industry changes very rapidly. Much more broad measures are necessary to protect consumers now and in the future.

— Salazar, Byron

http://homepage.mac.com/mebyron/

MTC–00001368

From: Andrew Steele
To: Microsoft ATR
Date: 11/19/01 9:40pm

Dear Sir or Madam:

It is my concern that Microsoft is becoming a much larger business than what it should be. Not only did it take away the majority of profit and business from Netscape Communications by offering its software free of charge to businesses, it has continued that character to this very day. Just watching one of the head operators of the business give a speech to his workers puts fear into my heart on this issue of when this will stop. Here is my concern: Microsoft holds an overly large percent of the OS business, and holds tight control over its users to make sure that they continue to use their software. With Microsoft XP, this company has produced software that requires users to upgrade after 6 months. Microsoft holds a large share in the browser software business. Internet Explorer is considered one of the top two browsers that are provided on the internet today. Microsoft is now trying to take over the gaming industry with the introduction of the X-box. Microsoft also makes such an extensive variety of products with software as to compete with every existing software company that exists.

In conclusion with viewing each of Microsoft's adventures, one would come to the conclusion that Microsoft should continue an attitude change that would encourage healthy competition consistent with the American ideal. Microsoft should limit the employment of its employees until the business' core employment consists of one department that completes one task. If their are employees that are on staff, their numbers should be insignificant in comparison to the whole.

Microsoft should use its resources to honor customers by making the best products that can be made, instead of demanding from them money for products that may or may not be of the best quality. Microsoft should be ultimately forced to do the best that they can do, instead of using their money to create so many partnerships with companies that people feel a need to either put their software as compatable with Microsoft or go out of business. Microsoft needs to do the best that they can instead of use their money as influence. Thank you for reading my thoughts.

Drew

Get your FREE download of MSN Explorer at http://explorer.msn.com

MTC–00001369

From: Ed Sheron
To: Microsoft ATR
Date: 11/19/01 10:35pm
Subject: Let's get on with it

Microsoft has done and awful lot for this economy. They are being penilized by companies that are jealousby what they have accomplished. Its time for them to throw in the towel and admitt that they are envious of Mocrosoft. SunWest has charged exorbant price for what you get and yet they are envious of Micorsoft. Netscape, didn't they sell for a big profit?

Microsoft is entitle to make a profot for what they give us as is any business. This thig has gone to far and its time to call a halt. I've been more than happy with the quality and price I paid for from Microsoft.

Outgoing mail is certified Virus Free.

Checked by AVG anti-virus system (http://www.grisoft.com).

Version: 6.0.274 / Virus Database: 144—Release Date: 8/23/01

MTC–00001370

From: jwall
To: Microsoft ATR
Date: 11/19/01 10:29pm
Subject: Microsoft settlement

Please reconsider the current settlement with Microsoft.

It is far too lenient.

From what I have read Microsoft has lied (Purjered) many times throught the trail. With no perjury charges being made it appears the justice system is working for Microsoft who is being allowed to do whatever they want.

MTC–00001371

From: Michael Stephens
To: Microsoft ATR
Date: 11/19/01 10:24 pm
Subject: Settlement give Microsoft too much

The DOJ has conceded far too much to Microsoft. It is extremely troubling that you will permit them to bundle any application into the Windows OS. This has no positive benefits: For example, bundling IE into Windows makes neither IE nor Windows better than if they were not one and the same. Yet there are negative ramifications: bundling plainly stifles competition, and thus innovation: the practical demise of Netscape is on point, and with the release of XP, we're sure to see the same with photo-editors, media players, and more.

Moreover, you've permitted too many loopholes for Microsoft to override non-Microsoft applications that OEM's have installed on PC's.

Microsoft is also using Win XP to extinguish existing de facto standards. Specifically, the DOJ settlement does nothing about those standards which were NOT included with Win XP. In not including such Internet Standards such as Java and MP3 capabilities, Microsoft, with its Windows Monopoly, seeks to crush such standards with its own ''equivalents.'' When the old standards are crushed, MS will thus have locked its total control over internet Music and more.

Finally, splitting MS in two would have benefitted the stockholders too. Surely President Bush, with his MBA, has some understanding of why this is.

MTC–00001372

From: Michael Jardeen
To: Microsoft ATR
Date: 11/19/01 10:17 pm
Subject: The great sellout

Never in the history of American Justice has there been a greater fraud passed off as Justice. This resolution provides nothing for consumers, and does nothing to help reign in the behavior of one of the most voracious companies in history.

I am not sure how any one at the Justice Department sleeps at night. Microsoft lost at every step and in the end won due to a gutless DOJ decision to let them off with nothing more than a tap on the wrist...you should be ashamed.

I worked at USWest for 13 years...that was a real Consent Decree! Michael

MTC–00001373

From: Dale Fairbanks
To: Microsoft ATR
Date: 11/19/01 11:14 pm
Subject: Settlement

5 years ago Microsoft said they would behave. We are back at it again. When the agreement runs out in 5 years, they can go back to their old ways, then we spend more government money to investigate them again.

Next time they will do a better job of getting rid of incriminating evidence. I can not go anywhere in my computer without being reminded that MSN or Explorer is waiting to service my needs. I think the company still should be broken into two companies.

MTC–00001374

From: Ruth Silveira
To: Microsoft ATR
Date: 11/19/01 11:03 pm
Subject: Tunney Act

Follow through with this act and end all of this !!!! Making the biggest and the best should be Microsoft's prerogative. Isn't that what he free trade market is all about?

Microsoft makes a good product and doesn't screw with the consumer. If they want something different they can purchase it. If the government spent as much money taking care of the un-employed ,hungry and homeless in our country as they have on this case we would be in good shape.

I see this whole process as a witch hunt with a very biased judge presiding over most of it. Thank you, Ruth Silveira

MTC–00001375

From: Walter Dufresne
To: Microsoft ATR
Date: 11/19/01 10:59 pm
Subject: Please curb Microsoft.

Dear Sirs,

Please take strong action to curb this monopolistic Microsoft Company.

Sincerely,
Walter Dufresne Walter Dufresne
31 Montgomery Place, Brooklyn, NY 11215–2342 USA
tel: +1.718.622.1901 fax: +1.718.789.1452
e-mail: walter.dufresne@aya.yale.edu

MTC–00001376

From: XXLTINVESTOR
To: Microsoft ATR
Date: 11/19/01 10:58 pm
Subject: MSFT trials

Come on! end this crap! Stop wasting the voters money. The clintons are gone to create their own kind of hell in NY, even though she is still in dc. The DOJ under the goofiest politicized AG for the past 100 years under orders by the clintons in order to drive contributions to slick hilly and Mr. Gore went after MSFT in order to attack the biggest muck in the tech space, help their $ raising from the tech cos, and hopefully keep the Republicans out of the White House so they would not be prosecuted for all of their crookedness.

Being in league with and prompted by Ellison, who arrogantly wanted to be the richest man in the world, only adds to the injustice. Tell the state A's G to get lost with their political ambitions also. The CA AG is another Ellison tool.

The deal is cut, it seems reasonable, and seems to address the problem. IF NOT GO AFTER ELLISON—he is a monopoly in the DB sector and it was even worse during the period covered by the MSFT suit.

The DOJ is not supposed to be the business bludgeon of a private citizen and a crooked politician. That was supposed to be banned 50 years ago. And I'm a Democrat. Imagine what I would think if I were not one.

MTC–00001377

From: bousozoku
To: Microsoft ATR
Date: 11/20/01 12:05am
Subject: My comments

Dear Sir or Madam:

As a software developer as well as a computer user, I am concerned that the recent agreement settles nothing for which the lawsuit was initiated.

Over the years, I have seen various attempts by Microsoft to secure its position:

It had been shown by Andrew Schulman in Doctor Dobb's Journal, that they put special programming into Windows 3.0 and 3.1 to dissuade users of Digital Research's DR-DOS with their product. They were also in an agreement to use the Stac storage compression technology, then decided to dissolve the agreement, but left the programming in their MS–DOS 6.2.

Microsoft was late in building office suite software for their own operating system. In the early days of Windows 3.0, their office software performed terribly. When Windows 3.1 arrived, not only did their software perform much faster, the competitors' software broke.

There was much discussion of undisclosed APIs (Application Programming Interfaces) used by the office products. Recently, they disabled Apple's QuickTime plug-in (and others) for Internet Explorer.

I understand that someone will monitor Microsoft's accounting practices. I'm not certain this was ever a problem. It is their business practices which need adjustment.

If Microsoft are allowed to proceed with only a minimum of change, they will continue to restrain free enterprise. I'm not saying that everyone can be protected from Microsoft, but much more needs to be done. Why does Microsoft need to agree to punishments anyway? Does the U.S. government fear Microsoft? Besides this, why was there such a marked change in the course of this trial once the Bush administration came into office?

Thank you,
Curt Risor
Oviedo, FL

MTC–00001378

From: Karl
To: Microsoft ATR
Date: 11/19/01 11:44 pm
Subject: Feedback

The course of this trial since the advent of the current administration is a travesty of justice.

There's a major discrepancy in the judicial process's ability to keep up with the fluidity and capriciousness of business, industry, technology, society. Can we somehow make this leviathan motile? Can the judicial process integrate modern technology to enlarge the ''court of popular opinion'' for one and perhaps incorporate a ''Digital Judiciary,'' a way that can better integrate new information into ongoing efforts for another?

The Court mishandled an episode that's essentially eons past. Meanwhile, in realtime, the defendant has continued with the same behavior it was found guilty of, and now fully intends to consolidate as much control over the digital domain as they can maintain with their instant tap into the purse of each user.

Don't think I haven't noticed the irony of using the defendant's product to generate my response.

How do you kill a giant Money-Sucking parasite that makes it hosts vulnerable to infections?

Exterminate sounds so dramatic.

Karl Cook

MTC–00001379

From: Rene E Lemieux
To: Microsoft ATR
Date: 11/19/01 11:18 pm
Subject: Microsoft Antitrust Settlement

The information that has been made available through the press and commentary by individuals knowledgeable in the world of personal computers indicate that the result of the subject settlement will be a disservice to the consumer.

If Microsoft were to expend as much money and effort in producing and supporting their products as they do in executing legal maneuvers, they would not have to browbeat their vendors and customers to gain acceptance of their software. They have a consistent history of amending their license terms such that a consumer cannot depend upon getting the support called for in the documentation that accompanies their product.

As an example, I purchased the upgrade from Windows 95 to Windows 98SE and the documentation said that I would get 90 days of live telephone product support from the date of my first call. I installed the software and required assistance after 30 days had gone by (I had been trying to use on-line help and their support site). I called the support line and was told that this was the first of my TWO live support calls that I was allowed. I asked about the 90 days provision and was told that it was no longer their support policy.

This is as basic a consumer fraud issue as a car manufacturer reducing a buyer's new car warranty. Yeah, I know they put it in the fine print that if I don't want to accept their license terms I can return the software within 30 days for a refund. What do we do for personal operating systems then? We've already committed to hardware that requires windows. Let's get in the real world and realize that they can only get away with this because of the monopoly they've built in the operating system arena.

Their software is poorly written as evidenced by the unbelievable number of patches they have to produce for each rendition of their software. Allowing them to continue, and indeed strengthen, their demonstrated monopolistic behavior can only cause increased consumer dissatisfaction with no recourse, they hold all the cards. I don't know of another software company that's been able to survive producing applications with failures and security problems to the extent Microsoft does.

Allowing them to integrate more utility and functional software into the operating system will enable them to extend this monopoly to nearly the entire range of utility and functional software currently available from multiple vendors. Obviously there may be some exceptions to this, primarily in very specialized applications such as CAD/CAM, accounting systems, etc.

The greatest impact will be in the consumer and general business office software. We are the ''silent majority'' that get lost in the political sea changes after so much of our money is spent in pursuit of the issue. I will be extremely disappointed if SEVERE constraints are not placed upon both what Microsoft can integrate into the operating system and the extent to which they are allowed to change support provisions after an Item is purchased.

MTC–00001380

From: John Abbe
To: Microsoft ATR
Date: 11/20/01 1:09am
Subject: Yet another citizen

Dear Department of Justice,

I am yet another citizen, writing to ask you to reconsider your slap on the wrist to Microsoft. As their recent actions in blocking non-Microsoft web browsers from msn.com shows, they continue to habitually, and without awareness or remorse, use inappropriate practices to their own advantage.

As their lack of response to the 1995 consent decree shows, future oversight is likely to be insufficient to convince them to change their ways. Without substantial enough legal action that directly addresses

their monopoly power in the very near term (e.g. splitting the company up, required release of Internet Explorer and Windows source code), it seems very likely that they will continue to abuse that power.

Finally, as many others have pointed out, there are many loopholes in the language of the agreement that would make their continued abuse of their monopoly position legal (e.g., the current language lets them define what counts as the operating system).

I urge you to:

1) Find substantial fixes to their anti-competitiveness that are unarguably clear and easily-enforced in the near term, in addition to the competition-restoring requirements on future action in the current settlement (which i predict they will ignore, requiring future court action).

2) Go back and fix the loopholes in whatever remains of the language in the existing settlement.

Sincerely,
John Abbe
1618A Alcatraz Ave
Berkeley, CA 94703
510–654–7113
—
All you need is...
John Abbe / CatHerder http://www.ourpla.net/cgi-bin/pikie.cgi

If you don't like the news, go out and make some of your own.''

—Wes Nisker

MTC–00001381

From: Eric Welch
To: Microsoft ATR
Date: 11/20/01 12:57am
Subject: sell out

You sold out to Microsoft. Bill Gates got an early Christmas present. There is no penalty in the so called ''penalties'' the Justice Department settled for. Windows XP only shows how Microsoft is carrying on as if there had never been a case. Nobody can say justice was done. Have you checked Microsoft's policy that won't allow Dell or Gateway or anyone else to sell OEM versions of Office to any company with more than 500 computers? What is the justification for that?

What about Passport? What about Windows XP's driving people to Microsoft customers to buy photo and print processing? What about their demand that if someone put an icon on the desktop that THREE Microsoft icons have to be there for affiliated services?

You wasted all that money we paid in taxes to pursue Microsoft. They were proven to be a monopoly that did damage to innovation and competition, and a healthy economy. And you are doing NOTHING to stop it. You don't serve the people, you serve the super rich. As many of us have always suspected you would. Cave in, that is. Thanks for nothing.

Eric Welch
Carlsbad, CA

MTC–00001382

From: Raymond Doty
To: Microsoft ATR
Date: 11/20/01 12:17am
Subject: comment

The major failure of the proposed settlement is its failure to address the unfair advantage of the Microsoft applications divisions. The applications divisions have intimate access to the OS during development and can exploit this during application development. Even further, they can tell the OS developers what they would like and they can get a custom patch to suit their needs. Both of these have occurred in the past with Windows 95, and 98. Microsoft products contained updates to the os, which were necessary for the product, but were not available with competitors products. Any fair settlement should preclude the applications divisions from getting any information and treatment in regards to the OS which is not available to other software developers at large, including their competitors.

Raymond Doty

MTC–00001383

From: Danny Bowman
To: Microsoft ATR
Date: 11/20/01 12:14am
Subject: Microsoft

As a certified Microsoft developer with a software product of my own on the market, I am angered by the actions of Microsoft and it's continued leveraging of it's Windows monopoly to propagate it's anti-competitive marketing tactics. The lack of initiative and motivation on the behalf of the Justice department to reign in a convicted monopolist is appalling. I make my living developing software. Were my product to be assimilated into Microsoft's operating system as a ''benefit'' to customers, I would, very simply, be out of business. Microsoft should be able to develop any software they want. But they should NOT be permitted to distribute this software as part of their operating system.

In my opinion, Microsoft software should be a separate business entity from their operating system. Their continued arrogance, bullying, anti-competitive business tactics, and illegal monopolistic conduct as determined by some of the highest courts of our country, should not be permitted to continue. Given Microsoft's continued behavior, the only way to effect a true remedy is break the company in two, per Judge Jackson's earlier decision. He may have not shown the best of judgement in talking to the media, but he certainly had the most realistic perspective on the true nature of Microsoft.

Your's truly,
Danny Bowman
MCSD

MTC–0001384

From: Neil Jensen
To: Microsoft ATR
Date: 11/20/01 2:11 am
Subject: Slap on the wrist

I cannot help but wonder how much Gates paid George W. to get a mere slap on the wrist for Microsoft's outrageous predatory behavior.

Neil Jensen: neil@sumeria.net—http://www.sumeria.net/ If you want to inspire confidence, give plenty of statistics. It does not matter that they should be accurate, or even intelligible, so long as there is enough of them.

—Lewis Carroll

MTC–00001385

From: r.baggarley@waldmann.com@inetgw
To: Microsoft ATR
Date: 11/20/01 1:44 am
Subject: Antitrust Settlement

Why bother to expend the costly resources to take Microsoft to court, have it found guilty and then not insist on any punishment or any serious means to prevent further repetitions of its illegal business practices?

Very few people expect that the so-called remedy that is being proposed will actually reign in Microsoft's flagrant refusal to abide by antitrust law.

The DOJ has made itself a laughingstock and, as much as I support the Bush administration, it appears to have been bought by Microsoft's political contributions.

Pathetic.

Sincerely,
Richard Baggarley

MTC–00001386

From: David Meyer
To: Microsoft ATR
Date: 11/20/01 1:17 am
Subject: Settlement

If Microsoft now wins in the pretense of this ''settlement'' because the government's lawyers are too intimidated or too co-opted, then it is we users and developers who pay the price. Here's the thing. The United States government and the governments of however many states spent a great deal of our taxpayer money in successfully proving Microsoft is an abusive monopolist. That is something we users experience everyday. This settlement is nothing more than an abandonment of what was established in a court of law—that Microsoft is a dangerous, abusive stiffer of competition and innovation. Walking away through the thinly veiled pretense of this ''settlement'' is a betrayal of the judicial process, the law and those of us who foot the bills for such things.

David Meyer

MTC–00001387

From: Francesco Porta
To: Microsoft ATR
Date: 11/20/01 1:15 am
Subject: Please, stop the MSFT Monopoly

Dear Sirs,

I'm working as a System Manager in a library of an Italian University. Even if I try to avoid using MSFT products, I find a lot of problems with them, due to the heavy position of MSFT in the market. In few words, my top problems are:

1. viruses only come from MSFT products used in PCs of my users

2. a lot of my users consider that something is standard if it adhere to MSFT products (Office documents and so on)

3. CDs cannot be used in a network environment because they are at 90% or more only for Windows

4. MSIE doesn't allow some multimedia file to be played, like Quicktime or RealPlayer files.

Best regards. FP
Dott. Francesco Porta—Torino

MTC–00001388

From: Robb Roaten
To: Microsoft ATR

Date: 11/20/01 3:47 am
Subject: Microsoft Anti-trust

Please reconsider your settlement with microsoft. Having been in the industry since the early 90s, I have seen them continually crush innovation. I am extremely disappointed with such an easy settlement for them. Microsoft has already succeded at controlling the technology industry, and will continue to reach into other industries. I am also troubled that our justice system cannot move quickly enough to move against monopoly actions until its way too late.

Thank You,
Robb Roaten
Taxpayer

MTC–00001389

From: Campbell Krenson
To: Microsoft ATR
Date: 11/20/01 2:59 am
Subject: monopolistic downward spiral

hello, I am emailing in concern of the whole Microsoft antitrust case. I have long been a supporter of Microsoft, and thought it better than Linux and/or Unix, as it was the most compatible. although, while examining the facts, in a broad sense, Microsoft is seeing that it's customers are starting to take a new and different view to it's large corporation, and it's not entirely better. in the wake of the fact that Microsoft could be split up, or hit with other serious consequences, it set out to tighten it's grip on it's users (just my opinion, but what do I know? I'm just going off of what I see). this grip has been tightened in ways you might not realize, it is getting the world so hopelessly dependent on windows, that to shut down the company would cause severe economic consequences. Stocks, businesses, and the government would be hit by such a serious action, that, it just might affect our nation's stability. Microsoft is still exercising it's monopolistic powers in some cases, such as that of the case between Microsoft and Sun, where Microsoft thought it would be better to discontinue shipping the real version of java, and put in their own little java version. sun developed java, it's not like Linux which has many different competing developers, java is sun's creation, yet Microsoft is creating their own version? this is pushing sun (a major competitor with Microsoft)...off the table... as explained in many online articles. I now believe Microsoft is phasing the rest of the world out, and creating situations where consumers NEED Microsoft's products for things to work, such as their web page, MSN.com; they have locked any browser except IE to be able to view it. coincidence? XP is shipping with software packages that make up some companies' only product(s), they are decreasing the need on 3rd party software, in essence creating the 'Microsoft gathering' to increase the dependence on the windows operating system. if more people depend on this operating system, the less likely it is to be affected by any, shall we say, government legislation. like the new ruling does not affect Microsoft's profits within the range of 10 cents! because everything is being made for windows, it IS the most compatible, but MS has been making that more and more untrue with every version of windows that they release that doesn't support one more app. I would say 50% is selectively and intentionally not supported, as you see in sun's case and Netscape's case. now to the privacy issue. an operating system that ships with desktop security measures defeats the purpose of being an operating system. a company that tries to 'secure' its products from its customers will lose business. I'm not talking about pirating windows itself, so much as, copying cd's, gathering useless user information and other things of the sort. what good is a product if you can't use it for the original reason you bought the software? Microsoft is also definitely setting up a HUGE database of users, and no doubt will soon be doing business with doubleclick.net, selling anonymous user profiles for money, and yes,

Microsoft would have all of this because everyone will have to have registered. And the dependence on the software will be so high, they will always have a product to sell. Personally addressed advertising will be extended to desktops, without user's notice or permission, as the government passed that INCREDIBLY STUPID FUCKING LAW.....allowing companies to share customer information freely without their permission, and the only way to get them to stop doing that was to specifically say 'don't send it'. I guess the don't send option is what made it pass, as that law totally and completely is unconstitutional and set against the founding principles for freedom, privacy and individuality that our society is so closely based upon. personally, I think it was written by people who don't really think that the internet is a big problem, nor a security issue, but that law extends WAY beyond the internet.

so does anyone see it yet? Microsoft is increasing our 'need' of windows, and the government is punishing them, which is really kicking all of the consumers in the ass. people need to pick, it is obviously not in the interests of the public to have to share information about them that is not necessary for normal business operation. so do you root for the government and all the other computer manufacturers and software programmers that Microsoft is very apparently belittling, but hiding behind the excuse that, MS makes it's own software, and therefore has a right to distribute whatever it likes with windows? Well Microsoft has transformed, once you have no healthy competition, and you have lots of business, you become a SERVICE not a business. some people are also praising Microsoft. For what exactly? Putting out 4 different versions of their operating system per year, and only changing minor things? this recent change is welcome, yet they focus on an aspect of the operating system that is not critical to the goal of the product. which is multimedia, woo hoo(yea right). If I want a rich multimedia experience, it's NOT going to be coming from Microsoft that's for sure! so Microsoft is slowly phasing other software out by trying to cover all it's bases: gaming (x box, and computer games), firewalls, imaging software, java, Linux, (and not to mention the 50 gazillion software titles it is not compatible with), and most definitely the ultimate TV system. by including these products, users feel no need to go out and buy software, or certain hardware for that matter, causing a downturn in the economy. Nobody would be buying anything, because they already have it. maybe one day Microsoft would make their own computers, fully equipped and compatible with nothing but Microsoft's products of course!

what if the government were to shut down Microsoft? Microsoft would undergo heavy lawsuits because users that purchased windows xp, cant register their product, and therefore wont work. so the government would have to keep some aspect of Microsoft alive, insuring that the economy doesn't undergo drastic swings because current technology doesn't work right. MS certainly has made their place in the world with windows XP, NOW THEY CAN'T BE SHUT DOWN. thank you for reading my email and letting me get my point out there. thanks,

Campbell
Graphics/IT Support
xeronol@mindspring.com
ckrenson@hotmail.com

P.S.—while revising this email, windows 2000 crashed with a very ugly blue screen, which froze again in the process dumping the memory, and never automatically rebooted the computer. another coincidence?

MTC–00001390

From: Phil Shapiro
To: Microsoft ATR
Date: 11/20/01 2:55am
Subject: astounded at no penalty in settlement agreement

i was astounded to hear that there is no penalty fee in the proposed microsoft settlement agreement. the message this sends the public? breaking the law does pay.

—phil shapiro
arlington, virginia

MTC–00001391

From: Jerry Pham
To: Microsoft ATR
Date: 11/20/01 2:27am
Subject: This settlement is a travesty of justice. There are loopholes that allow

This settlement is a travesty of justice. There are loopholes that allow Microsoft to escape from almost every restriction placed on them. There are no punitive measures for their past violations of Anti-Trust laws. This is dispicable and I am thoroughly outraged. You can tell You boss, Mr. Bush, that I do not intend to vote for him in 2004 if this is allowed. Furthermore, I will campaign for and support his opponent, whoever it may be, from the primaries until November 11. As a conservative, I do not wish to do this, but I cannot let our Justice System be tainted, whether it be from the Left or Right.

MTC–00001392

From: Geers J.C.
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/20/01 4:41am
Subject: The case

Hello,

I'm writting you from the Netherlands. I'm try too keep uptodate with the case most of the time and from what I heard.

The sollution before you is a sollution for the future . But the case lacks a punishment for what's done in the past.

—Compaies have lost lots of profit by microsoft doings.
—People all over the world have been left no choice of what they use.
—and more

All this has been said to be true. Why isn't there a punishment for this in the settlement?? I ssems to me this is like a little kid who steals candy. And you telling the kid not to steal in the future. Microsoft isn't a kid. They're grown up. So please be a judge and not a Mom or Dad and punish MS like a adult. They know the've been wrong. Think of all the people/companies that got hurt by them.

A sollution like this one isn't fare to them.

Thanks

Chris Geers MCSE.

The Netherlands. (sorry for my poor english.)

De informatie in dit e-mail bericht is uitsluitend bestemd voor de geadresseerde. Verstrekking aan—en gebruik door anderen is niet toegestaan. Aan persoonlijke opvattingen van medewerkers van het waterschap Reest en Wieden kunnen geen rechten worden ontleend.

MTC–00001393

From: chas
To: Microsoft ATR
Date: 11/20/01 4:54am
Subject: DOJ settlement

I'm afraid that the settlement doesn't go far enough. The original focus was to break up the company. Ultimately the settlement amounted to no more than a slap on the wrist. For instance, no sooner did the settlement finalize, than MS was accused of keeping all but its own browsers from accessing its MSN network. Granted, it was remedied but it is an example of how MS flaunts its ''power'' in the face of the DOJ.

Time will tell.

Charles Cusumano

MTC–00001394

From: Barbara Renz
To: Microsoft ATR
Date: 12/6/01 2:28pm
Subject: Microsoft Windows software

There need to be strict actions against Microsoft. They obviously have a monopoly and it is not because it's a great operating system. Windows is a lousy operating system, but what else is there to use? Every PC I buy comes with Windows preloaded, where do I get a different OS? Have you ever tried to delete Windows Internet Explorer or Outlook from the computer? You can't do it! They have to be installed or the Windows operating system won't work! Where are my choices as a consumer? How can there be any competition when there is only one product available? If computers are going to be sold with software on them, then there should be different operating systems for the buyer to try included on the computer. If consumers did have access to different software then Microsoft wouldn't be such a big company because their software is terrible and they know it!

Thank you,

Barbara Renz

MTC–00001395

From: Bob Fila
To: Microsoft ATR
Date: 11/20/01 7:30am
Subject: Proposed settlement

As a personal and business user of both Macintosh and Windows operating systems, I urge you to insist that the Windows operating system be treated as such, i.e. an operating system only, and that Microsoft not be allowed to bundle its own software accessory features into the operating system—as users we should be allowed to select whatever accessory software programs we want to and we should not be subjected to having to figure out how to remove Microsoft's embedded programs like Windows Media or Internet Explorer nor be expected to use these programs as our first choice. An operating system is just what it says—a software program to perform the ''basic'' operations of the computer—comsumers should always have the option of choosing what alternative accessory software they want to provide more user specific functions such as accessing the internet, downloading music files, playing streaming video, etc.

MTC–00001396

From: Patrick E. Mc Hugh
To: Microsoft ATR
Date: 11/20/01 6:40am
Subject: Get off their backs

It is with great displeasure that as an American I look at your efforts of time and money that has been expended against Microsoft, when there were terrorists plotting the killing of Americans running free and your eyes were blinded to this threat by your over zealous and partisan nature to bring down a company that has made all our lives better through more effective technology. Let the marketplace decide who has a better product that consumers want to spend their dollars on.

Patrick E. Mc Hugh

MTC–00001397

From: Rob Short
To: Microsoft ATR
Date: 11/20/01 5:41am
Subject: Microsoft Anti-trust

Thank you for setting up this feedback link to the DOJ. I appreciate the ability to respond to the topic of Microsoft's anti-trust activity. I believe we should vigorously pursue legal remediation for the following reasons:

1. Microsoft consistently demonstrates an aggressive predatory practice towards smaller, more nimble but less cash rich companies. result:

A. as a result of this practice, innovation is diminished as Microsoft slaps together proprietary means of controlling the general public's use of technology.

B. America's ability to engage in progress in the new information age is stifled as Microsoft seeks to control the markets rather than have technology move forward.

2. Any company attempting to corner the technology market this early in a new era is a threat to the well being of America's competitive philosophies. Imagine standardizing on a particular type of car at the beginning of the 20th century, or one type of boat at the dawn of the age of discovery.

3. Microsoft blurs the lines of international standards for web access and functionality. result:

An internet that doesn't always work the way it should with competing versions of JAVA and html that do not work the same way on each platform or each browser as Microsoft makes Explorer work only with certain flavors.

Internet companies with huge productivity losses as they have to design web sites with competing versions of standards in mind.

Microsoft is more than capable of competing fairly, it is time that we impose very harsh restrictions on their anti competitive practices.

Their last series of court cases clearly showed their willingness to lie in the courtroom(-telling the Federal government in a sham test that Explorer could not be seperated from Windows), demonstrated their reliance upon lawyers and delaying tactics rather than innovation, and showed the American public how smaller companies that could have made a difference in the future have been smashed by Microsoft legal hopscotch and the release of inferior products onto the market. Thanks for the opportunity to respond.

Warm regards,

Rob Short

Richmond, VA

MTC–00001398

From: John Droz, jr.
To: Microsoft ATR
Date: 11/20/01 7:52am
Subject: Microsoft Settlement

Sirs:

Thanks you for being open to comments on this case. As a physicist, member of Mensa, and a person who has been involved with computers for over thirty years (e.g. as a consultant with several hundred clients), I am admittedly not your average consumer. I want to briefly say that, in my opinion, the federal government's proposed settlement with Microsoft is an embarrassing sellout to a company that has had a LONG history of persistent, unacceptable and untrustworthy behavior.

PLEASE DO NOT IMPLEMENT ANY SUCH AGREEMENT!

Feel free to contact me for computer related matters.

John Droz, jr.
HC 1 Box 50
Greig, NY 13345

MTC–00001399

From: rand wetherwax
To: Microsoft ATR
Date: 11/20/01 7:50am
Subject: microsoft is bad

I have seen Microsoft bully MANY companies buying them out, stealing their ideas, making shoddy copies...

PLEASE—we need to STOP M$!

MICROSOFT IS A MONOPOLY!

How many times does this need to be proved?!

Do something stronger to protect us innovator!

thanks

rand wetherwax

san francisco, ca

MTC–00001400

From: Michael J. Mcnall
To: Microsoft ATR
Date: 11/20/01 7:36am
Subject: Microsoft vs Freedom

November 20, 2001

Salutations sojourner,

I do not know if I have the means requisite to adequately communicate my benumbed dismay over the egregious lack of Justice in the courts decision regarding MicroSoft. There is nearly the taint of perfidy in the air surrounding the removal of Mr. Jackson coupled with the clownish censure of him by some sycophants of MicroSoft.

The evidence presented in the trail was clear enough for a blind fool to perceive, that Microsoft is guilty. Their machinations and evasive dissimulation's underscored their guilt most aptly. In fact they are culpable of a most grievous evil against that hallowed pillar of America, Freedom. Through the the wickedness of their hearts and the rapacious greed which drives them, MicroSoft has declared all shall bend the knee in servitude to their system.

I am not a slave. I will not pledge allegiance to an Evil company. I am a free man who would have all Americans and the businesses which provide services to them have the freedom to choose the computer operating system they desire, not that which Mr. Gates and Mr. Ballmer declare they must use.

It is my prayer that in this late hour of the darkening gloom some persons of courage would lift up the Light of Truth and render a judgment against MicroSoft of such a profound severity they would become incapable of ever perverting the course of the digital realm again.

Please, I beseech you, stand as Moses stood before the corrupt Pharaoh and deliver us from the tyranny of his dominion in to the land of Freedom, yet once more.

Sincerely,

Michael J. McNall

MTC–00001401

From: rand wetherwax
To: Microsoft ATR
Date: 11/20/01 7:31am
Subject: microsoft is bad to me!

I have seen Microsoft bully MANY companies buying them out, stealing their ideas, making shoddy copies...

PLEASE—we need to STOP M$!

MICROSOFT IS A MONOPOLY!

How many times does this need to be proved?!

Do something stronger to protect us innovator!

thanks

rand wetherwax

san francisco, ca

Hey, my email in Paris is the same old one! randw@pacbell.net

MTC–00001402

From: Paul
To: Microsoft ATR
Date: 11/20/01 7:59am
Subject: Anti trust case

I feel that you let Microsoft off too lightly. It will be too long before they feel any affects of your ''settlement'' and it will be business as usual.

I am disappointed.

Paul Troyer

713 W. Main Street

Sugarcreek, Ohio 44681 —

Paul Troyer

IT Manager

Mahon Studios, Inc.

MTC–00001403

From: Mike Wagman
To: Microsoft ATR
Date: 11/20/01 7:56am
Subject: Microsoft ruling

To be honest I was very surprised by the settlement. I do feel it is far from complete. The main reason was the lack of respect they show by continuing their strong arm tactics while the trial was going on.

The spent 130 million to buy controling interest in Corel, shutdown Corel Linux—changed the charter of the co so they won't start it up again. Sold it for a 65 million loss.

Microsofts defense of this was two fold.

First to blame you—stating the judicial pressure forced them to sell Corel (although that does not explains the changes they forced Corel to make) so they would not control the industry.

Secondly as they lost money how could that have been illegal. Microsoft has consitantly demonstrated a desire to impeed inovation in this industry unless they have purchased the right to it. They have demonstrated a sever lack of respect for the laws of this nation. They have an insane ego—demonstrated by calling a product of theirs ''me''. I am a computer repair technician and consitantly see alternatives to microsoft outperform microsoft products, however no one can break the strangle hold they have on things.

MTC–00001404

From: Pam Niedermayer
To: Microsoft ATR
Date: 11/20/01 7:53am
Subject: Microsoft Settlement

And this is what monopolies do:

Wall St. Journal, 11/20/01

http://interactive.wsj.com/articles/SB1006208124410658840.htm

I figured maybe you people have forgotten why you originally sued MS. —

Pamela G. Niedermayer

Pinehill Softworks Inc.

600 W. 28th St., Suite 103

Austin, TX 78705

512–925–9313

http://www.pinehill.com

MTC–00001405

From: RMaring478@aol.com@inetgw
To: Microsoft ATR
Date: 11/20/01 8:39am
Subject: Disgrace

Renata Hess:

You have whitewashed this case. Please rethink what you have done in the name of fair competition.

Rick Maring

MTC–00001406

From: aymsley
To: Microsoft ATR
Date: 11/20/01 8:39am
Subject: amazing!

I am simply overwhelmed and amazed at how easy it must be to buy your way out of pemalties. Things aren't going your way, lets get (BUY) a new more sympathetic administration and we will be ok! The republicans and microsoft really pulled one this time...but just wait, it all comes around. We will bring it up in the next election.

MTC–00001407

From: Richard C(00F4)t(00E9)
To: Microsoft ATR
Date: 11/20/01 8:29am
Subject: Microsoft Settlement

To whom it may concern:

As a person who's been involved in computing for over 20 years, I'm quite disappointed with how little progress has been made in the area of usability. I've been a longtime Mac enthusiast, largely because Apple Computer has maintained innovation as a core value. But as hard as a few select hardware and software developers have tried, in the face of the difficulty so many people have in using computers as a so-called productivity tool, I ask myself, ''Is that all there is?''

I am very disappointed with the direction the settlement is going against Microsoft. It's a deft twist of logic that Microsoft's defense is to protect their right to innovate, when countless elements of their products are ideas that have been either outright copied from others or ''dumbed-down'' implementations of a similar concept.

I do have respect for the market economy. I do feel that in order to survive, any product must have the right balance of satisfying a need of a customer, and should adequately reward the developer for their efforts required in making such product available. Once innovation stagnates, however, I don't see the value to the economy as a whole in merely churning profits, particularly in the computer industry, which is still in its nascent phase. Products such as wristwatches and bicycles have long since reached a point where their chief functionality has been satisfied, and innovation is less crucial. Moreover, I don't know of many people who are particularly intimidated by either of those products — something I cannot say of the desktop computer.

It reminds me of the automobile industry some 25 years ago, which seemed rather stale until the rising quality and better cost on imports began to outflank domestic auto giants. The complacency encouraged expensive, inferior products, and once something better did arrive, the industry shift was needlessly abrupt.

I believe that Microsoft's practises have chilled competition. Today, once the Internet browser leader, Netscape, is practically a parody of itself. Java, the ''write once, run anywhere'' language, is slowly being asphyxiated by Microsoft's ever-changing ''standards'' and protests. When importing text files from Microsoft products, invariably certain characters are transposed with others—flying in the face of the ASCII character standard, which, once adopted some 35 years ago, became the foundation of modern computing. Divide and conquer.

As a Canadian citizen, I have no voting power in the United States to express my

opinion on these matters. Nonetheless, computers are the centre of my working career, and I do know that their potential as a business, educational and informational tool has not yet been attained. I do feel that Microsoft's practises have become a barrier to that end, and would like to see that they be appropriately discouraged from continuing to operate as they do.

Sincerely,
Richard Cote
2306–23 Sudbury Street
Toronto, Ontario, Canada
M6J 3W6

MTC–00001408

From: Frank D'Angeli
To: Microsoft ATR,microsoft comments@doj.ca. gov@inetgw,...
Date: 11/20/01 8:28am
Subject: Microsoft Settlement Not in Public Interest

Thank you for taking the time to read this email. As a professional computer user, and avid reader of the industry rags since 1984, with extensive experience with both Wintel and Mac computers, I feel compelled to let my thoughts be known regarding the Microsoft settlement. I had noticed since 1991 that Microsoft was strong-arming OEM's and competitors. I remember then wondering why the government was letting this happen. Microsoft had a choke-hold on technology and I was beginning to resent their hold because I noticed that the capabilities of my Mac were always introduced by Apple first and then copied (and not as well, I might add) by Microsoft. It made me mad that people that only used Windows would get technologies years after I had received them from Apple yet they thought Microsoft invented them. I knew this would slow the rate of innovation in the industry; affecting me, the consumer from being able to use technology that was being stifled by Microsoft.

I heard someone say that racketeering charges should be brought against Microsoft. I agree with that. But, as for the current settlement, please do all you can to have the original remedy reinstated; breakup Microsoft. They need their OS company broken into two or three pieces so that their goal of forcing their activation scheme, .NET, PassPort, Hailstorm, is not forced on customers that want windows but don't want to sell out their freedom.

One of most embarrassing days of being an American was when Bill Gates was asked by the Republican leadership why he wasn't donating more money to them. Here was a congressman, who is supposed to uphold the law, putting out his hand to a convicted monopolist and asking for it to be greased! Unbelievable.

Microsoft tried to kill the anti-trust division; they didn't succeed but they found another way to win, by making a back room deal with Charles James, who is a disgrace. Please fight this settlement with all you have for people like me that know the truth and know that Microsoft must, must, must be stopped and punished. Thank you.

Sincerely,
Frank D'Angeli
57 Pinkert Street
Medford, MA 02155

MTC–00001409

From: Don Tillman
To: Microsoft ATR,dtillman@wright.edu@inetgw
Date: 11/20/01 8:58am
Subject: Suggestions.. probably not the first;)

Greetings!

My name is Don Tillman. I am the Computer Engineer with Wright State University's Department of Psychology. I have been working with computers for 17 years, 12 years professionally. Over the years I have been watching Microsoft and the industry in a microscopic and macroscopic fashion. From all of my reading about Microsoft (books, magazines and journals) and from my experiences as a technician of hardware and software (Mac, Windows(PC), and Unix) I have come to some conclusions.

*It is clear that Microsoft is a monopoly.

*They are a monopoly in our department because of their Office software.

*They are a monopoly with other software developers since Microsoft owns about 90% of the market share (operating systems): Software developers hardly want to consider developing for the Macintosh (Apple Computer) or Linux(Unix) since they seem to only have such a small market share. This is a BIG problem. This only helps the monopoly that Microsoft has.

*It is clear that Microsoft has been helping it's own application developers with it's own undisclosed documentation about it's API's and they have abused that information to beat the competition by developing faster and more efficiently with those API's.

It is clear that WE NEED a STRONG remedy for the situation.

Your current remedy is not strong enough. Here is what I propose. . .

(1) Microsoft open all of it's file format for all of it's application software for 10 years. This would include Microsoft Office et. al. This would allow developers to write competing Office software that is file compatible with Microsoft's. This is crucial since competition cannot exist without being compatible with the biggest office suite in existence.

(2) A true breakup of Microsoft. It is clear that they are abusing their power and the only way to stop that (considering that they have not been coperative on reasonable terms) is by making the giant smaller. Peroid.

Here are the groups:
Applications (Office etc.)
Operating Systems
Software development tools
Games and gaming hardware
Educational Software

This will force Microsoft to behave by forcing to live by the rules that it has imposed on other companies in terms of competition and access to relevant API's.

Microsoft has had years to work with you and other companies politely and kindly. They have done nothing but stonewall the process and manipulate the media and deliberately piss off Judge Jackson so that they could trash his ruling. It is VERY OBVIOUS that Microsoft seems to think that they have to answer to no one. I SAY THAT THEY ARE WRONG! A slap on Microsoft's wrist is the wrong message. They need to be emasculated!

Sincerely,
Don Tillman

MTC–00001410

From: William Wang
To: Microsoft ATR,microsoftcomments @doj.ca.gov@inetgw,. . .
Date: 11/20/01 8:55am
Subject: Microsoft has gotten off too easy!

Hello I would like to voice my displeasure with the feds settlement agreement. It seems to me that Microsoft has indulged in not only anti-trust violations but racketeering as well. Is this a possible avenue of approaching their abuses? I am very saddened that the history I learned in High school and the supposed laws I learned in college don't apply to a giant corporation like Microsoft. I guess if you are a big enough corporation you can use dirty, underhanded techniques to dominate the market and become the monopoly you wish. I urge you all to do something about this situation and punish those who break the rules.

Unless times have changed so drastically this is not the America that was once advertised.

Sincerely,
William N. Wang, M.D.
14 South Letitia St.
Apartment 202
Philadelphia, PA 19106

MTC–00001411

From: James O'Brien
To: Microsoft ATR
Date: 11/20/01 8:40am
Subject: Public Interest

The DOJ settlement with Microsoft is in the public's best interest. The competitive playing field is open and level. There are many very substantial companies which have the intellectual and financial resources needed to successfully compete with Microsoft, including Oracle, SunMicrosystems, IBM, Compaq, Hewlett Packard, Computer Associates, Intel, Dell, etc. These companies are free to offer competitive products to the public, should any or all of them choose to do so. They certainly do not need Federal or State governments to help them compete.

The average consumer has benefited greatly from Microsoft's innovation, excellent products, and very affordable prices. DOJ's settlement with Microsoft is appropriate and in the best interest of technology consumers. Continued opposition to the settlement by certain States is irrational.

James E. O'Brien
O'Brien Consulting, Inc.
Winter Park, FL

MTC–00001412

From: Michael_Lin
To: Microsoft ATR
Date: 11/20/01 9:04am
Subject: Microsoft settlement terrible for public

Dear Justice Department:

I will get right to the point: your settlement with Microsoft is shamefully inadequate. Even BusinessWeek, no enemy of the interests of corporate America, firmly

criticized the settlement as doing too little, both in what it did cover and what it did not.

I will not give technical suggestions on how the settlement can be improved. I am sure you have been receiving a lot of feedback in this area. I will only raise the very important issue of deterrence and punishment. When a criminal is convicted, there is usually some punishment. If not, there is the threat of future punishment to deter repeat offenses. In your settlement, I see neither. If I understand correctly, the only punishment if Microsoft violates the five-year accord is that the terms will be extended for another two years. You mean, the punishment for breaking an agreement and rendering it ineffectual (yet again), is that they will be asked to follow the agreement for a little longer? This agreement would be appropriate only if there had been no court cases, or if Microsoft had prevailed in court. However, we, the public, through the efforts of you, the Justice Department, have won repeated rulings that Microsoft broke the law.

Given that Microsoft's willingness to commit criminal acts has been proven, strong deterrence is needed. You should insist that if Microsoft violates the current agreement in the future, it will be broken up. Nothing less than the fear of breakup will deter Microsoft from acting however it will. The fate of the last consent agreement demonstrates as such.

Please remember that you represent us, the public, who are all consumers of computer software. It is your duty to serve our interests.

Sincerely,
Michael Lin
Children's Hospital, Enders 250
300 Longwood Avenue
Boston, MA 02115
phone: 617–355–5949/8395
fax: 617–738–1542

MTC–00001413

From: David Maxwell
To: Microsoft ATR
Date: 11/20/01 8:59am
Subject: vs. Microsoft

Dear Sirs:

I am writing to notify you of my support for continued prosecution of Microsoft, in order that they may be more heavily censured. At the least I hope they are pressured to reduce their heavy-handedness, and at the best I hope they are restricted from their monopolistic practices. I am disturbed by Microsoft's behavior, and consider it to fit under the definition of racketeering in many cases. I applaud your efforts to investigate this matter and to protect the consumer. Please continue pressing for more severe penalties for Microsoft in order that the consumer and marketplace can benefit.

I am a U.S. citizen, but although I currently reside outside of the United States, I believe that this issue has a worldwide effect.

Sincerely,
David Maxwell
Higashi 1, 21–1 Aoi-cho
Kakegawa-shi, Shizuoka-ken
436–0018
JAPAN

MTC–00001414

From: William Wang
To: Microsoft ATR,microsoftcomments @doj.ca.gov@inetgw,...
Date: 11/20/01 8:59am
Subject: Microsoft has gotten off too easy!

Hello I would like to voice my displeasure with the feds settlement agreement. It seems to me that Microsoft has indulged in not only anti-trust violations but racketeering as well. Is this a possible avenue of approaching their abuses? I am very saddened that the history I learned in High school and the supposed laws I learned in college don't apply to a giant corporation like Microsoft. I guess if you are a big enough corporation you can use dirty, underhanded techniques to dominate the market and become the monopoly you wish. I urge you all to do something about this situation and punish those who break the rules. Unless times have changed so drastically this is not the America that was once advertised.

Sincerely,
William N. Wang, M.D.
14 South Letitia St.
Apartment 202
Philadelphia, PA 19106

MTC–00001415

From: Scott Turner
To: Microsoft ATR
Date: 11/20/01 9:39am
Subject: Microsoft vs DOJ

Sir,

Funny how things go, when our Govenor Bush won the election, the first thing I thought was, ''Well, Microsoft just got off the hook.'' I really had hoped that the DOJ would hold Microsoft to the same standard that others are held, but it really does appear that they bought their president. After being found guilty of violating the Anti-trust laws, you let them off with a ''Please don't be a bad boy.''

They didn't follow any of the agreements that they had prior to this, what makes you think that they will follow any slap on the wrist agreement now? You must apply a stringent penalty to them. If they had competed, rather than start with the rather lopsided advantage that they did, they would have had to do thing differently. Lets face it, Microsoft doesn't compete. They apply try to apply what the Soviet military called the eleventh principle of war, anahilation. Or haven't you noticed that while releasing updates to their OS they have steadily increased their price of the OS, while providing ''free'' their web browser. Of course it's free. You pay for it when you purchase the OS.

That is why it is more expensive.

Scott Turner

MTC–00001416

From: James F. Palmer
To: Microsoft ATR
Date: 11/20/01 9:17am
Subject: Microsoft Settlement

To whom it may concern,

I am a professor who teaches in a landscape architecture program and does independent consulting. I use both Wintel and Apple computers. I am disappointed in the recently announced Justice Department antitrust settlement with Microsoft. The settlement seems to me focused on protecting of the right of computer sellers to advertise rather than to stop Microsoft from controlling the software market through their dominance in the operating system market. This settlement does little to nothing that will place Microsoft on an even playing field with other software developers. Microsoft's most recent operating system release has an even more inhibiting effect on users (including myself) who might purchase third party software and on developers who might write such software.

I understand that many are pleased to just have the whole thing settled. However, the settlement misses the point and lets the offender go free.

James F. Palmer, Ph.D., ASLA
SUNY–ESF
Syracuse, NY 13210

MTC–00001417

From: Philippe Roy
To: Microsoft ATR
Date: 11/20/01 9:17am
Subject: Microsoft
To: Attorney General
From: Philippe Roy, 7770 Oak Grove Cir., Lake-Worth, FL, 33467
Object: Seeking a non-monopolistic Software and OS market.

As we can see clearly with shipment of XP, Microsoft has not changed and will not change unless you do something about this. In XP, they are currently seeking the death of MP3. Given that they can't provide a better technology, they use there monopolistic market to leverage their own technology. It is exactly that kind of behavior that makes our technological lives totally miserable. Once a smaller company produces a winning product or solution, they create something hardly comparable and blocks the original solution from their OS. This is unacceptable. Bullying shouldn't be rewarded.

I strongly hope that you will pursue the avenue of breaking up Microsoft in 2 distinct and separated companies. This is the only solution that doesn't rely on having them understanding their wrong-doing.

Good luck and, should you succeed, we will be forever be grateful about your contribution to a successful technological non-monopolistic society.

Philippe Roy

MTC–00001418

From: John Konopka
To: Microsoft ATR
Date: 11/20/01 9:05am
Subject: re: ms antitrust case

Sirs,

I just wanted to drop you a line to say I am very disappointed with the proposed settlement in the microsoft antitrust case. I can't speak about this legally but I wanted to tell you that I really hope there is some way to secure stronger remedies in this case. If the government can't protect us from microsoft's illegal behavior who will?

Best Regards,
john konopka

MTC–00001419

From: Ace Hobby Web (038) Graphics
To: Microsoft ATR
Date: 11/20/01 10:09am
Subject: not much of a settlement

If the DOJ wasn't going to punish Microsoft, then why didn't they just say so, instead of pretending to do something with this sham of a settlement. I could enumerate the instances in which they violated the law and attempted to deceive the court, but you should already know those facts.

Is the DOJ familiar with the eponym 'Quisling'?

Dan Poynter
Webmaster, Graphics Department
Ace Hobby Distributors, Inc.

MTC–00001420

From: Howard Robinson
To: Microsoft ATR
Date: 11/20/01 9:49am
Subject: Microsoft antitrust case

I do not think the government really sees the real problem with Microsoft. The only way to move forward is sperating the operating system from applications. Why?

When the upgrade from Windows 95 to 98 came out, guess what. The best selling video board, best selling sound board, the Jaz 1GB backup unit would not work any more. Why? Because MS changed their software so the drivers would no longer work since these companies would not kiss up to MS. We all had to work around the problems until the drivers were reworked. MS knew this all along. What did that cost little users like me? Too much! Out of the 5 major word processors in the last 15 years, MS actions has killed three of them. All of which are better than any copy of MS Word. The fifth one did themselves in without help from MS. We are now left MS Word. It is a very poor, buggie program that can't do what the other three could do. (And I still use two of them all the time and use Word only when others require it. And then I convert Word to XY to operate.)

Why does MS operating systems crash? Because they can't or will not write a good memory manager. (Good ones like QEMM & OS2). MS does not use the memory protection levels in the Intel chips because by not using them it is easy to block other companies application programs and drivers. O, but controlling MS with slow down the great progress MS has made for us in solfware! If you believe that, I has some swamp land for sale for you. All during the 80's we had freeware/shareware add ons to the operating system that its still ahead of anything MS can do. (And I still use for serious computing.) Now every good fix/add-on that comes out, MS quickly makes a change in the operating system so it will not work anymore. But, it does not matter if the government solves this problem. The real world and market place will find other solutions to MS and their poor controlling software. Most of us serious computer users are finding ways around these problems and in ten years MS will not be needed anymore. The problem is it cost us lots of money and time to solve/fix the problem generated by MS continued sabotage of others software. Why should it all operate the one way MS wants it? Its a computer that can be programmed anyway we want to do things. In the end we will control it. We just don't have billions of dollars to do it like MS.

Howard Robinson
2420 Westridge
Plano TX 75075

MTC–00001421

From: bobj@msn.com@inetgw
To: Microsoft ATR
Date: 11/20/01 9:46am
Subject: this is fun!!

You have got to check this out!!! Its unreal!! Just click on the link....Bobbie http://go.readclick.com/refid.cgi?refid=145380

MTC–00001422

From: Jim
To: Microsoft ATR
Date: 11/20/01 9:41am
Subject: Microsoft settlement

I respectfully submit these comments and observations. I am a technologist who has been in this industry since 1985. I currently work for a brand building corporation that uses both Windows and Macintosh systems. In a prior career I worked for Ameritech (now SBC) for 30 years, five of which were in the IT organization.

It appears that Microsoft has again accomplished its objectives and will continue now on its campaign of total dominance of anything it chooses. I fail to understand why our US Justice representatives, would once again offer a simple slap on the wrist to a company that has ignored a similar punishment in the past. Clearly, this approach has not and will not work. Microsoft has so many ways to interpret this proposed agreement that it is a total waste of paper. Were they not convicted of being an illegal monopoly? Did they not destroy competition in as many ruthless and illegal ways as they desired? Will this agreement, increase competition? Is this agreement good for our future? I believe, along with many others, that the answer to all these questions is a resounding NO.

I strongly encourage you to persist in your efforts to vigorously bring this case to justice. A justice that will encourage competition and send a clear message to Microsoft and any others who operate outside the law. Microsoft's aggressive and illegal behavior should be curbed once and for all. It is harmful to our future IT economy to allow this evil doer to continue in its illegal pursuits.

Respectfully submitted,
James R. Felbab
Technologist,
Hanson, Dodge Design
jfelbab@hanson-dodge.com

MTC–00001423

From: Digital Solutions
To: microsoftcomments@doj.ca.gov@inetgw
Date: 11/20/01 10:19am
Subject: Disappointed in Microsoft Settlement

It really is a shame to see big business act the way Microsoft behaves. If all the AG's and Justice would take a hard look at the nose thumbing that Microsoft performed with XP, you would see blatant disregard for any laws. Why did the settlement come after WinXP was released? Microsoft rushed the release because once the cat was out of the bag, no one was going to put it bag in. Look at all the added software that XP has included. This exactly the same argument as the browser tying issue.

I want everyone to take a look around themselves and examine the impact that Microsoft has on every element of society. Is this good? If you answered yes, then it will only get worse. (i.e. Xbox, Passport, MSN browser lockout, Windows Media Player music files on CD, list goes on). If you think that it is unhealthy for one company to dictate how we live and use their power to cripple consumer decisions, then the settlement as we know it must be adjusted for harsher terms.

Ray George
Product Line Manager
Digital Solutions
3057 Union Street
Bellaire, OH 43906
740–676–8776 x222
740–676–4441 fax
CC:Microsoft
ATR,attorney.general@po.
state.ct.us@inet. . .

MTC–00001424

From: Oz Barron
To: Microsoft
ATR,consumer@mail.wvnet.edu
@inetgw,attor. . .
Date: 11/20/01 10:19am
Subject: Regarding the settlement

Thank you for providing the ability for the public to comment on the proposed settlement to the Microsoft case. As as been established for years, Microsoft has indulged over and over again in anti-competitive, predatory monopolistic behavior. The list of companies they have killed, and the technologies they have crushed grow longer every day.

If there were one isolated issue, or a short term business practice involved, I would agree that a soft penalty as is proposed would be appropriate, but Microsoft's history and on-going business practices show a blatant disregard for the letter and spirit of the law.

Through their illegal behavior, Microsoft has established themselves as a monopoly and they have grown wealthy at the expense of true competition and the budgets of millions of technology users. Across the board, we have seen technology prices drop, from hardware to software, except in the case of those tools developed by Microsoft. Competing products, such as word processors, spreadsheets, and even operating systems, have no real chance of competing where the basic rules are written and closely guarded by one company.

To use an analogy, it is as if Ford owned the exclusive right to produce oil. We all have to use it in one form or another, but Ford would be free to sell it for any price they chose, and to restrict its access and use in any way they see fit.

This is very similar to the current climate in the computer industry. I strongly urge you to reconsider your stance, and to apply much stronger penalties in this case. Allowing Microsoft to continue on as usual, as they will under this proposed agreement, will continue to stifle competition and innovation in the industry. After all, Microsoft has not developed ANY new technologies themselves, with the exception of the Access

database, a product so poorly written, it is given away free.

Thank you for your time.

A bit about me: I have been involved with the personal computer industry for over 20 years. I remember when MS first started. I have used every operating system on the desktop from CP/M, DOS, Windows 1.0, Atari, Amiga, Commodore, OS/2, NT, Unix, Mac OS 9, and now Mac OS X. I am not a kid with wild eyes and an axe to grind, I'm just a small business trying to earn a living, but Microsoft's predatory practices continue to cost me a significant amount of money.

Oz Barron
6 Moraine St
Belmont, AM 02478
617–489–8703

MTC–00001425

From: Kevin Walker
To: Microsoft ATR
Date: 11/20/01 10:18am
Subject: Comment on Microsoft anti-trust case

To whom it may concern:

I have long experience with personal computers, and it is clear to me that Microsoft's operating system monopoly is very harmful to consumers.

The proposed settlement falls far short of giving consumers the full benefits of a free market.

Kevin Walker
3481 Redcliff Rd
Moab, UT 84532

MTC–00001426

From: carriecarrie@mac.com@inetgw
To: Microsoft ATR
Date: 11/20/01 10:11am
Subject: Giving Away the Store

Mr Attorney General,

Is it customary to give up when an appeals court has declared you a victor? I cannot express fully the distress I feel over the DOJ mishandling the Microsoft anti-trust case. After the appeals court decision stating that Microsoft is indeed an illegal monopoly, the DOJ turns around and gives away the store.

Shame on Attorney General John Ashcroft for not standing up for the rule of law and not standing up for the American people. Janet Reno would never have denied us justice like that.

Carrie Beal
129 Painted Post
Bastrop TX 78602

MTC–00001427

From: Jacob Engstrand
To: Microsoft ATR
Date: 11/20/01 10:27am
Subject: Comments

Hello,

My name is Jacob Engstrand, and I've been a professional computer programmer for over 10 years.

I'm not a lawyer in any way, but from what I understand, the settlement between the US government and Microsoft will not stop Microsoft from breaking the law and hindering innovation like it has done for several years now.

Something more than suggested by the current settlement must be done to stop their illegal behaviour.

Respectfully,
Jacob Engstrand
Uppsala, Sweden

MTC–00001428

From: Jobs(a)impactsolutions.com
To: Microsoft ATR
Date: 11/20/01 10:23am
Subject: Microsoft

Hello,

The following is from www.news.com: ''Microsoft, which recently reached an antitrust settlement with the U.S. Justice Department, is on the point of settling a raft of private antitrust cases, according to a report Tuesday.

The Wall Street Journal reported in its online edition that the software giant has tentatively agreed to give software and computers to more than 14,000 of the poorest U.S. schools over a five-year period, which would help resolve the majority of its pending private class-action lawsuits.''

I would suggest that you mandate that Microsoft purchase Macintosh computers and software to settle this case. Forcing another 14,000+ schools to use Windows and Microsoft software isn1t a very harsh punishment—Money is like water to Microsoft and you are essentially allowing Microsoft to purchase market share.

In fact, Microsoft (along with Dell) has targeted schools as a growth area—one long dominated by Apple Computer. This so called settlement allows them to buy market share, which they will later tout to the detriment of Apple Computer.

Believe me, if this proposal is agreeable to Microsoft, there has to be an upside or they wouldn1t even consider it.

Does this proposal provide a school with a choice of computer platform? If a school wants Macintosh Computers, is that OK under the terms of this settlement?

I don't see how this kind of settlement prevents Microsoft from using its monopolistic power to do further damage to competitors.

Definitely worth looking into.

MTC–00001429

From: Ben Eastwood
To: Microsoft ATR
Date: 11/20/01 10:22am
Subject: The deal

I would like to register my support for continued prosecution of Microsoft. As a user of Microsoft products, I feel that I am being for to take ''new and improved'' Microsoft upgrades at an unfair price. I also feel that they are indeed using their operating system monopoly to leverage their way to dominance of web access, streaming media delivery, office productivity, and many other aspects of the technology sector. Please don't let them off easy.

Ben Eastwood
IT Manager
wilweb.com

The above opinions are my own and may not reflect those of my employer.

MTC–00001430

From: Michael Scaramozzino
To: tom.reilly@ago.state.ma.us @inetgw,microsoftcomment...
Date: 11/20/01 10:41am
Subject: Thanks for standing firm!

Dear Attorneys General,

I just wanted to commend you all on standing firm against the enormous pressure to settle the Microsoft anti-trust case. I only wish the DOJ and other AGs had as much fortitude. Microsoft found ways around previously imposed sanctions and I fear that any type of penalty, short of structural, will simply fail to sufficiently reign them in.

I've been president of a multimedia company since 1987 and I have watched Microsoft imitate and extinguish numerous innovations over the years. They see an innovation in the marketplace and quickly move to kill it, by copying it into their monopolistic Windows operating system. They then use their monopoly to erect sufficient roadblocks to competition so that their version will win out.

Here are just a few examples that come immediately to mind...

Windows itself was an imitation of Macintosh

Excel was an imitation of Lotus 123

Word was an imitation of WordPerfect

Windows Media Player and AVI were imitations of QuickTime

ActiveX was an imitation of Java

JScript was an imitation of JavaScript

MSN was an imitation of AOL

MS Instant messaging was an imitation of AOL's instant messaging

Internet Explorer was an imitation of Netscape Navigator

MS Money was an imitation of Quicken

Even MS-DOS wasn't ''innovated'' by Microsoft, it was imitated from CPM

I honestly can't think of ANY product that Microsoft invented or innovated by themselves without copying it from some other company first.

In my opinion, the only way to really level the playing field, is to separate the operating system from Microsoft's other product divisions, structurally. Prevent the new system company from colluding with the new applications company and prevent the system company from incorporating stand-alone third-party products into the operating system in the future.

Short of that, it will quickly return to business as usual at Microsoft and innovation & competition will continue to be stifled.

Thanks for standing firm,
Michael Scaramozzino
President, DreamLight Incorporated, Woburn MA
http://DreamLight.com
CC:Microsoft ATR

MTC–00001431

From: Peter Gray
To: Microsoft ATR
Date: 11/20/01 10:39am
Subject: Microsoft.

Should Microsoft receive harsher penalties?

I am very disappointed with the Feds settlement. Fortunately nine states' AG's agree with me. I have sent the following to the states' AG's dissatisfied with the terms of the USDOJ settlement agreement. This settlement is to the benefit of Microsoft and not to the markets and consumers.

It seems to me that Microsoft has indulged in not only anti-trust violations but

racketeering as well. Monetary reparations will do nothing to stop their abuses that have stifled the computer industry for years and years.

As you can see, my position well exceeds current prosecution parameters. Even if you don't agree with my extreme position, but desire more vigorous prosecution, I urge you to continue this case until an appropriate separation of Microsoft entities is made.

I urge you to continue this case. Do not fold in the face of adversity. You stand for everything this country was found on. Freedom.

God Bless you.
Best Regards,
Peter Gray
155 West Concord st
Boston MA, 02118

MTC–00001432

From: martin.william@heb.com@inetgw
To: Microsoft ATR
Date: 11/20/01 10:39am
Subject: Microsoft settlement

Microsoft has way too much control already, over the direction that the user may take on the internet.

Many people are new to the internet, and MicroSoft attempts to limit their choices, and often the route that MicroSoft uses is of lower quality or less reliability than other choices that are available.

Nothing short of a strong hand is going to prevent MicroSoft to continue to act in a very non-competitive manner.

You are dealing with a Corporation that believes they are a special case, that they can set themselves above their competition...and even above the government offices of the United States of America.

They will look for and find any cracks and crevices, loopholes that they cn exploit. They will interpret the rulings in their own favor rather than to the letter of the ruling.

Their purpose is Power and Control, rather than the betterment of the World, as they claim. Users and the internet as a whole will thrive and innovate far more, with strict controls on Mr. Gates and his company. MicroSoft does NOT innovate, by the way. They copy what others are doing, and use every resource at their command to crush those who are the real innovators, and who wish to compete in the marketplace. The marketplace will cease to exist if MicroSoft is not brought to heel with a sharp rein.

Bill Martin
13330 Blanco Rd.
1401
San Antonio, TX 78216

MTC–00001434

From: Carlos Edwards
To: Microsoft ATR
Date: 11/20/01 10:51am
Subject: Microsoft Trail

I am very disappointed with the outcome of the Microsoft trail. I believe harsher penalties should be enforced. Please do not back down, do not settle.

Sincerely,
Ronald Edwards
270 South 5th Street
Brooklyn NY, 11211

MTC–00001436

From: Dewayne Christensen
To: Microsoft ATR
Date: 11/20/01 10:49am
Subject: MS Settlement

Short and sweet: My personal opinion? This settlement is a joke. You guys had them and blew it. My only hope now is that Microsoft will follow in IBM's footsteps and screw themselves up.

Dewayne Christensen
241 NE 59th Terrace
Topeka, KS 66617

MTC–00001437

From: william lane
To: Microsoft ATR
Date: 11/20/01 10:43am
Subject: Don't Quit

Please DO NOT cave in on this Microsoft thing. The proposed solution looks like capitulation by the DOJ.

William Lane
Via OSX Mail
Calgary, Canada

MTC–00001438

From: Kyle Crawford
To: 'Microsoft.atr(a)usdoj.gov'
Date: 11/20/01 10:58am
Subject: MS Case Settlement does not go far enough

What about the damage caused by Microsoft's monopolistic practices? Many companies have been either put out of business or reduced to a niche market.

The settlement does nothing to address the damage already done. It is too little too late. The damage is done. Microsoft is a stronger monopoly because of their illegal practices. Why wouldn't any other company practice the same crimes when they will come out ahead anyway? Microsoft needs to be held accountable for past actions and the effects of their actions.

Kyle Crawford
4 Sunset Drive
Douglassville, PA 19518
CC:'microsoftcomments(a)doj.ca.gov'','attorney.general...

MTC–00001439

From: Rawls
To: Microsoft ATR,ag@oag.state.fl.us@inetgw
Date: 11/20/01 10:58am
Subject: Comments

With respect to the proposed Consent Decree (''Decree'') between the United States Department of Justice (''DOJ'') and the Microsoft Corporation (''Microsoft'' or ''Company'') in settlement of the antitrust action between DOJ and Microsoft, I must express my condemnation of the Decree in the strongest possible terms and I respectfully request that the Court reject the Decree for the reasons set forth below.

The Decree in no way serves the public interest or the public good.

The Decree approaches, but does not even achieve, a mere slap-on-the-wrist for the continuing behavior of this convicted, unrepentant abusive monopolist.

There are no penalties imposed for Microsoft's behavior whatsoever. Why are there no fines, no court costs, and no DOJ costs of prosecution being recovered? Why are no damages of whatever type being paid? Why is the management of Microsoft—the same management that has blatantly breached previous settlement agreements—being allowed to remain in charge of the Company?

It is possible for a reasonable person to view the behavior of Microsoft as racketeering and the Company's actions should be investigated to determine if such actions in fact fit that pattern.

In summary, the Decree lacks penalties that fit the crime. The Decree will not end Microsofts monopoly abuse behavior and will encourage the continuation of such behavior in the future. I predict the government will soon be back in court with another Microsoft antitrust suit if this

Decree is accepted.
Thank you. (signed)
F. Rawls Sansone
7401 NW 85 Street, #105
Tamarac, FL 33321
CC:microsoftcomments@doj.ca.gov @inetgw,attorney.gener...

MTC–00001440

From: Rob inCH@ao1.com@inetgw
To: microsoftcomments@doj.ca.gov@inetgw
Date: 11/20/01 10:56am
Subject: Racketeering

Mr. Attorney General of California:

Please do not accept the inadequate settlement being pushed by the Federal government for the Microsoft matter. As a computer-using citizen of this state ! urge you to protect your constituents from what is really something like corporate racketeering. How many small tax-paying California companies have been driven under or hobbled by Microsoft's illegal practices? That translates into less revenue for the State and higher taxes for the rest of US.

Stand your ground and demand that they pay the appropriate penalty for the damage have and continue to cause. Please protect us.

Robert Huber
20095 Nob Hill Dr.
Yorba Linda, CA 92886
CC: Microsoft ATR

??? Please get off Bill gate's back, & try catching dangerous crooks for a change!!!

Join the world's largest e-mail service with MSN Hotmail. Click Here

MTC–00001441

From: Stan Gould
To: Microsoft ATR
Date: 11/20/01 10:52am
Subject: MICROSOFT SETTLEMENT DOJ

In short, I think the government threw in the towel much too soon. From way back in the days of DOS, Microsoft has repeatedly demonstrated an inability to tolerate competition. A small company, whose name I do not remember, came up with a way to compress DOS files in the mid 90's. It was very popular, as it allowed for increased storage on hard disks that were very expensive at the time. Microsoft put the software in its update to DOS and crushed the company. This was just the beginning...

Recent news reports state that Microsoft invested in Corel, the company that owns the

rights to WordPerfect. Corel recently announced that they will no longer make WordPerfect for the Mac. Looks like Microsoft killed the only real competitor to Word for the Mac market. Of course, they will still allow it for the PC market, as they must maintain the illusion of competition.

And now, Microsoft wants to control the Net and forces users to call them to reinstall XP? The monopoly continues. I hope the states' attorneys general continue their lawsuit.

Thanks for the ability to comment.

Stan Gould

MTC–00001442

From: stephen.varin@uniontrib.com@inetgw
To: Microsoft ATR
Date: 11/20/01 11:03am
Subject: Is economic aid next?

There is no justice in this settlement.

MTC–00001443

From: Charles S. C. Clement
To: Microsoft ATR
Date: 11/20/01 10:59am
Subject: Microsoft settlement

Shame on you for caving in!

Microsoft has done and continues to do serious damage to the competitive marketplace in which they operate. Past legal actions have done little to change their behavior and nothing to change their attitude. Significant remedies are needed to keep them in check. If you need reassurance, witness the glee and excitement expressed by Gates, Ballmer, et al after the settlement was announced—they know they're getting off easy. Consider these facts:

—you and eighteen states felt strongly enough to press the case in the first place

—numerous additional, credible charges of anticompetitive behavior have surfaced outside the scope of the formal litigation

—it is widely accepted that Microsoft has ignored and/or flouted earlier court orders

—the EU is pursuing several investigations of Microsoft's anticompetitive behavior

Where there's smoke, there's fire! The rush to settlement seems to have been prompted by concerns about the economy in the aftermath of September 11. The argument suggests that unshackling Microsoft can help boost the ecomony. This is debatable, but even accepting it as true does not make it a good idea—the short term boost to the economy has to be weighed against the long term harm caused by Microsoft's ruthlessness and the potentially huge economic opportunities created by unshackling innovation, the true casualty of the Microsoft's behavior.

It makes me sick every time I hear Bill Gates talk about innovation. Sure they've added value, but Microsoft bought or copied many of their best products. And we may never know how many great ideas/products/companies they squashed along the way. So, not only are they not innovative but they actively hinder innovation!

In the interest of full disclosure, you should know that I am a Microsoft stockholder.

If the barn door is not yet completely closed, I urge you to revert back to your earlier stand against Microsoft.

Charles S. C. Clement
P. O. Box 882
Norwich, VT 05055

MTC–00001444

From: Jeremiah Connelly
To: Microsoft ATR,microsoftcomments @doj.ca.gov@inetgw,...
Date: 11/20/01 10:59am
Subject: Please do not let Microsoft get away with their crimes.

I am writing to state that it is my opinion Microsoft has illegally harmed my Kansas business and the businesses of my customers by abusing their monopoly.

Jeremiah Connelly

MTC–00001445

From: Chris Ruggiero
To: Microsoft ATR
Date: 11/20/01 11:14am
Subject: Don1t settle!

Greetings, My name is Chris Ruggiero, and I am disgusted with this whole idea of letting Microsoft off with what appears to be a slap on the hand. I strongly encourage you to seek much harsher punishment for Microsoft's illegal monopolistic practices, we need to show not only Microsoft but any other company out there that this kind of illegal practice will not be tolerated.

Please do not let them get away with this, right now they are laughing at you all the way to the bank!

Chris Ruggiero
573 Emerald Ave #4
El Cajon, Ca 92020
Chris

MTC–00001446

From: Mr. Gutierrez
To: Microsoft ATR
Date: 11/20/01 11:14am
Subject: comments

To whom it may concern,

I thank you for allowing the public to provide input in this matter. I would like to be brief with this. It is obvious that there is a monopoly and the justice department cannot receive enough evidence from the software developers because this would doom their businesses. In my own opinion, Microsoft needs to be broken up into three separate companies. The Internet and server software group, the application software group and the Operating System Group. This would prevent them from monopolizing the entire software market any further. Even the video game market is going to be taken over by Microsoft in the next year. The company needs to be broken up to allow for better competition which will in turn bring about better products for the customer.

The lack of competition in the OS market has left 95% of the entire computing world using the most ineffective OS in the market. Windows not only provides hackers access to personal files but allows individuals with malicious intents to create harmful and widespread viruses that end up infecting the majority of computer systems. Mac users and Unix users usually are immune to these attacks because the viruses are not written to attack these systems. Please, there must be something done to diversify the OS market and allow some competition within this segment of business. When ever some new technology comes into our lives, one company seeks to dominate which Microsoft has. ATT did the same thing and now prices are down and the products and services have greatly improved. Please do the same for this new technology. Competition brings about change and better products for everyone. It's the American way.

Sincerely,
Ignacio T. Gutierrez
Director of Computer Services
St. Augustine School
1300 Galveston
Laredo, Texas 78043
956–724–8131
director@st-augustine.org

MTC–00001447

From: Jim Brager
To: Microsoft ATR
Date: 11/20/01 11:13am
Subject: Microsoft Settlement.

As an interested observer of the case against Microsoft, I am still, after all the years the DOJ has spent litigating this case, trying to determine where I, as a consumer, have been harmed by the business tactics of Microsoft.

When Microsoft began producing their products, they met, and continue to meet, all of my desires for efficiency and productivity in the ''home computing'' area. The mainframe platform is easy to use and allows me to navigate whether I'm at home, traveling, or visiting locally.

The convenience of ''integration'' of their products has been a blessing to my computing needs, not a hindrance.

If the firms of ''Silicon Valley'' are unable to compete against the Microsoft products, it isn't due to Microsoft's products, but rather their own inefficient systems that cause the marketplace not to purchase them. Rather then whining and run crying to the DOJ, Silicon Valley should invest in the personnel and R&D to really compete. After all, that's the American System— Competition! Microsoft may not always compete fairly, but that's business, as much as it is in life everywhere. Can you imagine if the San Francisco Giants were told not to put Barry Bonds into their lineup against Toronto, because Barry hits too many home runs! If you want to play the game, then compete, don't ask for someone else to lower the quality of the competition!

Bring this case to a close now with this pending agreement. Our nation needs to get back to the job of growing the economy, and as can plainly be seen, the financial health of the nation has gone downhill since this case began. It's time to end it now.

James Brager
6502 W. Wahalla Ln
Glendale, AZ 85308

MTC–00001448

From: Jeff White
To: Microsoft ATR
Date: 11/20/01 11:10am
Subject: MS Case comments

I would like to add my comments on my perspective of the Microsoft case. As an educator in the state of Pennsylvannia, I have been ''forced'' to use Microsoft Office because the State has adopted it as the

standard software. Normally, this wouldn't disturb me, but in this case it does. The reason is that in order to win the bid, Microsoft drastically subsidizes their software. What would be a $500 product when purchased on the open market is only $55 when purchased by schools or colleges. No other vendor could reduce their product that much in cost to compete. The result? Microsoft takes over the office software market and pushes all competition out. They are either substantially undercutting the competition's prices by selling their product below cost, or they are price gouging on theopen market. In either case, they have destroyed any sense of competttion.

Furthermore, but ''forcing'' the state to accept a ''deal they can't refuse,'' Microsoft has brought a burden to schools. I was the former Director of Technology in a school district for over 6 years. During that time, we installed over 800 computers and purchased and installed ClarisWorks/AppleWorks on alll of the machines. Now, in order to maintain the standard with the state, the district is forced to change their software resulting in caost for the software, cost of installation, caost of training, and countless hours of instructional prep time lost to converting files to a software package that doesn't have as many capabilites. So much for freedom of choice within schools to teach following best practice principles.

Lastly, since many schools use Macintosh computers, Microsoft consistantly offers late, meager upgrades to their software for Mac users. Hence, the Windows users are always ahead, which is an unfair advantage by the company that makes Windows.

In my opinion, the company need to be broken into two separate unrelated entities.

Sincerely,
Prof. Jeff White
Kutztown University

MTC–00001449

From: Brian Clark
To: Microsoft ATR
Date: 11/20/01 11:23am
Subject: Microsoft Anti-trust resolution comments

Hello,

I am disappointed that you did not go far enough in limiting Microsoft's monopoly powers with regards to bundling products with its Windows operating system. As Vice President of Information Technology for my company, I hate the fact that Microsoft has so much control over the computers and software that we purchase. As a consumer, I want choices.

I don't want Microsoft to dictate to me how and when I use their products.

Sincerely,
Brian Clark
Vice President
Information Technology
BrannWorldwide
http://www.brann.com
847–943–2100 tel.
847–943–2101 fax

MTC–00001450

From: David Black-Schaffer
To: Microsoft ATR
Date: 11/20/01 11:21am
Subject: Microsoft AT Settlement

Hello,

I just wanted to pass on my thoughts regarding your proposed settlement with Microsoft. It is clear that Microsoft has flagrantly abused its monopoly position and I believe your restrictions will not be effective as technology changes. Microsoft has demonstrated a masterful ability to take advantage of new technological distribution channels and business models to extend its business influence and I believe it will continue doing so since the new restrictions can not anticipate all new technologies. I believe the only way to prevent Microsoft from continuing to abuse its monopoly position is to introduce competition in its sphere of influence by forcing its various units to compete rather than collaborate. If you doubt this, consider if there is any other approach which would lower the price for consumers. As things currently stand, if you sell the OS and the key applications you have no incentive to try and make users use one or the other since they will buy both.

Good luck!
—David

MTC–00001451

From: Alexander Odood
To: Microsoft ATR
Date: 11/20/01 11:15am
Subject: What a Shame

We had our one great opportunity to stop the bully and bring some real innovation back to the market. Instead Microsoft gets off with a slap on the wrist and is sent off to continue on it's merry way to gobble up any and all remaining free markets.

As a consumer I am appalled at the governments apparent lack of balls to see this thing all the way through. Microsoft will never voluntarily give up or curb it's practices. They have everything to gain and very little to lose by just plowing ahead and stomping on anyone who gets in the way. It saddens me that ten years from now when we have to go through this whole thing again we will wish that we had solved the problem when we had the chance.

alex

MTC–00001452

From: Carl Fink
To: Microsoft ATR
Date: 11/20/01 11:15am
Subject: Time for this monopoly to end!

To whom it may concern,

It's time to weaken the grip that Microsoft has on the US and the world. Over the last 20 years they have consistantly used preditory tactics against competitors. They have driven many of their competitors out of business because they own the operating system. They have effectivly kept their API's secret and used them to leverage their applications. While the tactic has been effective against their competition, this is like owning the product, the railroad and the track. It was wrong in the 1900's and it's wrong now. Microsoft has laughed at past punishments and I believe they will continue to do so. The latest agreement is a slap on the wrist for some rather nasty business practices. It should not be supported. Judge Jackson was right, it's time to split the company in two.

Carl Fink
Rochester, NY

MTC–00001453

From: James Reynolds
To: Microsoft ATR,uag@att.state.ut.us@inetgw
Date: 11/20/01 11:26am
Subject: Microsoft Settlement

Since when does a judge give a killer a light sentence when the killer does not express remorse? And since when does a judge not put a killer in jail who shows an inclination of killing again? I don't see any remorse or indication Microsoft is changing their illegal behavior.

I feel that the breakup order should not have been reversed. That punishment was just and appropriate. Please come up with a punishment just as strong as a breakup. The current settlement will only inconvenience Microsoft a little, and does very little to stop their illegal behavior.

Sorry I can't provide the evidence that Microsoft is still behaving illegally. But it is widely published and easily visible if you start up Windows XP and try to use it for a little while (but don't ever type in your credit card number or soon you will be singing ''Where did all my money go?'').

Microsoft is greedy and indifferent and will not stop breaking the law unless harshly punished.

Thanks:
James E. Reynolds
1030 W. 500 S.
SLC, UT, 84104–1314
801–322–5259

MTC–00001454

From: Atkinson Computing Services
To: Microsoft ATR
Date: 11/20/01 11:25am
Subject: Microsoft case

Hello.

If you're keeping track of how the public feels about the proposed settlement with Microsoft, put me in the ''not satisfied'' category. It escapes me how a company can receive such a hand slap in light of their past conduct. Like the O.J. Simpson case, this settlement undermines my already shaky confidence in our system of justice. It only shows that if you have enough money and clout, you can break the law and then buy your way out of any legal repercussions.

David Atkinson
26325 Ohio Avenue NE
Kingston, WA

MTC–00001455

From: James G. Downward
To: Microsoft ATR
Date: 11/20/01 11:24am
Subject: Microsoft Settlement

I am distressed that the proposed settlement is far too lenient and that Microsoft's monopoly will continue to grow leaving computer users with increasingly fewer options for desktop software and operating systems.

If you look at the new ''Technologies'' or ''Features'' which are introduced as part of Windows XP the future looks grim. We may be forced to store personal data using Microsoft's Passport in order to use web commerce, we may be restricted to only

playing multimedia sound and movies using Microsoft's proprietary media format, our desktop applications and web pages may automatically sprout unintended web links to Microsoft sponsored sites, and we will be forced to pay monthly fees to Microsoft in order to use their software.

As long as Microsoft controls both desktop applications and the operating system, it will continue to strangle innovation, force users to pay outrageously high prices for software, and behave like 500 pound gorilla.

Jim Downward
2740 Lowell Road
Ann Arbor, MI 48103

MTC–00001456

From: Steve Poole
To: Microsoft ATR
Date: 11/20/01 11:24am
Subject: horrifying decision

As a long-time software engineering professional in the state of Washington I can tell you first hand that Microsoft is relentlessly predatory and unethical in its dealings with ISVs in addition to OEMs. The DOJ settlement with a proven illegal monopolist is appalling, and the ridiculous loophole of ''The software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion.'' in the settlement definitions is absolutely obscene. Just about the only thing I respected the Clinton administration for was taking on Microsoft. The Bush administration has betrayed my vote, and threatened my livelihood and that of thousands of other software professionals with its handling of the matter. I am disgusted and will not forget.

Steve Poole
9512 13th Ave NW
Seattle, WA 98117

MTC–00001457

From: Hotmail
To: Microsoft ATR
Date: 11/20/01 11:42am
Subject: Microsoft

Dear Sir's;

I used to be a staunch supporter of Microsoft in it's early days because they used to be very customer oriented and did what made sense. That has all changed. Now they only do things that makes sense for them and anything to take more money out of customers pockets. I, for one, hate to have a conglomoration of software loaded on my computer that I will never use and I am forced by Microsoft to have it on my computer. There is no way of removing it without major and complex jirations that even some computer consultants (like myself) are reluctant to undertake.

The more complex a program, the more likely a possibility of bugs and breakdowns. There is clear evidence of it that even Bill Gates has recently admitted to (he has promised in recent talks to ''fix the PC in the next decade).

A more viable solution would be to allow the customer to choose the features that they would like on their computer at setup time much like they choose various application software now. An operating system should be just that—an operating system. The customer should have an option to choose the applications that they wish to install and not be forced by Microsoft to install everything from them.

Microsoft has adopted a posture of forcing themselves on the customer and since Microsoft has developed a monopoly on PC installations the customer does not have a choice but to buy their system if they wish to be somewhat compatible with the industry.

I say, break them up and allow for a more competitive environment. It worked with the long distance telephone industry and the public is enjoying long distance telephone rates that are the same as or cheaper than local rates. Same thing will happen in the computer industry if you succeed in breaking up

Microsoft. There are software companies that are selling their software for $30 to $100 and are able to make a profit. The same thing can be true for an operating system. Micrtosoft has been jacking up the price of the operating system more and more as they gained more and more of the monopoly on it. Only three or four years ago they used to sell Windows for under $40 and now they have it at $300 and even the upgrade is at $200. I bought the Visual Studio at $400 just a couple of years ago now it is at $1000.

When engineering costs are recovered a product usually goes down in price. Not with Microsoft. It keeps going up proportionately to the amount of monopoly control that they have.

I hope I had given you enough reasons to brek them up. If you need more, let me know and I'll spend some time and do some research and provide you with more.

Don Schlesak—Computer Consultant/ Owner

Donlin Services Inc.

MTC–00001458

From: mstultin@csc.com@inetgw
To: Microsoft ATR
Date: 11/20/01 11:43am
Subject: Very disappointing

Around here, in Huntsville AL, it seems we have given up fighting Microsoft's strong arm tactics (bordering on racketeering). It appears an unwinnable battle because of the strength of their illegally gained strangle hold on our industry.

The DOJ was supposed to help. The DOJ let Microsoft walk all over them. Microsoft representatives are surely having a hard time not chuckling when discussing their ''penalties''. Who does the DOJ represent? Certainly not the citizens it appears.

Very disappointing. But at least a few states are listening to their citizens.

Mike Stulting
1919 Shellbrook Dr
Huntsville, AL 35806
——— Mike Stulting mstultin@csc.com
——— CSC (256) 885–7369

MTC–00001459

From: bob frost
To: Microsoft ATR
Date: 11/20/01 11:31am
Subject: Microsoft settlement

Dear persons:

As an information professional and educator, I am in no small degree dismayed by the settlement agreement recently negotiated between Microsoft and the Justice Department in the Microsoft anti-trust case. Having also been trained in the economics of industrial organization, I understand such law pretty well, and to me it is clear that Microsoft's violations of the Sherman and Clayton Acts, particularly with respect to tying and predation, are not sufficiently addressed by the remedies proposed.

I worry most, however, that the agreement does almost nothing to prevent Microsoft from repeating on the Internet what it did with operating systems. That is, by dint of its control over the PC operating system, Microsoft effectively destroyed its competition in the sphere of software applications. Using its control over operating system source code and application programming interfaces (APIs), Microsoft gained control over the entire PC platform. Here's a list: Spreadsheets: was Lotus 123, now Microsoft Excel Word-processing: was WordPerfect, now Microsoft Word Databases: was dBaseIII and FoxPro, now Microsoft Access Email: was Eudora and many others, now Microsoft Outlook and Entourage You will note, I hope, that almost all of the original competition not only lost product dominance, many such firms also went out of business or were acquired by others in dire circumstances. By a sharp reduction in the competition, Microsoft has therefore effectively quashed innovation in microcomputing applications. While one might claim, as the Bush Justice Department, that such is the way of legitimate competition, earlier findings of fact in this case indicate otherwise and no credible remedies are proposed.

With its emerging ?.NET? strategy, Microsoft is overtly planning the same strategy for next-generation Internet-based software. With the very recent release of Windows XP, that approach is overt, as, for example, Microsoft implements code that not only precludes the use of competing products (Apple's Quicktime, Real's RealAudio, and Sun's Java), it uses its market share to undermine open and global Net standards carefully and at length designed, negotiated, and affirmed by almost all relevant non-Microsoft players

Finally, in this time of heightened fears about security and privacy, I must note that consumers are systematically damaged and such damage will grow in the future by Microsoft's notoriously insecure products. Over the past several months there has been a raft of costly security holes discovered in Microsoft server software, among them the costly Nimda and RedAlert virii. Worse, just last week, Microsoft had to disable large portions of its new ''Passport?'' authentication service due to security concerns. Passport is, in simple terms, a repository and serving system for the personal data used in e-commerce. It is integrated into Windows XP. As Microsoft in the future will undoubtedly use its market muscle to impose Passport as the authentication standard for e-commerce, consumers will be in constant danger of leaks of their personal information. In addition, by dint of its control of the Passport database, Microsoft will become the largest repository

of consumer information in the world. Given its past abuses of law and minimal respect for others, I simply would not trust Microsoft to safeguard consumers? vital interests; rather, I can assure you that if there is money to be made in mishandling personal information by Microsoft, they will do so. In conclusion, it is my deeply held belief that the proposed anti-trust settlement in the DOJ v. Microsoft case is unacceptable. Innovation will continue to be stifled, consumer security will be compromised, and software prices will remain at high, monopoly-based levels. I beg your office to reject the agreement. Thank you for your attention in this matter.

Sincerely,
Robert L. Frost,
Associate Professor of Information

Women's mobilization: the best way to defeat fundamentalists of all kinds—Islamic or Christian.

MTC–00001460

From: Diana Shindorf
To: Microsoft ATR
Date: 11/20/01 11:46am
Subject: Microsoft

Can you please help me? I have been trying to locate ''what federal law (and sections) was Microsoft sued under in 1998?''

I have been searching and searching and am coming up with nothing on it.

Thank you,
Diana Shindorf

MTC–00001461

From: Rutherford, Ronald
To: 'Microsoft.atr(a)usdoj.gov'
Date: 11/20/01 11:45am
Subject: Microsoft Settlement

Greetings. This is just a short note to say that I also believe that the proposed Microsoft settlement, as it currently stands, is unacceptable. Please keep up the fight. Thanks.

Ron Rutherford
Seattle

MTC–00001462

From: sfmacguy
To: Microsoft ATR
Date: 11/20/01 11:44am
Subject: ms resistance

I would hope that you would continue your courageous efforts against the criminal enterprise known as MS.

I was surprised that the JOD case made it as far as it did; not surprised that the current administration wants to offer them a wet kiss as a penalty. Shouldn't this be a RICOH prosecution for racketeering?

Maybe I've been watching too much Law & Order, but if someone tries to compel you to use their flavor or else, isn't that the same as the mob compelling corner store owners to sell their cigarettes?

Wouldn't it be interesting if white college brats who end up crooks were held to the same legal standard as uneducated, swarthy Mediterranean wise guys?

Go for the throat; this is how you make your bones!

Francis R. Kerr, Jr
San Francisco
415.999.5540

MTC–00001463

From: Ted
To: Microsoft ATR
Date: 11/20/01 11:56am
Subject: Disappointed

US DOJ:

I just wanted to take the time to show my disappointment in your position on the current case against Microsoft. I don't know how many people's pockets are being lined by this disgraceful ''settlement'', but I'm glad to see a few states sticking to their guns. (I notified all of them of my support.)

The tactics that Microsoft uses sicken me and cause me serious concern over the ability of future companies to compete on a level playing field. I have not only seen, but also felt the affects of their ruthless and unethical behavior. One only needs to read of the original investigations to find out the root of all this evil. Repeatedly Bill Gates and other Microsoft cronies stated emphatically that they had done no wrong. And repeatedly internal documents were produced that forced them to admit that they had indeed done exactly what they had been accused of. And without exception, people just shrugged their shoulders! How can that be! They lied to us, to their customers and to a high court judge.

I think it is high time that Microsoft reaps what it has sewn. Kudos to California and the other eight states' attorneys general. I look forward to a day when real innovation can again take place without fear of Microsoft retaliation.

Sincerely,
Ted Rust
750–66 Mobil Av
Camarillo, CA 93010
805.484.9585

MTC–00001464

From: Todd Stubbs
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/20/01 11:52am
Subject: Please don't let them off so easy!

Dear Sir or Madam:

I am writing to express my disappointment over the US Justice Department's decision to settle the Microsoft anti-trust case.

I have been a professional user and programmer of microcomputer technology since 1983. Almost from the very beginning of their existence, Microsoft has been more than merely agressive—they have been deceitful and, I believe, unethical. Their behavior as a company has always been egregious, even if it has not always been illegal. However, at that point in time when they became a monopoly, whenever that was, this pattern of immoral behavior became illegal as well.

The conundrum, of course, is what to do about it. I do not believe that heavy government involvement in regulating the affairs of Microsoft is in either the public's or Microsoft's best interest. And yet, any regulation or injunction you put forth, they will find a way around it, or merely ignore it as they have done in the past. It would seem that there is little else the Justice Department can do to but ask for some remedy that would change Microsoft's structure—nothing else will work.

Let me also debunk the myth that what is good for Microsoft is good for the economy. It is patently false, simplistic thinking. Microsoft has squelched so much good technology so that their own, often mediocre, products will prevail in the marketplace, that the doldrums the technology industry recently faced may never have happened had the Justice department defended a true market economy several years ago when Microsoft faced a similar charge. In my estimation, the market would already be 2 to 10 times are large as it is now if it hadn't been for Microsoft's egregious behavior.

Microsoft is the single most anti-innovative force in the technology industry today. Period.

Letting Microsoft off easy would probably provide a next-quarter, short-term benefit, but would continue to restrain the innovation and growth as it has done (except for Microsoft) for the last 10 or 12 years. Please, do not do this!

Respectfully yours,
S. Todd Stubbs
Instructional Research & Design
Center for Instructional Design
Brigham Young University
Provo UT 84602
(801) 378–3069

MTC–00001465

From: Joseph Boykin
To: Microsoft ATR
Date: 11/20/01 11:50am
Subject: Microsoft settlement

I am writing as a citizen of Massachusetts in regards to the proposed settlement with Microsoft. As a ''computer professional'' I am very familiar with the industry and Microsoft and firmly believe that the proposed settlement is unfair to numerous corporations that have attempted to develop competing products, consumers who have used or even those that have *not* used Microsoft products.

I firmly believe that Microsoft has engaged in numerous anti-trust violations. Their unfair business practices seems to permeate the entire company. For example, the company I was most recently at, and held the position of Vice President of Engineering, was looking to raise additional venture capital. We were courting Microsoft as one of those investors. Although the deal never went through, Microsoft required a deal where they would invest $5M in the company, but *required* that we commit to buying $2M worth of Microsoft products.

I hope that a more fair and equitable agreement can be reached in regards to this matter.

Yours truly,
Joseph Boykin
7 Hampton Road
Natick, MA 01760

MTC–00001466

From: david lopez
To: microsoftcomments @doj.ca.
gov@inetgw,attorney.gener...
Date: 11/20/01 11:47am
Subject: microsoft anti-trust case

Dear Sirs/Madams:

I am glad to hear that your offices have chosen not to join in on the deal that the U.S. Department of Justice recently struck with Microsoft. Unfortunately, my home state of

New York has decided to change its mind regarding the economic evils of a monopoly power in the marketplace.

I will not go into a lengthy discussion as to why a monopoly is a bad thing. Any freshman economics major can tell you that.

I am also sure I do not have to remind you that the previous antitrust case against Microsoft went nowhere because the government chose to use conduct remedies that Microsoft subsequently ignored. As someone once said ''Those who ignore history are condemed to repeat it''. I am afraid that the current administration does not read their legal history books.

In case you may think I do not understand technology, I have been operating production computer systems for over 15 years. I am well versed in the single vendor versus multi-vendor pros and cons. Please do not listen to the talking heads in various magazines who overwhelmingly support Microsoft either from ignorance or perhaps monetary arguments (Microsoft as a large consumer of advertising may very well influence editorial opinion).

In closing , Microsofts arguments regarding freedom to innovate are specious. Off-hand I can not list five things that Microsoft created for the computer industry that a competing company did not pioneer. Microsofts history is that they wait till someone else creates a market, they buy a small time bit player and use a bunch of money to promote their solution and the business consumer uses it because it is from Microsoft, not because it is techically a better product. The one thing I can give Microsoft credit for is their over-riding mantra of ease of use. Much of the success Microsoft achieves in the marketplace is from bundling software titles and from making existing titles easier to use.

Sincerely,
David Lopez
davidlopezus@yahoo.com
Database Administrator with a major financial company

MTC–00001467

From: Ben Thompson
To: Microsoft ATR,microsoftcomments @doj.ca.gov@inetgw,...
Date: 11/20/01 12:00pm
Subject: reject the microsoft settlement

If Teddy Roosevelt were in the Whitehouse, Microsoft would have been split into at three companies five years ago. Since ours is an age in which politics is defined almost purely by money, it is not surprising that the Bush Justice department has entirely caved in the face of Microsoft's monopoly.

I applaud those attorney's general who have balked at the preposterous settlement. Microsoft must be punished for it's anti-competitive practices, it's extortion of pc makers and its racketeering to fix prices and control the digital age.

Microsoft should be forced to compete on an even laying field. This is the only way we can stop the endless production of plagiarized software (every Microsoft OS from Window 3 to the new XP (a blatant rip off of Apple's superior OS X)), application designed to cripple competing operating systems and it's relentless march to acquire and profit from the personal information on every single pc in the world. Throughout it's history, Microsoft has indulged in not only anti-trust violations but racketeering and blackmail as well.

I hope you will continue your struggle against this behemoth.

Sincerely,
Ben Thompson
Ben Thompson
917 Madeira Dr. NE
Albuquerque, NM 87108
v. 505–998–2100
f. 505–998–5018

MTC–00001468

From: Kurt Stoll
To: 'Microsoft.atr(a)usdoj.gov'
Date: 11/20/01 12:00pm
Subject: Microsoft deal

Sirs:

I am very disappointed in the settlement that Microsoft has apparently been able to establish with the US Justice Department. They have obviously used their monopoly power in PC Operating Systems to create monopolies in productivity software, development tools, and web browsing. And, their current .NET strategy is clearly an attempt to extend their monopoly throughout the web and into every computer.

While I always felt that breaking up Microsoft was too harsh, the monitoring provided for in the current settlement will do little to blunt their empire-building efforts. And there are no real penalties in the settlement for their past abuses. They have already established that they are willing to skirt and ignore any agreements that they come to with government agencies, continuing with their efforts undaunted.

The argument of some that harsh penalties and restraints will have a negative impact on the US economy are both specious and short-sighted. We do not forgive a woman who attempted to bomb a police car more than 20 years ago, simply because she has lead an exemplary life since. We should not forgive a company that has committed similarly grave offenses simply because they play an important role in our economy. In fact, it is because of the importance of their position in our economy that we must make certain that they toe the line; infractions on their part have a large impact in our lives.

Also, while it's true that imposing severe penalties on Microsoft may result in short term negative consequences for our economy, in the long run, our economy and consumers will all benefit from the increased competition. We do not need a juggernaut to establish standards—the web established useful and important standards that many people use on a daily basis (HTML, POP, TCP/IP, ...) without the guiding hand of a monopoly. In fact, many of these standards were established by non-profit organizations and consumer demand. Finally, while I don't mean to draw a parallel between Microsoft and foreign enemies such as the Taliban or Sadam Hussein, it is clear that we are willing to sacrifice the short-term performance of our economy in a just cause. I believe that Microsoft has committed grave offenses; it is important that they receive proportional penalties for past behavior and real restraints on future behavior. Prosecution of Microsoft is a just cause for which I and many like me are willing to make a short term sacrifice.

Sincerely,
Kurt Stoll
1702 Vetta Drive
Livermore, CA 94550

MTC–00001469

From: Jonathan Haddad
To: Microsoft ATR
Date: 11/20/01 12:03pm
Subject: Microsoft

Greetings:

My name is Jonathan Haddad. I've been watching the Microsoft trial since the whole thing began, and I must say I'm very dissatisfied with the proposed settlement. Please do everything in your power to make sure Microsoft doesn't get off with a slap on the wrist.

Jonathan Haddad

MTC–00001470

From: Bafore8@cs.com@inetgw
To: Microsoft ATR
Date: 11/20/01 12:10pm
Subject: (no subject)

The Microsoft is totally unfounded. What Microsoft did for the computer industry and the internet was and is invaluable. All they are guilty of is setting the stanard protocol of communication between computers and computer users whether through the internet or not. The American Consumer is free to choose whatever software or hardware we wish. Mr. Gates and Microsoft revolutionized not monopolized the computer industry. I personally have used all the available operating systems and hardware available on the market and Microsofts products superior. Simply put: if you don't like it, buy something else. Mr. Gates and Microsoft pay taxes too. And I'm sure thier taxes for one tear equal more than a blue collar citizen, like myself will earn in 5 or 10 years. Microsoft is guilty only of producing a better product. Thank you

Mr. Kevin Biafore
Berea, Ohio

MTC–00001471

From: Ostravich
To: Microsoft ATR
Date: 11/20/01 12:08pm
Subject: Microsoft Anti-Trust lawsuit

I've been told I can e-mail this address to provide feedback on the Microsoft Anti-Trust settlement currently on the table. Although I am heartened by the advance in the settlement to prevent ''exclusive dealing'', I am very disappointed that there are no restrictions to prevent Microsoft from bundling any product into their operating system. Microsoft employees clearly stated in the e-mails used in evidence at the trial that the only reason they bundled Internet Explorer into their Windows operating system was because Internet Explorer was an inferior product and the bundling prevented competitor's products from being used. They attempted to do the same thing with Apple's QuickTime and even broke competitor's software so that it would not run properly leaving Microsoft's version of that product as the only alternative.

Now with the advent of Microsoft's XP operating system I am concerned that there

will be no competition for Multimedia products and whatever else Microsoft wants to compete in. The way it has worked in the past is if Microsoft has used technology to redirect any content to Microsoft's products for displaying that content. What they've done with Interet Explorer, they will now do with their multimedia products destroying any competition or reason for a company to make a competing product.

Let me be clear—I don't think the solution should be a financial one. The trial clearly shows that Microsoft engaged in behavior that was anti-competitive and a punitive monetary solution will not correct that. If Microsoft should not be split into an operating systems company and an application company, I would at least like to see a clear division of Applications and Operating Systems so that if a company wants to make a competing product it can be easily plugged in to the Microsoft Windows Operating System. Competing companies must find it frustrating when they invent the technology (Netscape, Real Networks, Sun Microsystems), and then Microsoft duplicates the technology and disallows those competing companies software to work correctly. This is not Microsoft being innovative—they have not invented any of this technology. They've simply embraced that technology, sometimes extended it, and shut out their competition. This means there will be no further innovations in that technology arena because there is no incentive for the companies to extend technology that will not be deployed on the Windows platform.

Please reconsider the current settlement and renegotiate the settlement to prevent Microsoft from stifling competition.

Thanks for your time,

Greg Ostravich

MTC–00001472

From: Steve Linke
To: Microsoft ATR
Date: 11/20/01 12:07pm
Subject: settlement terms will do nothing to stop Microsoft's monopolistic actions

Justice Department:

The agreement is a joke. It does absolutely nothing to punish Microsoft for its past abuses, and it does little or nothing to stop them from using their monopoly position in the operating system market to abuse competitors in emerging markets that rely on the operating systems. The lack of punitive measures provides a tacit invitation to Microsoft to continue their abuses regardless of potential lawsuits. They can make more money from these abuses than it costs them to defend themselves in court, particularly since they are now conditioned that any agreements are going to be watered down and full of loopholes. In addition, the years-long delays while the suits wind their way through the courts assure that any ruling against Microsoft will only affect markets that they have already used their monopoly power to dominate. Below is a timeline that could be repeated ad infinitum if Microsoft is not punished appropriately. Note, in particular, the claim of your department in February of 1995 that the agreement you reached with Microsoft at that time would ''end Microsoft's unlawful practices that restrain trade and perpetuate its monopoly power.'' This is the same claim you are mistakenly making about the current agreement, but you seem hell-bent at repeating this mistake. February, 1995

The Justice Department reaches a settlement with Microsoft in a previous case closely related to the current one. The Justice Department promised in this settlement that it would ''end Microsoft's unlawful practices that restrain trade and perpetuate its monopoly power.''

Judge Stanley Sporkin, now retired, rejects the proposed settlement when he determines the decree was not in the public interest. He complains that, ''simply telling a defendant to go forth and sin no more does little or nothing to address the unfair advantage it has already gained.'' Spring, 1995

A U.S. appeals court overturns Sporkin's decision, saying he relied on inappropriate evidence, and removed him from the case. August, 1995

Judge Sporkin is replaced by Thomas Penfield Jackson, who approves the settlement. 2000

Thomas Penfield Jackson recommends splitting up Microsoft into an operating system company and an applications company as a result of the current anti-trust case. Early, 2001

The same U.S. appeals court that rejected Judge Sporkin's decision and removed him from the previous case, rejects Judge Jackson decision and removes him from the current case. He is replaced by Judge Colleen Kollar-Kotelly. November, 2001

The Bush Justice Department significantly waters down the proposed remedies against Microsoft and assures Judge Kollar-Kotelly that the settlement, if approved by the court, would ''eliminate Microsoft's illegal practices, prevent recurrence of the same or similar practices and restore the competitive threat'' the company faces from rivals. (Sound familiar?)

Sincerely,

Steve Linke
23 Travis Ct.
Gaithersburg, MD 20879–3212
Home: 301–947–0286
Work: 301–496–7276
e-mail: slinke@bigfoot.com

MTC–00001473

From: Greg Alton
To: Microsoft ATR
Date: 11/20/01 12:03pm
Subject: Microsoft settlement

Today I read that Microsoft's proposed settlement with the government over the antitrust complaints may include a donation by Microsoft of computers to U.S. schools.

This is absurd. This goes completely counter to the original problem, e.g., abuse of monopoly power, since this settlement will undoubtedly reinforce that monopoly.

The only terms under which this type of settlement could make sense were if Microsoft were required to donate equipment (software, etc) from other companies.

Please don't let this settlement proceed as is. Alas, I fear the taste for enforcing antitrust has left the Justice department.

Greg Alton

MTC–00001474

From: Richard Potter
To: Microsoft ATR
Date: 11/20/01 12:15pm
Subject: Microsoft Settlement

I believe the terms of the settlement are short-sighted. For one thing, it creates the impression that Microsoft is above the law. I refer specifically to the apparent perjury (Gates deposition), evidence tampering (doctored demo video), and witness intimidation (myriad companies) which occurred during the trial. Moreover, it is clear that Microsoft was only too willing to flaunt the terms of the earlier restraining order. A slap on the wrist hardly seems appropriate.

Microsoft has consistently acted arrogantly and illegally (as exemplified by the evidence and the verdict), and they can be expected to do so under the proposed terms. Economic theory and practice inform us as to what can be expected from a monopolist, and the case of Microsoft is classic confirmation. The consumer has been burdened by sub-standard, unstable, overpriced Microsoft products for years. Because there is no effective competition, they are under no real pressure to perform and, in fact, they have exploited the situation. Imagine the consequences if the AT&T monopoly hadn't been broken up: today we would have perhaps a half dozen models of telephone available to the consumer, no cell phones, stunted use and development of fax technology, sky-high long distance rates, and no Internet. You can rely upon the fact that Microsoft's domination has resulted in similarly constrained technologies and opportunities in the computer marketplace.

The most frightening thing, however, is the ability their unfettered operating system monopoly confers for creeping into and taking over other markets (multimedia, servers, music downloads, Web browsing, e-mail, office productivity). We now have the X-Box creeping into the living room along with Microsoft's digital recording service for TV. And, then, there is Microsoft's Passport security, the ultimate intrusion and stranglehold.

Where does it all end?

Your proposed settlement reeks of a politically motivated whitewash. Microsoft's money and lobbyists have apparently had their way. The fullness of time will undoubtedly show what a blunder this is and how poorly the citizenry of America has been served.

Richard C. Potter
117 Heritage Drive C-2
Stevensville, MT 59870

MTC–00001475

From: Clyde Crossland (Telepress)
To: 'Microsoft.atr(a)usdoj.gov'
Date: 11/20/01 12:15pm
Subject: Microsoft Settlement

Watching in awe at all of the big companies becoming fewer yet bigger by ''joining'' I really wonder if Government is able to be in charge. In the Microsoft case, the Justice department has directly sold the small ''average guy and gal'' consumer out. Lack of competition pretty much gets us a dictatorship type of market. They produce or provide what they want and we have to buy

it if we want anything at all. Plus they get to change it at will whenever they want more $$ as we don't get a choice if we want to maintain a viable use of a current product. We don't get a choice to use only a portion of their product, buy all or get none!

Our country was built on small to medium Bsns giving a freedom of choice. You have further choked off the spirit of innovation and small to medium size guy having the opportunity to provide innovative advancements. Look only to the price of medications that are currently prohibitive for many seniors and you get a good idea of ''cornering the market''. I am not foolish enough to believe all answers are really simple, but I can't be moved to believe that endorsing monopolies and choking out the future hopes of aspiring innovators is what we are about in this country. You basically have rolled over for them!!

MTC–00001476

From: Dave Yost
To: US Dept of Justice-Microsoft anti-trust comments,C...
Date: 11/20/01 12:14pm
Subject: Microsoft settlement is far too weak.

I'm in the computer industry. I know one of the first 8 Microsoft employees, who also attended Harvard with Bill Gates. I read the book. I think Judge Jackson was if anything too lenient. And I know first hand the chilling effect that Microsoft's bullying monopoly has on competition, which is killed before it starts by fear of Microsoft's domination and illegal tactics.

David Yost

MTC–00001477

From: Ann Hendricks
To: Microsoft ATR
Date: 11/20/01 12:14pm
Subject: Too easy

Please add my comments about the Microsoft settlement. It is far from punishing Microsoft's monoply and should be reconsidered- they are getting off too easily and the settlement reeks of power and money on Microsoft's part.

Thank you.

Ann Hendricks
1376 Mary Lee Way
San Jose, CA 95118

MTC–00001478

From: jrock@mail2go.com@inetgw
To: Microsoft ATR
Date: 11/20/01 12:26pm
Subject: Antittrust remedies for Microsoft

Dear Sir or Madam,

I am writing to express my dismay at the proposed settlement between the Department of Justice and the Microsoft Corporation. After 4+ years of legal wrangling and an equal amount of time chilling innovation and financially destroying good companies, the industry needs an effective solution without delay. The settlement proposed by a number of the states provides, on paper, reform in several areas. There is, however, enough leeway in the proposal for debate. This would result in Microsoft continuing to flagrantly disregard the law and another 4+ years in court while the industry continues to suffer.

The only solution that will provide for real change in the industry is one that provides real and definite punishments for Microsoft's past behavior and provides for a strict adherence, by Microsoft, to open and established industry standards. All protocols, formats, and API's used by microsoft products must be legally bound to open, published, free standards to allow true interoperability with any competitors who wish to enter the market. This would negate some of the economic and technical advantage they have established through the exercise of thier illegal monopoly.

I ask that you take my opinion into consideration while dealing with this case. I work everyday with both Windows and UNIX software. My company develops software for mission critical applications. Microsoft's OS's do not provide for the real-time data processing and are not stable enough to support our applications. We are forced, however, to use Windows as well as UNIX because the corporation that has invested heavily in our company uses it and there is no way for other OS's to reliably interoperate with it. That corporation uses it because they need to interoperate with all their business partners who run it, and because when buying a computer it is cheaper to get one that comes with Windows than to get one without any OS at all. This situation is unacceptable.

Thank you for your time.

Sincerely,
Joseph Rock
1447 Geneva Rd.
Ann Arbor, MI 48103

MTC–00001479

From: Sherry
To: microsoft.atr(a)usdoj.gov
Date: 11/20/01 12:19pm
Subject: DON''T SELL OUT!

Dear Renata Hesse, Trial Attorney:

I'm a 55 year old CPA, whose first computer course was Fortran II (in the Jurrassic days of punch cards), former IRS agent, MS in Taxation, and writer. I've used every MS o/s system except CP, which I will never use. I currently have two systems at home, both I built myself. My husband's has Me and mine 2000. I've watched how intrusive MS has become, with the last bit of arrogance being the inclusion of IE and Outlook in both OS system. I don't want to IE or Outlook Express, nor do I want MS deciding what I have on MY desktop. I use Lotus Smartsuite, Opera 5.1 as a browser; however at times, I'm forced to use IE, especially when downloading MS updates. One of the tricks I especially dislike is the rerouting of URL's to MSN affliates. Also they deliberately include code which negates the use of non-MS equipment. For example, I use a Logitech TrackMan mouse. When I loaded SP 2 for Win 2000, mainly to obtain antiSirCam virus protection, my system crashed. I later discovered from a John Dorvak (sp) column that SP2 isn't compatible with Logitech Trackman. No where in the MS literature is that mentioned. I got my system running again, without SP2. These are only a few examples of why the DOJ needs to pursue MS.

Sincerely,

Sherry Stigge
CPA
720 Dawn Way Gilroy, CA
408 848 4158.

MTC–00001480

From: R. Stacy Smyth
To: Microsoft ATR
Date: 11/20/01 12:19pm
Subject: Microsoft Anti-trust case

I understand that this email address has been created for public comments on the Microsoft antitrust case.

By its recent actions in the case—dropping the request that Microsoft be broken up—the justice department has shown itself to be completely under the thumb of an administration which cares only about the interests of big business, to the exclusion of anything that could be called ''justice.'' This is especially, glaringly obvious because the justice department was on the right track—going after Microsoft as hard as it could—under the previous administration.

This is a travesty, a national disgrace, and a course of which the staff of the justice department should be personally ashamed.

Stacy Smyth
10 Grove Place
Albany NY 12203
CC:patrick Smyth,cvs@nc.rr.com @inetgw,joan@gnra.com@i...

MTC–00001481

From: Patel Lokanath
To: Microsoft ATR
Date: 11/20/01 12:36pm
Subject: Microsoft Settlement

Enough damage has been done to the US economy and to Microsoft as a company. Microsoft has already been punished to the maximum and the company (MS) should be left alone and its time to move on. There is nothing wrong if a company is moving forward in the name and principle of innovation. There are more important things to do in life e such as feeding the hungry, national security, and how to fix the economy. Thank you.

Sincerely,
Lokanath Patel
PatelLokanath@JohnDeere.Com
Dubuque, IA
563–589–6328

MTC–00001482

From: Sean Branney
To: Microsoft ATR
Date: 11/20/01 12:36pm
Subject: MS Anti-Trust

Dear Department of Justice,

As a long time member of the IT community, I have watched with horror and dread as Microsoft has extended its tendrils throughout the industry, wielding its monopoly with self-serving glee. I was very pleased to see the United States stand up to their illegal practices and enforce the law.

While I'm not familiar with all of the intricacies of the case, I've followed reporting on the settlement in the news. I must say that the settlement seems absurdly lenient to Microsoft, and I have no doubt that if the settlement is agreed to, Microsoft will continue to misuse their position of dominance in the industry and some future

government administration will be forced to find a meaningful settlement.

Stop for a moment to consider what a genuinely incredible tool the Internet is. It is genuinely changing the world in a meaningful and positive way. However, Microsoft has positioned themselves to co-opt the Internet itself and make it little more than a profit center for them. Consider that most of the world now accesses the Internet through their tools. There's an ever-dwindling number of options available as they eliminate their competitors. Microsoft alone has the clout and influence to set the standards as to how the Internet will work in the future. Will they select the ''best'' technology that best serves mankind or will they select standards that will serve Microsoft shareholders?

Obviously Microsoft will pursue their profits. However, the point of the anti-trust litigation, it seems to me, is to eliminate unfair practices and break up a monopoly which has the power to affect the very future of humanity. The proposed settlement terms seem like a weak and ineffectual gesture rather than a meaningful stand to protect the Internet as a dynamic, diverse, robust marketplace for human ideas and communication.

Thank you for soliciting public input on this matter.

Sean Branney
Glendale, CA

MTC–00001483

From: Seven
To: Microsoft ATR
Date: 11/20/01 12:32pm
Subject: Re: Microsoft

I'm not in the least satisfied with the proposed settlement with Microsoft. Nothing in the proposals opens up the marketplace for significant new players, and indeed, leaves MS open to similar behaviour in the future. The playing field is very far from level. I'm a very small software developer based in Toronto.

Morley Chalmers
7Office Inc.
595A Church St #4
Toronto, Ontario
M4Y 2E6
Seven@7Office.com
Morley Chalmers
for the 7Office team
Seven@7Office.com
416/926–9296

MTC–00001484

From: Denis Letelier
To: Microsoft ATR
Date: 11/20/01 12:28pm
Subject: Microsoft case

Microsoft is probably one of the most unethical companies in the country. I hope they can be stopped, especially, their latest bullying request, the onerous, invasive, illegal, Passport. It is now impossible to register a product in the regular manner, now Microsoft requires to sign up for Passport before anybody can register one of their products. One shudders to think what they are going to do with the information and contract they end up with, by having the unsuspected public sign up for their Passport.

Denis Letelier

MTC–00001485

From: David O'Rourke
To: 'Microsoft.atr(a)usdoj.gov'
Date: 11/20/01 12:42pm
Subject: Missed the point?

Am I am correct in that the agreement does not include making Microsoft's file formats available to competitors? If that is correct then we have we have missed the most important remedy.

Sincerely,
David W ORourke

MTC–00001486

From: karcher@lbl.gov@inetgw
To: Microsoft ATR
Date: 11/20/01 12:39pm
Subject: Microsoft Settlement

I can hardly express my dissatisfaction with the settlement . Microsoft was found guilty of unfair business practices, and is still showing those tactics in new products such as XP. How is it possible that they got off without any real censure.

The department of justice is supposed to be responsible to the people. Just because Microsoft is a supporter of our president should not mean they can break the law with impunity.

Please reconsider your position in the Microsoft case.

Armin Karcher
1054 Tevlin Ave
Albany, CA 94706

MTC–00001487

From: Martin Sandberg
To: Microsoft ATR
Date: 11/20/01 12:38pm
Subject: Stiffer penalties

It is time and past time to start actually undoing the damage that Microsoft has done. Currently it is impossible to secure Venture funding for any desktop application development. One could argue that this drove far too much money into the internet—Microsoft wasn't there, so you could actually build a company without it being destroyed by Microsoft. Far from harming the economy, a truly effective set of sanctions (I favor breaking them into at LEAST 4 companies with the exact same rights to all the code) could bring the desktop back to life, prevent them from destroying the internet and produce a huge boom!

Martin
Happy Mac developer

MTC–00001488

From: Charles Houghton
To: Microsoft ATR
Date: 11/20/01 12:57pm
Subject: Severe displeasure

I am horrified that the DOJ is not pursuing any MEANINGFUL settlement in the Microsoft anti-trust case. Their anti-competitive behaviour destroys companys and innovation at an alarming rate.

I strongly support continued legal effort by State's Attorneys-General a concerned US Citizen and Registered Voter,

Charles Houghton
317 W 99th St #7d
New York, ny 10025

MTC–00001489

From: Terence McKinney
To: Microsoft ATR
Date: 11/20/01 12:52pm
Subject: After MSN debacle...DOJ still doesn't get it?

Sirs,

After MSN blocking and killing other browsers very recently, you SHOULD have gotten a clue about what is going on. Please get some competinant technical help in the DOJ who understands the implications of Microsoft smothering the entire technology field.

It's not what they bring to the table at low cost, but what we will never see developed. A case of what could have been many times over with new technology.

Terence McKinney
Internet Developer

MTC–00001490

From: Michael Brook
To: Microsoft ATR
Date: 11/20/01 12:51pm
Subject: Settlement

I oppose the settlement with Microsoft.

1. The settlement gives the company the ability to seek restoration of a microsoft configuration beginning 14 days after purchase. There is no restriction on this practice in the settlement. This means that the company can if it wishes, cause a window or other notice to appear 3suggestingó that I use the Microsoft middleware each and every time I attempt to use another company1s software.

2. The company has the ability to prevent me from using chosen software if it 3fails to implement a reasonable technical requirement 3. This technical requirement is not specified, and the decision is left to the company for its discretion. This gives the company broad discretion to prevent the use of non-Microsoft products on the argument that it fails to implement this unspecified technical requirement.

3. It allows Microsoft the discretion to decide which portions of code and API 3compromise securityó giving the company the ability to shield massive amounts of code from developers in order to favor Microsoft products.

4. It allows Microsoft 3sole discretionó to determine what is Windows and what is software. This goes to the heart of the initial case. Users were prevented from removing a simple web browser from their computer because the company had determined that it was part of the OS. I can foresee Microsoft determining that ALL of its software it part of the OS, including such things as word processors, spreadsheets, etc., and forcing users to use these products rather than competitors products.

5. It prevents users from removing Microsoft software from their computer. While users can remove the 3iconsó it provides no guarantee than end-users can remove unwanted programs from the drive, but rather allows Microsoft to hide the programs so that they can remain untouched on the drive, and allows the company to constantly remind the user that it would prefer they use the Microsoft product.

All of these aspects allow the company to continue to behave in the way that has

hindered innovation in computer software for nearly a decade, and allows the company even greater freedom to suppress third-party software developers at the expense of the company1s own software.

MTC–00001491

From: David Schwab
To: Microsoft ATR
Date: 11/20/01 12:45pm
Subject: some thoughts on MS

Hello,

I've been using computers for a number of years as a source of income. I'm a graphic artist by trade. Since computers are my livelihood, I have a keen interest in all things related to this field. I have been following the Microsoft trail, and I keep noticing that certain facts never get brought up. So here is my take on how Microsoft runs it's business.

One of the most obvious things they did to try and kill competition in a field is with web browsers. Microsoft was late to the game, and was worried that Netscape would make the Windows operating system less important by using Sun's Java for browser based applications. Microsoft did not have a web browser of their own, so they did what they always do, they bought one. Or more precisely they stole one! They went to Spyglass and made a proposition to license the Mosaic browser. The deal was that Spyglass would get a percentage of every browser sold. But then Microsoft gave it away for free! This way, no money to Spyglass, and who wants to pay $35 for Netscape when you can have a browser for free? Interestingly, Mosaic was the original version of Netscape. The analogy here is what if Coca Cola opened their own chain of supermarkets. With every purchase you got a free six pack of Coke. A lot of people would take the free Coke, even if they might prefer Pepsi.

Another one. I use an Apple Macintosh computer, and not a PC running Microsoft Windows. Windows is obviously a copy of Apple's OS and NeXT Step from NeXT Computer. Apple's new OS is named ''Mac OS X'' ... Microsoft just announced their new OS... ''Windows XP.'' Why the ''X'' in the name? I think this is to confuse consumers, who have been reading and hearing a lot of positive things about Mac OS X. In Apple's case, the X is the Roman numeral for the number 10, since this is version 10 of the Mac OS. In MS's case, it means nothing. It's really Windows 5, maybe. So why not ''Windows V'' then? Apple's new graphical interface is named ''Aqua'' because it has a shimmering liquid look, and a lot of blue. MS decided to name their new interface for Windows XP ''Luna'' because... well I don't know, except that it has four letters, ends in an ''a'' and sounds a bit like ''Aqua.'' Plus all the reviews say Windows XP looks a lot like Mac OS X (which was out since March 2001).

Once more, they can't make a better product, so they want to confuse consumers. it's a smoke screen to take the spotlight away from a competitor. They don't innovate as Bill Gates like to remind us so often. They merely copy and steal other's products, change them to their own design, and then drive the products that they copied out of the market. Why? To make a better product, or to have World Domination? This is the real question. As a consumer I know my choices are fewer because of Microsoft. I am writing this on Microsoft Outlook Express, because there are so few choices of email programs for the Apple Macintosh. Being a much smaller market, it's just not worth it for companies to make a product that has to compete with a Big Company that gives away free software. Also it came bundled with the computer. So MS even has a hand in Apple's pie.

More... they made Windows XP so that the popular audio format, MP3, would not play back with high quality, unless you pay more money for an add-on. This is to make their own Windows Media Player the standard format, and thus giving them undue control over the market place. If they get their way Windows Media Player will become ubiquitous. Forget MP3, and Real Audio, and QuickTime. Every one will have to license the MS format. This is the same thing they tried to do with Java. Add so much of their own proprietary code as to wrestle the control away from Sun, and make their version the standard.

And with them bundling all this stuff... who needs to spend money buying a word processor, when your new PC have MS Office, and everything else you need. True, you might like Word, but maybe not. And removing this software might be very hard. Just look at trying to remove MS Internet Explorer from Windows. I think the DOJ needs to look at a company like Apple Computer, to see the way it should be done. Every program can be removed by just dragging the folder to the trash. And Macs don't come with a lot of software... because Apple wants their developers to make money too!

What I think needs to be done is to make MS release the code and API ''hooks'' that software developers need to make their products work better with Windows. The way it is now, for instance, parts of MS Office and Internet Explorer are built into the operating system. This makes MS' own products run better then the competition, and I feel gives them an unfair advantage. They claim this is ''innovation,'' and if this is true, let others use it too.

Since MS does not have competition in the PC operating system market, what difference would it make to let another company's web browser have full access to the guts of the OS, and it's build in HTML rendering engine.

Since MS makes no money on Internet Explorer, and they don't have to worry about people buying a different OS, they have no excuse!

Thanks for the opportunity to speak my mind on the matter.

Yours truly
David Schwab
4 Walnut Place
Montclair, NJ 07042
973–509–8978
www.david-schwab.com

MTC–00001492

From: PETIT@aa.edu@inetgw
To: Microsoft ATR,microsoftcomments @doj.ca.gov @inetgw,...
Date: 11/20/01 12:59pm
Subject: FW: reject the microsoft settlement

If Teddy Roosevelt were in the Whitehouse, Microsoft would have been split into at three companies five years ago.

Since ours is an age in which politics is defined almost purely by money, it is not surprising that the Bush Justice department has entirely caved in the face of Microsoft's monopoly.

I applaud those attorney's general who have balked at the preposterous settlement. Microsoft must be punished for it's anti-competitive practices, it's extortion of pc makers and its racketeering to fix prices and control the digital age.

Microsoft should be forced to compete on an even laying field. This is the only way we can stop the endless production of plagiarized software (every Microsoft OS from Window 3 to the new XP (a blatant rip off of Apple's superior OS X)), application designed to cripple competing operating systems and it's relentless march to acquire and profit from the personal information on every single pc in the world.

Throughout it's history, Microsoft has indulged in not only anti-trust violations but racketeering and blackmail as well.

I hope you will continue your struggle against this behemoth.

Sincerely,
Ann Petit
Director of Educational Services
New Mexico Media Literacy Project
505.828.3129 phone
505.828.3142 fax
www.nmmlp.org

''The basis of our government is the opinion of our people'' Thomas Jefferson

MTC–00001493

From: Donald Kasprzak
To: Microsoft ATR
Date: 11/20/01 1:00pm
Subject: microsoft issues

Dear Sir or Madam,

I would like to write to ask you to consider harsher penalties against Microsoft. My role in various IT departments over the past 14 years has lead me to realize that the company has aggressively participated in criminal business practices.

While working for a competitor in 1992 I was shocked to learn that Microsoft would bundle for free their office application with any system sold running windows 3.x, while our product could not begin to bundle that software for free.

Today this has been repeated by missing the .net in the breakup of the company. While this was ignored during the discussion of breaking the company into separate business units, it is the train barrelling down the internet track that we cannot avoid.

Please feel free to contact me for any further information you may need or may want to request.

Regards,
Don
Donald A. KasprzakTechnology Manager
William F. Eisner Museum of Advertising and Design
208 North Water Street, Milwaukee Wisconsin USA 53202
e: kasprzak@eisnermuseum.org
w: http://www.eisnermuseum.org
p: 414.276.7889.269f: 414.291.8077

MTC–00001494

From: Alex.Christ@colorspan.com@inetgw
To: Microsoft ATR
Date: 11/20/01 1:00pm
Subject: Microsoft settlement opinion

I would just like to voice my opinion on the Microsoft case. I would like for Microsoft to give up control of the operating systems that are placed on a hard drive by the original equipment manufacturer (OEM). OEM's should be allowed to ship Intel-based hardware without an operating system, or install another OS if a customer requests it and the OEM sells it. I have purchased a number of computers from IBM, Dell and HP and all ''MUST'' ship with Windows (Gateway even told me I have to purchase Microsoft Office or another Microsoft product in order to purchase a computer. I did not buy from Gateway). I use FreeBSD (UNIX) and used BeOS (they are now defunct because they were not able to gain marketshare on PC hardware), so I pay Microsoft for software licenses I do not use (generally $99 for Win98 and $199 for WinNT... those were the prices for OEMs when I purchased the computers about five years ago).

Perhaps the easiest way to eliminate or minimize OS-monopoly control for any software manufacturer is not to allow OEM licenses with hardware vendors. If a customer requests Windows XP, the OEM must sell a full retail version of the OS (at retail cost) with the hardware. If a customer requests Linux, the OEM sells a retail version of Linux. BeOS... retail version. This would eliminate the control because now the customer/consumer demands what OS they want to use. Microsoft would have to be more competative. Think about it, most Linux and Unix distributions are $49 to $79 at CompUSA. WindowsME is about $99–$120 and Windows2000 is about $199–$299. Microsoft would be forced to play at the Linux/Unix prices since they view them as the main competitors.

In short, don't allow OEM relationships between OS manufacturers and hardware vendors. The only way around this would be for the OS manufacturer to become a hardware manufacturer too (i.e. Apple Computer, Silicon Graphics, Sun Microsystems, IBM, etc.—none of which have a monopoly).

Thanks,
Alex Christ
Consumables Lead
MacDermid ColorSpan R&D
6900 Shady Oak Road
Eden Prairie, MN 55344 USA
ph. (952) 943–3243
fx. (952) 944–9461
alex.christ@colorspan.com

MTC–00001495

From: print2@gmx.net@inetgw
To: Microsoft ATR
Date: 11/20/01 1:15pm
Subject: Microsoft

Another crime far larger than Microsoft's is the utter waste of of my American dollars. The dollars spent on this trial is ridiculous and then such a ridiculous settlement. SPLIT Them up period, fine then till it hurts real bad. Microsoft has committed serious crimes against the American people. Now, punish them severely.

Larry Vogel

MTC–00001496

From: Tom Carr
To: Microsoft ATR
Date: 11/20/01 1:10pm
Subject: Setelment concerns

Dear Sirs,

Being a professional in the industry, I just wanted to say the settlement with Microsoft is just what I expected from our Federal Government, a complete sell out! Who Got bought?

You have wasted years of our time, and millions of our tax dollars, to accomplish what? NOTHING! You are just letting them go, basically...anything short of a breakup and total disassembly of the monopoly they hold on the industry is a sell out that will cost the American people ten fold for years to come. Way to go feds!

THANKS FOR NOTHING!

MTC–00001497

From: Oscar Myre
To: Microsoft ATR
Date: 11/20/01 1:09pm
Subject: Microsoft Justice

Hello,

I wish to commend you on taking a stand against the practices of Microsoft. I feel that they powered their way to a weak settlement. I don't wish for a cruel ruling. My wife and I will pray for justice. Microsoft needs to know that they will be held accountable for their actions just like everyone else.

God Bless,
Oscar & Michelle Myre IV
127 Terumi Lane
Longview, WA 98632
360.575.9839

MTC–00001498

From: Hull, Joseph F
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/20/01 1:03pm
Subject: Microsoft Settlement—The settlement, in its current form, is no t in the best interests of the country nor ordinary citizens.

To U.S. District Judge Colleen Kollar-Kotelly, the Solicitor General, Attorneys on the Case and Whomever It May Concern:

I am a computer professional with ove 30 years of professional experience. I have been a computer professional since before there was a Microsoft Corporation and have watched Microsoft's unprecedented growth of influence in the computer industry with both excitement and alarm. I am writing as a private citizen, albeit one with some expertise in the matter at hand, not as a representative of any company or organization.

In my opinion, Microsoft has made major positive contributions to our industry and our country and has been greatly rewarded for them, both financially and in reputation. However, as Microsoft's influence has grown, its business practices have both become more pernicious and increased in the burden they place on ''the rest of us.'' It is time for Microsoft to cease and desist. Just as behavior that should be tolerated but discouraged in an adolescent should not be tolerated at all in an adult, it is time for the community, represented by the US Department of Justice, to demand, in the form of a court order, that Microsoft grow up.

''The marketplace of ideas,'' not unbridled capitalism has ever been the American way. Legitimate business and economic competition should not tolerate abuse of monopoly power (remember, this has already been adjudicated). Microsoft has demonstrated, both over time and recently, its intention and willingness to continue its aggressive repression of all companies and products that it sees as competitors for its products. Microsoft has demonstrated, both over time and recently, its intention and willingness to exploit any loophole, any flaw in wording, any explanation, however outrageous. The settlement, in its current form, ignores this evidence. It is clear that Microsoft will continue such behavior until it ceases to provide financial benefit to the company.

The remedy is likewise clear. Microsoft must be divided into 2 or more corporations: 1 which holds the rights to all of Microsoft's computer operating systems and forbidden to develop other kinds of computer products; the other(s) holding the rights to all other computer software and forbidden to develop computer operating systems, at least for the near future (much as the Baby Bells are forbidden to develop long distance telephone service products until they open their signal delivery systems to competitors. Gee, do you suppose it would be beneficial to commerce and the country as a whole if the Baby Bells were divided into service delivery companies and retail sales companies. Hmmmm.) The county's experience with the breakup of ATY&T, from Judge Greene's initial order to the Telecommunications Act of 1995, should be a caution to you.

In my opinion, the settlement, in its current form, is a flagrant attempt by Microsoft to continue its repressive business practices. In my opinion, it is your job, as an organization of our representative government, to oppose this with every tool available. The current settlement must not be accepted.

Regards,
Joseph F. Hull
NAS Software Architect
Digital Media Center
AT&T BroadbandVoice: 303–267–7176
4100 E. Dry Creek Rd.FAX: 303–267–6760
Littleton, CO 80122Email:
Hull.Joseph.F@broadband.att.com
e-Week
November 19, 2001
Judge Should Assess Settlement

After years in the courts, the proposed settlement of the United States of America and nine states vs. Microsoft is as toothless as the consent decree of 1995 Microsoft again must make only nominal behavior changes. In return, it gains legal protection for many practices that landed it in court. The holes in the proposed settlement are gaping.

First, OEMs looking for non-Microsoft options that better meet the needs of customers may still find Microsoft impeding third-party products that sold fewer than 1 million units in the United States the year before.

Second, Microsoft may keep secret and refuse to license any APIs or protocols to would-be competitors that ''compromise the security of ... anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems.'' These are the very stumbling blocks for those trying to compete with native Windows components for multimedia, e-commerce, messaging and file sharing.

Third, competitors must then, at their own expense, submit their software to a third-party testing organization to ensure compliance with Microsoft protocol specifications.

Fourth, the agreement specifically excludes servers, PDAs and handhelds and may even exclude tablet PCs, which Bill Gates, in his Comdex keynote, said will be the most popular computing platform in five years.

Fifth, Microsoft now has legal protection to add whatever it wishes to its operating systems, offering the same preload and default invocation benefits as before. OEMs have new freedoms to change these defaults, but how many real alternatives will be available?

Sixth, Microsoft is not required to disclose the format of locally stored data files, such as document, address book, mail or stored music formats, that leverage the Windows desktop monopoly to tie users to other Microsoft software as much as APIs or network protocols do.

Finally, the agreement lacks any penalty for Microsoft's gains in market share and revenue as a result of past illegal behavior. The proposed settlement won't protect the marketplace from Microsoft's product- and service-tying, nor will it encourage new competition. The agreement needs to be toughened to provide substantive remedies for substantive violations.

The nine states, plus the District of Columbia, that have rejected this settlement should hold their courses, as should the European Union. We call on U.S. District Judge Colleen Kollar-Kotelly to use the upcoming 60-day public comment phase to carefully determine if this agreement is, in fact, in the public interest.

CC:'jfh'

MTC–00001499

From: Davis, Kelly
To: Microsoft ATR
Date: 11/20/01 1:23pm
Subject: Anti-Trust settlement

Dear Sirs:

I read with great dismay the continuing effort of the Justice Departments efforts to settle with Microsoft. I realized that the United States is at a critical juncture internationally and politically, but I am having a hard time understanding why the Justice Department thinks it is such a good idea to settle with Microsoft at this particular point in time.

The thing I am concerned about is that the only thing Microsoft has ever been inventive at was in finding new ways to destroy their competitors. They are a company that has been built upon the premise that they own, or can buy or steal any type of innovation that comes along. Far from being the most innovative company in the 20th century they are the late twentieth century equivalent of ''Robber Barons.'' They are good at marketing and they are good at recognizing what it is most consumers are willing to live with. What they are not, however, is innovative.

As lawyers who work for a pro business government you must see Microsoft as a wonderful panacea for the future of the United States. As a software engineer who programs using Microsoft tools, on a platform that Microsoft designed, over a network that Microsoft is striving to own, I see Microsoft as a monopolist bent on making my life more difficult. By agreeing to settle with Microsoft you, who should know better, have inadvertently given Microsoft the ability to track more personal data about people in the United States then the U.S. census has ever known. This is what we get with .NET technology.

Please reconsider the settlement with Microsoft. It is a bad idea. It is bad for America. It is bad, even, for Microsoft.

Kelly Davis

MTC–00001500

From: Ben Carroll
To: microsoftcomments@doj.ca.gov@inetgw
Date: 11/20/01 1:23pm
Subject: Regarding the Microsoft Settlement

To the Offices of the California Attorney General and the U.S. Department of Justice, I would like to convey my dissatisfaction with the U.S. Department of Justice's settlement agreement in the Microsoft anti-trust proceedings. As I understand it, California is one of the states which has refused the settlement as it stands and I am glad to see that my home state is attempting to do the right thing against pressure from above.

My principal complaint about the agreement, detailed in today's Wall Street Journal, is that it is not a penalty for Microsoft. It is merely an investment and a sanctioned furthering of their monopoly in a place where it may be seen as political suicide to stand against it. The idea is that Microsoft is always trying to find ways to seed the market to their benefit, to build user dependency on their OS and software products. To permit them to pay their debt to society by donating $1.1 billion of their own software to schools in need will just make the students of the 14,000 eligible schools into future customers of Microsoft. They will make back that $1.1 billion in spades over the next few years.

To use a metaphor that the schoolchildren affected may understand, Microsoft is a wolf, and the USDOJ has just handed them a finely tailored suit of sheep's clothing.

The other problem with this sort of a ''penalty'' is that it lends itself to questionable accounting practices. For example, if Microsoft donates a copy of their new Office X program, does that count against their penalty for the full retail cost, or just the cost of delivery for the unit itself. If it is the former rather than the latter, then Microsoft is getting off with a truly light sentence. Using the example of Office X, the retail price is in excess of $400.00. The cost of delivery, including the box, full documentation, and a handful of CD-ROMs could not possibly exceed $20.00.

I would like to propose an alternate settlement with only slight changes which would still have the effect of bettering school environments in economically challenged areas. Rather than permitting Microsoft to seed the market with its own products, the penalty which would be more appropriate would be to have them donate products from competing companies.

What I would like to see Microsoft donate to these schools is something along these lines:

1—100,000 iMacs and 50,000 G4 desktop machines

2—150,000 generic PCs (using AMD chips, rather than Intel, but that's another issue altogether) with RedHat Linux pre-loaded instead of Windows

3—1,00,000 PalmOS-based PDAs (no Windows CE systems)

4—14,000 (one per school) Sun Sparcstations

5—14,000 licenses for Oracle database software

6—140,000 (ten per school) Sony PS2 and Nintendo Cube game systems (no X-Boxes)

I think that this would have the dual effect of penalizing Microsoft while also bolstering the competition enough that a somewhat more competitive environment would be the result.

The people who run Microsoft may be fine people, individually great business people. However, their work in concert has produced a bully of a company. And bullies, if not properly reprimanded will simply go on to become bigger, meaner bullies. I hope that some appropriate action such as I have described can be encouraged.

Sincerely,
Benjamin I. Carroll
CC:Microsoft ATR

MTC–00001501

From: Paul Whitewood
(091)Corp.Engineering(093)
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/20/01 1:17pm
Subject: Every time I think of my tax dollars being used to assault Microsoft, I

Every time I think of my tax dollars being used to assault Microsoft, I cringe. Stop the waste of the tax payers money and settle with Microsoft. Please move on to productive activities. Free market principles of supply and demand are still alive and well in the US.

MTC–00001502

From: Alex Perry
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/6/01 2:30pm
Subject: Class Action comment

According to a RedHat newsletter article, DOJ is soliciting feedback on the proposed settlement of the class action suit. If this is not the case, feel free to discard this message. I recommend against accepting the proposed settlement on four grounds: (1) It does not compensate the individual consumers who overpaid (2) It has a significant detrimental effect on the school system (3) There is zero net financial impact to the defending corporation (4) It does not discourage the defendant from repeating the act.

As a consumer who has involuntarily purchased Microsoft's product, and paid the

higher prices for the product after the company has driven a fledgling competitor out of business with a dumping tactic, it would be really nice if the class action settlement could provide me with some benefit (even if tiny) for the cost and hassle incurred. Since I have no children, I therefore receive no direct benefit of the provision of Microsoft computers in the school system. However, we must consider the other people with children, and also the potential indirect benefit that I might accrue by being in a country with a better educated workforce. Is there a benefit to the schools?

Historical data shows that schools, when given a real choice, will purchase Apple's Mac series of computers because they are easier to learn and have a wider range of educational software available. Therefore, the court system is proposing to give these schools something that they would rather not receive; would it not be better to have Microsoft apologize for its price fixing and monopoly position by providing each school with one computer, with the school having the option of choosing the manufacturer and operating system it runs?

Separate to the benefit to the school budget is the impact on the students. While Mac software is designed to educate and encourage its users to explore the information available, the goal of Microsoft software is to entertain (at home) and support business (at work). The purpose of attending school is to learn, not to use a computer that is optimized for video games and pay-per-listen multimedia. In every way, Microsoft aims to separate its user community from any understanding of how the computer works and is achieving the user's requests. As such, I believe that providing these systems will —reduce—the technical and scientific capabilities of the school's graduates and ensure they are better able to function as untrained consumers. That certainly doesn't match my employer's staff needs.

If the school uses its small budget to purchase educational software that will make the computers useful for their teaching goals, an additional problem will manifest a few years in the future. When the existing licensing on the Microsoft-based operating system and software expires, the school will be forced to pay a lot of money that is likely to ruin the slim budget available for software. Several groups have argued that, at that time, the school can choose to either not upgrade or to switch to a different operating system (such as Linux). Neither of these options are viable and need to be eliminated from consideration for the following two reasons. Microsoft's software, as made available at the present, ceases to function correctly after a few years in order to force the upgrade. If the school chooses not to upgrade, the computer will degrade into unusability. Since Microsoft denies independent software vendors (ISVs) the right to sell new software that runs on old Windows versions, the school would also be unable to purchase any software. As an example, I suggest attempting the impossibility of purchasing Microsoft's Visual Basic development environment that runs on a Windows 3.11 based computer. This is analogous to the situation that the schools will find themselves in, in the near future.

As the provider of the computer system, Microsoft can choose the hardware contents very carefully. Many hardware manufacturers, due to the monopolistic situation, have been forced to sign odd agreements. These provide information needed about their hardware to Microsoft—and—prohibit that manufacturer from divulging that information to any other organization. In this way, it becomes impossible for the competing operating systems to run correctly on that computer system, even if the hardware manufacturer would like to do so. Therefore, it is trivial for Microsoft, while complying with this settlement, to deliver computers which will never ever be able to run any non-Microsoft operating system.

The school system is actually one of the few market segments in which Microsoft has not yet succeeded in driving out the competition. Conventionally, a settlement requires the defendent to contribute to a cause that would impair its future sales revenue, instead of increasing its future revenue ... and recovering the settlement cost.

Historically, the marketing value of having its computer, or software, or allied product in an educational setting is shown to be sufficiently high that many computer manufacturers have freely donated millions of dollars in kind, without any pretence of being 'forced' to do so by a US court. For example, when I was in university, I was using one of the highest performance computer systems available from IBM, provided by them in order that I would learn to use it and potentially purchase their systems on graduation. Market studies have shown that the return on investment by these generous acts was better than any conventional marketing campaign. Thus, I find it disappointing that the settlement provides the defendent with a large future revenue opportunity and also forces the existing market segment dominating company to operate at a significant disadvantage for the next decade. Is it really the case that the DOJ wishes to encourage Apple to go out of business?

Finally, the publicity campaign I have been observing recently has described the settlement by Microsoft as an act of generosity with no implication in their media statements about any apology or wrongdoing to the general public. This does not seem to set the stage for avoiding a repetition of their error in future.

I am a PhD Electronic Engineer, involved in the development of Concealed Weapon Detection systems for DOJ and DOD components. The monopolistic status of Microsoft has enabled a deterioration in the quality of its products, such that they are unsafe for use in a critical safety product (as a CWD portal must be), yet the monopoly forces their use in the systems we deliver. I am in the process of attempting to migrate the product to Linux, to provide a safe system to our customers, but the tactics documented in the other lawsuits make this difficult. My involvement in the software industry dates back to 1981, so that I have observed the creation, growth and business tactics of Microsoft ... and their impact on other companies.

In conclusion, I request that the court either (1) Implements my 'school choice' suggestion above, or (2) Accepts the concept proposed by RedHat et al, or (3) Settles but prohibits Microsoft from school donations

Sincerely,

Alexander Perry.

PS. This comment is submitted as a personal opinion, and I am neither requested nor authorized to represent my employer.

?? : Quantum
?? : Magnetics
?? :
An : Advanced Magnetic Systems
InVision Technologies :
Company : Alexander Perry
: Principal Engineer
QUANTUM MAGNETICS : Group Leader, Advanced Sys
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CA 92121–2425 : Fax: 858.566.9388
www.qm.com : alex.perry@qm.com

MTC–00001503

From: Marc Alayon
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/6/01 2:28pm
Subject: Not a good idea

This agreement will not punish MS but extend its monopoly into an area where they currently do not dominate.

MS should be forced to change there business practices.

Try to purchase an Intel based computer with Red Hat linux installed. Companies are required to sell the computer with Window installed. So, if I want a computer that runs RedHat linux I must purchase a pc with Windows installed. Delete Windows and install RedHat.

I am forced to purchase Windows even though I do not want it.

I have more complaint if you need them.

Cordially,
Marc G Alayon
US Citizen

MTC–00001504

From: Stephen Smiroldo
To: Microsoft ATR
Date: 11/20/01 1:29pm
Subject: Microsoft's Anti-Trust case

I am at work, so I need to make this short. I support your decision for more stringent anti-trust prosecution against Microsoft.

I believe Microsoft has broken numerous anti-trust laws and have practiced questionable and immoral business tactics in the past as well as in the present. Please keep defending this nation against monopolistic companies such as Microsoft.

I hope that the truth of how Microsoft has practiced it's business will be dealt with proper justice. Please do not allow justice to take a backseat to politics and economics.

Thank you,
Stephen Smiroldo
299 Cambridge Drive
Daleville, VA 24083
540–857–3371
CC:consumer@mail.wvnet.edu @inetgw,uag@att.state.ut.us...

MTC–00001505

From: C. Alexander Cohen
To: Microsoft ATR

Date: 11/20/01 1:28pm
Subject: Settlement comment

To Whom It May Concern:

It seems to me that the proposed settlement is nothing short of a government cave-in. The terms neither correct the egregious behavior of Microsoft, nor contain any punishment for their past bad acts, nor any restitution for those businesses wounded or even killed by Microsoft's heavy-handed tactics.

Further, the proposed settlement enshrines forever Microsoft's 'right' to use their proven monopoly power to roll over the competition by imitating their technology, bundling it within the operating system and claiming it is necessary (when it isn't)—witness RealPlayer for example, and making it difficult to obtain competing products. Their new system (XP) even forces the user to use the Microsoft product even when the customer has gone through the trouble of obtaining and installing other software, again on the bogus claim that it's necessary for some trumped-up reason! The ''Board of Wise Men,'' being under Redmond's thumb will have no real effect. The terms of the settlement are written in such an opaque way as to obviate any real responsibility adhering to Microsoft.

Additionally, the new Passport promises to block out (or at least steer the user away from) any but Microsoft's partners for non-related products reached by internet. Add to this, the methodology which will no doubt convince inexperienced users that it is required to send all manner of personal information, including credit card numbers, to Microsoft—whose security lapses are legendary!

Even after the settlement was announced, Microsoft blocked all browsers but their own (Internet Explorer—''IE'') from accessing their portal site. Later, they 'relented' and allowed the most minor players (such as the browser Opera) access. They are, to this day, trying to block anyone from releasing information about the security holes in their software; on the excuse that it will lead someone to exploit them, meanwhile leaving the vast majority of users vulnerable. Microsoft has no care for the user—only the users' money. Microsoft is a corporate thug of the worst (or nearly worst) kind. True, they are a cornerstone of our economy; but that should not relieve you of the responsibility; nor them of the onus to correct the situation. Remember that breakup in no way harmed the children of Standard Oil or AT&T.

The proposed settlement should be junked and Microsoft should be punished commensurately for their acts, both past and continuing.

Anything less is a sell out.

Sincerely,

C. Alexander Cohen
39 South Pine Street
Dover, NH 03820

MTC–00001506

From: Timothy Cox
To: Microsoft ATR
Date: 11/20/01 1:29pm
Subject: Citizen's view of the Microsoft case settlement.

I have read several reports that claim the current settlement of the Microsoft case might unfold in such a way where Microsoft provides free technical support, software, and training to school systems.

PLEASE DO NOT ALLOW THIS TO HAPPEN! Who could compete in the education technology market when Microsoft is flooding our schools with free (monopolized) products?

In short, you don't fight a monopoly by making them flood the market with their own product.... Even if it is for free! They did this with Internet Explorer remember?

Just remember, history books will be written about this case and if Microsoft gets away with this monopoly, you will join the ranks of those people who are remembered throughout history as the bumblers of justice.

If you do not stop this company now, who will?

Tim Cox
Taxpayer

MTC–00001507

From: Roger Gliebe
To: Microsoft ATR
Date: 11/20/01 1:27pm
Subject: Settlement Worthless

As an IT worker for the past dozen years, I have observed the many violations of the law that Microsoft has done. They have forced their OEM customers into paying for operating system products they never sold and have offered discounts to customers who would exclusively sell their operating systems. They have also tried to either buy up and destroy their competition in various software products, or force them out by bundling a competing product that they wrote with their operating systems.

The remedy proposed by the DOJ does nothing to punish Microsoft for these past wrongs, including the perjurious testimony and falsified evidence provided by Microsoft during the trial. A large fine equivalent to the estimated amount of business they have illegally destroyed would be good for starters. This fine should be equitably distributed among the many companies that were hurt by their illegal actions after paying for the government's cost of these legal proceedings. Microsoft needs to be prevented from doing similar illegal acts in the future. While allowing third party developers to view Windows code may help them write software that is as optimal as Microsoft software, it does nothing to address the crimes mentioned in the first paragraph. Microsoft needs to be divided up into separate companies so that the operating systems are divorced from the applications written to run on those operating systems. Microsoft (the OS part) also needs to be prevented from bundling their own applications with the operating system without paying royalties to the new Microsoft applications company. They need to be forced to offer other developers similar bundling opportunities, and this should be supervised by a court appointed magistrate. There are many software companies writing good software for Microsoft OSes, and they need to be given an equal opportunity to Microsoft to sell their software in the free marketplace. As far as agreements with computer hardware companies (OEMs) are concerned, Microsoft should be prohibited from offering discounts for exclusive deals and should only be allowed to charge for actual number of copies that the OEMs ship to their customers. Microsoft should also be forced to provide a fully usable copy of their OS with every OEM sold computer, not a limited restore CD that only works on that one computer. End customers should be free to transfer their license to any computer they wish to use it on.

Forcing Microsoft to give away their products to schools and offer reduced pricing to schools does nothing to address any of these issues and it merely propagates their monopoly. This settlement appears to be crafted by someone at Microsoft to further entrench their products in a monopolistic way.

Roger Gliebe

MTC–00001508

From: Scott Harrison
To: Microsoft ATR
Date: 11/20/01 1:33pm
Subject: Proposed Microsoft Settlement Comment

The proposed Microsoft settlement with the Department of Justice is a sweetheart deal for Microsoft. The DOJ wants to get on to more important duties like confiscating nail clippers at airports, so the deal looks good to them. But to those of us who got our legal education from old episodes of ''Law and Order,'' the deal stinks.

How does it restore competition? What does it do for those hundreds of competitors who are no longer even in business because of Microsoft's monopolistic tactics? Well, those outfits—if they exist and if they can find the money to do so—can file civil suits. But most of them won't. I would like to see a class action lawsuit against Microsoft. What the settlement seems to do is prohibit Microsoft from breaking the law IN THIS SPECIFIC WAY for a period of five years. Imagine a murderer who shot his victims being enjoined for five years from using a gun, but still being allowed to carry a knife. It is important to understand that Microsoft management does not feel the slightest bit of guilt. They are, as they have explained over and over again, just trying to survive in a brutally competitive industry, one in which they could go from winner to loser in a heartbeat. The fact that Microsoft makes in excess of 90 percent of the profit of the entire software industry, well that's just the happy result of a lot of hard work. Pay no mind to that $36 billion they have in the bank. And since Microsoft doesn't feel guilty, their motivation in agreeing to this settlement is just to get on with business. This is a very important fact to keep in mind when trying to understand the event. This isn't Microsoft being caught and punished, it is Microsoft finding a path back to business as usual, which is to say back to the very kind of practices that got them here. Microsoft, confident in its innate cleverness, is willing to give up certain old monopolistic behaviors because there are new monopolistic behaviors now available to replace them.

Microsoft has to open-up certain Windows communication APIs to other developers, but there is no restriction at all on the addition of new APIs. So expect a LOT of new APIs,

many of which will do nothing at all except confuse competitors. There is nothing in the agreement that says Microsoft has to tell anyone which APIs it really intends to use. So just like interpreted software is obfuscated to hinder would-be copiers, expect Microsoft to obfuscate Windows, itself. Microsoft has to allow third-party middleware, but a glaring loophole was left for Microsoft, simply to redefine code as not being middleware. If they stop distributing code separately and draw it into Windows, well as I read the proposed settlement, middleware stops being middleware after 12 months. So if something new comes up (all the old middleware is explicitly defined) Microsoft can integrate it and screw the opposition one year after they stop distributing it separately. These loopholes are nice, but they don't amount to the kind of leverage Microsoft would want to have before signing away any rights.

Bill Gates would want us to believe that he has a new and completely unfettered weapon so powerful that it makes some of the older weapons completely unnecessary. He has found that weapon in .NET. But hey, .NET isn't even successful yet, right? It might be a big flop. Wrong. Those who think there is any way that .NET won't be universally deployed are ignoring Microsoft's 90 percent operating system market share. Whether people like .NET or not, they'll get it as old computers are replaced with new ones. Within three years .NET will be everywhere whether customers actually use it or not. And that ubiquity, rather than commercial success, is what is important to Microsoft. Here is the deal. .NET is essentially a giant system for tracking user behavior and, as such, will become Microsoft's most valuable tactical tool. It is a system for tracking use of services, and the data from that tracking is available only to Microsoft. .NET is an integral part of Windows' communication system with all calls going through it. This will allow Microsoft (and only Microsoft) to track the most frequently placed calls. If the calls are going to a third-party software package, Microsoft will know about it. This information is crucial. With it, Microsoft can know which third-party products to ignore and which to destroy. With this information, Microsoft can develop its own add-in packages and integrate them into the .NET framework, thus eliminating the third-party provider. A year later, as explained above, the problem is solved. Alternately, Microsoft could use the information (this .NET-generated market research that Microsoft gets for free and nobody else gets at all) to change Windows to do service discovery giving an automatic priority to Microsoft's middleware. The advantage here is in giving the appearance of openness without actually being open. These possible behaviors are not in any way proscribed by the proposed settlement with the DOJ, yet they virtually guarantee a continuation of Microsoft's monopoly on applications and services as long as Microsoft has an operating system monopoly. When Microsoft talks about ''innovation,'' this is what they mean. Nothing is going to change. My preferred outcome is still that Microsoft be forced to sell its language business, and the proceeds of that sale be distributed to registered users of Microsoft products.

MTC–00001509

From: Bradley Hawks
To: Microsoft ATR
Date: 11/20/01 1:30pm
Subject: Microsoft Settlement

Greetings,

I was appalled at the most recent proposed settlement of the case against Microsoft. Everyone agrees at this point that Microsoft is guilty, yet they continue to practice questionable if not outright illegal business practices. The department of Justice seems content to just stand by and let this happen though. You are servants of the public good and it is your duty to redress grievances against the American people, yet you seem content to let Microsoft get away with breaking the law without any punishment whatsoever.

Microsoft needs to be punished for it's actions, not just told that they are ''bad boys'' and let off. Please pursue this action until justice is done, and Microsoft suffers real punishment for it's illegal actions. Our government is the only organization powerful enough to confront the Microsoft monopoly for us.

Please, for the sake of all of us, do not settle this action until Microsoft has been punished for it's actions, and there are guarantees that it will never act in this way again. Thank you.

Brad Hawks
System Administratorphone: 585–5801
Physics Departmentfax: 581–4801
University of Utahbrad@physics.utah.edu

MTC–00001510

From: Casey Tschida
To: Microsoft ATR,attorney.general @state.mn.us@inetgw
Date: 11/20/01 1:29pm
Subject: Microsoft Anti-trust Debate

Hi

I am an individual living in central Minnesota that is largely involved in the computer community. I have done a large amount of research during my high school period, continue with updated news and rumors, and of course own and use computers daily. Now I am an Apple Macintosh enthusiast. But the Microsoft anti-trust debate influences many businesses, even worldwide. I have never had support for Microsoft because of their shifty ways. Ever since the beginning of their time they have copied ideas that seem to have a great future. Anything that looks like a good idea they snatch up in a second. Many of these ideas came from Apple's technologies. Such as Microsoft's Media Player closely resembles Apple's QuickTime and Windows XP is a poor stolen idea of the new Mac OS X. Now there are many more examples out there and not all have included Apple. They have also gone much farther than the illegal standpoint. They offer particular; interesting, innovative, profitable looking; companies large amounts of money in order to steal certain shares of the market. A recent example was when Microsoft acquired Bungie Entertainment, a dual platform gaming company. They removed the upcoming release of HALO, planned to be ported to the Macintosh, and specifically forced their new subsidiary to make it exclusively for the brand new X-Box. I agree Bill Gates and the rest of the higher officials at Microsoft should be punished highly and restricted in the future from such activities as this high priced, dollar spending monopoly will do anything to get whatever is profitable and good. I thank you for your time!

Casey(Cheetah)
Casey Tschida
(320) 259–7724
1277 15th St. NE Apt. 108
Sauk Rapids, MN 56379

MTC–00001511

From: Thane Norton
To: Microsoft ATR,microsoftcomments @doj.ca.gov@inetgw,...
Date: 11/20/01 1:36pm
Subject: Microsoft Settlement Commentary

To whom it may concern,

I am writing to let you know my opinion on the Microsoft Settlement. I feel that they have, with forethought and intent, stifled competition and reduced consumer choice. Many of the avenues they have chosen would be legal for a company that was not a monopoly, but that is not the case here. I also feel that they will continue to do things like this, and will use new 'innovations' (such as the X-Box and .NET) to further corner the market. As Microsoft has shown that they are unwilling and/or unable to police their own practices, the only remedies that will actually prevent further abuses are either division of the company or installation of some sort of oversite panel.

These opinions are mine, and do not reflect those of Wacom, it's parent company, or affiliates.

V. Thane Norton III
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WACOM (wah'-kum)
Towards the Harmonious Development between Human and Computer

MTC–00001512

From: Wildthingfever@aol.com@inetgw
To: Microsoft ATR
Date: 11/20/01 1:35pm
Subject: Microsoft AntiTrust Lawsuit

This settlement is ridiculous. It does nothing to Microsoft, which is what Microsoft and Bill Gates wants, because they think they didn't do anything wrong. And this lastest development, where Microsoft is giving $1.7 billion in software to schools, is just another attempt to sidestep the issues. Microsoft and Bill Gates wants to control everything the consumer buys, from your computers and software to eventually your T.V., phone service, washer/dryer, toaster, etc. Microsoft and Bill Gates are terrorists to consumers.

A child came home from school and asked his mother if he could go out and play. The mother asked did he do all his homework. The child said yes. So the mother let him go out and play. The next day, the child's teacher calls the mother and says the boy hasn't been doing his homework for weeks.

So when the boy came home from school, the mother said, ''You told me you did all your homework.'' The boy said, ''I thought I did do my homework.'' And the mother said, ''And how about the previous weeks, how come you didn't do your homework?'' The boy said, ''I didn't think it applied to me, because all the other kids at school like me. Mom, can I go out and play now?'' The mother said, ''Well, go clean your room for 10 minutes and give me 2 dollars, then you can go do whatever you want.'' So, of course, the boy agrees.

MTC–00001513

From: M.S. Braccio
To: Microsoft ATR
Date: 11/20/01 1:34pm
Subject: microsoft

do NOT let microsoft get away with this 'settlement'!!! the company's attempts to buy off the remaining states by paying their legal fees is disgusting. corporate america and we individuals who must deal with microsoft everyday have had enough. please work to exact a more just and tough settlement. DO NOT SELL OUT!!!

a concerned user in WA
VSMoore
Seattle, WA
polarbear8@home.com

MTC–00001514

From: John Wilson
To: Microsoft ATR
Date: 11/20/01 1:34pm
Subject: Don't let MS off the hook

If all you were going to do was slap MS on the wrist, why did you even bother taking them to court in the first place. Forcing MS to act the way it should have acted all along is NOT a remedy. Breaking the law usually involves PUNISHMENT! Fines, jail time, community service, etc. MS got away with murder, and the federal government of the most powerful country in the world simple says: ''Keep your illegally gained profits, keep your illegally gained market share and customer base, but don't do anything illegal again.''

This is crap!!! Theives don't get to keep their loot; they give it back then they go to jail. Have you forgotten how criminals are supposed to be treated?

John Wilson
1034 Town and Four Pkwy Dr.
Creve Coeur MO, 63141

MTC–00001515

From: Frank Lowney
To: Microsoft ATR
Date: 11/20/01 1:47pm
Subject: this settlement is too weak

What happened to DOJ resolve to protect us from an abusive monopolist, specifically Microsoft? We consumers are now more vulnerable than ever now that MS has learned how to circumvent our only hope of federal protection.

As in ancient times, divide and conquer still works magnificently.

Dr. Frank Lowney flowney@mail.gcsu.edu

Director, Electronic Instructional Services, a unit of the Office of Information and Instructional Technology,

Professional Pages: http://www.gcsu.edu/oiit/eis/

Personal Pages: http://www.faculty.de.gcsu.edu/flowney

Voice: (478) 445–5260

We don't make instruction effective, we make effective instruction more accessible.

MTC–00001516

From: Ellen Breyer
To: Microsoft ATR
Date: 11/20/01 1:47pm
Subject: Settlement Unacceptable

Hi:

The proposed settlement is far too lenient and entirely unacceptable. Microsoft, convicted as a predatory monopolist again and again, must pay for its repeated transgressions against consumers.

Far more limits on its conduct, especially tying, must be implemented. A breakup into 3 companies would be satisfactory: operating systems, applications, and internet.

In addition, heavy penalties MUST be assessed, to punish Microsoft's past illegal behavior and to serve as a warning to others contemplating criminal actions against consumers.

Get tough on this criminal!

Thanks,
Ellen Breyer
Seattle, WA

Get your FREE download of MSN Explorer at http://explorer.msn.com/intl.asp

MTC–00001517

From: Mike Cebulski
To: Microsoft ATR
Date: 11/20/01 1:44pm
Subject: What are you guys doing!?

You had a tyrant in your grasp and you let him go. I currently use Microsoft products and have for many years, not because I find them better or like them in any way, but because they have such a grip on everything that I can't use the products I like. To use other products would alienate me from the many others who use the same products, most for the same reason I do. It's a vicious cycle that is supported by every effort of Microsoft because they know their products don't really support themselves. Yeah, it's good business practice, for them, but it really sucks for those of us who want to leave their products by the roadside but can't.

The next time you have Microsoft in court, and there will definitely be a next time now, please bring the hammer down on them.

Michael Cebulski
Burlington, WI

MTC–00001518

From: John Arends
To: Microsoft ATR
Date: 11/20/01 1:37pm
Subject: microsoft

I really think Microsoft has gotten off too lightly. It's gotten to the point where its impossible to do well in an academic setting without it. Due to Microsoft's domination of the market, students are forced to either purchase grossly expensive MS Office, or make illegal copies of it, just to pass classes in a university setting. Profs require powerpoint presentations, and oftentimes send word files to students, or require students hand assignments in word files.

Because of the domination, students have to keep buying office, and using windows, and just further microsoft's hold on the market. Some serious changes need to be made with this company.

Thanks for your consideration.

John Arends
8039 Kenton
Skokie, IL 6007

MTC–00001519

From: Tony Wren
To: Microsoft ATR
Date: 11/20/01 1:48pm
Subject: I don't understand the logic

To Whom It May Concern:

I have been listening to comments in the trade journals, and among my friends and colleagues both in an out of the computer industry. The general consensus among those who actually understand the technology is that the Justice Department pretty much snatched defeat from the jaws of victory, and struck a blow for white collar criminals everywhere. How ironic that an administration that espouses competition and free enterprise should come to an agreement that stifles these two cornerstones of America's commercial might.

This is not my view alone (as someone who has been involved with the industry since 1976) but the view of essentially all the observers of note who have written extensively on the subject since its announcement.

Dissent in the industry against these criminal actions has now ceased, for fear of retribution... for, have no doubt, Microsoft now has no fear of the US judicial system. It can do as it pleases. It has proven twice that corruption, criminal behavior and corporate misdeeds are rewarded, not punished. How sad.

Competition in technology over 20 years fueled our economy. By surrendering competition to Microsoft rule, we now give the mantle of innovation to others.

Sincerely,
Anthony Wren
tony@bctv,net

MTC–00001520

From: berniearmstrong@juno.com@inetgw
To: Microsoft ATR
Date: 11/20/01 1:52pm
Subject: Settlement!

My opinion of Microsoft is that they want total control of my computer and everything I do! I cannot use Netscape as my browser as Microsoft has made enough hoops to jump through to make it a continuing frustrating experience! Hindsight is of course better, but a few years back Bill Gates promised more freedoms...now they are all gone when dealing with the Explorer, it only hooks you onto Gates gadgets!!!!'

What kind of settlement would I want? To be able to use my computer without Microsoft always leaning over my shoulder!

Thanks
Linda Armstrong

ps—I think Microsoft should have to fund all schools that fall below and behind. And while Gates is at it, pay the salaries of the special computer teachers that will be needed. This is a HUGE need!!!!

MTC–00001521

From: Peterson, Guy

To: 'microsoft.atr(a)usdoj.gov.'
Date: 11/20/01 1:49pm
Subject: Microsoft settlement

I find it appalling that we as a country whose fundamental beliefs in its government are being tested right now would be willing to let a company like Microsoft bully, buy and lie its way out of being penalized for it's legally acknowledged violations of the anti-trust laws.

Would such allowances have been made for any other company? Would we allow only one manufacturer of automobiles or aircraft have a 90% share of the market? Especially when that company had illegally stolen that share of the market?

What kind of moral lesson is going to be learned from this by other companies and the people who manage them? That as long as you can kill off your competition before being convicted of a crime, and are rich enough, that no ''real'' crime has been committed? To hide behind statements like: ''it is for our customers benefit'' or that ''any break-up at this time in our country's struggles would be inappropriate'' are despicable.

I firmly believe that Microsoft has destroyed the development and implementation of many real advances in this industry. I work with PC and Macintosh platforms and use a variety of software for both. The amount of truly new and creative applications has been dramatically reduced because of Microsoft's stifling, anti-competitive practices.

The proposed settlement with Microsoft has so many ambiguous and ill-defined terms that it is worthless. The history of this company speaks for itself— it will drag out as long as possible any potential future litigation to the point where that judgment is meaningless. The fact that Microsoft has so much control over the oversight of its ''punishment'' is verging on the unbelievable.

To have my government lose its strength of will and vision of fair play is truly disappointing.

Do not settle with Microsoft.

We will all lose.

Sincerely,

Guy Peterson
Visual Communications Manager
Manitowoc Cranes, Inc.
2401 South 30th Street
Manitowoc, WI 54221
T 920–683–6316
F 920–683–6277
gpeterson@manitowoccranes.com
<mailto:gpeterson@manitowoccranes.com>

MTC–00001522

From: Andy Barrus
To: Microsoft ATR
Date: 11/20/01 1:55pm
Subject: Penalty, What Penalty?

I'm not sure why this forum is here but feel compelled to write. I am appalled at the injustice done to the American people with the recent settlement in the Microsoft anti-trust case. Here is a company that willfully violated previous agreements and penalties and now they can keep doing business as usual.

Where is the penalty? Please take a look at how many companies are no longer in business (or not a factor) as a direct result of Microsoft's business practices. Netscape, WordPerfect, Novell, Claris...I'm sure the list is quite extensive.

Please don't buy into the Bill Gates rhetoric that his company should be free to innovate. The only innovation Microsoft can take credit for is taking monopolistic business practices to a higher degree than any company previously. The majority of ''innovations'' Microsoft takes credit for were already in place by Novell, Apple, and other companies.

What about the court findings? Weren't they (Microsoft) guilty this time as they were in previous proceedings? The soft penalties did not stop them in the past; what makes you think it will stop them this time? I am glad our criminal court system at least puts convicted murderers and rapists behind bars and doesn't just slap their wrists when they say we won't do it anymore.

MTC–00001523

From: Greg Hammond
To: Microsoft ATR
Date: 11/20/01 1:53pm
Subject: Microsoft Case

The law protects the Small as well as the Big. Should the Small do harm to the Big, the Small would be punished with little effort from the Big. And it should be the same if it were the opposite.

This does not seem to be the case with Microsoft. They harmed Smaller companies with their practices. They need to be fined and that fine should aid the Small in their efforts to compete fairly with the Big. They (Microsoft) need to be monitored because they are on parole, they did break laws, they did inflict harm.

Just because the impact to the Small did not reach as far in some states as in others the law should be levied equally across all. Not state by state.

Open source for Operating System—Yes! (Fair competition) No competition in Applications with unfair advantages—Yes! (No proprietary codes.)

Microsoft Monitored for 10 years—Yes (Appoint team 2–3 year terms.) Fined $20M a year for 10 years to support startups in application design. Managed by the same people who will monitor MS. (Admin expenses not to exceed 10%)

Microsoft to pay Legal bills for anti-trust case. (Payment over 10 years.)

This whole thing is just blown way out of scope. Think small but effective. Think fair so that no-one feels cheated or picked on. Think about a cure.

Good Luck,

Gregory Hammond
System Coordinator—Los Angeles, Ca

MTC–00001524

From: march@ican.net@inetgw
To: microsoftcomments@doj.ca.gov@inetgw
Date: 11/20/01 1:53pm
Subject: Microsoft civil damages?

Is the Microsoft Civil suit offer of value? I don't know the details & I can only surmise that Microsoft has few options:

pay a fine
lose face publically
lose opportunity to build market share
or
build market share
build a database of personal user information
build (perceived) dependence
build (perceived) goodwill
do it for free (use money already lost?)

—I believe microsoft knows they would lose & pay

—the poor schools likely couldn't afford to be customers any way

—the coming .net strategy has similarities to cigarette addiction—pay per use

—software duplication is cheap beyond the current installed base

—used, functional computers (p100s, Macs, etc) are practically being given away now

I use many OSs inc W95, DOS, Win 3.1 & choose Mac—it is more productive for me, easier, just plain better & costs MUCH LESS TO KEEP RUNNING... For one I don't worry about viruses, ever...

Microsoft is being sued by the Government while Apple was designated as a ''national treasure''... Does the 'state' lead by example in their purchasing? Or is microsoft dependence just another form of glorified UI?

Why is this so difficult for people to understand & to think beyond the lobbyists...

Dependency can lead to vulnerability—ie. the old addage 'strength in diversity'...

A couple of current articles:
http://www.junkbusters.com/news.html
http://www.theregister.co.uk/content/39/22952.html

Good luck,

Bruce March Architect
Toronto, Canada

CC:attorney.general @po.state.ct.us @inetgw,ag@oag.stat...

MTC–00001525

From: Joe Bergeron
To: Microsoft ATR
Date: 11/20/01 1:52pm
Subject: Microsoft Settlement

I am far from satisfied with the settlement reached in the Microsoft anti-trust case. Microsoft is pernicious and must be reined in to preserve some semblance of competition in the computer operating system market. Their claims of ''innovation'' have never been anything more than laughably cynical. They are getting off far too easy in this case.

Joe Bergeron
Apt 52, 121 N Gateway Blvd
Ridgecrest CA 93555

MTC–00001526

From: daniel freeman
To: Microsoft ATR
Date: 11/20/01 2:00pm
Subject: Antitrust settlement

I demand as a taxpaying consumer that my rights be protected from an acknowledged monopolist. I know that arguments have been made by Microsoft that to split them up would damage the US economy, however, we have already had a court determine that Microsoft is using its monopoly position to do damage to the US economy by overcharging and stifling competition. We should not be talking about theoretical damage but in fact damage. How can the

potential damage outweigh the actual past and current damage done to the US consumer and economy by reducing the productivity gains from faster, better, cheaper that open competition bring. Who knows where we might be right now if Microsoft hadn't killed so many budding competitors who would have forced Microsoft to be more efficient and cheaper for consumers.

Microsoft needs to be split up to ensure that the economy can recover from the dammage they have done and continue to do.

Daniel Freeman
181 B Landers St.
San Francisco, CA 94114

MTC–00001527

From: JonKai@aol.com@inetgw
To: Microsoft ATR
Date: 11/20/01 2:00pm
Subject to: U.S. District Judge Colleen Kollar-Kotelly...

[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]

Dear Judge:

Thank you for this opportunity for the public to give comments on the MSFT settlement... I am about as public as they come, I have no connection to MSFT or the DOJ or the States, or any Computer or software companies ..... I am an Architect in Boulder, CO. I have bought software from many different companies, including MSFT. My words are True .... and direct.., please read this with all due understanding and importance that this issue brings to our form of capitalism. Without a proper solution, our economy will suffer unbelievable harm from the extinction of true innovative companies that no longer exist because of MSFT ....

There are four things wrong with this settlement ....

1. It does not address the most important one of the 8 injuries found by the appeals court where MSFT was found to have violated the Sherman Anti trust act in 8 separate violations.

2. It does nothing to keep MSFT from doing the same thing to other companies, including RealNetworks, as it did to Netscape .... (which is the cause of the antitrust suit in the first place)

3. The Settlement was brought about because of macro political motivation.

4. Half of your plaintiffs (half the states) do not agree with the settlement... See bottom conclusion for an easy solution to a proper remedy ....

1) The appeals court found that MSFT illegally commingled application software with its OS to use the OS as leverage in gaining a new market .... (see violation of antitrust acts, by Appeals court). MSFT's new OS, WindowsXP, still uses this illegal method of commingling code, in direct violation of the Appeals court decision, the settlement does not address this at all ..... nor does it address the Tying issue which is related, and the appeals court asked you, the lower court, to consider this tying issue ... the Settlement does not address this even in a cursory way ..... This is a grieves error, and what the entire trial was about, without addressing this, you will find yourself back in court with MSFT as a defendant, while they try to justify another complete decimation of another market, like Netscape's market was destroyed earlier ....

2) The whole trial was about how MSFT, scared that Netscape's product, would sublimate the OS, used its Monopoly to take over a new market ..... whether the DOJ or MSFT wants to admit this, this is what it is all about .... Netscape innovated and created the Browser market, and had 80% to 90% of the market, until one day, 7 MSFT execs came into a Netscape Board meeting, and said: paraphrasing ''give us a piece of your business, and a board seat, or we will put you out of business''.... (this did happen, quoted from a book by Michael Lewis) and sure enough, MSFT did put Netscape out of business, (Netscape's had to be bought out by AOL, after its market share dropped to less than 20%) after MSFT used its OS to tie this new market product too, and then gave this product away for free ..... now we will never see another innovation by Netscape because its main source of revenues was taken away from it ..... All of this is illegal to do when you have a monopoly that you can leverage ..... and this is what the finding of fact and Conclusion of law found, yet the settlement does nothing to address this ..... Worse, it is happening again, this time to RealNetworks .... MSFT is doing the exact same thing to RealNetworks, MSFT has illegally commingled and tied its ''Media player'' application software to its OS, as it did with ''internet Explorer'', and now RealNetworks will suffer the same fate as Netscape, and the settlement does nothing to stop this ..... RealNetworks actually created the consumer demand and Market for streaming video, now they will lose everything, and we will never see another innovation from RealNetworks again, because they will have to declare Bankruptcy within a year or two or they will be taken over like Netscape was ..... mark these words down ..... This is a good way to see how really bad this settlement is, when another company is being completely decimated by what the appeals court has already ruled illegal to do, yet the settlement does nothing about .....

3) The DOJ had asked for tougher penalties during different administrations .... and The DOJ had asked for tougher penalties before the start of a War ..... nothing has changed between now and then, except the political climate ..... however important this war is, it does not give the DOJ carte blanche to completely cave away from the people's needs at home .... The DOJ had asked for tougher penalties even before the appeals Court handed the DOJ a victory in nearly every area, the only exception is the area you are deciding today...the remedies .... a good way to judge this political situation is that the only people you can consider non political, are the 9 judges who have already heard this case .... and ALL of them, including the 7 appeals court justices have decided unanimously that MSFT has broken laws which this settlement does not address .... there is no reason why the DOJ should cave with ineffectual remedies including not even considering the Tying issue and not dealing with commingling .... there is no reason except that the macro political climate has changed drastically, including a start of a war ..... this should not be a reason for deciding this issue .....

4) you cannot have a settlement, when half of the people involved (half of the states) are against the settlement .... The states have legitimate concerns, yet The DOJ excluded them from settlement talks so that there would be no interference in this settlement, a settlement that gives all and complete victory to MSFT, which everyone who is neutral agrees that the DOJ has handed them .... the DOJ did not act in good faith by excluding the states from something that the States had worked so hard on .....

Conclusions...

The solution or remedy is really quite easy to address, I'm not sure why the states wanted MSFT broken up, and I'm very sure why the DOJ wants to levy such easy remedies on MSFT, but the true solution is easy ....

There would by no disruption to the economy with this solution, MSFT would have very little regulation hanging over its head, and the solution is easily implemented .....

All you have to do is have MSFT unbundle and unmingle its application software from its OS, so that MSFT has to sell the OS on one CD, and the application software on another CD..
(mediaplayer,IE,instantmessaging,MSN..etc) ..... with no ties between these two separate marketing efforts ..... MSFT does not need to be a separate company to do this ..... which means zero cost to the economy, and tiny cost to MSFT, and if a consumer really wanted MSFT's apps, and their OS, they would buy both CD's, and by the time they loaded both CD's, the consumer would have exactly the same product as they would have by buying Windows XP ..... A win win for the consumers choosing MSFT, and MSFT themselves .....

This would solve all that is wrong with the settlement ..... the settlement does have some good points, like the OEM's must be able to control their own ''desktop'' meaning they can't be told by MSFT that if the OEM's want the OS, then they have to have these apps on there too ..... or that they cannot have other companies app software ....

With this solution above other companies can sell their CD's to these OEM's and the OEM's can have both MSFT's apps or CDs and other companies apps or CD's along with MSFT's OS .....

If you want some punitive remedies too, (which MSFT deserves, if you read the findings of fact and conclusions of law, and the appeals decision), you can tell MSFT that they can no longer invest in other companies for a period of five years, and they must divest from other companies that they own less than 50% of ..... This would be a punitive remedy, and MSFT would think twice about breaking the law again .....

A very simple solution if you think about it .... And I really hope you think about it, because true innovation, and the fate of real companies with real products are at stake, RealNetworks will cease to exist with this settlement as it is today ..... think about it, a company who actually created the streaming video market put out of business by a company (MSFT) that actually copied

RealNetworks' product, and bundled this copy with an existing monopoly and then destroyed RealNetworks' market the one that actually brought the innovation to market in the first place .... a sad state of affairs ... and this settlement, as it is, will do nothing to remedy the situation .....

Thank you,
jon.

MTC–00001528

From: Ray Thompson
To: Microsoft ATR
Date: 11/20/01 1:58pm
Subject: Microsoft Settlement

I wish to express myself on the weak agreement that has been set forth for Microsoft. I have been involved in the computer industry for more than 20 years and have watched Microsoft obtain great market shares and technologies time and again in less than fair or honest ways. Please do not put a road block in the growth of this industry by letting Microsoft continue to break the law and break the backs of any new competition that arises. Already they are taking advantage of the situation and are beginning to raise the cost of licenses for both education and corporate customers because they have been so successful at crushing the competitors illegally. They will only take greater advantage as time passes and they move into areas, and use their monopolic power to dominate.

Thanks for your time
Raymond E. Thompson

MTC–00001529

From: Ultramafic Consulting (CCS)
To: Microsoft ATR,microsoftcomments @doj.ca.gov@inetgw
Date: 11/20/01 2:05pm
Subject: Settlement disagreement

I have to say that I am extremely disappointed in the settlement offered by the government in the Microsoft antitrust lawsuit. I live and work in silicon valley and have seen first hand a number of companies that have had to close their doors over the past 6 years due to ''competition'' with Microsoft. They did not close down due to mismanagement, lack of startup capitol, or poor product design. On the contrary, their products can now be found ''integrated'' into a number of Microsoft products.

I work on multiple operating system platforms including Windows, MacOS, and UNIX and have worked on hundreds of software programs over the years. I have yet to see an innovative program that Microsoft has not tried to copy and replace with one of their own. Of course they should be allowed to create a competing product for anything out there, but they always do so in the vein of eliminating the competition. Microsoft has some wonderful products, but rarely is theirs the first or even the best. In most cases, their product is actually pretty poor, but with the weight of their other products and business tactics, they eliminate the competition and slowly improve their own products after the competition is gone.

I ask you now, what email client are you using? How many choices do you have? What browser do you use? Again, what are your choices? Word processor, spreadsheet, operating system, the list goes on. Microsoft is an illegal monopoly. They were convicted of that a while back. The punishments in the past for companies like Microsoft have been pretty stiff and effective, why are they different? The settlement, as offered, will not slow them down one bit. I wish I had an appropriate penalty to offer that would work to eliminate the abuses that Microsoft has perpetrated, but I don't. That is not my job, it is yours. I just hope that the remaining Attorneys General continue the fight against an illegal monopoly that is strangling innovation, progress and fair competition. I thank you for your time and consideration.

Patrick J. Wolpert
Computer Consulting Services
San Jose, CA 95136
(408) 307–2064
(253) 681–8178 Fax
CCS@ultramafic.com

MTC–00001530

From: Chris Ray
To: Microsoft ATR
Date: 11/20/01 2:05pm
Subject: Microsoft anti-trust suit

We need to be protected from Microsofts pursuit of it's own interests. The Federal Government has declined to protect us. I applaud our state Attorney Generals for taking up the anti-trust suit in a serious way instead of rolling over as the Federal Government has.

—Chris Ray
4 Hill Drive
Petaluma, CA 94952

MTC–00001531

From: Nick Kohn
To: Microsoft ATR
Date: 11/20/01 2:02pm
Subject: settlement

I am writing to you to ask that you seek harsher penalties against Microsoft. It is undeniable that they have committed numerous acts breaking the law. Many of them have not even been named in the trial. If the US government does not seek stiffer penalties (i.e. breakup), Microsoft will continue to break the law. In addition, other companies will follow Microsoft's example, knowing that there are no consequences to breaking the law. Thank you.

Nicholas Kohn
nkohn@umich.edu
934 S. State #2
Ann Arbor, MI 48104

MTC–00001532

From: Talos Tsui
To: Microsoft ATR
Date: 11/20/01 2:00pm
Subject: microsoft case

To whom it may concern,

The settlement is letting them off the hook too easily, I am supporting the nine states who against the settlement and move forward to the case. Microsoft, brought Bungie Software last year, because they want exclusive games for their own Xbox gaming platform. They spend extra money in front of companies and make sure they have exclusive for their own system. Bungie announced they are working on the game, ''Halo'', first on Macworld Expo Summer of 1999 for both Mac and PC. As a mac user, I want that game, now I have to wait god knows when before it comes out for the mac because of Microsoft. Sure, they (Microsoft) have the money, and they don't care about others.

Yours,
Talos
Talos Tsui
The Iconfactory
talos@iconfactory.com
http://www.iconfactory.com
icon design
user interface design
interactive design
website design

MTC–00001533

From: Donald Mastriano
To: Microsoft ATR
Date: 11/20/01 2:13pm
Subject: $1 billion worth of software.....not what you think

As a professional business person I recognize the proposed $1 billion settlement as nothing serious to Microsoft, and instead, a coup of a PR and marketing assault on young minds. Imagine all those poor kids having to use monopolistic software given as a ''gift'' or ''punishment'', whatever, now they get hooked on it, Microsoft is squealing in delight as it seriously tries to not giggle in your settlement meetings.

Wake up.
Donald J. Mastriano, Ed. D.

MTC–00001534

From: Stephen Dampier
To: Microsoft ATR
Date: 11/20/01 2:07pm
Subject: Microsoft Case

Hello,

I'm a professional web developer who works in a corporate environment. 95% of our software is made by Microsoft. 98% of our computers run Microsoft operating systems. I am the sole Macintosh user although there are several Linux users here.

It is very difficult in the environment to use anything but Microsoft operating systems and software such as the Office suite of applicatons including Excel, Word, PowerPoint etc. It is also very difficult to use an email client that is not Microsoft branded since other clients will not interface with the server software. Most people use Internet Explorer, another Microsoft product. More and more websites offer only Microsoft centric video formats.

We are essentially unable to exercise our freedom in this country to choose a computer and operating system, web browser, email program, office software etc from other manufacturers other than Microsoft. I recommend that Microsoft be required to provide the specifications and source code to their operation systems, office software, email server programs, web browsers, and media software so that everyone is playing on the same field and can actually write their own software that is compatible with ALL Microsoft products. Essentially, Microsoft products should be made open source. There can be no open and free market until this happens. Further, the companies leaders should be punished for their lack of cooperation, out right lies told to the court

and their anti-competitive practices that they have practiced and continue to practice. A jail term would work better than mere fines since money means very little to the richest men in the world.

You should take all care to prevent Microsoft from squashing other technology based markets such as the gaming consol market etc. We need restrictions put into place that will prevent big boys like Microsoft from coming in and JackBooting all over the competition.

Sincerely,
Stephen Dampier
Finaplex
208 Pennsylvania Ave, Suite 202
San Francisco, CA 94590

MTC–00001535

From: afowler@themis.ncifcrf.gov@inetgw
To: Microsoft ATR
Date: 11/20/01 2:06pm
Subject: Proposed Microsoft Settlement

I am writing to express concern over the details of the proposed settlement in the Microsoft antitrust case. While it is debatable whether Judge Thomas Penfield Jackson's original breakup order, which has since been vacated, was too extreme, the appeals court unanimously accepted his findings of fact and affirmed that Microsoft is an illegal monopolist.

My concern is over how weak the current settlement is. Microsoft has in the past completely ignored consent decrees, which is what the new settlement amounts to. That aside, I would support a consent decree which actually allowed for significant penalties for non-compliance; however, the only penalty for engaging in future monopolistic behavior seems to be an extension of the ''enforcement'' period by two years, which essentially leaves the company free to continue on its current course of controlling the market by any means available. Many individuals I've spoken to seem to harbor the opinion that the Justice Department has sold out on this settlement proposal.

I do not know how to go about fixing the situation without the probability of further lengthy appeals. I do, however, know that the current proposal lacks any sort of real punitive muscle, and some real punishment and/or enforcement is needed to prevent a continuation of the status quo. If a structural remedy is seen as too harsh, at least some significant financial penalty (a minimum of 5–10% of the company's net worth) should be applied. Furthermore, at the very least given the company's past behavior under a consent decree, the current proposed settlement could be acceptable provided that there are severe penalties for non-compliance.

Sincerely,
Andrew Fowler
Andrew Fowler NCI—Frederick
Postdoctoral Fellow PO Box B, Frederick, MD 21702
afowler@ncifcrf.gov 301–846–6951 (work) / 301–846–6231 (fax)

MTC–00001536

From: Rohan Samahon
To: Microsoft ATR
Date: 11/20/01 2:16pm
Subject: Windows has become a Public Good

The suggested remedies thus far have been far insufficient in remedying the problem at hand. Microsoft has grown large and so powerful that even the government can't make a fair impartial ruling on the problem. You are probably all typing up your reports and decisions on Windows based PCs. The fact of the matter is that Microsoft's Windows operation systems have become the standard and the system that more than 95% of PCs use. Software must be tailored to work on this platform. In essence Windows is comparable to our roads, a public good and resource. How can one company dictate how the roads will be designed and simultaneously create cars (software) that will run on those roads? The two interests are conflicting interests to the consumer. Microsoft has grown so immensely large that they can afford to give a software program away for free, ie: Internet Explorer, hotmail accounts, Windows Media Player, etc... because it receives major revenues from its operating system sales. Meanwhile companies that rely on the revenue of their one product ie: RealPlayer, Netscape Communicator, etc.. are run out of business. Once they're gone Microsoft can now control the price of that industry: ie: video playback and also its innovation or the slowing thereof. This is so frustrating as a consumer that the US govt. is overlooking this for the benefit of Microsoft. This company has abused its marketplace position over and over again. As soon as any of their products hit critical mass they control that market too. We've seen this over and over again. Wake up DOJ.

Rohan P Samahon
Technology Support
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107 Carpenter Drive, Suite 100
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http://www.aibs.org

MTC–00001537

From: Yawn, Gary
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/20/01 2:15pm
Subject: Please settle this case so this economy can get back on its feet. Notice the

Please settle this case so this economy can get back on its feet. Notice the economy began to falter about the time the DOJ started rumbling about Microsoft's antitrust atrocities. Further notice the economy is gaining steam now that the end is in sight. Continue to delay the outcome, and I think you'll find the economy begin to delay its return to greatness.

However, that is not my only concern. I do not think I ever heard the public complain about this ''monopoly''; only competitors. To me, this would indicate Microsoft is a fierce competitor, but not necessarily a monopoly. The hundreds of thousands of people who use MacIntosh computers, Linnux operating systems, Palm operating systems, Unix, etc. don't buy into that ''monopoly'' game. Microsoft is NOT the only game in town.

Thanks,
Gary Yawn
2368 18th Ave
New Virginia IA 50210
515–979–5451

MTC–00001538

From: Jim Hassinger
To: 'Microsoft.atr(a)usdoj.gov'
Date: 11/20/01 2:13pm
Subject: Justice Department soft on digital monopolism

I was very disappointed to see the recent settlement of the case against Microsoft. The ''punishment'' meted out simply does not fit the crime. It's as though we caught Osama bin Laden and let him off with a couple of years in reformatory. Microsoft has engaged in monopolistic practices for years, and now is being excused by those people whose view of software is not sufficiently developed to understand what the monopoly is doing, nor why it is important for government to step in.

Let me explain my position. I think that the breakup of the company into operating system/other software/and other investments was a proper part of the reconfiguration of the software world to foster competition, always an important part of American capitalism. I would go further in legislative and regulatory initiatives, not to punish Microsoft, but to make sure that no new Microsoft can emerge. First, I would make it necessary to publish the specs of all file formats. In other words, my new, whiz-bang application saves a file. The specs of that file must be open, so that developer B knows how to treat the data in his application, which may alter it in some way, or in fact, ''Save as...'' that exact file format. That would go a long way to guaranteeing interoperability, which has great benefits to all consumers.

Secondly, internet standards need to be enforced. Many of the standards developed by the scientific and non-profit bodies, by the American taxpayer, in fact, are being altered—so that only the users of one platform, or the users of one operationg system, will be able to access some new service on the internet. Of course, true innovation should be encouraged, but a mere technical trick—locking out users of Real streaming video, for instance, not by adding anything significant to the service, just by tweaking the interface enough to lock out competitors, for instance—should be punished in civil and even criminal courts. If someone comes up with a meaningful advance, it should be protected only to the extent that it benefits all.

Again, the government should require the publishing of details of the new standard, so that a new technique should be swiftly available to all. At the moment, if Microsoft (the most obvious candidate for monopoly, but not the only one) tweaks their treatment of sockets, or java, or ActiveX, so that other developers cannot access it, it's game over. Publication must come simultaneously with the development, or else the natural advantage of an innovator in the digital era becomes an unfair monopoly.

I am disappointed, but not surprised, by the leniency of the Justice Department vis a vis a prime campaign contributor. The American people deserve better.

James Hassinger
jimhass@pacbell.net
<mailto:jimhass@pacbell.net>
1149 Coronado Ter
Los Angeles, CA 90026

MTC–00001539

From: Damien Sorresso
To: Microsoft ATR,microsoftcomments @doj.ca.gov@inetgw,...
Date: 11/20/01 2:21pm
Subject: Microsoft/Department of Justice Settlement

I am writing all you Attorneys General and the United States Department of Justice to express my extreme dissatisfaction at the ''settlement'' that the Department of Justice has reached with Microsoft. I am not a resident of any of the states I am writing to, but my life will be affected by the Department of Justice's cave-in as much as anyone else's. I feel that, as a registered voter and American, my voice should be heard.

Microsoft was ruled to be an illegal monopoly. It's settlement with the Department of Justice does not take even the smallest amount of what are, in my opinion, requisite actions against Microsoft to ensure that it does not tighten its stranglehold of the computing industry.

The new settlement, unlike the one proposed by Judge Jackson, does not require Microsoft to disclose its API's to third parties anymore. Section J1:

No provision of this Final Judgment shall:

1. Require Microsoft to document, disclose or license to third parties: (a) portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria; or (b) any API, interface or other information related to any Microsoft product if lawfully directed not to do so by a governmental agency of competent jurisdiction.

Section a allows Microsoft to get around disclosing API's and other information by claiming that its security is threatened. This allows Microsoft to continue its closed, monopolistic way of setting new ''standards'' in the computing industry. This settlement will not change anything at all.

Section b offers Microsoft government protection for its monopolistic acts. It allows for Microsoft's non-disclosure to be enforced by the government. This is totally unacceptable. Microsoft has been ruled a monopoly, and these terms seem more like the government wants to protect Microsoft's monopoly, rather than doing what it should and break it up.

In spite of the fact that it has been ruled a monopoly, Microsoft continues monopolistic and domination-like actions. I shall list some recent actions taken by Microsoft that belie its monopolistic nature:

1: Upon opening the new MSN website, users of the Opera web browser were unable to view the site. Users of Opera were directed to ''upgrade'' to Microsoft's own Internet Explorer web browser to properly view the content. Microsoft, when questioned about the incompatibility, accused Opera of being non-compliant with the XML standard specifications. Opera immediately shot back that they prided their web browser on standards compliancy, and submitted an XML standard test of MSN that showed it to not be compliant with the XML standard specifications, thus identifying MSN as the culprit. Microsoft then fixes the problem so that MSN could be viewed by other browsers. Had Opera not made public MSN's non-compliance to the XML standard, Microsoft's attempt to coerce users of Opera into using Internet Explorer would have gone unnoticed. Microsoft has no shame in continuing it attempts to dominate the internet.

2: Windows XP and the latest version of Internet Explorer do not ship with Java support. Java is one of the key components for the internet, because it works with every operating system that can run a Java Virtual Machine. Why would Microsoft not want to support this standard? Because it is a roadblock in Microsoft's attempts to saturate the internet with Microsoft-only standards and products. Java works with every operating system, and Microsoft is attempting to replace it with a Windows-only standard that would force any desiring to be on the internet to buy a Windows PC, rather than a Macintosh or Linux machine.

3: Microsoft's proposed security procedures are based on ''security through obscurity.'' Microsoft disallows the publication of any security holes than may be found in its operating systems or applications for at least 30 days after the said hole was found. Even then, security companies are only allowed to release very general information that is not helpful to system administrators wishing to develop a temporary work-around for the problem while Microsoft works on a patch that fixes the hole. The fundamental problem with this approach is that it leaves the security hole completely open and unguarded for a period of one month. Microsoft is essentially taking the chance that no rogue hackers will discover the flaw and exploit it in 30 days. After making the public aware of the problem after 30 days, system administrators must wait for Microsoft to release a patch. The public release of information cannot contain the information required to exploit the security hole, so system administrators cannot test the problem on their own networks, nor can they isolate and deactivate the part of the network that is flawed. For most companies, this means an indeterminate time of over one month in which their network is vulnerable if it is running Microsoft software as its backbone. Taking the network offline is simply not an option in today's e-commerce-based industry.

Of course, many may say that the alternative is to simply use Linux or UNIX in place of Microsoft's software. However, Microsoft already has enough of a presence in business networks that a transition to Linux would cost a great deal in the short-term in the purchase of new servers and the training or hiring of certified and UNIX-knowledgeable network administrators to replace MCSE-certified ones. While a large company like IBM can make this transition without worrying about cost in the short term, the large number of startup companies that have sprung up that are using Microsoft's products do not have this option due to lack of revenue and sales. They must use the money they have to maintain their existing network and pay Microsoft outrageous licensing fees.

4: Microsoft is now beginning to try and extend its influence and power to every aspect of the technology market. The recent release of the X-Box to the game console market, coupled with Microsoft's Ultimate TV and the presence of the Windows Media Audio format on copy-protected Compact Discs, should be enough to show that Microsoft is not satisfied with mere domination of the computer operating system market. They wish to impose their closed-standard and secretive approach on any technology market that they can.

5: Microsoft continues to write new ''standards'' for the computing industry that conveniently only work with its operating systems, instead of embracing real standards. Real standards are written by committees which openly-publish their work so that anyone can use it. The Motion Picture Experts Group (MPEG) writes the MPEG standard for the industry, and any wishing to comply with this standard can obtain a license and make it work with any operating system or media player. Microsoft's standards are not available to the public, and they can only be used by Microsoft products. No version of Windows comes with built-in servers for telnet, FTP or any other open standard. All Linux distributions and Mac OS X come with built-in support for these open and accepted standards. Microsoft forces you to buy a Terminal Server application that uses a closed and proprietary communications protocol.

Microsoft is a monopoly and should receive harsher penalties, such as a break-up or forced-disclosure of the source code for Windows. Private organizations should not be able to bully the government into protecting their monopolies and have the government passively approve of such bullying tactics against other companies that offer even the smallest bit of competition.

Please know I desire harsher penalties for Microsoft, and I support any reasonable action taken in seeking these penalties.

Damien Sorresso

CC:Dominic Sorresso,Michael Sherry,contribute@macosru...

MTC–00001540

From: Larry Herfindal
To: Microsoft ATR
Date: 11/20/01 2:18pm
Subject: Microsoft Settlement—NO!!!!!!!!!!

The feeble settlement that is being proposed by the Justice Department is not in the best interest of the consumers. Microsoft blatant disregard for the law and malicious actions towards it's competitors must be addressed. Just as Judge Sporkin stated in the 1995 U.S. Appeals Court case against Microsoft: ''simply telling a defendant to go forth and sin no more does little or nothing to address the unfair advantage it has already gained''. Microsoft has proven repeatedly that it can not be trusted. The settlement

must prevent Microsoft from using it's monopoly against the industry. The only way Microsoft can be trusted is to separate the operating system from the applications software by breaking the company up into two separate companies.

I feel that Justice Department has sold us out!! If we can't count on the Justice Department to look out for our best interest then WHO????? What is good for Microsoft is not always good for the industry!!

Thank you for your time,
Larry Herfindal

MTC–00001541

From: Ralph J. Luciani
To: Microsoft ATR,webteam@ag.state.ia.us @inetgw,ag@oag...
Date: 11/20/01 2:18pm
Subject: DOJ settlement re: Microsoft monopolistic practices

To Whom it may concern:

I would like to strongly object to the terms of settlement in the DOJ/Microsoft case. This was a total capitulation on the part of the DOJ where Microsoft was clearly shown to be in violation of anti-trust practices. It is now up to the state attorneys general to correct this miscarriage of justice. It is vital that the American judicial system sends a strong message to Microsoft, and any multi-national corporation that involves itself in unscrupulous and unlawful behavior that such conduct is unacceptable.

Ralph J. Luciani
1322 Clearview Drive
Oakville, Ontario
Canada
L6J 6X6

MTC–00001542

From: amy lee tyler
To: mailto:microsoftcomments @doj.ca.gov@inetgw
Date: 11/20/01 2:29pm
Subject: I support further prosecution of Microsoft in the Anti-Trust case

I am a resident of Austin, Tx. Unfortunately, my state has settled with Microsoft in the anti-trust battle. My Attorney-General does not represent me, and my only recourse is to ask that you continue to prosecute. Microsoft's latest action, the 'donating' of $1 billion worth of microsoft windows, software and hardware to schools (while in theory a nice gesture) illustrates how they continue to use their power to and unlimited wealth to move more and more people onto their platform.

Please continue the fight for equality.
Amy Tyler
http://www.amytyler.com
512.527.0415
9617 Great Hills Trail #512
Austin, Texas 78759

MTC–00001543

From: amy lee tyler
To: microsoftcomments@doj.ca.gov@inetgw
Date: 11/20/01 2:23pm
Subject: I support further prosecution of Microsoft in the Anti-Trust case

I am a resident of Austin, Tx. Unfortunately, my state has settled with Microsoft in the anti-trust battle. My Attorney-General does not represent me, and my only recourse is to ask that you continue to prosecute. Microsoft's latest action, the 'donating' of $1 billion worth of microsoft windows, software and hardware to schools (while in theory a nice gesture) illustrates how they continue to use their power to and unlimited wealth to move more and more people onto their platform.

Please continue the fight for equality.
Amy Tyler
http://www.amytyler.com
512.527.0415
9617 Great Hills Trail #512
Austin, Texas 78759

MTC–00001544

From: Bob Eliason
To: Microsoft ATR
Date: 11/20/01 2:22pm
Subject: Re: settlement

Microsoft has broken the law and continues to extend their illegal practices. The operating system must be broken away from the software business to protect the consumer. They are already eyeing digital television, game boxes, and Internet access and have made major inroads in creating a ''standard'' that they can control.

Just in the Internet realm, they adopted JAVA, attempted to change the standards by modifying their server software to only use their version, and then dropped it completely from Windows to eliminate it. Not a surprise since it is a potential competitor. Netscape plug-ins were eliminated to disable Quicktime. Hotmail has new ''security'' that disables other e-mail programs.

Innovation is not taking place. You now even have to get their permission and provide personal data just to use your computer that is running their software. There are better operating systems but the consumer is not given a choice or when there is a choice, the other platforms are not supported by Microsoft servers, services, or equivalent features. We could all just buy a Macintosh but it will be dead on the day that Microsoft stops making Office for the Mac (which doesn't have feature parity now).

Correct this sad settlement and create a punishment. It is a shame to hide behind September 11th. The consumer deserves better.

Bob Eliason
eliason@cville.net
2685 Milton Hills Drive
Charlottesville, VA 22902

MTC–00001545

From: Dave Coker
To: Microsoft ATR
Date: 11/20/01 2:30pm

To whom it may concern :

I am totally appalled by the current MicroSoft settlement. For years they have without restraint of any kind practiced a predatory form of business. They have effectively increased costs and limited consumer choice, all in the course of their efforts to control and increse market share.

I plead with you to revisit this decision as soon as possible, before it is too late.

In closing, as a Computer Professional with over twenty years experience I am obliged to point out that many lay people don't really know what they are being deprived of because of Microsofts practices.

Please correct this wrong.
Dave Coker

MTC–00001546

From: Larry McMunn
To: Microsoft ATR,microsoftcomments @doj.ca.gov@inetgw,...
Date: 11/20/01 2:35pm
Subject: Microsoft Settlement

Having been involved in the computer industry since 1984, I have been witness to many trends and developments.

It cannot be in the interest of the American public (or the world's public, or any state's public) for one company to monopolize the computer operating system software and be a major developer or supplier of application software as well.

Microsoft should be two discreet companies—one company dedicated to supplying the Operating System software only, and the other company (applications and productivity software) competing on the same level playing field as other suppliers of computer applications software.

All computer manufacturers should be guaranteed access to the Operating System software regardless of any other software installed on their product.

Furthermore, while I don't think that the government should set the pricing of software, all manufacturers should pay the same for the Operating System as others at a similar manufacturing level. For instance, all manufacturers producing up to 100,000 units per year might pay XX amount, those who make up to 500,000 units might may pay 90% of XX, up to 1,000,000 annually maybe 80% of XX, and over 1,000,000 units per year might be at 70% of XX. This would guarantee that computer makers could not be pressured into taking a sister company's product, freeing them from ''software extortion''.

Sincerely,
Willard L. McMunn,
President
McMunn Associates, Inc.
900 Haddon Avenue, Suite 302
Collingswood, New Jersey 08108
856.858.3440
Good Scripting! :-)
Larry McMunn
President
McMunn Associates, Inc.
Specialists in automated Data Visualization thru Apple products
Collingswood, NJ
(856) 858–3440

MTC–00001547

From: Daniel Bliss
To: Microsoft ATR
Date: 11/20/01 2:32pm
Subject: Microsoft settlement

Keep up your efforts with trying to rein in Microsoft. The proposed settlement leaves gaping loopholes for them to continue monopolistic practices, especially with regard to software that is bundled with the Windows operating system. I see the settlement as being a particular threat to competing (or open source) technologies such as:

—RealPlayer (a key Microsoft competitor that is being pushed off the Windows desktop with the bundling of Windows Media Player)

—Open GL (the open source game acceleration technology that's being pushed out by Microsoft in favor of DirectX, a move that could freeze the Macintosh out of games and other 3D applications because while Open GL is available on both platforms DirectX for now is not)

—Java; the open-source architecture that drives a huge number of web sites and Internet applications (Microsoft is cutting back support for Java from new Windows software including Windows XP and Internet Explorer) customers will have to manually install a plug-in. That's a move that not only undermines Java's designer, Sun Microsystems, but causes serious trouble for businesses across the country that have built Internet commerce on Java)

—the Internet itself, where Microsoft has engaged in questionable practices in the past on web sites it controls with regard to support for Netscape web browsers, and where the company is very ambitious about expanding its presence.

In more general terms, as a Macintosh user, I'm also concerned about the impact that a continuing increase in Microsoft's power would have on users of platforms other than windows. You take away non-Microsoft 3D acceleration, you take away Java and you corral the Internet, and in three strokes you have effectively ended the average consumer's ability to routinely use anything other than Windows, and indeed anything other than Microsoft products for all but the most specialized uses.

I find it very interesting that the Microsoft Office updates brought out during the anti-trust investigation (Office 2000 for the PC, Office 2001 and Office v.X for the Macintosh) have broken from Microsoft's recent practices and allowed full backwards compatibility with the file formats of the previous versions (Office 97 for the PC, Office 98 for the Mac); I think if Microsoft gets off as lightly as the Department of Justice wants them too, we'll go back to the bad old days of significant incompatibility between each new update of Office. We already see a situation in which Apple, which has to work hard for its customers, enables in some cases ten year old applications to use its new OS X operating system through the ''Classic'' interface that comes included for the $129 price, while Microsoft, which charges $200 to $300 for comparable versions of Windows XP, has dropped support even for applications that are just two or three years old.

Moreover, I'm also concerned about a case in federal court Maryland where Microsoft is trying to get judicial approval for a deal to dismiss more than 100 private lawsuits related to overcharging for Windows by donating used computers—a million of them—to poor school districts. If this settlement fails to specify which platform, Mac or Windows, these computers should be, or worse yet specifies that the computers be Windows-based, Microsoft's ''penalty'' would be to hook even more people to the Windows operating system in what is the most important market for Microsoft's only serious mainstream competitor in the operating system market, Apple Computer; in any case, it is a deal that would seriously undermine an already beleaguered computer hardware industry while having a minimal impact on Microsoft with its almost $40 billion cash reserve. If this is approved, it effectively makes the company even more of a monopoly than it already is. Microsoft already has more than 70 percent of the education operating system market and 95 percent of the market as a whole, a situation that raises anti-trust issues by almost any definition.

Overall, I urge you to keep up the battle to hold Microsoft accountable, because without it, consumer choice and indeed the economics of almost every business other than Microsoft will suffer.

Sincerely,
Daniel Bliss

MTC–00001548

From: John
To: Microsoft ATR
Date: 11/20/01 2:31pm
Subject: Sirs,

Sirs,

As a interested observer of the proceedings against Microsoft, I can't imagine that Microsoft is any different than Intel, Sun Microsystems or Oracle. And I know there are a lot of other companies who dominate there specific industries.

Unfortunately Mr. Gates tends to rub people the wrong way, so right or wrong he both lost and won the case.

I think you did the right thing by settling the suit, now if you could get the ''Greedy'' to settle theirs, maybe life could go on and even maybe Microsoft would buck the current trend and Hire employees back instead of letting them go.

Respectfully
John G. Yuzzolin
john@townco1.com

MTC–00001549

From: chrismh@wcnet.org@inetgw
To: Microsoft ATR
Date: 11/20/01 2:40pm
Subject: Microsoft case

Dear DOJ,

In the past, when some lawsuits were settled with terms ''lightly'' in favor of Microsoft, they sometimes have continued to thwart the law and continued to commit unacceptable business practices. As a tech coordinator for a school district that uses both Macintosh(R) computers and PC's running Windows(R), I can tell you that the vastly superior user experience for students and consumers is on the Macintosh platform. If Microsoft is allowed to remain a ''whole'' entity, then they will never stop destroying consumer choice and restricting a fair and balanced computer industry. Please do what you can to see that they are split up into two companies, one designing the operating systems, and the other to design applications that run on ALL viable operating systems. In my opinion, Bill Gates should be removed from any position of power in both companies as it was proven in the anti-trust trial that he was and is the chief catalyst for anti-trust and non-competitive business practices

Sincerely,
Chris
Hamady

MTC–00001550

From: Scott M. Hoffman
To: Microsoft Anti-Trust
Date: 11/20/01 2:42pm
Subject: Civil Suits Settlement

I'm not sure if this is the appropriate address to send this to, but I had to voice my opinion, so here goes:

Regarding the recently annouced settlement of civil suits in the Microsoft case, I am appalled. While donations to charitable organizations could be useful, it is unbelievable that the DOJ is perpertuating the Microsoft monopoly. It's as if the judicial system has confirmed that they are a monopoly, and someone has decided that it's okay.

Where is the remedy for the people? I can't believe that the last three years of judicail proceedings has been to give Microsoft a slap on the wrist and a pat on the back!

Something else must be done! Is there a forum where remedies are discussed without the counsel of the convicted?

Thanks for your time,
Scott Hoffman

MTC–00001551

From: Allison and Casey Weeks
To: Microsoft ATR
Date: 11/20/01 2:39pm
Subject: microsoft settlement

Dear Ms. Hesse,

In response to your request for public comment on the proposed settlement in the case of United States v. Microsoft Corporation, I ask that we the people quickly settle our suit against Microsoft with minimal punishment. My biggest argument is you can always buy an Apple.

Casey Weeks

MTC–00001552

From: Bob Wishnefsky
To: Microsoft ATR,microsoftcomments @doj.ca.gov@inetgw
Date: 11/20/01 2:36pm
Subject: Unhappy with Microsoft settlement.

I am unhappy with the Microsoft settlement. I do not know if the government cares about citizens views, but I felt that I must share them.

It seems to me that Microsoft has indulged in not only anti-trust violations but racketeering as well. Is this a possible avenue of approaching their abuses?

Robert Wishnefsky
1852 Oakwood Avenue
Glendale, CA 91202
(818) 244–5833

MTC–00001553

From: Patrick McDonald
To: Microsoft ATR
Date: 11/20/01 2:52pm
Subject: Keep them on their toes

To whom this may concern,

I just can't believe you're ready to let Microsoft off the hook so easily, and so conveniently for the company. This settlement really looks like it was politically motivated. Whether it was or wasn't, I honestly can't say, of course. But it sure looks like Microsoft swallowed the DoJ whole, and quite easily, too. As far as the DoJ is concerned, it's game over. You loose. No

amount of press release blab can hide that conspicuous fact. Or the fact that M$ repeatedly and demonstrably lied to you in court, which is uncomfortably close to laughing at you.

Soon enough, Microsoft will get back to doing what it does best, i.e. being a brutal and abusive monopolist. And expect them to be back at it with a vengeance. For M$ has just been reminded that strangling competitors using a combination of legal and illegal means is a hugely worthwhile and profitable enterprise that far outweighs the relatively modest price to be paid.

In the name of many consumers from the US and abroad, who mistakenly thought that the DoJ (if anything) might force Microshaft to play by the rules... thanks a lot. You really let us down.

Pat McDonald

MTC–00001554

From: Lionel.B.Dyck@kp.org@inetgw
To: Microsoft ATR
Date: 11/20/01 2:49pm
Subject: Comments on the AntiTrust Case

I would strongly encourage you to consider that Microsoft has inflicted significant pain and abuse on the office and home pc user over the past 20 years. They have incorporated features and functions into their base operating system which they made available for free and which caused other vendors of retail software that competed to go out of business (or they were basically forced to sell to Microsoft). They have mislead business partners and their customers (reference what Microsoft did to OS/2 for example).

Any settlement must include a brick wall between the operating system, applications, and web divisions of Microsoft and there must be monitors in place with sufficient authority to correct abuses. These comments are my own and do not necessarily reflect the views of Kaiser Permanente Information Technology.

Lionel B. Dyck, Systems Software Lead
Kaiser Permanente Information Technology
25 N. Via Monte Ave
Walnut Creek, Ca 94598
Phone: (925) 926–5332 (tie line 8/473–5332)
E-Mail: Lionel.B.Dyck@kp.org
Sametime: (use Lotus Notes address)
AIM: lbdyck

MTC–00001555

From: Richard C. Haight
To: Microsoft ATR
Date: 11/20/01 2:44pm
Subject: Break it up!

Microsoft will never reform. It constantly crushes competition both for applications & operating systems. Microsoft programmers can (and do) tip the playing field strongly in their favor. Their new ''Passport'' service will give them more information about PC-using public than the Government has. Through clever PR their own deplorable internet security loopholes have been blamed on the Web as a whole.

I spent my 40-year working career in software development, mostly at Bell Labs. I have watched Microsoft closely since the early '80s. Every day the average PC/Mac owner pays more and receives less in return because of Microsoft. The are the ''Big Government'' of software. Nothing approaching their monopolistic grip has been tollerated in the U.S. within the last 100 years.

Check out Robert X. Cringely's articles in Microsoft. See http://www.pbs.org/cringely/pulpit/pulpit20011101.html as an example.

Richard Haight

MTC–00001556

From: Mike Rocus
To: Microsoft ATR
Date: 11/20/01 2:58pm
Subject: Comments on Microsoft Case

I am against Microsoft being able to spread it's monopoly by a court ordered settlement. As stated in this web page: http://news.cnet.com/news/0–1003–200–7928195.html ''Under proposed terms of the settlement, Microsoft would donate software, services, training and licenses for reconditioned computers—an array valued at more than $1 billion—to 14 percent of the nation's poorest schools, said lawyers representing consumer plaintiffs.''

Rather than forcing the schools to use the Microsoft OS (and further Microsoft's goals of monopolizing the operating system market), the ruling should allow schools to choose the operating system that best suits the needs of the school and force Microsoft to purchase what the schools say they need. By forcing the schools to use the Microsoft operating system, the schools will be trapped into future purchases of the same system by default. This isn't a punishment, it's a gold mine for Microsoft!

Sincerely,
Michael E. Rocus

MTC–00001557

From: David Barto
To: Microsoft ATR
Date: 11/20/01 2:58pm
Subject: Microsoft and Monoploy power

I find it interesting that the proposed 'solution' to the anti-trust trial is almost identical to the previous sanctions applied to microsoft in the prior bundling case.

The net result from the prior sanctions applied to microsoft was that nothing happened and microsoft continued to use its market power and position to prohibit inovation and limit acceptance into the market any product which could possibly weaken microsofts position on the desktop.

Since the DOJ has given up any hope of controlling microsoft, it is hoping that microsoft will control itself. Prior actions show that microsoft has no intention to control itself, and has every intention to push any technology which is not microsoft controlled out of the space microsoft wishes to be in.

The courts have ruled that microsoft is a monopoly. This is not contested by anyone except microsoft.

Prior monopolies were broken up. Standard Oil comes to mind... How much market share did it have when it was finally separated?

The same remedy should be applied to microsoft. Anything less will only be giving microsoft the opening it requires to complete pushing all other companies from the market.

When we only have one company to choose from for desktop software, it is too late to try and fix the problem. The time is now, and the only thing which makes since is to apply the 'Standard Oil' solution to microsoft. David Bartobarto@ucsd.edubarto@visionpro.com

From a Marketing type: Don't give me any technical reason why something can't be done. If you really believed in the product you'd make it work.

MTC–00001558

From: Kyle Hoker
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/20/01 2:56pm
Subject: Short and to the point

I am a Microsoft Windows user both at work and at home. I have no ill feelings toward the company, yet I wanted to address this issue of a remedy to the Microsoft case. Would a Microsoft breakup hurt the economy?

The answer, concisely, in no. Realistically, it would be a major boon to the technology sector. Short answer, no one can compete with Microsoft. Even those that have had success with products outside of Microsoft's control are immediately either purchased outright or carbon-copied into 'extended functionality.'

Consider this: Microsoft, for all their 'innovation,' has never actually created anything substantial save 'integration.' Microsoft did not bring us a Word processor, or a spreadsheet. They did not bestow upon the world a graphical user interface. Even the web browser escaped their notice for several years. They were not the first to pioneer video and audio compression for streaming media. They have never been trailblazers of security.

Simply put, Microsoft has always had the freedom to 'innovate,' however they have never actually done so. What they have is the forced power to 'integrate.' Isn't that the heart of what is at stake?

Dividing the corporation is the only remedy that makes any sense. Level the playing field as it were. No one can compete with Microsoft's integration. By the time 3rd party developers get a hold of the code by which to plan their strategy, Microsoft has had ample time to integrate the applications seamlessly into the OS.

No company can financially target any Microsoft-established market. Look where Microsoft's integration has brought us to date; The abandonment of cross-platform standards such as Java (to be replaced with a nearly identical, yet Windows-only language of C#), the secret 'hooks' in the OS that only Microsoft is privy to, allowing 'integration' between the OS and applications that simply cannot be matched by those who might wish to compete, the OEM agreements that have historically punished a vendor for attempting to give a consumer any choice as to what operating system their computer might be shipped with.

Split up Microsoft. Plain and simple. If the products they offer the world continue to dominate then it will be on their own merits. Force Microsoft to consider a much more open stance, force them to acknowledge alternatives. Allow for competition, which in

turn will drive the marketplace, and thus jump start a fledgling technical sector. Innovation comes from competition, and competition comes from rules. Enforce the rules that have made this nation strong for over two hundred years. It is a far too dangerous gamble to concede that one company has the power to lead the world into the 21st century.

Sincerely,
Kyle Hoker.

MTC–00001559

From: JBAJ 27
To: Microsoft ATR
Date: 11/20/01 2:53pm
Subject: More Training on Microsoft Products for the Unemployed.

Greetings,

My only comment on the recent Microsoft decision is that some of the 1 Billion dollar settlement be put into furthering the educations of the Unemployed. Some of the money should be used to fund more training on Microsoft products at the State level.

As a recent beneficiary of the Unemployment system here in Michigan, I can fully understand the need for more computer training. Oh there is training on Basic use and functions of Microsoft Office, but there isnt any Intermidiate and Advanced classes on the use of Microsoft NT, SQL Server,and some of their other products.

Thank you for your time and attention.
Sincerly,
Gerald P. Baj

MTC–00001560

From: Dorothy Craig
To: Microsoft ATR
Date: 11/20/01 2:59pm
Subject: Microsoft Settlement

I think what you have done over these many years to Microsoft has been great for the lawyers but a disgrace for you. Would Japan do this to Sony or Germany to Siemans??. Microsoft is a national treasure for Americans to be proud of and appreciative for all it has contributed to making the U.S. #1 in the world in technology.

Because Larry Ellison came crying to you because he couldn't stand the competition you caused millions of taxpayers dollars to be wasted aside from diverting Mr. .Gates time from innovating and causing him unnecessary stress. Don't you understand how rare such a creative brilliant person is ? That our government should try to destroy him and his work is really evil. Unfortunately you are powerful enough to destroy anyone and any thing wasting the taxpayers money. I am so ashamed of the Dept of Justice. Did I say Justice ?? Where is the Justice? Are you going to reimburse the tax payers or Mr. Gates ? No, your buddy lawyers have it all in their fat pockets and we are all poorer for your activities.

You were not protecting us. You would have better spent these years getting Universities to inform you when students from terrorist countries disappeared. You could have sent illegal foreigners out of our country. Illegal means nothing to you when it is a foreigner breaking our laws but you attack one of the greatest Americans to come along . How is it that a Mexican can illegally cross our border and have a baby and it is a legal citizen ? You have lost your mind and care not for the law. How do these illegal foreigners get so privileged ?

Lets hope you will spend our tax money protecting us from real danger—terrorist not a great national asset such as Microsoft

Dorothy Craig

MTC–00001561

From: oldeez
To: Microsoft ATR
Date: 11/20/01 2:59pm
Subject: Microsoft Suit

My personal opinion is, this suit should never have happened. It was bogus from the get go. This is not a ''public Utility'' that needs corralling—this is private enterprise. Let the competition gear up, think up, plan up, but don't penalize Microsoft for their wonderful OS that brought millions of people into the home computer market. (People such as myself, a 78 year old widow).

Sincerely,
Jean LeComte,
St. Petersburg, Florida 33707

MTC–00001562

From: mdw@swoodinc.com@inetgw
To: Microsoft ATR
Date: 11/20/01 2:59pm
Subject: What to do with Microsoft

I believe it would be in the best interests of the computing and software industries to break up Microsoft into a system software company and an applications company.

Then each company's products can compete on their own merits instead of the proprietary links they now enjoy. Competing companies must have access immediately to any information shared between the two new Microsoft entities.

Failure to adhere to this rule would result in a multi-billion dollar fine, (to be determined) such that it would actually make a difference to Microsoft if they had to pay it.

Each of the two companies would be prohibited from writing contracts that preclude installation, nor require the removal of, any other software vendors products from any given hardware product. Failure to adhere to this rule would result in a multi-billion dollar fine, (to be determined) such that it would actually make a difference to Microsoft if they had to pay it.

Microsoft should pay the maximum legal penalty NOW for it's transgressions. This is in fact a punishment. Not a wrist slap.

MTC–00001564

From: Dick Rucker
To: Microsoft ATR
Date: 11/20/01 3:06pm
Subject: Microsoft settlement

I'm a long-time user of Microsoft products on both the Macintosh and on the PC. I use them because I have to, whether I want to or not.

I urge that the court reject the Justice Department's negotiated settlement as inadequate because it is unlikely to restore healthy competition in the marketplace, and Microsoft is very unlikely to change those practices that have served them so well in the past. A three member panel for which Microsoft has chosen 1.5 of its members is likely to be firm as warm butter. If you want details from my own experience with Microsoft and its products, I'll supply them, but I suspect you have all the anecdotes you need.

Richard A. Rucker
10426 Darby St.
Fairfax, VA

MTC–00001565

From: Darby Lee Darrow
To: Microsoft ATR
Date: 11/20/01 3:05pm
Subject: Microsoft

I am a consumer that has been effected by the anti competitive practices of Microsoft. A lot of really good work has been done to hold them accountable for their actions. However a lot of work remains. It is obvious from their actions since their last consent decree that they hold the court systems in contempt and the only method of getting their attention/compliance will be through more severe penalities. Perhaps breaking them up is our only hope.

Please keep this in mind when deciding your course of action in the coming weeks/months.

Darby Lee Darrow
12717 Via Sombras
Poway, CA 92064

MTC–00001566

From: Gordon C. Hawkins
To: Microsoft ATR
Date: 11/20/01 3:01pm
Subject: Microsoft Case

I don't have a lot of time to write you a long-winded letter telling you all the reasons why you shouldn't settle the Microsoft case, but i'll leave you with this impression.

I work in the computer industry—I hate Microsoft. They are the worst thing that ever happened to computers. I am not saying that I dislike their operating systems, I do think they make the occasional good product, but there is NO COMPETITION. Their pricing is overvalued, and their licensing agreements wouldn't be signed even if the Spanish Inquisition was still in control. Even though my e-mail address is a Canadian address, I am an American and I do vote, and I urge you—BREAK UP MICROSOFT.

I know the DOJ has fought hard in this case, and there is a lot of good work being done by the DOJ in this case—BUT DON'T QUIT NOW. PLEASE. Consumers need a future where they have choice. Open standards will always prevail over proprietary standards—MS does not support open standards. Consumers need security. Microsoft has continually failed in providing the industry with secure products—or support furthering security on the Internet in a collective manner. For instance, IPv6—Internet Protocol Version 6—is a standard that has been developed, and if implemented would make the Internet much more secure. MS has done nothing to promote or implement this standard. Just a quick thought, with the recent rash of virus threats, why hasn't Microsoft 'strong-armed' their channel partners to bundle their software with Anti-Virus software instead of their Internet Browser?

Microsoft deliberately mis-engineers products in order to sell expensive upgrades later. Case in point—Windows Millennium Edition, possibly the worst OS ever created, was released less than a year before ''Windows XP (eXtra Pain).'' I would propose that Microsoft DID THIS ON PURPOSE, so that consumers using Windows ME would be dying for an upgrade when their systems disintegrate due to a neutered driver base, or networking stack, or complete lack of functionality that was in Windows ME. Why create Windows ME? Grab some quick cash from unsuspecting consumers and then force them to upgrade to Windows XP later.

I could really go on and on, but I must close with one last thought (a repeat)—

KEEP THE FIGHT UP. BREAK UP MICROSOFT.

Gordon C. Hawkins
Vancouver, BC, CANADA
(originally from MARINA DEL REY, LOS ANGELES, CA)

MTC–00001567

From: Lorin Rivers
To: Microsoft ATR
Date: 11/20/01 3:11pm
Subject: Microsoft is anti-competitive

The proposed settlement, as I understand it, is the slightest of wrist-slaps compared to the damage this company has done, and will do given the opportunity, to the competitive landscape. They've proven they will do anything to ''win''. Any settlement that does not include a heavy fine and close inspection of their future business dealings will result in a total domination of the computer and personal electronics industry in a matter of years by Microsoft.

MTC–00001568

From: Daniel Freed
To: Microsoft ATR
Date: 11/20/01 3:16pm
Subject: Microsoft Monopoly

I feel as though the agreements made by the DOJ and Microsoft will not stop microsoft's abuse of monopoly powers. You are wrong to completely eliminate breaking the company up as an option. Go back to trial and use the overwhelming evidence to once again do the right thing. Prevent them from damaging competitors by illegal actions.

-Daniel Freed
Web Designer
3114 Timanus Ln.
Baltimore, MD 21244
lm—dan—freed@yahoo.com

MTC–00001569

From: brian tester
To: Microsoft ATR
Date: 11/20/01 3:15pm
Subject: Microsoft case

To whom it may concern—

I am a Minnesota citizen who uses both the Macintosh operating system and Microsoft Windows on my computers. I make my living using both platforms. However, I am disappointed with the federal government's proposal to settle in the Microsoft anti-trust case.

I believe that Microsoft are indeed acting against public interest in the way they seek to propagate what some might describe as an operating system monopoly.

I urge you to pursue more stringent prosecution in the interest of penalties against Microsoft that more accurately reflect their crimes, real and attempted.

Thank you for your time and consideration. I know you will follow the letter of the law and in the end, do the right thing.

Sincerely,
Brian Tester
411 N. Wheeler
St. Paul MN 55104

MTC–00001570

From: David Dellinger
To: microsoftcomments@doj.ca.gov@inetgw
Date: 11/20/01 3:14pm
Subject: Settlement

Hello,

I completely support your actions to continue the anti-trust suit against Microsoft.

David Dellinger
9332 Hazelbrook Drive
Huntington Beach, CA 92646, USA
Phone: +1 714 378–6112
Fax: +1 714 377–2333
CC:Microsoft ATR

MTC–00001571

From: Mcdonald, Richard
To: Microsoft ATR
Date: 11/20/01 3:12pm
Subject: As a taxpaying citizen, I'm miffed

I'm miffed at how our elected officials have decided not to take action against the illegal practices of Microsoft. This settlement is a shameful display of lack of backbone on the part of the DOJ and I am extremely dissappointed. I will back future action to elect officials who will look out for the consumers of this nation, not the shareholders of Microsoft.

Thank you for nothing.

Sincerely,
Richard McDonald

MTC–00001572

From: DYMOND Christopher S
To: Microsoft ATR,ag @oag.state.fl.us @inetgw,attorney.g...
Date: 11/20/01 3:26pm
Subject: Microsoft Anti-Trust

I am very disappointed with the Feds settlement of the Microsoft Anti-Trust case. Microsoft should not be allowed to continue predatory behavior and should pay substantially for past predatory behavior. Please purse what ever legal action you can to block the consolidation and subsequent abuse of market share power in the software industry.

Sincerely,
Christopher Dymond
Salem, Oregon

MTC–00001573

From: norybee@spice.cc.utexas.edu@inetgw
To: Microsoft ATR
Date: 11/20/01 3:18pm
Subject: Agreement way too soft...

This is a joke. Clearly the Justice Department (at least under our big-business friendly president) isn't taking Microsoft seriously. The failure to zealously pursue an injunction against the release of Windows XP (which only serves to expand Microsoft's monopoly by integrating additional features, forcing competeing products out of the market) is ridiculous.

DOJ must pursue stronger penalties against Microsoft than what the agreement currently provides for.

Byron Barry
906 Hermitage Dr
Austin, TX
78753–5716

MTC–00001574

From: Dr. David A. Zatz
To: Microsoft ATR
Date: 11/20/01 3:17pm
Subject: Proposed Microsoft settlement

I must ask you to reject the proposed settlement with Microsoft. By agreeing to a toothless settlement with Microsoft, you would condone a variety of illegal practices which have bankrupted many companies and sent many people out of work, while suppressing superior technologies. You would also send a clear message to the world—that in America the law is a tool of the wealthy, that if you have been successful enough, your crimes will be forgiven. Certainly that would be the case with Microsoft— essentially destroying WordPerfect, Lotus, Netscape, and, to a degree, Apple (not to mention many others) would be forgiven, if Microsoft would promise to hold itself mostly to the law in the future. That's pretty weak, and given how well they've fulfilled their promises in the past, foolish as well.

Given Microsoft's contributions to the current administration during the election, we suspect the world would consider a settlement like this to be payback, as well.

Microsoft can stand real penalties. What's more, some real prevention would be handy at this time. Microsoft, which owns or has substantial in many media outlets, is soon to take over most of the world's authentication through .Net and Passport. It is practically forcing MSN down users' throats, and I would be surprised if MSN did not pass AOL within two years, given the sheer number of times a new user has to turn down MSN service.

That's too much power for one company—especially one with a history of abuse.

Please make the settlement workable and enforceable, and extract some penalties, or reject it out of hand.

MTC–00001575

From: Van Secrist
To: Microsoft ATR
Date: 11/20/01 3:32pm
Subject: Make MS carry a JVM

Dear Sirs,

I am an entrepreneur working on a software/web application. I am extremely worried with the current proposed settlement with Microsoft. The company has a long history of squashing any form of competition. I and many other developers are terrified of Microsoft's wrath. There is a genuine fear in the developer community of getting in Microsoft's gun sights. There are so many loopholes in the current settlement that will allow Microsoft to continuing their lying, cheating, conniving ways. The settlements need to be far more air-tight.

At the very least, there is one huge concession that Microsoft should be forced to

make. This concession would increase software availability AND compatibility across multiple platforms. It would also lower the costs of software developers in developing new products, because they could write code once and simply recompile that code for the various platforms. This concession would create a proliferation of software titles on all platforms.

What is this concession? Force Microsoft to bundle a Java Virtual Machine with their shipping OS. Java is a language designed to be platform independent. Microsoft tried to usurp control over the Java language from Sun a couple of years ago. A court ruled that Microsoft violated their contract with Sun by introducing code that would ''optimize'' Java performance on Windows. In reality, Microsoft ''polluted'' the Java language and ruined Java compatibility across multiple platforms. But hey, it played great on the PC. Recently, Microsoft said they would NOT support Java at all. Why? Because they see this as a threat to Windows dominance.

To reiterate, forcing Microsoft to distribute the JVM (hell, force them to build support into the OS) would allow developers to write software ONCE. They could then recompile that code to work on Windows, Mac OS, Linux, BeOS and Unix. Imagine writing code one time and having it available to ALL platforms! THAT WOULD REINTRODUCE COMPETITION IN THE SOFTWARE INDUSTRY!

I implore you not to settle on the current terms. Should you wish to discuss this, I am enclosing my contact information. For the record, I have no affiliation with any of Microsoft's competitors.

Sincerely,

Van Secrist 3888 Elderbank Drive Los Angeles, CA 90031 323.227.9888 (h) 310.917.2584 (w)

MTC–00001576

From: Paul Carroll
To: Microsoft ATR,microsoftcomments @doj.ca.gov@inetgw,...
Date: 11/20/01 3:32pm
Subject: Concerned Citizen Unhappy with MS Deal

Dear Sir or Madam,

I am writing to you today because I am very dissatisfied with the deal Microsoft is striking with the DoJ. Everything I have read indicates that while all courts have upheld the contention that Microsoft has used anti-competitive and monopolistic practices, they will only be given a slap on the wrist with a very vague bargain. Not only do I believe that the deal is detrimental to the consumer, but I also believe that the deal will end up costing the taxpayers money as they fund future attempts to make sure Microsoft obeys nebulous guidelines. I want a clear cut decision against Microsoft in this case, and am willing to suffer through the trials necessary to get it right. We are willing to fight a war against terrorism for as long as it takes to guarantee our safety, we should be willing to act similarly to guarantee our competitive freedom. It has reached the point in this country that it is practically impossible to buy a computer without buying a Microsoft product, even if we have no intention of ever using the computer with a Microsoft operating system. Would we stand still if we could not buy a car without buying a Microsoft trailer along with it? What if you could not buy ground beef without buying a Microsoft hamburger bun?

I would have been happy with the original court order splitting Microsoft, and feel that it makes sense. It was easily understandable to the general public, and clearly showed that monopolistic behavior would not be tolerated. Unfortunately, Microsoft got out of that one on a technicality - simply because the judge talked to reporters, the decision was thrown out. Higher courts have upheld the findings of the lower court, but now the penalty is paltry. I can understand (if not agree with) arguments that splitting the company was too drastic, but surely people of reason can see that the proposed deal is too lenient. Please pursue this case with utmost vigilance. Make sure that Microsoft does not threaten freedom again.

Thank you,

Paul Carroll

MTC–00001577

From: root@wt6.usdoj.gov@inetgw
To: Microsoft ATR,antitrust@ftc.gov @inetgw,Ralph@essen...
Date: 11/20/01 3:27pm
Subject: Microsoft Hegemony: Jackpot Over Justice CC: letters@latimes.com @inetgw,letters @sjmercury.com@i... Re: Microsoft Unveils $1B Settlement

But Hausfeld said he felt it was the government's job to find a way to curtail Microsoft's power, and that it was unrealistic to expect that a better deal could be reached for such a large class-action group.

Justice is unrealistic? The Microsoft prosecution has done nothing but solidify the avalanche of jackpot over justice.

''It is will of almighty Dallah, you know, ka ching ka ching, that lies win over truth, jackpot over justice...''

MTC–00001578

From: Steve Jencks
To: Microsoft ATR
Date: 11/20/01 3:42pm
Subject: Travesty of a corporate monopoly

Dear Sir or Miss,

Please consider that the Microsoft penalties as currently listed in the settlement are a weak slap on the wrist at best. Microsoft continues to have the power and ability to control much of the technology world and seeks to control the access of information and services with it's .Net initiative. I'm afraid that the DOJ will find too late that Microsoft will become bigger than government influence can contain and will stronghold the technology companies to whatever suits it's needs.

Steve Jencks
East Lansing, MI

MTC–00001579

From: J H
To: Microsoft ATR
Date: 11/20/01 3:41pm
Subject: Microsoft Settlement

I feel that the settlement proposed with Microsft is BOGUS. Refurbished equipment? They'll use old pc's with a few new parts and skate the issue. They need to have a baseline for this type of settlement. I mean, if it was I that got this deal, you bet you'd be getting Pentium 166's or less. This is too broad for justice. With this kind of settlement, the equipment can wind up costing as much as $20.00 or should I say as little as.

It appears that the more money you have the more laws you can break, and you write your punishment. A good example of our Judicial system at it's best.

Microsoft got away with bankrupting companies and alienating others..this is merely a slap on the wrist.

Do something you can hold your head up for!

MTC–00001580

From: ron
To: Microsoft ATR
Date: 11/20/01 3:38pm
Subject: microsoft has to be delt with

To whom it may concern,

I wish to express my thoughts regarding the impotent federal settlement with the Microsoft monopoly.

As a computer industry professional I've had to deal with the problems and—intentional—incompatibilities—that Microsoft has designed into their software. Not only is the market dominance that this company has used to reinforce the perception that the Microsoft way is the only way to conduct business. Limiting the consumers perception what is possible (as I'm sure is many lawmaker) but it also crushes, buy outs and or pirate's the innovative concepts of other business that would promote compatibility... Right now people don't have a option as to what they can buy and use if they wish to conduct business or gain employment due to the intentional incompatibilities with non Microsoft products.

There are many other issues both of common sense and of the technically inclined as to why the monopoly has to be broken up and severely weakened. If not for the general benefit of the society in regards to creative though patterns but to promote a healthy business environment where competitive ideas and technology can enter the marketplace and take root. Not only for the short tern but for also the long term benefit of both business and society.

How many billions of dollars have been wasted both nationally and internationally by the dependency upon Microsoft products ? Is not the predominant (if not exclusive) targeting from both virus and computer worms upon Microsoft software not reason enough to diversify the consumers options?

Not only for private and business security but for also of Government? If Microsoft didn't have this monopoly there would never be a foothold for these costly and damaging viruses to gain a foothold much less spread so easily?

I urge you to take severe action against Microsoft: Breaking it up into at least 3 different companies that will be unable to coordinate their efforts (In accordiance to both state and federal law).

Severely Fine the company for its practices of using its monopoly to prevent free market competition and needless incompatibilities with both its operating systems and its software.

Require the company to publish its code and adhere to recognized international standards for all its software and forbid it to use its market dominance to pervert such standards to read ''into the system'' but send out as a industry incompatible Microsoft monopoly standard now unreadable by those ''accepted standards''.

Thank you for your time in reading this I hope that I've expressed myself clearly so that my perceptions may be known and appropriate action taken. If there are any questions please feel free to contact me at my home (619.294–6631)

Sincerely,
Ron Bueno
owner
Bueno Advertising

MTC–00001581

From: David POWERS
To: Microsoft ATR
Date: 11/20/01 3:38pm
Subject: against settling, against sole-source internet

microsoft's intentions for its monopoly on personal computer operating systems are clear: to leverage it into a control of networks and of software distribution.

any software they have under their roof is nearly impossible to compete with. any computer standards they gain majority control over quickly become impossible to keep up with for other vendors, unless they agree in contract to accept the piece of the pie microsoft has reserved for them.

it astounds me that a conservative republican administration is settling a case of such clear anti-competitive ramifications. there will be things, basic important things, about networking, about using computers, about LIVING in our era, that people will not be able to do unless they are working for microsoft. this is a bad way to ensure flexibility in the future of the network, and the computer. this is a violation of your job to enforce anti-trust law.

/ dtp /
David POWERS
230 Oak St #31
San Francisco CA 94102
tel/fax 415 487.9663
http://chromo.home.mindspring.com/

MTC–00001582

From: Cedar McKay
To: Microsoft ATR
Date: 11/20/01 3:48pm
Subject: don't fold to big money

please stand up for the consumer and demand real penalties from microsoft, not this watered down non-penalty.

John McKay
Seattle
Washington

MTC–00001583

From: Keys Curry
To: Microsoft ATR
Date: 11/20/01 3:46pm
Subject: Microsoft Settlement

My comments:

I feel that the US government gave away much of the necessary penalties and regulatory oversights in the Microsoft settlement. I gather that this was done primarily because of the perilous state of the economy after 9/11.

The operating system clearly has the features of a common carrier and, as such, requires that significant efforts be made to prevent Microsoft from using their ownership of the OS to disadvantage other companies. Microsoft has clearly done this in the past and they will continue doing it into the foreseeable future without more significant restraints. In a few years, they will dominate many other areas (the Internet, PDA's, telephone software, etc.). The Justice Department will be forced to take them to court yet again. The results will be more costly and, ultimately, more disruptive than if the Justice Department had stuck to its guns during this round.

I'm very disappointed and I don't look forward to watching Microsoft take control over the Internet.

Keys Curry

MTC–00001584

From: Robert Ambrose
To: Microsoft ATR
Date: 11/20/01 3:44pm
Subject: injustice

Hello,

I would like to add my voice to those who oppose the settlement (which I am tempted to call ''sell-out'') with Microsoft, which leaves monopoly power untouched despite overwhelming evidence that the catalog of illegal activities engaged in by Microsoft that prompted the anti-trust case are and will continue to be the guiding strategy for the monopolist. What is justice, if it bows to the wealthy while baring its backside to the rest of us?

MTC–00001585

From: Eric Bailey
To: Microsoft ATR
Date: 11/20/01 3:42pm
Subject: Harsher settlement needed

Microsoft has been a belligerent bully in the business world for years. The current penalties don't begin to atone for what that company has done. I by no means have a perfect solution to the problem, but I'm sure those directly involved with this case have something in mind.

Thank you very much for your efforts in this matter,

Eric Bailey
1020 Sevier Ave.
Menlo Park, CA 94025

MTC–00001586

From: Thomas Hutchins
To: Microsoft ATR
Date: 11/20/01 3:50pm
Subject: Microsoft settlement

Hello!

I find it utterly amazing that this so called settlement could even be considered.

This does nothing to control Microsoft illegal behavior and only cements their monopolistic position.

The deal might be worth considering if Microsoft paid for other companies products to be installed in the schools.

If this were not so serious it would be could be considered a joke. One wonders if there is money floating around in this deal. This MUST be stopped!

Thomas Hutchins <tah@teamh.se>
R?djursv?gen 28, 466 32 Sollebrunn, Sweden
Tel +46 322 83250—Fax +46 322 93995

MTC–00001587

From: Martin Leaney
To: Microsoft ATR
Date: 11/20/01 3:50pm
Subject: AGAINST THE SETTLEMENT
From: Martin Leaney <mleaney@mac.com>
Date: Tue, 20 Nov 2001 13:48:53 -0700
To: <Microsoft.atr@usdoj.gov>
Subject: SETTLEMENT

I hope it is not too late but I feel the settlement does not go far enough and is too hard to control.

Microsoft is trying to settle the Private Suit against them by giving Windows computers to under-priviledged people—which only gets Windows software into more places and is little more than advertising—not a penalty.

After Microsofts actions during the Anti-Trust trial I think most people can see what lengths MS will go to in trying to protect the cash machine they have built.

Martin Leaney

MTC–00001588

From: Yorgey, Dean, American Legion
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/20/01 3:48pm
Subject: settlement

I never thought that Justice had a case to begin with, however, the settlement is fair and more beneficial to our schools and students. Good Job!

MTC–00001590

From: Restless Natives
To: Microsoft ATR
Date: 11/20/01 3:50pm
Subject: A bad settlement

The proposed settlement of the Microsoft Anti-Trust Trial is bad for business and bad for America. Since it allows Microsoft to continue to illegally stifle competition it also a travesty of justice. It also signals a failure to keep politics out of the judicial system. Rescind it now!

John Anderson
President, iNatives, inc.
John@iNatives.com

MTC–00001591

From: Kalaydjian, Marty
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/20/01 3:57pm
Subject: Microsoft Settlement

Dear Sir or Madam:

I want to commend you for reaching a reasonable compromise in this matter, and putting a final end to the Clinton Administration's ''War on Business.'' If our Federal Government had fought terrorism during the prior administration with half the zeal they fought ''big tobacco'' and Microsoft, 5,000 Americans might be alive today. It is really wonderful having a new administration with some common sense.

Thank you for putting this shameful example of abusive government behind us.

Marty Kalaydjian
521 Briarwood Drive
Eden, NC 27288
Phone: (336) 623–4650
Cell: (336) 613–0027

email: mkalaydjian@mbco.com

MTC–00001592

From: PenDensham@aol.com@inetgw
To: Microsoft ATR
Date: 11/20/01 3:55pm
Subject: About the DOJ vers Microsoft ... And District Judge J. Frederick Motz

Sirs,

The DOJ's feeble attempt to settle with Micosoft is the worst of cash power politics at the expense of the consumer... the voter. Microsoft is a repugnant technological cancer. Ruthlessly run as an illegal monopoly.

And now I wish to oppose a settlement that has the company spending a billion dollars on seeding it's products in schools. It's like asking a drug dealer to give away more drugs to hook more victims! Microsoft should have spent a billion dollars on APPLE products for schools to endeavor to repair Microsoft's damage to the American technology environment!

Thankyou.

Pen Densham.

Citizen and Apple User

CC:ag@oag.state.fl.us @inetgw,microsoftcomments@doj.ca...

MTC–00001593

From: Jerame Davis
To: Microsoft ATR
Date: 11/20/01 3:54pm
Subject: Microsoft

I am appalled!! I cannot believe you allowed Microsoft off with such a slap on the wrist. That slap on the wrist is a slap in the FACE to the American Consumer. Microsoft is an abomination and needs to be stopped. What you have done is created a worse mess for someone else to clean up in the future. They will gloat and begin to think they are invincible. That even the US Government can1t even take them down.

It1s a disgrace to your post to allow such a blatant and bold monopoly to go unchallenged. Microsoft is an affront to the computing industry. You are more worried about the effect on the almighty dollar than you are protecting the American Consumer. I am an American Consumer and I1m outraged. I have NEVER bought a Microsoft product, and I never will. They don1t need my money. They have everyone else1s money.

You really dropped the ball, and I hope you don1t continue making such outrageous mistakes.

Jerame Davis
3715 N. Meridian St. 1A
Indianapolis, IN 46208
317–924–4746

''They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety.''

-Benjamin Franklin

MTC–00001594

From: Jonathan
To: Microsoft ATR
Date: 11/20/01 3:51pm
Subject: Dismay at Microsoft farse!
To: DOJ & States

I just wanted to express my extreme dismay at the total & complete cave in that the DOJ & many states agreed in the Microsoft settlement. I mean if you were going to back down so much why'd you even bother with the big trial for the last 2 or 3 years?

What a dissapointment. Ohwell perhaps the E.U. has more of a spine then the DOJ & States. Of course their remidies can only do so much since it's a US company ...

-Jonathan Gracey
New York The ''iClock''
http://www.applelinks.com/pages/iclock/
CC:microsoftcomments@doj.ca.gov@inetgw

MTC–00001595

From: root@wt6.usdoj.gov@inetgw
To: Microsoft ATR,antitrust@ftc.gov @inetgw,Ralph@essen...
Date: 11/20/01 3:59pm
Subject: Microsoft Hegemony: Damage Control Mode

Dear DOJ,

Forget about enforcing that settlement with Microsoft. We The People know that it'll cost more than it's worth. We also want to prevent the damage from 09% of the population kidding themselves about it. Just let the Microsoft Hegemony run rampant so we can rebuild a fresh case against it.

CC:letters@latimes.com @inetgw,letters @sjmercury.com@i...

MTC–00001596

From: KPNQwest
To: Microsoft ATR
Date: 11/20/01 3:58pm
Subject: Microsoft Monopoly

I am an American citizen living in Europe. It is my opinion, and that of many others that Microsoft has been given a ''pass'' on the issue of Monopoly. I cannot comment on legal grounds but as a user, maker and creator of software I find their current status stifling in the market. When they ID an area they can simply buy their way in (see XBOX) or using FUD stop development. It was clearly documented in the trial, it is clearly documented in emails and letters, it is clearly documented in the way they behave. Please stand up to them and make sure that Microsoft is broken up or at least strictly controlled.

Best Regards,
Rick D. Wintheiser
R. Prof. Mota Pinto, 247—1 Esq
4100–356 Porto Portugal

MTC–00001597

From: James P. Drummond
To: Microsoft ATR
Date: 11/20/01 3:57pm
Subject: 1 Billion dollar Private case settlement

I don't seem to have any other method of reporting my disgust at the settlement reached in this case. So I thought I would write here to do what I can to prevent the same in other cases.

The private case settlement is the biggest Microsoft marketing ploy I have ever seen. This is a greater outcome than microsoft could have ever imagined. Forcing every little child in the United States to begin their computer oriented life using microsoft products or even better usig software and machines so generously donated by microsoft. This just further enforces Microsofts death grip monopoly in software, and gives them them the expectation that all of these children will continue using their products for years into the future. Microsoft has absolutly no problem with spending a billion on marketing, and thus will see no punishment and only benefit from this settlement.

James P. Drummond

MTC–00001598

From: JEFFREY AVELLANET
To: microsoft.atr
Date: 11/20/01 4:06pm
Subject: Microsoft Settlement After reading the recent press releases regarding the settlement of a raft of private antitrust cases that would require the company to spend over a $1 billion to put software and computers into some of the poorest U.S. schools, I nearly fainted.

This settlement would—

* Cost virtually nothing to Microsoft except the cost of some CD's and old, refurbished computers that they can get for next to nothing.

* Give Microsoft an excellent PR opportunity.

* Give Microsoft the opportunity to make money off of the children/schools via their ''Passport'' service, which is geared to make money from all transactions the user places through his/her computer.

* And, most ludicrously, give Microsoft even more market share than it already has by unseating Apple as the dominant provider of computers to grades K-12! Let me repeat the irony of this—

Microsoft has been ruled a monopoly, so as punishment, they are given more market share! Ridiculous!

If anything, the company should be required to donate the Apple or Linux products instead of their own!

How on earth did it go from a break-up of the company, to giving them more market share on a silver platter?

Jeff Avellanet
(concerned citizen!)

MTC–00001599

From: Thomas, Allen G.
To: 'Microsoft.atr(a)usdoj.gov'
Date: 11/20/01 4:04pm
Subject: OPINION ON MICROSOFT CASE

I feel it is a descent move to get them to donate their $$ to some deserving schools.But let's leave them alone now and move on to other more important issues.They have received enough flack and for what ?Being a good marketing company? Enough is enough !]

MTC–00001600

From: Craig Bergh
To: Microsoft ATR
Date: 11/20/01 4:00pm
Subject: Microsoft Settlement.

Hello,

This is Craig Bergh from Worthington, MN. I do not want to see the quick settlement for Microsoft. They must have their day on court.They have manipulated the market in a thousand ways.

Todays offer to give some copies of Microsoft products to schools is laughable. Their new software literally a new Pentium 4 computer to even run a simple word

processor. And this manuever only entrenches teir monopoly A few years ago they forced Wordperfect out of business when they would not give the source code to Windows (so Word Perfect could write the program for Windows 95) until a week or two before it was relased. At the same time, Microsoft literally gave Microsoft Word for free with all new computers. Word Perfect market share dropped from 70% to 4% overnight. This was a cold example of using the monopoly power of Windows to also dominate the Word Processor market as well.

The Microsoft products are really not very well written, have poor security from hackers, and crash frequently. Yet because they dominate the market so much, we are forced to deal with the second rate software. This is the United States of America. Microsoft MUST GO TO COURT and defend their beahvior. I am sorry the first judge screwed up the case with his pretrial comments. He was probably right, but the judge must be unbiased.

Keep up this case. Do not be in any hurry to settle. Get the facts, determine if any laws have been broken. If so, determine a penalty appropriate for the crime.

Sincerely,
Craig Bergh
133 Lake Avenue
Worthington, MN 56187

MTC–00001601

From: Doyle and Linda Hasty
To: Microsoft ATR
Date: 11/20/01 3:59pm
Subject: Microsoft agreement

Bill Gates is doing much to help many organizations. This 1 billion gift should be sufficient for the government to get off his back and allow him to use his abilities to help computer users around the world.

MTC–00001602

From: Robert C. Marshall
To: Microsoft ATR
Date: 11/20/01 4:13pm
Subject: The Microsoft Dragon

I've been in the computer field for about 40 years, as a machine operator, a developer, and as a computer scientist and engineer. I am retired from IBM and currently am an associate professor at Austin Community College in Texas.

A settlement like this is very bad, to say the least. One of the goals of monopolistic companies in the computer field like Microsoft, or IBM, is to capture the technical minds of the coming generations. IBM once did this by providing free software to schools. By doing this, Microsoft can look as though they are settling a suit, but they are simply preparing to further their monopoly into the next generation by making large quantities of their software products available to schools. I hope this does not happen! Microsoft will eventually starve out all competition if it does. Microsoft should be restricted and punished, not aided and abetted in furthering their monopolistic practices.

MTC–00001603

From: Anil (Neil) Gulati
To: Microsoft ATR
Date: 11/20/01 4:13pm
Subject: Microsoft Settlement

This judgement has not been anywhere near severe enough. Microsoft have been using FUD tactics throughout the whole process. As the following extract demonstrates, despite all their wailing about 'innovation' (not something Microsoft is known for) and 'freedom', they have been prepared to increase market share by any means whatsoever, morals and laws not withstanding.

Microsoft needs to be punished and fined as a clear message to other companies that criminal activity is not allowable as part of business in the free world. Also Microsoft needs to have its operations curtailed so that it will be restricted from repeating the same behaviour. There is no indication that they will do this voluntarily. The split up of the company seems to be the most viable outcome as initially ruled by Judge Jackson.

12. Microsoft, however, has not been willing simply to compete on the merits. For example, as Microsoft's Christian Wildfeuer wrote in February 1997, Microsoft concluded that it would ''be very hard to increase browser share on the merits of IE 4 alone. It will be more important to leverage the OS asset to make people use IE instead of Navigator.'' (MS7 004346). Thus, Microsoft began, and continues today, a pattern of anticompetitive practices designed to thwart browser competition on the merits, to deprive customers of a choice between alternative browsers, and to exclude Microsoft's Internet browser competitors.

Anil Gulati
Anil (Neil) Gulati
anil.gulati@bigpond.com
anilg@users.sourceforge.net
(0414) 85 87 82
Leichhardt, Sydney

MTC–00001604

From: Joan Rastani
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/20/01 4:09pm
Subject: Concerns

Oh Great—now ''the Microsoft way'' will be indeliby etched into the students who grow up to be the adults who will be making buying decisions for future generations—all they will know about operating systems and software is that which Micosoft spoon feeds them.

They will provide $$ for teacher training and copies of Windows and Office. Are they going to teach the teachers how to use the Microsoft products with the Microsoft $$. How sweet. And you think the rest of us can't see right thru this.....it smells really bad!

MTC–00001605

From: Dean Snyder
To: Microsoft ATR
Date: 11/20/01 4:18pm
Subject: Microsoft Monopoly

Greetings,

The reported Microsoft technology donation to poor schools is not a ''settlement'' of the monopoly—it is an extension of the monopoly. Be honest and address the monopoly with realistic remedies.

Respectfully,
Dean A. Snyder
Senior Information Technology Specialist, Humanities
Krieger School of Arts & Sciences
The Johns Hopkins University
426A Gilman Hall/3400 North Charles Street
Baltimore, Maryland, USA 21218
410 516–6021 office
410 961–8943 portable

MTC–00001606

From: art
To: Microsoft ATR
Date: 11/20/01 4:18pm
Subject: ripped of by the monoply

How could Microsoft be anything but a monoply when they take almost $500. for their office product and continue to squash competitors by incorporating features initiated by others, thanks to their platform monoply.

Why not stand up to monopolistic enterprises. Just because DoJ is busy with other important issues, please don't look the other way and cave in to MS.

MS can only thank the disaster of 9/11 if you let them off easy!

Please do your job beyond minimum expectations.

your taxpayer,
art schroepfer

MTC–00001607

From: Patrick Stapelberg
To: Microsoft ATR
Date: 11/20/01 4:15pm
Subject: Are you insane??!!!

Even the poor schools are mostly likely to purchase computers from Apple Computer. Schools are still one of Apple's primary installed base. So what, you want to publicly fund Microsoft's further invasion of one of Apple's last vertical markets?

HOW CAN THIS BE ANYWHERE CLOSE TO JUSTICE!!!!!!

Patrick Stapelberg
181 Mulberry Circle
Lodi, CA 95240

MTC–00001608

From: David Kijanka
To: Microsoft ATR
Date: 11/20/01 4:15pm
Subject: This is a horrible settlement

The Microsoft settlement is a horrible deal for the class (consumers) and an enormous victory for Microsoft.

1. The aggrieved class gets nothing
2. Microsoft admits no wrongdoing
3. Worst of all, it assists Microsoft's monopolistic hegemony by placing unlimited copies of its software in the marketplace to create ''Microsoft addicts.''

Gates must be getting a good laugh.
David Kijanka

MTC–00001609

From: Tarantino, Paul S.
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/20/01 4:28pm
Subject: Microsoft Settlement

As a long-time computer user at home and in business, I was appalled to read details of the recently announced settlement proposal in the Microsoft antitrust case. This proposal does not serve the interests of consumers or of open competition. The proposed

settlement leaves Microsoft's illegal monopoly power in place, is full of poorly defined language and potential loopholes, provides for no redress of past wrongs on the part of Microsoft, has no meaningful enforcement mechanism (if Microsoft does not abide by the terms of the settlement, those terms will continue to apply for two more years), and does not provide sufficient outside oversight of Microsoft's business practices (a sequestered three-person oversight committee, with Microsoft having veto power on public disclosure of non-compliance issues). Microsoft has never acknowledged any wrongdoing, despite District Court findings that were upheld unanimously in the Court of Appeals. Microsoft has a dismal record of compliance with previous consent agreements, and continues to maintain and extend its monopoly power with Windows XP and its bundled products and services. I have absolutely no confidence that the proposed ''remedies'' will reduce Microsoft's predatory practices.

Even as the court case and settlement discussions have gone forward, Microsoft has has radically revised its pricing models, imposing much higher licensing costs on organizational customers, many of whom are essentially ''locked into'' using Microsoft products and have no effective alternatives. The ''applications barrier to entry'' remains firmly in place.

The events of September 11 and Judge Kollar-Kotelly's strongly expressed interest in rapid closure should not be an excuse for complete capitulation to a guilty party. A settlement on these terms causes more harm than continuing litigation.

I have read dozens of editorials and opinion pieces in print and online media which characterize the proposed settlement as vague, meaningless, riddled with escape clauses, a ''slap on the wrist'' or an outright victory for Microsoft.

Here are some suggestions for additional constraints to consider:

1. Each of Microsoft's existing APIs, protocols and file formats (for all of its software products) should be made freely available to the public, not just to a narrowly defined class of OEMs and software producers. New or modified APIs, protocols and formats should be publicly posted well before they are incorporated into new software releases (perhaps in advance of the first beta distribution). Each instance of incomplete or untimely compliance should result in a substantial fine.

2. Microsoft should have no authority over computer OEM decisions re the PC desktop, its layout and contents. Why are the PC manufacturers not considered Microsoft customers, rather than mere delivery boys for the ''Windows experience?''

3. Microsoft software applications or functions which have no bearing on the basic operation of the PC computer system (e.g. web browsers, music and video editors/players, photo print ordering) should be completely severable/removable from the Windows installation, and function as standalone applications only.

Thank you for your consideration. I will continue to follow the resolution of this case with great interest.

Paul S. Tarantino, CDR, USN (Ret.)
11211 Silver Tree Place
Columbia, MD 21044

MTC–00001610

From: Corni, Dave (GEAE, Digital)
To: 'microsoft.atr@usdoj.gov'
Date: 11/20/01 4:22pm
Subject: Microsoft

Your understanding of how microsoft does business is not adequate enough for you to make a decision.

Your understanding of technology is obviously very limited. Microsoft blocks competition by buying, not creating, functionality and incorporating it into their ''operating system''. Hell, they didn't even buy it from Sun Microsystems, they stole it!

Did you realize that now Microsoft is competing with manufacturers of MP3 players? Yup, they put an MP3 player into their latest version of their ''operating system''. And that is just one example of technology that they are destroying by questionable methods. There is also the questionable sales and licensing tactics that they use to keep their competition out of major markets. Then there is the technology that they just steal.

And how do you punish them? By putting the software in question, unchanged, into millions of potential consumer hands, so they can grow up thinking how great Microsoft is. You are literally paying Microsoft to advertise.

It'll be the best ad campaign since Joe Camel.

You are a group of incompetent clods who should have removed yourself from the case for not understanding the technology enough to make a decision. Congratulations on being stupid.

MTC–00001611

From: jhwice@dellepro.com@inetgw
To: Microsoft ATR
Date: 11/20/01 4:20pm
Subject: microsoft settlement

To whom it may concern. Thank goodness this is over. Now you and Microsoft can deal with some of the real issues of our daily lives.

John Wice

MTC–00001612

From: David
To: Microsoft ATR
Date: 11/20/01 4:19pm
Subject: Public comment

David Rubright
2643 Newport Rd NE
Solon, IA 52333
United States of America
11/20/01

It has been clearly shown that a monopoly exists. This monopoly acts like a public utility without oversight. In its wake are ?minor competitors1 without the leg up of being ?tied1 to an operating system. Unchecked the monopoly moves into other areas of computing and electronic industry like a cancer. Its activities are consistent with a monopoly abusing its position.

The antitrust litigation has brought its practices under scrutiny. Its defense being that it doesn1t need to abide by the law because it represents a ?new1 industry.

The monopoly has concentrated wealth and power to the point that it mocks our legal system. Many ?innovations1 are stolen from competitors or ?monopolized1. This monopoly can fund a lengthy appeals process and avoid any law it doesn1t find useful. The central question has been debated and judged. This turn toward being less aggressive is an opportunistic moment for the monopoly. A monopoly is a form of tyranny. This one is no different. I have witnessed this form of tyranny, this monopoly without restraint, and ask for you to stop placating to it.

MTC–00001613

From: Ronnie Jensen
To: Microsoft ATR
Date: 11/20/01 4:29pm
Subject: Microsoft

Let the schools install Red Hat and let Microsoft supply the hardware..

MTC–00001614

From: karl(a)martin-gas.com
To: Microsoft ATR
Date: 11/20/01 4:28pm
Subject: Microsoft case

Good afternoon,

I hope everyone has a wonderful Thanksgiving.

My email is to state my dissatisfaction at the current agreement reached in regards to the Microsoft anti trust case.

I feel it has been proven many times that Microsoft has abused its position as a global business giant. Even going to the extent to thumb it's nose at the government on several occasions (the latest the release of XP). Microsoft is not bad because it's big or that is contributes significantly to PAC's. Microsoft abused its power as a multinational company. That fact was proven in the case against it. What was dismissed is the fact that Microsoft would not be broken up.

The point, I'm sure you waiting. After spending millions of dollars (or at least hundreds of thousands) of taxpayer money, we don't have a different Monopoly than we had in the beginning. Punishment? I'm sure the definition is much different than what we have just been privy to. Microsoft will continue it's run for Monopoly of the A.D.

Microsoft should be dealt a horrible blow that will not affect its workforce, but affect its opportunity to continue its horrible monopolistic ways.

Don't cower in front of the evil doers! It's not terrorism, its business!

God Bless America! And save us from the monopoly!

Karl Riley
5101 Estes Pkwy #12
Longview, Texas 75603
PS Did I mention that XP thing?

MTC–00001615

From: David Irvine
To: Microsoft ATR
Date: 11/20/01 4:34pm
Subject: Microsoft Terrorism

I read with interest (or rather incredulity and resignation) about the settlement of the class action suit where Microsoft is required to give a bunch of free software to make up for their failings.

Microsoft must be laughing all the way to the bank. We have seen here in Australia, many cases where our proposals to develop web applications based on international standards are rejected because the organization is reluctant to put any non-Microsoft software on their servers because it would jeopardize their continued supply of free software from Microsoft. Microsoft uses their monopoly to force the competition out by giving away free software and holding that power over the head of any organization that dares to try anything that could be construed as competition.

On top of this Microsoft is actively encouraging the development of web sites that only work properly using Microsoft operating systems, applications and browsers. Witness the sudden unannouced dropping of support for browser plug-ins that their competition use. Suddenly you must do it the Microsoft way and no other. Very large numbers of web sites must change overnight with no prior warning.

Microsoft represents the most dangerous anti-competitive monopoly the US has ever seen due to the poor quality of their products and lack of attention to security. The homogeneous nature of the US computing environment represents a major opportunity for terrorists. Even relatively uneducated young teenagers know how to attack.

Break it up! Put it in competition with itself. And stop Microsoft's predation on other companies that produce good cross-platform applications. They acquire the company and drop the versions that run on competing systems.

What are you afraid of?

David Irvine

PS. Why is it that Microsoft Office is so expensive and its only real competition must give away their product if it even hopes to compete?

MTC–00001616

From: mike staples
To: Microsoft ATR
Date: 11/20/01 4:30pm
Subject: 1 Billion, what a joke, and of course there is no telling what they will charge themselves for the

1 Billion, what a joke, and of course there is no telling what they will charge themselves for the teacher training. This is almost as bad as the governments settlement with GM over the saddle tanks on their trucks. You guys are a joke when it comes to punishment!

On the other hand, what if Bill Gates said the hell with it all and closed shoip, then all the people of America would be screaming at the government.

You guys cannot win, no matter what you do, someone is going to be pissed off.

Remenber, Microsoft made 7 billion and some change last year, so 1 billion is a joke.

MTC–00001617

From: Dan Hoskin
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/20/01 4:44pm
Subject: Microsoft case

It's about time. I think it's a good deal for everyone.

Thanks,

Dan

MTC–00001618

From: Smythe DuVal
To: Microsoft ATR
Date: 11/20/01 4:42pm
Subject: Microsoft/DOJ Settlement Condones Political Corruption

I'd like to comment on the recent settlement between the DOJ and Microsoft.

I have worked in the software and computer industry since 1989, including several startup firms that have partnered with Microsoft. I have followed the anti-trust cases against Microsoft since the mid-90s and I own a few shares of Microsoft stock.

I am shocked at the settlement the DOJ has reached with Microsoft. By any legal standard it is a weak settlement. I will not go into the details of of why this settlement is so weak—that has already been done ad nauseum. The DOJ attempted to create a face-saving settlement that looks tough and is actually quite benign. What has taken place is an abuse of the rule of law. The settlement is worthy of criticism because it blatantly condones political corruption.

Before writing this letter, I researched the political campaign contributions made by Microsoft to the major Parties. It appears to me and no doubt other Americans that Microsoft entered a quid pro quo arrangement with the major Parties—one in which Microsoft drastically increases their campaign contributions and in return the anti-trust suit will go away. Here are Microsoft's donations to the Republican and Democrat Parties since 1992:

1992—$51,483
1994—$103,702
1996—$237,484
1998—$1,357,746
2000—$4,356,376
2002—$837,385

Source: Center for Responsive Politics—OpenSecrets.org
http://www.opensecrets.org/ industries/ contrib.asp?Ind=C5120&Cycle=2002

Microsoft's donations significantly increased as their legal troubles increased, reaching over $4 million in the 2000 election. Now that the lawsuit is ''settled'', donations for the 2002 general election are drastically reduced, and yet still a large sum. That surge of money in 1998 and 2000 and the resulting settlement represent political corruption in the highest offices of this government. Microsoft bought this DOJ settlement.

It is reported in the news services today that Microsoft is offering to pay all court and litigation costs to the remaining States, if in return these States would drop their case against Microsoft. This eye-brow raising offer illustrates two things—one, Microsoft isn't subtle when doing political corruption, and secondly, it offers a glimpse at the un-ethical environment they have participated with the major parties in recent years. Would any law abiding American driver, pulled over by a law abiding Police officer, offer to pay the officer's time in court if he in return would not write up a ticket? This is the very definition of attempted bribery. Microsoft's offer to the States is no less the same. Maybe they should donate lots of money to the State level Republican and Democratic Party—they have already done that. Here is a thorough report detailing the corruption between Microsoft and officials at all levels of the government:

http://www.commoncause.org/publications/ microsoft/microsoftstudy.pdf

The Democrats, the Republicans, and the Justice Department failed to uphold the rule of law and have set the most blatant precedent that bribery is acceptable practice. Indeed—I anticipate if Microsoft doesn't pony up ''protection money'' in future election campaigns—they will find themselves in legal trouble again. Case in point—for the 2002 elections, Microsoft is the highest donor to the major Parties in the software industry.

I hope the remaining States and the European Commission have more integrity than the Democrats and Republicans who make up the ''Department of Justice''. America needs people who not only preach but also practice the rule of law.

Smythe DuVal
Marietta, GA

MTC–00001619

From: Steady Ed
To: Microsoft ATR
Date: 11/20/01 4:40pm
Subject: Microsoft Reaches Private Antitrust Settlement

This settlement is a charade. It makes no sense, is just a Microsoft pay off and it is horrible for competition and consumer choice.

It's as though a cigarette companies punishment is to supply schools with free Cigarettes. I'm sure Apple Computer and network hardware and software companies for example, will find the settlement unsettling to say the least. How can they compete in their main market place when a company is given a key to the facility and a green light to wire and network the district with their proprietary equipment and software.

It's a hard place to be in for the schools who see Microsoft waving one billion dollars in front of their face. It's blinding. Who can argue the benefits of technology to our youth and cost reduction to our schools.

However, I estimate this one billion investment will pay off handsomely and be a windfall for Microsoft and its products entrenchment in those very same schools within the near future.

One billion dollars is the same amount of money that Microsoft is spending on Advertisement alone for Windows XP. I think this is also roughly the amount that the company plans on loosing on the Xbox this year in-order to solidify a market presence.

This One billion to the schools, like the XP marketing blitz and Xbox expenditures, solidifies a presence in a market for Microsoft.

This is a strangle hold on those very schools which will now be completely dependent on Microsoft.

The Ironic thing is that if Microsoft was to offer a billion dollars to set up schools with their equipment it would not be allowed because it would be anti-competitive.

You can not punish a company that has 41 billion plus in cash in the bank by giving

them whole markets for pennies on the dollar and call it a Monopoly remedy.

You got to love the Genius behind Microsoft. They pulled another fast one on US, the public.

Joshua Orzech
California

MTC–00001620

From: OvidPete@aol.com@inetgw
To: Microsoft ATR
Date: 11/20/01 4:59pm
Subject: Microsoft

Dear Sirs:

I run a small one man business printing very large baseball posters using Microsoft Excell. I have experienced many problems using this software that has caused me to lose many hours of work. Every time that I have called Microsoft for technical help I have been told I would have to either pay for the help or contact the people who sold me the computer for the help. My problems are not mainstream and the computer shop cannot help me. My problems revolve around errors and flaws in Microsoft software (Excel and Windows 3.1).

PLEASE DO NOT LET MICROSOFT OFF THE HOOK!!!!.

Any one who would sell this software and not support it with its errors does not practice ethical or moral business practices. If I could purchase other software from someone else I would but I cannot; Microsoft is the ONLY company who writes software that I can use.

If you would like to contact me I can be reached at :

Peter Allen
Ovidian Enterprises
51 Taylor St. Suite 1-L
Waltham, MA 02453
OvidPete@aol.com
781–398–1768

Thankyou for your efforts to protect us against unfair business practices (along with the protection from those ''people'' who would try to kill us)

Sincerely
Peter Allen

MTC–00001621

From: Raffael Cavallaro
To: Microsoft ATR
Date: 11/20/01 4:55pm
Subject: Microsoft Settlement too soft.

Dear Attorney General,

I am a concerned citizen writing to ask that you insist that any settlement be much tougher on Microsoft than the details of the proposed settlement currently circulating in press reports. As you know, Microsoft has already been found guilty of violations of anti-trust law, has already been found to be a monopoly, and these rulings have been sustained by the US Supreme Court. Such transgressions, especially where they damage the interests of consumers, as well as the interests of many high technology businesses, demand severe penalties.

Some have proposed requiring a forced revelation of the source code of the various Windows operating systems. Others suggest forcing Microsoft to release versions of Windows with no internet application software included, so that Microsoft's anti-competitive effect on that market can be rectified by allowing computer manufacturers to include non-Microsoft browser software on new machines.

Whatever remedies you and the other Attorneys General demand, they must be tougher than a mere Consent Decree. Remember, we are here in the first place because the original Consent Decree signed by Microsoft was too weak to stop their monopolistic and illegal practices. Another weak Consent Decree will guarantee that the future of computing, indeed, the future of high technology, will be not merely dominated, but completely controlled by a single predatory monopoly. The victims of this monopoly will undoubtedly be both consumers and businesses, indeed, all the people of the United States.

It is no exaggeration to say that the future of the 21st century is in your hands. Please don't give away the potential benefits of such a powerful technology to a single, greedy, predatory monopoly. Please demand a tougher settlement. I, the voters, and your posterity will surely thank you.

Sincerely,
Raffael Cavallaro, Ph. D
raffael@mediaone.net

MTC–00001622

From: skip@steuart.com@inetgw
To: Microsoft ATR,microsoftcomments @doj.ca.gov@inetgw,...
Date: 11/20/01 4:54pm
Subject: Suggested Microsoft Conduct Remedy

As I understand the current state of the Microsoft (MS) antitrust case, MS has been found guilty of abusing its monopoly position. The proposed settlement is that MS will be subject to government oversight for 5 to 7 years. As a MIS veteran with Math and Computer Science degrees and over 15 years experience I would like to offer a simple vision of what ''conduct'' the government should insist that MS follow.

MS has used its dominance of the OS to achieve dominance of the Applications that run on top of the OS. The object of the government oversight should be to break MS's lock on the link between the OS and the Applications. The only way to do this is to FORCE MS to publish the documented (and undocumented) APIs in the OS necessary to load and run MS Windows Applications. MS will scream bloody murder, and try to spin this as un-American, but running an abusive monopoly is un-American too. Publishing ALL of the necessary APIs should allow other OSs to run Windows Applications (including Microsoft Office). I have emulated other OSs like Windows on top of OSs like Macintosh and UNIX, but this has always been problematic because the MS APIs have to be reverse engineered because MS obviously doesn't cooperate in these efforts. If the government FORCED MS to cooperate then the other OSs could be able to run MS programs natively.

Compliance would be EASY to monitor. If MS were forced to release OS APIs, then there would be a stampede in the LINUX world to support the APIs in order to run native Windows Applications. The LINUX community already has a global and public means of development and review for projects, and I am sure that a Windows port would become a high priority multi year project. If MS complies then the LINUX world will be able to make a workable clone of the MS OS. This OS clone would run on top of LINUX and be able to run all MS Applications. If MS ''forgets'' to mention some of the APIs, the LINUX crowd with its global review system will identify what is missing. If a clone MS OS can be built and it runs MS Applications, then MS compliance will have been demonstrated. Microsoft Excel, Word, Media Player, Internet Explorer, and Power Point could be the applications used to verify compliance.

Even though MS would cry, they shouldn't worry unless they are afraid that their OS is so weak that a LINUX based clone would outperform the MS OS. Either way the consumer benefits. If the MS OS is superior, then the consumer now has two choices: buy the MS OS or use the slower but free LINUX clone. If the free LINUX version of the MS OS ends up being superior then the consumer is allowed to use a higher quality lower priced product. Either way the MS monopoly on the OS and the abuses that have resulted from the monopoly will be fixed by this approach. There should be NO time limit on the publication of the APIs, as long as MS makes OSs they should be forced to publish the APIs.

Skip Steuart
Steuart Investment Company
phone:301/951–2744

MTC–00001623

From: email@domain.com@inetgw
To: Microsoft ATR
Date: 11/20/01 4:52pm
Subject: Shame

What can be said other than ''Shame'' for your cowardly capitulation to the monopoly which will further depress the economy.

You have failed in your sacred trust to America.

Shame.
Don Kraig

MTC–00001624

From: Darren Varner
To: Microsoft ATR
Date: 11/20/01 5:09pm
Subject: Microsoft settlement

Don1t let em get away with it. Letting them give away their systems to schools is a penalty? What about those that compete to get their systems in schools such as Apple for instance. This isn1t a penalty, it is a GIFT! Stay after them. They ain1t all bad, but they ain1t anywhere near good!

MTC–00001625

From: Eric Wood
To: Microsoft ATR
Date: 11/20/01 5:08pm
Subject: Re: [Mac OS Rumors]

I am terribly disappointed with the results of the Microsoft antitrust case. This company has built success upon continued thievery of technology developed by other companies and elimination of the source by use of its market share and domineering practices. These are the facts found in the case before some under-the-table dealings ensured the verdict didn't stand and the company was let

off with a settlement. When the trial had begun, I was under the impression that justice would at last be served against a company bent on forcing its products upon all people by way of existing ones and eliminating all competition. The main example I cite for this is the inception of the Internet Explorer web browser, which was released for free on two major computing platforms in the sole interest of destroying such competitors as Netscape, who must charge money for their web browser to stay in business. The especially bothersome part was releasing their browser for the Macintosh when they make no profit from the sales of such systems, and therefore have nothing to truly gain by eliminating other browsers on that platform.

The Microsoft megalith not only makes inferior products, as can be proven by numerous security and stability flaws, but exponentially increases the variety and inferiority of such products. Why must Microsoft now include its instant messenger within Windows XP, with no option for removal I might add, and why must XP continually harass its users to sign up for Passport, a technology that's bound to make its members vulnerable to numerous security breeches, since knowing someone's Passport information allows one to hack into personal information of that member on a number of web sites.

Big business is running this country more and more. The government is losing power to business as we are told to embrace our rich, fat cat friends as the lifeblood of America, no matter how much the CEOs make in comparison to the average laborer in one of their sweat shops. Having worked at such jobs, I can say Capitalism is a failure in the liberal sense, in that the lowest class workers can't even live on the wages of a single job of that type. These people are lucky to able to own a home in our present economic conditions. I'm tired of big business being the only successful force in this nation.

Capitalism is a failure.

MTC–00001626

From: Jason Hobbs
To: Microsoft ATR
Date: 11/20/01 5:03pm
Subject: Microsoft Settlement

It seems to me that if Microsoft is labeled a monopoly, they can make everyone happy by ''giving'' away their product and growing bigger in the meantime. Am I one of the few that see this as just a ''legal'' way to make a monopoly grow. I am ashamed of the way the DOJ has handled the situation.

Jason Hobbs

MTC–00001627

From: Jon Steiner
To: Microsoft ATR
Date: 11/20/01 5:11pm
Subject: My Input

Dear DOJ,

I just wanted to let you know that I don't feel the current settlement is in the best interest of the country or the economy. It merely reinforces Microsoft's monopoly position in the software world, and does not curtail their behavior. The 'charity' that is being bandied about as a remedy doesn't change that fact.

—Jon Steiner, Software Engineer, New York City

MTC–00001628

From: Robert Powell
To: Microsoft ATR
Date: 11/20/01 5:10pm
Subject: Mircosoft Case

I am proud to live in a country where a company such as Microsoft can grow and prosper. The products that have come from Microsoft with my computers have always added value to my investment. I have tried other products, but have returned to Microsoft because I like them more. I view the settlement as a very positive development and hope the company will continue to inovate and prosper.

Sincerely,
Robert L. Powell
Buffalo, NY

MTC–00001629

From: kwarfel@orionthehunter.net@inetgw
To: Microsoft ATR
Date: 11/20/01 5:10pm
Subject: You gave them publicity!!

This is a settlement? A punishment? To order them to further strengthen their monopoly on the public, by pushing Microsoft products down students' throats?! My god! Couldn't you be subtle about throwing the whole concept of fair trade out the window? ''You must perform massive publicity efforts as punishment for shutting down the creativity and innovative spirit of your fellow Americans.'' Short sighted? I don't think so. I think that this is a sell out. A pathetic, poorly executed attempt to cover up the fact that the government is in bed with corporate giants right now, and wouldn't want to scare off any other large corporation by taking a stand for independent effort and competition. This chance will never come again. You have closed off the finest part of American capitalism: creativity, spontaneity and the opportunity to execute on any idea.

MTC–00001630

From: Cjwildeco@aol.com@inetgw
To: Microsoft ATR
Date: 11/20/01 5:09pm
Subject: Antitrust settlement

What a disappointment. So, Microsoft provides/teaches its products,—self-promoting itself into infinity. Children/teachers trained in Word, etc will have no use or knowledge for competing products.

Shame on you.
C J Wilde
Bellevue WA

MTC–00001631

From: Tom Gottshalk
To: Microsoft ATR
Date: 11/20/01 5:13pm
Subject: Microsoft settlement.

Dear Sirs,

Frankly, I have had problems all along with the DOJ's case against Microsoft because I think the main tenant of the suit that the public was harmed by Microsoft was never proved to any degree what so ever. Sure, even the most superficial review of the case one could make an argument that technically MS (Microsoft) violated some dusty corner of anti-trust law. And even show, as has been done, that MS is a monopoly. But given all that, I argue that it has done no harm to the public in fact just the opposite. The very best thing that happened to the PC buying public was that the MS DOS operating system became the accepted standard. Shelf after shelf at retail stores filled with compatible software products. Computer games exploded and within a matter of a few years the internet became truly global. As a private citizen of the US I regularly browse libraries all over the world from my home. All this happened because there was a standard PC operating system that was compatible with all other so called IBM PCs anywhere in the world.

On the one hand, since 1981 when I purchased my first PC for about $2900.00 not including software except IBM DOS 2.0. To the one I purchased last year for $1500.00 including fabulous software compared to my first unit. I have benefited from 120 times in processor speed, 500 times the size of RAM, and 20,000 times the disk storage space of my hard drive. All for about half the cost of my original PC.

On the other hand, since the DOJ action against MS the negative impact on my IRA and my saving investments I would estimate has cost me somewhere between $50,000 and $100,000 in stock values and mutual fund values.

At this rate, I will take all the harm MS can dish out. Of course I am being factious. The fact remains, I do not think MS has harmed any consumer this one in particular but the DOJ has, and for what? To prove a legal technical point.

Remember, MS does not monopolize a natural resource. MS could close their doors tomorrow and sit on their copy right and there would never be another version of any of their software. Their engineers could refuse to THINK about improving Windows and Internet Explorer and the DOJ could do nothing to compel them to do otherwise. It is not a matter of getting someone else to drill cheaper or dig mines cheaper and share the product more broadly. All software is the product of thought not muscle and sweat. To what ever extent the DOJ punishes Microsoft it is to that extent that the DOJ will control, restrict, and frustrate the creative impulses of human thought that has benefited mankind thus far immeasurably. The DOJ is judging Microsoft with tools created in a completely different era and for a completely different kind of consumer product than we have before us. The DOJ is like a pre-Copernican, they can not see the true nature of the world because they fear a new vision a new truth because they believe they are right. Fine Microsoft a dollar and be done with it.

Sincerely,
Tom Gottshalk
344 Remington Dr.
Ovideo, FL 32765

MTC–00001632

From: muinc@mail.bright.net@inetgw
To: Microsoft ATR
Date: 11/20/01 5:13pm
Subject: Private Antitrust Suits

Sirs:

I am amazed at the proposed settlement for the private antitrust cases.

Microsoft has been declared a monopoly and in return you intend to turn over an additional 14% of the educational market to them as well. That way, their competitors lose a ton of business and an entire generation of students are indoctrinated into the Microsoft world. Have you bothered to check with the competition to see if they think that they can afford to give up 14% of the educational market to this ruling? Or will this ruling simply help Microsoft drive their last competition out of the personal computer market entirely?

One last question... when is Bill Gates going to go to jail for giving false statements at the original trial?

Because if he can get away with it then I guess I can, too, someday. It may just cost me a donation or two to the right politicians, eh?

Ralph Arnold
Canton, Ohio

MTC–00001633

From: Mike Benda
To: Microsoft ATR
Date: 11/20/01 5:11pm
Subject: Microsoft settlement

I am disappointed with the terms of the USDOJ settlement agreement in the Microsoft anti-trust case.

From all that I have read and observed about Microsoft's actions, this corporation shown blatant disrespect for both the law and fair business practices.

I believe that allowing Microsoft to continue with its institutionalized conduct is bad for the consumer, the industry and the country.

Michael Benda
3830 19th Street
Apt. 3
San Francisco, CA 94114
mbenda@mindspring.com

MTC–00001634

From: Ildefonso Cruz,MD
To: Microsoft ATR
Date: 11/20/01 5:19pm
Subject: Microsoft agrees to settle private antitrust suits

It is no punishment for Microsoft to ''give'' 1B dollars of software and training to poor schools.

When Microsoft gives software to people who would not buy it anyhow, they are loosing only pennies at most. Giving software to schools is a marketing scheme that worked well for Apple. So, where is the punishment?

Bartering is for people who don't have money. With this fine Gates won't feel a thing. Get actual dollars and let the schools and projects the government decides on, and let the schools and project managers themselves decide what to spend the money on.

Don't fine them what they can produce out of thin air.

MTC–00001635

From: Michael Overton
To: Microsoft ATR
Date: 11/20/01 5:18pm
Subject: Proposed Settlement

As a computer technician, I have grave reservations about the proposed settlement. Those concerns are tied to the basic problem of preventing Microsoft from continuing to violate the laws regarding the leveraging of its monopoly into other markets. Microsoft continues to deny it has done anything wrong, even after several attempts to appeal the ruling have failed. This fundamental attitude on their part indicates that they feel they have done nothing wrong, and therefore will see no reason not to continue precisely the same conduct. There must be a strong mechanism to keep competition in the marketplace, or there will be no marketplace, just a choice of 1.

Please consider this factor, and please try to find some method to prevent the kind of conduct that has already been found to violate the Sherman Anti-Trust act.

Michael Overton
2500 E. Saginaw Ave
Lansing, 48912
(517)487–0592

MTC–00001636

From: NOVIELLI, JOE
To: Microsoft ATR
Date: 11/20/01 5:17pm
Subject: Coffee Analogy

The playing field is not even.

What if the largest coffee producer were to package their own brand of sugar with their coffee. That is: you buy a pound of coffee and you get some sugar for FREE.

Wouldn't this effect competition among other sugar producers?

Now, what about if that same coffee producers, also bundles cream, milk, stirring sticks, and a travel mug...for FREE as well.

What would happen now?

Dairy producers are effected, makers of travel mugs and stir sticks are effected, and since the product is selling so well, NO ONE is buying other coffee brands. Eventually the price of coffee starts to rise because competition (in several markets above) is almost none existent. Microsoft's businesses need to be segregated to reflect an even playing field for all to play in the long term.

My humble opinion.

Joe

MTC–00001637

From: Ildefonso Cruz,MD
To: Microsoft ATR
Date: 11/20/01 5:16pm
Subject: Microsoft agrees to settle private antitrust suits

It is no punishment for Microsoft to ''give'' 1B dollars of software and training to poor schools. When Microsoft gives software to people who would not buy it anyhow, they are loosing only pennies at most. Giving software to schools is a marketting scheme that worked well for Apple. So, where is the punnishment?

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Don't fine them what they can produce out of thin air.

MTC–00001638

From: tz1@mac.com@inetgw
To: Microsoft ATR
Date: 11/20/01 5:25pm
Subject: Microsoft Settlement—a very bad deal for developers and consumers.

I don't think the settlement accomplishes anything since Microsoft can basically continue doing what it was doing while playing games and doing good PR things (like giving free things to schools—you were going to investigate Apple for antitrust for doing the same thing!).

If Usama Bin Laden is captured, but it takes time and the Appeals court says he is guilty but drawing and quartering (break-up) is too severe, are you going to give him probation if he promises not to engage in terrorism again and give him back all the frozen accounts?

First, there are injured parties, notably Netscape and Sun. Where is the millions or billions they have to pay or give in services like including their browser and Java technology in their windows releases? Or lock out Internet Explorer (Microsoft is free to contribute to Mozilla which is Open Source if they think features should be modified or added) and C#? Nowhere. Microsoft keeps its ill-gotten gains in both money and market share. Or gets to spend the money on what they were going to spend it on anyway.

Second, the courts found Microsoft Guilty. Including the appeals court. Guilty people normally have to pay a penalty. Even if the current administration considers the antritust laws an ass, the laws are still there and need enforcement. I cannot choose which law I obey, but I don't have billions to argue the point. I find it strange that people voted for the current administration only to have what appears to be checkbook justice going on. If you are going to have a penalty-free decree written by Microsoft, you should simply move to dismiss instead of pretending anything will be done to limit Microsoft's dominance.

Third, the reason they were sued in the late '90s is BECAUSE THEY DID THE EXACT SAME THING WITH WINDOWS 95. They promised not to bundle so they integrated instead and spent years arguing that integration wasn't bundling and that they weren't doing anything wrong while they were doing things to lock out competitors and leverage one monopoly into others.

They promise not to hold back info, but they can just move to patents or add some digital protection thing in every API so everything is effectively exempt from the settlement. And you can spend five more years in court the next time they TOTALLY AND COMPLETELY VIOLATE THE SPIRIT OF THE AGREEMENT (and will the DoJ cave in then?). The devil is in the details and they snookered you with windows 95 in the details and they just did so again—if they weren't worried they wouldn't argue over every jot and tittle.

A short and simple (and painful—given their guilt and assuming the laws are taken seriously—) agreement would have been better. If Microsoft can't live with restrictions on virus, piracy, and DRM controls, then they should go to the marketplace and let third parties develop the technology. If they don't like OEM restrictions then they should simply sell on a non-discriminatory basis—same price and contract for all comers.

Finally, the EULA in every Windows installation says if you don't agree, you can take back THE SOFTWARE where you bought it for a full refund. I challenge the DoJ to try this. Buy a Laptop (for Linux or something else) and try to return just the Windows software. Or even buy an upgrade and try to return it. Microsoft won't even live by the terms of their own written legal agreements. If there was a provision that anyone (user or business) buying a PC could get a refund on Windows (from Microsoft) if they didn't want it, that would by itself fix most of the problems with OEMs.

MTC–00001639

From: Ben Pearre
To: Microsoft ATR
Date: 11/20/01 5:25pm
Subject: Bad Microsoft! Punishment: extend your monopoly!

It seems an odd kind of justice to ''punish'' Microsoft by allowing it to extend its monopoly into schools. Any settlement that involves Microsoft contributing software is no punishment at all, but something that would help Microsoft regardless. If Microsoft is to pay $1.1 billion, $0.9 billion in software (valued however Microsoft chooses to value it, see Monopoly), then Microsoft is actually paying $0.2 billion to extend its stranglehold on the minds of the population. Remember, the cost for Microsoft to ''donate'' 0.9 billion dollars' worth of software is essentially nothing. How much do you think your copy of Windows costs Microsoft to produce? A few cents. If Microsoft is to give money to schools as a punishment for its crimes, it should be a punishment, not a victory. Perhaps Microsoft could give the schools $1.1 billion worth of hardware that works with Linux?

Sincerely,
Ben Pearre
Massachusetts Institute of Technology
Cambridge, MA
bwpearre@alumni.princeton.edu
http://hebb.mit.edu/~ben

MTC–00001640

From: Brian R. Burton
To: Microsoft ATR
Date: 11/20/01 5:24pm
Subject: bogus product registration

Dear DOJ:

I have noticed that after installing Office:mac 2001 (which is not my choice for the computer lab I direct, but because of the monopoly, the IT department here requires it; or perhaps Microsoft requires it of them?) on the various iMacs we have in the lab, that to register the product a ''Passport'' account is required. If you don't have one (I don't), you are just told to register later; thus leaving the product unregistered. This ''Passport'' account is another product of Microsoft's apparently designed to facilitate their .Net strategy of storing personal information to be used for commerce in the future. I don't think one ought to be required to sign on to another product during the registration process of a product. Whether you care or not, that's my two cents worth.

Besides this, I think your settlement is a cave-in and very wrongheaded. It may protect foreign competitors like Sony who probably would have had their ''oxygen supply'' cut off prior to the settlement, what with them being both a Windows licensee and a competitor to the XBox with their Play Station, but it does nothing for the American companies whose focus has been on innovative products in a ''competitive marketplace.'' As it turns out, the marketplace wasn't that competitive. I currently see an entire industry almost totally controlled by one company; indeed, one man. For the future, I see an entire economy and nation controlled by this same one company; one man.

Anyway, I have somehow managed to continue to use Apple Macs for nearly 15 years now and which has been damn near unbelievable since 1995. I have a feeling that a change is drawing near.

Thanks for nothing,
Brian R. Burton
Albany, GA

MTC–00001641

From: BillG35@aol.com@inetgw
To: Microsoft ATR,BillG35@aol.com @inetgw,microsoftcomm...
Date: 11/20/01 5:34pm
Subject: Strong Microsoft Remedy

I ask that each of you direct your good offices to make sure that the Remedy in the Microsoft anti-trust case be stringent and strong. I have watched this company manipulate, strangle and stomp competition and harm the computer industry. As a Macintosh technical support guy, I know things need not be that way. (Not that Apple hasn't done bad and manipulative things as well.)

Please help us consumers and technical people *at least* breaking up MS into different elements. At best, put portions of their OS into the public domain.

With Thanks,
Bill Geraci (jer-AW-see)
BGCompHelp
Computer Trainer and Consultant
P O Box 221
Blue Island, IL 60406
e-mail: billg35@aol.com
Pager / Voicemail: 708–988–1936
Fax: 708–388–1493
''Take it easy but take it.''

MTC–00001642

From: Brian Smith
To: Microsoft ATR
Date: 11/20/01 5:33pm
Subject: Comment on Proposed Settlement

I'm writing to inform you that like many Americans I am extremely disappointed with the proposed settlement between Microsoft and the DOJ. Microsoft's strategy is simple and a blatant abuse of its monopoly power—they pick a product, like browsers, instant messaging, or streaming video, that they want to dominate, and then bundle it with Windows claiming it's a ''feature''. If lack of competition really produced better products, the Soviet Union would have led the world in technological prowess. The high-tech industry in this country and consumers everywhere can only be hurt by a world where Microsoft, not the market, dictates what products will be successful. If every TV set sold was made by one company and they decided to throw in a VCR with every one of them, sure consumers would benefit—but not nearly as much as they would if free competition led to a number of manufacturers battling it out to make the best VCR possible.

Free enterprise is what this country was built on, and it deeply worries me to see my government throwing this principle out the window to placate Microsoft.

Don't let the emails I'm sure Microsoft has people writing on their behalf fool you—most people are against this settlement and want to see more stringent penalties imposed that prevent Microsoft from bundling products and crushing new industries before they can be born. I hope the United States will be persistent in bringing Microsoft to justice.

Sincerely,
Brian Smith

MTC–00001643

From: Bill Wilson
To: Microsoft ATR
Date: 11/20/01 5:27pm
Subject: Microsoft

It appears that Microsoft has come out unscathed again. Being so kind to our school children will probably teach them that if you are big enough, you can get by with murder.

There should at least be a penalty to keep them from doing the same thing again. As soon as the cases are all settled, I am sure they will be back to their old tricks. Why won't there be a penalty that will make Bill Gates think twice before he beats the little guy to death?

W. P. Wilson
4516 Grand Forest Dr.
Schertz TX 78154

MTC–00001644

From: Bruce Brehm
To: Microsoft ATR
Date: 11/20/01 5:42pm
Subject: Simple Solution

Plain and Simple:

The software code to the windows operating system should be made part of the public domain...

Then all software developers will have complete access to the underlying operating system (OS) code; preventing any unfair gain for Microsoft (MS) to practice 'trickery' within the OS to prevent third parties from creating alternative software products that could possibly outperform MS applications at cheaper costs...

For example, what if somehow the first person who created a means for sending and decoding normal television transmissions from the airways, had patented the process, virtually taken control of all the transmission stations, and didn't tell everyone exactly what the limitations of the transmitted signal was that was being used... Only television companies who it liked could use the airways in the best possible fashion... Without full disclosure, they could just tweak the system a bit, so that the picture that they were able to provide on one manufactured TV was slightly better the signal that was possible on competing TV.

Is this not what MS has done in the software industry?

Bruce B. Brehm

MTC–00001645

From: Jeff Gagne
To: Microsoft ATR
Date: 11/20/01 5:40pm
Subject: Microsoft Settlement

I am reading in the press today that as part of this agreement Microsoft will give 1 Billion dollars worth of services, software, and hardware to schools.

It's a wonderful thing when the remedy to an antitrust violation is to gain even more marketshare and make it even more difficult for companies like Apple to survive. Apple makes a large portion of it's revenue from Education and this might as well put them on the block.

This is just bad.

Jeff Gagne
10638 Hollow Tree Rd.
Orland Park, IL 60462

MTC–00001646

From: R. W. Potter
To: Microsoft ATR
Date: 11/20/01 5:39pm
Subject: Re: Proposed Settlement

As an average user of personal computers and software, I have several objections to the proposed Microsoft settlement.

1. The settlement does nothing to punish Microsoft for its repeated abuses of monopoly power. Microsoft's practices over many years forced numerous competitors to either cease business in the software area, or to drastically alter their sales/distribution efforts. Yet in the proposed settlement the monopolist is not required to provide any restitution to either the firms that were unfairly abused, or to consumers who now have fewer software choices and must pay high prices for the products of Microsoft. Thus the monopolist is rewarded without any penalty for past misdeeds. (Software give-aways by Microsoft also cannot be considered any form of penalty since they extend the monopolist's market share and reduce further the potential market of competitiors.)

2. The three-person tribunal which is to oversee the proposed settlement cannot be expected to be effective. Microsoft will appoint one member, and have a say in a second member. The group will be paid by Microsoft and will work at their offices. It is naive to expect that this tribunal will not become co-opted by Microsoft under these circumstances over the course of several years. Any such oversight body must be completely independent, reporting to and compensated by the Court.

Thank you for your consideration of these views.

* rwpotter@magi.com
CC:rwpotter@magi.com@inetgw

MTC–00001647

From: Thomas Wong
To: Microsoft ATR
Date: 11/20/01 5:37pm
Subject: Re: Microsoft settlement

What a waste of time and taxpayer money. Once again a wealthy company has bought justice.

America may have the best judicial system in the world, but it does have a serious flaw.

If you have money you can play the game. I just read that Exxon had their Alaska settlement reduced.

As the saying goes, MONEY TALKS.

Just what did it cost the Government to sue Microsoft? (Does anyone know?)

Why not have Microsoft reimburse the Government for all the legal fees?

I guess that would be asking too much.

MTC–00001648

From: Joe Borzellino
To: Microsoft ATR
Date: 11/20/01 5:44pm
Subject: Harsher remedies needed in MS case

Hello,

I wanted to let you know that I support efforts to seek harsher remedies in the Microsoft antitrust case. The proposed Federal settlement will do nothing to curb Microsoft's anti-competitive practices. I urge you to pursue the case further and hold Microsoft responsible for their illegal actions. Our nation's economy and national security depend on a vibrant innovative technology industry. MS's dominance in operating systems and applications and their insistence on MS only solutions in the server and enterprise markets can only increase the vulnerability of our economy and national security to adverse circumstances. I urge you to reconsider the preliminary settlement provisions and to seek more substantial remedies.

Thanks,

Dr. Joseph E. Borzellino
5095 El Verano Ave
Atascadero, CA 93422

MTC–00001649

From: Bruce Brehm
To: Microsoft ATR
Date: 11/20/01 5:51pm
Subject: Microsoft Settlement

Plain and Simple:

The software code to the windows operating system should be made part of the public domain...

Then all software developers will have complete access to the underlying operating system (OS) code; preventing any unfair gain for Microsoft (MS) to practice 'trickery' within the OS to prevent third parties from creating alternative software products that could possibly outperform MS applications at cheaper costs...

For example, what if somehow the first person who created a means for sending and decoding normal television transmissions from the airways, had patented the process, virtually taken control of all the transmission stations, and didn't tell everyone exactly what the limitations of the transmitted signal was that was being used... Only television companies who it liked could use the airways in the best possible fashion... Without full disclosure, they could just tweak the system a bit, so that the picture that they were able to provide on one manufactured TV was slightly better the signal that was possible on competing TV.

Is this not what MS has done in the software industry?

Bruce B. Brehm

MTC–00001650

From: Leverenz, Tim
To: Microsoft ATR
Date: 11/20/01 5:49pm
Subject: Settlement

The just relapsed settlement by Microsoft to furnish schools with software and hardware is the biggest bunch of baloney I have ever heard. Giving an abusive company a free inroads to, probably one of the last truly competitive areas for computing, just does not make any sense.

But Hausfeld said he felt it was the government's job to find a way to curtail Microsoft's power, and that it was unrealistic to expect that a better deal could be reached for such a large class-action group.

This curtails power? You give away free software and refurbished, USED computers. Knowing the way MS thinks, they will donate Windows 95 and 80Mhz computers. Then when all the schools systems sign their licensing agreement, they will be forced to purchase more than $1 billion in hardware and software to remain compliant with their agreement. This is a BIG, BIG win for MS and a big loss for competition in America.

Yes, it is wonderful that disadvantaged children can gain access to computers and information that was not available to them. But at the cost of innovation and free competition?

You people were elected by me and my peers. We do not pay to have our way. You are supposed to represent our way, but you sell out to some powerful, egotistical company that will not admit that they do not play fair. This is justice? this is punishment for abusive power? Oh, we'll just sugar coat it with some feely good news that disenfranchised children now have access to computers and Americans, who are too busy with their lives and terrorist crap will suck it all up and smile that justice was done. What you have done to the American people is terrorism against new ideas and a free market that is dictated by good products and the will of the people, not by buying and influencing mindless, greedy politicians.

I am ashamed to be an American, the so called land of the free where people's dreams can come true, as long as Bill Gates says you can...

Tim Leverenz
C-Graphic, LLC
414–481–3100
Fax 414–481–3353
Cell 414–460–8477

MTC–00001651

From: Dan Rosendale
To: microsoft.atr(a)usdoj.gov
Date: 11/20/01 5:47pm
Subject: Microsoft Case

I am a school board member in Southeastern Ohio and would like some information concerning how our school district could apply for funding as a result of the Microsoft case.

Regards,

Dan Rosendale

MTC–00001652

From: Williams, Lance
To: Microsoft ATR
Date: 11/20/01 5:54pm
Subject: comments on antitrust settlement

This note is in response to your request for public comment on the proposed Microsoft antitrust settlement.

To begin, I am a real person, not a fiction, and my comments reflect my own opinions.

You will doubtless receive a great deal of paid commentary from shills for Microsoft, or even comments lauding the proposed settlement from nonexistent people. Microsoft has been so flagrant in their fraudulent manipulation of public commentary that this behavior is evident even to the public. Countless ''letters to the editor'' in countless publications attest to this sort of corporate disinformation. Out-and-out fraud is accompanied by disingenuous commentary from Microsoft satraps and fellow-travellers. These are all symptoms of the excessive power and wealth Microsoft has accumulated, and the abusive means to which this power and wealth are employed.

A computer operating system has an easily delimited function.

It organizes the use of the computer's hardware—its memory, processors, and peripheral devices — for the user's applications. Applications programs, whether for email, text editing, or entertainment media, are in a clearly separate category. They reflect what the user of the computer wants the computer to accomplish; the operating system provides the means. Microsoft has tried to confuse this distinction with the goal of controlling the market for all computer programs, a goal quite contrary to consumer interests throughout the world. Many valuable applications can be made ''features'' of the operating system, removing a competitive marketplace for improved products. The features and structure of Microsoft's operating system, which is under their sole control, provide a powerful instrument of monopoly.

The only effective remedy for Microsoft's abuse of their monopoly power is to keep them out of the applications software business. If you vend an operating system, you cannot sell applications: otherwise, you've always got the inside track. There will never be a level playing field without this principle.

The remedies proposed have no more chance of inhibiting Microsoft's criminal behavior than those undertaken in 1995. I implore our Department of Justice to take the greatest pains to avoid the widespread public impression that Microsoft is now sufficiently wealthy and powerful to be above the law.

I admit to my regret that I now share this impression, and believe it to be accurate.

Respectfully yours,
Lance Williams
Walt Disney Feature Animation
(818) 526–3422

MTC–00001653

From: CC
To: Microsoft ATR
Date: 11/20/01 5:53pm
Subject: MicroSoft gets off easy

MS has not stopped their monopolistic ways as proven by Windows XP.

The breakup was the PROPER thing to do.

MTC–00001654

From: Sutton Colin
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/20/01 5:52pm
Subject: Reparations?

I have read that in the proposed settlement Microsoft agrees to donate software and computers to more than 14,000 of the poorest US schools during the next 5 years.

I hope the schools get to choose which software, and from which manufacturers, otherwise this is more anti-competitive behaviour.

Regards,
Colin Sutton
CC:'thurrott(a)win2000mag.com'

MTC–00001655

From: johnschultz@mindspring.com@inetgw
To: Microsoft ATR
Date: 11/20/01 5:52pm
Subject: Penalties? What penalties?

The current settlement proposed for Microsoft is a travesty. In my mind it corresponds to letting a killer free from death row and giving him a coupon for a free assault rifle.

The appearance is that Microsoft has purchased both the Executive and Legislative branches of the federal government and the Judicial branch is powerless. In five years Microsoft will own all media outlets and the internet and totally control public opinion. I don't fear the Taliban, but Microsoft scares me to death.

MTC–00001656

From: steve wolff
To: Microsoft ATR
Date: 11/20/01 6:11pm
Subject: The Microsoft settlement idea is a BAD one !!!!!

The idea of letting MS give away computers to schools as a settlement is HORRIBLE. It simply lets the MS brands get more entrenched. eg Apple gets hurt in this process and MS gets stronger and more market share. BAD BAD BAD MS should pay cash to schools and let them decide on how to spend it. Not s/w or h/w.....

Why not some investment in companies competing with MS!!

Steven B. Wolff
Sr. VP and CTO
415 883 1500 1711 fax

MTC–00001657

From: Robert Newton
To: Microsoft ATR
Date: 11/20/01 6:05pm
Subject: Microsoft Anti Trust

Dear Sir or Madam,

I write to express my sincere concern as to the terms of settlement of the Microsoft Anti Trust case.

I have read the original judgement given in this case and one can only conclude that Microsoft has continually acted in and unethical and unprincipled manner.

Microsoft has deliberately and knowingly used its power to stifle competition, but more importantly has in so prevented good technologies from coming to market or been accepted.

Microsoft is a ruthless and an unfit company, you will be failing in your responsibilities if you do not take the strongest possible action against them.

There is a consensus in the computer industry that Microsoft has used it power to get a very lenient settlement and this leads to a dis respect for the prosecuting authorities.

I encourage you to take more decisive action to ensure that this monology (Microsoft) gets a settlement more befitting their inconsumable behaviour.

Yours truly
Robert Newton
Australia

MTC–00001658

From: Case Coe W
To: Microsoft ATR
Date: 11/20/01 5:59pm
Subject: MicroSoft penalties INADEQUATE

Even in the face of the lawsuit, MS continued its illegal practices with Windows ME, Windows XP, and the new MS Office suites. The penalties are too lenient and will not deter continued and future violations. The break-up, as with Standard Oil, was the correct avenue to pursue.

Coe Case
ccase@pei-idt.com mailto:ccase@pei-idt.com
PEI Electronics, Inc. (256) 895–2313
An Integrated Defense Technologies, Inc. company

MTC–00001659

From: Alan Brooks
To: Microsoft ATR
Date: 11/20/01 5:54pm
Subject: microsoft

I am very disappointed with the DOJ's ruling on the Microsoft anti-trust case. I believe they unfairly compete in our marketplace and that they abuse their power.

Please take note that many people feel this way.

Alan Brooks
5400 Astor Lane Apt. 405
Rolling Meadows, IL 60008

MTC–00001660

From: John Hails
To: Microsoft ATR
Date: 11/20/01 6:12pm
Subject: My opinion on the Microsoft case

I think this notice pretty much says what the outcome is. Microsoft once again takes everyone to the cleaners.

By REUTERS

WASHINGTON—Microsoft said on Tuesday it had reached a deal to settle a raft of private antitrust cases against the company, which sources said would cost the software firm more than a billion dollars.

The agreement with class action attorneys would require the company, which agreed to settle its separate 3-year-old case with the Justice Department earlier this month, to provide free software and computers to more than 14,000 of the poorest U.S. schools over five years, sources close to the case said.

More here:
http://www.nytimes.com/reuters/technology/tech-tech-microsoft.html

The settlement should really really make a lot of people very mad.

Namely

Apple for one. It is a great idea to give to the schools badly needed technology. But to force Microsoft products onto schools is not only a really nasty thing to do to schools in one fell sweep it give market share to Microsoft and takes away from Apple.

The thing to do is take the actual MONEY and NOT equipment or software and give it

to the schools so they purchase what they want and how they want.

Not have it shoved down their throat. Besides, allowing them to gain market share in education is a REWARD...it is NOT punishing them in any way. If the money was given to the schools to use at they saw fit they might spend it on other things not related to Microsoft and the school would benefit but MS would not. Look at it in the long run...MS gets to sell them upgrades and updates. That isn't right.

I can't believe this stuff is going like this. How horrendous this is. On the top it looks great that MS is giving to schools and who could possibly be against it. But really, who can be against giving them the money so they can buy the technology they want and can use? NOT whatever MS feels they need. This settlement is just plain wrong. MS is being rewarded all over again rather than punished.

Please someone stand up and tell me that I am completely wrong. Should I be HAPPY about this?

Carl Blake

MTC–00001661

From: TopXML—Mark Wilson
To: Microsoft ATR
Date: 11/20/01 6:11pm
Subject: sell out

To whom it may concern.

You won this case in ever court in the land at every level. You even won it in the supreme court. And you settle for wishy-washy terms which Microsoft will side step by moving to web services—that will make all of this irrelevant.

How was this possible? Kelly-Kotar would never have gone against the Supreme Court who confirmed Microsoft is indeed a monopolist. So in the end the industry and the public needed future behavioural protection from this monopolist and you didn't provide it.

America is fighting for economic survival. Thousands of companies and innovations needed to be protected from this behemoth which has 31 billion in savings. These little companies like Real Networks and Red Hat needed you to collar the monopolist and give them a chance. You failed to protect them. Now small companies like mine have no protection from the monopolist, just when the economy was turning sour.

Don't for one second think their ''better'' citizen rubbish will stand. They screwed you in 92 and they screwed you again now. When will you learn? You and your team should be ashamed. You win everything at every level and you lose anyway. Bush must be proud.

Sincerely,
Mark.
TopXML
http://www.topxml.com
Xselerator XSLT Editor
http://www.topxml.com/xselerator

MTC–00001662

From: John Murchison
To: Microsoft ATR
Date: 11/20/01 6:11pm
Subject: Please do not relent against monopoly

Because of the volume of mail you're surely receiving, I will make this brief: please deliver to Microsoft a harsher punishment than the current deal. Their monopoly is common knowledge, experienced every day and confirmed in court. As they snake into new markets (with XBox, UltimateTV, etc.) and proceed with their .NET strategy, the timing is crucial. Do not just give them a slap on the wrist. I have talked with about two dozen people in the University of Texas community. Many of them feel forced to use Microsoft products, and all agree that the company has violated the rules of the market. Please punish this Goliath.

John Murchison
2610 Rio Grande
Austin, TX 78705

MTC–00001663

From: David Peavey
To: Microsoft ATR
Date: 11/20/01 6:22pm
Subject: The Microsoft penatly is a disgrace!

Dear USDOJ,

Do you really think that Microsoft is NOT a monopoly? Do you really believe they haven't used their massive size to virtually wipe out the competition? Competition in sooooo many areas such as Word processing, Spreadsheet, Block diagram dwgs, Internet Browsers, Email, etc. has all but vanished. They certainly didn't use a superior product!

Lotus 123 used to be the most widely used spreadsheet application in the accounting profession (where spreadsheets are mostly used). Quattro Pro was better than Excel too. But Excel is the most widely used because MS used their huge marketing, pricing, and development policies to squash the competition. Now Lotus 123 and Quattro are all but gone.

Microsoft couldn't make a graphics program that was worth beans (Draw). So they PURCHASED the ONLY serious competitor (VISIO). Since the purchase, the quality of the product has gone down. And there are no other block diagram type applications on the market.

I LOVED Netscape—but Netscape has basically ''thrown in the towel'' and given up because IE is free! (But only if you buy their MS Windows). Why isn't IE free for Linux?!?!?

And lets talk about MS Word. What ever happened to a clearly better product—Word Perfect? It has been bannished to the Linux world because MS isn't interested in developing a product where they don't have a ''head-start'' on the internals of the OS. Word Perfect has a GREAT equation editor—MS Word doesn't. But what do you suppose is the more widely used product? All because MS used it's marketing, development, and pricing strategies to muscle out the competition.

Outlook is not much better—There were plenty of really good email programs on the market until MS started pushing it with Office. Now MS Outlook is the most widely used. Do you really think America is less vulnerable to computer viruses if we all only use one email program?!?!?! How many Netscape Messenger computer viruses are there?!?!? Hint—less than 1. You really should read ''Cuckoo's Egg: Tracking a Spy Through the Maze of Computer Espionage'' by Clifford Stoll. His basic thesis is there is strength in diversity—even in computer software.

Thank GOD you actually blocked Microsoft's purchase of Quicken. That was a faint glimmer of intelligence in the Justice department. But why didn't you block their purchase of VISIO? The glimmer was muscled out by Microsofts marketing and pricing strategies.. :)

Besides their huge marketing and pricing strategies, Microsoft dominated because of their unfair development strategies. In the office automation tools, Microsoft Word, Excel, Outlook, IE—All are now dominant because Microsoft knew the internals of the OS as these products were developed.

And they knew the internals before the OS was available to the rest of the world. Hence—they had a head start on the development. In addition, Microsoft unfairly knew about undocumented internal OS calls and functions that the competition could NOT have known about. This forced the competition to work harder. So Microsoft leveraged it's huge dominance in the OS market to dominate the other markets as well.

Do you have any idea how difficult it is now for a competitor to develop a serious competing word processor like Word or a spread sheet like Excel?

There isn't a chance!

Who says ''what's good for Microsoft is good for America''? Look at Quicken vs MS Money. Quicken shows real innovation whereas MS Money is crashy trash. This shows the power of real competition. Because of your blockage of MS's purchase of Quicken a few years ago, the products (both of them) have gotten REALLY good! There is NO stimulus to make IE better now is there?

And aren't you concerned about the ''big brother'' attitude of Microsoft? Consider Microsoft's Passport—where they collect all your personal information (including credit card information and passwords) to allow you to ''browse the web'' easier! Aren't you concerned about Americans' civil liberties and rights to privacy!?!?!?

This penalty is a sham! Sure the schools could use the bucks but—don't you know that Microsoft ALREADY has a school donation program that donates software and training to schools. All your penalty is saying—''yes, you should continue this''. And do this with Microsoft products!

This is absurd! Microsoft didn't even get off with a slap on the wrist! Personally, If I were judge, I would:

(1) Split Microsoft into two pieces—Windows, and all the rest. This would ''level the playing field'' for all Office automation products giving all competitors an equal start when development commences.

(2) Do the school donation thing—but make it NOT tax deductable (since it's a penaty after all)—and require them to support Apple and Linux OS's in equal parts to Microsoft. Students would then be more diversely educated— which allows for cross fertilization of software structures. Making all computer programs stronger and more resilient. The total amount of donations need to be 50% of their gross profits over the last 10 years.

(Figuring that they would have been 50% less profitable if they had played fairly).

(3) Require Microsoft to make their source code for all past, present, and future Operating systems (Windows, DOS, and any others they try to make that aren't called Windows and DOS) OPEN SOURCE within 3 months of it's release. This includes all patches, fixes, and updates. This would force Microsoft to ''come true'' when competitors accuse them of ''stealing'' trade secrets. All good software is open source anyway—this would force Microsoft to ''clean up their act'' and make their programs less buggy.

David Peavey
H/W Engineering Manager
47835 Westinghouse Dr.
Fremont, CA 94539
510–492–4286
510–353–9570 (fax)
dpeavey@kromos.com
CC:dpeavey@home.com@inetgw

MTC–00001664

From: Jeff Adams
To: microsoftcomments@doj.ca.gov@inetgw
Date: 11/20/01 6:20pm
Subject: Please keep up the pressure on Microsoft

Hello,

Please keep it up.

These guys have ruined and are continuing to ruin the marketplace for software developers. I'm not sure what the DOJ was thinking. Please persuade the judge to do something.

For example, their pulling of Java support from Windows XP has caused us problems as we have a Java based client.

Also based on past experience, as soon as we announce our product, they'll try to announce something similar to freeze the market.

They are simply untrustworthy. Ten years ago I wrote a driver that MS asked to distribute. We signed a contract that said it was only to be distributed with a specific product. What happened, they posted the driver on an ''all comers'' bulletin board and ruined that business for me.

And for what? Giving someone a reason to buy one of their overpriced bug fix upgrades?

My recommendations for penalties:

(1) Break them up into multiple units, Core Operating System, Server Products (IIS, SQL-Server, etc.), Desktop Business Applications, Desktop Home Applications, Hardware (Keyboard, Mice, etc.). No non-public communication between the divisions. Require each division to port their products to one other competitive platform. Sell the Macintosh Unit to Apple.

(2) ''Bug's'' submitted to an independent third party. Bug fixes available to meet advertised specifications available at no charge. Upgrades would then be for only new features, not bug fixes that should have been fixed for free.

(3) Possibly require all current software product's source code to be made available for one year. This would stimulate competition and would allow the world to see the bugs and fix them properly.

Thanks in advance!

Jeff Adams Online Voice = Improved Bottom Line
CEO, Intensifi
650–216–0110
jbadams@intensifi.com
www.intensifi.com
CC:Microsoft ATR,attorney.general @po.state.ct.us@inet...

MTC–00001665

From: Bruce M. Brantseg
To: Microsoft ATR
Date: 11/20/01 6:19pm
Subject: Light

A billion for Microsoft is no punishment.

MTC–00001666

From: Gary Young
To: Microsoft ATR
Date: 11/20/01 6:16pm
Subject: Strong opposition even to the latest Microsoft offer

I heard today on the news that Microsoft wants to donate a billions dollars worth of computer equipment to schools as an upgrade to their settlement offer. I don't know the details but it seems pretty obvious how this would be money well spent for Microsoft to continue their monopoly. Yet another self serving ''Microsoft Foundation''.

Microsoft is never going to agree to fair and severe punishment. Trying to appease them is major mistake.

Gary Young
Gary Young wrote:

If not for ''political'' and competitor's ''survival'' aspects regarding this case, Microsoft would be, and should be, severely punished. The agreed to ''slap on the wrist'' punishments are a joke and if Microsoft's competitors and (even) business allies would speak freely there would be double the evidence and vocal disdain against Microsoft. Microsoft's continued failure to acknowledge their past behavior should have an affect on the punishment. If there is anything I would NOT worry about, it is that severely punishing Microsoft would harm others. Even in the short term, most of even the strongest proposed remedies would be better for almost everyone. In the long run, we all gain and we would then have a precedent that shows you can't get away with illegal and unethical business practices. The proposed agreement is a big win for business thugs everywhere.

Gary Young
Aliso Viejo, California
gyoung@home.com

MTC–00001667

From: gawlocp
To: Microsoft ATR
Date: 11/20/01 6:29pm
Subject: Microsoft using Office to keep Windows dominant

Microsoft Office is the most dominant office productivity software package in use today. Since Microsoft makes both the OS and the Applications they have full control of how the applications will run and also how they will be used.

Microsoft Office for windows has the following applications:
Microsoft Word—A powerful word processing application
Microsoft Excel—A spreadsheet application
Microsoft Powerpoint—Presentation (slideshow) application
Microsoft Access—database and database access application

One problem that is forcing companies into abandoning the Macintosh computing platform is that Office for Macintosh has only Word, Excel & Powerpoint. Access is not made for Macintosh. Microsoft rebuffs (annual) requests from the macintosh community saying ''that there is not sufficient demand for them to write the software for this platform.'' They have even stopped other companies from writing a ''compatible'' program so that the Macintosh business users will gain this functionality. I strongly suggest that they will not include (or allow) this package to be made available to the Macintosh community to continue to push the business community to standardize on Windows and abandon all other platforms.

If the company were split into two independent units... the application group would release a powerful (full) version of Office for all Platforms. (Macintosh, UNIX, Linux...)

Thanks for listening
Peter

MTC–00001668

From: Brian MacManus
To: Microsoft ATR
Date: 11/20/01 6:24pm
Subject: Please don1t let them get away with this 1

Dear DOJ

I am a Mac User and have been assaulted from Microsoft for 10 plus years. I am ashamed that you are simply slapping their wrist. That is what I should do to you. They continually thwart competitors, ie Apple, and strongarm their 3standards: on the entire computing world. What are you folks thinking here!

This company needs to be split up into 2 business units at the VERY least, one for Operating Systems and the other for Productivity Software, or you will be a wimp in many eyes, mine especially

Do Whats Right
Please email me for further discusion
Macmanus@mac.com
Brian MacManus—under duress from MS

MTC–00001669

From: newmanites
To: Microsoft ATR
Date: 11/20/01 6:23pm
Subject: Don't let Microsoft off the hook!

To the folks working on the Microsoft anti-trust case,

As a taxpayer and voter, I am outraged that the Microsoft anti-trust case is in jeapordy of ending in a sweetheart settlement.

Whenever Microsoft bundles new applications into their operating system, competition is stifled. This pattern of behavior has been repeated for years with disaterous consequences for companies trying to

Unless the anti-competitive behaviors outlined in the finding of fact are addressed, then all my tax dollars are wasted, and a dangerous signal is sent that any large company that can afford high-roller lobbyists and deep-pockst campain contributions can get off with a slap on the wrist.

The country's information infrastructure is vulnerable to cyber-attack due to our over-

reliance on Microsoft products. If there were real competition in the marketplace, Microsoft would be motivated to fix its buggy software before it is released.

Please finish the job! Please see to it that meaningful behavioral remedies are put into place. Competition is the American way!

Sincerely,

Arthur M. Newman

MTC–00001670

From: Wolf
To: Microsoft ATR
Date: 11/20/01 6:50pm
Subject: Settlement....

I am writing to express my concern with regards to the pending settlement of the anti-trust case against Microsoft.

I feel that if Microsoft is allowed to continue as outlined in the Dept. of Justice settlement it will be a severe blow to fair competition in the softwqare industry and will make the open-source software movement a think of the past. In reading the proposed settlement I saw far too much potential for Microsoft to start closing and making illegal to develop cross-compatible comepeting products. That coupled with Microsoft's often-stated opposition to the entire open-source software community would make it possible for them to use their monopoly position to eliminate open standards and thereby force consumers, businesses and colleges to accept Microsoft's products, and anyone making an open source equivalent that was interoperable with the Microsoft product would be subject to penality.

I do not live in one of the nine states which is continuing to pursue the case but I definately support those states in their effort to seek a meaningful and appropriate remedy to the Microsoft case, because I feel that the settlement proposed by the Dept. of Justice amounts to effectively a slap on the wrist and has little to deter continued abuse of a monopoly position.

Mike Tabasko
1123 Penobscot Road
Richmond, Virginia 23227

MTC–00001671

From: mike kimball
To: Microsoft
ATR,uag@att.state.ut.us@inetgw
Date: 11/20/01 6:43pm
Subject: Microsoft Settlement

I'd like to express my discontent with the United States v. Microsoft settlement.

I hardly need restate The Complaint that Microsoft has deliberately and unjustly controlled the market through extensive anticompetitive activities, deception, and threats. They have never dominated the market through the merits of their products—indeed the word ''merit'' can hardly be mentioned in the same sentence with ''Microsoft product'', unless coupled with the word ''lacking''. They are, in short, the bullies of the software world.

All the proposed settlement will do is validate Microsoft's business practices. Why should they change anything? They can afford powerful teams of lawyers to protect their interests by reducing our judicial system to a game of expensive legal busywork. They have gotten away with illegal activities for years, resulting in profits numbered in a mind-boggling array of zeroes, and the Final Judgment is, ''don't do that anymore; at least not for the next five to seven years.'' A gentler slap on the wrist I've never seen.

Microsoft has made it abundantly clear that their only concern is for profit, and market domination. Period. They are the enemies of the American spirits of competitive innovation and fair play. They are not admonished by the Justice Department's censure, or anyone else's for that matter. They WILL NOT stop their illegal practices until forced to do so by specific legal orders. Without jail time or stiff fines, their practices remain profitable, and they will continue to adapt and innovate methods of monopolizing the market for their own gain.

Michael T. Kimball
820 3rd Ave. #2
Salt Lake City UT 84103

MTC–00001672

From: Jesse Spears
To: Microsoft ATR,microsoft
comments@doj.ca.gov @inetgw,...
Date: 11/20/01 6:38pm

Hello,

I'm writing to let you know that I applaud your efforts to bring some semblance of justice to the Microsoft monopoly (except for the US DOJ, which is receiving this letter because I want them to know I'm displeased with their actions regarding Microsoft).

In my opinion, the Microsoft monopoly has caused more harm, and brought more suffering to the world than pretty much any other non-governmental entity (with the possible exception of various Oil companies, the World Trade Organization, and the World Bank).

They do this through unfair, unethical, and illegal business practices. Microsoft has forced so many companies out of business by using unfair business tactics that most potential entrepreneurs have given up on competing with them. They either stay away from anything that Microsoft is doing, or create a product with the sole purpose of being bought out by Microsoft.

Microsoft adopts standards, then changes them so they only work with their products (see Java as a prime example).

They create copycat products (usually inferior) and then give them away for free with their OS, for the sole purpose of hurting competitors (for instance, Netscape being forced out of business by the free Internet Explorer).

They force Hardware manufacturers to ship one of their Operating System products exclusively, in exchange for favorable licensing rates (see, well, every PC hardware manufacturer since the Mid 80's). They do this in an attempt to force competing Operating Systems vendors out of business (long list of them, stretching back to many varieties of DOS, and the current one they are attempting to squash is Linux). Dell recently pulled their support of Linux on their Home systems, now requiring you to pay for a copy of Windows.

The few times the US government has done any thing, it's never been more than a slap on the wrist. In this latest case, Microsoft just delayed the punishment phase to wait until an administration more favorable to their monopolistic practices was in power (and, apparently it's worked, showing yet again that US citizens can't depend on the federal government to do what's right for it's citizens...Big Business Lobbyists control it all).

Please, continue to seek justice in this case.

I only wish the rest of the plaintiffs had the moral strength to do so also.

Sincerely,
Jesse Spears
5212 Bandera Creek Trail
Austin, TX 78735
SpearSoft <http://www.spearsoft.net>
Harpoon3 info is at <http://www.harpoon3.com>
Harpoon3 is_currently_only available for Macintosh computers
Tune in to my music broadcast at: 166.90.143.157:13288
Additional info at: <http://www.harpoon3.com/personal/mongos_music.html>
(now broadcasting 24/7 at 56kbps/22khz/stereo)
Jesse and Joyce's Homely page is at <http://www.harpoon3.com/personal/index.html>

MTC–00001674

From: Paul Pesta
To: Microsoft ATR
Date: 11/20/01 6:59pm
Subject: NO settlement

Current settlement is inadequte.

MTC–00001675

From: curt
To: Microsoft ATR
Date: 11/20/01 6:55pm
Subject: public comment

DOJ,

I can see how the intent of the agreement might help reduce Microsoft's abuse of their monopoly power. Although I think the specifics of the agreement have loopholes that Microsoft will get around. I don't see how it punishes them for the abuse of monopoly power they were found guilty of.

Unfortunately, the longer you wait to generate a just agreement the less relevant the agreement becomes.

Curtis L. Fiene

MTC–00001676

From: The Admeen
To: Microsoft ATR
Date: 11/20/01 6:52pm
Subject: the more I learn about the proposed settlement, the more I'm apalled at what MS will be allowed to do-such as have 14 days to change the software on my machine WITHOUT MY CONSENT, LET ALONE KNOWLEDGE.

Imagine, if you will, buying a car from Ford...and two weeks later, a Ford rep shows up to change out your car stereo to one they like better...would you ever allow this? Of course not.

MTC–00001677

From: Daryn Sharp
To: Microsoft ATR
Date: 11/20/01 7:12pm

Subject: comments on the ''settlement''

To whom it concerns:

I do not believe the proposed settlement is satisfactory. The spirit of the agreement attempts to restrain Microsoft from continuing some of its most flagrant behaviours, but yet it fails to effectively create a framework that will realize any tangible goal.

For instance, nearly every provision provides vaguely defined definitions and exceptions. Microsoft's conduct and justifications since the first antitrust suit have demonstrated that they will capitalize upon any available loophole.

The terms of access to the ''communication interfaces'' are terrible at best. These APIs are one of Microsoft's strongest weapons against competitors. Allowing Microsoft to deny access based upon the ''viability of their business model'' and other similiarly bogus exceptions nullifies the provision. All of the OS-level APIs and application file formats should be fully documented and accessible by any individual or company. This is the only way to ensure that interoperable products may truly begin to exist and compete.

Given no punishment, Microsoft has little deterent to stepstep the spirit of this new agreement. Past history has shown that behavioural remedies have not worked with Microsoft. Microsoft should be disciplined for their ''crimes'' in such a manner that will deter them from attempting to violate this new agreement. Letting them off with nothing more than a scolding will result in yet another antritrust suit in the near future. History will repeat itself yet again.

Upset would be a mild term to describe my dismay with the suggested settlement. I've watched this drama unfold for nearly a decade now, and I'm extremely disappointed that this is best settlement proposal that could be reached.

May I please have my wasted tax dollars back?

Sincerely,

Daryn Sharp

MTC–00001678

From: Dean Masai
To: microsoft.atr(a)usdoj.gov
Date: 11/20/01 7:06pm
Subject: How to settle the lawsuit

Greetings, U.S. Dept. of Justice:

Splitting up the company is the best thing to do. You can still do it. Do it. How else can you level the software/hardware market ''playing field?'' That was the purpose of the suit in the first place, correct?

Well, MS has been found to be a monopoly; it's been found guilty of using its monopoly status in unfair business practices. Punish them, just as any other person or business found guilty would be punished. And rectify the situation so that this kind of thing will not happen again. Think of the future for the computer industry and the American (and world) economy. The U.S. Free Enterprise System works best on free market principals. Let the free market decide which software to use. Level the playing field.

Donations to political funds should have nothing to do with JUSTICE, so ignore all of MS' political donations and attempts to influence your decision. We, the people, want JUSTICE. Just do it.

Dean Masai

MTC–00001679

From: Bob Lopez
To: Microsoft ATR,microsoftcomments @doj.ca.gov@inetgw,...
Date: 11/20/01 7:06pm
Subject: Microsoft case opinion

I just wanted to make my opinion heard regarding the Microsoft case. I think that Microsoft has intentionally been involved in monopolistic practices for may years, and that it has severely hurt the computer industry and stifled the US technology economy as a result. I also think that they are getting off far too easy, as they have done so in the past.

I implore you to please stop this monopoly now while there is still a chance. You can make a difference today while there is still barely enough of the technology industry left to produce far more advanced technology and bring back hundreds of thousands of jobs back to the US.

Thank you,

Bob Lopez
Chief Scientist
AcrossWorld Communications, Inc.
1601 Civic Center Drive, #102
Santa Clara, CA 95050 USA
www.acrossworld.com
+1 408 261 6816 (voice)
+1 408 261 6811 (fax)
bob@acrossworld.com

MTC–00001680

From: Steven Luscher
To: Microsoft ATR,compbureau@ic.gc.ca @inetgw,ccpp@csgb...
Date: 11/20/01 7:03pm
Subject: More stringent prosecution for Microsoft

The state of the Microsoft anti-trust suit distresses me. I implore you to do everything you can to affect more severe prosecution for this corporation. They have clearly committed severe anti-trust violations for which they have not been appropriately penalized.

Steve Luscher
90 Muir Avenue
2nd Floor
Toronto, ON M6H 1G1

MTC–00001681

From: cynthia nichols
To: Microsoft ATR
Date: 11/20/01 7:16pm
Subject: Micro$oft antitrust settlement

I would like to comment on the antitrust settlement. I believe that Micro$oft will continue to abuse its stronghold on the market unless it is broken up. I cannot believe that the multimedia player, the e-wallet and other software including browser ''forced use'' should be allowed. Please work to see that there is a level playing field and make Micro$oft play by the rules.

Thank you.

Cynthia Nichols

MTC–00001682

From: KAMMTOWN@cs.com@inetgw
To: Microsoft ATR
Date: 11/20/01 7:14pm
Subject: Settlement

Folks, this settlement actually represents the triumph of common sense and civic spirit. I'm gratified to see Microsoft will be investing so much money in the underadvantaged kids of the nation.

MTC–00001683

From: Bud
To: Microsoft ATR
Date: 11/20/01 7:14pm
Subject: stupid!!

You people are incredibly stupid or very supportive (in a campaign repayment kind of way). It is probably a mixture of both, with emphasis on the later! Bill Gates has been supplying software and computers to schools for years...why??? Because then everyone begins at a very young age to use Windows (MS) and know nothing of MacINtosh, Linux, Unix, or any other software.

So as his punishment for wanting to control the world and the Internet, he settles by doing what he's always been doing...making charitable write-offs that will further monopolize his operating system at the expense of the government (tax deduction). Here is the news story: Microsoft said it would provide cash, training, support, computer hardware and software to more than 12,000 public schools serving nearly 7 million of America's poorest children.

''We believe this is a fair and reasonable solution that will benefit consumers, the high-tech industry, and the overall U.S. economy,'' said Microsoft CEO Steve Ballmer.

What a laugh in the government's face for Microsoft. You have spent $millions$ to prove that Microsoft has indeed tried to monopolize the OS and Application software market—and then squandered that investment by giving him what he already does for his own benefit. Now he can further monopolize by influencing the young minds of the public school system.

You have done an injustice to the laws of this country and the people who depend on you to enforce those laws.

Harrold VanSickle
Lewisburg, PA
cc: Congressman Peterson
cc:Glazer, Mike

MTC–00001684

From: Oleh Sharanevych
To: Microsoft ATR
Date: 11/20/01 7:27pm
Subject: Microsoft settlement

Dear Prosecutors,

This so called settlement smells of back room politics and shows that you too are toeing the line to Microsoft's whims.

SHAME ON YOU FOR SELLING OUT!!

Sincerely,

Oleh Sharanevych
Trec Rental Corp.
404 West St.
New York, N.Y.10014
212–727–1941

MTC–00001685

From: RWREDCAP@aol.com@inetgw
To: Microsoft ATR
Date: 11/20/01 7:22pm
Subject: Do not let the latest settlement stand.

How does this punish Microsoft? This settlement further strengthens Microsoft's monopoly on the computing industry, unless the computers and software Microsoft has to provide to these educational institutions provide competing products and not Microsoft Windows or their other software this is a reward for Microsoft. The monetary amount means little to Microsoft as it can easily afford it. Remember Microsoft as been found GUILTY and should be punished to decrease their market share and break their monopoly, not increase it. I'm sorry, but I feel Judge Penfield Jackson's break up ruling was the correct one and his ruling should not have been dismissed regardless of his out of court comments.

I know my comments will mean very little if any at all, but I'am a concerned citizen and believe in fair competition in this country. Microsoft Windows should not be the only operating system on computers, PC's workstations or servers, people or companies should be givin a choice when purchasing one. This also includs office software, browsers, games, internet, etc.

Sincerly:
Richard Williams
Allentown Pa.

MTC–00001687

From: jim farler
To: Microsoft ATR
Date: 11/20/01 7:19pm
Subject: You sold out

The Justice Department sold out to big business. Justice in this country no longer has any meaning at all. The attorney general is nothing more than a puppet for the extremist right wing element lead by Bush and Chaney.

This is but a symptom of the loss of human rights. Ashcroft promises only to take human rights away from non-US citizens, so who cares about them. What happens when private citizens disagree with this the extremist element? Do we go to jail? It is the next step!!!

We all lose!!!
James S. Farler

MTC–00001688

From: markdoerr@mac.com@inetgw
To: Microsoft ATR
Date: 11/20/01 7:34pm

To Whom it May Concern:

The pattern of behavior that Microsoft has exhibited over the past 10–15 years shows a disturbing trend to monopolistic practices, as borne out in the recent judgement against them in your anti-trust lawsuit. I am disgusted that you now bow to their lobbying efforts and back away from the Justice Departmen's hard-fought anti-trust victory.

Didn't the previous consent agreement contain provisions for curbing Microsoft's business practices? Didn't Microsoft agree to that settlement only when faced with an anti-trust lawsuit?

Weren't they finally sued because they did not honor that agreement? Although the remedy was thrown out, were the findings in that anti-trust case not upheld?

The argument could be made that they offer much of their software for free and how that is a benefit to the consumer. But that is the short term view they want you to take. Like a drug dealer, they hook you with seemingly negligible restrictions, an unending supply of goodies and once hooked, are able to control your access to them and how you use them. For a hefty fee, of course. It's insidious. They used the Internet Explorer browser to foil any attempt at loosening their grip on operating systems, by offering it freely and undermining companies that did not have the luxury of OS earnings to fall back on. They have done it many times and will continue to do this until there are no credible alternatives rather than the 2 or 3 that now exist. At least in the server market. There are none for consumers. The news today shows that Palm is losing market share to Microsoft and their Palm PC OS devices. Palm is yet another example of a company who started with a superior product and over 80% market share yet will slowly have their cash position and market share eroded by the slow, unending crawl of Microsoft's corporate weight.

It is the lowest form of self-delusion to think that Microsoft won't treat your proposed settlement any differently than the one they previous ignored. It's also insulting to taxpayers to think we don't see that you are pandering to the interests of one of the largest and most aggressive companies on the face of the earth rather than doing your job to protect the interests of the American consumer. We're smarter than that. I had hoped those who protect our interests were but I find I am sorely mistaken.

Mark Doerr
Los Angeles, CA

MTC–00001689

From: Ken Weickert
To: Microsoft ATR
Date: 11/20/01 7:33pm
Subject: Comments on Microsoft Anti-Trust Case

I am disappointed in the Microsoft antitrust settlement. I believe that it will do very little, if anything, to curb Microsoft's monopolistic practices. And just as important, I don't see that it does anything to undo the damage to consumers and competitors that has already been done by Microsoft's practices. I believe that splitting up the company was the more appropriate way to go.

Ken Weickert

MTC–00001690

From: Gilbreath, Troy
To: Microsoft ATR
Date: 11/20/01 7:27pm

It appears that the government wants to ensure that Microsoft retains and even adds to its software monopoly both now and in the future by using marketing's ''loss leader'' approach to conquer the very small percentage of the software market that has not already been crushed by Microsoft.

Isn't there another way to settle, rather than push other software vendors out of potential markets. A school with little or no money may decide to use Linux as an alternative (if that is even viable). Linux seems to be the only significant operating system (OS) option to Microsoft on a typical individual's personal computer (which happens to be commodity hardware sliding ever so quickly toward obsolescence—what a contrast to Microsoft's applications!). What percent of the American population can think of another OS to load on a individual PC (besides Windows 98, Windows XP, Windows NT, etc.) (or getting all new hardware and OS with a Macintosh. They still make those don't they?). I cannot think of any other operating system to load on an individual PC, not a server, for regular daily individual use. But Linux is free and these schools will have no need to adopt it because the government has intervened in the free market and given these people Microsoft software. Not only will they get software, but they will get trained evangelists leading the classroom. I can only guess how many times a day the word Microsoft will be uttered by everyone, I will be suprised if even one day goes by without the utterance.

Isn't there some kind of legal principle where if a word is used over and over again, superfluously, then that word becomes public domain? Could Microsoft be synonymous for ''indivual PC operating system and applications.'' Also, will anyone short of a computer professional, especially in a poor school, be able to find enough time to learn more than one operating system? more than one word processor? more than one spreadsheet application? more than one database management system? more than one presentation program? more than one email program? more than one calender / personal organizer program? more than one browser? What about computer languages, computing paradigms, business models, etc...

HURDLE 1: Can you name...
an operating system that does not begin with Windows?
a word processor besides MS Word?
a spreadsheet application besides MS Excel?
a database management system besides MS Access or MS SQL Server?
a presentation program besides MS Powerpoint, MS FrontPage, etc.?
an email program besides MS Outlook?
a calender / personal organizer program besides MS Outlook?
a browser besides MS Internet Explorer?

GOOD, you made it passed Hurdle #1 but how many answers for each question did you get? If you got one or two, I am willing to bet that you are computer ''savvy.'' Does one or two competitors constitute a market engaged in free competition? You may say that the list was too long for one hurdle, but I would propose that we only scratched the surface. Nevertheless, brevity will suffice for Hurdle #2:

HURDLE 2: What store, down the street from my house, in my neighborhood has this software (answered in Hurdle #1) on the shelf?

I am all for helping the needy; however, it seems that the government may have fallen for a shrewd ploy by Microsoft or even a sucker punch at the end of a tough fight. Better that the government make Microsoft give these schools $500 million and keep its own software. Let the schools do what they would like with the money. I suppose the MS sales reps would be calling the schools to establish accounts the very next day. Let them compete with everyone else. Or is that

what Microsoft was supposedly doing the past 10 to 26 years?

Maybe not everyone prefers the alternative mentioned above, maybe Microsoft...

''Microsoft will give the nation's poorest schools more than $1 billion in cash, products and services in order to settle most of the private antitrust lawsuits filed against the huge software company. The proposed settlement, to be disbursed over five years, will pay for teacher training, technical support, refurbished computers and copies of Microsoft's most popular software, such as Windows and Office, at more than 12,500 schools, company spokesman Matt Pilla said.'' (USA Today 20-Nov-2001)

MTC–00001691

From: Amber Denker
To: Microsoft ATR
Date: 11/20/01 7:36pm
Subject: MS monopoly

As a consumer, I am appalled that the DOJ is barely slapping the wrist of this monopoly.

The simple facts are that they are guilty of using their monopoly to further their application department. Surely every person realizes that this is not a level playing field so long as they are allowed to do this.

I dont believe they will all of a sudden start ''behaving''. Why should they? All they would need to do is pay their way outta of any future problem just as they are doing now. (And if they are to earn another billion in the process of breaking these new rules, it becomes quite cost effective to do just that!) The only effective remedy for Microsoft's abuse of their monopoly power is to keep them out of the applications software business. If you vend an operating system, you cannot sell applications: otherwise, you've always got the inside track. There will never be a level playing field without this principle.

Sincerely,
Amber Denker
Toluca Lake, CA

MTC–00001692

From: James Lyon
To: Microsoft ATR
Date: 12/6/01 2:33pm
Subject: Deeper Roots

Hash: SHA1

The fact is that Microsoft is an inevitable product of the socio-economic structure in which the Western World operates. Putting that aside for a moment, and dealing with the Anti-Trust case in isolation for the purposes of contributing to the current debate, I have the following comments:

The Anti-trust issue goes far deeper than MSIE being bundled with the OS, and ironically MSIE is one of the few products that could have competed on technical merit and did not need the ''leg up''. This leads me to my point: The_existence_of a predominant Operating System whose internals (both technical and political) are known to one or more privileged companies gives rise to the competition obstacles and so on.

The only way to level the playing-field and to ensure there is real opportunity for innovation and enterprise to be able to be delivered to the market-place by new or existing competitors is to remove all the financial, technical and political advantages that Microsoft (and potentially others) has/have in the Operating System in question. The judgement appears to broadly address this issue. However, Microsoft have a well-established reputation and a clearly demonstrated ability, to make very minor changes retrospectively that will remove sufficient crucial features without appearing to do so.

It is in the process of delivery and in the sustainability of the Judgement that the real risk now lies. Please take care to keep an eye on the proverbial ball as Microsoft become involved on a day-by-day operational basis.

In addition, there is one point that is overlooked. There is an indirect and subtle (therefore hard to measure) leverage of the Operating System's harmony with applications—above the Middleware layer. The problem here is the tendency of a consumer or business to make a buying decision on the implied or real benefit from utilising both Application software and Operating System from the same Vendor, with the private internal knowledge cited above. This is, at best, very weakly addressed in the Judgement and requires better attention if it is not to significantly undermine the worthwhile nature and effectiveness of the provisions outlined.

Finally, if you were_really_genuine about levelling the operating system metaphorical ''playing field'', then you would have added the provision that MS would be obliged to make equally available every application or middleware component on at least one other ''major'' operating system. It doesn't matter which, so long as it was reasonably widely used and supported. This way, there would always be choice and opportunity for users to select operating systems and/or select applications (etc.) without interdependency that might benefit Microsoft exclusively.

I hope this is helpful and constructive—I look forward to your revised press release!

Best regards,
James.

MTC–00001693

From: Christopher C. Stump
To: Microsoft ATR
Date: 12/6/01 2:28pm
Subject: microsoft settlement

Dear DOJ,

Please put a stop to the Microsoft empire! The recent settlement in which MS has to provide computer equiptment to some of the nation's poorest schools is a total sham. They need to provide $1 billion in computer equiptment, which includes software, and MS sets the price on the majority of that software?!?! That is ridiculous. You are allowing the crooks to dictate their own punishment. Furthermore, the computer software and hardware will be obsolete in a few years (5 maybe less), then what? Those schools have to pay MS to upgrade their operating systems and come up with extra cash to buy new hardware just to keep up-to-date the computer labs that MS so graciously endowed them with?!? Come on, please slap this monopoly in its heart and break it apart!

One last point as to why this settlement is bogus: The current operations of Microsoft with its introducion of .NET technology & its new line of operating systems (XP) which provide tight integration with the MS website are far worse offenses than why they were brought into court in the first place. If you thought integration of Internet Explorer with Win98/NT was a bad idea, what about the fact that so many applications/services of XP are only compatabile with other MS products? That nearly everything in the web browser defaults you to a MS site? That MS products offer zero compatability with Apple, Sun, HP, Red Hat, etc. software, while all these other companies strive to make software with compatible standards? You already know that MS has a history of bad business practices, and what they are doing now is the worst!

Please seriously consider prosecuting MS again for its newest offenses and revaluating the most recent settlement. The offer by Red Hat, Inc. to provide open source software with the hardware that MS buys is reasonable. This move would encourage competition between MS and Linux and would lessen the impact of Microsoft being able to dictate the number of computers/OSs that come out of its $1 billion settlement (although it wouldn't end the chaos because MS has companies like Dell, Compaq, and HP in its pocket). My opinion: If you're not going to hit this monopoly any harder than the current settlement, then make MS buy Sun SPARC machines and load them with Red Hat Linux to give to the schools :) That would at least embarrass the corporate giant.

One last note: Please do not let corporate America (MS) control our country's legal system. From this settlement that is the impression I, and many others, are getting.

Sincerely,
Christopher C. Stump
chris@thestump.net
Loyola University Chicago computer science graduate student
Linux user/Open Source software supporter

MTC–00001694

From: Kevin Philips
To: Microsoft ATR
Date: 11/20/01 7:37pm
Subject: Settlement

So, as I understand it, the settlement allows them to INCREASE their installed Win-Tel product base! Rather than require them to donate THEIR software and computers it should require them to actually give $$$ to be used BY the SCHOOLS for software and computers OF THE SCHOOLS CHOICE! Why should the SETTLEMENT of a MONOPOLY allow them to INCREASE their installed base and PROFIT?? Also, THEY should be required to pay ALL LEGAL FEES. Why should I as a taxpayer pay them. The payment of legal fees is NORMAL! I really think more than this should happen but I know from the way you are currently approaching this that more would be unrealistic. Also, the issue was never really MONOPOLY as much as it was extortionate busines practices, lying etc. But these are all things that are condoned by government. Microsoft is really just a microcosm of our politics.

MTC–00001695

From: macworks@telocity.com@inetgw
To: Microsoft ATR
Date: 11/20/01 7:37pm
Subject: Anti-Trust Settlement, Penalties

Gentlemen,

The Judiciary branch's gutting of the U.S. v. MicroSoft decision, and the proposed settlement under the Bush administration's DOJ is a putrid, malodorous outrage. But, what else would one expect?

MTC–00001696

From: Timothy Worman
To: Microsoft ATR
Date: 11/20/01 7:40pm
Subject: Microsoft still using same tactics

To whom it may concern:

As someone who is employed in the technology sector I am extremely displeased with the settlement which has been agreed to between Microsoft and the DOJ. This settlement amounts to years of wasted effort and money and it has not changed Microsoft's tactics one iota. Even as you broker a deal, Microsoft continues to use one product to foist another separate product on what is nearly entirely an unsuspecting public.

As an example, take my recent purchase of a cordless Microsoft Intellimouse Explorer—a fantastic mouse. In order to register my new product with Microsoft, I am being directed via their software to sign up for a ''Passport'' account. If you're not familiar with Passport, it is Microsoft's protocol to store consumer names and passwords so that you are not ''inconvenienced'' with having to remember multiple passwords on web sites you frequent.

However, if I don't deem Microsoft trustworthy, there doesn't seem to be a way for me to register my product otherwise. And as coincidence would have it, Passport is the centerpiece of Microsoft's new .Net software strategy whereby applications such as Word would be accessed over the internet on a subscription basis. However, Passport is a completely unrelated product to the mouse I purchased yet I don't see how I, as a consumer, am presented with other options.

However, merely giving me a choice about what method of registration I prefer is not nearly the whole issue—DOJ efforts have fallen short on exactly this type of action. Microsoft is attempting to move their monopoly from the desktop to the Internet via their .Net strategy. I do not want Microsoft to be in a position of being able to choose, for example, what Bank I use if in fact they leverage Passport and .Net to promote strategic partners.

Passport is just one more example of a technology which would serve the public better if it were an Open Source standard that did not promote any one company or it's partners. And indeed there is an alternative to Passport being proposed by another consortium. However, does it stand a chance? Microsoft can force almost it's entire desktop consumer base to use Passport or some aspect of it's .Net strategy simply via the sheer numbers of its installed base—THE VERY SAME TACTIC THEY ARE SUPPOSED TO BE UNDER DECREE NOT TO DO with respect to other products. Please, do not let this kind of manipulation continue. Please don't reduce your penalties to simply forcing Microsoft to provide options and concessions along with the default—which is continued use of these tactics. Simply put: DO NOT allow Microsoft to use one product to force another UNRELATED product on consumers. Make this stop. PERIOD. Do you trust Microsoft with your personal information?? Already, using the same Windows/Outlook/Word/Excel/VisualBasic vulnerabilities which have made a recent rash of Windows-based worms possible, a programmer has demonstrated the ability to steal Passport information from another's computer. Should the products of a commercial company that stands to reap the rewards of my personal data be in control of protecting it? Please, MAKE THIS STOP!! PERIOD.

Thank you for your time,
Tim Worman
Database Administrator
Graduate School of Education and Information Studies
University of California Los Angeles
worman@gseis.ucla.edu
CC:Tim Worman

MTC–00001697

From: kenbutcher@mac.com@inetgw
To: Microsoft ATR
Date: 11/20/01 7:57pm
Subject: I am VERY disappointed with the fed DOJ settlement, it is FAR TOO WEAK!

I am VERY disappointed with the fed DOJ settlement, it is FAR TOO WEAK! I would ask you to pull out of the settlement and pursue a stronger settlement.

Thank You
Ken Butcher

MTC–00001698

From: Jeff McManus
To: Microsoft ATR
Date: 11/20/01 7:55pm
Subject: Microsoft Settlement

A prime example of the need for campaign finance reform. If Microsoft is not a monopoly, what is? I would like to have an alternative to the ''blue screen of death'' and debugging Microsoft's software for them, but I guess that is too much to ask. All Microsoft has to do is stall and put in an administration more to it's liking and it's like nothing happened. Violate the law at will. Call the judge crazy. Everything is for sale. Including justice. Pathetic. And they settle with the states by giving them money and software. Theirs! Now their own marketing is part of the settlement! You ought to be ashamed and embarrassed! After the election fiasco, we found out that the Supreme Court is biased. Now we know the Justice Dept can be bought. Disgusting!

MTC–00001699

From: Brian Hansen
To: Microsoft ATR
Date: 11/20/01 7:49pm
Subject: Break Up the Cheaters!

Sirs:

In our industry, web development, Microsoft has consistently used it's position to bully and steal. Break them up!

Brian Hansen
President
Total Site, Inc.
''Net Solutions from Concept to Aftercare''
1221 Pearl Street
Boulder, CO 80302
(303) 415–9404 fax (303) 415–9405
bhansen@totalsite.com http://www.totalsite.com

MTC–00001700

From: Lee J. McLean
To: Microsoft ATR
Date: 11/20/01 7:46pm
Subject: Where do I begin?

Dear sir,

I would very much like to add my opinion regarding the settlement the DoJ reached with MS, but frankly there is so much to say that I don't even know where to begin. Take the recent debacle regarding non-Microsoft browsers being blocked from msn.com, for example. Is there anything in the agreement to prevent such anti-competeitive practices as this? Not that I can see.

Sure, they backed down in this case, but do you think they still will when Passport effectively gives them control over all XP users' access to the internet? History has shown us that when they hold the cards, man do they play them. And they tried to do this at a time when they had already been found guilty of being an illegal monoploy on appeal! Does this look like a company that is in any way afraid of the terms of the settlement they have reached? More importantly, does this sound like a company who would even agree to anything that would have a significant impact on their monoploy position? Once again, history tells us no. The mere fact that such a flagrantly arrogant company has even agreed to this settlement in itself demonstrates that settlement's inadequacy. Then there is the simple fact that Microsoft has not been punished in any way for their (legally upheld) past misdeeds. What they have done effectively amounts to theft on an upnprecedented scale, yet you let them go without punishment? I understand your deisre to expidate this case, but if this was more important than getting a fair result then it would have been better to have reached settlement years ago. But then and again, this entire case was precipitated out of the failure of your previous settlement with MS, wasn't it? Clearly there is something else that is far, far worse than a lengthy court case: an unfair result. And clearly—from the point of view of both the consumer and the computer industry as a whole—that's what this settlement is.

Regards,
Lee McLean

MTC–00001701

From: RK
To: Microsoft ATR
Date: 11/20/01 8:22pm
Subject: Microsoft settlement

So I as the customer that was/is forced by microsoft to use their product by them disabling or deciding to no longer support a competitors product get no relief. I as a taxpayer will have to subsidize the settlement with my tax dollars as microsoft will be able to write it off as a business expense. The schools, who's leaders decided

that computers where not important to education will now get the ''Benefits'' without doing anything. The schools, businesses, and people that paid for the software that led to the suit being filed get nothing but the pleasure of watching microsoft make more money at the government trough by writing off the settlement. Writing off the software as good will, or as a charitable donation, and then writing off the cost of manufacturing it also at inflated costs.

I am glad that the justice department is on my side, allowing me to help Bill Gates keep his money on selling incomplete bug ridden systems. Windows is NOT an operating system. It is an application designed to run as a shell over a true operating system. An operating system should only run the guts of the computer. The video, sound players, word processors, Email systems, etc. ARE applications that should be able to run on any operating system, but are restricted by the design of the so called operating system. Any program should be able to run when compiled on the operating system with the operating system sub-routines static on the system.

R. Krogol
Lynchburg, VA

MTC–00001702

From: Reid (038) MJ
To: Microsoft ATR
Date: 11/20/01 8:16pm
Subject: Microfoft

Please do not let Microsoft off the hook so easily. They are counterproductive to the computing industry. They do not inovate, they stong arm and bully competitors. They are a cartell and should be delt with accordingly.

Thank you
Christian Manasse
971 e monterey st Chandler, AZ. 85225.

MTC–00001703

From: Dave C. Hill
To: Microsoft ATR
Date: 11/20/01 8:11pm
Subject: You call this Justice!!!

This settlement is pathetic!!!

This just plays into the hands of Microsoft!!! Who the hell thinks this is punishment to a monopoly. All this does is allow Microsoft to ''SEED'' it's hardware/software further into the schools under the guise of ''Gee look at us ! aren't we great donating all this software and hardware that only runs Microsoft software''

What a way to insure you'll stay a Monopoly!! And to think the courts actually proposed this????

Pathetic !!!
David C. Hill
Arvada, Colorado

''Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and the success of liberty.''—John Fitzgerald Kennedy—1/20/61

Dave Hill <dchill1@qwest.net> :-)

MTC–00001704

From: Nate Schwenk
To: Microsoft ATR
Date: 11/20/01 8:02pm
Subject: Microsoft

Sirs:

I have watched over the years as Microsoft has crushed one competitor after another. It troubles me greatly that the Justice Department had clearly proven that this was done unethically and now you are essentially abdicating the case. Microsoft was shown to be lying several times in court, yet the ''penalty'' is nothing more than a request that Bill be nice for a while. The company is so devious that what you consider to be restrictions will be twisted into license for further dominance.

Now that Microsoft is well on its way to software monopoly, it is beginning to enter the hardware market also. Examples are the XBox and the tablet PC. It will never rest until it is stopped by force or there is no more competition, and even then it will be vigilant to stamp out any possibilty.

I believe you have abdicated, probably in the hope of large political contributions. I am thankful for a few state attorneys general who are standing to fight for freedom and truth.

Sincerely,
Nate Schwenk
2701 Old Stage Rd.
Spring City, TN 37381

MTC–00001705

From: Craig Simmons
To: Microsoft ATR
Date: 11/20/01 8:28pm
Subject: Great Attempt at Destroying an American Company!

To whom it may concern,

I just wanted to give my sarcastic thanks from consumers around the world in the communist antitrust case against Microsoft. I do not and have never worked for Microsoft so do not misunderstand. But I have followed this case from start to finish and have hoped for one socialist from the DOJ to explain how this case was ever helping consumers; the whole point of antitrust legislation and enforcement. How have consumers been so seriously hurt by Microsoft that years and millions of dollars were tied up in this venture? If so, will someone explain how? Microsoft provided most software for free, such as Internet Explorer, which allowed the Internet Information Age to begin and explode. Operating Systems were provided at market value and consumers were not gouged for upgrades once the OS was installed. Windows OS's allowed the installation of competing software such as Netscape Navigator. I'll tell you what the point of this whole insane abuse of an American company was: Money. Competing companies needed a way and time to catch up and attempt to get a piece of Microsoft's market share. States saw an opporunity to get money....what did they settle for? Money in essense. They get free software from the very company that they were attempting to break up. Is that all they wanted? Microsoft would have given it to them had they asked and do so to many poor school districts around the country. I'll bet if Gates and Microsoft had given money to the Democratic National Committee like the CEO of Novell did and still does, this would have never happened. So, in conclusion, I just wanted to send out a hearty thank you from consumers around the world. Thank you for sparing me from paying $89 for the best operating system. I could have payed $89, but now it will be $289 to compensate for legal bills caused by the DOJ protecting consumers. Great job once again and another great use of American tax dollars.

Sleep well at night communists. You lost again...Microsoft was smarter than you as usual.

Regards,
Craig Simmons
Baton Rouge, LA
simmons5150@home.com

P.S. I would include my address but someone at DOJ would probably turn me over to the IRS for another one of those protecting America's pork spending audit. Get back to seeing if there are more civil liberties you all can destroy.

MTC–00001706

From: Mabel(a)Home.com
To: Microsoft ATR
Date: 11/20/01 8:24pm
Subject: Against settlemnt

(1) It does not address the improper use of their monopoly to drive out competition.

(2) It give them cover to ''buy'' one market, education they do not already own.

This is wrong and should be reveresed. I agreed with the nine states AG would see through this capitulation for the sake of the economy?????

Tim Yackle
Glastonbury, CT

MTC–00001707

From: matthew goossen
To: Microsoft ATR
Date: 11/20/01 8:23pm
Subject: microsoft anti-trust

what was the point of finding microsoft guilty of monopolistic practices when all they get is a slap on the wrist? the punishment did not meet the crime.

i am disappointed.
matthew g. goossen

MTC–00001708

From: Tim Carroll
To: Microsoft ATR
Date: 11/20/01 8:44pm
Subject: Disciplinary Action Needed

Dear Sirs/Madams,

Microsoft needs some harsh disciplinary action brought against it. You backed off on the punishment and look at the immediate result, they've practially copied Apple Computer's ''Mac OS X'' with ''Office XP'', not only by naming the system software in an almost identical manner to confuse consumers, but also by the ''look and feel'' of the system software.

They practially copied Netscape with their Internet Explorer and essentially put that company out of business and the government stood by and did nothing, so Microsoft is seeing how far they can push the line again—don't let them get off scott free.

Thank You!!!
tim@cornicemac.com

MTC–00001709

From: Donald Patzsch
To: Microsoft ATR

Date: 11/20/01 8:42pm
Subject: How awful

I do not believe that the people who have been involved in the Microsoft suits are ethical, or even decent citizens. You have agreed, apparently, that Microsoft can set out its programs and its ''services'' to schools as a result of the various lawsuits. Such a miscarriage of Justice. Microsoft will get the CREDIT and the PUBLICITY and the fact that its software will be used by more people. Such awful people we have in the courts. Since the last Presidential Election, I have certainly changed my mind about the courts from top to bottom.

Donald W. Patzsch
Brandon, Florida.
November, 2001

MTC–00001710

From: Tim Carroll
To: Microsoft ATR
Date: 11/20/01 8:42pm
Subject: Disciplinary Action Needed

Dear Sirs/Madams,

Microsoft needs some harsh disciplinary action brought against it. You backed off on the punishment and look at the immediate result, they've practially copied Apple Computer's ''Mac OS X'' with ''Office XP'', not only by naming the system software in an almost identical manner to confuse consumers, but also by the ''look and feel'' of the system software.

They practially copied Netscape with their Internet Explorer and essentially put that company out of business and the government stood by and did nothing, so Microsoft is seeing how far they can push the line again—don't let them get off scott free.

Thank You!!!
tim@cornicemac.com

MTC–00001711

From: Jerry Myers
To: Microsoft ATR
Date: 11/20/01 8:29pm
Subject: the proposed Microsoft settlement is a joke.

I am truly appalled that an agreement as blatantly supportive of Microsoft is even being seriously considered. It does NOTHING to address their behavior at all. Other than the dollar amount involved it actually serves to extend and support their monopoly by adding even more windows machines to schools. This is like punishing a drug dealer by making him give away most of his supply of crack cocaine to schoolchildren. You may think this is too harsh of a comparison. It is not. The situation is exactly like that. ''We will give them free software (ours)'' offers Microsoft. This will ensure that, later in life, they are a part of the Microsoft masses. ''We will get them a bunch of $500 (or less) computers'' says Microsoft. Which, incidentally, will not buy anything by Microsoft compatible computers, so the ''they can buy Apple Macintoshes if they want'' argument is completely spurious. Ignorant School Boards will always choose to get more machines for the dollar, ignoring all other factors (cost of ownership/support/etc). Microsoft KNOWS that. They encourage it. So do the IT guys who get bigger budgets because they have to spend tons of man hours supporting those windows machines. So they encourage buying Microsoft as well.

The harm that Microsoft has done to the consumer and to the computer industry as a whole is hard to judge. What would our world be like of Microsoft would have allowed their products to compete on their own merits instead of engaging in all of the seedy and outright abusive tactics that they have? Would we have IBM's OS2 Operating system forcing Microsoft's products to be less buggy and better supported? Would Apple, SUN, and SGI (among others) be more of a presence in the marketplace? Thereby forcing an even higher level of innovation, quality, and lower prices?

I think the answer to both is a resounding YES.

PLEASE do not allow Microsoft to walk away from this with no measures in place to correct it's position and it's policies.

When a man is convicted of a felony he loses certain rights. When a company commits certain crimes (repeatedly) then they should be penalized in ways that would never be considered for a company not guilty of those offenses. Do what is right. Do what is best for our businesses, our consumers, and our economy. Force Microsoft into a position where they cannot repeat their offenses. AND penalize them for having committed them in the first place. If you do not, then you have failed in your oath of office.

Jerry Myers

MTC–00001712

From: LaPalme, Joe
To: Microsoft ATR
Date: 11/20/01 9:03pm
Subject: Microsoft antitrust case

Excellent. Microsoft has shown again that they continue to benefit our society in every way.

MTC–00001713

From: Dave La Vack
To: Microsoft ATR
Date: 11/20/01 8:54pm
Subject: ms settlement

To whom it may concern,

As the CEO of a small information technology firm I have tried to follow the Microsoft suit from it's inception several years ago. As time has gone by I've seen Microsoft not only continue its predatory practices but position itself to completely take over the computer software market and has even broadened it's focus to other markets. The new .net strategy makes the current predatory practices appear miniscule. If this happens, there will be nothing you can do to stop them. From my point of view the settlement is pure and simple politics. The current settlement proposal slaps Microsoft on the hand and asks the company not to do it again. The sad part is that Microsoft makes, at best, mediocre software. The people who are creating great software can't compete so the consumer loses every time.

The way I see it, stopping Microsoft from taking over this and other industries would be too inconvenient. We have long forgotten the principles on which this country was founded. We have sold them out for convenience. It would be too inconvenient to do the right thing. It was too inconvenient to count each and every ballot in Florida regardless of whether the voter's rights were infringed. It would have taken too long, and well, we were just not willing to wait. My suggestion is to get them out of either the application or OS business. Let them have one but not both. Make them get rid of the Office suite of products so the buyer can make them work equally well under linux, mac, unix, etc. This way they would have to actually create some decent software to keep people in their camp. If only it were convenient.

I'm quite sure that Microsoft will continue to dominate the computer OS and Application software industry forever because no one can afford to challenge them—not even the U.S. Government. With the hidden agendas of the current administration, it would be a pipe dream to think that the justice department would consider the consumer's interests over big business in such a matter. So there, if you couldn't tell already, I'm not happy about the proposed current settlement. Big business wins and the consumer loses no matter how you dress it up.

Regards,
L. David La Vack
dave la vack, systems engineer
shiner systems
information technology for creative professionals
101 west fifth street suite 239
winston-salem nc 27101 usa
tel 336 722 0001—fax 336 722 4477
dave@shinersystems.com
''Don't waste your time on jealousy. Sometimes you're ahead, sometimes you're behind. The race is long and, in the end, it's only with yourself.''

MTC–00001714

From: Timothy Worman
To: Microsoft ATR
Date: 11/20/01 8:49pm
Subject: Microsoft still using same tactics

To whom it may concern:

As someone who is employed in the technology sector I am extremely displeased with the settlement which has been agreed to between Microsoft and the DOJ. This settlement amounts to years of wasted effort and money and it has not changed Microsoft's tactics one iota. Even as you broker a deal, Microsoft continues to use one product to foist another separate product on what is nearly entirely an unsuspecting public.

As an example, take my recent purchase of a cordless Microsoft Intellimouse Explorer—a fantastic mouse. In order to register my new product with Microsoft, I am being directed via their software to sign up for a ''Passport'' account. If you're not familiar with Passport, it is Microsoft's protocol to store consumer names and passwords so that you are not ''inconvenienced'' with having to remember multiple passwords on web sites you frequent.

However, if I don't deem Microsoft trustworthy, there doesn't seem to be a way for me to register my product otherwise. And as coincidence would have it, Passport is the centerpiece of Microsoft's new .Net software

strategy whereby applications such as Word would be accessed over the internet on a subscription basis. However, Passport is a completely unrelated product to the mouse I purchased yet I don't see how I, as a consumer, am presented with other options.

However, merely giving me a choice about what method of registration I prefer is not nearly the whole issue—DOJ efforts have fallen short on exactly this type of action. Microsoft is attempting to move their monopoly from the desktop to the Internet via their .Net strategy. I do not want Microsoft to be in a position of being able to choose, for example, what Bank I use if in fact they leverage Passport and .Net to promote strategic partners.

Passport is just one more example of a technology which would serve the public better if it were an Open Source standard that did not promote any one company or it's partners. And indeed there is an alternative to Passport being proposed by another consortium. However, does it stand a chance? Microsoft can force almost it's entire desktop consumer base to use Passport or some aspect of it's .Net strategy simply via the sheer numbers of its installed base—THE VERY SAME TACTIC THEY ARE SUPPOSED TO BE UNDER DECREE NOT TO DO with respect to other products. Please, do not let this kind of manipulation continue. Please don't reduce your penalties to simply forcing Microsoft to provide options and concessions along with the default—which is continued use of these tactics. Simply put: DO NOT allow Microsoft to use one product to force another UNRELATED product on consumers. Make this stop. PERIOD. Do you trust Microsoft with your personal information?? Already, using the same Windows/Outlook/Word/Excel/VisualBasic vulnerabilities which have made a recent rash of Windows-based worms possible, a programmer has demonstrated the ability to steal Passport information from another's computer. Should the products of a commercial company that stands to reap the rewards of my personal data be in control of protecting it? Please, MAKE THIS STOP!! PERIOD.

Thank you for your time,
Tim Worman
Database Administrator
Graduate School of Education and Information Studies
University of California Los Angeles
worman@gseis.ucla.edu
Home Address:
417A North Mentor Avenue
Pasadena, CA 91106

MTC–00001715

From: Mike Kwiatkowski
To: Microsoft ATR
Date: 11/20/01 9:31pm
Subject: Microsoft Settlement—Do not give up the fight!

I am very disappointed is the settlement. It lets MS off the hook with a hand slap. To make things worse, MS got off easy in the latest class action settlement regarding the donation of MS products to schools. This is a shame. It will extend their monopoly power even further.

Mike Kwiatkowski

MTC–00001716

From: Richard Cooper
To: Microsoft ATR
Date: 11/20/01 9:21pm
Subject: intelligence

It is my personnel opinion that Mr. Gates is smart enough to come up with all the software ahead of other companies that the Government should leave him alone and his company. The plain truth is that no one wants to be outdone and get the kind competition that Microsoft is dealing out. This is suppose to be the land of opportunity and free enterprise. If the Government wants too get a large Company for antitrust law breaking they should take a long and hard look at The Coca Cola Company. These people hold a greater monopoly than Microsoft.

Investigate and you will find out that this is very true!

God Bless
Richard Cooper

MTC–00001717

From: The Washingtons
To: Microsoft ATR,microsoftcomments @doj.ca.gov@inetgw
Date: 11/20/01 9:11pm
Subject: Micro$oft Monopoly

I think that Microsoft has gotten away with something. The courts found them to be an illegal monopoly. I think it is a shame that they stand to benefit from their illegal actions. I am asking you to pursue a stronger penalty. They continue to claim publicly that they did nothing wrong, even after the courts findings. Now as part of the settlement they are going to be allowed to ''donate'' more of their technology to schools. This will further the Microsoft cause. It will increase their exposure and the public's reliance on their products. I think it's a crime. DON'T LET THEM GET AWAY WITH THIS!

Craig Washington
3 Cayuse Ln.
Rancho Palos Verdes, CA 90275
CC:attorney.general@po.state.ct.us @inetgw,ag @oag.stat...

MTC–00001718

From: Steve Abrams
To: Microsoft ATR
Date: 11/20/01 9:07pm
Subject: shame on you!

It looks like Microsoft has bought themselves a Justice Dept. I understand the pragmatics of politics, but you people swear an oath to serve the citizens of this country. Turning a blind eye to Microsoft's predatory pricing policies and anti-competitive practices and, even worse, believing that they'll actually abide by their public statements, is ludicrous and I have to tell you that the respect I held for the USDOJ is completely dissipated. What's more, I know that many of you agree with me (I've only recently moved from Washington, DC) but choose to violate your oaths and completely reverse yourselves on their criminality. I understand that politicians must roam as the winds of social change blow, but that's the rationale for having civil servants swear an oath. Oh, and if anyone there has the temerity to float an economic rationale for the USDOJ's decision, don't bother. I've spent the better part of the past decade trying to deal with the problems that Microsoft's technology invariably brings, but I've never doubted their ability to turn a profit. So, shed no tears for Microsoft ... shed them instead for the respect and integrity you once held, and have now squandered.

Finally, I know how easy it is for a civil servant to distance themselves form such things but, in my opinion, everyone at the DOJ deserves a share of the shame ...

So, shame on you all...

Steve Abrams
Steve Abrams Fingers: sabrams@ics.uci.edu
CORPS (//www.ics.uci.edu/corps/) Mouth: +1.240.461.3610 (cell)
Information & Computer Science Eyes: 2521 W. Sunflower Ave., #K–7
University of California-Irvine Santa Ana, CA 92704–7523
Irvine, CA 92697–3425 http://www.ics.uci.edu˜sabrams/

''Annoying me just makes it easier to understand the voices''

MTC–00001719

From: mdavid@musicanimation.com@inetgw
To: Microsoft ATR
Date: 11/20/01 9:37pm
Subject: My concerns

Defenders of Justice,

I have no doubt my associates who will also read this may feel the need to fear their careers as a result of my statements here, and since I will also be submitting this for their review, I intend to collect their comments and keep them ready in case they feel I am terribly out of line.

Nonetheless I will express my experience and my perception of these matters, for I see it's negative effect on their choices as much as on my own.

In my own experience over the last 15 years in the computing community I have witnessed a number of individuals decide not to enter into various markets, from desktop software to vertical applications such as film effects, simply because Microsoft threatened to enter into that market. I realize that the competition itself is not against anti-trust laws, but many who see the predatory practices simply do not bother to try, and thus, in my opinion, the market is denied great new ideas, and those who originate them are left with no compensation and no realistic way to exploit their own dream to their own benefit.

As a very small operator, offering customized support operations to creative professionals, I, like others, am in no position to defend my works from the exploitation. I fear, as I have for some time, that the practices of Microsoft are now so entrenched that it is nearly impossible to properly evaluate the extent of the damage. Those damaged have long ago faded away to lowly positions in IT or as private consultants, and have for more than 10 years now, elected not to compete.

We have not given up here at Silence, but as a small firm, we have to work harder to maintain our vision and pursue our dream, all the while fearing that when it is realized, we will be sued by Microsoft for infringing on a market that they will not bother to

exploit until we have success with our product. We feel that to compete with Microsoft, we too, will have to give away a product concept we have worked most of our lives to develop. This fear and the realities of Microsoft's eventual intrusion, also affects the ability of the entrepreneur to secure financing. I am sure you will understand that if I sold out to Microsoft, I could get all the financing I want. Unfortunately I am not willing to roll over and deny my purpose in life. I quote from a letter to us dated July 18th, 1994, where, when seeking legal representation, the law firm we approached, Klarquist, Sparkman, Campbell, Leigh & Whinston (Portland, Oregon) told us in no uncertain terms, ...; In the end, we decided we could not, in good faith, take on representation of your venture, due to a possible future conflict of interest with the work of Microsoft and SoftImage.'' and ... you revealed just enough of your technology for me to recognize a potential conflict. In particular, you noted that your technology involves generation of video effects base on an audio soundtrack.'' Although Mr. Cornwell of the above mentioned firm who wrote the letter misrepresented the technology we were developing, we live in a climate today where few legal counselors and attorneys are even willing to take on the legal behemoth that this corporation has become. When I cannot even interest the law in protecting our ideas for money, the issue of monopoly power may be at play. At the very least, the definition of Monopoly Abuse, as the law currently stands, may be in need of review. Standing as they are as the most infiltrated, unsecured and unreliable product line available for personal and business systems, (why doesn't the defense department run their servers and operating systems) they are hardly in a leadership role. We must remember that their position is not based on innovation but intimidation. Everything I have read about the trials shows that these things are true and proven. I do not understand why it takes our government longer to right wrongs than ever before. The Justice department seems more concerned about avoiding economic calamity. I suggest the downturn would not have been as severe for technology stocks had there been numerous operating system and internet browser alternatives.

Microsoft proposes a world in which I am increasingly uncomfortable, and our society becomes ever more enamored of Bill Gates skill at cheating the system and stealing his way to success. Few can prove it, but everyone seems to know it. We are proud that Bill Gates can cheat his way to the wealth level of a small nation unto himself. He has created nothing of value in my eyes, and I wonder why I remain unable to build my firm, and compete on an equal level. Why so many of my professional associates wish I could compete? because they understand and approve of my vision of technology. They are creative professionals, many of them. And they find our works supportive of their needs, and less trapping than the Fear, Uncertainty and Doubt that Microsoft has managed to engineer into every aspect of their product lines. Some of my customers remain upset that I am unable to set them up with a completely Microsoft Free system. If I cannot, and they cannot produce their works, I am out of business.

As regards remedy, I am certain that most will be pleased by the acts of philanthropy that Microsoft will do, but it will do nothing to motivate the amazing engineers and programmers I have met to complete their dreams free of fear of reprisal and coercion. I have felt this coercion many times in my travels and meeting with computing professionals, all of whom have sadly concluded that competing with Microsoft in any market is a foregone failure.

Please do not reward their behavior.

M. David Acosta
Founder and Chief Technical Officer
Silence
103 Summit Ave.
Elmwood Park, NJ 07407
201 703–2966

Feel free to contact us on any of these matters, We are less afraid of Microsoft than most.

MTC–00001720

From: John Fuhrmann
To: Microsoft ATR
Date: 11/20/01 9:31pm
Subject: Don't you get it?

Dear DOJ

Re Microsoft:

Even if you broke them up they wouldn't change. You know this. They are still engaged in the same slimey practices. It is part of their corporate culture now.

Heaven help us all.

Regards,
John Fuhrmann

MTC–00001721

From: Jeff Martens
To: Microsoft ATR
Date: 11/20/01 9:44pm
Subject: Why Cave?

What I don't understand is why DoJ would cave in to the country's most egregious monopolist, the company that single handedly has stifled all commercial operating system development and has done more to harm the US software industry than any other entity, just as they release a new operating system more heavily laden with anti-competitive features than any of its predecessors.

Jeff Martens jmartens@mathcs.hood.edu Assistant Professor and Director of the MS Program in CS Hood College 401 Rosemont Ave. Frederick, MD 21701 http://mathcs.hood.edu/~martens 301–696–3980

MTC–00001722

From: mentholiptus
To: Microsoft ATR,microsoftcomments @doj.ca.gov@inetgw,...
Date: 11/20/01 9:44pm
Subject: Microsoft got off easy....

I don't want to use windows. Ever.

The way things are looking, I'll have no choice in a matter of a few years.

They MUST be stopped. They have bigger plans, and it will be too late if we wait any longer.

A couple of examples (I don't have the time to go into detail): They are in the process of killing the mp3 format. They are trying to kill JAVA, buy replacing it with their C# (or .NET strategy), which is a stolen and jumbled JAVA.

These will be their next two targets. Just watch.

Anyway, know my friends and I are disgusted with microsoft's abuse of power, and lack of taste and compassion in an otherwise very fertile industry.

Jesse Volner
859 1st ST NW
Rochester, MN
55901

MTC–00001723

From: Abe Jellinek
To: Microsoft ATR
Date: 11/20/01 9:42pm
Subject: Please no...

Don't settle, please! This company is a convicted monopolist that has caused and is causing massive harm to the industry. Netscape wasn't the first and it isn't the last (Look at Spyglass Inc., Stak Co., etc.).

Take them to court and make them pay.

Abe J

MTC–00001724

From: Brian
To: Microsoft ATR
Date: 11/20/01 9:53pm
Subject: Not a punishment

I have been following this case loosly, but I keep current, and the overridding feeling I get from the case is this is just a big game to Microsoft. They are largely making a mockery of the US Justice Department and national anti-trust laws, and as some of my foreign friends have pointed out this would seem to be the exact case the anti-trust laws were designed for. They shouldn't be any more of a monopoly than a car manufacturer—why would you punish a monopolistic car manufacturer by having them distribute promotional materials to poor children? And with the built-in lifespan of the few years that Microsoft software has, those poor schools will forcibly become Microsoft customers.

Brian

MTC–00001725

From: Jonathan Walseth
To: Microsoft ATR
Date: 11/20/01 10:18pm
Subject: Micro$oft

Ok, at work we sit around on our hands NOT getting anything done.

Why, because we are not allowed to use any other software except that lousy Microsoft shit.

Clear..??

Jon Walseth

MTC–00001726

From: Kevin Schumacher
To: Microsoft ATR
Date: 11/20/01 10:18pm
Subject: I'm totally against the DOJ's proposed settlement...

To Whom It May Concern,

I'm totally against the DOJ's proposed settlement...and very surprised and disgusted with Mr. Ashcroft's decision to completely reverse the prior administrations' years of hard work by abandoning the case against Microsoft.

Joseph Klein did his job very well, has integrity and dedication which is absent in the current top job in the DOJ.

Judge Jackson was correct in finding Microsoft guilty of anti-competitive business practices, among other things. Even the Court of Appeals unanimously agreed with his findings of fact,—that Microsoft is a monopoly, and illegally maintains a monopoly.

Now the DOJ suddenly abandon's it's case? This, after winning???

John Ashcroft DOES NOT REPRESENT ME, nor do I believe he has the best interests of consumers (the world over, NOT just in the United States) in mind. He is either a foolish man, or a very na?ve one if he believes that any ''agreement'' with Microsoft can be effectively enforced. Has Mr. Ashcroft no familiarity with the prior ''agreement'' between Microsoft and the DOJ? It seems he is completely ignorant of Microsoft's history and business practices.

I support the States who must now assume the burden of performing the DOJ's job.

Mr. Ashcroft, do you have any idea what this world will be like in the future, after Microsoft controls everything in the computing world?

I hope you realize what you've done.

Respectfully,

Kevin Schumacher

(a voter)

MTC–00001727

From: James Botaitis
To: Microsoft ATR
Date: 11/20/01 10:03pm
Subject: comment

I understand that the DOJ is accepting comments from ''joe public'' on the Microsoft case.

I found it a bit disturbing, yet not surprising, when the years of court battles and so obvious contempt for the people and laws of the land by Microsoft, that the proposed settlement is nothing more than a slap on the wrist for the offender. I, my family, my friends, and my business contacts would like to observe ''justice'' served on Microsoft. While there is always some need to take pot shots at, and make fun of, a winner...it is obvious that Microsoft did wrong and tried to hide that fact.

Justice should hurt... and hurt more than ones wallet. Righting a wrong, and punishing previous behavior, should be a burden on Microsoft... not a line item in a spread sheet.

Regards,

James Botaitis Esq.

MTC–00001728

From: Ron Severdia
To: microsoftcomments@doj.ca.gov@inetgw
Date: 11/20/01 9:58pm
Subject: Microsoft settlement

To Whom It May Concern,

It's remarkable how powerful corporate America has become. So powerful that even our own federal government will bow to their every whim. I am, of course, referring to the latest proposed settlement between the DOJ and Microsoft. It1s nothing less than an embarrassment to the Department of Justice. Though the DOJ defends the settlement by stating it will eliminate Microsoft's illegal practices, prevent recurrence of the same or similar practices and restore the competitive threat, the legal wording has too many loopholes. In addition, it does not adequately punish Microsoft for damage it has already done to the tech sector.

I still have a little faith that this matter will be resolved appropriately, and the mafia tactics Microsoft has employed for many years will not go unpunished. This situation is slowly becoming a travesty of justice ... another black mark on the face of the judicial branch. The best solution is to make Microsoft make retribution in a fashion that they will not soon forget; be it a break up or severe penalty.

If this recent settlement passes, they will walk away from all this with a smirk on their faces ... and no incentive whatsoever to halt any future activity which unfairly and ILLEGALLY 3bulliesÒ competitors.

Ron Severdia

MTC–00001729

From: George Wagner
To: Microsoft ATR
Date: 11/20/01 10:34pm
Subject: Microsoft anti-trust case

I was quite disappointed when I heard that the prosecutors were going to let Microsoft off with a slap on the hand (again). It was so ineffective before, I am amazed that anyone would consider it this time. While I don't know how to deal with the monopolistic and predatory business practices that Microsoft continues to employ, but to let them off without sufficient safeguards is simply asking for more of the same. the current plan does NOT provide enough protection for the consumer, and does not level the playing field for competitors. This is something that I was brought up to believe was an integral part of our business model.

I was pleased to hear that your office also feels that the proposed remedy is insufficient. Please continue to pursue this until a fair settlement is reached.

Thank you,

George Wagner

MTC–00001730

From: Stanley Weilnau
To: Microsoft ATR
Date: 11/20/01 10:24pm
Subject: Microsoft anti-trust settlement

To US Dept of Justice:

I feel that the proposed agreement with Microsoft on the settling of the anti-trust case to be a total waste of taxpayers money. The judgment came down that Microsoft had performed some illegal acts and the agreement is a repudiation of that finding. The proposed settlement that was rejected before the judgment was stronger than the agreement that is now being discussed.

I do hope that the states continue their lawsuit and that Microsoft actually has to own up to it's uncompetitive practices that have reduced the competitiveness in the marketplace. Past practices of Microsoft are a guide to what the future of an unrestrained Microsoft will be. The entry of Microsoft into the video game console market shows how Microsoft is leveraging its monopoly position in the PC operating system market into another area to dominate.

This failure to hold Microsoft accountable for it's practices shows me that justice is simply a matter of how rich you are and how much you have donated to the current political party in office.

Stanley Weilnau

MTC–00001731

From: Dennis (038) Diana Wright
To: Microsoft ATR
Date: 11/20/01 10:33pm
Subject: Shame on you!

I am appalled at your bogus settlement of the Microsoft Antitrust Suit!. How dare you agree to such a lame punishment for all of the damage that has been done to the computer industry by Microsoft. It is clear that Microsoft's political contributions to the Republican Party and the present administration was not in vain. America will see this ultimately for what it is. This is simply another example of the well heeled political contributors buying out the Justice System. Shame on you for this Microsoft settlement! They have been found overwhelmingly guilty and they are going to be punished by having a few consultants lounge around the Microsoft campus while Microsoft continues their predatory practices. That will really curb their predatory practices. If I am ever found guilty of anything, I hope to have these government negotiator$ handle my negotiations for me.

The US DOJ is a true embarassment to the entire world.

Robert Wright

MTC–00001732

From: andrew arnold
To: Microsoft ATR
Date: 11/20/01 10:48pm
Subject: Microsoft Settlement Too Lenient

I am writing to voice my concern over the proposed settlement with Microsoft. I feel that as a consumer, I do not enjoy the amount of choice I should in the computer software industry. There is no credible alternative to many of the product categories that Microsoft dominates. It is clear that they have continuously ''strangled'' new technologies that they saw as a threat to their dominance (Web Browsers, Word Processors, Java, Media players, etc).

Please consider taking a stronger position against this company that was found GUILTY in court for being an anti-competitive monopolist.

Sincerely,

Andy Arnold

505 Oxford Pl

Louisville, KY 40207

a0arno01@athena.louisville.edu

MTC–00001733

From: Merkaba22 @aol.com@inetgw
To: Microsoft ATR
Date: 11/20/01 10:48pm
Subject: Please take care of this

Dear Madam or Sir:

Since you are still hearing on this case, this article says it better than I could:

OPINION: Microsoft on Truth Serum—the Antitrust Settlement Examined

Contributed by Tom Nadeau

osOpinion.com

November 20, 2001

The proposed Microsoft agreement looks good and feels good, but listen to how the definitions in the agreement would play out in real life, and then the agreement doesn't sound very good for competing software companies or consumers.

The recent antitrust settlement between the U.S. Department of Justice and software monopolist Microsoft (Nasdaq: MSFT) has enough loopholes to sew a circus tent.

The settlement actually grants Microsoft extra legal powers beyond what it had before the trial.

Don't think so? Well, here is a simulated conversation that may convince you. This is what I believe a Microsoft official would say to a neutral examiner asking questions about the settlement agreement, if the software giant were under the influence of a truth-enhancing substance.

Microsoft on truth serum. Listen in.

Set You Free

Examiner: ''Let us start with the definitions, shall we?''

Microsoft: ''Of course. Words mean things, whatever we want them to mean.''

Examiner: ''A. Application Programming Interfaces (APIs)''

Microsoft: ''APIs running on one operating system (.NET) and calling a different operating system (on your PC, remotely via the Web) are exempt from regulation.''

Examiner: ''B. Communications Protocol''

Microsoft: ''Since the settlement exempts code to remotely administer Windows2000 Server and its successors, all our communication software will be embedded with pieces of this code. We will not have any Communications Protocols that can be regulated according to this definition.''

Legal Loopholes

Examiner: ''D. Covered OEMs''

Microsoft: ''The 20 highest licensees? Does that mean licenses paid for, licenses delivered to customers, licenses committed to, or licenses actually registered by the end user?''

Examiner: ''H. IHV (Independent Hardware Vendor)''

Microsoft: ''The settlement says they're only 'independent' if they depend on us for Windows. Unless we already 'own' them, we don't have to give them anything.''

Examiner: ''I. ISV (Independent Software Vendor)''

Microsoft: ''The settlement says they're only an 'independent' if they depend on us. But if they only sell software for non-Microsoft operating systems, we don't have to give them anything. They will never be able to make their non-Windows products interact with our Windows-only products.''

Hidden Message

Examiner: ''J. Microsoft Middleware''

Microsoft: ''The settlement says it's only Middleware if it has a X.x version number. But we don't use version numbers any more. We use year numbers. So our Middleware is not regulated by this settlement.''

Examiner: ''K. Microsoft Middleware Product'

Microsoft: ''The settlement calls it a 'middleware product' if it is embedded in the operating system.... But it's just 'middleware' if it is distributed separately. If it is distributed by a shell company controlled by Microsoft through stock ownership, then it's not 'middleware' because it is not distributed by Microsoft or a wholly owned subsidiary.''

A.P.I. Arrogance

Examiner: ''L. Microsoft Platform Software''

Microsoft: ''We'll ship the APIs as a standalone product through a third-party company, or sitting on a Web server somewhere. But we don't have to divulge any details of the APIs because they won't have a version number. So they're not 'middleware'—and therefore are not covered by 'middleware' clauses. Since they are not part of Windows, they are also not a 'middleware product.' ''

Examiner: ''M. Non-Microsoft Middleware''

Microsoft: ''Sure, like we wouldn't give away free copies of comparable 'Microsoft middleware' to put them out of business. Except that it's not 'Microsoft middleware' if it has no version number, so it would not be regulated by this settlement.''

Examiner: ''P. Operating System''

Microsoft: ''If we ship the APIs separately—on the Web—then it says that Windows is not even an operating system! It's totally unregulated!''

More Monopoly

Examiner: ''Q. Personal Computer''

Microsoft: ''Right, only PCs are covered. They let us extend our monopoly into game boxes, TV, servers, handhelds, phones, PDAs, whatever.''

Examiner: ''R. Timely Manner''

Microsoft: ''We have to deliver product info as soon as we ship to 150,000 beta testers per version. However, we no longer beta test with more than 148,000 testers per version.''

Examiner: ''U. Windows Operating System Product''

Microsoft: ''Ha! Doesn't even cover DOS-based stuff. We can keep spreading that stuff around any way we want. Oh, and that last sentence... We can put anything we want to in Windows—any code owned by anybody! Yes, Just give me that last sentence!''

Best For Last?

About that last sentence.

The slickest part of all is to put the definitions at the end of the document, where they legally overrule all that comes before, and to place the loosest definition of all at the very end of the document, slyly positioned to trump any preceding malarkey.

That last sentence ostensibly was inserted to protect Microsoft from having to ship code that it did not choose—so that Microsoft would not have to ship a rival company's code, such as Java or Netscape, for example. But Microsoft can choose to claim that a competitor's product *is* a Windows Operating System Product, because the last sentence says that the court grants Microsoft the ''sole discretion'' over ''the software code''—not just ''the Microsoft software code''—that Microsoft chooses.

Above the Law

While other companies may have their claim to software ownership reviewed by the courts, this ''settlement'' exempts Microsoft from such review— immunizing Microsoft from copyright lawsuits.

This is a license to hoist the Jolly Roger and sail the seven seas, pirating any rival code that Microsoft chooses.

Peace,
Geoffrey McCabe
36 East 7th Street
NYC 10003

MTC–00001734

From: George H. Norsworthy
To: Microsoft ATR
Date: 11/20/01 10:46pm
Subject: Microsoft Settlement

I urge our elected officials to act responsibly on the matter of monopolistic practices. It's a matter of law, not expedience.

George Norsworthy

MTC–00001735

From: Chad Hartley
To: Microsoft ATR
Date: 11/20/01 10:43pm
Subject: Microsoft

I find it hard to believe that the current settlement benefits American Citizens. After all, Microsoft now has an opportunity to continue with their practices of restricting competitive software and they now can market their own software in school systems across America. The school systems in which they would be giving computers/software to, would have to eventually upgrade their operating system. Is this the spirit of competition?????? No! Please be bold and strong in your stance against Microsoft. I must say that I do use widow applications, however, I also use Apple, Unix, and Lenox. I find it hard to believe that this settlement has accomplished anything, except what Microsoft wanted!!!!!

Sincerely,
Chad

MTC–00001736

From: tom
To: Microsoft ATR
Date: 11/20/01 11:22pm
Subject: comments on microsoft settlement

I feel that the proposed microsoft settlement is woefully inadequate and will do nothing to take the teeth out of microsoft's monopoly. If approved as it stands, it will be a complete failure on the part of the united states to address the problem of Microsoft's monopoly.

Tom Bryce
1375 26th ave
San Francisco, CA 94122

MTC–00001737

From: Alvin L Nazario
To: Microsoft ATR
Date: 11/20/01 11:18pm
Subject: Microsoft Settlement

Hello,

I'm writing this letter to voice my concern about the possible settlement of the Microsoft Monopoly trial.

If what was publish in The Wall Street Journal is true 3Under the deal, Microsoft would provide software valued at approximately US$900 million to schools where at least 70 percent of the students qualify for the federal free or reduced lunch programs, the representative for the law firm confirmed. Microsoft would also have to supply some 200,000 reconditioned PCs and

laptops, the representative added. In addition, the software maker would be responsible for providing $90 million in teacher training and $38 million in technical support. An independent foundation would also be set up to ensure that objectives of the deal were met, with Microsoft shelling out another $250 million to set up the foundation, as well as seeking $200 million in matching funds.

Additionally, Microsoft would contribute another $160 million to help support a program that teaches students how to repair and service computers and networks.'' then please explain to a simpleton such as myself, how is this going to hurt or eliminate Microsoft's monopoly? Equipping schools with PC's running Windows would only further their dominance in the computer industry, as these schools will become dependent on Microsoft's future upgrades and not to mention hurt sales of other operating systems such as Macs, Linux, BEos etc.

This settlement would only benefit Microsoft by standardizing their operating system for the future generation of America. I hope that fairness will prevail, and all parties hurt by this monopolization will gain to benefit rather then depend on M$.

Thank You,

Alvin

MTC–00001738

From: D. Dietzel
To: Microsoft ATR
Date: 11/20/01 11:09pm
Subject: Microsoft Settlement
CC: dd
FROM:
Dennis Dietzel
301–G Marshall Street
Jefferson City, Missouri 65101
11/21/2001

Dear U.S. Department of Justice, Attorney General John Ashcroft:

Having read the latest relevant and recommended documents on your website regarding the currently proposed settlement of the monopoly/anti-trust case with Microsoft, I wish to give you my comments, and urge you to reconsider and rewrite this 'settlement', as it does very little, if anything, in offering any meaningful, significant remedy or relief to the average home computer user/Citizen, who has been harmed by Microsoft's prior and continuing illegal, restrictive and extremely invasive behavior/business practices.

I am 49 years old, a disabled American citizen living solely on Social Security Disability, and I have been not only a computer user, but a computer builder, system administrator and computer service person for many years. I have used many of Microsoft's (and other companies') software products for many years, and have followed this court case involving Microsoft with keen interest.

It is my firm belief, and the belief of many Citizens with whom I am acquainted and have spoken with concerning this case and proposed settlement, that Microsoft has in the past, can and will continue to control, inhibit and restrict not only other companies' products (competitive or not) purchased by the end user from working and interacting well with the Windows OS, but will also reduce the average Citizens' and users' control over and use of their operating systems (Windows XP) and unwanted and competing Microsoft programs 'added into' the Windows OS by Microsoft, (as Microsoft has demonstrated time and again, most conclusively and consistently over many years, and was in fact convicted of).

In examining the Proposed Settlement and Impact Statement, I can find no effective or realistic proposed remedy for or benefiting any of our Citizens and legal computer end users of Microsoft software in the United States of America from the past or the present continued illegal misconduct and monopolistic, invasive and restrictive misbehavior by Microsoft Corporation, unless said Citizen(s) would be fortunate enough to have access to an unlimited amount of funding which would be required to obtain effective legal representation at a powerful and persistent enough level to bring any such violations to the attention of the Court and sustain such action, much less in order to obtain any meaningful Judicial relief. If you, our United States Department of Justice and our Federal Court system cannot obtain effective relief for the public now, at this time, in this settlement as a result of Microsoft's conviction, it is extremely unlikely you will be able to do so at 'some future date', as is commonly stated by most lawyers in their conversations when discussing 'remedies' for violations of court orders or illegal or improper behavior by any person or entity convicted of a crime..

As far as any evidence I can offer for my views and comments, I can factually state that by my own exhaustive efforts, Microsoft Internet Explorer still cannot be effectively removed by the average end user (which was one of the main issues in this case when it was brought), either in past or in the newest and present Windows XP OS released last month (October, 2001). Most if not all home end-user/Citizen control or adjustment of program control involving home user interaction with Internet Explorer and windows XP itself is either eliminated or severely restricted, and most other computer software programs sold for use with any previous Windows OS prior to the date of release of 'XP' is made instantly incompatible with the upgrade installation of XP, and will in fact not function. If I want to upgrade my current version of Windows 98SE to Windows XP as of this writing, 9 out of 10 of my own quite beautifully functioning, very expensive and non-Microsoft software programs will absolutely not work with Windows XP, and I will be forced as a result of this to buy entirely new or alternate versions of the various programs I mention, in order to continue using them with this 'new and improved' version of Windows. As an analogy, why should I have to overhaul the engine of my car, put in a new car stereo, seats and interior, and pay for a new paint job on the exterior, just because I want to purchase a better set of better tires and wheels for the car, i.e., as the new Windows XP OS upgrade represents to me and my use of my personal home computer?

To use an upgrade to Microsoft's 'XP' past 30 days following my legal purchase and installation of this software on my computer, myself or any other legal home computer user must either have an active Internet connection or physically make a telephone call to Microsoft, in order to 'activate' Windows XP by transmitting or quoting a very long sequence of numbers, and then in turn enter into my computer another extremely long sequence of numbers EXACTLY as quoted to me by a Microsoft representative, in order to receive 'activation permission' to continue to use the software upgrade on my computer; if I do not do so, my computer is made instantly INOPERATIVE, and I must reformat my hard drive, losing all of my programs, data and hard work, since the computer will not boot! Microsoft's new advertising slogan may be, 'Yes, you can', but rest assured that most home users do not and cannot find it amusing to stay on hold on their telephones with a company for 30 minutes, in order to receive permission from a Microsoft company representative to continue using a product they have obtained and paid for legally, that they have taken great pains to install and upgrade on their personal property, i.e., our home PC's.

At this writing, Microsoft has acknowledged that the public uproar and reaction to their newly-adopted 'activation' requirement', has resulted in an illegally written 'pirate' software program that is currently in world-wide distribution as a no cost download, and is readily available to anyone in order to overcome Microsoft's Orwellian invasion of a legal computer user's right to privacy. This illegal software, which if downloaded and used by any legal computer user in order to continue their use of their already-paid-for and installed product upgrade on their home computer, would of course, make said prior legal users new criminals.

Microsoft by their own admission, has clearly stated since the release of XP and the illegal software 'fix', that they had anticipated such an event, so the question is raised, if Microsoft has publicly announced that it anticipated that it's own behavior would inspire otherwise law-abiding computer users to become criminals, in order to continue to use their already legally acquired and paid for software upgrades on their home computers, then why does Microsoft engage in such invasive and restrictive actions in the first place? As the proposed settlement or impact statement does not address this specific matter in any manner that I can recognize, I must state for the record that NO other American software requires this type of outrageous, restrictive and invasive seeking of it's 'permission' in order for it's software product to continue to be used legally by the average home user/Citizen, who has already paid their license/software charge and installed the XP OS software on their home computers. As long as the home user/Citizen pays for their own licensed use of the Windows software/operating system (obtaining by legal purchase of course), it is NONE of Microsoft's business what brand name computer the Citizen uses, how many or what kind of hardware components a Citizen chooses to uses/alter/change, nor what component changes the

home user may decide to make in the future to his/her privately owned personal computer and it's components in order to legally install, re-install or to continue to use the Windows XP upgrade or any other Microsoft Operating System on their home computer. It is the same principle, in that it is no more the business of my local Wal-Mart grocer how many dozen eggs I am going to buy from their store, how I will arrange the eggs in my kitchen, how I am going to cook my meals with any of the food I purchase from them, what kind of frying pan, bowl, spatula, microwave oven or stovetop range or oven I cook my food with, as long as I am not going to break the law doing it! (Please note my previous analogy to the automobile tires).

This is another continuing example of the extremely restrictive and invasive behavior being currently forced at this very moment in our history, upon the average home user/Citizen by Microsoft, as it is already illegal to make copies of Windows, or to install the software on more than one personal computer at a time. I believe that not only I, but the vast majority of my fellow citizens and home computer users in this country respect and obey this law, and that I/we do NOT infringe on Microsoft's rights in any way, shape or form!! It is not credible to any reasonable and law-abiding person that Microsoft would honestly respond to any such request from anyone made to Mr. Gates or his company, Microsoft, for their personal information, or that anyone would inform him that he cannot make changes to his own or his companies' computers' components without contacting all of his registered customers first. (I don't think it would be reasonable that I or any other Citizen or home computer user who buys or uses Windows XP would make such an invasive personal request of Mr. Gates or Microsoft, nor would I be realistically interested in said personal information, before deciding whether to buy the Windows XP upgrade from Microsoft., much less before installing and continuing to use it, but this IS my point).

If I or any other legitimate computer user keeps my/his/her legitimate sales receipt and CDKEY registration number provided with the Windows XP OS software upgrade purchase as proof of ownership/license, as has always been the acceptable practice in the past by Microsoft when a Citizen pays for it's software/OS upgrades, why must I/we be forced to comply with such an invasion of my personal computing privacy, by and from a company who in fact has been convicted of monopolistic wrongdoing and lawbreaking, whose only intent is to poke it's corporate nose inside of not only the inside of my computer (my personal PRIVATE property), but more specifically, where my computer is located in my home; in my bedroom??!? I repeat; as long as I or any other legal user is not engaging in illegal behavior, such as making illegal copies of Microsoft's programs or re-selling them, altering their code or installing more than one copy of the XP OS upgrade software, it is MY business what I do with the inside components of my computer, and certainly not Microsoft's!!!

Continuing further, on each bootup of the new Windows XP OS upgrade, and at various other intervals determined by Microsoft, the end user/Citizen is currently bombarded with constant harassment from Microsoft to entice him/her to enter intimate personal information (including financial information) in order to use it's 'Passport' system, which Microsoft tries to pass off as a computer users'/Citizens' 'convenience', but is actually subjecting me or any other home user to more extremely invasive and harassing behavior, on Microsoft's behalf, to say the least. IT IS NONE of Microsoft's or anyone else's BUSINESS what my personal information is! I don't want to pay for continued, forced sales pitches or Microsoft's corporate propaganda every time I boot my computer's operating system or open a 'window'. I want a functional operating system upgrade for my computer with NO post-installation nonsense from Microsoft. As far as I can determine, there is no clear way to stop this automatic harassment which is now sold and incorporated inside of the XP OS upgrade, short of un-installing Windows XP, which endangers my previous version of the operating system, and my personal data! Microsoft's only concession on this point is to say that their harassing invasiveness will eventually 'go away by itself'.

I note that there is some evidence offered in the Impact Statement concerning the automatic way the Windows XP OS upgrade currently forces unwanted and unapproved changes of configuration or operating system environment conditions, such as, that in the future, the user/Citizen must be given notice and the chance to approve or refuse such automatic, unwanted or unsolicited changes by Windows XP. I applaud this part of the Statement, but it does not address any of the concerns I have raised in my comments above, nor does the Statement address the fact that in buying, installing and using Windows XP, Microsoft forces a user/Citizen to obtain a 'virtual' program from Microsoft in order to run programs containing 'Java', their own 'virtual Java download'. Part of the original complaint in this lawsuit dealt with Microsoft's illegal behavior toward the Java writers (the company who owns the Java code) and subsequent users of programs utilizing Java code. If a home user/Citizen does NOT comply with Microsoft's edicts by downloading Microsoft's 'virtual Java download', the home user's currently installed and used programs utilizing Java will no longer work with the XP upgrade. If the average home user/Citizen who legally purchases the Windows XP OS does not possess an internet connection to download all of these 'fixes' or other such relief which may be provided by Microsoft such as 'virtual Java', or other remedies that may be imposed by the Court, there is effectively no relief or remedy provided to the American public at large in this matter, as Microsoft has never before and most likely will never in the future voluntarily issue free disks (CD's or otherwise) to impacted legal users, consumers and Citizens, without first demanding some type of mandatory charge or fee from those users concerned, to correct/remedy this behavior.

As far as the '3 person, Court appointed committee of computer experts' that will supposedly have total access to all of Microsoft's inner workings, computer code, documents, etc., to ensure that Microsoft will not further engage in any illegal and bad behavior, could you kindly please reassure and inform me (and all of the other American home computer users who pay for, legally own and use Microsoft software), whom these 'experts' might be, what makes them computer experts, and how any average, reasonable Citizen can be expected to believe that only '3 computer experts' can possibly be constantly examining all of the inner workings of the Microsoft Corporation, all of it's programming activities and business divisions in any meaningful way, so that Microsoft WILL be forced to comply with the Court's Order? Only 3 people/experts?!? How many attorneys contributed to bringing this case before the Court, and to it's current status of Proposed Settlement? I don't think that 3 lawyers much less 3 'computer experts', could or would have taken the particulars of this case on for trial, much less to ensure compliance with a settlement, although it might currently take 3 lawyers just to explain the current proposed settlement and Impact Statement to the average end user/Citizen, so that they could fully understand the terms and future implications of said settlement in order to intelligently offer their concerns and comments to the Court!

I strongly believe that there should be NO EXPIRATION DATE of any final order regarding this proposed settlement, just as there is no expiration date mandated by law or court order, for notifications and recalls to the American public regarding dangerous or defective consumer products. As I mention at the beginning of my comments, I have used Microsoft software products for many years, and have NEVER seen a product recall involving the failures of their software (or of any Court order forcing them to comply with any court order or law dealing with flawed products).. If the automobile industry were allowed to make cars that were as restrictive to use, and as defective in use, as Microsoft Windows operating systems and upgrades have proven to be time and again over the years, the auto industry would have gone out of business many, many years ago.

In closing, I again respectively but most strongly request and urge the U.S. Department of Justice and the Court to rethink and rewrite the 'proposed settlement' of this case, and to instead offer a settlement that will actually benefit the public; the average home user/Citizen, including the stated alternative considerations listed, such as mandating Microsoft to issue a stand-alone version of it's operation systems completely devoid of it's own 'Middleware' products, without the OS's automated changes and restrictive, invasive 30-day 'activation' ploy/scheme, at a reduced price. Allowing Microsoft to give $1,000,000,000.00 worth of 'free' software to the American public schools is a very nice gesture, and I'm sure our schools will be very happy with this philanthropic gesture by Microsoft and Mr. Gates, as the news media is reporting today.

However, this gesture doesn't protect nor does it offer any relief the average home user/Citizen to any degree, nor does it mandate any form of punishment to Microsoft for

breaking the law in the past or in the future, except to 'extend' the period of time for court-ordered supervision of Microsoft by the '3 computer experts'. Such action does NOT constitute remedy, protection or punishment that is readily observable to the average, reasonable American.. Personally, I don't want to have to go back to high school to use Microsoft's gift of free software to the American school system, in order to benefit from this 'proposed settlement' as it stands. Surely Mr. Gates can do something more meaningful for the public to show Microsoft is attempting to mend their ways and to redeem their illegal behavior, than to give away software to only our public schools, something which Mr. Gates' private 'Gates Foundation' does already. I think that a more meaningful and appropriate condition of settlement would be for Microsoft to be required to offer at no cost, a new and current Windows operating system upgrade (without restrictive and invasive actions required by the end user) to legal computer user/Citizens, who have purchased and installed any Windows operating system during the period of time that this legal action has transpired, until final settlement of this case. To the American public, it might be worth $1,000,000,000.00 for Microsoft to be mandated in this settlement to undertake such an action, as said condition would truly address the wrongs committed by Microsoft upon the public in a far more genuine and realistic manner than by Microsoft's 'giving' the same/equivalent amount of unspecified 'free software' to the American public school system. Admittedly, our public schools are a deserving but extremely select, publicly supported organization/institution benefiting America's children, but said current offer would not immediately or in any way benefit the majority of the adult segment of the American Citizens whom have been wronged by Microsoft's illegal behavior.

Thank you for your kind and generous time and attention in reading my comments, and I pray that they will be brought to the Court's attention, on behalf of all of the end users and average Citizens in America, so that 'We, the People' (besides the children in our public school system) will have relief from Microsoft's unlawful behavior. (Just how did the original lawsuit allege that the school system was harmed by Microsoft's illegal behavior, anyway? I could not find any allusion to this fact in any of the relevant court documents in this case).

Very Truly Yours,
Dennis Dietzel
301–G Marshall Street
Jefferson City, Missouri 65101
ljklove@home.com
CC: The Honorable Ike Skelton, Member of Congress (MO)

MTC–00001739

From: Mick Conners
To: Microsoft ATR
Date: 11/20/01 11:51pm
Subject: An outrage

Folks,

I truly cannot believe that this settlement is even considered. Why? I can't list everything here, but consider this. If I buy a Windows based system, I am truly stuck. I choose another OS to run on that machine, I have no other software to choose from to become compatible with the windows world. Novell and Apple are both in the same dilemma they are trying to fight an up hill battle with a 800 lb. gorilla as some would say. However, to be fair both products MUST remain compatible with you know who, Microsoft. Without this compatibility these companies cannot compete. Why should they cater to someone that already OWNS the PC market.

Finally, the use of a gorilla in the above analogy is wrong. A gorilla is a social, caring and docile animal. Microsoft is not.

So please think about your decision. We want Microsoft to be competitive not force others out of business. Many a good company has failed. They tried to compete, however, because Microsoft will either take over or use their leverage to create an anti-competitive market. Read from a few years ago in Business Week a Day in the shoes of Bill Gates then make your final judgement.

Thanks much,
Mick
Mick Conners
136 W. Goodland St.
Sun Prairie, WI 53590
608–825–9919
email: mconners@mac.com

MTC–00001740

From: JLam19073@cs.com@inetgw
To: Microsoft ATR
Date: 11/20/01 11:44pm
Subject: microsoft

i deplore your suit against microsoft while allowing major oil companies to unit. where will it stop? with one or two major companies who will tell us and you, of coarse what to pay and how to pay it. of coarse i know they are already telling the government what and when to do something.

what i am really saying is that you are all a bunch of stupid jerks!!!!!!!!

MTC–00001741

From: John F. Koen
To: Microsoft ATR
Date: 11/20/01 11:30pm
Subject: proposed settlement

Hi, I wanted to comment on the settlement Microsoft proposed today (or yesterday). I am against this latest proposed settlement. I think that having the only penalty be Microsoft's providing computers and software will only go further toward reinforcing Microsoft's monopoly position, clearly against the intent of the law and the finding of guilt. Microsoft (as have other computer/software companies) has previously donated equipment and software to schools. This can serve several purposes such as good public relations, favorable media coverage (Microsoft has done it during previous trials, apparently to help sway the 'court of public opinion') and increasing 'market share.' Allowing this 'settlement' only reinforces the problem.

John Koen
1204 Cypress Street, #2-F
Philadelphia, PA 19107
johnfkoen@mac.com
tel: 215–875–8555
cell: 215–275–1842
http://www.johnfkoen.com

MTC–00001742

From: Mike Chambers
To: Microsoft ATR
Date: 11/20/01 11:54pm
Subject: RedHat wants to help Microsoft

Thought someone might be interested in this article by RedHat to help them settle.

http://www.redhat.com/about/presscenter/2001/press_usschools.html
Mike Chambers
Mt. Prospect, IL
Netlyncs

MTC–00001743

From: Ronald Gallimore
To: Microsoft ATR
Date: 11/20/01 11:52pm
Subject: Microsoft settlement is unwise & unjust

What has been proposed by the DOJ is inadequate given the serious misdeeds of Microsoft. The settlement will deter Microsoft from continuing the practices that have been so harmful to many consumers and companies. I read the trial judge's findings carefully, and it is unbelieveable that the US government would be so dismissive of the implications.

I urge you to reverse course and propose remedies that might actually have some effect.

Ronald Gallimore
302 15th St., Santa Monica, CA 90402
(telephone: 310–395–1375)

MTC–00001744

From: Paul (038) Cindi Armstrong
To: Microsoft ATR
Date: 11/20/01 11:52pm
Subject: Microsoft Settlement

To whom it may concern, I would like to express my disappointment regarding the settlement with Microsoft. It appears that Microsoft will be left in tact with billions of dollars in profits from its ''monopolistic'' practices while only being punished for a mere billion. Further, they continue to maintain a monopolistic market share on computer operating systems and key software programs. The capacity for Microsoft to outmanuever competitors through legal and fiscal brute remains. The fear of Microsoft has not been diminished.

There has been no real service to society in the punishments awarded. A billion dollars for schools is token money. Further, their products are often mediocre at best and prone to crash costing me and my business hundreds of dollars each month in lost time. If they had better products, I might be more enthused by this settlement. Instead, I'm feeling locked in without real consumer choices of alternate programs. I strongly oppose this settlement.

Paul Armstrong
Fond du Lac WI

MTC–00001745

From: G Ramos
To: Microsoft ATR
Date: 11/20/01 11:59pm
Subject: MS

Microsoft is getting off easy; they have put out-of-business or out of competition one too many companies.

Their manipulative and predatory way of doing business needs to be severely limited to prevent further abuse. Fines are also warranted.

G. Ramos

MTC–00001746

From: LedJermz@aol.com@inetgw
To: Microsoft ATR
Date: 11/20/01 11:56pm
Subject: No Subject

If they spread into all areas of education, you set a long term snowball rolling of a much bigger monopoly. Microsoft would become inbread into an entire generation. most compitition would be dead before conception. thank you for your time.

Jeremie Lederman

MTC–00001747

From: Mike(a)Blumenthals.com
To: Microsoft ATR
Date: 11/20/20 2:53pm
Subject: Microsoft settlement

Your proposed settlement does nothing to address the real issues raised by the monopoly of Microsoft.

Mike Blumenthal

MTC–00001748

From: jrosenbe
To: Microsoft ATR
Date: 11/20/20 7:46am
Subject: You should know that in it's infinite wisdom, you cannot get tho feed from MSNBC on anything other than a Windows computer now. This started a few days ago.

Just a little nibble by Microsoft. Another choice gone. I consider them the most dangerous company/organization in the world.

They provide mediocre to poor software that you are forced to use by sheer weight of their numbers while innovative companies with better ideas or processes are either crushed by their power or bought up.

They should have been broken up.

Joe Rosenberg

MTC–00001749

From: 2bulldogs
To: Microsoft ATR
Date: 11/21/01 12:10am
Subject: Microsoft Wins Again...

Who is Microsoft fooling when they promise to give 1 Billion in cash and software to the poorest schools in the nation? Don't our children deserve the best? By the time the software gets to our schools it will almost certainly be outdated. Why not just give the American education system 1 Billiion dollars in cash. That way the neediest schools can choose their own operating system. Maybe an operating system that is more stable than the Windows platform. Remember our children deserve the best.

Sincerely,

Mr. RJ Carswell

MTC–00001750

From: Sharshazz@aol.com@inetgw
To: Microsoft ATR
Date: 11/21/01 12:09am
Subject: Good To End This Case

To Whom It May Concern:

I am just an ordinary citizen with little knowledge of the legal system, but have understood, from the beginning, that the Microsoft Antitrust Case is more a case of government interference than a case of/for ''justice.'' Reminds me of the lyrics; ''...because I have friends in high places...'', wherein the competitors of Microsoft ask the DOJ to fight their case for them vs. duking it out in the marketplace.

Now, I sincerely pray that the states Attorneys General (those refusing to agree to the settlement reached by the DOJ and nine other states Attorneys General) will stop the bullying, tighten their belts and STOP. The entire fiasco has harmed the consumer, the stockholders...and the United States economy! As the foregoing makes clear, I, and thousands of Americans, are extremely pleased with the settlement reached. As a next reform, I would suggest that legislative and judicial bodies stop harassing the tobacco industry and the millions of Americans who choose to smoke. What kind of justice is it to pass the costs of the settlements to consumers, making multimillionaires of the attorneys prosecuting these cases? It is downright frightening what legal, legislative and other administrative bodies are doing TO American citizens in the name of ''protection.''

Sincerely,

Sharon Dunton

MTC–00001751

From: Bruce Rogovin
To: Microsoft ATR
Date: 11/21/01 12:09am
Subject: Microsoft

Dear Sir:

I remember as a child reading about the Standard Oil Trust and how the monopoly was terrible for competition and the country. As a result, Standard Oil was broken up, so that the American way of fair competition could prevail.

Whether or not there is a direct corellation with the Microsoft case, it is obvious that Microsoft has become a totally corupt and completely out of control monopoly. I read with utter disbelief the judge's Statement of Facts on the case. It was hard to believe that one company could do so many illegal activities and still be free to do more. The US government on previous occasions has simply slapped Microsoft on the wrist and allowed it to continue almost completely unchanged. Now the justice department is about to dot he very same thing. It is as if the justice department has not read the statement of facts. I would beg anyone involved witht the case to watch Bill Gates taped testimony. I have never seen anything as sleazy. This was the president of the world's largest corporation, lying and covering up under oath. I implore you to do something to stop Microsoft from it's illegal and immoral attempts to dominate every corner of every market they deem important. Please do something to break the monopoly.

Sincerely,

Dr. Bruce Rogovin
7555 Fernwood Dr.
Cincinnati, Ohio 45237
513–731–9669

MTC–00001752

From: Carl Blackman
To: Microsoft ATR
Date: 11/21/01 12:03am
Subject: comment on the draft agreement between the doj and ms

I am strongly opposed to the current draft agreement between the dept of justice and microsoft. Microsoft has already shown its contempt with and continued illegal activities following the last agreement they entered regarding their anti-competitive practices. The only ruling that will bring an end to these practices is to breakup the company into at least two parts, perhaps more. Innovation is the fundamental asset the US IT community has; the currently proposed settlement will do much to limit new innovation.

I urge you to reconsider your draft agreement and return to the only suggestion that will be beneficial to computer users, both individuals and corporations.

Carl Blackman
3413 Horton St
Raleigh, NC
27607–3414

MTC–00001753

From: michael branton
To: Microsoft ATR
Date: 11/21/01 12:13am
Subject: Microsoft

I urge you to vigorously pursue much stronger penalties against Microsoft than are in the current proposal by the DOJ. This company has been shown to be a monopolist and its actions are not in the public interest, nore is the proposed settelment in the public interest. Further, Microsoft has continuously flaunted is violation of US law in its monopolistic practices, and is thus very unlikely to change its behavior without severe penalties being imposed.

Dr. Michael Branton
1910 Deerfoot Run
Deland FL 32720

MTC–00001754

From: cvers
To: Microsoft ATR
Date: 11/21/01 12:11am
Subject: Pentities To Encourage a Competitive Market

There must be real penities with the Microsoft settlement. Penities which improve the competitive software market. Microsoft should be fined a significant amount of money (say 2 billion dollards) which should be specifically allocated to Netscape and other vendors to develop a competitive browsers with all browser standards cross platform. Microsoft should be barred from adding to their browser any special capability that is windows only. If they want to add some special capability, source code should be available to competitors (six months in advance) for other OS's migration. Any significant efforts must be made to maintain the World Wide Wed OS neutral design. As for their major leverage with Windows, the settlement should delute thier competitive advance to leverage Windows only applications with their Windows Operating system.

Microsoft should be requiried to make their applications available on both Linix, Solaris,

HP and IBM Unix for the next five years as they are doing with Apple Computer. This must include all significant Business applications including Office, Microsoft Project, and Visio. Note: for Apple at present, they have this agreement only for Office. Corporations cannot consider switching to another OS until the other Business applications are also available. This should also include any other future significant Business applications. Also, when Micrososft releases updates, all pending competing product vendors (or translator vendors) should have a release at lease six months in advance of all information necessary for the development translator This should be the law for all software vendors anyway. These suggestion I think will make the software market more competitive.

Michael Barto
IT Project Manager (Over 25 years)
Cell Phone: 714–883–1949

MTC–00001755

From: kapilnath
To: Microsoft ATR
Date: 11/21/01 12:17am
Subject: comment....

To Whom it may concern,

I think this ''solution'' is ridiculous. It serves to extend the Microsoft monopoly into areas where hitherto they have had no market at all. I think a better solution would be to have Microsoft spend $1billion towards computer hardware, thus giving computer access to the less priviledged. (This is good) The software should be a form of Linux. I believe that Red Hat...a well established software company has extended their software free of charge. Future updates of their operating and system software can be downloaded for free or purchased for a few dollars.

If Microsoft is allowed this solution... in a few years it will be time to update the software. Microsoft just gained a new user base and who is going to pay for it then?

This is no solution for a monopoly.

Kapilnath

MTC–00001756

From: Joe Paul
To: Microsoft ATR
Date: 11/21/01 12:36am
Subject: Microsoft Settlement

Not tough enough! Not only that, the settlement puts more of their products in the hands of young impressionable kids. You should have demanded they provide Lotus and Corel software instead.

MTC–00001757

From: Michael De Jong
To: Microsoft ATR
Date: 11/21/01 12:31am
Subject: letting Microsoft off

I feel Microsoft is not being dealt with harsh enough. they should allow companies such as Apple, Netscape and Real display their application shortcuts on windows desktops and make sure they work flawlessly. The same should also been done with Apple Macintosh Desktops. The government should look into using more Macs, as they will provide a safer and more cost effective solution to government needs. Letting Microsoft donate Window's machines to low budget schools as a form a punishment is plain stupidity. The children will be exposed to a MS world and nothing else. Deal with Microsoft with harsher punishment, the US economy will benefit in keeping other competitors alive vs supporting a Microsoft world.

Michael De Jong
Calgary, AB

MTC–00001758

From: Tadd Torborg
To: Microsoft ATR
Date: 11/21/01 12:24am
Subject: Re: MacInTouch: Mac news, information and analysis

I am disappointed with the press reports that the heavy handed leveraging of Microsoft's monopoly in Operating Systems (and Office applications) has been used against IBM and others successfully and now will not be punished. MS should be limited such that it's sales never exceed 50% of the total sales in any marketplace. This would mean that no more than 50% of all installed OSs was made by Microsoft. No more than 50% of all installed Word Processors could be made by Microsoft. If Microsoft ever does go beyond 50% they should be punished in a trivial and obvious way, say by having it's entire U.S. operation closed for a month for each infraction following the determination of any infraction. If Microsoft truly does innovate and provide better products, they should do rather well with just under 50% of each market they venture into. If they do not, an under 50% market share will spoil all of it's illegal practices and Microsoft will ether learn or go away.

MTC–00001759

From: Richard Levine
To: Microsoft ATR
Date: 11/21/01 12:44am
Subject: Microsoft Settlement

Microsoft has made a generous settlement proposal.It will benefit those who need it the most.States that have been depending on the settlement will get the benefit of better education,and California that ranks 48th in Academics would do well to settle.It is truly a pity that Gray Davis will be leaving the govenorship in such a sorry state,but penalizing industry for revenue would be his most egregious act of his career.

Richard Levine

MTC–00001760

From: Jordan
To: Microsoft ATR
Date: 11/21/01 1:06am
Subject: RE: Mircosoft monopoly

Hi,

I would like to voice my position on the Microsoft anti-trust case. It is suggested that Microsoft has become the biggest software company not by offering a good product, but by criminal acts. This is a serious matter for all computer users and business around the world. To be offered one product by one company, we might have just been taken over by the Nazis. Lets free the computer industry of such a controlling and manipulating company. —

Jordan Koutroumanidis
Art Director
MOF Advertising

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MTC–00001761

From: JMc
To: Microsoft ATR
Date: 11/21/01 1:03am
Subject: The proposed settlement

Sirs:

After reading some of the details in the proposed settlement of this case, I have concluded that:

1) Microsoft has applied political pressure on the DoJ to achieve it's goals, or

2) The DoJ team is incompetent / poorly-advised and cannot credibly represent the interests of the U.S. in this case.

If either of these are true, it's a sad day for America and for consumers who will be subject to the continued adverse business practices of the monopolistic, ruthless empire that Microsoft has become. As a minimum, Microsoft should be divided, and the applications business should be isolated from OS development efforts.

Sincerely,
James McSheehy

MTC–00001762

From: Dave Austin
To: Microsoft ATR
Date: 11/21/01 12:59am
Subject: Settlement conditions

I believe that MS's offer of $1B in goods and services to schools merely serves MS's purposes and is trojan horse furthering the monopoly. In the end those schools with MS products will extend reliance on MS.

A better solution would be for MS to spend the same $1B purchasing their competitor's (i.e. Sun and Apple) goods and services. That would provide the schools with the same or better technology and give MS competitors the opportunity to compete, essentially helping to level the playing field.

MS's offer to give away their own goods and services worth $1B is ludicrous. That $1B give away will not only extend dependence upon further goods and services but will earn them that much and more over the an extended period because others (i.e. teachers, parents) will have to purchase equipment and software at home to support school children's work.

Please don't accept the MS offer as a golden goose. It has too many pitfalls.

Thanks,
Dave Austin

MTC–00001763

From: Ben Geyer
To: Microsoft ATR,attorney.general

@po.state.ct.us@inet...
Date: 11/21/01 12:57am
Subject: Comments re MS suit and settlement

Sirs & Mesdames:

The writer is not a resident of any of your states, but just a retired citizen of Arizona who would like to be heard. By way of background, after receiving my MSEE from MIT in 1949, I participated in the design and construction of one of the very early computers—OARAC, built by the GE company in 1949–51 for the US Air Force. Most of the rest of my career was in the field of military electronics for various military services at the GE plant in Syracuse, NY. I have, however, maintained a serious interest in the field of computers all of my life. First of all, this may be a done deal, but it is nonetheless a bad one. I have just today seen reports to the effect that MS is being allowed to settle one or more suits by giving MS products and equipment to certain schools. That is certainly a back door method of undercutting the only minor competition that they have—namely Apple Computer. This gift should be required to be in cash with the specific provision that the schools should decide what equipment and software they need. If Apple goes down, we are all at the non-existent mercy of MS.

Perish forbid!

Relative to other aspects of this case, it is my opinion that without some provision for the separation of MS into two (or more) separate companies— perhaps 'Operating Systems' and 'Application Programs'—the entire court action will have come to naught! MS has demonstrated on numerous occasions that it is able to find its way around lesser court imposed restrictions. Let's not bother to repeat that experience. It would be a waste of the taxpayer's money and the court's time.

In short, you, ladies & gentlemen, are our final hope that the MS juggernaut can be stopped, and IT MUST BE! Please give it your very best effort!

Bernard H. Geyer
1938 Forest View
Prescott, AZ 86305
928–445–0494

MTC–00001765

From: smacsteve(a)mac.com
To: Microsoft ATR
Date: 11/21/01 1:13am
Subject: Re: Microsoft agrees to settle private antitrust suits

You people haven't a clue. This will only further the Microsoft stronghold on the consumer market! This money should be made available for schools to buy computers and software from competitors like Apple. Apple is the only real competition to MS and it's software domination. Thus it should benefit the competition not offender. This will show students there is still a choice. What sense does it make to say ''look there is still only one choice, Micro$oft. Think about it.

Stephen Lauterbach

MTC–00001766

From: zbyter
To: Microsoft ATR
Date: 11/21/01 1:12am
Subject: Microsoft

Dear Sir,

I feel that this latest decision to let Microsoft off the hook is a slap in the face to the thousands of consumers and companies that have been manipulated and controlled by Microsoft's manipulation and deceptive tactics. Please make them accountable for their actions. If they are allowed to get away with what they have done where will it stop. Who will be the next victim of the corporate abuse. Please stop this injustice and protect us from the future abusers.

Thank you.
Julio Cardona
1402 Hoyt St.
Lakewood, Colorado 80215

MTC–00001768

From: Wally
To: Microsoft ATR
Date: 11/21/01 2:02am
Subject: Microsoft Settlement

Dear Folks at the Department of Justice,

I just watched a local newscaster read a story in the most incredulous manner about the latest in the Microsoft's dealing with the law. Even he couldn't believe what he was reading. The story was that Microsoft would agree to fund the 12,500 poorest schools with computers and software as ''settlement in dozens of private antitrust suits.'' I can't believe it either. Here is a link to a CNN story about it: http://money.cnn.com/2001/11/20/technology/microsoft/index.htm What are we doing, feeding our children to the monopolists?

I have to say that I was severely disappointed with the proposed antitrust settlement that came out in early November of this year. It seemed not even a slap on the wrist, but more a pat on the back.

Despite an incredible onslaught of money, resources, lawyers and political pressure, the basic judgement against Microsoft stood: They are guilty of monopolistic practices. Plain and simple. Nothing has changed that. The Microsoft business plan of centralizing all services onto the Windows platform is easily understandable. They are a business operating in a capitalist system which rewards predatory and proprietary behavior. If all roads lead through Microsoft in the computer world, then Microsoft gets to extract its ounce of flesh from all of us and reap great profits. Great work if you can get it.

This business plan works wonderfully for Microsoft in terms of profit and longevity, but does it really serve the public? No. It isn't meant to. No matter what spin it is given.

What is good for the public? Certainly, having more than one operating system in general use is a must. Thank goodness a lot of web servers run UNIX/Apache or the whole internet would be brought down in a regular basis every time a new Microsoft email virus makes its rounds. This happens with increasing regularity. One monopolistic operating system becomes a very inviting target for plain idiots as well as true cyber terrorists.

One monopolistic operating system doesn't really foster innovation as well. If Microsoft only controlled the operating system arena, one could argue that innovation could flourish. However, Microsoft wants you to use their word processor, web browser, email client (I'm using Outlook Express at this moment), spread sheet, database, et al. Where is there room for third party developers to flourish? How does one compete especially given the programming ''hooks'' that Microsoft has written into their operating system solely for the benefit of its own applications?

I work on the Internet. I build web sites and teach the same at Cabrillo College in Aptos, California. Although I haven't been in the computer business for that long, I have been happy that the Internet is an open environment that works for all computing platforms. HTML, the language that is used for web pages is a universal language. One should be able to view a web page using any web browser on the UNIX, Linux, Be, Solaris, Mac or Windows platform with equal success. This open environment promotes innovation. Microsoft would like to sew up the internet to only its platform. Earlier this month, the corporate Microsoft website couldn't be accessed except with the Microsoft browser and (I believe) a computer running Windows. They called it a glich, I see it as a glimpse of the future. Nat a very cheery one.

My expectations of you at the Department of Justice are very high. I expect you to treat these convicted monopolists as the criminals that they are under U.S. law and punish them accordingly. I understand that the current agreement is even easier on Microsoft than the one that Microsoft itself proposed last year.

Microsoft would have you believe that what is good for Microsoft is good for the economy and the country. The truth is that what is good for Microsoft is good for the Microsoft bottom line and not necessarily the rest of us. I hate to say this, but the folks in Redmond Washington are laughing at the Department of Justice and the American public. They arrogantly and apparently correctly felt that could break the agreements they made in the antitrust suit in the mid 1990s with impunity. And so they have. Now, the current proposed agreement looks like candy in the eyes of a kid. The reputation of the Department of Justice is on the line as well. Is the Department of Justice to be known as an arbiter of law, a protector of the American public, a sword in the hand of justice to smite down the enemies of our nation?

Or just another minion of big business.

Well folks, in a long winded way, you have found that I strongly disapprove of the proposed Microsoft Antitrust Settlement. I see it as a travesty of justice. It looks like a sell out by my government to a business and I find that extremely disturbing.

Thank you for your time.
Regards,
Wally Parham
831–459–0449
wallyp@sasquatch.com
CC:senator@boxer.senate.gov
@inetgw,senator@feinstein....

MTC–00001769

From: El (038) Lois Koelder
To: Microsoft ATR

Date: 11/21/01 1:41am
Subject: Microsoft Settlement

Dear DOJ:

You have made the right decision in your reaching an agreement with Microsoft. The Law Suit was a big mistake to begin with.

El

MTC–00001770

From: WMBennett
To: Microsoft ATR
Date: 11/21/01 1:33am
Subject: Microsoft antitrust settlement

Is this proposed settlement in the public interest??? Either you people simply do not understand the computer software market, or you are in Bill's pocket. You have let us down.

Sincerely,

William M. Bennett

MTC–00001771

From: Tom
To: Microsoft ATR
Date: 11/21/01 2:06am
Subject: MICROSOFT SETTLEMENT

I would like to comment on the news of a settlement offer of computers and software by microsoft to settle the private party litigation.

Is this the address that can be used for that?

Thanks

Tom

MTC–00001772

From: Hans Gerwitz
To: Microsoft ATR
Date: 11/21/01 2:04am
Subject: Settlement

I find it unacceptable that punitive measures for established criminal offenses are being influenced by ''the economy'' and other items of temporal context. I could only hope, were I to commit a crime, the public prosecutors would have reason to believe it was best not to punish me because of the impact it might have on, say, my employer.

Hans Gerwitz

hans@phobia.com

MTC–00001773

From: LUABEYA@aol.com@inetgw
To: Microsoft ATR
Date: 11/21/01 2:22am
Subject: Microsoft violated the Anti-Trust law: Why rewarding them!!!

It's sad to find out that people in charge to punish Microsoft are in fact helping them to be a dominant company in American schools.

Settlement terms could bite Apple in schools By Michael Kanellos Staff Writer, CNET News.com

November 20, 2001, 5:45 p.m. PT A proposed settlement agreement in a series of antitrust suits may not only give Microsoft a fairly inexpensive legal resolution, it may also help the company and its PC allies further erode Apple Computer's position in education.

Under a settlement proposal in a series of private antitrust lawsuits announced Tuesday, Microsoft agreed to donate approximately $500 million to help bring technology to some of the nation's most disadvantaged schools. The deal will also allow these schools to obtain a virtually unlimited supply of Microsoft software for the next five years.

Those terms, say analysts, could hurt Apple and other software providers. Historically, education has been one of Apple's primary markets. And although the company has slipped to No. 2 in kindergarten through grade 12—behind Dell—it still has a larger installed base than anyone else.

Free software, though, is hard to pass up. Apple, as well as Linux companies and other educational software developers, could find themselves out in the cold in school districts flush with new Microsoft products.

Microsoft could wind up ''undercutting everyone in the education market,'' Gerard Klauer Mattison analyst David Bailey said. The best-case scenario for Apple would be that Microsoft increases the overall level of PCs in schools without directly harming a company like Apple, he said.

Linux specialist Red Hat Software tried to counter Microsoft's move soon after the settlement was announced. The company said it would provide its software to every U.S. school district and encouraged Microsoft to convert the software component of the deal to increased hardware donations, which costs the company little.

''While we applaud Microsoft for raising the idea of helping poorer schools as part of the penalty phase of their conviction for monopolistic practices, we do not think that the remedy should be a mechanism by which Microsoft can further extend its monopoly,'' Red Hat CEO Matthew Szulik said in a statement. An Apple spokeswoman declined to comment on the issue.

The potential pain for Apple comes in the unique settlement terms. Under the deal, Microsoft will grant approximately $500 million to help underprivileged schools create self-sustaining technology programs. Of that, $90 million will go to teacher training, while $160 million will go to technical support. Microsoft will also match contributions from other donors.

Additionally, Microsoft will donate approximately 1 million refurbished PCs to these schools and provide them with complimentary Microsoft software. The donations would go to public elementary and secondary schools, at which 70 percent of students are eligible for federal meal assistance, or approximately 14 percent of the nation's schools, according to Microsoft. Approximately 12,500 schools, representing 7 million students and 400,000 teachers, would be eligible to participate in the program.

With these donations, Apple equipment becomes far less attractive to cash-strapped districts. Even if the grant funds are used to buy Apple equipment, a district would have to pass up opportunities for free software. In recent years, Apple has seen its share of the market decline because of price competition. Dell is now No. 1 in the education market, with 37 percent of new elementary and high school sales in the second quarter, according to IDC. Apple came in second, with 23 percent.

Familiarizing students with Microsoft technology could also make loyal customers out of today's students. Developing familiarity, in fact, was the basis for Apple's push into education back in the 1980s. The theory was that students would stick with the technology they understood best. While there may be some truth to this, it hasn't completely panned out in the numbers. Apple's share of the PC market is below 5 percent, far below its share in education.

Microsoft CEO Steve Ballmer denied the proposed settlement was an attempt to boost the company's share of the education market. ''The benefits we provide can be used for PCs or Macintoshes,'' he said. ''It can be used for PC software or Macintosh software. Certainly, the money can be used for non-Microsoft software, so I don't view it as some big thing about market share.'' Microsoft also produces applications for Apple computers, pointed out IDC analyst Roger Kay.

Although the settlement terms will likely help Microsoft's position in education, more tangible benefits come from the relatively light terms. The company is effectively making a $500 million charitable donation and giving away its own software to settle a case where the liability could have stretched into far higher figures.

The case in some ways is being settled for pennies on the dollar, according to Bob Lande, an antitrust professor with University of Baltimore School of Law.

The company will also likely get positive public relations messages out with the deal, said Gartner Dataquest analyst Michael Silver. ''This gets Microsoft out of all these lawsuits in one fell swoop,'' Silver said. ''It's a penalty, but it makes Microsoft look good and gives schools PCs, and in so doing would give Microsoft an even larger installed base than they already have.''

Best Regards.

MTC–00001775

From: Cliff Crouch
To: Microsoft ATR
Date: 11/21/01 2:07am
Subject: Still accepting comments on the proposed Microsoft anti-trust case settlement?

Dear Dept. of Justice:

I subscribe to a daily email ''Technology Update'' from The Wall Street Journal. In today's issue, the WSJ.com editors write:

Microsoft is set to settle scores of private antitrust cases that charge the company abused its Windows software monopoly. Under the settlement,

Microsoft would provide software and computers to over 14,000 schools at an estimated cost of about $1.1 billion.

Let me get this straight: Microsoft Corporation is tried and found guilty, in U.S. federal court, of being a monopoly that has deliberately engaged in illegal and abusive practices to achieve and maintain that monopoly status ... and then it is allowed to settle lawsuits against it by ''providing software and computers'' that will further entrench its monopoly status?

Has the legal world gone utterly barking mad?

I mean, although I'd like to believe otherwise, a small still voice tells me that these aren't Apple Macintosh computers, Linux-based software programs, UNIX operating systems, or even old BeBoxes that

Microsoft plans to dump ... er, ''provide'' ... are they?

Don't you realize that even in providing ''free'' software to these schools (or other entities), Microsoft hooks them into the upgrade cycle? That it creates an environment where people will shy away from anything that's not compatible with the Microsoft Windows operating system? Don't you realize that if an anti-trust case settlement allows Microsoft to provide ''free'' software to schools, you are effectively shutting out the company's competitors? How can any other software maker—for example, Apple Computer—even *hope* to compete in, say, a school district, if Microsoft has already strategically placed ''free'' Intel-based computers running ''free'' Windows software throughout it? If you let this happen, you are *furthering* Microsoft in its monopoly, not hindering it. *Please* do something meaningful to penalize Microsoft for its predatory behavior and to allow other companies to compete with it on a more even playing field.

Astonished, incredulous, & appalled at my government's leniency toward this monopoly,

Cliff Crouch

* * * * *

<mailto:sheercliff@aol.com>

<mailto:macsperkins@earthlink.net>

* * * * *

MTC–00001776

From: Rob
To: Microsoft ATR
Date: 11/21/01 2:29am
Subject: Microsoft anti trust agreement

I would like to voice my disappointment with the anti-trust remedy being discussed by the DOJ. I feel this remedy falls well short of having any significant impact on Microsoft's predatory business practices.

I believe the only solution is one often discussed in public forums. That is separating Microsoft into two separate companies with one developing system software and nothing else. Any remedy short of bisecting the company is simply window dressing. The US tax payer will be paying for another anti-trust law suit within a short period of time.

MTC–00001777

From: GeeBeeRacers@aol.com@inetgw
To: Microsoft ATR
Date: 11/21/01 2:25am
Subject: A MOST GENEROUS SETTLEMENT OFFER BY MICROSOFT !

GENTLEMEN: I repeat the subject matter!!!!! V e r n C l e m e n t s

CC:MSFIN@microsoft.com@inetgw

MTC–00001778

From: Bert Mahoney
To: Microsoft ATR,microsoftcomments @doj.ca.gov@inetgw,...
Date: 11/21/01 2:24am
Subject: Sharing my opinion of the Microsoft anti-trust case

Dear Madams and Sirs,

I am not a resident of many of your states (I reside in California) but I feel compelled to share my opinion with you. I'm writing you to let you know of my absolute dissatisfaction and displeasure with the current results and reports coming from the Federal Government's Microsoft anti-trust case.

I've been following this case in the news for many years and feel as though I am well-informed, not just the casual observer, but I also know that I do not know every single detail of the case. I feel that Microsoft is being given a light slap on the wrist for the actions they have indulged in. It is outrageous that they are ''reaching a settlement'' and not being handed very strong punishment!

Remember that this is a company that has over 90% of the desktop operating systems market and without question used that advantage in ways which were illegal. I would be willing to bet that you are reading this email on a PC using one form or another of Microsoft Windows.

I happen to be writing you on a Macintosh.

Thank you for your time and for your efforts in the fight against the anti-trust operations of Microsoft.

Best of luck in your efforts.

Regards,

Bert

Bert Mahoney
Digital Media Director
The Thacher School
e: bmahoney@thacher.org
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w: www.thacher.org
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MTC–00001779

From: herrmaaf@SLU.EDU@inetgw
To: Microsoft ATR
Date: 11/21/01 2:23am
Subject: Microsoft Settlement

A Quote from CNet on your proposal:

''Under a settlement proposal in a series of private antitrust lawsuits announced Tuesday, Microsoft agreed to donate approximately $500 million to help bring technology to some of the nation's most disadvantaged schools. The deal will also allow these schools to obtain a virtually unlimited supply of Microsoft software for the next five years.

Those terms, say analysts, could hurt Apple and other software providers. Historically, education has been one of Apple's primary markets. And although the company has slipped to No. 2 in kindergarten through grade 12—behind Dell—it still has a larger installed base than anyone else. Free software, though, is hard to pass up. Apple, as well as Linux companies and other educational software developers, could find themselves out in the cold in school districts flush with new Microsoft products. ''

Here's an idea. Make Microsoft buy $500 million worth of Apple iMacs to put in those schools. This way the children xcan learn a great new Unix variant in the Mac OS X and the professors wont have to stop teaching to troubleshoot.

Andrew F. Herrmann
Tech. Coordinator
College of Arts & Sciences
Ext. 3635
herrmaaf@slu.edu

''I do not feel obliged to believe that the same God who has endowed us with sense, reason, and intellect has intended us to forgo their use.''—Galileo Galilei

MTC–00001780

From: Wayne Fox
To: Microsoft ATR
Date: 11/21/01 2:47am
Subject: I can't belive this

After all the work and all the money spent to prove Microsoft broke the law, now we've decided to back down?

This is crazy. Microsoft is the most monopolistic company of all time, and have crushed hundreds of competitors. The are not innovative and lack of innovation has created a nightmare system. Their security holes have cost billions of dollars for which all they do is fix the hole.

This sounds like a complete political decision and not based on what is right and just. Something needs to happen to put competition and thus reward back into the computer industry. Without major remedies, in a few years, all hope of innovation will be gone, and we will have one choice, whether it is good or bad.

Please reconsider ... This is madness.

Wayne Fox

MTC–00001781

From: thevoidboy
To: Microsoft ATR
Date: 11/21/01 2:46am
Subject: Re: MacInTouch: Mac news, information and analysis

Sell out, weak-kneed, pathetic loss of millions of our tax dollars after securing a conviction on monopolistic practices.

If you were consistent, you would treat poor criminals as fairly with a slap on the write and note to be signed by Mommy that they would never do anything bad again.

Your President lost the election; it looks like his cronies are making sure he'll lose the next one.

MTC–00001782

From: Michael Laurence Meyer
To: Microsoft ATR
Date: 11/21/01 2:46am
Subject: Microsoft whould receive harsher penalties

Microsoft whould receive harsher penalties
Michael Laurence Meyer
Obernhausen 25
36129 Gesfeld
Germany
meyer.wasserkuppe@t-online.de
or
m.meyer@lsr-fulda.de

MTC–00001783

From: David Bishop
To: Microsoft ATR
Date: 11/21/01 3:31am
Subject: Microsoft Settlement

In regards to the settlement proposal I'd like to suggest that Microsoft donate the $500,000 into a general fund which would then be used by those receiving the money in any appropriate way they see fit.

One struggle many schools have had recently is to maintain some autonomy over their school districts and this settlement very neatly undermines or unduly influences that ability.

A Trojan Horse by any other name.....

Sincerely,
David Bishop
320 D St
San Rafael, CA 94901

MTC–00001784

From: LunaRich@aol.com@inetgw
To: Microsoft ATR
Date: 11/21/01 3:09am
Subject: why settle?

After all the expense of the original trial and appeal that found MS had indeed violated antitrust statues, I don;t understand why the settlement allows MS to continue using the same techniques that the Gov sued them in the first place.

Antitrust is all about consumer choice. Thanks to MS I find I have less and less choice over what software choices I can make. I like Netscape but feel prssuried to use IE. Ditto for word processing, spreadsheet and presentation software (Word, Excel and Powerpoint).

The .NET strategy will force less and less conumer choice and more & more monopolization by MS.

Please consider some other ''settlement.''

Thanks
Richard E. Luna
lunarich@aol.com

MTC–00001785

From: Andrew R. Reimisch
To: Microsoft ATR,microsoftcomments @doj.ca.gov @inetgw,...
Date: 11/21/01 2:57am
Subject: Microsoft is getting off easy.

I have just seen an article on a web site that describes a ''Grassroots effort against Microsoft settlement''. This is a movement that I am proud to join.

As an avid Macintosh user and supporter, I have been profoundly against anything that has the Microsoft name attached to it—especially software. As it stands Microsoft has been a monopoly since the introduction of Windows 95. Ever since, I and other fellow Mac Users, have been subject to the same pressures and attitudes that is equally seen with racism. Using such a powerful term is the only way to describe what I have endured for my entire life as a Macintosh User.

I personally feel that when the anti-trust case was brought out into the open, it was going to be a step in the right direction for fairness within the computing industry. As it currently stands, I have been let down AGAIN. I felt that with the backing of the Department of Justice behind this suit, things would grow for Computing. Right now I see this situation as another fat cat getting off with a slap on the wrist, getting a stern lecture, where the cat is faking sincerity and has its fingers crossed.

Today we have to stand up to this ''giant'' and say that everyone deserves equal time and representation. This giant has its grip on just about everything available and this is fundamentally wrong. Please include my name in support in the effort to bring down this bully of the Technological Age.

Andrew R. Reimisch
(aka) MacPhx
Addicted/Devoted/Obsessed to Macintosh
KillGates, Inc.
I can be reached at:
macphx@mac.com

MTC–00001786

From: Wallace Karraker
To: Microsoft ATR
Date: 11/21/01 3:40am
Subject: Microsoft offers $1B to schools—How is this a punishment?

I must comment on an AP Newswire story this evening (Excite.com) that ''More than 12,500 of the poorest schools in the nation would receive $1 billion in computers, software, training and cash in an unusual deal offered to settle most of Microsoft Corp.'s private antitrust lawsuits.'' How does this punish Microsoft? Can you please explain to me how the current software and hardware vendors of these schools will be compensated for the loss of income from this arrangement? Won't this effect the local businesses that depend on school districts for their income, as well? This effectively eliminates competition for those school districts and allows Microsoft to become the only provider of services. Doesn't this constitute a ''MONOPOLY''? The article mentioned that the company currently has a $32B cash reserve, so implementing a $1B levy over five years would hardly be a punishment.

Please reconsider this arrangement. This is not a punishment for Microsoft, nor is it a bargain for the school districts it supposedly assists. The initial investment of hardware or software is typically a small part of overall operational cost. Providing the schools with a solution crafted from Microsoft will lock these school districts into software that is well known for its expense of maintenance and overall difficulty of usage. If the schools are as poor as indicated, anyone trained as an MCSE or above will use it as a ticket out of that system, leaving behind a complex, expensive system that will require expensive support after Microsoft has paid ''their dues to society''.

This is a red carpet treatment for Microsoft to displace Apple computers small lead in the education community. Apple maintains a narrow margin in the education market through innovation, understanding what their customers want, solid and reliable computers, considerable value for the money invested and remarkable ease of use. By reducing income over five years made on server, hardware and software sales by this free ''gift'' from Microsoft, any company would likely be in pretty serious trouble at the end. Will Apple survive a shelling like this, possibly, but will the DOJ be able to reverse a decision of this magnitude, within a timely manner, if the company is wiped out?

The current antitrust litigation on the Microsoft lawsuit has been proceeding since 1998. In that time the company has released Microsoft Windows 98SE, Windows Millenium, Windows 2000 and now Windows XP, each progressive operating system has incorporated the best of third party software from the version before. No other company can compete with Microsoft on a feature by feature basis within their own operating system. Microsoft controls all aspects off the computer market, and have been aggressively pushing their technology into other markets that will provide even more income and inherent power over all of our lives. My suggestion is to have Microsoft provide monetary donations only. With the added cash infusion, poor schools can provide what they need to make their system work based upon what they need, not what is offered. If they decide to purchase Microsoft products, let them purchase it with Microsoft money, but at no different pricing than any other school system would be asked to pay. If a school has another operating system (Apple, Unix, or Linux), the administrators would not feel compelled to dump their existing systems in favor of a Microsoft only solution.

Sincerely,
Wallace Karraker
CC:wkarraker@gmrmarketing.com@inetgw

MTC–00001787

From: Leon van Schie
To: Microsoft ATR
Date: 11/21/01 4:48am
Subject: Grassroots effort against Microsoft settlement growing

To whom it may concern,

I am shocked by the recent news regarding the Microsoft settlement. Instead of punishing Microsoft for their monopoly strategy you are giving them a green light to basically kick Apple Computer out of the education market by donating an astronomical amount of money in Microsoft products to this industry, thus giving Microsoft a go ahead to continue to do business as usual. I'm sorry but this goes beyond my comprehension. You are playing Microsoft's cards by making them an offer like this.

To my humble opinion they should be punished not by putting more of their product into the market, especially such a sensitive market like education, but by giving them a punishment that1s appropriate. If you want Microsoft to donate zillions of dollars, let them do that to a neutral institution like food for 3rd world countries or something in that order.

What impression do you give Microsoft (and others like them) here? If you monopolize the market by unfair means of business we will reward you by allowing you to do more business and even kill some competition on the way?! By putting more Microsoft products out there you are giving companies like Apple Computer absolutely no chance what so ever to sell their product in the education industry, hence they start to monopolize that industry as well.

A concerned Dutch citizen.
Best regards,
Leon van Schie.
Bervoetsbos 189
2134 PP Hoofddorp
The Netherlands
Email: leon.van.schie@euronet.nl

Don't say you don't have enough time. You have exactly the same number of hours per day that were given to Helen Keller, Pasteur, Michelangelo, Mother Teresa, Leonardo Da Vinci, Thomas Jefferson and Albert Einstein.''

H. Jackson Brown
CC:microsoftcomments @doj.ca.gov @inetgw,attorney.gener...

MTC–00001788

From: Zoran
To: Microsoft ATR
Date: 11/21/01 4:28am
Subject: Do the right thing!

I have just read in a similar case regarding private litigation for Anti-trust that Microsoft will settle the cases by putting more Window's Machines and Software in public schools. Doesn't that just further the monopoly? You guys sound almost as bad. Do the right thing—somebody has to...

Respectfully,
Zoran Nedich

MTC–00001789

From: Gavin Lapeyre
To: Microsoft ATR
Date: 11/21/01 4:06am
Subject: do computer users a favor fight microsoft

Microsoft is a company that has abused it's power worse than any company I can think of. They do innovate they steal and squash anybody and anything that can gets in their way. Look what there doing to the federal government. You must keep on fighting

Gavin Lapeyre
551 Venice Way
Venice, CA 90291

MTC–00001790

From: Steve S. Scherping
To: Microsoft ATR,microsoftcomments @doj.ca.gov@inetgw,...
Date: 11/21/01 3:50am
Subject: Microsoft Antitrust Case

To Whom It May Concern:

I am writing you because I am extremely concerned about the current state of the settlement concerning the Federal Governments case against Microsofts antitrust practices. I feel that harsher penalties should take place. Take as an example, the recent offering by Microsoft as a settlement for the private antitrust cases brought against them. Not only do I believe this offer allows them to continue their monopoly since they will be imposing more of the software, operating systems, and hardware onto users, it also is quite meager since the potential value is $1.1 billion, when they readily have $36 is readily available capital. In this case, being a monopoly, Microsoft also controls the value of its products so again it is able to shorthand those involved in the settlement. I understand that this does not directly relate to your case, but it is deeply troubling that a company that is supposed to be punished, in the end will probably come out the winner again. I am not a rogue citizen that has a vendetta against Microsoft. Rather, I am an experienced system administrator that utilizes Microsoft products on a daily basis. In a university setting we are forced into pricing schemes and meager product offerings from Microsoft since our students are not capable of using other offerings since they consistently use proprietary technology and also force developers and manufacturers into sole platform support scenarios. Microsoft continues to test its corporate boundaries by attempting to force users into using their products. A recent example would be that their hotmail service which once supported email clients for other platforms, no longer supports those clients because of its .netPassport strategy. They also continue to alter known standards into their own proprietary technology.

Please continue your efforts to halt the illegal business practices of Microsoft.

Sincerely,
Steve S. Scherping
Business:
Communications Technician
CLA Language Center-U of MN
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9 Pleasant St SE
Minneapolis, MN 55455
Home:
810 Thornton St. SE, Apt. 1004
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scher037@umn.edu
http://umn.edu/home/scher037
http://www.ssstech.net

MTC–00001791

From: root@wt6.usdoj.gov@inetgw
To: Microsoft ATR,antitrust@ftc.gov @inetgw,Ralph@essen...
Date: 11/21/01 6:18am
Subject: Microsoft Hegemony' Public Sector MUST Guide Private Sector CC: letters@latimes.com @inetgw,letters@sjmercury.com@i...
Re: Microsoft's Great Web Offensive

''The paradigm shift''—in which corporate customers would move an ever-increasing volume of business functions to the Web—''was going to happen with or without Microsoft,'' ''That's why they jumped in.''

Microsoft, the great follower, with tens of billions of monopoly rent dollars available to create paradigm shifts simply waits 5 years after someone ELSE blazes a trail, then flits along the well-cut path just in time to sabotage the pioneer and steal the ripe fruit of his labor.

In short, .Net is a good idea. But can it be done'?—As much as we like to pick on big companies, it's the big companies that have the resources, wherewithal, and clout to make something of this scale happen.'' says Burton Group's Lewis.

WRONGO. Uncle Sam drove aviation, radio, telephone, transistor, UNIX and the internet. So stop selling us your hallucinations about the private sector's competence—the public sector MUST guide the private sector or it will derail—sorry. Truth sometimes hurts. ''Give me credit for inventing internet, I'll take it, ha ha ha...''

MTC–00001792

From: Mark Hurty
To: Microsoft ATR
Date: 11/21/01 5:05am
Subject: Remedy for Microsoft Monopoly

I venture that remedy, not punishment is the key to a great outcome of the Microsoft anti-trust case. Punishing a bully only serves to inflame and enrage the bully—guaranteeing that the bully will renew his efforts to assert his dominance through, well, bullying.

There is a remedy—elegant in its simplicity, meaningful in its effect—and it would test whether Microsoft's ongoing claim that its aggressive business tactics are merely reflections of their desire to innovate for the benefit of their customer, is genuine. Let's start with a little comparison to another technological industry, telecommunications.

There are hundreds of different telephones on the market today, offering an array of clever technological features. Your phone can announce who is calling, take messages when you are away, and provide you with a tool to control the lighting in your home, or perform a host of other little tricks. And even if I have a high-tech, feature laden phone made last year by Panasonic, it's no problem for me if you have a plain vanilla phone made in 1920—we can still talk to each other. We can communicate with each other without the slightest hitch, because once phones are plugged into the network, they speak a single, common language. All the glorious features of the handset, or the wonderful advantages of call waiting and caller ID or other phone company technologies which we've come to take for granted do nothing to change the information carried on those thin copper wires from my house to yours. Perhaps call is translated into a digital signal somewhere along it's route, then reconstituted as an analog message just before arriving at its destination. I don't need to worry about that, nor does the person at the other end of the line. We can trust that no matter what kind of phone we use, we can communicate. And with the breakup of AT&T, and increased competition between telephone carriers, it has remained relatively inexpensive to own and use a phone.

Now in the software industry, there is a different paradigm, and one that Microsoft has exploited to its advantage for years. Let's say you buy into the Microsoft value system, and purchase a computer that uses one of the various flavors of Windows. And suppose you purchase a copy of Microsoft Office with its suite of applications. Now you can communicate flawlessly and readily with anyone else who has bought into Microsoft. You can write a document in Microsoft Word and send it to your Microsoft buddies and they will have little problem opening that document and viewing on their computer. Let's say, however, that you have some friends who use Linux, or MacOS, or some other operating system. And let's say they didn't buy a copy of Microsoft Office. Now when you send that same file to them, there is a problem—how do they read what you've written? There is a cottage industry, providing solutions for translating files between operating systems and word processing programs, but the real burden, both in terms of cost and effort, falls on the shoulders of the person who receives the document. If that's how the phone system worked, it would fail miserably. If I needed a phone just like yours so I could talk to you, I would of course be compelled to either have a bunch of phones—one for everyone I needed to talk with—or I could buy a phone from a dominant monopolist who controlled the largest share of the market. Microsoft's goal appears to be to dominate the software/computing/communication/entertainment industries, compelling all of us to buy something from them just to be able to take part in community life. Their argument that their products are dominant because they are

more innovative or easier to use or simply better than the competition's products is hollow. Their products are dominant because Microsoft has cleverly eliminated the competition.

Under the existing paradigm, Microsoft has an easy time squashing competition. Because they can use their control of the operating system to make it just a little easier to use their programs, and just difficult enough to use competitive programs, corporations will do the dirty work of building Microsoft's monopoly for them. Information Technology departments insist on a single, standard suite of programs for corporate use because it makes it easier for them to do their work. Most often they chose Microsoft, because Microsoft controls the whole computing/networking/information environment—everything is just a little easier to use. And each new corporate installation takes Microsoft a step closer to killing all its competitors, once and for all. And since mom or dad uses Microsoft Windows and Office at work, the home computer needs to have—big surprise—Microsoft Windows and Office. The franchise just keeps growing and competition keeps disappearing.

So to the remedy. If Microsoft were compelled to give out a complete specification for all the document formats for all their programs, and agree to maintain an open, standard version of that specification so that every software company that wanted to could write a program that would open, edit and write documents in the same format, there would be a meaningful and real opportunity for competition in the software industry. If every program created documents with an identical structure, it would be just like the telephone. I could choose software that made it easier to compose a letter, or software with a more intuitive interface. I could buy a plain vanilla program that just allowed me to type words on a page, and you could open it with your high-end, Microsoft word processor, with all its bells and whistles. Of course there might be a need for more than one file format. Spreadsheets, databases, presentation programs, etc. would need different specifications—but they could still be standardized. Layout programs with fancy designs already have a well established, open specification in the Portable Document Format (PDF) created by Adobe. (Although, even that format could stand a bit more ''openness,'' too.)

What would be the ramifications of such a remedy? For starters, Microsoft would be forced to live up to it's public relations campaign that it merely does what it does out of it's desire to innovate for customer benefit. No longer could the gang in Redmond compel whole corporations to buy thousands of licenses for it's programs (so that the corporate IT Manager can be assured that everyone in the company can communicate with each other). Innovation and quality interface design would become the currency of the software industry. Competition will thrive, and consumers will benefit through lower prices for software, and greater ease of communication.

I appreciate your consideration.

Mark

Mark Hurty

mark@hurty.com 650.328.1399

http://www.hurty.com/ideas.shtml

MTC–00001793

From: Lu Timdale

To: Microsoft ATR,microsoftcomments @doj.ca.gov@inetgw,...

Date: 11/21/01 7:15am

Subject: Microsoft SHOULD NOT be allowed to set its own monopoly-extending remedy

How is it possible that a declared monopolist is allowed to set their own remedy. Especially since this remedy is extending their monopoly and even squeezing out some main competitors for that market namely Apple. They should not be allowed to make donations of software to anyone. Firstly because it extends their monopoly and secondly because the retail value of their software is far greater than what they would actually have to dole out. Let's not let them get away with murder here.

Lu Timdale, dissatisfied professional

MTC–00001794

From: Scott Wiesenmeyer

To: Microsoft ATR

Date: 11/21/01 6:52am

Subject: Comments on Microsoft Case

I've been watching the anti-trust case against Microsoft with much interest over the past three years. Like the court judgment, I agree that Microsoft is a monopoly which has abused its position in the market. Unfortunately, the current settlement proposal between the Department of Justice and Microsoft is worrisome. I recognize the fact that the task of finding a suitable penalty for Microsoft is a difficult task, but the current proposal appears too weak to bring any noticeable change in the market. If this settlement is implemented in it's current form, Microsoft will only continue to get stronger. Past cases against Microsoft where it has either won (Apple v. Microsoft regarding GUI designs), come away with a light penalty (previous settlements between Microsoft and the DoJ), or even lost (Sun v. Microsoft regarding Java), it gives Microsoft a sense of invincibility that it can take whatever action it likes without fear of severe punishment.

Microsoft claims that any action against it will harm innovation in the industry, but when has Microsoft ever really been a pioneer in the computing field? It did not invent the operating system (the core of what became MS-DOS was bought), the Graphical User Interface (first developed at Xerox PARC and later popularized by the Apple Macintosh), the World Wide Web (CERN) or the web browser (the first mainstream browser was Mosaic, developed by programmers at the NCSA, and whose code was licensed to Microsoft as the foundation of Microsoft Internet Explorer), or just about any other major computer technology. Instead, Microsoft sits like the spider in the center of the web, waiting for the next major technology to appear and then moves in to dominate it using its position to its advantage and whatever means at its disposal to succeed.

The case of Microsoft bundling Internet Explorer to take the dominant position in Web browsers has been well documented in the court case, but it is not the only instance of Microsoft using the bundle tactic to gain the upper hand. About a decade ago, the office productivity software market was incredibly diverse. Today, about the only product left is Microsoft Office. Once, programs like Lotus 123 and WordPerfect were the top products, not Excel or Word. On the Macintosh, Microsoft held the high ground with Excel, but Word was rivaled by competitors such as WordPerfect, MacWrite, WriteNow, FullWrite, and others. My choice was MacWrite, having turned away from Word after getting tired of it's bloated nature. Then Microsoft began Microsoft Office, where the only way to obtain a program like Excel was to buy the complete bundle. Since Office came with a word processor, Word, it became harder for businesses to justify the expense of staying with their existing word processor, spreadsheet, or presentation program when one already came with Office. The net result was Microsoft took over the market segment in the matter of a few years. Competing products were discontinued as Microsoft drove them out of business. Now, choice is limited and Microsoft touts it's victory as standardization. But did we get the best product or merely a bloated, buggy, piece of software that cheated in the marketplace to win the top position?

The dominant position with Office also gives it an additional club to use against any competing operating system. It could be argued that the inability of operating systems such as IBM's OS/2, NeXT's NextStep, or Be's BeOS, or Linux to gain market share in the desktop operating system market was that Microsoft Office was not available. The Macintosh continues to survive in the desktop marketplace because Microsoft markets (and makes a large amount of profit from) MS Office for the Mac. The price of this support is that Microsoft's web browser, Internet Explorer, is the default browser on all new Macintosh computers. This has become the Microsoft way: use one advantage to gain another.

Sadly, whatever action is taken against Microsoft, the damage it has done to the market has already happened. Between its monopolies of the Windows operating system and the Microsoft Office productivity package, the odds of any competitor taking market share from Microsoft is very slim. But what can be done is to show Microsoft that its actions are wrong and to prevent it from using preditory tactics to gain market leadership instead of innovation like every other company in the business. This means a STRONG punishment that Microsoft will not forget. Judge Jackson's remedy of breaking up Microsoft was proposed for this reason. It needs a penalty that will get its attention, not one that it will ignore in a matter of months. It will not do much for the damage Microsoft has done already, but it gives a glimmer of hope to future competitors who will take on the giant. The people want choice, not Microsoft taking it away. In no other market sector do we lack choice as badly as in ones where Microsoft dominates. Something must be done, otherwise we face stagnation.

Scott Wiesenmeyer

Decatur, IL

[If you need a summary, here it is: ''Back to the drawing board, DoJ.'']

MTC–00001795

From: Binarystar@aol.com@inetgw
To: Microsoft ATR
Date: 11/21/01 6:50am
Subject: Microsoft Settlement is Anti-Republican, Anti-Business 11/21/01

Dear Friends at the Department of Justice:

I am a former paralegal and law librarian. I am a long-time and relatively happy Windows user (with past experience in FORTRAN, COBOL, DOS, and Mac's Apple OS, and some familiarity with Linux). I am also a current America Online user, with past experience using Earthlink and MSN. So I have some informed perspective on the proposed antitrust settelement with Microsoft. From the numerous press account summaries of the proposed DOJ settlement with Microsoft that I have read, I am convinced that the settlement will not end Microsoft's anti-competitive conduct. The settlement is anti-Republican and anti-business, surprising coming from a conservative Republican administration. Indeed, it appears like a re-run of the failed 1995 antitrust settlement brokered by the Clinton administration.

The settlement (and, by inteference, the DOJ) is an object of ridicule in many online computer forums and magazines, even among Windows users. You are being portrayed as patsies for Microsoft. It is said that the DOJ has been directed by the Bush administration to end the suit because Microsoft is a big political money donor. Your settlement with Microsoft is viewed by computer-literate businesses and commentators as a capitulation. I thought that Republican administrations favored increasing competition in various industries and increasing the numbers of small businesses. Microsoft's conduct throughtout its history has been exactly the opposite, and I predict that if this settlement is implemented in its current form, new antitrust suits will arise in the future, necessitating DOJ intervention again. Among many other defects in the settlement, Microsoft appears free to continue its pattern of adopting and bundling imitations of 3rd party products, and then crushing 3rd party suppliers.

I am especially disturbed that you will allow Microsoft to ''lock-in'' the United States with its new and very anti-competitive and privacy-invasive ''product activation'' policies for Windows XP, restrictive licensing policies for businesses, attempts to force businesses to upgrade every two years, etc., etc. I thought a Republican administration wanted to help businesses! By leaving MS Windows as the default monopoly operating system in the United States, you are giving unfair advantages to an operating system that even its users and defenders admit is full of security holes, buggy, unstable, priced beyond its actual worth, and marketed from a monopolistic posture. (Bear in mind, I'm a realtively sophisticated computer user, and I spend a lot of time running diagnostics on my Windows system.)

Ironically, the rest of the world has already figured this out: in Europe, adoption of Linux is growing rapidly. The mayor of Mexico City recently announced that his city government and their public school system will adopt Linux, because Microsoft's high costs and restrictive licensing policies place Windows beyond their reach. The Chinese government refused to adopt Windows as its preferred operating system, and has chosen Linux, partially due to cost considerations, and partially due to fears that Microsoft will deliberately plant security holes in systems marketed to the Peoples Republic to assist the US military intelligence-gathering. A Chinese corporation in Hong Kong recently gave an interview to the press in which they said that they were abandoning their Windows servers and desktop computers in favor of Linux after a recent virus epidemic put half of their Windows servers out of business. A story from Kenya says that one of their primary computer development people is urging customers to adopt Linux—he says that Windows' costs will place it permanently beyond the reach of most African countries. Many U.S. corporations have begun adopting Linux for their servers and desktops, including Amazon.com. You notice that the U.S. Defense Department isn't using the Windows Office Suite? They're using StarOffice, which can be used with Windows or Linux.

So, you'll say, what's the problem, if people don't like Windows, they can switch to Linux. But even though Linux and other competing systems are available in the U.S., they face formidable obstacles to adoption in this country because of the ''most favored nation'' position Microsoft has been allowed to seize. The current antitrust settlement will allow MS Windows to retain its unfair monopoly advantages in the U.S., making the adoption of competing systems like Linux far more difficult than they would be if the antitrust laws were enforced upon Microsoft.

Just for starters, Windows comes pre-installed in virtually every PC—to get a Linux computer or a dual boot computer with Windows and Linux, you must either special order it, or buy a Windows computer (priced accordingly!), uninstall Windows, and then install Linux yourself, or install a dual boot of both systems, a lengthy process that is not always safe for your computer, and a process that is very complicated for average computer users.

Why should the rest of the world have more freedom of choice with regard to their preferred computer operating systems than the U.S.? This is ridiculous. We're the richest country in the world, and we should have the greatest choice in computer operating systems, but we've allowed one company to flout our antitrust laws, circumvent weak settelement agreements, and become a monopoly.

Please, do not continue pursuing this settelement agreement. I hope that the nine states holding out against it continue to do so.

In conclusion, I am seriously considering switching to Linux. My current Windows Millenium system performs reasonably well (if I continuously monitor it for DLL problems, download patches, and fuss over it)—but I am not upgrading to a Windows XP system with invasive privacy intrusions, and I am very upset at the conditions that Microsoft is going to impose on businesses, including forced upgrades every two years, licensing of every desktop copy, etc., etc.

But I'm a relatively sophisticated user—what about the average consumer, trapped on Windows because the DOJ has, over the last decade, let Microsoft engineer its products and market them, so that it is very difficult to switch to other operating systems?

Can you imagine a situation in which the DOJ would give such advantages one variety of car? Allowing one car manufacturer to gain complete ascendancy over the U.S. market? Every car sold would be say, a DaimlerChrysler, and if you wanted another type of car, you would have to buy a kit, and laboriously remove parts of the car and its engine to install the car parts of your choice? No way.

Very sincerely,
Robin Margolis
binarystar@aol.com

MTC–00001796

From: Robb Roaten
To: Microsoft ATR
Date: 11/21/01 7:48am
Subject: This Settlement Stinks

I can't believe what I've read this morning about the settlement and MS being forced to (expand its market share by) expanding into MS putting software/equipment into schools only makes schools depend on the microsoft system. Education is one area that MS does not completely dominate. Please reconsider your settlement.

Thats only one point of contention out of very, very many Thanks DOJ, You're handing MS more money and power on a silver platter.

Robb Roaten
Taxpayer
Memphis,TN

MTC–00001797

From: Bobby Hays
To: Microsoft ATR
Date: 11/21/01 7:45am
Subject: Microsoft makes our govt look like chumps!

Microsoft has bought, cajoled, threatened, and destroyed so many powerful companies. They have taken the freedom of people to live their life they way they want to by forcing their swill upon us. If they can buy our government so easily, how much longer until they just flex their strength and take over? Do we really want to see ''USA—XP''? Please your part to keep competition and technology growth alive.

MTC–00001798

From: talosman
To: Microsoft ATR
Date: 11/21/01 7:37am
Subject: please let my voice count

I read this yesterday..... wired news (wired.com)—Microsoft confirmed Tuesday it has reached a settlement in most of the private antitrust lawsuits filed against the software giant.

Under the proposed settlement, the company will provide more than $1 billion to over 12,500 of the nation's poorest schools over five years. The money will pay for teacher training, technical support,

refurbished computers and virtually unlimited amounts of Microsoft's most popular software, such as Windows and Office, company spokesman Matt Pilla said.....

I think the money should allow the schools to buy whatever systems and software they want. They make their own decisions!!!! they give away more ''winodws'' and ''office'' software for free... that expand their market share even more?????? a lot of schools use macintosh, I think at least 50% of the education market use Apple Computers. this deal no doubt hurt Microsoft's competitor—Apple Computers.

I am against this settlement. and ask for a better settlement deal!

Talos Tsui

MTC–00001799

From: Tony Silva
To: Microsoft ATR
Date: 11/21/01 8:31am
Subject: Microsoft Case Opinion

I sit here dumbfounded at how this corporation has managed to totally subvert the legal process and buy it's clemency. The recent judgment is anything but. The farce of this verdict rivals that of the O. J. Simpson case.

This company, this monopoly has broken the law, repeatedly, knowingly, continually. They have made mockeries of past legal judgments against tem. They have lied in court.

The recent suggestion that they make amends by donating software to schools is a final slap in the face. It is like a convicted heroin dealer asking for lenience if he provides the drugs free to school children for X number of years. Just hoe pervasive is the influence of this man Gates?

This corporation needs to be disempowered. Their monopoly of the computer software industry in the US (and worldwide) hurts all of us, daily. Please have the courage and integrity to do the right thing. Stop Microsoft from its parasitic drain on innovation and progress.

Tony Silva
Nishinomiya, Japan
U.S. Citizen
tonysilva@mac.email.ne.jp

MTC–00001800

From: Greg Mader
To: 'Microsoft.atr(a)usdoj.gov'
Date: 11/21/01 8:06am
Subject: I beleive that the proposed settlement does not create a more com petitive environment.

Dear Department of Justice,

The proposed settlement with Microsoft does not protect the consumer, and it certainly does not create an environment that advances competition. Out of the many companies that were destroyed by Microsoft's anti-competitive behavior, (such as Netscape, Ashton-Tate, and Wordstar) none of them can be brought back to life. Rather, I would hope that any settlement will allow new companies to come back into the arena, and have a chance at a successful business operation. The settlement also does nothing to facilitate the growing field of open source software. Instead, MS has taken open source standards, and attempts to reduce their interoperability with non Microsoft systems. Specific examples of this include Kerberos, and the SMB file sharing protocol.

Gregory A. Mader
GIS Analyst,
Chicago, IL

MTC–00001801

From: Stonewall Ballard
To: Microsoft ATR
Date: 11/21/01 7:51am
Subject: Comments on Microsoft settlement

This proposed settlement is a sweetheart deal for Microsoft. It will do nothing to repair the damage from their past actions, and it will have no practical effect moving forward. Microsoft will maintain and even strengthen their monopoly.

It's clear why this has happened. The Bush administration is hostile to anti-trust enforcement, and Microsoft has become a major contributor to the Republican party.

The official corruption is evident in the terms of the settlement, which sound ok on their face, but contain enough loopholes that they will not actually have any effect. This allows the government to claim that they're doing something, when in fact, they are not. I strongly urge the government to reject this settlement and adopt Judge Jackson's breakup plan. While Judge Jackson may have personally screwed up, his remedy plan was the right approach. Don't let his personal failure keep us from doing the right thing.

—Stonewall Ballard
34 Aurora Lane
Concord, MA 01742
Stonewall Ballard
stoney@sb.org http://www.sb.org/stoney/

MTC–00001802

From: Praedor
To: Microsoft ATR
Date: 11/21/01 8:48am
Subject: Microsoft's offer to end lawsuits is not acceptable

The recent offer by Microsoft to give computers, software, and training to hundreds of needy schools is NOT an acceptable means to end any lawsuits. It is entirely self-serving and monopoly-feeding.

They would give computers containing Microsoft software to these schools and train individuals on how to use Microsoft software and manage Microsoft networks. This is merely intended to create future paying customers since Microsoft would NOT provide free upgrades—they would have to pay and feed the monopoly in order to maintain and improve their ''generous gift''. Not acceptable. It is not acceptable that any punishment or acts of contrition on Microsoft's part would serve to maintain and expand its monopoly, which is has always illegally strengthened and maintained. Nothing in any settlement can in any way enhance their monopoly status now or in the future. ANY settlement must serve instead to enhance competition and erode its monopoly.

You have caved in to money and caved in to pro-monopoly forces in the Republican Party with your giving Microsoft what IT wants in the settlement. You have made a mistake that is undefendable and can only be corrected by actually acting properly against an inarguably illegal monopolist (there is NO question as to legality here—the courts have clearly and unambiguously determined that Microsoft has acted illegally in maintaining and growing its monopoly—no argument). You do not have to continue your mistake. Correct the situation, reject the current Microsoft offer, and put real teeth and punishment and correction into the settlement.

Praedor Tempus
Utah

MTC–00001803

From: williamhuchting
To: Microsoft ATR
Date: 11/21/01 8:48am
Subject: $1 billion in settlement money spent on...

I read that Microsoft is going to give $1billion away to disadvantaged schools as part of their settlement.

The trouble is it is in the for m of their own product.

Better solutions:

1. Make Microsoft give them cash so they can lower class size, etc. Microsoft has $20 + on hand

2. Or make Microsoft provide the schools with $ 1 billion of their competitors' products.

Now #2 would be a boost for competition.

Cheers,
William Huchting

MTC–00001804

From: rj friedman
To: Microsoft ATR
Date: 11/21/01 8:48am
Subject: MS Settlement is Unacceptable

As a concerned US citizen living abroad, I wanted to write to let you know that I am extremely disturbed at the proposed terms of settlement that the US Dept. of Justice has agreed to with Microsoft.

Given Microsoft's past history of manuevering around their supposedly binding agreements; given the huge number of loopholes in the proposed agreement; given the overall weakness of the remedies in relation to the crime; it would make a mockery of all the time, effort, and money that went into the proceedings to date, to accept those terms. I would like to STRONGLY urge you to reconsider this ill-advised proposed settlement, and to hold out for a more just and more meaningful remedy.

RJ Friedman

MTC–00001805

From: phjul
To: Microsoft ATR
Date: 11/21/01 8:39am
Subject: Microsoft Settlement

Does the settlement include anything about the DOJ supporting Microsoft Word Documents

Its kind of annoying having to use Word Perfect to read the complaint against Microsoft!!!!!!!!!!!!

MTC–00001806

From: Dennis F. Kahlbaum
To: Microsoft ATR
Date: 11/21/01 8:53am
Subject: Disagree with Microsoft Settlement

I will make this brief.

I am in total disagreement with this so-called ''settlement''. Microsoft has been rightfully convicted as being a monopoly, and therefore should be severely punished. This ''settlement'' is simply a slap on the wrist and will NOT change this company's predatory and dominating behavior. The DOJ has wasted years of effort, and money, if this ''settlement'' is adopted. I strongly urge the DOJ to reconsider its position and do whatever it takes to allow FAIR competition to return to not only the computer OS market, but to whatever Microsoft decides to conquer next (PDAs, Gaming Consoles, etc.)

Thank you.

Dennis F. Kahlbaum

MTC–00001807

From: Michael Sperazza
To: microsoft.atr(a)usdoj.gov
Date: 11/21/01 8:51am
Subject: Comments

You really have Gates laughing now. Two courts have ruled he had abused a position of a monopoly and you are giving him a slap on the wrist. He has not been effected by other orders to change his practices, why do you think he will now. In fact he is already positioning things to go around the restrictions and they have not yet been finalized. Microsoft continues to claim the each new version of software adds features the customers ask for. But I can tell you (having 15 years experience in the business world and now in academics) they have added very little to office, since the first windows version, that even advanced users need. What they have done is incorporated features into Windows that little designers have developed and put them out of business.

And now this school 'gift' is part of the penalty, ha! Gates feels if he can get the young using his software he will have them when they are older. He should have to donate 1B worth of other developers software, to make up for past practices, help the competitors and dilute Microsoft' hold on the market.

If Gate's can out muscle IBM (OS/2), Lotus (Office suite, also IBM) and other large corporations, what chance does the consumer have of seeing creative new produces from small developers? You need to do much more!

Michael Sperazza

MTC–00001808

From: Andrew Edmondson
To: Microsoft ATR
Date: 11/21/01 8:49am
Subject: Microsoft

Since the economy is in a downward spin anyway shoring it up by letting Microsoft get away does nothing as they are only the last in line to shore things up.

It is the corporation that buy their product that need help. The need it terms of pricing and of choices—and a great way of doing that would have been to break the monopoly up to stimulate growth in the computer sector to allow for this.

All this deal has done is to allow Microsoft to shore up defences and allow it to continue what it was doing all along.

Effects of this agreement will be seen throughout not only the tech sector during the next decade, but aerospace, national defence, banking, and all related activities—and I am very afraid it will be extremely negative.

It is too bad the current administration did not have the courage to do what was right.

I am very worried and sad at the same time.

A. Edmondson

MTC–00001809

From: Rodney Smith
To: Microsoft ATR
Date: 11/21/01 9:12am
Subject: Microsoft—Anti Trust (2nd Appendage)

Dear DOJ,

This eMail serves as an appendage of the first eMail sent 11/16/01 and second eMail sent 11/19/2001 (they are included after the following text).

I read in technology news that a aspect of a settlement with Microsoft involved the company supplying a billion dollars of Microsoft software to the dis-advantaged. I did not intend to get this involved with supplying suggestions but I feel very strongly that this type of rectification although expensive, works in Microsoft's favor. They are able to leverage this situation by extending the usage of its own software. My role is not to direct the legal situation, only to observe and maybe comment if the opportunity arises.

This current eMail is just my observation and note of dis-satisfaction.

Thank you for the opportunity to participate in such an important legal proceeding.

Sincerely,

A Concerned Citizen

(The first two emails follow...)

First Appendage

This eMail serves as an appendage of an original eMail sent 11/16/01 (which is included after the following text).

The previous message neglected to mention the browser issue. During the court proceedings under Judge Thomas Penfield Jackson, William Gates (as I have read in technology news) states he didn't know what a browser is. I take his statement to mean that there is no clear definition of a browser simply because his own software package can be found specifying the need for a browser. Further, tying in of his browser to the Windows OS is not as clear an issue as Microsoft has pressed. My experience with Windows and the accompanying browser lead me to understand that:

1) The browser technically has nothing to do with the OS.

2) The Internet has nothing to do with the OS.

3) Internet access and a browser are two separate things. To explain the above declarations in simple terms. The browser that was originally created as a method of viewing information stored and accessed from the internet was later extended to the OS as a means of maintaining consistency of appearance and usage between the OS and the internet. To simplify further, the code used for the browser and the code used for connecting/accessing the internet are two distinct components. Competing browser products as it relates to the internet are defrauded on the basis of underlying code that uses the Windows OS (now the primary use) browser to display internet information. Again, to simplify further, it is the internet access code that is the object of tying or commingling. It is this component that should be the focus of litigation.

To clarify why I chose to de-emphasize the technical merits of the browser with the OS (Windows) is that confusion arises from Microsoft's argument about the importance/difficulties of the browser. The browser as it stands today is important to Microsoft only as it relates to the importance that made the GUI (Graphical User Interface) a successful technology. However, my PERSONAL opinion is that this is contrived to a large degree. I PERSONALLY don't like the CONVENTION (browser as it relates to the OS) which is all it offers, in MY OPINION.

Original Message

First I would like to say that this legal proceeding must be handled with great care. It is very economically important to settle a case like this so everyone comes out ahead. It is obvious at this point that your expert opinion is that conduct provisions be established to bring about a beneficial SETTLEMENT.

I am a software developer. My experience with the technology/products in question lead me to conclude that conduct provision MAY be a sensible route to a reasonable out come. I must stress that technology is pushing forward and is requiring all software developers to use ever greater efforts to bring about products that are desirable. The comfort in the use of various technique matured during the 1980s that still serve as the building blocks for products in the year 2001. These building blocks have to advance in order to meet the needs of the current/next generation of software products. What I am specifically addressing is that Microsoft has advance EXPERIENCE in what ever technology it implements in its Windows OS. Competitors must struggle to implement new FEATURES provided in the Windows OS from the point of view of implementer. We all have to understand that Microsoft has invested money and effort to develop these new features, an intimate understanding of theory behind that technology thus exists. For those who are in competition with Microsoft to develop feature rich technologies timely exposure to privileged THEORY does not exist. Instead, while Microsoft has ''the inside track'' and is working on next years projects, the competition is just learning how the present features can and should be used.

All of this is said to emphasize that one critical element to this very important legal matter is that there has to be fair access to new developments within the key technology, WINDOWS. If there were a way to maintain a list of technology being implemented and detailed information on the theory behind it, everyone would be in the advantages situation of technical literacy behind ''A'' target technology (WINDOWS). If there is no efficient method to implement such a strategy then I must urge on this basis

alone that the company (MICROSOFT) be divided into an OS (WINDOWS) company and an Application company, two totally distinct companies, no ties. At this point, if a division was used, I would suggest no further remedy.

If a division of the company was is not selected as a remedy for the Anti-trust case and a ''fair sharing of technology is used'', then I would also suggest that Microsoft be restricted from bundling ''value added applets''. Examples range from the simple, (Notepad, a simple text editor), to the more sophisticated (Instant Messaging, Video Editing, the Windows Media Player). These applets have no place under the title Operating System. They have no baring on the OS, they should all be omitted for (I'm no legal professional) legal simplicity. If however one decided not to pursue this aspect of this legality in this fashion, I then suggest at the least, competitors be allowed prominent accessibility/exposure to the OS (WINDOWS) consumer. An prominently exposed method to ''use'' or ''try'' a competitor's product should be available. This equal accessible method might encapsulate ALL competitor products to provide a clear distinction between what is ''a part of Windows'' and what is offered as an alternative.

These alternatives would be included with the Windows OS with respect to competitor participation. This proposal for the Microsoft—DOJ, Anti Trust case is offered as a suggestion(s)

Sincerely,

A Concerned Citizen

MTC–00001810

From: Lee
To: Microsoft ATR
Date: 11/21/01 9:10am
Subject: Proposed Settlement

I can not disagree with the proposed settlement with Microsoft enough. Despite the clear ruling that Microsoft is a monopoly, who has illegally used it's power to enforce it's monopoly, none of the settlement terms would affect the key components of Microsoft's monopoly. I will not go into the details here, I'm sure you are aware of what I'm talking about. Please reconsider your proposed settlement and consider positions such as California's.

Yours Truly,
Lee G. Shapiro
22833 Kings Court
Hayward, CA 94541
510–728–0114

MTC–00001811

From: Robert B. Waltz
To: Microsoft ATR
Date: 11/21/01 9:06am
Subject: Comments on the Proposed Settlement

I must write to express my dismay that the Justice Department is letting Microsoft off the hook so easily.

Let's look at it this way: I use a Macintosh, not a Windows PC. I'd like to buy a spreadsheet with macro programming capability. I have exactly one choice: Microsoft Excel. This is not a choice I want. This company is so omnipresent that it can dominate even the computing platform it DOESN'T absolutely control. Something has to be done.

I agree that Microsoft probably can't be broken up at this time; Windows is almost as much a part of our national infrastructure as the power grid. But it needs to be much more strictly controlled. Something needs to be done about the categories it dominates, such as spreadsheets and word processing. The logical solution, it seems to me, is to treat it as a public utility: As with a power or a gas company, it should need advocates for consumers overseeing its pricing practices, and ALL source code for EVERYTHING should be published so that competitors can see what Microsoft is doing.

I want that non-Microsoft spreadsheet. Any solution failing to provide that clearly has not addressed Microsoft's monopoly.

Robert B. Waltz
St. Paul, MN
waltzmn@skypoint.com

MTC–00001812

From: David Wisniewski
To: Microsoft ATR
Date: 11/21/01 9:15am
Subject: their performance is unacceptable

From the Macintouch (http://www.macintouch.com/) website, dated Tues November 21. Microsoft has admitted it was wrong when it denied earlier knowledge of an Internet Explorer security hole discovered by another firm, according to a ZDNet story: ''IT security firm Online Solutions discovered the exploit on 1 November and informed Microsoft's Security Response Center with the technical details of its discovery on the same day. Microsoft acknowledged the alert along with the promise that it would investigate the issue as quickly as possible. But a lack of feedback on the investigation prompted Online Solutions to place increasing pressure on Microsoft to issue a bulletin about the IE hole. After one week of waiting, the security company went public with a press release about the exploit on 9 November—Microsoft published an alert on its Web site later that day.''

This sort of behavior is unacceptable from a company that supplies software to the majority of the country. If the company seizes monopoly control of the market, it must remain responsive to threats and problems with its software. If it cannot, I am sure smaller companies would care more about pleasing its customers, and would react in a more timely fashion. Please don't throw away this monumental case. There are far too many important issues at stake to let Microsoft off with a slap on the wrist.

Regards,
David Wisniewski

MTC–00001813

From: Daniel L Christie
To: Microsoft ATR
Date: 11/21/01 9:14am
Subject: microsoft settlement

the microsoft suits are a millstone around the neck of the tech industry and the economy as a whole. T he sooner it is settled the better for everyone, consumers,stockholders,and the general economy. It will give new hope and optimism to us all. We will also feel the goverment has shown a little more common sense.

sincerely
Daniel Christie 11/21/01

MTC–00001814

From: ILPI
To: Microsoft ATR
Date: 11/21/01 9:13am
Subject: The MSFT settlement is absurd

The proposed settlement with Microsoft is absurd for many reasons. Here are just a few, in our opinion:

1. Where is the PENALTY? Microsoft illegally stole/won the browser market through anti-competitive practices. What is the penalty?

2. They are still up to the same practices. Microsoft no longer supports Java, a widely accepted language supported by their arch-rival Sun. Microsoft did so under the spurious claim that Java is an extreme security risk while their alternative implementation of ActiveX (long ago rejected by the free market) is even more so (remember, this comes on the heels of a lost court battle over MSFT's attempts to co-opt and bastardize the Java language in violation of their licensing agreement). Now, all but the most tech-savvy users, a small minority, will have the knowledge or time/effort to add Java support to their machines. In fact, Microsoft products are such large security risks that the Gartner Group recently recommended that Microsoft IIS users immediately migrate away from that platform. Likewise, MSFT is leveraging their monopoly to force the market over to subscription-based services under the banner of .Net. .Net was not something the market requested. Users did not ask for mandatory leasing of their software and operating systems. Most users upgrade when they believe the newer software gives them an advantage; MSFT has realized that word processors etc. can't get any more feature-bloated and that upgrades won't drive their bottom line. They wish to milk the cash cow forever by forcing their captive audience into a subscription-based model. Microsoft is forcing this upon them by virtue of its monopoly position; most other users have no other choice but to give in to this extortion.

MSFT is also leveraging their monopoly to disingenuously convince its users that they must subscribe to Passport/Hailstorm. This requires users to divulge personally identifying and sensitive information which will be stored on MSFT's ''secure'' server in order to take advantage of the OS features.

Want some more? MSFT, for no apparent technical reason, decided to do away with the standard plug-in feature of browsers in IE 6. This instantaneously removed Apple QuickTime and Real Media players from the IE browser unless the savvy user knew what workarounds were required.

3. Their newly announced private ''settlement'' of antitrust cases allegedly features a penalty of ''free software and computers to more than 14,000 of the poorest U.S. schools over five years''. This is not a penalty, it is a REWARD. This will give them an incredible amount of ammunition in finally dislodging Apple from the education

market once and for all. The settlement should be MONETARY with schools free to make their own choice about computing decisions free from the Microsoft hegemony. And if this settlement was to acknowledge unfair practices, maybe forcing MSFT to buy the school whatever Linux and Apple products they wanted instead would be even more fair.

The list goes on, but we'll end here to keep this letter relatively short.

Regards,

The ILPI Support Team

Interactive Learning Paradigms, Incorporated Save time, effort and $$ with web-based distance learning & training. Complete custom solutions as low as $20 per employee per year. More info: (859) 396–5218, sales@ilpi.com, http://www.ilpi.com/

MTC–00001815

From: Jeremy Reichman
To: Microsoft ATR
Date: 11/21/01 9:12am
Subject: My view on the proposed Microsoft anti-trust settlement

I find the government's recently-announced Microsoft anti-trust settlement agreement wholly unsatisfactory. I work in the technology field and am a user of both Microsoft and non-Microsoft technologies. In my role at work and my life at home, I am continually pressured to use Microsoft technologies ''because they are the standard'' or ''because that's what everyone else uses.'' In many cases, I would rather use something compelling from another company, but the demands to ''just fit in'' are unceasing.

The courts have found Microsoft to be a monopolist. This is undisputed. Nothing but radical measures can reshape or reform the competitive landscape—or anti-competitive landscape, as I see it—that Microsoft has created.

It is true that no competitors have had the willpower to sustain a long and expensive campaign against Microsoft in our free marketplace. But it is also true that everyone just expects Microsoft to win, market after market, dominating each new field they enter. This single company owns the majority of desktop computer systems on the planet with their software, and turned that into dominance of the desktop applications market. They own the Web browser, and are working to make the Internet their own by tying new services to their proprietary Web technologies. They are moving into the hardware realm with input devices (mice, keyboards, etc.) and have worked aggressively to build media properties (MSNBC, MSN). They want to own the handheld computer space, and are doing so based on their already-built monopoly on desktop computers. They seek to own the game console market. They are fighting tooth and nail to push out competition in the server rooms and data centers of the world, and are again doing it by leveraging their position in desktop computing.

Each step is based on their overwhelming control of another market. This is not simply a company trying to stay profitable for its shareholders. This is a company working against the public good of a free and open market. This is a company that has built legal defenses and deep pockets that sustain it in money-losing endeavors in new markets, until they can push competitors into niche spots. Their competitors cannot fairly respond to these attacks because Microsoft builds upon its past and attacks from all angles at once.

I also find it disturbing that Microsoft offers its products to large organizations at such discounted prices that there's very little chance that a competitor could get its foot in the door with a rival product. There's simply little way an independent developer can hope to outprice Microsoft, whose products can go for much less than a quarter of the retail price when bought on contract. While this saves money, it freezes out other kinds of solutions from different companies.

Do not mistake me: Microsoft builds products that are compelling to consumers and can often stand on their own merits. They are successful at what they do. My point is that they are too successful, and in too many areas, precisely because the technology arena allows them to tie all of their products together so that customers have nowhere to go but Microsoft. I shudder to think that even my government buckles to this pressure, and will not produce a legal remedy which will actually do something to address the systemic problems that Microsoft presents to all of us.

Jeremy Reichman
545 Robert Quigley Drive, Apt 1
Scottsville, NY 14564
(585) 889–5343

MTC–00001816

From: Stan Diamond
To: Microsoft ATR
Date: 11/21/01 9:40am
Subject: Microsoft's proposed settlement

Dear Sir,

I am writing to express my dismay at the proposed settlement of the Microsoft antitrust case. I think that many of us believe that Microsoft basically got off virtually free in the federal case, but my comments here are more directed to Microsoft's proposed support the schools tactic to mollify the remaining states.

While on the surface, it appears that Microsoft is being magnanimous in offering $500 million in cash and an equal amount in software to be distributed over five years to more than 12,000 public schools nationwide, it would seem to this reader that the nature of the settlement only solidifies Microsoft's antitrust stance. If this were in fact a truly strings-free offer of support to the schools I would applaud it vigorously. However, in order to be such an offer, it should contain nothing at all proprietary to Microsoft. This includes the software component, the training component, and most of all the fact that two out of the five members of the new foundation's board would be Microsoft employees. All of these components of the settlement would appear to solidify Microsoft's dominant and dictatorial position in the world computer business. The proposed settlement should be completely vendor neutral—both by providing the schools with the freedom to secure software, hardware and training from any vendor they so choose and by preventing Microsoft from having any presence or influence on the board of the proposed foundation which will have the responsibility of approving or denying school applications for aid.

I would further be cautious about allowing Microsoft to reap double tax benefits—first by taking a charge against earnings in the amount of the settlement and secondly by further deducting the amount of the settlement as a contribution to a charitable and/or educational foundation.

I would hope that the proposed settlement in its present form is not accepted by the states and countries still considering a real solution to the antitrust case that appears to be being swept under the rug by the Justice Department.

Sincerely,
Stan Diamond
24 Iliad Street
Leominster, MA 01453
Stan.diamond@verizon.net

MTC–00001817

From: Richard Mallamo
To: Microsoft ATR
Date: 11/21/01 9:38am
Subject: Your Microsoft Settlement Is A Disservice To America

Dear Friends,

Clearly, the ultimate outcome of the Micro$oft settlement will be no net change in anything. This ''punishment'' is so light as to almost constitute a reward for their egregious behavior. In the unlikely event that Micro$oft even complies with the consent agreement (and they have of ignoring and stonewalling prior court orders), it will do nothing substantive to end their behavior or to spur competition.

What is particularly outrageous is the fact that the latest version of Windows, and the emerging Micro$oft strategy—and here I'm particularly thinking of their .NET strategy—contain mechanisms that will only create an even broader monopoly, putting a death-grip on the whole computing world. Your office's settlement offer does nothing to remedy the matter. I urge you to do what's right and truly put an end to Micro$oft's lawlessness.

Richard Mallamo
PO Box 413
Liberty ME 04949

MTC–00001818

From: Paul Gorski
To: Microsoft ATR
Date: 11/21/01 9:31am
Subject: Settlement is anti-competitive itself

Hello,

The proposed settlement that requires Microsoft to donate software to schools will further erode competition. Microsoft for years gave away software, initially, just to reap the benefits of upgrade prices and pricing down the road.

By making Microsoft donate software to schools, you eliminate competition for those software manufacturers who'd have to sell software to those schools. Microsoft should set up computer trust funds (of sort) for those schools and let the schools decide how to spend the money. But not only schools, nonprofits too. A general fund for nonprofits, that they'd have to apply for, but at least have access to. Microsoft shouldn't be made to

donate their products to schools, Microsoft should donate funds for computer purchases and let the schools decide how to spend their computer dollars. This allow for hardware and software competition in the schools' decision making processes.

Sincerely,
Paul Gorski

MTC–00001819

From: Patel Lokanath
To: Microsoft ATR
Date: 11/21/01 9:27am
Subject: Microsoft Settlement

Good job! Hurray for the kids. I don't see anything wrong with this settlement. keep up the good work, Finally, everybody wins.

Sincerely,
Lokanath Patel,
Dubuque, IA
PatelLokanath&JohnDeere.Com
563–589–6328

MTC–00001820

From: ChristoCi@aol.com@inetgw
To: Microsoft ATR
Date: 11/21/01 9:50am
Subject: Real punishment

If Microsoft wants to donate computers and software to schools as a plea agreement, how about Apple computers with AOL and Netscape loaded and a few of the other companies they destroyed along the way. No sense in allowing this to be a self serving punishment.

christoci@aol.com Chris Cicala from Orland Park, IL

MTC–00001821

From: Network Administrator
To: Microsoft ATR
Date: 11/21/01 9:50am
Subject: Microsoft

DOJ,

I am shocked at the total lack of thought that went into this settlement- or maybe the Bush administration is further securing its role as corporate thug-thereby securing more millions for the next election.

Regardless, Microsoft has escaped justice again. They will parlay this into more abuses which hurt our economy and stifle competition. They are not innovators they are thieves. Its only legal 'cause they are getting away with it.

I don't believe Microsoft should be broken up creating more monsters. I believe that a substantial portion of Microsoft's assets should be seized and a sizable portion of Microsoft's future income should be ear-marked for a multi-billion dollar pool of money to re-finance businesses that Microsoft has put out of business, help restore the lives of those devastated by their anti-competitive practices and restore the competitive balance in the computer industry. Microsoft uses these practices across almost every related industry. Gates, Balmer, etc. should be left with money but they should be required to work and maintain profitability in order to fund the pool of money under threat of criminal charges against them for racketeering. This case is only the weakest of the allegations against them. That is the appropriate remedy-make them finance the competition they have sought to squash.

While certainly my business is adversely affected by Microsoft (lack of OS secuity, dirty tricks with their servers, email viruses, on and on)-I would not be claiming any of this pool so it is not self interest that I suggest this solution.

And now, I hear that they are again attempting to escape private class action suits against them by further artificially securing market sector in education. They are laughing at you-again.

rick palmer
network administrator sunflower community network kansas city's non-profit network access project since 1994

MTC–00001822

From: JoeB9@aol.com@inetgw
To: Microsoft ATR
Date: 11/21/01 9:42am
Subject: Microsoft Anti-trust suite

I am concerned with the current settlement agreement with Microsoft. It appears that there is no ''bite'' in this agreement and that business will be as usual with MS. I do not believe that those negotiating this deal are aware of the anti-competitive practices that this company has engaged in and will continue to engage in unless they are stopped. There are many published books on the subject that I would suggest that you read, several come to mind ''The Microsoft File'', ''Barbarians lead by Bill Gates'', ''World War 3.0 : Microsoft and Its Enemies'','' U.S. v. Microsoft: The Inside Story of the Landmark Case'' and ''Pride Before the Fall: The Trials of Bill Gates and the End of the Microsoft Era'' all of which detail the anti-competitive nature of this company. Unless they are stopped from ''innovating'' which based on the context in which Bill Gates uses this word must mean ''steal'' or ''rip-off'' they will continue to kill true ''innovation''. Of particular concern is the $1 billion investment in our nations poorest districts.

Although I have not been able to find any specifics on this deal I do know that it involves hardware and software. My question is do the users get a choice of Mac, PC, Linux, Sun box for the hardware or is it strictly MS and Windows machines?? This is important because if it is limited to Windows platforms it only re-enforces the Monopoly they already hold on the industry.

Joe Barisa
CC:joeb9@aol.com@inetgw

MTC–00001823

From: Lee Allen
To: Microsoft ATR
Date: 11/21/01 9:51am
Subject: Proposed Microsoft settlement

I wish to speak out in opposition to the proposed settlement of the Microsoft anti-trust suit.

My reasons for this opposition are many, but the primary objections are in that the proposal is so vague and open to interpretation as to insure nothing more than continued legal proceedings as Microsoft continues to leverage it's monopolistic market share in ways that shatter the very foundations upon which any and all competitive markets must sit. The market share held by Microsoft is so extreme that Microsoft felt it was reasonable to not only consider the blocking of all browsers except it's own product, Internet Explorer, to msn.com they (Microsoft) actually did block access until public outcry became loud enough to make them reconsider. While this action by Microsoft in and of itself may not serve to warn us of the level of this danger, I would like to bring to your attention that a local radio station here in Seattle, Wa. (KVI 570 am http://www.kvi.com/) has now blocked all access to it's website to all browsers except Microsoft's Internet Explorer. Should you attempt to visit this site with other than Internet Explorer, you are presented this page http://kvi.com/NetscapeUser.asp?Site=KVI.com .

Such actions are contrary to the very foundation of the Internet .....''The power of the Web is in its universality. Access by everyone regardless of disability is an essential aspect.''—Tim Berners-Lee, W3C Director and inventor of the World WideWeb. While it is understood that Mr. Berners probably had in mind physical disabilities when he made this statement, I have little doubt that he never dreamed that a browser would become so powerful as to block all others to ''information''.

Nothing in the W3C standards supports the single browser concept as a ''standard''. Indeed, any site that blocks all but IE is also blocking the editor/browser of the W3C, Amaya http://www.w3.org/Amaya/ . W3C has a page addressing accessibility http://www.w3.org/WAI/eval/ and it states ''2. Use a graphical user interface (GUI) browser (such as Internet Explorer, Netscape Navigator, or Opera) and examine the selection of pages while adjusting the browser settings as follows.....''

Your honor, I respectfully submit to you that when a company's product's have become so pervasive in the market that Radio Stations will abandon W3C standards for the internet and block access to their sites to anyone that isn't using a specific browser, then the threat to the public interest represented by that company is almost beyond comprehension. I now see that Microsoft is offering as a ''settlement'' to other law suits a proposal that only serves to expand it's sphere of influence even further. I urgently request that you reject the proposed settlement in the case before you and examine remedies and punishments that will truly serve the public's interest and not submit to the persuasions of fear.

The American market place is very strong and can easily overcome any temporary setback more extreme measures may extract from Microsoft at this time; however, if this monopoly is allowed to continue it's unbridled growth it, like all other cancers, will one day be so demanding that it will kill the very host on which it feeds.

Sincerely,
Elbert Lee Allen

MTC–00001825

From: Larrys@macupgrades.com@inetgw
To: Microsoft ATR
Date: 11/21/01 9:59am
Subject: Monopoly

Please stop this monopoly. It hurts us all.

MTC–00001826

From: Nevin Lyne
To: Microsoft ATR
Date: 11/21/01 9:54am
Subject: Microsoft Settlement

Dear DOJ Staff,

The proposed settlement in which I have included a short clip below: ''Under a settlement proposal in a series of private antitrust lawsuits announced Tuesday, Microsoft agreed to donate approximately $500 million to help bring technology to some of the nation's most disadvantaged schools. The deal will also allow these schools to obtain a virtually unlimited supply of Microsoft software for the next five years.''

How is this punishing a monopolistic company, by handing them a way to penetrate into a market they are not the strongest player in. Apple Computer is still be far the strongest player in the education market, and you are now going to make it even harder for Apple to compete as Microsoft is going to be allowed to give free Microsoft software to schools that would otherwise be buying from possible Microsoft's competitors. Microsoft should be made to give away and support competing OS's like Apple's MacOS 9 and MacOS X systems, or Intel based PCs running only Linux OS, or even Sun Solaris for Intel which is available from Sun for free. This *Punishment* for Microsoft in the end is more of a blessing for them as you are practically handing them long term victory in a market they have had a hard time penetrating to begin with.

Please reconsider supporting this currently poor excuse as a settlement, a punishment should be a painful thing, not something they can be proud of. Make them pay to support their competitors they have practically smashed out of existence instead of helping them complete the task of becoming the only Operating system maker on the planet with any clout.

Its agreements like this that we should all be ashamed of. Thank you for your time.

-Nevin Lyne

Small business owner (Gippy's Internet Solutions— http://www.gippy.net/, and working class citizen (I work during the day at my ''day'' job, and striving towards the American dream of owning a successful small business at night, and I try to do it all without Microsoft products as I feel as a small business owner they are NOT helping me in any way, they are harming me with their poorly written, bug filled and security deathtrap ''software''.)

Nevin Lyne—Production Specialist
Mayo Clinic—Research Web Team
200 First St SW—Siebens 630a
Rochester, MN 55905
Phone: 507–284–2704 Fax: 507–284–1772
http://www.mayo.edu/research/

MTC–00001828

From: Marvin Mellem
To: Microsoft ATR
Date: 11/21/01 10:05am
Subject: Microsoft Settlement.

Hi,

Don't settle! It's as simple as that. I've read article upon article stating how antitrust cases are supposed to be 'forward looking' and yet I don't see that happening here!

Why did you guys take breaking up the company off the table? There was no pressure to do that or for you guys to NOT go after Windows XP. Sigh...here's my beef. The whole deal is about how Microsoft ties these products into their OS's and kills off competition right? Well have you looked at Windows XP yet? I don't wanna HAVE TO get a MS Passport to enjoy some features in my OS. Especially since some guy has already compromised its security. Yet Microsoft is forcing me to do so, UNFAIR! I mean they killed Netscape for crying out loud, and I've been on the internet for about six years now, yet THIS YEAR is the first time that I have had to switch from Netscape to Internet Explorer as my default browser. The only reason I did that was because more and more sites are optimising surfing for Microsoft web browsers only.

Now all that I've said till now IS valid, but here is my main problem. I'm from South Africa, and economics being how they are the USD is roughly ten times stronger than our Rand. So, say I want to go buy a copy of Windows XP Home Edition, I have to fork out just under R1 100 to buy it directly from the SUPPLIER! And as a general consumer I don't even have the necessary access to buy it from the supplier. I have to buy it from the stores who are bound to charge me more. Now if you think that is bad, listen to this. I work in the IT field, I have a good PC at home, but if I'm to be taking my IT work and studies seriously I can't do it on Windows XP HE, I need to buy myself a copy of XP Professional so that I can learn it to keep ahead of the pack in this cut throat market we have here. But you wanna know the retail price on that? Can you guess? It costs over R3 200 at the SUPPLIER once more...now you see all those figures would be okay if I earned say...R20k per month or so, but I don't. I get to walk home with roughly R3,4k/month after tax deductions...etc. Can you see me getting my hands on a copy of Windows XP Professinal LEGALLY? Now I read somewhere that it was discussed as part of a settlement that Microsoft develop a 'barebones' version of its OS? Well I like that idea!!! I LOVE my third party software, there isn't much in the actual Windows OS suite that I actually use. I prefer Symantec for antivirus software as well as disk maintenance software...etc. I used to prefer WordPerfect till MS Office became the standard down here(not that it's tied into the OS thank God). I may use media player from time to time, but that can be downloaded off the internet, and I can live without it because I have another video player(shareware) that actually works better than media player. Heck I even prefer Winamp to play my songs over media player, it's too big/bulky/clunky.

I startup Windows and what do I use? Windows Explorer, the MS Dos prompt(which is gone nowadays from what I hear), rarely notepad(it sucks like wordpad does, I mean why tie in barebones word processors like that which are never used?). I don't use Scandisk anymore since I have Norton's Disk Doctor which works only 100 times better(always has). I don't need to use disk cleanup either since Symantec Systemorks has Cleansweep which works better than disk cleanup. Heck let's just say that I don't even use any windows 'glitter'. I use the OS, install my own study/work software and that is all I do. I don't sit in MS paint or imaging or any of those Windows apps. I just use the Windows OS.

So the proposed plan to get Microsoft to make a 'barebones' OS is a good one if it will drastically reduce software prices for me. I mean think about it, there is a GLOBAL economy here. MY country is one of many working on plans to BRIDGE the digital divide between first and third world countries, and how can we do that when the Software which is the 'blood' of the digital era is so darn expensive?

Just food for thought, use it, don't use it...it's free. :-) :-)

PS: I read about the settlement that they give funding for PC's for underpriveledged schools, well my questions is if you settle with a payment stratergy, then how does that answer the question of a 'forward looking' anti-trust settlement? From my understanding it wont answer any of the questions of the laws Microsoft was found guilty of breaking and in doing so it only entitles them to a fresh round of breaking more antitrust laws. http://www.webmail.co.za the South-African free email service

MTC–00001829

From: Brian T. Anderson
To: Microsoft ATR
Date: 11/21/01 10:03am
Subject: Microsoft proposed settlement

To whom it may concern,

The recent proposal by Microsoft to give one billion in software and services to underprivileged schools is anything but punishment. While I would not argue that this is something that is badly needed, it will only help Microsoft to maintain their monopoly. Strict regulation of Microsoft is the only way to maintain healthy competition in the software industry.

Brian Anderson
Strike Anywhere Design
www.LogicAndProportion.com

MTC–00001830

From: GVIEric@aol.com@inetgw
To: Microsoft ATR
Date: 11/21/01 10:02am
Subject: Your Settlement Spells Doom for Hi Tech

Gentlemen:

I've just read an article about how well Microsoft is doing in penetrating new markets... servers, handheld PDA's, even game computers. In servers and PDA's, they're increasing market share much more quickly than their competitors.

And it's no wonder. Microsoft has almost unlimited resources. There's really no market they can't eventually conquer with their deep pockets. In a free market, competition should be allowed to sort out the winners and the losers. And I agree with that. But in this case, it becomes a question of should the profits from the part of Microsoft that's been judged to be a monopoly (desktop operating systems) be restricted in their use in other markets?

I would think the answer is YES.

I bought a Handspring Visor PDA about a year ago. I love it. Walter Mossberg recently wrote a review for the Wall Street Journal about the latest generation of PDA's that uses Microsoft's Windows CE as the operating system. His conclusion was that the Palm/Handspring devices (which both use the Palm OS) would likely be more satisfactory to business users. And after reading his criticisms of Windows CE, I found myself feeling fortunate that I had chosen Handspring.

Well, due to the size mismatch, Handspring & Palm's days may be numbered. If PDA's that use Windows CE are priced significantly less than Palms & Handsprings, it's obvious what will happen. Most companies can't afford to ''buy'' market share by selling below cost or, as Microsoft did with web browsers, simply giving their product away. Microsoft can not only afford lavish marketing expenses, but can afford to sell below the margins required by their non-monopoly-subsidized competitors.

If it isn't too late, I wish you'd give this some thought in your settlement negotiations with Microsoft. If your proposed settlement is approved by the court, five years from now Palm and Handspring will likely be fringe companies, much the way Novell (remember Netware) is today. I'll be using Windows CE, not by choice, but because the other companies ran out of profits to fund R&D, and then got left behind. And I'll be cursing you because you let this inevitability occur.

Make Microsoft compete fairly in the new markets it covets. Don't let them use their ill-gotten monopoloy profits to pave under the rest of the high tech sector.

Eric R. Lorgus, President
Great Valley Industries, Inc. (GVI),
928 Springdale Drive,
Exton, PA 19341–2805,
610–524–8200 x103,
610–524–8665 fax,

MTC–00001831

From: Wilner, Richard A.
To: Microsoft ATR
Date: 11/21/01 10:22am
Subject: Microsoft Settlement

Hi,

I am very disappointed with the Feds settlement.

Microsoft has been getting away with activities like this for years. From stealing the operating system from the Macintosh to pulling the rug out from under developers that were developing applications for OS/2, to taking control of the internet with their browser. With money brings power and they have much to much power. They wiped out Netscape by offering their browser for free and putting it on every PC that was sold

Richard Wilner
Command Media, AEW & EW Systems,
Phone (516) 575–0997, Fax (516) 346–2577,
email: richard_wilner@mail.northgrum.com

MTC–00001832

From: Richardson, Paul
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/21/01 10:18am
Subject: The Settlement

To Whom It Concerns,

I just wanted to drop you a note expressing my dissatisfaction with the Microsoft settlement. The trial demonstrated that Microsoft participated in unfair, anti-competitive behavior and that it harmed consumers and the industry. The whole point of the trial was to determine whether Microsoft had caused harm, and if so to prevent them from repeating their actions and to attempt to correct some of the problems they created. The settlement is very weak and does not go far enough. Microsoft caused many companies to go out of business by bundling and by forcing computer manufacturers not to include competing products. This greatly harmed the software industry and caused many companies to go out of business. The original decision would have caused the company to be split up so that it could not so easily repeat its anti-competitive behavior. This at least would have paved the way to creating a more competitive software market. Instead of striving to correct the problems in the industry created by Microsoft, the current settlement is nothing except the lightest of slaps on the wrist for Microsoft. It does not attempt to rectify anything, and it barely punishes Microsoft for its long history of abuses. If the Department of Justice goes through with this settlement, it is just an invitation for Microsoft to continue its behavior and for other dominant companies to do the same. The Government is suppose to strive to protect the consumers and the settlement does nothing towards this goal.

Sincerely,
Paul Richardson
2952 Bunker Hill Lane
Santa Clara, CA 95054

MTC–00001833

From: Gedeon Maheux
To: Microsoft ATR
Date: 11/21/01 10:11am
Subject: Re: Microsoft settlement

Dear Sirs,

How does letting Microsoft flood the education market with its operating system help discourage them from their current monopoly status? This proposed agreement does nothing to Microsoft short of making them dish out some cash over the long-haul, which, by all accounts they can well afford. I for one am VERY disappointed in this agreement and in those that helped draft it. It goes against logic and reason and should be discarded immediately.

Respectfully,
Gedeon Maheux
Gedeon Maheux
The Iconfactory
gedeon@iconfactory.com
336.299.5251
http://www.iconfactory.com
icon design
user interface design
interactive design
website design

MTC–00001834

From: Brian Jackson
To: Microsoft ATR
Date: 11/21/01 10:10am
Subject: Microsoft Settlement

To Whom it May Concern,

I am personally DUMBFOUNDED that the Dept. of Justice has agreed to a settlement in the Microsoft anti-trust proceedings that essentially ENCOURAGES Microsoft to further extend it's dominance in the desktop operating system/applications software market.

The currently proposed settlement, which would require Microsoft to donate $500 million to disadvantaged schools, leaves the door wide open for the company to extend it's dominance into one of the few markets where actual competition stills exists: the Education market. In what way does this portion of the proposed settlement punish Microsoft for their anti-competitive practices? By further eroding the slim market share held by their only real competitor in the desktop operating system/applications market, namely, Apple Computer?

It is my personal opinion as an IT professional that the entire settlement is extremely weak in it's scope, and is little more than a slap on the wrist to the continually arrogant and aggressive management of the Microsoft Corporation. However, I find the portion that requires the donation to the Education market particularly offensive and short-sighted. I think the DOJ should rethink this whole thing, and do the right thing for everyone invloved. In my opinion, that would be the breakup of the Microsoft Corporation into 2 separate companies, one that produces the Windows Operating System, and one that produces Application software (Microsoft Office, Internet Explorer, etc.). Anything less is damaging to both the consumer and businesses that compete with Microsoft in selling computer software.

Please consider these very important factors before committing to any settlement deal with Microsoft!

Sincerely,
Brian Jackson
Network Administrator
Galerie au Chocolat
4000 Red Bank Road
Cincinnati, Ohio 45227
513.527.8200 ext. 127
513.300.9451 (mobile)

MTC–00001835

From: Andy Lee
To: Microsoft ATR
Date: 11/21/01 10:56am
Subject: alternate proposal

To the US Department of Justice:

When I read about Microsoft's settlement offer, I thought of the old restaurant joke: ''The food here is bad—and the portions are so small!'' When it comes to software, you can't make up for qualitative flaws with volume.

I have seen Red Hat's proposal <http://biz.yahoo.com/bw/011120/202744_1.html>, but for all the reasons it makes sense, it would make even more sense to have Microsoft spend that billion dollars on Apple hardware. Wouldn't it be much more appropriate to have Microsoft buy computers that can't run their operating system? If Microsoft would buy the hardware, I'm sure Apple could be persuaded to donate software and support, though Apple computers already come bundled with the operating system and many easy-to-use applications at no extra cost. Microsoft could donate copies

of Office, the Mac version of which is very well liked.

My proposal would be much better for students than either Microsoft's or Red Hat's. For example, Apple's iBook laptops, along with their Airport technology, are a very inexpensive way to get a whole school connected wirelessly to the Internet; there is no equivalent in the Wintel world. Also, Linux is terrific, but it's never been anywhere near the #1 platform in the education market, as Apple is. I doubt Red Hat would expand their offer to include porting hundreds of educational apps from the Mac platform to Linux—or retraining hundreds of teachers and administrators who are already happy with Apple computers.

I believe what I am suggesting is (a) fair to all parties, (b) more appropriate than what Microsoft is offering, and (c) much more beneficial to the cause of educating American students. I hope you will agree.

Respectfully yours,

—Andrew G. Lee

MTC–00001836

From: LeeMcTarpB@aol.com@inetgw
To: Microsoft ATR
Date: 11/21/01 10:54am
Subject: Microsoft Settlement

I am a very strong supporter of Microsoft and the Bill Gates Corporation. I think he has done more for technology and continues to do more than any of the other companies. This judgement can have a huge impact on the economy of the U.S. I think his offer is most genrous.

Eva McVay
Fort Myers, Fl.

MTC–00001837

From: David Keller
To: Microsoft ATR
Date: 11/21/01 10:54am
Subject: Don't let Microsoft fool you again!

http://www.thestreet.com/_yahoo/tech/software/10004276.html

MTC–00001838

From: JLilly
To: Microsoft ATR
Date: 11/21/01 10:32am
Subject: Microsoft offer counters logic

Dear Sir,

The proposed settlement by Microsoft to supply schools with computers and software does nothing but further entrench their monopoly. In fact, it leverages their share into one of the last markets where there is still real choice; education.

Instead of letting Microsoft dump their software into the nations schools, I suggest having Microsoft pay that same amount in cash, perhaps for a ''technology'' earmarked fund, and let the schools choose what they want to do with it. If they choose Microsoft, more power to them. If they continue to use Macs, that's fine too. At least they will have a choice, and they won't have the monopoly hoisted onto them under the false pretense of a ''gift.''

John Lilly

MTC–00001839

From: tooner@mac.com@inetgw
To: Microsoft ATR
Date: 11/21/01 11:05am
Subject: IS THIS FOR REAL?

I find the proposed conduct remedy to be inappropriate and wholly inadequate for a company which has demonstrated nothing but contempt for previous similar conduct remedies (such as the 1995 consent decree in which MSFT agreed not to ''tie'' application software to the OS-but then did just that with Internet Explorer). Even after being found guilty of antitrust violations in that case, they face no punishment, and thus have no incentive to take the new conduct restrictions any more seriously than the old ones.

Paul Gartland
Austin, TX

MTC–00001840

From: Jim
To: Microsoft ATR
Date: 11/21/01 11:03am
Subject: Pay the people back what Microsoft has stolen.

They have pirated all their money at our expense. Obviously taken advantage of those that are not educated enough to know. Please keep the pressure on them.

MTC–00001841

From: Nick Farwell
To: Microsoft ATR
Date: 11/21/01 11:00am
Subject: This settlement is ridiculous.

Please reconsider letting Microsoft off the hook. Their behavior has clearly demonstrated absolute disregard for the principles of a free market and human ingenuity. For years they have stifled any competition with an iron fist.

If the Justice (hah!) Department fails on this, letting Microsoft off with a slap on the wrist, I feel that millions of Americans will lose whatever remaining respect and trust they had with the federal government.

Best,

Nick Farwell Stage Operations Supervisor A Contemporary Theatre 700 Union St. (206) 292–7660 x1759 voice Seattle, WA 98101 (206) 292–7670 fax (206) 718–7358 mobile

MTC–00001842

From: ewalker7@csc.com@inetgw
To: Microsoft ATR
Date: 11/21/01 10:58am
Subject: A Just Settlement

Since Microsoft's Applications and Operating Systems groups are at the root of much of the antitrust controversy, my suggestion is simply this: Require Microsoft's Applications Group to release and support versions of their popular software applications (i.e. Office, Visio, Internet Explorer, etc.) for the three main competing Unix platforms: Solaris, FreeBSD and Linux.

This solution would truly spur competition by encouraging other software vendors to also support these competing operating systems. Because of Microsoft's dominance, they're only motivated to support their own Windows and to some extent, the MacIntosh operating systems.

EMILE A. WALKER
Sr. Member of the Technical Staff (SMTS)
Computer Sciences Corporation

MTC–00001843

From: James T Smith
To: Microsoft ATR
Date: 11/21/01 11:12am
Subject: You've given the farm to Microsoft.

I am thoroughly disappointed and disgusted with the DoJ's recent treatment of the Microsoft monopoly.

The proposal of Microsoft to 'saturate' schools with their product is equivalent to the extremist Islamists (not to be confused with true Islam) have taken over (by offering for FREE) the general education of Pakistan children in their militant madrassas.

Why? In return for the chance to 'hook' young minds on their militant views.
mynews@thejtsmiths.net

MTC–00001844

From: Sean Wagner
To: Microsoft ATR
Date: 11/21/01 11:10am
Subject: Microsoft Settlement.

This is exactly what I want to say about the proposed settlement with Microsoft.

Sean Wagner

Dear DoJ,

A recent disturbing fact has been brought to my attention regarding the case against Microsoft. I quote from CNet.com: ''Under a settlement proposal in a series of private antitrust lawsuits announced Tuesday, Microsoft agreed to donate approximately $500 million to help bring technology to some of the nation's most disadvantaged schools. The deal will also allow these schools to obtain a virtually unlimited supply of Microsoft software for the next five years.

Those terms, say analysts, could hurt Apple and other software providers. Historically, education has been one of Apple's primary markets. And although the company has slipped to No. 2 in kindergarten through grade 12—behind Dell—it still has a larger installed base than anyone else. Free software, though, is hard to pass up. Apple, as well as Linux companies and other educational software developers, could find themselves out in the cold in school districts flush with new Microsoft products. ''

Here's an idea. Make Microsoft buy $500 million worth of Apple iMacs to put in those schools. This way the children can learn a great new Unix variant in the Mac OS X and the professors wont have to stop teaching to troubleshoot Windows.

Best,

Andrew F. Herrmann

Tech. Coordinator, College of Arts & Sciences

Saint Louis University

MTC–00001845

From: John C. Blakley
To: Microsoft ATR
Date: 11/21/01 11:06am
Subject: Microsoft Settlement

You have absolutely got to be kidding! I guess this is why no one trusts government to do anything right. This whole anti-trust thing has been about Microsoft dominating the marketplace through bully tactics and product giveaways and you think that forcing them to spend a billion dollars to put their product into more locations is a PENALTY?

Do you think the public is foolish enough to believe this is a penalty? Apparently the Department of Justice is. Over the years, they

have given away product for free at a substantial cost knowing that everything they give away will need to be upgraded and that the user will be locked in to the Microsoft Upgrade Revenue Bonanza.

If you want to penalize them, why not have them put 1 BILLION DOLLARS worth of Macintosh computers. They would still benefit in sales of applications, but at least not the operating system too. If not that, at least some semblance of a real penalty.

John Blakley

MTC–00001846

From: Allen Wicks
To: Microsoft ATR
Date: 11/21/01 11:17am
Subject: OPPOSED to Proposed Microsoft Settlement

Microsoft's business model has been and still is abusively anti competitive and anti innovative (despite what their PR hyperbole claims). The cost to consumers and to industry wide innovation has been immense. Even today after losing all the way to the Supreme Court, MS continues its business model largely unabated. The proposed settlement ''penalties'' are easily thwarted by MS, creating essentially no penalties at all; so, why should MS—or any other large firm—cease violating anti-trust laws? So far the MS model is a textbook example of the financial success of such unethical and even illegal business practices. Please consider this my request that the very weak Proposed Microsoft Settlement NOT BE ENACTED. MS has been found guilty and has lost all appeals. They made a joke of their earlier (1994) settlement. Now it is time for them to be STRONGLY PENALIZED:

[1] Their anti competitive behavior must be prohibited, and permanently, not just for five years. Any firm with such immense resources can and will make a mockery of any weak 5 year restrictions, simply by spending a few tens of millions slipping and sliding around the legal system.

[2] Very large fines must be imposed, sufficient to make Gates et. al. sufficiently aware of the consequences of the firm's illicit behavior that they are stimulated to want to change that behavior.

[3] Anti competitive business dealings (e.g. it has been and still is virtually impossible to buy any personal computer, even an Apple Macintosh, that does not default to Microsoft's browser whether the buyer wants it or not!) must be clearly and unequivocally prohibited.

[4] Perhaps most important, a permanent ''Microsoft Litigants' Defense Fund'' should be created from fines levied against Microsoft. Such a fund (with zero influence or participation by MS allowed) should make litigation funding and legal support available to firms who feel that they have been harmed by MS's failure to comply either with anti-trust law or with the (hopefully very harsh) terms of the 2001 penalties when they are promulgated. Use of such funds would be on condition that wins against MS include some sort of financial return back to the fund; legal support would be free to any law firm suing MS, and MS would be specifically prohibited from legal action or discovery proceedings against the fund.

[5] Movement of Microsoft's abusively anti competitive and anti innovative business model into emerging markets MUST be prohibited, and in a manner that is readily enforced. The internet and the ''convergence'' market spaces in particular (but not limited to) need be kept accessible to small innovators and not locked up by the likes of Microsoft. Much has been expressed that MS is a market leader and that penalizing them penalizes an already weak tech sector. What MS really is is an industry bully; penalizing such business behavior will in a very short time period overall stimulate the tech sector as innovators can again start innovating unfettered by fear of what type of response may come from the industry bully.

Thank you.

Allen Wicks

Small business person and computer industry observer since the 1970s.

Allen Wicks
allenwicks@infomenu.com
10164 Laburnham Circle, Truckee, CA 96161
530–550–8727

MTC–00001847

From: PTakeuchi@aol.com@inetgw
To: Microsoft ATR
Date: 11/21/01 11:15am
Subject: Bad settlement

It seems to me that the remedy (requiring Microsoft to furnish underserved schools with PC hardware and software) actually helps Microsoft. Similar to the monopoly Microsoft already enjoys with its operating system defacto installed on new computers, Microsoft's ''gift'' to underserved students not only is good PR for the company, but a way to corral in a whole new generation of users and consumers. While perhaps better than no computers at all, giving these kids a Microsoft desktop will brainwash the kids into believing Microsoft is the only choice. Instead, Microsoft should be required to provide techincal grants to the schools so that they can choose the software and hardware they want, be it Linux, Apple, Microsoft, etc. Letting Microsoft ''donate'' their software ensures that they will reap the rewards from future upgrades. This is no punishment at all for their anticompetitive policies. Contrary to their PR, Microsoft does not make efficient, lean, and troublefree products which can withstand free competition. They run the industry and force us to use their software by swallowing and/or pillaging the competition.

The saddest part of the whole judgment is that the big kahuna Windows XP is a huge step in further consolidating their monopoly, and the past issues have already become moot. Microsoft, as usual, sidesteps its legal troubles by reaching their tentacles further and more omniverously into PC users' lives. The company needs to be broken up if the government wants to ensure its citizens of freedom of choice and true innovation that only real competition can offer. Microsoft's strategy of using their deep pockets (thanks to an unbridled monopoly) to lobby on its behalf has obviously worked. Not only will users be stuck with Windows operating system, an office suite, and a browser, but all content delivery will be channeled through their proprietary formats (windows media files for music and video), and through their financial payment network. Our whole computing experience will be filtered through Microsoft.

Paul Takeuchi
Brooklyn, New York

MTC–00001848

From: Howard Coles
To: Microsoft ATR
Date: 12/6/01 2:37pm
Subject: MS Monopoly

Dear Sirs,

I would just like to express my concern toward any resolution or settlement that would further a monopoly for Microsoft products.

It would appear that the current proposed settlement would cause Microsoft to have to ''donate'' Hardware, Software, and services to under privileged school systems.

I believe that is should be obvious that this would introduce more young minds to Windows thus furthering Microsoft's control, and ultimately leading to more users of their OS. I think it would be more of a punishment for them to provide another brand of OS, Hardware, Software and Services. If you allow them to extend their control will the result not be a stronger monopoly? If you have kept current with Microsoft's current practices then you will understand that they are already setting in motion a licensing scheme that locks you into their products for years, while trying to setup a ''single sign on'' system (.NET) that would provide them with everyone's information.

As you can discern from this message I am very much against them providing more MS software. I feel that RedHat's suggestion is viable, let MS Provide everything EXCEPT the OS, and help create a competitive product that will enable consumers to have a truly viable option. The exact OS to provide would not necessarily be RedHat's Linux, but considering their offer would be a very good idea. I also feel that it would be in everyone's best interest to force Microsoft to remove any hint of a penalty, either in their licensing or reseller/OEM agreements, to Computer hardware providers who opt to preinstall any OS other than Microsoft's.

Thank You,
Howard Coles Jr.
Network Analyst II

MTC–00001849

From: Leonard Dudzinski
To: microsoftcomments@doj.ca.gov @inetgw,attorney.gener...
Date: 11/21/01 11:32 am
Subject: A proposal to stop Microsoft

To the States Attorneys General,

I want to begin by thanking you for your courage and judgment in continuing to prosecute Microsoft for is antitrust abuses even as other states and the Federal government have proposed a settlement with Microsoft that, in my opinion, does nothing to stop a very dangerous monopoly. To make matters worse, the settlement that I am hearing about today to allow Microsoft to give free software to poor school districts actually increases Microsofts monopoly power by increasing Microsofts user base,

training a new generation of Microsoft-only users, and disadvantaging Microsofts competitors in the education market!

I have been pondering the Microsoft case currently being tried by the US Department of Justice and your states Attorneys General, and thinking about what solution I would favor. I have an idea for how the DOJ could deal with Microsoft that I have not heard discussed as one of the options, and I am grateful that your State Department of Justice has opened this forum to share ideas on the case. I strongly believe that the ruling is correct that Microsoft's monopoly was gained illegally and hurts consumers. Microsoft has clearly demonstrated the willingness to wield its monopoly power to benefit itself at the expense of others. Microsoft's monopoly power must be ended. I also strongly believe that, especially during these these times of war, it is not in the state or federal governments best interest to be reliant on one computing platform for its function and national security. Recent events have demonstrated that one computing platform can be devastated by hackers or viruses, while others are immune. My proposed remedy is this: rule that your government must support multiple computer platforms, operating systems, and software suites in the interest of government security and in support of the free market.

While the Judicial Branch does not have the power to dictate the market in a free market economy, it does have the power to affect how the government responds to it. A DOJ ruling that the government must foster competition in the computer marketplace where possible, would be fair, effective, and within its powers. To that end, and in the interest of government security, an executive order could be issued that the government will support multiple computer platforms, operating systems, and productivity software suites, and no single computer platform, operating system, or suite of software will hold greater than a 50% market share within the government (The government market share percentage could be debated). This ruling would create an immediate demand for Microsoft's competition within the states and federal government, and with all those who deal computationally with these governments, which, I would think, is a large part of the computer market as a whole. Thus, this ruling would have the effect of destroying Microsoft's power to monopolize the market while preserving the company and its products. This ruling would have the additional effect of driving the computer industry towards standards to improve interoperability between platforms, operating systems, and standard software suites, which benefits all consumers. Microsoft would then be forced to play fair with its competitors products and standards.

I welcome comments on the idea.

Respectfully,

Leonard A. Dudzinski

Concerned US Citizen

Leonard A. Dudzinski

270 Windward Dr

Elyria, OH 44035

e-mail: Leonard3@Mac.com

LDudzinski@Excite.com http://inbox.excite.com

CC:Microsoft ATR,Leonard3@Mac.com@inetgw

MTC–00001850

From: Smythe DuVal
To: Microsoft ATR
Date: 11/21/01 11:28am
Subject: Microsoft Settlement

I'd like to comment on the recent settlement between the DOJ and Microsoft.

I have worked in the software and computer industry since 1989, including several startup firms that have partnered with Microsoft. I have followed the anti-trust cases against Microsoft since the mid-90s and I own a few shares of Microsoft stock.

I am shocked at the settlement the DOJ has reached with Microsoft. By any legal standard it is a weak settlement. I will not go into the details of of why this settlement is so weak—that has already been done ad nauseum. The DOJ attempted to create a face-saving settlement that looks tough and is actually quite benign. What has taken place is an abuse of the rule of law. The settlement is worthy of criticism because it blatantly condones political corruption.

Before writing this letter, I researched the political campaign contributions made by Microsoft to the major Parties. It appears to me and no doubt other Americans that Microsoft entered a quid pro quo arrangement with the major Parties—one in which Microsoft drastically increases their campaign contributions and in return the anti-trust suit will go away. Here are Microsoft's donations to the Republican and Democrat Parties since 1992:

1992 $ 51,483
1994 $ 103,702
1996 $ 237,484
1998 $ 1,357,746
2000 $ 4,356,376
2002 $ 837,385

Source: Center for Responsive Politics—OpenSecrets.org http://www.opensecrets.org/industries/contrib.asp?Ind=C5120&Cycle=2002

Microsoft's donations significantly increased as their legal troubles increased, reaching over $4 million in the 2000 election. Now that the lawsuit is ''settled'', donations for the 2002 general election are drastically reduced, and yet still a large sum. That surge of money in 1998 and 2000 and the resulting settlement represent political corruption in the highest offices of this government. Microsoft bought this DOJ settlement.

It is reported in the news services today that Microsoft is offering to pay all court and litigation costs to the remaining States, if in return these States would drop their case against Microsoft. This eye-brow raising offer illustrates two things—one, Microsoft isn't subtle when doing political corruption, and secondly, it offers a glimpse at the un-ethical environment they have participated with the major parties in recent years. Would any law abiding American driver, pulled over by a law abiding Police officer, offer to pay the officer's time in court if he in return would not write up a ticket? This is the very definition of attempted bribery. Microsoft's offer to the States is no less the same. Maybe they should donate lots of money to the State level Republican and Democratic Party—they have already done that. Here is a thorough report detailing the corruption between Microsoft and officials at all levels of the government: http://www.commoncause.org/publications/microsoft/microsoftstudy.pdf The Democrats, the Republicans, and the Justice Department failed to uphold the rule of law and have set the most blatant precedent that bribery is acceptable practice. Indeed—I anticipate if Microsoft doesn't pony up ''protection money'' in future election campaigns—they will find themselves in legal trouble again. Case in point—for the 2002 elections, Microsoft is the highest donor to the major Parties in the software industry.

I hope the remaining States and the European Commission have more integrity than the Democrats and Republicans who make up the ''Department of Justice''. America needs people who not only preach but also practice the rule of law.

Smythe DuVal

Marietta, GA

MTC–00001851

From: Henry Zeller
To: Microsoft ATR
Date: 11/21/01 11:22 am
Subject: Microsoft Ruling

To whom it may concern,

As one who has endured the business practices of Microsoft for many years, I want to voice my displeasure with the so-called penalty imposed on Microsoft.

This company was targeted for investigation for its ruthless monopolistic methods. They relegated vast numbers of competitors to the bankruptcy ashbin, while intimidating all those who did not comply with their wishes into submission.

Here we are. After all the efforts to impose justice on Microsoft, they are now rewarded with a guaranteed market share that competitors for those markets will not have access to—thanks to the Justice Department. In essence, DOJ has agreed that Windows is only one operating system, and others need not be considered. So what was the point?

Punitive damages should have taken the form of 5 billion dollars cash, distributed equally indexed on surviving companies inability to do business in the WinTel world, as seed money for development of more software to directly compete with Microsoft, and even to develop for other platforms, such as Macintosh, Linux, etc.

Thumbs down. As a law abiding American—I have been let down by DOJ

Regards

Henry Zeller

MTC–00001852

From: Peter C.S. Adams
To: Microsoft ATR
Date: 11/21/01 11:41 am
Subject: Microsoft settlement

I cannot overstate my disgust at the U.S. Justice Department's proposed settlement of the Microsoft antitrust case. I echo the words of numerous industry analysts: This isn't a remedy, it's a reward.

I wonder what would happen if some mafia boss made the same proposal to Mr. Ashcroft. Would he agree, saying, ''Gosh, Mr. Gotti, you mean to all those people you

murdered, but if you promise not to do it any more, you can keep all the money you stole''? Remember, Microsoft agreed to change its ways before in a consent decree, and simply ignored it when it was no longer convenient for them.

Simply put, Microsoft is in the position to dictate U.S. policy today, and it got that way by breaking the law. I strongly urge you to back away from this settlement. Continuing abuses and security problems at Microsoft underline the need for real reform there, not surrender by Justice.

Peter C.S. Adams
222 Edgewater Drive
Framingham, MA 01702

MTC–00001853

From: Sergio Valdes-Flores
To: Microsoft ATR
Date: 11/21/01 11:37 am
Subject: Microsoft Settlement

Why the gov't should never have been involved in suing M$oft, there is NO JUSTICE.

But if you believe you can make a difference in this case, read on, first Microsoft's lawyers offer is going to have Microsoft stuff UP THE KAZOO in every aspect of software, like a domino effect, it only serve's Ballmer's plan for world domination, and definitely not the underpriviledge schools students. then secondly, it will be a laughter to the world, for those proposing to curve monopoly the Justice Department, are actually INCREASING MONOPOLY , and then double talk on the virtues that monopoly serves no real innovation practices but only commonality and sideroads from real standards or benefit consumers for look at the price of Office suite, where Microsoft makes all their money.

Thus Microsoft's solution of DONATING software, their ''so-called product'', in settlement serves NO JUSTICE. It only creates more evil in lopsiding the only sector that promises sustained growth ....Are you blind to this ? However, Red Hat's solution has NOTHING to do with RedHat, for Linux is Linux is Linux not RedHat's and it is source and binary free just like FreeBSD is free, and you can download it for free, upgrades are free , you are only paying for a CD and jewel case when you buy it from a store for a 1/10 the cost of the Microsoft OS software. And further more, those that learn to do system administration in any kind of UNIX know more about the network and system administration than those that are MCSE certified. Both Linux and BSD (FreeBSD, NetBSD, OpenBSD) are FREE OF CHARGE and thus of ''branding''. It is perfect for students to learn in, and there are world processing applications as well as presentation applications and spreadsheets application totally free of charge that are suited for either the Linux or the BSD environment. One application in point, MacOSX Sever 10.x which is not free, as you very well know, gives you an Apache Web Server application and Tomcat JavaServerPage application, they are not part of the price of the Mac software, you just get them for free, for MacOSX is a professional GUI on top of a Free software foundation which is UNIX, namely Darwin, a variant of FreeBSD.

I am all in favour of ending the suit, make Microsoft contribute to american schools with HARDWARE, that which is not theirs, for the Intel-Microsoft bully alliance and MONOPOLY that everyone knows it exists, should be shaken up for their prices to be more competive AND their products to be better than just mediocre at best.

Thank you,

A concerned citizen of the World.

November 20, 2001

Paper: Private Microsoft Suits Near Settlement

By Matt Carolan

Microsoft is close to settling numerous private antitrust suits against it, and public schools may benefit.

Citing academics and attorneys close to the discussions, The Wall Street Journal's online edition reported Tuesday that Microsoft was putting the finishing touches Monday evening on an agreement for the company to provide software and computers to more than 14,000 of the poorest schools in the U.S. over a five-year period.

Estimated at a cost of approximately $1.1 billion, this payment would satisfy ''most of its pending private class-action lawsuits'' the Journal said.

The agreement would have to be approved by U.S. District Judge J. Frederick Motz in Baltimore, who is overseeing the myriad class-action suits from around the nation that have been consolidated in his court.

The Journal reported that the unusual proposal came from one of the lead plaintiffs' lawyers in the case, Michael Hausfeld, who concluded that the estimated 65 million members of the plaintiff class would receive as little as $10 in a settlement or court victory. After administrative costs and attorney fees even that small amount would disappear.

The settlement would provide, among other things, training for students and teachers in popular Microsoft software, reconditioned hardware, and education in repair of computers and networks.

Under the terms of the deal, Hausfeld and his fellow attorneys would receive their fees from a separate payment by Microsoft to be determined by the judge.

The Journal's online story noted that one of the side effects of the settlement would be to solidify Microsoft's hold on the student computer market, which plaintiff's lawyers shrugged off as an inescapable fact of the marketplace.

But THIS would be JUSTICE BETTER SERVED, please don't continue to monopolize the American People and the People of this WORLD....PLEASE MS/DOJ—RED HAT OFFERS OPEN-SOURCE OPTION ON SETTLEMENT Posted November 20, 2001 04:12 Pacific Time NEW YORK—Red Hat jumped into the Microsoft class-action suits settlement fray Tuesday, offering to provide open-source software to every school district in the United States free of charge.

Red Hat encouraged Microsoft to redirect the money it plans to spend on its own software—estimated at more than US$500 million—into purchasing additional hardware. Microsoft said earlier Tuesday that it had agreed to settle the 100-plus class action suits accusing it of using its desktop operating system software monopoly to charge users inflated prices. Under terms of the deal, Microsoft would supply computers and its own software to thousands of the U.S.'s poorest schools For the full story:

http://www.infoworld.com/articles/hn/xml/01/11/20/011120hnredhatoffer.xml?1121weam —

Sergio Valdes-Flores
<sergiovf1@earthlink.net>
Web Staff-R'us, Inc
CC:floress@ccf.org@inetgw

MTC–00001854

From: Matthew McGraw
To: Microsoft ATR
Date: 11/21/01 11:39 am
Subject: MS Settlement unfair

I am an avid IT professional—who works mainly with MS products. The settlement now on the table increases their monopoly by increasing their product penetration in schools, and does nothing to stop them from side-stepping this behavior in the future.

Get some balls, guys, and realize that the economy for the next 5 years isn't as important as the economy for the next 50.

-Matthew

Matthew McGraw
Rocket Science Consulting
3288 21st St. Suite 250
San Francisco, CA 94110
415.518.8003

MTC–00001855

From:
nick@unknown.ne.mediaone.net@inetgw
To: Microsoft ATR
Date: 11/21/01 11:49am
Subject: Comment on Microsoft Anti-trust resolution

To whom it may concern:

This comment is with regard to the recent reports I have read regarding Microsoft's offer to donate Microsoft technology to school systems as part of an overcharging for products settlement. As such it is indirectly related to the larger anti-trust settlement currently in progress, but I think serves to illustrate how Microsoft tends to turn penalties to its advantage.

My understanding is that Microsoft is offering to donate up to 1 billion dollars worth of Microsoft technology products to underprivileged schools as penalty in a case where it previously overcharged schools for Microsoft products. I see many problems with this settlement:

1. It is a ''first hit is free'' policy that entrenches Microsoft products within schools, and makes it harder for schools to move away from Microsoft and future support fees when there may be better alternatives.

2. I assume the value of the penalty is calculated on ''Manufacturer's Suggested Retail Price'' (MSRP) for the products, rather than what it actually costs Microsoft. I am sure you realize that it costs pennies to produce a Windows CD–ROM that is sold for hundreds. Certainly, there was a lot of research and development to produce that CD, but once that's recouped, the rest is

profit. The penalty should be calculated in terms of costs to Microsoft, rather than MSRP.

3. It penalizes other manufacturers who are in competition for the education market. This includes not only companies such as Apple in the hardware and software sector, but also the Linux and Unix derived operating systems which are starting to make inroads into schools as low-cost server platforms for such things as internal web site creation and mail services.

4. If this plan goes through, the government is in effect sanctioning a monopoly power to dump products into a market in which it is competing. The effect will be to drive out competition and make the monopoly stronger, with very little cost to the monopolist.

These are what I think are the most troubling aspects of the offer. I could go on.

I'll summarize by saying that I think the offer by Microsoft is a cynical attempt to further its monopoly in the operating systems field, and drive out nascent competition (Linux) in the education field in particular. Frankly, I think it is an affront to the intelligence of the Department of Justice and the courts if it thinks neither can see through such an obvious ploy. In my opinion, the correct penalty would be to take the dollar value Microsoft has offered to disperse in Microsoft products, and have them disperse it in cash to the same schools it is offering to ''help''. The schools can then use the money as they best see fit: Buy Microsoft software, buy competing technology, upgrade hardware or even spend the money to improve infrastructure unrelated to technology. In this way Microsoft is penalized in a manner that is fair to it (since it has suggested the dollar amount,) the schools are helped, and Microsoft competitors are not penalized.

Thank you for considering these comments.

Nick Tamburri
Clinton, MA

MTC–00001856

From: John Horvatic
To: Microsoft ATR
Date: 11/21/01 11:46am
Subject: Microsoft needs to be punished!

To whom it may concern,

Please don't settle with Microsoft. They need to be punished and what I have read so far is that has not happened yet! There should be a huge fine and I'm not talking millions I'm talking BILLIONS!!! Put them down for the count not just for the round. What the DOJ has done is given them a pinch on the hand and told Microsoft to go ahead and do it all over again and we promise not to bother you anymore. What kind of punishment is this? Why don't they throw some of the executive team in prison. I thought that's what you do with criminals isn't it? Please be more aggressive with this case than the DOJ and don't let them get away with what they have done and continue to do.

Sincerely,
John Horvatic

MTC–00001857

From: Boudreau, Dale E
To: 'Microsoft.atr(a)usdoj.gov',' attorney.general(a)po...
Date: 11/21/01 11:45am
Subject: Settlement proposal...Please use extreme caution...

As a consumer who is interested in the best economic choice in hardware and software, I ask you to use extreme caution and diligence in accepting the latest settlement proposal. I admit that I do not have all the facts in front of me, so forgive me if my assumptions are incorrect. My understanding is that Microsoft, should the proposed settlement be accepted, would provide $1Billion worth of technology resources to schools in under privileged districts. While I fully support the use of the money to benefit schools in under privileged communities, I have a significant concern about the long term implications and offer, instead, the following proposal:

Proposal

Before I detail my concerns, I would like to suggest a proposal: The department of justice fines Microsoft for the same amount proposed (in cash and equivalent software costs), and uses the money collected to send grants to the same schools that would benefit from the settlement proposal. The schools then choose what hardware and software to buy, in a free market transaction. Schools will benefit from improved technology, the economy would benefit from a $1Billion revenue infusion, and the consumer would benefit from free and equitable purchasing decisions.

Reasoning

You will probably hear these arguments, but I wanted you to hear them from a consumer whose only interested is in a free and competitive marketplace. Yes, I am a Macintosh user, but not a fanatic. I use them because they are competitively priced and well designed, and because their presence in the marketplace gives at least a little reason for Microsoft to be concerned in the consumer and education market spaces. As most Macintosh users, I am also a Windows user. I want the freedom to use the best available tool (best from an economic standpoint).

I will keep it short, but have two key concerns. If Microsoft retains significant decision rights or influence over what software and hardware solutions are distributed, they will do so to their own advantage. This means that they will have strong incentives to install Windows based hardware and software solutions, which will result in the following:

1. Microsoft will gain unfair install base in a market that is still a Macintosh stronghold

2. This settlement will give Microsoft brand strength that will materially benefit the corporation and its shareholders.

These two concerns, from an economic standpoint, result in the same outcome. Microsoft, as a result of the settlement, will enjoy future cash flows and, thus, value as a result of this proposal. The proposal is therefore, not punitive, but is actually a good business investment. Here's why. Computer hardware and software are, by design, a sticky business with high switching costs. Once you have invested in a platform, whether Windows, Apple or Unix, it becomes very costly to switch. Hardware and software compatibility problems, as well as long learning curves, make it costly to change from one platform to another. By donating their software to schools, Microsoft gets a jump step into a market that is still a stronghold for Apple. This will have two effects. First, assuming that some of these donated products supplant those of a competitor, Microsoft gets their products placed in place of a competitor. Since their products have zero marginal cost, Microsoft stands to lose substantially less than the $1Billion dollars noted in recent articles. Second, vendors of Windows compatible hardware will gain install base and market share in the educational space. Should this share become significant, tipping effects will cause future purchasing decisions to favor Windows-based products by a significant margin. As a result, one of the few remaining competitive markets in the PC industry becomes a monopoly market. Microsoft will also stand to benefit in terms of brand strength. They could enjoy significant goodwill resulting from what seems more like a 'fair deal' than a punishment, and their products are in the hands of potential future consumers. A year from now, no one in those schools will remember the law suit, but they will be looking at the Windows logo on their computer screens every day.

From the standpoint of the shareholder, this is not a punishment, this is a marketing investment: a one time cash outflow that will potentially create a stream of future inflows. It benefits Microsoft materially, and hurts its competitors. Isn't this exactly what this lawsuit was intended to correct?

Dale E Boudreau

''We are what we repeatedly do. Excellence, then, is not an act, but a habit.''—Aristotle

CC:'webmaster(a)consumer.state.ny.us',' contribute(a)m...

MTC–00001858

From: ausband
To: Microsoft ATR
Date: 11/21/01 11:45am
Subject: Microsoft settlement is no good

Dear Sirs,

I am writing you today to express my dissatisfaction with the settlement arrangement that the DOJ has struck with Microsoft. The DOJ Seems to have received a short memory along with a new Attorney General and new President, otherwise is would remember that MS has violated the intent of those agreements it has made with the DOJ in the past. MS has also lied to the DOJ, the Courts and the Public before and when caught never even bothered to apologize for doing so. As a computer professional I have some recommendations for what would be an appropriate solution for dealing with MS in a manner that will dissuade MS from behaving in the same manner again.

1. Open source all their Operating Systems but only the OS's, allow them to maintain ownership and collect licensing fees as long as it does not violate the next section.

2. Forfeit all MS patents and copyrights to technologies that MS either, bought after driving the pervious owner of those

technologies out of competitiveness or that MS developed based on another companies technology but that been has changed enough of so that MS can win an intellectual property court fight(activeX).

3. Forbid Direct bundling of other software with MS operating systems, the default install of an OS must not contain software other then core system resources, other software such as web browsers, DV editing , Digital picture interface and email can be on the same CD but may not be part of the default install.

These solutions will prevent MS from further their exploiting their monopoly, punish MS for past transgressions against others, and promote new and innovative solutions, software that can be written with compatibility to a level that only other MS applications have been in the past, in my opinion. All this would result in more and better solutions for consumers in an environment where companies can be truly competitive.

William L. Ausband
21 Wright Rd.
Wethersfield Ct 06109

MTC–00001859

From: quasimoto
To: Microsoft ATR
Date: 11/21/01 11:59am
Subject: Microsoft settlement

Just another example of the real meaning of the terms ''free market'' and ''justice'' in America—wealthy corporations are given the former and can buy the latter.

I use GNU/Linux and support the Free Software Foundation. This message was composed and transmitted using free software, licensed under the General Public License.

MTC–00001860

From: John Liston
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/21/01 11:55am
Subject: Comments on U.S. v. Microsoft Proposed Final Judgment

November 21, 2001

To the United States Department of Justice:

I thank you for the opportunity to comment on the U.S. v. Microsoft Proposed Final Judgment. I am motiviated to write because I am angry about the Proposed Final Judgment. I believe the court should reject the judgment because it is weak, fraught with loopholes for Microsoft to exploit, and is solely forward-looking. That being said, I believe the court should use the terms of the judgment as part of an interim remedy as it seeks to impose a final remedy.

I speak as one who owns a small software development company and who has observed Microsoft and the software industry for over 20 years. I believe that the point to any settlement with Microsoft is both to punish Microsoft for its past misdeeds and to impose restrictions that will level the competitive playing field. I believe the Proposed Final Judgment does neither of these.

Regarding the past: Microsoft has been convicted twice of using its monopoly in desktop operating systems to achieve dominance in other areas. I believe Microsoft's wrongdoing goes far beyond what it has been convicted of, and has greatly harmed both the software industry and consumers. I believe the best measure of the harm Microsoft has done is the $36 billion cash it now has banked, which in a truly competitive environment would be $0. Microsoft pockets better than 90 percent of software industry profits, and its cash reserves increase by $1 billion each month. I believe to restore a competitive environment, any settlement should fine Microsoft $36 billion now, plus $1 billion per month until Microsoft is found to be in full compliance with a harsher final judgment. Microsoft has ignored consent decrees in the past, leading us to the current anticompetitive situation, and cannot be trusted to comply with any behavioral remedy. The only remedy Microsoft will respond to is judicial force, and I think that begins with the serious fines I suggest. Microsoft is capable of paying these fines with cash on hand, so it cannot possibly harm current operations. The money should be distributed to the 50 states in proportion to their 2000 population. I think of this as Microsoft's payment of punitive damages for past behavior.

Microsoft's prior convictions were based on two specific anticompetitive practices that I believe require additional and more specific remedies. First was the anticompetitive bundling of Internet Explorer with the Windows operating systems, harming Netscape Communications. Second was Microsoft's proven intent to ''embrace, extend and extinguish'' the Java programming language, harming Sun Microsystems. I believe the punitive damage payments do not cover the direct harm done to the competitive environment and consumers by these specific actions.

The issue with bundling Internet Explorer is essentially the question the question of ''what is an operating system?'' Microsoft insists that an operating system is whatever Microsoft decides it is, so it can bundle anything it wants. I think that there is little to be gained from arguing with Microsoft on this issue. Let Microsoft bundle whatever it wants in the operating system. I believe the issue to consumers is not what is in the operating system. Instead, the issue is whether the OS is supported and works correctly. I believe that Microsoft's continuing monopoly in desktop operating systems is remedied in part by requiring a lengthy period of OS support. Were there a competitive environment, the duration of OS support would be determined competitively. But Microsoft holds a monopoly, so I think the court must impose a reasonable OS support period. Doing so will would prevent Microsoft churning customers by rapid OS obsolescence. I believe Microsoft must be required to support each OS revision, including all bundled software, for not less than seven years. This support must include fixing bugs and offering these fixes in maintenance releases at no cost to consumers, since Microsoft can charge what it wants for the OS up front. As further consumer protection, Microsoft must be required not to bundle enhancements with its operating system bug fixes. And to ensure the Internet Explorer OS component ''works correctly'', it must be required to fully support any W3C Internet standard it implements. That support can be monitored through conformance tests by the W3C itself, at Microsoft's expense, and Microsoft must be required to withhold any OS release when Internet Explorer does not fully conform with W3C standards. Note that this does not prevent Microsoft from innovating.

Regarding the direct harm Microsoft did to Netscape Communications: I don't think you can redress this because Netscape has since been bought by AOL and portions spun off. All I think you can do is make sure Microsoft cannot use its Internet Explorer browser monopoly to impose its own standards on the Internet, and I think the requirement to conform to W3C standards does that.

As for the harm done to Sun Microsystems and the Java language, Microsoft's intent was to use the control it has over an extensive developer network to cause them to write ''polluted'' Java applications that work only on Windows. In doing so, it violated its license agreement with Sun. Microsoft has since settled with Sun, but nothing has undone the harm Microsoft did to consumers. To remedy this, Microsoft must be required to deliver Sun's latest Java Virtual Machine as part of the Windows OS, and to distribute JVM bug fixes under the same standards as it distributes its own Windows OS bug fixes.

Regarding the future, I think the Proposed Final Judgment begins to right the wrongs of Microsoft's current business practices, but it does not go far enough to create a level competitive playing field. I would seek to eliminate loopholes in the terms of the Proposed Final Judgment, and strengthen their enforcement, and I propose three additional terms.

First, Microsoft must be forced to publish the Office file formats. Microsoft has historically changed its Office file formats on a regular basis simply to cause users to upgrade Office regularly. Publishing the Office file formats will cause Microsoft to compete based on the merits of the Office software, and not merely bank on ''network effects'' and users' inability to migrate their documents to competing office productivity products.

Second, Microsoft should be required to divest itself of its programming language products and to no longer compete in programming language development. Microsoft's language products are closely tied to the Windows operating systems, so divesting Microsoft of the languages business has a leveling effect on the marketplace. It will cause Microsoft to publish the Windows operating system APIs fully and fairly. It will force Microsoft to use the same language compilers as the rest of the industry, eliminating the incentive to create undocumented APIs. Also, the separate languages business will be subject to competitive forces, and may decide to offer the programming language products on other operating systems. Eliminating language products should not affect current Microsoft profitability, and proceeds of the sale should go to registered users of the affected products.

Third, Microsoft should be prevented from purchasing technologies or technology

companies for a period of five years. Microsoft claims to be an innovator, and fights fiercely for its right to innovate. Truth is, most Microsoft innovation has come from copying the products of much smaller companies and then out-marketing them, or from purchasing such companies outright and subsuming their innovations. I think that preventing the purchase of companies and technologies for five years will force Microsoft to innovate in its own right in order to maintain a competitive market position. This will enable the birth of new Microsoft competitors.

I hope you will give my comments some thought. I think they comprise a much fairer remedy for Microsoft's past predatory practices, and provide an effective constraint on future behavior. I also think they do not call for a major oversight effort and its expense, which I think is a great weakness of the Proposed Final Judgment. Finally, I believe the court must immediately impose interim conduct restrictions and monetary penalties until there is a final conclusion of this case.

Sincerely,
John Liston
3520 Nichols Rd.
Medina, OH 44256

MTC–00001861

From: Bryan thurnau
To: Microsoft ATR
Date: 11/21/01 11:53am
Subject: Not stiff enough penalty

To Whom it May Concern,

I feel that the terms of the Microsoft agreement are not harsh enough. It might also turn out to be benefitial to the company. Currently one of their competitors has the largest share of the education market (Apple Computers) and if Microsoft is allowed to put up to a billion dollars worth of hardware, software and training then this may severely hurt Apple. These terms should be reconsidered and only allow the company to give one billion in cast for computer purchases. If the schools decided to choose a wintel based system then good for Microsoft.

As you can see if Microsoft is allowed to go ahead with the aggred upon terms then they are just using their corporate muscle against another competitor. Please consider this and any other similar issue when deciding the fate of Microsoft.

Thank you
Bryan Thurnau

MTC–00001862

From: Sklar Instruments
To: Microsoft ATR
Date: 11/21/01 12:13pm
Subject: Anti Trust settlement

It is very disheartning that the government is letting Microsoft off so easily after their very questionable business practices. Hopefully the American people will find out who is being paid off in this case and then be able to take care of them.

MTC–00001863

From: BFurby@aol.com@inetgw
To: Microsoft ATR
Date: 11/21/01 12:03pm
Subject: Proposed settlement.

The proposed settlement in the Microsoft case seems to be nothing more than a marketing ploy by the company. The one area where they do not have a stranglehold on computing is the education market. The proposal seems to be nothing more than an attempt to win more of this market. By issuing free software which presumably runs on Wintel machines, the only real competitor (Apple computers) will see a further erosion of their market share.

Microsoft should be forced to pay cash ONLY, to schools and to the businesses which have been hurt by their abuse of the monopoly position which they old.

Sincerely,
Andrea Furby

MTC–00001864

From: Jay Hipps
To: Microsoft ATR
Date: 11/21/01 12:02pm
Subject: Comments on Microsoft Anti-Trust Action

To whom it may concern:

As someone who has used computers for over 20 years, I feel compelled to write regarding the current legal action against Microsoft.

First of all, I think some perspective is needed. The computer industry is, in many ways, an outgrowth of the scientific community. The scientific community has long operated on a particular set of standards and ethics which are designed to allow humanity's knowledge, as a body of information, to grow as quickly as possible. Discoveries are shared so that a breakthrough in one area might encourage a similar increase in knowledge in another.

Computer science once worked in the same way. Computer languages, usually developed by universities, were published openly, as were enhancements to these languages made by others. These Open Standards allowed the entire field of computer science to move forward, adding new innovations to past knowledge.

Admittedly, the industry has changed greatly. In some ways, it is a natural maturation—the field is exponentially larger than it was 30 years ago and the market as it exists today is much different, after the personal computer revolution put machines into most of the homes in America. It is only natural that companies with commercial products will guard their new innovations more carefully than in the days when computers were limited to an academic and research environment. Surely there can be no objection to this by anyone with even a rudimentary understanding of the laws of economy and business that currently exist in both the U.S. and much of the world.

However, some holdovers from the days of scientific research remain, and it is here that I take issue with Microsoft. Open Standards are still an important part of the worldwide community of computer manufacturers and software developers.

A great example of this is the World Wide Web. The WWW operates primarily on ''hypertext markup language,'' a way of encoding text and other information for viewing on the Internet. HTML's Open Standards are overseen by a non-profit governing body (the World Wide Web Consortium or W3C) which maintains the standard. (There are many similar examples of Open Standards—Apple Computer created what they call Firewire, a data communications standard now recognized by the IEEE—another standards body—as IEEE 1394. Sony uses it, too, and calls it iLink.)

These Open Standards still play an important role in the computing community. They are the common ground shared by all computer users and are the lifeblood of the industry. This cannot be stated too strongly—without Open Standards, the advancement of computer technology will become the sole domain of the largest companies already in the field. There is no true innovation without Open Standards.

Unfortunately, Microsoft has attempted to take advantage of the fairness and equal opportunity of the Open Standards model. They have repeatedly used Open Standards in their products and then, deviously, revised the implementation of these standards slightly, usually while they are claiming to ''increase functionality'' or ''innovate.'' Due to their omnipresence in the marketplace, the bastardized Microsoft version of the standard quickly subverts the existing standard, which then allows the company to further extend their monopoly—after the buying public discovers that Microsoft competitors' products don't work properly with the new Microsoft ''standard.''

I will let others with more technical knowledge than me enumerate Microsoft's uses of this strategy. I am familiar with a few—the ''enhancements'' they made to HTML in order to strengthen the market share of Internet Explorer comes to mind immediately—but I am a writer and not a technologist.

I will say, however, that I find the company's business practices extremely distasteful and I recommend exploring the full range of penalties to them, in order that they should cease their anticompetitive practices.

Regards,
Jay Hipps
Vallejo, California

MTC–00001865

From: MGYSGTUSMC@aol.com@inetgw
To: Microsoft ATR
Date: 11/21/01 12:00pm
Subject: settlement

It's time to move on!! Microsoft has done more to benefit the software industry and America than any other company. If it made a profit in the meantime, that's the American way. Free enterprise.

MTC–00001866

From: Ken
To: Microsoft ATR
Date: 11/21/01 12:26pm
Subject: Anti-Trust Settlement

The proposed settlement between the Justice Department and Microsoft is weak, will not stop future abuses, and does not protect consumers. This settlement favors Microsoft to such a degree that it would appear that Microsoft's donations to the Republican party and the Bush presidential campaign were a quid pro quo, and this

directly affected the course of the Justice Department in settling the case. As a consumer, I find it incredible that the defendant in this case has gotten so much influence regarding the nature of the punishment. This is not justice and it's not a remedy for proven anti-trust violations.

The settlement does not address unfair advantages Microsoft has gained using illegal behavior. Companies have been destroyed, not though fair competition, but rather by Microsoft's monopoly tactics to maintain and increase their market share. For all practical purposes, there is no longer any competition in the browser market. Microsoft's competitors have been harmed and many companies completely destroyed. The proposed restrictions will not prevent further abuses. Just look at the features that Microsoft has bundled, or in some cases excluded, in its new Windows XP just released in October of 2001. It was proven in the anti-trust trial that Microsoft attempted to coerce, bully, and illegally obtain and maintain a monopoly with multimedia application technology to the detriment of Real Media, Apple Computer, and others. They include their own multimedia player and exclude other similar products from other companies. By removing support and making it difficult for consumers to add competing products that are often superior to Microsoft's bundled products, consumers have been harmed. They have removed support for Java from Windows XP which will disrupt e-commerce and Java based applications delivered over the Internet. This has harmed Sun and other companies that have invested heavily in Java based technology that Microsoft considers a threat to their monopoly. Microsoft has ''modified'' their version of another technology, JavaScript, the programming language for Web browsers. These changes to Microsoft's implementation of JavaScript are intended to hijack the previous JavaScript standard and make it their own. As a result, only Microsoft Web browsers will handle this new standard properly. The examples go on and on. Consumers have been and continue to be harmed. The proposed 3 member panel that will oversee Microsoft will likely be biased in favor of Microsoft, or at the very least, not fair in protecting consumers. With one member chosen by Microsoft, one chosen by the Justice Department, and the third chosen by these two members, the judgment of the panel will be questionable. With their oversight activities done in secret and their salaries paid by Microsoft, it looks like the fix was in and Microsoft won.

Ken Goff
422 5th Street SE
Watertown, SD 57201
(605) 882–1917

MTC–00001867

From: Emtopia204 Unlimited
To: Microsoft ATR
Date: 11/21/01 12:26pm
Subject: Microsoft/DOJ Settlement

To whom it may concern:

Greetings. I am writing to express my deep concern about the current situation regarding the Microsoft-DOJ settlement. It is my considered opinion that there is nothing punitive about the USDOJ settlement agreement. Rather, it smacks of complacent collusion. Far from dissuading Microsoft from its predatory business tactics, this action is tantamount to handing this enormous company an opportunity to further entrench its stifling monopoly.

I urge you to carefully consider the consequences of the USDOJ settlement agreement. I would hope that the lawsuit against Microsoft be renewed with maximum resolution and vigor, and that this company be made to pay the proper penalty for its cynical, dishonest and harshly anticompetitive policies. I believe that if this action to curb Microsoft's recklessly expansionist tendencies is to have any meaning, the punishment must one commensurate with the company's sheer size and influential power. The DOJ settlement, as it stands, is not even a love tap, but an indulgent pat on the head. Please ensure that the authorities in this case have the boldness and courage to take every measure in seeking justice against a firm that I feel has tragically become a rogue beast set loose in the marketplace.

In closing, thank you for your time and consideration.

Sincerely,
Max MacDonald
Toronto, Canada
416.462.9434

MTC–00001868

From: Bosboom
To: Microsoft ATR
Date: 11/21/01 12:19pm
Subject: Microsoft settlement

To whom it may concern,

I am shocked by the recent news regarding the Microsoft settlement. Instead of punishing Microsoft for their monopoly strategy you are giving them a green light to basically kick Apple Computer out of the education market by donating an astronomical amount of money in Microsoft products to this industry, thus giving Microsoft a go ahead to continue to do business as usual. I'm sorry but this goes beyond my comprehension. You are playing Microsoft1s cards by making them an offer like this.

To my humble opinion they should be punished not by putting more of their product into the market, especially such a sensitive market like education, but by giving them a punishment that is appropriate. If you want Microsoft to donate zillions of dollars, let them do that to a neutral institution like food for 3rd world countries or something in that order.

What impression do you give Microsoft (and others like them) here? If you monopolize the market by unfair means of business we will reward you by allowing you to do more business and even kill some competition on the way?! By putting more Microsoft products out there you are giving companies like Apple Computer absolutely no chance what so ever to sell their product in the education industry, hence they start to monopolize that industry as well.

A concerned Dutch citizen.

With kind regards,
Thomas Bosboom

MTC–00001869

From: John Cook
To: Microsoft ATR
Date: 11/21/01 12:42pm
Subject: Disguested at settlement

Dear Sir or Madam,

I am disgusted to read about the Microsoft Antitrust settlement. Such a settlement encourages anti-competitive practices for businesses world-wide, because the benefits can be seen to far outway the punishments to be. An example must be set, and action should be taken on two fronts. Microsoft must repay society for the tremendous harm it has done to industy and computer-using society to date. Secondly, action must be taken to discorage similar practices from occurring in the future.

The only real way to action this second problem requires separating Microsoft into two companies: Applications, and Software. How else can other software companies (or other operating system companies) compete on an equal basis?

On a specific note, allowing MS to supply schools with its software is probably the best marketing program it could conceive. We already know how important seeding software into school students—managers of the future—is, evidenced by the substantial computer software discounts already given to students. But why would schools bother buying competitors' software if it is now provided with free software from MS? And the cost to MS? Development costs are fixed. How much does it cost to distribute an extra N-thousand copies? Further more, when MS fund other school programs to you imagine they will teach using Word Perfect on a Macintosh? Not a chance on earth. This is no punishment, this is marketing budget well spent.

I urge you to strongly reconsider this settlement. It is not just America that has been disadvantaged and harmed by the actions of Microsoft, it is the world, and now it is likely to continue to be so.

Sincerly,
John Cook (computer programmer)
John Cook
john@jazzmedia.com.au
3/58 Carr Street
Coogee NSW 2034
Australia

MTC–00001870

From: Andre De Wolf
To: Microsoft ATR,microsoftcomments @doj.ca.gov@inetgw,...
Date: 11/21/01 12:36pm
Subject: Microsoft settlement

Sir or Madam,

I am very disappointed with the USDOJ settlement agreement with Microsoft. The proposed conduct remedy is in my opinion inappropriate and inadequate. There is no punishment for the unlawful actions of this company; I feel that the settlement is merely a slap on the wrist, and there is nothing in the decision that will prevent this company to continue with their business as usual. The company has no incentive to take the new conduct restrictions any more seriously than the old ones. After all, after the 1995 consent decree in which Microsoft agreed not to tie application software to the operating system, they did just that with MS Internet Explorer.

I am now also very concerned about the settlement regarding the private suits. Microsoft is proposing to donate $1 billion in computers, software, training, and cash to settle private antitrust suits. Again, this is a slap on the wrist for this company with cash reserves of approximately $32 billion. At least a large part of these cash reserves is the result of illegal, anti-competitive, monopolistic actions by Microsoft. Returning only a small part of this illegally obtained money is incomprehensible to me. Also, the real cost to Microsoft of software bought by the schools is a fraction of what these schools will be charged; this will automatically reduce the total amount of Microsoft's donation.

More importantly, and very ironically, this settlement would even enhance the monopoly position of this company, by introducing more of its software into schools, an area where there has been traditionally more competition (e.g., from Apple) than in other areas. Matthew Szulik, CEO of Red Hat, stated that ''We do not think that the remedy should be a mechanism by which Microsoft can further extend its monopoly;'' I totally agree with this statement. I do not expect a public statement by Apple regarding this proposed settlement: Apple still needs Microsoft very much because of the importance of Office for Mac, and therefore it cannot afford to publicly criticize Microsoft.

Although it is very obvious that this deal could be beneficial for the schools involved, it inappropriately benefits Microsoft in too many ways. This deal is in no way curtailing Microsoft's power, which should be the goal of dealing with a monopolistic company. What is totally unacceptable is in the details of this agreement. Although the schools could use the donated money in any way they would want, it includes a statement that those using Microsoft-compatible computers would receive more free software than others... Obviously this is a strong incentive for schools to purchase computers with the Windows operating system with the donated money.

In my opinion, the proposed donation by Microsoft would only be acceptable if the donated money could ONLY be used to buy equipment and software that is NOT made by Microsoft (for example, PCs with Linux, or Apple computers). In addition, Microsoft should not even be allowed to donate software to these schools that received donations; donation of Microsoft software again is an incentive for the schools to purchase computers compatible with or running Microsoft Windows. These modifications and restrictions in the proposed donation by Microsoft would actually reduce the monopoly position of this company, which should be the goal of any settlement, and it would benefit companies that have suffered from the illegal practices by Microsoft. This donation should only be part of a settlement; other punishments, restrictions, and actions are still very necessary in order to prevent Microsoft from continuing to illegally abuse its monopoly position.

I hope that the nine states that are still pursuing tougher sanctions against Microsoft do not give in as easily as the USDOJ, and will be looking for an appropriate punishment of the company that used illegal means to further improve its monopoly position. I also hope that the remaining states will include provisions to stimulate more and fair competition in the computer business.

It would be very ironic if the ''punishment'' for unlawfully using a monopoly position would be to allow Microsoft to further strengthen its stranglehold on the computer industry.

Sincerely,
Andre De Wolf, MD
Professor of Anesthesiology
Northwestern University Medical School
Chicago
Private address:
2381 Legends Court
Riverwoods IL 60015
—
Andre De Wolf, MD
Department of Anesthesiology
Northwestern University
Chicago, Illinois
a-dewolf@nwu.edu

MTC–00001871

From: monk
To: Microsoft ATR
Date: 11/21/01 12:31pm
Subject: settlement

to whom it may concern,

i wish to protest the proposed settlement in the strongest possible terms. this amounts to a minor penalty for a major infraction.

sincerely,
richard hordinski
po box 6352
cincinnati,oh
45206

MTC–00001872

From: Robert
To: Microsoft ATR
Date: 11/21/01 12:28pm
Subject: Microsoft Victory Ripoff

Hello,

I'm very perplexed today after reading in the business section of the San Francisco Cronicle about Microsoft's punishment being reduced to supplying free computers to poor schools. It mentions that Microsoft would supply the software free too.

Um... If it's Office XP and Windows XP, which is what is already shipping, then the present cost for the schools is moot. Microsoft's activation scheme and plan for regular ''rental'' charges for use of their software, which has been widely publisized by them, means in the end the poor schools will be paying Microsoft more money than Microsoft will loose by giving them free software and computers. Secondly, it locks out anyone else from trying to sell to poor schools, such as Linux and Apple. Oh, and did I mention the fact that Microsoft gets a tax write off for this? What is going on?

This kind of deal only puts more money into Microsft's pocket and expands their market share by giving them a stronger hold on one of the few markets that still has competition—education.

Please defenend our California schools from this all-devouring beast!!!

Sincerely,
Robert Biggs

MTC–00001873

From: Sean Stevens V.2.0
To: Microsoft ATR,tom.reilly@ago.state.ma.us@inetgw
Date: 11/21/01 12:46pm
Subject: Microsoft Settlement

do not settle. this will just repeat in 5 years again. I have personally seen people loose their jobs at a startup company because microsoft was working on a similar, unrelated to Windows, technology. they gave up because they knew they could not compete with microsoft, because they can bundle whatever they want with their OS for free, and make it difficult for other companies to get their products to work.

—Sean Stevens, Brookline, MA.

MTC–00001874

From: Steven Reed
To: Microsoft ATR
Date: 11/21/01 12:44pm
Subject: antitrust

Microsoft is hindering the competiveness and quality of the computer industry. Since they have no real competition, they continue to make buggy software that requires continous upgrades and support. They do not pay attention to security issues since everyone has to buy their garbage software anyways. Companies and citisens are being backed into a corner with no way out. Our nation's entire information structure is at risk. please break up microsoft into three companies so that each will have to stand upon their own products rather than expecting and forcing individuals to to buy into the microsoft lie.

Steven D. Reed
72 Elm Court
Kennesaw, GA 30152
tepef@macconnect.com
770–590–0725 Home Phone & some internet use

MTC–00001875

From: Nick Moudakis
To: Microsoft ATR
Date: 11/21/01 12:53pm
Subject: Lost Faith in Justice System

To whom it may concern,

I feel compelled to write this letter to vent my frustrations regarding the Microsoft Anti-trust trial/remediation. I feel that if a stricter, more punishing remedy is not laid down against MS, they will continue to break the law well into the future. I find it laughable that a company can be found guilty of breaking the law, yet, will get off with what I percieve to be punishment that in no way will alter their behavior in the future. Why waste the money on discovery of criminal behavior if in essence we are not going to do anything about it. No company in the history of the world (to this point), has used misinformation, monopoly power, false advertising, false endorsements, and coersion to get what they want as vehemently as MS. It must be curtailed somewhere, they must be forced to play fair. The time to hand down an effective, long lasting remedy is now. If this is not done, will we be doing this all over again in 5 years. I seem to recall that they were found guilty of similar charges in

the mid nineties, and that due to the weakness in the punishment, they basically were able to disregard completely the recommended practices that they had agreed to follow. Basically, left to themselves, they will continue to do whatever they want to whoever they want. As a side note, it appears that they are trying to settle their ongoing private anti-trust law suits by way of monetary/software/hardware donations to needy schools. How altruistic. Lets see, we broke the law, we will give away what for us is really quite a small amount of money, and increase our marketshare and our public perception at the same time, yup, that will ceratainly make us think twice about all the bad things we have done in the past. It is a joke. Please don't let the governments case against MS turn into a joke as well. It is extremely disheartening when a company becomes more powerful than the Justice system of the United States of America.

Nick Moudakis
552 Seth Place
Castle Rock, CO 80104

MTC–00001876

From: Yarger, Ned
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/21/01 12:51pm

i think this settlement only helps to strengthen microsoft's position to become the sole source supplier of software, etc to the public. it seems to be an endorsement for microsoft to continue giving away its products to eliminate competition, and to continue its undisciplined business practices. it is another example of the eroding judicial process.

MTC–00001877

From: John Springer
To: Microsoft ATR
Date: 11/21/01 1:01pm
Subject: Settlement must prevent extending the monopoly

The MS settlement needs to prevent them from extending their monopoly on the OS into other areas, specifically the Internet.

Specifically, they should not be allowed to incorporate proprietary internet communication protocols into Windows, thereby putting technology onto everyone's desktop that no-one but Microsoft can interface to. The ''Passport'' program is a perfect example. New technologies built into Windows must have published open interface standards, so other companies can build on them. I do not believe the current agreement provides for that.

MTC–00001878

From: Erik Snyder
To: Microsoft ATR,microsoftcomments @doj.ca.gov@inetgw,...
Date: 11/21/01 12:59pm
Subject: No deals

Hello,

I would like to express my outrage about the outcome of the anti-trust case against Microsoft. I believe that they need to be dealt with in a much harsher way. If the current decisions are the example of how this is to be handled they are not going to solve anything. Microsoft has thumbed its proverbial nose at the United States Department of Justice by choosing to perform more extreme versions of its anti-trust behaviour with the release of the Windows XP operating system. They have done the same thing that they did with the Internet Explorer browser software and Windows '98, just with a much larger variety of software this time. This company needs to be stopped from doing anything like this again and they should not be allowed to decide their own fate. Their choices will cement their stronghold in the market more than they have already entrenched themselves. Please, make the right decision and do not let these injustices continue.

Thank You,
Erik Snyder
4316 W Henderson St
Chicago, IL 60641

MTC–00001879

From: Anthony Tribby
To: microsoftcomments@doj.ca.gov@inetgw
Date: 11/21/01 12:56pm
Subject: Microsoft's monopoly also hurts non-customers

One point I have yet to hear raised in the entire discourse related to this case is how Microsoft's monopoly mindset even hurts people who use none of it's products. My company has servers running on Mac OS X and straight Unix, with no MS machines or server software running anywhere. Yet, we have periodically experience huge perfomance drops on our servers when email viruses have surfaced that exploit well-known security holes in MS's software, as our servers will be deluged with thousands of requests for access to ports that would be vulnerable on an MS server. Even though these requests are otherwise harmless to our machines, just the processor time eaten up by rejecting them can be a drag on performance.

While Microsoft might say blame for this should all be laid on the heads of the ''hackers'', I feel that MS has been negligent in releasing such horribly flawed software in the first place, and doubly so in taking a very passive stance in making their customers aware of the problems and (only some of the time) methods for addressing them. If a car owner can be successfully held negligent for damages caused by a car theif because he left keys in a running car, I think clearly MS is being negligent by releasing such easily-exploitable software.

This negligence is compounded by the fact that MS's near-monopoly standing in the computer market makes it difficult for those who might prefer to move to another platform, which in turn puts less pressure on MS to actually fix the problems, or to make sure all their customers are aware of the need to fix them.

a.t.tribby
CC:Microsoft ATR,attorney.general@po.state.ct.us@inet...

MTC–00001880

From: Raphael DiLuzio
To: Microsoft ATR,uag@att.state.ut.us @inetgw,attorney....
Date: 11/21/01 12:53pm
Subject: help stop monolopy

If you are interested please pass this on
From: Christian Loweth
Date: Saturday, November 17th 2001
To: contribute@macosrumors.com
Subject: Grassroots effort against Microsoft settlement growing

Hi,

I posted the following on several forums last week as well as many Users Groups and the response has been encouraging. Please feel free to share this info among friends/colleagues if you wish. Should Microsoft receive harsher penalties?

I am very disappointed with the Feds settlement. Fortunately nine states' AG's agree with me. I have sent the following to the states' AG's dissatisfied with the terms of the USDOJ settlement agreement. ''It seems to me that Microsoft has indulged in not only anti-trust violations but racketeering as well. Is this a possible avenue of approaching their abuses''

As you can see, my position well exceeds current prosecution parameters. Even if you don't agree with my extreme position, but desire more vigorous prosecution, I urge you to write to the Attorneys General to inform them of your support. You don't have to reside in these states to write them. Write to all of them if you wish. The Attorneys General exist to provide services to their constituency. I believe that for the most part they take this responsibility very seriously. They want to get the bad guys. It is my opinion that Microsoft, Gates, Ballmer, et al, are the bad guys.

Below are the email addresses of the nine states Attorneys General dedicated to continuing with more stringent anti-trust prosecution. Included is USDOJ address to express your displeasure to the Feds. For international readers I have included a link to a USDOJ website listing other countries who are undertaking anti-trust action.

Please include your name and address. This contributes to your authenticity. They may want to send you a snail mail confirmation. Please put it in your own words.

A formulation was made years ago by various entities like newspapers, magazines, politicians, and such.

They figured that for every person who bothered to write to them represented X amount of people who didn't take the time and effort to write but shared similar opinions. X can equal anywhere from one thousand to ten thousand depending the specific circumstances of the recipient. So, as you can see, the simple act of writing can have a multiplier effect.

That's why your single contribution is so important.

If you agree that Microsoft has gotten off too lightly, I plead with you to take a few minutes, write to the Attorneys General and make your opinions known. When we're all using Microsoft Windows at least you'll be able to console yourself by knowing that you at least tried to resist Microsoft hegemony.

This is the time to strike. They believe that they have hornswoggled a sweet deal. Their guard is down, if just a bit. This is far from over.

California: microsoftcomments@doj.ca.gov
Connecticut: attorney.general@po.state.ct.us
Florida: ag@oag.state.fl.us
Iowa: webteam@ag.state.ia.us

Kansas: GENERAL@ksag.org
Massachusetts: tom.reilly@ago.state.ma.us
Minnesota: attorney.general@state.mn.us
Utah: uag@att.state.ut.us
West Virginia: Microsoft.atr@usdoj.gov
US Dept of Justice-Microsoft anti-trust comments: Microsoft.atr@usdoj.gov
US Dept of Justice-other sites worldwide: http://www.usdoj.gov/atr/contact/otheratr.htm

This is a real opportunity for those of us who want more stringent prosecution. Before, Microsoft had only to have one team of lawyers to deal with the Feds. Now, their efforts will be diluted by virtue of having to confront nine different government entities. The time to express your opinion is now. Together we can have a positive impact on the future of computing if only we take the time to express our opinions to those who hold the public trust.

Best regards,
Christian Loweth
New Port Richey FL
Raphael A Di luzio
Professor of New Media
University of Maine
New Program
5713 Chadbourne Hall RM 410
Orono, ME 04469–5713
w 207.581.4425
c 207.745.7025
raphael—diluzio@umit.maine.edu
cerubahn@mac.com
''my kung fu is better then your kung fu''
-ancient wang chung master

MTC–00001881

From: verbonrt
To: Microsoft ATR
Date: 11/21/01 1:06pm
Subject: MSFT

The Fed. Gov't should back that wolf pack of lawyers—professors—envious corporations and ''media'' right out of DODGE and let MSFT and the rest of Amer. get on with its fair and competitive ways.

Russ & Jacque Verbon
Enumclaw, WA

MTC–00001882

From: V.S. Moore
To: Microsoft ATR
Date: 11/21/01 1:05pm
Subject: outrageous

so you're 'punishing' microsoft by 'making' them give poor schools Windows, Microsoft software and Windows PCs? you're not settling a legal case, you're handing the fox the keys to the henhouse. i can't think of anything you could do that would further erode the market share of microsoft's competitors and provide microsoft a larger monopoly. you guys are IDIOTS!!!!!!! and we're sick of it.....

VSMoore
Seattle, WA

''Be bold and noble forces will aid you''—Goethe

MTC–00001883

From: Patrick O'Grady
To: Microsoft ATR
Date: 11/21/01 1:04pm
Subject: I firmly oppose the proposed settlement in the Microsoft antitrust case.

Hello:

I am extremely upset about the current state of the Microsoft anti-trust case. As a computing industry professional and business owner, my eyes and heart are very close to what happens here. I am ashamed that our government, our department of ''Justice,'' feels that the current settlement provides any kind of remedy. It is not a remedy. In fact, it's an insult. I'll count the ways.

For over twenty years, Microsoft has successfully persued a policy which destroys it's competition. Companies such as Borland, Lotus, and Novell produced products which were vastly superior in terms of quality, stability, and usability. But Microsoft's wildcard is their ability to change their operating system. This is specifically used to create compatibility problems with competing products. Imagine you have a car: it's like changing the size of a bolt so your competition has to buy a new set of wrenches. The ensuing user frustration always works in Microsoft's favor, and the result is a switch to more Microsoft products. It's interesting how in recent cases (Microsoft Word), they create this compatibility problem with older versions of their own products—forcing users to pay the money to upgrade. This would not be the case if there was at least one truly viable competitor in the marketplace.

They have no accountability, and they take advantage of that. We're all familiar with the ways in which Windows needs to be rebooted frequently. Of the six computers I have at home, five are various flavors of non-Microsoft operating systems, and excluding power fluctuations and physical moving of the equipment, none have required rebooting in the past year. This is proof that a considerably higher quality metric is achievable. I really wish that I could use one of these OS's on my laptop. But because Microsoft has destroyed the competition in Word processors, I'm unable to get away from their operating system. Quality metrics are frequently compared with the quality of automobiles or perscription drugs. While the scope of the application is different,

MTC–00001884

From: david ailes
To: Microsoft ATR,attorney.general @po.state.ct.us@inet...
Date: 11/21/01 1:23pm
Subject: MSoft

I am particularly dissatisfied with the settlement that the courts have made with Microsoft.

I would hope that you will exercise your full authority to see that the monopoly and anti trust actions of Microsoft are not only eliminated, but adequate punishment is enforced, and future similar actions are prohibited and enforced.

David Ailes
200 Carolina Av.
Winter Park, FL 32789

MTC–00001886

From: KenMendoza
To: Microsoft ATR
Date: 11/21/01 1:20pm
Subject: How fair is this really?

To who it may concern,

It is beyond doubt that Microsoft has been judged to have systematically employed monopolistic and unfair business practices. By playing our legal system like a virtuoso, it has avoided any real harm to its core businesses and in fact has proven that it is better to break this law and pay what ever small price in order to gain momentum and market share. Microsoft is unchallenged and there is no end in sight. Now Microsoft is going to be ''giving'' Windows XP to 12,000 of the nations's poorest schools. What a great ploy. Now these 12,000 schools will depend on Microsoft upgrades as well as train hundreds of thousands of future Microsoft consumers. Let's face it. Microsoft has won and owns us all. Please have the decency to stand up and add an asterisk to this sad chapter in American history.

Sincerely,
Ken Mendoza
408–585–3903
160 Towne Terrace #5
Los Gatos, Ca 95032

MTC–00001887

From: Jed Haile
To: Microsoft ATR,microsoftcomments @doj.ca.gov@inetgw,...
Date: 11/21/01 1:19 pm
Subject: Microsoft Settlement

Dear Attorneys General and Department of Justice Officials,

I have spent a large amount of time studying the proposed settlement for the Microsoft antitrust trial and I must express my extreme displeasure with the settlement.

Both the initial trial verdict and the appeals verdict upheld the fact that Microsoft is a monopoly that has illegally used it's monopoly power to deny other companies a chance to compete, and to control the flow of technology. Microsoft official were evasive and borderline to committing perjury in their testimony during the antitrust trial. Microsoft willfully disregarded the terms of their 1995 consent decree. What reason does any of us have to believe that Microsoft will honor the letter or the spirit of the proposed settlement? There are no strong enforcement clauses in the settlement, and there are enough exemptions and loopholes to make it entirely unclear what the settlement even restricts or enforces.

When the 18 states and the Department of Justice began this antitrust action against Microsoft the goal was to establish that Microsoft had illegally exercised monopoly power and to obtain punishment for that crime and to insure that Microsoft would no longer be able to commit further crimes of this nature. The proposed settlement does none of these things. Nowhere is there any punishment for Microsoft's breach of law, and the settlement contains enough exemptions and exclusions to leave Microsoft a broad lattitude to operate how it pleases.

The settlement is hopelessly biased in Microsoft's favor and I believe that Microsoft's past behavior warrants extreme reason to believe that Microsoft has no intention of honoring this settlement. Microsoft has never acknowledged their guilt, Microsoft has never accepted responsibility for their crimes, and Microsoft

will certainly never agree to sign a settlement that limits their ability to continue to operate as they accustomed. The only option is to have punishment and corrective measures IMPOSED on Microsoft. I urge the Department of Justice, the State Attorney Generals, and the Judge officiating over this trial to reject this proposed settlement. A great amount of time, money and effort have gone into establishing that Microsoft did indeed violate the law, and this settlement does nothing to justify that great effort.

With all respect,
Jed Haile
290 E 13th St
Idaho Falls, Id. 83404
Phone: (208)522–4518

MTC–00001888

From: cwilliambloom
To: Microsoft ATR
Date: 11/21/01 1:17pm
Subject: Settlement

Microsoft has agreed to settle their case in a most reasonable way and the addition of their offer to low income children for computer and software, is more than fair. It is about time that the federal government stop spending money on harassing this first-class company and use the saved money to better use of the funds.

C. W. Bloomfield and F. E. Bloomfield

MTC–00001889

From: Robert J. Sharp
To: Microsoft ATR
Date: 11/21/01 1:25pm
Subject: employment

I believe if we are going to sell our natural resources (BP AMOCO) and allow Netscape and AOL to merge and McDonnell Douglas and Boeing then I believe the government is wasting my money. Which is really bad since after 17 years with Boeing (MDC) I will be laid off this January 25, 2002. If the government want something to do then help me feed my family.

Best Regards,
Robert J. Sharp
Principal Engineer
Structures 747/Mod.
The Boeing Company
316–523–0202

MTC–00001892

From: Rick Sanchez
To: Microsoft ATR
Date: 11/21/01 1:25pm
Subject: Displeasure with Microsoft Settlement

As a user of Microsoft products and an active computer product consumer, I was incredibly disappointed by the anemic settlement that was reached with Microsoft. While I think a break up might not have been the answer, clearly Microsoft is an unrepentant monopolist and the sanctions as outlined will do little if anything to curb their tactics.

I'm writing to say that I strongly support the pursuit of harsher sanctions against Microsoft. Anything that fails to address the Microsoft tactic of ''adding functionality'' to Windows and killing competition in that market is too weak and anti-consumer.

Thank you for your time.
Rick Sanchez
2000 Brewster Ave.
Redwood City, CA 94062

MTC–00001897

From: Rodney Ankeny
To: Microsoft ATR
Date: 11/21/01 1:26pm
Subject: Can we start getting our priorities straight?

This suit against Microsoft should be laid to rest as soon as possible. It should have never been brought in the first place. The Justice Department needs to stay out of private squabbles. I vehemently object to public tax dollars being spent by the Justice Department so they can be the private attorneys for companies that have more than enough money to afford their own. The Justice Dept. was led around by the nose by a group of people who made obscene amounts of money that they didn't earn in the Netscape stock run up, and that in itself is a travesty of Justice. If the actions of the Justice Dept. had been successful, we would now be paying significantly more for software we are getting for free. How can the Justice Department claim to bring a suit against a major corporation in the name of protecting the consumer, and the principal complaint is that the company was giving its software away free, instead of overcharging like the companies whose dirty work you were doing? How can you claim to promote competitiveness and innovation, when you organize a lynch mob to squash it? And lets see, the Justice Dept. has plenty of money to hurt the consumer, but when asked to deal with a serious and harmful illegal alien problem in Florida (which directly led to the events of Sept. 11) the pathetic excuse is that we don't have the money or resources. Here's a suggestion for you: CHASE CRIMINALS, NOT CITIZENS. I am beyond disgusted with this.

MTC–00001899

From: Doug Birling
To: Microsoft ATR,microsoftcomments @doj.ca.gov@inetgw,...
Date: 11/21/01 1:29pm
Subject: Anti-Trust Case

I am writing this letter to express me feelings about the Microsoft case. Over the years I have heard of a number of great products that were to be developed, only to be either bought or challenged by Microsoft. The future for us looks no better as Micorsoft wants to control our living rooms with Direct TV, and the XBox gaming system. It is still unknown how evil their ''Dot-Net'' services will become, but Microsoft has proven time and time again that they cannot be trusted.

I have read several articles which state that Microsoft will settle with the US. I have also read a recent article stating that as part of settlement talks that Microsoft as a ''Penalty'' will pay a billion dollars to pay for school computers. At first this seems like a strong penalty, but this too plays into Microsoft's hand. I'm sure they would love to give out a bunch of copies of windows, knowing full well that they can in the future charge upgrade fees. The number of computers will also add to the Monopoly that they already have. Students will be forced to use windows and their parents might decide ''Since the computers at school are Windows, we'll get that at home!'' This would just add to the problem. Please consider all sides when enforcing a penalty.

I as an American have the right to choose; If I want to use a computer or not, and if so, what type, what programs. If those choices are dictated to me, then that's not right and something should be done about it.

Doug Birling, Milwaukee WI, USA.

MTC–00001900

From: Jay Olson
To: Microsoft ATR
Date: 11/21/01 1:27pm
Subject: The Microsoft hegemony

The recent settlement for Microsoft which includes the contribution of one billion dollars worth of software, services, and cash to the 12,500 poorest schools in the nation is a paradox. As you know, MS is on trial for anti-competitive practices. Well, punishing MS by forcing them to further inundate the educational community with MS software and services is, in itself, an anti-competitive practice. So the punishment for MS is to force them to further indulge in their crime? As you know, forcing them to distribute their software and services will only make those recipient schools dependent on MS in the future, while increasing the market penetration and mind share of Microsoft products. Perhaps you could force them to buy iMacs for those schools and provide a lifetime free license of MS Office on each of those iMacs, now that would be poetic justice. It would force MS to support the competition in the OS arena, while furthering their market penetration in the Office arena, but ony by giving away their biggest cash cow for free!

This makes no sense to me, as I understand it makes no sense to you. I am writing to encourage you to continue in your efforts to reach a fair conclusion to this situation. Let this trial set a precedent for the future. Let the rich of the world know that our government is not for sale.

You have my support.
Jay Olson
112 Amador
Watsonville, CA 95076

MTC–00001901

From: waynes@techgod.net@inetgw
To: Microsoft ATR
Date: 12/6/01 2:18pm
Subject: Red hat settlement better

I think there are several flaws in Microsofts proposed settlement. For one it would greatly increse the monopolistic practice by getting there OS in the hands of younger children. It would not give the childern the choice that is deserved. Plus the Liscences that Microsoft has put on these computers runs ouyt in 5 years forcing the schools to either buy a new liscense, or upgrade the computer. That's no punishment, it's a business oppertunity! Red Hat's proposal is much better. It put an alternative OS in the schools, and Does not run out of a liscense. And most of all the real punishment that because microsoft used monopolistic practices, the have to provide the hardware for a competetors OS.

Just my 2 cents,
Wayne Sitton

MTC–00001902

From: Clay, John
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/6/01 2:35pm
Subject: Microsoft Settlement is Myopic

Dear Sir/Madam:

The DOJ's settlement with Microsoft is myopic, short-changes our population including other software companies and business in general, and rewards Microsoft for it's monopolistic practices. It reminds me of parents who cave in to their children when they (the parents) most need to set good examples and demonstrate an unwillingness to accept unacceptable behavior. Microsoft management must be howling with laughter as a result of the amazing good fortune to have the DOJ punishment require them to increase their present and future stranglehold on the PC industry by providing free software to an, as yet, under exploited market sector—the same software that they would generate regardless of the settlement. Astonishing logic.

It is imperitive that the DOJ send a clear message that Microsoft's monopolistic practices will not be tolerated. That message needs to include enough real monetary penalties that it is unmistakable. It also must not in any way be capable of assisting Microsoft, particularly by growing more consumers for their product. If Microsoft is to help poorer school districts then it should be in the form of direct funding, not an ''in kind'' donation of their product offering.

John M. Clay
Tallahassee, FL

MTC–00001903

From: Bob McCormick
To: Microsoft ATR
Date: 11/21/01 1:51pm
Subject: Please do not accept Microsoft's Private Antitrust Settlement Proposal. US Department of Justice

To Whom it may concern,

Please do not accept Microsoft's proposal to settle the Privte Antitrust lawsuits. This is in no way a punishment to Microsoft but would simply extend their monopoly. How would that 'punish' microsoft? If this were to truly punish Microsoft it would be 1 Billion dollars worth of competitors hardware and software. The Government's settlement is hardly a slap on the wrist. Please do not make it worse by accepting the current proposal for settlement of the private antitrust lawsuits.

At the very least, make them give 1 Billion dollars cash to the schools and let them decide how to spend the money. But if this is truly to punish Microsoft, make them buy 1 Billion dollars worth of hardware and software solely from competing companies. It has been judged that they are a Monopoly. Do not extend that monopoly by this proposed settlement offer.

Thank you,
Bob McCormick
175 Alice Ave. S.
Salem, Oregon 97302

MTC–00001904

From: WJKIV@aol.com@inetgw
To: Microsoft ATR
Date: 11/21/01 1:49pm
Subject: Microsoft Settlement

To Whom it May Concern:

I think this case was without merit from the very beginning. Unfortunately, those various competitors that Microsoft fought so hard against in our free market system and beat, hands down, had no other alternative than to have the government try to stop them. Of course, they dislike the proposed settlement too. Big surprise!

Microsoft and the entire technology industry in this country had suffered immeasurably and it's time to put this nonsense behind us. Stop wasting taxpayer money. Settle the case and get it over with.

Regards,
William Kennedy

MTC–00001906

From: Pickney, Micheal
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/21/01 1:33pm
Subject: Microsoft Settlement

Bill Gates said he likes it. Another billionaire well served by the Bush justice department.

MTC–00001907

From: Apple
To: Microsoft ATR
Date: 11/21/01 2:20pm
Subject: Microsoft settlement

To whom it may concern,

I am shocked by the recent news regarding the Microsoft settlement. Instead of punishing Microsoft for their monopoly strategy you are giving them a green light to basically kick Apple Computer out of the education market by donating an astronomical amount of money in Microsoft products to this industry, thus giving Microsoft a go ahead to continue to do business as usual. I1m sorry but this goes beyond my comprehension. You are playing Microsoft1s cards by making them an offer like this.

To my humble opinion they should be punished not by putting more of their product into the market, especially such a sensitive market like education, but by giving them a punishment that1s appropriate. If you want Microsoft to donate zillions of dollars, let them do that to a neutral institution like food for 3rd world countries or something in that order.

What impression do you give Microsoft (and others like them) here? If you monopolize the market by unfair means of business we will reward you by allowing you to do more business and even kill some competition on the way?! By putting more Microsoft products out there you are giving companies like Apple Computer absolutely no chance what so ever to sell their product in the education industry, hence they start to monopolize that industry as well.

A concerned Dutch citizen of Belgium.
With kind regards,
Van De Vyver Dirk.
Winkelstraat 22
9060 Zelzate
Belgium
Email: dirkv@mac.com
CC:microsoftcomments @doj.ca.gov @inetgw,attorney.gener...

MTC–00001908

From: Dennis Brake
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/21/01 2:18pm
Subject: Micro$oft

Now I'm really scared. Mocro$oft has become more powerful than the US Government! This whole process has made me think about how I make a living. I should have become a thief. I could steal millions of dollars, get caught, go on trial, and agree to pay $10 in fines.

Dennis Brake

MTC–00001909

From: Little
To: Microsoft ATR
Date: 11/21/01 2:14pm
Subject: Settlement for real.

Dear Sir:

After reading about the ''settlement'', I am truly shocked. Forcing Microsoft to push their technology (i.e. Market freely) to all of the student in the under privileged schools is not fair to those who compete in that market. This can almost be seen as a long term investment for Microsoft, not a penalty. The correct answer is that Microsoft pays out cash to the schools. This money should be ear-tagged for technology and training. This will allow the market place and the schools to decide what technologies they choose to use.

In the big picture 500 mil is not very much. This is the amount of money that was ''lent'' to KPMG Peat Marwick my Microsoft durring the late 90's. The monies were be used to rebuild the KPMG infrastructure using exclusively Microsoft products and technology. This was part of an arm-twisting deal that made KPMG to drop their use of technologies from Apple, Netscape and Novell.

Sincerely,
Robert Lee Little III

MTC–00001910

From: Jay D. Jester
To: Microsoft ATR
Date: 11/21/01 2:01pm
Subject: Proper Settlement

DOJ Staff,

As a lifetime Republican, I have to say that I disagree with your disicion to settle with MS. By not forcing MS to either open the OS to all developers and users, or split the company in some manner that levels the application developers world, you have limited the number of companies that will invest in new application development.

MS has for too long kept many OS 'hooks' private to the own developers. With the new habit of adding applications to the OS, it will make stand alone development more difficult since they can hide even more from outside developers.

How long will it be before MS Office is part of the OS? MS does not drive the tech economy, their products are tools, just like hard drives, CPU's, and RAM. They should be treated no different.

Thank You,
Jay Jester
jay_jester@cssus.com

MTC–00001911

From: markdoerr@mac.com@inetgw

To: Microsoft ATR
Date: 11/21/01 2:22pm
Subject: Anti-trust settlement

As further evidence that you must not allow this settlement to go forward you only need to look to the anti-trust settlement announced yesterday.

''[11:15 AM CST] Microsoft Scores Another Major Settlement In Its Favor, & One That Might Hurt Apple's Education Sales by Bryan Chaffin at MacObserver

...From a Forbes.com report:

The proposed settlement will pay for teacher training, technical support, refurbished computers and copies of Microsoft's most popular software, such as Windows and Office, at more than 12,500 schools, Microsoft said. Microsoft admits no wrongdoing in the settlement, as is standard in agreements of this kind. The company said it will take a pretax charge of about $550 million in the current quarter ending Dec. 31 to cover the proposed settlement. After taxes, the company expects to incur a charge of about $375 million, or between 6 cents and 7 cents per share.

...From a TheStreet.com report:

''Under this settlement, they're giving away their software, which has zero marginal cost for them, and putting it in poor schools that never would have bought it anyway,'' says Ed Black, head of the Computer & Communications Industry Association, an anti-Microsoft trade group. ''They're like the guy on the street that's got people watching the pea in the pod: Microsoft's got everyone watching, but they just put the pea in their pocket and walked to the bank.''

''It's not a punishment, it's a reward,'' says Eugene Crew, an antitrust attorney at Townsend & Townsend & Crew in San Francisco who has been working on the California portion of suits. He says that his firm was taken aback by the proposed settlement, which it first read about in media reports Tuesday morning. He says he'll ask U.S. District Court Judge J. Frederick Motz not to accept the proposed settlement during a hearing set for next Tuesday, or at least release his clients from being covered by it.''

It's obvious that monopolistic actions can be used as tactics and that the US Dept. of Justice can be used as an ad hoc sales force. I'm hoping that I might be able to come up with a way to get them to force Hollywood studios to cast me in their movies ro TV shows. It'd make my job as an actor so much easier.

MTC–00001912

From: Art Isbell
To: Microsoft ATR
Date: 11/21/01 2:22pm
Subject: Proposed Microsoft settlement

The proposed settlement of class-action claims of price-gouging by Microsoft wreaks of yet another Microsoft marketing scam that will further Microsoft's incursion into the education market, one of the few markets that Microsoft's only small computer systems competitor, Apple Computer, has a foothold. This will likely exacerbate Microsoft's monopoly which is the underlying problem that resulted in the class-action claims in the first place.

Beneficiaries of this settlement proposal, poor schools, will then be saddled with computer systems and software whose cost of ownership is known to be higher than that of Apple computer systems and software. These schools are the least able to afford these unnecessary expenses.

Many school systems already have Apple computers, so delivering incompatible computers and software to these schools will result in additional expenses and hardships.

Microsoft values its settlement based on the retail price of its software whereas the incremental cost of the software it proposes to deliver will be almost nothing. So in punitive terms, this settlement is not fair.

A much more reasonable settlement would be grants of $1.1B cash made by Microsoft to the 14,000 poorest school districts with these grants earmarked to buy computers and software. This would allow the school districts to determine the best computers and software for their particular situations.

I urge you to reject the proposed settlement as it stands.

Art Isbell
1350 Ala Moana Blvd. #1408
Honolulu, HI 96814–4211

MTC–00001913

From: Daniel M. Dreifus
To: Microsoft ATR
Date: 11/21/01 2:21pm
Subject: Microsoft settlement

Please reconsider allowing Microsoft to donate millions of dollars of sofware to schools, and instead have them donate cash for computer purposes so they may have the option to purchase competitive systems and software, such as Apple or even Linux.

Commercial Resource Management
Daniel M. Dreifus
Toll free: 888 716–0672
Fax: 805 584–8348
e-mail: crm3@ix.netcom.com

MTC–00001914

From: CEP
To: Microsoft ATR
Date: 11/21/01 2:32pm
Subject: Microsoft case

Greetings,

I'm an individual that learned about the DOJ email concerning the Microsoft case from Wired News. I believe that a lot have already been said. However, for some reasons that I guess, I seen all the recent actions that have been taken by the DOJ and the states involved in the case and I believe that the decisions taken are barely helping the great values and principles that the court of the United States are defending.

Microsoft commercial practices not only shows that they endanger the world economy but worse our own culture. For years Microsoft has forged a name not on his technological advances or breakthroughs but mostly on the way it feeds his business from major sources like the innovations of his competitors and its future competitors (i.e. by hiring and swallowing brilliant students from universities). The pattern followed by the development of Microsoft business clearly shows that this company aims a cultural hegemony that she'll be capable to change or sell as she pleased if we let it follow it's course. It will severely harm the world economy and, most of all, greatly endanger what constitutes it's soul part, the wealth of human values that rules visibly and silently our balance.

I deplore that some great minds cannot see the harm that has been done not only economically but at every level of human activity. I believe that the price we will all pay for such commercial practices will far exceed what our most brilliant minds can calculate.

I do not wish to sink Microsoft for the fun of it or to defend a cause. This company and his leader are a great asset in every way. I just believe other ways exist to compete sanely with others without excluding totally the others and endangering the processus of innovation.

1) The splitting of Microsoft is not a necessity.

2) Letting Microsoft go away that easily without making major changes in it's commercial practice will help the economy in short terms but will be only report a danger that will increase in time.

Saving money now, spending more later ?

3) Microsoft must sell a strip down version of his OS Windows and facilitate (not divulgate) immediately it's source code. It should propose a new way to share codes that could not impede the competition. It should work in a way that could stimulate the competition instead of microsofting it.

4) The ''almost'' deal with the U.S., I believe that the U.S. government didn't had the gut to finish the job. Worse because of that attitude, Microsoft signed another deal (software to the poor U.S. schools) that will increase is power in a way that justified is bringing to justice in the first place. Do you think that Microsoft should help more than the U.S. poorest schools ? Don't you think that he has done harm only in the U.S. ?

5) This court of justice & the U.S. has a great deal of responsabilities on it's shoulders not only for the sake of the U.S. rights but for the principles and values on which they build there national order and greatly influenced the world.

By sending you my comments, I have done my civic contribution.

Charles-Etienne Paquin
cepaq@oriens.ca

MTC–00001915

From: j m
To: Microsoft ATR
Date: 11/21/01 2:26pm
Subject: proposed MS private antitrust settlement

This e-mail is in regard to the proposed settlement in the Microsoft private antitrust lawsuits, as mentioned in the 11/20/01 Seattle Times (http://seattletimes.nwsource.com/html/businesstechnology/134368881—microsoft20w.html) I find it more than a bit ironic that Michael Hausfeld feels the best way to settle these private antitrust lawsuits against Microsoft is to seed ''the nation's poorest schools'' with Microsoft products, thus exposing students to (some might say forcing the students to use) the very software that is considered so ubiquitous as to be a monopoly.

To me, that is analogous to punishing the tobacco companies by forcing them to give

away their products to children too young to know the difference. While I admit that is overstating the health repercussions, I don't think it is overstating the financial ones. A more original, and effective, solution would be to force Microsoft to donate $1 billion in Apple hardware and software, or better yet open source software such as Linux. Then again, since open source software is free, that would cost Microsoft nothing but the minds and pocketbooks of the next generation.

I can only hope that this proposed settlement is discarded by the Justice Department and/or judge on the case.

Jason Miller
12341 25th Ave NE
Seattle, WA 98125
day: (206) 850–4144
eve: (206) 363–4192 Get your FREE download of MSN Explorer at http://explorer.msn.com/intl.asp

MTC–00001916

From: Van De Vyver Dirk
To: Microsoft ATR
Date: 11/21/01 2:23pm
Subject: Microsoft settlement

To whom it may concern,

I am shocked by the recent news regarding the Microsoft settlement. Instead of punishing Microsoft for their monopoly strategy you are giving them a green light to basically kick Apple Computer out of the education market by donating an astronomical amount of money in Microsoft products to this industry, thus giving Microsoft a go ahead to continue to do business as usual. I1m sorry but this goes beyond my comprehension. You are playing Microsoft1s cards by making them an offer like this.

To my humble opinion they should be punished not by putting more of their product into the market, especially such a sensitive market like education, but by giving them a punishment that1s appropriate. If you want Microsoft to donate zillions of dollars, let them do that to a neutral institution like food for 3rd world countries or something in that order.

What impression do you give Microsoft (and others like them) here? If you monopolize the market by unfair means of business we will reward you by allowing you to do more business and even kill some competition on the way?! By putting more Microsoft products out there you are giving companies like Apple Computer absolutely no chance what so ever to sell their product in the education industry, hence they start to monopolize that industry as well.

A concerned Dutch citizen of Belgium.
With kind regards,
Slos Marijke.
Winkelstraat 22
9060 Zelzate
Belgium
Email: macfreak@pandora.be
CC:microsoftcomments @doj.ca.gov @inetgw,attorney.gener...

MTC–00001917

From: Gregory
To: Microsoft ATR
Date: 11/21/01 2:43pm
Subject: Red Hat alternative in Microsoft settlement

I think an escrow fund set up to help schools—funded by Microsoft—administered by someone else—and allow institutions that are ''need'' to buy whatever they feel they need—not just Windows or Microsoft products, which doesn1t really hurt or punish Microsoft.

Gregory Youngs

Fairfield, Iowa Red Hat proposes alternative in Microsoft settlement <http://www.computerworld.com/computerworld/images/1pixclear.gif>

By TODD R. WEISS (November 21, 2001) <http://www.computerworld.com/computerworld/images/1pixclear.gif>

After Microsoft Corp. announced a proposed settlement yesterday to resolve a class-action lawsuit against it (see story) , upstart Linux vendor Red Hat Inc. came up with an alternative deal that it says would more fairly punish Microsoft for its monopolistic practices.

In its announcement , Red Hat said Microsoft should be required to settle the cases by distributing rival Red Hat Linux software to thousands of schools across the nation, instead of deepening its hold on the schools by distributing more of its own software.

Matthew Szulik, president and CEO of Research Triangle Park, N.C.-based Red Hat, said his company raised the idea because Microsoft's offer—to give computers and its software to more than 14,000 of the nation's poorest schools—doesn't really punish Microsoft for its past practices.

Instead, he said, the Microsoft approach would simply give the software giant a wider reach in the nation's schools. ''Microsoft should not be rewarded for their monopolistic practices,'' Szulik said.

Rick Miller, a spokesman for Microsoft, had no comment today on Red Hat's counterproposal but said any additional software donations to the schools from Red Hat would be welcome through an independent foundation being proposed under the settlement.

The software giant announced its offer yesterday, less than three weeks after reaching a deal in its antitrust battle against the U.S. Department of Justice and nine states (see story) . Though the company signed an agreement to settle the lawsuits under these terms, the proposal must be approved at a hearing Tuesday in the U.S. Federal District Court of Maryland, which is overseeing the case.

The lawsuits alleged that Microsoft used its Windows desktop operating system monopoly to force users to pay inflated prices for the company's other software. Critics of the company's proposal quickly called it too light in doling out punishment for the alleged infractions.

Red Hat officials said the company's cheaper open-source Linux operating system could bring technology upgrades to far more students and schools than Microsoft's more costly software.

Szulik said the court asked yesterday for public comment on the Microsoft proposal, adding that his company's alternative idea would be far more serious punishment for Microsoft. ''My hope is that they at least know there is an alternative out there'' for a settlement, he said. ''The judge can make a decision knowing he has multiple options.''

Asked if he thinks his company's counterproposal has any chance of succeeding, Szulik said, ''It would have been worse if we didn't do anything. If we don't do it, who else is going to?''

Instead of supplying Microsoft software and using that as a considerable amount of the value of the deal, Microsoft could use that money instead to purchase additional computer hardware for the schools, according to Red Hat, increasing the number of purchased computers from 200,000 to more than 1 million.

Under the alternative plan, Red Hat would provide free copies of its Linux operating system, office applications and other software, as well as online support, to any U.S. school system. The Microsoft proposal covers a five-year period, while the Red Hat proposal has no time limit.

Al Gillen, an analyst at IDC in Framingham, Mass., called Red Hat's proposal ''a creative solution'' that would more severely punish Microsoft by making it spend more out-of-pocket money for hardware, instead of being able to include its own software at non-discounted prices as a large part of the settlement value.

But, he added, it's not likely to get any support from Microsoft. It's a ''turf war,'' Gillen said, with Microsoft trying to make inroads in an important market segment by using the settlement to increase its software use in the schools, where students will get used to it and be influenced to buy it on their own for home use.

''Knowing the position, the posture, that Microsoft has regarding Linux and open-source software in general, there's zero chance that Microsoft will [on its own] do anything with open-source software,'' Gillen said. ''They view that as competition, as they should.''

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MTC–00001918

From: ANDRAR
To: Microsoft ATR
Date: 11/21/01 2:41pm
Subject: Fair settlement;

I think they reached a fairly settlement between microsoft and the goverment.

It's about time to settle this because the consumer is the one getting hurt.

MTC–00001919

From: hmkachline
To: Microsoft ATR
Date: 11/21/01 2:38pm
Subject: Microsoft settlement comments

While I realize that since September 11th you have a great deal more to do than to fight illegal business practices, I hope that you will consider the following in your settlement agreement with Microsoft:

—Have a few people who know something about computers and CS to watch the

company. It is my opinion that if they built cars, the result would be closer to a Yugo than a Lincoln.

—Microsoft, like all companies, needs to make a profit. This cannot come from selling blue sky. If you look at their TV advertising for XP, blue sky appears to be exactly what they're pushing. I cannot say that anyone wants to go to a mall where every store is run by the same company. In my opinion, that is exactly what Microsoft has attempted to do in the software industry. With their recent incursions into the PC market and the game and set-top box market, it is apparent that Microsoft desires to control more than software.

—Read the licensing restrictions. If Microsoft made refrigerators with ligatures like this, would you buy one?

—I read that part of the agreement, according to Reuters at <http://www.nytimes.com/reuters/technology/tech-tech-microsoft.html> is that Microsoft is ''to provide free software and computers to more than 14,000 of the poorest U.S. schools over five years,'' While this may seem at face value to be the equivalent of a community service sentence, in my opinion, the sentence is on the schools who get the ''free'' software and computers, because a—the settlement appears to rule out the choice of non-Windows based systems, such as Apple and UNIX. b—Who is going to pay for support and upkeep? The ''poor school districts? With what source of income? If the poor schools have to hire IT people to fix what breaks—and something will break—the computer will hardly be ''free''. On a broken computer, free software is useless. Unless provision is made for warranty service for a reasonable period of time, the students and the poor school districts will suffer, even though Microsoft will have followed DOJ stipulations.

Thank you for providing an address for comments.

Harry M. Kachline
Anchorage, Alaska —
<hmkachline@earthlink.net>

''When you come to a fork in the road, take it.''—Yogi Berra

MTC–00001920

From: EdAberdeen@aol.com@inetgw
To: Microsoft ATR
Date: 11/21/01 3:20pm
Subject: I am so pleased that this case is close to settlement.

I am so pleased that this case is close to a final settlement. It will be good for the country.... ss@Peace ... P

Ed of Aberdeen
EdAberdeen@aol.com
<A HREF=''http://members.aol.com/EdAberdeen/index.html''>http://hometown.aol.com/EdAberdeen/index.html</A>

MTC–00001921

From: Atlas Int'l
To: microsoftcomments@doj.ca.gov@inetgw
Date: 11/21/01 2:52pm
Subject: Microsoft Antitrust

Dear Attorney General:

I feel Microsoft should receive a much harsher penalty for their antitrust actions. The verdicts have been returned. But, the sentence is more a blessing in thinly veiled disguise.

If the feds are intimidated by Microsoft, I urge the state attornies general not to be. If double jeopardy prevents further action on the antitrust case, I feel racketeering may be another avenue worth pursuing. This corporation is a criminal entity and must be punished. Please continue your efforts against this actively growing monopoly. Feel free to contact me directly if you have any questions regarding my position on Microsoft and their business tactics.

Sincerely,
Bob Holkan
8109 Otium Way
Antelope, CA 95843
(916) 712–7348

MTC–00001923

From: Doug Clark
To: Microsoft ATR
Date: 11/21/01 2:46pm
Subject: unfair Microsoft settlement

Dear Ms. Renata Hesse. As a consumer of software products, I am dissatisfied with the Microsoft settlement proposed my the Department of Justice. My main concern is not with the remedies. In fact the provision that PC manufacturers can install dual boot start up programs and install multi operating systems is exactly what the market needs to promote competition. But I have great concerns about the oversight process. Having Justice Department personnel on site at Microsoft offices does NOT guarantee that MS will not water down their restrictions, nor pressure manufacturers and software makers through verbal, ''off the record'' agreements. I am also opposed to MS's request to give away its programs to school districts. This only further extends their monopoly. I believe that stronger enforcement measures are needed to prevent MS from repeating their past predatory business practices. Thank you for your time and consideration. Sincerely, Douglas Clark, Austin, Texas

MTC–00001924

From: Andrew Harris
To: Microsoft ATR
Date: 11/21/01 3:31pm
Subject: NO DEAL FOR MICROSOFT!!

MTC–00001925

From: Han Klomps
To: Microsoft ATR
Date: 11/21/01 3:30pm
Subject: Microsoft settlement

To whom it concerns,

I am shocked by the recent news regarding the Microsoft settlement. Instead of punishing Microsoft for their monopoly strategy you are giving them a green light to basically kick Apple Computer out of the education market by donating an astronomical amount of money in Microsoft products to this industry, thus giving Microsoft a go ahead to continue to do business as usual. I1m sorry but this goes beyond my comprehension. You are playing Microsoft1s cards by making them an offer like this.

To my humble opinion they should be punished not by putting more of their product into the market, especially such a sensitive market like education, but by giving them a punishment that1s appropriate. If you want Microsoft to donate zillions of dollars, let them do that to a neutral institution like food for 3rd world countries or something in that order. What impression do you give Microsoft (and others like them) here? If you monopolize the market by unfair means of business we will reward you by allowing you to do more business and even kill some competition on the way?! By putting more Microsoft products out there you are giving companies like Apple Computer absolutely no chance what so ever to sell their product in the education industry, hence they start to monopolize that industry as well.

A concerned Dutch citizen.
With kind regards,
Han Klomps
Lupine-oord 41
3991 VH Houten
The Netherlands
email: gjklomps@ision.nl
telefoon: (+31) 30–6352390
gsm: (+31) 6–53535915
CC:microsoftcomments@doj.ca.gov@inetgw

MTC–00001926

From: steve harley
To: Microsoft ATR
Date: 11/21/01 3:22pm
Subject: comments for the record

please note my comments for the record on the pending settlement of the Microsoft anti-trust suit. the Justice Department is not representing my interests with this proposed settlement.

i prefer a settlement which promotes consumer choice and quality software. the proposed settlement does not do that; it does not significantly alter the conditions that Microsoft has illegally exploited.

if this settlement takes effect, i believe Microsoft will again take illegal action in the market because when the penalties are so light, Microsoft can make more money up front than it will lose during the next protracted litigation cycle.

please don't make breaking the law profitable for Microsoft.

thank you
steve harley
101 w. archer pl.
denver CO 80223
303–777–6475
steve@paper-ape.com

MTC–00001927

From: Phillip Ross
To: Microsoft ATR
Date: 11/21/01 3:31pm
Subject: Anti trust

Should Microsoft receive harsher penalties? I am very disappointed with the DOJ's settlement. Fortunately nine states' AG's agree with me. It seems to me that Microsoft has indulged in not only anti-trust violations but racketeering as well. An abuse of power on the part of Microsoft (MS) that was not addressed in the trial was that MS has effectively eliminated a consumers ability to choose an alternative operating system when ordering a PC from an Original Equipment Manufactures (OEM's). (Dell, et all)

I believe that MS, in a premeditated fashion, used their Monopoly powers to ensure that the Windows OS would be the only operating system that would be accessible to a consumer when they turned on their computer and because of this they have stifled innovation in the marketplace and harmed the consumer by denying them the choice of an alternative product. Let me describe how MS may have illegally achieved their position in the market.

MS successfully stifled competition in the marketplace by not allowing OEM's (as per contract) to ship a computer that presented a choice of operating systems to the consumer when that computer was turned on. This choice of operating systems could have been provided by the OEM without any cost to MS for the install.

Microsoft blocked consumer choice by pressuring OEM's into signing contracts that obliged them to ship Windows only computers. If they refused the OEM faced the threat of losing the right to ship any MS product.

This type of practice by Microsoft will continue (if not in this form another) unless the monopoly known as Microsoft is either broken up into separate units or another remedy that I an not clever enough to devise is formulated that allows fair competition in the industry.

As you can see, my position well exceeds current prosecution parameters. Even if you don't agree with my extreme position, but desire more vigorous prosecution, I urge you to pre sue this line of inquiry. The browser is not the issue the operating system is.

I believe that the DOJ takes the responsibility of this matter very seriously. This is why I urge the DOJ to expand the scope of this case or start a new one that specifically addresses this problem.

Good luck.

Phillip M Ross
4554 NE Alberta Ct.
Portland, Oregon 97218

MTC–00001928

From: ROBERT ROH
To: Microsoft ATR
Date: 11/21/01 4:06pm
Subject: Microsoft Payment to Schools

It seems only fair that non-public schools should not be excluded from the list of the 'nation's poorest schools.'' Many non-public schools are not private elitist schools but are deeply involved in serving the poor.

The non-public school of which I am the superintendent is in rural Nebraska, a depressed area with 33 % of our students on free and reduced lunch. The average per household income in Richardson County is barely over $23,300.

Respectfully,
Rev. Robert A. Roh
Sacred Heart School
1820 Fulton Street
Falls City, NE 68355–2234
402–245–3002

MTC–00001929

From: Kathi Wong
To: Microsoft ATR
Date: 11/21/01 4:04pm
Subject: The Microsoft Settlement

PLEASE don't let Microsoft get away with merely donating computers and software to needy schools. This is so cynical it's pathetic. I saw right through it right away when I heard about it, and I'm not exactly a rocket scientist. It's a way for Microsoft to get a foothold in schools where they already have WAY too much influence. Microsoft is attempting to settle an antitrust lawsuit by committing antitrust actions. How incredible is that? Let them donate the financial EQUIVALENT of those computers and software and allow the school districts to buy what they need most, including other types of computers and software.

Kathi Wong,(865)379–1832, gandkwong@yahoo.com

MTC–00001930

From: warren
To: Microsoft ATR
Date: 11/21/01 4:00pm
Subject: Microsoft Settlement

Hi. I am a California citizen, and I am writing you to let you know how outrageous the Microsoft ''Settlement'' is to myself and my peers. As part of the settlement, they 'have' to provide schools with free software? If they did this on their own volition, they would be charged with unfair market practice. How can other software companies, who are already struggling against the huge Microsoft corporation, compete with free software?

This decision is basically giving Microsoft the government sanctioned option to wipe out whatever competition they now have in the education market.

It fails me to see how this can be considered a punishment.

I sincerely hope that the Justice Dept does NOT accept the terms of this insulting settlement.

Thank-you for your time.

Warren Friedman
12 Mariele Dr
Fairfax, Ca 94930

MTC–00001931

From: gary miller
To: Microsoft ATR
Date: 11/21/01 3:53pm
Subject: Microsoft settlement is inadequate

I am greatly disappointed that the Dept of Justice has not put adequate restraints on the behavior of Microsoft, and accepted a very weak settlement that does not protect the interests of the American public. I hope the DOJ will give very close scrutiny to current and future behavior by Microsoft.

I am particularly concerned over the provision in the settlement agreement that requires Microsoft to divulge Windows APIs only to competitors that Microsoft determines have a ''valid'' business plan. Whether intended or not, one effect of this provision is to handicap the ''open source'' movement in ever inventing a rival technology that could work well enough with Windows to threaten Microsoft's own monopoly.

Open source has hatched such technologies as the Linux OS and the latest incarnations of Netscape. Yet in their earliest stages, open source technologies rarely have a profitable business plan at all, so Microsoft need not tell them how to make their applications run to best advantage on a Windows machine. Small wonder future Netscapes will appear clumsier than Explorer. Without API disclosure, Microsoft's possibly inferior technologies come out of the gate with a prejudicial ability to integrate more smoothly with the Windows OS, and users will be discouraged from even trying alternative technologies. This element in the federal settlement nips a good portion of future competition in the bud. At the very minimum, a settlement should require Microsoft to sell an ''unbundled'' operating system with fully disclosed APIs, so that any third party could write an analog to, for example, the Passport technology, that could work as well with Windows as Microsoft's version.

I personally find Microsoft's past behavior so egregious—and so much unchanged even after the upheld findings of monopoly practices—that I hope the nonconsenting state attorneys general and the EU pursue substantial damages, and, especially, injunctions now against any future such behavior by Microsoft. Surely without suitable injunctions, while damage proceedings drag on Microsoft will only further entrench its current monopoly and extend it to such growing sectors of the American economy as e-commerce and internet computing. Microsoft's ongoing behavior together with its de facto omnipresence on the nation's computer desktops easily threatens to extend its monopolistic practices into new arenas, resulting in higher OS costs to every user and stifling new competitors in ever more fields.

Microsoft's continued march to subsume new technologies (instant messaging, media players, etc, and ABOVE ALL e-commerce in its infancy) into Windows XP, its retention of the right to revert all OEM alternative desktop settings to Microsoft's own 14 days after purchase, and its continued refusal to admit any past misbehavior whatsoever all demonstrate that more drastic remedies are needed, and sooner rather than later.

I only regret that Microsoft carries such influence in my own state (Washington) that my own attorney general has not joined in the other attorneys' general case.

Sincerely,
Gary Miller
1707 W 9th Ave
Spokane WA 99204

PS. I would normally write a ''real'' letter in hopes of carrying more weight than an e-mail message, but understand that public safety concerns make email more reliable these days.

''The greatest obstacle to communication is the presumption it has already occurred.''

MTC–00001932

From: Ryan Halpin
To: Microsoft ATR
Date: 11/21/01 4:19pm
Subject: Microsoft Inc.

Stop spending my hard earned tax dollars on a witch hunt. No-body said Boo or anything to the contrary when Bill Gates started Microsoft. Every body wanted to jump on the band wagon then. Now that he has become successful and is worth billions,

keeping Americans employed and pumping billions back into the economy, a few want to level the playing field, for fair play???. When you guys level the playing field in a lop-side college football game then and only then can you start attempting to level the playing field in the economic sector. THOSE THAT WORK HARD GET REWORDED, THOSE THAT CRY FOUL SHOULD GO BACK TO THE DRAWING BOARD AND GET SOME MORE PRACTICE TIME, or come up with something that the American public wants to buy...LIKE BILL DID...Get off Bills' case and start hounding that other billionaire that's creating so much news these days...He's the EVIL ONE....

Ryan Halpin Billings Montana...

MTC–00001933

From: Matt O' Brien
To: Microsoft.atr(a)usdoj.gov, microsoftcomments(a)d...
Date: 11/21/01 4:09pm
Subject: Against the Microsoft Monopoly

To the individuals involved in the Microsoft trial:

I wanted to take a moment to let my feelings known regarding the latest decisions with the Microsoft corp.

I am completely against the business practices of the Microsoft corporation and its products.

The release of Windows XP has shown Microsoft's stance on continuing its practices on copying technology, crushing competition, and ruling the industry unfairly. The idea that now Windows directs the user to certain websites Microsoft wants you to visit is infuriating. The fact that XP now has technology that is identical to Apple's iTunes, iMovie and QuickTime raises a whole host of questions. Microsoft stole from Apple Computer the ''look and feel'' of its OS, and now has done the same with it's ''media player''. Don't any of these issues raise red flags?

The average consumer has no notion of these things, nor that it's wrong. The aveage consumer wanders into Best Buy and blubbers out, ''Uh, duh, I need a computer to go online with...'' Microsoft takes full advantage of the uninformed consumer and pushes its products on with no regard for competition or other software.

Take for instance, if you have a PC that is running Windows (you have NO other choice BUT to run Windows), you HAVE to run Microsoft's Internet Explorer software to browse the web.

What happened to Netscape Navigator?

This is just ONE of the many many examples of the monopoly Microsoft demands.

Microsoft is clearly throwing money at the problem to get people to shut up. I, as a consumer, and not going to stop fighting Microsoft. Their technologies are no good. Better products are out there and as consumers we are all going to be forced to give Microsoft our money for lousy technology. Please, I beg do not drop this case with Microsoft because you are tired of fighting. Don't let Microsoft just throw money at the problem. ''Equipment and training'' will do no good in breaking the Microsoft monopoly. Microsoft wants to train children how to use its products. Not anyone elses' but its own. Microsoft is DEDICATED to owning the entire computer industry. We CANNOT see this happen. This is America; we have freedom to choose here. And if Microsoft does what it wants to, we will no longer have freedom to choose. A computer is a very personal piece of equipment. Do you want to trust your finances and all other personal information to Microsoft??

I think not.

If possible, please let me know that you have received this email and have heard my voice. I am one of many, many individuals who feel strongly against the Microsoft monopoly.

Sincerely,
Matt O'Brien
1110 East Ogden Avenue.
No. 103
Milwaukee, WI 53202

MTC–00001934

From: Renee Murray
To: Microsoft ATR
Date: 11/21/01 4:08pm
Subject: Settlement with Microsoft—BAD IDEA

I am very displeased with the proposed DOJ settlement with Microsoft. In addition this week we learn that Microsoft has proposed providing software to low income schools as part of the settlement with the states. Microsoft gets to provide the same software it used to violate antitrust legislation, as settlement for the violation—how ironic. Also, this settlement of software basically provides for additional injury to alternative operating systems—such as the Apple Mac OS. You will be taking market share away from Apple in education as a reward to Microsoft for its violation of antitrust laws.

The US DOJ needs to hold Microsoft actually responsible for its actions. They violated antitrust laws and continue to do so with Windows XP (now taking over music and video and eliminating JAVA support). Break the company up as was originally proposed. Microsoft has yet again proved its antitrust mentality and the proposed settlement is less than a slap on the wrist. Microsoft will actually gain in the education market.

Cameron T. Murray

MTC–00001935

From: Anthony Graham
To: Microsoft ATR
Date: 11/21/01 4:56pm
Subject: Settlement is a disgrace

The DOJ settlement with Microsoft is a disgrace and a blow to a strong, competitive American software industry.

As a result of years of Microsoft's anti-competitive behavior, dozens of quality applications and companies have been essentially destroyed including Lotus, Novell, WordPerfect, Corel, and Netscape. Several other companies, industries, and products are now on the list of future victims of Microsoft's monopoly including but not limited to: Real Networks, Eudora (email), Palm, Tivo, ReplayTV, and Handspring. The Web itself is now well on its way to being completely controlled by Microsoft software.

They have behaved illegally and this settlement rewards them for it. After years of illegal behavior there is absolutely nothing in the agreement that prevents them from continuing to behave illegally and nothing that punishes them for past behavior. Forcing them to donate software to underprivileged schools (who wouldn't have the money to buy it anyway) increases their market share and costs them nothing. It even affords them a PR opportunity.

In the face of the Government's inability to protect the software industry, we will continue to be faced with sub-standard software from Microsoft that is protected from competitors by their Windows monopoly and whose flaws permit serious security breaches on a daily basis. We will not see a credible competitor Word Processor, Email client, Web browser, Spreadsheet, or database application in the US. Meanwhile, the software industries in countries outside the US, some of which are shielded from the Windows monopoly (China, India) will grow as the result of talent and competition.

This settlement must be scuttled for our software industry to thrive. The only solution to this problem is to prevent Microsoft (structurally) from behaving in the way it has for the last 10+ years.

Anthony Graham
San Diego, CA

MTC–00001936

From: Kyle Crawford
To: ''Microsoft.atr(a)usdoj.gov''
Date: 11/21/01 4:50pm
Subject: MS Case Settlement Bogus

The proposal by Microsoft to donate it's own software to schools is ridiculous. This would on'y serve to strengthen their monopoly. How is this punishment?

The very notion of this proposal is disgusting.

Kyle Crawford
4 Sunset Drive
Douglassville, PA 19518
CC:''microsoftcomments(a)doj.ca.gov'', attorney.gen...

MTC–00001937

From: Nany Ramamurthy
To: ''Microsoft.atr(a)usdoj.gov''
Date: 11/21/01 4:33pm
Subject: Sir/Madam, Sir/Madam,

Microsoft by tying Internet Explorer and Windows killed the Innovative product Netscape. Now Microsoft trying to bundle more services with XP to kill competition in other areas. The settlement announced Nov. 2 is inadequate and the company will be able to bypass many of the sanctions as it did in the earlier case in 1995 and hence brought this case in 1998 and the courts have unanimously found that Microsoft violated antitrust laws.

The company had reached a deal to settle a raft of private anti-trust cases to spend more than $1bn to put software and computers into some of the poorest American schools. The deal will close another chapter in the software giant's legal saga, while helping Microsoft make further inroads into the nation's schools, which once were dominated by its rival Apple Computer Inc. and will reach future customers mind at the early age.

I do not think the remedy should be a mechanism by which Microsoft can further extend its monopoly.

Thanks & Bye
Narayanan (Nany) Ramamurthy
Senior Software Engineer
Trintech Inc.
5 Independence Way, Suite 170
Princeton, NJ 08540
USA
Tel.: + 001 609 919 6027
Fax: + 001 609 720 1020
e-mail:
narayanan.ramamurthy@trintech.com
CC:Nany Ramamurthy

MTC–00001938

From: Matt Schultz
To: Microsoft ATR,microsoftcomments @doj.ca.gov@inetgw,...
Date: 11/21/01 4:49pm
Subject: <no subject>

Dear Sirs and Madams:

I am writing on behalf of the electronics industry and the people of the United States, urging you to hang tough in the anti trust case with Microsoft Corporation.

None of you could imagine where the electronics industry would be right now, had it not been for Microsoft crushing anyone and everyone who had the audacity to think this was a free country. This industry would be vibrant right now, I'm convinced of it, and leading the whole country out of recession. Microsoft's dominance and dirty tactics have cost this nation billions of dollars of GDP and hundreds of thousands of jobs.

I cannot tell you how many times we worked with giant OEMs such as Hewlett Packard, Seagate, Maxstor, Storage Technology, Digital Equipment, LSI Logic, and others, on Windows OS drivers for peripherals, and each one of these firms—to a man—was (and continues to be) terrified of MSFT. They know what side their bread is buttered on. I saw the cancellation of dozens of projects in the 1990's because Microsoft simply wouldn't validate the drivers, favoring one company over another.

I understand that the Bush administration, due to it's war efforts against terrorism, would rather concentrate on that all important goal than to waste resources continuing the fight against Microsoft. The government has won it's case, but now it appears that akin to the giveaway of Eastern Europe after World War II, the US government wants to give this win away as well. I give MSFT executives all the credit in the world for keeping a straight face, as Larry Ellison put it.

But the economy needs this shot in the arm more than ever now, MSFT has strangled the life and innovation out of the computer industry for so long, it's now stagnate. We need desperately to have competition come back to the industry, so small firms with big ideas won't get wiped out. So MSFT can't deny the little guy interoperability with their stranglehold on the Industry anymore. To put Americans back to work and re-invigorate the industry, the US government and the States battling this anti trust violator must level the playing field. It's such an enormous uphill climb now.

Please do not allow MSFT to damage Apple Computer and the 25,000+ suppliers of Mac OS based peripherals and software. The current $1 Billion ''penalty'' Microsoft will take out of petty cash and give to schools will do nothing but increase Windows market share in one of Apple's most dynamic markets. The influx of Microsoft capital into the education market will inflict very serious damage to Apple Computer and thousands upon thousands of small US companies that provide consulting services, peripherals, software, drivers, firmware, and other products that support the Mac OS now used throughout the US education system to a very large degree. Many companies will be forced out of business, many Americans will lose their jobs to Microsoft once again. Only this time, it will be government sponsored.

It is a market that Microsoft has targeted for many years and after falling short in their own efforts, it seems they have now partnered with the US Government and the States to win this lucrative market finally after a 15 year battle.

This deal has to have Dell, Compaq, HP and Gateway licking their chops as Microsoft has sadly duped the government very, very smoothly here. This penalty is a Trojan Horse; it will turn out to be a gigantic marketing ploy, damaging Apple's share tremendously in the education market, while boosting Microsoft's share for years and years to come. Microsoft should realize a return of more than 8X on the measly one billion they will put forth. Some slap on the wrist, folks.

What an incredible blunder by the government. Win an anti trust case and then hand over one of the last remaining non-Microsoft markets! Incredible! What a brilliant and resounding victory for Microsoft. Stand tall, ladies and gentlemen. The whole industry is waiting for you good people to do the right thing.

Would it not be embarrassing to have the US Government & the States surrender to Microsoft, only to watch the European governments come to the aid and rescue of the US electronics industry? This could very well happen. You have won the case in court! But you're losing it in the conference room. Re-group, folks, and please focus on doing the right thing.

''Always do right; this will gratify some people and astonish the rest.''

—Mark Twain (1835–1910)

Best Regards,
Matthew J. Schultz
7985 S. Bemis Street
Littleton CO 80120 USA

MTC–00001939

From: JRStrong@aol.com@inetgw
To: Microsoft ATR
Date: 11/21/01 5:11pm
Subject: The DOJ seems to be admitting its own inferiority?

When a company is so ''illegally'' profitable that the DOJ treats it as the ''King of Microsoft,'' instead of following previous precedents? I mean by the DOJ's logic, there was NOTHING wrong with the Sherman railroad bridge being for the use of ONLY one Sherman company! Instead of ''bailing'' under pressure from M$, the DOJ is supposed to represent the interests of everyone in the American population. By the DOJ's current logic, I could place a toll charge over 1 bridge over the Mississippi River, requiring EVERYBODY to pay me a toll charge before I would let them cross my only one bridge over the river?

I had an ''epiphany'' or something about this happening when I was a freshman in business at the University of Illinois in Urbana/Champaign in 1987! I could ''see'' in 1987 how EVERY UIUC official/secretary had an Apple Macintosh computer on their desk to help them with their work? And I had also ''heard'' about M$ Windoze 1.0 and I knew then that every software product by M$ was an addition to the former M$ product, and I thought of how a future M$ Windoze would overtake the MacOS? This was precisely what started happening on a big scale with Windows 95 in 1995!

Billl Gates was trained in Computer Science, which entails total domination before applying the ''brakes,'' so this is why the antitrust problem? I can see how my Illinois attorney general has ''bailed'' from the suit, as is a tendancy of Chicago politics, but there are still 9 states that will hold M$ accountable for its actions!

Jeff Strong
jrstrong@aol.com
217/234–2547 apt/voicemail
916/405–3010 voicemail
508/590–5532 fax

MTC–00001940

From: Benjamin Turner
To: Microsoft ATR
Date: 11/21/01 5:06pm

So let's see: it's been agreed that Microsoft has illegally used its monopoly position to hurt competitors and consumers, and the government wants to cave in with a slap on the wrists in the form of the currently-proposed settlement deal? We have antitrust laws for a reason, and letting Microsoft get away with their anticompetitive behavior (again) is not in line with those reasons. Please continue to push for a stricter set of remedies against this law-breaking behemoth.

Benjamin Turner
10251 Kenny Lane
San Jose, CA 95127
(408) 929–3097
Benjamin John Turner
bjturner@bigfoot.com http://www.usfca.edu/turner/ bjturner@whowhere.com ''The happiest of people don't necessarily have the best of everything; they just make the most of everything that comes along their way.''

MTC–00001941

From: Joe Creitz
To: Microsoft.atr(a)usdoj.gov, attorney.general(a)po...
Date: 11/21/01 5:04pm
Subject: Please oppose the proposed Microsoft settlement

To whom it may concern:

If my understanding of the proposed Microsoft settlement even comports only slightly with its reality, then this is no settlement at all. It would do nothing punitive, nothing to remedy past misconduct, nothing to inhibit future misconduct, and nothing to diminish Microsoft's monopoly power— indeed, it would help Microsoft make additional inroads in a computer hardware and software market in which

Apple, for example, now competes against it well (education), thereby enhancing Microsoft's monopoly power. Thus, the settlement does not impose any penalty, but rather it confers a benefit, on a company that has been found liable for unlawful abuse of its monopoly power.

This so-called ''settlement'' is a joke and an offense, and the Department of Justice and the states should do everything in their power to oppose it.

Sincerely Yours,
Joe Creitz, Esq.
SBN169552
Joe Creitz
Attorney at Law
2507 Bryant Street
San Francisco, CA 94110
tel: 415–642–4200 x164
cell: 415–269–3675
email: joe@415.com

MTC–00001942

From: SMitchum@washgas.com@inetgw
To: Microsoft ATR
Date: 11/21/01 5:29pm

I have watched I have been in the IT industry for more than 14 years. I have watched Microsoft use their market dominance to consistently erode market share from other competitors. They have used same principle time and again Fear, Uncertainty, Doubt to deny areas of the market where they did not yet have a product or where their product was so buggy that it couldn't effectively compete on it's own merits. Does anyone working on the case actually think that any single company can stand up to Microsoft when it has more than 36 billion dollars in liquid assets. Even if multiple companies banded together against Microsoft they can't stand against a 90%+ market share in the PC arena. If you don't stop them now XP will take over the internet and we will all be facing the fully embraced and extended world as written by Microsoft.

Thank you for your time.
Spencer Mitchum
Certified Novell Administrator 3x, 4x, 5x
Certified Novell Engineer 3x, 4x, 5x
Master Certified Novell Engineer
Cisco Certified Network Associate
Cisco Certified Design Associate

MTC–00001943

From: WILFREDO TORRES
To: Microsoft ATR
Date: 11/21/01 5:20pm
Subject: MICROSOFT SLAP ON THE RIB

DEAR USJD; WHY MR. BUSH AND MR. ASHCROFT DON'T MAKE ILEGAL ALL LAW SUITS AGAINST BIG BUSINESSES AND AN ACT OF TERRORISM AS WELL? THE FACT OF THE MATTER THAT MICROSOFT OR ANY OTHER COMPANY OR INDIVIDUAL REGISTER A PATENT/ .INVENTION DOES NOT GIVE THEM THE ABSOLUTELY RIGHT TO CRUNCH INNOVATIVE COMPETITORS THAT MAKE A SIMILAR PRODUCT EVEN OF SUPERIOR QUALITY/LOWER COST. I FOUND AN OUTRAGE INSULT BY PART OF THE BUSH ADMINISTRATION TO SETTLE THIS CASE WITH LITTLE OR NO PUNISHMENT FOR MICROSOFT AND TO MAKE MATTER WORSE, THERE IS NOTHING IN RETURN FOR US THE CONSUMERS.

MTC–00001944

From: Ron Habacker
To: Microsoft ATR
Date: 11/21/01 5:12pm
Subject: Microsoft Antitrust Settlement

I believe this is a terrible settlement for the U.S. and for consumers. All it imposes is conduct remedies, and for each of those, there is a loophole through which Microsoft can circumvent it. I wish to see Microsoft, who has been found guilty of *criminal* activity, as well as lying during the actual trial, to be punished much more severely than this. One of the remedies would be opening up their proprietary document formats (*.doc, *.xls, *.ppt, etc) to EVERYONE, so that everyone can have a level playing field in competing office suites without having to worry about incompatibility issues.

Windows XP is even worse than the tying/ bundling issues that got Microsoft into trouble in the first place, but the government wishes to turn its back on more anticompetitive behavior because the economy is in a recession and they believe Microsoft can help pull us out of it. Kindly stand up for what is right. Stand up for the American PEOPLE for once, instead of some insidious, anticompetitive, illegally competing, mega-corporation.

Thank you.

MTC–00001945

From: Nicholas Spies
To: microsoft.atr(a)usdoj.gov
Date: 11/21/01 5:12pm
Subject: Microsoft Settlement

Dear Sirs:

(This supercedes another note I sent earlier today (21 Nov 01) to the main DOJ email address.)

The settlement, or at least the penalty aspect of it as reported in the press (i.e. Microsoft to give needy schools $1B of computers and software) is utterly inappropriate, even laughable, considering the economic havoc that Microsoft's business practices have wrought. Indeed, this ''punishment'' or ''act of contrition'' is simply anyother way for Microsoft to increase its monopoly, and assure itself of more repeat customers! If this offer is NOT part of the DOJ's Proposed Settlement, but a public relations ploy by Microsoft, the following stipulations should, in my opinion, be added to the Settlement for the reasons detailed.

Microsoft, whether or not mandated by the DOJ to dontate computers to schools, should only be allowed to do so by purchasing and donating Apple MacIntosh (or other Apple) computers, with an appropriate Apple OS and, optionally, Microsoft software applications, to the schools. This would help to strengthen Apple's position in the market, which has historically been strong in the educational sector, and punish Microsoft more justly.

This would have an immediate, concrete effect in levelling the playing field, if only slightly, while yeilding some monetary compensation for what may well be $100M+ in direct and collateral damages in the form of reduced productivity for computer users, losses to investors in businesses crushed by MS, lossage of work due to the notoriously unstable behavior of Microsoft's products, and even the seemingly trivial cost of having the Windows logo displayed for a couple of extra seconds, just for promotional purposes, every time a Windows computer is booted; cumulative wasted time must run into man-centuries!

Most importantly, it would give students and teachers at needy schools a much better solution to their needs, and a far better base on which to build an infrastructure for educational computing facilities. For, by practically any measure, Apple's computers have always, and continue to be, easier to use, interconnect, and administer than Microsolf's platforms.

While this may sound ''contraversial'' at first, it seems to me that Microsoft should be penalized where it counts, while redressing some of the damage it's monopolistic practices have done to the company that originated, and made affordable, user-friendly personal computing (Apple).

Why reward Apple and not Xerox, Sun, Silicon Graphics, etc? Because Apple has survived and thrived as the only reasonable, and affordable personal computer, and, if secondary schools are to receive this windfall, Apple is already well-established in this area. Also, Apple computers are more compatable with Microsoft products out of the box than Windows is with anything but Windows. If Atari, TI, Tandy, or Commodore hadn't been driven from the market by the hegemony of Wintel (Windows running on Intel processors), there would be real choices other than Apple. Finally, the Government has an opportunity to emphasize that diversity of computer architectures is as important as diversity of operating systems.

I sincerely hope that this will be given consideration and that you will reply.

Thank you.
Sincerely,
Nicholas Spies
843 East Poplar Street
Coatesville, PA 19320–3346
610–383–9072

MTC–00001946

From: Antony Tovar
To: Microsoft ATR
Date: 11/21/01 5:37pm
Subject: Microsoft settlement

To USDOJ,

I am writing to object to the Proposed Final Judgement. As per your on-line instructions (http://www.usdoj.gov/atr/cases/ms-settle.htm) I have reviewed the current documents and would like to make the following specific suggestions:

1. Since it was found guilty of illegal businesses—and on a huge scale— Microsoft should be responsible for all government court costs. This should also include the costs for any state goverments that reject the current proposal. (The newspapers report this cost as $15M to-date, a pittance to Microsoft.)

2. Removal/simplification of all extended definitions, e.g. ''any middleware with a version number of form X.x.'' These details are unnecessary and, I believe, only exist to provide loopholes for Microsoft to evade the spririt of the document. The various sub-

sections should be worded in a way that the intent is clearly understandable to IT professionals (if not the general public).

3. Substitution of all references to ''Microsoft Middleware'' with the more general ''Microsoft software.'' The public's concern is not limited to ''Middleware'' and the definition therein; we don't want Microsoft to be able to force any software on us, regardless of how we obtain it or how it is legally defined.

4. Inclusion of a provision specifically labeled, ''Eliminating Microsoft's monopoly control of Internet and Windows desktop standards.'' This seems a natural conclusion to a 'successful' antitrust action. They can be allowed to maintain their Windows and Office software as they see fit, but they should lose their monopoly leverage. While I appreciate the provisions in the current proposal that require documentation of all APIs, e.g. integration between Internet Explorer and the Windows desktop (assuming that IE is considering ''middleware''...), I feel that the current exceptions clearly allow Microsoft to continue blocking competition. So, instead, I would like to see the addition of requirements such as publicly documenting the formatting information of all current/previous Office document types (so that competitors to Office could offer flawless backwards compatibility). I know Microsoft considers this an unwarranted 'grab' of their intellectual property but since the market for OSes and office suites has matured, the aspects of their products that belong in the public domain can easily be identified (and it only has to be a one-time event).

5. Clear instructions that OEM customers do not need to pay a Microsoft license fee (for Windows, Office, etc.) for every computer they sell, and that they will not be penalized (e.g. higher prices) for offering computers with non-Microsoft Operating Systems. Currently, the Proposal only stipulates that OEMs will not be penalized for offering dual-boot systems; this still requires them to pay Microsoft for a license!

I have been a computer professional for 10 years. In that time, I have never considered Microsoft Corp. to be a customer-oriented company and I believe this opinion has been confirmed by the testimony in the latest anti-trust court case. Please do not allow their behaviour to go unpunished, or the market to continue languishing under their monopoly control.

Antony Tovar
Technology Manager, TSKM Accounting
http://www.tskm.com
mailto:atovar@tskm.com

MTC–00001947

From: chucky cheese
To: microsoftcomments@doj.ca.go@inetgw
Date: 11/21/01 5:34pm
Subject: Microsft settlement—my views

I would have a serious look at just what Microsoft is getting in this latest deal. Donating a billion dollars worth of hardware and software to poor school districts is a kind gesture on the surface—BUT, look at it from Microsoft's perspective. What they are being allowed to do is flood the education market with their own products and they are harming other manufacturers who rely a great deal on this market. Their donation (mildly punitive settlement) could possibly be used to gain tax advantages. The school districts will eventually have to upgrade their products and rest assured it won't be with other vendors' products. There is also the issue of servicing and support. This also is another revenue stream for Micosoft. I understand that the school districts can take the cash option and buy what best suits them. This won't happen since Microsoft rules the computing world—they will buy Microsoft!

Is this an oversight on the part of the government or is this a blatant compromise to just end this whole affair? Whatever it is, it must be stopped.

I do plead ignorance on the terms and conditions of the latest settlement, however, even I can see just what Microsoft is getting here—it's a free gift from the government. Please don't allow Microsoft the opportunity to walk. People are angry and tired—do the right thing.

Thanks for your time.
James

MTC–00001948

From: Ulla Hald
To: Microsoft.atr(a)usdoj.gov',
'attorney.general(a)po...
Date: 11/21/01 5:33pm
Subject: Please oppose the proposed Microsoft settlement

To whom it may concern:

If my understanding of the proposed Microsoft settlement even comports only slightly with its reality, then this is no settlement at all. It would do nothing punitive, nothing to remedy past misconduct, nothing to inhibit future misconduct, and nothing to diminish Microsoft's monopoly power— indeed, it would help Microsoft make additional inroads in a computer hardware and software market in which Apple, for example, now competes against it well (education), thereby enhancing Microsoft's monopoly power.

Thus, the settlement does not impose any penalty, but rather it confers a benefit, on a company that has been found liable for unlawful abuse of its monopoly power.

This so-called ''settlement'' is a joke and an offense, and the Department of Justice and the states should do everything in their power to oppose it.

Regards,
Ulla Hald

MTC–00001949

From: Psychohist@ao1.com@inetgw
To: Microsoft ATR
Date: 11/21/01 6:22pm
Subject: Microsoft Settlement

As a professional software engineer and the owner of a small software firm, I have taken a keen interest in Microsoft's development of a personal computer operating system monopoly, and in the subsequent filing and progress of the United States v. Microsoft case. I am pleased that the court has correctly identified Microsoft's pattern of illegal monopolistic behavior; however, I am concerned that the proposed settlement, while carefully written, will fail to make any substantial impact on Microsoft's future conduct.

Background

As mentioned in the documents associated with the case, the District Court found, and the Court of Appeals affirmed, that Microsoft unlawfully protected and maintained its operating system monopoly in violation of antitrust laws. In the United States' Competitive Impact Statement, two examples are cited of this type of behavior. One example is the elimination of Netscape Navigator as a viable cross platform competitor to Microsoft's own Internet Explorer, thus increasing the barriers to new competitors' entering the operating system market. The other example is Microsoft's partially successful efforts to squelch Sun Microsystems' Java language, thus ensuring that third party applications developers will have a large incentive to develop first— or only—for Microsoft's dominant Windows operating system.

It should be noted that Microsoft engaged in this type of behavior even where it was clearly monopolistic and anticompetitive: the example given is that of threatening Apple with the termination of Microsoft Office for Macintosh, not for any business reason related to the Office product, but instead to force Apple to make the unrelated Internet Explorer product the default Macintosh browser. Microsoft has yet to admit that this and similar examples of obviously unethical and illegal behavior were wrong; indeed, they continue to act in accordance with their own peculiar interpretation of 'innovation', ignoring others' standards of ethics or law. These examples are typical of Microsoft's behavior.

The Proposed Final Judgement

The Proposed Final Judgement seeks to remedy Microsoft's unlawful conduct by prohibiting certain forms of behavior—behavior that Microsoft has used in the past to illegally leverage and maintain the Windows operating system monopoly. In particular, Microsoft would be required to use common Windows licensing terms for the 20 largest original equipment resellers of Microsoft products, would be prohibited from retaliating against them, and would be required to make applications programming interfaces (APIs) available to third party software developers. Unfortunately, these remedies would be unlikely to have a significant practical effect on Microsoft's conduct.

Microsoft's past behavior and present statements indicate that they do not view anything that they have done as wrong, either ethically or legally. In light of this, they are likely to simply continue their present behavior into the future, ignoring any settlement terms just as they have in the past ign ored antitrust law as a whole. The plaintiffs will thus have the burden of taking Microsoft to court for each individual violation of the settlement terms. In practice, the vast majority of such violations will likely be simply ignored; third party vendors have development schedules are often measured in days or weeks, and would rarely be able to afford the months or years required

to resolve disputes by appealing to the various proposed committees or the plaintiffs. The result would be little if any change in Microsoft's anticompetitive behavior.

In addition, Microsoft can easily circumvent specific terms. For example, the proposed terms would restrict Microsoft's licensing with respect to their 20 largest original equipment resellers. While these 20 largest resellers currently constitute a substantial portion of Microsoft sales, Microsoft could restructure their product licenses—for example by licensing on a state by state basis—so as to increase the nominal number of resellers, and thus limit the applicability of the proposed terms to a small fraction of their customer base. Microsoft could play similar games with respect to many other portions of the proposed terms, and indeed with any specifically defined behavioral remedies.

Microsoft has also shown a great ability to invent innovative new forms of anticompetitive behavior. However, because the proposed settlement terms are so narrowly defined, they will do nothing to prevent new forms of anticompetitive behavior on the part of Microsoft. Given that Microsoft has not admitted to any wrongdoing in previous behavior that was found to be illegal, they are likely to continue to violate the antitrust laws in new and different ways in the future. Finally, and most importantly from my standpoint as a third party software developer, the technical aspects of the proposed remedies are simply unworkable.

The proposed terms seek to allow third party developers to compete with Microsoft's in house efforts by requiring Microsoft to publish documentation f or its APIs. The argument is that such documentation would have, for example, permitted Netscape to compete on an equal basis against Microsoft's own Internet Explorer.

Unfortunately, publishing accurate and complete API documentation at early development stages, as envisioned in the proposed settlement, is not realistic; at those stages, the software itself is being constantly modified and updated, such that any published documentation becomes obsolete nearly instantly.

For one example, I was at one point involved in a project that used certain Microsoft Windows network APIs. We had one particular problem that we could not resolve even after days of effort; eventually we resorted to paying for phone support from Microsoft on the issue. It turned out that one of the API calls we were using had actually been omitted from Microsoft's product because of delivery deadlines, resulting in an unexplainable crash; we had to use a workaround.

This is typical of the problems faced by third party developers when competing with Microsoft in house efforts. Issues that can be resolved with a single email exchange or two minute phone call between Microsoft employees involve, for those who work in other companies, many unanswered emails, hours of hold time on the phone, and the requirement to authorize unexpected expenditures. This is true even in the presence of published API documentation. The advantages of personal contact and responsiveness at a working level within a company simply cannot be legislated in written settlement terms.

Breaking Up Microsoft

As discussed above, the terms of the Proposed Final Judgement would not prevent Microsoft from continued illegal use of its monopoly power; given Microsoft's refusal to wholeheartedly admit to previous wrongdoing, the best that could be hoped for would be minor changes in a few specific cases, and most of those only after additional litigation. The proposed terms' efforts to legislate a level playing field through the publication of APIs is likewise doomed to failure, since informal communications within the Microsoft organization will always be much quicker than formal and time consuming communications with those outside the organization.

The only solution is to reorganize Microsoft into separate entities, ensuring that it is in the interests of these new entities to behave in ways that are not illegally monopolistic. One way to do this would be to break Microsoft up into two parts. One part would be a Windows operating system company, the other a separate Microsoft applications company which would own both independently marketed applications software such as Office, as well as separately distributed free software such as Internet Explorer. The applications company would then have an incentive to develop for all operating systems, not just Windows, and the Windows operating system company would no longer have any reason to give special treatment to Microsoft applications developers over third party developers.

This solution would benefit both the public and Microsoft's own stockholders.

Benefits to the Public

At present, much of Microsoft's efforts on behalf of its Windows operating system are centered on maintaining the Windows monopoly. This limits the amount of effort that could otherwise be spent on actually improving features or reliability, or on lowering prices. This can be demonstrated by the fact that the only major personal computer manufacturer which does not use the Windows operating system—Apple Computer—has consistently higher margins than any of the manufacturers that do use Windows. Since all these manufacturers, including Apple, use the same component suppliers, the difference in margins cannot be attributed to hardware component cost or quality; instead, it is largely the result of software differences. Either Apple is able to charge a higher price by providing an operating system superior to Windows, or it is able to keep its per unit operating system development costs below the amount competing manufacturers pay for their copies of Windows.

If the Windows operating system were provided by a separate company, this new company could no longer leverage Microsoft's other assets—such as Office or Internet Explorer—to preserve its monopoly. Instead, it would have to refocus its efforts on improving the Windows operating system. These improvements might take the form of better features or reliability in the operating system itself, or of better and more accurately documented APIs that would make it cheaper to develop higher quality third party software, or simply of price reductions for the Windows product that would be passed along to the consumer. In any case, consumers would see a substantial benefit.

Benefits to Microsoft Stockholders

After a breakup, Microsoft stockholders would own stock both in the Windows operating system company and in the Microsoft applications software company. While the resultant changes in the operating system company would primarily benefit the public, Windows would still have substantial economies of scale that would benefit stockholders no less than they do today. In addition, freed of the need to artificially support the Windows monopoly, a separate Microsoft software company could expect to substantially improve its performance and value.

At present, the efficiency of Microsoft's applications development is handicapped in both obvious and subtle ways by the necessity of preferentially supporting the Windows operating system. One of the more obvious examples is having the continuance of a Macintosh version of Microsoft Office used as a political tool, rather than being based solely on sound business considerations. More subtle are the requirements to preferentially support the Windows infrastructure, eschewing alternatives such as perhaps the Java language—simply out of loyalty to the corporation.

Similar inefficiencies are typical of other large monopolies. For example, the breakup of AT&T into separate regional bell operating companies and a long distance company resulted in substantially improved efficiency and growth—such that the total value of the separate companies today is many times that of AT&T when it was a monolithic monopoly prior to breakup. A separate Microsoft applications development company would no longer be bound to support the Windows operating system except where that would be efficient. Applications could be developed using the most effective tools, regardless of source. The result would be higher product quality, lower development costs, improved market share and market growth, and, ultimately, higher value to stockholders.

Conclusion

United States v. Microsoft has correctly identified Microsoft's past pattern of illegally supporting and exploiting its Windows Operating system monopoly. In addition, simply having both Windows operating system development and Microsoft applications software development under a common organization results in inefficient use of unrelated efforts to bolster the Windows monopoly. Breaking Microsoft up into a Windows operating system company and a separate Microsoft software company would enable both companies to operate more efficiently, benefiting both the public and Microsoft's own stockholders.

warren J. Dew
Somerville, MA

MTC–00001950

From: Jeffrey Kazmierski
To: Microsoft ATR,microsoftcomments @doj.ca.gov@inetgw,...
Date: 11/21/01 6:14pm
Subject: Microsoft ''settlement''

Dear All:

Unfortunately, my state's (Michigan) Attorney General was one of the AG's who caved into accepting the truly absurd DOJ/Microsoft ''settlement''.

I would like to applaud those of you who understand the law, and, more importantly, have demonstrated a rather refreshing amount of common sense by sticking to your guns and continuing your quest to serve Microsoft—a company that has and continues to practice illegal monopolistic business tactics and strong-arming—with appropriate punishment and justice.

It is completely evident that the remedies proposed and accepted thus far are hardly a punishment—some can even be considered a reward— and it is becoming increasingly clearer that Microsoft may be involved in racketeering and bribery. There is just no other way to explain these ridiculous, ''slap-in-the-face'' settlements.

For every consumer and for every professional firm like ours, I wish you the best and hope Microsoft finally receives its due—break them up!

Sincerely,
Jeffrey J. Kazmierski
President and CEO
dw2.com, Inc.
15. North Walnut, Suite 201
Mt. Clemens, MI 48043
dw2.com, Inc.—the active media architects
http://www.dw2.com
810.954.3660 tel
810.954.4660 fax
888.dw2.4567 free

MTC–00001951

From: WaynEYE@aol.com@inetgw
To: Microsoft ATR
Date: 11/21/01 5:51pm
Subject: Settlement Much Too Lenient

To Whom It May Concern:

After speaking with many of my friends and colleagues, a majority of us feel that the proposed Microsoft Settlement is far from equitable. I have personally witnessed their wanton anti-competitive behavior and their clear violation of Anti-Trust laws (and Racketeering Laws) in the course of my professional life. The truly unfortunate part of this situation is that it will appear to many Americans that anyone with enough money and lawyers can get what ever they want in this country.

Other countries, with their own disputes with Microsoft, are surely shaking their heads in disgust. Many U.S. States have also voiced their opposition.

The computer industry has likely been the most competitive, innovative industry in the history of this country. After this is over, I can guarantee you, Microsoft will be back to their old tricks again. Your decision to let Microsoft get off easy will come back to haunt all of us.

Sincerely,
Wayne Quimby

MTC–00001952

From: rob(u)ART
To: Microsoft ATR
Date: 11/21/01 5:38pm
Subject: Settlement with Microsoft

I think it would add insult to injury to allow Microsoft to deposit their products in the schools.

Doesn't that create unfair competition to other companies trying to persuade the schools to buy their products?

Why not require Microsoft to give a certain amount of money to the schools and let the schools decide what computer products they want to buy. In other words, they can choose not to buy Microsoft. Isn't that the point of the lawsuit in the first place: make sure the playing field is level and that consumers can exercise choice?

Robert Morgan
Honolulu

MTC–00001953

From: wilbur nelson
To: Microsoft ATR
Date: 11/21/01 6:35pm
Subject: Bad decision...

To whom it may concern:

The remedies set out in the Microsoft settlement case represent a gross miscarriage of justice. Please consider much stronger penalties.

Sincerely,
Wilbur Nelson
Offcenter Concept House
280 W. Katmai Ave.
Soldotna, AK 99669
Voice: 907.260.6904
Fax: 907.260.6905
e-mail: wnelson@offcenterconcepts.com
web: www.offcenterconcepts.com

MTC–00001954

From: Hugo Acurio
To: Microsoft ATR
Date: 11/21/01 6:44pm
Subject: Microsoft got it easy!!!

Hello My name is Hugo Acurio, And I just want to say, that Microsoft got it easy, what is going on with our justice, come on!!! 500 million in software for education, this will only make their monopoly bigger

MTC–00001955

From: David S. Long
To: microsoftcomments@doj.ca.gov @inetgw,attorney.gener...
Date: 11/21/01 6:40pm
Subject: RE: Microsoft Judgment

As a longtime computer user and someone personally affected by Microsoft's business practices, I urge you to rethink acceptance of the current judgment. Specifically, I am referring to Microsoft being ''forced'' to donate $500 million to schools and then allowing them to give their software away. This action only encourages the monopolistic practices that Microsoft has been using for years. As you know, one of the ways a company exploits a monopoly is by controlling price. Most people might think the company achieves this by charging a high price for their products, but they can also do it by charging very little or nothing. By allowing Microsoft to give away hundreds of thousands of copies of its software, worth millions of dollars, the government is allowing them to compete with an unfair advantage. Microsoft is required to adhere to a verdict that only increases its market share and does not allow other companies to compete. Who in their right mind would buy product ''X'' for $100 when they can get product ''MS,'' normally costing $400+, for free? And don't forget the operating system. If a school, normally short on funds, buys new equipment that requires training, productivity software, the operating system, and other items, why would they buy any equipment that didn't use this free software and free service? Microsoft doesn't sell PC hardware, but, by default, they require users to purchase PC equipment to run their OS. Apple, for example, cannot compete because they cannot sell these schools anything, hardware or software, that can take full advantage of the free Microsoft solution. If Microsoft is providing millions of dollars in training for Microsoft products, why would they want to buy Apple products, and pay for Apple training and support?

Please help us who have small businesses that support the ''other'' platform. Don't encourage the further development of the Microsoft monopoly.

Sincerely,
David S. Long
Founder
v.2 Consulting
dslong@vdot2.com
415 626 3130
http://www.version2consulting.com

v.2 Consulting specializes in Macintosh support as well as cross-platform integration. We believe IT support should be non-intrusive and easy to understand. v.2 Consulting has served the print & web publishing, film production, graphic & industrial design, audio recording, advertising, and video communities since 1999. CC:Microsoft ATR

MTC–00001956

From: Albert Howard
To:ag@oag.state.fl.us @inetgw,microsoftcomments@doj.ca..
Date: 11/21/01 6:38pm
Subject: Microsoft settlement

Dear Attorneys-General,

I am hopeful that your principled stands on making the punishment fit the crimes committed by the principals of Microsoft will succeed. I want to encourage you to stand firm for justice for all of us who have suffered from the stifling of innovation and the low quality of computer operating systems pushed upon us.

Justice requires that you succeed.

Thanks, Al Howard, 504 HWY 169S, Seale, Al 36875

CC:Microsoft ATR

MTC–00001957

From: Tom Loveman
To: Microsoft ATR
Date: 11/21/01 6:53pm
Subject: Fox guarding the hen house

Dear DOJ,

I am writing to express my deep personal displeasure with the proposed settlement of the Microsoft anti-trust case.

The provisions in the consent decree amount to letting the fox (Microsoft) guard the hen house. Practically every provision provides an out for Microsoft should they not like the way a particular situation effects them.

Time and time again, I have watched Microsoft yield it's monopoly to crush their competition, by either purchasing companies who over more innovation, or giving away their crapware free to destroy the fledging start-ups.

I honestly believe that had Microsoft not been allowed to cut such a wide swath across the technology industry there would be more companies with a wider array of products—all competing and therefore yielding better products. Microsoft has not help technology expansion—it's monopoly lets them charge whatever they want and there for makes technology more expensive for everyone. They have yet to show that any of their products released actually was worth the price they asked. The settlement does nothing more than reward Microsoft for it's behavior by giving them the go ahead to continue these practices legally. They've crushed countless hopes and dreams, hampered innovation (save for Apple Computer from which Microsoft steals every idea), and profited from a strangle hold on technology. Regardless of current economics or changes in the competitive environment, Microsoft should pay for their indiscretion, possibly be broken up, and face stiff penalties should they revisit their illegal practices.

I hope you seriously consider letting this fox off the hook.

Sincerely,
Tom Lovema
tloveman@earthlink.net
19201 Van Aken Blvd. #513
Shaker Heights, OH 44122
216–561–9222

MTC–00001958

From: Stephanie Santmyers
To: Microsoft ATR
Date: 11/21/01 6:49pm
Subject: microsoft settlement-No

If Microsoft wants to give schools a billion it must be in cash. Poor schools need books, supplies, and breakfast programs for students not computers. Microsoft wants to make good little consumer Microsurfs. Stephanie Santmyers

MTC–00001959

From: Michael Fussell
To: Microsoft ATR
Date: 11/21/01 6:46pm
Subject: Settlement

It appears to this business Owner that the proposed Microsoft settlement is merely a slap on the wrist for someone who has demonstrated an arrogance and disdain for the rule of law. I would urge you to revist the case and seek permanent remedies including splitting Microsoft into an operating system company and an application company.

Michael Fussell, PE
President
Fussell Engineering
3700 South Russell
Suite 106
Missoula, MT 59801

MTC–00001960

From: Wendell Shackelford
To: Microsoft ATR
Date: 11/21/01 6:46pm
Subject: MicroSoft Settlement

To Attorney General Ashcroft,

I am extremely disappointed in the leniency of the proposed settlement with the MicroSoft corporation.

I have followed this case from the beginning. At every opportunity Microsoft has shown contempt for the law.

They violated the consent decree regarding the illegal tying of Internet Explorer and Windows, and when taken back to court, falsified evidence in an attempt to prove that the web browser and operating system could not be separated. Their offer to provide a broken version of windows without Internet Explorer clearly shows their unrepentant attitude.

When it appeared that the case was going against them, they mounted an artificial ''grass roots'' campaign by having employees of their publicist write letters to the editor on their behalf without acknowledging the conflict of interest.

The Department of Justice has made a very strong case, and the weakness of the proposed settlement is insulting.

I am proud to say that my Attorney General, Bill Lockyer, understands the importance of this case and the critical role of the antitrust laws in creating a free and fair marketplace.

A monopoly is never good for the economy, and that should be irrelevant in the pursuit of justice in any case. I urge you to continue to prosecution of Microsoft.

Sincerely,
Wendell Shackelford
1228 11th Street
Imperial Beach, CA
cc: State of California Attoney General Bill Lockyer
CC:microsoftcomments@doj.ca.gov@inetgw

MTC–00001961

From: Yann Ricard
To: Microsoft ATR
Date: 11/21/01 7:11pm
Subject: Microsof Settlement

To whomever this may concern:

My name is Yann Ricard. I am a computer technologist with 15 years experience in the industry, seven of which running a software publishing company. I wish to provide these comments on Microsoft settlements.

Specific Remedy

The settlement should not comprise remedies where Microsoft is ''condemned'' to give away technology to a needy segment of our society (education, health, whatever). This would actually assist Microsoft in furthering its monopoly, by damaging any competition in these markets. In the end the beneficiary of these gifts would be harmed as well by the weakening of competion and alternative technology providers.

General Comments

While the prominent position of Microsoft has had the beneficial effect of bringing on some level of standardization in what might otherwise have been a chaotic marketplace, it is extremely clear to me that over the years, Microsoft has had a considerable stifling effect on this nascent industry. Computers are still very immature products. They are still ridiculously hard to use and troubleshoot for ''ordinary people'', and have yet to fulfill many existing promises, let alone develop avenues yet uncharted. We are therefore still at a stage where flourishing of ideas is much more important than standardization.

From a national point of view, I realize that knocking down Microsoft too hard may be seen as weakening the prominence of the US in the world computer market. However, letting Microsoft run unopposed in the US may set up the long range conditions for the emergence of overseas competition that is a generation ahead.

Anecdotal Evidence

I have a very personal experience of the marketing power of a company such as Microsoft. In the early 90's, I ran a small software publishing company. Our latest software product had garnered very positive reviews in the trade magazines, and we had just received very large orders from mass marketers, such as Costco. This was a very big deal for our company. We manufactured a large amount of product specifically branded for Costco. Before we shipped the product, Microsoft announced a competing product (actually a series of products), and Costco and the other mass marketer immediately canceled their order to us in order to make shelf space for Microsoft's product. Our seven year old company had made such a heavy investment in this product based on initial market feedback that it never recovered from the financial jolt of these cancelled orders, and folded thereafter. Microsoft's product turned out to be a complete flop after all, but by then, the competition was dead. I am not blaming MS for my financial mismanagement. I bet everything on one product and lost. My mistake. What is interesting is that MS is so big that the mere announcement of a product snuffs out competition. This is exactly what happened with Windows, which in its original incarnation was considerably inferior to all competitors (who remembers Gem?).

Sincerely.

Yann Ricard, VP and Web Editor WEB: http://virtual-egyptian-museum.org
Virtual Egyptian Museum MAIL: yann@virtual-egyptian-museum.org
A non-profit educational venture FAX: (805) 565–1086

MTC–00001962

From: Julie Armstrong Psy.D.
To: Microsoft ATR
Date: 11/21/01 7:08pm
Subject: microsoft settlement

I am opposed to the recent DOJ proposed settlement with Microsoft. It appears that the inclusion of a donation of Microsoft computers and software to schools would substantially increase marketshare for both hardware and software for the districts selected to participate. Instead, I propose that dollar value be determined, donated to

school districts to spend in whatever technological way they wish.

Further, I propose that Microsoft hardware and software divisions be prohibited from federal contract bidding for a period of not less than one year.

Let's give the few other companies with the capability a chance to make a real impact on the market!

Thank you for your efforts,
Dr. Julie Armstrong
Julie A. Armstrong Psy.D RNCS
Clinical & Forensic Psychology
152 So. Lasky Drive
Penthouse Suite
Beverly Hills, Ca 90212
310.273.9190

MTC–00001963

From: Craig Wall
To: Microsoft ATR
Date: 11/21/01 7:07pm
Subject: Microsoft must be stopped, yet new grievances

I own a small business, and utilize a computer in professional and personal matters. It continues to amaze me how no one will touch Microsoft as it bullies consumers and businesses.

I will limit my grievances JUST to the LAST 3 months!

1. Windows XP knowingly disables Quicktime content on websites within it's latest browsers (5.5 and 6). Quicktime is exceptionally popular (oh and did I mention it is a rival of MS technology?) Sites I previously enjoyed movie previews and software training now don't work with Explorer. The consumer be damned, I guess, is Gates mantra. Furthermore, the quicktime content on my own website won't work when potential clients take a peek. MS wants to destroy marketshare of its competitors anyway it can, and could care less about me as a consumer or as a business man.

2. Java. MS knowingly and willfully is trying to destroy JAVA by making it incompatible with its latest browsers—all in favor of its own new substitute technology.

3. MP3. Again XP avoids what is by far the most common music format in existence—clearly again to man-handle the consumer into its own competing music format. Does it matter what everyone in the public domain has chosen as its' format of choice? Not to Gates.

Let me be clear. Some might say you cannot be passionate or hateful and objective at the same time. I say to be objectively truthful about Microsoft is to passionately hate Microsoft.

Craig Wall
1396 S. York St
Denver, CO 80210
303–722–1635

MTC–00001964

From: samurai@ihug.co.nz@inetgw
To: Microsoft ATR
Date: 11/21/01 7:00pm
Subject: Not just Americans suffering.

Hi,

I'd just like to say I think the settlement is a joke. Does it stop Microsoft from adding applications to Windows that I don't want? No. Does it stop Microsoft from constantly increasing the price of Windows, forcing me to pay for the applications I don't want? No. The cost of PC's has been dropping rapidly for years... everything excpet the Operating System.. that has been going up. Also MS claims the Government has been killing their ability to innovate. Rubbish! MS buys other companies ideas then bundles them into Windows and thus forces you to buy them. I prefered Netscape Navigator, but as my new PC came with MS Internet Explorer taking up 60 megs of my hard drive (and I could not remove it!) I ended up using that.

Also, look at the likes of Windows XP... ''now users get a stable OS'' excuse me? Should have I now been able to expect that right from the start? No one else would get away with selling such unreliable products. Lets also not forget the Microsoft that told computer makers they had to pay royalties on EVERY PC they shipped, regardless of which Operating System was actually on it. What could they do? say no to Microsoft? hardly. And as they had to pay for it anyway, they may as well ship Windows... even if thelikes of OS2 was superior (now effectively dead).

Please do not let Microsoft get away with what they have done. Please let there be a possibilty of one day being an alternative to Windows. Please give me back the right to choose!

Thanks,
Tony.

PS. You might want to check that some of the Pro Microsoft letters have not come from dead people... MS has been caught pulling that trick before.

MTC–00001965

From: Russ Talbot
To: Microsoft ATR
Date: 11/21/01 7:36pm
Subject: letting microsoft off easy...

Dear Sir/Madam,

I am a avid computer user. I use computers and software daily to make my living as a video and computer graphics person. I implore you to not let Micro$oft off so easily. The recent deal to let Micro$oft donate software to schools will be like letting the wolf off by letting him eat only the young chickens. Microsoft would love to create a stronghold on Americas education centers (traditionally a stronghold of rival Apple Computer) and what better way to do that than let them raise a generation of American kids on 1 billion dollars of ''donated'' software. Micro$oft has stolen intellectual property from other companies, bundled it in their software and used their dominant position to crush the very companies that it stole from. In doing so, it has also stifled competition and reduced the choices of the Global consumer to near nil.

Please don't let them continue to do this.

Russ Talbot
Talbot Media
Huntington Beach, CA

MTC–00001966

From: Jonas Haraldson
To: Microsoft ATR
Date: 11/21/01 7:28pm
Subject: Microsoft Settlement

Dear Sirs,

I cannot believe what I am reading in the news. Instead of effectively curtailing Microsofts ability to use its dominance to disadvantage competitors, you make them donate software (which costs hardly anything to produce) to schools. In essence, this enables them to gain marketshare in this market as well, and seriously hurt one of their few remaining competitors—Apple.

This is as sad as it is counter productive.

Best regards,
Jonas Haraldson
Stockholm, Sweden

MTC–00001967

From: Truong, Martin
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/21/01 7:19pm
Subject: Settlement

The proposed settlement has all the appearance of a slap on the wrist for a major offender by a business-friendly administration. How can the option to settle be offered to a company that flaunts the findings of fact and audaciously releases a product (Windows XP) that continues the anticompetitive practices which got it in trouble in the first place? I urge the Justice Dept. to pursue justice in this case and seek a penalty that will curtail Microsoft's illegal activities.

Martin Truong
Lafayette, CO

MTC–00001968

From: P T Withington
To: Microsoft ATR
Date: 11/21/01 9:01pm
Subject: Microsoft is getting away with it

Don't let Microsoft destroy our computer industry! They need to be reigned in. The current settlement is insufficient. They will simply continue to use their monopoly position to stifle innovation and increase their profits.

Please reconsider this settlement.

P. T. Withington

MTC–00001969

From: bettkett
To: Microsoft ATR
Date: 11/21/01 8:49pm
Subject: microsoft settlements

I feel the Dept. Of Justice has sold out the American public in its case against Microsoft. I fell that Microsoft is the ''Mafia'' of the internet.I have the feeling that political contributions and lobbying have negated the rightful lawsuits pending by Attorney Generals of the injured states that have instituted the lawsuits. i feel the individual users of the internet plus the providers or the software and hardware will have been done great harm by the ineffective actione by the Dept. Of Justice.

H.D.KETTERER
419 PEARSON CIRCLE
NEWPORT,N.C. 28570
e-mail bettkett@coastalnet.com

MTC–00001970

From: Brian Murphy
To: Microsoft ATR
Date: 11/21/01 8:48pm
Subject: Microsoft Case

DO NOT SETTLE for that $1 Billion Microsoft WINS in your face! fight on and make them pay for their actions!

Do what is right!

Thank you.
Brian Murphy

MTC–00001971

From: AvianWD@aol.com@inetgw
To: Microsoft ATR
Date: 11/21/01 7:59pm
Subject: Microsoft Disappointment

Hello

Exceedingly disappointed in the Microsoft settlement. The restrictions are far too weak and there are no punishments for past crimes. I have no doubt that Microsoft will soon dominate the Instant Messenger and Media Player markets—not because their products are superior, but because they are bundled with the operating system.

In a few years the courts will have to deal with those issues. Its inevitable.

Allen Fitzgerald

MTC–00001972

From: Andrew Bayly
To: Microsoft ATR
Date: 11/21/01 9:39pm
Subject: Competitive Suggestion

Dear Sir/Madam,

I write concerning the Microsoft settlement.

First, I should state that I am not a U.S. citizen. This may determine whether or not you may consider my thoughts.

I am Australian. I began my university studies in computer science in 1979, and have since gained an MBA with a focus in strategy implementation. For many years I have used software from many manufacturers. I have a preference for the Macintosh platform, and have therefore experienced many of the problems that have led to the hearings concerning Microsoft's conduct.

I believe that there is a simple settlement available in the Microsoft case that could be a generic solution applicable to all software developers.

Simply, all file formats should be public property. All software should be obliged to save and open defined file formats, that could be updated by an industry committee (preferably made up of users, not manufacturers) every two years or so.

This would eliminate the ability of a dominant market player to extend dominance from one market or product to another. In the case of Microsoft, all of its file types (doc, xls, ppt, and particularly its internet protocols) would become public property. Alternatively, Microsoft would be required to abandon its own formats and embrace publicly-owned and administered formats. This represents a simple extension of the ''rtf'' notion that is already embraced by the industry, and particularly, by its users.

There are many simple analogies for this notion. Here is one: We would not tolerate a road system that could only be driven on one brand of tires. If a dominant road-layer (manufacturer) defined the type of tires that could operate on its roads, excluded other manufacturers from the ability to create tires that could work on its roads, and manufactured its own, it would be guilty of anti-competitive behaviour of the highest order.

If file-types were publicly owned (just as road surfaces are universally understood), then all software developers would be on a level playing field. Not incidentally, Microsoft could continue to thrive with a massive market share if it continued to innovate better than its competitors.

I have posted this suggestion on computer-related bulletin boards and received warm feedback, and confirmation that this represents a realistic solution, from many technical minds, many of whom are U.S. citizens.

If this solution were to be pursued, then Microsoft would not need to be split up, which would be a sad end for an extremely successful innovator.

I thank you for your consideration.

Yours faithfully,

Andrew Bayly.

MTC–00001973

From: Jim Van Dinter
To: Microsoft ATR
Date: 11/21/01 9:19pm
Subject: Justice Department failure to protect comsumers!

The failure of the Justice Department to in any way limit Microsoft with this agreement is an insult to that consumer community. And now we hear that your are going to let Microsoft buy out the ed market as part of the settlement. ''Michael Theochares, an educational multimedia specialist at a Massachusetts public school, decried the settlement as ''anticompetitive'' and ''targeted at a competitor with dominant market share'' in elementary and secondary schools.'' (www.zdnet.com) This is what Microsoft did to Netscape and is attempting to do to AOL and Intuit.

And the Justice Department is a partner to the Microsoft monopoly. Notice the word ''is.'' We consumers believe that you are, not appear to be, but are bought and paid for by Bill and his friends. The Justice Department by its actions in this case has notified America that it can be bought.

A judge and the appeals court have both ruled that Microsoft is a monopoly and has abused its position. Now, as part of the settlement, you plan to assist Microsoft in its next conquests. There are no penalties in this agreement. Now Microsoft proposes as a part of the agreement to ''donate hardware and Microsoft software to schools. This is the same as giving away Microsoft Explorer to defeat Netscape and stifle Sun and the Java programing language.

This agreement shows consumers that the Justice Department can be bought and that it is not to be trusted.

James A. Van Dinter
Boise, ID

MTC–00001975

From: jmeaders@netdoor.com@inetgw
To: Microsoft ATR
Date: 11/21/01 10:08pm
Subject: Rush's pearls of wisdom

(Note: This e-mail was sent from a web page, the from address cannot be verified.)

Even Rush gets it! Why don't you? And why is the government STILL this arrogant, unrepentant monopolist's biggest customer? Can you say CONFLICT OF INTEREST?

The Motley Fool Discussion Boards
Subject: Rush's pearls of wisdom
Date: 11/20/2001 10:42:31 PM
Number: 79411
Author: DarrelPr
URL: http://boards.fool.com/Message.asp?mid=16148539

From today's Rush Limbaugh program . . . ''As part of the settlement with the government, Microsoft has to spend $1 billion over five years outfitting poor schools with their computers and software. They're also going to cut the prices on their software for all schools. Now, don't you find this ironic?

The reason Microsoft was in court in the first place was it was giving its product away. It supposedly had an unfair monopoly, it was everywhere, and forcing everybody out, and now in the settlement, the government is forcing Microsoft to be everywhere and give it away. In other words, the federal government is making Microsoft do exactly what they took them to court and sued them for.''

Whether or not you agree with his self assessment of ''talent on loan from God'', he does have a point.

cheers,
darrelpr

MTC–00001977

From: David Platzker
To: Microsoft ATR,microsoftcomments@doj.ca.gov@inetgw,...
Date: 11/21/01 9:47pm
Subject: Microsoft Settlement

Dear Attorneys General;

I'm a little confused by the terms of the settlement offer[s] being tendered by to, and additionally those being tendered by, Microsoft to settle the litigation regarding monopoly powers. Of particular grave concern is Microsoft's offer to ''donate one billion dollars of software and hardware'' as a less than honorable means to settle the class actions suits outside the Federal anti-trust suit.

Does it not strike anybody that this will only EXTEND Microsoft's monopoly? Surely Microsoft is not going to be donating Apple equipment, nor any other software/hardware combination that is outside their existing monopoly. It is clear that this would only continue to hurt American consumers by further eroding any competing platform by simply removing a marketplace. This is no different from Microsoft blanketing consumers with free add-in software that destroyed potential marketplaces for internet browsers and word processing software.

Please do not let Microsoft off without first protecting consumers, and manufacturers, from this monopoly.

Regards,
David Platzker
Director
Printed Matter, Inc.
535 West 22nd Street
New York, NY 10011
212 925 0325 tel
212 925 0464 fax
dplatzker@printedmatter.org

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MTC–00001978

From: Robert Dollins
To: Microsoft ATR
Date: 11/21/01 10:22pm
Subject: Microsoft settlement

As a computer user, teacher, software author, and industry watcher since 1978, it is painful to watch deals being made which fail to adequately punish Microsoft for the arrogant disdain with whicih it has treated its customers, business rivals AND partners since it made questionable acquisition of Seattle Blue's hack of Digital Research's CPM operating system . Microsoft has continually released products of questionable quality, supported them poorly and at disturbing costs to the consumers it purported to serve.

All of the older computer users remember early days when Microsoft would rellease a really faulty product, then renig on promises to update and provide corrections. The only way to obtain corrections was to update the product, at great expense to the consumer.

Most of us also remember the many innovative small companies which introduced new and excellent ways of performing tasks, onlly to attract the attention of Microsoft who, if unable to purchase the companies or ideas outright, created competing technologies that were not better, just designed to use Microsoft's immense power to destroy the competing companies and their ideas and leave Microsoft in control of the market. Finally, it's painful to watch the Court to capitulate to the arrogance and whims of a monster company who, in the Court's own ruling, DID stifle competition and deliberatly destroy other companies. Anyone, attorney, judge, computer user, customer, competitior, etc., who believes that the proposed settlement will prevent Microsoft from being up to their old tricks or showing any remorse should probably have their vision and hearing checked. They haven't been watching Microsoft closely enough and listening to what its customers ahve been saying for years.

MTC–00001979

From: Stephen
To: Microsoft ATR
Date: 11/21/01 10:09pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse,

This letter is in reference to the antitrust suit against Microsoft. It appears to be that Microsoft will only get a slap on the wrist for their actions against the IT industry and our economy. It has been proven in court that the corporation hurts competition, hinders innovation, over charges for their products, as well as markets flawed and insecure software. How will the Department of Justice of the United States of America represent the people if Microsoft will not be broken up into smaller companies? Since the break-up option has been removed, Microsoft has shown its aggressive, monopolistic character. It would be in the best interest of the economy and for the reputation of the Department of Justice that Microsoft is severely punished for it's crimes. Otherwise, the people of this great nation will lose confidence in our judicial system. Please remember that this is the same company that used fraudulent video tapes under oath in court. This corporation lacks any code of ethics. I wish that no preference be given to them, as I expect no preference be given to me shall I make the mistake of committing of any crimes.

Sincerely,
Stephen Thomas
PC Technician

MTC–00001980

From: Cookie
To: Microsoft ATR
Date: 11/21/01 11:51pm
Subject: Microsoft penalties?

I am very disappointed with your settlement. Fortunately nine states' AG's agree with me. I have sent the following to the states' AG's dissatisfied with the terms of the USDOJ settlement agreement.

''It seems to me that Microsoft has indulged in not only anti-trust violations but racketeering as well. Is this a possible avenue of approaching their abuses''

Thanks
Brian Cook
310 South 16th street
Quincy Illinois 62301
Cookie ?
800 652 5621 cookie@tfs.net
ICQ: 29826792 AIM: u8acookie

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Unless otherwise stated, any pricing information given in this message is indicative only, is subject to change and does not constitute an offer to deal at any price quoted.

Any reference to the terms of executed transactions should be treated as preliminary only and subject to our formal written confirmation.

CC:microsoftcomments@doj.ca.gov @inetgw,attorney.gener...

MTC–00001981

From: lloyd olson
To: Microsoft ATR
Date: 11/21/01 11:28pm
Subject: Microsoft settlement

Dear Sirs,

If the settlement is Ok by Microsoft, it is Ok by us, but I do think it is a lot of money [products] for them to have to pay, when the whole case should have been thrown out of court. Anyway it should be a good deduction on their income tax.

Sincerely,
Lloyd and Eileen Olson

MTC–00001982

From: Mike
To: Microsoft
ATR,microsoftcomments@doj.ca.gov
@inetgw,...
Date: 11/21/01 11:02pm
Subject: Microsoft Deal

Dear Sirs;

I am righting to tell you that I do not believe that this deal that is being offered to Microsoft concerning their monopolistic practices is punishment to them at all. They will be allowed to supply school systems with refurbished computer hardware that will be dependant upon their operating system, guaranteeing them a future customer as the schools will then be locked into their system. Is any consideration going into what systems the schools are currently using? If the school is currently using old Mac systems will they also be including training and support for the staff and students moving to a completely different ,and more complex system. This is also a market place that they have been anxious to get a good foot hold in that is currently their only true competition main market share. Sounds like this deal simply gives Microsoft the oppertunity to do to Apple what it already has done to Netscape. If this was truly punishment they would be made to supply the schools with new systems based by one of their competions like Sun or Apple.

Sincerely ,
Michael Quiroz
1800 Casa Linda St
92363

MTC–00001983

From: Matt Wills
To: Microsoft ATR
Date: 11/22/01 6:07am
Subject: Microsoft

Microsoft's plan to pay off a supposed $1.1 billion settlement by ''providing'' its own software is an absolute joke. Not only does it not cost Microsoft the full dollar amount (bad enough on its own)but, in the process of ''giving'' school districts ''free'' software and Intel computers,

1. hooks them into the Windows-Intel upgrade cycle for the foreseeable future,

2. shut outs competition (from Apple or anyone else), and

3. leaves everyone it touches thinking inside the Windows-Intel box.

(''Does that software you want work with our FREE Windows/Intel systems? No? Well, then we'd better stay away from it, then!''). What kind of settlement ''penalizes'' the wrongdoer by leaving it in a stronger position than before? See the first line of this message.

Matt

MTC–00001984

From: Jean Labrique
To: Microsoft ATR
Date: 11/22/01 9:17am
Subject: microsoft

Why such ''coercitive'' action against free enterprise? Microsoft was the software company that allowed millions of users to get reasonable access to computers! Do you always have to kill entrepreneurs?

MTC–00001985

From: Angel Lamuno
To: Microsoft ATR
Date: 11/22/01 8:45am
Subject: American citizens powerless

It is all too sad to see that American citizens are every bit as powerless as we Mexican citizens are. Microsoft have been found guilty of abusing its monopoly and there has been no punitive measure at all!

They are even striking a deal that will make them virtually invulnerable to any sort of control by the DOJ in the future.

I do not think that people in the DOJ have no understanding whatsoever of what they are doing, I would rather be apt to think that there is as much corruption in the USA as in any third world country.

You are definitely contributing in a significant way to the destruction and not to the building of a great country by putting Microsoft above the law and the best interest of the people.

Yours truly,
Angel Lamuno

MTC–00001986

From: JoeB9@aol.com@inetgw
To: Microsoft ATR
Date: 11/22/01 8:20am
Subject: Microsoft Settlement

This is a follow-up to my previous e-mail regarding the currently proposed Microsoft Settlement agreement. In particular I wish to address the $1.5 billion donation of software and hardware. I would strongly urge that this be changed to MS handing over to the SLD 1.5 in CASH to be used in the next funding year for the federal e-rate program. This would provide a total of $4 billion instead of the $2.5 billion that are allocated each year. There are many advantages to this. First there is already a plan in place to distribute these funds based on school lunch programs. There are strict requirements for filing and most importantly the schools get to choose the technology that meets their needs and are not forced to use a MS solution that, once again, propagates their monopolistic position and does in fact hurt other companies in the field of academic software and hardware.

Joe Barisa

MTC–00001987

From: DAVID SCOTT
To: Microsoft ATR
Date: 11/22/01 10:07am
Subject: Microsoft Settlement

Microsoft has not only enforced an illegal monopoly resulting in the stunted growth of the software industry and tens of billions of dollars in damages to the consumers and software writers, but it has now also currupted the Judiciary and the Justice Dept. It is very sad to see the difference a large contribution to the republican party makes in the outcome of this trial. Disgraceful.

dave

MTC–00001988

From: Don Adams
To: Microsoft ATR
Date: 11/22/01 10:00am
Subject: MS

I can't believe Microsoft is getting off so easy. After reading an superior article in Wired magazine I believe MS should be severely punished or it will continue it's anticompetive behaviors.

Don Adams

MTC–00001989

From: Daniel Ouellette
To: Microsoft ATR
Date: 11/22/01 9:54am
Subject: Microsoft

Please fight a strenuous but persistent battle against Microsoft. More so than ever before this battle will determine whether America can remain truly free and appropriately competitive in the changing face of globalization.

I support this fight whenever and whereever I can.

Thank you,
Daniel Ouellette
New York, NY

MTC–00001990

From: deceiver
To: Microsoft ATR
Date: 11/22/01 9:52am
Subject: Microsoft

As an educator of 24 years I would like to say that the $1 billion deal for Microsoft is totally unacceptable. It would only strengthen their noose around the neck of the american computer using public, make them look good, and provide nothing but propaganda to the youth they claim to be serving. It would also cause the government to facilitate exactly the issues it is trying to solve. The infusion of Microsoft's technology into the schools would further foil the inroads other computer platforms have miraculously made in spite of Microsofts shady practices.

I say this while writing in Microsoft's buggy Outlook Express mail program because I have little choice.

MTC–00001991

From: David K. Wolfe
To: Microsoft
ATR,tom.reilly@ago.state.ma.us@inetgw
Date: 11/22/01 11:25am
Subject: Microsoft settlement

I am very disappointed with the US Justice System settlement of the Microsoft case. It indicates to me and the rest of the world that big business like Microsoft can get away with anti-trust violations and racketeering with just a slap on the wrist. Microsoft has a massive monopoly of the computer industry gained by illegal practices. They have threatned computer vendors to accept their demands or be forced out of business. Is this the new definition of ''free enterprise''?

David K. Wolfe
30 Royal Crest Drive, Apt 8
Marlborough MA 01752

MTC–00001992

From: Moreno
To: Microsoft ATR
Date: 11/22/01 11:24am
Subject: Microsoft's tentative settlement

Name: Guillermo Moreno
Address: 13065 Thoroughbred Way
Whittier, Ca 90601
Profession: Algebra 1 Teacher

I'm writing to let you know of my disappointment in Microsoft's tentative settlement. From what I have read, how could the government agree to a settlement the allows and gives Microsoft an additional 14,000 new corporate clients. By giving cash, software and hardware (none of which hurt them except the cash), we give Microsoft clients to sell their future products to and over 500,000 future customer for free (the students). We can see how Microsoft works with their .Net plan and Windows XP (Microsoft all the time and only Microsoft services), get them hooked, then reel them in.

When Dell donates computers to schools and Universities, it's better than buying advertising time on television because each and every students gets continuous advertisement. In addition to this, Dell guarantees continuing revenues of services and products, not to mention tax breaks. School think is cheaper, but it isn't because they spent millions of dollars replacing a system they already use, millions more training, and millions more on maintenance. But since schools are very political, they do it and make some excuse-mostly their cost saving of buying new equipment. All false.

This will apply to Microsoft as well, they will have continuing crops of new clients each and every year. And as for the Education market that Apple currently holds (now as low as 30%), it will shrink even more. How does this change Microsoft's monopoly status? It doesn't. I want to thank you for standing up to the governments tentative agreement and refusal to settle with Microsoft. To really make any settlement work we need to adjust the playing field not give Microsoft a large playing field. Here are my suggestions.

1. Have Microsoft donate 1.5 billion dollars to some of the poorest schools to purchase computers from Microsoft's competitors. That means that schools should not be purchasing and/or replacing existing non Windows machines. They should be purchasing non Windows machines and creating infrastructure for non Windows networks. This could be Linux, Unix, Mac, or what ever, but there should be choice away from Microsoft solutions.

2. Using Microsoft's dominance of 98% and the industry's NGP a formula should be formulated to allow annual tax levies against them. These taxes can then be divided into three parts.

One, schools should be given continued support to continue non Windows solutions. In other words, schools should be getting moneys every year to continue to purchase non Microsoft software and products. This will allow schools to seek out products from Microsoft's competitors and allow for competition.

Second, moneys should be given to Microsoft's competitors directly to advertise

and allow people to see choice. Linux, for example, has grown in spite of Microsoft because people want choice, but most won't see it at all. Most people will only see Windows because Microsoft can easily purchase and buy advertisement time. So how are company that produce other operating system expected to survive? BeOS just died, Mac is loosing ground, how much longer can the others survive? Some will argue about setting a standard OS. Why, so that killer computer virus kills all the computers at once? We need to have choice, but if these small OS don't get larger, application companies won't make new products.

Since Microsoft got so big by eating up small companies, it makes sense to give them a chance for people to see them and not let Microsoft bury them with Billions of dollars in advertisements.

Third, give some of the money to companies that make Windows products that compete directly with other Microsoft products. Again for advertisement, such as Corel. It's not that Microsoft makes the best products, it's that people just don't know that other products exist, unless they're in the business. The fact that other companies exist at all itself says a lot about how people really don't want Microsoft products. But with all the advertisement and money spent my Microsoft to dominate, the general public doesn't really know and they continue to feed the big monster making it bigger and bigger. Microsoft and others will then claim it's what the people want, no I don't. Most new Windows based computers already come with Microsoft's Office, that's really going to make easy for people to buy competing products isn't it? The percentages and moneys is something the could be worked out, we don't want to destroy Microsoft only hurt them and increase the amount of choice out there. As Microsoft's dominance percentage decreases, their penalty should be decrease and eventually eliminated.

As we can see in Microsoft's new Windows XP, XBox, and WebTV, they've made so much money on eliminating choice that they can began to expand their dominance into other fields. They will survive.

Now by giving them 14,000 new clients, 500,000 future customers year, and free advertising and calling that a punishment, it's just not right. Please continue to fight for the general public and for freedom of choice.

Thank you.

MTC–00001993

From: Ric
To: Microsoft ATR
Date: 11/22/01 10:50am
Subject: Re: Microsoft's Class action settlement, and Antitrust settlement

Good day !

Microsoft just can't ever seem to 'lose' anything that it's tried for. In it's 'CLASS ACTION' suit settlement, Microsoft has promised to 'GIVE' the poorest schools in the USA Free computers and software. How is this a punishment??? It is estimated that the settlement will 'cost' Microsoft $1.1 Billion, and will benefit MILLIONS of students in the US. Firstly, the 'software' part of it will NOT cost Microsoft that much, as Microsoft's cost for software is ''NOT'' the RETAIL cost. Secondly, this is nothing more than Public Relations stunt, and Advertising for the company and it's products. What difference does it make that Microsoft spends $1 Billion in it's ad campaigns for Windows XP (as Microsoft itself claims), or if it GIVES away it's products to millions of people. The net result of this is a continued propagation of it's products domination and exposure.

The Best possible response to this (and I have abosolutely NO invested interest in this company...) is Red Hat's offer to give all those schools FREE software. I HIGHLY suggest that some consideration be given to the idea that Microsoft use the 1.1 Billion to buy nothing but Hardware and allow ANY other software vendor to participate, if they are offering FREE software and tools.

The very idea that Microsoft would 'give' as a function of it's financial penalties it's very own software does NOTHING less than help perpetuate the very monopoly that it currently holds. I'd like to point out that the very fact that Microsoft AGREED to 'ANY' kind of settlement, would substantiate the fact that the proposed remedy/settlement could not possibly be a significantly serious punishment. Microsft is NOT stupid, and their army of lawyers will only agree to anything that will BENEFIT the company... At consumers and competitors expense.

In legal circles, as history would dictate, Microsoft has NEVER, ever agreed to any kind of remedy in its long history of offenses that would even remotely hinder the way it conducts business. And this new settlement continues this trend.

If anything, what has been learned in this entire antitrust case is, that if you are an entity that in itself has more financial muscle and endurance than even the government and the 19 states combined, you will eventually reach a point where your opponents will run out of money and 'steam'... As did the DOJ ! And the net result will be instead of a serious punishment being dealt, you will get a mere 'scolding'. And will be able to continue your practices with MINIMAL intervention. Although this idea (by the DOJ) was quickly disregarded, I think some creedence should be given to the REMEDIAL idea that Microsoft should BE FORCED to release a version of Windows XP WITHOUT all the ''UNWANTED'' bundled software.

It is NOT FAIR to 'force' people to pay for features they will never use. The idea of an oversight committee overseeing Microsoft's internal activities, is doomed to absolute failure. Please do not take these concerns lightly, as the impact of the proposed settlements will greatly impact the technology industry as a whole, and consumers.

Thank you for hearing/reading my concerns!

...Ric...

MTC–00001994

From: Sergei Ludanov
To: Microsoft ATR
Date: 11/22/01 10:39am
Subject: What a shame!

Dear Sir/Madam,

I was very disappointed to hear about a shame in wich DOJ put itself by accepting settlement with Microsoft.

Microsoft predatory politics and practice greatly damaged the development and innovation in computing. If not for Microsoft we would have better and faster computers, friendlier operating systems and better software. By settlement US Department of Justice practically encourages Microsoft to continue its anti competitive practice and harm against consumers. Unfortunately instead of protecting consumers, DOJ decided to protect monopoly. Fortunately we can hope that 9 courageous states that disagreed with DOJ will continue efforts to bring Microsoft to Justice. I am proud that a live in one of these states.

Sincerely,
Sergei Ludanov
9116 Greco Court
Sacramento CA 95829

MTC–00001995

From: cvsrj
To: Microsoft ATR
Date: 11/22/01 12:31pm
Subject: Microsoft Settlement

To whom it may concern:

This settlement does nothing to redress the losses to the individual end user and small hardware/software companies.

Individual customers, including myself, have spent hundreds of frustrating hours trying to get Microsoft Windows software to work then buying the next version of the software because something that was available was simply left out of the previous software apparently so it could be in a later upgrade— (ICS in win98se is one example). The upgrades for windows continue to be $100–200 or so each. At the same time hardware has dropped at least 10X in price while there has been a 10x increase in hardware functionality. Each upgrade of windows also consumes a lot more space and processor time for only slightly increased functionality. Most of the improvements were originally the intellectual property of other companies that was bought or just appropriated by Microsoft. Since windows remains a monopoly the market cannot control the price. The government must therefore control the price for windows and it must drop equally with hardware costs—individual consumers should be offered the same price as hardware companies. Service should also improve dramatically. I have bought upgrades for windows (95, 98 (x2), 98se (x4), ME (x3)) for each of several computers—however over the last few years when I call Microsoft service because the software has problems the clear implication is that I first need to prove I have a separate copy of windows including upgrades for each computer—which I do—then I get a solution that does not work.

Developers of Microsoft office, Microsoft Games, and other software also have far more direct access to information concerning the windows operating system than other companies in the United States. I agree that the code is should be a trade secret but all United States companies and individuals that develop software need to have free access to at least how the source code works for the

only operating system available to run their software. Perhaps DOJ should also keep copies of all source code in trust at a site other than Microsoft. DOJ employees will essentially be Microsoft employees if they do everything at the Microsoft campus.

The final comment I have is the corporate culture of our country is changing so short-term gains for stockholders that buy and sell rapidly (Including executives that use stock options and sell them the same day) is more important than preparing for the future. Microsoft does seem to invest in some basic research—that is good. But it is clear that they prefer to buy the ideas of others. The settlement should encourage basic research at the college/post graduate level and not just bring everyone up to the same mediocre level, as will be done by just giving Microsoft software to poorly performing primary and secondary schools.

Very Respectfully
Chris Stacy

MTC–00001996

From: mark evans
To: Microsoft ATR
Date: 11/22/01 11:36am
Subject: you're letting Microsoft off the hook

Why are you letting these criminals off so lightly?

I am an independent web developer and a multi platform user who greatly fears that Microsoft will continue to abuse it's position in the market to block competition and force usage of it's products. I also believe based on their previous behaviors that MS will eventually use it's position to invade my privacy and/or charge me a Microsoft tax to use the internet simply because they control such a tremendous portion of the market that I have no choice. Their recently announced ''generosity'' in offering to indoctrinate our children into their ongoing de facto monopoly as a settlement is proof enough to me that they will continue their anti-competitive behaviors. If the DOJ allows this, they are doing further injustice to the future of competition for our industry and for the future of US business in general. Stop them now before they are more powerful than the government itself.

I couldn't put it more better than the columnist below so I will just point you directly at his comments.

http://www.pbs.org/cringely/pulpit/pulpit20011108.html

neo-meme.com: info architecture * web project management on-line presence development for business

2963 W. Nelson #3 * Chicago, IL 60618 * 773/478–9131

MTC–00001997

From: David K. Wolfe
To: Microsoft ATR,microsoftcomments @doj.ca.gov@inetgw,...
Date: 11/22/01 11:33am
Subject: Microsoft Settlement

I am very disappointed with the US Justice System settlement of the Microsoft case. It indicates to me and the rest of the world that big business like Microsoft can get away with anti-trust violations and racketeering with just a slap on the wrist. Microsoft has a massive monopoly of the computer industry gained by illegal practices. They have threatned computer vendors to accept their demands or be forced out of business. Is this the new definition of ''free enterprise''?

David K. Wolfe
30 Royal Crest Drive, Apt 8
Marlborough MA 01752

MTC–00001998

From: Bruce M. Binder
To: Microsoft ATR
Date: 11/22/01 1:52pm
Subject: Microsoft Settlement

Office of the Attorney General:

I was very disappointed in the Federal government's settlement in the Microsoft anti-trust case and I hope California will continue to pursue a more severe remedy. I have a suggestion for a part of a remedy. Microsoft should be fined a large amount of money, and that money should be used to help fund software companies in California. Microsoft should be required to help put software companies *in* business instead of out of business.

The money should be used to set up a fund and an independent non-profit organization to administer it. The money would be used by startup software companies or by existing companies developing new software. It could be dispersed as grants, loans, investments, or however the organization sees fit. Some restrictions would have to be in place, such as limiting the funds to companies developing software for Microsoft platforms. Additionally, Microsoft could be required to distribute, on its operating system media, any software developed under this program that a software company wanted distributed. This plan has benefits to software companies, Microsoft, and the State of California. Software companies would have this additional source of funding available in a market where venture capital is not as available as it once was. It would encourage the type of innovation and variety in the software market that led to Microsoft's success in the first place. By making this money available, California would encourage companies to set up software companies in the state, mitigating some of the recent layoffs.

I believe there are other restrictions that should be required as part of the remedy, and the above suggestion is not meant to replace them. Some of the restrictions have been addressed in the Federal settlement, and other, stronger restrictions are needed. However, I do not think an extremely strong punitive action in the form of a massive fine is uncalled for, especially if the money can be put to a constructive use.

Thank you for your consideration.
Sincerely,
Bruce M. Binder
San Diego, California

MTC–00001999

From: Jibu Abraham
To: Microsoft ATR
Date: 11/22/01 1:21pm
Subject: microsoft settlement

Hi,

I had the privilege to read the settlement documents for the case against Microsoft. To me, it seems quite a joke that our Department of Justice ''settled'' in this manner. It leads me to purport that Microsoft has the DoJ in its pockets. I do not see any substantial penalty for Microsoft in this ''deal''. In fact, I see the DoJ helping Microsoft to continue its unfair practices, given the very vague language used in the settlement, and few clearly defined ''penalties'' for Microsoft. The ''penalties'' that are clearly defined, are in my opinion, more supportive to Microsoft's business than a true penalty for its past business practices. The DoJ should reconsider its standing on this case, and not allow itself to be bought by Microsoft.

Thanks,
Jibu Abraham

MTC–00002000

From: Robert McNeal
To: Microsoft ATR
Date: 11/22/01 1:17pm
Subject: Regulate the computer industry!

I can't believe what I'm seeing! First, the Supreme Court lets Microsoft off on conditions containing loopholes big enough to fly a B-52 through, and now the States are letting Microsoft walk with the condition of a $1 billion educational 'donation' settlement. This settlement contains refurbished PCs and Microsoft software that will surely take great strides in driving Apple Computers out of the education market, furthering Microsoft's monopoly. Could these settlements have actually made matter's worse for what's left of the computer industry?

As a unix user, It makes me sick to see 30 years worth of standardization efforts crumble as an unchecked monopoly forces its closed systems into the server market. Where unix and linux have innovated, Microsoft only sees the opportunity to build a closed system upon the work of others and drive the pioneering developers out of business. I'm really too enraged to put into words.

Why is the FCC not maintaining standards for internet protocols? What if nobody regulated the transmitter power for TV and radio stations? Whoever could afford the most powerful transmitter could overpower the transmissions of any competing networks. Every time a competitor upgrades a transmitter to reach its market, the market leader could upgrade its transmitter to dangerous levels of radiation so that only their broadcasts could be picked up on the airwaves. Eventually, in these unregulated airwaves, even the military would have to bow to the broadcast leader if they needed to do a radio transmission. Now we have XP, every system sold will have all ports exposed to viruses by default. In these trying times, people are jailed for harboring or supporting terrorists. Now Microsoft is intentionally making the most viral operating system on the planet even more virus friendly. Why? Perhaps to place the blame on TCP-IP and use the misplaced blame as an opportunity to introduce yet another Microsoft only 'standard.'

See: http://www.pbs.org/cringely/

First Java, then the 'embed' html tag, Microsoft has blatantly chosen to abandon existing standards in order to expand market dominance. The United States have chosen not to regulate any sort of standards in order

to expand Microsoft's market dominance. Granted, some people like to be treated like sheep and have a corporation decide how they should exist in the emerging digital age, but these mindless zombies should not dictate the future of the rest of the world.

So the US has sold out to Corporate America once again. The digital age will be a slave nation of 'subscribers' to Microsoft's corrupt agenda of exclusion. We shall no longer be the technological leaders of the world. Perhaps Europe will have more common sense when they try Microsoft. I can only hope that they can regulate the crimes Microsoft commits abroad, support competition by funding Open Source development, or at least put their money where their mouth is by not using Microsoft products and directly supporting corrupt business practices.

I've never been so ashamed to be an American.

Robert McNeal
Henninger Media Services
2601-A Wilson Blvd.
Arlington, VA 22201
703.908.4243 office
703.283.7096 cell
703.243.4023 fax
http://www.henninger.com
CC:microsoftcomments@doj.ca.gov @inetgw,attorney.gener...

MTC–00002001

From: Kevin Hall
To: Microsoft ATR
Date: 11/22/01 12:49pm
Subject: a joke

This settlement is a joke. Once again Microsoft wins again. Is there anybody who will stand up to this company, beside Janet Reno?

MTC–00002002

From: Robert McNeal
To: Microsoft ATR
Date: 11/22/01 2:23pm
Subject: Micro$oft is corrupt... Are you?

Q: Why do cars run on polluting gasoline rather than clean burning alchohol?

A: Because of a Big Business deal between Ford and Rockefeller to sell off gasoline, the by-product of coal refining, rather than use corn based alcohol that would support the poor a American farmers.

Q: Why do cars still run on gasoline after the environmental and international damages are so appearant?

A: Perhaps because of lobbying generations of corrupt government officials?

Q: Why do ALL major consumer PCs come with a 'Microsoft Tax?' Why can't I buy a PC to use with whatever operating I choose?

A: Because of threats from Microsoft to be PC manufacturers to be left out of their 'standards.'

Q: Why is Microsoft still operating unchecked by the government after nearly ruining the computer indusry?

A: Please reply to this message with a good one. $1 billion for education? What is the point of training our children to work in the computer industry at the cost of killing the industry?

Robert McNeal
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MTC–00002003

From: Andrew B. Lundgren
To: Microsoft.atr(a)usdoj.gov
Date: 11/22/01 2:12pm
Subject: Redhat proposal change to the microsoft settlement.

The portion of the MS settlement allowing them to donate their software to schools will do more for benefiting MS than helping the people involved. They will simply be able to inculcate the poor youth with MS software.

Before accepting the MS software/hardware and training proposal, please consider the Redhat proposal. Let MS donate the same amount of money, but just use it on hardware and training. Instead of using just Redhat linux also include Suse, Caldera, Turbo, Debian, if they are willing. If a person understands Linux usage and administration, then Windows is a cake walk. The training on Unix will give them a much better understanding of computers and give them a better understanding of technology. MS software is designed to isolate the user for the computer, opensource software generally is not.

Please do not allow MS to further their monopoly as part of the settlement. Allow them to help out others, but not to their specific betterment.

Thank you.

Andrew Lundgren
lundgren@byu.net
http://www.itwest.net/~lundgren

MTC–00002004

From: Adrian Verwolf
To: Microsoft ATR
Date: 11/22/01 1:52pm
Subject: Proposed settlement

To Whom it may concern:

The leeway engineered into this settlement agreement is transparent and disturbing. Aside from its general inadequacy in addressing the bases of the expensive and hard-fought case that the DOJ successfully presented against Microsoft, the definitional vagueness will allow even greater abuses than in the past. Microsoft will be unhindered in synthesizing and applying its own definitions to inherently fuzzy and rapidly evolving technologies.

As a single glaring example of the malleability of the terms of this settlement, refer to section III, J, 2 (b); therein Microsoft is essentially given license to restrict its own cooperation in sharing information on the basis that such information is not for a legitimate business purpose.

Microsoft could clearly argue that certain open-source development groups had no such purpose in spite of the fact that such development efforts are clearly in the best interest of the American people.

To clarify: the open source Samba service, reverse-engineered to interoperate with MS client PCs and servers, outperforms Windows 2000 Server file services in a number of scenarios. Samba is clearly a useful product, available for little or no cost, the development of which may have had no ''legitimate business purpose'' under the terms of this settlement.

Thousands of organizations rely on Samba to host proprietary Microsoft file services, despite the fact that Microsoft developed the protocol and offered no assistance to Samba developers. The long and short is this: Microsoft would prefer that Samba didn't exist, and is given license under this settlement to make such competing technologies unavailable by leveraging the power of a huge base of installed computers and MS software against such encroachment.

The solution to this specific issue is to require Microsoft to reveal all proprietary communication protocols to all interested organizations. The exceptions listed in the settlement (security, native server comm, encryption, etc.) are constructed solely for the benefit of Microsoft.

The open source community, for example, has developed stable, highly secure protocols whose sources are available for perusal by virtually anyone.

In fact, full disclosure is in the public interest because it inherently promotes system interoperability, robustness, and security.

The above example is not in any way meant to be comprehensive; rather, it intends to be illustrative of the flawed construction of the proposed settlement in a single context, and how it might be effectively remedied.

As a resident of Seattle and an advanced user of Microsoft consumer and commercial products, I want the company to succeed for a variety of fairly obvious reasons. However, this shouldn't be attained by the application of anticompetitive business practices that the DOJ has already proven to exist.

Excellent alternative technologies should be encouraged by any settlement; this proposal fails utterly to allow such advances to develop in a competitive, fair environment.

I use Apple products extensively in addition to Wintel systems, and am rapidly expanding my use of UNIX-based and open source software. In the real world, there is a need for each platform; this settlement undermines the potential for best aspects of each to emerge in ways that benefit people, businesses, and organizations.

Sincerely,
Adrian Verwolf

MTC–00002005

From: Larry Tan
To: Microsoft ATR
Date: 11/22/01 5:55pm
Subject: USA Today Article Feedback: Microsoft criticized for private suit settlement

Greetings,

As an IT professional, I'm appalled at the Microsoft settlement. You've basically given Microsoft an opportunity to saturate schools with massive pro-Microsoft product marketing. This type of marketing is what they've done all along; This is no punishment! Their products are founded

upon proprietary operability with other Microsoft products, at the expense of operability with competitors products. Don't get me wrong, I use both Microsoft operating systems and software products, but the two are too tightly coupled. The public would have been better served had the Operating Systems group been split from the Software group. That would truly have fostered many potentially lucrative and beneficial partnerships within the industry.

Larry Tan
Salem, Oregon USA

MTC–00002006

From: Neal McBurnett
To: Microsoft ATR
Date: 11/22/01 4:34pm
Subject: Microsoft continues to hurt consumers by illegally extending monopolies

The proposed settlement with Microsoft is completely inadequate. Microsoft continues to hurt consumers by illegally extending monopolies, and your proposed settlement will do little to change that.

This happens in the word processing market in which they now use bundling arrangements to help MS Word and Office displace the competition. Having the documentation of a huge percentage of the world in a proprietary format is bad for our security and for innovation.

Microsoft is now aggressively trying to take over the Internet services market with its Passport and .NET initiatives. In particular, the Passport system puts Microsoft in control of a vast amount of valuable and confidential consumer information. But Microsoft has demonstrated not only the likelihood that it will use that position to the detriment of fair competition, but also that it is incapable of protecting the privacy of that information.

III.J: J. No provision of this Final Judgment shall... Require Microsoft to document, disclose or license to third parties: (a) portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria Exempting security-related portions of APIs from the API disclosure requirements is not only disastrous for fair competition but also bad for our security. Time and time again it has been demonstrated that ''security through obscurity'' is bad practice, since the inevitable design flaws and bugs get broadly embedded in the marketplace before the flaws and exploits are discovered and developed, leaving more at risk.

The way this is written, in fact, encourages Microsoft to use protocols which are weak and thus would be protected from disclosure, since disclosure would compromise their security and trigger this provision.

Please reevaluate your position, listen to the state attorneys-general, and ensure that Microsoft cannot continue to abuse its monopolies. A split-up looks like the best approach—into three companies to pursue the OS, the applications, and Internet services.

Thank you,
Neal McBurnett
<neal@bcn.boulder.co.us>

MTC–00002007

From: gregury@ns.areasecure.com@inetgw
To: Microsoft ATR
Date: 11/22/01 4:24pm
Subject: Microsoft Settlement

I was amazed when I heard what Microsoft was proposing as its ''punishment'' for exerting monoplolistic practices. The offer is insulting to the US Department of Justice, the country's legal system, and ultimately the American people. That they would advertise offering $1.1 billion in software (software that is readily reproduceable for less that $1 per computer) is absurd. That they would seek to exert their monopoly on future generations by exposing them to ''their'' way of computer usage and their way alone, borders once again on the criminal. I would hope that those far wiser and more learned than me can see through such overt deception. If not, we have probelms far graver than one arrogant software company.

One additional comment. As a long time professional in the software industry, Microsoft's agreement to make available part of its source code to some of its distributors also leaves me troubled. The original Windows operating system, though a huge franchise, is being replaced by new code. This means that Microsoft has given to the world something that they see has little value to their's or any other organization. Microsoft is the dominant player in the software industry and as such has provided an electronic lingua franca to the world. I would hate to see their demise. I would also hate to see their monopolistic practices continue to squelch the inventiveness of those ideas that Microsoft eventually steals and markets as its own

MTC–00002008

From: Dan Ryder
To: Microsoft ATR
Date: 11/22/01 3:20pm
Subject: Microsoft Settlement

Dear Sirs:

I am writing to express my concern about the recent proposed settlement (''Proposed Final Judgment'') of the antitrust case against Microsoft. I believe that time pressure, and perhaps economic concerns related to the events of Sept. 11, have resulted in the antitrust division of your department making a hasty deal that will ultimately harm consumers. I am seriously concerned that we are all witnessing a repeat of the inadequate consent decree of July 1994.

I applaud the state attorneys general who refused to sign this settlement because it delivers no more than a slap on the wrist to a company that has repeatedly engaged in egregious illegal anti-competitive practices, as found by Judge Thomas Penfield Jackson, and upheld by the court of appeal. The proposed settlement states that the code that constitutes Windows ''shall be determined by Microsoft in its sole discretion.'' In conjunction with the provision that Microsoft need not reveal communication protocols for non-trademarked middleware that is not distributed separately from Windows, this gives the company a large loophole through which it may continue its practice of abusing its (illegally maintained) monopoly by ''extending, enhancing, and exterminating'' competing software, to the detriment of consumers. There are other large loopholes as well; for instance, Microsoft need not reveal communications protocols to open-source developers or anyone else the company deems not to have a ''viable business''. Windows XP, with its bundled technologies like Passport, will simply give the company more power to extend its monopoly into other areas. Frankly, I am stunned and amazed that it seems you intend to allow this.

Further, the enforcement measures according to the proposed settlement are inadequate because the three member Technical Committee is not held sufficiently accountable, and there is no easy way to impose penalties for clear infractions, other than launching a further lawsuit. Not only that, but the proposed settlement does not ''deny the defendant the fruits of its statutory violation,'' which is what a remedies decree ought to do according to the Supreme Court. Again, your department seems to have failed in its duty.

I do not believe that entry of the revised proposed Final Judgment will serve the public interest, and I urge you to withdraw your consent.

Yours truly,
Dan Ryder
(dan@danryder.com)
Department of Philosophy
University of North Carolina
Chapel Hill NC 27599–3125
<http://www.sinbad.info>
CC:microsoftcomments@doj.ca.gov @inetgw,attorney.gener...

MTC–00002009

From: Wayne Hammett
To: Microsoft ATR
Date: 11/22/01 7:29pm
Subject: Comments on proposed Microsoft Settlement

The proposed Microsoft settlement has several flaws and loopholes that should be rectified before being accepted by the court.

(1.) The terms +ACI-reasonable convenience+ACI-, +ACI-reasonable opportunity+ACI-, +ACI-reasonable notice+ACI- are much too vague and should either should be replaced with a specific time period, or reasonable should be defined in the definitions section of the document as a time period not to exceed 30 days.

(2.) The technical committee should select and appoint by the court from a list of qualified persons nominated by Microsoft, the Justice Department, and the general public (including Microsoft Competitors).

Each of the three groups above should nominate at least five candidates. The court shall have the option to select any five candidates from those put forth by the general public, or name individuals to bring the nominees of the general public up to five. The court shall have the government investigate the background and qualification of all nominees and report their findings to the court. The court shall appoint one technical committee member from each of

the three groups of nominees, to form the three person technical committee.

If a member of the technical committee resigns or is unable to serve for any reason, the court at its discretion may choose a replacement from that member's sponsoring group, or may request five new nominees be named to choose from.

Upon expiration of the term of service, the same procedure shall be followed to appoint a new technical committee. A committee member may not succeed himself.

(3.) Technical committee members should be officers of the court. They should be permitted to testify, and their work product, finding, and recommendations should be admissible in any court action relative compliance with the Final Judgement.

(4.) Five years of oversight is too short—I recommend a minimum of 10 years. Microsoft has engaged in egregious anti-competitive behavior for at least 20 years, violating previous court orders for part of those years. Rather than fostering innovation, they have suppressed it, killing off good software by bundling second rate imitations into to windows +ACI-for free+ACI-. Actually, with the cost of Microsoft Software getting higher with each new version of Windows while the cost of other Manufacturer's software has stabilized or fallen, the cost to the public has been substantial. Why let them off with a slap on the wrist?

(5.) The provision that allows Microsoft to discriminate against companies that haven't sold a million copies in the U.S. and survived a year is absurd, and should be deleted. The definition of covered OEM's is likewise too restrictive, and should substantially broadened.

(6.) API's should be disclosed at the time of the First beta release, or at the time 50,000 copies have been distributed outside of the Microsoft organization. Changes in API's after disclosure should be published to all internal and external parties at the same time. Developers using Microsoft API's should not be required to provide their code to Microsoft.

(7.) Microsoft should not be able to terminate any licensing agreements with hardware or software manufactures without court approval.

(8.) Developers should be able to place their icons on the desktop, regardless of whether Microsoft has a competing product.

(9.) Users should be able to configure their system to use alternates to Microsoft Middleware without having to confirm their choice for each use or session. They should be able to specify their preference on a control panel or similar mechanism, and change it at will. For instance, I want to use Sun's Java Virtual Machine, rather than Microsoft's, preferably by deinstalling Microsoft's and installing Sun's.

(10.) Developers of non-Microsoft middleware should not be required to support Microsoft's Active-X controls if they can accomplish the same results within their own code without interfacing to other operating system services. Active-X controls are a security risk, and should not be crammed down anybody's throat.

In general, I consider the Justice Department agreement a sellout, but what can you expect when Microsoft donated over +ACQ-1 million to republican candidates in the last election.

MTC–00002010

From: Faisal Islam
To: Microsoft.atr
Date: 11/22/01 7:04pm
Subject: Please stop Microsoft from Raping us again

Greetings !

I speak for myself and the ''little people'' who are being raped by Microsoft year after year. The US Department of Justice is the only entity that has the power to stop this behemoth criminal in its tracks and we the people look up to it to do so. Please don't let us down, we cannot take it anymore. We understand the need of the DOJ to settle the case against the ''dope dealer'' of the IT industry, but please do not allow it to snub your (and also our) noses and walk unscathed. As the law of this supreme land requires all criminals to pay for their past crimes and reform, please make this rapist do the same.

Thank you,
Sincerely,
Faisal Islam
2116 Rose Hill Road
Carrollton TX 75007
972–701–1920

MTC–00002011

From: frazhaa whinvaar
To: Microsoft ATR
Date: 11/22/01 7:50pm
Subject: Antitrust Microsoft settlement

This is to express my opinion about the suits against To continue your efforts against this company's ways of getting over their competition. But sadly, it seems like Microsoft is now getting away too easily from all these lawsuits. I even think that this settlement in which Microsoft has to give away computers and software is not going to give more market shares to anyone but Microsoft. Sure, they pretend that the schools will have the choice to take the money and spend it to buy from other companies, but what are we expecting to happen? They will surely try to push their own products on the line and then, they'll have an even bigger monopoly. (what will happen with alkl those students who will probably only work with Microsoft's products, they will likely continue to use only these...)

And what about this new Windows XP. It's getting worse to use other products when you realise that they try to force you to use their own Windows Media Player, their own MSN Messenger, their own Internet Explorer, etc... over other products more difficult to install because of supposedly ''security issues''.

I think Christian Loweth is right when he says that ''It seems to me that Microsoft has indulged in not only anti-trust violations but racketeering as well.'' and I think this case is not solved. So, if nothing is done, it may be possible that other groups or countries will not continue their efforts against Microsoft in this antimonopoly and antitrust case because it wasn't solved properly.

Thanks for the time you take to read this.
Franois Laramie
Longueuil, Quebec, Canada

MTC–00002012

From: jt
To: Microsoft ATR
Date: 11/22/01 7:36pm
Subject: Microsoft settlement is a joke—Punish Them!

Yet I can't be alone in thinking that punishing a company by giving it a huge competitive advantage in a brand new market, at minimum expense to itself, is one of the queerest examples of justice outside of the Grimm Brothers. Forget Harry Potter, this is the real fantasy for our times.

MTC–00002013

From: Christian Loweth
To: Microsoft ATR
Date: 11/22/01 11:06pm
Subject: Microsoft settlement

The recent proposal by Microsoft to settle the private lawsuits is outrageous. This is a cynical attempt to increase market share in the education market. If anyone accepts this ludicrous offer, shame on them. And as for the Federal Government, shame on you for failing to restrain this rapacious corporation.

Christian Loweth
12308 Moon Lake Circle
New Port Richey FL 34654
(727) 379–0164

MTC–00002014

From: Vincent Roca
To: Microsoft ATR
Date: 11/22/01 10:59pm
Subject: Dropped the ball...

WOW...has the DOJ really dropped the ball on this one. Your solutions to the Microsoft case are minimal and don't really solve the problem. Have you noticed when a Mac user goes to MSNBC.com, they can't run video because they don't have Windows??? There are MANY other situations that are similar. Windows is literally FORCED on the public. And they are hardly getting a slap on the hand. PLEASE rethink your ''solutions''.

Vincent Roca
6009 Buffalo Ave, #7
Van Nuys CA 91401

MTC–00002015

From: Jim
To: Microsoft ATR
Date: 11/22/01 11:04pm
Subject: microsoft settlement

Good Job
zargon@nonyabiz.com

MTC–00002016

From: Harry Bardal
To: Microsoft ATR
Date: 11/22/01 9:10pm
Subject: Microsoft vs Department of Justice: Feedback

to whom it may concern

As a Canadian citizen I understand my comments on actions of the American Justice Department are somewhat misplaced. I have however watched the DoJ vs Microsoft lawsuit unfold with interest and some trepidation. I have felt on many occasions that the progress of the technology sector has been both helped and hampered by Microsoft. The real issue in the case however is the degree to which the consumer has been affected. I can claim that, in my opinion,

Microsoft has limited my options as a consumer. Microsoft road blocks have cropped up many times over the course of the 12 years I have used computers professionally and as a hobby. It has been a source of frustration that good 3rd party software has, time and again, been compromised by Microsoft practices.

My own government seems less aware of the consequences of a monopoly in the arena of Operating Systems and Web Browsers. My own experience with these items has led me to believe that they are more important in a national or global sense than just another consumer appliance. I applaud the actions undertaken by the Justice Department and hope that Microsoft's apparent anti competitive practices are given great weight and that a remedy is chosen that prevents Microsoft from continuing to do business in the same manner.

Sincerely
Harry Bardal

MTC–00002017

From: 54321 parr
To: Microsoft.atr
Date: 11/22/01 11:24pm
Subject: Microsofts proposed settlement is wrong for the US

Hello,

I feel very strongly that the proposed settlement by Microsoft is wrong. It is not punishment for monopolistic practices to extend their monopoly to schools. It does not prevent further Microsoft monopolistic tatics. It hurts the few potential competitors that are left. THE PROPOSED SETTLEMENT IS WRONG.

I urge you to correct this misguided action, while there is still a chance for competition before all of the competitors are wiped out. We the people of the United States deserve better than the Microsoft monopoly.

DO YOUR DUTY, THROW THE PROPOSAL OUT, DONT BE PUPPETS OF MICROSOFT. BREAK UP MICROSOFT.

Thank you
Parr Crone

MTC–00002018

From: Walter S. Rue
To: Microsoft ATR
Date: 11/21/01 11:59pm
Subject: DOJ-Microsoft Objection

To whom it may concern:

I object to the DOJ-Microsoft settlement. To me, Microsoft's coercive suppression of competitors is actual racketeering, and the DOJ settlement therefore is a capitulation. Please continue to pursue justice.

A case can be made, I believe, that the Microsoft monopoly contributed measurably to the current recession. The largest engine driving the dot-com ''irrationally exuberant'' expansion was the euphoric assumption that Microsoft had excelled on its merits and was unstoppable, while the truth was its unstoppable and ruthless suffocation of competitor ''air supply''. Microsoft's racketeering ''capitalism'' is not healthy, it is tyranny. The healthy rivalry of true competition results in slower growth inherently, but growth that is more stable and longer-term and that leads to better products. Denial of choice devolves to the inability to choose better. Not only must Microsoft itself bear a comparable brunt of this recession, cessation of these practices will contribute measurably to its reversal.

Walter S. Rue
95 Maple Street, Apt. 12
Malden, Massachusetts 02148
1–781–397–2468

MTC–00002019

From: Teuila (038) Bertie Hall
To: Microsoft ATR
Date: 11/21/01 11:53pm
Subject: MS settlement? NOT.

Your Honor,

The penalties imposed on Microsoft are not fair to everyone. MS will have an increased market share and other operating systems, ie Apple Macintosh, Linux, etc will be pushed out since MS will provide FREE software, increasing its installed base. I am not happy with this decision.

Sincerely,
Bertie Hall
Galveston, TX

MTC–00002020

From: fiduciary
To: Microsoft ATR
Date: 11/22/01 12:41am
Subject: critics, starving trial lawyers and AD's CA and MA to achieve political high profile

Enough already, give some credit to what MS has contributed to our economy and stop wasting tax payers money on filling the coffers of greedy trial lawyers and political hacks. Especially the most liberal states of the union, ie CA where I live and MA, the Eastern branch of socialism.

Robert Johnston,
San Diego.

MTC–00002021

From: Doug
To: Microsoft ATR
Date: 11/22/01 12:01am
Subject: Settlement Furthers a Monopoly

This settlement, from what I can gather from news sources, serves to further entrench Microsoft in ourq lives. Any company would love to have similar access to teachers and students. It is tantamount to a marketing campaign for them. How shameful that the government trying to prevent a monopoly is helping to bring even more people into it's grasp. This cannot be allowed to happen. Any settlement must be painful to Microsoft, financially, and must include limits on the development, bundling, distribution and marketing of their software. Please don't let this settlement take place. Best wishes. doug

MTC–00002022

From: Neal
To: Microsoft ATR
Date: 11/22/01 1:20am
Subject: microsoft

I do not support such light punishment of Microsoft. A slap on the wrist will serve no purpose at all— it will probably just inflate MS' ego even more. After all, they screwed tons of people (including their consumers) and are getting away with it.

I work in the video game industry. You may be aware that this is an industry that Microsoft has recently entered with their new console system, the X-Box. Quite frankly, I feel that they will conquer the video game market with their new system. But it will not be because of the quality of their products, or because of brilliant business practices. It will be because they have twenty thousand times more money than anyone else, and because they will ruthlessly screw everyone else in the business. Is this a good, American way of doing things? Is this letting the best man win? No, its lying, cheating, and stealing to get your way. The trials provided substantial evidence of Microsoft's dirty business tactics. By allowing Microsoft to get away with a slap on the wrist, you are showing the world that we essentially approve of playing dirty to get ahead. Not only this, but you set the nation and the world up to be ruled by Microsoft for the rest of our lives. Bill Gates has said before that his dream is to own every electronic device in the world— he wants everything digital to have his name on it. Are we going to give him this power? I don't want to be forced into a position where I have only one platform to develop games for— Microsoft's. I don't want to only have one choice of software to use to develop my games— Microsoft's. I don't want my bloody toaster to have a microchip in it that is running a version of Microsoft Windows. Please stop this from happening, or at least do what you can. In America, being a bastard should not be admirable behavior.

Thank you,
Gregory Scott
11711 Highgrove Dr.
Houston, TX 77077

MTC–00002023

From: Charlie Dailey
To: Microsoft ATR
Date: 11/22/01 1:18am
Subject: Microsoft antitrust case

Stay out of private enterprise!!! You beurocrats are too lazy to come up with a better mouse trap and are jealous of someone who can. Your place is to spend hard worker's money on free ride programs and retire on a government pension.

That takes the intelligence and motivation of a bivalve. Gates and his brain trust can think circles around you fools. When you mess with tech. stocks.....you're messing with the market and our future.

MTC–00002024

From: Matt Lyon
To: microsoftcomments@doj.ca.gov@inetgw
Date: 11/22/01 1:15am
Subject: everybody's favorite monopoly Dear California State Attorney General

(cc: the U.S. DOJ),

I applaud your determination to hold the Microsoft Corporation accountable for its illegal practices. Their monopolistic behavior is exactly the type which anti-trust laws were designed to deal with. It is unfortunate the proposed federal settlement on the anti-trust case is more of a benefit to Microsoft than a punishment. I believe this case will be very important to the future of computing, and by extension, the quality of life in the future. Already, the impact of the computer industry has altered our way of life in ways unforeseeable even ten years ago—and I

believe it has just gotten started! To let Microsoft's illegal actions continue, to let them further dominate the computer industry, would be a preventable tragedy.

Sincerely,
Matt Lyon
651 Ashbury Street
San Francisco, CA 94117

''Those who would give up essential liberty, to purchase a little temporary safety, deserve neither liberty nor safety.''
?Benjamin Franklin
CC:Microsoft ATR

MTC–00002025

From: Eric MacKnight
To: microsoftcomments @doj.ca.gov@inetgw,attorney.gener...
Date: 11/22/01 12:42am
Subject: Microsoft
To: Attorneys General who are resisting the DOJ settlement with Microsoft

Thank you, thank you, thank you for objecting to the absurdly ineffectual settlement of the Microsoft case that is being proposed by the Department of Justice.

The proposed settlement would do not deter Microsoft from continuing to exercise its monopoly and stamp out its competitors. Mr. Gates will not voluntarily give up his monopoly; it must be taken away from him, and only governments can do that.

Stand fast, for the sake of millions of consumers.

Sincerely,
Eric T. MacKnight
981 Forest Hills Drive
North Vancouver, BC
Canada V7R 1N4
(604) 984–6036
<ericmacknight@shaw.ca>
CC:Microsoft ATR

MTC–00002026

From: Geoffrey McCabe
To: Microsoft ATR,microsoftcomments @doj.ca.gov@inetgw,...
Date: 11/22/01 2:37am
Subject: Please take care of this

Dear Madam or Sir:

Since you are still hearing on this case, this article says it better than I could:

OPINION:

Microsoft on Truth Serum—the Antitrust Settlement Examined

Contributed by Tom Nadeau
osOpinion.com
November 20, 2001

The proposed Microsoft agreement looks good and feels good, but listen to how the definitions in the agreement would play out in real life, and then the agreement doesn't sound very good for competing software companies or consumers.

The recent antitrust settlement between the U.S. Department of Justice and software monopolist Microsoft (Nasdaq: MSFT) has enough loopholes to sew a circus tent.

The settlement actually grants Microsoft extra legal powers beyond what it had before the trial. Don't think so? Well, here is a simulated conversation that may convince you. This is what I believe a Microsoft official would say to a neutral examiner asking questions about the settlement agreement, if the software giant were under the influence of a truth-enhancing substance.

Microsoft on truth serum. Listen in.

Set You Free

Examiner: ''Let us start with the definitions, shall we?''

Microsoft: ''Of course. Words mean things, whatever we want them to mean.''

Examiner: ''A. Application Programming Interfaces (APIs)''

Microsoft: ''APIs running on one operating system (.NET) and calling a different operating system (on your PC, remotely via the Web) are exempt from regulation.''

Examiner: ''B. Communications Protocol''

Microsoft: ''Since the settlement exempts code to remotely administer Windows2000 Server and its successors, all our communication software will be embedded with pieces of this code. We will not have any Communications Protocols that can be regulated according to this definition.''

Legal Loopholes

Examiner: ''D. Covered OEMs''

Microsoft: ''The 20 highest licensees? Does that mean licenses paid for, licenses delivered to customers, licenses committed to, or licenses actually registered by the end user?''

Examiner: ''H. IHV (Independent Hardware Vendor)''

Microsoft: ''The settlement says they're only 'independent' if they depend on us for Windows. Unless we already 'own' them, we don't have to give them anything.''

Examiner: ''I. ISV (Independent Software Vendor)''

Microsoft: ''The settlement says they're only an 'independent' if they depend on us. But if they only sell software for non-Microsoft operating systems, we don't have to give them anything. They will never be able to make their non-Windows products interact with our Windows-only products.''

Hidden Message

Examiner: ''J. Microsoft Middleware''

Microsoft: ''The settlement says it's only Middleware if it has a X.x version number. But we don't use version numbers any more. We use year numbers. So our Middleware is not regulated by this settlement.''

Examiner: ''K. Microsoft Middleware Product'

Microsoft: ''The settlement calls it a 'middleware product' if it is embedded in the operating system.... But it's just 'middleware' if it is distributed separately. If it is distributed by a shell company controlled by Microsoft through stock ownership, then it's not 'middleware' because it is not distributed by Microsoft or a wholly owned subsidiary.''

A.P.I. Arrogance

Examiner: ''L. Microsoft Platform Software''

Microsoft: ''We'll ship the APIs as a standalone product through a third-party company, or sitting on a Web server somewhere. But we don't have to divulge any details of the APIs because they won't have a version number.

So they're not 'middleware'—and therefore are not covered by 'middleware' clauses. Since they are not part of Windows, they are also not a 'middleware product.' ''

Examiner: ''M. Non-Microsoft Middleware''

Microsoft: ''Sure, like we wouldn't give away free copies of comparable 'Microsoft middleware' to put them out of business. Except that it's not 'Microsoft middleware' if it has no version number, so it would not be regulated by this settlement.''

Examiner: ''P. Operating System''

Microsoft: ''If we ship the APIs separately—on the Web—then it says that Windows is not even an operating system! It's totally unregulated!''

More Monopoly

Examiner: ''Q. Personal Computer''

Microsoft: ''Right, only PCs are covered. They let us extend our monopoly into game boxes, TV, servers, handhelds, phones, PDAs, whatever.''

Examiner: ''R. Timely Manner''

Microsoft: ''We have to deliver product info as soon as we ship to 150,000 beta testers per version. However, we no longer beta test with more than 148,000 testers per version.''

Examiner: ''U. Windows Operating System Product''

Microsoft: ''Ha! Doesn't even cover DOS-based stuff. We can keep spreading that stuff around any way we want. Oh, and that last sentence... We can put anything we want to in Windows—any code owned by anybody! Yes, Just give me that last sentence!''

Best For Last?

About that last sentence.

The slickest part of all is to put the definitions at the end of the document, where they legally overrule all that comes before, and to place the loosest definition of all at the very end of the document, slyly positioned to trump any preceding malarkey.

That last sentence ostensibly was inserted to protect Microsoft from having to ship code that it did not choose—so that Microsoft would not have to ship a rival company's code, such as Java or Netscape, for example.

But Microsoft can choose to claim that a competitor's product *is* a Windows Operating System Product, because the last sentence says that the court grants Microsoft the ''sole discretion'' over ''the software code''—not just ''the Microsoft software code''—that Microsoft chooses.

Above the Law

While other companies may have their claim to software ownership reviewed by the courts, this ''settlement'' exempts Microsoft from such review— immunizing Microsoft from copyright lawsuits.

This is a license to hoist the Jolly Roger and sail the seven seas, pirating any rival code that Microsoft chooses.

Peace,
Geoffrey McCabe
36 East 7th Street
NYC 10003

MTC–00002028

From: Jon Schalliol
To: Microsoft ATR
Date: 11/22/01 1:57am
Subject: MS Settlement Unacceptable

Please do not accept the Microsoft Settlement, harsher penalties are in order. I am a resident of California (address below). The Settlement offered is unacceptable and I believe it actually helps Microsoft in the education market, because I am confident that a majority of the computers that would be used would be for Microsoft software.

Perhaps Macintosh computers could be purchased for the schools instead. Old computers are no good anyway. My wife teaches first grade in San Jose, they need new (not old) computers. Her district only uses Macs additionally.

Jonathan R. Schalliol
250 W. El Camino Real
Apartment #1412
Sunnyvale, CA 94087

MTC–00002029

From: Ash Wadhwani
To: Microsoft ATR
Date: 11/22/01 3:21am
Subject: Microsoft Settlement

MTC–00002030

From: BergerT@aol.com@inetgw
To: Microsoft ATR
Date: 11/22/01 3:05am
Subject: Microsoft—proposal

Dear Sirs,

1) It is my belief that free software, even if donated for charitable causes is not a remedy: (http://news.cnet.com/news/0–1006–200–7936780.html—proposed settlement).

I am working for a large organization myself. If you would donate software, we wouldn't need to budget for it. This means when after a few years the license expires or upgrades are needed; we would face enormous challenges to create a budget. Because we would have to create this budget from scratch, we would never be able to justify the expense for alternate solutions, because upgrading the free software will cost less. This creates a de-facto lock-in.

2) What people really need:

My organization owns about 120 servers running NT 4.0; has 3000 users. We are currently preparing for the Win2000 rollout at great expense of manpower, licenses and hardware upgrades (server replacements). We still have 2 servers running Win NT 3.51 which is no longer supported. The migration to Win2000 (later XP) will takes us 3–5 years until the last NT4.0 PC is removed from our premises. As you may know with the release of WinXP Microsoft will stop releasing fixes (including security ?) for Win NT 4.0 because ''we only support one version back, which is Win2000'' [sic].

3) What everybody would benefit from:

To have regular updates for Windows NT and Office98 available— this includes fixes—for at least 10 years from now. This would force Microsoft to make their stuff work. If the quality of their aproducts is as good as they always claim, this should be a minor issue.

You may know that even with a ''Premier Support Contract'' ($30.000 a year) you are still not entitled to receive NT4 fixes. I have two minor issues discovered early 2001 which Microsoft support refused to fix.

Currently Microsoft refuses provide updates for new technologies (FireWire for WinNT for example). On the other hand, third parties don't have enough information.

4) Suggestion:

Microsoft must provide support for Win NT4 and Office98 until 2011. Of course, they could charge for this support around $50 per incident seems reasonable. Unlike current support, every confirmed bug must be fixed if the customer pays for the incident. Fixes for known bugs are available for $10; discount for 10 fixes 20%, 50 fixes 30%, 100 for more fixes 50% (MS releases about 300 NT4 fixes per year). Service-Packs for NT4 and office $25. They must provide anybody with a source-code license for NT4 for $1000 (under NDA of course).

Conclusion:

Good for MS—they are forced to provide support. Good for business and consumers; they are not forced to upgrade or buy new hardware. It is ensured that the current software remains functional and secure.

regards,

Thomas Berger

PS: If you really want to penalize Microsoft, include Windows 98 as well.

CC:BergerT@aol.com@inetgw

MTC–00002031

From: Jean Labrique
To: Microsoft ATR
Date: 11/22/01 2:49am
Subject: microsoft

Why such ''coercive'' action against free enterprise? Microsoft was the software company that allowed millions of users to get reasonable access to computers! Do you always have to kill entrepreneurs?

Jean Labrique
jean.labrique@skynet.be

MTC–00002032

From: D.E. de Roos
To: Microsoft ATR
Date: 11/22/01 5:11am
Subject: Microsoft settlement

To whom it read and it may concern,

I am shocked regarding the Microsoft settlement last week. Instead of punishing Microsoft for their monopoly strategy you are giving them a green light to basically kick Apple Computer out of the education market by donating money in Microsoft products to this industry. In that order, you give Microsoft the way to continue business as usual. So, you are supporting Microsoft's by making them an offer like this, insteed to punish them.

It is not the way to give Microsoft the change putting more of their product into the education market. If you want Microsoft to donate a lot of dollars, so let them do that to a neutral institution like food for 3rd world countries or something in that order.

What impression do you give Microsoft (and others like them) here? By putting more Microsoft products in (needy) schools or education centre, you are giving companies like Apple Computer no chance what so ever to sell their product in the education industry, hence they start to monopolize that industry as well.

A concerned Dutch citizen.
With kind regards,
Dick de Roos
Kerkuil 20
9781 RE Bedum
Holland
e-mail: d.e.de.roos@freeler.nl
Groeten,
Dick de Roos, HVK / AMD
Visserstraat 47, 9712 CT, Rijksuniversiteit Groningen
e-mail: d.e.de.roos@bureau.rug.nl
tel. (050)–3634820
CC:microsoftcomments@doj.ca.gov @inetgw,attorney.gener...

MTC–00002033

From: Tim Holmes
To: Microsoft ATR,microsoftcomments @doj.ca.gov@inetgw,...
Date: 11/22/01 3:51am
Subject: MS settlement is a travesty of justice
TO: US Department of Justice-Microsoft anti-trust comments: microsoft.atr@usdoj.gov

I've just read the news on the proposed one billion dollar settlement. As I understand the deal, this seems to me to be very much in favor of Microsoft. In addition to few to no changes to their behavior, a portion of the punishment is, in fact, a real benefit to them. The resolution including the dissemination of their software and compatible hardware, training to use their products, and loads of their often bundled software, seems to fly in the face of the very point of the trial. They have been declared a monopoly for illegal tactics that were specifically meant to increase their market share, for bundling products for free to get market share, and for illegally blocking other's products to gain market share, and now, a good portion of the settlement specifically increases their market share of both the OS and their bundled products.

I believe this settlement should be declined. Microsoft has once again gained the upper hand and will only benefit. The settlement should be made in order to change their behavior, this does nothing to address their behavior and will not change it in the future, allowing them to continue to bilk the public.

Tim Holmes
CC to: California: microsoftcomments@doj.ca.gov
Connecticut: attorney.general@po.state.ct.us
Florida: ag@oag.state.fl.us
Iowa: webteam@ag.state.ia.us
Kansas: GENERAL@ksag.org
Massachusetts: tom.reilly@ago.state.ma.us
Minnesota: attorney.general@state.mn.us
Utah: uag@att.state.ut.us
West Virginia: consumer@mail.wvnet.edu

MTC–00002034

From: Roderick Klein
To: Microsoft.atr(a)usdoj. gov,microsoftcomments(a)doj....
Date: 11/22/01 3:47am
Subject: Microsoft not a monopoly ?

Dear Sir/Madame,

I found your email adresses via the internet. I may be somebody from the Netherlands but the outcome of this trial between Microsoft and the different states will also effect my computer use in a positive way. Microsoft is plain and cold monopoly. They have a market share of more then 90% and they move further in other directions. like the handheld device market, server markets... Slowly with there standards they are breaking up a free world, the internet! Some webpages can only be succesfully viewed with the browser internet explorer. Some goverments run a large part of there offices with Windows. With this comes higher cost etc.

Its simple to say the consumers, goverments and companies have missed out on some great innovations because of Microsofts position on the software market;. Microsoft crushed small companies with bad practices. These small companies is where mostly the innovation comes from. Microsoft for instance violated also some patents like Stacker (disk compression software that ran under DOS).

Outside of the courtroom Microsoft paid Stacker an unknown amount of Money. Microsoft stole some code from Stacker and used in there Double Space under MS DOS. The other example is video for Windows. Some of the code Microsoft used came from Quicktime from Apple. My point is that I hope the present deal between Microsoft and the US goverment does not go ahead.

Regards

Roderick Klein

MTC–00002035

From: David Flory
To: Microsoft ATR
Date: 11/23/01 2:14am
Subject: Microsoft settlement

I find it absolutely ludicrous that the United States Department of Justice feels that it is an appropriate punishment for illegal monopoly practices to give MS a chance to increase their OS monopoly by letting them give mediocre computers and software to schools that can't afford to refuse the gift. This verges on malfeasance by the DOJ and makes me really wonder if the DOJ people involved are honest. I'm ashamed to see a convicted organization rewarded instead of being punished as any other company would be.

Fairwinds and happy bytes,

Dave Flory, San Jose, CA. daflory@pacbell.net Go Sea Kayaking!! (C)2001

Speak softly and study Aikido, then you won't need a big stick.

MTC–00002036

From: Kevin Gamiel
To: Microsoft ATR
Date: 11/23/01 12:16am
Subject: Perfect solution

I fully support the amended solution proposed by Red Hat, Inc.: http://www.redhat.com/about/presscenter/2001/press_usschools.html If that solution is not accepted by the DOJ, the DOJ will have some serious questions to answer. Allowing Microsoft to give away a limited number of copies of it's software to schools simply hooks more users on it's software you found to be monopolistic. This amended agreement truly helps our children by providing many more computers and free, superior software for life! It also punishes Microsoft a bit more for their crimes by *not* continuing their monopoly via their ''punishment''.

Respectfully,

Kevin

—Kevin Gamiel Email: kgamiel@islandedge.com

Island Edge Research, Inc. http://www.islandedge.com

Kill Devil Hills, North Carolina

MTC–00002038

From: root@wt6.usdoj.gov@inetgw
To: Microsoft ATR,antitrust@ftc.gov @inetgw,Ralph@essen...
Date: 11/23/01 5:06am
Subject: ''Microsoft Hegemony'' The Face Of God
CC' letters@latimes.com@inetgw,letters @sjmercury.com@i...

Re: The Case Against Microsoft

James, during the Georgetown speech, repeatedly defended the settlement and addressed many of the criticisms, which he blamed largely on rivals.

He blames criticism? This does not compute. Is criticism a crime? The criticism is legitimate. Where is the accountability? Where are the principles?

''We've never had competitors be quite so aggressive,''

James said. ''Some of them had hoped for a broad-scale emasculation of the company.''

''Thank you, assistant A.G. James, for defending Microsoft. People need to put face on almighty Dallah, you know, ka ching ka ching. This is role I play in big scheme of thing—for to rally DJIA... Rivals are devils not for benefit to Wall Street...''

MTC–00002039

From: ruben
To: Microsoft ATR
Date: 11/23/01 4:10am
Subject: Microsoft

I am just saddened by the slap on the wrist given to Microsoft. If there ever was a monopoly in this world it would be Microsoft. I feel that no other person has a chance to come up with a new better idea for fear that Mr. Gates would come and squash them and steal there ideas. I would hate to see every computer in the world have Microsoft on it. I mean all the computers are really just Microsoft tools to sell its product. Think about it? All the consumer computer makers all have to use Microsoft's operating system. The only company that doesn't is Apple. I have used both and I have to say Apple makes a better product but that isn't good enough because of the monopoly. Pretty soon it is just going to be all Microsoft. We should really understand that the most powerful man in the world is not the president of the United States. It is the holder of information. We are all depended on computers and who controls them? Microsoft and Bill Gate's. With the power to influence the hearts and minds of the world or To cut us out. I know this may seem dramatic but just a thought. I believe in capitalism but not monopoly's. Thank you for reading this.

—Ruben John Pulido
President/CEO
Seratonin
Digital Media
Santa Monica, California
http://www.seratonindigitalmedia.com
E-mail: ruben@seratoinindigitalmedia.com
310.392.6263

MTC–00002040

From: David Bennett
To: Microsoft ATR
Date: 11/23/01 2:33am
Subject: What A Joke

Dear Sirs,

This proposed settlement is truly one sided and it is most definitely not the consumers side. Microsoft deserves more than a slap on the wrist for business practices it continues to use. Please, please don't just knuckle under to the lobbying of the Microsoft camp. It is so important that these practices stop, if any true advancement in the computer industry is to emerge. This company puts a strangle hold on the industry and it must be stopped.

Respectfully,

David B. Bennett

MTC–00002041

From: Warren E. Gimple
To: Microsoft ATR
Date: 11/23/01 7:20am
Subject: Microsoft Litigation

11/23/01

Dear Folks:

Let's get this case behind us, and move on to more important legal issues !!

Warren E. Gimple
2600 Barracks Rd. C–13
Charlottesville Va. 22901–2198
email: gigtaxi@cstone.net
ph: 434–295–1890

MTC–00002042

From: genegard
To: Microsoft ATR
Date: 11/23/01 7:53am
Subject: Release before being ready!

I am a computer user since 1982 and a Retired USAF Navigator who is good with hi-teck innovations; however, new releases of MS Products is loaded with errors that cause the experienced user and those new to computers very much pain. First they hype their products and then you have to continually download fixes and updates. They especially like to design their software to be not compatible with other software and hardware. I have learned to use Netscape Communicator for email and browsing because it is easy to use and does not crash and require continuous upgrades and fixes. In my view they have done irrepairable harm to consumers and other competitors. To them $5 billion over five years is less than a slap on the wrists and they are continuing their unfair and ruthless tactics.

Now I feel a little better, but will I ever forget their causing so much frustration? NO

Harry E Bungard
9 Chestnut Hill Rd
Chelmsford, MA 01824

MTC–00002043

From: Darcy Baston
To: Microsoft ATR
Date: 11/23/01 7:14am
Subject: think intention

Just as capturing Osama Bin Laden will not stop humanity from committing acts of terrorism, policing Microsoft will not stop their anticompetitive nature. It's a question of intention. What you intend, you create no matter what protection some silly settlement puts in place. The consumer must be protected from Microsoft's self serving intentions.

This settlement, which is based on money, further promotes money as a source of power and control over people. This has got to stop. Money is getting more and more like a disease and child-like reward system than it ever was. I don't blame Microsoft for being

what they are, a perfect creation from a world that worships money. But I do blame them for trying to push their views on us, you and me. I don't want their unevolved ''money is might'', ''ours is better'', ''you're less'', ''we can buy you out'', ''buy our stuff or suffer'' and ''we think you're stealing so work harder to earn our dominion'' intentions.

Instead of putting some people in place to watch their accounts, sit in their meetings and audit their bottom lines, introduce an ethical review board that will have to be convinced before any future decision Microsoft is put into place within its company. Microsoft does need a baby sitter but not for its money, for its intentions.

Or even better, let the public decide. Have an annual vote of your populations, let the billions that we are have our say in what Microsoft can and can't do like an election. Just as this E-mail opportunity was created, that's a good step to learning the multitude of different truths us consumers experience daily.

best wishes,
Darcy Baston
Sudbury, ON
Canada

MTC–00002044

From: GriffinF@aol.com@inetgw
To: Microsoft ATR
Date: 11/23/01 6:53am
Subject: Bad Microsoft Settlement

Hello

The Microsoft settlement is a very short-sighted answer. With such weak restrictions Microsoft will continue to bundle their products and will soon dominate the instant messenger and media player markets because of it.

I am also very concerned that there is absolutely no punishment for them. I can't believe that on such a high profile case the American Judicial system wants to send the message that white collar crime is never punished! Its just offensive!

The next time I go out and break the law can I also get this type of treatment?

Regards
Michael Fitzgerald

MTC–00002046

From: Reinier Erens
To: Microsoft ATR
Date: 11/23/01 8:02am
Subject: Microsoft settlement

To whom it may concern,

I am shocked by the recent news regarding the Microsoft settlement. Instead of punishing Microsoft for their monopoly strategy you are giving them a green light to basically kick Apple Computer out of the education market by donating an astronomical amount of money in Microsoft products to this industry, thus giving Microsoft a go ahead to continue to do business as usual. I&#8217'm sorry but this goes beyond my comprehension. You are playing Microsoft&#8217's cards by making them an offer like this. To my humble opinion they should be punished not by putting more of their product into the market, especially such a sensitive market like education, but by giving them a punishment that&#8217's appropriate. If you want Microsoft to donate zillions of dollars, let them do that to a neutral institution like food for 3rd world countries or something in that order. What impression do you give Microsoft (and others like them) here? If you monopolize the market by unfair means of business we will reward you by allowing you to do more business and even kill some competition on the way?! By putting more Microsoft products out there you are giving companies like Apple Computer absolutely no chance what so ever to sell their product in the education industry, hence they start to monopolize that industry as well.

Reinier Erens
A concerned Dutch citizen.
www.erens.net
Descargue GRATUITAMENTE MSN Explorer en http://explorer.msn.es/intl.asp
CC:microsoftcomments@doj.ca.gov @inetgw,attorney.gener...

MTC–00002047

From: Mrmaced@aol.com@inetgw
To: Microsoft ATR
Date: 11/23/01 7:56am
Subject: A REWARD

This settlement seems to be a reward for Microsoft instead of a judgment. How the courts can come up with this is unbelievable.

MTC–00002048

From: Robert Poland
To: Microsoft ATR
Date: 11/23/01 8:12am
Subject: Microsoft settlement

What kind of settlement is that, punishment by forcing them to do more of what the original crime was?

Bob Poland—Sumter, SC
rpoland@usa.net
Check out my garage sale http://www.ibrb.org/

MTC–00002049

From: J.Kool@students.geo.uu.nl@inetgw
To: Microsoft ATR
Date: 11/23/01 8:19am
Subject: Microsoft settlement

To whom it may concern,

I am shocked by the recent news regarding the Microsoft settlement. Instead of punishing Microsoft for their monopoly strategy you are giving them a green light to basically kick Apple Computer out of the education market by donating an astronomical amount of money in Microsoft products to this industry, thus giving Microsoft a go ahead to continue to do business as usual. I?m sorry but this goes beyond my comprehension. You are playing Microsoft's cards by making them an offer like this.

To my humble opinion they should be punished not by putting more of their product into the market, especially such a sensitive market like education, but by giving them a punishment that's appropriate. If you want Microsoft to donate zillions of dollars, let them do that to a neutral institution like food for 3rd world countries or something in that order.

What impression do you give Microsoft (and others like them) here? If you monopolize the market by unfair means of business we will reward you by allowing you to do more business and even kill some competition on the way?! By putting more Microsoft products out there you are giving companies like Apple Computer absolutely no chance what so ever to sell their product in the education industry, hence they start to monopolize that industry as well.

Another concerned Dutch citizen.
With kind regards,
Johan Kool
Merwedekade 225 bis a
3522 JM Utrecht
the Netherlands
j.kool@students.geo.uu.nl
CC:microsoftcomments@doj.ca.gov @inetgw,attorney.gener...

MTC–00002050

From: Jeff I. Greenberg
To: Microsoft ATR
Date: 11/23/01 8:38am
Subject: Microsoft Settlement

Boldly, this settlement is still not restoring any level of fairness to the marketplace. The question becomes, how dominant is Microsoft in the marketplace now, and does the ruling allow competition.

I am not all knowledgable. I am merely relating my experience as a computer professional. I teach technology to professionals on a daily basis.

1) How dominant?

Microsoft owns, has minimal competition, makes it difficult for anyone to break into the following areas:

Browsers. They have killed their prime competition, and refused to adhere to agreed upon standards, thereby forcing the community to adhere to theirs. This is included free with their operating system. It is reported that 90% of people over the age of 40 will not download a new browser; their only introduction to a new browser is when they buy a new computer.

I still don't understand why they can't unbundle their browser, unless it's to dominate the market. They don't maintain parity on the Macintosh platform. And why should they. Apple is their competition.

Messengers. Suddenly, they need to add instant messenging to their operating system. Did they need to? No. Was the marketplace working without it? Sure. And again, it's bundled with their operating system. Operating systems. Linux is viable ... but Microsoft considers them to be threat ... so they are a target under the gorilla's gaze. Meanwhile, for someone to be considered a computer professional, Microsoft has invented a number of certifications which provides them even more revenue. Software. Go take a look at how many pieces of software MS makes. Now, how many of which are they the dominant player in the marketplace. I'll name a couple

* Microsoft Word
* Microsoft Excel
* Microsoft Powerpoint
* Microsoft Outlook
* Microsoft Works
* Great plains accounting
* Halo which was going to be cross platform until microsoft bought bungie
* Netmeeting
* Visual Basic
* Visual C++

In fact, I can only think of two products where microsoft doesn't own the

marketplace. Microsoft Money, because quicken was there first, and Microsoft Publisher, because Adobe & Quark have sold professional packages. Frankly, I'm astounded at the way the current government turns a blind eye to the way Microsoft operates, has operated, and is permitting the settlement to occur.

With each passing day, microsoft becomes further the squatter with XP and the .NET protocol and makes it even more difficult for another company (such as red hat, such as apple computers) to even dream of competing.

Settlement.

Microsoft offered to give schools in poor districts computers with software. Would you let your kids just go out and drink coke in school? But that's exactly what's happening. By capturing the youth market early, microsoft is further entrenching themselves as a monopoly. Today's children are tomorrow's workers. But you say, they have to know the systems that are out there. They're out there because it's a monopoly. And Microsoft's offer, will only make it moreso.

Microsoft ought to pay for computers with the competition to be out there. Such as Apple, such as Red hat linux to be available.

My last thoughts.

How pervasive is microsoft? Simple. Go out to a large computer store. Try and buy a computer fully stocked with a word processor and spreadsheet without one piece of microsoft software on it.

Try it.

Now see if they don't truly have a monopoly.

Jeff I. Greenberg.

MTC–00002051

From: Anthony E. Bodo
To: Microsoft ATR
Date: 11/23/01 8:28am
Subject: MS world monopoly

Dear Sir/Madam: Greetings!

I believe that the people at the top of Microsoft, who are controlling and manipulating the world donimation, should be severly punished and not just a pat on their hands! I have invested a lot in my (Amiga) computer and am unable to use most of the software/hardware unless I import them from overseas. This MicroSoft world monopoly went a bit too far! I hope you excercise your authority and punish them with the fullest extent of the law. In my opinion a few years in jail would be appropriate for the top ten of Microsoft!..I thank you & remain—yours sincerely
Anthony E. Bodo

Anthony E. Bodo
4623 East 25th Avenue,
Lake Station, In., 46405
fone/fax: (219) 962–7026
e-mail: abodo@netnitco.net

MTC–00002052

From: Terry Nigrelli
To: Microsoft ATR
Date: 11/23/01 8:25am
Subject: Microsoft Settlement

Dear U.S. Department of Justice,

This settlement is not punishment for Microsoft, it is a huge reward. Once they get their software into these schools the schools will have to pay hefty yearly subscription fees. It is also going to prevent the competition from securing accounts in these schools for years to come. Please consider requiring Microsoft to donate money rather than hardware and software to public schools.

Terry Nigrelli

MTC–00002053

From: Jody Bevan
To: Microsoft ATR
Date: 11/23/01 9:20am
Subject: Microsoft Settlement

My understanding of the settlement is that Microsoft will be providing hardware with their operating system, and some of their applications on all the computers. These systems will be given to schools that would otherwise not afford these systems. On the surface it looks great. BUT! This is exactly what Microsoft has done all along. Give away product with the knowledge that you get people hooked on their product and they will be back for more. Not only will the schools be hooked but the students, teachers, parents etc.

This is far from a fair to others in the computer industry. This is not punishment but rather a reward. Why not make Microsoft give the schools the money. Then lets the schools choose between vendors other than Microsoft for the hardware and operating system, and applications. If not that, just make them pay the fine at the very least!

Jody Bevan

MTC–00002054

From: Larry D. Burton
To: Microsoft ATR
Date: 11/23/01 9:17am
Subject: About that settlement...

I really like the proposal that Red Hat made for an alternative settlement. Not only would this be of much greater benefit to the schools in question, but it would truely server to level the playing field between Microsoft and the rest of the competition that may have been shut out by Microsoft's monopolistic practices.

Regards,
Larry Burton
larry@dallasbay.net
http://www.dallasbay.net

MTC–00002055

From: Jim Robertson
To: Microsoft ATR
Date: 11/23/01 9:09am
Subject: Proposed microsoft settlement

I've been told that the Department of Justice is seeking public comment on its proposed settlement with Microsoft. Enclosed is a copy of a letter I sent to the California Department of Justice, asking it to persevere in its pressure for a more meaningful punishment of the company's predatory business practices.

I'm a long time Macintosh user with a long memory of the often-strained relationship between Microsoft and Apple. Last year, I was encouraged that the Federal Government finally had the wisdom and courage to curtail Microsoft's predatory business practices. Unfortunately, the proposed settlement does NOTHING to accomplish this, and the contempt with which Microsoft regards those who would attempt to limit its monopoly is evidenced by Microsoft's marketing of Windows XP. It should not be necessary to detail these new transgressions, but the fact that settlement talks proceed in the face of this conduct makes it clear that those who ought to have control don't care, don't understand, have been bought off, or are overwhelmed by the company's propaganda. To wit: 1. XP will refuse to run if a user makes more than some unknown number of modifications to the hardware in his/her system, and cannot be resurrected without a call to Microsoft. Imagine a person working on deadline with his laptop hundreds of miles away from his home office and his installation CDs, who decides he needs more RAM to finish a project. He installs the RAM and his computer becomes non-functional. 2. XP disables the multimedia applications that have become default standards in favor of its own file formats. Some of these are products of other companies (QuickTime, Flash, Real Audio), and some are non-proprietary standards (mp3).

Even more ludicrous is the proposed settlement of other private lawsuits which seems to COMPEL microsoft to strengthen its grip on one market it does not yet control, education. Is Br'er Rabbit working successfully for Microsoft?

I know that the California Department of Justice is seeking more meaningful penalties. I applaud that position and beg you to hold fast to it.

James S. Robertson, M.D., F.A.C.P.
Nephrology Associates
1265 North Dutton Avenue
Park Center #3
Santa Rosa, CA 95401
Voice: (707) 526–2027
FAX: (707) 526–2096
e-mail: jamesrob@sonic.net

MTC–00002056

From: John Winson
To: Microsoft ATR
Date: 11/23/01 8:50am
Subject: Microsoft Settlement

It makes no sense to have any portion of this settlement include a grant of software, product or technical support from Microsoft to schools or other not-for-profit organizations. This only serves to solidify Microsoft's domination of the computer industry by giving these organizations the very products and services they will be bound to use.

If a judgment of $500 million—$1 billion is imposed as a part of the judgment, Microsoft should send money to be used on computers and computer technology, letting the organizations involved choose what computer equipment, operating systems and its accompanying technical support requirements they wish. Under such a scheme, Microsoft might still get significant return, but it would not mandate the use of funds for the benefit the company losing the judgment.

It was the ''donation'' of browser software as a predatory, anti-trust activity that spawned this legal action. Please do not allow the remedy to copy the crime.

John Winson

9 Knowlton St
Beverly, MA 01915

MTC–00002057

From: Geoff Braun
To: Microsoft ATR
Date: 11/23/01 9:46am
Subject: The case against Microsoft

The outcome of the DoJ's case against Microsoft is so Microsoft-friendly, it suggests that Microsoft can—and does—dictate US law. Very sad.

— Geoff Braun
Trustee, Placentia Library District
Placentia, CA

MTC–00002058

From: Matthew Roe
To: Microsoft ATR
Date: 11/23/01 9:30am
Subject: Microsoft Input

I believe that Microsoft is a monolopy, in every sense of the word. If they are allowed to have this 'settlement', they will only take over the one market they haven't dominated; education.

They should be taken to court in my opinion.

Thank you.
Matthew Roe
Hemlock, NY
matthewroe@mac.com

MTC–00002059

From: Adam Rice
To: Microsoft ATR
Date: 11/23/01 9:26am
Subject: short version: I don't like the proposed settlement

Longer version:

The proposed settlement does not go far enough in dealing with a company that has been found to be a monopoly. It does not defend the interests of consumers, the (rest of the) software industry, or the computer hardware industry with sufficient vigor. It almost appears that the Department of Justice negotiated this settlement as if from a position of weakness, when in fact it is in a position of strength. Some of the verbiage emanating from the government suggests that the Windows operating system should be considered akin to a public utility. If that is the case (I do not agree myself), then Microsoft should be treated like a public utility, with rate boards, universal-access guarantees, and the full weight of bureaucracy that surrounds an electricity or water utility to look after the public's interest. A three-member review panel—with 1.5 members appointed by Microsoft—does not qualify. That is more like the fox guarding the henhouse.

I suspect that Microsoft would, reasonably, find such a bureacracy very intrusive, and reject the idea. The only alternative is for it to stop being a monopoly. While I did not agree with the specific approach that Judge Jackson took to breaking up Microsoft, I felt the general idea was a good one.

The above comments address the proposed settlement overall. I also have a comment on a specific aspect. As formulated, the proposed settlement essentially allows Microsoft to define anything as part of the operating system. This is exactly what got Microsoft into this suit in the first place. I would urge a very restrictive definition of ''operating system'' as a collection of functions (APIs) provided to software applications, with no features that are directly accessible to the user. That, plus some sort of basic file-management application. This definition should be easy to understand, easy to enforce, and most importantly, honest.

Microsoft has shown a stubborn insistence on treating anything it wants as ''part of the operating system.'' A line must be drawn, and it must define a narrow space clearly and inflexibly. As it stands now, the Windows operating system (and all others) come bundled with many small utilities for convenience, plus e-mail and web-browsing applications, etc. The control of Internet access applications is very important. Microsoft must be barred from obtaining greater market share for its Internet applications simply by virtue of controlling the operating system rather than offering a superior product. Breaking the company up would be the most efficient and effective way of achieving that goal. The other options start looking like rate boards micro-managing a utility, but even that would be preferable to a monopoly unchecked. Which the proposed settlement enshrines.

Thanks for your attention,
Adam Rice adamrice@crossroads.net
Austin TX USA http://www.crossroads.net/

MTC–00002060

From: Gail Knowles
To: Microsoft ATR
Date: 11/23/01 9:21am
Subject: Microsoft settlement

Dear Justice Department,

I do realize that government and big business skip merrily down the road at most consumers expense, but don't you realize that making MS give schools THEIR proprietary hardware instead of money is in fact GIVING THEM MORE BUSINESS DOWN THE ROAD? The schools affected (or donated to, as you put it) will then be forced to buy all the upgrades and software updates for the MS systems, as opposed to spending the money where it could be needed or choosing their own computer systems, Mac, linux. . You know, Microsoft's competition, which has been illegally conspired against by Microsoft, which is why they are in court!! Ahem!

Just a thought. . .
Gail M. Knowles (taxpayer, voter, mom)
foolproof@mediaone.net
Gail M. Knowles
Foolproof Design
141 Raleigh Way
Portsmouth, NH
03801–3442
603–430–9429
Fax: 877–847–3418
Got anthrax?

MTC–00002061

From: Christopher Tiedje
To: Microsoft ATR
Date: 11/23/01 10:30am
Subject: How Could You?

How blind are the people who accepted this deal to allow Microsoft to blitz their way into the education software market by ''donating'' up to a billion dollars worth of equipment and software to struggling schools. This is punishment? It might cost them some cash, but it guarantees them a whole new market and new customers. For about the same cost as a major advertising campaign, they get gauranteed exposure to a whole new market which was unavailable to them previously. Now these schools will have to pay for the software updates, network administration, and software trainers which were never expenses prior to this ''settlement''. It also helps Microsoft perpetuate their monopoly by spreading into the ever-growing education market which they have been struggling to do for over 10 years. Congratulations, you just made Bill Gates even richer.

Chris Tiedje
Star Tribune
ctiedje@startribune.com
612.673.7702

MTC–00002062

From: Trevor Milevskiy
To: Microsoft ATR
Date: 11/23/01 10:24am
Subject: Antitrust deal

I have read through the internet that one of the agreements was to make microsoft give equipment and software to poorer schools. While this may seem a good idea on the surface, it is actually a way to increase microsoft's dominance in the computer industry by locking these poorer schools into the microsoft systems so that they will have to purchase upgrades etc from this company. Wouldn't it be a far better idea to give the schools the money so that they can decide how they will spend it. Some may need to use this money for other technological equipment like TV's Videos and Overhead Projectors to name a few.

Thankyou

MTC–00002063

From: S
To: Microsoft ATR,microsoftcomments@doj.ca.gov@inetgw,...
Date: 11/23/01 10:17am
Subject: Proposed U.S. D.o.J. settlement re: Microsoft anti trust case

This message is to add my voice to what must be a chorus of protest against the proposed settlement between the U.S. Government and Microsoft in the antitrust case in which Microsoft has been held guilty. The outline of the proposed settlement, as it has become public is both irresponsible and inappropriate. This company has been held guilty of major and continuing breaches of both Federal an state law. The U.S. Department of Justice has proposed remedies which fail to punish the company for past behavior, fail to provide an effective remedy to prevent future abuses of the same kind, and fail to provide an effective mechanism to detect and prevent new abuses.

One justification for this ''softball'' settlement has been the economic effects on a major industry that is already in recession. While Microsoft and other companies which ride financially on Microsoft coattails are major financial components of the economy, there is little sense in allowing the

continuation and expansion of the activities that 1) led to the guilty judgment in the first place, and 2) will result in continued restraint of trade, narrowing of competition, and use of illegal tactics to leverage monopoly power in operating systems and development related tools to gain dominant positions in new and emerging lines of business. The settlement would put any competitive challenges by other companies in the same chilling position that they now are in and will hinder recovery the economy on which we all depend. In short, appropriate restraints against Microsoft would **restore* a competitive marketplace and drive faster recovery in the information technologies industries that are now in recession. It is my opinion that the ''Microsoft as economic flywheel'' argument for settling this case too easily for Microsoft will damage rather than help economic recovery. Overall, the recent activities of Microsoft have confirmed that the direction and goals of Microsoft activities and intentions remain unchanged and are even more widespread, aggressive and damaging to consumers and to the marketplace. These recent actions include:

1) The recent intentional denial of access to the MSN network to anyone using software other than that supplied by Microsoft (Internet Explorer). This action is parallel to and a direct extension of the attempt and near success of Microsoft to put Netscape out of business. A move that damaged both the competitive arena in network browsers and has caused demonstrable damage to consumers by denying access to the MSN service by using their operating system monopoly to, first ,make use of Internet Explorer (IE) nearly mandatory for the average consumer, and then making the use of IE a prerequisite to use of the MSN service. This aggressive and anti competitive move was only deterred by the sensitive position that Microsoft was in at the time of this experiment vis a vis settlement with the D.O.J. It is not hard to imagine this tactic and similar ones becoming common Microsoft practice after the proposed settlement with the D.O.J. takes effect. Microsoft also continues to coerce the consumer to use only IE by corrupting pre- existing network coding standards, thus making Web pages developed with Microsoft tools and to Microsoft's own standards incompatible with other browser software. Such incompatibilities and usurpation of standards makes viewing and interacting with Web sites developed with Microsoft tools hard to view and hard to interact with when using browser software other than Microsoft's.

2) The release of the Windows XP operating system that continues to bundle software of types and in ways that establish and maintain a growing stream of revenue to Microsoft at the expense of many competitors and the consuming public. The settlement does nothing to address this new abuse and does little to prevent future activities of this kind. The ineffectual proposed D.O.J. settlement negates the effect of the judgment against Microsoft in the anti-trust case and leaves Microsoft free to continue to damage to both the IT industry and U.S. economy

3) Microsoft's announced '',net'' strategy is another facet of the overall anti competitive and anti consumer strategy Microsoft is implementing. The result of the ''.net'' strategy will be unprecedented control over and restriction of Internet use and Internet based commerce to the benefit of Microsoft and it's business partners, exclusion of competition, consumer choice, and allowing Microsoft to have virtually unconstrained control over the prices and terms of licenses and services that are available to the public.

For the above reasons I urge the states to continue to seek more effective penalties and more restrictive controls over Microsoft's activities until both competition in the IT industry and consumer abuses have been addressed effectively.

Steven H. Barry
Arlington, VA

MTC–00002064

From: Noel McRae
To: Microsoft ATR
Date: 11/23/01 9:48am
Subject: Microsoft settlement

I am concerned about the short term settlement. Will Microsoft in 5 years be allowed to run rough shod over smaller and espec. startup companies as they had in the past?

Will the settlement be a means of extending their monopoly and even hurt others? For example, if they contribute 1 billion dollars to schools using Intel products, that will seriously undermine the Macintosh's roll in schools. Why not make it so the schools can get equipment of their choice—either Intel or Apple?

MTC–00002065

From: cynthia
To: Microsoft ATR
Date: 11/23/01 10:52am
Subject: Microsoft settlement

I think that instead of giving Microsoft software to poor schools, Microsoft should have to give MONEY. That way Microsoft doesn't profit from software people like me wouldn't pay for anyway AND the schools are REALLY helped. Are we trying to give them more of a monopoly? Shouldn't we be punishing them for monopolistic practices?

cynthia nichols
30+ year teacher in public schools.

MTC–00002066

From: sbesedick1@mac.com@inetgw
To: Microsoft ATR
Date: 11/23/01 10:39am
Subject: a mistake

To Whom it May Concern,

How can the infusion of Microsoft based hardware, along with Microsoft software be considered a punishment. Talk about stifling competition . . .this judgment kills competition. Granted, the offer to help disadvantaged schools procure tech resources is well and good, but how can planting Microsoft based technologies in 12K+ more locations do anything but expand its already huge base. It is a well know fact, that many companies have been focusing on the education market because of its rich potential for growth. Well, with one fell swing of your gavel, you have turned over an ever larger section of the education market over to Microsoft. Wouldn't it have been more logical to have told Microsoft to foot the bill for whatever tech resources these disadvantaged schools wanted, rather than hand them market share on a platter? Such a recourse would have made the company have to compete for the privilege of doing business with our schools! Hasn't the issue been all along to level the playing field . . . I guess not! Microsoft has pulled out another victory here, and to add insult to injury, our government has made them appear to be the ''great benevolent ones.''

Stephen Besedick

MTC–00002067

From: Neil McKelvie
To: Microsoft ATR
Date: 11/23/01 10:35am

I think that any settlement should NOT include any provision for Microsoft to provide computers for schools. He may not be a recognized legal authority, but the song by Tom Lehrer, ''The Old Dope Peddler'', can be cited: ''He gives the kids free samples Because he knows full well That today's young innocent faces Are tomorrow's clientele.''

Quite apart from legal remedies as such, there could be a blanket policy from the top levels of the US government, that all branches institute a policy of diversification in computers and computer operating systems. At present, that means getting Macs, in addition to computers using the Microsoft operating system, but such a directive could well lead to other possibilities being introduced. Likewise, State governments could follow suit.

(Prof) Neil McKelvie
City University of New York

MTC–00002068

From: Ann Safir
To: Microsoft ATR
Date: 11/23/01 11:23am
Subject: Microsoft Proposed Settlement

I urge the justice department to reject the proposed Microsoft settlement. Microsoft clearly violated anti-trust laws and this settlement does not go far enough to punish the company for its illegal practices. Accepting the settlement will only encourage Microsoft's predatory ways and effectively kill any meaningful competition. This settlement is not in ANYONE'S best interest except Microsoft's!

Ann Safir
355 Highland Street
Weston, MA 02493

MTC–00002069

From: William Gardner
To: Microsoft ATR
Date: 11/23/01 10:54am
Subject: Microsoft judgment

Gentlepersons:

If you collectively let the 'Osama ben Ladens'' of the world PC industry off with just a minor slap on the wrist, you will have grossly disserved the United States and the world. Gates and his minions are some of the worst robber barons that have ever lived. Do not be fooled by their surface-only contriteness. They are just the wolf dressed up in Grandma's clothing, just waiting to ravage all PC consumers at their first opportunity. You must sanction them severely and also you must subject them to

an ongoing investigation of their daily activities and trends. To do less would be to commit treason on the consumers of the world.

William H. Gardner
US citizen, patriot, voter and veteran

MTC–00002070

From: Al Coir
To: Microsoft ATR
Date: 11/23/01 11:12am
Subject: Microsoft Settlement.

Microsoft is up to their old tricks. Buying millions of dollars worth of PC computers with their software installed for the schools. Promoting their software with children. Free advertising in the guise of a settlement. Really is that a penalty for them? They may even make the computers appear to be a gift. Why not force them to give the funds to the schools to be used as they desire,

Allard (Al) Coir—P.O. Box 23966—Phoenix, AZ 85063–3966

(623)846–7402—Celular (623) 341–4068—E-Mail <alcoir@amug.org

MTC–00002071

From: Jeff Shultz
To: Microsoft ATR
Date: 11/23/01 11:00am
Subject: Disapprove

To whom it may concern—

I wanted to send this message to say I strongly disapprove of the proposed Microsoft settlement. How is it a punishment to increase their market share in the education arena? This is exactly what they have been trying to do for years. This would actually increase their illegal monopoly. Once they place the computers and software in the schools, they then get to sell upgrades to the schools.

If you really want to punish them, you should make them give the money directly to the schools so the schools can choose their own computers and software. Then if the schools choose to purchase windows machines, so be it. But at least they have the choice.

Sincerely,
Jeff Shultz
(916) 498–8509

MTC–00002072

From: Taru Fisher
To: Microsoft ATR
Date: 11/23/01 11:27am
Subject: Microsft Settlement—NOT

I really am incredulous over the blatantly biased so-called Microsoft settlement. This is a settlement that would effectively (once again) provide this monopolistic monster with yet another leg up into infiltrating the school systems with their brand of garbage and unfairly compete with Apple Computer. Do the people brokering this deal really believe that US Citizens are this stupid and can't see the huge bias at work here? This settlement effectively gives Microsoft a tax break, great public relations, and an unfair advantage into the school systems. All the while, Microsoft continues its' monopolistic practices in a variety of other venues. Obviously, their money has a lot of clout with the government and the people who have complained the loudest are once again being shoved aside. I'm extremely displeased with this decision and will vote accordingly in the next election.

Jean-Anne Taru Fisher
213 Durand Way
Palo Alto, CA 94304
(650) 498–8149

MTC–00002073

From: Steven Kolins
To: Microsoft ATR
Date: 11/23/01 11:30am
Subject: settlement

FYI

I do not believe the settlement is in the best interests of consumers, companies, the government or education.

Steven Kolins
Alamance-Burlington NC USA, School System Computer Tech
mailto: Steven_Kolins@abss.k12.nc.us
Possess a pure, kindly and radiant heart!

MTC–00002074

From: Steven Schier
To: Microsoft ATR
Date: 11/23/01 11:30am
Subject: MS Settlement

Although I use both Mac OS and Windows, I believe what the Government has allowed MS to get away with way too much, and now, to cut into Apples largest market, education, is very wrong. If Mac OS 10 is given an ''even'' chance by all the ''lemmings'' out there, there's just no comparison between it and Microsoft XP.

MTC–00002075

From: David Spinney
To: Microsoft ATR
Date: 11/23/01 11:40am
Subject: Microsoft Settlement

Folks,

Please tell me that this is all a joke and you are not serious about the proposed ''settlement'' with Microsoft.

I simply cannot believe that you would be party to any agreement that will merely serve to increase Microsoft's share of the educational market, and offer them no real penalty at all.

Is there no one who will stop the Microsoft juggernaut before we are all paying them exorbitant monthly fees just to use our computers and access the internet?

Sadly,
David

MTC–00002077

From: Neil Lynch
To: Microsoft ATR
Date: 12/6/01 2:42pm
Subject: Microsoft settlement—not acceptable or effective

Gentlemen,

I am extremely disappointed with the settlement arranged with Microsoft.

In my opinion, the Microsoft settlement should be ''cash to be used for Microsoft or competitive products at retail, single user license, prices.'' This levels the field where alternative products may be considered and provides the companies their highest markup—so they can not undermine the effort with a ''special'' deal.

The monetary settlement should only be part of a longer reaching change. When Coca Cola's was first introduced and was widely used, its secret ingredient was a narcotic. The product was addicting, in that, if you ever started using it, you would not be able to function normally without it. ''Pepsi just doesn't give you the same feeling.''

When children first encounter a crack cocaine dealer, the first sample is ''no charge''. When Microsoft provides software to schools, governments, and public institutions—Microsoft knows they will have to come back for more. If nothing else, Microsoft will change data formats to inhibit their ability to exchange information until they purchase the latest products. Their current licensing practices will inhibit the ability of these institutions to update their hardware.

It took the government to make Coca Cola change its receipt. Simply extracting money would not have worked.

If allowed to settle in the delivery of Microsoft products, the Microsoft $1 Billion settlement will:

1) Cost Microsoft less than 10% of that amount 2) Lock the school systems into Microsoft products so that they will hereafter be purchasing ''upgrades'' 3) Lock out competitors and their products, effectively forever 4) Inhibit the school districts of considering alternatives, effectively forever.

Over the years, I have watched Microsoft effectively kill viable businesses that serviced the interests and needs of the public. (Artisoft, Borland, Coral, Sun, Apple, GEM, Netscape, etc.)

Over the years, I have watched Microsoft use its money (in the form of grants) to influence and inhibit access to alternative platforms (IE: UNIX) in the University Computer Science settings.

Over the years, I have watched Microsoft introduce products that only partially implement published industry standards and provide proprietary extentions that damage the public and industry in many facets. Over the years, I have watched Microsoft introduce ''updated'' products that cause an entire business to have to update because of the data format incompatibilies they introduce.

Over the years, I have watched Microsoft re-introduce inferior implementations of existing technology, using different terms that already had well established industry standard terms. The effect is that they introduced a language barrier, alienated (and thus obsoleted) computer science and information systems professionals, thus creating a void that was partially satisfied with the H1B Visas (to replace displaced American workers).

Over the years I have watched Microsoft adopt and refine the ''embrace and smother'' and ''financially exhaust a company in court rather than purchase or license their technology, trademarks, or patents'' techniques.

I was a Channel Partner with Microsoft, a Solution Provider, a Certified Professional, etc. I carried the Microsoft banner until I took time to examine their practices.

I now teach JAVA for IBM and Sun because it allows me to help the professionals that have been alienated by Microsoft to extend their skills in an industry standard and platform independent strategy. I have adopted a personal mission to help keep

Americans employed, and to promote technologies that are very advantagous (cost, connectivity, broad skill base, etc).

I was dumbfounded and infuriated by Microsoft's effort to confuse, compromise, and corrupt the JAVA technology and to explicitly damage Sun Microsystems. I am acutely aware that Fry's Electronic's in California stocked NO Sun Microsystems products immediately following Microsoft's loss to Sun in their JAVA lawsuit.

I was not able to purchase a retail competitive Internet Browser when I determined that Microsoft's Internet Explorer:

1) invariably connects to various nodes at microsoft.com and msn.com without user knowledge or consent (before your home page and between requests) 2) that the configuration option to disable ''ieupdate'' has no effect 3) that IE will not work if all communications to Microsoft and MSN are disabled 4) That even with cookies disabled, and no prior use IE still sent system or ''cookie'' like information to the Microsoft site—judging from the volume of bidirectional data transferred. This means that the Microsoft assimilates and sends personal system information without the knowledge or consent of the user.

The ''XP'' products have extended this practice even than I describe above.

It took the government to make Coca Cola change its recipe. Simply extracting money would not have worked.

More specifically, Microsoft should not be able to inject their systems and products into schools. The people should not accept a settlement that would force this to happen. The schools, however, should have the option to purchase Microsoft and any other products.

Sincerely,
Neil Lynch
Saline, Michigan

MTC–00002078

From: bradleyc@mac.com@inetgw
To: Microsoft ATR
Date: 11/23/01 12:07pm
Subject: Microsoft Settlement

Do not settle!

Break them up!

Microsoft, Stifles innovation! Ask Novell. Ask Caldera, Ask Corel, Ask Apple... The list goes on and on. It is time to do what is right. Break them up and make them compete.

Sincerely,
Brad Caldwell
Clearfield, UT

MTC–00002079

From: Jack Maher
To: Microsoft ATR
Date: 11/23/01 11:57am
Subject: Microsoft Antitrust Rulling

Hello, I am extremely displeased at the ruling in the Microsoft antitrust case. This ruling smacks of a ''sell-out'' by the Federal government to ''Big Business Crony'' and a ''whitewashing'' of their behavior and activities. The ruling will have absolutely no effect on their predatory, monopolistic practices or their continued quest to dominate the Internet.

The penalties suggested are a joke and indeed the suggestion by Microsoft that they ''donate one billion dollars worth of hardware and software'' to poor and under served schools and children is nothing more than a marketing ploy. Typically, Microsoft will ''donate'' out of date software and hardware and then take an inflated tax deduction for product that no business would purchase or use. And doubly disturbing, is the fact that by inserting the Windows operating system into these schools, they are just making the schools and the children dependent on Microsoft and their products.

If such a donation is considered, it should be in cash so that the schools can decide what hardware or software they wish to purchase. The schools should be able to purchase from any OEM or vendor and any operating system platform, including but not limited to, Apple Macintosh, Unix, or Linix.

As a small educational, multimedia business, we are typical of Microsoft's victims. Please do not reinforce and continue the destructive, monopolistic behaviors of this behemoth. The petty penalties proposed by this ruling will only encourage Microsoft to continue to search out and destroy competitors. They will not stop until they achieve complete control of the PC industry and the internet.

Respectfully,
John J. Maher, MD
iNet Educational Resources, LLC
Janesville, WI

''The battle is now joined on many fronts. We will not waiver, we will not tire, we will not falter and we will not fail. Peace and freedom will prevail.'' President George W. Bush

MTC–00002080

From: Matthew
To: Microsoft ATR
Date: 11/23/01 11:42am
Subject: microsoft

As a consumer, I would ask that the DOJ take a much tougher line against a company that has been found guilty of monopolistic evils more than once.

I would ask that you:

a) break Microsoft into various companies, one for the OS, another for applications and perhaps a third for their ''internet strategy and services'', b) require than any P.C. sold for the next 36 months come without Windows and its various flavours bundled and preloaded (hey maybe by forcing the consumer to see that there are alternatives...) c) require Microsoft to develop for the Macintosh platform for a minimum of 72 months d) require Microsoft to stick to the established standards when creating multimedia and/or web browsing software for a minimum of the next 36 months. e) prevent Microsoft from taking over any software company for the next 36 months (i.e. Adobe).

I see that Microsoft has just completed another legal challenge by agreeing to donate PCs to schools. Somehow, I doubt that training another generation of consumers that Microsoft is greatest/best/all powerful is really a good thing or a very harsh punishment. How about making sure that Microsoft donates Apple computers rather than machines that run Windows? That would be a fitting punishment.

Thank you
Matthew Wensley

''He who makes a beast of himself, lessens the pain of being a man''

(By now you would think my life was completely painless)

MTC–00002081

From: mactech@mac.com@inetgw
To: Microsoft ATR
Date: 11/23/01 1:07pm
Subject: You have got to be kidding

I cannot believe your punishment for MicroSoft to give $1 billion in software to schools. Totally absurd. It is like instead of sending a drug dealer to jail, you have him push more of his drugs, only to schools.

Wake up DOJ. Give them a real punishment, something like donate $1 billion in money and let the schools decide where to spend it. $1 billion of software costs M$ something like $100 million, if not much less.

MTC–00002082

From: Justin Snyder
To: Microsoft ATR
Date: 11/23/01 12:37pm
Subject: Re: Microsoft Settlement

There are two men, both extremely wealthy. One develops relatively cheap software and gives billions of dollars to American charity. The other sponsors terrorism against all Americans. Question: Why did the Clinton Administration Department of Justice with Janet Reno at the helm spend more money chasing down Bill Gates over the past eight years than Osama bin Laden?

Just letting you know that we're sick and tired of this persecution against success. The proposed settlement with Microsoft is outrageous at best!

Justin Snyder

MTC–00002083

From: Les Fuchs
To: Microsoft ATR
Date: 11/23/01 12:23pm
Subject: Comment on proposed settlement

Dear Sir or Madam:

Permitting Microsoft to settle its anti-trust conviction by allowing it to increase its monopoly influence is mind-boggling. I'm referring to the provision in the proposed settlement that would allow Microsoft to donate $500,000 worth of hardware, software and training to public schools. While this may seem altruistic on their part, it is actually an incredibly smart, if disingenuous, move to spread their Windows hegemony. There are two major problems with this proposal.

First, most recipients will opt for Wintel setups by virtue of the facts that Microsoft is willing to grant Windows licenses at little or no cost and that the vast majority of their software runs only on Windows hardware. This will hurt Apple and help Microsoft, exactly the opposite result that the Justice Department started out to rectify.

Which brings me to the second major problem. The government sued Microsoft because the company was engaging in monopolistic behavior to the detriment of other companies and, ultimately, the public. This aspect of the proposed settlement does

nothing whatsoever to address the issue that originally prompted the lawsuit. It's as if a doctor suggested her patient change the oil in her car as a cure for the patient's cancer. The cure the Justice Department is willing to accept has nothing at all to do with the harm Microsoft does by its monopolistic behavior. In fact, it serves to further the harm rather than reduce it.

I respectfully request that this aspect of the proposed settlement be withdrawn by the Justice Department. If the Department cares at all about fashioning a just solution to the problem that it initially sought to correct, it will replace this remedy with one that addresses the issue of Microsoft's monopolistic behavior rather being an accomplice in perpetuating it.

Yours truly,
Les Fuchs
3035 River North Pkwy.
Atlanta, GA 30328

MTC–00002084

From: Christopher Phillips
To: Microsoft ATR
Date: 11/23/01 12:17pm

To the DOJ:

I am quite concerned that the settlement you have reached with Microsoft will only provide the software company with more opportunities to extend its monopoly. Much like the Gates foundation which already exists, the foundation will buy computers and likely Microsoft software. If this proposed foundation is formed, it will only increase the proliferation of the Windows operating system and other technologies, and allow it to gain a stronger hold on not only the OS and browser markets, but others as well. Additionally, if the foundation results in a greater installed base of Windows machines in public schools, this will only extend their ability to engage in anti-competitive practices, practices which Microsoft has no indication of reversing even given the recent anti-trust litigation.

The settlement does nothing for consumers. It does nothing for the losses incurred by other companies. It does nothing to promote innovation in the industry. Frankly, the DOJ should be ashamed of this settlement, and should be investigated for political influences which could have been involved in the making of this settlement. This settlement is a win-win situation for Microsoft and blow to the plaintiffs, the consumers, and the justice system of our country.

Christopher Phillips
Pittsburgh, PA
cphillips@mac.com

MTC–00002085

From: Tony Begonja
To: Microsoft ATR
Date: 11/23/01 1:22pm
Subject: Comments on the proposed Microsoft anti-trust case

To whom it may concern:

I strongly think that the settlement that DOJ has proposed in its antitrust case against Microsoft is too mild. It fails to force Microsoft to adequately make amends for its illegal maintenance of a monopoly in Intel-based operating systems, as upheld by the US Court of Appeals for D.C.

This proposed settlement needs to be scrapped!

Sincerely,
The Very Rev. Tony Begonja

MTC–00002086

From: daniel
To: Microsoft ATR
Date: 11/23/01 1:21pm
Subject: NO!

Please DO NOT let Microsoft got off by ''donating'' software and computers. The computers are already donated and the software is free by way of piracy in the first place. Most 12 year old kids have more software than I could afford to buy using my life savings.

Make them pay CASH!
Daniel DeLisse
14321 La Cueva Ave NE
Albuquerque NM 87123

MTC–00002087

From: Woody Hansen
To: Microsoft ATR
Date: 11/23/01 1:18pm
Subject: Microsoft settlement; WHAT settlement?

To whom it may concern:

My comments based on a recent news article shown below:

''Microsoft Reaches Private Antitrust Settlement

By REUTERS WASHINGTON—Microsoft said on Tuesday it had reached a deal to settle a raft of private antitrust cases against the company, which sources said would cost the software firm more than a billion dollars.

The agreement with class action attorneys would require the company, which agreed to settle its separate 3-year-old case with the Justice Department earlier this month, to provide free software and computers to more than 14,000 of the poorest U.S. schools over five years, sources close to the case said.''

The Justice Department is waaaaaaaay off base on this one. What a sweet deal or ''settlement'' for Microsoft! What a blow to the market place in general, and to Microsoft's competitors in particular! THIS is JUSTICE? This misguided ''settlement'' amounts to little more than a billion dollar investment for the FUTURE SUCCESS of Microsoft! It doesn't take a great scholar to see that this ''settlement'' provides Microsoft with an additional future client base of 14,000 units! It doesn't take a leap of imagination to realize that in time—probably in less than five years, certainly after five years—these 14,000 ''units'' will need upgrading of some sort or another.

In time these, 14,000 units will need their computer boxes upgraded. Hmmm, after using Microsoft products for FIVE YEARS, I wonder what operating system (Microsoft Windows?), what hardware (Microsoft compatible?), and what software (Microsoft?) these U.S. school administrators will want, even DEMAND, their school districts purchase as REPLACEMENTS? Is there any doubt? What a FUTURE windfall for Microsoft! Who do we have to thank? Right now, we have to thank the U.S. Justice Department.

It's not that giving computers to the poorest U.S. schools is bad—that's a commendable, if not somewhat idealistic—approach to education; what is UNBELIEVABLY SHORTSIGHTED, MISGUIDED, AND MISDIRECTED is the fact the GOVERNMENT—THE JUSTICE DEPARTMENT—is simply FURTHER encouraging the monopolistic use of Microsoft products! This is a no-brainer in FAVOR of Microsoft. Whose side are you folks on anyway?

The old Scoreboard of Life would read: JUSTICE DEPARTMENT (read U.S. citizens) ''0'' ... MICRSOFT ''14,000!''

I'll bet Bill Gates is laughing at the Justice Department all the way to the bank, if not NOW ... certainly in five years! Invest a billion dollars now, and reap the ''investment'' reward in five years! Most business people would LEAP at the same chance.

Let's not REWARD Microsoft for breaking the law! I agree we should not put Microsoft out of business entirely, but we need a better attempt at leveling the competitive playing field. As the decision now stands, Microsoft has little to lose in the present and MUCH to GAIN in the future! The current decision is reward oriented, not punishment oriented.

Please reconsider your position. Thank you.

Woody Hansen

MTC–00002088

From: Ian Elliott
To: Microsoft ATR
Date: 11/23/01 1:43 pm
Subject: Microsoft

A leopard does not change his stripes. The confrontatinal posture taken by Microsoft in recent court proceedings are the way they attack the market.

There is not sufficient motivation for Microsaoft to change as a result of the penalties and limitations.

The consumers, individual and corporate loose@!!!

Ianelliott@mac.com

MTC–00002089

From: Ken Sherman
To: Microsoft ATR
Date: 11/23/01 1:40pm
Subject: Microsoft antitrust settlement

Dear Sirs,

I am NOT in favor of the proposed settlement in the Microsoft VS. US Government anti-trust case. There are many, many problems with the settlement in my opinion. There appears to be no punishment for the crimes. There appears to be no restitution for the victims, either businesses or individuals. There appears to be nothing but an ineffective panel setup to help Microsoft do nothing more than obey the same laws they have been continually flaunting.

Microsoft has shown contempt for the courts, the rights and intellectual property of other businesses and individuals. I think it is necessary to make a statement to this company that this behavior will not be tolerated.

Please consider a HEAVY fine to be paid to the companies hurt in the past, and some effective ruling to make it IMPOSSIBLE for this scandalous behavior to continue.

SIncerely,
Ken Sherman
11575 Darlington Dr.
Orlando, FL 32837

MTC–00002090

From: Dale
To: Microsoft ATR
Date: 11/23/01 1:30pm
Subject: settlement

After years of Microsoft monopolizing markets, which they have been on trial for, the justice department has let off the hook by further allowing a Microsoft dominated world.

The schools receiving these machines furthers the monopolization of the computer industry. It allows Microsoft another ''in'' to the consumer. These poorer schools will not have other platforms like Linux or Apple to show students, so they grow up not knowing anything but Windoze.

As an educator, I believe in solutions. I believe that Microsoft should have to provide the money, not their products. In order to fight the monopoly, make Microsoft buy Apple computers, and PCs running Linux. That would be a solution, rather than allowing Microsoft to use Dell and the other companies already in bed with Microsoft to force XP down our throats.

Dale Loebel
Tech Coordinator
Kluge Elementary School
Milwaukee Public Schools

MTC–00002091

From: D3215@aol.com@inetgw
To: Microsoft ATR
Date: 11/23/01 1:24pm
Subject: MS settlement

It appears that the government has gone soft after a hard fought battle. I see nothing to prevent Microsoft from doing almost the same thing a few years down the road. Why spend the time and money to file the complaint if you are not going to prevent it from happening again? The only true remedy is the break up of the company.

Sincerely,
David J. Carlson

MTC–00002092

From: MKallin
To: Microsoft ATR
Date: 11/23/01 2:04pm
Subject: Settlement

The only questions that remain are how much and who did Microsoft pay for this oh so gentle slap on the wrist.

MTC–00002093

From: Ted Grigg
To: Microsoft ATR
Date: 11/23/01 2:01pm
Subject: Microsoft Settlement a Slap on the Wrist

This settlement is totally inappropriate for this company that has chosen to thumb its nose at US law. The settlement should not only compensate the end-users and companies harmed by its illegal use of market power, but the company should pay billions of dollars in penalties.

The idea of giving away free software to the educational market actually rewards Microsoft for its deliberate and proven illegal maneuvering in a ''free'' market place. The court now fulfills Microsoft's desire to steal yet one more more market they do not control.

If the court insists on free gifts to schools, then require a cash settlement to schools so the schools can choose what software they prefer to buy with the money.

The cash should go through the court and not directly to the schools because Microsoft will somehow use the money as a marketing ploy by offering large discounts for their software and treat the cash settlement like a coupon worth several times its value. Do not allow this settlement to become Microsoft's next court-directed advertising campaign.

Splitting the company was the only settlement that began to make sense. Microsoft illegally destroyed Netscape and continues to hurt Sun, Apple and others by punishing hardware suppliers from supporting competing products.

Even if the settlement restrains Microsoft (a highly doubtful outcome), Microsoft should now pay more than it gained for it's illegal practices in cash.

I only hope that those states who recognize Microsoft for what it truly is will somehow prevail and find a way to punish Microsoft for its injustices.

We still may have a chance to support the law. It appears, however, that the court may actually reward Microsoft's illegal action. Please punish Microsoft for its illegal actions and lack of respect for the law.

Best,
Ted Grigg, Senior Direct Marketing Consultant
Zachry Associates Dallas Office
Direct: 972–471–0380
Fax: 972–410–0016
e-mail: tgrigg@zachryinc.com
Web: http://zachryinc.com/

MTC–00002094

From: Jan Steinman
To: Microsoft ATR
Date: 11/23/01 1:58pm
Subject: Microsoft

Dear US Justice Department,

I do not believe the remedies reported in the news are going to have the slightest impact on Microsoft's predatory marketing practices, and subesequent illegal abuse of monopoly power. Take, for one small example, the case that started it all: internet browsers. Since the time the case started, Microsoft bundled their browser for free, and essentially drove all other browsers out of the market. They claim they have a right to do this, and that they are only serving consumer needs. But their most recent versions—including ALL browsers shipped with the new Windows XP—have made a significant change: they no longer support industry-standard third-party browser plug-ins for presenting specialized content, such as movies, sound, animation, and virtual reality.

This means that third-party content providers, such as Real Audio, Macromedia Flash, Adobe PDF, and Apple QuickTime—just to name a few of the larger players—no longer function under Microsoft's browsers using the standard installation procedure. Instead, they must provide special installations that go through an additional layer of software—Active X—that Microsoft's own content provisioning software does not go through.

This means that ordinary consumers will have to struggle needlessly to install third-party content provisioning software, but perhaps more importantly, if they do actually get through that struggle, the third-party plug-ins will run more slowly and with less capability than will Microsoft's own content provisioning software.

This also means that some 90% of new computers sold cannot properly access my web site, which has Apple QuickTime content, whereas 90% of pre-Windows XP computers could. With this move, done right under your collective noses while you negotiated a cushy ''hand slap'' settlement, Microsoft not only successfully extended their operating system monopoly into the internet browser market, but now they have extended their browser monopoly into the content provider marketplace! They have broken the law once, and while being penalized, have broken it again.

Take heed of my prediction: now that Microsoft controls content provisioning, content will come next. Within three years, the average consumer with an ''out of the box'' computer will be unable to view any content that Microsoft has not provided. With all due respect, the Ashcroft Justice Department is asleep at the wheel on this one. Quit meddling with ''states' rights'' Oregon and California, and concentrate on appropriately punishing large, multi-national companies who are already convicted of breaking laws.

—Jan Steinman
<mailto:Jan@Bytesmiths.com>
Bytesmiths <http://www.Bytesmiths.com>
19280 Rydman Court, West Linn, OR 97068, 503.635.3229
CC:Mac EvangeList Classic

MTC–00002095

From: root@wt6.usdoj.gov@inetgw
To: Microsoft ATR,antitrust@ftc.gov @inetgw,Ralph@essen...
Date: 11/23/01 2:31 pm
Subject: Microsoft Hegemony: The Secret Result
CC: letters@latimes.com @inetgw,letters@sjmercury.com@i...
Re: Pressing the case against Microsoft

After careful review, the proposed settlements fall far short of restoring competition and innovation to the computer software industry so important to California and our nation.

The settlement doesn't require careful review because it is impossible that Microsoft would agree to something that's truly effective. The settlement is a failure in the most abstract because it does not remove Microsoft's control of the OS API. By scrutinizing the settlement you legitimize the insanity that behavioral remedies is an acceptable substitute for ending the hegemony. Anyone serious about modifying corporate behavior for public benefit knows that the micromanagement approach will accomplish little else than damage the argument for regulation—exactly the secret result that many want from this case. The simple fact is that the government must guide

industry or it runs off the track. It's happening in PC software & hardware, it's happening in energy, it's happening in military, it's happening in ag/food, it happened in banking, it's happening in pharma, it's happening in biotech, duh, it's happening everywhere.

PC software—MS junk technology, hijacking of interoperability

PC hardware—Intel stifling paradigm shifts, e.g. RISC

Energy—paradigm shift to renewables hijacked by oil interests

Military—Air Force pilot pride hijacking paradigm shift to drones

Ag/Food—refined food creates diseases of affluence

Banking—savings & loan debacle of 1980s

Pharma—bandaid fixes instead of preventative medicine

Biotech—frankenfoods

MTC–00002096

From: Robert O'Brien
To: Microsoft ATR
Date: 11/23/01 2:09pm
Subject: RE: Microsoft reparations

The reparations in the antitrust case with Microsoft should not offer the company another opportunity to further it's stronghold in the marketplace. Specifically, the recent news of Microsoft proposing to give technology to education would, I think, be analogous to it's original practice of wedging out competitors with it's browser software.

Giving to education is a noble gesture and perhaps a good one but only if that giving is not attached to it's products but rather monetary, letting the school's themselves decide how to best spend it on technology, even specifically computer technology. This would provide the desired effect of reparation without the undesirable effect of increasing market base unfairly, again.

Thanks for your attention in this matter.

Robert O'Brien, Consultant
1813 Ryan Drive
Bismarck, ND 58501
(701) 223–4093
bobo@btinet.net

MTC–00002097

From: Patrice Drolet
To: Microsoft ATR
Date: 11/23/01 2:07pm
Subject: Give computers to shcools, yes, give MACINTOSH computers!!!

Hi,

I am a user Mac, Windows and Linux computers. I think that an appropriate way to deal with the MS issue is to agree that they give schools computers from other manufacturers, like Apple (Mac OS X) or even Linux (do not know if the schools would use them?). This would not increase MS's monopoly!

Regards,

Patrice Drolet, md
Logiciels INFO–DATA inc.
e-mail:pdrolet@mac.com

MTC–00002098

From: Michael J Wise
To: Microsoft ATR
Date: 11/23/01 2:05pm
Subject: Punishment -> Marketting Opportunity for M$?

The proposed settlement has turned what should have been a punishment into a marketting opportunity. A Billion dollars worth of Software, which it will cost them maybe a *MILLION* dollars to actually *MAKE*, and you are taking their stuff and GIVING it to the next generation, like a hit of crack.

The marketting guyz in Redmond must be absolutely rolling in the isles. I am disgusted.

Aloha mai Nai'a.

''Please have your Internet License http://kapu.net/~mjwise/ and Usenet Registration handy...''

MTC–00002099

From: Lynne LaMaster
To: Microsoft ATR
Date: 11/23/01 3:10pm
Subject: Microsoft Settlement

I want to express my concern about this MS settlement. It will harm companies like Apple, who have a strong presence in schools. How in the world do you expect Apple to compete with free? You would be better off requiring that they put $1 Billion into a trust account where the schools can purchase any kind of software/system they desire. Or, require them to give Office: OS X to any school that wants it. I see no reason why you should harm Apple in this settlement. This is absolutely ridiculous.

Lynne

MTC–00002100

From: Harden
To: Microsoft ATR
Date: 11/23/01 2:48pm
Subject: I Strongly Disagree with Microsoft School Proposal, Extends Monopoly

Hi !

Do not accept this marketing ploy. The cost to MS will be trivial. No Punishment at all for what they have done. Prior to and during WW II, Adolph Hitler tried to control people by burning books, controlling information. To a great degree he succeeded for a time in fooling the German people and the world. Then the world figured him out and he lost big time but the cost to the societies of the world was very great and reasonable Germans were very embarassed by their foolishness. Most recently, the Taliban has tried to control the lives of the folks of Afganistan by controlling information and everything else they could do with their lives. They are losing but the cost is very high. Bill Gates and Microsoft have been successfully placing a ring in the noses of everyone they can to do everything the Microsoft way. They are trying to control information and the way we receive and view it. VERY DANGEROUS !!

If Microsoft succeeds much further, we will all someday understand the foolishness of our ways. BUT AT WHAT PRICE ??!!

MTC–00002101

From: Lane Roathe
To: Microsoft ATR
Date: 11/23/01 2:40pm
Subject: Settlement Feedback

While I realize that the importance of the Microsoft case degraded significantly after Sept. 11, the Justice Department's settlement is a grave disservice to the American people. The fact that Windows XP continues the practices found to be illegal in a court of law, and that Microsoft is now set to dominate the home console gaming market should have been enough evidence that Microsoft needs tough love. I'm all for smaller government, but that does not mean allowing one company to have a stranglehold on the future of an entire generation!

Sincerely,

lane

Lane Roathe, President Ideas From the Deep
<mailto:lane@ifd.com> <http://www.ifd.com>

MTC–00002102

From: Jan Chesne
To: Microsoft ATR
Date: 11/23/01 3:59pm
Subject: A reward, not a punishment

The proposed settlement is shocking. This is more like a reward for Microsoft. It will only help them oust their minor & struggling competitor, Apple Computer, from the schools. Apple is generally well-liked in education. If you want to punish MS, why not have them purchase Apple computers for the schools? In neither case will it have any effect on MS changing its ways. I can't imagine why you would want a settlement that furthers Microsoft's 95% monopoly.

MTC–00002103

From: fred ford
To: Microsoft ATR
Date: 11/23/01 3:47pm
Subject: I THINK YOU SHOULD TRY TO SETTLE ALL PARTS OF THE MICROSOFT DEAL AS SOON AS POSIBLE AND LET THE TEC

I THINK YOU SHOULD TRY TO SETTLE ALL PARTS OF THE MICROSOFT DEAL AS SOON AS POSIBLE AND LET THE TECH WORLD GET BACK TO WHAT IT DOES BEST.

FRED

C. FORD fredevy@beaufortco.com

MTC–00002104

From: Wm. Williams
To: Microsoft ATR
Date: 11/23/01 3:38pm
Subject: I hate Microsoft

Anything the govt does to them isn't enough. I think Microsoft is a bully, so I use Netscape and am upset that University of Phoenix forces me to use Explorer, to use their site/limited student access, also they require MS Word etc.

Wm. Williams

MTC–00002105

From: semperfigungho
To: Microsoft ATR
Date: 11/23/01 3:16pm
Subject: Agreement

Agree with Microsoft's settlement bid and move on. This has gone on too long and everyone benefits with new bid.

MTC–00002106

From: John Koenig
To: Microsoft ATR
Date: 11/23/01 5:35pm
Subject: Micosoft settlement

Microsoft has been found guilty of being a monopoly because Microsoft has used its

power to crush competition, restrict access of new products technologies and, keep consumers from accessing choices that would have otherwise been available in a normal market. Microsoft keeps prices artificially high and delivers software that is defective and/or of poor quality. The security holes in Microsoft products pose a great threat to the computing public (and, as all business and commerce is affected, even to those who do not own or use computers themselves are harmed).

What is the government actually doing to protect me (and other taxpayers) from this abusive monopoly? With billions of dollars at stake, if Microsoft is allowed to get away with a mere slap on the wrist, it will go back to business as usual. I'll be watching and, I'll remember how (and if) the government lives up to its responsibility when I'm in the voting booth in November 2002 . I welcome a response.

Sincerely,
John P. Koenig
24 Chichester Avenue
Center Moriches, NY 11934–2402
631–878–8424
jkoenig24@earthlink.net

MTC–00002108

From: Robert Greenleaf
To: Microsoft ATR
Date: 11/23/01 4:40pm
Subject: Microsoft Anti-trust Settlement

To Whom It May Concern:

I am deeply disappointed that the current administration is caving in on Microsoft. Fair competition is essential for capitalism to work and Microsoft has done everything in its power to stifle competition. Because of their monopoly they get by with releasing mediocre products. Further, their activities are hurting the growth of innovative technology and your weak-kneed position will hurt the economy in the long run. Please take a longer range point of view and stimulate competition by forcing Microsoft to cease their efforts to take over the internet and virtually all computer software.

Robert Greenleaf

MTC–00002109

From: Raul Ramirez
To: Microsoft ATR
Date: 11/23/01 4:32pm
Subject: Bed fellows

Is the Bush administration fair with the people of these United States ? We deserve to know if the settlement is just.

ramirez2@home.com

MTC–00002110

From: jahbini@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 11/23/01 6:53pm
Subject: Microsoft settlement

When someone cheats in an athletic competition, the culprit is disqualified and other contestants are given their proper rewards. However, in the contest of the software business, the culprit is now being rewarded by increasing the power base by giving away more software!

This is like having Gillette give away razors to men. Gillette loves that, because, they will be happy to sell razorblades to those same men in a few weeks.

So Microsoft wins by increasing the user base, and competition looses. Maybe forever.

The guys on the prosecution who went along with this absurd settlement should be investigated for conflicts of interest! This is not even a slap on the wrist. It's a congratulatory pat on the back for Microsoft.

Jim Hinds

MTC–00002111

From: Joel Markwell
To: Microsoft ATR
Date: 11/23/01 6:07pm
Subject: DOJ and Microsoft: A Failure to Meet Your Responsibilities to Your Real Bosses

I am incredibly disappointed in the abdication by the Justice Department in the Microsoft Antitrust Case. Microsoft is one of the most aggressive anti-competitive companies in our history and has been proven to be so over-and-over. The list is long and much of their wrongdoing was not even presented at court. Their actions towards lesser companies have stifled creativity, crushed smaller, more flexible and ultimately more consumer-friendly companies by simply threatening to enter their market and have for years they have produced a product that is inferior in almost every way to every one of their competitors and they can only do so because of their size.

No financial backer would ever dare subsidize the creation of a new word-processor to challenge Word or spreadsheet to challenge Excel, yet smaller companies do so every day with intelligence and creativity only to be run out of business by Microsoft. Developers fear MS to the extent that I have seen them refuse to criticize MS on camera for fear of being hurt by MS, yet off camera they clearly hate the company and the product. Because of their iron grip on the computer space, MS has almost no incentive to make their products more secure and often fail to release security patches in a timely manner and often release products they know to be buggy because there simply is no broad-based alternative out there for the consumer and server market in their space.

Bill Gates and now Ballmer have both shown their disdain for the American public and the US Justice Department publicly by their words and behavior and yet the Justice Department has completely abrogated their responsibilities to the American consumer, I assume, at the ''suggestion'' of the Bush administration.

The biggest loss to the American consumer has been the Republican Congresses consistent failure to agree to even reasonable campaign finance reform and so long as large monopoly corporations like Microsoft continue to own America's politicians, we working American will continue to unrepresented in the halls of justice and the halls on Congress.

Forcing Microsoft to act as a more responsible and competitive American company, even to the extent of breaking it up will not hurt the US economy. The effect of forcing MS to toe the line or even to break it up would be a breath of fresh air to a computer industry strangling in Microsoft's grip. How much stronger would the US economy be if MS were not sitting astride it? The Justice Department doesn't worry Bill Gates, because he might as well own you as he does everything else, given the present circumstances.

Sincerely,
Joel Markwell
736 Ponce de Leon Terrace
Atlanta, GA 30306
joeldm@mindspring.com

MTC–00002112

From: Bill King
To: Microsoft ATR,antitrust @attorneygeneral.gov@inetgw
Date: 11/23/01 6:03pm
Subject: Microsoft settlement

I'm writing this brief note to express my displeasure with the recent US Dept. of Justice's Microsoft settlement. I firmly believe that Microsoft should have received harsher penalties for their outrageous conduct. However, I'm somewhat relieved in that some of the state attorney generals (who I've cc'ed on this e-mail) are also not satisfied with the terms of the settlement. I hope they continue to pursue a more appropriate and fair judgement.

While I realize that the drawn-out nature of this lawsuit may have made a settlement attractive, I am disappointed in the lack of any real punishment. The message the current settlement sends is that while a company can engage in unfair practices, any punishment will not reflect or in the slightst way compensate for the damage they cause.

I realize that Microsoft now plays a significant part of the day-to-day economy/stock market of the US and the world to a certain extent. A judgement against them will have a trickle down impact. I feel, though, that any financial impact that a Microsoft punishment might cause would be well worth it considering their predatory and overreaching practices. Their behavior has caused irreparable harm to the computer industry, among others, and I believe they must be stopped or at least punished for what they have wrought. Thank you for allowing me to voice my opinion.

Bill King
207 N. Narberth Ave.
Narberth, PA 19072

MTC–00002113

From: Dan Snyder
To: Microsoft ATR
Date: 11/23/01 7:19pm
Subject: Why the MS settlement isn't enough

Dear US Justice Department,

I do not believe the remedies reported in the news are going to have the slightest impact on Microsoft's predatory marketing practices and illegal abuse of monopoly power.

Here are three quick examples from the past six months of how Microsoft continues to use their monopoly power in one market to destroy competition in another market.

1. Microsoft used it's operating systems monopoly to eliminate any serious competition in the web browser market. Microsoft is now using their web browser dominance to gain further control over Internet content by dropping support for industry-standard third-party browser plug-ins. Microsoft is doing this to force

competition out of other Internet areas like streaming media. This move forces companies using the competing products to re-design their web sites. This is very expensive for companies and many of companies decide that since they are being forced to ''redesign'' they should use the Microsoft product to try and avoid a problem like this in the future.

2. Microsoft has removed the Java runtime environment from it's Windows XP operating system. Java applications can run on any operating system, which is a big threat to Microsoft's Operating Systems dominance. By doing this, Microsoft is making it harder for the average PC user to use Java based applications. Due to this added inconvenience of not having Java installed, thousands of customers will no longer use competing applications written in Java.

3. In Windows XP, Microsoft has dropped support for saving files in the industry standard MP3 format in favor of their own proprietary format. Again, Microsoft is trying to use their operating system to gain control of another market, the digital music market.

Please reconsider this ''hand slap'' settlement. Only breaking up the company will open up competition and benefit consumers, since Microsoft could then no longer leverage monopoly power in one market to gain monopoly power in another market.

Thanks for your time,

Dan Snyder, Apple Product Professional

MacDataTech, Apple Solution Experts

Phoenix, AZ

Phone: 480–539–9622, http://www.macdatatech.com

Macintosh Support, Networking, Programming, Training & More!

MTC–00002114

From: Arkady Kofman
To: Microsoft ATR
Date: 11/23/01 7: 16pm
Subject: MISCROSOFT ''SETTLEMENT'' IS A JOKE!!!
[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]
CC Senator Schumer

Dear Department of Justice,

Below please find a copy of my email(''LOSE WIN'' TRICK) to my NY Senator*** I hope that DOJ does consider how numerous American's, like myself, feel about this issue. The Microsoft MUST NOT BE ALLOWED to practice its ''Kill The Competitor, then Appologize-Settle, if need be'' policy. This School Donation ''Settlement'' is Highly UNSETTLING to anyone who can look past its nose. It also is wrong, and un-American!!! When Microsoft expands into almost every other area, like cable TV, Internet, Digital Music, using their ILLEGALLY acquired wealth against their competitors, that scares me. For Microsoft to wrap themselves into American Flag, and say: how can you go after us(MSFT) when our country is at war, when economy is down? THAT'S UGLY HOGWASH!!!! If Microsoft ''gets away with it'', when and where will it stop? Microsoft MUST be made to PAY for it's crimes! The PUNISHMENT should be made to compensate us the consumers, the fallen competitors who they killed off. As to schools, let them DONATE $$ only, so that schools are free to buy Apple Computers, if they choose to do so, or and any other software.

The current ''SETTLEMENT'' is nothing bad a huge Microsoft banner which is shoved down the throats of those hungry schools. After the time period expires, the graduates of those schools are railroaded into becoming Microsoft customers for life!!! Boy, is DOJ so dumb not see this Microsoft trap? Or worse, is DOJ scared of Microsoft, or worse yet, is someone in DOJ getting a ''$$ thank you'' from Microsoft? Boy, I hope not!!! I wander how many people who have been working on this ''SETTLEMENT'' own Microsoft stock! Thus far, this ''MICROSOFT SETTLEMENT'' looks like a mockery of common sense!

Just cause Microsoft has some good lawyers, that doesn't mean that no crime has been committed. And if they were found to be a monopoly, then they must be punished, and not rewarded!!!

Even if you took half or three quarters of Bill Gate's and his MS Execs personal wealth and distributed it among Microsoft's victims, those execs will STILL be either Multi-Billioners or Multi-Millioners.

Thanks for your time.

Arkady Kofman

Dear Senator Schumer,

With all the focus on Osama, terrorism and such, it looks like Big ''Brother'' Bill(Gates) and his Microsoft are about to get away with it, and slip right through again, behind our backs!!! If it's just the $$ that they want to give away, it's one thing, but free software to schools— THAT'S A JOKE!!! And if the Department of Justice let's them, then DOJ is an even bigger joke. Let's hope that there are still folks in Washington who Think Different ? and are awake enough to stop Microsoft's ''Lie Train'' before it again steam rolls over US Constitution and the very Justice and Common Sense that it is supposed to represent!!!

I have also contacted Senator Clinton via http://clinton.senate.gov/email_form.html and am encouraging all my friends to contact their representative and speak out ASAP!!!

PLEASE DON'T LET MICROSOFT PULL THIS LATEST ''LOSE WIN'' TRICK ON ALL OF US, US, THE WORLD!!!

Arkady Kofman

25–40 30th Rd., #C6

Astoria, NY 11102–2628

(718) 204–2477 12–9 PM

web page: http://home.nyc.rr.com/arkady/

Deal may put Microsoft at head of the class By: Joe Wilcox and Michael Kanellos 11/21/01 7:45 AM Source: News.com

A proposed settlement agreement in a series of antitrust suits may not only give Microsoft a fairly inexpensive legal resolution—it may also help the company and its PC allies further erode Apple Computer's position in education.

Under a settlement proposal in a series of private antitrust lawsuits announced Tuesday, Microsoft agreed to donate approximately $500 million to help bring technology to some of the nation's most disadvantaged schools. The deal will also allow these schools to obtain a virtually unlimited supply of Microsoft software for the next five years.

Those terms could hurt Apple and other software providers, according to analysts and educators. Historically, education has been one of Apple's primary markets. And although the company has slipped to No. 2 in kindergarten through grade 12—behind Dell—it still has a larger installed base than anyone else.

Free software, though, is hard to pass up. Apple, as well as Linux companies and other educational software developers, could find themselves out in the cold in school districts flush with new Microsoft products.

Michael Theochares, an educational multimedia specialist at a Massachusetts public school, decried the settlement as ''anticompetitive'' and ''targeted at a competitor with dominant market share'' in elementary and secondary schools.

''What's even more infuriating is that Microsoft is turning this into an altruistic proposition,'' he said. ''You can't get better advertising than this. This is a settlement?'' Microsoft could wind up ''undercutting everyone in the education market,'' Gerard Klauer Mattison analyst David Bailey said. The best-case scenario for Apple would be that Microsoft increases the overall level of PCs in schools without directly harming a company like Apple, he said.

Linux specialist Red Hat Software tried to counter Microsoft's move soon after the settlement was announced. The company said it would provide its software to every U.S. school district and encouraged Microsoft to convert the software component of the deal to increased hardware donations, which costs the company little.

''While we applaud Microsoft for raising the idea of helping poorer schools as part of the penalty phase of their conviction for monopolistic practices, we do not think that the remedy should be a mechanism by which Microsoft can further extend its monopoly,'' Red Hat CEO Matthew Szulik said in a statement.

An Apple spokeswoman declined to comment on the issue.

The potential pain for Apple comes in the unique settlement terms. Under the deal, Microsoft will grant approximately $500 million to help underprivileged schools create self-sustaining technology programs. Of that, $90 million will go to teacher training, while $160 million will go to technical support. Microsoft will also match contributions from other donors. Additionally, Microsoft would give the schools software and would give nonprofit organizations approximately 1 million licenses for the Windows operating system, which the nonprofits in turn would use to provide refurbished PCs to the schools.

The donations would go to public elementary and secondary schools, at which 70 percent of students are eligible for federal meal assistance, or approximately 14 percent of the nation's schools, according to Microsoft. Approximately 12,500 schools, representing 7 million students and 400,000 teachers, would be eligible to participate in the program.

''A slap in the face'' Nancy Hudnall, an accountant from Rolla, Mo., faulted the terms of the proposed deal.

''Settlement of this case as proposed is a slap in the face of all consumers, as well as

free trade,'' she said. ''By allowing Microsoft to remedy their anti-competitive actions by infiltrating our schools, the consumer and Microsoft are in a 'lose-win' situation.''

Hudnall emphasized that she is a user of Microsoft products and has no grudges against the company. ''However, I do feel that our legal system is not acting in the public's best interest,'' she said. ''The need of schools should be addressed in another manner, not as a means to alleviate our judicial system's inability to deal with Microsoft's unethical business dealings.''

With these donations, Apple equipment becomes far less attractive to cash-strapped districts. Even if the grant funds are used to buy Apple equipment, a district would have to pass up opportunities for free software.

In recent years, Apple has seen its share of the market decline because of price competition. Dell is now No. 1 in the education market, with 37 percent of new elementary and high school sales in the second quarter, according to IDC. Apple came in second, with 23 percent. Familiarizing students with Microsoft technology could also make loyal customers out of today's students. Developing familiarity, in fact, was the basis for Apple's push into education back in the 1980s. The theory was that students would stick with the technology they understood best. While there may be some truth to this, it hasn't completely panned out in the numbers. Apple's share of the PC market is below 5 percent, far below its share in education. Microsoft CEO Steve Ballmer denied the proposed settlement was an attempt to boost the company's share of the education market.

''The benefits we provide can be used for PCs or Macintoshes,'' he said. ''It can be used for PC software or Macintosh software. Certainly, the money can be used for non-Microsoft software, so I don't view it as some big thing about market share.'' IDC analyst Roger Kay pointed out that Microsoft also produces applications for Apple computers.

Although the settlement terms will likely help Microsoft's position in education, more tangible benefits come from the relatively light terms. The company is effectively making a $500 million charitable donation and giving away its own software to settle a case where the liability could have stretched into far higher figures.

The case in some ways is being settled for pennies on the dollar, according to Bob Lande, an antitrust professor with University of Baltimore School of Law. The company will also likely get positive public relations messages out with the deal, said Gartner Dataquest analyst Michael Silver. ''This gets Microsoft out of all these lawsuits in one fell swoop,'' Silver said. ''It's a penalty, but it makes Microsoft look good and gives schools PCs, and in so doing would give Microsoft an even larger installed base than they already have.''

MTC–00002115

From: Doug Walker
To: Microsoft ATR
Date: 11/23/01 7:05pm
Subject: Unhappy with federal settlement

I am very unhappy with the Federal government's settlement of the Microsoft anti-trust case. Microsoft broke the law! The punishment is far too mild. Furthermore something needs to be do to prevent Microsoft from continuing these violations. It appears our government has failed to do its job.

I am very happy nine state's Attorney Generals did not join the Federal government's settlement.

Doug Walker
2743 Blackburn Drive
Davis, CA 95616

MTC–00002116

From: Ian Orchard
To: Microsoft ATR
Date: 11/23/01 6:56pm
Subject: Microsoft: ''Get out of jail free''

As a non-US citizen materially affected by the monopolistic behaviour of Microsoft, I had hoped that the democratic processes of American would have prevailed and that the combined forces of the ordinary people could call to account the robber barons of Big Business. I am deeply disappointed.

Not only has the Department of Justice capitulated, the settlement actively reinforces Microsoft's monopoly in Education, leaving the Department wide open to accusations of political interference or even corruption. A 'settlement' favouring the guilty as unbelievably blatant as this could only have been achieved if officials in the department had been bribed.

I'm sorry, but this affair has destroyed my faith in America as the bastion of freedom and democracy.

Ian Orchard
67a Windermere Rd
Christchurch 8005
New Zealand

MTC–00002117

From: Ian Mander
To: Microsoft ATR
Date: 11/23/01 7:57pm
Subject: Refurbished Macs

The settlement appears to be either badly worded or have little thought for alternative computing platforms.

From pages 23–24 of the settlement:

5. Refurbished Computers. Microsoft will establish a Microsoft Authorized Refurbisher program. Under this program non-profit refurbishers who meet reasonable criteria established by Microsoft for business standards and practices will be encouraged to refurbish Macintosh computers and personal computers for use in this program. Microsoft will provide such refurbishers with licenses and/or software for Microsoft operating systems (Windows 98 SE or more recent as machine specifications permit) installed on refurbished personal computers. Why are Macintosh computers even mentioned? Microsoft does not need to provide software for them under this clause (not even Office for Mac) because Macs do not run a Microsoft operating system (unless they are running Virtual PC or similar to emulate a PC). Also, Macintosh computers ARE personal computers. However, they are not Wintel-based PCs.

Microsoft will administer the program and bear the costs of administration. As part of this program Microsoft will guarantee that a total of at least 200,000 computers, consisting of Macintosh computers or Pentium-class personal computers or better, will be available to Eligible Schools for each year of the Settlement Period at ordinary fees charged by such Refurbishers. Can we take this to mean that Microsoft is expected to pay for refurbishers to refurbish Macs, without any Microsoft software? Since there is no proportion specified of the 200,000 computers per year that should be Macs, why should Microsoft think they should pay for any? After all, as written it is Microsoft that decides which non-profit refurbishers meet Microsoft's criteria for business practices. So again, why are Macintosh computers even mentioned? It seems a token effort that falls well short of what is needed to properly address Microsoft's strong monopoly position in many areas.

Each such computer will include a color monitor, Ethernet card, speakers, keyboard and pointing device, necessary cables, 56K modem and CD ROM drive. Macs do not generally need an Ethernet card—it is built in. Macs also often do not need external speakers.

The minimum specifications adopted each year will include but not be limited to processor speed, RAM and storage capacity, and will not be below a level sufficient to run at reasonable performance levels, for school use, Windows 98 SE and the application programs to be donated pursuant to Paragraph IV.6 herein. Of course, this paragraph excludes ALL Macs from being included in the scheme unless they are running Virtual PC or similar.

Yours faithfully,
Ian Mander, BSc.

MTC–00002118

From: Noah Fields
To: Microsoft ATR
Date: 11/23/01 7:39pm
Subject: Unhappy with Microsoft Settlement...

I am writing to tell you that I am very dissatisfied with the current Microsoft antitrust settlement. I strongly agree with the Settlement Enhancement proposed by RedHat inc. (see: http://www.redhat.com/about/presscenter/2001/press_usschools.html) Allowing Microsoft to install their software in schools would turn the US public school system into one of the largest customer bases for the company. This seems to be antithetical to an anti trust settlement, and turns punishment into an award.

Please read the alternative settlement proposed by RedHat inc. It suggests that Microsoft donate computer equipment to public schools, and RedHat provides software and unlimited support, also for free. This is a win win scenario, because it doubles the benefit to the schools, and prevents Microsoft from widening their influence.

Thanks for your time,
Noah Fields
227a Summer St. Apt #3
Somerville, MA 02143

MTC–00002119

From: kevin@kevin.phys.unm.edu@inetgw
To: Microsoft ATR,Kevin E.

Cahill,Dima,Steve McCready
Date: 11/23/01 7:26pm
Subject: Doubts about settlement

Dear DoJ:

Microsoft is the most profitable monopoly in the history of man, and one of the more ruthless. It has used its domination of the PC software industry to cripple the open-software movement and has even tried to pass laws that would make that movement illegal. The DoJ settlement should include a strict and comprehensive prohibition of efforts to stifle the open-software movement.

It is hard to imagine how any government committee would be able to supervise Microsoft's compliance with any agreement. Microsoft's recent offer to give $1 billion in computer products to poor school districts is absurd. The real cost to Microsoft of a software product valued at $300 is about $1. So in exchange for some $3 million of CDs and packaging, Microsoft will settle lawsuits, receive millions of dollars of publicity, and create millions of new customers. The proposal of Red Hat http://www.redhat.com/about/presscenter/2001/press_usschools.html to provide its Linux software for free if Microsoft would donate $1 billion of computer hardware should be taken seriously by all parties to the settlement. It would be a much better deal for the schools. It is very odd that while the DoJ was suing Microsoft, other US government agencies, such as DoE and NSF, were using Microsoft documents and forms rather than ascii text documents which can be read by people using any operating system. DoE and NSF have been forcing professors applying for research grants either to use Microsoft's operating system or to jump through hoops using programs that imitate Microsoft Word on a Linux system.

Yours truly,
Kevin Cahill
Kevin Cahill Phone: 505 277 5318
Department of Physics and Astronomy, University of New Mexico, Albuquerque, NM 87131–1156
Fax: 505 277 1520, Web page: kevin.phys.unm.edu/kevin/, E-mail: cahill@unm.edu

MTC–00002120

From: ARNOLD MCCREARY
To: Microsoft ATR
Date: 11/23/01 8:29pm
Subject: Microsoft settlement

If i understood it right Microsoft has done it again. The planitifs should have been rewarded with money to spend as they choose, insted of a gift of computer serves that will make millions for them as before.

MTC–00002121

From: Eric Berger
To: Microsoft ATR
Date: 11/23/01 8:27pm
Subject: My View

Please reconsider your decision regarding Microsoft's penalty for monopolistic practices. Please consider mandating that Microsoft be broken into operating system, application software and hardware companies. I have observed first-hand the effect of Microsoft's practices of driving its competitors into insolvency through dirty tricks, especially compiler and office software companies. This lever has only been available because Microsoft controls the OS and has office and compiler software for sale. Without their control of the OS, and the problems that they caused for users of competing software products, thier competitors (e.g., Borland, Wordperfect, Novell, 3Com, etc.) would still be in the market providing the innovations that Microsoft copied just before the companies were driven off the map of out of the market.

Thanks for the opportunity to comment

MTC–00002122

From: jss
To: Microsoft ATR
Date: 11/23/01 7:58pm
Subject: Don't let Microsoft get away with it

I'd like to express my strong reservations about the antitrust agreement with Microsoft. If you let them get away with this they will continue their monopolistic practices. There needs to be very strong penalties and even more rigorous oversight of this company.

Thank you,
Joel Shoner
Brookline, MA

MTC–00002123

From: Christian Miller
To: Microsoft ATR,microsoftcomments @doj.ca.gov@inetgw,...
Date: 11/23/01 8:32pm
Subject: The Microsoft Settlement

Dear US Justice Department,

I do not believe the remedies reported in the news are going to have the slightest impact on Microsoft's predatory marketing practices, and subsequent illegal abuse of monopoly power.

Take, for one small example, the case that started it all: internet browsers. Since the time the case started, Microsoft bundled their browser for free, and essentially drove all other browsers out of the market. They claim they have a right to do this, and that they are only serving consumer needs.

But their most recent versions—including ALL browsers shipped with the new Windows XP—have made a significant change: they no longer support industry-standard third-party browser plug-ins for presenting specialized content, such as movies, sound, animation, and virtual reality. This means that third-party content providers, such as Real Audio, Macromedia Flash, Adobe PDF, and Apple QuickTime—just to name a few of the larger players—no longer function under Microsoft's browsers using the standard installation procedure. Instead, they must provide special installations that go through an additional layer of software—Active X—that Microsoft's own content provisioning software does not go through. This means that ordinary consumers will have to struggle needlessly to install third-party content provisioning software, but perhaps more importantly, if they do actually get through that struggle, the third-party plug-ins will run more slowly and with less capability than will Microsoft's own content provisioning software.

This also means that some 90% of new computers sold cannot properly access my web site, which has Apple QuickTime content, whereas 90% of pre-Windows XP computers could.

With this move, done right under your collective noses while you negotiated a cushy ''hand slap'' settlement, Microsoft not only successfully extended their operating system monopoly into the internet browser market, but now they have extended their browser monopoly into the content provider marketplace! They have broken the law once, and while being penalized, have broken it again.

Take heed of my prediction: now that Microsoft controls content provisioning, content will come next. Within three years, the average consumer with an ''out of the box'' computer will be unable to view any content that Microsoft has not provided.

With all due respect, the Ashcroft Justice Department is asleep at the wheel on this one. Quit meddling with ''states' rights'' Oregon and California, and concentrate on appropriately punishing large, multi-national companies who are already convicted of breaking laws.

The Lamb that was Slain is the Lion now who Reigns.

MTC–00002124

From: George
To: Microsoft ATR
Date: 11/23/01 10:04pm
Subject: Microsoft Punishment—how to make fair

What you're posing hardly seems like punishment for breaking the law. If you really want to punish Microsoft , make the 1 billion be in either Apple computers with AppleWorks software, or Dell PCs running Linux with other than Microsoft products! Now that would make sense.

MTC–00002125

From: Acurrent@aol.com@inetgw
To: Microsoft ATR
Date: 11/23/01 9:54pm
Subject: The mircosoft case

Look's like Microsoft can't loose in this. The billion dollar donation only helps ensure their dominance in the market. Surprise, surprise, surprise.....

Andy Current
419 Sunset
Oglesby, IL 61348
H815–883–9183 ??i Fax 707–220–1347
acurrent@aol.com

MTC–00002126

From: Chris
To: Microsoft ATR
Date: 11/23/01 8:57pm
Subject: Settlement

I have read the text of the settlement agreement regarding Microsoft. If this settlement is approved it doesn't appear that Microsoft will be penalized for its behavior. I imagine Mr. Gates must be giddy about the terms of this settlement as it clearly extends his company's tentacles in areas that couldn't afford his products before this.

Please negotiate a settlement that has no Microsoft logo on any element of it. Recipients should be able to make decisions on the use their share of the settlement from all platforms/products available from all vendors?

Chris Bradley

N1032 M35
Menominee MI 49858

MTC–00002127

From: pete rhinehardt
To: Microsoft ATR
Date: 11/23/01 8:47pm
Subject: antitrust settlement

Dear Sirs,

I hope you will take the time to really consider the implications of settling the Microsoft antitrust case. By your own findings, Microsoft has used its market power to squelch most competition, giving Microsoft a stranglehold over software and operating systems with its 90% market control. 90%! There is nothing wrong with making a dollar; but Microsoft has so cornered the PC market, it is like being hooked on a drug. Since there are few options available, people are forced to keep buying their products. We've become dependent upon Microsoft. Not only that, but like an illicit drug, we are destroying ourselves with a bad product.

In light of recent develops in another case, Microsoft, in an effort to settle another suit, Microsoft has offered to supply poor districts with new equipment and MORE Microsoft products. This will shift the balance of installed OS in the midwest very much in Microsoft's favor. More districts become dependent upon inferior products and innovation is dealt yet another blow.

Surely, it must be obvious that these settlements are not about Microsoft realizing their aggressive dominance tactics result in innovation being crushed. It's about money, and making a profit. Microsoft is thumbing its nose at the government and business world. Its grip gives Microsoft the impression of being above the law. The world will not benefit from these tactics. Our economy won't. And we may lose the edge as a world technology leader. Please consider employing stricter sanctions against Microsoft and reigning in this juggernaut.

Peter K. Rhinehardt
16 Westlawn Rd
Portland, ME 04103

MTC–00002128

From: Funky Soul Rebels
To: Microsoft ATR
Date: 11/23/01 10:10pm
Subject: Microsoft: The world's richest bully

To whom it may concern:

It is becoming rapidly apparent that our world is on the brink of many turning points. From terrorist threats to political fiascos, we are experiencing the most turbulent time in our nation's history. If there is any security that we Americans have, it's in knowing that there are competent men and women of integrity running the government and judicial system. Of course, that ideal rarely graces our reality when there are riches involved.

Needless to say, I was not at all surprised by the latest developments in the Microsoft litigation. It is obvious that the company's massive buying power has come into play as they shamelessly continue to utilize the surreptitious maneuvers that earned them the status of a full-blown monopoly in the first place. The company has proven time and time again that it doesn't give a fig about fair play and will use anything in its vast arsenal of unethical tactics to wipe out the very competition they stole their ideas from! So now they get a slap on the wrist and are told to back out of the educational market, an insignificant fraction of their mainstream revenue sources and ... that's it? Is this American Justice? Will Big Money have the final say in everything?

If answer is yes, then what does our future hold as a nation? Take a good look at the repetitive history of all empires and you will see that they all fell due to the greed and corruption of their leaders. We live in a time when the line between corporation and government is blurred. Microsoft has found ways to influence the highest levels of power and authority in the name of the almighty dollar. I am not a capitalism basher by any means. People should be free to get as rich as they want. I just don't want to see blatant injustice funded by deep pockets. With more resources than any terrorist network or mafia clan, Microsoft is the world's richest bully and must be taught that the court's decision does not have a price tag. I implore you to make our voices heard in Washington so that we can believe in this country again. If justice does not prevail, it is only the beginning of our great nation's inevitable collapse.

My words may sound melodramatic to some, but I firmly stand behind the conviction that we have shed our blood in vain if we struggle to defend something that is rotting from the inside out.

Thank you for your time and consideration.

Sincerely,
Heath Davis
252 South 4th Street
Brooklyn, NY 11211

MTC–00002129

From: Edatkent@aol.com@inetgw
To: Microsoft ATR
Date: 11/23/01 10:07pm
Subject: MS Settlement

Dear Department of Justice:

The recent announced penalty ''against'' was essentially the undoing of Apple's education market niche. No doubt, MS is delighted to have the opportunity to ''invest'' into a market that they have yet to dominate. What are you people thinking? They lose but they still win. Can't you recognize the wolf in sheep's attire, poorly as it is, guarding the hen house?

Ed Orlosky

MTC–00002130

From: Howard Johnston
To: Microsoft ATR
Date: 11/23/01 10:54pm
Subject: ''I am very disappointed with the Feds settlement. Microsoft''

''I am very disappointed with the Feds settlement. Microsoft''

''It seems to me that Microsoft has indulged in not only anti-trust violations but racketeering as well.''

Howard Johnston

MTC–00002131

From: Bernie
To: Microsoft ATR
Date: 11/23/01 10:24pm
Subject: Irresponsible Settlement

Not only do I hope that the DOJ-Microsoft settlement gets put aside via the Tunney Act, and that the remaining state and EU suits come up with something resembling a real remedy to the Microsoft problem, but I hope also that circumstances surrounding how such a jaw-droppingly stupid, pro-Microsoft and overall irresponsible settlement could come about.

MTC–00002133

From: Terrence
To: Microsoft ATR
Date: 11/23/01 11:26pm
Subject: Microsoft Settlement
Date: 11/22/01
Subject: Comments on Microsoft Settlement

Dear Sirs,

I strongly oppose the proposed settlement in the Microsoft antitrust case. Microsoft has been proven before the law to have abused its monopoly powers and needs to be punished for that and effective rules must be put in place to restore competition in the marketplace. The recently publicized settlement does neither. Healty competition, innovation, and consumer choice are ESSENTIAL to the high-tech economy. The way I interpret the settlement it is full of holes and will not stop Microsoft from steamrolling the competition with unfair business practices and does nothing to prevent Microsoft from gauging consumers for years to come.

In particular:

—Microsoft must be prohibited from engaging in excluse and semi-exclusive agreements with any parties for any time period.

—Microsoft must not be allowed to provide financial or other incentives to other parties for favoring Microsofts products over a competitors product.

—Microsoft must not be allowed to bundle or cross-license its products in any way.

—Microsoft must make public the programming interfaces to all of its major products to allow competitors to implement meaningful interoperability with Microsoft's products. Also, Microsoft must notify all interested parties well in advance before it decides to change any such interfaces and must make these changes available.

—Microsoft must be prohibited from breaking public technology standards by adding proprietary and incompatible features to such standards and then bundling this proprietary technology into hundreds of millions of Windows platforms, thus creating a de-facto standard that overrides the existing public standard.

No exemptions or loopholes can be allowed for the above rules if meaningful relief is to be achieved.

I urge the court to understand the impact Microsoft's past behavior has had on the high-tech marketplace. If Microsoft's ruthless business practices continue unchecked the American economy will pay an enormous penalty in the long run.

Microsoft should compete as much as it wants, but it must stop doing so in an unfair manner. The proposed settlement does not guarantee this in any way.

Sincerely,
Terrence Barr
20875 Valley Green Dr #27
Cupertino, CA 95014

MTC–00002134

From: Barbara Passman
To: Microsoft ATR
Date: 11/23/01 11:22pm
Subject: Microsoft

I am very troubled that Microsoft, which , indeed has committed AntiTrust violations, as confirmed in the court hearings earlier this year, is now going unpunished.

The Federal Settlement is so wimpy as to be an apologia to the company . The very recent pricing settlement Microsoft made and its ''conciliatory'' plan to aid schools is a brash ploy to increase its monopoly on education!

While Microsoft has been innovative in many of its products, the company's modus operandi is, for the most part, stifling of the computer industry.

Our legal system must have the courage to do what is right, what has been determined in a court of law to be right. Our justice system should function independent of which political party holds sway at any given time. Do we really want to confirm the stereotype that a Republican US Attorney General will always cave in to ''Big Business''?

The recent Microsoft 'settlements' indicate, alas, that this is so.

Sincerely
Barbara N. Passman
Vice President, The Rest of Us, Chicago's Macintosh User Group
Chicago, Illinois

MTC–00002135

From: Vladimir James
To: Microsoft ATR
Date: 11/24/01 4:03am
Subject: Justice and Microsoft

US Justice Department,

It's a pity that DOJ has chosen expedience over justice. The only lesson Microsoft has learned from the whole exercise is that it can flout DOJ decisions and, if fact, any implied monitoring that citizens expect from the DOJ. Because of the precedent set, the situation now is worse than it was before the DOJ became involved.

Shame.
Vladimir James
An American abroad

MTC–00002136

From: herbamac@snowcrest.net@inetgw
To: Microsoft ATR
Date: 11/24/01 1:48am
Subject: Deal may put Microsoft at head of the class

This NEWS.COM (http://www.news.com/) story has been sent to you from herbamac@snowcrest.net

Message from sender:

I want to protest this proposed settlement of the anti-trust suit. This is giving Microsoft the best deal possible. A much better solution and one I propose you try to get, is instead of products, Microsoft give money to allow the schools to purchase what ever equipment and software they prefer.

Please don't let the monopoly continue. I work for a department of the US government and the entire computer/information tech group is a blatant front for Microsoft products. Please stop this monopoly from continueing.

Deal may put Microsoft at head of the class
November 21, 2001, 7:45 a.m. PT
http://news.cnet.com/news/0–1006–200–7936780.html?tag=st.ne.1006.saslnk.saseml

A proposed settlement agreement to donate some $500 million in technology to schools could give the software maker a chance to erode Apple's position in education.

MTC–00002137

From: John Highberg
To: Microsoft ATR
Date: 11/24/01 1:35am
Subject: USDOJ vs. Microsoft Anti-Trust SETTLEMENT...

Hello USDOJ,

I disagree with the latest settlement between the USDOJ and Microsoft. I believe the penalties agreed upon are not strong enough to prevent Microsoft from exercising its monopolistic (racketeering) power. The earlier remedy established by Judge T.P. Jackson to break-up Microsoft into two entities—Application and Operating Systems companies—should be reinstated. Also, the latest settlement offer by Microsoft to have it ''donate'' (''bribe'') Computers / Software to American Public Schools only furthers their monopoly hold on America.

Thank you,
John D. Highberg
Ferndale, MI

MTC–00002138

From: PRC00L@aol.com@inetgw
To: Microsoft ATR,microsoftcomments @doj.ca.gov@inetgw
Date: 11/24/01 1:18am
Subject: Microsoft Settlement

To Whom It May Concern:

Microsoft's antitrust violations mean they have done a wrong action. The solution is to make sure it never happens again. I find it puzzling how justice is being served by having Microsoft implant itself in our schools. This further leads to their dominance does it not?

Schools will soon be dependent on Microsoft for everything and then when 1 billion dollars runs out I'm sure they will be so heavily dependent on MS that they will have no other choice thanto buy MS products. Microsoft will gain more than it could possibly lose.

MS has turned into a monopolistic compoany and must be stopped, not encouraged. The California Attorney General is right in not taking the purposed MS settlement, he should not be forced to either.

Sincerely
Jeffrey Tanaka
4922 Maytime Ln.
Culver City, CA 90230

MTC–00002139

From: Douglas (038) Nell Stetner
To: Microsoft ATR
Date: 11/24/01 7:30am
Subject: Microsoft settlement

The roumers of a settlement where Microsoft donates to schools will only entrench them deeper into the schools. Go with Red Hat's proposal of letting MS donate the hardware, but with Linux as the OS. Or better yet, make them put Apples computers into the schools.

Douglas Stetner
Doug & Nell Stetner
dstetner@bigpond.net.au

MTC–00002140

From: Ruediger Cordes
To: Microsoft ATR
Date: 11/24/01 5:40am
Subject: My opinion

Hello misters and madams!

Microsoft ist selling its products to a price they like. Conditions for companies have a little rabatt. All handling of this is difficult and time taking. They fight a battle against all other software companies. And they used their market position to kill for example Netscape by delivering IE for free. When they sell their other products for high prices why is IE (Internet Explorer) for free?

And that is only one example. They are a strategic fighting company. Incidentically they are writing software. Do what you want with MS, I will never buy anything from this company cause their products Windows and Office are too time consuming for me to use. I like MacOS and am using this platform since 1987. I was supporter for Windows NT too for 3 years.

That was enough for me.
R• diger Cordes
http://opelgt.org
CC:Jessica Rautenberg,Christin-Susan Back

MTC–00002141

From: Dr. Mark Waldman
To: Microsoft ATR
Date: 11/24/01 9:17am
Subject: Microsoft Settlement

Dear Sirs:

I have read the Competitive Impact Statement
<http://www.usdoj.gov/atr/cases/f9500/9549.htm>

Can you point me to a more concise Competitive Impact Statement and also, one that compares the Penfield Remedy (Microsoft breakup) with the current remedy (WatchDog policing) and how the two remedies will affect future competition? The current Impact Statement has no such comparative analysis.

The Jackson Remedy called for breaking up Microsoft into two companies: An ''operating system company'' and a ''software application company''. In contrast, the current remedy leaves Microsoft intact and sets up a WatchDog Monitoring System. Why was the Jackson Remedy rejected? Which remedy will work better in ensuring free competition and stopping Microsoft from engaging in predatory activities? Do you have such an analysis? Can you send it to me, please, or post it on www.usdoj.gov?

At the moment, after an admittedly cursory analysis, it appears to me that the Penfield Remedy relies, ultimately, on market forces to stop Microsoft from engaging in monopolistic activities; the current remedy, on the other hand, relies on a WatchDog Committee. Market forces are almost always more powerful than WatchDog Committees.

Market forces are made up of millions of consumers; WatchDog Committees are made up of only a few people and, in general, fail in enforcing anti-trust remedies like those being proposed. An example of this failure is the 1998 antitrust settlement against Microsoft which Microsoft simply ignored. Your comments, please.

Sincerely,
Mark Waldman
Message from Dr. Mark Waldman
dr.mark@waldman.co.il
POB 1331, Holon 58112, ISRAEL
Tel: +972–3–505–4479
Fax: +972–3–504–6590
Cell: +972–55–503905

MTC–00002142

From: Paul Thomson
To: Microsoft ATR
Date: 11/24/01 7:57am
Subject: Microsoft settlement offer

Madam/Sir,

I am most concerned about the potential settlement being offered by Microsoft to flood educational establishments with their products.

I request that you reject this offer and continue with the plan to divide the company into two constituent parts.

Best,
Paul Thomson
synesthesia. music for film & tv
roundhouse recording studios
91 saffron hill ec1n 8pt
studio phone/fax—020 7242 4362

MTC–00002144

From: Alan Larson
To: Microsoft ATR
Date: 11/24/01 10:14am
Subject: Microsoft ''Settlement

Dear Sir or Madam,

I cannot believe the lack of vision and understanding evident in the Microsoft settlement of the monopoly case.

To ''force'' them to provide a billion dollars of their own products into school systems only further extends their marketing reach. This did not hurt or punish them at all.

Had the justices had some courage and wisdom, they would have forced Microsoft to provide that same billion dollars worth of computer products from some other provider of quality education products like Apple.

Doing that would have had a true financial punishment with no future payback opportunity.

If this was the best you could do with such an identifiably strong case against a corporate behemoth, then I fear for the future of independent business in America.

Alan W. Larson
3119 N. Peach Tree Lane
Appleton, WI 54911

MTC–00002145

From: paul galanti
To: Microsoft ATR
Date: 11/24/01 9:46am
Subject: appalled

I am appalled at the sell out to MicroSoft—and I teach antitrust law so I know what I'm talking about. This is the biggest con job since Brer Rabbit got Brer Fox to throw him in the briar patch.

Of course I don't k now howmuch money flowed from Redmond to Austin during the 2000 election debacle.

Paul J. Galanti
Professor of Law
Indiana University School of Law—Indianapolis
Lawrence W. Inlow Hall
530 W. New York Street
Indianapolis, IN 46202–3225
pgalanti@iupui.edu.
Phone: (317) 274–4995
Fax: (317) 278–3326
Home: (317) 257–6826

MTC–00002146

From: Paul M. Webber
To: Microsoft ATR
Date: 11/24/01 12:44pm
Subject: Microsoft Antitrust Settlement

Dear US Justice Department,

I do not believe the proposed remedy for the Microsoft antitrust conviction is going to have the slightest impact on Microsoft's predatory marketing practices, and subsequent illegal abuse of monopoly power. Consider the case that started it all, internet browsers. Since the time the case started, Microsoft bundled its browser for free, and threatened computer makers who offered other browser software to consumers. This drove other browsers out of the market. Microsoft claimed it had a right to do this, under the guise of ''innovation'' and ''serving consumer needs.'' This abuse served as one of the bases for the antitrust conviction against Microsoft.

Now consider what is happening with ''Windows XP.'' This operating system does not support industry-standard third-party browser plug-ins for presenting specialized content, using any internet browser. This means that third-party content providers, such as Real Audio, Macromedia Flash, Adobe PDF, and Apple QuickTime, no longer function with any browser under Windows XP using the standard installation procedure. Instead, third party content providers must provide special installations that go through an additional layer of software known as Active X.

This means that ordinary consumers will have to struggle to install third-party content provisioning software. If they do actually overcome that barrier, the third-party plug-ins will run more slowly and with less capability than will Microsoft's own content provisioning software. With this move, Microsoft not only successfully extends its operating system monopoly into the internet browser market, it also extends its browser monopoly into the content provider marketplace. The current settlement proposal does not address this abuse. This is happening even as a remedy for the antitrust conviction is being discussed. I believe that there are intelligent people working in the U.S. Justice Department. How can you let this happen?

Here is what will happen if you ignore this issue: Microsoft will control internet browser content. Within three years, the average consumer with an ''out of the box'' computer will be unable to view any content that Microsoft has not provided. Microsoft not only want to serve consumer needs, it wants to control consumer needs. The proposed remedy is insufficient to prevent this from happening.

Yours truly,
Paul M. Webber, M.D.
3725 Hickory Hill Drive
Colorado Springs, CO 80906

MTC–00002148

From: aanestad@ncal.verio.com@inetgw
To: Microsoft ATR
Date: 11/24/01 2:11pm
Subject: Microsoft Commentary

It is my opinion that Microsoft has gotten away with another big one and I horrified at my government's legal team in giving-in to them. Microsoft blatantly broke the law with its monopolistic practices, in my opinion, and used unfair strong-arm tactics to force hardware makers to bundle their operating system. This is outrageous. What's more outrageous is the my government is letting Microsoft get away with it by a dainty slap on the hand. What does this do? It teaches our kids that it's ok to be a bully. Microsoft continues to push the legal boundary envelope and continues to get away with it.

Thank you.
Kathy Aanestad
19328 Junipero Serra Drive
Sonoma, CA 95476

MTC–00002149

From: planetelf
To: Microsoft ATR
Date: 11/24/01 1:57pm
Subject: And this is punishment for a monopoly?...

Dear Sir/Madam,

Making Microsoft place computers in under-privilidged schools is a nice idea, but how will it break up their monopoly? It will only encourage it. Did the people at Microsoft suggest this solution?.. (Maybe having them buy Macs would be a better solution.) An even better solution would be to split the company and make them operate under some very strict federal guidelines.

Thanks for the time,
Edward Tonner

MTC–00002150

From: John Cruet
To: Microsoft ATR
Date: 11/24/01 1:08pm
Subject: I want my tax dollars back

To the collectives who prosecuted Microsoft:

You wasted our time and tax dollars in this fruitless pursuit of a private corporation.

What gives you the right to penalize a corporation for being successful?

I pay heavy taxes each year for this nonsense?

You failed to mount a convincing case against Microsoft, failing to provide solid and convincing evidence of abuses of Microsoft against corporations. You have shown beyond a reasonable doubt what a sham the antitrust laws are. Having done that you (as a collective) managed to strongarm Microsoft into a settlement proposal that forces ''altruism'' on the part of this corporation whose major purpose is to sell products and services to the consumer market. Well, this effort makes you look like a bunch of hypocrites.

Why?

Because, by accepting this settlement, you are actually helping Microsoft expand its market into the educational sector, practically carte blanche. Also, does the government not run the vast majority of its computers off of Microsoft in its various agencies? where was your desire to maintain a competitive market then, when Microsoft-based systems won the ''bid process?'' You as a legal collective have wasted valuable time and tax dollars pursuing this case. Judge Penfield Jackson's rulings were unjust and immoral, and should be overturned by anyone who still has a real sense of justice. Shame on you, as a legal team and a collective!

You have failed in your mission, which was immoral, corrupt, and unjust from its inception to its baneful, sickening conclusion.

JC/AIA

MTC–00002151

From: Hector Pereira
To: Microsoft ATR,novalug@tux.org@inetgw
Date: 11/24/01 12:47pm
Subject: microsoft settlement

Dear Sir/Madam:

With this email I want to support the suggestion of Linux vendor Red Hat about the remedy for Microsoft's monopolistic practices that they have been convicted of: at least exclude Microsoft's software from the price tag of the punishment.

The originally proposed settlement, wherein Microsoft would supply computers and its own software to schools otherwise too poor to afford them, is a clever ploy to wiggle out from under paying a painful price for its actions. To Microsoft it costs virtually nothing to make copies of its own software.

To include the market value of the software, therefore, increases the stated price of the deal to a seemingly reasonable level, while the real cost, excluding the software, is very minimal. A similar problem always occurs with large class action suits, where the members of the class typically receive rebates on the Company's products, coupons for free upgrades, and similar freebees. In these cases the lawyers' fees are based on the stated value of the deal, so the only ones who receive real money are the lawyers. The customers get nothing, basically, a bunch of worthless coupons.

The present case is different, since the lawyers on both sides are paid for by their own parties. Still, the principle is the same: any remedy should give real value to the aggrieved party. In Microsoft's case this is the general public, including someone like myself: specifically, I can not find a simple laptop computer without being forced to pay for Microsoft software, while I want one that has linux pre-installed.

I applaud RedHad in its willingness to supply free software as part of the Microsoft deal.

Sincerely,
Nino R. Pereira

MTC–00002152

From: John Hails
To: Microsoft ATR
Date: 11/24/01 4:31pm
Subject: National Security issues of a Monopoly

Microsoft's monopolistic practises are not only bad for businesses, they are a serious threat to the National and International Security interests of many soverign nations. Homogenous computer and internet services are more readily attacked and brought down by viruses and worms. Microsoft products have been notoriously easy to breech by hackers. It is short sighted thinking to put all of ones eggs in one basket and to entrust the safety of that basket to a single corporate entity who's only major concern is control and profit but that is what we are doing. With each new release of Microsoft's operating system that control is inexorably expanded to increasingly encompass all our information sytems, our database mangement, personal information, banking records, taxation, defense, entertainment, internet communication, retail sales, health records, government etc. etc. These issues are far too important to be entrusted to one company that if left unchecked will certainly control almost every aspect of our future lives.

I urge you to consider forcing Microsoft to release its code into the public domain, breaking the company up into two or three seperate entities and encouraginf public sector services to be mandated to adopt alternative software solutions designed to encourage diversity and interoperability. Tim Berners Lee invented the World Wide Web in the early 70's to make it possible to share information across language and technology barriers. The idea was to design a system that permitted diversity not a monoculture of clones. Microsoft could make their systems operable with competing or rival solutions but they won't because there is no reason for them to do so. In fact there is every reason for them not to. Nothing I have seen so far indicates that they will change their ways. With the release of Windows XP, Microsoft is about to ratchet up its ability to dominate the sytem one more notch

Thankyou
John Hails
Calgary, Canada

MTC–00002153

From: jhahoward
To: Microsoft ATR
Date: 11/24/01 2:26pm
Subject: Proposed settlement continues illegal actions

The proposed settlement by Microsoft of the anti-trust class action suits is unacceptable. It would only server to perpetrate, and in fact extend, Microsoft's illegal monopoly. As a long time computer professional (since 1965), with many years in the school and university market, I find Microsoft's continued arrogance and disregard for the consumer, business, and destruction of the computing market competition to be totally reprehensible. I watched IBM struggle with the same issue in the 70's and 80's only to be overcome by Microsoft. Microsoft has used much more aggressive tactics and blind ambition to prevent competition that IBM or Bell telephone or Carnegie ever did. Allowing Microsoft to give away used Intel/PC equipment and software that would cost them almost nothing to provide other than media reproduction costs, would hobble schools with training and future upgrade costs in a blatant attempt to penetrate one of their weaker markets. Microsoft can give away as much hardware and software as it wants, but the remedy for its illegal monopoly actions cannot be resolved this way. I do not claim to know the best solution to the issue, but this is not it. Perhaps using the $1.1B to provide broadband or high speed infrastructure access to more schools would be a better computing solution, and then allowing the schools to set their own technology platform choices.

Thank You,
James H. Howard
519 S. Visalia
Mesa, AZ 85202
480–898–9529

MTC–00002154

From: GenesisTwo@aol.com@inetgw
To: Microsoft ATR
Date: 11/24/01 2:17pm
Subject: MS and our economy

USDOJ:

I do not believe that the remedies proposed in the news are going to have a significant impact on Microsoft's predatory marketing practices, and their continued abuse of monopoly power.

Take, for example, the internet browser issue. Before the beginning of the anti-trust case against them, Microsoft began bundling their browser at no cost with their Windows operating system, essentially driving all other browsers out of the market. They have always claimed that they have a right to do this and that they are only serving consumer needs.

Unfortunately for consumers, in their most recent version—now included with all browsers shipped with the new Windows XP—Microsoft has made a significant change: they no longer support industry-standard, third-party browser plug-ins. These plug-ins allow the presentation of specialized content, such as movies, sound, animation, and virtual reality.

This means that third-party content providers, such as Real Audio, Macromedia Flash, Adobe PDF, and Apple QuickTime, to name a few, no longer function under Microsoft's browsers using the standard installation procedure. Instead, they must provide special installations that go through an additional layer of software—Active X—that Microsoft's own content-provisioning software can avoid.

This means that ordinary consumers will have to struggle needlessly to install third-party content-provisioning software, but more importantly, the third-party plug-ins will run more slowly and with less capability than the Microsoft ''default'' install (which, of course, uses MS's own XP-bundled software).

This also means that some 90% of new computers sold cannot properly access some web sites (say, sites containing Apple's QuickTime or RealNetwork's RealAudio media content), whereas 90% of Windows XP computers could. (Again, all these issues are cropping up only because MS is purposely deleting, bypassing, or internally changing tried-and-true internet standards in

order to ''push'' their own software exclusively.)

Now that Microsoft is beginning to exert control over content-provisioning, content itself may be targeted next. Seriously think about it, within a short span of years, it is very possible that the average consumer with an ''out-of-the-box'' computer may be unable to view any content not provided, or sanctioned, by Microsoft. (Remember Standard Oil?)

With this illicit behavior, Microsoft not only successfully extended their operating system monopoly into the internet browser market (already an abuse of monopoly power), but also have extended this monopoly control into the content provider market! Basically, they have broken the law once, and while being penalized, have broken it again. This is wrong; the penalties and decrees currently being proposed are inadequate and will not stop this illicit behavior. Destroying companies by sheer force and size (causing people to lose jobs as a result), taking away choice from consumers, and eliminating competition are NOT the way American companies should be allowed to do business...the penalties and restrictions imposed on Microsoft (short of an AT&T-style break-up) need to be, must be, harsher.

Gabriel Ramos

MTC–00002155

From: Bob Teese
To: Microsoft ATR
Date: 11/24/01 5:48pm
Subject: Microsoft settlement

I strongly encourage you to revise the proposed Microsoft settlement.

I believe it would end up letting Microsoft become more of an abusive monopolist, not less.

When I read the text of the settlement I spotted many loopholes, although I am not a lawyer. Even if Microsoft is eventually forced to divulge some code or change their behavior as a result of the settlement, they would be able to drag the process out long enough to crush the competition. They have already shown the ability to do that.

Windows XP contains an activation mechanism that will reduce piracy. That ought to lead to a reduction in price, but in fact XP will cost more. Only an unreformed monopolist could do that. What bothers me the most is that the settlement is backward-looking. It would not prevent them from using their Windows monopoly to make .Net a monopoly by building it into Windows as they are already doing.

Thank you for your public service.

R. B. Teese
Robert B. Teese (teese@muskingum.edu)
Muskingum College Physics Department

MTC–00002156

From: mahria day
To: Microsoft ATR
Date: 11/24/01 5:22pm
Subject: Microsoft needs to be stopped!

Stiffer penalties for Microsoft!

I am writing because I am very disappointed with the Feds settlement of the antitrust violations that Microsoft continues to violate. Microsoft has gotten off too lightly, and I plead with you to enforce stricter parameters and enforce them against this monopoly! I support the Attorney General's path is seeking more prosecution for Microsoft's violations.

Mariah Day
475 East Cotati Ave #A
Cotati CA 94931

MTC–00002157

From: XxSKAntsxX@aol.com@inetgw
To: Microsoft ATR
Date: 11/24/01 5:21pm
Subject: Microsoft Settlement

To tell the truth when I first heard of this settlement I thought it was a joke. Abite one billion dollars is a lot of money, but is it really punishment? Why force Mircosoft further into one of the few markets it doesn't total control yet? Why not give the schools the money to spend on computer as they see fit? I could call this settlement many things, justice is not one of them.

Chris Gerz
615 N. Laloma Ave.
Litchfield Park, AZ 85340

MTC–00002158

From: CasadyD
To: Microsoft ATR
Date: 11/24/01 4:35pm
Subject: Microsoft anti-trust—my comments

As a computer technician (and former educator) at a small, private college, I have followed with interest, the proceedings in the Microsoft anti-trust settlement case.

For what it's worth, below is a summary of the ''Microsoft Effect'' as I see it at our college.

* The Windows 9x, NT and 2000 server and desktop operating system products were purchased because they promised a greater ''ease of use'' and lower ''training time'' than other products (Mac OS, Linux, Unix, VMS). It has NOT lived up to this promise. The products are ''buggy'' and take HOURS of wasted time applying security patches, updates, service packs, hot-fixes, etc.

As a user of Unix, Linux and MacOS as well as Windows, I can assure you that it is not ''easier'' than any of the competing products in any respect.

* The Microsoft products including Office 95/97/2000 and Internet Explorer and Media Player have effectively prevented the ''practical'' use of any other similar products. (Corel Wordperfect suite, Netscape and QuickTime media player for example) The competing products can usually be installed, but the time and effort it takes in ''man-hours'' to support them on the Windows ''integrated'' operating systems, makes it unpractical. Virtually all of the Microsoft product installers, updaters, service packs and ''bug'' fixes, reset all settings to ''optimize the system for use and ''integration'' with the Microsoft products.'' i.e. it changes our custom settings back to the Microsoft defaults. It is nearly impossible for our small staff to keep up with the continual ''resetting'' of preferences to make the competing products work again.

* Microsoft ''internet'' products relating to the Explorer browser, IIS server AND the DEVELOPMENT and back-end products (like SQL) for these programs make any website created with them functional only by a system using Windows operating system and the Internet Explorer browser. Use of Java, connections to SQL databases, etc. becomes a technical nightmare if they must ''integrate'' with the Microsoft products. For example, I can edit our website ONLY from a system running Windows OS with Internet Explorer 4 or greater. I cannot edit it from any system using the Netscape browser (or any other browser like Opera, iCab or OmniWeb), or from MacOS, even running the latest Microsoft Internet Explorer software for MacOS.

* We originally purchased Microsoft products because they offered ''Professional technical support'' unlike the myriad of ''open source'' products like Linux. However we have found that each call to Microsoft support, at the rate of $500 per call, is greeted with the same response...''we have never seen that problem before.'' To date we have 4 of our last six support calls ''closed'' by Microsoft as ''solved'' (from their standpoint), even though the problem with their product is NOT resolved on our end. e.g. they essentially said ''It *should* work, but still doesn't... oh well, good luck, and call again (for $500) if you have any more problems.''

* We are now essentially ''trapped'' and forced to continue using their faulty products. We have so much time and money invested in them that there is really no way that we can financially drop Microsoft and switch to other products. Due to the problems with integrating the Microsoft products with other platforms, it is also practically impossible for us to ''wean'' away from the use of Microsoft.

All-in-all we feel cheated, trapped and caught in an endless cycle of ''service packs'', forced upgrades, and the inability to use any products other than Microsoft... we are like the professional equivalent of an ''abused child''.

Sincerely,
Duane Casady
Network Administrator
Westminster College
Fulton, MO 65251
(573) 592–5266
casadyd@jaynet.wcmo.edu

MTC–00002159

From: Matt Shomphe
To: Microsoft ATR
Date: 11/24/01 6:38pm
Subject: Anti-Trust Case

As a consumer with some computer experience, I'd like to say that I disagree with the Department of Justice's decision to settle its anti-trust case with Microsoft. I will not refer to arguments that have been made by those more knowledgeable than I; I will simply address what I know.

If I want to do anything with a computer, it must be running a Windows varient. To me, this is the essence of a monopoly. In the current environment, only MS-compatible software is viable. I use Windows, and I use a lot of MS products. However, I do so out of necessity rather than preference.

I suggest you discuss this case with consumer rights' advocates, like Ralph Nader, and with knowledgable consumers, like those in the slashdot.org community.

Thank you for your time.
Matt Shomphe

MTC–00002160

From: Zach Arnold, JMaD
To: Microsoft ATR,microsoftcomments @doj.ca.gov@inetgw,...
Date: 11/24/01 6:00pm
Subject: Microsoft antitrust case

Dear Sir or Madam,

I am writing to express my disapproval for the latest Microsoft antitrust settlement. It is true that this ''solution'' would help disadvantaged schoolchildren by furnishing them with computers and software, but I fear that Microsoft's goal, and in fact what could very well happen, is that such actions would further establish Microsoft's share in the education market, undermining competitors such as Apple who are struggling to fight the Microsoft behemoth already. Microsoft's proposed settlement is inappropriate to the current situation. I urge you to reject it for the good of the computer industry, including Microsoft's competitors.

Very sincerely,
Zach Arnold
322 Maple Avenue
Swarthmore, PA
19081
zacharnold@excite.com

MTC–00002161

From: Matzke
To: Microsoft ATR
Date: 11/24/01 9:44pm
Subject: Anti-Trust

The current settlement is not punishment, it is a future buisiness opportunity. Why are we letting Microsoft control the future market by letting them buy advertising space on the desktops of our school children? If there should be a punishing settlement, have Microsoft give money to open operating systems like Linux or Unix for future development. THAT would be punishment.

Matzke Household.

MTC–00002162

From: Sloloucks@aol.com@inetgw
To: Microsoft ATR
Date: 11/24/01 8:10pm
Subject: Please stop this expansion of their monopoly position

The proposed settlement whereby microsoft ''donates'' software and hardware to schools will only increase their monopoly position in the marketplace. Microsoft products are priced higher than other comparable or better software and yet they are able to charge these higher prices because of their overwhelming dominance of the market. Their donation of software to the schools will only increase this dominace.

James HL Ewan
1221 Sylvia Ct
San Luis Obispo, CA
93401

MTC–00002163

From: a brody
To: Microsoft ATR,microsoftcomments @doj.ca.gov@inetgw,...
Date: 11/24/01 7:17pm
Subject: I understand your offices are for a Microsoft settlement

Dear sirs,

I am doing this joint e-mail because it applies to all your offices. It appears according to news stories, that you have joined in agreement with Microsoft to let them get by on their penalty for being a monopoly, by letting them face no stiffer penalty than a 1 billion dollar funding program to low income schools. This penalty is a GIFT! It is the schools where the hearts and minds of all our future computer users are being met. And the fact it is low income schools it doubly sends the message that Microsoft is the sole provider of computer services to school systems and their kids. Guess what, most school systems don't use Microsoft. Support costs for schools are much cheaper because most use the Apple Macintosh platform in its stead. If you force Microsoft technology on schools, these school systems will be forced to recoup support costs 100 times higher than they presently have for computers. If you don't believe what I am saying, visit http://homepage.mac.com/mac_vs_pc/Intro.html

And Microsoft is only going to be obliged to cover the first 1 billion dollars. After that, it is up to the poor school systems that previously didn't have to pay these high support costs to come up with the moneys. This means teachers will be laid off. This means music programs will be cut. This means after school activities will be cut. This means the school systems will go further down the hill than they were already. And why? Because now each of the school systems will be forced to upgrade each time a new technology comes. If they don't upgrade and their computer breaks down, they'll be forced to buy new computers if they want to keep any computer systems in their place. Where before with Macintosh systems, they could have a 9 year old Macintosh, and it still act as a functional tutorial machine for using computers. Allowing Microsoft to pay off their penalties as a limited settlement to schools, is equivalent to letting Microsoft expand their market by giving away its systems to people who formerly were happy with their competitor's systems. What waste!

I strongly urge you to reconsider, and find a stiffer penalty for Microsoft, so they don't get off the hook so easily for being a monopoly. Such stiffer penalties would include forcing Microsoft to end its Windows XP and Office XP activation system, which requires people to pay an upgrade cost for the operating system every 6 hardware charges. This licensing scheme means people will be forced to be online to continue to be able to use their Windows XP system and provide personal information each time they want to reactivate their machines after a hardware change. And for people upgrading from their old operating system with more than one computer they have to purchase an individual license for each computer they own. Apple Macintosh doesn't force you to do this. Microsoft is making the cost of computing go up astronomically by its activation scheme. Microsoft should no longer have an integrated web browser of their own on the desktop of the operating system. That feature should be disabled permanently. People being able to launch Explorer straight from the desktop by manually entering the website address from their desktop and operating system windows means Explorer is everywhere. Microsoft now limits support for MP3 music formats where before they were free. Apple doesn't do that. Microsoft should not disable technologies of third party vendors. It is acting like a monopoly. I'm not the only one sad by this turn of events, and hope you reconsider. Here are other people's opinions of your actions: http://www.macdirectory.com/4U/comments.fm$FIND?title=4001515&max=40

Please reconsider.
Sincerely,
anonymous
http://www.index-site.com/

MTC–00002164

From: Arthur Young
To: Microsoft ATR
Date: 11/24/01 9:06pm
Subject: Microsoft Antitrust Settlement

To the US Attorney General's Office,

I don't think the current settlement in the Microsoft antitrust case is fair. The current settlement will not prevent Microsoft from continuing its predatory practices, its anti-competitive behavior, or its harsh treatment of consumers. I wish the Attorney General would reconsider especially since the courts found that Microsoft had acted in an anticompetitive manner and that finding was upheld under appeal.

Thank you for your time.
Sincerely,
Arthur Young

MTC–00002165

From: steves@fortemusic.net@inetgw
To: Microsoft ATR
Date: 11/24/01 10:49pm
Subject: Settlement Proposal

Microsoft has announced a settlement proposal to try to resolve a series of antitrust lawsuits initiated by state Attorneys General:

>Under a settlement proposal in a series of private antitrust >lawsuits announced Tuesday, Microsoft agreed to donate approximately >$500 million to help bring technology to some of the nation's most >disadvantaged schools. The deal will also allow these schools to >obtain a virtually unlimited supply of Microsoft software for the >next five years. [www.ZDNet.com]

This proposed settlement is an absurd and insulting solution which does absolutely nothing to mitigate Microsoft's anticompetitive behavior, and in fact does exactly the opposite by further dissemination of its products at the expense of other software vendors. Apple Computer in particular stands to lose its critical education market if faced with a flood of free Microsoft products in schools.

With a market share of more than 90%, Microsoft has a profound advantage over companies such as Netscape, Real Networks, and Apple, who are fighting a perpetual uphill battle to maintain a presence in the market. Any application software that Microsoft chooses to package with its Windows operating system is guaranteed to push all other competitors out of the market. Netscape's browser software used to be the most widely used internet software. Once

Microsoft started bundling Explorer with Windows, Netscape's market share dropped to almost nothing. Real Networks faces a similar fate with their RealAudio products, which is steadily being pushed out of the market by Windows Media software bundled with every Intel PC. Action must be taken to restore a balanced and competitive software market, in which the success of a software application is based on its quality, performance, and utility, not the fact that it's bundled for free with an operating system that runs on the majority of the world's personal computers. I ask you to seek an outright and immediate rejection of Microsoft's ludicrous settlement offer, and continue to pursue the breakup of Microsoft into two separate companies for operating systems (Windows) and applications (Word, Excel, Explorer, etc.). This solution will help maintain a healthy and innovative American software industry for years to come.

Steve Salani
Los Angeles

MTC–00002166

From: BayNephron@aol.com@inetgw
To: Microsoft ATR
Date: 11/24/01 10:10pm
Subject: Microsoft antitrust settlement

I am really disappointed with the settlement with microsoft is so light and will only benefit microsoft in the long run. In particular the one billion dollar settlement to give software and hardware to disadvantaged schools only sustains microsoft's monopoly. The settlement is clearly political. You should know that microsoft is not innovative but copies mac operating code and tried to copy quicktime code several years ago. Yet the US Attorney's office did nothing. Think about it. Chappy Liu

MTC–00002167

From: Edward C. Willliams
To: Microsoft ATR
Date: 11/24/01 9:54pm
Subject: Microsoft settlements

For over one and a half decades I have watched Microsoft grow their power and dominance in the computer industry. They have not grown because they had the best products, but because they were masters at marketing, and once they got large enough to buy out or intimidate almost any competition they have had an extremely deleterious impact on the market.

They had a monopoly of the operating platform for PCs, as proven in the antitrust case, and then with their muscle moved into other fields quickly eliminating the competition that once dominated the given field. Two examples are Netscape in the browser field, and Novell in the network area. When the government slapped their hands in their attempt to buy Intuit so they could extend their domination into the financial field they just set about the same process and have also made considerable headway there. Now they are trying to beat out Palm with their more limited Windows interface and are going head to head with Nintendo and Sony in the games area. It is quite apparent that their goal is to dominate the whole computer realm.

If they always made the best product and refined it to eliminate most of the problems and everyone flocked to their products for that reason I would object less, but they don't. People use many of their products because they come free on their computer, or because they come as a package with a program that they really want, like Excel, and since they have it they might as well use it rather than buy a competing product. I must admit that Bill has gotten so smooth in his marketing that he can claim that he ''knows what the customer wants'' and they will buy it. When ever there is a new version out he is so convincing that ''everyone wants it'' that they have to have it too or they will get lost in the dust.

A couple of years ago I had a coworker with a Masters degree tell me that they went with a Windows machine because that was what ''everyone had''. Furthermore since they bought MS Windows they decided to get a Microsoft mouse and keyboard too. The fact that they did not choose it because it met a need, or was the most effective way to get their work done, etc. but because everyone had one shows the power of MS's advertizing campaign.

I am not pleased with the settlement direction that has been taken once Microsoft had been proven to be a monopoly that had misused and abused its position of power. I am not sure that they need to be broken up into two or more companies, although I don't see that as a bad thing, but from what I have read the alternative that you have taken does nothing concrete to insure they will not continue to do business as usual. In fact even the potential settlement of the other major suit, involving the state of California and others against Microsoft, will be an enhancement of their market by forcing the schools into using their software and the hardware that runs it. Instead they should be given the money and be allowed to purchase the hardware and software they want to use.

Please reconsider the consequences and insure that something significant comes out of this landmark case. Something that will help the consumer like me by opening up the competitiveness of the computer industry.

MTC–00002168

From: Shafqat Manzur
To: Microsoft ATR
Date: 11/25/01 12:25am
Subject: Comment on agreement between DOJ and Microsoft Corp.

Sir/Madam,

Following is an opinion on the recent settlement reached between DOJ and Microsoft Corporation in the landmark anti-trust case. I am not in any way affiliated with the state or federal government or Microsoft Corp. and am providing this brief as a consumer.

With all due respect to the involved employees at the DOJ, I strongly disagree with their notion that this agreement will benefit consumers and foster competition in the information technology arena. I don't know if there was any political pressure to promptly conclude the case but it is too obvious that the DOJ staff went out of their way to reach a settlement with Microsoft. The previous administration demanded tough concessions from Microsoft and rightfully so. The current administration gradually softened it's stance on the case and finally agreed to terms which fall far shorter to even what Microsoft had agreed to during previous settlement talks.

The terms of this settlement definitely do not go far enough to ensure benefit to consumers. There is no indication of any punishment to Microsoft for violating it's monopoly power not only in the operating systems but also the office application suite market. They have repeatedly flaunted consumers and the state and federal governments over the years and yet they are simply about to walk away with no punitive damages. This is clear proof that their strategy of an enormous investment in hiring popular law firms to hold the government at bay while they bring in billions in profits over the years from their illegal business model has been a success. There is no question that they have won. With regards to the remedy for future wrongdoing, I guarantee you that competitors will not stand a chance to compete with Microsoft in the future any more then they have in the past. There has never been a competitive market and there is no reason to predict that there will be one. Microsoft has in the past crushed it's competitors and will absolutely do the same again. You have left the Microsoft culture intact and since they don't agree that they have broken any rules, they will not change the 'Microsoft way'.

I thank you for your time,
Shafqat Manzur

MTC–00002169

From: John Berg
To: Microsoft ATR
Date: 11/25/01 12:11am
Subject: Antitrust Settlement

I am amazed that Microsoft Corporation is being allowed to flagrantly violate the antitrust laws because the judge deciding the case has been somewhat indiscreet. In the long run, I think that Microsoft is more of a danger to our society than some hairy bastard living in a cave in Afghanistan. I am pretty sure that our military is capable of killing Bin Laden, but it's starting to look like the DOJ is unwilling to do anything about Bill Gates. 100 million Americans have been harmed by Microsoft's arrogant lawlessness. I think the break-up of the company was the most effective solution possible. Not only would it give competitors a fairer chance, but I think that we would also get better software out of the baby Microsofts. If the Bush DOJ continues on its present path, I can guarantee that I will never vote for George W. Bush again.

Signed,
John L. Berg
Thermal Engineer
6207 Westwick Drive
Houston, TX, 77072–1039

MTC–00002170

From: Dennis Hussey
To: Microsoft ATR
Date: 11/25/01 2:29am
Subject: Microsoft anti-trust case proposed settlement

Your honor,

I personally feel that Microsoft is getting off way too easy for their predatorial

monopoly behavior and it is affecting competition as well as the general consumers and businesses. I am in the computer networking field for the last 10+ years and here are some of the major issues I have with Microsoft and how they have affected the industry and consumers/businesses:

1) Microsoft Office has become the defacto standard and has hurt Lotus and Corel/WordPerfect strongly. I have customers that try to maintain WordPerfect word processing with Lotus 123 spreadsheet due to ease of use, stronger security (my customers are all financial institutions) and less susceptability to virus infections. They are being forced into MS Office because government agencies (FHA, FDIC, etc.) are sending out documents in MS Office format that are not compatible with WordPerfect and Microsoft continues to change the format of their documents so that the competition cannot read/write the documents. They have to throw the money they spent on WP and Lotus licenses and pay more to get MS Office.

2) In a similar manner, there are applications now that require Windows NT servers to run and most of my customers have Novell networks. Novell as a company has been changed from the dominent player in networks to struggling to survive. My customers are forced to buy NT server to do business.

3) Security problems—Microsoft Office, MS Outlook, Internet Explorer and Windows have major security holes that have cost businesses and consumers untold millions of dollars patching, purchasing virus software and fixing data, yet Microsoft doesn't seem to care that they have these problems. Businesses have to put up with this as there is no competition. If there was open source, these problems could be resolved quicker and more secure. If there was viable competition (Microsoft has squashed all of them on this platform), they would be forced to test more and ensure security to remain competitive.

4) Microsoft has ruined to possibility of open standards. Sun Microsystem's Java was created to produce an open standard to create software that would run on virtually any platform. Microsoft saw this as a threat to their Windows monopoly and, in a deceiving manner, supported Java and proceded to change it to make a version that would run under Windows/Internet Explorer better. Being the most popular platform (Windows/IE), programmers were writing websites with this making the sites incompatible or running inferior on other platforms. Sun has sued on this for breech of contract.

5) Internet Explorer is built-in and it is difficult to use another web browser. Netscape was leading in the browser competition and Microsoft decided to incorporate Internet Explorer in Windows 95, killing Netscape's ability to make a profit on their product and leaving consumers without much choice. This goes the same for email programs, with Outlook Express being built-in as well.

6) Microsoft produces new versions of Windows and quickly stops support of existing versions quicker than most software companies forcing businesses to upgrade. This causes problems with major software applications and ensuring compatibility with legacy applications. Our institution uses a bank management system that runs under Windows NT workstation and Windows 2000. There is Windows XP out now and soon we will be no longer able to purchase Windows 2000 and have to invest alot of time and money to ensure that it will work with Windows XP. Microsoft has discontinued selling Windows 98 and will stop supporting it at the end of this year, just 3 years after it came out. There are applications that still require DOS compatibility (Midanet comes to mind which is from Fannie Mae as I remember). Windows XP doesn't support DOS any longer, yet a Windows version of Midanet is still not available.

7) Microsoft has deliberately held back certain technical information about their Windows with features it had to competition so that their own applications such as Office can perform better than competitive products. This is deliberate deception and unfair practices.

I can go on with more examples, but this is some main points I wished to make. These points show that Microsoft's monopoly hasn't helped the consumer and businesses but hurt them and cost them alot of money. It has also shown that competition is being hindered and predatorial practices have been clearly proven. This constitutes a monopoly which is supposed to be illegal. We need to come down harder than the proposed measures to bring back healthy competition and consumer choice. I supported the original breakup, I support forcing Microsoft to release their source code for Windows, etc.

Please do not cave in to Microsoft and give them a light sentence that can allow them to continue doing what they have been doing and further their monopoly.

Sincerely,
Dennis J. Hussey
30 Marshall Street
Chalmsford, MA 01824
(978) 275–2812
Network engineer
Connecticut Online Computer Center
135 Darling Drive
Avon, CT 06001

MTC–00002171

From: Jon Roberts
To: Microsoft ATR
Date: 12/6/01 2:44pm
Subject: Open Letter on Microsoft Settlements

I am an information technology professional with 8 years of extensive experience in software engineering, systems administration, data design, coding, and testing. I have a broad background, but my core competencies are in web systems. While serving as a commissioned officer in the US Air Force, I installed, administered, and developed with my first web server in 1994, at the advent of the world wide web. In my career, I have worked with a variety of operating systems, including flavors of Unix and versions of Microsoft Windows. I've also used an array of open standards, including html, css, http, ldap, cgi, xml, and java. Very recently, I moved an entire internet and intranet infrastructure for a large academic medical center from a Unix (Sun Solaris) hosted environment to one using Microsoft based servers. Currently, I work independently as a developer and consultant. As such, I feel I have relevant insight into Microsoft's technology and business practices. I favor a best of breed approach to system development, so I also believe I represent an objective point of view. I regularly use Microsoft software at work and home, and continue to do so where I deem appropriate; I am writing this message in Microsoft Outlook, for instance. I also use other operating systems and recommend their use in circumstances where I judge there is a better alternative.

Throughout my career, my ability to provide value to my employers or customers has been adversely affected by Microsoft's technology and business practices on a regular basis. The software they deliver, particularly new software, is typically far less efficient, stable, or secure than alternative approaches. Their products are usually designed with dependencies that require you to use other Microsoft products and sabotage the concurrent use of non-Microsoft approaches. Many of their offerings do not uninstall properly, and leave a permanent presence on the hosting system. Because they write the operating system too, some of their applications make use of capabilities that are not available to non-Microsoft developers. Their licensing practices are mercenary and anti-competitive, using vehicles like sole-source relationships to build inordinate market share. Once Microsoft gains control of a market, they begin raising prices at a rate faster than the industry in general. Most importantly, Microsoft has repeatedly undermined and perverted open standards to serve their own ends, including every one I listed above.

I know that business is competitive by nature, but I agree with the Justice Department's repeated findings that Microsoft's business practices crossed the line and were illegal. Further, I believe that Microsoft created a situation for itself that is bad for the industry and the economy at large over the long term. While I will concede that many dot-coms burned capital on irresponsible business models and implementations, I attest that Microsoft has some amount of personal responsibility for the bursting of the bubble economy and the current economic woes of the information technology industry and the country. The cost of developing on the web should not be as high as it is now, but who knew in the early days of e-commerce the momentum of progress in open standards could be stymied so effectively by one player. Microsoft is in direct conflict with the cooperative culture that brought us the internet, and their long term strategies will exacerbate this problem: where Microsoft succeeds, all others will bleed. History will not be kind if we will have to address the same issues again because of an ineffectual remedy.

If the terms of the anti-trust settlement can be realized, then it may make some difference. However, I don't have faith that Microsoft will adhere to the spirit of the settlement, I have even less confidence in the Justice Department's ability to enforce the

terms of the settlement expediently (especially given how long this initial anti-trust process has dragged on), and I believe the problem is larger than middleware. In particular, I don't believe anything short of making Windows open source would prevent Microsoft from taking advantage of the ambiguous nature of a ''middleware interface'' to continue to constrain consumers and developers. Don't forget that in addition to the operating system and productivity application markets, Microsoft has a big stake in development tools; a hook into middleware functionality doesn't mean much to me if I have to use another Microsoft product to implement it. And I've read some of Microsoft's published information on its software in the few instances where it doesn't directly involve one of their development tools, and it still didn't enable me to communicate cleanly with the Windows operating system or their middleware (even when it's supposed to). At best, they're support staff has pleaded incompetence. I'll buy it, too; they have no history of successfully supporting cooperative development outside of Microsoft tools. Microsoft's entire oeuvre has a tendency to be black box. To achieve its aims, this settlement would have to completely reverse Microsoft's closed corporate and development culture. I'm skeptical that this settlement will lead to anything more than continued legal squabbling.

On a separate note, the recent class action settlement is too plainly a vehicle for Microsoft to broaden it's market share while simultaneously getting good press. I view it less as ineffectual and more as a disgrace to our legal system.

This message is a general statement of perspective, and is not intended to be a basis for reversing any decisions. If you want more insight, specific examples, or verification of my credentials feel free to contact me.

Jon

Jon Roberts

jon@jonanddeb.net

CC:Bill Mullen,redhat@schwartz-pr.com@inetgw,Brian Be...

MTC–00002172

From: Daniel Muniz
To: Microsoft ATR
Date: 11/25/01 3:09am
Subject: Microsoft

I am disgusted by the decision to let these convicted criminals get off. What a shameful, embarrassing joke of a settlement! Not only letting them off but actually allowing them to expand their monopoly in the education market.

With the Supreme court decision to decide the presidential election, the curtain was lifted to reveal a very ugly side of our government. Even within that context, this decision is shocking. It is now unmistakably clear who is in the driver's seat of our government these days—and it is not the people.

Let us hope the Europeans have not been similarly corrupted. Perhaps they will have the guts, and honor to deal with them properly.

Daniel Muniz

MTC–00002173

From: Jak Crow
To: Microsoft ATR
Date: 11/25/01 5:49am
Subject: Settlement

Read and understand what dope you guys are smoking

http://www.osopinion.com/perl/story/14861.html

MTC–00002174

From: steven st catherine
To: Microsoft
ATR,contactus@microsoft.one.com
@inetgw,s...
Date: 11/25/01 4:20am
Subject: Microsoft and or New Informations

Dear Sirs!

I am at a loss for words, as we will never know how these computers are constructed in full to operate, but with one eye open for the worst you see bits of the truth. Anybody with internet access can most probably tell you that on occasion you get access to the internet without the necessary procedure being completed. This is due in part to the fact that with the server provider blueyonder and internet explorer the initial home webpage can be displayed without the necessary internet access dialing procedure. Even if it seems to have come from the temp internet file it should not come up without internet access availability, and todays news or the available activities. As we know from the temp internet file you can enter the internet with only netscape, as it is windows, however dialing access procedure also apply. For the home webpage to be displayed without the initial dialing procedure then states that every computer with internet access is most probably accessible to Microsoft and bill gates. What are we to do? Even though I know Nokia, Siemens, Yahoo, and other possible interested parties have seemingly stolen from me it is small in comparison to the loss of material as you write it. Also to see a computer still running after you've switched it off is highly none competative.

MTC–00002176

From: Ron Williams
To: Microsoft ATR
Date: 11/25/01 10:07am
Subject: Microsoft Antitrust settlement

The settlement is a complete sell-out. It does not even address the findings of fact in the case. You have not even done your jobs. The findings alone must be addressed; they are not.

It would appear that Microsoft's money has bought them what they want, the right to continue to be a monopoly.

Regards,

Ron Williams

MTC–00002177

From: William Pence
To: Microsoft ATR
Date: 11/25/01 9:20am
Subject: Microsoft Settlement

Well,

We are just short of just dropping the case, and you guys just gave away the farm. The proposed settlement, is less than a wrist slap. It appears that you simply do not want to continue the work, and the anti-competitive practices that have served MS so well, will serve them well in the future. I find it hard to understand your strategy when the courts FOUND that MS was illegally using their monopoly power, then the United States Dept. of Justice has basically told MS ''well try to stop doing this'' I do not support a breakup, but there certainly MUST be some real teeth in the MS controls that MUST be in place. Exactly how many times has MS danced around the law with creative interpretations?

Now, we have MS disabling third party media delivery such as Apple Quicktime and Real Networks realplayer. Clearly, MS is done with the browser wars and moving to the content wars.

I for one, support diversity such as Mac OS and linux based machines. To have content delivery controlled by MS is not acceptable.

Thanks, and Please reach a real settlement.

William Pence

MTC–00002178

From: Just AnalHQ
To: Microsoft ATR
Date: 11/25/01 9:16am
Subject: Do NOT settle with MS

It is NOT in the best interests of AGAIN believing that MS will want to abide by any of the terms, which BTW are not strick enough of this proposed settlement. On top of it, letting MS give 'billion' dollars of software, which is mostly defective and part of the problem to begin with really, to schools to get the kids 'hooked' on MS products. That is rediculious, as it is like giving a crack seller a punishment for a CRIME (that is what MS has committed, clearly) of selling crack, the OPEN DOOR to the kids and sell them all the crack they want or think they should be allowed because they don't know any better. MS should be forced to admit publically they are criminals, that they have forced mediocre and defective products to customers and charged them a premium for it. If MS was in the auto industry, they would have recalled EVERY single product that they ever produced. MS is bad, very bad for America, and the DOJ should NOT be afraid to tie this thing up more and EFFECTIVELY spend more money on burying Bill and his scammers in legal headaches for YEARS. In the end, like ATT they will likely rule again, but for 10–20 years from now at least consumers would have the ability to choose. Right now they do not, and letting them into the school system will effectively kill any chances of Apple or others to compete. You are out of your fucking minds!Just a concerned, pissed off tax paying consumer.Get your acts together, and do the RIGHT thing, not the chicken things.

MTC–00002179

From: Margaret Rosser Durso
To: Microsoft ATR
Date: 11/25/01 8:47am
Subject: Microsoft settlement

DOJ, I believe you should exert every effort to settle this case. In my opinion it was an outrage.

Here is a wonderful company that has given the consumer the very finest in

software and enhanced the productivity of many companies. Because they were tough on the competition, these same competitors enlist the help of the government to help destroy this competition!!! In the word of Scott MacNealy.....da. Lets do the economy and the consumer a big favor and settle this case in favor of Microsoft....NOW. Thank you.

MTC–00002180

From: PRovero
To: Microsoft ATR,Senator Chris Dodd,Senator Joseph Li...
Date: 11/25/01 11:39am
Subject: Microsoft Settlement

P. J. Rovero
42 Damon Heights Road
Niantic, CT 06357
provero@home.com
25 November 2001
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D St. NW, Suite 1200
Washington, DC 20530–0001

Re: Proposed United States vs. Microsoft Settlement

Ms. Hesse,

I have been a computer user for more than thiry years, and have developed software for both Microsoft and non-Microsoft operating systems.

After reading the proposed settlement, I am very concerned that certain definitions, limitations, and exceptions will make the agreement ineffective in remedying the abuse of monopy power by Microsoft.

Two very broad goals should be pursued to curb this abuse of monopoly power:

1. Developers must be able to develop applications and middleware for the Windows Operating System Products that can compete with Microsoft Applications and Middleware products.

2. Developers must be able to develop applications and middleware for non-Windows operating systems that can interoperate, as either clients or servers, in networks with computers running Windows Operating System Products.

To achieve these goals, more open access to information, and more restrictions on the behavior of Microsoft applications and operating systems are required. I suggest the agreement be modified with the following provisions.

(1) Microsoft shall publish the following information for the Windows Operating System Products and all middleware applications:

(i) application programming interfaces (APIs)

(ii) communications protocols

(iii) application file formats

(iv) documentation on (i), (ii), and (iii).

(2) The information should be freely distributable through non-Microsoft sources, including non-Microsoft web servers. No registration for Microsoft services shall be required for access to the information.

(3) Draft or proposed changes to APIs, communications protocols, applications file formats and documentations must be shared with the public as soon as ALPHA test dates are identified in software project development plans. Software developers understand that drafts are works in progress, but software development lead times are such that waiting until final BETA does not give competitors an even playing field.

(4) No U.S. government procurement, whether by federal agency, or by grant to states, cities, local governments, or non-governmental agencies, shall mandate or specify the purchase of Microsoft Operating System Products or Middleware. Procurements may only specify the required functionality, and compatibility with the published (in (1) and (2) above) APIs, communications protocols, applications and application file formats.

(5) The Technical Committee must ensure that all Microsoft applications and middleware (including Microsoft Office) use only the published APIs, protocols, and formats. The corrective actions include forcing Microsoft to:

(a) Removing unpublished APIs, protocols, and file formats as timely mandatory corrective service packs, or

(b) Immediate publication of such APIs, protocols, and file formats, with monetary fines when such changes were not issued as draft changes in accordance with (2).

(6) Microsoft Operating System and Middleware products have often, without warning or option, overwritten non-Microsoft boot loaders and system preferences, or installed themselves as ''preferred'' applications in place of non-Microsoft applications. Under the settlement, Microsoft products must respect non-Microsoft boot loaders, applications, and settings, and must allow installation according to user preferences and priorities.

In conclusion, the proposed agreement does not do enough to address Microsoft's abuse of monopoly power. Please seriously consider my suggested modifications to correct the agreement.

P.J. Rovero
provero@home.com
cc: Senator Christopher Dodd
Senator Joseph Lieberman
Representative Rob Simmons
CT Attorney General Richard Blumenthal

MTC–00002181

From: John Shackelford
To: Microsoft ATR
Date: 11/25/01 11:27am
Subject: Microsoft Settlement

Hi,

In my opinion Microsoft has employed predatory practices that have hurt the software, computer and internet industries. They have killed off many competitors, like Netscape and others. I have heard that part of the settlement includes forcing Microsoft to purchase and install copies of their OS for schools. This is stupid. What the deal shoule be is this:

Microsoft should purchase and install Macintosh computers in schools. Why would you further extend and cement their monopoly? My alternative is a real penalty.

John
John H. Shackelford III
President
Tritera Incorporated
P.O. Box 83338
San Diego, CA 92138–3338
FAX: 619–222–1442
VOICE: 800–819–8819
EMAIL: mailto:jshack@tritera.com
WEB: http://www.tritera.com
Services for the Development of High-Performance Systems and Software.

MTC–00002182

From: Jack Stenner
To: Microsoft ATR
Date: 11/25/01 10:29am
Subject: Microsoft Anti-Trust Settlement

Sirs,

As a citizen who values the ideals of innovation and competition in our society, I am appalled at the apparent outcome of the Microsoft Anti-Trust case. I am an artist/architect who is presently acquiring a master's degree in computer visualization. At every turn, I witness the wasted efforts of creative programmers as Microsoft either co-opts previously open standards and integrates/perverts them into their own proprietary system, or establishes competing standards to thwart the development of software it views as ''dangerous'' to it's hegemony. The academic institutions of this country are one of the few remaining environments where alternative operating systems, and an open view of the possibilities of computing persist. I believe the worst possible outcome of this litigation would be if Microsoft were allowed to ''pay'' damages by further installing their operating system and software on the nation's educational computers. This action will only serve to solidify their business model, and will damage the opportunities for competition at the very foundation. Please stand up to Microsoft!

Thank you,
Jack Stenner
4004 Oaklawn St.
Bryan, Texas 77801

MTC–00002183

From: Joe Stampleman
To: Microsoft ATR
Date: 11/25/01 1:40pm
Subject: Microsoft (non)settlement

Sir or Madam,

I would like to express the opinion that the proposed ''settlement'' of the Microsoft case does not sufficiently punish Microsoft for its past misdeeds and that it will cause my likelihood to suffer. I am a software engineer, and I am concerned in two ways:

1. I know many colleagues at other companies that have been forced out of business by Microsoft, and the light slap on the wrist that's been given to them does not discourage them from such behavior in the future.

2. From what I've observed, Microsoft's behavior has stifled true innovation in the industry, and for as long as they are permitted to behave as they feel they are entitled to this will continue. Anyone who dares to innovate knows that they will be suffocated by Microsoft. Now they know that the U.S. Department of Justice condones this behavior.

Please do the right thing and punish Microsoft.

—joe

Joe Stampleman
1071 Sunset Drive
San Carlos, CA 94070
(650) 596–3758

MTC–00002185

From: David van Deinse
To: Microsoft ATR
Date: 11/25/01 12:10pm
Subject: antitrust settlement

Dear sirs,

I am not a citizen of your country but I like to give my opinion about the settlement with microsoft.

From the moment Microsoft copied the look of the macintosh, both companies were in a legal battle. Unfortunaly time was on the side of microsoft. So Apple had to settle with microsoft or go brankcrupt. Microsoft could stretch the process for age's. I think this is a flaw in the american system of justice.

Now an other justiceflaw is a problem for Apple. One market were Apple had a fair part of the bussiness (education) will now get unfair trade differences. The free software that microsoft must give to education is only making it harder for schools to choose. I am not saying that one system is beter than the other, only that the choice for schools is not free anymore. For a country that is known for freedom this is not good. Sorry for my bad spelling,

Greeting,
David van Deinse,
The Netherlands

MTC–00002186

From: Mary Jo DeMorrow
To: Microsoft ATR
Date: 11/25/01 12:06pm
Subject: Microsoft Anit-Trust Deal

This is unbelievable! Why do you think that giving Microsoft even more opportunity to undermine their competitors is a good thing? You are giving Microsoft a blanket license to increase their presence in our nation's schools for years to come while at the same time shutting out their competitors. This is a sweet deal for Microsoft and a kick in the butt for Apple.

Why not give the schools the money earmarked for technology and let them decide how to best spend it?

Please reconsider this action!

Sincerely,
Mary Jo DeMorrow

MTC–00002187

From: Stan Ford
To: Microsoft ATR
Date: 11/25/01 2:10pm
Subject: Microsoft Injustice

Dear Attorney General

I am counting on courageous law enforcers like the hold-out states attorney generals to rectify the slap-on-the-wrist punishment that the DOJ has allowed Microsoft to fashion for themselves. Gates and Balmer must be positively giddy about the light penalties handed down. We are already seeing signs that predatory competetive practices and arrogance continue rule the day at MS. Please continue your efforts to reign in these barons of greed.

Thank you,
Stan Ford
4635 Wild Indigo #497
Houston, TX 77027–7070
713?552?9434

MTC–00002188

From: Dean Rasmussen
To: Microsoft ATR
Date: 11/25/01 1:56pm
Subject: MS Penalty = MS Profit

I can't believe what the DOJ is calling a penalty. You are rewarding an criminal monopoly by allowing them to hurt competition in this MS marketing scheme. Everyone knows MS has a low software presence in the school market and what a better way to take over this market too by being ''punished'' into donating free software. Boy, I bet that hurts. Added market share and lots of great PR. I can't believe you don't see the truth in this deal. It will hurt everyone, except MS.

Please PUNISH their crimes, not help them.

Dean Rasmussen

MTC–00002189

From: Bill Pickering
To: Microsoft ATR,microsoftcomments @doj.ca.gov@inetgw,...
Date: 11/25/01 1:41pm
Subject: Unacceptable MS antitrust settlement

AMERICA MUST FACE THIS IMPORTANT ISSUE AND RESPOND CORRECTLY

The proposed terms of antitrust settlement with Microsoft to distribute free operating software to education markets is totally unacceptable and should NOT be passed by individual states. The proposed action is really not a penalty—it is a benefit to Microsoft.

1. Anyone with an abacus can figure out it doesn't cost $1billion to press, distribute CDs to schools. This is only a slap on the wrist, and certainly no where close to true community service! It's ineffective action against a known monopoly.

2. Sending free Microsoft Windows CDs to schools is only forcing education markets to accept the Windows operating system—a contrived ploy to further perpetuate the very Microsoft monopoly the justice department is trying so diligently to eliminate! Schools who use other computing platforms receive no benefit from this proposed action. The proposed settlement is pure nonsense, designed to benefit no one except Microsoft.

Please do not accept this ridiculous settlement proposal. It would be devastating to our economy in the long run, and it demoralizes America's trust in our justice system.

Hundreds of thousands of parents, teachers and students across our nation have already reviewed and rejected this proposal. These folks are now asking and watching to see if individual states are also wise enough to see the deception behind this proposal and refuse it's acceptance.

MTC–00002190

From: Soila Ochun
To: Microsoft ATR
Date: 11/25/01 4:32pm

The Federal Trade Commission and the 9 states are being deceived by Microsoft. By allowing Microsoft the choice into favoring its products and giving Microsoft the marketing advantage it loves. The small penalties of the verdict should not be used to favor Microsoft, but penalize it. They are allowing it to mandate how it will spend the money from the settlement. Allowing Microsoft the preference of schools they provide funds to as well as equipement will be devistating. I feel that the money should be granted on the following requirements: Schools should get a Sun with Solaris or a Macintosh with OSX or an AMD with Linux that will show real competition. Software and hardware to accommodate those types of computers.

If the government allows microsoft to invest the settlement their way it will only capitalize on the existing monopoly that Microsoft has not yet cannibalize it with choice. None of the software or hardware that uses its Microsofts OS should be donated. It should be the competitions products, that is the ultimate reason for the investigation. We need to show Microsoft that it will have competition. The education market is an important market that reaches Americans. It provides knowledge to our children. It also shows parents the extra guidance in purchasing computers for their children. These choices out their can first be learned through education. This will truly mean that microsoft is sorry for abusing their power. This will also provide knowledge to Americans and awareness of alternatives. They should also not use this to accelerate their current reputation nor marketing power with a future Microsoft Cares*—promotions and or advertisements. If this is not implemented i can imagine the worst. No Netscape, ICAB only Internet Explorer. No AOL, Earthlink, only MSN. No Corel Word Perfect, Lotus Smart Suits only Microsoft Office. No imovie or idvd but the Microsoft clones that Microsoft makes. This will only help Intel, Microsoft, Dell, and any of those that support the WINTEL environments. I can also see Microsoft using this money to pushing the Macintosh out of the school districts. Please dont make the same mistake twice in allowing them into getting away with the punishment they deserve.

*I thought of that slogan first.

Mark Velazquez
2921 Briggs Avenue
Bronx New York 10458 #6A
(718)–561–4738
ochun@onebox.com—email

MTC–00002191

From: root@wt6.usdoj.gov@inetgw
To: Microsoft ATR,antitrust@ftc.gov @inetgw,Ralph@essen...
Date: 11/25/01 4:08pm
Subject: Microsoft Hegemony' Philanthropy With Noose Attached CC: letters@latimes.com@inetgw,letters @sjmercury.com@1...

Re: Judge to Weigh Private Microsoft Antitrust Deal

U.S. District Judge J. Frederick Motz will have to decide whether the settlement proposed by the company is a creative solution that will put computers in the hands of poor school children or a legal ruse that will further the company's dominant position in the computer business.

Much more than the private Microsoft antitrust deal, Motz will be deciding whether the US legal system will be hijacked and used by corporations to quell dissent to their economic/technical despotism via philanthropy. We The People do not need Microsoft's philanthropy with a noose attached. Microsoft is destroying our institutions by destroying our value of the principles that underly them.

Central to the dispute is a U.S. antitrust doctrine that holds that only a ''direct purchaser'' can collect damages in private antitrust suits.

''You see how loophole works for large corporation? Kind of looks like economic/technical despot holds special place in heart of public servant, no? Ha ha ha ha...''

MTC–00002192

From: Richard W. Boman
To: Microsoft ATR
Date: 11/25/01 2:15pm
Subject: Microsoft can cripple this country

I would like you to know some simple facts about microsoft.

1) They are a monopoly

2) Their shark tactics against american soil companies have caused, bankruptcy, a loss in jobs, and poorly written software to become the accepted norm in this country.

3) Their software scheme has single-handedly allowed more virus and hacker vulnerabilities than any other Operating System or Server Software used in this country, which in turn would allow terrorists easier ways to exploit the US.

4) Think of the small companies that Microsoft has pirated and ravished, (by offering FREE poorly written copies of similar software long enough for these companies to go bankrupt) and then charged outrageous prices when no competition is available.

5) The American public is not necessarily educated enough to understand all that microsoft has done over the years. I am concerned about America, and this company is not concerned in the least about homeland security. The dollar is paramount in their eyes. Sometimes capitolism can destroy, particularly when a monopoly exists. Think about it.

Sincerely, Richard Boman

MTC–00002193

From: Robert Godfrey
To: Microsoft ATR
Date: 11/25/01 5:08pm
Subject: Microsoft Settlement

Microsoft's settlement offer flagrantly fuels Microsoft's monopolistic position at the expense of other computer and software platforms and manufacturers.

A more appropirate settlement would be for Microsoft to pay an appropriate amount to the stockholders of the companies that have been put out of business and/or damaged by Microsoft's illegal activities.

Robert Godfrey
PO Box 314, Moose Island
Eastport, ME 04631
godfrey@quoddyloop.com

MTC–00002194

From: Ron
To: Microsoft ATR
Date: 11/25/01 5:02pm
Subject: Disappointed in settlement

Dear DOJ:

I am very disappointed with Microsoft/DOJ settlement. I don't believe it will keep the MS monopoly from continuing to hinder innovation in the computer hardware or computer software industries ... as the Consent Decree signed by MS in 1994 didn't hinder their practices.

Also, I can't believe the settlement that was agreed to concerning the ''overpriced'' lawsuits against MS. It's a win-win situation for MS ... get rid of inventory during slow times & aggravate the current imbalance in the market place. Come on, MS has cash, have them rebate money to the schools (and others impacted by their actions) and let the schools (and others) decide which brand of technology they want to use.

Get real! You should have worked to get rid of the monopolistic consequences that have happened over the last decade. Our choices are nearly gone as far as PC technology is concerned. Breaking up MS was a much better idea, and that wouldn't have gone far enough.

How would you like to have a choice of only:

one brand of car,
one brand of cell phone,
one brand of shoes,
one brand of restaurant,
one brand of wine,
one brand of shaver,
one brand of candy ... .

We need product diversity in all sectors!!

Sincerely,
Ronald J. Korniski
792 Maysville Circle
Thousand Oaks, CA 91360

That's all folks!

MTC–00002195

From: Ted Abel
To: Microsoft ATR
Date: 11/25/01 4:50pm
Subject: U.S. Dept. of Justice vs. Microsoft

Dear Attorney General of the U.S. Dept. of Justice,

I was very disappointed and dismayed by recent information coming out in the news media regarding the U.S. Dept. of Justice vs. Microsoft case. What is this so-called 3harsh penaltyò when a company can give away its software (Microsoft Windows) and PC computers/peripherals w/Windows to underprivileged schools? This just adds to the monopoly and bundling Microsoft was accused of in the first place! Am I missing something here? Or am I reading this information incorrectly? Shouldn't the penalty be tied to financing the purchases ONLY and not to giving away their own company's software or hardware/software bundling? Why not Unix, Linux, Sun, Apple, etc.?

Also, if the ruling stands that they were doing something illegal, show the like-minded companies that you have the best interests of the American people in mind and not the monied interests. Do your job for the people not just business! I am ashamed of my present U.S. Government Administration, and this present U.S. Department of Justice in particular, for wasting precious time and public money from the past Administration and squandering the past ruling with acquiesence in this matter of the future of technology, rather than concluding a ?just1 penalty. What a waste and defeat for the public trust and software companies everywhere!

Advancing a monopolistic technology that is mediocre at best (just adequately gets the job done) rather than striving for real competition with the best quality technology (superior performance) is like a slap in the face to the software/hardware companies that truly feature innovative and advanced feature sets. If we all strived for the mediocre or common denominator in the technology arena, or for that matter in any endeavor, where would we be today? Would our military be as successful in Afghanistan? Would MIT, Stanford, Yale or Harvard pump out B or C students. We certainly would not be the technology innovators we are known for today!

I hope and pray that Microsoft has a ?just1 penalty to pay and not a slap on the wrist for practicing unethical, monopolistic and predatory business practices. No company should be able to profit from such behavior. Surely, my Government should be that 3first line of defenseò to see that these kinds of companies do not gobble up the competition!

Sincerely,
Ted Abel
8865 Lynnett St., N.E.
Alliance, OH 44601–9770

MTC–00002196

From: Walter Steensby
To: Microsoft ATR
Date: 11/25/01 8:09pm
Subject: Reasons not to penalise Microsoft

Greetings,

I am a private citizen. I believe that I have been driven into unemployment by the tactics and behaviour of Microsoft and its acolytes. However, I offer below six reasons why Microsoft should not suffer further distrubance from the courts.

1. Microsoft is a huge company, seemingly as close to a monopoly as is possible without actually having become the sole supplier in the marketplace of personal computer operating systems and enterprise-level IT support software systems. The marketplace has made rational, reasoned, impartial and unbiased assessment of the available options, and accordingly Microsoft is the beneficiary.

2. The installation worldwide of Microsoft operating systems and other of their software is hugely beneficial to various US government agencies, the NSA for example, making it possible for these agencies to conduct remote surveillance operations on government and corporate activities anywhere. (I would refer you to ''The Puzzle Palace'' by James Bamford.) This capability is very important to the security of the USA, especially after last September's outrage. Indeed, if organisations and other governments can be persuaded to use non-Microsoft operating systems, this situation might contribute to compromising the security of the US.

3. The considerable revenue streams from Microsoft's sales outside the US continue to help the rather desperate balance of

payments situation, all the more so as the recession deepens.

4. Microsoft is now at the head of an ''empire of technology'' enabling and facilitating the operations of, and thereby guiding, the bulk of the world's governmental, commercial and industrial functions. Individuals, organisations and governments which in IT terms are unable to control their own destinies have been and will continue to be well-served by Microsoft.

5. The court's recent decision re Microsoft is simply a reflection of the political realities of the day and of the attitude of Republican administrations to business in general. Why disturb an organisation which clearly is functioning efficiently?

6. The current administration and its advisors are evidently aware of the true nature of the situation and of its ramifications. Their decisions should stand.

Yours sincerely
Walter Steensby
PO Box 305
Hawker ACT 2614
Australia

MTC–00002197

From: Greg Granger
To: Microsoft ATR
Date: 11/25/01 7:07pm
Subject: confused and disappointed

I've been a software developer for over twenty years and I currently work with MS technologies. In fact in the early to mid 1980's I was a big MS fan. However, their conduct over the pass fifteen years has been utterly contemptible and without morals.

I'm as confused as I am disappointed by the token settlement with MS. What exactly was the point of this case?

The government found MS a monopoly then made an agreement that basically rubber stamps all of MS illegal behavior. After reading the agreement it's clear that there was no penalty for it's frequent and obvious pass anti-competitive actions. However, worst than this it's clear that there is absolutely no requirement for MS to change anything that it's currently doing. Rather than run down why the different parts are either useless or meaningless, I challenge the DOJ to document one MEANINGFUL change that has or will occur at MS that either helps the consumer or addresses MS's criminal behavior. ... If you think you have one, send it to me and I'll explain your error. In fact parts of this (like the 10/20 biggest vendors non-sense) actually help MS. Further since MS had already destroyed any meaningful competition by the mid-1990's, what difference does it make that vendors NOW have the chance to ship systems without a MS product????? This agreement makes no sense. At best it's gross incompetence, at worst corruption. I'm still utterly floored by Judge Jackson's conduct. While he was the only person to hand down an even remotely sane verdict, was he really so clueless to believe that his conduct would not disqualify his ruling .... I think not. Even if MS had been split it would have been 5–10 years before any real gains to the American consumer would have been felt.

When time allows I will be sending a paper and electronic letter to my representative and sentators requesting that the DOJ be investigated in relation to this matter.

MTC–00002198

From: Eric C. Forat
To: Microsoft ATR
Date: 11/25/01 6:32pm
Subject: Self Interest

Gentlemen,

If you really wish to serve the interests of the country at large, do not let Microsoft monopolize our IT. Besides putting out inferior products easily attacked, their total contempt for the larger goal of the common good versus their own narrow greed does not recommend them as the basket in which we should keep all of our eggs...

Thanking you for your time, sincerely yours

Eric C. Forat

MTC–00002199

From: Gordon Weast
To: Microsoft ATR
Date: 11/25/01 9:26pm
Subject: Comments on Microsoft agreement

Sirs:

After reading much that has been written about the pending agreement, I feel compelled to write.

At first look, forcing Microsoft to make $1B available to some educational institutions looks like a punishment. Unfortunately, this just locks out other products from those same markets. While I saw reference to a Microsoft statement that those institutions could spend money on other products, they clearly won't provide customer support for such a choice.

Students who learn computers using a single provider's products will likely think that that is the only option. How does this promote competition?

An additional clause in the agreement that requires some specified fraction of the funds to be used to teach alternative products both on Windows and on other operating systems would do far more to help level the playing field. At least 50% of the funds should be used to promote the competition. This would go far to make up for the anti-competitive tricks they have used to get where they are. I don't want to see Microsoft destroyed, but it is important for the industry that open competition be encouraged.

The discussions I have read indicate that while Microsoft would be required to make the programming interfaces available, they would not be freely available to all developers. Allowing Microsoft to make the information available only under supervision at a Microsoft site would lock out smaller developers who have little or no budget for travel. These are the very developers who will most likely take chances on new technology. Many of these developers are likely working as single people with no budget for travel to a Microsoft site.

Please don't let the agreement stand as it currently exists.

This agreement is not good for the software industry.

Gordon Weast

MTC–00002200

From: Dave C. Hill
To: Microsoft ATR,microsoftcomments @doj.ca.gov@inetgw,...
Date: 11/25/01 9:08pm
Subject: Proposed Microsoft Settlement is a travesty of Justice

Talk about playing into the hands of the monopolist ! The particulars seem to do nothing to Microsoft but provide another avenue for them to market they're products ! You should be ashamed of yourself for striking this deal. Makes it look like you might be on the ''Take'' !!

David C. Hill
Arvada, Colorado

''Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and the success of liberty.'' ....John Fitzgerald Kennedy—1/20/61

Dave Hill <dchill1@qwest.net> :-)

MTC–00002201

From: Wes Rand
To: Microsoft ATR
Date: 11/25/01 9:03pm
Subject: Microsoft settlement

Dear US Justice Department,

I do not believe the remedies as reported will have the slightest effect on Microsoft's predatory marketing practices and illegal abuse of monopoly power.

And developments since the verdict in the case are disturbing. Especially with regard to the internet: Microsoft has bundled their browser for free with their operating system and drove all other browser manufacturers out of the market. They claim they have a right to do this, and that they are only serving consumer needs.

But their most recent versions—including ALL browsers shipped with the new Windows XP—have made a significant change: they no longer support industry-standard third-party browser plug-ins for presenting specialized content, such as movies, sound, animation, and virtual reality.

This means that third-party content providers, such as Real Audio, Macromedia Flash, Adobe PDF, and Apple QuickTime—just to name a few of the larger players—no longer function under Microsoft's browsers using the standard installation procedure. Instead, they must provide special installations that go through an additional layer of software—Active X— that Microsoft's own content provisioning software does not go through. This means that ordinary consumers will have to struggle needlessly to install third-party content provisioning software, but perhaps more importantly, if they do actually get through that struggle, the third-party plug-ins will run more slowly and with less capability than will Microsoft's own content provisioning software.

This also means that some 90% of new computers sold cannot properly access many web sites which use non-Microsoft software such as Apple QuickTime content, whereas 90% of pre-Windows XP computers could. With this current settlement, really just a cushy ''hand slap'' settlement, Microsoft not only successfully extended their operating system monopoly into the internet browser market, but now they have extended their monopoly into the content provider marketplace! They have broken the law once,

and while being penalized, have broken it again. And they are moving to extend it with their .NET intiative using their operating system monopoly and their new browser monopoly.

Soon consumers will be unable to access content that Microsoft has not provided or approved of. This is hardly protecting or maintaining free market capitalism and undermines a key industry. Please revisit this settlement and work for real punishments. Thank you for your attention.

Wes Rand

The great thing about democracy is that it gives every voter a chance to do something stupid.—Art Spander

MTC–00002202

From: Richard Lowenthal
To: Microsoft ATR
Date: 11/25/01 8:54pm
Subject: Microsoft settlement

It is the opinion of this very senior citizen that Microsoft, with all of it's ''good stuff'' still cost me lots of money and aggravation: Their version of various applications are put out on the market in poor form and beginners like me have to work with applications full of glitches and THEN PAY FOR AN UPGRADE THAT SHOULD BE FREE. They are an identifiable monopolist, i.e., Netscape, Java, etc. They should have extreme restrictions and be monitored for an extended period of time, 10 years!

I believe they should be allowed to compete! However, they DO NOT COMPETE. RATHER, THEY OVERWHELM AND USE UNLAWFUL METHODS TO COMPETE.

DON'T BREAK THEM UP. OPEN THEIR CODE AND MONITOR THEM FOR 10 YEARS.

Sincerely,
Richard Lowenthal
Frankfort, MI

MTC–00002203

From: Kevin Ledgister
To: Microsoft ATR
Date: 11/25/01 9:53pm
Subject: Public Comment
From: Kevin Ledgister 1610 Pearson St.
Wausau, WI 54401 kledgister@mac.com

To the US Dept. of Justice

Public Comments on Microsoft Anti-Trust Settlement

As a consumer I wish to express my view that the proposed settlement does not appear to go far enough to protect consumers from Microsoft's illegal monopoly practices.

First, since the Appeals Court unanimously declared that Microsoft had acted illegally, there does not seem to be any punitive remedy that addresses the gains that Microsoft made by acting illegally.

One of those gains has been Microsoft's ability to dictate proprietary web browser standards and technologies because of its illegally gained monopoly. As a consumer, I am harmed because I choose a competing product that adheres to the standards established by recognized bodies that govern the Internet, but I still cannot appropriately view many websites or use their services because many websites are programmed to be accessed with Microsoft's Internet Explorer instead of Netscape, which used to be the case. Microsoft should be forced to adhere to standards established by a recognized Internet body so that competing browsers are able to freely view websites and obtain services without having to switch browsers because of the proprietary hooks that Microsoft was able to establish based on it's illegally gained monopoly.

Microsoft should not be allowed to continue to control the browser market because it was derived from illegal gains. Microsoft should be allowed to continue to ''innovate'' but not without incorporating established standards so that consumers have equal access to Internet content.

As a consumer, I have also been harmed by having to purchase Microsoft Windows and having to pay that price, which includes paying for additional software that is not necessary for the operating system to run and allow for the installation of other applications.

Because Microsoft is such a monopoly, any additional software that ships along with Windows, without additional charge, has the potential to create an additional monopoly. Unfortunately, it is usually too late once that monopoly is created to go back and undo the damage.

For that reason, and without stifling Microsoft's ability to innovate, Microsoft should be forced to charge for additional software that it ships along with the Windows operating system. There is a cost to develop these applications, and a formula can be derived. The exception would be for applications that competitors allow to be downloaded for free because of their distribution method, Microsoft would also be able to offer these services for a free download.

That way, consumers can pay less than current prices for the basic operating system and option up for any additional applications that they wish to purchase, e.g. I would rather pay $99 for Windows XP and not for Microsoft's image editing and music compression software, which I can freely get elsewhere. Consumers who want to buy the whole bundled package should have that option too, if they want to pay extra for it.

Microsoft should also be forbidden from paying manufacturers to carry these additional software applications (such as Windows Media Player) without there being a corresponding revenue model for that software (such as selling a server version or development tools) to offset the cost. Otherwise, as a consumer, I will never be able to truly benefit from the free market forces, but will continue to subsidize Microsoft's ability to run competitors into the ground and support their continued efforts to dominate endless markets.

It would seem appropriate that any remedy should not only include penalties where consumers where harmed, but also be forward looking.

Thank you for you consideration.

Regards,
Kevin Ledgister
Kevin Ledgister
kledgister@mac.com

MTC–00002204

From: Dalex
To: Microsoft ATR
Date: 11/25/01 9:47pm
Subject: alternate proposal

To the US Department of Justice:

When I read about Microsoft's settlement offer, I thought of the old restaurant joke: ''The food here is bad—and the portions are so small!'' When it comes to software, you can't make up for qualitative flaws with volume. I have seen Red Hat's proposal (http://biz.yahoo.com/bw/011120/202744—1.html), but for all the reasons it makes sense, it would make even more sense to have Microsoft spend that billion dollars on Apple hardware.

Wouldn't it be much more appropriate to have Microsoft buy computers that can't run their operating system? If Microsoft would buy the hardware, I'm sure Apple could be persuaded to donate software and support, though Apple computers already come bundled with the operating system and many easy-to-use applications at no extra cost. Microsoft could donate copies of Office, the Mac version of which is very well liked.

My proposal would be much better for students than either Microsoft's or Red Hat's. For example, Apple's iBook laptops, along with their Airport technology, are a very inexpensive way to get a whole school connected wirelessly to the Internet; there is no equivalent in the Wintel world. Also, Linux is terrific, but it's never been anywhere near the #1 platform in the education market, as Apple is. I doubt Red Hat would expand their offer to include porting hundreds of educational apps from the Mac platform to Linux—or retraining hundreds of teachers and administrators who are already happy with Apple computers.

I believe what I am suggesting is (a) fair to all parties, (b) more appropriate than what Microsoft is offering, and (c) much more beneficial to the cause of educating American students. I hope you will agree.

Respectfully yours, —Andrew G. Lee
Sincerely,
Dave Walker

MTC–00002205

From: Charlie Michelson
To: Microsoft ATR
Date: 11/25/01 9:27pm
Subject: Microsoft ''Settlement''—School Donations

Please do NOT agree to the proposed Microsoft settlement. If Microsoft has been overcharging, they should simply pay money to schools (or whoever) for the amount of the award. If there is to be any hardware donated, it should be Apple hardware. That is the only true competitor to Windows at the personal (non-server) level.

Remember the Irish potato famine. If too many eggs are in one basket, bad things (viruses) can happen. Strength is in diversity— in people, and in computer operating systems. That is the American way.

I am also extremely disappointed in the DOJ cave-in on the main monopoly suit. Please write if you wish to discuss further. There are many more reasons I can give for my position.

Charlie

MTC–00002206

From: Rick Balian

To: Microsoft ATR
Date: 11/26/01 1:45am
Subject: Proposed Microsoft settlement

To Whom It May Concern,

Letting Microsoft donate PCs and their own software is an outrageous settlement. Please don't let Microsoft get away with that. Microsoft is a bully. Its punishment must be more than a wink and a ''don't let it happen again, son'' speech.

At the very least, Microsoft must be made to donate software by other manufacturers and computers that don't run Microsoft's operating systems. Increasing a monopoly's market share is a strange way to punish a monopoly.

Rick Balian

MTC–00002207

From: Malcolm McCallum
To: Microsoft ATR
Date: 11/26/01 12:24am
Subject: Microsoft decision

Dear Sirs, I believe the decision in this case is so wrong it makes a mockery of Justice in the USA. You have given the Fox the key to the chicken run. It is just unbelievable.

Malcolm McCallum
Orthopaedic Surgeon

MTC–00002208

From: Phillip Anderson
To: Microsoft ATR
Date: 11/25/01 11:21pm
Subject: MS private settlement

This ''private'' antitrust settlement is LUDICROUS!!! MS Software costs Microsoft NOTHING—NOTHING—NOTHING—and schools would normally get it free anyway. So how come you are putting a FULL RETAIL dollar value on it to measure a ''settlement'' value? This is such a huge transparent FARCE, anyone can see though it. Wake UP!!!!

MTC–00002209

From: Bill Huggins
To: Microsoft ATR
Date: 11/25/01 9:55pm
Subject: Stupid lawsuit

This lawsuit is so incredibly stupid! You guys seem to want to protect the brand new user, but from what I don't know.

Microsoft has done a very limp job of protecting itself. Windows is not a monopoly; it is a standard. Let's hear it for standards.

You want to pull Internet Explorer (IE) out by its roots. Why? Every modern OS comes with a browser. Perhaps Microsoft should be reamed for not having a splash screen for the new user that would appear every time the system boots that says, ''Please go to www.opera.com and www.netscape.com. Download the browsers from these 2 companies. Once you have installed them, you will find that you can run them side-by-side with Internet Explorer. You can make any of them your default browser. Bear in mind that the other browsers are free downloads, as is IE, but you need a browser to get to the other company's websites. We include Internet Explorer in each copy of Windows as a public service.''

You accuse Microsoft of including features that make it a monopoly. This sort of attack marks you as a non-user of computers. Microsoft has traditionally offered tools like Disk Defragmenter (a reduced feature version of Norton Utilities, etc.), notepad, a Media Player and now, with XP, a movie maker. If you were a user, you would know that these tools aren't very good. If you needed such a tool, you would seek one out and buy it.

You have made a big stink about the first screen a new user sees. Big deal. You have again tried to protect the new user. You are only a new user for a couple of months. Any home user can change his desktop with background colors, textures and pictures. It's easy.

I could go on for hours, but I'll spare you. The DOJ has done a great injustice to Microsoft and most of the millions of users of MS software. You have wasted millions of dollars and diverted energy that could have been used more creatively. You should be ashamed of yourselves.

I hope your computer turns on you.

Sincerely,
William M Huggins
9200 Red-Wood Rd NE, C-402
Redmond, WA 98052
425.861.9119

PS... I work for an Internet Service Provider. I have no financial ties to the company. I own none of their stock.

MTC–00002210

From: Ruth Harris
To: Microsoft ATR
Date: 11/26/01 1:56am
Subject: Microsoft

Don't let Microsoft off the hook. A friend of mine had his client's website hijacked by MS deneying them all access to their email. This was done without their permission or without warning. It was removed from the web server of the ISP with which they were contracted and moved to Microsoft's website. They were unable to retrieve it and Microsoft wouldn't even talk to them about it. These people are crooks.

Ruth

MTC–00002211

From: mmikowsk@demai05.mw.mediaone.net@inetgw
To: Microsoft ATR
Date: 11/26/01 2:20am
Subject: Microsoft Settlement

To Whom it May Concern:

I am currently an owner of an Information Systems and software development firm. Based my firm's experience in this field, I propose the following adjustments to the Microsoft settlement:

1. PROPOSAL A

a. OVERVIEW

The US Government (and other governments) should embrace open standards for file formats for commodity applications such as Word Processing, Spreadsheets, Database, Graphics, and Mail.

b. PROPOSED ACTIONS

A national or international standards committee be formed to oversee commodity file formats, much like the W3C.

Formats be developed for Word processing, Spreadsheets, Database, Graphics, and Mail.

These formats should be based on open, published standards that can only be extended through the committee.

The US government adopt these standards as required for governmental correspondence.

Software producers must show their tools are compatible with these standards before government agencies employ them.

Software producers should be encouraged to publish their compliance to these standards.

c. REASONING

Microsoft's monopoly on the business desktop is not derived from its innate value of its operating systems, but by its anti-competative use of its monopoly to control proprietary formats used in commodity applications.

Microsoft Word, Excel, Outlook, and others employ proprietary formats controlled, and changed at will, by the company. Any attempt to use other tools to access or edit this data are hamstrung Microsofts propensity to change these formats at its whim. This is the core of its anti-competative practices.

Microsoft has shown a pattern of first embracing competing formats (such as WordPerfect, and Lotus 1–2–3) and, once market dominance has been ensured, have emphasized their own proprietary formats. This is a trend they have continued to this day. One only need to look at how their ''extensions'' of HTML standards are currently being used to block access from any other platform besides their own.

In the past, we wrote on paper. There are hundreds of producers of pens and paper. Today, we often write in word processors and spreadsheets. Should only one company in the world control the access to the intellectual property we create?

d. IMPLEMENTATION

The technology and software already exists to move this proposal to a reality in a very short time period. The US Government could change to open file formats with little pain by employing Star Office while saving untold millions in licensing costs. It can require all html document meet the W3C guidelines for HTML. The government would provide the impetus from moving its data, and that of the people, out from under the control of a private interest, and into open formats where we the people can access our own data without being required to purchase a Microsoft product to do so.

e. REFERENCES

Open File Formats: http://www.computerworld.com/cwi/community/story/O,3201,NAV65–1797STO64689,00.html Star Office, which employs open, XML formats with excellent capabilities: http://www.sun.com/staroffice/6.0beta/;$sessionidSROHKZK4E1MJORAMTA 1FU3NQ

The W3C group has provided standards which has allowed dozens of competing web browsers to be successfully developed: http://www.w3.org Anyware Office, which employs XML-like file formats in a product which works extremely well Anyware Office: http://www.vistasource.com/products/anyware/office/

f. DISCLAIMER

We own Microsoft Office Professional. We manage dozens of Microsoft OS's and Office products. We have tested (and are impressed)

with Star Office. We also use Anywhere Office in an office of 5 individuals. We have no other connection with the companies or software presented above.

2. PROPOSAL B

a. OVERVIEW

The proposed settlement for providing Microsoft access to our children's and educators' minds is counter-productive to the good of the people and the government.

b. PROPOSED ACTIONS

Require any software provided to US schools to be compliant with the requirements as set forth in Proposal A of this comment.

Adjust the settlement so that Microsoft is responsible for providing hardware and funding only.

Provide an independent body for determining the software and training employed by the schools.

c. REASONING

The proposed settlement to provide Microsoft software and training only further benefits the company, while displacing other firms such as Apple and RedHat. By taking the proposed value and applying it to hardware and funding only, the public is ensured to receive the value offered by Microsoft.

d. IMPLEMENTATION

I have no additional recommendations for implementation of this remedy at this time.

e. REFERENCES

The RedHat Counter Offer: http://www.redhat.com/about/presscenter/2001/press usschools.html

f. DISCLOSURE

We own Microsoft Windows 2000 and Mandrake Linux. We use RedHat Linux as our OS for web service development.

These are fair adjustments to the proposed settlement. They will provide innovative competition the like of which the industry has never seen.

I am available for discussion of these remedies at any time.

Respectfully Submitted
26 November 2001
Michael S. Mikowski
Managing Director, Uniphied Thought LLC
Dearborn, MI 48126
Tel 313–441–2579
Mobile 313–550–8406

MTC–00002212

From: Hilary Sochacki
To: Microsoft ATR
Date: 11/26/01 8:17am
Subject: Microsoft bribes

''Donations'' of Microsoft products to schools? That's like letting bio-terrorists pay for their crimes by allowing them to distribute ''vaccines''. Microsoft's management has to be riotously laughing behind your back!

D. Liszewski

MTC–00002213

From: Unger, Phil E SCC
To: 'microsoft.atr@usdoj.gov'
Date: 11/26/01 5:56am
Subject: Proposed Microsoft Settlement Too Weak

What happened? Why did the DOJ just give up and walk away? Have so many staff changed with the new Bush administration that we now have a computer illiterate staff at DOJ?

The proposed settlement with Microsoft is baby mush and fixes nothing. Go back and try again.

Phillip E. Unger
Shell Chemical LP
One Shell Plaza, 910 Louisiana, Houston, TX 77002–4916
Tel: +1 713 241 2098 Fax: 1602Email: phil.unger@shell.com
Internet: http://www.shell.com/chemicals

MTC–00002214

From: Mr Lynn
To: Microsoft ATR
Date: 11/26/01 8:26am
Subject: Microsoft settlement

To the Department of Justice:

While I am happy to see the government pursuit of Microsoft under the Sherman Anti-trust Act come to an end, the proposed 'penalty' of allowing Microsoft to expand its educational market share by placing product in schools is preposterous.

Apple's Macintosh operating system (OS) is the primary competitor to Microsoft's Windows outside of big business, but has only 5% of OS market share worldwide. Education is one of the few areas where Mac OS market share is substantial, though still by no means dominant. The proposed 'penalty' rewards Microsoft and penalizes Apple, thus further eroding competition to the Windows OS in education.

I hope you will reconsider this ill-conceived 'remedy' and focus on reining in Microsoft's anti-competitive business practices, in order to encourage a more level playing field in the OS market.

Yours sincerely,
L. E. Joiner
Primary Caring
Walking Creek Productions
PO Box 3589
Saxonville, MA 01705–3589
508/788–7770
<MrLynn@mac.com>

MTC–00002215

From: David J. Liszewski
To: Microsoft ATR
Date: 11/26/01 8:21am
Subject: Regarding Microsoft's Proposed Settlement of Private Cases

I am astounded to learn of Microsoft's proposal to donate computers and software to some of the poorest schools in the nation as settlement for the private anti-trust lawsuits it faces. The company claims that these gifts will service seven million children. This settlement is precisely the type of activity which needs to be curtailed by government action.

Microsoft will create seven million new customers while reaping good will. Why should a criminal be allowed to benefit from their punishment? This settlement is akin to arming convicted violent criminals in lieu of jail time.

If Microsoft is so insistent upon donating a tiny fraction of its $30 billion cash reserve, why can't it donate only cash, or Apple computers, or something else from which it will derive no benefit?

Sincerely,
David J. Liszewski
Sharon, MA

MTC–00002216

From: DeeKay
To: Microsoft ATR
Date: 11/26/01 8:39am
Subject: Microsoft/DOJ ''seattlement''..

Dear Sir or Madam, even though I am not a US citizen I'd like to use this opportunity to express my strong concern about the so-called ''seattlement'', a cave-in that is without a doubt previously unheard of.

The seattlement has so many holes in it that its effective uselessness is obvious to any journalist, expert and trial-interested person, yet the DoJ still thinks it's a great idea!

I also do NOT see ANY remedies in the seattlement, Microsoft has broken the law in various ways, something that even the Court of Appeals agreed to when they took back the verdict that Judge Jackson had issued! Now I wonder: Where are the remedies for the crimes Microsoft has done? They did blackmail Compaq, IBM, Apple and others, and somehow my feeling for justice tells me that even though it's a settlement, Microsoft should be punished for what it has done!

Or, as one journalist put it: Microsoft is free to enjoy the fruits of its law-violations to the full extent still, and will be even after the settlement! That is something that has not happened before, and it just seems so painfully wrong!

Besides, the DoJ also seems to have a memory leak in other ways, cause I can't remember that Microsoft's faked Evidence-Videos or lying in court, as well as making fun of the court in totally ridiculous subpoenas (Bill Gates: ''I don't remember what I meant when I said 'crush Netscape''' etc!) and by releasing a crippled version of Windows just to spite the court, even though it's been proven that the Internet Explorer can be removed from Windows98 without leaving a trace have ever had any consequences!

Like said, I am not an american citizen, but for outsiders it seems like Microsoft can behave in utter disrespect to the court and still not face any consequences for that at all! This casts a rather bad light on US Judicative in my eyes! Or Does this only account for multi-billion dollar companies?

Please, I ask you in the name of countless others: the world is looking at the DoJ to put the raging Godzilla that Microsoft has become into chains to help the economy worldwide by re-enabling competition again (there is basically none at all in the areas Microsoft has a monopoly in!), just like you did with IBM and Standard Oil before! Doesn't the American idea of a free market base itself largely on a living market with lots of competitors, that will result in lower prices and better products for the consumer?

Well—how on earth can you be so sure that Windows/IE/MS Office is the ''best'' for consumers when there is basically no noteworthy competition (in respect to market share!) at all around? It might help considering the fact that Microsoft has had a monopoly in operating systems right from the start in 1981, and it has never ever faced *real* competition (meaning: it has never

had less than 80% market share, even when DR-DOS was around!) there. The other monopolies with IE and Office were only achieved through massive ''leveraging'' by integrating both deeply into Windows, a practice that will continue unthrottled in spite of the settlement, just look at what they already integrated into Windows XP even though the trial was still going on!

With best regards,
Daniel Kottmair

MTC–00002218

From: Derrick Goodwin
To: Microsoft ATR
Date: 11/26/01 8:50am
Subject: I can't believe it...

If you wish to discourage a behavior you should punish it. This does not appear clear to the DOJ. Allowing Microsoft to ''donate'' computers to less fortunate schools punishes the schools more than Microsoft. They have always wanted to increase their market share in schools. Make Microsoft donate ''money'' to the schools and let the schools decide what they want to do with it.

Derrick Goodwin

MTC–00002220

From: Kelly Baker
To: Microsoft ATR
Date: 11/26/01 10:02am
Subject: Microsoft hand slap

I hated the ''Clinton Years''. But there was one thing that was being done during that time that was warranted. That was the Microsoft case. Microsoft has severely abused its monopoly power by forcing unreasonable licensing agreements (which, by the way, it is doing AGAIN right under your noses!), forcing non-compete agreements, and forcing standards changes that it had previously agreed to (example: Java). Your ''remedy'' for Microsoft is equivalent to charging a business man $1 for having his competitors' legs broken! I am a supporter of President Bush, but this boneheaded move by the Justice Department is inexcusable. The currently presiding judge wanted a fair agreement. The ONLY party this agreement seems ''fair'' for is Microsoft!

Kelly Baker, M.S.
Systems Engineer

MTC–00002221

From: Aaron Burton
To: Microsoft ATR
Date: 11/26/01 9:35am
Subject: Antitrust settlement

I don't feel like the proposed settlement is strong enough. I don't see what is going to stop Microsoft from including more software in the operating system, which will hurt competition. What they are doing with XP is many times worse than what they did with Internet Explorer. As long as they are allowed to do that, fair competition does not exist.

Thank you,
Aaron Burton
Topeka, Kansas

MTC–00002222

From: ANTHONY J DURAN
To: Microsoft ATR
Date: 11/26/01 9:29am
Subject: Prosecute...

...lawbreakers to the fullest.

It's that simple.

Microsoft has, will, and plans to in the future continue crossing the legal limits of acceptable behavior and activity with respect to laws controlling business and commerce.

Please add my names to the list of those who feel the USDOJ settlement is completely unsatisfactory and inadequate in relation to the crimes committed by Microsoft.

Feel free to contact me about these matters and or confirm/authenticate this e-mail.

Yours truly,
Anthony J. Duran
214 e dayton
fresno,ca 93704
P.S. Have you no_shame?

MTC–00002223

From: Stephen Perry
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/26/01 11:37am
Subject: Microsoft Judgement

I am very disappointed to learn that the Justice Department is providing Microsoft with a leg-up on its way to becoming a more deeply entrenched monopoly.

To consider Microsoft giving computers to schools a ''punishment'' is foolish. It merely provides the following:

1 Pushes out competition for school sales, among the most notable victims, Apple.

2 Rewards Microsoft by providing them with an assured customer base as a result of indoctrinating students into the operating system and programs of one company.

3 Encourages students to think that Microsoft is endorsed by the schools systems, as well as state and federal governments.

4 Demonstrates that the government supports, rather than condemns monopolistic practices.

A better solution would be to have Microsoft provide FUNDING to school systems, earmarked for purchase of technology and educational materials, without any encouragement towards, discouragement from, or reference to specific brands.

Make it clear that Microsoft is not giving this funding out of the goodness of its corporate heart, but rather as a punishment for illegal and immoral business practices. This must be a lesson in civics, not an example of how to work around the system to get what you want.

Steve Perry
Llewellyn Worldwide, Ltd.
v-651–312–8591
f-651–291–1908

MTC–00002224

From: David.Tyler@lvvwd.com@inetgw
To: Microsoft ATR
Date: 11/26/01 11:15am
Subject: Microsoft settlement

I think it is disgusting that Microsoft may be allowed to expand it's market monopoly by donating it's own software to schools. This only expands the monopoly that the company wants to have of the software market. We will be training our children to use the very product that we are claiming wants to dominate the market. Would we allow drug dealers to donate their product to schools as a penalty? Another problem is that when Microsoft donates $5 worth of product they will claim $500 of tax deduction for losses. What a scam!

I can see Bill Gates proposing this plan, but I can't believe that anyone would accept it! He should be laughed out of town.

David Tyler

MTC–00002225

From: David Pakman
To: Microsoft ATR
Date: 11/26/01 11:12am
Subject: Comments on proposed Final Judgment

Renata Hesse
Trial Attorney
Suite 1200
Antitrust Division
Department of Justice
601 D Street, N.W.
Washington, DC 20530

Dear Sirs:

It is with great sadness and despair that I write you to comment on your proposed settlement with the Microsoft Corporation. I write you as a concerned citizen, former technology executive, and consumer.

First, I fear that my comments and others you may receive from concerned citizens are simply part of the process and can have no bearing on your decision to move forward with any settlement or not. Will my comments really have an impact on your thinking? From all that I have read about the settlement process, you and 9 states AG's have already decided to move forward with the proposed settlement. Sad, indeed.

Next, I fear that you will not even be watching the computer industry by the time the true effects (or lack thereof) of this settlement are seen...you will be off on the next industry, the next project, unaware that your actions in the next few months will determine the fate of true competition in the IT industry—the engine of our economy for the foreseeable future. Under Joel Klein, the US DoJ successfully humbled Microsoft, the most fierce and ruthless monopoly in the history of capitalism. The arrogance and blindness of Microsoft's own actions were turned against them and put on public display for all the world to see. Finally, others were able to see what those of us in the tech industry already knew: Microsoft's dominance and likely illegal predatory tactics were driving innovation out of many new markets, artificially raising prices, and depriving the consumer of ordinary fair market benefits. Would anyone care?

Yes, it seemed. The US DoJ really cared. They were undeterred in their pursuit of justice and remedy. They would not settle for easy work-arounds...instead they wanted to see the problem solved. They knew from MS's history that MS have become experts at saying one thing and doing another. Evidence at trial even suggested that MS's had skillfully maneuvered around the 1995 Consent Decree and had all the power to do it again. A simple decree with new rules for MS to follow would never solve the problems of cultured predatory tactics.

But then something changed. Somehow your thinking turned 180 degrees. Now, suddenly, the DoJ was leading the charge towards a new consent decree through settlement. I read the proposed Final

Judgment and CIS with wide eyes. Could there really be something here? Could this decree actually change MS's behavior? What was in it that would be different this time? The truth is, nothing. There is nothing new here. MS will simply work around any new ''rules'' which are put in place and will become experts at delaying any of your future investigations into them. The 3-person ''compliance'' panel will do nothing to change 20 years of behavior instilled in every employee by its management. MS learns from its past. It has won with its tactics of the past and they will be employed again.

Most importantly, this settlement will not give the capital markets any confidence that in markets where MS competes, true competition will emerge. Said simply, just as it has been for the last 15 years, both public and private investors will not fund companies in markets where MS has announced their intention to compete...because MS advantages fueled by their OS monopoly are too great. Without investment, their will be no innovation. In short, you really had the chance to make a difference and change things in the computer industry. And as that is certainly the most important industry to the relevance of the future economy, it was an important task for you. But for some reason, you seem bent on failing by somehow going against the evidence of this very case: that MS has a history of perfectly out-maneuvering the government on decrees of this nature. They are a company who NEVER played by the rules. How then will some new rules solve the problem?

I can't help but wonder what caused your turn-around in strategy? Truly was it pressure from a very business-friendly Administration? Was it truthfully a feeling that SOME remedy had to happen soon (after 7 years of pursuing this case, there was a sudden need to see it end)?

We, the public, will never really know. But we will know the effects of your actions, one way or another. If you are right, we will feel the benefit of renewed competition in the most important world markets. If you are wrong, however, the consequences are too great to enumerate. And if you are wrong, will you be around to correct your mistakes? Will their ever be an opportunity like the one in front of you now to fundamentally alter and restore competition in these markets?

I hope, for the sake of some 300 million US consumers, that you have not yet made up your mind.

(For a more detailed analysis of the impacts of the proposed settlement, I like this article the best: http://www.pff.org/pr/pr110201settlement.htm)

Good luck,
David Pakman
david@pakman.com

MTC–00002226

From: LLeeBFI@aol.com@inetgw
To: Microsoft ATR
Date: 11/26/01 1:07pm
Subject: Microsoft Anti-trust proposed settlement November 26, 2001

To whom it may concern:

I am a private individual who has recently purchased the third of a series of personal home computers since 1986. I have used them for a combination of personal and business work. I have relied on them extensively over this time period. I am a sales and marketing professional and while I am computer literate, I am not a techie.

Each of these three computers came with the Windows operating systems, the first being Windows 3.1, second Windows 95 and currently Windows XP. Basically the only option I had was between Apple and Microsoft and Apple did not have the business software and widespread acceptance of the Windows platform. Never have these programs worked smoothly, and easily. Inexplicable crashes are common across all three versions—Windows 95 being the most reliable of the three.

I have used both Wordperfect and Microsoft Office products across this same time period as well. While I was working for BFI, the company was basically forced to choose a software program that could be used to communicate across all the hundreds of operating districts. Microsoft Word was chosen since it was the program that would NOT (despite published and apparent software choices to the contrary) accept or convert Wordperfect documents into any readable form. Wordperfect on the other hand, had no problem converting the Word files into readable form and was a superior product in every way. The bundling of Excel was the final straw which was also an inferior product but easier to use than Lotus for non computer people which still relied on the crappy Microsoft DOS too extensively.

I have owned Windows XP for about a week at this point and it is a horrible, buggy, nasty program to use. I do not require exotic uses. The very first time I tried to open a Microsoft Word document (older version) with the new version, the whole Word program froze and I became locked into an endless circle of ''Did I want to Notify Microsoft of the problem or not''. Neither choice worked.

I called my Dell representative and the Microsoft simulation software was not the same as that supplied by Microsoft to Dell as what I was seeing. I called Microsoft. They refused to help me since I did not purchase the program ''retail'' but instead it was preinstalled on the computer. For $35.00, I could possibly be helped. I have been forced to call that number before and the only thing the representatives were successful at was taking my money.

This is total market domination and bullying of the individual. Every ''upgrade'' is never consumer ready. Every ''upgrade'' crashes and burns even its own earlier versions. The late '80s version of Wordperfect was superior to Microsoft 2000 but I am stuck using the Microsoft behemoth if I want others to be able to read my work.

I agree that the consumer rarely wins in class action suits. I do not want $10.00 off my next purchase of ever more cumbersome and useless software. Technical support at no cost to all registered purchasers of their products for three to five years after purchase would represent a genuine help. Their products also need to be transparent to me, the consumer, in that I should be able to use Wordperfect or any other basic word processing software and it should be readable in any Microsoft product as well as vice versa. If part of the settlement is to provide software and equipment to poor schools, it should all be a competitor's product—either Apple or Windows plus Corel software. They should not be given a boost by the government in penetrating their last remaining niche.

Another gross mistake in their software that directly negatively effects the government and government contractors every day is in their Excel software. The spreadsheets have no way of turning off the estimating factor so even if you preset columns to money and multiply by whole numbers and set the estimating to 2 decimal places, the software will still come up with rounding errors so that all columns must be checked by hand and are often sent back and forth several times when a simple three dollar calculator can do such a function with no problem. Feel free to pay the $35.00 for technical support who will tell you this cannot be corrected. This multiplied across all the government offices wastes thousands of hours annually in productivity. If you have any questions, please feel free to contact me at (703)–237–1964.

Very truly yours,
Linda Lee

MTC–00002227

From: Lynn H. Poulson
To: Microsoft ATR
Date: 11/26/01 12:41pm
Subject: Microsoft Settlement

With all respect, it seems strange to me that the way you deal with a monopoly is to have them ''give'' computers to school that runs their software so that the schools are forced to become Microsoft users and are then forced to continue to purchase the monopoly software in the future. Wow! That makes sense!

Lynn H. Poulson M.Ed.
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Snow College
P. O. Box 1004
Ephraim UT 84627
435–283–7485
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Lynn. Poulson@Snow.Edu

MTC–00002228

From: Chip Scheide
To: Microsoft ATR
Date: 11/26/01 12:24pm
Subject: DOJ settlement with MS—DO NOT ACCEPT IT

To whom it may concern,

Follows is a summary of my position in regards to the proposed DOJ/MS settlement:

I do not believe the remedies reported in the news are going to have the slightest impact on Microsoft's predatory marketing practices, and subsequent illegal abuse of monopoly power.

Why? because the DOJ and MS came to a similar agreements in the previous anti-trust case, and here we are again. MS has shown that it can not be trusted (period). It has broken the original agreement between the DOJ and itself. MS intentionally tried to present ''forged'' evidence at trial, and continues to advance it's predatory practices into new and as yet uncharted areas.

For two small examples:

One, the case that started it all: internet browsers. Since the time the case started, Microsoft bundled their browser for free, and essentially drove all other browsers out of the market. They claim they have a right to do this, and that they are only serving consumer needs.

But their most recent versions—including ALL browsers shipped with the new Windows XP—have made a significant change: they no longer support industry-standard third-party browser plug-ins for presenting specialized content, such as movies, sound, animation, and virtual reality. This means that third-party content providers, such as Real Audio, Macromedia Flash, Adobe PDF, and Apple QuickTime—just to name a few of the larger players—no longer function under Microsoft's browsers using the standard installation procedure. Instead, they must provide special installations that go through an additional layer of software—Active X—that Microsoft's own content provisioning software does not go through. This means that ordinary consumers will have to struggle needlessly to install third-party content provisioning software, but perhaps more importantly, if they do actually get through that struggle, the third-party plug-ins will run more slowly and with less capability than will Microsoft's own content provisioning software.

This also means that some 90% of new computers sold cannot properly access any site containing content created in any of the above applications. Limiting consumer choice, both in sites that function with their browser, and software used to create content.

Two, Windows Media Player and audio (MP3s): In the newest operating system (Windows XP), Microsoft has used the Active X software layer to EXPLICITLY cripple third party MP3 players/recorders. They do this by limiting the quality of MP3 recording and playback. The only software, on Windows XP, that will record the best possible sound, or play back the best possible music is Windows Media Player.

Windows Media Player is installed as part of the Windows XP operating system installation. So here we are again, Microsoft is ''bundling'' software with it's operating system, squeezing third party software vendors out of the market.

How can a Third party software vendor compete? Better software?—sure—but the vendor needs to pay the bills and how do they do that, when the product needs to be given away to match the price of its competition. Better Software?—sure—but how does a vendor create that when the operating system on which the software is to run INTENTIONALLY disables access to functionality?

Again the consumer is put at a severe disadvantage—the only choice of software is Microsoft. Additionally—it has recently been found that Windows Media Player—like most other Microsoft software products—has a severe security problem. There is a security hole in Windows Media Player, which can allow arbitrary, malicious code to be executed—in other words a virus.

So... now consumers are forced to choose—best possible sound and risk a software virus destroying their software, or security and poor quality sound.

All of the above and much more, has been done right under your collective noses while the DOJ negotiated a cushy ''hand slap'' settlement, Microsoft not only successfully extended their operating system monopoly into the internet browser market, but now they have extended their browser monopoly into the content provider marketplace! They have broken the law once, and while being penalized, have broken it again.

Take heed of my prediction: now that Microsoft controls content provisioning, content will come next. Within three years, the average consumer with an ''out of the box'' computer will be unable to view any content that Microsoft has not provided.

With all due respect, the Ashcroft Justice Department is asleep at the wheel on this one. Quit meddling with ''states' rights'' Oregon and California, and concentrate on appropriately punishing large, multi-national companies who are already convicted of breaking laws.

Chip Scheide
Systems Coordinator
Children's Hospital of Pittsburgh

Necessity is the plea for every infringement of human freedom. It is the argument of tyrants; it is the creed of slaves.''

—William Pitt, 1783

MTC–00002229

From: Karl Brockmeyer
To: Microsoft ATR
Date: 11/26/01 11:59am
Subject: Oops...Did you mean to do that?

To whom it may concern,

I do not kid myself that I know everything about this case, the government or Microsoft. But... I believe opening the road up wider to another market for Microsoft doesn't seem like its going to help end the monopoly that they have on the government, business and consumer worlds.

Did you mean to do that? Or did you get manipulated into this settlement? Don't get me wrong I believe in helping schools. But I also believe that monopolies are wrong regardless on how much money the have and what politicians they support.

I expected more from my government.

Thank you for a least letting me state my opinion.

Sincerely,
Karl Brockmeyer

MTC–00002230

From: Kennedy, Richard T
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/26/01 2:36pm
Subject: Antitrust Settlement Between the Department of Justice and Micros oft

I am strongly opposed to the provision of the proposed settlement whereby Microsoft would ''donate'' hardware and software to schools. At first this appears to be a noble gesture. However, it is nothing more than a thinly disguised effort to monopolize yet another market, the educational one. It would be far preferable and fairer to other computer system manufacturers to have Microsoft donate money to schools and allow them to select the technology to be used.

MTC–00002231

From: Larry Winslow
To: Microsoft ATR
Date: 11/26/01 2:27pm
Subject: Microsoft settlement thoughts

I haven't read the complete settlement although I did give it careful attention. It seems to be missing 2 items.

1. What is going to be the punishment for Microsoft? It appears that they are getting off scott-free for their past monopolistic conduct.

2. Shouldn't there be some compensation for those companies and/or public who were damaged by Microsoft's conduct? I wonder how many companies have gone under or have been severely damaged. How much extra has the public had to pay for products? I read a Microsoft statement in the Caldera filings where Microsoft declared it could price things lower and still be priced competitively.

Thanks
Larry Winslow
4500 Whitman Ave N
Seattle, WA 98103

MTC–00002233

From: cmprice
To: Microsoft ATR
Date: 11/26/01 5:09pm

Subject: Microsoft Settlement

[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]

CC: cmprice@gte.net@inetgw
From: Patrick J. Ricevuto 5129 147th PL. SE Everett, Washington 98208 425–337–7398

November 26, 2001

To whom it may concern,

First, thank you for taking the time to review my comments concerning the U.S vs. Microsoft Antitrust Case's Final Judgment. Included in the following are my questions, critiques, and comments on specific parts of the Final Judgment. I will start with section VI. Definitions, then will address the remaining sections; III. Prohibited Conduct through V. Termination. section VI. Definitions: B:

''Communications Protocol'' means the set of rules for information exchange to accomplish predefined tasks between a Windows Operating System Product and a server operating system product connected via a network, including, but not limited to, a local area network, a wide area network or the Internet. These rules govern the format, semantics, timing, sequencing, and error control of messages exchanged over a network.

My comment: ?server operating system product? has not been defined anywhere in this document.

My solution: Specifically define ?server operating system product? as:

Server Operating Systems: Microsoft(R) Small Business Server 2000, Microsoft(R) Systems Management Server 2.0, Microsoft(R) Windows 2000(R) Advanced Server, Microsoft(R) Windows NT(R) Server 4.0, Microsoft(R) Windows NT(R) Server, Enterprise Edition, Microsoft(R) windows(R) 2000 Server, and any future releases not named specifically, but created within the penalty period.

section VI. Definitions: U: ''Windows Operating System Product'' means the

software code (as opposed to source code) distributed commercially by Microsoft for use with Personal Computers as Windows 2000 Professional, Windows XP Home, Windows XP Professional, and successors to the foregoing, including the Personal Computer versions of the products currently code named ''Longhorn'' and ''Blackcomb'' and their successors, including upgrades, bug fixes, service packs, etc. The software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion.

My comment: ''Windows Operating System Product'' definition should include ALL of Microsoft's Operating Systems: My solution: Define ''Windows Operating System Product'' as follows:

Server Operating Systems: Microsoft(R) Small Business Server 2000, Microsoft(R) Systems Management Server 2.0, Microsoft(R) Windows 2000(R) Advanced Server, Microsoft(R) Windows NT(R) Server 4.0, Microsoft(R) Windows NT(R) Server, Enterprise Edition, Microsoft(R) Windows(R) 2000 Server,

Operating Systems: Microsoft(R) Windows Services for UNIX, Microsoft(R) Windows XP Home Edition, Microsoft(R) Windows XP Professional, Microsoft(R) Interix 2.2, Microsoft(R) Small Business Server 2000, Microsoft(R) Windows Millennium Edition, Microsoft(R) Windows NT(R) Embedded 4.0, Microsoft(R) Windows NT(R) Workstation 4.0, Microsoft(R) Windows(R) 2000 Professional, Microsoft(R) Windows(R) 95 Version Upgrade, Microsoft(R) Windows(R) 98 Second Edition, Microsoft(R) Windows(R) CE, Microsoft(R) Windows(R) Smart Card Toolkit, and any future releases not named specifically, but created within the penalty period. Concern#1: By starting with Windows 2000 Professional you have left out about 90% of all the Operating Systems currently in use by the public and that Microsoft is maintaining with continuing Service Packs.

Concern#2: You have not mentioned any of the Server Operating Systems in the definition. The Consumer Operating System's code is just a subset of the Server Operating System code.

Question#1: So all of them are exempt?

III. Prohibited Conduct. B.2: the schedule may specify reasonable volume discounts based upon the actual volume of licenses of any Windows Operating System Product or any group of such products; and

Question#1: Who defines reasonable? Microsoft?

Concern#1: What if Microsoft determines that a reasonable volume discount is greater for company X than it is for company Y, to punish company Y for something Microsoft didn?t like them doing?

My Solution: Specifically define a standard table of percentage discounts for numbers of actual volume of licenses, e.g. for 10,000—20,000 licenses the volume discount would be 2% (some average industry number).

III. Prohibited Conduct. B.3.b: such discounts are based on objective, verifiable criteria that shall be applied and enforced on a uniform basis for all Covered OEMs; and

Question#1: What is the ?objective, verifiable criteria??

Concern#1: That ?objective, verifiable criteria? is not specifically spelled out in this document.

My Solution: Specifically define ?objective, verifiable criteria? in this document.

Question#2: Who defines the ?objective, verifiable criteria?? Microsoft?

Concern#1: That ?objective, verifiable criteria? is defined by Microsoft.

My Solution: The Plaintiffs (the States, Industry Leaders, and Consumer Groups, none of which would be aligned with or pro-Microsoft) should specifically define ?objective, verifiable criteria? in this document.

III. Prohibited Conduct. C.1:

Installing, and displaying icons, shortcuts, or menu entries for, any Non-Microsoft Middleware or any product or service (including but not limited to IAP products or services) that distributes, uses, promotes, or supports any Non-Microsoft Middleware, on the desktop or Start menu, or icons, shortcuts, or menu entries for applications are generally displayed, except that Microsoft may restrict an OEM from displaying icons, shortcuts and menu entries for any product in any list of such icons, shortcuts, or menu entries specified in the Windows documentation as being limited to products that provide particular types of functionality, provided that the restrictions are non-discriminatory with respect to non-Microsoft and Microsoft products.

Question#1: Who defines ?types of functionality?? Microsoft?

Concern#1: That ?types of functionality? is not specifically spelled out in this document.

My Solution: The Plaintiffs (the States, Industry Leaders, and Consumer Groups, none of which would be aligned with or pro-Microsoft) should specifically define ?types of functionality? in this document.

III. Prohibited Conduct. D:

Starting at the earlier of the release of Service Pack 1 for Windows XP or 12 months after the submission of this Final Judgment to the Court, Microsoft shall disclose to ISVs, IHVs, IAPs, ICPs, and OEMs, for the sole purpose of interoperating with a Windows Operating System Product, via the Microsoft Developer Network (''MSDN'') or similar mechanisms, the APIs and related Documentation that are used by Microsoft Middleware to interoperate with a Windows Operating System Product. In the case of a new major version of Microsoft Middleware, the disclosures required by this Section III.D shall occur no later than the last major beta test release of that Microsoft Middleware. In the case of a new version of a Windows Operating System Product, the obligations imposed by this Section III.D shall occur in a Timely Manner.

Question#1: Who defines? Timely Manner?? Microsoft?

Concern#1: That ?Timely Manner? is not specifically spelled out in this document.

My Solution: Specifically define ?Timely Manner? in this document to be the same as a new major version of Microsoft Middleware: ?shall occur no later than the last major beta test release of that Microsoft Operating System Product?.

Question#1: What is the definition of Beta test?

Concern#1: That ?Beta test? is not specifically spelled out in this document.

My Solution: Specifically define ?Beta test? in this document to be the same as the Industry understands it (the last stage of testing before the product is released for consumer purchase).

III. Prohibited Conduct. F.2:

Microsoft shall not enter into any agreement relating to a Windows Operating System Product that conditions the grant of any Consideration on an ISV's refraining from developing, using, distributing, or promoting any software that competes with Microsoft Platform Software or any software that runs on any software that competes with Microsoft Platform Software, except that Microsoft may enter into agreements that place limitations on an ISV's development, use, distribution or promotion of any such software if those limitations are reasonably necessary to and of reasonable scope and duration in relation to a bona fide contractual obligation of the ISV to use, distribute or promote any Microsoft software or to develop software for, or in conjunction with, Microsoft.

Question#1: Who defines the ?reasonably necessary to and of reasonable scope and duration?? Microsoft?

Concern#1: That ?reasonably necessary to and of reasonable scope and duration? is defined by Microsoft.

My Solution: The Plaintiffs (the States, Industry Leaders, and Consumer Groups, none of which would be aligned with or pro-Microsoft) should specifically define ?reasonably necessary to and of reasonable scope and duration? in this document.

III. Prohibited Conduct. G.1:

Any IAP, ICP, ISV, IHV or OEM that grants Consideration on the condition that such entity distributes, promotes, uses, or supports, exclusively or in a fixed percentage, any Microsoft Platform Software, except that Microsoft may enter into agreements in which such an entity agrees to distribute, promote, use or support Microsoft Platform Software in a fixed percentage whenever Microsoft in good faith obtains a representation that it is commercially practicable for the entity to provide equal or greater distribution, promotion, use or support for software that competes with Microsoft Platform Software, or

Comment#1: Microsoft has already been proven to act in BAD faith, that's why this document was created. They should not be allowed to make that judgment themselves.

III. Prohibited Conduct. G:

Nothing in this section shall prohibit Microsoft from entering into (a) any bona fide joint venture or (b) any joint development or joint services arrangement with any ISV, IHV, IAP, ICP, or OEM for a new product, technology or service, or any material value-add to an existing product, technology or service, in which both Microsoft and the ISV, IHV, IAP, ICP, or OEM contribute significant developer or other resources, that prohibits such entity from competing with the object of the joint venture or other arrangement for a reasonable period of time.

Question#1: What in this document is going to prevent Microsoft from entering into a bona fide joint venture, etc. and using that

?ownership? as a way of forcing the OEM, etc. to do what Microsoft wants?

My Solution: The Plaintiffs (the States, Industry Leaders, and Consumer Groups, none of which would be aligned with or pro-Microsoft) should be allowed to scrutinize all of Microsofts joint venture, etc. proposals, before they are entered into, and all through their existence.

III. Prohibited Conduct. H.1:

Allow end users (via a mechanism readily accessible from the desktop or Start menu such as an Add/Remove icon) and OEMs (via standard preinstallation kits) to enable or remove access to each Microsoft Middleware Product or Non-Microsoft Middleware Product by (a) displaying or removing icons, shortcuts, or menu entries on the desktop or Start menu, or anywhere else in a Windows Operating System Product where a list of icons, shortcuts, or menu entries for applications are generally displayed, except that Microsoft may restrict the display of icons, shortcuts, or menu entries for any product in any list of such icons, shortcuts, or menu entries specified in the Windows documentation as being limited to products that provide particular types of functionality, provided that the restrictions are non-discriminatory with respect to non-Microsoft and Microsoft products; and (b) enabling or disabling automatic invocations pursuant to Section III.C.3 of this Final Judgment that are used to launch Non-Microsoft Middleware Products or Microsoft Middleware Products. The mechanism shall offer the end user a separate and unbiased choice with respect to enabling or removing access (as described in this subsection III.H.1) and altering default invocations (as described in the following subsection III.H.2) with regard to each such Microsoft Middleware Product or Non-Microsoft Middleware Product and may offer the end-user a separate and unbiased choice of enabling or removing access and altering default configurations as to all Microsoft Middleware Products as a group or all Non-Microsoft Middleware Products as a group.

Question#1: Who defines ?types of functionality?? Microsoft?

Concern#1: That ?types of functionality? is not specifically spelled out in this document.

My Solution: The Plaintiffs (the States, Industry Leaders, and Consumer Groups, none of which would be aligned with or pro-Microsoft) should specifically define ?types of functionality? in this document.

III. Prohibited Conduct. H.2 (the second 2):

that designated Non-Microsoft Middleware Product fails to implement a reasonable technical requirement (e.g., a requirement to be able to host a particular ActiveX control) that is necessary for valid technical reasons to supply the end user with functionality consistent with a Windows Operating System Product, provided that the technical reasons are described in a reasonably prompt manner to any ISV that requests them.

Question#1: Who defines ?reasonable technical requirement?? Microsoft?

Concern#1: That ?reasonable technical requirement? is not specifically spelled out in this document.

My Solution: The Plaintiffs (the States, Industry Leaders, and Consumer Groups, none of which would be aligned with or pro-Microsoft) should specifically define ?reasonable technical requirement? in this document.

Comment#1: This is exactly how Microsoft gains control of the market for a piece of software. They require the developer to use Microsoft's proprietary code for a specific function to work.

III. Prohibited Conduct. J and J.1:

No provision of this Final Judgment shall: Require Microsoft to document, disclose or license to third parties: (a) portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of a particular installation or group of installations of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria; or (b) any API, interface or other information related to any Microsoft product if lawfully directed not to do so by a governmental agency of competent jurisdiction.

Question#1: Who determines if it would ?compromise the security of a particular installation...?? Microsoft?

Concern#1: That Microsoft can add ?security code? to any piece of code in any product, which would in effect, make this whole document null and void.

My Solution: The Plaintiffs (the States, Industry Leaders, and Consumer Groups, none of which would be aligned with or pro-Microsoft) should specifically define ?compromise the security of a particular installation...? in this document.

IV. Compliance and Enforcement Procedures. A.2.a & b:

Access during normal office hours to inspect any and all source code, books, ledgers, accounts, correspondence, memoranda and other documents and records in the possession, custody, or control of Microsoft, which may have counsel present, regarding any matters contained in this Final Judgment. Subject to the reasonable convenience of Microsoft and without restraint or interference from it, to interview, informally or on the record, officers, employees, or agents of Microsoft, who may have counsel present, regarding any matters contained in this Final Judgment.

Question#1: Can counsel advise Microsoft not to make its code available to the Plaintiffs? Or is counsel in a passive role?

IV. Compliance and Enforcement Procedures. A.4:

The Plaintiffs shall have the authority to seek such orders as are necessary from the Court to enforce this Final Judgment, provided, however, that the Plaintiffs shall afford Microsoft a reasonable opportunity to cure alleged violations of Sections III.C, III.D, III.E and III.H, provided further that any action by Microsoft to cure any such violation shall not be a defense to enforcement with respect to any knowing, willful or systematic violations.

Question#1: Why is Microsoft given ?reasonable opportunity to cure alleged violations??

My Solution#1: Microsoft should NOT be allowed to ?cure alleged violations?. They should be punished immediately. That is why this document was written.

Question#2: Why are only Sections III.C, III.D, III.E and III.H mentioned?

My Solution#1: Any violation of any section in this document should be punishable immediately. That is why this document was written.

IV. Compliance and Enforcement Procedures. B.2.a & b & c:

The TC members shall be experts in software design and programming. No TC member shall have a conflict of interest that could prevent him or her from performing his or her duties under this Final Judgment in a fair and unbiased manner. Without limitation to the foregoing, no TC member (absent the agreement of both parties):

a. shall have been employed in any capacity by Microsoft or any competitor to Microsoft within the past year, nor shall she or he be so employed during his or her term on the TC;

b. shall have been retained as a consulting or testifying expert by any person in this action or in any other action adverse to or on behalf of Microsoft; or

c. shall perform any other work for Microsoft or any competitor of Microsoft for two years after the expiration of the term of his or her service on the TC.

Question#1: Why shouldn?t the TC members have a conflict of interest?

My Solution#1: All the TC members should be either neutral or biased AGAINST Microsoft to ensure the toughest possible scrutiny. They don't necessarily have to act on every violation they find, but they should find ALL of them.

IV. Compliance and Enforcement Procedures. B.3:

Within 7 days of entry of this Final Judgment, the Plaintiffs as a group and Microsoft shall each select one member of the TC, and those two members shall then select the third member. The selection and approval process shall proceed as follows.

Question#1: Why should Microsoft have any representation on the TC?

My Solution#1: All the TC members should be either neutral or biased AGAINST Microsoft to ensure the toughest possible scrutiny. Microsoft should not have in any way, the means to delay, prevent, etc. any ability to scrutinize, find, disclose, etc. any violations. That's what this document is all about.

Comment#1: The way it is set up now, you would get the following TC members: 1 possibly biased against Microsoft (the Plaintiffs choice. Note: if this includes the U.S. Justice Department then this is probably biased for Microsoft). 1 completely biased for Microsoft (the Microsoft choice). 1 probably biased for Microsoft (since the world in 90% Microsoft OS's) So that's 2 pro Microsoft TC members who are supposed to be watching for Microsoft violations.

IV. Compliance and Enforcement Procedures. B.5:

If the United States determines that a member of the TC has failed to act diligently and consistently with the purposes of this Final Judgment, or if a member of the TC resigns, or for any other reason ceases to serve in his or her capacity as a member of the TC, the person or persons that originally selected the TC member shall select a

replacement member in the same manner as provided for in Section IV.B.3.

Question#1: Why should the U.S. determine that a member of the TC failed to act...?

My Solution#1: It should be the Plaitiffs, excluding the U.S. Justice Department, that determines that a member of the TC failed to act...

IV. Compliance and Enforcement Procedures. C.1:

Microsoft shall designate, within 30 days of entry of this Final Judgment, an internal Compliance Officer who shall be an employee of Microsoft with responsibility for administering Microsoft's antitrust compliance program and helping to ensure compliance with this Final Judgment.

Question#1: Why should Microsoft designate an internal Compliance Officer who shall be an employee of Microsoft...?

My Solution#1: It should be the Plaintiffs, excluding the U.S. Justice Department, that designate an internal Compliance Officer, who is NOT an employee of Microsoft...

IV. Compliance and Enforcement Procedures. C.3.g:

Receiving complaints from third parties, the TC and the Plaintiffs concerning Microsoft's compliance with this Final Judgment and following the appropriate procedures set forth in Section IV.D below; and

Question#1: How does this prevent the Microsoft employee (Compliance Officer) from filtering the complaints?

My Solution#1: It should be the Plaintiffs, excluding the U.S. Justice Department, that designate an internal Compliance Officer, who is NOT an employee of Microsoft...

V. Termination. A:

Unless this Court grants an extension, this Final Judgment will expire on the fifth anniversary of the date it is entered by the Court.

Question#1: Why, and How, was 5 years chosen?

Comment#1: This is NOT long enough. Microsoft has been violating antitrust laws for years.

My Solution: At a minimum, they should be punished for the same amount of years that they have been violating the antitrust laws, so their competitors can make up the lost ground.

V. Termination. B:

In any enforcement proceeding in which the Court has found that Microsoft has engaged in a pattern of willful and systematic violations, the Plaintiffs may apply to the Court for a one-time extension of this Final Judgment of up to two years, together with such other relief as the Court may deem appropriate.

Question#1: Why, and How, was just a one-time extension of this Final Judgment of up to two years chosen?

My Solution: Both should be changed as follows: 'one-time extension' should be at least a three time extension, and 'two years' should at least be 5 years. Other Questions:

Question#1: What are the current penalties for all of the years of violating the antitrust laws? Nothing?

My Solution: They should be penalized 80% of their cash holdings as of today. The monies should be made available as Hi Tech Venture Capital. This will accomplish a couple of things:

1) Will punish Microsoft, but not destroy them, by taking away their ability to control the markets with their huge cash reserves.

2) Will deplete their reserve monies that were gotten illegally.

3) Will provide money to create new markets, via Venture capital, that will compete with Microsoft.

Question#2: Where, in this document, are the penalties for future violations of the antitrust laws? Go back to Court for another 4 years?

My Solution: Define in this document a monetary fine for each type of violation in addition to going to court for more punishment.

Other Comments:

This is about justice, not economics!

The attempt to make this an economic argument is disingenuous.

Punishing Microsoft will NOT hurt the economy. It will help the economy.

There will be hundreds of new companies, with new products, that will not be afraid that Microsoft will either steal, intimidate them out of, or buy their ideas. That's what we lost all of those years that Microsoft was allowed to violate antitrust laws. The market place will continue to prosper, as long as the entrepreneurs are not afraid of losing their original ideas.

Sincerely,

Pat Ricevuto email: cmprice@gte.net 11–26–01.

MTC–00002234

From: Edward Rapka
To: Microsoft ATR
Date: 11/26/01 2:40pm
Subject: Comment on AntiTrust settlement

[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]

Gentlemen:

It's my understanding that you are accepting comments regarding the Microsoft Antitrust Settlement. Please allow me to express my thoughts on the matter. I have been both a personal and professional user of a variety of computer systems for over twenty years now, and have tried to remain informed on the various issues in both a technical and an economic sense. I now find that there may be a political element involved here, as well. It has been a cause of growing concern for me over the past few years that the almost overwhelming coopting of especially the desktop market by Microsoft is has been so uncritically accepted as a fact of life. I'm concerned because such dominance of such a vitally important area by a single corporate entity cannot possibly be considered beneficial, and could easily lead to abuses. I'm reminded of the situtation regarding Standard Oil that originally led to the institution of the antitrust statutes: a single organization that could impose its corporate will into the marketplace. A comparable situation would be a single manufacturer of automobiles being able to dominate the transportation field. Even where other modes of transport still existed such as busses and trains (compare the niche operating systems in the computer world such as gnu/linux and OS/2), such an all-powerful entity could in short order specify that only a single brand of gasoline could be used in its engines, and that its cars could only be driven on approved highways. Such restrictive control on the major means of transportation would effectively place an iron lock control on virtually every avenue of commerce involving the moving of people and goods. One corporation would exert more effective power than the Congress of the U.S. and the President combined!

This is hardly an exaggerated example. Just such a situation is being foreshadowed by the dominance of the Microsoft-owned Windows OS in many areas, such as internet commerce, communications and the replacement of broadcast entertainment channels with restricted computer-centric avenues. Just as we need a competitive environment among automobile manufacturers, we need a competitive situation in the i-commerce world we are fast moving into. Otherwise a single entity will become the gateway through which all commerce passes. Not only will they be able to impose whatever fees they wish, but they would also be able to subtly (or not so subtly) restrict access by any persons or companies deemed, perhaps, unsuitable. How can an unrestricted Redmond monolith impose its will in this brave new world? Well, consider just for a single example Microsoft's recent election to abandon support of third-party plug-ins in their Internet Explorer browser, which has an overwhelming dominance in the market. In a single sweeping move, they have effectively excluded dozens of what were to this moment industry-standard technologies for the presentation of content such as sound, movies, animation and 3-D. These are technologies developed by non-Microsoft companies, which are in many ways far superior to the mechanisms Redmond is offering, including such media as Apple Quicktime movies, Real Audio and Video, Macromedia Flash, and even Adobe Portable Document Format. All these technologies will no longer function the moment IE is upgraded with the latest servicepack from Microsoft, which simply breaks them (and for no good reason other than it's a handy way to gently move people toward MS's own versions). Suppose in future years Microsoft elects to stop supporting standard networking protocols in favor of its own propriety versions, which it might easily advertise as ''more secure.'' The existing infrastructure of the computer world would be upset in an instant and a huge percentage of existing systems would instantly become obsoleted and unuseable. By unilaterally dismissing a well-established technology as ''no longer suitable'' for use with its operating systems, Microsoft would cause millions of consumers to be immediately disenfranchised until they were prepared (both intellectually and financially) to accommodate the edict of the month. The impact on the already faltering economy of the country would be devastating (not to mention the devastation caused by the sudden spike in solid waste disposal of obsolete equipment!). By allowing Microsoft to continue its monopoly position

unchecked, the DoJ is making such a scenario an unavoidable economic disaster.

In addition, in now re-coding existing and proven technologies so they will continue to work in their upgraded versions, a proprietary protocol known as ''Active-X'' must be used. This protocol is dangerously unsecure in that it can easily conceal viruses and other dangerous code that will allow a variety of unpleasant or even destructive things to be secretly encoded into innocent-looking movies, sound files and animations by vandals, crackers and even terrorists bent on destroying computer systems. In the IT field, it is a well-established fact that Microsoft software is excessively vulnerable to this kind of secret tampering (both due to its inherent weaknesses and to the fact that it is so prevalent in the marketplace). It also means that these third-party plug-ins will now have to work through yet another layer of code, which will slow them down and make them appear to be less efficient than their Microsoft counterparts, even in those cases where they are inherently faster and superior (again, Quicktime is a perfect example, being a faster and superior mechanism for displaying motion pictures on a computer screen than MS's own Real Media Player).

This will also mean that both new and existing computers that get upgraded will no longer be able to access many existing internet websites that rely on these tried-and-true technologies, such as JavaScript, the Java language, Quicktime and a host of other languages and protocols which have been adopted over the past ten years. This will instantly exclude a large percentage of the commercial marketplace and the average citizen from participation in the burgeoning i-commerce area, without extensive (and expensive) retooling of their websites and i-commerce engines. Microsoft is effectively using its market domination to impose special controls and requirements on any entities that wish to use the internet, requirements that can very easily be withheld, withdrawn, or excessively charged for in the very near future.

Imagine a commercial marketplace wherein no vendor could market his wares without the sanction of the Redmond giant, who could easily decide that a particular product or service was, for whatever reason, not in the best interests of the economy, the country, or perhaps Microsoft's own monopoly position. It would be akin to saying that only approved people could use American currency for their commercial transactions; all others would need to use the barter system.

With no consideration of such consequences in the recently approved settlement, you are allowing Microsoft not only to successfully extend their operating system monopoly into internet commerce, but also into the realm of the content provider. Not only have they effectively gotten away with breaking the law, in not being called on their moves the Justice Department is setting up the game for them to easily break it again.

Quite simply, it is not an unreasonable projection that within a few years, the average consumer (the kind of person without the smarts to understand how an operating system works and tinker with it) will simply be unable to view any content that Microsoft has not either provided or at least sanctioned with their corporate blessing!

Is this the kind of situation we wish to set up? We are currently raising enormous security consciousness so we will not once again be blindsided by foreign nationals intent on bringing down our American economic system. Do we really wish to lay the groundwork for this great system to be subverted from within our own shores by a corporate giant with a single goal in mind: to wrest total control over all economic transactions being made using any form of computer, whether on a desktop, in a corporate environment, or using internet connectivity? In my opinion, we should not. The correct remedies should be to impose reasonable limitations on Microsoft's ability to impose mandates on operating systems, internet communication protocols, and interactivity involving commerce, entertainment and personal productivity softwares. If it is considered not feasible to break up the giant in the same way Standard Oil and AT&T were, there should at least be legally enforceable mandates that Microsoft open up a portion of its operating system coding to third-party developers, legally enforceable mandates that they accomodate what is known as ''open source'' development wherein many people contribute to the improvement of software products for the benefit of all users, and legally enforceable mandates that future upgrades of the Windows operating system continue to accomodate universal standard protocols such as TCP/IP, JavaScript, HTML and XHTML, and others currently being considered by internet oversight organizations and future-looking innovators.

The idea that Microsoft and Microsoft alone should be the sole purveyor of ''innovation'' is, in the vernacular, bullshit. True innovation has given us the internet as we know it. The kind of innovation that Redmond proposes will just as surely take it away from us and impose the kind of strictures and limitations that lead to stagnation and attrition, while denying the citizens of America (and the rest of the world) the enormous potential benefits of the computer/internet revolution.

As a concerned citizen who has thought long and hard about this matter, I strongly urge the Department of Justice to impose as stringent a set of controls and restrictions upon the Microsoft Corporation as allowed by the law, for the benefit of my fellow citizens of this great country, its own economic security and the continued prosperity of both the United States and the planet Earth.

Edward A. Rapka 14110 Valerio St. Van Nuys, California

MTC–00002235

From: Jon Callas
To: Microsoft ATR
Date: 11/26/01 7:16pm
Subject: Comments on Microsoft School Donation Plan

I am shocked an appalled that this would happen. One of the few places where there is still some semblance of competition for computers is in schools, where it is common to see non-Microsoft systems. Having Microsoft give schools computers and software for free helps them, it does not punish them.

It helps them two ways: (1) It puts more Microsoft systems in place, thus furthering their monopoly. (2) The marginal cost of software is close to zero. Once you have created the software, the cost of a copy is close to zero. Thus they get to appear to be ''fined'' when in fact they are giving something that costs nothing to produce.

MTC–00002238

From: DrewCorm@aol.com@inetgw
To: Microsoft ATR
Date: 11/26/01 8:02pm
Subject: AntiTrust settlement

Dear sirs,

As a professional in the high-tech arena for a decade, I am very disappointed with your recent decision to cave in on the Microsoft anti-trust suit. You have proven that they have improperly used their monopoly to inhibit competition, and that they are not above lying and introducing false evidence into a court of law. Furthermore, they have a history of reneging on previously negotiated settlements—and there are no real teeth in this agreement to force them to obey the law. I strongly dissapprove of this settlement and would rather see fundamental changes at Microsoft that would allow free competition.

Sincerely,
Drew McCormick
Product Marketing Consultant

MTC–00002239

From:
Mary_Paul_Stewart@berlex.com@inetgw
To: Microsoft ATR
Date: 11/26/01 7:35pm
Subject: I object to the proposed terms

To Whom it concerns,

Thank you for providing the opportunity for consumers to email opinions regarding the Department of Justice's proposed settlement with Microsoft. While I think the most of the proposed settlement is rather anti-climatic, I am extremely disturbed by one particular aspect of the proposed terms: WASHINGTON—Microsoft said on Tuesday it had reached a deal to settle a raft of private antitrust cases against the company, which sources said would cost the software firm more than a billion dollars.

The agreement with class action attorneys would require the company, which agreed to settle its separate 3-year-old case with the Justice Department earlier this month, to provide free software and computers to more than 14,000 of the poorest U.S. schools over five years, sources close to the case said.

This is, quite simply, shocking! How is Microsoft's monopoly position weakened if they are ''forced'' to distribute more product, thus enlarging a monopoly position?! I suppose Microsoft will also be permitted to write this off as a ''donation'' from their taxes? This is hardly a punishment for an unbelievably cash-rich company that has been labeled by our courts to be a monopoly!

The correct penalty is for Microsoft to purchase a billion dollars in software,

operating systems and hardware FROM THEIR COMPETITORS to place in these poorest schools! The competitors are the ones who have been hurt by the illegal practices of Microsoft and therefore deserve to receive some benefit! This trial was about Microsoft's illegal competitive practices against the Netscape browser, not to mention the many examples of Microsoft's unfair practices that were demonstrated during the trial. Netscape was nearly destroyed by Microsoft, having lost at least 60% of their browser share over the past 3 years. For this reason, the Department of Justic must not allow Microsoft to place the Internet Explorer browser in schools. And since Microsoft has ''commingled'' the Internet Explorer browser code into the coding of the many flavors of Windows operating systems (XP, ME, 98, etc.) it is clearly inappropriate to permit any Windows operating system to be ''donated.''

Please, don't let Microsoft walk away once again from their blatant unlawful behavior with another slap on the wrist. I just know they are sitting in their ivory towers laughing right now.

Sincerely yours,
Mary L. Paul Steward

MTC–00002240

From: Christopher Gebhardt
To: Microsoft ATR
Date: 11/26/01 9:55pm
Subject: Comments on the Microsoft settlement

To whom it may concern,

As a student of computer engineering who has followed the progress of the Microsoft anti-trust case from the beginning, I would like to voice my disappointment with a couple aspects of the proposed settlement. Although I believe that Microsoft's unethical business tactics should be punished monetarily and with regulations on OEM pricing and licensing, these are not solutions to the root of Microsoft's monopolist power. The real issue is a more technical one.

Microsoft's ability to twist the arm of the market into buying its software comes primarily from its proprietary file formats—most prominently, those used by Microsoft Office. The MS Office file formats, such as for word processing (.doc) or spreadsheets (.xls), are merely a ''map'' for storing the data generated by their respective programs. Proprietary file formats do not give Microsoft products any technological advantage in the software market. Instead, they are merely a means to keep competing software from being able to properly load and modify documents created by Microsoft Office.

As a result of proprietary file formats used in Microsoft programs, customers who already use MS Office (or who must communicate documents with people who do) are unable to switch to competing products. Most of this competing software is just as capable, if not superior, to Microsoft's own, but is unusable to many people simply because it cannot properly import data from Microsoft's programs. Because Microsoft has kept it's file format ''roadmaps'' secret, competitors and free software projects are unable to provide the compatibility necessary to win customers.

I believe that the solution to this issue is very clear and should be added to the anti-trust settlement. I propose that Microsoft be forced to publish, on its public web site, the full specifications and details of all current, previous, and future file formats used by Microsoft Office software. This remedy need not include any Microsoft source code, rather only plain-English technical documentation. Such information would allow competitors to extend their software to be fully compatible with Microsoft Office file formats—although this information should also be made freely available to the public so that charitable free software projects may benefit from MS Office compatibility. Please thoughtfully consider what I have proposed and feel free to respond via e-mail with any questions or comments.

Thank you. And may God bless America!
Christopher Gebhardt
linuxman@psu.edu

MTC–00002241

From: Ed
To: Microsoft ATR
Date: 11/26/01 8:38pm
Subject: Microsoft Anti-Trust Settlement

I have read of the implications of the settlement of the Anti-Trust case against Microsoft. I understand this email address requests comments on the outcome of that case.

I have been working with computers in education for about 23 years. I've taught with systems from dialup mainframes with time sharing to today's Pentium systems. I understand that the market votes with their purchases of software and operating systems. However, I am very concerned about any action that would actually encourage additional marketshare for any one company.

If one of the terms of the settlement is to let the company ''donate'' computers and software to schools, I fail to see how this ''makes up'' for any alleged wrongdoing. It appears to actually enhance the problem that the lawsuit seemed to address. Schools with donated Microsoft software may be less likely to use alternate operating systems or applications, and this simply adds to the ''repeat business'' that will add to the market share and create an even larger base of Microsoft customers. There are already many problems that arise due to Microsoft dominance, and any remedy should encourage a broader base of platforms and software options, rather than narrowing the options available to users. A better solution would be a donation of equivalent funds to schools, and let the schools ''vote'' for what is right for their school. Reduced funding for schools choosing products other than those from Microsoft forces the schools into a one-way decision process.

I have found that by using systems outside the ''mainstream,'' we have avoided many of the problems that other users experience. Several of the issues we have avoided are the viruses so prevalent in the Windows world, the security issues often mentioned with servers and networking devices, and overall quality issues. I am concerned about a world where the Passport system becomes ''required'' defacto to do business on the Internet and where one day we become so dependent on one company to provide all the software we need. If the ''mainstream'' becomes the ''only stream,'' we may have fewer choices, quality may be lowered, and consumer options become limited.

Ed Palmer
4210 McGregor
Dripping Springs, TX 78620

MTC–00002243

From: Glenn Gardiner
To: Microsoft ATR
Date: 11/27/01 1:24am
Subject: Microsoft Sellout

To Whom It May Concern:

The so called settlement is an embarrassment. Nobody has been able to control Microsoft during it's entire existence. What makes you think I believe a couple of ''overseers'' sitting in an office will have any effect upon Microsofts behavior and actions. The now spin less Justice Department did nothing to delay restrict or stop the release of Mocrosoft Office XP. This settlement is basically what was decreed in an earlier acton brought against Microsoft and Microsoft ignored it. This is a completely usless settlement. How stupid are the people running the Justice Department under President Bush? I have read that the governments position that breaking up Microsoft would do grevious harm to the economy. Why doesn't the government care what Microsoft has has done to dozens, possible hundreds of other companies. Apparenty, it is not enough to be declared a monopoly. Apparently, the lesson to be learned is that you must make yourself so big that it no longer matters how many companies you destroy on your way to the top. Nice lesson for all those ''Young Republicans''

Respectfully.
Glenn Gardiner

MTC–00002244

From: Richard T. Kennedy
To: Microsoft ATR
Date: 11/26/01 11:42pm
Subject: Antitrust Settlement Between the Department of Justice and Microsoft

I am strongly opposed to the provision of the proposed settlement whereby Microsoft would ''donate'' hardware and software to schools. At first this appears to be a noble gesture. However, it is nothing more than a thinly disguised effort to monopolize yet another market, the educational one. It would be far preferable and fairer to other computer system manufacturers to have Microsoft donate money to schools and allow them to select the technology to be used.

Richard Kennedy
18825 6th Avenue Southwest
Normandy Park, WA 98166–3978

MTC–00002245

From: kbiz
To: Microsoft ATR
Date: 11/26/01 10:33pm
Subject: Microsoft Litigation

US Dept. of Justice-Microsoft Anti-trust comments:

I consider myself an average American. My father, my brother and I all received Honorable Discharges from full enlistments in either the US Marine Corps or the US Navy. And, having almost 40 years of technical and management experience in Computers and Telecommunications

technologies with several of our largest corporations, I feel an urgency to speak in the face of threatening censorship and secret political employee profiling.

America is sick and despondent with the loss of it's freedom and impending doom to her dream. At a time when ad agencies dictate to the US Congress and representative government have generally sold the American Dream down the river, it is indeed a stretch to ask for your compliance to uphold the law, placing your family and career at risk. But, Microsoft and company have brought tyranny to the American consciousness in ways that Bin Laden and our would be destroyers only dream about—the end of freedom—the end of the American Dream is in sight. Read the Global media—Microsoft is E V I L.

Microsoft's family of crime should not only be splintered beyond recognition, but these criminal perpetrators should receive the just rewards of any terrorist hoodlums. They have accomplished through conspiracy and larceny what no outside terrorist can or will do to America, by destroying the freedom and spirit of the American workplace from within. Microsoft has left a trail of tears and broken laws, dismembered hearts and withered creativity; an infection, a collection of rotten, tainted, stolen technologies—the ghost in the machine beckons and cries out for justice.

Now, we all work for the crime family regardless of our beliefs. The Quality principles of America's National Treasure, Dr. W. Edwards Deming, which brought us unrivaled teamwork and prosperity have been co-opted, distorted and twisted to serve a demonic ideology. A continuous stream of disasters is ample evidence of Quality draining from the American infrastructure.

Without real choice, we are just slaves. Without choice, there is only propaganda. Without this basic choice, American consciousness will be divided in digital warfare for the century to come, unless of course, she succumbs to grim tyranny altogether.

Please, in this 11th hour of our freedom, try to preserve the dream that so many in our families have fought and died for. Thank you for your time and consideration,

Kenneth Brauchler
2295 Redwood Ave.
Lafayette, Co. 80026

MTC–00002246

From: r(u)hodg Hodgson
To: Microsoft ATR
Date: 11/27/01 3:39am
Subject: Microsoft Settlement

I have just red Microsoft's offer and I personally feel that it is a very good offer. I will be greatly disapointed if it is turned down. These are just my thoughts. Thank you for your time and indulgence.

Yours respectfuly, Robert K. Hodgson;

MTC–00002247

From: Florian Dejako
To: Microsoft ATR,microsoftcomments @doj.ca.gov@inetgw,...
Date: 11/27/01 2:48am
Subject: Microsoft Settlement

This case should not be settled under these conditions for reasons already stated enough on various web sites, news articles, and countless other emails you received from many other people.

Florian Dejako

MTC–00002248

From: Robert Bogar
To: Microsoft ATR,microsoftcomments @doj.ca.gov@inetgw,...
Date: 11/27/01 2:18am
Subject:
Subject: Microsoft Settlement

I am a voting resident of the county of El Dorado in the State of California, United States of America. I am a working computing professional. I've just read the news on the proposed one billion dollar settlement. I am against this settlement with Microsoft.

As I understand the deal, this seems to me to be very much in favor of Microsoft. In addition to few to no changes to their behavior, a portion of the punishment is, in fact, a real benefit to them. The resolution including the dissemination of their software and compatible hardware, training to use their products, and loads of their often bundled software, seems to fly in the face of the very point of the trial.

They have been declared a monopoly for illegal tactics that were specifically meant to increase their market share, for bundling products for free to get market share, and for illegally blocking other's products to gain market share, and now, a good portion of the settlement specifically increases their market share of both the OS and their bundled products.

I believe this settlement should be declined. Microsoft has once again gained the upper hand and will only benefit. The settlement should be made in order to change their behavior, this does nothing to address their behavior and will not change it in the future, allowing them to continue to bilk the public.

Robert Bogar
CC to:
California: microsoftcomments@doj.ca.gov
Connecticut: attorney.general@po.state.ct.us
Florida: ag@oag.state.fl.us
Iowa: webteam@ag.state.ia.us
Kansas: GENERAL@ksag.org
Massachusetts: GENERAL@ksag.org
Minnesota: attorney.general@state.mn.us
Utah: uag@att.state.ut.us
West Virginia: consumer@mail.wvnet.edu
CC:microsoftcomments@doj.ca.gov @inetgw,attorney.gener...

MTC–00002249

From: George Verkler
To: Microsoft ATR
Date: 11/27/01 8:24am
Subject: Microsoft settlement

I will start this out by saying that I am an Apple user/supporter. So to this end I am biased as I feel they make the better OS/Equipment. However, when it comes down to the merits of this settlement I feel you are encourageing Microsoft to continue their already legally detemined illegal monopolistic practices. In the long term what will happen is;

Schools so chosen will require upgrades to both equipment and software. They will of course go straight to Microsoft as that is what they have already and will be less expensive than purchasing all new equipment and software.

Students will have the Microsoft logo in front of them all the time, at a time in their life where they are the most suceptible to influences. When they have an opportunity to purchase their own system they will probably, not necessecarilly, go with a Windows OS machine.

This settlement pushes the monopoly further. They will gain market share now and make money from it in the future. Not trying to toot Apples horn on this, but this forces Apple OUT of the market in these areas that you are planning on having Microsoft pay thier penalty to. As I said, this encourages a more and bigger monopoly.

I feel that if you penalize them, it should be a penalty and not a money making proposition. Make them purchase competeing systems. Hands down Apple is overall better. More cost effective to own, easier to maintain, easier to network, more creative tools. But if you think that isn't fair, at least let the school systems decide what they want to put in their schools. And make sure there is no pressure applied either way. Let the schools research to determine what would be in their best interest. Here is a page to help in that thought.

(http://homepage.mac.com/mac_vs_pc/Intro.html)

My whole premis is that if you are judged guilty of a crime you should be punished. I don't think this settlement punishes. It instead pushes the monopoly that you fought to prove, further into our lives.

Thank you
George Verkler

MTC–00002250

From: Chris O'Rourke
To: Microsoft ATR
Date: 11/27/01 7:17am
Subject: settlement?

This settlement can only benefit Microsoft and likely to further entrench its monopoly.

Microsoft stands to increase its presence in schools, and decrease Apple's share in the market.The end result will only serve to increase Microsoft's share and influence in the education market. Unless of course they allow schools to choose the software that they use. Even more American workers—not to mention those in Australia—will receive greater exposure to Microsoft products which will benefit Microsoft for many years to come.

In my opinion this settlement will likely have no impact on Microsoft's anti-competitive practices.

And it does nothing to bridge the digital divide outside the US.

Chris O'Rourke
Bathurst NSW Australia.

MTC–00002251

From: Joseph Holmes
To: Microsoft ATR
Date: 11/27/01 8:55am
Subject: Microsoft Settlement Comments

I write to oppose the settlement with Microsoft. The deal favors Microsoft so strongly that I find I'm actually shocked. The

arrangement will clearly not only fail to correct Microsoft's illegal activity, it will actually serve to benefit Microsoft. Microsoft was found to be practicing illegal, monopolistic behavior for tactics that served to increase their market share, for bundling free products to gain market share, and for illegally blocking other's products to gain market share.

And yet, the proposed settlement will have the ironic result of increasing Microsoft's market share of both the OS and bundled products. As just one obvious example, Microsoft has long struggled to gain a serious foothold in the education market, one of the few markets it does not yet overwhelmingly control. Incredibly, the proposed settlement would result in an increase in Microsoft's share of that market.

The settlement should be rejected.

Joseph Holmes

CC:microsoftcomments@doj.ca.gov @inetgw,attorney.gener...

MTC–00002252

From: Dave Koziol
To: Microsoft ATR,microsoftcomments @doj.ca.gov@inetgw,...
Date: 11/27/01 8:52am
Subject: Microsoft Settlement

I'm writing to complain that a significant piece of the proposed Microsoft settlement does nothing but further the Microsoft Monolopy. As I understand it, one piece of the settlement is that microsoft will donate a bunch of software to schools. Schools have long been one of the strongest domains of Microsofts only commercial competitor Apple Computer. This donation would only serve to increase Microsoft's Monopoly, and further jeapordize consumers feadom of choice.

I believe this settlement should be declined. Microsoft has once again gained the upper hand and will only benefit. The settlement should be made in order to change their behavior, this does nothing to address their behavior and will not change it in the future, allowing them to continue to bilk the public.

Dave Koziol koziol@arbormoon.com
Arbor Moon Software

MTC–00002253

From: Bob LeVitus
To: Microsoft ATR
Date: 11/27/01 8:28am
Subject: Microsoft anti-trust comments

Dear Department of Justice,

I've just read the news on the proposed one billion dollar settlement with Microsoft.

As I understand the deal, this seems to me to be very much in favor of Microsoft. In addition to few to no changes to their behavior, a portion of the punishment is, in fact, a real benefit to them. The resolution including the dissemination of their software and compatible hardware, training to use their products, and loads of their often bundled software, seems to fly in the face of the very point of the trial. They have been declared a monopoly for illegal tactics that were specifically meant to increase their market share, for bundling products for free to get market share, and for illegally blocking other's products to gain market share, and now, a good portion of the settlement specifically increases their market share of both the OS and their bundled products.

I believe this settlement should be declined. It does nothing to address their behavior and will not change it in the future, allowing them to continue to bilk the public.

Please don't let them get away with it.

Regards,

Bob

Bob LeVitus * Writer and raconteur
boblevitus@boblevitus.com * http://www.boblevitus.com

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attorney.general@state.mn.us
uag@att.state.ut.us
consumer@mail.wvnet.edu
CC:microsoftcomments@doj.ca.gov @inetgw,attorney.gener...

MTC–00002254

From: Bion Schulken
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/27/01 10:35am
Subject: Microsoft Settlement

This responds to USDOJ's request for public comments regarding the antitrust settlement with Microsoft Corporation.

As a user of Microsoft products as both a consumer and information technology manager for a unit of a Fortune 500 company, I believe the remedies cited in the Proposed Final Judgement are insufficient to either correct the damage caused by Microsoft's past practices or to sufficiently preclude Microsoft from engaging in similar consumer-damaging anti-competitive behavior in the future. My comments below address specific sections of the Proposed Final Judgement.

In general, the relief provided by the judgement is neither prompt, certain nor effective. The relief is not sufficient to prevent recurrence, and the focus on middleware and the OEM distribution channel is too narrow to provide effective relief or deterrents against repeated anti-competitive activities.

Re: ''Ensuring that computer manufacturers have contractual and economic freedom ...by broadly prohibiting retaliation against a computer manufacturer that supports or distributes alternative middleware or operating systems.'' and ''requiring that Microsoft provide uniform licensing terms to the 20 largest ...computer manufacturers.''

This provision does absolutely nothing to protect developers from direct retaliation. Worse, it does nothing to protect consumers (private or business/corporate) who purchase software products and upgrades either directly from Microsoft or through third party vendors. The cost and implementation time involved in changing software platforms dictates that most Microsoft users will continue to upgrade to newer versions of Microsoft products, and the judgement does nothing to protect such consumers from anti-competitive pricing and licensing tactics.

The focus on the OEM distribution channel is far too narrow to significantly inhibit anti-competitive behavior in the broad market. It leaves open other opportunities for anti-competitive behavior which will directly impact consumers and end users availability of choice and cost of ownership for several years beyond the initial purchase of computer hardware.

Re: ''Ensuring that computer manufacturers have the freedom to offer, and consumers the freedom to use, non-Microsoft middleware, by requiring Microsoft to provide the ability for computer manufacturers and consumers to customize, without interference or reversal, their personal computers as to the middleware they install, use and feature ...''

This provision does not address ease of use of customization as a barrier to such activity. Microsoft can continue to create barriers to consumer choice through continuing to create arcane interfaces which are, at best, confusing to ordinary consumers and difficult for technical staff to work around. This provision will all but ensure that ordinary, non-technical consumers will continue to be directed toward Microsoft products and services and away from competitive products and services which offer better value and ease of use.

Re: ''Ensuring that Microsoft cannot thwart the purposes of the remedies ...'' This provision does nothing to penalize Microsoft for demonstrated anti-competitive behavior and does not preclude the company's continuing such behavior. The language in the provision only requires them to offer licenses, but nothing in the agreement requires them to provide reasonable licensing requirements which do not create competitive barriers.

Re: ''Depriving Microsoft of the means with which to retaliate against, or induce the hindering of the development of, competing products by prohibiting Microsoft from entering into agreements that require parties to exclusively, or in a fixed percentage, promote Microsoft middleware or operating system products.

Like earlier provisions, this provision focuses too narrowly on the OEM distribution channel and does nothing to prevent Microsoft from creating barriers through unreasonable licensing agreements with end users and/or developers.

Re: ''The requirements and prohibitions in the Proposed Final Judgment are supported by strong enforcement provisions, including the power to seek criminal and civil contempt sanctions and other relief in the event of a violation, and the imposition of three full-time, on-site, independent enforcement monitors...''

Regarding the claim of ''strong enforcement provisions'', DOJ has just sought sanctions and other relief for violations which has reached an ineffective end with this judgement. This provision just allows you to repeat this ineffective proceeding.

Further, three persons to monitor the technology development and commercial practices of a company this size is totally inadequate to provide meaningful oversight. At best it will result in a checkoff by the monitors that Microsoft, on its honor, has not violated any law or provisions of this agreement. Microsoft has demonstrated through past behavior that the company will

engage in anti-competitive practices which harm consumers, and the imposition of monitors is not a sufficient deterrent to prevent the repetition of such practices.

The judgement further fails by providing no meaningful penalty against the company nor relief to consumers for Microsoft's past practices.

Regards,
Bion Schulken
bion@coastalnet.com
252.355.6684

MTC–00002255

From: Eric Roccasecca
To: Microsoft ATR,microsoftcomments @doj.ca.gov@inetgw,...
Date: 11/27/01 10:06am
Subject: Microsoft Settlement

TO: US Department of Justice-Microsoft anti-trust comments: microsoft.atr@usdoj.gov

I've just read the news on the proposed one billion dollar settlement. As I understand the deal, this seems to me to be very much in favor of Microsoft. In addition to few to no changes to their behavior, a portion of the punishment is, in fact, a real benefit to them. The resolution including the dissemination of their software and compatible hardware, training to use their products, and loads of their often bundled software, seems to fly in the face of the very point of the trial. They have been declared a monopoly for illegal tactics that were specifically meant to increase their market share, for bundling products for free to get market share, and for illegally blocking other's products to gain market share, and now, a good portion of the settlement specifically increases their market share of both the OS and their bundled products.

I believe this settlement should be declined. Microsoft has once again gained the upper hand and will only benefit. The settlement should be made in order to change their behavior, this does nothing to address their behavior and will not change it in the future, allowing them to continue to bilk the public.

Eric Roccasecca

MTC–00002256

From: Stephen McCrocklin
To: microsoft.atr(a)usdoj.gov,ag (a)oag.state.fl.us,att...
Date: 11/27/01 9:37am
Subject: Microsoft Settlement

I've just read the news on the proposed one billion dollar settlement.

As I understand it, this seems to me to be very much in favor of Microsoft. In addition to few to no changes to their behavior, a portion of the punishment is, in fact, a real benefit to them. The resolution including the dissemination of their software and compatible hardware, training to use their products, and loads of their often bundled software, seems to fly in the face of the very point of the trial.

They have been declared a monopoly for illegal tactics that were specifically meant to increase their market share, for bundling products for free to get market share, and for illegally blocking other's products to gain market share, and now, a good portion of the settlement specifically increases their market share of both the OS and their bundled products.

I believe this settlement should be declined. Microsoft has once again gained the upper hand and will only benefit. The settlement should be made in order to change their behavior, this does nothing to address their behavior and will not change it in the future, allowing them to continue to bilk the public.

Stephen McCrocklin, Director
The Langsford Center
1810 Sils Ave
Lou, Ky 40205
(502) 473–7000 voice
(502) 459–8522 fax

MTC–00002257

From: Brian Armstrong
To: Microsoft ATR
Date: 12/6/01 2:46pm
Subject: Microsoft settlement

Sirs,

I think that the antitrust settlement misses the point that Microsoft is a monopoly, has exercised its monopoly power and has harmed the consumer.

It is this last point which is missed. Not in the sense of exacting damages from past harms. The proposed settlement invites harms in the future.

Brian Armstrong
CEO, MetriCam, Inc.

MTC–00002258

From: Cam Causey
To: Microsoft ATR
Date: 11/27/01 11:15am
Subject: Microsoft Settlement

Hello.

I'd like to add my voice to those expressing misgivings about the proposed settlement of private lawsuits, in which Microsoft would work off it's penalty by giving large amounts of its technology to poor schools. I have to agree with those who point out that this would merely serve to add to Microsoft's competitive advantage, in one of the few markets where there is real competition to the Windows juggernaut.

In fact, given Microsoft's immense resources in ruthless marketing practices, it will take a severe penalty, indeed, to have any real and lasting effect. The breakup of the large corporation into separate operating system and applications entities is one of the few solutions I see that might actually improve competition without stiffling innovation. And for the record, it is my opinion that Microsoft has never innovated a single technology, choosing instead to take new ideas developed by others, implement them poorly, and then weave them inextricably into their operating system to force them upon the public. It is in this way that Microsoft can successfully thumb its nose at any attempts to implement standards in the software industry, especially the internet/web sector.

I urge you to re-think this settlement and consider something that will actually promote competition, not defeat it. Thank you.

Cameron Causey
Database Coordinator
Marin Conservation Corps
http://www.marincc.org
415–454–4554 x 14

MTC–00002259

From: Tom Ward
To: Microsoft ATR
Date: 11/27/01 11:02am
Subject: Microsoft setlement

I believe the ''one billion school funding'' settlement negotiated by Microsoft and the other class-action attorneys is a ploy designed to entrench the Windows monopoly while allowing the company to pay back only a tiny fraction of what it actually owes consumers.

I find the proposed conduct remedy to be inappropriate and wholly inadequate for a company which has demonstrated nothing but contempt for previous conduct remedies.

A settlement that required the proposed school funds to be spent on non Microsoft/Wintell products would act as punishment, and give the company an incentive to change their criminal behavior.

Thank you,
Tom
Tom Ward tward@iWaveStudio.com
President 1072 St. Paul St. Denver, Colorado
iWaveStudio www.iWaveStudio.com

MTC–00002260

From: David Godshall
To: Microsoft ATR
Date: 11/27/01 11:24am
Subject: Microsoft Settlement

As a home computer user, computer professional, and computer enthusiast, and with no financial interest in any of the companies associated with the case, and with only a personal desire to see a proper competitive atmosphere within the computer industry as a whole and a fair deal for the general public, I wish to affirm the antitrust proceedings undertaken in the case of USA v. Microsoft Corporation, Civil Action No. 98–1232 (CKK), wherein Microsoft was found to be a monopoly and having violated portions of the Sherman antitrust law. I have read the November 2001 settlement proposed by the US Department of Justice and nine of the plaintiff states and do not believe the proposed settlement is in the public interest. I am no lawyer, but in spite of that I can see and will highlight a number of the more serious problems I perceive with the current settlement.

1. Within the settlement document (Section III, A–B) is the terminology ''Covered OEM'', which the Definitions section reveals to be the 20 largest Original Equipment Manufacturers. Are not the smaller companies as least as deserving of protection from predatory practices and pricing discrimination as the larger companies, if not more so?

2. Section III, A, 2, prohibits Microsoft from retaliating against an OEM that ships a Personal Computer with a Windows Operating System in addition to competing operating systems, but says nothing about an OEM shipping a computer with a single non-Windows operating system. As such, OEMs which sell some computers with Windows and some computers with a single competing operating system are open targets for

retaliation. Microsoft should have no say in what operating system or systems an OEM includes with any of their computers except in that they get proper payment for each copy of their own operating system actually sold.

3. Section III, C, 1, while initially seeming to disallow such activity, in reality specifically allows Microsoft to dictate in certain circumstances what icons an OEM may or may not place on the desktop or start menu. I contend that the OEM must have the right in all circumstances to include or exclude whatever icons (or for that matter, whatever programs) their customers request, thus allowing healthy competition and differentiation between OEMs, with the general public benefiting by being able to select the OEM that bests accommodates their needs and desires.

4. The Technical Committee, as described in Section IV, B, is supposed to be comprised of three technical persons not affiliated with Microsoft. Allowing Microsoft to select one of those people, and furthermore allowing them to influence the selection of the third person, seems to me to be giving Microsoft too much influence over the selection of this committee and too much possibility of bias in favor of Microsoft. Furthermore, the stipulation in Section IV, D, 4, d. that nothing the TC does is admissible in court makes enforcement of the entire settlement appear very problematic.

5. Microsoft has full discretion in deciding what constitutes a ''Windows Operating System Product'' (Section VI, U) and what code goes into it. This is totally unacceptable as it leaves Microsoft free to simply define that a non-operating system component is part of the ''Windows Operating System Product'' and such code is completely unaffected by this settlement, regardless of how many competing or future non-Microsoft products such an action destroys. The moment Microsoft learns or believes a company is in development on a new product, they would have the complete freedom to write code, regardless of quality, functionality, or user interest, define it as part of the ''Windows Operating System Product'', and thereby destroy the competition before it has a change to even begin. I believe an independent entity needs to define what is essential in an ''Operating System Product'' and everything else must be made user/OEM optional and completely removable. In addition to the specific shortcomings listed above, I believe it to be entirely too lax on Microsoft. Microsoft was found in a court of law and on appeal to be a monopoly, and furthermore to have abused their monopoly position. This settlement contains no punitive measures for those past offenses, but worse yet it contains little to effectively curb current future predatory behavior. What is intended to contain such behavior is full of ''except for'' terminology that dilutes the effects of the statements, and when Microsoft is found to have violated sections of the settlement, it appears difficult to enforce such violations. Microsoft has a history of violating court orders and a more effective way to prevent that must be found.

Finally, it does not appear to me that the settlement effectively addresses Microsoft's growing practices of tying products into their operating system in such a way that the user no longer has an option to keep or remove such product, and in fact appears to specifically legalize it (Section VI, U). The most visible example, and one that figured prominently in the proceedings, was integrating Internet Explorer into Windows 98 such that the user can not remove it short of using third-party software (for example, 98lite) or difficult manual changes. Internet Explorer used to be a separate Middleware product in Windows 95, and Microsoft was ordered in court to stop requiring OEMs to bundle it. Rather than respecting the intent and spirit of the court order, however, they attempted legal trickery by integrating it into the operating system such that it was no longer be considered bundling. By doing so, in addition to continuing to use their monopoly position to gain a monopoly in a different area (which they have by now largely succeeded in doing), they have stripped users of their choice of installing or removing Microsoft's web browser. With Windows XP Microsoft has continued and expanded this practice, making a lot of other formerly optional components into non-removable parts of the operating system, thus further reducing the general public's choices, and the OEM's ability to give the general public those choices, and effectively destroying the ability for competitors to compete on an even playing field. The end user, and the OEMs on their behalf, must be allowed and given the tools to do more than simply disable or hide all Microsoft Middleware Products, they must also be allowed and given the tools to completely remove (uninstall) them, allowing them to free up the disk space and other resources that the Microsoft Middleware Products might otherwise be consuming.

While this settlement is a good start, after all the work that has gone into this lawsuit the computer industry and the general public deserve better protection from Microsoft's predatory actions than this settlement provides, and I ask that the court to either reject the settlement in its current form and require that the parties come up with a settlement that better fits the offenses and which can be genuinely expected to prevent them from reoccurring, or rework the current settlement to remove existing loopholes and give the user and OEMs complete control over the choice to install or not install all Microsoft products that are not essential to operating system functions.

Thank you.

David Godshall, Network Manager

dg@hesston.net

CC:dg@hesston.net@inetgw

MTC–00002261

From: Nathaniel Irons
To: Microsoft ATR
Date: 11/27/01 11:17am
Subject: Microsoft Settlement

I think the settlement is a abdication of the government's obligation to prosecute a convicted monopolist. The provisions for noncompliance are nonexistent. The ''compensation'' paid to schools amounts to a market share giveaway in one of the few markets where Microsoft is not already completely dominant. The only teeth in this settlement are in the loopholes.

I have never been as proud of my government as when David Boies was demonstrating on a daily basis how capricious and harmful Microsoft is to the US technology industry. His successors in the Justice Department should be ashamed of themselves.

—nat

MTC–00002263

From: T Gregory Knox
To: Microsoft ATR
Date: 11/27/01 11:59am
Subject: Penalty' Greater Marketshare

To stop a problem, you must begin at the source of the problem and allowing Microsoft (MS) the ability to send in PC's running THEIR software isn't exactly going to punish MS in the way that they were to be tried. The purpose of the court cases...too much marketshare and a monopolistic company. The possible ''punishment''...give more people THEIR software. Not only to people that already use PC's and Microsoft's software, but to children. Children that when they grow older, are familiar with the MS operating systems and continue to use them. Hardly affecting MS's monopoly or their funds. To give a verdict, you must look at the consquences... Punish MS by having MS give schools their software isn't holding them back in anyway from gaining more marketshare and making billions of more dollars. Yes, more money as well because in the proposed verdict, MS will be able to charge the schools a licensing fee for the software that they gave them. MS wins all around.

What needs to be carried out is a verdict that will drop MS's exposure and allow other operating systems and software companies to emerge. The market is so saturated with PC's and MS's software that many people do not even know of alternatives like Mac OS X or even Linux. By constricting MS's exposure, this will allow these other companies to step forward and present themselves in a respectable manner. Money obviously is no object to MS. So that will not solve the problem. Marketshare certainly isn't an issue with MS, either. They have 95% of the market and loosing a few percentage points certainly will not hurt their income, but will help these other companies trying to make a name for themselves. If I was one of MS's lawyers, I would be extremely happy right now. (As well as very wealthy.) Microsoft is looking at this verdict not as a punishment, but as an investment.

Thank you for reading my comments.

T Gregory Knox

MTC–00002264

From: Ivan Drucker
To: Microsoft ATR
Date: 11/27/01 11:58am
Subject: Microsoft Settlement

To Whom it May Concern:

I am hardly the activist type, and this might actually be the first time I have written to a government office.

I am concerned about the proposed remedy for Microsoft's anti-competitive behavior. While I am entirely in favor of bringing technology to the needy, it seems to me that this solution is to Microsoft's competitive

advantage, which seemingly defeats the purpose of the action at all. Microsoft has entrenched themselves very heavily into nearly all personal computing markets. Once an organization is on the Microsoft platform (or any platform), there is a very strong gravitational pull to staying with that platform for many years, as it requires significant investment in both products and training to change. This creates a cycle of dependency on upgrades, upon which much of Microsoft's business model is based. Education is one of the very few personal computing markets left where Microsoft has a real competitor in operating systems, Apple Computer. It seems reasonable to assume that, were this plan to go through, that the beneficiaries would not be purchasing computers from Apple for many years. Furthermore, there would likely be a ripple effect, as there would be a certain tidal force in so many schools adopting a single platform from such a powerful player. What this means is that long after the contributions are made, schools (and not only the recipients) will be paying for Microsoft products and support, at the expense of their competitor.

In sum, this plan could hand to Microsoft one of the few markets they have been unable to dominate yet, yielding no real consequences for the anti-competitive behavior which they have been found guilty of. I am all in favor of bring better technology to schools! But that is a separate issue from the appropriate remedy for Microsoft's behavior. I am hardly a legal or business expert and I submit these comments with humility. I am sure you have received many similar comments already, but I feel obliged to speak my peace regarding this matter. Thank you for your kind attention.

Respectfully,
Ivan Drucker
43 E 10th St Apt 4E
New York, NY 10003
CC:microsoftcomments
@doj.ca.gov@inetgw,attorney.gener...

MTC–00002265

From: Joanne Kalogeras
To: Microsoft ATR
Date: 11/27/01 12:40pm
Subject: MS settlement

Justices,

Why on earth do you want to add to Microsoft's monopoly by allowing them to seed their inferior software in schools, which is not even traditionally an MS market? Macs are much easier to use, and Apple has held that market for years. You're doing —nothing— but furthering their marketshare by letting them ''give'' their software to schools, thus locking up a new market for years to come.

This is not at all an equitable settlement. It does nothing to Microsoft financially, except open up a new market for them. Do you want to punish MS for their monopolistic practices, or help them to achieve their own goals?

Sincerely,
Joanne Kalogeras

MTC–00002266

From: Peter
To: Microsoft ATR
Date: 11/27/01 12:36pm
Subject: Microsoft Settlement

TO: US Department of Justice-Microsoft anti-trust comments:

microsoft.atr@usdoj.gov

I've just read the news on the proposed one billion dollar settlement. As I understand the deal, this seems to me to be very much in favor of Microsoft. In addition to few to no changes to their behavior, a portion of the punishment is, in fact, a real benefit to them. The resolution including the dissemination of their software and compatible hardware, training to use their products, and loads of their often bundled software, seems to fly in the face of the very point of the trial. They have been declared a monopoly for illegal tactics that were specifically meant to increase their market share, for bundling products for free to get market share, and for illegally blocking other's products to gain market share, and now, a good portion of the settlement specifically increases their market share of both the OS and their bundled products.

I believe this settlement should be declined. Microsoft has once again gained the upper hand and will only benefit. The settlement should be made in order to change their behavior, this does nothing to address their behavior and will not change it in the future, allowing them to continue to bilk the public.

In addition, it gives Microsoft an ''in'' to a market that is currently one of the last strongholds of their only operating system competitor: Apple. How can this be fair to either company?

Please reconsider.
Thank you,
Peter Linde
The Linde Group, Inc.
Berkeley, California
peter@lindegroup.com
The Linde Group, Inc.
2612 8th St., Suite B
Berkeley, CA 94710
510–705–8910 x33

MTC–00002267

From: Julie Noll
To: Microsoft ATR
Date: 11/27/01 12:20pm
Subject: Microsoft Case

This whole issue is getting out of hand. It has become apparent that this is not about justice, simply Microsoft's competitors trying to destroy them. If this were about justice then this case would have been settled.

If Sun Microsystems, Oracle and Netscape would simply build better products, improve their internal business structure and stop spending so much energy on whining about Microsoft they too could be successful.

As an American, I am sick of this whole thing. It has wasted time, money and energy. The U.S. Government has allowed this whole case to escalate by allowing the competitors to go beyond the request of an investigation. It has allowed this to be handled as a revenge case rather than a case about fairness or protecting consumers.

MTC–00002268

From: Williamy Shipley
To: Microsoft ATR
Date: 11/27/01 1:08pm
Subject: The Microsoft settlement

It stinks. It isn't punishment at all, it's a chance for Microsoft to establish a monopoly in the last area (education) in which it doesn't have a clear one yet.

This is just like the last slap in the hand that Microsoft got for pushing everyone around and holding the industry back, and will be just as effective—not at all. Microsoft will ignore the new rules it's under because they will know, having had it happen twice, that they can break the law as much as they want, and all they have to do is go to court every ten years and get slapped with a tiny settlement. Stand up and fight them. They have held back my industry long enough. They are the driving force behind making software worse for everyone. We are all affected, we're depending on you to stop it.

Yours,
—Wil Shipley
President, The Omni Group

MTC–00002269

From: L Palmer
To: Microsoft ATR
Date: 11/27/01 12:41pm
Subject: Oppose Microsoft private suit settlement

Dear Department of Justice,

I would like to express my opposition to Microsoft's proposal to settle lawsuits for abusing monopoly power, by providing computers, software and other resources to poor schools.

This is a breathtakingly self-serving proposal on Microsoft's part. It will further Microsoft's competetive advantage in schools—one arena where its main competitor in the consumer market, Apple, has considerable business. Many teachers prefer Apple products, for their ease of use, longer life-span, and much lower long-term support costs; and I understand that they have expressed grave doubts about this proposal.

It seems peculiar, to say the least, to allow a company to settle complaints of monopoly power, by giving it a golden opportunity to extend its monopoly.

Sincerely,
Linda Palmer

MTC–00002270

From: Rwaggs2@aol.com@inetgw
To: Microsoft ATR,microsoftcomments @doj.ca.gov@inetgw,...
Date: 11/27/01 12:41pm
Subject: Microsoft Settlement

US Department of Justice-Microsoft antitrust comments: I believe this settlement should be declined. Microsoft has once again gained the upper hand and will only benefit. The settlement should be made in order to change their behavior, this does nothing to address their behavior and will not change it in the future, allowing them to continue to bilk the public.

How could providing their software and training to schools (or anyone) free of charge not increase their market share? Wouldn't that be adding to the issue at hand? I think its obvious that Microsoft should be not rewarded with an increase in consumer

usage. Perhaps disseminating their software bundles and a truly steep fine (cash only!) would be sufficient. Donate the cash fine to the schools—NOT as a donation from Microsoft but as an increase in the annual school budgets or a blind influx of books and supplies. Surely you can see that, while donating to schools is a noble endeavor, doing it with a specific company's product who is already the dominant force (the reason for this judgment makes that case) is only helping Microsoft, not punishing them.

Robin Wagganer
Creative Marketing Strategies
P: 408.287.7283
F: 703.935.7183

MTC–00002271

From: Duane Murphy
To: Microsoft ATR
Date: 11/27/01 2:06pm
Subject: Microsoft Settlement

In reading recent news events, I am quite disturbed by the proposed Microsoft Settlement. I was under the impression that the judicial system was put in place to punish wrong doers. It appears that Microsoft is being further rewarded for their monopolistic practices. By ''forcing'' Microsoft to give money, computers, and software to schools, Microsoft's monopoly will only be further empowered. This punishment is nothing of the sort; Microsoft regularly donates much more than this punishment even implies. Its called Market Share. If you capture the education, market you capture the future market. Please reconsider supporting this settlement. It will do nothing but make Microsoft that much more powerful. Please go back to the discussions and determine a proper punishment for a company that continues to abuse the people of America as well as the Free World!

..Duane Murphy
1024 Topaz Court
Vacaville, CA
95687–7870
CC:California Department of Justice,Connecticut Attor...

MTC–00002272

From: klai@curly.bitmotel.com@inetgw
To: Microsoft ATR
Date: 11/27/01 1:56pm
Subject: Reponse to Microsoft private suit settlement

The settlement will further allow Microsoft unfairly make inroads into education. The school should get the funing and have the 100% freedom for purchasing HW and SW to meet their needs. In addtion, the 5 year time limit Microsft SW license is certainly a bad deal compared to Red Hat's proposal with no time limit.

Koklioong
http://tacpa.org

MTC–00002273

From: Hopper (a) Megalink
To: Microsoft ATR
Date: 11/27/01 1:48pm
Subject: You guys are making janet Reno look better all the time

You guys are making janet Reno look better all the time

MTC–00002274

From: Les Vogel
To: Microsoft ATR,microsoftcomments @doj.ca.gov@inetgw,...
Date: 11/27/01 2:15pm
Subject: Microsoft anti-trust settlement

Microsoft is a monopoly.

The question is, under what rules should Microsoft be allowed to continue operations, and what is a just punishment for past abuses. 1. The various proposals that I've seen do not address one of the techniques that Microsoft has used to gain dominance in the marketplace. Often when a company that Microsoft views as a threat announces a product or technology, Microsoft will within a week announce a competing technology or product. Unfortunately, many of those ''announcements'' are just the start of Microsoft's development, and consumers will not see anything for years if at all. This has the effect of drying up both sales and capitol for the competing company.

Microsoft needs to be prevented from pre-announcing any technology, product, or service more than 90 days before it's actual availability to consumers.

2. Microsoft's offer to provide schools with equipment and software will just help Microsoft gain control of one of the few markets where it doesn't dominate. There are two basic problems with Microsoft's providing software. 1. It improves adds to Microsoft's monopoly. 2. Microsoft's incremental cost of goods for software is under $1. (The cost of reproducing a CD). A much better settlement would be for Microsoft to provide the schools with cash, and allow the schools to spend it where they see fit. This would actually affect the their bottom line.

These modest proposals will not go far enough to punish Microsoft for it's abuses. The only real solution is to break Microsoft up into many parts: 1. The Windows OS Company, 2. Media Company (MSNBC/MSN),

3. The Office Company (Desktop Applications), 4. The Back-Office Company (Back-Office/SQL Server), 5. The PDA Company, 6. The Game Company (x-box/Flight Simulator, et. al.). There should be NO cross ownership or licensing for at least 7 years.

Thank you,
Les Vogel
lesv@angeltech.com
300 Beale St. #605
San Francisco, CA 94105
415–543–1011

MTC–00002275

From: Dumser, Louis
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/27/01 2:10pm
Subject: Microsoft Settlement

Very bad idea ladies and gentleman!

Giving Microsoft this type of access to schools will only increase the scope of their monopoly. Is not like school funding is so lush that the targeted schools will be able to walk away from these deals! Make Microsoft give the CASH equivalent of the settlement to the school and let them decide. ... you know the old market economy thing.

Thanks.

Louis Dumser

MTC–00002277

From: John Wallace
To: Microsoft ATR
Date: 11/27/01 2:40pm
Subject: Microsoft Settlement

To Whom It May Concern:

Having Microsoft put $1B of its competitors products into the schools would be a real punishment. The current deal is a fraud. Rather than creating a deal that levels the field and furthers the interests of consumers, Microsoft is making a marketing investment into markets where they are currently losing. Historically, Microsoft has had a competitive disadvantage over other platforms (Apple, Linux, etc.) into the schools. By taking the proposed tack, Microsoft can gain further competitive advantage and simultaneously gain legal protection for their growing power. It is incompressible that we are ''punishing'' a monopoly by granting them a monopolistic position in the schools.

As Brier Rabbit would say: ''Oh no, Justice Department! Please don't throw me in that briar patch!''

Let's not be gullible. Let's take the opportunity to really benefit the schools, consumers, and American business. Microsoft should pay $1B in CASH and allow the schools to use those funds to buy the products of their choice.

If I can be of assistance, please contact me.

Sincerely,
John L. Wallace
President and CEO
Power On Software, Inc.—An Inc 500 Company
Phone: 614–413–4000 x3010
Fax: 614–413–4100
Email: john@poweronsoftware.com
Web: http://www.poweronsoftware.com

MTC–00002278

From: Tim Cowan
To: Microsoft ATR
Date: 11/27/01 2:28pm
Subject: MicroSoft

The only TRUE way to have choice for consumers is to break Microsoft into two parts one the operating system (windows) the other all applications (i.e. non operating system programs).

Microsoft became number #1 by using if not illegal at least not ethical business practices

1. Micosoft DOS vs Dr. DOS
2. Microsoft EXCEL vs Lotus 123
3. Microsoft Internet Explorer vs Netscape Explorer

If AT&T can be broken apart, so can Microsoft !!!

Let's have a victory of the little consumer and break Microsoft into two parts

MTC–00002279

From: William Perez
To: Microsoft ATR
Date: 11/27/01 2:17pm
Subject: justice for Microsoft

US Dept of Justice:

I am writing to ask you to reconsider the proposed Microsoft antitrust settlements. This is a travesty of justice which does not address their previous behavior which is

what resulted in their market dominance. Nor does it justify the horrendous damage they have already done to the computer industry. When a criminal repeatedly breaks the law, the guilty party should be punished. Isn't that how our justice system supposedly works? A gentle slap on the wrist and ensuring they ''never do it again'' is not enough.

The ''Be'' operating system which ran on PCs and Macintosh computers is now dead. Palm, Inc. who acquired the company have no intention of trying to compete with Microsoft's unfair advantage again. It's too late to save Netscape which AOL/TimeWarner acquired after they could not compete with Microsoft's Internet Explorer web browser. IBM has documented that they lost millions because Microsoft would not give them an equal and timely license for Windows 95 due to IBM's ''Lotus'' products which tried to compete with Microsoft Office. Real Networks and Apple's QuickTime have also suffered unfairly due to Microsoft's advantage of tight product integration, which you can be sure they will continue to tighten and make more difficult for competitors in the future. Where is the justice for all this?

Microsoft is the world's largest software company and the company's founders are some of the richest people on this planet. 95% of all computers run their proprietary Windows operating system. Their Internet Explorer web browser remains the number one choice for PCs and even Macintosh computers. Microsoft Office is a $500 product that also dominates its competition on both Windows and Macintosh platforms. It's clear to me that they are an illegal monopoly which has repeatedly violated the law and yet the proposed settlement is riddled with loopholes, leaving Microsoft in a position of power where they will continue to harm the industry and consumers. The class action settlement proposed (to provide schools with free copies of Microsoft software and PCs) will only further entrench Microsoft's monopoly. Childen will grow up accustomed to using Microsoft's tools and will prefer to buy their solutions in the future, which only benefits Microsoft in the long run! You should make Microsoft provide *competing* software and systems not their own. It's no big loss for them to duplicate copies of software they've already written.

I ask that Microsoft be properly punished, not helped, for their past crimes before more companies with great talent and merit end up bankrupt. They should feel remorseful of their illegal actions in the past and looking at their latest offerings, namely Windows XP and XBox, I don't see that as being the case. Other technical companies that have been investigated for being a monopoly (AT&T, IBM) have not gotten off so easy. It's not fair or just in my opinion so I hope you reconsider a much harsher sentence.

William Perez
New York, NY

MTC–00002280

From: Julia Tortolani
To: Microsoft ATR
Date: 11/27/01 2:55pm
Subject: Microsoft Settlement

TO: US Department of Justice-Microsoft anti-trust comments:

microsoft.atr@usdoj.gov

I've just read the news on the proposed one billion dollar settlement. As I understand the deal, this seems to me to be very much in favor of Microsoft. In addition to few to no changes to their behavior, a portion of the punishment is, in fact, a real benefit to them. The resolution including the dissemination of their software and compatible hardware, training to use their products, and loads of their often bundled software, seems to fly in the face of the very point of the trial. They have been declared a monopoly for illegal tactics that were specifically meant to increase their market share, for bundling products for free to get market share, and for illegally blocking other's products to gain market share, and now, a good portion of the settlement specifically increases their market share of both the OS and their bundled products.

I believe this settlement should be declined. Microsoft has once again gained the upper hand and will only benefit. The settlement should be made in order to change their behavior, this does nothing to address their behavior and will not change it in the future, allowing them to continue to bilk the public.

Julia Tortolani
CC to:
California: microsoftcomments@doj.ca.gov
Connecticut:
attorney.general@po.state.ct.us
Florida: ag@oag.state.fl.us
Iowa: webteam@ag.state.ia.us
Kansas: GENERAL@ksag.org
Massachusetts: tom.reilly@ago.state.ma.us
Minnesota: attorney.general@state.mn.us
Utah: uag@att.state.ut.us
West Virginia: consumer@mail.wvnet.edu
CC:consumer@mail.wvnet.edu
@inetgw,uag @att.state.ut.us.

MTC–00002281

From: Jim Kimmel
To: Microsoft ATR
Date: 12/6/01 3:28pm
Subject: astonishing

I just wanted to communicate my shock, disbelief, and outrage at the resolution of the Microsoft antitrust case. It was clearly proved that Microsoft used monopolistic practices to put competitors out of business.

Let me remind you that the Judge ruled AGAINST Microsoft. Your proposed settlement will give them a stranglehold on the education market and FURTHER entrench Microsoft as a monopoly! This isn't justice or a settlement, it's a JOKE! Microsoft will be laughing all the way to the bank!

Jim Kimmel
Jimk@MissionData.com
502–493–1050 ext 236

MTC–00002282

From: Angie Malone
To: Microsoft ATR
Date: 11/27/01 3:00pm
Subject: microsoft settlement

Hello. I have read the following article on USA Today's website: http://www.usatoday.com/life/cyber/tech/2001/11/27/microsoft-educators.htm

I have to say it does sound like you are rewarding Microsoft by letting them donate used computers.

This helps them in the following ways:

People get exposed to their software and Windows machines. So they may be more apt to buy one if they are able to purchase equipment. Microsoft does not have to spend money to throw the computers away. They will probably be allowed to take an income tax charitable deduction for the computers. This is not a punishment for creating a monopoly. It is an incentive to continue the monopoly.

Angie Malone
Computing Manager
email: alm4@cornell.edu
Cornell University Press, Sage House, 512 East State Street
Ithaca, New York 14850
http://www.cornellpress.cornell.edu
607–277–2338 ext 238 (phone)
607–277–2374 (fax)

MTC–00002283

From: Beckwith, Richard
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/27/01 2:59pm
Subject: Comment on case

Before getting into my comment, I must mention that I work for Intel. In my opinion my employment has no bearing at all on my support (or lack of support) for Microsoft's proposed settlement, I am certain that most people would believe it significant. I should also mention that the lab in which I work at Intel was started by one of the main government witnesses in the federal case against Microsoft. Again, I do not believe that this has any bearing on my judgment. As you will see, I support some aspects of the plan and do not support others.

For background, I am a developmental psychologist working at Intel. I have a PhD in developmental and educational psychology from Teachers College at Columbia University. I came to Intel from an academic position where I was doing research on technology in education (at Northwestern University's Institute for the Learning Sciences). I have been doing research on technology and education off and on for over twenty years. Therefore, I have some expertise to comment on Microsoft's settlement offer. I would like to suggest that Microsoft's proposed settlement approaches fairness. I do not believe that donations to schools should be turned down because they would give Microsoft an advantage over Apple. One of the reasons that I came to Intel is because platforms running Microsoft software are the most cost effective means to deliver computational power. I wanted to be able to influence how services might be offered to young students. The cost differential is quite significant here. We know that most schools have decided to go with the ''commodity platform'' running Microsoft software.

I think that the cost differential is what has driven these school districts to make this decision and there is little reason to think that low income schools could reasonably be expected to go with Apple equipment. However, I also know that Microsoft has a tendency to overvalue its cost in donating

software to schools. Before a particular plan is accepted, I would recommend that Microsoft's real costs in the donation be taken into consideration. The real costs are not insignificant since support would be included. Lost sales are a real concern but we need to consider that Microsoft would have sold this software in an OEM bundle and may have gotten less than $20 per system. Do not let them treat this as a sale of boxed software.

Finally, I would think that Microsoft would tend to donate systems with WindowsXP. I personally have no plans to run XP on my current Intel provided computer since it is a 600 mHz Pentium II. My computer is really not good enough to run XP well. I'm better off with an older OS. My Pentium II is still useful to me though and I won't be getting a new one for a while. I wonder what the refurbished machines that Microsoft will donate will be. If these computers are older, low power computers; they may have a difficult time running some software. This is important because speed is still related to ease-of-use. You can use the power of the PC to make the task easier. This is only true if the PC is powerful enough. I hate to think that kids with the most need would get computers that are not quite up to the task of helping them out. You know that the schools won't be upgrading any time too soon. It would be best to make sure that they don't have to.

Richard Beckwith, PhD
People and Practices Research
Corporate Technology Group, Intel

MTC–00002284

From: Kevin Hall
To: Microsoft ATR,microsoftcomments @doj.ca.gov@inetgw,...
Date: 11/27/01 2:58pm
Subject: Microsoft v US

Dear State Attorney General:

Please consider a more stringent prosecution of MicroSoft corporation, that is, in my opinion, stifling the computing industries of which I am a professional. As MicroSoft continues to get its way, we're already twenty years behind. I am a computer systems administrator with a BS degree in computer science and seen over the last ten years the same findings of fact determined against the company by the DOJ. There is very little punishment of these crimes to speak of; in fact it's almost a reward to the monopolist and sets a most disturbing precedent. After Realplayer, Java, MP3, and PC Anywhere go the way of Netscape and Apple, where shall they turn for justice? What happens to our privacy when we cannot escape spam, telemarketers, and door-to-door salespeople who buy data collected from MicroSoft Windows XP activations. Or worse yet, cannot access information on the Internet at all because each site requires .dll compatibility or is choked by viruses. If MicroSoft continues to monopolize, we'll all be paying taxes to them, obeying its rule of law, and suffering intellectual dysfunction at their hands!

Sincerely,
Kevin D. Hall

PS I voted for, and support our president but disagree with the effort that dismissed the case against MicroSoft. Please continue your pursuit of justice!

MTC–00002285

From: Doug Brandner
To: Microsoft ATR
Date: 11/27/01 3:05pm
Subject: Microsoft settlement objection

I do most strongly object to the idea of Microsoft ''atoning'' for past transgressions by donating a few billion dollars of hardware and software to schools, and thereby, essentially undoing Apple's small education market niche.

What kind of punishment is that? The Apple company is already suffering by Microsoft copying Apple's system years ago with the ''Windows'' design that was invented and developed by Apple. But no matter about that old issue, why would you consider undermining a competitive product such as the Apple companies computing system? That would be no punishment at all, but turn out in their favor by driving Apple computers out of the schools.

Apple is trying to recover by making the much more simple and stable Mac computers available for young students, some of which may later choose to buy an Apple Mac rather than the predominant giant PC's all with Microsoft's monopoly of the various Windows operating systems. If you really wanted Microsoft to ''atone'' or punish them, have them buy Apple computers for the schools, or say half PC and half Apple. I suppose you cannot order them to do that, but you can have them pay the equivalent cost in cash to the schools and let the schools decide which computer (hardware or software) they wish to buy, without any duress or strings attached.

Thank you for listening,
Doug Brandner
10925 SE 304
Auburn, WA 98092

MTC–00002286

From: Sam Martin
To: Microsoft ATR
Date: 11/27/01 3:16pm
Subject: Microsoft Settlement

I am in favor of Microsoft's proposed settlement in which they donate computers and software to the nation's poorest schools.

MTC–00002287

From: Milner Grimsled
To: Microsoft ATR
Date: 11/27/01 3:03pm
Subject: Micorsoft's proposed settlement—a vote against

Dear Department of Justice

This is to register my protest against the Microsoft's plan to settle its antitrust suit obligations. To allow Microsoft to extend its monopoly power under the guise of this proposed settlement is unconscionable. I do not have any quarrel with a plan to help poor schools. But I think Microsoft should contribute money to a fund that such schools can use as they see fit to fund their technology needs.

This would open up the world of choice to include even Apple Computer's superior (in my opinion) products.

Note I use Macintosh computers at home and Windows computers at work, so I have some knowledge of each platform. I think Judge Jackson's original ruling should have been left intact— that Microsoft should have been broken up into two companies. But given that this hasn't happened, I would see it as a complete travesty if Microsoft's settlement proposal were accepted by the Department of Justice.

Thank you for your consideration.
Milner A. Grimsled
11 Grant St.
Potsdam NY 13676
CC:milner@northnet.org@inetgw

MTC–00002288

From: Corey R. Johnson
To: Microsoft ATR
Date: 11/27/01 3:23pm
Subject: Microsoft Settlement

To Whom It May Concern,

I believe this settlement should be declined. The settlement won't do anything to level the playing field. Placing Microsoft products into schools not only helps Microsoft in a market where it has been traditionally weak but it hurts Microsoft's competitors in the software and hardware markets.

Please decline this preposterous settlement.

Corey R. Johnson

MTC–00002289

From: John.Fox@USPTO.GOV@inetgw
To: Microsoft ATR
Date: 11/27/01 3:19pm
Subject: the settlement is wrong

I would like to express my opinion that the microsoft settlement is wrong. Microsoft's monopoly is so extensive that I cannot buy a computer, just the hardware, in any local store without also buying Windows. They will not sell me a box unless I buy Windows even if I want to use Linux or BE. For example, when my hard drive crashed last year I decided to upgrade the hardware and load my copy of Windows 95 on it. A paid for, legal copy, completely within the terms of the contract and MS license. I could not do it. Dell, HP, Compaq, Erols, Microcenter-no one would sell me the hardware without a new copy of Windows.

What's more, they will not sell me a box with just Windows on it. I have to buy MS Works or some type of office application even though I do not want it and will never use it. This situation is just wrong, and it should not be accepted unless we are willing to accept the total domination of the desktop PC forever by MS.

Thank you,
John Fox
703–308–2595
703–241–7866

MTC–00002290

From: Gerald Kielpinski
To: Microsoft ATR
Date: 11/27/01 3:27pm
Subject: microsoft settlement

I, Gerald Kielpinski, citizen of the USA, wholeheartedly object to the proposed settlement against microsoft, believing it to be far too soft, and in some cases just plain ludicrous.

This case's magnitude can be likened to allowing one company to control the

automobile industry. Imagine the cars we would be driving if that were the case. The only reason Microsoft recently unveiled an operating system that doesn't crash is due to the miniscule competition that probably won't last long with settlements such as this...

Gerald / Grand Chief
MANTIS DESIGN
www.mantisdesign.com
mantid@ptd.net
1.800.567.3778

MTC–00002291

From: Rand H. Childs
To: Microsoft ATR
Date: 11/27/01 3:27pm
Subject: Microsoft Settlement

From what I've seen, it appears to be a very weak response to an anti-trust case where the company was convicted of monopolistic practices. In addition it would appear that the governments are helping Microsoft become even more prevalent in the marketplace, whereby Microsoft will donate millions of dollars of software to schools, etc. What could be more monopolistic than putting in place a plan to increase Microsoft's dominance. This is what Microsoft wanted all along and they appeared to lie and delay until they basically got exactly what they (Microsoft) wanted. I do not see that this settlement in any way decreases Microsoft's monopolistic practices or helps the consumer in any way.

As to the point of donations of software, instead Microsoft should donate money and let the recipient decide how to best spend the money.

Sincerely yours,
Rand H. Childs
Vice President Research & Development
Sirsi Corporation
101 Washington Street SE
Huntsville, AL 35801
Phone: 256–704–7000
Fax: 256–704–7007

MTC–00002292

From: Van Voris, James
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/27/01 3:46pm
Subject: Don't let Microsoft off easy.

They were wrong and can certainly afford d to Don't let Microsoft off easy. They were wrong and can certainly afford d to pay. Make them pay cash to the schools and let schools decide what computers, software, new buildings, or whatever they might need to buy.

Reid VanVoris
Producer
Miami-Dade Community College
School of Entertainment Technologies
Department of Film & TV
11380 NW 27th Avenue, Room 1377
Miami, Florida 33167
PH: 305.237.1696
FAX: 305.237.1367
E-mail: jvanvori@mdcc.edu

MTC–00002293

From: Gilbert
To: Microsoft ATR
Date: 11/27/01 3:40pm
Subject: Comments

US Dept. Of Justice,

I am confused about Microsoft's plan to settle its consumer class-action lawsuits by donating refurbished computers, hardware and other resources to the nation's poorest schools.

What message would this communicate to other companies? Not only will they get away with a variety of unethical and/or illegal business practices but they get the reward of unfairly making inroads into education ? one of the few markets left where they don't have monopoly power!

Please don't allow this to happen.

Jay Gilbert

MTC–00002294

From: Hammerle, Paul
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/27/01 3:29pm
Subject: microsoft

perfect:

Start early to make the kids slaves of microsoft.

paul hammerle

MTC–00002295

From: Lee d
To: Microsoft ATR
Date: 11/27/01 3:28pm
Subject: I am thankful the the DOJ has decided to settle the case against

I am thankful the the DOJ has decided to settle the case against Microsoft. I've already seen some rebounding in my stock portfolio and in my job opportunities. It would be great if you could get the moron from Conn to join you, to bad he only sees the dollar signs he thinks he can get.

Lee Philips
Computer Consultant

MTC–00002296

From: DanNelis@aol.com@inetgw
To: Microsoft ATR
Date: 11/27/01 4:00pm
Subject: (no subject)

The agreement is fine. It was a shame that the Clinton administration started this in the first place. I believe it did more harm to the country and the market then what they thought it would do. Obviously, for many groups, the only way they will feel vindicated is if Microsoft goes under. What they don't realize is with all the computers going into the worst schools will in fact be beneficial to everyone. Kids will have the opportunity to at least learn the basics and will go on from there. Be responsible and so on and so on.... It's a start in the right direction.

MTC–00002297

From: jdrake@gi.alaska.edu@inetgw
To: Microsoft ATR
Date: 11/27/01 3:49pm
Subject: Microsoft Settlement

I am against the proposed Microsoft settlement, and the proposal that Microsoft donate millions of dollars to help bring technology to schools. Giving Microsoft the opportunity to gain marketshare in education is not a good way to punish them for monopolistic practices.

One of Microsoft's business strategies has been the willingness to take short term losses in order to put others out of business and gain marketshare (eg. Netscape was damaged by Microsoft giving away the Explorer browser). This has given them the opportunity to make larger profits, and has given them more power to dictate what products will be allowed to compete in the marketplace.

It is too late to repair the damage done to other companies by Microsoft. And Microsoft has shown itself to be untrustworthy in following previous restrictions imposed by DOJ.

I have a potential solution:

I would be in favor of Microsoft giving billions to education IF ALL PRODUCTS IN THE SETTLEMENT ARE FROM MICROSOFT COMPETITORS. This would be a perfect solution. Educational institutions would benefit by gaining needed access to cutting edge technology. Microsoft competitors would also benefit, which is in keeping with a sense of justice for actions where Microsoft hurt competitors by their illegal practices. Consumers would benefit, as more choices are good in a captalistic society. As an example Microsoft could purchase millions of Apple Macintosh computers for schools, thus helping the schools without enhancing Microsoft's position.

The proposed settlement does nothing significant in the sense of punishment or retrubution, and will only enhance Microsoft's monopoly power in the long run—to the detriment of the consumer.

As a user of personal computers since their inception, I am stunned and severely disappointed by the outcome of the case and the proposed remedy.

The governments case was very strong, and weakly settled.

Sincerely
Jeff Drake
1659 Wolverine Lane
Fairbanks, Alaska 99709

MTC–00002298

From: Jim Straus
To: Microsoft ATR
Date: 11/27/01 3:47pm
Subject: Microsoft Settlement

I've read the news on the proposed one billion dollar settlement. As I understand the deal, this seems to me to be very much in favor of Microsoft. In addition to few to no changes to their behavior, a portion of the punishment is, in fact, a real benefit to them. The resolution including the dissemination of their software and compatible hardware, training to use their products, and loads of their often bundled software, seems to fly in the face of the very point of the trial.

They have been declared a monopoly for illegal tactics that were specifically meant to increase their market share, for bundling products for free to get market share, and for illegally blocking other's products to gain market share, and now, a good portion of the settlement specifically increases their market share of both the OS and their bundled products.

I believe this settlement should be declined. Microsoft has once again gained the upper hand and will only benefit. The settlement should be made in order to change their behavior, this does nothing to address their behavior and will not change it in the

future, allowing them to continue to bilk the public.

A similar proposal from Red Hat (http://www.redhat.com/about/presscenter/2001/press—usschools.html) seems to satisfy what should be the goal of the proposal, if a settlement that benefits education is still desired.

Jim Straus

CC to:

California: microsoftcomments@doj.ca.gov

Connecticut: attorney.general@po.state.ct.us

Florida: ag@oag.state.fl.us

Iowa: webteam@ag.state.ia.us

Kansas: GENERAL@ksag.org

Massachusetts: tom.reilly@ago.state.ma.us

Minnesota: attorney.general@state.mn.us

Utah: uag@att.state.ut.us

West Virginia: consumer@mail.wvnet.edu

CC:microsoftcomments@doj.ca.gov@inetgw,attorney.gener...

MTC–00002299

From: Cal Simone
To: Microsoft ATR
Date: 11/27/01 5:24pm
Subject: Microsoft Settlement

Requiring that Microsoft provide copies of Microsoft Windows, Microsoft application, Windows computers, and cash to schools only serve to further propagate their monopoly. This will not really punish Microsoft.

Rather than requiring something that will end up supporting Microsoft's agenda, instead Microsoft should be required to purchase copies of the Mac OS, non-Microsoft applications for the Macintosh, Apple Macintosh computers and give them to the schools.

Respectfully submitted,
Cal Simone, luminary
Washington, DC

MTC–00002300

From: Stuart Cheshire
To: Microsoft ATR
Date: 11/27/01 4:49pm
Subject: Microsoft Settlement

I know you are busy, so I will make this brief.

The proposed so-called ''punishment'' for Microsoft is nothing but a billion-dollar marketing campaign to Microsoft's advantage. Microsoft executives must be rolling on the floor laughing. Putting millions of dollars-worth of Windows computers into our schools does only two things:

1. It aids Microsoft, by helping it to further cement its strangle-hold on the computer industry.

2. It hurts Apple, Microsoft's long-time competitor, by undermining Apple's position in the education market, one of the few markets where Apple still leads.

If you want to really punish Microsoft in a way that will stop the executives laughing, force Microsoft to buy a billion dollars-worth of Apple iMacs to put in our public schools.
Stuart Cheshire
<http://www.stuartcheshire.org>

CC:microsoftcomments@doj.ca.gov@inetgw,attorney.gener...

MTC–00002301

From: MORGAN,GINNY (HP-Corvallis,ex1)
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/27/01 4:08pm

Allowing Microsoft access to beginning users of electronic products is a direct link to future sales. I have worked for a high technology company marketing organization in the past and that strategy was discussed as part of a marketing plan. I don't think that Microsoft is unaware of the market potential of a strategy that I heard about 10 years ago.

G. Morgan

MTC–00002302

From: Ray Lowe
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/27/01 4:05pm
Subject: treat Microsoft like they did something fundamentally wrong (and continue to do it..

XP and .NET, used PCs as billboards and ... microsoft markey cap is largely based on underhand, manipulative, business practices....Microsoft should suffer a MONETARY fine that represents a large portion of it's profits during the past 10 or so years...the profits were not made fairly. If they get off with anything less than this, the world will laugh even louder at our so-called 'democracy' and justice for all sloganeering...it's pitiful to the point of being pathetic. Monetary power doesn't equal moral authority.

MTC–00002303

From: ksvm
To: Microsoft ATR
Date: 11/27/01 7:16pm
Subject: Microsoft Settlement

Antitrust Division
U.S. Department of Justice

RE: To be entered into the record of U.S. v Microsoft

Dear Honorable Persons:

I am writing to ask you to reject the Final Judgment that has been proposed as the punishment for the charges which Microsoft Corporation has been found guilty. I do not believe that this proposal represents any safeguard or insurance of future protection for the consumer from Microsoft's monopolistic and predatory practices which were outlined in the Findings of Fact.

In particular, I am appalled with the proposal for a three member review board which is made up of a Department of Justice representataive that is pro Microsoft; a Microsoft employee; and a third member picked by the other two. There is no one in this equation that is unbiased. The proposed solution also lacks a means for enforcement if Microsoft violates the agreement. It only returns us to a court battle and completely avoids the issue of Microsoft's abuse of it's monopoly power. Equally important, this remedy lacks opportunity for any public review. How is it that a corporation who is accused of harming the public can be reviewed by a board that appears to be heavily pro Microsoft and, is allowed to conduct business to protect the public in private. The fact that the three member board is paid by Microsoft only makes this more ludicrous.

As a consumer I have been personally harmed by Microsoft's monopoly in the software industry in the following ways: Microsoft has changed or tweaked standards to make them work better or exclusively with Microsoft products. If I want to share information with a client or colleague that does not conform to their standards I am either hampered or prevented from doing so. My productivity is compromised because Microsoft does not feel they have to comply with the standards that have been determined by their industry. Computer companies that provided alternative products and software applications are no longer on the market. Microsoft has either absorbed them or bought them to prevent competition with their products. For the consumer, this means less choice, fewer applications and fewer 'innovative' new products that are able to be brought onto the market. Microsoft includes messages into it's software to dissuade the user from using a non Microsoft solution such as Netscape Navigator and Apple Computer's QuickTIme. These messages provided by Microsoft are nothing short of fear tactics for the purpose of intimidating the user and leading the user to a Microsoft's product.

Microsoft's behavior is criminal and deserves a strong remedy. I have heard arguments that the government should not be wasting it's time and money punishing a corporation during a weak economy. This is not a matter where a weak economy should be made the scapegoat for Microsoft. A weak judgment by the court in this matter will send a very clear message to Microsoft , to other corporations and to the American people. That message being that illegal, unethical behavior by a corporation will be condoned by our government. Please prove that our justice system is just by rejecting the proposed remedy which does little to address the seriousness of their abusive behaviror and to prevent or discourage future antitrust violations by Microsoft Corporation.

Respectfully,
Karen Mirande
PO Box 441
Dufur OR 97021

MTC–00002304

From: James Beckcom
To: Microsoft ATR
Date: 11/27/01 7:08pm
Subject: microsoft settlement

Dear Sirs,

The last thing we need in public schools, where I have spent the last 21 years teaching, is more donated computer equipment. Somewhere in this school district we must have a warehouse full of useless donated computer equipment. I do not believe the Microsoft settlement would be any different. Actually what we need is money to purchase NEW machines and equipment to enhance our fragile, very slow network. Right now I use a 350 mgz machine with a 6 GB hard drive. Do not let Microsoft off the hook. They have engaged in monopolistic practices, which have been technically outlawed since the 1890 Sherman Antitrust Act!

Sincerely,
James Kevin Beckcom

MTC–00002305

From: GPSass
To: Microsoft ATR

Date: 11/27/01 6:35pm
Subject: Fw: Settlement
——-- Original Message ——
From: GPSass
To: microsoft.atr@usdoj.gove
Sent: Friday, November 16, 2001 9:42 AM
Subject: Settlement

Dear Sir,

I am just a lonely consumer who has been using a computer for about 15 years. I have done my best not to buy Microsoft products, which is practically impossible, because I do not believe that there should be such a monopoly as Bill Gates is building. In every interview I have seen and books I have read on Bill Gates, he comes across as this very caring person—certainly he is trying to show that through his foundation contributions. But, I certainly understand his feeling now ''that this is fair and let's just get it behind us.'' Let's slap this man on the wrist again and tell him to go forth and sin no more. Do you really believe that he and Steve B. are concerned about the consumer and not just themselves. I think this is an ego game for Gates, certainly it is not that he needs the money, but the power is more important. It is scary to see what he will be able to do by controlling access to e-mail, the network, music and games.

We are having problems in Pennsylvania now because we allowed a monopoly on electricity believing that there would be a watch dog and the utilities would play fair. Please consider what you are expecting from Microsoft and issue the strongest ruling that does not expect that ''they will be play nice.''

Nothing in the past indicates that they will play nice without severe sanctions and without the be forced not to put other people out of business with their control. I look forward to reading a ruling that will do this. Thank you for reading this e-mail.

Sincerely,

Penny and Glenn Sass

MTC–00002306

From: JJeffery
To: Microsoft ATR
Date: 11/27/01 6:33pm
Subject: The DOJ has sold out

It is my understanding that the role of the DOJ is to uphold and enforce the law. The proposed settlement for the Microsoft AntiTrust case shows that the DOJ is not willing uphold or enforce the law. Microsoft has for years unlawfully used its monopoly to dominate each market it enters and to crush competitors unfairly. It has repeatedly done this. But perhaps the most unfortunate fact that has come to light in all of this is that the DOJ is unwilling to uphold and enforce the law where Microsoft is concerned. It seems that the DOJ is to timid to do more than slap the wrists of a company that consistently abuses its monopoly power.

When someone or some company violates the law, there are supposed to be punishments and penalties applied that are supposed to ensure that the behavior is not repeated. There is nothing it the proposed agreement that would even make Microsoft pause or even think twice in its course to dominate any market it enters. There is no real fiscal penalty—everything Microsoft has spent on this trial and everything proposed in the settlement are no more than a minor business expenses which Microsoft views as a cost of doing business. There is nothing that would help restore competition to a more even keel. There is nothing to prevent a repetition of events or a similar sequence of events from happening in any market. There is nothing that would help undo the damage and harm that has been caused or prevent such from happening again.

I would hope that someone in the DOJ would wake up and realize that this proposed settlement is no more that a light slap on the wrist with a license to repeat illegal behavior—just like the '95 settlement. The worst thing that can happen for our country and for the computer industry as a whole is for a repeat of the '95 settlement to occur. Yet, that is what has been proposed. Please find it in your hearts the courage that it takes to uphold and enforce the law. Make the name of the DOJ mean that it will obtain justice when the law is violated.

Sincerely,

—Johan Jeffery

MTC–00002307

From: donny
To: Microsoft ATR
Date: 11/27/01 7:21pm
Subject: microsoft settelment

I believe the Microsoft settlement will only bring more people to use their software and further to keep the competition from gaining ground. By putting Window's based computers in the schools the students will not be exposed to other forms of computers such as Macintosh. The Macintosh platform is much easier to use and less susceptible to the many virus attacks (I believe there are only 42 viruses that can attack a Mac platform and hundreds that can attack the Windows platform). I think a better settlement would be to have Microsoft pay damages rather than give away even more of their products.

Thank you

don bauman

MTC–00002308

From: roger(a)metadyne.com
To: Microsoft
ATR,microsoftcomments@doj.ca.gov
@inetgw,...
Date: 11/27/01 7:53pm
Subject: Microsoft Settlement
Sent to:
microsoft.atr@usdoj.gov
microsoftcomments@doj.ca.gov
attorney.general@po.state.ct.us
ag@oag.state.fl.us
webteam@ag.state.ia.us
GENERAL@ksag.org
tom.reilly@ago.state.ma.us
attorney.general@state.mn.us
uag@att.state.ut.us
consumer@mail.wvnet.edu
Subject: Microsoft Settlement
TO: US Department of Justice-Microsoft anti-trust comments:
microsoft.atr@usdoj.gov

I've read the news on the proposed one billion dollar settlement. This seems to me to be in Microsoft's favor. In addition to few to no changes of their behavior, a portion of the punishment is a real benefit to them. The resolution including the dissemination of their software and compatible hardware, training to use their products, and loads of their often bundled software, seems to fly in the face of the very point of the trial.

Microsoft has been declared a monopoly for illegal tactics that were specifically meant to increase their market share, for bundling products for free to get market share, and for illegally blocking other's products to gain market share, and now, a good portion of the settlement specifically increases their market share of both the OS and their bundled products.

I believe this settlement should be declined. Microsoft has once again gained the upper hand and will continue to benefit from such a settlement. The settlement should require a change in their behavior, the settlement does nothing to address their behavior and will not change it in the future.

Roger Bauchspies
CC to:
California: microsoftcomments@doj.ca.gov
Connecticut:
attorney.general@po.state.ct.us
Florida: ag@oag.state.fl.us
Iowa: webteam@ag.state.ia.us
Kansas: GENERAL@ksag.org
Massachusetts: tom.reilly@ago.state.ma.us
Minnesota: attorney.general@state.mn.us
Utah: uag@att.state.ut.us
West Virginia: consumer@mail.wvnet.edu
Roger Bauchspies
Roger@MetaDyne.com 650–594–1322
CC:RFC-
822=California:microsoftcomments
@doj.ca.gov @in...

MTC–00002309

From: Thomas C. Willett
To: Microsoft ATR
Date: 11/27/01 7:48pm
Subject: opposed to settlement

I am opposed to the settlement terms for the Microsoft Antitrust case. It does nothing to punish Microsoft for past misdeeds and does nothing to prevent a continuation of the behaviour which prompted the suit in the first place. The fine print in the settlement negates all of the alleged remedies. At a minimum a settlement should require Microsoft to publish the specifications for the file formats of all of their products. They have used constantly changing file formats to force users to upgrade and to prevent competitors from being able to provide viable alternatives.

—Thomas C. Willett
tcwillett@earthlink.net

MTC–00002310

From: Ben Grimsbo
To: Microsoft ATR
Date: 11/27/01 8:26pm
Subject: Too light of a settlement, not enough punishment

I think you guys went a little too easy on MS. They punishment should've been much harsher. I think the reason it wasn't is because MS bribed you guys. Thus far that's the only rumor that has any strong ground. I hope it's wrong though, I don't like the thought that my government can be bought during such an important case. You should've at least ordered them to completely

revamp their Operating system based on their own ideas, not that of other companies. And you should've forced them to stop production of their internet explorer web browser application, which caused Netscape to go out of business. Once again, I really think you guys were too lenient.

''Humans are animals too. It is just a question of which one is the real predator.''

Ben Grimsbo

MTC–00002311

From: don jones
To: Microsoft ATR
Date: 11/27/01 8:07pm
Subject: Proposed Settlement

I find it ironic that Microsoft is proposing to settle their anti-trust case by giving away software to schools—a market they currently do not completely dominate. And guess what, the lure of ''free'' software will make competing products untenable (because of cost) to schools, thus further solidifying Microsoft's monopoly by expanding it into yet another market! Only the government could think this a good settlement. While I am by no means a fan of anti-trust law and think that for the most part it does not achieve its intended ends, I must say that I find many of Microsoft's business practices to be highly unethical and was pleased to see the DOJ pursuing Microsoft over some of these issues. Especially after they so flagrantly violated the intent of the original consent degree they signed. Do you really think they will abide by the terms of the current settlement that is being arranged? If so, I have some waterfront property you might be interested in...

MTC–00002312

From: BayNephron@aol.com@inetgw
To: Microsoft ATR
Date: 11/27/01 7:57pm
Subject: Keith Leffler's comments

Dear attorneys,

Its the first time i have ever emailed the attorney general's office but to do it twice is quite unbelievable for me but I sincerely hope the attorney generals office doesn't make the mistake of settling for this one billion dollar thing with microsoft's support for disadvantaged schools with computer hardware and microsoft software. I can't understand the logic behind this. Mr. Keith Leffler's comments that ''The world is moving toward PCs, away from Apple. It has nothing to do with us,'' demonstrates how ignorant he is about what is really at stake or what is his real reason is for recommending this? I suggest you ask him to declare how much microsoft stock he or his family or friends have hiding or how much money he is making from a undisclosed microsoft retainership. I had my reservations about the politics but I am more suspicious than ever this is a political thing and I appreciate the need to focus on terrorists but this is really going to far and over the long run detrimental to united states technology and economic intrastructure. go for the quick fix in a complicated case?? i think you guys are smarter than that. Think about it. Microsoft is cannot be the only choice in our future. Please consider my views.

Chappy Liu.

MTC–00002313

From: Scott Bartz
To: Microsoft ATR
Date: 11/27/01 10:18pm
Subject: Antitrust comments

After following the case from the beginning I feel that Microsoft is getting off easy for predatory monopoly behavior. Even if they let computer makers change the opening screen and give access to some of the source code. The core issue remains the leveraging of the operating system into other markets such as browsers, streaming video, and office applications. For which Microsoft has obtained virtual monopoly by becoming the defacto standard. In many cases if you try to run some other sort of application other than Microsoft such as Netscape Navigator it either runs extemely slow or not at all depending upon the operating system on the machine. Thus you ending up running Microsoft software by default which ends up limiting consumer choice in the long run. In addition giving Microsoft the ability to determine what is put on the Windows opening screen gives them an advantage when it comes to determining which companies they want to deal with when it comes to vendor relationships. The other issue is that many other products that compete with Microsoft are unable because they are not compatible with the operating system which is essentially locks them out of the market for their products. Essentially Microsoft has convined software developers to write products designed to their defacto standard which keeps many other products from reaching the marketplace. I appreciate being able to comment on such a vital issue.

Sincerly,
Scott Bartz

MTC–00002314

From: Freiheit
To: Microsoft.atr(a)usdoj.gov
Date: 11/27/01 10:16pm
Subject: The so-called settlement with Microsoft

Dear US Department of Justice,

We, the people of the United States of America, have been legally refused the right to not run Microsoft software. As an American I am apalled by the so-called settlement of the Microsoft anti-trust case. Two levels of the US court system (US District Court and the US Appeals Court) ruled that Microsoft holds an illegal monopoly with its Windows operating system. How could anyone reasonably allow Microsoft to then walk away without even a slap on the wrist? The proposed settlement is weaker than the 1995 Consent Decree that started this anti-trust trial. It makes absolutely no attempt to repair the damage done by Microsoft's monopolistic, bullish practices to keep competing operating systems (such as IBM's OS/2, BeOS, and Linux) from succeeding. In both written and verbal testimony during the trial, witness after witness legaly testified that Microsoft had abused its monopoly position and that PC makers (OEMs) were strong-armed into refusing to support any non-Microsoft operating system. Take for example the price fixing done by Microsoft against IBM—in sworn testimony it was declared that if IBM installed even a single copy of its own OS/2 operating system on any PC they sold, they would be forced to pay as much as five times the going rate per license of Windows 95.

How then can this settlement NOT address the Windows monopoly in any way, shape, or form? What becomes of those millions of PC users who have made the conscious choice to not run Windows on our computers? This settlement takes absolutely no action to ensure that competing operating systems will have a fair chance to survive. Those of us who educated ourselves and chose the appropriate operating system for our needs have been bullied and ridiculed in the past, and this settlement will only allow companies to legally continue to refuse our needs and desires. We will be further coerced into running Windows when we have made the choice to not run Windows. We will continue to receive zero support from hardware manufacturers whose products we use. We will continue to be refused the opportunity to purchase OS/2 or Linux on an off-the-shelf PC system. This is not due to consumer choice, as again two levels of the US court system declared that Windows was an illegal monopoly.

And now Micrsoft is being allowed to resolve several class action lawsuits by—get this—force feeding Microsoft software to America's schools. How is this ever going to allow non-Microsoft developers such as Corel, Lotus, IBM, Be, RedHat, etc, to make a profit? By legally declaring that America's schools must accept Microsoft's ''donation'' of Microsoft software, the US court system is going to destroy the concept of competition. I can think of no reason why a child, force fed nothing but Microsoft software from kindergarten through high school, would choose to use any non-Microsoft software later in life. These are the business decision makers of tomorrow—how is breeding them to recognize only Microsoft going to allow them to make the choice to use a superior product? I and many others strongly urge the US Department of Justice to rethink its strategy and to adhere to the court system's legal declaration that Windows is an illegal monopoly.

We, the people of the United States of America, have been legally refused the right to not run Microsoft software. Should you feel the need to confirm my existence (unlike Microsoft I do not send letters from non-existent cities) you may contact me at the address or phone number below.

Thank you.
Don Eitner
706 N. Euclid Ave. #1
Upland, CA 91786
(909) 985–4927
Don ''Freiheit'' Eitner
* Developer of The 13th Floor website (http://freiheit.syntheticdimension.net)
*Using OS/2 because I want to, not because I ''have to''.

MTC–00002315

From: Dave C. Hill
To: Microsoft ATR
Date: 11/27/01 10:08pm
Subject: Microsoft Proposed Settlement a CROCK !

Talk about playing into the hands of the monopolist !

The particulars seem to do nothing to Microsoft but provide another avenue for them to market they're products !

You should be ashamed of yourself for striking this deal.

Makes it look like you might be on the ''Take'' !!

David C. Hill

Arvada, Colorado ''Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and the success of liberty.''

....John Fitzgerald Kennedy—1/20/61

Dave Hill <dchill1@qwest.net>:-)

MTC–00002316

From: FAITHBASE. ORG CENTER
To: Microsoft ATR
Date: 11/27/01 10:04pm
Subject: Tunney Act Public comment CC: Stephen A. Schiro,43rd President George W. Bush

Dear Sir:

FaithBase. Org Center (FBOC) the ''information-clearinghouse'' for Faith-Based Community Programs nationwide. FBOC has tried repeatedly to obtain information for input into this case without seccuss.

FBOC can and will support Microsoft settlement for the 12,500 Inner City At-Risk Youths Schools, with the inclusion of FaithBase. Org Center as the Ombudsman for the Faith-Based Community. This case must not become another ''cash cow'' for States without any efforts, or plans in ''bridging this technology gap between the have and have not's of this world.'' FBOC further pray, that this settlement will not follow the ''Phillip Morris enrichment of the States, to the detriment of the real smokers, and those who now, suffer form the second handed smoke.''

How can The FaithBase. Org Center help?

UNTIL OUR LORD COMES, Remember to pray for the peace of Jer(usa)lem, & The United States of America.

Reverend Charles Linder Floyd
Signature Typed
FaithBase. Org Center
9484 Yucca Terrace Drive
Phelan, CA 92371–5508
Phone/fax 760 948–2093
email: faithbase@earthlink.net
—faithbase@earthlink.net

MTC–00002317

From: Tom Johnson
To: Microsoft ATR,senator_hatch@hatch.senate.gov@inetg...
Date: 11/27/01 10:28pm
Subject: Microsoft Settlement Questions

Will Microsoft be permitted to deduct the $1 Billion in Antitrust settlement from its Federal IRS and State Business Tax liability ??? I hope not !

Why is Microsoft being permitted to flood the poorest schools with refurbished PCs and Microsoft software as addressed in the URL below ??? http://maccentral.macworld. com/news/0111/27.settlement.php

Regards,
Tom Johnson
RAVEN CONSULTANTS

MTC–00002318

From: Mike Ireland
To: Microsoft ATR
Date: 11/27/01 10:28pm
Subject: Microsoft Settlement

Having reviewed the decisions and documents on the DOJ web site and reading other sources extensively, I believe that the settlement which the DOJ has ascribed to is patented permission for Microsoft to continue its predatory practices. This is further affirmed by the proposal which Microsoft has made in settling the private suits. This proposal flies in the face of the finding of facts that Microsoft is a monopoly. Their proposal to ''fund'' up to $1 billion to bring computers to schools using their own proprietary software and their vested interest in machines that only run their software based on Windows smacks of arrogance and further attests to the monopolistic nature of their company. This actions shows that they show no inclination to make changes.

Coupled with their introduction of Windows XP, which demands that users pay additional fees for the use of their product, this settlement locks consumers further into Microsoft's chokehold on the industry. That the Department of Justice would even consider going along with this settlement after the result of the appeal to the Federal Court of Appeals which stated unequivocably that Microsoft is a monopoly makes me wonder if the decision of the settlement is one based on law or politics or worse—convenience.

I believe strongly that the DOJ should reconsider its stand and withdraw from the proposed settlement, at the least to fend off any duplicity or potential conflicts of interest. As a consumer, I want choice. Just because 90–95% of the world uses a product is no reason to delay the possibility that there is something better that is yet to be invented. Microsoft's monopoly prevents this from happening. The settlement is grossly flawed. The only fair remedy would be to break the company into at least two separate entities in order to foster competition and prevent further predatory behavior by Microsoft.

J. Michael Ireland

MTC–00002319

From: Clark Warner
To: Microsoft ATR
Date: 11/27/01 10:27pm
Subject: Microsoft Settlement

TO: US Department of Justice-Microsoft anti-trust comments: microsoft.atr@usdoj.gov Before I begin, let me state up front that I am a former employer of Apple Computer, Inc.

The termination of my employment was voluntary and I still think highly of the company and its products. I say this to concede that there may be a possibility of bias despite my efforts to be objective. I feel it is important that I disclose that fact.

That having been said, I must strongly urge the government to reject the proposed settlement. In my view the original remedy was appropriate and I was saddened when it became clear that it would not come to pass. As long as Microsoft maintains a dominant position in operating systems, productivity applications and web applications, competition will be reduced or eliminated in each area.

Putting that aside, I find some very specific flaws in the existing settlement as I currently understand it. As the son of a retired public school teacher I am thrilled at the notion of additional computing equipment for our public schools, especially those in poor districts. I agree, however, with the growing sentiment that Microsoft's plan is inappropriate. The punishment here seems to be to allow Microsoft to gain market share in one of the few markets where they are not currently dominant. Microsoft has demonstrated a willingness to give away products in order to eliminate competition. Indeed, this is exactly what they did to Netscape. Allowing them to use the strategy they have illegally employed as a remedy for that behavior is, quite frankly, a preposterous idea. It is akin to granting permission to an embezzler to embezzle from a subsequent firm in order to repay the initial victim. If aiding our public schools is the goal, then Microsoft should be forced to provide funding exclusively for the purchase of competing products. There are precious few such products in any market space but perhaps several billion dollars earmarked specifically for non-microsoft products would help make linux, or Mac OS more viable.

I sincerely hope that the government will reject this offer insist upon a remedy that will not benefit Microsoft.

Regards,
Clark H. Warner
Software Engineering Manager
Allston, MA

MTC–00002320

From: Arthur Ulrich
To: Microsoft ATR
Date: 11/28/01 7:26am
Subject: antitrust violatation

I think that microsoft is violated the antitrust laws already. and if you dont break up the microsoft soon, then they will keep going in monopoly power to force drives other business go out of business. that is not good for us, but apple is good OS and perfectly risc cpu is very fast and efficient than intel. intel used cisc, I believe that cisc is slow. but I want you to break up microsoft for all of us. if broken then we are free to choose.... thank you. and P.S. I don't want apple go out of business. but windows XP is already in violatation of antitrust.... they are already violated too many. (microsoft). that why microsoft should be punished.

and bill gates needs go jailed or pay a fine a tons of billions of dollars. thanks.

MTC–00002321

From: Randy Carver
To: Microsoft ATR
Date: 11/28/01 6:12am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the current terms of settlement in the Microsoft case. The current terms of settlement are self serving for Microsoft. Giving a billion dollars of software to schools, will do nothing to remedy the anti-competitive practices of Microsoft, in fact it has been a common marketing practice of a Microsoft competitor, Apple Computer, to provide bundled Apple products to Schools in order to attract customers later in their buying career.

As a Software engineer, I have seen several cases of gross injustices brought about by Microsoft on Competitors. They continually use unpublished API's to the MS OS from their application software, and this has been proved by the industry time, and time again.

They have used their OS systems to blatantly block out competitor such as DR–DOS back in the early 1990's. Again, this was investigated by the software development community and found to be in the Windows 3.1 code. (See Dr. Dobbs for more information and details).

I realize that these items are not part of the case that the DOJ brought against MS, but it shows a continuing blatant disregard for antitrust practices.

Overall I am disgusted with the non-job that the Department of Justice has done. We have gone from an antitrust settlement to BARELY a slap on the wrist.

DO NOT AGREE TO THIS SETTLEMENT! IT IS NOT IN MY BEST INTEREST!

Sincerely,
Randall Paul Carver
Senior Software Engineer
4590 Allison Street
Wheat Ridge, CO 80033

MTC–00002322

From: mailmaster@valmansi.com
To: Microsoft ATR
Date: 11/27/01 11:04pm
Subject: Tarjetas de Navidad TEMAS DE VIDA CRISTIANA

OfrecemosTarjetas de Navidad con motivos claramente cristianos.

* Hemos procurado editarlas a muy bajo costo para que la difusion del mensaje del Nacimiento de Jesus llegue a muchas personas.

* Los precios de dichas tarjetas van de forma escalonada: desde S/. 1.80 la unidad hasta S/. 1.20 cuando se compran 100 a mas tarjetas. Estos precios incluyen el IGV.

Nos proponemos devolver a esta fiesta tan nuestra su verdadero significado. Le recomendamos visite nuestra pagina http://www.aplenosol.com/tarjetas/ .en ella encontrara todos los modelos y la forma de adquirirlos y hacer su pedido en linea.

Si quieres salir de esta lista solo tienes que marcarlo en el sgte. link

To remove yourself or change your subscription, please visit http://valmansi.com/multimail/mail.php

MTC–00002323

From: Mark Buell
To: Microsoft ATR
Date: 11/28/01 9:56am
Subject: Microsoft Settlement

Dear Sir or Madam;

Over the last several years, I have repeatedly been disappointed with Microsoft's callus disregard for any long-term responsibility to their end-users. They remind me of the Detroit automakers in the 60's, arrogantly denying that they were using planned obsolecence as a marketing strategy—not to mention quality (lack of).

I was absolutely shocked when Judge Jackson reached his decisions—but pleasantly! This latest legal decision is a travesty, and the compromise being offered is a victory—for Microsoft. Please do not give up until we have a decent decision! Please do not quit on us now!

Regards;
Mark Buell

MTC–00002324

From: Scarpetta, Jim (035)115
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/28/01 9:01am
Subject: Microsoft Case

Microsoft has stabalized the computer industry and I for one believe they are getting picked on. It's a relief to see this case fianlly being settled. In this world economy America needs strong companies like Microsoft.

Jim Scarpetta
Network Administrator
City of Joliet Illinois

MTC–00002325

From: Roger Eaton
To: Microsoft ATR
Date: 11/28/01 8:45am
Subject: Settlement

The settlement with Microsoft is long overdo....this is a bogus suit to begin with...an absolute waste of money & resources of the government....

Roger Eaton
Purchasing Agent
Datex Corporation
Tel (813) 891–6464 Ext 237
Fax (813) 891–6846

MTC–00002326

From: Robert Hancock
To: Microsoft ATR
Date: 11/28/01 10:26am
Subject: Is the current settlement stupid or just naive? my vote: IT IS NOT ENOUGH

I'm very curious why the government seems so confident that simply ordering Microsoft not to violate its anti-trust rules will be effective. Even with the ''teeth'' of financial penalties, Microsoft has already demonstrated a history of flaunting its violations in the face of the court. They have so much profit that even stiff financial penalties create little corporate motivation for compliance.

Microsoft can break the court's anti-trust orders intentionally, knowing they will simply pay the financial cost, take their case to court to remove the ongoing penalties while they're appealing the issue and shift their historically consistent anti-competitive practices to a different mode that isn't the current focus of the courts.

Who loses when Microsoft practices this tactic? Competitors AND consumers. The tech sector moves so rapidly that businesses can go bankrupt in the time it takes to settle a Microsoft issue in court (Netscape comes to mind). This leads to LOSS of innovation through the demise of innovating companies. Microsoft is not threatened by competitors which don't innovate. It is the innovative competitors which represent a corporate threat to them. It is very often the small startup companies that are TRULY innovating—unlike Microsoft which often simply mimics others' innovations. When small companies enter competition with existing monoliths like Microsoft, they can only thrive if they offer a significantly better alternative. The tech sector universally acknowledges that market share often outweighs innovation in influencing the direction of technology. This makes federal protection of small innovators all the more important for our nation to truly thrive in the tech oriented global economy. These small startups are one of the most valuable American innovative forces. And THESE companies are the ones who go out of business because of Microsoft's predatory practices, or simply resign from competing with Microsoft because they don't have the financial resources to fight a court battle with Microsoft (whose financial resources for such endeavors are almost inexhaustible). This means Microsoft ends up winning the tech competition even if they receive a court judgment against them and pay a heavy fine. Have ''we'' learned ANYTHING from the history of previous federal injunctions against Microsoft which we were repeatedly broken? What did we learn about Microsoft from their ''compliance'' with judicial orders to remove Internet Explorer from the Windows operating system? They basically ''fingered'' the court when they intentionally crippled the operating system as a side effect of their ''compliance''. While judge Jackson's decision to talk to the media may have been considered an indiscretion for legal purposes which worked to Microsoft's advantage, that in no way lessons the significance of the contempt for the court that Microsoft displayed so many times during the hearings with judge Jackson. This reveals an endemic cultural attitude which can't be resolved by the imposition of court orders and fines. They only way to break that attitude is by breaking up the company.

FINAL POINT: BREAK MICROSOFT UP!

In my opinion, the only remedy which does justice to the federal court's conclusion identifying Microsoft as a monopoly is to break up the company. I believe this is the only way to truly prevent Microsoft from abusing its monolithic power and influence. The more Microsoft diversifies into different markets, the greater its ability to dominate a new market through the misuse of its monopolizing control in a different market segment. Unless something happens to change the current settlement, it appears we're all going to get to sit back and watch this happen.

MTC–00002327

From: C.R. Murphey
To: Microsoft ATR
Date: 11/28/01 9:59am
Subject: To Whom It May Concern:

To Whom It May Concern:

I think it is about time the government went about making our country secure and get out of private business. If people don't like Microsoft let them buy something else.

MTC–00002328

From: hj
To: Microsoft ATR
Date: 11/28/01 10:27am
Subject: Microsoft Suit solution

LETS PUT THE KIDS FIRST

MTC–00002329

From: Robert Hancock
To: Microsoft ATR
Date: 11/28/01 10:32am

Subject: my vote:
BREAK UP MICROSOFT!!! enough said.

MTC–00002330

From: zero
To: Microsoft ATR,microsoftcomments@doj.ca.gov @inetgw,...
Date: 11/28/01 11:08am
Subject: Microsoft

Dear Sirs

I find myself compelled to write to you with a mixture of frustration, anger and disappointment. I am shocked to witness our judicial system and government failing to do justice on behalf of the people and companies they represent. If there ever was a monopolistic and criminal company, it would have to be Microsoft.

Not only is our government failing to punish Microsoft, the government is helping it expand its monopoly into areas such as education which they do not control at the expense of other companies. It is my hope to see this latest proposed settlement be rejected in favor of a severe and just one. Microsoft is a Monopoly and is using its vast resources to squeeze other companies out of business and penetrate new markets with unfair and criminal business practices.

Microsoft's latest business and private licensing fees reflect its arrogance and dominance in the market place. Do the right thing and punish Microsoft.

Thank you,
Piero Favretti

MTC–00002331

From: Matos, Rob
To: Microsoft ATR
Date: 11/28/01 11:00am
Subject: Microsoft Settlement

I am writing this letter in order to voice my opinion regarding the settlement deal which the US Department of Justice has accepted in the anti-trust case vs. Microsoft.

I am appalled that the DOJ and several of the states in the original suit are even considering this settlement. The terms as suggested in the current proposal are not only unacceptably weak as a remedy, but are actually favorable to Microsoft.

For example, the part of the settlement deal where Microsoft is offering to provide money, computer hardware, Microsoft Software and Support to public schools, may seem like a good idea but it is obvious to anyone that the schools would then be much more likely to be ''locked-in'' to Microsoft technology and PC compatible hardware. In addition, students of those schools would be indoctrinated in the use of Microsoft software and PC compatible hardware, and would be more likely to purchase those brands in the future. This would also provide Microsoft and its hardware partners an easy way to write off unsold stock. Not much of a penalty in my opinion... Microsoft defends all this by saying that the schools would be free to spend the money as they want and can decide to go with other software and hardware providers. However, even Microsoft acknowledges that schools which choose that route would not benefit from all the resources they are offering. How many schools systems do you think will opt for just the money, when they can get the whole ball of wax if they go with Microsoft software? If Microsoft's intent was to benefit schools while paying a ''fine'' why didn't they just offer to put money in a fund that could be used by the schools in any way they want?

While this offer may be tempting considering the desperate financial situation that many of our schools are in, we cannot allow as remedy an action which will help the company further strengthen their monopoly power. I am heartened to see that several of the states including Massachusetts are not joining the DOJ in accepting this appalling settlement. I would urge the DOJ to re-examine its decision. We cannot let political expedience and our sagging economy temper our punishment of a company which has been found to be anti-competitive, has done everything to find loopholes in previous remedy decisions and is attempting to use this settlement as a vehicle to continue its practices and open new revenue streams in the process.

Robert F. Matos
4 Burke Street
Groveland, MA 01834
rdmatos@gis.net

MTC–00002332

From: Robert Hancock
To: Microsoft ATR
Date: 11/28/01 10:50am
Subject: current settlement is WEAK! Break up Microsoft!

Attempting to address Microsoft's anti-competitive business practices and monopolistic existence with the current proposed settlement is like trying to keep a freight train which is moving 90 miles an hour from hitting a car on the tracks 100 feet away by issuing the train a speeding ticket. Good luck!

The only way to ''stop the train'' is by breaking it up. My opinion: reject the current settlement and revert to the previous recommendation of the federal attorneys to break up Microsoft into separate entities.

Think about it! Will breaking up Microsoft REALLY hamper its ability to innovate as they claim? What flaming nonsense! One only has to look at the past two decades of technological innovation to see that small companies can innovate as well or better than big companies. Microsoft's ''innovations'' will in NO way be hampered by separating them into small companies. They only thing it will do is allow competition an incremental move towards a better ability to compete with Microsoft. Even such a move would only be incremental because of Microsoft's vastly superior financial resources for marketing and extended court battles and its current ability to conduct anti-competitive business practices.

It is the small innovators that need Federal protection, not the monoliths like Microsoft. Get with it.

MTC–00002333

From: Berve, Thomas
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/28/01 11:22am
Subject: settlement

As a computer coordinator for a large school district I can't understand this decision. It will help Microsoft reach into schools and further allow them to control our software and hardware choices. Microsoft has no real interest in education except has a market for their goods. We are a cross-platform district and we receive zero help from Microsoft except in the area of sales. Currently they are doing everything they can to force us to upgrade to Windows XP at a cost we can not afford. Upgrade costs for XP have almost doubled from Windows NT.

This settlement would do nothing to hurt or punish Microsoft except cost them a few dollars. If a teacher catches a student cheating on a test, they don't get to retake the test after cleaning the room with no effect on their grade. This decision would hurt the only company that truly has an educational interest in schools, Apple Computer. Apple, while not perfect, still believes in helping teachers teach, not selling equipment. They have a legion of employees that do nothing but provide expertise in technology based instruction. No other computer vendor is as committed to education.

I am not an enemy of Microsoft, I use their software daily. I'm writing this message in Outlook. However, just because they have tremendous economic strength doesn't excuse their actions. I love my students, but when they do something wrong, I hold them accountable. This decision does nothing to hold Microsoft accountable.

Tom Berve
Social Studies Department Leader
Computer Support
Papillion-LaVista H.S.

MTC–00002334

From: Baiss Eric Magnusson
To: Microsoft ATR
Date: 11/28/01 11:17am
Subject: Comment on the Microsoft settlement

Ms Renata Hesse,

I would like to comment on the proposed Microsoft settlement. As an independent software developer who has been unemployed for most of the last 14 months, I very much feel the economic recession. Although the ''dot-com'' bust is undoubtedly a reason for the current lack of jobs, it is the predatory monopolistic practices of Microsoft Corporation which I feel is the main reason for the situation so many of us independent software developers find ourselves in.

The FUD, (fear, uncertainty and doubt) fostered by Microsoft's actions with regards to the Java programming language has severely limited the expansion of Internet software capabilities and the attendant programmer employment. Also, the way Microsoft has positioned its ''.NET'' strategy, as an alternative to the current Internet experience, rather then positioning it as an embrace and extend, has stagnated the development of Internet based computer applications. As an individual who chooses to develop and deploy Internet solutions on non-Microsoft software platforms, this has locked me out of business opportunities.

The three pillars of justice: restraint, rehabilitation and retribution are not adequately addressed by this proposal. While a measure of rehabilitation needs time for accountability, the settlement provides no

relief from the monopolistic force of Microsoft's Internet browser, why is it that this is permitted? Microsoft must be forced to market their browser independent from their operating system. Also there is no retribution available to the thousands of companies and the over hundred thousand engineers who have been affected by Microsofts actions. The Microsoft education proposal is a mockery of accounting and a piece of candy for Microsoft's thrust into education. I spent five years on the Riverview School District technology committee which is in King County, Washington; and a third of that time was spent trying to prevent the takeover of the computer resources by those who mistakenly believe that a single computer supplier is beneficial to the educational system.

I have encountered the lies, sabotage and intimidation of Microsoft for fifteen years now and I'm angry about the situation. I have enclosed a link to my resume, from which you can see I have been involved in software development which includes important work I did for the Apollo Space Program.

<http://home.earthlink.net/~cascades/resume/BaissResume.html≤

Baiss Eric Magnusson verbard; cascades@earthlink.net

Cascade Web Design/Software Design and Consulting,

<http://www.cascadewebdesign.com≤

32307 NE 193rd St. Specializing in WebObjects & Java

Duvall, WA. 98019–9745 425–788–2394

MTC–00002335

From: Lance Goddard
To: Microsoft ATR
Date: 11/28/01 11:08am
Subject: Microsoft ''Penalty'' Proposal

I am simply dumbfounded that a proposed settlement with Microsoft has them donating their products to educational institutions. This is probably the only area in their business model in which they don't have a monopoly. Amazing!

Also, I have the impression that the penalties were to be based on exorbitant retail pricing instead of actual cost. I suppose they could then use such penalties as a deduction on their corporate tax bill. Is this truly meant to be a penalty for a company which obviously engages in monopolistic activities? Please use some of my tax dollars to hire someone who has an understanding of this business.

Sincerely,
Lance Goddard

MTC–00002336

From: Brant Darilek
To: Microsoft ATR
Date: 11/28/01 11:49am
Subject: Ridiculous

As a computer user I feel that this offer is plain stupid. Microsoft is on trail for being a monopoly not to give them more business. I truly hope that this offer is not accepted.

Brant Darilek
San Antonio, Texas

MTC–00002337

From: tmw
To: Microsoft ATR
Date: 11/28/01 11:27am
Subject: MS

Please don't give the education market to Microsoft as punishment for improper behavior.

Please work harder to control the monopoply abuse of microsoft. Our future depends on it.

Tom Witte

MTC–00002338

From: jgeller@scient.com@inetgw
To: Microsoft ATR
Date: 11/28/01 11:31am
Subject: break up microsoft

Please break up Microsoft into an Office group and an ''other'' group.

Thanks,
Josh Geller

MTC–00002339

From: David.Leazenby@rrd.com@inetgw
To: Microsoft ATR
Date: 11/28/01 12:10pm
Subject: Microsoft case
Forwarded by David L Leazenby/US/DNY on 11–28–2001 12:09 PM
To: microsoft.atr@usdoj.gov
cc:
Subject: Microsoft case

Your Honors,

I am a Microsoft Certified Systems Engineer and a Macintosh Systems Specialist. I work for R. R. Donnelley & Sons in Warsaw, Indiana as a Systems Analyst. I feel strongly that this settlement does nothing but further increase Microsoft's monopoly. The proposed one Billion dollar ''gift'' to poorer schools is a very, very bad option. It only benefits Microsoft. Older, re-furbished computers can't run today's Windows software. Re-furbished Apple Computers would be a better choice. The U.S. Government should be required to buy at least 50% or more of the computers they use from Apple. The Mac makes a far superior workstation and can be integrated with any network. Schools use Macs for one reason....they are a better. I taught my kids to use a Mac when they were 2 years old and they have been using them ever since. Even though I am an MCSE I will tell you that the Macintosh is a far superior platform. It takes less time to set up, is more efficient to use and is considered the premier choice for home or small business use. Sure, there are more Windows machines than Macs. There are more insects than people, but that doesn't make them a higher life form. Besides, if it were not for Apple, there would be no innovation, and no Windows operating system at all (It is a crude copy of the Mac operating system).

David L. Leazenby, Macintosh Systems Specialist, MCP, MCP+Internet, MCSE,
2404 Hummel Drive
Mishawaka, IN 46544
(219) 256–1371 (Home)
(219) 267–9524 (Work)

MTC–00002340

From: r-bednarz@tamu.edu@inetgw
To: Microsoft ATR
Date: 11/28/01 12:10pm
Subject: Microsoft settlement

I have read that MS is willing to provide poor schools with $1 B worth of hard- and software. If $1 B is the most MS can be asked to ''contribute'' (the damages are greater, in my opinion), I suggest they make their contribution in real dollars, not in rehabilitated machines and software. Neither the machines nor the software are worth the value MS will assign to them. In fact, the marginal cost to MS of supplying their software to schools that would not have purchased said software is virtually zero.

Cheers, Bob Bednarz

MTC–00002341

From: David.Leazenby@rrd.com@inetgw
To: Microsoft ATR
Date: 11/28/01 12:09pm
Subject: Microsoft case

Your Honors,

I am a Microsoft Certified Systems Engineer and a Macintosh Systems Specialist. I work for R. R. Donnelley & Sons in Warsaw, Indiana as a Systems Analyst. I feel strongly that this settlement does nothing but further increase Microsoft's monopoly. The proposed one Billion dollar ''gift'' to poorer schools is a very, very bad option. It only benefits Microsoft. Older, re-furbished computers can't run today's Windows software. Re-furbished Apple Computers would be a better choice. The U.S. Government should be required to buy at least 50% or more of the computers they use from Apple. The Mac makes a far superior workstation and can be integrated with any network. Schools use Macs for one reason....they are a better. I taught my kids to use a Mac when they were 2 years old and they have been using them ever since. Even though I am an MCSE I will tell you that the Macintosh is a far superior platform. It takes less time to set up, is more efficient to use and is considered the premier choice for home or small business use. Sure, there are more Windows machines than Macs. There are more insects than people, but that doesn't make them a higher life form. Besides, if it were not for Apple, there would be no innovation, and no Windows operating system at all (It is a crude copy of the Mac operating system).

David L. Leazenby, Macintosh Systems Specialist, MCP, MCP+Internet, MCSE
2404 Hummel Drive
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(219) 256–1371 (Home)
(219) 267–9524 (Work)

MTC–00002342

From: Mark Sandrock
To: Microsoft ATR
Date: 11/28/01 12:43pm
Subject: Re: Microsoft settlement

Hello.

I was stunned to read of the proposed settlement that would allow Microsoft off the hook so cheaply. In my opinion the cost to Microsoft to settle should be much higher, and just as importantly, they should not benefit in any way from the settlement. The cost to Microsoft of donating their software is minimal—it costs them a few dollars to manufacture CD copies of their software, which they then value at many hundreds of dollars.

If they are going to help the schools, let it be a purely MONETARY fine, which the schools may then spend entirely as they see

fit—whether for computer equipment, or for other purposes. As a long time industry observer, I feel that Microsoft has illegally parlayed their Windows monopoly into a near monopoly on office software, and this has cost the consumer many billions of dollars. Note that Microsoft Office sells for $400 to $500, whereas comparable products, such as Apple's AppleWorks office suite, sell for less than $100. Why? Because they can, because they've systematically eliminated any real competition on the Windows platform over decades. Please read the history of Microsoft, and realize that a leopard doesn't change its spots. They'll never change, but they need to pay for what they've done to the computer industry.

Thank you.

Mark Sandrock

Manager of System Administration

MTC–00002343

From: Dennis Dobbs
To: Microsoft ATR
Date: 11/28/01 12:38pm
Subject: Settlement

The proposed settlement will have very negative consequences for Apple Computer.

If Microsoft wants to be charitable, then why don't they give a billion dollars cash to poor schools to spend on whatever they want. Why do poor schools need computers so bad? Computers are probably the least of their problems. Microsoft's proposal wont hurt them at all. They could give out a billion extra copies of Windows XP and the only thing it will cost them is the price to burn the CD's. It is in fact a good deal for Microsoft because it will give them more market share in the education market. As Steve Jobs says, this is one of the last markets that Microsoft doesn't have a monopoly in. You see, Bill Gates is being a monopolist right before your very eyes in the courtroom. Don't let this happen!

Dennis Dobbs

Student

Colorado School of Mines

MTC–00002344

From: Missionsports@aol.com@inetgw
To: Microsoft ATR
Date: 11/28/01 12:30pm
Subject: microsoft settelment

By accepting this settlement offer from Microsoft you are perpetuating the very thing you fought against, and won, in court. Allowing Microsoft to pay off their guilty verdict with their own software etc you only allow them to increase an already staggering monopoly by infiltrating the one arena they have not been able to compete—education. Should Microsoft be allowed to compete? Yes. Should that that competition be unfair? No. You people have the legal right to impose a settlement that sends a message to Redmond infroming them that unfair business practices will not be tolarated.

The consumer is hurt by this proposed settlement.

Jack Goodjohn

MTC–00002345

From: Garry Hanson
To: Microsoft ATR
Date: 11/28/01 12:11pm
Subject: Microsoft Settlement

Microsoft's proposed plan to donate computers and software to schools as part of their lawsuit settlement is a joke! Justice would not be served by allowing Microsoft's ''punishment'' to be a free pass to extend their monopolistic practices into the education market. The only unbiased solution would be to have Microsoft give money to the schools and let the schools determine where they spend it.

Garry Hanson

Grand Rapids, Michigan

MTC–00002346

From: vicarbecker@netscape.net@inetgw
To: Microsoft ATR
Date: 11/28/01 12:46pm
Subject: self imposed penalty in Microsoft monopoly case

It seems to me that allowing a company that has been convicted of being a monopoly a chance to further expand into the only realm they do not control is inconsistent with any form of punishment. By allowing Microsoft to give computers using their software to schools you train a young group of computer users to be used to using the applications provided to them by Microsoft. Since they know and are familiar with these applications they will continue to use them in the future. This settlement actually makes good advertising sense for Microsoft. If they can corner the education market in this way they can finally truly control the entire computer industry, or at least an even larger segment of it. A billion dollars in computers to schools sounds good but is not inconsistent with a normal advertising budget at Microsoft. It is a budget very similar to the launch budget for Windows XP and just makes good business sense for them. If they are to supply a billion dollars in computers to schools as part of the remedy for monopolistic practices these computers should not have the windows operating system on them. If they do it only amounts to advertising for Microsoft. If it is your goal in prosecuting Microsoft to reward them for being a monopoly by all means allow them to set this as their ''punishment.'' However, if you truly wish to allow a true spirit of competition and free enterprise to grow in the computer industry you must set a remedy which curtails and does not increase their ability to monopolise this market.

Andrew Becker

Vicar, Redeemer Lutheran Church

MTC–00002347

From: Eric Jorgensen
To: Microsoft ATR
Date: 11/28/01 12:59pm
Subject: Microsoft Settlement

To whom it may concern:

I am a professional in the information technology field—and have been for over 13 years. It was with some interest that I saw the Justice Department file suit with Microsoft the first time related to browser bundling (1994–1995). However, I believe that the terms of that agreement have been violated, and are cause for concern that any agreement that does not provide for tough regulation of Microsoft will be similarly violated.

Perhaps the most striking aspect of this case to me is Microsoft's complete denial of doing anything wrong. They contend this, even to this day. How can a company that doesn't believe it has done anything wrong be trusted to ''do the right thing'' in future dealings? Microsoft has proven itself to be untrustworthy, and the current settlement is merely a slap on the wrist and will have no long-standing effect against the monopoly that is Microsoft. I do not necessarily believe that Microsoft should be split. However, I do believe the following items should be addressed in any settlement (and are not addressed in the current settlement).

—bundling: Microsoft has pursued a tactic where software is bundled in with the operating system. First browsers, now media players. This needs to stop, as vendors such as Netscape, and now Real Networks, find themselves at a competitive disadvantage when every new PC has competing software already installed by default.

—java: Microsoft's current operating system, Windows XP, is further limiting consumer choice by not supporting java. This is a direct slap in the face to the Department of Justice, and the American consumers as a whole. They call this ''innovation'', but it is removing functionality already present in previous versions of the operating system.

—.NET: Microsoft is at a dangerous crossroads, where they intend to move their monopoly from the desktop to the Internet. For example, I was a user of the Visio diagramming tool. It was used to generate databases in Oracle. However, Microsoft bought the company, and now Visio is part of the MS Office Suite. Functionality that used to be in the program is now in the Visual Basic Studio .NET program—and only works with Microsoft products. This is a dangerous precedent, and without strong supervision these sort of tactics will continue.

I urge everyone at the Justice Department to look closely at the current settlement and ask themselves several questions. Is this settlement the best for consumers, rather than just a simple resolution in difficult times? Will this settlement actually cause Microsoft to change its ways? Will this settlement be used by MS as a ''vindication'' of their practices, since they have admitted no wrongdoing? So in conclusion, I cannot caution strongly enough against the settlement as it stands in current form. It is not effective and will not prevent the kinds of abuses that have happened in the past, and even continue to this day.

Sincerely,

Eric R. Jorgensen

Parker, Colorado

MTC–00002348

From: Jeffrey Hunter
To: Microsoft ATR
Date: 11/28/01 12:57pm
Subject: Proposed Settlement Benefits Microsoft and Punishes Everyone Else

Please reconsider the proposed settlement that you have made with Microsoft, especially the part where Microsoft will donate $1 billion worth of Microsoft Software and Computers to under privileged schools. This settlement punishes no one and will

actually benefit Microsoft who stands to gain increased market share in the educational market. Once Microsoft has this increased market share they will use their position against the educational markets to bully them just like they have the business sector. If you want to punish Microsoft you should make them give the $1 billion dollars divided equally to the 12,500 schools and let them spend it on whatever computer hardware and software matches their technology road maps.

Thanks for your time,
Jeff Hunter
9009 Corran Ferry Dr
Austin TX 78749

MTC–00002349

From: Jeffrey Lovell
To: Microsoft ATR
Date: 11/28/01 12:53pm
Subject: Comments on Microsoft Settlement Plans

Dear Judge Kollar-Kotelly,

I believe the suggested remedies reported in the news are not going to have the slightest impact on Microsoft's predatory marketing practices and subsequent illegal abuse of monopoly power.

I don't need to recite more examples to you. I'm sure you've seen them all by now. You have seen what has been done by Microsoft to date as well as their indignant attitude during the whole process. You are a judge, and it is time for you to do that now. All I ask is that you don't allow the settlement process to make precedent that will allow Microsoft to continue its rough-shod run over the rest of the technology industry and its customers.

Jeffrey M. Lovell
jlovell@mac.com

MTC–00002350

From: Forsythe, Michael
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/28/01 1:32pm
Subject: Don't Allow This

This settlement is tantamount to giving Microsoft even MORE monopoly power in education. Microsoft has broken the law. How does strengthening their monopoly punish them? Somebody isn't thinking. Or else they've been bought off. Microsoft is using their ill gotten riches to bribe the courts under the veil of charity.

Standish Mellon Asset Management
Creative Services Manager
1 Financial Center
Boston, MA 02111–2662
617.457.7204—Phone
617.368.8381—Fax

MTC–00002351

From: BRIAN MCGOWEN
To: Microsoft ATR
Date: 11/28/01 1:20pm
Subject: Microsoft

Please give Microsoft the punishment it deserves and quit letting this giant ignore laws. It is a true monopoly and we as americans should have more than one choice when it comes to computer operating systems. Wouldn't you just hate it if there were only Fords with two models to choose from and no options offered that would fit on a Ford. We have hundreds of cars and models to choose from with an astronomical choice of options to put on these cars.

Please stop Microsoft so we can have a choice, they do not have anyone who has any imagination. They stifle the competition so they end up broke then they buy there ideas at a bankrupt price. Then use their ideas as if it were they who had the vision and skill to design such programs and the have the gall to put their Microsoft name on it. Our country is in a sad state morally and economically when we always let the one with the most money win!!!!!!!!!! They copied Apple's graphical interface back in the late 80's and got away with it and now they want a open door policy to the education market because they have been a bad!!!

May anyone who condons monopolistic behavior and encourages its survival—rot in hell! Yes I'm mad—that our government has let Microsoft waste our tax paying money on it monopolistic practices and is still wasting our money trying to satisfy this giants wishes when we should be spanking it ass for being a bad example to the rest the business world. The government is supposed protect the people from such practices in a free enterprise society—may you only have a FORD to drive and have only WHITE BREAD for your choice of food.

The U.S. DOJ is the only one that can protect us from Microsoft—so just Do It!!!!!!!!!!

That is why we the people elected you to your current position—WE THE PEOPLE—not Microsoft the Monopoly! We the people pay your wages and we the people need your support!!!!!

Or can't you spank the hand that funds your political goals??????????????

MTC–00002352

From: Herb Linamen
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/28/01 1:16pm
Subject: Microsoft settlement a disgrace!

I wholeheartedly support the notion that the proposed Microsoft settlement is just another attempt by Microsoft to further encroach on the alternative operating systems available to the public.... most notably that of Apple's current position in education. If you want to punish Microsoft for their attempts at domination, make them anty up cash payments.... not just approving their dumping refurbished windows systems on the educational systems which just makes those same school systems even more dependent on Microsoft.. YOUR PROPOSAL DOES NOTHING MORE THAN AID THEIR ATTEMPT TO DOMINATE THROUGH A MONOPOLY!

Herb Linamen
365 E. Haines Blvd
Lake Alfred, FL 33850
hjlinamen@aol.com

MTC–00002353

From: Trent Harris
To: Microsoft ATR
Date: 11/28/01 1:37pm
Subject: Microsoft Settlement

To Whom It May Concern:

I have been watching the Microsoft anti-trust trial and proceedings with interest since they started. I have been shocked by the blatant lies, twisted truths, and generally poor behavior of Microsoft and its executives. From the beginning they have acted as if they were being unfairly targeted, and that any protestation of innocence should be accepted as the truth. When they were found to be a monopoly it seemed that there was hope that we wouldn't have to live in a world with Microsoft intruding into everything. Unfortunately, the recent settlement talks appear, from the outside, to promote just that. Far from being punished, it seems that Microsoft is being promoted. The worst example is the proposal to give computers and Microsoft software to financially troubled schools. This seems akin to letting a crack dealer stay out of prison by having him give free drugs to underprivileged children. In the case of Microsoft, they get to look like a good guy, and anyone who speaks out against the proposal looks like an idiot. Who can object to giving schools new computers? Short term gains from treating Microsoft gently are being traded for long term losses. If the US truly wants business to innovate and compete, Microsoft should be punished, fined, broken up, and be forced to endure government oversight and regulation. Let them, and future monopolists, know that their business practices are unacceptable, and not in the best interests of the US consumer.

It is my hope that before any final action is taken towards Microsoft that the consequences of those actions will carefully considered for how they affect the US consumer and not how they affect the balance sheet of Microsoft.

Thank you for the opportunity to email feedback regarding this case.

Sincerely,
Trent Harris
tharris@pacific-star.com
Pacific Star Computer Services
http://www.pacific-star.com
714/964–9888 Voice
562/598–7042 Voice
562/430–1128 Fax
1077 E. Pacific Coast Highway #178
Seal Beach, CA 90740

MTC–00002354

From: Voudouris, Christopher (OTS-EDH)
To: 'microsoftcomments(a)doj.ca.gov', 'attorney.general...
Date: 11/28/01 2:02pm
Subject: Failure of the Microsoft Anti-Trust Settlement

Dear Attorneys General,

The DOJ settlement with Microsoft is an ineffective half-measure that will only damage the principles and the practice of free competition. While acknowledging that Microsoft has acted to stifle competition, it does not do enough to prevent this from happening in the future, let alone address compensation for past actions. I urge each of the state Attorneys General to continue fighting for a settlement that adequately prevents monopolistic actions that threaten the U.S. economy. I also urge the DOJ to reject the settlement proposal work for one that assures free competition in the marketplace.

Sincerely,

Chris Voudouris
3148 O St.
Sacramento, CA 95816 CC:'Microsoft.atr(a)usdoj.gov', 'consumer(a)mail.wvnet...

MTC–00002355

From: mcgraw@cejka.com@inetgw
To: Microsoft ATR
Date: 11/28/01 1:39pm
Subject: YOU CAN'T BE SERIOUS

Hi,

I teach computer topics part time, in addition to full time work doing System Administration and part-time computer consulting. I've worked with all kinds of computers and networks for the past fifteen years. You've got to be kidding if you're even considering that insulting Microsoft offer to pump lots of ''refurbished'' equipment into our poorest schools. I've worked with lots of ''refurbished'' equipment which has been ''donated'' to schools, and it always costs more in terms of System Administration time than it did in the capital expense. How about this. Have Microsoft fund the salaries of one or two good SysAdmins for each of the schools first. For the next ten years. Then you can talk about what kind of equipment to set 'em up with.

Respectfully,
Patrick McGraw
Network Analyst
Cejka & Company
800.678.7858
fax 314 863 1705
mailto:mcgraw@cejka.com
http://www.cejka.com

MTC–00002356

From: Michael and Rebecka
To: Microsoft ATR
Date: 11/28/01 2:49pm
Subject: Do what is right, thats all we ask.

Please don't let Microsoft trick the courts, don't let them make a fool of the United States government!

I believe that the judgment will be fair, and should be very harsh against Microsoft for there criminal practices. Whatever verdict is dealt, it should be swift and very painful for Microsoft. Splitting up the company is a sound idea for what should happen. For a company that promotes very bad ethics and business practices, we should make an example of them for future businesses to see...what not to do! It is not right that they force everything upon a computer user and make it harder for others to live in a computer monopoly. I once used a Windows PC, until someone introduced me to Apple, I will never look back and hope never to. However, if Microsoft continues to dominate and push better more intelligent products aside, some day if there is no grassroots movement (which this is) than we will have no other choice but to use windows, we are so on the edge of that now. Is that what you want? Most people know no different than windows, but they should! If you have not used a Macintosh yet, I seriously recommend finding an apple store and spend several hours using a mac and OS X. Don't be blinded by the excuses that Microsoft uses, don't be taken for a fool! Do what is right, that's all we ask.

Thank you

Michael Neuman

P.S. If Microsoft does want do donate, let them donate all competitors products, (ie. All new Macs and Apple software to go along with it.) Everything is easier on a Mac, everyone, not just children should be using Apple hardware and software; seriously look at the differences— it's amazing what you will discover. ''The mind is like a parashoot, it only works when it's open!''

MTC–00002357

From: BRIAN MCGOWEN
To: Microsoft ATR
Date: 11/28/01 2:23pm
Subject: Beware of Geeks Bearing Gifts

Apple isn't the only one who's worried about Microsoft's proposal to settle various private lawsuits filed against the company following the US Department of Justice's antitrust allegations. BusinessWeek columnist Charles Haddad has offered his two cents' worth in his latest Byte of the Apple column entitled Beware of Geeks Bearing Gifts. Comparing Microsoft founder and chairman Bill Gates to John D. Rockefeller, Haddad said that Gates has the ability ''to turn a government antitrust assault to his advantage,'' and this bodes ill for Apple.

Last week Microsoft offered a settlement proposal that would provide 14,000 of the nation's poorest schools with software, training, tech support services and refurbished computer hardware from Microsoft Corp. The proposal has earned the ire of various sources, including Apple, which earlier this week filed a brief in US District Court suggesting that the proposal was full of holes that Microsoft could take advantage of to dominate the educational market—a market in which Apple currently enjoys relative dominance.

''It's a spectacular offer,'' admits Haddad. ''Gates is not just giving away computers. Ninety million dollars would go to train teachers how to use the computers, and another $160 million to provide ongoing technical support. Microsoft would also donate one million refurbished PCs.'' Haddad noted that the settlement proposal doesn't address the core issue, however: ''that Microsoft used its stranglehold on computers to defeat competitors large and small.''

Haddad accepted that Microsoft said it's willing to make the offer platform-agnostic—schools are free to support whatever operating systems and hardware systems they choose, according to the settlement. Haddad suggested that many school administrators ''have a herd mentality,'' and will probably be only too willing to flock towards Windows-based systems like so many of their colleagues.

Haddad said that Apple has to get itself into those very same schools that Microsoft wants to assist with its proposal. If Apple can ''demonstrate the ease of using and maintaining Macs, and set up systems that run everything from attendance to grading,'' Haddad said that the company may have a good chance of winning a good portion of that market. More details are available from BusinessWeek Online.

MTC–00002358

From: c chuck lee
To: Microsoft ATR
Date: 11/28/01 3:09pm
Subject: MS settlement settles nothing

Dear Sir:

I don't really have an opinion one way or the other until I loaded the XP system on my computer. Because of a problem on my PC, I have to remove the Internet Explorer—Now MS won't even allow that anymore—all they have done is remove the pointer—and nothing is removed! Do you know what I had to do?? I had to remove XP and restore Windows 98 and then remove the Internet Explorer. Don't tell me this is innovation. Your department simply doesn't really understand the technical issues that's really critical. Very very bad work for what I paid with my tax dollars.

—C. Chuck Lee

MTC–00002359

From: Paul Ossenbruggen
To: Microsoft ATR
Date: 11/28/01 2:55pm
Subject: Proposed settlement

DOJ,

I think this proposed settlement does nothing but further the Microsoft Monopoly, is not a severe punishment, and seriously hurts competitors such as Apple. Do not accept it, this is the actions of a monopoly trying to further its dominance while trying to seem like a nice guy.

Talk about a sweat deal! Do not be fooled. It will make the US government look foolish and will be a waste of everyone's taxpayer money, after having spent all this time an money proving that they are the monopolists they are. It is like letting a murder choose to be punished by hitting him with a soft pillow and then giving him the pillow to sleep on.

—Paul

MTC–00002360

From: Peter
To: Microsoft ATR
Date: 11/28/01 2:55pm
Subject: Microsoft Settlement Offer

To whom it may concern,

I would like to add my weight to the side that is encouraging you NOT to accept the settlement offer from Microsoft that would provide hundreds of millions in software, training, support and hardware to schools in the country.

It seems so obvious that the settlement to saturate the eligible schools with Microsoft products is not punitive but a trophy for the company's anti competitive practices. Regardless of Microsoft's rebuttal that the settlement allows for any type of software/computer (e.g., Apple, Linux, and etc.), it is unrealistic to assume that the process will play out that way. You can assume that any settlement proposed by the accused will be in the best interests of the accused. It is disconcerting to watch Microsoft weave its way above the law. Bill Gates said about proposed DOJ settlement that it was reasonable and fair. How many criminals have you heard say that their punishment was reasonable and fair.

The problem with the settlement is that it replaces potential sales with Microsoft products or with products that support Microsoft. It reduces market size in a time of

shrinking markets and it is a major strike against a corner of competition for Microsoft. The education market is not dominated by Microsoft but this settlement will substantially help Microsoft achieve dominance. Is this not counter to the intent of justice?

Punitive action against Microsoft will not have a negative effect on the economy. On the contrary it will help the economy by showing that Microsoft is accountable for its actions. It will also demonstrate that the justice system is not broken.

Thank you for the opportunity to voice my concerns.

Peter Czarny

MTC–00002361

From: Brent J. B. Petit
To: Microsoft ATR
Date: 11/28/01 3:29pm
Subject: Thoughts on the proposed settlement

To whom it may concern,

I am very troubled by the news of Microsoft's proposed 1 billion dollar settlement. If I understand the issue correctly, and I believe I do. I fail to see how giving Microsoft the opportunity to force their products into one of the few markets they do not hold monopoly power in benefits anyone. From what I see this is going to end up as a boon for Microsoft and a setback for those schools poor enough to qualify for this program. My first question has to do with numbers. How much of the 1 billion dollars can be used for Microsoft software? Then, how does Microsoft price this software? If we're taking retail price then there is something seriously wrong. Next how does this take into account Microsoft's monopolistic licensing fees. Please, please, please make sure you understand the full impact of Microsoft's licensing. Pushing poor school districts into the Microsoft licensing web will do more harm than good over the next few years.

Next, are you telling me that you are going to subject these poor schools to Microsoft support. Ouch!

I would like to see Microsoft invest in poor schools. But, they cannot have any part in the decision making process. There must be a unbiased voice consulting these schools on the best technology solution. If in the end the schools choose to go with Microsoft, great. At least we know that this was a sound decision, not the effect of slimy salesmanship. After all, Microsoft can offer crazy benefits to the schools who use MS software since it costs MS very little.

Additionally, I am concerned with the length that you will go to ensure that the most damaging practices in the MS playbooks are stopped. Most of the coverage I saw was regarding bundling of Internet Explorer with Windows. Although this is a big issue, I don't see it as the most important. For years Microsoft has been hiding the high performance portions of their APIs until they could release new software to utilize it. One argument many pro-Microsoft voices have made is the competitors should just make better software. First off, it's not that simple when viewed along side Microsoft's bundling practices. On top of that Microsoft can ensure in many ways that their software outperforms the competitors.

I would like to see some sort of software review process not just for Microsoft but all software companies in order to protect the rights of consumers and competitors. After all, are many companies that are including 'Spyware' and other information stealing code in their programs. This could be a benefit on many fronts.

Thank you for your time,
Brent J. Petit
Taxpayer

MTC–00002362

From: joanpeterson
To: Microsoft ATR
Date: 11/28/01 3:26pm
Subject: Microsoft Settlement

It is in everyone's best interest to completely settle this law suit. Microsoft was unfairly singled out by the Clinton Administration. We are behind you, Microsoft!

MTC–00002363

From: David Norfleet
To: Microsoft ATR
Date: 11/28/01 3:22pm
Subject: Proposed Microsoft Settlement

To whom it may concern,

I just wanted to express my opinion on the possible Microsoft settlement of furnishing schools with PC's as payment for their antitrust violations. I do not think that this will solve any part of the problem, and will in fact aid Microsoft in securing more of a monopoly in the education market.

Thank you for your time,
—David Norfleet
www.sealrockmusic.com

MTC–00002364

From: Nel Chiropractic
To: Microsoft ATR,eddingsk@APPLE.COM@inetgw
Date: 11/28/01 3:11pm
Subject: Settlement/Education?

As a Mac and PC user (who enjoys the Microsoft office products and also would not like see them break up the company), I am also baffled that a settlement imposed against Microsoft for breaking the law should allow, even encourage, them to unfairly make inroads into education or into any other field.

If any settlement is to be made in this direction, in all fairness, it should be that Microsoft pays for the other companies to provide their hardware and software. In the case of the schools it should be Apple and for other settlements it should be other software manufacturers. Just my two cents on a subject that I know has many facets to be dealt with. Good luck.

Regards,
Ricco Nel, DC
Nel Chiropractic
2020 Jefferson Street
Napa, California 94559
Ph: 707–255–0266
email: mailto:nel@napachiro.com
web: http://www.napachiro.com

MTC–00002365

From: Murray, Banister
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/28/01 3:42pm
Subject: $chools

Greetings,

I think it's great that Microsoft wants to help out financially ailing schools. However, I think that Microsoft's proposal is not a punishment by any means. The cost to Microsoft would be minimal while the ''retail'' tax write off would be considerable. Not to mention the potential future market domination enabled by ''teaching'' children using Microsoft Software. I suggest to amend their proposal and have the contributions be made in the form of cold hard cash with no strings attached. The school systems could use the money to buy any sort of necessity from any company that is in the best interest of the school. If Microsoft is sincere about their intentions of proposing self punishment that contributes positively to society, there shouldn't be a problem with my suggestion.

Banister Murray

MTC–00002366

From: David Doukas
To: Microsoft ATR
Date: 11/28/01 3:39pm
Subject: Remedy

To the Department of Justice.

I share the concern that Microsoft's ''remedy'' may be an unfair intrusion into the education market.

Apple was correct in launching its lawsuit to block it.

However, there IS a fair remedy:

Have Microsoft install ''renovated Macs''—i.e. refurbished iMacs, Airports, and iBooks in classrooms.

Yes, they can even put Microsoft Word and Internet Explorer on these computers (as long as the latter is not the ''browser of choice'').

This will be a ''Solomon-esque'' conclusion for this part of the Microsoft case, if Judge Motz accepts it.

Please feel free to circulate as necessary.

DD

David J. Doukas, M.D.
Associate Professor of Bioethics, and Family Practice/Community Medicine
University of Pennsylvania

MTC–00002367

From: Peter Lightburn
To: Microsoft ATR
Date: 11/28/01 3:33pm
Subject: Stop the madness.

An important facet of free market enterprise is for consumers to enjoy choice in a level playing field. In the computing landscape, Microsoft has taken advantage of its high market share and corroded that facet.Please I urge you guys at the D.O.J to reconsider the Microsoft proprosal and seek measures that are truly punitive and not a band aid solution that will hurt competitors like Apple who provide the only viable choice to Microsoft.

Thank You
Peter L (average computer user)

MTC–00002368

From: Dan Reese
To: Microsoft ATR
Date: 11/28/01 3:32pm
Subject: Microsoft Settlement

Hello,

I would like to state my opposition to the currently proposed settlement.

First, Microsoft is not being forced to repair the damage done by their illegal actions. Reparations for illegal actions should be a part of the settlement. Not only did competitors, such as Netscape, receive irreparable harm, but consumers, such as myself, have had to pay higher prices for the Windows OS and also computer hardware where an option to purchase the hardware without Windows was not available. Second, the oversight committee doesn't seem to have the needed authority to impose penalties on Microsoft for not complying with the settlement. A large dollar amount per day for non-compliance (or something similar) should be imposable by any oversight committee. Microsoft has shown in court on many occasions that they cannot be trusted.

Lastly, why is the government settling for less of a resolution than was proposed over a year ago? Since that time, not only has Microsoft been declared a monopoly, they have also been convicted of violating anti-trust law 8 times. Why are consumers getting less from this settlement than could have been had a year ago?

We learned from the AT&T break-up that diversity will increase innovation and decrease prices. This settlement only solidifies Microsoft's monopoly position. The consequences will be a continuted DECREASE in innovation and INCREASE in price.

Thank you for your consideration,
Dan Reese
Clearstone Corporation
Lindon, Utah

MTC–00002369

From: joebuck@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 11/28/01 4:04pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Dept. of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–001
Subject: Microsoft Settlement—Consumer's Objection to Proposed Judgment

As a consumer, I write to object to the proposed judgment because the judgment does not address in a positive manner the most important violation by Microsoft of the antitrust law. The proposed judgment, instead, expressly condones Microsoft's continued violation of the law.

The appellate court specifically held that ''Microsoft's... commingling of browser and operating system code constitute(s) exclusionary conduct, in violation of Section 2.'' [U.S. v. Microsoft Corp., June 28, 2001, No. 00–5212, p. 40, first paragraph of part II.B.2.b.] Contrary to this explicit holding, the proposed judgment specifically provides that ''(t)he software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion.'' [Revised Proposed Final Judgment, part VI.U]. Thus the proposed judgment expressly authorizes Microsoft to continue those acts that the appellate court specifically held violated Section 2 of the anti-trust law.

Microsoft continues to expand the strength and breadth of it's monopoly over the PC operating system by absorbing into the software, which Microsoft calls its '' Windows Operating System'', functions performed by its competitor's applications and utilities. Because Microsoft sells its ''operating system'' as a single product, each time that Microsoft adds to its ''operating system'' a function that previously was performed by the competitor's product, consumer demand for the competitor's product ceases and the competitor is destroyed. Again and again, Microsoft has used this weapon to leverage its monopoly power in the Window's operating system to wipe out it's competitors and its competitor's software products while, at the same time, increasing the strength and breadth of its monopoly. The vehemence with which Microsoft objects to any limitation on its use of this weapon evidences Microsoft's recognition of the critical importance of this weapon to Microsoft's continuation and expansion of its monopoly.

Because Microsoft has monopoly power in its ''Windows Operating System'' I, as a consumer, am forced to purchase the Windows Operating System in order to operate my computer. Each time that Microsoft expands the breadth of its ''operating system'' by absorbing into it functions previously performed by other software, I lose the freedom to purchase such functionality from other sources, and whether or not I need such additional functionality, my computer is burdened by the additional software in Microsoft's ''operating system'' that performs these functions.

If the judgment does not prevent Microsoft from commingling its ''Windows operating system'' with software that is added to absorb functions previously provided by Microsoft's competitors, Microsoft will use this weapon to expand the breadth of its monopoly, to destroy its competitors, and to harm the consumers, all in the manner explicitly held by the appellate court to violate the law. If you do not revise the judgment to forbid Microsoft's absorption into the ''Windows Operating System'' of functions performed by competitors' software, the legal action against Microsoft will have failed.

Microsoft claims that it wants the freedom to ''innovate'', i.e. to introduce something new for the first time. Microsoft does not innovate, it instead imitates. Microsoft does not create new products and functionality but, instead, copies the functionality of its competitor's products into its ''Windows Operation System''. Because Microsoft has monopoly power, its ''imitation'' of competitors' products harms us all and violates the law. If Microsoft wants the freedom to ''imitate'', let it imitate with software that is separate from the ''operating system''.

I can think of no benign explanation as to why the most important provision in the proposed judgment was tucked away at the very end of a long list of Definitions. The clause that would ''give away the farm'' to Microsoft should, instead, be displayed in bold letters at the beginning of the proposed judgment under the caption: ''GRANT TO MICROSOFT OF LICENSE TO CONTINUE TO VIOLATE THE LAW''.

Sincerely,
G. Joseph Buck
433 Via Anita
Redondo Beach, CA 90277
''joebuck@worldnet.att.net''

MTC–00002370

From: William Deighan
To: Microsoft ATR
Date: 11/28/01 4:03pm
Subject: Microsoft Settlement
Justice Department:

I believe that Microsoft got off very lightly—they are a monoply! Already they placing themselves in the driver seat by putting computers in hundreds of schools. This is an example of how they work the system.

MTC–00002371

From: Brian Warren
To: Microsoft ATR
Date: 11/28/01 3:51pm
Subject: Microsoft Anti-Trust Case

To Whom It May Concern,

Personally, I don't consider the latest settlement to be a very wise solution, as it seems to pave the way for Microsoft to have a larger market share. Education is one realm where Microsoft hasn't monopolized yet, and now they want to put Windows into more people's hands.

Though the educators have their own options of what computer to buy, Microsoft has said that the software would be free. It doesn't look like educators would have much of a choice.

Please consider enforcing a tighter and more adequate punishment. Microsoft doesn't want to admit guilt, but maybe this is time for them to do so?

Thank you,
Brian Warren
cadence international web
www.cadence.org

MTC–00002372

From: Creedon, Ted
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/6/01 3:32pm
Subject: MSFT settlement

Request you require Microsoft to place all source code in the public domain. or Donate $10 billion to the Open Source Foundation or other non-profits dedicated to Open Source or Provide class definitions for all interfaces to Microsoft Software 6 months in advance of release and limit Microsoft to using only published interrfaces for their own software

Ted Creedon, P.E.
been coding since 1962...

MTC–00002373

From: W. J. Kossler
To: Microsoft ATR
Date: 12/6/01 3:22pm
Subject: View of Settlement

Sirs:

Several comments:

1. Microsoft is a monopoly. This monopoly, while having its positive side (providing a standard for hardware manufacturers, for example) has been clearly used by Microsoft to its own advantage. Word processor document formats which change and which others can only reverse

engineer to has, for example, placed most other word processors other than Word at an unfair disadvantage. This is also true for Powerpoint and the MS spreadsheet. Microsoft should, so long as it has the lion's share of the market , be forced to make public its document coding.

2. The setting up of Web sites with code which only works for MS IE should be watched very closely. Wachovia banking on line has such a site. One cannot print directly ones statement using Netscape, Mozilla, or Konqueror as alternatives. The role as standards make can be very positive, but MS does it badly.

3. Part of this settlement should be the setting up and maintaining sets of standards for Web sites, programs etc. with MS involvement, but not by any means control.

I am primarily a Red Hat Linux user, though I also use MS products when they are better.

Sincerely yours,
W. J. Kossler
Physics Dept.
College of William and Mary
Williamsburg, VA 23187–8795
757 221 3519
fax 3540
home 229 8060

MTC–00002374

From: Christopher Smith
To: Microsoft ATR
Date: 11/28/01 4:16pm
Subject: a fitting settlement

Okay Microsoft made a BIG announcement that they would provide 1 billion dollars in software and money to poor schools. Lets make Microsoft spend money on Macintosh computers for these schools and then they can install all the copies of Microsoft Office for the Mac-as well as Internet Explorer web browser that they want. Let's see if they still feel so generous-or not!

MTC–00002375

From: Greg Dalen
To: Microsoft ATR, microsoftcomments@ doj. ca.gov@inetgw,...
Date: 11/28/01 4:15pm
Subject: Microsoft Settlement

[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]

Subject: Microsoft Settlement

TO: US Department of Justice-Microsoft anti-trust comments: microsoft.atr@usdoj.gov I've just read the news on the proposed one billion dollar settlement. As I understand the deal, this seems to me to be very much in favor of Microsoft. In addition to few to no changes to their behavior, a portion of the punishment is, in fact, a real benefit to them. The resolution including the dissemination of their software and compatible hardware, training to use their products, and loads of their often bundled software, seems to fly in the face of the very point of the trial.

They have been found guilty of using illegal means to maintain their monopoly. As I understand it, one of the intents of the Anti-Trust laws is to prevent illegal monopolists from abusing their position in the future. How would the proposed settlement do that when a good portion of the settlement specifically increases their market share of both the OS and their bundled products? The proposed settlement uses a blatant play on setementality in an effort to escape unscathed (and in fact strengthened by) their conviction as illegal monopolists.

In the past there has been strong resistance to punish illegal monopolists for fear of the effects on the economy. I am not aware of a single case where the strongest possible punnishments have been imposed, that have not resulted in benefit to consumers, competitors and the economy at large.

I believe this settlement should be declined. Microsoft and not the Schools or justice will be the only beneficiary. The settlement should be made in order to change their behavior, this does nothing to address their behavior and will not change it in the future, allowing them to continue to further maintain their illegal monopoly.

Greg Dalen
CC to:
California: microsoftcomments@doj.ca.gov
Connecticut:
attorney.general@po.state.ct.us
Florida: ag@oag.state.fl.us
Iowa: webteam@ag.state.ia.us
Kansas: GENERAL@ksag.org
Massachusetts: tom.reilly@ago.state.ma.us
Minnesota: attorney.general@state.mn.us
Utah: uag@att.state.ut.us
West Virginia: consumer@mail.wvnet.edu
ZDNet Article on the settlement
Judge to rule over Microsoft's motives
Monday 26th, November 2001
Reuters

A hearing begins Tuesday to determine if Microsoft playing Santa for needy kids with its billion-dollar settlement offer—or the Grinch looking to dominate the education market Is Microsoft a do-gooder, or up to no good? That's the question a federal judge in Baltimore will consider on Tuesday at a hearing on the company's billion-dollar antitrust settlement of private, class-action lawsuits.

US District Judge J. Frederick Motz will have to decide whether the settlement proposed by the company is a creative solution that will put computers in the hands of poor school children or a legal ruse that will further the company's dominant position in the computer business. Microsoft says the private settlement is a civic-minded way to resolve more than 100 lawsuits filed around the country on behalf of customers allegedly overcharged by the company.

Under the settlement, Microsoft would make amends by spending more than $1bn to put software and computers into some of the poorest US schools. It would assist more than 12,500 schools serving nearly 7 million children under the settlement of the private suits. ''It is a settlement that avoids long and costly litigation for the company and at the same time.., really makes a difference in the lives of millions of school children in some of the most economically disadvantaged schools in the country,'' Microsoft Chief Executive Steve Ballmer told reporters last week.

Different path

But at Tuesday's hearing, some class-action attorneys from California are expected to paint quite a different picture for Motz.

The dissenting attorneys, who have filed a case on behalf of California consumers, will ask Motz to strike down the settlement or allow their lawsuits to proceed separately in California. They portray the settlement negotiated by Microsoft and the other class-action attorneys as a ploy designed to entrench the Windows monopoly while allowing the company to pay back only a tiny fraction of what it actually owes consumers. Central to the dispute is a US antitrust doctrine that holds that only a ''direct purchaser'' can collect damages in private antitrust suits.

The direct purchaser restriction applies nationwide, except in the more than a dozen states like California that have passed laws repealing it, said Gene Crew, an antitrust attorney heading one of the cases against Microsoft on behalf of California consumers. In February, Motz ruled that in states that had not passed the so-called ''repealer'' statutes, antitrust litigants could not recover damages from the company. That's because most consumers do not get Microsoft's Windows software directly from the company, but pre loaded onto a machine they buy from a computer manufacturer.

The cases in California and a handful of other repealer states, meanwhile, have been moving forward. The California case is scheduled to go to trial next August.

California attorneys dissenting from the settlement are accusing Microsoft of singling out the attorneys in nonrepealer states—those with the weakest cases—and secretly negotiating a sweetheart deal for the company.

The dissenters fear such a settlement could neutralize cases like theirs in repealer states, which they say still hold the potential for larger damage awards against Microsoft. ''It was a clever tactic.., whereby they hijack the California case and use it to lend value to meritless cases elsewhere,'' Crew said. However, the settling attorneys will tell Motz the settlement is a better deal for consumers than trying to divvy up money among individuals. Michael Hausfeld, one of the lawyers who negotiated the settlement, said consumers would have gotten as little at $10 apiece if Microsoft had agreed to reimburse them directly.

''This was a very carefully thought-out plan,'' Hausfeld said. ''There's a lot of complaining out there, and there's no relationship between the complaining and reality.'' Hausfeld said Crew had vastly over-estimated the amount of money that can be recovered from Microsoft. And he scoffed at the idea that Microsoft had singled out the weakest plaintiffs for settlement talks.

''Nobody pays over $1bn to the weak link,'' Hausfeld said. The five-year program would settle class-action claims that Microsoft abused its monopoly over personal computer operating systems and overcharged millions of people for software. Microsoft said it would take a $550m charge before taxes against earnings in the current fiscal quarter if the pact is approved by the court. Earlier this month, the software giant agreed to settle its separate, three-year case with the Justice Department and many of the state attorneys general who had sued the company.

The smell test

At Tuesday's hearing, dissenters from the private antitrust settlement will run through a list of legal objections to the deal, Crew said. Crew said the private antitrust settlement is worth only a fraction of the amount Microsoft might end up owing to consumers. He estimates that in California alone, overcharges may total $3bn to $9bn.

''Right there it flunks the smell test,'' Crew said. ''It makes the settlement look silly.'' Crew argued that the settlement deal is actually a ''marketing device'' that ''allows them to further entrench their monopoly'' by spreading free Microsoft software into primary and secondary schools.

''I think charity is great,'' Crew said. ''But they should do it as a matter of charity, not a matter of settling a lawsuit.''

Ballmer has denied the settlement is aimed at boosting the company's market share in American schools. He said money from the settlement can be used to buy software from Microsoft competitors.

Think it's all over? The antitrust case against Microsoft can still go back the to Court of Appeals, and then there's the European Commission's investigation...

MTC–00002376

From: Tony Palumbo
To: Microsoft ATR
Date: 11/28/01 5:37pm
Subject: Proposed Settlement

To whom it may concern

I wish to state my opposition to the propose Microsoft settlement. While I applaud the benefits of helping poor school districts, I'm completely opposed to a solution that will further enhance Microsoft's dominance and encourage further monopolistic behavior.

Wasn't this entire case about Microsoft using unethical tactics dominate the market? Hasn't it been proved that these tactics damaged many businesses as Microsoft forced their own products down the throats of users there by eliminating competition? Wasn't the purpose of this entire trial about promoting CHOICE?

It appears that one again, Microsoft has determined the choice for all of us As a Macintosh user, I can't tell you how many times I visit web sites only to be told that features on the site are not available to me and only to Windows users. Did anyone address this issue?

How can there be parity when the playing field slopes in MS's direction?

Lets face it, this proposal is full of holes that Microsoft will take advantage of to dominate the educational market. If it allowed to stand as dictated by MS, there will be no alternative operating systems within 5 years.

Please consider this before siding with Mr Gates and Company

Sincerely
Anthony J Palumbo
80 Ridge Road
Hackettstown, NJ 07840

MTC–00002377

From: Christopher Kupec
To: Microsoft ATR
Date: 11/28/01 5:16pm
Subject: Proposed settlement

Dear Sirs and Madams,

The more I hear about the settlement that Microsoft is proposing, the less I care for it.

Microsoft is to be punished for their unfair practices. They should not be allowed to expand their market share, i.e., monopoly, in the educational sector.

I want my voice to heard, so I am asking you all to not accept the proposed settlement. It does the consumer and the student a disfavor.

Sincerely,
Christopher Kupec

MTC–00002378

From: Mason, Richard
To: 'Microsoft.atr(a)usdoj.gov'
Date: 11/28/01 4:30pm
Subject: Microsoft Settlement Comment

It is my understanding that as part of the settlement of price gouging in their class action lawsuit, Microsoft has offered to donate computer hardware, software and support to school districts. If it is their intention to donate systems that run Windows operating systems, it sounds to me like they have found a novel way to grow their monopoly and further strengthen their share at the expense of the U.S. Judicial system and the American people. I wish to voice my strong opposition to any such agreement. The court has already found, in another related case, that Windows is an illegal monopoly and now Microsoft may be presented with the opportunity to further indoctrinate our children into dependence upon Windows products and services—in the name of justice. In my opinion this is akin to letting Colombian drug cartels settle guilty verdicts by providing free cocaine to U.S. junkies. Microsoft should not be allowed to profit from a guilty verdict.

May I suggest that any settlement that involves such a donation should stipulate that all of the hardware, software and support be entirely comprised of non-Microsoft products and/or services. To put it more plainly, if Microsoft wants to settle by donating computers, they need to donate only Apple Macintosh, Linux or other high quality non-Windows systems and all of the support should be provided by firms unaffiliated with Microsoft.

Richard Mason
WAN Manager
VISN16 Network Operations Center
South Central Veterans Healthcare Network
Richard Mason
WAN Manager
VISN16 Network Operations Center
South Central Veterans Healthcare Network

MTC–00002379

From: Eric Slosser
To: Microsoft ATR
Date: 11/28/01 6:38pm
Subject: objection to Microsoft settlement

Dear Sir:

I'm a software professional with over 20 years experience in the desktop market.

I'm writing to object to the proposed settlement in which MS would be allowed to distribute their software to schools as a penalty for their monopolistic practices. This is a cheap ''do it for the kids'' tactic that will only benefit Microsoft. The fact that Microsoft likes the settlement should be reason enough to understand that it's not in the public's best interest.

Sincerely,
Eric Slosser
eric@slosser.net 617 244–9694
CC:microsoftcomments@doj.ca.gov@inetgw,attorney.gener...

MTC–00002380

From: Jonas Roel
To: Microsoft ATR,microsoftcomments@doj.ca.gov@inetgw,...
Date: 11/28/01 6:07pm
Subject: Reject the Microsoft settlement...

Please reject the Microsoft Settlement. The Microsoft corporation is a monopoly and is in violation of the law. In fact, its monpolistic activity will hinder America's capacity to develop better technologies in the future.

Sincerely,
Jonas Roel
Tampa, FL

MTC–00002381

From: Dan Brown
To: Microsoft ATR
Date: 11/28/01 6:06pm
Subject: MS Settlement grossly unfair to Apple

Steve Jobs is right!

The education market is one place where Apple has a good presence, and Bill Gates ''donating'' $1–2 Billion of rejuvenated PC's and Windows XP to schools is really cutting Apples' support. If Gates offer is so good why doesn't he donate 50% of it in rejuvenated Macintosh's , or at least the percentage of Apple Mac's in the school system, rather than all PC's—which toots his own horn at Apples' expense.

I certainly believe that this DOJ allowance is not ethical and needs to be redone right by MS giving MONEY alone and none of Microsoft products.

I really believe that the DOJ caved into MS! or there is a mole in the DOJ which likes MS!

That stinks!
Regards,
Dan Brown
806 Hampshire Dr.
Grand Prairie, TX 75050

MTC–00002383

From: Bob Nies
To: Microsoft ATR
Date: 11/28/01 7:05pm
Subject: Microsoft settlement offer

Needless to say this is a giant canard. Microsoft is a convicted monopolist. Microsoft has done more to inhibit competition in the last 10 years of any company in the world. The deal is a sweetheart gift to the attorneys (they get the cash), Microsoft gets to buy the rotting pile of unsold PC's that are stacking up at Compaq, HP and Dell, on the cheap, thus bailing out its main distributors. Oh yes, they will buy of few Macs (all obsolete with the new OS X now out) and give away software that costs little more than the cost of the CD's they are burned on. Wake up, that deal won't fly and is detrimental to the competition that

has suffered the most from Microsoft's dirty play. Without Apple innovation where would the computer industy get its ideas to produce itself out of the current slump. By everyone's score (even Bill Gates), innovation is the future of the computer industry and competition is the driving force to making it happen. Any settlement that harms Apple is grounds for another lawsuit.

Microsoft has the cash (32+ billion). Come up with a 25% on the dollar cash settlement of the properly calculated damages, and let these poor schools spend the money, i.e. pay cash for whatever computer and software that they deem best for their students. This is the proper way to help all players in the industry (man would there ever be some fantastic deals given to move inventory) and clear the decks for the next generation of hardware and software. Let the marketplace determine what's best for the students!

Bob Nies
Sarasota, FL
941–925–8897

MTC–00002384

From: bigsixty@mac.com@inetgw
To: Microsoft ATR,microsoftcomments@doj.ca.gov@inetgw,...
Date: 11/28/01 8:46pm
Subject: Thank you for your continued pursuit of Microsoft

Greetings.

My name is Tyler Lagrange of Sarasota, FL. I will try not to ramble on for too long and I beg of you to read all I have to say as it pertains to what I believe to be the most significant antitrust lawsuit I will see in my lifetime.

Thank you very much for not accepting the lenient settlement that has been proposed in the Microsoft case. I have been following the case from the beginning and have read many articles that have followed your progress. My favorite was an article in Wired magazine about a year ago that really went in to a lot of detail that even I did not know. At that point I really felt the case was going in the right direction, but that feeling has understandably changed in the recent weeks. I don't feel you need me to point out reasons why Microsoft has committed illegal monopolistic activities, however, I want to point out the ones that really hurt me as both a consumer and an internet software developer. I am a 26 year old programmer with a 4 year Computer Science degree and I've been a computer user since my first grade year at Hunt Elementary in South Florida (20 years ago).

As a consumer, my choices are severely limited by what Microsoft has done. I was really upset by what Microsoft did with the web browser wars as I preferred Netscape (along with 80% of the internet users back then). I can not really understand how they could get away with simply copying somebody else's ideas and designs, and to then force it down everybody's throats. They claim that it is best for me as a consumer and they offer it up to me for free as if that is generous. They only gave it to me for free because there was competition. What I would really want for free is Microsoft Office. Why isn't that a part of the OS? Microsoft Office is the de facto standard for sending formatted papers and office/business documents to and from people. A majority of the people out there have it and use it for daily use—probably even more than Internet Explorer. The reason that Microsoft will never offer that to us free is not just because it costs them more to develop (that is untrue as they have already recouped their costs), but because they face no serious competition in that realm. If you ask 100 consumers if they would rather have Office or IE bundled with their OS, you know what they would say. Microsoft is not doing what the consumers want, but is illegally protecting their desktop monopoly and extending it in to any other area that they can get in to. I do not want Internet Explorer. I do not want Windows Media Player. I do not want the other stuff they seem to think I do.

As an internet software developer I have also had many problems with what Microsoft has done. My biggest problem is really undocumented and unknown by most people who do not develop internet software. By having such a huge user base, they have made it virtually impossible (undesirable really) to write software that does not support Internet Explorer. They may claim that their browser supports more ''standards'' but in fact they support whatever they feel they want to. One of the most severe things they have done is to have a more lenient parser (the system that reads the HTML and displays it) that will not enforce strict HTML. This allows coders to be lazy and to not adhere to the HTML standards. Once they get used to that (and for the most part they just debug their sites in IE and don't look at any other browsers), they will most likely NOT adhere to standards and as a result the web sites will only act appropriately in Internet Explorer (I have worked in 3 startups and they all have focused solely on Internet Explorer as the default platform). As consumers see these things acting correctly only in IE, they feel that IE is the only one that works. Now it may look like they are being nice and ''guessing'' what us web programmers mean to do, but by not enforcing the standards, we will never be able to progress beyond the inadequate capabilities we have today. I don't know for sure, but I bet at least 80% of the web sites out there would break if standards were enforced. I honestly feel that this is deliberately done to prevent other web browsers from gaining a significant share of the marketplace again (unless they are programmed to display improper HTML to maintain compatibility). This also prevents serious progress because they have to maintain this broken compatibility to display those 80% that were not written well in the first place. Web developers must write software to work well in IE or they will have problems with their customers. This just extends their monopoly.

Beyond that, it is hard for me to feel that with an idea I can be successful in the free marketplace. That is a horrible lesson the courts are trying to teach me. Even with the best ideas in my head, as soon as Microsoft has me in their sites, they could embrace it, extend it, build it in to their next OS, and push me aside. I will never be able to charge money for my software, as Microsoft can always afford to give it away free and to throw more R&D money at it to ''make it better'' than me. So in order to beat them, I will probably need some capital behind me. But investors, after seeing what Microsoft is allowed to get away with, will be less likely to dump money in to my company with the risk that Microsoft will overtake us and we will lose all that we have. They have too much power and too much freedom and will continue to pursue these initiatives even harder if they are allowed to get out of it this time.

I am disgusted by the bundling that they were allowed to get away with with XP even after it was determined that Internet Explorer pushed and entire company essentially out of the market. They will now push remote administration systems, media players, digital camera software vendors, cd burning software vendors, and many others out of business. This does not help the economy. This is also not about progressing in to a ''modern operating system''. This is about extending a monopoly. It may seem extreme to a lot of people to break up a company, but it has been done successfully before, and it may need to be done again. I feel that Microsoft makes some good applications, and has some good operating systems. However, if their operating systems division was separate from their applications divisions, it would prevent this overlapping we see of OS services and Application services. It would also allow for more choices and more opportunities for other vendors to produce top quality software that WILL benefit consumers, and WILL boost the economy, and WILL save the future of computing.

I feel so powerless when I sit at home and read about all the bad things Microsoft has done. I watch the arrogance they display when they claim that they know more than you or I do about how the future of computing should be regulated. I beg you to not fall like the others have before you. I urge you to do your best to represent me in this monumental case. I thank you for all that you have done, and will continue to do.

If you made it this far thank you very much, Tyler LaGrange 4902 Ithaca Ln Sarasota, FL 34243
CC:bigsixty@aol.com@inetgw

MTC–00002385

From: JWHAKALA@aol.com@inetgw
To: Microsoft ATR
Date: 11/28/01 7:36pm
Subject: Marketing Strategy: Donate Software

I believe that the actual present cost and the present value of future sales due to donated software should be considered in the final settlement. It's entirely possible in the long run, that this settlement costs Microsoft nothing. I certainly hope that the Financial Accounting Standards Board, FASB, weighs in on this issue. I think that an all-cash settlement would more equitable.

Jack W Hakala, Bellevue, WA

MTC–00002386

From: Scott
To: Microsoft ATR
Date: 11/28/01 8:46pm
Subject: Damages, remedy.

I would like to see a provision that limits the extent to which retail licence fees can

exceed posted OEM licence fees. Also, an admission of guilt on the part of Microsoft would go a long way in validating any settlement in the public's eyes, and provide a firm basis for action enforcing the agreement, should Microsoft stray from it.

That aside:

The public has been damaged by Microsoft's abuse of it's market share, and those damages far exceed four dollars per US citizen. Much more careful consideration must be made on the part of the state to assess the extent of the damages created by Microsoft's monopolistic practices, and seek a judgement more pursuant to that amount.

Futhermore, no anti-trust settlement should extend the power of the defendant. Microsoft derives power from its mind share, the percentage of the population that is familiar with its products. Microsoft already has programs to give away software to students for the sake of extending their mind share. Any settlement should seek to undermine the defendant's monopolistic power, not reinforce it by some of the very means by which the defendant acquired said power. For this reason, a settlement along the lines of Red Hat Software's proposal is much more fitting. (Linked to below.) A remedy needs to be reached that introduces and strengthens competition rather than effectively baring it from public schools!

Microsoft would undoubtedly claim that their software is more fitting to the needs of inner city schools than Red Hat's. I disagree. Linux has progressed to the point where, for basic desktop needs, tools have been developed that suffice for internet and office applications. Furthermore, these tools are priced such that these tools are more affordable: they're free, so poor students having the same software at home as at school is more realistic. Also, for non-basic desktop needs such as software development, most Linux distributions, including Red Hat come with full featured compilers and text editors for multiple languages whereas Microsoft's equivalent products are very costly. So Microsoft paid hardware running Red Hat software would allow for more schools to benefit, while simultaneously increase the benefit those schools could derive from each of the systems.

For all of these reasons, it is my opinion that the most ideal solution possible based on the currently proposed one would include:

1—Free, community owned software on machines going to the benefit of the community and are paid for by Microsoft.

2—Many more machines paid for by Microsoft than are provided for by the current proposal.

Finally, even if my above advice goes unheeded, the settlement should seek to reclaim for the public good compensation for the damage incurred, not temporary rights for the public to utilize the fruits of the transgression. If the state seeks rights to Microsoft's software, it should be in a form that does not become obsolete.

For reference, Red Hat's press release including their proposal is linked to below: http://www.redhat.com/about/presscenter/2001/press__usschools.html

Sincerely, Scott O'Neil

Student, Programmer, Inventor

MTC–00002387

From: Mccabe, Matt X
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/28/01 10:27pm
Subject: Please Do Not Settle

Please do not settle this case with Microsoft.

They've been thoroughly exploiting their illegal monopoly for a decade now and have all the booty to show for it—BILLIONS of ill-gotten dollars in the bank.

All the works are in place for them to continue fully exploiting their monoply.

Given the judgement against them and the outcome of the consent decree from 1995, how can WE THE PEOPLE give up in the punishment phase of the trial? Microsoft Corp. has broken one of the biggest laws a corporation can break. Please press for one of the largest punishments in order to fit the crime.

Thanks!

MTC–00002388

From: Lawrence Pasciutti
To: Microsoft ATR
Date: 11/28/01 9:17pm
Subject: proposed settlement for microsoft class action

Speaking as an Apple Macintosh owner and investor , let me say that the proposed settlement in both the class action suits in which Microsoft proposes to settle their case by not so subtly dangling a fat meatball in front of a starved school system and the federal antitrust suit, both appear to result in rewarding the perpetrator instead of punishing them and will result in continuing illegal, monopolistic behavior. I personally object to both and hope the respective judges will show truly judicious judgment. LR

Pasciutti

MTC–00002389

From: CyberMonk6@aol.com@inetgw
To: Microsoft ATR
Date: 11/28/01 9:20pm
Subject: Concerned User

Concerned Apple user here, just letting you know that Microsoft's recent settlement proposal is absolutely ridiculous. They wish to give refurbished systems to schools in need, and that's fine and dandy. The fact is, their software will be running on those computers, and the end result will be an even more monopolistic Microsoft. It's easy to see through this attempt at nullifying their own punishment, and I hope you'll see this as well. P.S. A more understandable punishment would be forcing Microsoft to buy computers for schools in need that would support something other than their own Windows (Apple Macintosh is the obvious choice).

Josh Hattersley

MTC–00002390

From: Kevin Hubbard
To: Microsoft ATR
Date: 11/29/01 2:26am
Subject: Microsoft Settlement

I'm disappointed. Yes I live in Washington State, yes many of my friends and fellow co-workers work for Microsoft. For their sake, Washington State sake, and USA economy sake, I should be happy that Bill and Co only got a mild rist slapping, but I'm not.

Microsoft's business practices are monopolostic, which is surely wrong from a good vs. evil perspective as they put little companies out of business.

What really makes me angry about Microsoft and this ruling is that their monopolistic business practices stifles innovation in the technical arena which I am dependent on for a living. Microsoft is on the verge of taking over access to the web after shutting Netscape nearly out of business. Internet Explorer has been forced onto 90% of the PCs in the land. Now the web-site norm is to support InternetExplorer as a requirement. We're starting to see many web-sites no longer work properly with the underdogs (Netscape, Mozilla, etc.). Just like MS-Word before it, nobody loses their job making their web-site talk to InternetExplorer and not Konqueror or Mozilla or some other browser. InternetExplorer is not available for open-source OS's such as Linux. Its not even available for Sun Solaris. Thats a problem. Why is Microsoft giving away InternetExplorer for MS-Windows users but not providing InternetExplorer for alternate OS's, either in compiled binary or source code? Simple. This emerging strangle-hold on web-browsing is positioning alternate OS's out of business. Thats bad.

Regards,

Kevin Hubbard

Senior Electronic Design Engineer.

Issaquah, Washington.

MTC–00002391

From: Alan Wardroper
To: Microsoft ATR
Date: 11/29/01 1:47am
Subject: MS case

Very disappointed in the clear message ehre to big business—do what you like, as long as you're rich and powerful. MS has been demonstrated to have broken the law, has been called to task for it, then rewarded by the courts with a blank slate for furthering their monopoly with a token gesture to donate PCs and SW to schools. The cost in SW to the company is not the reported $1Billion, but actual cost is $0. Not only that, they get to elbow their way into education, knowing that ina year or so the schools will have to upgrade.

Not good. Please reconsider.

If someone breaks the law, they should be held accountable.

MTC–00002392

From: Vladimir Mikle
To: Microsoft ATR
Date: 11/28/01 11:56pm
Subject: Microsoft

So, the justice department is going to penalize Microsoft by making them give donations and free computers to needy schools?

Lets penalize Microsoft by having them spread their influence even more throughout the world. Lets show the young students of America how ''wonderful'' Microsoft is by giving them free software and computers. Then when those students become wage-earners, they'll ''penalize'' Microsoft some more, by buying more of their software, since Microsoft software is most likely the only operating system (Windows), business

package (Office), and web browser and email software (Internet Explorer & Outlook Express) that those students will become familiar with.

Isn't this what putting Microsoft on trial was supposed to avoid? Yes, there are many schools that need financial assistance, and it would be great if you could kill 2 birds with one stone, but if you REALLY want to penalize Micro$oft, force them to subsidize those schools with Apple computers ONLY, or even PC's loaded with the Linux operating system. Both of these alternatives would provide students with a more problem-free computing experience.

Oh, and if you still want to ''penalize'' Microsoft, those students could get Apple computers bought by Microsoft loaded with a program called Virtual PC, that allows Apple Macintosh computers to run Windows software. Funny how Windows-based PC's can't run Macintosh software, isn't it?

Vladimir ''MacFanatic'' Mikle
vmikle__1966@telocity.com

MTC–00002393

From: Alan Eshelman
To: Microsoft ATR
Date: 11/28/01 11:34pm
Subject: Microsoft and DOJ

When is the wedding? Come on, grow some balls and treat Microsoft like the unapologetic contemptuous bunch of greedy law breakers they are. Jesus Christ, is every part of the US Government happily sucking at Micro$oft's teat or what? How in God's name could Microsoft be allowed to pick their own damn ''punishment''? I'd laugh if the reality of the whole thing weren't killing the software company I work for, thanks for looking out for the filthy fucking rich at the expense of all others.

Alan Eshelman

MTC–00002394

From: Brent
To: Microsoft ATR
Date: 11/29/01 4:08am
Subject: 20 Year Mac User—Objection

Hello,

I wanted to voice my opinion:

As a 20 year Mac user and a Apple investor I want you to know that I object that the settlement. Apple only has approximately 49% of school computer platforms and only 4% of total operating systems. If you were to allow Microsoft to ''donate'' as much as you are stating you will foster a new generation of computer users who will only use or become familiar with Microsoft's OS thus the monoply continues. Please scale back your donation or ensure that Apple Computer is better represented in this settlement.

I would also like to add the following quote: ''There are two principal issues: the proposed penalty for Microsoft's violations is entirely prospective and the predictability of the penalty to effect a sufficient diminishment of Microsoft's anticompetitive behavior is completely inadequate, including being overly complex and to vague, especially in light of published comments by Microsoft CEO Steve Balmer after Microsoft's conviction that he does not even know what a monopoly is.''

owiRegards

Brent Hohlweg

MTC–00002395

From: ROGER HAGER
To: Microsoft ATR
Date: 11/29/01 4:48am
Subject: Just go by the laws on the books!

Just go by the laws on the books!

MTC–00002396

From: MZK225@aol.com@inetgw
To: Microsoft ATR
Date: 11/29/01 5:54am
Subject: Insane!

This settlement proposal is insane! I am amazed that this offer was even considered. Why would the DOJ reward Microsoft with more marketshare when they are on trial for unfairly using their monopoly to obtain the share they have now? Microsoft should be punished because they broke the law! This proposal wouldn't be punishment for them.

MTC–00002397

From: R S Chan
To: Microsoft ATR
Date: 11/29/01 7:45am
Subject: Microsoft settlement

The only way to protect us the consumer from Microsoft's monopoly is to break up the company into 3 separate enitity, Operating System, Internet business and other software. That is the only way that we the consumer will have a fair deal. Right now we have to buy an upgrade every year on the Operating System from Microsoft. The upgrade is mostly just patches to correct glitches that they discover during the year. So, in reality, we are being forced to pay for Microsoft's mistakes make in their software over and over again. As it is now we the consumer just have no chance to try other operating system.

R S Chan
Edmonds, VA

MTC–00002398

From: Stephen Goertzen
To: Microsoft ATR
Date: 11/29/01 7:27am
Subject: Microsoft Antitrust

The settlement with Microsoft is a travesty of justice. We have laws in the United States against most monopolies for a reason. Some of them have to do with freedom of choice. When Microsoft tells manufacturers that you can't put anything else on your computers if you want to have Windows on them, that removes freedom of choice from the manufacturers, and we have another word for that, extortion. Secondly, Microsoft openly states that Windows is an operating system. By definition, an operating system translates commands from programs for the computer, handling all the interfaces with the computer internals. If this is so, then Microsoft must publish all the methods to allow third parties to access these translations, otherwise it is not an operating system, but a vertical monopoly on a computer. Additionally, the idea of adding programs to an operating system is absurd, because this violates the definition of an operating system, once again using monopolistic advantage to restrict choice.

I'm sure you've read the Halloween memos by Microsoft concerning Linux.

This is the mentality of Microsoft. Destroy a competitor by not allowing them to be placed on computers. eg. If Compaq wants Windows on their computers, then they can't have Linux on other computers they sell. Microsoft has apologized for the problems they have caused (to a limited extent). Seems to me if a bank robber apologized for robbing a bank, we would want more than an apology and a promise not to rob banks in the future (take a look at XP, which will not allow certain third party software to be loaded!)

Please do the right thing, and pursue the Microsoft case as it should. Microsoft does put out a decent product, though it does have its flaws, but it must play by the rules in place, the same rules that everyone else must follow.

Stephen Goertzen

MTC–00002399

From: Warren E. Gimple
To: Microsoft ATR
Date: 11/29/01 7:16am
Subject: Let's move on !!
11/29/01

Dear Sirs:

A tentative agreement has been reached in the Microsoft Case. After all these years and expenses. We should now accept the agreed upon settlement and move on. There are so many more important things that need to be done in our country, and you guys should spend time on more important issues. Stop beating a dead horse to death again.

Get some IMPORTANT legislation passed and do the work that you were elected for. Stop wasting time on these types of issues!!!!!

Warren E. Gimple
2600 Barracks Rd. C-13
Charlottesville Va. 22901–2198
email: gigtaxi@cstone.net
ph: 434–295–1890

MTC–00002400

From: Donald E. Knox
To: Microsoft ATR
Date: 11/29/01 8:48am
Subject: Microsoft Antitrust Case

I think the government should take a look at the AOL, Apple, and Netscape practices before they make a final ruling in the anti-trust case against Microsoft.

AOL, Netscape and Time Warner have teamed up to dry the government into their corner. Microsoft may have integrated the IE browser in to the operating system, but why is that bad? People still have the choice of browser, they can use the Netscape browser if they wish. I recently bought a new computer and it had Netscape installed. Over the years I have purchased many computers for my company and most of the laptop systems came with Netscape installed.

Microsoft has ''On Lines Services'' in the ''Add Remove Programs'' for anyone to install an On Line service of their choice, yes AOL is there—so is Prodigy, CompuServe (AOL), and a few others that not quite as popular.

Microsoft has as much right to define their operating system as does Apple. Microsoft has been in the business of making computing more fun and easier. I think to a great extent that has been accomplished, just look at the number of people that have

computers today. Apple computers had a big edge in the 80's but software companies didn't right business functional programs for the Apple computer systems.

The primary reason Microsoft was able to gain so much popularity was Novell's purchase and dismantling of Word Perfect and Group Wise. Had Novell been able to maintain the market share, 80%+, then Microsoft would not have been able to move into the application as strong as it did. Novell stripped the messaging software and Unix knowledge from the Word Perfect company before it sold the rest to Corel. In my view Microsoft has done more for the software industry than most any other company I can think of. The products are not always ''best of bread'' but they sure do a pretty decent job of making work easier.

Don Knox, MCSE
don.knox@linderco.com
813–359–5253

MTC–00002401

From: alevin@mmm.com@inetgw
To: Microsoft ATR
Date: 11/29/01 8:43am
Subject: Settlement

As an IT professional, I would recommend that Judge Colleen Kollar-Kotelly NOT accept the settlement between Microsoft and the DOJ for the following reasons:

As the courts ruled, Microsoft IS a monopoly. The agreement does nothing to stop this. The DOJ won the case, but then gave up.

There is no financial penalty.

The way Microsoft's lawyers are able to twist things around, anything in the agreement would not hold up due to interpretation and would end up back in court for years to come.

Microsoft can still bundle what ever they want into the operating system even though it has nothing to do with the basic operation of the computer.

Thank you,
Arlen Levin

MTC–00002402

From: Rick Rodman
To: Microsoft ATR
Date: 11/29/01 8:40am
Subject: Your settlement is horrible.

After all the things Microsoft has done—lied to the court, fabricated evidence, violated their original consent decree—THIS is the kind of settlement you come up with?

Microsoft has put thousands of people out of work, increased prices to consumers, cost the federal government billions of dollars, and held back the improvement of technology. The DOJ has proved its case (see the findings of fact).

Something must be done to remedy the situation for the American consumer and the Federal Government.

Your proposed settlement does nothing for either of these aggrieved parties.

It's completely wrong, and an embarrassment. Come up with something better.

Otherwise the American people will have to do something on their own—and you won't like it.

MTC–00002403

From: Bruce Bardes
To: Microsoft ATR
Date: 11/29/01 8:39am
Subject: Microsoft Settlement

Hello Folks—

You have a tough problem.

Microsoft's business practices are clearly monopolistic and predatory. I think that Judge Jackson used those words. Let me throw in arrogant and contemptuous of the public. The products they foist off on the public are shoddy. Clearly, those folks deserve some kind of punishment. But what?

I'm not sure what breaking up Microsoft will accomplish, but what other choice is there? Maybe requiring open code for their products? I say ''Do it!'' All of it.

Bruce Bardes
Cincinnati

MTC–00002404

From: Jason Boyd
To: Microsoft ATR
Date: 11/29/01 9:41am
Subject: RedHat, Microsoft, and Open Source in our schools

I am sure you've received a fair amount of mail on this subject, so I'll cut to my brief opinion:

RedHat's proposal, if enacted, would be very good for our schools, very good for the Open Source movement and subsequently good for all industries which rely on computing. It would be bad for Microsoft. Very bad. And Microsoft knows this very well.

If this is *not* already the view of the Department of Justice, than my opinion is that the DoJ should fully explore the implications of RedHat's proposal and seriously listen to the Open Source and broader computing communities. If the DoJ already sees the positive outcome of supporting some variant of RedHat's proposal, then you should do so. Punish Microsoft in a *real* way that doesn't actually *help* them monopolize computing further, and doesn't push a bloated commercial monopoly into the infrastructure of our public education system.

Respectfully,
Jason Boyd
Software Developer
Boston University
Boston, Massachusetts

MTC–00002405

From: Ira J. Minor
To: Microsoft ATR
Date: 11/29/01 8:56am
Subject: Microsoft settlement

The most significant settlement idea has never been mentioned. It would be to require PC manufacturers to offer PC's with NO pre-installed software. PC buyers would then buy their software of choice on CD's.

This would give all software developers a level playing field. In short, STOP PC MANUFACTURERS FROM BUNDLING SOFTWARE WITH THEIR HARDWARE!

Ira Minor, iminor@bellsouth.net

MTC–00002406

From: Clay Leeds
To: Microsoft ATR
Date: 11/29/01 11:09am
Subject: Proposed Microsoft Settlement Inadequate

To whom it may concern:

I am shocked at the Department of Justice's plan to settle the Microsoft Anti-Trust case. It appears to be more of a reward to Microsoft, than a punishment. In particular, the proposed penalty for Microsoft's violations is entirely prospective and the predictability of the penalty to effect a sufficient diminishment of Microsoft's anticompetitive behavior is completely inadequate, including being overly complex and to vague, especially in light of published comments by Microsoft CEO Steve Balmer after Microsoft's conviction that he does not even know what a monopoly is. I formally request that you reject the proposal, in favor of a real, tangible punishment, complete with punitive and civil damages.

Clay Leeds
Web Developer/Programmer
cleeds@medata.com

MTC–00002407

From: JOHN D GILBERT
To: Microsoft ATR
Date: 11/29/01 11:09am
Subject: Microsoft Settlement

From a public user's perspective it doesn't appear that Microsoft has been given any significant penalty.

They still released their new operating system XP on schedule with many new features that link all of us users more tightly to their solutions. I know they say that their approach has produced a better product for all of us, but without more competition, they will continue to tie us tighter to their desired approach.

In the long run that will not produce better solutions. We need a more significant penalty that would promote more open competition in the OS, Browser and E-mail area. There is really only one solution, the Microsoft solution, available on new systems. That is the case even after the so called slap on the hand.

I use their solutions for most of my work, but mostly because they came with the new system I recently purchased from Dell. The hardware world is very competitive, but these three areas are sewed up by Microsoft.

John Gilbert
2313 Stonehenge Dr.
Edmond, OK 73034–6477

MTC–00002408

From: Chris Katscher
To: Microsoft ATR
Date: 11/29/01 10:19am
Subject: Proposed Microsoft settlement: Flies in the face of the monopoly trial!

It is amazing to me that a settlement for the class-action lawsuit, proposed by Microsoft, refereed to here:

Microsoft near settling private suits http://www.msnbc.com/news/660382.asp?cp1=1 and here:

Microsoft Confirms $1B Settlement http://www.wired.com/news/antitrust/0,1551,48543,00.html is even being considered by the justice department. This is like if Standard Oil proposed to give away its gasoline and used cars to people who didn't

have cars yet. Or if Bell telephone proposed to give away free telephone service and used phones to people who didn't have phones yet. Does this not fly in the face of the ongoing DOJ vs. Microsoft case and the various acts on monopoly law: The Sherman Act, 15 U.S.C. 1 (1973), and the Clayton Act, 15 U.S.C. 13 (1973)? Competitors are naturally outraged by this proposal, here:

Apple Rips Microsoft Settlement http://www.wired.com/news/antitrust/0,1551,48660,00.html and have proposed alternate settlements here: Red Hat Proposes to Enhance Microsoft Settlement Offer By Providing Open Source Software to All U.S. School Districts http://www.redhat.com/about/presscenter/2001/press_usschools.html I urge U.S. District Judge J. Frederick Motz to reject this proposed Microsoft crafted settlement, and urge both parties to come up with a settlement that doesn't let Microsoft dictate where the settlement money will go.

Thank you for your time.

Chris Katscher

MTC–00002409

From: John Laurenson
To: Microsoft ATR
Date: 11/29/01 10:11am
Subject: MicroSoft Settlement Proposal

Gentlemen,

By now you have heard from thousands of unhappy avid Mac users. Mac is the only real competing operating system to MicroSoft. I'm afraid old Bill Gates has out maneuvered you again on this one. It is just like '' bare rabbit pleading with bare fox not to be thrown into the briar patchò. You are doing far more damage than good with a settlement proposal that simply gives Bill Gates a way of further monopolizing the market and squeezing out any competition.

John G. Laurenson, Jr.
3223 Harbor Drive
St. Augustine, Florida 32084

MTC–00002410

From: Les
To: Microsoft ATR
Date: 11/29/01 12:00pm
Subject: Comment on proposed settlement

Dear Sir or Madam:

I find it incredulous that the Justice Department is proposing to facilitate Microsoft in extending their Windows-based monopoly. I'm referring to Microsoft's offer to donate one billion dollars' worth of PC's and Microsoft software to public schools.

As for the software component of the donation, Microsoft's cost would be a miniscule fraction of the announced dollar amount. This is because once the fixed cost of developing the software is paid, the incremental cost of burning an additional CD-rom is merely pennies. The Microsofties in Redmond must be rolling on the floor in laughter at being able to get away with this ''smoke and mirrors'' agreement.

If the Justice Department is truly interested in punishing Microsoft for its monopolistic behavior and discouraging the company from such behavior in the future, it should require them to purchase one billion dollars' worth of Apple computers and non-Microsoft software for public schools. Anything less is a sham and goes squarely against the Department's intent when the suit was initially brought against Microsoft.

I respectfully request that this aspect of the proposed settlement be withdrawn by the Justice Department. If the Department cares at all about fashioning a just solution to the problem that it initially sought to correct, it will replace this remedy with one that addresses the issue of Microsoft's monopolistic behavior rather being an accomplice in perpetuating it.

Yours truly,
Les Fuchs
3035 River North Pkwy.
Atlanta, GA 30328

MTC–00002411

From: Kelly
To: Microsoft ATR
Date: 11/29/01 12:00pm
Subject: Proposed MS settlement

Just a quick note to express how I feel about the proposed settlement in the ''consumer'' Microsoft case. I read where one PC pundant described the proposal as a big Rorschach test. Everybody sees what they want to see in it. I think that it's actually a big IQ test, and Microsoft is hoping we really are THAT STUPID.

The proposed settlement is too small and misdirected away from the class of people that actually were injured by Microsoft's illegal misuse of it's monopoly position. As much as I think we need to increase education funding for technology, schools were never significantly injured by Microsoft's pricing shenanigans since they largely resisted Microsoft's incursion. Why allow a ''punishment'' that doesn't address the actual injured class without the company that broke the law having to even admit guilt. And further, this settlement would hurt the companies that obeyed the law and played by the rules by allowing MS to extent it's monopoly into an area it surely wouldn't gain on it's merits.

So please take this into account when you render your judgment.

Thank you,
Kelly R Graffis

MTC–00002412

From: lunarius@pop.centurytel.net@inetgw
To: Microsoft ATR
Date: 11/29/01 11:52am
Subject: redhat's proposed solution is excellent <resend apology: correct email address for contacting the US DOJ about this matter is: microsoft.atr@usdoj.gov>

It is completely inappropriate at this juncture to ''remedy'' MicroSoft's monopoly by subjecting mass populations of children to their software, thereby completely counteracting any supposed ''remedy''. This farcical ''remedy'' is akin to tobacco companies offering free low-tar cigarettes to juveniles as an ''apology'' to lung cancer victims. RedHat's (http://www.redhat.com) proposed solution of exchanging MicroSoft software for significantly less expensive open-source software and leveraging the cost savings to provide substantially higher quantities of computers to less privileged school districts is a noble one. I will be severely disappointed by the leadership of our U.S. Justice System if this course of action is not pursued.

thank you for your time,
—gabriel

CC: guardianlion @ yahoo.com@ inetgw, dunningj @ athenet.net...

MTC–00002413

From: Bob Eliason
To: Microsoft ATR
Date: 11/29/01 11:42am
Subject: Settlement Comments

The settlement is weak and ineffective. Microsoft still does not admit to wrong-doing and realizes that they will not be punished, only distracted.

This settlement will allow them to punish equipment manufactures at whim, give away software such as their browser putting other browser companies out of business, and dominate core technologies such as JAVA or ignore them out of existence.

We, as consumers, are losing and will find no remedy in this settlement.

Break up the company.

Bob Eliason
eliason@cville.net
2685 Milton Hills Drive
Charlottesville, VA 22902

MTC–00002414

From: john stephen naulty
To: Microsoft ATR
Date: 11/29/01 12:39pm
Subject: Re: Macs Only! News, Commentary, Reviews & Troubleshooting

I strongly object to the proposed settlement of the microsoft monopoly case-microsoft's offer to supply computers (undoubtedly using microsoft OS and software exclusively) and Microsoft software to needy schools merely serves to reward and advance their monopolistic tactics—surely you are aware that 'giving' away software that is already developed essentially costs microsoft nothing except the cost of the cd media . . . and serves only to further entrench microsoft hardware and software in an arena (perhaps the only arena) in which microsoft does not control and supply all the software already.

J. Stephen Naulty MD
Director, Yale Center for Pain Management
Department of Anesthesiology
Yale University School of Medicine
333 Cedar Street
New Haven CT 06510

MTC–00002415

From: SkylnPrntg@aol.com@inetgw
To: Microsoft ATR
Date: 11/29/01 12:26pm
Subject: Microsoft settlement

I cannot fathom how this idea can be entertained. The thought of ''punishing'' Microsoft for terrorizing the computer industry with monopolistic tactics by ''forcing'' them into aquiring new market share is absurd. Please reject this blatant attempt by Microsoft to turn their ''punishment'' into profits.

Russell Weitz

MTC–00002416

From: Tony Palumbo
To: Microsoft ATR
Date: 11/29/01 12:53pm
Subject: Proposed Settlement

To whom it may concern

I refer you to this article about the Microsofts proposed private settlement.

Whatever you think about Microsoft, you have to give them credit. I mean, who else could turn a billion-dollar ''gift to education'' into an anti-competitive business practice?

That's what Apple says Microsoft is doing—using its ''generosity'' to horn in on Apple's education business—and they're right.

Look at it from a distance, and the deal looks pretty good. A raft of people are suing Microsoft on various antitrust grounds. The cases have all been glommed together, and a single settlement proposal is before a federal judge in Baltimore. The judge has to decide whether it's a good deal.

THE PLAINTIFFS' LAWYERS have done a good job of finding a settlement that seems to work for everyone. In an unusual move, they have even agreed to allow the judge to decide what their fees should be. They've managed to do something the Justice Department wasn't able to in its proposed settlement: essentially, fine Microsoft a billion dollars (which is real money, even to Microsoft) for its past transgressions.

And they have tried to do it in a socially redeeming way, by having the money go to poor schools.

Now I am sure the people on both sides of the table who crafted the agreement—and see it as a big win for education—must be feeling right now that no good deed goes unpunished. But their good deed must be modified. APPLE HAS FOUGHT in the education-market trenches for many years. The company has had its ups and downs, but recently has seen some improvement. It would be terribly unfair for a court to order Microsoft to drop a cool billion into the education space. Even if it isn't money that would have been spent anyway, it would greatly enhance Microsoft's presence in education. Children who might otherwise see a Mac might now see a Windows machine.

Teachers, who've forgotten that this is a legal settlement and not a gift from the goodness of Redmond's heart, might recommend Windows machines to parents. In fact, after about a year, everyone would forget Microsoft wasn't doing this entirely voluntarily, and the company would reap a PR bonanza. That is way too close to allowing Microsoft to profit from its crimes for my taste, especially when it also has the effect of challenging Apple in one of the Macintosh's few major market segments. If Microsoft wants to do this on their own, we can't (and shouldn't) stop them, but it's just too much to consider the further nuking of Microsoft competitors as a socially redeeming activity.

I HATE TO SAY THIS—as I am also sensitive to the good an extra billion (over five years) could do for bringing technology into schools—but the money simply can't be spent that way. If we want to be fair to Apple while still having Microsoft pay penance, the money needs to go to some other public or charitable purpose.

In fact, education is about the only place it shouldn't go. Let Microsoft donate the hardware and software needed to support the fight against terrorism here at home. Most police departments and emergency service agencies need the technology almost as much as schools—actually more so, in some cases—and that, at least, wouldn't be money taken out of Apple's pockets. Rather, Microsoft would be giving money to agencies that have probably already standardized on Windows, but just can't afford to buy very often.

I got an e-mail from a reader who has an alternative solution: let the money be used by education, but only to purchase Apple or Linux software and systems. That strikes me as perverse, but in some ways fitting. More reasonably, the money might be required to be spent in a manner that reflects current market share—so Apple gets the share it presumably would have gotten if Microsoft hadn't been the source of the cash. Like I said, you've got to give Microsoft credit—they certainly play all the angles. It's just a part of the company's corporate soul—sometimes for better and, sometimes, for worse.

MTC–00002417

From: lunarius@pop.centurytel.net@inetgw
To: Microsoft ATR
Date: 11/29/01 12:52pm
Subject: government should boycott MicroSoft

If the US Government is truly dedicated to a remedy in this anti-trust settlement against MicroSoft, it should begin by no longer being a MicroSoft customer. The government should not be supporting perpetrators of criminal activity, particularly a repeat offender. The current proposed settlement, which follows the philosophy that ''what's good for MS is good for the U.S.'', is nothing short of empty words. In addition, VAST amounts of tax-payer dollars could be saved if all government at all levels were to invest in open-source/systems software and hardware for all its technology needs. The substantial savings realized through increased data security, and decreased licensing costs could easily be passed back to the ''Senatus Americanus Populusque''. There are, and always have been, clear alternatives to MicroSoft technology, most of which is based on the POSIX standard; a standard which is ALREADY a requisite for U.S. government software technology acquisitions. Thank you for your time,

—gabriel

CC: dunningj@ athenet.net @inetgw, jacquiecrema @ hotmail.c...

MTC–00002418

From: Rick Rutherford
To: Microsoft ATR
Date: 11/29/01 12:41pm
Subject: I am against the proposed Microsoft settlement

I would like to submit my formal opposition to the proposed settlement in the matter of the United States vs Microsoft.

In fairness I must submit that I am an Apple Computer customer and have been using Apple products since 1980. I must also point out that I am a Microsoft customer as well, having purchased each version of Office for the Mac that has been available since 1996.

After reading the proposed settlement I was left with a fear that if adopted it could be a decisive turning point against Apple Computer in its struggle to compete with Microsoft.

Over the past weekend I wondered if Apple would let this proposed settlement be offered without objection. How fair is a settlement that proposes Microsoft's punishment for illegal monopolistic practices be the furthering of those practices by squashing a competitor in a market where MS clearly comes in second?

Luckily, Apple CEO Steve Jobs took the initial action I hoped he would and received a notable amount of coverage over his objections to the Microsoft proposal. Mr. Jobs hit the proverbial nail right on the head when he said Microsoft was going after the only market it does not have a stranglehold on—education.

The irony of this proposal is that Microsoft is undertaking the same actions that got the company in hot water in the first place. Give away free MS products to create an unfair leverage against any and all competition. It should not be overlooked that this all has huge political overtones. Microsoft chairman Bill Gates donates to President Bush's campaign...Dell Computer CEO Michael Dell is Bush's technology advisor...and the Justice Department virtually cripples the rulings against Microsoft's anti-trust activities leaving the states participating in these proceedings twisting in the wind. All of this less than a year after Bush's election. I do not have a problem with a MS settlement going to help eliminate the digital divide in American schools. They can even put Microsoft Office on the computers they give to schools...as long as it's Office X on Macs. Anything less will potentially deliver a fatal blow to Apple's education market, and maybe the company as a whole.

I find it a bit ironic that Microsoft floats this proposed settlement the same week the company releases Office X for the Mac. It's like ''Hey, we're not trying to put Apple out of business. Look, we just released a fantastic version of Office for all of our Apple friends.''

In the final analysis, this proposal cannot be implemented as it is currently written. As American citizens (Mac and Wintel users alike) we should not allow OUR government to aide and abate a company in putting its competition out of business. That is not capitalistic, it is fascist at it's most basic level.

Rick Rutherford
Round Rock, Texas

MTC–00002419

From: Bill Hogoboom
To: Microsoft ATR
Date: 11/29/01 1:11pm
Subject: Microsoft

Breaking up ''Ma Bell'' was supposed to make telephones cheap and reduce telephoning charges. It sure has not done that! Don't make the same mistake with Microsoft. The competition would just like to have an easier job of making profits. As it is they have to scramble to compete and the public benefits from it.

MTC–00002420

From: David Dixon

To: Microsoft ATR
Date: 11/29/01 1:11pm
Subject: Settle the Microsoft case.

Settle the Microsoft case.
David G. Dixon
24861 Adams Ave
Murrieta, Ca 92562
dixons@pe.net

MTC–00002421

From: Greg Byerly
To: Microsoft ATR
Date: 11/29/01 12:54pm
Subject: Microsoft's Slimy Offer

Hello.

I've been following the anti-trust cases against Microsoft for 2 years now as a private, yet concerned, citizen. Microsoft's recent offer to settle the private anti-trust cases by giving computers and software to hundreds of schools is a sham! This self-serving offer slaps at the entire US justice system—buying their way clear of illegal acts. Education is the one area where Microsoft does not hold a monopoly. It's so ridiculous to settle an anti-trust case by helping Microsoft expand their monopoly power.

Microsoft broke the law. . .

They stuffed inferior products down our throats . . .

They destroyed companies with better products . . .

They have been found guilty . . .

They should receive a punishment befitting a company their size.

Even 1 billion dollars is nothing to a company that makes triple-digit billion-dollar profits.

They should be punished so that they feel the sting, not so they can just write off the penalty to their insurance and forget about it. In the name of justice, please urge the states not to settle for anything short of a punishment for Microsoft that will curtain the company's monopolistic powers and restore innovation and competition back to the market.

Sincerely,
Greg Byerly.

These statements are my own opinions and does not reflect any position or policy of CUPA–HR.

MTC–00002422

From: David Leuckel Jr.
To: Microsoft ATR
Date: 11/29/01 1:23pm
Subject: When will it (Microsoft) Stop?

This partial agreement/settlement between the DoJ and M$ will not stand! As a former M$ employee, (before Windows 1.0 was even released), I consider myself somewhat of a well-informed, and versed user of micro-computer operating systems and software applications. Having been a user of multiple OSs for almost 20 years—Apple Lisa thru Macintosh OS 10.1, OS/2, DOS 1.0 thru and including Windows 2000—I have seen, participated in, and experienced as much of the ''high-tech evolution'' as Mr. Gates himself, but have NOT been a puppet in his unethical ''play'' of a corporate dynasty.

True, he and his cast of players have done a lot for the local and national economy, not to mention technology itself, its just unfortunate we ALL have, in some way or another, been ''brainwashed'' to believe that M$ solutions are the best. The truth of the matter is, if M$ cannot compete with a specific technology in the marketplace, they either infringe on intellectual copyrights, change the standard, or simply buy the creator, eventually to either implement into their own bug-ridden code or phase it out completely!

In spite of numerous court decisions in M$ favor in the past 10 years, I have been able to sleep at night knowing that I have made the right choice for my family's, and my business's computing needs, which is probably a lot more than what Mr. Gate's can say when he looks through his Windows at night staring out at the dark, cold, and deep waters of Lake Washington.

If there were no judges of men, who would be the judge but the man himself?

Mr. Gates, being the co-founder of one of the most successful monopolies in this nation's history, needs to ponder this question with the utmost of wisdom, integrity, and diligence, but most important of all, honesty!

David C. Leuckel Jr.
Seattle, WA

MTC–00002423

From: kkelly@mac.com@inetgw
To: Microsoft ATR
Date: 11/29/01 1:22pm
Subject: The answer to this problem is NOT by letting Microsoft gain more market

The answer to this problem is NOT by letting Microsoft gain more market share by GIVING (read—NOT competing) its software away to poor schools. Please, please, PLEASE don't let them keep doing what they've been doing what they're good at—devouring innovation and creativity and using their monopoly to squash competition. They aren't playing fairly according to the Sherman Antitrust Act, and they should be more severely punished. But most of all, letting them give away their software will only further cement their monopoly position.

Please do the right thing.
—Kevin Kelly
A VERY Concerned Citizen

MTC–00002424

From: Roger Scott
To: Microsoft ATR
Date: 11/29/01 1:12pm
Subject: Microsoft Settlement

The DOJ settlement with Microsoft is only giving Microsoft an opportunity to gain yet another monopoly—this time in the world of education. This is an outrage.

Roger Scott

MTC–00002425

From: David Cramer
To: Microsoft ATR
Date: 11/29/01 2:07pm
Subject: Cancel rewards for unethical behaviour

There is no excuse for the disastrous counterproductive character of the proposed settlement with Microsoft. As an adjudged monopolist, the last thing Microsoft should be handed as a penalty is a larger noncompetive advantage than they had before the judgement.

Regards,
David

MTC–00002426

From: Timothy Allen
To: Microsoft ATR
Date: 11/29/01 1:52pm
Subject: Microsoft additional comment

In the last 2 days, I have attempted to access commercial internet sites and have encountered browser ''fatal errors'' because the site is expecting me to be using Internet Explorer, so it will work with their Microsoft servers. I don't choose to use IE, I prefer Netscape 4.7. Can you actually ignore this reality, and find it acceptable for the consumer? It's not, and it is a clear and ever-present example of how Microsoft has abused its power in the marketplace. THE CURRENT SETTLEMENT IS UNACCEPTABLE, AND DOES NOT SEND THE CORRECT, OR A STRONG ENOUGH MESSAGE TO THIS COMPANY. SUPPLY A STRONGER REMEDY.

MTC–00002427

From: Timothy Allen
To: Microsoft ATR
Date: 11/29/01 1:43pm
Subject: Microsoft settlement

This proposed settlement is like letting the fox into the hen house. The true value of the educational assistance is, for the majority of it, a no-cost solution to Microsoft that will lay the groundwork for future revenue generation and perpetuation of monopolistic practices. It's been proven that Microsoft has abused it's legal obligation, and has damaged fair competition beyond repair for the consumer, and for many companies that are now non-existent. The remedy needs to structured so that this does not happen in the future. It appears that if this settlement is excepted, consumers and competitors will only suffer further abuse. MICROSOFT NEEDS TO UNDERSTAND IN A SIGNIFICANT WAY THAT IT'S PRACTICES ARE NOT ACCEPTABLE OR TOLERATED. All indications are that their current new products continue on the SAME COURSE of monopolistic practice. Are we willing to wait for new challenges to their practices that will take years to conclude? ACTION NEEDS TO TAKE PLACE NOW.

MTC–00002428

From: Manuel, David—PD
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/29/01 2:53pm
Subject: I want to express that I think it's a bad idea to allow Microsoft to

I want to express that I think it's a bad idea to allow Microsoft to distribute free software to educational institutions to partially fulfill their anti-trust settlement terms. Simply put, education is one arena where Microsoft does *not* hold a monopoly, and allowing them to place software there runs directly contrary to the spirit of restitution. Such placement gives them a *greater* market share, and would exacerbate the conditions that prompted the anti-trust suit in the first place.

Thanks for the opportunity for input.
David Manuel, EIT, AICP
Senior Planner
713–837–7807
City of Houston
Long-Range Planning Division

Planning & Development Department
Personal E-mail does not necessarily reflect official views of the City of Houston, its representatives, agencies, or officials.

MTC–00002429

From: Maureen Colquitt
To: 'Microsoft.atr(a)usdoj.gov'
Date: 11/29/01 2:34pm
Subject: How much was paid to Judge Colleen Kollar-Kotelly?

I would just like to know how much money was paid by Microsoft to Judge Colleen Kollar-Kotelly to settle this case in this manner? It appears that if you have enough money justice can be bought. Just a concern citizen wondering why money can buy anything.

MTC–00002430

From: Comeaux, Carol B
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/29/01 2:22pm
Subject: The Microsoft Settlement Is Fair

I just read an article in USA Today Online saying the Senate is going to hold hearings reconsidering the Microsoft case. This does not serve the public interest. I am amazed at how we cannot seem to get this issue put behind us and move on.

Microsoft is a terrific US company that has benefited the consumer by the development and marketing of its products—and I'm sure it's benefited our economy by being a successful US-based global company. Just as Microsoft is a powerful company, so are its competitors, and it seems as if they have been quite successful in keeping this anti-trust issue alive, not for the good of the consumer, but to further the interests of their own thriving, multi-billion dollar enterprises. Consumers should not be deprived of the benefits that Microsoft can bring by hobbling it to protect enclaves for its competitors.

Thank you,
Carol
Carol B. Comeaux
+1 847–501–4443
+1 847–508–4140 (mobile)
comeaucb@bp.com
310 Woodland
Winnetka, IL 60093
Visit gdbpathfinder: http://gdb.bpweb.bp.com

MTC–00002431

From: Collison, David
To: 'Microsoft.atr(a)usdoj.gov'
Date: 11/29/01 2:08pm
Subject: Microsoft Proposed Settlement *Secret*

To Whom It May Concern ...

I vehemently oppose the proposed settlement between the US Department of Justice and Microsoft. The proposed settlement does little to rectify the antitrust issues brought before the court, and, in fact, rewards Microsoft for causing serious damage to its' competitors and to those using computers.

Microsoft has shown that it will disregard any type of constraint placed on it by the court, there is no mechanism in place to oversee and enforce a change in behavior by Microsoft (the three man council proposed in the settlement has no power to change Microsoft's business practices), the limitations do not address the antitrust behavior exhibited by Microsoft in the past. The Department of Justice at one time, it was reported, was ready to ask for the break up of Microsoft, this settlement is a dream escape for Microsoft—the DOJ should be ashamed to even make this proposal to the courts.

If this settlement is accepted, there will be serious damage done to the American public. If the DOJ was willing to bring this suit before the court, it should have been prepared to go the distance. IBM exhibited far less antitrust activity when brought before the court, yet paid far more serious penalties. Microsoft should pay dearly for what they have done, as an illegal monopoly tying products together, manipulating hidden interfaces to disable competitors products, taken advantage of hidden interfaces to make their own products run better. There needs to be a far different settlement, or this case needs to run the distance and Microsoft needs to have serious constraints placed on them or be broken in to multiple businesses.

David L. Collison
6911 Winthrop RD NE
Cedar Rapids, IA 52402
319.790.3516

MTC–00002432

From: Walker, Greg
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/29/01 3:08pm
Subject: anti competition

As a Sr. Software Engineer at the Bell+Howell PSC division and user of both Microsoft, Linux and apple operating systems I would like to voice my displeasure with the proposed Microsoft vs. The States anti-trust settlement framework.

The reasons that I think this settlement does harm to the consumer is because the education area is one of the last bastions of free choice when it comes to the type of computer and operating system that a student can choose, and it is not out of coincidence that this is one of the markets that Apple computer still effectively competes with Microsoft. This settlement will in effect force Apple Computer out of the Education market and give Microsoft more of a monopoly in education. If you look at the full Microsoft product line how many of the products are for the Windows operating system only compared to the programs that will run on a Apple operating system. Also of the products that support both platforms compare the feature set of each. In both of these cases you will see that the software that works with the Windows operating system has a better feature set.

In closing I would just like to says that this settlement is counter productive to the Nation, Educational Institutions and Consumers.

Greg Walker
Sr. Network Software Engineer
Bell+Howell Publishing Services ''A ProQuest Company''
20 years in the computer field.

MTC–00002433

From: Steven White
To: Microsoft ATR
Date: 11/29/01 3:47pm
Subject: A public comment

This is a comment from just an ordinary person (althougth I do program computers for a living) urging the STRONGEST POSSIBLE measures to bring Microsoft under contol. I base my opinion mainly on two documents. I read the findings of fact from the trial and found them so clearly written they were almost a pleasure to read. I wrote to the Minnesota attorney general supporting stronger measures and got back from him another very clear document explaining why the proposed settlement is not stong enough.

I can't believe you all haven't seen these, so I would waste your time explaining them. I did also look at the settlement documents, and found them not nearly as clear. I saw, or had pointed out to me, several inconsistencies or loopholes that would allow Microsoft to continue its documented practice of essentially bullying other companies in ways that prevent competing products from being sold or even offered for sale. Once again, I am sure that others more qualified than I have pointed them out to you and I shouldn't waste your time with my less eloquent attempts. Explanations are all over the trade press and even in the mainstream newspapers.

I am worried that a company that behaves in ways that I consider immoral and courts consider illegal is being let off without any punishment and, because of a less than ironclad settlement, being given too many ways to avoid changing its behavior. This is a company that drove Netscape out of independent existence by illegal tactics. This is a company that drove DR-DOS and BE-OS out of existence (of course they didn't actually ''do'' it, but for all practical purposes, they did). This is a company run by people who are willing to, essentially, lie in court, as they did with the doctored video tape episode that the press had such fun with. These are the guys who, when ordered to make a version of Windows 95 without Internet Explorer integrated, made a version of Windows 95 that didn't work—''compliance with middle finger extended'' as one newspaper write put it. This is company run by Bill ''How much can we pay you to hurt Netscape'' Gates and Steve ''To heck with Janet Reno'' Ballmer. (I'm not making that up, it was in the newspapers).

The government wants, I assume, companies and individuals to be able to write software and have a reasonable chance to sell it. Microsoft wants, in my opinion and the opinions of others, no software to be sold unless it comes from Microsoft. They have taken advantage of every way available to them to get what they want, and I am sure they will continue to do that. You must make sure your settlement proposal is not one of them.

Thank you.
Steven White
5125 Logan Ave S
Minneapolis MN 55419

The opinions expressed here are my own and not those of my employer, whose computer I used to type them.

Steven White
City of Bloomington
2215 W Old Shakopee Rd
Bloomington MN 55431–3096

USA
952–563–4882 (voice)
952–563–4672 (fax)
swhite@ci.bloomington.mn.us

MTC–00002434

From: Sol Mumey
To: Microsoft ATR
Date: 12/6/01 3:31pm
Subject: brer rabbit and the briar patch

Allowing Microsoft to settle its anti-trust suit by supplying Windows computers to schools is letting the company off the hook. Granted it is a substantial settlement, but it will expand Microsoft's market and increase their monopoly power, as they effectively are boosted in one of the markets which they do not entirely dominate. This seems hardly an appropriate punishment for abuse of current monopoly power. If the settlement guaranteed that the money would be used for non-Microsoft products, the settlement might seem like a real punishment. As it is, many might mistakenly credit Microsoft with good will.

Sol Mumey
smumey@yahoo.com -OR-
sol@cs.ualberta.ca

MTC–00002435

From: Trachsel, Steven William (Steve)
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/6/01 3:30pm
Subject: Proposed Microsoft Anti-trust settlement

Dear Sir:

I would like to take this time to express my views on the proposed settlement. I do not believe that the settlement as proposed, in any way will improve the marketplace for software. The settlement does not impact Microsoft's current monopoly, nor offer any type of remediation to the millions of consumers who have suffered as the result of their illegal acts. The only result of the settlement is that the government will sanction Microsoft's further tightening their grip on the marketplace by allowing them to control the desktops used in schools.

I urge you to totally reject the settlement. It is not in the best interest of consumers, it does not help the businesses hurt by Microsoft's illegal actions in the marketplace, and it does not in any way punish Microsoft for having violated the law.

Thanks,
Steve Trachsel
7302 Timbercreek Court
Reynoldsburg, Ohio 43068
trachsel@lucent.com

MTC–00002436

From: Robert Zeff
To: Microsoft ATR
Date: 11/29/01 4:42pm
Subject: Microsoft settlement

Get this settled! This battle is like a religious war, there's nothing (fair) that could placate the anti-Microsoft camp. If there is a monopoly, what is the Mac? How about Sun? Why aren't these a choice? Microsoft has always charged less than Apple. How has Microsoft hurt the consumer? This is bull.

Robert Zeff
Nikola Engineering, Inc.
rzeff@nikola.com
http://nikola.com

MTC–00002437

From: B.L. Doern
To: Microsoft ATR
Date: 11/29/01 4:32pm
Subject: Drop it already!

I think America should turn it's attention to rooting out terrorism at home and abroad. Microsoft is an innovative company with innovative products and its success is vital to the health of our economy. Enough already with the lawsuit!

BettyLou Doern
Modesto, California

MTC–00002438

From: pkelly
To: Microsoft ATR
Date: 11/29/01 4:24pm
Subject: MS/DOJ Settlement

Who got paid off? There has been a major betrayal of the interests of the American Public, a complete about face in the conduct of the person or persons entrusted with caring for the interests of the American public.

It will come out, it will take time, possibly a long time, but it will come out . . Who benefits from it? Only those who took the payoff and Microsoft.

This and today's DMCA rulings demonstrate that ''justice'' is just a word anymore, no wonder the public has little confidence in the justice system.

We the people long for justice. Not lip service.

MTC–00002439

From: Rod Roark
To: Microsoft ATR
Date: 11/29/01 4:08pm
Subject: Opinion from Davis, CA

I am astounded and disappointed that the DOJ is trying to forfeit the ball game when it's already been won. Microsoft has already been found guilty of breaking the law in very serious and malicious ways. They have also demonstrated disrespect for the law and for a multitude of other moral principles that may get in the way of the company's profitability.

For crying out loud, do your duty. Break up Microsoft.

Respectfully,
Rod Roark
Davis, CA

MTC–00002440

From: Rebecca Helmer
To: Microsoft ATR
Date: 11/29/01 5:08pm
Subject: Microsoft

The people who think Microsoft did nothing wrong are simply average, uninformed people who did not read any of the text of the DOJ's case against Microsoft. They form their opinions without information; indeed, it is ridiculous to count the views of the uninformed as an opinion at all. That said, you should know that there are very many of us, some involved in the open source software community and some not, who know specifically many of Microsoft's unethical tactics and simply illegal business practices. It is your responsibility to rectify some of these injustices; indeed even the American legal system, where money is everything, could not avoid a judgment against Microsoft—and now you think that we won't notice that you waffle on the sentence. The proposed ''solution'' does not even guarantee that We the People will be protected from similar actions in the future, let alone force Microsoft to account for previous heavy-handed tactics in maintaining their monopoly. In fact it benefits Microsoft in several ways and is not a punishment but a government-sponsored product promotion.

One letter, indeed many letters, makes no difference to those who will make the decisions; only money matters I know. But let it be said that there are some of us with an extremely profound understanding of the workings of the computers that run our world, and that these machines run your world too. We, the Intellectual People, may not have the sheer numbers of the Ignorant Masses but one of us is worth a thousand of them, and we are the ones who will be watching you.

Neil McBlain
Canada

MTC–00002441

From: Y. West
To: Microsoft ATR
Date: 11/29/01 4:50pm
Subject: Cure Microsoft 's case

Break Microsoft into two separate companies, is the only cure for the case.

Alfred Johnson
2392 Barlow Ave.
San Jose, Ca 95122

MTC–00002442

From: Richard Gillmann
To: Microsoft ATR
Date: 11/29/01 5:44pm
Subject: Proposed settlement of the Microsoft anti-trust case

The proposed settlement is reasonable and I support it. It addresses the issues raised by the suit and provides an appropriate remedy. It's time to settle this and move on.

Richard Gillmann
4150—187th Ave SE
Issaquah, WA 98027 (USA)
(425)641–5136
http://www.nwlink.com/~rxg/
richard@folkradio.org -or-
rxg@nwlink.com

MTC–00002443

From: Christopher A. Grasso
To: Microsoft ATR
Date: 11/29/01 5:32pm
Subject: Antitrust case settlement inappropriately weak

I would like to express my disappointment with weakness of the impending settlement of the Microsoft anti-trust case. Microsoft has repeated engaged in anti-competitive practices, as the judicial findings against the company confirm. Use of secret application program interface (API) calls give Microsoft applications an advantage in the Windows environment over competitors, and allow Microsoft to continue to abuse its monopoly status in order to wipe out free choice in the marketplace. The only way to force these APIs to be open is to split operating system developments and applications development into two separate companies.

Furthermore, the penalties to be imposed do not remedy the situation, and in fact amount to free advertising for Microsoft with the next generation of computer users: students. Microsoft will make duplicates of its already-existing software to distribute at a fraction of the cost of retail products, yet these distributions will count against the company as having much higher value.

Even if the company were forced to pay the settlement in cash, the amount is only about 4% of its cash reserves. This punishment cannot in any way be considered a remedy, or punitive. I urge the DOJ to reconsider the leniency it is showing a proven monopolist. The settlement the DOJ is pursuing will not remedy the monopoly practices of Microsoft, nor will it result in greater protections for consumers.

—Dr. Christopher A. Grasso

The statements herein express personal opinions that should in no way be construed to represent the positions of the Jet Propulsion Laboratory or Stellar Solutions.

Dr. Christopher A. Grasso, PhD
JPL/Stellar Solutions
cgrasso@stellarsolutions.com
(303) 641–5926

MTC–00002444

From: jmanning@wlinpco.com@inetgw
To: Microsoft ATR
Date: 11/29/01 5:32pm
Subject: My humble Opinion

In the drive to protect consumers and reduce the appearance of a monopoly on the part of Microsoft, has anyone considered the price of their products? If you look at all other operating systems vs. Microsoft's offerings, Microsoft is in a ball park all of their own. I feel a fair settlement would include pricing of the products that is more reflective of the market. After all, how many billions do Microsoft and Bill Gates have to earn before they decide they've won?

John Manning MCP
Information Systems Director
West Linn Paper Company
4800 Mill Street
West Linn, Oregon 97068
503–557–6500

MTC–00002445

From: John Oswald
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/29/01 5:26pm
Subject: MS case

I read that MS is offering 1 billion in aid to schools in software and refurbished hardware. All this will do is lead to further need for expenditures on new MS products and more hardware for these schools thus paying MS back for it's so-called settlement. If they really want to settle it, they should put the whole billion into new and refurbished hardware and allow open source software makers provide the software for free! Since 99% of the work done on any computer is web surfing, email, and simple word processing and spreadsheet work it seems reasonable that since software that can provide these services in an exemplary fashion is available free and will run on used computers which cost as little as $75, the billion dollars from MS could go a lot further, help a lot more and be more of a real 'settlement' than something that simply generates more revenues for MS. This benefits the schools in that they can get more computers and get more use of the older ones they already have, the students can take all of the software home and use it on computers there as it is freely distributable, and finally, the poorer families may be better able to afford and old Pentium computer for $75 than a new $1500 machine thus allowing more students to be able to do work at home and not just those with parents who can afford a machine that's compatible with the ones in the schools running on MS. This is an all around winner for the schools, the students, and MS still gets its settlement.

Just my 2 cents. Thanks.

John Oswald
Leggette, Brashears & Graham
1210 W. County Rd. E Suite 700
St. Paul, MN 55112
651–490–1405 ext. 211
joswald@lbgmn.com

MTC–00002446

From: Wilfredo Ruiz Oliveras
To: Microsoft ATR
Date: 11/29/01 6:41pm
Subject: Settlement

Gentlemen:

I think that the conditions set forth in the Microsoft case will foster the monopoly power of the Company. As of today, Microsoft is requiring that if a person purchases the new version of their Windows XP that person must connect to internet and allow the Company to ''spy'' into his computer. If the settlement only imposes to ''donate'' to the schools that do not own computers this will eventually increase its share of the market and its monopoly power.

The settlement must punish not reward misconduct in the market.

Wilfredo Ruiz-Olivears, Ph.D
Professor of Economics
University of Puerto Rico at Mayaguez
Mayaguez, Puerto Rico 00681

MTC–00002447

From: Stephen Johnson
To: Microsoft ATR
Date: 11/29/01 5:58pm
Subject: Microsoft settlement

I don't understand all the legal ramifications of the settlement that has been reached with Microsoft but I do have some understanding of the ramifications of Microsoft's way of producing software. I am a network administrator, computer support technician, and computer user. Through my interaction with computers and those that use them, I see first hand the daily hindrances faced with using Microsoft products. Because of their market share dominance, I am forced to really look hard if I am NOT to use their products, so the majority of my work is with Microsoft products. From what I see, in their grasp for market share they produce incomplete and inferior products. In my experience with Unix operating systems, their stability and reliability over the Microsoft OSes is many times greater. It seems if Windows was forced to stand on it's own as an operating system then Microsoft would have to put more focus into it and make it a quality product. I feel breaking up Microsoft is the appropriate answer or least something much more severe than what is being done.

Stephen Johnson
Network Manager
<mailto:srjohnson@iolbv.com>
Integrity Online Brazos Valley
1716 Briarcrest Dr., Suite 210
Bryan, TX 77802
979–260–7873
979–260–1411 Tech. Support Hotline
979–260–3107 (Fax)

MTC–00002448

From: Robert Hicks
To: Microsoft ATR
Date: 11/29/01 7:27pm
Subject: Settlement

What a farse! I cannot believe you are just going to slap M$ on the wrist and say ''bad M$...don't do it again.''

My trust in the gov't just went down a notch.

Robert Hicks
Linden, VA

MTC–00002449

From: elaird@austin.rr.com@inetgw
To: Microsoft ATR
Date: 11/29/01 7:25pm
Subject: Microsoft settlement

I don't think the deal presented by microsoft should include any of their software as it will only extend the monopoly. I like the idea of microsoft increasing their share of hardware and having Redhat supply truly free software to our schools.

MTC–00002450

From: eglow001@netscape.net@inetgw
To: Microsoft ATR
Date: 11/29/01 7:15pm
Subject: Microsoft Settlement

I find it totally disgusting that Microsoft has once again used our Judicial System to their benefit. It never ceases to amaze me that they (Microsoft) have numerous lawsuits pending constantly, and continue to run their business as if nothing has happened! Even after they're found guilty, they continue doing what they were charged for.

Now they are being PENALIZED?? by giving schools refurbished computers with THEIR software on them, and therefore taking the upper hand in their competitors market! If this is your idea of justice, I'm sure Bill Gates will also be your next recommendation for the Presidential ballot.

Microsoft should be forced to donate their whole $5 billion to the school systems to purchase new Apple computers and software. Now THAT would be punishment!! The (so-called) settlement they're facing now is without a doubt, a total win—win situation for Microsft, and all of their stock holders. Which brings another question to my mind. How many of the people from the DOJ that were involved with this (so-called) settlement have investments in Microsoft?

Ed Glow,
Byron, NY

MTC–00002451

From: btw0607@onemain.com@inetgw
To: Microsoft ATR
Date: 11/29/01 6:56pm
Subject: Microsoft Antitrust Settlement

Dear Sirs:

In my opinion, the settlement with Microsoft is totally inadequate. In my opinion, if Microsoft's contention is that their software has gone through such great development, it seems that they should be willing to either make past releases available for free or for a minimal cost through a download either in SOURCE or compiled form. The current settlement is of such little cost to them, I am sure they are having a party. The cost of the PC's they are suggesting giving to the schools run for arount $25.00 in lot buys from corporations such as Boeing. Thank you for your time.

Troy L. Wampler
mailto: twamp@aopa.net
PP–ASEL

MTC–00002452

From: Rich Webster
To: Microsoft ATR
Date: 11/29/01 8:37pm
Subject: Microsoft is a threat, and is unreformable

To whom it may concern . . .

I have found news of the Microsoft trial results to be shocking and horrifying to a degree only surpassed by Sept. 11th. Why? Because Microsoft has, and continues to aggressively use their dominance to manipulate prices, licensing, and market opportunities through aggressive marketing, mergers and acquisitions, and bulk licensing changes.

Yet, the DOJ and the Bush administration have clearly sold out the interests of the industry to the highest bidder, which most in the industry recognize as further proof of Microsoft's overwhelming power. Judge Jackson was not abusing the prudence in jurisprudence, he was simply stating facts when his harsh words for Microsofts behaviour drew such attention.

The best solution is simply to put all versions of Win 95, 98, and 2000, ME and XP into open source. This will maximize competition and innovation and improve the products themselves. Microsoft will still have at least a two year lead in developing for the platform, yet will no longer be able to hide malicious and intentional ''bugs'' and ''features'' and security will be enhanced. Microsoft is the Taliban of the software industry. Taking them out of the position of power they hold is the only solution.

MTC–00002453

From: Scott Warren
To: Microsoft ATR
Date: 11/29/01 7:53pm
Subject: Microsoft Settlement

As an IT professional, I am infuriated at the proposed antitrust settlement with Microsoft. Myself and the majority of my colleaques had hoped, in the end, that Microsoft would be forced to become an ethical competitor which would provide a real choice for consumers at a fair price. The only way to do that would be to split Microsoft into at least 2 companies; operating systems and applications. As it stands now with this ''Briar Rabbit'' approach, Microsoft will be given the blessing of the court to gain a monopoly in one of the few markets it doesn't already have. If this settlement is approved, Microsoft will be the winner. As far as the rest of us, we'll be worse off than we were before the antitrust action was initiated!

Scott Warren
Broken Arrow, OK.

MTC–00002454

From: Sabel1900@aol.com@inetgw
To: Microsoft ATR
Date: 11/29/01 7:57pm
Subject: Settlement Atrocity

Dear Justice Department:

I voted for Bush and favor most of his policies and appointments; however, with respect to the Microsoft lawsuit, I am ashamed of our Justice Department which is making a complete joke of our antitrust laws. Even some misguided business experts laud the agreement so everyone can ''get on'' with their business, but the proposed government and this private settlement make a travesty of our laws and economic principles. The settlement doesn't punish the monopoly power at all, and only tries to reign in some of its behavior. We need true punishment and a solution that will recreate the competition in operating systems, and now all other significant applications bundled into Windows. The settlements so far do nothing to stimulate the competition, innovation, and investment that Microsoft's monopoly has stymied over the last decade. This is bad for consumers, investors and our economy. Let's get our act together.

Sincerely,
Mark R. Belanger

MTC–00002455

From: oxzLiebesLuderzxo@ hotmail.com@inetgw
To: Microsoft ATR
Date: 11/29/01 8:55pm
Subject: Schau genau hin!

Wer hier nicht klickt—kanns nicht sehn!
http://free.adult-freespace.de/camluder

MTC–00002456

From: Tim Morgan
To: Microsoft ATR
Date: 11/29/01 9:47pm
Subject: Open Source vs Microsoft

I would like to endorse The Red Hat's alternative proposal (vis a vis Microsoft's) to help poor schools as many more school children would benefit. It also espouses the ''open source'' nature of education in that all curriculum subjects are open to envistigation and scrutiny. This is how the human race has advanced in scientific knowledge and understanding.

Tim Morgan
Auckland
New Zealand.

MTC–00002457

From: Thomas Gilson
To: Microsoft ATR
Date: 11/29/01 9:37pm
Subject: Decline the Microsost deal

I urge you to decline Microsoft's offer to place free software in the schools. It is outrageous for them to suggest that the remedy for their monopolistic practices should be to extend their monopoly.

Thank you.
Tom Gilson

Thomas A. Gilson
Communications/Special Projects Director
Military Ministry
Campus Crusade for Christ
(757) 247–7502, ext. 220
http://www.milmin.com/

MTC–00002458

From: eppert, brian
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/29/01 9:00pm
Subject: Severe dissatisfaction

I am sorely dissapointed in the manner in which the case against Microsoft has been settled. The abuse of market influence, namely the monopolistic nature and behavior of Microsoft has hindered the progress and health of the Computing Industry. Their predatory behavior can be seen in numerous attempts to squash competition using unfair and manipulative practices. Steps must be taken not only to absolutely prevent this behavior in the future, but to correct the damage that has been done and punish the past violations of anti-trust laws.

The proposed settlement does none of these things and would allow Microsoft to hold an entire sector of the economy hostage. I hope that the settlement is revised to a point that it has some value.

Thank you for your time.
Sincerely,
Brian Eppert

MTC–00002459

From: Joshua Colwell
To: Microsoft ATR
Date: 12/6/01 3:32pm
Subject: microsoft is a monopoly

Microsoft has been found to be a monopoly and that ruling has stood up under appeal. Any settlement must insure that it does not continue monopolistic practices and must include fair compensation for past practices to get competing software solutions, such as open source operating systems (e.g. linux) on a level playing field.

Sincerely,
Joshua Colwell
1517 Taft Ct.
Louisville CO 80027

MTC–00002460

From: Richard Hamilton
To: Microsoft ATR
Date: 11/29/01 10:01pm
Subject: Microsoft Antitrust

Dear Department of Justice:

Thank you for the opportunity to express my opinion on the Microsoft Antitrust case. It is my opinion that the deal does not punish Microsoft. How does this discourage Microsoft from changing its monopolistic practices? Don't drug dealers give away their product to hook new users? Microsoft should be punished, not given the opportunity to promote its product and continue its monopolistic practices.

This deal does nothing for the people that have purchased their products. What about the people who have had Microsoft products forced on them? Microsoft's license agreements with computer manufacturers have forced people to buy Microsoft products regardless if they have wanted them or not.

Call any major computer manufacture and ask them if they will sell you a computer

without a Mcrosoft operating system. They will tell you ''no.'' When I go to the store and buy a box of pasta, no one forces me to buy a particular brand of sauce. Why should I be forced to buy a computer with Microsoft products on them if I don't want them?

Microsoft talks about innovation. How can there be innovation without competition? The goal of this settlement should be to give Microsoft competition. Level the playing field by stopping Microsoft's monopolistic practices. Let competition be the breeder of innovation, not Microsoft.

CC:Richard Hamilton

MTC–00002461

From: Dominic Dupuis
To: Microsoft ATR
Date: 11/29/01 9:51pm
Subject: DOJ vs Microsoft

Bonjour,

All I have to say is that I don't understand how you can leave Microsoft give away (I mean, distribute) is software to schools as part of the penalty phase. This situation will only help them to extend her monopoly. I applaud Microsoft for raising the idea of helping poorer schools but I don't think that the remedy should be a mechanism by which Microsoft can further extend is actual monopoly.

By providing schools with a software choice, Microsoft may provide many more computers to these schools. This could also help them to show that they truly serious about helping American schools.

You should take a look at the Red Hat proposal, this could be a better solution than the Microsoft settlement offer.

Thanks

Dominic Dupuis B.Sc. CNE
ddupuis@myrealbox.com
http://ddupuis.webhop.org

MTC–00002462

From: ScottF37@aol.com@inetgw
To: Microsoft ATR
Date: 11/29/01 9:48pm
Subject: Settlement

I don't know too many details of the settlement but I do know that allowing them to pay it off by donating software to schools is not punishment. It will further damage Apple's presence in the schools, as well as other competitors. If you want to really punish them, make them buy Apple hardware and software for the schools. The whole issue has been their use of market power to crush the competition. What better punishment than to help the competition? At least make them give cash so the schools can buy what they want.

Scott Fortman

MTC–00002463

From: tom keyes
To: Microsoft ATR
Date: 11/29/01 10:34pm
Subject: proposed microsoft settlement

Dear DOJ,

The proposed settlement is absurd, it does nothing but reward the monopolist by giving them a superb vehicle to strengthen their monopoly! I can't believe anyone who is not working for microsoft would think this is reasonable. Education is one of the few remaining competitive markets, and a massive influx of microsoft products will do nothing but establish the monopoly there also. Please try to find a solution that is a punishment instead of a reward for the Standard Oil of our time.

Sincerely
Thomas Keyes
Professor of Chemistry
Boston University

MTC–00002464

From: Howard Johnston
To: Microsoft ATR
Date: 11/29/01 10:30pm
Subject: United States v. Microsoft Settlement

''I am very disappointed with the Feds settlement. Microsoft'' ''Allowing Microsoft to to donate computers to schools instead of paying money further upsets the balance of commerce (the actual spending of money) and passively creates an advantage to Microsoft'' ''It seems to me that Microsoft has indulged in not only anti-trust violations but racketeering as well.''

''Microsoft should not be reward (which this slap on the wrist does) for it's competitive practices, it's crafted monopoly is a bitter fruit that I as a computer user am forced to consume''

''The proposed penalty for Microsoft's violations is entirely prospective''

''The predictability of the penalty to effect a sufficient diminishment of Microsoft's anticompetitive behavior is completely inadequate, including being overly complex and to vague, especially in light of published comments by Microsoft CEO Steve Balmer'' after Microsoft's conviction that he does not even know what a monopoly is.''

Howard Johnston
3470 19th St. SF CA
415–964–1967

MTC–00002465

From: Mike Dowe and Diane Hanley
To: Microsoft ATR
Date: 11/29/01 10:21pm
Subject: Settlement

Please don't hand Microsoft the education market as a ''punishment''. A better punishment would be to order them to buy new Macintosh computers for these schools.

Mike Dowe

MTC–00002466

From: Lorraine Lilker
To: Microsoft ATR
Date: 11/29/01 11:29pm
Subject: MS—Education Proposed Settlement

Please do not accept the settlement whereby Microsoft would compensate for it anti-competitive behavior by donating a large amount of computer hardware and software to poor schools.

The reason is that this would have the unfortunate side-effect of increasing Microsoft's monopoly!

The education field is a strong venue for Apple Computer and Linux? It's one of the view venues where Microsoft has any significant competition. Most of that competition could easily be wiped out by this huge, unfair inroad Microsoft would make into education.

If you want Microsoft to donate to poor schools, please have them donate something other than computer hardware & software, such as books for libraries and funds for repairs and renovations. If you do want them to contribute computer hardware & software to the schools, please stipulate that the products be non-Microsoft and/or non-Windows compatible. Alternatively, if you do prefer that Microsoft donate from their own products, then please have the donations go to other types of non-profit organizations where MS products are already predominant but not to educational institutions.

Thank you.

MTC–00002467

From: Jan Hoyme
To: Microsoft ATR
Date: 11/29/01 11:11pm
Subject: Proposed settlement

Microsoft's proposed settlement of ''donating'' software and hardware to schools is simply another way of pushing its monopolistic practices. The educational setting is one in which a company other than Microsoft has had dominance. By making this ''donation'', Microsoft will increase its presence manifold, and will serve to make it the only platform available. If Microsoft offers these products free, what school district would want to pay precious dollars for other (Apple) products? At least for the immediate future. After a few short years, schools would be locked into Microsoft products. Is this not monopolistic behavior? I encourage you *not* to accept Microsoft's proposed settlement. It is merely a means for them to gain a foothold in territory where they do not hold dominance.

Jan Hoyme

MTC–00002468

From: David or Barbara Ellis
To: Microsoft ATR
Date: 11/29/01 11:05pm
Subject: DOJ settlement of the Microsoft anti-trust case

The slap-on-the-wrist settlement makes three things clear:

(1) Microsoft has a better legal department than does DOJ,

(2) Egregious exploitation of an operating system monopoly can be conducted with impunity, and

(3) Microsoft need make no significant change in its anti-trust behavior. It is a travesty that DOJ has voted so strongly against the consumer at a time when the Federal Government wants the consumer to rescue the economy. We consumers will continue to be saddled with a second-rate bloated unreliable overpriced operating system and, since there is also an office-products monopoly, a second-rate office suite.

—David

MTC–00002469

From: Thomas Deliduka
To: Microsoft ATR
Date: 11/30/01 1:47am
Subject: Alternative . . .

How about making Microsoft Pay the 1 billion in Cash, and then let the schools decide whether they want to buy Mac or PC? Rather than this blatent attempt to take over a market.

Thomas Deliduka
IT Manager
New Eve Media
The Solution To Your Internet Angst
http://www.neweve.com/

MTC–00002470

From: EDLECAM@aol.com@inetgw
To: Microsoft ATR
Date: 11/30/01 12:41am
Subject: Microsoft Settlement

Dear Sir or Maam:

Please settle this case with Microsoft. Microsoft has done a lot for this country and will continue to do much more in developing new products if this case is settled. Microsoft has only been trying to protect their intellectual property which they are defintely entitled to.

Thank you,
Ed LeCam

MTC–00002471

From: Caddell, Jeffrey L. LTC
To: Microsoft ATR
Date: 11/30/01 12:38am
Subject: Education buy-off Settlement

As an observer of the process, I find the idea of allowing Microsoft to gain significant inroads in the education market as its penalty in a settlement to be contrary to the best interests of the consumer, the children of our school systems, and the nation. It is a bad idea, it should not happen, and your agency should do the right thing and stop it.

LTC Jeffrey L. Caddell
Chief Counsel, U.S. Army Contracting Command Korea
Unit #15289, APO AP 96205–0062
DSN 315–724–3373; commercial 011–822–7914–3373; fax -6605
e-mail caddellj@usfk.korea.army.mil
CLASSIFICATION: UNCLASSIFIED

MTC–00002472

From: Herbert A. McLane
To: Microsoft case US Dept. of Justice,Earl Blumenauer . . .
Date: 11/30/01 12:10am
Subject: Microsofts settlement

Gentlemen,

The settlement that the Administration has agreed to in the Microsoft Anti-Trust case is totally unbelievable. First, consumers are not choosing Microsoft, they are being forced to use it. I work for a U.S. Federal agency and we do not have a choice, we must use Microsoft products! WE ARE NOT ALLOWED TO PURCHASE OR USE NON-MICROSOFT PRODUCTS. That is the case with many other federal agencies and private companies, because Microsoft has stolen the market, brainwashed many Information Technology people and used pressure tactics the resemble those used by organized crime.

Secondly, this settlement is just absurd. In current terms used since Sept. 11, this settlement is like giving the terrorists a FLEET OF AIRLINERS and letting them use them!!!!!

Please do what every you can to stop this settlement from happening. A good alternative would be for Microsoft to just give the schools money, with the only strings attached that it would be used to buy computers, network facilities and software. But Truly let the schools choose for themselves

Herb McLane, a new resident of California, but a Oregon voting resident for the last ten years in Central Oregon.

Herb McLane
530.926–6456

MTC–00002473

From: Jason Brockdorf
To: Microsoft ATR
Date: 11/30/01 2:49am
Subject: DOJ/Microsoft Antitrust Settlement

I think this settlement is a gross attempt by microsoft to further monopolize the software market. Teaching their software in schools (software which will account for most of the revenue of the settlement) will only teach those children to rely on Microsoft products. This is exactly what Microsoft wants so that they may maintain their stronghold on the ''wintel'' software market. If they really wanted to make a contribution to the education of America's children, Microsoft would make available multiple platforms (Windows, UNIX/Linux, Mac OS/OSX) on which to develop different types of software. Training should also be provided free of charge or at cost via world wide web (we do live in the digital age after all, don't we)? The best solution would be to have Microsoft include only hardware as part of the cost of settlement as the software that they would be giving is essentially costless for them. Money saved by using free/public domain software could be use to buy hardware in greater numbers as opposed to the current settlement. With all that hardware in schools, there is a plethora of free operating system and application software that could be used to help alot more children gain proficiency with computers. Thank you for your time and consideration.

Jason T. Brockdorf
Austin, TX

MTC–00002474

From: Erick Nelson
To: Microsoft ATR
Date: 11/30/01 2:07am
Subject: Microsoft Settlement

To whom it may concern,

I am concerned about the possible settlement with Microsoft. I work in the Education sector and fear that with such a settlement most school districts will be forced to use or move to the Windows Platform. If the settlement goes through as it is then Microsoft will have won. They will get their products into a sector where they do not have a Monopoly and they will become more dominant. Plus it will be great publicity for them to give to the needy.

In any settlement Microsoft needs to have some sort of true punishment (no help in making them more of a Monopoly). Perhaps the settlement should be mainly a payment of Money to the poor school districts. Better yet, have them give money and new computer that are from the competitors such as Apple Computer (iMacs, iBooks) or Linux based computers. Now that will be a punishment.

Regards,
Erick Nelson

MTC–00002475

From: NancySK@aol.com@inetgw
To: Microsoft ATR
Date: 11/30/01 2:06am
Subject: Microsoft Settlement

I urge the US government and the various states to adopt the settlement agreement that Microsoft and the Department of Justice have reached. I believe Microsoft has bent over backwards to honestly settle the federal government's poorly brought case against it. It is time for all parties to recognize that this was a travesty, settle the case and get on with important business.

I truly believe that the people of this country would have been much better served had the governments (federal nd state) taken on a real monopoly, the electric power generators, rather than a company that was the consumer's friend. And in all I have read, the government's position was that it was protecting consumers. The government wasn't protecting consumers. It was (is) protecting a few marginal companies that may not be able to compete even if the playing field is now tipped in their favor.

I think you guys ought to prioritize your cases on the basis of consumer harm rather han how jealous you are over one man's riches. I don't know whether the government realizes it or not, but the attack on Bill Gates caused the economy of this country to go into the dumper. How's that going to look in the history books. You ought to be ashamed of yourselves. I might also ask what you are doing about these US companies who sell products to related companies located outside of this country for unreasonably low prices and buy from the same companies at exorbitantly high prices. Their income is down and their expenses are up. What is the loss of billions in tax revenue doing to the consumers in this country?

Thanks!
Frank Ketchel
2828 Marmor Court
Sacramento, CA 95826
(916) 686–8152—Work
(916) 383–6826—Home

MTC–00002476

From: Nicole Barrows
To: Microsoft ATR
Date: 11/30/01 4:36am
Subject: Microsoft Settlement

To whom it may concern:

The concept of MS suppling schools with software is inherently flawed for several reasons:

1: It costs them essentially nothing and hence is not a punishment. 5000 hackers could supply schools with MS operating systems for free if they wanted to break the law, which (as the DOJ has proven) MS does on a daily basis

2: It reduces the competition by essentially ''brainwashing'' students and parents alike. Children who use MS products at school are more likely to have MS products at home. Parents who buy their children computers will be more likely to buy MS products not because the products are good (from a programming aspect, they are not), but because of an ''If it's good enough for the schools, it's good enough at home '' mentality.

3: Using differing operating systems is much like speaking differing languages. The earlier children are exposed to different languages (or operating systems) the more fluent they become. My oldest child is eight years old and is confortable using MS–DOS, TRS–DOS, Amiga Workbench, HP–UNIX, various flavors Linux and the all of the MS Windows operating systems and graphic user interfaces.

4: An unnamed software company has offered to supply operating systems for free if MS spends it's money on hardware instead of software. This will expose more students to differing operating systems, allow more computers to be placed in schools and the operating system they wish to supply is more powerful the ANY operating system MS currently has on the market. It is very similar to the OS I use at work for digital powerplant and substation control. I use their OS to train future powerplant operators.

5: When is the last time you have heard of a UNIX, Linux or Workbench OS computer having virus problems? Giving MS software to schools is just providing the schools with more ways to acquire unwanted virii.

6: MS networking is a real nightmare. Networking with UNIX and Linux is much easier and is completely compatible with both MS and MacIntosh networks. In short, just because something is free doesn't mean it is good. A punishment without sacrifice is not punishment. Providing competition cannot be achived by providing more market share to the offender.

Sincerely,
Christopher B. Barrows
P.O. Box 133
Glencoe OK 74032
(580) 669–2962
(405) 880–7069

MTC–00002477

From: Nicholas Deroshia
To: Microsoft ATR
Date: 11/30/01 3:35am
Subject: DOJ/Microsoft Antitrust Settlement

To word it simply, from what I have been reading in the newspapers is that Microsoft was able to basically walk away with a slap on the wrist. As for the class action suits, I agree with Red Hat: http://www.redhat.com/about/presscenter/2001/press—usschools.html

Nicholas Deroshia
1391 Mann Rd
Cheboygan, MI. 49721
nickdd@nmo.net
231–625–8574

MTC–00002478

From: Kevin Jones
To: Microsoft ATR
Date: 11/30/01 2:51am
Subject: Microsoft Settlement
To: Charles James

Justice Department
Re: Microsoft Settlement
Dear Chief James,

I would like my opinion reviewed and included in the settlement notes. I am writing as an Independent computer consultant and a consumer. As a 15 year veteran computer user I feel that Microsoft has done much harm by frustrating and flounder the development of many opposing or superior technologies. This has been evidenced in so many ways only, some of which have been brought out in this trial. YES they used their influence to control developers and vendors in many ways, and they continue to do so today. These are the real losses for the consumer. Many of the competing technologies have had better systems then Microsoft. We will never know what could have been, if some of these other competing technologies had made it to market. The fact that the Department of Justice has little control over big businesses buying small businesses with competing technologies is the real problem. How many new technologies that could change the world sit on the shelves of large corporations? Is this right? Should big business be allowed to protect their current interests, at the expense of the public loss of these new technologies? If so, then how do you settle an unknown and unmeasurable loss to the world?

The settlement offered by Microsoft is a JOKE! This is just chump change to Microsoft. They are going to provide software that costs them pennies to make, and take credit for a billion dollar tax write off. Tell me, how is this JUSTICE? They should be required to help other competing technologies. This could be done by forcing Microsoft to contributing at least 10% of their total revenue to date into a fund that would be used to further new computer technologies. This solution would have two affects. It should deter other big business from this type of behavior in the future, and it may produce some even better technologies. Limitations put on the use of the money should include that Microsoft not be allowed to participate, in any principal way, with any of the businesses receiving funds. Microsoft or its key partners should not ever be allowed to purchase any of the businesses receiving proceeds from the fund. This is the only way that someone may be able to challenge the control of Microsoft.

Sincerely,
Kevin Jones
Chandler, AZ

MTC–00002479

From: Ben_Tilly@trepp.com@inetgw
To: Microsoft ATR
Date: 11/30/01 11:18am
Subject: Microsoft Settlement

I am commenting as a programmer who is sometimes forced to work with and interoperate with Microsoft products. Microsoft has been ruled a monopolist, and ruled guilty of abusing their monopoly power. The purpose of the settlement, as I understand it, is to prevent them from continuing to abuse their monopoly power. This settlement does not accomplish that goal. Instead, if accepted, this settlement will join the litany of agreements meant to restrict Microsoft which they trivially bypassed on their ways to becoming a bigger, more powerful, and more abusive monopoly. Certainly it does not limit Microsoft's ability to abuse monopoly power to achieve the goals it has reached for before.

Allow me to present some of the obvious bypass mechanisms which Microsoft has. This list is not exhaustive, it merely gives an idea of how readily Microsoft can continue its abusive behaviour. There are provisions intended to allow OEMs to ship machines that dual-boot with other operating systems. Those provisions do not restrict the ability of Microsoft to have its operating systems, upon boot, identify, reformat, and reclaim partions of unknown types. This feature is not dissimilar from ''self-healing'' features already in Windows. It would also eliminate dual-boots more effectively than current OEM restrictions do. If this agreement intends to make dual-boots possible, then it fails.

There are provisions intended to allow OEMs to customize various aspects of the appearance of the operating system. Yet there is no restriction that would keep Microsoft from saying that it will not sell OEM Windows licenses at all. Instead Microsoft can allow the OEM to ship the machine with a self-installer, and then upon initial boot the user and Microsoft would enter into a shrinkwrap agreement. This would be an obvious tactic for Microsoft to use. Once they have done so they can negotiate prices for the self-installers exactly as they previously did OEM licenses. And they further retain complete control of what users can see on a purchased computer. If this agreement intends to either limit Microsoft's ability to abuse OEMs or control what users see, then it fails.

Section G has an explicit disclaimer for any agreements where Microsoft licenses intellectual property from a third party. But Microsoft does that with virtually every major software component, either through cross-licensing of patents or through specific licensing agreements. It will therefore be hard to find any agreements which section G applies to that don't fall under the exemption. Section G therefore fails of any intended regulatory effects.

It does not take a prophet to forsee that Microsoft will attempt to interpret the exemptions in section J far more generously than the government or competitors would wish. Even if such interpretations are outrageous, if Microsoft can make the court case drag on for a period of years, they can make much of the agreement effectively useless. Microsoft could, for instance, build authentication into virtually everything they build as part of .NET, and then apply section J as a blanket exemption. Blanket loopholes, properly exploited, will allow Microsoft to make virtually any part of the settlement fail.

I could list many more ways in which Microsoft can circumvent any intended restrictions. But I think the point is clear. If this settlement goes into effect, Microsoft will have no trouble bypassing it while continuing to abuse its monopoly. Given past behaviour, there is no question that they will. I would find this toothless settlement to be a sad resolution to this episode in the ongoing saga of Microsoft's abusive monopoly.

Sincerely,
Ben Tilly

MTC–00002480

From: Spurr, Greg
To: Microsoft ATR
Date: 11/30/01 11:12am

Subject: Antitrust Settlement

Gentlemen,

First of all, thank you for providing an avenue for us to provide feeback. Before I get into the final settlement, I'd just like to mention that I feel the entire case was mishandled from the beginning. By allowing the focus to be on such trivial matters as which browser is on the desktop, you made the ramifications of this case much harder for the (general) public to grasp. There are much bigger issues showing MS' misuse of their monopoly power, which were made available to the courts, but appear to have never been followed through with.

The reason for this (I assume) would probably be similar to the reason I feel the resolution was unsatisfactory—you were in a hurry. The entire thing had the feel of ''let's hurry up and get this over with'' and the settlement merely amplifies this. Reviewing the terms, I feel that the entire thing ended up being a waste of time—Microsoft is already back to business as usual, and has received no real incentive to clean up their tactics.

Only two groups of people have seen any negative result from this action:

1) the DOJ, who has shown themselves to be ineffective at best, incompetent at worst; and 2) the consumer, who (apparently) is going to continue to be held hostage to the whims of a certain office in Redmond.

You should be ashamed...

—Greg Spurr

MTC–00002481

From: Howard, Robert
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/30/01 10:55am
Subject: Settlement

How can the goverment allow a company to get caught with their hand in the cookie jar and get to eat the whole bag of cookies?

Robert Howard
5511 Bent Bough
Houston, Tx. 77088
713–202–3599

MTC–00002482

From: jczaja
To: Microsoft ATR
Date: 11/30/01 10:41am
Subject: please remove Microsoft's education ''Donation'' from settlement terms.
Thank you !

Please, don't give Microsoft an even Greater monopoly...by letting them make their ''donation'' of software to education. It would hurt Apple Computer; who's contributed so much to our nations educational process year after year after year. If it weren't for people for the ''two Steve's'' (Wozniak and Jobs); there probably wouldn't even BE personal computers in homes, workplaces, and yes, Judges Chambers. Please don't give Microsoft any Unfair Advantage in the education sector.

Thank You,

—John Czaja

MTC–00002483

From: cowhead
To: Microsoft ATR
Date: 11/30/01 11:29am
Subject: settlement

Dear Justice:

Please let us not be foolish. It is clear that the Microsoft plan of ''donating'' free 'old' computers and new MICROSOFT software to schools is nothing but a scam of the sleeziest kind. The whole point of the suit was monopoly, and this will simply further entrench such a monopoly. Microsoft co. is apparently betting that the public, and Justice, really are as dumb as we have appeared to be in recent years. However, this is just too obvious to let pass. Once the schools have Windoze, they will be locked in to Windoze. A donation now is a sale later. I repeat: this is a scam of the sleaziest kind. Only a company with ethics as low and/or non-existant as Microsoft could attempt such an act. I urge you to reject this proposal. If Microsoft donates something, let it be cold, hard cash equal in amount to the educational market cost of the software + 'old' computers which they are currently attempting to unload in this plan. However, I would rather just see them fined heavily, and the money put into a fund for poor schools, which the schools could then use as they see fit (such as hiring more real, live teachers!!)

Mark Mitchell
1801 Central Dr.
Beaumont, Texas 77706

MTC–00002484

From: Jim Wilcoxson
To: Microsoft ATR
Date: 11/30/01 11:34am
Subject: Settlement of MS antitrust suit

This settlement of shoving even MORE Microsoft products down the throats of future consumers (school children) is a joke. It will only further Microsoft's monopoly—legally, and with the government's blessing. To make a REAL difference, force Microsoft to publish the source to Windows, Internet Explorer, and Office, on an ongoing basis, and publish their internal technical notes and communications about these products. I consider all 3 of these products to be the result of monopoly tactics, incrementally forced on consumers. Remember the days when Office was bundled with every single PC? Hmm... wonder why they don't do that now? Oh yeah—they've killed all the competition, so now it's party time! To ensure that they are providing the REAL source, have a 3rd party run Microsoft's build procedures and ensure that the executable the 3rd party generates is identical to the Microsoft executables it proposes to release. This will ensure that developers at least have equal access to the foundations of personal computing that Microsoft enjoys. Windows and IE I would consider essential. Office, maybe not—I'm not as involved in that market.

It's utterly sickening to me that the government has thrown up its hands and said ''Hey, Microsoft is going to make this difficult for us, so let's just slap them on the wrist and move on.'' They are a disgusting company that wants monopoly control of any market related to technology that has huge profit potential, and its the consumers that suffer because they have the means to enter related markets incrementally, kill any existing or potential competition, and then do as they please.

Jim

Jim Wilcoxson, Owner
Ruby Lane Antiques, Collectibles & Fine Art
1.313.274.0788
http://www.rubylane.com

MTC–00002485

From: Chris Synan
To: Microsoft ATR
Date: 11/30/01 12:00pm
Subject: Settlement Comments

I am a computer professional. I am very concerned about the Microsoft monopoly. I feel that the settlement is not a deterrent. It will NOT change a thing at Microsoft. They will continue to squash competition. It is already past the point where any company could possibly compete with Microsoft. It is so far beyond that point that the only possible competitor is a NON-company.

If Linux were a company, it would have been killed by microsoft a long time ago. Apple has such a niche market as to be negligible. The Unix variants are on the way out, except for Linux and possibley BSD. Be aware of microsoft's .NET strategy. The battle for the desktop is over. They are well entrenched and fighting hard for the battle for the server. They have incredible penetration in the handheld market. With ''.NET'' they will own the internet, and everyone's experience on the internet.

DO NOT BELIEVE Microsoft if they say Linux is a competitor. It is not... It is not even a corporate entity! Nobody can possibly compete against Microsoft. It's been that way for a long time. Only you can change that.

Thanks,
Chris Synan
Dataworlds, Inc.

MTC–00002486

From: Jon Babcock
To: Microsoft ATR
Date: 11/30/01 11:47am
Subject: One clean solution: Open MS file formats

If Microsoft were required to open and keep open the proprietary file formats of their most-used office productivity software (MWWord .doc, PowerPoint .pp, etc.) it would be *much* easier for other products, both free and commercial, to be made to interoperate with these nearly ubiquitous Microsoft products. I think this one requirement, for open file format specifications, would do more than another other single thing to loosen Microsoft's monopoly on office productivity applications. It would be inexpensive to monitor because many software devlopment companies would be constantly on the lookout for discrepencies between the open, published file format specifications and the ones actually used in Microsoft's latest office productivity applications.

Thanks for listening.
Jon
—Jon Babcock <jon@kanji.com>
406 827 3000
Box 1510
Thompson Falls, MT 59873

MTC–00002487

From: Gary Fenrich
To: Microsoft ATR
Date: 11/30/01 11:38am

Subject: Microsoft settlement

Attorney General,

It would be a great injustice to allow Microsoft to settle its monopoly suit by giving millions of $'s of software to the schools. This would create a marketing opportunity for Microsoft. In the long run Apple would lose its market share in education. This underhanded so called honorable jester by Gates is only to increase his sales. This punishment for Microsoft is no punishment only another profit strategy. Please do not support this settlement.

Thanks—Gary Fenrich(small businessman)
1069 Elizabeth Ct.
Yuba City, California 95993

MTC–00002488

From: David Clark
To: Microsoft ATR
Date: 11/30/01 12:27pm
Subject: DOJ/Microsoft Antitrust Settlement

Gentlemen:

I believe the antitrust settlement negotiated between the DOJ and Microsoft Corp. is useless. There are too many ways for Microsoft to interpret the agreement to their advantage and continue business as usual. Microsoft will still able to unfairly dominate their competitors. Microsoft is still able to force users to accept software and licensing terms whose main design and purpose is to maintain monopolistic control.

For all the work that has been done in the past three years I expected better results. DOJ has rolled over and Microsoft has won after being found to be a Monopolist.

MTC–00002489

From: Steve Thompson
To: Microsoft ATR
Date: 11/30/01 12:19pm
Subject: Microsoft Settlement in Favor of Microsoft

Sirs:

It is my professional opinion as a computer programmer (over 25 years) that this settlement handed Microsoft everything they wanted. Why would I say this? Let us look at the ramifications to small business (less than 50 employees) and the typical home user of computer software:

1) Tax Software that will not install unless IE is installed.

2) Accounting Software that will not install or run correctly unless IE is installed

3) Payroll Software that will not install or run correctly unless IE is installed

4) 98% of the desk tops using Intel platforms are Microsoft controlled.

5) VB can't run on anything except Windows platforms

6) ISPs that will not support their customers unless they are running a Windows environment

7) ISPs and others who put out software that will not install unless IE is installed (this goes beyond the business software listed in points 1–3 above). How is it that IE is needed to do payroll and/or accounting? Just what does IE have to do with getting W2s, 1099s, 940, 941, and other federal returns printed? How is it that IE has to be on a system for downloads to work? FTP has been around for quite some time, so why did PeachTree, Intuit, H&R Block, and others decide that their software had to be connected to IE to get updates for their software?

Why is it ISPs demand a Windows environment or they can't support you (blatant example is AOL/Time Warner's Road Runner)? What is so special about IE that they can't seem to deal with Netscape, Opera, or any other browser? Why do they [ISP and Software Makers] have trouble if you don't use Outlook or Outlook Express?

Now take these things and look at what you have. If small business is forced to use Microsoft environments, how do we get them to look at a cheaper and faster operating system, such as Linux? What about IBM's OS/2? Why did it die (and it is a much more stable O/S than ANYTHING Microsoft has put out AND it supported the Windows APIs!)?

What you've done is made sure that everyone will find the Microsoft environment to be the cheapest to go to. You've done this via case law that makes the Windows API the standard!

Total Cost of Ownership is not what people look at in too many cases. They look at what is the ''easiest'' to deal with. When all the game makers make games for Microsoft, what will drive the Microsoft purchases in corporate America? It is the familiarity people have with Microsoft. Meanwhile, better systems will fall by the wayside because small business users will not pay the up front costs to train their people—not realizing their back end costs are going up!

Again by case law, you have made Microsoft's new licensing plan the standard. That new standard is a subscription plan for their office products and operating systems starting with ''XP''. What will be the cost of this? Well, if you don't subscribe, then you can't buy upgrades at an ''upgrade'' price, but at the full price (per Microsoft). Meanwhile, various independent groups have shown the overall costs for small business to be a LARGE price increase.

Meanwhile, Microsoft has a reputation for buggy code. Why is it that the vast majority of malicious code is geared to Microsoft applications? Is it any wonder Microsoft supports UCITA? Via case law you are pushing poor code/software by ensuring that Microsoft is the standard (e.g. Windows API). How many more ''innovations'' will Microsoft wrap into their operating system that will shut down ISVs (Independent Software Vendors)? And how many of those innovations will have serious security problems? Again, by case law you've make this the de facto standard.

And so, who would deign to bring another case against Microsoft for predatory practices, anti-trust or outright fraud? Think about this new ''NET'' (''#'') environment being pushed by Microsoft and what effect ''myWallet'' (or whatever Microsoft is going to call these things) is going to have. Once Microsoft gets out there with XP, and people are losing money (stolen myWallet contents and the like), what attorney is going to file a suit against Microsoft (keep in mind UCITA as well).

The settlement agreement you have entered into with Microsoft was very well described the other day as ''the DOJ having snatched defeat from the jaws of victory.'' I submit to you that this settlement is the worse possible thing you could have done.

Sincerely,
Steve Thompson

MTC–00002490

From: Robert Hielke
To: Microsoft ATR
Date: 11/30/01 12:15pm
Subject: Anti-trust

Seems Microsoft was able to con you guys into thinking this was a punishment when it is win-win for Microsoft. Win now by getting me/taxes to pay for training and win in 5 yrs when there are fewer other choices in the market and taxes pay again. The assumption that: 'All children will need to learn Microsoft anyway' is incorrect. That they should be a monopoly because they already are, seems like gvmt is giving up to Microsoft, and letting Microsoft break another law to gain more market share. Microsoft broke the law, does that matter?

MTC–00002491

From: Klein, Patrick
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/30/01 12:13pm
Subject: No! on the Microsoft settlement proposal

Hello,

I'm writing to voice my strong opposition to Microsoft's proposal to donate computers to 14,000 schools. This clearly hurts those companies who still compete with Microsoft in the educational market. This proposal makes no sense.

Thanks.
Patrick A. Klein
Sandia National Laboratories
Mail Stop 9161
P.O. Box 0969
Livermore, CA 94551
Science-based Materials Modeling, Organization 8726
phone: (925) 294–4618
fax: (925) 294–3231
e-mail: paklein@sandia.gov
toll free: 1–800–4–SANDIA x4–4618

MTC–00002492

From: Bill Martin
To: Microsoft ATR
Date: 11/30/01 1:09pm
Subject: Microsoft and DOJ

Microsoft has done more than any company in the last half of the 20th century to help and advance the global community. They have provided a wonderful product and emerged as an American Icon for efficiency, aggressiveness and the American dream institution. Put simply, Bill Gates worked hard and made it big. So big in fact that the US government felt it must STOP them because competition could not.

Your DOJ actions have been a major part of the problem with our country and economy in the past 5 years. Things take time to slow down in the US economy. So it has taken that time for you to help ruin it with your actions against this successful giant company. This is just another example of Govt intrusion into private industry that is unjustified.

They make the best products and consumers buy them. Their competition cannot make competitive products because

they are not as creative. So they do the only thing they can...they get the DOJ to compete for THEM.

I am disappointed and saddened in how our Government and how the DOJ action is typical of the way our society has drifted from people who want to pursue freedom and individuality and democracy to how your actions instill the ''socialistic'' ideals into our government. The govt is big and bureaucratic, full of power points and small ''empires'' within the big one—a fat non productive Government system! As a voter and non Microsoft employee I demand you STOP these stupid actions tying up time and talents in NON PRODUCTIVE areas. Go after crime, not great institutions and companies like Microsoft!

Bill Martin
2850 Country Club Blvd
Orange Park, Fl 32073

MTC–00002493

From: George Streeter
To: Microsoft ATR
Date: 11/30/01 12:55pm
Subject: Microsoft settlement

I have never seen our government do such a poor job of bringing a company to justice. You should be ashamed of yourselves. Microsoft is a monopoly and their business practices ensure that they will continue to be on. You should fix this by going with the original break up plan with heavy fines to pay back the companies they have injured.

George Streeter
Systems Engineer, CNE, MCSE, SCO ACE
Computer Resource Training Inc.
131 East Columbia Ave #001
Battle Creek, Mi 49017
(616) 963–3785
(616) 963–7009 fax
gstreet@crtincbc.com
www.crtincbc.com

MTC–00002495

From: Gina M Wheeler
To: Microsoft ATR
Date: 11/30/01 12:28pm
Subject: Microsoft case

I find it hard to believe that as a punishment, Microsoft is going to be permitted to put their products into schools so that our children can be brainwashed into believing that the Microsoft platform is the only one to use on a computer. That is supposed to be a punishment for being a monopoly? What other possible reason could the company have for suggesting such a plan?

My understanding is that Bill Gates purchased $250 million worth of stock in Apple computer a few years ago. He did give up his voting rights for 5 years so the article stated. Has anyone considered the ramifications of this purchase when he is able to vote? What if Microsoft decides to port their operating system to the Apple systems and no longer support the Intel platform? This would force millions of users to buy new hardware as there are not many competitors that have survived Microsoft's strong-arm tactics. Is this where things are going? Would it be in the best interest of my organization to start purchasing Apple computers now? Can you image what this would do to Intel? What about Dell, Compaq, IBM and other competitors?

I currently am an IT person and I run approximately 10 Windows servers. On one of these servers, I installed a DEMO version of a program called ZoneAlarm by Zone Labs. This is a small firewall program. During configuration, I find that my server is sending information to Microsoft. Why would they want information about my server? What are they doing with this information? Why is this not documented? Why is it legal for a company to write software that will send information back to the manufacturer without the permission of the owner of the product? What gives Microsoft the right to have my server talk to their server without my permission? I felt truly violated upon learning this. I don't want my configuration information or any other information from my servers to be bantered around at Microsoft. This is equal to the telephone company listening in on my phone calls and making notes. This cannot possibly be legal.

Whoever owns the information, is the one with the power. Continuing to let Microsoft go unchecked is a very bad thing and will surely come to be a severe problem for the United States. Microsoft is on a power trip where business ethics are non-existent.

I hope that you are willing to stand up to such a power and make the company follow the ethical business practices that the rest of the United States is forced to follow. I would hope to see the government take this company and give them a good shake while it is still possible to do so. Computers are a very powerful tool in the world today.

Having a company with little or no business ethics (not to mention moral ethics) controlling this industry is just a disaster waiting to happen.

Thank you for reading.

MTC–00002496

From: Bruce Kennedy
To: Microsoft ATR
Date: 11/30/01 2:00pm
Subject: Anti trust nonesense

STOP THE INSANITY!

Can anyone outside of the disgruntled few competitors who somehow got the DOJ under Clinton to initiate this mess tell me why this is continuing? This was never about ''consumers''. I use Microsoft stuff, you do to. It keeps getting better every iteration at basically the same. This case has been a colossal waste of Tax payer dollars, put a huge drag on most 401 K's etc. etc.

In the name of consumers everywhere who are much more affected by this case's affect on their personal wealth than anything else....PLEASE SETTLE!

MTC–00002497

From: Shanan Peters
To: Microsoft ATR
Date: 11/30/01 1:17pm
Subject: Unacceptable settlement

To whom it may concern:

I find the proposed settlement by Microsoft (gratuitous promotion of low-cost software in public schools) to be most unsatisfactory. I trust that the authorities in charge of this settlement can see through the transparent scheme by Microsoft to pay virtually nothing to gain a foothold in a market in which they currently do not enjoy a monopoly—all as a punishment for their monopoly status in many fields!! Please, carefully consider the motives of Microsoft without being ''softened'' by the desire to see some good come to public schools. Instead, demand a more equitable cash settlement that puts money into the hands of schools. Explicitly demand that Microsoft keep their bullish hands out of making decisions about where the money be spent.

—Shanan Peters
Shanan E. Peters
The University of Chicago
Dept. Geophysical Sciences
5734 S. Ellis Ave.
Chicago, IL 60637

MTC–00002498

From: LPeele@aol.com@inetgw
To: Microsoft ATR
Date: 11/30/01 1:17pm
Subject: Operating System Monopoly

It appears that the DOJ ''settlement'' does nothing to eliminate the stranglehold that Microsoft has on the operating system market. The government should write a spec for th OS that it will purchase and make it available to all competing software developers. The system should also be open source. Microsoft should be prevented from forcing Windows and Windows products on the public. Try to buy soft or hardware for IBM's OS/2 Warp or a computer with that OS installed.

The list of transgressions is extensive and it appears the DOJ has given in.

Ellwood L. Peele

MTC–00002499

From: root@wt6.usdoj.gov@inetgw
To: Microsoft ATR, antitrust@ fic.gov@ inetgw, Ralph@ essen...
Date: 11/30/01 2:48pm
Subject: Microsoft Hegemony: ''Giant Pile Of Shaving Razors'' CC: letters @l atimes.com@inetgw, letters@ sjmercury.com@ i... Re: Judge to Rule in Dec. on Microsoft

if consumers pursued their claim against Microsoft and eventually won the case, they would stand to recover as little as $6 each That would be a most valuable $6. Accumulated, those pittances could fund the development of a crash-proof operating system. So stop comparing the $6 reward to the $100 monopoly tax that US intellectual property laws allow the worst con artist in history.

''You talk about giant pile of shaving razors, nothing more...''

MTC–00002500

From: Thos Lydon
To: Microsoft ATR
Date: 11/30/01 2:44pm
Subject: Appropriate Penalties

Sir,

The proposed settlement of the Microsoft Antitrust case is absurd and we applaud your decision to pursue harsher penalties.

Microsoft has been adjudicated and found guilty. The company should not be able to dictate or determine the consequences applied. The consequences should be that which best serves the public interest and that only can be achieved by reducing the leverage Microsoft has over smaller

companies; leverage that Microsoft has been applying to the market place for years.

Any action that results in the generation of revenues or entries into areas of the market that currently are not dominated by Microsoft or increases dependency on its products would only reward Microsoft for the practices which resulted in their being found guilty for violating anti trust laws.

The only justified punishment is to break up the company, accompanied with substantial fines. The failure of the US Justice Department to pursue this reduces the confidence that citizens can get justice. Now we know the true meaning of criminal justice.

Thos and Ginny Lydon

MTC–00002501

From: xcliff@phys-ha1cupa.eng.sun.com@inetgw
To: Microsoft ATR
Date: 11/30/01 2:13pm
Subject: MicroSoft Triumphs

Guys—

As a former litigator I am appalled at the way you division gave away your hard won court victories for that flimsy, hole ridden, useless settlement document by which Microsoft rolled all over the United States.

You completely wasted my tax dollars by capitulating in the midst of victory over one of the most vicious monopolies since the Standard Oil Trust. You are handing the internet over to Microsoft, destroying innovation (MS is incapable of inventing they just immitate and then extinguish the originators) and leaving all consumers to the tender mercies of a monopolists.

You should be ashamed—and all so that George Bush can have some contributions from Redmond. I'm disgusted.

—Cliff Allen

MTC–00002502

From: lamm@met.fsu.edu@inetgw
To: Microsoft ATR
Date: 11/30/01 3:30pm
Subject: settlement

This is bad solution. It allows Micr. to do have the same effect as before. What is needed is for the consumer to have the chance to get $100-$200 back that was usually paid to Micr. if he agrees not to use their software. This should be a mandatory part of all liscenses Micr. signs with OEMs. This has never been the case and the proposed settlement doesn't help. As long as a Windows/Office tax is bundled in, nobody else has a chance. Just look at Hewlett Packard—they will sell you a linux box for $100 more than Win 2000. They should have an option where you you pay $100 LESS for no Windows 2000 and then they could just get something like Linux for free. from Red Hat/Linux Central/ or a friend. Until the consumer has a chance to save the $100 there is no point.

Jim Lamm Ph.d. Computer science

MTC–00002503

From: Kerry Robertson
To: Microsoft ATR
Date: 11/30/01 3:07pm
Subject: MS SETTLEMENT UNJUST/ ILLEGAL

Dear Atty Gen,

I believe that to punish a company guilty of racketeering by offering them a chance to broaden their territory ''marketshare'' is utterly absurd. I am NOT happy with the terms of this settlement, particularly with the arrangements for MS to provide software to schools. Apple is currently the dominant marketforce in educational computing, and this settlement will not only hurt them, but all other OS/educational software vendors.

RedHat Linux has proposed an offer to provide Operating Systems, Updates, and Technical support FOREVER to these schools. Making the money MS spent on actual HARDWARE go alot further and to many more poor schools. To give MS our schools on a silver platter because of theirr TERRIBLE business practices is a TRAVESTY! I have been a MS user for 10 years, and never have I felt so ripped off as when I needed tech support for my Windows Operating Systems and it was very inadequet or simply not there! Stop letting them rip off the American consumer by Overcharging for a half ass coding job. Stop their imperialistic way of Forcing competitors like Netscape out of the running.

I hate to say this to a respected member of any states highest Law Enforcement Agency, but if you cannot see that this settlement is WRONG, legally, ethically, and morally, then I say to you sir or madame, ''YOU ARE EITHER AN IDIOT, OR IN MS's BACK POCKET'' Fix this before our schools are FORCED into participating in something so un-american, that our Founding Fathers would restart revolution all over again to stop it!

Kerry Robertson
Seabeck, WA
360–830–4916

MTC–00002504

From: donald j mcmeen
To: Microsoft ATR
Date: 11/30/01 2:59pm
Subject: The Great Microsoft Debacle

Dear Sir or Madam:

My input is simple. Here we have a company that single-handedly created many, if not most of the tools necessary to implement an incredible capability accessible from nearly any place on earth. They, starting with Bill Gates and Paul Allen, combined their unusual skills with great initiative to bring this capability into being.

The results have so many superlatives associated with their efficacy that it would be pointless to start trying to delineate and enumerate them. And I, the ordinary consumer, am able to utilize them for my own interests at a tiny cost. Information availability and communications capability beyond anyone's wildest dreams of a few decades ago are the legacy of Microsoft's initiative, industry and invention.

Everyone who is in a position to affect Microsoft's progress needs to wake up and smell this enormous field of roses, this gift beyond imagination.

Naturally, there are those who, seeing the results that Microsoft has obtained, along with the commensurate rewards which came along with it, are eager to share in.....the rewards. That they didn't have the same qualities that Microsoft manifested would be overcome by resorting to ...why...litigation!

Of course! It's the American way, or at least, becoming the American way. Replace honest effort and industry with a lawsuit!

The Justice Department needs to be a bit more pragmatic about their pursuits. The American economy started slumping over when the Justice Department decided to show Microsoft who had the most power. The stock market joined in the malaise, particularly the technology sector, with many solid companies that will determine much of our future economic health and indeed, quality of life, losing a very large percentage of their value. The temporal relationship between Justice's actions and this change in the value of our economy seems unlikely to be coincidental.

If Justice has a problem with the concept of pragmatism versus idealism, it needs to come to grips with the genesis of idealism. Idealism is the best guess as to principles that yield the greatest success, in some sense, at the time they are formulated. Those guesses shouldn't be taken as immutable or beyond review.

It's time for Justice to take a long look at what they're doing in this business arena, while also coming to grips with the likelihood that a full understanding of the inner workings of the target industry business model may be beyond their reach. Like the stock market.

Donald J. McMeen

Ordinary consumer and user of Microsoft products.

MTC–00002505

From: bill_bonte@fuhsd.org@inetgw
To: Microsoft ATR
Date: 11/30/01 4:03pm
Subject: commen

I think that instead of giving Microsoft software to poor schools, Microsoft should have to give MONEY. That way Microsoft doesn't profit from software people like me wouldn't pay for anyway AND the schools are REALLY helped. Are we trying to give them more of a monopoly? Shouldn't we be punishing them for monopolistic practices?

bill bonte

30+ year teacher in public schools.

MTC–00002506

From: Bill Lundell
To: Microsoft ATR
Date: 11/30/01 3:52pm
Subject: Microsoft Give-Away Re: proposed Microsoft Settlement:

As a U.S. citizen, voter, and user of both Microsoft and Linux operating systems, I feel that the DOJ proposed settlement only furthers Microsoft's monopolistic practices. While the idea of helping school districts with computers is a fine principle, the proposed settlement mostly allows Microsoft to get credit for giving out their own software at virtually no cost to them. This is obviously a market where the consumer (poorer school districts) would not have been able to purchase at Microsoft's outrageous prices anyway. Microsoft should at least be credited only for costs of hardware, not the inflated price of their software as if it was sold. And it should have no license expiration. What good is a 'gift' that has to be returned or paid for later?

Further, since this is about monopolistic practices, it is my opinion that other operating systems and office applications should be part of the deal. Red Hat or another Linux distribution, Star Office or another office application, should be provided. And any cost should be incurred by Microsoft. (The aforementioned products are available free of charge. Only the cost of distribution and manuals would be required.) Other parts of the settlement are even more difficult. Example: ''Microsoft will be required to disclose server protocols and interfaces.'' Good luck enforcing that! Have you tried to just keep up with the changes required to keep your own computer current from the ''Windows Updates''. They'll just keep changing the protocols and interfaces so no competitors have a chance. Or they'll find a way to sell a service to keep current, thereby furthering their monopoly and getting paid for it in the process!

You've made a step in the right direction. Please make it a meaningful step.

Sincerely,
William G. Lundell
601 12th Ave. NW
Issaquah, WA 98027
CC:Bill Lundell

MTC–00002507

From: John and Sandy Strickland
To: Microsoft ATR
Date: 11/30/01 4:40pm
Subject: Microft ''Settlement''

I think the DOJ totally wimped out on the Microsoft antitrust thing. The only remaining question is ''Will Bill Gates break up the Justice Department?'', since he is obviously more powerful than the government!

MTC–00002508

From: Nancy
To: Microsoft ATR
Date: 11/30/01 4:20pm
Subject: Microsoft Settlement

The present proposal for Microsoft's settlement is the equivalent of allowing all driver's education autos to be fitted with defective Firestone tires, to the exclusion of other brands, and then expecting the schools system to pay for the fixes that will be necessary.it isn't a penalty—it's a golden opportunity for an abusive company.

I am a long-time computer user [since 1984] and feel it necessary to protest the present proposal for Microsoft to donate software/computers to schools— This merely extends MS's monopoly into the future , with even broader control than that which prompted the lawsuits in the first place.

Microsoft is infamous for producing ''rough-cut'' software- things that do not function properly—and then charging for upgrades,support and patches to fix whatever the problem is—They are also infamous for providing things that CAN'T be upgraded—and then charging exorbitant amounts for updated changes—e.g. Windows Millenium—was touted as the next generation—It turns out that this system cannot be upgraded to Windows 2000 or any other subsequent upgrade—it is an evolutionary deadend, composed of bits and pieces of previous operating systems, including outdated programs, drivers, and code.

Window XP promises to be just as problematic—or more so. It was sold as the latestand best—as it turns out, there are no drivers available for a wide variety of programs that ran under Windows95/98—the customers who paid upwards of $500 for this O/S will just have to wait—this is fraud. The Microsoft strategy is to let the consumer find all the bugs for free, and then pay Microsoft to have them fixed—to introduce this kind of confusion into a school system is ridiculous, not to mention the hidden costs of sorting out the problems when they have proliferated across a school intranet.

And then there's security—Consumers should not end up having to pay, either through hidden school costs, or bloated retail prices, for an inferio9r product just because it dominates the marketplace—that is precisely why Microsoft should not be allowed any possibility of further domination in the future—it's time for alternatives, Linux being one of them.

Nancy Brown
Yaquina Bay Online
nb@yaquinabayonline.com

MTC–00002509

From: Syversen, Jason
To: 'microsoft.atr(a)usdoj.gov'
Date: 11/30/01 5:10pm
Subject: Proposed Microsoft Settlement

To whom it concerns,

I'm writing in opposition to the ''penalty'' that Microsoft is supposed to pay by installing their operating system on thousands of schools across the country. I'm opposed to any ''solution'' which encourages the spread of Microsoft's monopoly any further then it already has. Look at Microsoft's primary competitor's responses (Apple, Redhat, etc.) to get a feel for what a bad idea this is. Redhat's recommendation that their OS be installed on hardware paid for by Microsoft is a much better alternative, as it would be stunting Microsoft's monopoly position (ie, an actual penalty!) while providing poor schools with much needed educational tools. It's also instructive to observe two key points. First, the cost to Microsoft is not $1 billion in cash, but rather software equalling $1 billion in retail value. Equating this to a $1 billion penalty is ludicrous, as the real cost to Microsoft is much, much less. Second, the party's that originally brought the lawsuit get virtually nothing from this settlement, other then perhaps a (misguided) feeling of justice.

Please resist any recommendations by Microsoft that allow them to further their monopoly position. My favorite quote summarizing this foolishness was made by Albert A. Foer, president of the American Antitrust Institute, who told Motz in a letter that the proposed settlement could be considered anticompetitive, and likened Microsoft's position to that of ''Brer Rabbit seeking the brier patch.''

—Jason Syversen

MTC–00002510

From: Mike Finney
To: Microsoft ATR
Date: 11/30/01 4:55pm
Subject: Microsoft Settlement

The only thing missing from this ''settlement'' is that Mr. Ashcroft isn't apologizing to Bill Gates. I am appalled at the naked attempts by Mr. Ashcroft to subvert the process of justice and I hope he is ashamed of himself for being bought so cheaply by Bill Gates and his flacks. What are you going to do with your 30 pieces of silver, Mr. Ashcroft? This settlement should be laughed out of court and Microsoft needs to be hung on the wall for their antitrust violations.

Michael Finney
703 Fayette Dr.
Euless TX 76039
817–540–4700

MTC–00002511

From: Richard Tauro
To: Microsoft ATR
Date: 11/30/01 4:41pm
Subject: Microsoft Settlement

In addition to the various proposals for structural changes in Microsoft's business practices (published Windows price sheets, etc.), please consider the following.

Microsoft should have to divest itself of its programming tools group. It should not be allowed to write, sell, or distribute programming languages and tools for, say, four years. Such a penalty would help check future Microsoft hegemony without the risk of permanently crippling the company. The new tools programming company would be free to develop Microsoft's programming tools as it sees fit—hopefully to make them as robust and interoperable and platform-neutral as possible.

Such a sanction would be relatively easy to implement; nor would it be excessively disruptive of Microsoft's ongoing business (while I think Judge Jackson was on the right track splitting the company into separate applications and OS companies, I fear that would have created chaos to Microsoft and, indeed, the to software industry as a whole (not to mention all the uncertainties and delays related to determining what exactly is application code and what's operating system code)).

Respectfully,
Richard Tauro
153 george St.
Niles, OH 44446
t: 330.544.1927
f: 330.544.1937
e: rt@scribblers.com

MTC–00002512

From: Jonathan Ryshpan
To: Microsoft ATR
Date: 11/30/01 7:18pm
Subject: Proposed MS Antitrust Settlement

If I understand correctly, the wrong that MS has been found to have committed (by the Circuit Court) is that MS abused its monopoly position by giving away its browser, to the harm of Netscape. This ''remedy'' will require MS to give away its operating system, and possibly other software to various schools, to the harm of Apple. It makes little sense to require MS to carry out precisely the kind of behavior which has been found to be an abuse of its monopoly. If the schools were allowed to take value equivalent to the software that MS offers in cash, at the choice of the schools, I might be persuaded to support the settlement.

With all respect:

Jonathan Ryshpan <jonrysh@pacbell.net>

Those who have put out the eyes of the people reproach them for their blindness.—Milton

MTC–00002513

From: Rick Davis
To: Microsoft ATR
Date: 11/30/01 7:05pm
Subject: Settlement

Sounds to me like Microsoft is being rewarded for breaking all the rules. ''Allowing'' them to ''donate'' millions of dollars worth of computers to poor schools is ludicrous. 1) They will of course inflate the value to lessen their loss; 2) They will quickly gain 1000's of seats in a market where they actually have competition and don't own the market share; 3) Each one of these ''donated'' computers will require the schools to purchase additional software and hardware from Microsoft; 4) Each of these poor schools will have to find money to hire support staff to kep up with the constant maintenance and upgrades required. I could of course go on and on. But I doubt that what I think will mean a thing to you or if this will even be read.

Rick Davis

MTC–00002514

From: ssirles@csc.com@inetgw
To: Microsoft ATR
Date: 11/30/01 5:53pm
Subject: Microsoft Settlement

The irony of the DOJ/Microsoft settlement astounds me. Microsoft's punishment is actually a public relations maneuver intended to garner public support as well as a marketing maneuver intended to gain greater mindshare in future generations. I think Redhat's proposal makes sense. Let Microsoft spend its money on hardware alone while Redhat provides free software. Microsoft can still gain public support, but it does not use its defeat in court to gain market share.

MTC–00002515

From: Wayne S. Mery
To: Microsoft ATR
Date: 11/30/01 5:38pm
Subject: MS antitrust

To whom it may concern,

After considerable taxpayer expense, Microsoft is found to have violated anti-trust laws to the detriment of the consumer, and to the detriment of the law abiding companies with which Microsoft competes. In any settlement one would think there would be :

* restitution to the damaged party

* fines which are cumensurate with a society and governement that punishes a law breaker and seeks preventative, punative fines to show other companies that breaking the law will cost you not just pennies on the dollar (as in the case of this judgement relative to Microsoft's profits)

* action or oversight to prevent recurrence, within a company culture and leadership that allowed gross illegal actions to take place—indeed, they sought agressively the means and tools which were foresable to be breaking the law.

To give computers and software to schools is a noble, but too easy and inequitable settlement.

This settlement, agreed to by both the US Government is a joke, and apparently convienient for both.

What happened to the consumer??

Wayne Mery
4017 Monroe St
Danielsville, PA 18038

Note: These are my personal views, and do *not* represent the views of my employer, Lehigh University

MTC–00002516

From: mark@jsc.nasa.gov@inetgw
To: Microsoft ATR
Date: 11/30/01 9:04pm
Subject: Microsoft Settlement

Sirs,

As someone who has used Microsoft products extensively and as someone who has had to deal with the problems thereof, I would like to comment on the Microsoft Settlement. It does not seem, to me, that the proposed settlement does more than simply give Microsoft a slap on the wrist. I say this because the insurance which Microsoft carries on its operations costs more than the amount it is being asked to pay in this settlement. Bill Gates alone makes more per year than what Microsoft is being asked to pay. This, therefore, is no burden to Microsoft. A ''burden'' is something which places you at a disadvantage, makes it hard for you to operate, or otherwise inhibits your ability to function normally. This settlement does none of these. It is merely a minor hinderance easily overcome.

I feel that, due to what happened on September 11th, the importance of this case has been lost to the Department of Justice. Instead of remembering what Microsoft has done, the Department of Justice simply now wants to ''get this over and done with.'' This may not be true—but that is the impression which is being handed out to the people of America. That it is ok for the biggest corporation in America to destroy, manipulate, or circumvent the laws which lesser people and companies must adhere to simply because they have enough money to buy their way out of the problem. To slick the palms of some officials, or to promote offers behind closed doors which, on the surface, appear to be genuine but upon closer inspection simply increase their holdings. A true settlement would have included provisions to ensure that none of the systems thus purchased could have a Microsoft Operating System installed. Such as requiring them to be Apple Computers—thus reducing Microsoft's ability to extend their holdings. This would have allowed both LinuxPPC (Linux for the PowerPC) or MacOSX to be installed. Or require that no Microsoft software be installed on any of these systems period. This would have allowed Corel's Office package, Sun's StarOffice, KDE's KOffice, or any of the other so called ''Office Packages'' to be used instead of Microsoft's. These are minor burdens. To enlarge these minor burdens into major ones extremely stiff penalties such as time served in prison, heavy monetary penalties, and the like would have to be incorporated into the terms. Which would make the entire affair unpalatable to Microsoft. Thus, these would have to remain minor burdens.

A major burden (in and of itself) to Microsoft would have been to make Microsoft give up something like ten percent of their annual income for the next ten years and that this income go to such things as the Free Software Foundation(FSF) or the National Science Foundation(NSF) (who helps to back the FSF) or for the intended purpose proposed above. THIS would be a burden. Especially if they were forced to pay the taxes on this money before it is distributed. Further, the proposed ten percent deduction on their income would not destroy the company—all it would do is to slow them down. Which is what should happen. Let me reiterate that: It is not our intention to destroy the company—but we most certainly do wish to slow them down so other companies have the chance to compete. Therefore, if Microsoft itself were forced to aid its competitors through the use of a ten percent tax, this would not only be a major burden—but everyone in the United States would benefit from this settlement. This is because Microsoft, according to Standard & Poor's last recording (if I remember correctly), earned over $300 Billion dollars last year. $30 Billion dollars is a few more dollars than amount presently in the proposed settlement.

Finally, I would like to turn your attention to the committee which is to be set up to oversee Microsoft. I believe that the people who should make up the committee should be picked, randomly, each year, from those companies who have borne the brunt of Microsoft's attacks. Who better to ensure that Microsoft conforms to the letter of the law than the very people to whom they have done so much? My proposal on this matter is that each of the plaintiffs in the lawsuit must present a list of names of all employees who work at the various companies. (No job titles or any other information should be used.) These names are fed into a computer program which randomly orders the names. Starting at the top of this list, these people are contacted and asked if they wish to work on the oversight committee. If they do, then some of the money from the settlement is used to pay their salaries for that year.

Each year this is repeated with no company able to send the same person more than once. From this second group of people the final people are picked to act as the oversight committee. Again a list is devised and a random selection is used. I suggest five people instead of three and I believe that the committee should be set up in a manner similar to a small claims court in that there is a litigant and a defendant. The problem is laid out for the ''judges'' who then decide—with the help of an AntiTrust Division person—whether or not there has been a violation of the AntiTrust Settlement. If they find that there has been a violation, then the matter is turned over to the AntiTrust Division for further investigation. If not, then the reasons for not turning it over must be made clear to both parties as well as the AntiTrust Divison. In all cases, a written report of the entire proceedings, with each

''judge'''s reasons, must be made available to the AntiTrust Divison. In addition, all cases should be posted on the Internet for public viewing along with each ''judge'''s opinions and the AntiTrust Divison's decisions.

You, who are reading this, might feel the above to be absurd—it isn't. First, it ensures that no matter what—Microsoft can not determine ahead of time nor control who is going to be on the committee from year to year. Second, it gives the AntiTrust Divison a say in what happens. Thus, there will not be a ''kangaroo court'' outlook and anyone who acts otherwise should be removed from the panel and replaced with one of the alternates. Third, many different viewpoints will be presented as the years follow. Thus, someone who is not highly affected or who might be pro-Microsoft may still be on the panel as well as someone who might be greatly against Microsoft. Thus the reason for five ''judges'' instead of three. To give a greater breath to the proceedings. Nor should the ''judges'' be of a certain age, ethnic background, nor education. (Although a college education might ensure a greater depth to the person's outlook and someone of an elder age would give a person [hopefully] more of a scope to life. Still, discriminating against someone simply because of their age or number of years in school or college should not be tolerated.) They should simply be empolyees of companies who are affected by the manner in which Microsoft has operated. Last, it alleviates the AntiTrust Divison of the burden of listening to endless streams of companies complaining about Microsoft's operations. Or at least partially. And it places the burden upon the very people who have complained in the past to monitor the future. (Although Microsoft would be the one who is paying for these people to sit in judgement on what Microsoft itself is doing.) Thus, everyone—except Microsoft—would win.

Thank you for your time in reading this.

Yours,

Mark Manning

MTC–00002517

From: Art Arellano
To: Microsoft ATR
Date: 11/30/01 8:20pm
Subject: Please do not accept Microsofts settlement of giving computer gear to public schools

Why further increase their monopoly power. It will be all over for Apple computer if this happens. This is so one sided. Give the money to the schools and let them decide what computer systems they want!! No more Microsoft bullying!!

MTC–00002518

From: jon radwan
To: Microsoft ATR
Date: 11/30/01 8:02pm
Subject: MICROSOFT SETTLEMENT

Hello,

Microsoft is clearly a monopoly. Due to the scale of their crime, please give them the maximum penalty.

Thanks,

Jon Radwan

MTC–00002519

From: Kayen
To: Microsoft ATR
Date: 11/30/01 11:20pm
Subject: MS Settlement

Looks like MS is getting off scott free + monopoly in schools.

Disgusting.

MTC–00002520

From: W.W.WEBB
To: Microsoft ATR
Date: 11/30/01 10:44pm
Subject: micorsoft's antitrust reward settlement

1) microsoft is a monopoly, if you couldn't prove that ...

2) the judge who got thrown off the case was right about his categorization of microsoft and bill gates

3) If you let microsoft ''contibute'' to underpriviledge schools, take the billion and let the schools decide for themselves what they want to buy with it. don't let microsoft copy there own software and give it away.

4) What i've learned from this case is break the law and get richer before and after cause the government can't or won't do anything to stop a billion dollar company.

Finally, how much money was wasted on this case to simply let microsoft get away with it and even get to strengthen their monopoly on top of it.

MTC–00002521

From: AJosephnic@aol.com@inetgw
To: Microsoft ATR
Date: 11/30/01 9:53pm
Subject: Microsoft Settlement

No one is paying attention to the costs and benefits to the home consumer. The home consumer WINS if Microsoft is left as is. Yes, the average consumer does not want to make choices around which operating system to purchase, then having to figure out which software applications are compatible. The average consumer also does not want to worry about interfaces between those pieces and parts that are not compatible, because when something goes wrong, there will be no one to take ownership of the problem. Additionally, once the consumer has purchased all of the pieces and parts, chances are that he/she will need to install all of them, instead of the PC coming reading to use. In the business world (I am a business software consultant), we call the best of all the pieces and parts ''best of breed''. ''One stop shop'' is when everything comes from the same vendor (or partners that have produced products using the vendor's tools, thus making it seem like they are from the one vendor). Most companies shy away from ''best of breed'', because they don't want to deal with various vendors, interfaces and consultants during installation, and even more so once they are in production. In a ''best of breed'' situation, there is a lot of passing the buck. This costs time and money for the customer.

To the average consumer, ''one stop shop'' is less expensive and more efficient. Generally, we don't have the time or knowledge, which results in us being passed around from person to person (on the phone, after being put on hold) when we have a problem. Maybe I can dig through it, but my husband and my father certainly cannot. They are not in the tech industry at all! I buy my home personal computer with everything installed—operating system and applications. When something goes wrong, I make ONE phone call. I don't have to make several calls (like I must do with the phone company, because data, voice, equipment, etc., is all handled by individual parties, and after an hour, you still don't have the problem solved).

I think Microsoft is an innovative company, and I think the tech companies who have sued are exhibiting nothing more than sour grapes. Let's face it, they lost the game. There are other business that effectively partnered with MS. In our culture, business is survival of the fittest, isn't it? Sales have always been aggressive in the places I've worked. If companies choose not to do business due to aggressive sales tactics, so be it. That is their choice. Those who can handle it, will and those who can't won't (in this case, they are suing which I guess is the American way, as jaded as it sounds).

Breaking up Microsoft will damage the home user's experience with the personal computer. It will increase the cost in dollars and time, and be inefficient.

Andrea Joseph-Nickels

CC:AJosephnic@aol.com@inetgw

MTC–00002522

From: Joe Balbona
To: Microsoft ATR
Date: 11/30/01 9:20pm
Subject: Settlement

It is truly a pity that the DoJ invested so much time and money and got a guilty verdict against Microsoft and now proposes not to have them suffer any consequences as a result. Truly crime does pay.

You are all fools at the DoJ if you believe that they will follow this settlement any more than they followed previous ones.

Let me make this simple for you, (all the top attorneys must have left with David Boies)

1. Microsoft is a monopoly, they do not innovate.

2. The landscape is littered with companies that were innovative and had products that they were able to sell at a profit when Microsoft incorporates what their product does into windows. The innovative company goes bankrupt.

3. The only way to prevent this is by severing the operating systems from the other applications. Judge Jackson had it right.

Joe Balbona

MTC–00002523

From: root@wt6.usdoj.gov@inetgw
To: Microsoft ATR, antitrust@ fic.gov@ inetgw, Ralph@ essen ...
Date: 11/30/01 11:52pm
Subject: Microsoft Hegemony: ''Infidels Stand For Nothing''
CC: letters@latimes.com@inetgw, letters@sjmercury.com@i...
Re: Senator Wants Answers on Microsoft Settlement

Among other things, Hatch's letter asks James how the settlement will, ''terminate the monopoly Microsoft was found by the appellate court to have unlawfully maintained'' and ''deny to Microsoft the fruits of its (antitrust) violations.''

Congratulations to Sen. Hatch for upholding principles regarding Microsoft. The Bush administration also seems to ignore that consumers might benefit from a software industry on a level playing field.

''Sen. Hatch stand for nothing... like other infidels, he defy the will of almighty Dallah...''

MTC–00002524

From: Rod Roadifer
To: Microsoft ATR
Date: 12/1/01 12:26am
Subject: Microsoft

With all due respects, it is clear that the justice department needs to let Microsoft continue with making fine software. It would be a very different world today if the DOJ had spent as much time and effort against Osama Bin Laden as they did against Microsoft. Who is the real bad guy here.

Rethink your priorities
Regards,
Rod Roadifer
rod@pdlog.com

MTC–00002525

From: Clarence Tennis
To: Microsoft ATR
Date: 12/1/01 12:30am
Subject: microsoft settlement

Have Microsoft pay for Apple computers to be installed in the school systems.

Clarence F. Tennis III
Fort Wayne, IN

MTC–00002526

From: Cmessmer@aol.com@inetgw
To: Microsoft ATR
Date: 12/1/01 12:24am
Subject: Microsoft Settlement
Att: Renata Hesse,
Trial attorney, Antitrust Division,
U.S. Department of Justice

Dear Renata,

I am very pleased to be allowed to comment on the settlement of the Microsoft Antitrust lawsuit. We have followed this case quite closely and are not too happy with Judge Jackson's biased statements and some of his rulings. We cannot see where this company has harmed the consumer in any way with it's business behavior. The real issue is that they have been more aggressive in their marketing techniques than some of their competitors, but that is not against any law we're aware of. The most interesting thing about this whole case has been that the only parties that have been against MSFT have been their competitors such as Oracle, Sun Microsystems, AOL and a few others. Common sense tells you that this would be a great way to help your own company if you could get the government to tie up your main competition for a few years in a legal battle. We believe that is exactly why this has been done. The companies mentioned above have also been very helpful in raising campaign funds for the previous administration and those politicians who have supported the legal battle.

Again, we can see no evidence that this company has harmed the consumer in any way. For sure they didn't when they gave away their web browser for free. Of course Netscape would complain because they were charging $80 for their browser while MSFT started giving their browser away (free) but that certainly didn't harm the consumer in any way! Netscape didn't like it but then we consumers didn't like paying $80 for something that we could get for nothing either. We weren't harmed at all.

We would also like to convey to you that as MSFT goes so goes the economy, here in Washington State and over the whole nation. They have done nothing to harm the consumer only doing what their competitors don't like.

Sincerely Yours,
Mr. and Mrs. Chris E. Messmer
14517 Sunnyside N.
Shoreline, WA 98133

MTC–00002527

From: Andrew Liptock
To: Microsoft ATR
Date: 12/1/01 12:23am
Subject: Microsoft Settlement

I've received harsher penalties for staying out late on a Saturday night.

—regards.

MTC–00002528

From: bj chippindale
To: Microsoft ATR
Date: 12/1/01 12:59am
Subject: Proposed Settlement = slap on the wrist

Dear People

No other software company/OS vendor on earth controls both applications AND the OS they run on as Microsoft does. Their dominant applications (''Word'' etc) allow them to ignore problems in the OS. The temptation to sabotage competing applications through manipulation of the internals of the OS is irresistable. That was the fate of Wordperfect, a better Word Processor. Checking the most recent reviews, it is STILL better. It is also almost completely bankrupted.

Microsoft has been found guilty, and quite correctly. Their greed and their incompetence have led us to things like ''nimda'' and ''code red'' which have cost the REST of the industry billions of dollars. If they split into an OS company and an applications company, the OS company would quickly face competition from ''Word'' running on Linux that would cause it to take security and reliability seriously. Word has to run on Linux for that to happen. Can you order that without breaking up the company? It is that or breaking the monopoly that MS Office has on the desktop.

No... but you DO propose to ''force'' them to provide software free to the schools of the nation and they will be laughing all the way to the bank. They have been trying to wrest the schools away from Apple for a decade and you will REWARD them for their criminal behavior by handing them an even larger mind and market share. Since profanity is not appropriate to this letter I cannot tell you what I really think of this. Force them to distribute Wordperfect Office Suite instead of hustling ''Word'' in the schoolyards... but they won't go for anything that actually ''punishes'' them.

You are the watchdog. If YOU roll over and play dead we are defenseless. It is my opinion that this ''settlement'' does nothing to punish Microsoft for the crimes of which it has been found guilty and far less than nothing with respect to the crimes it has actually committed. I am furious with this supposed punishment. It is bizarre, it is a travesty of justice and if it stands it will be remembered as a black day for the US computer industry.

THREE monitors for their code base? Pardon me while I laugh... and cry. I am a software professional with long experience in the industry. I often am forced, unwillingly, to use the bug ridden trash that Microsoft provides. That tells ME that they are a monopoly. I *have to* use their products when someone elses product is a better more reliable choice. I know the difference. I know their history. I know their products. BREAKUP is the very best solution, best for the country and best for Microsoft.

Having to really compete with other platforms instead of riding their application's dominance and exclusivity would really tighten up their security and reliability. I would LIKE to be able to recommend a Microsoft product once in a while... but unless they are broken up it will not happen in my lifetime.

respectfully
BJ Chippindale
Senior Software Engineer
9970 Cabanas Ave.
Tujunga, CA 91042
818–353–5479

MTC–00002529

From: Scott Wiemers
To: Microsoft ATR
Date: 12/1/01 2:59am
Subject: Please revise the microsoft settlement

Dear Sir or Madame:

I am writing to ask that you revise the settlement with Microsoft. Microsoft has done many, many things to illegally squelch competetion and continues to gouge our pockets. The latest Operating system release, Windows XP, has even broken the tradition of not changing core systems. These changes have resulted in ''existing software'' written by other companies to break when systems are upgraded to Windows XP, or simply fail to install and work on a new system.

The Red Hat Corporation has suggested an alternative that I, as a Computer and Information Technology professional, feel benefits everyone. Please view this plan at http://www.redhat.com/about/presscenter/2001/press_usschools.html Red Hat is offering to give away services that it usually charges for (support and printed documentation for its operating system package) in place of Microsoft software products. Microsoft is in the business of software, so giving away 200,000 copies isn't going to do anything to them. Please, help our schools by increasng the number of computers from 200,000 to 1 Million and make Microsoft PAY for it's crimes completely by forcing them to spend the money to purchase hardware.

Thank you very much!
Scott Wiemers, MA, MS
Senior Software Developer
Scott Wiemers
9455 W 104TH CT

Westminster, CO 80021–3886
cell: 303.881.5506
Email: wiemers@lightlink.com
http://www.lightlink.com/wiemers/

MTC–00002530

From: Mulholland, Jerry E
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/6/01 3:34pm
Subject: Comments on the Microsoft Settlement

I am very sadden that the DOJ is permitting Microsoft to go unpunished after being found guilty of monopolistic practices. Having the most dominant and richest software company in the world provide free software to the end user is not a punishment it is a joke! This only permits Microsoft to expend its user base at very little cost. The time to act agents Microsoft is now. It is the responsible of the DOJ to ensure the punishment fits the crime. Microsoft must not be permitted to impose its will on the user by killing off the competition. This is not how a level playing field is created. As a side note, this is not he first time Microsoft has been found guilty of monopolistic practices. How many more times will it take for the DOJ to act. Action speaks louder then words.

Thank You

MTC–00002531

From: Don Fox
To: Microsoft ATR
Date: 12/6/01 3:35pm
Subject: Microsoft Antitrust Joke

DOJ, As a software developer interested in the real progress of technology I'm disappointed in recent developments concerning Microsoft and so-called 'Department of Justice', since the Bush regime came to power. Computing is such an important issue for the whole of society that it should be encouraged to progress, or at least allowed to progress freely. It should be realized that talking about innovation in sound bites is not the same as being actually technically innovative! For the Department of Justice to live up to it's name (i.e., Justice) and at least be worthy of some respect, perhaps companies convicted of monopolies should be held accountable for their behavior.

Allowing Microsoft to place many Intell computers, running Microsoft OSs, in the schools as some sort of punishment is so unfortunate. Is the Bush DOJ part of Microsofts Marketing department?

MTC–00002532

From: garland@pimout2-int.prodigy.net@inetgw
To: Microsoft ATR
Date: 12/1/01 6:49am
Subject: Microsoft Settlement

This is just great! First you give microsoft a free ride in their antitrust suit. Now you are going to allow them to make inroads in the educational front and create a new monopoly in the schools. Come on get a life. This is just as bad as the government giving away the U.S. treasury to faceless, unaccountable corporations to ship out of the country and call it helping the economy. They need to give it in some way to people that will spend it. Make Microsoft give the equivalent in cash and let the school systems buy what they need.

Garland dooley
Hope hull AL.

MTC–00002533

From: john@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 12/1/01 3:01am
Subject: Alternate Solution

To whom it may concern,

I appreciate the notion to put computers in our poor schools. However, I recently read an alternative proposal from Red Hat. http://www.businesswire.com/cgi-bin/f_headline.cgi?bw.112001/213242744@ticker=RHAT When I first heard of the proposal, I instantly began to wonder if this proposal from Microsoft was actually an investment into their own future rather than necessarily a punishment or act of shear graciousness. Indeed, I am very much in favor of being able to put even more computers in the schools at no more of a cost to Microsoft and at the same time, allowing students to benefit from the wealth of quality software from the Open Source community. This software, as well as the operating system, will not carry burdensome licensing fees. The lack of such fees will enable these schools to continue offering the latest software and programming techniques to students.

I favor Red Hat's proposal, and sincerely hope that it is considered.

Thank you very much for your time.

Very Respectfully,
John H. McArn

MTC–00002534

From: Jim Thale
To: Microsoft ATR
Date: 12/1/01 9:22am
Subject: Microsoft non-settlement

I am furious with the lack of an appropriate resolution to the suit. I feel that Microsoft has indeed far exceeded it's rights. They are clearly a monopoly and a cruel, aggressive and brutal one at that. Microsoft should not be allowed to exist as a single entity. The corporate culture is so predatory that they are still left with all of the cards in their hand. If they are allowed to continue to go on getting their way there will be no chance for new companies to spring-up and compete. Innovation has already been crushed by a company that doesn't know how to innovate to save its (already lost) soul. Business IS competition, but the praying field should be level, not the face of a cliff!

D.O.J. has sold out! I am deeply disheartened by the settlement as well as the disingenuous Microsoft ''donations''. You can do so much better for the American people.

Sincerely,
Jim Thale
jtshale@home.com

MTC–00002535

From: Jeffrey S. Howard
To: Microsoft ATR
Date: 12/1/01 8:15am
Subject: I support the Red Hat variation of the MS antitrust settlement

Despite estimated damage awards of 10 to 15 dollars per harmed consumer, these specific economic damages cannot reconcile the larger social harm Microsoft caused through stymieing innovation. Competition and the chance to earn economic profit spawns innovation. However, Microsoft's market power allows it to enjoy monopoly rents and use those rents to protects its monopoly: all at the expense of society!

The best remedy to this case would have been to break the company into two non-competing firms—one firm to make operating systems and bowsers and the other to make applications. In this way the applications barrier to entry and thus the network effect would not be such an onerous obstacle for a competing OS to overcome. The new ''applications specific'' firm would have an incentive to port Office to Linux, Unix or other new OS's. The DOJ is taking the easy way out of this case. When ''society'' is injured the proper remedy ought to be to eliminate the source of the injury and not to exacerbate it! How could society benefit from having Microsoft increase it's market power?

Red Hat's proposal upholds this philosophy. If adopted it would instantly provide a sufficiently large installed platform base for software venders to have an economic incentive to either port existing application or develop new ones in a non-Windows environment. Increasing the number of venders coding in alternative platforms will lead to more reliable and efficient software notwithstanding Microsoft's arguments.

MTC–00002536

From: Melanie (038) Michael Grube
To: Microsoft ATR
Date: 12/1/01 12:31pm
Subject: MS Settlement

In my opinion, the settlement in the Microsoft antitrust case in no way either penalizes MS or prevents it from the most egregious practices that caused the suit to be filed initially. It is no more than a minor inconvenience that does not redress the sharp practices in which Microsoft engages.

I have been in the computer industry as a developer and user for nearly 20 years (since the Apple //) and have some insight into the ways in which Microsoft inhibits true innovation in the computer industry.

Michael J. Grube
mnm@oz.net

MTC–00002537

From: Gernot Schreiner
To: Microsoft ATR
Date: 12/1/01 11:47am
Subject: More hardware from MS open source software from Linux

Don't let MS increase monopoly. Support free market. Thanks Redhat for this generous offer

MTC–00002538

From: phillipjohnson1@charter.net@inetgw
To: Microsoft ATR
Date: 12/1/01 4:14pm
Subject: Your proposed settlement is horrible.

Your proposed settlement gives Microsoft the priviledge of being above the law. You should realize that you are suing Microsoft not Microsoft suing the federal government! Microsoft must at the very least be broken up

into three different companies for their to be any chance of keeping a choice in the computer industry. Already I am practically forced by Microsofts monopoly to use their internet service, their cable TV service, their operating system, their applications, and their web browser.

MTC–00002540

From: Mike McMahon
To: Microsoft ATR
Date: 12/1/01 3:06pm
Subject: settlement terms

You mean to say that after several years, MILLIONS of $$$ (paid by taxpayers like me), and TWO favorable verdicts, suddenly NOW you decide on a ''consent decree''??? if you really believe the MS has gained and maintains an illegal monopoly (and 2 federal courts agreed with you) then WHAT ABOUT PENALTY? Is it really good enough to say ''go and sin no more''? NO it is not!

Recall the 1996 Microsoft consent decree was designed to prevent similar illegal behavior: why should you expect the current decree to have a more profound effect? And what about the fact MS, through illegal means, now holds a profitable monopoly? Your terms do NOTHING to remedy this situation, and nothing to even the scales of competition. how about requiring OPEN FILE formats for Office apps? Thanks for WASTING my money on a TOOTHLESS settlement. I will return the favor in the voting booth, then you can all just get jobs for Bill Gates directly.

Mike McMahon
mcmahon@activewire.net

MTC–00002541

From: root@pappy.kuit.com@inetgw
To: Microsoft ATR
Date: 12/1/01 2:55pm
Subject: Sysadmins Speak.

Microsoft continues to be a highly destructive force in the IT business. There is a subtle form of monopolistic leverage they use that is rarely discussed.

Because management never sees any OS but the one on their desktop, they are confused when told that certain services and or servers could perhaps better be run on another OS. They and most of the rest of the non technical world is simply unaware that there is an alternative. They continue to build incompatibilities into their own products to force user to 'upgrade'. It is next to impossible to buy a Laptop without Windows.

They are now trying to make discussion of security issues and bugs in their products a criminal act.

They need to be stopped before they ruin the the internet, which they are well on their way to turning into they own DMCA protected Microsoft Disney Land.

Dag Hammarskjold Richards
Senior Network Engineer
Knowledge Universe

MTC–00002542

From: John Ziriax
To: Microsoft ATR
Date: 12/1/01 5:46pm
Subject: Controlling Microsoft

Microsoft (MS) is a monopoly. What's more is, it is a predatory monopoly. To me that means that rather than inovate, it copies small companies' successes and gradually forces those companies out of business by the strength of their monopolistic position. MS has done this so many times that this behavior must be regulated. It cannot be allow to use its dominate operating system position to promote its other products and punish its rivals as it has in the past and continues to do today.

Capitalism can only work if everyone is given a 'chance'. MS is in a position to deny other even well-funded companies a 'chance'. This stifels inovation and eliminates any competition which would preasure MS to improve its products.

It is worth noting that one of the biggest threats acknowledged by MS is Open Source software. This is largely because there is not viable business competitor left.

Part of the reason for this is the MS's aggressive behavior and but also the nature of the software business. In software, as in previous monopolistic enterprises, standards are critical. Once a given operating system, word processor or spreadsheet is the de facto standard, the owner of that standard can use that position as a weapon against all competitors. MS has done this repeatedly. That's why the most useful standards, like the ones that power the Internet are not owned by anyone company.

Even in the case of established standards, however; MS has at first adopted, then added proprietary extensions to existing standards, then having polluted the environment, MS drops the now useless standard in favor of its own proprietary standard. This MS tactic is so well know that it has been named ''Embrace, Extend, Extinguish.''

Another tactic, is called ''Fear Uncertainty and Dread'' or simply FUD. FUD is when Microsoft announces that use of a competitors products with be incompatible with future MS products. This announcement alone is enough chill the market.

I believe that MS is so powerful at this point that only severe government action has any hope of leveling the playing field. I don't think creating multiple MS's split along lines of business would be and advantage. Three companies from Windows NT/2000 and Windows 98 and Windows XP would create real competition. And so on.

Another possible solution is for the government to force the development of public standards for certain file formats, such as word processing and spreadsheets. This would rob MS of much of its monopolist power. One thing the government can do is to modify its own purchasing practices. That is. Don't standardize on Microsoft to the exclusion of all else. The government is such a large customer that if the government were to adopt a variety of office suites and operating sytems and insist that they work together. Then they would. However, if it encourages monopolistic practices by buying and supporting only one company's products, a Microsoft monopoly is almost certain to continue.

Finally, whatever regulations are implemented care must be taken not to discourage one of the most innovative sources of software in existance today. Open Source. This is truely a free speech issue which MS would love to destroy.

Thank you for giving me this opportunity to comment.

John
—John Ziriax
115 Verdant Drive
San Antonio, Texas 78209

MTC–00002543

From: Frank Brown
To: Microsoft ATR
Date: 12/1/01 5:20pm
Subject: Who is standing up for the USERS?

The Anti-Trust case against MicroSoft appears to be a case of the unable to compete, crying for punitive sanctions. Who is out there supporting the views of us users. I am retired and use Microsoft products in managing my financial affairs, as well as communicating with friends and relatives.

I am happy to have a series of integrated products, if I have a problem I know where to go to get it fixed.

The alternative is to play finger pointing with a series of companies that all deny responsibility. If these companies can't compete, maybe they should get into other businesses where they can compete.

MTC–00002544

From: jgcc(a)pacbell.net
To: Microsoft ATR
Date: 12/1/01 4:59pm
Subject: Proposed settlement with Microsoft hurts business and comsumers

Perhaps it is too late to register another objection to the settlement proposed by the Justice Department, but I believe it is the obligation of every IT professional to object to the settlement.

The original findings of Judge Jackson and the remedy were correct. Only a breakup of such a monolithic monopoly could restore competion to the marketplace.

Please register my strong objections to the recent settlement.

Sincerely yours,
Jeffrey G. Collins
CC:Jeff Collins(pacbell)

MTC–00002545

From: Ron Boehm
To: Microsoft ATR
Date: 12/1/01 4:24pm
Subject: settlement

Allowing Microsoft to enhance there position in the education market with this settlement seems inappropriate.

MTC–00002546

From: wongallen@msn.com@inetgw
To: Microsoft ATR
Date: 12/1/01 7:49pm
Subject: proposed settlement

Renata Hesse, J.D.
Trial Attorney
Antitrust Division
U.S. Department of Justice
Dear Ms. Hesse:

Thank you for this opportunity to express my concerns. This proposed settlement is I think more than fair. Microsoft's competitors are merely seeking help from the Justice Department and from their respective state governments to gain ground on Microsoft...something they could not do on

their own in the free market environment. It should come as no surprise that the states holding out for further litigation are home to some of Microsoft's biggest competitors.

The original premise of the legal action against Microsoft is that the American consumer has actually been HARMED by Microsoft's actions. Have we really been harmed? It is estimated that 75% of Americans now have access to the internet, and many of us now consider the computer to be an integral part of our lives. Prior to the emergence of Windows, where was the U.S. computer market? Where was the mass appeal of the computer that we enjoy now? Is the U.S. now leading the Western nations in terms of computer and software advances? I watched in the mid 1980s how a roommate of mine struggled to learn the IBM operating system..that came with about 11 volumes of material he needed to read to learn how to use it. I, who at one point in early 1990s never envisioned owning a computer, now have three...including one for my five and three year old daughters. So, I ask once again, has the U.S. consumer been harmed by Microsoft, or has Microsoft led the way in making the U.S. so technologically capable as it is today.

One final point.....I think that the rest of the world is shocked and amused at how our country would use its taxpayer resources to try to hamper and almost tear down one of the world's most successful companies, which happens to be American. Would the French do this against Microsoft, if Microsoft were a French company? Would China do this against Microsoft, if Microsoft were a Chinese company? I think not. In addition, during such tumultuous times, when our country is concerned with so many foreign and domestic threats to our security and to our way of life, the battle against Microsoft by the remaining states seems to be misguided and totally inappropriate,.....if not downright unAmerican.

Let's do the right thing and get this issue behind us, and look to taking care of this country.

Allen Wong
Charlotte, NC

MTC–00002547

From: Chris Johnson
To: Microsoft ATR
Date: 12/1/01 7:00pm
Subject: re: Microsoft Antitrust Settlement

Some of the best software alternatives to Microsoft's products are open source software projects. There is nothing in this settlement which addresses Microsoft's FUD (Fear Uncertainty and Doubt) campaign against its competition, including OSS. This campaign of mis-information is of course much better funded by the Microsoft monopoly than its competition and should not be permitted.

Furthermore Microsoft has lobbied and campaigned heavily (and very likely bought a few polititions) for changes to licensing and commerce such as those proposed in the UCITA which would strip consumer rights and effectively place non-commercially developed software such as OSS at a competitive disadvantage. If the whole idea of anti-trust legislation is to protect consumer rights and prevent unfair anti-competitive practices, then clearly your settlement does not do enough to block these Microsoft practices which fail both tests.

Lastly the settlement does nothing to recover damages from years of Microsoft illegal practices nor prosecute the Microsoft executives who felt they were above the law. If this settlement stands it will prove to a new generation that it's illegal to steal food to feed your family but it's ok to steal millions from people and government. That the rich don't have to worry about the law. Don't make that statement. Assess damages and require compensation from Microsoft that is to consumer advantage, not Microsoft's. And prosecute the individuals responsible for the willful and blatant violations of law of which the company has already been found guilty.

Sincerely,
Christopher Johnson
Somerville, Maine

MTC–00002548

From: Broder's Skunkware
To: microsoft.atr(a)usdoj.gov
(060)microsoft.atr(a)usd...
Date: 12/1/01 6:12pm
Subject: Absurd Penalty Settlement—GET A CLUE, DOJ!!!

The proposed penalty in the MS Anti-Trust suit is ABSURD! What are you people thinking?

If MS is to give away software as part of a settlement, NONE of it should be MS software, which it manufactures for free. If MS is going to give away computers and software, they should be forced to BUY COMPETING systems running Solaris, LINUX, and OSX.

Your proposed settlement is only giving MS ADDITIONAL opportunities to monopolize.

Make MS buy and give away COMPETITORS' software, NOT their own!!!!

James Broder
Broder's Skunkware Scoring & Timing Software
Maui, Hawaii, USA
www.skunkware.tv

MTC–00002549

From: Scott A. Stephens
To: Microsoft ATR
Date: 12/1/01 9:05pm
Subject: Microsoft settlement

I've been reading threw articles and part of the settlement and this does not serve the public interest. This settlement leave large legal loop holes and does not represent the public interest. All the money they have made illegally. They get to keep. They need to loose a large chunk of that money. No discussion, no argument. Their standards for interacting with Word.....etc will be opened for free to their competitors. With all new standards that they will come up with in the future. Microsoft will not try to raise copyright issues when third parties use this info.

The bundling issue. Microsoft is not allowed to bundle software any more. .NET has to be part of the settlement. Microsoft can not force any one to use. Even on their own web sites. I can go on and on. Their are so many problems with this deal.

I suggest that the people they have hurt and the Open Source community be allowed to look at the settlement and make sure that it is fair and that the loop holes and closed. Also to guarantee that everyone can work together with the deal.

MTC–00002550

From: Igor Zavialov
To: Microsoft ATR
Date: 12/1/01 8:32pm
Subject: DOJ/Microsoft Antitrust Settlement

Dear Sir/Madam:

Please be advised that I have READ and SUPPORT the Red Hat Proposal to Enhance Microsoft Settlement Offer which is available at http://www.redhat.com/about/presscenter/2001/press_.usschools.html I believe the Red Hat proposal will improve the quality and accessibility of computing education in the nation's schools and will help to prevent the extension of Microsoft's monopoly.

Regards,
Igor Zavailov

MTC–00002551

From: rferber@mail.via.net@inetgw
To: Microsoft ATR
Date: 12/1/01 7:54pm
Subject: Bad Proposed Settlement

Greetings,

It seems that there is no substance at all to the proposed settlement. Has MicroSoft purchased the DOJ? Specific issues:

1. There seems to be nothing to curb or discourage the found anticompetitive practices exhibited by MicroSoft.

2. There is nothing that dilutes the monopoly power, oversees it, or otherwise mitigates or regulates it.

3. The settlement only deepens the Microsoft monopoly—by providing $1 Billion in products, services, etc... to schools, they are INCREASING their market penetration, especially into shcools which have traditionally had a reasonable representation of vendors and platforms.

It seems it would be better to say ''tsk, tsk... no remedial action necessary'' than to proceed with the proposed action. In light of the findings of the case, this is a mockery of the concept of justice, and has made the entire process seem some sort of sham. This is simple capitulation on behalf of the entire justice system. AT&T was forced to break up, and it was a good thing in the long run. Breaking up Microsoft—applications and operating systems would be a logical division line. This would increase competition in several ways—and force clearer communication of the APIs associated with Windows and the core MicroSoft applications.

I am severely disappointed and have lost a tremendous amount of respect for the Department of Justice.

Sincerely,
Rob Ferber
rferber@via.net

MTC–00002552

From: Sean Coyle
To: Microsoft ATR
Date: 12/1/01 11:59pm
Subject: Microsoft should go Open Source!

MTC–00002553

From: richard beard
To: Microsoft ATR
Date: 12/1/01 11:35pm
Subject: THE SETTLEMENT

Hi Government

I think you guy were a bit too easy on Microsoft. I slap on the wrist is what many of us in the industry figured would occur, and it has. The only conclusion I can figure for this, is USA economics due to the bombing on 9–11.

Microsoft is not the type of company who will discontinue it's monopoly. They will just be smarter from now on about it. The monolpoly still exists. Some of the issues have been resolved, but not the big ones.

Good luck next time, when dealing with Microsoft on similar issues in the future.

Tak Care, Richard Beard

MTC–00002554

From: Michael Van Scyoc
To: Microsoft ATR
Date: 12/1/01 9:13pm
Subject: VERY UNJUST settlement

Dear Sirs:

I am writing to express my extreme displeasure with the settlement proposed by Microsoft in their Anti-Trust lawsuit. I make my living servicing Microsoft products, however, that's only because they are the only real competitor in the marketplace. I would be only too happy to spend my time servicing Sun or Linux boxes, but there just isn't a big market for those skills. The proposal to let Microsoft give ''free'' computers and software to thousands of underpriveleged school districts nation-wide would be like catching the wolf who killed one of your sheep and then forcing him to eat the rest of the flock or like the drug dealer who gives your kid his first ''hit'' free. If this settlement is allowed, Microsoft will have scored the biggest victory in legal history in having been found guilty of Anti-trust law violations only to be allowed to increase that monopoly 10 fold as the supposed penalty. If Microsoft wants to help underfunded school districts as part of their penance, Great. Let them donate money, NOT SOFTWARE. If they want to donate hardware, fine that works too.

If this settlement is supposed to be a penalty, then why not as the CEO of RedHat, Inc. suggests, let them pay for the hardware and allow RedHat, Inc to provide all the FREE LINUX software and support. If we want to level the playing field, that's your true answer.

Thanks.

Sincerely,
Michael L. Van Scyoc
Microsoft Certified Systems Engineer
Operations Technician, AT&T

MTC–00002555

From: John Borchardt
To: Microsoft ATR
Date: 12/1/01 9:07pm
Subject: MS Settlement

To whom it may concern:

In my opinion, the proposed ''punishment'' of Microsoft for their monopolistic business practices is a joke.

A joke.

It does not punish Microsoft at all. $1 Billion dollars means little to a company as large as Microsoft. Furthermore, the proposed ''punishment'' in fact extends Microsofts monopolistic tendrils even further into our economy and society. The current settlement is not a punishment at all. It in fact benefits Microsoft.

I suggest you take a look at the punitive action proposed by Red Hat, Inc. Their proposal states that Microsoft will provide only computer hardware, and no software, to the nation's most disadvantaged students. Red Hat will provide all the software, from the operating system to the productivity suites, and unlimited technical support for these systems. In turn, Microsoft will use the funds they would have ''spent'' on licenses for Windows and Office to purchase even more computers for these schools. Red Hat predicts that as many as five times as many computers may be delivered to schools under this settlement as compared to the current settlement. Put simply, Red Hat's plan punishes Microsoft, benefits more the nation's poorest schools, and fosters a long-term solution to Microsoft's monopolistic business practices: competition. I thank you for your time.

—John Borchardt
jjbea2@mizzou.edu

MTC–00002556

From: Bruce Brandligt
To: Microsoft ATR
Date: 12/2/01 2:46am
Subject: Microsoft Settlement

After reviewing the proposed settlement I find some glaring omissions that need to be addressed.

First of all, I propose that the settlement should be amended to included that Microsoft should be prevented from distributing any of its software for free or at well below development and distribution costs when other software companies have competing products in existence or in development that are part of the competing companies' revenue stream. This would prevent Microsoft from unfairly eliminating competition as was the case with Microsoft's free release of Internet Explorer and the negative impact this created for Netscape Incorporated. This would also prevent the donation of software to schools and other institutions which results in an unfair advantage over other competing companies such as Apple Computer and Sun Microsystems. Companies that rely on revenue on the sale of their goods that are in direct competition with Microsoft can not compete against ''free.'' Microsoft should not be allow to make these donations that eliminate their competition and further expand Microsoft's market share beyond their current monopoly.

Secondly, from what I understand of the current proposed settlement, Microsoft is basically told ''not to do it again'' and a oversight committee will be established to prevent future infractions. However, no damages have been awarded to the countless businesses and persons who were victimized by Microsoft's actions. I understand that persons who feel they have been victimized are entitled to sue and possibly recover three times damages. But what of those that have been financially ruined and have little means to file suit against such a large corporation? What of the companies that were so damaged that they are no longer in existence? Employees, former employees, and users of products developed by companies such as Apple Computer, Sun Microsystems, Word Perfect, Novell, Netscape, Silicon Graphics Incorporated, and Bungie Software, should be immediately compensated. Additionally, rebates should be provided to all registered users of Microsoft products that were forced to purchase MS products due to the elimination of the developer of the competing product (ie. Word Perfect users who were forced into switching to MS Word to maintain compatibility with both the OS and the proprietary MS Word files.)

I hope that my proposed amendments to the proposed settlement are given due consideration so that justice may be served.

Sincerely,
Bruce V. Brandligt
12723 Edgefield St.
Cerritos, CA 90703

MTC–00002557

From: Fred
To: Microsoft ATR
Date: 12/2/01 1:29am
Subject: Microsoft Antitrust Action
To: Renata Hesse, Trial Attorney

Dept of Justice

I would like to make several comments relative to the Microsoft case, as well as other large class action cases. I think the Microsoft action should be put to bed, if Microsoft commited antitrust actions, I'm glad they did. I am very happy with their products and the fact that they are integrated so a ''low tech'' user like myself has a chance. I don't want to go to 27 different software companies to get the best, up to date products. I want it bundled all in one neat package. I don't feel that I have been overcharged, in fact the competition in the marketplace is fierce. Please compare the price of a wordprocessing software package 20 years ago to the price today—not to mention the features in todays' product.

I also feel that the states' attorneys general are a pack of blood sucking thieves, trying to suck as much $ as possible from Microsoft or any other deep pocketed company. Compare the action against the tobacco companies. They handed a bunch of money to the states and then turned around and raised the price of their product $.50 a pack to cover the cost of the award. Most of the states took the money and ran. They didn't use it to help smokers like myself quit, but used it to balance the states budget.

I support Microsoft and hope that you and the states can come to a speedy agreement that stops wasting taxpayers $ and lets Microsoft continue to improve their products. Thanks for taking the time to listen to an overworked, overtaxed citizen.

Sincerely,
Fred D. Venables

MTC–00002559

From: felder@sbmail.weizmann.ac.il@inetgw
To: Microsoft ATR
Date: 12/2/01 5:11am

Subject: Must have competition and free markets in computer software

Dear Sirs: I feel it is very important to have an open, free market with full competition in the computer software marketplace, including computer operating systems. This is essential to foster the fullest developement of of the greatest variety and quality computer resources at the lowest prices to the largest market of customers. Open source software plays an important role, which I myself benefit from enormously. In most industries, the US government would consider the domination of over 90% of the market by one company to be an illegal monopoly, and this should also be the case for hardware, software and operating systems.

Furthermore, computer file formats that become the commonplace standard for that type of file should not themselves be copyrighted, such as .doc and .exc, in the sense that any person or organization must have the right to write software that can read and write such files. Neither should the appearance of the graphical interface of a program interface be copywrited, where such an interface has become a standard for that (or many) types of programs. Further, persons and organizations should be free to obtain and develope open-source software and freeware without requiring any kind of license, if the program's authors themselves do not so require one. Finally, companies should be encouranged to sell multiple copies of the license for software, all sharing one set of installation disks and manuals, at a significant discount, to discourage illegal copying.

Sincerely, Clifford Felder
<clifford.felder@weizmann.ac.il>

MTC–00002560

From: ROBERT REMINGTON
To: Microsoft ATR,mcarona@ocsd.org@inetgw
Date: 12/2/01 4:10am
Subject: Macadamia Nuts

Today's subject of this email refers to the academic & business rivals of Microsoft Corporation who will take the lead in the nine state holdout of the US v. Microsoft settlement. The nine attorney generals and their legal teams have challenges with the extrapolation of (for those who just don't 'get it').

In other related news, local electricians turn off the ''W'' on the Wells Fargo Bank—Irvine sign overlooking the 1–405 freeway near MacArthur Avenue and John Wayne Airport as a communication that Larry Ellison, CEO of Oracle Company, is a major player at the Bank. The 'Ells Fargo Bank' beams this 'coded' message almost every other day to all who enter the 24 Fitness Sporting Club as well as the thousands of commuters and travelers near the Lakeshore Tower corporate campus across freeway 1–405 in Irvine. Apple Computer & Sun Microsystems will continue to distract Microsoft's lead negotiators, forming the alliance with Oracle Corporation to lobby the remaining nine states from a 2001 Holiday settlement, instead focusing on March 2002 for the next phase of the US v Microsoft trial.

Today's LA Times hints at ID fraud in the NY based 'Attack on America. This fraud has been one of the main reasons that my settlement has yet to occur. Local family as well as conspiring US & state government officials have stalled any just settlements through illegal payoffs, overseas money transfers, as well as international subversion. Most of the illegal efforts have been from ''egitimate' foreign and US sources, that 'apologize' when errors occur, yet do nothing for damages caused or delays in my business future. Recent business stalling at the Garden Grove, CA, Crystal Cathedral by local Orange County businesspeople, including billionaire Donald Bren of the Irvine Company have involved Major League Baseball contraction talks and purchase proposals of the Anaheim Angels and NHL Mighty Ducks Hockey Team at the Arrowhead Pond. This week's MLB discussions have tabled the baseball contraction talks for a year, placing the sale of the Angels, Marlins, Twins & Expos on hold while the players conspire for future business. Face it folks, not even new stadiums from the past ten years is going to keep baseball from expanding inside or outside of the United States! Baseball is too slow for most people, and the US Anti-Trust exemption may end as baseball acknowledges over $500 million dollars in losses, and only 5 teams profitable! The United States is a free market society, and the public wants NFL football, NBA basketball, as well as extreme outdoor and indoor sports now! Even two professional wrestling organizations had to merge in order to remain competitive in the world of television sports.

More to follow ...

MTC–00002561

From: Dirk.Coetzee@za.didata.com@inetgw
To: Microsoft ATR
Date: 12/2/01 9:01am
Subject: Please STOP MICROSOFT.

To Whom It May Concern,

One of the first things i learnt in the IT industry is that ''competition breeds excellence''. There is no excellence in Microsoft, they have taken other companies development, made there own implementation of it and made sure that it only works correctly on their platforms. Punishment for Microsoft should be that the firm is broken up into 4 divisions, Server (Windows Server, Advanced Server etc) , Desktop (windows NT Workstation , Professional), Office Suites (Microsoft Money Office 2000 etc) and Back Office Products (Exchange, SQL, ISA server, etc).

ABSOLUTLEY NO INTERACTION Between these companies can be allowed.

Please end the Monopoly

Yours sincerely

MTC–00002562

From: Bourzeix St(00E9)phane
To: Microsoft ATR
Date: 12/2/01 8:57am
Subject: Stop MS, it's enough !! Red Hat Proposes to Enhance Microsoft Settlement Offer By Providing Open Source Software to All U.S. School Districts <cid:part1.07080501.05000608@netscape.com>

Open Source leader proposes to provide software to every school district in the United States if Microsoft provides computing hardware for the 14,000 poorest school districts Research Triangle Park, N.C.—(Business Wire)—Nov. 20, 2001—Red Hat, Inc. (Nasdaq:RHAT—news) today proposed an alternative to the settlement announced today of the class-action lawsuit against Microsoft. Red Hat offered to provide open-source software to every school district in the United States free of charge, encouraging Microsoft to redirect the money it would have spent on software into purchasing more hardware for the 14,000 poorest school districts. Under the Red Hat proposal, by removing Microsoft's higher-priced software from the settlement equation, Microsoft could provide the school districts with many more computers—greatly extending the benefits Microsoft seeks to provide school districts with their proposed settlement. Microsoft had proposed that, in settlement of class-action claims of price-gouging, the company donate computer hardware, software and support to 14,000 poor school districts throughout the United States. Under the proposed settlement, a substantial part of the value provided to schools would be in the form of Microsoft software.

The Red Hat's alternative proposal includes the following:

*Microsoft redirects the value of their proposed software donation to the purchase of additional hardware for the school districts. This would increase the number of computers available under the original proposal from 200,000 to more than one million, and would increase the number of systems per school from approximately 14 to at least 70.

* Red Hat, Inc. will provide free of charge the open-source Red Hat Linux operating system, office applications and associated capabilities to any school system in the United States.

* Red Hat will provide online support for the software through the Red Hat Network.

* Unlike the Microsoft proposal, which has a five-year time limit at which point schools would have to pay Microsoft to renew their licenses and upgrade the software, the Red Hat proposal has no time limit. Red Hat will provide software upgrades through the Red Hat Network online distribution channel.

A Win-Win Approach

The Red Hat proposal achieves two important goals: improving the quality and accessibility of computing education in the nation's less-privileged schools, and preventing the extension of Microsoft's monopoly to the most-vulnerable users.

''While we applaud Microsoft for raising the idea of helping poorer schools as part of the penalty phase of their conviction for monopolistic practices, we do not think that the remedy should be a mechanism by which Microsoft can further extend its monopoly,'' said Matthew Szulik, CEO of Red Hat. ''Through this proposal all of the states and all of the schools can win, and Microsoft will achieve even greater success for its stated goal of helping schools. By providing schools with a software choice, Red Hat will enable Microsoft to provide many more computers to these schools. At the same time, the schools can accept this offer secure in the knowledge that they have not rewarded a

monopolist by extending the monopoly. It's now up to Microsoft to demonstrate that they are truly serious about helping our schools.''

St• phane Bourzeix
email : stephane@bourzeix.com
web : http://www.bourzeix.com
icq : 27593108

MTC–00002563

From: Mark Thoennes
To: Microsoft ATR
Date: 12/2/01 8:33am
Subject: Microsoft Settlement

I strongly disagree with the settlement that lets Microsoft remain a monoply is pc computing.

Microsoft is on my computer because other options are very limited.

MTC–00002564

From: Onno Vinkhuyzen
To: Microsoft ATR,microsoftcomments@doj.ca.gov@inetgw,...
Date: 12/2/01 12:31pm
Subject: MacroSof Hegemony

Dear sirs,

Though not an American citizen, I'd like to complain about your dealing with the monopoly of the Microsoft company. I hate the way Mr. Gates organizes my computer and my work and insists on knowing better what I want. His arrogance beats everything. But far worse is the fact that there are no real alternatives. His monopoly is a very bad thing for the development of computer software and everything connected to it. Please take action.

Kind regards,
Onno Vinkhuyzen, The Netherlands

MTC–00002565

From: Stella Donovan
To: Microsoft ATR
Date: 12/2/01 12:06pm
Subject: Red Hat Proposal

As a past college professor and a current professional in the software industry, I urge the Department of Justice to consider seriously and look favorably on the proposal by Red Hat, Inc. to modify the Microsoft Antitrust settlement regarding computer equipment to be donated to public schools by Microsoft. The Red Hat proposal provides a much larger net benefit to the schools than the original settlement proposal, at no additional direct cost to Microsoft.

Sincerely yours,
Jeffrey A. Bell, Ph.D.

MTC–00002566

From: John Dowd
To: Microsoft ATR
Date: 12/2/01 10:23am
Subject: What consumer harm???

This entire trial has been a farce—THE CONSUMER (ME) HAS NOT BEEN HARMED, I used to own a Mac but when Windows 98 surpassed the Mac OS in '98 I switched to Windows. There were many more third party applications that were compatible with Windows.

There is plenty of competition: Mac, 3 varieties of Linux, Sun O/S, Unix, and others. I like the bundled utilities. They provide a bench mark for competitors to shoot at. Would you buy a GM car without their radio or seats or carpeting or air conditioning etc.? This whole trial has been a mockery—the only one's that stand to gain anything by this 3 ring circus are MSFT's competitors. Once again:

THE CONSUMER (ME) HAS NOT BEEN HARMED!!!!!!!!!!!!!!!

John F Dowd
PO Box 71
Kittery Point, ME 03905

MTC–0002567

From: Robert Emerson
To: Microsoft ATR
Date: 12/2/01 1:17pm
Subject: Anti-trust law suit

I am a firm believer and user of Microsoft products but when they are found guilty by the courts of anti-trust laws then they must be punished like every other company. Be it a break up of the Company into several or hit hard with fines.

MTC–00002568

From: Jerry Moreno
To: Microsoft ATR
Date: 12/2/01 1:10pm
Subject: Microsoft Proposal

I was reading a recent article in USA Today about Microsoft's proposed settlement by supplying poor schools with refurbished computers and software/tech support. As an educator in a poor school, I don't believe that this is a just settlement. It will take away our power choice as a school on what technology we can purchase. We are long users of Apple computers and this would inhibit our ability to choose. This is not an answer to Microsoft's wrongdoing. This will only strengthen their monaopoly in the arena of education thus leaving us with fewer choices of technology. I would like to see a proposal with Microsoft that has nothing to do with them in the schools as an act of capitalism.

Thank you,
Jerry Moreno

MTC–00002569

From: Rich
To: Microsoft ATR
Date: 12/2/01 3:04pm
Subject: Settlement comment

I am an Apple Computer fan. I love the innovation and class that they have brought to the marketplace. The Education market is one of their last strongholds, and IF Microsoft is allowed to dump PC's into the ED market as their 'punishment' you will have succeeded in unfairly damaging Apple's position in those markets. My guess is that if Bill Gates could get away with it, he would LIKE to seed markets such as education, just the way he captured marketshare with his early OS releases of Windows... 50.00 per copy. Now he's up to 200.00 for an upgrade.

Richard Hayhurst
630–845–2525

MTC–00002570

From: Bonnie Cox
To: Microsoft ATR
Date: 12/2/01 2:49pm
Subject: Microsoft Settlement

Do not * * * I Repeat do not allow Microsoft to get off with such an inexpensive, inexpensive, non-punative settlement after becmoing a bigger monopolistic business in the U.S. than any oil company ever thought about being!!!

I am a programmer/analyst and I feel that Bill Gates Billions really belongs to every computer owner in the world! Through the use of glorified blackmail to manufacturers, he made is billions; and we, the consumer, have had to live with Microsoft's operating system ever since. We were not given the options for an operating system as we are now with web browsers; and this should have always been an option in a free enterprise environment that the United States claims to be! Because the personal computer market was a new thing, and IBM was under scrutiny for anti-trust violations, when Microsoft was demanding their DOS operating system be the only one on computers, is no excuse for the consumer to have to be stuck with an inferior product permanently. Microsoft was never playing on a level playing field once DOS was established as a unregulated monoply—and I thought all things were suppose to be fair for all who wanted to compete in our capitalistic economy. IBM was under Federal Oversight at this time, as the government tried to keep them from being so monopolistic; yet Microsoft was never taken seriously enough to have the same strict regulations apply to them!

I feel it is the government's responsibility to make Microsoft PAY BIG TIME for their greed and misuse of consumer confidence. If you can restrict IBM, why didn't the government restrict Microsoft?? Microsoft has lost in court, and lost all the appeals that have been set before the courts. If they are not SEVERELY punished and this SEVERE punishment made known to the public, we can only assume it is due to the change in administration since the guilty verdict was rendered. If this is true, and the Republican big-buiness backers are the reason Bill Gates and Company get off the hook, what signal is this sending to the American consumer and the world. The consumer means nothing... it's all about money??

The only way I would agree to the government allowing this settlement to stand —1.1 billion dollars—is if there is an added penalty. Since the aforementioned settlement is really just chump change to Microsoft—given the wholesale cost of the software is much, much less than this to them; and the PC program is PC's that there were getting rid of anyway—where is the punishment here??! How convenient is this? Where is the prevention of abuse of monopolistic power that I thought was law in this country?? In reality, there is absolutely none being applied here!!.

So I propose and added penalty and give you two options:

1. Bill Gates and Microsoft have to totally fund the War on Terrorism Worldwide!!

This punishment for their crime of making the money illegally worldwide, would be used for the civic good of all. Or 2. If you don't think number one is feasible, then at least make the penalty something that costs them about $25–30 billion is REAL loss-CASH; wholesale marked up to retail prices in Microsoft products is not acceptable!!

Thank you for your time,
Bonnie Cox

MTC–00002571

From: djbullock
To: Microsoft ATR
Date: 12/2/01 3:30pm
Subject: Proposed Microsoft Antitrust Settlement

I doubt there are any additional points I could hope to make or add to the list of reasons why this settlement should not be accepted... I only wish to ensure that my extreme opposition to acceptance of this agreement is noted somewhere because I feel I must do something instead of doing nothing to try to stop it... Our government and the judicial branch should look beyond the quick solutions proposed in this settlement to the Microsoft anti-trust problems and should continue to work further to seek out resolutions which will ensure the protection of fair market competition for all now and in the future...

It is my opinion that an acceptance of this proposed settlement with Microsoft only postpones an enevitable reoccurance of the problem and does not appropriately addressed nor resolve the issues on which this lawsuit was originally initiated...

Respectfully,
Debi J. Bullock
djbullock
29 Fair Street—Unit A
Norwalk, CT 06851
(203) 849–9879
djbullock@mac.com

MTC–00002572

From: Mark Alexander
To: Microsoft ATR, microsoftcomments@ doj.ca. gov@ inetgw, ...
Date: 12/2/01 3:19pm
Subject: My comments about the Microsoft Antitrust Settlement

OVERVIEW:

This email is in regards to the Revised Proposed Final Judgement (Settlement) for the case of US v Microsoft (98–1232) and NY et al v Microsoft. (98–1233) It is a list of specific defects in the proposal as well as other areas that need to be addressed for a comprehensive solution. The computer industry, especially the software industry, used to be a very vibrant exciting space with a large number of competing technologies and solutions. Microsoft has become a dominant player in this space by multiple methods. The fact that Microsoft is persistent and keeps on trying even after a product is not well received is a strength of Microsoft that others should emulate. The fact the Microsoft believes that to compete it needs to ''cut off the air supply'' of potential competitors is a method that should be eliminated.

PERSONAL INFORMATION:

My name is Mark Alexander. I am a US citizen residing at 46 Lynwood Rd in Scarsdale, NY. My email address is malexander@acm.org. I have been working in the computer field for over 20 years. I currently work as a Senior Information Technology Architect for General Electric Card Services, the private label credit card business of GE Capital in Stamford, CT. The opinions expressed in this email our my own personal opinions and not those of GE. I currently own stock in a variety of technology companies including Microsoft.

OVERALL:

1) The proposed settlement does not appear to be the complete agreement between the parties. From comments made by some of the State Attorney Generals about this settlement, it appears that an agreement not documented in the current proposed settlement has been made. The comments are that Microsoft will reimburse the states for their legal fees incurred during the course of this proceeding. Since the agreement seems very one sided to the advantage of Microsoft, a large number of individuals believe that some additional secret agreement has been reached. The best way to resolve this is to add wording to the settlement that states it is the complete agreement between the parties and add the sentence about the reimbursement of legal fees.

2) Microsoft has been found guilty of being a Monopoly by the District Court that was upheld by the Appeals Court, yet to date, Microsoft has refused to admit to its guilt. The settlement should include an admission of guilt on the part of Microsoft.

3) The settlement does not include any penalty for past and current activities that were and are still in violation of the law.

4) The primary beneficiary of the settlement, other than Microsoft, is the OEM rather than the consumer.

5) Microsoft has always been very innovative in how to work around or by a very technical reading of prior legal decisions and this settlement should be very carefully vetted to eliminate loopholes and areas that are open for an interpretation by Microsoft that is not the intent of the settlement by the DOJ and States.

SECTION BY SECTION COMMENTS:

III–A–2: Should allow an OEM to ship a PC without any Microsoft Operating System. Microsoft has in the past had licenses that charged an OEM for each PC sold, regardless of OS installed.

III–B–3 a: Should allow for 21st and lower largest OEM.

III–C–3: GUI of similar size and shape will limit 3rd party products ability to innovate and add value for users with their product.

III–D: Limiting API disclosure to just Middleware does not provide a fair, even playing field. Microsoft also needs to disclose APIs for the base Windows Operating System product. The settlement should state the any API of the Microsoft Windows Operating System used either by a Microsoft Middleware or Microsoft Application should be publicly released.

III–D: Timing of release of Middleware API documentation should occur prior to last major beta release, it should occur at initial beta release and then be updated as needed during beta cycle. The APIs need to be released to public no later than they are released to other internal groups within Microsoft. Releasing it at the last beta release gives Microsoft a huge competitive advantage to incorporate those APIs into other areas or products for release simultaneously with the Middleware solution. Also, since Microsoft controls the release schedule for the beta releases and the final product, it can release the last beta just moments before the final release. See Overall 5 above, Microsoft will always work for its own advantage and to the detriment of other parties.

III–D: API disclosure for new Windows Operating System product ''Timely Manner'' should be defined as per above.

III–E–ii: Need to add Used to interoperate natively or in conjunction with a Microsoft Middleware product to a Windows Operating System or Microsoft Server Operating System. It is important to include any PC to PC protocols as well as PC to server protocols, used both natively by the OS and added by any Microsoft Middleware solution.

III–H–3: Need a section 4 that Microsoft does not alter an End User change as well.

III–H–1 (After Notwithstanding): Need to add if 3rd party Middleware is installed and fails to perform operation, then and only then can Microsoft Middleware be used. The Microsoft Middleware should allow connections to an end user or OEM specified server, which may be the Microsoft server or that of some 3rd party.

III–H–2 (After Notwithstanding): The end user should be the party to determine whether to change the Middleware in use or just to get an error message. It is inappropriate for Microsoft to make technical decisions about requirements for 3rd party products because it is too easy for them to abuse the power.

III–H (Microsoft's Obligations): See III–D above.

III–I–5: No license of Intellectual Property from Microsoft should require a license of 3rd Party Intellectual Property to Microsoft.

III–J–1–a: Security software of anti-piracy, anti-virus, software licensing, digital rights management, encryption and authorizations is a very active and competitive market. This section is worded in such way as to allow Microsoft to keep all information regarding these activity private. The intent implied in the Competitive Impact Statement is to limit access to the internals of Microsoft implementation. That should be limited, but APIs and Communication Protocols for these areas should not be different than other parts of Windows product or Middleware information requirements.

III–J–1 b: This paragraph sounds like a big brother type deal between government and Microsoft to suppress information from public. Should be eliminated.

III–J–2–c: Microsoft should not determine viability of a business. If needed, it should be determined by a 3rd party based on either court or government provided guidelines. Also needs to allow for individuals and organizations, not just businesses.

IV–B–3: Microsoft should not select any member of the TC. Microsoft should solely be allowed to object to the selection of a TC member as outlined in IV–2.

IV–B–10: New paragraph of Either the TC members or the Plaintiffs or the Court will release every six months to the public a summary of all violations, recommended actions and actual actions performed by Microsoft to remedy said violations. This public disclosure will not include any proprietary information of Microsoft or of any complainant, including name of complainant, without prior written permission of the party to disclose that information.

IV–D–4–d: The TC or work of the TC may be admitted in a legal preceding with the

consent of at least one of the Plaintiffs or the Court.

IV–D–4: Missing section on Penalties for violations that are not resolved using Voluntary Resolution are to be addressed by the Court. Without any penalty or even a method to address penalty for violations leaves the Plaintiffs with no recourse other than a whole new lawsuit with attendant time and expense. It is critical that any violation of this agreement be immediately able to have penalty hearings in court.

V–B: The only penalty specified in this entire agreement for violations of this agreement is to extend the agreement for 2 more years. Since there is no penalty for any violation as currently outlined in the settlement, extending this settlement merely allows Microsoft a longer period of time to continue its violations without penalty, basically ignoring this settlement and its intentions.

IV–A: API definition should include programmatic interface to Windows Operating System Product and not just Middleware.

IV–B: Communication Protocol is not for a predefined tasks, but rather for any type of data exchange between two or more computers or computing devices.

IV–D: Coverage for OEM should not be limited to just the largest volume 20, but should include all the smaller OEM who by nature of their size have less of a bargaining position with Microsoft to begin with and as a group represent a large portion of licenses sold.

IV–J–2:Trademark requirement should be eliminated. Microsoft will simply stop Trademarking the name of its Middleware products to give it the ability to have them not covered by this settlement.

IV–J: Using version numbering is an easy way for Microsoft to work around this settlement. A better definition may be an upgrade is a release that provides new or improved functionality. It should be covered under this settlement. An update is solely a release to fix bugs and other defects.

IV–K–2–b–iii: see IV–J–2 above.

IV–N–ii: There should be no limit on the number of copies required for a 3rd party product to be protected by this settlement. Setting a threshold of one million copies will allow Microsoft to squash any new 3rd party product prior to it reaching a critical mass of end user support and prevent it from ever reaching the one million to be covered under this settlement. If there is a need for a number, I would suggest a value of twenty-five thousand. It is large enough to indicate the beginnings of interest and still is small enough that the product would be below Microsoft's RADAR screen to notice it and work to eliminate it.

IV–Q: An Intel processor is not a requirement for a system to be a Personal Computer. A Personal Computer with an Intel or compatible processor would be an Intel Compatible Personal Computer. IV–Q: Servers, set top box, handheld, game consoles, telephones, pagers and PDAs also need to be protected from Microsoft using its monopoly on Desktop Computers to allow it an un-fair advantage in these other markets.

IV–R: see III–D above.

ADDITIONAL CONDITIONS NOT INCLUDED IN PROPOSED SETTLEMENT:

1) Windows Operating System Product: Complete APIs for 3rd Party products to interact with the Windows Operating System Product also need to be disclosed. No Microsoft Application or Middleware or Server product should have access to an API that is not also available and documented to the ISV community as well.

2) Microsoft Applications: Microsoft has often used its dominance in the Application market as a threat as well. It should therefore be required to make its Application File Formats available for licensing under Reasonable and Non-discriminatory terms.

3) Microsoft Server Products: It should be required to make its Communication Protocol Formats available for licensing under Reasonable and Non-discriminatory terms.

4) Microsoft Network Services: It should be required to make its Communication Protocol Formats available for licensing under Reasonable and Non-discriminatory terms. I believe these changes would allow Microsoft to still be a vibrant part of the economy, the software industry and business community as a whole, while allowing for other companies to compete with Microsoft on a more level playing field. The field cannot be made completely level due to the financial and marketing strength of Microsoft. I believe that if Microsoft competed solely on the Merits of it products rather than using them as a tool to destroy other products, they would still be an ongoing success.

Sincerely,
Mark Alexander
Mark Alexander
Email: malexander@acm.org

MTC–00002573

From: Earl Small
To: Microsoft ATR
Date: 12/2/01 4:22pm
Subject: Settlement

I dont't see how the proposed settlement with MS is in the best interest of consumers. First how can a company that was found guilty by the court has so much to say in what their punishment should or will be. I think the DOJ is very weak when it comes to punishing those with lots of money. I think the court should have said ''you broke the law, this is your punishment''. That is the way it work for everyone else. We can no longer trust the DOJ to bring those to justice who have been proven they broke the law.

From every effort so far by the DOJ to rein in MS has fail and this joke of a settlement will fail also because it does nothing. As a poor Black man in America I am shocked that they are letting MS of so easy, if it had be me I would already serving time in jail.

So much for justice
Earl C. Small
2411 park Place Dr
Gretna LA 70056

MTC–00002574

From: The Navarro's
To: Microsoft ATR
Date: 12/2/01 5:02pm
Subject: Microsoft AntiTrust Settlement

Microsoft has offered to provide significant donations of products to schools as part of a settlement.

I don't like that offer since Microsoft is essentially just building future business by ''educating'' users in their product. MacIntosh receives a good portion of business for the school market and will likely be harmed in that type of settlement. If MacIntosh isn't around, then MS has the whole market. I ask for a tough settlement that addresses the preditator practices that Microsoft has engaged to dominate the market.

Randy Navarro
Yorktown, VA

MTC–00002575

From: Douglas Mitts
To: Microsoft ATR
Date: 12/2/01 4:42pm
Subject: Microsoft Settlment

Dear Department of Justice,

Hi! I was wanting to comment on my feeling of disappointment with regard to the Microsoft Antitrust case. I use Microsoft products (I pay and pay and pay), but also enjoy the Apple Macintosh platform (actually I prefer it). Due to Microsoft's anticompetitive tactics over the years, many software companies that were viable are no longer viable and have either been bought out or taken into receivership.

I do not think that Justice Department should drop this case by settlement. I am not out to get Microsoft, but I will say they are more than a monopoly on a national level. They are a global monopoly and they work to maintain that monopoly. Justice Penfield Jackson, despite the lack of control he displayed, was right. The settlement does nothing to restrict Microsoft's practices. It will take the EU, rather than the U.S. due to the companies global reach.

I've seen too many very good software packages go the way of losing to Microsoft's software, not because Microsoft has had better software, but because they competed in an unfair way circumventing real market forces. I am a consumer. I like competition. It helps innovation and price for me. Today I get no additional benefit from the Microsoft products I have to use (simply because there are no others that are cross-platform due to Microsoft's practices) but to upgrade I still pay astronomical prices, even though the additional benefit is non-existent.

Back to the Global Monopoly idea. I am a U.S. citizen living in Poland as a part of my work. Here, even thought Apple Computer offered to underwrite the localization of Microsoft Office for the Mac (i.e., make it a Polish program), Microsoft refused to localize it, even though all the costs of localization would be paid by Apple. Microsoft only stood to profit (it also tells you Microsoft's motivation for investing in Apple in 1997 was more to avoid the appearance of a monopoly than altruism on their part).

I cannot use a competitor's product with regard to Word Processing, Spreadsheet and presentation software, because there is no competition any more due to Microsoft's practices (i.e., Microsoft owns those markets). Each of their products needs to become a separate company. Now, the DOJ wants to settle, but is it because Microsoft actually has the deeper pockets in this case? Is is because they donate to politicians? Or is it because

they in fact are not an intrusive, aggressive monopoly (I thought the findings of fact said so)? As a consumer, it is clear to me that Microsoft is a monopoly that warrents needing government intervention and remidies prescribed to curtail their anticompetitive practices.

Now, I am not a lawyer, but I am saying I don't want to see Apple go the way of the rest due to Microsoft's practices. Apple and its OS is the only viable alternative.

Thanks for listening. You know this stuff already. I need to speak up.

Sincerely,

Doug Mitts

MTC–00002576

From: Mark Hotchkiss
To: Microsoft ATR
Date: 12/2/01 5:44pm
Subject: Reject Proposed Settlement with Microsoft

Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

December 2, 2001

Pursuant to the Tunney Act, members of the public have an opportunity to comment on the proposed settlement between the U.S. Department of Justice and Microsoft. Please find the documents attached which contain comments from:

Mark R. Hotchkiss—Software Engineer 7291 Brockway Drive Boulder, Colorado 80303 ''Dealing with Microsoft's Policy of Deception.''

I. The Record

From the record of The United States Court of Appeals for the DC Circuit decided June 28, 2001; No. 00–5212.

From section: II. Monopolization; B. Anticompetitive Conduct; 5. Java; c. Deception of Java Developers: pp. 56; paragraph 2:

''Finally, other Microsoft documents confirm that Microsoft intended to deceive Java developers, and predicted that the effect of its actions would be to generate Windows-dependent Java applications that their developers believed would be cross-platform; these documents also indicate that Microsoft's ultimate objective was to thwart Java's threat to Microsoft's monopoly in the market for operating systems.''

From paragraph 3:

''Unsurprisingly, Microsoft offers no procompetitive explanation for its campaign to deceive developers. Accordingly, we conclude this conduct is exclusionary, in violation of Section 2 of the Sherman Act.''

II. Challenge to Developers

Software developers have the wonderful opportunity to create incredibly powerful tools for people utilizing nothing but their brains, a piece of hardware, and a well documented platform language or API to guide them. Indeed, many admire Bill Gates and give him credit for doing just that. But tragically, the policies of deception that his company has been convicted of, have already eroded much of the fertile ground on which he and his company built their foundation. If the Court accepts the settlement that the Department of Justice has proposed, that ground will be washed away for any developer hoping to gain significant access to users without that developer having to pay or depend on Microsoft in some way. To PC software developers the market has not been free for a long time. Given Microsoft's scorched earth criminal past, Internet software is the next technology to get locked up from creative people.

III. They Own All of the Stages

Technical merit, quality, and price should be some of the primary measures by which software products succeed in a marketplace, if it is a relatively free one. Ever since Microsoft has gained a monopoly position in the operating system market; the ''stage'' on which a developers must perform, Microsoft has elevated the measure of whether it will increase their own market share over all other measures. Intel owns a good portion of the ''theaters'', but will host most any production. By contrast, Microsoft owns virtually all of the stages and claims imminent domain to them from competing productions whenever they decide to produce their own show, as long as they can increase market share to that new audience.

But of course, questionable priorities and being a monopoly is not against the law. But when Microsoft decides to enter a new market, rather than using the methods any other player on the stage would have at their disposal to use to win an audience, they can control the lights, props, background, special effects, even funding, and can turn any developer's production into an unintentional farce, all without the members of the audience knowing it.

Borland, Quarterdeck, and Netscape are but a few companies who have had the chance to bring the issue of Microsoft's habitual secret sabotaging of their applications before the court. But this method of dealing with competition is usually saved as a last resort and is done very subtly. Microsoft has very distinct and regular script on how it deals with competition.

IV. Embrace and Smother

At the heart of the case before the court was Microsoft's deceptive technique launched against Netscape. From the court record, Microsoft's own Paul Maritz, called it ''embrace, extend, extinguish'' or ''embrace and smother'' corroborated by several Intel executives. Microsoft makes its competitors think they like the show, read the script and promise to produce it, and kill it before it opens to make room for a production they have been rehearsing in the wings. Sometimes, before the competitor ever got their first check.

v. Embrace and Pollute

Sun's Java ''resurfaced'' the stage with a set of tools that could even be extended to the Internet and beyond. Developers could cultivate their productions for free in different theaters and produce ''road shows'' on all kinds of stages. But because Microsoft was no longer in direct control of what was seen on the stage and could not continue to charge fees that suited them, they resorted to sabotage as reflected in the court record. They tried punching holes under Sun's performing platform by polluting it with a ''Windows only'' advantage and have been convicted for it. Because this approach did not achieve their intent, they deployed their third anti-competitive method.

VI. Replicate and Extend

Today, the anti-competitive method of choice is a variation of ''embrace, extend, and extinguish''. It is what was used against Apple when Windows was first introduced. Microsoft is in the process of virtually replicating Java in their new language C# (C Sharp). A glance at any sample code can convince almost anyone that the ''new, innovative'' language is a complete knock-off of Java. But Microsoft maintains that it has nothing to do with Sun's creation.

The fundamental difference is, it won't play on anything but Microsoft's stages. As an expected action, Microsoft will no longer make any effort to accommodate a Java stage in their latest monopoly production of Windows XP. Developers who prefer Sun's version of how the stage is equipped will have ask the audience to help them set it up by having to download components that were previously supplied by the stage manager. This is something Microsoft claims will ''increase choice for consumers''. How can these actions be perceived as competitive?

VII. Bundling When It's Convenient

Microsoft has used the deceptive reasoning that bundling application products with the operating system is simply a matter of convenience. But in effect, they mean their convenience, not the consumer's. They only bundle products when they don't already own the market for that application software.

Until recently, word processing and spreadsheet applications were easily the first reasons to buy a computer. As a matter of consumer convenience, why doesn't Microsoft bundle MS Office the way it did Internet Explorer? These applications are still the main reasons people buy computers? The answer is easy. They virtually own the office applications market now and can charge very high prices and keep their customers locked in by their proprietary document formats. They wouldn't kill their cash cow in the name of giving the customer what they really want and have touted as their reason for bundling.

They don't own the market for video software yet, but with absolutely no hindrance from the court, they have bundled Windows Media Player with Window XP and will eliminate RealPlayer in no time at all. Little of their success will be decided on technical merit, quality, or price. If this is not evidence of leveraging a monopoly market to gain another, what is? The proposed settlement does nothing to stop such blatant violations of the Sherman Act.

VIII. Control of Hardware Vendors

As a matter of research, contact one of the major PC distributors such as IBM, Dell, or Gateway, and attempt to purchase one of their high volume, low cost package PCs, but ask that you don't want Windows XP pre-installed for whatever reason. XP's default configuration of exposed IP sockets is a legitimate security concern that users should be able to reject it, but any reason should be valid. Then explain you that want a discount (any amount) for the absence of any Microsoft products. You will find that they

will not accommodate you. Linux users have to indirectly pay Microsoft to get reasonable prices on the same hardware. How can this be termed a competitive environment and how does the settlement before the court remedy this situation?

IX. Relative Exposure of the APIs

The way the settlement is worded, Microsoft will be able to greatly limit the access developers have to make their products successful. Microsoft will still be able to protect their arsenal of secret weapons used on their platform. Exposure is a relative term and the settlement reveals far too little for it to be effective in improving competition. Hiding their malicious intent in millions of lines of code to a few inspectors to see will be a cinch. They can always build another ''substage'' under the one the inspectors see to achieve this.

X. Giving Up

Nothing hurts a non-Microsoft developer more that hearing friends and family conclude that Microsoft software and services must be the best based solely on the fact that they have taken over so many markets. Terms like ''sour grapes'' and ''quit your whining'' cut deeply into a developer's incentive to create products that may not run on Windows only. As they should, PC users attempt to equate technical merit, quality, and price with proportional success. This is of course, not the case with Microsoft as stage manager. Users can't see what sort of treachery and deception takes place in a developer's attempt to get on the stage, let alone, get the lights to come up on their show. Explaining the stagecraft is rarely possible and is generally futile. Developers interested in a level playing field have been hoping that the court would understand the ropes and backstage operations that keep them off of the stages. So far, that expectation has been dashed. Microsoft deceives and cheats in every way possible gain market share. A developer is faced with a simple choice at this point: Microsoft's way, or the highway. Help entrench their monopoly and reduce choice in virtually every sector of computing, or get out of the business. If the DOJ settlement is accepted, it will only be a matter of time before a significant portion of the development community decides to take the latter option. The settlement contains no remedy and in fact, legitimizes Microsoft's criminal anti-competitive behavior.

XI. Effective Remedies

Even though a remedy of separation of the operating system and application software business units has been cast out as a possibility, it would have been the most effective and expeditious way to remove the incentive for Microsoft to leverage it's monopoly and reduce customer and developer choices.

Short of that, Microsoft should be forced to sell its language business, and the proceeds of that sale should be distributed to registered users of Microsoft products. Their proprietary formats, and API's should be opened to those registered users. Perhaps then some semblance of a level playing field might be restored.

Microsoft's Bill Gates should also be required to publicly state that his company repeatedly broke the law using deception as a policy. As it stands, the majority of the public still believes as he does, that they've ''done nothing wrong'' and that the court has no place in the matter. This is tragic.

Thank you for your time.

Sincerely,

Mark Hotchkiss

MTC–00002577

From: root
To: Microsoft ATR
Date: 12/2/01 5:28pm
Subject: M$ settlement

I feel the settlement as proposed does a great injustice to the American consumer. It is nearly impossible for the average person to go out and buy a pc without Windows on it. I don't use windows, I must buy it if I want a pc though. I say go hard on these boys, I want restitution for every MS os I was forced to buy. That would be 3.1, 95, 98, and ME all of which were removed from the systems that came with them forcefully pre-installed. I never wanted windows, I had to buy it to get newer, up-to-date pc's.

Maybe opening the source of their kernel would be more fitting. Or a complete separation of the os and apps dept's while removing the apps already ''integrated'' into the os, ie Internet Explorer, Media Player, ... There are many options, the proposed settlement is not even a slap on the wrist.]Do the right thing here and punish the monopolist Microsoft in a way that leaves no uncertain terms, monopolist behavior will not be tolerated. They've misled the court during hearings and showed no respect to it's authority in the past, and been convicted of being a monopoly, treat them accordingly. It's called throwing the book at them.

Respectfully,

Richard Gore

MTC–00002578

From: lew@lsmls02.we.mediaone.net@inetgw
To: Microsoft ATR
Date: 12/2/01 5:25pm
Subject: Microsoft settlement

Any settlement with Microsoft MUST afford individuals OEMs the right not only to feature competitors products but more importantly earn discounts for any and all applications, utilities, middlewear or features removed or not featured by the OEM.

The amount of the discount must be reviewable by the federal court to make certain fair and open competition returns to the windows platform. The court must make a determination of both the wholesale and retail price for these products to include networking subsystems, browsers, compilers, development systems, disc utilities and windows managers as well as any and all ''user applications''. User applications are those programs that actually provide a service or function for the individual user including but not limited to browsers, media players, file viewers, data base systems, spreadsheets or any other application that exists in the marketplace for Microsoft systems or any other operating system. Any and all ''trademarked'' products must be subject to such removal and discount handling by OEMs.

Furthermore, the illegally gained monopoly in browsers resulting directly from illegal acts must be reversed. Prior to the illegal acts non-Microsoft browsers had approximately 80% of the market. Until those market conditions return no settlement terms should cease and the full restrictions upon Microsoft must remain in place.

Lewis A. Mettler, Esq. (Attorney and Software Developer)

lmettler@keepifspam.lamlaw.com

http://www.lamlaw.com/(detailed review of the Microsoft antitrust trial)

MTC–00002579

From: Marshall
To: Microsoft ATR
Date: 12/2/01 8:50pm
Subject: Anti-American

I think the whole issue is just plain old Communist Anti-American crap. I love Microsoft, love Windows and what Microsoft did with it, and think Bill Gates is my hero!

MTC–00002580

From: user1658
To: Microsoft ATR
Date: 12/2/01 6:26pm
Subject: Microsoft Settlement

Dear Sir or Madam

I am writing you in reference to the proposed settlement with Microsoft. After reviewing the terms as published in the various news media I have great concern that this is nothing more that a minor inconvenience for Microsoft and does not address the core issues at hand. With the release of Windows XP and the public statements concerning the .Net future of Microsoft it is easily apparent that Microsoft wishes to Hijack the Internet and e commerce to it's own advantage. The mandated usage of Passport to install Windows XP, it requirement in Hotmail accounts and Microsoft Messaging service only extends the reach as neither service needs Passport and XP doesn't either. The IE 6.0 departure from JAVA and other Internet standards only shows how far they will go to press Microsoft as the holder of all things with PC and Internet. Microsoft's continues to advance itself at the cost of others.

If it cannot gain market by providing a better product then it makes sure that its products cannot be used with others recent example the ending of support for navigator plug in's in IE6 which is included with XP. This rendered useless anyones Apple Quicktime. No warning just can't use it. If you want to see in print how far they will go to control everything read the EULA that is in MS FrontPage 2002. Pre censorship. All to ensure that if you don't say nice things about MS you can be sued. Is this a company that is remorseful and willing to change it's ways from destroy, devour and intimidate. I think not. If the Judicial systems accepts this agreement in its current state it is only a endorsement for Microsoft to continue unabated as it can still devour, destroy and intimidate unchecked by just ''making it a feature'' and it is ok. I endorse stronger and specific remedy that is enforceable. Just like any convicted person they have been found guilty and as such should not be able have say in the over site of their behavior. It is the duty of government to do those things that individuals cannot do and one of those is to

protect the public from predatory behavior wether it is a person, a group or in this case a company.

Sincerely,

Herbert L Green

MTC–00002581

From: Ralph
To: Microsoft ATR
Date: 12/2/01 6:23pm
Subject: Microsoft Settlement

Some questions about comment submission:

1—What is the deadline in order to make the comments published in the **FEDERAL REGISTER**?

2—What is the preferred form: plain text or Microsoft Word document?

3—Can comments be made anonymously? I fear retaliation from Microsoft. If not anonymous, can I use a lawyer as a front for me?

Thank you for answering these 3 questions.

Ralph

MTC–00002582

From: Ron Nath
To: Microsoft ATR
Date: 12/2/01 11:34pm
Subject: MS antitrust settlement

To whom it may concern:

I would like to offer my opinion on the current proposed settlement between the DOJ and Microsoft. Let me summarize by saying the decision is a travesty to the justice system we all believed operated in this country. Now I will expound on the reasons.

First, it will be clear to any free thinker that any company that controls the foundation of an industry will have an innate advantage over its competitors in creating products that are built on that foundation. This applies to any industry. In particular though, this has now become most notable in the software industry. Given this situation, the simplest solution would be to sunder this tie as judge Thomas Penfield Jackson has suggested. I would go so far as to say, MS should have been broken up into five companies: consumer OS, business OS, consumer apps, business apps, and internet services and hardware. Each company would then have to learn to support other platforms and thus ''biodiversity'' would have a chance. Second, by allowing MS to remain whole, it will use its position of dominance, to extend itself into other adjoining areas such as publishing, gaming (witness the Xbox), and even consulting services. It is not hard to imagine a day when not just the entire computer industry, but any industry built around thoughts and ideas would be controlled by this company. And we would have our weak willed government to thank for this. In fact, our very own government would be controlled by this company, even more so than it is now.

Third, and lastly, keeping MS intact was a bad idea because it will send a message to all companies who are trying to dominate a market that if you keep fighting the government long enough, they will back down because there really is no teeth behind their bark and they are just a bunch of wimps. This is not the DOJ that I want in my country. We should be lobbying our representatives in the legislative branch and executive branches to remove the current crop of spineless, ill-informed judiciaries.

A simple solution to legal wrangling would involve not necessarily breaking up MS (although that is still a good thing) but rather to cut right to the heart of the company- make its code open source. Not that anyone should be able to copy it or even modify it, but people should have the right to see what they are paying for. In fact, the government should go so far as to demand that any software sold to it should come with the source code- period. This way, the government will never be held hostage to closed, proprietary code.

In summary then, I think the current settlement is more of our government settling than a real middle of the ground deal or settlement. Microsoft came out the winner hands down, and the DOJ skulked away with its tail between its legs, humiliated and beaten soundly by a much more vigorous and financially powerful opponent. The DOJ should go for the gold: split the company into five and demand that all software sold to it come with the source code.

Thank you for your time in reading my opinions.

Dr. Nath

MTC–00002583

From: Roberto Arias E.
To: Microsoft ATR
Date: 12/2/01 10:34pm
Subject: About the Antitrust Settlement

Boy, I just think you want to make microsoft bigger, and more powerfull, and Bill Gates richer. I mean, it doesn't cost him a cent to give all that software to schools (they will have to pay someday for support or updates).

MTC–00002584

From: Richard Colclasure
To: Microsoft ATR
Date: 12/2/01 11:13pm
Subject: anti-trust settlement

Ladies and Gentlemen:

The settlement is a virtual mirror of Mr. Chamberlain's selling out the British in 1930's. The browser fiasco was the thing many people saw of the trial but that is not the point at all. We are now going to pay the Troll (Mr. Gates) a fee far more consuming than we ever did with pirates off the Barbary coast. Too bad Mr. Bush doesn't fight this troll with the vigor he has shown us. Every day brings a new crime from the innards of Redmond. Talk to the big Windows users of corporate America and ask them what the toll fee is? They have been paying it and know what it costs.

Thanks for listening to us,

Dick Colclasure

klc@dsl.essex1.com

MTC–00002585

From: Michel G. Rainville
To: Microsoft ATR
Date: 12/2/01 8:59pm
Subject: Microsoft Antitrust Solution—Slit So That Application Programming Interfaces MUST Be Published

Dear sir,

I am a Canadian, but the unavoidable presence of Microsoft has affected me as well. I do database development for a major Canadian university.

When Windows 95 came out, it broke dBase, Lotus, and WordPerfect and it was six months at least before they could even be run on Windows. On the other hand, Word, Excel, and Microsoft Visual C++ was already aware of the impending changes and were not affected.

Today, Oracle installations MUST replace several Windows programs as a routine part of the installation process and downloads of Internet Explorer have broken Oracle installations, by changing the dynamic runtime library for Visual C++, I suppose.

When I purchased my computer for home, I had no choice but to buy Windows, even though I run OS/2 on it. I tried to obtain a Linux system from Dell, but they would sell nothing but Windows, even if it meant losing a 5,000.00+ sale.

In my opinion, the computer industry will be seriously hurt by the continued unfair practices of Microsoft. The protection of software vendors, in particular, requires that Microsoft be split into no less than FOUR parts: Development Tools (C,C++, Visual Studio, any tools used to build Windows) Operating Systems (Windows 95, 98, NT, 2000, XP, etc., strictly mapping the harware to an API with Development Tools) Applications Software (Office, Word, Excel, Access, Visual Basic etc.) Web Services (Internet Explorer, MSN, C#). In this way, other vendors, even if they use MS tools or systems, will have the same public access to APIs at the same time as those parts of the former Microsoft that used to obtain early and secret access, months and years in advance of competitors. You might also consider requiring hardware vendors to OFFER at least ONE non-Microsoft operating systems on their computers as a general rule to foster competition. Linux and many others are free, after all.

Good luck with your decision,

Sincerely,

Michel G. Rainville

77–5225 Sherbrooke St. West

Montreal, QC

Canada H4A 1T7

MTC–00002586

From: stout762
To: Microsoft ATR
Date: 12/2/01 11:38pm
Subject: Microsoft

DOJ;

I beleive that the continued existance of Microsoft as an intact entity poses an extreme danger to all other software companies. Microsoft has a long history of using any method available to kill competition and stifle innovation in the computer industry. Quite simple they cannot be trusted to uphold any agreement they enter into.

To mitigate the continued danger of Micro$oft, I propose that the corporation be divided into two seperate entities. One that will continue to produce Operating Systems (OS) and One that will develop end user applications (office, Internet Explorer, etc). Absolutely no communications, other than normal discourse between two rival companies, should be permitted between the two halves of the company.

To mitigate the advantages already achieved by the company, Microsoft need to be forced to disclose all proprietary information regarding the various protocols and file formats used by the companie's software. If microsoft continues to try and ''pollute'' public domain standards (HTML, TCP/IP, ETC) they should be quicly and severly punished and forced to recind the changes. The end user needs to have the option to un-install or decline the installation of any ''bundled'' software (Internet Explorer, Media Player, etc.) without crippling the operation of the OS or any other software component.

As the final step, all of the current Microsoft senior executives should be forced to sell off their microsoft holdings and seek employment elsewhere. It seems patently unfair to me that they should be rewarded with the continued leadership of a comapny that has engaged in criminal behavior for 20+ years.

R/ J. Justin Stout

Sent via the WebMail system at webmail.pioneernet.net

MTC–00002587

From: Eric
To: Microsoft ATR
Date: 12/3/01 2:38am
Subject: Proposed Microsoft settlement

Dear Department of Justice,

I am writing regarding the proposed Microsoft antitrust settlement, which proposes a payment of cash, hardware and software to schools serving impoverished areas. I feel this settlement is flawed in several respects:

First, if Microsoft is guilty of violating anti-trust laws, then the magnitude of this fine appears modest, considering the market losses of other corporations and individuals who may have benefited from a more open competitive environment.

Second, the nature of the penalty is boldly ironic (some might say nearly contemptuous). Microsoft currently has a very small share of the educational marketplace. That Microsoft would be able to promote its own system and educational software to a sizeable portion of the educational market, and to do so in the favorable position of offfering ''free'' equipment, seems to be of considerable benefit to Microsoft and thereby diminishes the impact of the penalty significantly. Why should Microsoft receive government-provided exposure in the only computer market it hasn't yet penetrated and dominated?

Third, the nature of the penalty is too similar to Microsoft's core business. Why have the company give equipment and software which it has ready access to, when cash would be a much more flexible and more readily useable resource for the schools? Why limit the payment to only cover acquisition of computers? Why not allow the schools to choose how the money will be spent—after all, the educators in the locality will likely know what resources are most needed and what will have the highest impact.

I think that the penalty for Microsoft needs to be reworked and crafted in a fashion that achieves a reasonable penalty—one that doesn't implicitly reward Microsoft for its behavior. Thank you for condisering my opinion.

Sincerely,
Eric Werner
3804 Royal Fox Drive
Saint Charles, IL 60174
630.443.0075

MTC–00002588

From: Joshua Chamas
To: Microsoft ATR
Date: 12/3/01 12:32am
Subject: Settlement is a bad idea

Hi,

I saw this email address to whom I could write my opinion of the Microsoft settlement.

I am an entrepreneur & software developer of 4 years, and have used & own microsoft windows products: server NT, desktop Windows 95; and used competing unix products like Solaris & Linux. As a web developer, I believe the way in which Microsoft crushed Netscape through its OEM bundling practice really hurt the progress of computing as a whole, and I feel that the settlement idea that tries to value the overcharging of Microsoft products is not getting at the crux of the problem ... that Microsoft had used it monopoly powers to crush competing technologies, and significant penalties need to be levied with the possibility of restructuring to make sure it never happens again.

Microsoft has a desktop monopoly and does everything it can to make sure that it remains in this position. As a web developer, I cannot tell you the pains it has caused application development that Microsoft ended up beating out Netscape as the browser of choice. See, what Microsoft does it once its gets a significant foothold in a technology, it warps that technology until developers have to do it the Microsoft way ... on this one project in particular where the devlopment costs exceeded $200,000 in a year, I would estimate that 20% of the time we were resolving web browser incompatibilities. Had Microsoft not become the majority browser, they would have had to remain more compatible with Netscape & there would have been little burden on web application developers.

And I was only talking about HTML rendering issues, we were not even using Java, which Microsoft also screwed up. Do you begin to see my point? Any estimate of the damage that Microsoft has caused consumers & business through its monopolistic practices cannot hardly be estimated by anyone. Will the $40,000 that my consulting client got charged just to make their web application cross-browser compatible be factored into the Microsoft damages? I doubt it. The effect that Microsoft has on the industry is to raise the barriers to competition by breaking competing standards that exist that could use other technologies that Microsoft cannot license. In this way, web & software development costs increase as standards (like HTML & Java) get fractured. Please do something punitive & significant to Microsoft to make sure this does not happen again. I would recommend that large penalties be assessed, rules against bundling be set up and enforced, and a possible restructuring that would keep Microsoft the operating system business separate from other Microsoft businesses. To prevent bundling, I would suggest Microsoft be forced to offer especially to OEMs the opportunity to select which parts of the OS they want to install like Media Player, Disk Defragmenter, Web Browser, etc. For every piece that an OEM excludes from a distribution, there should be a real & significant price reduction in the OEM version of the software, to allow other companies to compete for that software business.

For example, to not bundle IE, perhaps an OEM like Dell would save $10, and be able to pass those savings on the to consumer. Dell would be able to install AOL or Netscape for the consumer (or other browser like Opera), at possible price savings ... if Netscape had been able to continue to sell their browser to OEMs, it may be that Netscape would still be the dominant player in the browser market with superior technology ... who knows the difference this would have made to the development of the internet as a whole? Thank you for taking the time to hear my arguments. I hope that this letter actually got to someone?!

Regards,
Josh
Joshua Chamas
NodeWorks Founder
Chamas Enterprises Inc.
Huntington Beach, CA USA
http://www.nodeworks.com
1–714–625–4051

MTC–00002589

From: Jones Robert Contr TTMS Keesler
To: Microsoft ATR
Date: 12/3/01 8:10am
Subject: Microsoft Settlement

I strongly believe the current settlement does nothing to curtail Microsoft's practices they went to court for. I do not believe the current settlement has done anything to dissuade Microsoft from engaging in these practices. I do believe that the current settlement provides further encouragement for Microsoft to continue practices that stifle businesses and erode competition by using their monopoly unfairly.

Robert E. Jones, BSCS, BSP
81 CS/SCK, Keesler AFB

MTC–00002590

From: Forrest Gott
To: Microsoft ATR
Date: 12/3/01 7:13am
Subject: Displeased

I am very displeased with the recent move to settle the US vs Microsft case. Just for the record, I have yet to talk face-to-face with a single person that feels that this settlment is in any way a good idea.

—Forrest Gott
Grand Forks, ND

MTC–00002591

From: Schreck, Paul CONT (NASKW 191)
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/3/01 8:40am
Subject: Micro$oft antitrust case

To whom it may concern,

I am dumbfounded!

Having followed the Microsoft Antitrust case closely, from its inception, I find it unconscionable that Microsoft could be let off with nothing more than a 'slap on the wrist'. I've never seen such a lopsided case. I liken this case to having a suspect, caught on camera murdering two people, while witnesses stand watching, and the police arriving as the suspect stands over the dead bodies, with the gun still in his hand. You (DOJ) have the proverbial 'Smoking Gun', and yet you let MS walk away.

I know there are more important things going on in the world right now, but does that nullify all common knowledge? As a veteran of the US Navy, I know full well what is happening in the world, but if we cannot maintain unconditional justice in our own country, how can we expect to in another? Would a convicted murderer in our country be given probation, because Ramon Eduardo Arellano-Felix (FBI's 10 most wanted) is still roaming free? You call yourself the Department of Justice, but I find this proposed remedy neither just, nor appropriate.

Regards,
Paul J. Schreck
Paul J. Schreck
Lead Computer Technician
Naval Air Station, Key West
CC: 'microsoftcomments (a)doj.ca. gov ', 'attorney general...

MTC–00002592

From: Lee Briggs
To: Microsoft ATR
Date: 12/3/01 9:23am
Subject: settlement—

as a resident of Wisconsin, and a student about to enter education as a career, i want to state that i am against the proposed settlement that Microsoft donate computers, the initial cost of these second hand machines is next to nothing when compared to the cost of maintaining them, Microsoft is trying to put it's foot into one of the only markets that it does not own. if anything, make them give vouchers equal to the cost of said computers and let these schools decide what they want to do with the money, rather than pay it right back in the form of upgrades and the ridiculous loop of having to buy to stay ahead that Microsoft has created.

MTC–00002593

From: Denny Wyss
To: Microsoft ATR
Date: 12/3/01 8:57am
Subject: This Settlement is a complete sellout

The proposed settlement between Microsoft & the DOJ will be completely ineffective. It does not address or correct the fundemental issues of the case. It simply is a slap on the wrist. The proposed ''restrictions'' on future behavior are a joke. They are full of loop holes. Several of which, depending on how they are read, could prove to be severe blows to competing open source software and in fact strengthen the monopoly that MS holds. Further, these checks on future behavior have already proven themselves inneffective since Windows XP with all of its bundled software is already on the market allowing MS to gouge more money with their rediculous licensing scheme and further entrench themselves as a monopoly. To accept this settlement that appears to have been written by Bill Gates himself as a penalty for its illegal acts is very indicative to me that our Justice department is too involved in politics to really pursue justice, sadly misinformed of the true impact of what MS has done and frankly oblivious to the longer term implications of what they are doing. If this decision/settlement is indicitive of the work the doj does, God help us all when it comes to handling even more serious matters such as terrorism.

Denny Wyss

MTC–00002595

From: Leisner, Greg
To: 'Microsoft.atr(a)usdoj.gov'
Date: 12/3/01 9:47am
Subject: Microsoft Settlement

My name is Greg Leisner and my profession is software engineer. My education includes a Masters of Science in Computer Science with an emphasis in Security and Cryptography. I work for a manufacturing company in Wisconsin. I would like to comment about the Proposed Settlement of the Microsoft Antitrust Trial in DC District Court.

I oppose the Proposed Settlement on the grounds that it doesn't prevent Microsoft from leveraging it's monopoly power into new markets. In fact, the Proposed Settlement actually shields Microsoft from legal remedy for future anti-competitive actions in violation of the antitrust laws. Specifically, I call attention to REVISED PROPOSED FINAL JUDGMENT section J number 1:

''J. No provision of this Final Judgment shall:

1. Require Microsoft to document, disclose or license to third parties: (a) portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of a particular installation or group of installations of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria; or (b) any API, interface or other information related to any Microsoft product if lawfully directed not to do so by a governmental agency of competent jurisdiction.''

Since the digital world is now highly interconnected, the above exemption allows Microsoft to spread a function between two processes on the same host or different hosts and connect those processes with a ''Communications Protocol'' that employs some form of encryption or authentication. Because it is good design to authenticate all connections and communications, Microsoft will be able, within the terms of the Proposed Settlement, to leverage it's OS monopoly for Intel systems into ANY other market it chooses to. This will be possible by simply authenticating all communications between processes.

For example, Microsoft could have some or all network communications pass through an Authentication Layer in the Windows OS. This is actually good security design. (The communications could optionally also pass through an Encryption Layer.) Under the Proposed Settlement, no other OS vendor could support the server side of the communications. Thus if Microsoft desired to increase it's Web Server market share, it could require all http communications to be authenticated. This could be enforced without override, or with popup windows to the user warning them that the attempted website access is 'not secure' and asking if they wish to continue. Obviously, this would have a chilling effect on competition. And the Proposed Settlement allows it to happen.

Another example on the same host this time could be application launching from the browser. Internet Explorer (itself benefiting from anticompetitive actions to gain overwhelming market share) could require authentication before launching an application to handle a particular data stream. Thus all audio and video data streams could require an authenticated application. If Microsoft choose not to license such authentication to, say, Real Networks, then Windows Media would effectively become the only way to play music and video on a Windows OS.

When I compare the Interim Remedy from the previous trial court to the current Proposed Settlement, I am shocked at the lack of thought and due care taken in crafting their respective terms. There are many other issues I find fatally flawed, but, being just a private citizen with limited time to devote to this issue, I am constrained from elaborating on them. I ask that my limiting my comments to section J.1 not be construed to be supportive of any other clause in the Proposed Settlement.

Thank you for the opportunity to comment,
Greg Leisner
6131 W Leon Terrace
Milwaukee, WI
414–371–5805

MTC–00002596

From: SteveLeyva@aol.com@inetgw
To: Microsoft ATR
Date: 12/3/01 10:00am
Subject: It's Just Packaging!! For Crying Out Loud!!!!!

Who would have the radio taken out of his car? How about the air conditioning? How about any of the new enticing accessories that come with a new car that is intended to make that car more attractive to a prospective buyer? Have you ever noticed that each of the auto manufacturers has installed his own brand of accessory? Is that causing the customer that buys a Ford to have to purchase Ford auto parts (if he doesn't, his warranty is in jeopardy)? The answer is ''yes'', but in that case, it's all right? What Microsoft did is no more than that! Business competitors that have a great deal of trouble competing with Microsoft have finally found an easy way to stay in the game.....run to big brother!

Microsoft has done no more than any other leading corporation would do to maintain its business position. It's called competition, guys! It really strikes me as strange that a company that has NOT been declared a ''monoply'' can do exactly what Microsoft did and that's OK, because it makes them more ''competive'' but, if a declared monoply

does it to maintain their market position (to maintain their competitive level), it is unlawful. When did this country become so sophisticated that it desires to punish successful businesses? And where is the harm to the consumer? I personally have at least three browsers loaded on my computer and I use whichever I need at any given time. The fact that another browser resides within my operating system means nothing.... it's superfluous! Somebody made a really big deal out of nothing..... the business rivals maybe? Congressmen wanting to represent business interests in THEIR constituents' areas?

The current ''tech wreck'' is holding the economy here and around the globe hostage. If Microsoft is brought down for such a minor thing as ''commingling its code'', i.e., adding accessory components to its operating system, what will be the effect on that industry sector and the rest of the economy? It seems that there are those in government (e.g., Schumer) that would find this acceptable in order to further their own agenda.

If you care about product innovation, competition, fairness, and the economy, you will do whatever you can to counter the incessant roiling over this issue.

I think you do care and I look forward to seeing your supportive position for Microsoft and the technology industry unveiled in the very near future. If Microsoft goes down, our economy will take YEARS longer to turn around. That event will destroy the current and future budget outlays. This shouldn't be a partisan issue. It should be an American citizen issue.

Best regards,
Joe Stevens
115 Feather Moon Dr
Santa Teresa, NM 88008
steveleyva@aol.com

MTC–00002597

From: Groombridge, Kenton A CW2 DISCOM
To: Microsoft ATR
Date: 12/3/01 9:58am
Subject: Comments on MS/DOJ settlement

Hi,

Just want to give my comments on the Microsoft/DOJ settlement. It really sounds to me that Microsoft came out the winner with this one. Where else could a designated monopoly actually get more of a monopoly by supplying more software as a punishment.

Take a look at Red Hat's offering to provide its Linux operating system at no cost and let Microsoft provide the hardware. This is a much better solution.

The anti-trust/monopoly case wouldn't be necessary if the Government would just adopt plans/policies to purchase proprietary software solutions. Initiate a plan/policy to only purchase software that has open standards. This way other companies can compete and we all get better products at better costs. Microsoft ensures that its products only work with other Microsoft products so it can maintain its dominance. Why do you think that every time a new Microsoft Office suite comes out that it doesn't work with the previous versions? It forces others to buy the upgrades so they can read the new formats. An example: We are currently using Office 97. My boss loads Office 2000 and starts creating documents. He sends them to me to edit/read/etc, but I can't open them because they were created with the ''new'' format. He doesn't want to delete and reload Office 97. He is going to make everybody else load Office 2000. On top of that, Microsoft doesn't share the format of Office 2000 documents so the only software that will work with Office 2000 documents is Office 2000.

By using open standards, everybody can compete. Isn't this the American way? It isn't so much of what Microsoft does, but the Government shouldn't be buying in on it. The Government must use open standards. This will set the example and Microsoft will adjust to this. Punishment and policies will not change them.

CW2 Kenton Groombridge
CSSAMO, 3ID
(912) 767–1318, DSN 870–1318

Failure is not an option; it's bundled with your software.

MTC–00002598

From: Reesa Morris
To: Microsoft ATR
Date: 12/3/01 9:58am
Subject: Microsfot

Please do not waiver from the end result of protecting and helping the true victims. Owners of MS operating systems and software. We are still in the dark and are still unable to use our systems and competitor software. We are the victims, we've spent the money and we have spent the countless hours seeking help and information.

Any allowance of Microsoft to utilize this ''settlement'' to product a new market ''niche'' in the education systems does not seem fair and does not attack the real problem. As an owner of a HP computer with a MS Windows ME operating systems, I can tell you that neither are supported by their manufacturers and that MS has ''autop-dated'' many things without offering support, and has resulted in loss of support from HP.

Thank You
Reesa Morris
125 Chillingham Ct
Kernersville NC 27284

MTC–00002599

From: dpulfer@pcconnection.com@inetgw
To: Microsoft ATR
Date: 12/3/01 10:57am
Subject: DOJ/Microsoft Antitrust Settlement

Let Microsoft fund the school computing effort, but let the schools decide which software to use, from the fund provided as a result of the settlement. Do not permit Microsoft to become the fox in the educational chicken coop.

Doug Pulfer

MTC–00002600

From: Mike Klaus
To: Microsoft ATR
Date: 12/3/01 10:56am
Subject: DOJ/Microsoft Antitrust Settlement

Forward to: Renata Hesse, Trial Attorney, 325 7th Street, NW, Suite 500, Washington, DC 20530, (202–616–0944)

For more than two hundred years, free and open competiton has been a hallmark of the American experience. Our judicial system protects society from unfair business practices and ensures a fair and level playing field for all competitors in the market place.

Microsoft Corporation has engaged in documented monopolistic practices which unfairly limit free and open competition in the market place. Alternative solutions, such as Red Hat Corporations offer to provide their Linux products free of charge to school systems should be reviewed and considered by the Department of Justice prior to enforcement of the antitrust settlement consent decree.

America is a free and open society. In my opinion, American business should reflect the values of its citizens.

Mike Klaus
Master Chief, United States Navy—Retired
mklaus@mtsinet.com

MTC–00002601

From: Robert Walion
To: Microsoft ATR
Date: 12/3/01 10:47am
Subject: Microsoft settlement.

.....Please do not follow through with this senseless settlement agreement. If anything, make Microsoft spend $2 billion on giving Apple/Macintosh products to education. The current 'solution' is (to say the least) ill advised and simply tightens Microsoft's grip on one of the few remaining pieces of the software market that they do not control.

Boy, that's some 'punishment'.....
Thanks for your consideration!
Bob Walion

MTC–00002602

From: Farr, Aaron
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/3/01 10:14am
Subject: DOJ/Microsoft Antitrust Settlement

To whom it may concern:

The proposed DOJ/Microsoft Antitrust Settlement does little but further the Microsoft monopoly the lawsuit is intended on prosecuting. My initial reaction was that this was more of a public relations victory and marketing ploy by Microsoft than a serious attempt to address the wrongs this company has done. As a professional computer programmer, the proposed ruling deeply disturbs me. The class-action lawsuits were filed in behalf of the people, yet it seems like the people are getting little from this settlement. I emplore that those considering this settlement sincerely look to other alternatives, particularly that solution proposed by open source company Red Hat Inc. (http://www.redhat.com/about/presscenter/2001/press_usschools.html).

Let us not do further damage to the computer industry and to the consumers than has already been done due to the illegal practices of Microsoft.

J Aaron Farr
Pittsburgh, PA

MTC–00002603

From: Beverly Neale
To: Microsoft ATR
Date: 12/3/01 12:02pm
Subject: Injustice

Dear Department of Justice

I write to complain about the proposed settlement with Microsoft. The enormity of the anti-competitive practices of Microsoft is

quite astonishing. Hundreds of vendors have been deliberately put out of business, and their superior products (wordperfect and harvard graphics are but two examples) have been replaced by inferior ''standards'' such as word and powerpoint that Microsoft has been able to force on the business and home computing commuities merely by virtue of providing the operating system. Even worse, their operating systems are inferior to competitors' such as linux, as they are less stable and it is much more difficult to write software for them. In addition, it is not possible to debug programs properly because the Microsoft operating system code is not available, so when something doesn't work as expected, it isn't possible to find out why. In essence, Microsoft has committed crimes similar to the September 11 World Trade Center events in their unprovoked attack on fair competition within the computing community and destruction of their competitors.

For these reasons, I think the operating system source code should be forced to be freely available. In addition, software products such as MS office should be developed for other platforms—Linux, Apple (which it already is) etc. If dividing Microsoft is the only way to achieve this end, as previous legal authorities have demonstrated, then it should be done.

Finally, allowing Microsoft to 'infect' classrooms with its own products is far from a penalty—it is the opposite of one. They should be made to provide much larger numbers of computers and these should be installed with Red Hat linux or Apple OSX operating systems instead of MS windows.

Sincerely

Dr. Michael C. Neale, Dept. of Psychiatry, Virginia Commonwealth University

Phone: 804–828–3369 Virginia Institute for Psychiatric & Behavioral Genetics

Fax: 804–828–8801 800 East Leigh St. Suite 1–115, Richmond VA 23219–1534

MTC–00002604

From: k1e0x(a)earthlink.net
To: Microsoft ATR
Date: 12/3/01 11:44am
Subject: DOJ Settlement not effective

I dont think Microsoft takes this seriously.. just last week they had baned, Netscape and Opera (and other) Browsers out of MSN and Hotmail. I think there needs to be greater restrictions.

James

Redmond WA.

MTC–00002605

From: Harry Yingst
To: Microsoft ATR
Date: 12/3/01 11:18am
Subject: My opinion about the antitrust settlement with Microsoft

Having worked in the computer industry for over ten years I feel that the proposed solution from Microsoft is not in the best interest of the proposed beneficiaries (our schools).

I personally see it as furthering its monopolistic grip on the software market and in turn ultimately taking more from the schools in renewal fees etc. than they (Microsoft) are giving.

As I understand it the Microsoft's proposed solution has a five-year time limit at which point schools would have to pay Microsoft to renew their licenses and upgrade the software. This will cost these poorer districts a great expense at a time when many of these computers will be in dire need of replacement, further draining the limited resources of the schools. I feel that the alternative proposal as set forth by Red Hat, Inc. is a far better proposal due to the fact that our school system will initially be provided with far more hardware (provided by Microsoft) and software (provided by Red Hat) then under the Microsoft proposal.

Additionally the Red Hat proposal has no time limit. Red Hat will provide software upgrades through the Red Hat Network online distribution channel. This in turn will allow greater access to computer resources then would be present under the Microsoft proposal (about five times as many computer systems).

I salute Red Hat in there generosity to provide not only the software but to also provide online support for these computers, that's free support for the software more than one million computers that will be provided by Microsoft. The true winners here will be our students!

Thank you,

Sincerely,

Harry L. Yingst III

MTC–00002607

From: Stanley Tickton
To: Microsoft ATR
Date: 12/3/01 12:26pm
Subject: Reply to settlement

Microsoft is still much too powerful. More curbs need to be put on the company operating systems and use by all manufacturers.

MTC–00002608

From: Steve Bumgardner
To: Microsoft ATR
Date: 12/3/01 12:19pm
Subject: Comment

Hewlett Packard said I could use Windows or throw it away, but I was never going to get my money back. They were right. Weren't they? This is terrible. Worse than nothing at all. I can not imagine what sort of people could give the keys to the next generation to Micro$oft while calling it punishment.

You should all seek work elsewhere. Janitorial services perhaps.

Steve Bumgardner

MTC–00002609

From: Fred Kreitzberg
To: Microsoft ATR
Date: 12/3/01 12:16pm
Subject: Microsoft Settlement.

This is personal opinion. I am not representing the view of the company I work for.

I was disappointed in the terms of the settlement.

As a Data Security Professional I believe the bundling of software in the operating system is a critical issue. Complexity is the enemy of security. Microsoft's business model of putting more functions into the OS drastically increases complexity. The fact that companies using their software can not strip out this functionality to create a more secure and business oriented system is a major problem. As an IS Professional I see Microsoft's actions as an effective tool to stop the next set of bright young people from creating the next Microsoft. It is what they did not Netscape. Business should fail because the business model does not work, not because they threaten someone else's monopoly.

MTC–00002610

From: Daniel O Winkless
To: Microsoft ATR
Date: 12/3/01 12:03pm
Subject: The Microsoft Settlement

Dear DOJ,

I am really disappointed. I had been hoping that Microsoft would be broken into three or more independent companies. I would have settled for a two-way split. But a slap on the wrist and a warning not to do it again is simply not sufficient.

I use Microsoft products daily. I am daily angered by the poor quality of the products I am using. As you can tell from my email address, I work for the US Geological Survey. The Survey and the Department of Interior have made significant investments in PC based programs. Our computer staffing has increased as we have made larger investments in PCs. This, while total staff has decreased. It is the wrong direction and it is caused by bad software. Fortunately, we have been able to keep our mission critical applications in the Unix environment. Our Unix support staff has decreased to where we have only one Unix support person. Again, not a good situation should he get sick or find another job.

If Microsoft's Office product were implemented on a stable platform, like Solaris or Linux, it would truly be awesome. If the Microsoft Operating systems had to compete fairly with other OSs, it would either improve rapidly or die rapidly, just as a free, open, and competitive market would dictate.

As it is, Microsoft will promise to be good and will continue its monopolistic practices because it can. The next suit will be harder to bring and Microsoft will be harder to break up. If you won't break up the company, at least recognize that it is a monopoly and regulate it as such, the way AT&T used to be a regulated monopoly.

Dan Winkless

505–830–7938

MTC–00002611

From: Steve Goldsby
To: Microsoft ATR
Date: 12/3/01 12:48pm
Subject: Settlement

This settlement is a joke.

MTC–00002612

From: Gordon Krum
To: Microsoft ATR
Date: 12/3/01 12:38pm
Subject: Microsoft settlement

Greetings,

As a programmer who specializes in educational projects I can tell you from personal experience that the way Microsoft conducts business has held back the usefulness of computers to education at all

levels. Schools just can't cope with the additional expenses generated by Microsoft's attempts to own the world. The losers here are our kids and therefore our society. Allowing Microsoft to buy their way out by giving schools hardware and software will only increase the problem by further limiting competition. Instead, and at least, make them give the thing the value most COLD HARD CASH and let the schools decide how to spend it without restrictions of any kind. Some excuse Microsoft by saying that they are just good technology manipulators.

So were the robber barons of almost a century ago. Through new technology they then and Microsoft now manipulated, circumvented, squashed and laid waste the honest well intentioned efforts of many people all in the name of filling their own wallets. If what the robber barons did was criminal then what Microsoft is doing is criminal.

Having lived and worked in the silicon valley I know that there are thousands of Gates want to be's. How this settlement goes down sends a message to the entire industry about what behaviors will or will not be tolerated.

Please make it a RESOUNDING message!

Gordon Krum, programmer
gkrum@appletserve.com
4151 Olive Hill Rd.
Fallbrook, Ca 92028

MTC–00002613

From: Fahl, Matthew
To: 'Microsoft.atr(a)usdoj.gov'
Date: 12/3/01 12:34pm
Subject: Microsoft Settlement

I agree with and support the Microsoft settlement. I believe the case was without merit and politically motivated from the outset, and barring a complete dismissal, this settlement is the best way to close the matter and allow Microsoft to get back to their business which has so greatly benefited all of us.

Matthew Fahl
1446 Norbert Rd NE
Palm Bay, FL 32907–2326

MTC–00002614

From: Greg Rose
To: Microsoft ATR
Date: 12/3/01 1:40pm
Subject: Microsoft Settlement

I believe that the original proposal to break up Microsoft was probably the correct course of action. Any proposal that involves Microsoft giving free software to people, especially educational institutions, merely strengthens their monopoly power. If they are to be made to pay, they should have to pay cash money that can be used to procure other products.

sincerely,
Greg Rose.
Greg Rose INTERNET: ggr@qualcomm.com
Qualcomm Australia VOICE: 61–2–9817 4188 FAX: 61–2–9817 5199
Level 3, 230 Victoria Road, http://people.qualcomm.com/ggr/
Gladesville NSW 2111 232B EC8F 44C6 C853 D68F E107 E6BF CD2F 1081 A37C
CC:ggr@qualcomm.com@inetgw

MTC–00002615

From: Nick Haddock
To: Microsoft ATR
Date: 12/3/01 1:21pm
Subject: The judgement against Microsoft

As an IT professional, I feel you have let Microsoft off incredibly lightly. As the evidence has shown, they use bully boy tactics to stifle young companies and technologies, thus dominating every market they are involved in. This is a monoploy position, however the lawyers dress it up, which is extremely unheathly in a capitalist market.

When you think that the only software currently able to compete with Microsoft on the desktop is free, Linux, and the Apple Macintosh, both of which have small percentages.

My recommedations would be: You should, split microsoft into seperate companies that will stimulate competition.

Stop Microsoft having the ability to decide that everyone who buys a standard PC must have there software, if they want it or not. Force them to pay the people they destroyed (Netscape etc) compensation Force them to donate money (not free software—thus perpetuating the monopoly) to your countries education system.

All I can hope as a European citizen is that our European government deals with this predatory monopolist in a far harsher manner than you have. I can only conclude that certain other previous monopolists (Oil, Telecoms, IBM) must be very annoyed at the way this company is being dealt with. It does raise the question, does the public know all there is to know, or are there some new Swiss bank accounts being filled as I type. If there are not, it's what it looks like to me from the other side of the pond. I hope this email in some small way adds to the debate.

Yours
Nick Haddock
Mr Nick Aurelius-Haddock Bsc.,MCSE,MCNE,CCNA,CCNP
Principal Consultant
Holevy Consultants Limited
4 Park Place
Newbridge
Gwent
NP11 4RN
Mobile Phone: 0044 7889 189440
UK BT Line: 0044 1495 244386
UK Fax : 0044 1495 245087
French Line: 0033 549 675415
email:
<mailto:nick.haddock@holevy.co.uk>

MTC–00002616

From: Robert gatliff
To: Microsoft ATR,microsoftcomments@doj.ca.gov@inetgw,...
Date: 12/3/01 1:02pm
Subject: Proposed Settlement

Dear sirs and mam's,

I am the President of Applecore of Memphis, Inc. An Apple User Group. I am very distressed by the proposed settlement offered by Microsoft, This is not a solution to the anti-trust suit it will further their monopoly, this is not what you set out to do in your original suits. Instead of taking them down a few notches for breaking the law, this proposed settlement will continue and increase there hold on the computer using public. The offer to give schools used computers and their software is not a solution, if schools wanted cheap, and substandard computers and software they would have bought them long ago. This is my opinion and I hope you consider this when making your decisions.

Robert M. Gatliff
President
Applecore of Memphis, Inc.
9384 Huron Dr.
Olive Branch, MS. 38654
662–893–1114
Cell# 901–486–1428

MTC–00002617

From: blaine chanay
To: Microsoft ATR
Date: 12/3/01 3:15pm
Subject: the MS proposal:

the MS proposal:

putting more MS software in the schools does not address the original issues of contention—it only increases the monopoly. I don't like the proposal. MS should be penalized, not given another foothold in another arena—this time against Apple. Take the money MS would have spent and divy it up to these poorer districts for computers and software of their choice. let Apple, MS, and the Linux world each have a share of the pie.

MTC–00002618

From: James Emerson Willis
To: Microsoft ATR
Date: 12/3/01 3:04pm
Subject: Settlement Fails to Address Bundling

Unless I missed something, the reason microsoft is able to dominate so many markets is because they bundle their products into the OS (Netscape died because Microsoft bundlded IE).

Since most people in DOJ are probably not tech-heads, let me give an analogy about Televisions and Toasters. Let's say there's only one company that makes televisions (let's call them company A). However, there are many companies that makes good toasters (companies B and C). One day, company A decides they would like to be the king of toasters as well. So, since everyone needs a TV, they will throw in a ''free'' company A toaster with every TV they sell. (The important thing to note, is that the toaster is not really free, but included with the cost of the TV).

Although company A's toaster isn't great, people don't see the need to go out and buy any others. Eventually, companies B and C go bankrupt. With the compatability measures you talk of, it will make applications on the operating system no different from company to company. But if the consumer is forced to buy your product because of bundling, it's a rather moot point for anyone else trying to compete.

Windows XP bundles additional products with the operating system people used to buy seperately (i.e. firewall software). Although microsoft's products are initially inferior, they eventually win out since users are forced to pay for its development even if they don't use it.

Thank you for your time.

—James Willis

MTC–00002619

From: Boemmels Larry (Platt)
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/3/01 2:43pm
Subject: Computer Acquisition

I believe that the settlement that Microsoft has agreed to will help our young people and not big business. Usually settlements of this type will benefit large business or the government. I am happy to see that this settlement will benefit education and will contribute to preparing our young people for society by giving them the tools to improve their knowledge through the use of computers. As an educator I am please with the decission and I am interested in knowing how our school system could benefit. We could use twenty-five (classroom size) pentium computers. Please provide any information you can. Thank you.

Larry Boemmels

MTC–00002620

From: Robert Carrarie
To: Microsoft ATR
Date: 12/3/01 3:19pm
Subject: SETTLEMENT

BAD SETTLEMENT

MICROSOFT SHOULD BE TWO COMPANIES

MTC–00002621

From: Denis Letelier
To: Microsoft ATR
Date: 12/3/01 5:06pm

Do not allow Microsoft to take over the education market by giving away PCs.

Denis Letelier

Against Spam? http://www.cauce.org/

MTC–00002622

From: Ovenbirds@aol.com@inetgw
To: Microsoft ATR
Date: 12/3/01 4:45pm
Subject: Microsoft

To whom it may concern:

We are concerned about the proposed settlement with Microsoft. We feel that they will eventually become such a monopoly that we will have NO choices when we buy software.

Please stop this company from limiting our choices by taking a strong position against them.

Sincerely,
Gerald & Judith Arnold
418 Aiken Road
Shelbyville, KY 40065

MTC–00002623

From: Steve Gulyas
To: Microsoft ATR,microsoft comments@doj.ca. gov@inetgw,...
Date: 12/3/01 3:48pm
Subject: Disagreement with Proposed Microsoft Settlement

Hello,

I, Stephen W. Gulyas, a resident of Michigan at 1094 Greenhills Dr, Ann Arbor, MI 48105, oppose the proposed settlement between Microsoft and the various states:

I am fully dissatisfied with the proposed agreement between Microsoft and the state governments regarding its monopoly charge. The proposed penalties do nothing to weaken Microsoft's current powerful position and do little to discourage them from changing practices in the future. I find some public gestures, such as donating computer to schools, simply nauseating.

The penalties to be imposed do not provide for a fair, competitive environment for the computer industry going forward. Ample time must be given to have new companies time to blossom. Stringent agreements preventing software and hardware ties must be implemented. Microsoft's ability to work with and contract to third parties, in attempts to circumvent any proposed penalties, must be disrupted. I fully support the original decision to break up Microsoft into AT LEAST two companies. Finally, Microsoft must be harshly reprimanded for past wrongs. They have shown no remorse throughout this process, and have continually rebuffed the system. Only monetary penalties in the tens of billions of dollars range will get their attention.

The computer market has been stifled of creativity for nearly a decade. Please severly increase the tenure and amount of penalties against Microsoft to ensure a fair marketplace in the future.

—Steve

* Steve Gulyas *

* E-mail:gulyas@alumni.carnegiemellon.edu*

* URL: http://www.orie.cornell.edu/gulyas *

MTC–00002624

From: Jim A. Kuypers
To: Microsoft ATR
Date: 12/3/01 4:56pm
Subject: MICROSOFT SETTLEMENT

Dear sir or Madam,

I feel Mocrosoft has abused its position in the computer industry. This has led to the mass marketing of mediocre software at prices specifically designed to beat out better products.

All of us have lost over this. I hope you will force Microsoft to make amends. No wrist slapping will help here; the cost to Microsoft must be just below what will cause them to implode.

thank you,
Jim Kuypers

MTC–00002625

From: Warren
To: Microsoft ATR
Date: 12/3/01 5:41pm
Subject: Re: Microsoft Anti-trust case

You asked for comments to help Judge Colleen Kolar-Kotelly to decide the case in the best interest of the consumer. I am a consumer who thinks that Microsoft got a bad rap from the beginning along with most everyone else in our area. I have been very satisfied with Microsoft products. The Companies and States who think the settlement is inadequate are just looking for something for nothing. Bill Gates just knew how to build a better mouse trap and stay ahead of his competition. Sure, maybe Gates has been a little too aggresive in the past, but his company hasn't hurt any consumer that I know of. This whole business from the beginning has been a case of ''sour grapes''.

Warren Schweppe (retired)

Edmonds, Washington

MTC–00002626

From: James Worster
To: Microsoft ATR
Date: 12/3/01 5:26pm
Subject: Breakup

Justice Department,

Microsoft continues to build and maintain it's monopoly in the computer industry and should be broken-up. The proposed settlement with schools is a clear indication they have not changed. They will continue as they have in the past. A monopoly does more harm than good and the proposed settlement proposed by Justice is inadequate and ineffective.

I owe a PC as well as other computers and I use computers at work daily, so I'm not saying this to hurt Microsoft. I think they are a good company and a bigger monopoly will hurt them more in the long run. This can't go on forever. I think it's better to break them up now, as it will cause less problems than at some point in the future.

Please reconsider the Justice Departments' decision to let Microsoft off the hook. The only effective remedy is to break up the Microsoft monopoly, NOW!

Sincerely,
James Worster
3405 W. 16th Street #25
Greeley, CO 80634
jimolo@yahoo.com

MTC–00002627

From: hellums@yahoo.com@inetgw
To: Microsoft ATR,hellums@yahoo.com@inetgw
Date: 12/3/01 5:20pm
Subject: MS Antitrust Suit

I appreciate that the DoJ is seeking new comments on the Microsoft antitrust situation. My insight and comments as a customer and proponent for holding Microsoft accountable are as follows:

Why does Microsoft build players, plug-ins, and applications that work on HP Unix, but not on Linux?

Netscape and Real Networks build applications that run on Unix, Linux, Windows, and NT, and they are significantly less well ''heeled'' than Microsoft ... Why does Microsoft not support file systems of other operating systems, such as Linux (ext2) or MacOS? Linux supports Microsoft file systems, and the open source movement has much less resources, funding, and corporate backing than Microsoft...

Why is Linux the last Unix-based operating system Microsoft targets for the few applications it decides to port to other OSes, when Linux is the most widely used of all Unix-based OSes? Netscape, Apple, and Real Networks offer releases on all these operating systems almost simultaneously...

Why do major vendors, such as Compaq, build their hardware to work specifically with a certain version of Windows, thus requiring a new PC purchase to obtain the benefits of a new Windows version? I can install all versions of Red Hat Linux on my Compaq laptop, but the BIOS explicitly prevents my modem from working with Windows 2000 (even though the PC is listed on the 2000 hardware compatibility list)...

Why do Windows operating systems not recognize partitions dedicated to other (competing) operating systems? Install Windows on a PC with Linux on it and you will generally lose your boot sector pointer to the Linux partition, while Linux during installation will notice Windows operating systems on partitions and seamlessly allow you to boot from and use those other operating systems...

Why is it that Microsoft has so easily been successful in preventing hardware vendors from openly supporting other operating systems? Up until a few years ago, you could not buy a Compaq or HP server or desktop with Linux installed on it, due to the exclusive license agreements they secured, and to this date most companies have a robust Linux offering even though it's generally well hidden within their site (in the /linux directory, etc., with little or no associated advertising or direct links to it from their main page)...

Why is it that when you buy hard drives and other peripherals, they explicitly say on the package that Windows 98 (or other Microsoft OS) is REQUIRED, or that it was ''designed for'' Windows? A hard drive is a hard drive, and I have had no problems installing any version of Red Hat Linux on any of these hardware devices, with or without Windows installed...

Why is it that the direct experience of countless IT shops (and off the record Oracle comments and opinions) is that Oracle on a Linux server, other hardware being equal, outperforms Oracle on NT/2000 by orders of magnitude, and yet there have been no industry efforts (especially by Oracle, who may be getting their arm twisted) to prove it using any of the many metrics they have for doing so? Instead, they continue to compare Oracle on HP or Sun to Oracle on NT/2000...

Why is it that Microsoft was successful in getting DoD to modify (water down) their DII-COE standards to allow NT to be certified, but there has been little or no effort to provide the same level of certification to Linux so they can get the all important ''seal of approval'' to compete against Microsoft in one of the most lucrative sectors of IT spending (the US government)? The Air Force has done studies proving that DII–COE compliance would be straightforward for Linux, but nobody is leading the charge to make it happen, so Microsoft maintains their stranglehold on the market...

Why is it that Microsoft is once again allowed to ''embrace and extend (choke to death)'' evolving standards, such as the Sharable Content Object Reference Model (SCORM) being pursued by the DoD? The SCORM standard is inherently non-OS and non-browser dependent, but along comes a well-heeled Microsoft-led consortium to develop a competing standard ''CLEO'' that, surprisingly enough, ONLY WORKS WITH MICROSOFT INTERNET EXPLORER!!!...

The stranglehold Microsoft has on the market has resulted in some of the worst dichotomies of our times. The DoD loses hundreds of millions, possibly billions of dollars per year, due to down time and cleanup of Internet Explorer and Outlook related viruses that proliferate due to the widely known poor security models of Microsoft products designed to be ''user friendly'' rather than secure. However, DoD continues to use both widely, rather than the much more secure and relatively trouble-free Netscape products. They have this stranglehold because the DoJ has been incapable, and recently unwilling (since the election and rise to power of our business-friendly Republican government), to hold Microsoft accountable.

Everyone in the marketplace knows Microsoft dearly deserves to have their ears slapped back some, and that in the long run the market will be much better off for it, despite any near-term impacts. Based on his direct quotes in the trades, and the fact that he brought forth a class action lawsuit, the Compaq CEO was clearly livid about the way his company was being manipulated in the early 90's by Microsoft, but his memory became extremely fuzzy on the issue during the trial—amazing how that can happen after you realize a few years later that being ''in bed'' with Microsoft is not exactly a bad thing for your company, its stock price, your stock options, etc. However, the lucrative nature of these relationships, and the ensuing unwillingness of those bringing suit to hold their course, should not prevent DoJ from attempting to do the right thing and hold Microsoft accountable for breaking the antitrust laws, where it can be proven they clearly are doing so.

Thanks,

Duane Hellums

IT guru, writer, and independent consultant

MSIS, Hawaii Pacific University

Author, ''Red Hat Linux Installation and Configuration

Handbook, ''Frong Page Unleashed,'' and several

Microsoft competitive white papers

IT/IS Program Manager, Programmer, Network/System

Administrator, Computer Security Manager

MTC–00002628

From: root@mets.tcimet.net@inetgw
To: Microsoft ATR
Date: 12/3/01 6:33pm
Subject: Microsoft Settlement

I believe the Microsoft settlement is a political payoff to someone. This settlement is weaker than the one imposed on Microsoft for Windows 95. I personnally am embarassed to admit that I voted for the Republican party when they care so little for those of us without any substantial wealth.

MTC–00002629

From: Lu Timdale
To: Microsoft ATR
Date: 12/3/01 6:19pm
Subject: Disagree with MS Settlement

How is it possible that a monopolist be able to set its own remedy; especially one which has a ton of loopholes. It is obvious that the senators who signed the settlement were paid off by Microsoft. Either that or they are incompetent or did not do a good enough job.

Thank You.

Lu Timdale

MTC–00002630

From: david@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 12/3/01 6:18pm

I have not been able to get the full text of the proposed Microsoft settlement. I am responding to the following quote from www.redhat.com/about/presscenter/2001/press_usschools.html Microsoft had proposed that, in settlement of class-action claims of price-gouging, the company donate computer hardware, software and support to 14,000 poor school districts throughout the United States. Under the proposed settlement, a substantial part of the value provided to schools would be in the form of Microsoft software.

I agree with Red Hat Software's conclusion that allowing Microsoft to reduce restrictions by donating software is poor public policy. I would argue that one, such donations cost Microsoft far less than their stated value, and two, they encourage the very behavior the consent decree is intended to prevent.

Please consider banning Microsoft from including the values of their own products in the valuation of any donation made under the consent decree. This will encourage them to donate much-needed hardware without providing them with greater market share.

POINT ONE: Software production costs, far more than production costs for any other good, are almost entirely spent in development. As Microsoft itself has pointed out during complaints against software piracy, it costs perhaps five or ten cents to produce a copy of an existing disk. Furthermore, in most cases the actual disks are not included with new computers; the programs simply are copied to the new computer's disk. It is not inconceivable that in this case the production cost may, in fact, be well below a penny per computer.

If you will concede that a poor school is unlikely to purchase a new computer and is more likely to simply make do with donations, then software donations should not be viewed as lost sales.

Therefore, it can be concluded that software donations cost Microsoft almost nothing, and therefore do not, in themselves, punish Microsoft.

POINT TWO: Academia is one of very few areas where Microsoft is not the leading software provider. By donating large amounts of their software, Microsoft extends their market share, at no cost, while gaining a great deal of positive publicity. I am most concerned with the the market extension, since it will provide them with yet another foothold with which to maintain their monopoly.

MTC–00002631

From: Jeff Boody
To: Microsoft ATR
Date: 12/3/01 7:43pm
Subject: DOJ/Microsoft Antitrust Settlement

DOJ,

I believe that this settlement is a step in the right direction, however Microsoft is already several steps ahead. One example is Microsoft's MSN network. I currently use Qwest.net as my internet provider but recently received a letter from Qwest which announced that they had ''formed an alliance with Microsoft Network (MSN).'' The letter informed that I MUST transition my account

to avoid service interruption. In addition, the letter states that ''MSN Internet Access is available to users of the Windows (R) 98 or later operating systems.''

This action seems to have been taken without regard to users of non-Microsoft operating systems (except for Mac OS 8.6 or later ONLY). As a Linux user, I especially despise this action. Qwest has made no attempt to inform customers how to obtain an internet provider other than MSN. Hopefully one of their customer represenatives will be helpful in resolving this problem.

I know that this is just one example, but I don't think that the current settlement will be very successful in resolving problems such as this.

Sincerely,
Jeff Boody
CC:jboody@hotmail.com@inetgw

MTC–00002632

From: Michael Wang
To: Microsoft ATR
Date: 12/3/01 7:27pm
Subject: MS's proposed remedy will fatten the beast further more?

Of course they will provide THEIR goods and THEIR services to stomp out the competition even more.

The penalty they pay must not benefit themselves.

''The goals of the government were to obtain relief that stops Microsoft from engaging in unlawful conduct, prevent any recurrence of that conduct in the future, and restore competition in the software market. . ..''

—DEPARTMENT OF JUSTICE I liked the idea of having them provide solutions where it compensate the competitors and consumers the damages and harms they have caused.

Red Hat Inc had brought up a very good point, that if Microsoft spends one million on hardware alone and let all other vendors provide the softwares, this would seem to be more benefitial for the under-priviledged populations and allow more competitions in the market.

''This would increase the number of computers available under the original proposal from 200,000 to more than one million, and would increase the number of systems per school from approximately 14 to at least 70.''

http://www.redhat.com/about/presscenter/2001/press__usschools.html

Allow the willing vendors to place their softwares on those sytems and not that of Microsoft again, lest we worsen this problem for the future.

sincerely,
System Administrator and QA Engineer
Michael Wang

MTC–00002633

From: Stephen
To: Microsoft ATR
Date: 12/3/01 7:08pm
Subject: Microsoft settlement inadequate

I implore you to fight the settlement offer tendered by Microsoft and the Department of Justice. Microsoft has again and again shown willingness to use its significant market power to shut other developers and platforms out of the software and hardware market. As a loyal Apple user form many years, I have tried to resist the Windows monopoly only to find with increasing frequency, that the service or software are no longer available to non-Windows users.

For example, Intuit stops producing Quickbooks for the Macintosh because of the market size. Microsoft never published the Access Database software for the Mac. Why, because if the Mac does not have a Office bundled database, it will be viewed as an inferior platform and business will go with the Windows version of Office. Why has the Mac been able to read Windows formatted disk for over 10 years but a Windows computer cannot read a Macintosh formatted disk? It is not a hardware problem but a software problem. You can buy third party software to do this, but Microsoft has chosen not to include this software in Windows. The only reason again can be to cripple a competing computing platform.

Now I am finding websites on the internet that are using Microsoft only technologies that exclude non-Windows platforms. The web designers have a choice but Microsoft ties the features to their software. Example is Passport and Windows Media Player. Media Player is always a version or two behind in the Mac version, so the new features will not work. Passport is a nominous concept that has already locked non-Windows users out of sites that use it. I'm not talking about small hobby sites, I have even seen this on large catalog sites. Microsoft is already using its muscle to change internet standards consortium's set standards its way.

Through experience, Microsoft will continue its ways unless stopped. The settlement is extremely inappropriate as it continues with tying products. Microsoft will give $1 billion in software, training and hardware (which will actually cost a small fraction of this after taxes and mfg. cost), so that schools will be required to use Microsoft product to teach new computer users because that is the only way they can afford to get computers in poor schools. They have billions in the bank and can make a billion in 6 months. The actual cost of the settlement can be made in a few months of normal business and they then are free to care on their marry old ways.

Behavior must be changed. Please do all that you legally can to stop Microsoft's continued monopoly behavior. Monetary punishment will not work, you must take markets away from them like the AT&T breakup removed local telephone service from AT&T markets. That way, competition will have time to develop and survive and the market evolve.

Thank you for your consideration and time.

Sincerely,
Stephen Henry
PO Box 9660
Santa Rosa, CA 95405
slhenry@sonic.net

MTC–00002634

From: David Tarsi
To: Microsoft ATR
Date: 12/3/01 8:13pm
Subject: Microsoft anti-trust suit

What Microsoft is proposing is absolutely insane. They already have a Monopoly, what are we trying to do encourage more of that monopoly? Right, encourage our young people to use the monopoly and train them in it. It is like letting the cat watch over the hamsters.

I can't believe that this is even being considered. What has happened to this country anyway? Why the hell are we letting corporations run our lives for crying out loud? Sure let microsoft give the schools computers, but if nothing else WITHOUT SYSTEMS ON THEM. Those computers should be loaded with Linux, or Unix so the students can learn what they will have to anyway. The Open Source Way is the epitome of the American way. It encourages competition and allows freedom. The Linux and Unix systems on the market today are far and above better than anything microsoft will ever come out with. By the time the grade school students of today get out in the real world they will be behind horribly if they do not know Linux or Unix.

Open your eyes, fools. Get somebody in there who knows computers and common sense.

Dave T.

MTC–00002635

From: Venkat Sonnathi
To: Microsoft ATR
Date: 12/3/01 8:09pm
Subject: Please impose harder restrictions. This settlement does not prevent.

Please impose harder restrictions. This settlement does not prevent Microsoft from continuing its monopoly.

Thanks,
—Venkat.

MTC–00002636

From: Chris Vaughan
To: Microsoft ATR
Date: 12/3/01 8:08pm
Subject: Microsoft Proposed Settlement

The proposed settlement by Microsoft is not a good idea. I live in a town that would not be considered wealthy by any standard. I worked in the computer lab and I know first hand that with the grants that are available from our state and from others that our school district is not hurting for computers. My understanding is that the Technology Director is considering a move away from Windows to running an as yet unknown version of Linux for all of the desktop computers to save from having all of the licensing problems that go along with Microsoft.

Chris Vaughan
Wolfe City, Texas

MTC–00002637

From: David McCrum
To: Microsoft ATR
Date: 12/3/01 7:44pm
Subject: DOJ antitrust suite....

You guys have no teeth and have lost a great deal of respect. I respect Bill Gates to a degree and some of what he has built. But if you cannot see a monopoly when it is right in front of you, you need to change your line of work.

As to the schools getting mired into Microsoft. They cannot afford the upgrades

down the road. Let them have the money and do with it as they will. Personally I would have preferred to see two or three competing OS's that consumers paid for. Unfortunately, Microsoft has created a market where the only contender is created and distributed for free, and that is Linux. As to the few Linux companies, they are different business models based on a free OS that they package and support only. Apple can barely be considered a rival to MS.

I could say more, but all you have to do is go out and talk to the technicians and businesses.

David R. McCrum

MTC–00002638

From: macsrus@papadocs.com@inetgw
To: Microsoft ATR
Date: 12/3/01 8:24pm
Subject: Do not give in!

Please do not give into Microsoft's settlement. It will give them a continued advantage they did not earn. To give computer and software will unfairly establish them in an educational market.

MTC–00002639

From: Jimhandoc@aol.com@inetgw
To: Microsoft ATR
Date: 12/3/01 8:47pm
Subject: Microsoft ''Settlement''

Ladies and Gentlemen:

It is my understanding that you have solicited public comment on the proposed settlement offer, particularly with respect to the plan to provide computers and software to schools.

I would simply say that I strongly object to this offer. It does not punish Microsoft in any way—it simply serves to promote their monopoly. I recognize that a monopoly is not illegal, but the means by which Microsoft has achieved their market share has been clearly anti-competitive. I have the utmost respect for true innovators and inventors, and Microsoft has been neither. Unfortunately, our patent laws have not been adequate to let the true innovators profit from their inventions, and now it appears that our laws will not protect the ''little guys'' who have been coerced to sell or have been driven out of business by the anti-competitive business practices. Our country and it's competitive position in the world will ultimately suffer in the long term if this short term ''fix'' is allowed to stand. The fact that lots of investors and institutions in this country have investments in Microsoft stock is not a reason to prop up the company with this settlement. Please reject the settlement—Microsoft must answer for their past actions and be prohibited from similar actions in the future.

Thanks for the opportunity to voice my opinion.

James A. Lilla, M.D.
5031 Jardin Lane
Carmichael, CA. 95608

MTC–00002640

From: Robert Rockers
To: Microsoft ATR
Date: 12/3/01 9:42pm
Subject: RedHats support of the Antitrust settlement

I have been very upset about the actions of the DOJ concerning the MS case. The proposed settlement will do NOTHING to affect the MS monopoly in the software OS industry. The only good thing I have heard come out of the proposal is a suggestion by RedHat Linux software. By letting another company, ANY COMPANY supply the software for the school, MS will be forced to pay actually money (instead of the 10 cents it costs to copy a cd of XP) and at the same time will not increase their already legally shown monopoly.

Robert Rockers
Norman OK

MTC–00002641

From: Jesse Keville
To: Microsoft ATR
Date: 12/3/01 9:12pm
Subject: MS Settlement

I heard that MS was planning to pay off part of their settlement by sending Microsoft software and instruction (instructors?) to schools. What a way for MS to turn a penalty into a fantastic advertising ploy! Don't let this happen!

J. F. Keville

MTC–00002642

From: Donald Patridge
To: Microsoft ATR
Date: 12/3/01 10:06pm
Subject: Microsoft is NOT PUNISHED!!

Please say no to the settlement for Microsoft. What punishment is it? It will only help them get a better foot hold on the market. The give away to the schools is the real disaster. It helps force the competition out of the school market when schools get free stuff from Microsoft. Thanks.

Mr. Donald Patridge
Industrial Technology Dept. Head
F. L. Smart School
Davenport, IA 52802
563–323–1837
Fax 563–323–3093
email: patridged@mail.davenport.k12.ia.us

MTC–00002643

From: Sol Schumer
To: Microsoft ATR
Date: 12/3/01 10:22pm
Subject: Red Hat's Counter Offer to MS Settlement

I think the proposed settlement offer by Microsoft is no punishment at all, since it would propagate their monopoly further, enhancing Microsoft's dominance. Red Hat's <http://www.redhat.com/> offer is great. I hope the government takes them up on it.

Sol Schumer
4033 36th Street #4
San Diego, CA 92104–2380

RED HAT COUNTERS MICROSOFT'S EDUCATION OFFER

Microsoft has proposed settling over 100 private antitrust lawsuits by pledging to donate more than $1 billion in hardware, software, services, and training to the poorest schools in the United States, but Red Hat has put forward a counter-proposal. It will offer its open-source Red Hat Linux operating system to all U.S. school districts free of charge, and has suggested that Microsoft concentrate solely on purchasing new hardware. In this way, more computers could be made available to schools and Microsoft's monopoly would not be extended further into the education sector, says Red Hat CEO Matt Szulik. He estimates that over one million computers could be allocated to schools under the new proposal, compared to 200,000 under the old one. In addition, Szulik says that Red Hat will provide free software upgrades and license renewals in perpetuity, whereas Microsoft would only provide such services for five years. (eWeek Online, 20 November 2001)

MTC–00002644

From: Sammy Dadds
To: Microsoft ATR
Date: 12/3/01 10:17pm
Subject: Microsoft class action suit and DOJ settlement

To whom it may concern:

Class-action suit.

It seems in the class-action suit that Microsoft is really getting rewarded if it is allowed to put any of its software or related products into any of the school systems. Sure, the schools would benefit but students that use Microsoft's OS and products at school will certainly lean towards the same when not at school. This would give Microsoft a built in up and coming client base and further extend its monopoly.

A true punishment for Microsoft and even greater benefit for the schools would certainly be to have Microsoft provide all monies for hardware and competitors software. Apple, Mandrake, RedHat and many other software companies would surely provide a wealth of free or low cost software for the cause. DOJ settlement.

Since Microsoft will not be split into two companies why is there no provision to keep all operating system (OS) code separate from the application code. This is the major problem. As Microsoft prepares new features for the OS the applications are immediately prepared to take advantage of the features. Competitors (me) are not able to even start building applications until Microsoft releases an approved Application Programming Interface (API) (which does not include everything Microsoft is using) for the new features. This keeps competitors completely in the dark. Could Microsoft applications be made to wait before being able to develop for the new features? Maybe the panel of experts could look for this. The latest example is Microsoft Office XP being released months before Windows XP OS was released. Microsoft is a monopoly and has won this battle. I think the DOJ did the best they could under today's circumstances. I, however, am feverishly working with other OS's and developer tools to help equal the balance of power. Same thing when I vote, I like equal amounts of Democrats and Republicans.

Sincerely,
Samuel F. Dadds III

MTC–00002645

From: Michael Sacco
To: Microsoft ATR
Date: 12/3/01 11:36pm
Subject: College Student

Hi. I would just like to let you know that I use RedHat Linux on my computer, and use the office programs for my work at school. I

feel that linux would be great in the classrooms. First off, the Star Office suite offers productivity programs of the same quality as Microsoft. Also, they are fully compatible, by exporting file formats into Microsoft Format. Second, linux is a great learning tool of the computer, seeing as how it's source code is available for perusal by everybody. What better way to understand how an operating system is built than to look at the programming code? With Microsoft, you can't see the code, so the operating system is a mystery. I do not understand how that can teach kids. Third, linux has become a standard desktop for millions of people worldwide. The strides in ease of use have been phenomenal. A look at www.kde.org will show you the effort made to make the operating system easy to use. Fourth, almost all software for linux is free! Almost all software for windows is not! By placing Windows OS on the computers, the schools will have no choice but to put a significant amount of money into them at a later date. Linux distributions offer their latest versions free for all. No limitations implemented. Fifth, since Linux source code is available to all, it is frequently being fixed and updated. With Windows, only employees get to browse the source code, so mistakes and improvements take much longer to fix. Using Windows on these computers simply allows Microsoft to continue its monopoly. However, using Linux gives these children the same working knowledge and use as Windows does, only the benefits will outlast the licenses of the Windows ball and chain. Thank you for your time.

Sincerely,
Michael A. Sacco

MTC–00002646

From: Hipp, Michael (N–RCM)
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/3/01 11:39pm
Subject: Microsoft Antitrust Comment—GET THE MONEY BACK!!!

Microsoft stole money. Billions!

When someone steals money, you put them in jail and take back the money. Microsoft illegally profited by exploiting its monopoly position. They stole money! Maybe you can't put Microsoft in jail, but you should at least try to recoup the stolen money and reimburse the victims. Reimburse the consumers who were forced to buy Microsoft's inferior products and were overcharged in the process. Reimburse the shareholders of Microsoft's competitors who were drummed out of business or otherwise devastated by Microsofts illegal tactics—Software Publishing Corp., for example. Your proposed ''settlement'' might, at the very best, compel Microsoft to steal a little less for a while. More likely, they will continue to pillage at a record pace knowing that maybe, just maybe after another six years and hundred billion dollars you might, once again, politely ask them to stop. But then, they'll still get to keep the money.

I'm sure other would be antitrust bandits are quaking in their boots.

M. Hipp
Fremont, California

MTC–00002647

From: Ed Marks
To: Microsoft ATR
Date: 12/3/01 10:58pm
Subject: Insufficient remedy for Microsoft monopolistic practices

Dear sir/maam,

I want to express to you my dissafaction with the Microsoft settlement. I feel strongly that Microsoft should be broken up as was originally proposed.

Regards,
Eddy Marks
Home Phone: (619) 280–9742
Email: ed@sandiegoyoga.com
Address: 4704 East Mountain View Drive San Diego, CA. 92116

MTC–00002648

From: Mike Bair
To: Microsoft ATR
Date: 12/3/01 10:26pm
Subject: Microsoft's ''settlement''

I am very, very disturbed that Microsoft's proposal to donate a huge number of computers to schools is being considered seriously as part of a monopoly settlement case. The only large market in computing that Microsoft does not completely dominate is the education market.

To allow the company greater inroads into this market as a ''punishment'' for abusive corporate methodology is an insult to the American people. It is a slap in the face of anyone who dares believe that Big Business does not pull the strings of the federal government (as if that government were just one more company to bully, threaten, and coerce). Microsoft's tactics here are as aggressive and obvious as their business practices.

As a taxpayer, I hope that the word 'monopoly' still has some meaning. Give Microsoft what it wants here, and you undermine the very concept of monopoly protection for your citizens.

As a veteran who served his country with distinction, I demand that my government act with honor. Please do not embarrass us all in the eyes of the world. . .

Very sincerely,
Michael A. Bair

MTC–00002649

From: Scott Ashton
To: Microsoft ATR
Date: 12/3/01 11:43pm
Subject: Anti-Trust Settlement

To Whom It May Concern:

I do not believe that the settlement proposed by the Department of Justice provides a reasonable penalty for Microsoft. In fact it would appear that the Department of Justice is actually helping Microsoft to secure business within the education sector.

First and foremost, the software portion that Microsoft will be ''giving away'' isn't exactly a gift. In most cases, Microsoft will in fact be securing additional market share. By providing Microsoft operating systems and Intel based hardware to run their OS on, Microsoft will in essence have a captive audience.

Additionally, Microsoft will only provide technical support for three years, at which time they stand to generate even more revenue by selling support services.

Microsoft being ordered to ''give-away'' its software is like the tobacco companies being ordered to install cigarette machines in schools.

Throughout the DOJ probe in fact Microsoft continued its monopolistic practices. In fact several months ago I was speaking to a sales representative at Gateway (a personal computer manufacturer that my company deals with on a regular basis) I was considering ordering our computers without an operating system, so that I could install an open-source operating system called Linux. I was told by the sales representative that they could ship the computers without the operating system, but we would still have to pay for the Microsoft operating system because they had a contract with Microsoft. The business that I work for is a non-profit hospital center in an urban environment. We recently replaced approximately six hundred computers. If we could have installed an open source operating system (at no cost) versus two hundred dollars per computer for Windows 2000, we would have saved one hundred and twenty thousand dollars.

Microsoft has damaged many businesses via its unscrupulous practices. I would propose that Microsoft have to provide non-Microsoft based systems (there are many viable alternatives) in order to fulfill the DOJ sanction.

Over the years companies like Apple (very popular among schools), Sun Microsystems, Netscape, and many others (quite a few no longer in business as a result) have been damaged by Microsoft. All of these companies offer hardware and or software that could be used as part of this settlement.

And what recourse for organizations such as mine that have been strong-armed by Microsoft? Certainly we can't afford to litigate against such a giant. Its sad, one hundred and twenty thousand dollars could have bought vital medical equipment, or underwrote desperately needed charity care. For the sake of my organization as well as so many others that have been harmed by Microsoft's illegal business practices I hope that the DOJ will make the right decision.

Thank you for your consideration.
—Scott Ashton
hsashton@optonline.net
71 Cheverny Court
Hamilton, New Jersey 08619

MTC–00002650

From: guzu
To: Microsoft ATR
Date: 12/4/01 12:45am
Subject: microsoft blackmale

we want microsoft stop blackmaling people all around the world. we will kill it if we can we will help it if we must. it is not a company based on good products, it's a company based on cheating and liing clients. they pay hackers to crack it's products so that anyone can use it. then, theycome to the important companies and give them two choices: sign a contract to microsoft or go to jail. maybe you can stop them (honestly i don't think you can)

cornel panceac
romania

MTC–00002651

From: Rod Ford
To: Microsoft ATR

Date: 12/4/01 12:04am
Subject: Microsoft Settlement

I believe the recent settlement agreement with Microsoft and the DOJ is one that does not punish Microsoft for it's illegal actions, but rather rewards them. This settlement allows Microsoft to place its products into the local school systems where it currently does not exercise a monopoly. But this settlement will now give them a monopoly where once Apple and Open Source software could compete for desktop space.

I am further appalled at the language of the settlement that finds no wrong-doing by Microsoft. This language seems to ignore the monopoly and strong-arm tactics evident in this case. In my opinion the DOJ should come down much stronger against Microsoft, forcing the company to publish the source code for its operating systems, as well as:

* adhere to standards established by the W3C organization in the development of browser technology.

* integrate all browsers within the operating system

* provide consumers with some type of refund for exaggerated software costs

* provide businesses with a similar refund

* submit to review of all contracts with 3rd party developers, hardware manufacturers, etc.

The DOJ should also take a serious look at the proposal by Red Hat at http://www.redhat.com/about/presscenter/2001/press_usschools.html. This proposal allows Microsoft to be punished financially while providing more equipment for schools. It also allows no one company to begin a monopoly in the school system, where people begin their computer experiences and become consumers of the future.

Rod Ford
Florence, Ky
859–371–7417

MTC–00002652

From: Budhy R. Budhyarto
To: Microsoft ATR
Date: 12/4/01 1:53am
Subject: Settlement

The settlement reached by the Justice Department with Microsoft is useless. It will not prevent Microsoft from continuing with its practice of bundling. The only remedy should be the splitting of Microsoft along the fields of Operating System and Application Software.

MTC–00002653

From: Rick Jenkins
To: Microsoft ATR
Date: 12/6/01 3:41pm
Subject: Microsoft monopoly

I'm not sure if you wish to take into account the opinions of a foreigner, but you can always junk this if not.

Microsoft has a long history of stealing the bulk of its software. Even the first version of MS/DOS was merely QDOS (Quick and Dirty Operating System), a microkernel developed for embedded applications, with disk drivers added by Bill Gates. Hence the emphasis placed on the disk drivers in the name MS/DOS (MicroSoft Disk Operating System). As far as I am aware, the only company to win a lawsuit against Microsoft was Stacker, and they were promptly taken over, lock stock and barrel, by . . . Microsoft. Few can afford to oppose a company with Microsoft's budget. Such theft hampers, or in most cases prevents, the development of competing software companies.

If mere theft and suppression of competition were the only issues, one might say that Microsoft was little worse than many other large corporations. A deeper issue is that the continuing monoculture of operating systems is a threat to the health of the software industry in general, and to all industries which rely on computers. Viruses targeted at Microsoft systems can do immense damage to the entire infrastructure of your nation, by damaging business records and hindering communication.

There exist no viruses which effectively attack Linux, because security was considered from the outset of the design, and because problems are rapidly tackled as soon as they are found; often, an effective patch is freely available on the internet within hours of the discovery of a problem. This demonstrates that an operating system, even a popular one, need not display the extreme vulnerability of Microsoft's systems.

Unless Microsoft can be spurred to improve its systems, particularly in respect of security, the U.S. will remain vulnerable. By encouraging their monopoly position, the D.O.J. is effectively encouraging them to continue to produce poor, insecure, and excessively vulnerable systems. It is likely that the U.S. national interest would be well served if real competition existed in operating system design, so that viruses targeting particular systems were less effective. At present, there appears some danger that Microsoft could collapse altogether under the weight of its own incompetence and complacency, leaving a vacuum which could be filled only by Linux. This would lead to another monoculture, admittedly of a much better quality system, but not necessarily much less dangerous.

I would urge you to reduce the power of Microsoft to dominate the operating system market, in order that Microsoft may survive.

Rick Jenkins <rick@hartmantech.com>
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Phone +1 (403) 230–1987 voice & fax
221 35 Avenue. N.E., Calgary, Alberta, Canada T2E 2K5

MTC–00002654

From: Tom Vilot
To: Microsoft ATR
Date: 12/6/01 3:40pm
Subject: Microsoft Settlement

I appreciate the Justice Department's attempts at coming to a speedy conclusion to the Microsoft anti-trust dispute.

However, I do not believe the proposed settlement is a sufficient remedy. In fact, in many ways I feel the ''settlement'' amounts to capitulation on the part of the Justice Department. The fundamental problem with Microsoft's *illegally created* monopoly and its continuing existence is the amount to which it is limiting competition in the computer industry. Companies like Apple, RedHat and Be have had an incredibly high barrier to entry simply in virtue of Microsoft's ''ownership'' of the entire desktop market. While I applaud Microsoft's success in building a very successful business, I do not appreciate their strong-arm tactics which have made it near impossible for competitors to fight on an equal playing field. I want as much choice in free enterprise as our country can create and encourage.

Microsoft's contracts which preclude any modification of the boot loader, for example, inherently makes it impossible for any other operating system vendor to compete side-by-side with Microsoft.

Furthermore, the proposal in this settlement whereby Microsoft will ''donate'' hardware and software to the country's poorest schools is, at best, a tap on the wrist and at worst it actually *extends* Microsoft's monopolistic practice into yet another marketplace where Microsoft does not yet have dominance. Please reconsider your settlement. You are not doing us consumers and software developers any favors by failing to reprimand Microsoft for its illegal practices.

Thank you.

MTC–00002655

From: McMunn, Jerry
To: Microsoft ATR
Date: 12/4/01 8:27am
Subject: Opinion Regarding Microsoft Settlement

Greetings,

I am expressing this opinion as an individual and not speaking on behalf of my employer or anyone else.

I am of the opinion that you have not done enough to stop & reverse the monopolistic behavior of Microsoft. The recent changes in licensing along with the invasive nature of the Passport feature of Windows XP are examples. Also, notice the high prices of Windows XP and Office XP. These are exorbitant and would not exist if there was competition.

This company has proved that it cannot be trusted and it appears to me that your settlement shows that the DOJ is willing to look the other way and grant Microsoft a de facto license to continue along the path it wants. This is a bad deal for the public and holds us hostage.

Thanks for providing me the opportunity to express my opinion.

Regards,
Jerry A. McMunn, R.Ph.
Vice President, Technical Services
Phone: xxx–xxx–3148
Fax: xxx–xxx–4736
E-mail: jerry_mcmunn@pipeline.com

MTC–00002656

From: BrkAtWrk@aol.com@inetgw
To: Microsoft ATR,consumer@mail.wvnet.edu@inetgw,uag@a...
Date: 12/4/01 9:00am
Subject: Please rein in Microsoft

Sirs:

Strong sanctions against microsoft are appropriate.

Controlling Microsoft is not just about their domination in the market place. Yes, they have good products, but compared to what? Compared to alternatives that have never

seen the light of day. But moreover, it is a matter of speech: Microsoft is media, and behemoth corporations are not a good thing for this country.

Yes, there can be other behemoths that might compete with them, but that is NOT the way to run a train. AOL-TimeWarner, Rupert Murdoch, Microsoft and someplace in there is the United States government, which is the representative of the people, growing relatively smaller and weaker and subject to influence of corporations that can run their states ragged. California knows the railroads, West Virginia knows the coal industry, and even the United States has known Standard Oil.

This is serious business. The only remedy for Microsoft is now structural: without an effective means of defining and enforcing consent decrees, that is all that is left.

Absent structural changes, we will see very unpleasant effects of Microsofts dominance in the next 10 years that may remind us all of the one basket approach, in Ireland, when that basket held one kind of potato. Here, an overwhelming percentage of the population will have the same software, throught which most of their information will flow but whose workings are unknown to us.

Gerald Berke
Woodstock NY
Computer Selections

MTC–00002657

From: Charles Yaker
To: Microsoft ATR
Date: 12/4/01 8:43am
Subject: Antitrust

A judge has ruled that Microsoft violated the antitrust laws a view which has been painfully obvious for some time.

The current agreement however allows them to continue their predatory practices. This is wrong and will in the end inhibit inventors, developers and investors from working in any area that might be in competition with Microsoft. It doesn't make sense to invest in any application that Microsoft can integrate into its operating system.

When the World Wide Web first entered the scene Microsoft was caught napping they didn't believe that the Internet would be so popular. Yet by virtue of their control of the Desktop they quickly supplanted Netscape. Their New product XP with Windows Media Player and Active X is supplanting Real Radio Player and Sun's Java. Nothing has changed. Microsoft has continually disregarded consent decrees. What makes this one any different?

Without a strong deterrent or break up, which the current plan does not provide, Microsoft will continue with it's predatory ways, Innovation and investment will be depressed and the public will be short changed not to mention the risk however small that new revolutionary technology could be developed outside of the United States and supplant our leadership.

MTC–00002658

From: Paul Ashford
To: Microsoft ATR
Date: 12/4/01 9:38am
Subject: Microsoft Settlement

Dir Sir or Madam,

While the proposed settlement does do a lot to try and make a level playing field within the computer industry, I do not believe it goes far enough. Microsoft has shown us in the past, that it is a company that cannot be trusted. In the eyes of many people, Microsoft has done no wrong. The reason people believe this, is that they don't really have any direct involvement with the company, outside of the fact that they probably use there operating system and other products.

People don't realize that they could have a better computer ''experience'' if other companies could have competed with Microsoft. Case in point, being the BeOS, made by Be, Inc. This company is now going out of business. They had a truly great operating system, that was small, but powerful, and could do almost anything the Microsoft OS's could do. Some may say it was poor marketing on Be's behalf, that caused them failure. But, due to contracts Microsoft held with OEMs, they could not get their OS installed on manufacturer's machines. Making Microsoft open up the contracts a little to allow multiple OS's on a newly distributed machine, does not help out companies have been hurt in the past. Especially now, that the only OS really around that can be used on an Intel machine, is Linux, and most people would not want to use that. Forcing of the API and related documents to be published by Microsoft will not help in any way. The current documentation that they release is dreadful, and I cannot expect that it would get any better. Forcing Microsoft to remove icons and and menu entries to their products does not mean those products are uninstalled. Microsoft has tied the Internet Explorer browser so tightly into their operating systems, that uninstalling them would mean a lot of work, but this would not be impossible. They may say that it is, but I tell you it is not. Nothing is impossible.

This should be a punishment, not a slap on the wrist. Microsoft has hurt a lot of people and businesses. Yes, they have helped in making computers more common place, but they did this while fattening their own pockets, and not allowing others to join in the rewards.

So, as you can see, I am against this settlement, and hope that it will be rejected. Microsoft should not be allowed to get ''off'' as easily as you are proposing.

Thank you,
Paul Ashford

MTC–00002659

From: koby
To: Microsoft ATR
Date: 12/4/01 9:04am
Subject: what to do with microsoft

Microsoft has proven to be an anti competitive company. its actions benefit only microsoft.

I believe that:

1. linux should be brought to all of the schools in the U.S

2. microsoft should transfer a few bilion dollars to companys like Netscape (companys that they caused damage to by using the ms os monopoly)

3. there should be greater government support of open source companys (not only moral support...)

4. make companys that sell computers sell them with other operating systems.

5. restrict production of microsoft software.

6. give microsoft heavy fines.

7. take out the i/e from the os

MTC–00002660

From: Bill Benoit
To: Microsoft ATR
Date: 12/4/01 10:00am
Subject: Comments on Microsoft and Settlement

(1) Is it true that companies had to pay Microsoft royalties for Windows even if they didn't put Windows on their machines? If so, Microsoft must be punished, and punished enough that the damage will get its attention.

(2) The idea that Microsoft is not able (= competent) to separate its Internet browser from Windows is, well, laughable. Their defense should be consider offensive to anyone with even marginal intelligence.

Again, they must be chastised in a way they cannot ignore.

William L. Benoit
Professor of Communication
University of Missouri

MTC–00002661

From: Henry Ammons
To: Microsoft ATR
Date: 12/4/01 10:55am
Subject: Settlement

Good day.

I would like to add my voice among those who disagree with the proposed settlement of Microsoft's antitrust suit. Education is the last (and fading) stronghold for Apple computer, and to have Microsoft place its products for free in schools would be the death of Apple. The only way this would work is to have Microsoft PURCHASE NEW APPLE EQUIPMENT with the fine $'s and place it in schools—this being an actual punishment.

Think, please.
Henry Ammons

MTC–00002662

From: Fenton Jones
To: Microsoft ATR
Date: 12/4/01 10:40am
Subject: Microsoft Settlement

Hello. As a user of an Apple computer for many years, I have watched in dismay as we have been squeezed into a smaller and smaller corner. I don't think that people outside the field realize the tremendous pressure that Microsoft has put on everyone else.

The basic fact is that computers are interconnected. More and more interaction and complexity is the wave of the future. If one company has monopoly control of the standards, and control means any power to create incompatibility for others, then we will be looking at a 100% monopoly in the not too distant future.

It is only in education at the moment that Microsoft does not have a crushing monopoly. Allowing them to give their software to schools is not a punishment for them. It costs them almost nothing to give software to schools, especially to schools

which could not afford it otherwise, and they have money to burn in any case. It is control they are after. Only the government has the power to stop them at this point.

That in itself says something about their stranglehold on the industry. Please do not encourage them to expand their monopoly. That is not what this country is about.

Fenton Jones
http://fentonjones.com
FM 101 tutorial series w/example files
Free files!
(619) 692–1529
San Diego, CA

MTC–00002663

From: John McGibney
To: Microsoft ATR
Date: 12/4/01 10:40am
Subject: microsoft settlement

I can't believe that the Dept of Justice is proposing a settlement where in you are extending Microsoft's Monopoly power! you are about to let them get a foothold into another area of commerce, namely the schools. This is the only area of the computer industry where Microsoft isn't in the majority. Don't you realize that even as their attorneys were negotiating with the DOJ that Microsoft was still bullying computer manufacturers over Windows XP. When will you learn that Microsoft doesn't play fair. Time and time again the expressed interest in one company and silently developed a competitive product after accessing their secrets and then dropping their offer to merge.

This proposed settlement is only another advance for Microsoft. A real settlement would be for them to donate millions or billions directly to the affected school districts and let the districts decide how to spend the money. Also give monies to the affected corporations named in the lawsuits so they can truly compete with ''the Evil Empire'' Microsoft.

thanks for reading this
John McGibney
165 Pearl St.
Ronkonkoma
N.Y., 11779

MTC–00002664

From: DONZIEHM@aol.com@inetgw
To: Microsoft ATR
Date: 12/4/01 10:35am
Subject: MidroSoft Settlement

MicroSoft has proposed giving over a billion dollars worth of computer software and hardware to secondary schools. As one of the thousands of unemployed mainframe programmers, I suggest that instead of the school donation, MicroSoft set up retraining and reemployment programs for all these mainframers out of work. They would be doing a service to the very people who pioneered the IT industry and who actually allowed the IT industry to grow in its early days.

Sincerely,
Donald S. Ziehm

MTC–00002665

From: Bruce Jacob
To: Microsoft ATR
Date: 12/4/01 11:33am
Subject: Microsoft Settlement

Attached please find a manuscript in PDF format that relates comments on the Microsoft settlement.

Sincerely,
Bruce Jacob

Prof. Bruce Jacob-blj@eng.umd.edu—http://www.ece.umd.edu/~blj/ Electrical & Computer Engineering, University of Maryland at College Park

It's Not About the Browser

Microsoft's Monopoly Derives from Microsoft's Ability to Control the Windows Interface

(Copyright ?? 2001, last mod: December 3, 2001 1:34 PM)

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One-Liner

A father/son lawyer/computer-engineer learn presents disturbing facts in the Microsoft case that the average person has never heard about, criticisms of the remedies proposed to date, and a novel analysis of the case that points directly to the only remedy that would prevent Microsoft from repealing its illegal behavior in the future.

Abstract

In this article we present an analysis of one of the main threads of the Microsoft ''Browser War'' and a proposed remedy that we believe is the most effective way to prevent Microsoft from repeating its illegal behavior in the future. Microsoft saw a combined threat to its operating system enterprise from the fusion of the World-Wide Web, Netscape's popular web browser, and Sun's cross-platform Java technology. Microsoft was so concerned about protecting its operating system monopoly that it put economic pressure on various corporations to harm Microsoft's competitors, and it subverted standards of compatibility to undermine the attempts of numerous organizations to increase the ability of computers to interoperate with each other. Reorganizing the company into two parts, akin to the ''Baby Bell'' break-up, will not prevent future repeats of Microsoft's more subtle maneuvers. Neither will the settlement agreement of November 2nd, 2001. Instead, we propose an open-standards measure to put Microsoft's most widely used computer interfaces into the public domain and their specification under the control of an independent body representing the public. This measure is based on the power of the United Stated District Court to enforce the antitrust laws of the United States.

Introduction

As the Microsoft antitrust case nears a close, it is becoming clear that one of the most significant aspects of the case is being overlooked. At issue is Microsoft's abuse of computer interfaces to harm others, a theme that is not mentioned directly in any of the court records and that is not fully addressed by any proposed remedy to date. All remedies proposed so far—from Judge Thomas Penfield Jackson's remedies to those proposed in the latest settlement agreements between Microsoft and the United States Department of Justice—fall short of a complete solution to the problem. Neither breaking the company in two nor Jackson's interim provisions nor the watered-down remedies in the proposed settlement of November 2nd, 2001 would prevent Microsoft from behaving in a manner that is effectively identical to its past improper behavior. Moreover, the company's latest operating system release. Windows XP. violates the very same laws, and in the same manner, that the company was charged with breaking in the first place. We present an analysis of the facts in the case that ties together a string of seemingly unrelated actions. The main issue of the case is not whether Netscape's browser and Microsoft's browser should have equal access to the preloaded PC desktop, nor is it whether Microsoft should be allowed to embed browser technology into its operating system. The facts in the case are much more interesting, and far more insidious. Microsoft took on Netscape not because it felt its browser enterprise threatened (at the time, Microsoft had no browser enterprise whatsoever); Microsoft took on Netscape because Netscape's browser had the potential to make Microsoft's operating system enterprise irrelevant. Court records [1,2,3] show that Microsoft anticipated a combined threat against its operating system enterprise from the fusion of Netscape's popular web browser, Sun's cross-platform Java technology, and the open-standards communication protocols of the World-Wide Web. Microsoft diverted this threat by intentionally undermining the attempts of numerous organizations to make computers more compatible with each other. Where other companies and groups proposed and implemented open standards, Microsoft implemented its own proprietary and incompatible standards, and through its monopoly status was able to divert attention from and effectively neutralize several key software interfaces proposed by others. In this particular instance, had Microsoft tailed, and had the Java/Netscape vision achieved its potential (as seemed very likely at the time), computer users would have had the option to run whatever software they wanted, using whatever operating system and hardware platform they cared to use, rather than be tied to the Windows/PC platform.

It is crucial to understand that Microsoft maintained its monopoly status not only by bullying other companies (which is obviously illegal once a company is found to be a monopoly) but also by manipulating computer interfaces—both its own and those of others. It is this latter behavior that has been overlooked and which is not fully addressed by any remedies proposed to date; we will show that this manipulation of computer interfaces was just as effective a method for extending Microsoft's monopoly as bullying. Our conclusion is that the only way we can prevent future misconduct on the part of Microsoft is to require the company to not only disclose to the public its internal interfaces but also relinquish its rights to those interfaces and, furthermore, to adhere to existing open standards.

Note that this remedy goes one step further than Judge Jackson's interim provision that Microsoft fully disclose the details of its Windows operating system's interface 1. Microsoft has demonstrated in the past that it will target selected competitors and implement changes to the Windows interface that render the software of those targeted companies suddenly incompatible with the newest version of Windows. The ultimate effect of this behavior is obviously to reduce the market penetration of the targeted competitor's software. This behavior, we believe, violates the Sherman Act and must be stopped. Simply divulging the details of the Windows interface will not curb Microsoft's behavior, as we will discuss in more detail later. The only way to stop Microsoft's illegal behavior is to take away the company's right to manipulate the Windows interface at will; this is an interface that is so widely used that it has become the de facto standard for writing software in today's world-wide computer network, and any change to this interface affects potentially millions of people. Because Microsoft has a clear history of manipulating this interface to intentionally harm competitors, the company's behavior must be stopped.

1. Throughout this article we will be dealing with computer interfaces; when we use the term ''interface'' we mean ''internal'' computer interfaces, which should not be confused with the ''user'' interface. The user interface is the arrangement of words and diagrams that is drawn by the computer on a computer screen and with which a person interacts; the article is not about this type of interface. We will define in more detail what we mean by the term ''internal'' interface as this article progresses.

Sidebar: A Brief History of the Microsoft Case

In 1998 the Justice Department of the United States filed an antitrust action against the Microsoft Corporation, alleging that Microsoft was an illegal monopoly and was engaging in activities that violated the Sherman Antitrust Act. A number of states also filed federal antitrust actions against Microsoft. Those actions were joined with the suit by the Justice Department. and United States District Judge Thomas Penfield Jackson, of the United States District Court in the District of Columbia, was assigned to the case. Efforts were made to bring the government and Microsoft to a settlement, but those efforts failed. A trial was held. and Judge Jackson issued Findings of Fact on November 5, 1999 and Conclusions of Law on April 3, 2000, determining that Microsoft did violate the Sherman Act. Microsoft requested a hearing on the issue of the remedies that should be imposed, but Judge Jackson, disgusted with the behavior of Microsoft's defense during the trial, said a hearing was not necessary—because many of Microsoft's witnesses had perjured themselves or presented falsified evidence [24], and Jackson felt it was clear that the same would be true for any of Microsoft's future witnesses. Jackson issued his Final Judgment on June 7, 2000, and that judgment contained a bombshell—Jackson issued a structural remedy that split Microsoft into two corporations: an operating systems business and an applications business, in addition to other remedies.

Microsoft appealed to the United States Court of Appeals for the District of Columbia. On June 28, 2001, that Court issued its opinion in the case. The Court upheld that portion of Judge Jackson's decision finding Microsoft guilty of violating the antitrust laws of the United States, but the Court modified the remainder of Judge Jackson's decisions. The Court stated that Jackson had erred in not providing Microsoft a hearing on the issue of remedies. Also, Jackson had made remarks to the press during the case which showed a bias against Microsoft on his part. The case was remanded to the District Court, and a new judge was to be assigned to the case to re-determine the remedies to be imposed against Microsoft.

Microsoft sought review of the decision of the Court of Appeals upholding the finding that Microsoft was an illegal monopoly, in violation of the Sherman Act. The Supreme Court, in October, 2001, rejected Microsoft's request.

The case is now before Judge Colleen Kollar-Kotelly of the District Court. She appointed a mediator in October 2001 to help the parties try to settle the case. Within a month, the Justice Department and nine of the states entered into a proposed settlement agreement with Microsoft while nine others of the plaintiff states refused to sign the agreement. Judge Kollar-Kotelly will have to decide whether to approve the settlement and will also have to resolve the pending suits by the nine states that have not joined in the agreement. A date of March 4, 2002 has been set as the beginning date lot the hearing to determine what remedies should be imposed against Microsoft.

A Primer on the Computer's Internal Interfaces

Definitions and Clarifications

A computer interface is a language. It is a set of rules by which computer components, both hardware and software, interact. It is a contract between specific components that specifies the syntax and semantics of any and all interactions that involve those components. Interfaces are found at all points of contact between computer components, including application-to-application, application-to-operating-system, software-to-hardware, and hardware-to-hardware:

ù Application-level interfaces dictate the level of compatibility and interaction between different software applications. Example: for a Netscape plug-in to work correctly, it must use the correct application-level interface to interact with the browser.

ù The interface between computer programs and the operating system, often called the application programming interface (API), determines what services a program may request of the operating system. Example: for a computer program to work correctly on the Windows operating system, it must use the Windows API, the interface into the Windows operating system.

ù Interfaces between software and hardware, called instruction sets, determine what operations a program can perform in hardware. Example: for software to run correctly on an Intel-based computer, it must use the x86 instruction set, the interface that the hardware understands.

ù Hardware interfaces that connect devices—including chip-to-chip interconnects such as PC–100 SDRAM. DDR SDRAM, Rambus Channel, and the Intel P6 bus, as well as peripheral bus or networking protocols, such as SCSI, PCI, USB, and Ethernet—specify how hardware components interact and, in the case of peripheral and networking protocols, also specify how software is to use the hardware to communicate. Example: for a computer to successfully talk to a USB device, such as a mouse or printer or disk drive, the operating system and the device must understand the USB interface, and the computer must have a USB connector.

USB USB Keyboard/Mouse
SCSI SCSI Hard Drive
Browser Extension (e.g. Java Applet) Ideal
Jave API Browser (e.g. Netscape Navigator)
Windows API Operating System (e.g. Windows)
IP Internet
AGP Graphics Accelerator
x86 Instruction-Set Architecture (ISA)
Microprocessor (e.g. Intel Pentium III)
Intel P6 Memory Bus
Main Memory, usually DRAM (e.g. PC–100 SDRAM)

Figure 1: The various interfaces found in a typical personal computer. Computer components are shown in light grey; the interlaces through which they interact are shown in darker grey. Components that are not separated via an interlace cannot communicate directly with one another. For example, the keyboard cannot write directly to the Internet—typed messages must go through the operating system. The interface between the browser and browser extension is labeled ''ideal'' because it does not exist exactly as drawn. Microsoft ensures that all software running on a PC must depend at least partly on the Windows API: Microsoft allows no piece of software to even partially supplant the Windows API, otherwise the importance of Windows might diminish.

Figure 1 illustrates examples of these interlaces as found in a typical personal computer. The figure shows a browser running on an operating system and a Java apple! running within the context of the browser. The Java API between the browser and the browser extension is an application-level interface that allows a software program to use the services of another software program. The Windows API is the interface through which software programs request services from the operating system that they cannot perform by themselves. For example, the browser does not have direct access to the Internet and must ask the operating system to send network packets out on its behalf; typical programs do not have direct access to the keyboard and mouse and must ask the operating system for user input; and only the operating system can read and write the hard drive. The instruction-set architecture is the interface between hardware and software and consists of very simple requests such as add the following numbers, or multiply the following numbers, or store this value to memory, etc. As the figure shows, all software has direct access to the

microprocessor through this interface; for example, while the browser is running it interacts directly with the hardware until it makes a request that only the operating system can service (such as sending a network packet or retrieving user keystrokes from the keyboard or writing a file to the disk). Lastly, hardware-to-hardware interfaces such as the Intel P6 memory bus allow hardware components to interact directly, and peripheral busses such as USB (Universal Serial Bus) and networking protocols such as IP (the Internet Protocol) allow the operating system to talk to hardware devices connected to the computer and other computers across the Internet, respectively. One thing to note is that the operating system plays a critical role within the system, as it represents the crossroads of all activity: very little happens in a computer that is not under the direct control of the operating system.

Note that the Java applet is shown executing entirely within the context of the browser; in particular, the figure shows the Java applet executing without having to use the operating system directly. This is an ideal organization: in reality, due to the particulars of Microsoft's Java support, a Java applet is at least partly dependent on the Windows operating system. Nonetheless, this serves as a good example of what interfaces do and how they do it. Interfaces are designed to separate components from each other and thus simplify the business of developing complex computer applications. If the operating system supports a particular interface or device, then applications can use that interface or device without much additional effort. For example, if programmers want to use a certain graphics coprocessor, and the operating system supports that device, then the programmers can develop software that uses the graphics coprocessor without having to incorporate its interface into their software because that interface is already incorporated in the operating system. The flip side of this is that if the operating system does not support that particular device, the programmers are usually prevented by the operating system from interacting with the device at all—as the diagram shows, software programs are separated from hardware devices by the operating system.

As we have said. a computer interface (as opposed to a graphical user interface) is a language, and as with any other type of language, if either the syntax or semantics are disobeyed, even minutely—which can often happen by writing imperfect software code or building imperfect hardware—then communication between components fails. Similarly if two people are speaking the English language, but one occasionally uses the wrong tense for verbs or forgets to use articles or occasionally speaks in another language with which the second speaker is unfamiliar, then the second speaker will have enormous difficulty with the conversation.

The problem of violating computer interfaces is more serious than speaking human languages improperly, and this is why we have described computer interfaces as contracts as well as languages. Because computers and computer components tend to be generally intolerant of errors, it is the case that even simple violations of an interface, such as swapping the order of two control statements (analogous to switching the order of subject and verb in a sentence). typically have devastating effects, such as a computer program running erratically or not at all, or perhaps the entire computer reaching a state that requires a reboot. To avoid such miscommunications, designers are very careful to be both precise and thorough when they write up the specification of an interface; such specifications are very complex and contain, among other things, all of the valid command codes of the interface, any expected responses, and semantics attached to each valid command code. To re-define the interface is to make changes to its specification. An open interface (often called an open standard) is one in which all of the details of the interface are made publicly known, often through documentation freely available on a widely publicized website. A public interface or public standard is one whose specification is open and controlled by an independent public organization (more on this later). A de facto standard interface is one that is widely used; de facto standards may be public, and they are usually open. but this is not always the case. The Windows API is an example of a de facto standard that is neither public nor open.

An interface is an abstract entity and must not be confused with the software codes or hardware mechanisms that implement it. Software codes and hardware mechanisms are concrete entities; they can be created, destroyed, held in the palm of your hand. Interfaces are like the terms of a contract—though you can define them on a piece of paper, burning that paper does not make the terms of the contract (or the details of the interface) disappear. Most importantly, because an interface is not the same thing as an implementation of that interface, one does not have to divulge the details of an implementation to divulge the details of an interface, and disclosing the details of an interface in no way compromises the security of any implementation of that interface. In the case of Microsoft's Windows operating system, the company can easily divulge the full details of the operating system's interface without having to make public the details of its implementation—i.e. the software code of Windows that implements the interface, and it would be impossible for even a computer expert to infer any details of Microsoft's software code just by looking at the interface specification.

A good analogy is the steering interface of a car. The car has a steering column that, if used properly, turns the wheels of the car and thereby changes the direction of cat's movement. The steering column's interface is relatively simple and can be described with the following specification.

STEERING INTERFACE: If the steering column is twisted clockwise, the car will turn to the right; if the column is twisted counter-clockwise, the car will turn to the left. How far the column is twisted determines how sharply the car turns. The car will continue to turn from a straight course until the steering column is returned to its original rest position in the center.

Though this may not sound much like a language or contract, it is: This interface specifies exactly what actions a driver may perform and exactly what the car will do in response to those actions.

This interface has numerous potential implementations. An obvious one is a wheel attached to the steering column; a driver grips the edge of the wheel to get better leverage on the column. Another implementation is a set of handle bars, such as one would find on a motorcycle. Another implementation is a rudder sticking out at right angles to the steering column. An ad hoc implementation similar to the rudder is a pipe wrench gripping the steering column directly. One could create a ''power steering'' implementation by attaching an electric drill to the steering column, such that pulling the drill's trigger twists the steering column, and the direction of the twist is determined by a setting on the drill. The alternatives are endless.

The important point to note is that each of these implementations is a concrete object and involves some degree of creativity and invention to construct. The interface specification applies to all the implementations and is embodied by them, but it is not a concrete thing. One can divulge the details of the interface without mentioning or implying any particular implementation of that interface (as is the case with the specification given above); and it would be impossible for even an expert engineer to infer any details of any particular steering implementation just by reading the interface specification (as is also the case with the specification given above).

In this analogy, the interface specification given above would correspond to the Windows API, and any one of the interface implementations (e.g. the rudder example) would correspond to the software code that implements the Windows operating system. One writes code to build a program that supports or uses a computer interface, just as one would build a steering wheel or set of handle bars to use the steering-column interface. Just as the paragraph above detailing the steering interface gives no hints as to how one would build a particular steering wheel, knowing the full details of the Windows API gives no hints as to how the Windows operating system is built.

The analogy extends even further. If the interface's specification were to change, then potentially all the implementations would be affected, meaning that they may or may not implement the new interface. For example, if the car's manufacturer redefined the interface to heat or cool the steering column (heating up the metal turns the car right; cooling it down turns the car left; magnitude of-temperature change determines sharpness of turn; car moves in straight line if temperature of steering column is 75° ...), then all of the steering implementations above would suddenly no longer work with new cars using the new interface. Though the example might seem a bit whimsical, it uncovers one of the fundamental dangers of widely-used interfaces, as detailed in the next section.

The Impact That Interfaces Have on the High-Tech Industry

Because of computer interfaces and the highly structured ways in which computers

interact, there exist today modes of corporate behavior that were not possible a decade ago. It is now possible for a powerful corporation to exploit the way computers are made to injure others who build computers and computer-related products. Because the economy is heavily intertwined with the high tech industry, such actions today can adversely affect a large number of corporations, whereas such actions might have been little more than annoyances ten years ago. This mode of corporate behavior is something akin to twisting the rules (i.e. the specifications of widely-used computer interfaces so as to harm those who have no choice but to follow those rules. As we have indicated, internal interfaces are the languages, or sets of rules, that specify how computing components interact. If either side disobeys the rules (e.g. attempts to use a control signal that does not exist or is not recognized by the other component), then it is as if one side is speaking gibberish, and communications between components fails. Therefore it is of utmost importance that both sides adhere very strictly to the interface's specification. When an interface changes—for example, when it is time to ''upgrade'' the interface to include features that cannot be provided through any other means—then all products previously compatible with that interface must be redesigned to comply with the new specification, else they become out-of-date and quickly lose market share. Redesigning a product for a new interface specification is a substantial undertaking: Such redesign can require enormous amounts of money, time. and engineering effort, and oftentimes a company will simply give up on a product line rather than update it to comply with the latest interface specification, simply because of the cost involved.

As the members of the Court of Appeals mention in their opinion, ''Once a product or standard achieves wide acceptance, it becomes more or less entrenched.'' [1: p. 12] It is therefore extremely important to prevent that entrenched standard's misuse. We believe this is fundamental if we are to prevent monopolistic abuses in the high-tech industry, because through the manipulation of computer interfaces a monopoly can do much more damage than it could by simply offering competing products. These interfaces have wider impact because not only are end-products and therefore end-consumers dependent on them, but those hardware and software vendors that build compatible end-products are dependent on them as well. Modifying an interface makes potentially all products based on that interface instantly obsolete—because, as soon as the modification is made, those products affected by the changes no longer conform to the current interface, and an interface is ultimately more influential in its scope than any particular product that embodies it ... provided the new interface catches on. Because a monopoly is capable of successfully creating and promoting new interfaces at will, a monopoly controlling a widely used interface can, by manipulating that interface, dominate its direct competitors, its indirect competitors, and even those corporations that provide complementary products and do not compete with it in any way.

Given this depiction of the importance of interfaces and the economic impact of their re-definition, it is easy to understand that if a company is allowed to control an important interface, it can very easily change the shape of the computing world. Just such a situation is quite possible because many interfaces are proprietary, and therefore the developer of an interface can change its specification at will. Often, the owner of a proprietary interface can effectively prevent any other company from building or marketing products that use the interface: While interfaces are not patentable, many companies obtain wide-reaching patents for their implementations of those interfaces that make it difficult for any other company to build its own implementation of the same interface without infringing on the first company's patents. This is an unfortunate situation: An analogy would be the ''developer'' of the English language preventing others from speaking the language, or forcing them to pay royalties to do so.

In most instances, the owners of interfaces do not rapidly change the interface specifications, nor do they charge outrageous licensing fees or single out individual corporations and prevent them from using the interface. If a company were to do any of the above, other companies would most likely realize that dealing with this particular interface is more trouble than it is worth, and they would go find another interface or develop their own. However. if the interface in question is the de facto standard, if it is used by all other companies in the same industry, if support for this interface is expected by the end-user, and if there exists no practical alternative, then a company would be in serious jeopardy if it were to run afoul of the owner of that interface. This is exactly the situation in which many companies have found themselves. The interface in question is that of the Windows operating system, owned by Microsoft. Windows is the de facto standard of Intel-compatible operating systems:

Every year for the last decade, Microsoft's share of the market for Intel-compatible PC operating systems has stood above ninety percent. For the last couple of years the figure has been at least ninety-five percent, and analysts project that the share will climb even higher over the next few years. [2:• 35]

Any software company that wants a significant market share must write its software for Windows. Any hardware company that wants a significant market share must design its hardware to be interoperable with Windows. Perhaps the most important point of all is that the software companies know this, the hardware companies know this, and the officers of Microsoft obviously knew it as well.

The situation is particularly trenchant as it applies to alternative technologies—i.e., possible competitors to Windows. Because such an enormous portion of the world's computer users are dependent on Windows, any technology with the potential to compete with Windows must also be compatible with Windows, otherwise no significant number of computer users would ever use it (or even know it exists). Through its ability to change the Windows API, Microsoft has the power to determine what software is compatible with Windows and what software is incompatible. Because of this, Microsoft can target any potential competitor and make its product incompatible with Windows for a long enough period of time to make consumer interest in that product wane; at that point, the product poses no more threat to Microsoft's monopoly. This article will describe Microsoft's use of that power to eliminate the potential threats of Netscape and Java.

The Facts of the Microsoft Case and Their Implications

Microsoft has a history of manipulating interfaces so as to harm other companies and maintain its monopoly status. Microsoft changed the Windows API substantially and rapidly so that other companies failed to keep up with the changes and so lost market share (example: IBM OS/2): Microsoft created small-scale changes to its Windows API so as to disable the software of targeted companies (examples: Netscape, Apple, RealNetworks, America On-Line): Microsoft divulged the details of its interfaces selectively so that the software products of targeted companies would become incompatible with Windows and remain so until Microsoft chose to divulge the details to the targeted companies (example: Netscape Navigator): and Microsoft watered down open or public interfaces by offering incompatible proprietary alternatives and using its monopoly status to lure (and in some cases force) developers away from the standard interfaces (examples: Java, HTML). The rest of this section gives the details of these examples. The effect of its manipulation of interfaces has been to destroy any newly developed, innovative software application that has the potential to compete with Microsoft's software. Because Microsoft is a monopoly, such tactics are illegal. And therefore Microsoft's practice of manipulating interfaces must be stopped.

The Netscape/Java Threat

In this article we discuss only one of the series of actions taken by Microsoft to protect its software monopoly. The opinion of the Court of Appeals and the Findings of Fact of the District Court contain many more examples, but this one is particularly enlightening because it illustrates Microsoft's extensive monopolistic activities concerning computer interfaces. The saga begins with a description of how technological advances tend to occur in the high-tech industry: The software industry in general is characterized by dynamic, vigorous competition. In many cases, one of the early entrants into a new software category quickly captures a lion's share of the sales, while other products in the category are either driven out altogether or relegated to niche positions. What eventually displaces the leader is often not competition from another product within the same software category, but rather a technological advance that renders the boundaries defining the category obsolete. These events, in which categories are redefined and leaders are superseded in the process, are spoken of as ''inflection points.'' [2: • 59]

In common parlance, these ''inflection points'' are ''paradigm shifts'' during which an entrenched company can be blind-sided by a new technology that renders the

company's particular segment of the industry unimportant. When this occurs, the company's dominance of that now-unimportant segment becomes irrelevant: Despite their position, the company becomes marginalized along with their segment of the industry. Given that only ten years ago, less than one household in one hundred recognized the word ''Internet,'' yet today the Internet is given credit for the economic revival of the 1990's, it becomes clear that the rise of the Internet represents one of these paradigm shifts.

The exponential growth of the Internet represents an inflection point born of complementary technological advances in the computer and telecommunications industries. The rise of the Internet in turn has fueled the growth of server-based computing, middleware, and open-source software development. Working together, these nascent paradigms could oust the PC operating system from its position as the primary platform lot applications development and the main interface between users and their computers. [2: • 60]

Internet-based computing was seen by Microsoft as a potential threat to the Windows operating system because the Internet represents the ultimate in computer compatibility: Any computer that speaks the language of the Internet—its interface, the Internet Protocol (IP, see Figure 1)—can speak to any other computer that speaks the same language. regardless of the computer's hardware class or instruction set or operating system controlling it. Such ease of interoperability posed a threat to Microsoft because if computers became more interoperable, especially if Internet-based computing allowed users easier access to run programs that interested them by making them available on any machine in the world that was Internet-compatible, this would make one's choice of underlying operating system unimportant. Any operating system would suffice, and competition among vendors of these systems would take place on a level playing field.

The primary question is how? How could a computer user take advantage of the Internet to run applications without regard to the particular operating system on his or her computer? The answer lies in the operating system's interlaces: Offering similar interfaces via some channel other than the operating system would eliminate the importance of using any particular operating system.

The channel that became available was the combination of Netscape and Java. By 1994, Netscape was becoming synonymous with the Internet, the company's browser was used by nearly all those who explored the World-Wide Web, and the browser ran on nearly every type of computer—not just those using the Windows operating system. Due to intense interest in all things Internet-related, many consumers were buying their first PC just to see what all the fuss was about. For many consumers, Netscape's browser was their portal to the networked world; it provided browsing, access to newsgroups, and email—and many consumers used their PCs to do little more than that. These consumers were in effect insulated from the underlying operating system; because their primary interaction with the computer was through Netscape's browser, they could have been using any other operating system and would have been oblivious to that fact.

At the same time, Sun Microsystems was promoting a new development environment called Java that promised a ''write once, run anywhere'' level of compatibility. In other words, a computer programmer could write a program using Java and fully expect it to run on any computer anywhere, whether it was a Windows computer, an Apple computer, a Unix computer, or any other breed on which Java ran. In general, only those applications written for Windows run on Windows computers, only those applications written for Apple computers run on Apple computers, etc. Because Netscape ran on Windows, it was immediately available to that 90% of the consumer PCs that used Windows, and this widespread availability was one of the main factors that helped it succeed. For Sun's Java environment to succeed, it would need to run on Windows too, but, because Java was an obvious threat to Windows in that its goal was to make the choice of underlying operating system immaterial, it was unlikely that Microsoft would ship Java technology with the Windows operating system; moreover. Microsoft executives recognized early on the possibility that Java could erode Microsoft's position [2: • 75–76].

In May 1995, Netscape promised to integrate Java into its browser. This provided Java direct access to every machine on which Netscape's browser ran. and because of the popularity of the Internet, the Web, and Netscape's browser, this represented a large number of machines that would potentially run Java applications. For developers of computer programs, this meant that programs written in Java would run on nearly every desktop, laptop, and server computer in the world, and this would constitute an even larger market than the market for Windows desktops alone. In addition. Java incorporated abilities that supported computing over the Internet, including the ability to easily download new programs and run them locally, which would enable low-cost, effortless software distribution over the network (one small example of this is the running of Java ''applets'' that appear on many websites). The increased market for software and the low-cost distribution channel for that software made this environment an exciting potential for program developers.

If the Netscape/Java environment ever reached its full potential, program developers would be able to reach larger markets than before, yet with less cost overhead than before. Doing so would also free consumers to choose whatever operating system they wished, provided it supported Netscape's browser, which, as mentioned, already ran on nearly every operating system then in existence. This scenario would be exactly the kind of ''inflection point'' that would diminish the importance of Windows and displace Microsoft from its position as software market leader. Bill Gates saw this potential as soon as Netscape and Java merged:

In late May 1995, Bill Gates. the chairman and CEO of Microsoft, sent a memorandum entitled ''The Internet Tidal Wave'' to Microsoft's executives describing Netscape as a ''new competitor 'born' on the Internet.'' He warned his colleagues within Microsoft that Netscape was ''pursuing a multi-platform strategy where they move the key API into the client to commoditize the underlying operating system.'' [2: • 72]

Netscape's ''multi-platform strategy'' was simply the fact that the browser ran on nearly every operating system existing at the time, not just Windows. This evidently worried Gates because it might make alternative operating systems attractive to consumers. The ''key API'' was the operating systems API being offered by Java, which could displace the Windows API, and ''the client'' into which it was being moved was Netscape Navigator itself. Doing so would enable computer users to run Windows or Windows-like applications from within Navigator, possibly over the Internet. Because Navigator ran on nearly every operating system in existence at the time, this would ''ommoditize'' or make immaterial the underlying operating system: Any operating system would be a viable substitute for any other, provided only that it ran Navigator. Obviously, if one could run Windows or Windows-like applications on any operating system one cared to use, this would weaken the appeal of Windows. Users would perhaps start to shop around for operating systems using criteria such as ease of use, or compatibility with other systems, or system reliability (e.g. relatively infrequent crashes). A competitor with a product easier to use than Windows, or more reliable than Windows, could have taken away much of Microsoft's business and caused a reduction in the sales of Windows.

Microsoft's Actions to Remove the Threat

In response, Microsoft took a number of complementary steps to eliminate the threat posed by the merger of Netscape's browser and Sun's Java technology. All but the first of these steps later would be found to have been illegal, when the courts declared Microsoft a monopoly. It is therefore important that any remedies decree should address these steps. Microsoft first attempted to dissuade Netscape from allowing its browser to execute other applications, Java or otherwise [2: • 79–87]. When this failed, Microsoft ran a campaign to erode Netscape's dominance in the browser market, subvert the ability of Java to run on all platforms equally, and weaken the compatibility levels that made the World-Wide Web so popular:

1. Microsoft created an alternative browser to Netscape's, called Internet Explorer.

2. Microsoft brought pressure to bear on OEM (Original Equipment Manufacturer, e.g. Dell, Gateway. etc.) and IAP (Internet Access Providers, e.g. America On-Line, Compuserve, etc.) channels, to ensure that they used Microsoft's browser and not Netscape's.

3. Microsoft changed its Windows API to make existing software incompatible; in particular, the API for its Windows95 release was structured so that Internet applications, e.g. Netscape's browser, would no longer work unless they used the new interface.

4. Microsoft selectively disseminated the details of its Windows API changes; in particular, Microsoft withheld key information about the Windows95 Internet-related interface from Netscape, which delayed the release of Netscape's Windows95-compatible browser until after the release of Microsoft's Windows95-compatible browser.

5. Microsoft subverted the Java interface standard, by creating a Java implementation for Windows that did not comply with the Java standard and thus undermined the portability of Java applications to and from the Windows operating system.

6. Microsoft attempted to subvert the HTML interface standard, by adding its own incompatible extensions to HTML (Hyper-Text Markup Language, the format of documents posted on the World-Wide Web) and building its own extensive web portal using this non-compliant HTML, thus ensuring that the web site would fail to work correctly for anyone using any browser other than Internet Explorer.

The following sections discuss each of these actions in more detail. Microsoft created an alternative browser to Netscape's. Microsoft only began to develop a web browser after it became clear that Netscape would not abandon its efforts at making a cross-platform program that was powerful enough to run applications directly (i.e. via the incorporation of Java technology). Microsoft knew that software developers would only write applications, or programs, for Netscape/Java if they believed that the Netscape/Java combination would emerge as a new widespread standard for Internet-based computing. Therefore, Microsoft sought to prevent the Netscape/Java combination from succeeding in the marketplace. Microsoft's initial goal in building Internet Explorer was simply to divert attention away from the Netscape/Java platform: If users believed Internet Explorer to be equal to or better than Netscape's browser, then Netscape would never reach the level of a widespread standard [2: • 133].

To reach this goal. Microsoft knew that it had to capture at least half of the browser market. ''From 1995 onward. Microsoft spent more than $100 million each year developing Internet Explorer,'' [2: • 135] and it spent an additional $30 million per year marketing it [2: • 140]. Moreover. Microsoft never charged a single cent for its product: It offered the browser without license fee, either from users or Internet Access Providers (such as AOL), and, beyond offering the browser for free, ''Microsoft actually paid AOL a bounty for every subscriber that it converted to access software that included Internet Explorer instead of Navigator.'' [2: • 139] Had Microsoft stopped at simply creating an alternative browser, it is likely that the company would have avoided legal trouble. The problems started when Microsoft used other avenues besides direct competition to win the browser war:

Decision-makers at Microsoft worried that simply developing its own attractive browser product, pricing it at zero, and promoting it vigorously would not divert enough browser usage from Navigator to neutralize it as a platform. They believed that a comparable browser product offered at no charge would still not be compelling enough to consumers to detract substantially from Navigator's existing share of browser usage. This belief was due, at least in part, to the fact that Navigator already enjoyed a very large installed base and had become nearly synonymous with the Web in the punic's consciousness. If Microsoft was going to raise Internet Explorer's share of browser usage and lower Navigator's share, executives at Microsoft believed they needed to constrict Netscape's access to the distribution channels that led most efficiently to browser usage. [2: • 143]

Microsoft brought pressure to bear on OEM and IAP channels. Because consumers rarely customize their PC desktops to the point of replacing software that comes with the computer by some other software that performs the same function, having one's software pre-installed by an OEM onto a computer is one of the most direct and cost-effective means to get consumers to use one's software. The other primary channel, at least for Internet-related software, is for Internet Access Providers to bundle that software with their product. In the case of a browser, the browser would be the primary access tool to the IAP's content. The District Court agreed that ''no other distribution channel for browsing software even approaches the efficiency of OEM pre-installation and IAP bundling. The primary reason is that the other channels require users to expend effort before they can start browsing.'' [2: • 145] Therefore. the OEM and IAP channels were identified by Microsoft as the most important conduits to close down for Netscape if Microsoft were to ensure the failure of Netscape's browser.

Microsoft achieved this feat [(closing down the OEM channel)] by using a complementary set of tactics. First, it forced OEMs to take Internet Explorer with Windows and forbade them to remove or obscure it—restrictions which both ensured the prominent presence of Internet Explorer on users' PC systems and increased the costs attendant to pre-installing and promoting Navigator. Second, Microsoft imposed additional technical restrictions to increase the cost of promoting Navigator even more. Third. Microsoft offered OEMs valuable consideration in exchange for commitments to promote Internet Explorer exclusively. Finally, Microsoft threatened to penalize individual OEMs that insisted on pre-installing and promoting Navigator. Although Microsoft's campaign to capture the OEM channel succeeded, it required a massive and multifarious investment by Microsoft; it also stifled innovation by OEMs that might have made Windows PC systems easier to use and more attractive to consumers. That Microsoft was willing to pay this price demonstrates that its decision-makers believed that maximizing Internet Explorer's usage share at Navigator's expense was worth almost any cost. [2: • 241]

Microsoft knows that because of the popularity of the Windows operating system, the company has substantial control over what the OEMs pre-load and what they do not pre-load. ''Microsoft knows that OEMs have no choice but to load Windows, both because it has a good understanding of the market in which it operates and because OEMs have told Microsoft as much.'' [2: • 55]

''Without significant exception, all OEMs pre-install Windows on the vast majority of the PCs that they sell,'' [2: • 54] and Microsoft helps to ensure this ''by advising OEMs that the), will be, charged a higher price for Windows unless they drastically limit the number of PCs that they sell without an operating system pre-installed.'' [2: • 58] In general, Microsoft ''charges different OEMs different prices for Windows. depending on the degree to which the individual OEMs comply with Microsoft's wishes.'' [2: • 64]

Microsoft used this power to force OEMs to pre-load only Microsoft's browser, Internet Explorer, despite the fact that many OEMs and their customers preferred Netscape's browser, Navigator. Microsoft's first tactic, by making select changes to the Windows AP1, was to make it technically impossible to remove Internet Explorer from the operating system. Further, Microsoft built the operating system in such ways as to override the user's choice of ''default browser'' in many circumstances and to open up security holes for users who chose to use Navigator [2: • 155–198]. Some examples:

[I]n late 1995 or early 1996, Microsoft set out to bind Internet Explorer more tightly to Windows 95 as a technical matter. The intent was to make it more difficult for anyone, including systems administrators and users, to remove Internet Explorer from Windows 95 and to simultaneously complicate the experience of using Navigator with Windows 95. As [Microsoft official] Brad Chase wrote to his superiors near the end of 1995, ''We will bind the shell to the Internet Explorer, so that running any other browser is a jolting experience.'' [2: • 160]

Microsoft's engineers ... [made] Windows 98 override the user's choice of default browser in certain circumstances. As shipped to users, Windows 98 has Internet Explorer configured as the default browser. While Windows 98 does provide the user with the ability to choose a different default browser, it does not treat this choice as the ''default browser'' within the ordinary meaning of the term. Specifically, when a user chooses a browser other than Internet Explorer as the default, Windows 98 nevertheless requires the user to employ Internet Explorer in numerous situations that, from the user's perspective, are entirely unexpected. As a consequence, users who choose a browser other than Internet Explorer as their default face considerable uncertainty and confusion in the ordinary course of using Windows 98. [2: • 171]

Microsoft's refusal to respect the user's choice of default browser fulfilled Brad Chase's 1995 promise to make the use of any browser other than Internet Explorer on Windows ''a jolting experience.'' By increasing the likelihood that using Navigator on Windows 98 would have unpleasant consequences for users. Microsoft further diminished the inclination of OEMs to pre-install Navigator onto Windows. The decision to override the user's selection of non- Microsoft software as the default browser also directly disinclined Windows

98 consumers to use Navigator as their default browser, and it harmed those Windows 98 consumers who nevertheless used Navigator. In particular. Microsoft exposed those using Navigator on Windows 98 to security and privacy risks that are specific to Internet Explorer and to ActiveX controls. [2: • 172] Having multiple browsers on the machine would likely confuse users, and thus, Microsoft concluded, many OEMs interested in providing pleasant computing experiences to their users would opt to pre-install only Internet Explorer. However, Microsoft executives felt this step was not strong enough.

Decision-makers at Microsoft believed that as Internet Explorer caught up with Navigator in quality, OEMs would ultimately conclude that the costs of pre-installing and promoting Navigator, and removing easy access to Internet Explorer. outweighed the benefits. Still, those decision-makers did not believe that Microsoft could afford to wait for the several large OEMs that represented virtually all Windows PCs shipped to come to this desired conclusion on their own. Therefore, in order to bring the behavior of OEMs into line with its strategic goals quickly, Microsoft threatened to terminate the Windows license of any OEM that removed Microsoft's chosen icons and program entries from the Windows desktop or the ''Start'' menu. It threatened similar punishment for OEMs who added programs that promoted third-party software to the Windows ''boot'' sequence. These inhibitions soured Microsoft's relations with OEMs and stymied innovation that might have made Windows PC systems more satisfying to users. Microsoft would not have paid this price had it not been convinced that its actions were necessary to ostracize Navigator from the vital OEM distribution channel. [2: • 203]

OEMs customized the Windows desktops primarily ''to make the experience of setting up and learning to use a new PC system easier and less confusing for users, especially novices. By doing so, the OEMs believed, they would increase the value of their systems and minimize both product returns and costly support calls. Since just three calls from a consumer can erase the entire profit that an OEM earned selling a PC system to that consumer, OEMs have an acute interest in making their systems self-explanatory and simple to use.'' [2: • 210] Because most computer users were familiar with Navigator, and because, at the time, Navigator was perceived by nearly all in the industry as superior to Microsoft's Internet Explorer, many of these OEMs included Navigator on their computers. To block this development, Microsoft imposed restrictions on OEMs through its licenses that forbade OEMs from customizing anything, despite the fact that doing so would ultimately provide for a far less satisfying computing experience on the part of the end user.

The several OEMs that in the aggregate represented over ninety percent of Intel-compatible PC sales believed that the new restrictions would make their PC systems more difficult and more confusing to use. and thus less acceptable to consumers. They also anticipated that the restrictions would increase product returns and support costs and generally lower the value of their machines. Those OEMs that had already spent millions of dollars developing and implementing tutorial and registration programs and/or automatically-loading graphical interfaces in the Windows boot sequence lamented that their investment would, as a result of Microsoft's policy, be largely wasted. Gateway, Hewlett-Packard, and IBM communicated their opposition forcefully and urged Microsoft to lift the restrictions. Emblematic of the reaction among large OEMs was a letter that the manager of research and development at Hewlett- Packard sent to Microsoft in March 1997. He wrote:

Microsoft's mandated removal of all OEM boot-sequence and auto-start programs for OEM licensed systems has resulted in significant and costly problems for the HP-Pavilion line of retail PC's. Our data (as of 3/10/97) shows a 10% increase in W[indows]95 calls as a % of our total customer support calls .... Our registration rate has also dropped from the mid-80/(range to the low 60% range.

There is also subjective data from several channel partners that our system return rate has increased from the lowest of any OEM (even lower than Apple) to a level comparable to the other Microsoft OEM PC vendors. This is a major concern in that we are taking a step backward in meeting customer satisfaction needs.

These three pieces of data confirm that we have been damaged by the edicts that [...] Microsoft issued last fall....

From the consumer perspective, we are hurting our industry and our customers. PC's can be frightening and quirky pieces of technology into which they invest a large sum of their money. It is vitally important that the PC suppliers dramatically improve the Consumer buying experience, out of box experience as well as the longer term product usability and reliability. The channel feedback as well as our own data shows that we are going in the wrong direction. This causes consummer dissatisfaction in complex telephone support process, needless in-home repair visits and ultimately in product returns. Many times the cause is user misunderstanding of a product that presents too much complexity to the common user....

Our Customers hold HP accountable for their dissatisfaction with our products. We bear [...] the cost of returns of our products. We are responsible for the cost of technical support of our customers, including the 33% of calls we get related to the lack of quality or confusion generated by your product. And finally we are responsible for our success or failure in the retail PC market. We must have more ability to decide how our system is presented to our end users. If we had a choice of another supplier, based on your actions in this area, I assure you [that you] would not be our supplier of choice.

I strongly urge you to have your executives review these decisions and to change this unacceptable policy.

Despite the high costs that Microsoft's demands imposed on them, the OEMs obeyed the restrictions because they perceived no alternative to licensing Windows for pre-installation on their PCs. [2: • • 214–215] Microsoft engaged in similar tactics with Internet Access Providers to prevent Netscape from success in that channel [2: • • 242–310]: The company licensed Internet Explorer and related development kits to hundreds of IAPs for no charge (though those companies were all willing to pay large sums for the software), then entered into exclusivity contracts with the largest IAPs in exchange for valuable promotion within Windows, and even offered to pay back IAPs for any contractual obligations they had with Netscape.

The District Court summarized Microsoft's actions relating to the OEM and IAP channels: Neither the desire to bolster demand for Windows, nor the prospect of ancillary revenues, explains the lengths to which Microsoft has gone. For one thing, loading Navigator makes Windows just as Internet-ready as including Internet Explorer does. Therefore, Microsoft's costly efforts to limit the use of Navigator on Windows could not have stemmed from a desire to bolster consumer demand for Windows. Furthermore, there is no conceivable way that Microsoft's costly efforts to induce Apple to pre-install Internet Explorer on Apple's own PC systems could have increased consumer demand for Windows. [2: • 141]

In other words, the only conceivable reason for Microsoft's actions was to maintain and extend its monopoly.

Microsoft's flagrant bullying of OEMs and IAPs succeeded in closing off distribution channels for Netscape's browser and therefore Sun's Java technology as well. However, Microsoft was not content with this—Microsoft further destroyed any chance of either Netscape's or Java's survival, with or without the OEM and IAP distribution channels. Microsoft did this by ensuring the incompatibility of both software packages with Windows and Windows-based software. Because Windows is the de facto standard operating system for the world's desktop computers, this tactic would ensure that only an insignificant portion of the world's computer users would use these two software packages. Therefore, the Windows monopoly would never be challenged by these alternative technologies.

Microsoft changed its Windows API to make existing software incompatible. Microsoft continually modifies the Windows API. and each of these modifications makes software written for Windows immediately out-of-date because that software no longer conforms to the latest specification of the Windows API. This applies to not only applications but hardware and compatible operating systems as well. ''IBM discovered this to its dismay in the mid-1990s when it failed, despite a massive investment, to clone a sufficiently large part of the 32-bit Windows APIs. In short, attempting to clone the 32-bit Windows APIs is such an expensive, uncertain undertaking that it fails to present a practical option for a would-be competitor to Windows.'' [2: • 52]

The Windows API keeps changing, and software vendors are forced to keep up with the changes because Microsoft ensures that the latest version of the operating system is always being shipped. Microsoft takes pains

to ensure that the versions of its operating system that OEMs pre-install on new PC systems are the most current. It does this, in part, by increasing the price to OEMs of older versions of Windows when the newer versions are released. [2: • 57]

Therefore, computer users have no choice but to move onward to the latest version of the operating system, whether it is an improvement over the old version or not. Software vendors have no choice but to update their software to comply with the new operating system interface, if they expect to sell any software to those computer users who have recently purchased their computers and therefore have the latest version of Windows. It is through this rapid update mechanism that Microsoft keeps consumers and software vendors chained to the latest version of Windows: moreover, through this mechanism Microsoft can harm any software vendor it chooses.

Netscape's browser ran on the pre-Windows95 versions of Windows, but for the Windows95 release of the opt, rating system, Microsoft changed the API so that Netscape's browser would no longer work. This required a re-write of Netscape's browser if Netscape wanted their browser to run on the (then highly anticipated) Windows95 release. The following paragraphs illustrate the power that Microsoft wields over other companies through its ability to modify the Windows API:

Microsoft knew that Netscape needed certain critical technical information and assistance in order to complete its Windows 95 version of Navigator in time for the retail release of Windows 95. Indeed, Netscape executives had made a point of requesting this information, especially the so-called Remote Network Access (''RNA'') API, at the June 21 meeting. As was discussed above, the Microsoft representatives at the meeting had responded that the haste with which Netscape received the desired technical information would depend on whether Netscape entered the so-called ''special relationship'' with Microsoft. Specifically. Microsoft representative J. Allard had told [Netscape CEO James] Barksdale that the way in which the two companies concluded the meeting would determine whether Netscape received the RNA API immediately or in three months. [2: • 90]

Although Netscape declined the special relationship with Microsoft, its executives continued, over the weeks following the June 21 meeting, to plead for the RNA API. Despite Netscape's persistence, Microsoft did not release the AP1 to Netscape until late October, i.e., as Allard had warned, more than three months later. The delay in turn forced Netscape to postpone the release of its Windows 95 browser until substantially after the release of Windows 95 (and Internet Explorer) in August 1995. As a result, Netscape was excluded from most of the holiday selling season. [2: • 91]

As we have said, because the Windows interface is such a predominant feature in the high-tech industry any modification to the interface affects potentially every piece of hardware or software that is compatible with Windows. By changing the Windows API, Netscape's software was rendered incompatible with the newest version of Windows and therefore essentially useless. Microsoft selectively disseminated the details of its Windows API changes. Simply modifying an API is only harmful to the extent that other companies need to expend possibly large resources to play catch-up and to update their products to be compatible with the new specification of the API. As the quotes from the previous section show, the power to modify APIs becomes devastating when those APIs are not public information—i.e. when information regarding those APIs may be handed out selectively. Because Microsoft withheld crucial information from Netscape. Microsoft was able to finish their browser ahead of Netscape, and Netscape was not able to release their Windows95compatible browser until months after Windows95 was released. Microsoft behaved in similar ways in most of its other dealings with Netscape.

Microsoft similarly withheld a scripting tool that Netscape needed to make its browser compatible with certain dial-up ISPs. Microsoft had licensed the tool freely to ISPs [Internet Service Providers] that wanted it, and in fact had cooperated with Netscape in drafting a license agreement that, by mid-July 1996, needed only to be signed by an authorized Microsoft executive to go into effect. There the process halted, however. In mid-August, a Microsoft representative informed Netscape that senior executives at Microsoft had decided to link the grant of the license to the resolution of all open issues between the companies. Netscape never received a license to the scripting tool, and as a result, was unable to do business with certain ISPs for a time. [2: • 92] It is well known that Microsoft implements numerous ''undocumented'' features in its operating system, usually to the benefit of its own software. ''Microsoft has special knowledge of its own products, and it alone chooses which functionalities in its products are to be documented and which are to be left undocumented.'' [2: • 179] Furthermore, Microsoft frequently enters into agreements with some software developers in which those developers are granted ''preferred'' status and are therefore given access to more (but not necessarily all) information about the undocumented features of the operating system [2: • 84].

Because software running on a PC cannot use any hardware feature without the consent of the operating system, restricting access to the operating system cuts off the ability of software to do anything useful. Microsoft's dealings with Netscape are simply one example that demonstrate the enormous power that Microsoft wields and the extent to which the company has used that power to stifle individual corporations and to reward others. Microsoft subverted the Java interface standard. As mentioned, Java is a technology that enables computer programmers to write programs that will run on any operating system, and any hardware, anywhere. The fundamental concept behind Java is the idea that such interoperability is far more valuable than the ability to execute programs quickly, because the performance of computer hardware is improving at an astounding rate, and this will more than make up for any lack of performance seen in Java. Therefore. developers who write Java code are typically those who are willing to give up a small amount of performance in return for a larger market in which to sell their software.

However. this is not what Microsoft wants—Microsoft is best served if all software that is compatible with Windows is completely dependent on Windows:

For Microsoft, a key to maintaining and reinforcing [the difficulty of potential competitors to create an alternative to Windows] has been preserving the difficulty of porting applications from Windows to other platforms [e.g. operating systems], and vice versa. In 1996, senior executives at Microsoft became aware that the number of developers writing network-centric applications in the Java programming language had become significant, and that Java was likely to increase in popularity among developers. Microsoft therefore became interested in maximizing the difficulty with which applications written in Java could be ported from Windows to other platforms, and vice versa. [2: • 386]

Microsoft set out not to restrict Sun's ability to sell Java technology, but to extinguish the entire Java phenomenon. Microsoft recognized that the best way to do this would be to ensure that a significant portion of developers wrote Java code that would not, in fact, run on any operating system, any hardware, anywhere—Microsoft ensured that Java written to be compatible with Windows ran correctly only on Windows, and not on any other operating system. The District Court investigated and analyzed Microsoft's campaign against Java: Specifically, the District Court found that Microsoft took four steps to exclude Java from developing as a viable cross-platform threat: (a) designing a JVM incompatible with the one developed by Sun: (b) entering into contracts, the so-called ''First Wave Agreements,'' requiring major ISVs to promote Microsoft's JVM exclusively; (c) deceiving Java developers about the Windows-specific nature of the tools it distributed to them; and (d) coercing Intel to stop aiding Sun in improving the Java technologies. [1: p. 52]

''JVM'' stands for Java Virtual Machine and is the primary component that is required to be present on a computer if that computer is to run Java programs. By creating a JVM that was incompatible with Sun's and ensuring that a substantial fraction of developers used it and not Sun's, Microsoft went far beyond denying Sun a market in which to sell its own JVM—Microsoft ensured that Java itself would fail.

On March 12, 1996, Sun signed an agreement granting Microsoft the right to distribute and make certain modifications to Sun's Java technologies. Microsoft used this license to create its own Java development tools and its own Windows-compatible Java runtime environment. Because the motivation behind the Sun-sponsored effort ran counter to Microsoft's interest in preserving the difficulty of porting, Microsoft independently developed methods for enabling ''calls'' to ''native'' Windows code that made porting more difficult than the

method that Sun was striving to make standard. Microsoft implemented these different methods in its developer tools and in its JVM. Microsoft also discouraged its business allies from aiding Sun's effort. For example, Gates told Intel's CEO in June 1996 that he did not want the Intel Architecture Labs cooperating with Sun to develop methods for calling upon multimedia interfaces in Windows. [2: • 388] Sun had already developed a JVM for the Windows operating system when Microsoft began work on its version. The JVM developed by Microsoft allows Java applications to run faster on Windows than does Sun's JVM. Findings of Fact p 389, but a Java application designed to work with Microsoft's JVM does not work with Sun's JVM and vice versa. Id. p 390. The District Court found that Microsoft ''made a large investment of engineering resources to develop a high-performance Windows JVM,'' id. p 396. and. ''[b]y bundling its ... JVM with every copy of [IE] ... Microsoft endowed its Java runtime environment with the unique attribute of guaranteed, enduring ubiquity across the enormous Windows installed base.'' id. p 397. As explained above, however, a monopolist does not violate the antitrust laws simply by developing a product that is incompatible with those of its rivals .... In order to violate the antitrust laws, the incompatible product must have an anticompetitive effect that outweighs any procompetitive justification for the design. [1: pp. 51–52]

The Court of Appeals found that simply creating this non-standard JVM was not in violation of antitrust laws. However, the Court also stated that ''to violate the antitrust laws, the incompatible product must have an anticompetitive effect that outweighs any procompetitive justification for the design.'' It is our position that this is exactly the case here. The fundamental point of Java is to promote cross-platform compatibility. Any computer engineer knows that one can sacrifice generality for better performance; such trade-offs are trivial to make. and it is little wonder that Microsoft was able to create a high-performance JVM by sacrificing compatibility. However. doing so outweighs the procompetitive justification for the design, because, as we have said, the fundamental purpose of Java is not to achieve the highest possible performance but to provide generality—i.e. compatibility with all operating systems and all hardware platforms. Had Java developers known what Microsoft was doing, it is quite possible that they would have opted for Sun's JVM implementation over Microsoft's. In addition. Intel had built a high-performance JVM that did comply with the Java standard, and it is likely that the Java developers would have chosen this over either Microsoft's implementation or Sun's implementation. However, Microsoft prevented either from happening.

First, Microsoft entered into agreements with numerous independent software vendors (ISVs) in which it forbade the ISVs from using any Java technology offered by Sun.

Recognizing ISVs as a channel through which Java runtime environments that complied with Sun's standards could find their way onto Windows PC systems, Microsoft induced ISVs to distribute Microsoft's version instead of a Sun-compliant one. First. Microsoft made its JVM available to ISVs separately from Internet Explorer so that those uninterested in bundling browsing software could nevertheless bundle Microsoft's JVM. Microsoft's David Cole revealed the motivation for this step in a message he wrote to Jim Allchin in July 1997: ''[W]e've agreed that we must allow ISVs to redistribute the Java VM standalone, without IE. ISVs that do this are bound into Windows because that's the only place the VM works, and it keeps them away from Sun's APIs.'' [2: • 400]

Microsoft took the further step of offering valuable things to ISVs that agreed to use Microsoft's Java implementation. Specifically, in the First Wave agreements that it signed with dozens of ISVs in 1997 and 1998. Microsoft conditioned early Windows 98 and Windows NT betas, other technical information, and the right to use certain Microsoft seals of approval on the agreement of those ISVs to use Microsoft's version of the Windows JVM as the ''default.'' Microsoft and the ISVs all read this requirement to obligate the ISVs to ensure that their Java applications were compatible with Microsoft's version of the Windows JVM. The only effective way to ensure compatibility with Microsoft's JVM was to use Microsoft's Java developer tools, which in turn meant using Microsoft's methods for making native calls and (unless the developers were especially wary and sophisticated) Microsoft's other Java extensions. Thus, a very large percentage of the Java applications that the First Wave ISVs wrote would run only on Microsoft's version of the Windows JVM. [...] The record contains no evidence that the relevant provision in the First Wave agreements had any purpose other than to maximize the difficulty of porting Java applications between Windows and other platforms. [2: • 401]

Nonetheless, developers, especially those ''wary and sophisticated,'' might have chosen to use JVMs written by a party other than Microsoft. However, Microsoft assuaged potential fears of developers by essentially committing fraud: The company deceived developers as to the portability of code written for its JVM.

Microsoft's ''Java implementation'' included, in addition to a JVM, a set of software development tools it created to assist ISVs in designing Java applications. The District Court found that, not only were these tools incompatible with Sun's cross-platform aspirations for Java—no violation, to be sure—but Microsoft deceived Java developers regarding the Windows-specific nature of the tools. Microsoft's tools included ''certain 'keywords' and 'compiler directives' that could only be executed properly by Microsoft's version of the Java runtime environment for Windows.'' Id. p 394; see also Direct Testimony of James Gosling p 58, reprinted in 21 J.A. at 13959 (Microsoft added ''programming instructions ... that alter the behavior of the code.''). As a result, even Java ''developers who were opting for portability over performance ... unwittingly [wrote] Java applications that [ran] only on Windows.'' Conclusions of Law, at 43. That is, developers who relied upon Microsoft's public commitment to cooperate with Sun and who used Microsoft's tools to develop what Microsoft led them to believe were cross-platform applications ended up producing applications that would run only on the Windows operating system.

When specifically accused by a PC Week reporter of fragmenting Java standards so as to prevent cross-platform uses, Microsoft denied the accusation and indicated it was only ''adding rich platform support'' to what remained a cross-platform implementation. An e-mail message internal to Microsoft, written shortly after the conversation with the reporter, shows otherwise: [O]k, I just did a followup call.... [The reporter] liked that i kept pointing customers to w3c standards [(commonly observed internet protocols)].... [but] he accused us of being schizo with this vs. our java approach, i said he misunderstood [—] that [with Java] we are merely trying to add rich platform support to an interop layer.... this plays well.... at this point its [sic] not good to create MORE noise around our win32 java classes, instead we should just quietly grow j++ [(Microsoft's development tools)] share and assume that people will take more advantage of our classes without ever realizing they are building win32-only java apps.

GX 1332, reprinted in 22 J.A. at 14922–23.

Finally, other Microsoft documents confirm that Microsoft intended to deceive Java developers, and predicted that the effect of its actions would be to generate Windows-dependent Java applications that their developers believed would be cross-platform; these documents also indicate that Microsoft's ultimate objective was to thwart Java's threat to Microsoft's monopoly in the market for operating systems. One Microsoft document, for example, states as a strategic goal: ''Kill cross-platform Java by growling] the polluted Java market.'' GX 259, reprinted in 22 J.A. at 14514; see also id. (''Cross-platform capability is by far the number one reason for choosing/using Java.'') (emphasis in original). [1: pp. 55–56]

It is interesting to note, in the last excerpt, that even Microsoft officials recognized that Java's strength lay in its cross-platform interoperability.

Lastly, Microsoft killed Intel's high-performance JVM, which was fully compliant with the Java standard anti could therefore easily have overtaken Microsoft's JVM.

The District Court held that Microsoft also acted unlawfully with respect to Java by using its ''monopoly power to prevent firms such as Intel from aiding in the creation of cross-platform interfaces.'' Conclusions of Law, at 43. In 1995 Intel was in the process of developing a high-performance, Windows-compatible JVM. Microsoft wanted Intel to abandon that effort because a fast, cross-platform JVM would threaten Microsoft's monopoly in the operating system market. At an August 1995 meeting, Microsoft's Gates told Intel that its ''cooperation with Sun and Netscape to develop a Java runtime environment ... was one of the issues

threatening to undermine cooperation between Intel and Microsoft.'' Findings of Fact p 396. Three months later, ''Microsoft's Paul Maritz told a senior Intel executive that Intel's [adaptation of its multimedia software to comply with] Sun's Java standards was as inimical to Microsoft as Microsoft's support for non-Intel microprocessors would be to Intel.'' Id. p 405.

Intel nonetheless continued to undertake initiatives related to Java. By 1996 ''Intel had developed a JVM designed to run well ... while complying with Sun's cross-platform standards.'' Id. p 396. In April of that year, Microsoft again urged Intel not to help Sun by distributing Intel's fast, Sun-compliant JVM. Id. And Microsoft threatened Intel that if it did not stop aiding Sun on the multimedia front, then Microsoft would refuse to distribute Intel technologies bundled with Windows. Id. p 404.

Intel finally capitulated in 1997. [1: pp. 56–57]

The downfall of Java is important because, at the time, Java represented a potential competitor to the Windows hegemony. Currently, most software developers write code for the Windows platform because it represents the largest possible market for their software. As we have mentioned before, code written for one operating system does not run on another without considerable effort in re-writing that code so that, instead of using the first operating system's interface, it uses the second's interface. This rewriting of a software program is called ''porting'' the code and represents a substantial undertaking. Java offered developers a way to increase the size of the market for their software, by allowing developers to write software that would run not only on Windows but on every operating system and hardware platform imaginable. As the Court's records show, in the mid-1990's developers recognized this benefit and were moving in large numbers to use Java [2: • 386]. However, the high-tech industry is very fickle, a byproduct of its highly dynamic nature, and if a technology fails to catch on the first time around, it has a difficult road ahead of it. By taking away the main benefit of Java—its promise of universal compatibility—Microsoft allowed developers to become cool to the idea. and Ibis essentially killed it.

Had the Java vision been realized, it would have offered competition in the PC operating systems market. Microsoft waged its campaign against Java for exactly this reason: Had the Java vision come true, it would have weakened the stronghold of Windows, because a user's choice of underlying operating system would have become less important. This would have increased the likelihood for computer users to consider alternative or ''fringe'' operating systems such as Unix, Linux, BeOS, Mac OS, etc. Microsoft's successful subversion of Java took much of the momentum out of the Java movement and in so doing ensured that neither Java nor Java-enabled operating systems would present any significant competition with Windows in the PC operating systems market.

Microsoft attempted to subvert the HTML interface standard. Microsoft attempted a similar destruction or undermining of the HTML standard (the language of the world-wide web), by creating its own incompatible ''extensions'' to the language and forcing as many developers as possible to use those extensions. As early as 1995, Microsoft had developed HTML control words that were incompatible with all browsers but its own Internet Explorer. For computer users viewing the web through any browser but Microsoft's, web pages using these control words would either display incorrectly or fail to display at all. Evidently, Microsoft hoped that, if it could make Internet browsing a confusing and irritating experience for enough people (those not using Internet Explorer on Windows), the popularity of the Internet would wane, and the ''inflection point'' that the Internet represented would not have the potential to injure Microsoft. Microsoft entered into numerous agreements to spread its non-standard HTML. For example, in 1997, the company set up agreements with website developers (also called Internet Content Providers, or ICPs):

[T]he agreements required the ICPs, in designing their Web sites, to employ certain Microsoft technologies such as Dynamic HTML and ActiveX. Some of the agreements actually required the ICPs to create ''differentiated content'' that was either available only to Internet Explorer users or would be more attractive when viewed with Internet Explorer than with any ''Other Browser.'' For example, the agreement with Intuit provided: ''Some differentiated content may be available only to IE users, some may simply be 'best when used with IE,' with acceptable degradation when used with other browsers.'' [2: • 322]

In addition, Microsoft began forcing even OEMs, such as Compaq, to put non-standard HTML features into their websites.

When Compaq eventually [capitulated to Microsoft's wishes], it did so because its senior executives had decided that the firm needed to do what[ever] was necessary to restore its special relationship with Microsoft. [...] Compaq agreed to offer Internet Explorer as the preferred browser product for its Internet products and to use two or more of Microsoft's hypertext markup language (''HTML'') extensions in the home page for each of those products. [2: • 233]

Microsoft targeted software developers as well:

Microsoft also targeted individual ISVs [Independent Software Vendors] directly, extracting from them commitments to make their Web-centric applications reliant on technology specific to Internet Explorer. [2: • 337]

In dozens of ''First Wave'' agreements signed between the fall of 1997 and the spring of 1998, Microsoft has promised to give preferential support [...] to important ISVs that agree to certain conditions. One of these conditions is that the ISVs use Internet Explorer as the default browsing software for any software they develop with a hypertext-based user interface. Another condition is that the ISVs use Microsoft's ''HTML Help,'' which is accessible only with Internet Explorer to implement their applications' help systems. [2: • 339]

By exchanging its vital support for the agreement of leading ISVs to make Internet Explorer the default browsing software on which their products rely, Microsoft has ensured that many of the most popular Web-centric applications will rely on browsing technologies found only in Windows. [2: • 340]

Despite Microsoft's efforts, consumer interest in the Internet did not wane, and irritation at the inability to view certain web pages did not drive users to forgo browsing the web. It is likely that Microsoft's failure in this particular campaign was due to the fact that Microsoft attempted to subvert the standard only once it was already in wide use-i.e. once it had already succeeded. In comparison, Java was killed in its infancy, before it had reached a critical mass of support. It is important to note that these are not isolated incidents chosen simply to disparage Microsoft. The record shows that Microsoft saw similar threats from other quarters and responded to them in much the same manner as the maneuvers described above. The following are three examples of how Microsoft responded to quash the development of either direct competitors to Windows or ''middleware'' for Windows, as well as a brief look at Microsoft's latest anticompetitive action. Middleware is a type of software program that serves to hide the particulars of the underlying operating system, Java being one example of a middleware system. The very nature of middleware makes it a threat to Microsoft's operating system enterprise because it has the potential to make Windows obsolete:

A middleware product written for Windows could take over some or all of Windows's valuable platform functions—that is, developers might begin to reply upon APIs exposed by the middleware for basic routines rather than relying upon the API set included in Windows. If middleware were written for multiple operating systems, its impact could be even greater. The more developers could rely upon APIs exposed by such middleware, the less expensive porting to different operating systems would be. Ultimately, if developers could write applications relying exclusively on APIs exposed by middleware, their applications would run on any operating system on which the middleware was also present. [1: p. 18] In the early 1990's, Intel created multimedia features in their hardware that would enable computers to play movies and high-resolution computer games, but Microsoft refused to make these hardware features available through its operating system. Typically, as shown in Figure l, hardware devices and other sophisticated hardware features are available to software only through the operating system, and if the operating system fails to support the hardware, no software running on that system can access that hardware. Intel began developing software called Native Signal Processing that would allow programmers to use the new multimedia features without having to go through Windows, so as to encourage software developers to write multimedia programs. In response, Microsoft threatened to terminate compatibility with Intel's chips if Intel persisted in offering programmers a way to run software on its hardware without having to use Windows. Intel was ultimately forced

by Microsoft into giving up its software experiments. Five years after the fact, Microsoft finally integrated into Windows most, but not all, of the multimedia capabilities that Intel had developed. The Court's explanation for Microsoft's behavior was a ''fear at Microsoft that the NSP software would render ISVs, device manufacturers, and (ultimately) consumers less dependent on Windows. Without this fear. Microsoft would not have subjected Intel to the level of pressure that it brought to bear in the summer of 1995.'' [2: • • 94–103]

IBM expended enormous effort to reverse-engineer the Windows API and thereby build their own, fully interchangeable, version of the Windows operating system. IBM's operating system was called 0S/2 Warp, and, because IBM faithfully reproduced a substantial portion of the Windows API, OS/2 Warp was able to run Windows applications directly. The operating system was billed with the advertising slogan, ''A Better Windows Than Windows,'' which by all accounts was true: The operating system was faster than Windows, it was more reliable than Windows (it did not crash nearly as easily), and it ran most Windows applications flawlessly.

Because it was faster and more stable than Microsoft's operating system, it had the potential to weaken the appeal of Windows. In response, Microsoft swiftly changed the Windows APIs, leaving OS/2 Warp offering an obsolete version of the operating system interface. IBM could not keep pace with the interface changes and ultimately gave up on OS/2 Warp as a PC operating system. [2: • 52, • • 115–132]

Apple created its Quick Time standard to be a multimedia authoring tool and audio/video publishing format that would run on any computer, whether Macintosh-based or Windows-based. Microsoft saw this as a threat because QuickTime enabled software developers to write multimedia programs that would run on Windows but that did not depend directly on Windows. Microsoft developed its own multimedia standard (DirectX) and threatened to develop multimedia content-development software that was incompatible with Apple's and to expend every resource available to ensure that it won out over QuickTime, unless Apple ensured that QuickTime would not run equally well on all platforms. Microsoft's proposal was for Apple to make their Windows-based QuickTime software entirely dependent on Windows. ''[Apple's CEO Steve] Jobs reserved comment during the meeting with the Microsoft representatives, but he explicitly rejected Microsoft's proposal a few weeks later. Had Apple accepted Microsoft's proposal. Microsoft would have succeeded in limiting substantially the cross-platform development of multimedia content.'' [2: • • 106–109]

Windows XP is Microsoft's latest version of the Windows operating system, released in November 2001 in the midst of the trial's conclusion. The operating system flouts the very same laws that Microsoft was charged with violating in the first place. The operating system disables the software of competitors—including Apple's QuickTime media player, AOL Time Warner's America On-Line version 6.0, and RealJukebox from RealNetworks [23]—and supplants them with Microsoft's proprietary alternatives. Note that these are the very companies with which Microsoft had similar run-ins previously [1,2]. Not only is the browser tied to the operating system, but so is nearly every aspect of the computer user's experience, from Internet content to popular multimedia formats. The writing on the wall is very clear: No software vendor is safe—Microsoft can destroy any competitor's software it chooses and replace it with its own.

Solutions to the Problem

According to the Supreme Court, there are four primary goals for an antitrust remedy. ''The Supreme Court has explained that a remedies decree in an antitrust case should seek to 'unfetter a market from anticompetitive conduct,' ... to 'terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future.'' ' [1: pp. 99–100] We propose a multi-part remedy that addresses each of these goals.

Most Importantly: Prevent Future Monopolization

We treat the last goal first because we believe it to be the most important. The first three goals—to restore competition, to terminate the illegal monopoly, and to deny the illegal monopoly the fruits of its misconduct—are addressed in the next section. As the Supreme Court indicates, an antitrust remedy is not sufficient if it merely returns us to the status quo [9.10]. An appropriate remedy must also seek to prevent future monopolization. We believe that the best way to prevent future misconduct from Microsoft is to look at those of its actions that are problematic and devise a remedy that prevents similar maneuvers in the future. The list, again, of Microsoft's actions:

1. Microsoft created an alternative browser to Netscape's. Action #1 alone is an example of behavior that is perfectly legal and should remain so: A monopoly clearly should not be prevented from competing in a market just because of its status as a monopoly. The rest of the actions, however, are objectionable:

2. Microsoft brought pressure to bear on OEM and IAP channels.

3. Microsoft changed its Windows API to make existing software incompatible.

4. Microsoft selectively disseminated the details of its Windows API changes.

5. Microsoft subverted the Java interface standard.

6. Microsoft attempted to subvert the HTML interface standard. It is this second group of tactical maneuvers, numbers 2 through 6, that we will explore for direction, and doing so leads us to further remedial steps to prevent future misconduct. Action #2, pressuring OEMs to pre-load only Internet Explorer, and action #4, selectively disseminating information on its changes to the Windows API, are both obvious violations of the Sherman Act. For instance, as detailed earlier, Microsoft's manipulation of the Windows API harmed both IBM and Netscape, and therefore action #2 is part of the illegality. The other actions represent very serious and very effective abuses of power, and Microsoft violated the Sherman Act when the company used its abilities to harm other companies through these actions. For instance, Microsoft's undermining of the Java standard harmed Sun, and therefore action #5 is part of the illegality. Clearly, it is imperative to prevent all of the listed behaviors if we are to prevent future monopolistic abuses by Microsoft.

Microsoft undertook these anticompetitive actions because it believed its Windows API—its operating systems interface—to be threatened by other technologies that could potentially supplant it. As we have said, like contracts, interfaces are extremely powerful things. Compared to a tangible product, an internal interface differs in its impact on economic systems because not only are end-consumers dependent on it, but other hardware and software vendors that build products compatible with the interface are dependent on it as well. Furthermore, the effect of modifying an interface on which competing companies depend is markedly different from the effect of simply developing a competing product: Whereas a new end-product simply offers consumers an alternative to the competitor's product that will have to stand the test of the marketplace, modifying an interface can make the competing company's products instantly obsolete—because as soon as the modification is made the other company's product no longer conforms to the interface, and an interface is ultimately more influential in its scope than any particular product that embodies it. Therefore it is clear that a monopoly controlling a widely used interface is perfectly capable of controlling its direct competitors, its indirect competitors, and even those corporations that provide complementary products and do not compete with it in any way.

The obvious conclusion is that monopolies should not be allowed to control widely used interfaces. We propose two remedies that would prevent future misconduct: A. Microsoft's widely used interfaces (in particular the Windows API) should be turned over to the public—i.e. Microsoft should give up its right to modify at will those of its interfaces that have become de facto standards. The authors would prefer to see the interfaces handed over to the IEEE (the Institute of Electrical and Electronics Engineers), as the IEEE is an independent, non-profit body already involved in the specification of many public computer interface standards, both hardware and software. However. the choice of a governing body is a matter of opinion.

B. Microsoft should adhere to existing de facto standard interfaces: The company should not develop or fund the development of any interface that provides substantially similar function as an existing standard but that is incompatible with that standard.

Note that remedial step A differs from Judge Jackson's interim provision in which Microsoft was compelled to provide all information about the Windows API to all developers in a timely manner and equally to all [13]. His Final Judgment stated that, until full implementation of the divestiture plan which he imposed, among other things the following was to be required of Microsoft:

b. Disclosure of APIs, Communications Interfaces and Technical Information. Microsoft shall disclose to ISVs, IHVs, and OEMs in a Timely Manner, in whatever media Microsoft disseminates such information to its own personnel, all APIs, Technical Information and Communications Interfaces that Microsoft employs to enable—

i. Microsoft applications to interoperate with Microsoft Platform Software installed on the same Personal Computer, or

ii. a Microsoft Middleware Product to interoperate with Windows Operating System software (or Middleware distributed with such Operating System) installed on the same Personal Computer,

or

iii. any Microsoft software installed on one computer (including but not limited to server Operating Systems and operating systems for handheld devices) to interoperate with a Windows Operating System (or Middleware distributed with such Operating System) installed on a Personal Computer.

To facilitate compliance, and monitoring of compliance, with the foregoing, Microsoft shall create a secure facility where qualified representatives of OEMs, ISVs, and IHVs shall be permitted to study, interrogate and interact with relevant and necessary portions of the source code and any related documentation of Microsoft Platform Software for the sole purpose of enabling their products to interoperate effectively with Microsoft Platform Software ... [13] Judge Jackson's judgment essentially makes the previously ''undocumented'' features of Windows openly available to all 2, and the judgment prevents Microsoft from withholding key information as it did to delay Netscape's offering of a Windows95-compatible browser. Our proposed remedy A would push Judge Jackson's judgment a step further-our proposed remedy would take the Windows API from Microsoft's control and hand it over to an independent body as a public interface. Note that this does not mean that Microsoft would have to divulge any source code to the public; only the Windows API would become public.

2. The ''undocumented'' features of Windows are those features that exist in the operating system but that are unavailable to all but a select group by virtue of the fact that the features are not specified in any publicly available document.

Public interfaces, often called public standards, are those that are not proprietary, are controlled by an independent body (such as ANSI, the American National Standards Institute; IEEE, the Institute of Electrical and Electronics

Engineers; IETF, the Internet Engineering Task Force; etc.), and are typically designed to make computers of different types compatible with each other. Generally, all who wish to participate in the specification of a public standard are allowed to contribute to the effort: Because of the public nature of such discussions, no one is prevented from playing a part. Conversely, no individual or corporation is allowed to make unilateral decisions about the standard. A perfect example of a public interface is the World-Wide Web: It uses the Internet Protocol—a public standard—to transmit documents written in HTML—also a public standard—from web servers to web browsers, using yet another public standard called HTTP (hypertext transmission protocol) that runs on top of the Internet Protocol. Any computer anywhere that supports these standards can browse the web, whether it is Windows-based or PalmOS-based or Macintosh-based or Unix-based or BeOS-based or Linux-based, and the fact that the standards are public increases the chance that any particular operating system will support them. The fact that the web uses nothing but public standards is one of the characteristics that attracted developers to the web in the first place: Any programmer can build a web server or web browser and know that it will work with the web; moreover, because the standards are public, the programmer need not pay any royalties to anyone; lastly, because the standards cannot be changed by any one person or company acting alone, the programmer can be assured that his work will not suddenly become obsolete due to unannounced changes to the various interfaces.

A monopoly should certainly be allowed to help define these public computing interfaces—who better to help realize the future of computing than a company with years of experience in the computer industry? However, a company should not be allowed to use its monopoly status to do an end-run around an existing public standard and undermine the efforts of others to make computers more compatible with each other, more useful, and easier to use. These two proposed remedial steps together would prohibit Microsoft from doing just this: Together, they would ensure that Microsoft will not be able to create, either directly or indirectly (i.e. by persuading smaller companies to do its bidding), new products that undermine public standards. Moreover, Microsoft's own primary interface, the Windows API, would become a public standard, which would prevent Microsoft from modifying that interface at will, as the company has done in the past to ensure that Netscape's browser would fail to work with Windows95 and to ensure that IBM would not be able to keep up with its reverse-engineering effort that made OS/2 possible.

Unfetter the Market from Ant/competitive Conduct, Terminate the Illegal Monopoly, and Deny Microsoft the Fruits of its Misconduct

As mentioned in the previous section, the court, in fashioning remedies, should go beyond merely restoring the status quo. The court should impose a remedy that will cure the effects of the illegal conduct and, at the same time, prevent the continuation of the misconduct and prevent the violator from reaping benefits in the future from their conduct [9, 10]. Because the ''relevant market'' for a monopoly is defined as including all products that are ''reasonably interchangeable by consumers for the same purposes'' [1: p. 15], a monopoly exists by definition if there are no such products available. No product currently exists that is reasonably interchangeable with the Windows operating system, and Microsoft's present monopoly will not be terminated until one does exist. The solution is rather clear: Microsoft eliminated the threat of potential competitors to its Windows operating system by exclusionary tactics, and therefore it should bear the responsibility of funding the production of such a competitor. Or perhaps more than one. Doing so would introduce competition into the market, would end Microsoft's monopoly, and would deny Microsoft the fruits of its anticompetitive behavior.

We propose the following additional remedial steps, in addition to those already discussed:

C. All non-compliant Java technology developed by Microsoft (its Java Virtual Machine and its development environment) should be destroyed, and Microsoft should be prevented from distributing it in the future, either directly or indirectly.

D. Microsoft should pay Intel to finish the development of its high-performance Java Virtual Machine, and Microsoft should also pay at least the initial costs of marketing the product.

E. The non-compliant Java Virtual Machine in Microsoft's browser should be removed and replaced with Intel's compliant and high-performance JVM.

F. Microsoft should pay Sun Microsystems to finish development of Java technologies and market the product. In particular, the marketing of Java technologies should be handled in much the same way as Microsoft's ''evangelizing'' of the Windows platform (Microsoft spends hundreds of millions of dollars per year inducing independent software developers to write applications for Windows [2: • 43]). Microsoft should pay Sun a large one-time sum, perhaps equal to a year's worth of Windows evangelizing, to be used by Sun to seed development of Java applications by independent software vendors.

G. Microsoft should pay IBM to update OS/2 to be compliant with the latest version of the Windows API (e.g. Windows XP), so as to provide an alternative operating system to Windows. Because Microsoft's ability to manipulate the Windows API at will is what drove OS/2 out of the PC market last time, such manipulation should be regulated in the future for OS/2 to remain a reasonably interchangeable alternative. Thus. remedial steps A and B are necessary.

H. Microsoft should make its browser and MSN portal compatible with the World-Wide Web Consortium's HTML, HTTP, and XML interface standards. In particular, the MSN portal should not shut out access by browsers other than Internet Explorer, as it presently does [25]. These remedies would create two alternatives to the Windows operating system. The first alternative is based on Java middleware, which could be disseminated by itself or bundled with a browser. As the appellate court stated in its opinion, this is one of the ways in which to make the PC operating-systems market competitive:

If a consumer could have access to the applications he desired—regardless of the operating system he uses—simply by installing a particular browser on his computer, then he would no longer feel compelled to select Windows in order to have access to those applications; he could select an operating system other than

Windows based solely upon its quality and price. In other words, the market for operating systems would be competitive. [1: p. 29]

Remedies C–F provide for the Java alternative. This would create a layer of middleware that is truly cross-platform. If it is marketed well, the average end-consumer might become familiar with it, thereby making it a viable alternative to Windows. If Microsoft were to be prevented from undermining the Java standard, software developers could write applications and know that their software would run on any operating system equally well, from Windows to Mac OS to Unix to Linux to BeOS, etc. This would create larger markets for the developers' software (as opposed to writing software that runs on only one operating system) and could also raise consumer interest level in alternative operating systems—provided that enough developers begin to write compelling Java applications, such as a reasonably interchangeable alternative to Microsoft's Office suite. Fundamental to the scheme is a truly cross-platform, high-performance environment, which is what Intel was attempting to help Sun deliver. Therefore, it is crucial that Intel's high-performance JVM take the place of Microsoft's incompatible JVM, and all of Microsoft's non-compliant Java technology be kept off the market and thus out of circulation and unavailable for public consumption.

Because the future widespread availability of Java applications that rival their Windows counterparts in features and sophistication is merely speculative, even with seed funding from Microsoft, it is best to provide a second alternative as well: a full-blown operating system having the same features as Windows and able to run Windows applications. Remedy G provides for the OS/2 alternative: a truly interchangeable alternative to Windows. This was the promise of OS/2 before Microsoft changed the Windows API more rapidly than IBM could reverse-engineer it. With Microsoft funding its development, IBM should be able to bring OS/2 up to the WindowsXP API in a very short time (in software development, emulating an existing product is much simpler than creating something new from scratch).

Remedy H simply ensures that Microsoft would be required to maintain open standards, rather than undermining them.

To avoid simply returning to the status quo, Microsoft must be prevented from performing future acts that mirror its previous acts. If Java compatibility is ensured by the eradication of the non-compliant technology, Microsoft should be prevented from building future incompatible Java technology, else history will be repeated. If there is a revival of OS/2, Microsoft should not be allowed to manipulate the Windows API so as to make the new version of OS/2 instantly obsolete, as it did in the mid-1990's to eliminate the threat of OS/2 Warp. Remedial steps A and B together prevent future monopolistic abuses of this type.

Discussion

Making the Windows API a public standard owned by an independent organization separate from Microsoft and preventing Microsoft from manipulating the interface as it sees fit are both essential if the remedial steps in the previous section are to work for any length of time. If Microsoft has free reign to modify the Windows API, it could very quickly make Intel's JVM non-compatible with Windows, and, if OS/2 were to become again an alternative to the Windows operating system, Microsoft could quickly make OS/2 obsolete again simply by changing the Windows API. If Microsoft retains control of the Windows API, it can target any company's software and make it instantly obsolete by appropriately modifying the API. By the time the company re-writes its software to reflect the changes, Microsoft could modify the Windows API even further, and thereby ensure that the targeted company would never have a software product that is compatible with the latest version of Windows.

For example, Microsoft's Passport system is a software package bundled with WindowsXP that handles the financial side of e-commerce transactions, and it provides Microsoft with a small fee charged to the user for every e-commerce transaction Passport handles. If e-commerce is to become as pervasive as predicted, Passport represents future revenues that dwarf the revenues Microsoft currently receives from Windows and Office combined: Because Windows-based PCs represent 80–90% of the world's desktop computers, one can expect that 80–90% of the world's e-commerce transactions will be handled through Passport. If a competitor to Passport arises, Microsoft can simply change the Windows API in a matter of minutes, release the new version of the operating system to OEMs, and in so doing make the new e-commerce software incompatible with Windows—which will temporarily bar that competitor from the Windows desktop. It will take time for the new company to build and release a new version of their software that is compatible with the newer version of Windows, and during this time Microsoft will be able to make further modifications to the Windows API that will render the competitor's revision out-of-date. By allowing Microsoft to own the Windows API, we give Microsoft the ability to arm any targeted company indefinitely. Microsoft has already demonstrated that it is willing to use this power: Remember that Netscape's browser ran perfectly well under Windows 3.1, but Microsoft's changes to the API made Netscape's browser incompatible with Windows95. Remember also that Microsoft's latest version of Windows, WindowsXP, makes numerous software packages by its competitors incompatible. There is every reason to believe that Microsoft will continue to use this ability in the future to harm potential competitors in any promising market, and it is therefore critical to any remedies decree that this ability, to modify the Windows API without the permission of its constituents (i.e. independent software and hardware vendors as well as the public consumer), be stripped from Microsoft.

An argument against this remedial step is that it could stifle competition by preventing Microsoft from creating new features at will—by curbing Microsoft's ability to ''innovate.'' In rare cases, new features do require changes to interfaces, but the vast majority of new features tend to work quite well with the old interfaces. For instance, assuming the company is not prohibited from doing so, Microsoft could easily integrate its browser into the Windows operating system without having to change the operating system interface at all. The Unix file I/O interface is an extremely potent example of an interface that has not changed in the decades since its inception yet is still allowing innovation to this day. The interface was defined to allow software to open, read, write, and close files stored on disks. Numerous features have been added to the Unix operating system using the same interface, and—just to name a few examples—software programs can now send messages on the Internet, interact with other programs, use input devices such as mice and drawing tablets, and even talk to smart cards using the same, unchanged, interface as reading and writing files on disks. Clearly, innovation is not at all stifled by restricting changes to interfaces, while this entire article illustrates numerous potent examples of stifling innovation by allowing such changes. Changing the nature of Microsoft's competition with other companies would not hinder its ability to innovate; it would simply force Microsoft to pay more attention to inter-operability, ease-of-use, performance, and reliability, as these would be the characteristics on which their products would be judged in the marketplace.

Note that the proposed remedies would still guarantee Microsoft the opportunity to participate in the specification of any given public interface, including Windows, by virtue of the fact that the interface would be public. Microsoft certainly would be allowed to build products that comply with a given public interface—as would all companies, by virtue of the public character of that interface. The only thing Microsoft would be prevented from doing is undermining the public interface by watering it down (making slightly incompatible products) and/or drawing attention away to a proprietary alternative (as it did when it encouraged Java developers to use its own non-standard version of the Java runtime environment).

In addition, this proposal would increase competition in the marketplace by allowing other companies to offer compatible products. By making Microsoft's Windows API a public standard owned by an independent entity other than Microsoft, any company would be allowed to create alternative products that offer the same functionality. Moreover, by virtue of the interface being controlled by an independent body, Microsoft would not be allowed to change the interface more rapidly than other companies could develop new products; changes to the interface would occur at a pace decided by the independent body and contributing members of the public. How could this suggested remedy—that those of Microsoft's computer interfaces that have become de facto standards be made public and that Microsoft be prevented in the future from changing them at will—be enforced against Microsoft? The answer is that the

District Judge Kollan-Kotelly, as part of her decision imposing remedies against Microsoft, could retain jurisdiction over the case rather than closing it completely when she issues her decision. If Microsoft should violate any of the terms of her judgment in the case, the Justice Department could call this fact to the attention of court and ask for a contempt order against Microsoft or other relief, thereby compelling Microsoft to continue to abide by the judgment of the District Court.

Could this proposal put Microsoft out of business or make the company a minor player in the computer industry? We do not think so. Microsoft has three major strengths on its side that no other firm in the world has: (1) the ability to shift markets as it pleases, (2) an astounding number of talented software developers who know how to build system-level software, and (3) the deepest pockets in the computer industry. In addition, Microsoft spends a large amount of its revenue on research, which endows the company with excellent perspective on the future of computing; though this last point gives the company an edge over many of its competitors, it by no way gives Microsoft an exclusive edge. Our proposal would only take away one of Microsoft's strengths: the ability to shift markets as it pleases. The company would still have financial resources and human resources that outweigh any competitor, and its commitment to research should keep the company abreast of any new technologies. Moreover, there is a perfectly good precedent to turn to: Intel makes the computer chips on which Windows runs, and the company has several competitors that manufacture compatible chips. Though Intel has had to face fierce competition, it has responded with rapidly increasing processor performance and thus has continued to own a lion's share of the PC-chip market. One could argue that the performance increases of the last decade would have been far less dramatic than they have been, had Intel faced no competition. If our proposed remedy is implemented and competition is returned to the PC operating systems market, it is likely that Microsoft, like Intel, will have a ''brand name'' advantage in that it will create the gold standard by which all reasonably interchangeable products will be judged. After all, any Windows-compatible operating system would be judged on its ability to emulate Windows, while the reverse would not be true.

Could a small company abuse this proposed remedy? Could it build a product, declare its product's interface to be the de facto standard, and thereby prevent any form of competition from Microsoft? Not really: One cannot mandate that one's product be a standard; it must be demonstrated to be the most popular interface among alternatives for a given function. Even if the interface were the de facto standard, Microsoft would still be allowed to offer compatible products that comply with the interface. Non-monopolies would be allowed to build and market products with alternative interfaces, and this would certainly happen if the original interface was a poor design and became the standard simply by being the first to market. If any alternative interface superseded the original public one, then that alternative would become the de facto standard, and Microsoft would be allowed to build compatible products for it. Could Microsoft ever be put in the position wherein the de facto standard for some function is proprietary, the interface is protected in some way by intellectual property rights, and the owner of that interface chooses not to license its technology to Microsoft? This is conceivable—but the authors are aware of only two companies that frequently and selectively deny access to computer interfaces that are proprietary and de facto standards; both of those companies are monopolies; and one of the companies is Microsoft itself (the other is Intel).

Our proposed remedy prevents a monopoly from subverting public interfaces. It does not prevent a monopolistic company from competing in the marketplace; in fact, it encourages competition on the basis of good product design. The proposed solution would simply prevent a type of competition that currently allows large corporations to make small ones irrelevant instead of having to compete head-to-head with them.

Non-Solutions to the Problem

Given this list, then, it is easy to evaluate potential solutions to the problem, producing a number of potential fixes that would not actually solve anything:

ùReorganize the company into an operating systems company (responsible for Windows) and an applications company (responsible for all other Microsoft software, e.g. Office, Visual Basic, Passport, etc.). It is likely that this will not happen anyway, due to the current direction of the case. This remedy was ordered by Judge Jackson of the District Court probably because it would tend to slow down the rate at which the Windows API changes—this would be the case because Microsoft's applications company would not be able to exploit those changes any more quickly than other companies. Therefore, the proposal would likely eliminate abuses stemming from action #3. However, the remedy would not prevent abuses stemming from Microsoft's actions #5 or #6—subverting the Java interface standard and attempting to subvert the HTML standard.

ùShorten the length of time a technology patent is in effect. This is not satisfactory because Microsoft's behavior #3—changing the Windows API to make existing software incompatible—would still be legal. In addition, any patent-holder, including Microsoft, could periodically change its product with the intent to acquire a new and different patent on the product's implementation, effectively extending the lifetime of a patent indefinitely. This remedy would also not prevent actions #5 or #6.

ùForce Microsoft to divulge all (hidden) interfaces. This addresses behavior #4—Microsoft's decision to selectively disseminate its Windows API changes—and is covered by Judge Jackson's interim provisions. However, a company such as Microsoft can adhere to the letter of the law and still disobey its spirit by changing its interface more rapidly than other companies can keep up, and Judge Jackson's Judgment would not prevent this from continuing to occur. With a large programming staff, Microsoft can breed new interfaces faster than other companies—especially smaller companies with modest-sized staffs of programmers—an write software for the old ones. This would keep a targeted company in the perpetual state of being prevented from releasing software for the latest version of Windows. This remedy would also not prevent actions #5 or #6.

ùForce Microsoft to pay a simple fine (e.g. to government agencies). Clearly, this would merely be a slap on the wrist to the world's most powerful software company.

ùForce OEMs to include alternative browsers and/or office software on the computers they ship. This would still allow Microsoft to produce hidden features in its operating system directed at its own browser and/or office applications, giving them an advantage over the applications of other companies. It would prevent none of the abuses we have described.

ùPrevent Microsoft from embedding its browser technology into its operating system. Like the other non-solutions, this would not solve the problem. It would ensure that competition exists to a degree in the browser market, but this competition would only exist insofar as Microsoft is prohibited from the maneuvers #3, #5, and #6. Moreover, it would do nothing to foster competition in the operating system market.

Sidebar: Why Version 7.0 of Internet Explorer Won't Work, But Version 7.0.1 Will

The settlement agreement of November 2nd, 2001 and the revised agreement of November 6th contain a number of proposed remedies that are also obvious non-solutions to the problem. There are so many ways that Microsoft can adhere to the letter of the agreement but still perform acts of monopoly-continuation identical or nearly identical to those of the Browser War that their descriptions would fill an entire article by themselves. Here are, very briefly, a few of those loopholes.

The strongest remedy in the settlement agreement is an attempt to force Microsoft to divulge fully and equally to all the Windows API so that (a) there remain no ''undocumented'' features of the operating system and (b) no party is excluded from learning the particulars of the API so as to hinder product development or product release. The wording of the requirement is as follows: ''Microsoft shall disclose ... for the sole purpose of interoperating with a Windows Operating System Product, ... the APIs and related Documentation that are used by Microsoft Middleware to interoperate with a Windows Operating System Product.'' This simple remedy has been watered down by so many mechanisms that it is all but useless:

ù''For the sole purpose of interoperating with a Windows Operating System Product'' means that Microsoft does not have to divulge the APIs to anyone who intends to write their software for other platforms.

ùThe only portion of the Windows API that Microsoft must divulge is that portion used by ''Microsoft Middleware.'' Microsoft Middleware has been defined in the document to mean software that is distributed separately from Windows. Therefore those APIs used by any software

shipped with the operating system need not be divulged. Very little of Microsoft's software is shipped independently of the operating system.

ùThe only portion of the Windows API that Microsoft must divulge is that portion used by ''Microsoft Middleware.'' Microsoft Middleware has been defined in the document to mean software that is ''Trademarked.'' Trademarked has been defined to exclude all software that has the name ''Microsoft'' or ''Windows'' in it. Therefore, Microsoft must divulge APIs only for Microsoft software that does not include the name ''Microsoft'' or ''Windows,'' so those APIs used by Microsoft Internet Explorer need not be divulged.

ùThe only portion of the Windows API that Microsoft must divulge is that portion used by ''Microsoft Middleware.'' Microsoft Middleware has been defined in the document to mean software that provides the same function as a ''Microsoft Middleware Product.'' Microsoft Middleware Product has been defined to include only the following software products, most of which are shipped with the operating system: Internet Explorer, Microsoft's Java Virtual Machine, Windows Media Player, Windows Messenger, and Outlook Express. The list specifically does not include Microsoft Office; therefore, that portion of the Windows API used by Microsoft Office need not be divulged, unless it is used by the other products as well. Moreover. Microsoft can craft its ''Middleware'' software so as to use an arbitrarily small portion of the operating system's interface, in particular avoiding that portion used by Office, so that no software vendor could attempt to write a software product that competes with Office.

ùThe only portion of the Windows API that Microsoft must divulge is that portion used by ''Microsoft Middleware.'' Microsoft Middleware has been defined in the document to include code that controls Microsoft Middleware—in other words, Middleware is defined in terms of itself. Therefore, a good lawyer could argue that Middleware is a meaningless term, and, by implication, Microsoft would therefore be required to divulge none of the Windows API whatsoever.

ùLastly (this is the personal favorite of the authors), ''Microsoft Middleware'' has been defined in the document to mean all the above, subject to the following: ''Software code ... shall not be deemed Microsoft Middleware unless identified as a new major version.'' This means that, even if Microsoft is thwarted from exploiting all of the other above loopholes, the company need only divulge that portion of the Windows API that is used by version 1.0, version 2.0, version 3.0, etc. of its Middleware. Therefore Microsoft can ship a crippled version of Internet Explorer 7.0 that uses none of the Windows API, along with similarly crippled versions of all its other Middleware products, and then ship an immediate bug fix in version 7.0.1 that uses the entire API. Microsoft would not have to divulge any of the Windows API at all.

Again, the agreement is riddled with holes such as this—these holes are all found in one paragraph alone, so one can imagine how useless and unenforceable the entire agreement is. Perhaps the most telling feature of the agreement is one of the document's last lines in which ''Windows Operating System Product'' is defined thusly: ''The software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion.'' In other words, if Microsoft wants to put a ham sandwich into Windows, it has free license to do so.

Legal Precedents

The federal government has the power, and has used it in the past, to regulate an industry in such a way as to require common standards of interoperability, rather than allowing individual corporations to create their own incompatible standards. Allowing the creation of incompatible standards allows one company in an industry to eliminate the availability of reasonably interchangeable services, thereby precluding direct competition. There are many examples, but, for illustration purposes, one is the setting of standard rail specifications.

Rail Track Width

The Constitution of the United States grants to the federal government the power to regulate interstate commerce. Congress therefore has authority to legislate in this area, and, among other things, Congress may regulate competition that takes place in interstate commerce. Congress has enunciated the ''rail transportation policy'' of the United States to include, among others, the following goals:

(1) to allow, to the maximum extent possible, competition and the demand for services to establish reasonable rates for transportation by rail. ...

(5) to foster sound economic conditions and to ensure effective competition and coordination between rail carriers and other modes [of transportation]. ...

(12) to prohibit predatory pricing and practices, ... [6, section 10101] The construction of a second or duplicate rail line may be prevented when it is not necessary and when it would depend for its revenue on taking traffic away from the preexisting line [4]. Competition in such a case would not be beneficial to the health of the national rail system. Allowing the duplicate line would create a different sort of competition as would be the case if the different carriers were forced to provide service over the same rails.

Congress may act on its own in regulating commerce, or it may delegate to a federal agency the power to regulate a particular industry. The railroad industry, for example, was placed under the jurisdiction of the Interstate Commerce Commission when that agency was created in 1887. In 1995, Congress abolished the ICC as such but established a new agency, the Surface Transportation Board, and transferred to that new agency much of the authority over the railroad industry that previously had been exercised by the ICC.

The Supreme Court of the United States held [5] that, under the Interstate Commerce Act, a railroad carrier owed to shippers of freight in its possession destined for points beyond the limit of its line, a duty to deliver that freight to a connecting line for further transportation to reach its destination. Also, the connecting line has a corresponding duty to receive and to carry that freight to the next carrier or to its ultimate destination if that destination was along that rail line. The Court indicated that, under that Act, the federal government could require the interchange of traffic between respective railroad lines and could require that those lines establish connections where such interchange may take place.

A rail carrier is required to provide facilities for the interchange of traffic and freight. The Supreme Court has declared that the ICC (and now the STB) has the authority to require the interchange of traffic, including not only trackage, but terminal facilities as well [7]. Congress also has required facilities for the interchange of traffic:

A rail carrier providing transportation subject to the jurisdiction of the Board ... shall provide reasonable proper and equal facilities that are within its power to provide for the interchange of traffic between, and for the receiving, forwarding and delivery of passengers and property to and from, its respective line and a connecting line of another rail carrier ... [6]

Title 49, section 11102(a) of the United States Code provides that the Surface Transportation Board ''may require terminal facilities, including main-line tracks for a reasonable distance outside of a terminal ... to be used by another rail carrier if the Board finds that use to be practicable and in the public interest without substantially impairing the ability of the rail carrier owning the facilities ... to handle its own business ...'' Section 11102(c) provides that the Board ''May require rail carriers to enter into reciprocal switching agreements ... where necessary to provide competitive rail service.''

Title 49, section 11103 reads as follows: On application of the owner of a lateral branch line of a railroad, or of a shipper tendering interstate traffic for transportation, a rail carrier subject to the jurisdiction of the Board shall construct, maintain, and operate, on reasonable conditions, a switch connector to connect that branch line or private side track with its railroad ... when the connection

(1) is reasonably practicable;

(2) can be made safely; and

(3) will furnish sufficient business to justify its construction and maintenance.

Before 1862, railroads in this country ran on tracks of different widths, or gauges. We quote from a letter received from an official of the Federal Railroad Administration: At the beginning of the U.S. Civil War there were 7 different gauges in use in the U.S. and Canada. Standard gauge accounted for 53% of the total, with 4′10″, 5′0″, 5′6″, and 6′0″ accounting for significant mileage. The Civil War brought to everyone's attention the problems associated with transferring people and freight from one rail system to another. The Northeast rail systems of the U.S. had used standard gauge from the beginning, because they had imported Stephenson Locomotives from England. [27]

In 1862 Congress enacted legislation to make possible the construction of the first transcontinental railroad, ''for Postal, Military and Other Purposes.'' One of those

''other purposes,'' obviously, was to facilitate interstate commerce. In section 12 of this statute, adopted on July 1, 1862, Congress provided as follows:

... The track upon the entire line of railroad and branches shall be of uniform width, to be determined by the President of the United States, so that, when completed, cars can be run from the Missouri River to the Pacific Coast; ... [14]

Congress was not satisfied with President Lincoln's decision with regard to the gauge of tracks for the transcontinental railroad [15], and on March 3, 1863, enacted another statue, which stated: Be it enacted ... that the gauge of the Pacific railroad and its branches throughout their whole extent, from the Pacific Coast to the Missouri River, shall be, and hereby is, established at four feet eight and one-half inches. [16]

This Act thus established four feet eight and one-half inches as the North American Standard Gauge [27].

The Surface Transportation Board has adopted many pages of detailed regulations on the subject of tracks. Many of these are for the purpose of setting a standard or uniform width between rails for railroads in interstate commerce and therefore under the Board's jurisdiction. These requirements specify that the rails must be no less than 4 feet 8 inches apart and no more than 4 feet 10 and one quarter inches. This makes it possible for any rail car to fit any tracks. See, e.g., 49 Code of Federal Regulation • • 213.51 and 213.323. The stated purpose of these particular regulations is safety, but since the government has power, under the Interstate Commerce Clause, to prevent monopolistic practices, and to ensure fair competition, such regulations also could have been enacted for those reasons as well.

Let us now describe two examples to aid in making our point.

Ex. 1: Suppose, hypothetically, that there is a very well-known railroad company that owns a large fraction of the world's rail lines but that does not own the rail line connecting Boston and New York. By the fact that this company owns so many rails, it has the ''brand-name'' advantage of being known to nearly all railway passengers and shippers.

Suppose this company recognizes that running its cars on the New York-Boston route would increase its profits substantially, but the company does not want to pay the owner of the line for the right to use its tracks. Suppose that the large company has bought a right of way between New York and Boston and is beginning to construct tracks on the right of way. The company will depend for its revenue on taking traffic away from the preexisting line, and there is little doubt that the large company will be successful in doing so, because it is a well-known rail carrier, and, given the choice between a rail carrier that one is familiar with and a carrier that one has never heard of, any given passenger or shipper is likely to choose the familiar name. As mentioned before, the federal government has the power to stop the construction of the duplicate line [4].

Ex. 2: Suppose, hypothetically, that there has been no rail line for many years directly connecting Boston and New York, and rail traffic must pass through other cities and travel in a roundabout way for several hundred miles more than the direct route, to carry freight or passengers from one of these two cities to the other. Many years ago there was a direct line connecting the two cities, but it has been abandoned for many years.

Suppose that the large company from the previous example has just bought the old right of way and is beginning to construct tracks on the right of way. However, instead of building rails that are the standard gauge of 4 feet, 8 and one-half inches apart, this company is placing its rails six feet apart. The company may claim that their reason for doing this is efficiency or better service, but the direct and obvious effect is to make it impossible for railroad cars of other companies, which are built for standard-width tracks, to run on the newly constructed line. Other carriers will have to unload freight and passengers and reload them on cars built for the non-standard tracks (owned by the large company), and this will make it possible for that company to earn more revenue and greater profits.

Can there be any question as to the government's authority to block the company from building wide-gauge tracks? Clearly, the government has power to require that the rails be standard width. The government has authority to prevent the construction of non-standard-gauge tracks, also to prevent monopolistic practices or anticompetitive practices, which the construction of such a line would represent. After all, railroads in interstate commerce are subject to the Sherman act, which prohibits conduct that extinguishes competition. [11, 12]

The adverse effect of monopolistic practices over several hundred miles of railroad track is infinitesimal compared to the effect that a monopolistic practice by Microsoft has on our economic system. The repercussions throughout the economy are much greater when Microsoft performs anticompetitive acts, but these hypothetical examples can be useful in explaining Microsoft's actions and their impact on competitors.

The Microsoft interface-abuse analogy is the combination of these two examples: It is as if (1) a railroad company were to build a duplicate set of tracks that (2) are also incompatible with preexisting tracks. If Microsoft were to offer compatible, alternative software, that software would compete head-to-head with other alternatives. However, by building and promoting alternative software that uses incompatible interfaces, Microsoft offers an alternative that depends for its revenues on taking business away from other companies' products, by preventing software by those other companies from competing head-to-head with Microsoft's software. This is the case because, by virtue of the fact that Microsoft's software is incompatible with that other software, a customer must choose one or the other and cannot (easily) have both. For example, developers writing software for Microsoft's implementation of Java cannot then run that software on the Sun JVM. Developers creating websites using Microsoft's incompatible HTML control statements are forced into the situation where their website works correctly only for Microsoft's web browser.

As we have shown in the railroad example, the government is justified in forcing companies to adhere to standards of compatibility if doing so furthers fair competition. The government is similarly justified in forcing Microsoft to adhere to standards of compatibility—doing so would not only further competition, but it would also prevent Microsoft from repeating many of its recent anticompetitive actions.

Intellectual Property Considerations

Copyrights and patents constitute property in the holder of the copyright or patent, and such property normally should not be taken away by the government except for good reason and should not be taken without providing compensation to the owner for the loss of that property. There is some authority to the effect that even if the owner of intellectual property has violated antitrust laws, the courts cannot take the intellectual property away from that owner [17]. May Microsoft and other companies in the computer industry claim the protection of our copyright or patent laws for their interfaces, even when those companies have violated the antitrust laws of the country? Computer programs may be copyrighted, and innovations in the workings of computers can be patented. Some user interfaces apparently can be copyrighted if at least some literary creativity has been used in the development of that user interface [18, 19, 20]. What about the ''internal'' interfaces that have been the focus of this article? Are these copyrightable, patentable? Judge Jackson, in his Final Judgment, had no difficulty in imposing his interim remedies against Microsoft, in requiring Microsoft to disclose its internal interfaces (the Windows API) to the public [13]. Copyright and patent law posed no barrier to requiring Microsoft to give up control of its interfaces, as far as he was concerned.

Even if internal interfaces are copyrightable, they cannot be used in such a way as to violate the nation's antitrust laws. In a case involving the Morton Salt Company [21], a competitor company was using a patent as a means of restraining competition, in violation of the antitrust laws. That company sought injunctive relief against Morton Salt, to restrain the latter from allegedly violating the patent. The court ruled in favor of Morton, reasoning that a patent should not be enforced where the patentee has used its monopoly power and the patent as a means of illegally restraining competition. Microsoft has used its Windows API, its most widely used computer interface, in ways that have violated the antitrust laws, and therefore the company should not be allowed to claim the protection of our patent or copyright laws to prevent the interface from being made public property.

The author of an article in the Stanford Law Review, written in 1993, before the advent of the current Microsoft case, said in that article that although the user interface may be copyrighted, since it may involve some literary or artistic creativity, an internal interface must not be copyrighted or patented. In that article, the author foresaw the problem that has arisen in the Microsoft

case. He predicted that antitrust problems would occur if such interfaces receive copyright or patent law protection:

[N]ew hardware manufacturers may find themselves compelled to use a computer's internal interface in order to make their machines compatible with software already independently developed for the competitor's computer. Without compatibility with preexisting software, the costs and possible limited availability of software will make consumers hesitant to buy the new hardware, even if it is superior. Thus, a copyright over an internal interface may yield a monopoly over computer hardware .... As one commentator suggests, copyright protection for elements necessary to achieve compatibility would encourage large, established firms to create incompatible products in an effort to set new standards, which they could then monopolize. Yet the public may embrace these new standards not because they are objectively preferable to either the previous standard or alternatives possessed by smaller firms, but because of the large firms' ''penetration pricing'' strategy or powerful brand name recognition.

[T]he law must be cautious about protecting elements necessary to achieve compatibility because even though such protection may, in some cases, serve innovation, it risks granting far-reaching, unjustified monopolies. Any intellectual property regime that covers interface elements necessary for compatibility must be able to weigh these factors in order to protect only those elements that are truly innovative enough to warrant protection .... Given the potential monopoly effects and the ambiguous innovation effects, not protecting elements necessary for compatibility, while imperfect, is preferable to overbroad, long-lived protection. Specifically, copyright should leave the following elements of software unprotected: (1) elements dictated by efficiency; (2) internal interface elements required to achieve compatibility; and (3) elements of user interfaces that have already become de facto interface standards. [22]

The author of the Stanford Law Review article foresaw clearly that internal interfaces must not be copyrightable or patentable, else serious abuses of the antitrust laws, such as those perpetrated by Microsoft, are likely. An internal interface that has become the standard for the industry should be considered public properly. Otherwise, problems such as those caused by Microsoft in the current case before the District Court are inevitable.

Our Position

To summarize, we propose two remedial steps that would prevent future misconduct on Microsoft's part. In remedial step A we propose that those of Microsoft's most widely-used interfaces, especially the Windows API 3 , should he made public and should be made universally available, without the threat of Microsoft's manipulating those interfaces to injure competition in the future. Furthermore, remedial step B proposes that Microsoft be prevented from undermining public interfaces so as to prevent future acts similar to fragmenting the Java interface.

3. A similar argument would suggest that the Office file formats be included in this list as well. To restore competition to the marketplace, we propose the largely monetary remedial steps C-H. These are aimed at redressing Microsoft's illegal, anticompetitive behavior towards Sun, Netscape, Intel, and others. Clearly the United States District Court has authority within current antitrust laws to impose those remedies against Microsoft.

Whether the District Court has the power to impose steps A and B as part of the package of remedies against Microsoft under current antitrust laws is not entirely clear. The United States Court of Appeals, in its June 28, 2001 opinion, did not mention this as a possibility, and these steps were not included as a remedy by Judge Jackson in his decision. It can be argued that declaring the Windows interface public is beyond the power of the courts under present antitrust laws, and that such a remedy can only be imposed though future legislation by Congress or through administrative regulation or adjudication under future statutory authority from Congress. On the other hand, it can be argued that the District Court does have the authority to declare the interface public as part of the array of judicial remedies against Microsoft in the case now before it. Antitrust law, after all, consists of federal statutes and the case law interpreting those statutes, particularly the body of case law generated by the Supreme Court of the United States over many years of antitrust litigation. These cases provide the District Court with a wide range of possible remedies and with a great deal of flexibility to address the problem at hand. The Supreme Court has said that in imposing remedies for antitrust violations the trial court is not limited to merely restoring the status quo. That court should compel the violator to take actions that will cure the ill effects of the violation or violations and also should take steps that will prevent the violations from continuing into the future and should deny the violators any future benefits from their wrongdoing [9, 10].

Arguably, the United States District Court has authority under present law to make the interface public as part of the remedies to be imposed against Microsoft in the present case. But, if not, Congress should enact legislation giving a federal administrative agency the authority to adopt regulations giving it the power to hold hearings regarding interfaces and the power to declare interfaces public when they become so widely used that commerce would be adversely affected if they are not declared public properly.

Conclusion

Computers fail to work when their internal interfaces, the rules by which computers and computer components operate and interact with one another, are disobeyed. These interfaces are essentially sets of rules, and we have shown that simply changing these rules can have significant economic impact. It is our contention that when one is in the position of writing the rules—any rules that affect a significant number of people—then one is obligated not to manipulate those rules to further one's own selfish interests.

The computer industry is similarly bound to the rules by which computers interoperate, and therefore any company with the ability to manipulate rules that affect a significant number of corporations has the ability to bend the behavior of those corporations to its will. Microsoft's ownership of the Windows API represents such an ability, because a substantial fraction of the world's hardware and software is dependent upon the specification of the Windows interface, the Windows API, and, when that API changes, all affected must update their hardware and/or software to remain compatible with Windows. Microsoft has demonstrated in the past that it is willing to use this ability to harm individual companies, and there is no indication that it will refrain from this behavior in the future. Therefore, to prevent future anticompetitive behavior from Microsoft, the ability to change the Windows API without limit to scope or timetable must be taken from the company. This is best done by making the Windows API a public standard and handing it to an independent standards institute (such as the IEEE, ANSI, etc.) to control, and to not allow Microsoft to change the API in its own products except under guidelines established by that institute. Microsoft could be prevented from suddenly changing the interface for its products so as to stamp out competition.

The effect of Microsoft's anticompetitive behavior is that the company retains its position as industry leader not by offering the most innovative, reliable, user-friendly products available, but by ensuring that any competing software product that shows the potential to be more innovative, reliable, or user-friendly than Microsoft's products is killed in its infancy.

Ultimately, it can be argued that Microsoft is cheating every computer-user in the world out of a better computing experience by holding back innovation in the computer industry and thereby keeping consumers' expectations of its own products artificially low. Judge Jackson ended the Findings of Fact expressing exactly this sentiment, and the excerpt summarizes Microsoft's behavior towards its constituents very plainly:

Most harmful of all is the message that Microsoft's actions have conveyed to every enterprise with the potential to innovate in the computer industry. Through its conduct toward Netscape, IBM, Compaq. Intel, and others, Microsoft has demonstrated that it will use its prodigious market power and immense profits to harm any firm that insists on pursuing initiatives that could intensify competition against one of Microsoft's core products. Microsoft's past success in hurling such companies and stifling innovation deters investment in technologies and businesses that exhibit the potential to threaten Microsoft. The ultimate result is that some innovations that would truly benefit consumers never occur for the sole reason that they do not coincide with Microsoft's self-interest. [2: • 412]

We have shown that Congress has the power to enforce industry-wide standards of interoperability and that Congress has used this power in the past. We have also shown that the regulating of its corporate behavior with regards to computing standards is the only way to prevent Microsoft from performing nearly identical acts of

anticompetitive behavior in the future as it did during the mid 1990's. Were Microsoft's Windows API to be named an open standard and the company to become regulated with respect to open standards, Microsoft would not be allowed to stifle and destroy other software vendors using its demonstrated ability to shift markets by manipulating the Windows API and undermining popular interfaces; the company would instead, for the first time in a long time, be forced to compete entirely on the strengths of its product.

Microsoft has engaged in violations of the antitrust laws of our country and continues to violate those laws. Judge Thomas Penfield Jackson's Findings were accurate—they showed just how relentless Microsoft's actions have been, and his decision showed that strong remedial steps are necessary to ensure compliance with the Sherman Act. The Court of Appeals agreed with his decision in it important aspects—that Microsoft was a monopoly and had violated the Sherman Act, and that preventive steps needed to be taken by the District Court, although by a different District Judge.

But Bill Gates kept denying and denying that Microsoft had done nothing wrong. He and other Microsoft officials kept denying the truth for a long enough period of time for another political party, the Republican Party, a party generally more favorable to big business than the Democratic Party, to come into power in January, 2001. President Bush appointed a new Attorney General to head the Justice Department and had the opportunity to appoint a new set of Assistant Attorneys General. So, one of the most powerful corporations in this country, a business founded and headed by a man who happens to be the wealthiest person in the world, with tremendous power and influence, and with the capacity to contribute substantially to political parties and the candidates he favors, violated the law but repeatedly denied any wrongdoing over a long enough period of time to enable another political party to come into power, with a new set of lawyers in the Justice Department, lawyers with an obviously different viewpoint when it comes to enforcing the antitrust laws.

Then the economy, in 2001, went into a serious downturn, and on September 11, 2001, our country was attacked by terrorists. In October, 2001, the newly staffed Justice Department entered into a proposed settlement with Microsoft that does not address the problems created by Microsoft's activities of the past several years and which will not prevent it from continuing to engage in the same kinds of illegal conduct in the future.

Hopefully the proposed settlement will not be signed by the states that, as of this writing, have refused to join with the federal government in attempting to settle the case. Also, hopefully Judge Kollar-Kotelly will refuse to approve and accept the proposed settlement and instead will impose meaningful and effective remedies against Microsoft. We hope that the suggestions in this paper, which would make the Windows API public property, owned and controlled by the public—will be included in any set of remedies imposed in the case.

The facts of the Microsoft case show unfortunate behavior on the part of Microsoft and its officers, and if they are not stopped from continuing to engage in that conduct, our system for regulating antitrust violations will have broken down. The facts of the case, as outlined in the Findings of Judge Jackson, require that significant, effective remedies be imposed. If this is not done, the system will have miscarried because Gates and Microsoft refused to admit to wrongdoing, even though it is clear that violations took place; because a different political party, with a different approach to antitrust law won the November, 2000 election and was able to replace the Attorney General with another; because the economy faltered, thereby placing pressure on the Bush administration to ease up in pursuing antitrust violations; and because the September 11, 2001 terrorist attacks required the full attention of the Justice Department and left little time for battling Microsoft. Thus, instead of reaching a decision based on the facts as developed by Judge Jackson, the District Court will have made a decision based on extraneous factors that have nothing to do with the merits of the case. Our system of justice will have failed.

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The Authors

Bruce L. Jacob is an Assistant Professor of Electrical and Computer Engineering at the University of Maryland, College Park. He received his Ars Baccalaureate, cure laude, in Mathematics from Harvard University in 1988, and his M.S. and Ph.D. in Computer Science and Engineering from the University of Michigan in 1995 and 1997, respectively. In addition to his academic credentials, he has extensive experience in industry—he designed real-time embedded applications and real-time embedded architectures in the area of telecommunications for two successful startup companies: Boston Technology (now part of Comverse Systems) and Priority Call Management (now part of the Sema Group). At Priority Call Management he was employee number 2, the system architect, and the chief engineer. He built the first working prototype of the company's product, and he built and installed the first actual product as well. His systems architecture helped the company grow from start-up to a $200 million leader in its segment of the telecommunications industry. In academic research, Jacob was responsible for the cache and memory-management design of the DARPA-funded PUMA processor, which demonstrated the viability of software-managed caches for use in general-purpose systems. His work in advanced DRAM architectures is the first comparative evaluation of today's memory technologies, and he recently received the prestigious CAREER Award from the National Science Foundation for this research. He has authored papers on

computer architecture and memory systems, low-power embedded systems, distributed computing, and astronomy.

Bruce R. Jacob began his career in 1960 as an Assistant Attorney General for the State of Florida. There he represented the respondent in the United States Supreme Court in the landmark case of Gideon v. Wainwright, 372 U.S. 335 (1963). Upon leaving that office, he engaged in the private practice of law in Barrow and Lakeland, Florida, in the firm of Holland, Bevis & Smith, now Holland & Knight. Following the completion of his LL.M. degree at Northwestern University, Professor Jacob joined the faculty of Emory University School of Law, where he established the Legal Assistance for Inmates Program at the Atlanta Penitentiary. He was appointed by the Supreme Court as counsel for petitioner in Kaufman v. United States, 394 U.S. 217 (1969). He received his S.J.D. at the Harvard Law School. While at Harvard, he served as a Research Associate in the Center for Criminal Justice, assisted in the establishment of the Harvard Prison Legal Assistance Project, and supervised the work of law students in the defense of criminal cases and in the representation of indigents in civil matters in the Community Legal Assistance Office, Cambridge, Massachusetts. Jacob subsequently served as Professor and Director of Clinical Programs at The Ohio State University College of Law, as Dean and Professor of the Mercer University School of Law and as Vice President of Stetson University and Dean of Stetson College of Law from 1981 through 1994. Presently he is Dean Emeritus and Professor of Law at Stetson. He is an author and co-author of articles on Criminal Law and Procedure, Civil Rights and Civil Liberties, and the Administrative Law of Corrections. While on sabbatical leave during 1994–95, he took courses in the LL.M. program in Taxation at the University of Florida College of Law, and received that LL.M. in 1995. He has taught courses in criminal law as well as in tax law, administrative law, and state constitutional law. Copyright ?? 2001, Bruce L. Jacob and Bruce R. Jacob

MTC–00002666

From: rick strzelecki
To: Microsoft ATR
Date: 12/4/01 11:27am
Subject: Proposed Microsoft settlement

Renata Hesse, trial attorney, Antitrust Divisioon

Dear Ms. Hesse:

Thank you for giving consumers an opportunity to respond to this proposed settlement. As a teacher, I had access to a computer lab from the early 1980's until my retirement in 1995. During that time we progressed from Commodore 64's to MAC's and the more sophisticated PC's. Whenever given a choice, I always opted for Microsoft software because the subject selection was excellent, it was user friendly and the price was reasonable. The very small budget we were given to work with made it imperative to put a price on value. I was impressed through the years that while both content and user friendliness continued to advance, the prices remained reasonable. The limit on my budget, needless to say, had not advanced. After retirement I continue to watch my grandchildren from tots on up develop, improve and enrich skills with software that is affordable; and I am delighted with the capabilities of my PC.

Therefore, based on my very positive experiences as a consumer, I would like to see this settlement stand. I think it is time to put an end to all of the time, energy and money that has been expended on this case. Surely future time, energy and money can be put to better use by all parties concerned.

Thank you again for considering my response.

Sincerely,
Adelaide Bodoia
2317 Dublin Dr. NW
Olympia WA 98502

MTC–00002667

From: Gordon Tillman
To: Microsoft ATR
Date: 12/4/01 11:02am
Subject: Microsoft's Proposal

Howdy Folks,

Just want to offer my two-cent's worth... I feel very strongly that Microsoft's proposal is a blatant attempt by the company to extend its monopoly even further.

They should be heavily penalized for their crimes. The Justice Department should take the money and use it to help defray the expenses that our federal government has incurred in helping to bring up the level of technology in the schools.

Regards,
Gordon Tillman
Senior Software Development Specialist
AGS/Lindy Software

MTC–00002668

From: nelson@sass165.sandia.gov@inetgw
To: Microsoft ATR
Date: 12/4/01 11:58am
Subject: Help Benefit Students

I believe Redhat's idea of offering their O/S and software freely that Microsoft may donate more hardware is an excellent idea. Allowing Microsoft to provide students with all and only their software, hardware, etc. will only increase Microsoft's monopoly in the long run. Students will be forced and will become accustomed to Microsoft products. Don't allow Microsoft to secure their future through what should be a punishment. Thank you for your time.

http://www.redhat.com/about/presscenter/2001/press_usschools.html

MTC–00002669

From: Peter G. Robertson
To: Microsoft ATR
Date: 12/4/01 11:53am
Subject: Microsoft vs DOJ settlement

I am a shareholder in several companies that have been injured by the monopolistic practices of Microsoft. As a result, I, too, have been injured by Microsoft. As an injured party, I am opposed to the DOJ settlement because the settlement in no way punishes Microsoft for its past practices for which it has already been found guilty. How can a party be found guilty and not be punished for its criminal activities?

The proposed Settlement undermines our whole governance by Rule of Law. As for the settlement preventing future transgressions, I call your attention to code written into Microsoft's Office X for Macintosh which limits the life of the product to one year unless the user pays Microsoft an annual fee even though the user paid full price initially for the product. The only reason Microsoft has not activated the code is because it didn't want to jeopardize the DOJ settlement. It will do so once the settlement is finalized. That certainly smacks of a ''Predatory Practice'' to me especially since businesses that use the Macintosh platform have to be able to interface with others that use the Wintel platform that is dominated by Microsoft software. Please re-establish the Rule of Law by making Microsoft at least pay retribution to the Companies it injured or drove out of business. The DOJ has not even considered the injury caused to shareholders. You need to factor that into your Settlement decision as well.

Thank you for allowing the injured public a chance to comment on such an important matter.

Respectfully yours,
Peter G. Robertson

MTC–00002670

From: WJ Cornelieus
To: Microsoft ATR
Date: 12/4/01 11:45am
Subject: More anti-competitive, pro-Microsoft propaganda from Intuit.

Hello DOJ.

The snip below is from this web page which appeared 12/4/01:

http://www.macintouch.com

Intuit is the maker of Quickbooks and Quicken financial management software. See what Intuit supervisors are telling the employees about a Microsoft competitor.

MacInTouch reader Paul Taylor wrote about a recent experience with Intuit sales:

''I just received an unsolicited phone call from Intuit to sell me TurboTax. The agent [...] finished her sales pitch, and I agreed to purchase TurboTax. I have used MacInTax (now known as TurboTax for Macintosh) for many years now and believe it to be a good product.

''When I informed [her] that I used a Macintosh, not a Windows machine, she informed me that the price would be $10 more that she had been quoting. She had said the Windows version was $39.95, and the Mac version would be $49.95. When I asked why the Mac version was $10 more, she said she had been told by her supervisors that the ''Macintosh was an outdated computer,'' and that ''it ?????? was more expensive to produce [TurboTax] for [the Mac]. There are more Windows computers.''

Thank you for listening.

M. Clark

MTC–00002671

From: root@wt6.usdoj,gov@inetgw
To: Microsoft ATR,antitrust @ftc.gov@inetgw, Ralph@essen...
Date: 12/4/01 12:02pm
Subject: Microsoft Hegemony: ''Electricity? Who needs it?''
CC: letters@latimes.com@inetgw,letters@sjmercury.com@i...
Re: Microsoft Advises Workers on Deal

Microsoft Corp. this week outlined for employees the requirements of the

company's proposed settlement with the Justice Department and urged them not to discuss the plan via e-mail.

Microsoft, the Software Arm of America, Inc., declines the efficiencies of internet email in it's development of the world's communications infrastructure, to prevent our holding it accountable in the future for it's tightening stranglehold over us. Fanatically asinine, Uncle Sam... show us your @$$ once again, it's so pretty.

Previously, the software giant was seriously hurt in different courts by electronic correspondence that was exhumed as part of the litigation process.

Why not disconnect the phones too? And build a moat around the fortress? ''Electricity? Who needs it?''

MTC–00002672

From: Hoffman, Timothy S
To: Microsoft ATR
Date: 12/4/01 12:00pm
Subject: DOJ/Microsoft Antitrust Settlement

The settlement that has been reached between the DOJ and Microsoft will do nothing more than strengthen Microsoft's monopoly of the PC/OS industry. I am ever amazed by the inability of our Government to control Corporation's such as Microsoft. Any half-educated person should be able to deduce that if Microsoft is allowed to replace software in our school's, which is still a large part Mac (non-Microsoft), with their software this will doing nothing more than eliminate the competition completely. This will be done by seducing our students into becoming familiar with their products and when released into the 'real-world' they will have no experience with any other technologies other than 'MS Windows'. Though this is not a forum for technical opinions and/or debate, most knowledgeable IT ''guru's'' agree that Microsoft continually produces inferior products. On the surface appearing more user friendly and available while beneath the scenes threatening our very Security. If the DOJ had been thinking they might of come up with something like Red Hat's offering which I have included below. Consider what will happen in 5 years when Microsoft is allowed to charge these schools for renewing their licenses.

Timothy S. Hoffman
Distributed Computing Consultant
Core Services/Central Support
ALLTEL Information Services
501.220.6893

RESEARCH TRIANGLE PARK, N.C.-(BUSINESS WIRE)-Nov. 20, 2001-Red Hat, Inc.

(Nasdaq:RHAT—news) today proposed an alternative to the settlement announced today of the class-action lawsuit against Microsoft. Red Hat offered to provide open-source software to every school district in the United States free of charge, encouraging Microsoft to redirect the money it would have spent on software into purchasing more hardware for the 14,000 poorest school districts. Under the Red Hat proposal, by removing Microsoft's higher-priced software from the settlement equation, Microsoft could provide the school districts with many more computers—greatly extending the benefits Microsoft seeks to provide school districts with their proposed settlement.

Microsoft had proposed that, in settlement of class-action claims of price-gouging, the company donate computer hardware, software and support to 14,000 poor school districts throughout the United States.

Under the proposed settlement, a substantial part of the value provided to schools would be in the form of Microsoft software. The Red Hat's alternative proposal includes the following:

*Microsoft redirects the value of their proposed software donation to the purchase of additional hardware for the school districts. This would increase the number of computers available under the original proposal from 200,000 to more than one million, and would increase the number of systems per school from approximately 14 to at least 70.

*Red Hat, Inc. will provide free of charge the open-source Red Hat Linux operating system, office applications and associated capabilities to any school system in the United States.

*Red Hat will provide online support for the software through the Red Hat Network.

*Unlike the Microsoft proposal, which has a five-year time limit at which point schools would have to pay Microsoft to renew their licenses and upgrade the software, the Red Hat proposal has no time limit. Red Hat will provide software upgrades through the Red Hat Network online distribution channel.

A Win-Win Approach

The Red Hat proposal achieves two important goals: improving the quality and accessibility of computing education in the nation's less-privileged schools, and preventing the extension of Microsoft's monopoly to the most-vulnerable users.

''While we applaud Microsoft for raising the idea of helping poorer schools as part of the penalty phase of their conviction for monopolistic practices, we do not think that the remedy should be a mechanism by which Microsoft can further extend its monopoly,'' said Matthew Szulik, CEO of Red Hat. ''Through this proposal all of the states and all of the schools can win, and Microsoft will achieve even greater success for its stated goal of helping schools. By providing schools with a software choice, Red Hat will enable Microsoft to provide many more computers to these schools. At the same time, the schools can accept this offer secure in the knowledge that they have not rewarded a monopolist by extending the monopoly. It's now up to Microsoft to demonstrate that they are truly serious about helping our schools.''

MTC–00002673

From: Marv Watkins
To: Microsoft ATR
Date: 12/4/01 2:10pm
Subject: Opposed to proposed Microsoft settlement

Dear Sirs:

I wish to express my opposition to the proposed anti-trust settlement with Microsoft. Microsoft has, through illegal means, driven many good software companies out of business. This often repeated behavior has directly reduced the choices available in the software marketplace.

Microsoft's illegal behavior has directly increased the cost of that software which we can buy. oreover, Microsoft's monopoly has indirectly increased the cost of maintaining that software by forcing shoddy, low quality software on the public as its only choice. The proposed settlement will, in my opinion, do nothing to change or curtail Microsoft's illegal predatory business practices. Therefore, I do not believe that the proposed settlement is in my best interest nor that of the general public.

I respectfully request that you set aside the proposed settlement and that the Federal Government pursue a more substantial punishment against Microsoft.

Sincerely,
Marvin Watkins
16960 Cypress Way
Los Gatos, CA 95030
marvw@best.com

MTC–00002674

From: david faibish
To: Microsoft ATR,microsoftcomments@doj.ca.gov@inetgw,...
Date: 12/4/01 1:17pm
Subject: DOJ/ms penalty—edu/pc vs mac free choice

Since anti-competitive behavior is a core is issue in the doj/ms case, may I please suggest that any penalty imposed on MS which results in ms underwriting the cost of pc and software—especially in the education marketplace—be constructed such that the either the recipients are given an equal and unencumbered choice of a mac vs a wintel box, or indeed that a portion (fixed, or indeed perhaps all) go to macs. since ms makes lots of money from its mac business unit, t should in principal be indifferent as to which platform it spends its money on. therefore, in the interests of preserving competition in the education market (which is very key for apple), the settlements should not have the perverse effect of actually_further_limiting competition in the edu marketplace.

Thus the settlement should provide an opens system that lets edu users (predominately institutional buyers) chose for themselves, or in fact mandate the whole thing be mac—in order to actually_increase_ competition (or at least diversity) in the edu marketplace.

regards:dlf

MTC–00002675

From: Matthew Stokes
To: Microsoft ATR
Date: 12/4/01 2:33pm
Subject: Microsoft Antitrust Settlement Comments

For years now computer buyers and sellers have had to deal with Microsoft, Buyers were saddled with Windows whenever they purchased a new system regardless to whether or not they really wanted the operatinging system. Further more the product itself was generally shipped with known flaws which Microsoft took it's own time to finally get around to fixing often times requiring upgrades to newer versions of their code which the consumer then had to pay for. It is time that the monopolistic practices of this behemoth be stopped. I applaude the court system for finding Microsoft in violation of the law.

Unfortunately though, it seems that the penalty does not fit the crime. Allowing Microsoft to be kept in tact and furthermore to force feed schools with more of it's operating system and software does little to curtail what it is already doing. It amounts to a slap on the wrist and the government looking the other way while Microsoft goes merilly on it's way continuing to violate the law. Other than breaking up Microsoft, the only other solution that may help is the recent response from RedHat to provide the OS and support for the systems that Microsoft would purchase for the schools. This would impose a monetary penalty on Microsoft having to foot the bill for the computers while stopping it's continued in roads into the schools.

Do something about this problem and don't just look the other way. We need this practice to stop and a true penalty to be imposed not just a wink of the eye after a mild scolding...

MTC–00002676

From: mash@arizonaeha.org@inetgw
To: Microsoft ATR
Date: 12/6/01 3:38pm
Subject: MS Settlement

Windows XP now prohibits users from changing hardware at random. (if you test software and hardware products, you now have to go through the bureaucratic nightmare of having to ask Microsoft for a new license Key after changing hardware a couple of times.)

You wanna tell me how a software manufacturer has the legal right to tell you, (simply because you modified your hardware) you can no longer use what you already paid for? (unless you invest more time and money dealing with their licensing department)

CONGRATULATIONS: DOJ, THE MONOPOLY LIVES ON, BUT ITS OK BECAUSE ALL OF YOUR MASTERS ARE GETTING SUBSTANTIAL CAMPAIGN CONTRIBUTIONS. (I love this country!)

MTC–00002677

From:
dennis.kaminski@rapistan.com@inetgw
To: Microsoft ATR
Date: 12/6/01 3:45pm
Subject: Settlement

Gentlemen,

Microsoft was a monopoly is still a monopoly and based on the settlement, will continue to be a monopoly. Microsoft does not follow most standards but leaves things out or adds a twist to make itself and other systems partially incompatible.

Through software changes and bundling they have driven out most of the competition.

Computer systems have been my career for over 25 years. I believe the operating system should be separated from the applications. As long as the operating system and applications come from the same company, Microsoft will be a monopoly.

Thank you
Dennis Kaminski
Manager Technical Support
Siemens Dematic, Rapistan Division
(616) 913–6431

MTC–00002678

From: Dylan R. Tullberg
To: Microsoft ATR
Date: 12/4/01 2:35pm
Subject: Remarkable

Just like the FTC to support monopolies. Microsoft and Verizon should both be FTC subsidiaries. And the DOJ their lawyers.

Dylan Tullberg

MTC–00002679

From: Bill Parish
To: rickbe@microsoft.com@inetgw, steveb@microsoft.com@i...
Date: 12/4/01 2:44pm
Subject: Microsoft Scheme Collapses Enron and Excite at Home bcc: leading business journalists, regulators, pension managers and academics

Hello Steve.

This week I posted a series of ''raw notes'' regarding activities at Microsoft in the billparish.com report.

The report, a work in progress, is now available on my website at www.billparish.com. This report is an excellent way for readers to get a genuine inside look at some of your not yet disclosed business strategies. The report also includes seven specific recommendations to help energize the technology sector and the economy in general.

I continue to be optimistic that you and Bill will want to get together and share a few ideas regarding how you might adopt a more win/win oriented approach and help stabilize the pension system. Please do not think that, given the strong tone of this report, I am unwilling to talk. This will be the first in a series of 10–13 reports.

One area examined in the report is your brilliant use of Paul Allen's enterprises to pry your way into new markets. It is astonishing that the DOJ did not consider any of this activity given that Allen is Microsoft's 2nd largest shareholder. One such Allen entity, Charter Communications, is the nations 4th largest cable company and already positioned to convert most software and support to MSN based relationships.

Similarly, Qwest has already converted all its high speed DSL in 14 Western States and renamed it MSN Broadband. Imagine that while at the same time you are using Cox, Comcast, Rogers Cable in Canada and other foreign cable entities to destabilize and either directly or indirectly take over AT&T broadband, the nations largest cable system. How could a judge possibly approve the DOJ settlement with such activity occurring?

Due to the significance of the cable system, Parish & Company now formally supports a government bail out of AT&T broadband with the objetive of maintaining competition in this most important industry.

This would be an excellent point for a leading journalist to make. It is almost silly to be talking about a bailout of Enron, a company that should clearly be allowed to fail.

Other topics include discussions involving Microsoft's circles of influence and how your pyramid scheme is collapsing major companies in a variety of industries, in addition to being the root cause of the current economic slowdown. It can't be long before even Alan Greenspan starts seeing the staggering cost to productivity created by all the Windows based viruses such as ''I love you'', etc. And this product liability issue is but one small issue regarding your overal scheme.

One common sense strategy here regarding viruses would be for the states to organize and initiate massive product liability actions designed to recover support costs and force you to re engineer your products to prevent such viruses. You must be genuinely surprised that few of your competitors have realized that this is indeed your real vulnerability, not anti-trust actions. Please do let me know if take exception to anything in the report Steve. Best regards.

Sincerely,
Bill
Bill Parish
Parish & Company
10260 SW Greenburg Rd., Suite 400
Portland, Oregon 97223
Tel: 503–643–6999
Website: www.billparish.com
Email: bill@billparish.com
CC:robert.t.parry@sf.frb.org@inetgw,radkem@sec.gov@in...

MTC–00002680

From: Garry Dufresne
To: Microsoft ATR
Date: 12/4/01 2:39pm
Subject: regarding Microsoft settlement

To whom it may concern;

I want to express my extreme displeasure with the settlement proposed between the Federal Government and Microsoft. This settlement is far from adequate to address the damage done by Microsoft's monopoly with in the computer industry. I believe far more severe sanctions should be imposed to assure that Microsoft does not continue it's overly aggressive and illegal actions which stifle real competition and enterprise within the computer industry.

GARRY DUFRESNE
Seattle, WA

MTC–00002681

From: Blaize Clement
To: Microsoft ATR
Date: 12/4/01 2:56pm
Subject: Microsoft

Just one example of how Microsoft has an unfair advantage is that as a freelance writer, I am not able to submit work to many publications or internet sites because I use a Mac. I should not be forced to use a Windows-based program to sell my work when I prefer the more efficient Apple system. Please don't let Microsoft control my personal choice and that of a lot of other writers.

Thank you,
Blaize Clement

MTC–00002682

From: James J. Stewart
To: Microsoft ATR
Date: 12/4/01 2:54pm
Subject: Comment—Against the proposed settlement

We consumers have overpaid for Windows and Office, due to lack of sufficient, price-restraining competition. That's why Microsoft has $36B in short-term reserves, per today's WSJ.

Please toughen the settlement to truly undo this abusive monopoly. One way would be to declare Microsoft source code in the public domain.

Best regards

James J. Stewart

mailto:ProfStewart@csi.com

http://ourworld.compuserve.com/homepages/ProfStewart

permanent tel: +49 711 677 1261

mobile tel: +49 171 141 6360

permanent fax: +49 711 677 1262

-Sie k?nnen jederzeit Deutsch sprechen

-Usted puede hablar espa?ol en cualquier momento

MTC–00002686

From: Stephen Woolverton
To: Microsoft ATR
Date: 12/4/01 5:22pm
Subject: Microsoft AntiTrust Settlement

Sirs:

The proposed Microsoft donations to schools is a free path for Microsoft to oust Apple from it's position in our schools.

Stephen

Stephen Woolverton

Marathon Computer, Inc.

1619D Elm Hill Pike

Nashville, TN 37210

615/367–6467

615/367–6468 fax

www.marathoncomputer.com

MTC–00002687

From: rage
To: Microsoft ATR
Date: 12/4/01 4:53pm
Subject: Microsoft case...

They are obviously a monopoly. Break them up..

MTC–00002688

From: Robert Remington
To: Microsoft ATR,
mcarona@ocsd.org@inetgw,
rremington@w...
Date: 12/4/01 3:23pm

Subject' 11/28/2001 Intentional Food Poisoning

My family has once again prepared food that has been poisoned with an agent that solidifies waste products in the area between the small and large intestine, making elimination almost impossible.

The agent was prepared in a home made pastry on Wednesday, November 28, 2001. I ate the pastry after I had returned from the studio audience tapings of the Tonight Show and Late Friday at NBC Studios in Burbank. Once again, video surveillance of my home as well as next day newspaper feedback from the Orange County Register's Horoscope section as well as a few of the comics confirm the attack and subsequent discomfort. The PAC of Disney and Disney affiliated people along with their business partner, Mc Donald's Restaurants of suburban Chicago continue to harass me, targeting me because of the influential essays on their continued subversion, obstruction of justice, illegal use of funds, and assaults.

A large land transaction in Orange County with the Irvine Company as well as Major League Baseball's contraction negotiations in Chicago are part of the scenario. It plays like this: ML Baseball has announced that 2 teams will be eliminated from the League in a year or so due to unprofitable business. The most likely of the teams are the Minnesota Twins, Florida Marlins, Montreal Expos, as well as the Tampa Bay Devil Rays. The MLB contraction game also involves millionaire owners who will shuffle properties. It has been suggested by many in the media that the Marlin's owner will sell the team and purchase the Anaheim Angels from Disney Corporation and the Expos will be purchased by all of MLB, and then eliminated in a year or so. The new Marlins owner would then move the Florida Marlins to the Washington DC area where MLB has been missing since the Washington Senators left town years ago.

The other team that would fold would then be the Minnesota Twins, although after the Tuesday Chicago meeting of baseball's owners, the Minnesota Legislature drafted legislation to keep the Twins in Minnesota, thwarting the MLB owners' efforts at contraction. So, where does it stand now, and why are people so mad to attempt assaults and subversion???? Millions of dollars in concessions from the Disney Corporation as they try to put a public relations spin on Uncle Walt's 100th birthday celebration last weekend (designed to coordinate with the gift of private land to the public by the Irvine Company last week) without resolution on the necessary sale of the losing NHL Mighty Ducks Hockey Team and Anaheim Angels. Since the Microsoft Anti-Trust Trial has been placed on indefinite permafrost, the other large 'Power Kite' was the transfer of money and ownership between MLB owners and Disney as Disney tries to assimilate the 5.2 billion dollar purchase of the FOX / Haim Saban Power Rangers—FOX Family Channel deal.

So, MLB places the team transfers on hold for a year, while Minnesota enacts legislation to keep the Twins in Minnesota. MLB owners have to buy out the Expo's owner and run the Expos. Disney's hopeful sale of the NHL Mighty Ducks and MLB Anaheim Angels is stuck in neutral for a year ... good! All of their stalling on my settlement for over ten years is now begining to receive a message about fair business practices. The OC Register and LA Times mentioned how so many people are extremely upset because the MLB baseball swaps did not go down as planned.

The 12/4/2001 Randolph Itch 2 A.M. cartoon in the OC Register sums up the intestinal poisoning ... and the Leo Horoscope details one of the remedies I used, large Sunsweet Prunes with pits as opposed to the family's Sunsweet Pitted Prunes kept in the refrigerator. The comment went to my sister, a Leo, saying that her pitfall was not knowing I purchased a new version. The Get Fuzzy cartoon also mentions a muffin today ... the actual pastry was a home made coffee cake. My three visits to NBC—Burbank and follow-up on employment applications at KNBC-TV and the NBC Network were no more than a continued search for legitimate employment at a company I have visited since 1977, 0therh especially archrival A0L / Time-Warner, with a major studio down the street from

NBC, and Disney, with their corporate HQ only blocks from NBC in the opposite direction from Warner Studios, see my visit as a challenge to their 'supreme' right to decide 'other's' careers. Most of these characters have fancy titles at large corporations, however most of them have little legal experience, backed by the large corporate staffs that may be ignorant of their actions. These challengers are no more than smoke and mirrors, in fact they have acted in totally illegal manners without prosecution from the Justice Department or local authorities. Bringing it all together, and closer to home ... the business relationships my brother-in-law, A1 Rex and my sister Bonnie have with A1's corporate employment at McDonald's regional offices in Irvine as well as my family's sentimental attachment and brainwashing with Disney 'magic' have caused my immediate family to continue to subvert my efforts to obtain a satisfying career, stalling the replacement of money that was stolen from me, and invested in real estate and stocks without my consent.

The fact that I am fighting for my rights, and that previous investigations by the US Department of Justice and the Orange County Sheriffs Department have proven my allegations to be correct, is the reason for this message. Please instruct these people to cease all of the food poisonings, and return all of my stolen money to me with interest, or in the event that your polite messages are again refused, freeze their bank accounts as terrorists for many years without prosecution, and rightfully return my money to me as well as interest and penalties for uncovering federal and state corruption, as provided by law.

Thank you, Robert Remington

MTC–00002689

From: jcromie@divsol.com@inetgw
To: Microsoft ATR
Date: 12/4/01 6:38pm
Subject: slap on the wrist

Gentlemen,

I think the DOJ–MS settlement is a sham. Judge Jackson was correct in concluding that MS was unrepentant, and in denial that they ever did anything wrong. How can they be expected to police themselves? Youve given them any number of vague escape clauses, such that they can thread the entire company thru the loop-holes provided.

MTC–00002690

From: Ed Noonan
To: Microsoft ATR
Date: 12/4/01 6:11pm
Subject: Microsoft Settlement

Hello

Though I'm from Michigan, a state that settled with Microsoft, I am outraged that this state and the Federal government did so. I am a retired attorney, former consumer affairs specialist, computer science educator and a computer expert, who feels strongly that consumers are the losers in the proposed settlement. By this settlement, Microsoft gets away with flagrant antitrust violations thereby undermining confidence in the very nature of our government. If Microsoft isn't a monopoly worthy of breakup, there is no substance to the entire Sherman Act. Thousands of industrious computer software developers have been harmed by Microsoft's predatory and wholly illegal practices.

Instead of being offered quality software products, Microsoft's tactics have restricted consumer choices to the detriment of all consumers. Microsoft must be brought to justice. The company must be dismantled. Please do all you can to kill the proposed settlement.

Ed Noonan
3988 Beeman Rd
Williamston MI 48895
(517) 655–2761
Torchbearer, 2002 Olympics.
CC:miag@ag. state.mi.us@inetgw,uag@att.state.ut.us@ine...

MTC–00002691

From: matt shipley
To: Microsoft ATR
Date: 12/4/01 6:05pm
Subject: Microsoft woes...

I think they should be broken up. I see NO reason for every piece of software I own to be written by the same monopolistic company. I don't understand the reason the government is unable to do such a thing. Please, for the sake of ALL of us, break them down into smaller, more effective companies that will allow greater competition.

-matt shipley

MTC–00002692

From: Jean
To: Microsoft ATR
Date: 12/4/01 6:04pm
Subject: Microsoft anti-trust trial settlements and penalties

To whom it may concern,

I am very dissatisfied with the state of settlements and penalties applied to Microsoft for the crime Bill Gates and his company perpetrated against the the software and computer industries. By eradicating his competitors in the most unfair fashion, Mr. Gates robbed us, the computer users from the benefit of better and more creative software and destroyed the income of other creative software developers in the name of greed.

I feel that the proposed settlements and penalties are very inadequate. They are too weak and do not fit the crime. They do not assure deterrence and prevention of any future recurrence of such unfair practices. They also do not address the damage done to everyone, users and developers. We must send a message that ''Greed does not pay'', Microsoft/Bill Gates should pay back in a way that serves every community around the states ... Mr. Gates is one of the richest man on the planet because of it, and we can't let him get away with it. He must pay the appropriate penalty and make amend in a meaningful way.

Thank you for your continued fight for justice.

Mr. Jean ''de Galzain''
P.O. Box 2404
Oceanside, CA 92051
E-mail: vava@cts.com

MTC–00002693

From: John Hunt
To: Microsoft ATR
Date: 12/4/01 8:59pm
Subject: Microsoft Settlement

Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse,

I am writing this to offer my support for the settlement as it is now written. While I have been against this case from the beginning (both on merit and for economic issues) and feel STRONGLY that the DOJ in its unconsidered actions has precipitated the economic downturn that we must all now live through.

I hope the careers of those responsible for pursuing this case are damaged as much as my business has been by the current economic climate (you can credit 5 unemployed people from my company alone to this).

It is time to end this case and get back to rebuilding our digital economy. Next time I hope the government is more considerate of collateral damage when they start a case such as this one.

Sincerely,
John Hunt
Hunt Interactive, Inc.
13218 NE 20th St.
Bellevue, WA 98005
425–746–7880

MTC–00002694

From: Maurice Leverault
To: Microsoft ATR
Date: 12/4/01 8:51pm
Subject: Sellout to MSN is poison!

Inovators and creative small startups are only fodder for the rapacious robber barons, Bill Gates and Ballmer. Sellout by the DOJ is defined as good. My opinion matters little when our Attorney General with the blessings of our Pres. & VP of our USA, allow this monster to grow tennacles, rob and rape. These are powerful wealthy men wielding influence and power employing their ill-gotten goods to litigate! In an effort to control confidential data and communication via eNet is poison. This is dangerous territory! Will we stand by and watch this happen right under our nose? With impunity, they squeeze and blackmail until they win. Our monopoly laws are a farce only proven in this MSN case!! If we allow this to continue, we deserve it. What a big business disappointment with our present administration. mal

MTC–00002695

From: Allen Davis
To: Microsoft ATR
Date: 12/4/01 8:45pm
Subject: DOJ vs microsoft

I believe the settlement is a fair one

MTC–00002696

From: Kdjrdenton@aol.com@inetgw
To: Microsoft ATR
Date: 12/4/01 8:12pm
Subject: Microsoft settlement

It is my opinion that the Microsoft settlement is just. I feel that Microsoft has earned their market share, and has not acted as a monopoly, because it is not a monopoly. The consumer chooses the software they want to use.

MTC–00002697

From: root@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 12/4/01 10:31pm
Subject: Doj-Microsoft settlement

I would like to say that I don't agree with the current settlement that is proposed by Microsoft. I don't understand how a corporation convicted of monopolistic business practices is allowed to settle by paying a minimum amount.

Also, why should they be allowed to buy their way into another source of future revenue? Isn't that what this was all about in the beginning. Allowing Microsoft to settle with a slap on the hand is not sufficient. It just goes to show others that the one with the big wallet has their way over the rest of us. I don't believe that allowing them off the hook is going to bring back the tech sector.

The only thing that will come back is Microsoft's guaranteed income and not the rest of ours. This is just an excuse to allow them to implement technology that they want on their terms. (monopoly).

Thanks for taking the time to read this.

Richard H. Quaas

MTC–00002698

From: Rick Alexander
To: Microsoft ATR
Date: 12/4/01 9:36pm
Subject: Comments on proposed settlement

The proposed settlement of the Microsoft suit is inadequate and unfair. It gives Microsoft an easy path into the only market it still does not monopolize...education. Also, the settlement is inadequate for the crime and the size of the company.

Sincerely,
Rick Alexander
P.O. Box 1325
Blue Hill, ME 04614

MTC–00002699

From: LAZ0002
To: Microsoft ATR
Date: 12/4/01 9:00pm
Subject: Microsoft Settlement

Dear Sirs,

Your recent settlement agreement with Microsoft falls way short of what anyone I know would call fair.

How can it be fair when they continue to ''bundle'' extra software and call it an ''operating system''?

A case in point would be their latest release, Windows XP. It contains CD ''burning'' software that allows you to make music or data CD's. A company call Roxio also makes this type of software, called EasyCD Creator 5. Since you have to have an operating system to run a program like EasyCD Creator 5 and the Windows O.S. already has such software in it, why would anyone pay for the samething twice?

The only thing that would be fair would be to force Microsoft to unbundle all of it's software and prohibit it from forcing, in any way, computer manufactures or customers to buy something that they don't want to get something that they do.

That way, a customer would be able to pick and choose the software that best fits there needs without having to purchase unwanted software. And since this would force Microsoft to display their individual software products side by side with their competitors, competition would be greatly improved.

In this way a customer would be better served by making the choice entirely theirs.

Thank you for your time.

C. Lazarich

Kent, WA.

MTC–00002700

From: tom poe
To: Microsoft ATR
Date: 12/4/01 10:41pm
Subject: Settlement Comment

Hello:

Schools need computers. Microsoft stands in a position to provide some $1 Billion in computers for schools. This settlement provides nothing but a cheap [beautifully packaged], exclusive marketing campaign to a ''captured'' underage audience. This settlement is a sham and disgrace to all parties involved. You have Open Source software with unlimited technical support, free updates, local, state, and national Users' groups ready and willing to assist, software that out-performs Microsoft on every level for ''no cost'', yet you continue to press for ''justice'' through some perverse reward system designed to benefit Microsoft in a way that lottery players can only dream about?

Tom Poe

2044 Plumas

Reno, NV 89509

MTC–00002701

From: John Craven
To: Microsoft ATR
Date: 12/4/01 10:33pm
Subject: Suggestion

To whom it may concern:

The proposed settlement does not prevent Microsoft from continuing it's monopoly. It's nothing more than a slap on the wrist. Companies may be given the ability to load other operating system on the boxes they sell, but now that Microsoft is in control of 90%+ of the market, there is no incentive for those sellers to expend much effort to in doing so. It would only cause them more support headaches and costs.

I imagine there are a significant number of users that would love to rid themselves of Microsoft, but cannot since they feel compelled to be compatible with their co-workers around the country/world that use Microsoft's office suite, even if those other workers themselves are wanting the same thing. Kind of like lemmings rushing to the sea :). Simply put: many people of the country/world are being forced to buy an operating system, when all they really want is to be compatible with a word processor!!!!

So, how about forcing Microsoft to disclosing it's file format's for Word, Powerpoint and Excel. These have become de facto standards (read: monopolized) because of their operating system monopoly. By doing this other developers can create office suites that are cheaper, faster and with a different feature set than Microsoft has deemed obligatory. Their file format's could be the start of a new ANSI standard that could then be cussed and discussed by all interested parties. For the good of all, not just Microsoft.

Respectfully yours,

John R. Craven

jrcraven55@yahoo.com

MTC–00002702

From: Andrew Parfomak
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/4/01 10:32pm
Subject: Microsoft. . . why bigger isn't better (!!)

I'd like to point out that Microsoft has, in the eyes of this long-time computer user, had a strong history of (a) crushing promising software companies from developing truly better products, or (b) buying out promising companies, and often redirecting the promise of these companies into ways which primarily benefit Microsoft's long term goals, and not necessarily improve the software 'landscape' and the types of products available to consumers.

I've long since been a fan of a once-strong contender, Borland Inc. which historically produced better products and had them available months or years prior to Microsoft's own offerings. The most comprehensive spreadsheet program first available on a Windows platform was QuattroPro, . . . and not Excel which appeared somewhat later. More significantly, Borland's relational database software program, Paradox (for Windows) by far is still the most powerful, easiest to use, most attractive to configure and most elegant to program product in the single-user or small network market. Microsoft's product, Access, to this day doesn't boast half the functionality, or elegant interface designability which Borland's product, (now several years old) can provide. Borland's story is a classic example of Microsoft's strategy. Other software companies have, like Borland, also long since fallen under Microsoft's chariot wheels and have been excluded from the race to develop better products.

Microsoft, in my view, should at least be required to open up its sourcecode, as well as open up its proprietary file formats in which it stores data (such as documents in WORD, or spreadsheets in EXCEL) to the programming community, and without any hampering of the use of these file formats. By virtue of their hidden code, and hidden file formats, as well as Microsoft's continued resistance to have it widely available for review and understanding by independent programmers, have they thwarted real and independent advance by third party programmers which would have borne fruition in the form of better, faster and more creative software products available to the public. This has not happened, as their market dominance which is in no small part protected by their hidden sourcecode and proprietary file formats (i.e., Word, Excel, etc.) which have unfairly denied other software developers from producing truly useful and truly compatible products. Instead, we are stuck with a Microsoft dominated view of personal and organizational computing ... whether we agree with Microsoft's views or

Microsoft's implementation ... or not.

Thank you for your attention to my opinion.

Andrew N. Parfomak

parfomak@fr.com

MTC–00002703

From: Doug Tarlow
To: Microsoft ATR
Date: 12/4/01 11:46pm
Subject: Microsoft

I think that this case should be settled and actions that are too drastic may hurt business. Microsoft is a building block of the electronics community. Hurting them hurts everyone else. Settle.

Thanks

Doug Tarlow

MTC–00002704

From: Jr.
To: Microsoft ATR
Date: 12/4/01 11:34pm
Subject: Microsoft Settlement

Another example of ''hip-pocket 'justice' '' on the part of our government which benefits big business at the expense of the consumer.

Two thumbs down to the Masters of Greed and their co-conspiritors at the USDOJ.

MTC–00002706

From: Rob Brown
To: Microsoft ATR
Date: 12/5/01 10:42pm
Subject: Settlement

Dear sir or madam,

I think the microsoft settlements seem to be nothing more than a slap on the wrist, if even that. I cannot believe that this latest settlement is giving them a way to extend their monopoly further, into schools. This is absolutely absurd. Furthermore, it allows them to claim they are giving hundreds of millions of dollars away, when in reality software has almost zero marginal cost so it costs them next to nothing to give away software. I am really tired of the aggressive tactics that microsoft uses. I am sick of them leveraging their products to extend their monopoly further. It is unfair, and it stifles competition. I am not a competitor of microsoft, just a user who is sick of having products I don't want rammed down my throat, only because I need to run Windows to survive and be compatible with everyone else. I thought the DOJ was going to do something about this, and I am disgusted about how they now have dropped the ball on the case that they first had appeared to have won.

Thank you,

Rob Brown

21 Caire Terrace

San Francisco CA 94107

MTC–00002707

From: dougc@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 12/5/01 12:09am
Subject: RedHat/Microsoft proposal

I just read the alternative proposal offered by RedHat for providing computer systems and software to schools.

As a professional in the computer industry, I have seen the impact of Microsoft's monopolistic practices in ways that were not even addressed in the recent litigation. I have seen a generation of people entering the field of information technology that are poorly equipped to keep that industry moving ahead. They have been poorly equipped by a lack of exposure to development platforms, operating systems, and applications that do not originate from Microsoft Corporation. Microsoft has not only held back the industry

through monopolistic business practices with their products, but has created a generation of people who are indifferent to alternatives.

The technology industry needs to be freed of the restraints that have been placed on it directly or indirectly by Microsoft. RedHat's proposal for providing the open source Linux operating system to school children can offer exposure to technology that may open new doors to a different future. By providing access to a platform of open technology and standards, tomorrow's workers and leaders in the technology business may be able to think beyond the boundaries that have been erected by Microsoft.

I hope you will seriously consider the alternative that has been offered by RedHat, as well as any others that fall along those lines.—

Doug Carman
pdp11@bellsouth.net

MTC–00002708

From: M S F
To: Microsoft ATR
Date: 12/5/01 12:02am
Subject: Let us decide

I have been using computers since 1963, when I started on an IBM 7090 using FORTRAN.

Thru all these generations of computing power, even including IBM, when they were broken up by the DOJ, I have never seen anyone quite as arrogant as Microsoft. They do NOT speak for consumers when they build their products. The ONLY innovation they are responsible for is innovation in restrictive contracts.

Instead, Microsoft has won out by purchasing technology (including, I remind you, the original version of MS–DOS itself) or by stealing it (Xerox PARC, Apple, Intuit, Netscape, ...) and encapsulating it into a take-it-or-else bundle. They have NEVER listened to the desires of the end consumers. I never wanted Internet Explorer forced onto my desktop! Where did they get that? I never wanted Windows Media Whatsit—I use RealNetworks. Why can't I choose? Why do I have to take one size fits all from EVERY computer manufacturer out there. Give me the option of a basic OS on which I can place the applications I like—that is what competition is for!

They have killed many fine products over the years when they have been unable to buy them out—Novell DOS, WordPerfect, and Netscape come to mind as superior products effectively pushed out of the market. They have prevented innovation by requiring outside developers to work with their bloated software and requiring manufacturers to install exactly what is shipped, with no changes, no matter how bad it is. Indeed, Windows 98 is widely recognized as the bug fix for Windows 95, but you have to pay for it. It is always amazing to me when I see Linux loading essentially the same apps as Windows but in ¼ of the time and twice as robustly. If anything, the FTC (or whoever) should have issued a recall notice and consumer alert on anything as badly broken as their early releases. But remember, we are FORCED to take them—no choice. It would be a real miscarriage of justice to allow them to continue under the remedies proposed by the US Attorney General. Can you say rewards—where does the proposal have Microsoft compensate us for our lack of freedom of choice?

Bill Gates has to be even more iron-willed than I thought—otherwise he would be unable to avoid laughing out loud in public about this settlement.

Good grief guys—open your eyes and look at what they are doing to us—is this ACCEPTABLE?

Mike

MTC–00002709

From: Frank Bulk
To: Microsoft ATR
Date: 12/5/01 12:01am
Subject: Comments on Microsoft Antitrust suit

It's my personal (not the college's) belief that Microsoft needs to have several restrictions placed on itself:

1. Fair/open contracts with OEM's that don't limit OEM's right to put additional software/icons on the PC's.

2. Microsoft ought to open up ALL it's Window API's up to all developers so that Microsoft's developers (of other product) don't have a heads up over others. Microsoft has enough of a lead and market share with other products that this would help level the playing field.

Regards,
Frank Bulk
bulkf@dordt.edu

MTC–00002710

From: Jeff Nelson
To: Microsoft ATR
Date: 12/5/01 12:38am
Subject: Microsoft antitrust settlement

Dear Department of Justice,

I am dissatisfied with the proposed Microsoft antitrust settlement, particularly with the lack of any clause requiring Microsoft to reveal its proprietary file formats. This affects me directly because I mainly use non-Microsoft, competitive products such as Star Office to do my office tasks. When colleagues send me a file in a Microsoft Office format during the next several years, I want to know that I will be able to open it in my software of choice. Because Microsoft also controls the market for office software, they could at present change their file formats and keep them secret to prevent competitors' products from interoperating. While the proposed settlement has language requiring Microsoft to reveal its middleware APIs, which is good, there should also be a clause requiring Microsoft to reveal its application file formats.

Sincerely,
Jeff Nelson
915 W 2nd
Weiser, ID 83672
jtnelson@emirates.net.ae,
jtnelson@mail.wsu.edu

MTC–00002711

From: John Nakai
To: Microsoft ATR,microsoftcomments @doj.ca.gov@ inetgw,...
Date: 12/5/01 2:05am
Subject: Opinions on Microsoft Federal Antitrust Settlement

Dear sir or madam,

I would like to voice my opinion about the Microsoft antitrust settlment in the federal government's case.

Microsoft's lawyers have found another shrewd way to devastate the competition of their product line in the nation's schools and weaseling out of this antitrust case at the same time.

In the part of this settlement where Microsoft agrees to donate a billion dollars worth of computers to the nations schools, if Microsoft is allowed to make this donation using computers running Microsoft operating systems, or running Microsoft software, then it succeeds in the following.

1. Microsoft displaces other vendor's hardware and software out of the schools. A prime target here is Apple Computer, who maintains a large market share of computers in schools because of their superior ease of use and graphics capabilities. Microsoft will also displace other operating systems such as MacOS, Solaris, and Linux, and other application software such as Netscape, Corel, Applixware, Appleworks, Apache, etc. from the schools. As good as the other products are, they can't compete with free hardware and software. It may well put some of these competitors out of business by flooding the schools with free Microsoft products or computers dependent on Microsoft software to operate.

2. Microsoft will force schools to have to buy software from Microsoft for future upgrades.

3. Microsoft will make children come home to their parents saying they need Microsoft software and computers running Microsoft operating systems and software to do their homework.

4. They will make themselves look like the good guys to schools, administrators, and children who will think Microsoft is coming bearing gifts, rather than buying themselves out of a criminal prosecution. A true public relations victory for the wolf in sheep's clothing.

5. Microsoft does not have to make reparations to the victims of its criminal antitrust crimes and does not get broken up. Instead, Microsoft gets to further steal market share and customer base from it's competitor victims with money that should rightfully be paid to it's victims or the government as a fine. Had AT&T come to such an agreement in their antitrust case they would not have been broken up. Instead AT&T would have been able to stay a monopoly and would have agreed to providing free long distance to the customers of all its long distance competitors for just long enough to drive its competitors out of business. This settlement is a windfall reward for Microsoft for criminal behavior, not a punishment.

As a current user of Windows, Macintosh, Unix, and Linux, plus many others in the past, I can say with expert confidence that Windows is an acceptable operating system, it still lacks the system stability, virus resistance, and user empowerment of creativity offered by other operating systems. This settlement could wield a death blow to Apple and possibly others by robbing their customer base and keeping the abusive Microsoft monopoly intact, leaving the computer world under Microsoft's thumb.

Microsoft truly needs to be broken in two to separate companies to separate their operating system business from its application software business. The current structure permits Microsoft to sabotage competing application software with ?incompatibility? changes to it's operating system each revision of its operating system, and to provide other operating systems with slow, buggy, or otherwise dysfunctional versions of its application software. Its further expansion into internet services with msn.com, and its plans to deny msn.com web service to browsers other than its Internet Explorer are further examples of Microsoft's plans to cut out competing vendor's products through the use of its monopoly powers.

My opinion is:

1. Microsoft should still be broken up.

2. Microsoft should not be allowed to flood schools with free computers and software unless the computers are up-to-date Macintosh, Linux, Solaris, Unix, or other non-Windows computers. Any freely provided software should be that of current competitor software (AOL, Netscape, Kodak, FileMaker, Apple, Red Hat, Yellow Dog, ApplixWare, gnu, Sun, etc.) Only then will this settlement make any kind of reparation to Microsoft's victims and aid in discouraging and diminishing Microsoft's monopolistic abuse.

3. Microsoft should not be able to provide free internet service to schools as a part of any revised settlement, as msn provides good service and up-to-date software only for Windows based computers.

4. If Intel or other PC clone based computers are provided to schools for free as a part of this settlement Microsoft should be required to bar these computers from being activated with Windows XP for a period of at least 5 years. This is technically doable, as activation requires users to call Microsoft and provide the computer's unique machine ID for activation.

5. An alternative would be to require Microsoft to first pay victim competitors (if they are still in business) directly for damages, and use the remaining funds as described in 2 to 4 above. I hope that you will be able to get to get the courts to reconsider separating Microsoft's operating system, application software, and internet operations into three separate companies to promote fair competition for the benefit of all of us, and to drop plans of this incredible competition devastating free giveaway of computers to schools unless they conform to restrictions like I mentioned in 2 to 5 above.

Thank you for your time in reading this,
John Nakai

MTC–00002712

From: David Haworth
To: Microsoft ATR
Date: 12/5/01 1:52am
Subject: Proposed settlement in U.S. versus Microsoft case
To: U.S. Department of Justice
Re: Proposed settlement in the United States v. Microsoft case

There are so many things wrong with this ''settlement'' that I don't know where to begin.

First of all, there's no punishment. Microsoft has been found guilty, but gets away with the crime completely. The suggestion the someone made that Microsoft should contribute computers to aid the poorest schools seems to have some merit, but that ''contribution'' should under no circumstances include ''donation'' of Microsoft products. The counter-proposal from Red Hat would seem to be a nice option. Secondly, the proposed behavioural remedies contain far too many loopholes through which Microsoft no doubt already has plans to wriggle. A glaring example is that there is nothing to prevent Microsoft from ''retaliating'' against vendors who sell computers without an operating system, or with only a non-Microsoft OS installed.

So back to the drawing board please. While I don't favor the breakup that was proposed by Judge Jackson, I feel that an acceptable settlement should include a punishment to fit the crime, and a form of behavioural remedy that will ensure that Microsoft cannot offend again.

Sincerely,
David Haworth
David Haworth
Baiersdorf, Germany
david.haworth@altavista.net
CC:dmca_discuss@lists.microshaft.org@inetgw

MTC–00002713

From: Bob Perdriau
To: Microsoft ATR
Date: 12/5/01 3:04am
Subject: Microsoft Settlement—Not

I read your settlement document.

The company (Microsoft) was found to be a criminal. There is no doubt about that. Last I looked, criminals in this country are punished. Sent to jail, fined and stuff like that.

Your settlement is bullshit. It does not matter that you think the government saves time and effort. The role of the government is to prosecute anyone that breaks the law.

That includes Microsoft.

Potential savings of time and effort and a ''decent'' outcome don't matter. Microsoft broke the damn law! They have to be punished. Do it and do it now!

Else, you make a mockery of justice in this country. There are too many other instances where the US is mocking justice these days. BTW, the idiots that wrote the crap you published in the Federal Register don't know anything about real computing. The authors are idiots that merely know how to use Microsoft Word to type a really uninformed letter.

You can contact me at:
Bob Perdriau
354 Benvenue Avenue
Los Altos, CA 94024
(650) 941–1043
bobp@marketwriter.com
If you give a shit.

MTC–00002714

From: Mark_Morton@Mikronvinyl.com@inetgw
To: Microsoft ATR
Date: 12/5/01 8:12am
Subject: 4 words—YOU SOLD US OUT!!

Justice? heheh.. right.. Its burns my ASS that we can't get those dollars back to feed kids. Even though it wouldn't be American children, it would be some other pour nation of the week, like Afghanistan right now . . . and justice for all.

Mark Morton

MTC–00002715

From: Opnotic
To: Microsoft ATR
Date: 12/5/01 4:50am
Subject: Thanks anyway DOJ.

Not only has control of our country fallen into the hands of Corporate Interest, but it seems that we (as citizens) are powerless to do anything about it. This case only shows that the real people running this country are the corporations themselves. Thanks anyway DOJ. Your solution to the problem in this particular case is not a solution at all. Guess we'll all realize that when we are willing to take another real look at the problems with Microsoft.—Predicted to happen within 5 years. I guess all I can say is I wish us luck next time because doubtless we will be here again.

MTC–00002716

From: tony@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 12/5/01 3:28am
Subject: Antitrust Settlement cut with Microsoft

Simply placing well defined restrictions on Microsoft has never and will never keep this company from using it's monopolist power to squash competition. I know it, the Public knows it, the Industry knows it, and YOU know it.

Microsoft always finds a fuzzy path around any restrictions put on it by the government. At this moment in time it already basically owns the desktop computer software market and soon will control most of the way information is passed around on the Internet. Windows XP is a perfect example of Microsoft thumbing it's nose at the government and it's market competitors, yet the DOJ ignores or chooses not to understand how it will further Microsoft's monopoly hold on the tech sector. I personally believe that the DOJ has sold out to 'big business'. The DOJ's 'deal' with Microsoft is a disgrace.

Regards,
Tony Thedford
Dallas, TX. USA
CC:melody@thelab.net@inetgw

MTC–00002717

From: Alan Martello
To: Microsoft ATR
Date: 12/5/01 8:33am
Subject: Proposed Microsoft Settlement

To whom it may concern:

I am outraged that the same company that has monopolized operating systems and desktop application development for the past 10 years is being granted, courtesy my tax dollar and the U.S. Government, a new monopoly in our school systems.

Clearly, most of the people negotiating the deal have never sat *FOR DAYS STRAIGHT* (4 days this past week) in front of a Microsoft operating system trying to perform a relatively simple task which simply can't be done due to poor planning on Microsoft's part. ''But in our free market economy'' (I hear the critics charge), ''this would change

as market forces would propel them to make changes.''

NOT WHEN YOU HOLD A MONOPOLY

And just in case their stranglehold on desktop operating systems is not strong enough, let's allow them to put $1 Billion dollars of their product in our schools. ... oh, and by the way ... let's see ... if the OS + Microsoft desktop apps (Word, Excel, etc.) costs (conservatively) $500 retail BUT the CD and distribution material costs them (in quantity) around $0.25 (seems reasonable since I can get 1,000 CD's manufactured for less than $1 each), that means their $1 Billion settlement is worth 1/2000th of that or $500,000 in real cash (not ''lost sales'', REAL CASH!). Let's see ... perhaps Bill G., Steve B. and Paul A. can set aside a hand in their weekly poker game to cover the settlement. $500,000 is a pretty small sum to buy a government sanctioned monopoly in our schools. Do the people negotiating the DOJ settlement honestly thing this is a good idea?

At a minimum, the $1 Billion settlement to benefit schools should be for HARDWARE ONLY which each school district or state should get directly. In that way, Microsoft can't use it's $1 Billion hardware purchase to put the screws to local vendors or make a sweetheart deal with one of the big multi-national hardware companies that Microsoft routinely is discovered in bed with making backroom marketing and distribution deals. In closing, let me add that my company has made its livelihood using Microsoft products for almost ten years. While they do bring some useful offerings to the marketplace, their unembarassed attitude as they strongarm the industry has resulted in my working LONGER HOURS for LESS MONEY because of INFERIOR MICROSOFT PRODUCTS. Any significant competition is simply silenced by driving them out of business. Is there any other definition of a monopoly?

I feel outraged and frustrated that it is going to take the EU to show the DOJ what backbone is about when it comes to negotiating with the world's largest software monopoly.

Alan Martello, Ph.D.
President
Martello Associates Inc.
5575 Pocusset Street
Pittsburgh, PA 15217
alan@cleverfolks.com

MTC–00002718

From: Douglas Baggett
To: Microsoft ATR
Date: 12/5/01 10:21am
Subject: Microsoft Settlement

I would like to state for the record my opposition as a citizen and as a computer professional against the government settlement with Microsoft. In my opinion and experience with the IT industry, this settlement will neither

A. Redress the damage done by Microsoft using its monopoly power in desktop operating systems for Intel based microprocessors. Venture Capitalists are extremely hesitant to fund start-up companies that wish to compete in Intel desktop operating systems. Microsoft's past actions have resulted in the almost complete elimination of any commercially viable alternative to Microsoft in desktop operating systems for Intel microprocessors. LINUX is not a commercial operating system, its license does not allow for companies who distribute it to charge for it, they are as the law applies, only selling support services for LINUX, the development of LINUX cannot be funded with by sales, therefore does not apply, the Macintosh is not an Intel based operating system and also does not apply.

B. Restrict Microsoft from using its monopoly power to stifle competition within or near their Desktop Operating system. The current settlement does not address the future, almost all of the restrictions placed on Microsoft have legal loopholes allowing Microsoft to ad-hear to the letter of the law, but not the spirit. The current settlement also mainly restricts actions that Microsoft has eliminated from it's business practices years ago.

thank you
Douglas Baggett
UNIX/Network Administrator
Andrulis Corporation
National Science Foundation
Directorate for Computers & information Science & Engineering
dbaggett@cise-nsf.gov
M–F 8–4 EST
703–292–4551

MTC–00002719

From: Randy Anderson
To: Microsoft ATR
Date: 12/5/01 10:20am
Subject: ''eliminate Microsoft's illegal practices, prevent recurrence of the same or similar practices and restore the competitive thr...

I am sure that the Justice Department means well, but this settlement is nothing more than a slap on the wrist. I work for a company that competes against Microsoft and I see every day the tricks and the problems they cause. This settlement is not going to stop or fix anything. The operating system should be free. Microsoft will still make millions by selling applications that work on the operating system.

This settlement has the look and feel of someone getting paid off to make this problem go away. It is hard to believe in a system that allows major corporations to do what ever they want, even though they have been found to being a monopoly. November 2nd was a black day for the history of information services.

Randy Anderson
Technology Manager of Central Illinois
Novell, The leading provider of Net Services Software
http://WWW.NOVELL.COM

MTC–00002720

From: Rick Bowersox
To: Microsoft ATR
Date: 12/5/01 9:26am
Subject: settlement

To whom it may concern:

I am in favor of quick resolution of this matter. I do not believe that Microsoft has acted as a monopoly. They simply have the best product and their innovation deserves our praise rather than government harassment. Please do what you have to do and then go find some real criminals.

Sincerely,
B. Richard Bowersox

MTC–00002721

From: ADAZA.COM
To: Microsoft ATR
Date: 12/5/01 12:21pm
Subject: Monopolies harm industry first, then the consumer.

Dear Dept of Justice,

Microsoft is a successful company. It has achieved its monopolies through successful marketing strategies. Whether it has used illegal means to achieve and maintain its monopolies is NOT of primary importance to the industry, the consumer, or the economy. What IS of primary importance to the industry, consumer, and economy, is that Microsoft has monopolies in a number of areas and is using those monopolies to extend into other areas. The technique of using a monopoly in one area to create a monopoly in another area has been understood for centuries. That monopolies eventually harm the industry, the consumer, and the economy has also been understood for centuries. For these reasons, every capitalistic country has developed antitrust law to protect the country from private monopolies.

The industries in which Microsoft enjoys monopolies have withered just as monopoly-dominated industries in the past have. Evidence:

1) Industry-wide development in personal computer operating systems has all but ceased. Apart from cosmetically, MS Windows is hardly different from what it was five years ago.

2) Industry-wide development in internet browsers has all but ceased. Apart from cosmetically, MS Internet Explorer is hardly different from what it was five years ago.

3) Industry-wide development in office productivity software has all but ceased. Apart from cosmetically, MS Office is hardly different from what is was five years ago. (And yet, Microsoft still charges $500 for it. They do because they can.) Yes, a lot of healthy, competitive, software development is occurring, even at Microsoft, but not in the areas Microsoft monopolizes. Some argue: ''But stable standards are good for an industry. A lot of businesses do well developing products which depend on Microsoft's ''standards''.'' IF it is determined that a standard operating system or office software is good for the industry, (which I personally do not believe but realise that there are certain short-term advantages) THEN those standards should not be privately owned and manipulated for the benefit of the standard's owner, in the way that Microsoft does. Many non-MS-owned standards do exist.

They are under-utilized, in general, because Microsoft benefits more from creating its own versions of these standards and discriminantly selling their use. If Microsoft has acted illegally, it should be punished in order to demonstrate to the world that Microsoft is not above the law of the United States. However, separately from ''punishment,'' Microsofts monopolies need

to be broken in order to restore productive competitive growth to these industries and to ensure that more industries aren't similarly strangled.

The Microsoft monopoly situaton is exactly the type of situation that US antitrust law was designed for. It should be used.

Sincerely

Drew Cover

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MTC–00002722

From: Charles Eakins
To: Microsoft ATR
Date: 12/5/01 11:02am
Subject: Anti Trust Case

To whom it may concern,

I won't point in my career I worked at Microsoft, for many years in fact, never getting full time employee benefits however because I was a contractor, Microsoft has recently settled a class action lawsuit regarding this. My comments come from my experiences working inside the company. Simply put, this settlement does not go far enough. Microsoft continues its monopolistic practices while putting forth a settlement, this does not go far enough to prevent them from further impacting consumers. The only way to stop Microsoft's monopolistic behavior is to break them up, period, for you to do anything else is a complete disregard for the consumer, which the anti-trust laws are supposed to protect.

Thanks

Charles Eakins

MTC–00002724

From: Richard Harriss
To: Microsoft ATR
Date: 12/5/01 1:42pm
Subject: Ad campaign for Microsoft

I laughed when I first saw the accommodation Microsoft proposed to atone for their monopolistic behavior. I had to read the newspaper article and listen to news reports before I realized that people were taking it seriously. This is what Apple and others do to INCREASE market share! This is the most ridiculous ''penalty'' I can imagine for the types of offenses Microsoft has perpetrated. I would be very upset if this goes through.

Richard Harriss
10597 Oakbend Dr.
San Diego, CA 92131
858–586–1410

MTC–00002725

From: Shawn Patrick Millerick
To: Microsoft ATR
Date: 12/5/01 12:44pm
Subject: Microsoft Settlement

December 5, 2001, Renata Hesse, Trial Attorney, Antitrust Division, Department of Justice, 601 D Street NW, Suite 1200, Washington, DC 20530

Dear Attorney Hesse:

I understand that public comment is now being accepted in the case of U.S. v Microsoft. I write to express my support for the settlement.

I believe strongly that government should only intervene in the affairs of the marketplace on a very limited basis. This was not the case with regard to Microsoft. The absolute last thing the high tech industry needs is the federal government attempting to micromanage it.

Microsoft has made significant gains and should be rewarded, rather than punished, for their innovation and creativity.

Too much of the taxpayer's time and money has already been spent on this case. This settlement should be approved as quickly as possible.

Sincerely,
Shawn P. Millerick
553 Route 3A
Bow, NH 03304
888–238–6212
603–227–0442
603–225–2442
fax-(603) 230–9620

MTC–00002726

From: Jayne Marcucci
To: Microsoft ATR
Date: 12/5/01 12:33pm
Subject: Microsoft Settlement

Attorney Renata Hesse, Antitrust Division, Department of Justice, 601 D Street NW, Suite 1200, Washington, DC 20530, VIA EMAIL

Dear Attorney Hesse:

I write to submit public comment in support of the settlement proposed in the case of U.S. v Microsoft.

Consumers across the nation have benefited greatly from Microsoft's innovation. In fact, they have often forced the market to offer products and services at a lower price with better quality. Considering that anti-trust violations are designed to protect consumers from harm, I believe that the government's efforts are off base in this case.

I have also personally benefited from Microsoft's excellence in technology. As a small business person, I am able to run my operations in an extremely efficient and cost effective way by using the company's software.

Please approve this settlement so that Microsoft can continue to make a positive difference in the lives of businesses and consumers.

Thank you for your dedication and public service.

Sincerely,
Jayne Marcucci
President
Marcucci Consulting
P.O. Box 16297
Hooksett, New Hampshire 03106

MTC–00002727

From: Craig Wolf
To: Microsoft ATR
Date: 12/5/01 2:34pm
Subject: Settlement

I am in full agreement with Red Hat on the $1 billion in computers and software to education. Microsoft will inflate the cost of purchasing and distributing the systems as well as inflating the cost of the software to spend substantially less than proposed. They should be charged with purchasing the hardware and having Linux & Staroffice installed on those systems. This will allow for more children to be helped and will not let them more securely put the strangle hold on the kids and the school systems.

I have been working with computers for over 20 years and I am more disgusted and disappointed with each release of Microsoft's products. I look forward to the maturing of Linux to truly give some competition to Microsoft so that they start designing their products better versus buying out there competitors or bullying the competitors out of business.

I also work in the school system as a technology person and dislike being ''forced'' to purchase upgrades. It is wrong!

This is just my opinion but it is shared by many of my coworkers as well as people I know in and around the industry.

Thanx for your time.

Craig Wolf
Desktop/Network Specialist
Linux/Web Server Support
Support Services Center
Millard Public Schools
402–894–6283

MTC–00002728

From: JEngleh407@aol.com@inetgw
To: Microsoft ATR
Date: 12/5/01 2:32pm
Subject: About the settlement

It may be too late for comments, but I'd like to suggest that if Microsoft is really to be punished, and if giving computers to schools is an option, then they should pay to give Apple or Unix computers to schools. Now there's an anti-competitive effort! Thanks for listening.

Jeannine Englehart, Professor (emeritus)

MTC–00002729

From: Stephen Benoit
To: Microsoft ATR
Date: 12/5/01 1:48pm
Subject: Changes In Microsoft Policies Over The Past 30-Days Render Settlement Harmless

TO: Renata Hesse, Trial Attorney, Antitrust Division, U.S. Department of Justice, 601 D Street, NW, Suite 1200, Washington, DC 20530

RE: Microsoft Settlement, getting the big picture.

While I have major concerns regarding (and do not support the signing of) the settlement agreement with Microsoft, I wish to point out several new issues that relate not only to the settlement, but to new activities on the part of Microsoft that leave the settlement quite short in resolving today's and tomorrows Information Technologies relating to Microsoft.

1) Microsoft has changed part of its business model by modifying how SOME Microsoft applications (not middleware, but applications) work with one another. A perfect example is that in EVERY previous version of Microsoft Word since the creation of Outlook Express (OE) was able to integrate seamlessly with the shared OE/Windows address book. Now however, this integration has been removed from all new applications

(post Office 2000). Thus, if you upgrade now, you are FORCED to also upgrade your Email & Address Management from the free Outlook Express to the full blown Microsoft Outlook 2002 product. This fact alone translates to the following:

a) Consumers upgrading to the latest versions of Microsoft Application software are promised enhanced functionality, but instead receive REDUCED functionality and interoperability with freeware applications (which are still being support, updated, and released by Microsoft).

b) Consumers are not told of the reduced functionality. In fact, Microsoft has hidden this issue even from OEMs and dealers.

c) Consumers upgrading Word or any other application that previously had integration with OE or the Microsoft Middleware ''Windows Address Book'' will no longer have this interoperable functionality and the wording of the EULA and OEM agreements moves all liability issues from reduced functionality to dealers or the entity deploying the upgrade, leaving Microsoft ''held harmless'' from liability and forcing consumers from a ''Free'' solution to a ''Purchased Licensed Required'' scenario. This represents an unfixable liability to dealers and also potential creates non-rectifiable liabilities for anyone deploying any updates of Microsoft Application software.

d) This integrated functionality has existed since the creation of Outlook Express, yet Microsoft is now reluctantly stating that the removal of these features ''Is not a bug, but rather an interoperability feature removed by Microsoft at their own discretion.

e) This move represents a monopolistic campaign and marketing strategy in that:

i. Outlook Express was created to compete as freeware against Netscape Messenger. Now that this threat to Microsoft has been removed, it is no longer necessary to ''Give a product away (OE) when Microsoft can force consumers to purchase it (Outlook)''

ii. There is no liability to Microsoft from enacting this change.

iii. This move has the potential of creating over a billion dollars in new Outlook 2002 revenues for Microsoft this year, as consumers have no viable alternative for performing these basic tasks.

iv. Microsoft has also removed this functionality from ''Suite'' products including Microsoft Works, again, forcing consumers to purchase a second product when the suite previously delivered this functionality.

v. This represents the perfect example of how the Operating Systems (which includes the ''Address Book'' application) development is being controlled and influenced by the Applications division. Removing functionality is the first step (in what will be many) of forcing consumers to purchase multiple products to deliver the same functionality that was previously available for free.

2) Microsoft's latest Operating System includes many new freeware applications that will follow this same model which is:

a) Release a freeware product (which may have cost hundreds of millions of dollars to create) to eliminate non-freeware competitor application software.

b) Consume market share through delivering these applications via Operating System releases. (As is the case with Media Player, Outlook Express, Internet Explorer, Messenger, etc.)

c) Create Application smart tags which utilize security protocols thus preventing competitors from delivering this same functionality due to Microsoft's settlement agreement which would allow them to keep this information proprietary as ''Application Software Functionality'' and NOT middleware or API functionality.

d) Wherever possible, once the market has been saturated, remove application integration features so that they only work with software that must be purchased (as they have just done with Word/OE)

In this regard, Microsoft eliminates ''Middleware'' and instead leverages ''Application Integration'' features which are exempt from the settlement agreement.

The bottom line is that they are making a shambles out of the entire case by moving OEM relationships and Middleware issues to the forefront. Behind closed doors, Microsoft is instead redefining middleware by more tightly integrating applications and proprietary cross-application functionality. At this point, the concern should not be how these changes affect OTHER software manufacturers, (which is serious enough on its own) but rather how the settlement affects how Microsoft will integrate application functionality with previously delivered Operating System to Applications features. This now evident threat extends to all Microsoft applications including those delivered in its newest Operating Systems including:

a) Outlook Express
b) Internet Explorer
c) Media Player
d) Messenger
e) Remote Assistance
f) Disk Defragmenter Internet Connection Sharing
h) Internet Connection Firewall
i) Windows Address Book (Delivered with Windows XP, but now not functional with other Windows Based Application Software beyond Outlook Express)
j) Remote Desktop
k) Internet Information Service (IIS)

The fact remains that each listing above is application software by definition, yet Microsoft has somehow been able to disguise them as part of the Operating System. As time progresses, Microsoft will now continue to further evolve fee based application software to replace these ''Free'' applications while in each new release and update they have and will continue to slowly remove integrated functionality in favor of forcing the consumer to purchase a retail equivalent by completing the steps outlined in Sections 2a though 2d. This is no longer a theory of motive operandi but rather one that had been successfully practiced by Microsoft in the past 30 days.

What this means, is that eventually you will see full-retail application versions of EACH AND EVERY application mentioned above and that ONLY by purchasing these products will you obtain the same functionality that you had previously. In other words, upgrading means losing functionality of your previously licensed applications

I additionally have several other examples of newly discovered reduced functionality that not only concern me as a dealer, but also as a Computer Manufacturer. Unfortunately, I have had no success in resolving these issues with Microsoft as they are now stating officially that these problems are not bugs (which would be the assumption when you lose a feature that you previously had) but rather ''Changes in the company policies regarding integration with freeware''. As the settlement agreement NEVER mentions how Microsoft will deal with Microsoft integrations of Microsoft Applications, they are therefore left with a big fat loophole in the settlement agreement which gives them license to create freeware to eliminate application software competition, then saturate the market via Operating System deployments and then remove the functionality of this freeware once market dominance has been achieved. A conscious M-O-N-O-P-O-L-Y!

My primary concern at this point is the liability of my company when performing updates. It is conceivable that I will be liable to purchase Outlook 2002 for every customer that had Only Microsoft Word or any office suite that does not include Outlook 2002 on the grounds that if I remove functionality by implementing the update, I can be held directly liable to the consumer. Thus, this move places my company at high risk of law suits from both Consumers here in New Hampshire as well as our clients in other states throughout the United States. Furthermore, the official line from Microsoft is that there is no remedy of liability from reduced functionality between consumers and Microsoft, but rather we alone (those deploying updates) are liable for any impacts to consumers. In other words, Sue your dealer, not Microsoft. As Microsoft actively promoted this functionality through intense marketing campaigns (including information that you can still view on their website), this is furthermore a blatant example of ''Bait and Switch''. In summary, this model gives Microsoft the ability to develop any application software they want (at any cost to the company), give it away until the competition for that product is eliminated and then change the configuration of how that application is used to force the consumer to then purchase the product.

Should you have any questions, comments or wish to discuss these dramatic new changes in Microsoft development practices and marketing strategies, please contact me at your earliest convenience.

Stephen Benoit, Owner
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'The way IT should be!'
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Founding Member: National Association of System Builders and Integrators

MTC–00002730

From: Tod Herman
To: Microsoft ATR
Date: 12/5/01 4:15pm

Subject: settlement

Of the settlement intricacies I couldn't speak. But if most of what I read in the rags is correct, I believe Microsoft is very happily celebrating in their hallways about the new inroads they will be making in the schools, where Apple has had a stronghold. I hope the settlement will be revisited and their ''donations'' to the schools will be required to take monetary form instead of software from them. Thanks.

Tod Herman
Network Administrator
Cherrydale Farms, Inc.
therman@cherrydale.com
610–366–1606 x2166

MTC–00002731

From: Bruce Hartzell
To: Microsoft ATR
Date: 12/5/01 3:57pm
Subject: Just Say No to the Microsoft Settlement

Dear Sirs/Madam,

I have reviewed the proposed settlement and feel that it is not in the public's interest. Microsoft will be able to continue with its monopolistic ways. Please go back and craft an agreement fair to the public and business world.

MTC–00002732

From: root@wt6.usdoj.gov@inetgw
To: Microsoft ATR, antitrust@ftc.gov@inetgw, Ralph@essen...
Date: 12/5/01 2:45pm
Subject: Microsoft Hegemony' Limits On Corporate Power
CC: letters@latimes.com@inetgw, letters@sjmercury.com@i...

Re: Microsoft Warns of AOL's Power if It Wins Cable Bid Microsoft Corp.'s chief executive expressed concern yesterday over AOL Time Warner Inc.'s bid for AT&T Corp.'s cable network, warning the media and entertainment giant could use the purchase to strengthen its grip on online services.

Ballmer is beating a dead horse because we are seeing that all ecstatically obese corporations are beyond the threshold where efficiencies of scale are lost in the cesspool of power abuse. That AOL is more talented than Microsoft at camouflaging it's cesspool does not spare AOL from the mega-trend that will eventually humble both of them—the ultimate erection of limits on corporate power.

We The People
Take Back Our Flag
From The United Corporations Of America

MTC–00002733

From: TLaPointe@lselectric.com@inetgw
To: Microsoft ATR
Date: 12/5/01 4:07pm
Subject: MS Settlement

?also, it apears to me that the govt is rewarding microsoft for ''bully tactics'' having worked with some govt agencies before, I also noticed that they are almost totally microsoft themselves, so how is it possible to judge on someone that you rely on so heavily?

I also wish to bring to light the practice that some universities use. they get free Microsoft server software if all other types are kept from the competition..how is THIS being fair. In my opinion Microsoft corporation has such an almost insurmaountable advantage that I am not sure if the U.S. Govt is not afraid of them..

thank you
thomas lapointe

MTC–00002734

From: Brian K. Culver
To: Microsoft ATR
Date: 12/5/01 4:47pm
Subject: Antitrust Settlement...

Dir Sirs,

As a hard-working American taxpayer that fully supports your efforts to combat terrorism, I must say that I am dismayed by the ''slap on the wrist'' action seemingly being handed down to Microsoft for, in my opinion, one of the most grievous monopoly abuses in United States history. I feel that if Microsoft is allowed to maintain its dominate market position and extend its market domination into even more of the new markets that are just now blossoming in this information age, the results will be catastrophic. If Microsoft is indeed allowed to keep its monopoly control over the desktop PC market, and stifle its competition, then Microsoft is no longer in competition in the IT market, and hence, its source code for the Windows operating system should be made public domain. If Linux platforms like RedHat and SUSE can make a profit while releasing their source, microsoft should be able to as well. In any event, OEM distributors of the various Windows platforms should have as much freedom as possible in being able to modify/change the operating system to better tailor the operating systems to their PCs.

I have faith that you really will take the consumer into account instead of paying lip service to US (the US people). If Microsoft gets a slap on the wrist then it will become self-evident that this is no longer the land of the free and the home of the brave, but the land of the greed and the home of the slave. I pray to the Lord you at the DOJ do what is right for the people, instead of being a whore for the corporate special interests.

Brian K. Culver
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www.hal-tec.com

MTC–00002735

From: neven@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 12/5/01 4:42pm
Subject: Microsoft settlement

Dear sir/madam,

I think that the proposed settlement of the Microsoft antitrust case is not enough to allow for free competition on this market. I think Microsoft should really allow free access to its API and similar code during the whole development process.

Best,
Neven Dilkov

MTC–00002736

From: matt@rubschlager.com@inetgw
To: Microsoft ATR
Date: 12/5/01 4:22pm
Subject: Microsoft Antitrust Case

Quite frankly the ''deal'' that was cut simply will not take care of the problem. What's thousands, millions, or billions of dollars in software when they're the publishers of said software? The answer is the cost of the media, training, and the hardware. Does the government actually believe that Microsoft will provide the training and the hardware? The media is easy, simply copy some CDs, throw them in boxes and ship. Hardware, a little more difficult, but still an obtainable goal. The training? Forget it. Not one school will have any trainers knocking on their door. Any money given to the schools for training will be spent in other much needed areas I'm sure.

Did the government think that Microsoft would find a hardware manufacturer that wouldn't give them an excellent break of the cost of the hardware? I don't know of a manufacturer that wouldn't be willing to provide that equipment for pennies and their first born. My niece's school district uses Gateway computers. If you ask her what kind of computer she wants for home, her answer (surprise, surprise) is Gateway. What a wonderful marketing opportunity for the hardware manufacturer. If I made computers I would love to be the recipient of that contract.

Likewise for Microsoft, who stands to lose nothing and gain everything from this ''deal.'' By ''donating'' the software to the schools they're ensuring that the next generation of computer users will (again surprise, surprise) choose Microsoft products when asked. They're insuring their product line into the next generation.

At the beginning of my IT career I was a Microsoft supporter. As time has passed, however I've become more and more reluctant to choose Microsoft products. If you choose one product, you're forced into using at least three others that are required to make the first product function correctly. With their recent release of Windows XP and their Passport service it is clearly evident that they have no intention of changing their predatory ways. Back in the 80's everyone had a chance, little guys and big companies alike. With today's tech landscape only the big companies can make it. The largest of the big companies is easy to identify—Microsoft.

The only solution is for a break up—unpalpable as it may be for the economy and for the growing number of Microsoft only IT shops around the world.

Matthew Rubschlager
matt@rubschlager.com

MTC–00002737

From: Dan Plastina
To: 'Microsoft.atr(a)usdoj.gov'
Date: 12/5/01 4:54pm

Microsoft Settlement—Please sign off on it.

We've wasted enough time and tax payer earned monies on Microsoft. They are a good company, doing good things for users around the world. Software has never been so cheap (Look at Sun's and Oracle's prices for

product—no wonder they are complaining). It's become quite transparent that this is about competitors who can't win fair and square.

It is not time to end this dispute.

Regards,

Dan Plastina

MTC–00002738

From: spucci@blackberry-hill.com@inetgw
To: Microsoft ATR
Date: 12/5/01 6:07pm
Subject: Microsoft Settlement

I object in the strongest possible terms to the proposed settlement, for several reasons, primarily:

1. No punishment has been imposed on Microsoft for its behavior in the past, nor any damages assessed for the harm to the public good effected by those actions. The settlement appears to be instead directed at controlling future Microsoft behavior, and appears to ignore the past.

2. The settlement does not appear to provide for penalties in the case that Microsoft is found to continue its illegal behavior.

3. The settlement expires, and there is apparently no provision for any restrictions on Microsoft's behavior beyond the next five years. These are critical defects, as Microsoft has demonstrated by its actions in the past. Microsoft has no motivation to restrict its behavior if the government never imposes any penalties, as was clearly demonstrated by the 1995 consent decree and Microsoft's subsequent actions. If we as a government only ever say to transgressors ''You have broken the law, don't do it again,'' without imposing penalties, why would we expect anyone to follow the law?

I have also read that Microsoft is offering to give away equipment to schools as part of its ''penalty''. This action will only increase Microsoft's monopoly in the PC desktop operating system market. I suggest that if this to be a true remedy, that Microsoft be required to give equipment to schools that do *not* run Microsoft Windows, such as Apple or Sun computers.

Thank you for your consideration of this point of view.

Steve

Steve Pucci

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MTC–00002739

From: James B. Czebotar
To: Microsoft ATR
Date: 12/5/01 5:48pm
Subject: Micro$oft $ettlement

Greetings.

My name is James Czebotar. I work for Washington State University as a Computer Support Analyst. I have worked in the field of computers my entire adult life. I feel it is my duty as a citizen to express my opinions and experiences regarding Microsoft and its operation as in illegal monopoly as already ruled.

I have witnessed Microsoft's monopolistic tentacles first hand. When I started working on WSU's campus, Netscape was the most common browser. Other then the obvious practice of bundling Internet Explorer with Windows 9x/NT, other more subtle methods of forcing IE upon my department sprang up.

Among them: Requiring IE to install other MS related products. For example, if you want to install Microsoft's IntelliMouse software 4.01, mouse drivers for MS's Mouse, you must install IE first. Why is IE necessary for mouse drivers?

Other departments are adopting proprietary IE only systems. Professors are creating IE only web sites, requiring IE to be used by their students. Some of those Profs and Departments benefit from MS grants. A cozy arrangement.

WSU's Administration Departments are developing and using systems which require IE/Outlook to function. For example, they send out budget information to our department in an MS Outlook Encrypted format, as well as forcing us to use IE to use their online web based functions. I have held out for years, giving IE only to the select few who can demonstrate a need for it. IE and Outlook are notorious for their security flaws, the main reason I try to keep my department away from them. However I couldn't fight the tied forever, and this year I have little choice but to implement IE on all 500+ of our computers. A fellow employee put it quite well as I was updating his machine: ''Now that I have IE, why do I need Netscape?'' Most of our employees have IE at home, being that their computers came with it. They have been conditioned like Pavlov's Dog.

I can only speculate as to the financial arrangements between WSU and MS. In a proper competitive setting, WSU should be buying software and adopting standards based on common capitalistic parameters, such as prices, quality, support, etc. In reality, it appears as if MS has its tentacles around WSU, giving out ca$h and $oftware in order to secure a foothold of MS products on campus.

I am disappointed that the new administration has backed off and wants to settle with Microsoft. However I am not surprised. Anyone who monitors politics is fully aware of the reality of the dominance of special interests and their control over the system. My voice in this matter is so small it is almost silent, but I feel I must speak out nonetheless. For if I don't, I have no one to blame but myself when we must all follow them whims of MicrsoftAOLTimeWarnerGeneral ElectricSonyExxonWalMart GMFordATTVerizon Thank you for your time, and your consideration of my comments.

James Czebotar Computer Support Analyst WSU Library Systems

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''He who knows nothing is closer to the truth than he whose mind is filled with falsehoods and errors.'' [Thomas Jefferson]

MTC–00002740

From: Laurel James
To: Microsoft ATR
Date: 12/5/01 5:42pm
Subject: settlement

This was never a case about harming the consumers! As a happy Microsoft consumer, their prices have always been fair and the products exceptional. This was nothing more than a government play to get money for nothing!

MTC–00002741

From: Charles Landau
To: Microsoft ATR
Date: 12/5/01 5:33pm
Subject: Microsoft Settlement

We would like to express our strong support for the current settlement of the antitrust case against Microsoft. We believe that the country and its economy benefits from having Microsoft as a strong, innovative competitor in the free market.

In addition consumers have traditionally experienced lower prices for software when Microsoft competes in a market. For evidence of this, one need look no further than the fact that web browsers are now free to consumers based solely on Microsoft's presence in that arena.

Regards,

Charles and Laura Landau

Kirkland, WA

MTC–00002742

From: Bill Arnett
To: Microsoft ATR
Date: 12/5/01 7:27pm
Subject: Microsoft Settlement

The proposed ''penalty'' of allowing Microsoft to distribute their software to schools is ludicrous. From their point of view it is turning a penalty into a marketing operation, something they would be happy to do in any case. From the point of view of everyone else it is like letting a drug dealer pay his debt to society by giving away free drugs to kids.

Bill Arnett

bill@nineplanets.org

Redwood City, CA USA

http://nineplanets.org/

37 27 38 N 122 16 11 W

MTC–00002743

From: Jim Furlong
To: Microsoft ATR
Date: 12/5/01 6:22pm
Subject: Microsoft Settlement

Please just settle the Microsoft monopoly issue and let's get on with life. I don't think microsoft is guilty of unfair practices and think that all the state suits are just revenge minded for their individual constituants and late blooming businesses in their states. There wouldn't even be a personal computer industry if we had waited for IBM to develop machines and language.

James C. Furlong An engineer for 40 years!

MTC–00002744

From: David Herndon
To: Microsoft ATR
Date: 12/5/01 6:12pm
Subject: Apparently the DOJ is owned by Microsoft also

This is a reaction piece so I will limit myself.

Apparently the DOJ is owned by Microsoft also. Lucky for the DOJ that we have a fresh

new war for us to watch on CNN and public opinion is far removed form the issue.

Ask anyone else in the software industry that tries to make a living (life, liberty and the pursuit of happiness....remember?) writing and selling software in a fair and competitive way, ask weather this is a good deal?...you will here, ''no its not.''

The settlement is lacking is many ways, but creates a lot of nice loopholes that creative lawyers can exploit. Look, its obvious the DOJ is protecting Microsoft with this compromise. Protecting the very company they were trying to punish, nice one.

The solutions that any software company, and vender, would have Microsoft undertake I guess would take down the economy? Cause a unfavorable market? Cause Microsoft to issue licensing audits on every public office desk in America? BS. Look what's happened, the market is falling apart anyway, many (once) competitive companies are struggling. The DOJ is to late, so they will not even try to make a difference. Its like showing up to a car wreck and not even trying to help because you think the driver will die anyway (that's unlawful).

Principle. The Constitution, must be redefined in a way that benefits people not a select group of persons, all the time. I understand that there are laws on the books that are supposed to stop monopolies from forming and then punish companies that contribute;....but to bring a monopoly, Microsoft, to trial, get scared, and then protect them? Sorry, thats the image out here.

Image is everything right? Well the DOJ is looking real good now. Welcome to the dark side of the force (Star Wars reference). I guess you all got new XP laptops and neat stuff...good for you. Thank you for doing your jobs. I guess in America I'm free to do what I'm told, and I should just be thankful for that, right? Right.

People are stronger than any government that rules them. The industry will do what the DOJ failed to do. And, again, the DOJ image becomes more tarnished, less visable, darker and darker until it ends with a big blue screen of death. You could reboot, but that may piss-off Microsoft. Better call support first and ask them if its ok.

MTC–00002745

From: Matthew Cannon
To: Microsoft ATR
Date: 12/5/01 8:23pm
Subject: Microsoft Settlement

How is this justice to the consumer and the market. Sure you say you are making Microsoft give away around $1 billion in software and hardware. The software costs pennies to produce, their biggest outlay would be the cost of the hardware. Plus, in giving it to schools, they just increased their marketshare and psychological hold on the world as the #1 operating system.

You would, by fiat, push all other competitors out of the education system for at least one year. And as close to the breaking point as some companies run, this would probably break many of them, leaving even less competition for Microsoft.

Why not have them donate the money to the schools directly, by getting a list from the Education department or somewhere. Then let the schools decide on how best to spend it. Your case was for the cause of consumers to have choice, let the schools have the same choice you were fighting for us to have.

MTC–00002746

From: Scott Steven G TSgt 36CS/SCBBH
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/5/01 8:07pm
Subject: Anti-trust?

You sold out.
Steven G. Scott, TSgt, USAF
Helpdesk/Message Center
DSN 315–366–7118

MTC–00002747

From: Jack Carroll
To: Microsoft ATR
Date: 12/5/01 7:45pm
Subject: Microsoft antitrust case: the open source community's interests

I just heard about your request for public input. I hope this isn't too late. Here's a copy of what I sent to the Kansas AG. I sent similar messages to all the state AGs I could find e-mail addresses for, of those pursuing the case.

..... Forwarded message .....
Date: Thu, 29 Nov 2001 16:22:23 –0500 (EST)
From: Jack Carroll <jac@chives.mv.com>
To: GENERAL@ksag.org
Subject: Microsoft antitrust case: the open source community's interests

Dear Attorney General Stovall:

I understand that you, along with several other state AGs, plan to continue litigating the Microsoft antitrust case rather than agree to the U.S. DOJ's proposed settlement. Good for you!

Much of the existing record in this case has dealt with the effects of Microsoft's behavior on competing commercial software vendors. That needs no further discussion here. I'd like to draw your attention to some important remedies that would benefit open source software users and developers, and by extension, computer users in general. My interest derives from being a long-time GNU/Linux user and advocate, and a stockholder in Red Hat, Inc. Because the open source software community isn't a business or even an organization, I can't claim to ''represent'' anyone other than myself in any legal sense. In a statistical sense, I believe I'm a fairly typical member of the loose-knit open source community.

There appears to be a widespread consensus that a monopoly in operating systems is harmful to the public interest in many ways; I doubt that I need to present arguments to convince you of that. I suggest to you that Microsoft's OS monopoly has already been broken, and that its dominance of business desktop applications is rapidly coming under serious challenge. Knowledgable businesses and consumers have several practical alternatives today. It's important to the public interest that this become more widely known, and that these choices remain readily available. Microsoft is doing everything possible to regain a de facto monopoly in desktop operating systems and essential applications. Several specific remedies should be imposed to prevent Microsoft from depriving users of a choice.

PROPOSED REMEDIES

1. Microsoft should be prohibited from using contract terms or any other tactics to collect license fees from computer vendors for any machine on which Microsoft software is not installed. The practice of collecting a fee for every machine a vendor ships is the infamous ''Microsoft Tax''. Its practical effect is to economically exclude large computer vendors who offer Microsoft preloads from also serving markets that don't use Microsoft products.

2. Microsoft should be prohibited from using licensing terms or technical measures to prevent or discourage computer vendors from installing other operating systems alongside Microsoft software, on the same computer. We call those ''dual-boot'' systems; only users who do their own OS installations have them now.

3. It's crucially important that Microsoft be required to document and publish the standards for the file formats its applications use. It's not enough to document and publish only the application programming interfaces (APIs); those benefit only programmers who develop applications which run on Microsoft operating systems. Nor is it sufficient to break up Microsoft into an applications company and an OS company; Microsoft applications ported to other operating systems still wouldn't exchange files with independently written applications. File format documentation is necessary to create a level playing field, for as long as Microsoft applications continue to have a dominant market share.

4. For the same reason, Microsoft should be required to publish and strictly adhere to formal standards for its network protocols; applications and servers running on non-Microsoft operating systems need these to interact with machines running Microsoft systems.

DISCUSSION

Microsoft has gone to great lengths to convince the world that a monopoly in desktop operating systems is either natural, or irresistible, or a necessary standard. In fact, none of those propositions is true.

It's much more natural that the operating system, the common infrastruction which serves application software, be open to any interested party to improve and extend. During the last 10 years, open source software has advanced at a rate that no commercial vendor could possibly have the resources to match, even if they wanted to serve the best interests of the users—which Microsoft clearly doesn't. Today, most new advances are tried out first on open source systems, because they're accessible for experiment; as a result, they're rapidly taking the technical lead over even the best of the commercial Unix variants.

The user base of open source operating systems and servers is expanding rapidly. They're already running large segments of the Internet's infrastructure, they're moving into embedded systems on a large scale, and they've begun to penetrate the business desktop, especially in the Third World. To a software professional, a ''standard'' is a thick document that prescribes the behavior of some interface or protocol in precise and excruciating detail. The purpose of a

standard is to achieve absolute certainty that any two independent designs that are in compliance with the same standard will work together without problems. By policy, Microsoft is the implacable enemy of all standards, because standards are a powerful weapon against monopolism. Microsoft conceals, obfuscates, and complicates the interfaces to its own programs. They violate pre-existing standards to cause incompatibilities, then try to convince users that their nonstandard implementation is the ''standard''. Open source systems, on the other hand, typically make every effort to comply with published standards, and the resulting source code is open for anyone to audit and correct.

Abolition of the Microsoft tax presupposes another widely discussed remedy; requiring Microsoft to treat all customers the same, according to published price lists and terms. Without that constraint, the company could manipulate pricing to place selected computer vendors at a disadvantage if they offer machines with non-Microsoft preloads, with dual-boot preloads, or without software.

I think this is a critical moment. Decisions made now may have powerful effects; very different futures are possible, depending on what happens next. Microsoft's dominant position is becoming rather precarious. Its long-term survival is in doubt. A number of pressures are combining to degrade its revenue potential while its costs remain high. Unlike many a company with a dark future, Microsoft's massive financial reserves give it the time and means to try many things simultaneously in an effort to regain a secure stream of large-scale revenue. In this effort, the company is becoming more aggressive and manipulative toward its users and competitors than ever before. Some of its legislative initiatives may have destructive effects on the society as a whole.

Microsoft's most basic problem is market saturation. In the developed world, nearly everybody who needs a computer has one. Most of them run Microsoft OS and application software, so there's no place for the market share to grow. The total market itself is shrinking; while the software on many of these machines is hardly satisfactory, it works just well enough so that the pain of continuing to use it doesn't justify the effort and expense of immediate upgrades—and anyway, the customers have gotten wise to Microsoft's game, and understand quite well that the next upgrade isn't going to fix their problems without introducing new ones. So the forced-upgrade cycle is no longer a reliable cash cow. I've seen assertions that if employee stock options are accounted for, the company is losing money.

The twin phenomena of open-source and free software are hitting Microsoft's revenues from another direction. Microsoft can't match either the quality or the cost-of-ownership of these products of user-directed cooperative development. Microsoft was able to buy or destroy most of its commercial competitors, but this new source of software can't be owned and doesn't need revenue. Several industrial-strength operating systems (FreeBSD, OpenBSD, Linux) are solid and hard at work, with thousands of volunteers extending their capabilities and fixing bugs as fast as they're discovered. Multiple application suites (Star Office, K Office, Abi Word) are rapidly approaching maturity, and are already being put into everyday service in markets that can't afford the cost of Microsoft user licenses. In this environment, Microsoft no longer has the luxury of holding back bug fixes and new capabilities to use as leverage for the continuing upgrade cycle. A rapidly maturing mix of open-source and free software is moving into the server and embedded-systems markets that Microsoft was never able to penetrate on any large scale, cutting off Microsoft's planned directions of expansion. Microsoft is now contained on the desktop and some business servers, and the prerequisites to erode its market share there are falling into place.

The antitrust suit has hurt Microsoft mainly by distracting its management's attention while these other changes were taking place. It's too late for litigation to help the business competitors that Microsoft stifled, other than by monetary damages to their creditors and stockholders. However, the settlement could make an important difference to the public interest, by blocking both overt and subtle maneuvers to re-impose its vanished monopoly.

The company's strategy appears to center on getting users to accept one more upgrade cycle, by finally offering software of reasonable quality, and poisoning it with traps that ensure revenue into the indefinite future. Measures such as time-limited licensing, back doors that allow remote disabling, shipping systems without installation media, bugging the software against transfer to a newer computer, and patented file formats that forbid reverse engineering are examples of techniques to dominate and exploit the end user. Once a user makes the mistake of putting his data into a Microsoft file format, he has to pay ransom to Microsoft forever to retain access to that data.

To fight off the defection of end users and computer manufacturers in the meantime, Microsoft can use restrictive licensing terms, secret agreements, propaganda, legislation to interfere with free participation in software and hardware design, and possibly support for unrelated litigation to drain the working capital of companies involved with open-source software. In the legislative arena it may find allies in the record and movie industries, themselves famous for shady and aggressive dealings. Senator Fritz Hollings recently introduced legislation that would have the practical effect of making computer programming and engineering by private citizens illegal; this seems to have been stopped for the moment.

If Microsoft isn't allowed to block major computer manufacturers from offering open source preloads, there's a good chance the defection from proprietary software will become unstoppable in the next year or two. Personally, I look forward to a world without Microsoft. I think it's possible.

REFERENCES

On the history and nature of open source software: ''The Cathedral and the Bazaar'' by Eric S. Raymond, http://www.tuxedo.org/esr/writings/cathedral-bazaar On the licensing of free and open source software: the General Public License (''GPL'') by Richard M. Stallman, http://www.fsf.org/licenses/licenses..html#TOCGPL On the place of business within the open source community, ''Under the Radar'' by Robert Young and Wendy Rohm, http://www.redhat.com/radar.html

Sincerely,
John A. Carroll

MTC–00002748

From: Josh Bersin
To: Microsoft ATR
Date: 12/5/01 9:11pm
Subject: What Happened to the Microsoft Anti-Trust Case?

As a taxpaying American citizen and a member of the high tech workforce, and a software executive, I have to voice my outrage at the DOJ's treatment of the Microsoft case.

Microsoft has been convicted of tied product sales. They have been convicted of illegally blocking competitors from unbundling products, and of preventing legitimate software competitors from building products on Windows that compete with Microsoft products. They even lied at the trial. I was an executive at Sybase during our contact negotiations, and we actually developed the original code for SQL Server which Microsoft now sells as part of Windows 2000/XP. Microsoft badgered us, bullied us, and used terrorist tactics which eventually forced our CEO to license source code to them.

They have done this to all vendors of word processing software, of presentation software, of email software, browsers, and now, with Windows XP, they will eliminate remaining software providers of streaming media software, MP3 players, and other windows accessories. There is no business model which can compete with ''give it away with the operating system.'' Clearly they are a monopoly and continue to use that monopoly to kill off other markets peripheral to their core market (operating software).

I worked at IBM in the 1980s when IBM was broken up from tieing its services with its hardware and software. It made IBM a better company and it made the mainframe industry a cleaner, more profitable industry for everyone. It allowed many companies to grow and flourish (I would venture to say that Oracle would not exist if IBM had been allowed to give away DB2 for free).

What is the harm to consumers of this monopoly? Plenty.

First, innovation on PC software has nearly halted. There are no more software companies left building desktop productivity applications (except maybe Adobe and Macromedia). There are no more options for email software, word-processing, presentations, etc. Lotus is gone, WordPerfect is gone, they're all gone. We have no choice. Second, prices for software are going through the roof. With Windows XP Microsoft has now taken the gloves off. Clearly they now believe that the competition for desktop software is gone, so they can price however they want. A copy of Office for Windows XP now costs nearly $500–600 list price. This is nearly the cost of an entire mid-range PC.

The Office XP Division at Microsoft is generating billions of dollars of revenue with margins well over 80%.

Consumers and businesses are getting gouged, and there is no alternative. Third, there is no possibility of high quality support for these products. I have to agree with Jeremy (his article just appeared in the Wall Street Journal online). I have had numerous problems with just PowerPoint XP. Microsoft has no fixes for these problems, nor is there an incentive for them to fix them. What other presentation software can I use? There are no vendors left. Fourth, innovation has halted. The newest versions of Outlook, Word, Powerpoint, and Excel have added no significant exciting new functionality. They have added complexity and primarily more and more links to Microsoft web properties—forcing consumers to go to Microsoft.com for updates, releases, plugins, etc.

I am not a lawyer, but I am a business person. I know what happens when you think you can get away with being a monopoly. You deliberately tie in products, you deliberately lose money on new products to make it up on monopoly products. You deliberately mislead competitors. You deliberately steal ideas from small underfunded competitors. None of this has stopped at Microsoft—they continue unchecked. And when I heard that they were given the OPPORTUNITY to donate $1B of equipment to schools, I knew ''they got away with it AGAIN.'' Now the US Government is giving the Microsoft Monopoly the ability to start their monopoly games at the age of 6.

What is going on at the DOJ? Are you afraid of hurting the economy? I promise you that if Microsoft was split into two independent companies—the Microsoft Windows Company, and the Microsoft Applications Company—both would flourish and prosper. Innovation would start again. New companies would form. New software would be developed. The PC, which is becoming one of the most important appliances of our lives, would be given a new life.

As it is, look at the software industry today. There are only a handful of companies making money any more, and the rest are gone. Our international competitiveness in software will over time be overcome by countries that prevent Microsoft from exerting influence. I believe the writing is on the wall—India, Russia, and the far east will become bigger software providers over time than the US .... with the exception of Microsoft.

What recourse do I have as a consumer, a member of this industry, and as a tax paying citizen, to tell the DOJ to work harder. Fight these guys. They are NOT acting in the public interest. They are NOT acting in the consumers' interest. They are NOT acting in the interest of the industry. They see a world where Microsoft logos appear on every appliance, every desktop, every cell phone, and every web site. Their vision is clear and it is all built upon the Windows monopoly money machine. I would be happy to travel to Washington to testify or give additional insights to the team ... but it appears that the DOJ has already given up!

Josh Bersin
josh@bersin.com
(510) 882–8088 (cell)
Oakland, California
Josh Bersin
(510) 654–8482 home
(510) 882–8088 cell
josh@bersin.com
CC:jeremy.wagstaff@feer.com@inetgw,josh@ bersin.com@in...

MTC–00002749

From: Victor Churchill
To: Microsoft ATR
Date: 12/5/01 8:56pm
Subject: Microsoft vs USA

To the U.S. Antitrust Devision,

Take a real good look around you, what do you see ???

Monopoly after Monopoly, Hardly any competition.

A BIG RECESSION

This settlement is NOT in the best intrest of the people. YOU can change it to be much better than what it is. IF you don't, we will continue to see lay-off after lay-off. We will continue to see Microsoft stifle competition. We will continue to have very few choices. Microsoft is TOO BIG to ignore.

It continues to get it's fingers and roots into everything. Can't you see that ??? If you can't you must be blind. It is so obvious, even my 3yr old can tell. So, Make the right choice.....Give the people a better solution. And do something right for America. You do love this country....don't you ????

—Vic

MTC–00002750

From: Erik Fjerstad
To: Microsoft ATR
Date: 12/5/01 8:42pm
Subject: Microsoft Settlement

Dear Sirs,

I am a computer literate individual who has utilized computers and software for 30 years, from the era of punch-card to laptops, to pc-phones. I continue to be amazed at all the excellent products that arise and then get bullied into sale or oblivion by Microsoft. Microsoft has always been a follower, a stifler, a ''not-invented-here'' enveloper (not developer) of products. I utilize and like many microsoft products, but many others as well, and consistently find the ''bent'' within microsoft products to exclude competition, either subtly or overtly.

I am incredulous at the appeasement made by the DOJ on the lawsuit. Please re-consider.... the situation is moving in the direction of loss of choice and continued worsening of product. It is akin to having one's choice of cars limited to what Chevrolet has to offer, or to years ago with ATT, where they were the only phone service and equipment provider in town. To develop competition, to foster world-wide growth, and to enable opportunities for the industry world-wide, choice is needed. This requires openness in standards and arms-length relationships between applications and operating systems. A clear example is the VHS tape, we can have ''standardization'' that supports growth without having to buy the player only from Sony (Beta). How many more blatant examples are needed (attempts to use its own standards for media files, corruption and avoidance of JAVA, etc.) to prove it explicitly wants only its own solutions forced on the public, and that with its current mass and momentum, can effectively make it happen?

Erik Fjerstad
2043 Edgeview Drive
Hudson, Ohio 44236

MTC–00002751

From: Leonard (038) Agnes Tillerson
To: Microsoft ATR
Date: 12/5/01 8:26pm
Subject: Microsoft Settlement

As a citizen and taxpayer, I an totally in favor of bringing an end to the pointless erosion of intellectual property rights! The litigation against Microsoft not only sent our economy into a tailspin process but has also cost a fortune to taxpayers. Enough is enough!The case against Microsoft should have been thrown out in the courts years ago.And, no, I am not a stockholder. I am an avowed Constitutional American who also upholds our Bill of Rights to the nth degree.

Thank you for taking my opinion into consideration.

Sincerely,
Agnes Tillerson
244 Opsrey Circle
St. Marys, Ga, 31558

MTC–00002752

From: lifedata@vol.com@inetgw
To: Microsoft ATR
Date: 12/5/01 10:22pm
Subject: Microsoft in court

Dear Attorney General,

I am writing about the anti-trust case against Microsoft. I am writing to say I think they should be held responsible for their many documented illegal and/or unethical actions in a much more effective way than current information indicates is the case.

It is clear to those who know the field, that while professing to be technology leaders, Microsoft has stifled the development of software technology by their practices. Their actions against IBM's OS/2 operating system is one prime example.

That they should get away with what they have done with nothing more than the currently reported slap on the wrist is nothing less than a travesty that you would do well to act against. I strongly suggest further pressing the matter against them with vigor.

Sincerely,
Jim LaLone
9835 Standifer Gap Rd
Ooltewah, TN 37363
lifedata@vol.com
Jim L
You can know. 1 John 5:13

MTC–00002753

From: Juan Lanus
To: Microsoft ATR
Date: 12/5/01 10:08pm
Subject: taking our lives in small chunks

Hi

MS, from it's dominant position, has damaged me, you, and we all. All those ''hung computer'' problems, and many other related problems, should not exist. Windows should work ''as advertised'', which means flawlessly. All other operating systems do so.

The Windows failures and hangs infringe a small damage everyday to all of us. See an example: if somebody takes other's guy life he is sent to jail. MS's low quality operating systems are taking, globally, much more than one life. Thay are taking a few minutes from everybody's life to make a gross total equivalent to an important genocide. Something comparable with the september 11 casualties, per month (I'm not doing the arithmetic, but it might well be even more).

As a monopolic supplier, MS doen't feel pressed to fix the problems. If DOJ doesn't, who might help us now?

Juan Lanus
TECNOSOL
Argentina (and the rest of the world)

MTC–00002754

From: root@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 12/5/01 9:35pm
Subject: Antitrust Settlement

I find it amazing how much Microsoft is being allowed to get away with. It has become obvious that their money can get them anything they want. The settlement is a cover that does nothing but push Microsoft's software even further down the throats of the people of this country. It was found as fact that Micrsoft has formed an illegal monopoly reguardless of how the Judge acted. Yet Microsoft has found a way to wriggle their way out of it.

Let's stop helping the large companies and do what is right for the people of this country and and just do the right thing. DO NOT allow Microsoft to once again get away with their illegal business practices.

Thank you
Chris Hammond

MTC–00002755

From: Stephen Ingram
To: Microsoft ATR
Date: 12/5/01 11:43pm
Subject: Hi, this is from a link on the RedHat site (www.redhat.com)

Hi there,

According to the RedHat site, the Justice Department is collecting opinions via email about the antitrust settlement. I guess my first disclaimer is that I am a Linux user and pretty much use that OS exclusively.

My belief is that Microsoft are guilty of suppressing competition, but, whilst this does not excuse them, any multi-national company would do that in a heart-beat, if they felt they could get away with it. That said, I believe the settlement is a win for Microsoft. If I were Bill Gates, with $36 billion in cash, XP and Xbox just released, I'd find it pretty difficult to think things went badly in the settlement and for Microsoft.

Microsoft offer their $1.x Billion for schools and even that has them using the situation for a multi-million dollar write-off. The worst aspect of the settlement is that if this is as bad as it gets for Microsoft then what do the Justice Department do next? Its over for you guys, but you guys were right! Microsoft walk away and just get smarter next time. Hey, they caught up with the Internet (finally) and now have *easy* global reach. They achieved what they needed to do and if it cost them a couple of billion dollars, well, that was just an R&D project for them.

What is the current expected return on $36 billion? $3 billion ≥ $4 billion dollars a *year*? They won and don't believe Bill Gates doesn't think it too. He's laughing all the way to the bank. This is the only time you'll get an offer like this out of Microsoft and they are low-balling so much, its embarrassing.

How much does the US government itself, across all its organizations pump into Microsoft each year? Not only did Microsoft win, we are *paying* them for that privilege too!

If all our government organizations switched to Open Source, you'd have more tax dollars to help the poor schools that Microsoft are claiming to want to do.

Not just one time, but forever!

Now *that's* what I'd call Justice!

Thanks for your time,
Regards
Stephen Ingram

MTC–00002756

From: Barbara Lewis
To: Microsoft ATR
Date: 12/5/01 11:16pm
Subject: Microsoft Antitrust Settlement

This is bogus. Microsoft is a very creative company and they will find a way around the minor penalties you are proposing. I fully support the states that are not agreeing with your settlement.

Barbara Lewis
Systems Engineer
Novell, the leading provider of net services software
http://www.novell.com
703–713–3604

MTC–00002757

From: Albert Pisani
To: Microsoft ATR
Date: 12/5/01 10:42pm
Subject: Microsoft Settlement

The deal with Microsoft giving the option of giving out its ''blue prints'' and having two versions of Windows (with and without applications) is ridiculous. The only reason that the people want the ''blue prints'' is so that they can make a product based off windows (a cheap rip off I like to call it). Think if you had to release the ''blue Prints'' of Windows. The source code will get in the hands of a Anti-Microsoft ''terrorist'', and they will develop ways of hacking the code, to make it easier to run illegal software on the system. You don't see these people asking all the gaming companies to release thier game's source code. Why? because, if they did, there will be so much more copying of games then there is already. Microsoft may be a little over priced, but I will surely pay for it. I don't NEED windows, I just like how it operates

MTC–00002758

From: Rob Brown
To: Microsoft ATR
Date: 12/5/01 10:42pm
Subject: Settlement

Dear sir or madam,

I think the microsoft settlements seem to be nothing more than a slap on the wrist, if even that. I cannot believe that this latest settlement is giving them a way to extend their monopoly further, into schools. This is absolutely absurd. Furthermore, it allows them to claim they are giving hundreds of millions of dollars away, when in reality software has almost zero marginal cost so it costs them next to nothing to give away software. I am really tired of the aggressive tactics that microsoft uses. I am sick of them leveraging their products to extend their monopoly further. It is unfair, and it stifles competition. I am not a competitor of microsoft, just a user who is sick of having products I don't want rammed down my throat, only because I need to run Windows to survive and be compatible with everyone else. I thought the DOJ was going to do something about this, and I am disgusted about how they now have dropped the ball on the case that they first had appeared to have won.

Thank you,
Rob Brown
21 Caire Terrace
San Francisco CA 94107

MTC–00002759

From: Reynolds
To: Microsoft ATR
Date: 12/6/01 3:02am
Subject: Microsoft

Hello,

Please move forward with your case against Microsoft. How is it that after a settlement is reached with Microsoft over their acknowledged monopoly—that they can turn around and propose a measure that would allow them to donate millions of dollars worth of microsoft software to schools? This is ludicrous! An in-depth investigation should be put forward to discuss all of their illegal activities not just browser issues.

Consumers should have more than one operating system to choose from, yet if Microsoft continues to rule without any regulation we will not have a choice and that is a bleak future for all consumers. Best,

Mark Reynolds
San Francisco

MTC–00002760

From: Robert Rahardja
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/6/01 4:25am
Subject: The US government is affecting the world

I do agree with Jeremy Wagstaff (jeremy.wagstaff@feer.com
<mailto:jeremy.wagstaff@feer.com>)'s article in today's online Wall Street
Journal (Tech Section).
December 6, 2001
Loose Wire
Actually Bill, No, I Can't
By JEREMY WAGSTAFF
THE FAR EASTERN ECONOMIC REVIEW

As a new Entrepreneur in South East Asia (situated in both Singapore and Indonesia), my choices of OS is severely limited as I continue to choose machines for my business. It is very disappointing that the US gov had such a lenient and, in my opinion, useless outcome of the Microsoft antitrust case.

As Jeremy says, I am 'flabbergasted'. My choices of OS is really not mine. It is Microsoft's.

The US government's choice affects the world. I know it affects small start-ups like mine. There is no choice for OS's in the marketplace because other OS's like Linux and Solaris hardly supports applications like Quicken, Office, etc. Applications which are vital to our business.

As a pro-American business person, I am thoroughly disappointed.

Regards,
Robert Rahardja
CTO, Director
KTA International

MTC–00002761

From: Neal Zipper
To: Microsoft ATR
Date: 12/6/01 6:56am
Subject: Microsoft

I would like to express my feeling on the Microsoft case. As a computer professional for 25 years it apparent that Microsoft has a monopoly in the computer industry. As I see it the only real solution to the problem is to require Microsoft to publish the API (Application Program Interface) to windows and office that would allow other Operating system / program vendors (Sun, Linux, Apple, Corel etc) to support software written for Windows. Thais would allow other operating systems vendors to compete. It is also important that the Microsoft be forced to use the same API's as documented by themselves. If Microsoft feels the need to add an API. they could as long as the publish the standard at the time they write it. This would eliminate Microsoft's complaint that the DOJ is stifling innovation.

Neal Zipper KR4IZ, CNE
HTTP://ZWEBPROS.COM

MTC–00002762

From: Hunts
To: Microsoft ATR
Date: 12/6/01 7:07am
Subject: Too much power

Microsoft has too much power. I asked my MAC son, ''Hey, howcum we never have virus problems at home like we do at work?'' ''Because we have MAC's, dad. All the viruses are in Microsoft world.'' Have big legal arguments all day long. At the end of the day, Microsoft has too much power. It hurts us consumers. It's not good for the world, and it's not good for America.

Bill Hunt

MTC–00002763

From: robert_h_mittelman@hotmail.com@inetgw
To: Microsoft ATR,or@usdoj.gov@inetgw,RFC–822=www.usdo...
Date: 12/6/01 8:34am
Subject: WSJ.com—Actually Bill, No, I Can't

I've had this problem myself and tend to agree with the conclusion of the writer.

If you are having trouble with any of the links in this message, or if the URL's are not appearing as links, please follow the instructions at the bottom of this email.

Title: WSJ.com—Actually Bill, No, I Can't

MTC–00002764

From: mnmmillman
To: Microsoft ATR
Date: 12/6/01 9:32am
Subject: I think it would benefit consumers to have two competing companies offering Windows.

I think it would benefit consumers to have two competing companies offering Windows.

MTC–00002765

From: myarizonarcman@hotmail.com@inetgw
To: Microsoft ATR
Date: 12/6/01 9:37am
Subject: Settlement

Please settle with Microsoft immediately and quit this petty bickering over entrepreneurship of a private company. I have never seen such a product at such a low price for the common man for sale anywhere in the country. The all inclusive operating system is just what us retired old folks need. Adding many little program software ''add-on'' packages is very inconvenient, wont always work as an integrated system and cost much more. If the digital revolution is to continue in the world and the US is to remain the software leader please settle now and get on with more important business in this country. I have personally lost over 500 thousand in the stock market and I blame this debacle amongst other Clintonian charades for it. Please settle now! Janet Reno is out of office!

Richard L. Joslin
18416 S.E. 280th St.
Kent, Washington
USA

MTC–00002766

From: Boyd Stromsdorfer
To: Microsoft ATR
Date: 12/6/01 9:38am
Subject: Y'all need to back off Microsoft.

They alone are responsible for 600 Billion of the GNP alone. You are wasting time and money!

MTC–00002767

From: PSteph5775@aol.com@inetgw
To: Microsoft ATR
Date: 12/6/01 9:39am
Subject: Stop!!

I think it is ridiculous for the government (and the 9 remaining states + DC) to keep suing Microsoft over windows 2000. Doesn't the government have better things to spend taxpayers money on?? It is a great operating system and easy to work with. Bill Gates has gone a long way in developing the computer industry. The government has got to stop destroying American business which was a dangerous trend that socialists Bill and Hillary Clinton had gotten started with the tobacco industry.

I have no idea if anyone will be reading this but I think I have a valid point.

Phil Stephens
Noblesville, IN

MTC–00002768

From: Thomas Holmes
To: Microsoft ATR
Date: 12/6/01 9:47am
Subject: Letter to AG Ashcroft re MS.doc

December 6, 2001
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530
Re: Settlement of DOJ vs. Microsoft

Dear Attorney General Ashcroft:

I was extremely pleased to hear that the Department of Justice has decided to settle its antitrust dispute against the Microsoft Corporation, which is why I have taken this opportunity to write to you during this comment period to express my opinion on this issue.

Millions of dollars and countless hours have been wasted on both sides of this dispute. Microsoft has completely changed for the better the way most companies manage their business on a day to day basis. Why did our Government set out to kill the goose that lays the golden eggs? This settlement will be good for the American economy.

I am pleased that we may be able to finally put this lawsuit behind us. I am pleased that you have had the foresight to settle this case on the federal level. We do not need congressional action on this matter. Hopefully the states that are still considering litigation will see the wisdom in settling.

Sincerely,
Thomas Holmes

MTC–00002769

From: Richard Kokoski
To: Microsoft ATR
Date: 12/6/01 10:02am
Subject: Microsoft Anti-Trust Case

Guys, just get it over with already!!!!! This cloud that hangs is hanging over the entire IT industry and is only exasturbating economic recovery. I am a huge Microsoft fan. But while I don't agree with alot of things that Microsoft does and they can be anti-competitive, like forcing vendors to pay for an OS license even if they don't put it on a machine, some of the things I see proposed are just ludicrous. It also shows a COMPLETE ineptitude by non-technical people who are just hurting consumers not helping. I could do a MUCH better job with the remedies.

Now the states want Microsoft to make Linux versions of office to ''force competition''. Why not ask Sun to make a Windows version of office. You know why they won't.... BECAUSE NO ONE WANTS IT. There is NO market!!! Bottom line.... get it over with NOW. Let this country move on. Technology in the U.S. is our STRONGEST asset that will let us lead the world, don't destroy it by stupid petty stuff!!

Just 22c.
—Richard

MTC–00002770

From: Rons
To: Microsoft ATR
Date: 12/6/01 10:38am
Subject: Microsoft settlements

I think that the proposed Microsoft settlements are inadequate and more appropriate penalties should be imposed that match the magnitude of the crime.

MTC–00002771

From: MIKE MCCONNELL
To: Microsoft ATR
Date: 12/6/01 10:38am
Subject: State atorney general demands

This is either an ego trip for the attorney generals or a cave to the business interests of the competitors.

This does nothing to aid consumers.

The market determines what products to use. Microsoft gives consumers what they want and that is why it has been so successful. Microsoft products never start out at the top but each revision gets better until their product is the one consumers want. They constantly improve their products where other company's stagnate such as Lotus 123 and Wordperfect which used to dominate their niches. Let the marketplace decide.

I am tired of Windows crashes and when someone produces a better system with applications I will drop windows. However my son says XP is very stable, so maybe I won't have to switch. Microsoft is evolving to a better system itself.

MTC–00002772

From: Aaron Urbain
To: Microsoft ATR
Date: 12/6/01 10:58am
Subject: The DOJ had previously found

Microsoft to be a monopolist, but the

The DOJ had previously found Microsoft to be a monopolist, but the settlement included no punishment for past actions and left doubt as to its protections against future monopolistic practices.

The DOJ is a toothless lion?

MTC–00002773

From: Coffin, Greg
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/6/01 11:08am
Subject: Windows

I use Windows and am very computer savvy but I do believe there should be more competition allowed concerning Microsoft Windows. Below is an article I read today regarding tougher sanction imposed by states. It's clear to me Microsoft, being the dominant force it is, is leveraging itself in every market it can. I firmly believe that these new sanctions would be good for the computing industry.

*Offer PC makers a version of its dominant Windows XP operating system without its instant-messaging service, media player and browser. Critics say Microsoft's inclusion of the features boxes out rival offerings. Justice's settlement requires Microsoft to let PC makers remove access to the features, not the computer code itself. That, critics fear, could encourage programmers to develop applications tailored to those features rather than those of rivals because they would be in every copy of Windows. In addition, Microsoft offers discounts to PC makers whose machines boot up quickly. That could discourage PC makers from including non-Microsoft features that could slow boot times if Microsoft features aren't removed.

*Disclose Windows' code more thoroughly than is required by the settlement. Such disclosure would let rival products work well with Windows.

*Include Sun Microsystems' Java programming language in Windows XP. If applications such as games and word processing are written in Java, this provision theoretically could reduce Windows' dominance.

*Encourage Microsoft to customize its popular Office suite of applications to other operating systems, such as Linux. Officials believe this could help those systems challenge Windows.

*Notify a special master before it obtains new technologies through acquisitions. Some state officials say Microsoft should be limited in its ability to use ''ill-gotten gains'' from its Windows monopoly to plow into new markets.

The states' filing is also expected to eliminate what officials consider loopholes in the settlement. For instance, it will likely include tighter restrictions to prevent Microsoft from retaliating against PC makers that ship non-Microsoft products. And the draft proposal asks for the appointment of a special master who could present evidence of violations to a judge. The settlement, by contrast, calls for an oversight committee that reports to Justice but cannot use its findings as evidence.

The proposal also specifies a less limited time horizon for the sanctions than the settlement's 5-year term, say people familiar with the matter. In June, an appeals court upheld a judge's ruling that Microsoft illegally protected its Windows monopoly but tossed out an order to break up Microsoft and ordered Kollar-Kotelly to devise new penalties. Some state prosecutors say the appeals court ruling called for much stricter sanctions than those included in the settlement. For example, the court criticized Microsoft for ''commingling'' the code of its browser in Windows to fortify its monopoly. And it said Microsoft sabotaged Java by deceiving developers into using a Windows-specific version of the software.

Sincerely,
Gregory P Coffin
Fort Worth, TX

MTC–00002774

From: Andreas Meyer
To: Microsoft ATR
Date: 12/6/01 11:22am
Subject: Microsoft and school donations

To Whom it may concern:

As someone who is professionally tied to using and administering many computer systems, I find that my concern over the Microsoft monopoly agreement is growing rapidly.

My main concern is that new technology and software is currently easily stifled by Microsoft. This affects me and much of my industry, since it means that high-quality, secure software is harder to obtain. Unfortunately, Microsoft understands that most of the market will reward them more for low-quality, low security software. While there are companies that try to do better, they find that Microsoft is also doing all it can to prevent new companies from offering competing companies.

I don't suppose that the punishment of Microsoft will do much one way or the other to deter them. However, the idea that as punishment, they should offer software to schools is highly counter-productive. Why any punishment is linked to schools at all is pretty unclear to me. However, if they are to be fined by paying for school software, then it should not be Microsoft software. This is saying that as a punishment for abusing monopoly power, they must go out and extend their monopoly. That is more than a bit perverse.

If the penalty must be linked to school programs, then Microsoft should pay one or more of their competitors to implement to school computer program.

Perhaps one could evenly distribute the money between Redhat, Sun Microsystems, and Apple to implement the school donation program.

Sincerely,
Andreas Meyer
4 Salter Point Cove
Portsmouth, NH 03801
asm@ameyer.org

MTC–00002775

From: Aaron T. Picton
To: Microsoft ATR
Date: 12/6/01 11:30am
Subject: Settlement

Hi,

I was just wanting to let you know that the proposed settlement by Microsoft will do nothing to actually alleviate the problems that they are causing in the computer industry. In fact, in all likelihood, the proposed settlement would increase the monopolistic power that Microsoft wields. I work for a government agency and wouldn't be impacted in the competitive sense one bit (Microsoft isn't too likely to put me out of business), but I am tired of Microsoft using their monopolistic power to barrel into other markets besides the OS market and eliminate the choices that I have as a consumer.

Thanks for your time,
Aaron Picton
Shasta County
(530) 245–6235

MTC–00002777

From: Damian Dittmer
To: Microsoft ATR
Date: 12/6/01 11:36am
Subject: So this is punishment?

Dear Sirs,

I cannot believe with the debut of Windows XP, that Microsoft has been punished at all. Just the opposite has occured. Microsoft has succeeded in building a program that is even more filled with direct referrals to Microsoft products. I thought they were not supposed to be able to do that anymore.

It is a sad statement for Justice that Microsoft can go on unhindered it its goal of total domination of programs used for PC's. A sad day indeed.

Damian Dittmer

MTC–00002778

From: David Bennion
To: Microsoft ATR
Date: 12/6/01 11:38am
Subject: Microsoft needs to be broken up

It is clear that Microsoft wields too much power in the market place. They need to be broken up. This settlement idea of giving software to kids in schools will not change the fact that Microsoft is a monopoly. In fact, it will only enhance it by getting the children trained only on Microsoft products from the time they are in school. Microsoft has engaged in many agressive, anti-competitive business practices, and a change needs to be

made. There are many good ideas out there on actions that could be taken against them.

David Bennion.

MTC–00002779

From: Stephen Bradley
To: Microsoft ATR
Date: 12/6/01 11:39am
Subject: Anti-Trust Case

Gentlepersons,

While I am not an attorney I do have an opinion on the anti-trust lawsuit settlement.

This sounds like a normal government debacle. The DOJ has gone after them and gone after them and then settles for nothing.

It is obvious to anyone that uses a computer that Microsoft produces lousy software.

I have operating systems that run on Intel platforms in which uptime is measured in months and years. Not in minutes.

Why does this matter? We always have a choice don't we? No. We don't have a choice. Because of Microsoft's predatory practices and the way they work hard at stifling any competition we no longer have a choice. If a product comes out that works better than theirs they can just bundle their buggy code into the OS and say it's new feature. It's free so people don't want to spend more to get something that really works and they put up with it. The competition then goes out of business due to lack of support. Remember Netscape?

You allow them to keep doing this to competitors and you get what we have now.

Are there alternatives? Yes. But because Microsoft has a fit everytime someone wants to develop software that runs on their OS and a competing OS they throw roadblocks up and start withholding little things that are needed for development.

steve

MTC–00002780

From: Drew Mackenzie
To: Microsoft ATR
Date: 12/6/01 11:41am
Subject: Opinion: Consumer vs. Taxpayer

Consumer

I understand the allegations at hand in part focus on benefit/hurt to the consumer. In this category, as a consumer, I have been hurt by Microsoft's market monopoly. As a software purchasing decision-maker, this is my thought process:

I have a problem, which requires either software [x] or [y].
Either will accomplish the job.
[x] will allow me to use the results from [y].
[y] will not allow me to use the results from [x], based on [x]'s corruption from an original agreed industry standard.
some people are already using [x].
I need to use all software results, so anyone can be my business partner.
I must buy [x].

I.E., I am bullied into buying [x]—Microsoft products—because of their corruption of industry standards.

Taxpayer

If Microsoft can't continue to sell lots of software, the company will be reduced in value.
If Microsoft is reduced in value, the markets will be hurt, negatively impact the domestic economy, reduce corporate profits, and reduce the corporate contribution to the federal tax base.
I'll end up paying more taxes.

In the end

The only way I won't get hurt is if Microsoft actually changes it's products. If their products are designed in such a way that the products themselves do not use their market saturation to leverage future purchases, then they are no longer using their monopoly to prevent advances in the software industry.

Microsoft could continue to produce, but would be forced to meet the same standards as other companies.

They would have their products compete on an even footing with other software producers. Feel free to contact me if you like

Drew Mackenzie
DMackenzie@ho-chunk.com

MTC–00002781

From: Darren Lenick
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/6/01 11:41am
Subject: Settlement is pro-Microsoft

I think the last thing we need to do is assist in the growth of the monopolistic company by allowing them to donate their software to our poor schools. This would only enhance their position and strengthen their hold on the computer industry.

I am a user of Microsoft products, not by choice, but by requirement. As a network professional with more than 15 years experience, my preference would be to use a more open and less expensive architecture. I use both Linux and Windows in my daily life, however, I can't share documents with my clients and employees if I use my Linux system and software. This is solely because of the closed architecture of Microsoft products in that competitors can't create applications that will easily read files created in Word and Excel. As a reseller, I am appalled at the pricing structure of Microsoft products as well. The standard rules of mass production don't seem to apply to Microsoft. They sell the products by the millions and yet the pricing is outrageous. I don't believe developmental costs are as high as they claim, as the products that are released are far from stable. I encourage my clients to wait until the first service pack is release prior to installing the ''latest and greatest''.

Until other companies can be allowed to compete fairly in the market place, I think Microsoft will continue to grow. Any monopoly is bad for our economy and our citizens. Take the telephone and utility companies as examples. There is no quality of service from any of them here in Southern California. I have clients with problems that are told they need to wait 8 days for a resolution, as that's how long it takes to update the database!

They must be using Microsoft products.

Sincerely,
Darren F. Lenick
Division Head, Technology Group
EPI Enterprises Inc.

MTC–00002782

From: Bryan MacLeod
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/6/01 11:46am
Subject: settlement concerns

First, let me state that I earn my living based primarily on my Microsoft specific skills. As a Microsoft Certified System Engineer, my trade is primarily with their products.

With that being said, I fear that Microsoft is getting away with their Monopolistic practices with only a pretend slap on the wrist. In my career, I have seen many great programs, or potentially great programs disappear, or become useless because of direct conflict with Microsoft's whims. Allowing them to settle out of court without addressing their ability to further enforce their monopoly is wrong. We are all adults here, and I think we all honestly know that Microsoft will do what it thinks is necessary to protect their hold on the industry. In true humanistic fashion, if they think it is right for them, they will fail to acknowledge the wrongs it may impose on others.

Please carefully reconsider your objectives with this settlement. As an MCSE, I definitely don't want to jeopardize my future, but justice is not being served in this case.

thank you,
Bryan MacLeod
5180 Crane Dr.
Brighton, CO 80601

MTC–00002783

From: cxs@ppco.com@inetgw
To: Microsoft ATR
Date: 12/6/01 11:57am
Subject: Antitrust settlement does nothing to correct the problem

It would appear that the DOJ has caved to political pressure or political payoffs (not sure which). The so-called ''settlement'' not only lets Microsoft ''off the hook'', but also provides an opportunity to infest our schools with inferior products. Our poor children will suffer even more than we have, trying to make computers work. Our kids will soon become afraid of computers, and students in every school where Microsoft products have been insinuated into the classroom will believe themselves to be stupid because they can't make poorly engineered software work. We're sacrificing our children's future so that one man can be filthy rich?

I don't think either the DOJ or the courts understand that the real issue is software quality and usability! Microsoft products are inferior, and Microsoft has used it's illegal business practices to prop up the sales of what are and always be inferior products. They don't know how to make them work correctly, so they threaten PC manufacturing companies to force the use of those inferior products. The Windows operating system lacks even the most basic features of what an operating system is supposed to be. It's not surprising since Gates never took a single OS class in college. I was required to take three separate Operating Systems courses before I was allowed to attain my Masters degree in Computer Engineering, and yet I still do not consider myself to be a systems programmer. Windows fails every test of an OS, and Microsoft Office fails even the most minimal Software Engineering principles.

To the lawyers at DOJ I pose this question: If a minimal high school graduate came into

your courtroom, without training, without the ability to find and quote legal references and precedents, and without even the slightest knowledge of ''how things are done'' in the legal profession, how would you react? In addition, the Judge in the case is being threatened with financial ruin, and is forced to tell you fully trained members of the bar to keep you collective mouths shut and to allow this untrained person to do anything they please in the courtroom, no matter how outlandish, to make a mockery of the legal system... do you begin to understand the problem? I take the damage done by Microsoft to the Software Engineering profession very seriously. And the damage done to the American software industry has set up back almost 20 years. We may never catch up with Europe since they continue to innovate in an environment where business practices are not used as a substitute for good engineering.

Microsoft has, without impunity, inflicted inferior computer science on an an unsuspecting public. Why has it been so difficult to clearly state the most obvious point in this case? Microsoft software is bad, it's bad for users, it's bad for programmers, it's especially bad for new computer students, and it's bad for this country's future! I hear people blame hardware, blame users, blame the internet, blame everyone else, for the problems in the the usage of modern PCs, but any honest software developer will tell you the problem lies in the OS. We are losing ground to programmers around the world because our legal and political system is forcing us to use an inferior operating system. And this is being done because, obviously, the DOJ and courts are either afraid of Gates or have been paid off.

I'm sure there's no way to prove it, and the DOJ certainly won't try, but it's pretty obvious to all of us in America that you have been paid off. Meanwhile, good quality programmers in the USA are losing jobs and lives to people in Europe, India, even the far east because they are allowed to use a decent OS for their software development. what a crock,

cherie

C.L. Skillern

Geoscience Branch Work Phone: (918) 661–1866

Phillips Petroleum Company Work FAX : (918) 661–5250

630C Plaza Office Building Work email: cxs@ppco.com

Bartlesville, OK 74004 Home email: cxskill@swbell.net

MTC–00002784

From: A. W. Dunstan
To: Microsoft ATR
Date: 12/6/01 11:56am
Subject: Microsoft settlement.

I'm told you're gathering citizen's opinions regarding the recent DOJ/Microsoft settlement.

A question—what was the purpose of this whole exercise? After years of legal action and hundreds of thousands of dollars of expense, what has been accomplished? The DOJ has made Microsoft promise to play nice. Just like it promised to play nice last time—which it did, for a day or two. Then it was right back to business as usual.

So now MS is going to ''donate'' hardware & software to poor schools? How nice of them! They get to hook another generation on their software and make it look like they're being gracious. Please tell me they don't get a tax write-off for it!!

In short you've run up my tax bill, have nothing to show for it and Microsoft gets off not only unscathed but looking like a good, penitent corporate member of society. <sarcasm>Gee, thanks.</sarcasm>

Al Dunstan, Software Engineer

MTC–00002785

From: bginter@mindspring.com@inetgw
To: Microsoft ATR
Date: 12/6/01 11:59am
Subject: Proposed Settlement

I would like to encourage you to not accept Microsoft's proposal to settle the antitrust case. By allowing Microsoft to provide hardware and software to so many schools, their market penetration willl only get deeper and that can not be good for the consumers in the long run. I strongly urge you to consider the Red Hat, Inc. alternative proposal which allows Microsoft to provide hardware and Red Hat to provide open source software. This approach would significantly increase the number of computers donated to the countries school systems.

Thank you

Brian Ginter

Clifford, VA

MTC–00002786

From: Jose Suarez
To: Microsoft ATR
Date: 12/6/01 11:59am
Subject: The Microsoft deal

To whom it may concern:

This is the deal Microsoft wants: Will give up to 1 billion dollars in free software to schools. The one billion dollars is calculating the street price of the software witch is much higher than it cost them to produce.Then most schools will train the students on windows based software witch will encourage them to buy it for home use too. It sounds to me as the best possible deal for Microsoft since it will start to expose kids to their products at a young age, gaining on the competition by light years.

Can't you see the picture here?. That is a very bad deal for competition, but the best for Microsoft. How many congressmen, senators, judges, and other government officials own Microsoft shares?. What will happen to does shares if Microsoft is penalized?

Do I need to say more?

MTC–00002787

From: Bob Loy
To: Microsoft ATR
Date: 12/6/01 12:00pm
Subject: What a Loss, Stupidity

I can't believe you gave the victory to MS?????? A proven monopoly with approximately 95% of the world's desktops running Windows!

You had the case won and should have put serious restrictions on Microsoft without ALL of the loopholes that are in the current agreement.

My California congress people will certainly hear from me regarding your extremely poor decision!

Success, Achievement and Fulfillment

Bob Loy

MTC–00002788

From: Fredricks, Bill
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/6/01 12:03pm
Subject: you're letting us down

I'm sorry to say that it appears that the DOJ is letting us down. We need you to act on the principles embodied in our laws and not let the letters of the law be twisted to mean something else. The DOJ has a ruling that Microsoft is guilty of monopolistic practices. Act on that. Perhaps you are listening to much to the noisy minority. Rest assured that the majority of our citizens will stand behind a soundly principled resolution and see through all resolutions that are based on shaky reasoning.

It is true that the public is probably uninformed of the issues and rulings with the reasoning behind each. Few really have the time to delve into all of the facts. But your department does and has. We, the people, have delegated that task to you. Please don't compromise that faith that has been entrusted to you.

I have heard it said that part of the settlement is for Microsoft to provide computers to needy and poor school systems. This idea has some good elements but also a dark side. I'm sure that Microsoft, aside from a little whining, readily accepted this proposal. They could see, as you should, that there is a tremendous eventual benefit for them. If in fact they have to be punished, to be punished in such a way that will reap future, perhaps staggering, benefits is very acceptable, eh? It's a little like punishing your child by forcing them to contribute to their savings account. They don't like that their working funds are cut but they also know that one day they will be able to cash in on what has been saved. A true punishment for the child, especially if they took that money from someone else, would be to have them pay back twice what they took.

So what will it be then, a savings account or a punishment?

Bill Fredricks

bfredricks@gosps.com

703.797.7858

703.592.7128 (cell)

703.922.1988 (home)

MTC–00002789

From: Geoff Sternecker
To: Microsoft ATR
Date: 12/6/01 12:03pm
Subject: Microsoft's monopoly moving into schools.

The decision to have Microsoft donate its software to schools is not a wise choice. It is the only place that they have not dominated the market. Have Microsoft donate the cash to the schools and let them decide which OS's to run and it will eliminate the cost/value debate of Microsoft's software. This would roughly equate to a tobacco company opting to give out free smokes to kids rather than paying to find a cure for cancer.

Geoff S.

MTC–00002790

From: ernesto.valenzuela@analog.com@inetgw
To: Microsoft ATR
Date: 12/6/01 12:02pm
Subject: It is really sad

It's sad to see that the DOJ will just do what ever Micro$oft tell them to do. I have learn that there is no chance the government will ever protect there people, only large corporations can have the protection of the government.

Ernesto.
Ernesto Valenzuela
CAD/UNIX Systems Administrator
Analog Devices
9820 Willow Creek Rd.
Suite 100
San Diego CA, 92131
(858) 635–2265
(858) 566–2234 fax
Ernesto.Valenzuela@analog.com
Sys-Admin = Jedi Knight
Do not mess with Jedi's
For we own the root passwd.

MTC–00002791

From: Bob Loy
To: Microsoft ATR
Date: 12/6/01 12:05pm
Subject: Forgot

I forgot to add. How can you justify allowing MS anywhere near the education market (schools)? Allowing a monopoly into the Apple computer's only real sales market, what kind of politics are you playing?

I can't believe you gave the victory to MS??????

A proven monopoly with approximately 95% of the world's desktops running Windows!

You had the case won and should have put serious restrictions on Microsoft without ALL of the loopholes that are in the current agreement.

My California congress people will certainly hear from me regarding your extremely poor decision!

Success, Achievement and Fulfillment
Bob Loy

MTC–00002792

From: Fred Gibbons
To: Microsoft ATR
Date: 12/6/01 12:06pm
Subject: Letter to Judge Colleen Kollar-Kotelly RE: Microsoft

Letter to Judge Colleen Kollar-Kotelly

From: Fred Gibbons http://www.venture-concept.com/cv/resume.htm
Founding CEO
Software Publishing Corporation

Your Honor

Simply stated, today the PC user has in no significant choice of operating system or productivity software such as word processor, presentation graphics, or spreadsheet. This lack of choice harms the consumer by inhibiting innovation. The findings of the courts show the Microsoft market share in these products approaches 90%.

This natural monopoly position occurs because customers and software developers benefit from a standard operating system. By having one version of the operating system, originally PC DOS then Windows, the independent software community can develop it's programs only once instead of rewriting it for a panoply of slightly different operating systems unique to each personal computer. R&D money can be spent on new products not wasted on conversion. Because of the OS standard the computer ''clone'' industry emerged where the consumer could freely choose between dozens of personal computers knowing that all the new great application software is available and runs correctly.

Microsoft used it's financial strength coupled with aggressive engineering and marketing tactics, disclosed in the anti-trust hearings, to pursue it's strategy of dominance and control. Much attention is devoted to the ''browser'' monopoly but like Rosa Parks and the civil rights movement, it is a rallying point for a much larger protest. Consumers no longer have choice in these critical software products. In 1990 WordPerfect in word processing, Borland in spreadsheets, and Software Publishing in presentation graphics won the InfoWorld shoot-out for best of breed products in their category beating Microsoft in ease of use, speed and functionality. Today these products are heard only in whispers.

Competition can only return if there is equal and open access to Microsoft's operating system and applications. This requires Microsoft to unbundle and publish the specifications for the core modules of its operating system and applications such that other companies can compete with plug compatible products. There is precedent for this in the AT&T and IBM decisions where third party phones could connect to AT&T and third party disc drives could connect to IBM mainframes.

The argument against this is that Microsoft will loose control of the standard and all the above mentioned benefits of standardization will be lost to the consumer. Isn't it more likely that the invisible hand of the free market will be smart enough to protect what's good about a standard and innovate where it is not.

My best,.FG
Fred Gibbons
email: fgibbons@stanford.edu
web site http://www.venture-concept.com
Directions: http://www.venture-concept.com/background/address.htm

MTC–00002793

From: Donald Lawn
To: Microsoft ATR
Date: 12/6/01 12:08pm
Subject: Penalize Microsoft

Justice Department,

I am saddened that the Justice Department has fallen to political pressure and dropped it's case against Microsoft, requiring the affected states to maintain the suit to stop this monopoly from crushing innovation. For the Justice Department to cave into political demands from monied interests for an abandonement of this very strong case simply shows that when money talks, the Justice Department listens.

Too bad I'm not wealthy enough to but a verdict in my favor.

Donald Lawn
206–285–5623

MTC–00002794

From: Gerry Maddock
To: Microsoft ATR
Date: 12/6/01 12:08pm
Subject: ANTITRUST

Pie Charts Hello, I would just like to share my opinion on this subject. Right now, most public schools teach on Apple computers (I feel these computers are worthless since most companies don't even use this garbage computer. The only thing Apple does right is look ''pretty'').

In order to fairly show students all OS's (Operating Systems). Some of you ''political'' types feel only Microsoft is what most corporations run. This is NOT TRUE. Most companies back end systems are Unix or linux based. In my company, Unix and Linux are the Main backend servers, with end users using windows. The education system is truly lacking in teaching computers. Having just one type of OS in schools is not a good idea. You should teach students every OS because each OS is better than the other in certain circumstances. I think you should give Red Hat a chance, and let the students and actual IT community decide what's best rather than some political person who doesn't have anyone's best interest except his own as he collects payoffs from whatever company pays the most for his/her vote.

Gerry Maddock
Systems Network Analyst
Future Metals, Inc.
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http://www.futuremetals.com

MTC–00002796

From: Gene Worth
To: Microsoft ATR
Date: 12/6/01 12:12pm
Subject: Continue the Suit

The terms of this settlement with Microsoft are ludicrous. The terms negotiated with Microsoft only further its monopolistic behaviors. They must be rolling in the streets in Redmond. I cannot believe that the DOJ is willing to roll over and play dead with one of the largest anti-competitive corporations in the world!

I am a computer consultant in the field of healthcare. Microsoft is a bully in every sense of the word. Microsoft stifles innovation and competition at every juncture in software development. If a developer releases work that receives a following, Microsoft back-engineers the code and releases it as part of the operating system.

Give me a break! You must not settle.
gene
Eugene R. Worth, MD, MEd
Medical Information Technologies, Inc.
400 E. High Point Lane
Columbia, MO 65203
Voice:(573) 449–6861 Fax:[573] 449–6764

MTC–00002797

From: Bob Stocker
To: Microsoft ATR
Date: 12/6/01 12:05pm
Subject: Antitrust settlement

Dear sirs:

I think the judgment was a mere slap on the wrist and certainly does nothing to break that monopolistic grip. They admit their guilt and then walk out with nothing but a stern warning.

Then to top it off the second ruling is now having Microsoft provide hundreds of schools with ''complimentary'' software, much to the aggrivation of Apple Computer. What more perfect way to get into the last stronghold where Microsoft does not have the predominant presence. Its no wonder Redhat and linux software companies are up at arms. Microsofts on-going battle against such attrocities of ''free license open server'' software just won a major victory.

Lets break up Microsofts grip—there is other, better choices of operating systems than Microsoft, 'reboot me again please', Windows.

MTC–00002798

From: Rkluherz@aol.com@inetgw
To: Microsoft ATR
Date: 12/6/01 12:21pm
Subject: Microsoft Settlement

The real sin of Microsoft is the corruption of contract law. Their tie-in provisions damaged me extensively. I was unable to buy an IBM Computer with OS/2 loaded instead of Windows. That is a corruption of contract law and I am disappointed that you are letting them off so easy. It's not really about intellectual property' and certainly not about ''innovation.'' Microsoft is a stealer of property not an ''innovator.''

Windows is a jerry-built mediocre product and we have been stuck with it due to the Microsoft corruption of contract law.

Robert Kluherz
PO Box 33195
Shoreline, WA 98133

MTC–00002799

From: Baffoni, Michael
To: Microsoft ATR
Date: 12/6/01 12:24pm
Subject: My views on the DOJ settlement proposal

I'm disappointed with the settlement reached by the Attorney General with Microsoft Corp. to resolve the charges of unfair business practices. The point of taking a legal action is to first and foremost ensure that any of the criminal activities found to have occured do not occur in the future: The settlement does very little to ensure that this happens, and the enforcement is minimal and the loopholes to get around the restrictions are big enough to drive a truck through. Secondly, a legal action should ensure that those harmed by the criminal activity are in some (even small) way compensated for those criminal actions: Although the settlement certainly helps those who need it, it does nothing to help those harmed by the unfair business practices of Microsoft Corp, and the ''help'' that is offered serves more as a marketing expense than a penalty. Not only that, any software offered by Microsoft will show as an inflated amount: when the dollars are totalled to find out how much MS paid out, they will be reporting the list price of their software: However, the actual cost to MS's bottom line is merely the production costs of the software—they aren't losing sales due to the software giveaway since these are machines the schools wouldn't have had with out the donations, and therefore wouldn't have purchased the MS software without it. Actually they could be making money because it will be a billion dollars (or rather some portion thereof) that they didn't need to add to their marketing budget, and gives them greater market penetration in an area they haven't traditionally overwhelmed.

Thank you for your time.
Mike Baffoni
Michael Baffoni
IT Manager, AeroVironment Inc.
mailto:baffoni@aerovironment.com

MTC–00002800

From: Deehr, Jim
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/6/01 12:28pm
Subject: opinion of the settlements

Without going into details, I see almost nothing to deter Microsoft from its marketing practices which led to the monopoly. They have been successful at preserving almost all of what they wanted to allow them to continue in their ways.

I believe the settlement to be very inadequate.

MTC–00002801

From: Sidereal Designs, Inc.
To: Microsoft ATR
Date: 12/6/01 12:31pm
Subject: Comment on proposed anti-trust settlement

Dear Sirs:

As a professional web developer, I am not satisfied that the proposed settlement will in any way reduce the threat that Microsoft's practices continue to pose to my industry or to my own livelihood. Microsoft's continued de facto ownership of the desktop permits them to use technical decisions to adversely and unfairly impact the industry to their own benefit.

To take an example, Microsoft's failure to include Java in the XP/IE6 package eliminates with one stroke the millions of web sites which have developed Java-based applications, and exerts enormous presuure on web site developers to abandon Java in favor of Microsoft alternatives. Since the Microsoft alternatives are viewed by most web developers as inferior to Java it forces them to accept non-preferred alternatives to the enrichment of Microsoft. The fact that an average user could spend twenty minutes downloading the Java engine in order to view Java-based web sites is a ridiculous defense.

Under the presently proposed settlement, this type of behavior is unchecked and can, given Microsoft's past performance, be interpreted an indicator of the direction in which they will force events in the future.

Thank you for your consideration.
Ernest Kent
CTO, Sidereal Designs, Inc.
Sidereal Designs, Inc. ''Putting your business on the web''
http://sidereal-designs.com 301–916–5702 info@sidereal-designs.com

MTC–00002802

From: Greg Clarkson
To: Microsoft ATR
Date: 12/6/01 12:33pm
Subject: Microsoft Anti Trust??

I'm really disappointed about the out come of the DOJ anti trust suit against Microsoft. Its clear that Microsoft has used there business practices to stop competing companies. It is also clear about there intention on controlling the market and gouging the consumer, if you look at there new licensing structure for Microsoft XP. I don't mind paying for a product once but, the way Microsoft is licensing XP means I will probable end up paying for it several times on the same computer system. Right now there is no charge for re-licenseing XP but what about next year? What's going to happen after XP gets established? I can see the possibility where Microsoft will start recharging. If there where any other product on the market to compete with Microsoft OS I would be using it. The Microsoft products are buggy and in my opinion not worth the licensing fees they want and definitely not worth having to pay for the product more then once. The reason Microsoft can get away with this is because they have stifled the competition. The only alternative for me at this time is Lynx a product of the GNU free software foundation and I'm giving it serious consideration.

And then there is the problem of privacy, everytime I connect the the network for work or play Microsoft down loads a ''profile on me''. It happens so quickly that nobody is aware of this activaty. So what is this for? Licenseing? Marketing? Is this profile being sold to other companies? I realize that by connecting to a web site that I am in some since giving the owner permition to map my activaty but Microsoft has taken this to a point of intrussion. All because they can.

Thanks
Greg Clarkson

MTC–00002803

From: Jim Irving
To: Microsoft ATR
Date: 12/6/01 2:45pm
Subject: Microsoft Settlement: Dereliction of Duty

DoJ ''punted'' AGAIN on the Microsoft issue. From what I read DoJ does not understand how the IT industry has fostered a different, more insidious brand of monopolist in Seattle. If you want a perspective from ''in the trenches'', where we IT folks must factor Microsoft into every single purchase and implementation decision, just ask me.

Jim Irving, Mgr of IT
Hornblower Yachts, Inc.
jirving@hornblower.com
www.hornblower.com

MTC–00002804

From: Ksmosky@aol.com@inetgw
To: Microsoft ATR
Date: 12/6/01 12:40pm
Subject: tunney act

The proposed settlement does not respond to the cause of the litigation. Bundling or tying computer products together by definition uses the market position of one product [windows] to assist brand new product [explorer, word, office]. Prior to Mocrosoft's tying products to the operating

system, the public had options and alternative products. Word Perfect was an excellent product with good market share before Microsoft eliminated competition by bundling Word to Windows. The same is true for numerous products that Microsoft has used its market dominance to eliminate from competition.

The proposed settlement does not resolve the issue which caused the case in the first place. Microsoft should be broken into at least3 companies: operating system, applications and internet. The mere fact that Microsoft has added so many products to the operating system should have given the Justice Department pause to ask—To whose benefit? Not the public if good products with good market share are driven from the marketplace. Microsoft is the only beneficiary.

Ken Moskowitz
ksmosky@aol.com
613 w. cheltenham ave.
elkins park, pa 19027

MTC–00002805

From: Bob Cloninger
To: Microsoft ATR
Date: 12/6/01 12:41pm
Subject: Microsoft settlement

Microsoft has successfully shifted focus from the right of others to innovate and profit from those innovations to their (assumed) right to conduct business any way they please. Any settlement that allows Microsoft to continue without structural remedy is doomed—they spent the 1990s avoiding terms of their consent decrees, so how can they be trusted now? Please remember this case was brought because Microsoft achieved their monopolistic position by smothering competition with classic, 19th century, monopolistic, business methods. There is nothing innovative about these abusive business practices, and they threaten our technical progress as a nation.

Microsoft only came into being because DOJ filed a similar antitrust action against IBM. Because of that suit, IBM made structural changes and business decisions that finally negated the suit, and allowed the PC revolution to occur. What disruptive technology, like the PC, will fail to take root because DOJ backs away from this equally significant opportunity to be a change agent?

This is not about punishing Microsoft—It is about giving new ideas the opportunity to create their own wealth and power.

Bob Cloninger
bobcl@ipa.net
bobcl@fsark.com

MTC–00002806

From: Jose Deleon
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/6/01 12:42pm
Subject: DOJ Settlement with Microsoft

Dear Sirs,

I feel the DOJ settlement proposal with Microsoft is a travesty of justice. Forcing Microsoft to domain software and hardware to Schools will only encourage additional monopolistic behaviour and actually rewards MS by promoting their products in the Schools.

Microsoft was found guilty Anti-Trust, MS should pay fines and broken up, not rewarded and encouraged to continue its illegal behaviour.

Sincerely,
Jose de Leon

Note: My opinions may not represent the views of my employer.

MTC–00002807

From: Clifford Crestodina
To: Microsoft ATR
Date: 12/6/01 12:43pm
Subject: Sanctions

I am a Director of Software Development and fully understand the implications of Microsoft's behavior.

To fully comprehend how we have mostly become Microsoft robots one needs to try operating WITHOUT Microsoft products. How can this test be done?

1. Remove Internet Explorer and install a competitive product for access to the Internet.

2. Remove Microsoft Outlook (any version) and install a competitive product for access to e-mail.

3. Remove Microsoft Java Virtual Machine and install Java from Sun to run web programs.

4. Remove Microsoft Office (any version) and install a competitive product for office automation.

5. Remove Microsoft Media Player and install a competitive product for multimedia content. After removing all of this software just try and make the computer perform the ordinary functions you expect. It isn't possible. Without using Microsoft products it's difficult to even gain access to competitive products! The above are just the consumer products. Microsoft has an even bigger impact on the underlying technology. They are buying technology companies to deepen our dependence upon them.

Trust me, Microsoft is laughing uncontrollably about the settlement.

SOLUTION: REQUIRE THAT MICROSOFT PUT DUAL-BOOT OPTIONS ON ALL SYSTEMS SO THAT CONSUMERS HAVE ACCESS TO ONE OF THE OPEN SOURCE OPERATING SYSTEMS. THIS WILL TRULY PROTECT THE AMERICAN CONSUMER AND OUR COMPETITIVE POSITION IN INTERNATIONAL COMMERCE.

Let them do anything else but require DUAL-BOOT so the consumer can choose at the Desktop. This is the one single settlement they will NEVER accept.

Clifford Crestodina

MTC–00002808

From: Arakelian, Kenneth (USPC.PCT.Hopewell)
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/6/01 12:44pm
Subject: the proposed MS settlement does not adress the problem.

To Whom It May Concern,

Microsoft has hurt the software industry with their monopoly and must be made to pay reparations. It is obvious to anyone in the IT industry that the availability of alternatives has been a good thing for everyone. Microsoft now has an incentive to improve their software. Please allow the competition to flourish by imposing stiffer penalties on Microsoft and ensuring that they cannot do harm in the future.

thanks,
Ken Arakelian
home: 908.696.8656
cell: 908.872.6677
work: 609.274.4354

MTC–00002809

From: Brandon Hutchinson
To: Microsoft ATR
Date: 12/6/01 12:50pm
Subject: Settlement proposal

Of course, the proposed settlement by Microsoft is a flagrant effort to further exert their monopoly in an environment in which they have not been able to completely dominate: the education system.

Personally, I would welcome ways in which to make Open Source Software (such as the Linux operating system) part of the settlement.

Kind regards,
Brandon Hutchinson
System Administrator
Accenture

MTC–00002810

From: Dana S. Beane (038) Company, P.C.
To: Microsoft ATR
Date: 12/6/01 1:50pm
Subject: DOJ/Microsoft Antitrust Settlement

Re: DOJ/Microsoft Antitrust Settlement—Comment

The MS monopoly has stifled the more stable open source sector. As a result, it is almost impossible for any business to run without MS desktop products. Your settlement does nothing to end that monopoly. Your settlement should require MS to provide the open source community with open source tools including fonts, printer drivers, network interfaces and hardware support drivers to permit third party software developer an EASILY port their software applications to open source, both now and into the future. Thus far, MS has made that task almost impossible.

Very Truly Yours,
Scott Beane

MTC–00002811

From: jweathe2@gmu.edu@inetgw
To: Microsoft ATR
Date: 12/6/01 12:52pm
Subject: SEVERE PENALTIES against microsoft MUST BE commensurate with all their endless violations, abuses, and illegal activity

Dear DOJ,

The proposed settlement between DOJ and Microsoft (M) is a complete sham. The federal appeals court UNANIMOUSLY (EMPHASIS ADDED) FOUND THAT M IS AN ILLEGAL MONOPOLIST WHO CONTINUOUSLY ABUSES THEIR MARKET POWER. DOJ cannot be swayed by politics, fear, or anything else...JUSTICE must be served, and this means imposing on Microsoft the SEVERE PENALTIES THEY OBSERVE. From the US District Court's findings of fact, up through the federal appeals court's UNANIMOUS VERDICT that Microsoft consistently and repeatedly, repeatedly, repeatedly, repeatedly, repeatedly, repeatedly, repeatedly, repeatedly, repeatedly, repeatedly, repeatedly, repeatedly, repeatedly, repeatedly, repeatedly BREAKS

THE LAW AND ABUSES IN EVERY POSSIBLE WAY THEIR MARKET POWER, only the MOST SEVERE SANCTIONS (i.e. DISGORGEMENT PENALTY OF 100 BILLION US DOLLARS AGAINST MICROSOFT, AT THE VERY ABSOLUTE MINIMUM, MIGHT BE SUFFICIENT TO REMEDY THE YEARS UPON YEARS OF PAST ABUSES BROUGHT ON BY THEIR ILLEGAL MONOPOLY ACTIVITIES) or PERMANENT INJUNCTION AGAINST BUNDLING OF ANY SOFTWARE PRODUCTS. AS SO MANY STATES HAVE OUTRIGHT REJECTED THE COMPLETE-SHAM DOJ PROPOSED SETTLEMENT AS JUST THAT—A COMPLETE SHAM—A SERIOUS, AND EXTREMELY SEVERE SET OF PENALTIES MUST BE HARSHLY IMPOSED AGAINST MICROSOFT, I.E. THE LEGALLY DETERMINED MONOPOLISTIC COMPANY.

WHO ELSE CAN BRING JUSTICE AND RESTORE LONG-OVERDUE COMPETITION EXCEPT DOJ????? AS A US CITIZEN, I'M UTTERLY APPALLED AT THE SHAM SETTLEMENT PROPOSED BY DOJ IN THIS MATTER. A REAL, MAXIMALLY SEVERE PUNISHMENT SCHEME MUST BE IMPOSED ON MICROSOFT, AND WITHOUT ANY FURTHER MEANINGLESS DELAY AND WASTE OF TIME AND MONEY!!! IF I CAN BE PERSONALLY INVOLVED, I WOULD TAKE ANY OPPORTUNITY TO TESTIFY ON BEHALF OF WHY ONLY THE MOST STRICT AND EXTREMELY HARSH PENALTIES MUST BE IMPOSED ON MICROSOFT. PLEASE EMAIL ME IF I CAN OFFER SUCH TESTIMONY OR MY OWN INPUT ON THIS MATTER.

Signed,
Dr. John Weatherspoon
(Scientist and Intellectual Property Law Student)
EXTREMELY, EXTREMELY, EXTREMELY CONCERNED CITIZEN ON THIS MATTER

MTC–00002812

From: Jonathan R Parker
To: Microsoft ATR
Date: 12/6/01 12:52pm
Subject: Microsoft proposed settlement

The settlement proposed by Microsoft to donate software to poor schools is a very poor settlement indeed, and for a company of that size it is a very very small price to pay for their monopolistic practices. For the DOJ to agree to this would be a travesty. Jon Parker

MTC–00002813

From: Ken Bushnell
To: Microsoft ATR
Date: 12/6/01 12:57pm
Subject: MS monopoly dissenter

With the release of Mircrosoft's XP there are now 2 Internets: Microsoft's and the one that used to be a wonderfully free platform for all—even in third world countries. Now we need a license with Microsoft to communicate with 70% of the browsers.

Ken Bushnell (programmer)
kbushnel@orderformcity.com

MTC–00002814

From: Carl
To: Microsoft ATR
Date: 12/6/01 12:58pm
Subject: Law and Order vs. Laws and Orders

Dear Madam or Sir,

While your remedy in the Microsoft antitrust case may appear expeditious I believe it is exactly the opposite.

What will happen to our precious nation when Microsoft has more power than the US Government, if it isn't that way already? Clearly they already control much of the information economy, and DOJ has just patted them on the back and encouraged them to take the rest, which they are blatantly announcing that they will do (look closely at the .NET and PASSPORT strategies). When they have all the information and control its usage what will the govenment be able to do about it?

Does DOJ really expect competition to survive if Microsoft continues to openly flaut the law? How vulnerable will all of us be when national security depends upon our networks being operational? Already our government has been rendered dependent on e-mail and fax because USPS has been slowed to a crawl by the anthrax packages. What happens if the e-mail goes? I am aware that AG Ashcroft's personal beliefs probably do not include Darwinian theory, but the disease model is appropriate here. If a species has the same genes, and a germ comes along that destroys those genes, the species will die. The death of the chestnut trees in this country is a perfect example. They went from towering over the forest to dying off in a few years. When someone concocts a truly evil virus, Microsoft servers and software could do the same thing, leaving us what?

The situation with Microsoft IIS vulnerability is much like that of the airlines on Sept 10, 2001. No one has really tried.., yet. Several sites have been compromised, millions have lost their personal and business information due to viruses, but no enormous and widespread catastrophic action has occurred so far. When it does, DOJ will be remembered for letting Microsoft off the leash.

And there are still more questions, like why Microsoft's price-fixing and racketeering activities (with Dell, Compaq, H–P, Gateway, etc.) have gone unpunished and unabated. Ever tried to buy a computer without Windows from one of those vendors? You can't, because they have a contract between them which shuts out all other choices. What's more, that contract is part of the evidence in the DOJ's antitrust suit. Why has nothing been done about it?

So in essence what the DOJ has done is squander a chance to improve our nation's security, punish some odious racketeers who really and openly want to take control of our country, and send a message that bilking our citizens will not be allowed in any form. Instead the message is, as it has always been, ''If you're gonna steal, steal big''.

Sincerely,
Carl Krall
222 Indian Steps Road
Airville, PA 17302

MTC–00002815

From: Ken Butler
To: Microsoft ATR
Date: 12/6/01 12:53pm
Subject: Re: Microsoft Anti-trust case

As a computer professional, and concerned consumer, I believe that inaction, and a lack of remedies will only allow Microsoft to continue to build its monopoly, and perpetrate further injustices on the American People.

I hope there are others who are also sharing their displeasure with the latest settlement in this case.

Thank You,
Ken Butler

MTC–00002816

From: Taylor, Sam
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/6/01 1:07pm
Subject: Microsoft Settlement

What a cop-out you guys pulled when you settled with Microsoft! Unless the individual states do your job for you, us consumers will be stuck with the same old monopoly that we've had to put up with for years! There's a REASON why we have anti-trust laws. Maybe you should review them!

Sam Taylor

MTC–00002817

From: Luke Weseman
To: Microsoft ATR
Date: 12/6/01 1:01pm
Subject: Microsoft settlement

One point which I'm sure you've heard before.

What kind of punishment or future deterrent is allowing Microsoft to give away software to schools. The incremental cost of the software to Microsoft is near $0 and still allows them to claim huge amounts in tax right offs. Make them give the schools something of tangible value such as hardware, or integration services. Make them sponsor teachers, career programs, sabbaticals, whatever. This is a judgment that injures the proxy plaintiff more than the defendant.

This is not even a slap on the wrist, it is a pat on the back.

Luke Weseman
Database Consultant
Insurity
811 South Central Expressway
Richardson, TX 75080
972–671–2500 x22

MTC–00002818

From: David Markowitz
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/6/01 1:00pm
Subject: Proposed microsoft settlement

The proposed settlement is a crock of shit, and it stinks! Microsoft is an example of all that's bad in big business, and the Republican party is showing its true colors by letting them off with a slap on the wrist. They should be made to pay real penalties, both to the government and to the companies they've damaged or destroyed.

They should also be forced to discontinue their illegal practices and tactics.

MTC–00002819

From: walt harris
To: Microsoft ATR
Date: 12/6/01 1:02pm
Subject: Microsoft Anti-Trust

I'm not going to pretend to know the best way to handle the Microshaft Issue as I've been known to call it recently, but allowing MS to—give—software to school systems is outrageous. I commend that act of giving schools that need it the resources to acquire such equipment/software, but I can not agree with giving them ''Microsoft'' stuff. Make them donate the value of the software according to their prices and allow the school system to spend the money on computer equipment/software as they see fit.

You blast Microsoft because they are a monopoly.

Don't continue to encourage their actions!

MTC–00002820

From: Emmett O'Grady
To: Microsoft ATR
Date: 12/6/01 1:04pm
Subject: Microsoft Ruling

Allowing Microsoft to donate software as part of the ruling will only make the situation worse. I urge you not to let the monopoly continue!

Thanks,
Emmett O'Grady
eog2000@yahoo.com

MTC–00002822

From: Christian Kuster
To: Microsoft ATR
Date: 12/6/01 1:11pm
Subject: Microsoft

Hi

I will never understand it...

You protect the worst technology from the States...

Do you get paid for that ??????

Over here in Europe, somthing like that would never be possible....

Anyway, I hope your mind changes or I will lose the latest faith in computer techology from the States.

Sincerely,
IT Consultant
Christian Kuster

MTC–00002823

From: Larry Hansford
To: Microsoft ATR
Date: 12/6/01 1:11pm
Subject: Microsoft Settlement

I firmly believe that the agreed to settlement with Microsoft is not in the best interest of the consumer, especially the business organizations. As a Systems Integrator, I have witnessed first hand the tactics by Microsoft to force expensive upgrades in order to continue ''business as usual'', and I believe the settlement will allow Microsoft to not continue those practices but increase the tactics' impact.

I believe that the settlement should be revised to force Microsoft to unbundle their products so that consumers have a choice in what they install or de-install.

Also, the settlement allowing Microsoft to put more of its product in public schools does nothing more than allow Microsoft to further ingrain themselves in consumer homes and businesses. This builds more of a monopoly than Microsoft already has. At the very least, the settlement should be for Microsoft to give the equivalent money to public schools and allow the school administration to buy systems that better suite their needs—including Apple Macintosh and/or Linux systems.

Larry
Larry C. Hansford
(lhansfor@creativedatasolns.com)
Creative Data Solutions, Inc.
P. O. Box 96
New Carlisle, OH 45344–0096
Ph. 937/846–0808
Fax 208/293–3148
www.creativedatasolns.com

MTC–00002824

From: Greg Clarkson
To: Microsoft ATR,gclarkso@du.edu@inetgw
Date: 12/6/01 1:11pm
Subject: Microsoft anti trust ??

I'm really disapointed about the outcome of the DOJ antitrust suite against Microsoft. It is clear that they have used their business practices to stifle the competition. This anti trust suite has done little to change Microsoft's business practices.

If you look at the licensing for XP now Microsoft is using their position in the market to gouge the consumer. I don't mind paying for a product once but now it appears I could end up paying several times. For now re-licensing of XP is free but what about next year? What is going to happen once XP is established? I can forsee a point where Microsoft will place a charge on the re-licensing of XP. My concern here is that if the product were worth the added expense or if the product had changed sufficiently to require re-licensing but the way this setup I can be charged a license fee for no added value. Simply because Microsoft has control of the market and requires me to pay to continue using their product. If there where any alternative OS available I would be using it.

The Microsoft products are buggy and have caused me an enormous amout of problems because of their poor design.

And then there is the problem of privacy. Each time I connect the network whether for work or play Microsoft downloads a profile and my activity. It happens so quickly that most people don't see it but it happens. What is Microsoft doing with this profile? Is it for Licensing or Marketing or just to monitor my activity? Are they selling this information?

Thank you
Greg Clarkson

MTC–00002825

From: Ken Kramer
To: Microsoft ATR
Date: 12/6/01 1:20pm
Subject: Microsoft Discipline

Microsoft has abused its monopoly by forcing consumers to play only by their rules in a game where they set the rules. Mr. Gates knows that and continues to flaunt the consumer and prove to the Government that he is the boss. The only discipline Gates will understand is a personal fine of a billion dollars. This will make him sit up and listen.This merely represents a pittance of the monopolistic overpricing he has charged consumers.

MTC–00002826

From: fessler@eecs.umich.edu@inetgw
To: Microsoft ATR
Date: 12/6/01 1:17pm
Subject: microsoft settlement

I have heard that the microsoft settlement includes making microsoft donate software and hardware to schools. This is a very very bad idea, since all it will do is get students using microsoft software early, thereby furthering the monopoly they have! It might also put apple out of business. Make microsoft give the $$ or the hardware, and open up the software to free sources like Linux. DO NOT ''MAKE'' MICROSOFT GIVE THEIR SOFTWARE TO SCHOOLS! that would be like ''punishing'' a drug pusher by making them give herion samples to kids. i am dead serious. sincerely.

Jeff Fessler, Assoc. Prof.734–763–1434
4240 EECS Bldg., 1301 Beal Ave.FAX: 734–763–8041
University of Michiganfessler@umich.edu
Ann Arbor, MI 48109–2122http://www.eecs.umich.edu/~fessler/
CC:fessler@eecs.umich.edu@inetgw

MTC–00002827

From: Jeff Bell
To: Microsoft ATR
Date: 12/6/01 1:28pm
Subject: Antitrust Settlement

Hello,

A news letter from Red Hat suggested I send my opinions to you concerning the antitrust settlement with Microsoft.

I approve with the settlement in it's current form, and I would be strongly against any further action against the Microsoft corporation.

In the news letter, Red Hat suggests it would be better to have MS donate only hardware to the underprivileged schools rather than the hardware, software, and services required by the settlement. I believe this would be a mistake. The software Red Hat is offering is already free, and it doesn't include accurate documentation or reliable support. I've been a computer professional for 18 years, and I use software from MS as well as from Red Hat on a daily basis. In my opinion, the software Red Hat would provide the schools is unsuitable for the majority of new computer users which includes teachers as well as students. Imposing this additional level of difficulty on already overworked teachers will very likely cause them to avoid using the systems as much as possible. Additionally, a number of would be teachers from the technical world might change their minds if they believed the software they would be required to use would be unsuitable for the task.

Sincerely,
Jeff Bell
Senior Software Engineer
Bihrle Applied Research, Inc.
18 Research Drive
Hampton, VA 23666
(757) 766–2416

MTC–00002828

From: carl.baker@pnl.gov@inetgw
To: Microsoft ATR
Date: 12/6/01 1:20pm
Subject: Microsoft antitrust suit

Microsoft is clearly guilty of a wide range of anti-competetive practices. Allowing them free access to a new untapped market (low-income schools) and to return to business as

usual doesn't seem very much like justice to me. To have them donate (as the Red Hat Linux executives suggest) computer hardware (which they don't make, so it actually costs them money) to the schools seems like a more reasonable punishment. What are we going to do to guide their behavior in the future?

Carl Baker
Richland, WA 509–375–2724

MTC–00002829

From: Michael Adam
To: Microsoft ATR
Date: 12/6/01 1:39pm
Subject: Re: Microsoft antitrust violations

Re: Microsoft antitrust violations

Dear Sir,

I am writing in regard to the settlement agreement you have reached with Microsoft. I do not feel it is fair to me as a customer since they have damaged their competitors and made it both more expensive and harder to buy software from other sources as well as hurting the development of competing products that would most likely be better.

I would suggest that there be a penalty for their previous actions as well as some form of monitoring their future actions.

I understand that Red Hat Linux offered to give schools free software if Microsoft would give hardware of the value suggested instead of there own software. Giving there own software would be of no cost to them and would help perpetuate their monopoly by putting more of their own product out in the field.

Thanks for taking the time to read this. If you have any questions, please call me at the number listed below.

Sincerely,
Michael Adam
President
Cycle & Marine Supercenter
870–536–6500

MTC–00002830

From: Gary Baribault
To: Microsoft ATR
Date: 12/6/01 1:27pm
Subject: Comment about the settlement

I'm not an American, so I don't know if my opinion matters here, but let me just state that your settlement seems very weak. There was a similar settlement in 1995 if memory serves me correctly and it doesn't seem to have stopped Microsoft from starting over again. Though I don't think that splitting the company in two is the solution, at least hurting them financially and then using the fine to somehow increase eff3ective competition sounds like a better idea than the slap on the wrist you are offering now.

Gary Baribault
gary@baribault.net

MTC–00002831

From: Jose Ramirez
To: Microsoft ATR
Date: 12/6/01 1:27pm
Subject: microsoft.

Microsoft is a monopolist
fax: 240–208–6413
http://www.e-medsoft.com

MTC–00002832

From: Andre Steenkamp
To: Microsoft ATR
Date: 12/6/01 1:27pm
Subject: microsoft

The settlement is ridiculous—damages and compensation should be paid to every person who bought any of the Microsoft products, and the company should be broken up in to separate operating systems branches and each application should be in separate companies.

The browsers should be in a separate company, fax and office application in another etc.

If we look at what dishonest marketing has done in terms of getting market share and the resulting hidden costs of running Microsoft products its just plain ridiculous.

thanx
Andre Steenkamp
VP Systems Engineering
w)310.664.9333
f)310.664.1183

MTC–00002833

From: tim dion
To: Microsoft ATR
Date: 11/16/01 10:03pm
Subject: Please protect us from Microsoft

Dear Department of Justice,

I am shocked and dismayed with the terms offered in the Microsoft settlement. I realize that you feel that this case has gone on for too long, and may hurt the economy. But don't the loses of Novell, Netscape, and Sun effect the economy?

As the Department of Justice for the United States of America don't you want to protect the consumers? When you get out of bed in the morning, doesn't it motivate you to get to work so you can protect the rights of the down trodden? You protect us against the crimals in the world, this is your sworn duty, job, and calling.

Microsoft has harmed me, because I can not buy a computer with the operating system of my choice installed. I am a fan and user of the Linux Operating System. Some 30 percent of servicers on the internet run Linux. Yet, there are no major computer sellers who will install and ship a consumer based computer with Linux installed. Microsoft's OEM contracts forbid companies from shipping any consumer operating system without Windows installed. If I want a new computer, I have to pay for the cost of the Windows operating system, than I have to install Linux myself. The terms of the settlement only mention dual booted systems; however, I have no need for Windows. For a dual boot system, I would still be required to pay for a Windows license.

Now, the courts have declared Microsoft to be a criminal monopolist. At the very least, I would expect them to be punished for their crimes. We, the people, need your protection from Microsoft.

MTC–00002834

From: mark collister
To: Microsoft ATR
Date: 12/6/01 1:45pm
Subject: microsoft settlement—crock!!

looks like there is no justice in the world anymore! make them open up (release source code) their document file format. that will level the playing field on the corporate desktop market. i've pretty much approved of everything the bush administration has done so far except this. if i make enough money can i break the law with little or no consequences? waste of time and money if this is all the doj can do. just my 2 cents from the voting public. mark collister (mcollister4@home.com)

MTC–00002835

From: Robert Shelton
To: Microsoft ATR
Date: 12/6/01 1:45pm
Subject: USA vs Microsoft Inc Settlement

The Settlement terms seem me to very fair to all parties.

Speaking as a Microsoft customer and Technology business partner of Microsoft, my experience (since 1966) is the Microsoft has always been fair and even handed in ever transaction.

Robert C Shelton VM & FAX (650) 503–3097 X0004
1259 El Camino Real
Menlo Park CA 94025–4227
email: <robert_shelton@yahoo.com>
Web Site: http://www.geocities.com/robert_shelton
Resume: http://www.geocities.com/robert_shelton/resume.html
Profile: http://profiles.yahoo.com/robert_shelton

MTC–00002836

From: Raphael Borg Ellul Vincenti
To: Microsoft ATR
Date: 11/16/01 10:04pm
Subject: The MS Settlement hasn't reached a conclusion for us customers.

To whom it may concern,

The settlement regarding the MS Settlement with the Department of Justice shows how people can be PROVEN guilty and yet escape scotch free. MS were found guilty and yet the settlment does not make them stop their monopolistic schemes because the settlement has so many holes that even I, that I am not a lawyer can think of so many different ways of still retaining their monopoly abusivley (something they have been FOUND guilty) and still remain withing the agreement. This settlement has actually damaged any future legal actions we can possibly take against Microsoft if they keep on insisting on using proprietry standards.

With Thanks,
Raphael Borg Ellul Vincenti

MTC–00002837

From: Deepak Nautiyal
To: Microsoft ATR
Date: 11/16/01 10:03pm
Subject: Unfair Settlement

The reported settlement between DOJ and Microsoft is totally unfair. The sanctions as announced are inadequate and vague. Microsoft is notorious for using unfair business practices, and it will be a cake walk for it to bypass many of the sanctions.

Deepak

MTC–00002838

From: Jason Simpson
To: Microsoft ATR
Date: 12/6/01 1:50pm

Subject: Microsoft punishment... HA!

The idea of making Microsoft ''donate'' hardware and software to schools for punishment is rediculous. That would strenthen their monopoly more than anything. Not a good idea to punish Microsoft by destroying Apple... Make them donate CASH to schools to purchase whatever equipment they choose...

''Daddy, I'm sorry you caught me stealing your wallet''. ''Son, for your punishment, I'm going to give you a million dollars. Will that teach you a lesson?''

Duh...

MTC–00002839

From: Bob Wyatt
To: Microsoft ATR
Date: 12/6/01 1:51pm
Subject: microsoft monopoly

Dear sir or madam,

I am writing to you in the hope that through your decisions the software industry may become more open and, in turn, serve the public better. I am an educator, currently working on a PhD. in Applied Linguistics. I'm am a long time computer user and programmer. Over the last few years, I have been deeply involved in distance education over the WWW. I use, on a daily basis, three different operating systems: Linux, MacOS9 and WindowsME. In my opinion, the early advantages that Microsoft Windows offered have been far outweighed in recent years by their attempts to dominate the operating system market with truly inferior software. Estimates for the cost of time lost in dealing with Windows system crashes run literally into the billions. The lack of competition is in part due to the difficulty of writing software for someone's proprietary OS. The close linkage between MS applications and Windows straps the public with operating systems which always promise to be better, next time, but never are. We,re supposed wait while they get it right, so that we can keep using MSWord.

If competition truly serves the public good, then we need to ask: ''Why is it that MS has no serious competition?'' Is it possible that there are no worthy adversaries, no one as good as they? Or is it possible that very rich and powerful businessmen are doing a disservice to the nation by maintaining their power not through better products, but through marketing manoeuvers and a tight grip on an early advantage that no one saw as unfair or dangerous at the time.

I respectfully petition you to level the playing field by ending or limiting the close relationship between Windows and MS software in the hope that it may stimulate what was once a vibrant and creative area, software application development. In closing, let me recall the words, ''What's good for GM is good for America.'' Since that pronouncement was made, much has changed for consumers who now enjoy safer, more comfortable and more economical cars. Microsoft tells us it knows what we need and want. I say, give us a choice and we'll decide for ourselves.

Sincerely,
Prof. Robert D. Wyatt
Dept. of Applied Linguistics
The Pontifical Catholic University of Sao Paulo
Sao Paulo, Brazil

MTC–00002840

From: Marc Infield
To: Microsoft ATR
Date: 12/6/01 1:48pm
Subject: Microsoft Penalty

Hello,

I don't usually send this type letter, but here goes. In my understanding of the ruling (which is probably not great). Microsoft essentially eliminated a competitor by using it's size and power in the market. The software I use on a daily basis is directly effected by their actions, because there is no longer any real competition for their internet browser I am forced to use it. The problem is they kill competition from the inside via hardball business practices, leaving the public no choices but to use their products.

Allowing them to ''give away'' software to under privileged kids, puts an awful nice spin on some pretty nasty business practices. Unfortunately it seems like DOJ is providing MS corp. with a great channel into a segment of the market that they have not been entirely able to take away from another competitor, Apple computer, a company that I am fearful MS would just assume be out business.

Shouldn't the penalty have something to do with the crime? Doesn't the idea that Microsoft has anything to with ''distributing ''free'' software to children'' sound a bit funny? It does nothing to prevent them from doing the same thing they that are accused of again, and it could be argued that it actually offers them an inroad to attack Apple in their strongest market with a flood of free hardware and software.

I am not for shutting down MS, they are a good company, but they are to big to be allowed to continue with the ''buy them or ruin them'' method of business.

Thank you for your time.
Sincerely
Marc Julian Infield
Graphic Designer
Small Business Owner
Marc Infield <marc@geronimo.com>
Geronimo Design fax: 707–667–2782
601 Minnesota St. Ste. 118
San Francisco, CA 94107
415–285–5403

MTC–00002841

From: David Rogala
To: Microsoft ATR
Date: 12/6/01 1:50pm
Subject: Microsoft Antitrust Remedy

To Whom it May Concern:

This lawsuit speaks clearly to the open source and free software communities, as to how fair our government will deal with them. The Linux movement is a worldwide phenomenon, as Linux represents the absolute cutting edge of high technology. Please don't let this Microsoft deal go through, as it only strengthens Microsoft's anti-open source and anti-free software movement. If Microsoft's proposed agreement goes through, the USA will lose its position as world leaders in the software arena, stuck with offerings handed down by Microsoft, while the rest of the world advances with the cutting edge Linux technology.

The attached file, RHPR.doc, shows that Red Hat Inc., from North Carolina, is willing to substitue the Linux operating system and Linux-based Office Suite software to every school in America, and provide support longer than the time period offered by Microsoft. Red Hat is the world's leader in the Linux market.

The attached file, Insmod.doc, is an article I wrote for members of the Court Reporting community, to which I belong. It shows how a court reporting firm can obtain a PC and network operating system, Internet connectivity and office suite software absolutely free of charge.

Thank you for your consideration.
Dave Rogala

MTC–00002842

From: John Mier
To: Microsoft ATR
Date: 12/6/01 1:53pm
Subject: The Microsoft case (US citizen comments)

I know Microsoft is very powerful. I know technology can very a very difficult and fast changing business to understand. But know this... By allowing Microsoft to ''give away 1B to schools'' is a huge victory for Microsoft. The one area it lacks total dominance.

I don't care whom oversees this implementation, the bottom line is Microsoft products will be installed and used first.

Microsoft knows what's its doing here. I hope you do too. I hope Microsoft doesn't have the Justice dept. in their pockets.

John Mier
Washington, DC
info@washingtongraphic.com

MTC–00002843

From: Inglix the Mad
To: Microsoft ATR
Date: 12/6/01 1:55pm
Subject: Microsoft Settlement

——BEGIN PGP SIGNED MESSAGE——
Hash: SHA1

Dear Sir,

I watched, with great interest, the developments in the case of US vs. Microsoft. I was not pleased to find out that, in the end, Microsoft will get yet another chance. Microsoft has proven time and again that the letter of the law matters little to it. They will continue their ways, unless you have a sharp set of teeth in this proposal, which I found lacking. I do not begrudge Microsoft the ability to generate money for itself and shareholders. I do, however, take exception at them manipulating and blackmailing users and manufacturers.

Jesse J. Derks

MTC–00002844

From: Harrison Eddins
To: Microsoft ATR
Date: 12/6/01 1:57pm
Subject: Concern for our future. . . .

While deeply appreciative of the role Microsoft has played in my enjoyment of my computer, I think Microsoft knows that the free society is the best society. What is meant by democracy in the matter of business is that an atmosphere of competition, free of monopoly, be operative to produce the finest products at the lowest cost to the American people. Equally important is the fact that competion stimulates the development of a vast output of products which can help this

nation to stay ahead of the the stiff competition coming from many countries. If we allow one company to rule the roost, finally the rest of the world will catch up and surpass us. Let's keep Microsoft on its toes for we need everyone deeply involved in this pursuit of the best products for home and world consumption. Microsoft will become a better contributor to our society if it is not given unfair advantages. Why can the courts not have the vision to promote the best for our country? We have many great minds involved in the pursuit of excellence in the cyberworld. Let everyone working toward its betterment have a fair chance. We the American people, the economy of the United State of America and all the people of the world will be the beneficiaries if Microsoft is prevented from dominating the market and dumping its often flawed and imperfect products on us because the courts have decreed that it has the right to do so and others do not have the right to compete. Harrison Eddins, 726 St. Roch Ave., New Orleans, LA 70117

MTC–00002845

From: Nancy Bobs
To: Microsoft ATR
Date: 12/6/10 7:49pm
Subject: Microsoft found Gulity, but rewarded
From:
J. Robert Suckling
2904 Whitefield Rd
Churchville Md. 21028
phone: 410 436 2622
email: bobs@strcat.com
Dear US DOJ Rep.

I was just reading about how Microsoft Won the anti-trust computer operating system monopoly case.

It is true that the federal appeals court in June upheld the lower court ruling that the company used illegal tactics to maintain its Windows personal computer operating system monopoly. (quoted from Reuters news clip see URL below). But the result was they won, since the penalty was to do a thing that helps them build there illegal computer operating system monopoly.

Any one knows if you teach the children to use products from only one vender, that this is a big win for that vendor. We need to find an alternative to this. One example comes from a Reuters news clip http://www.reuters.com/news _article.jhtml?type=businessnews &StoryID=391566

Red Hat Inc. RHAT.O, the maker of the Linux http://www.redhat.com operating system that competes against Microsoft, proposed on its own offering every school district in the country its own open source software free of charge, while encouraging Microsoft to spend its money on buying more hardware for the schools.

If Microsoft was required to field computers running non-Microsoft software this would teach your future that computers are not Microsoft. That there are other, even better computer operating system, then the mocrosoft product.

So in this case the money should be spend on hardware, not simply turned into something that costs Microsoft, next to nothing. Since the software is already written, and making a few copys will cost the software giant peneys, on thousands and thousands of copies.

Please see have it seen to that this illegal monopoly does not get away with self promotion, something they willing spend much more then this and do, as a punishment for being found guilty, in a most important court case.

Open source software is the future. But Open source software is a gift. to the public, and private donators can not afford the PR budget that the monopoly can afford.

Thank you

MTC–00002846

From: Michael Stowe
To: Microsoft ATR
Date: 12/6/01 2:02pm
Subject: Proposed ''Settlement'' With Microsoft

Ludicrous! The very fact that the settlement allows Microsoft to displace two major competitors in the educational market as a RESULT of the settlement leads me to believe that the public interests have been set clearly aside.

Microsoft should be penalized. The proposed settlement is a REWARD for Microsoft's illegal behavior.

Michael Stowe

MTC–00002847

From: Mark Dalton
To: Microsoft ATR
Date: 12/6/01 2:03pm
Subject: Disappointment about the 'settlement'

I understand the country is going through a lot of struggles. However, to not punish a monopolistic company for cheating consumers, businesses, goverment is irresponsible and showing the lack of justice and shows our current goverment will allow large business or monopolies to use power and money to change our govermental decisions. (Versus we the people).

Not only were they not punished, but they were given a potential to get out of this with a even larger monopoly, but getting into the school systems. I understand the schools have a ''choice'' influenced by what they can get from Microsoft. The $1 billion is only a small part of what they have previously taken from people.

They still have monopolistic licenses in place that don't allow dual boot machines to be sold by various manufactures. They have large issues with the obvious lack of security in their software. All you need to do is think 'e-mail virus' and that is the same as saying a Microsoft Bug.. since it is a VERY old concept that was explained is bad programming, back before Microsoft even understood the internet.

Now they are supporting more issues that don't allow Open Standards or even what most used to call standards. (Standards used to be the protocol that was available to all, everyone had input on, and there was basically one standard. Versus the current model with Microsoft and the card manufacturers). It has held up technology, versus expanded it.

They are supporting a effort that could reduce further competition by making it imposible to report bugs, security flaws, etc. so that we can get things fixed in a timely manner. And even worse is the discussions of laws that would make it very difficult to continue with innovative projects like GNU and the OpenSource world in general. No Microsoft did a nice job on their MSOffice (minus the internet explorer).

And now with XP and MS.NET, I have further concerns. I hope something can be done in the future about past, present and future monopoly actions by Microsoft and other companies that use unethical tactics to get to a control position, then use their control and money to control goverment as well as, media.

MS owns NBC. I believe they (or VPs/CEO) bought large parts of Apple so they would not go under just before the law suit went to the courts.

Mark Dalton
18552 Everglade Drive NE
Wyoming, MN 55902

MTC–00002848

From: DEBO Jurgen
To: Microsoft ATR
Date: 12/6/01 2:04pm
Subject: Tip for better solution for the discussion

Dear Justice Office,

I am programmer for 20 years, and CEO of an IT company. My english is very bad, but it is the thought I wish to tell. For the moment there is a high focus on terrorism. But what huge terrorism doesn't we have on internet, or by software that is violating our privacy and our common data. We can not denyn, in future, we will be forced to switch over to open source software. When companies are doing E-Business, no company wants that statistics are made based on his activities, done by a software developer. When software is not open, you can not watch in the black box what is hidden behind. On the other side, companies needs to live from software. But it is widly known that microsoft software has a lack of security, a lack of privacy and that microsoft is sneeping inside computers. A good option would be that all elements communicating with the outside, like browsers, components, firewalls, e-mail clients etc should be open source by federal law. Just like the known history of PGP (Pretty good privacy) (It was and is still open source.) This should be a barrier arround the black box.

Black boxes are fine for home use, but when they make outside communications, this is dangerous. So if there is still a kernal part running on themselves, without making communications, that's maybe ok for the moment, but communicating particles needs to be open source, that's our right of privacy, and protecting of our own data. Every communicating particle should be explained clearly to public what it is sending out, with a technical sheet, to verify if this is correct for (intrusion detection software, like the open source project www.snort.org) Secondly, every communication should have an identification header of the number of the CPU so it can be traced down by Law Organisations.

Every sold CPU should be registered in a huge internet security company. That ID

should be integrated into the IP protocol, encrypted and coded with a high protection, and only viewable by those offices. This would identify malifious people, who doing all non-legal practices, like terrorism, abuse of children, drugs, hacking of computers, etc etc.

Without those steps E-Commerce will NEVER be possible on a professional, worldlevel schedule. There are too much violations due to people who make profits of the gray zone of unknown, to be on internet and the gray zone of hidden gateways in our software.

If my idea's are worthfull, please consider to invest in our directory engine as return for this information.

Sincerely,
Jurgen Debo
CEO
Belgian Directory
The Guide www.guide.be

MTC–00002849

From: Rick Hansen
To: Microsoft ATR
Date: 12/6/01 2:15pm
Subject: Comments on the proposed settlement of the Microsoft suite
To: U.S. Department of Justice
Subject:Proposed Microsoft Settlement

Dear Sir/Madam:

A recent newsletter from Red Hat Linux asked Linux resellers to send comments regarding the proposed DOJ/Microsoft settlement to this address (microsoft.atr@usdoj.gov).

I am the President of a small firm that is authorized to sell Linux and Unix. We are also a Microsoft Certified Partner. I am in favor of settling this matter as quickly and inexpensively as possible. Speaking as both a consumer and Information Technology professional, Microsoft continues to provide better and simpler solutions than other vendors.

Rather than restrict competition, I now can obtain more non-Microsoft solutions for operating systems and business applications than at any time in the past ten years.

I believe that anyone who charges Microsoft with having unfair business practices is unfamiliar with the world of business. In my opinion, Microsoft's business practices are no more onerous those of other large firms. This includes firms in the IT market such as Sun and Oracle, and firms outside the IT market such as Ford.

Thank you for allowing me this opportunity to express my personal opinion. Please feel free to contact me directly if you would like to discuss this matter.

Sincerely,
Rick Hansen
President
Arctic Systems Inc.
(301) 384–8400x101
rhansen@arctic.com
CC:rhansen@arctic.com@inetgw

MTC–00002850

From: Russell Kohn
To: Microsoft ATR
Date: 12/6/01 2:05pm
Subject: Don't Settle

I am writing today in opposition to settlement with Microsoft Corporation and the terms as I understand them.

My name is Russell Kohn. I am a resident of the city of Agoura Hills, California in the county of Los Angeles. I own a small computer consulting firm that is located in the city of Santa Monica, California, in the country of Los Angeles. I started the business in 1986 and we have employed between 4 and 8 people through the past years.

In our office we have a mix of hardware and software. We use Microsoft software, Apple software, software from Red Hat and other suppliers. We used to resell hardware and software in addition to provide our consulting services. Now we are primarily a provider of custom software development services to small & medium businesses as well as the publisher of a small database utility for FileMaker Pro developers. Our consulting clients include both small businesses and household names including the William Morris Agency, UCLA, and Blue Cross. Our products are used by many consultants at many facilities including some DOD, DOE groups and at many major Universities.

Over the years I have personally and repeatedly experienced incompatibilities with Microsoft software that would not have been tolerated from any other supplier nor maintained structurally within the channel without their monopolistic strength. This has lead to financial costs and inefficiencies that we don't experience in other areas of our practice.

Any settlement that accomplishes further erosion of competitive forces (eg. the Education deal into market currently owned by Apple) or that does not institute real limits on Microsoft monopoly position would be a waste of time and a setback for the American people (as well as the rest of the world).

Now is the time for government to play its regulatory role in this field.

Sincerely,
Russell Kohn
Russell Kohn
Chaparral Software & Consulting Services, Inc.
429 Santa Monica Blvd., Suite 230, Santa Monica, CA 90401
(310) 260–1700 / russ@chapsoft.com
(310) 260–1701 fax / www.chapsoft.com

MTC–00002851

From: herb@cb01.pfinders.com@inetgw
To: Microsoft ATR
Date: 12/6/01 2:14pm
Subject: My opinion about the Microsoft anti-trust case

To DOJ,

I was disappointed by the settlement. I feel that Microsoft continues its anti-competitive practices and must be prevented from doing so.

I honestly feel that breaking up the company was going to help bring more competition.

Also, I believe it is the only thing Microsoft fears. I would not feel so harshly about the company if they had more stable products.

Without competition, how do we get better software? They set the bar way too low.

Herb
Herb Rubin Pathfinders Software
herbr@pfinders.com http://www.pfinders.com
phone: 650–692–9220 fax: 650–692–9250

MTC–00002852

From: J N Katzman-TCM
To: Microsoft ATR
Date: 12/6/01 2:04pm
Subject: Microsoft Settlement

To Whom it may concern;

The settlement in the Microsoft case is nothing more than a win for Microsoft. This gives Microsoft an even larger presence, and more free advertising and publicity than they could ever dream up by themselves. As a developer of software, I would be more than happy to develop something for the schools so that I might be able to have the opportunity to setup a longterm support contract to guarantee income for the rest of my life. Microsoft will have this kind of opportunity on a much larger scale.

Giving the schools Microsoft products now, will only further entrench Microsoft's hold on the market. After all, these students will most likely only purchase Microsoft products since this is what they will be familiar with. This will carry on into the workplace, where these students will become the next generation of purchasers and descision makers

Do not allow Microsoft to donate software as a ''punishment''. Convert the value to dollars and allow the schools to decide on the technology they need or want.

Sincerly,
Joel N Katzman
TCM Integrated Systems, Inc
Freeport NY

MTC–00002853

From: Harman, Tony
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/6/01 2:14pm
Subject: Get it over with—move on

Enough money has been wasted over this and there really isn't a viable option to the suite of products Microsoft offers. I remember paying the extraordinary prices for competing software before Microsoft brought out a suite of products that were superior and much more cost effective. Go after the dot bomb companies instead and the bankers and executives who swindled money out of investors to buy them nice offices, fancy cars, high pay, and deliver no shareholder value!
tony

Tony Harman, President VR1 Entertainment
5775 Flatiron Pkwy Suite 100, Boulder, CO 80301 phone 720–564–1000 fax 720–564–1090

MTC–00002854

From: rcaveney@marketanswers.com@inetgw
To: Microsoft ATR
Date: 12/6/01 2:16pm
Subject: Make them pay—in cash

I am surely not alone in insisting Microsoft pay in $cash, versus using this settlement as part of a marketing ploy. As it is, the settlement is way to lenient. This is an illegal monopoly!

Also, I truly hope that Microsoft will have to be as open about their API's to others, as they are to their own developers.

Robert Caveney/VP
Market Answers
1–408–275–7101 Direct
1–408–275–7100 Main Number
1–408–999–0931 FAX

MTC–00002855

From: LeRoy Hogan
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/6/01 2:48pm
Subject: Microsoft Monopolizing in Public Schools

I am disgusted that you are letting Microsoft spread its monopoly further into the poorest of schools. Why don't you just fine them a dollar amount and give that to the poorest of schools instead of forcing Microsoft products down their throats.

Roy Hogan

MTC–00002856

From: Paul DuBois
To: Microsoft ATR
Date: 12/6/01 2:48pm
Subject: The anti-trust settlement *rewards* Microsoft

The proposed anti-trust settlement under which Microsoft would donate software and hardware to school districts is a dream come true for Microsoft. Far from actually punishing Microsoft for its predatory and anti-competitive behavior, this proposal would do the opposite by helping it establish a foothold in one of the few areas where it is not the dominant player. In other words, the settlement *encourages* Microsoft to continue its past behavior.

Whoever conceived this proposal clearly did not think it through very much.

A better solution would be to tell Microsoft to donate *cash* to the schools, to let them spend on computing equipment as they wish.

Paul DuBois
paul@snake.net
2805 Shefford Dr.
Madison, WI 53719–1417

MTC–00002857

From: ssouchek@cfa.harvard.edu@inetgw
To: Microsoft ATR
Date: 12/6/01 2:50pm
Subject: I don't Understand??

You went through all this trouble, time, and expense to get ''Microsoft'' in and out of court and you accomplished nothing even though you've won. Got to Love our Legal System and the money mongering people associated with it.

Could you please explain to me why all this money was wasted and what the ''Nation'' gained out it? This and the OJ case are the biggest jokes of this Nations Judicial System so far in my opinion. I think you'll have a hard time beating this one, but I'm sure you'll try.

Steven Souchek
Solaris Administrator
Harvard-Smithsonian
Center for Astrophysics
60 Garden Street
Cambridge, MA 02138
http://missinco.hopto.org
Tel: 617–384–7568
Fax: 617–496–7500

MTC–00002858

From: Russ Underwood
To: Microsoft ATR
Date: 12/6/01 2:51pm
Subject: Please end the monopoly (s)

The evidence is overwhelming, your own D o J found Microsoft guilty of monopolistic practices. Punishment should not be a toothless slap on the wrist. Windows must be unbundled with the web browser and media player for starters. I believe a break-up would be the greatest leap forward in software innovation possible, but I understand the political ramifications of this move.

Innovation in the software arena has been stifled for many years. Few companies dare to enter into Microsoft's turf.

Separately, Microsoft's proposed settlement of all of the private lawsuits (they must ''donate'' old PC's & software to schools) will basically give them a monopoly in that market as well. Microsoft has quietly spent billions on lobbying and campaign contributions.

This is our only hope, prove that our government cannot be bought.

Russ Underwood
Communications
Lockheed Martin Space Systems
408–742–0933 voice
1–888–916–2013 pg
russ.underwood@lmco.com

MTC–00002859

From: Scott Silva
To: Microsoft ATR
Date: 12/6/01 2:54pm
Subject: Microsoft and the Public School system

Letting Microsoft get out of its legal troubles with the donation of software to schools will leave a long lasting dependence to Microsoft software. It is similar to a drug pusher giving it away free until you can't live without it.

I think public schools should go to some type of Open Source software. The hardware costs are the same, but the software costs do not skyrocket. Public schools need to spend less money on operations, not more money. Put the money into more teachers and books, and less money into Microsofts pockets.

Scott Silva P.C Coordinator
San Gabriel Valley Water Company
626.448.6183 x296 Fax 626.582.1571
ssilva@sgvwater.com

MTC–00002860

From: Russell Schoech
To: Microsoft ATR
Date: 12/6/01 2:55pm
Subject: Microsoft Class Action law suit

I have been following along with this trial since its onset. I believe that these punishments applied to Microsoft in no way discourage monopolistic practices and indeed, encourage Microsoft to continue with these practices in a more aggressive manner. Why? Because a punishment of donating the company's overpriced software to schools is the most absurd form of punishment I could ever imagine. Indeed the creators of the Sherman Antitrust Act would be sick their stomachs about this proposed ''solution''. Not only is the punishment ridiculous and in no way encourages competition (being the entire point of this act), it would appear to the American public that this is in fact the complete opposite. By distributing their software packages for free allows for Microsoft to gain a further stronghold in the market by forcing children at these underprivileged schools to use their products. Upon maturing to an age where they will be obliged to purchase software packages, which packages do you suppose that they will choose.ones that they already know and have been forced to learn upon and indeed are already comfortable with or some other package?

The American public knows that Microsoft has gotten away with the murder of unfortunate corporations, why doesn't the DOJ? Maybe a new trial to prove it again should be enforced. The people who seem to have been paid off could then line their pockets a little more. By the time that the DOJ finishes, there will only be fragments of once profitable corporations. Maybe they could combine their collective efforts into a unified company called Anti-Soft!

Russell Schoech
Instructional Technology Specialist
Southwestern College
888.684.5335 ext. 121

MTC–00002861

From: Dwight Sledge
To: Microsoft ATR
Date: 12/6/01 2:58pm
Subject: Microsoft wins again

Great move folks! Punish an anit-trust offender by allowing them to expand their stranglehold on the pc market by filling up the poorer school districts with their software products. Yes, the very same products they used to force vendors to use their products.

How about making them spend their ill gotten gains to provide hardware that they do not make, or, make them provide the school districts with the amount of cash required to provide this hardware and software? The school districts would then be free to choose how to spend that money, the only stipulation being they must use the money for computers and software.

Regards,
Dwight Sledge

MTC–00002862

From: vgerdjk@optonline.net@inetgw
To: Microsoft ATR,Red Hat
Date: 12/6/01 2:59pm
Subject: the micro$oft pension plan from red hat newsletter.

''Not long after the DOJ settlement, Microsoft announced it had agreed to another settlement regarding a separate class-action suit brought against the company by numerous parties that alleged overpricing of Microsoft products.

The settlement forces Microsoft to donate software, hardware, and services to America's poorest schools. Red Hat responded to the proposed settlement, pointing out that the settlement could simply introduce Microsoft to a market where they could further extend their monopoly. In its counter-proposal, Red Hat offered to provide free software to every school in America if Microsoft provided the value of its donation in hardware costs rather than its own software. ''

the first thing i thought of when i heard that micro$oft was giving hardware and software to poor schools was—let's make micro$oft a larger monopoly cause we at the DOJ have nothing better to do than take micro$oft to court every few years my school has over 500 computers and, even with an educational discount, upgrading the OS from micro$oft every few years on all those machines is very expensive, so you, the DOJ, are going to let micro$oft in all these poor schools that in a few years are going to need billions to pay for their OS upgrades, that we the taxpayers are going to subsidize, brilliant everytime micro$oft gives something away it only benefits micro$oft, no matter how much they say that ''we're only giving the consumer what they want,'' well i don't want to pay into the micro$oft pension plan with my taxes unless the DOJ gets micro$oft to give the OS away for perpetuity, we the taxpayers will suffer, because, then, micro$oft could hold the educational system hostage to any upgrade micro$oft deems necessary at an enormous financial burden to the taxpayers when a school system decides upon an OS for the computers, they are making a choice, but when the taxpayers are forced to incur the debt of the poorest communities in the country for the largest monopoly in the country, we have lost our freedom of choice could our government be this stupid, it looks like it who said? ''the bigger the lie, the more people will believe it''

MTC–00002863

From: Willes, Jeremy T, CCARE
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/6/01 3:00pm
Subject: Please don't give microsoft any more foothold in becoming a monop oly

To Whom it May Concern:

Microsoft proposal to provide schools with equipment and software seems to be a generous offer from one side.. But the other side shows most of the donation costs in software from their company.. This would truly give them a further foothold in becoming a monopoly.. By having Red Hat donate the software so Microsoft can quadruple the amount of computers given to schools is the best route for everyone.. The further we can promote other operating systems the better for everyone.. Competition provides better products and better prices..

Thanks,
Systems Admin
Jeremy T. Willes
AT&T, Sacramento
(916) 431–0581

MTC–00002864

From: Harry Forster
To: Microsoft ATR
Date: 12/6/01 2:58pm
Subject: Microsoft

As an individual my rights to development were eliminated eliminated in the past by the behavior of Microsoft. I have moved to open systems and now I am able to develop the applications that I need. You may read into this that Microsoft has not been monopolistic and does not deserve corrective action. This is not true because my major problem will come when I try to implement my resultant applications. With Microsoft in complete domination of users I will not have access to them.

Your actions so far have indicated to me that you (as a Washington establishment) want to provide for the dominant monopolist and ignore the rights of the individual developer. If it is your objective to cut off the intellect of individuals then you will have to live the resultant loss of creativity and productivity that comes from your actions.

My work has been in the development of computer applications for education, in particular children with special needs. It will be your inability to provide me equal rights and equal access that will have brought about the future problems.

CC:Red Hat

MTC–00002865

From: John Hare
To: Microsoft ATR
Date: 12/6/01 3:00pm
Subject: Comments about Microsoft Settlement

I'm disappointed with the settlement that allows Microsoft to extend their monopoly into schools now. If they are going to pay restitution, it should be in cash not product. Just my $0.02 cents worth.

John Hare
Luhala Group, LLC
hare@luhala.com

MTC–00002866

From: mitch@galaxytransport.com@inetgw
To: Microsoft ATR
Date: 12/6/01 2:56pm
Subject: Microsoft Settlement

I am disturbed that the people that are supposed to be looking out for the welfare of the general population are allowing a monopolist to essentially escape prosecution without any significant penalty.

I am VERY disturbed that Microsoft may be allowed to actually FURTHER their monopoly in the nation's schools under the guise of settling a class action suit.

As far as we know, Bill Gates never had an original thought in his life, and has become extremely wealthy by A) making profitable use of other people's work B) being in the right place at the right time C) actually having SOME business sense and, mainly D) using unfair and unlawful business tactics to create and maintain a monopoly. Bill Gates SHOULD emerge from this action broke and in prison, not still holding title as the wealthiest man in the world.

Further, although it has never been proven, I suspect that Microsoft DELIBERATELY leaves flaws in their operating systems to make sure everyone will want to upgrade (at considerable expense) when they release the NEXT flawed (but proclaimed to be MORE stable) version.

If Microsoft is going to be allowed to settle any suit by providing something to schools, let's make it ALL the schools, and let Red Hat provide software for ALL the schools as they have offered to do at no charge, to keep the Microsoft monopoly from becoming even larger.

Mitch Loftus
Bolingbrook, IL

MTC–00002867

From: Paul Michael Reilly
To: Microsoft ATR
Date: 12/6/01 3:03pm
Subject: Opinion

For what it's worth:

My opinion is that Microsoft should be broken up into two or more companies. Both to correct predatory behaviors and to stimulate competition in the marketplace, something Microsoft uniquely stymies on a regular basis. From my perspective Microsoft has clearly harmed consumers by eliminating opportunities for new markets and companies to flourish.

While I have this opinion, at the same time I am fearful that Microsoft has bought the Justice Department, lock, stock and barrel with the election of George Bush to the presidency. I send this opinion in the hope that my opinion does matter and Microsoft does get more than a slap on the wrist for inflicting major damage to our society in general and the technology business sector in particular.

Sincerely,
Paul M. Reilly

MTC–00002868

From: laurentm@bechtel.Colorado.EDU@inetgw
To: Microsoft ATR
Date: 12/6/01 3:02pm
Subject: Settlement

I wish to express my disappointment with the settlement you and other states have reached with Microsoft reagarding the antitrust suits filed against this company. Far from punishing Microsoft in any way, or preventing further monopolistic practices, this settlement seems to actually reward Microsoft. Please reconsider this settlement and insure that substantial, verifiable and strict restrictions are put on Microsoft and their dealings with computer vendors and competitive software companies. A lot is at stake here; please revisit this issue.

Sincerely,
Dr. Sally Laurent-Muehleisen

MTC–00002869

From: McIntosh, Rick C.
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/6/01 3:03pm
Subject: Well, my option is simple. You had Microsoft cold, breaking anti-trust laws

Well, my option is simple. You had Microsoft cold, breaking anti-trust laws as they pleased. No punishment. Not one dime in restitution to those they hurt. That is you victory? I think not. You guys suck. Go get a real job if you can't do yours. You did nothing. You slapped Microsoft in the face and showed Microsoft they can get away with anything they want. THANKS FOR NOTHING!!!!

Rick

MTC–00002870

From: Crow, Richard
To: Microsoft ATR
Date: 12/6/01 3:05pm
Subject: Microsoft Antitrust Settlement

Hello,

I disagree with the settlement as I understand it. If Microsoft is allowed to give

Microsoft products to schools as restitution it will only further Microsoft's hold on the OS market. It reminds me of IBM 40 years ago. They made a real effort to get IBM mainframes into computer science programs at major universities.

I think that it is more appropriate that Microsoft be fined. Then use the monies to purchase hardware and software. Make the software a mix of Windows, Macs and Linux.

Thank you,
Richard Crow
Graham, WA

MTC–00002871

From: mprice@seqx.com@inetgw
To: Microsoft ATR
Date: 12/6/01 3:05pm
Subject: Microsoft DOJ Lawsuit Settlement

Dear Sirs,

I am the president of a small software company. I have worked in the software business for over 20 years and have watched with increasing concern the domination of the industry by Microsoft.

Speaking as an entrepreneur, the dominance of Microsoft is preventing much new technology from being developed. Many promising avenues of research and product development have been terminated due to direct and indirect influence of Microsoft.

The activities of Microsoft found to be illegal by the court are continuing, even accelerating. The settlement does nothing to address the behavior of Microsoft that caused the DOJ to sue in the first place. The settlement actually contributes to increasing Microsoft's dominance by requiring Microsoft to invest in increasing its market share by providing its products to schools.

I cannot object more strenuously to the terms of the DOJ agreement. The industry needs more diversity rather than less. This deal will accelerate Microsoft's dominance. This will be bad for the US software business and cannot be in the country's or consumers' best interests.

Sincerely,
Michael Price
President
Peak Process, Inc.
mprice@peak-process.com

MTC–00002872

From: Larry Cullen
To: Microsoft ATR
Date: 12/6/01 3:06pm
Subject: The Microsoft monoply will continue.

Dear Sirs,

Any settlement with Microsoft should insure that hardware distributors must provide alternative operating system installation on PC hardware sold. It has been my experience that systems sold via Gateway, Dell, and other large distributors often include Windows OS whether you like it or not. Some hardware, such as Win modems and Win printers, won't work with anything but Microsoft Windows. I happen to use Linux at home and for users of this and other operating systems it's very obvious what a negative impact Windows has made regarding the availability of specialized hardware. Manufacturers have created devices that will only work with Windows or the drivers for these products only support Windows. Instead of engineering hardware to use generic and open architecture forms of connectivity, many companies form an alliance with Microsoft and produce products that have proprietary interfaces that only work with MS Windows. For OS/2, Linux, MAC OS–X and other operating system users, well, they're left out in the cold.

We live in a capitalist society and the object of a company is to make a profit to sustain itself. Microsoft has crossed the line and gone several steps further by operating outside the law to compete unfairly. Microsoft should be punished for their past practices and somehow restrained from further illegal actions which would give them an unfair advantage against their competitors.

I hope that DOJ won't cave in and let Microsoft off lightly with some symbolic slap on the wrist.

Thank you.

MTC–00002873

From: Daniel Lerner
To: Microsoft ATR
Date: 12/6/01 3:06pm
Subject: proposed settlement further monopolizes microsoft

The proposed settlement to allow microsoft to settle anti-trust proceedings by giving away its product to new market areas further INCREASES the microsoft monopoly!!! In my opinion it is a terrible settlement.

The proposed settlement effectivly funnels microsoft product into a new market at the publics cost. They designed a tremendous marketing ploy to have the public foot the bill for further use of microsoft product because the public has no choice but to use more microsoft product under this settlement.

Following are some settlement terms which make more sense:

1) Microsoft must fully document and publish at no cost the API and all other interfaces to their products. This includes all file formats, XML structures, etc. They do not need to publish their software, only the means to interface other software and hardware to it.

2) Provision 1 must be ongoing perpetually for new products and revisions of existing products.

3) Damages to the market should be funded by cash or hardware provided for public use. The hardware should be standard, industry compatible product, which can run free software operating systems such as LINUX. Free office products are available from Sun's Star Office freeware.

4) Damages should be further compensated by providing costs for public training classes in general computer use, communications, and operation of free software products. These classes should be supplied by free software companies, NOT Microsoft.

5) Damages should pay for shipping, installation, and high speed internet connections for equipment.

6) All computer purchases should have microsoft product unbundled from the hardware. Purchasers must have the right to purchase computer hardware without software, or with other alternate software products installed at clearly stated prices.

The microsoft marketing and business strategy is very damaging to the computing industry due to coercive market practices and forced bundling of product.

Sincerely,
Daniel Lerner
CC:daniellerner@yahoo.com@inetgw

MTC–00002874

From: Gregg Givens
To: Microsoft ATR
Date: 12/6/01 3:09pm
Subject: User response to the Microsoft Antitrust settlement my in the long run. We'll end up stronger for it. Ask the europeans, japanese, and chinese why they are favoring Linux over MS windows.—

Gregg Givens—Systems Analyst
Hollins University Computer Services
ggivens@hollins.edure cases of using a strongly positioned Application helping Microsoft to compete unfairly in the Operating System arena. I would be willing to bet money that if we split up MS into two companies, there would be a Linux version of MS Office Suite within 6 months or less. It would be in the INTERESTS of the MS Applications division to do so. IT is NOT in the interests of the OS division—hence the problem. My contention is that splitting the MS corporation will actually be GOOD FOR THE AMERICAN ECONOMY, contrary to Microsoft's scare tactics. Microsoft seems to make oblique remarks implying that what is good for Microsoft is good for the American economy, and that impeding Microsoft's advance would damage the economy. In fact the exact opposite is true.

Even though more efficient Operating systems such as Linux require less powerful hardware and might be less encouraging of the INTELs, AMDs, and other hardware vendors, the savings for EVERY OTHER COMPANY in America not having to buy new computers every 2 years might help the other 90% of the American companies to make a profit. How much American Corporate profit goes into the land fill every year when they have to scrap their old computers. With more fair competition, maybe more Applications program designers will be encouraged to write more applications—even ones that compete directly with Microsoft's Application division. More competition in Applications and Operating systems might even make superior and MORE RELIABLE AND SECURE computer software, at a reasonable price. (I for one would look forward to days when the servers quit crashing periodically due to undocumented bugs in microsoft's OS. we have Linux and digital unix servers that have not had to be rebooted for most of a YEAR. We must boot our microsoft servers several times a month. I never even leave my MS windows 2000 desktop machine up for more than a day. I rarely if ever reboot my Linux desktop machine. Why do I keep Microsoft machines you ask ? Because our corporate execs DEMAND that we use Microsoft on the desktop. Not enough NON-MS OS applications available that the users are trained to use.)

You may not realize that there are many people who are dismayed by the incredibly

weak response of the current administration to blatantly monopolistic practices by the Microsoft Corporation. Given the more vigorous legal efforts of the previous presidential administration, I don't feel it is completely out of line to question whether monitary influence during the presidential campaign could have something to do with the recent decision to abandon a bargaining position of strength against the Microsoft corporation in favor of a settlement that is actually weaker than that being presented by Microsoft ITSELF prior to the judicial finding of monopoly. At the very least, the current regime in the Department of Justice has some explaining to do against the APPEARANCE of impropriety.

Excluding that issue, we have the result in the marketplace itself. In the past, Microsoft has demonstrated a history of making every effort to avoid any previous remedies that the court has attempted. Either they have ignored the remedy completely or they have complied in the most minimal and unsatisfactory way to adhere to the letter of the law and avoid the spirit. Since the initial attempts to curb their behavior, Microsoft has only succeeded in gaining more unfair leverage and destroying more of their competitors. Don't be fooled that this was only the activity of the market. I have already outlined many ways that MS uses its Desktop OS monopoly to boost market share of its applications. Now that its Office Suite of Applications is stronger (due to the unfair leverage of its OS), it can use the Applications to help the OS maintain its position of dominance in the desktop.

If the USDOJ expects that further litigation will not be fruitful in curbing MS's monopolistic practices that HURT the consumer AND THE ECONOMY, then perhaps other government agencies can attempt another avenue for the remedy. I have heard that the Federal Trade Commission may have jurisdiction and enforcement powers that could be brought into play. Does the BUSH2 administration have the guts and desire to seek real enforcement of powerful remedies for the monopoly finding of the courts ? Are they too timid and fooled by Microsoft's scare tactics to attempt such a thing ? At this time, NOTHING could hurt the economy worse than it is already. You might drive a few stocks like Microsoft and Intel down for a short while if a strong remedy is attempted, but the long term benefits of increased competition and more efficient use of hardware resources (caused by better written Operating Systems such as Linux) could only help the US econo

CC:ggivens@hollins.edu@inetgw

MTC–00002875

From: Ramsay Jr, William M
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/6/01 3:08pm
Subject: Microsoft Settlement

Dear Sirs,

You must be joking or have very serious campaign contributions lined up if you think that the Microsoft settlement is fair and just. I have been a software engineer for 25 years and have used MS development products from the beginning. All the bad things people say about them is true.

They do not innovate—they stifle. Many times I have tried to do things that MS software does only to be told by their support that it can't be done. Their newest offering, XP, is not just more of the same—it is worse. They want to 'own' the software world and with your help they probably will.

William Ramsay
Polaroid Corp

MTC–00002876

From: Jeff Hass
To: Microsoft ATR
Date: 12/6/01 3:10pm
Subject: Is this for real?

How can you let a company like Microsoft get away with what is a nothing penalty? This is a company, I assure you, that plays very serious anti-competitive games.

This is a decision, like many this liberal organization has made that will hurt every single American. This is not good... and no one has won. It's a cave-in.

Nothing more, nothing less.
Jeffrey Hass
One day, one day!

MTC–00002877

From: Tom Garlick
To: Microsoft ATR
Date: 12/6/01 2:57pm
Subject: Concerned citizen against monopolies and unfair business practices

To Whom It May Concern,

Since the U.S. Court of Appeals for the District of Columbia Circuit found that Microsoft is a monopoly and acted illegally to maintain that status, a settlement based on the distribution of more Microsoft software seems truly ironic.

The assumption that Microsoft software in particular benefits schools ''to prepare students for the business world'' is not necessarily on target. One goal of technology education at the K–12 level aims at teaching software concepts, rather than vocationally training students on particular programs. That is, the same lessons can be learned from any ''office suite'' or via any ''web browser'' or on any ''operating system'' to adequately prepare students.

A true ''public benefit'' the settlement could provide would be to give the choice to schools, not Microsoft. For example, Microsoft could provide generic resources (e.g. cash, equipment, etc.) that leave the schools free to choose their own software technology.

Thank you.
Tom Garlick

A concerned citizen against monopolies and unfair business practices.
San Francisco, CA 94112
415–584–5533
tgarlick@rovor.com

MTC–00002878

From: Michael Sprague
To: Microsoft ATR
Date: 12/6/01 3:14pm
Subject: Microsoft Settlement seems more like a reward

I am amazed at the approach DOJ seems to be taking in the MS case. The software is crappy, and yet is now possibly being given out to our nation's young people, in the form of self serving donations from MS to fiscally challenged schools.

This can only serve to advance the product further, into markets that the company might not otherwise ever see.

Giving computers to schools is a noble cause. Making them use the same software published by MS is ironical.

Isn't the forced bundling the issue that started this whole mess in the first place?

To me, a better solution would be:

1. Make MS give hardware only, and take advantage of the offer from Red Hat or any other reputable OS vendor so inclined to donate Linux or another OS to run the computers. or, better yet-

2. Make Microsoft pay cash money in the billions to disadvantaged schools and let the schools decide where to spend the money. To me, letting MS off the hook, and in a sense actually rewarding them for their reprehensible past actions (remember the decision? GUILTY of monopolistic practices) is not going to make anyone outside the MS family proud to be an American. I expect it would bring shame to many inside MS as well, knowing that they have twisted the justice system to their own ends.

Make me proud.
Michael Sprague

MTC–00002879

From: Liebrecht@gateway@inetgw
To: Microsoft ATR
Date: 12/6/01 4:13pm
Subject: Please

To the DOJ.

On behalf of Accudry Moisture Measurement: accudry.org accudry.net

Please do not allow monopolies as entrepeneurs such as myself are disabled by allowing one company to control 90% of the world market. One big bee can make a lot of honey.....if it so wishes and when it wishes, but what we rather want is a hive of honey-makers for stability. Each bee presents a different flavor but in the end it is shared. Please enforce competition and make the playing field fair. Entrepeneurs cannot continue the American dream under a monopoly. If Microsoft is allowed to succeed with their current strategy, then many will follow the example.

Liebrecht Venter
Accudry

MTC–00002880

From: Mark D. Hendricks
To: Microsoft ATR
Date: 12/6/01 3:21pm
Subject: Microsoft in schools

Letting microsoft give software and hardware to schools is a very bad idea for many reasons.

1. It builds another generation of americans that think microsoft is synonymous with computing.

(Using Word and Excel is NOT computing—using gcc is!)

2. It allows microsoft to extend their monopoly to those vulnerable.

3. It allows microsoft a huge advantage to promote their products.

4. Microsoft already has a huge stranglehold on business and colleges

5, Homogeneous systems are vulnerable. (viruses, worms etc.) If anything, microsoft

products should be banned from all educational facilities, so that young peoples' minds are not fingerprinted with microsoft's concept of what computing is... that way they could learn to develop their own ideas and systems which would eventually lead to some competition for microsoft—not to mention some quality software.

Maybe the best thing to do is to make Microsoft buy a piano for every school in the country—they don't become obsolete and music has been proven to have an impact on learning, where computing has not... The decision to not break up Microsoft is terrible, Microsoft has effectually killed off all desktop competition and is a monopoly that appears to have brain-washed the Judicial System of this country. Letting Microsoft continue operations without punishment eventually will doom this nation's software industry, because having no choice kills development.

In fact Microsoft hasn't had an idea of there own in 15 years—and has continued to steal ideas, but who will it steal from when all of the competition is out of business?

Mark —

Mark D. Hendricks, WebDevSysAdmin

UNL IANR CIT DEAL LAB, 003 ACB UNL E. Campus, Lincoln, NE 68583–0918

Voice: 402.472.4280 Fax:402.472.0025 PGP key: http://deal.unl.edu/keys/

Email: mdh@mark-hendricks.com UN-email: mhendricks1@unl.edu

MTC–00002881

From: Jon Scally
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/6/01 3:16pm
Subject: Anti-trust settlement

To whom it may concern,

I was more than a little shocked that the Department of Justice would settle the anti-trust suit, in which it was clearly shown that Microsoft had used monopolistic business practices taken to the extreme, with something that is significantly less than a slap on the wrist. Microsoft has in the past, and continues today to use illegal monopolistic business practices. The punishment should fit the crime! Microsoft should be required to divest itself of all operations not directly related to it's operating system. This was one of the original, and in my opinion the best, possible consequences for their so blatantly breaking the laws of our country. I would like to go on record as strongly opposing the current settlement as it does not address in any way the behavior Microsoft exhibited (and again, continues to exhibit).

Thank You,

Jonathan Scally

MTC–00002882

From: Larry Clements
To: Microsoft ATR
Date: 12/6/01 3:19pm
Subject: Sanctions

The latest release of MS's new O/S should indicte to you they are not going to pay too much attention to any lawsuit brought by your or by the AGs of the states. They are going to increase their monopolistic practices.

They feel they are too big to be bothered by rules and regulations.

Larry Clements
Ojai, CA

MTC–00002883

From: B. Spyra
To: Microsoft ATR
Date: 12/6/01 3:22pm
Subject: MS Settlement

To whom it may concern,

my name is Bart Spyra & I am briefly writing to you to state that I oppose the proposed settlement where MS would donate its own operating system along with hardware to schools in America. The reason behind my opposition is that I believe that this is just another means by which MS will be able to gain market share. This case was about anti-trust and MS was found guilty. Now it seems that instead of recieving a punishment they are recieving an award for their crimes. Now MS can legally put its competitors out of business as a ''punishment'' for illegally doing so. It just makes no sense whatsoever.

On the other hand I do support the idea of helping schools and giving those that are less fortunate a better chance in life. Thus, in my opinion I believe that MS should give the schools hardware of equalent value as the software that they were originally going to offer. Red Hat has already offered to provide their open source Linux operating system free of charge to any and/or all schools in America if MS was to provide the hardware. This will support not only the schools and children, but will provide a fair punishment to a company that has been found guilty of seven counts of anti-trust.

Thanks in advance for your time & God bless.

Bart Spyra

*ps remember that Red Hat is an American company as well. Therefore, by supporting them you are also supporting America, American technology and innovation.

MTC–00002884

From: Rubin Bennett
To: Microsoft ATR
Date: 12/6/01 3:10pm
Subject: Proposed Settlement of Microsoft Antitrust case

I would like to share my thoughts regarding both the DOJ Final Judgement, and RedHat, Inc's response to Microsoft's proposed penalty phase.

First, I applaud the DOJ for your handling of this case. I agree with RedHat's point that the ''penalty'' phase of the judgement must not be used to further Microsoft's monopoly presence in any market, be it schools or otherwise. At the same time, I applaud Microsoft for their ostensibly giving spirit. I think it would be a fine thing if Microsoft wanted to donate PC's to schools. I believe, however, that the PC's should not come with a ''Microsoft only'' clause.

Asking Microsoft to put in additional monies in lieu of the price tag of the software, however, is not realistic and the folks at RedHat know it. Software licenses are essentially a ''zero cost'' item—that is, once the operating system is built, the owner of the copyright can make an unlimited number of licenses, and the only additional cost to them is the paper that the license is printed on. Therefore, asking Microsoft to convert ''zero cost'' licenses into PC's on a dollar per dollar basis is quite unrealistic.

Taking the argument one step further, while I firmly believe that Microsoft must not be allowed to extend their monopoly by donating their product to schools, they must also not be required to further their competition (isn't fairness in business practices the cornerstone of this case?).

So I propose the following:

Enter a monetary figure as part of the judgement against Microsoft. Let Microsoft donate the computers, minus an operating system. The value of each system will be debited against the total judgement amount. If they wish, they may include as part of the settlement a budgeted amount for each system that may be spent on an operating system and installation. If the OS comes in under budget, then the total value of the donation will be adjusted appropriately. The total must not go over the allotted budget. This amount will also be debited against the total value of the judgement.

If RedHat wishes to install their OS at no cost, (another fine gesture) so be it- the cost of the system to Microsoft (and the amount debited against the total judgement amount) will reflect only the cost of the hardware.

Obviously, Microsoft may not ''mark up'' any portion of the system (hardware or software). A penalty is not supposed to be a source of profit.

Thank you for taking the time to read this message.

Rubin Bennett
Rubin Bennett
President,
Complete Connection, Inc.
(802) 223–4448
rbennett@completeconnection.com
http://www.completeconnection.com

MTC–00002885

From: Bill Kasje
To: Microsoft ATR
Date: 12/6/01 3:49pm
Subject: Where's the beef?

Despite the best intentions of the DOJ to punish Microsoft I don't see this settlement having much impact. I am a member of the hightech community with no axe to grind with Microsoft, having never competed directly with them. I have used their products for years and will continue to use them. But based on the verdict in the case I would have expected something more enforcable and dramatic. I'm not suggesting the breakup of the company, but perhaps requiring Microsoft to make Windows opensource. Unless something like that happens, Microsoft will be able to avoid competition because of its control of the OS. I don't believe the spirit of the settlement, as it is currently written, has a chance of being implemented.

Best regards,
Bill Kasje
Mirapoint, Inc.
bill@mirapoint.com
(408) 720–3733

MTC–00002886

From: Matt aka joker
To: Microsoft ATR

Date: 12/6/01 3:49pm
Subject: Microsoft Case

Oh great. Let's find Microsoft guilty of being a monolistic corporation and then punish them by granting inroads to the one area that they didn't have their stranglehold on...Schools.

Apple holds the current top spot for school computer supplies. Yeah, I bet Microsoft is just crying in a corner about the punishment they have to endure. Come on people, extending Microsoft's reach is hardly a way to cut them back

Matt Snyder

''My car seems to run better when it has gas in it.''

MTC–00002887

From: Matt aka joker
To: Microsoft ATR
Date: 12/6/01 3:49pm
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Matt Snyder
El Paso, TX

''My car seems to run better when it has gas in it.''

MTC–00002888

From: Nancy Bobs
To: Microsoft ATR
Date: 12/6/10 7:49pm
Subject: Microsoft found Gulity, but rewarded

From:
J. Robert Suckling
2904 Whitefield Rd
Churchville Md. 21028
phone: 410 436 2622
email: bobs@strcat.com

Dear US DOJ Rep.

I was just reading about how Microsoft Won the anti-trust computer operating system monopoly case.

It is true that the federal appeals court in June upheld the lower court ruling that the company used illegal tactics to maintain its Windows personal computer operating system monopoly. (quoted from Reuters news clip see URL below).

But the result was they won, since the penalty was to do a thing that helps them build there illegal computer operating system monopoly.

Any one knows if you teach the children to use products from only one vender, that this is a big win for that vendor. We need to find an alternative to this.

one example comes from a Reuters news clip http://www. reuters. com/ news__article. jhtml?type = businessnews& StoryID=391566

Red Hat Inc. RHAT.O, the maker of the Linux http://www.redhat.com operating system that competes against Microsoft, proposed on its own offering every school district in the country its own open source software free of charge, while encouraging Microsoft to spend its money on buying more hardware for the schools.

If Microsoft was required to field computers running non-Microsoft software this would teach your future that computers are not Microsoft. That there are other, even better computer operating system, then the mocrosoft product.

So in this case the money should be spend on hardware, not simply turned into something that costs Microsoft, next to nothing. Since the software is already written, and making a few copys will cost the software giant peneys, on thousands and thousands of copys.

Please see have it seen to that this illegal monopoly does not get away with self promotion, something they willing spend much more then this and do, as a punishment for being found guilty, in a most important court case. Open source software is the future. But Open source software is a gift to the public, and private donators can not afford the PR budget that the monopoly can afford.

Thank you

MTC–00002889

From: Dan Wessol
To: Microsoft ATR
Date: 12/6/01 3:54pm
Subject: Microsoft settlement

If Microsoft has been found in violation of the anti trust provisions of the US statutes then the ''rule of law'' must be applied (fairly) as it has in previous case history. Additionally it would seem reasonable that GSA procurement of ADP should require interoperability of all software applications. This would greatly benefit both the industry and the consumer and would discourage future violations of the anti trust laws in this domain.

Dan Wessol
INEEL-Montana State University EMAIL => wessol@cs.montana.edu
357 EPS Bldg / CS Dept VOICE => (406) 994–3707
Bozeman, MT 59717 FAX => (406) 994–4376

MTC–00002890

From: neff@dca.net@inetgw
To: Microsoft ATR
Date: 12/6/01 3:54pm
Subject: I think that the settlement proposed by the Department of Justice is essentially

I think that the settlement proposed by the Department of Justice is essentially a complete capitulation to Microsoft. They have used their monopoly power to standardize inferior, bug-ridden software in market after market. Only by breaking up the company can this behavior be eliminated.

Samuel Neff

MTC–00002891

From: Sherwood Botsford
To: Microsoft ATR
Date: 12/6/01 3:57pm
Subject: Proposed discipline for Microsoft.

I have several possible actions that DOJ could take against Microsoft:

Alternative 1: MS be required to license their software free of charge to any group that can demonstrate that:

A. It is a recognized charity under the laws of that country.

or

B. It is a reconnized not for profit educational establishment under the laws of that country.

This agreement would be binding on MS forever. Such licensing would not enable the recipient to technical support other than access to MS's web site. It would not include media and manuals, but would not prevent the user from duplicating media and manuals on their own. Microsoft could charge a reasonable charge for media and manuals.

Alternative 2: Microsoft be forbidden to sell an OEM version of it's operating systems for a period of 10 years. That is, a computer seller would not be able to preinstall any Microsoft OS. Only the final owner could break the shrinkwrap. (Much like the tags on mattresses and sleeping bags.)

This would have the effect of increasing the chance for competative operating systems to get a foothold.

Alternative 3: Microsoft be split into two companies, one selling operating systems one selling software packages. The two companies would not be allowed to any directors in common. Any present shareholder owning more than 1/10 of 1% of the outstanding shares would have 1 year to divest themselves of one of the two companies. (This insures that they are separate companies.) For a period of 5 years, no consulting company could do work for both companies.

One of the resulting companies would be required to move outside the Seattle Metro area within 3 years.

Alternative 4: Any person who can demonstrate that they have purchased any version of a MS operating system at any point in the past either by showing:

A. Original installation disk or CD

B. Original license agreement with serial number.

C. Itemized sales receipt.

Be entitled to an upgrade anytime within the next 5 years to whatever OS they choose from MS's line at the time. This would be subject to a small media and shipping fee: Maximum $20

MTC–00002892

From: BISHOP–BROWN, PAT (HP-Corvallis,ex1)
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/6/01 3:59pm
Subject: The Microsoft settlement.

This is an excerpt from a recent Red Hat newsletter:

''The settlement forces Microsoft to donate software, hardware, and services to America's poorest schools. Red Hat responded to the proposed settlement, pointing out that the settlement could simply introduce Microsoft to a market where they could further extend their monopoly. In its counter-proposal, Red Hat offered to provide free software to every school in America if Microsoft provided the value of its donation in hardware costs rather than its own software.'' As an independent developer, I

wondered the same question, How does allowing Microsoft to inject their products into the public school system penalize them?

Apple has used the academic field as their introduction point for decades, to their profitable benefit.

Making Microsoft distribute the alternatives systems and software would be a penalty.

Pat Bishop-Brown

MTC–00002893

From: Paul Williams
To: Microsoft ATR
Date: 12/6/01 4:00pm
Subject: The Microsoft Settlement?

Dear Sir

From what I can make out, this is not a settlement, it is a whitewash. Microsoft has acted in a monopolistic manner and it has not been punished nor has it been prohibited from acting in a like manner again. It has even, cynically, offered US schools product with which to indoctrinate the consumers of the future.

The original judgement which split the company into an operating systems part and an applications part would have offered the world real options. Yes my life a an IT Manager has been greatly simplified by the Microsoft monopoly in the same way as my predecessors was made easy by the dominance of IBM. However, I operate an mix of Windows and Unix machines. If the applications part of Microsoft was broken from the operating systems part, the applications would then be developed on all platforms, creating competition and flexibility for the users.

If this so called settlement is seen to be upheld, what hope does the common man have against the largest companies that can even buy their own justice?

Kind regards
Paul Williams
IT Manager
Leamington Spa
England

MTC–00002894

From: dmoran@dougmoran.com@inetgw
To: Microsoft ATR
Date: 12/6/01 4:01pm
Subject: Microsoft ''remedy'' inadequate

I was VP of R&D at a computer security company and were strongly considering producing a version of one of our UNIX-based product for Microsoft windows because of strong interest from existing customers. We decided against it, with Microsoft's history of predatory practices being the crucial factor in determining that the development effort was too risky.

Each of our senior executives had experience at previous employers with Microsoft's predatory behavior towards partners, potential partners, and independent software developers. From what I can tell, the proposed settlement does nothing to change Microsoft's anticompetitive behavior—the few ''remedies'' appear to be easy for Microsoft to evade.

Public Policy issue: Because of Microsoft's practices, there is a much narrower range of computer security tools for Windows platforms than for UNIX variants. This results in Windows platforms being more vulnerable to attacks (as has been amply demonstrated recently) which leads to substantial economic losses.

Douglas B. Moran
790 Matadero Ave
Palo Alto, CA 94306–2734

MTC–00002895

From: Jerry Smith
To: Microsoft ATR
Date: 12/6/01 4:04pm
Subject: Microsoft Anti-Trust Suit Settelment

Dear Sirs,

I think that Microsoft should be slimmed down to JUST their operating system and all Applications should be in seperate companys.

In this way all Applications that would use their Windows operating system would be equal on a level playing field.

This is just my two bits,

Jerry Smith—been in computers since 1962.

MTC–00002896

From: Billy Stephens
To: Microsoft ATR
Date: 12/6/01 4:06pm
Subject: Mistake

As far as I'm concerned, this settlement is the DOJ trying to sweep Microsoft's illegal tactics and the fact that they have broken the law under a rug. Allowing Microsoft to spend some money and extend their monopoly even further doesn't give them any incentive to stop their illegal tactics.

MTC–00002897

From: Opnotic
To: Microsoft ATR
Date: 12/5/01 4:50am
Subject: Thanks anyway DOJ.

Not only has control of our country fallen into the hands of Corporate Interest, but it seems that we (as citizens) are powerless to do anything about it. This case only shows that the real people running this country are the corporations themselves. Thanks anyway DOJ. Your solution to the problem in this particular case is not a solution at all. Guess we'll all realize that when we are willing to take another real look at the problems with Microsoft.—Predicted to happen within 5 years. I guess all I can say is I wish us luck next time because doubtless we will be here again.

MTC–00002898

From: Bob Perdriau
To: Microsoft ATR
Date: 12/5/01 3:04am
Subject: Microsoft Settlement—Not

I read your settlement document.

The company (Microsoft) was found to be a criminal. There is no doubt about that. Last I looked, criminals in this country are punished. Sent to jail, fined and stuff like that.

Your settlement is bullshit. It does not matter that you think the government saves time and effort. The role of the government is to prosecute anyone that breaks the law.

That includes Microsoft.

Potential savings of time and effort and a ''decent '' outcome don't matter. Microsoft broke the damn law! They have to be punished. Do it and do it now! Else, you make a mockery of justice in this country. There are too many other instances where the US is mocking justice these days.

BTW, the idiots that wrote the crap you published in the **Federal Register** don't know anything about real computing. The authors are idiots that merely know how to use Microsoft Word to type a really uninformed letter.

You can contact me at:
Bob Perdriau
354 Benvenue Avenue
Los Altos, CA 94024
(650) 941–1043
bobp@marketwriter.com
If you give a shit.

MTC–00002899

From: tony@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 12/5/01 3:28am
Subject: Antitrust Settlement cut with Microsoft

Simply placing well defined restrictions on Microsoft has never and will never keep this company from using it's monopolist power to squash competetion. I know it, the Public knows it, the Industry knows it, and YOU know it.

Microsoft always finds a fuzzy path around any restrictions put on it by the government. At this moment in time it already basically owns the desktop computer software market and soon will control most of the way information is passed around on the Internet. Windows XP is a perfect example of Microsoft thumbing it's nose at the government and it's market competitors, yet the DOJ ignores or chooses not to understand how it will further Microsoft's monopoly hold on the tech sector.

I personally believe that the DOJ has sold out to 'big business'. The DOJ's 'deal' with Microsoft is a disgrace.

Regards,
Tony Thedford
Dallas, TX. USA
CC:melody@thelab.net@inetgw

MTC–00002900

From: Mark_ Morton@ Mikronvinyl.com@inetgw
To: Microsoft ATR
Date: 12/5/01 8:12am
Subject: 4 words—YOU SOLD US OUT!!

Justice? heheh . . . right . . . Its burns my ASS that we cant get those dollars back to feed kids. Even though it wouldnt be american children, it would be some other pour nation of the week, like Afghanistan right now . . . and justice for all.

Mark Morton

MTC–00002901

From: Alan Martello
To: Microsoft ATR
Date: 12/5/01 8:33am
Subject: Proposed Microsoft Settlement

To whom it may concern:

I am outraged that the same company that has monopolized operating systems and desktop application development for the past 10 years is being granted, courtesy my tax dollar and the U.S. Government, a new monopoly in our school systems.

Clearly, most of the people negotiating the deal have never sat *FOR DAYS STRAIGHT* (4 days this past week) in front of a Microsoft operating system trying to perform a relatively simple task which simply can't be done due to poor planning on Microsoft's part. ''But in our free market economy'' (I hear the critics charge), ''this would change as market forces would propel them to make changes.''

NOT WHEN YOU HOLD A MONOPOLY

And just in case their stranglehold on desktop operating systems is not strong enough, let's allow them to put $1 Billion dollars of their product in our schools.

. . . oh, and by the way . . . let's see . . . if the OS + Microsoft desktop apps (Word, Excel, etc.) costs (conservatively) $500 retail BUT the CD and distribution material costs them (in quantity) around $0.25 (seems reasonable since I can get 1,000 CD's manufactured for less than $1 each), that means their $1 Billion settlement is worth 1/2000th of that or $500,000 in real cash (not ''lost sales'', REAL CASH!).

Let's see . . . perhaps Bill G., Steve B. and Paul A. can set aside a hand in their weekly poker game to cover the settlement. $500,000 is a pretty small sum to buy a government sanctioned monopoly in our schools.

Do the people negotiating the DOJ settlement honestly thing this is a good idea?

At a minimum, the $1 Billion settlement to benefit schools should be for HARDWARE ONLY which each school district or state should get directly. In that way, Microsoft can't use it's $1 Billion hardware purchase to put the screws to local vendors or make a sweetheart deal with one of the big multi-national hardware companies that Microsoft routinely is discovered in bed with making backroom marketing and distribution deals.

In closing, let me add that my company has made its livelihood using Microsoft products for almost ten years. While they do bring some useful offerings to the marketplace, their unembarassed attitude as they strongarm the industry has resulted in my working LONGER HOURS for LESS MONEY because of INFERIOR MICROSOFT PRODUCTS. Any significant competition is simply silenced by driving them out of business. Is there any other defintiion of a monopoly?

I feel outraged and frustrated that it is going to take the EU to show the DOJ what backbone is about when it comes to negotiating with the world's largest software monopoly.

Alan Martello, Ph.D.
President
Martello Associates Inc.
5575 Pocusset Street
Pittsburgh, PA 15217
alan@cleverfolks.com

MTC–00002902

From: MBEDTOM@aol.com@inetgw
To: Microsoft ATR
Date: 12/6/01 4:12pm
Subject: Settlement

Gents,

I am squarely against any settlement in which Microsoft benefits from its predatory practices. Microsoft continues to be a predator and such a proposed settlement rewards, rather than punishes Microsoft for past deeds. A punitive arrangement would have Microsoft buy Macs for the poorer schools on OS X. Even better, Linux on standard PC platforms. Linux is already free—make Microsoft buy and maintain the hardware. That's punitive. Rewarding Microsoft by extending their monopoly into poorer sectors of education is dumb. If I refuse to pay income taxes will the DOJ punish me by making me tax exempt? Where do I sign up?!

Cheers!
Tom Farrand

MTC–00002903

From: Keith Bellows
To: Microsoft ATR
Date: 12/6/01 4:10pm
Subject: DOJ/Microsoft Antitrust Settlement

To whom it may concern,

By forcing Microsoft to give away it's software free to anyone does nothing more than perpetrate the monopoly that Microsoft now cherishes. This does nothing more than play into Microsoft's hands.

Please I implore you to think this through before rendering a decision of this magnitude. Most people do not care how a computer works only that they can use it. Microsoft's O/S product offerings are substandard and very buggy. Yes the latest releases are better but let me point to the simple worms and virus that are continually being released which take advantage of Microsoft Windows vulnerabilities. These issues have been with the software for years, Microsoft claims to develop patches for them but NEVER does fix the real problem.

By forcing schools to use Microsoft offerings because they are free would be a huge disservice to those schools and in my opinion puts the Gov't in the back pocket of Microsoft. There are tangible alternatives to Microsoft for Operating Systems (O/Ss) as well as applications that are low cost or no cost. It has been my experience that as often as not that the free or low cost software works as well if not better than the Microsoft alternative. Allow these schools the opportunity to use what they want for an O/S.

What the schools really need is the Hardware and not some 5 year old junk computers that can barely run under today's requirements. If you feel that Microsoft needs to give away something then force them to buy Hardware for these schools!

I live in Washington and am in the technology industry, any kind of judgement that is worth rendering could affect our economy. I say do it, the law is the law and Microsoft broke it. If the products the company offers are as good as they say they are they will be continue, in a true and free market, to be a leading technology provider. Let them prove themselves against real competition.

Sincerely Yours,
Keith Bellows
Keith Bellows
Sr. Technician
Technical Support Engineering
http://www.itron.com
Itron Inc.
2818 North Sullivan
Spokane, WA 99216
509.891.3621
''Knowledge to Shape your Future''

MTC–00002904

From: Allen Akin
To: Microsoft ATR
Date: 12/6/01 4:11pm
Subject: Microsoft Settlement

[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]

784 Palo Alto Avenue
Palo Alto, CA 94301
December 6, 2001

Ladies and Gentlemen:

In the interest of saving time, I'll begin with an executive summary. If those conclusions are all you need, you can skip the discussion.

SUMMARY

The proposed settlement in the Microsoft antitrust case is unacceptable, for at least the following reasons:

1. The prohibitions in section III are appropriate and well-intentioned, but suffer from loopholes that allow Microsoft to achieve the effect of the prohibited conduct through other means.

2. Additional constraints are needed to cover other areas which Microsoft uses to protect and extend its monopoly.

3. The Technical Committee as envisioned in the proposal is too weak to carry out its duties effectively.

4. The duration of the settlement is too short.

5. There is no penalty for Microsoft's illegal conduct. Without such a penalty, there is no reason to expect Microsoft (or other offenders) will avoid similar illegal conduct in the future.

6. A truly effective settlement requires much more stringent action now, in order to discourage more Microsoft conduct that is damaging to consumers as Microsoft expands into Internet commerce, entertainment, news, and reference information, as well as acting as a repository for vast amounts of personal data.

DISCUSSION

Concerning the provisions of Section III:

III.A is ineffective, because the volume discounts specifically allowed in III.B can be structured so as to make competing platform software economically infeasible. Microsoft has used similar tactics (e.g. per-CPU licensing) against competition in the past.

III.C will be ineffective as long as Windows continues to be structured so as to promote Microsoft products and services automatically and continually, no matter what changes an OEM may have applied to startup screens and menus. This technique is ubiquitous in Windows XP. (Try it; you'll find that the constraints in III.C.3 are already obsolete.)

III.D. To the extent that MSDN is a for-fee subscriber-only service, it is not acceptable as a distribution mechanism for the documentation described in this section, because the fee schedule and processing of subscription requests are subject to abuse. Microsoft has exploited precisely this technique in the past. Guaranteed open

distribution, without fee, via a website, using data formats that are defined by non-proprietary specifications, would be a better approach. Also, it's not clear that the definition of ''Timely Manner'' is truly timely; a better one might be based on the completeness of the APIs involved, rather than the beta test of an entire operating system product (which will not necessarily be in synchronization with the development of many of the APIs) .

III.E. The definition of ''Communication Protocol'' is appallingly weak in a technical sense, leaving provision III.E essentially meaningless. The key requirement that you should be targeting here is that Microsoft must provide sufficient documentation for a third party to develop compatible non-Microsoft software for any software component participating in a transaction. A traditional network communication protocol may be a part of this process, but it can also be be made totally irrelevant, thus circumventing III.E.

III.F. Due to the loopholes afforded by III.F.2, it is not clear that there are any cases in which III.F.1 could be enforced. Also, III.F.1 specifically does not include critical Microsoft products such as Office, which are also used as instruments of retaliation.

III.H. The provisions of III.H.2 are excellent, however the loophole provided subsequently (in the second instance of III.H.2) renders them meaningless. Microsoft can designate irrelevant, but proprietary, functionality as a technical requirement, thus shutting out competing middleware. As an example, only a few weeks ago it blocked competing browsers from accessing msn.com on grounds that were later revealed to be specious.

III.I. This provision seems carefully designed to sabotage so-called Open Source software projects, which require the freedom to implement standards without royalties or sublicensing restrictions. If this provision is adopted as proposed, it could eliminate much of Microsoft's potential competition at a single stroke. As mentioned above for III.E, the key requirement here is that third parties (including Open Source developers) be able to develop compatible components for use in a Microsoft-based framework.

III.J. By invoking this provision, Microsoft can easily undo the effects of III.D, III.E, III.H, and

III.I. The conditions under which Microsoft can do this may seem well-defined legally, but they are unsound in a software-engineering sense, and thus render much of Section III moot. This is a large topic which I would love to discuss at more length, but time does not permit that here.

Concerning issues not mentioned in Section III:

There is essentially no relief with respect to Microsoft Office, a critical tool Microsoft uses to maintain and extend its monopoly power. At the very least, the data file formats and data exchange protocols used by Office must be available under terms similar to those of the Windows Platform APIs. Otherwise, initiatives such as .NET (which involves tight integration with Office) will simply obsolete the provisions relating to the Windows Platform.

Similar comments apply to .NET itself.

Concerning the Technical Committee described in Section IV.B:

IV.B.2. TC members are required to be ''experts in software design and programming,'' but cannot be employed by Microsoft or ''any competitor'' to Microsoft, and cannot subsequently be employed by Microsoft or a competitor. Given the scope of Microsoft's presence in the industry, you may find it difficult to find any software expert who is not employed by Microsoft or a competitor. Even academic institutions could be construed as competitors if they are involved with Open Source software development, as is often the case.

IV.B.3. Microsoft selects one TC member, who then has one of two votes in selecting a third. If there was ever a case of the fox guarding the henhouse, this is it. I can imagine few more effective ways to render the TC toothless.

IV.B.9, IV.B.10. The lack of transparency in TC operations is disturbing. There is no way for outside entities (including parties who may have been wronged by Microsoft anticompetitive conduct in the future) to determine whether the TC is acting in good faith or even is well-informed.

Concerning the duration of the settlement:

Reviewing the past history of anticompetitive behavior by Microsoft, it is clear that five years is far too short a term.

Concerning penalties:

It is ASTOUNDING that the proposal does not include a meaningful penalty for Microsoft's past behavior. The inadequacy of the proposal must be obvious from this alone. Through illegal actions, Microsoft has destroyed dozens of other companies that were true sources of innovation in the industry, artificially maintained (and in some cases even raised) high costs to consumers, and extended its monopoly power in PC operating systems to acquire other markets. To allow this behavior without consequence is clearly negligent.

Concerning the context of this case:

Today Microsoft enjoys nearly total dominance of the personal computer software market.

Whether or not it achieved this dominance in a legal manner, it has been convicted of maintaining its monopoly illegally. It has certainly shown by its attempts to manipulate legal and political systems that it has no compunction about applying its ruthless competitive techniques in other venues.

Consider that Microsoft already has presences in other significant areas of American life: news distribution (MSNBC), entertainment (XBox), history and reference documents (Encarta). There have already been concerns about Microsoft abusing its power in some of these areas (particularly rewriting history in Encarta).

Consider that Microsoft is moving (through .NET) to establish a central control of business transactions throughout the Internet, and (through Passport) to a central control of personal credit and marketing data.

In most of these cases it is leveraging (in the non-legal sense) its monopoly to obtain critical advantages against competitors.

Consumers have already incurred significant damage from Microsoft's behavior. If we do not act now to establish an effective firewall against future illegal and unethical activity, I have no doubt that Microsoft will extend its influence to ever larger markets, while reducing the ability of consumers and of governments to limit its abuses.

CLOSING

In sum, I believe the proposed settlement would not be effective in constraining Microsoft's behavior, and probably would encourage future violations of law, as Microsoft would be aware that such violations carry few consequences. Perhaps we will find ourselves in court once again, after Microsoft has used its monopoly illegally to destroy yet more innovative companies; sabotage additional open, public standards; and establish more chokeholds on consumer access to digital information and services. Perhaps we will not, because next time Microsoft will have learned to manipulate the government as effectively as it now manipulates the computer industry.

Sincerely,

Allen Akin

Cc: California Senator Dianne Feinstein
California Attorney-General Bill Lockyer

MTC–00002905

From: Lana Weed
To: Microsoft ATR,microsoft comments@doj.ca. gov@inetgw,...
Date: 12/6/01 2:24am
Subject: Microsoft punished for violating the law—must be tough

To all of the Attorney Generals,

Please do not let Microsoft off with such light punishment. They knew what they were doing and are showing the world, with enough money and guts you can bluff your way out of anything. They are still grinding up business after business in the same egotistical way they did in the past. They crush competition by getting into that market and with so much money in the war chest are monopolizing even more. They are now doing browsers, service providers, software, television, what is next? Maybe here in Seattle I will soon be working for MS Boeing!!!!

They did the crime, its time they did the punishment. Its your job to set it up according to the law, so they and others won't again. If you are too soft it gives them and everyone who will copy cat a green light to try it again.

Sincerely,
Lana Weed
10308 42nd Ave NE
Seattle, Wa 98125

MTC–00002906

From: Jeff Silverman
To: Microsoft ATR
Date: 12/6/01 2:04am
Subject: Comments on the settlement with Microsoft

Dear Department of Justice,

I am told you are interested in public comment on how the DoJ is handling the Microsoft case. So, in a caring and respectful way, I want to tell how I feel about it. You caved.

You beat them in the court of popular opinion, and you beat them in Federal Court, and you beat them at the Supreme court.

They lied under oath, and they still lost. Why did you stop? Where is the gusto, the passion for justice, the mantle of protecting the people from a big, bad, greedy corporation?

Was it the Bush administration watching out for its corporate constituents? I hope not, because a lot of Microsoft's victims are also companies. They have spend much much more on software that doesn't work, and people to support the software that doesn't work. I can't tell you how many hours I've wasted in the past year trying to get technical support from my friends at Redmond. Those hours come out of the bottom line. Was it a bribe, such as a Microsoft's offer to cover the states legal fees if they would drop the case? Was it the events of September 11th? Was it a lack of computer expertise? God, I hope not: there are thousands of computer experts all over the world that hate Microsoft with a passion and would leap at the opportunity to help you.

I could easily bore you with all sorts of reasons how and why Microsoft software is awful and unoriginal: I'm a computer expert. Are you interested? Start at my web site, http://www.commercialventvac.com/jeffs/OS—comparison.html

Sincerely yours,

Jeff Silverman

Jeff Silverman, PC guy, Linux wannabe, Java wannabe, Software engineer, husband, father etc.

See my website: http://www.commercialventvac.com/jeffs

jeffs@mail.commercialventvac.com

MTC–00002907

From: Lana Weed
To: Microsoft ATR,microsoft comments@doj.ca.gov @inetgw,...
Date: 12/6/01 1:54am
Subject: Microsoft punished for violating the law—must be tough

To all of the Attorney Generals,

Please do not let Microsoft off with such light punishment. They knew what they were doing and are showing the world, with enough money and guts you can bluff your way out of anything. They are still grinding up business after business in the same egotistical way they did in the past. They crush competition by getting into that market and with so much money in the war chest are monopolizing even more. They are now doing browsers, service providers, software, television, what is next? Maybe here in Seattle I will soon be working for MS Boeing!!!!

They did the crime, its time they did the punishment. Its your job to set it up according to the law, so they and others won't again. If you are too soft it gives them and everyone who will copy cat a green light to try it again.

Sincerely,

Lana Weed

10308 42nd Ave NE

Seattle, Wa 98125

MTC–00002908

From: Maurice Bauhahn
To: Microsoft ATR
Date: 12/6/01 4:16pm
Subject: Extremely disappointed with impunity granted Microsoft

The recent rulings concerning Microsoft did not seem to indicate justice is going to be done. This company does not operate by the normal rules of competition. It does whatever it likes ... and we computer users are (increasingly) the poorer for it. Its increasing license charges reflect its monopolistic status. Many innovative competitors have been forced from the scene by its monopolistic status.

As far as I am concerned ... you have not done your job!

Sincerely,

Maurice Bauhahn (US citizen)

2 Meadow Way

Dorney Reach

MAIDENHEAD SL6 0DS

United Kingdom

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Web: http://www.bauhahnm.clara.net

Email: bauhahnm@clara.net

MTC–00002909

From: Bob Hyland
To: Microsoft ATR
Date: 12/6/01 4:16pm
Subject: My Views

I work in the Information Sciences field and generally believe that Microsoft is a solid company that they follows ethical business practices. However, in a few instances, I believe they have stepped over the line.

In general, I believe that if a company provides a better mousetrap (in this case, an operating system that actually delivers integrated services) then they should succeed and prosper. Some people would argue that Microsoft produces mostly marketing, and that the ''mousetrap'' itself is inferior. I think this argument misses the point.

However, Microsoft has been heavy handed in a few instances. They are known for signing deals with companies, gaining access to proprietary information and then developing their own product with that insight gained. Examples include: OS/2 —> Windows 3.0 and Sybase —> MS–SQL. These helped establish Microsoft's monopoly. Before this time period, Microsoft was a bit player.

Now that Microsoft does have a strong hold on the market, I believe it is important to ensure that Microsoft do not use their position to crush the competition. For instance, if Microsoft began including, free of charge, Microsoft Money with their operating system, how many people would purchase Quicken?

Intuit represents a $1.3 billion company with over 6000 employees that Microsoft could snuff-out relatively easily.

Finally, if Microsoft does step across the line and harm another company, I believe that they need to have a strong message sent to them that this behavior will not be tolerated. This is why I believe that any forward-looking agreement must include automatic provisions for future transgressions, and that these provisions need to be scary. Sample scary provision: forfeit 50% of gross revenues for each quarter during which the company engages in <specific activity>. A $3 Billion-plus ''Sword of Damocles'' will get the attention of their board and their stockholders (of which I am one).

The bottom line: I believe companies need a great deal of freedom in order to generate revenue and value, and thus stimulate the economy. And, if they can compete successfully and become huge, that is great!

However, we do need to keep a close eye on these giants such that they do not adversely affect competing companies and the customers they serve.

Bob Hyland, PMP

14 Berry Oaks Lane

Glendale, MO 63122

BobHyland@usa.net

MTC–00002910

From: Alva Anderson W5VCJ
To: Microsoft ATR
Date: 12/6/01 4:16pm
Subject: Microsoft settlement

[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]

CC: aanderso.cw@verizon.net@inetgw,Roger Anderson

To whom it may concern:

There has been a lot of talk in the past few years about ''monopolistic'' practices by Microsoft, and I'd like to address these from a slightly different viewpoint than what you may normally hear expressed. First, let me state that I am in no way associated with Microsoft, nor any of the defendants or complainants, nor do I own stock in any of the companies that I am aware of participating in the suit. As a final disclaimer, I am not a lawyer, nor have I been privy to any special information about the case. However, I am a software engineer that has programmed under a variety of operating systems including Windows, various UNIX, and many others over a span of some thirty years.

We have heard it said that Microsoft has a monopoly in the operating systems software market, and that the simple fact of promoting its own operating systems amounts to ,'monopolistic and anti-competitive practices''. This argument is seriously flawed, and flies in the face of historical fact.

The various operating systems known collectively as 'UNIX' began in the mid-sixties. It has evolved over time to become one of the finest operating systems ever produced. Because if its proprietary nature, and Federal actions that prevented AT&T from marketing it openly, several ''versions'' based loosely on the original code were developed by a number of entities. Until the early 1990s, both the hardware requirements (memory & disk space) and software licensing (price) requirements had kept it out of the ''mainstream'' desktop market. A claim could also be made that the technical expertise required to install, administer and maintain it were prohibitive for most potential users. So, in the early 1990s, a consortium was formed to standardize the system API, and simplify the installation and maintenance of UNIX. However, due to a number of factors (called competition) on the part of Sun, Novell, the X Consortium, and others, the effort never resulted in a serious market penetration in the personal desktop market.

In early 1984, Apple computer introduced the Macintosh and Lisa computers. This

computer system was a quantum leap forward for personal computer users, and, as the court is well aware, heralded a new ease in operating systems for home PC users. However, this also was proprietary operating system, and even the hardware interface was closely guarded (legally) by Apple Computer. It is interesting to note that when the Macintosh made its debut in January, 1984, most of the applications that ran on it had been development by Microsoft under a contractual arrangement.

I believe Microsoft could see the handwriting on the wall, and immediately set about developing its own system that could compete with the GUI interface of the Apple Macintosh. When I first saw this machine in May or June of 1984, I immediately bought one of the Macs and enrolled as an Apple Certified Developer. Like Microsoft, I realized that this GUI interface was the ''wave of the future''.

Then, in about 1991, a Norwegian student, Linus Torvalds, began developing a ''free'' UNIX clone as a consequence of his graduate thesis on Intel 80386 memory management. This operating system, now known as Linux, was not based on any of the original UNIX code, and was brought under the umbrella of the Free Software Foundation's ''Copyleft'' licensing scheme. What is the point of all this? The point is that the various versions of the Windows operating system have succeeded not due to any monopolistic practices by Microsoft, but by what I believe is gross incompetence, greed, mismanagement by Microsoft's competitors, and, perhaps most importantly, by the choice of the consumer!

In the industry, it is generally agreed that Microsoft Window was not a viable commercial product, nor for business nor on the desktop, until the introduction of Windows 3.0 in mid- to late-1991. What happened to all the competitors' products during that time? Why did they not make any progress on the desktop? Sun had been in the UNIX market for at least all of the 1980s, and 'X' (the UNIX GUI interface now licensed by the X Consortium) had been around for years. Apple had practically mismanaged itself out of existence, tied up tens of millions of dollars in lawsuits against Microsoft and others, and tried to ''live on its laurels''. And this does not even cover the other companies like Commodore that, in some cases, had superior operating systems, viz. the Amiga. So what happened?

Competition happened, and the consumer spoke. Microsoft won convincingly, in an open market. Is Windows a ''superior'' operating system? Not in my opinion. It is one of several operating systems I use at home, but my heart is in UNIX. Let's look at what is available.

The cost of licensing UNIX software is prohibitive for home users. While Sun had a period of time where they ''gave away'' Solaris 7 for the x86 environment, the cost of their compilers are $3000 and up. And where are all the applications? The cost of Adobe Framemaker is at least $1000 per seat, and most of the other application software is likewise prohibitively expensive. Most of this software is targeted to the business market, by choice of the manufacturer. In other words, they have chosen to keep their prices high, or disregard the home market.

The promise of Linux (and Free-BSD and others) may never be realized in the home market, though it has made—and continues to make—real progress in the server market. Companies like RedHat have created ''distributions'' that make the installation of these UNIX clones available to the desktop user. This operating system software was ''free'' (to RedHat and others), meaning they do not have to pay any licensing fees. Since I like UNIX, I really like this system, but it does not have the dearth of applications that make an operating system popular, and it is just barely usable by most non-technically savvy users. While Adobe experimented with a beta version of Framemaker for the Linux market, it decided not to market it. Why? It is my belief that management either could not find a way to get customers to pay roughly $1000 per seat, nor could they find a way to reduce the cost of a product without conflicting with the per seat cost to their business customers. In other words, their price would have to come down to an affordable price. Nor have they apparently felt it desirable to port their other desktop applications to the Linux platform. In addition, there is competition between the GUIs used for the desktop in Linux: Motif, XFree86, GNOME, or KDE. With this kind of confusion, who could blame the consumer—or Microsoft?!

The are, of course, thousands of applications for the current version of the Macintosh. But, where Microsoft tries to maintain a backward compatibility with application vendors (not always possible), the Apple Mac history has been one of changing architectures, higher prices, ''evangelism'' to lure and keep consumers, and non-compatibility even with their own products. So, what is the complaint against Microsoft? Is it that they gave consumers what they demanded, and that they gave it to them for a price that they willing to pay while others were not? Are we to damn Microsoft for building an empire that the others had a chance to build, even with a head start of a decade or more, but did not or could not build? In my humble opinion, what we are seeing is the result of pure greed and envy on the part of Microsoft's competitors, and a desire to force consumers to pay more by throttling Microsoft.

There are many things that Microsoft has done that I do not like nor agree with. But I am NOT forced to buy their operating system. I can get Sun Solaris, OSI, BSD, Linux, Mac OS–X, ad infinitum, but I cannot get them for the same price as Windows XP, nor any of the other Microsoft operating systems. More importantly, I cannot get the applications that I want on most of the other platforms. Is this what Microsoft is to be ''punished'' for?

If the court—i.e, you—decide that any company is to be punished for its virtues, you enable the incompetent, the second-handers and the moochers to lay claim to all that they could not or would produce. This is a slap in the face of morality, and one which Nature will not allow the United States to get away with. The court can choose which values it wants to protect, but it cannot escape the consequences of that decision. If it chooses to reward and protect individual effort, a free market, and the right to act on one's own decisions, then it acts to protect ''traditional American values''.

If, and only if, Microsoft has threatened its vendors or competitors, which would make the contracts null and void under [at least] ICC 201(g), should the court take action against Microsoft. On the other hand, if the court finds that Microsoft has not done this, it should send the complainants packing ''with prejudice''

Thank you for the courts' consideration.

Sincerely,

Alva Anderson, Jr.

219 Martin Drive

Wylie, TX 75098–4847

MTC–00002911

From: Foerster, Scott
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/6/01 4:17pm
Subject: my opinion

Microsoft needs to separate products into these categories: applications

GUI Manager (like) GNOME GUI (X11) operating system

Microsoft should not be allowed to come out with new application unless it runs on the top three GUI and GUI managers.

Microsoft should not be allowed to release any more operating system version upgrades (products that are seperately named, advertised and licensed) until they produce GUI/GUI manager that runs on the top three operating systems value added resellers (those that sell hardware and software combinations) should be allowed to control desktop advertising. Operating system vendors and/or GUI vendors should not allowed to be able to control context (advertising icons)

Scott Foerster

Senior Network Engineer

Advantage Sales & Marketing

410.715.6672

Columbia Maryland

MTC–00002912

From: Lee Pauser
To: Microsoft ATR
Date: 12/6/01 4:27pm
Subject: [Fwd: MS vs DOJ]

To whom it may concern,

Below is my comments regarding the proposed Microsoft Antitrust settlement:

1. The settlement (like the previous settlement) does not punish Microsoft for its past transgressions. It is has monopoly powers, and abuses them.

2. Giving software to schools is a low cost item to Microsoft because it doesn't cost much to burn another CD. It also helps entrench their products, and hinders competitor's products.

3. Years ago I bought a Dell computer. I wanted to buy it without Windows because I ran IBM's OS/2, but was told that I would have to pay more if I didn't get it with Windows. (Does this make sense???) So I bought it with Windows for a lesser price, and then formatted the hard disk, and installed OS/2. Effectively I had to buy Windows, but I didn't want it. This settlement in no way punishes Microsoft for

their consumer unfriendly licensing agreements, nor reimburses me for my having to buy Windows.

4. When I bought Window/ME, it included Internet Explorer, and other applets which I don't want. I use Netscape, and always have. I am being forced to have IE when I don't want it. The other applets that Microsoft includes are shallow in function, and I purchase more robust products when I need them. However, I pay an increased cost for things that I don't want.

5. Microsoft has a practice of initially providing new applets for free—e.g. IE and their multimedia player. (It cost Microsoft $10million to develop IE, and they gave it away for 'free'—Over charging for other products made up the $10 million.). This practice either hinders or drives the competition out of business-e.g. Netscape, Apple Quicktime, RealPlayer. Later the applet gets included in their OS-Windows/W2k/XP. We need to keep the OS and applets separate products, and let me buy what I want/need. (If I buy a car, I can get an after market CD player if I want to—I don't have to buy the manufacturer's CD player.)

6. This settlement is a farce, and is a political solution—not a solution mandated by the antitrust laws.

7. The judge overseeing the settlement is inexperienced and unqualified for an antitrust case of this proportions.

8. Microsoft claims to be innovative—they are very innovative at developing ideas of others, and masking unfair their trade practices.

9. What is good for Microsoft is not good for the nation.

10. I urge the remaining 9 states, and the EU to aggressively pursue a settlement worthy of Microsoft's flagrant behavior.

Thank you for hearing me out. I have little faith left in the court system, and that my comments will sway any decision.

Leon Pauser

MTC–00002913

From: Scott Bicknell
To: Microsoft ATR
Date: 12/6/01 4:30pm
Subject: Microsoft Antitrust Class-Action Settlements

Please explain how letting Microsft distribute thousands of copies of its software to our nation's schools, which amounts to nothing more than a way for Microsoft to extend its monopoly, punishes them for monopolistic behavior.

In the interests of full disclosure, you should make public exactly what software you use to run your computers.

Scott Bicknell
815 Creek Dr.
San Jose, CA 95125
(408) 266–9692

Linux never goes down on me. . . . . even when promised dinner and a movie.

MTC–00002914

From: Derek Meek
To: Microsoft ATR
Date: 12/6/01 4:30pm
Subject: Settlement Will be ineffective

Bill Gates is a smart man, I'll give him that. Smart enough to produce the even more proprietary Windows XP while in court for anti-trust.

Also, you may want to investigate companies like Qwest possibly getting kick-backs from Microsoft for only supporting their products—for example the Intel PRO/DSL 2100 Modem which is licensed to Qwest and no linux drivers—and when you call qwest or intel about that they give you the run around. Why allow the monopolist to continue to strangle the american public with their far inferior operating system by doing things like this—and also attempting to proprietorize internet protocols, etc. Linux and other operating systems are more robust, more servicable, customizeable, interoperable, etc.

What you have done his slap Mr. Gates on the hands and have done NOTHING to him—you have not weakened his monopolistic position, or changed his behavior, he continues to behave in a mopolistic manner, and will continue to do so until he no longer has the market share that he doesn't deserve. The only way to remedy the problem is compulsatory support for Linux operating system for all hardware manufacturers and major software firms—including microsoft with their Office and other software suites.

Derek ''Kazan'' Meek
''God is dead.''—Nietzsche
http://freespace.volitionwatch.com/babylon/
Founder Alliance Productions
Programmer: AP FreeSpace 2 Kit, AP Red Faction Kit
http://alliance.sourceforge.net
UT: ZEB Clan Web Coordinator

MTC–00002915

From: Derek Meek
To: Microsoft ATR
Date: 12/6/01 4:32pm
Subject: Oh of further comment

By allowing microsoft to spend $1 billion dollars to put computers running their OS in the schools of america you are HELPING them be a monopoly by putting the poorest schools in the country in monopoly lock! You shuold consider Red Hat Software's proposal that Microsoft purchase the hardware and Red Hat provides the operating system and support.

The general population lives with Microsoft Windows because they do not know that there is something better out there, linux.

Derek ''Kazan'' Meek
''God is dead.''—Nietzsche

MTC–00002916

From: sayre@quadlogic.com@inetgw
To: Microsoft ATR
Date: 12/6/01 2:57pm
Subject: software donation

To the Department of Justice:

Please rethink the proposed settlement. Microsoft will further extend its grip on the U.S. computer market by indroducing its software into poor schools. This will provide further incentives for third party developers to develop only for the Microsoft platform, a key factor in Microsoft's stranglehold on the computer market.

Sayre Swarztrauber
CEO
Quadlogic Controls Corp
New York, New York 10010
(Manufacturer—user of Linux servers and Windows desktops)

MTC–00002917

From: Richard Kelsch
To: Microsoft ATR
Date: 12/6/01 4:41pm
Subject: Microsoft government payoff

The proposed settlement with Microsoft's anti-trust violations amounts to a joke. I understand some may think it may be good for a lagging economy, but those with those misguided thoughts have forgotten why those anti-trust laws were made. They were made to protect commerce and competition. It is common knowledge, not just judicial precedent, that their business model is to stomp on all competition by numerous illegal or barely legal marketing practices that only a financial behemoth could afford to do long enough to put the competition out of business. (they see a good product, copy that idea and make it part of their operating system on the next OS release). They have not innovated or invented any technologies they currently claim as their own. All have been duplicated in operation and function as their competition was marketing as a separate software product, or the competing company has been absorbed into the Microsoft software devouring machine.

Microsoft giving free systems and products to schools essentially gives a whole new generation of computer uses indoctrination to Microsoft products and not a healthy environment of alternatives. What you have essentially done was assist Microsoft in their next underhanded move. How many other competing companies can afford to give free products to schools and such without a major hit to their ability to make a profit? This same technique is what made Microsoft the over powered beast it is today.

A world without a big Microsoft behemoth that squashes all competition and extorts huge licensing fees from it's already locked in customers and instead many competing companies with competing products makes for business and a healthy economy. This country was founded to allow the little guy the ability to live the American dream, not to give a far too powerful corporation the ability to literally control the market (with strong arming and bullying) they are supposed to compete in.

I don't see how you think saying ''bad boy'' and it's business as usual, is going to help our economy? Punish companies like Microsoft that abuse our capitalistic system by quashing competition. Restore competition and you'll restore the economy to a healthy state.

My final words are this analogy: ''What if the computer world were likened to the automobile world? What if there was only one major car manufacturer in the world setting and making all of the standards for the industry? Let's assume you demanded high licensing fees to just be able to drive that car each year? The only competition was various ''kit car'' groups making specialized and higher quality cars, but unable to compete with the big monopoly which stomps on those that try to compete with

them. Some of these small groups may make money making special addons to increase performance on the monopoly's vehicles. A CEO at the monopoly likes these addons, they reverse engineer the addon or extort the rights to the addon from the small company (by threatening to release one anyway to compete with them or sell to them now to save them time) and offer the addon as a standard inclusion in their next model car and then claim the car wouldn't work without it.''—That's Microsoft if they were a car company.

Thank you for your time,
Richard Kelsch
Supporter of Capitalism

MTC–00002918

From: Lou Guerriero
To: Microsoft ATR
Date: 12/6/01 4:44pm
Subject: I believe the DOJ settlement with Microsoft is a farce.

I believe the DOJ settlement with Microsoft is a farce. Microsoft should be broken up, and the browser should be seperated from the Operating system. It can be done manually, and I HAVE done it many times on every version of their OS.

Microsoft's claims to the contrary are complete fabrications, and indications of their utter disregard for the truth.

Microsoft eats up or destroys any competition. They DO make standards, which is good. But they smother innovation. All they ever do is add bloat to their programs, and provide little new in the way of stability for their premier product, Windows.

Microsoft's settlement will do nothing. Change that. Seperate their business lines.

Regards,
Lou Guerriero

MTC–00002919

From: Paul Kagan
To: Microsoft ATR
Date: 12/6/01 4:45pm
Subject: Microsoft Antitrust Case Settlement

To whom it may concern (if anyone),

I am dismayed at the terms of the Federal Government settlement with Microsoft. Microsoft has shown itself to be possibly the most voracious monopolist since the start of the industrial era, yet the settlement seems to contain neither punishment nor cure. Bill Gates has often claimed that his company has provided the engine for driving down the price of increasingly powerful computers. This is plainly not true. While Intel, Motorola, AMD, and other American innovators have brought us faster and more powerful machines at lower prices, smaller sizes and lower power consumption, the Microsoft component, Windows, has become larger, slower and dramatically more expensive per unit.

Microsoft has trumpeted their innovations, but has in reality offered mostly bundling of market tested ideas and features, developed by true innovators whom Microsoft then engulfed, pirated, or destroyed. Microsoft copied the graphical interface (Apple and PARC), the browser (NCSA and Netscape), the spreadsheet (Visicalc and Lotus Dev.), the high level database language (dBase II), the current disk file system, disk compression (Stak) and the PC based e-mail client. Where have they innovated? Universal Serial Bus (USB) was available in hardware before it was available in windows, and for the unlucky who had the first version of Windows 95, Microsoft never made an upgrade available; Windows 95 ''rev B'' and ''C'' were not available as upgrades, only as OEM new install versions. Therefore the only option was to buy a new OS or a new computer to get this feature, even if your system already had it!

How has this helped American technology?

Microsoft still blares about the ''new Technology'' in Windows NT, and about the tried and proven NT core in Windows XP. This technology is largely based on the venerable Digital Equipment Corp. OS, VMS, 1980's vintage software. They compete with more inventive ''early adopters'' in Internet portals (MSN vs. AOL), music distribution (Media Player vs. Real Networks), gaming (X Box vs. Playstation and Nintendo consoles), Internet finance (MS Money vs. Intuit Quicken, et. al.) Web Servers (MS IIS vs. Apache), and hand held organizers (Windows CE vs. Palm OS). In all cases, the Microsoft desktop hegemony is used to hobble other players. The sum total result is that America pays more to get less, and Microsoft enriches its investors at the expense of consumers and the US government.

Now the US Department of Justice is willing to help Microsoft to force its software on schools in the guise of a punishment? I believe those tears MS is crying are crocodile tears. The DOJ is actually helping to shoehorn MS software into a market that has largely chosen to not use it, a market that is well served by Microsoft's only commercial competitor, Apple. I question the DOJ's understanding of this technology market and I challenge the validity of using taxpayer money to comfort an operation that has engaged in such egregious, illegal, and anti-American behaviors.

Sincerely,
Paul A Kagan

MTC–00002920

From: Erik Luther
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/6/01 4:48pm
Subject: Microsoft Antitrust Settlement

To Whom It May Concern:

This settlement is the worst possible outcome for consumers. I must admit I don't know all the particulars of the settlement but on its face, it sounds like you have performed Microsoft a service. My understanding is that Microsoft was found guilty of violating anti-trust laws. The punishment is for them to spread the Microsoft operating system and software into new markets, i.e., low income school systems. MS will not change its practices and stands to gain tremendous rewards on this deal. I hear the 'free' software is a limited time offer. Five years to be exact. This is not even a slap on the wrist! This is a manicure!

Every poor soul who starts using MS software will be enslaved to endless and useless upgrades. (Useless is a bit harsh; however, I find that most of the upgrades provide little in the way of features and alot in the way of bugs.) You have no choice but to accept these upgrades if you want to communicate with others using MS products. Backwards compatibility is a joke to MS. Even different versions of Office 97 can have difficulty reading files. MS seems to change file formats endlessly, making older systems obsolete. I have personal experience with this in cases of Word, Powerpoint and Access.

Erik Luther

MTC–00002921

From: Malcolm Dean
To: Microsoft ATR
Date: 12/6/01 4:46pm
Subject: The Redmond Monopoly

No one doubts that the future will bring more computers, of every kind, everywhere, including Government.

If the Government cannot come to grips with Microsoft's monopoly, what hope is there for Government to control its own creeping automation? A prime goal of government is to secure future opportunity. If such a deceitful monopoly is tolerated, what opportunities will be denied? Microsoft Fraud Analysis:

http://www.billparish.com/msftfraudfacts.html

Microsoft Nightmares:

http://www.aaxnet.com/topics/nightmare.html#money

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malcolmdean@earthlink.net
213–401–2197 fax

Recent publications:
Contributing Editor, DesktopLinux.com
The O'Reilly Network (www.oreillynet.com/pub/au/228);
CertMag; Certification Corner
Former News Editor, Maximum Linux, XML Journal

MTC–00002922

From: Marilyn Traber
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/6/01 4:50pm
Subject: Microsoft Anti-trust Proposals

As an unfortunate user of Windows, I have an interest in this whole mess. I can remember a time when I could buy Windows without Outlook, it came as a separate disc. I had no trouble with Windows interfering with my Netscape, and I had fewer system problems overall.

I would love to see a program in place where those of us who do not want Outlook or any of the other linked subprograms [briefcase, wallet and the like] could essentially 'turn in' our version of Windows and in return get a plain, unadorned version of the current windows [I happen to have had 3.11, 95, 98 and now Me.]

I also have to seriously complain about the new Xp version of windows. I have an associate who just bought a brand new computer to replace a damaged computer. She brought it home, and discovered several very disturbing things about it.

Firstly, there is no DOS environment on the machine, so all of her older DOS environment programs will not function. It

has to be plugged into a phone line to even turn it on for the first time and it automatically dials up Microsoft before she could do anything. If she adds a program, or takes one off, it automatically dials up microsoft and reports in. She couldn't upgrade her Works with a non-XP version of Office, nor could she load the older version of Office—she had to go out and buy a newer version of Works Suite to just get Word on her machine.

To me, this is even MORE of a monopolistic behavior—before you at least could use you older programs in DOS rather than have to go out and buy new programs to have what was in the older machine. ME, I just want plain unadorned Windows, like when I had 3.11! Marilyn Traber

MTC–00002923

From: Patrick Rachels
To: Microsoft ATR
Date: 12/6/01 4:59pm
Subject: My Opinion

As a citizen and a customer of Microsoft I do feel that Microsoft is pushing it's way into everyone's life and in some cases leaving no possibilities to change to any other O.S. for some people out there.

There are applications that are only available to Microsoft OS's when they should be available to all OSG's.

Microsoft also doesn't offer the stability that other Operating Systems do. You'd think that with such a large corperation they'd put in the time and the money to make their Operating System stable, efficient and reliable.

The same reason that people buy cars and trucks. But with vehicles you buy one brand of car and that brand of car can carry people just like all the other cars. You buy a truck and that truck can carry equipment and supplies just like the other trucks. Microsoft Monopolizes by only making things available to their OS and then they don't set up their OS to Utilize the computer fully.

Also making Red Hat Linux available to the schools would show our new generation of students that there is more avialiable to the world then just Microsoft. That there are more possibilities and that computer can be utilized to their full capacities. That not everything is expensive.

Red Hat Linux will also give those in computer programming classes a chance to learn more and explore many possibilities since Linux is the choosen OS for hackers because the OS can be suited to the user and is computer programmer friendly.

Patrick Rachels
Former Microsoft User
Soon to be Linux User

MTC–00002924

From: Marshall Schaefer
To: Microsoft ATR
Date: 12/6/01 4:59pm
Subject: Micro$oft

I cannot purchase a new personal computer from any of the major computer assemblers (Dell, HP, Compac, Etc.) with Linux operating System preloaded. If I load a Linux operating after purchase I will void my warranty. My personal opinion is: Micro$oft (M$) will cease providing their OS to the OEMs if they dare provide an Linux OS (i.e. Red Hat, SuSE, Mandrake, etc.) for a PC, other than their own. THERE IN LAYS THE MONOPOLY!!!

In reference to any punishment handed out to Micro$oft, it should be severe. MS wants to corner the market on anything pertaining to software. If they get off easy they (M$) will continue their monopolistic ways.

Respectfully
Marshall Schaefer
1ragu@gte.net
Using Linux and loving it!!!

MTC–00002927

From: Leslie Selits
To: Microsoft ATR
Date: 12/6/01 5:01pm
Subject: It takes money to make money—and they have it . . .

I believe there are two (one?) nagging questions . . .

1. Is Microsoft big enough to be able to 'crush' any competition they choose to? (and)
2. Will they?

Look at their past and 'guess' at their future plans . . . . . and #1—seems they are nearly big enough to buy what ever they want . . .

Of course, a 'move' to Canada (or another off-shore location...) should be pretty cheap . . . surprised they aren't already packing . . . but then maybe Bill likes to 'win' on his own turf???

Geo

MTC–00002928

From: John Fabiani
To: Microsoft ATR
Date: 12/6/01 5:04pm
Subject: I'm not happy

Hi,

I'm a user of microsoft since 1984. I believe you are doing the wrong thing in settling with Microsoft. And your deal to allow microsoft to donate computers and software to schools will hurt more than help the industry (Apple). Please do what can be done by govt to stop microsoft from destroying the industry.

John Fabiani
18 Tadlock Place
Woodland, CA 95776

MTC–00002929

From: Ralph
To: Microsoft ATR
Date: 12/6/01 5:13pm
Subject: poor judgement

When I reasd the some what skimpt details of the present D O J settlement, MY first thought was how much did microsoft donate to political parties to buy this out and out miscarriage of justice.

The LAW WAS OBVIOUSLY ignored by microsoft and full punishment should be meeted out.

Any thought of the present day financial out look to avoid punishing a obvious law breaker. is simply not aceptable, These actions in the past are the reason for such problems today . The many small companies that were put out of business by microsoft probably amounts to more job loss that any shut down of microsoft, but I do not advocate putting microsoft out of business, how ever it should be broken up just as was done with the phone companies and the implementing of thes large mergers this country is tending to lean to is just more of the same in the works because this settlement simply tells companies ''do what you want we aint going to look''

I think ''GOVT. BY BUSINESS for BUSINESS against the people has gone on long enough''

Ralph Hudson

MTC–00002930

From: Timothy Payne
To: Microsoft ATR
Date: 12/6/01 5:11pm
Subject: Microsoft

I must say I was not pleased to see you fold your tent and go home near the end of a long court case. So will this be a habit of yours? O.J. Simpson, Bill Gates, Mega Drug Co. . . Just out spend the government and they will just give up.

What is the J in DOJ? Just-don't make us work hard?

BTW. . . I am a conservitive and read the Wall Street Journal every day.

tim@tmpco.com

MTC–00002931

From: Al Andres
To: Microsoft ATR
Date: 12/6/01 5:10pm
Subject: Microsoft Settlement.

[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]

Dear Asst. Attorney General:

Please see the attached string of e-mails to get support from Microsoft for removal the backup and restore functionality in WIN2K and WINXP that was available in WIN95, WIN98, WIN98SE, and WINME. This type of response to customers, and stating that ''This behavior is by design.'' This design plan therefore restricts uses of older Microsoft solutions from continuing to be able to continue to do business who upgrade from one Windows operating system to another. I object to this type of business conduct, and believe it to be inappropriate, if not illegal. See this Microsoft website's answer to this issue: Article ID: Q205588 from http://www.microsoft.com/windows2000/support/search/default.asp Thank you for your consideration of this information.

Allan A. Andres
120 Wilmont Circle
East Fallowfield, PA 19320–4274
610 466–9651 RES
610 466–7968 FAX
email: aaandres@yahoo.com

——— Original Message ———
From: ''A1 Andres'' <aaandres@yahoo.com>
To: ''Microsoft Standard Email Support'' <msupport@microsoft.com>
Sent: Monday, December 03, 2001 9:04 AM
Subject: Re: Re: Windows Update Support Request

As you know, I own a registered copy of both WIN98SE, and WIN2K. One would expect backward compatability on a backup program from either of these two operating systems. I believe all of those who migrate to XP will also share this same frustration, as there is no indication that I know of that tells

you that if you have used MSBackup to make a copy of your data in the QIC format, that once you upgrade to WIN2K you won't be able to restore any of those files.

If I can't get an answer to this problem, I plan to call the Department of Justice, Anti-trust Division, and see what they have to say about this situation. I may also see about filing a class action lawsuit on behalf of so many of us that are in the same situation, both WIN2K and WINXP customers who previously owned WIN95, WIN98, or WINME, and whoever did a backup with those versions.

A response is expected to the question that has been asked now for 2 months without any reasonable response other than to contact the OEM vendor from whom I bought this computer. It is not their problem, it is a MICROSOFT problem that needs resolution.

See below on audit trail of this issue:

Hello Allan,

Thank you for contacting Microsoft.

I apologize for the inconvenience this has caused Allan. Since you have indicated you have been unable to access your case online, I have pasted the entire case history below for you review:

Allan Andres

Phone: 6104669651

Fax: 610 466–7968

Email: aaandres@yahoo.com

Community: PROVAP

Respond to me by: EMail

System

261616 kbytes RAM

I586II—1330 MHz MHz

WINNT 5.0.2195

Problem

Having problem with Office Prem 2000 for Win 2000.

C Important—Severity C

PID: 50637–757–0689417–02704

Before buying a NEW system with WIN2K, I did a full backup using MSBackup on my old system (WIN98SE). The file was saved as a QIC file. Now under WIN2K I can't open this to restore data, mail files under Outlook Explore, and document files, as QIC is not supported in MSBackup under WIN2K Professional. How do I restore files from my WIN98SE MSBackup QIC files created under WIN2K Backup?

Good Afternoon Allan,

Thank you for using Microsoft Web Support.

The Support Professional assigned to your case has determined that your issue pertains to Microsoft Windows 2000, and that you would be best assisted by a Support Professional who specializes in that area.

Please assist us in processing your request by providing the Product Identification Number for your Windows 2000. To locate this number:

1. Click Start, point to Settings and then click Control Panel.

2. Double-click the System icon to open System Properties.

3. Click the General tab to find the 20-digit number under the ''Registered to'' line.

Once we have this number, we will be able to provide you with the support options available for your copy of Windows 2000.

To add this information, please create a supplement to your case.

Thank you,

Charity

Microsoft Online Customer Representative

* * * RESEARCH LOG esrintf 09/27/01 02:17:15 PM

51873 OEM 0003461 35834

The files are Word, Excel, Powerpoint, etc files that I need to extract from the QIC files. If you try to tell me to go to the OEM provider of the system, I disagree with that assumption. This is a WIN2K issue no matter where the WIN2K software comes from. This is a SYSTEMS problem in my opinion, and I expect an answer on this, or a vendor to contact that can solve this matter.

* * * Log # 3

* * * Log # 4

* * * EMAIL OUT 01-Oct-2001 01:57:29 Pacific Daylight Time

K2519415 10/1 cu says. . .

I have updated this incident with the data requested. Please provide an answer.

Thank you.

* * * Log # 5

* * * PHONE LOG 01-Oct-2001 01:57:41 Pacific Daylight Time Hello A1,

Thank you for contacting Microsoft.

For your convenience, we have forwarded this e-mail to your Support Professional.

In the future, you may submit updates to your SRZ cases directly.

1. Go to http://support.microsoft.com/support/webresponse—nc.asp and select the type of support you used to submit this issue.

2. Highlight your case in the list. At the bottom of the page, click Create Supplement.

3. If you are unable to access your case from this link, please send e-mail to wrhelp@microsoft.com, and we will add your supplement and/or send you a copy of your Support Professional's last log entry.

If you have any additional questions, please let us know by replying to this message.

Thank you,

Ronald

Microsoft Online Customer Representative

* * * RESEARCH LOG esrintf 10/01/01 02:59:22 AM

So what is the solution. The latest response is just another ''no response''.

* * * Log # 6

* * * Log # 7

* * * PHONE LOG 23–0ct–2001 09:15:50 Central Daylight Time Good Morning Allan,

Thank you for using Microsoft Web Support.

We appreciate the additional information you have provided and apologize for the delay in response.

We appreciate that you have taken the time to let us know your feelings about the ''OEM'' support options. We consider customer feedback an opportunity to improve our business. We have forwarded your comments to the appropriate department.

However, the fact still remains that this is not a retail version of Windows and is an ''OEM'' version.

Since the letters ''OEM'' appear in the Product ID number, your copy of Windows 2000 was purchased under an Original Equipment Manufacturer (OEM) license agreement. Under this agreement, the manufacturer of your computer holds the rights to your ''out of package'' warranty, which includes offering industry standard support for all hardware and software included in the purchase. OEM software typically comes preinstalled on the computer.

Microsoft does offer support in a secondary capacity. I have included those support options below for your convenience, as well as a list of manufacturer's phone numbers and links to support sites.

Manufacturer's phone numbers and sites:

http://support.microsoft.com/ directory/ worldwide/ en-us/oemdirectory.asp>

Web-based technical support from Microsoft is available at http:// wwwomicrosoft.com/support/

If you are unable to resolve your issue using our online self-help services, in order to receive assisted support, you will need to create a new case.

You may submit your technical support issue by going to http:// support.microsoft.com/support/ webresponse.asp and clicking ''Submit a Question Using Pay Per Incident (PPI) Support''

If you would prefer to work with one of our Support Professionals by telephone, they are available to assist you at 800–936–5700.

If you have any further questions concerning your issue, please create supplement to your case.

Thank you,

Charity

Microsoft Online Customer Representative

* * * CASE CLOSE 23–Oct–2001 09:16:11 Central Daylight

* * * CASE REOPEN 27–Oct–2001 10:31:11 Central Daylight

* * * Log # 8

* * * PHONE LOG 27–Oct–2001 10:34:35 Central Daylight Time

Reply-To: ''A1 Andres'' <aaandres@yahoo.com>

From: ''A1 Andres'' <aaandres@yahoo.com>

To: <wradmin@microsoft. com>,<wrhelp @microsoft.com>

Subject: Re: SRZ010924000209

Date: Thu, 25 Oct 2001 12:35:32–0400

I am still trying to get a response to this matter. Would you please let me know how to solve this problem.

Thank you.

Kana2599275

* * * Log # 9

* * * PHONE LOG 27–0ct–2001 10:49:56 Central Daylight Time a_cwhite Action Type:Incoming call

Good Morning Allen,

Thank you for again contacting Microsoft.

According to the information you have provided, your Microsoft products were included with your system.

If this is correct, your copy of Microsoft software was purchased under an Original Equipment Manufacturer (OEM) license agreement. Under this agreement you are using a version of software that was designed to be sold with a new PC and has been licensed to your hardware manufacturer. When the OEM elected to include this product on their machines they also agreed to provide the primary product support for the Microsoft software. When an OEM decides to preinstall software (Microsoft and

most other software brands) on a computer, the OEM makes a licensing agreement for the right to distribute software on their computers. Once the OEM purchases the licensing rights to the software, the majority of the rights of the software are put under the control of the OEM.

This is noted in the End User License Agreement found within your software. Since we are not always able to notify every user directly when changes occur, we publish major changes on our Online Support Web sites. Please visit: http://support.microsoft.com/directory/OfficeXP_Q_A—USAFinal.asp for more information about Microsoft's new support policies.

Available from the Microsoft support web site are several self-help options, including our Knowledgebase, Troubleshooting Wizards and Peer-to-Peer Newsgroups. Our Knowledgebase contains over 90,000 articles written by our engineers, for end users. Your fellow users may have a few suggestions if you post your issue to our Peer-to-Peer Newsgroups.

Our engineers are available 24 hours a day, 7 days a week for most products through our Pay Per Incident Service. To submit an incident to our engineers via the web, please visit: http://support.microsoft.com/support/webresponse.asp

Once there select 'Pay Per Incident Support' If you would prefer to speak to one of our engineers over the phone, they are available to assist you at 800–936–5700.

I apologize for any inconvenience you have experienced while trying to resolve your Outlook Express problem. Microsoft will be more than happy to help you resolve your technical issue, within the boundaries of our support guidelines.

In our previous emails, we have provided you with information on how to submit a Pay-Per-Incident support request via phone or Web Response. We have also included information on how to contact your OEM vendor, as well as information on our self-help informational services. I would invite you to utilize any of these options.

By utilizing any of the options submitted to you for obtaining support on this issue, you may assure a more positive experience in the future. I I wish you the best of luck in resolving your issue. However, as the primary point of contact for support is the OEM vendor, and not through Microsoft, we have offered options under the parameters of support as it currently stands on your case number SRZ010924000209. I will be happy to forward your comments and suggestions to the appropriate group.

If you have any other questions about your case, please let us know.

Thank you,

C. Loretta White

Microsoft Online Customer Support

Thank you.

* * * CASE CLOSE 27–0ct–2001 10:50:55 Central Daylight Time

If you have any additional questions, please let us know by replying to' this message. Please include your original message in your reply so that all the necessary information is readily available to us.

Thank you,

Paul

Microsoft Online Customer Representative

From: aaandres@yahoo.com

Received: 11/5/01 8:22 AM

To: Web Response Help

Subject: Fw: SRZ010924000209

Original Message Follows:

WHY CAN'T I GET A RESPONSE TO THIS ISSUE?

Original Message

From: ''A1 Andres'' <aaandres@yahoo.com>

To: <wradmin@microsoft.com>; <wrhelp@microsoft.com>

Sent: Thursday, October 25, 2001 11:35 AM

Subject: Re: SRZ010924000209

I am still trying to get a response to this matter. Would you please let me know how to solve this problem.

Thank you.

Original Message

From: <wradmin@microsoft.com>

To: <aaandres@yahoo.com>

Sent: Monday, October 01, 2001 5:00 AM

Subject: SRZ010924000209

Incident: SRZ010924000209

There has been activity on the incident that you submitted. Please go to Online Assisted Support (https://webresponse.one.microsoft.com/wrscripts/wr.asp?SR=SRZ010924000209 to check on the activity at your earliest convenience.

THIS MAILBOX IS NOT MONITORED—For further assistance, email wrhelp@microsoft.com

Original Message

From: ''Microsoft Standard Email Support'' <msupport@microsoft.com>

To: ''al Andres'' <aaandres@yahoo.com>

Sent: Sunday, December 02, 2001 1:53 PM

Subject: Re: Re: Windows Update Support Request

Hello Allan,

Thank you for using Microsoft Web Support.

Allan, I understand that you would like to know if you can extract the MSBACKUP program from your WIN98SE CD to your WIN2K machine to restore QIC files created prior to upgrading to WIN2K.

I would like to inform you that the warranty support for Windows Update site is limited to site navigation and downloads only. Since your issue doesn't involve any of this, the best option would be to work with your computer manufacturer directly. You may also consider using Microsoft's no-charge information services or submitting a Pay-Per-Incident support request to work with a Microsoft Support Professional. Allan, please note that the support is tied to the operating system and since you are an OEM customer, your first point of contact would be your OEM.

I apologize for any inconveniences this issue may be causing you and understand that it is frustrating.

If you have any additional questions, please let us know by replying to this message.

Thank you,

Vivek

Microsoft Online Customer Representative

Original Message Follows:

It's a pretty simple question, and it's a MICROSOFT issue, as you have created the loss of backward compatibility.

Can you answer the question: Can I extract the MSBACKUP program from my WIN98SE CD to my WIN2K machine to restore QIC files created prior to upgrading to WIN2K.

—— Original Message ——-

From: ''Microsoft Standard Email Support'' <msupport@microsoft.com>

To: ''Al Andres'' <aaandres@yahoo.com>

Sent: Thursday, November 29, 2001 4:19 PM

Subject: Re: Windows Update Support Request

Hello Allan,

Thank you for using Microsoft Web Support.

I apologize for the inconvenience caused. Please allow me to kindly offer my fullest attention towards your concerns.

I understand you would like assistance with Windows 2000. For assistance with this, the best option would be to work with your computer manufacturer directly. You may also consider using Microsoft's no-charge information services or submitting a Pay-Per-Incident support request to work with a Microsoft Support Professional. Allan, please note that the support is tied to the operating system and since you are an OEM customer, your first point of contact would be your OEM.

The letters ''OEM'' appear in the Product ID number, which indicates your copy of Windows 2000 was purchased under an Original Equipment Manufacturer (OEM) license agreement. Under this agreement, the manufacturer of the computer holds the rights to your ''out of package'' warranty, which includes offering industry standard support for all hardware and software included in the purchase. OEM software typically comes preinstalled on the computer. Allan, Microsoft also has support options available to you. I have included those support options below for your convenience as well as a list of manufacturer's phone numbers and links to support sites.

To locate the listing of manufacturer phone numbers and Web sites, go to

http://support.microsoft.com/directory/worldwide/en-us/oemdirectory.asp

Web-based technical support from Microsoft is available at http://www.microsoft.com/support/

If you are unable to resolve your issue using our online self-help services, you may submit your technical support issue through Online Assisted Support. For more information, go to

http://support.microsoft.com/directory/question.asp

Allan, If you would prefer to work with one of our Support Professionals by telephone, they are available to assist you at 800–936–5700.

Pay-Per-Incident support for consumer products is available at a rate of $35 per incident.

Thank you,

Sowmya

Microsoft Online Customer Representative

Original Message Follows:

Contact Information

First name: Allan

Last name: Andres
Email Name: aaandres@yahoo.com
Phone: 610–466–9651
Fax:
Time zone: Eastern
Submit Date/Time: Wednesday, November 28, 2001 at 09:45 AM Pacific Time

System Configuration

Internet Browser: Internet Explorer 6.0
Operating System: Windows 2000 Professional
Computer Make: MicroFlex
Computer Model:
CPU Speed:
Memory (Mb of RAM):

Detailed Information

Issue Type: Other
Component Name:
URL:
Error Type: Other
Question Title: Restoring a QIC file on WIN2K
Detailed Problem Description :
I need to know if I can extract the MSBACKUP program from my WIN98SE CD to my WIN2K machine to restore QIC files created prior to upgrading to WIN2K.

Other Information

Internet Service Provider: Comcast
Method of Connection: Local Area Network (LAN)
Windows PID: 51873–OEM–0003461–35834

MTC–00002932

From: Phil Blake
To: Microsoft ATR
Date: 12/6/01 5:15pm
Subject: Amazed

I find it amazing that you have elected to show the world that the kind of illegal, and immoral business practices Microsoft have proved so expert at, is A OK.

I do understand though, that Microsoft are heavy sponsors of your department and therefore you will not find harshly against them. Another fine example of how easy it is to purchase liberty and expand the definition of freedom for the rich by the US courts. Why an I surprised.

Looking forward to the movie deal—which will no doubt allow micro$oft to profit further from the illegal actions you condone.

MTC–00002933

From: Dennis cONDER
To: Microsoft ATR
Date: 12/6/01 5:15pm
Subject: Fw: Attorney General John Ashcroft Letter

——- Original Message ——-

From: ''Microsoft's Freedom To Innovate Network'' <fin@MobilizationOffice.com>
To: <dconder@creative-net.net>
Sent: Thursday, December 06, 2001 10:55 AM
Subject: Attorney General John Ashcroft Letter

Attached is the letter we have drafted for you based on your comments.

Please review it and make changes to anything that does not represent what you think. If you received this letter by fax, you can photocopy it onto your business letterhead; if the letter was emailed, just print it out on your letterhead. Then sign and fax it to the Attorney General. We believe that it is essential to let our Attorney General know how important this issue is to their constituents. important this issue is to their constituents.

When you send out the letter, please do one of the following:

* Fax a signed copy of your letter to us at 1–800–641–2255;

* Email us at fin@mobilizationoffice.com to confirm that you took action.

If you have any questions, please give us a call at 1–800–965–4376. Thank you for your help in this matter.

The Attorney General's fax and email are noted below.

Fax: 1–202–307–1454 or 1–202–616–9937
Email: microsoft.atr@usdoj.gov

In the Subject line of the e-mail, type Microsoft Settlement.

For more information, please visit this website:

www.microsoft.com/freedomtoinnovate/

MTC–00002934

From: David Smead
To: Microsoft ATR
Date: 12/6/01 5:13pm
Subject: Bad settlement!

The government made too many concessions that will just legitimize the monopoly they hold on software.

Sincerely,
David Smead
http://www.amplepower.com.

MTC–00002935

From: Don Ledford
To: Microsoft ATR
Date: 12/6/01 5:06pm
Subject: Settlement

I'm very disappointed with the settlement.

I been through several hi-tech startups and now own a small Software company located in Bellevue, WA. I've watched Microsoft grow from it's inception. Microsoft is a client and I have many friends who work for the company, but MS is clearly an abusive monopoly. It has generated huge profits at the expense of consumers—simply compare the cost/performance of desktop hardware versus software in 1982 and today. And remember software does not have any significant manufacturing costs. The price of most MS software is not controlled by competitive pressure and MS execs would be doing a poor job of managing the company if they did not seek to maximize profits. MS's management will continue to use all of the company's resources to protect its profits and market position.

MS uses its monopoly position on the desktop and huge financial reserves to smother any innovation which might threaten its monopoly. Today all MS has to do to kill a new idea or fledgling company is simply mention a vague interest in that market. Venture capital will dry up immediately. VCs will not try to compete with Microsoft's monopoly and finances.

So—I was stunned with the decision. Excuses such as: ''MS has a big impact on the US economy''

''If MS were split up we'd just have 2 big monopolies'' are simply wrong.

I'd like to know who's responsible for this decision.

Don Ledford
don/ledford@surfworx.com

MTC–00002936

From: John B. Gibson
To: Microsoft ATR
Date: 12/6/01 5:18pm
Subject: Microsoft Settlement
TO: DOJ
FROM: JOHN GIBSON

To whom it may concern,

I believe that the settlement should only require price gouging and fair competition be available to all parties. I also think that Microsoft earned their success and should not be denied their own success. Our country is in a recession and hampering the success of Microsoft was the beginning. Microsoft is a technology. Technology is a media for others and a form to communicate one's idea's and share interests. Since it's foundation that has been true, I believe that there should be a board to overlook the practices of Microsoft periodically and those people that do so should be of high integrity.

I trust our department of justice to make the decisions that will be in the best interest of this country and look forward to your decision.

Sincerely,
John Brian Gibson
429 Emerald Street.
Camden, NJ 08104

MTC–00002937

From: Rowan Blaqflame
To: Microsoft ATR
Date: 12/6/01 5:22pm
Subject: disappointed

I'm a developer. I see the practices of this giant monopoly crush the little guy. I've seen new technologies come along just to have Macrosquash crush them and have the technology disappear. I was excited when the AT case started.

I'm extremely disappointed with the fact that a judge ruled them a monopoly and then our gov did nothing. In fact, all I've seen happen are some stock changes, which have since recovered better than before. Can you do nothing right? Can't you even follow up on your own decisions?

Even now they continue the practices they have followed since the beginning. Innovation is still stifled for half implemented crap.

I truly believe that MS must have paid off those in charge, how else could this obvious travesty of justice occur.

Scott Woods

MTC–00002938

From: Terry Hulseberg
To: Microsoft ATR
Date: 12/6/01 5:05pm
Subject: Microsoft Settlement

Comments:

Please don't allow Microsoft to payoff it debt to society by allowing it to donate $830 million dollars worth of software. This is hardly a penalty to Microsoft as all it really costs them is media and shipping, maybe $1 million. (The claimed value is a market value for sales which Microsoft isn't likely to get.)

Additionally, this giftó would be anti-competitive to Apple and other suppliers to the school system as it would shut them out of a billion dollars of business with the schools.

Thanks.

Terry Hulseberg

HULSEBERG CONSULTING

+1.720.294.9665 eFAX

MTC–00002939

From: Stephen Mandas
To: Microsoft ATR
Date: 12/6/01 5:22pm
Subject: FW: Under the Brim Red Hat December 2001

[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]

Red Hat. Under the Brim. December 2001.

Dear Sirs:

The United States of America, in fact the world at large, will greatly benefit from the existence of more than ONE single home computer operating system. Microsoft created the home computer market and we are all thankful for their accomplishment, but now with Microsoft avidly competing in all three separate computer software areas, Operating System, Operating Software (such as Word), and Internet Browsing Software, the only real choice let to us is which hardware system you will put your Microsoft Computer [sic] on.

Linux is an operating platform that provides that much needed competition. What is even more important is that Linux has additional benefits, such as:

(1) Linux development reflects Americans' do-it-yourself attitudes. Linux is open to be developed by anyone and the source code is shipped with the final product. Microsoft hides it source code. Using Linux is like buying a car directly from Henry Ford and Henry himself is willing to show you how it tinker with it. Using Microsoft OS is like paying for a car that you do not own, that you cannot open the hood to look at let alone touch the engine, and that only Microsoft Gas is guarantee work well in it.

(2) Linux is safer. Unix machines and now their close cousins Linux machines have always been security minded from the first days when they were used to build our national defenses and the atom bomb. Also look at the recent plague of computer viruses, which have at times crippled parts of our industry. Those viruses only attack Microsoft products. In fact Microsoft states in its publications that is uses UNIX machines to produce distribution software CD's to prevent the accidental introduction of Viruses.

(3) Linux is neighborly. Linux will run application software made for Microsoft windows operating systems. Microsoft will not run programs made for Linux machines.

(4) Linux is yours to own and does not come with strings attached. Once you own Linux software it is your property and you can do whatever you want with it. This includes making copies and giving them away to all your friends. It also includes putting a nice label on the Linux copy and selling it for as much as you can. Microsoft products never sell you their software. They allow you to use it for a time period. With the advent of Microsoft XP, that time period now has a limit and strict use criteria.

Bill Gates, the entrepreneur, saw the value in the DOS software, kept the rights to it in opposition to the corporate giant IBM, and developed it into the bedrock of home and business computing that Microsoft OS is today. Now the tables have turned and Bill Gates, the corporate giant, stands in the way of today's software entrepreneurs. If the early Bill Gates had corporate giant Microsoft standing in his way, the home computer and today's information based lifestyle may never have happened. The question to ask is, ''What beneficial changes can the people who see the value in Netscape, Linux, Star Office, and all the other open license software products bring to us if Microsoft's monopoly is broken?''

Please review the Offer that Red Hat Linux has made to you with a favorable eye. Accepting their offer could begin to level the computer OS playing field and teach diversity in are poorest schools.

Stephen Mandas

——- Original Message ——-

From: Red Hat [mailto:RedHat@redhat.rgc2.net]
Sent: Thursday, December 06, 2001 1:44 PM
To: smandas@rcc.com
Subject: Under the Brim Red Hat December 2001

December 2001

@ redhat.com @ Contact Sales @ Store @ Products and Services @ Support @ Training in this issue

a.. Red Hat responds to Microsoft antitrust, class-action settlements

RED HAT RESPONDS TO MICROSOFT ANTITRUST, CLASS-ACTION SETTLEMENTS

November was a busy month for Microsoft and the US judicial system. It began when the Department of Justice announced it had reached a settlement of the antitrust suit against the company. The DOJ had previously found Microsoft to be a monopolist, but the settlement included no punishment for past actions and left doubt as to its protections against future monopolistic practices.

The DOJ is collecting your letters about the settlement via email. We encourage you to share your opinions, send your letters to: microsoft.atr@usdoj.gov Not long after the DOJ settlement, Microsoft announced it had agreed to another settlement regarding a separate class-action suit brought against the company by numerous parties that alleged overpricing of Microsoft products.

The settlement forces Microsoft to donate software, hardware, and services to America's poorest schools. Red Hat responded to the proposed settlement, pointing out that the settlement could simply introduce Microsoft to a market where they could further extend their monopoly. In its counter-proposal, Red Hat offered to provide free software to every school in America if Microsoft provided the value of its donation in hardware costs rather than its own software.

@ Read About the Class-Action Settlement

@ Read Red Hat's Response

At a hearing on November 27, Red Hat executives testified on behalf of our settlement counter-proposal. Currently the judge presiding over the case is undecided on whether to proceed with the settlement as proposed.

Want to get involved?

Start at the Open Source Now website:

@ OSN

Join the Legislative Alerts list. We'll send you information on the latest public policy issues that affect open source as they happen.

@ Legislative Alert Sign Up

Join the Open Source Now mailing list. This your opportunity to speak directly with members of the open source community, educators, and Red Hat employees about open source advocacy.

@ OSN List Sign Up

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UNDER THE BRIM CONTEST 26: SUBLIMINAL MESSAGES III

For last month's contest, we asked you to pull the hidden message out of the following statement given by Bill Gates after the Microsoft settlement.

''The settlement is fair and reasonable and, most important, is in the best interests of consumers and the economy.''

Here's what you came up with:

Honorable mention #1 goes to John in Ada, Oklahoma for . . .

''Naa Naa Boo Boo''

Honorable mention #2 goes to Jon from Texas, who found . . .

''Nail the consumers''

And the winner of Contest 26, hailing from Atlanta, GA . . . Jason, who found what Bill was really trying to say . . .

''Let me resume''

Thanks for playing. Interesting side note: This contest breaks a string of two straight wins by the South African contingent of the UTB audience. Although one now lives in London, it turns out our last two winners grew up going to school together in Port Elizabeth, South Africa. Small world. . . .

UNDER THE BRIM CONTEST 27: THE INK BLOT TEST!

We're two.

In this month's Under the Brim Contest, we shift our attention from the subliminal thoughts of Bill Gates to the thoughts of, well . . . you. To participate, all you need to do is read the following subject, then click on the URL below and tell us in 50 words or less what you see.

Subject: A world without Microsoft.

@ Click Here to See Image

The winner receives the latest edition of Red Hat Linux Professional.

To enter, send your interpretation to: feedback@redhat.com

If you don't mind, include your physical location (country/state/city/whatever) when you send your entry. As always, if you don't want to see your name or location in the newsletter, say so. Obscene entries will be ineligible and will be sent to Santa with a recommendation for him to put an X beside your name in the ''Naughty'' column.

The above email is intended for people who have opted to receive Under the Brim from Red Hat. If you think that you have received this email in error, please accept our apologies. Simply click on the link in the section below and we'll make sure that you do not receive this kind of email from Red Hat again.

Copyright, 2001, Red Hat, Inc. All rights reserved. We mean it.

This message was sent by Red Hat using Responsys Interact (TM).

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Click here to view our permission marketing policy.

MTC–00002940

From: Bill Wahl
To: Microsoft ATR
Date: 12/6/01 5:22pm
Subject: Microsoft Settlement

It would be best for everyone if this case were settled as negotiated without giving special dispensation to the nine states who refuse to agree. Each of those nine states represent special interests in the form of Microsoft competitors and it appears to me their rejection of the settlement is purely politically motivated. Please put this legal morass away so technology may continue to achieve positive growth.

Respectfully,
William Wahl
700 SE Shoreland Dr,
Bellevue, WA 98004
wwahl@weathergod.com
<mailto:wwahl@weathergod.com>

MTC–00002941

From: Steve Scherf
To: Microsoft ATR
Date: 12/6/01 5:21pm
Subject: Microsoft settlement?

I find the DOJ-proposed Microsoft settlement to be laughable. Now that Microsoft has been found a monopoly, appropriate punishment and safeguards against future monopolistic behavior must be put in place. The DOJ has not done enough, and the steps being taken by the DOJ amount to less than a slap on the wrist. Do your job!

Steve Scherf
steve@moonsoft.com

MTC–00002942

From: Gerry Conway
To: Microsoft ATR
Date: 12/6/01 5:20pm
Subject: Proposed settlement

Bad idea. Very bad. Disappointing.

Gerry Conway
gconway@labridge.com

MTC–00002943

From: Mike Millson
To: Microsoft ATR
Date: 12/6/01 5:26pm
Subject: DISPLEASED with Microsoft Settlement

As a Web Systems Developer, I am very familiar with the technologies and issues at hand. I would like to weigh in and express my extreme displeasure and dismay over the proposed Microsoft settlement.

The settlement offers no real remedy to curb Microsoft's monopolistic behavior, and, quite frankly, would be a total waste of the tax dollars spent to prosecute the case. I am very disappointed with this proposed settlement and hope that the Justice Department takes notice of the 9 states that refuse to support it. These states are doing the only reasonable thing given Microsoft's history and the mountain of evidence against them.

Please do not let the current state of the tech economy influence decisions on basic fairness and justice. In fact, Microsoft's activities over the last 10 years have substantially stunted the growth of this industry. Without any real competition, the software that has been produced has been riddled with security holes and productivity sapping bugs. The voices of many truly innovative companies have been squashed, their ideas never born to market. The result is a blase fare of sustaining, yet hardly remarkable products.

Now is the time to breath new life into the technology sector and send a message about fair play and business ethics. Please shelve the current settlement proposal and draft one that imposes stricter penalties and restrictions on Microsoft.

Thank you,
Mike Millson
AableTech Solutions, Inc.
770.414.8834
770.414.8206 fax
http://www.atsga.com
CC:Mike Millson

MTC–00002944

From: Carol(u)n(u)Steve
To: Microsoft ATR
Date: 12/6/01 5:25pm
Subject: Microsoft judgement

Hi,

How is it that a Russian guy breaks the law and he goes to prison, but MS break the law and get a free introduction to the education market? This stinks.

Steve Jarvis

MTC–00002945

From: Kathy Wood
To: Microsoft ATR
Date: 12/6/01 5:35pm
Subject: MicroSoft

12–6–01

I for one, feel that the justice dept. has sold out the american people in dealing with Micro Soft. Despite what the judge did or did not do, Micro Soft is guilty as sin in being a true anti competative company. They should be made to split the company, or provide an operating system that is not contaminated with everything else they have added to control the market. They have run a lot of small company's out of business. I would like to be able to purchase an operating system without all the MICROSOFT only add on's, and not have it crash because I want to use some one else's soft ware for applications.

GWKlee@kc.rr.com

MTC–00002946

From: Bradley Clark
To: Microsoft ATR
Date: 12/6/01 5:34pm
Subject: Antitrust?

You know,

If the USDOJ. is unsure of exactly what their job is, or is supposed to be, I'll remind you on this one case. The court system to include the supreme court had found that Microsoft was a monopolist. It took years, and probably millions of dollars to figure this out. Everyone knew it but they were allowed to drag this on for that long. This is the second time they have been accused of this crime.

I as a citizen of this country would like to know what the USDOJ is going to do about it, what is the punishment going to be, and what steps are going to be put in place so this does not happen again.

I am not an Open Source Zealot, a Democrat or any thing else. What I am however, is a citizen of this country who has spent most of my life defending it, and for that I paid a heavy price. What I see is something going on that is not legal and needs to be investigated. It gives me a bad taste in my mouth and a sick feeling in my stomach that my government can so flagrantly violate and disregard its own laws.

What on earth is this country coming to.

Sincerely,
Brad Clark

MTC–00002947

From: John Hightower
To: Microsoft ATR
Date: 12/6/01 5:33pm
Subject: microsoft settlement should be upheld as is

The proposed settlement of the Microsoft anti-trust case should be upheld. In fact, since the case never was about consumers, but about bailing out Microsoft's competitors at the expense of consumers, the settlement is far too restrictive on Microsoft. But this is a case of the lesser of many evils, so it should be upheld in order to end this fiasco and allow the Justice Department to put taxpayers' time and money to better use.

As far as offering a subset of Windows without browser, instant messaging and media player, other Operating Systems have built-in web browsers and Windows should also. Browsers were free before Netscape started charging as much as complete Operating Systems for their buggy, crash-prone product, and Microsoft did us end-users a favor by offering a better product as part of the Operating System, like other OS's have done.

Media Player has been a part of Windows since Windows 3.1, and Microsoft should be allowed to make their products better and more of what the end-users want without being bludgeoned by competitors who can't compete successfully in the marketplace without government interference.

The same principle should apply to Instant Messaging, especially since AOL, ICQ and Netscape Messanger are nothing but advertising delivery systems. MSN Messenger works far better, more reliably, and is a logical inclusion for Windows. All are free, so if AOL wants to extend it's monopoly by excluding competition, it should not be allowed to do so.

MSN Messenger is pro-consumer, and should be allowed to stand as is. If Microsoft's competition wants to flourish, then let them put in the billions of dollars and years of Research and Development that Microsoft has. Let them listen to their end-users as much as Microsoft does, instead of putting their time and money into political donations and subsequent government interventions on their behalf.

Microsoft took a multi-standard competeting OS industry and made it

possible for us end-users to benefit from standards that let Windows programs work together instead of crashing constantly, and lowered the price of applications in the process. I still remember when Word Processors alone cost $300. Now they cost less than $100, and have more features as well. And are reliable across Windows.

Windows comes from Microsoft's Research and Development, and should be theirs to do with as they want. It's their Intellectual Property, and their competitors shouldn't be allowed to steal the results of their time, effort and billions of dollars. Their competitors didn't put in the time and money, and they shouldn't benefit from a company which did. And as far as Java, why should Microsoft be forced to put Sun's Java, or anyone's Java, in their Operating System? Who cares whether Java is in an Operating System or not? Not this end-user, not this consumer. If I want that buggy, crash-prone thing, I can download it. Again, this is NOT a consumer benefit, it's simply saving competitor's crummy products, trying to force their stuff on consumers who've showed over and over that they don't want them.

As for business discounts for Microsoft customers, other businesses do that, so Microsoft should be able to also. Nobody should be forced to buy Netscape, AOL, Sun, Oracle, or other Microsoft-competitor's products if they don't want them on their computer. Sometimes taking all this crap off computers' hard drives breaks other programs, and cripples the Operating System itself. QuickTime and RealPlayer have both done this when I've uninstalled them in the past, for instance.

The States' remedies only try to make competitors the beneficiaries of Microsoft's Research and Development, plus Marketing, efforts, so their proposed ''remedies'' should not be given credence. Those are definitely anti-end-user, anti-consumer ''remedies'' that should not be given any weight whatsoever.

John Hightower

Little Rock, Arkansas end-user

MTC–00002948

From: David Walend
To: Microsoft ATR
Date: 12/6/01 5:36pm
Subject: Please make sure the settlement assures competition for all

Just three quick words on the microsoft settlement:

I'm a bit disappointed that, after six years of struggle, the Justice Department is caving. The proposed settlement doesn't do much for competition. I don't see the connection between donating money to poor schools and preventing monopoly behavior. (At best, it's in the same league as an admitted arsonist donating money to save the dolphins. Letting microsoft donate software would be like letting the arsonist burn down the fleet while claiming to save the dolphins.)

One big problem is that microsoft writes contracts with computer makers that prevent the computer makers from selling any OS except one of the five microsoft makes. The agreement seems to say that they won't be able to do that with any of the big manufacturers. (Maybe . . . This agreement has so many loopholes scattered through it.) But microsoft can still force smaller manufacturers to be exclusively microsoft shops. That stifles innovation in smaller hardware companies. Another problem is that microsoft's OS is growing by copying functions from existing software by other companies, which breaks the anti-trust rules about extending an existing monopoly, and stifles innovation in other software companies.

Last, I think the shorter the text of the settlement the better. Fifteen pages, or even five, instead of 150. Keep it simple and well-organized so that anyone can read it and see that the law is enforced.

Thanks for hearing me out,

Dave

MTC–00002949

From: MARCOS COLOME
To: Microsoft ATR
Date: 12/6/01 5:36pm
Subject: I think that the settlement made against Microsoft will not affect their monopolist

I think that the settlement made against Microsoft will not affect their monopolist policy, they will continue doing what they have been doing for years: trying to control the software market, Microsoft is a hungry company, they do anything in order to make profits. Others companies should be allowed to produce more operating systems, they have been producing lousy operating systems and over charging the consumers for years, which is a legal robbery and it is also a crime, the settlement is only a small touch for Microsoft. The intention of investing money in the schools is another strategy of Microsoft continuing advertising their products and their partners, schools, students and others institution will be exposed to their products which is free advertising, Microsoft is not a philanthropic institution, it is a hawk that want to have everybody under their wings. The public should get more aware of this and stop worshipping their products that are not the best in the market. Linux is a better operating system and it does not cost so much as Microsoft, Red Hat 7.2 is much superior than Windows Xp and it is free in the internet and a boxed set cost $60.00. They should receive a bigger punshiment, not only monetary punishments, they should be denounced publicly of their unfair practice and placed a price control on their products if consumers want to continue using them. I have used all microsoft operating systems from 3.1 to Windows XP, and they all crash . If Linux find a solution to use software modems more people will buy Linux, because not every consumer is willing to pay for DSL and many area do not offer DSL due to the telephone company restrictions and lackness of remote stations, At the present time consumers are leasing Windows XP for $200.00 and $300.00. More computers should come with Linux pre-installed.

MTC–00002950

From: M
To: Microsoft ATR
Date: 12/6/01 5:41pm
Subject: Micro$loth is a threat to the free market, why are you letting them off the hook & encouraging them further?

Micro$loth is a threat to the free market, why are you not only letting them off the hook but even encouraging them to further expand their control? The decision (which thankfully isn't final)—in which Microsoft will donate $1 billion worth of money, software, refurbished PCs, and training to poor schools—is potentially a big blow to Apple. It gives Microsoft an inroad in the education market, where Apple maintains a 50% market share.

As Apple CEO Steve Jobs said regarding the decision, ''We're baffled that a settlement imposed against Microsoft for breaking the law should allow, even encourage, them to unfairly make inroads into education—one of the few markets left where they don't have monopoly power.''

Gee, that's a stupid idea. They consistently abuse their monopolistic control to drive competitors from the marketplace over the last decade and their penance is to do it some more.

They seldom do anything to advance the technology or the marketplace. Windows started out as little more than an overgrown office suite and that's still how they treat it. Not as a platform for users, like the Mac for examle, but purely as a tool to promote their products and services at everyone else's expense. Why isn't Microsoft required to compete on the basis of__value__with a__level playing field__like every one else?

And what's this about giving away refurbished computers? Are those old junkers Microsoft was going to toss into the recycling bin anyway? . . .

No, if this is going to happen, Microsoft ought to be compelled to give the best of the best to these schools: top-of-the-line equipment that will last four or five years, not junk that's already obsolete. I'm also not sure where the justice guys came up with the $1 billion figure. What's that? That's not even one quarter's profits for Microsoft—remember they've gotten as big as they have and made as much money as they have based on illegal monopolistic practices. Even dumber, the company has five years to pay out the billion!

What a sham!

Cary Reid McKeown

quoted material from a piece by Marc Zeedar posted at http://www.macopinion.com/columns/tangible/01/12/06/index.html

MTC–00002951

From: Candido Caceres
To: Microsoft ATR
Date: 12/6/01 5:42pm
Subject: Antitrust Settlement

Hello sr,

I Just like to tell you that I disagree that Microsoft donate software to poor schools . . . this will improve the position of Microsoft in the software world, I mind that is better that Microsoft donate hardware and other companies that work with free software (like RedHat) put the software in the hardware donated by Microsoft . . . this will be a just juice.

Thanks for your time.

Candido Caceres.

MTC–00002952

From: MARCOS COLOME
To: Microsoft ATR
Date: 12/6/01 5:44pm
Subject: I do not agree with the settlement that the court want to approve against Microsoft. I think that mo

I do not agree with the settlement that the court want to approve against Microsoft. I think that more open software should be allowed in the schools, it is cheaper and better quality, in my childrens schools they are using Windows and old fashion computers, Red hat, Suse and Mandrake are better operating systems, much superior than Microsoft I have tested all of them in my computers. Linux is a very stable operating system and can be used for any type of workstation, for office applications, for scientific applications, for servers applications and people learn more about computers and science when Linux is being used, Linux is a scientific operating system. I would prefer see my children using Linux at their schools than Microsoft OS, they should provide the hardware and open OS should installed on these computers. One Red Hat boxed set is enough for a whole school. Microsoft is just trying to advertise their products and look philantropic

Marcos Colomen

MTC–00002953

From: Keith Lyon
To: Microsoft ATR
Date: 12/6/01 5:46pm
Subject: Thumbs down on MS settlement

I think this solution is more reward than punishment. MS has overstepped the bounds of fair competition, and should be sanctioned. A cash fine, or doing nothing at all, would be better than this proposed settlement.

Keith Lyon

MTC–00002954

From: SSmith508@aol.com@inetgw
To: Microsoft ATR
Date: 12/6/01 5:55pm
Subject: Perspective on Microsoft Settlement

I am a 33-year veteran of the computer industry, with a home microcomputer already running and doing business work in 1977. I've followed the industry closely, and have enjoyed the very exciting technical and business environment that has characterized the last several decades.

Microsoft's clear monopoly promises to restrict this excitement by making it very difficult for other organizations to compete in three areas: Operating Systems

Office Applications (Their incorporation of Word, Access, Excel, Visio; Great Plains accounting soware, and of course the Internet Explorer)

The integration of Application and Operating System, with particular focus on Internet Explorer.

It is the third area that causes the monopoly to be most restricting, and this condition could be remedied. My own personal view is as follows:

A. Microsoft has a clear monopoly; a benevolent one but with a big stick.

B. Microsoft is a marvelous organization, their products are great, and their contribution to the whole information technology field has been tremendous.

C. They have exercised their monopolistic position to improperly restrict competition.

D. There is a basis for some compensatory damages to be paid.

E. The settlement, consisting of providing software to schools, is definitely not a heavy penalty for Microsoft to pay.

F. The company should be broken into two organizations, with Windows in one and all applications (INCLUDING Internet Explorer) allocated to the other.

G. While there is a basis for compensatory damages, it does not need to be too punative (as any of their competitors would probably have done the same thing if as successful in the market!). However, one suggestion is that they commit to, within one year, having all office applications available on Linux (Not as open source—they could and should still make money on these excellent programs). That would hurt, but it would also make sense. This could take the form of splitting the organization into to units as mentioned above; the parent being preserved as the Windows unit, and this unit charged some amount of money to fund the migration of applications to Linux. Now, THAT would be exciting. Please do not hesitate to contact me if there are questions or if I could amplify on any of the points above.

Sam Smith

Grosse Pointe, Michigan

MTC–00002955

From: Asa Jay Laughton
To: Microsoft ATR
Date: 12/6/01 5:54pm
Subject: Why the MS settlement is unequitable.

[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]

The following opinions are drawn from personal experience and reflect my opinions only. Microsoft, the software and hardware computer company, based in Redmond Washington, simply put, has become too big for it's britches. This is manifested in several areas:

Non-competitive business practices

Instigating fear, uncertainty and doubt

Disregarding previous Court orders to cease and desist

Continued use of illegal business practices.

The freedom to innovate is non-existant

The DOJ must not continue to turn a blind eye to Microsoft. Through all the lobbying that MS does on it's own behalf, trying to instill comfort, they are only holding a knife to the throats of millions of computer users.

Anti-competitive business practices.

MS has defeated many independent software businesses by creating vaporware (software that is advertised via press releases, but never actually in production or development). When MS claims they are going to build a product, most companies see MS putting millions of dollars into it. The smaller business can't spend that kind of money, so they give up, usually do to the fact investors become disillusioned, knowing that MS's product is coming out soon. But then it never does. I have no instances to cite in this case, I'm sure others do. I have been told however, that another MS tactic in this regard is to ''swallow'' up the smaller company, usually abandoning further development of the software.

In more recent times, regarding the release of Windows 95, MS continued to hold out critical programming information from independent software vendors (ISV's) until after the release of the new OS. This accomplished a major coup for MS, in that they were able to program all their ''tie-in'' applications such as Office 95, to the final API because they already knew what it was. Other ISV's were continually given newer API's as the OS development went along, most of which were ''not quite right'' By the time the OS was released, all MS tie-in applications were also ready, whereas most ISV applications were sorely lacking behind in development because they never received copies of the final API's in time to finish code work. This itself enabled MS to leap ahead of many ISV's almost sending them out of business. This is a clear situation where the applications side of Microsoft needs to be removed from the Operating system side.

The WordPerfect case.

10 years ago, most literate office computer users were secretaries. The people typically did a lot of typing. Ask them 10 year ago what the premier software package was for word processing, and you would have been told ''WordPerfect''. That is not the answer today. However, the different answer of today is not because of better features or ease of use, it because of product ''dumping''. 10 years ago, most new computers that came with a Pre-installed version of an MS operating system, also came with a ''free'' copy of MS Office. One of the components of MS Office was MS Word, a word processor. Most corporate or company accountants and managers did not see a need to purchase ''another'' word processor when one came readily supplied, no matter what the end-user wanted. After a couple of years of saturating the market in this manner, MS was able to ''claim'' they had a larger share of installed word processors than WordPerfect. Even if the installed Word was not used, because an end-user had installed WordPerfect, MS was still able to make the claim because they used ''installed'' numbers, ie. each computer sold had Office pre-installed. WordPerfect corporation soon thereafter sold to another company, who then sold it to a third company who then sold it to Corel. The interim two companies, Novell and Borland, both tried to package an Office suite to compete with MS, however, MS continued to have their suite pre-installed for far less money. Later, when Corel announced they were releasing a new Office Suite with WordPerfect as the cornerstore, and made an announcement of price, MS retorted that Corel could not do that, that it was cutting their own throat, and that Corel would go out of business in a year. Corel took that seriously and never really released the suite at the cut-rate price. Why did MS make that claim? Because they already knew, because that is exactly what they had done with MS Office, they had lost money ''dumping'' it on the market until the market became saturated. Why is it that I could buy MS Office one year for less than $100, but to

''upgrade'' the very next year would cost me almost $500. MS found their saturation point, where consumers were engrained in the new status quo and then started charging them for the priviledge of having buggy software.

Instigating Fear, uncertainty and doubt.

In summary, Caldera was in the process of litigation with MS regarding the practice of MS to detect installed operating systems and warning consumers that the MS products would not work correctly. Caldera had at one time, reams of testimony and documentation verifying this practice. The fact was, the MS software worked ''better'' on the competing operating system, but MS didn't want that. MS wanted the consumer to ''only'' run their operating system, even if it meant their own applications would crash. By installing detection routines, MS was able to know what operating system their program was installed on. Once known, if the OS was a competitors, and most specifically DR–DOS, MS would pop-up a window explaining to the consumer the operating system was ''not'' MS and cautioning the user the software would not work correctly unless it was running on an MS OS. This was a blatant lie and caused frustration among consumers who had to put up with this ''nag'' screen until they either uninstalled the software, or switched the operating system.

Disregarding previous court orders to cease and desist.

In the early days of the Operating system wars, MS had contracted with many hardware vendors to have MS OS installed on the vendors hardware. That is innocent enough, that practice is used across a great many products. However, MS, in their contract, required the vendor to pay MS for each ''processor'' that was shipped. The agreement being that every processor has to have an operating system, and whether or not it shipped with a MS operating system, MS was going to be paid for every processor shipped.

This was found to be an illegal business practice by Courts of law in the United States, and MS was admonished from that practice. However, it was too little too late from the DOJ. Vendors had come into the practice of ''only'' shipping computer with an MS product. Up until just a couple of years ago, it was almost impossible to purchase a computer ''without'' an MS operating system. Vendors ''refused'' to sell consumers, computers that did not have an MS OS installed. And this was certainly years after the DOJ required MS to cease and desist the practice of charging vendors ''per processor'' for licensing MS OS's. Most recently, when I contacted a computer hardware vendor, I asked why I couldn't buy a computer without an MS OS, and I was told that it was a contractual agreement with MS.

MS has just come down from the whole anti-trust debacle with Netscape and they don't care. MS is still illegally tying products together and are doing so in an even bigger and more anti-competitive way that ever before. And they are waving it in the face of the DOJ, feeling secure they are doing no wrong and that the DOJ will not lift a finger. Well, it really pisses us off.

Windows XP, the latest OS from MS ties more product together than ever before, putting out of competition, some of the more premier companies of our time. And the DOJ just turns a blind eye. Who suffers? The consumers, why . . . because

The freedom to innovate is non-existent

MS claims they are one of the premier innovators of computer software. To those of us in the industry we balk at that. Apple computer has been way ahead of MS in many ways, but MS uses anti-competitive business practices to saturate the marketplace. Linux has developed more innovation in a fraction of the time it has taken MS.

The fact is, when you become a monopoly, there is no reason to innovate. People will buy the product because it is the only one around, whether it works, or not.

I once had a software programming friend who had an MS employee friend visit him one day. A conversation ensued about the MS memory model, the way MS handles memory for the OS and applications while the computer is running. The employee was complaining how MS had ignored improving the memory model for over 10 years, stagnating the innovation needed to improve the model to protect applications from crashing. This was necessary and prudent innovation that was being purposely ignored by MS. Other companies had to come in and provide certain services to try and ''patch'' the problem-plagued model. Companies like Stacker, and Norton. Eventually, MS simply ''stole'' some of that outsider innovation and implemented it in their own OS.

MS–DOS 6.0 was the product. In a tug-of-war court battle,

Symantec claimed that MS had used Symantec proprietary code in some utilities distributed with the OS. MS was found at fault and fined something like $22M. Likewise, Symantec was fined about $t2M because they had to ''reverse engineer'' the OS from MS (which is a breach of the EULA). This situation only underscored the fact that MS was no actually ''innovating'' new software, they in fact were only interested in stealing patches.

So where does that leave the user? At this point, MS has left us with a broken product. I say broken, because 1) they don't supply enough information to outside software vendors for them to effectively program new products against the MS OS, causing them to crash in many cases, both the application and the OS, 2) MS fails to effectively ''fix'' it's own OS, relying on continued patches that the customer must ''buy'' in the form of an upgrade. This does not include some patches available for download, however, the point I make is that each successive release appears to include more ''whistles and bells'' than actual OS fixes.

For example, I am writing this on an MS OS system. I have had to reboot this machine a few times today. Mostly, it will run well for a maximum of about a week before it really starts crashing things and I have to reboot it. Against that, I have three other systems I maintain that use non-MS OS products. Each of them has been running for several months without a reboot, and they typically do a lot more processing than a Windows machine.

My points are all over the map and there just is not enough room to effectively communicate how displeased I am with MS. I once really believed in MS as a decent Software company, but I can no longer in good conscience believe that. They have stifled innovation, they have driven other companies out of business, never released promised software, or been very late with it, have limited my personal freedoms to choose, through anti-competitive business practices with other vendors, and have generally just been a royal pain in the ass.

It's time to stop this madness. Break 'em up!! I'm so tired of losing time to problem MS products, when their answer to every technical question I have had in the last 10 years has been to ''re-install the OS''. I'm sorry, but that's just a mark of a bad company, like telling me I have to replace my electric company's transformer every time the power goes out. It's just ridiculous. There has been more than enough litigation, information, testimony, etc. (I followed the whole court battle, this one and others) and I am simply tired of the Federal Government caving in to MS. Break them up! Make MS pull all the ''tied'' applications out. Make them offer them separately, not bundled, or at the very least, make them go back to small ''applets'' (programs that gave a ''taste'' of something, but you'd have to buy the full-fledged program to get all the features) To be honest, I'm not looking forward to MS as Big Brother, which is exactly the direction they are taking with Windows XP. The DOJ has a responsibility to stop that, the DOJ has the responsibility to protect my privacy and freedoms as an individual.

Free giveaways are not the answer, slaps on the wrist are not the answer. It's time to dig up reprimands from the Big Blue era. Let's see what the DOJ did with IBM and start applying some of THAT to MS. Get on the ball.

Sincerely,
Asa Jay Laughton

MTC–00002956

From: Steven W. Mitchell
To: Microsoft ATR, microsoftcomments @doj.ca.gov@inetgw,...
Date: 12/6/01 5:55pm
Steven W. Mitchell
10286 Greystone Rd
Manassas, VA 20111
Dear Sir or Madame;

I believe that the remedies in the proposed settlements of the various anti-trust lawsuits are totally inadequate because they do little to reform and nothing to punish Microsoft with respect to its monopolistic behavior. It is well established that Microsoft has a monopoly on operating systems for desktop computers, and that it has used that monopoly to destroy competitors both in the operating system market and in adjoining markets, and thereby extend it's domination. The proposed settlements allow Microsoft to retain it's monopoly, and to continue to drive competitors in other markets out of business by integrating additional application functionality into its operating systems.

It has been proposed to remedy this abusive behavior by splitting Microsoft into an OS and an applications company. Even if this were done, it would not address their abuse of their operating system monopoly. If

the government wishes to actually address the problem, the Microsoft should be split into two operating system companies encompassing the 'professional' products based on Windows NT in one company, and a 'home' computer operating system company based on the Windows 95/98/Me product line in the other. This would create competition in the operating system marketplace, and make actual innovation in that marketplace more likely to the vast benefit of the public. In addition, the 'professional' and 'home' application products should be split out into two more companies, creating a more level playing field across the marketplace.

As to the argument put forth by some observers that breaking up the Microsoft empire would somehow damage the US economy, I think the split-up of the telephone monopoly of AT&T offers convincing evidence to the contrary. In spite of the claims of the apologists for Microsoft, it is well established that competition is good for the economy. Microsoft is hardly the font of creativity: on the contrary, previous lawsuits (such as Stak Electronics vs. Microsoft) have established that Microsoft often steals the technologies that it claims to have innovated. If Microsoft had to compete on a level playing field against the smaller companies which traditionally have represented the source of most of the technological innovation in this country, then more technological innovation would likely reach the marketplace to the benefit of both the consumers and the economy as a whole.

For these reasons I urge you to refuse the proposed settlements, and aggressively pursue the breakup of Microsoft monopoly for the future benefit of the consumers and the economy as a whole. In addition, Microsoft should be forced to pay fines in retribution for their past behavior. Part of those fines should be used to reimburse the various governments for the expenses of litigating these cases, and part should be paid directly to the immediate injured parties (Digital Research, IBM, Apple, Netscape, etc).

—Steven W. Mitchell
<mitch@alumni.caltech.edu>
<steve@collegeparksoftware.com>
#include—''Unix and C are the ultimate computer viruses.''
std—disclaim.h
Richard P. Gabriel

MTC–00002957

From: Paws
To: Microsoft ATR
Date: 12/6/01 6:02pm
Subject: Microshafted

To the DOJ and Monoposoft,

Over the past 20 years, I have enjoyed employment as a computer operator, programmer, instructor and lately, end user myself. During the 80s and early 90s, I enjoyed Microsoft products as I did many others. For the last 6+ years, I have sought only to support any product that was not Microsoft, and have found it a virtual impossibility to function as a professional without using Microsoft's overpriced, unwanted, and increasingly obtrusive products. This sad fact is entirely the result of illegal practices on the part of Microsoft causing the demise of many worthy contenders, and limiting the choices of tired consumers. The freedom to choose our own product purchases is gone.

The recent and overdue finding by the DOJ that ''Microsoft is a monopoly'' might have provided very small concillation if the punishment were grave enough and restitution to all the victims were enforced. Imagine my dismay to find that no punishment for past actions, no restitution to the victims of their crimes, and no protections against future monopolistic practices are provided for in the DOJ settlement. What a joke!

We are all so proud to be American tax payers. Thanks for your protection.

See ya,
Ron Tapp
rtapp@lsu.edu
Microshafted Consumer

MTC–00002958

From: Matthew McGee
To: Microsoft ATR
Date: 12/6/01 6:03pm
Subject: Microsoft Action

I cannot believe that we as a government could lie down as Microsoft rips through our economy. I watch as Microsoft removes all of their competitors from the market. Not by having a better product but by breaking other programs compatibility with windows and bundling their own ripped copy of the same software with their name on it, By threats and by giving a product away for free until after their competitors are out of business. It was interesting to note that after moving a machine from an older version of windows to the new version other chat programs no longer work, save for Microsoft's messenger service. Your current idea of forcing Microsoft to do give away computers to poor schools is the most ridiculous idea I have ever heard!

You obviously are going to be Microsoft's PR reps huh?

Hey, Microsoft it is ok to forcibly put all of your competitors out of business ... All you have to do is give a few computers away and we the government will turn a blind eye to any illegal actions you take, break the law see if we care.

If this bull goes through, it will be a sad day for America! On that day I will be ashamed to be reffered to as American, for we are only telling the world that with a few dollars you don't have to obey the laws of our country. Break up the darn company! Show the world that we will stand up and protect our market, our laws, our principles and our country!

M. McGee

MTC–00002959

From: JP
To: Microsoft ATR
Date: 12/6/01 6:07pm
Subject: Microsoft donation is a joke

My name is Jean-Philippe,

I think if the US accepts the settlement offered by Microsoft the government is just saying that there is no more justice in this world.

There only given their software away, it costs them nothing, perhaps only the CD they put the software onto. They don't loose any part of the market since those school probably wouldn't have the money to by the OS and software anyways. And what about in 5 years, those schools won't have more money purchase their software. So they are not helping the system at all.

It is just a joke.

J–P

MTC–00002960

From: cj
To: Microsoft ATR
Date: 12/6/01 6:10pm
Subject: MIcrosoft

Microsoft has hurt us all and held computers back 20 years:

1. No more tying agreements, one price for all customers, all welcome.
2. Uniform free nondiscriminatory developer support, e.g. mirrorable website only.
3. Unedited, unabridged W3x and W9x source code open sourced.
4. $30,000,000,000 fine.
5. All disk and network structures 100% documented.

MTC–00002962

From: BLong91986@aol.com@inetgw
To: Microsoft ATR
Date: 12/6/01 6:26pm
Subject: Microsoft

In apparently letting Microsoft set the terms of the settlement, I think you've failed your responsibility to protect the American people from the proven predatory and illegal marketing activities of Microsoft. Shame on you.

MTC–00002963

From: Jim A. Cornette
To: Microsoft ATR
Date: 12/6/01 6:23pm
Subject: Views on proposal—Schools

I have just read the basics for the proposed settlement for the DOJ settlement with Microsoft.

I think that the provision ought to be setup, so that Microsoft only provides the hardware. Instead of providing software to the poorest school districts.

This would extend the amount of computer related equipment, that could be obtained, by the schools.

Also, I have been using open source software and have found it to be a worthy development. I have found that it provides the tools needed to allow schools to develop positive educational goals. Without burdening the school system with extra costs for proprietory software.

I have used a few of the open source distributions. I find them great products. But I use the Redhat distribution presently.

Since Redhat software has commited itself to providing free software and also support. Through their Internet accessable network. I think that the students will be greatly aided by the co-operative effort put out by both providers.

Thank you,
Jim

Brontosaurus Principle:

Organizations can grow faster than their brains can manage them in relation to their environment and to their own physiology:

when this occurs, they are an endangered species.

—Thomas K. Connellan

MTC–00002964

From: smobley@easystreet.com@inetgw
To: Microsoft ATR
Date: 12/6/01 6:30pm
Subject: settlement

Apparantly in america you get just as much justice as you can afford.

MTC–00002965

From: bebryant@compuserve.com@inetgw
To: Microsoft ATR
Date: 12/6/01 6:33pm
Subject: DOJ MS Settlement

It seems to me that the DOJ settlement is unlikely to curtail MS's monopolistic behavior. I have watched over the years as MS has adopted ideas from outside entrepeneurs, poured massive development effort into making their adopted software better than the original, included it in the OS bundle, and thus put the originator out of business. This has happened time after time.

The problem is not that MS's adopted programs are poor products, but rather that repeated crushing of innovators has resulted in a dearth of really new ideas. MS often says they just want to ''innovate''—what they really want is to dominate by whatever means they can find, including what I would term ''plagerism''.

I think that even breaking up the company into an OS and an application company would fail to solve the problem unless very strong oversight is added to the mix.

In any event I don't believe for a minute that a more drastic remedy would adversely affect the software development business in this country or the general economy. To the contrary both would flourish give a chance for true competition to replace monopoly.

Ernest A Bryant

MTC–00002966

From: Matt
To: Microsoft ATR
Date: 12/6/01 5:32pm
Subject: Microsoft Agreement Not Good

The decision doesn't solve anything. It makes the problem worse. Microsoft will donate everything, but I'm sure at some point Microsoft is going to try to get thier piece of the pie. If the schools are poor to begin with why let Microsoft take advantage of them? If Microsoft is a monopoly why let them extend the reach. I think Red Hat hit the nail on the head. So much more could be done with the money. Let open source software be introduced. Promote competition. That is all you hear about, Microsoft is destroying competition and the you see a ruling like this. This is the opportunity that open source software has been waiting for. Don't take it away.

MTC–00002967

From: Bill Wimsatt
To: Microsoft ATR
Date: 12/6/01 6:43pm
Subject: Microsoft Settlement

I whole heartedly disagree with the settlement with Microsoft. I have been working in the computer industry since 1983 and have found that Microsoft is an immoveable rock and an untrustworthy partner.

(1) The settlement should not allow MS to provide their software to schools. This will further entrench them into the market; furthermore, it is the one market where they are weakest. So, this solution will give them an astonishing new capability in this segment. Furthermore, they will be able to extol upgrades, and service contracts that will line their pockets once again. The money should be donated to schools or the solution should be Apple, Linux, or Solaris based.

(2) I was involved in the Air Force Desktop IV contract case in which the contract award was challenged on the basis that it was an unfair award. Microsoft and Intel were the big winners in that contract and it was not possible to win without their solutions. Not because they had the best technology, but because they were pervasive in the Air Force and no other solution could topple their strangle hold. During this contract, we had to negotiate with Microsoft for their suite. They would not allow us to put just one part of their suite with our bid. We had to take it all or nothing, even though there were better solutions for calendaring, and presentations. But since we had to use MS Word, and Excel to be even considered during the bid process, we also had to take an inferior PowerPoint and outlook products.

(3) As a developer now, I am continually up against the Microsoft compatibility issue. MS Windows compatibility is required in every effort because MS is pervasive in the industry. I cannot bring a competitive offering to the market because it will not be seriously reviewed unless it is running on Windows or has Internet Explorer as the Browser.

I find it disheartening the DOJ was not able to remove MS's monopoly in the market. MS is stifiling the industry and causing impenetrable economic barriers to entry.

Regards,
Bill Wimsatt
VP, Engineering
CorAccess Systems
2525 15th St. Suite 1B
Denver, Co 80211
303 477 7757 (o)
720 480 2985 (c)
http://www.coraccess.com

MTC–00002968

From: Eliot Gable
To: Microsoft ATR
Date: 12/6/01 6:51pm
Subject: Anti-trust settlement

I think you should go with Red Hat's proposal to have Microsoft only supply the hardware to the schools and let Red Hat or some other OS developer supply the operating systems and other software.

Otherwise, Microsoft will just expand its monopoly.

My $0.02,
Eliot.

MTC–00002969

From: ecomond@xnet.ro@inetgw
To: Microsoft ATR
Date: 12/6/01 6:13pm
Subject: opinion

I think this settlement looks like another opportunity for Microsoft to ''enforce'' windows on the market. Students will get used to Windows and that's free promotion for Microsoft.

MTC–00002970

From: David Vennik
To: Microsoft ATR
Date: 12/7/01 9:56am
Subject: Microsoft anti-trust settlement
BEGIN PGP SIGNED MESSAGE

Hash: SHA1

I am a resident of australia, however the monopolistic practices of microsoft reach us here too, and I want to comment.

I agree with Red Hat's proposal that microsoft's donations be purely in hardware, partly on the basis that they shouldn't be allowed to to spread their monopolistic software (I agree that their browser is probably the best in the industry, but then they've got more money to pay more people), and besides that the value of the donation would be fluffed out by the addition of software, their operating system is overpriced, as is their office software, and I feel that it would benefit school children more to be introduced to unix, as, though most computers are running windows out there, the internet constitutes the largest mass of computing power, and it is primarily running unix, and about 50% of it is linux, and though at this time there is more work in using windows systems, Linux is a young operating system in comparison, and its use in embedded and special purpose systems means that it will eventually become more common. By the time 6–12 year old children are looking for work, unix will be the basis of most computer systems (as it already is within the higher-level government organisations in america, due to it's greater maturity in networking which means it is more secure).

Making Microsoft only provide hardware will mean that a greater number of children will have access to computers, as about 15% of the average computer system cost is microsoft software, that means they will have to provide 15% more hardware than they otherwise would have. Also giving Red Hat the opportunity to provide its software will be a big step towards balancing the lop-sided current situation with respect to just exactly how dominant windows is, especially in the future. Besides this, the average poor family, should it be able to provide the children with a home computer, would be wise to choose a free operating system, as, to use australian dollars, it would mean they could buy an aud$600 computer, and spend au$20 on the cd's for the operating system. Otherwise they would be forced to have to cover the cost of a microsoft operating system, most likely win95, which is buggy as hell, but it's also the cheapest at about au$125. And then there's ms office. Sun's Star office would be the sensible alternative, and where I am at least you can get red-hat linux, star office and even mandrake linux as well for au$20.

Anyway, I hope that you choose to take up red hat's offer, perhaps though get other companies to contribute operating systems too, like mandrake, caldera, sun etc. as the singular donation from red hat would be favouring them too much.

David Vennik

(+61) [0]401 592 641

MTC–00002971

From: greg@gadgeteer.net@inetgw
To: Microsoft ATR
Date: 12/6/01 7:03pm
Subject: Microsoft judgement

While I fully understand the need to get the DOJ vs. MS issue out of the way, the current settlement proposition is actually a considerable bonus to Microsoft's monopoly position...in terms of computer users, what could be better for Microsoft than a whole new generation of people raised exclusively with Microsoft products for the 12 (or more, depending on locale) years of school?

Please, rather than settling this in this way, give the money directly to the schools for use in computer departments as the educators (who in the end must learn, support, and teach whatever products are chosen) to implement as they decide what will work best for students.

Thank you,
Greg Webster

MTC–00002972

From: Ken Shackelford
To: Microsoft ATR
Date: 12/6/01 7:04pm
Subject: Microsoft settlement

I am writing to convey my dismay at the results of the anti-trust lawsuit against Microsoft. After all the time invested and all the money spent, MS gets away with what is essentially a slap on the wrist and the ability to go back to it's ''business as usual'' tactics of being a monopoly. I don't get it. AT&T was broken up for what seems to me to be the same, if not less, reasons. What is it about Microsoft that the United States government fears? Does the DOJ have too many workstations and servers with Microsoft Windows on them and it fears that if MS is punished, somehow their (DOJ) software will crash? Again, I am really dismayed at the results of this dog and pony show. It is no wonder that most of the American public holds public officials in such low esteem. I am sure that there are some in the DOJ that are all smiles and their wallets are nice and fat . . .

Ken Shackelford
Marietta, Georgia

MTC–00002973

From: Simon Fuller
To: Microsoft ATR
Date: 12/6/01 7:09pm
Subject: Microsoft

I was disappointed to read about the conclusion of the microsoft case. As an IT Specialist for 16 years I have seen the demise of peoples choices for operating systems and applications. When I started out the operating systems were less sophisticated , but at least you could choose based on its features rather than be forced to stay with one brand. In the past years I have seen Microsoft deliberately kill dos compatibles like dr-dos and in last few years OS/2, I wonder if they will attempt a similar strategy against linux? If they do, this surely cannot go unpunished?

I hope that if Microsoft continue reducing choice (like removing any java compatibility) that this case is reviewed.

Simon Fuller

MTC–00002974

From: Dennison
To: Microsoft ATR
Date: 12/6/01 7:15pm
Subject: MicroSoft Antitrust Settlement

To Whom It May Concern: Although I support the right of each business to conduct themselves as they see fit within the law, the actions of Microsoft clearly violate US antitrust laws and the proposed settlement does nothing to disuade them from their current behavior. Rather than imposing a government sanction expansion of their monopoly, as guaranteed by the current proposed settlement, Microsoft should be broken up into at least two pieces: an Operating Systems and Applications companies.

In no way, shape, or form should Microsoft be permitted to invade the educational system and expand their monopoly.

Jeff Dennison

MTC–00002975

From: Stallins, Curtis
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/6/01 7:13pm
Subject: Microsoft case

Good day,

I have followed with interest the MS/DOJ case these past few years. I want to say only that I am saddened and disheartened at the direction the case has taken. When company email is found that says they wanted to Cut Off the Air Supply of Netscape, for starters, and they are found to have bullied PC manufacturers and had a very large say in what software gets bundled on new PCs, then something is terribly wrong. The list goes on, and nothing substantial is being levied against the company.

Let me say this: A company that manufactures and sells the operating system to the great majority of the world's PCs has no business being allowed to evolve their OS so that it includes a browser, music-playing software, etc, so that it destroys or greatly inhibits the progress of other companies that market browsers, music-playing software, etc. These are NOT operating system-specific tools. They are add-ons, and Microsoft knowingly and deliberately used their dominance in one market to crush competitors in others.

They deserve far more punishment than I have read they are receiving. Break up the company and make them compete fairly, so that other companies have a fighting chance.

Thank you for your time,
Curtis Stallins
BroadVision University
Senior Technical Instructor
W: 650.542.7323
All glory is fleeting.....

MTC–00002976

From: Doug Clifton
To: Microsoft ATR
Date: 12/6/01 7:18pm
Subject: Microsoft Settlements

To Whom it May Concern,

I am writing to you to voice my concerns over the recent microsoft settlement and to state that in my professional opinion (as a computer programmer which has (for the past 20 yrs) and continues to use much microsoft technology) the actions that microsoft has continued to exercise in the marketplace are very wrong and counter-active to good fair market development. Given the current situation, if I owned a small company offering a product/service in which microsoft decided to compete, I would immediately try to sell (probably to microsoft) the company while it had any value to speak of. Microsoft has continued it's cycle of waiting for new technologies to arise and then to produce a no cost/low cost product similiar (but competing) to the original. Since microsoft can provide the item at no cost (due to bundling and revenue received by the sale of the Operating System itself), why would I want to compete with it on a sales/reveue playing field. They can produce good quality products that often drive the others competitors almost out of business while continuing to expand their software base. People are simply not going to purchase a competing product when they can get good to excellent similar products for free with the Operating System. Even for those products where the Operating System is not directly including it, the price of the product is dropped to run the other company's product into non-sales situations, and then the price is considerably raised when they no longer have enough market share to be a competitive threat. There are numerous examples of this even today. I therefore ask that the company be stopped from it's corporation death squeezing plans and that they be made to live up to a fair market strategy where a technology which they want suddenly can not compete with them.

Thank you for your time
Doug Clifton
2309 Woodglen Dr.
Richardson, Tx 75082–4511
email: clido01@airmail.net

MTC–00002977

From: Bruce Bales
To: Microsoft ATR
Date: 12/6/01 7:17pm
Subject: Microsoft Settlement

Dear Sirs:

After acknowledging that Microsoft has engaged in unlawful and monopolistic practices for years, the Department of Justice has come up with the perfect punishment for these practices: adomonish Microsoft to not do it anymore.

This is less than a slap on the back. It is a pat on the shoulder and a wink. All the signs of a complete sellout to the biggest monopoly in American history. The American people (and indeed, the people of the world) deserve better.

Microsoft software has become dominant not because it is the best (it's not even close), but because its ruthless practices have successfully (and illegally) eliminated almost all competition. The situation will not change as long as the the makers of the operating system provide applications for that operating system.

Sincerely,
Bruce Bales
2012 N. Lakeside Dr.
Andover, KS 67002

MTC–00002978

From: Mark Byram
To: Microsoft ATR
Date: 12/6/01 7:19pm
Subject: why hurt Apple?

Making MS give away PCs and Software will only further crush it's competition by training a new generation of customers to depend on MS tools. This would injure Apple's only remaining stronghold: Education (both Apple hardware and Softare which is not PC compatible).

It would be better to force MS to pay a cash settlement and have the govement use the money to fund various educational programs! This way MS is not influencing and increasing its already out of control Monopoly.

Thanks,
mark

MTC–00002979

From: Joe Doherty
To: Microsoft ATR
Date: 12/6/01 7:24pm
Subject: Microsoft settlement

I am against allowing Microsoft to ''donate'' computers with its Windows operating systems to poor schools as part of the anti-trust settlement.

There are three operating systems that are appropriate for use in schools: Windows, Apple and Linux. Of the three Windows is the least adaptable to educational use and the most likely to fail on a regular basis. Apple has a long history of providing support for education, and Linux is a free operating system that will run flawlessly on recycled computers (as well as new ones). Both Apple OS–X and Linux are open-source operating systems, which means that students with a technical bent can write software for them. Windows is not open-source, which is probably just as well because it is a mess.

If Microsoft is allowed to ''donate'' $500 to $850 million dollars worth of software (at an actual cost of, what, $1 million in duplication expenses?) as part of its $1 billion settlement, it will represent a near-complete capitulation of this Justice Department. Microsoft should spend the entire $1 billion on computer hardware, leaving it to the schools to decide which operating system they prefer.

Joe Doherty
Los Angeles, CA
mailto:joeandvelda@earthlink.net

MTC–00002980

From: dieckert@cabnet.net@inetgw
To: Microsoft ATR
Date: 12/6/01 6:18pm
Subject: Microsoft anti-trust

Microsoft has had a policy of consitently taking software technology as their own while making it difficult for others systems to operate. Many good companies with good prodcuts have been destroyed by their tactics.

Joe Dieckert

MTC–00002981

From: Jack Daniels
To: Microsoft ATR
Date: 12/6/01 7:26pm
Subject: Microsoft trial

In my opinion Microsoft is a monopolist, because in the beginning it was the ''command line'' and there were many Disk Operating Systems (DOS) which made our computer go as far as MS–DOS. I remember when I DR–DOS, IBM–DOS and others were very good, rich, fast. MS–DOS was not bad, but it was not the best. When Windows came out, the use of the PC became more and more easy, and this adventure finished with the issue of Windows 95: the Graphic interface but also an Operating System. Somebody learnt to use a PC with Windows 95 installed, but other refused to learn Windows, because there were nothing to learn, except the use of the ''mouse''.

Now the Graphical interface seems to be the standard method to use a computer at home, but the use of Servers needs an operating system more transparent, which allows an administrator to set up the whole system, to repair damages. An OS more stable and safe like LInux and other Unix systems.

Now Linux has a GUI even nicer than Window's, the X system, and has been ready to be used by millions of users (who are not ''wizards'') for several years.

But never happened.
Daniele Bortoluzzi
Martano LE
ITALIA

MTC–00002982

From: Ryan Peetz
To: Microsoft ATR
Date: 12/6/01 7:32pm
Subject: free software to every school in America

Dear DOJ USA,

I am an American citizen currently living in Canada. I am outraged at this proposed settlement. All this is going to do is introduce Microsoft to a new market, one that will allow them to further extend their monopoly. Red Hat Linux has offered to provide free software to every school in America if Microsoft provides the value of its donation in hardware costs rather than its own software. This is the perfect solution and will not allow Microsoft to victimize us with their unstable, expensive, software that cant be customized. Well I hope you are aware of the advantages of using Linux in our nations schools. I am counting on you to make the right decision.

Ryan Peetz

MTC–00002983

From: Stephen Hawkins
To: Microsoft ATR
Date: 12/6/01 7:38pm
Subject: Microsoft settlement

To whom it may concern,

I am stunned at the light slap on the wrist that you are giving Microsoft. They have a monopoly? Clear and simple. I went to ComUSA two days ago in Modesto California. I asked if I could buy a computer without Windows XP. The answer was NO, YOU CANNOT.

I do not like many things about all of the Windows operating systems and you leave me no choice. They include stuff that I do not want that I cannot get rid of. Their applications disable any of mine that do the same thing only better. Yet I cannot buy a computer that does not come with their OS forcing me to pay for something I do not want.

I am asking you one, maybe two simple questions.

1. Do you really think that this is good for the consumer?

2. What are you smoking?

Steve
Stephen Hawkins WV6U
grayline@mindspring.com
wv6u@arrl.net
73 49 111 0100 1001

MTC–00002984

From: mcgowan@smtp-2.llnl.gov@inetgw
To: Microsoft ATR
Date: 12/6/01 7:40pm
Subject: Microsoft should be strongly reprimanded!

Please take issue with Microsoft for monopolizing their O.S., Web browser, PCs, etc.. It would be a good thing if they felt some of the pain that they have inflicted on millions of user's and consumers for many years.

In my opinion, they should be required to give their source code to any who desire to see it. We could then take it and fix it like only the Open Source community can.

Jay D. McGowan mail stop: L–54
email:jdm@llnl.gov
Work Phone:(925)423–9860 Fax:(925)422–9560

''How you handle pressure determines how you handle life''

Lawrence Livermore National Lab
7000 East Avenue, Livermore, CA 94550

MTC–00002985

From: Andrew J S Hamilton
To: Microsoft ATR
Date: 12/6/01 7:42pm
Subject: Say no to the Microsoft Monopoly

'Penalizing' Microsoft by requiring them to donate Microsoft software to schools is like requiring the tobacco companies to donate free cigarettes to kids in schools. This is worse than no penalty at all.

Don't do it!
Yours sincerely,
Andrew Hamilton
Professor, U. Colorado, Boulder
Fellow, JILA
CC:Andrew. Hamilton@colorado.edu@inetgw

MTC–00002986

From: Eric Juve
To: Microsoft ATR
Date: 12/6/01 7:46pm
Subject: Microsoft the monopolist

To whom it may concern,

I find it hard to believe that anyone even remotely affected by Microsoft could believe they are not a monopoly. I have several concerns that need to be addressed.

1. The security of the U.S. internet. Many times recently, major losses have been incurred due to the lack of security in the Microsoft software used to interface to the internet. This lack of security is well known to the industry.

2. Microsoft is attempting to hijack all aspects of the public access to the internet through the use of its ''Passport'' gateway.

3. Microsoft is putting all Windows users on a permanent upgrade escalator using its new software registration polices. This same policy restricts users who often upgrade or otherwise change the hardware platform they run under.

4. Microsofts recent attempt to block alternative browsers access to MSN sites. This is a blatant example of the control they will impose if they succeed in their ambitions. This recent example occurred AFTER the ruling about their monopolistic tendencies.

5. Microsoft is now going after cable internet carriers. I can only imagine what will happen to me as a Linux/Opera internet user as they put up more barriers to the non-windows community.

6. Microsoft is also going after the Gaming community with their x-box technology, we will have to wait and see what kind of mischief they are intending in that arena.

Yours Truly

Eric K. Juve, Chief Engineer
Nautamatic Marine Systems, Inc.
3248 SE Ferry Slip Road
South Beach, OR 97366
541–867–6751
541–867–6754 fax
ejuve@nautamatic.com

MTC–00002987

From: matt bourke
To: Microsoft ATR
Date: 12/6/01 7:51pm
Subject: Hi

The microsoft monopoly is spreading soon with there MS.NET they will own the internet and all smaller ISP's like my ISP will be sewing Microsoft the first day they bring in MSN internet access in my country of Australia and so will probably even the biggest isp's here as well .

kind Regards Matthew Bourke

MTC–00002988

From: Danny Crawford
To: Microsoft ATR
Date: 12/6/01 7:58pm
Subject: If your rich

I guess if you have enough money in this country you can get away with murder. I just can't believe that you guys let that republican Bush push your department around. After the OJ case, I had my doubts about the judicial system in this country and now I have no faith at all in this judicial system. Microsoft will continue to keep the little guy down. I wonder who is doing the pitching, Bush or Gates.

Danny Crawford

MTC–00002989

From: Charlie Houp
To: Microsoft ATR
Date: 12/6/01 7:53pm
Subject: Microsoft—DOJ settlement

To whom it may concern:

I as a consumer, do not agree with the DOJ's antitrust settlement with Microsoft. I believe the DOJ has sold the American consumer out in this settlement and has failed miserably to protect entrepreneurial and small business interests.

After having found Microsoft to be a monopolist, you have rewarded them with nothing more than a slap on the wrist. I find this very disheartening and unfair. You have convinced me that there is no such thing as justice, nor fairness in our federal judicial system. When you have size and clout like Microsoft, you can manipulate the outcome.

Charles Houp

MTC–00002990

From: Todd Benson
To: Microsoft ATR
Date: 12/6/01 7:55pm
Subject: Microsoft is a monopoly

Microsoft is a monopoly in the pc computer business, which makes up a huge share of the computer business. Their products are good, but the computer business could have been better without Microsoft being the monopoly that it is. Monopolies always hurt innovation and competition no matter how good they look. I believe that you have gone the easy route by settling with them. They control 90% of the PC operating business, which gives them great leverage and power for resources. Either you play with Microsoft the Microsoft way or they crush you. Please break them up so that we can enjoy greater innovation. They are bad for innovation. It's just the way it is. Punish them like you punished AT&T.

Look at how much innovation and lower prices that happened when they were broke up.

Best regards,

Todd Benson

MTC–00002991

From: Michel Matte
To: Microsoft ATR
Date: 12/6/01 7:59pm
Subject: DOJ/Microsoft Antitrust

As an independent developer I find it a pity that Microsoft should continue to prey on the industry with its abusive practices. The monopoly should have been broken up like Standard Oil. I agree that the government should play a role to prevent monopolies from taking hostages of smaller businesses and consumers. The government should encourage open source software such as the products distributed by Red Hat.

Michel Matte
Canada

MTC–00002992

From: Steven Smith
To: Microsoft ATR
Date: 12/6/01 8:02pm
Subject: settlement

We desperately need competition in the OS and applications market. As Microsoft pulls more and more functionality into the OS we are left with fewer and fewer choices. I don't think the settlement provides the right incentive for Microsoft to end its monopolistic ways.

Regards

Steven M Smith, 4302 Chestnut, Temple, Tx

MTC–00002993

From: wmr@neomail.tns.net@inetgw
To: Microsoft ATR
Date: 12/6/01 8:10pm
Subject: Microsoft ????

I highly recommend that you go out and do some computer shopping. Try to find an off the shelf IBM compatible PC system that will correctly function without Windows. The number of PC peripherals that require the Windows Operating System is appalling. Many printers, scanners, modems and other devices will not function on any other operating system i.e. Linux. It is likely that if you acquire an off the shelf PC system, you will have to replace several devices to run Linux.

Take a look at http://www.vcnet.com/bms it shows a different yet incomplete history of Microsoft tactics!

Walter M. Reinemer

MTC–00002994

From: Bob Becksted
To: Microsoft ATR
Date: 12/6/01 8:13pm
Subject: Settlement

Thank you for hearing our concerns. In particular I'm concerned about high quality, innovative alternatives to what Microsoft offers as Windows components. Microsoft has closely followed the aftermarket to Windows, and brazenly included features in Windows which effectively kill competition. Microsoft includes, at no extra charge, non-operating system components such as Media Player, Internet Explorer Internet browser, a CD burner, email with Outlook Express, a personal firewall, and other more subtle utilities—all which were preceded by products from small independent vendors who may now be unable to compete. Allowing these products to be included as free features stifles creativity and competition. This results in less for everyone.

These features have been slowly added over several releases of Windows and, for the most part, have reduced competition. Where their was some effective competition, such as Netscape, the resulting Microsoft products have been of a higher quality. However, the longer effect has always been damaging. Netscape did not fare well and never turned a profit, finally selling to AOL. I hope some more thought is given to the actions that should be taken to prevent the kind of oppression Microsoft has created.

Yours Truly,

Bob Becksted

MTC–00002995

From: Terry Bohach
To: Microsoft ATR, microsoftcomments@doj.ca.gov@inetgw,...
Date: 12/6/01 8:12pm
Subject: Microsoft Settlement

I am writing to voice my concern over the proposed settlement with Microsoft. I feel that as a consumer, I do not enjoy the amount of choice I should in the computer software industry. There is no credible alternative to many of the product categories that Microsoft dominates. It is clear that they have continuously ''strangled'' new technologies that they saw as a threat to their dominance (Web Browsers, Word Processors, Java, Media players, etc).

Please consider taking a stronger position against this company that was found GUILTY in court for being an anti-competitive monopolist. Also, that the current settlement would only increase Mircosofts market share while hurting other companies.

Terry Bohach

Computer Professional and Educator

MTC–00002996

From: Michael Beck
To: Microsoft ATR
Date: 12/6/01 8:14pm
Subject: Your proposed settlement is a travesty! At the end of all these years,

Your proposed settlement is a travesty! At the end of all these years, you seem to have accomplished absolutely *nothing*, after winning on virtually every significant point in court. Microsoft is a bloodthirsty monopolist which will *never* be stopped by your ridiculously laughable ''remedies.'' I write this from a Hotmail account, on a Windows-based computer. I can't get away from this crappy MS software if I tried! And what will happen in the future, as MS continues to leverage its dominant position to extend its reaches? I mean, come on: what the hell is .NET other than a thinly-veiled attempt to force us all into MS-controlled ''standards?'' Do you really want all *your* personal information in a Redmond depository?

I'd like to think that this monumental cave-in wasn't precipitated by the Bush appointees to your department, but of course that's not true. How many MS lobbyists have you people seen over the last year? Do you feel ashamed? Do you have any regrets? Do you even still believe in a representative democracy anymore? Nauseatingly transparent and deeply pathetic.

Thank GOD I live in California, where our justice system isn't quite as anxious to kowtow to Bill Gates' money and power. Even as you stab us all in the back, some brave souls carry on.

Good luck—the purity of humankind will be somewhat redeemed when you find it increasingly difficult to live with what you've done. The moment of realization is intense; your betrayal will haunt you for the rest of your life.

Michael

MTC–00002997

From: Mark and Suzette
To: Microsoft ATR
Date: 12/6/01 8:41pm
Subject: Settlement Joke

The Microsoft settlement is a joke and an insult to the American consumer. Ordering Microsoft to donate software and hardware to the poorest schools will push traditional educational product providers (like Apple) and completely out of them out of the market. The idea of giving a punishment is to make someone want to stop what they are doing. You're not punishing Microsoft, your helping them tighten their grips on the market. I'm a Computer Scientist. I fear for the computer industry. Every year Microsoft takes over larger segments of the industry. Most of their product are poorly written, large, slow and buggy, but as the consumer, we have no choices. We have to buy what's available, and in most cases that means Microsoft.

I think the DOJ drop the ball on this law suite. No company should have the power Microsoft has. I think Microsoft's punishment should be a 5 Billion dollar fine, all of their Operating System's code should be made available as open source, and Microsoft needs to be split up. Mark LaForest

MTC–00002998

From: Jan W Nelms
To: Microsoft ATR
Date: 12/6/01 8:25pm
Subject: Microsoft Deal

My wife and I personally know Attorney General John Ashcroft and we believe that the nine states that oppose this landmark deal should drop their objection to the stipulations of the Microsoft deal. To continue to drag this situation out over a long period of time is not the right thing to do because it is our opinion that this should all be settled now without any further litigation or delay. My e-mail address is jannlo@juno.com

MTC–00002999

From: Dr Oog
To: Microsoft ATR
Date: 12/6/01 8:27pm
Subject: microsoft is not a monopoly

There should be no settlement. MSFT is NOT a monopoly. did we all forget what a monopoly is? they do not have exclusive control over the computer market, the OS market or the software market. people have chioces, and as long as they have choices this doesnt constitiute as a monopoly. hmm whata a monopoly? how about QWEST? nowadays a phone is a necessity and not a luxury, yet we dont have a choice who our local carrier is. why is that? as long as their is competition, how does a monopoly exist?

Microsoft competes with Apple and the many other Flavors of UNIX. as long as competition exists, how can a monoply?

MTC–00003000

From: Raymond Clark
To: microsoft.atr(a)usdoj.gov
Date: 12/6/01 8:30pm
Subject: Microsoft Settlement

Sirs,

I do not support your settlement with Microsoft. There is no provision for correcting the companies anti-competitive business practices. Please fix this problem and do not let Microsoft get away with the crime they have been convicted of committing.

Thank You
Raymond J Clark
10650 Utrillo Lane
Northglenn, CO 80234
Raymond Clark
raymond1clark@earthlink.net

MTC–00003001

From: Don Butto
To: Microsoft ATR
Date: 12/6/01 8:31pm
Subject: Allow microsoft to advertise to my kids as a punishment? YOU MUST BE JOKING

The new settlement that ''forces'' Microsoft to donate software, hardware, and services to America's poorest schools is a JOKE. It's great for the schools but even ''BETTER'' for Microsoft. Currently in my area the schools have a lot of Apple computers. If these Apple computers where replaced by Microsoft's ''Generosity'', then the settlement, that was meant to punish Microsoft for monopolizing their industry, would simply further their cause.

Who says ''you can win for losing''. Sounds like Microsoft certainly will.

Thank you for allowing me the opportunity to voice my opinion,

A Microsoft User

MTC–00003002

From: Joseph Venezia
To: Microsoft ATR
Date: 12/6/01 8:32pm
Subject: Microsoft Action

There is no question that Microsoft used its desktop monopoly and a free web browser to destroy their browser opponents. This was down because people enjoyed using the browser interface in lieu of the GUI that is part of Windows, and Microsoft knew that if anyone ever put a different operating system under another popular browser interface, they would lose their desktop monopoly. The only way to rectify this malicious monopolistic act that has and still is wreaking havoc with other browser and operating system purveyors is for Microsoft to release all code for version 5.5 Microsoft Internet Explorer Browser including that for any underlying DLL/OCX's to the public domain. This action would rectify their action with regards to other browsers and operating systems, and any claim of financial harm would be groundless because after all, they claim to offer this product free.

This does not address their latest actions with regard to other products such as media players, but the release of the above mentioned code, and the operating systems that would soon use it, would deal with that problem in due time. The only other area needing addressing is to require Microsoft to publish all the Windows Operating System API so others can develop programs for the operating system. Even if you did not do this, it would not be a problem because the release of the browser code would lead to alternative desktop operating systems making in roads. To date Windows has offered no free Internet Browser for Linux. Its the only thing holding back Linux desktops. They make IE(older versions) for HP and SUN Unix because they know no one uses them for the personal desktop. Microsoft knows that any solution that neglects releasing the browser code to the public domain is a win for Microsoft.

Sincerely,
Joseph A. Venezia
joe@townportals.net
941–694–9454

MTC–00003003

From: Lambert David
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/6/01 8:36pm
Subject: Microsoft Settlement

To Whom It May Concern:

I understand you're collecting opinions on the settlement, so I thought I'd add my $0.02. Microsoft is a large corporation—so large, I believe, that for it to be severely damaged would probably adversely impact the economy of the country. This would, obviously, be bad for everybody.

The problem is that our system (which is the best there is) has flaws, and one of them is that Microsoft was allowed to grow to the

size it presently has. That any one company could, by its failure, drag down the whole economy is a failure on the part of the system in its entirety—and of the DoJ and judicial system in particular. You have a responsibility to prevent such things, a responsibility implicit in the antitrust laws (if not explicit), IMHO. Even ignoring the dangers inherent with such an anomalously large corporation, the behavior of Microsoft has been reprehensible in many ways. The court's original ruling (against Microsoft) was heralded as a major victory by most of the technical community, not because of a dislike of Microsoft products or even its pricing (though there are grumbles there, to be sure) but rather because so many fine companies and initiatives have been quashed by the heavy-handed policies of Microsoft.

I write this opinion using Microsoft Outlook, which in turn uses Microsoft Word as its editor. These are two of the finest products of their kind that have ever been, and represent only a small portion of the fine work that has been done by Microsoft. This does not change the fact that unless Microsoft's behavior is changed, and changed radically, the industry as a whole and consumers in general will be impacted in a deeply adverse way. The economy will remain at risk—and the consensus opinion among my peers is that Windows(tm) XP may be the block on which Microsoft finally stumbles. If this product does not destroy the company, it may still damage it to the point that the economy is severely hurt. Now may not be the time for fines of sufficient size to correct the company's behavior—I don't know—but the anti-competitive behavior must be stopped before the rest of the industry is ruined.

Finally, I must add that as an Engineer, I keep up with opinion, feeling, and trends in my industry. I hear from conservatives, liberals, and neutrals; from technophiles and technophobes; from Microsoft fanatics and Microsoft-bashers; from management, labor, and (in short) just about everyone. Nobody with whom I've spoken, or who offers an opinion on the subject, thinks the Microsoft settlement is just. None of my technical acquaintances (even those most enamored of Microsoft) believe that the company's policies are conducive to competition or growth within the industry. I know that such opinions must exist (perhaps among economists?), but I believe they must be taken as shortsighted.

Thanks for your time,
David Lambert, Jr.

MTC–00003004

From: Brian W. Masinick
To: Microsoft ATR
Date: 12/6/01 8:40pm
Subject: Punitive damages for conviction

The message I get out of the Microsoft case is that if you are big enough and you are important to the economy, you can do almost anything, and even if caught, you will not have any costly consequences. In the case against Microsoft, I understand that Microsoft was found guilty on several counts of Antitrust violations, including modifying operating system software to prevent competition of layered products, manipulation and coercion, and other questionable and illegal practices—in effect, using their size and power to knock the competition out of other markets.

Though there are supposedly penalties, I question if they will have any effect at all. As compensation for these crimes, I think that Microsoft should be required to open their source code, at least to the specific companies that they offended, particularly those who have virtually gone out of business. Perhaps that would fairly level the ''playing field''. Since Microsoft Office is so dominant, maybe requiring Microsoft to completely open up all document formats would be fair and reasonable punishment. That would certainly enable other companies to fairly compete.

Brian W. Masinick
mailto:masinick@yahoo.com

MTC–00003005

From: Bigelow, Scott M NWP
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/6/01 8:41pm
Subject: Short statement about proposed settlement

Hello,

I have been following the Microsoft Antitrust case since its beginning, when I was still using and recommending Microsoft products when I had a choice. It wasn't until I read about the many ways Microsoft was abusing its power that I decided that something needed to change, and that change could start with me, and it has, but very few Americans understand the concept of an operating system, so they have choosen to let Microsoft choose for them. I understand that the proposed settlement to fund schools with technology (including software) does not require all Microsoft software be provided on these systems, but certainly many would, extending Microsoft's monopoly. There are a great number of alternatives for software, including Red Hat, which has made a generous offer to the proposed settlement. Aside from this, however, Microsoft is turning the focus away from their business practices, which continue to this very day as seen in Windows XP, to the poorer schools of our nation. Money will not be a problem for Microsoft for a long time, and therefor not an adequate solution. I hope the DOJ does not let Microsoft choose form them, or turn their attention away from that which matters.
Thank you for your time,
—Scott Bigelow

MTC–00003006

From: dhvanika@home.com@inetgw
To: Microsoft ATR
Date: 12/6/01 8:45pm
Subject: Red Hat

Dear DOJ:

http://www.redhat.com/about/presscenter/2001/pressusschools.html

I fully support Red Hat's proposal as listed at this site. I want Red Hat to provide software for the schools and Microsoft to provide hardware for the schools. I like the fact that the number of schools who are receiving aid increase to 1 Million. As a public school student, we had restricted access to restrictive machines. I feel that Linux would encourage students to solve their own problems thereby stimulating education as a whole. Microsoft's software may stimulate learning but would not encourage independent thinking or problem solving. I speak as a Computer Science student who has used both Microsoft and Linux systems. I strongly support Red Hat's proposal. Thank you for listening to my opinion.

Sincerely,
Dhvanika P. Gandhi

MTC–00003007

From: William J Kenny III
To: Microsoft ATR
Date: 12/6/01 8:47pm
Subject: Microsoft ''Punishment'' need to be adjusted, rather changed all together.

I am sorry, but as a red blooded american, I can NOT say I understand the DoJ's position on this settlement. It seems as this solution is a contract, rather than a punishment for Microsoft monopolizing the computer industry. Are we truly to believe that an agreement where public schools are given funding, and a portion of that funding will go to increase Microsoft's monopoly is a good solution? If we really want a settlement which will stop Microsoft from continuing their illegal practices, we have to do something drastic. My suggestion would be to release the file formats and document handlers for Microsoft Office, and have microsoft document how commands are executed (as in POSIX standards for Unices).

I appreciate your taking our comments as this situation develops further.

ET3 William J Kenny III, USCG, Navigation Center West, Petaluma, CA 94952, (707) 765–7426

MTC–00003008

From: Michael Finney
To: Microsoft ATR
Date: 12/6/01 8:49pm
Subject: Monopolies

Monopolies should be broken up and prevented from happening where possible. There is a statement that Microsoft was found guilty of being a monopoly and was not punished nor broken up. What's to prevent further monopolistic behaviors?

Michael Finney

Sun Certified Programmer for the Java 2 Platform

Sun Certified Developer for the Java 2 Platform

Co-founder of PPJDG—http://www.ppjdg.org

Co-founder of cosAgile—Colorado Springs XP Users Group— http://www.yahoogroups.com/group/cosAgile

MTC–00003009

From: John
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/6/01 8:52pm
Subject: Microsoft settlement

I am dissapointed in the DOJ settlement of the Microsoft Antitrust vs US & States. The settlement provides for a penalty much less than the face value of 1 Billion for several reasons.

1) 1 Billion is MS Software and old office computers to a class of citizens not currently using Microsoft products, resulting in no loss of customers.

2) Except as subtracted out of profit(which won't be realised with low-income families), the 1 Billion represents pennies on the dollar, it's pure hypothetical profit.

3) It does nothing to address the issue of monopolistic practices by MicroSoft(tm). Government oversight of monopolies can result in something resembling free markets. I borrowed this from Laura DeAndrea Tyson's book, ''Who's Bashing Whom?''.

4) A 550Million dollar writedown, this year to pay down a 5 year commitment to maybe a 10th of the 1Billion Settlement. That's like a get-out-of-jail card, allowing them to look very profitable Pro-forma, since a writedowns excuse large hunks of liability. Buy MS stock on the news of this settlement, I heard. It's a marketing expense disguised as a ''off the books'' writedown.

This all looks looks like accounting trickery.

I'd be happy with anything that might help open interfaces, and encourage a thriving software market with diverse sources of interoperable software. That is the core of many government aquisition programs, and a result of much thought. Everywhere this happens, whether it's between hardware, software or in networks, it's an additional technical hurdle for this industry. Lowers productivity, and some say, stifles innovation.

We have to keep an eye on all the players, Sun, Apple, IBM. They have done well so far.

MTC–00003010

From: Jim Ehrlich
To: microsoft.atr(a)usdoj.gov
Date: 12/6/01 8:51pm
Subject: Microsoft Settlement

DOJ is failing in it's responsibility to the American Public by letting Microsoft off without significant punishment for their crimes. I am opposed to the settlement. I favor real punishment for Microsoft to limit the damage they do to computer users. Judge Jackson had it right.

Jim Ehrlich, D.V.M.
Jim Ehrlich, D.V.M.
Dairy Veterinarians Group
832 Coot Hill Rd.
Argyle, NY 12809
jehrlich@dairyvets.com

MTC–00003011

From: jcromie@divsol.com@inetgw
To: Microsoft ATR
Date: 12/6/01 8:51pm
Subject: msn.com now blocking netscape browsers

Ive heard reports that MS is now blocking browsers from accessing their websites. I dont have specifics on which sites or which browsers, but its disturbing. for what its worth, they have the technical ability to block browsers on ANY item in the string below, or all of them together. ''Mozilla/4.78 [en] (X11; U; Linux 2.4.9–13 i686)'' In other words, they could block Mozilla, or Mozilla/4.7, or Linux, etc, ad-nauseum. and they can get away with it, cuz most people dont know better, any more than they know that theres arsenic in their water. I think its your job to insist upon a modicum of fairness, and letting them continue business as usual is inadequate.

MTC–00003012

From: Phil Percival (CSI)
To: Microsoft ATR
Date: 12/6/01 8:44pm
Subject: Oppinion on decision against Microsoft

When does a capitalist become a monopolist? When the competition fails to take advantage of the same oportunites. Why should the successor be punished for the continued failings of others. And there's the argument, are the continued failings of the other competitors a result of a concious effort by Microsoft to stifle or is it a result of something else ... Microsoft have cornered the market by taking advantage of early opportunity, and continuing with a superior marketing strategy. While they may not have the best technical product they do have a more readily available, supportable and presentable product.

Back when the Unix gurus of the world were hiding in main-frame basements churning out enhancements to an already superior operating system, Microsoft was exploiting a virgin personal computer market. If only Red-hat and the other UNIX vendors had been around 20 years ago. If only the conceited, self-absorbed Unix developers of the late eighties/early nineties had been a little more business minded and less ignorant ... Then of course Apple came along with their high priced, rigid operating system and hardware attitudes offering incentives to universities and schools but missing the point when it came to the ''average user'' market—and still missing the point to this day, surviving only on marketing brilliance in the US.

We owe Microsoft for pushing hardware and software technology forward. That a lot of the momentum of the computer software and hardware technology surge has happened because of them is unquestionable. But that technology is not necessarily owned by Microsoft and thanks in some part to them is available freely to the world—hardly a monopoly. Now is the perfect time for Unix vendors to capitalise on their superior OS technology but first they have to loose their non-constuctive ''anti-microsoft-Unix-is-GOD'' attitudes and produce better software for the lamen. They seem to be heading in that direction but with a total lack of standardisation I fear that direction is somewhat non-linear.

I can only hope that it wont take a further twenty years for a ''Windows'' based Unix OS to be competative—Red-Hats buggy ''MS Windows-like'' desktop is almost there—if they could only improve Unix's hardware support and plug-play strategies ... As for Apple .... I'm afraid they just don't seem to get it, you can only ''create'' a market for so long; maybe if they combined their existing OS technology with the more versatile Unix technology and concentrated on software rather than hardware they could move with the market rather than tangential to it.

Regards
Phillip Percival
BEng. Electronics/Software

MTC–00003013

From: Mark Eagar
To: Microsoft ATR
Date: 12/6/01 8:52pm
Subject: microsoft anti-trust settlement

I am writing to express my dissatisfaction with the current remedies imposed upon Microsoft for their flagrant unethical and monopolistic business practices over the last 10 years. I have seen product after product eliminated systematically by Microsoft thru un-fair business practices. Products such as word perfect, quatro pro, lotus 123, netscape, harvard graphics, dbase iv all provided significantly better functionality at a substantially lower cost than the microsoft equivalent product at the time they were eliminated from the consumer market. Since that time, microsoft has increased prices very significantly in all areas where they have eliminated their competition. I think a remedy for these practices should cause them some financial pain, benefit those they have injured, and make future software development more palatable. Current computer hardware is approaching the price of the computer operating system, a thing unheard of in any other industry. Linux, Beos, and os-2 all provided significantly lower cost alternatives before they were systematically eliminated by microsoft's unfair business practices of pre-installing their operating systems on oem machines. I think the remedy of providing computer hardware to poor schools and making source code available to competors would be a significant start to rectify these problems.

sincerely
Mark Eagar

MTC–00003014

From: Ed@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 12/6/01 8:56pm
Subject: Microsoft

Get real! This company broke the law! They must be prosecuted and held accountable. The only way to assure both consumer protection and further violations of copyright and antitrust violations is to break the company up so that they will be governable.

Ed Lynn
763–566–3019

MTC–00003015

From: Jones MV (Michael)—CSC
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/6/01 8:55pm
Subject: Class-Action Suit

I have followed this case very closely, and There is a lot to be argued on either side of the coin. Being a person who works in Information Systems as a Systems Administrator, I will simply share my views and opinions, as I am a user of Both operating systems in my line of work, and I like both of them.

Microsoft: For what they have done for the PC industry, my hat is off to them. The monopolistic power they are today, for the majority of the companies lifespan, was earned. Microsoft, for years, released superior products than its competitors for the PC market. The ease of use and availablility is what made Microsoft the company they are today, however when you lead the cow to pasture, you are usually preparing to do one thing, to cut it up once it gets big enough.

Microsoft has flexed its financial muscles much too often in the past 3 to 4 years. I feel the web browser wars were the first signs of it, by flooding netscape out of the market by giving people a free alternative, yet Internet Explorer is still property of Microsoft Inc. It is not open-source. This makes a substancial difference in a technical sense. Its like giving a man a fish, rather than teaching him to fish. Once that fish is gone, you have to go back to the same man who gave it to you, and hope he is feeling generous. Nothing is gained by anyone except Microsoft, and many things have changed in the industry since this occurance. Microsoft now has limited control over what can and can't be viewed on the on the web by PC owners In order to see certain public web based content, you must now be a Windows user, but moreso than that, a IE user. They offer a free browser, but just for Windows users. They have tools like Active-X, but Just for IE. Have you tried getting to MSN.com with a broswer other than IE? you can't anymore.

With Windows XP, Microsoft is outlining its OS to be even more slanted towards monopolistic practices by checking against hardware to validate its really you that is using the OS. A person should not have to validate a hardware upgrade to their OS manufacturer to be able to continue to use their product, which they purchased a liscense to use, when their hardware becomes outdated. Microsoft has done a lot, but now they are doing too much, because there are more and more alternatives out there that are exceptional, and as more and more come around, Microsoft is flexing their muscles more and more to make things as incompatible as possible for the competition, while Microsofts competitors do exactly the opposite.

Redhat: Redhat Linux is an Open Source operating system that Intrigues me. It has, in many ways, filled the gaps that Microsoft OS's couldn't fill, during one of the most diffucult times in our industry to do so. What Redhat lacks is exposure. What Microsoft hopes to prevent by its practices is Redhats exposure. This is wrong. I feel the proposal by Redhat to put their operating systems on the computers in order for Microsoft to be able to support more schools is the best thing that could happen for both companies in this situation. In time, it will establish competition in the PC OS market once again. This needs to happen, because as Linux becomes more refined, and more streamlined for less technical end users, it will indeed be a prosperous operating system at the desktop level in 4–5 years to come. Linux, is based on UNIX, which has existed much longer than windows and is important to know in this industry. Learning Linux will give people the ability to diversify their knowledge of computer operating systems on several levels. What better place to do this than at school? There are many breeds of UNIX out there, and they are all similar in nature. Learning Redhat Linux, opens the doors for SUSE, Mandrake, Corel, BSD, Slackware, and many others. This school proposal needs to go down to insure a stable, compatible market for the future.

I consider this point in time, in both hardware and software markets, the crossroads of PC's future. On one road, we have Open Source, and on the other we have liscensed based. Without breaking Microsoft up, they will program Linux out of the desktop market, because of the percentage they hold. They are bigger in that market, they are wealthier, they have more history in the desktop model than Linux, so Microsoft had something Redhat will not have if nothing happens to stop them, time. Bigger does not mean better, Older does not mean wiser. Reguardless of personal opinion, Redhat has the right to compete, without being driven out by a much larger company with a much bigger checkbook. I've seen many, many efforts by open source companies to work within Microsofts OS, and almost none by Microsoft in comparison. When I see Microsoft Office for Linux, I know then that we will be on an equal playing field, for once, in the PC industry. I am all for standardization, and it is needed in our industry (Standard Document Formats, More Hardware standards, etc), but the tools in which we standardize with need not apply (MS Office, Staroffice, Windows, Linux) If I'm blueprinting a house, weither I use a Paper-Mate pen or a BIC pen does not matter. When I'm blueprinting a house in a CAD program, weither I'm using Windows or Linux shouldn't matter either.

Thank you for your time,
Michael Jones
On site Technician for CSC
On site Technician at the Bay-Valley Complex
A division of Equilon Enterprises LLC Ph: 661.326.4355 Helpdesk: 1.877.786.5821
mailto:mvjones@equilon.com
mailto:csccss@equiva.com
Life's a journey, not a destination.
—Steven Tyler

MTC–00003016

From: Alan Meyer
To: Microsoft ATR
Date: 12/6/01 9:04pm
Subject: Settlement of the microsoft monopoly case

Ladies and Gentlemen:

I am writing to request that stronger measures be used to curb Microsoft's monopoly power in the software market. I am a professional computer programmer with no knowledge of law or economics, but with many years of experience in working with Microsoft produced and other software products, and in working with organizations that have chosen to buy Microsoft products. It is often the case that organizations I have worked for have chosen Microsoft products, not because they thought they were the best, but for fear that significant competitors would be destroyed by Microsoft and that purchasing those competing products would leave them out on a limb in future years.

It also often happens that an organization chooses a Microsoft product because the cost is cheaper than a competitive product. But the low cost may only continue until Microsoft dominates the market. For example, the cost of all word processors and spreadsheets—probably the two most common business applications, has declined for all vendors except Microsoft—which now totally dominates this business and still sells its Microsoft ''Office'' package at a high price. SQLServer, Microsoft's database, used to be dramatically cheaper than the Oracle database from Oracle Corporation. It is still somewhat cheaper. However as Microsoft's market share has grown, the cost of SQLServer has significantly increased, while the cost of Oracle has decreased.

Both of these outcomes—selling inferior software to buyers who are afraid that competing products' vendors will be driven out of business, and defying the general trend towards lower prices in the software industry—result from Microsoft's monopoly position. I haven't seen anything in the projected settlement which addresses these issues.

Thank you.
Alan Meyer
AM Systems, Inc.
Randallstown, MD USA
ameyer@ix.netcom.com

MTC–00003017

From: Rollin Strohman
To: Microsoft ATR
Date: 12/6/01 9:07pm
Subject: Microsoft settlement

It is hard to conceive of a proposed settlement for an antitrust case where the defendant is aided in developing a monopoly in another area. Surely there must be a way to help education without supplying a business advantage for Microsoft. Giving cash for technology to school districts would seem to be a better answer.

Rollin Strohman
BioResource and Agricultural Engineering Department Cal Poly
Phone 805 756–1184 Fax 805 756 2626 San Luis Obispo, CA 93407 Internet rstrohma@calpoly.edu

MTC–00003018

From: Tim Gravlin
To: Microsoft ATR
Date: 12/6/01 9:07pm
Subject: Monopolistic

Hey, Why are we paying you guys?

Good work punishing Microsoft for taking advantage of the American people, that's great! I am sooo glad to see that Democracy is for the people and not here to protect the interests of the biggest companies with the deepest pockets.

Sincerely,
tim
www.timgravlin.com

MTC–00003019

From: Jacks
To: Microsoft ATR
Date: 12/6/01 9:13pm
Subject: Microsoft monopoly

If Microsoft really wants to provide quality software for our schools they will provide some OTHER operating system besides Microsoft windows. Their attempt to fan out their operating system to the schools is nothing short of a HUGE bribe to the country to further extend their monopoly.

Someone in the justice system has got to see that Microsoft is not worthy to provide software to our school systems.

Jack laster

MTC–00003020

From: Joseph Bottero
To: Microsoft ATR
Date: 12/6/01 9:12pm
Subject: Microsoft settlement

The DOJ's settlement with Microsoft is a scandal. It is a sweetheart deal if ever I saw one. It fails to punish Microsoft for illegal behavior in the past, and puts no barriers in place to illegal behavior in the future. The DOJ needs to withdraw this action and resubmit an appropriate sanction to the court.

Joseph Bottero
jmbottero@attbi.com

MTC–00003021

From: Maurice McCabe
To: Microsoft ATR
Date: 12/6/01 9:17pm
Subject: Microsoft Settlement

To whom it may concern:

While I do not support any settlement by the DOJ with a company which to any common sense observer is a monopoly, I vigourously object to allowing Microsoft to spread it's hegemony by allowing them to establish the incumbent operating system in educational institutions. There are other alternatives such as LINUX.

The DOJ is responsilble for maintaining the public trust, and as such, should be held responsible for mistakes and errors in judgement. Please let me know how the DOJ is being held accountable for it's actions in this particular case.

I look forward to your response.

Maurice McCabe

Maurice McCabe, Orbsoft, Inc., 1028 N. Lake Ave, Suite #108, Pasadena, CA 91104 mmccabe@orbsoft.com, Tel: 626 798 2800, Fax: 626 798 9602, http://www.orbsoft.com

MTC–00003022

From: David J. Looney
To: Microsoft ATR
Date: 12/6/01 9:26pm
Subject: Inadequacy of Proposed Settlement with Microsoft

To Whomever It May Concern:

I can find no other word than ''betrayed'' to describe my feelings concerning the U.S. Government's accomodation of Microsoft's monopolistic practices. If this settlement is approved, it is clear that no software innovation will be safe from assimlation, that consumers will never be given any chance of preloading other operating systems on PC architecture computers by major vendors, nor have any respite from paying for Microsoft operating system software when purchasing laptops, even if they do not intend to use the software at all.

Here is a company that has used pricing practices for over a decade to make it economic suicide for any hardware vendor to offer alternative operating systems (as much as 400% pricing differential in many markets), sneering at the settlement reached in the previous DOJ action (concerning per cpu licensing), continuing to effectively enforce severe penalties through pricing against any company that would offer the consumer a choice.

Here is a company that has routinely precluded development for alternative platforms (e.g. OS/2 in the past) as a condition of particiation in programs for development support, and which currently seeks to prohibit the use of any open source tools in conjunction with Microsoft development tools. Microsoft deliberately introduced seemingly pointless changes to revisions (erroneously termed ''upgrades'') of the Windows 3.x series to ''break'' compatibility with OS/2 and to prevent or make difficult the use of DR DOS. While Caldera successfully sued, all of us consumers were still stuck with the inconvenience and left without compensation.

Here is a company which stated in leaked memos that the way to increased control was to subvert standards (the ''Halloween'' memo), introducing proprietary changes or alternatives, in an effort to control communication over the internet, force adoption of Microsoft server software, over more dependable and ''free'' software, and generally turn the internet from a public freeway into a corporate toll road. Here is a company that represented fabricated video in court to a U.S. judge as the truth. Here is a company that has also chosen to ''borrow'', rather than innovate. The basic graphical user interface was clearly inspired by the Apple Macintosh, in turn derived from Xerox. The basic taskbar and menu interface added to Windows/95/98/Me/Xp was essentially a duplicate of the Lotus Smartbar system. When Microsoft wanted disk compression, they stole it from Stac, and didn't even consider doing that until it was first introduced by DR DOS. When Microsoft wanted a browser, they stole if from Spyglass (not paying agreed upon fees), and stole the name from an ISP which they drove out of business over the trademark of ''Internet Explorer''. Here is a company that looses again and again in court (most recently to a new England software development company over restrictions on software tools) and finds it cheaper to pay than play right. It was laughable to see Microsoft touting implementation of voice controls and an ''Internet Desktop'', years after a truly internet integrated and voice enabled desktop was introduced in OS/2 Warp. The only innovation introduced by Microsoft has been an incredibly fertile breeding ground for computer viruses and worms, preying upon Microsofts' operating systems fundmental lack of security and ill-considered capabilities built into email clients, browsers, and servers.

Here is a company that, when their browser didn't stack up against Netscape's, made it mandantory, ''integrated'' with the operating system. When they realized that video real estate on the installed OS screen was valuable, they loaded that icons generally useless and annoying to the consumers, and sought to control even the bootup screen. While initially making some concessions to hardware manufactures, just how quickly do you think Microsoft will backpedal once they secure the proposed love-pat-on-the-wrist settlement? They've already begun. How long before ''SmartTags'' reappear, changing the content of the web pages viewed tailored to the tastes of Microsoft, or those who pay Microsoft to change it, while tracking your every movement on the web, and cross-referencing your internet excursions with your credit card, password, and other information in their Passport database, the use of which is built into WindowsXP.

Their offer to donate software to disadvantaged schools reeks to the heavens of self-service. It is the largess of the cat as it plays with the mouse. The schools are the last place where Microsoft still faces significant competition (Apple). How convenient to be donating completely Microsoft systems. What a ''penalty'' for them to endure. Why not make Microsoft purchase Apple computers for every school in the US (running MacOS/X), and/or hardware capable of running the Linux operating system, which RedHat Software has agreed to donate free to every school in the country. That would make some sense, and at least show our children that they do have a choice. Do that, and make Microsoft agree to an absolutely open pricing structure, with only some capped volume discounts (i.e. top level over >1000 copies $$$/copy), no special deals or contracts, everyone can buy the same volume for the same price, under penalty of breakup of the company. Ban Microsoft from including restrictive agreements with software developers—let them offer any incentives to develop for Microsoft operating systems they want, but don't allow them to offer disincentives or prohibit developers from targeting other platforms.

Then we would see just how far the quality of Microsoft's software would carry it. I am not a computer professional, and I have no financial interest in any of Microsofts' competitors. I'm just a computer user, who doesn't like Microsoft's software ''solutions'' or their behavior.

David J. Looney, M.D.

MTC–00003023

From: Zachary Johnson
To: Microsoft ATR
Date: 12/6/01 9:28pm
Subject: Don't Settle With Microsoft

To Whom It May Concern:

I would like to take this brief opportunity to voice my objection to the proposed settlement with Microsoft. As someone who grew up with computers, I've watched quite a bit of technology come and go, not all of it deserving. Names which once carried great excitement, now consigned to history, abound: Stacker, Netscape Navigator, Word Perfect, Amipro, Lotus 1–2–3, OS/2, Telemate and so many more; each of these products fell victim to classic Sherman-style monopolistic predation: using the Windows Operating System monopoly to effectively ''squeeze'' out competitors. Microsoft quashed Stacker, then the leader of disk compression software, when it included DoubleSpace into MS-DOS and later Windows 95 and up. Microsoft quashed Netscape Navigator when it included Explorer into Windows 95, NT and up. Microsoft quashed Word Perfect my giving Office developers access to critical Windows computer code (Application Programming Interfaces) not available to other companies. Microsoft quashed Ami-Pro the same way.

Microsoft quashed Lotus 1–2–3 the same way. Microsoft quashed OS/2 by predatory licensing practices that punished PC vendors for including non-Microsoft operating systems and by refusing to make other applications, like Office, compatible with OS/2 despite demand. Microsoft quashed Telemate out of existence, and many other serial communications programs, by including Hyperterminal with Windows 95 and up.

The vicissitudes of the software industry over the last ten years has brought improvement, but at a great price: innovation. Consider disk compression alone. During the great Stacker versus DriveSpace competition, compression technology went from non-existent to 2x compression in just a few years. That was 1993. Drive compression technology has not improved significantly ever since. The same can be said for dozens of other market niches.

Keep in mind the story of OS/2. I remember how excited hundreds of independent software vendors, and tens of thousands of consumers, were when Microsoft was before Judge Stanley Sporkin in it's previous anti-trust trial. Many people were excited when Judge Sporkin refused to sign the settlement between the Justice Dept and Microsoft. I also remember how dejected we all became when the Appeal Court intervened. OS/2, a truly innovative Operating System which featured cutting edge technology long before it was incorporated into Windows, soon withered under the dark eclipse of Microsoft's licensing practices.

Bear this in mind:

Most likely you are using a Windows-based PC to read this message. Much of the software included on this machine represents a once-thriving segment of the software industry that no longer exists because Microsoft tied one of it's products, or a product of a company in which Microsoft has an equity stake in, to its Operating System monopoly.

Please, for us tired and weary computer users, reject the agreement lest we be back here again in another five years.

Sincerely although tired,

Zachary Johnson

Computer Professional, Enthusiast, and Legal History Wonk.

MTC–00003024

From: stoddard@mail.altelco.net@inetgw
To: Microsoft ATR
Date: 12/6/01 10:27pm
Subject: Microsoft comment

This is not about Microsoft being bad because they are Microsoft. This is to point out that the Department of Justice is passing up an opportunity to make America a better place by re-introducing competition back into the PC software industry.

If you look at the history of the software industry you will see that whatever market Microsoft has decided to enter, competition dies. Look at spreadsheet software: at one time Lotus (now IBM) ruled the market but had plenty of competitors. Microsoft entered the spreadsheet market and practically took over the market in just a few years. They did the same thing with word processing software. Wordperfect (now Corel) was the market leader with a healthy quantity of competitors. Microsoft entered the market and most competitors went out of business. The same happened with disk defragmenting software. Many competitors until Microsoft entered the market.

The loss of competition in the office productivity software happened concurrently. What event caused all of this? Bundling of Microsoft applications on new PC's. At first they were not the best but they were ''free'' and good enough. Why buy the best or even something else? Now everyone sticks with Microsoft applications for ''compatibility''. Everyone who buys a pre-made PC, as opposed to assembling out of parts, pays a Microsoft ''tax''. Windows and some kind of Microsoft productivity application are pre-loaded by the manufacturer. There are a few exceptions but none that amount to more than a few percent of the market. Competition is lost. Please take a look at the number of software companies today as opposed to ten years ago. Also look at the average size of the top five companies in each category. Now look at the same information for today. I think you will see a disturbing trend.

MTC–00003025

From: e-racoon webdesign
To: Microsoft ATR
Date: 12/6/01 9:29pm
Subject: letter to the department of justice

Dear Department of Justice,

In respond to some e-mails I received in the case of Microdoft I would like to point out that I do not agree with the attitude of Microsoft. My opinion is the following:

First of all, I am not a happy costumer of Microsoft. They bring out software that does not work properly, a way of resolving that problem is to download patches or buy upgrades. Since Apple can bring out a quite good OS and Linux works good for free, Why can't Microsoft do the same. They are giving a false illusion of safety by pretending that their software is secure.

second: I really dont like all those stories about Microsoft that I hear. I might be paranoia but I have the feeling that my privacy is at stake if I continue to buy or install software of Microsoft. All those required fields to fill in with questions that actually dont need to be filled in for a working software. With XP I have to online to register my computer. I dont have the need that micosoft knows what I have for computer at home.

Third: The prices... absurd from microsoft to charge that much money for a software that has blue screens of death as standard feature, linux is a far more advanced OS for free. Im sure that the programmers of microsoft has an equal knowledge of programming that those of the linux community. Why the difference in price (?). receive free software that rocks or pay lots of bucks for a software that needs contineous patching and update and still not work good. Easy choice.

Conclusion: Dismantle Microsoft in smaller companies. This should be a solution. That way they will less have the opportunity to monopolise the IT sector.

The computer industry needs concurrence to evolve, monopolizing it would result in a low development rate and always the same software. My trust is in the maerican department of justice. make the right descissions and the world will be gratefull to you.

Sincere regards
Jim
web-developer
Netherlands
CC:Red Hat

MTC–00003026

From: Scott Jacobs
To: Microsoft ATR
Date: 12/6/01 9:30pm
Subject: Concerned about settlement

As a software developer and consultant, I am concerned about the new direction the US DOJ has taken with respect to the case against Microsoft Corp. I think the evidence is clear that Microsoft strongarmed OEM's using anti-competitive and exclusive contract terms, using their dominant market position to back OEM's into a corner with no alternative but to sign on the dotted line.

This kind of arrogant disregard for fair competition needs to be addressed in such a way that Microsoft is taught a lesson. I can't see how that is being accomplished with the current settlement terms.

Regards—
Scott R. Jacobs
srj@mindspring.com

MTC–00003027

From: Brian (038) Christine
To: Microsoft ATR
Date: 12/6/01 9:33pm
Subject: Antitrust settlement

I am from a small country which is dominated by Microsoft software. They are, in my belief, stamping out any form of competition in our primary areas of Government and Education. I am appalled by the DoJ settlement because I cannot see any form of punitive action, nor any remedy to prevent the continuation of abuse by this software monopoly. The danger of allowing Microsoft to continue its blatant behaviour is to see the U.S. become isolated technologically from the rest of world, Europe, and Asia in particular. The perception here is that Microsoft is above the law, untouchable, contemptuous of justice, and encouraged by the current U.S. Administration.

I support the states that oppose the settlement. It is a pity that they have to try and do what the DoJ should have done.

Yours sincerely
Brian Moyse
Christchurch New Zealand

MTC–00003028

From: Chris Embree
To: Microsoft ATR
Date: 12/6/01 9:30pm
Subject: My opinion

Dear Sirs:

I have been a computer professional since 1985. I have worked with DOS, OS/2, Apple Computers, Windows, Linux, AIX and Solaris and a few others. In the mid-80's IBM was considered the Evil Empire. Sun would have us believe that they are here to save us;

Linux zealots would have us all work for free; and Steve Jobs and co. would have sitting around in our bare feet making ''really cool'' graphics with our Macs. I don't believe that any of these groups have the consumers best interest at heart. As bad as they are, Microsoft continuing to operate as described in the settlement agreements is 10 times worse. Microsoft has a continued history of stealing add-on software, breaking it, then jamming it into their core operating systems. Microsoft designs and develops incredible insecure software then makes plans to have all its customers connected to the internet all the time. They simply must be stopped. If microsoft is allowed to continue, it will surely damage America. Their software is responsible for the overwhelming majority of systems outages and lost productivity in operations centers where Windows is in use.

The Commodore Amiga OS was better in 1985 than WinXP is today. Microsoft has not done us any favors. Stop them now.

Chris Embree <cembree@email.com>

MTC–00003029

From: James T. Garland
To: Microsoft ATR
Date: 12/6/01 9:42pm
Subject: Microsoft Anti-trust Settlement

I develop computer software. I never had any intentions of competing with Microsoft. Back in the days of DOS, I was able to get the information that I needed to write software for most any purpose. But, when Windows 3.1 came out, Microsoft made it virtually impossible for me to get access to the information that I needed to write Windows applications. Consequently, my days of developing software came to an end with the introduction of Windows 95 and the death of DOS.

I believe that Microsoft is a monopoly and that they have been a predator. Their operating systems market is unchallengeable. The have destroyed numerous application software developers over the years to enhance their bottom-line. Why is it that you want to let them off with a slap on the wrist?

James T. Garland

Network Consultant and Software Developer

GarTek, 210 Thirteenth Street, Knoxville, TN 37916–1527, E-Mail: gartek@rocketmail.com

MTC–00003030

From: c.deveaux
To: Microsoft ATR
Date: 12/6/01 9:45pm
Subject: PUNISH Microsoft, Don't be tricked into rewarding them!

In having Microsoft donate free software to schools, you are playing right into their hands. This is no punishment at all, all this will accomplish will be to further entrench their software's dominance in the marketplace. Only this time it will be among people who probably never had computer skills before; they had nothing with which to learn. If this goes through, they will be trained to go into the workplace with Microsoft-only computer skill; in other words, only capable of working in some flavour of Windows.

One of the reasons Windows is dominant is because most software is written for it; following a vicious circle:

—third party vendors sell more because Windows is much more popular. (It is absolute crap for the money we pay, BUT SINCE EVERYTHING IS WRITTEN FOR IT WE HAVE NO CHOICE!)

—because everything is written for windows, Microsoft maintain its stranglehold continuously.

No one can buy another OS that has even a tenth of what is available for Windows. Contrary to what Mr. Gates et al spew out, Microsoft is not about choice or innovation, it is about gouging the consumer and maintaining their monopoly and to hell with what consumers want. They just couldn't give a crap. Linux, for example, is free and doesn't crash even 1/100th as often as the most popular Windows. Microsoft has a billion-dollar budget and they can't even debug their own product. Why? PLANNED OBSOLESCENSE. After all, if the old version has loads of bugs (and with Microsoft it always does) they can sell a new version with bug fixes and not even have to.. *GASP*... ACTULLY EARN THE MONEY THEY ARE GETTING BY GIVING THE CUSTOMER WHAT THEY WANT!!

Yes, for the record I HATE Microsoft and absolutely everything they stand for. When I think of all the money I had to spend on their crappy system it makes my blood boil. No-one wants to take a chance on lesser-known OS's so I HAVE NO CHOICE BUT TO USE MS WINDOWS (to my continual chagrin)

Force them to break up. Force the to reveal their source code. Do something to break the death grip the have on the PC industry. I personally want them GONE. But I'd settle for having a choice.

Regards,
Chris Deveaux

MTC–00003031

From: Jannumber9@aol.com@inetgw
To: Microsoft ATR
Date: 12/6/01 9:44pm
Subject: RE: Microsoft's Position in the OS / PC Market

To Whom it May Concern,

As a PC owner, I am less than thrilled with Microsoft's ability to force me to accept their Windows-XP operating system on my new PC, and with it, their police-state-tactics imbedded in the Operating System. Not only do I feel it a violation of my personal privacy (to allow them to run software on my machine that essentially permits them access to anything and everything I have installed), but I am very annoyed at the performance degradation of all this policing software. I am a law abiding citizen, who does not steal software products, so why should they have the right to force me to accept an agreement to run the only choice any home PC user really has—Windows (in whatever version they choose to provide), and at the same time add all their strong-arm-tactics built into their Operating System! I am truly sorry I did not buy my new PC before they switched over to this new Windows-XP. What does XP stand for? ''eXtra Paranoid (Bill Gates)''?

Please view the Microsoft Corporation as the 10,000 pound Gorilla it really is. Someone needs to protect the customers from their position as the ''only game in town—so take it or leave it'' attitude. Please force them to back off! To open up their operating system so that customers such as myself can turn off the nonsense that eats up resources (Disk Space, CPU usage, Memory). I suggest you go to your local PC store (Gateway, CompUSA, whatever), and try to buy a PC without Windows-XP. You can't find one—trust me. Then, when you get it home, read the agreement that Microsoft requires you accept, if you want your new PC to work at all after 30 days! Perhaps this will show you what they truly are about.

I wish I had a choice. Thank you for your time,

Sincerely,
Janet Sinclair
CC:Jannumber9@aol.com@inetgw

MTC–00003032

From: drostrander@att.net@inetgw
To: Microsoft ATR
Date: 12/6/01 9:46pm
Subject: Dear Department of Justice:

Dear Department of Justice:

The present settlement arrangement shows off Microsoft's extensive manipulative ability afforded to them by their monopolistic wealth. It is difficult to believe that this arrangement was not influenced by Microsoft money. The stench of corruption surround this entire settlement agreement, and it definately erodes faith in the ability of our justice system to make impartial decisions. The ugly, corrupting influence of money appears to have replaced your soundness for decision-making. POINT BLANK- Microsoft is guilty of Monopolistic practices that have hurt/ruined competing businesses, not by shrewd innovativeness, but by deceptive deployment of computer piracy practices. The general public is naive concerning these matters, but anyone with any substantial history/experience in the computer industry is aware of that trend, and the hands off policy adhered to by the justice department. The U.S. Justice system is emulating and reinforcing the backward business payoff methods used in corrupt systems, such as Mexico. ANYTHING for a buck, appears to be the new official slogan of the U.S. Justice department, because it is painfully obvious that there is no priority on what is right, moral, or what is the longterm good for the public.

MTC–00003033

From: Justin Bush
To: Microsoft ATR
Date: 12/6/01 9:48pm
Subject: Monopoly

Maybe I am not completely clear on the monopoly issue here, but it seems to me that there is no such issue at hand. You should know that I do not solely use Microsoft products. I use many companies products on Microsoft Windows, but I also use many companies products on Red Hat and Mandrake Linux. So, I have used and still do use other operating systems other than Windows. Microsoft does put out incredible products. And, Windows is, in my opinion, the best operating system available. To say that they have a monopoly because they sell

more of their operating system than competitors is ridiculous. They sell more, because the majority of people want it. It is very user-friendly, and that is what most people want. I mean, why not...would you rather get a can of pop that tastes great and just requires that you pull a tab up to open it, or would you take the can of pop that isn't so great tasting and requires that you use a can opener to get it open? It's common sense. And, as far as requiring that Microsoft Windows come standard with other companies products installed is outrageous too. I can't state which one sells more, but let's say for instance that Pepsi sells more per year than Coke does. Does this mean that Pepsi has a monopoly and should be required to provide one can of Coke for every case it sells?

It's not like you don't have a choice either. Even if your computer purchase comes with Windows installed...you still have a choice. You are not required by law to use that operating system just because it was installed. If you don't like it, then remove it and install the operating system that you desire. If Linux ever get's close enough to compare to the user-friendliness that Windows has, then they will get more business. But until then, open source or not, Microsoft deserves what it gets...Money!

Justin Bush

MTC–00003034

From: Michael I Schwartz
To: Microsoft ATR
Date: 12/6/01 9:50pm
Subject: Microsoft Antitrust summary

When I first read Thomas Penfield Jackson's summary on the Microsoft case, I was astonished. Here was a judge who had cut through the maddeningly lengthy arguments, avoided what could have been impossibly tangling technical discussions, and convincingly, summarily, and clearly described the kind of illegal and despicable behavior that Microsoft has engaged in for years.

Here, I thought, may be the beginning of the end of the strangling hold that one company has put on innovation by slowly encroaching on area after area of competition and innovation, using popularity of one product to drive the business out of another area, for over 10 years. My only concern about the proposed settlement was counting the appropriate number of entities that Microsoft should be split into. Instead, the Government not only lost its will to promote innovation and prevent financial gouging of the American public, but has turned a blind eye while Microsoft continues to prevent innovation and increases the cost of entry into its market to ever higher and unachievable levels.

I am sad that the proposed remedies do not prevent this behavior by Microsoft, but rather continue to encourage their particular kind of piracy and hostage taking.

In hopes that you will promote fair competition in future court cases,

mschwart@du.edu http://www.du.edu/mschwart

''Be very quiet ... for it goes without saying'' The Phantom Tollbooth

MTC–00003035

From: Jeff Waters
To: Microsoft ATR
Date: 12/6/01 9:46pm
Subject: Microsoft Case & Settlement

Greetings,

I had high hopes that the DOJ would stand up for the American citizen during this trial, I was wrong. The DOJ joined others in bowing down to Microsoft and to punish them by forcing their 2nd rate software into schools is no punishment at all!, in fact it's a favor. Has the U.S. Government somehow been bought off by MS ?? I do not have the answer to this, only the evidence that there has been no justice at all.

Please stand up and make Microsoft actually pay for their horrible business practices and dishonorable methodology. Also do not get me wrong, I am for capitolism, making money and the American dream. However when they operate their business in the manner Microsoft did and still does, someone needed to step in and put a stop to it.

Regards,
Jeff Waters
Columbus, OH

MTC–00003036

From: Chris Russo
To: Microsoft ATR
Date: 12/6/01 11:41pm
Subject: Microsoft settlement

As a fairly consistent Republican voter, I must say that I'm deeply disappointed in the slap on the wrist settlement deal being offered to Microsoft. Free, unrestricted markets are the way to go 99.9% of the time, but when a monopoly such as Microsoft comes along that abuses its advantage to such a degree, I feel that consumers are truly hurt in the long run.

The DOJ should press its advantage as much as possible and retract the settlement offer being considered. If the entire settlement isn't completely rethought, at very least, consider proposals to add some teeth to it—like the one submitted by Apple Computer, Inc.

You have a real chance to benefit consumers and free the tech industry from such an onerous burden.

Regards,
Chris Russo
Houston, TX

MTC–00003037

From: Tom Davis
To: Microsoft ATR
Date: 12/6/01 9:57pm
Subject: Views on Microsoft and Monopolistic Practices

Dear Sir or Madam,

In this email I wish to present my view of Microsoft as it relates to monopolistic practices, the world of computing, and our society. First off, let me say that my opinion of Microsoft is that held with the highest regards. I salute the company for many things, including the advancement of the Internet, helping less knowledgeable people be able to participate in computing, and helping businesses to put their best foot forward with products like Office and the Windows OS. Next, let me say that much of my success thus far can be attributed to my understanding of Microsoft technologies, like ASP. Currently, I am a Senior Web Developer for Northrup Gruman IT contracting to the United States Air Force. In addition, I run a full service Managed Web Development and Hosting company from my home in Yukon, Oklahoma.

I would like to present what I think is a realistic view of Microsoft and how it impacts our society. First, let's take a look at security. I believe that Microsoft's Flagship Server (IIS) is one of the best static and dynamic content web servers on the market. The problem is that proper testing has not been performed on the product. It is obvious with the amount of patches that need to be applied on an all to frequent basis. From a small business standpoint, I no longer host any of my clients on IIS. Bottom line, I don't trust it's stability. Over the last year, I have been loyal to Redhat Linux and have reaped the rewards. First, Linux introduces you to REAL computing. For a very low cost you are provided with Enterprise level software that is as reliable as the Energizer Bunny. So if you ask me what the best enterprise solution is for our military, school system, and government agencies at all levels, my answer is Linux. You get a better product for a fraction of the cost, which enables you to spend money on things that count like giving pay raises to our nation's teachers, instead of paying another licensing fee.

Forgive me for being a huge sports fan and using an example that relates to sports, but Microsoft reminds me of the star athlete that keeps asking for more money. For fear of what will happen without him/her, the organization keeps paying out more money. Soon, the organization is headed for failure due to lack of funds for new talent. Ever heard of the Dallas Cowboys? While it is true that they won three superbowls in fours years over the last decade, it is also true that now that are fighting to stay afloat. I ask you, why is that? The high price they paid for some of their athletes, namely Deon Sanders.

The point is this, Microsoft is Deon Sanders. You might wonder, if Microsoft is Deon Sanders, who is Linux? The answer is Roy Williams of the OU Sooners. If you are not familiar with who he is, you should watch this kid play sometime. He is incredible.

Thanks for your time,
Tom Davis
Owner/Hostmaster Impressions Web Design, Okc. http://www.impwd.com

MTC–00003038

From: NCC74656@subDimension.com@inetgw
To: Microsoft ATR
Date: 12/6/01 9:53pm
Subject: Microsoft vs. ''the rest of us''

IMHO, requiring Microsoft to donate their own software to schools only further extends their monopolistic control over the personal computer market. The money would be better spent on hardware, as there are a number of open source alternatives to Windows available for free. This would place computers in a larger number of schools.

Microsoft should also be required to change their business practices, as was

required of AT&T years ago. Otherwise, they're no better than a traffic offender that continues to get speeding tickets but never loses their license.

MTC–00003039

From: Hawkeye King
To: Microsoft ATR
Date: 12/6/01 9:54pm
Subject: Microsoft settlement.

In regards to Microsofts's donations of computer equipment to schools, I think it would be a great idea to supply open source Linux software rather than proprietary MS software. For one thing, future upgrades of Microsoft software will be expensive, whereas open source software upgrades are better than free. Furthermore, open sourced software is effectively in the public domain. Thus, no one group or person will profit from this move. Finally, kids will learn more from a Linux box than they will from a Windows box. On a windows machine you learn how to use windows. On a Linux machine you can see the whole computer in front of you. In biology class, we dissected frogs in order to learn about anatomy. This is the kind of thing kids could do with a Linux computer.

My two bits,
Hawkeye King
Network Engineer

MTC–00003040

From: Todd Watson
To: Microsoft ATR
Date: 12/6/01 9:59pm
Subject: Opinion regarding DOJ–Microsoft settlement

Hello,

As I read the proposal to allow Microsoft to donate software, hardware and services to America's poorest schools as a means for settling this suit, I felt compelled to register my opinion of this proposal. Ladies and Gentlemen, it seems to me, that while this appears to be a noble gesture, let us not forget that this is the same organization that has already been ruled to be a monopoly and/or engage in monopolistic practices. With due respect, since this ruling I've not seen any issuance of any order that seeks to regulate their practices, as we have seen with other monopolies and oligopolies in our society.

As you consider their proposal, I'd encourage you to NOT allow Microsoft to provide software or services, especially their own, as a part of this settlement. This has nothing to do with an anti-Microsoft position, but rather the application of common sense. We, as a people, generally craft our punitive measures in such a way that the guilty cannot continue to harm the injured party. For example, we often take the right to drive away from someone convicted of a crime that involves a motor vehicle. We take away a criminal's right to be a part of society until he has paid his debt to that society. Microsoft should not have a remedy that allows them to further weave its products into the fabric of our society.

Please understand that the issue is far greater than the offer of goods and services. The issue has to do with an indoctrination of school children with computer software technology that sources from a single point. Our children should be given the opportunity to use products from various vendors. This more accurately reflects the type of an environment in which they will work after they enter the work force.

The proposal, and presumed acceptance of such a remedy, in my opinion, is a thinly-covered ploy to enable Microsoft to extend its reach. This does not even speak to the point that a remedy of donated software would have no real dollar value, since every copy of the donated product is essentially provided to schools at no cost to Microsoft. I realize the products have retail value, but the REAL cost to Microsoft is near zero. I'll bet they will write the costs of this software off in their taxes, and this should not be allowed, either. Please make your remedy have some barbs. The American people expect and deserve no less.

I'd suggest an alternative plan. Let Microsoft provide the goods and services, but let them be products they have to buy (with REAL money), such as Sun Solaris workstations, IBM AIX servers, Silicon Graphics workstations, Linux workstations or servers, Oracle databases, Apple OS-X, and other competitors' products.

Thank you for taking time to listen to the American people as you consider your decision.

W. Todd Watson

MTC–00003043

From: Dean Pulsifer
To: Microsoft ATR
Date: 12/6/01 9:58pm
Subject: Anti-trust settlement

I think that what ever is being set as a punishment needs to actually be a punishment and not an easy way for Microsoft to enter a market it is still trying to gain market share in. The punishment of providing free software for schools is really a punishment for Apple and Linux vendors, not for Microsoft.

Microsoft has driven a lot of useful improvements in software development, but they have done so at the expense of a lot of other companies.

Dean Pulsifer
(pulsifer@bigfoot.com)

MTC–00003044

From: Gary Lowther
To: Microsoft ATR
Date: 12/6/01 10:03pm
Subject: Microsoft monopoly

To Whom It May Concern,

Your proposed settlement with Microsoft does not do nearly enough to correct the current market imbalance. I have little doubt that Mr. Gates and company had quite a celebration after the ''settlement'' was reached. Why did you bother? You should not have started what you didn't intend to finish. Oh. That's right. You didn't start it, the previous administration did. And this litigation was one of the very few things that I could whole-heartedly support from the mostly miserable Clinton administration. The damage you have caused with this settlement will not be really felt for several more years. Eventually, Microsoft will have to be stopped by the government, and due to your inaction at this time, the eventual ''clean-up'' will be all the more costly and painful for everyone (worldwide).

Thanks for nothing.
Sincerely,
Gary Lowther

MTC–00003045

From: Tom Stephenson
To: Microsoft ATR
Date: 12/6/01 10:04pm
Subject: Justice For Whom

This Microsoft antitrust scam has gone on long enough.

The only parties hurt by Microsoft has been their incompetent competitors. They want the government to, in some way, hobble Microsoft since they can't compete in a COMPETITIVE marketplace. I don't think Time/AOL, Sun, Oracle and the rest care about the consumer one bit. The rogue states continuing the campaign either want some sort of recognition or are trying to protect Microsoft competitors located in their state. It is unbelievable that anyone could consider the consumer harmed by almost any of Microsoft's products or services? A free browser; standardization; an easy to use operating system; an excellent office product, etc. etc. etc. If Microsoft doesn't offer products/services customers want, they will buy it from someone else. Let the market decide not a group of zealous attorney's.

Thanks,
Tom Stephenson
Surprise, Arizona

(It's also curious to note that the NASDAQ meltdown began shortly after the Clinton Whitehouse began this whole effort.)

MTC–00003046

From: David DILGER
To: Microsoft ATR
Date: 12/6/01 10:04pm
Subject: Gateway Information

To Whom it may concern,

Up until recently I had worked for computer maker Gateway in Sioux Falls South Dakota. It had been talked about for years that for every machine shipped had to have a fee paid to Microsoft this is rather it shipped with a Microsoft Os/Application or even a competitor such as Novell.

Also I do know first hand that Gateway needed to provide employees to remove Microsoft labels from the returned Gateway machines this costs Gateway as well as other machine manufacturers thousands of dollars each per year.

The functionality of the software is also limited and I am sure this must be an agreement between the manufacturers and Microsoft, but the limitation involves Microsoft Software.

If you have any additional questions I would call the Gateway Sioux Falls facility and ask to speak to the following people:

David Reznicek
John Landon
Kevin Erickson
Chuck Limoges

If there is anything else I can help you with please feel free to ask.

Thanks for your time.
David Dilger

MTC–00003047

From: Nicola Vitale
To: Microsoft ATR
Date: 12/6/01 10:04pm

Subject: Microsoft anti trust case

I am science teacher in new york city. I belive that microsoft donating its software to schools only works to increase the microsoft monopoly. I think that public schools should do nothing to support private, for profit intrests. It is unfair to other companies and to the students themselves.

MTC–00003048

From: Sunshine Smith
To: Microsoft ATR
Date: 12/6/01 10:04pm
Subject: Anti-trust settlement

Unbelievable, that is my response to this so-called settlement, just another example of, throw enough money to the government and they will come around to your way of thinking. I would like to know where is the punishment for past wrong-doing by Microsoft, they have over 20 billion dollars in their coffers, how could you possibly punish them with a fine. As for Microsoft giving software to schools, boy there is a self-serving action. Unfortunately, ''might doesn't make right in this case, money does''.

Thank you for your time,

Don Kidd

P.S. DOJ if you are going to get in bed with Microsoft, at least turn out the lights, your embarrassing yourselves.

MTC–00003049

From: jpavlo@ilm.com@inetgw
To: Microsoft ATR
Date: 12/6/01 10:10pm
Subject: AtATgram: Lobbying For Smackdown (12/6/01)

Joe Pavlo <jpavlo@ilm.com> is sending you a scene from_As_the_Apple_Turns!_

Scene 3435 follows:

Lobbying For Smackdown (12/6/01)

Remember how Microsoft recently offered to settle a couple hundred private antitrust suits potentially worth some $12.5 billion by donating $1.6 billion in refurbished computers, software, and services to the nation's ''poorest schools''? Yes, it was a baldfaced attempt to turn what should be a penalty for abusing monopoly power into a cheap and easy grab for yet more market share. As such, that settlement proposal is the latest and most obvious piece of evidence that Microsoft thinks the rest of the world is suffering from massive head wounds. Then again, who can blame them for thinking so? After all, 90% of the world is using Windows; we're hard-pressed to come up with a better explanation for that statistic than widespread cranial trauma. But we digress. You probably also recall that Steve Jobs was among those who found Microsoft's proposal just slightly..._incongruous_with the whole ''antitrust punishment'' angle.

Being the quintessential diplomat (at least, when he wants to be), the man generally keeps his yap shut about Redmond antitrust issues, but when suddenly faced with the possibility of a billion-dollar tidal wave of Windows, Office, and Outlook crashing through our schools and wiping out one of Apple's last market strongholds, Steve issued a cautious statement of protest last week, stating that he was ''baffled'' as to how handing Microsoft a new market on a silver platter constituted any sort of penalty for breaking the law.

Now, see, we thought that was the end of it as far as Apple was concerned—and certainly Steve's short statement attracted a whole mess of media attention, so we figured that Apple had made its point and moved on. Evidently we were wrong, though, because faithful viewer GUMBY informs us that Apple plans to file a supplemental brief tomorrow morning in hopes of persuading the judge to reject the proposal. According to Reuters, one of El Steve-O's big points will be that $830 million of that $1.6 billion settlement consists of free Microsoft software—which, in reality, doesn't cost anywhere—near—that much to reproduce.

In his own divine words, ''We think people should know that the actual costs to Microsoft for this donated software will likely be under $1 million.'' Mmmm, you just—gotta—love that 100,000% markup!

So instead of letting Microsoft get off cheap by donating software valued at full retail price (yet costing only pennies to reproduce), Steve proposes the same idea we rattled off last week: make Redmond cough up the cash and let the—schools—decide what they want to buy with it. By our count, shelling out $1.6 billion in cash to settle hundreds of cases worth up to $12.5 billion is still a great deal—especially for a company with pockets as deep as Microsoft's. Heck, if it were up to us, we'd tack another billion or two on there just to smack Microsoft around for proposing such a weasel-headed settlement in the first place. We'll see soon enough if the judge bites.

To see this scene as it was meant to be seen, complete with links to articles and formatted as originally broadcast, visit: <http://www.appleturns.com/scene/?id=3435>

To see the complete, unadulterated episode in which this scene was originally broadcast, visit: <http://www.appleturns.com/episode/?date=12/6/2001>

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MTC–00003050

From: Scoobsjk
To: Microsoft ATR
Date: 12/6/01 10:07pm
Subject: RE: Microsoft

Hi,

I think it a sham to let Microsoft donate software to poor schools or any schools for that matter. Microsoft has their software in almost every school in North America now. This proposal gives Microsoft an open door to get students to use ''THEIR'' software, so naturally when students buy their first computer they will assume that Microsoft is ''THE'' operating system and software to use without knowing they have a choice or go out into the work force obvious to the fact that the company that might hire them doesn't use Microsoft products and that job opportunity might just fly out the door. Where is the justice in that.

I have used Microsoft's Windows 3.1, 9x and 2000 and I don't like the idea of having to install their Internet Explorer, Outlook Express, etc., when I don't want it installed, because I don't use it. I also feel that their products are highly over priced and highly over rated. An operating system that crashes as frequently as the Microsoft family of operating systems do, is not a great system. I have changed to a Linux OS and haven't had any crash problems what so ever. There are a number of operating systems out there, we have to show people there are alternatives, what you are doing is giving Microsoft the ''BRASS RING''.

I think you should rethink this problem.

Cheers,

Scoob

MTC–00003051

From: Franz Hamann
To: Microsoft ATR
Date: 12/6/01 10:12pm
Subject: antitrust

Dear sirs,

My name is Franz Hamann, I am a PhD candidate in economics at North Carolina. It has called my attention the fact that a company charged and found guilty of exercising monopoly power to destroy competition is not being punished for the past damage. As I economist, I know, more than anybody else, that a monopoly imposes high costs to a society. You, at the DOJ, using resources from us (the taxpayers) have failed to the commitment of restoring one of the most valuable assets of America: economic competition. Shame on you!

Franz Hamann

Franz Hamann
Economics Department, P.O. Box 8110, North Carolina State University, Raleigh, NC 27606–8110, http://www4.ncsu.edu/~fahamann mailto:fahamann@unity.ncsu.edu

MTC–00003052

From: Chuck Talk
To: Microsoft ATR
Date: 12/6/01 10:17pm
Subject: Microsoft Settlement unjust

Dear Sirs,

I wish to state for the record that the Microsoft settlement is unjust, and only furthers their monopolistic practices. The proposed settlement to ''donate'' software and hardware to schools is only designed to undermine Apple even further in their traditional school system markets. There is no dealing fairly in Microsoft's business.

I cannot believe that this nation, which has always played fairly would allow this monopoly to continue to crush the innovations of other companies, and continue the unjust licensing practices they have had in place for so long. The future of true value and stability lies elsewhere. The future of computing does not begin Redmond Washington making the few wealthy at the expense of the public.

I pray that the Department of Justice negotiate a settlement to curb the Microsoft businesses which, when seeing someone else's success, ultimately enter that market and destroy it for all others. Would we allow Standard Oil to set the price of Gasoline? No, we did not. Would we allow AT&T to stay

a monopoly? No, we did not. What possible benefit can be gained from allowing this one company (which has had a habit of releasing substandard imitations of others' innovations) to continue to dominate the market through monopolistic practices? I say no benefit other than the personal gains of the officials at Microsoft.

If Microsoft is allowed to do what it wants, Real Networks, Kodak, Syamantec, McAfee, and many other companies will eventually be forced to cede their markets to Microsoft through the Windows Media Player (ins't this just another re-hash of the Video for Windows debacle?), the Personal Firewall in XP, the digital photo suites, everything that others built—they copy and destroy. They are are alos exerting tremendous pressure on OEM's to keep them from delivering Linux-based PC's to consumers. They want to destroy the open-source movement with lies. Scott McNealy has it right—they do not even flirt with the truth anymore.

I pray that you take punitive action and stop them before we have a Government by and for the Microsoft.

Sincerely,

Charles Talk

ctalk@austin.rr.com

Nature abhors a vacuum, and so does my dog.

MTC–00003053

From: Joe Hoffman
To: Microsoft ATR
Date: 12/6/01 10:17pm
Subject: My comments on the proposed settlement

As someone who has worked in the software development industry for over 20 years, I feel I have a strong opinion about the Microsoft settlement issue.

My biggest concern is living in a world that continues to allow Microsoft Corporation to continue to monopolize the software industry and crush competition. This is wrong both from a legal perspective and a moral perspective. Microsoft has demonstrated a desire and willingness to crush any other company and they have the capacity to do just that. This needs to be kept in mind and addressed in any agreed settlement. For example, allowing Microsoft to donate their products to disadvantaged schools is a farse.

All this will do is further extend their monopoly. Redhat's proposed ideas need serious consideration, however I'm not sure how this compensates companies who have been crushed and ruined by Microsofts anti-competitive practices. Please keep this issues in mind when considering the Microsoft settlement.

Thanks for listening.

Joe Hoffman

Denver, CO

MTC–00003055

From: jamestheriault@ excite.com@inetgw
To: Microsoft ATR
Date: 12/6/01 10:18pm
Subject: A suggestion

A simple suggestion; Keep Microsoft propaganda and their brain damaged products out of public shools. Schools are about learning. If children must learn about computers, let them assemble them from old parts and install a free, open operating system. This way, they will learn about computers, not about using Microsoft products.

Jim Theriault

MTC–00003056

From: Lee Larson
To: Microsoft ATR
Date: 12/6/01 10:20pm
Subject: Microsoft Settlement

Dear Sirs:

I write this letter to state that I oppose the negotiated Microsoft settlement. Here are my reasons.

(1) Microsoft is guilty of monopolistic practices, yet the settlement encourages the extension of that monopoly into schools—one of the few areas where they still have non-trivial competition.

(2) The settlement is not punitive. The cost of providing software is negligable to Microsoft and, in the end, they will probably profit by eventually charging the schools upgrade fees for their ''free'' software.

This is a variation on the scheme they used to corner the spreadsheet, word processing and browser markets.

(3) The settlement does nothing to correct the wrong created by Microsoft's criminal actions, and does little to keep them from doing the same things in the future.

Lee Larson

Lee Larson, Mathematics Department, University of Louisville, http: // www.louisville.edu/~lmlars01 (502) 852–6826, CC:attorney. general@po. state.ct.us@ inetgw,ag@ oag.stat...

MTC–00003057

From: Alan Meyer
To: Microsoft ATR
Date: 12/6/01 9:12pm
Subject: Software for schools

Ladies and Gentlemen:

I am writing to ask you to prevent Microsoft from giving away software to our nations' schools.

Giving away computer products to schools is a long standing technique for increasing market share. The children learn to use the products in school, then come home and ask their parents to buy the same products for use at home. The product they used in school is the only one they know and are comfortable with. If Microsoft wishes to give cash to schools, or to donate computers (which they don't sell themselves) to schools, that will not strengthen their monopoly position in software. However if they give away Microsoft software to schools (which doesn't really cost them anything) it will strengthen their position and is very akin to ''dumping'', and other techniques that harm competition. Also, it is my understanding that Microsoft will only license the software to the schools for a limited time. I have read that, in the Microsoft proposal, after five years the schools must start paying fees.

It seems to me that this proposal by Microsoft shows that Microsoft still doesn't understand that building a monopoly is illegal, harmful to the people of our country, and morally wrong. I ask you not to permit this proposal of Microsoft's to go forward.

Thank you.

Alan Meyer

AM Systems, Inc., Randallstown, MD USA, ameyer@ix.netcom.com

MTC–00003058

From: MIke Combs
To: Microsoft ATR
Date: 12/6/01 10:28pm
Subject: Settlement

I am an avid Linux user, but I am also a systems administrator for 2 Microsoft Windows Local Areea Networks in the employ of the U.S. Navy. It is my firm belief that if the United States Department of Justice allows the settlement to include disbursement of Microsoft Windows software, then not only is the Department impotent, it would at that time be propogating the acts of a convicted monopolist and abetting in the expansion of such monopolies.

Look at the facts...Microsoft would be ''giving'' away free versions of its software to needy schools to teach the next generations how to use computers. This is brilliant for Microsoft in that it is an investment in several ways.

First, it is an investment in that in 5 years, the software would have to be upgraded in order to retain proper taining for the young people of today and tomorrow, but also to retain compatibility. As it stands now, Microsoft, in the near future will no longer provide support for Windows NT4. This will force all businesses that use it, Including the Department Of Defense which uses Microsoft products almost exclusively, to upgrade. Therefore they areinvesting in a tremendous rush on per seat liscensing to occur 5 years from now...

Secondly, they would be training the next generations to use computers, but not providing them with any other education other than Microsoft Products. And it is obvious to anyone that cherishes reason. Those who are taught to use Microsoft Products as youth will buy those same products as adults because that is all they know how to use, because the free computers and software is all they can afford. (It is acknowledged that the computers and software will go to the less fortunate schools that cannot afford computers to teach their children.

If this is allowed to happen, I fear for free trade everywhere. I hope, as a servant of a great Nation that our leaders, and the enforcers of laws of the greatest Nation on earth will recognize the marketing genius of such a move and stop it before it is too late and they themselves are rendered imptent by a long range corporate marketing scheme.

Brgds,

Michael Combs ET2(SW) USN

MTC–00003059

From: Paul Dormeyer
To: Microsoft ATR
Date: 12/6/01 10:29pm
Subject: Microsoft Monopoly

It is a joke to think that Microsoft is not a monopoly. If Toyota had the same share of the vehicle market that Microsoft has in the software market, you would be finding ways to stop Japan from sending vehicles to America.

Get real and don't let Microsoft off with a slap on the wrist.

Paul Dormeyer

MTC–00003060

From: Easling
To: Microsoft ATR
Date: 12/6/01 10:30pm
Subject: Microsoft AntiTrust Decision

I believe what you are doing to Microsoft is a miscarage of justice.

You weren't so lenient on AT&T nor on Standard Oil. WHY? Break them up into seperate companies. One as an OS company. One as a Software Company (office, etc.). One as a hardware company (MS-Mouse, Keyboard, XBox, etc). Your decision to ''punish'' them by making them pay with software is a JOKE. If anything, make them pay money. Then install Linux on school systems. This will help keep them from being even more monpolistic. Why punish them by putting them in the very market they want to get to in the first place? Isn't it kind of like sending your kid to his/her room where they've got a radio, TV, PC, etc? What kind of punishment is that?

ME

MTC–00003061

From: Carl, Steve
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/6/01 10:33pm
Subject: Appalling

Everything I have read about this settlement says that MS has been found guilty of being an illegal monopoly, and will now be rewarded for it. Unbelievable. They aren't going to have to even open up their API. Utterly useless. Why even bother?

Steve Carl
Manager, R&D Support
BMC Software

MTC–00003062

From: Van T. Wright
To: Microsoft ATR
Date: 12/6/01 10:33pm
Subject: Cost

I am a computer technician with knowledge of Microsoft products. I have used the products up until a year ago. I could not afford to go out and purchase new software every time Microsoft roll out a new operating system. I am not using RedHat software and I find it practical. Microsoft should pay some fees that cause many users to upgrade additional software because the old software is not compatible with the new operating system. By not supporting old operating system, which works well for the majority of users, forces a upgrade of live with the consequences.

MTC–00003063

From: maverick@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 12/6/01 10:37pm
Subject: hardware only

To whom in may concern,

Please only allow Microsoft to contribute to the school system with hardware only, and no software what so ever. Allowing schools to have a choice in what operating system they wish to install on the hardware. I do not want my children to know that Microsoft is the only choice for operating systems and software. Having a diverse collection of hardware and software will insure our future with industry standards and not defacto standards or proprietary standards. As a monopoly, we need to reduce Microsoft's presence, not increase it.

Thank you,

Maverick Merritt

MTC–00003064

From: Stephen Nay
To: Microsoft ATR
Date: 12/6/01 10:37pm
Subject: Comments on Microsoft settlement

I am very disappointed in the proposed settlement between the DOJ and Microsoft. Where is any penalty for Microsoft being found guilty of illegal practices in its monopoly position? The remedies in the settlement don't give me any hope that Microsoft will do anything markedly different in the future.

My biggest concern is that the problem of ''bundling'' other software with the Windows operating system was not addressed directly. With each new version of windows, Microsoft adds new ''features'' which really have nothing to do with an operating system, but step into the market space of other companies. Because Microsoft includes their features ''free'' with the operating system, the other companies have little room to try to sell their products and make a profit. I thought that was the original complaint and that it was that very practice that found Microsoft to be illegally using its monopoly position. But I don't see anything close to an adequate answer to this problem in the settlement. How many more companies must fall by the wayside because Microsoft includes their competitive feature for free in the operating system. Features in Windows XP are a direct attack on Real Media and also on Symantec's pcAnywhere.

Those products may not die—they may just wither and limp along like Netscape has since Microsoft started bundling Internet Explorer in with Windows. Since when is a browser part of an operating system?? It's not—it's a separate application. I have no confidence that the DOJ is representing the best interests of American enterprise and consumers in this settlement. On the contrary, it appears to be a complete sell out. I'm a republican, but Bill Clinton's administration was much more effective in this case than the current leaders of the Justice Department. Microsoft is squelching competition, and now they have the government's approval to continue doing so. Sad.

I'm incredibly disappointed. I wish I lived in one of the states that is not going along with the settlement so that I could encourage my own attorney general to keep up the fight. Sell out, plain and simple. You can't even put a good face on it because it's so obvious. Microsoft had agreed to greater concessions a year ago, and our current DOJ can't even get back to that spot. Sad.

Stephen Nay

MTC–00003065

From: Robert Discher
To: Microsoft ATR
Date: 12/6/01 10:38pm
Subject: MICROSOFT ANTITRUST SETTLEMENT

Dear Sirs,

I am very disappointed in the settlement of the antitrust suit against Microsoft. There is no question that they have a monopoly. The sorry software that they churn out, including their operating systems which do not work, is perfect proof that their monopoly is not good for the computer industry or consumers.

Their latest offering, Windows XP, is an example of their boldness due to the unwillingness to hold them responsible. The information gathered and sent to Microsoft is nothing short of criminal, not to mention the fact that they are putting everything into place to require a regularly paid ransom to continue to use their software. Quite frankly, the bugginess of all of their software, including their operating systems, shows that it is all way overpriced as is.

Continuing to allow Microsoft free reign is not good for the computer industry, it is only good for one company, Microsoft, and primarily good for one person, Bill Gates. This is not good for the economy or businesses. It is long past time to hold Microsoft accountable. It should be broken up into an operating system company and a software company, and all contracts which remove buyer options for the operating system installed on a new computer should be declared null and void.

Thank You,

Bob Discher

MTC–00003066

From: Jonathan Bernhardt
To: Microsoft ATR
Date: 12/6/01 10:40pm
Subject: The splitting of MS

Dear DOJ,

I am thrilled that you did not split Microsoft into two. However, this is where my approval ends. Allowing MS to get away with linking their browser to the Operating System is a travesty, bordering on criminal. Other companies have been punished for attempting this sort of thing in other industries—why does MS get a bye? Most importantly, you have now told them that they can push the envelope between legal/illegal, even farther, further squelching innovation, and improvement in rest of the industry.

It saddens me and angers me that our government is encouraging unethical activities at such a grand scale. Luckily, you have not completely eliminated our great capitalistic system in the US—which will soon take care of MS [one way or the other] without your intervention. In summary, you have proven to be yet another government organization that spends massive amounts of our money, yet provides no benefit. Any legislation, or political candidate that calls for the DOJ demise will get my vote.

I apologize if this sounds emotional. However, I am getting very tired of the suppression of innovation that you clearly support. And splitting MS? What were you thinking? If I have it wrong, or am missing something, I would very much like to be corrected. My expectation, however, will be that you will not respond, or will respond

with something that defends your organization instead of telling me how you are going to start protecting honest, ethical businesses.

Regards,

Jonathan

MTC–00003067

From: Steve Holden
To: Microsoft ATR
Date: 12/6/01 10:40pm
Subject: Why the Microsoft Settlement Should Be Stronger

Introduction

I am an independent consultant and trainer with over thirty years in the computer industry. I would argue that the currently proposed settlement of the states' and the DoJ's anti-trust action against Microsoft does not address the inequities which the company's monopolistic behavior has created. Further, it is likely to allow the defendant to extend such behavior into new markets by providing it with the opportunity to dominate the software market in underprivileged and underfunded US schools. Further it will not enable competition in key market areas which Microsoft's illegal actions have so far successfully defended against non-commercial competition of a completely legal nature.

Complaint (Competition)

The current proposal for settling the Department's anti-trust suit against Microsoft, as well as private settlements proposed by Microsoft in separate class action suits for overpricing, would have Microsoft donate software to the country's poorest schools.

This cannot be considered a punitive action: the marginal cost to Microsoft of an extra copy of any Windows operating system is as close to zero as makes no difference: development costs have already been amortised many hundreds of time over. Further, since such donated software effectively locks the recipients into Microsoft products for their future purchases, it actually increases the marketplace in which Microsoft is free to act in a monopolistic and anti-competitive way. If the Department sincerely wishes to see Microsoft pay for its illegal behavior then it should insist on remedies which have a measurable effect on the company's net worth. Microsoft should be made to donate the products of other computer industry companies to the schools. Since software to compete with Microsoft products is available at no cost from diverse sources, it would seem more sensible that Microsoft be compelled to donate computer equipment, which could then be provisioned with software chosen by the intended users. The users could choose to provision software at no additional cost using readily-available open source components such as GNU/Linux. Alternatively they might choose to pay for Microsoft software, should they consider it worth the additional cost.

This would also have the advantage that it would create a worthwhile target market for further open source products, against which Microsoft would have to develop new (and hopefully legitimate) forms of competition.

Complaint (Interoperability)

The proposed settlement required Microsoft to provide information to competitiors to allow them to interoperate with Microsoft products in far too limited a way. I am particularly concerned that the settlement, as currently proposed, would allow Microsoft to defend the actions they ahve in the past taken to limit the interoperability of the SAMBA software (www.samba.org), which offers a way for open source operating systems to provide file sharing and printing capabilities to computers which run Microsoft desktop operating sytems, avoiding lock-in to Windows 2000 or Windows NT for infrastructure support.

A summary of supporting opinion can be seen at http://linuxtoday.com/news_story.php3?ltsn=2001–11–06–005–20–OP–MS The major problem appears to be that Microsoft would be allowed to determine the interpretation of certain key clauses in the settlement agreement, which would allow them to create loopholes through which they could continue to deny vital interoperability data to legitimate developers of competing (though perhaps non-commercial) products.

Summary

Ultimately the only way to change Microsoft's behavior, which despite all their protestations *has* been ruled anti-competitive, is to take action which hurts the company (and be extension the stockholders who have profited by its success) in the pocket-book. To do any less it to teach the lesson that anti-trust laws can be ignored with impunity by any 800-pound gorilla that wishes to start making political contributions once it finds itself to be the object of legal action by the DoJ.

Sincerely
Steve Holden
http://www.holdenweb.com/
CC:president@whitehouse.gov@inetgw,scott@mcnealy.sun....

MTC–00003068

From: Magillanix
To: Microsoft ATR
Date: 12/6/01 10:42pm
Subject: Microsoft is a rip-off

I care about my security while I am on the internet. It costs just too much to buy a windows operating system, and when I buy it I have to deal with viruses and no protection, the only way I can fix those problems is to buy third-party software. It costs even more, like the virus scanners, protection programs etc. I dont know why should anyone put up with those issues. I got linux free and very well secured and all the software free. I demand microsoft to be like linux, so that everyone will be happy.

MTC–00003069

From: varghese@emirates.net.ae@inetgw
To: Microsoft ATR
Date: 12/6/01 10:46pm
Subject: Shame

Dear Sir

It is terrible to think that even the last bulwark against Microsoft is crumbling. The unfortunate future generations have to pay for your follies. Now, nobody could save this world other than God. How could DoJ type of bodies ignore Microsoft's evil practices and help it to become a monopoly. Is it just vested interested? Then why should you exist?

It is like America was ignoring global terrorism for quite some time and in some cases even using it to further its interests. Finally it had to pay the price with its own innocent citizens' lives. It is going to happen with MS also. One day they will become a terror and nobody will be in a position to challenge them.

Regards

MTC–00003070

From: Charles Landau
To: Microsoft ATR
Date: 12/6/01 10:48pm
Subject: opposed to proposed Microsoft settlement

My name is Charles Landau. I have been a software engineer since 1968. In my career I have written major parts of numerous operating systems. I have authored several technical papers on operating systems that were published in peer-reviewed journals, and I am the sole inventor of three software-related patents.

I must add my voice to the chorus of outcry over the incredibly lenient settlement that the Department of Justice proposes for the Microsoft antitrust trial.

I'm sure others have detailed the problems with this proposal. This settlement does not include any punishment for past illegal actions. It would be ineffective in protecting against future monopolistic practices. And it has no effective enforcement provisions. To approve this settlement would be a travesty of justice, and a clear signal to Microsoft and others that antitrust law is meaningless.

MTC–00003071

From: Leonard Werner
To: Microsoft ATR
Date: 12/6/01 10:48pm
Subject: Settlement

I beleive that the DOJ should have left its hands off of Microsoft. It may be a monopoly but there is nothing else. There have been othere operating systems in the past, while they had some better features than Microsoft, they did not always work. Linux today is a better operating system than Microsoft but it has some growing to do. Computer persons no Microsoft is not the answer but there is nothing else.

Thank you.

Leonard

MTC–00003072

From: Al Weimer
To: Microsoft ATR
Date: 12/6/01 10:53pm
Subject: Microsoft Settlement

I believe that more restrictions need to be placed on Microsoft for their anti-competitive practices. Little companies like Real Networks will automatically go under when Microsoft is allowed to continue to bundle its Media Player with its XP Operating System. Microsoft can sit back and do nothing but wait for their Media Player to wallop the Real Player even though Real Networks will spend considerable money advertising and developing, etc. I have heard that one

potential option being considered is to force Microsoft to supply a bundle free XP. This makes sense and will allow competition from companies like Real Networks that don't even have $0.5 billion market capitalization compared to Microsoft's $350 Billion.

Its time to put a stop to the walloping Microsoft did to the likes of Netscape, Lotus, and WordPerfect.

Sincerely,

Alan Weimer 6967 Springhill Drive Niwot, CO 80503

MTC–00003073

From: astirust
To: Microsoft ATR
Date: 12/6/01 10:58pm
Subject: DOJ & MicroSoft Settlement 12/06/2001

Dear Sirs:

The proposed Microsoft settlement is unacceptable. It does nothing to protect consumers from the continuing monopolistic behavior by Microsoft. It does nothing to remedy the damages that Microsoft has already done to competitors, which in turn has and is hurting consumers.

At the very least finical penalties in the area of 20 Billion Dollars should be levied against Microsoft. This would send a clear message to Microsoft, that they broke the law and that continuing to do so will be even more expensive. Also a finical penalty of this size would disrupt Microsoft enough to allow other companies to have a fighting chance against Microsoft and regain their footing in the industry that Microsoft illegal took from them.

In closing, I do not see how this settlement has done anything what so ever to punish Microsoft. In fact it appears to send the opposite message. ''Go ahead break the law, the worst that will happen is; you will spend Millions of dollars on legal fees. However while the case drags through the courts you will be making Billions of dollars and furthering your monopoly.''

Thank you for your time:

Jeff Shaffer

MTC–00003074

From: lynn wilkins
To: Microsoft ATR
Date: 12/6/01 11:03pm
Subject: Proposed Microsoft settlement

You must punish Microsoft for monopolistic practices. If Microsoft gets away with such practices then what about other companies, say Standard Oil! Some point to Microsoft and praise what the company has done for computing in America. I, and many others, point to Microsoft and ask what has the company done for computing in America? The answer is nothing that company has not copied, plagiarized, or stolen. The bad behavior must stop now. You must stop it here.

l a wilkins

bellevue WA

MTC–00003075

From: sdaniel@wt6.usdoj. gov@inetgw
To: Microsoft ATR
Date: 12/6/01 11:03pm
Subject: Reject the Settlement

Gentlemen:

In my opinion, the proposed Microsoft settlment should be completely and utterly rejected. Microsoft has been found guilty in federal court of being a monopoly, and of using its monopoly power to damage its competitors. The proposed settlement:

- Does little or nothing to penalize Microsoft for past actions
- Does little or nothing to prevent future excesses by Microsoft
- Does nothing to address the damage done to Microsoft's competitors

I believe that the proposed settlement constitutes a miscarriage of justice and turns a government victory into a decided defeat. The Justice Department has a responsibility not to cave in to the demands of a large corporation, regardless of its wealth or influence. I believe it is in the best interests of all concerned if Microsoft is decisively and visibly punished for the illegal actions of which it is clearly guilty.

I hope you will give serious consideration to these points.

Sam Daniel, 1748 Silvertree Drive, San Jose, CA 95131 (phone) 408–456–6461

MTC–00003076

From: wfh@byesdomny.woland. net@inetgw
To: Microsoft ATR
Date: 12/7/01 12:12am
Subject: I am against the settlement

Dear Sirs,

I am strongly opposed to the settlement between the DOJ and Microsoft. Microsoft should not be allowed to donate its own software to underprivileged schools. Microsoft's cost for assembling a CD–ROM with a few pages of advertising in a box is minimal.

They will give away a few hundred dollars worth of published software for each school, then claim that this represents thousands of dollars of donations.

Pennies on the dollar, I say.

You are screwing the public with this settlement.

Shame on you!

Bill Honeycutt

wfhoney@pacbell.net
bill@1800radiator.com

510–593–1195

MTC–00003077

From: lab@NetReach.Net@inetgw
To: Microsoft ATR
Date: 12/6/01 11:11pm
Subject: Opposition to settling with Microsoft

I have followed this case closely since its inception. Already WindowsXP does exactly with MS was accused of doing in this case. It incorporates more software ''into'' the OS, at the expense of other independant software vendors. MS is unrepentant, and will not change on its own. And the proposed settlement, does almost nothing to prevent MS from continuing to abuse its monopoly position, it only makes life a little easier for computer manufacturers whom microsoft will no longer be able to bully quite so easily.

The ONLY settlement that I think would have any hope of providing a remedy, and prevent future similar behavior is a break up of MS. MS should be split into two companies:

1. An OS company

2. An applications software company

If this were the result, then there would be incentives on the OS company to produce a platform that is easier to port software to, by making it more POSIX compliant. And the Applications company would have incentives to make the Apps available on other OSes, because it would increase market share. In both cases, the consumer (who has been determined by the court to have been harmed), competition, and industry as a whole would benefit.

It seems to me that the settlement proposed is a major cave-in by the DOJ, that at the very least smacks of the influence of MS compaign contributions to the Bush presidential compaign. I think the DOJ should be ashamed of its cowering before MS. It is very disturbing that a hard won verdict is being tossed away by the DOJ.

Lincoln A. Baxter

149 Silver Springs Rd

Phoenixville, PA 19460–1919

MTC–00003078

From: Steven Christensen
To: Microsoft ATR
Date: 12/6/01 11:15pm
Subject: Comments on Microsoft Anti-Trust Settlements

Hello,

I am writing regarding the proposed settlement terms for the Microsoft Anti-Trust suit.

I am in 100% support of Red Hat's counterproposal that Microsoft's donation to the schools be in hardware, and Red-Hat provide free software plus support, for the following reasons:

1) It increases the number of students who can benefit from the donation, by about 5-fold as I understand it. The more students who can be helped by this donation the better for them and for the future of our country.

2) For a company accused of monopolistic actions, to provide them an avenue to secure hundreds of thousands of more mandatory ''customers'' seems very counter-productive. Microsoft's 5-year time limit on the use of the software is ridiculous.

3) I support the idea of competition in the area of computer software; if students are exposed to an alternative set of software (like Red-Hat) they will be better able to make informed choices in selecting software when they get into the ''real world''. If all they were taught is Microsoft, how will they know any better?

4) This is not really a dis-incentive to Microsoft to stop future monopolistic activities—the software they wish to contribute really doesn't cost them anything, and they lock in more users.

Best of luck in making this important decision; I don't envy your positions.

Regards,

Steven V. Christensen, 100 Maple Court, Fayetteville, GA 30214, Phone: (770) 719–4471

MTC–00003079

From: Nate Berry
To: Microsoft ATR
Date: 12/6/01 10:35pm
Subject: Microsoft Settlement

I wanted to take a second out of my busy day to let you know that I am absolutely flabbergasted that Microsoft is getting out of this horrendously expensive affair with a slap on the wrist. And to allow them to gain further foothold in our schools and call that compensation. What kind of settlement is that? As a grad student, I can say that students would benefit far more with access to an open source OS in their schools. By being able to read, tweak, change and basically fiddle with the operating system, they will build a far greater understanding of the underlying processes that make a computer work. If this software were Linux or BSD, this software is free and without license fees.

In light of the fact that Microsoft has ALREADY been proven to have engaged in unfair business practices, a more fair settlement might be to have Microsoft supply the hardware for underprivelged schools and let an open source vendor supply the software.

Yes Microsoft is dominant now in the industry, lets not reward them for the unfair manner in which they gained that position.

Nate Berry
http://www.fireresearch.com

MTC–00003080

From: mr theoden
To: Microsoft ATR
Date: 12/6/01 11:28pm

Absolute total joke—how much money did Microsoft pay you guys behind the scenes huh? Sorry I don't give a shit what excuses you make, we all know what happened, MS bought you guys. Hell I bet MS even ''owns'' President Bush. I think the people of USA should sue the DOJ for waste of funds—how much did it cost all up to prosecute Microsoft. You could have just made a deal outright in the first place.

MTC–00003082

From: Malcolm H. Goosey
To: Microsoft ATR
Date: 12/6/01 11:18pm
Subject: Microsoft Settlement

Microsoft should have been penalized for its business practices, and current events show that it has not changed its tactics!! Please do not compund this error by allowing MS to invade our public schools with their offer of $1B of donated software etc (which will reallly cost them only the cost of producing CD's, but which will be charged at retail, probably a 400 to 1 ratio). Most schools presently use Mac's for learning ''keyboarding''. Once MS suceeds in having the kids use only MS products, they will never know that there are other alternatives, and MS domination of the software industy will be complete! This offer is nothing more than a ''trojan horse''!!

MTC–00003083

From: Glenn Bowlsby
To: Microsoft ATR
Date: 12/6/01 11:30pm
Subject: MS

I do believe Microsoft has created a product like no other and keeps improving. Is MS a monopoly? Yes, but is is because of us the customer. Customers does have a choice of what computer they, and what OS they have installed. MS had become a standard to the industry making it difficult for Open Source OS like Linux to really get notice. Also there is not alot of software or drivers for Linux. I know because it took me 5 days to found them for my hardware. Windows has every driver I need. So for Linux and other open source to become popular they need MORE drivers and MORE software. Neither of these MS should be blamed for but rather the companies who make the product. Such as a software company like westwood. They make games for windows because They probably would not make any money making that software for Linux. Is this MS fault NO. A driver for my sound card which is available on windows but not Linux. Is this MS fault NO. Therefore MS should not be sued the other companies should get more applications and games by big companies like westwood and correll, and have a more complete drivers list. From the cendors. MS should not be blamed for the actions of vendors and customers.

MTC–00003084

From: Randy Morrow
To: Microsoft ATR
Date: 12/6/01 11:31pm
Subject: Microsoft Settlement

This settlement is outrageous! The department of justice is NOT enforcing any restrictions and the DOJ is helping Microsoft to extend it monopoly into our public education system. This entire case had a basis at the beginning of providing a choice to the consumer. So, why now does the government not only ignore that original goal, but helps to force our education professionals into the corner the average home user has been in for years. This is not an agreement that would in any way, shape, or form, promote a consumer's freedom of choice. If anything this agreement would show that a known monopoly can buy it's way out of court.

Over the past few months I have heard of a few suggested resolutions to correct this very unjust agreement. There is only one that I would say makes any sense. Instead of Microsoft donating $1billion dollars in software, force Microsoft to donate $1 billion in cash to be used by the schools and our very competent education professionals to purchase the technology that they choose to be the best for them. This would not only promote freedom of choice for our schools, it would also prevent the onslaught of upgrade costs that Microsoft would surely impose in the years to follow.

Thank you,
Randy Morrow

MTC–00003085

From: Scott Fallon
To: Microsoft ATR
Date: 12/6/01 5:46pm
Subject: Microsoft Settlement

Dear Sir/Madam: I strongly applaud the proposed settlement with Microsoft. It is fair to all involved and most importantly maps to the findings and conclusions that came out of the Appeals Court. What Microsoft competitors and others fail to accept in their criticism of this proposed settlement is that Judge Jackson's findings and conclusions are NOT the ones of record at this point. The Appeals Court substantially reduced and/or eliminated much of what Judge Jackson produced. The critics of this settlement continue to behave as though the Appeals Court ruling never happened. They continue to refer solely to Judge Jackson's ruling. You have done an admirable job of crafting a remedy consistent with the Appeals Court ruling and ignoring those who lack respect for rule of law and for their own personal reasons cling to the misconception that Judge Jackson's now discredited ruling is still relevant.

Scott Fallon
scott@fallonhome.com

MTC–00003086

From: Ed Tidwell
To: Microsoft ATR
Date: 12/6/01 11:32pm
Subject: Concerned that justice was not given

I've been a software developer for 15 years and at one point I was the biggest MS fan on the planet. I have as a professional witnessed time and time again MS destroying technology companies ONLY because they had more money or dumped on the market to kill the small guy. In 10 years we will be buying robots from Japan or operating systems from Europe. MS it NOT a leader but a follower that hunts down and destroys the competition. How any company can buy another companies software for around 100 million and then put there name on it and dump it on the market as free BOGGLES my mind. Internet Explorer (was Spry Mosaic) was NOT what MS wanted the consumer to do. MS tried to FORCE EVERYONE to use MSN which was in direct competition with Compuserve. When MS made the WRONG decision on the marketplace they SHOULD NOT have been able to FIX IT by FORCING THEIR Netscape CLONE ON THE OPERATING SYSTEM. When MS was smaller they ALWAYS changed DOS to break Lotus 123. Guess which spread-sheet you can buy today?

When MS purchased OneTree which became their SourceSafe (version control software). They sent out within WEEKS to EVERY CUSTOMER that ALL support for any OTHER operating system was being dropped EXCEPT windows. THIS WAS THE NUMBER ONE TOOL FOR OS/2 AND THEY PURCHASED IT AND KILLED THE TOOL ON OS/2!!!

I have a shrink wrapped copy of Word for OS/2 in my cube. When MS LOST TOTAL CONTROL OF THAT operating system to IBM they STOPPED SHIPPING SOFTWARE FOR IT AND IT WAS KILLED!!! Think I can get support for that product to work with the last OS/2 version IBM shipped? IBM purchased Lotus Notes so they could have a software company to ship applications for OS/2.

IF YOU REALLY WANT TO FIX THIS PROBLEM ... Break MS into two separate corporations. THEIR IS NO OTHER WAY. When you buy their software development tools their was a note in the licesense that you COULD NOT USE THE TOOL TO BUILD PRODUCTS TO COMPETE AGAINST MS OFFICE. If you looked at MS Office the software DLL's they use compared to WHAT

THE GIVE for software developers are COMPLETELY DIFFERENT AND NOT DOCUMENT HOW TO USE THEM. FORCE THE GROUPS TO BE PROFIT CENTERS.

MS has for a long time hired developers that worked for the competition and given them 1 million dollar signing bonuses JUST TO PREVENT other companies from having access to great talent. Look into the author of C# who was the lead developer at Borland and did JBuilder. MS hired him away. WHY WOULD A COMPANY FOCUSED ON RESEARCH HAVE TO PULL A STUNT LIKE THAT? Because they DO NOT FOCUS ON PLAYING FAIR. WIN AT ALL COSTS. If MS has to ship applications that RAN ON EVERY AVAILABLE OPERATING SYSTEM OUT THERE THEN MS would HAVE TO COMPETE! MS owns the OS and the applications. If you can read an write Word files they change the format. If you can load Windows application like OS/2 did they change the API. MS changed a DLL and FORCED IT ONTO THE OEM PC makers to PREVENT ''OS/2 for Windows'' from working. No feature offered BUT ONLY SABATOGE.

MS has no guilt nor do they have remorse. The consumer WILL NEVER GET A CHANGE TO CHOOSE. Not while MS spends a 100 million to market an operating system and ANOTHER 100 million JUST to make them look good and the government bad.

You SOLD ME OUT! The battle is not over with MS. Now they will just be harder to catch. They WILL NOT CHANGE what they do but only do it in a smarter way to skirt the law. The original ruling that MS should be broken up was valid. What you need to investigate is ALL of the games MS played to make the judge look bad as well as buy the press. Don't you think it is odd that a COMPANY put people on PAY ROLL to write LETTERS to politicians that the COMPANY IS BEING DONE WRONG??? If that action does not show you HOW FAR MS will go to WIN then I don't think you guys justify my tax money. MS is smarter than you and basically owns the market place. How did having MS DUMP software on the schools FIX THEIR MONOPOLY??? So would asking a drug pusher to give away the cocaine he has in storage freely out to everyone SOLVE THE DRUG PROBLEM? YOUR PUTTING SMALL SOFTWARE COMPANIES OUT OF BUSINESS THAT HAVE SOFTWARE IN THE EDUCATIONAL CHANNELS!!! Why wouldn't you make MS put money in a trust for startup company funding for companies to COMPETE AGAINST MS???? WHY NOT GIVE FUNDING TO NETSCAPE LIKE YOU DID THE AIRLINES AFTER 9–11???

What about MS having to give money to operating system companies that were WRONGFULLY DAMAGED BY ILLEGAL ACTIONS??? Sorry guys but the settlement is a joke for anyone who understands technology and knows how MS deals with people. Thankfully the findings of fact that MS IS a monopoly were NOT over turned. I guess if I want to work on leading edge software I'm going to have to move to Europe. They seem to be the only ones doing anything cool. Some of the latest games I've bought have come from their. My favorite tool TogetherJ is coded in St. Petersburg, Russia. Linux was done by a college kid in FINLAND and it RUNS BETTER than MS Windows. To bad the consumers couldn't fix this by having a CHOICE but noting like a good monopoly to fix the economy. Going to be sad when are OS software is done by Sony or Nintendo because they are the ONLY SOFTWARE COMPANIES left after MS destroys everyone else. No wait MS is going after them to! Hmmmm. Maybe MS can just own the planet and we don't have to worry about better software. It will just stink everywhere world wide. <smile>

Sincerely,
Ed Tidwell
Senior Software Developer
Tekelec Inc.
Raleigh, NC

MTC–00003087

From: Prakash Purushotham
To: Microsoft ATR
Date: 12/6/01 11:50pm
Subject: Microsoft's donation proposal

I believe this donation would result in greater benefits for Microsoft in the long run. This would help Microsoft build a new generation of ''slaves of Microsoft products''.

MTC–00003088

From: Rafael Perez
To: Microsoft ATR
Date: 12/7/01 12:05am
Subject: Microsoft.

With regard to punitive damages associated with the Microsoft case. If it is ment to be punative then it is a punisment. In a punishment, the only value that one should get is a lesson learned. By allowing Microsoft to donate a billoin dollars to the poorest schools as part of a retrobution, in software ans services, no less, there should be no potential upside for Microsoft. This does not appear to be the case. It appears that although Microsoft will be expending some capital, they will be deriving benefit from this. It will only propagate and increase their already monopolistic stronghold in the industry.

It's like punishing a drug dealer by forcing him to go out and give away millions of dollars in drugs, and then letting the drug dealer develop a new network for retailing his product. Sure, your making him pay up front, but now he's got a whole new market to sell to later on when the free bee runs out. Does not sound very punative to me. What do you think ?

Make them write a 1 billoin dollar check to the poorest schools, and then mandate that those schools use the funds for anything they choose, with the stipuation that they not spend money on any Microsoft products.

I wonder how Microsoft would feel about that. They have bullied their way around the entire computer industry. Make no bones about it, they are ruthless. Business is a competion, I realize that, but if it gets so out of hand that it hurts the public, then the Goverment should protect the people.

Dont let them push you around.

MTC–00003089

From: Russ Welti
To: Microsoft ATR
Date: 12/7/01 12:04am
Subject: Microsoft gets off TOO EASY

This settlement, if it proceeds, is an insult to the American taxpayer, who has funded the protracted legal proceedings against Microsoft, trusting the Department of Justice to take effective action against a proven monopolist. To give software to schools is no punishment at all! Let them pay with what really matters: money. Software has no ''hard'' value, and costs very little for Microsoft to give away, as has already been shown when they ''gave away'' Internet Explorer bundled with Windows. And giving to schools, which is one of the only markets they havent completely penetrated, is the perfect way for them to EXTEND their monopoly!

Please do not settle for anything less than a just cash settlement, and upwards of 1 billion dollars would be still nothing to a company whose cash reserves are in the tens of billions. Giving it to the schools is fine, but as cash, not vaporware.

Russ Welti
Software Engineer (for 17 years), Seattle, WA

P.S. Not all Seattleites are in Microsoft's corner!

MTC–00003090

From: Chris Pearce
To: Microsoft ATR
Date: 12/7/01 12:10am
Subject: Proof that IE6 is anti-competitive

Hi,

Just dropping you a line asking you to not sell out to Microsoft. They are using their monopoly to force out their competition. The latest example: Internet Explorer 6. It won't communicate to my email software, even though IE5.5 would! Whenever I click on a mailto hyperlink it used to fire up Eudora mail and I could then use my favourite email client to write my email. Now with IE6 it won't let me. Whenever I click on a mailto link it brings up a horrible box asking me to select a Microsoft Exchange/Outlook express profile, so that I have to use Outlook!

They're doing this to try to stop people from using other email clients! That's being extremely unfair to companies like Qualcomm and Pegasus Mail! Please don't sell out to Microsoft. They need to be split in two, into a operating systems, and an applications software companies, otherwise they will have no incentive to be fair (when they make their operating system) to pure application software companies.

If they are not split now, they will just get worse and worse, until you suddenly wake up one day and find all your (and our!!) computers are running the same defunct systems that are amazingly expensive, and very unreliable! Please don't sell the people of the world out! We are relying on you!

Thank you,
Chris Pearce.

MTC–00003091

From: Ken Zagzebski
To: Microsoft ATR
Date: 12/7/01 12:16am
Subject: microsoft settlement

How about requiring Microsoft to provide free user support for windows. Also, require them to send out Windows upgrade disks rather than simply posting (burying) ''patches'' on their website.

Ken Z

MTC–00003092

From: pug@ smtp1.realconnect. com@inetgw
To: Microsoft ATR
Date: 12/7/01 1:15am
Subject: Regarding the settlement with Microsoft....

It is a joke. It is unenforcable. Who's going to police it, Microsoft? The settlement has done nothing but barely tap the brakes on a full-speed locomotive. I am wholly disappointed. The USDOJ could've quite easily won the entire case had they centered strictly on the unlawful and unethical business practices used by Microsoft.

Joseph Ogulin
Sterling, VA

''Those who would give up freedom for security deserve neither.''

B. Franklin

Joe Ogulin kiltedknight@realconnect-mail.com

This message is made of 100% recycled electrons. Disclaimer: I'm responsible for the content of this message. Nobody else is.

MTC–00003093

From: Tinnakorn Kumsaen
To: Microsoft ATR
Date: 12/7/01 12:22am
Subject: Microsoft make the world different.

That different is that, the rich become richer, the poor become poorer. The different causes the driving force, driving people mad. I think this is a major reason of what happened on Sep 11. You, as a big brother on earth, should be nutralizing the world. Terrorist are similar to African bee. A bees hit you they died and you hurt. I think that the smart guy is a bee keeper. Don't you think so? Any way, I hope that American solider can find all the escaped bees.

God bless America
Tom

MTC–00003094

From: Kenneth A. Krupa
To: Microsoft ATR
Date: 12/7/01 12:23am
Subject: settlement = MS free to dominate

The release of features in Windows XP is yet another attempt by MS to use their OS to dominate the next big market segment (not simply gain some leverage). This should send a clear signal (for the umpteenth time) that they simply cannot be trusted to uphold the SPRIRIT of any agreement that tries to make them play fair. Now I use their OSes quite a bit but I wouldn't mind some freedom of choice with respect to how to use them. And it is not even the multimedia bundling that scares me most. Forcing users to use the Passport feature for services that previously did not require it is chilling. They're basically beginning to dictate how people do things on the Internet. They will in short order have a user base of several million users for a brand new service that just happens to be the next big Internet offering. Not bad for a new feature. With some luck, the project liberty consortium may blunt the move somewhat but come on, isn't this story getting tiring? I don't even think the folks at MS can help themselves. They're simply addicted to power and control and are in bad need of rehab.

MTC–00003095

From: ScottF37@aol.com@inetgw
To: Microsoft ATR, microsoftcomments@doj.ca.gov@inetgw,...
Date: 12/7/01 12:40am
Subject: Microsoft Settlement

Attorneys General and Dept. of Justice,

I am writing to express my displeasure with Microsoft's settlement proposal. Clearly they intend to use this as another opportunity to expand their empire and squeeze rivals, namely Apple, out of the education market. Furthermore, I am sure the 1 billion dollar value they are quoting is retail value. That means their cost must be less than one-tenth of that. Wow, I bet they are terrified of having to pay that.

I thought the intent of this is to punish them. If so, then they should be required to give cash to let the schools choose whatever they want. Since they are accused of squeezing out competitors, it would be even more appropriate to require that the money be spent on competitor's products. Please do something about this.

I happen to like and use some Microsoft products, but I prefer to use a Mac rather than a Windows PC. I never thought breaking them up was a good idea but this settlement is pathetic. Don't let them drive Apple (others) out of business.

Scott Fortman
13204 NE 129th Place
Kirkland, WA 98034

MTC–00003096

From: Andrig T. Miller
To: Microsoft ATR Date 12/7/01 12:41 am
Subject: Anti-trust Settlement

I am a technology professional who has been involved in software for over 16 years. I am currently the Vice President of Technical Architecture for a large distribution company (basically the CTO). My comments in this response to the anti-trust settlement proposal currently before the District Court are my own, and in no way affliated with my company. I only talked about my position, so that you could see that I have some credibility in my comments. Having said that, the following is where I see issues with the proposed settlement. In section III. Prohibited Conduct, it states that Microsoft is prohibited from retaliating against an OEM for shipping a personal computer that either includes a non-Microsoft operating system or can boot more than one operating system. There seems to be a glaring omission here. Under these terms Microsoft could retaliate if an OEM ships a personal computer with only a non-Microsoft operating system. To give a simple example, if I were IBM, and I started shipping personal computers with Linux pre-installed as the only operating system for customers who didn't want a dual boot system, Microsoft could retaliate. The odds of this behaviour would go up substantially, if a large OEM like IBM started selling significant numbers of systems with only a non-Microsoft operating system.

In section III.C.2, it states that Microsoft cannot restrict by agreement any OEM from distributing or promoting non-Microsoft middleware by installing or displaying on the desktop of any size or shape so long as such shortcuts do not impair the functionality of the user interface. Who makes the judgement about impairing the functionality of the user interface? What constitutes an impaired user interface? If Microsoft just doesn't like the way it looks, can they have the OEM remove it? This raises more questions than it answers. It seems to me, that if an OEM really impairs the user interface, then their customers will be unhappy, and have them fix it, or get their PC's from somewhere else. I know that Microsoft position on this, is that it reflects on them. The truth of the matter is, the OEM handles the technical support for pre-installed copies of Windows, not Microsoft. How many people do you know blame Microsoft when there computer doesn't work? They simply say my computer doesn't work, and if they bought the system from an OEM with Windows pre-installed, they call the OEM. This section should have no exception, and the free market should be left to decide whether an OEM has impaired the user interface or not.

In section III.C.3, it states another user interface exemption for OEMs. This time is says that middleware that automatically launches on boot, can be replaced as long as it displays on the desktop no user interface or the user interface is of similar size and shape to Microsofts user interface. This prevents competitors from creating unique user interface paradigms, that may infact be better than Microsofts. In fact, it limits them into copying Microsofts products, and gives no ability to innovate with the user interface. I don't see how this can foster competition. If both products look and act the same to the user, then you have just removed one of the competitive advantages a competing product may have.

In section III.D, it states that Microsoft has to disclose to ISVs, IHVs, IAPs, ICPs, and OEMs the API's and related documentation that are used by Microsoft middleware. This goes to the heart of the issue alot of people have, which is that Microsoft hides API's that it uses for competitive advantage. This is a very good provision, but it has one very big omission. Today, open source projects create software that needs to interoperate with Windows (e.g. Samba) operating systems. These projects would not be covered by the list above. For this provision to have true meat behind it, Microsoft should be made to disclose the API's publicly to everyone. This will create significantly more competition in the marketplace, because it would allow open source projects to be more easily developed. This section is also incongruent with section III.E, which doesn't limit the disclosure of communication protocols between the Windows client and server. The two sections should allow for disclosure to any and all third parties.

Section III.F.2 seems to be completely meaningless. The exception completely nullifies the behavioural prohibition. Everything from the word except on, should just be removed. Microsoft should in no way be allowed to limit what an ISV can develop or promote that competes with Microsofts own products. This section should be one of the cornerstones of an agreement, and should have no exceptions.

Section III.G.1 also seems meaningless. Again, the exception competely nullifies the

behavioural prohibition. If you are going to eliminate the use of contracts that give consideration to certain entities based on solely supporting Microsofts products, at the expense of competitors products, then the agreement should do that without exception. The current exception takes all of the teeth out of this section.

Section III.H.1 & 2 has all the same problems of section III.C.3 which I stated above. Additionally, Microsoft has the option to have the end user confirm this chose of replacing the Microsoft product with the non-Microsoft product. Of course, this could confuse the user, and make them wary of making such a change. While I understand that a user could do this by accident, based on the provisions of this section, the user can make the Microsoft product the default selection just as easily. Besides that issue, I think that additional teeth should be put into this section in the following way. Microsoft should be prohibited from putting hooks into the operating system that prompts the user to switch back to the Microsoft product everytime the user uses the non-Microsoft product. They could easily do this under the provisions of this settlement, and make it very difficult for the user to use the competing product.

Section III.H.3 makes direct reference to my suggestion of what Microsoft will do to change the configuration to suit their needs and stiffle competition. The settlement only prohibits them from changing the configuration that the OEM supplied their customer for 14 days. After that time, they can pepper the user with dialogs that constantly ask them to switch the applications from competitors to theirs! This entire section should be changed to prohibit this behaviour completely. I don't see how this agreement can foster competition with this type of exemption. It also retains much of the power Microsoft has over OEMs. If the OEMs configuration can just be changed by Microsoft after a couple of weeks, it takes much of the value that the OEM can sell to Microsofts competitors away from the OEM. If I was a Microsoft competitor, and I wanted to sign an agreement for an OEM to ship my product versus Microsoft, and Microsoft can two weeks later bother the user to the point that they switch to the Microsoft product anyway, then I wouldn't be willing to pay the OEM very much. OEMs already struggle with margins, because Microsoft and Intel make all of the profit, and the product is a commodity. The only real way for OEMs to differentiate their products is through customization and third-party software bundles. Again, we should let the free market decide, without pestering prompts to switch to Microsoft products (and visa versa).

After section III.H, there are two bullets called 1 & 2, which don't seem to be a part of section H, but give Microsoft addtional exceptions. Bullet 2 says, a Microsoft middleware product may be invoked by the operating system when a non-Microsoft product fails to implement a reasonable technical requirement. What is a reasonable technical requirement? The example in the document is hosting an Active-X control. What if the replacement product can implement all of the functionality that a user needs without hosting an Active-X control? Who determines what is reasonable? These type of exceptions could make the agreement unworkable, especially if it can be argued in court. I see alot of additional wrangling in court to resolve disputes over things like this, and this additional time could be used by Microsoft to continue business as usual while the lawyers fight it out.

Section III.J gives Microsoft another way to wiggle out of disclosing API information. I think it is necessary to state that they cannot disclose the internal working of something that is against the law to disclose. As far as I know, no such cases exist. Actual authentication keys, tokens, etc. would not be apart of a working API, but the format of those would be. The way this is worded, Microsoft could prevent the disclosure of API's and communication protocols, and no one would be able to dispute them because they could argue that disclosure would be required to prove their case. Of course, you could argue that the technical committee could work to see if Microsoft is pulling the wool over everyone's eyes. The flaw in this, is that Microsoft could still fight it and win, and no third party could jump in to help the case without first getting disclosed on the API's and communications protocols. I see this as a catch-22 for enforcement.

Overall, this agreement doesn't go far enough in curbing Microsofts business practices. I think that a better solution is staring us all right in the face. The solution that I think would be better has three simple principles, of which two are captured in this proposed settlement. First, make Microsoft disclose all API's to everyone, without exception. Second, do not allow Microsoft to control other companies use of Windows, whether it be configuration of the desktop, or inclusion or exclusion of non-Microsoft and Microsoft products respectively. And third, allow Microsoft to bundle anything they want into Windows, and its successors, as long as it complies with a recognized open standard. The IETF (Internet Engineering Task Force) model of standardization should apply here. In their model, something does not become a standard until at least two interoperating implementations of the standard are widely deployed. This would make it very simple to monitor compliance, and would allow third parties, including open source projects, to compete head on with Microsoft in every product category.

Thanks for taking the time to read this, and I hope that the settlement can be improved to foster competition in the marketplace for operating systems.

Andrig T. Miller

MTC–00003097

From: Blomberg David
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/7/01 12:51am
Subject: Bad idea

Currently in Japan but this is a bad idea I would like to se a real settlement rather than a license for Microsoft continue it practices. Words like ''allow our distributor more freedom'' Microsoft is supposed to allow the distributors FREEDOM lets face it when the software is sold it becomes the property of the buyer to use as they see fit not for Microsoft tells them they can and cant do. It goes for the distributor as well. It is just one more show that they are not serious about this ''settlement''. Be for the cunsumer it is your legal duty to see that this case gets a real deal rather than giving the gold to Microsoft.

Resident of CT currently in Japan, David Blomberg

System Engineer Nihon Libertec Co. LTD 1–34–14 Hatagaya Shibuya-ku Tokyo Ph: (03) 3481–8321 Fax: (03) 3481–8371

MTC–00003098

From: Kenneth D. Reiszner
To: Microsoft ATR
Date: 12/7/01 12:58am
Subject: Microsoft settlement

It was embarrassing enough for the nation to give Microsoft a free ride on the antitrust action but to allow Microsoft to prevail in the class action suit is abominable. Nevertheless, this is an opportunity for the justice department to do something right for a change. Red Hat has offered to provide free software to every school in America if Microsoft provided the value of its donation in hardware costs rather than its own software. It is time for you people to go twist some Microsoft arms.

Open source software will eventually take over the operating system and desktop software markets with or without any action on your part or other parts of the government. This simple proposal by Red Hat would allow our children to become familiar with the software of the future. Ironically, the difference between open source and Microsoft software is getting narrower with time so even if Microsoft software is still the norm on the desktop when these kids graduate, they will be able to cross over without effort. The difference will come when they buy a computer of their own and don't have to purchase the original software and upgrade after upgrade.

Do something right for a change, take Red Hat up on their offer.

Kenneth D. Reiszner, Ph.D.

President, REAL, Inc., P.O. Box 709, Lecompte, LA 71346 Ph. No. & FAX: 318–443–0426

MTC–00003099

From: Harry W Hale III
To: Microsoft ATR
Date: 12/7/01 1:07am
Subject: Microsoft

This is a very bad settlement they have now twice been punished for breaking the law by simply having to promise not to break it again. What kind of people are you.

MTC–00003100

From: cls@greens.org@inetgw
To: Microsoft ATR
Date: 12/7/01 1:10am
Subject: Microsoft Settlement

The prosecution in this case barely scratched the surface of Microsoft's adverse impacts on every industry where it operates, and on the global economy. In technology markets, network effects overwhelm all other forces. As long as Microsoft remains intact, it controls every market it enters. Had justice been served in this case, Microsoft would have been split into at least three separate companies which are not allowed to

communicate with each other in private. As it stands, they will continue to stifle innovation in computing and networking

Cameron Spitzer

San Jose

MTC–00003101

From: Francesco Tombolini
To: Microsoft ATR
Date: 12/7/01 1:18am
Subject: Microsoft Antitrust

I agree with Redhat words...

''While we applaud Microsoft for raising the idea of helping poorer schools as part of the penalty phase of their conviction for monopolistic practices, we do not think that the remedy should be a mechanism by which Microsoft can further extend its monopoly.'' Put linux in the schools on microsoft's hardware...

Francesco Tombolini

MTC–00003102

From: Jason Adams
To: Microsoft ATR
Date: 12/7/01 1:18am
Subject: To Whom It May Concern,

To Whom It May Concern,

It would seem as though all Bill Gates is interested in is making money, and choking out all the little guys that present any kind of a threat to his software empire. I think that a appropriate fine for Bill would not only be donation of hardware installed with any kind of a Linux flavor, but also to have Bill himself donate his time to go around to some of these underpriviledged school and teach the students how to use the software. There couldn't be a worse punishment than to have him teach the basics to an os that is his adversary. I wish that people in this world wouldn't be so greedy and try to collect the wealth of the whole world in a lifetime, I mean he can't take it with him anyway so why can't he just be satisfied and lay off the small guys? Whatever you decision is in this suit I hope that you really stick it to Bill where it will hurt him somewhere, after all he has been doing it to others for so long he really has it coming.

in the blessed name of Jesus,

jason

MTC–00003104

From: Pat Walters
To: Microsoft ATR
Date: 12/7/01 1:48am
Subject: Microsoft Settlement

I believe this settlement takes unfair advantage of a great corporation for being an aggressive American competitor in the software market. The very nature of antitrust law is to destroy companies that have harmed consumers, not to make monopolies illegal. This we know already, as there are plenty of legal monopolies that have run our local telephone and electricity.

Every model of a monopoly ever devised by economic theory holds two effects possible: higher cost and less product. This lawsuit was brought against Microsoft over its bundling of Internet Explorer with Windows, and then that Microsoft had set up retaliatory pricing if an Original Equipment manufacturer (OEM) were to sell software that competes with Microsoft on its own operating system. This court case has proven that there was nothing wrong with innovating the operating system to offer more features to customers, but did address the pricing against OEMs that want to offer competitive software to Microsoft. You cannot accuse Microsoft of being a monopoly in consumer level computers without talking about the complete monopoly enjoyed by Apple Computer company. The interesting thing here is this: Apple was argued out of this case because their monopoly operating system on their monopoly hardware cost on average $1,000 MORE than a comparable IBM compatible PC running Windows! How is Microsoft a monopoly again?

Microsoft has simply been very successful at recruiting wonderful talent from all over the globe, and driving that talent very hard to deliver products that make our competition look pale in comparison. It is not Microsoft's fault that companies who compete with them cannot achieve the critical mass of great software by litigating against Microsoft, instead of recruiting great talent and then spending the R&D money necessary to better perfect their product. Why should Microsoft have its hands and legs tied behind its back simply because every one of its competitors wants the money that Microsoft has earned? Let me ask that again: WHY should Microsoft not be allowed to freely compete with all of the freedoms that Netscape, AOL Time Warner, Sun Microsystems, Oracle, and Apple do every single day of the year, simply because THESE companies want the money from the market share that Microsoft continues to go out and earn?

Microsoft has agreed to this settlement, but this settlement should be the end of it. The states that chose not to settle with Microsoft simply want to punish Microsoft further than they already have been with this FRIVILOUS lawsuit, and they should NOT be rewarded for this. In some cases, like California, they simply have Microsoft competitors living in their state and want to put up the ''good fight,'' for their constituents. The economy of the United States is greatly fueled by the technology sector, and it is time to let Microsoft go on to do what it does best: make great software that runs on any device, anywhere, connected to the Internet. Microsoft has undeniably been part of the economic boom we saw in the 1990's, and this case has been part of the reason we are now suffering part of a recession. Let's end this here with this settlement, and accept the terms of it with as much compassion as possible toward the greatest company in the world.

Sincerely,

Pat Walters

MTC–00003105

From: Jim Lawson
To: microsoftcomments @doj.ca.gov @inetgw
Date: 12/7/01 2:17am
Subject: Microsoft Settlement

Please consider the proposal made by Red Hat as a way for the Microsoft settlement. The current settlement appears to ensure that Microsoft has a monopoly on operating systems and allows them to further propagate their products RED HAT COUNTERS MICROSOFT'S EDUCATION OFFER

Microsoft has proposed settling over 100 private antitrust lawsuits by pledging to donate more than $1 billion in hardware, software, services, and training to the poorest schools in the United States, but Red Hat has put forward a counter-proposal. It will offer its open-source Red Hat Linux operating system to all U.S. school districts free of charge, and has suggested that Microsoft concentrate solely on purchasing new hardware. In this way, more computers could be made available to schools and Microsoft's monopoly would not be extended further into the education sector, says Red Hat CEO Matt Szulik. He estimates that over one million computers could be allocated to schools under the new proposal, compared to 200,000 under the old one. In addition, Szulik says that Red Hat will provide free software upgrades and license renewals in perpetuity, whereas Microsoft would only provide such services for five years. (eWeek Online, 20 November 2001)

Jim Lawson

MTC–00003106

From: Brian Arundell
To: Microsoft ATR
Date: 12/7/01 2:28am
Subject: bad bad microsoft

Because of the influence and market share that Microsoft holds(mainly due to public ignorance) for me to use a alternative operating system, namely Linux-Mandrake, and Red-hat Linux I am forced to physically replace my hardware, the main reason being that my modem wont work with linux because of this windows influence..... I'm disapointed, and I will never spend money on Microsoft products and I promote the piracy of their software

MTC–00003107

From: redsheep@i-2000.com@inetgw
To: Microsoft ATR,Microsoft ATR
Date: 12/7/01 2:55am
Subject: Settlement? —

Your Honor

I am a personal computer user for 11 years now. I have worked as a programmer, systems manger and instructor. I have watched an industry go from wide open .i.e. one in which any good idea would sell —well—, into one in which it is impossible to sell ANYTHING.

The internet was a great place to explore in the days of Mosaic and Spry-in-a-box. Now with only Internet Explorer as a real contender, I dread firing up the old browser. There are sites that have special non-IE pages. E-mail was fine, then Outlook became the de facto standard and I spent two days trying to disinfect —1— Windows based, Intel compatible PC from an e-mail worm. Never happened to me using Eudora. BUT THE BOSS SAYS USE OUTLOOK.

Old joke: If Microsoft made refrigerators, they would claim they make ice, keep food fresher, & chill drinks to just the right temperature. If Apple made refrigerators, they would say theirs does everything Microsoft refrigerators do, but 5 years earlier.

Microsoft is notorious for taking others ideas and tweaking them to its own end then claiming it was their idea. Sort of like the Communist regime in the Soviet Union...

The lay press has noted that everyone is afraid to mention what they are developing for fear that if Microsoft gets wind of it, Microsoft will buy more people to work it out faster, and take all the credit. How often has Microsoft waited for Apple to start a new round of firings only to hire leading edge programmers and rework the technology to their own designs?

Microsoft can afford to buy any other software house or competitor. here are two reasons they do not. 1) Keeping the 'competition' around makes it look as though they are not a monopoly. 2) And this was confirmed to me by someone well connected, In order for Bill Gates to know what his next great idea is going to be.

But our question is Are they a monopoly. In that they control over 85 per cent of the GUI systems sold, they most certainly are. In that they have bought out more products just to kill them—non-Microsoft BASIC and dBase come to mind—yes they are. In that they have back doors into their programs which only their programmers can exploit, remember Caldera vs Microsoft?, they definitely are.

Is this a true settlement? No. A fair one would break Microsoft Corporation up into three competitive units, Software Systems (Windows et al), software (Office and Visio et al), services (MSN, MSNBC et al), and certification (digital signatures for software ''designed for Windows.''

The CEO where I work has noted that No One can make money in a market where the competition i giving it away for free. Maybe that is the true test of whether or not Microsoft is a monopoly. Did not Rockefeller and Standard Oil cut prices to almost free gasoline to shut down competition and ensure their ''Market Share Growth''?

Humbly,
Dan Pollack

MTC–00003108

From: Kitchen Pages, computer software
To: Microsoft ATR
Date: 12/7/01 6:01pm
Subject: Microsoft

Hi there...

I am not liking what you are doing to the software industry. Microsoft continues to distribute its products with a FAKE system for preventing software coping. While Microsoft has done wonders for personal computers in general I still have a very big question.

I have attended a MCSE course where I was basically instructed to not help business. Please read the Microsoft Press course books (1999–2000).... At the MCSE course my Microsoft certified trainer gave me a copy of the 'Trendcender' software with a Visual Basic crack so one could use this software for free. To make matters worst, I was going to purchase a copy of XP from a shop here in Australia but currently I will not do so. It is cheaper to get copies that are illegal than the real product. Currently in Oz there are 2 or more copies of the new XP system being distributed. I have reported this to Microsoft who has not to my knowledge taken any action...

I surfed into Yahoo chat the other night to listen to music (like napstar) and found that FireFox and Michael have copies, and they have 'never paid a cent for any product'. To someone who has more than $10,000 in software, like myself, this really is not good.

Editions of software I have been able to find people giving away are:

Microsoft XP Edition—Corporate

Microsoft XP Office with FrontPage—Enterprise Edition.

Microsoft XP Business Edition

Microsoft XP Plus

This is just the tip of the ice burg. I wonder if Linux can fight back considering Microsoft personal have made it very clear that they do not like free software. So I guess they are now distributing there software for free, illegally, to wipeout others who have invested in softwares. I am going to send most of the software I have been able to collect to Mr. Gates along with my exam tickets for the MCSE course I was doing. I want servers to run my business and I do not want Administrators to run my servers... This is not productive and does not allow myself to direct funds to areas where funding should be directed. Also I would like to know about the Microsoft Product Life Time Cycle—seems a good way for one to totally disregard the earth. I can only hope if I ever have the same choice that I would not do what is being done.

If you tack onto this the anti-trust case, well is there any point in supporting software makers? This type of terror should be outlawed and is not condoned by myself or others. The question is what are you doing to help? (not a lot from where I stand) Thankyou for your time

Sincere regards,
Jason Robinson
JRobinson@KitchenPages.com
Kitchen.Pages@Bigpond.com

MTC–00003109

From: Billie Ehresman
To: Microsoft ATR
Date: 12/7/01 3:10am
Subject: Microsoft Settlement

Dear Sir/Ma'am,

After reading the proposed settlement I feel that this would NOT be in the best interest of the American public for the following reasons:

1. The proposed settlement does not prevent Microsoft from bundling web browsers and other application software into its operating system. Illegal bundling and tying practices that were addressed in the Court's 2000 ruling are not in the proposed settlement.

2. The proposed settlement allows Microsoft to benefit from its past anti-competitive behavior. Microsoft has monopolized the web browser market as a result of its anti-competitive actions, but the proposed settlement does not require the company to provide software competitors with the information that they need to ensure product compatibility.

3. The proposed settlement relies too heavily on financially-strapped equipment manufacturers to promote more competition.

4. The proposed settlement does not cover the new generation of web-based, Internet, and multimedia applications. Since the settlement applies only to products that were in use from 1995–98, it won't stop Microsoft from repeating anti-competitive practices with current and future products.

5. The proposed settlement doesn't cover Microsoft Office, although Office has more than 95% of the market for business productivity software. Non-Microsoft Middleware is not interoperable.

6. The proposed settlement lets Microsoft decide which products are part of the Windows operating system and which are applications.

7. The proposed settlement gives Microsoft control over many enforcement decisions, essentially putting the fox in charge of guarding the hen house!

8. The proposed settlement would not require Microsoft to comply with computer industry standards, or prevent the company from undermining or altering standards, even when the intent is to deliberately deceive competitors.

9. The proposed settlement would allow Microsoft to disable competitive software products, effectively sabotaging any competition. Microsoft has used bullying tactics countless times to ensure their dominant market share & I feel that they should be treated accordingly to ensure that these practices don't continue unabated. They ignore or are slow to respond to MAJOR security flaws in their products which has disrupted the entire internet at times. If they built cars that couldn't be secured & allowed anyone to just get in wreak havoc on the highways, would they not be held accountable?

Yours truely,
Daniel Ehresman

MTC–00003110

From: Jason A.Van Cleve
To: Microsoft ATR
Date: 12/7/01 4:06am
Subject: Microsoft Settlement

To whomever it may concern,

I am not at all pleased with the outcome of the DOJ case against Microsoft. As a software developer of several years, I have worked with Microsoft products extensively, and I have born witness to many of the unfair and dishonest practices by which the company has been able to step on other software vendors in this race, and over and over again, developers and consumers alike have been hurt by it. Microsoft seems more intent on stifling innovation in other software companies than on innovating anything themselves.

I've felt for some time that the best thing for vendors, consumers and our economy is for Microsoft to be broken up into an OS vendor and an application vendor. I also think it is important that, contrary to the proposal you had previously put forth, Internet Explorer be kept in the ''application'' division. Microsoft clearly wants to own the Internet itself, control it and exploit it. This would be very bad for all but them, and I believe we must prevent it. Among my concerns here is that if Microsoft's browser is allowed the marketing advantages it has enjoyed so far, eventually no one could justify using a different browser, especially if I.E. were completely integrated into Windows. If few enough people used any

alternate Web browsers, Web developers (like me) would eventually be forced to build sites specifically for I.E. In fact, this already happening. Ultimately this would lead to a deficit in any real innovation—something of which Microsoft has proven itself to be largely incapable. The Internet has an amazing potential, but unless it is practical for companies to create innovative software to compete with that of Microsoft on the ubiquitous Windows platform, the technology will not be driven as it can and should be.

Microsoft now enjoys something like a permanent home-field advantage. Because most people run Windows, Microsoft is more likely to push their software onto our desktops whether it be good or no. The OS is indeed a separate layer of software from the applications it runs, and so, again, if the market is to have a level playing field, Microsoft should be split up. But aside from all that, I have seen some of the ways in which Miscrosoft has succeeded by devious means both in software and in sales, and the fact that this new settlement does nothing practical to penalize them or restrain them from further foul play, is unacceptable. I am for change, and I am for innovation. This settlement will bring neither.

Thank you,

Jason Van Cleve

MTC–00003111

From: (q)M(00FC)ller, Martin (2)(q)
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/7/01 3:23am
Subject: Microsoft Antitrust Settlement

Dear Sir or Madam,

I want, to write down my opinion about the antitrust settlement it cut with Microsoft. The ''punishment'' for Microsoft is just a laughter. Why do you want to destroy a monopolist by enabling him to conquer more market shares. Thats like punishing a kleptomania with stealing.

Red Hat's proposal that, in short words, Microsoft should provide the hardware and Red Hat deliveres the software and support for free. Is the best punishment I can think of. That would be a hard slap in the face of Microsoft, and that's only just and reasonable. I think my opinion is shared by many others, too. It's because it looks like Microsoft get's along with their strategie, again. They seem to stand far above the american law. It's fact, that the methods they use to push their company in front , are not all legal. So why do you take drastic measures an find a real punishment for Microsoft.

I hope I could help you by finding a solution.

Yours,

Martin Miller

''Microsoft is like the great white shark—a killing machine without soul or conscience that only knows its own hunger and appetites.'' (Mitchell Kertzman)

MTC–00003112

From: Calvin Smith
To: Microsoft ATR
Date: 12/7/01 3:25am
Subject: Microsoft antitrust settlement

To whom it may concern,

I am writing to express to you my profound disappointment with the proposed settlement to the long and expensive legal battle over Microsoft's abuses of antitrust and anti-competition laws. That Microsoft would be allowed to extend their monopoly into the education sector, one of the few areas in which they don't already have a devastating monopoly, is absolutely astounding. I don't understand how anybody (but Microsoft) could think that this is an appropriate remedy. I believe, instead, that a better solution would be to implement Red Hat's proposed solution of allowing Microsoft to donate hardware and allowing Red Hat (or any non-Microsoft company) to supply the Linux operating system and open source software to run on those machines. The Microsoft alternative would have the effect of leaving schools stranded after 5 years when Microsoft stops supplying software, for schools would be unable to afford Microsoft's exorbitant license fees in order to keep the computers functioning and up to date.

The Linux solution encourages competition in the education sector, provides for more hardware and software for schools than the Microsoft plan. I strongly encourage you to consider this matter carefully, as I and many of my fellow software professionals are extremely unhappy at the proposed solution, which looks more like a reward to Microsoft for its past harms to the consumer and to its competitors than an actual punishment or settlement.

Sincerely,

Calvin Smith

MTC–00003113

From: Luc Caullychurn
To: Microsoft ATR
Date: 12/7/01 3:27am
Subject: Monopole Fed up with your behaviour ! LuC

MTC–00003114

From: Bruno Ethvignot
To: Microsoft ATR
Date: 12/7/01 3:55am
Subject: MICROSOFT ANTITRUST, CLASS-ACTION SETTLEMENTS

Hi,

At what percentage point does a monopoly exist. Is it 100%, 90%, 80%? IE now has over 90% of the browser market. The Microsoft monopoly is self-evident. The settlement forces Microsoft to donate software, hardware, and services to America's poorest schools.

The settlement could simply introduce Microsoft to a market where they could further extend their monopoly.

Bruno Ethvignot

MTC–00003115

From: ilidio martins
To: Microsoft ATR
Date: 12/7/01 3:53am
Subject: MIcrosoft ... No to monopoly!!

Only i got say ... Microsoft ... No to monopoly Because you know better then me... All consequences of Monopoly. It doesn't have to be graduated.

MTC–00003116

From: Flash
To: Microsoft ATR
Date: 12/7/01 4:07am
Subject: Microsoft Settlements
To: Honorable J. Ashcroft, US Attorney General

Dear Mr. Ashcroft,

Both as a citizen of this country, and as a knowlegeable scientist who has watched the genuinely criminal behavior of Microsoft that has resulted in not only a worldwide monopoly by this company, but a setting of standards for the world's software that could euphemistically be described as a joke, I am deeply distressed by the settlement conditions set by the office of the US attorney general in its anti-trust suit against Microsoft.

Indeed, this settlement looks in structure not very different from those entered into by the erstwhile Commissioner of Insurance of the State of California, Mr. Quackenbush. It merely creates another opportunity for this marauding company to weark yet further havoc. It makes no sense whatsoever. That Microsoft's famous OS WINXX, through several versions over many years, continues to crash spontaneously is only one the bad jokes among almost all users.

Windows is a perfect example of Microsoft's continuing and longstanding practice of theft. Windows is based on the free X-windows system invented and developed at M.I.T. Microsoft has literally stolen what was given freely, made a few simple alterations, and the proprietized it and its source code. For anyone to assert that technically Microsoft is or stays within the law in this practice is vacuous legalism; it certainly is not justice to allow this to continue. Microsoft has used this pattern of theft with practically every piece of software it sells. The support for their product is another joke: if you can get it at all, it is all true, and totally useless. This pattern of theft can be seen explicitly regarding Java/Java script, where it was pilfered fron Sun. It can even be seen in MS–DOS which was stolen from, and is an unholy watered down version of UNIX, developed at the then Bell Laboratories. The office of the US attorney general seems unconcerned about the damage that this monopoly does every day. Its power to extort hardware maufacturers and hardware dealers to bundle its simply awful and slipshod programs is legendary, and true. It engages in extortion every day.

In addition to an anti-trust suit, I seriously suggest that a suit under the federal RICO statutes 18 USC 1961, is perfectly appropriate. Anti-trust is the least of what it does. In the real hope that the office of the US attorney general actually does what it should be doing, instead of making some grandstanding show that comes to nothing or worse, I remain,

Sincerely Yours,

William C. Hammel, Ph.D.

A–11 Moose Branch, Sweetwater Apartments #8A

Robbinsville, NC 28771

(828) 479–1547 (voice–TAD–FAX)

MTC–00003117

From: Dave Attwood
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/7/01 4:10am
Subject: Settlement Terms

Sirs

Although not a US citizen, the findings against Microsoft show a complete disregard for the freedoms which I believe your country stands for—specifically, the use of power brought about by being a monopoly against the individual and smaller commercial organisations. Furthermore, contrary to the claims of Microsoft, it is not at all an innovator, and tends to stifle innovation by imposition of closed interfaces, protocols and APIs. To allow it to proceed unchecked is of serious consequence to the computer industry and to personal freedom, and I would urge you to reconsider the imposition of severe penalties.

David Attwood
Principal Engineer
Ultra Secure Business Solutions
3 Albert Edward House
The Pavilions
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PRESTON PR2 2YB
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*+44 (0)1772 325 291
* mailto:David.Attwood@ultrasbs.com
* http://www.ultrasbs.com

MTC–00003118

From: sorin
To: Microsoft ATR
Date: 12/7/01 5:11am
Subject: Microsoft is a monopol

Hello,

My name is Sorin and I want to sent to you my Opinion about the Microsoft practicies. After you buy a Microsoft product you just can't geta out from their company. It is a monopol.The company just fights agains others without any thought about the freedom ao choice. It has to be break-down.

MTC–00003119

From: Jose F. Larrea
To: Microsoft ATR
Date: 12/7/01 4:23am
Subject: My Opinion

I disagree with the Settlement. MicroSoft is a monopolistic company, and your software is not only poor and with bad cality and without any originality :(. That is, of course, one of his ''monopolistic practices'': they get one ''de facto standard of the industry'', and they create your own standard (and this ''standard'' is not compatible with ''the original standard''). And they say to the costumers: I have made very goods improvements to our product (Improvements? What improvement? The improvement of Sun, Netscape, the University of Michigan, BSD Sofware....? And an ''propietary version'' of this standard, close to integration with third party products of other Sofware leaders?... It's not any real improvement...only another ''monopolistic practice'' :( )

Some examples: ''Microsoft Java Machine'' (MicroSoft, the first time says: the Java techonology ''from'' Microsot, the real thing: ''from'' Sun MicroSystems, MicroSoft, the second time says: 100% compatible....the real thing: incompatible, dont exit the compatibily test :(....), Active Directory (LDAP Techonology, from the University of Michigan.....well know LDAP products prior to Active Directory: Netscape Directory Server, also products from Novell...), ''MicroSoft'' Kerberos services (available on Unix Systems [Solaris, Linux,...] for years...), MicroSoft IE (and the JavaScript Netscape standard.... MicroSoft change many ''object properties'', and, with that: One javascript code written with the Netscape javascript standard dont work with IE :(...and also, the ''MicroSoft propietary code'' dont work whit Netscape Communicators...only for your ''monopolistic implementations'' :( )

Sorry for my bad english, and thanks in advance.

Jose, from Madrid (Spain).

MTC–00003120

From: Arash Bannazadeh
To: Microsoft ATR
Date: 12/7/01 4:31am
Subject: OpenSource

Hi,

Opensource the windows Operating Systems (NT, 2000, XP). I think that way it will destroy the Microsoft monopoly over it competitors. At the same time it will not violate the concept of intellectual property.

Arash

MTC–00003121

From: John B. Weaver
To: Microsoft ATR
Date: 12/7/01 4:42am
Subject: Settlement

To Whom It May Concern:

I have been following the antitrust case against Microsoft with interest because I use computers so extensively in my occupation. I am disturbed by the settlement that seems to allow Microsoft to continue driving the industry for its own profit. There is no provision forcing Microsoft to allow other companies to compete with any single Microsoft component. As long as they are allowed to bundle everything in one package, the Netscape's of the world can not compete. I feel it was a mistake that users like me and the economy as a whole will be paying for for many years to come. I have been a Republican all my life and wonder where this administration's dedication to ''free trade'' went; or is it only Microsoft that is allowed to be free?

Sincerely,
John B. Weaver

MTC–00003122

From: Dave
To: Microsoft ATR
Date: 12/7/01 5:02am
Subject: Another opinion

To whom it may concern,

From the stand point of both an IT professional and a computer user who has been using computers since 1984, Microsoft is a monopoly. The facts in the case were, originally, very clearly defined and laid out, and pointed to this fact. Although I am no lawyer, it seems that the only reason that the original ruling was not upheld is simply for political reasons. The fact that, one week before the judgement is affected, there is an injuction (or some such legal term that interrupted the origianl process), seems to be a clear case of political intervention. Since the intervention was on behalf of Mr. Bush, it speaks to me of big bussiness protecting big bussiness. If Microsoft is not divided, they will simply continue doing what they have always done: absorb or destroy the competition through partnering and ''competitive'' practices.

Most people in this industry know Microsoft for the Monopolistic giant that they are. In fact, those of us with longer memories than 15 minutes remember well the suits against Microsoft from many of their previous partners for anti-trust related issues such as copyright infringement, patent infringement, and unfair practices to name only a few. If you reverse the original ruling, you are only giving american bussinesses the right to buy their way out of anti-trust suits. Most people are too ignorant of the histoiry to know the full extent of Microsoft's malicious practices, but those of us in the industry know that for Microsoft to win, they have to blind the public, and the courts. Simply put, if american justice means Microsoft continues unimpeded, american justice is only worth the money and ties it generates.

Sincerely,
David Bristol
A+, MCP, CCNA, CCDA, RHCE

MTC–00003123

From: lark
To: Microsoft ATR
Date: 12/7/01 5:07am
Subject: For what it's worth

G'day,

Give open source software a go. It can only improve the way we live and work with technology. Why have a huge company like Microsoft dictate how we are going to use technology. We want the best from technology for us all not what is commercially best for a companies shareholders. Things happen when not hidden behind the corporate veil.

Andrew Komaki-Wood
Australia

MTC–00003124

From: Sven Holwell
To: Microsoft ATR
Date: 12/7/01 5:13am
Subject: MICROSOFT ANTITRUST, CLASS-ACTION SETTLEMENTS

I do not agree with your proposed settlements, they appear to be a sell out. If you (US) have laws against monopolies you should enforce them or have the laws dropped. Allowing (forcing) Microsoft to donate S/W, H/W and services to your poorest schools as a punishement is laughable (allowing them a greater monopoly). They should be forced to donate money and allow the schools to decide how best to use it. I am not anti Microsoft as I am an independant software developer who relies heavily upon their products, I just believe in fair competition.

Sven Holwell
England

MTC–00003125

From: Jeroen ten Berge
To: Microsoft ATR
Date: 12/7/01 5:19am
Subject: Opinion

Hi Sir/Madam,

I would like to say that Microsoft's terror in the software industry made a lot of companies lose their businesses, therefore I support the introduction of RedHat linux in schools since that operating system can learn kids the very basics of computers, microsoft on the other hand will make the kids depend on their easy-to-use software.

This ofcourse enlarges Microsoft's dominancy. Also the pricing of Microsoft's products is way to high considering their enormous profits, they could easily reduce prices by 75% and still make humongous profits since their sales will even enlarge by lowering the prices. Please note that this is not just America against Microsoft, but the world against Microsoft's monopoly. I hope you'll also take my notes in to account, if not, at least I've tried.

Best regards,
Jeroen ten Berge
Dutch resident.

MTC–00003126

From: J. Heine
To: Microsoft ATR
Date: 12/7/01 6:20am
Subject: New Computers only with MS ?

Hello,

@first: sorry for my grammar (learned english by unix documentations and manuals ;-) It's nearly 1 Jear ago i've shut down the most expensive Operating System forever. Now I see a problem for every customer and firm who will get (a) computer/s without Microsoft Windoze. In germany it's forbidden to sell a computer wihtout a operating system. (in US too?) Most computer sellers can't support free operating- systems and free software (missing skills). And that's the reason why you must get MS–OS too even if you don't want it. So the laws that ever System must sell with a OS is realy bad for free systems and helps MS to be a monopolist and that's the reason why the hole world has windows and cracker attacks and virus problemes ... So you have to build a law that everybody can get a operating system by his choice after selling a system without a operating system.

Also try to stop OEM Software boundles with new computers. They also makes MS to a monopolist. I know, the US GOV will find a way for real justice.

sincerely,
Juergen Heine
System- and Application Developer
/unix /linux /bsd /security
www.linunet.com—We do IT better!

MTC–00003127

From: neal blomjous
To: Microsoft ATR
Date: 12/7/01 5:51am
Subject: settlement

Isn't it a bit easy let them pay. It si not really solving the issue. They keep their dominant possition and they continue to abuse their power. I am not happy.

MTC–00003128

From: credding
To: Microsoft ATR
Date: 12/7/01 5:51am
Subject: Break up Microsoft

It is hard for me to believe that the government let MS off the hook. Here is a company that has had no competition. Developers pay MS to write software for a company that is seeking to eliminate its own clients e.g. Quicken. Compare the world of Intel/AMD with that of MS where there is no competition (except in a restricted way, Linux).

MTC–00003129

From: Hans.Roeffen@MARCGS.NL@inetgw
To: Microsoft ATR
Date: 12/7/01 6:12am
Subject: Antitrust—DONT MAKE A SETTLEMENT WITH MICROSOFT—DONT TRUST THEM !!!

LS, America always says to be the land of the Free, yet it kneels for the almighty Microsoft. Give your children the opportunity too choose what OS they like the most. Let them see what free Software can mean to them and to the rest of the world. The Software the donated PC should run should be every os except Microsoft Windows. I support RedHats view on this, but it is not about what OS there is on the donated systems. But it is all bout the possibility to choose. With Microsoft you don't get this opportunity they tell you what to choose. With Spyware,Virusses,Worms etc .... the people are held hostage whitout them suspecting a thing. They're privacy is compromised every day by people who appear as a saviours but who have only personal gain in mind.

I cannot imagine that the US Judges can ignore these arguments and willingly expose they'r children to this new threat.

Regards
H.Roeffen
Technical Systems Analist

MTC–00003130

From: Ted Potter
To: Microsoft ATR
Date: 12/7/01 5:36am
Subject: Microsoft settlement

Greetings:

As a consumer I went to my local compUSA store today in order to purchase a new personal computer. My old computer is no longer working. I was advised by the store that they were no longer allowed to provide computers running the windows 98 operating system. All new computers must have the new XP operating system. This was also true at three other large retail stores I went to. The problem is my main software program will not operate on the new windows XP operating system.

Now while I know nothing about the law, I must say as a consumer I feel forced to purchase the new product. Certainly the store indicated that there hands were tied.

Ted Potter
consumer

MTC–00003131

From: Kody Brown
To: Microsoft ATR
Date: 12/7/01 6:17am
Subject: i oppose the proposed settlement

I think the DOJ blew it. You didn't even go into the Operating Systems arena, where you could have nailed Microsoft to the wall. I think that microsoft should not be allowed to restrict an OEM's option to sell machines with other pre-installed Operating Systems. That has hurt the general public more than any browser issue could. The Netscape browser has not advanced since version 3. If they had focused on it, instead of complaining about Microsoft, they would still be a valid alternative. Microsoft has done more for the industry than any other software company. But they need to be rained in. How that is done, I'm not sure. Opening their ''trade-secret'' licenses. I'm sure IBM and Gateway would be willing to work with the DOJ on opening that up, provided Microsoft did not retaliate as they did to IBM years ago when they refused to stop selling OS/2.

Kody
kody@bricksoft.com

MTC–00003132

From: Mcintosh, Duncan
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/7/01 6:24am
Subject: No windows no gates no monopoly.

Hello,

I agree with Red Hat that letting Microsoft provide schools with software and material will only widen that market and knock out all competition. This is only meeting the sought after solution imposed by the software giant. Anything that touches the digital ages must be kept from there reach so that they do not twist and turn the outcome of the verdit to there benifit.

Kind Regards
Duncan McIntosh

MTC–00003133

From: csssys@attglobal.net@inetgw
To: Microsoft ATR
Date: 12/7/01 6:39am
Subject: COMMON ADDRESS LINKAGE EDITORS

WHY NOT HAVE A COMMON ADDRESS LINKAGE FOR ALL PRODUCTS NATIONALLY. THEN ANY PRODUCT COULD WORK ON ANY OPERATING SYSTEMS. THANKS FOR YOUR TIME.

MTC–00003134

From: Larry Stanley
To: Microsoft ATR
Date: 12/7/01 6:44am
Subject: Microsoft ''Settlement''

Red Hat is right. Microsoft has us right where they want us. With the XP operating system, they are closer to totally controlling the desktop of any consumer who buys their product. This is the first time they have been able to keep a direct communication link—through the Internet—with their Passport requirement. We can't even change a modem without permission from them!!

Here is what will happen. Microsoft will place their systems in all of the schools they can. All the computers will run XP. It will cost the school systems tons of money (people time) dealing with supporting the computers. Microsoft will eliminate all the Apple MacIntosh systems from the last bastion of that company. Apple will disappear. Microsoft will be king of the school systems computer labs, etc. On the other hand, the alternative is to allow open source into the picture to keep Microsoft ''honest''.

Red Hat, for example, and other Linux OS providing companies, can provide the CD's—that will be their only cost—to allow the

school systems to have as many computers running as they want without worrying about licensing issues. The OS will run on less powerful computers—thus saving money to the schools. Let's get some competition in there. That is the only thing Microsoft understands.

Larry Stanley
3282 Winterberry Circle NE
Marietta, GA 30062
larry@stanley.org

MTC–00003135

From: Jason Bechtel
To: Microsoft ATR
Date: 12/7/01 7:21am
Subject: Injustice for all

Dear my US Department of Justice, I am a US Citizen (SSN: 187–64–0446) currently studying abroad and I find the current proposed settlement between my government and Microsoft Corporation to be a shameful shirking of responsibility. I believe Microsoft has been demonstrated to be (and has demonstrated itself to be) a monopolistic organization, which abuses its position to unfairly dominate other markets and to stifle competition and innovation. Their actions harm consumers (users) of computer software by limiting their choices and forcing them to pay unreasonably high prices. To allow Microsoft to reinforce its current monopoly position by flooding schools with more Microsoft products, simultaneously avoiding the goal of retribution for its user base, is blatantly avoiding the responsibilities of my Department of Justice. This settlement is cowardly and shows that Microsoft is not only dominating the software market, but also the political arena in my country. I expect my goverment to stand up for me against aggressive corporations like Microsoft. I expect that Microsoft should be made to set right what it unjustly forced on the citizens not only of my country, but on the entire world. This settlement does not satisfy these expectations in the least. It is a joke and everyone knows it. It only reinforces the impression that many people have been trying hard to avoid for a long time: industry is stronger than government in the United States of America.

Shame on you.
Jason Bechtel

MTC–00003136

From: Michel van der Kleij
To: Microsoft ATR
Date: 12/7/01 7:22am
Subject: Microsoft Antitrust Settlement

Dear Sir, Madam,

I've been trying to keep up with the Microsoft Courcase proceedings as much as possible. The latest news immediately made me feel I ought to share my opinions with you. I feel it that Microsoft is being given the opportunity to make free advertisement for its products by having to ''help'' schools across the US. Think about it: the products themselves cost next to nothing to produce (price of a CD), millions of kids will learn how to use (inferior) software provided by a ''benavolent'' company and what are a few thousand PCs to a rich company like Microsoft. So, this is NOT punishment, I call that a firm endorsement!

Instead, I think Microsoft should be made to cough up for the hardware, BUT Open Source software should be provided along with it! The reason for this is not only that this is more of a ''punishment'' for a proven monopolist, but rather that kids learn how to use technically superior software from which MUCH more knowledge can be gained, thereby really helping the kids on their way!

Take it from a 20-year long IT professional with lots of experience in the Microsoft realm: Open Source software is much better quality, much better value and much more innovative than what Microsoft is pushing us so hard to use.

Kind regards,
Michel J.L. van der Kleij.

MTC–00003137

From: John Burik
To: Microsoft ATR
Date: 12/7/01 7:22am
Subject: Microsoft Settlement

I would like to join with the nine States Attorneys General whose rejection of the proposed the settlement can be summed in the following sentence: Nothing in the text of this agreement forces Microsoft to change its business practices and technical implementations in the least. Additionally, the settlement in effect gives Microsoft further monopolistic advantage in an area, Education, where a competitor, namely Apple Computers, has enjoyed a much-deserved edge. Now that we've calmed from the September 11th sentiment of giving carte blanche to the Bush Administration, it's time for judicial restraint and prudence to return and reject Microsoft's proposed settlement which benefits no one but Mr. Gates and company.

Respectfully,
John Burik
John Burik, M.Ed., PC/CR, EMDR L2
<jburik@fuse.net> (513) 221–4673
—Center for Children and Families
—Cincinnati Trauma Connection
Cincinnati, Ohio (USA)

MTC–00003138

From: Larry Weldon
To: Microsoft ATR
Date: 12/7/01 7:33am
Subject: Microsoft

I think it is a shame that you settled with Microsoft. We have an ordinance in the village which prohibits owners from allowing their dogs to bark habitually. But definitive penalties were not included in the law so it is tough when an habitually barking dog crops up to persuade the owner to stop. Microsoft will not stop its' monopolistic practices until you, the guardians of American justice, get off your blessed assurance, and enforce the law. Please start now.

Larry Weldon
www.weldoncomputers.com

MTC–00003139

From: Paul VanDeusen
To: Microsoft ATR
Date: 12/7/01 7:36am
Subject: Microsoft Settlement i

Dear Sirs,

I wanted to express my opinion about the Microsoft Class-Action Settlements. In summary, this result must have the Microsoft lawyers and executives grinning from ear to ear. Microsoft is asked to donate a billion dollars worth of software, which it can copy onto CD's free of charge. Then it distributes this to schools where it is indoctrinating more users of MS software to further extend its monopoly. This outcome is absurd and renders the entire exercise as worse than useless. Its even stranger that many government agencies force their employees to use Microsoft products, e.g. the USDA. I don't think government agencies should be helping to extend illegal monopolies.

Sincerely,
Paul Van Deusen.
NCASI
600 Suffolk Street, Fifth Floor
Lowell, MA 01854
978–323–4614

MTC–00003140

From: Paolo Lanzoni
To: Microsoft ATR
Date: 12/7/01 8:50am
Subject: Settlement

Dear all, this settlement it's a joke , it MUST be a joke !! Microsoft it's the largest Monopolist in the word and in this way it will grow larger and bolder !!

Paolo Lanzoni
Italy

MTC–00003141

From: Tim Holy
To: Microsoft ATR
Date: 12/7/01 7:47am
Subject: Settlement

Hello,

There are some very wide-open holes in the Microsoft settlement. For example, the ''remote administration'' exception from documenting their protocols could effectively block future development of tools (like today's Samba) which allow Windows and Unix machines to communicate with each other. These holes need to be patched up. Microsoft should also have to document its file formats—-there is very little intellectual property revealed by file formats that is not revealed more clearly by other means, and such documentation would greatly increase consumer choice.

Tim Holy
Assistant Professor of Neurobiology
Washington University School of Medicine
Campus Box 8108, 660 S. Euclid Avenue
St. Louis, MO 63110–1093
tel: 314–362–0086
fax: 314–362–3446
email: holy@pcg.wustl.edu

MTC–00003142

From: Scott Murdick
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/7/01 7:54am
Subject: Microsoft Propaganda should be stopped

Microsoft should be made to stop its false marketing. Making public statements to inflict doubt about other companies, in an attempt to create false confidence in their bloated, over priced products is shameful. Two examples of this are listed below.

Microsoft on Novell—Late this summer Microsoft kicked of an Anti-Novell campaign, and set propaganda to thousands of

companies which stated and I quote. ''As a result of the recent Cambridge Technology Partners merger, Novell is shifting it focus from software development to consultancy services. You're left with a server platform without the full support of it manufacturer. Which means increasing costs as it rapidly becomes obsolete, forcing you to implement time-consuming retrofits''

Microsoft on Nintendo/Sony—A few weeks ago Microsoft made a public statement in regards to its game console ''Xbox'' ''Xbox console has sold more units in its first two weeks than any other competing product.''

Both of these examples are complete lies, and a direct attempt to eliminate competition through lies and deceit. Novell's server operating system, and Nintendo's and Sony's game machines are the finest products available. Microsoft is simply trying to steal revenue away from these companies through lies, and false marketing. They should be fined heavily, and me made to pay damages to these fine companies for the damage it has done.

Please respond if you would like anymore input.

Scott

MTC–00003143

From: mike
To: Microsoft ATR
Date: 12/7/01 7:57am
Subject: Slice of the pie

Why should Microsoft have all the advantage of being on virtually every computer with ibm archetecture , and then be able to dictate to every software maker how it's going to be ? Please make them (m$oft) accountable.

MTC–00003144

From: Joel Duggan
To: Microsoft ATR
Date: 12/7/01 8:02am
Subject: Re: MS settlement

To whom it may concern,

You call this punishment for illegally maintaining their monoply?!?!? This settlement is a joke! This won't be of any help to consumers. Actually, if this settlement goes through, this could do more damage to the consumer then if you left MS alone in the first place. The settlement, as written is a clear victory for Microsoft! It basically tells them that all the things they did to be declared guilty, they can continue doing because even if another case gets started, they can just buy their way out of it, again. It makes the legal sytem look woefully inadequate. When the breakup was ordered, then the appeal sent it back for a new remedy hearing, I thought, ''Well the Justice department did better then anyone expected, and actually increased competition.'' The only way Linux was able to get the foothold they have, and get the big backers (IBM, SUN, etc.) was because this case was ongoing, and MS had to watch their behavior. If it weren't for the antitrust case Microsoft would have just threatened computer makers and manufacturers by refusing to sell Windows to them. So I felt like the job was done. With the foothold Linux gained there would be real competition in the OS field, and we would finally see some REAL innovation and price cuts. Then this settlement comes out, and basically tells MS, ''Go ahead do whatever, we'll just look the other way.'' Unbelievable!!

Please reconsider the effects this settlement will have. Just say NO!

Joel Duggan

MTC–00003145

From: up(u)link
To: Microsoft ATR
Date: 12/7/01 8:04am
Subject: Settlement terms

Good Morning,

I am writing in regards to the Microsoft settlement. From my understanding of the settlement, Microsoft is to donate software to the poorest schools. While I can see how getting technology into the schools can be of benefit, requiring that MS get into the schools allows them to extend their monopoly. Apple, who only has a single-digit market share in the private sector, has a strong presence in the educational market. By forcing MS into the schools, it helps them extend their dominant presence. The same applies to Linux. This is a free operating system that can run well on older hardware, unlike the hardware-taxing Windows 200 or XP. The settlement rewards Microsoft by increasing their presence. Is that supposed to be a punishment?

Craig Lewis

MTC–00003146

From: Bruce Hyatt
To: Microsoft ATR
Date: 12/7/01 8:20am
Subject: Anti-Trust suit

To Whom it concerns,

I don't know what the appropriate solution is but something needs to be done to rein in Microsoft's predatory behavior. Splitting up the company is, perhaps, going too far but it's clear that the company will go to any extreme to bury all competition if they think there's any chance they can get away with it.

If I'm not mistaken, it's been established that they program bugs into their operating system that make competitors programs perform poorly or not at all. I believe I've experienced this with their newest operating system (Windows 2000) and their media player. I'm also frustrated that I can't replace Windows Notepad with another, better text editor. It worked perfectly well in Windows 95! They're dictating to me (unnecessarily) what my preferences are going to be!! The Information Technology equivalent of the Nazis!!! And all this has been going on while the DOJ pursues their case.

Please don't paper over this problem with some ineffectual solution just to close the case. We deserve better.

Sincerely,
Bruce Hyatt

MTC–00003147

From: Al Andres
To: Microsoft ATR
Date: 12/7/01 8:23am
Subject: Microsoft Settlement

[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]

Dear Ass't Attorney General:

You can include this with my previous message as evidence of the heavy handed way Microsoft is dealing with not only their customers, but the lack of they way they provide any options to their OEM vendors, and to their customers.

Sincerely,
Allan A. Andres
120 Wilmont Circle
East Fallowfield, PA 19320–4274
610 466–9651 Residence
610 466–7968 FAX
email: aaandres@yahoo.com
Original Message
From: ''A1 Andres'' <aaandres@yahoo.com>
To: ''Microsoft Standard Email Support'' <msupport@microsoft.com>
Sent: Friday, December 07, 2001 8:19 AM
Subject: Re: Re: Re: Windows Update Support Request

Good Morning Microsoft On Line Professional #?;

Thank you for your response to all of my previous emails.

I am still dissatisfied with your responses, so I will continue to ask for a simple answer to a simple question, and make an introductory statement based upon your last response. I don't believe you offered the OEM vendor a choice of whether to have NTBACKUP or MSBACKUP in their WIN2K OEM version, now did you? The OEM vendor was not advised that they even had a choice of which backup program to order. Nor was I given a choice to utilize either NTBACKUP or MSBACKUP upon installation. I want to know if I can extract MSBACKUP from my WIN98SE disk, and load it on my WIN2K system without destroying something on my system to restore the files I can't get to. Is this too much to ask?

Thank you,
Al Andres
Frustrated and Dissatisfied Customer
Original Message
From: ''Microsoft Standard Email Support'' <msupport@microsoft.com>
To: ''Al Andres'' <aaandres@yahoo.com>
Sent: Friday, December 07, 2001 7:17 AM
Subject: Re: Re: Re: Windows Update Support Request

Good Morning Allan,

Thank you for using Microsoft Web Support.

I am sorry to hear that you are dissatisfied with the responses you have received to date on this issue. I know these issues can be frustrating, but I would like to assist you in any way I am able. I apologize for any inconvenience you have experienced while submitting this issue. The email address you have written to is monitored by Customer Representatives, not Support Professionals. While we are able to assist with the Microsoft Web Site questions, handle support entitlement issues and direct your support requests, we are unable to provide product-specific support.

At this time, Original Equipment Manufacturer (OEM) versions of Microsoft Software do not qualify for Standard No-Charge Support Professional assisted support. The reason for this is that when the manufacturer of your system purchased the OEM copy of Windows 2000 installed on

your system, they also purchased the right to custom configure the installation to suit their hardware, as well as support this particular installation of Windows 2000. In this case, your manufacturer is your primary support provider for that particular installation of Windows 2000. After researching this issue, I have found a Microsoft Knowledge Base article that may assist you in resolving this issue. The article number is Q155979. If you would like to view this article, please follow the directions listed below:

1. Please connect you browser to the following web site: http://search.support.microsoft.com/kb/c.asp

2. Please make sure ''All Microsoft Products'' is selected in the number 1 option on the web page

3. Please click the radial button next to ''Specific article ID number''

4. Please type the article number, ''Q155979'' without the quotation marks and click ''Go''

5. This will bring up a hyperlink to the article and give a short description. Please select the name to view the article.

If you have any additional questions, please let us know by replying to this message.

Thank you,

Alan

Microsoft Online Customer Representative

Original Message Follows:

As you know, I own a registered copy of both WIN98SE, and WIN2K. One would expect backward compatability on a backup program from either of these two operating systems. I believe all of those who migrate to XP will also share this same frustration, as there is no indication that I know of that tells you that if you have used MSBackup to make a copy of your data in the QIC format, that once you upgrade to WIN2K you won't be able to restore any of those files.

If I can't get an answer to this problem, I plan to call the Department of Justice, Anti-trust Division, and see what they have to say about this situation. I may also see about filing a class action lawsuit on behalf of so many of us that are in the same situation, both WIN2K and WINXP customers who previously owned WIN95, WIN98, or WINME, and whoever did a backup with those versions.

A response is expected to the question that has been asked now for 2 months without any reasonable response other than to contact the OEM vendor from whom I bought this computer. It is not their problem, it is a MICROSOFT problem that needs resolution.

See below on audit trail of this issue:

Hello Allan,

Thank you for contacting Microsoft.

I apologize for the inconvenience this has caused Allan. Since you have indicated you have been unable to access your case online, I have pasted the entire case history below for you review:

Allan Andres

Phone: 6104669651

Fax: 610 466–7968

Email: aaandres@yahoo.com

Community: PROVAP

Respond to me by: EMail

System

261616 kbytes RAM

I586II–1330 MHz MHz

WINNT 5.0.2195

Problem

Having problem with Office Prem 2000 for Win 2000.

C Important—Severity C

PID: 50637–757–0689417–02704

Before buying a NEW system with WIN2K, I did a full backup using MSBackup on my old system (WIN98SE). The file was saved as a QIC file. Now under WIN2K I can't open this to restore data, mail files under Outlook Explore, and document files, as QIC is not supported in MSBackup under WIN2K Professional. How do I restore files from my WIN98SE MSBackup QIC files created under WIN2K Backup?

Good Afternoon Allan,

Thank you for using Microsoft Web Support. The Support Professional assigned to your case has determined that your issue pertains to Microsoft Windows 2000, and that you would be best assisted by a Support Professional who specializes in that area.

Please assist us in processing your request by providing the Product Identification Number for your Windows 2000. To locate this number:

1. Click Start, point to Settings and then click Control Panel.

2. Double-click the System icon to open System Properties.

3. Click the General tab to find the 20-digit number under the ''Registered to'' line. Once we have this number, we will be able to provide you with the support options available for your copy of Windows 2000.

To add this information, please create a supplement to your case.

Thank you,

Charity

Microsoft Online Customer Representative

*** RESEARCH LOG esrintf 09/27/01 02:17:15 PM 51873 OEM 0003461 35834 The files are Word, Excel, Powerpoint, etc files that I need to extract from the QIC files. If you try to tell me to go to the OEM provider of the system, I disagree with that assumption. This is a WIN2K issue no matter where the WIN2K software comes from. This is a SYSTEMS problem in my opinion, and I expect an answer on this, or a vendor to contact that can solve this matter.

*** Log # 3

*** Log # 4

*** EMAIL OUT 01–Oct–2001 01:57:29 Pacific Daylight Time K2519415 10/1 cu says... I have updated this incident with the data requested. Please provide an answer.

Thank you.

*** Log # 5

*** PHONE LOG 01–Oct–2001 01:57:41 Pacific Daylight Time Hello A1l Thank you for contacting Microsoft. For your convenience, we have forwarded this e-mail to your Support Professional. In the future, you may submit updates to your SRZ cases directly.

1. Go to http://support.microsoft.com/support/webresponse_nc.asp and select the type of support you used to submit this issue.

2. Highlight your case in the list. At the bottom of the page, click Create Supplement.

3. If you are unable to access your case from this link, please send e-mail to wrhelp@microsoft.com, and we will add your supplement and/or send you a copy of your Support Professional's last log entry.

If you have any additional questions, please let us know by replying to this message.

Thank you,

Ronald

Microsoft Online Customer Representative

*** RESEARCH LOG esrintf 10/01/01 02:59:22 AM So what is the solution. The latest response is just another ''no response''.

*** Log # 6

*** Log # 7

*** PHONE LOG 23–Oct–2001 09:15:50 Central Daylight Time* Good Morning Allan,

Thank you for using Microsoft Web Support.

We appreciate the additional information you have provided and apologize * for the delay in response.

We appreciate that you have taken the time to let us know your feelings about the ''OEM'' support options. We consider customer feedback an opportunity to improve our business. We have forwarded your comments to the appropriate department. However, the fact still remains that this is not a retail version of Windows and is an ''OEM'' version.

Since the letters ''OEM'' appear in the Product ID number, your copy of Windows 2000 was purchased under an Original Equipment Manufacturer (OEM) license agreement. Under this agreement, the manufacturer of your computer holds the rights to your ''out of package'' warranty, which includes offering industry standard support for all hardware and* software included in the purchase. OEM software typically comes preinstalled on the computer. Microsoft does offer support in a secondary capacity. I have included* those support options below for your convenience, as well as a list of manufacturer's phone numbers and links to support sites.

Manufacturer's phone numbers and sites: http://support.microsoft.com/directory/worldwide/en-us/oemdirectory.asp Web-based technical support from Microsoft is available at http://www.microsoft.com/support/ If you are unable to resolve your issue using our online self-help services, in order to receive assisted support, you will need to create a new case. You may submit your technical support issue by going to http://support.microsoft.com/support/webresponse.asp and clicking ''Submit a Question Using Pay Per Incident (PPI) Support'' If you would prefer to work with one of our Support Professionals by telephone, they are available to assist you at 800–936–5700. If you have any further questions concerning your issue, please create a supplement to your case.

Thank you,

Charity

Microsoft Online Customer Representative

*** CASE CLOSE 23–Oct–2001 09:16:11 Central Daylight

*** CASE REOPEN 27–Oct–2001 10:31:11 Central Daylight

*** Log # 8

*** PHONE LOG 27–0ct–2001 10:34:35 Central Daylight Time

Reply-To: ''A1 Andres'' <aaandres@yahoo.com>

From: ''A1 Andres'' <aaandres@yahoo.com>
To: <wradmin@ microsoft.com>,<wrhelp@ microsoft.com>
Subject: Re: SRZ010924000209
Date: Thu, 25 Oct 2001 12:35:32–0400
I am still trying to get a response to this matter. Would you please let me know how to solve this problem.
Thank you.
*** Log # 9
*** PHONE LOG 27–Oct–2001 10:49:56 Central Daylight Time a—cwhite Action Type:Incoming call Good Morning Allen, Thank you for again contacting Microsoft. According to the information you have provided, your Microsoft products were included with your system.

If this is correct, your copy of Microsoft software was purchased under an Original Equipment Manufacturer (OEM) license agreement. Under this agreement you are using a version of software that was designed to be sold with a new PC and has been licensed to your hardware manufacturer.

When the OEM elected to include this product on their machines they also agreed to provide the primary product support for the Microsoft software. When an OEM decides to preinstall software (Microsoft and most other software brands) on a computer, the OEM makes a licensing agreement for the right to distribute software on their computers. Once the OEM purchases the licensing rights to the software, the majority of the rights of the software are put under the control of the OEM.

This is noted in the End User License Agreement found within your software. Since we are not always able to notify every user directly when changes occur, we publish major changes on our Online Support Web sites. Please visit: http://support.microsoft.com/directory/OfficeXP_Q&A_USAFinal.asp for more information about Microsoft's new support policies. Available from the Microsoft support web site are several self-help options, including our Knowledgebase, Troubleshooting Wizards and Peer-to-Peer Newsgroups. Our Knowledgebase contains over 90,000 articles written by our engineers, for end users. Your fellow users may have a few suggestions if you post your issue to our Peer-to-Peer Newsgroups.

Our engineers are available 24 hours a day, 7 days a week for most products through our Pay Per Incident Service. To submit an incident to our engineers via the web, please visit: http://support.microsoft.com/support/webresponse.asp Once there select 'Pay Per Incident Support' If you would prefer to speak to one of our engineers over the phone, they are available to assist you at 800–936–5700. I apologize for any inconvenience you have experienced while trying to resolve your Outlook Express problem. Microsoft will be more than happy to help you resolve your technical issue, within the boundaries of our support guidelines.

In our previous emails, we have provided you with information on how to submit a Pay-Per-Incident support request via phone or Web Response. We have also included information on how to contact your OEM vendor, as well as information on our self-help informational services. I would invite you to utilize any of these options. By utilizing any of the options submitted to you for obtaining support on this issue, you may assure a more positive experience in the future.

I wish you the best of luck in resolving your issue. However, as the primary point of contact for support is the OEM vendor, and not through Microsoft, we have offered options under the parameters of support as it currently stands on your case number SRZ010924000209. I will be happy to forward your comments and suggestions to the appropriate group. If you have any other questions about your case, please let us know.

Thank you,
C. Loretta White
Microsoft Online Customer Support
Thank you.
*** CASE CLOSE 27–Oct–2001 10:50:55 Central Daylight Time

If you have any additional questions, please let us know by replying to this message. Please include your original message in your reply so that all the necessary information is readily available to us.

Thank you,
Paul
Microsoft Online Customer Representative
From: aaandres@yahoo.com
Received: 11/5/01 8:22 AM
To: Web Response Help
Subject: Fw; SRZ010924000209
Original Message Follows:
WHY CAN'T I GET A RESPONSE TO THIS ISSUE?
Original Message
From: ''A1 Andres'' <aaandres@yahoo.com>
To: <wradmin@microsoft.com>; <wrhelp@microsoft.com>
Sent: Thursday, October 25, 2001 11:35 AM
Subject: Re: SRZ010924000209
I am still trying to get a response to this matter. Would you please let me know how to solve this problem.
Thank you.
Original Message
From: <wradmin@microsoft.com>
To: <aaandres@yahoo.com>
Sent: Monday, October 01, 2001 5:00 AM
Subject: SRZ010924000209
Incident: SRZ010924000209

There has been activity on the incident that you submitted. Please go to Online Assisted Support (https://webresponse.one.microsoft.com/wrscripts/wr.asp?SR=SRZ0109240002 09 to check on the activity at your earliest convenience. THIS MAILBOX IS NOT MONITORED—For further assistance, email wrhelp@microsoft.com
From: ''Microsoft Standard Email Support'' <msupport@microsoft.com>
To: ''A1 Andres'' <aaandres@yahoo.com>
Sent: Sunday, December O2, 2001 1:53 PM
Subject: Re: Re: Windows Update Support Request
Hello Allan,
Thank you for using Microsoft Web Support.

Allan, I understand that you would like to know if you can extract the MSBACKUP program from your WIN98SE CD to your WIN2K machine to restore QIC files created prior to upgrading to WIN2K.

I would like to inform you that the warranty support for Windows Update site is limited to site navigation and downloads only. Since your issue doesn't involve any of this, the best option would be to work with your computer manufacturer directly. You may also consider using Microsoft's no-charge information services or submitting a Pay-Per-Incident support request to work with a Microsoft Support Professional. Allan, please note that the support is tied to the operating system and since you are an OEM customer, your first point of contact would be your OEM.

I apologize for any inconveniences this issue may be causing you and understand that it is frustrating. If you have any additional questions, please let us know by replying to this message.

Thank you,
Vivek
Microsoft Online Customer Representative
Original Message Follows:
It's a pretty simple question, and it's a MICROSOFT issue, as you have created the loss of backward compatibility. Can you answer the question: Can I extract the MSBACKUP program from my WIN98SE CD to my WIN2K machine to restore QIC files created prior to upgrading to WIN2K.
Original Message
From: ''Microsoft Standard Email Support'' <msupport@microsoft.com>
To: ''A1 Andres'' <aaandres@yahoo.com>
Sent: Thursday, November 29, 2001 4:19 PM
Subject: Re: Windows Update Support Request
Hello Allan,
Thank you for using Microsoft Web Support. I apologize for the inconvenience caused. Please allow me to kindly offer my fullest attention towards your concerns. I understand you would like assistance with Windows 2000. For assistance with this, the best option would be to work with your computer* manufacturer directly. You may also consider using Microsoft's no-charge information services or submitting a Pay-Per-Incident support request to* work with a Microsoft Support Professional. Allan, please note that the support is tied to the operating system and since you are an OEM* customer, your first point of contact would be your OEM.

The letters ''OEM'' appear in the Product ID number, which indicates your copy of Windows 2000 was purchased under an Original Equipment Manufacturer (OEM) license agreement. Under this agreement, the manufacturer of the computer holds the rights to your ''out of package'' warranty, which includes offering industry standard support for all hardware and software included in the purchase. OEM software typically comes preinstalled on the computer. Allan, Microsoft also has support options available to you. I have included those support options below for your convenience as well as a list of manufacturer's phone numbers and links to support sites.

To locate the listing of manufacturer phone numbers and Web sites, go to http://

support.microsoft.com/directory/worldwide/en-us/oemdirectory.asp Web-based technical support from Microsoft is available at* http://www.microsoft.com/support/ If you are unable to resolve your issue using our online self-help services, you may submit your technical support issue through Online Assisted Support. For more information, go to http://support.microsoft.com/directory/question.asp Allan, If you would prefer to work with one of our Support Professionals by telephone, they are available to assist you at 800–936–5700. Pay-Per-Incident support for consumer products is available at a rate of $35 per incident.

Thank you,
Sowmya
Microsoft Online Customer Representative
Original Message Follows:
Contact Information
First name: Allan
Last name: Andres
Email Name: aaandres@yahoo.com
Phone: 610–466–9651
Fax:
Time zone: Eastern
Submit Date/Time: Wednesday, November 28, 2001 at 09:45 AM Pacific Time
System Configuration
Internet Browser: Internet Explorer 6.0
Operating System: Windows 2000 Professional
Computer Make: MicroFlex
Computer Model:
CPU Speed:
Memory (Mb of RAM):
Detailed Information
Issue Type: Other
Component Name:
URL:
Error Type: Other
Question Title: Restoring a QIC file on WIN2K
Detailed Problem Description:
I need to know if I can extract the MSBACKUP program from my WIN98SE CD to my WIN2K machine to restore QIC files created prior to upgrading to WIN2K.
Other Information
Internet Service Provider: Comcast
Method of Connection: Local Area Network (LAN)
Windows PID: 51873–OEM–0003461–35834

MTC–00003148

From: richard@Goerwitz.com@inetgw
To: Microsoft ATR
Date: 12/7/01 8:29am
Subject: Slapping Microsoft on the wrist

Like many others, I'm naturally disappointed at the actions taken by the Justice Dept. over Microsoft's monopolistic behavior. The thing that really angers me is that they flaunted strictures you placed on them several years ago. The appearance now is that Microsoft is untouchable. They can fight the feds and win. It would be much better for the economy if you could at least preserve the appearance that American businesses have to play by the rules.

Richard Goerwitz
richard@Goerwitz.COM
tel: 401 438 8978

MTC–00003149

From: Sten Westgard
To: Microsoft ATR
Date: 12/7/01 8:30am
Subject: Microsoft Settlement

To the US DOJ:

I was very unhappy to hear that Microsoft isn't going to be sufficiently punished for its monopolist and anticompetitive behavior. The remedies being discussed only reward Microsoft for acting illegally. There must be a way of insuring that Microsoft can't illegally leverage its desktop monopoly into dominance of other markets. Essentially, this settlement is letting Microsoft say, ''oh, we'll be better in the future'' without any way of insuring that will happen. Microsoft should not be allowed to bundle new applications into the operating system, or if it does, it should make its relevant source code open to the public. Otherwise, it's the old railroad gauge problem. Microsoft forces everyone to run on their tracks, and the markets lose creative innovation.

Microsoft's pursuit of the Java-killer is just another example of this behavior. Java is used by tens of thousands of programmers, but because Microsoft can't control that language, it's trying to kill it by inventing far less useful languages like C# or J++. Please, I beg you to actually_punish_Microsoft for the billions of dollars it stole from its competitors. The USA is about freedom, the freedom to make the best application and take it to market. Microsoft is all about preventing anyone else from selling an application.

Sincerely,
Sten Westgard
Publications Coordinator/Webmaster
Westgard QC, Inc.

MTC–00003150

From: Larry Johnson
To: Microsoft ATR
Date: 12/7/01 8:41am
Subject: (no subject)

Once again the DOJ has verified that they only attack little people. The litigators on both sides refused to admit to having a clue as to what computers and software is about. Money and power rules in the good ol' USA

Larry Johnson
Garland, Texas
No.I.don't.wear.a Ribbon.on.my.lapel.USA

MTC–00003151

From: Wayne Rosa
To: Microsoft ATR
Date: 12/7/01 8:32am
Subject: Anti trust letter

To whom it may concern,

As part of the settlement I would like to see

(1.) RedHats proposal upheld -> give linux to schools open source will aid students far greater than closed source...

(2.) Make Microsoft adhear strictly to protocol standards deliverd by others thus enhancing inter platform capabilities ie:- if they use java then it must comply 100% with the Java standards (they CANNOT! add any Microsoft specifics to any standard that is not thier own) and any standards or protocols they produce MUST! be usable by all operating systems NO IF BUTS OR MAYBE'S. All inter computer related communication applications must use standards avaliable to all operating systems (No exceptions).

(3.) All programs they introduce MUST be backwards compatable with previous versions.

Or they MUST provide free of charge onsite (imediate) file conversions by microsoft staff of all and any company's files thus not forcing any company to upgrade if they choose not to. I feel this is the only way we can allow businesses to truly interact with each other.

Regards Wayne Rosa
0409 642 042
+61 7 38056534
wrosa@your_service.net.au

MTC–00003152

From: Mike Greenfield
To: Microsoft ATR
Date: 12/7/01 8:25am
Subject: Options to MicroSoft Operating Systems

Friends, ...since Feb1986 I've been in business pretty much by/for myself, operating just 1 computer, and trying to do the same customer tracking job the whole time. The 1986 computer worked fine, but over and over again the MicroSoft operating system has been changed, and my software vendor has chased the new operating system. This made my old system obsolete, ...and pretty soon non-functioning. So, I've been forced to buy new computers, new operating systems and new application software, ...for ZERO net gain in speed and productivity. There have been no options for a small businessman like me. MicroSoft's repeated ZERO-improvement ''upgrades'' have been simple extortion by a monopoly player (MicroSoft). Kindly do something to return competitiveness to this market, and grand relief to ''little guys'' like me. It would be much appreciated.

Mike Greenfield,
2437 Magna Vista Dr,
Jackson, WI 53037.

MTC–00003153

From: Nick Eiteljorg
To: Microsoft ATR
Date: 12/7/01 8:45am
Subject: Microsoft settlement

Sirs:

If the record regarding Microsoft's prior concent decree as is I believe it is—one of deception and bad faith on the part of Microsoft, why would any agreement rely in any way on Microsoft's promises? The court must make an honest effort to prevent Microsoft from continuing to expand its franchise by doing what it has done in the past— undermining the ability of competitors to gain protitability, frustrating attempts to establish industy-wide standards that might damage Microsoft's monopoly position, and enagaging in improper sales practices. As I understand the current proposal, it does not accomplish these basic ends. It should never have been accepted.

Harrison Eiteljorg, II

MTC–00003154

From: Kevin Bisneau
To: Microsoft ATR
Date: 12/7/01 8:59am
Subject: Microsoft anti-trust + redhat

I feel as if Redhat is doing the right thing in further reducing the monopoly of microsoft and allow microsoft to provide the hardware that these low-budget schools really need. Without the internet support, many schools today are lacking outside knowledge and a strong resource to work upon.. The internet is growing largerly, and so are computers.. Have microsoft provide the software that they need and redhat will be true on their promise, as they have never let any of us down!

Kevin Bisneau

MTC–00003155

From: (FFFF) (FFFF) (FFFF) (FFFF) (FFFF) (FFFF)
To: Microsoft ATR
Date: 12/7/01 8:52am
Subject: About M$

Hi,

As to the monopolist, Microsoft, I think this company has the ability to block the process of the new technology. The so-called .Net is a killer for JVM, a very good multi-platform language. And M$ should not force everyone to use its very expensive software without free choice. In the controry, Linux is very good.

Thank you

Dragon Yang

MTC–00003156

From: Curtis Grote
To: Microsoft ATR
Date: 12/7/01 9:03am
Subject: Reward for monopoly

The proposed settlement only rewards Microsoft for their monopolistic tactics. It will further their monopoly by forcing students to learn their software. The cost to them is negligible; they only need pay for the hardware (CD's and books). The only proposal that makes the punishment fit the crime is to take Red Hat's offer to provide software and force Microsoft to pay for the hardware for every school in America. This teaches students alternative operating systems and desktop software. This will create competition in exactly the areas where Microsoft removed competition by their monopolistic tactics. It will surely lead to more innovation as a result.

Curtis Grote

MTC–00003157

From: Randy Higginbotham
To: Microsoft ATR
Date: 12/7/01 9:04am
Subject: Monopolisoft

Dear DOJ:

In response to notification from the Redhat Linux forums request, i've included below my own experience of M$ monopolistic practices. First, the standard disclaimer: These opinions are mine and do not reflect the opinion of the company for which employs me. I work for a small company (30+ in all, 6 in this area). Recently a major decision was made within our group regarding technology that was completely driven out of fear of being left behind because M$ has specified the technology we are to use. M$ completely controls certain segments of the marketplace and in this particular segment (That will be coming in the future) they want to take control of that too. They are inline for doing so. So rather than being ourselves creative we are forced to implement what M$ tells us we have to regardless of our own opinions. It's either get on board or get tillered under.

M$ and windoze is a dumbing down of American. No more limp wristing them.

Randy Higginbotham
Senior Software Engineer
Melbourne Florida

MTC–00003158

From: Dong Kim
To: Microsoft ATR
Date: 12/7/01 9:03am
Subject: Justice for All

I have been using Microsoft's operating system and their other various software since the mid 90's.

Finally, you guys realized that they were a monopolizing business and an evil one to if you might say.

MTC–00003159

From: grutters@hetnet.nl@inetgw
To: Microsoft ATR
Date: 12/7/01 9:06am
Subject: microsoft IS A monopolist!! microsoft IS A monopolist!!

The settlement forces Microsoft to donate software, hardware, and services to America's poorest schools. Red Hat responded to the proposed settlement, pointing out that the settlement could simply introduce Microsoft to a market where they could further extend their monopoly. In its counter-proposal, Red Hat offered to provide free software to every school in America if Microsoft provided the value of its donation in hardware costs rather than its own software. en this only makes it bigger!!

MTC–00003160

From: Mark Segall
To: Microsoft ATR
Date: 12/7/01 9:08am
Subject: Antitrust Settlement

To whom it may concern,

I wanted to let my opinion be known on the Microsoft case. Let me first say that Microsoft has been great for the economy and earned the right to be in such control of the OS market. When they tried to sell their ideas to IBM in the late 80's of home computing, IBM laughed in their face. SUN and Apple also had large egos and refused to allow other hardware makers to use their OS's until it was too late.

The problem is what they did with that power. My first example is Internet Explorer. I'm like the next Joe and love the fact that Internet browsers are now free. However, the way it came about was downright dirty. They included it for free with their OS that everyone was using. Netscape was forced to make their browser free as well. Netscape lost their main source of income and would eventually die out in the R&D battle. Second, Word Perfect used to be the word processing software of choice. Microsoft had told the large computer manufacturing companies that if they bundled any Office software other than Microsoft with their machines they could not bundle Windows. Of course, the manufacturers could not do anything but comply. This eventually caused Corel's product to fall by the wayside.

Now with the settlement, Microsoft is starting again. Packaged with Windows is MSN Messenger. They have been trying to take over this market for a long time starting with a failed acquisition of ICQ. So again, they will use their OS to throw it at people. Let's face it; the majority of the population is not computer savvy. Microsoft is very aware of this and uses their lack of knowledge to the companies advantage.

I do think something should be done about the monopoly. A breakup would be extreme and affect the economy. However, a little slap on the wrist and fines are not enough. Microsoft is a multi-billion dollar company and can afford any fines that are imposed on them. I am sick of buying software because it is what Microsoft has forced upon everyone and start buying it again because it is the better software. For example, Corel's last version of Word Perfect included dictating software. The majority of the population will not know anything about it until Microsoft bundles it with their software.

Thank you,

Mark Segall

MTC–00003161

From: Douglas Fraser
To: Microsoft ATR
Date: 12/7/01 9:09am
Subject: My biggest problem with Microsoft OS

Hello,

Just a short note to state my biggest concern with Microsoft products. Their license excludes a vendor form shipping a PC with Windows and any other non Windows OS installed at the same time. As a consumer who is ordering a PC from a vendor, I should be allowed to install any mix of operating systems that I wish to pay for. The machine belongs to me, not Microsoft. The Windows OS may be owned by Microsoft, but not the physical hardware. So that is my biggest concern. I should be able to order a PC with any mix of OS installed, and the current Microsoft OEM license prevents that. That license is anti competitive and helps to maintain their monopoly position.

Sincerely,

Douglas Fraser

MTC–00003162

From: Tad Siminitz
To: Microsoft ATR
Date: 12/7/01 9:11am
Subject: Microsoft and the Department of Justice

I am a North Carolina citizen and employee of one the largest U.S. high technology companies, IBM. I am writing this letter not on behalf of IBM, but to voice my personal opinion and complete disagreement with the decision by the U.S. Department of Justice to lighten any punitive damages on Microsoft regarding the anti trust case. Most people who make a living in the technical computer profession would be of the same opinion that Microsoft has, for several years, repeatedly practiced business in a unfair manner. What Microsoft has done to Netscape, not to mention some of IBM's products, certainly exceeds the boundaries of fair play, by anyone's definition. To go virtually

unpunished and only suffer the imposition of some lightweight rules regarding future conduct is like getting lashed with a wet spaghetti noodle. Consumers are not the only ones to suffer at the hands of these predatory business practices, that seem to be standard operating procedure at Microsoft. Sure IBM, SUN, and other corporations are large and diverse enough to endure illegal tactics on a product by product basis. However, many smaller companies typically just have to fold up shop and go home when confronted with these 'dirty pool' techniques.

What current economic or other situation may have influenced a quicker and less severe penalty is thwarting the natural advancement of technology, despite Microsoft's continual claims they would be 'inhibited from innovating'. These DOJ decisions are not in the best interests for technical professionals and entrepreneurs, nor for consumers of software products. In the areas of software development the United States continues to be the dominating and most advanced presence world wide. Many of us are fearful this advantage will be lost eventually should we continue to turn our eyes from these all out assaults on free trade.

Thank you for your consideration in doing what is right and fair on this matter,

Tad Siminitz
Zurich, Switzerland
Internet TSiminitz@ch.ibm.com

MTC–00003163

From: John T. Passannante
To: Microsoft ATR
Date: 12/7/01 9:11am
Subject: Microsoft Settlement

I think you should not accept the settlement. Microsoft is too large and has used its power to corner the market and stifle competition. While the settlement does restrict some of their activities now, it does little to level the playing field and open the market up to competition. Plus, it does nothing to address the high handed way it deals with customers and its failure to provide bug fixes automatically to registered users. I think the settlement should be rethought and the possbiliity of breaking Microsoft up into smaller pieces revisited.

John T. Passannante

MTC–00003164

From: Bly, Richard
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/7/01 9:16am
Subject: ruling

A company blatantly violates the monopoly laws of this country (and others as well), is declared a monopoly, found guilty, but is allowed to continue unchecked, without punishment. looks like (to me and many others) they have the best lawyers (and judges) that money can buy.

Richard Bly—richarbl@baylordallas.edu
BIS—Baylor Health Care Sytem
2001 Bryan Street, Suite 2400
Dallas, TX 75201
214–820–0974 Office
214–797–4968 Cell
214–820–4241 Fax

MTC–00003165

From: Allan Macdonald
To: Microsoft ATR
Date: 12/7/01 9:32am
Subject: Judgement

To whom it may concern,

As a Canadian Citizen, the impact of my opinion upon any judgement made in a US court is likely minimal. Nevertheless, I would like to contribute my opinion. The recent release of Microsoft Windows XP is a good example of why we should be careful of how they package their products. Microsoft's practice of producing applications for its operating system which compete with other application software vendors gives Microsoft a distinct advantage.

Microsoft considers the workings of its software, including its Operating System, Windows, ''Intellectual Property''; however, the interface between the Operating System and Application software is supposed to be defined clearly. Yet, we do not know whether or not Microsoft provides an alternative interface, knowledge and understanding of which rests entirely within the Microsoft organization, which may be included under that umbrella of ''Intellectual Property''. Microsoft internal developers may utilize this ''secret'' interface rather than the published one when developing application programs that compete with third party developers.

As a result, this gives Microsoft a potential significant advantage over its competitors who are forced to use the published interface specifications to design their software; an interface which may be significantly inferior to the interface used by internal developers. My suggestion is to order Microsoft to publish its operating system source code, free of charge, and keep the publication up to date. Verification can be made by compiling the source code and comparing the binaries. Copyright can be enforced to protect Microsoft's intellectual property however the material must be released for inspection by competing vendors. This would remove any special advantage Microsoft has over its competitors in the application software market. Applications would then be judged by the consumer on a level playing field. This would substantially increase the availability and variety of reliable and well-designed application software for the Windows platform, to the great benefit of the consumer. Furthermore, designers of poorly designed software would no longer have the excuse of stating that ''we can't help it, its Microsoft's fault'' when the software fails.

Thank you for the opportunity to contribute to this critical decision which will have a world-wide impact.

Regards,
Allan W. Macdonald
223 Windmill Rd. Apt. 320
Dartmouth, NS
B3A 4M6
Tel: (902) 449–2554 (Home)
(902) 423–7727 ext. 224 (Work)
Fax: (902) 422–8108 (Work)
email: awmacdonald@accesswave.ca

MTC–00003166

From: David Schrey
To: Microsoft ATR
Date: 12/7/01 9:32am
Subject: Microsoft Settlement

As a professional in the computer industry for the last 15 years I have been directly affected by Microsoft's monpolistic practices and have therefore watched these proceedings with great interest. As I understand it Microsoft was found guilty of unfair trade practices which it used to increase it's market share at the expense of it's competition. As I understand the settlement Microsoft will be forced by the courts to utilize unfair trade practices (software dumping) to increase it's market share at the expense of it's competition. I do NOT see this as a punishment or as a way to eliminate their current monopoly. Please consider other alternatives such as requiring Microsoft to purchase hardware and software from other vendors (IBM, RedHat, Apple, Sun, BeOS—I don't care who) and distribute those products to the schools. I am not even going to try to address the issues of the small size of the settlement.

David Schrey

MTC–00003167

From: chris@micro-mania.net@inetgw
To: Microsoft ATR
Date: 12/7/01 9:33am
Subject: MicroSoft Settlement Offer

I have read about the Microsoft settlement to provide hardware and software to the nation's poorest schools. I must say that while this offer has a certain appeal, it really does little to get at the heart of the matter, the monopolistic nature of Microsoft. In fact, I do believe that accepting the offer as it was given would only further entreach the operating system and would in fact further reduce competition in the marketplace. As a person who has been involved in education my entire life and who is currently in a high tech university environment, it has been clear to me that providing software to schools at any level has marketing as its main purpose. Allowing a large chunk of the settlement to be encompassed by Microsoft software would be little different than allowing a large part to include simple advertising.

I must say that the base notion has some favorable aspects. The settlement should only include the hardware donations, not the software. This accounting would increase the number of computers contributed from 200,000 to 1,000,000 (14 to 70 systems per school). I also believe that some linkage should be made relative to the Red Hat company's offer to provide free software (with no time limit) to these same schools. Providing an alternative to the Microsoft system to a significant portion of our young people should help increase market competition and as such, the future innovation of America's software. The computer hardware should, in other words, not include devices that were designed in such a manner to exclude non-Microsoft products.

Thank-you for your time,
Chris Winne, PhD
267 Eddy Street
Missoula, MT 59801–4335
406–721–6022

MTC–00003168

From: Michael Polley
To: Microsoft ATR
Date: 12/7/01 9:35am

Subject: The settlement

I can't believe that the judicial system in this country would be so spineless in it's treatment of Microsoft. As an end user of competing products, I have watched Microsoft systematically force those products and companies out of business. Most of those products, in my opinion, are superior to what Microsoft offers but when faced with the might of Microsoft are not able to compete.

It has been proven that when Microsoft wants a market they will give there software away to collapse the competition. They can afford to give software away because the use income from other products to subsidize. It has been proven that Microsoft will withhold information about the coding of there OS from competing venders that will allow Microsoft products to work better.

It has been proven that Microsoft will lie to the courts of this country. (ex. The demonstration that Internet Explorer could not be removed from Windows because it was interwoven into the OS. and disproved in court by and independent consultant)

It has been proven that Microsoft has no respect for the our judicial system. The ruling in California ? against Microsoft in the Java suit with Sun Microsystems. In Bill Gates affidavit, he indicated that the ruling did not change the way Microsoft operated at all. In this case, one of Microsoft's tactics was in full swing. Take an open standard software meant to be used by all. Corrupt it so that it will only work with Microsoft products. Then take it over because you have 90% of the desktop computers out there.

Microsoft has been found guilty of being a monopolist. And the courts only seem interested in giving the appearance of punitive action. Offering to provide schools with its product only furthers the stronghold that they already have. And caused further injury to the stability of companies like Apple and others that have a reasonable market share in the education community.

Lets look to the future:

Windows XP is forcing the end user to open there networks to Microsoft for licensing. During this time Microsoft can retrieve any information it wants from the end users computer. It can learn anything from passwords to what other products are installed. Windows XP has features that record credit card numbers during online purchases. These numbers are stored on Microsoft servers. These numbers could be used without the consent of the end user. Microsoft is fully aware of the big brother stance they have taken. Take look at the advertising campaign that they are currently using. The people in the commercial are flying around and the pitch is that Windows XP will give the user freedom and that it is liberating. The compensating hard sell is no doubt intended to disarm the public. While not an expert on the law governing monopolies it seams that the threshold for other companies being considered as monopolies is much lower than has been applied to Microsoft. Don't you get it. You have a problem here.

MTC–00003169

From: Michael Horrocks
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/7/01 9:37am
Subject: Microsoft

I thought we lived in America where you were free to run a business. Don't punish a company because they developed a software package that EVERYONE wants and is good enough to drive the competition out of business. Instead of punishing Microsoft, the government should be encouraging other companies to develop software that will rival Microsoft.

Free enterprise means just what it says. If you end up being the only company out there selling what the people want and need, so be it. If you are so up in arms about this, then do something about it like develop software that will rival Microsoft or just keep your mouth shut.

If this keeps up, we will be punishing the new inventory of ''IT'' stating that because no one else out there has a product like it, they are monopolistic.

I was pretty sure when I woke up this morning that I was still living in America.

MICHAEL HORROCKS, CNE5, CNA, CCA
Director of MIS Operations
Amscot Corporation
TEL: 813–932–4339 x209
CELL: 813–601–3369

MTC–00003170

From: Admin@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 12/7/01 9:41am
Subject: Microsoft Settlement—Use Linux instead.

I read that you are collecting opinions about the antitrust settlement it with Microsoft. My opinion is that they should not be allowed to put their software in the poorest school districts as a punishment. That action would only allow them to lock in many, many more people to their proprietary system. It's ludicrous, but it is the sort of thinking that has made Microsoft such a great success.

Once these poor students are trained on Microsofts Operating System, they will not switch to anything else—its just too hard. Then they will be locked in to buying constant upgrades (both software and hardware) forever. Do the right thing! Get Linux into the school system!!!!! Students can learn one operating system that they will be able to use for the rest of their lives. The OS itself is free, all of the applications (including a complete office suite and professional drawing programs) are also free, and Linux will run (and run very well) on old, low cost hardware. Lets start thinking about what is best for the students and the taxpayer and do what is right instead of what is easy. obtw: There are Linux user groups all around the country that I believe would be delighted to help teach the teachers at no cost.

Regards,
Dana Sparling
Adelphia Business Systems
Unix System Administrator
(814)260–1507

MTC–00003171

From: Daniel L. Blackmon
To: Microsoft ATR
Date: 12/7/01 9:44am
Subject: Anti-trust Suit against Microsoft

I want to convey my feelings of the anti-trust litigation against Microsoft. Microsoft is a business and the object of a business is to make a profit. There are many companies that made huge profits because of Microsoft and their innovations, including these companies shouting ''unfair business practices''.

Everyone has the opportunity to develop their own software and compete against Microsoft. If these companies that are crying foul banned together, made an effort to create an operating system and applications software that was more or just as effective as Microsoft, they could control a great market share. But it seems the easy and cheaper road is to have government intervention (companies do not have to pay for this law suit,it is the American people) that stifles competition, thereby diverting monies that could be used for greater innovations in the Microsoft company to improve the standards of work, education, and life in America.

Microsoft's proposal to place software and hardware in the schools is a great idea, but a better idea was given by the Red Hat Linux corporation. Microsoft provides the same amount in cost of hardware to the schools that was stated they would provide in their software and hardware, while Red Hat provides their software and applications with unlimited support. This would show that Microsoft is serious about helping underprivileged schools and it shows good faith to the American people. At the same time, another operating system and applications are taught to future doctors, lawyers, teachers, professors, etc. This promotes learning of a new style and also adds another company to the software realm that has taken over our way of life in the last 25 years.

Thank you Sir and Ma'am for letting me voice my concerns and proposing another solution.

Sincerely,
Daniel L. Blackmon
1488 El Prado Avenue
Lemon Grove, CA 91945
United States
(H)619.462.7188
(C)619.750.8133

MTC–00003172

From: Ken Ian
To: Microsoft ATR
Date: 12/7/01 9:48am
Subject: MICROSOFT ANTITRUST

This is cave in to fiscal power and promotion of ruthless, monopolistic ''business'' practices

Rgds,
IGW

MTC–00003173

From: Robert Myers
To: Microsoft ATR
Date: 12/7/01 9:51am
Subject: The Microsoft Settlement

Sir or Madam:

Not being an anti-trust lawyer, I have no understanding of the legal intricacies of the Microsoft case. Being something of a power user, I can see what Microsoft has been up to and I can tell you that the proposed

settlement will do nothing to address it. The software that keeps Linux (or any other alternative operating system) on its knees is Microsoft Office, which has become the lingua franca of business, which uses proprietary file formats, and which has tentacles deep into the operating system. The penalties proposed by Judge Jackson and now being explored by the EEC would address these issues. Years of taxpayer money will have been spent on litigation will have accomplished nothing. As usual, the only ones to benefit will be the lawyers. Microsoft? It will take the costs of this litigation out of the pockets of its captive customers.

Robert B. Myers
217 Forest St
Winchester, MA 01890–1037

MTC–00003174

From: Andrig T. Miller
To: Microsoft ATR
Date: 12/7/01 9:49am
Subject: Anti-trust Settlement (Updated with some things I forgot)

[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]

I am a technology professional who has been involved in software for over 16 years. I am currently the Vice President of Technical Architecture for a large distribution company (basically the CTO). My comments in this response to the anti-trust settlement proposal currently before the District Court are my own, and in no way affliated with my company. I only talked about my position, so that you could see that I have some credibility in my comments. Having said that, the following is where I see issues with the proposed settlement.

In section III. Prohibited Conduct, it states that Microsoft is prohibited from retaliating against an OEM for shipping a personal computer that either includes a non-Microsoft operating system or can boot more than one operating system. There seems to be a glaring omission here. Under these terms Microsoft could retaliate if an OEM ships a personal computer with only a non-Microsoft operating system. To give a simple example, if I were IBM, and I started shipping personal computers with Linux pre-installed as the only operating system for customers who didn't want a dual boot system, Microsoft could retaliate. The odds of this behaviour would go up substantially, if a large OEM like IBM started selling significant numbers of systems with only a non-Microsoft operating system.

In section III.C.2, it states that Microsoft cannot restrict by agreement any OEM from distributing or promoting non-Microsoft middleware by installing or displaying on the desktop of any size or shape so long as such shortcuts do not impair the functionality of the user interface. Who makes the judgement about impairing the functionality of the user interface? What constitutes an impaired user interface? If Microsoft just doesn't like the way it looks, can they have the OEM remove it? This raises more questions than it answers. It seems to me, that if an OEM really impairs the user interface, then their customers will be unhappy, and have them fix it, or get their PC's from somewhere else. I know that Microsoft position on this, is that it reflects on them. The truth of the matter is, the OEM handles the technical support for pre-installed copies of Windows, not Microsoft. How many people do you know blame Microsoft when there computer doesn't work? They simply say my computer doesn't work, and if they bought the system from an OEM with Windows pre-installed, they call the OEM. This section should have no exception, and the free market should be left to decide whether an OEM has impaired the user interface or not.

In section III.C.3, it states another user interface exemption for OEMs. This time is says that middleware that automatically launches on boot, can be replaced as long as it displays on the desktop no user interface or the user interface is of similar size and shape to Microsofts user interface. This prevents competitors from creating unique user interface paradigms, that may infact be better than Microsofts. In fact, it limits them into copying Microsofts products, and gives no ability to innovate with the user interface. I don't see how this can foster competition. If both products look and act the same to the user, then you have just removed one of the competitive advantages a competing product may have.

In section III.D, it states that Microsoft has to disclose to ISVs, IHVs, IAPs, ICPs, and OEMs the API's and related documentation that are used by Microsoft middleware. This goes to the heart of the issue alot of people have, which is that Microsoft hides API's that it uses for competitive advantage. This is a very good provision, but it has one very big omission. Today, open source projects create software that needs to interoperate with Windows (e.g. Samba) operating systems. These projects would not be covered by the list above. For this provision to have true meat behind it, Microsoft should be made to disclose the API's publicly to everyone. This will create significantly more competition in the marketplace, because it would allow open source projects to be more easily developed. This section is also incongruent with section III.E, which doesn't limit the disclosure of communication protocols between the Windows client and server. The two sections should allow for disclosure to any and all third parties.

Section III.F.2 seems to be completely meaningless. The exception completely nullifies the behavioural prohibition. Everything from the word except on, should just be removed. Microsoft should in no way be allowed to limit what an ISV can develop or promote that competes with Microsofts own products. This section should be one of the cornerstones of an agreement, and should have no exceptions.

Section III.G.1 also seems meaningless. Again, the exception competely nullifies the behavioural prohibition. If you are going to eliminate the use of contracts that give consideration to certain entities based on solely supporting Microsofts products, at the expense of competitors products, then the agreement should do that without exception. The current exception takes all of the teeth out of this section.

Section III.H.1 & 2 has all the same problems of section III.C.3 which I stated above. Additionally, Microsoft has the option to have the end user confirm this chose of replacing the Microsoft product with the non-Microsoft product. Of course, this could confuse the user, and make them wary of making such a change. While I understand that a user could do this by accident, based on the provisions of this section, the user can make the Microsoft product the default selection just as easily. Besides that issue, I think that additional teeth should be put into this section in the following way. Microsoft should be prohibited from putting hooks into the operating system that prompts the user to switch back to the Microsoft product everytime the user uses the non-Microsoft product. They could easily do this under the provisions of this settlement, and make it very difficult for the user to use the competing product. Section III.H.3 makes direct reference to my suggestion of what Microsoft will do to change the configuration to suit their needs and stiffle competition. The settlement only prohibits them from changing the configuration that the OEM supplied their customer for 14 days. After that time, they can pepper the user with dialogs that constantly ask them to switch the applications from competitors to theirs! This entire section should be changed to prohibit this behaviour completely. I don't see how this agreement can foster competition with this type of exemption. It also retains much of the power Microsoft has over OEMs. If the OEMs configuration can just be changed by Microsoft after a couple of weeks, it takes much of the value that the OEM can sell to Microsofts competitors away from the OEM. If I was a Microsoft competitor, and I wanted to sign an agreement for an OEM to ship my product versus Microsoft, and Microsoft can two weeks later bother the user to the point that they switch to the Microsoft product anyway, then I wouldn't be willing to pay the OEM very much. OEMs already struggle with margins, because Microsoft and Intel make all of the profit, and the product is a commodity. The only real way for OEMs to differentiate their products is through customization and third-party software bundles. Again, we should let the free market decide, without pestering prompts to switch to Microsoft products (and visa versa).

After section III.H, there are two bullets called 1 & 2, which don't seem to be a part of section H, but give Microsoft addtional exceptions. Bullet 2 says, a Microsoft middleware product may be invoked by the operating system when a non-Microsoft product fails to implement a reasonable technical requirement. What is a reasonable technical requirement? The example in the document is hosting an Active-X control. What if the replacement product can implement all of the functionality that a user needs without hosting an Active-X control? Who determines what is reasonable? These type of exceptions could make the agreement unworkable, especially if it can be argued in court. I see alot of additional wrangling in court to resolve disputes over things like this, and this additional time could be used by Microsoft to continue business as usual while the lawyers fight it out.

Section III.J gives Microsoft another way to wiggle out of disclosing API information. I

think it is necessary to state that they cannot disclose the internal working of something that is against the law to disclose. As far as I know, no such cases exist. Actual authentication keys, tokens, etc. would not be apart of a working API, but the format of those would be. The way this is worded, Microsoft could prevent the disclosure of API's and communication protocols, and no one would be able to dispute them because they could argue that disclosure would be required to prove their case. Of course, you could argue that the technical committee could work to see if Microsoft is pulling the wool over everyone's eyes. The flaw in this, is that Microsoft could still fight it and win, and no third party could jump in to help the case without first getting disclosed on the API's and communications protocols. I see this as a catch-22 for enforcement. After reviewing this entire proposed settlement, there is also one thing missing from the license and agreement restrictions. One of the main things that came out in the trial testimony is that Microsoft makes anyone who uses their development tools restrict the use of the software created with the tools to Microsoft operating systems. This affectively makes it impossible for a developer to take source code and port it to a competing operating system. If you want to restore competition for operating systems it has to be easy to port an application from Windows to competiting operating systems. If the developer cannot use their own source code to do this, then it will be next to impossible to get developers to make the investment needed to get applications on competitive operating systems. This is also a case of the tail wagging the dog. Microsoft is controlling another companies intellectual property. This is something that Microsoft has made sure doesn't happen to them in this very proposal!

Overall, this agreement doesn't go far enough in curbing Microsofts business practices. I think that a better solution is staring us all right in the face. The solution that I think would be better has three simple principles, of which two are captured in this proposed settlement. First, make Microsoft disclose all API's to everyone, without exception. Second, do not allow Microsoft to control other companies use of Windows or their own source code, whether it be configuration of the desktop, inclusion or exclusion of non-Microsoft and Microsoft products, or porting their own software to non-Microsoft operating systems. And third, allow Microsoft to bundle anything they want into Windows, and its successors, as long as it complies with a recognized open standard. The IETF (Internet Engineering Task Force) model of standardization should apply here. In their model, something does not become a standard until at least two interoperating implementations of the standard are widely deployed. This would make it very simple to monitor compliance, and would allow third parties, including open source projects, to compete head on with Microsoft in every product category.

Thanks for taking the time to read this, and I hope that the settlement can be improved to foster competition in the marketplace for operating systems.

Andrig T. Miller

MTC–00003175

From: Carlo Moneti
To: Microsoft ATR
Date: 12/7/01 9:54am
Subject: some settlement issues

Sir:

''This settlement will promote innovation, give consumers more choices, and provide the computer industry as a whole with more certainty in the marketplace,'' -Charles A. James, Assistant Attorney General for the Antitrust Division. A shiver runs down my spine when I hear an assistant Attorney General spew Microsoft propaganda phraseology verbatim, in defense of a settlement against the very same company. But lets concentrate substantive and discussible issues:

What can I say about the settlement agreement. I read the agreement and found it very disappointing; it is so bad that one is led to believe that the Justice Department has simply capitulated to Microsoft. Of particular interest is the requirement to publish API (application programming interface) specifications to guarantee the ability of other software manufacturers to make their products inter-operate with those of Microsoft. Microsoft already publishes its APIs. However, software developers argue that they are published with too much delay—giving Microsoft an extra head start—and are not complete—hiding performance enhancing functions from the competition. APIs should be updated continuously for any major or minor release of any major or minor component. Otherwise, the whole exercise is a joke. There are two huge loopholes just to the API issue. The first is that Microsoft is not bound to publishing APIs to products containing intellectual property of other companies. However, with the huge amount of cross-licensing of intellectual property in the software industry, any Microsoft product can be made to fit into that category. The second is that Microsoft is not bound to publishing APIs that may divulge information about encryption algorithms and other security details. However, encryption algorithms are not secret; to be secure, they must not be. Both of these caveats are baseless from any of scientific, engineering, or business point of view. The agreement does nothing more than specify once again to Microsoft to conduct its business fairly and without prejudice. Well, gee wiz, folks. Don't hold your breath. And whatever happened to a consideration for a penalty for Microsoft's criminal convictions? How about taking back most of the $30 billion stockpile Microsoft is sitting on? It's existence is the most obvious measure of monopoly power; no company can amass such wealth in an open and competitive market. Come on DOJ, do your job!

Finally, a parting shot of reality to those who believe that Microsoft is an entity worthy of their praise: Microsoft is simply a business enterprise out to make a profit for its shareholders; it is not an innovator; it is not a research company; it did not invent the computer; it did not invent DOS; it did not invent the graphical user interface; it did not invent the mouse; it did not invent programming languages; it did not invent word processors or electronic spreadsheets; it did not invent databases or accounting programs; it did not invent the Internet or the web browser or the web server. It has, through huge profits from its monopoly power, bought companies with innovative products, making those its own; it has lobbied Congress to strengthen copyright law and patent law to its benefit; it has made gargantuan profits year after year, measurable by its $30 billion stockpile of cash reserves. One might admire Microsoft's success from a strictly business savvy perspective. But, the business savvy of Microsoft or Bill Gates is not the same as, and should not be confused with, someone's meritorious work in the public interest that would justly deserve praise, appreciation, esteem, or admiration, by the general public.

Sincerely,
Carlo Moneti
Syracuse, NY

MTC–00003176

From: Matthew C. Grimes
To: Microsoft ATR
Date: 12/7/01 10:01am
Subject: settlement

Please take the response from Red Hat Linux seriously. Linux is not a college student's project, nor is it only for servers and high end research computing. Linux provides a low cost, highly secure, thoroughly modern computing solution for educational, institutional, governmental, commercial, and personal use. Very few computer viruses are known to affect a properly configured Linux computer.

I believe the settlement should address the key issue with Microsoft's business practices, which are oriented towards one thing, market domination, to the exclusion of all other vendors. Microsoft's offer does not adversely effect the company financially, and is merely a PR stunt. In addition, it secures Microsoft a foothold in the minds of children. It would be far better to require MS to provide all donations in hardware and let Red Hat or other Linux providers provide the operating system and software. This decreases, rather than increases MS's actual and intellectual market share. It also is better deal for schools because they could get more computers, and have them be cheaper and easier to maintain. It would be better for children because of the vast array of software such as office and productivity, C++, Java, html and other development software, servers, graphical design, CAD, CAS, GIS, financial management and other software that could be used in the schools for absolutely no cost.

Microsoft's offer is nothing more than Bre'r Rabbit asking to be thrown into a briar patch. Please do the right thing for America's children, and the world's computer industry.

Thank you for your time
Matt Grimes

MTC–00003177

From: Daryl Bjerke
To: Microsoft ATR
Date: 12/7/01 10:04am
Subject: My opinion of the Microsoft settlement.

I would like to voice my opinion of the settlement that I heard. I heard that Microsoft

would have to donate software, hardware and services to schools. At first I thought this was a good thing since I am in the education setting. Then I got to thinking that my first reaction is wrong. First, by forcing them to donate software, something that costs pennies on the dollar, it doesn't hurt them at all. Second, it is just pumping more Microsoft into the education division and further helping out the Monopoly. Now let me state that my school is a mixed environment. I have about 70% Microsoft Windows computers, 30% Apple and I personally like Microsoft computers better, but I still feel that forcing them into the education market only benefits them. In my opinion, it would be far worse for Microsoft at this case to simple have the DOJ drop the entire case. I would like to see Microsoft donate the money, ACTUAL MONEY, to the schools to be used for technology however they see. It could be Microsoft hardware or software, but it could also be Apple products, Linux products, etc. That would be a fair solution for all, except for Microsoft, because it would actually be a punishment instead of allowing them to make a circus of the DOJ and reaping the benefits of a gift horse.

Thank you for your time.

Daryl Bjerke
dbjerke@bemidji.k12.mn.us
Computer and Network Specialist
Bemidji High School
Bemidji, MN USA
(218) 444–1600 ext 3314

''Out the token ring, through the router, down the fiber, off a switch, past the firewall, down the T1 . . . nothing but Net.''

MTC–00003178

From: Jon Gans
To: Microsoft ATR
Date: 12/7/01 10:10am
Subject: Settlement is akin to giving drug dealers access to schools.

Dear DOJ,

Microsoft is almost addictive as heroin. By giving Bill Gates free access to schools you almost guarantee the continuance of his monopoly. Redhat Linux's proposed amendment is a viable alternative. Let Microsoft foot the bill for hardware, but put freely available Redhat Linux (or any other linux) on the computers. I run exclusively linux for my studies and never run into problems. Most windows like software is available for linux, and it comes free with programming (such as C++), graphics and Internet software that Microsoft charges thousands for. Why not give our children everything possible? This will make the settlement a settlement and not a endorsement.

I work in academia, and if anyone runs windows in my field they get laughed at..we don't want to subject our children to ridicule! Granted, Bill Gates had back room deals with the Bush administration to quash this suit even before the election was stolen, but now you must serve the people of the United States, not Bill Gates' bottom line.

Thanks for listening,

Jonathan Gans
Physics Ph.D Student
Yale University and Brookhaven National Lab
Jonathan Gans
Yale University
Physics Department
Office (305 WNSL): (203) 432–5835
PO BOX 208120
New Haven, CT 06520–8120
http://www.jongans.com

MTC–00003179

From: Leonard Heyman
To: Microsoft ATR
Date: 12/7/01 10:11am
Subject: Settlement

Dear DOJ:

Crimes should be punished. The punishment should fit the crime. Microsoft has been found guilty of committing a very serious crime. The settlement agreement contradicts this very simple concept upon which our criminal justice system is based. Microsoft continues to thumb its nose at the Sherman Act, and rightly so, for it clearly has nothing to fear from the DOJ.

The message sent by the proposed settlement agreement is, no man may be above the law, but corporations are. There is a reason the Sherman Act exists, and it is very important to the stability and continued growth of our economy. Throughout history, it has always been controversial as it always goes against many vested interests in power. However, each time it is employed, it has opened up a whole new industry to competition and has resulted in better products at reduced prices for consumers.

Monopolies are not illegal. Leveraging monopolistic power is. It is obvious to anyone who pays attention to the high tech sector that Microsoft willfully violated the Sherman Act, has done so on a regular basis, and continues, even today, to do so. If Microsoft isn't stopped, we will be asking ourselves in 10 years where was the DOJ when we needed them to stop the rampaging giant that Microsoft is from squashing innovative and important contributions in the high tech sector? Microsoft is currently leveraging its operating system to dominate everything from Internet shopping and site development to palm top PDAs, to console game systems and desktop applications. Make no mistake: Microsoft is not an innovator in these areas. They don't have to innovate. All they have to do is tie their ventures to their desktop software which is given freely to unsuspecting computer users or twist the arms of computer manufacturers and software developers dependent on Microsoft for the software Microsoft controls.

In a case cut and dry as this one (Microsoft already having been found guilty at great tax-payer expense) it should be more surprising to the American people that political pressure has trumped common sense so completely. The sad truth is that the American people know their government has ceased to represent their interests and no longer looks out for them. The great silence you hear is not contentment, but dispare. Continue down this path, and you will be contributing to the ultimate result: a popular revolt against a government dominated by corporate interests.

—Leonard Heyman
Simsbury, CT

MTC–00003180

From: Smart Computing
To: Microsoft ATR
Date: 12/7/01 10:13am
Subject: a conultant/user's point of view

Thank you for taking the time to listen to us. As a consultant, I am out there every day and I see what works and what doesn't. I deal with small and mid-size buzinesses. These people are good spenders and need to work. They are not interested in theories.

Microsoft is everywhere. They have done good things, bringing relatively easy use of computers out there but they also have done terrible things. Many of my clients still use Word Perfect and other non-Microsoft products. At the end of the day, Microsoft products, such as Office crashes more Windows computers than other products. The main problem my clients have is that Microsoft software is not stable and very expensive. Many are looking into Linux as a more robust solution and cheaper to acquire.

Microsoft has killed competition. What real choices do people have on the desktop? Windows, Mac/Apple (limited in everyday business use) and Linux with a steep learning curve. Now we are being locked in with having to pay for frequent upgrades which should be updates because Microsoft won't support Windows 95 and soon 98. BEOS was a great alternative but couldn't stand a chance in the market because people are so locked down by Microsoft.

This country is all about opportunities and competition which should give choices. However, when a company gets too big a market share (IBM, Bell), they will buy out the competition, embrace or steal their inventions and bundle them into their platform. This is where the line crosses over to unproductive competition.

The competition should rise to the opportunity but it is hard. This society believes in marketing more than it's consultants.

With all do respect, I do not understand what the DOJ is doing, nor what competency it has in the IT world. Windows is a poor platform whose owners are more interested in shipping it out quickly, make a quick buck and fiddle with security issues later. I do not see a clear plan as to where and what the investigation is aiming at. I do not see who is in charge.

Is the real question, does Microsoft bundle software together to squash competition? Well yes! Where is Netscape now in regards to Internet Explorer? What about Windows Media Player? Word versus Word Perfect? Does Microsoft have the right to do so? Well, heck yes. It's their product. But who protects the end users who makes money to pay taxes and make the whole system go round? We hope it is you. I feel this is the fine line where Microsoft has to be liable. They have been accused and proved of unfair competitive practices more than once in the past. Why are they getting off easier now than before? I fear noone trusts the DOJ to take the proper measures.

Please go to the specialized press, www,nwcomputing.com, www.infoworld.com, arstechnica.com, anadtech.com and see the user serveys which a clearly against not slowing down Microsoft and give more choices out there.

The damage is done but only you can prevent worst in the future. No one wants to see Microsoft go down. We are the people and we want choices. That's what we work for. We are the people and we are the voice that elect our leaders to take actions and protect us.

I feel Microsoft should be restrained and forced to give us a choice. The choices could be Windows without Internet Explorer, Windows Media player, Outlook Express, OEM who can decide according to the market what to bundle in. Maybe even a bare bone more secure operating system which people would pay more. You will find a surge in buying computers as the prices fall and people are anxious to pick up where America left off on September 11th if there is a choice, if people feel you are protecting their rights to choices and if they do not feel locked down by big companies.

Thank you,
Nick Zart

MTC–00003181

From: dcrowley@techspray.com@inetgw
To: Microsoft ATR
Date: 12/7/01 10:24am
Subject: Microsoft Antitrust Settlement

Sirs;

I am the I. T. Manager for Techspray L.P. located in Amarillo Texas. I have been involved in the Computer industry for over 15 years as a programmer, project leader, and manager. During this time I have kept myself up to date on the events in the industry. I tell you this so that you will have some idea of who I am.

About the Microsoft Antitrust Settlement: I fear that you have done our industry, our country, and indeed the world a grave disservice by giving Microsoft what amounts to a free ticket to continue the dirty, underhanded, bully-boy tactics that has made them famous over the years. They have shown in the past that they will only give insubstantial lip service to honoring their agreement. Do you believe you have the resources or the necessary expertise to actually make them abide by the rules set out? You can bet that they don't think so.

In effect, by accepting this settlement, you have thrown away everything that we spent millions of dollars achieving. Nothing will change. Microsoft will continue to bully the industry, squelching any hope of true innovation or improvement in the state of our software. Their software will continue to be buggy and full of security holes because they know they can use any unethical or even illegal means to crush any competition that comes along and now they have the seeming full blessing of the DOJ behind them.

I am saddened by the lack of backbone, the appearance of complicity, the DOJ has shown by accepting this settlement. It is a sad day for my industry.

Sincerely
Duane Crowley

MTC–00003182

From: Boutwell, George
To: Microsoft ATR
Date: 12/7/01 10:27am
Subject: You got to be kidding!!!

DOJ,

You have got to be kidding. This settlement isn't a settlement for a case where a company was found monopolistic. Where's the punishment for monopolistic practices? Where's my assurance, as a consumer, that DOJ is breath down Microsoft's neck in the future to prevent it from being more monopolistic? This settlement helps Microsoft more than it hurts Microsoft and does nothing to curb Monopolistic behavior. If this settlement stands I will be extremely disenchanted with our judicial system.

As side from that, I continue to pray for our leaders including those in the DOJ asking for their wisdom in dealing with these and the plethora of other matters that you deal with.

God Bless,
George P. Boutwell
Programmer,
Valley Hope Association

MTC–00003183

From: Bill Petersen
To: Microsoft ATR
Date: 12/7/01 10:28am
Subject: Sock it to microsoft

Come on guys. Microsoft, while moving computer technology ahead, has also severly limited competion. In fact, products that are much better than what Microsoft can provide are dropped by vendors because of MS's bullying.

They deserve to pay some steep fines, not to mention cover all of the expenses of this case!

And they should be made to split the OS from the software divisions. Now, lets take another look at things.

If Ford had built and sold products that function as poorly as Microsofts do.

And caused the users of their equipment (cars/trucks/etc) as much expense as MS has, don't you think there would be some pretty large law suits! Oh, there has been. One recent one involved the Firestone tires was it. Now in this case, people died, which is sad. And in MS's case, probably few, if any have died, but companies have lost MILLIONS and probably BILLIONS of dollars because of MS's poor, irresponsible QA.

GET REAL AND GIVE THEM THE PUNISHMENT THEY DESERVE, not just a slap on the rist!

MTC–00003184

From: Charles Marcus
To: Microsoft ATR
Date: 12/7/01 10:33am
Subject: Microsoft Settlement

Hi,

I am writing to express my concern that this settlement is in fact a sellout.

Microsoft certainly is entitled to develop its own software the way it wants to, but thats not the problem, and thats not what they were convicted of. They were convicted of monopolistic practices. The very worst practices they engaged in consisted of bullying PC manufacturers and distributors by forcing them to sign agreements that prevented them from selling PCs without the MS operating system. This in effect FORCES people to buy their product, whether they want it or not, just to be able to buy a PC. This is the one area that absolutely needs to be addressed in any remedy, or else there will in effect be no remedy.

Microsoft *must* be forever precluded from preventing PC manufacturers and distributors from selling PCs without the MS operating system. I also strongly support penalties, in the form of reimbursing anyone who ever bought a PC and had to pay for the MS OS that did not want it. The only way to make a monopolist stop doing what they are doing is to provide punishment and a remedy if they violate the law. Please, please don't let that entire trial be for nothing.

Best regards,
Charles Marcus
I.T. Director
Media Brokers International
770–516–9234 x224
770–516–8918 fax

MTC–00003185

From: doug@chmls06.mediaone.net@inetgw
To: Microsoft ATR
Date: 12/7/01 10:43am
Subject: Microsoft Settlement

Dear Sirs:

I have been a US computer professional for 30 years, with significant experience in the use of Microssoft operating systems and software, Apple systems and software, Sun systems and software, and Compaq OpenVMS systems and software. Over this long time, I have had plenty of opportunity to witness the transformation of Microsoft from a small technology company with a great business plan into an agressively monopolistic superpower. While Microsoft management has demonstrated substantial arrogance and lack of self discipline during this transition to the ''dark side'', I don't really blame Microsoft so much as I blame our government for failing to take seriously its responsibilities for controlling (and where necessary, punishing) Microsoft's monopolistic practices.

World consumers are demonstrating increasing unwillingness to place their future in the hands of a few people in Redmond, Washington. Alternative operating systems exist, and we are already beginning to see other National Governments begin to advocate new approaches to computing, based on open and transparent operating systems such as Linux. This is not being done because of a desire of these governments to become involved in computer software development, but because of serious concerns over their own economic and political security, in the face of the power and the monopolistic business practices of Microsoft. Vigorous action by the US Department of Justice is needed now to create a level playing field in the computer operating system and software development field. Probably the best solution would be a mandated break-up of Micrososft into 3 separate companies, one focusing on the development of a future (more open and transparent) version of the Windows operating system, one focused on business software (such as word processors and spreadsheets), and one focused on networking software (such as internet browsers and e-mail tools). Until such a separation is achieved, there will never be a real business motivation for Microsoft to become a willing player in the development of open standards for communication

between different software tools (such as Java).

I feel that failure to take forceful action in the remedy phase of the current lawsuit could lead ultimately to a complete collapse of the US software industry and this could threaten the US lead in the whole broad area of technology.

Thank you for your attention.

Sincerely,

Douglas W. Muir

PO Box 452

Kittery, ME 03904

MTC–00003186

From: Richard Finney
To: Microsoft ATR
Date: 12/7/01 10:46am
Subject: You are not hard enough on Microsoft

The judge decided that Microsoft is a monopoly, yet the DOJ wants to surrendur to Microsoft and reward them. This is wrong. Microsoft should be broken up and placed on severe restrictions. Their business practices are anti-competitive. Their rhetoric is a pack of untruths. They are not ''innovative''. They are, in fact, keeping innovation out. Please withdraw from the current surrendur and keep prosecuting hard.

The ''settlement/surrendur'' you negotiated with Microsoft is pathetic. There are no real restrictions on Microsoft. Microsoft can still use their monopoly profits to prevent competitors from the marketplace. Computer manufacturers who don't cooperate with Microsoft will be punished and bankrupt by Microsoft. The ''viewing of Internet Explorer'' code is a joke. Nobody wants to read IE code, especially if you have to become an approved ''Microsoft partner'' (i.e. agree only to program for Bill Gates) and have to travel to a Microsoft run safe facility.

You left open too many loopholes. Way to many. Did Microsoft lawyers write the agreement? You must close all loopholes so that independents can freely negotiate with computer manufacturers for placing products on the PC withou facing retaliation my Monopoly Microsoft.

Go back and fight Microsoft!

—Richard Finney

MTC–00003187

From: Call, Brandon
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/7/01 10:53am
Subject: Microsoft settlement

Don't be foolish. Why reward Microsoft with extending their monopoly into the education sector? Are you smoking dope, or what? P U N I S H T H E M for breaking the law. It's not called the Dept. of JUSTICE for nothing, you know.

Brandon.

OLE__Obj.

MTC–00003188

From: grayw@ummu.umich.edu@inetgw
To: Microsoft ATR
Date: 12/7/01 11:04am
Subject: proposed settlement

When I heard of the proposed Microsoft settlement in which Microsoft would be forced to ''donate'' software and hardware to schools, I was enraged. First, the news media is already using the word ''donate'', which implies that they would be giving the software and hardware away as an act of goodwill. The public needs to know that Microsoft did something wrong, something that goes against what America stands for. I don't understand how a settlement in a antitrust case could involve further market penetration. The settlement serves Microsoft and further hurts the US citizens.

William Gray
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MTC–00003189

From: Danny O'Brien
To: Microsoft ATR
Date: 12/7/01 10:08am
Subject: The Microsoft settlement is a bad deal

Dear DOJ,

The settlement with Microsoft is a bad deal that benefits Microsoft and no one else.

In one stroke, they get:

1. a huge tax deduction

2. massive placement of their marginal technology into schools, which allows them to perpetuate their systems and data-gathering agendas

3. to strike a major blow against competition in the education sector. This deal boosts Microsoft and cheats American citizens of what Microsoft owes us.

Also, why is this monopoly not being broken up? Does the DOJ1s lack of trust-busting effort have anything to do with the close alliance Gates has formed with President Bush? What about all that money that Gates gave to the Bush campaign?

This deal does not shed a positive light on a situation that already appears to be corrupt.

Regards,

Danny O'Brien
Director, I.T.
Stein Rogan + Partners
440 Park Ave. South
New York, NY 10016
dannyo@steinrogan.com
(212) 213–1112 x6862

MTC–00003190

From: Thomas Hoffman
To: Microsoft ATR
Date: 12/7/01 11:04am
Subject: I can't believe you are going to let them get away with it

Department of Justice,

I applaud the fact that Microsoft was found to be an illegal monopoly. They've been using their market position to drive smaller competitors out of business for years. Despite the avalanche of negative evidence clearly demonstrating their predatory business practices, it appears they are now going to ''get away with it''. Recently the settlement has turned toward the soft side and no longer represents the type of action that fits the situation. That is a slap in the face to not only the Justice Department and Judicial system at large, but to the American people who take pride in diversity and freedom of choice. I've used Microsoft's products in the past and truthfully, I've been very unhappy with them. What concerns me is that I had no choice but to continue spending money on and using their poor quality products despite the fact I was desperate to use something.... anything else. If you're in the business world, you have to use Microsoft's file formats and because of their proprietary nature, no one else has a chance to compete. Reverse engineering is only getting the development community so far. So what choice do you have to continue to pour money into Microsoft's coffers. As far as the settlement, it doesn't approach what the development community was hoping for. In fact, it's a weak slap on the wrist that should embarrass the Justice Department. If you are going to tell Microsoft to make their desktop completely customizable by third parties, by God stick to your guns. Don't agree to let them put even a single icon on the desktop if intermediate parties choose to exclude them. Make them release their proprietary monopolistic Microsoft Office file formats so parties interested in producing competing desktop productivity applications can at least have a chance at compatibility with the vast majority of the market. Take steps to assure that Microsoft cannot leverage their enormous market share to continually put competitors out of business with unfair pricing, embrace and extend, and other monopolistic business practices. The development and business community is watching developments very closely. The Department of Justice cannot afford to drop the ball on a case that affects the lives, choices and freedoms of so many American people and people in the world at large. Don't let us down.

Regards,

Thomas Hoffman

American begging for choice

MTC–00003191

From: Tim Born
To: Microsoft ATR
Date: 12/7/01 11:02am
Subject: Red Hat's counter proposal

I read the news of Red Hat's counter proposal to the Microsoft settlement, in which they offered RedHat Linux for the schools in place of Microsoft windows. I'm very much in favor of this proposal. My daughters are elementry and junior high age, and when we installed Red Hat Linux and Sun's (free) StarOffice on the PC at home, they had NO difficulty using it. It looks close enough to what they see on other machines, it runs all the software they need for internet, chat (one of their favorites), word processing, etc. If there are any fears of ease of use or interoperability, I think they can easily be addressed by a simple experiement: try it. Having tried it, our household has made the switch and is quite happy, both for the functionality and also for the substantial amount of money I no longer have to pay for Windows & MS Office. And the stability is SIGNIFICANTLY better. Seriously. If the local schools were to adopt Linux, I would be happy to help introduce them to it.

Take Microsoft's offer and leverage to get the maximum amount of hardware you can, to generate the maximum good. Let RedHat deliver the OS & use Sun's StarOffice.

—tim
Tim Born
1855 Chandler Avenue
St. Charles, Illinois 60174
+1 630/979–3118
CC:Born Tim

MTC–00003192

From: Wiley, Michael
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/7/01 11:08am
Subject: Microsoft

I never believed that splitting Microsoft up was the answer but I sure didn't expect them to get away with a hand slap. They havent changed their preditory practices one bit. Make it hurt a bit! Like make them liable for all of the bugs and security breaches in their products.

Michael S. Wiley
Manager, Information Technology
Wabtec Transportation Technologies, <http://openrail.com/> Inc
4735 Walnut, Suite A
Boulder, CO 80301
303–447–2889 Ext 225

MTC–00003193

From: Philip
To: Microsoft ATR
Date: 12/7/01 12:05pm
Subject: Microsoft still trying to dictate.

I work for a computer manufacturing company, and I can tell you without a doubt, that Microsoft is still trying to eliminate the rest of the software companies by any means possible. There are so many issues with trying to use any other software that it is not even funny. I just spent three days trying to get a Windows compatable driver to work and Microsoft tried to deter me at every turn.

Follow this. I load the software for a database. The database itself is not Microsoft. The front end or access point is Microsoft. By using a different backend, I have a more reliable and faster system. The software for the backend is just plain better than anything Microsoft puts out. And it costs some $50,000 less, still not free, than what Microsoft charges. The problem is that Microsoft deliberately codes in a refusal with its' frontend, not to accept a connection with the other software. Unless the other software company goes to Microsoft and gets its' approval for the driver involved. Every other software maker in the world, simply tells you that it has not tested the driver and cannot confirm it will work with their software.

An operating system is most useful because of its' compatability with all the other software we use in computers. It is the hub and the other software provides the spokes to connect with other computers, the internet, printers, etc.... Microsoft continually takes an ax to everyone else's spokes. They are still using every hidden means possible to do this. The last example was an update I was trying to download from Microsoft to fix a known flaw with their system. One of there famous security holes. When I tried to download it I got an error message indicating I had done something wrong. I checked my work and found no errors. I went back to the download point and checked it out throughly. Microsoft had put together a loop that took you directly to the error page. There was no download. The download page told you that if this fix fails you need to buy an upgrade. In other words there is a flaw and we are going to use it to sell you a fix, rather than providing one. And they were using a false error to do it. Sounds like they really are trying to do better huh!

So how much are they paying the justice department to fix their problem? If justice signs off on this I hope every one in the department is forced to wear a shirt that says ''Paid for by Bill Gates''

Philip Browning

MTC–00003194

From: Troy Elam
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/7/01 11:30am
Subject: microsoft settlement

I, for one, am not satisfied with the proposed settlement. It is too weak. It has absolutely no backbone. Consumers (and the entire world) would benefit from having competing operating systems. This will never happen as long as every company in the industry knows they will either be swallowed or crushed by Microsoft's might hand. Give the industry a climate where ingenuity and great products can come into existence.

MTC–00003195

From: Gregg Givens
To: Microsoft ATR
Date: 12/7/01 11:16am
Subject: Sorry, my last message was corrupted. MSG re' Microsoft AntiTrust Settlement

I previously sent a message that was truncated. Here is my message in its entirety. I am attaching it as a Rich Text Document viewable in most all Word Processors. I appreciate your consideration of my comments.

—- Gregg Givens
ggivens@hollins.edu
Computer Services—Hollins University
CC: ggivens@hollins.edu@inetgw

To Whom it may concern:

Following are my opinions about the recent decision to weaken the remedy imposed on Microsoft after a FINDING OF FACT that they violated the Corparate Anti-Trust laws. I contend that nothing short of a breakup of Microsoft between their Operating Systems (OS) and Applications Software divisions into two separate companies will remedy their anit-competitive practices. I am one of the many technically trained people that would like more choice in the marketplace in Computer software and don't have any faith left that your remedy will provide it. Thesis: Microsoft should be split into two companies. The OS division should have to compete on its OWN merits. Likewise, the MS Applications Division's programs need to compete without unfair advantage. Support:

Having a company OWN 90% of the Desktop OS market and still being allowed to compete in the Applications programs business is like having a Car company OWN 90% of the roads in the country and being able to suddenly modify the size and shape of these roads to suit their new car designs, without giving other car makers adequate specifications in a timely manner and being able to hide hazards in the roads that only the Microsoft cars can avoid. This is a crude analogy, but is similar to the situation Applications and OS designers face when competing with Microsoft in the Desktop computer arena.

I know you are lawyers and know very little about the history of computers, but let me try to remind you of things your own experts should be telling you. Operating Systems were invented so that every Applications software programmer would not have to 'reinvent the wheel' on every new program he(she) wrote. The OS was supposed to take care of the primitive tasks like disk file activity, printing, networking, screen updating, so that the Applications designer could concentrate on just his 'high -level' tasks and write a good program. OS's were supposed to have reliable, well-documented calls so that all applications could use them to perform the low-level tasks they needed.

When you have a company that writes the OS AND Applications, you have a simple case of conflict of interest. If an unscrupulous OS company wants its own applications programs to fair better in the marketplace than a competitor, then he might add a few secret calls so that his applications can do things more efficiently than his competitors. He might give out information on changes to the external interface of the OS at a late date so that his Applications people could get out a new working version before the competition. In that case, the old applications of the competitor WOULD NOT EVEN WORK with the new version of the OS. The customer would have to buy a new 'compatible' version of the competitor's software, which of course would not be ready yet. Gee, maybe the customer would buy the OS vendor's software to avoid the hassle! He could also change the interface to the OS periodically without backward compatibility so that the customer would always have to keep upgrading his Applications, just to keep them working AT ALL, much less to fix the myriad bugs that he leaves in through carelessness and hurry. Does any of this sound FAMILIAR ????

Now of course these sneaky practices can't really work well until a company has a HUGE share of the OS marketplace. I think if you research the history of Microsoft, you will see that they weren't that bad in the old days when DOS was still fighting head to head against Apple and Unix. (In fact MS used to produce its own version of Unix called XENIX. After Windows came out, i guess they decided that it was too good of a competitor to Windows, so they dropped it to push Windows.)

Unfortunately, after they began to aquire more and more of the market share of desktop PC OS's, their arrogance grew as well as their bullying and unfair practices. If a split-up remedy had been in place just 5 years ago, you can pretty much bet that Word Perfect would now be the dominant Office Application Suite, rather than MS Office. Ask your older, more experienced secretaries what they used to prefer 5–7 years ago, MS Word or Word Perfect? Likewise, Netscape had probably 80–90% of the Internet Browser

market before Microsoft began to shove Internet Explorer in your face every time you start Windows. (Even if you install Netscape, Windows asks you if you REALLY want it to be your default browser EVERY TIME you start it. If you answer wrong, you get Internet Explorer as your default browser.) Now Internet Explorer has all but taken over. This alone was brazen use of the OS to promote a competing product.

How much market share did Novell have for many years because of a fast, efficient, well-designed product. They used to be in possession of at least 60–70% of the PC server market. Somewhere down the line, MS windows made it so painful to get all of the Novell Networking to operate properly with Windows, that companies began to switch. That is despite the fact that MS Windows Server is only now implementing POORLY, many features that existed in Novell 2 VERSIONS BACK ! Novell can deliver a significantly better performance on LESS powerful hardware than Microsoft. Does that sound like the marketplace picking the best product, or unfair collusion between OS division and Applications Division ? (Don't assume that Novell was poorly managed either. They successfully bested a number of less organized competitors in the shakedown of the eighties. Their training and certification program and support was a model for the industry.)

In another way Microsoft now uses the advantages it has gained in Applications to help its Operating System maintain its monopoly. Now that windows has helped MS Office Suite to destroy WordPerfect's and Lotus's dominance, MS can control what platforms now get MS Word and Office Suite. Since they are now so popular, MS only produces a version of MS Office that is always 1 feature set behind the Microsoft OS version for Apple. That pretty much guarantees that Apple remains alive (barely), but that it never becomes a true competitor to MS OS. MS doesn't offer Office suite for any other competing OS version. Gee, i wonder why ? Could it be that Bill Gates doesn't want a dominant OS player in the server market (Linux) to penetrate the Desktop arena? Could he be afraid? I would be willing to bet money that if we split up MS into two companies, there would be a Linux version of MS Office Suite within 6 months or less. It would be in the INTERESTS of the MS Applications division to do so. IT is NOT in the interests of the OS division—hence the problem.

There is one last way that Microsoft misuses its power to try to gain unfair advantage in NEW areas. It will subly alter existing standards of communication, web design, programming languages with 'extensions'. It will offer these 'extensions' in its versions of development software, going against Industry standards developed to insure interoperability. As its products take hold, other vendors must keep changing their own products (always one step behind). An example of this is Microsoft Web page creation software. It has 'extensions' to HTML that, if used, will make Web pages only appear good and sometimes even FUNCTIONAL on Internet Explorer. The same page viewed by netscape will appear corrupted or may produce errors. Have you ever seen Web pages that say 'This page best viewed using Internet Explorer v.xxx'??? A similar attempt to hijack JAVA programming language resulted in a law suit from SUN for breach of contract.

Did you know that the current version of Microsoft media Player IMBEDDED in the new Windows XP OS will only play mp3 formated media files in a less quality mode in order to make the new Microsoft Media format appear superior? Of course some versions (you know the ones with the 'extensions') of the MS media format are a CLOSED standard only playable on MS Media Player. To top this off, if you try to make another Media Player your preferred Media player in Windows XP (so that your MP3's sound good), it will interfere with the functioning of other Microsoft Applications bundled with the OS!!! THIS PRACTICE IS GOING ON RIGHT NOW! Windows XP was rushed into production to beat the DOJ Law suit. Possession is nine tenths of the law as they say.

Personally, all this makes me sick. I would hope the USDOJ would be humiliated by the arrogance of Microsoft. Apparently MS does not take USDOJ very seriously. My contention is that splitting the MS corporation will actually be GOOD FOR THE AMERICAN ECONOMY, contrary to Microsoft's scare tactics. Microsoft seems to make oblique remarks implying that what is good for Microsoft is good for the American economy, and that impeding Microsoft's advance would damage the economy. In fact the exact opposite is true.

Even though more efficient Operating systems such as Linux require less powerful hardware and might be less encouraging of the INTELs, AMDs, and other hardware vendors, the savings for EVERY OTHER COMPANY in America not having to buy new computers every 2 years might help the other 90% of the American companies to make a profit. How much American Corporate profit goes into the land fill every year when they have to scrap their old computers. With more fair competition, maybe more Applications program designers will be encouraged to write more applications—even ones that compete directly with Microsoft's Application division. More competition in Applications and Operating systems might even make superior and MORE RELIABLE AND SECURE computer software, at a reasonable price. (I for one would look forward to days when the servers quit crashing periodically due to undocumented bugs in microsoft's OS. we have Linux and digital unix servers that have not had to be rebooted for most of a YEAR. We must boot our microsoft servers several times a month. I never even leave my MS windows 2000 desktop machine up for more than a day. I rarely if ever reboot my Linux desktop machine. Why do I keep Microsoft machines you ask ? Because our corporate execs DEMAND that we use Microsoft on the desktop. Not enough NON-MS OS applications available that the users are trained to use.)

You may not realize that there are many people who are dismayed by the incredibly weak response of the current administration to blatantly monopolistic practices by the Microsoft Corporation. Given the more vigorous legal efforts of the previous presidential administration, I don't feel it is completely out of line to question whether monitary influence during the presidential campaign could have something to do with the recent decision to abandon a bargaining position of strength against the Microsoft corporation, in favor of a settlement that is actually weaker than what was presented by Microsoft ITSELF prior to the judicial finding of monopoly. At the very least, the current regime in the department of Justice has some explaining to do against the APPEARANCE of impropriety.

Excluding that issue, we have the result in the marketplace itself. In the past, Microsoft has demonstrated a history of making every effort to avoid any previous remedies that the court has attempted. Either they have ignored the remedy completely or they have complied in the most minimal and unsatisfactory way to adhere to the letter of the law and avoid the spirit. Since the initial attempts to curb their behavior, Microsoft has only succeeded in gaining more unfair leverage and destroying more of their competitors. Don't be fooled that this was only the activity of the market. I have already outlined many ways that MS uses its Desktop OS monopoly to boost market share of its applications. Now that its Office Suite of Applications is stronger (due to the unfair leverage of its OS), it can use the Applications to help the OS maintain its position of dominance in the desktop.

If the USDOJ expects that further litigation will not be fruitful in curbing MS's monopolistic practices that HURT the consumer AND THE ECONOMY, then perhaps other government agencies can attempt another avenue for the remedy. i have heard that the Federal Trade Commission may have jurisdiction and enforcement powers that could be brought into play. Does the BUSH2 administration have the guts and desire to seek real enforcement of powerful remedies for the monopoly finding of the courts ? Are they too timid and fooled by Microsoft's scare tactics to attempt such a thing ? At this time, NOTHING could hurt the economy worse than it is already. You might drive a few stocks like Microsoft and Intel down for a short while if a strong remedy is attempted, but the long term benefits of increased competition and more efficient use of hardware resources (caused by better written Operating Systems such as Linux) could only help the US economy in the long run. We'll end up stronger for it. Ask the europeans, japanese, and chinese why they are favoring Linux over MS windows. (They don't like being locked into a expensive, proprietary OS that hides all of its code so that they have no idea what it is doing, and an OS that has a voracious appetite for Hardware upgrades at every new version.

Gregg Given—Systems Analyst
Hollins University Computer Services
ggivens@hollins.edu

MTC–00003196

From: dean tidwell
To: Microsoft ATR

Date: 12/7/01 11:17am
Subject: doj settlement

I would like to see a settlement where Microsoft has compete like the rest of us. meaning OEM's can put whatever OS they want on the machines.they build.

dean tidwell

MTC–00003197

From: Daniel WELLS
To: Microsoft ATR
Date: 12/7/01 11:14am
Subject: Microsoft settlement

The settlement that you have developed means that Microsoft wins. The consumer and especially small business (those with not enough clout to get concessions from Microsoft) loses. We urged the state of Utah not to accept the agreement and express our strong disapproval of the agreement you have reached with Microsoft. Many IT departments are finding themselves having to use Microsoft products, not from choice, but because there is no competition. As architects, we need to be able to communicate the information we create with others (we would prefer that this communication and collaboration be done through industry standards rather than dictated by the creator of the desktop operating system). This makes Autodesk products (AutoCAD in its many flavors) almost the defacto products to use. Autodesk only develops for the Microsoft operating systems. They do this because Microsoft has a monopoly and has the vast majority of the desktops. It makes no economic sense for them (Autodesk) to do otherwise unless there is competition restored for the desktop operating system market. It is also feared that should the current settlement stand, that Microsoft will leverage their desktop operating dominance to further promote their server products and in the future make it very hard if not impossible to use a competing network operating system. Given the Microsoft track record on security (as evidenced by Code Red and Nimda) I would hate to be placed in that position. Microsoft is good at marketing and they are shrewd at business.

They do not, however lead in innovation and stability of their products.

Daniel Wells AIA
Director of Information Systems
MHTN Architects, Inc.
801–595–6700
DanW@mhtn.com

MTC–00003198

From: Zdenek JIzba
To: Microsoft ATR
Date: 12/7/01 11:22am
Subject: Education

I understand that Red Hat proposed to install free Linux on all PCs that Microsoft will donate to schools. I think this is a great idea because it would free Microsoft to donate more hardware (rather than software) and as a consequence increase the number of donated PCs.

MTC–00003200

From: lbuchana@csc.com@inetgw
To: Microsoft ATR
Date: 12/7/01 11:27am
Subject: Anti-trust damages

Hi,

The following opinions are mine and do not reflect the opinions of Computer Sciences Corporation, National Aeronautics and Space Administration, or any of the computer forensics groups I am a member of. To let you know what biases I might have, I have a Bachelor of Sciences Degree in Applied Computer Science and have 18 years of professional experience in programming mostly on UNIX systems. I do not own any Microsoft stock directly, but many of the mutual funds I have invested in hold Microsoft stock. I do own stock in Hewlett Packard (100 shares) and SGI (300 shares). Both companies have operating systems that in some markets competes with Microsoft, but both companies also sell systems with Microsoft Windows.

One of the major problems I have in trying to develop computer forensic analysis software for Microsoft products is the lack of documentation. Microsoft does not document file formats or low level system function calls. Reverse engineering can solve these problems, but that is time consuming and is nonproductive. Reverse engineering may also violate the Digital Millennium Copyright Act.

As part of the damages I would like to see that Microsoft be ordered to publish six months prior to release of any product the complete and accurate documentation of all function calls and file formats. For existing products and products about to be released the same documentation be published within six months of the order. If Microsoft is unable to comply, then it will be ordered to electronically publish all of its source code and documentation to released products at a price equal to or less than the price of the product. Microsoft will of course retain copyright to the source code and should be remunerated for any commercial use of their source code.

My goal is to reduce the time it takes to develop computer forensic tools and to eliminate the need to reverse engineer undocumented file formats or function calls.

B Cing U
Buck

Loren ''Buck'' Buchanan (libuchanna@csc.com) \#include <generic.disclaimer>

7700 Hubble Drive phone 301–794–2560 \#include <computer.security>

Lanham, MD 20706 \#include <electronic.music>

Email attachments, just say NO! \#include <genealogy.roots>

MTC–00003201

From: David Griffin
To: Microsoft ATR
Date: 12/7/01 11:30am
Subject: Application monopoly

MS has an OS monopoly, we all know that.

But this is actually supported by its application monopoly. I'd have moved to Red Hat linux and Star Office years ago but I have no guarantee I will be able to read the files of all the customers I deal with. So the monopoly of MS Office is preventing me changing OS And noone else can guarantee to read MS Word files as they could change the format overnight.

Now, this is all fair and lets face it, it's a commercial world, but we are talking about an over powerful monopoly here. What chance does another WP supplier (let alone an OS supplier) have ?

Could one remedy of the settlement be to force them to publish sufficient file format info (or provide sufficient back conversion tools) that other WP's can reasonably guarantee to exchange data ? I would like to see

MTC–00003202

From: Long, Steven (a) Atlanta Peachtree
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/7/01 11:27am
Subject: Red Hat's offer for DOJ/MS settlement

I have read the settlement offer from Red Hat in reference to Microsoft—Dept. of Justice. I read the Microsoft has been found guilty of being a monopoly and now they want to extend their monopoly into a place they where they have the opportunity to expand their monopoly. I would like to see Red Hat's proposal accepted and implemented. It would give more benefit to the students receiving the computers and training. It would also satisfy the guilty verdict by adding training in an operating system other than Microsoft's Windows.

We would be introducing the next generation into a world with real choices.

Steve Long CNE 3,4,5 MCSE MCP+I
Senior Network Administrator
Technical Support Services—Eastern
Phone (404) 923–1501
Fax (404) 923–1558
slong@cbre.com

MTC–00003203

From: Michael McKinney
To: Microsoft ATR
Date: 12/7/01 11:36am
Subject: Microsoft settlement.

You blew it! Microsoft is the computer users worst enemy. It took years for the DOJ to do anything about their clearly monopolistic practices. Their executives should be in prison and the company should have been broken up. If you are going to accept their idea of restitution at least consider the ''Redat alternative''.

Michael McKinney

MTC–00003204

From: andrebakker
To: Microsoft ATR
Date: 12/7/01 11:39am
Subject: MICROSOFT is a monopoly!!!

My opinion is that microsoft is a monopoly and that they problably bribed their way out of the class action case

MTC–00003205

From: Krieger, William
To: Microsoft ATR
Date: 12/7/01 11:42am
Subject: Microsoft settlement

I cannot believe that the DOJ wants to settle this case. You have proven beyond a shadow of a doubt that Microsoft is engaging in a monopoly to the detriment of the public and all they get is a tap (not even a slap) on the wrist. Why should the U.S. Government allow Microsoft to engage in a predatory and monopolistic manner and get away with it. This is a travesty of justice and someone should get some spine in Washington.

Bill Krieger
1660 Von Braun
Elk Grove, IL 60007

MTC–00003206

From: Walker
To: Microsoft ATR
Date: 12/7/01 11:44am
Subject: Microsoft

I was sad to see how poorly the Microsoft case was handled. They have more control over everything than IBM or PacBell did in the past which truly were handled properly with splitting the company. As more cases unravel including the Microsoft vs US Schools which resulted in the 1 billion dollar settlement all they got for monopoly was a slap on the hand and poor restraints. We are forced to use Microsoft, and we can't get away from it. They gauge us with their prices. Even the new XP version worse than all others including passport system which definitely steps upon general liberties. Did you know you can not get support without filling out passport information first?

Please fix Microsoft deal it is bad for our country—it will be a sad event when Europe handles case with more power and pressure it will certainly make us look like a passive judicial system. What was it, lack of understanding of the business and computers that caused the lenient judgment? Judgment lacking substance, results

Thank you,
Adam Walker

MTC–00003207

From: Jay Scherrer
To: Microsoft ATR
Date: 12/7/01 11:54am
Subject: Settlement with Microsoft

Dear Sir's,

I don't understand why your Representatives let Microsoft off so easy. First of all; Microsoft has been found guilty of monopolistic marketing practices, in which it would force PC makers to only package Microsoft's operating system with every PC sold. Even today if you ask Dell computer to ship a PC Notebook computer it will be with Windows operating system. I have even asked Dell if they could leave the Microsoft windows off the new machine if I order it. I also asked if they could mark the extra charge for windows down. You know that this has happend a lot in the past. Now the decision is to allow Microsoft to be shipped coexisting with other operating systems. Why am I still forced to buy Microsoft products? Your decision has no provision with making refunds to people who don't even use the windows operating system, now or for being forced in the past.

Secondly; Your other decision was to make Microsoft open up their API code to other software manufacturers. This is nothing new. In the past Developers and companies who provided development tools were able to see the new features of windows api's, but only after Microsoft had ample time for marketing their own products.

In conclusion; Given a product atmosphere where there has been a major break through, such as the computer industry. And a situation where a company has been able to dictate who sells their product and blacklist those who offer other alternatives as Microsoft has done. I have one question. Why don't you stand up and protect America's right to freedom of choice? And why don't you punish those who try to take that freedom away?

Jay Scherrer
6250 3rd Ave. NW
Seattle, Washington 98107

MTC–00003208

From: Abbas.Iyad@ic.gc.ca@inetgw
To: Microsoft ATR
Date: 12/7/01 11:39am
Subject: MICROSOFT ANTITRUST, CLASS-ACTION SETTLEMENTS

The settlement forces Microsoft to donate software, hardware, and services to America's poorest schools. Red Hat has responded to the proposed settlement, pointing out that the settlement could simply introduce Microsoft to a market where they could further extend their monopoly. In its counter-proposal, Red Hat offered to provide free software to every school in America if Microsoft provided the value of its donation in hardware costs rather than its own software

MTC–00003209

From: wsando
To: Microsoft ATR
Date: 12/7/01 11:52am
Subject: Settlement

To whom it may concern,

I am writing with my concerns over the settlement for the Microsoft case. Why should we as American people allow this company this settlement? The school systems would only get rights to the Microsoft software for five years? then what? Microsoft has a built in profit? While also getting to write off that expense as a charitable contribution, this is outrageous. If Microsoft is to donate the computer hardware, you should not allow them to ''lend'' their software for five years as part of this deal. I have read the press release from Redhat software and I think it makes more sense. Lets give the school systems and children the better end of this deal and not Microsoft.

Thank you,
Bill Sandusky

MTC–00003210

From: shabbirlatif@mindspring.com@inetgw
To: Microsoft ATR
Date: 12/7/01 11:58am

I am appauled by the settlement between the Microsoft and the government (us public). It just proved more that the U.S government is not run by politicians (let alone people) but by big corporations.

I was even more appauled by the gaull of Microsoft to offer to donate ($%#$$) their software. How stupid do they think the public is? It is like cigarette companys offering to donate cigaretts to children as a settlement. This is monopolistic behaviour through the back door.

I sincerely hope that the government gets gutts to seriously look at the damage that Microsoft will do in the long run if they are allowed to get away and the message it will send to other large corporations and do the right thing. The only solution is to break up Microsoft and hugh fine that would go to the poor schools.

sml:-)
Shabbir M. Latif
1776 Cheney Dr.
San Jose, CA 95128

MTC–00003211

From: M and M Coutermarsh
To: Microsoft ATR
Date: 12/7/01 11:59am
Subject: letter of support

39 Evarts Road
Post Office Box Number 37
North Hartland, Vermont 05052
December 6, 2001
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

This letter is to ask you to give your continued support to the proposed compromise between the Department of Justice and Microsoft. I understand there is a sixty-day period in which public comment is allowed, and I feel it is my duty to support the settlement. There is no need for any further federal action, either by the Department of Justice or the Senate. Microsoft has agreed to any number of requests by Justice, which makes their software codes and books more accessible to competing firms, along with accommodating computer manufacturers with new rights to Windows features. Microsoft has provided so much to this country in jobs and opening the way for technological innovation. It should not be a punching bag for its success. I support the present agreement. Please continue to be a vocal supporter of it also.

Sincerely,
Mark Coutermarsh
Email: coutermarsh28@peoplepc.com

MTC–00003212

From: Dickman, Matt
To: Microsoft ATR
Date: 12/7/01 12:03pm
Subject: opinion

I don't think you should punish Microsoft for being faster and smarter than everyone else. They have a superior product out, the problem is that nobody else has anything comparable on their level. People who use computers are not brand loyal, you should know this by now, if anything they want to be the first to have the latest thing. Microsoft always has the latest thing. Because of their hard work we are much farther along than we would have otherwise been. You should not punish the smart companies for making money and being successful, you should punish the dumb companies who sit on their ass and make the government make them more competitive.

Matt Dickman

MTC–00003213

From: stuart@pop1.net@inetgw
To: Microsoft ATR
Date: 12/7/01 12:05pm
Subject: Opinion on Microsoft settlement

Without having access to all the legal proceedings that have taken place between DOJ and Microsoft, I feel that Microsoft has been let off the hook. I am not anti-Microsoft

necessarily— the company has created a great many well-paying jobs and the Gates Foundation is doing good things. But it will go down in history as a text book monopoly who defeated the DOJ at their own game.

Stuart Mathews
Beaverton, Oregon

MTC–00003214

From: A Gresham
To: Microsoft ATR
Date: 12/7/01 12:10pm
Subject: Microsoft settlement offer, Negative

I do NOT agree with the proposed Antitrust settlement offer by Microsoft to place hardware, software, services, and training in schools. This amounts to government sanction for a private business, by placing their software, with great limitations in support and mandatory future update costs (payable to Microsoft) on the backs of our schools systems. Their offer should be limited to hardware only. The offer by REDHAT to provide FREE software, upgrades, and license renewals should be strongly considered. Our schools could better benefit by the receipt of more than a million computers, and the issues that were fundamental to the original lawsuit will be avoided without further conflict.

Arthur Gresham <Awgresham@home.com>
249 East Vermont Ave
Escondido CA 92025

MTC–00003215

From: Jay Shoup
To: Microsoft ATR
Date: 12/7/01 12:12pm
Subject: Microshaft wins agin

I am a little disappointed (actually allot) about the recent ''settlement'' your department reached with Microsoft. Why don't you just send them a bonus check rather then wasting the publics resources. Seriously, if you are going to file an anti-trust suite against them at least extract some justice in the process. Microsoft's actions towards both the ''software development related'' industry and the end-user has been criminal. First their practices rape the industry then rape the end users, now to make it even worse they rape the justice system. Let's not get confused, i use Microsoft products, extensively. Why..? Becasue i have no other choice and that is the very problem. You know it and i know it; Microsoft is a theif! I guess i expected Microsoft to scheam their way out of this one. I just did'nt expect you to be so stuipid as to let them.

P.S.

You need to change your name from ''Department of Justice'' to ''Department of Suckers''...

Jay Shoup

MTC–00003216

From: Rahul Deshmukh
To: Microsoft ATR
Date: 12/7/01 12:09pm
Subject: The settlement is a sham

I have to say that I do not agree one-bit to the settlement that has been offered to Microsoft. The last straw is agreeing to the offer made by Microsoft to offer free software to America's poorest schools. Noble cause indeed... but at what cost. It seems to me that Microsoft is in fact being helped maintain their monopoly by this settlement. Let me ananylze this. There are some other companies which may be offering free software to these schools already. But now cool it guys... these schools have to use MS software because its a part of the settlement. There is no justice in this world. My only suggestion is stop the suffering. Wake up guys, the only thing MS is innovative about is on how to twist the judiciary to their own benefit. Their software is not innovative. MS has, in fact, been making very lousy software because there do not have enough competition. Its time to let other competes with MS so that they are forced to develop better and more reliable software.

Rahul.

MTC–00003217

From: James Kalmadge
To: Microsoft ATR
Date: 12/7/01 12:26pm
Subject: The Monopolistic practises of MS

Sirs & Madams,

The notion of making MS provide free Software to schools is tantamount to giving them cheap advertising to the most impressionable people and disguising it as a ''punishment''. The practises of MS in the past have indicated that its philosophy is to 'infiltrate' a system and then make it reliable on continuing MS support and so-called ''upgrades''. The more deeply one understands the way MS software works, the more one realizes the insidiousness of their practises. I could site many such things, but I'll limit it just to the ''register'' which MS uses to control the execution of software. A large, unscrutable, and arcane convention which makes it possible only for MS 'gurus' to understand what is going on in the computer and which adds nothing but ham-fisted control to the process of executing a file.

These things coupled with the practise of making software obsolete and incompatible with the new version (e. g. Office 98) assures MS of continuing dependence of its customers on software it might otherwise not need.

My Two Cents Worth, Anyway,
James Kalmadge

MTC–00003218

From: sandy@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 12/7/01 12:32pm
Subject: Microsoft Decision

It is appallling that Microsoft has received no real penallty after these years of litigation. They have continued monopolistic practices, and the condition of the settlement will increase them by allowing them to penetrate schools.

Their software is of poor quality, their business practices are beyond dubious, and surprisingly, their customer service, website, and support systems are not at all state of the art. (If you want to see good ones, try IBM, Lotus, Red Hat, Oracle.) As a computer professional, I dislike dealing with most of their products, and it upsets me when corporations as well as individuals are sucked into dealing with Microsoft. The reason we need government to intervene on behalf of the consumer is that consumers in general do not have the power to deal with large monopolistic organizations, nor the background to seek alternatives. But aside from technical and professional considerations, these people are KNOWN to have broken US laws. So why are they not being punished? I see no incentive for them to improve their behavior.

Those of us involved in technology are doing what we can to encourage competition (this message is being written on a Red Hat Linux machine, for which I paid cash). But the overwhelming presence of Microsoft and its pressure on the consumer tend to make it impossible for other firms to develop and market software, either for the Windows operating system (because Microsoft hides the interface) or for other systems (because of the small size of the remaining market). In the long run this will cause grave harm to the software industry and will remove the motivation of our brightest people to innovate.

Sandra Greer
381 7th Street
Brooklyn, NY 11215–3312

MTC–00003219

From: XXHANSON
To: Microsoft ATR
Date: 12/7/01 12:32pm
Subject: Microsoft Settlement

To Whom It May Concern,

I am writing you as the owner of a small business and a user of Microsoft products. It remains a mystery to me why the competitors of Microsoft continue insisting that they are acting on behalf of the Microsoft users in seeking a more rigorous settlement of the Antitrust Settlement. As one of those users, I would like you to consider my viewpoint as well: No company has provided a better benefit to small business users than Microsoft has with its Office suite of products. I remember the early days when programs did not interact together and the difficulty in putting together a professional document for a business proposal. Today, thanks to Office, that process is simple. The increase in productivity for my company has been nothing short of incredible. Now we can spend our time doing work instead of trying to get the computer programs to work. I do a lot of consulting work with a variety of companies, including Boeing. With Office, I know my documents are all compatible with their systems. We can work together, revise texts, e-mail back and forth and quickly come up with products that meet the needs of all concerned. Whether the materials consist of word processing, slide presentations, or spreadsheets—they work. My colleagues who are also small business owners agree with this contention. Microsoft products have provided us with the tools we need to be successful. I find it frustrating that the competitors of Microsoft have put so much time and money into trying to damage a company that has done so much to help consumers at a very reasonable price. It is even more frustrating to know that their power in the marketplace and the money they have behind their vendetta appears to have given them greater access to the justice department than the users who, indeed, make

up that marketplace. Like many consumers, I don't want them speaking for me. It would be better for all of us if they would concentrate on their own businesses and making the marketplace more productive vs. trying to use the judicial system to destroy another company. I believe that the settlement as it now stands addresses the concerns of all involved in a fair way. I also believe that it is time to move on and put the resources—time and money—of our government into more pressing concerns. Now more than ever, it is important to recognize the value of global markets and the companies that do business in those markets. Looking at this case through blinders constructed by the domestic competitors benefits no one—not even them. We need the reasoned judgement of our judicial system to stand behind this settlement. Thank you for taking time to consider this e-mail. Please approve the settlement as it is and take the steps that will allow pursuing innovation and economic growth. These are difficult times and we need our government to help us move on.

Sincerely,
Judith Hanson
Judith A. Hanson, MBA
President
Hanson & Associates

MTC–00003220

From: Neeley, Jason M
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/7/01 12:37pm
Subject: Microsoft Settlement

I'm tired of seeing multi-billion dollar companies break the law. As the U.S Department of Justice, you are among the few organizations that can afford to take on a company of this size. I have seen company after company break the law and continue to do so because they now that the benefits of doing so out weight the cost. As long as a company can make more in revenues from illegal actions than they will lose do to a settlement and litigation, companies will continue to exercise poor decisions that break the law and eventually harm the consumer, environment of the nature of a free market economy (such as Microsoft's case). In my mind that makes the DOJ directly responsible for protecting my rights as a consumer in a free market economy to be able to purchase a superior product at a fair MARKET VALUE. It is your job to make sure that a company that chooses to break the law to build up its bottom line will pay more for doing so than they would make from the illegal actions. In short it is your responsibility to ensure that companies WILL PAY MORE for breaking the law than they will gain from their actions, the cost MUST out weigh the benefits.

Jason Neeley
Computer Programmer

MTC–00003221

From: BRODERICK,BRANDON (HP-Loveland,ex1)
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/7/01 12:38pm
Subject: Microsofts web of software

Hello:

Currently Microsoft has a position that gives it almost an unfair advantage over all of the other competitors. But I beleive in free enterprise, so I think the optimal solution is to separate the operating system from the software company. Currenty, way too many software products are embedded in the software and this is unfair to other companies. Microsoft needs sell or download there products such as IExplorer just like I would have to download Netscape. If they provide IExplorer then they should be required to offer two other browsier software packages. They also have the operating system intertwined with their software. This creates problems when one program like Outlook has a problem is can effect Word, Excel, IExplorer and the operating system. They will place things like the IExplorer browser favorite list or the Outlook address book in amoungst the Winows operating system folders which is not fair and is not good from the standpoint of backing up data or troubleshooting problems. Because of this, factor I try to use 3rd party address books, email packages and browsers. But Microsoft doesn't make it easy to use other products and that is the root of the problem.

I am not saying stop them, but instead force them to level the playing field. They should have to install their software just like anyone else. The software should have to be able to stand alone without weaving into the operating system. They should make their products, like Excel and Word capable of installing in other operating systems such as Novell Netware or Linux.

Thank you for your time,
Brandon Broderick

MTC–00003222

From: rpape@freenet. edmonton.ab.ca@inetgw
To: Microsoft ATR
Date: 12/7/01 12:38pm
Subject: Microsoft ruling

Dear Sir/Madam

I would like to respond to the ruling against Microsoft. This year has been a tough one for the technology industry. I have been involved with purchasing products including Microsoft. Their new licensing agreement seems to co-incide with them getting off of the hook. Their new pricing structure is going to seriously hurt our company due the increased costs. The company that I work for is U.S. based, and since we as many other technology companies have lost money and laid off staff over this fiscal year, the increased cost of Microsoft products makes our bottom line look just that much worse. I strongly believe that the lack of punishment gives them a free reign to continue their anit-trust behaviour that is harmfull to the technology industry in general.

Rodger Pape

MTC–00003223

From: Mike Myhre
To: Microsoft ATR
Date: 12/7/01 12:39pm
Subject: Microsoft Monopoly Settlements

I would like to comment on the Microsoft Monopoly law suits currently in the settlement phase. It is my option that:

(1) Microsoft has used un-ethical buisiness practices in the past years to gain and keep a monopoly on certain areas of the software industry. These practices include the original Windows that competed against the windowing software that IBM paid microsoft to write in the first place, the planned incompatibility of windows with DR DOS, the Netscape Browser conflict, to the current Windows and Microsoft Office monopolies that they have today. This is not good business and if not bennificial to the software developer workforce or the end user, only for Microsoft.

(2) Any time you have an alternative to a microsoft product, it is always a better product, with better customer and developer support. Microsoft has charged many users for customer support where this support actually helped to improve their product.

(3) Microsoft has repeatedly broken the anti-trust rules and should be punished for their disreguard for the law; not just told ''don't do it again'' like they have been told in the past. They knew they were breaking the rules and didn't care. They need to be held responsible for their actions.

(4) Microsoft has repeatedly walked away from standards meetings where software developers can agree on how programs will interact. These standards are important to provide the user with a choice of which software module they want to buy. Without these common standards, microsoft is able to hold and build their majority market share as well as extend it to new products.

(5) The end users and the nations economy benefit from choices. Choices are what make better products and better products make more productive end users. Any settlement must include: punishment for past actions (not access to new markets like schools, but stiff monetary penalties) Open Source Code and Strict Standards to allow any other company to interface at the same level as microsoft is able to (equal access). Microsoft should be broken into several comapnies so they can't continue to extend their existing monopolies into other areas. It is your job to protect the end users and other companies. Don't let Microsoft bully the Justice system like they have the rest of the country. It has been a long road to get to this point. Don't let the chance slip by and do nothing (or worse, give them a stronger possition). Take a strong possition and give the country a future!

Thanks for you time.
Mike Myhre

MTC–00003224

From: Nathan Potter
To: Microsoft ATR
Date: 12/7/01 12:39pm
Subject: Inadequate Penalties

To Whom It May Concern,

It is a pretty sad state of affairs when the government appears to be incapable of enforcing its own laws. Microsoft has been found guilty of monopolistic activities. They have received no substantive penalty, and from all that I can ascertain from following the media your organization has no intention of calling for or enforcing such penalites. Why?

The settlement in which Microsoft has agreed to donate software, (refurbished) hardware, and services to the nation's poorest schools is disgrace to our justice

system: What should be a penalty for Microsoft is really just an opportunity for them to increase their already dominant and heavly entrenched market position. By ''donating'' their software to schools they establish a long term dependance on their products which they may (and most likely will) choose to charge for in the future. This ''donation'' will result in the training of thousands of new and impressionable users to use their products. In addition, the value of this ''donation'' will be calculated at the MSRP for these software products, while the actual cost to Microsoft will only be for the replication and media.

How can anyone make a cogent argument that this arrangement represents a penalty?

Lastly, Microsoft's current development path, the .NET initiative is a blatent effort to eliminate what little competition they have left. It presents significant invasion of privacy and intellectual property issues, and as far as I can see is not possible to opt out of. To my knowledge no legal challenge to .NET has been forthcomming. As usual Microsoft continues to do whatever they wish, moving so quickly that by the time the legal justice system can take issue with their behaviour they have moved on to a new arena of endeavour. Why does the D.O.J. not take a more active and aggresive role in dealing with the arrogant and combative behaviours of Microsoft? I can only speculate, but I must say that it is a sad state of affairs when a major corporation is allowed to run roughshod over the laws of our country.

I respectfully request that your organization deal with Microsoft in a much more aggressive manner. So far what I see is a corporation found quilty of violating the sherman anti-trust act, and that subsequently has refused to submit to punishment.

I thought it was the job of the D.O.J. to see that the laws were enforced in this type of case. Do I misunderstand the role of the D.O.J. in this? If not then why isn't it (law enforcement w.r.t. Microsoft) happening?

Sincerely,
Nathan Potter
1022 SW 11th
Corvallis, OR 97333
541.753.3406
CC:ndp@coas.oregonstate.edu@inetgw

MTC–00003225

From: dan damon
To: Microsoft ATR
Date: 12/7/01 12:41pm
Subject: Microsoft settlement

The proposed settlement that Microsoft should give software to schools in order to settle it's debt is a gross miscarriage of justice. Please consider the following points:

1. Not a Penalty for Microsoft: Apple gave free software and hardware to schools a decade or more ago, and even today, schools represent one of their largest markets. Apple did this as a marketing move, without any incentive from the courts, so it must have had some value to Apple. Assigning this same marketing plan to Microsoft both undermines Apple, and rewards Microsoft.

2. Security: Microsoft has one of the worst track records on in the industry on security. The recent Code Red worm, for example, exploited a weakness in the microsoft application server. Dozens of other viruses have been written that exploit weaknesses in Microsoft Office applications. Many foreign governments are moving to Linux to avoid these weaknesses. Why force this unsecure software on schools?

3. Closed environment: Microsoft is generally a closed software environment. For higher grades such as high school and college, open systems such as Linux or FreeBSD are much better for teaching the details of what computers do. Also, Microsoft does not support Java—one of today's primary programming languages. Java is supported on the Microsoft platform currently at Sun's expense.

Thanks
Daniel Damon
Software engineer
CC:danieldamon@home.com@inetgw

MTC–00003226

From: rkasting@dsscorp.com@inetgw
To: Microsoft ATR
Date: 12/7/01 12:41pm
Subject: Microsoft Anti-Trust Case

This is my opinion and not necessarily that of my employer or anyone else. I don't think Microsoft has been properly dealt with and I think that it was too late before the proceeding even started. It's quite obvious that they dominate the desktop computing environment. Go to 98+% of computer resellers and you only have Microsoft options for your OS. They did so by cheating other vendors in any way they could. Just look at the way they cheated IBM with the OS/2 project. You can find all sorts of things that they've done to cheat people. And every time they hide behind their no-warranty policies, their attorneys, and their desire to destroy their competition.

They have hurt the consumer because they choose not to introduce new innovations. I had a decent speech-recognition package on my PC back before Windows was out. They have squelched folks with this and other innovations for years to the degree that decent speech-recognition for a reasonable price still doesn't really exist. Essentially, all they've done for several releases of their products is provide the same functionality with a different look. Not only that, but they drop support on the older versions, forcing you to upgrade to newer versions for support and forcing you to replace hardware that shouldn't need replacing. They have essentially made everyone's expensive computers a 3 year disposable asset. I think surprises most consumers and they don't realize they've been had until it's too late. Only a major monopoly can force people to buy newer products.

They've also reigned in an era where software vendors demand licenses for each individual person using a system. I don't have to buy seat licenses for my car. Why should I have to buy seat licenses for my network? They've twisted the purpose of copyright laws to the point that people don't even consider that they shouldn't have to pay for some of these licenses. I think the government has a lot of work to do to make certain that copyright laws are not abused by companies like Microsoft. I would like to point out that much of the software industry is like this. They bring litigation unfairly to their customers. They sell their products with poor descriptions of what the licensing requirements even are. Many customers don't properly understand their complicated licensing methods. I believe it's part of their strategy. Once the systems are in place and folks use them every day, Microsoft can pry money out of the company's hand after the fact. They use the court system to generate a profit. Shouldn't they be considered a 'vexant claimant'. They should be required to verify that folks understand their licensing in some way other than a silly prompt that comes up during the install of their OS. In addition, if that is where they choose to put the agreement, you should be able to return the product after the box is opened. You can't look at any of their licensing agreements for which you would disagree without opening the box.

In addition, they've reigned in an era of no responsibility to the consumer. If 1000 people bought lawn-mowers that broke every 4 hours, the people would file a class-action suite and win. For some reason, Microsoft is allowed to provide no warranty whatsoever. Folks at home just can't get things fixed. They pawn it off on the resellers to support their product. That ridiculous for the amount of money they get for the product. For $250, I should get silver-platter service when I call them. How many times is someone going to have to pay almost $250 for Windows 2000 after they've already bought a $1200 PC and watch it crash once a day? The only reason that they can treat their customers this way is because they are a monopoly.

They've brought about an era where the copyright laws are interpreted to not include the consumer in the considerations. They think that the whole world should have to pay tribute to them for their OS. You can't use a damned PC without an OS. They think that every vendor and every consumer should just have to accept their rule over the market at the prices they want. People with greater innovations don't expect that of the world, why should Microsoft get to pervert the copyright laws to do so? Finally, they leave all of their customers with huge security issues without provided free and reasonable support. There are typically thousands of security bugs in any release of their OS. They rarely want to admit their faults, so customers are left open to attacks until they admit the faults and fix them. This costs their customers a lot of money to fix, patch and such. For the money you pay, they should do a much better job than they do. Why is it that they can't be held responsible for a breach of security on their product when the product is used properly. If a safe manufacturer sells a safe and it's properly installed and all you have to do is turn the dial any which way to open it, the safe manufacturer should be liable if someone's goods are stolen as a result. Why is Microsoft free of this obligation to their customers? It's not like the product is cheap.

I think Microsoft needs to be forced to be responsible to their customers. They should be required to provide warranty on their products that actually guarantee the working of the product. They have done more than try

to compete over the years. They've been ought right dishonest and unfair. I think that anyone working on this case can see that if they just open their eyes. If the government is not more harsh with Microsoft, I feel that they will not have fulfilled their responsibility in upholding the spirit of the AntiTrust laws.

I apologize for some of my rambling, but I've been in the industry my entire career and I can't stand the fact that a blind eye has been turned to this for so long. We put folks in office to make sure that these sorts of things get addressed properly. Why do we always have to wait until too late to deal with everything? Please go do something about this.

MTC–00003227

From: 's me
To: Microsoft ATR
Date: 12/7/01 12:48pm
Subject: Microsoft Case

I beleive that any decision and penalty given to Microsoft which just allows further distribution and dependance on it's own products is counter productive and wrong. Granting institutions free copies of Windows operating systems just further increases the monopoly supposedly addressed by the case.

Brad Hayes
3809 V Street
Omaha, NE 68107

MTC–00003228

From: Robert MacGrogan
To: Microsoft ATR
Date: 12/7/01 12:54pm
Subject: Comments on Proposed Settlement

To Whom it May Concern:

I would like to comment on the proposed settlement in the Microsoft antitrust case.

The proposed settlement in its current form is toothless and in many ways actually rewards Microsoft for their misconduct. The trial judge and the appeals court both found that Microsoft engaged in illegal monopolistic practices. In other words, Microsoft committed criminal acts. They broke the law. For this they must be punished.

It is important to keep in mind in discussing any settlements with Microsoft that this is a company that has consistently thumbed it's nose at the US justice system. They have violated previous court orders and agreements. And every time they violate such agreements, they use evasive legalistic tactics to avoid accountability.

It is high time to make Microsoft accountable.

The ideal punishment of a monopoly is to break it up. Perhaps this idea is not politically feasible today. Baring this approach, Microsoft should be forced to pay in an amount that will actually affect their bottom line. The proposal that Microsoft pay for their crimes by giving ''free'' Microsoft software to schools is absolutely ridiculous. The school system is one of the few places where Microsoft's monopoly does not extend. Are we going to punish them by allowing them to extend their monopoly using shrewd marketing tactics? The software will only be ''free'' for five years under the current proposal. After this, schools must pay.

There is a better way.

The Department of Justice should implement the proposal made by Red Hat to provide free software to all the schools in the country. Forever. Microsoft can then use the money that would have gone to providing ''free'' software to provide more hardware. This is a truly winning proposal. Our schools will win by getting much more than they would have under the original settlement. The public will win through increased diversity and competition in the world of PC software.

Microsoft will not win under Red Hat's proposal, though. They will actually have to pay much more because the free software the would be giving to schools would actually cost them nothing. And they will not be able to extend their monopoly into yet another sector. But since Microsoft is the criminal in this proceeding, it is fitting that they be punished.

Thank you for your attention.

Sincerely,
Robert MacGrogan
406 Milledge Ave., SE
Atlanta, GA 30312
404–524–4593

MTC–00003229

From: Gerald Recktenwald
To: Microsoft ATR
Date: 12/7/01 12:55pm
Subject: Microsoft Settlement

I am strongly opposed to the current version of the ''Proposed Final Judgement'' in the Microsoft case. In particular, the definitions in Section III(J)(2) and Section III(D) that allow Microsoft to exclude not-for-profit organizations for access to their source code.

MICROSOFT MUST BE FORCED TO PUBLISH ITS SOURCE CODE FOR ANY PRODUCT THAT INTERACTS WITH THE INTERNET. Specifically, any product that uses IP services must be available for inspection by anyone.

Microsoft is plenty clever (and devious) enough to find ways to keep some of its code secret. That's fine with me, but they should not be allowed to subvert the open protocols that run the internet.

Gerald Recktenwald
(503) 725–4296 voice (503) 725–8255 FAX
gerry@me.pdx.edu
http://www.me.pdx.edu/~gerry
PSU Mechancial Engineering, PO Box 751, Portland, OR 97207–0751

MTC–00003230

From: harold thomas
To: Microsoft ATR
Date: 12/7/01 1:04pm
Subject: MicroSoft View

Concerning the Microsoft Suit:

My View for the DOJ:

—If it ''aint broken don't fix it''. Leave Microsoft and other companies alone. You destroy any vestige of American entrepreneurial spirit. The US is about to become a second class industrial nation in the World and you will make us a fourth class with your decisions.

—Stay out of making decision on high-technology. You are clueless.

—FOCUS on criminals, drug dealers and murderers. You have botched so much of these events up from Wako to Ruby Ridge you need to get these situations fixed correctly. Stay with the fundamentals. That's one register voter's view who pays the bill for your past misdirection with Microsoft.

Regards,
Harold Thomas
Glen Carbon, Illinois

MTC–00003231

From: don roh
To: Microsoft ATR
Date: 12/7/01 6:13am
Subject: ridiculous

Its sad that the government is so easily fooled by this business giant. Giving Microsoft to underprivledged kids is a gift, not a penalty. Apple has been doing it for years as a marketing strategy. How about giving free open source software which actually teaches kids about computers and forcing Microsoft to pay actual monies to the people they have put out of business. Or at least pay monies, not software, to the education system. In five years Microsoft will be bankrupting the schools IT department when its free licesing expires!!

Don Roh
systems engineer
Rohs Inc.

MTC–00003232

From: M Ewing
To: Microsoft ATR
Date: 12/7/01 1:06pm
Subject: Microsoft Settlement

To the Department of Justice:

I would like to point out the great importance of the eventual Microsoft Settlement to higher education, as well as to the general public interest. As I understand the current focus, the settlement mainly addresses the rights of Microsoft's competitors. It is possible that the choices available to higher education and the public will actually be—reduced—under the current Settlement, because critical information will be withheld from developers of Open Source software. Open Source as an alternative to Microsoft products is particularly important in higher education.

Many of Microsoft's major ''competitors'' are in the Open Software arena, which provides such products as the Apache web server, SAMBA file sharing, and the Linux operating system. The volunteer groups that provide this software are critically dependent on access to the Microsoft APIs and other information that may be provided under this Settlement.

In order to serve the public interest and to redress Microsoft's violations of law, I believe the Settlement should require Microsoft not only to disclose APIs and related information to ''qualified'' competitor firms, but to disclose them to the public at large. This is the only way that the needs of the open software community can be fairly addressed.

Thank you for your consideration.

Martin Ewing
Director of Information Technology
Faculty of Engineering, Yale University
203–432–4321 203–432–9042 (fax)

http://www.eng.yale.edu/it/
CC:MSE

MTC–00003233

From: Burk Braun
To: Microsoft ATR
Date: 12/7/01 1:08pm
Subject: Microsoft Settlement

Dear Justice department,

I am writing to comment on the pending Microsoft antitrust settlement. Please see http://www.pbs.org/cringely/pulpit/pulpit20011206.html for some related, though more articulate, thoughts. I am not sure what the ''Justice'' department has been thinking, but several aspects of the proposed deal fail completely to penalize Microsoft for the predatory behavior they have exhibited in squelching innovation in the computer industry. And for the small part of which they have now, been convicted in court.

(1) 1 Billion dollar program for schools. You realize, of course, that 1 billion dollars is literally a drop in the 36 Billion dollar bucket that is Microsoft's cash reserves. They will use their remaining money to crush other companies in the same or other industries. For instance, witness the X-box program. They lose money on every box sold, and doubtless on every game as well. Does anyone raise an eyebrow? Apparently not, except that this is a classic case of abuse of a monopoly gained in an entirely different industry. I believe at least half of their cash reserves should be sent directly to the government without any further strings attached.

(2) 1 Billion dollar program for schools. The way the program is structured now, Microsoft will contribute software and hardware to schools, further crushing competitors who already sell computer systems to schools and wedding schools to the Microsoft suite of programs and operating systems. This would be disastrous for Apple, among others. Again, the suggested remedy should be in terms of money alone, not products on which they already have a monopoly or wish to gain one.

(3) Shielding of for-profit companies only. From what I read (see web site above), the settlement subjects Microsoft to certain controls over its software businesses, but only in regard to protecting its for-profit competitors. Microsoft has many not-for-profit competitors which should be likewise protected for the greater good of the industry and the general welfare. The web is mostly open-source at this point and it would benefit everyone to keep it that way. Additionally, many competitors no longer exist, such as Netscape as an independent company they were crushed by Microsoft through its ability to take money from its monopoly in other software to offer a competing product entirely for free. This strangled the innovation that was just gaining ground at Netscape and elsewhere to essentially make the web into the computer's operating system. It was this innovation that Microsoft feared, rightly or wrongly, and moved to destroy.

Burk Braun
37 Hillcrest Drive, San Rafael, CA 94901

MTC–00003234

From: Tower, Peter
To: Microsoft ATR
Date: 12/7/01 1:05pm
Subject: citizen views

I would like to be able to express my viewpoint about the proposed settlement of the MS anti-trust action. How do I so so, please?

MTC–00003235

From: hab
To: Microsoft ATR
Date: 12/7/01 1:55pm
Subject: Microsoft Settlement

Dear Sir,

The proposed settlement with Microsoft seems criminal to me. Competition is a foundation of our econmic system. Nothing in your proposal encourages competition to the almost Total Microsoft Monopoly. It still remains almost impossible to obtain Preloaded software other than Micorsoft from Major Vendors. Most hardware Manufactures only provide drivers for Microsoft systems and will not even provide the required technical information to allow independent development of the drivers. While this is not a direct Microsoft action, it is the result of the Microsoft anti-competative actions due to their Monopoly. Please provide us with some real relief from this Monopoly. Not just publicity. Yes, Microsoft has some value but competition has even a greater long term value. We need to encourage inovation not stifle it with an anticompetive Monopoly.

Hubert Bahr
hab@hbahr.org
probably an ex-rpublican over this issue.

MTC–00003236

From: Dave Blinder
To: Microsoft ATR
Date: 12/7/01 1:18pm
Subject: Microsoft extending its reach

I believe that Microsoft's offer to present or donate their software to runs counter to the desired goal of the DOJ and the suit's intent.

In a scholastic environment, children are taught to use computers and software to enhance their learning experience and possibly better enable them to find employment as adults. This is a noble jesture by Microsoft but is unfortunaly too self fulfilling and contrived. These children will help extend the Microsoft reach by placing them as many other into a computer user jail where they will become ?Microsoft Centric? and only consider the very computer hardware they work on as an extension of the software it runs, Microsoft.

Giving schools Microsoft product will only result in the furthering of their monopoly. Instead, I suggest they donate the hardware to the schools allowing the schools to load what ever they wish to teach on the systems. Yes, they should donate some software too but there should be a fair mix where kids can have classes that focus on open source and enterprise applications for more advanced students.

Thank you for listening,
Dave Blinder
Light Speed Internet Associates
Dana Point, CA 92629

MTC–00003237

From: Trent A. Naumann
To: Microsoft ATR
Date: 12/7/01 1:26pm
Subject: Microsoft Windows Is In Control

My opinion:

There is no operating system option for personal computers other than Windows. Until they are forced to unbundle all of the applications they include with Windows AND make their applications available on other operating systems will the users have a choice. Currently, if I use other office(spreadsheet, word processor, database etc) applications such as Lotus, Star Office etc, then my information exchange with people/colonies is handicapped if they use Microsoft products. Every new release of Microsoft products changes just enough to make the other competing product incompatible. It doesn't have to be that way but it sure works for Microsoft. Please help us to protect this very important resource....Please.

Trent A. Naumann

MTC–00003238

From: Derek Hover
To: Microsoft ATR
Date: 12/7/01 1:20pm
Subject: Microsoft settlement

The settlement is a pathetic joke. How can we have any confidence in your department????

MTC–00003239

From: Jason Osgood
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/7/01 1:31pm
Subject: Microsoft Settlement

Madams/Sirs:

As you know, Microsoft was found guilty of violating antitrust laws. They've also demonstrated their lawlessness by flaunting the previous consent decree.

As an injured party, I insist that Microsoft be punished in some way commiserate with their crime. Some ideas:

—Radical ''cashectomy''.

—Reimburse registered customers.

—Divestment (e.g. MSN, Expedia, all hardware, Xbox, etc.)

—Apply new accounting rules for employee stock options.

Thank you for your time.
Cheers, Jason Osgood
Seattle WA

MTC–00003240

From: Lynn Yuan
To: Microsoft ATR
Date: 12/7/01 1:33pm
Subject: Did the govt. flake out on us?

To whom it may concern,

This latest deal with Microsoft is a joke, kind of like the impeachment process of President Clinton. As any business person would know having Microsoft provide it's own product and USED computers is no real punishment at all.

The cost to Microsoft giving away its software is about 10 cents per disk or less. In addition Microsoft is getting free advertising—money it would need to spend anyway.

Corporations upgrade their equipment all the time, used computers are worth very little. Microsoft should provide new computers as a punishment. Personally I would rather get $10 from Microsoft rather

than see a great advertising campaign for Bill Gates (Microsoft) as a punishment.

As a citizen I am sad to see our government so flaky or should I say betray the people of United States.

Lynn Yuan

MTC–00003241

From: Saul and Sharai
To: Microsoft ATR
Date: 12/7/01 1:38pm
Subject: Microsoft Settlement

To Whom It May Concern,

I would like to register my distaste for the Microsoft settlement.

I admit that I am no fan of Microsoft but it seems that even those who are completely unbiased should be shocked by what the settlement will (and will not) accomplish. Microsoft was found guilty. No one can dispute that fact. Instead of being punished, though, they are being rewarded by being forced to install their software into schools, thus ensuring that future generations will grow up knowing (and buying) only their products.

Another issue surrounding the settlement I find distasteful is the reference by the judge to the September 11 attack. The implication was that a light sentence was rushed through in order to help get the country's economy back on track. The message, then, is that it's okay to break the law if your company is big enough to have a noticeable effect on the US economy.

I have been in the software industry for over fifteen years and I have seen the negative effect that Microsoft's monopolistic practices have had on companies that have tried to compete (and many that haven't even been competitors).

I would not be surprised if the Microsoft executives and lawyers are laughing at what they could get away with. They may be ruthless and monopolistic, but they are not stupid. They will take this settlement as a sign that the Department of Justice is unwilling to stand in their way because their illegal practices provide jobs and taxes. Is this the position of the government and the Department of Justice?

Sincerely,
Saul Perkes
spsp@seanet.com
P.O. Box 6971
Bellevue, WA 98008
CC:spsp@seanet.com@inetgw

MTC–00003242

From: Paul C. Daugherty
To: Microsoft ATR
Date: 12/7/01 1:43pm
Subject: Settlement is Inadequate

DOJ:

The proposed settlement with Microsoft does nothing to break up the illegal monopoly, does not punish Microsoft for its illegal actions, and does little to prevent further use of illegal monopoly power.

1. To prevent further use of monopoly power, Microsoft should be forced to reveal the code and APIs to software application developers during initial testing, not during final testing as proposed. By allowing MS to keep the Windows code secret until the 11th hour, the Justice Department is giving Microsoft's own application developers a jump start on the competition.

2. To both punish MS and prevent further user of monopoly power, MS should be broken into 3 separate companies: 1- an OS company, 2- an application company, 3- an internet/entertainment company. The boards of all three companies should have no common members for at least 10 years. For at least 10 years, the three companies should be disallowed from entering into any exclusive business relationship not available to competitors.

3. All future version of Windows should be stripped down to the OS component only. No bundling of any applications should allowed. By allowing continued bundling, the justice department is letting Microsoft shut out smaller competitors.

4. The MS End User License Agreement on server products should be revised to eliminate Client Application Licenses for connections to the server. MS uses these CALs to reap revenue when a competitor's product connects to a MS server.

Paul C. Daugherty

MTC–00003243

From: Akavar Dylutra
To: Microsoft ATR
Date: 12/7/01 1:40pm
Subject: Microsoft settlement

Please register my vehement dislike of the currently proposed settlement of the Microsoft case. As a professional in a very large IT department and a home PC user, I have used Microsoft products for years. Microsoft has a monopoly. They do not use that monopoly for anything else other than the intended benefit of Microsoft. Their continuous and blatant disregard for the needs of the customer are only put in abeyance when the customer is so upset with Microsoft that it threatens their ability to pick the customer's pocket again.

Several of these behaviours are their disregard of the need for security built into their products until the public relations became so bad that customers were actively seeking non-Microsoft solutions, and the constant upgrade treadmill that they cause by releasing minimally improved products (unless we count the bundled web browser, imaging, and other software aimed at running their competition out of the business) and the suspension of support for anything but the most recent products.

My solution: make Microsoft a regulated public utility with a guaranteed profit (like the old AT&T). This will allow them to make reasonable ROI as opposed to the obscene ROI to which they have become accustomed. Also, this will allow for a public oversight that would hopefully protect the customer from regular pocket pickings.

Akavar Dylutra
CC:bob@cringely.com@inetgw

MTC–00003244

From: shipwright@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 12/7/01 1:41pm
Subject: Microsoft Settlement.

Dear Ms. Hesse:

Please amend the Final Judgment to include in the definition of ''businesses that Microsoft must play nice with'' language which includes entities which develop and maintain Open Source software. Examples of these which are not protected under the present terms are Linux and BSD organizations, the Samba organization and the Apache organization. Although these are examples of large market share products there are many smaller and less well known products and organizations whose products rely in part on their interoperability with Operating Systems.

Thank you for your consideration. —
Greg Brennan
Shipwright Consulting Corp.
www.shipwright.net
shipwright@firstva.com (540)948–6955
Member:Usenix System Administrators Guild
(http://www.usenix.org/sage)

MTC–00003245

From: Jerry50hom@aol.com@inetgw
To: Microsoft ATR
Date: 12/7/01 1:47pm
Subject: Microsoft case

Renata Hesse, trial attorney,
Antitrust Division, U.S. Dept. of Justice

I picked this up off the internet. Supposedly you are asking for public input. In my opinion this thing should be over and done with. I think it is a travesty and has added to the problems with the market in general. Reminds me of the breakup of AT&T. All it did was hurt people. Now all those baby bells are scrambling to consolidate.

Leave MSFT alone. The market environment has changed andthe competition is there. MHO.

Jerry Lewis

MTC–00003246

From: Jade Rubick
To: Microsoft ATR
Date: 12/7/01 1:55pm
Subject: Antitrust agreement?

I'm writing in response to the so-called settlement of the antitrust suit with Microsoft.

I frankly cannot believe that the Department of Justice is even considering Microsoft's offer of educational ''grants''. I think Microsoft's offer is self-serving and only extends their hegemony further. I'm generally in agreement with Apple or Red Hat's solutions: either have Microsoft provide the money, no strings attached, or have them purchase the hardware and let Red Hat provide the operating system for education. This reminds me the burgular who falls through the skylight and sues for damages. With Microsoft's offer, they come out better than ever, despite the fact that the suit was ruled *against* them.

Jade Rubick
Director of Technology
Integrated Bakery Resources
jader@bread.com

MTC–00003247

From: pheonix1t
To: Microsoft ATR
Date: 12/7/01 1:53pm

I do not feel that Microsoft is getting any punishment at all! how much money has microsoft given to the present white house administration?? the change of tone from this

white house admin. concerning the punishment of microsoft is substantial. They aren't getting punishment at all!

The deal with providing schools with MS products is a scam, that only helps MS to grow their monopoly. I only wonder how much did Microsoft ''contribute'' to the Bush administration to get such a light punishment.....

MTC–00003248

From: Tony F.
To: Microsoft ATR
Date: 12/7/01 2:03pm
Subject: Microsofts Antitrust

To Whom it may concern: I am a strong proponent of capitalism, however, monopolizing the market and prohibiting growth and further development is not what this country is about. Sadly, in this case, it was the consumer that allowed this to happen. Still, the Department of Justice has an opportunity to right this wrong.

Please do not let Microsoft's greed, backed by large amounts of money, sway the Department of Justice.

Thanks,
Tony Farrell
1063 Plantation Blvd.
Conyers, GA 30094
770 760–7595

MTC–00003249

From: Phill
To: Microsoft ATR
Date: 12/7/01 2:04pm
Subject: Monpolies

I would like to voice my unease at the possibility of Microsoft being allowed to continue with attempts to remove my choice in operating systems and associated software. Most businesses which have customer care as a business principle regard competition as healthy and of benefit to the market. Microsoft appear to attempt to stifle competition so that customers have no choice. The concept that introducing MS products to schools for free is stunning in its arrogance, disregard for competition and the assumption that free equipment and products is a valid means to gain advertising and future customers under the pretence of social support. Software users, like bank customers, rarely change service supplier and, when they do, it's usually with great trauma. Feeding children with MS products is a guarantee that the competition will be effectively excluded.

Phillip Birch, UK

MTC–00003250

From: Kyes, Kerry G
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/7/01 2:05pm
Subject: microsoft settlement

I am quite unhappy about the Microsoft settlement. This is an aggressive and openly monopolistic company that has destroyed much of the competitive environment within the micro software industry. The settlement does little to nothing to prevent their continued action in that respect in the future, and in fact, their current product releases put them right back into the same old mode of monopolistic operation. If the government settles with Microsoft without forcing a separation of the company into system and applications areas, there will have been nothing gained whatsoever. This business area could have been broadly based and successful. It still might regain that status, but it is currently an industry in trouble. Please provide us with the relief we had been expecting from all this ongoing legal action. I ask you as a career programmer since the 1960's who has seen Microsoft put 2 of my business endeavors in the trash with their monopolistic actions over the years. Little people like me have no one to protect our interests if you do not take action to save this industry from corporations like Microsoft.

MTC–00003251

From: Bryan Foli
To: Microsoft ATR
Date: 12/7/01 3:11pm
Subject: microsoft settlement

This settlement is a joke. It helps Microsoft. How much Microsoft stock do you own? Microsoft should be broken up. Simple. They have broken the law, and continue to thumb their noses at the DOJ.

Bryan Foli
Monticello High School

MTC–00003252

From: Richard Sawey
To: Microsoft ATR
Date: 12/7/01 2:17pm
Subject: Microsoft Settlement

The remedies in the Proposed Final Judgment of the Microsoft case may have the unfortunate effect of harming the growing open source development movement.

Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...''

There are many open source projects such as SAMBA that use Microsoft calls. The unmodified settlement would appear to give Microsoft the right to effectively kill these products.

Section III(D) takes this disturbing trend even further. It deals with disclosure of information regarding the APIs for incorporating non-Microsoft ''middleware.'' Again I find the definitions specify commercial concerns only. Many open source projects require integration with Microsoft's products, this agreement as written will hamper these projects which in turn will reduce the availability of viable alternatives to Microsoft's expensive products. Since Microsoft have been actually found guilty it would be unfortunate if the Judgment ended up crippling one of Microsoft's competitors and inadvertently gave Microsoft a key competitive advantage. Under this deal, isn't the government shut out too? NASA, the national laboratories, the military, the National Institute of Standards and Technology—apparently even the Department of Justice itself—have no rights! Surely this is not what you intended.

Kind Regards
Richard Sawey

MTC–00003253

From: Peter Skye
To: Microsoft ATR
Date: 12/7/01 2:22pm
Subject: comment against the proposed Microsoft settlement

To:
Renata Hesse
Trial Attorney, Antitrust Division
U.S. Department of Justice

Dear Ms. Hesse,

I wish to comment on the proposed Microsoft settlement. Justice is, in part, a ''finalizing'' of a situation based on its facts and merits so that all parties may move on. By ''finalizing'' the Microsoft antitrust case in a way that essentially does not penalize Microsoft for its gross illegal actions, you do not allow the non-Microsoft parties to move on. Instead, this settlement allows Microsoft to keep its ill-gotten gains, which include in part market share, consumer capital, and a technological position based not on their own creative development but the constraint of the creative developments of others. Moreover, this settlement creates an untenable situation where Microsoft may now continue its ill-gotten market position and require every computer user in every U.S. state to send tribute in the form of royalties to Microsoft for years to come.

This settlement does nothing to improve competition; instead, it promotes the Microsoft monopoly. A number of my friends and business acquaintances invested considerable money and portions of their careers in non-Windows computer software believing that there would truly be competition. And their vision made sense; in America we look around and see healthy competition wherever our eyes fall—different car manufacturers and gasoline brands, different cans of soup and boxes of cereal at the grocer, different universities at which to study, different cellular telephone companies, the list goes on and on. Yet this proposed Microsoft settlement negates what we have in America, negates the choice brought by healthy competition, negates the underlying democratic concept of freedom.

I am against the proposed Microsoft settlement. It is unhealthy for America, it is unhealthy for technology, and it is an unhealthy position to be taken by the U.S. Department of Justice.

Sincerely,
Peter Skye

MTC–00003254

From: Stan Toporek
To: Microsoft ATR
Date: 12/7/01 2:22pm
Subject: Injustice In Microsoft case

To Whom it may conern,

''The DOJ had previously found Microsoft to be a monopolist, but the settlement included no punishment for past actions and left doubt as to its protections against future monopolistic practices.'' AT&T was broke up, Standard Oil was broke up, and it has been US government policy to break up companys that hold monopolies. Microsoft has been termed a monoploy and should be broken up. Microsoft also feels that they are above the

law and can buy their way out of breaking the laws of the United States of American. No company should be able to violate the laws of the US and get away withit just because they can keep having lawyers come up with excusess that do not even address the wrong doing of the company.

Justice needs to be served and the un-American monoploy of Microsoft needs to end. We have no choice as consumers on what operating systems we can run and what web browers we can use. Microsoft always manages to fix its software so other company's software stops working. This needs to end.

Thank you for your time,
Stan Toporek
5815 Windham Dr
Raleigh, NC 27609
stant@nc.rr.com

MTC–00003255

From: Ted Ferragut
To: Microsoft ATR
Date: 12/7/01 2:25pm
Subject: Microsoft

I sometimes feel I have no alternatives. I just bought a laptop for my office and was so linked to Microsoft Operating Systems and software. My laptop vendor told me they had NO choice in selling me anything but Microsoft products packaged the way Microsoft said they would be packaged. As soon as I buy the laptop, I then have to spend another $250 dollars on software to run on their new system, software that could have either been included in the original buy at a much lower cost. I have HAD to buy Microsoft products, buy their technical services (if you call it that), and really do not feel that I have any choices whatsoever. Take what they give in all aspects.

You know in politics, I get choice between parties. In computers, no such thing.

I really wish you had put the consumer ahead of you ideologies about government intervention. Your grandkids will have to tear down this monopoly.

Ted Ferragut, PE
TDC Partners
417 S. St. Asaph St.
Alexandria, VA 22314
703–836–1671—Phone
703–995–4699—Fax
202–744–4175—Cell
866–475–3126—Toll Free
tferragut@tdcpartners.com

MTC–00003256

From: Michael Wang
To: Microsoft ATR
Date: 12/7/01 2:23pm
Subject: Microsoft Settlement

The remedies in the Proposed Final Judgment specifically protect companies in commerce—organizations in business for profit. On the surface, that makes sense because Microsoft was found guilty of monopolistic activities against ''competing'' commercial software vendors like Netscape, and other commercial vendors—computer vendors like Compaq, for example. The Department of Justice is used to working in this kind of economic world, and has done a fair job of crafting a remedy that will rein in Microsoft without causing undue harm to the rest of the commercial portion of the industry.

But Microsoft's greatest single threat on the operating system front comes from Linux—a non-commercial product—and it faces a growing threat on the applications front from Open Source and freeware applications. The biggest competitor to Microsoft Internet Information Server is Apache, which comes from the Apache Foundation, a not-for-profit. Apache practically rules the Net, along with Sendmail, and Perl, both of which also come from non-profits. Yet not-for-profit organizations have no rights at all under the proposed settlement. It is as though they don't even exist. Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...''

So much for SAMBA and other Open Source projects that use Microsoft calls. The settlement gives Microsoft the right to effectively kill these products. Section III(D) takes this disturbing trend even further. It deals with disclosure of information regarding the APIs for incorporating non-Microsoft ''middleware.'' In this section, Microsoft discloses to Independent Software Vendors (ISVs), Independent Hardware Vendors (IHVs), Internet Access Providers (IAPs), Internet Content Providers (ICPs), and Original Equipment Manufacturers (OEMs) the information needed to inter-operate with Windows at this level. Yet, when we look in the footnotes at the legal definitions for these outfits, we find the definitions specify commercial concerns only. But wait, there's more! Under this deal, the government is shut out, too. NASA, the national laboratories, the military, the National Institute of Standards and Technology—even the Department of Justice itself—have no rights. It is a good thing Afghanistan is such a low-tech adversary and that B-52s don't run Windows.

I know, I know. The government buys commercial software and uses contractors who make profits. Open Source software is sold for profit by outfits like Red Hat. It is easy to argue that I am being a bit shrill here. But I know the way Microsoft thinks. They probably saw this one coming months ago and have been falling all over themselves hoping to get it through. If this language gets through, MICROSOFT WILL FIND A WAY TO TAKE ADVANTAGE OF IT.

MTC–00003257

From: root@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 12/7/01 2:27pm
Subject: MicroJunk decision

You should have split the Windoze OS into a separate company so that all Applications developers have a chance to receive the APIs at the same time they're given to the rest of Microsoft.

Twas plain as the nose on your face, tsk tsk.

Jim Steichen

MTC–00003258

From: Chris Best
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/7/01 2:29pm
Subject: Antitrust Settlement

I must say, with all due respect, that the settlement in its current form is a joke. In it are no penalties for Microsoft's previous behavior, and no real method for preventing any future illegal actions.

The settlement is full of loopholes easily exploitable by Microsoft's legal department. An excellent example is the provision that allows Microsoft to offer versions of Windows with their integrated software at a discounted rate. The settlement is supposed to ban them from charging extra for copies of Windows lacking the integrated components (an excellent idea), but by allowing them to discount versions of Windows carrying the extra components, they can effectively accomplish the same goal of denying competitors entry into the market. They can simply market Windows with integration at a significantly lower cost!

After reading over the language of the proposed settlement, I am made to wonder wether this is truly a settlement that was reached between the DOJ and Microsoft, or if Microsoft simply wrote a settlement and the DOJ agreed to it.

The break-up order should be upheld. That is the only way to allow fair competition in the software industry.

Chris Best
PC Specialist
Lafayette Consolidated Government
Information Services
(W) (337) 291–7027
(H) (337) 837–9594
(W) cbest@lafayettegov.com

MTC–00003259

From: Richard Levitt
To: Microsoft ATR
Date: 12/7/01 2:31pm

One of the fundamental aims of competition law is to assist free competition by preventing the abuse of monopoly power.

Is there any doubt that Microsoft enjoys monopoly power? Has there ever been a clearer example of a business that has not only abused its monopoly power but done so with such complete and sustained contempt for the law and those charged with enforcing it? Is there any doubt that free competition and all who would benefit from it have suffered harm as a result? It is astonishing what Microsoft has been allowed to get away with by the US competition authorities and the US courts. I hope that the European competition authorities are able to deal with Microsoft more effectively.

R

MTC–00003260

From: thing
To: Microsoft ATR
Date: 12/7/01 10:52am
Subject: microsoft case

Dear Sirs,

I am greatly disappointed in the poor deal you have negoitiated with Microsoft.

MS has proved repeatedly that it will not honour the principle of any agreements it is

forced to make but get round them using technicalites and gray areas while meeting the exact wording is specific enough to tie its business down. This means we are likely to see little change in MS's monopoly and its strangulation of the IT industry based on your deal with in the US.

The EU might just put something in place that has a positive effect, I live in hope.

regards,

Steven Jones

MTC–00003261

From: Chris Cambron
To: Microsoft ATR
Date: 12/7/01 2:36pm
Subject: Microsoft Settlement

I would like to voice my opposition to the current proposed settlement with Microsoft. The current settlement with Microsft is far too soft on a company that, through it's monopoly and unethical practices, has put a damper on innovation in the industry.

While there are many parts of the agreement that trouble me, the most troubling are the donations to schools and the efforts on Microsft's behalf to undermine legitimate open source companies and products.

By allowing Microsft to donate software and equipment to schools—which costs them next to nothing— the government is just extending Microsoft's monopoly to an area that Microsoft does not currently control.

I am also concerned about Sections III(J)(2) and III(D) which seem to take legitimate vendors who operate under a different business model out of the game as far as requiring Microsoft's to release documentation, APIs, etc. is concerned.

Overall, this settlement does little to punish Microsoft and will be as ineffective as the previous consent decree in curbing Microsft's illegal and damaging behavior.

Thank You
Chris Cambron
Digital Design
Ph 281.335.7622
Cell.....713.553.3467
Web .....http://www.insync.net/cambron

MTC–00003262

From: William Lewis
To: Microsoft ATR
Date: 12/7/01 2:44pm
Subject: Anti-trust settlement

To whom this my concern, I believe the proposed anti-trust settlement with Microsoft is a farce. It will create a stronger monopoly by seeding the poorest communities with Microsoft products and thus advertising the Microsoft way of doing business. It is nothing more than a bribe. Microsoft's poorly concealed Software Business Alliance demonstrates Microsoft's intent by massive media efforts to intimidate businesses into using microsoft products. Their presumption is that every business uses Microsoft products. So they have the right to threaten everyone with a software audit. Maybe they should read our constitution. So rather than give in to the software terrorists, consider:

1) Exclude Microsoft from new areas of conquest that would extend their monopoly. For instance the manufacture of hardware such as game boxes and settop boxes.

2) Exclude Microsoft from areas that could become competitors to the PC. For example games for game boxes, game boxes, television/cable services, and set-top boxes.

3) Force Micrososft to divest MSN.

Otherwise let them keep their 90% market share.

Best regards,

Bill Lewis

MTC–00003263

From: Jim Moresi
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/7/01 3:07pm
Subject: Settlement Proposal

This settlement only serves to extend Microsoft's market dominance into education, which has historically been Apple Computer's major area of market penetration. The suggested remedy would both weaken a competitor, and serve to prop up Microsoft in the long run.

The proposal suggested by Red Hat is a good one, as it would promote the use of Open Source software among young people, and would extend the base of Linux knowledge in schools and among educators. The major advantages to this approach is that Linux makes good use of both new and older hardware, and there are no renewal licenses coming due down the road. There are now excellent word processors, spreadsheets, graphical presentation and database applications available for the Linux operating system. Plus, many excellent computer languages and development environments to train budding computer scientists.

So, restrict Microsoft to supplying the hardware. Open up the schools to Open Source software, beginning with the Linux operating system. .

Jim Moresi
Project Manager
Thinque Systems
4130 Cahuenga Ave., Suite 128
Universal City, CA 91602
Phone (818) 755–5173
Fax (818) 752–1355

MTC–00003264

From: Roy Mitchell
To: Microsoft ATR
Date: 12/7/01 2:57pm
Subject: Microsoft Settlement

...''The DOJ is collecting your letters about the settlement via email. We encourage you to share your opinions. send your letters to: microsoft.atr@usdoj.gov''....

Greetings,

I think that this ruling only helps to set precedence for noncompetitive and unethical conduct among a group of corporations that already have little or no accountability for their actions. Unfortunately, Lincoln warned us about corporations before his assassination and our founding fathers built a mechanism for disenfranchising corporations when they did not act ethically and fairly in the marketplace. This action only goes to show that Lincoln, Washington, Jefferson and others were right, now soulless corporations run America with no regard for the best interests of America as a driving ambition. Have Americans now accepted the unethical cut-throat philosophies of big business as acceptable behavior? I guess this proves the point rather poignantly. God help us all.

Respectfully,
Roy A. Mitchell
615 Winter St. NE
Salem, OR 97301
503–566–8354

MTC–00003265

From: Amos Satterlee
To: Microsoft ATR
Date: 12/7/01 3:38pm
Subject: Microsoft Settlement

Greetings:

I am opposed to the current draft of the settlement with Microsoft because it in no way addresses the predatory monopolistic practices of the company. In fact, the settlement, by not punishing Microsoft, gives a seal of approval for these practices.

That being said, specific provisions of the settlement need to be revised. In summary:

1. Those organizations that MUST be allowed access to resources MUST include bona fide development organizations, such as those organizations that are developing Apache, Samba, etc.

2. The 3-person panel empowered to monitor Microsoft MUST have the final determination of what entities are allowed access.

In a little more detail:

1. Microsoft is correct when it states that the standards of anti-trust review are different for the computer industry than for industrial industries. Most of the true innovations in computers have come from outside of the commercial sphere. To limit the judgement to the commercial sphere ignores a major sector over which Microsoft uses its monopolistic powers and ignores a significant sphere of competition to Microsoft. The obvious current competitor base is the open-source linux community. However, the limiting of compliance to only commercial also closes the door to future initiatives, which would could be crippling to our economic progress. The intent is not to make Microsoft respond to every Tom, Dick, and Harry. The intent is to empower those innovative organizations that have a legitimate and compelling need to the details of the Microsoft code.

2. Microsoft has been rightly judged to have used predatory practices. As the settlement is currently written, Microsoft is the final arbiter of the standards for certifying the authenticity and viability of a competitor's business. This only keeps the door open for further abuse by Microsoft because there is no third-party oversight. If there is no oversight, then there is no remedy. Cooloquially, the fox still guards the chicken house. The 3-person panel must have the power to make final determination of these issues, and the panel must be presumed to be acting properly. That means that if Microsoft disagrees with a determination, then (a) Microsoft must bear the burden of proof and (b) must comply pending a ruling to the contrary.

Amos Satterlee

MTC–00003266

From: Mark Leinwander
To: Microsoft ATR
Date: 12/7/01 3:02pm
Subject: Microsoft Settlement

What does donating PCs to schools have to do with monopolistic practices by Microsoft? Is this a token slap on the hand and then let them go there monopolistic ways? I'm a staunch support of the Republican party but feel betrayed by Ashcroft/Bush in letting Microsoft off the hook here. Having the OS bundled with all of the apps from the same company is bad for the consumer, no matter who the company is. The only solution is to separate the OS from the Apps side of the business. Then, some real competition can occur which will be better for the consumer and small businessman.

Mark Leinwander, mpleinwa@pacbell.net
Mark Leinwander
341 Prewett Drive
Folsom, CA 95630
(916) 983–0433

MTC–00003267

From: LouisRomero
To: Microsoft ATR
Date: 12/7/01 3:12pm
Subject: Microsoft Settlement

I think that it is an atrocity that Microsoft has been given such Carte Blanche with the business world. I have a perfect example of how the govenment should handle the Microsoft monopoly which still exists and will continue until the government steps in and kills this evil pig. Look back into history and you will see that in the 50's and 60's Paramount Pictures and a few other large movie makers owned over 90% of all local movie theaters; this meant that ''all'' producers had to go through the big picture companies before they could make a film that would be given a chance to succeed.

Microsoft is doing the same thing. Any commercial software that succeeds must do so with the blessing of Microsoft. Why? Because Microsoft, even moreso that the studios of the 50's and 60's own's most platforms. Just as the local movie theater was to the big movie makers, so is the Operating system to the software writers. Microsoft does not want to work with the software industry, they want to ''be'' the software industry.

Please stop this type of corporate behavior that Microsoft has been able to get away with for at least 3 decades now.

MTC–00003268

From: Forrest DeYoung
To: Microsoft ATR
Date: 12/7/01 3:18pm
Subject: Settlement should not put more monopolist software in publicly subsidized schools

I think the primary punishment would be that the computer consumer should receive rebates for years of overpriced and underperforming Microsoft related software. Perhaps a $200 per consumer rebate, if one can produce a receipt for any prior microsoft operating system and $50 per windows related application.

If a socialistic approach is involved, I agree with Redhat's proposal (as only PARTIAL PUNISHMENT to Microsoft for years of corrupt, anti-competitive, anti-innovation monopolist business practices:

—Microsoft redirects the value of their proposed software donation to the purchase of additional hardware for the school districts. This would increase the number of computers available under the original proposal from 200,000 to more than one million, and would increase the number of systems per school from approximately 14 to at least 70.
—Red Hat, Inc. will provide free of charge the open-source Red Hat Linux operating system, office applications and associated capabilities to any school system in the United States.
—Red Hat will provide online support for the software through the Red Hat Network.
—Unlike the Microsoft proposal, which has a five-year time limit at which point schools would have to pay Microsoft to renew their licenses and upgrade the software, the Red Hat proposal has no time limit. Red Hat will provide software upgrades through the Red Hat Network online distribution channel.
—MY ADDENDUM to Redhat's suggestion: No Microsoft logos or advertizing of any kind should be permitted—i.e. Microsoft should be prevented from taking credit for helping others—this is supposed to be PUNISHMENT!

Forrest DeYoung

MTC–00003269

From: Scott Gaber
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/7/01 3:26pm

I don't see how Microsoft has done anything wrong. If other people want different software then why don't they invent there own. Do something constructive by going after real criminals.

Thank you,
Scott Gaber

MTC–00003270

From: Sue Montgomery
To: Microsoft ATR
Date: 12/7/01 3:32pm
Subject: give me a break please

I want my OS richer, not poorer. Tell these clown ''attorneys'' that if they would talk to end users, such as myself, who have no time, no time whatsoever, and neither do we have the training or the likelihood for training, to ''create'' an enriched OS/apps package from the bare bones they want to stick us with...

An analogy for me is, they don't want any included options on cars so a person purchasing a car has to go to a bunch of aftermarket providers to get the additional products they desire. Of course, each aftermarket provider with have some problem with other items added and insist on either redoing the whole thing at addition huge charges or not doing it at all. Who's stuck here? The consumer, as usual—I don't care if Sun Microsystems is a bunch of whiny pretenders miffed because they aren't Bill Gates.

Clearly the ''attorneys'' have no clue what the product does. I use MS s/w to make a living and I like it richer, fuller, more compatible and I cannot do that myself. Tell them to get over it, really get over it, find a new industry to mutilate, and leave the s/w users alone. Stronger letter to follow...

Sue Montgomery

Seattle (and that has nothing to do with the fact that MS is here—I own piddly little of their stock and don't know any of the fat cats)

MTC–00003271

From: Terry McCoy
To: Microsoft ATR
Date: 12/7/01 3:39pm
Subject: Mircosoft antitrust settlement

I am writing to voice my concern that the propose settlement of the antitrust against Mircosoft is grossly unfair. This company signed a previous agreement with the DOJ in the early 90's under the Clinton administration to refrain from continued monopolistic business practices. I believe that there is very if any proof that they were ever in compliance with. Hence I do not see how this settlement will stop them in the future given the facetthat this settlement amounts to a slight TAP ON THE WRIST at best.

MTC–00003272

From: Powers, John
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/7/01 3:43pm
Subject: Microsoft Settlement

I believe the proposed DOJ settlement with Microsoft represents a brazen and shameless betrayal of the public interest.

Particularly onerous and revealing is the proposal that part of Microsoft's 'punishment' will be to 'donate' software to public schools who could not afford to otherwise purchase it. This is like telling Microsoft it's punishment for illegal behavior which netted it a market monopoly and countless billions of dollars is to print and distribute play money. It will also serve to continue its monopoly by locking yet another user base into its product monopoly at a tender age. A more suitable punishment would be to require Microsoft to purchase a competitor's products and install them in these schools.

DOJ attorneys are either gutless idiots, or have been bought and paid for by Microsoft's political donations. This so-called settlement is a transparent sham, and yet another indication of the extent to which our core political institutions have been infected by the insidious rot of political bribery masquerading under the guise of 'political contributions'.

I am disgusted and ashamed of this legal farce which amounts to nothing more than a license to continue business as usual by one of the most viscious and amoral corporations on earth.

John S. Powers

MTC–00003273

From: Keith Nolen
To: Microsoft ATR
Date: 12/7/01 3:45pm
Subject: Microsoft settlement

To whom it may concern,

As a consumer and a computer professional, I am very unhappy with the proposed settlements of the Microsoft anti-trust case. Both settlements are insufficient punishment for Microsoft's behavior. I know that, as both a consumer and a computer professional, I have been harmed by Microsoft's behavior. I can give two examples.

My main line of work is currently with Lotus products. Due to Microsoft leveraging its operating system monopoly to distribute its inferior Internet-related products, I have fewer career opportunities than I might otherwise.

As a consumer, I am practically forced to use Microsoft's e-mail clients. I believe that Microsoft should be fined very heavily, on the order of $1 million or more, for their behavior.

Keith Nolen
Knowledge Productions
keith@knproductions.com

MTC–00003274

From: Eric Hake
To: Microsoft ATR
Date: 12/7/01 3:48pm
Subject: Microsoft Settlement

Greetings!

I, a fellow businessman in the computer market, have been following the Microsoft case for quite some time. I was disappointed by the settlement proposal which I too feel would allow Microsoft to dominate in yet another market, which has allowed free choice up to this point. Although I agree that a monetary settlement should be levied against them, I would rather see the schools be given the choice to purchase the systems they choose, rather than having Microsoft software, and remanufactured computers given instead.

It is only with the imposition of monetary fines, and the free will of the schools to decide where to spend it, that justice will truly be served in this matter.

Please do not allow Microsoft to flood the educational system with Microsoft products! Open it up to other manufacturers such as Apple Computer, Inc., and Red Hat software, etc.

Thank you for your consideration,
Eric W. Hake
CEO
Interactive Marketing Solutions, Inc.
3309 NW Walnut Blvd.
Corvallis, OR 97330
(541) 752–7866

MTC–00003275

From: Dave Kennel
To: Microsoft ATR
Date: 12/7/01 3:55pm
Subject: Microsoft Anti Trust settlement—NO!

Dear Sirs,

Let me state, in the strongest possible terms, the proposed ''settlement'' with Microsoft is more surrender than punishment. It does virtually nothing to punish their past abuse of monopoly power nor does it prevent future abuse. In fact it seems to legitimize Microsoft's behavior! The fact is that Microsoft was easily convicted of abuse of monopoly power even though not all of the evidence that could have been used was presented. Microsoft has, and will continue to, run roughshod over consumers of all sizes from the corporate entity to the home PC user. Despite Microsoft's marketing they do not provide superior value or superior technology. In many respects Microsoft's products are overpriced and very shoddy.

Microsoft currently has 90% of the PC OS market and 85% of the web browser market. The past year has seen unprecedented virus outbreaks that exploited flaws in Microsoft products. These virus outbreaks cost US businesses millions of dollars every year. What will the economic impact be of a major virus outbreak when Microsoft runs on 85% or more of enterprise servers as well?

Microsoft must be forced to sell Windows licenses to any OEM who asks at the same price. They must be forced to remove Internet Explorer from the OS. OEMs must have the ability to install the programs and icons that they wish on the windows desktop. Microsoft must be forced to spin off the MS Office group into an independent business venture. Microsoft must be forced to obey software and hardware standards. Instead of the anti competitive mantra of ''embrace and extend'' Microsoft must be put into a position where their mantra becomes ''better, faster, cheaper.''

The DOJ has the conviction, please make sure that it is accompanied by real reforms.

David Kennel
Database/Network Administrator
Wilcox Press Inc.

MTC–00003276

From: Ted Hopp
To: Microsoft ATR
Date: 12/7/01 3:49pm
Subject: Objection to Microsoft settlement

To the Department of Justice:

The proposed DOJ settlement in the Microsoft anti-trust case is troubling. We are a small company developing Internet-based, cross-platform, educational software products, primarily using the Java language. Microsoft's hostile attitude toward Java has created severe technical difficulties for us in the past, and, frankly, we do not see the proposed settlement as providing any relief to our company in this regard. From a business perspective, we are faced with the choice of either restricting our products to Microsoft-specific platforms or incurring substantially higher development costs and barriers to our products in the marketplace.

We find it sadly ironic that, while we are reading in the news about how the DOJ/Microsoft settlement will help restore competitiveness by forcing Microsoft to disclose interfaces and publish protocols, our company is being hurt financially by recent actions Microsoft has taken regarding access to such information. Microsoft recently announced a nearly 50% increase in the cost of subscriptions to Microsoft Developer Network, our primary source of the technical information we need to maintain our cross-platform product capability. A Professional Subscription (the minimum level we need) now costs about $1,000 per year. For a very small company such as ours, this is a significant financial burden.

Microsoft also is substantially scaling back their availability of free, on-line information through the MSDN Library. It is distressing to hear that one of the three members of the proposed technical review committee that will monitor Microsoft behavior will be appointed by Microsoft. Giving Microsoft such a powerful lobbying voice in evaluating its own behavior is hardly in the public interest.

The related proposal to have Microsoft donate Microsoft products to school systems will further harm small educational software companies such as ours. The reason is simple: schools will end up using what they are given, instead of purchasing, in the marketplace, the products that best serve their needs.

In the marketplace, our small company can develop a competitive strategy. In the ''giveaway'' world that is being proposed, we will clearly suffer. If Microsoft were to provide free access to technical information for developers and unencumbered dollars to schools, so that developers and schools could each make the best decisions for their own needs, then this would be reasonable. The goal is to restore a true marketplace, not to replace one set of unfair practices with another.

For these reasons, I urge you to re-evaluate the settlement terms for the Microsoft anti-trust case.

Ted Hopp
President
ZigZag, Inc.
ted@zigzagworld.com

MTC–00003277

From: Craig W. Wright
To: Microsoft ATR
Date: 12/7/01 4:53pm
Subject: Punishment for Microsoft.

Hi,

The punishment for Microsoft's monopolistic behavior should be to require a Linux port of their Office Suite. (i.e. make Microsoft Office run under Linux).

Thank you,
Craig

MTC–00003278

From: Steve Schwartz
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/7/01 3:48pm
Subject: Microsoft Settlement

I believe the Federal Government & some of the States were far too lenient in the Microsoft settlement. Here is a company that thumbs its' nose at a previous agreement with the government (if observed, the current case would not have come to pass) and the government let them off the hook again. I am in favor of a stripped down Windows—one that allows easy removal of Internet Explorer and MS Mail/Outlook and one that does not impose rigorous registration requirements—when you purchase a liscense the product is yours to use as you want in any legal way—it should not allow MS to monitor your useage unless you specifically want it to.

Thank you,
Steven R. Schwartz
email: steven.r.schwartz@att.net
CC:'steven.r.schwartz(a)att.net'

MTC–00003279

From: mel fisher
To: Microsoft ATR
Date: 12/7/01 3:56pm
Subject: Settlement Opinion DOJ:

Hi! I am a contractor who use Microsoft products but at the same time feel that Microsoft continually makes its own rules due to its market share and dominance.

They force vendors to include their products (windows and Internet Explorer) or

loose the risk of being able to sell their other products.

They force other vendors out of business by buying up market share or funding some vendors competition. And lastly if this is not enought they dont cooperate most of the time on open standards or if they do they put just enought proprietary features into their version of a standard that it does not work with others.

The bottom line: A little cooperation from Microsoft would go along way to make the industry and technology work better.

Thanks!

Mel Fisher

MTC–00003280

From: Christophero Markus
To: Microsoft ATR
Date: 12/7/01 3:57pm

Simply put, I use Microsoft and Linux and NEED there to not only be a choice out there for me—but I need to know that the choices are top quality worksmanship.

If there is no choice, I am more likely than not going to end up with low-end quality work and have to live with it.

Microsoft was made as a ''lowest-common denomiator'' product. Bill quickly realized this mistake and took his OS to new levels—for Corporate ownership only! This proves where his intents were—not with providing high-quality products for home users.

Chris R.

506–444–5901 (w)

MSN Community:

http://communities.msn.ca/ChrisKellyKleaRichardson

(you have to have an MSN (hotmail) account/passport and be invited!)

MTC–00003281

From: Vince White
To: Microsoft ATR
Date: 12/7/01 4:07pm
Subject: Comments on Microsoft Case

Dear Sirs,

I am stunned and disgusted by reports that the Justice Department would allow Microsoft to ''donate'' 1 Billion dollars worth of software to poor schools as a remedy for their anti-trust conviction. What idiot came up with that proposal? I am sure that Apple Computer, like myself, is not happy with this arrangement. How in the world does flooding the only market not completely dominated by Microsoft with free Microsoft products help anybody but Microsoft?

In addition, will these donations be calculated using retail values or cost values? If the calculation is done using retail values of Microsoft software, in effect Microsoft will suffer a penalty of only a few million dollars. I, for one, am supporting all Attorney's General that oppose the settlement. It stinks to high heaven. I guess it is just another example of political influence buying.

Regards,

Vince White

MTC–00003282

From: Joel Emery
To: Microsoft ATR
Date: 12/7/01 4:03pm
Subject: Suggestions for the Microsoft Settlement

Dear Department of Justice:

I just read in the news about RedHat's proposal to have Microsoft give hardware instead of software to school districts. This sounds like a really good idea. Anyone in technology knows that hardware is much more valuable than the software that runs on it. It would also enable the schools to choose better hardware, and more of it. Also, students should be learning how to use free software. New businesses, and some long-established businesses are taking stock of the savings that can be realized by not purchasing costly software.

Thanks.

Joel Emery, ARCHIBUS, Inc.

MTC–00003283

From: Steven Behrens
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/7/01 4:08pm
Subject: disgusted

I would like to put just a few comments together for the Justice Dept. I believe that in the past and certainly in the future, there will be dominating companies that strive for the best for everyone. Certainly, that will bring about anti-trust actions to stay ahead in the future. Microsoft has become a dominant player in computers and are trying to become a player in video games. If they become the dominant maker of video games in a year are you going to break up that division on MS and tell it to become a separate company? The Gov't wants people to become better than why pay for farmers to leave crops empty? Why support failing industry's like Tobacco? Let the control be a democracy and let The Free Market dominant and let the USA become a better and stronger country for it!

Thanks,

Steve Behrens

MeritCare Interface Support

phone—234–3351

pager—877–296–3741

MTC–00003284

From: John Jacobs
To: Microsoft ATR
Date: 12/7/01 4:16pm
Subject: My opinion on the Microsoft Settlement...

I have been a computer programmer for about 6 years. I have formed an opinion on Microsoft: In my opinion, that Microsoft unfairly monopolizes the market for home-based operating systems is OBVIOUS. But in case it isn't, here's why I believe it: Machines are sold with Microsoft OS's already installed, including Outlook and Internet Explorer; installation/upgrade of Internet Explorer arrogantly defaults your home (start) page to the microsoft web site;

Microsoft's email client, outlook, is also installed with Internet Explorer;

Internet Explorer uses the same system DLLs as the File Explorer (this means that if you try to uninstall Internet Explorer, you may have to reinstall your entire operating system, so entrenched is Internet Explorer in the Windows OS's);

Microsoft is just patching up formerly bad operating systems and getting them to market yearly (windows 2000 was based on NT, 98 was based on 95, which was loosely based on Windows 3.11);

Microsoft has consistently stolen ideas from other, more innovative companies, notably Apple, Netscape, and AOL (even though it may be legal, this establishes Microsoft's bad character). It continues to do this to this very day, stealing Java as J++, and confusing the whole world with what Java, Javascript, and J++ are, just in case you might go in wanting Java and leave, confused, with J++.

That's the hardest evidence for why I dislike Microsoft and would like to see it broken up. The rest of the reasons I dislike Microsoft are just feelings that I have, and I don't have any hard evidence to back these up:

I get the feeling when using Microsoft products that Microsoft knows 'better' than you. There is an arrogant and insulting tincture to applications like Word.

As far as developer applications, I never get the feeling that I'm using a quality product on an efficient operating system. I wonder if allowing for competition within the operating system market might make products better. And I don't mean a little better, I mean a LOT better.

I'd like to see it broken up, true, but I don't believe in litigation. All solutions are in education. If people are made aware of Microsoft's blatant attempt to monopolize the industry; if people are exposed to quality in other operating systems, etc., they will choose non-Microsoft products out of natural choice. Companies such as Apple, Sun, and Netscape, etc. need to be forming partnerships that give them a better competitive edge against Microsoft.

MTC–00003286

From: 73417.2023@compuserve.com@inetgw
To: Microsoft ATR
Date: 12/7/01 4:18pm
Subject: Microsoft Concerns

To whom it may concern:

I am concerned about this Microsoft monopoly issue. I happen to not like the way that Microsoft does business either and I think they are spoiling computer technology for everyone. Being a self employed mechanical drafting engineer/consultant, who uses computers to do CAD/CAM type of work, I find Microsoft Windows Operating System highly overrated as far as reliability is concerned. I just made a switch from AutoCAD to Bentley MicroStation 95 and VariCAD Professional Computer Assisted Drafting software for the Linux Operating System. The reason for doing this is Autodesk, Inc., who makes AutoCAD, is too blinded by Microsoft's billion dollar empire hype to even think about any other Operating System besides Microsoft. Although Autodesk, Inc. has already developed AutoCAD Release 12 and 13 for the UNIX platforms, which is nearly identical to the Linux Operating System, they resist spending the money to port it to the Linux Operating System. I am unwilling to spend money on purchasing either Microsoft Windows NT, 2000 or XP Operating System(s) to use AutoCAD because it is just unreliable.

What is good about a computer operating system if it crashes 95% of the time. I cannot work like this and there is no good reason for it, other than sloppy programming by

Microsoft. As you may already know, Linux (pronounced with a short i, as in LIN-nucks) is a clone of the I/NIX Operating System, which runs on the Intel 80386, 80486 and Pentium series based computers as well as Sun and several other RISC based computers. Linux supports a wide range of software, from internet web servers to super graphics xwindows applications, such as satellite tracking to simple fun games. Linux is fully equip with several software development compilers, such as the GNU C/C++, Fortran, Perl, lisp, assembler and a lot more compiler programming languages. Linux includes TCP/IP network protocol support and lots more. It's a versatile, bona fide achievement of the UNIX Operating System, which has been freely distributed for many years now by the terms of the GNU, General Public License.

The Linux Operating System can turn a 386, 486 or Pentium series based PC into high-performance true 32-bit multitasking, multithreading, multiuser, reliable workstation. It will give the user the full power of UNIX at their finger tips. Businesses have been installing Linux on entire networks of machines as an alternative to the Windows NT, 2000 or XP operating system(s) to manage financial and hospital records, a distributed user computering environment, telecommunications, internet web servers and much more. Universities worldwide are using Linux for teaching courses on operation systems programming and design, not to mention computer enthusiasts everywhere are using Linux at home, for programming, productivity and entertainment.

Linux recently has gone on the commercial software market to compete with Microsoft Operating System products. Commercial software developers, such as Netscape Communications, Applix, Corel WordPerfect, Bentley Systems, VariCAD and many others are starting to support Linux. However, Linux still needs more recognition to have more commercial software developers and vendors support it.

The Linux Operating System is quite possibly the most important achievement of innovative software since the PC was invented. Currently Linux has a lot more to offer than Microsoft Windows 95, 98, NT, 2000, XP or even industrial UNIX has. Linux now supports multimedia and real-time video over the internet.

However, I find it extremely idiotic that such poorly structured, unstable, over rated Operating System, such as Microsoft Windows 95, 98, NT, 2000, and now XP is so well approved by the industry as stable to use for important tasks. Yet these Operating Systems are being accepted as an industrial standard Operating System for just about nearly all computers in the world. These Operating Systems have more crashes than Stirling Moss when he was sober. :) I cannot believe that businesses, who rely on computers to perform complex tasks, such as CAD/CAM, controlling nuclear reactors, medical research, human life support, etc., are heavily putting extreme trust in such unreliable computer Operatin9 Systems. Yet, I have noticed that people who do not know any better, make vast claim that ''Microsoft Windows NT, 2000 and now XP completes with UNIX/Linux and will soon replace them.'' I find this claim off the wall and I wonder about people who support it. OK maybe UNIX/Linux X Windows environment does not pop on your computer monitor with a background of a 9reen landscape, blue sky and white puffy clouds with all cute icons on it to click on at will. No big deal. It can be done with Linux too if the user wants it. However, that is not what a well designed, well structured, organized and reliable Operating System is all about. An Operating System is like the foundation of a multi-story building. If the foundation is not designed and built right, then it will not support the buildin9 for long and it will just come crashing down. It seems like Microsoft does not know about sound structure at all, not to mention network security. Instead, their attitude is they just want to have something to entice customers to keep spending money on Windows, whether it works or not. So what if there is broken glass because the foundation and all the rest of the building structure is not sound. Microsoft will make the customer pay for telling them how to sweep it up and buy a new revision of Windows again and again. This is exactly how Microsoft makes it's profits, not because Windows is a fantastic Operating System. The bugs in the structure makes Microsoft that much richer because they have to sell new versions to customers who do not know any better and this beat goes on. This is what puts Microsoft at the top and most people joined the ride unknowing what was going on.

Linux on the other hand is a good example of innovative people teaming up on the internet and showing the world what really can be accomplished with computers with a well designed, well structured, organized, and reliable Operating System. Linux out performs anything that Microsoft has ever marketed or is marketing right now. It makes the most of 386, 486 and Pentium line based PCs with a minimum of 32 to 64 Megabytes of RAM, 2 Gigabytes of hard disk space, and just about any type of graphics card available for the PC. It does a lot less swapping to the hard disk than any of the Microsoft Windows Operating Systems. Linux handles memory much more efficiently, allowing programs to run faster, without crashing and corrupting data. As I mentioned before, the Linux Operating System provides a true 32-bit multitasking, multithreading, multiuser Operating System environment that is stable, crash resistant and built to run continuously to serve it's users. The Linux Operating System includes just about everything to set up a super network server less the hardware. As a workstation Operating System environment, it's excellent! I have worked on a $53,000 HP-UX based 700 Series solid modeler workstation, which was not as fast as my Pentium 100 MHz box running RedHat Linux 7.1 with 2.4 kernel. So anyone who is using Linux, has a super Operating System worth at least $8,000. I praise software companies, such as Bentley Systems, Netscape Communications, Applix, Corel WordPerfect, Quarterdeck and others for being open minded and willing to take a chance on supporting the Linux Operating System.

I hope to see more software companies interested in the Linux Operating System and porting and developing new applications for it. This is the only way we are going to gain some ground from Microsoft and make the Linux Operating System even more popular.

However, it is not normal for software to have so many problems as Microsoft Windows for so many versions. One would think that a wealthy software company, such as Microsoft, would develop better software with time, which does not crash so much. However, Microsoft has not shown that in all their versions of Windows since they came out with Microsoft Windows Version 1.00. The truth is that Linux or UNIX is not 100% perfect, but what is? There is really no such thing as perfect bug free software. However, at least Linux runs reliable without crashing in a blink of an eye and offers better performance for little expense. The point is, why do computer users spend $79—$87 for either Microsoft Windows 95 or 98 and $259–$599 for either Microsoft Windows NT, 2000 or XP and have all problems installing them and once they are installed, they continuously crash? If I spend $270 on an Operating System, I expect it to work with few problems. Also, why should; I pay through the nose to get technical support to find out; oh, I'll need to buy a supplemental version or this is a feature that I'll have to live with, which is really a bug. If Microsoft was committed to writing better software products, I would have more respect for Microsoft. Unfortunately, their only interest is making fast Mega bucks and conning the computer world that their software is the only brand customers should buy. We all should have the freedom of using a specific software package and Operating System without being restricted to market greed. I had my fill of throwing away my hard earned money on Microsoft junk. There is little gained, just to be frustrated when it crashes while I'm working on a complex drawing and having hours of my hard work go poof into no-where. This is where I would like to reboot Bill Gates for every dollar he has snookered out of people who helped to make his bank account swell. I do not envy him and when he goes on TV to be interviewed and says; ''Oh, we take great interest in our customer's needs.'' If Microsoft was the only choice, I might have to stop using computers, I get so annoyed with his double talk. I know for sure that he does not give a damn about improving his products. He is making more money with the bugs in his products than the actual products. Go do the math. If each of his customers is paying $2.00 a minute for technical support, which fully explains why he has billions. It's a grand con game.

Sincerely,

David A. Smith

Electronic Aides Design, Co.

email: 73417.2023@compuserve.com

From: David Smith <73417.2023@compuserve.com>

To: sates@autocode.com, 73417.2023@compuserve.com

Subject: AutoCode Mechanical (c)1994 for AutoCAD 12 DOS.

Date: Sat, 02 Jun 2001 19:54:09 0400

Gentlemen:

I have a demonstration of AUTO–CODE for AutoCAD 12 for DOS and I would like to

register it to enable it as a complete version. I use AutoCAD Release 12 for DOS solely, even though I have AutoCAD Release 13.

Please allow me to tell me a little about myself. I am an engineer and I have a very small business, called Electronic Aides Design, that I own and run in my two car garage. I primarily design special equipment for physically handicapped people. I happen to be physically handicapped myself. I am the president and main design engineer of this small company but I make very little of a cash profit. I guess you could call this a full time hobby than a business. Anyway, I am in the middle of retrofitting a small 2 horse power 2.5 axis manually operated bench top milling machine to a full functional CNC milling machine. I would like to use your AUTO–CODE software, if I may, with my existing AutoCAD Release 12 for DOS software with this CNC milling machine, which uses industry standard G code language. I would like to know if I can still purchase the Authorization code string for this version of AUTO–CODE? This is my own legal registered AutoCAD Release 12 for DOS that I want to use AUTO–CODE with and I intent to respect your copyright agreement by not giving this software away to anyone with the Authorization code string. However, the $995 [US Dollars] for the first module is a little steep for my small budget, and I was wondering if I could ask you if you would be so kind to reduce the price by at least 50% since it's out dated software by today's standards. I would agree with you that I am not expecting you to in title me upgrade benefits to the current version, except for bug fixes to the DOS AutoCAD version of AUTO–CODE software. This would mean a lot to me if you would agree to this request.

Thank you very much for your help.

Sincerely,

David A. Smith

Electronic Aides Design Co.

72 Delmore Ave.

Berkeley Heights, NJ 07922–1200

Phone/Fax: (908) 464–2097

Email: 73417.2023@compuserve.com

From: ''David R. Gibson'' <david@autocode.com>

To: 73417.2023@compuserve.com

Subject: NC for DOS

Date: Tue, 05 Jun 2001 12:12:56–0400

David Smith,

I am glad that you had an opportunity to look at our software and liked it. Unfortunately we do not support R12 or R13 anymore or have any means to create an authorization code for them. Our AUTO–CODE will only run on R14 and R2000 and soon the R2002 of AutoCAD. The cost has also gone up to $2750.00 in the last year to help offset the costs associated with the development of new technology in our software.

Good luck with retrofitting your mill and if we can be of service in the future keep us in mind.

David Gibson

From: Bill Kramer <bill@autocode.com>

To: 73417.2023@compuserve.com

CC: david@cave.net, sales@autocode.com

Subject: Re: NC for DOS

Date: Wed, 06 Jun 2001 09:23:16–0400

Greetings,

Although we understand your situation, please understand that we are also a small company. To provide support for all versions of AutoCAD would greatly increase our support costs significantly. As such, many years ago, we made the choice to only support the current version of AutoCAD plus the previous. This has enabled us to provide software for this industry as a reasonable cost, with quality support. If we provide an authorization code to you, we are obligated to support you (whether you need the support or not) by our own ethical guidelines. That would require building an AutoCAD Release 12 machine with MS–DOS. As you may also know, the selection of operating system is based on Autodesk and not us. As Autodesk went through growth phases in various operating environments we ''tagged along''. That means that at one time we supported Macintosh, Unix, Sun, HP, MS–DOS, and now Windows. Release 12 ran on many of those platforms and we cleared those machines out several years ago, as many were loaners from the companies involved. All that remains here presently are 32 bit Windows based machines to support the current platforms of AutoCAD. I do hope you understand our situation. In order for you to stay with MS–DOS, I suggest you look at BOBCAM as I think they still support that platform. You may be able to find some software on the web at e-Bay or in a web discussion group. It is still out there, it will just require some searching.

Sorry that we can be of no help to you at present, best wishes in your efforts.

Bill Kramer

AUTO–CODE

73417.2023@compuserve.com wrote:

Dear Mr. David Gibson,

Thank you for your reply. However, the fact that you don't support your DOS version of AUTO–CODE does not help me at all. I loath Microsoft Windows like mad. I personally think it is a lot of nonsense to go through to work with AutoCAD. I find AutoCAD for DOS much easier for me to use than the MS Windows version.

As I mentioned in my previous email message, I have a demonstration of AUTO–CODE V 2.1 10.28.94 for AutoCAD 12 for DOS and I would like to register it to enable it as a complete version. I use AutoCAD Release 12 for DOS solely, even though I have AutoCAD Release 13.

Please allow me to tell me a little about myself. I am an engineer and I have a very small business, called Electronic Aides Design, that I own and run in my two car garage. I primarily design special equipment for physically handicapped people. I happen to be physically handicapped myself. I am the president and main design engineer of this small company but I make very little of a cash profit. I guess you could call this a full time hobby than a business.

Anyway, I would like to use your AUTO–CODE DOS based software, if I may, with my existing AutoCAD Release 12 for DOS software with this CNC milling machine. I would like to purchase the Authorization code string for this version of AUTO–CODE. The check code = 503A–6700–7C86–ACM0. You must have a copy of the software that generates the Authorization code in your company somewhere. If you don't have a computer to run this software on, then may I purchase a licensed copy for my personal use only? This is my own legal registered AutoCAD Release 12 for DOS that I want to use AUTO–CODE with and I intent to respect your copyright agreement by not giving this software away to anyone with the Authorization code string. I do not want the new Windows version even if I could afford to pay you $2750.00. I can't use the Windows version and > I don't need a sales pitch to tell me how much better off I'll be with the > Windows version. I know what I need and I have it already. If you want $1000 for a copy of the Authorization Code Software, I would consider it.

Again, this would mean a lot to me if you would agree to this request.

Thank you very much for your help.

Sincerely,

David A. Smith

Electronic Aides Design Co.

72 Delmore Ave.

Berkeley Heights, NJ 07922–1200

Phone/Fax: (908) 464–2097

Email: 73417.2023@compuserve.com http://www.autocode.com—AutoCAD CAM and utilities http://www.cadcruise.com —AutoCAD Education at Sea http://www.eclipse-chasers.com—Eclipses of the Sun and Moon

MTC–00003287

From: John (038) Donna

To: Microsoft ATR

Date: 12/7/01 4:16pm

Subject: JUST A THOUGHT

THANK YOU FOR THIS RESPONSE. HAVING OWNED A COMPUTOR STORE, I FEEL I CAN ADD QUALIFIED OBJECTIVE STATEMENTS.

1. SCHOOLS ARE HAVING TO SPEND ALOT OF MONEY REPLACING HARDWARE AS WELL AS SOFTWARE BECAUSE OF A DELIBERATE ATTEMPT TO ''OUTDATE'' ! ! IT DOESN'T HAVE TO BE ALL NEW VERSIONS OF SOFTWARE SHOULD BE TRULY BACKWARDS COMPATIBLE AND ALSO TECH SUPPORT SHOULD BE CONTINUED FOR THAT SOFT WARE FOR ATLEAST 5 YEARS REGARDLESS.

2. OPERATING SYSTEMS SHOULD BE (& CAN BE) LIMITED TO COMING OUT ONLY EVERY 5 YEARS ALSO SO A STUDENT GETTIN OUT OF SCHOOL WILL ONLY BE ABOUT ONE VERSION BEHIND WHEN HE GOES OUT IN INDUSTRY.

3: PROGRAM SIZES SHOULD BE CAPPED SO THAT WE DON'T FILL UP THE LANDFILLS AS FAST WITH OLD PARTS.

4. Hard ware suppliers should be REQUIRED to take back old boards to help keep the acids, resins, and metals out of the landfills.

5. last YES, THE WHOLE IDEA OF AN OPERATING SYSTEM IS TO ALLOW OTHERS ACCESS TO THAT CODE WHICH WILL ENCOURAGE MORE COMPANIES TO GROW AND DEVELOPE NEW SOFTWARE. THIS HAS TO BE A RESTRAINT OF TRADE AND NO DOUBT A MONOPOLY WHEN ALL ''PACKAGED TOGETHER'' AND ONLY IF YOU PLAY BALL DOES YOUR DRIVERS GET INCLUDED.

6. YOU CAN'T EVEN SEE IT YET BUT WITH THE SAME MAN OWNING THE

MAIN TWO OPERATING SYSTEMS. NO ONE EVEN CARES. THE WAY YOU HAVE ALLOWED APPLE TO WORK. EITHER WAY YOU GO BILL GATES OR HIS FRIENDS WIN ! ! ! TO ALLOW FREE INTERPRISE TO GROW IN THE COMPUTOR INDUSTRY LIKE IT DID YEARS AGO—MICROSOFT MUST BE DIVIDED.

RESPECTFULLY
JOHN LARSON
FT. GIBSON, OKLA. 74434

I KNOW IT'S A TOUGH DECISION BUT IT TRULY IS A PLAY ME NOW OR REALLY PAY ME LATER.

J.L.

MTC–00003288

From: Michael Hartman
To: Microsoft ATR
Date: 12/7/01 4:20pm
Subject: Microsoft Settlement

I would like to express my dislike of the proposed settlement. There are 2 specific points that I believe undermine the punishment of Microsoft for violating the anti-trust laws. Forcing) Microsoft to give its operating system software to schools for free would further enhance its stronghold on the Operating System and office tools markets. Microsoft would be guaranteed to get hundreds and even thousands of new users trained on their software. Microsoft was found guilty of using all its power to stomp out any competition that threatened it. This form of punishment seems to be helping Microsoft further its dominance in the market. This punishment is just as bad as the crime that was committed. It will be guaranteeing Microsoft gets the market share instead of allowing for a fair playing field for any competition.

I am also concerned by the text in Section III(D) as well as Section III(J)(2). One of the biggest and most viable competition to Microsoft's market share has come from the Open Source community. The Open Source community is, by definition, a not-for-profit entity. Section III(D) forces Microsoft to release ''the APIs and related Documentation that are used by Microsoft Middleware to inter-operate with a Windows Operating System Product'' to '' ISVs, IHVs, IAPs, ICPs, and OEMs''. It is not forced to release any of this information to any ''not-commercial'' organizations. This basically gives Microsoft legal grounds to snuff out any and all open source competition. Microsoft has been found guilty of using illegal means to stomp out any competition. Is there any doubt that they will use these new legal means to do so also? How are these sections making the playing field fair for competitors?

Michael Hartman
928 Waverly Hills Ct
Lawrenceville, GA 30044

MTC–00003289

From: Brian Covey
To: Microsoft ATR
Date: 12/7/01 4:26pm
Subject: Microsoft Settlement.

So, we have an illegal monopoly that gained undue influence over the marketplace by tying products together and essentially giving their browser away for free.

And to punish them, we're going to ask them to... Give a billion dollars' worth of their products away to schools, for free?

What is wrong here?

First of all, profit margins on software are insanely high. That billion dollars worth of software is not going to cost them a billion dollars. I bet you it doesn't even cost them a hundred million. Development is a sunk cost, so they're just paying for manufacturing and shipping. Second of all, this is just going to tie schools more tightly to Microsoft, making it even harder for competitors to stay in the marketplace. Make them give away a billion dollars to schools, and let the schools make the spending decisions, not just hand out a billion in free marketing materials.

Sincerely,
Brian Covey

MTC–00003290

From: WFB
To: Microsoft ATR
Date: 12/7/01 4:21pm
Subject: Microsoft Case

Please, Please stop the Microsoft monopoly. This is my third computer in which I have been using Netscape as my browser. My local server, and my system's manufacturer, Gateway, have now informed me that they will not longer offer support or service under my service contract, if I continue to use Netscape.

Please, Please, stop this monopolistic take over by Microsoft. Their influence and their money makes everyone vulnerable in their path.

William F. Buckley
buckbs@gulftel.com
(251) 948–5936

MTC–00003291

From: BudVal@aol.com@inetgw
To: Microsoft ATR
Date: 12/7/01 4:28pm
Subject: Pro-Microsoft Settlement

As a consumer I have found that Microsoft's products have benefitted me. I also use lots of other products without any trouble. I endorse the settlement plan.

Joe Valentine
Consultant
Nonprofit Management
Tel. 415–454–8182
Fax 415–256–8108
budval@aol.com

MTC–00003292

From: Ron Morris
To: Microsoft ATR
Date: 12/7/01 4:34pm
Subject: Red Hat proposal

I think that the Red Hat proposal is the best solution to the situation and that Microsoft should accept it. If Microsoft doesn't accept the offer voluntarily, they should be ordered to by the DOJ as a condition of the final decision.

MTC–00003293

From: Bill Kopacz
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/7/01 4:38pm
Subject: Microsoft case

Let the free market work. Let the public decide if they want the product, not the businesses. If the business disagrees, then the need to form a coalition and provide a product that meets the competition and the 4–P's of marketing. Listed below are the four P's of marketing

*Product
*Price
*Place
*Promotion

Keep the states and government out.

MTC–00003294

From: Tom Lingenfelter
To: Microsoft ATR
Date: 12/7/01 4:42pm
Subject: Microsoft settlement

Forcing Microsoft to give a billion dollars worth (retail price) of software to poor schools is like forcing a tobacco company to place cigarettes in every soldiers daily rations.

MTC–00003295

From: Pamela Drago
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/7/01 4:44pm
Subject: Hello,

Hello,

Just an interesting bit I noticed in a prior USA Today article regarding Microsoft's request for the EU to accept the conditions of the US antitrust settlement: ''Microsoft warned (the EU) against what it called a ''sweeping remedy'' that it said would enable its largest rivals—such as IBM and Sun Microsystems Inc.—to develop nearly identical ''clone'' software at relatively little expense.'' Excuse my naivete, but wouldn't it be in the best interest of consumers to HAVE CHOICES of similar software at competing prices?

Looking at the history of Microsoft, a good number of their software products and systems were based on ideas developed by other companies (eg. Apple, IBM) and then produced by Microsoft for a lower cost to consumers due to their financial abilities to mass-produce. The opportunity for the tables to turn is now here, and Microsoft is decrying the very process that allowed it to become the powerhouse it is today. Competition is necessary for a strong economy and for consumer satisfaction. If Microsoft products are truly the ''best'' for the customer (rather than just the only ubiquitous choice out there), then they will maintain their stronghold in the industry. However, if consumers find that products from competitors offer greater programming options and overall product stability, then so be it. Either way, it should be up to the consumer to decide-not the company who has the most to lose.

On final note, Microsoft tends to speak on behalf of the consumer quite a bit, stating that we (the consumer) would be ''hurt'' by the potential consequences of this case. That's like my state senator saying that the residents of Washington state would suffer greatly if she took a pay cut.

Thanks for listening.
Sincerely,
Pamela Drago
Seattle, WA

MTC–00003296

From: Maniace Vincent—vmania

To: 'microsoft.atr(a)usdoj.gov'
Date: 12/7/01 4:45pm
Subject: Settlement issues

I work for a technology company that uses UNIX and MS operating systems. They (MicroSoft) were found guilty of having a monopoly and are basicall getting away with it. Microsoft will only benefit by opening up there operating systems allowing other partners to develop applications for their operating system. It just means their business will adjust accordingly.

MTC–00003297

From: Marian Honsinger
To: Microsoft ATR
Date: 12/7/01 5:03pm
Subject: Microsoft case

Yes! Please see that MS makes simpler programs. It hardly seems fair for the richest man in the world to make money on such crappy software. Having worked with programmers since the 80's, I suspect that MS creators are trying to outdo each other with new bells and whistles that ordinary people don't need. I don't need the whole Office suite, but I have to buy it to get the ones I use. The bells and whistles can't be tested adequately before customers use them.

I am experiencing more and more cases where MS software writes over what I'm doing. When I installed a second Email address for my winter/summer homes, an Outlook Express glitch caused both addresses to overwrite each other. This was verified by my provider's customer service. I even have to re-install Windows 98. MS also interrupted my new home page to ask if I want X service installed. It also creates more icons with ''special offers'' on my desktop if I install something new. My ''Picture It!'' software has a bug that has no solution on the MS web site.

MTC–00003298

From: Heath Jared
To: Microsoft ATR
Date: 12/7/01 4:47pm
Subject: Microsoft Settlement

To whom it may concern:

After reviewing the settlement between the Department of Justice and Microsoft, I am disappointed that a company found to be in violation of abusing its monopoly is actually only slapped on the hand (at best) by the deal. There is no substantial penalty for Microsoft that it cannot weather, and that in itself makes the settlement a laughingstock in the industry (you guys need to read some of the tech journals since this was released). I haven't heard anyone in my software company who thinks Microsoft will suffer any penalty from the deal, and most feel the company should face grave penalties. You really can't be serious, an over-sight committee which can't do anything in the legal system? Can you really believe Microsoft will adhere to this committee when it has no (zero, nada) power?

Actually, I have heard it described as a ''get-out-of-jail-free card''. I would interpret something such as that as a reward, not a penalty. People will say it is good for the economy. How can this be? Microsoft has already eliminated sectors of its software competition, and is well on its way to eliminating the rest of its competition. Once no one stands in their way, who is to stop them from cranking up the cost of their services? Microsoft will certainly not fear the government when it choses to exploit everyone: You, the DOJ are in Bill's back pocket already.

Today, we have a big problem in parenting—threats not backed up with action, oftentimes ending up in reward. This leads to children who do not respect authority because their parents never punished them for there mis-doings. I am reminded of a recent visit to a local Toy's 'R Us here in Dallas. A child was wailing at the top of his lungs because his mother would not buy him a specific toy. His mother threatened him several times with spankings, even grounding, but the child never let up. Finally, rather than deal with the child the way she should have, she gave in and bought the child the toy. Rather than punishing him for what he had done wrong, he actually received a reward for mis-behaving!! My mother would have torn me up, right there in the store.

Now, your weak settlement has setup another controversial settlement at the civil level which is yet again not a penalty for Microsoft, but a free-ticket out of trouble and into more Monopoly. I have played the game ''Monopoly'' many, many times. No one has ever agreed to give me ''Boardwalk'' in place of ''St. James Place'', but here we have settlement after settlement where Microsoft is getting an un-believable deal. Had you dealt out a settlement that was reasonable, this would never have happened, and a certain Judicial Committee hearing would not be happening either.

It appears this practice has been adopted by you, the Justice Department in relation to Microsoft. No enforcement of threats. Rewards for those who deserve punishment. Please, let me know when you decide to start rewarding people for breaking laws that apply to me, like the speed limit...I'm willing to negotiate my reward just like Microsoft did....out of court PS-Take a close look at what the strong-willed states presented today...I suspect after Congress and the Court system gets done with Microsoft, the final outcome will be very similar to this new more realistic punishment for a mis-behaving child (Microsoft).

Sincerely,
Jared Heath

MTC–00003299

From: Lamaan Whyte
To: Microsoft ATR
Date: 12/8/01 7:49am
Subject: Microsoft

Hi,

Can I stick my two cents in regarding the Microsoft cases? I'm a business consultant advising people with home-based Internet businesses. My clients are all over the world—mainly in the USA, but also from many other countries. For these people, the ideal operating system is either Windows 95 or Windows 98—both of which have been abandoned by Microsoft, and both of which need to be returned onto the market.

At issue is this: home-based Internet businesses are the fastest growing sector of the business world in terms of numbers, rising from almost zero ten years ago to very many millions today. Nobody knows exactly how many there are, but my estimate is around 20–50 million now, and maybe 200–500 million within a few years.

To really flourish, this business sector needs single, simple operating system that accepts java (including javascript). Win9x is ideal. It has the most software, including all the relevant tools; it is well understood by the technical people who provide support; and it contains all the features needed, and none of the unwanted features that Microsoft seems to love so much. Recently, Microsoft withdrew the Win9x product range, with the result that already a market has emerged in both old (legitimate) copies of the range, and new (pirate) copies. I regard it most unsatisfactory that I am compelled to inform newcomers to the field that, if they wish to succeed in their new venture, they must seek first out a Win9x copy, pirate if necessary, because Microsoft will not sell it to them. I ask you to seek that a condition be placed upon Microsoft that they resume supply and support of either (preferably both) Win95 and Win98. I am told for networking reasons that Win NT should be included in this list, but this exceeds my expertise.

With best wishes,
Lamaan Whyte
Darwin Australia

MTC–00003300

From: Carl Friedberg
To: Microsoft ATR
Date: 12/7/01 4:50pm
Subject: Proposed settlement to the Microsoft Antitrust case

Honorable Judge:

I am not a direct party to this action, but I would like to express my dismay that Microsoft has not been punished for violating the anti-trust statutes.

While I am not a lawyer, I am a user of computer products and services. Microsoft has attained dominance in this industry by using methods which have been legally judged to be anticompetitive. What punishment have they received for their actions? What is being done to keep them from doing this again, and again? Nothing has been addressed, for instance, regarding the latest onslaught from Microsoft, ''dot net'' and Windows XP. Both of these products continue these same practices, and nothing in the proposed settlement will curtail Microsoft's anti-competitive practices. Microsoft, in a separate action, has worked out a settlement of a large number of class action suits against it. The proposed settlement of those cases rewards Microsoft by placing their monopolistic software in many schools which might not be able to afford it otherwise, giving Microsoft yet another non-competitive foothold in a new market. In that case, I understand that RedHat Software has offered to provide free software for every school in the US, with Microsoft's $1,000,000,000 ''fine'' being used strictly to purchase hardware. That's more in line with a punishment, than a reward, in my opinion.

Please, consider alternative solutions which will punish Microsoft for violating the

law, and keep them on the path of lawful action.

Sincerely yours,
Carl Friedberg
President & CEO
Comet & Company
carl@comets.com
New York, NY

MTC–00003301

From: Rick Werkmeister
To: Microsoft ATR
Date: 12/7/01 4:51pm
Subject: Microsoft

No one has forced everyone to rely on Microsoft products. For the competors of Microsoft...quit trying to get the source code(s) and come up with an operating system/software packages of their own.

Rick Werkmeister
358 S. 6th Street
Rockport, IN 47635

MTC–00003302

From: mike.moxcey@att.net@inetgw
To: Microsoft ATR
Date: 12/7/01 4:55pm
Subject: Microsoft Settlement

Microsoft is guilty.

Please repeat that as a mantra while you look over the proposed settlement.

Guilty people should not be rewarded for their crime.

1. Microsoft ran companies out of business so they could take over the market. We can't ''punish'' them by sending their software into the schools. We must correct the market. We create the market with our laws about patents and trademarks. Microsoft took advantage of that so we should take away their right to those patents and trademarks.

2. Because of the actions of Microsoft, they have very few business competitors. They would make you an offer you can't refuse. You either sold out to them or they put your product into the next version of the operating system and put you out of business. Now their only real competitor is the freeware stuff such as Apache, Perl, and Linux. These non-business entities are cut out of the proposed settlement that says Microsoft only has to share its APIs with ''legitimate'' businesses. Change it to M$ must share the APIs with everyone and you just might protect the freedom required for a good market. Punish the guilty. Don't reward them.

Mike Moxcey
Computer Specialist
Fort Collins, Colorado, USA
mike.moxcey@att.net

MTC–00003303

From: Jeff Falkenstein
To: Microsoft ATR
Date: 12/7/01 4:59pm
Subject: Microsoft Case

Enough is enough. Please do not waste any more of the Taxpayers money on this issue. The government FOR THE PEOPLE should spend more time and money ON THE PEOPLE instead of going after Microsoft.

While states continue to pursue this, I feel that it is not Microsoft's fault that Dell, E Machines, Compaq, and other manufactures put Windows on their computers. The consumers should be given the right to purchase their computer with LINUX, DOS, Windows, or whatever Operating System they choose. The computer manufacturers, however, want to SELL computers so they put the easiest operating system on them. which happens to be Windows.

We have people with health benefits being cut, people without homes living on the streets, no jobs, let's spend the money on helping those less fortunate. Again, this is a government FOR THE PEOPLE. Please help them out.

Thank you,
Jeff Falkenstein
Fort Myers, FL

MTC–00003304

From: Mullaney, Ed Q
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/7/01 5:02pm
Subject: MS

Hey Back off...this is free enterprise. What is the idea here hold MS down long enough for a foreign product to be developed that can compete. Your time could be better spent looking into the problems with Bud Selig and MLB (Major League Baseball)

MTC–00003305

From: szot@nova.edu@inetgw
To: Microsoft ATR
Date: 12/7/01 5:02pm
Subject: Criminals at Micro$oft

Hi,

Please do not let the adjudicated criminals at Micro$oft get away with their unlawful business practices any longer. Punish them severely and do not go through with the proposed settlement that merely allows them to expand into the education market under the disguise of ''altruism''. Anyone with more than two neurons to rub together can see what a scam that would be.

Frank Szot
System Administrator
Nova Southeastern University
954–262–4934
szot@nova.edu

MTC–00003306

From: Randy Spark
To: Microsoft ATR
Date: 12/7/01 5:03pm
Subject: Microsoft Settlement

To whom it may concern:

I am against any settlement that Microsoft may receive that includes only organized business for profit. Include all businesses, like not for profit or non profit agencies that may have a competing product, but are software that is open source. Excluding open source from the remedies that Microsoft is charged with would be tantamount to giving them a stranglehold on the entire Internet.

I am further against any remedies that allow Microsoft to gain an unfair advantage in our public schools. Apple has long been a supporter of K-12 education and handing Microsoft an advantage into this educational arena would be a mistake. Apple and Linux should be given as much consideration, if not more, in the educational support in the remedies phase. Have Microsoft place the money into an educational trust fund that allows the schools to choose what hardware and software they would like to use. In addition, Microsoft should have no say in how this trust is administered.

Thank you for your time and consideration,

Randy Allan Spark
800 Maple Avenue
Washington PA 15301
724–229–7490

MTC–00003307

From: Nicky Morrow
To: Microsoft ATR
Date: 12/7/01 5:08pm
Subject: Microsoft Settlement

Dear Sir/Ma'am,

I am very very disappointed with the Microsoft settlement. Historically speaking a good arguement can be made that Microsoft has been and continues to be the most damaging monopoly in the history of the United States. Microsoft has proven that it will not operate within the law and no organization on earth should know this better than your organization as Microsoft didn't even miss a step after signing previous agreements with your organization.

The job of the US Department of Justice is to enforce the Anti-trust laws. These laws were enacted for very very good reason. When these laws are not enforced something is taken away from all of us...the possibility to start and be successful in a business. Whoever made the decision to settle for an agreement that will have no effect whatsoever on Microsoft is stealing something from you and I and I don't like it at all.

Lastly, I want to know where the decision to give up came from. Was this decision from the President?

Regards,
Nick Morrow
US Embassy
morrown@fibertel.com.ar
Buenos Aires, Argentina

MTC–00003308

From: Art Nickel
To: Microsoft ATR
Date: 12/7/01 5:20pm
Subject: my thoughts

microsoft has used every trick it can to ensure that other developer's software either does not run or runs poorly on their less than stellar operating systems along with refusing to make the new software incompatible with older versions of the same programs, such as Word, Excel, and such. this marketing focus has:

injured other developers
injured the public using their systems
restricted the availability of good software solutions
produced bad operating systems due to the focus on excluding other developers' programs.

This can only be remedied by the separation of the operating system manufacturing from the software development OR by making any operating system that runs more than 30% of the personal computers OPEN ARCHITECTURE.

Thank you
Arthur T. Nickel

MTC–00003309

From: T.Barton@att.net@inetgw

To: Microsoft ATR
Date: 12/7/01 5:20pm
Subject: What Settlement? and why?

After all the time, energy and money wasted by DOJ, they tell us they were going to settle. Sounds fishy to me! Why doesn't Justice just admit they are gutless idiots. That's what they look like. I hope at least some of the Governors involved in this suit have the guts to finish this job that was started. Justice doesn't. If any body thinks that MSFT isn't a powerful monopoly, ask them what runs on their desk top.

MTC–00003310

From: Michael Samman
To: Microsoft ATR
Date: 12/7/01 5:22pm
Subject: Leave Microsoft Alone

Enough is enough. In light of current national activities as well as a sinking economy perhaps it would be best to finalize this witch hunt and let Microsoft continue doing what they do best, provide the best technologies and help improve the economy.

Michael Samman

MTC–00003311

From: BOB DORIS
To: Microsoft ATR
Date: 12/7/01 5:26pm
Subject: Microsoft

Microsoft must be stopped as it creates a never ending round of purchasing and upgrading that is tough on the average consumer.

MTC–00003312

From: support@axxs.net@inetgw
To: Microsoft ATR
Date: 12/7/01 5:29pm
Subject: microsoft antitrust

Hi,

In the past several years, Microsoft products have completely failed to evolve to growing security threats and are being swallowed by malicious (knowledgeable) people. On one side of the country, IIS(Internet Information Server) Servers are down from code blue or some other DoS exposure, and on the other side of the country confused people are getting hundreds of emails from someone who was using outlook and doesn't open attachments, but since they aren't going to microsoft.com everyday for their updates, they don't even have to open the attachments. Basicly, the only way to make a Microsoft consumer product secure is not to use it, and I believe this is in part because Microsoft has the consumer software market so dominated that they feel no need to provide quality product. Though this is not technically a monopoly, the consumers and the economy do not stand to benefit from it (as may have been implied). In fact, it is my belief that the only people that will benefit from this downgrade of product quality are the associates of Microsoft. I make my living providing tech support for Linux servers and I have to say that I thank god everyday that I am not providing support for Microsoft servers (I would have a lot of explaining to do).

Regards,
Greg—Support
# # # # #
|/ /|
|(R) (R)|
| u |
|—|

if you think that my signature looks stupid, it's because you're using variable width font (probably Arial if you're on Windows).

MTC–00003313

From: Chris Anderson
To: Microsoft ATR
Date: 12/7/01 5:46pm
Subject: Who got bought?

So the punisment for microsoft is to give out copies of software to organizations (poor schools) that would normally never have bought those products and provide hardware to run those products.

The punishment is larger market share in the most fromative market? (k-12 schools)

Obviously someone was bribed, and bribed well.

Chris Anderson

MTC–00003314

From: Dave Alger
To: Microsoft ATR
Date: 12/7/01–5:42pm
Subject: Dates for submitting comments regarding the Microsoft

The web page containg the 'Information on the United States v. Microsoft Settlement' (http://www.usdoj.gov/atr/cases/ms-settle.htm) does not contain the start and end dates for the period of public comment. Please add them.

S,
Dave Alger
Phoenix, AZ

MTC–00003315

From: Dennis Gies
To: Microsoft ATR
Date: 12/7/01 5:44pm
Subject: Microsoft Settlement.

To Whom it May Concern,

I would like to express my opinion that the settlement reached with Microsoft regarding its anti-trust violations is completely unsatisfactory. In particular, I find that the provisions excluding non-profit software vendors from having the same rights as for-profit companies are completely irresponsible, and in fact will strengthen Microsoft's position in the marketplace rather than place a check on the company's monopolistic expansion. In the past few years (perhaps even decade), Microsoft has efficiently eliminated one competitor after another using tactics which have now been deemed illegal. However, the settlement proposal gives no rights at all to those organizations which are now the primary competitors of Microsoft, specifically the Apache Foundation, the GNU project, and the organizations which develop Sendmail and Perl. Moreover, the settlement gives no rights to those individuals who consist of the primary competition to Microsoft in the O/S space, the developers of the Linux kernel and desktop applications such as KDE and GNOME.

For the Microsoft settlement to be even remotely acceptable, these groups must be given the same rights as for-profit competitors of Microsoft.

Thank you,
Dennis Gies
dgies@vt.edu

MTC–00003316

From: Albert J. Polisseni
To: Microsoft ATR
Date: 12/7/01–5:52pm
Subject: my opionion

I believe this farce has gone on long enough. The states do not have the right to tell a company how to run their company. The only winners are the attorneys etc. The losers are people who use microsoft products. the states want to weaken the company, most articles & polls that I have seen that the majority of computer people say that the government and the states was wrong to sue MS MS has developed many improvments to PC operations, thru their R & D departments, why should they share that info to other competitors, let them spend their own money for new products. Is MS perfect, probaly not. Over all it has been a good company, they created thousands of jobs, and made a lot money for people. Weak companies don't survive. I think you get the picture.

AJP

MTC–00003317

From: Joseph Schlecht
To: Microsoft ATR
Date: 12/7/01 5:54pm
Subject: Microsoft Settlement

I would like to submit a comment about the proposed settlement between the Federal Government and Microsoft. In accordance with the Tuney Act, I request that the following comments, and any responses received, be published in the Federal Register and filed with the court.

1. I do not believe that this settlement goes far enough to penalize Microsoft for the crimes it has committed. Microsoft is an illegal monopoly, this is a ruling by the courts of our great country.

2. As a member of the free software community, I would like to make it known that the verbage contained in the proposed settlement, like Section III(J)(2), could possibly eliminate many free software projects. The verbage used is to Microsoft's advantage, they will manipulate their ability to arbitrarily certify the authenticity and viability of a business to crush us (the free software community) like they have illegally crushed other competitors.

These are two of the largest problems I have with the proposed settlement. Let their be no doubt, if this settlement is approved, consumers will not benefit in the long-run, they will be subjected to an even more intense monopoly.

Sincerely,
Joseph Schlecht
Student, North Dakota State University

MTC–00003318

From: Randy Gaul
To: Microsoft ATR
Date: 12/7/01–5:57pm
Subject: microsoft settlement

Sirs: I personally was deeply discouraged from pursuing programming as a career because of the overbearing presence and influence of Microsoft. I personally dislike the minimal nature of the settlement now

proposed and want to take this opportunity to voice my objections.

Thank You
R. A. Gaul

MTC–00003319

From: John Stanforth
To: Microsoft ATR
Date: 12/7/01 5:58pm
Subject: Microsoft Settlement

In case no one was paying attention, Robert Cringley has done a great job of doing your work for you, lining out the many reasons why your proposed settlement with Microsoft is a very very poor solution which only strengthens Microsoft against the Open Source world which finally has a shot of competing.

http://www.pbs.org/cringely/pulpit/pulpit20011206.html

If you do still go forward with your hare-brained scheme, I'd at least like to cast my ballot for Steve Satchell to be on the Microsoft Oversight Committee... He's a respected industry leader who might lend some modicum of credibility to the sham you've created supporting Microsoft. God help the states rejecting your settlement. They are apparently now our last hope for justice in America. For now, I pray for a future when government officials actually understand the technology they try to preside over.

Sincerely,
John Stanforth
Chief Executive Officer
Enabled Paradigm, Inc.
js@enabledparadigm.com

MTC–00003320

From: Jacek Pliszka
To: Microsoft ATR
Date: 12/7/01 6:05pm
Subject: Microsoft Settlement

Hi!

I am a postdoctoral researcher at University of California.

I would like to express my view on the settlement.

It is a very good idea to force Microsoft to develop a fully-featured version of their monopolistic software (defined by example by more than 75% of the market and more than 1 million users worldwide) for 2 or 3 most popular non-MS OSes. This would mean: Linux,MacOS and probably BeOS or BSD. For me this is fully analogical to telecom market: client should have full right to use any (any of the major) long distance providers (Operating Systems) even if in his just one company has monopol for local phone service (Office suite or Internet Explorer monopol).

The second thing concerns API. In order to allow non-profit organisations to compete with Microsoft products—they should be granted the full access to MS OS API necessary for their goals. Non-profit organizations have important impact on our economy: WWW was developed this way as well as Apache (running more than 50% of internet servers).

Such rapid growth, allowing other companies to profit on different kinds of business is unthinkable if WWW protocols and API was kept secret as Microsoft does with its OS interface.

Best Regards,
Jacek Pliszka

MTC–00003321

From: JayRietmul@aol.com@inetgw
To: Microsoft ATR
Date: 12/7/01 6:07pm
Subject: Microsoft Monopoly is Dangerous

Please break up the Microsoft monopoly. It is unhealthy for the economic security of our country. Too little competition.

It is unhealthy for the defense of our economy to have so much of our infrastructure dependent upon one vendor.

In short, monopolies can cause our great capitalistic, democratic experiment to fail.

Jay Rietmulder
President/CEO
Paragon Billing, Inc.

MTC–00003322

From: Bob and/or Jan Thune
To: Microsoft ATR
Date: 12/7/01 6:07pm
Subject: Microsoft—States continuation of case.

How can anyone of sound mind penalize a company that provides unbelievable functionality, quality, and low cost (sometimes even free!). And it is American entreprenourship at it's best.

This is big government (and political power/influence) at it's worst. Sure some people want to bring Microsoft down. ... the ones that want to bring themselves up into the same position.

As an average PC user ... I say ... this is just wrong !!!!!

Bob Thune (Lecanto, Florida)

MTC–00003323

From: Sanity in Anarchy
To: Microsoft ATR
Date: 12/7/01 6:13pm
Subject: Microsoft is a T-Rex: King Tyrant Lizard

I'll give you the short story first: Microsoft is a tyrant in the world of computers. Their strategy seems to be ''Be sort-of friendly towards customers, and flatten the competition.'' Their software has almost no compatibility with other formats, whereas other software quite often has to be compatible with Microsoft.

In my experience, Windows is slow, unreliable, and extremely hard to program for compared to Red Hat Linux, but people are forced into writing software for Windows because that's what everybody uses. And people are forced into buying Windows because that's what everybody writes software for.

Let's take another example (and there are more than I'll take the time to write here). There are two word processors that come with Red Hat Linux 7.2. AbiWord can read Microsoft Word files and half a dozen other formats. KWord can read and create AbiWord files, Microsoft Word, and half a dozen other formats as well. I can't check any of the other formats because I'm writing this from an office full of Windows computers, but not one Linux computer. (And why? Because they have to.)

But what can Microsoft Word read? Only what it has to. It can read its own Microsoft Word format and other formats common to Microsoft Office, Rich Text Format, normal Text and Unicode Text formats, and HTML files if that functionality is installed.

This isn't even mentioning outright illegal practices like bundling Internet Explorer and making it impossible to remove (at least, for the average user). Or stealing such things as the idea for a spreadsheet program. Oh, and by the way—where did Windows come from in the first place? It was stolen from Macintosh. Much of the source code in use today was stolen from Macintosh, but I can't verify that because Microsoft doesn't give away their code.

Yet another reason to use Linux.

MTC–00003324

From: William Smith
To: Microsoft ATR
Date: 12/7/01 6:15pm
Subject: Microsoft settlement

The department of justice has essentially provided Microsoft with the opportunity to dump its operating system on the educational system to gain market share. Is this not what the decision against standard oil labled as preditory behavior? Standard oil lowered its prices at local service stations to prices below cost in order to drive local competition out of the market. Then with no other competitors, Standard oil was free to set the monopoly price. The same thing is being proposed as a ''remedy'' for this situation. Who the hell thought this one up? Mr. Gates?

William J. Smith (Joey)
Research Associate
Domestic Programs
Georgia State University
prcwjs@langate.gsu.edu
O. 404–651–1908
F. 404–651–0416

MTC–00003325

From: Fred.Williams@lawson.com@inetgw
To: Microsoft.atr@usdoj.gov
Date: 12/7/01 6:15pm
Subject: Microsoft Settlement

I am outraged that the DOJ and 9 states would agree to the Microsoft proposed remedy. This is supposed to be a punishment, not a reward. They have caused companies to go out of business or to be absorb by other companies. In the past when they had competitors that had superior products they tied an inferior product to the OS and gave you a choice of free or the competition. This has to stop.

MTC–00003326

From: William Smith
To: Microsoft ATR
Date: 12/7/01 6:19pm
Subject: A better way

Instead of letting Microsoft ''give'' its os to schools, have them buy a competitors os and donate it. Better yet, have them just donate the money (or even half of what they claim this donation to be worth) and let the schools spend it on things they really need, like good teachers.

William J. Smith (Joey)
Research Associate
Domestic Programs
Georgia State University
prcwjs@langate.gsu.edu
O. 404–651–1908
F. 404–651–0416

MTC–00003328

From: Josie Robinson
To: Microsoft ATR
Date: 12/7/01 6:22pm
Subject: Proposed Microsoft Settlement

My vote is against the settlement as it stands today. I am a professional in the IT industry since computers began on the market and I can assure you that by ''forcing'' Microsoft to ''give'' away their software to schools who may be needy is like letting the wolf into the sheep's pen! This will give them a foot hold in the school industry and they will emerge that much stronger in the future. Not only that, the donations can be written off, can they not? So they do not get punished financially either!

I am a system administrator who works on both Microsoft, Unix and some Apple products and can assure you that I know what I am speaking about. Apple has a good foot in the door to the schools nowadays and rightly so as their product is much easier to use than Microsoft products and superior. Why would you want to remove the only remaining foothold that Apple has on the market? This could well push them out of business. Wouldn't it be better to make Microsoft install it's products on other operating systems and other Intel based machines so that they could sample their own medicine? If you have ever tried to configure a product that was not ''blessed'' by Microsoft you would understand why this would be just deserts! I have watched them chase Netscape out of business, almost, even though Netscape had the better product. How you ask? By giving away Internet Explorer. By then they had enough money that it did not matter if they got any money from their web browser product. Meanwhile, Netscape has to sell their product to stay afloat in business. Didn't Netscape have to merge with AOL?

No, I say stop the cycle now. Some one has to put a stop to Microsoft's bullying ways. You, the DOJ, did a good turn by prosecuting them as a monopoly. Now do the right thing by giving them a true punishment. Please do not give them another opportunity to make yet, more money and tighten their strong hold in the market by pure might.

Thanks for listening.
Josie Robinson
Raleigh, NC

MTC–00003329

From: Stuart Sheffer
To: Microsoft ATR
Date: 12/7/01 6:22pm
Subject: Microsoft Settlement

I am writing to tell you that I am strongly opposed to the current settlement that's being proposed in the Microsoft case. Microsoft has been demonstrated to be a monopoly by the courts, but the present settlement does not appear to do anything to reign in their behavior, which has been bad for consumers.

Microsoft appears to be trying with Windows XP to get away with the same sort of monopolistic behavior it used against Netscape only this time it's being directed against the entire computer world.

Stuart

MTC–00003330

From: Ed Crawford
To: Microsoft ATR
Date: 12/7/01 6:25pm
Subject: What are those states thinking ??
Attn: US Justice Department

Dear Sirs

What are those States thinking? A thin version of Windows. Right. This is really going a long way in helping the average American business person. If Sun and Netscape want to compete, tell them to get their act in gear. Produce a good product, get it on the market and the American public will take care of the rest.

Let's not punish a respectable company that has had to write a lot of the rules in unchartered territory, and has been ethical about it. MS hasn't squeezed the American public for a thing. They have given us a lot and made it reasonably priced.

What a bunch of cry babies. Please tell these states to get with the bandwagon. End this ridicules law suit and let's get on with rebuilding the American way. Please have an Excellent Day.

Best Regards
Ed Crawford
34 Hillside Drive
Gilford, NH 03249
CC:Paul

MTC–00003331

From: DANA CORDES
To: (060)microsoft.atr
Date: 12/7/01 6:25pm
Subject: Microsoft Settlement

I believe the Microsoft's proposed settlement is a total sham. They were found guilty of being a monopolist, and should be punished. Allowing them to give $500M worth of software, and almost zero cost to themselves, to schools is just allowing them to further expand their monopoly into one of the few areas where there is some ''Alternative OS'' influence. Also, everything possible must be done to protect the public interest by promoting open source software and the developers, like myself, who contribute to and use software developed in that manner.

In order to give competing companies and products a fighting chance, Microsoft should be forced to publish a full list of all windows APIs and transfer protocols so that other companies can, at the very least, build software that can integrate with Microsoft operating systems.

The way MS does business hurts all computer users. Diversity is good.

Sincerely,
Dana Cordes
4207 Helen St.
Simi Valley, CA 93063
805–583–5062

MTC–00003332

From: Eric Wood
To: Microsoft ATR
Date: 12/7/01 6:24pm
Subject: Microsoft Settlement

Having read articles about the proposed settlement, it is my firm opinion that Microsoft is trying to not only get away with a massive crime with hardly any cost to itself, but to further extend its monopolistic power in the software market!

The idea of this company giving outdated hardware and free copies of software that cost pennies to produce in order to avoid paying a larger sum from its nearly infinite store of cash is absurd. The best remedy is to force them to, at the very least, include options to remove MSN Messenger, MSN Explorer and Internet Explorer from the Windows XP operating system. Splitting the company up would be even better, as it keeps them from simply replacing every third party software option from their platform, since the platform would no longer belong to those making the afore mentioned software programs.

The second main problem I have with the proposed settlement is the included attack upon open-source software. Microsoft has made a habit of inventing replacements for open standards, and making sure no competitor can use those replacements. In the case of open-source software, I quote from an article by Robert X. Cringely, published online at: http://www.pbs.org/cringely/pulpit/pulpit20011206.html And I quote,

''The biggest competitor to Microsoft Internet Information Server is Apache, which comes from the Apache Foundation, a not-for-profit. Apache practically rules the Net, along with Sendmail, and Perl, both of which also come from non-profits. Yet not-for-profit organizations have no rights at all under the proposed settlement. It is as though they don't even exist.

''Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: '...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...' ''So much for SAMBA and other Open Source projects that use Microsoft calls. The settlement gives Microsoft the right to effectively kill these products.''

This directly affects the software I use on a daily basis. Without something like SAMBA, I would have no access to a network with Windows computers. The settlement even attacks the government of this nation. I quote from the same source: ''Section III(D) takes this disturbing trend even further. It deals with disclosure of information regarding the APIs for incorporating non-Microsoft 'middleware.' In this section, Microsoft discloses to Independent Software Vendors (ISVs), Independent Hardware Vendors (IHVs), Internet Access Providers (IAPs), Internet Content Providers (ICPs), and Original Equipment Manufacturers (OEMs) the information needed to inter-operate with Windows at this level. Yet, when we look in the footnotes at the legal definitions for these outfits, we find the definitions specify commercial concerns only. ''But wait, there's more! Under this deal, the government is shut out, too. NASA, the national laboratories, the military, the National Institute of Standards and Technology—even the Department of Justice itself—have no rights. It is a good thing Afghanistan is such a low-tech adversary and that B–52s don't run Windows. ''I know, I know. The

government buys commercial software and uses contractors who make profits. Open Source software is sold for profit by outfits like Red Hat. It is easy to argue that I am being a bit shrill here. But I know the way Microsoft thinks. They probably saw this one coming months ago and have been falling all over themselves hoping to get it through. If this language gets through, MICROSOFT WILL FIND A WAY TO TAKE ADVANTAGE OF IT.''

This outrageous behavior from one of the largest corporations on the planet must be shut down. Please do what you can to correct the wrongs with have been committed. You (the DOJ) were on the right path when you pushed for this company to be broken up. WHY DID YOU BACK OFF? Do not let money or whatever the cause may be stop you from administering justice. May God be with you as you consider what I have told you.

Sincerely,
Eric Wood

MTC–00003333

From: Tom
To: Microsoft ATR
Date: 12/7/01 6:27pm
Subject: Microsoft Settlement

Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse:

I am writing to express my concerns that the settlement proposed between the Department of Justice and Microsoft will create serious security concerns for users, businesses, and government entities. This settlement fails to address the main problem that was brought up in the suit, anti-competitive activities by Microsoft. A slap on the wrist for such a huge company will do little to increase competition in the software industry. There are significant problems caused by the monopoly Microsoft enjoys over web browsers, desktop operating systems, and office suites, including lost productivity, reduced innovation, and frustrated computer users.

However, the issue of security has not been given enough attention. Microsoft's anti-competitive tactics have put them in a position where they have had little incentive to improve the virus vulnerability in products such as Microsoft Outlook and Word. Lost time and down networks have resulted from the problems Outlook's design, most famously with the Melissa virus, but continuing with the Goner virus outbreak. When faced with the threat of cyberterrorism, these security problems can no longer be neglected in anti-trust policy. Only by restoring competition to the areas of the software industry where Microsoft has illegally generated monopolies can the nation obtain software that is less vulnerable to hostile agents at home or abroad. Microsoft has repeatedly demonstrated that without competition, they will not take adequate steps to make their products more secure.

Sincerely,
Thomas Klem

MTC–00003334

From: Ives Frank Vazquez
To: Microsoft ATR
Date: 12/7/01 6:27pm
Subject: Microsoft

I have 5 computers in my household I have tried Redhat Linux, Caldera Linux and Corel Linux spent over $150.00. I could not get any of them to run any of these versions of Linux. I can run all versions of windows up to windows xp. Consumers are not idiots bring out a good product and we will buy it. Microsoft is number one because they have a good Product. [By the way none of these Linux operating systems gave me my money back!] I use Opera browser instead of MS Explorer because I think it is better product All these companies should stop crying and bring a better product and we will buy it. No law will dictate that to me Market forces will! Price and quality will always win. So stop trying to compensate for mediocrity and let the market decide.

Ives Frank Vazquez

MTC–00003335

From: John Garth
To: Microsoft ATR
Date: 12/7/01 6:27pm
Subject: New Microsoft software

Dear Sirs,

I have been made aware that the most recent version of Windows as well as the program Microsoft Money2002 requires the use of ''Passport'' wherein Microsoft improperly demands a lot of personal data from users of this software in order to use the software.

I consider that the mandatory use of ''Passport'' is a serious invasion of privacy and one more example of how a MONOPOLY like Microsoft thinks it can get away with this sort of behavior. Who knows what they will do with the personal data they ask for? Why should they be allowed to demand it?

My friends at the Justice Department: You are our main protection against such exploitation by a computer company that has been able to destroy competition, make unreasonable demands on OEM suppliers, and has become a powerful, almost unbeatable monopoly. You need to take a much stronger position than you do. Break up the company! With Windows they have had a huge advantage as far as making the software that utilizes it. The Internet Explorer is a classic example. Please take a strong stand! Consumers all over the world will thank you!

At the very least, be aware of the dangers of ''Passport''.

Thank you!

John C. Garth
7305 New Dawn Court NE
Albuquerque, NM 87122
(505) 821–0421
E-mail: garthj@flash.net
CC:Garth John

MTC–00003336

From: steve(u)r
To: Microsoft ATR
Date: 12/7/01 6:28pm
Subject: Microsoft Settlement

''Nine state attorneys general argued Friday that Microsoft must offer a stripped down version of its Windows operating system and make its leading Office software compatible with competing operating systems. In a 40-page document, the states propose several new penalties in an attempt to punish Microsoft for breaking antitrust law. The federal government and several other states have already settled with Microsoft under more lenient terms. The states that haven't settled also argue for tougher enforcement provisions, including a court-appointed ''special master'' to oversee Microsoft's compliance..''

I fully support the states in the above! Microsoft has demonstrated an arrogance that is beyond belief, and proven in the past that it will not abide by even watered down terms like those the Justice Department appears ready to accept. Microsoft is not an innovator! Their biggest products, such as Microsoft Office, are simply rip off's of ideas that other companies pioneered! You have done the American public a grave injustice by letting this arrogance giant off the hook!

Stephen K Rohrer
Dallas, Texas

MTC–00003338

From: Joe Ragole
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/7/01 6:29pm
Subject: my view

Microsoft's intention to pay back the people of the USA by donating its products to schools is an obvious marketing tactic. By donating to schools, they make themselves look like a friend of the common man. However, by propagating their products throughout schools, Microsoft's true intention is to expand their monopoly further by introducing impressionable young children to their products. To be completely straightforward, this is the same tactic of which tobacco companies are accused. If Microsoft is allowed to settle its case by donating its products to schools, the US DoJ will be doing a great disservice to the inhabitants of this country by sanctioning a further extension of Microsoft's monopoly.

—joe

Joe Ragole, University of Colorado student of biology and German ''Tyranny, like hell, is not easily conquered; yet we have this consolation with us, that the harder the conflict, the more glorious the triumph. What we obtain too cheap, we esteem too lightly; 'tis dearness only that gives everything its value. Heaven knows how to put a proper price upon its goods; and it would be strange indeed, if so celestial an article as Freedom should not be highly rated.'' Thomas Paine, 23 December 1776

MTC–00003339

From: Avery Chipka
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/7/01 6:28pm
Subject: Microsoft Settlement

I am of the personal thought that the currently settlement with Microsoft is one that will not solve the current problems Microsoft has caused but only make issues worse. Under the current settlement Microsoft is still free to exclude open source development projects from having access to windows source code and the tools needed

to make a compatible piece of software for the windows operating system. Microsoft is still being allowed to encode there browser into there operating system in a way that it can not be removed. The current windows Os (XP) is unable to function with out the usage of internet explorer. The recent release of windows XP home edition has yet again proven Microsoft unwillingness to share there operating system with other Os development teams. This time Microsoft has even gone so far as not supporting connectivity to there older operating system forcing users of the older Os to upgrade to there ''newest and greatest Os''. Microsoft has also continues to exile Macintosh users from the usage of all of there software other the office and even some parts of that can not be used in a Mac OS, Unix and Linux environments. Thus forcing many users over to the windows operating system that they do not want to be using. Look around a office building to those computers users who are running windows; when asked why many users will respond well I have to use windows there no way to use something else these days. Microsoft is now basically being given a free pass and a way to take over even more of the computer world with the current settlement.

Avery Z Chipka
Apple ServicesWhalley Computer Associates
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413–569–4359Southwick MA 01077
http://apple.wca.comhttp://www.wca.com

The Information and thoughts expressed in this email are that of a single person and in no way reflect the thoughts of Whalley Computer Associates as a whole.

MTC–00003340

From: Christopher Dick
To: Microsoft ATR
Date: 12/7/01 6:30pm
Subject: Microsoft Settlement

Hello!

As a user of various operating systems and applications over the years, I recognize the position of Microsoft as the ''defacto'' standard for software in today's world. However, this does not justify their monopoly position.

Probably the single greatest way to allow Microsoft to continue in an economically viable way that also gives others an opportunity to develop, would be to force Microsoft to open its MS Office and other file formats. This would allow other developers, including ''open source'' and ''freeware'' developers, to make software that is 100% compatible with the ''defacto'' standard for documents, thusly allowing endusers choice in their operating systems, as Microsoft Office is the single greatest driving force behind Microsoft's monopoly.

Please consider this move as a viable portion of the settlement with Microsoft. Allowing Microsoft to simply ''buy'' their way ou of it in the manner proposed simply extends Microsoft's monopoly into an area of personal computing that has traditionally been dominated by Apple.

Thank you for allowing the public to voice concern in this matter, and I hope that level heads will prevail.

Christopher Dick
156 Superior Blvd.
Wyandotte, MI 48192

MTC–00003341

From: Joe 'Zonker' Brockmeier
To: Microsoft ATR
Date: 12/7/01 6:34pm
Subject: Microsoft Settlement

To whom it may concern:

I'm writing to express my dismay at the weak and ineffectual set of proposed remedies that the DOJ and Microsoft have agreed to. Microsoft has been found guilty of abusing its position as a monopoly in the software industry, and the proposed remedies do little to actually punish Microsoft for this behavior. In fact, by abiding by this agreement, Microsoft is given free reign to act punatively towards Free and Open Source software projects that compete with Microsoft's own offerings.

I would ask the Department of Justice to reconsider this set of stipulations, and include provisions that will:

1. Protect Free and Open Source software projects by requiring that Microsoft provide complete, timely and accurate documentation of its APIs and file formats to any interested party.

2. Require Microsoft to cease anti-competitive bundling practices with its media player, MSN software and MSN Messenger.

3. Require Microsoft to produce a version of Office for Linux and other UNIX systems.

4. Force Microsoft to divest MSN. It's not in the best interest of the public to allow Microsoft to build MSN by shoving it down the customer's throat. Each new version of Windows locks customers into Microsoft's MSN and Passport system.

5. Force Microsoft to give open access to APIs for its .Net initiative.

The proposed stipulations contain too many loopholes. While breaking the company up into several companies was not a suitable solution, neither is letting the company off with a light slap on the wrist. Microsoft is getting off entirely too lightly for the damage that they've done and continue to do to the software industry. Allowing Microsoft to continue its business practices and a monopolistic position in the market is doing great damage to the consumer and other businesses in the computing industry.

Sincerely,
Joe Brockmeier
Joe 'Zonker' Brockmeier -=-
jbrockmeier@earthlink.net
http://www.DissociatedPress.net/

''Life moves pretty fast. If you don't stop and look around once in awhile, you could miss it.''—Ferris Bueller

MTC–00003342

From: Rob Szalapski
To: Microsoft ATR
Date: 12/7/01 6:36pm
Subject: Microsoft Settlement

The settlement with Microsoft has a major defect that will have devestating effects on the software industry. Much of the developement effort in areas like Linux, Apache and Samba provide software for free. Microsoft will be able to kill these efforts by the wording in the settlement. While these efforts are oftentimes funded by major collaborations of typical business entities, the not-for-profit entities that control them do not. Protect these advancements or ruin an industry!!!

Rob Szalapski
phone: (716) 742–8430
Avanti Systems Division
fax: (716) 924–4729
117 Victor Heights Pkwy
Victor, NY 14564–8938
email: robs@avanticorp.com
Rob_Szalapski@avanticorp.com

MTC–00003343

From: David Sloyer
To: Microsoft ATR
Date: 12/7/01 6:40pm
Subject: Microsoft Settlement

Dear Sir/Mme:

I am very disappointed that the DOJ appears to be wimping out in its treatment of Microsoft, to the detriment of us all. The settlement proposed by the DOJ fails to address many important issues, and promises to extend Microsoft's ability to abuse their power as a monopoly to destroy current and potential competitors, forcibly extract revenue from users, and weakening US-based software companies generally vis a vis foreign software developers.

I urge you to reconsider, and to listen carefully to the position of those states which disagree with the settlement proposed by the DOJ.

Thank you,
David W. Sloyer
10573 Sunset Ridge Dr
San Diego, CA 92131

MTC–00003344

From: Nelson, Christina L.
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/7/01 6:43pm
Subject: Demands on Microsoft

Microsoft should not be under any compunction to make Office compatable with someone else's OS any more than Canon has to make their camera lenses compatable with another manufacturer's camera bodies. If you want a Microsoft Product...maybe the MS OS is the best way to go.

MTC–00003345

From: Joe Tarsha
To: Microsoft ATR,microsoftcomments @doj.ca.gov@ inetgw,...
Date: 12/7/01 6:41pm
Subject: The proposed Microsoft settlements are inadequate

With great disappointment, I was dismayed to hear the terms of the announced settlements that the various states have proposed. How did we go from a proposed Microsoft breakup to a wrist slap within the course of a year? The appeals court unanimously affirmed that Microsoft was indeed a monopoly, which is a lot farther than this court went circa 1998 when similar charges were brought re Windows 95. At that time, Microsoft received a wrist slap with a consent decree and no damages. Again, they are back in court, having aggregiously ignored the previous settlement terms.

What changed? The only thing that has happened of note is the year 2000 election.

It is clear that this case is being influenced by partisan politics. The result is that the computer industry has been brought to its knees, while Microsoft continues to grow via its illegal business practices.

The most glaring aspect of the proposed settlements is the utter lack of reparations to damaged parties. I am not just talking about consumers, but competitors, employers (and their stockholders and customers, too), some of whom testified and others provided supporting background evidence and consultation to the legal team at their own expense. The cases of Be, Inc., and Red Hat are two visible examples. As competing OS manufacturers, they suffered the most by Microsoft's multi-boot restrictions, wherein licenses were illegally tied to the exclusion of all other O.S.es. Be even made a public offer to waive the license fees to any OEM that would offer BeOS as an option, with no takers. Red Hat was only able to strike its first OEM deal only after testimony was taken and published that showed these illegal licensing deals. Today, Red Hat is struggling, but is endorsed by partnerships with big name players IBM & Dell, and Be has recently sold off most of its assets at a deep loss to Palm, laying off the bulk of its staff, and will soon liquidate. Both had many employees, stockholders, and customers in California. Be customers will soon, if they have not already, reluctantly purchase Microsoft products because there is simply no other alternative left!

The provision that the settlement is applicable only to companies of significant size (one+ million in sales) is also a slap in the face to competition—that means that new startups have no chance coming out of the blocks! Be and Red Hat would probably not have been beneficiaries of these terms. This is not a ''level playing field''.

And a time limitation of only five years means that Microsoft will go back to business as usual after that. This lawsuit alone is three years old. If a term limit is somehow necessary, it should be for fifty years or longer, to make worthwhile the long effort plaintiffs have put into this case. If the suggested term is put in place, we might as well file another lawsuit right after the settlement is signed in order to see a continued ''level playing field'' since obtaining justice has taken so long.

As a taxpayer and damaged party several times over, I am disgusted at the proposed settlement. After years of effort, millions of dollars spent, and all of the *proven* facts in the case established before you, that plaintiffs would settle for pennies on the dollar and a token wrist slap (yet again) is a waste of taxpayer funds. The parties directly and indirectly involved should not have conceded leadership of the suit to Justice if they were to be abandoned so close to the finish as they have been.

Justice has now shown itself to be susceptiple to party politics with this drastic change in settlement terms. In my opinion, the time is ripe for States to take control of the suit if Justice does not resume its previous tack. Otherwise, it is very likely the effort will quickly fracture, and individual companies, states/localities, and citizens will have to file suits independently, further incurring cost, time, and effort in the justice system, and watering down any resulting settlement. I urge you to reject the proposed settlements and continue the suit vigorously to its logical conclusion.

The opinions expressed above are entirely my own, and not necessarily Be, Inc.'s. For further details, please contact the CEO, Jean-Louis Gassee, as he could provide significant further information, at jlg@gassee.com.

Joe Tarsha
Be, Inc.
(a soon to be unemployed) I.S. Manager
Home address: 3940 Branson Drive, San Mateo, CA 94403–3609

MTC–00003346

From: Marian
To: Microsoft ATR
Date: 12/7/01 6:41pm
Subject: Microsoft Settlement

I am sending this email as a comment on the proposed settlement between the US Department of Justice and Microsoft Corporation. The settlement, as it has been published, does not protect the rights of consumers, nor does it impose a remedy that will allow competition in the software markets in which Microsoft has already demonstrated its illegal business practices. As has been amply demonstrated by the consent decree signed by Microsoft to settle a previous anti-trust suit, mere words on paper do not reign in their practices. More strenous oversight is needed, or any settlement will be shown to be as worthless as the last. The largest competitor to Microsoft Internet Information Server is Apache, from the Apache Foundation. A not-for-profit organization. It, along with Sendmail and Perl, also from not-for-profit groups, are very widely used in Internet applications. My concern is that according to the language of the proposed settlement, these organizations have no rights at all.

Specifically the language in section III(J)(2) says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business, (c) ''meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business''. This language gives Microsoft the right to deny the very existence, and continue any and all of their anti-competitive practices against Open Source projects, or even any company they do not deem viable.

I also question the advisability of allowing Microsoft to define the criteria of ''reasonable, objective standards'' as they are the party guilty of violating our nation's laws in the first place. Should not these definitions be imposed by an external body that does not have Microsoft's interests formost in their minds?

Section III(D), which deals with disclosure of information regarding the APIs for incorporating non-Microsoft ''middleware'' contains language which is equally disturbing. In this section, Microsoft discloses to Independent Software Vendors (ISVs), Independent Hardware Vendors (IHVs), Internet Access Providers (IAPs), Internet Content Providers (ICPs), and Original Equipment Manufacturers (OEMs) the information needed to inter-operate with Windows at this level. Yet, when we look in the footnotes at the legal definitions for these outfits, we find the definitions specify commercial concerns only. Under these definitions, Open Source is again shut out, as are government entities and any other not-for-profit group.

I can not accept with any degree of credibility that Microsoft will not exploit any perceived flaw in the actual language of any remedy which is imposed on it. Additionally, the currently proposed remedy will only stay in effect for a period of 5 years. How are we to believe that Microsoft will not simply revert to their current illegal business practices after the 5 years have passed?

The remedy as proposed, is flawed in both its language and scope. I urge the court to seek a more appropriate and stringent solution and hope that it will act in the best interests of the American people, rather than ignore Microsoft's previous flagrant violation of an insufficient remedy.

Thank you.
Marian Waldman
2248 Stokes St.
San Jose, CA 95128
marian@vex.org
CC:marian@ vex.org@inetgw,mwaldman@ brocade.com@inetgw

MTC–00003347

From: Moses Ling
To: Microsoft ATR
Date: 12/7/01 6:43pm

I strongly disagree with the settlement because it DOES NOT do anything to prevent MS to practice what there had been doing in the pass. I think a lot of you have missed the point on what the real issue is. The real issue is not how MS deal with the OEM venders and others, the real issue is how MS uses the advantage they have on the OS and apply it on their applications by hiding key element on the API and a lot of close standard. Because of that MS have an upper hand on other software houses, that make them hard to compete fairly. One by one they had taken out Wordperfect, Netscape, Realplayer, Borland and many more to come. With Windows XP a lot more companies will be taken out, first on my mind will be Winzip, next will be CD burner software companies and who knows who is next. With their new Passport service, there are coming after you. (U.S. Gov.) Think. They will have access to personal information on the Passport account worldwide. If you know how to think you can see the danger. Stop them before its too late. Thats all I have to say.

MTC–00003348

From: Chris Torgerson
To: Microsoft ATR
Date: 12/7/01 6:52pm
Subject: Microsoft Settlement

Dear Sir or Madam,

I believe any settlement with Microsoft should include both a financial penalty and a source code release to the public. As someone who's career has been hurt by MS's anti-competitive tactics, I believe both of these punishments are necessary and fair.

Chris Torgerson

Chris Torgerson
Technical Manager
New Media Merchants
phone: (858) 882–8500 ext. 2320
fax: (858) 882–8501
email: ctorgerson@nm2.com
www: http://www.nm2.com

MTC–00003349

From: Uncle Dave
To: Microsoft ATR
Date: 12/7/01 1:16pm
Subject: MS slimy income tactics in small reseller suits

Gentlemen:

I am the victim of one of THOUSANDS of lawsuits that Microsoft has waged over the past few years. I own a wholesale computer hardware company, primarily building servers and workstations custom order for small volume resellers.

In April of this year MS bought 3 software packages from me through an undercover reseller. They took FOUR months to tell me it was counterfeit (yet have never shown me why). The software met ALL the tests I could use for genuineness.

They then sent me a ''cease and desist'' letter through one of their many law firms. I emailed a response that I would comply and begin to buy through one of the suppliers they authorize that was listed on their cease letter. Exactly ONE day after my email they bought another s/w package, even while I was taking down the information on my website and getting set up with their authorized distributors. A few weeks later they slapped me with a complaint/lawsuit in Federal court!!

I have spent over 7k with my attorney to answer/deny the suit. I have researched other lawsuits and find that HUNDREDS if not THOUSANDS are quite similar. WHY? would MS do this? They aren't interested in stopping the true piracy out there—THEY WANT THE INCOME FROM THESE SUITS, BOTH FOR THEMSELVES AND FOR THEIR ATTORNEYS! IT IS THEIR DIRTY LITTLE SECRET.

I have spoken to several victims of this perversion of the legal process. NO ONE CAN AFFORD TO LITIGATE THESE SUITS, and virtually ALL ARE SMALL BUSINESS PEOPLE WHO ARE FORCED TO SETTLE for HUGE AMOUNTS. I plan on going to court without an attorney and asking for a jury trial. MS is so big, so arrogant, they simply are biting many hands in the channel that have fed them for years.

In all the years I have done business as Horizon Micro Distributors, WE HAVE NEVER EXPERIENCED INSTALLATION OR REGISTRATION PROBLEMS WITH WINDOWS98, OFFICE 2000 OR OFFICE 97, which are the specific programs they claim are bogus.

Any advice you might give us, or any reflection upon the arrogance of Microsoft that would affect the settlement in the big case, should consider their CURRENT ACTIVITY AND ATTITUDE TOWARD SMALL AND LEGITIMATE BUSINESSES.

We cannot have a bully of this size forcing small businesses out of operation.

Thanks
Dave Fears
Owner
Horizon Micro Distributors
503–469–0147

MTC–00003350

From: Montegoman6@cs.com@inetgw
To: Microsoft ATR
Date: 12/7/01 6:53pm
Subject: (no subject)

No monopoly is good for US consumers. Less competition for Microsoft equals less performance at a higher price for consumers.

If the present ''big business'' tag team of Bush, Cheney, and Ashcroft are able to discretely fulfill their obligations to Bill Gates and his campaign contributions, the beneficial change for consumers and fairness to competing companies will likely be minimal...

MTC–00003351

From: Paul Pomerleau
To: Microsoft ATR
Date: 12/7/01 6:57pm
Subject: Remedy in Microsoft case

The proposed remedy for Microsoft is a bad one. It does not gives rights to not for profits, or private free-software developers. I also suggest that any settlement should act to restrict Miscrosoft's ability to simply out-spend other companies on legal fees. They should not be allowed to spend a dime more than their opponent on any court case. The above is important, since Microsoft uses it's cash reserves as a weapon. Towards that end, I would also suggest that Microsoft be compelled to keep very little cash reserves, distributing all but 10 million of it to stock-holders—always dividending, never saving, since that saving is a war-chest, allowing it to bully it's competitors and its apparent friends alike.

Paul Pomerleau
Globalcom, Inc.
pom2@global-com.com

MTC–00003352

From: Dave Johnston
To: Microsoft ATR
Date: 12/7/01 6:57pm
Subject: Microsoft Settlement

David A. Johnston
989 North Pine Street
Ukiah, CA 95482
December 7, 2001
Renata B. Hesse
Antitrust Division
US Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Renata:

I am writing to inform you of my opinion regarding the proposed Final Judgement in the Microsoft Antitrust case. My background is in the Information Technology Industry and in education. In my current position, I am involved in a statewide project providing assistance to schools as the implement technology in the classroom. I have a clear understanding of the needs of rural, small and low-performing schools being from an area of California where the three are very common.

It would appear from my reading of the proposed final judgement that Microsoft is not being fairly discouraged from future anticompetitive business practices. The end result is more of a slap on the wrist, rather than an action to promote serious reflection on the part of corporate management and a change in their business practices. Specifically, the portion of the judgement that allows them to get rid of obsolete Pentium II computers to low-performing schools who are already lacking in modern technology will to little to close the digital divide. Given that Microsoft is planning on ''giving away'' about $843,000,000 of the $1,000,000,000 fine in their own software is particularly incredible. It does two things. First, it reduces their actual cost to something much lower than the $843,000,000. The list price that they are using to develop the estimate is much higher than even the price they current sell to schools. For example, our education price for Microsoft Office 98 was in the $35/copy range, rather than the $299 or higher retail price. By allowing them to give away their own product, you are greatly reducing their costs.

Second, you are only perpetuating their monopoly by putting more Microsoft product in place. Regardless of whether the schools receive the initial product for their surplus computers for free, at some point they'll want to upgrade or add additional features, etc., which is going to encourage them to purchase more Microsoft products.

I strongly urge you to reconsider this judgement and the minimal impact it will have on Microsoft or the digital divide. I strongly support the offer from RedHat software for Microsoft to purchase new computers for these schools and RedHat Software will provide the operating system and applications software for free for the life of the computers. Or, as Steve Jobs has suggested, force Microsoft to give cash to a foundation, who can then determine the best way to distribute the funds.

I appreciate the opportunity to make my views know.

Sincerely,
David A. Johnston
Dave Johnston, WD6AOENetwork/Telecom Consultant
dave@sonic.net
Ukiah, CA

MTC–00003353

From: Johann Amin
To: Microsoft ATR
Date: 12/7/01 3:38am
Subject: Microsoft must go DOWN!

Its a plain as the nose on your face that Microsoft has the muscle to bully its way into anything and anywhere; including the US justice system. Seriously, if the DOJ doesn't put its foot down and make SURE that Microsoft is CUT DOWN TO SIZE, it'll make lot of us think that Justice is on-the-take.

MTC–00003354

From: Brian Fahrlander
To: Microsoft ATR
Date: 12/7/01 7:02pm
Subject: Microsoft Settlement

I've watched as Microsoft overthrew the CP/M operating system back around the late 70's. Early on, it was good thing—more power, more options, more flexibility and every day a new thing for consumers.

But in 1995, Bill Gates was able to tell thousands of hardware people, ''Give me details, or get shut out'' and while that was an important unifying power, that power went to his head.

Show me a difference, for example, between the different versions of Microsoft Word as it went from 95, 97, 2000, and beyond. Other than fixing a minor bug here or there, it's almost identical throughout the lineage, yet buying a new copy (so you could still communicate with your friends and co-workers who'd already upgraded) each new version was still nearly $200.

...but thank God they finally killed ''Clippy'' in Excel, which is the same way. Excel is another example of buy-because-he-says-so. And when they released Access, they released a flawed, bloated, overcomplicated mechanism that would ''eat itself'' when enough data had been saved.

It's sad. Really, very sad. I've been a supporter for almost 20 years now. But one day after rebooting 20+ times to fix another hardware/software glitch [knowing full well that both were MADE to work together, FCOL], I took up my friend's urging and tried Linux. It was crap, but it was honest crap. Very ''old Unix'' styled, but that was changing. Not just once a quarter, but every day.

That's been almost 5–6 years ago now. Not one day in that time have I booted Windows software on my desktop. I've been living without Microsoft for that long....IT'S A WONDER I'M STILL ALIVE.:)

But think about it—when MS screws up, who can you sue? When there's a bug, what's the resolution? Wait on the 900 number for a minimum of 2 hours and hope they don't say ''re-install'', like they often do.

Linux is different: There are search engines—just look up your problem by entering keywords. Any problem you have, others have had weeks ago. New versions are available seemingly all the time. And the maintenance of it is SO much easier. No viruses, no BS problems that can't be resolved.

It's not nice, but it IS fair to compare Gates/Microsoft with Hitler: In the beginning he provided unparalleled growth of a third-world country with an inferiority complex and in only 10 years became a world power. But without anyone knowing, several million people were brutally hurt by this power, and it had to be stopped.

LISTEN TO CRINGELY: he's one of the few guys that really understands the problem and writes a column. And if he likes this Steve Satchell guy then he's probably a good, fair, honest, stand-up guy.

As the code is written now, Microsoft isn't penalized by your action, it's strengthened. It can just ''secrefy'' the code and prohibit anyone from developing with it in the future. Microsoft's become a rude, mean, two-faced machine for hypnotizing people and raking out their pockets. (Why else would viruses still exist in Windows after 18 years and they don't exist in Linux!)

PLEASE, PLEASE reconsider your actions. My life, and millions more will be effected by blind paperwork. (See my signature!)

Brian Fahrlander
Evansville, IN
ICQ 5119262
Linux Zealot, Conservative, and Technomad
http://www.kamakiriad.com/aboutme.html
LinPhone:
briancommat;aquila.kamakiriad.com

MTC–00003355

From: Freund, John B
To: Microsoft ATR
Date: 12/7/01 7:12pm
Subject: Microsoft Settlement

I rarely write such letters but the proposed Microsoft settlement enrages me. For starters the donation of equipment to schools is a cynical ploy to increase market share.

I write this as someone deeply committed to overcoming the digital divide. But I do not want to do this at the risk of further enhancing the monopolistic practices of Microsoft. To me it is a modern version of B'rer Rabbit saying ''Please don't throw me into the briar patch.'' I leave to legal authorities to judge my impression that that settlement does nothing to curtail its monopolistic practices in any meaningful way.

Peace,
John Freund, C.M.
718 990 7938
Please visit
www.famvin.org
www.healhunger.org

MTC–00003356

From: Jerry Orn
To: Microsoft ATR
Date: 12/7/01 7:09pm
Subject: Pick on something else

Leave Microsoft alone. Free enterprise is alive and well.

Jerry Orn
North Canton, OH

MTC–00003357

From: root@valinux.intop.net@inetgw
To: Microsoft ATR
Date: 12/7/01 7:16pm
Subject: Microsoft Windows XP

I am against Microsoft requiring online activation of it's Windows XP product, and the ''hardware profile'' that this product creates when Windows XP is installed on a computer. The end user is paying a good price for this product, and it's use should not be restricted to just one computer in the household. Recent advances in hardware such as cheaper hard drives of large capacity, new graphics cards, faster processors, and processor upgrades will result in the computer user buying and installing these products, and Windows XP should not require an activation process that requires the user to ''call microsoft'' and explain why the upgrades are being made. Also, Windows XP, once purchased by the consumer, should be installable on any computer that the consumer has that will handle the memory and processor speed and hard drive space necessary for this operating system to function properly. The restriction that the product can only be used on one machine, and that any Hard Disk with XP installed on it can only be used on that one machine, is unfair.

Michael L. Dawley
lester@intop.net

MTC–00003358

From: Brian Wang
To: Microsoft ATR
Date: 12/7/01 7:17pm
Subject: Microsoft Settlement

I believe the present settlement is too lax and lenient. It would not stop Microsoft from abusing its monopoly powers. I don't necessarily agree with the original remedy of breaking up the company, but I believe the present settlement amounts to nothing but a slap on the wrist. I think the settlement proposed by the nine dissident states would be far more effective. By forcing Microsoft to make Office available for other platforms, it would promote competition in the OS space, since most of corporate America has standardized on Office.

Thank you.
Sincerely,
Brian Yen-Shan Wang

MTC–00003359

From: Jason Brown
To: Microsoft ATR
Date: 12/7/01 7:18pm
Subject: Microsoft Anti Trust Case

Having read through the original settlement offer and now the States Alternative Settlement, I would like to strongly encourage the adoption of the adoption of the States suggestions.

I particuliar, Microsofts real monopoly is in their office suite that almost all businesses have standardized on. Having the office suite and their standardized document formats ported to other operating systems dramatically increases the options for businesses and individuals.

Thank You.
Jason Brown
1009 W State St
Geneva, IL 60134

MTC–00003360

From: Simon Lewis
To: Microsoft ATR
Date: 12/7/01 7:19pm
Subject: Comment on Proposed Settlement

Simon R. Lewis
16002 Meadowcrest Road
Sherman Oaks, CA 91403–4716
December 7,2001
Phone: 818–906–7679

I'm a US citizen and live in California. I'm against the proposed DoJ settlement with Microsoft for the following reasons. As someone who bought and uses the OS/2 operating system, I suffered as a consumer when Microsoft violated antitrust law to drive it from the market. As I look to replace my computer, I am suffering again because my choices are being restricted by Microsoft's continuing conduct. A once thriving industry with competition and choice is being undermined.

My suggestion is to consider the Red Hat approach where Microsoft's free computers delivered to schools will all carry the Linux operating system.

By forcing Microsoft to disseminate a multi-platform open system to schools, the remedy (apart from providing schools with genuinely open, new software that stimulates choice and competition) will actually punish Microsoft's anticompetitive conduct.

Such a settlement would help to reintroduce competition, as opposed to the current proposed settlement, which actually rewards Microsoft for its violative conduct.

The proposed settlement actually extends Microsoft's monopoly to a new generation of users, and enables Microsoft to dump unsold inventory. It will be a sad day for antitrust enforcement to see the violator rewarded in this way, not least because the European Community enforcement process (led by the US trained Mr. Monti) appears to understand what our own Justice Department does not.

Thank you,

Simon R. Lewis

MTC–00003361

From: Ray Gwinn
To: Microsoft ATR
Date: 12/7/01 7:21pm
Subject: MICROSOFT ANTITRUST

The Microsoft monopoly goes into areas that I think you guys have never dreamed of. One way the monopoly has shown up in force recently is device drivers.

For example, look at a Dell Insprion 8100 (I purchased one recently). If I desire to use an operating system other than Winodws, like Linux or OS/2, drivers are not available. In the past, drivers would become available for other operating systems because some programmer would develope the drivers and release them.

NOW, the information necessary to develop the drivers is NOT being released. Why would a manufacturer like Dell, Nvidia, and Lucent withold information that would lead to additional sales of their products? The answer is they would lose the blessing of Microsoft (and lose sales) if their products could be used by non-Miscrsoft operating systems.

The best example of this is the so called Windows Modem, the largest number of which is manufactured by Lucent. There is no techinical or cost reason why such a device as the Windows Modem should exist. Ordinary modems (which work on any operating systems) work better and were previously costing less than Windows Modems. Any computer you purchase now will probably have a Lucent Win Modem installed. Windows Modem drivers are only available for Microsoft operating systems. I personally tried to obtain information from Lucent that is necessary for driver development, and they refuse to discuss it. Why? Releasing the information would only result in increased sales. Thus, if I purchase a new computer, I must use a Microsoft operating system, or the modem will not work. Note that if I want to access internet, the modem must be used.

There is nothing about a Windows Modem that makes it unique to Windows. It is just another hardware device.

I can go on and on, but if you are interested, you can contact me.

Raymond L. Gwinn Voice 304–252–2848
Fax 304–255–7902
26 Tanager Place
Beckley, WV 25801

MTC–00003362

From: Sean, Sharon and Kyle Harbour
To: Microsoft ATR
Date: 12/7/01 7:29pm

My opinion on the Microsoft settlement proposal vs RedHat counter proposal

I am definitely concerned that the proposal as endorsed by Microsoft would be a mistake. I support getting more alternative computer education in the public school system as a way of broadening students opportunities, and therefore I am for Redhat's counterproposal, or any proposal which imposes a strict monetary demand on Microsoft without offering them any direct method of recouping their losses, such as furthering their monopoly on desktop computer systems in this country.

Sincerely,

Sean Harbour
Portland, Oregon

MTC–00003363

From: Jefe Calhoun
To: Microsoft ATR
Date: 12/7/01 7:30pm
Subject: Microsoft Settlement

I just wanted to express my concern over the suggested settlement in this case. The proposed settlement is a farce. It will cost Microsoft very little, and (ironically) actually extend their monopoly by hooking school age users. If Microsoft were truly interested in helping educate children they would donate the money as a lump sum to the schools with no strings attached for the schools to use as they see fit. Schools need better facilities, better pay for teachers, books and many other things more than they need used computers running Microsoft programs. Please, please, please do not be duped by Microsoft—their settlement is no punishment at all. Microsoft is a danger not only to business, but also in many respects to society. Their goal is to completely control technology and content at every possible level in the pursuit of extracting profit—there is no altruistic motive in any Microsoft action. Without going into great detail the result would be that ultimately we will no longer have democracy but technocracy, with all power focused in the monopolistic hands of Microsoft. A real settlement would see Microsoft broken up, permanently and irrevocably. That is in the best interest of all citizens of the United States and the world. I realize this may seem a radical opinion, but truly the ramifications of allowing Microsoft to continue in its current course of operation are frightening. I hope you can at least consider what the future could hold if no action is taken in this regard—at the very least please do more in depth research so that you can truly understand the consequences.

It does not seem that those involved in passing the judgement have done so to an adequate degree.

I again wish to stress my extreme alarm and distress that the given settlement is being seriously considered. I beg you to reject it.

Sincerely,

Jeff Singer

MTC–00003364

From: Andrew Brown
To: Microsoft ATR
Date: 12/7/01 7:32pm
Subject: Microsoft Settlement, I think that Steve Satchell should be on the three person panel.

Steve Satchell should be on the three person panel. A person with knowledge of the field and who has no stock in Micro$oft is the right type of person for the job.

Another thing is that DNA computer programming languages will completely exclude outside development. Micro$oft must share the genetic computer algorithms that it develops for the creation of independent applets and executable functions. Bill Gates has funded research into self replicating and self improving computer programs. Programs that quite literally write themselves. The programs are analogous to DNA because of its ability to mutate and reproduce endless quantities of complex code. This data must be shared! Otherwise, we'll be doing the trial again every decade with Micro$oft out lasting the Federal Government.

This is what Mr. Gates hopes will happen: You will allow further development at colleges without government supervision of what Micro$oft's Millionaires fund privately. These campus researchers will spin off their own companies to be bought up by Micro$oft as soon as the programs reach a BETA state.

Andrew Alan Brown
(503) 771–1479
emailto: AndrewNymph@Yahoo.com

MTC–00003365

From: phyllis michaels
To: Microsoft ATR
Date: 12/7/01 7:40pm
Subject: microsoft settlement

Dear Sirs

Please include steve satchell on the three member committee to supervise microsoft operations under the proposed settlement of the antitrust case. Steve has considerable knowlege of software and operating systems and has been deeply involved with the computer industry for years. He would be an excellent addition to the team to monitor microsoft. thank you for your attention. sincerly Phyllis micheals

MTC–00003366

From: Mike Mills
To: Microsoft ATR
Date: 12/7/01 7:41pm
Subject: My Opinion

Why don't you leave them alone. Bill Gates has earned everything he has but because somebody else didn't think of it the competition wants it taken away. I think your decisions suck.

M. Mills

MTC–00003367

From: RJRains
To: Microsoft ATR
Date: 12/7/01 7:52pm
Subject: Absolutely Ludicrous

It would be a travesty of justice if the ludicrous demands of those several states is actually considered seriously, and even worse if someone was to make it happen. The special stripped down software, compatibility with other operating systems, and compliance masters are all ridiculous. Microsoft is the standard. Period. The operating systems need to make their OS's compatible, and who in their right mind would buy stripped down software. This

would only hurt a valid American success story, and actually hurt competition. Microsoft is a company, not a government agency. If the whiners at Netscape, sub-par OS manufacturer, and others want to realistically compete, then they should do so, but not cripple a great product. Maybe we should take one engine and half the seats out of each airplane to allow for competition to come in. Again, ludicrous. Throw out the state suits and lets move on with life.

RJ Rains

MTC–00003368

From: Brad Hartin
To: Microsoft ATR
Date: 12/7/01 7:54pm
Subject: Microsoft Settlement

To allow Microsoft to settle in this manner is essientially giving them exactly what they want. For a very low price tag, they are able to indoctrinate an entire generation of Americans into the Microsoft monopoly. This would be equivalent to settling with tobacco companies by telling them they were required to give children free cigarettes as long as they were in school.

The offer from Redhat Linux Inc. would be the ideal solution, but even it could use some modifications. I'd recommend that Microsoft pay, up front, $1.5 billion in fines. The money would be divided across as many schools as possible while maintaining the viability of it's use. Redhat would provide the software as they have already offered. This would lead to a far greater number of students benefiting from the settlement, and giving them a chance to avoid becoming entrapped within the tentacles of Microsoft.

Bradley David Hartin
San Antonio, Texas

MTC–00003369

From: Ski Collins
To: Microsoft ATR
Date: 12/7/01 8:03pm
Subject: microsoft

I'm a state worker. I feel that Microsoft should pay a large fine. If they just give software and hardware to schools, they just increase thair market share! Other products are as good and better but, when you have the marketing of MS, they are like the NY Yankees, the rich get richer.

L. Collins jr
Jefferson City, MO

MTC–00003370

From: Jeffrey Means
To: Microsoft ATR
Date: 12/7/01 8:09pm
Subject: Ideas for solving the Microsoft antitrust issues

Dear Sirs:

Solving the antitrust issues with the plan Red Hat has submitted would most definitely help a lot of poor or otherwise unfortunate school systems gain the computers they need along with giving those schools a different teaching platform that is not helping Microsoft to become even more monopolistic. This would allow those schools in question to receive 1 computers and 2 software that does not teach our young school age students only Microsoft operating systems. Red Hat proposes the following:

—

Red Hat Proposes to Enhance Microsoft Settlement Offer By Providing Open Source Software to All U.S. School Districts Open Source leader proposes to provide software to every school district in the United States if Microsoft provides computing hardware for the 14,000 poorest school districts RESEARCH TRIANGLE PARK, N.C.???(BUSINESS WIRE)???Nov. 20, 2001???Red Hat, Inc.

(Nasdaq:RHAT—news) today proposed an alternative to the settlement announced today of the class-action lawsuit against Microsoft. Red Hat offered to provide open-source software to every school district in the United States free of charge, encouraging Microsoft to redirect the money it would have spent on software into purchasing more hardware for the 14,000 poorest school districts. Under the Red Hat proposal, by removing Microsoft's higher-priced software from the settlement equation, Microsoft could provide the school districts with many more computers—greatly extending the benefits Microsoft seeks to provide school districts with their proposed settlement. Microsoft had proposed that, in settlement of class-action claims of price-gouging, the company donate computer hardware, software and support to 14,000 poor school districts throughout the United States. Under the proposed settlement, a substantial part of the value provided to schools would be in the form of Microsoft software.

The Red Hat's alternative proposal includes the following:

Microsoft redirects the value of their proposed software donation to the purchase of additional hardware for the school districts. This would increase the number of computers available under the original proposal from 200,000 to more than one million, and would increase the number of systems per school from approximately 14 to at least 70.

Red Hat, Inc. will provide free of charge the open-source Red Hat Linux operating system, office applications and associated capabilities to any school system in the United States. Red Hat will provide online support for the software through the Red Hat Network. Unlike the Microsoft proposal, which has a five-year time limit at which point schools would have to pay Microsoft to renew their licenses and upgrade the software, the Red Hat proposal has no time limit. Red Hat will provide software upgrades through the Red Hat Network online distribution channel. A Win-Win Approach The Red Hat proposal achieves two important goals: improving the quality and accessibility of computing education in the nation's less-privileged schools, and preventing the extension of Microsoft's monopoly to the most-vulnerable users.

''While we applaud Microsoft for raising the idea of helping poorer schools as part of the penalty phase of their conviction for monopolistic practices, we do not think that the remedy should be a mechanism by which Microsoft can further extend its monopoly,'' said Matthew Szulik, CEO of Red Hat.

''Through this proposal all of the states and all of the schools can win, and Microsoft will achieve even greater success for its stated goal of helping schools. By providing schools with a software choice, Red Hat will enable Microsoft to provide many more computers to these schools. At the same time, the schools can accept this offer secure in the knowledge that they have not rewarded a monopolist by extending the monopoly. It's now up to Microsoft to demonstrate that they are truly serious about helping our schools.'' General information about Red Hat's support for education is available at www.redhat.com/opensourcenow/.

About Red Hat, Inc.

Red Hat is the leader in developing, deploying and managing solutions built on the benefits of an open source platform. The open source platform includes the Red Hat Linux operating system for mainframes, servers, workstations and embedded devices, GNUPro tools for developers, database, e-Commerce, secure web server, high availability server and run-time solutions like eCos and RedBoot. For this platform, Red Hat provides end to end professional services including Professional Consulting, Engineering services, Enterprise Support services, and Global Learning services. Red Hat Network is the premier Internet based service that simplifies and integrates the deployment and management of these offers. More information about Red Hat is available at www.redhat.com. Red Hat is headquartered in Research Triangle Park, N.C. and has offices worldwide. For investor inquiries, contact Gabriel Szulik at Red Hat, 919–547–0012, x439.

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end of insert: www.redhat.com/about/presscenter/2001/press_usschools.html

Jeffrey D. Means
CIO for PicoTech
Fort Collins, Colorado

MTC–00003371

From: Mike Schiraldi
To: Microsoft ATR
Date: 12/7/01 8:13pm
Subject: Open file formats!

Forget about Office for Linux. Just make MS publish their file formats so someone else can write a good office suite that reads and writes Office documents.

MTC–00003372

From: David Gressett
To: Microsoft ATR
Date: 12/7/01 8:14pm
Subject: Microsoft

Microsoft should be left alone—a free market in software does exist. Alternatives for Microsoft software exist for server operating systems, desktop operating systems, and application software. The Justice Department cannot replace a free market and should not try. At best, it can only enforce the rules of commercial honesty.

MTC–00003373

From: gunzip@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 12/7/01 8:20pm
Subject: settlement

I think the settlement terms between DOJ and Microsft are totally against the best

interests of consumers , the economy and the state of technology in general

MTC–00003374

From: UCLAlumnus Hi
To: Microsoft ATR
Date: 12/7/01 8:25pm
Subject: Travesty

As a consumer and a resident of Silicon Valley, I am applaed at the DOJ's decision regarding the Microsoft case.

It is obvious that the DOJ does not operate in the interests of our country and its people but for the lobbyists and person turning the screws in the White House.

Shame on you all.

MTC–00003375

From: Stephen
To: Microsoft ATR
Date: 12/7/01 8:27pm
Subject: Microsoft Settlement

Having read the proposed Microsoft Settlement, I would like to offer the following comments.

As a consumer, I am disappointed with numerous areas of this settlement. In particular, that this settlement fails to levy any penalty on Microsoft for their past wrong doings. Furthermore, it fails to address Microsoft's failure to comply with agreements reached in a previous settlement with the government. Microsoft is not above the law, nor do they write laws. They have broken the law and they should be punished accordingly! Another area I feel needs to be addressed is the subject of interoperability. Having retired from the U.S. Marine Corps after 20 years of service, one thing that constantly annoyed everyone was the seemingly deliberate way in which Microsoft repeatedly changed it's file formats to force software upgrade purchases because of incompatibility among units. Example. If my squadron in North Carolina was using Word 4 and the Naval Air Systems Command in Washington, DC was using Word 5, we couldn't open any documents they sent us because our version of Word was older than theirs. This problem was further exacerbated by Microsoft designing their products file formats to be incompatible with not only older versions of their own products, but products from other competitors such as Word Perfect This deliberate planned obsolescence of designing incompatibility with competitors software and older versions of their own software needs to be addressed. Everyone who uses a Microsoft product or a competitors product is routinely punished by Microsoft for failing to upgrade to their newest release or purchase their products over a competitors. This needs to stop! I propose the Department of Justice bring interoperability to the table in it's settlement with Microsoft by requiring Microsoft to ''always'' disclose to competitors both current file formats as well as all planned changes to the file formats of all Microsoft products. This one step would return choice to the consumer in the products they choose to buy while maintaining interoperability among products and platforms. I cannot stress how important this one issue is for the computing industry as a whole. Software developers would be able to compete with Microsoft on the merits of their product, unlike today where most fail in the marketplace because few consumers are willing to purchase a product that can't open a proprietary Microsoft document. Companies who do try to compete with Microsoft often don't last long or worse yet. Most never attempt to compete with Microsoft in the first place.

By dropping the barriers to competition, consumers win as well. Consumers could choose the word processor, spreadsheet, database, video player, etc., of their choosing based on features they like, not because of compatibility alone.

In closing, I would like to leave you with this thought. Not everyone who uses a computer is a power user. As such, not everyone needs to own Microsoft Office, Word, Excel, or Access. I'm sure the majority of consumers would be perfectly happy with the features available in a $79.00 word processor if given the choice. Unfortunately they have little choice at the moment. So they spend over $400.00 to purchase Microsoft Office for the sake of opening a proprietary Word document someone has sent them or to ensure others can open a proprietary document they've sent . Planned obsolescence, forced upgrades and proprietary file formats are out. Consumer choice is in. Give consumers that choice! We not only deserve it. We demand it!

Respectfully submitted,
Stephen M. Szewczyk
MSgt USMC(Ret)

MTC–00003376

From: Billy B
To: Microsoft ATR
Date: 12/7/01 8:28pm
Subject: Micro Soft

Someone (Supreme Court or Congress) should step in and stop the states from tearing down Microsoft.

How can it be to the country's advantage to teardown something that will end up costing many, many jobs that which works so well for the general population? It is easy to say the company is too large and Bill gates is too rich but the company and Gates got there by being the best and producing the best a consumer could get for his or her money. As the old saying goes it ain't broke so don't fix it. The average person on the street doesn't care how large Microsoft is or how much money Bill Gates makes that he can't spend anyway as long as Microsoft products work for them and Microsoft products do work. Changing Microsoft is like changing Mc Donald's, Kentucky Fried Chicken or Wall Marts and the American people just don't like change for the sake of change. A case in point that was learned very vividly by Coca Cola a few years ago. The States and especially the States Attorneys General just smell fame and fortune and political gain for themselves (I/we took on Microsoft) because the average Joe and Jane will realize nothing for the effort and most assuredly the States Attorneys General could care less about that. Makes one wonder just how much kickback the now less than successful companies are putting up should Microsoft be broken up for the Attorneys General? If the Department of Justice is finished and the States had a chance to settle and didn't they just should be SOL!

Bill Montgomery
22628 Highway T
Waynesville Mo.
65583

MTC–00003377

From: Dr. Larry Keller
To: Microsoft ATR
Date: 12/7/01 8:29pm
Subject: Settlement

To Whom It May Concern:

As a Professor of Public Administration, a citizen of the United States and a consumer of computers, I find the settlement with Microsoft (MS) troublesome. The company is nearly a classic example of a predatory company whose main mission is domination. They prefer to set ''standards'' of their own choosing rather than abide by standards that are set by appropriate bodies. Their products are often inferior to others, and in some cases, such as Apple computer, they even own part of the company.

They not only dominate OS, they control the office market. In fact, they also own part of Corel, a distant second in that market. I can't imagine being a company competing on applications with those who work with the Company that controls the OS. That by definition is not fair competition; in fact, the numbers of sales of applications office products clearly demonstrate it is not competition at all.

They bundle their software so that consumers cannot easily use more powerful third party products without considerable knowledge. Defaults often trigger warnings and similar statements that a casual user of computers, by far the dominant user, would interpret as making it impossible to use any product but MS for a particular purpose. They greatly impedes progress in software. In addition, the company also sells hardware. With the immense cash flow MS enjoys they can pick and choose what hardware they will make next. As with software, I have no doubts that MS would use that ability to punish whoever opposed them.

Finally, they sell OEM versions of their products at differential prices. The prices clearly tell companies that MS will not tolerate certain behaviors, especially those that favor competitors.

This is not a picture of a company that should be rewarded. It is a clear call for breaking MS into at least two (2) if not three (3) separate companies. A fitting remedy would be three (3) companies: one for the OS; one for applications; and one for hardware.

Any lesser remedy will not only be a miscarriage of justice but a disservice to national security and consumers of an industry who progress is stymied by the domination of an inferior OS.

Talk to you later.
Dr. Larry Keller
Public Administration Program
Levin College of Urban Affairs
Cleveland State University
larry@wolf.urban.csuohio.edu

MTC–00003378

From: Cliff and Doris Kilfoil

To: Microsoft ATR
Date: 12/7/01 8:30pm
Subject: Get off MS Back!

SPEND MORE TIME FIGHTING TERRORISTS&TERRORISM. GET OFF MICROSOFTS BACK. FORGET THESE 9 OTHER STATES THE LEGAL FEES JUST ARE NOT WORTH MAKING LAWYERS RICHER WHILE THE REST OF US DO WITHOUT. FOR ONCE, CAN'T COMMON SENSE BE USED. THE JUSTICE DEPARTMENT SHOULD KNOW BETTER. I HAVE NOTHING TO GAIN BUT AM UPSET WITH ALL THIS PETTINESS. ESPECIALLY WITH ALL THE OTHER MORE IMPORTANT ISSUES IN THIS COUNTRY.

THANK YOU FOR TAKING THE TIME TO READ THIS. CLIFF KILFOIL

2 APPLETREE DRIVE BRUNSWICK, MAINE 04011

MTC–00003379

From: kendall
To: Microsoft ATR
Date: 12/7/01 9:34pm
Subject: Microsoft Settlement

I am a software developer for a living and have worked on Microsoft/Sun/Linux/other platforms.

I could enumerate a lengthy list of evidence concerning how Microsoft's market position has hurt innovation and therefore harmed consumers. I'm sure others have covered those points and that's not really the focus, now is it? Microsoft is guilty of the crimes charged. Period. Guilty.

Ok, so now what? The settlement proposed in no way penalizes the company for past deeds. It puts only minor restrictions on future actions and has loopholes that have been pointed out in several articles. As a citizen, a computer user, a professional and a voter, I believe a much more severe penalty must be imposed. Funds illegally earned must be taken away and given to the organizations struggling to change the software landscape. Specifically, academic institutions and non-profit organizations which contribute to Free Software projects! Just sit back and imagine a world where innovations that take place every day in government funded Universities actually get investment capital and see the light of day as Free Software. Free Software has the best potential for preserving intellectual investments and preventing future harm of the kind Microsoft is so famous for.

I'm not saying all software must be Free. But government has the power, the right and the responsibility to protect the citizens from Microsoft by taking the illegal profits and funding the best source of competition that exists today. Microsoft can buy almost any company that threatens to compete with it, but can not buy a Free Software product with all the money in the world. I hope I've made my point without too much redundancy. I simply can not state strongly enough how meaningless I find the language in the proposed settlement.

Sincerely,
Kendall Bailey

MTC–00003380

From: Bazzani, Nicholas J
To: Microsoft ATR
Date: 12/7/01 8:34pm
Subject: Microsoft Settlement

I believe it is an outright tragedy that Microsoft has been let off the hook like this. It is quite obvious from the viewpoint of someone who works in the IT industry that the settlement will do nothing to correct Microsoft's behavior. I would point to the release of Windows XP, which came bundled with the new Windows Media Player. The fact is that they are the ''800 Pound Gorilla'' in more areas than the PC–OS arena, although that is by far their most visible market. I would say that their practices in the Enterprise arena are their most blatant violations. In the arena of Server OS' (e.g. NT 4.0 and Windows 2000), Exchange, SQL, IIS, etc . . ., they consistently natively integrate and, in effect, bundle their platforms together by making ''add-on'' capabilities for one product dependent upon licensing and installation of other Microsoft products. For example: Microsoft SMS will only work with a Microsoft SQL back-end—Microsoft Exchange can only be web-enabled by installing Microsoft IIS—With Exchange 2000, Instant Messaging is bundled with the e-mail client and server software. The list could go on for days, but it all boils down to the same thing: Microsoft always talks about ''innovation'' which is just a shallow attempt to cover up their consistent and, I would say illegal, business practice of using their weight in one market (be it PC–OS, Server OS, Messaging, Web Servers, etc . . .) to break into existing markets (such as Instant Messaging, Media Players, Web Browsers, Internet Service Providing, etc . . .) by bundling and making their software dependent upon their other software offerings. For example, try uninstalling Internet Explorer from Windows 2000—the OS will not allow it. Microsoft is also notorious in the E-Mail arena for creating proprietary formats that are unreadable by non-Microsoft systems (Microsoft Rich Text and especially the Microsoft Transport Neutral Encapsulation format of Outlook/Exchange are unreadable and Microsoft does not restrict these formats from being sent over the Internet—which cannot be dealt with on the recipient end) As one writer for Wired magazine put it, after the Nimda outbreak it is apparent that [Microsoft could be considered a threat to National Security]. They have consistently put ''buggy'' and insecure software into the market, and this fact has been demonstrated time and time again by 14 year olds who can download ''Virus Development Kits'' off of the Internet and quickly create and send a new virus into the wild. This, in and of itself, is not such a threat although it does allow a truly malicious and technically astute virus writer to crater or compromise a large numbers of systems with relative ease—as demonstrated by Nimda.

As an IT Professional and an Economics graduate—I had hoped for something more from our Department of Justice. I firmly believe that the settlement will have no impact on Microsoft's anti-competitive business practices moving forward.

Nick Bazzani
Lotus Domino Operations
DSS–Plano SMC
972.796.5321

This statement in no way reflects my company's stance on this subject. It is simply an expression of my personal opinion.

MTC–00003381

From: Ralph Campbell
To: Microsoft ATR
Date: 12/7/01 8:34pm
Subject: Microsoft settlement

I am very much concerned about the current settlement proposals in the Microsoft antitrust case. I believe they do not place enough restrictions on Microsoft to discourage future transgressions. I am including a letter I sent earlier to Congresswoman Zoe Lofgren about the Microsoft antitrust case which gives technical details as to why I believe this.

In particular:

(1) Making Microsoft give large amounts of their software to schools only increases their market share and helps teach more people to use and depend on their products. This is a benefit to Microsoft, not a punishment.

(2) Making Microsoft sell their operating system for less money. This does nothing to limit the practices Microsoft used to put Netscape out of business as outlined in the antitrust case. It also does nothing about their current practices as outlined in the attached letter.

I urge you to investigate this and persue a tougher settlement. Thank You.

Ralph Campbell
691 Willow Glen Way
San Jose, CA 95125

MTC–00003382

From: ebow
To: Microsoft ATR
Date: 12/7/01 8:50pm
Subject: Seems like yall are doing microsoft a favor.....

The settlement forces Microsoft to donate software, hardware, and services to America's poorest schools.

The settlement will simply introduce Microsoft to a market where they could further extend their monopoly.

I believe that Microsoft should give the schools money and only money. I also think that Microsoft is getting off easy.

Sincerely,
ebow

MTC–00003383

From: Harvey DeGering
To: Microsoft ATR
Date: 12/7/01 8:40pm
Subject: settlement WIN 95, WIN 98, WIN 98 upgrade, WIN98 2nd Edition, etc,etc.:

Each contains things I'll never use ... yet I must pay for them, (and for fixing the errors!)

Give me a BASIC system and let ME add what I want.

Harvey & Winnie DeGering
Sutherlin, OR
harwin@bezippy.com

MTC–00003384

From: Martin
To: Microsoft ATR
Date: 12/7/01 8:46pm
Subject: microsoft antitrust and the idea of fines for microsoft.

Well just to put things in alignment towards fining Microsoft for their unfair practices. You fine Microsoft and they pass the cost on down to their customers. That means I pay for the fines you levy on Microsoft. And so does everyone that owns a PC.

The Fact is this:

When I started my hobby with computers I priced the other O.S. developers. There was Digital Research D.O.S. and Microsoft D.O.S. along with the UNIX environment. To tell you the truth DR. DOS was so buggy and cumbersome that it wouldn't do at all. The UNIX based O.S. world was in the stratosphere with their prices. $500.00 to over $1000.00 for a single system. Not to mention the cost of the ''supported'' hardware! Microsoft O.S. ran on anything and it coat me $100.00.

Even to this day Microsoft O.S. is still cheaper than any UNIX O.S. I would dare SUN or HP or Novel to make their O.S. as inexpensive as the Microsoft O.S.

As for the UNIX-like open source O.S. like Linux, FreeBSD. What could be better than free! Well, to say the truth, free isn't always the best. I have to admit that Linux looks and acts a lot like UNIX. FreeBSD is more UNIX like than Linux and very stable. To be truthful, I use Linux O.S. in my home network for servers and I have yet to experience serious problems. The Big Drawback is that the UNIX-like operating systems are not for the Newbie! They are to say the least, frustrating and not at all user friendly. The Open Source Community has had it in for Microsoft for a long time. May be they have a legitimate gripe against Microsoft, but I don't see it as far as the Newbie is concerned. Microsoft makes an O.S. that is less expensive than UNIX, much easier to use than UNIX and UNIX-like operating systems and ANYONE can use it with little effort.

Now if the open source community could do what Macintosh is doing, I could say that they would have a competing O.S. for the masses. (Macintosh O.S. version X is the FreeBSD kernel with the Mac GUI.) Wow!

So much for my opinion;
Martin Klestinez
mkles@home.com
From sunny Mesa, Arizona

MTC–00003385

From: Lester Hightower
To: Microsoft ATR
Date: 12/7/01 8:48pm
Subject: Microsoft Settlement

To whom it may concern:

I would like to express my concern that the DOJ's recent settlement with Microsoft is ludicrous. Microsoft is a clear monopoly with unprecedented power over the largest growth sector of the US economy. That monopoly must be broken, but the settlement that has been proposed does quite the contrary—in many ways it actually helps to extend that monopoly! The settlement provides Microsoft explicit protective barriers against the one segment of the computer industry that has demonstrated some hope of ability to compete with it, the Free Software/Open Source/Linux community. Rather than re-hashing a well written piece on that topic I will ask that you read this short article by Robert X. Cringely:

http://www.pbs.org/cringely/pulpit/pulpit20011206.html

Additionally, the part of the settlement requiring Microsoft to donate computers to schools—that is just as insane. The US school systems are one very small segment of the US computer industry, but one segment where Apple's Macintosh computers have continued to compete successfully with Microsoft due to Apple's superior simplicity, reliability, and the fact that grade schools are not in the ''must have Microsoft Office'' jail that 99% of all US businesses are. Having Microsoft give computers to grade schools will serce to harm Apple's position in that market, it is in perfect harmony with Microsoft's efforts to destroy Apple's position in that market, and it is giving Microsoft a huge tax break to boot! The government needs to force Microsoft to open source all of its operating system products, which are no different that cable TV or telephone switch standards (OSes are an infrastructure standard), force Microsoft to publicly disclose the file formats for each and every product that is sells, before they are allowed to go to market, force Microsoft to change its software licensing agreements so that they are transferable (create a market for used Microsoft software), and force Microsoft to publicly disclose any additions or modifications that its products make to current and future communications standards (like HTTP, FTP, SMB, etc.) so that other can make products that inter-operate or compete. Remedies such as those will actually accomplish something positive.

Sincerely,
Lester H. Hightower
TheAIMSGroup.com
Chief Technology Officer
The Advanced Integrated Management Solutions Group

MTC–00003386

From: Rory Ivers
To: Microsoft ATR
Date: 12/7/01 8:54pm
Subject: Microsoft settlement

I wish to voice my extreme displeasure with the poor standard that too many government representatives consider to be an acceptable settlement of the Microsoft case.

This proposed settlement is on par with the United States taking over Canada, Mexico and the Caribbean island countries by any available means. Then, facing world condemnation for our ruthlessness, we set Cuba free. Far too little, too late, with nothing to stop us from taking Cuba and the rest of the Western Hemisphere the next time we want to grab territory. Certainly this is a ridiculous scenario, but in the computer world, this is exactly what our government is considering. To even consider allowing Microsoft to manipulate such a settlement, you are sending a message to them that the government really doesn't care about the behavior that caused this issue. Just tell them, 3Donit do it again or we1ll have to do something mean like ground you for a week. Not terribly effective at preventing a recurrence.

Do what you should, not what is politically expedient! Resolve the damages, then demonstrate with punitive measures exactly why businesses should NEVER engage in such practices. It worked with ATT decades ago, and it would work with Microsoft. ATT's breakup did not just level the communications playing field. It created an atmosphere that encouraged competition, invention and expansion of the industry far beyond what would likely have happened had other gutless politicians and lawyers behaved to the lower standard this current administration is considering. (BTW, I am a Republican and do use Microsoft products.)

Rory Ivers
Ivers Photo & Imaging
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MTC–00003387

From: Roger
To: Microsoft ATR
Date: 12/7/01 8:58pm
Subject: Microsoft Settlement

Greetings,

I'm Canadian but I believe that MS's lawsuit is a global issue. Would it be so hard for you to leave them alone? Don't you think that it's the consumers right to vote with their pockets? I like Microsoft the way it is. It's been always good for the consumers. They're the ones who popularised the PC as we know it.

have a good day,
Roger

MTC–00003388

From: rjswing
To: Microsoft ATR
Date: 12/7/01 9:12pm
Subject: Break Up Microsoft

The illegal monopolist, Microsoft, threatens the future of technological innovation and the free market in software by leveraging its monopoly in operating system and office software.

Besides national defense, the number two priority of the federal government is to protect our economic system from monopolists. Thus far, the Justice Dept has utterly failed in that charge. Please enforce antitrust laws vigorously!

Thank you for your reconsideration of this important policy matter.

Rex Swing
Lebanon, IN

MTC–00003389

From: Michael J. Mallory
To: Microsoft ATR
Date: 12/7/01 9:14pm
Subject: sellout

Thanks for selling consumers out.

MTC–00003390

From: rjswing
To: Microsoft ATR
Date: 12/7/01 9:18pm
Subject: Break Up Microsoft

Dear Justice Dept:

Your charge is important and underestimated by most Americans. After national defense, antitrust enforcement is the number two charge in our free market system.

The incentive in our free market system is to become a monopolist. Microsoft long ago achieved that status and more than their deserved economic reward for their success. They need to be broken up. To date, the Justice Dept. has utterly failed to protect our economy from this significant monoplist. Please consult knowledgable economists on this matter and rectify your grievous error in antitrust enforcement.

Thank you for recognizing your errors and correcting them.

Rex Swing
Lebanon, IN

MTC–00003391

From: jpavlo@ilm.com@inetgw
To: Microsoft ATR
Date: 12/7/01 9:19pm
Subject: some quotes on Microsoft settlement

''We're baffled that a settlement imposed against Microsoft for breaking the law should allow, even encourage, them to unfairly make inroads into education—one of the few markets left where they don't have monopoly power.''

-Steve Jobs, in a statement, reacts to the Microsoft antitrust lawsuit proposal. New York Times. December 3, 2001. ''It strengthens Microsoft's position in education against their only competitor, and at the same time it gets them off the hook. It even makes them look generous.''

-IDC analyst reacts to the Microsoft antitrust lawsuit proposal. New York Times. December 3, 2001. ''The centrepiece of Microsoft's proposed $US1 billion civil antitrust settlement is their donation of Microsoft software, which they value at $US830 million, to our schools. We think people should know that the actual costs to Microsoft for this donated software will likely be $US1 million.''

-Steve Jobs, as quoted by news.com.au. December 6, 2001. ''We think a far better settlement is for Microsoft to give their proposed $1 billion—in cash—to an independent foundation, which will provide our most needy schools with the computer technology of their choice.''

-Steve Jobs offers an alternate settlement. Reuters. December 6, 2001. ''If Microsoft is not going to be broken up, the correct solution would be for Microsoft to take the $1 billion, and set up a fund to seed competitors.''

-ROM offers its solution. December 4, 2001. ''The more I think about it, the more insidious it seems.''

-Charles Haddad doesn't think much of Microsoft's proposed settlement. December 5, 2001.

Joe Pavlo—jpavlo@ilm.com—415–448–2775

''I love deadlines. I like the whooshing sound they make as they fly by''
—Douglas Adams

MTC–00003392

From: Dave Jones
To: Microsoft ATR
Date: 12/7/01 9:21pm
Subject: Microsoft.atr@usdoj.gov

The proposed settlement with Microsoft is so vague—so riddled with undefined terms and loopholes—as to be an affront and insult to the taxpayers whose millions were spent prosecuting the company.

I have been a professional software developer for over 25 years, yet I cannot tell what the document bans and what it permits. Given any wiggle room at all, Microsoft will do continue to do business as usual, arrogantly thumbing its nose at the court and the Justice Department.

I strongly oppose the proposed settlement.

Best regards,
Dave Jones

MTC–00003393

From: Art Gonzalez
To: Microsoft ATR
Date: 12/7/01 9:23pm
Subject: I was told to send???

Hi! I'm writing this e-mail because I was told to do so by a company that I subscribe to receive newsletters.

On this newsletter they write about the Microsoft settlement and how it affects this company and this is what they wrote, without mentioning the name of the company. (responding to the proposed settlement, pointing out that the settlement could simply introduce Microsoft to a market where they could further extend their monopoly). Well I'm not a software savvy nor a business major and I do not have anything against this company or Microsoft or for that matter any other dot com company but this to me sounds like a case of jealousy, why can this company and all the other companies on this settlement get together and offer the same or maybe even better software than the one offered by Microsoft

Sincerely: anonymous

MTC–00003394

From: chuck@vm1.cpsoft.com@inetgw
To: Microsoft ATR
Date: 12/7/01 8:28pm
Subject: vote of confidence for Dec 07/2001 state proposal

The proposal filed Dec 7,2001 by the nine U.S. state attorneys seems to have many positive elements, in my opinion.

The previous proposed agreement has many loopholes, and a limited time span (5 years). With the legal resources available to Microsoft, they will be able to stonewall and fight this weak agreement on almost every point, so that the actual impact on their day to day conduct will be essentially negligible.

Please enforce a stronger remedy. The Dec 7 filing seems to have many of the required elements.

Charles Pilkington
25 Glenn Drive
Halifax, N.S.
B3M 2B8
chuck@cpsoft.com
http://www.cpsoft.com
902–450–5761 (W)
902–443–9392 (H)

MTC–00003395

From: Robert E. Blair
To: Microsoft ATR
Date: 12/7/01 9:35pm
Subject: MS settlement

I would like to encourage the DOJ to adopt the proposal by Redhat to contribute software and as terms of the monopoly settlement to force Microsoft to provide hardware to schools. It would be absurd, as part of a monopoly settlement, to distribute Microsoft software to schools.

This simply extends the influence over the market that they were convicted for in the first place. Justice would best be served if Microsoft were forced to distribute an alternative to their software instead and provide hardware as penance for their monopolistic practices.

Yours truly,
Robert Blair
1S235 Lloyd Ave.
Lombard, IL 60148

MTC–00003398

From: Bruce McFarling
To: Microsoft ATR
Date: 12/7/01 9:48pm
Subject: Microsoft Settlement

Dear Sir/Madam,

I am a U.S. citizen, working in Australia as a lecturer in Economics. With respect to the proposed settlement in the Microsoft anti-trust case, I would like to point out one glaring loophole.

In the settlement, commercial companies are provided with direct protection against some anti-competitive behaviour by Microsoft. However, in many instances, only Open Source Software operating by attracting volunteer labour on a global basis can maintain the developer resources to provide effective alternatives to Microsoft's products. Therefore, in many cases commercial companies rely on, and contribute to, Open Source Software development efforts as a part of their competitive strategy.

There is no protection in the language of the settlements against action against Open Source Software, or indeed any not-for-profit activities (including government activities), and therefore no protection for those companies whose most effective competitive response to Microsoft's aggressive use and abuse of market power is to participate in such activities.

It is therefore important that the restrictive language with respect to activities of viable commercial entities be expanded to include those not for profit organizations that make their work available to commercial entities, whether based on Open Source access, access to participants in joint activities, or otherwise.

Dr. Bruce R. McFarling, PhD
Virtually,
Bruce McFarling, Shortland, NSW
ecbm@cc.newcastle.edu.au

MTC–00003399

From: B Davis
To: Microsoft ATR
Date: 12/7/01 9:50pm
Subject: Microsoft Settlement

Dear Sir,

The proposed settlement is inadequate. At a minumim Microsoft needs to allow other OS versions to be shipped with new PC's, which is now prohibited by Microsoft OEM agreements. PC's for schools may make everyone feel good, but it does nothing to redress the damages caused by Microsoft's business practices.

Regards,
Jimmie M. Davis, Jr.

MTC–00003400

From: Dave Jones
To: Microsoft ATR
Date: 12/7/01 9:56pm
Subject: Microsoft Settlement

I wish to oppose the Microsoft settlement in the strongest possible terms. Please recall what Microsoft did in response to previous, much clearer instructions. In the words of the DOJ itself, Microsoft offered ''a version of Windows 95 that will not work.'' That contemptuous behavior on the part of Microsoft should not be forgotten. The proposed settlement is full of ambiguities and loopholes that will allow Microsoft ample opportunity to mock the courts, the Justice Department, and the American taxpayer. They will seize every opportunity.

David B. Jones

MTC–00003401

From: The Galli's
To: Microsoft ATR
Date: 12/7/01 9:57pm
Subject: A Sad Day

Why don't you concentrate on more protection for us poor consumers from terrorism as opposed to from Microsoft. If I was Gate's I would move the company to Mexico. Give us a BREAK!!

MTC–00003402

From: James Saville
To: Microsoft ATR
Date: 12/7/01 9:59pm
Subject: Microsoft Settlement

This case has gone on too long. I am a consumer and have not been harmed in any way by Microsoft's actions or products. In fact, I think they are one of the only companies in the industry that is trying to make the computer a usable and productive device. I will keep buying their products—if that turns them into a monopolist, then the market has spoken. So what—if someone writes a better mousetrap, I will try it, but for now no such product or company exists. I am tired of hearing about a case brought by incompetent competitors—they are just not intelligent enough to compete against Microsoft—that is hardly their fault.

James Saville
jsaville@bellsouth.net

MTC–00003403

From: Jim Dossey
To: Microsoft ATR
Date: 12/7/01 10:02pm
Subject: Microsoft Settlement

I would like to voice my concerns about the recent DOJ settlement with Microsoft. After reading over the settlement, I see several problems.

1. In most cases you allow Microsoft to define the groups that it must work with. You've got to be kidding!

2. You appoint a 3 member board to oversee this agreement, and then allow Microsoft to elect 2 of those positions. You've got to be kidding!

3. You have totally ignored one of the largest segments of the computer software industry, namely, Open Source Software. This is perhaps the only real, current, threat to Microsoft's monopoly. The agreement is written so that the only entities that Microsoft must present it's API's and other secrets to, are those that can do them no harm. You've got to be kidding!

I have several other concerns, but I believe that these are enough to render this agreement virtually useless.

Thank you,
Jim Dossey

MTC–00003404

From: Richard Burden
To: Microsoft ATR
Date: 12/7/01 10:07pm
Subject: Microsoft Anti-Trust Case

I am one person who believes the Department of Justice has done nothing to prevent Microsoft from extending their Monolopy. In short, you have done nothing to correct past wrongs. You need to punish them financially. Force them to sell a stripped down version of their Operating System. How do you purpose to force Microsoft to reveal to their competitors how their operating systems works, so that all software developers have an equal footing. You should force them to post the source code of the Application Programmers Interface on the internet. At least make a true attempt to curb Microsoft's abuses and maybe open the way for competitors to compete fairly with Microsoft. I feel strongly that every one would have been better off if you had forced Microsoft to split into at least two companys. One to produce software, and one to produce only the operating system. That in it's self would make it a necessity for the operating system company to reveal the internals of how to make applications work with their operating system. The prosperity of the operating system would be dependent on applications working well.

You have done Microsoft a favor. What about the users who must put up with a buggy operating system and companys that would like to compete on an equal footing with Microsoft. A monolopy in the Technology field is not good for individual users, companies, or our country as a whole. You need to re-think what you have done, because the monster still lives. The monster has a right to live, but not to consume all that it sees or desires. Slow it down while you can.

MTC–00003405

From: Hollis Blanchard
To: Microsoft ATR
Date: 12/7/01 10:23pm
Subject: Microsoft Settlement

After reading Robert Cringely's article on the proposed settlement (http://www.pbs.org/cringely/pulpit/pulpit20011206.html), it concerns me greatly that non-commercial organizations are being overlooked. Microsoft's greatest enemy is open standards, which allow customers to choose freely between vendors and products without being trapped into an existing solution. These open standards are almost universally supported and developed by non-profit and volunteer organizations such as the Apache and Samba Foundations. Please keep open standards very much in mind when developing this settlement.

Hollis

MTC–00003406

From: Mike Hill
To: Microsoft ATR
Date: 12/7/01 6:02pm
Subject: Microsoft Settlement

I feel that many of the proposed ''settlements'' flat out make Microsoft's position better. They have been found guilty of anti-competitive behaviour, and now you are allowing them to compose the terms of the punishemnt. What is that about?

Specifically, allowing them to give computers and software to schools only servers to further entrench their presence. Fine if they want to do this on their own, but not as part of a punishment.

Allowing them to determine who they get to provide API information to is just ridiculous. Many of Microsoft's own internal documents point to linux as ''the long term threat'' to windows. Under terms of the settlement, Microsoft only has to provide this information to businesses that live up to Microsoft's standard of a business. Why should Microsoft be allowed to determine who is a good business? Not only does this affect not-for-profit companies like SAMBA and Apache, but could also be manipulated to be anyone that Microsoft sees as a competitive threat. Remember, they are guilty of anti-competitive behaviour. Anti-business. Time and again they have manipulated the wording of contracts to their benefit. Apple made the mistake of signing a contract which Microsoft drew up saying they wouldn't imitate the Apple OS in the then current version of Windows. So Apple got screwed on later versions.

You have to be living in a cave if you are not aware that free software and the open source movement is the biggest alternative to Windows on the home PC market. How many other operating systems can run on your computer at home, especially now that BeOS has been discontinued? Any settlement that allows Microsoft to keep open source companies from receiving the same information that any other developer can access is absolutely flawed. It is, in fact, a settlement—not a punishment. They are guilty, remember. If their OS is as top-flight as they claim, then they should have nothing to worry about from little companies whose yearly revenue don't match MS's advertising budget.

Finally, steps must be taken to ensure that Microsoft is no longer able to exert such incredible control over OEM's. Microsoft exerts absolute authority on what software and/or modifications these computer manufacturers can make to the Window's desktop. They also prevent them from selling multi-OS machines, meaning machines that can boot into more than one operating system.

Remember, Bill Gates is a lawyer's son. Microsoft has reached its position not by developing great software, but by outwitting companies with their contractual law. Typically these companies fail to grasp the nature of the computer software industry. Don't fall into the same trap.

Mike Hill

MTC–00003408

From: Bill and Eve Shay

To: Microsoft ATR
Date: 12/7/01 10:39pm
Subject: Microsoft Settlement

To whom it may concern,

Are you assisting Microsoft in the elimination of Apple (one of the strongest platforms in school systems)? Who thought this up? Microsoft marketing? It's brilliant. Microsoft gets away with no real penalty and eliminates another pocket of competition by overrunning the school systems. By the way.

Linux is also strong in the schools. Did the government want to damage Microsoft's competitors? Isn't Microsoft supposed to be punished for their behavior? How does this help the consumer? The US government needs to rethink this strategy before more damage is done.

Please consider your actions carefully or at least consider RedHat's counter proposal.

William Shay
Sr. Software Engineer

MTC–00003409

From: Larry McVoy
To: Microsoft ATR
Date: 12/7/01 10:37pm
Subject: Microsoft Settlement

As a long time computer user I am appalled the direction the justice department is taking. I strongly oppose your settlement and I strongly oppose the idea that Microsoft ''giving'' software to schools is a penalty. That's a mistake, it's just a way to make them make more money. Microsoft is about one thing: making money. I've got nothing against that, I do that too. I just don't lie, cheat, steal, and crush people and companies in order to do so. I don't think that you should let them do that and that is the message you are sending.

Think about it. Do you have kids? What would a kid think about all this? They have a way of cutting through and getting to the point. A kid would see this as ''the guy with the money can do the wrong thing and get away with it''. What's that say about our country? You should be ashamed of this. What is happening is pathetic. It's an embarrassment to this country, to what we stand for, to our heritage. How are you going to feel if the EU slams Microsoft and our own government just folded their tent and caved in to some rich nerd?

Come on, have some backbone, there are lots of people like myself out here who feel this way and we have long memories. Do the right thing. It's what this country is about.

Larry McVoy
CEO
BitMover, Inc.
CC:lm@bitmover.com@inetgw

MTC–00003410

From: rhixon
To: Microsoft ATR
Date: 12/7/01 10:43pm
Subject: Microsoft settlement

Dear Sirs,

I am appalled at the proposed settlement with Microsoft. Microsoft is the worst example of a rapacious monopoly that I've ever seen. Because of Microsoft, the rate of development in the PC software industry has been stifled. I am completely in favor of the original breakup plan for the company; the new proposed settlement will have little or no effect on Microsoft's predatory business practices (see Windows XP, and Windows 2000 Service Pack 2 for example). Because of Microsoft's monopoly, I have had to pay for MS operating systems on my last five PC's—of which only one still has the MS operating system, and only two of which were ever even turned on using the MS operating system.

I am very disappointed in the Justice Department and the current administration.

Regards,
Ray Hixon
CC:rhixon@n2netmail.com@inetgw

MTC–00003411

From: peter
To: Microsoft ATR
Date: 12/7/01 10:45pm
Subject: Microsoft settlement
CC: .peter@mitchellpc.com

I agree completely with Robert Cringly.. see below

He's Not in It for the Profit

Steve Satchell for Microsoft Anti-Trust Compliance Committee!

By Robert X. Cringely

Two calls came in on the same subject in the same day this week, but from very different perspectives. The first call was from a lawyer working for the California Attorney General. He was looking for somebody like me to testify in the remedy phase of the Microsoft anti-trust case. California, as you know, is one of nine states that have chosen not to go along with the proposed anti-trust settlement between Microsoft and the U.S. Department of Justice. The nine states think Microsoft is getting off too easily. The second call came from Steve Satchell, an old friend from my Info World days, who had noticed deep in the text of the proposed Microsoft/DoJ settlement that as part of the deal, there will be a three-member committee stationed at Microsoft to make sure the deal is enforced. Satch wants one of those jobs.

I think he should get the position. With a background in computer hardware and software that dates back to one of the very first nodes on the Arpanet 30 years ago, Steve Satchell knows the technology. He has worked for several big computer companies, and even designed and built his own operating systems. And from his hundreds of published computer product reviews, he knows the commercial side of the industry. He is glib and confident, too, which might come in handy while attempting to keep Microsoft honest. Sometimes there is a distinct advantage to being the first to apply for a job, so I think Satch should be a shoo-in for one of those compliance gigs. And the boy looks mighty fine in a uniform.

The job will be a challenge, that's for sure. The committee has the responsibility of settling small disputes and gathering the information needed to prosecute big ones. They are supposed to have access to ALL Microsoft source code, and their powers are sweeping. If it goes through, I only hope the court picks three tough but fair folks like Satch.

Meanwhile, there is still plenty to complain about in the text of the proposed settlement, itself. Those who followed the case closely will remember that one of Microsoft's chief claims during the trial was that times and the nature of business have changed, and that anti-trust enforcement ought to be different today than it was when the laws were first passed in the early part of the last century. This is a fast-moving industry based on intellectual, rather than industrial, capital, goes the argument. Sure, Microsoft is on top today (and every day since it got bigger than Lotus around 1986) but, hey, that could change in a Redmond minute. This argument evidently didn't resonate with the court, though, since Microsoft was found guilty. Keep repeating to yourself: ''Microsoft is guilty.''

Well, Microsoft now appears to be exacting its revenge, leaning this time on the same letter of the old law to not only get a better deal, but literally to disenfranchise many of the people and organizations who feel they have been damaged by Microsoft's actions. If this deal goes through as it is written, Microsoft will emerge from the case not just unscathed, but stronger than before. Here is what I mean. The remedies in the Proposed Final Judgement specifically protect companies in commerce—organizations in business for profit. On the surface, that makes sense because Microsoft was found guilty of monopolistic activities against ''competing'' commercial software vendors like Netscape, and other commercial vendors—computer vendors like Compaq, for example. The Department of Justice is used to working in this kind of economic world, and has done a fair job of crafting a remedy that will rein in Microsoft without causing undue harm to the rest of the commercial portion of the industry. But Microsoft's greatest single threat on the operating system front comes from Linux—a non-commercial product—and it faces a growing threat on the applications front from Open Source and freeware applications. The biggest competitor to Microsoft Internet Information Server is Apache, which comes from the Apache Foundation, a not-for-profit. Apache practically rules the Net, along with Sendmail, and Perl, both of which also come from non-profits. Yet not-for-profit organizations have no rights at all under the proposed settlement. It is as though they don't even exist.

Section Ill(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business .... ''

So much for SAMBA and other Open Source projects that use Microsoft calls. The settlement gives Microsoft the right to effectively kill these products.

Section Ill(D) takes this disturbing trend even further. It deals with disclosure of information regarding the APIs for incorporating non-Microsoft ''middleware.'' In this section, Microsoft discloses to Independent Software Vendors (ISVs), Independent Hardware Vendors (IHVs),

Internet Access Providers (IAPs), Internet Content Providers (ICPs), and Original Equipment Manufacturers (OEMs) the information needed to inter-operate with Windows at this level. Yet, when we look in the footnotes at the legal definitions for these outfits, we find the definitions specify commercial concerns only.

But wait, there's more! Under this deal, the government is shut out, too. NASA, the national laboratories, the military, the National Institute of Standards and Technology—even the Department of Justice itself—have no rights. It is a good thing Afghanistan is such a low-tech adversary and that B–52s don't run Windows.

I know, I know. The government buys commercial software and uses contractors who make profits. Open Source software is sold for profit by outfits like Red Hat. It is easy to argue that I am being a bit shrill here. But I know the way Microsoft thinks. They probably saw this one coming months ago and have been falling all over themselves hoping to get it through. If this language gets through, MICROSOFT WILL FIND A WAY TO TAKE ADVANTAGE OF IT. Is the Department of Justice really that stupid? Yes and no. They showed through the case little understanding of how the software business really functions. But they are also complying with the law which, as Microsoft argued, may not be quite in sync with the market realities of today. In the days of Roosevelt and Taft, when these laws were first being enforced, the idea that truly free products could become a major force in any industry—well, it just would have seemed insane.

This is far from over, though. The nine states are still in the fight and you can be, too, by exercising your right under the Tunney Act to comment on the proposed settlement. The Tunney Act procedures require the United States to:

1. File a proposed Final Judgment and a Competitive Impact Statement (CIS) with the court.

2. Publish the proposed Final Judgment and CIS in the Federal Register.

3. Publish notice of the proposed Final Judgment in selected newspapers.

4. Accept comments from the public for a period of 60 days after the proposed Final Judgment is published in the Federal Register.

5. Publish the comments received, along with responses to them, in the Federal Register.

6. File the comments received and responses to them with the court.

To make your views known (and to put in a good word for Steve Satchell), there are several options:

E-mail: microsoft.atr@usdoj.gov

In the Subject line of the e-mail, type ''Microsoft Settlement.''

Fax: 1–202–307–1454 or 1–202–616–9937

Mail: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

MTC–00003412

From: Jerry Cupples
To: Microsoft ATR
Date: 12/7/01 10:49pm
Subject: Microsoft Settlement

I object to the proposed settlement being offered Microsoft Corporation after the finding they are guilty of monopolistic activities. Microsoft is simply being given a slap on the hand, and told ''bad, don't do that''. This is absurd. They have crushed most competition, bought the others, and acted to co-opt any other new and possibly viable commercial enterprises in the software business. They have forced Encyclopedia Britannica to give away their intellectual property by offering a software based product at a price so low that it makes the printed book obsolete, yet charge $500 for a copy of a spreadsheet and word processor which is simply a re-hash of the older version with a few more bells and whistles they produce for a few dollars.

They have such dominance of the market that they now garner 90% of all profits made publishing computer software.

Microsoft acts aggressively to bring new products to market positioned to dominate targeted competitors. For instance, a niche company like DeLorme, who offers mapping software. Microsoft essentially gives away a map program, literally free with coupons or rebates, until the competitor must reduce their price to the point of loss.

Microsoft has developed an effective way of actually paying hardware manufacturers to ship its products installed on machines, and they have prevented any competition from using similar means of distribution, punishing equipment manufacturers who do not fall in line. Their legal armies have been given all the weapons and money to delay the battle, and to open fronts on every court in the land. At last, they lost.

Microsoft is GUILTY.

Microsoft must be punished in a real fashion. They should be broken apart. The pieces should be fined heavily and constrained in a true fashion, and if they are not, their management will simply pause and continue in the same line of operation. Steve Balmer and Bill Gates are completely arrogant in defending their corporate actions, and although this college dropout is now the richest man on the planet, he contends it is simply good business. This was only good business in the same way that Standard Oil was good business, or that the railroads and coal industry were good businesses. Gates is the J.P. Morgan of his generation, only less benevolent, more overtly aggressive in breaking his competitors.

If the US courts fail to take action to dissolve this software beast, a historic lapse in the U.S. Government's duty to protect consumers and citizens will have been enacted and fortified with legal precedent. Microsoft has about $36 billion in cash to pay lawyers, lobbyists, and to bribe or influence any commercial interests who can legally accept the forms of bribery and coercion they have perfected.

I urge you to do something to protect the interests of the public in this matter.

Regards,
Jerry Cupples
Plano, TX USA

MTC–00003413

From: Dewitztom@aol.com@inetgw
To: Microsoft ATR
Date: 12/7/01 10:55pm
Subject: (no subject)

Dear sirs—

I have been repeatedy shocked by the concessions made to Microsoft in the proposed settlement of the current antitrust case. Microsoft's software involves little or no real innovation compared to the rest of the industry, yet costs 2–3x as much as comparable software products. Although I am forced to use the Microsoft operating system and office products because they are mandated by my employer (a large multinational oil company with 100,000 emplyees worldwide), I believe MS Windows to be technically inferior to IBM's OS/2, Linux, UC Berkeley's BSD, Apple's OS-X, and Sun Microsystem's Solaris OS. Nevertheless, these other companies almost have to give away their software for free in order to compete with microsoft's monopoly.

The DOJ should show to the court that the need for compatibility, interoperability, and interchange of computer and communications software is so important that even a 70% market share is a tremendous advantage. And, as you know, Microsoft has used this advantage repeatedly to put potential competitors out of business and to extend its monopoly into new markets.

Do not underestimate the American public. We appreciate that a strong monopoly strengthens our dominance of foreign as well as domestic markets. Still, we know that we would benefit more in the long run from stronger controls on, or dilution of, the Microsoft monopoly than we will lose from increased international competition.

Please review the incredible, and obviously illegal, provisions of Windows XP for further regulatory actions under antitrust law.

We, the public, appreciate your work on this in the public interest.

Thank you!

—Thomas Dewitz, Ph.D., R.P.E (Texas)

MTC–00003414

From: Toby Burton
To: Microsoft ATR
Date: 12/7/01 10:59pm
Subject: Settlement is obsurd!

To whom it may concern,

I cannot believe what I have read regarding the contents of the Microsoft Anti-trust settlement. This is a blatant attempt to allow Microsoft into the Educational market. I cannot believe that it is even being considered. Preferably, the Justice Department should push for a break up. Since that probably won't happen, I am in favor of Red Hat's counter proposal (make Microsoft pay for hardware and install Red Hat Linux). Better yet, have Microsoft pay to put in additional Macintosh software and hardware in the nations poorest schools. Remember this penalty is not going to stop the Microsoft. Just look at the ''features'' bundled into XP. It reads like a target list of software companies to put out of business.

Toby Burton
9012 Wagtail Drive
Austin, Tx 78748

MTC–00003415

From: Matt Fotter
To: Microsoft ATR
Date: 12/7/01 10:56pm
Subject: Microsoft Settlement

I would like to express my extreme displeasure with the settlement agreement reached between the Department of Justice and Microsoft corporation.

Language in the settlement, specifically Section III(J)(2), effectively allow Microsoft to exclude any not-for-profit organizations from the remedies allowed commercial organizations. Since large parts of the Internet are powered by software and applications created by not-for-profit organizations, Microsoft will be able to exclude it's biggest competitors (eg The Apache Foundation/www.apache.org produces the most widely used webserver on the Internet). This settlement does more to stiffle competition and empower Microsoft than it does to curb the behaviors which led to them being found guilty.

Matthew Sturgis Fotter, registered and active voter—

MTC–00003416

From: William Stevens
To: Microsoft ATR
Date: 12/7/01 11:02pm
Subject: Microsoft Anti-trust Settlement

Dear DOJ,

I've watched the case, with all its turns and events over the past months. Microsoft is indeed a huge monopoly with no one's best interest at heart beyond their own pocket books. As a technology professional with years of experience, some pre-dating microsoft, I can only say the the microsoft experience has been unsettling. Microsoft not only destroys small upcoming companies with good ideas, it destroys good ideas. Microsoft constantly re-invents perfectly good wheels, making new wheels with a proprietary microsoft flavor. Left unchecked, they would destroy or subvert anything good in the software and OS world. Their bungled netowrking protocols and complicated OS and application interafaces, together with their over abundance of features bloat software and leave numerous security holes and exploitation opportunities that suck countless hours from offices around the country.

Microsoft needs to be broken up, forced apart into smaller, less monolithic sections that can't use their size to brutishly squelch good ideas that don't fit into their view of how to do things. Microsoft should especially be kept away from the Internet and anything to do with networking standards. Do not fall for the argument that microsoft did a great thing bringing computers to the people. This ''gift'' was a sales pitch of the grandest proportion, and the gift is far more expensive than most people realize, until they have invested far more than they planned. Counting only the time lost to crashes and blue screens, americans and american corporations have lost millions upon millions of hours and dollars.

I urge you to seek the harshest of settlements for this case, microsoft is no friend of the people, and no friend to the computing industry.

Kindest regards,
William Stevens

MTC–00003417

From: Evan Chaney
To: Microsoft ATR
Date: 12/7/01 11:11pm
Subject: Settlement

I'd just like to let you know that I view the proposed Microsoft settlement as highly insufficient and anything BUT an actual settlement that disables their monopoly over the computer industry. All this proposed settlement does is extend their monopoly. As such I am appalled that the United States Dept. of Justice has agreed to accept it. Such an action clearly shows that either no intelligence was used in coming to that decision or they were influenced in some way by Microsoft's desires to end this case citing an impact on the economy.

That is not a valid reason.

Evan Chaney
U.S. Citizen

MTC–00003418

From: Lynda Dimmel
To: Microsoft ATR
Date: 12/7/01 11:15pm
Subject: microsoft

I think the entire antitrust case, and all of its subsequent ramifications, is nothing more than sour grapes on the part of those who cannot keep up. As a programmer working as a contractor, I see and use many products—products whose manufacturers are behind this case. Quite frankly, those products have a lot to worry about. Most are archaic languages or bastardized derivatives of legitimate languages. The reason why Microsoft products are leaders in both home and business is simple—they are better. More functional, easier to use and to learn, more powerful and have capabilities that have barely been tapped. Most of the third party software that would like to see compatibility resolved are really facsimiles of software.

As a point of reference my current project is a nightmare of Microsoft-like forms and frames appearing like, but struggling to achieve, the functionality of the real thing. Operating on source code filled with @ and other symbols that calls itself a 'scripting' code and claims compatibility with everything from HTML to Excel—well, the programming will work, but it isn't pretty. It is cumbersome and, after working with a 'real' language, is almost funny. It is one of IBM's responses to the need for a middle-ware product linking it's mainframe database with PC applications. Perhaps the problem is with the mainframe and it's producer should be striving to make the mainframe compatible vs. forcing a substandard 'link'.

If Microsoft holds a monopoly perhaps it is in ambition, talent and innovation. Please don't make them into an IBM clone—secretive, paranoid and totally devoid of everything that is technology today. See this for what it is—retaliation for being one-upped 20 years ago; retaliation for lacking the foresight to see anything except for what was directly in front of them; and the proliferation of middle-ware software houses continuing to produce substandard knock-offs of software that will only create a lack of continuity and a deep mire of sludge as all are forced to become 'compatible', to speak the same language. When looking for developer information on a Microsoft product, one can locate hundreds of sources—from the Microsoft site to sites that publish tutorials and development information to easily obtainable resource materials. When looking for developer information on an IBM Partner product where does one go????? If there's something out there that doesn't involve bringing the IBM support consultant on site—let me know because as far as I can see it doesn't exist. There's a wealth of websites all spouting a lot of Marketing chatter, but no real information. You even have difficulty finding resource manuals on their stuff! Now that's monopolizing—forcing their customers to use an 'authorized' IBM consultant 'officially' trained to do one thing. Truly the death of inventiveness! Just another cube farm dweller in a white shirt and a black tie.

My personal analogy is that this case is like half of a football team complaining because one of the team members is working too hard and making them look bad. Rather than see the bar get raised, they want it lowered. Universal compatibility is not going to be better, it is going to limit the capabilities of technology, create confusion and vulnerability, and it is going to be more difficult for the average user to make use of their applications. Maybe IBM will get what it always wanted in the end, computers will be for big business and geeks! I should just say ''Thanks for nothing!''

MTC–00003419

From: Stephen McKay
To: Microsoft ATR
Date: 12/7/01 11:06pm
Subject: MS / DOJ Settlement

The settlement terms relating to the provision of aid for US schools clearly provides mere temporary relief. After 5 years, how will these school maintain their systems? The longterm financial burden upon these schools seems untenable, and the opportunity for Microsoft to further extend it's monopoly on desktop operating systems is quite clear. This is not a punishment but a marketing excercise Microsoft might well have ventured regardless.

The RedHat alternat proposal should be given consideration here. Children will benefit more from learning a Unix-style operating system as the GUI skills of using X-Windows will translate to any GUI desktop envirnment (including MS Windows) and the opportunity for them to learn in depth about the Internet and TCPIP in general are greatly enhanced. Further, the Unix legacy of the Linux OS provides considerable historical value allowing students to better understand the origins of the Internet and the forces which drive it.

All in all, the RedHat proposal addresses some serious shortcomings in the agreement while providing much better longterm value monetarily and educationally to the schools of America.

Regards
Steve McKay, MCSE CNA
Network Administrator / Adult Educator

MTC–00003420

From: jay@JaySmith.com@inetgw
To: Microsoft ATR
Date: 12/7/01 11:15pm
Subject: Microsoft debacle

Greetings,

I am disgusted and embarrassed by the manner in which the Bush administration's Justice department has handled the Microsoft case. As both the owner of small corporation (mailorder/retail; 29 years in business) and as the one-person IT department for same, I am extremely familiar with the Microsoft manipulations.

I find it completely mind boggling that Microsoft continues even TODAY to do business in such a manner that no other company on the planet would be permitted to do.

It seems obvious to me that few or none of the people in a decision making capacity (for this case) have a clear grasp of the insides of the technical issues and business practices involved. HAVE YOU —READ— THE LICENSE AGREEMENT FOR XP?? HAVE YOU —READ— THE AGREEMENT FOR MSN or HOTMAIL?

Because Microsoft's products are so prevalent they are in a position to do extreme damage to the IT infrastructure of this country—and the world—if they are allowed to act in such unfair and manipulative ways.

You may think that all the Microsoft ''bashers'' are cranks and kooks (and some surely are), however, if you personally had purchase, administer, and use (at a high level, not just for word processing or something), you would quickly come to realize that the situation is getting worse day by day.—

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MTC–00003421

From: rpm@wag.caltech.edu@inetgw
To: Microsoft ATR
Date: 12/7/01 11:19pm
Subject: Microsoft Settlement

I am very disappointed with the DOJ's treatment of Microsoft. I am a software professional, and frequently use both Microsoft and non-Microsoft products. In the trial the DOJ, and particularly David Boies, did an exceptional job of demonstrating that Microsoft has acted as a predatory monopoly. Unfortunately, the punishment that the DOJ under the new administration has negotiated with Microsoft is far milder than the crime dictates. Microsoft was, and continues to be, a predatory monopoly, with business practices that endanger other companies that seek to compete with it. Microsoft has engaged in a public relations campaign that talks about their freedom to innovate, but how about the freedom of Netscape or Sun? How about the freedom of Linux developers to create Samba, a program that allows inexpensive Linux machines to act as file servers for Windows computers? How about the freedom of companies that depend upon high quality software to have an alternative to Microsofts overpriced and undertested software?

Our nation's economic strength over the next 20 years will depend to a large extend on our ability to develop computer hardware and software. Microsoft has already hurt the ability of many companies to compete on a level playing field. These are companies that might have created the next revolution, a revolution that may have created taxable income for those companies, and employed Americans who would then earn and spend and pay taxes. This doesn't just hurt those companies, it hurts America itself.

The only proper punishment for Microsoft is to split the company into OS and an applications divisions, but the DOJ has perhaps already announced that it will not try and split Microsoft. Please, seriously consider the idea of forcing Microsoft to sell and support a version of Microsoft Office on Linux, which is probably the last appropriate punishment remaining to the DOJ.

Respectfully yours,
Rick Muller

MTC–00003422

From: Morgan Schweers
To: Microsoft ATR
Date: 12/7/01 11:22pm
Subject: I support the states newly proposed alternate remedy!

Greetings,

As a software developer, I have encountered first-hand the abuses of power from Microsoft. I have seen their products fail to work with competitors. I have seen them arbitrarily change specifications in order to break the hard work of other companies. I have seen projects rejected, solely on the basis that, ''It's in a market segment that Microsoft is interested in, and we can't afford to have their attention turn on us.'' I have experienced, and suffered through the fear, uncertainty, and doubt that they spread about in order to maintain their commercial position.

I would like to express my support, and strong hope that the alternate remedy plan provided by California, Connecticut, Florida, Iowa, Kansas, Massachusetts, Minnesota, Utah and West Virginia, along with the District of Columbia will be considered as the primary plan.

I feel that it penalizes Microsoft appropriately, and places requirements on them that actually have useful and valuable benefits to the consumers.

Competition improves the consumer landscape. I believe, and many of my coworkers and fellow developers believe, that the alternate remedy plan better provides for competition in the primary field that Microsoft has been abusing its monopoly: the desktop operating system.

The entire software development world, and the majority of people who are technically aware of how Microsoft has abused its power, were aghast at the first proposal which came out of this case. It amounts to absolutely nothing more than a slap on the wrist, and in fact most technologists believe it gives them MORE access to monopolistic practices in the future.

I strongly, and deeply urge that the recent alternate remedy be adopted as the actual remedy plan. It is better for the consumers, and provides punishments that fit the monopolistic behavior.

Thank you for your time,
Morgan Schweers
Software Engineer

MTC–00003423

From: Alex
To: Microsoft ATR
Date: 12/7/01 11:42pm
Subject: Microsoft Settlement.
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
From: Alexander R. McCreary
2022 N.E. Wasco St.
Portland OR 97232

Madam,

I have read parts of and have heard a great deal about the proposed settlement between Microsoft Corporation and the Department of Justice. Being an end user of Microsoft operating systems and also of other operating systems, including Linux, I must say that I do not believe this settlement, in its present form, goes far enough in limiting Microsoft's ability to control the future of software and operating system development.

The first point I would like to discuss is Section III(J)(2).

Microsoft should not be allowed to decide to whom it will describe or license API, Documentation, or Communications Protocols affecting authentication and authorization. If this is allowed to happen, you can be assured that Microsoft will effectively cut off all access to information needed by software developers of companies that it deems to be ''Not for Profit'' or ''Open Source Projects''. No one entity should be cut off from this information just because they do not meet Microsoft's ''criteria as a business''. Allowing this wording to remain intact in the final settlement will be more damaging than having no settlement at all.

The second point I would like to discuss is Section III(D).

This section is even more disturbing when one looks at the footnotes for the legal definition of to whom it will disclose information regarding API's.

API's (application programming interface) provide programmers with coding information that allows them to create ''middleware'' (software that works on top of the operating system) that will work seamlessly with Microsoft products.

Only those companies and individuals who are writing software for profit (commercial) will be allowed access to the needed API's.

Most ''Open Source'' and ''Not for Profit'' software writers need this code for the applications to operate in Microsoft operating systems. There is no legal reason that these companies or personages be denied access to this information other than to allow

Microsoft to further control the development of software by whom Microsoft wishes.

The Department of Justice would do well to remind themselves that the software market is not a typical industry. Many of the programs that allow the Internet to operate are in fact ''Open Source'' and in direct competition with products from Microsoft. Many ''Third Party'' programs that are ''Freeware'' but not ''Open Source'' are also in direct competition with products from Microsoft. All products, whether ''Open Source'' or ''Freeware'' or ''Commercial'', should have the same protections from Microsoft. All products, whether ''Open Source'' or ''Freeware'' or ''Commercial'', should have the same rights to information concerning API's from Microsoft.

I would like to close by reminding the Department of Justice that Microsoft was found guilty of being a monopoly. In that regard, the actions proposed in this settlement are more damaging than if no action was taken to curtail the illegal activities in which Microsoft has been found to have committed in the past, and which, if this settlement is allowed to stand as written, they will continue to commit.

Thank you for your time.

Alexander R. McCreary

MTC–00003424

From: laspencer
To: Microsoft ATR
Date: 12/7/01 11:49pm
Subject: microsoft settlement

Microsoft should be split into three companies.

1. An operating system company
2. An application software company.
3. A games oriented software company.

The three companies should be kept separate and should be forbidden to exchange information that is unavailable to the public.

Lee Spencer

MTC–00003425

From: Gary L. Withrow
To: Microsoft ATR
Date: 12/7/01 11:58pm
Subject: Microsoft Settlement

First off, let me say that I wouldn't want your job for anything! I've worked for government for most of my adult life and I know a lot of bright people who work for government and none of them would want the job of trying to defend this settlement as justice.

Microsoft lied in open court when they (Jim Alchin) testified that the video he was presenting to the court was proof that uninstalling Internet Explorer... (you know the rest or can read it in the court transcripts)

If I did anything like that in federal court I would be facing perjury charges as fast as the ink could dry, this settlement doesn't even fine Microsoft for court costs. People, there is no way that this settlement looks like you did your job. Talk about snatching defeat from the jaws of victory. Review Microsoft's compliance with the original consent decree, how do you figure this private commission who can't even talk about their deliberations are going to get it done?

I could go on and on without taking an unreasonable position on why this settlement is not in the public interest. By now you have hopefully heard from enough people, enough reasons why this should not be approved. Microsoft deliberately and repeatedly has shown nothing but contempt for the judicial system that has convicted them of monopoly and upheld that conviction by a unanimous vote on appeal.

Do the right thing here, punish them for what they have been convicted of and make it sufficient to deter them from similar conduct in the future.

Thank you,

Gary

MTC–00003426

From: Manh Lee
To: Microsoft ATR
Date: 12/8/01 3:00pm
Subject: Anitrust response to MS

Hi,

I am agreed with Redhat proposal, ie MS is to supply hardware only to school and let Redhat supply free software to all schools in America

Thanks

MTC–00003427

From: Ray Niccolls
To: Microsoft ATR
Date: 12/8/01 12:20am
Subject: Sell outs

How much did they pay you?

MTC–00003428

From: Jay Shuman
To: Microsoft ATR
Date: 12/8/01 12:21am

Just stop messing with Microsoft and put an end to the state objections to the settlement. Microsoft is a hero not a villain. The justice dept. should have better things to do with my money than chase phantoms!

JS

MTC–00003429

From: Jeff Davis
To: Microsoft ATR
Date: 12/8/01 12:21am
Subject: Microsoft Settlement

In my opinion, changes need to be made to the anti-trust settlement with Microsoft.

The following quotes from the I, Cringely Column of Dec 6, 2001 exhibit and state a lot of my concerns. The full article can be read at http://www.pbs.org/cringely/pulpit/pulpit20011206.html Here are the relevant quotes that peaked my interest and concern.

''The remedies in the Proposed Final Judgement specifically protect companies in commerce—organizations in business for profit. On the surface, that makes sense because Microsoft was found guilty of monopolistic activities against ''competing'' commercial software vendors like Netscape, and other commercial vendors—computer vendors like Compaq, for example. The Department of Justice is used to working in this kind of economic world, and has done a fair job of crafting a remedy that will rein in Microsoft without causing undue harm to the rest of the commercial portion of the industry. But Microsoft's greatest single threat on the operating system front comes from Linux—a non-commercial product—and it faces a growing threat on the applications front from Open Source and freeware applications. The biggest competitor to Microsoft Internet Information Server is Apache, which comes from the Apache Foundation, a not-for-profit. Apache practically rules the Net, along with Sendmail, and Perl, both of which also come from non-profits. Yet not-for-profit organizations have no rights at all under the proposed settlement. It is as though they don't even exist. Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...''

So much for SAMBA and other Open Source projects that use Microsoft calls. The settlement gives Microsoft the right to effectively kill these products. Section III(D) takes this disturbing trend even further. It deals with disclosure of information regarding the APIs for incorporating non-Microsoft ''middleware.'' In this section, Microsoft discloses to Independent Software Vendors (ISVs), Independent Hardware Vendors (IHVs), Internet Access Providers (IAPs), Internet Content Providers (ICPs), and Original Equipment Manufacturers (OEMs) the information needed to inter-operate with Windows at this level. Yet, when we look in the footnotes at the legal definitions for these outfits, we find the definitions specify commercial concerns only. But wait, there's more! Under this deal, the government is shut out, too. NASA, the national laboratories, the military, the National Institute of Standards and Technology—even the Department of Justice itself—have no rights. It is a good thing Afghanistan is such a low-tech adversary and that B–52s don't run Windows.

I know, I know. The government buys commercial software and uses contractors who make profits. Open Source software is sold for profit by outfits like Red Hat. It is easy to argue that I am being a bit shrill here. But I know the way Microsoft thinks. They probably saw this one coming months ago and have been falling all over themselves hoping to get it through. If this language gets through, MICROSOFT WILL FIND A WAY TO TAKE ADVANTAGE OF IT. ''

The settlement with Microsoft must protect fair competition. This must include open source and non-profit corporation projects. Please take steps necessary to do this. I agree whole-heartedly with this article and hope changes can be made in the deal. Please protect these very important projects that benefit so many.

thanks

Jeff Davis

MTC–00003430

From: Richard Driver
To: Microsoft ATR
Date: 12/8/01 12:26am
Subject: Anti-Trust Settlement

I wish to add my voice to those who have serious reservations with regard to the Microsoft (MS) anti-trust settlement. In

particular the proposal for MS to donate software to educational institutions is an extremely badly thought out proposal. Apple Computers has had a strong foothold in this market and you would be undermining their ability to compete against the might of MS with this move. It will also destroy any hopes that the Linux community have of establishing themselves in this and other markets. Far better that MS be made to purchase the hardware to support other OS platforms. I also applaud the proposals being put forward to make MS license MS Office to other companies.

The settlement is a sell-out by the justice department and I am only glad that some of the states have not been willing to go along with it.

Sincerely Yours

Richard D. Driver, Ph.D. (Professional Scientist)

19 Peters Street

Cambridge, MA 02139

Tel: 617–492–6332

MTC–00003431

From: BLS
To: Microsoft ATR
Date: 12/8/01 12:39am
Subject: Microsoft...?

Has anyone installed A Microsoft product.. ANY of them.. Windows will completely take over your system and give you NO options as to what it installs or how to configure it. Will change your desktop appearance and many many other traps and info gathering shit that you have no idea how they use it or who they share it with... I think Windows should be an operating system ONLY.. and sell or market it's layered products separately, but they should be allowed to market anything they want.. just don't package it to where I have no choice as to what gets installed on my system...

MTC–00003432

From: art—frame@mac.com@inetgw
To: Microsoft ATR
Date: 12/8/01 12:35am
Subject: I like what the 9 states have proposed...

Sirs:

The nine states that are continuing their suit against Microsoft have come up with brilliant solutions to a complex problem. Instead of the slap on the wrist that you guys are planning to give them after your political party received big chunks of cash from Gates. The nine states also appear to have people working for them that know the difference between RAM and ROM. Don't you have equally competent people advising you as to what is a proper solution or have they been bought off as well?

If your current solution becomes the final solution, then expect hackers and geeks to run rampant over the net and through your own servers and files since the Rule of Law will have been ignored by the highest officials in a ''bought and paid for'' justice department. (and because the only choice you will have will be Microsoft products which have huge security holes that any high school kid could penetrate) Wake up people!!! This isn't some minor computer game squabble. This will mold the future of the computer industry in the U.S. for decades to come.

If you blow this, fully expect a call for an investigation of the officials in your department who let this happen and what they had to gain by selling out their fellow Americans. Also expect that the computer industry will find a way to brand each of you individually and publically on the World Wide Web for the traitors you will be. End the terrorism in the computer field by clamping down on the 5000 lb. gorilla that is holding the world as hostages to the vision of only one man. Bill Gates. He is the computer world's version of a Bin Lauden and your response is to let him promise to behave in the future. Tell that to the thousands of people who lost their jobs because Microsoft ran them out of business. Tell that to their families who watched brilliant ideas get smacked down by Gates and his heavy fisted approach to the ''free enterprise system''.

Stand up and show the world the value we Americans place on a free market and a level playing field for all. The American dream of giving EVERYONE a chance to succeed is in peril and you must act to restrain monopolists and their terrorist values.

Arthur Frame

Canton, Ohio

MTC–00003433

From: Anthony Neville
To: Microsoft ATR
Date: 12/8/01 12:46am
Subject: DOJ/Microsoft Settlement.

You cloak your actions against Microsoft under the guise of ''protecting consumer choice.'' Your corruption is surpassed only by the vampiric business interests you represent. You snakes!

Microsoft has every right to sell its operating system to whomever wants it. Microsoft has every right to bundle its own applications and utilities with its own operating system. They don't belong to you, Apple Corp, RedHat, IBM, nor Sun Microsystems. They are Microsoft's products, and we consumers will decide how successful Microsoft is in the marketplace, not the power-tripping rights violating swine in the Department of (in-)justice, and not those mooching companies on whose behalf the DOJ is punishing a marketplace winner.

Sincerely,

Anthony Neville.

MTC–00003434

From: sh
To: Microsoft ATR
Date: 12/8/01 12:46am

I have been in the software programming business for many years and I can say that you people are harming and slowing down technology and ideas. Ask any of those lawyers what a ''cut-down'' version of Microsoft Windows will do for them and ask them why and they will all stutter probably. You people are a joke on this issue. Focus on finding thieves and people that kill another, instead of operating systems the government and lawyers know nothing about.

MTC–00003435

From: Frank Nickerson
To: Microsoft ATR
Date: 12/8/01 12:52am
Subject: re: Microsoft

Contrary to popular opinion I believe Microsoft has some wonderful products. I also think they have some great lawyers working for them. I say this because they broke the law and the law doesn't hurt them for doing so. Breaking the law is worthwhile for Microsoft because the proposed settlement makes their breaking the law worthwhile for them. In my opinion that has been the strategy of Microsoft: breaking the law is a cost of doing business. However, the law is supposed to be the law. Maybe Microsoft shouldn't be broken up but they need to pay for breaking the law. There needs to be an incentive not to break the law similar to the death penalty; three strikes and you are out. If they do the crime they must pay for the crime. It needs to hurt. It needs to punish.

Microsoft is unrepentant for its actions. Unrepentant citizens get more jail time. Unrepentant criminals don't get parole. Microsoft should be treated no differently than a citizen. They should not be an exception to our rule of law. Their corporate license is a privilege given by the government and the people of the US. They need to understand they report to their shareholders AND they report to the American voting citizens via the law. The Justice Department can do better than the current settlement.

Please give the American people our justice. Make Microsoft realize that the law is not just another cost of doing business.

Sincerely,

Frank Nickerson

MTC–00003436

From: Mike Hicks
To: Microsoft ATR
Date: 12/8/01 1:07am
Subject: Microsoft Settlement

Hello,

In accordance with the Tunney Act, I'd like to make some comments regarding the tentative agreement to Microsoft's Federal antitrust case that the U.S. Department of Justice, nine States, and Microsoft agreed to in November.

I'm CC'ing the Attorney General of Minnesota as well as some local media outlets, so they can all know what kind of comments people are making regarding this case. For their convenience, I provide the following URL so they can read the agreement for themselves: http://www.usdoj.gov/atr/cases/f9400/9495.htm

I am currently a student attending the University of Minnesota in Minneapolis, MN. I'm focusing on Computer Science, for which I've done a fair amount of programming in Linux and Solaris, Sun Microsystem's variant of Unix. I also work on campus, supporting Linux and Solaris systems at the Carlson School of Management.

Most of my comments are based around part III., the ''Prohibited Conduct'' portion of the document. In short, I feel that this is a poor agreement that is quite favorable to Microsoft. The Department of Justice and the nine States should withdraw their consent to the agreement or alter the agreement. Failing that, I believe that the Court should reject the agreement and find other remedies.

First off, I was surprised in a number of cases to see what appears to me to be gaping loopholes that would seem to make the agreement almost entirely ineffectual. I may be misunderstanding the precedence of different portions of legal documents, but the statements are unsettling to say the least.

On the second page, in part III.A., the settlement states ''Nothing in this provision shall prohibit Microsoft from enforcing any provision of any license with any OEM...'' I'm unsure what ''this provision'' means in that statement, but whatever portion of the settlement it covers, it seems to void. It appears that Microsoft could draw up any license agreement they want with any Original Equipment Manufacturer, and have it go into full effect.

The next paragraph starts off, ''Nothing in this provision shall prohibit Microsoft from providing Consideration to any OEM with respect to any Microsoft product or service...'' This is coming from a portion of the document (III.A.) that starts off, ''Microsoft shall not retaliate against any OEM...'' It would seem to be that ''Consideration'' would be the opposite of retaliation (and, in fact, the definition of ''Consideration'' at the end of the document seems to reflect this). Microsoft would be, in theory, restricted from retaliating against any OEM. However, they could provide Consideration to any other OEMs. It seems to be basically the same effect, in my view. Again, in III.F.3., similar wording comes up. ''Nothing in this section shall prohibit Microsoft from enforcing any provision of any agreement with any [Independent Software Vendor] or [Independent Hardware Vendor]...'' It appears that Microsoft has voided another chunk of the document.

It continues. In III.G., the top of page 5 starts with, ''Nothing in this section shall prohibit Microsoft from entering into any...joint venture or...services arrangement...'' Forgive me for saying so, but this document seems to be turning into Swiss cheese!

I'm just a layman when it comes to legalese, so I may be misinterpreting. Still, this is only the beginning of what I have to say.

In III.A.2., Microsoft is restricted from retaliating against OEMs ''shipping a Personal Computer that (a) includes both a Windows Operating System Product and a non-Microsoft Operating System, or (b) will boot with more than one Operating System.'' That seems pretty nice, but it leaves out the options of selling computers either with no Operating System at all, or with a single non-Microsoft Operating System.

In III.C.2., OEMs are allowed to distribute or promote ''Non-Microsoft Middleware by installing and displaying shortcuts...so long as any such shortcuts do not impair the functionality of the user interface.'' I think it would be appropriate to try to determine what ''impair'' means, or set up a structure for determining what that means.

Related to the above, III.C.3. mentions that OEMs could set up certain pieces of software to launch automatically, even if similar Microsoft products exist. However, this is under the condition that the software either has ''no user interface or a user interface of similar size and shape to the user interface displayed by the corresponding Microsoft Middleware Product.'' How is ''similar'' defined here? Wouldn't having a similar interface potentially lead Microsoft to attack makers of such software, possibly on the grounds that they had infringed on a Microsoft trademark, copyright, or patent?

Another similar portion is in III.H. The section numbering seems screwed up here, so I'll call it paragraph four on page 6. Microsoft is allowed to let Windows start up a Microsoft Middleware Product when the ''Non-Microsoft Middleware Product fails to implement a reasonable technical requirement''. Microsoft recently used similar logic to prevent a number of high-quality web browsers from accessing web pages on their MSN network. Microsoft may have had some legitimate reasons for doing so, but there were some documented cases where Microsoft restricted browsers that fully met Microsoft's technology requirements. Letting Microsoft define what this means would be a really bad idea, in my opinion.

There are some portions of the settlement relating to releasing documentation for communication protocols and programming interfaces for Microsoft Operating Systems and their related products. III.D. requires Microsoft to release documentation within 12 months for Windows XP. New documentation will appear for each ''new major version'' of the Windows Operating System. I would note that the traditional method for specifying a new major version is to increment the number to the left when the version looks like ''X.Y''. For instace, going from 1.0 to 2.0 or 3.9 to 4.0 would constitute a new ''major version''. There is no need for Microsoft to do this when they release new Operating Systems. Microsoft Windows 2000 was also known as Windows NT 5.0. At a somewhat low level, Windows XP is also known as Windows NT 5.1. If this practice continues, Microsoft could theoretically keep going up to version 5.999 if they wanted to, and not release any new documentation.

Additionally, I'm concerned about the restrictions Microsoft might place on the use of documentation for their programming interfaces and communication protocols. It appears that Microsoft may only release information through their Microsoft Developer Network (MSDN). What if Microsoft requires people to pay to be part of MSDN? This could prevent developers of Open Source software from building interoperable products. Additionally, licensing terms could be put together that would prevent people from using the documentation in a non-commercial product.

III.J.2. indicates to me that Microsoft does not want to release any information to non-commercial developers. It states that Microsoft can request in a license that the licensee ''has a reasonable business need for the API...'' and that the licensee ''agrees to submit, at its own expense, any computer program using such APIs...to third-party verification, approved by Microsoft...'' Certainly, an open source developer would be unhappy to shell out large amounts of money to verify to Microsoft that their software works. Additionally, even many businesses may balk at this idea. I'd wonder what sort of expense would be imposed upon licensees. In the same area of the settlement, III.J.1. and III.J.2. state that Microsoft does not have to release documentation for security-related portions of programming interfaces and communication protocols. This would restrict non-Microsoft software from being fully compatible with Microsoft software, potentially causing the software to not function at all. I have never seen any documentation for Microsoft's APIs or communition protocols, but I have heard from many people that such documentation is often poorly written or just outright wrong. If Microsoft intends to continue such poor documentation practices, any concessions they make in this settlement will likely have only a small effect on people who wish to make software products that are compatible with what Microsoft distributes.

I find it strange that one of the last lines of the settlement, in VI.U., is this: ''The software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion.'' I recall that one of the big questions in this case revolved around what portions of software code could be considered to be part of the operating system. This seems like a strange statement to make, and I would worry that it could cause another protracted court case like this to come up in a few years.

I'm done dissecting the settlement, so now for some more general comments. It would seem to me that the point of this settlement is to prevent Microsoft from repeating past aggression against various vendors in the computer industry. One of the mightiest tools that Microsoft has in its toolchest is the Dollar. It is widely understood that Microsoft has vast reservoirs of cash, and they know how to use it to quickly acquire, in part or in full, other companies that have competing or potentially useful technology.

In my view, Microsoft does not practice innovation, they practice ''buynnovation''. So many companies have been assimilated into the company that I doubt anyone has an accurate count. I feel it would be a good idea to reduce Microsoft's ability to acquire new technology in this manner. One possibility would be to impose a monetary penalty on Microsoft. I would certainly hope that flushing the company's bank accounts would change the way it does business. I'm sure there are other ways to slow Microsoft's acquisition of technology.

Microsoft is starting to work its way into many areas that are connected to the software Microsoft makes, but are not software ventures themselves. The Xbox gaming console is one of many examples. It seems that Microsoft would like consumers to live their entire lives in a Microsoft-dominated world, using a Microsoft-approved Internet Service Provider and viewing Microsoft-generated content. This concerns me greatly, and I would love to see something that forced Microsoft to be just a software company again.

Almost at the expense of anything else, Microsoft seems to hold its intellectual property most closely. It recently came out that Microsoft is attempting to stall the European Union investigations into its

activities by saying that much of the requested information is covered under intellectual property rights. Within its new NET strategy, Microsoft has patented a lot of stuff. These patents could come back to haunt the parties in this case, and there are many references to intellectual property in the settlement. If Microsoft desires so greatly to hide behind the shield of patents, I feel they must have an ace up their sleeves. I feel the Court should nullify some of the rights Microsoft has by voiding patents held by the company, at least in certain areas.

I've finally come to the end. I thank the Department of Justice for accepting my comments, and hope the parties involved in this case can come up with a better agreement that addresses the concerns I have.

Sincerely,

Michael Hicks

MTC–00003437

From: Matthew Hunter
To: Microsoft ATR
Date: 12/8/01 2:07am
Subject: Microsoft Settlement

The proposed settlement of the antitrust case against Microsoft is a dismal failure to provide any significant penalty, much less remedy.

First, the present case is predicated in part upon the failure of Microsoft to follow a previous consent decree. Pretending their behavior will materially improve with a second such decree is at best demonstrating a disregard for past events, and at worst collusion.

The presence of a trio of powerless enforcement watchdogs, paid and accommodated by Microsoft, living in the Microsoft culture, is akin to setting a young fox to guard the henhouse; sooner or later, the fox grows up.

Second, allowing Microsoft to settle matters with ''charitable'' donations of (some) hardware and (much) software demonstrates a clear ignorance of the problems Microsoft presents the industry, as well as a failure to understand simple economics.

Microsoft's power is derived from ubiquity; they gain market power with each additional user on their software, in a powerful network effect. With schools, in addition, they gain the opportunity to influence an impressionable young mind into using their software over another product, creating a lifelong customer. When tobacco companies use these tactics, they are vilified. When Microsoft uses these tactics, it is called charity?

Even setting aside the clear benefits gained from indoctrinating schoolchildren, this ''charitable donation'' offers no remedy whatsoever to competitors or consumers. They regain no market share, acquire no financial restitution, and gain no benefit from the resources and goodwill they have expended in helping to bring this issue before the court. Indeed, those who have testified against Microsoft are now placed in an exposed position, known to Microsoft as an enemy while they simultaneously depend on knowledge from Microsoft to develop and sell their products on the Microsoft platform.

Finally, any fixed-value donation where the donator sets the value of each item donated is inherently worthless—should Microsoft choose to set the price of their software at 1 million dollars per unit, for the purposes of this donation, there would be no recourse. That is, of course, an extreme example, but the cost to Microsoft of providing an additional ''license'' is negligible. Their donation consists of nothing tangible and costs them nothing to offer. It is entirely a sham.

Third, reading the fine print of the agreement as recently published, it is notable that interoperability requirements placed upon Microsoft refer exclusively to commercial enterprises. This is a significant loophole when the ''only'' competitive threat to Microsoft on the desktop consists of the Linux operating system and associated open-source software. Shall Microsoft be required to provide interoperability information to ''commercial competitors'' while freezing out Linux (which needs to read Microsoft filesystems), StarOffice and other open-source office packages (which need access to the Office file formats), Apache (which needs to interoperate with Microsoft's Internet Explorer browser), Samba (which provides network file-sharing compatibility for UNIX systems), and other open-source projects?

It is worth noting here that any commercial product whose only competition is free has demonstrated that competition is unprofitable, and hence, impossible to sustain.

Fourth, the antitrust case against Microsoft neglected to examine the entire issue. This is not a case where a single monopoly exists, but rather a network of interconnected monopolies and potential monopolies. I have outlined them below:

1) The operating system monopoly. Microsoft has an unchallenged monopoly on desktop operating systems for the Intel platform. It is impossible to get a single desktop computer from a major vendor of Intel-compatible computers with either a) No operating system or b) any non-Microsoft operating system. The naive will present the Macintosh or Linux as counterexamples. I respectfully request that the Macintosh advocates return when the market agrees with them (we can measure this by allowing them to return when they need to use their toes to count the Macintosh market share percentage). Linux, of course, is a free product and not a commercial venture. As such, its presence as the only ''competition'' merely reinforces the point that commercial competition with Microsoft's monopoly is impossible.

2) The office software monopoly. Many companies depend on the Microsoft office software suite to run their business. This software is bug-ridden, plagued by security holes, continually increases in cost, and does not reliably interoperate with any other package, including prior versions of itself. Despite this, the software has become a widespread standard, and enjoys the same powerful network effects as Microsoft's operating system.

In the year 1990, there existed a number of viable Competitors offering alternative software packages. By the year 1995, many of these alternatives had ceased to exist. By the year 2001, NONE of those alternatives has remained profitable, and only one remains in business. Their marketshare remains in the single digits, their product has not been substantially updated in years, and they were saved from bankruptcy by an investment from Microsoft. They exist at the sufferance of Microsoft—a token competitor.

Is this what happens to superior products in a free market? No. Microsoft can use the ''taxes'' paid by OEMs on their shipping operating system to fund development of their office applications, and offer them as bundles to OEMs at low prices. Exclusivity agreements prevent the OEMs from offering alternatives without paying higher prices overall, and being undercut by their own competitors. Those who prefer not to offer the Microsoft software at all face higher prices for operating system licensing. Users buying a new computer end up paying for a Microsoft operating system (whether they want it or not) and a Microsoft office application suite (whether they want it or not) because it is cheaper for OEMs to play Microsoft's game than try to survive without the ability to bundle Microsoft's software at the market rate.

It is notable that no major OEM provided testimony against Microsoft during the trial; they know that Microsoft knows who its friends are.

3) The browser monopoly. When the internet threatened to shake Microsoft's hold on the market, Microsoft responded by attacking its competition for browser market share (Netscape) fiercely. This was the ONLY major issue the two antitrust actions have attempted to deal with. Both attempts have failed to produce any noticable change in the pattern of Microsoft's behavior.

4) The potential media monopoly. Microsoft presents a credible threat of leveraging their operating system monopoly to gain a monopoly on software for the display of streaming media (internet video and audio). This is a clear violation of antitrust law. No court has attempted to address this issue.

In conclusion: There is only one remedy which offers any hope of redressing the harm done to the free market by Microsoft's abuse of their monopoly. Microsoft must be split into the following entities, all of which must be forbidden to collaborate with each other:

1) At least 3 companies offering the Windows operating system. These companies must be compelled to offer the Windows operating system with full source code and without any application bundles (Office, Internet Explorer, etc) to all customers at no additional cost. The cost of the operating system must be publically posted, special discounts to individual vendors forbidden, and any references to other software products forbidden. These remedies are nothing more than current antitrust law requires of a monopoly.

2) At least 3 DIFFERENT companies offering the Office application suite, under the same conditions.

3) At least 3 DIFFERENT browser companies offering Internet Explorer, under the same conditions.

The proposed settlement, in its present form and in any conceivable revision, addresses none of the problems and provides

no solutions. It is a gross miscarriage of justice and must not be allowed to stand.

Matthew Hunter
(matthew@infodancer.org)

MTC–00003438

From: Nathan Z
To: Microsoft ATR
Date: 12/8/01 1:31am
Subject: Microsoft Settlement

The settlement people are proposing, where Microsoft would have to license Office to other vendors for multiple platforms and the other remedies included in that is the right choice. Please take it into serious consideration as it is best for the United States of America and all of the people.

I stand behind this remedy to the whole case.

MTC–00003439

From: Dariusz Zelichowski
To: Microsoft ATR
Date: 12/8/01 1:33am
Subject: Re: Microsoft settlement proposal.

To Whom It May Concern:

I am appalled to hear the news of the proposed settlement with Microsoft for their crimes against fair competitive practices and intellectual property violations. In particular the proposed distribution of Microsoft's software to educational institutions seems like another catch by Microsoft to trick even more entities into using their inferior and insecure product.

I do agree that much help is needed by less fortunate educational institutions, but letting Microsoft extend its market will be comparable only to ''the first one is for free'' policy of drug dealers. There are other and superior alternatives to MS products, Mac and Linux products, to name just two of them. In my opinion Microsoft should indeed pay the proposed $1 billion dollars in penalties, but the sum should not include any barter of their software.

I cannot help but notice that this evil corporation has a strong grip on our legislators and, what is so sad, on our government. I am carefully watching the proceedings of this case and my future voting decisions, as well as those of many of my associates, will largely depend on the resolution of People vs. Microsoft.

Please note that by ''people'' I don't mean just the formula but real citizens—those citizens who do realize the extent of damage induced on the industry by the Redmont monster.

Respectfully,
Darius Zelichowski, Buffalo, NY

MTC–00003440

From: Peter Moresi
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/8/01 2:15am
Subject: DOJ will look foolish

Microsoft is dominating the computer market with windows and will dominate the Internet with the .Net strategy if more effective action is not taken. Microsoft has always beaten the competition with business tactics that would not be acceptable in any market.

If the current plans are taken, the DOJ will turn their opportunity to restore competition to the marketplace into a big win for Microsoft.

I work in the computer industry as a software developer and the general consensus in this industry is that Microsoft and their powerhouse teams of lawyers have turned an anti-trust case into a big Microsoft victory. Furthermore, the plans for Microsoft to give away PC's loaded with Microsoft Windows to the country's poorest schools should not be allowed to take place. This would only deepen the penetration that Microsoft has in the educational market. OpenSource alternatives should be considered and I believe should be the first choice to helping build a viable alternative to windows loaded PC's. With a combination of Linux (redhat.com), Sun Microsystems's StarOffice (OpenOffice.org), gnome foundation software (gnome.org), the Apache group (apache.org), and many other OpenSource alternatives (opensource.org), a platform without any proprietary Microsoft code could be an effective alternative for students. This would open a door to a powerful Unix-like operating system that has been proven to be very stable and robust in the worlds of scientific and data processing computing. Any settlement that would require Microsoft to pay damages to avoid litigation should strictly prohibit the use of Microsoft Windows as the operating system loaded on those PC's.

There is no mention of Microsoft's strategy to control the Internet with the .Net initiative. This quote from the Microsoft Developers Network (MSDN) is a blatant example of how Microsoft views Standard Organizations. ''Microsoft believes very strongly in Internet standards and the standards process, and is committed to implementing appropriate standards when driven by customer demand. However, standards compliance is part of a larger effort that includes many constituencies. By innovating, and driving customer requirements into Internet Explorer and then into the standards groups, we'll make the Internet a richer platform for all users.''

They believe in the standards process, as long as they are making them up. If this plan is executed then Microsoft will not only continue to control the desktop market, but will push their way into the server market and dominate the Internet.

If the DOJ does not take more appropriate action, then the world of computing will become a one-man show.

Peter Moresi
Thinque Systems

MTC–00003441

From: JDonner
To: Microsoft ATR
Date: 12/8/01 2:02am
Subject: Microsoft Settlement

Hi. I'd like to comment on the proposed Microsoft settlement. I object to everything in the settlement that says that Microsoft need not disclose its API or communications protocols to anything other than a for-profit business. (Sections III(J)2, III(D), footnotes.) Much of the most successful software using MS's protocols is open source; e.g. Samba. Many, many people including for-profit companies rely on Samba (a piece of compatibility middleware) to let Windows talk with Unix. If the current language passes, MS would be able to choke off technical information from the Samba group and groups like it, hurting one of the biggest current sets of beneficiaries of interoperability with Windows. Open Source software is MS's biggest competitor, which is likely why they fought for those constraints. The DOJ should not make a bad settlement that would allow MS to hide information from Open Source teams, which are some of the biggest current successes wrt interoperability with Windows.

Sincerely,
Jeff

MTC–00003442

From: cen40381
To: Microsoft ATR
Date: 12/8/01 2:03am
Subject: microsoft anti-trust case

Hello,

As a citizen of this great country, I agree with providing the poorest and rural school districts a way of improving the children's lives in education. Intellectual property in the private sector and charging a fee for using the product, i.e., software is beneficial for the individual, or company who developed it. The hardware, i.e., circuitry is a one time purchase, but the software costs much more in upgrades and no production other than typing command codes for an output, then not allowing anyone to improve without charging a fee, in the public sector of education is charging the people who instruct America's future, and restricting their abilities by charging a fee for intellectual property, is outrageous; an outcry from the very people, our future leaders, to be hindered by a sum determined not by the public sector, but the commercial sector, appalls the very foundation this country is based upon.

I myself, as a voting citizen agree in part with the hardware portion of the settlement, but denying other commercial, or public entities, who have the same entitlements to provide intellectual property to be included, at Microsoft's cost an opportunity to install, and provide the same or greater level of improvement to our poorest, deprived children who hold the future of us, the retiring public a future also.

The proposal, the open source entity, has a great opportunity to not only improve our children's future but also the life long learing of our citizens who are consumers of the intellectual properties and pay for the right to use, but not improve the software that benefits our lives.

Please include the proposal Red Hat Software has offered in your amended judgment in the settlement, because it's a benefit to the same people whose lives it improves, our poorest citizens and our future leaders

Sincerely,
Clyde Coffey

MTC–00003443

From: Brian Adam Pike
To: Microsoft ATR
Date: 12/8/01 2:07am
Subject: Microsoft Settlement

To whom it may concern:

I have some concerns about the proposed antitrust settlement with Microsoft, which I'd like to voice.

First, as I understand it, Microsoft will give its software to schools along with donations of computers. One thing that is important to remember about the software industry is that after the first copy of the software has been sold, it essentially costs $0 to make the second copy. As a result, it will cost Microsoft extremely little to give its software to schools (except for the cost of media and possibly technical support).

Another important thing to remember is that since Microsoft does not publish their APIs or the file formats for the Office suite, it will be very difficult for the schools to move away from Microsoft products; the documents they may have created using the donated equipment will not be readable with other software products. As a result, the schools will be 'locked in' to Microsoft software, and will be forced to upgrade in the next product cycle. For example, Windows 95 has just become officially unsupported by Microsoft, so Microsoft is not making its software products compatible with Windows 95. Any licenses for Windows 95 that schools may have are now worthless.

If the APIs and file formats were published, then various other companies or open-source projects could guarantee full compatibility with documents created with the Microsoft Office Suite. This would provide an avenue for consumers to move away from Microsoft products, hurting Microsoft's monopoly. Currently, such competing projects attempt to reverse-engineer the APIs and file formats, with very limited success. For example, NTFS (the Windows-NT File System) support on Linux is extremely flaky, and has been threatened with legal action from Microsoft. If the documentation for NTFS was available, Linux would very quickly have full, seamless support for NTFS filesystems. With this support in place, it will provide an avenue for consumers to move away from the Windows NT product line to other operating systems (such as Linux) without destroying all of their important data.

It is important that these data be published without any restrictions. The current settlement gives Microsoft the ability to decide who is allowed to view APIs, Documentation, and Communications Protocols. What would stop Microsoft from preventing some groups from accessing this information?

I believe the settlement should include one or more of the following requirements:

—Put their API and file format documentation in the public domain, without any non-disclosure agreements or other restrictions on usage.

—Fund the development of competing products, such as various open source products (OpenOffice, AbiWord, Gnumeric, the KOffice suite, SaMBa).

—Provide a donation of hardware and competing software to schools. If children only know how to use Microsoft products, it ensures the future success of Microsoft's monopoly. However, if we teach them how to use other products, it will hurt Microsoft's monopoly. Red Hat Software has publicly supported this option, and offered to provide the software and support for free.

—Force Microsoft to stop using its software dominance to encourage use of its other products (i.e., using the Windows XP installation to advertise Microsoft's MSN network, Microsoft's Passport authentication service, etc.). This is like selling milk with flour built-in, as an integral part of the milk product, in order to bake bread. It simply makes no sense, especially if there is only one brand of milk on the shelves.

Thank you for your time and attention on this topic.

Sincerely,
Brian Pike
Student, NC State University

MTC–00003444

From: Gregory Peterson
To: Microsoft ATR
Date: 12/8/01 2:33am
Subject: Microsoft Settlement

To Whom it May Concern,

Microsoft has proven to be very adept at locating loop holes in the law, and strectching the business ethics that govern business in the US. While commerce isn't necessarily governed by ethics as much as by law, an arguement could be made that there are certain behaviors that deem a reward and other behaviors that require condemnation. Microsoft has been a powerful, positive influence on the US and global economy. Bill Gates has made many personal contributions to charities. But by all indications, Microsoft has no intentention, and has never had any intention, of competing in an open market.

Now that they have effectively eliminated any commercial entities that may have produced a competing operating system, who is left to lead the charge? Competition serves not only the financial concerns of the market, but it also serves to push technology forward in many different, unpredictable and ultimately beneficial ways. Any settlement that leaves Microsoft intact, or that allows their input, will only serve Microsofts interests.

Simply reveiwing the Grand jury disposition of Bill Gates will reveal the combative and elusive nature his company has inherited from his leadership. Make no mistake, Microsoft is no more interest in a fair settlement today than they were three years ago. They will subvert the meaning of any settlement and challenge the courts to years long battles. Microsoft must be stilled now.

Greg Peterson

MTC–00003445

From: Sherman
To: Microsoft ATR
Date: 12/8/01 2:45am
Subject: Microsoft Settlement

Hello,

Having been following the recent events concerning the Microsoft Settlement, I feel it necessary to point you towards a website that I feel has made a valid point.

http://www.pbs.org/cringely/pulpit/pulpit20011206.html

Robert X. Cringely (of PBS.org) has posted an excellent perspective on the flaws of the Proposed Final Judgement, and visiting his site would be better a course of action than attempting to explain his points to you myself.

Thank you,
Jason Krautle
sherman@playground.net
613–820–4027

MTC–00003446

From: Paul Rupe
To: Microsoft ATR
Date: 12/8/01 3:03am
Subject: Microsoft Settlement

Upon reading the proposed settlement in the US vs. Microsoft anti-trust case at <http://www.usdoj.gov/atr/cases/ms-settle.htm>, I am struck by how little it actually accomplishes. The terms of this lopsided ''compromise'' truly leave me in doubt of who actually won the trial. While some Microsoft proponents will no doubt claim that any desire to see a stronger remedy demonstrates an envy toward a successful company, I only wish to see a fair marketplace where interoperable products can compete on their own merits.

Below are specific weaknesses in the current settlement proposal and some suggestions for additional remedies:

Section III.J.1: ''No provision of this Final Judgment shall: Require Microsoft to document, disclose or license to third parties: (a) portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of a particular installation or group of installations of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems...''

I see two problems with this: First, Microsoft can manipulate the design of their software so every major component is somehow inextricably tied to some security measure. They already attempted to finagle their way through the trial by claiming that their Internet Explorer web browser was an integral part of the Windows operating system and that separating them was technically infeasible. I have no doubt that Microsoft will try to do the same ''integration'' with DRM or other components protected by this clause in order to close off as much information as possible to would-be competitors. For example, nothing stops Microsoft from adding some trivial encryption scheme to Word documents and then claiming that it is an anti-piracy measure that must be kept secret. No one can license rights to this new ''encryption'' under this clause, and anyone who attempts to reverse-engineer and discover it on their own risks prosecution under the Digital Millennium Copyright Act (DMCA).

Second, the restriction is completely unnecessary—and in fact, antithetical—to the goal of providing consumers with secure, high-quality software. Instead, it promotes ''security by obscurity''. History has shown again and again that the most secure protocols are those that are openly available for analysis and critique by unbiased experts in the field. The well-documented Pretty Good Privacy (PGP) system has been around for years without a major security flaw, while

closed, proprietary systems like Microsoft's own access control mechanism in Windows Media Player are cracked [1] with almost laughable ease. Frankly, if merely disclosing the algorithm behind a particular security measure is enough to compromise it, then it is not very secure to begin with. Given the very real costs of data loss and identity theft in today's world, we cannot afford to use anything less than the most robust and well-researched security measures available.

Section III.J.2: ''(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business''

This clause conveniently allows Microsoft to exclude all open source development from the benefits of Section III, thus shutting out a major competitor.[2] Microsoft has publicly stated that they consider the free software movement a ''cancer'',[3] so we can safely assume that the chances of (for example) Linux meeting any such standards they set are zero. The goal of this anti-trust remedy is to restore fair competition to the marketplace. It is a mockery if Microsoft is allowed to pick and choose its competitors.

The only fair thing to do is make all communications protocols, file formats, and APIs publicly available free of all licenses and restrictions. I am very disappointed that Section III.J gets bogged down with terms like ''intellectual property.'' As a software engineer, I can say that there is rarely anything insightful or innovative about file formats or communications protocols themselves. Usually they are simply arbitrary arrangements of fields in a data structure, the result of convenience to a particular implementation rather than clever research or design. Protecting them as if they were groundbreaking inventions serves only as an artificial barrier to interoperability and certainly does nothing to ''promote the progress of science and useful arts'' as the Constitution states.

The idea that one company can gain exclusive rights to something as basic as a method of arranging data is absurd. It would be like Ford saying no other automaker could put the gas pedal on the right and brake on the left. Ford's actual mechanical implementation of gas and brake pedals may very well be protected, but the left-right arrangement itself should not be. Microsoft's hypocrisy in this regard is particularly astounding. There would not even be a World Wide Web for them to dominate were it not for open standards like TCP/IP and HTTP; yet they want to keep their own communication protocols secret for the sake of ''innovation.'' True innovation comes from competition and competition requires interoperability.

Since Microsoft has deliberately used proprietary data formats and APIs as weapons against the competition, they should have the ability to freely create such things taken away from them. Forcing them to publicly disclose all such interfaces in advance and without any licensing restrictions would not punish Microsoft unduly nor put them at a disadvantage. It would only level the playing field again and allow other companies to build fully compatible products that can compete on merit alone.

Also missing from this settlement is any remedy for Microsoft's past behavior. The current trial has been going on for years, all the while Microsoft has brazenly used the same monopolistic tactics to tighten their grip on the marketplace. As almost a slap in the face to this trial, the recently released Windows XP has more bundled features and more blatant promotion of Microsoft-affiliated services than ever before. Any remedy that does not address that is an insult to the anti-trust laws and to the American people. As a start, I humbly suggest a large monetary donation to the Free Software Foundation.[4]

Since Microsoft is a repeat offender, the punishment here should have a strong deterrent value. Logically, if the cost to Microsoft of yet another anti-trust trial five years from now is less than the benefit of continuing their anti-competitive practices, then they have absolutely no reason to change. If this happens, then the Department of Justice has wasted its time and staggering amounts of taxpayer money for nothing.

I am pleased that Section III.A finally acknowledges once and for all that the exclusionary contracts between Microsoft and OEMs are unlawful due to Microsoft's monopoly status. But by similar reasoning, should the End-User License Agreements (EULAs) between Microsoft and consumers also be examined? In particular, consider the ''as-is'' clause that absolves Microsoft of any liability for the damage resulting from defects in their software. Among other things, this prevents consumers from seeking compensation for the billions of dollars in damage done by malicious software such as Code Red, Nimda, and countless e-mail viruses that can exist only because of gaping security holes [5] in Microsoft's software. Ruling Microsoft a monopoly means that consumers were forced to accept this ''as-is'' clause under duress, so like the OEM contracts, perhaps it should be voided as well.

Another remedy is inspired by the actions against tobacco companies. When they were deemed harmful to consumers, all tobacco products were required to carry a strongly-worded health warning. Similarly, since Microsoft has been found guilty of hindering free market competition at the expense of consumers, require all of their products to bear a short, factual statement to that effect. Provide consumers with all the facts without any positive ''spin'' by Microsoft so they can make an informed decision. If this sounds harsh, consider that individuals convicted of serious crimes lose some of their rights and gain a permanent mark on their record. Microsoft should be no different.

The settlement currently proposed would change very little. It leaves Microsoft with too many loopholes to effectively continue doing business as usual and fails to address the damage already done and continuing to be done even now. I would rather see the trial continue for another year or two and produce an effective remedy than accept a watered-down, short-term compromise that will lead only to another round of violations and court trials in a few years. I hope the Department will truly consider these points and take the time to devise a more substantial remedy, one that seeks less to accomodate a guilty party and more to reestablish meaningful competition in the PC software industry.

Paul Rupe
prupe@nc.rr.com

MTC–00003447

From: Exile In Paradise
To: Microsoft ATR
Date: 12/8/01 3:08am
Subject: So monopolies are legal.

It is my inexpert opinion that Microsoft is clearly a monopoly. I believe Microsoft should not be allowed to continue their bullying dominance over computing, not just in the United States, but worldwide.

Microsoft's product line continues to expand into markets not related to their ''core'' business.

Xbox game consoles?

Microsoft Network?

Microsoft is a monopoly as far as the average IT person is concerned, regardless of what their massive legal team would have the media tell everyone to believe.

No matter where you go or what business you are in, as an IT person you are forced to endure their shoddy products. Everyone ''demands'' them, regardless of how much damage they do to the files or information they process.

The only way such massive influence could exist is through the undeniable fact that Microsoft, by hook or by crook, has become a computing monopoly.

No one company should have such complete control over such a fundamental cornerstone of modern business or society.

If the DoJ does not slow down the M$ Juggernaut, and institute some real controls over what M$ is or is not allowed to offer as products, then the effort has come to nothing.

Please, do not go easy on M$.

Their influence is too pervasive in every aspect of computing to be allowed to continue unchecked.

Take appropriate action now.

What saddens me is that most of the DoJ documentation and email is probably prepared on and handled by M$ products, which makes me think the whole effort of writing was a waste in itself.

''What do you need Windows for? If you want a workstation, call Sun. If you want a PlayStation, call Sony.''—Exile In Paradise

MTC–00003448

From: Bob Niederman
To: Microsoft ATR
Date: 12/8/01 3:14am

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[1] ''MS digital rights management scheme cracked.'' <http://www.theregister.co.uk/content/4/22354.html>

[2] ''MS promotes Linux from threat to 'the' threat—Memo.'' <http://www.theregister.co.uk/content/4/22770.html>

[3] ''Ballmer: 'Linux is a cancer.'' <http://www.theregister.co.uk/content/4/19396.html>

[4] ''Free Software Foundation.'' <http://www.fsf.org/>

[5] ''Nimda Worm Shows You Can't Always Patch Fast Enough.'' <http://www3.gartner.com/DisplayDocument?doc—cd=101034>

Subject: Microsoft settlement

(This is similar to an email I previous sent, but with 2 new points (see 10 and 11) and some more enhancements on previous points.)

I believe that any settlement that would have a chance of restoring competition to the computer industry would require at least the following:

1) All terms must be enforced by a non-Microsoft party with full access to all Microsoft resources, including source code, email, memos, letters, working papers, etc. There is no such thing as a confidential document for Microsoft anymore. Microsoft cannot be trusted to voluntarily comply with any agreement.

2) All communication protocols used by all Microsoft products must be fully documented. Such documents must be made available to any and all parties for any reason, free of any charges or limitations in use. Microsoft is not allowed to change their protocols until 90 days after documentation of such changes are made available to any parties requesting them, free of charge or limitations in use.

3) The previous term must also apply to all Microsoft APIs (Application Programming Interfaces).

4) Microsoft may not keep agreements secret. In particular, the terms of the current OEM agreements, currently protected as ''trade secrets'' must be disclosed.

5) Microsoft may not use agreements with Computer OEMs to restrict in any way the addition of other software to the computers. In particular, OEMs are not to be prohibited from selling ''dual-boot'' systems, where the system can be booted into Windows or into some other operating system, such as Linux or a form of BSD or BeOS.

6) Microsoft may not use their licensing terms to stop users or developers from using Open Source software or Free Software.

7) Microsoft may not meddle in the the legislative processes of Federal, State or local governments or bodies that make recommendations to them, with their work on UCITA being a prime model of behaviour that is prohibited to them as a monopoly.

8) Microsoft services (such as MSN or hotmail) may not require the use of microsoft softwware by users wishing to use the service. (Which Microsoft did on MSN, restricting non-MS browsers.)

9) Microsoft services, such as MSN, must not be forced upon users through exclusive contracts with ISPs or LECs (such as currently with Qwest).

10) Microsoft products sold on OEM systems must be priced separately. The same systems must be available to the consumer without the Microsoft products and the price must be discounted by the cost of the microsoft product. ''Per CPU'' licensing is prohibited. The OEMs are charged proportionally to the copies of Microsoft products they sell. Microsoft cannot charge based on sales of OEM machines that do not have the Microsoft products included.

11) Microsoft is not allowed to use the price of software in calculating the value of any settlement, payment, or in publicity regarding same. (as in the ridiculously inflated value of their proposed aid to schools in exchange for gwetting private suits dismissed).

MTC–00003450

From: Scott Menor
To: Microsoft ATR
Date: 12/8/01 3:57am
Subject: Re: U.S. v. Microsoft: Settlement Information

To Renata B. Hesse (or whom it may concern):

I strongly agree with Steve Jobs' statements against the earlier proposed Microsoft settlement. In particular, requiring Microsoft to donate their products to schools isn't punitive as the cost to Microsoft would be negligible. Worse, such a donation would increase the prevalence of Microsoft products in schools and so make it more likely that exposed students would continue using Microsoft products at home and later, so strengthening Microsoft's monopoly.

Unfortunately, the revised settlement isn't a significant improvement. While it is true that I have not had a chance to thoroughly examine the newly proposed settlement, on first reading, it seems to lack any significant fines or penalties (particularly when considering the economic size of Microsoft but even for a much smaller corporation). Minimally, I think the settlement should include a substantial fine (on the order of several billion dollars per year) over the course of 5 years (or longer).

Further, significant safeguards should be implemented to prevent Microsoft from using their OS monopoly power to take over other markets and force competitors' products off of the market. In particular, care should be taken toward .Net and Passport.

Sincerely,
Scott Menor
Junior Researcher—System / Network Administrator
Autonomous Systems Laboratory
University of Hawai'i at Manoa

MTC–00003451

From: Michael K. Harrison
To: Microsoft ATR
Date: 12/8/01 3:58am
Subject: Harsher penalties are needed!

To whom it may concern,

I just wanted to express my concern that the proposed settlement does not do enough to eliminate the monopolistic practices of Microsoft or promote more competition. Knowing that your time is valuable I will try to keep this short and brief. I recently started to experiment with Linux in an effort to make sure I was not held hostage to paying yearly subscription fees to use my computer. I fear that Microsoft in the near future will resort to annual licenses even to the operating system so that it can maintain consistent revenue. Well in my experiment I tried to access one of my favorite sites www.cnbc.com. I love and use the personalized stock ticker on that site nearly everyday. It was only then that I realized that I was unable to run that feature using Netscape. I would have to use Internet Explorer. I then realized that I can't get Internet Explorer for any other operating system besides Windows. Finally I noticed that CNBC and ESPN (another one of my favorite sites) had recently become affiliated with MSN.

It is because of this experience that I don't feel the proposed settlement is adequate. Even if you force them to allow vendors to place other competing products like Netscape on the Windows OS, I would probably still need to use Internet Explorer to get the full benefits of the websites affiliated with MSN. If I need to use Internet Explorer to get the full benefit of my favorite site, why would I install a competing browser? To view sites that aren't affiliated with MSN? I may be wrong but it seems to me the possibility of Microsoft influencing the content of websites to dictate which browser and operating system I use exists. I contend that it is an abuse of monopolistic power and is currently in practice. Your proposal does nothing to eliminate this practice.

I suggest that in addition to your proposed settlement, Microsoft has to open up the web sites it controls, owns or influences to most competing products. Only then will competitors become viable options. Internet Explorer will then truly be competing on it's merits versus being the only option available. Unless this step it taken, I'm afraid Microsoft's monopoly will only grow larger and stronger while competition and innovation become non-existent.

Sincerely,
Michael Harrison

MTC–00003452

From: Anthony Boyd
To: Microsoft ATR
Date: 12/8/01 4:02am
Subject: Microsoft Settlement

The new settlement proposal from the 9 states is much better than the DOJ offering. If third-party-companies can license the Office codebase and release Office for alternative platforms, that helps to remedy one of the chief reasons for bringing the suit in the first place: Microsoft is locking people into a single platform. I would like to encourage the courts to favor the new settlement offer.

I do not feel that any settlement should force Microsoft to give away its software to schools as an act of atonement. This of course would simply kill off what little educational market Apple has left. It would serve to cripple a Microsoft competitor, not help.

Anthony Boyd
627 West Homestead Road
Sunnyvale, CA 94087

MTC–00003453

From: Dan
To: Microsoft ATR
Date: 12/8/01 4:05am
Subject: Microsoft Case

Hi. I'm Daniel Kasak, a 25yo Australian. I work for NUS Consulting—http://www.nusconsulting.com—as a programmer & database administrator. I have been following the Microsoft case closely, and am very alarmed with the following points (I'll be concise):

a) Microsoft are not receiving any real penalties for profit /already made/ at the expense of other companies they have ruined. As Microsoft has already been found guilty, there should be a reasonable attempt

made to judge the damage done in dollar terms to other businesses, and Microsoft should be forced to reimburse these companies. I realise this would be difficult and inaccurate, but at least a token effort must be made.

b) The terms of the current settlement exclude Open Source software from the terms of the deal—eg Open Source projects cannot get access information required to make their products work with Windows. Such Open Source projects include:

* Linux—Operating system described by Microsoft officials as being Microsoft's ''biggest threat''. http://www.linux.org

* Apache—Web serving software with more than 50% of the overall market. Microsoft IIS's biggest rival. http://www.apache.org

* Sendmail—Email serving software with the most markets share. Microsoft Exchange's biggest rival. http://www.sendmail.org

* Samba—File & print sharing software allowing non-Microsoft operating systems to integrate into a Windows-based network. http://www.samba.org

* StarOffice—Sun's open-source desktop productivity suite. Microsoft Office's biggest rival. http://www.sun.com/staroffice & http://www.openoffice.org

* Netscape / Mozilla—Web browser & Email suite. Microsoft Internet Explorer's biggest rival. I believe this is also one of the main reasons why they are in court now. http://www.netscape.com & http://www.mozilla.org

The list above is by no means exhaustive, but paints an interesting picture of Microsoft's business threats, and gives insights into why Microsoft has chosen to exclude ''non-business'' entities from the disclosure terms of the settlement. This is a MAJOR flaw in the settlement, and MUST be remedied.

In my opinion the original decision to split Microsoft into 2 companies would have addressed at least part b) of my complaint. I am saddened that this path was not taken. I urge you to reconsider letting Microsoft off so lightly. If they are not stopped soon, they will become so powerful and entrenched into our high-tech society that no court of law, governement, or any other organisation will be able to affect them. Or has this already happened? I will wait for your verdict before I pass final judgement.

Thankyou for your time.

Daniel Kasak

MTC–00003454

From: DippyDawg6@aol.com@inetgw
To: Microsoft ATR
Date: 12/8/01 4:23am
Subject: Microsoft Settlement

Having Microsoft donate software to schools is hardly a punishment, in fact it is quite the opposite. By having their software in schools, for free, they're making sure that children learn to specifically use their software every where. If Microsoft software is all that people know how to use then doesn't that ensure them even more market share? Of course it does. It's a mockery of justice and an insult to the populace for our officials to try and pull a ''fast one'' on us like that.

Kenneth Krutsinger

MTC–00003455

From: Paul Powenski
To: Microsoft ATR
Date: 12/8/01 4:40am
Subject: Microsoft

ANY way you cut it Microsoft used their funds to leverage time, time enough to ruin companies competing with them and time to reduce the choices available to consumers.

Is that the environment we want in America?

They claim they need to right to innovate. But, only if Microsoft does all the innovating.

Why don't you ask Intel how they were constantly intimidated by Microsoft about imaging and graphics initiatives.

IT IS DOCUMENTED in InfoWorld, PC Week and others. What about companies like Lattice, Sybase, and Stac who attempted partnerships which was constructed to restrict their innovation to Microsoft's terms.

What viable and equal choices do we have today—NONE.

NOW Windows XP is more stable than Windows 2000? Why don't you get a copy of the launch of windows 2000 and see those claims. I guess Microsoft feels we are a bunch of idiots and have complete contempt for the general public. What about their performance in front of the panel during their anit-trust trial. Does that not say enough?

All they do is shift the problems from one area to another under the belief that all is OK.

Just gloss up and pretty up the desktop and everyone will ignore the problems ?

Their software is certainly not worth what they ask for it.

Office Packages—when there was competition an office package was @250.00. As soon as the main players went belly up now the price is mid $400.00 and up. For what. Why can't I CHOOSE how many features I want and pay appropriately. Since Microsoft claims to be the software giant of the world is this too tuff for them to handle. Or their arrogance just allows them to just charge us what ever they want whenever they want.

Something significant should be done FOR Microsoft STIFLING INNOVATION.

The whole thing stinks stinks for all of US.

MTC–00003456

From: John G Casey
To: Microsoft ATR
Date: 12/8/01 5:20am
Subject: Microsoft Settlement

To Whom this May Concern:

I wish to voice my option on the Microsoft settlement as a University student, a user of Microsoft products, and as a citizen of our great nation. I am strongly opposed to the penalties on Microsoft, there penalties are weak and need to be changed. I agree with the 9 states who are now, seeking there own settlement, but now unfortunately my home state New York has settled.

Microsoft is a monopoly, the operation system market, which yes, is not as important as it is now...is still the heart of the soul of the computer. Microsoft is restricting knowledge and innovation, we are now still working on the same system which for me is the same as Windows 95, now XP comes and has more bells and whistles, yet no innovation.

Open Source, Linux...innovation is key.

I use both OS and I love Linux, personally, but that is not the issue. The issue of Microsoft giving away computers to schools, only degrades the presence of Apple in education. Further strengthening an already powerful company.

Where is the protection for not-for-profit companies?

How many times have I gone onto a web site and saw ''.../cgi-bin/...'', cgi-bin= perl scripting, simple as that. what is perl, well it was created by not-for-profit companies.

Does a writer compose a book, only to let a person put it on there shelf and make them self's look smart by it?

Does a engineer design a skyscraper, with out an independent body of their PEERS to review there work?

Does a company create a product, which requires other products (which is only available by the company), to do ANYTHING useful, then forces other companies out of business...just because they have a good idea? The computer net we know today, the net of yesterday (ARPANET) and the net of tomorrow has been build on innovation by people of great skill in universities trying in their own way to change the world. The men and woman who created everything we take for grated today are long forgotten is history and a wealthy businessman who took innovation off the backs of others, now intends to stop the innovation which made is vision a reality.

I ask you again, as an American,

Please reconsider your penalty,

John Gerald Casey

MTC–00003457

From: Viveka
To: Microsoft ATR
Date: 12/8/01 8:26pm
Subject: Microsoft Settlement
Public comment follows:

Any remedy which includes Microsoft giving software away, or committing to write more software for other platforms (such as MacOS or Linux), will merely extend the MS monopoly, and so will be counterproductive. MS currently holds *two* linked and self-reinforcing monopolies—over the OS, and over Office software.

Extending the MS Office monopoly will not help anyone.

As a consumer, I use Office only because I HAVE to. People constantly send me files in MS Office formats, and I need to be able to view and modify them in order to do business. I detest the MS Office interface design, and abhor the lack of stability and security in this software. Despite this, I have paid MS repeatedly over the years for their horrible software,

I would vastly prefer to be able to view and modify Office documents using other software of my choice, such as AppleWorks. However, I cannot, as Microsoft deliberately hide and obfuscate their file formats. This situation does not occur in other areas where MS does not hold a monopoly. I use the software of my choice to view and modify image files, web pages, maps with detailed geographic metadata—because other software vendors hold to the agreed IEEE standards.

The best way to provide competition, thereby benefiting consumers, is to take away

Microsoft's means of preventing *other* companies from making software that is compatible with Microsoft's.

To do this, simply require Microsoft to document its file formats, in a timely and public manner. Straightforward mechanisms for doing this exist, under the auspices of international standards bodies such as the ISO and IEEE.

Other remedies based on the same principle (of reducing Microsoft's ability to raise barriers to entry) also make sense—such as completely removing their control over the desktop (currently held through restrictive license agreements).

The focus of any remedies should be to promote competition in the Office and OS markets, empowering consumers to make real choices, and forcing MS to compete on the quality of their software.

Regards,

Viveka Weiley,

embittered consumer who never wants to have to buy inferior MS software again.

MTC–00003458

From: Eric Smith
To: Microsoft ATR
Date: 12/8/01 5:56am
Subject: Microsoft Settlement

Please allow the states to come up with their own methods of dealing with Microsoft's abuse of their monopoly. I would like to see a punishment that actually discourages their behavior, while allowing third party software and hardware companies a chance. The government's recommendation just exasperates the problem, it certainly doesn't do anything to solve it.

Sincerely,

Eric Smith

MTC–00003459

From: os2express(a)icon.co.za
To: microsoft.atr(a)usdoj.gov
Date: 12/8/01 6:42am
Subject: Bowing down to Microsoft?? Why!

Dear DOJ representative.

It is clear that inflicting Microsoft operating systems on unsuspecting poor school kids will not make the monopolistic practices of Microsoft any weaker. If you really want to weaken or punish them and to cut down on their future abuses of power, either split the company or make them give away millions of dollars of hardware preloaded with Linux and the fantastic Star Office, NOT with yet more force fed preloaded Microsoft products which just tie in their monopoly further.

Let me know what you think of my proposal.

Thanks

Murray Zipp

Steve: os2express@icon.co.za

Heather: os2express@mweb.co.za

http://www.os2.co.za/software

OS/2 Express—

By appointment only:

21 Burma Close, Julius Wernher Street

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SOUTH AFRICA

tel +27–11–616–6485 or call Heather on cell: 082–493–1967

fax +27–11–616–5107

MTC–00003460

From: Kelly
To: Microsoft ATR
Date: 12/8/01 6:45am
Subject: Microsoft Settlement

The proposed settlement, in a nutshell, stinks.

What about protections for the 'not-for-profit' organizations? Such as any Linux distribution. Moreover

Apache web server software. In other words, software organizations which do not meet Microsofts definition of a ''business,'' (see Section III (D) and Section III (J)(2)) of the proposed settlement. They are left utterly out in the cold. As you well know Linux, as stated by Microsoft personnel is Microsoft's biggest ''threat.''

Recommendation: Microsoft be vertically split into three separate commercial companies. Then, the newly created companies would have to compete against each other. Naturally those newly formed companies would be unable to buy each other out or collaborate with each other, etc.

Kid Kelly

''The consequence of apathy is ... tyranny.''

Federal Register

5–3–02 Friday
Vol. 67 No. 86 May 3, 2002

Book 3 of 12 Books
Pages 24291–24930

Part II—Continued

Department of Justice

Antitrust Division

United States v. Microsoft Corporation; Public Comments; Notice

MTC–00003461

From: David Hibshman
To: Microsoft ATR
Date: 12/8/01 6:40am
Subject: Microsoft Settlement

Bill wins again. Computer Industry loses again. One look at Microsoft's latest OS offering(XP) makes it clear why Microsoft's OS and applications should not be bundled together and should probably be spun off as separate companies all together. Windows Xp offers MP3/WMA creation, Video Editing, Cd Creation, Chat, Messaging, and Video Conferencing all as part of the core software required to run a computer. Microsoft clearly uses it's foothold on the Market to offer otherwise successful third party software in it's own OS to help ensure they keep their grasp on the industry and to bump off smaller vendors from becoming bigger competitors. Microsoft qualifies as a monopoly in every sense of the definition and should be punished for it.

MTC–00003462

From: Paul Rech
To: Microsoft ATR
Date: 12/8/01 7:09am
Subject: Microsoft Settlement

Dear Sir/Madam,

You're no doubt tired of reading these e-mails, so let me cut to the chase.

The proposed settlement with Microsoft will not do a thing. None of the provisions will have any effect, which may be what the current administration really wants.

Here's what would make a difference and it's quite simple.

1) Open their file formats, protocols, APIs.

2) Allow vendors to clearly price the cost of the Windows OS when you purchase a PC.

The former will allow all companies to compete again in application software. MS keeps data locked into their apps by changing these formats every now and then. Forcing consumers to keep using their products. MS Word is the standard not because it's the best, but because so many businesses have data stored in those types of docs. They don't even want to think about the hassle of converting. The latter will show people how much they have to pay for the MS OS and allow them to choose to pay for it or not. Lots of people have a perfectly good copy of Win 98 sitting around, why should they have to buy XP with a new computer when they don't want or need it?

Get rid of bundling once and for all.

Paul Rech
Computer Consultant
651–430–9935
rechpj@bitstream.net

MTC–00003463

From: Ray Drainville/Argument from Design
To: Microsoft ATR
Date: 12/8/01 7:13am
Subject: Microsoft Settlement

To Whom it May Concern:

I'm adding my voice to those who are against the settlement with Microsoft over its monopolistic practices, as that settlement stands today. There are some simple, yet important reasons why I'm doing this:

* Having MS give away a billion dollars worth of software & refurbished hardware to the country's poorest schools doesn't punish the company: what it does is greatly strengthen their hand in one of the last areas in which they don't currently have a monopoly. One possible solution would be to have MS donate one billion dollars to these schools, to have them use this money for IT as the schools see fit.

* This billion-dollar giveaway looks very expensive for MS on paper, but that number is based upon the market value of the hardware & software: the actual cost to MS is estimated to be about one-tenth of that figure. This seems a ludicrously tiny settlement for such an important violation of law. Once again, forcing MS to donate one billion dollars to these schools would be a more effective way to punish the company.

* As the settlement stands, it requires MS to share various types of code with commercial rivals; 'commercial' is spelled out in the document quite clearly. However, currently MS's strongest competitors come from non-profit entities: Apache (web-serving software), Linux, Perl, and those who are building a compatible & free version of MS's .NET initiative. By not specifically including these non-profit organizations in the settlement documentation, the DoJ is allowing MS to protect its monopoly from those organizations who are most strenuously competing with it.

* The settlement does nothing to propose what is to be done should MS violate the agreement. What if MS is proven to be acting in an uncompetitive fashion again? The agreement does not give the DoJ any teeth in enforcing the settlement. It doesn't give MS any reason to comply.

I would strongly urge the DoJ to be extremely cautious when writing up settlements with Microsoft. History has shown that the company is more than willing to violate agreements, and the past decade or so has seen them disregard mild remedies in order to pursue their own interests. Give the settlement some teeth; Microsoft, after all, was found guilty. Currently, they won't even admit that.

Best,
Ray Drainville
Director, Argument from Design
Argument from Design-Web & Multimedia
ray@ardes.com http://www.ardes.com

MTC–00003464

From: Cody DeHaan
To: Microsoft ATR
Date: 12/8/01 7:19am
Subject: What a Joke!

I find it rather a joke that Microsoft gets no punishment for what they did.

Don't get me wrong, I use Microsoft's products, but something should be done to prevent it from happening in the future.

MTC–00003465

From: Rob Roth
To: Microsoft ATR
Date: 12/8/01 7:34am
Subject: Settlement

Microsoft should be reined in on a tight leash. The 9 holdout states are correct in their perception of what this company can do if not tightly controlled.

Microsoft has the technology to end up controlling every ones computer and CHARGING for it if not controlled. They have already demonstrated that. 20 years ago they broke up IBM for basically the same reason they are looking at Microsoft.

Please stick to mission and hold tight the reins on Microsoft.

Rob Roth
Hernando, Florida.

MTC–00003466

From: Jerry Davis
To: Microsoft ATR
Date: 12/8/01 7:57am
Subject: comments on your judgement

It is quite clear to me that this was written by lawyers who have no real experience with software development and software coding. I was agreeing to quite a bit of this until III.J in which you opened the floodgates of a gigantic loophole for Microsoft to jump into. Given the history of Microsoft in the last 10 years. This amounts to ''business as usual'' for Microsoft. What a waste of our tax dollars. You all did a masterful job during the trial in showing us what a Monopolistic power Microsoft was, then with this judgement you have really blown it. No wonder Bill Gates calls this a ''fair'' settlement. If I were Bill I would too!

I would strongly suggest you take into account the somewhat stricter format that the other nine states are taking.

Two things that were not addressed at all: 1) data formats. The reason Microsoft has such a hold on the PC market is its office products. He who holds the keys to the data, has control. There was NO mention of providing the data format definitions of the office products that MS has to third parties. 2) real competition. Most of your document was about not limiting competition in the Windows space. Very little about real competition from Apple and Linux, FreeBSD, Beos and other possible contenders.

The reason that real competition will not be achieved with your document is that there is no provision for MS to be open with its data formats, and communication protocols. What about what they did with Kerberos with their ''embrace, extend, and extingush'' method of changing the Kerberos authentication scheme that all other OS's use but now do not work with Windows Servers?

Until there is real choice of OS, meaning that MS Office products are required to run on all other Platforms, other OS's will never have a real chance to compete. And until we get real competition MS will continue to have a monopoly in the software industry. And we as consumers will never have a real choice.

MTC–00003467

From: Stephen Perez
To: Microsoft ATR
Date: 12/8/01 8:41am
Subject: Support for States/DC Microsoft Settlement

I just wanted to quickly write in support of the settlement proposed by the 9 states and DC. The DOJ's previous decision was too much of a wrist slap, full of loopholes which Microsoft's lawyers will be more than happy to exploit. To be quite honest, after reading the original proposal (not Judge Jackson's, but the next one) I got the eerie feeling that

Microsoft's lawyers were more technically savvy than the governments—making sure that there were carefully worded exceptions for any of the major points that may have actually had any ''bite''. While I am not a lawyer, I am a software engineer, and if I worked for Microsoft, I would find it quite easy to come up with some technical reasons why a particular ''remedy'' could be circumvented. Now about perception. It appears to me something odd is going on. The DOJ does an about face in the prosecution of Microsoft—once they appeared to really be trying to do something to help out the consumers. Now, we are given a proposals which absolutely lacks teeth. Microsoft at one time allowed themselves to be billed a million dollars a day just to be stubborn and not comply with government mandates. Now, Microsoft seems more than happy to do anything the government asks. I think this is because they realize that they're not being asked to do much at all.

Anyway, please give serious consideration to the recent states/DC proposal in this matter and give the consumers/competitors some real relief.

Stephen Perez,
Software Engineer,
Austin, Texas.

MTC–00003468

From: Craig L. Stevenson
To: Microsoft ATR
Date: 12/8/01 8:36am
Subject: Microsoft Settlement

The proposed selltlement in this case is waay off! Instread of punishinng the guilty party, he is being rewarded! THis is insane. The settlement needs to be tougher.

From a Robert X. Cringely article <http://www.pbs.org/cringely/pulpit/pulpit20011206.html>:

The remedies in the Proposed Final Judgement specifically protect companies in commerce—organizations in business for profit. On the surface, that makes sense because Microsoft was found guilty of monopolistic activities against ''competing'' commercial software vendors like Netscape, and other commercial vendors—computer vendors like Compaq, for example. The Department of Justice is used to working in this kind of economic world, and has done a fair job of crafting a remedy that will rein in Microsoft without causing undue harm to the rest of the commercial portion of the industry. But Microsoft's greatest single threat on the operating system front comes from Linux—a non-commercial product—and it faces a growing threat on the applications front from Open Source and freeware applications.

The biggest competitor to Microsoft Internet Information Server is Apache, which comes from the Apache Foundation, a not-for-profit. Apache practically rules the Net, along with Sendmail, and Perl, both of which also come from non-profits. Yet not-for-profit organizations have no rights at all under the proposed settlement. It is as though they don't even exist.

Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...''

So much for SAMBA and other Open Source projects that use Microsoft calls. The settlement gives Microsoft the right to effectively kill these products.

Section III(D) takes this disturbing trend even further. It deals with disclosure of information regarding the APIs for incorporating non-Microsoft ''middleware.'' In this section, Microsoft discloses to Independent Software Vendors (ISVs), Independent Hardware Vendors (IHVs), Internet Access Providers (IAPs), Internet Content Providers (ICPs), and Original Equipment Manufacturers (OEMs) the information needed to inter-operate with Windows at this level. Yet, when we look in the footnotes at the legal definitions for these outfits, we find the definitions specify commercial concerns only. But wait, there's more! Under this deal, the government is shut out, too. NASA, the national laboratories, the military, the National Institute of Standards and Technology—even the Department of Justice itself—have no rights. It is a good thing Afghanistan is such a low-tech adversary and that B–52s don't run Windows.

I know, I know. The government buys commercial software and uses contractors who make profits. Open Source software is sold for profit by outfits like Red Hat. It is easy to argue that I am being a bit shrill here. But I know the way Microsoft thinks. They probably saw this one coming months ago and have been falling all over themselves hoping to get it through. If this language gets through, MICROSOFT WILL FIND A WAY TO TAKE ADVANTAGE OF IT.

Is the Department of Justice really that stupid? Yes and no. They showed through the case little understanding of how the software business really functions. But they are also complying with the law which, as Microsoft argued, may not be quite in sync with the market realities of today. In the days of Roosevelt and Taft, when these laws were first being enforced, the idea that truly free products could become a major force in any industry—well, it just would have seemed insane.

Craig L. Stevenson <yocraig@telocity.com>

MTC–00003469

From: Sondra Janssen
To: Microsoft ATR
Date: 12/8/01 8:41am
Subject: Microsoft

It's time to stop making the lawyers richer. This is just some wanting something for nothing or to the left politics. Real life things are not equal. Let the economy run.

MTC–00003470

From: jason mark
To: Microsoft ATR
Date: 12/8/01 9:08am
Subject: Microsoft Settlement.

As a shareholder of both Microsoft and Apple Stock and a US citizen, I hope that you take the time to look closely as how this proposed settlement will affect Microsoft's monopoly. From what I have read it appears that the proposed settlement will actually increase Microsoft's monopoly in one of the few places where their competitors (specifically Apple Computer) remain strong.

As proven time and time again the cost of Upkeep for Microsoft systems is so astronomically high, where Apple computers last longer with less maintenance.

By ''donating'' billions of dollars to schools, Microsoft will in effect be locking them into an expensive upgrade and maintenance package with an inferior solution, while extending their monopoly into a market that they have traditionally had trouble making inroads into. Please don't permit this to happen.

Jason
Gravity Switch
89 Market St.
Northampton, MA 01060
www.gravityswitch.com
413.586.9596

MTC–00003471

From: jason mark
To: Microsoft ATR
Date: 12/8/01 9:11am
Subject: Microsoft Settlement

I'd like to also put in a good word for Steve Satchell.

Jason
Gravity Switch
89 Market St.
Northampton, MA 01060
www.gravityswitch.com
413.586.9596

MTC–00003472

From: Clyde Stauffer
To: microsoft.atr(a)usdoj.gov
Date: 12/8/01 8:50am
Subject: Microsoft Settlement

Sirs:

I believe the proposed anti-monopoly settlement with Microsoft Corporation is inadequate on two counts:

(1) It does not adequately address contracts with EOMs that restrict their rights to offer multiple operating systems on the computers they sell. This restriction, from 1992 onward, made it very difficult (actually, nearly impossible) for anyone to purchase a computer with the IBM operating system OS/2 pre-loaded. I use OS/2, but only because I am bought it independently and installed it myself. Most ordinary computer purchasers are not capable of, and do not want to, exert this degree of independence from the Microsoft monopoly.

(2) It does not adequately address the competition extant from non-profit software entities such Linux and similar efforts. If these groups are not protected from the predatory efforts of Microsoft they will not be able to fully compete, a situation which would not be to the advantage of the consumer.

I respectfully submit that Microsoft should be:

(1) Prevented from making any type of excusionary contract with OEMs; and

(2) Forced to treat all competitors, profit and non-profit oriented alike, on the same basis.

Sincerely yours,
Clyde Stauffer

MTC–00003473

From: William Woesner
To: Microsoft ATR
Date: 12/8/01 8:59am
I believe that Microsoft has a monopoly. Separate Microsoft into different companies, IE explorer,
Office, and operating system
William Woesner

MTC–00003474

From: Tony Hardie-Bick
To: Microsoft ATR
Date: 12/8/01 10:05am
Subject: Microsoft Settlement
There is one very simple remedy that is required: Microsoft must open its Office file formats.

As a UK citizen, I have been alarmed by the way in which Microsoft is playing government agencies like the UK National Health Service for dummies. Again, they are preparing a trap that involves the use of closed file formats, the significance of which will only be felt incrementally, in years to come.

The opening of Microsoft source code is not as important.

Yours sincerely,
Tony Hardie-Bick
London, England.

MTC–00003475

From: Todd VerBeek
To: Microsoft ATR
Date: 12/8/01 11:06am
Subject: what a waste
The settlement with Microsoft isn't a setttlement; it's a capitulation. The restrictions it places on Microsoft are as feeble and meaningless as the ones in the consent decree of several years ago... the toothless slap on the wrist that made this suit necessary in the first place. It accomplishes nothing but to —condone— and —endorse— the position of Microsoft as the 800-ton gorilla of the technology industry.

Compelling Microsoft to donate software to poor schools isn't a punishment or a remedy of any kind; it's an endorsement of predatory pricing! Let's all watch as Microsoft gives software away (below cost), drives the remaining competition out of the education market, and later starts charging for the (practically mandatory) upgrades.

Consumers will still be offered nothing but superficial variations on the Microsoft blueprint when we go shopping for a PC. They will be offered a single operating system, a single word processor, a single spreadsheet, etc. Programmers (my livelihood) will have the ''freedom'' to innovate outside the world Microsoft defines... and die of starvation because that world is dwindling to nothing, or the ''freedom'' to innovate within the Microsoft model, hoping for some table scraps as we help to advance Microsoft's business plans. This settlement assures those of use who aren't in bed with Microsoft with only one consolation: There will be another suit in a few years, and by that time Microsoft's monopolistic practices (and the damages therefrom) will be even greater, and even more difficult for the courts to ignore.

Todd VerBeek
1311 Lake Dr SE #2
Grand Rapids MI 49506

MTC–00003476

From: The Bryant's
To: Microsoft ATR
Date: 12/8/01 10:22am
Subject: Settlement
I cannot believe that the DOJ would spend so much of the Taxpayers money to achieve so little in the Microsoft case. The taxpayers are not served by the DOJ decision. Computer users are not served by the decision. Our children are not served well by the decision. The only entities served by the decision are Microsoft and the legal community. I think the hard working taxpaying community should come away from this issue with more than a due bill from Microsoft and the DOJ.

I support Red Hat's proposal to exclude software donations by Microsoft to the public school system or any organization. Also, it would be in the Taxpayers interest to prevent Microsoft (or any company) from selling the Academic Edition of its products at a tremendous discount from what other users must pay. This practice creates artificial demand for Microsoft products by forcing students to learn products which may be inferior to other software. Academic Edition sales harm smaller software developers by not giving them access to a potentially large user market.

Public education dollars should not be spent to subsidize the sale and teaching of proprietary products in the public school system.

Mark Bryant
Secratary/Treasurer
Charmark Computer Services, Inc.
1100 West Lloyd Expressway
Suite 102
Evansville, IN 47708
Telephone (812) 422–1776

MTC–00003477

From: David May
To: Microsoft ATR
Date: 12/8/01 10:21am
Subject: Microsoft Settlement
I am truly disappointed by the settlement that was brokered between the DOJ and Microsoft. It does nothing of substance to reign back Microsoft's illegal behavior in light of their monopoly on the PC desktop. Microsoft is poised to attack multimedia companies and ISPs with their current exclusive desktop policies and I fear if nothing is done to curb their behavior, these companies will no longer provide viable competition in a market place the desperately needs it. I feel that if this settlement goes through with all the exceptions that are built into it, we will be here again in several years trying to reign Microsoft in with legal action. They have shown that they are more than willing to ignore or circumvent business limitations placed on them by the authorities. They have also shown that they are more than willing to lie about their behavior if they feel it is in their best interest. They will find loopholes in this settlement and stretch them to their fullest to continue with business as usual.

Please listen to the concerns of the 9 outstanding states and of industry groups that are raising their voices (like Ralph Nader et. al.). If this settlement goes through as scripted, we will be back here again trying to reign Microsoft back in. The landscape of competition will look much more desolate than it does now, though, if Microsoft has its way.

Thank you.
David May
Senior UNIX System Administrator
Albuquerque TVI
505–224–3015

MTC–00003478

From: Patrick Mc Govern
To: Microsoft ATR
Date: 12/8/01 10:34am
Subject: Microsoft Settlement
Summary of the Microsoft judgement: Microsoft could not have dreamed up a better judgement if they tried! Imagine being punished by advertising your own products!!

Proposed judgement:

Since Microsoft's actions affected the rights of the people, I propose the following:

(1) Microsoft would pay 2 billion dollars to start a trust fund that would operate in perpetuity and support the development of free software. The Free Software Foundation or similar organization could be a good target for this effort. Their web address is http://www.gnu.org/. This effort would further develop the foudational software for computers that is similar to the infrastructure of our national highway system. I hate toll roads!

This action would seem to be the punishment that fits the crime. It would encourage competition, creativity, and reward the WORLD with free software. It would also allow Microsoft to compete as one company and stay competetive.

Pat

MTC–00003479

From: Cray Horse
To: Microsoft ATR
Date: 12/8/01 10:53am
Subject: Microsoft Settlement
Department of Justice,

Your original remedy called for MSFT to be split apart; now you are content that MSFT merely donate their software to schools. This is a horrible solution, since it will only serve to strengthen the MSFT monopoly in the educational market. Apple has suggested that MSFT be required to donate a large amount of cash to the schools, which would certainly harm MSFT profits in the short term but would not strike at the heart of their monopoly.

The heart of the MSFT monopoly derives from their control of the operating system in conjunction with their control of dominant desktop applications, such as MS Office. Every time someone emails us an Powerpoint presentation or a Word document, we are forced to use a MSFT application. Everytime MSFT changes one of their file formats, we are forced to upgrade our Office installation so that we can continue to process our email correspondence. Since the Office applications are only supported on MSFT operating systems, we are also forced to

purchase MSFT operating systems and keep them up-to-date against our will.

I therefore propose the following simple conduct rememdy for the MSFT monopoly: require MSFT to support ALL of their application software on ALL operating systems with a non-negligible installed base (eg., at least 1% market share). That would require MSFT to support MS Office, Internet Explorer, Outlook, and SQL Server on Apple OS X, Sun Solaris, Linux, Palm OS, and others as well. This solution would strike at the heart of MSFT's operating system monopoly, because now (for the first time) our choice of application software is truly separated from our choice of operating system.

The details are tricky but managable by an appropriately careful mind. The restriction must apply to MSFT and any company in which they had more than 5% direct or indirect interest; otherwise, they could circumvent the restriction by spinning off their application software groups into subsidiaries. The restriction should prohibit them from releasing any application on Windows until it had been released on all competitive operating systems. The restriction must also ensure that the quality of the non-Windows ports to be at least as high as the Windows ports, otherwise they could torpedo the restriction by making their software unusable on non-Windows systems. (For example, you could impose financial penalties if the quality of the non-Windows port falls below the quality of the Windows port, or prevent them from shipping/selling Windows products while the non-Windows were of lesser quality.) And so on.

Sincerely,

A citizen who believes in competitive markets

MTC–00003480

From: Terry Braun
To: Microsoft ATR
Date: 12/8/01 10:43am
Subject: Microsoft Settlement.

I am a programmer with 20 years experience. The proposed settlement with Microsoft is pathetic- the real message is that MS is free to continue its anti-competitive practices. In the process it makes the US government look incompetent- and the US government is supposed to be MY representative in this business.

Your lack of vigorous prosectution of this case will ultimately cost this country by making its software industry less competitive and therefore opening the door to other non-US companies. The current settlement brings discrace on our government since it is clear that there is neither an understanding of the world of computers nor a desire to obtain that expertise.

Do better
Terry Braun
612–963–6570

MTC–00003481

From: Don Allen
To: Microsoft ATR
Date: 12/8/01 11:17am
Subject: Microsoft Settlement

I believe the settlement with Microsoft is entirely inadequate. There is basically no penalty imposed and few restrictions on future action by Microsoft. I think the only way to prevent Microsoft from continuing to exploit its monopolistic position is to split the Operating System into a different company from its other software offerings. By allowing these to continue to be developed by the same company, there is no incentive for them to expose interfaces, or reason for them not to continue to imbed unrelated products into the operating system. This combination also stifles development of these products for other operating systems—does anyone think that the MS Office suite would not be available on Unix, Solaris, or Linux if it was owned by anyone else? Other than Lotus Smartsuite and Star Office, neither of which has a significant market share, there are no other office suites left on the market. I remember when there were over a dozen word processors, many spread sheet programs, and specialized packages for publishing. Now you have basically one choice, which is expensive and provides functions not needed or used by most of the market. I believe that if there were other choices, this software would be offered in various price ranges with functionality more in line with users needs. Microsoft has been innovative in software development, but this is not what has made them what they are today—it is their willingness to push others out of the market (most word processors, Netscape, etc.) or buy them (Visio, Fox Software, etc.) to eliminate the competition, then raise prices and justify it by pointing to functionality that is not needed or used by the majority of the market.

In summary, I think the settlement is totally inadequate. Only a separation of at least the operating system from the other software is required to once again stimulate development and innovation in the software market place. Microsoft now is a much bigger threat than IBM was when it was broken up, and I believe the remedy should be at least as severe, if not more so.

Don Allen
Allen Information Consultants, Inc.
Indianapolis, IN

''How many legs does a dog have if you call the tail a leg? Four. Calling a tail a leg doesn't make it a leg.''

—Abraham Lincoln

MTC–00003482

From: KennMSR@aol.com@inetgw
To: Microsoft ATR
Date: 12/8/01 11:12am
Subject: Microsoft Anti-Trust

The proposed settlement with Microsoft is a travesty of Justice. This is an Antitrust settlement, so why let them put their machines in schools. The ultimate solution would be give competitors machines (Apple, which has an almost 60% share in the school marketand can run Windows operating system if necessary). Using their products would just make their slice of the pie larger and indoctrinate a new generation into being a Microsoft only culture. I do Apple consulting to private and Parochial schools who cannot afford a full time staff person for technical support, as opposed to tax based funded public schools. As I've seen locally anytime a school board insists on a conversion to Microsoft based systems the district goes from a Technology Teacher having part time duties maintaining the MacOS Computers to 3 or 4 Full time MCSE certified staff at $60K/YR (Philadelphia region) to keep their Microsoft Systems functioning. I see the same in Businesses the MIS departments specify Microsoft for job security reasons and to be able to have an MIS staff of more than one.

I've been involved in Computers in Education since the early 70's when IBM and Digital Equipment were the computers of choice. I've also worked for Microsoft service providers and left when the Microsoft Mantra was the main focus of their sales efforts ''only sell Microsoft products because we know they work together''.

I just learned that America Online is discontinuing Netscape as a Web Browser, which is the only real alternative to Microsoft Internet Explorer which is under contract with AOL as the default browser.

Kenn Marks
KennMSr@aol.com
Digital Data Systems

MTC–00003483

From: Alton, Matthew
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/8/01 11:10am
Subject: Microsoft Settlement

Please prosecute the monopolistic filth known as Microsoft Corp. to the limits of the law. Your current proposed settlement constitutes a dereliction of duty bordering on treason.

Thank you.
Matthew Alton
UNIX System Administration

MTC–00003484

From: John Bishop
To: Microsoft ATR
Date: 12/8/01 11:18am
Subject: Microsoft

Hello,

I must admit that I am rather disappointed with the recent events in the Microsoft anti-trust case. Microsoft was found to be monopolistic, yet part of their punishment is to hand to them on a silver platter a market that Apple has worked very hard to cultivate. We are giving Microsoft absolutely no reason to change their practices. Even after being found monopolistic, Microsoft released Windows XP with invasive activation, and is making great strides toward its dream of software as a service, which I find to be quite alarming.

Thank You,
John Bishop

MTC–00003485

From: Number One
To: Microsoft ATR
Date: 12/8/01 11:34am
Subject: Microsoft Settlement.

This sounds much better for everybody. I see the justice department folding before corporate terrorists.

George Frick
frick@intsvc.com

Red Hat Proposes to Enhance Microsoft Settlement Offer By Providing Open Source Software to All U.S. School Districts

Open Source leader proposes to provide software to every school district in the United States if Microsoft provides computing hardware for the 14,000 poorest school districts

RESEARCH TRIANGLE PARK, N.C.?(BUSINESS WIRE)?Nov. 20, 2001?Red Hat, Inc. (Nasdaq:RHAT—news) today proposed an alternative to the settlement announced today of the class-action lawsuit against Microsoft. Red Hat offered to provide open-source software to every school district in the United States free of charge, encouraging Microsoft to redirect the money it would have spent on software into purchasing more hardware for the 14,000 poorest school districts. Under the Red Hat proposal, by removing Microsoft's higher-priced software from the settlement equation, Microsoft could provide the school districts with many more computers—greatly extending the benefits Microsoft seeks to provide school districts with their proposed settlement. Microsoft had proposed that, in settlement of class-action claims of price-gouging, the company donate computer hardware, software and support to 14,000 poor school districts throughout the United States. Under the proposed settlement, a substantial part of the value provided to schools would be in the form of Microsoft software.

The Red Hat's alternative proposal includes the following: Microsoft redirects the value of their proposed software donation to the purchase of additional hardware for the school districts. This would increase the number of computers available under the original proposal from 200,000 to more than one million, and would increase the number of systems per school from approximately 14 to at least 70.

Red Hat, Inc. will provide free of charge the open-source RedHat Linux operating system, office applications and associated capabilities to any school system in the United States.

Red Hat will provide online support for the software through the Red Hat Network.

Unlike the Microsoft proposal, which has a five-year time limit at which point schools would have to pay Microsoft to renew their licenses and upgrade the software, the Red Hat proposal has no time limit. Red Hat will provide software upgrades through the Red Hat Network online distribution channel.

MTC–00003486

From: cmmorris@memphis.edu@inetgw
To: Microsoft ATR
Date: 12/8/01 11:41am
Subject: Microsoft Settlement

I wish to exercise my rights under the Tunney Act to comment on the proposed Microsoft Settlement.

I am particularly comcerned about the proposed settlement's effect on much of the software that I use, software produced by non-comercial entities. Many people agree that it is free and open-source software that is Microsoft's greatest competition and thus should be considered in the setlement.

Section III(J)(2) of the settlement contains strong language stating that Microsoft is not required to describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business.

Section III(D) again prescribes certain rights to Microsoft competitors yet these rights apply only to comercial entities. I would like to see a settlement that opens the file formats of Microsofts dominant applications so that other applications on other platforms can read and write to them.

Chris Morris

MTC–00003487

From: Steve Vasko
To: Microsoft ATR
Date: 12/8/01 11:54am
Subject: Microsoft Settlement

As a computer reseller I strongly support the 9 state alternative over the justice departments initial settlement proposal. Porting office to multiple platforms is very important. Please consider keeping this in any final proposal that is put forward.

Thanks,
Steve Vasko
Operations Manager
Voice305–695–9779
Fax305–695–9799
www.editopia.com

MTC–00003488

From: dan
To: Microsoft ATR
Date: 12/8/01 12:01pm
Subject: Microsoft Settlement

The primary weapon, beyond the established, effective desktop monopoly, is data lock-in. Microsoft keeps data jailed and keeps changing the locks to perpetuate the protection by extortion. A remedy should address this problem directly. Making it an easier matter for any customer to take their data out of the Microsoft jail would promote competition without placing Microsoft under strict, long-term control of a government committee. The lock that allows illegal leveraging of the monopoly is the secrecy and continuous morphing of file formats and APIs. People should not be forced to purchase MS products in order to communicate with other people and businesses!

I believe the current settlement is totally ineffective in curtailing MS's behavior. It is less than a ''slap on the wrist'', so to speak. Thank you for your time and vigilance,

Dan Williamson

MTC–00003489

From: Lee
To: Microsoft ATR
Date: 12/8/01 11:50am
Subject: Microsoft Juggernaut

Greetings,

It looks from here like you caved in to Bill Gates and his empire. They are unrepentant and poised to continue with their brand of business as usual....which means that we consumers are hurt yet again. They are thugs. You know full well that they are a predatory entity, a corporation that uses its monopoly like a club to kill any real competition. All legal wrangling aside, Micrsoft can't dodge that fact. When they are left to do as they will, they have exclusive right by economic threat to siphon off of society's need for computing power like the parasites they are. The ''playing field'' Microsoft so proudly points to as its proving grounds for its product viability is littered with dead technology that, 90 percent of the time, was far supuerior to the laughable offerings of Bill Gates and crew. The technology died, along with the companies that developed them because of Microsoft's stranglehold on the market, and its tactics of excusivity deals, threats, and intimidation. Remember how they started out with DOS, a poor imitation of SCO UNIX? They had exclusive software rights to every PC sold by the then-standard, IBM. Clones had to keep some measure of compatibility, so they too contracted with Microsoft. Back in those days, Apple's Mac with windowing, buttons, mouse and slick GUI interface was laughed at as a toy. Unix people were fringe kooks. Did anyone else see that when Windows emerged, it was a bad photocopy of Apple OS and Unix Motif/X-Windows?? They basically stole other ideas and profited from them. Seems I remember that the government did the wink-and-nod bit a few years ago when Apple asserted and proved its claim. Why is the government so fearful of Bill Gates? Does it figure he will be satisfied one day and just stop?? There are a few of us who make the choice in our personal lives to use superior product, such as Linux and Apple, which I use at home. I go to work and hold my nose as I labor all day on a modern Microsoft platform riddled with bugs, inconsistencies, and daily crashes. Why has such a slipshod product been allowed to swallow the market whole? Everyone winks and looks the other way as Gates tightens his grip. There are real, tangible costs to consumers and corporations when they are forced to adopt ''the standard'', in terms of down time that would not otherwise occur, and inflated monopolistic pricing.

Do the right thing. Go for the throat. They are true evil—a cancer—and deserve no quarter.

Otherwise, will we be driving Microsoft cars and buying Microsoft diamonds as they continue to grow? Will they oustrip any government effort to contain them?

Thanks for your time,
Lee Shouse
CC:mishmash@kc.rr.com@inetgw

MTC–00003490

From: Leandro Guimar(FFFF)es Faria Corsetti Dutra
To: Microsoft ATR
Date: 12/8/01 12:20pm
Subject: Microsoft Settlement

Please take a look at the fourth paragraph onwards, from http://www.pbs.org/cringely/pulpit/pulpit20011206.html

Leandro Guimara~es Faria Corsetti Dutra +41 (21) 644 23 19

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Fita AsCII contra correio electr?nico HTML BRASIL

MTC–00003491

From: dennis
To: Microsoft ATR
Date: 12/8/01 12:33pm

Subject: Microsoft Settlement

I side with the 9 states who would have Microsoft disclose the source code for IE. This should require all versions of IE. It would allow others to document the API without Microsoft having to disclose the source to Windows itself. Further, having a OS only version of Windows with no applications would give vendors a chance to make their systems unique and tailored to the use. Thank you.

Dennis R. Newton
4032 Hidden Spring Ct.
Fort Irwin, CA 92310

MTC–00003492

From: Dan Humphries
To: Microsoft ATR
Date: 12/8/01 12:36pm
Subject: Microsoft Settlement

I oppose the settlement, and request a stronger one.

Dan Humphries

MTC–00003493

From: weissman family
To: Microsoft ATR
Date: 12/8/01 12:40pm
Subject: MICROSOFT DECISION

We have been very disheartened by the Justice Dept failure to fully protect American consumers from Microsoft. We have not read anything which articulates our opinion better than the following:

''I was seething about Microsoft's arrogance. Then I read about the proposed settlement between Microsoft and the litigants in their monopoly suit. One of the provisions was that Microsoft was going to give a billion dollars worth of refurbished computers and Microsoft software to some of the poorest schools in the country. At first glance this seems altruistic, but then I started thinking about what a billion dollars of Windoze gear dumped into the academic market would mean to Apple, and my rage fired up again.

Here's a company that has been convicted of illegal business practices designed to limit competition. That competition includes Apple, of course. So, this crook of a company suggests that to make up for their crime, they will just make a new initiative into the last remaining market where Apple has a dominant position. A billion-dollar initiative into the academic market would mostly come out of Apple's market share and have serious implications for Apple's ability to maintain its lead in education!

''We're baffled that a settlement imposed against Microsoft for breaking the law should allow, even encourage, them to unfairly make inroads into education—one of the few markets left where they do not have monopoly power,'' Apple's CEO Steve Jobs said in a statement.

Well they do make some nice software, but you really need to have your hand on your wallet when you are dealing with the crew from Seattle! I have a solution, though. ;) How about requiring Microsoft to buy a whole bunch of iMacs and iBooks from Apple—say, a billion dollars' worth—add Office v.X and THEN give the computers to the schools.''

-Don Mayer of SmallDog.com , an apple reseller in his newletter Kibbles&Bytes #241

Please try to address the real issues and stay away from the politics, we have not benefitted by microsoft monopoly.

Jocelyn & Allan Weissman
7512 Westfield Drive
Bethesda, MD 20817

MTC–00003494

From: Patrick McAvey
To: Microsoft ATR
Date: 12/8/01 1:08pm
Subject: Microsoft must be stopped

They have destroyed almost every competitor and they are moving into new markets. They have bought every market they own. America should not allow this economic terrorism to continue.

Patrick McAvey
Apple Solution Expert
314–862–1312
Insanely Great Consulting
University City, MO
http://www.insanelygreat.net
patrick@insanelygreat.net

MTC–00003495

From: Craig L. Stevenson
To: Microsoft ATR
Date: 12/8/01 1:07pm
Subject: Microsoft Settlement

From Robert X. Cringely <http://www.pbs.org/cringely/pulpit/pulpit20011108.html>:

The proposed Microsoft settlement with the Department of Justice has been out for several days, and there has been more than enough ink used to say that it is a sweetheart deal for Microsoft. The DOJ wants to get on to more important duties like confiscating nail clippers at airports, so the deal looks good to them. But to those of us who got our legal education from old episodes of ''Law and Order,'' the deal stinks. How does it restore competition? What does it do for those hundreds of competitors who are no longer even in business because of Microsoft's monopolistic tactics? Well, those outfits—if they exist and if they can find the money to do so—can file civil suits. But most of them won't. I would like to see a class action lawsuit against Microsoft.

What the settlement seems to do is prohibit Microsoft from breaking the law IN THIS SPECIFIC WAY for a period of five years. Imagine a murderer who shot his victims being enjoined for five years from using a gun, but still being allowed to carry a knife. So the best use of this space this week, given all the other pundits who have already criticized the settlement, is for me to throw out some ideas about why Microsoft went for it, and how their behavior will change as a result. It is important to understand here that Microsoft management does not feel the slightest bit of guilt. They are, as they have explained over and over again, just trying to survive in a brutally competitive industry, one in which they could go from winner to loser in a heartbeat. The fact that Microsoft makes in excess of 90 percent of the profit of the entire software industry, well that's just the happy result of a lot of hard work. Pay no mind to that $36 billion they have in the bank. And since Microsoft doesn't feel guilty, their motivation in agreeing to this settlement is just to get on with business. This is a very important fact to keep in mind when trying to understand the event. This isn't Microsoft being caught and punished, it is Microsoft finding a path back to business as usual, which is to say back to the very kind of practices that got them here. Microsoft, confident in its innate cleverness, is willing to give up certain old monopolistic behaviors because there are new monopolistic behaviors now available to replace them.

Microsoft has to open-up certain Windows communication APIs to other developers, but there is no restriction at all on the addition of new APIs. So expect a LOT of new APIs, many of which will do nothing at all except confuse competitors. There is nothing in the agreement that says Microsoft has to tell anyone which APIs it really intends to use. So just like interpreted software is obfuscated to hinder would-be copiers, expect Microsoft to obfuscate Windows, itself.

Microsoft has to allow third-party middleware, but a glaring loophole was left for Microsoft, simply to redefine code as not being middleware. If they stop distributing code separately and draw it into Windows, well as I read the proposed settlement, middleware stops being middleware after 12 months. So if something new comes up (all the old middleware is explicitly defined) Microsoft can integrate it and screw the opposition one year after they stop distributing it separately.

These loopholes are nice, but they don't amount to the kind of leverage Microsoft would want to have before signing away any rights. Bill Gates would want to believe that he has a new and completely unfettered weapon so powerful that it makes some of the older weapons completely unnecessary. He has found that weapon in .NET.

But hey, .NET isn't even successful yet, right? It might be a big flop. Wrong. Those who think there is any way that .NET won't be universally deployed are ignoring Microsoft's 90 percent operating system market share. Whether people like .NET or not, they'll get it as old computers are replaced with new ones. Within three years .NET will be everywhere whether customers actually use it or not. And that ubiquity, rather than commercial success, is what is important to Microsoft.

Here is the deal. .NET is essentially a giant system for tracking user behavior and, as such, will become Microsoft's most valuable tactical tool. It is a system for tracking use of services, and the data from that tracking is available only to Microsoft.

.NET is an integral part of Windows' communication system with all calls going through it. This will allow Microsoft (and only Microsoft) to track the most frequently placed calls. If the calls are going to a third-party software package, Microsoft will know about it. This information is crucial. With it, Microsoft can know which third-party products to ignore and which to destroy. With this information, Microsoft can develop its own add-in packages and integrate them into the .NET framework, thus eliminating the third-party provider. A year later, as explained above, the problem is solved.

Alternately, Microsoft could use the information (this .NET-generated market

research that Microsoft gets for free and nobody else gets at all) to change Windows to do service discovery giving an automatic priority to Microsoft's middleware. The advantage here is in giving the appearance of openness without actually being open.

These possible behaviors are not in any way proscribed by the proposed settlement with the DOJ, yet they virtually guarantee a continuation of Microsoft's monopoly on applications and services as long as Microsoft has an operating system monopoly. When Microsoft talks about ''innovation,'' this is what they mean. Nothing is going to change. It is easy to criticize, but for a change, there is actually something that you and I can do about this problem. Under the Tunney Act, the court has to open a 60-day period for public comment before any settlement can become final. This will happen after the settlement is entered in the **Federal Register** and will probably involve the court establishing a web site. This will be your chance to say what you think should happen in the case (look in the ''I Like It'' links for further information). My preferred outcome is still that Microsoft be forced to sell its language business, and the proceeds of that sale be distributed to registered users of Microsoft products. You might think to suggest that in your comments to the court.

Craig L. Stevenson
<yocraig@telocity.com>

MTC–00003496

From: PCtech
To: Microsoft ATR
Date: 12/8/01 1:11pm
Subject: Microsoft Antitrust

DOJ

If you look at Windows XP, it is obvious that Microsoft is making a fool out of the Justice Department! XP is an example of how big business can ''out wait'' any oversight and make money doing it!

Windows XP has no ability to run older programs (no DOS extensions) nor co-exist with LINUX or any other operating system. If you want to run any Windows program using XP, all other operating systems must go away.

I think the solution to the matter is to remove all software that is written by a company that is held in contempt from the Governments ''buy'' list. Any documents distributed electronically should not be distributed using that companies software. Documents should be distributed using RTF format or a GNU format. RTF format is universally accepted and does not rely on proprietary software to be read. The Federal Government is encouraging Microsoft to continue it's practices by encouraging others to purchase Microsoft software.

Thanks and God bless
Frank Nevis
11733 Castle Court
Dublin, CA 94568–2701332
nettech@pcmagic.net
CC:feedback@redhat.com@inetgw

MTC–00003497

From: Tosh Cooey
To: Microsoft ATR
Date: 12/8/01 1:14pm
Subject: Microsoft Settlement.

Dear Renata B. Hesse,

As an American and a Canadian I am particularly fortunate to live in a time of great prosperity and opportunity. This has all been brought to us by our system of democratic capitalism, which rewards hard work and ingenuity.

Karl Marx, a great philosopher, once said (paraphrased) ''capitalism left to it's own devices tends towards monopoly'', which like communism is the antithesis of our great system of democratic capitalism. Microsoft has been found guilty of having a monopoly (not a crime in itself) and abusing it's monopoly power. For this it should be punished, not slapped on the wrist. Many of the proposed settlements in the case, both the DOJ and class-actions, are inconsistent with a message of punishment. As a resolution to the class-action suits, Microsoft proposes giving away $1 billion of computers to schools, with an over-inflated value of it's software attached to this. Schools are a strong market for competitors of Microsoft so it's hard to see how this is a punishment. In the DOJ case against Microsoft part of the settlement says:

Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''. . . (c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, . . .''

Products like Linux and Apache are some of the fiercest competitors to Microsoft. These products are made up of groups of far-flung individuals, not companies or businesses. So when the language of the settlement helps entrench Microsoft against it's strongest competitors, it's hard to see how this proposed settlement will help the competitive landscape which Microsoft has so abused in the past.

It would be very easy to be cynical and note that Microsoft is one of the wealthiest entities in the world, and they are just buying their way out of punishment (some would say being punished into a stronger market position) but most people have faith in the political and social/economic system which sees us where we are, but if our system can't rectify such an obvious breach of economic order then were does that leave us?

Please do not slap Microsoft on the wrist, competition is what makes us great, and for the people, you and I and everyone else, there is NO such thing as too much competition in the marketplace.

Thank-you for making this opportunity to express myself available.

McIntosh Cooey
Twelve Hundred Group
http://www.1200group.com/

MTC–00003498

From: E. Jones
To: Microsoft ATR
Date: 12/8/01 1:41pm
Subject: Microsoft Settlement

I respectfully submit the following comments:

Please alter the section of the judgement to include not-for-profit organizations.

1. The remedies in the Proposed Final Judgement specifically protect companies in commerce—organizations in business for profit. But Microsoft's biggest competitors are Linux, an operating system, and Apache, an integral part of the Internet. Both these products are being produced by not-for-profit organizations. Yet not-for-profit organizations have no rights at all under the proposed settlement. It is as though they don't even exist. As such with the final judgement as proposed, Microsoft will be in a position to destroy them.

Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''. . . (c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, . . .'' In the days of Roosevelt and Taft, when these laws were first being enforced, the idea that truly free products could become a major force in any industry would have seemed insane.

Under this deal, the government is shut out, too. NASA, the national laboratories, the military, the National Institute of Standards and Technology—even the Department of Justice itself—have no rights. The settlement gives Microsoft the right to effectively kill these products. Concerning disclosure of information regarding the APIs for incorporating non-Microsoft ''middleware.'' Microsoft discloses to Independent Software Vendors (ISVs), Independent Hardware Vendors (IHVs), Internet Access Providers (IAPs), Internet Content Providers (ICPs), and Original Equipment Manufacturers (OEMs) the information needed to inter-operate with Windows at this level. Yet, when we look in the footnotes at the legal definitions for these outfits, we find the definitions specify commercial concerns only.

2. Regarding the three-member committee stationed at Microsoft to make sure the DOJ deal is enforced.

Steve Satchell would be an ideal member of this committee. Active with computers for 30+ years, Mr. Satchell knows the technology. He has worked for several big computer companies, and even designed and built his own operating systems. And from his hundreds of published computer product. reviews, he also knows the commercial side of the industry.

Respectfully submitted
Emerald Jones
Newbury Park, CA

MTC–00003499

FROM: rreno
TO: MS ATR
DATE: 12/8/01 1:41pm
SUBJECT: Microsoft Settlement
Robert L. Reno
11725 Laurelview Dr.
Cincinnati, OH 45249
February 14, 2002
Attorney General John Ashcroft
United States Department of Justice

950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

Thank you for working to negotiate the antitrust settlement with Microsoft. I am writing to express my support of this agreement and appreciation for your continued efforts to finalize this case. The general public, including many many businesses and myself, have benefited far more from Microsoft's substantial innovations than any minor damage we may have suffered due to alleged errors they may have made in trying to protect the essence of their proprietary products and their capability to innovate.

It's time we let them get on with the business of producing much needed new innovations that will help our country improve productivity and move our economy forward again. We should praise Microsoft for the huge contribution their products have made to our country's productivity and encourage them to develop new more powerful tools. It is not in our best interest for Microsoft to expend any more of their resources on litigation, State or Federal. If any errors in business practices were substantiated beyond all reasonable doubt, let them know what they were, expect them to make reasonable changes that don't deter their capability to innovate, and follow-up in a reasonable and appropriate manner. If such changes may hinder innovation, our laws both Federal and State need to be changed to avoid the potential for this result.

Please help make sure that myself and millions of other computer users will continue to benefit from the use of Microsoft's products and their capability to achieve innovation.

Sincerely,
Robert L. Reno
513/489–1815

MTC–00003500

From: George Risch
To: Microsoft ATR
Date: 12/8/01 1:44pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am writing in regards to the recent settlement proposed between the US Government and Microsoft of Redmond, WA. As I understand the matter, the current settlement does not include any provisions regulation of future access to Microsoft's API calls or descriptions of how the internals of its operating system. This is unfortunate, because Microsoft has been found guilty of being a monopoly and should be required to share these specifications in a free and open way.

In my work and the products produced at the company I work for, not including these specifications could harm future revenue based on our own independent work by forcing us to pay monopolistic tolls required to gain access to these specifications. Its is much like a system in which a train manufacture is not allowed to know the spacing of the tracks without paying an arbitrarily set fee charge by a monopolistic railroad. We know how to build the trains very well, but don?t know if they will fit on the tracks.

This is especially relevant in Microsoft's case because they can change, at a virtual whim, a little part of its operating system code to make all of our products inoperable.

Please consider adding that Microsoft publish its API calls and descriptions of its OS internals in the settlement, even though it may prolong the effort to close this matter. Thank you for your time.

Best Regards,
George Risch

MTC–00003501

From: William Hensley
To: Microsoft ATR
Date: 12/8/01 2:15pm
Subject: Microsoft settlement

I am not in favor of this settlement it gives Microsoft more power rather than less power. By letting them dictate their own terms in this settlement. It's not even a slap on the wrist. It gives them a means of getting their software into the hands of the next generation at almost no cost to Microsoft. It results in what is nothing more than free advertising for them. their proposed value of their software is way understated. There are some development costs but turning out copies of software is relatively cheap. I would be surprised to find their actual costs to be more than One Million dollars, not even close to Five Hundred Million. Break them up! Fine Gates 5 billion and put him in prison for a few years to think about what he has done wrong.

William Hensley

MTC–00003502

From: jquinnella
To: Microsoft ATR
Date: 12/8/01 2:20pm

I believe that many people are forgetting about what the products & services of Microsoft have done for the country and the world. Microsoft has made it much easier for all of us to lead our lives and communicate with one another because of their business and residential software services. (why do you think the U.S. is such an advanced nation) The founding of Microsoft certainly did not hurt this evolution.

Please remember. . . .everyone loves an American success story!!! Just like Wal-Mart.

Regards, J.R. Quincy Omaha, NE USA

MTC–00003503

From: Geoff King
To: Microsoft ATR
Date: 12/8/01 2:21pm
Subject: microsoft settlement

I do not agree with this microsoft settlement. They were (and still are) a monopoly that abused their power. This settlement was a waste of time and money for all the years of hard work the US and states have done.

I vividly remember all the troubles with netscape when IE was first coming out. Microsoft should make operating systems, that run theirs and other software. But they should not be allowed an unfair advantage in controlling which software can be run and how it works, beyond the operating system, or which formats are 'standard'.

Netscape IE
Wordperfect Office
MP3,Realmedia Windows Media (WMA)

I'm sure there are others.

Just Venting,
Geoff King
ps. found this link on the redhat website.

MTC–00003504

From: Faisal Yousuf
To: Microsoft ATR
Date: 12/8/01 2:22pm
Subject: Fairness is All I ask of you!

Hello to the employees of the Department of JUSTICE,

When I got the news that Microsoft was found to be a monopoly, I felt such a relief. I said to myself that there is somebody with integrity and common sense in the DOJ who believes in such things as cunsumer protection and a free market. Then I got this horrible news about a so called settlement with Microsoft which is a mockery of everything that justice stands for. The guilty shuld be punished that's justice, plain and simple.

This so called settelment with Microsoft, lets the guilty off with a slap on the rest and let's him resume exactly what he has been doing before the DOJ's ''justice'' was handed down to them.

You want to know what I consider justice: the moment that I walk into a computer store everywhere in the US and the world to buy a PC, and the store clerk asks me: What kind of Operating System I want be loaded on my new PC, or whether I want it to be blank so that I can take it home and load whatever I want on it? At that precise moment, the DOJ whould have fulfilled justice. Anything else, is farce.

Faisal M Yousuf
Jeddah, Saudi Arabia

MTC–00003505

From: Joshua E Reeder
To: Microsoft ATR
Date: 12/8/01 2:30pm
Subject: Microsoft Settlement

I am aware that the proposed settlement gives Microsoft a lot of power with regard to releasing API's, etc. to freeware and open source groups. This is incredibly counter-productive, as the only group that has as much development support as Microsoft is the aforementioned open-source movement.

Specifically, I am referring to: Section III(J)(2) Section III(D)

Thank you for your time.

Josh

MTC–00003506

From: Austin Myers
To: Microsoft ATR
Date: 12/8/01 2:32pm
Subject: Microsoft Settlement

Pursuant to the Tunney Act, I am submitting the following for consideration:

I do not claim to be a judicial wizard or that I understand all the requirements of submitting a letter like this. However, it is my hope the courts forgive my ignorance in this area and allow me to express my views and accept them in the good faith I offer them.

To provide the quick answer, let me say I approve of the proposed settlement between the DoJ, the approving State Attorney Generals, and Microsoft Corporation. With

that said I would like to express my reasoning behind this:

Microsoft has been found guilty of specific violations of the law and as such should face the consequences of their acts. However, I believe any ?punishment? should fit the ?crime?, and I believe the proposed remedies do this very nicely.

If I understand all that I have read on the subject, Microsoft's biggest problem is in how they conducted business with OEMs. (Original Equipment Manufactures) It would make sense that this is the area of behavior that should be addressed, restricted, and monitored. While a small minority of people would like to see additional restrictions and/or restructuring of Microsoft, I believe doing so would not be in the best interest of the average consumer.

I have worked with PC users on a daily basis for about 20 years and have had one point driven home time after time. ?The key to consumer satisfaction is making the PC simple to use.? The concept that breaking the Windows Operating System in to multiple components will somehow make the PC easier to use is just plain wrong. In my experience, users want a PC they can set-up, turn on, and immediately be productive with.

Another consideration for the average user is one of support. As I said, I make a living helping people with their PCs. With Microsoft Windows I have a ''known'' basis to work from. I can count on a number of things being in place and I know their structure. This allows me to quickly resolve any problems the user may have. If I, as a support person, am required to learn and deal with what could be hundreds of possible configurations, I would have no choice but to increase the price of my services, and in all likelihood, spend considerable more time resolving the user's problems. This will obviously be reflected in the users cost of ownership.

It is unfortunate that the DoJ and the courts have been placed into the current situation, but the reality is that it was necessary. With that said, my feelings on the matter are that the government must show extreme caution to go no further than is absolutely necessary. The PC industry is still in its infancy and market forces are just beginning to shape it. The Linux Operating System is becoming more and more popular, large corporations other than Microsoft are developing standards for the Internet, and there is serious competition in just about every conceivable area of PC use.

I pray the court consider the users of PCs and not just Microsoft's competitor's complaints. Regardless of which company or corporation ?wins? the race to market share, ultimately it is the user's needs that must be met. And it is for these users's I ask that the current proposed settlement be accepted and enforced.

Sincerely,
Austin Myers
RR 1 Box ?63?
Denver, Mo.

MTC–00003507

From: RONJOYCE@aol.com@inetgw
To: Microsoft ATR
Date: 12/8/01 2:34pm
Subject: Comment

WHY DON'T YOU GUYS, AND THE STATES, GET OFF YOUR PATHETIC PURSUIT OF THIS COMPANY?

SURELY YOU HAVE SOMETHING ELSE MORE PRODUCTIVE TO DO.

I, LIKE MANY OTHERS I INTERFACE WITH, ARE VERY MUCH FED UP WITH YOUR ATTITUDES TOWARD AN AMERICAN ICON AND SUCCESSFUL BUSINESS. SURE IS NOT TEACHING OUR YOUNGER GENERATION ANY POSITIVE BUSINESS IDEAS. I WOULD SUGGEST STOP MAKING DECISIONS FOR PEOPLE THAT MAY OR MAY NOT EVEN UNDERSTAND WHAT A COMPUTER OR NIC CARD IS AND TELL THEM TO GO ABOUT THEIR BUSINESS, WHILE YOU GO ON TO SOMETHING ELSE.

GET A LIFE, GET OFF MICROSOFT!

Ron Raney

MTC–00003508

From: RONJOYCE@aol.com@inetgw
To: Microsoft ATR
Date: 12/8/01 2:43pm
Subject: ANOTHER COMMENT

AS FAR AS ALL THE CRITICS LINING UP TO COMPLAIN ABOUT THE CURRENT SETTLEMENT, DON'T YOU THINK THEY ARE USING THIS AS A WAY TO IMPLEMENT THEIR OWN TYPE OF MONOPOLY, JUST BECAUSE THEIR PRODUCTS ARE INFERIOR TO MICROSOFT'S?

WHEN CEO's STOOP SO LOW AS TO USE CRUMBS TO GET THE LAW ON THEIR SIDE, IT IS TIME TO HANG UP THE LEGAL HAT! THEY TOO SHOULD BE TOLD TO GO HOME AND QUIT WHINING!!!! THEY SHOULD CREATE A BETTER, OR MORE PRODUCTIVE PRODUCT AND THEY TOO WILL SUCCEED.

KEEP THE COMPETITION THE WAY IT IS WITH MICROSOFT LEADING THE PACK. WE WILL ALL BE BETTER OFF IN THE FUTURE!

Ron Raney

MTC–00003509

From: Chuck Hill
To: Microsoft ATR
Date: 12/8/01 3:11pm
Subject: Opinion on Microsoft anti-trust settlement

I am writing you to express my opinion on the recent DOJ settlement with Microsoft on the antitrust trial.

I short, I strongly feel that the agreement does not go far enough in punishing Microsoft for their anti-competitive practices, nor limits them in the future in following these practices. Microsoft's present behavior belies what is ahead for the computer industry under a weak agreement:

—Microsoft continues to leverage its advantage over competitors by not including Java in its release of the latest Internet Explorer shipped with Windows XP. Likewise, Microsoft bundles their Media player, while shutting out RealAudio's player (similar to the practices earlier of bundling Internet Explorer with Windows, but not Netscape).

—Microsoft is effectively pressuring corporate customers to perform upgrades and purchase subscriptions and support under a deadline. After the deadline, new plans and prices will go into effect, although it is vague as to what those conditions will be.

—Microsoft has declared war on open source software, such as the Linux operating system, calling it un-American. There is even concern in the open-source community that Microsoft may start trying to limit the growth of open source software through software patents and other legal mechanisms.

—Some of Microsoft's licensing agreements go so far as to limit free speech, compelling the customer not to make remarks that derogatory or critical of Microsoft.

—The agreement to view Microsoft source code, under the control and watchful eyes of Microsoft, is a minimal concession and provides little or no advantage to vendors in developing software to run on Microsoft platforms. The fact is that Microsoft product teams will have FULL access to source code, as well as being privy to future enhancements to their operating system. I doubt they will give the same access to competitors.

—Microsoft continues to branch out into new markets and initiatives, including PDA's, Web services, game systems, set-top boxes. In typical Microsoft fashion, these systems are closed source, compete with industry standards, and don't interoperate well with other systems. The one main exception is Microsoft's embracing XML with their .NET initiative, but even .NET is a closed system.

—Microsoft's latest version of Windows, XP, practically forces the customer to register with Passport, an on-line identification service, providing personal information that will reside on Microsoft servers. Microsoft will own this data, along with the temptation to sell or otherwise abuse this privilege. Of course, this is in direct competition with other similar, more open mechanisms of storing user identities.

—Even with the current agreement, Microsoft does not admit to their guilt, and does not acknowledge its monopoly status, even though this is the ruling.

These are just a few examples that come to mind. I've read many more in the industry press.

Under normal circumstances, where there are several players in the market, Microsoft has every right to compete in a vigorous manner. But these are not normal circumstances. Microsoft is one of the largest corporations in the world, and the largest software vendor. Microsoft holds over 90% of the desktop computer market. Microsoft Office products have such a high penetration in the corporate market that Microsoft Word and Outlook are the defacto word processing and email programs of corporate America.

When Microsoft says jump, these customers have little recourse but to say ''How high?''.

This situation is not unlike 20 years ago, when IBM held dominance over the mainframe computer industry. It was not until they were pressured by the DOJ, and the PC came along, that competition opened up and we started a long technology boom, which led to more innovation, including the Internet.

Prior to this, we had closed, proprietary systems which did not interconnect well. If IBM had maintained its hegemony over systems and networking, it is doubtful that we would have seen anything like the Internet. I see the same situation with Microsoft's dominance of the desktop—as long as their code and data formats are secret, and they dominate the marketplace, it will be difficult for innovators to come up with the next 'Internet.'

To give you additional perspective on where I'm coming from, I'm writing this email on a Windows 98 system, using Microsoft Outlook. I typically use Microsoft products for my email, word processing (Word), financial planning (Excel and Money). They are fine products. However, I also use Linux, Netscape, StarOffice, Java and other systems and applications. I have no problem with using Microsoft products. But I do have a problem where one vendor has such dominance in so many areas of computing as to stifle innovation that a truly competitive marketplace would bring. Microsoft claims to be a champion of innovation, yet oppose it in the open-source community and quash it from their competitors.

Personally, I feel the ''remedies'' do not go far enough in leveling the playing field, and Microsoft has been given carte blanche to continue in their arrogant, aggressive fashion. We will see Microsoft in court in the future, I fear. But what I fear more are the ideas and innovative products that will be stifled or never see the light of day until that next day in court arrives.

Sincerely,
Charles E. Hill
President
Hill Systems Consulting, Inc.
7208 Fairford Place
Tampa, FL 33634

MTC–00003510

From: Rodman Brett
To: Microsoft ATR,quevreaux@sugar-land.oilfield.slb.co...
Date: 12/8/01 3:17pm
Subject: MicroSoft, Monopolies, and a Metaphor December 6, 2001
From: Brett A. Rodman
Diogenes Unlimited Political Consulting
temp address
102 Reid Road
West Columbia, TX 77486
To: The Honorable Jim Miller
The Attorney General of Iowa
Subj: Microsoft, Monoplies, and a Metaphor
cc: The Securities and Exchange Commission
Attorneys' General CA, DC, MA, CT, FL, IA, KS, MN, UT, WV
The Securities and Exchange Commission
The European Union

Mr. Miller,

I would like to comend your state on its decision to continue with the anti-trust case against MicroSoft. It is unfortunate, but as it stands Mr. Gates has been able to amass the great amount of wealth that he has, and keep this wealth as a result of the judicial community's, and the public's widespread ignorance concerning computers, and the internet, and more than this, how it is that laws governing the contracts, public welfare, and commerce of day to day business apply on the internet.

I have done extensive studies in this area over the last year, most specifically how Bill of Rights protections, most specifically how political and speech rights apply on the internet. This being the case, I would like to take a crack at providing a metaphor for how Mr. Gate's Monopoly over the ''Air Space'' in Cyber-World is detrimental to the general welfare of the public. The Internet is a Super Highway. Like any other road, it is the backbone and life blood of commerce, industry, and free enterprise. This is much the same as the Rail System in America was in the 19th Century and the Highways projects of The New Deal were in the early twentieth Century.

The MicroSoft Corporation, and Bill Gates, have in fact made it so that to even get on the highway of commerce you have to pay them. Most who are not astute as to computers do not understand this. In fact as it currently stands, it is nearly impossible to find a computer system, or operating server that is accessible for public, and or private computers, without having to access and utilize the Windows Operating System.

Mr. Gates' defense is that you should not penalize success. That invented this system for the most part and therefore I am justified in establishing an operating monopoly because of this. Well then, I suppose that the person who invented concrete should be given money everytime a new road is paved, a bridge built, or driveway poured.

In fact, as this metaphor applies to the Super-Highway of Commerce, imagine this. Imagine that the company that invented concrete was allowed to take fees for everytime you used the road-ways. So the person that invented concrete setup a toll-booth at the end of every American driveway, established and erected by the government so that they could get some tax money. Every time you wanted to pull your car out of the driveway, you had to pay a toll to the man who invented concrete and the government toll booth tax collectors.

Well eventually, one car owner became mad about this and sued. And said that the man that invented concrete, and the government toll collectors could not do this, that it was a monopoly of the roads and a violation of their rights. Unfortunately, because people liked driving their cars on the roads, the man who had invented concrete had become the richest man in the world. He was able to buy and sell the justice system for the greatest part, make backroom political deals, and have political campaigns bought and sold so that he would be able to keep hold of this profitable monopoly. So instead of breaking up the monopoly, the government made a deal with the company that made the toll booths at the end of driveways (The Sun Microsystems Java systems) that they would split the money from the monopoly with each other, and that in effect would serve as justice.

Then the man who invented concrete, and the toll booth makers, now happy with themselves, went and promised to pay all of the legal fees of the people who did not like the deal, and offered more inducements to get anyone else to drop the matter entirely.

This was because the man who invented concrete understood that it was better to have to share all of the monopoly money with one other person, than allow the government to engage in a takings act of the patent for the common welfare, with due compensation being given to the concrete maker under the IV Amendment.

I do hope that you understand the metaphor, and will use it in calling other Attorney's General around the United States of America to convince them that in fact, the metaphor above is most certainly what the Microsoft Monoply case represents, and is a violation of the Wagner and Sherman Anti-Trust Acts.

I look forward to hearing from you concerning this matter.

Very Truly Yours, I am,
Brett A. Rodman

Subject: MicroSoft and Movie Studio Investments
To: brandan.sullivan@williamsandconnolly.com, drogers@teamsc.com, sboyd@carolinacapital.net, kthomas@teamsc.com, microsoft.atr@usdoj.gov, sjeantet@macdom.com, webmaster@microsoft.aynrand.org, jhendren@seatletimes.com, attorney.general@state.mn.us, webmaster@ago.state.ma.us, uag@att.state.ut.us, attorney.general@ppo. state.ct.us, ag@oag.state.fl.us, awhall@agmail.ag.state.ia.us, webteam@ag.state.ia.us, luparker@news.kabb.com, sandersa@cofc.edu, houghs@cofc.edu, cabotj@cofc.edu
From: Rodman Brett <securitiesandexchange@justice.com>
Date: 20 Nov 2001 12:06:51 PST
November 20, 2001
From: Brett Anthony Rodman
Diogenes Unlimited
Political Consulting
temp address
1009 11th Street NW
Washington, DC 20001
832–496–1925
To: The Securities and Exchange Commission (SEC) 450 Fifth Street
Washington, DC 20549
202–942–7040
Subj: MicroSoft and Movie Studio Investments
Ref: (a) Ltr to Brett A. Rodman dtd February 18, 2000 from the SC Department of Commerce
cc: The South Carolina Legislature
The Federal Bureau of Investigation
The Film Office of South Carolina
The SC Economic Development Authority
The South Carolina Department of Commerce
The Apple Corporation
The MicroSoft Defense Site
The Department of Justice Anti-Trust Division
Offices of the Attorney General SC, CA, CT, FL, IA, KS, MA, MN, UT, WV
International Anti-Trust Agencies
Brendan Sullivan, Attorney at Law, Williams & Connoly
The College of Charleston

EC,

My name is Brett Anthony Rodman, I run a small political and legal consulting entrepreneurial enterprise. I am interested in the MicroSoft Case, but have little time to research the issue right now.

However, I have a ''hunch'' that I was hoping your agency and the cc: line addresses might be interested in undertaking duedilligence concerning its validity. For, if it is true it speaks to the business practices of MicroSoft, not only in the area of Information Technology, but its investments in other areas of the economy. It concerns the ''intellectual property rights'' to offer an IPO, and garner 'venture capital' for the Construction of a Movie Studio in the State of South Carolina.

In February of 2000, I authored, and delivered a hand-written copy of a 30-year Economic Redevelopment plan for the State of South Carolina. The State of South Carolina acknowledged receipt of this plan, which included the construction of a 'movie studio' with Reference (a). I contend for the record, that my former employeers, Practical Holdings Limited of 206 Sak's Fifth Avenue Building, and Zebo's Restaraunt and Brewery of 275 King Street Charleston, SC did conspire, to defraud me of the rights to this ''intellectual property'' through threats, intimidation, bribery, and eventually a 'murder attempt' in front of St. Louis Cathedral in New Orleans, LA resulting thereof, for their own pecuniary, fiduciary, and economic benefit. I originally made this contention, and my desire to see the matter investigated to the United States Secret Service Field Office and Special Agent Kenny. At the time of the Field Interview, Special Agent Kenny mentioned that he did not feel that the American Government could investigate pertinent to 10th and 11th Amendment concerns. The same behavior that was exhibited in Charleston, SC, has now continued through three other state jurisdictions. The States of Texas, Missouri, Louisiana, and even to a lesser degree the District of Columbia. Throughout the breadth of this three year hate crime, and I would contend human rights abuse I have kept the Federal Bureau of Investigation through e-mail, and the United States Secret Service through e-mail and interviews, updated on the progress of these individuals and their criminal behavior. Unfortuantely, the coconspirators at Zebo's Restaraunt and Brewery have extensive connections throught the nation's capital and getting any type of investigation initiated has been difficult. You can contact the Ned Twining, formerly one of the largest shareholders of Exxon Oil for details on the behavior of his investment at Zebo's Restaraunt and Brewery.

This brings me to the possible involvment of the MicorSoft Corporation. As everyone in the financial world is well aware, all corporations have people on the street, as information represents money. Microsoft obviously, as they have more money have more people on the street. I contend for the record that the Co-conspirators to defraud me of my property did in fact approach the Microsoft Corporation for Deveolpment money to investigate the possiblity of the construction of a movie studio in South Carolina.

In fact, I contend for the record, that my employment by Debra Rosen, Tony Stroupe, and Mark Barhyte at Practical Holdings Limited, and Zebo's Restaraunt and Brewery was nothing more than a duedilligence effort to gather enough information to be able to commit identity fraud, so as to garner investment capital from sources banking in the Bank of Japan Monetary System. I have made this contention, and sent documentation to the Embassy of Japan, and the Consulate of Japan in Houston to enummerate these concerns.

Moreover, Practical Holdings Limited was working on a Interactive Museum Project with the Gates Foundation in Charleston, SC. I contend that this is the point in time where, ''money to be put on the street'' was garnered as, 'investigative capital' or plans 'formulation money. This money was then used to intimidate, bribe, buy off justice officials and police officers, and eventually have me stabbed in the streets of New Orleans. I feel that if the MicroSoft Corporation offered money for this project, or funneled money to his people in the street, through quasi-jobs (i.e. payments for doing nothing), Mr. Gates was aware of what the money was being utilized for, approved of this, and in fact established a high tech concentration camp, a hate-crime, and a human rights abuse for his own amusement. Of course assuming that he, as the richest man in the world could just buy the problem away later.

I do sincerely hope that you will look into this matter, and contact the aforementioned individuals. As it is my contention that if Mr. Gates was involved he is subject to the provisions of USC Title 18 Section 96, and forfeitures contained therein, to the Treasury Department of the United States of America.

The international community and economic police agencies can contact any foreign students who attended the College of Charleston from 1997 to 2000, to ask them what they might know about any of this. A good place to start with any duedilligence would be 139 Calhoun Street, the Trio Club.

In earnest, I am,

Brett A. Rodman

By the way, one other person you can contact is Professor Bjerken of the College of Charleston Philosophy Department. I took a Chinese and Japanese Religions Class from him. There was a girl (red head) named Katy who sat next to me in class. One day she walked by me, and condescendingly muttered under her breath at me, ''you're taking on Microsoft''.

Apparently, MicroSoft has purchased the American Government and Legal System.

MTC–00003511

From: Ryan Esty
To: Microsoft ATR
Date: 12/8/01 3:19pm
Subject: remedies for Microsoft

Lots of people in the open source community say that if the goal of the MS vs DOJ is to increase competition and give people more choices then there are two things that need to happen. One of the things is to force Microsoft to document and open their file formats, communication apis, and windows apis. With out these apis and file formats open then everyone that tries to write something to be compatible with microsoft windows or microsoft applications the programmer(s) will always have to guess and might be locked out if Microsoft changes the apis. The other thing that needs to change is ammending the DMCA so it is legal to reverse engineer such protocols. Without this then it doesn't matter what restrictions are put on microsoft, they will just use this law to sue everyone into oblivian much like the mpaa is doing to people with decss.

I hope this helps

Ryan Esty

CC:attorney.general@po.state.ct.us@inetgw

MTC–00003512

From: Michael Bishop
To: Microsoft ATR
Date: 12/8/01 3:20pm
Subject: Microsoft Settlement

To whom it may concern,

I am very concerned about the settlement the government is offering to Microsoft. I see many loopholes in it and I would like to see it changed.

Many of the loopholes that I am deeply concerned about are discussed in Robert X Cringley's column which is available here: http://www.pbs.org/cringely/pulpit/pulpit20011206.html __michael

MTC–00003513

From: Portland, Oregon TCF
To: Microsoft ATR
Date: 12/8/01 3:35pm
Subject: What a farce!

After all the hope you created by going after Micro$oft you sure wimped out with this ''settlement''. You might as well have told Little Billy to continue as planned. I really like the option provided by Red Hat. Let Bill fund the hardware and allow open source software to be used!

John Bruce, Webmaster
Portland Oregon Chapter
The Compassionate Friends
pdxtcf@teleport.com
www.portlandtcf.org

MTC–00003514

From: Mark Compton
To: Microsoft ATR
Date: 12/8/01 4:02pm
Subject: Punish don't reward Microsoft

Microsoft should be split into 4 corporations.

(1) Business suite and productivity software.

(2) Network Operating Systems and Operating Systems.

(3) Internet Software.

(4) Programming Software.

Nothing less will end their monopoly and outright arrogance. Is the government afraid of Bill Gates?

Mark Compton

MTC–00003515

From: David McCabe
To: Microsoft ATR
Date: 12/8/01 4:03pm
Subject: Microsoft Settlement

Greetings,

It would appear that the proposed Microsoft settlement gives no rights whatsoever to non-profit entities (see section

III(J)(2), section III(D)). This is a problem, because Microsoft's greatest competitor is not a for-profit organization. It's free software. There is much in this market which Microsoft has in the past and can in the future hurt or even kill, which the settlement provides no protection for.

David McCabe

'"finger david@12.225.145.151' for PGP key.

Wrfhf ybirf lbh!

MTC–00003516

From: Dan Dickerman
To: Microsoft ATR
Date: 12/8/01 4:09pm
Subject: Microsoft Settlement

I am writing in response to the request for public comment on the recent Microsoft anti-trust settlement, to express my disapproval of one of the aspects of the proposed settlement. Though this issue has been raised by other groups before, I am also proposing a possible compromise of this settlement which would be more generally acceptable.

Specifically, the portion of the settlement by which Microsoft will donate computers and software to educational institutions is a minor cost to MS, while allowing them to essentially advertise their own products to thousands of schoolkids and educators. This allows them advertising space, and gets their foot-in-the-door of the education market, a longstanding stronghold of their OS competitor Apple Computer, and a growing stronghold with Linux, under the guise of actually penalising Microsoft in some way.

I would suggest that if Microsoft were sincere in their will to better the educational system through computer hardware and software donations, they should not be allowed to present their own products as a way to fulfill that donation. Such a donation sould only be considered a sincere and worthy part of a settlement if Microsoft were to pay the costs of donating strictly non-Microsoft products, such as those which run Linux and MacOS, and with a prohibition that these computers not be allowed to run MS software or for the Microsoft name or logo to appear anywhere on these products.

Further, for any such donation to be of true use to a school, there will be a need for ongoing computer support, configuration and training. Again, such services should be paid for my Microsoft, but should be provided by non-MS service companies which are known for their strengths in promoting and servicing these non-Microsoft products, so as to prevent MS from evangelizing its own products in this environment.

Dan Dickerman
Mountain View, CA

MTC–00003517

From: goran@ekeberg.virtualave.net@inetgw
To: Microsoft ATR
Date: 12/8/01 4:09pm
Subject: Settlement...

Dear Sir's:

I've read a lot of encouraging news about DOJ investigations, considerations and upcoming legislation against Microsoft. Now I'm sad to say that the effort seems to result in a very watered-down result, mostly due to lack of congruen on your side.

The simple truth is that in this world of technological reserch and landwinning discoveries, we just can't let a single company dominate, infiltrate and parasite on the economical strength of the western world and further enhance the vast differences between the poor and educationally challenged countries and the rest. (Let alone the impact of rapid-changing interface paradigms on individuals.)

If we proceed along this path, we are sooner or later faced with a effort of retraining millions of coworkers on the every-other-year product/training/certification release whim of one company. An effort from which no-one but said company will benefit and that it certainly will result in a hampering of free market competition due to sheer need of competence control and turnover. Furthermore, this effort will provide no actual enhanced technical skills, since the base of MS operations is to repackage open and available technology in a acceleratingly more complex form, thus seldom providing any real operational value.

Regards:
Goran Ekeberg

MTC–00003518

From: Dan Alustiza At The Hat/Cap Exchange
To: Microsoft ATR
Date: 12/8/01 4:21pm
Subject: Microsoft Settlement

The odds of this being read, are slim at best, but this is one thing that requires attention. First I would like to state that this suit should never have been permitted. I have been a software developer for 18 years now, and I remember back to the days before Microsoft. Microsoft brought control to a profession that was totally out of control. Everyone had their own set of standards, which made it next to impossible to build any type of software application, in any timely manner. All that Microsoft has done, is act like any other healthy company in this country has. Companies such as Oracle and Sun, are examples of companies that cannot keep up with Microsoft, so what have they done, gone and cried to the Government. This is no different than little children crying to the teacher, because big Johnny did not give Teddy a piece of the pie.

The proposed settlement, although costly to institute, would enable companies like Oracle to watch over Microsoft's practices, without hindering the growth of the software industry. The settlement would also permit the hardware manufacturers the freedom they should have to install any operating system, and software applications, that they so choose. This is one area which I did think Microsoft was out of control. They should never have been permitted to force the hardware companies to install the Microsoft products. In saying that, I also think the hardware companies CEO's should have had the guts to stand up to Microsoft, on this matter. A lawsuit was not needed to fix this problem.

In closing, when this lawsuit was filed, and brought to court, that started the recession, that this country, is currently in. The stock market started faltering within a couple of weeks, of the court proceedings, and the tech arena started to fail. People, and companies started to loose money, and the trickle down effect went into full force. As usual, the government placed their hands into an area they knew nothing about, and screwed it up. Settle this suit now!

Dan Alustiza

MTC–00003519

From: lesjmc
To: Microsoft ATR
Date: 12/8/01 4:37pm
Subject: SETTLEMENT

I as a citizen feel that the settlement should be accepted by all parties invoved. Due to Microsoft in the past, they broke the financial barrier of companies like IBM to where it made it financially affordable for the common citizen or person to be able to own a PC in their home. The price of their software is very competitive with everybody else.

If we are going to make Microsoft make available software to everybody else who wants to attach it to windows or bundle with it, then why do we not, for example, make it mandatory for the auto industy to let it be available to have a Chevy engine as a option in your Ford, or vise versa or a Ford stereo system installed by Chevy, in your Chevy.

All we got here is some state attorneys who are just trying to make a name for their themselves for their own personnel gain. They do not have the public interest at heart.

Les McCann

MTC–00003520

From: Gary Cable
To: Microsoft ATR
Date: 12/8/01 5:02pm
Subject: DOJ Microsoft settlement

To whom it may concern,

Extreme disappointment doesn't even begin to describe my feelings about the, so called, settlement with Microsoft concerning the anti-trust case. In my view, it wasn't a settlement, it was a ''GET OUT OF JAIL FREE'' pass. You can bet that Microsoft will continue the same business practices that brought the lawsuit to start with, only I fear it will become worse than ever. I'm not certain a breakup of Microsoft was the answer, but some sort of significant and substantial penalty was certainly in order.

Some day this lawsuit will have to be repeated and maybe next time Microsoft will actually pay for its sins. I do wonder if someone in the DOJ is a little richer.....MS was found to be a monopoly and went free. Hmmmm. At least MS will not get any more of my $$$.

Regards,

A very disappointed and dis-believing tax payer.

Gary Cable
gcable@texoma.net

MTC–00003521

From: Romica Johnson
To: Microsoft ATR
Date: 12/8/01 5:11pm
Subject: microsoft

Microsoft never intended to hurt its competition.

MTC–00003522

From: donald bisbee

To: Microsoft ATR
Date: 12/8/01 5:15pm
Subject: ''Microsoft''

PLEASE DON'T THROW ME INTO THE BRIAR PATCH says Microsoft, and so what do you do? Throw them in the briar patch!!!

When I buy Microsoft's junky programs I am forced to beg them to use it via secret number I need to beg them for.

CAN YOU IMAGINE A SETTLEMENT MORE FOOLISH THAN FORCING MICROSOFT TO ADVERTISE TO SCHOOLKIDS OF ITS MONOPOLY???? YOU CAN HAVE ANYTHING YOU WANT AS LONG AS IT IS MICROSOFT!

Years ago Xerox was forced to sell machines not just rent them along with the phone company , and Kodak had to stop forcing developing sales with its film. But Microsoft now gets free advertising and boosts to its stranglehold monopoly on ''operating systems''!

MTC–00003523

From: Dave Doucette
To: Microsoft ATR
Date: 12/8/01 5:24pm
Subject: Microsoft Settlement with the Justice Department

To whom is may concern.

I would like to express my concern regarding the settlement between Microsoft and the Justice Department on a few points. They are:

—The current settlement does not require Microsoft to provide access to their technology to the Open Source Forum, and restricts access to companies. This is very short-sighted since much of the alternate-Microsoft solutions are being developed in Open Source. Without access to the Microsoft technology, it will restrict alternate, competitive solutions.

—Microsoft HAS stifled innovation in the industry. I can assure you from my own personal experiences that very little innovation directed at the desktop can get venture funding over the past five years. The threat is that Microsoft will simply copy the technology and walk away with the business, just like what they did with Netscape and browsers.

—Personally, I feel that the proposals from the states in requiring Microsoft to deliver office on other platforms (including Linux) and delivering a ''core'' version of their Operating System makes incredible sense.

As you are looking into who will sit on the three member committee to review Microsoft, I would like to submit myself as a candidate. I've been in involved in computer technology since 1979. My background includes Hardware, software, OS and Networking. I am nearing completion of my MBA at Clark University this spring, and I am currently a freelance Business and Marketing Consultant. I do feel it is important for a company to develop and build an environment for the delivery of software and technology for the masses, but it is critical that this environment is used to nurture innovation, not stifle it. I am including a copy of my resume for your reference. References are available on request.

Dave Doucette Home:
DaveDoucette@mediaone.net

MTC–00003524

From: Peter Yellman
To: Microsoft ATR
Date: 12/8/01 5:26pm
Subject: DOJ/MS settlement is flawed

Hon. Judge Kotar-Kelly:

I been closely following the government's efforts to reign in Microsoft's illegal and anticompetitive behavior since 1995. I have also been a careful student of Microsoft's misbehavior since I gradually came to the conclusion between about 1995–1997 that Microsoft was stifling the advance of the computer/software industry (as well as being an incorrigible lawbreaker, which is fascially evident) with nearly certain negative long-term effects for our nation's economy, despite the fact that I made my living at that time as a computer technician servicing Microsoft windows-based computers and software. I have been personal witness to outright lies perpetuated by Microsoft's top executives (Steve Ballmer).

The settlement in the Microsoft anti-trust trial, as proposed by Microsoft and the Department of Justice, will do very little to curb the illegal behavior that has become the hallmark of that corporation, and equally little to deter Microsoft from using its monopoly in operating systems to extend its market dominance to other markets and product areas. On the other hand, the remedies recently proposed by the 9 dissenting states and the District of Columbia encapsulate exactly what needs to be done to reinvigorate the industry and once again make it a source of interesting and exciting professions. Frankly, I am pleasantly surprised and profoundly impressed with the group who put together that plan, as it addresses key issues which I previously (from other government prosecutions of Microsoft) concluded public/government officials were unable to grasp, or unwilling to address—for example, the fairness of requiring Microsoft to open source the Internet Explorer web browser which it has imposed on the public through a wide variety of illegal means and which has now become a defacto standard. In addition to preventing Microsoft from unfairly using Internet Explorer as a wedge into new product and service markets and penalizing competitors, forcing the company to open source that product will undoubtedly be just the ''gentle nudge'' it needs to draw the line of separation between that product and the operating system, a relatively trivial technical task that it has repeatedly refused to undertake and which has been the subject of so much ''debate''.

Finally, I have to note that there is a cloud of suspicion over the DOJ's proposed settlement arising from the massive contributions made by Microsoft to the Bush campaign during the most recent presidential campaign, especially when tied to the apparent refusal of career attourneys at the DOJ to put their names on the deal and the unprecedented private audience granted to top Microsoft executives shortly after President Bush took office. It is hard not to be cynical at the breathtaking about face we have witnessed at the Department of Justice under the new administration and the use of the terrorist attacks of September 11 to provide political cover for these actions. Please do the right thing, Judge Kotar-Kelly.

Peter Yellman
Herndon, VA
webform1@mindspring.com

MTC–00003525

From: K.P. CLARK
To: Microsoft ATR
Date: 12/8/01 6:27pm
Subject: Microsoft Settlement

In regard to Microsoft:

For five years now I have determined each year to buy a laptop computer. However, every time I come close to buying one, we get down to what software to include. On my desktop I have the Windows Operating System and Microsoft Office Professional, which includes programs which I seldom or never use. I am a teacher and a writer, and want the laptop to carry back and forth to the college. What I need on it is the Windows operating system and Microsoft Word. That is all. Can I buy just that? No. I have to buy an entire set of programs that I don't need and won't use. This is annoying, to say the least. Plus there is a program related to a subject I teach that I would like to load onto the computer, but other professors who have tried, tell me it is not compatible with the Microsoft operating system and has messed up their system, so I won't buy that program either. I hear my students complain similarly.

I have determined to forego the laptop so long as this problem exists. Do I have lots of choices? No. I could go with a Mac—a nice system—except for the problem of transferring data to my desktop. I could go with a Linux operating system but understand that is difficult to learn to use. So I will continue to use my old desk top and the computer at school until— and unless— I have a more viable choice than paying money for a bunch of programs I don't want. At least I have that those options. I hear that Microsoft only affects its competitors and not the consumer. I don't understand how anyone can say this. I am a very small computer user, and if it affects me at my level, it must affect many others.

Katherine Clark

MTC–00003526

From: Gary Palmer
To: Microsoft ATR
Date: 12/8/01 5:37pm
Subject: Microsoft Settlement

To Renata B. Hesse or whom it may concern,

I want to register my concern and object to the proposed Microsoft settlement agreement.

I feel the agreement unfairly excludes from protection non-profit organizations. The internet is comprised of many not-for-profit companies that are producing product often seen as the major competition to Microsoft and the current wording would allow Microsoft to exclude these products from any form of interoperation. I am refering to many products that include Linux, Perl, Apache, Samba and more.

Thank you,
Gary Palmer
gpalmer@usa.net

MTC–00003527

From: schultze@execpc.com@inetgw
To: Microsoft ATR
Date: 12/8/01 5:45pm
Subject: States vs. Microsoft

Put me on record in favor of Microsoft. Do not punish Microsoft for being sucessful in a competitive software industry.

Sincerely,
Karl Schultze
Waukesha WI 53188

MTC–00003528

From: vasu muppalla
To: Microsoft ATR
Date: 12/8/01 5:58pm
Subject: DOJ settlement with microsoft

I am a software developer of over a dozen years. During the course of these years, I have seen Microsoft's anti-competitive, unethical and even illegal behaviour again and again. While the DOJ watched, hundreds of companies and enterprenuers have been robbed of success in business or been rendered out of the market by Microsoft's practices. The DOJ has done precious little except propose conduct remedies time and again, which Microsoft blatantly violated. This so called 'settlement' is again in the nature of a conduct remedy and thus absolutely useless. Microsoft has profited at the destruction of many of its competitors and today has a huge cash surplus of $30b; much of it should be spread over its numerous competitors. What is the DOJ doing to punish Microsoft for its past deeds?

When a person kills another person, he can receive the death penalty but when Microsoft has destroyed numerous companies, why should it not be destroyed? Also, why are the individuals of an organization that broke the law again and again and again, showing utter contempt for law, being completely exempt for their actions?

Here are my proposals:

(1) Fine microsoft to the tune of at LEAST $10b to fund open-source projects.

(2) Make microsoft develop filters for competing office products such as star office and koffice.

(3) As an alternative to '1', punish all Microsoft executives in the past 10 years with severe cash penalties and 'contempt of court' remedies incl jail time for not complying with court decrees.

(4) Make OEMs not install windows by default. Customers must specifically ASK for windows and the cost of that should be separately calculated.

(5) Item '4' shall apply to ALL software, Microsoft or not. No software will be bundled with computers except those sold to businesses.

(6) Microsoft shall NOT have any contracts to make windows source available to other software companies. They can license windows source WITHOUT being forced to reveal their own source code. This practice in the past enabled Microsoft to copy source code from Real networks, Sybase and many others and sell it as its own!

MTC–00003529

From: Donna (038) Bruno
To: Microsoft ATR
Date: 12/8/01 6:13pm
Subject: Microsoft Settlement

I think this case should be settled promptly as it has no merit at all. The cost of windows software is very reasonable to persons like me. Before Microsoft the computer was next to useless. They made the computer easy to use for most people, even at $1000.00 Windows would be a bargin to me. As far as anti-trust and price fixing, one only has to drive down Main Street USA and observe the price of gas. Note how the price changes up and down all at the same time. If you want more examples, how about your electric and natural gas utilities. To sum it up there are a lot of others that are more guilty tham Microsoft.

MTC–00003530

From: David Bergman
To: Microsoft ATR
Date: 12/8/01 6:14pm
Subject: Microsoft Settlement

Please make sure that Open Source projects COULD use Microsoft calls! Read the following page:

http://www.pbs.org/cringely/pulpit/pulpit20011206.html

MTC–00003531

From: Thunderheaded@aol.com@inetgw
To: Microsoft ATR
Date: 12/8/01 6:27pm
Subject: Microsoft Settlement

The Microsoft settlement is heavily weighed to the side of bitter rivals that will rage under any circumstances. To subject Microsoft to their bitter rivals' wishes means compromising security to those of us that choose Microsoft. The bitter companies and the way they want this situation dealt with not only serves to punish Microsoft but those that love America and what she stands for and whom she should justly reward (the achievers, not the underachievers). This is just another example of hate trying to invade the American way, or freedom to be the best one can be. I beg of you, do not allow the spoiled sports to run this country. For as sure as the way they run with ''Microsoft, the convicted felons'' will they run with the generous offers of Microsoft. The bitter rival companies are punishing individuals. If there is a worse crime it is the bullies (bitter rivals) that feel they have been bullied (by Microsoft) bullying you and I into their mentality of mediocrity, focusing on the wrongs in life they have been dealt, instead of focusing on the rights. Microsoft has been punished and curtailed. So have I and so has Suzi down the street. But that does not mean I should open up my doors to those I have wronged and allow them to run my household and loot from me, nor to be allowed to take the quality out of what I have. Open your eyes and you will see by the vicious viruses that have spread to discredit Microsoft whom the worst offenders are. Give them more ammunition and they will run with it all the way around the world to terrorize America.

Thank you. Justice is to be served which should include the terror tactics the bitter opposition has brought upon Microsoft.

MTC–00003532

From: norm@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 12/8/01 7:13pm
Subject: Microsoft Anti Trust

Dear Sir or Madam:

From what I have read, the penalty is a PR press release for Microsoft. We helped under privileged schools by giving them software they would not have bought anyway. By the way, this intrenches them more since school kids will likely see and use Microsoft products which encourages them to use them at home and later when they go into the corporate world. Having been a victim of MS, yes anyone who buys a computer from a retail store is a victim, I would like to see them have to buy RedHat or SUSE Linux and deploy it to under privileged schools and pay for subsequent training of staff. That way we would be exposing our youth to Operating systems that are used and designed for the Internet. This would foster competition and serve the public's interest. If they deploy MS products, which typically become incompatible with each other after each new release, the school will be forced to upgrade each time a new release comes out in order to inter-operate with any other division that upgrades. This essentially forces them to upgrade and buy more MS products in the future.

If you want to serve the public interest do the following: Stop them from forcing people to buy a MS license with each computer. If I buy a computer from a retail store I am forced to buy a MS Windows license whether I intend to use it or not. I may well delete all software and install a competing OS, such as Linux or Solaris. The retail store should be able to refund me the purchase price for MS and remove it if I ask and get a credit from MS. Any competing OS ends up costing double since you are forced to buy an MS license and the other OS license as well.

Gosh, what a deal, for Microsoft that is.

Thank you,
Norman Tackett.

MTC–00003533

From: Gary Murphy
To: Microsoft ATR
Date: 12/8/01 7:15pm
Subject: Microsoft Anti-Trust

I have been a computer professional for over 20 years. I have had the opportunity to watch trends (and companies) come and go. I have worked in technical areas of many computers from IBM mainframes to Palm handhelds. It would be impossible to be involved in the industry as I have been and not have an opinion on Microsoft.

I used to be a strong proponent of Microsoft and encouraged the use of their products. That loyalty disappeared as Microsoft moved from an innovative company as they were in the 1980s and started to use their acquired industry power and substantial financial power to bully and destroy competitors—not through better products, but through illegal monopolistic control over a vital part of the computer industry. My remaining positive feelings for Microsoft were eliminated when, during lunch with Microsoft VP Brad Silverberg, he unleashed a grand lie that caused me to provide bad advice to the company for which I worked at the time. I came to realize that Microsoft is an unethical company who has

abused the free ecomony of the U.S. and has abused the judicial system. Those beliefs were validated by the evidence presented at the Microsoft vs DOJ trial.

The remedy proposed by the Bush administration does not come close to an acceptable solution to this problem. The judgment against Microsoft is so light that it will serve to embolden a company already overflowing with arrogance. It is my expressed wish that a more serious and appropriate remedy be taken against Microsoft.

MTC–00003534

From: Bob
To: Microsoft ATR
Date: 12/8/01 7:18pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse,

I have watched the Microsoft case since its beginning and have lost faith in our system because of it. The part of the settlement that surprised me the most is the idea that Microsoft would provide free software to the educational community. The basic idea of this falls right in line with what caused them to be in the spot they are in. The average user of a computer does not realize that he or she is being denied any choices because there are no choices in the primary locations people make their purchases. Please continue working toward a viable settlement that will provide a choice for the consumer.

Thank you.

Robert Parker
Aurora, Colorado 80011

MTC–00003535

From: Carlo Wood
To: Microsoft ATR
Date: 12/8/01 7:29pm
Subject: ''Settlement'' only in favour of Microsoft

Instead of getting punished, you are allowing Microsoft to dump their monopoly software on all schools! I am very very against this! IF there has to be a settlement (which I oppose to begin with) then demand that Microsoft ONLY deliver the hardware and does NOT install software on it!!! I know that empty computers are not of much use to Microsoft—so let RedHat put free software on it, as they generously offered (or any other NON-Microsoft).

If the current, ridiculous, settlement passes—then you've been tricked by Microsoft and they will be laughing off their asses behind your back.

Carlo Wood <carlo@alinoe.com>

MTC–00003536

From: pwalker3603@juno.com@inetgw
To: Microsoft ATR
Date: 12/8/01 7:31pm
Subject: Microsoft Settlement
8714 Chase Tayler Place Louisville, Kentucky 40299
December 6, 2001
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I am writing this letter to inform you of my feelings concerning the Department of Justice and its suit against Microsoft. It is my strong belief that the Department of Justice has gone overboard with this suit.

I have been a user of the Windows operating system and feel that it has provided me with a simple and very efficient way to use the capabilities of my PC. I feel that the simplification of an operating system, Windows, is an advantage because it offers a more uniform approach to operations and applications.

The animosity felt towards Microsoft by a select few should be refocused to more pressing matters. Microsoft has done a lot of things to benefit the nation and all the way down to the local community level.

Thank you for your attention to this matter and I hope you share my belief that no more Federal action is warranted in this matter.

Sincerely,
Pat Walker

MTC–00003537

From: JGSUTILITY@aol.com@inetgw
To: Microsoft ATR
Date: 12/8/01 7:52pm
Subject: Microsoft Anti-Trust Settlement
Att: Renata Hesse, Trial Attorney

As a consumer I would like to think that there exists adequate protection from both State and Federal government to ensure that we are not subject to the whims and abuse of the marketplace.

In today's transportation highway a virtual monopoly exists in the oil industry. We have seen no alternative that has succeeded in the marketplace dominated by such friendly competitors. Choice is a sad joke in this area. We cannot afford to allow the same mistake to happen on the information highway. We have seen Microsoft market defective products and charge us for patches to correct them. We have seen them bully their way and intimidate potential innovators to either sellout or enter niches that tag onto their monopoly.

Apple's existance is at Microsoft's pleasure. It serves them to have the lame dog still in the dog race. We need remedies in place to ensure that real competition and choice develops. One would think that the taunting and ridiculous self-serving proposals that Microsoft has offered would be sufficient to convince the DOJ that any handcuffs or self-monitoring punishments are nothing but a joke to Microsoft. They feel that the laws were not written for them and so far they have been right. What is needed are forceful punishments such as forfeiture of sales, not profits, obtained through non-compliance plus a fine sufficient enough to jar the share price. This is the only action that Microsoft understands. Anything less is like trying to placate a carnivore with tofu.

We have spent a great deal of PUBLIC money to arrive at a finding that Microsoft engages in monopolistic activites. The public deserves a significant return on its investment. Anything less is making a mockery of the process and will fuel the further disconnection of the people from their government.

I believe that Microsoft is well able to compete in a leveled playing field and I will continue to buy their products as I have in the past. My only fear is that without forceful government oversight and expensive damages for abusive behavior my interest in their products will move from a decision of minuscule choice to a decision of no-choice.

I urge you to fight this battle, figuratively speaking, till your last breath for the benefit of all of us.

Respectfully,
Jack G. Simke
Burlingame, CA
CC:jgsutility@attbi.com@inetgw

MTC–00003538

From: BOBA28@aol.com@inetgw
To: Microsoft ATR
Date: 12/8/01 7:53pm
Subject: Comment regarding proposed settlement of Microsoft vs. DOJ

I faxed my comments to the DOJ, but am not sure they made it. The number that I sent the comment to was 202–307–1454, but the identifier on the Machine receiving the Fax was 202–353–8856.

My comments follow:

I support the current settlement with Microsoft by the Department of Justice and half of the states involved in this lawsuit. I do not think any more severe penalties are warranted. Microsoft probably deserved a little hand slapping because of the way they dealt with the computer manufacturers. But the issue surrounding the operating system improvements and add ons is frivolous. The Internet Explorer was a needed part of the operating system and add ons such as these should be allowed. It was also very easy for others to use Netscape if they wanted to. Bottom line is that Internet Explorer wound up being the best browser. I believe that a large part of the fuss on this issue is being made by Microsoft's competitors who have wound up second and third best and have tried to compensate for their under performance by supporting the antitrust law suit against Microsoft. I believe that a major motivating force for the hold out states is purely political as it relates to companies in their area and political contributions.

As a consumer, I believe that Microsoft has been good to us. They have provided outstanding products at reasonable and decreasing prices. Some states would prefer that consumers buy all of the add ons and that could be big down the road. Where Microsoft has been dominant in a particular software application, prices have fallen. I also believe that Microsoft has contributed mightily to the US economy. They have probably been the biggest contributor in the last 10 years. They should not be punished for being good to consumers and the economy. I might also add that Microsoft is a good corporate citizen.

It is time to settle this suit as the Department of Justice and Microsoft have proposed. The more harsh remedies that are being proposed by the non-agreeing states should be rejected.

Bob Andrews
Robert F. Andrews
1864 Castle Oaks Court
Walnut Creek, CA 94595

MTC–00003539

From: Vincent Sheffer
To: Microsoft ATR
Date: 12/8/01 8:02pm
Subject: Settlement a travesty

I am writing to voice my strong opposition to the antitrust settlement reached with Microsoft. I have always believed that justice in the U.S. means 2 things: punishment for the offender and remedies that prevent the offender from breaking the law, and thus harming society, again. Your settlement fails miserably on both counts. I see absolutely no punishment and, even worse, MS will be able to carry on with the same exact behavior for which they were found guilty by 8 judges (the original trial judge as well as the 7 appeals court judges). Finally, to the degree that the remedies are supposed to prevent a repeat of MS illegal behavior they won't. The most glaring weakness is in the area of APIs. The lead time that MS competitors are supposed to get by more timely release of the APIs is still not sufficient and leaves MS with a substantial advantage over its rivals. More troubling are the loopholes for allowing MS to not release certain APIs. Specifically, allowing them to withhold specifications for security related APIs allows them to pursue their most important current and future initiative fully capable of using the same aggressive (and illegal) tactics that the remedy is supposed to prevent. MS's Passport authentication system, which is their most significant strategic product moving into the future, will be exempted from this so-called remedy. Just as the current DOJ would never consider letting a convicted drug dealer off the hook without being punished, neither should you let a convicted corporate offender off with no punishment and free to engage in exactly the same condemned behavior in the future. If the current settlement proceeds unchanged it will be like giving the convicted drug dealer another bag of crack and letting them off in front of a school yard.

Thank you,
Vincent Sheffer
Software Developer

MTC–00003540

From: Mary Euyang Shen
To: Microsoft ATR
Date: 12/8/01 8:32pm
Subject: Settlement

Let Microsoft be Microsoft—Remember, it is its Windows software that unified the computer systems to be able to ''talk to each other''. Give it some credit. And how has it hurt the consumers? Let the competitors come up with the better software and consumers will flock to it! These 9 states all have constituents with competing software manufacturers.

Mary Shen

MTC–00003541

From: harry
To: Microsoft ATR
Date: 12/8/01 8:33pm
Subject: ie

Microsoft is justified in bundling their own software with Windows. It is not justifiable however to include these pieces of software and then not allow the consumer the option to uninstall it. I myself would not use Windows XP's firewall utility, windows media player, or Internet Explorer, so I should have the ability to choose all of these applications and uninstall them. Microsoft has built Windows with these applications in mind so if I even could uninstall them I would be breaking half of the functionality that Windows XP now provides. Also, many of Microsofts new .net initiatives will further fatten their monopoly since many companies are going to jump on to support this new architecture and then we the consumers are going to be forced to use Microsoft's os to benefit from them. I use linux because of its stability and because it is open sourced. I feel that many of Microsofts own networking protocols and file type information should be accessible to the public, so that various applications can benefit from using their technology. Then we can work on creating better applications that take advantage of a singular protocol. The American people should have the right to decide which software packages they want installed on their system and applications should not have to define their own file types just because 99% of the office community must use Microsoft Office to remain compatible.

MTC–00003542

From: Watts Family
To: Microsoft ATR
Date: 12/8/01 9:05pm
Subject: Microsoft Settlement

I find the settlement as currently extant seriously flawed. Microsoft is not seriously hindered from continuing to engage in unfair and or unethical business practices. I was (very) disappointed at the limited scope of the original charge. Many of Microsofts most egregious faults were completely ignored. C'est la vie. The proposed settlement agreement ignores the hobby and Open Source software movement. The Apache web server program currrently enjoys the largest market share. There are many other examples of non-commercial software, too numerous to enumerate here, which are effectively disempowered re Microsoft by the provisions (Section III(J)(2) and Section III(D)) of the agreement. I'm not an attorney nor do I have any significant legal training but I also suspect these provisions also leave out educational establishments as well as federal and state government agencies.

In summation, I strongly oppose the settlement its current form.

MTC–00003543

From: andre@pimout1-int.prodigy.net@inetgw
To: Microsoft ATR
Date: 12/8/01 9:06pm
Subject: Microsoft Settlement

I feel that the current settlement is not even a slap on wrist given the egregious abuse of monopoly power and flagrant violation of the law that Microsoft has engaged in. The only sure way to cure Microsoft is a structural remedy. History has shown that any other approach will simply be ignored.

The language of the settlement is full of loopholes which can (and will!) be easily exploited by Microsoft to continue to shut out any meaningful competition. In particular the language against not-for-profits in Section III(J)(2), allows Microsoft to shut out competition from organization such as Apache Foundation and SAMBA.

I'll keep this short since there will many more detailed analyses of the shortcomings of the proposed settlement, but I do wish to register my displeasure at this weak document.

Andre Burgoyne
Software engineer, U.S. citizen and voter
aburgoyne@sbcglobal.net
2446 Grant Street
Berekely, CA 94703

MTC–00003544

From: Darren Beck
To: Microsoft ATR
Date: 12/9/01 12:07pm
Subject: Microsoft Settlement.

Hi,

I would like to add my voice of concern about the proposed Microsoft Settlement.

I have worked in the computer industry for fifteen years and am now an independant software developer. I have also taken a very strong interest in the Microsoft Antitrust Case and belive I have read almost every article that has been written about it over the last few years since the case began. It has been for me a case of 'will justice be served' and a bit of a reflection on the state of the world. I don't think justice is being served at all in the proposed settlement. The state of the world in computers isn't looking too good at the moment. Microsoft has acted against the spirit and law of the antitrust regulations on a regular basis and appears to be still doing so. They have been found guilty of serious antitrust violations. They don't appear to be in any way interested in developing new and innovative software, rather their primary concern is to make sure that they control the market in as many areas as they possibly can.

I am certain that this is stifling innovation in the industry. The industry these days seems to have 'not getting in Microsoft's' way as their prime focus and only seems to be innovating in areas outside of Microsoft's concern. I remember well when new ideas and technologies were driving the industry forward on an almost daily basis. Now in the major applications areas and in consumer operating systems there seems to be very little if any innovation. Microsoft Word and Excel haven't gotten any better for years. Internet Explorer, now that it owns the market for web browsers, hasn't gotten better for years.

The market for computers and software is now as dead as it has ever been. Sales are low and growth is slow, and there doesn't appear to be much ahead that will fix this while the market is being continuously stifled.

For what it's worth, here's what I think urgently needs to be done;

1. Windows XP, with all of it's new 'free' add ons needs to have the add ons removed, or at the very least XP neds to be available at a cheaper price without these add ons. We are talking about add ons to do with multimedia, sound, video and instant communications here! These are crucial areas. If Microsoft is allowed to include these for free in their operating system then we can say good bye to innovation in these areas. As

things stand I can see versions of Windows Media Player that 'never get any better' being around for a long time to come and keeping this vital area of the market stifled. There is much that could be done in multimedia and communications if this section of the industry isn't stifled.

The fact that Microsoft has been allowed to release Windows XP with all of this bundled software so soon after it had been found guilty in court and on appeal of numerous antitrust violations makes no sense at all.

2. Microsoft should publish freely and to everyone any networking specifications that it puts into it's Windows software. Even better, it should be made to go through a standards committee if it wants to add to or change it's networking code. We are not just talking about networking here, we are talking about the future of the Internet.

The Internet is (so far) based on open and accessible systems that have evolved openly and that anyone can use freely. Microsoft is adding 'Microsoft only' code to it's Windows operating system and to it's server software. Windows now 'works better' with Microsoft servers than with other servers, not because they have come up with better systems but because they have 'designed' their systems to operate in this way. This might be fine of the code used to do this was open and available and Microsoft was genuinely innovating, but the code is closed and propriatory. Nobody else but Microsoft has the power to introduce closed propriatory systems to the Internet, and Microsoft is only able to do this because of it's market share in desktop operating systems. If people cannot see the networking code that Microsoft is including in Windows, then Microsoft will suddenly be able to control the server market and, by simple extension through it's .net strategy, the protocols that are the foundation of the Internet.

If Microsoft owns the Internet protocols then we are all in trouble! Even if they just own some of them it will be enough to require almost everyone to use their software. They have done exactly what they are doing now time and time again in numerous other markets and they have always succeeded. They are likely to do the same here. Microsoft needs to publish and make freely available their Windows networking code in all instances. They should not even be allowed to own the rights to this code. They should be made to adopt standards and even to go through standards bodies before making changes.

I hope someone reads this and takes it seriously. These are vital matters which are not being addressed or not being addressed adequately in the proposed antitrust settlement. The proposed settlement, in my opinion, will not hinder or even slow Microsoft down in these vital areas.

I have many other thoughts on these matters. If anyone is interested in hearing them please let me know.

Darren Beck
http://www.codecity.net

MTC–00003545

From: Gary Lindgren
To: Microsoft ATR
Date: 12/8/01 9:09pm
Subject: Microsoft Settlement Comments
12/8/2001
Renata Hesse
Trial Attorney, Antitrust Division
U.S Department of Justice

In a general way, I fully support the proposed settlement agreement agreed to by Microsoft, USDOJ, and the 9 states. Let me tell you a little of what my background is and how I use software. I'm an engineer and develop Windows applications that control test instruments for manufacturing use. At work I also use Microsoft applications for normal office needs. At home My wife and I use Windows applications(Microsoft and others) for office use and the internet. Also at home I do a little development of Windows applications. Our home network consists of 3 PCs, One with Win2000(used mostly for regular use), one with WinXPPro(for Windows.Net development), and one with Linux OS and used for the firewall to the outside via a DSL connection to the internet.

It is extremely important that Microsoft be allowed to control what features are included in their applications. This is a must. Microsoft must be allowed to add and control what is in their operating system. The argument that the other 9 states AGs have used that Microsoft should provide a stripped down version that does not include multimedia features is bogus. Customers don't want this, it's the competition that wants this. Price has never been a problem with Microsoft products. The only problem for the competition is that Microsoft prices are too low. This is what some of the competition is worried about. Other multimedia can be easily downloaded or come from CD-ROMs from the mail(how many CDs have you received from AOL). The proposed settlement that prevents Microsoft from forcing PC builders to exclude other competition is good. This should improve competition. The settlement clause that requires Microsoft disclose the Windows APIs to the developers is extremely important. Here I have a suggestion for a small change and I believe the other 9 states will go along with this. I propose that that the Windows APIs be disclosed in 6 months time and be available on Microsoft's web site. These APIs must be freely available everyone and not just to certain subscribers to the MSDN service.

In summary: The proposed settlement agreed to by DOJ, Microsoft, and 9 states is good. The disclosure of WinAPIs should be made available in 6 months and to everyone that wishes to see them. Please let me know if I can be of any further service.

Sincerely,
Gary Lindgren
585 Lincoln Ave
Palo Alto CA 94301
650–594–3846

MTC–00003546

From: Ruben Odom jr
To: Microsoft ATR
Date: 12/8/01 9:23pm
Subject: Anti Trust

I know that Microsoft is the most popular and trusted software developer in the world. This is because they make it easy for every person to get involved in the computer efficiency movement. There was no way for the computer giant to actually close out other companies from the computer industry. When the DOJ made them (and all other software developer's) from exclusive contracts, that made the way for other software makers (like RedHat) to actually make there way into the door with its free software.

The interest of the Free Software Movement's head way onto the desk top through the loss of exclusive contracts may make it more visible, but still wont be able to ''level the playing field'' for the computer hobbyist. They will have to be able to differentiate themselves with ease, simplicity, and power that any corporate software make does in order to over through the software giant.

The Free Software foundation is not one David's smooth stones that can topple Goliath (Microsoft). It can only be done with the stones of public trust, longevity, and simplicity. I truly don't think that free stuff will ever win enough granite make these stones because there is no warranty. There is also a shortage of IT people that can service the masses and therefore, fall behind the capabilities of the American business model.

The hole of the Free Software Movement talks a bold game in saying that they want to place there already free software in the schools, but don't have the necessary resources to capture and keep the natural curiosity of a child—let alone a poor one that wants the pride of being like the Jones. If the poor schools don't take the free resources, then a rich school will and there will continue to be a wider gape between the rich and poor.

I feel that Linux should stay something for the hobbyist and computer professionals because the common, still weary user will loose interest quickly. Trust me, Free Software lacks any creativity what so ever and will always be a cheap substitute because of it. Me on the other hand—a tech nut, know and value Free Linux. However, I realize the limitations and see that other software makers need to get off of there a**es and come up with an operating system that supports all of the modern technology.

Ruben A. Odom Jr.
aron37@msn.com

MTC–00003547

From: RR–
To: Microsoft ATR
Date: 12/8/01 9:36pm
Subject: Microsofft Settlement

To whom it may concern:

In 1995, Microsoft gave its browser away to the public, and they still do. This has been a tremendous benefit to the consumer!!!! Before that time you had to purchase it through Netscape and they had the only browser on the market. Everyone I know was extremely happy that Microsoft was giving away Internet Explorer free of charge!

I am just one of many small consumers, but I think this suit has nothing to do with harming consumers! I think it has to do with harming other competitors, namely Sun Microsystems, Oracle, and AOL.

I firmly believe that this country is based on free enterprise, and the government

should not interfere with the personal grudges and competition from other companies I think everyone including the nine states should accept the Justice Departments & Microsoft's settlement agreement. Let's get on with life, and perhaps this will help put an end to the recession that we have in our country today.

Best Regards,
Ray Reid

MTC–00003548

From: DR
To: Microsoft ATR
Date: 12/8/01 10:05pm
Subject: make windows open source

Make windows open source, so that anyone who runs it has the choice of how it interacts with what hardware/software they have, at the moment there is no choice and users are dependant on less than reliable operating systems (windows) to deal with... making windows open source opens up many possibilities and does not kill microsoft. They can still support an open source operating system, and the poeple using it will not be dictated to how microsoft thinks the way they sould be interacting with it. every other OS out there is open source. and it promotes freedom for the end user. No longer would the blue screen of death be something that they would just ''have to deal with''.

What made me make this statement was after seeing the cost of XP. In Australia (and im sure same in US) the rediculous cost of this less than adequate OS is more than half the cost of a decent computer, Is that freedom of choice for the user that doesnt now much better? thats a monopoly. This has gone further than the days when MS decided to rear end Netscape by bundling IE into windows , and im sure the cost of XP solidifies that. And what has microsoft got by being forced to spend money of less than fortunate students? Good PR. that is not a solution that will stop MS doing what they are doing, it will just amplify their monopoly.

Forgive me if i am wrong, but isnt its the governments role to be helping under priveleged children with funding.?? MS does its punishment by forking out a small sum of their empire, and continues to screw the rest of the software dev community.

Count how many applications become superceded by XP.. winzip is one of them. Wasnt this the reason the DOJ took MS to court for in the first place? for anti competetiveness?

Kind Regards
Duane Reilly
Unix Administrator

MTC–00003549

From: Robert D. Wales
To: Microsoft ATR
Date: 12/8/01 10:17pm
Subject: Comments on the Microsoft case results

I think that the government has been too lenient on (if not aiding) Microsoft with its verdict.

(1) To allow Microsoft to ''donate'' their products to schools is aiding them to increase their monopoly by training students to use only their products.

(2) To allow Microsoft to continue to include their programs in their operating systems essentially gives them a monopoly on all aspects of computer software.

(3) To allow Microsoft to undermine, corrupt, and otherwise defeat the use of any programs but their own is to force all other companies into bankruptcy.

(4) To allow Microsoft to keep their source code private with no good controls is to further aid in their monopolistic endeavors.

Thank you in advance for considering my comments,

Yours,
R. D. Wales

MTC–00003550

From: Shinita Crawley
To: Microsoft ATR
Date: 12/8/01 10:27pm
Subject: Microsoft settlement

Hi my name is Shinita and for class our professor wants us to find out the who are the parties affected by this settlement and cite our sources.

Do all of the parties have to agree with settlement? What happens to those parties who decide not to join in on the settlement and what will their remedy be?

If you can answer any of these questions please email me at cinnamon222@hotmail.com

MTC–00003551

From: Raquel
To: Microsoft ATR
Date: 12/8/01 10:28pm
Subject: This one deserves a second look ....

Dear Fellow Entrepreneur,

Are you achieving the results that you are trying to achieve with your online business?

If your current business is offering a product that is a quick and simple solution to a problem that concerns most people, most of the time, then you would be very happy, and wealthy. WELL DONE. If it is not, than unfortunately you are probably not making much money, and presumably won't.

Unfortunately if your product is not a quick and simple solution to a problem that concerns most people, most of the time, then you won't be able to market to the majority of the Internet population out their will you. Anyone who is making any real money out there would have to have a quick and simple solution to a problem that concerns most people, most of the time wouldn't they. Sorry for repeating it so often, but if you truly want to make any money through the Internet, then you will need to know this sentence (a quick and simple solution to a problem that concerns most people, most of the time) off by heart.

If you really want to make money using the Internet, than I may be able to help you. I say maybe because this business is not for anyone who is not going to be committed to making $40,000 in 6 weeks, (Quicksmart, which is shown below) and then working towards making $1,000,000 in 180 days using a very effective program called Infoshare.

Both these programs WILL make you money as long as you are committed to making them successful.

Others just like you and myself ARE making this kind of money as you read this. If you are committed enough to do exactly as I say, then you WILL succeed. It is very VERY simple, and I will help you with everything you need to know to become successful. I am not successful unless you are, so I will not leave you in the dark like others often do. I will do everything I can to help you.

Discover how to make true wealth using the same secrets that the millionaires are using to achieve results and success on the Web.

Remember the old saying ''If you can't beat them, join them.''

Well this is the same thing. You are about to Learn how the big guns are making all that easy money, and how YOU TOO can live a life of good health, love, and have all the time in the world to give to yourself and your family.

Once if I receive your $5, I will send you the URL address of the ''Lazyman's Guide to Success'' in Phase 2.

Once there you will be able to learn all the secrets to success on the Web. You will also have access to 3 sensational programs for free, which you will use to send out hundreds of E-mail every day. This is what makes this program so different to the ones that are very hard to make successful. Advertising at various classified sites really does not work, does it? So we need to find another way to advertise our business, and sending out bulk E-mail every day to a targeted population does work. This program is probably the easiest to set up and run, and also the quickest to make great money.

In Phase 2 you will send out bulk E-mail using 3 very effective programs. The first you will use to extract E-mail addresses from various free classified web sites.

The second will sort out your E-mail list that you have just extracted so that you will have a clean list of E-mail addresses to send your offer to. Finally your third program will send out your Bulk E-mail.

Do you agree that this is a much more effective way of advertising then placing ads all over different classified web sites, and just receiving counter offers in your inbox? From now on you will still have plenty of E-mail, but it will be people wanting to sign up. Now that is what I call results.

The last thing, and the most important to be successful, is to DREAM. Dream and make goals of what you want to buy for yourself, your family and friends.

Dream about where you want to live, go on a holiday, and what kind of car you have always wanted, and of course, what life will be like when you ARE a MILLIONAIRE. This is the most important ingredient to success. Every successful person does it. Why? Success WILL NOT come unless you dream and set goals. The reason that we set goals and dream is for the simple fact that if you come across a problem, then you should think about your goal or dream. This will make you determined enough to seek help and move on. I will be here to help you, so that you can get passed any problem that you may come across. No business is perfect, but you can not find a much easier one than this One. Once you have fixed the problem, you will move forward and be $1,000,000 richer, and your goals and dreams all come true.

And of course you will set higher goals and dreams for yourself.

LET'S GET STARTED SHALL WE!!! Yes right now, not tomorrow. Because I know you are keen to be successful. Save this E-mail to your hard drive and read it OFFLINE so that you are not wasting valuable money on the Internet, and do exactly as it says. Once you read it, if you have any questions with anything, anything at all, than send me an E-mail. Once you have made your easy $40,000 in the next 6 weeks, we will than start to set up the real money making machine ''Infoshare'' so that you can make $40,000 look like pocket money. I look forward to hearing from you, and let success begin.

PEOPLE HELPING PEOPLE (Quicksmart Program) ''The key to success'' (No one can cheat and no one can move ahead of you.)

PHASE 1: This program is designed to make money via Internet—quickly and honestly! It is quite new, yet already proven to be most effective. It is truly exciting, with many people now using it, and with so many more still to see it. It is not the same as other programs that (only at first) may seem to be similar. This program has been designed to avoid all of the traps and all of the cheats. You can quickly prove that it is both real and safe, before you decide to participate. NOTE: Please read this complete document to be sure that you fully understand it. If I told you I would give you the $1,000,000 to jump out of a plane without a parachute, you would probably say 'No way', right? You would have missed out on the easiest million dollars in your life as the plane was on the ground. Make sure you know all the facts before deciding. Take the time to read it again and again if you have to. E-mail me with any questions if you remain unsure of anything. Should you decide to run it, by following the easy instructions carefully, you will be delighted with the results!

PHASE 1 BEGINS: Prepare to be impressed! This program is very powerful—a real money generator on the Web! No other program comes close when you need money quickly and honestly. You are guaranteed financial success with this opportunity because of the method used to CONFIRM the HONESTY of each participant. However, when most of us first look at this program, we may think its just another get rich quick scheme. But it isn't—by reading the details you will see that it is quite different. And only about a week after starting, money will start rolling in quickly from all over the world!

This is a FAIL-SAFE money making program where all cash receipts are verifiable in advance, because every participant is held ACCOUNTABLE. Every participant gets paid well, Every participant is sure that nobody can cheat. That is why I chose to participate. I invite you to do likewise. Being fail-safe and cheat proof, what have we got to lose?

The power of the Internet is here to be used. More and more people are using this program to produce a substantial income quickly.

Expect to earn up to US$40,000 in the next six weeks (MAXIMUM TIME). We all know that Internet money programs can really work, but most of us have major concerns about them:

1. They are too complex, often requiring large investments.

2. They require real Internet marketing experience.

3. There is usually no way of monitoring returns.

4. There is no way of eliminating cheaters.

This program solves all of those concerns! It is 100% certain that everyone will get paid for participating. This is because we require accountable E-mail addresses for all participants. The total cost to you is two US $5 Bills, plus postage for just two letters. (Not a lot, no matter what your present circumstances may be.)

But you spend nothing at all, until you gain E-mail confirmation that the sender of this letter has paid! Please read this carefully. If you have any questions, feel free to contact me by replying to my E-mail address, as the sender of this program.

The fail-safe mechanism controls the program, so it's impossible for anyone to cheat. This way nobody gets hurt and everyone gets paid. All participants make the money they deserve for their efforts. Read on and you will see why.

The method of accountability used keeps everyone honest. We all get our money by building an easy and valuable MAILING LIST. Too many programs before this one have no fail-safe method for protecting the honest participants from those who put their names on a list without sending any money. That is what causes such programs to ultimately fail.

With this program it is IMPOSSIBLE FOR SUCH CHEATING TO HAPPEN. If you decide to participate, you will be required to send $5 (US currency) to just two of the people on the list shown below, with a note asking them to add your name to their Mailing List and send you a copy of, ''Phase 2''. More about that shortly.

First take the time to SAVE this letter to a word file so that you can edit the prescribed areas later if you do decide to join. Once you finish reading check the honesty of me and that I have paid my $10. The very first step is to E-mail the two people in the Position #1 and Position #2 from the current Accountability List below, and ask them if they have received their $5 from me. This is what MAKE'S CERTAIN the success of this program. You will not send money to me until you KNOW that I have paid the people in Positions 1 and 2.

POSITION #1
Mikael Mansson
Ringovagen 103
SE–37160 LYCKEBY
SWEDEN
Email: mmnetbiz@home.se

POSITION #2
Michael Warren
6/70 East Ave
Black Forest, South Australia 5035
Australia
E-mail: wmclife@aol.com

E-mail to check accountability: mwpaid@aol.com

The above are the two people I sent my US $5 to, with a note asking them to add me to their mailing list and send me Phase 2.

After you have verified that I am genuine and decide to participate, address an Envelop to the person currently in Position #3 (me), put a $5 bill (US Currency), your name, address, and E-mail address included, on a note that reads ''Please add my name to your Mailing List and rush Phase 2 to me'' NOTE: Only the person in Position #3 supplies Phase 2, NEVER any other person. Also take care to write the names of the addressees correctly. (some international names can sound a little bit unfamiliar to Americans or Australians).

POSITION #3
Steve Starlight
Room 507
Kayajang Motel
1094–6, Eu-Bang Dong
Gimhae City
Busan
Kyung-Nam
Republic of Korea 621–170
E-Mail: rogers6513@hotmail.com

Again please turn the closest attention to correctly overwriting the addresses of the persons you will direct a letter with a $5 bill to.

Next, address an envelope to the person in Position #4; enclose a $5 bill, your name, address, and E-mail address with a note that states, ''Please add me to your mailing list''

POSITION #4
Matthew Jahred
131 Mainstreet
Birmingham
United Kingdom
E-mail: matthewjad@yahoo.uk.com

NOW ALL YOU HAVE TO DO IS EDIT YOUR COPY OF THIS LETTER AS FOLLOWS:

FIRST: Move the person currently in POSITION #4 to POSITION #2. Be sure all information is copied correctly and completely. (The person originally in Position #2 is now dropped from the list, and has made their $40,000)

SECOND: Move the person in POSITION #1 to POSITION #4 with all the correct information.

THIRD: Move the person in POSITION #3 to POSITION #1 with all the correct information.

FINALLY: Enter YOUR name, complete address, and E-mail address in to POSITION #3. Please also provide your name and E-mail address at the end of this letter. Remember: You only send the $5 to the names in POSITIONS #3 and #4 on this letter DO NOT SEND MONEY TO THE NAMES IN POSITIONS #1 AND #2.

NOTE: When typing your E-mail address, please remember to be accurate. Double check! Once you start, there are two simple things you must do to make this work for the maximum return in 2 months.

BE PATIENT at the start! It takes easily a week or so to really get up and going, and to start receiving lots of money in your letterbox.

BUT THEY WILL COME! This is the Internet! YOU WILL DEFINITELY MAKE A LARGE SUM OF MONEY WITHIN A FEW WEEKS, and you will also have a mailing list service to use yourself, or even to sell. That in itself can be valuable.

THIS PROGRAM IS DESIGNED TO MAKE MONEY FAST! It is very INEXPENSIVE to participate in, just compare it to the value of

lottery tickets—where making money is next to impossible! There are no postage expenses, other than the two stamps needed to mail your two $5 bills.

If any of the addresses require overseas mailing, do it via airmail for speed. Think of the power of the program running Internationally! There are no name lists, nor other unseen expenses. Other than the two initial letters, this program operates totally on-line

FURTHER INFORMATION: You may already feel that this program is not what you thought at first, but still remain doubtful or a little unclear about whether or not to have a go. Unlike so many other programs, you do not send money to four or five people for reports, recipes, disks, or any other product. Nor do you risk losing your time and money.

This program is less demanding and does not take advantage of the naive. Effectively, we all become a team—we know that we must follow the rules, and that our teamwork ensures that we all win. This program has been set up so that you will succeed. If you do exactly as described, then you will succeed, in this business

To compare this with the many uncontrolled programs: First of all, this program has only four controlled, levels—not five, six, seven, or more uncontrolled levels like other programs. When you first send this program out, you will soon get 40–50 people who send you $5 to join the mailing list and to commence their Phase 2. They will do this only after they confirm that you have paid your $10.

To account for curiosity seekers, and people who don't recognize the opportunity (not you, of course!), let's say that only 20 people then actually pursue the program provided. These 20 in the Accountability List POSITION #1, and their respondents will be asking YOU if they paid their $5 dollars. Their active participants will then move your name to POSITION #4, WHERE YOU WILL BE RECEIVING $5 notes from 20 x 20 x 20 people. That's a total of 8,000 people. 8000 X $5 = $40,000!

Because this is done on the Internet it moves very quickly. Therefore, you only need 20 ACTIVE PARTICIPANTS who actually promote this program to reach the target. You should advertise/E-mail until twice that number of people (40–50) has sent you the $5 and received Phase 2 from you via E-mail. At this point, all you will have to do will be to answer the E-mails saying, ''Yes, I have been paid.''

NOTE: Be sure to keep a record of those who have paid and added to your mailing list, and respond very quickly to verification requests. You will be able to keep your list in alphabetical order with Listmanager. (A free program that you will have with Phase 2) Remember that you may send this program to people who send you similar programs. Many such people are keen and active users of opportunities sent to them, and this one is safe, fast and simple. It will not appeal to cheats, yet be great for anyone looking for a VERY low cost, fun investment. Just keep sending as much E-mail as you possibly can! You will be amazed with the responses you get from the Web. The Internet is a powerful tool. But remember: we are responsible to the team. That means to everyone who participates both before and after we become involved.

SUMMARY OF THE SIMPLE STEPS TO FOLLOW: FIRST: Save this file as your PHASE 1 file, where you can edit the changes. (Names, addresses, E-mail address, and position's) SECOND: Get two US $5 bills and mail by post ($5 each) to the people listed above in Positions 3 and 4, with a request to join their mailing list.

Note: That cost is your ONLY financial risk THIRD: Update the names on the list carefully, as detailed above. YOUR name, address and E-mail address names in at Position #3 (where mine is now).

You then wait for PHASE 2 to arrive in your E-mail box from me. This will be sent the same day that your $5 arrives at my home address.

HOW YOUR NAME MOVES THROUGH THE SYSTEM:

FIRST: Your name starts at Position #3 in Phase 1—to all of the people you E-mail. You would aim to get about 40 responses, but more would be even more profitable.

SECOND: You will E-mail PHASE 2 out to each person who has sent you $5. You will be instructing your respondents to place your name in POSITION #1. You will then begin receiving inquiries from others asking if you have been paid your $5. You will be keeping track of all those who you have been paid by. You won't be receiving much money at this stage (just the $5 you received from each person in Phase 1, which will be from $200-$250 or so) THIRD: Those people who have just inquired as to whether payment was made to you, will be getting another 20 or more people to participate, and your name will then be in POSITION #4. This is when you will receive the BIG MONEY LAST: Your name will be in Position #2, where you will again be receiving inquiries, and you will be likely to answer at this point YES, I AM $40,000 RICHER.

Many will then participate and make money also. Participation is all that we require for success. Isn't this a brilliant business? We really have the best, because we have created a foolproof and cheat-proof system, where everybody has accountability. Your small investment of two $5 bills will reward you with $40,000 or more! Once again, please E-mail me if you have any questions. None of us are able to go back for a new beginning. But, we learn and grow, so all of us are able to make a new start. Just do it! Good fortune to all of you and have fun! Do you see how easy it is to make your first $40,000 in 2 months. If you don't think it is easy, or don't completely understand it, than read over until you do. If you still want some help, then don't hesitate in sending me an E-mail. Do NOT leave it. Your financial future depends on it. Ok, so where is the $1,000,000 you ask. Well that is an even easier concept. All you need to do is to make sure that at least 10 of your active participants join Infoshare as a Gold partner. This will happen automatically by the time you have your $40,000, because they too will want to make $1,000,000.

In fact, the majority of participants in Quicksmart will join Infoshare all by themselves, as you will direct them too do so, so that they can make their $1,000,000. They too will also have at least 10 participants from Quicksmart join them in Infoshare, and so on for 6 levels down. All you need to do is make sure that at least 10 of your active participants join Infoshare and the rest will happen. The participants that you have recruited will also make sure that they all have 10 in Infoshare, so that they will make their $1,000,000. You will not have to do any more than make sure you have 10 Gold members in Infoshare, and within 180 days, you will be $1,000,000 richer. Just check out ''The Compensation Plan'' at http://wisemulesclub.com/partners/comp.html to find out just how much you will earn.

Once you decide that you are going to make $1,000,000 in the next 180, you have checked the accountability of me, and sent your $10 you will be ready to start preparing for Phase 2. Until you receive Phase 2, I want you to start collecting URL's of all the free classified web sites you can find. Why don't you start by checking out http://everydaybusinessonline.com/adsites.htm for hundreds of free classified web sites to extract your E-mails from.

Make a list of all the FREE Classified Web site addresses, where the E-mail address of the person advertising is in front of you in the advertisement. If it does NOT show you the E-mail address and instead has a link to access their E-mail address, then do not record that classifieds URL.

You will use these URL's to feed your mail finder program, and then it will extract hundreds of E-mail's from these sites. The more classifieds the better. Once you find a free classified web site that has the E-mail address showing, then click on your right mouse button, and click on properties. Highlight the URL and copy it. Then paste it into Notepad. Don't save it into Microsoft Word as the 3 programs used only read from a text document, Notepad. You should find Notepad by clicking on your start button, programs, and then accessories.

Wishing you all the best and here is to success on the web,

Steve Starlight
Room 507
Kayajang Motel
1094–6, Eu-Bang Dong
Gimhae City
Busan
Kyung-Nam
Republic of Korea 621–170
E-Mail rogers6513@hotmail.com

This one time mailing is sent in compliance with strict anti-abuse and NO SPAM regulations. Your address was collected as a result of posting to a link, a classified ad, a message to my FFA Page, you have sent me an E-mail recently, or you are on a list that I have purchased. You may remove your E-mail address at no cost to you whatsoever by simply sending an E-mail to mahaplag6514@firstpobox.com with REMOVE as the subject.

MTC–00003552

From: Curtis Carmichael
To: Microsoft ATR
Date: 12/8/01 10:34pm
Subject: My Opinion

I believe Microsoft is a monopoly and the corporation has lots of power, which I feel

should be minimized by breaking the company in two parts. This would give other companies a fair chance.

—Curtis Carmichael

MTC–00003553

From: Richard_Marvin@compuserve.com @inetgw
To: Microsoft ATR
Date: 12/8/01 10:47pm
Subject: Microsoft already retaliating against non-MS broswers

At the unveiling of the new look of the MSN.com portal, it became clear that Microsoft had begun to retaliate against users of non-Microsoft browsers.The Opera browser I used was being specificaly excluded from MSN.com. Every time a browser connects to a server, it sends a string to the server telling it what type of browser is seeking access. When Microsoft saw an Opera browser it refused to let the browser load the page. The Opera developers tests showed that Ithe Opera identification string was changed by one letter, Microsoft would let the Opera browser in.

Microsoft should not be allowed to tie its operating systemw, borwsers, and network together.

Sincerely
Rick Marvin

MTC–00003554

From: Larry LeClaire
To: Microsoft ATR
Date: 12/8/01 11:03pm
Subject: Microsoft settlement

It seems to me that if you have enough money you can get away with anything. This settlement seems to help microsoft against it's only real competitors. the open source community which would make them more of a Monoply.

MTC–00003555

From: art_frame@mac.com@inetgw
To: Microsoft ATR
Date: 12/8/01 11:19pm
Subject: Why you're being laughed at...

Sirs:

Have you wondered why the President has taken the prosecution of terrorists out of your hands and given it to the military? Maybe because your answer to the biggest computer terrorist organization in the world (Gates/Microsoft) is too slap him on the wrist and ask him nicely not to be a monopolist any more.

It amazes me that you will suspend the Constitution for virtually everyone with a green card but you let some crooked geek with glasses get the better of you by just outlasting you and giving your bosses lots of campaign money.

You deserve the ridicule that is heard around town and I can hardly wait until your incompetancy is replaced by a new administration and REAL lawyers who uphold ALL laws. Even the ones that aren't politically correct or able to get them some cash if they ignore them.

Remember the Constitution? Read it lately???????

Ralph Arnold
Canton, Ohio

MTC–00003556

From: Susie Ben
To: Microsoft ATR
Date: 12/8/01 11:29pm
Subject: Microsoft Settlement

Seems like a $1b penalty for a company that overcharged consumers $30b and counting is about $29b short of justice. But at least get a real $1b. I completly agree with competitor Red Hat's perspective that letting Microsoft ''pay'' for it's fine by giving it's own software to schools further entrenches their monopoly. Red Hat's proposal (http://www.redhat.com/about/presscenter/2001/press_usschools.html), that Microsoft give $1b in hardware for which Red Hat will supply the software, sounds good to me. I mean, a monopoly is the problem, right? So what good does it do to distribute more monopoly software?

My only problem with Red Hat's proposal is that Microsoft should be made to pay $30b, not just $1b. Honestly the settlement amount makes it look yet again that our justice system is corruptible by the rich, be they individuals or corporations.

Thanks for reading this, and good luck in continuing the prosecution.

Ben Cooper
2375 Riverglenn Circle
Dunwoody Ga 30338
770–455–9089

MTC–00003557

From: Joe Spencer
To: Microsoft ATR
Date: 12/8/01 11:31pm
Subject: Proposed Microsoft Settlement

I strongly oppose the prospect of allowing Microsoft to pay its penalty in the anti trust case by donating ANY amount of software / hardware to schools. This action would only serve to PROMOTE the abuse of Microsoft's monolopy position in the market the government and plaintiffs have worked so hard to expose.

A better solution would be for Microsoft to make a CASH contribution to needy schools and charities or where possible, to the companies they actually hurt with their actions.

Thank you for the pursuit of this case.

Joe Spencer
CC:CACC@yahoogroups.com@inetgw

MTC–00003558

From: pcolsen@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 12/8/01 11:42pm
Subject: Microsoft Settlement

Ladies and Gentlemen,

I am very disappointed with the Microsoft settlement. As one who has tried to use non-Microsoft software, I think it is clear that Microsoft has an effective monopoly on the software industry.

For example, many years ago I had a large investment in Digital Research's DR-DOS. I had made this investment because was technically superior to MS-DOS in almost every respect.

I was forced to abandon this investment when I needed to run an application requiring a graphical interface. I first attempted to run Microsoft Windows 3.1 on DR-DOS and found it wouldn't work. When I called Microsoft's Help Line, they refused to talk to me until I completely replaced DR-DOS with MS-DOS. It is now clear that the problem which prevented me from using DR-DOS was not a defect, but the result of Microsoft's deliberate design decision made for the specific purpose of forcing me—and many others like me—to buy Microsoft products that we neither needed nor wanted.

As an engineer, I have seen this repeated many times. Microsoft intentionally sells products that do not interoperate with others for the specific purpose of driving competitors out of the marketplace.

I am disappointed in the settlement.

Peter Olsen
Peter Olsen, P.E., Ae.E.
6904 Rawhide Ridge, Columbia, MD 21046

MTC–00003559

From: Doug Glenn
To: Microsoft ATR
Date: 12/8/01 11:55pm
Subject: Microsoft Settlement

To whom is may concern

The current settlement as written is nothing more than a license to steal. Where, in this settlement is MS fined? Where are any penalties? Where is the known proven anti-trust behavior stopped?

Nothing. Nothing in this decree address past behavior or future behavior. XP is not addressed. .NET is not addressed. MSIM is not addressed. IE is not addressed. Nothing. Nothing!

Nothing. Absolutely nothing in this decree addresses the loss of inovation or encourages innovation.

In 1994, we had an OS that used voice to navigate. In 2001, MS releases XP with this feature. It could have been released in 1995 with WIn95 if there had been competition. Instead it is touted as a new feature in 2001. Why 6 years later than the first effort? Because no competition. Because the competitor had their hands tied, paying double what everyone else paid for the Win95 product because of their refusal. Where is this product now? Dead. Dead because MS killed it with an 'upgrade' to their product. IBM. Sun. What is being done about their product being hijacked? Nothing to date. Nothing.

Nothing. That defines this settlement that is not a settlement. Politics.

Who pays the most.

We have been ripped off by MS since the bogus messages programming in for DR DOS. We have not been given better choices. We have been ''marketed'' products in lieu of others that work better because of back room dealings more than technology and programs that work.

The goverment made this legal in their last ''consent decree'' which gave MS a license to steal by including items in their ''OS'' and calling it required.

This company has ruined innovation and put the US back 5–10 years on the computing scene because of it.

Do not let this current decree pass.

MS should:
Release source code for ALL of Windows
Release source code for protocols
Release source for .NET requirements to fully implent their protocols and APIs

Nothing less is nothing less that giving us no choice in the future of computing.

Doug Glenn

MTC–00003560

From: John McKee
To: Microsoft ATR
Date: 12/8/01 11:49pm
Subject: Microsoft ''settlement''

I remain appalled that that the DOJ has basically thrown in the towel concerning Microsoft. If this were a poker hand, it is as if DOJ had four aces and decided to fold.

Why am I so upset about Microsoft? There are way too many reasons to begin to detail them all. Let's just start with a few obvious(?) examples of the problems that Microsoft has created and continues to create.

First, Microsoft does not provide access to API information at an equal level to competing products. A prime example is Corel WordPerfect. That particular word processor program was written without access to a number of key APIs. Without those key APIs, functionality was compromised considerably. The purpose for witholding specific API information can only be assumed to be due to a matter of ''controlling'' competition. Since Microsoft can develop applications with closer connections to the operating system, they >appear< to be better products.

Second, in recent years, modems and printers have become specifically limited to being functional only with Microsoft. These devices are called winmodems and winprinters. They have had significant capability removed. In some cases, the price is not reduced to reflect the lower level of actual expense. Consumers pay for this redesign. I used to rally like USRobotics modems (now 3Com). Several months ago, I purchased a 56K modem. I was deeply disappointed to learn that it was a revision 3 modem. The revision 0 modem would have worked for me wonderfully, both with Windows and Linux. The revision 3 modem, on the other hand, only worked with Windows. The revision 3 modem was priced the same as the revision 0 modem. The manufacturer was thus able to generate substantially more revenue (potentially) from a given sale. I sent the crippled modem back to the company that I purchased the thing from. I was out the money for the return of the useless modem. There is no excuse for such deceptive tactics. The company itself provided literature that states a level of functionality that no longer existed. Since the operating system needed to provide support for this useless device, it is obvious that Microsoft ''communicated'' with this vendor on design objectives. Microsoft is able to control product design with the intent of minimizing competition VERY effectively. An example of printer tampering works in the same manner. My aunt had to purchase a replacement printer. She was using a DOS application, at the time. The new printer, with a substantial price attached, no longer could print the simple text characters used by the DOS application. She was compelled to purchase new software, even though not needed, to use this lobotomized printer. My aunt at that time was on a fixed income and did not need the additional expense, but Microsoft and the printer company deserve the additional revenue. At least, that is the thought I am left with by the withdrawal of DOJ involvement.

I can think of a large number of additional cases, with no difficulty at all. How fortunate for Microsoft that DOJ has given up, and indeed, apparently has no clue as to the true level of market manipulation excerised by Microsoft. During the 1930s, there was an investigation of Standard Oil. That company was broken up. When Standard Oil is compared to Microsoft, Standard Oil looks more like a mom and pop operation. Yet that company was broken up. Something is VERY wrong here. Just how many people have been bought off by Microsoft, anyway?

If that last question seems harsh, perhaps it should be seen that way. A lot of people have to left with that conclusion. It has been said many time that money talks. Microsoft is the proof.

John McKee
1502 Bel Air Drive
Junction City, Kansas 66441–1821

MTC–00003561

From: Bill McCroskey
To: Microsoft ATR
Date: 12/9/01 12:10am
Subject: About the Microsoft Settlement

Dear Justice Department,

In reading the plan for the settlement, I see a great deal of plans for the problem with middleware, but it appears that Microsoft is being left to have a monopoly in the desktop operating system market. If they are allowed to force computer makers to sell all their computers with Windows if they sell any with Windows then this perpetuates the monopoly.

There is no doubt they have a monopoly on the ''operating system''. Look at how each new release of Windows was sold as ''more reliable''—what a bill of goods! Name one other product on the market that proves as problematic for consumers as Windows. If there were fair competition, Microsoft would be out of business because people would go elsewhere. If you bought a BrandA car and it was rolling junk and 3 years later BrandA put out a new model touted as ''more reliable'' and you bought a new BrandA model and it also proved to be rolling junk. Would you buy BrandA again if BrandB was on the market and available to you on equal terms? No, you would not. Free enterprise, competition, and fair markets are what makes the system work.

I am writing this e-mail on Linux. If I buy a new PC, it comes with my very own copy of Windows that I have paid for and can not buy the machine without. I then must go out and purchase an OS that works and throw away what I paid for that does not work as well.

I do still have Windows on a second drive on the system because sadly there are some programs not available on the Linux platform due to the monopoly held by Microsoft in the Operating Systems. While this is slowly changing, It would change faster with a level playing field. If Windows is so good, it should be able to stand on its own merit in the market place and not have to stand on strongarm tactics to keep it in first place.

Computer makers should be allowed to offer a computer sold with whatever operating system the customer wants. The fact that some portion get sold with some other system than Windows should be a signal to Microsoft to clean their house and not to try to crush the computer maker's right to sell the competing product. That is just plain wrong. Another concern I have is about security. I am a software engineer and many of the ''backdoor'' security problems I see Microsoft having are not just a simple bug in terms of a mistake by a programmer. These backdoors are well engineered avenues into the system. One can only guess as to why they were put there.

I am very concerned that these backdoor entry points to Microsoft Operating Systems represents a threat to national security. Many virus programs have exploited these paths. One can only imagine what would happen if these paths are exploited by terrorist groups. The closed nature of the Windows source code allows this sort of problem to remain hidden. Perhaps if nothing else, the DOD software people should have an audit of Microsoft's code in their operating systems to ensure the security of our nation is not put at risk due to code that serves only Microsoft's interests.

William McCroskey

MTC–00003562

From: bettkett
To: Microsoft ATR
Date: 12/9/01 12:21am
Subject: us govt. lawsuit against microsoft

I think allowing microsoft to enter the educational field, is a huge mistake. I think the settlement as now proposed would be a huge reward instead of a penalty. apple has an excellent job in the school sector, now the govt. is going to assist microsoft in an effort to defranchise apple. i cannot understand this werid line of reasoning.

h.d.ketterer
bettkett@coastalnet.com

MTC–00003563

From: Malcolm Slaney
To: Microsoft ATR
Date: 12/9/01 12:56am
Subject: Microsoft Settlement

I would like to express my strong disappointment in the published Microsoft antitrust agreement.

Most importantly, the agreement says that Microsoft must share its APIs with organizations that *Microsoft* judges to have viable business models. The world of software is not entirely driven by for-profit enterprises. Web service (Apache), operating systems (linux), file servers (samba), email routers (sendmail/postfix) and software compilers (gcc) all have very successful non-profit entries.

The way the agreement is written, Microsoft can extend their monopoly by preventing free-software proponents from interacting with their software. This would be bad.

At the very least the agreement should be modified to require Microsoft to publish *all* their software APIs *and* their file formats. This would allow interoperability within the entire software industry and would greatly enhance competition.

Malcolm Slaney, PhD
Los Altos Hills, CA 94022

MTC–00003564

From: Brian B. Canin
To: Microsoft ATR
Date: 12/9/01 2:04am
Subject: Microsoft ....

I am not a politician, nor a zealot but a computer professional, an entrepreneur, and a 1/3rd owner of a multi-million dollar software company.

I cannot comment on the fairness of the Microsoft anti-trust trial from a political point of view, or even a legal point of view. Especially as what is fair, ethical, or legal rarely sees the fair and correct remedy in our special interest only oriented political system. What I can say, for what it is worth, is that Microsoft has been an unfair, monopolistic, and terrible influence in the computer industry for over 20 years.

I have never directly competed with Microsoft, but have been manipulated and pushed around like all computer professionals by the Microsoft company. It is great that the government is finally addressing some of the monopolistic excesses which Microsoft has perpetrated, and it would truly be a crime of unfairness for the government not to have the backbone to not follow through and actually enforce the rule of law. Make the country proud, at least those in the industry who understand, and act with the courage of your convictions.

I have personally seen and been outraged at the following behaviors and actions. All of these are the actions of a competitor who enjoys the clout of a monopolist. In addition, these actions are not just monopolistic, they push envelope of how much abuse a company can achieve, all while tying our courts up and getting away with their grossly unfair actions with little or no penalties.

1. Microsoft owns the languages, the operating system, and the most important applications. This triple monopoly is one of the worst of their offenses. They control the development of software, they only provide the hooks into their operating systems with these languages, and they fight tooth and nail to make sure that no other API's other than their own exist in any of their languages. If there were other competitive operating systems that had been allowed to exist to date, and they had some of the desktop market share, AND most importantly Microsoft did not have a vested interest in the Windows operating system above all else, then Visual Studio would support other 0S's and would not be the critical tool for OS squashing which it is.

a. When you own the languages (Visual Studio) which support your operating systems only, you stifle all the work of all developers world wide. You are a fool in the current environment to develop for anything other than Windows (at least in desktop and user interface software). If you take another course, you are fighting a company which has been operating as a monopoly for almost 20 years now, and you will lose.

b. When you own the operating systems (Windows), you control the desktop. When you control the desktop, you control almost every user's computer out there. Because they control the API's and change them frequently (with NO notice to anyone outside of their trusted partners who collude with them) anyone in competition to Windows is squashed.

c. When you own the applications (Word, Excel, PowerPoint), you keep them completely locked. For example? Why does Microsoft not offer Word, Excel or PowerPoint for Linux? Or why did they not develop them for 0S/27 Because then these ''killer apps'' would cause those other OS's to be useful. Microsoft MUST be separated into 3 companys. OS, Languages, and Applications. Here is why: If a new company owned Languages (Visual Studio), they would be required to open it up to support other operation systems. This would have been the case all along if Microsoft was not in the Operation system business. Now you could develop for Linux with the same power that you develop for Windows.

If a new company only owned the applications, of course they would move them over to Linux and other OS's which would come along. Why would they not support all those other customers?

If a new company owned the Operating systems, they would not have the power with the languages and apps to control the market.

2. Microsoft applications keep their data closed. You can import into Microsoft, but when you try to read an Office file into another program, it does not work. Why? Because Microsoft keeps their data secret.

It may be your letter or spreadsheet, but for 20 years they only import, not export. This is arrogance of the first degree and could only be done by a monopolist.

3. Microsoft gave cheap pricing to hardware manufacturers as long as they paid for a license for EVERY computer they made. I am amazed at the absolute arrogance of this action. How more monopolistic could you be! Microsoft closed the door on even the possibility for another OS to make it. Imagine a company which made 1,000,000 computers. If they put Windows on all 1,000,000 they paid 205 each. If they put Windows on 999,999 and Linux on 1 computer, they paid 1005 on each OS! This isn't just criminal, it makes the US government look like people being paid to look the other way!

Even after they were censured for this, where were the punitive damages? What about giving up 3/4 of their revenue for the next 10 years to reverse this incredible abuse of power! What they got away with for years shows that any company which engages in this kind of behavior risks nothing at all.

4. Microsoft wants it all. There is almost not a single vertical market or slice of technology which Microsoft does not own, wants to own, or is controlling. If they can't steal your concept, they try to buy you out. If they can't buy you out they underprice you. If you are in a market which they didn't notice and they don't have a presence in your market, they make an announcement that they have remarkable technology coming out in your market. This causes all venture to dry up and flee because no one in their right mind would try to spend money in a market which Microsoft is going in to? Thus your excellent technology gets destroyed by Microsoft's VAPORWARE! They now control your market with NO PRODUCT. This gives them all the time in the world to take their invisible product and turn it into something, usually at a much lower level of competence.

5. Microsoft has inferior technology. Microsoft is not known in the industry as a good technology company. For 20 years they pushed complete garbage on the public. Currently, their software is pretty good, and especially hard to knock out of the drivers seat. But this is because they have had 20 years to get their act together. Mission number one at Microsoft is the destruction of everything of value around them. Their technology then fills the vacuum. It's not hard to get your software working after 2 decades when you have destroyed the competition with everything BUT good technology. What Microsoft is, is a MARKETING company. Don't get me wrong, I am high-tech salesperson and believe that marketing and business is the MOST important thing in this business. But don't use marketing to destroy the competition, while you bring inferior software to market? This is monopolistic behavior. If each individual software system of Microsoft's stood on their own, lets say each was owned by an independent company, these companies would not exist today. The software takes years and years to not crash, to work correctly ,etc. Microsoft Access version 1.0 was not even a product which ran. But it killed the Borland purchase of DBASE, because it sold for $99.00 and the world was afraid to get behind the $495 working system! After destroying the competition with marketing and other monopolistic behavior, and a whole lot of years, it has become the mediocre software it is today. In conclusion I would like to state the following. It is very hard to get a layman to understand how much the monopoly of Microsoft has affected the world of technology and how much their abuses have hurt so many individuals and companies. The cost to the consumer is even harder to explain. We live in a Microsoft dominated world. Innovation only exists in the vacuum of markets which people are not afraid to enter, and if they get too big, Microsoft jumps in and destroys them.

Come on already. Take some action. Fix what has happened so far and let all the companies of the world have a chance to compete. Imagine the gains technology and society could have made if Microsoft had been broken up 10 years ago!

Brian B. Canin
4958 Concannon Court
San Diego, CA 92130
(858) 523–0375

MTC–00003565

From: Allen Davis
To: Microsoft ATR
Date: 12/9/01 3:07am
Subject: Microsoft Settlement

I agree with the settlement the the DOJ and 9 states have agreed upon. I believe that this wil help the economy and that it is best for this country.

Allen Davis

MTC–00003566

From: Carlos Filipe Zambujo Lopes Pereira

To: Microsoft ATR
Date: 12/9/01 6:40am
Subject: Redhat proposal

Dear sirs,

I think that the proposal Redhat has suggested regarding the remedies that should be applied to Microsoft, points to a very important issue: deployment of Microsoft only software in schools around the US will only consolidate their monopoly on the desktop and make considerable inroads in the server area. In the end, it would turn out to be the opposite of a penalty.

Regards,

Carlos

P.S.: Although I am not a US citizen, Microsoft's monopolistic practices are felt all over the world, and maybe more so here in Portugal than even in the US.

MTC–00003567

From: foodog
To: Microsoft ATR
Date: 12/9/01 7:15am
Subject: Microsoft Settlement.

I just found out about comments being solicited or I would have spoken when the terms of the judgement were made public. I've been a computing professional for more than 15 years and am intimately familiar with the issues and history. I have kept current with the case throughout. The penalties ''imposed'' on Microsoft are a farce beyond belief. Microsoft has been told to continue with business as usual.

In my wildest dreams I never thought that Microsoft's own lawyers would write the judgement. It's laughable; there are no penalties and no remedies. Zip, nada. There are even new legal protections to help nurture the monopoly! MS is specifically allowed to keep protocols and APIs secret if they have to do with authentication. Do you even know what ''authentication'' is? How in the world can another company or operating system compete at all if they can't even authenticate on the network? I fully expect that the DMCA will be ''vigorously'' used to prosecute any entities that attempt to reverse engineer Microsoft's protocols to compete.

No penalty or remedy was imposed, not even a token $1.00 judgement in damages. The DOJ has destroyed any belief that justice can prevail. I still have a dim hope that the holdout states can achieve some token remedy, such as forcing the documentation of MS Office file formats and Windows APIs. I'm not holding my breath, since the United States Department of Justice has *so* obviously been bought and paid for. The resolution of the Microsoft Monopoly case is a national shame.

There's just no other way to say it.

Steven W. Smith

Systems Programmer II

Glendale Community College. Glendale, AZ.

steve.smith@gcmail.maricopa.edu

MTC–00003568

From: Michael Miller
To: Microsoft ATR
Date: 12/9/01 8:04am
Subject: Microsoft

Something needs to be done about Microsoft. The settlement in unacceptable. Microsoft does not own my system and my computers. They have no right to control the whole interne t.

MTC–00003569

From: Juan Valencia
To: Microsoft ATR
Date: 12/9/01 8:19am
Subject: Microsoft Settlement

I strongly and unequivocally disagree with the Microsoft settlement. The Department of Justice has already proven in court that Microsoft is indeed a monopoly, and that it used its monopolistic powers to influence competition and vendors. Yet, the proposed settlement encourages Microsoft to donate software and hardware in the one single market in which they do not have a monopoly. This will, in effect terminate any sense of choice these schools may have had. Why can't Microsoft simply pay out its penalty in cash and let the schools decide how to spend their money. Is that not what our current President told us when he was running for office?

Juan Valencia

MTC–00003570

From: rajesh
To: Microsoft ATR
Date: 12/9/01 8:30am
Subject: Dear Sir,

Dear Sir,

For all the monopolistic attitude of Microsoft and the proposed ''settlement'' is a joke for the millions of users. With the donation of software to schools as ''payment'' Microsoft would actually be taking away market share from other vendors and building a stronger monopolistic position. The real cost to them for the settlement is ZERO. Market value of the software has no meaning here.

We the people may be dumb but we aint stupid. The settlement reeks of favoritism. In the name of ''justice'' you will actually be wiping out a good many companies and their future.

WHY are you treating Microsoft as ''above the law''. Change of Government = Change of heart? that too from the Justice system? What message are you sending to the world?

Regards

Rajesh Motwani

MTC–00003571

From: Jeff Frederick
To: Microsoft ATR
Date: 12/9/01 9:19am
Subject: Microsoft Settlement

The current proposed settlement in the Microsoft Anti Trust case is completly unacceptable. Microsoft my open it's sourcecode and API's to any business (for profit or not for profit).

In addition, Microsoft must be punished for it's monopolistic ways. Giving out software is not an option. It MUST give something that can be used such as CASH!

This settlement is entirely unacceptable and I expect the US Justice Dept. the come up with a REAL solution to the microsoft problem.

MTC–00003572

From: john clark
To: Microsoft ATR
Date: 12/9/01 9:41am
Subject: Microsoft settlement

The proposed settlement is too lenient and soesn't build in enough safeguards to prevent a repeat of their anti-competitive behavior.

Sincerely,

John Clark
38 Gedney Circle
White Plains NY 10605

MTC–00003573

From: wg@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 12/9/01 9:59am
Subject: Microsoft settlement

Bill Gates must have howled with laughter when this came out. The required donation of free software is ridiculous because:

1. Software costs them almost nothing to produce.

2. It will strengthen their foothold in the education market, one of the last where they aren't dominant.

Microsoft should be required to keep Windows separate from applications and to provide complete descriptions of all O.S. interfaces.

Warren Gibson
P. O. Box 88
San Carlos, CA 94070

MTC–00003574

From: Frank Schreck
To: Microsoft ATR
Date: 12/9/01 10:00am
Subject: sanctions

dear ladies and gentlemen, you asked for for users opion—here is mine:

the nine states longing for stronger restrictions are absolutely right. as you might see, i am writing this mail in ms outlook. i am not doing this because i like the programm but because of uncontrollable system-failures by using netscape.

the interchangeiability of the ms office formats that can not be reached by other programs (e.g. sun's staroffice) forced me to buy the very expensive ms office... thank you for your interest,

Frank Schreck,
Heidelberg / Germany

MTC–00003575

From: R.G. Mayhue
To: Microsoft ATR
Date: 12/9/01 11:12am
Subject: This ruling is appalling!!

Big business wins again!

So this is how the Bush administration and the DOJ is going to handle this? Those crooks at Microsoft have been monopolizing an entire industry for years and FINALLY when they get hauled into federal court and FOUND GUILTY, after millions of dollars spent on the case, they have to pay practically no price at all of their actions! As I said. Appalling!!

BIG MONEY WINS AGAIN!!!

Microsoft's licensing practices alone make it certain that no other operating system will ever stand a chance in making inroads on the desktops of America. Microsoft will not stand for just a piece of the pie.....THEY WANT THE WHOLE DAMN THING!!

When the security of the entire nation is at risk (well heck.....it is now) due to viruses and the Microsoft monopoly, I hope the Bush

administration and the DOJ will stand up and take FULL RESPONSIBILITY for this atrocity!

P.S. No more votes for the people who put you in office!!

R.G. Mayhue

r.g.mayhue@verizon.net

MTC–00003576

From: Ken Smith
To: Microsoft ATR
Date: 12/9/01 11:16am
Subject: Microsoft Settlement

First, for full disclosure, I am a Microsoft employee. Yes, I have personal a stake in this decision, and I'm sure our critics would say I have no right to comment because of that. But I am also a US citizen and tax payer. And because I'm here, on the inside so to speak, I know what I read in the news about Microsoft is bunk. We are not mad people interested in dominating the world economy as our competitors like to say. We're just average folk. We have kids and homes, and dreams. We want America to be best it can be. We want our kids to have a future, where fairness and work are still American virtues.

For the past few years, I have felt like I've been living in the Soviet Union of the 60's. My own government was attacking me and my family. Finally things have changed and the DOJ has regained some sanity. Please don't let Sun, Oracle and AOL poison the first positive steps to get beyond this mess. They are not motivated to compete on price, quality or features as long as they enjoy government protection. If they want to remain competitive then make them do it the way we do it every day of every week—through hard work.

MTC–00003577

From: Fred Ferraro
To: Microsoft ATR
Date: 12/9/01 8:25am
Subject: microsoft

I am a consumer that has bought 4 computers in the last 8 years. I am very satisfied with the software I've gotten from Microsoft and the ease with which it works. I also use AOL. If someone wants a different piece of software on their computer that is their business and no one is stopping them from adding anything. Enough with this constant harrassement of Microsoft, you had your shot. These 9 states whinning again about Microsoft are after two things, money and to get their names in the paper.They are frauds. No one is forcing anybody to buy anything. Enough, Enough, Enough. This country has alot more to worry about that what West Virginia wants. Enough! Fred Ferraro Bend, Oregon

MTC–00003578

From: Larry J. Linder
To: microsoft.atr(a)usdoj.gov
Date: 12/9/01 11:34am
Subject: Anti Trust—shake down continues

Dear Sir:

I own a small business that is a Engineering design development company that specializes in developing special software and hardware for industrial customers.

There are several serious issues at hand.

1. From an outside prospective it looks like the Bush Administration and the DOJ have been bought off. Decision paid for and given. The first judge, Johnson, had it correct and had the correct decision.

Now I will tell you why we think he was correct. In Chronological order. In the late 80 we were developing several new products based on the then current MicroSoft backed software. We went to the development conferences and listed as MicroSoft was preaching one one thing to independent developers and in side getting ready to blind side us with it new Windows release. Looking back the meeting were filled with miss information and down right lies. As a result we have avoided developing any software that runs on a Microsoft platform. A bitter and costly lesson to us, such practices stifled the development of several medical applications.

Next product to be developed was a very advanced hearing aid that would offer an major technical leap forward in hearing aid technology. Because of our last experience with MicroSoft we decided to use OS/2 for this system. Microsoft pressured IBM to cease supporting OS/2 or they would cut off the availability of IBM to acquire Microsoft licensed software. They rolled over and died. This left us with years of development and thousands of dollars invested for nothing. That is how the monopolistic vices of Microsoft devastate the developer and hinder or keeps new products from the open market.

Microsofts bid to take over the internet and if you don't run a Microsoft OS the internet will be closed to you. Since the DOJ buy off we have seen an increasingly number of sites that you are denied access to. E-Mail that you cannot read because it has imbedded MicroSoft stuff that is not compatible with other systems. At present if you follow your plan the internet will be 100 % Microsoft in as little as two years and certainly in 3 years. All other participants will be frozen out. This is not a prediction but a comment from an Microsoft insider engineer to engineer.

Why am I writing you is because of a threateningly phone call I received the other day from a Microsoft lawyer who asked to speak to the owner of the company.

He asked us if we were using any Microsoft products and that if we were we could be a target for a Microsoft legal action if we didn't sign up to buy the new OS from Microsoft. This is the shake down.

Fortunately we use Linux Red Had on our desk tops and Servers, told him that and it was sort of the end of the conversation. He also indicated that it might interfere with our ability to purchase Microsoft products for use on some customer's systems.

At this point I told him that what we do in the business world is no business of Microsoft and the conversation was terminated.—Good By.

Other practices that have surfaced and we have documented.

We have been approached by the city where our business is located and asked if there is any alternative to breaking the Cities budget by upgrading to the new Microsoft OS. There is no such thing as a site license but they have to buy a new OS for every computer the City owns. We told them that if the DOJ maintains it present course then they should plan on putting a 250,000 line item in the budget for Microsoft. If the DOJ were to break up Microsoft then things would be different. We have a customer who bought a new Dell computer that ran the new Microsoft OS and he decided that it didn't meet his performance need and wanted us to build him a special system that would meet his need for video editing. He wanted to use his current software and transfer it to his new system, format the old systems hard disk and put it on E-Bay. When we complied with his wishes we found that it would not finish booting because the BIOS was tied into the operating system and it would only run on his old system.

He was not informed or warned of this practice and had to buy another copy of the Microsoft OS to get his new system up and running even thought he currently owned it. Hello MAFIA are you listening.

We are finding that Microsoft in pressuring processor builder to build in Microsoft only features that will make other systems slow or not compatible with the new processors. Once the compilers are Microsoft only they will literally own the whole computer industry. Just look at the ES processor from AMD. What the DOJ needs to do. The internet must be powered by a federally mandated minimum set of software that is compliant with all OS's. The National Bureau of Standards it uniquely suited for this duty.

Microsoft should be prohibited from making deals with hardware vendors to customize everything to Microsoft specifications. Basically Microsoft as a minimum should be prevented from influencing hardware design.

The Microsoft OS and Application software must be separated and physically moved where one part is on the West cost and the other is on the East cost. All middle ware for the OS must be available to the whole community at the same time and not as it exists today where the Application developers have years of advance information and it becomes available only after Microsoft releases a new OS and immediately release a new business suite that is not backward compatible with anything including older Microsoft products. Microsoft should be prohibited from giving any hardware and software to any institution. The hardware if given must be loaded with a non Microsoft OS and applications. The implications of what the DOJ is planning or has agreed to only strengthens Microsoft's hand in controlling the entire US computer market. The US government agencies should all use something other than Microsoft OS's as a start.

If the legal system fails the business and citizens and fails to break up Microsoft the future of the technical development of alternative systems and the free enterprise system that used to exist in the US will be gone. Once there is no alternative the US Citizen, City, State and Federal Government will be held hostage by Microsoft and when ever Bill Gates need some money he will upgrade the Microsoft monopoly and you will all pay or do without—there will be no alternative.

From a small business owner prespective. It looks like Bill Gates bought the present

administration including the DOJ and several Judges.

Respectfully submitted
Larry J. Linder
Principal Engineer—CEO
MicroControls
Xenia, Ohio

MTC–00003579

From: DSAILERO@aol.com@inetgw
To: Microsoft ATR
Date: 12/9/01 11:37am
Subject: microsoft settlement

PLEASE lets finish this. Tell California to stop resisting.

MTC–00003580

From: Howard Salis
To: Microsoft ATR
Date: 12/9/01 12:24pm
Subject: Microsoft Settlement

To the Department of Justice of the United States of America:

As per the Tunney Act, I wish to input my two cents regarding the recent proposed settlement of the Microsoft anti-trust case. Any person or organization that owns a license of any Microsoft operating system should have the right to effectively and effeciently program applications for use on that operating system. This requires full and extensive knowledge of the use of APIs that form the interface between all applications and the operating system. This entails having the knowledge of the existence of all prior and future APIs on a Microsoft operating system and the method of their use.

Currently, the wording in the current settlement leaves out many organizations that do not make a profit off their work. Non-profit organizations have the same rights, concerning the use of purchased software, as their for-profit counterparts in the computer industry. This should be rather common sense and if current law statutes conflict then they should be examined and amended.

I am a U.S citizen.

Howard Salis

MTC–00003581

From: donius@host.warwick.net@inetgw
To: Microsoft ATR
Date: 12/9/01 12:30pm
Subject: Settlement

I really must wonder at what point the government is going to protect us from this monopoly.

The first thing is that I believe Microsoft should not be broken up. They make good software, and the company's demise would be unforunate. The second suggestion I heard at one time was making them open source their code. Although I prefer open source software myself, I think it is rediculous to not allow corporate secrets.

I suggest that the ''coding'' of files be required to be registered in the Library of Congress for all computer files. If Microsoft makes a better word processor, fine.

But to lock up the way the resultant data files are written and read with a given platform is wrong. Let it be that the programming code for the program is their trade secret, but the way the data file is written is in the public domain. This way if company ''Z'' chose to create a competing word processor, it would be able to compete by being able to accurately interpert other programs output files.

This idea is in my mind the one solution that opens up competition, and takes nothing away from innovation. In fact it should increase innovation, because now a company's product would actually have to perform better in order to sell.

As for the rediculous concept of a punishment being to increase their infiltration further, locking in even more people to their own products, while not actually costing the company anything , I would love to know who came up with that idea. Your department really does not seem to understand what the root of this whole problem is. They own like 92% of the market, and their punishment is increasing it to 96%? Please do not use increasing a monopoly's reach as a way to punish them.

Donald Wilson
17 Snufftown rd.
Goshen NY 10924
wilson@warwick.net

MTC–00003582

From: burt@sushi.toad.net@inetgw
To: Microsoft ATR
Date: 12/9/01 12:37pm
Subject: Microsoft Anti-Trust Settlement

The settlement proposal does not solve the primary problem: Microsoft's behavior does not change, however, under this proposal, it merely pays a licensing fee so that it can continue to violate the law.

Microsoft must be forced into making the environment more open to competition. I would like to see the following added to the proposal.

No computer system can be sold with Microsoft's operating system, unless it comes with a second non-Microsoft operating system install. The market place can determine what it will be (There is Linux and BSD operating systems available.) If it is an open-source operating system, then it will come at no cost to the consumer.

Microsoft must modify its software so that if the consumer must recover the Windows operating system, the recover process does not assume it will have the entire disk for itself.

(That little trick makes sure that no other operating can survive while making it more difficult for people to backup their systems.)

Additional, consumers must have the right to buy a system without Microsoft Windows install and not have to pay a kick-back to Microsoft in the process. There are many people who do not want Microsoft windows.

Gary L. Burt
Lecturer
CS/EE Department
UMBC
burt@csee.umbc.edu
1000 Hilltop Circle
Baltimore, MD 21250

MTC–00003583

From: Kedar Soman
To: Microsoft ATR
Date: 12/9/01 12:41pm
Subject: Current ruling will not curb microsoft bad practices

Dear Madam / sir,

I sincerely believe that the microsoft ruling is not going to achieve the main goal of stopping microsoft from following antitrust policies. Over the years the company has grown into giant, but still it's greed is not fulfilled. It's greed was healthy at one time and the company expanded by making quality products like MS office. But recently they have stopped making quality products and started these kind of strategies to make money. The current ruling, in my opinion, does not do anything to stop these practices. This again allows microsoft to propogate their own softwares which means ultimately in microsoft interest. So this is not punishment for microsoft, but blessing.

Thanks for letting me write,
Kedar Soman

MTC–00003584

From: Tim Wright
To: Microsoft ATR
Date: 12/9/01 12:47pm
Subject: Microsoft Judgement

Any settlement with Microsoft must include remedies to correct Microsoft's abuse of its monopoly position as well as sanctions to prevent future violations of antitrust law.

End users suffer injury from the existing monopoly because of Microsoft's effort to exclude competition of any kind in the software business. Competition is essential in any non-regulated business to provide the best quality products at the lowest prices to the end user. Microsoft's current position in software is not that much different than the position Standard Oil Company held at the turn of the 20th century.

Any settlement with Microsoft must include measures to allow competition in the software business. These measures should include allowing computer manufacturers and distributors to load other operating systems alongside MS-Windows to provide the end user with a choice. Current licensing restrictions from Microsoft prohibit this, and for anticompetitive reasons, these and similar restrictions must be struck down as unlawful.

Microsoft's offer to give away their software products to schools will actually spread the same monopoly that brought about legal action in the first case. A more appropriate action would be Microsoft providing the funding for schools to buy software of their choice. Microsoft already has a monopoly position in business application software, and allowing it to build a monopoly in the educational market will do great harm in a sector already strapped for funding.

If the Court does not break up Microsoft in the same fashion that Standard Oil and AT&T-Bell System were broken up, then other measures must be taken to allow competition back into this marketplace. The end user has been robbed of his freedom of choice, and the Court must restore freedom of choice to the software market, especially in light of the fact that the Court has established that Microsoft operates as a monopoly, and it has operated unlawfully to maintain its monopoly position.

This monopoly must either be broken up like the Standard Oil and Bell System monopolies, or regulated in the same fashion as a public utility. History has shown that the public benefited highly from breaking up monopolistic firms. The telecommunications

boom would not have occurred under the old Bell System, and the energy market would be very different had Standard Oil been left intact.

Evidence exists to show that significant innovation in software products has been stifled and suppressed by Microsoft. There is currently no indication that this will stop, and for that reason, Microsoft should be split into two or three companies: and operating system company, an applications software company, and an Internet software company. Collecting fines and compulsory donations to schools and charities has no deterrent effect against Microsoft continuing to violate the law and abuse its monopoly position.

Regards,

William T. Wright

MTC–00003585

From: DanielJuroff@cs.com@inetgw
To: Microsoft ATR
Date: 12/9/01 12:49pm
Subject: Settlement with Microsoft Corp.

I am writing to register my displeasure with the proposed settlement with Microsoft Corporation in the anti-monopoly suit that has been pending now for so many years. Having found Microsoft to be a monopoly, it appeared that the trial Court had opened the door for sweeping corrections to the business practices of a company that has always placed its ''bottom line'' over the interests of consumers and business partners alike. It appears now that the Department of Justice has decided to take the role of ''protector of the economy'' (as though they were actually qualified to do that), rather than proceed with sanctions against Microsoft based on the merits of the case, by watering down its position on the basis of the impact it might have on the economic climate.

It seems that Microsoft has already had a negative impact on the economy by stifling fair competition, contributing to the failures of some businesses, and over-charging customers for its products. Moreover, Microsoft has produced faulty software that requires almost limitless patching and updating to ensure functionality and security, while discouraging the development of meaningful alternative operating systems by unfairly bringing its influence to bear on competition in the market place. In the meantime, Microsoft has introduced each new operating system as though it were ''the best thing since sliced bread,'' but has really introduced only minor improvements, with most of the focus being on incorporating the patches and fixes to the previous version into the new one, then selling it over again as a ''new'' product.

The agreement sanctioned by the DOJ is a slap on the wrist of Microsoft, and permits the monopoly to continue unabated, as evidenced by the release of an even more proprietary operating system in the form of Windows XP. I'd like to know how it was possible for the DOJ to go from a position of breaking up the company, to a position of doing almost nothing at all. Surely there is more to it than honest concern for the economy, since Microsoft has never been the fulcrum of the economy in the past.

I sincerely hope that the nine states and the District of Columbia holding out for stronger sanctions and safeguards are successful in their attempt to shape the final judgement in this matter. They obviously have the true interests of the consumers (i.e., voters) and the long-term health of the economy at heart.

MTC–00003586

From: David Hirst
To: Microsoft ATR
Date: 12/9/01 12:55pm
Subject: Some comments....

I can only hope and pray that wiser and more just minds review the ruling! Some comment and further short readings....

From: http://www.macobserver.com/columns/nameofthegame/2001/20011129.shtml

(my comments in parenthesis)

Gary: First, you must understand that Microsoft has absolutely committed crimes to enforce their monopoly power. This is why they are willing to settle these class action lawsuits for what appears to be such a lot of money. Microsoft understands that it will have to pay a hefty amount of money, no matter what.

Randy: So, it tries to pay off the trial attorneys with as yet undetermined attorney fees, and dupe the public with promises of computers and software to kids, as opposed to real money to the actual plaintiffs in the case. There is no way that this would ever cost Microsoft even close to $1 billion. These days it isn't hard to find a ''refurbed'' computer for less than $50 bucks.

Randy: A better solution would be to make Microsoft buy $1 billion (per year for 5 years) worth of competitors' products for these schools. Seems like a reasonable punishment for an illegal monopoly. Nothing would pop more zits on Bill Gates' forehead than having to buy 25,000 iMacs! (or better for five years)

Gary: If nothing else, make Microsoft deposit money into a technology fund for these schools. $1 billion (per year!) over five years. Then let the schools decide what to spend that money on without any more involvement from Microsoft. It is clear that by proposing this settlement, that Microsoft has learned nothing and is thumbing its nose at the government and the consumer alike.

Making them pay out over five years would allow students to REALLY build a foundation of knowledge and use, while keeping the technology current. It would also be at least a somewhat meaningful punishment for the CRIMES that MS has perpetrated on the American public rather than the soft slaps on the wrist that MS has gotten away with in the past.

Sincerely,

David R, Hirst

P.O. Box 898

Tacoma, WA 98401–0898

MTC–00003587

From: lee2@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 12/9/01 1:30pm
Subject: Microsoft Proposed Final Settlement

This is a weak, weak, settlement. First of all, Microsoft enjoys it's current market position in large part due to past anti-competitive activities, which gives Microsoft an unfair market advantage even if they were to cease all such objectionable activity immediately. Competing operating systems will consequently continue to suffer an unfair disadvantage if the settlement is to be solely a conduct remedy. If you want a truly competitive marketplace, you should split Microsoft into two companies, one for the OS and one for the applications. This would force Microsoft to port it's applications (such as MS Office) to alternative OSs such as Linux and Unix, effectively ending Microsoft's stranglehold on the desktop market. If you must limit yourselves to conduct remedies, then please at least require Microsoft to port their office suites and media players to the competing OSs. Also, ensure that Microsoft's OS will continue to be Java-compatible, and compatible with emulators such as WINE, WinForLin, etc. Otherwise, Microsoft will continue to enjoy an unfair advantage due to their past anti-competitive behavior.

You should also consider that given Microsoft's track record of unscrupulous conduct, any conduct remedy will require that you keep them under extremely close and continuous scrutiny, and will need to allocate a large staff and massive resources to do so effectively.

Really, you should have broken Microsoft up.

Lee Einer

http://www.members.home.net/appealsman

MTC–00003588

From: Thomas Fitchette
To: Microsoft ATR
Date: 12/9/01 1:50pm
Subject: Microsoft Settlement.

Thank you for this opportunity to comment on the ongoing Microsoft Antitrust Settlement.

My opinion as a citizen working in the higher education system and with a significant exposure to technical issues and technologies themselves, is that the government was right in part in pursuing judgement against Microsoft on certain business practices, whereas a remedy on restricting some of those normal business practices for a period of time to let the market correct itself—as it has been the case over the last several years with business to business solutions, and a one time settlement ranging between one (1) to five (5) billion dollars to be distributed to technology poor educational systems (K–12) seems proper and reasonable. In light of the favor that the latter creates for the defendant, I would recommend that the education remedy be revised that so that it is strictly a monetary penalty, whereas school districts should employ whatever allocation methods they deem or have consulted as necessary within their need base. Otherwise, the placement of Microsoft technologies and peripheral services is more of an awards package to Microsoft than a punishment.

As for consumer harm, as a computer and technologies user who has had opportunities to try other operating systems, other web technologies, and multi-platform solutions, I have felt either little to no harm by Microsoft's business practices. In most cases, whereas business did not dictate a solution, I have freely chosen a Microsoft solution because it was advantageous within the

situation(s) at hand. In other cases, a non-Microsoft product has been chosen on the same merits of being the best tool for the job. Minus the monopoly status, I see no distinct differences between Microsoft practices and the practices of the competitors that have been friends of the court and would-be plaintiffs. I've seen solutions come and go on the value and shortcomings of their own making, not always on the tactics of a competitor. In any market, being a mediocre competitor is just being a mediocre competitor, inclusive of how well one presents themselves to consumers. Yet, I perceive that a number of rivals would seek the law as a mechanism, a business practice to hobble their competitors, such as the case with some patent and copyright suits. It isn't about the law, it's about business 101, and the court as a competition tool.

My position on Netscape and its products was that it made popular and mainstream a technology that others already were using, (some free browsers existed at the time as well as commercial), did it well, but performed even better going head-to-head against Microsoft. Being in the education field, we never had to pay for web browsers to begin with as part of the licensing agreements set forth by those companies, inclusive of staff, faculty, and students, many of which transferred the same technologies to home computers. Both Netscape and Internet Explorer had strengths and shortcomings, but I have used both browsers even before the limitation in harddrive sizes was no longer a restrictive factor. I prefer Internet Explorer based on ease of use, features included in the browser and reliability.

My position on Netscape's market share loss is that the company that purchased it, AOL (now AOL Time Warner) had ample opportunity and financial means to reverse, if not stop, the decline of the Netscape browser and services, but publicly made no visible contributions to elevating the product instead saturating the market with its internet service promotions. To me, it has seemed a convenient time, (the litigation process against Microsoft), that a competitive product was given little to no promotion or distribution through the owners own internet service program America Online which successfully seeded consumer households with compact discs of the ISP software making them arguably the single largest commercial internet provider. I am of the opinion that competitors like AOL, Sun, Oracle, etc., were purposely creating allowing perceptions of barriers to markets by temporarily holding back on announcing plans and delaying or quietly releasing competitive products in order to give weight to claims in the antitrust case which they would have hoped to concluded much sooner than the time frame that has come to pass. At the time, the stock market was riding high and companies could afford to use such delay tactics in hopes of Microsoft being crippled by an antitrust judgement.

So I would implore the court to seek out the views and opinions of more than just the vocal political and business players in this case. The case has been highly political. This opportunity to express my views has been the only government solicitation of whether I believe to have been harmed by Microsoft's business practices, and I wish to not have the case be the cause of consumer harm, which is why I never supported the court ordered breakup of the company (which isn't a bad solution for the company), but offered little to no protection of the breakups from the competitors who have worked well together to litigate against Microsoft.

Thank you.

Thomas Earl Fitchette
tefitche@saturn.vcu.edu
Richmond, Virginia

MTC–00003589

From: Thomas Fitchette
To: Microsoft ATR
Date: 12/9/01 1:53pm
Subject: Microsoft Settlement.

Thank you for this opportunity to comment on the ongoing Microsoft Antitrust Settlement.

My opinion as a citizen working in the higher education system and with a significant exposure to technical issues and technologies themselves, is that the government was right in part in pursuing judgement against Microsoft on certain business practices, whereas a remedy on restricting some of those normal business practices for a period of time to let the market correct itself—as it has been the case over the last several years with business to business solutions, and a one time settlement ranging between one (1) to five (5) billion dollars to be distributed to technology poor educational systems (K–12) seems proper and reasonable. In light of the favor that the latter creates for the defendant, I would recommend that the education remedy be revised that so that it is strictly a monetary penalty, whereas school districts should employ whatever allocation methods they deem or have consulted as necessary within their need base. Otherwise, the placement of Microsoft technologies and peripheral services is more of an awards package to Microsoft than a punishment.

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Thank you.

Thomas Earl Fitchette
tefitche@saturn.vcu.edu
Richmond, Virginia

MTC–00003590

From: joebuck@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 12/9/01 2:14pm
Subject: Microsoft Settlement
Renata B. Hesse

Antitrust Division
U.S. Dept. of Justice
601 D Street NW
Suite 1200
Washington, D.C. 20530–001
Subject: Microsoft Settlement—Consumer's Objection to Proposed Judgment

By e-mail dated Nov. 28, 2001, I previously informed you of my bases for objecting to the above-referenced ''Proposed Judgment''. For your reference, I have included below a copy of the contents of my prior e-mail.

I have since reviewed the ''Remedial Proposals'' filed with the District Court on December 7, 2001, by the Plaintiff Litigating States. Because the ''Proposed Judgment'' fails to address in any effective manner my concerns expressed in my e-mail of Nov. 28, and because the ''Remedial Proposals'' do address these concerns, I ask that the ''Proposed Judgment'' be rejected and that the ''Remedial Proposals'' be substituted in its place and I ask that the District Court take all steps necessary to make the ''Remedial Proposals'' the final judgment in this proceeding.

Sincerely,
G. Joseph Buck
433 Via Anita
Redondo Beach, CA 90277
''joebuck@worldnet.att.net''

REPETITION BELOW OF PRIOR E-MAIL OF NOVEMBER 28, 2001

As a consumer, I write to object to the proposed judgment because the judgment does not address in a positive manner the most important violation by Microsoft of the antitrust law. The proposed judgment, instead, expressly condones Microsoft's continued violation of the law.

The appellate court specifically held that ''Microsoft's... commingling of browser and operating system code constitute(s) exclusionary conduct, in violation of Section 2.'' [U.S. v. Microsoft Corp., June 28, 2001, No. 00–5212, p. 40, first paragraph of part II.B.2.b.] Contrary to this explicit holding, the proposed judgment specifically provides that ''(t)he software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion.'' [Revised Proposed Final Judgment, part VI.U]. Thus the proposed judgment expressly authorizes Microsoft to continue those acts that the appellate court specifically held violated Section 2 of the anti-trust law.

Microsoft continues to expand the strength and breadth of it's monopoly over the PC operating system by absorbing into the software, which Microsoft calls its '' Windows Operating System'', functions performed by its competitor's applications and utilities. Because Microsoft sells its ''operating system'' as a single product, each time that Microsoft adds to its ''operating system'' a function that previously was performed by the competitor's product, consumer demand for the competitor's product ceases and the competitor is destroyed. Again and again, Microsoft has used this weapon to leverage its monopoly power in the Window's operating system to wipe out it's competitors and its competitor's software products while, at the same time, increasing the strength and breadth of its monopoly. The vehemence with which Microsoft objects to any limitation on its use of this weapon evidences Microsoft's recognition of the critical importance of this weapon to Microsoft's continuation and expansion of its monopoly.

Because Microsoft has monopoly power in its ''Windows Operating System'' I, as a consumer, am forced to purchase the Windows Operating System in order to operate my computer. Each time that Microsoft expands the breadth of its ''operating system'' by absorbing into it functions previously performed by other software, I lose the freedom to purchase such functionality from other sources, and whether or not I need such additional functionality, my computer is burdened by the additional software in Microsoft's ''operating system'' that performs these functions.

If the judgment does not prevent Microsoft from commingling its ''Windows operating system'' with software that is added to absorb functions previously provided by Microsoft's competitors, Microsoft will use this weapon to expand the breadth of its monopoly, to destroy its competitors, and to harm the consumers, all in the manner explicitly held by the appellate court to violate the law. If you do not revise the judgment to forbid Microsoft's absorption into the ''Windows Operating System'' of functions performed by competitors' software, the legal action against Microsoft will have failed.

Microsoft claims that it wants the freedom to ''innovate'', i.e. to introduce something new for the first time. Microsoft does not innovate, it instead imitates. Microsoft does not create new products and functionality but, instead, copies the functionality of its competitor's products into its ''Windows Operation System''. Because Microsoft has monopoly power, its ''imitation'' of competitors' products harms us all and violates the law. If Microsoft wants the freedom to ''imitate'', let it imitate with software that is separate from the ''operating system''.

I can think of no benign explanation as to why the most important provision in the proposed judgment was tucked away at the very end of a long list of Definitions. The clause that would ''give away the farm'' to Microsoft should, instead, be displayed in bold letters at the beginning of the proposed judgment under the caption: ''GRANT TO MICROSOFT OF LICENSE TO CONTINUE TO VIOLATE THE LAW''.

Sincerely,
G. Joseph Buck
433 Via Anita
Redondo Beach, CA 90277
''joebuck@worldnet.att.net''

MTC–00003591

From: LynneZ
To: Microsoft ATR
Date: 12/9/01 3:09pm
Subject: Microsoft Settlement

Microsoft is guilty! That should mean that they receive a ''real'' punishment. My business has been damaged by the costs of using bad software.

Either make it cash plus other severe oversight

Mail : Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

MTC–00003592

From: Jonathan Morgan
To: Microsoft ATR
Date: 12/9/01 3:14pm
Subject: opinion on settlement

I doubt this will have an impact, but as a computer professional, I think the settlement is a joke.

Microsoft is obviously anti-competitive, and Windows XP is a slap in the government's face. My MS Passport id is now tied to my Win XP user account? Come on. The remedies do nothing to take away the benefit of microsoft's anti-competitive practices. I am forced to root for the remaining states and the EU. Windows is not a bad product, but Microsoft is a bad company.

Thanks for your time.
Jonathan Morgan
5009 Portsmouth Rd.
Fairfax, VA 22032

MTC–00003593

From: RBMCLEAN@aol.com@inetgw
To: Microsoft ATR
Date: 12/9/01 3:20pm
Subject: Microsoft Settlement Complaint
US Dept. of Justice
Antitrust Div.
Microsoft Settlement Complaint

Gentlemen:

As a user of Microsoft Windows 3.1, 95 and 98 SE, I feel that the settlement agreed to by the parties does not address many of the complaints regarding Microsoft's business practices for the following reasons:

1. There are still quite a few bugs in Windows 98 SE and I don't think the way to resolve these a to sell a new operating system. There seems to be no other way to address them as there is no alternative to Microsoft's software than Linux, which requires learning a whole new system.

2. I believe Microsoft has too much clout in the software business and too easily overshadows or obstructs other software developers from producing new innovations. An example of this is that Kodak's imaging software's being more difficult to address in Windows XP.

3. Each new Windows edition obsoletes earlier versions of Microsoft software, such as the MSOffice programs, so that if you have an earlier version, you cannot process downloads from later versions. This forces you to buy the newer versions, just to communicate.

My suggestion is that Windows should become a utility in the public domain, with source code available to other developers. Microsoft should be the ultimate keeper of the code and be compensated for each new edition. Software used in the Windows operating system should be a competitive industry, so that other developers could produce innovative software and pricing would be competitive based on perceived value.

Sincerely,
Bob McLean

MTC–00003594

From: Michael Barnes
To: Microsoft ATR
Date: 12/9/01 3:34pm
Subject: Please punish Microsoft

Please work for the most severe punishment for Microsoft. My choices as a consumer have been restricted and I've been forced to pay for Microsoft products which I've neither wanted nor used. Their practices have caused severe harm to the software industry, and therefor also to consumers, although most consumers are ignorant of this. Microsoft uses it's monopoly position to dominate the industry with mediocre technologies. Because of the way Microsoft uses its monopoly powers we are denied true choice. We do not have the ability to choose the best products or services. It is clear that Microsoft does not see itself as causing harm, and will not change its practices except to the extent which the government will force it. Microsoft will break the agreements it makes with the government whenever it thinks it can get away with it, so there must be a high level of oversite and strong penalties for breaches of the agreement. If you give in too easily now, you will only have to go after Microsoft again, a third time. This would not be good for anyone other than Microsoft.

MTC–00003595

From: M. Leo Cooper
To: Microsoft ATR
Date: 12/9/01 3:44pm
Subject: Microsoft Settlement

Please permit me to comment on the proposed Microsoft settlement. One element missing from the proposal is a requirement that Microsoft refund to the purchaser of a new computer system the cost of the MS operating system if the purchaser refuses to accept the OS EULA, uninstalls the OS, and returns all manuals and installation media. At present, both the OEM and Microsoft refuse a refund under these circumstances, although it is very difficult to purchase a computer without the MS Windows OS installed.

Additionally, Microsoft should be required to disclose the file formats for all versions of Microsoft Word, so that third-party software can interoperate with it.

Additionally, Microsoft should be required to disclose all details of and alterations to its SMB networking protocol for interoperability purposes.

Thank you for your time.

Mendel Cooper, author and software developer
PO Box 237
St. David, AZ 85630
(520) 720–9431
(603) 288–1281 fax
thegrendel@theriver.com

MTC–00003596

From: Michal Ostrowski
To: Microsoft ATR
Date: 12/9/01 3:48pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am writing to express my concerns regarding the proposed Final Judgment in the anti-trust case against Microsoft Corporation. I am writing in my capacity as an open-source software developer and contributor, having participated in the development of networking functionality in the Linux operating system.

My concerns regarding the proposed Final Judgement are many, though I will use this opportunity to express my most fundamental concern: the proposed Final Judgement makes no provisions for Microsoft to disclose APIs to individuals participating in Open-Source software development.

Open-Source software poses the most significant threat to Microsoft's monopoly in personal-computer operating systems. Consequently the greatest hope for restoring a competitive balance in the operating-systems marketplace is by ensuring that Open-Source developers have the ability to produce software compatible with Microsoft APIs, networking and authentication protocols.

The proposed Final Judgement requires Microsoft to disclose programming interface information to certain classes of entities (commerical entities involved in commercial software and hardware development) , none of which include Open-Source software developers such as myself. Furthermore, the proposed Final Judgement does not specify the terms under which Microsoft is required to provide programming information. Consequently Microsoft may provide such information to developers under terms that forbid software developed with that information to be publicly distributed in source-code form.

Should these concerns not be addressed, Open-Source software developers such as myself will be precluded from developing open-source software compatible with Microsoft software due to the lack of availability of information concerning APIs and/or the inability to publish Open-Source software utilizing Microsoft APIs due to licensing restrictions imposed by Microsoft.

Michal Ostrowski
mostrows@speakeasy.net

MTC–00003597

From: Owen Williams
To: Microsoft ATR
Date: 12/9/01 4:09pm
Subject: Microsoft Settlement

The following is an excerpt from an article by Robert X. Cringely. He makes clear what I would have trouble saying:

The remedies in the Proposed Final Judgement specifically protect companies in commerce—organizations in business for profit. On the surface, that makes sense because Microsoft was found guilty of monopolistic activities against ''competing'' commercial software vendors like Netscape, and other commercial vendors—computer vendors like Compaq, for example. The Department of Justice is used to working in this kind of economic world, and has done a fair job of crafting a remedy that will rein in Microsoft without causing undue harm to the rest of the commercial portion of the industry. But Microsoft's greatest single threat on the operating system front comes from Linux—a non-commercial product—and it faces a growing threat on the applications front from Open Source and freeware applications. The biggest competitor to Microsoft Internet Information Server is Apache, which comes from the Apache Foundation, a not-for-profit. Apache practically rules the Net, along with Sendmail, and Perl, both of which also come from non-profits. Yet not-for-profit organizations have no rights at all under the proposed settlement. It is as though they don't even exist.

Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...''

So much for SAMBA and other Open Source projects that use Microsoft calls. The settlement gives Microsoft the right to effectively kill these products.

Section III(D) takes this disturbing trend even further. It deals with disclosure of information regarding the APIs for incorporating non-Microsoft ''middleware.'' In this section, Microsoft discloses to Independent Software Vendors (ISVs), Independent Hardware Vendors (IHVs), Internet Access Providers (IAPs), Internet Content Providers (ICPs), and Original Equipment Manufacturers (OEMs) the information needed to inter-operate with Windows at this level. Yet, when we look in the footnotes at the legal definitions for these outfits, we find the definitions specify commercial concerns only.

But wait, there's more! Under this deal, the government is shut out, too. NASA, the national laboratories, the military, the National Institute of Standards and Technology—even the Department of Justice itself—have no rights. It is a good thing Afghanistan is such a low-tech adversary and that B-52s don't run Windows.

I know, I know. The government buys commercial software and uses contractors who make profits. Open Source software is sold for profit by outfits like Red Hat. It is easy to argue that I am being a bit shrill here. But I know the way Microsoft thinks. They probably saw this one coming months ago and have been falling all over themselves hoping to get it through. If this language gets through, MICROSOFT WILL FIND A WAY TO TAKE ADVANTAGE OF IT.

Is the Department of Justice really that stupid? Yes and no. They showed through the case little understanding of how the software business really functions. But they are also complying with the law which, as Microsoft argued, may not be quite in sync with the market realities of today. In the days of Roosevelt and Taft, when these laws were first being enforced, the idea that truly free products could become a major force in any industry—well, it just would have seemed insane. article: http://www.pbs.org/cringely/pulpit/pulpit20011206.html. The biggest threat to microsoft is linux. This settlement

gives microsoft free rein to shut linux out forever.

Owen Williams

MTC–00003598

From: Martin Williams
To: Microsoft ATR
Date: 12/9/01 4:13pm
Subject: Microsoft Antitrust

Hello,

Apparently in the deal that Microsoft have made a three member commitee will be formed within Microsoft to make sure the terms of the agreement are kept. How are these appointments going to be made?

Thanks,

Martin.

MTC–00003599

From: Michele Murteza
To: Microsoft ATR
Date: 12/9/01 4:14pm
Subject: Comments on Microsoft—schools

To Whom It May Concern,

Since the U.S. Court of Appeals for the District of Columbia Circuit found that Microsoft is a monopoly and acted illegally to maintain that status, a settlement based on the distribution of more Microsoft software seems truly ironic.

The assumption that Microsoft software in particular benefits schools ''to prepare students for the business world'' is not necessarily on target. One goal of technology education at the K-12 level aims at teaching software concepts, rather than vocationally training students on particular programs. That is, the same lessons can be learned from any ''office suite'' or via any ''web browser'' or on any ''operating system'' to adequately prepare students.

A true ''public benefit'' the settlement could provide would be to give the choice to schools, not Microsoft. For example, Microsoft could provide generic resources (e.g. cash, equipment, etc.) that leave the schools free to choose their own software technology.

Any benefit to the schools should be just that—a benefit to those students. This settlement should NOT be a thinly veiled Microsoft cost saving benefit nor a new market channel!

Thank you.

Michele Murteza
A concerned citizen.
San Francisco, CA 94110
415–401–8494

MTC–00003600

From: Scot Ballard
To: Microsoft ATR
Date: 12/9/01 4:17pm
Subject: Microsoft Settlement.

Microsoft judgment,

I Have been in the IT industries for about 6 years, I work for Microsoft for 1 of those years and Apple of one of the others. I see open source as the next ?competitor? Microsoft will do anything I can to deny open source from coming to the front and it looks like the DOJ is trying to help it.

''Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...''

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This would be my proposed remedy

1. Microsoft should be forced to document to the public all file format standards before the products come to market

2. all network protocols (defined as any interaction between two computers over any networking medium).

3. all API's should be documented before they go to market.

4. not hold open source or non for profit companies liable for using the standards they set fourth.

If you think about it the only reason people buy the new office product is for file format inter operability. The same with Server and other software.

Microsoft hasn't Innovated in a long time. They are now the IBM of 1982.

Scot Ballard
scot@apple.com
408–974–0575
Global Computer Services System Engineer

MTC–00003601

From: Joe Gill
To: Microsoft ATR
Date: 12/9/01 4:19pm
Subject: Microsoft's Anti-Trust Case

Dear USDOJ,

I am a 22 y/o IT professional currently working for a small business as a webmaster for there company and a network administrator for them as well. Recently I have switched from Microsoft Windows to a more stable system Linux. The reason for my switch is due to the lack of enforcement of Microsoft's Monopoly and also due to the fact that linux is much more stable than Windows ever will be. I feel that Microsoft should be stopped from continuing to release game boxes and updates to there OS until this suite gets settled. I also feel that simply donating operating systems to schools is a waste of what really needs to be done. Donating systems does give our children a chance to learn computers but when all of the systems being donated have Windows on them, it doesn't really give our youth a look at what else is out there. As a key principle in our lifestyle/nation to have the ability to make an educated decision. I feel that if any money should be spent, it should be spent on other companies systems not there own. In other words, if MS is forced to donate anything it should not be there OS. I feel that all of there money spent on donations of there OS should go to other OS manufacturers and that those manufactures should then donate there software to schools. I also feel that MS should be forced to free up the code behind there OS. Having there OS code readily available allows IT professionals like me, to be able to go in and modify the system to suite our individual needs. Right now as there systems stand, the only thing you can really do is add on to the system and change minor things. Microsoft's systems don't allow you to remove any of there proprietary software. Also with MS's latest software release not only continues to have all of there proprietary software, but it invades your privacy. Whenever a user logs onto the internet it activates MS Messenger which sends data back to microsoft about your machine. However, when you connect it automatically takes you to msn.com which forces you to register with them. By registering with them, they then have all of your personal information. (IE Credit card number, name, phone number and address.) My last key point is whenever a consumer goes to purchase a computer at most any store, they are not given a choice of what operating system to purchase. Most 90% of the time users are forced to purchase a MS operating system. This needs to change. Retailers need to be required to have at least a quarter of the store in other operating systems. If this was done users would then be able to make educated decisions on what systems to purchase. Thank you for your time! I hope you take this seriously in your decision!

Sincerely,
Joseph Gill
5 Quail Wood Court
Parkton, MD 21120
410–357–4133

MTC–00003602

From: davisbm@purdue.edu@inetgw
To: Microsoft ATR
Date: 12/9/01 4:22pm
Subject: Microsoft Settlement

The current Proposed Final Judgement is too weak to have any effect on Microsoft's monopoly. Microsoft's API's and file formats must be made public, and not just revealed to companies. They must be made public because the information must be available to open source groups for them to use in their products, as they are the only real competitor today. Microsoft will kick and scream, saying this will hurt their profits. But that is what will happen when the competition gets a fair chance.

MTC–00003603

From: Peter Snyder
To: Microsoft ATR
Date: 12/9/01 4:23pm
Subject: Microsoft Settlement

Dear DOJ,

I am writting this to express my hope that you will not agree to the currently proposed settlement with Microsoft. In my oppinion, there are multiple problems with this outcome. For one, it only allows Microsoft to extend its monopoly into schools. As most any IT professional will tell you, it is very difficult to retrain/teach someone to use a different operating system, and allowing Microsoft to get its products into schools only locks students into their products. Furthermore, there is very little language in the settlement that protects open source/free

projects such as Apache, Sendmail, SAMBA, and so on. These projects are what have allowed the internet to be the open-to-all entitiy that it currently is. If these projects were to be replaced by propritary software, and even more so if the propritarty software was owned by one single company, there would most likly be high enough barriers to entry to the internet to prevent worse-off people from taking advantage of something that is now such an integral part of everyones lives.

I hope you will reconsider the settlement.

Pete Snyder

MTC–00003604

From: Ian Bicking
To: Microsoft ATR
Date: 12/9/01 4:27pm
Subject: Micosoft Settlement

I have commented on the settlement prior to its first public revision. I would like to append more specific comments to my previous comments. The manner in which APIs would be revealed are limiting to Microsoft's main competitor: Free and Open Source Software (''Free'' defined as ''without restriction'' not ''free of cost'').

This software is created largely by individuals in informal and generally noncommercial cooperation. This is a very significant movement, and provides great potential benefits for American consumers. I think that makes such Free and Open Source Software *the* essential beneficiary of the ruling against Microsoft. This case was not a question of whether businesses were harmed by the monopoly, but rather consumers. It is essential that this pro-consumer movement be helped by the settlement. Instead they speficially discriminated against by the settlement.

Under provisions to release the API of Microsoft products, Microsoft is given discretion as to who they will release information: namely, ''viable businesses'', with Microsoft being able to interpret that as they wish.

I am personally involved in many projects that have the potential to benefit consumers, but are not businesses of any sort, rather a conglomeration of individual developers. I would expect that these groups will be excluded under this settlement.

Instead of this model, APIs should be made fully public. Individuals, in some manner, should be able to ask questions of Microsoft regarding these APIs, and have them answered publically. If it seems too difficult to allow any individual to ask such a question, an electronic petition process could be used instead, as long as a group of individuals can have the same weight as a commercial organization. It is essential that the API information be made public. If it is hindered by any sort of NDA it will be *absolutely useless* to Free/Open Source software projects. We have formed a legal and social structure where we do not have the ability to keep pieces of our code private. This process must be respected by the settlement, as it forms the most serious competition for Microsoft, and is of large benefit to consumers. It is also essential that non-commercial groups of individuals be able to access API documentation, and have questions resolved by Microsoft. In general, it is dangerous to allow Microsoft to have discretion on any aspect of this manner, as they can use that to further punish their most stringent competitors as they have done so many times in the past. It is also dangerous to allow them discretion on security issues. While it is acceptable that they be allowed a short, private period to resolve security issues before making them public, all aspects of their systems must be made public. It is all too easy to add security aspects to nearly any portion of a system. It is even potentially a good thing that they add security at many parts of their system. However, they should not need to be private about their security measures to ensure the effectiveness of that security. The Free/Open Source communities have created large amounts of software that is secure while being open. Microsoft should do the same. This process is completely possible, and has been demonstrated over and over for as long as computer security has existed.

Thank you for your time,

Ian Bicking, ianb@colorstudy.com
Sole Proprietor: Colorstudy Web Design
http://www.colorstudy.com
773–275–7241
4869 N. Talman Ave,
Chicago, IL 60625

MTC–00003605

From: Adam M Kornick
To: Microsoft ATR
Date: 12/9/01 4:28pm
Subject: Microsoft Settlement

To Whom It may Concern,

They currently proposed settlement with Microsoft is ludicrous. It lets one of the most predatory and illegal mainstream businesses of the last 30 years use its settlement to escape real punishment while obtaining tax deductible marketing. This settlement will only incresae Microsoft's anti-competitive practices, gain them a stronger foothold with our youth, and once and for all destroy any software buiness within the US that is not under Microsoft's thumb. If you want to make the software market open:

1. Force microsoft to stop engineering software with the primary goal of incompatibality with competitors.

2. Take their offer to fund schooling as cold, hard cash, buy hardware and let the schools choose wether to buy software or use freely available software.

3. Force microsoft to issue a publicly available reference to everyone of their APIS that use no proprietary software.

Please don't let microsft continue to destroy the software industry.

Adam
Adam M Kornick
Coastal Engineer
Woods Hole Group

MTC–00003606

From: ash@dragonpaw.org@inetgw
To: Microsoft ATR
Date: 12/9/01 4:28pm
Subject: Microsoft Settlement.

I am writing in today to express my concerns regarding the proposed Microsoft settlement.

As clearly made evident in the trial, Microsoft has used, illegally, its status to crush many of its competitors. Many of those competitors are out of the market forever and many more will be unlikely to try and reclaim the territory that they lost to Microsoft. Netscape has said they are an information company, not a browser company and IE is likely to remain the dominant browser. Sure, Mozilla is great, but it is not written to by many sites that tend to write IE-compatible-only web sites. What ever happened to the open standards of W3C? Microsoft took them and 'extended' them in ways incompatible with the specification, just as they did with Java which ended up costing them their license to the language. (Sun Microsystems vs. Microsoft, etc...)

This is the way in which they operate. ''Embrace and Extend'' is their method of extending their monopoly. Unless they are forced to comply with open specifications and unless they are forced to make their specifications open, this will never change.

But yet, Linux, the biggest competitor to MS's monopoly is clearly excluded from the settlement. Linux isn't a company, neither is Apache or Samba. Many of these great products have companies selling them, but the core development of all of these products is handled by non-profits or individuals.

There is no requirement that the Samba people be told how to code to the CIFS layer or how to be able to handle the authentication to W2k boxes. There is no requirement that the Apache group be told all of the web-related APIs that exist. There is no requirement that Microsoft OS's not destroy the partitions of other OS's on which they share a drive. (As is the case with Win2k damaging Linux partitions and boot information in some instances.) Linux and the open-source community is as much a part and a victim in this issue and they need to be included in any settlement.

William Arnold
492 Lomer Way
Milpitas, CA, 95035
USA
William Arnold <ash@dragonpaw.org>

''The truth will set you free, but first, it will piss you off.''

MTC–00003607

From: Rob Yampolsky
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/9/01 4:26pm
Subject: Microsoft Settlement.

Like many other computer professionals, I am concerned that the proposed settlement between the Department of Justice and Microsoft will do nothing to correct proven past abuses of monopoly power and little to prevent future abuses.

The modifications to the settlement proposed by the nine dissenting states, while perhaps farfetched in some instances, contain several proposals that will go a long way toward guaranteeing a healthy marketplace in what is today not a marketplace at all.

Through Microsoft's bundling of applications software with their operating systems, and through many years of restrictive contracts that completely locked competing operating systems out of the IBM-compatible PC market, we find ourselves in a situation where the 'popularity' of

Microsoft's products is achieved by fiat, and there is no way to gauge whether the public wants to buy that software or not.

I would argue that the main reason people buy Microsoft operating systems is the ability to run one or two applications that will only run on that platform. Those applications do not include web browsers and e-mail readers, which adhere to commonly-accepted standards and, not coincidentally, are available for most modern operating systems. In fact, in a large number of cases, that one vital application is Microsoft Word, which enjoys its own near-monopoly status due to past Microsoft misbehavior (which was similarly not punished and hardly changed by a similarly weak Consent Agreement in 1995).

So the dissenting states' proposal that Microsoft be required to offer a version of the Windows operating system with contested Internet and multimedia applications removed would go a long way toward restoring competition in those arenas.

Interestingly, the applications that come bundled in the Windows XP operating system all have existing equivalents that are available at a very low cost or for free. Microsoft contends that its entries are free as well, but then how can they account for the fact that Windows XP lists for $199 to $299 compared with the roughly $99 price for the Windows95/98 system that it replaces?

Microsoft may claim that Windows XP is based on a more stable underlying architecture that justifies the added price. Still, with every other component of the modern PC becoming better and cheaper all the time, why shouldn't the consumer expect that of the operating system as well? The basic function of the operating system is the same. Stability? Well, it's about time.

They may claim that it is the integration of the Internet and multimedia applications with the operating system that justifies the added cost. Since the applications cost nothing, then that 'integration' must come at a cost of about $100. I would contend that there are many users that would be willing to do their own integration for a savings of $100. I would also contend that there are many businesses that would prefer to save $100 per desktop while also reducing the incentive for workers to waste time playing with all those multimedia toys.

So, let there be two versions. One for the original $99 price of Windows 95 (and with the same feature set), and one for whatever Microsoft wants to charge that contains the added features. It would be even better in terms of fair competition for the integration of the extras to be done by the PC vendors in response to actual market demand (to prevent the kind of integration—like that of Internet Explorer—that degrades performance of competing products by hogging system memory).

Another constructive contribution of the dissenting states is the requirement that the price of Microsoft software be clearly listed by PC manufacturers, and that consumers be permitted to opt to not buy that software. Microsoft (perhaps in anticipation of this requirement) has built effective anti-piracy features into Windows XP, so there is no justification for forcing customers to buy Windows with every PC sold. How can you expect competition to emerge in the PC operating system market if customers are forced to double-pay in order to get a competing system that, admittedly, does not benefit from the availability of applications that only years of monopoly status have conferred upon Windows?

You may argue that there are benefits to the standardization that results from Microsoft's monopoly status. If so, then these restrictions will change nothing, and those benefits will continue. More likely, a whole new set of benefits will be brought about by the widespread adoption of new, open standards that allow multiple vendors to compete in providing Word Processors and the like. Only a monopolist has something to gain from ignoring (or subverting) open standards. The world-wide-web and the global e-mail system offer vivid proof that interoperability between different computer systems is not only possible, but is enormously beneficial. Either we want a free marketplace to exist or we don't. The law says we do. And the DOJ-Microsoft settlement as written will not accomplish it.

Rob Yampolsky
rob.yampolsky@encodasystems.com
(tel) 212–303–4250
(fax) 212–688–2639

MTC–00003608

From: DSNTelecom@aol.com@inetgw
To: Microsoft ATR
Date: 12/9/01 4:32pm
Subject: Our company is concerned...

Department of Justice,

I speak for all of us here at DSN Communications when I say that we are extremely concerned about the proposed settlement regarding the people vs microsoft. It is far too watered down of a settlement and doesn't provide ample punishment for Bill Gates and his abuse of our proud capitalistic system.

One wonders where justice ends and partisanship begins with the acceptance of this agreement on the part of the DOJ.

We here at DSN who have been on the edge of computers since 1977, have a few suggestions for a settlement that will better protect the rights of the people, and put the ''trust'' back into the equation; one that looks away from the questionable direction the DOJ has taken with the new presidential administration.

1. Allow Linux, a proven and reliable PC-based Operating System to make inroads into education through Red Hat Linux's equal offer vs. the Microsoft's donation. The creator of Linux, Linus Torvalds, wanted a free alternative to the Microsoft madness, and created Linux for the people. Microsoft should be forced to make their applications available in Linux versions. Apple is also a very big friend of education, and has continually proven an ally to them—unlike Microsoft who now uses a large donation to education (tax break) as a bartering chip vs justice. Whoever fulfills the educational need isn't as important as who doesnt—Microsoft. If you allow Microsoft to weasel out of punishment with a huge tax break, you will not only have betrayed the people of America and our founding principles, but you will allow and actually usher-in Microsoft, Inc. to dominate yet another area, education, with their unscrupulous and monopolistic practices.

2. !IMPORTANT! Force microsoft to provide source code for the IE web browser. Microsoft's unwillingness to share source code has already driven a new exciting company, Netcape, to be swallowed up by AOL/TimeWarner, another huge monopolistic company. Marc Andreesen, a young and bright mind, invented HTML and the browser with the help of others and started Netscape. Bill Gates not only stole his idea, but forced Netscape out of business by the practice of withholding source code for Windows. Without this code, Netscape's Navigator web browser could not function properly. Netscape slowly lost its market share to Microsoft's IE Explorer as a result. This was after continual requests and pleas from Netscape to work with Microsoft. This is simply scandalous and downright wrong.

3. Lastly and controversially, we believe Microsoft should be broken into 2 separate companies. One company could handle the IE web browser and all program-based applications, while the second would focus on the the operating system and making it work with everything out there to spur competition, and provide a more favorable arena for the kind of competition that our country is founded on.

SO, DSN Communication supports the decision of the 9 states to continue on against microsoft despite the obvious ''influenced'' decision of the DOJ as of late (Bush administration). We frown on the DOJ's protection of big corporate interests and putting those interests before those of the people. We disapprove of how you are handling yourselves regarding the watered-down and so-called ''settlement'' proposed by/for microsoft. Get some backbone boys, you've got a job to do, so go fix the problem. Do NOT rally around Mr. ''Moneybags'' Gates like he's some hero. He's a criminal, remember? ...something about being found guilty, REMEMBER?!?

Sincerely,
David S. Nichols
Owner—DSN Communications

MTC–00003609

From: nathan@ns1.khmere.com@inetgw
To: Microsoft ATR
Date: 12/9/01 4:36pm
Subject: Microsoft Settlement

Greetings !

I am 100% against this settlement. It does not properly represent the industry nor consumers. Microsoft is guilty and that is fact. Microsoft should be broken up and no other settlement will suffice. If this case was in the courts 30 years ago Microsoft would have been spit up into small pieces by now. However it is apparent that today's Government is not concerned with law but only aids big business.

Nathan Boeger

MTC–00003610

From: Mr.Lee
To: Microsoft ATR
Date: 12/9/01 4:34pm
Subject: Microsoft Settlement

To whom it may concern,

In the most recent column by PBS Technology columnist Robert Cringley, it has come to my attention that the anti-trust settlement between Microsoft and the US Government it totally skewed to the side of Microsoft and commercial computer companies.

http://www.pbs.org/cringely/pulpit/pulpit20011206.html

Specifically, I am talking about Section III(J)(2), in which Microsoft gets to decide which companies constitute a business as to wether or not they are required to release connectivity information concerning their products. Because of this power, they can effectively leave out Open Source Software projects, their biggest competitor, because they don't fit the description of a business.

This sort of language is not only irresponsible of the part of the DOJ, but it in effect lets Microsoft shut out their biggest competitor, Open Source Software. The result being that this settlement will not only not punish Microsoft, but allow Microsoft to shut out yet another competitor, thereby strengthening the monopoly that they have already been found guilty of. Please don't let this sort of behavior continue.

Sincerely,
Lee McLain

MTC–00003611

From: Bayle Shanks
To: Microsoft ATR
Date: 12/9/01 4:44pm
Subject: Microsoft Settlement

I feel that the proposed settlement neither effectively prevents Microsoft from continuing monopolistic practices, nor substantially punishes them for what th ey have already done. I urge the Government to immediately retract this offer. First of all, any settlement needs to deal with more than just Microsoft intimi dating OEMs into not using competitors. The issue of open APIs, open file forma ts, and open services is critical. I find it disturbing that, as I have heard, ''Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Doc umentation, or Communications Protocols affecting authentication and authorizat ion to companies that don't meet Microsoft's criteria as a business: ''...(c) me ets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...''

I believe at a very minimum, any settlement with MS should make the interfaces to all these things totally public (NOT just licensed to COMMERCIAL entities).

Second of all, the term is too short. I would press for a ten year term at the least.

Third, the committe designed to oversee MS does not have sufficient investigati ve power, and none of its members should be appointed by MS.

Forth, there is nothing to punish MS for its wrongs so far. MS has made far too much money off its predatory practices. I urge heavy fines against MS. One way to appropriately give these fines back to the public would be to give them to the free software movement.

Thank you for your time,
bayle

MTC–00003612

From: Mark Woehrer
To: Microsoft ATR
Date: 12/9/01 4:44pm
Subject: Microsoft Settlement.
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Attorney Hesse,

I do not like the proposed settlement against Microsoft. I think the government should prosecute Microsoft to the fullest extent. In the past Microsoft has used every avenue possible to protect its known monopoly. Please review the language used in Section III(J)(2) and protect the not-for-profits. Without the ''Open Source'' movement we have no choice.

Kind Regards,
Mark Woehrer
Design Engineer
6100 Vine St. Apt. X–176
Lincoln, NE 68505

MTC–00003613

From: Shiv Sikand
To: Microsoft ATR
Date: 12/9/01 4:48pm
Subject: Comments on proposed settlement

I am writing because I am very concerned about the fact that OpenSource projects, on which my business and many others now rely on, are specifically excluded or not-represented in the Settlement, specifically in Section III(J)(2) and Section III(D).

It is very important that these not-for-profit bodies that build important and valuable software be left vulnerable to attack by Microsoft.

Thank you,
Shivinder Singh Sikand
Matrix Semiconductor, Inc.

MTC–00003614

From: Kevin Gabbert
To: Microsoft ATR
Date: 12/9/01 4:47pm
Subject: Microsoft Settlement

I will keep this simple.

I am a computer programmer. I program using languages Microsoft has developed, and have a thorough knowledge of Windows and how it works. I feel that I am qualified enough to comment on this situation:

—Microsoft has been found Guilty of monopolistic practices.

—it is quite apparent that in the current situation, over 90% of PC's are dependent on Microsoft's Windows software.

—I feel that the current settlement basically amounts to Microsoft taking voluntary actions to curb its on monopolistic practices.

—I feel that the correct remedy should be to nullify the situation.

—Microsoft's ''Crown Jewels'' has been the crux of this entire problem. The problem lies with Microsoft ''Integrating'' products into their ''Crown Jewels'' in order to circumvent competing products.

—it is impossible to recall subsequent releases of Windows since the ''Internet Explorer'' problem came to be.

So..

Level the playing field. Make the Windows Source Code public.

Make it so that anyone can do the same thing.

Respectfully,
—Kevin R. Gabbert
http://www.kevingabbert.com

MTC–00003615

From: Andrew Burgess
To: Microsoft ATR
Date: 12/9/01 4:47pm
Subject: Microsoft Settlement.

I disagree with the current settlement as it perpetuates Microsoft's Monopoly. This is not a punishment in any way.

Examine the option Red Hat Software option and reconsider the outcome.

MTC–00003616

From: acmaurer@compuserve.com@inetgw
To: Microsoft ATR
Date: 12/9/01 4:52pm
Subject: Settlement

Dear DOJ,

Letting Microsoft get away with $1 billion in software donations is no punishment at all. I suppose they get to value it a retail, too.

It does nothing to prevent furure misbehavior—in fact it encourages it. I manage a datacenter full of Windows systems—but fair is fair. Or not.

Sincerely,
Al Maurer

MTC–00003617

From: steve cooley
To: Microsoft ATR
Date: 12/9/01 4:54pm
Subject: Microsoft Settlement

I think this is a completely backwards way to settle Microsoft's wrongdoings. I think the only way to fairly punish them is to monitarily penalize them. Take the dollar value of all the hardware and software they proposed to ''donate'' to schools, and multiply it by 1.25 for their arrogance in even trying to fool the court into thinking these kinds of tactics would suffice. Certainly it costs them money to produce software, but it's nothing in comparison to the damage they've done, and ultimately, it does not cost them hundreds of dollars per-copy of their operating system. Allowing Microsoft to donate software and hardware to needy schools is in itself an unfair business practice in context of the charges being brought against them. What little market share Apple has reasonable access to anymore would be unfairly competed with by an offer to free materials by Microsoft.

I urge you to reject this settlement offer and to focus on what will make an obvious impact to the punishing of Microsoft: hard cash. Needy schools should be the benefactor of this settlement. This much I totally agree with, but at least give the schools the opportunity to decide which platform they prefer for themselves.

MTC–00003618

From: Aaron Williams
To: Microsoft ATR

Date: 12/9/01 4:56pm
Subject: Microsoft settlement

Hi,

After looking at the settlement, I think it may make things worse than they already are. For example, right now there is a popular piece of software called Samba (see http://www.samba.org/). Samba allows non-Microsoft operating systems such as Linux, Solaris, and many others to interoperate with Windows. Samba is used by many corporations and even the US government. Your settlement would effectively kill Samba. You see, Samba is not written by a corporation, but is a not for profit project. Samba relies on Microsoft's encryption and authentication protocols for interoperability. By allowing Microsoft to keep this proprietary effectively kills Samba.

There is absolutely no reason for Microsoft to keep security protocols undocumented. Security through obscurity has been proven time and again to be a failure. DeCSS is a perfect example. The DVD industry tried to keep their method of encrypting DVDs a trade secret. It was only a matter of time until someone reverse engineered it. Not only that, but once it was reverse engineered and analyzed it was found to be extremely weak encryption. It was supposed to be 40 bits, which while not strong, is time consuming to crack. It was found that only 16 bits needed to be found, or 65,536 combinations. It only takes a modern computer a few milliseconds to crack the DVD encryption, even without the keys. Another example is Microsoft's media authentication code for making multimedia files that cannot be copied. It has been reverse engineered and well documented how to defeat, even though it was proprietary and Microsoft tried to make it difficult.

Microsoft should be forced to fully document every protocol (method of exchanging information over a network) and all of their file formats. For example, nobody can effectively compete with Microsoft Office because the file formats are proprietary and not documented. Most of the current support for alternative office products (like Star Office) that can read Microsoft documents do so by trying to reverse-engineer Microsoft's files. This is very difficult to do and results in less-than-perfect reading of Microsoft documents in non-Microsoft products.

And finally, Microsoft currently has a licensing restriction on PC manufacturers such that they cannot install any software that modifies the boot process. This requirement prevents manufacturers from installing Linux and Windows on the same computer. When Linux, or any other operating system, is installed on the same computer as Windows, a boot selector must be installed. Microsoft's restriction significantly hampers PC manufacturers who can install either Windows or Linux (or any other operating system) but not both.

I propose the following must be part of the settlement:

1. Microsoft must fully document all protocols (including security related protocols).

2. Microsoft must fully document the format of any file that is used for saving or exchanging information.

3. Microsoft may not restrict other operating systems being installed on computers at the same time as Windows, even if the boot operation is modified.

The documentation must also be available to everyone, not just licensed coporations. This will help level the playing field and can in fact help grow the economy since there will be more products to choose from and new features can be added by 3rd parties that otherwise could not.

Aaron Williams

MTC–00003619

From: Clay Webster
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/9/01 5:02pm
Subject: Microsoft Settlement

I believe the proposed settlement is a gift to Microsoft instead of a punishment. I urge you to reconsider. Microsoft should pay damaging cash amounts.

cw
Clay Webster
Director, Performance Measurement & Analysis
tel:1.908.541.3724
http://www.cnet.com
CNET, Inc. (Nasdaq:CNET)
mailto:clay@cnet.com

MTC–00003620

From: Mike Hoggan
To: Microsoft ATR
Date: 12/9/01 5:03pm
Subject: Microsoft Settlement

I don't have much time to write a lengthy email, but I thought it important to express how I feel about the Microsoft Settlement. I feel like Microsoft has talked their way out of any significant punishment for their monopolistic behavior. If you look at the commercial software and OS market there just isn't any other options for consumers than Microsoft. It shouldn't be that way. Software engineers have new ideas, but they don't even try to start new companies based those ideas for fear of Microsoft just including the functionality in their OS. The company should have been broken up into 2 separate companies along the lines of OS and Applications. The proposed settlement only strengthens Microsoft. Did the Department of Justice have anything to do with the proposed settlement? It sound like Microsoft lawyers wrote it.

Sincerely, Michael S. Hoggan
Software/Firmware Engineer.

MTC–00003621

From: stephan
To: Microsoft ATR
Date: 12/9/01 5:03pm
Subject: Micosoft Settlement (don't punish the open source movement)

The manner in which APIs would be revealed are limiting to Microsoft's main competitor: Free and Open Source Software (''Free'' defined as ''without restriction'' not ''free of cost'').

This software is created largely by individuals in informal and generally noncommercial cooperation.

This is a very significant movement, and provides great potential benefits for American consumers. I think that makes such Free and Open Source Software *the* essential beneficiary of the ruling against Microsoft. This case was not a question of whether businesses were harmed by the monopoly, but rather consumers. It is essential that this pro-consumer movement be helped by the settlement. Instead they speficially discriminated against by the settlement.

Under provisions to release the API of Microsoft products, Microsoft is given discretion as to who they will release information: namely, ''viable businesses'', with Microsoft being able to interpret that as they wish.

I am personally involved in many projects that have the potential to benefit consumers, but are not businesses of any sort, rather a conglomeration of individual developers. I would expect that these groups will be excluded under this settlement.

Instead of this model, APIs should be made fully public. Individuals, in some manner, should be able to ask questions of Microsoft regarding these APIs, and have them answered publically. If it seems too difficult to allow any individual to ask such a question, an electronic petition process could be used instead, as long as a group of individuals can have the same weight as a commercial organization.

It is essential that the API information be made public. If it is hindered by any sort of NDA it will be *absolutely useless* to Free/Open Source software projects. We have formed a legal and social structure where we do not have the ability to keep pieces of our code private. This process must be respected by the settlement, as it forms the most serious competition for Microsoft, and is of large benefit to consumers.

It is also essential that non-commercial groups of individuals be able to access API documentation, and have questions resolved by Microsoft. In general, it is dangerous to allow Microsoft to have discretion on any aspect of this manner, as they can use that to further punish their most stringent competitors as they have done so many times in the past.

It is also dangerous to allow them discretion on security issues. While it is acceptable that they be allowed a short, private period to resolve security issues before making them public, all aspects of their systems must be made public. It is all too easy to add security aspects to nearly any portion of a system. It is even potentially a good thing that they add security at many parts of their system. However, they should not need to be private about their security measures to ensure the effectiveness of that security.

The Free/Open Source communities have created large amounts of software that is secure while being open. Microsoft should do the same. This process is completely possible, and has been demonstrated over and over for as long as computer security has existed.

Stephan Branczyk
1087 A Stanford Ave
Oakland, CA 94608
U.S.A

MTC–00003622

From: greg gradwohl

To: Microsoft ATR
Date: 12/9/01 5:04pm
Subject: Microsoft antitrust

It seems to me:

Everyone agrees Microsoft is a monopoly. Microsoft has used this position to crush competition. They have no incentive to stop these anti-competitive practices.

Microsoft needs to receive some sort of tangible punishment to dissuade them from continuing their current anti-competitive practices.

Greg Gradwohl
Software Engineer

MTC–00003623

From: gary sirmon
To: Microsoft ATR
Date: 12/9/01 5:09pm
Subject: microsoft. atr@usdoj.gov

Hello,

I just wanted to let you know that I am aghast at the settlement that is being proposed for the DOJ and Microsoft. M$ was found guilty. They are supposed to be punished not rewarded, which is what they will be with the settlement that is being proposed.

Please, please, please reconsider this judgment. I mean whats next putting pedophiles in charge of childrens homes as their punishment? This settlement basically says that people convicted of breaking the law don't have to worry about punishment and can just keep on doing exactly what they want to.

Gary Sirmon
garysirmon@yahoo.com

MTC–00003624

From: wralston29
To: Microsoft ATR
Date: 12/9/01 5:11pm
Subject: Microsoft Settlement

Microsoft should be fined an amount equal to the net worth of the company. All of their money is tainted because it was illegally obtained since the beginning.

MTC–00003625

From: scott worley
To: Microsoft ATR
Date: 12/9/01 5:12pm
Subject: Microsoft Settlement

Hi,

As a citizen who values choice and the right of a person to make his/her intellectual property freely available, i.e. open-source software, I have a few comments on the proposed MS settlement. I feel that Microsoft has subtly influenced parts of the settlement to eliminate any use of open-source software.

Specifically, Section III(J)(2) allows Microsoft to define criteria which will allow Microsoft to refuse sharing of API, communication protocols, documentation, etc. with any organization it deems is not a 'business'. This provision allows Microsoft to continue with their embrace, extend and eliminate any computing standards/ protocols. As an example, look at how Microsoft behaved with MIT's kerberos authentication system. Microsoft was allowed to join the kerberos standards body on the promise they would share any extensions to the protocol. What happened? Microsoft extended the protocol in proprietary ways in Win2k and refused to release their extensions. This meant that computers running kerberos on non-MS operating systems could not interact with Microsoft systems. The goal, once an organization buys in to Microsoft's OS they would have to replace all non-Microsoft OS's to maintain functionality. Microsoft finally released a specification but under NDA.

Allowing Microsoft to define the criteria for ''valid businesses'' is the same as allowing defense attorneys to set the criteria for allowed evidence! This is what judges are for, to provide balance between prosecutor and defense. There is no balance with Microsoft allowed to define ''valid businesses''. If you even allow for an organization which has been defined by MS as not ''valid'' to file a complaint with the 3-member oversight tribunal, most organization will either give up or bow to MS because of the time required for the oversight committee to function.

Secondly, Section III(D)'s footnotes specifically lock out all organization but commercial! This shuts out all non-profits, governments, etc. We do not live in a plutocracy. The U.S. Bill of Rights exist for individual Americans not corporations. I don't propose being able to demand MS disclose its source code or a proprietary technology they truly invented from scratch. The internet was founded on open protocols which have allowed it to grow and become what it is today. By allowing a monopoly with over 90% of the PC operating system market to define who it will share information with allows the monopoly to block out all future competition. Until there is balance in the operating system marketplace, meaning several strong competitors, Microsoft can only be trusted to hold on to their monopoly. It's not about money with Microsoft. It is nearly insane hyper-competitiveness. How can a person strive to launch a new business in the personal computer market when Microsoft wants to control all the protocols and information flow? I don't mind paying taxes to the government for infrastructure because if I don't link something I can always participate in the political process and try to do something about it. In the case of a business monopoly, we the public, don't have that choice. We can't vote Bill Gates out. How can people chose one technology over another when all that is available is Microsoft products? How can I choose to use the open-source ogg-vorbis audio protocol when Microsoft is giving away their media player which of course uses a proprietary protocol.

Please! Don't let Microsoft make us all look like fools by allowing them to sneak in anti-competitive language in the settlement.

Scott Worley
folokai@earthlink.net

MTC–00003626

From: Jeremy Wadsworth
To: 'microsoft.atr@usdoj.gov'
Date: 12/9/01 5:11pm
Subject: Microsoft Settlement

I'm sure you're probably being deluged by responses so I will endevour to keep this as short as possible.

First I am not an American, make of that what you will.

Short term impact of the settlement

None to Microsoft, much to US industry in general. To back this up lets look at what happened the last time there was a consent decree that Microsoft entered into. Did that help or hinder competition? Innovation? Or did it just give Microsoft an opportunity to damage the market, consumers and the US government more? Why did I include the US government, because a) you look as if you are corrupt, no better than some bunch of gangsters, whether or not this is true, and remember of 6 billion on the planet you number less than 300 million souls and b) innovation = better, cheaper, faster products and services = more revenue for the corporations and for the US Treasury, therefore let Microsoft, or any other corporation stiffle it, and there goes lots of Treasury receipts, thats what we call in the UK a double whammy.

Long term impact

5.7 billion people think that you're dishonest, and no proclamations of ''I am not a crook'' will save you, that is very very bad. If the US has learnt anything since Sept 11 it's the phrase ''asymmetric warfare'', you are inviting people to come and knock you down by any means at their disposal by showing that you do not conform to the tenants of civilized behaviour, fairness and justice. You may be able to stop votes against you at the UN or the WTO or WIPO by those that see you being unfair and unjust, but you'll just end up with very angry populations of billions across the globe, and in such a population there is likely to be more than a few that have the means to do much harm and whatever harm they do to you is likely to spill over to the rest of us innocent folk in other countries that see the USAs petty politics for what it is. Now I know there are some real Right Wing nuts in the US, the sort that want some battle of Armeggedon, please don't give them the chance, revise the terms, make Microsoft an example to the world that American justice is not about money, or politics, it is about what is just, and fair, and right. This you can do,and if your political masters refuse to allow you that, resign en masse, tell them that if they want to let Microsoft off the hook, then they, the politicians will have to sign the papers themselves, because we all know the phrase ''I was only following orders'' is no defence, and show the world they are the ones who would condone injustice on such an egregious scale.

In conclusion, The DOJ has in its power to show us all that the US is really one of us, one of the Good Guys, revisit the terms of the Microsoft Settlement, make them watertight, make them agreeable to the industry as a whole, make sure that they stick to the terms, have them subject to random checks, and audits, make their dealings open and transparent, work with the European Commissioner and other national and international authorities to help bring about a cohesive and unified stand that means that not Microsoft, nor any other corporation can get away with such heinous activity in the future, show us all that the pen is truly mightier than the sword, do the right thing.

Jeremy J. H. Wadsworth

MTC–00003627

From: Alan Mitchell
To: Microsoft ATR,Stephen Satchell,Bob Cringely
Date: 12/9/01 5:14pm
Subject: Microsoft Settlement

Dear Renata Hesse,

Re: Three-member committee stationed at Microsoft to keep Microsoft in compliance ...

I would like to suggest Stephen Satchell for one of those positions.

I do not personally know the man but as a long-time computer-user starting with an Apple][+ and working my way up my G3 PowerBook, I have noticed his name favorably surfacing quite often during those years when we were all trying get our modems and local ISPs to work together :)

And, according to my favorite Computer expert Bob Cringely, regarding Steve Satchell's practical qualifications: http://www.pbs.org/cringely/pulpit/pulpit20011206.html

With a background in computer hardware and software that dates back to one of the very first nodes on the Arpanet 30 years ago, Steve Satchell knows the technology. He has worked for several big computer companies, and even designed and built his own operating systems. And from his hundreds of published computer product reviews, he knows the commercial side of the industry.

And, here's a bit more of Steve's background he has posted about himself: http://lists.w3.org/Archives/Public/www-patentpolicy-comment/2001Oct/1043.ht ml

First, let me introduce myself. My name is Stephen Satchell, and I've been a professional practitioner of Computer Science since 1971. I have been an observer of several industry standards committees, and served for ten years in the Telecommunications Industry Association Technical Committee TR-30, a recognized ANSI Standards provider, as a regular contributor and for many of those years as a voting member. I was the editor for TIA 3800, the modem testing procedures standard, for much of its development as well as one of the first implementors of the requirements. I have also been a member of the SPEC Consortium as an independent tester, on behalf of MacUser magazine.

Much of my work over the past decade has been done on behalf of magazines. As a byproduct of that work, I was one of the founding members of the Internet Press Guild, an organization formed to provide an information resource for reporters and editors who either don't regularly cover the Internet or who are just starting out covering the Internet.

Anyway, thanks for listening.

Alan & Brenda Mitchell
Innkeepers
tel: 541–332–2855
www.homebythesea.com

MTC–00003628

From: nealr@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 12/9/01 5:12pm
Subject: Microsoft Settlement—as is it will kill things we use

Dear sirs,

I am an executive at a small wireless internet provider that operates in Iowa and Nebraska. I have recently read a review of the proposed Microsoft settlement by Robert Cringely—here is an excerpt from the article:

— Section III(J)(2) contains some very strong language against not-for-profits.

Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business:

''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...''

So much for SAMBA and other Open Source projects that use Microsoft calls.

The settlement gives Microsoft the right to effectively kill these products.

<end excerpt>

Almost all of our 'back end' systems are run using the FreeBSD operating system. There is a product that runs on FreeBSD and other unix operating systems called 'Samba'. This package allows me to share printers attached to our unix system with the Windows laptops our sales force use. FreeBSD is a free system developed by volunteers and thusly it does not fit ''Microsoft's criteria as a business''.

The language in the settlement indicates to me that within a few months Microsoft will be able to make some miniscule change in their authentication protocol and effectively destroy our ability to make their products work with the systems we use to run our business. All in all I am very disappointed in the proposed remedy—Microsoft giving ''a billion dollars worth of software'' as a fine is meaningless— it costs them $100k to print the material that comes in this supposed billion dollar deal and it adds insult to injury by directing this 'free' software to the public school system. This should be modified—let Microsoft give a billion in cash for hardware and the OS should be something other than their shoddy products.

Neal Rauhauser
Neal Rauhauser, CCNP, CCDP
voice: 402–391–3930
http://AmericanRelay.com
fax : 402–951–6390
mailto:nealr@AmericanRelay.comfcc : k0bsd

MTC–00003629

From: Zach Lutz
To: Microsoft ATR
Date: 12/9/01 5:17pm
Subject: Microsoft Settlement

The recent Microsoft settlement proposal not only lacks any form of punishment but will undeniably make the company stronger by giving them a greater foothold into one of the last markets which isn't completely dominated by Microsoft. To go forward with this decision is not only highly irresponsible but immensely dangerous. I suggest you rethink this situation, the public won't stand for this monopoly to continue as is.

MTC–00003630

From: Michael J. Hauan
To: Microsoft ATR
Date: 12/9/01 5:19pm
Subject: Microsoft Settlement

I am writing to register my disgust with the proposed settlement with Microsoft.

(1) Microsoft is GUILTY of abusing its monopoly position in the operating system market. Yet the settlement allows Microsoft to expand and promote that monopoly in schools. The settlement would do better to require Microsoft to provide and support Linux or FreeBSD in the schools instead so as to create a truly more competitive market.

(2) The settlement does nothing to protect or promote the rights of parties that do not meet Microsoft's criteria for being an authenticate or viable business. The settlement denies both the government and non-commerical or not-for-profit software development organizations any rights to complain, to seek redress, or to bargain about access to the information needed to properly interoperate with Windows . This should be available to anyone who wants it. Microsoft should NOT be able to decide who it will or will not provide this information.

Where in this settlement is the punishment appropriate to the crime?

NOWHERE

Where in this settlement is the compensation to the victims of the crime?

NOWHERE Where in this settlement are there assurances to protect the vulnerable and to deter the culpable? NOWHERE if you are not a Microsoft-approved business.

This settlement is a capitulation to the criminal and an abandonment of the people and interests the law should be protecting.

In this case, the government needs some spine.

Sincerely,

Michael J. Hauan <mjh@hauan.org>

MTC–00003631

From: Austin King
To: Microsoft ATR
Date: 12/9/01 5:20pm
Subject: Microsoft Settlement.

Your honor and staff,

I have read http://www.usdoj.gov/atr/cases/f9400/9495.htm the proposed final judgement and REJECT IT COMPLETELY. If I read this document in a vacuum, I would evaluate it as an analysis and suggestion list submitted to a boss, whom you want to help, but who you do not wish to anger for fear of losing your job. Well you don't work for Microsoft, Redmond Washington, or NYSE, you work for me, and all other lone single citizen of these United States. I have no vested interest in this case, but a huge one in keep the courts sane and just.

Please use critcal thinking skills when evaluating YOUR corporate masters. All you have to evaluate are motives, actions, and integrity. Everything else is snake oil.

The decision is yours, my confidence in knowing that Microsoft will recieive any punishement what so ever, is gone. Most likely their punishment will be to deliever a billion dollars worth of new Windows ME computers to school to raise another generations of dull witted consumers. I am too upset to spell check this document.

Good Day sirs and madams,

Austin King

MTC–00003632

From: Anthony Kilna
To: Microsoft ATR
Date: 12/9/01 5:23pm
Subject: Microsoft Settlement

OK, I'm not going to BS you and tell you that I've read the entire agreement that's being finalized for Microsoft. And I know I'm probably a part of a deluge of emails you're getting regarding this, especially after the Cringely article covering it.

I just want to say that I agree with his convern completely. Microsoft has proven, time and again, to be willing and able to take advantage of any legal loophole available. Don't let down companies like mine, who rely on free software and interoperability with open source and microsoft products. Making the language in the settlement regarding opening APIs and protocols apply only to commercial concerns is a big mistake, because many commercial concerns are relying on non-commercial consortiums of developers to achieve a common goal.

MTC–00003633

From: Scott Northrop
To: Microsoft ATR
Date: 12/9/01 5:24pm
Subject: Microsoft Settlement

Thanks for all your work on the MS antitrust case. Strong antitrust protections are a major component of a functioning captialist economy, so you folks are doing the Lord's work, so to speak.

As the obscurity and malleability of the APIs of Microsoft's products has damaged everyone, please consider amending the proposed settlement to require MS to disclose their APIs and source to anyone and everyone. Otherwise, it will be a carrot that MS will use to keep other software and hardware vendors in line, to extend their monopoly to the detriment of all.

Thanks much,

Scott Northrop

Ref: <http://www.pbs.org/cringely/pulpit/pulpit20011206.html>

MTC–00003634

From: larry johnson
To: Microsoft ATR
Date: 12/9/01 5:27pm
Subject: Microsoft Settlement

Dear People:

I believe the deal made with the DOJ against Microsoft is poor and dangerous. It was proved that Microsoft is a monopoly and has used this power to destroy competitors as well as using those profits to aquire other key pieces of technology. Now the remedy lets them off the hook with no more then a finger wagging and gives them the green light to continue their ways. Not only is their browser technology firmly entwined, now their music player and messaging tools are being bundled with the operating system. Lets not stop there cause they are after authentication as well with passport. All these products tie back to the windows empire. No ones deserves to own and control so much of the market as Micrsoft.

No one can go against it. Not even open source which represents the right of the common man/programmer to create programs by his own hand and mind. I'm not a lawyer, but in reading some of the articles out there it seems clear all concessions made by microsoft only involve revealing code and maybe licensing that code to be used by another company. But what isn't given is the right of non commercial (open source) companies to use revealed code by Microsoft free of all emcumberances to its use and implementation. I think a better deal should of removed certain technology from Microsoft domain. Should of identified API's and certain key technologies to sharing information and working equally with windows OS products for all to use with no restrictions. Microsoft should also have to re-engineer their products such that all applications must be independent of the OS. For example IE should be completely removable from the OS without harming the OS. Also a competitor must be able to completely replace IE with its product. Microsoft should not be allowed to control any interface that might control and charge customers for data. For example Microsoft should not control and own authentication services, music services, movie services. At best they must provide an interface that others would layer on top of that would sell its own data types (music, movies, etc.). This kind of stuff only covers for the future. Microsoft has already crushed competitors and products as well as aquired new technology by its illegal profits. To compensate for that their should be a give back. Fines levied against Microsoft that went to companies that lost out to Microsoft, companies competing and against microsoft and very importantly to Open source projects. Lastly their should be a tax levied against Microsoft that is equal to any charges made for usage given back to the community (open source and commercial). For instance lets say microsoft lets a company use its music player to deliver music to its customers for say a dime a song. Well Microsoft should be taxed a dime a download to remove all profit from those key technologies and that money should go to the other competitors. Only when a piece of technology be fairly openned to all can will that tax be removed, at which point this area should be a competitive area for all technologies. Remember Microsoft plays dirty you need a strong hand to keep them inline. I know cause I have been in the lan admin and developer field for many years. I have made recommendations to my employer in the past that said use Microsoft products such as Word not cause it was the best or cheapest but because I knew Microsoft didn't play fair. Since we ran on Microsoft Windows I knew our current product Word Perfect would be suspeciously broken by the OS. Rather than fight against Microsofts evil ways I recommended switching to their side. You can right that wrong. At least a little.

Best wishes
Larry Johnson
616–957–0884
kentwood, MI
USA

MTC–00003635

From: SteveBravy@aol.com@inetgw
To: Microsoft ATR
Date: 12/9/01 5:30pm
Subject: MicroSoft Settlement

Dear Sirs:

A settlement that fails to punish Microsoft for its misdeeds and also fails to prevent similar future activities while strengthening Microsoft's position in the schools system is a craven dereliction of the gov'ts responsibilities to insure fair competition, avoid the formation of monopolies, and foster a marketplace where new ideas can flourish. The Justice Dept's position is a Computer Age Munich settlement-peace in our time.

Congratulations, you have lived down to my worst expectations. You are now deserving of the title ''Chickens of the Bit''.

CC:SteveBravy@aol.com@inetgw

MTC–00003636

From: celer
To: Microsoft ATR
Date: 12/9/01 5:31pm
Subject: Microsoft Settlement

Hi, I am a software developer for a major computer security company. I hope that the US Department of Justice is willing to put in place rules and regulations that are more strict then those proposed in the current settlement. If Microsoft is not regulated sufficiently then I as a consumer, a working American and technologist stand to lose. As a consumer I stand to loose, because I will have less choice in applications and features. Microsoft is starting to compete in the computer security market, with the bundling of personal firewalls and email encryption, I as a working American stand to lose. Finally as a technologist I fear that many innovative ideas are squashed in the wake of their monopoly, and that creative diversity will eventually suffer.

I have heard that the DOJ is going lite on Microsoft because they believe that constraining any business in these times is not good. What about all those who have to compete against Microsoft?

David Spencer Tyree

MTC–00003637

From: Col.Kurtz
To: Microsoft ATR
Date: 12/9/01 5:32pm
Subject: Steve Satchell

Do the right thing. Oh wait, you're lawyers won't let you. Good thing this email did'nt come from an open source ''product''...

MTC–00003638

From: Jonathan Ploudre
To: Microsoft ATR
Date: 12/9/01 5:43pm
Subject: Microsoft Settlement

I think it is vital for Microsoft to be held accountable for it's actions. The currently proposed settlement seems to let them off easy. If Microsoft is going to donate to schools, the schools should get to decide what they want to do with the money. Microsoft should donate cash—notsoftware which has no physical value.

It seems odd to me that Microsoft gets to expand its realm by donating when we are trying to prosecute them for monopolistic behavior.

Jonathan Ploudre
Fourth Year Medical Student @ ETSU

MTC–00003639

From: Dan Carrigan
To: Microsoft ATR
Date: 12/9/01 5:44pm
Subject: Microsoft Settlement comment from Ohio

Ms. Renata B. Hesse:

I wish to raise my objection to the proposed anti-trust settlement between Microsoft and the U.S. Department of Justice.

The remedy only benefits a limited group, K-12 and after five years will futher enhance Microsoft monolpyistic position. I agree Mr Steven Jobs suggestion, give the schools the money, suggest $10 billion instead of $1 billion in cash and let the schools decide what they want.

I wish to nominate Mr Steve Satchell for the three-member committee wish will enforce the anti-trust remedy.

Regards,
Dan
Dan Carrigan
Reference Librarian
Antioch College
Olive Kettering Library
937 767–1240
795 Livermore Street
Yellow Springs, OH 45387–1695
dcarrigan@antioch-college.edu

MTC–00003640

From: Bob
To: Microsoft ATR
Date: 12/9/01 5:37pm
Subject: Microsoft Settlement

The Microsoft Settlement is not satisfactory.

In particular, all organizations and people are entitled to full use of the documentation of Microsoft Protocols and APIs (Aplication Programming Interfaces. In particular, makes and programmers of Free Software and Open Source Software MUST be permitted this access.

The Free Software and Open Source software movements are Microsoft's most significant competitors in servral fields. I microsoft is allowed to exclude them from the use of their protocols, as allowed in Section III(J)(2) and Section III(D), it leavle them an open filed with no competition. Seciton III(J)(2) is particularly offensive, as it allows Microsoft to choose who it will sare information with. This is WRONG. Microsoft should have no say in the matter at all. They have comitted multiple felonies.

The details of Microsoft protocols and APIs should be publicly available, free of all charges and free of all limitations on use.

Bob Niederman
680 S. Federal St., APT 705
Chicago, Il 60605

MTC–00003641

From: Scott M. Hoffman
To: Microsoft Anti-Trust
Date: 12/9/01 5:40pm
Subject: Microsoft Settlement

Hello,

I would like to add my voice to those that are concerned that the proposed settlement in the Microsoft Anti-Trust case is quite inadequate.

The main problem lies in that the remedy barely proposes sanctions on Microsoft. It does not in any way address divesting it's monopoly.

If Microsoft is allowed to retain all rights to it's IP, then we might as well start calling ourselves the United States of Microsoft. The only hope for the future of computing to not be bound by what Microsoft wishes, lies with alternative operating systems. The catch-22 is that because they are the monoply, other software companies only want to produce products for their platform.

A separate body must be made to encourage the growth of alternative Operating systems, and to encourage software vendor support of them.

Thanks for your time,
Scott Hoffman
6700 Idaho Ave N
Brooklyn Park, MN 55428

MTC–00003642

From: Thomas J. Bass
To: Microsoft ATR
Date: 12/9/01 5:47pm

I am very happy that the government finally chose to settle the law suit against Microsoft as I feel it was politically motivated and in no way reflected the appreciation that we the users of Microsoft products feel about the contentions of the Justice Department.

I in no way was pressured to use the bundled services that were included in my computer when it was purchased and as a matter of fact, I do NOT use the other Microsoft features, but I'm glad they are there as they fit in so well with the day to day software that I do use.

Thomas J. Bass

MTC–00003643

From: Dietrich Ayala
To: Microsoft ATR
Date: 12/9/01 5:49pm
Subject: Microsoft Settlement

If there is one single most broken part of this so called ''remedy'', it that non-profit software organizations and projects are not protected at all from the monopolistic and predatory practices of Microsoft. The language of the settlement leaves Microsoft free to treat them (including the DOJ I might add) as though there was no anti-trust case in the first place. For more details, please read this article: http://www.pbs.org/cringely/pulpit/pulpit20011206.html

A shame, and a horrible injustice.

Thanks,
Dietrich Ayala

MTC–00003644

From: Doran L. Barton
To: Microsoft ATR
Date: 12/9/01 5:54pm
Subject: Microsoft Settlement

I am writing to express my concern over the currently proposed terms of the settlement between Microsoft and US DOJ and various state attorney generals.

I feel the current settlement terms are letting Microsoft off too easily and giving Microsoft future capabilities to further empower their monopoly by taking on legal battles with open source projects.

Microsoft is guilty as charged and should not be given a remedy which would in any way allow them to grow their empire. Please review the settlement terms and consider revising them appropriately.

Doran L. Barton

MTC–00003645

From: bruins@montagesystems.com.au@inetgw
To: Microsoft ATR
Date: 12/10/01 4:57am
Subject: Microsoft Settlement.

Dear Sir/Madam,

I believe it is my duty to protest the ineffective responce to Microsoft's illegal activities. I realise I am no a citizen of USA, but Australian IT law is strongly influenced by USA law and judgements, so I must make my point at the source. I believe the judgements have failed to understand the full nature of Microsoft's crimes. The Micorsoft crimes are not only against commercial companies, but more importantly against the free-software community. Microsoft crimes strike at the people who write software to help their fellow man/woman, rather than the all mighty dollar.

Please, I beg you, reconsider. Microsoft has only one real competitor, and that is free software like Linux. Micorsoft knows this, and you are helping it kill free software. Stop the Microsoft monopoly, give linux a chance to form an effective competitor to Microsoft, and we will all benifit. Realistic software prices, better and more stable products. Please, we need your help including protection for non-commercial software. Stop the Microsoft crimes. End the Microsoft monopoly.

I thank you for your time.
Mike Bruins
Mike Bruins, BSc (Infomation Systems)
Information Analyst/Senior Trainer
Montage Systems Pty. Ltd.
South Australia.
ph (08) 8331–3022
fax (08) 8331–3044
ABN 68 088 677 721

MTC–00003646

From: Terry Houle
To: Microsoft ATR
Date: 12/9/01 5:56pm
Subject: Microsoft Settlement

MS Settlement

In regard to the proposed settlement between the US vs. Microsoft I feel the proposed settlement is far too lenient and will not stop Microsoft from going about their monopolistic ways to the detriment of the public. For years I have been forced into the Windows Operating System when choosing a new personal computer. This has caused me adverse financial impact by not allowing me other options. This was caused due to the monopoly that Microsoft created. I believe the court should direct Microsoft to refund all owners of Windows Operating Systems a dollar figure to be determined by the court. This shall be for each system they may have purchased such as Windows 98, Windows ME, Windows 2000, etc.

The Technical Committee (TC) that is proposed by this proposed settlement is inadequate to oversee this corporate giant. Also the Microsoft Compliance officer's role needs to be strengthened. It should be a stipulation that the job shall be the only task

they perform for Microsoft Corporation and not let it get diluted with tasks they may be responsible for. The court should have overseer authority and have to approve the change or termination of said officer. The court needs to insure Microsoft does not bully them into their ways and they do not have to fear termination, or retribution by Microsoft.

It also does not appear that the court has addressed the ''Passport'' service that is proposed by Microsoft and the potential negative impacts of that.

As a consumer I feel I have been forced into using and having to pay a premium price for the Windows Operating System when purchasing several computers. Microsoft should be forced to refund me, as well as all other consumers, a portion of that price since they forced the situation where there was not competition and hence I had to pay a premium.

This settlement is not in the best interest of the consumer who has been harmed financially.

Terry Houle
Bloomington, Minnesota
houle@citilink.com
http://www.citilink.com/houle

MTC–00003647

From: Colin Murchie
To: Microsoft ATR
Date: 12/9/01 5:59pm
Subject: Microsoft Settlement

I would just like to state my wholehearted disgust for the proposed Microsoft antitrust settlement, which is such a cynical and arrogant gesture on the part of the Microsoft corporation that it leaves me nearly speechless.

Of particular note are;

—Microsoft's proposed ''donation'' of software which it is allowed to value at market prices, despite being able to provide it at much less actual expense.

—The fact that this donation is targeted at the educational market, a craven ploy for Microsoft to make a forced entry into one of the last reamining markets in which it is not already dominant, and

—The fact that none of the settlement terms are targeted to Microsoft's nonprofit competitors (including the massively-used programs Apache, Sendmail and Perl,) which represent its most salient competitors.

I cannot believe that the DOJ is seriously considering such an insanely biased proposal. This ''remedy'' amounts to a massive competitive subsidy to Microsoft Corporation.

Regards,
Colin Murchie

MTC–00003648

From: Christopher Stone
To: Microsoft ATR
Date: 12/9/01 5:59pm
Subject: Microsoft Settlement

A simple remedy would be to relicense Microsoft software such that OEMs are not allowed to install Microsoft operating systems on new PCs. Microsoft is guilty of preventing OEMs from installing competing operating systems in the past, which makes this remedy fit the bill perfectly. It will also force OEMs to install competing operating systems like Linux.

APIs such as DirectX need to be ported to competing operating systems. DirectX was designed to lock game manufacturers onto a single platform (at the time is was designed to kill DOS, but it effectively kills all competing operating systems as well).

Document formats need to be opened up. There is no reason why Microsoft word documents must be stored in a proprietary closed format. This is a blatent abuse of Microsoft's monopoly power. Document formats should be in an open, and easy to understand format such as XML.

MTC–00003649

From: Jeff Ober
To: Microsoft ATR
Date: 12/9/01 6:02pm
Subject: Microsoft Settlement

Hi, I have been reading a lot about some of the proposed ideas for the MS settlement. I am a student and use several different operating systems on several different computers. I am not a Microsoft supporter, but I do not think that mandating that they develop their office applications for other OSs, such as Linux and Unix variants. This would be a punishment rather than a regulation that would help competition.

They would be spending a lot of money on development for this, but no one would ever buy the product.

Linux users are extremely against purchasing products, especially from closed source projects, but very especially from Microsoft. I would think a better solution would be to require them to open source their document formats, such as the MS Word .doc format, so that other office programs that are already ported/made for linux/unix variants could become more compatible with MS Office. Because of MS Office's dominance in the business world, their closed source document formats make using OSs other than Windows impractical in any situation other than an entirely non-windows environment. If the .doc format (and other Office formats) were open to projects like www.openoffice.org, these office suites would become more viable for companies and users, even in a primarily Windows-based environment.

Because of this, I think that this would be the most pro-competitive solution to this problem.

Jeff Ober
jso@notsohotmail.com

MTC–00003650

From: Gabe Burt
To: Microsoft ATR
Date: 12/9/01 6:00pm
Subject: Microsoft Settlement

Dear Ma'am or Sir,

I am concerned about what I have heard about proposed settlements in the Microsoft Anti-Trust Case. From what I understand Microsoft it trying to get wording included in the settlement that will allow them to exclude and take advantage of Open Source projects. They are trying to include language that would allow them to allow commercial organizations access to more of their code and therefore be able to develop and compete, but this excludes the majority of software development in the Open Source (GNU/Linux and many more) communities.

Also, I read about a proposal from Microsoft that would allow them to spend $1.1 billion on hardware and software for the poorest school districts. Not only do I find this ludicrous because this does nothing to diminish their status as a monopoly, but they want to spend the vast majority of that money on their own software. I am disgusted that nine states have agreed to this settlement. It is a grossly unfair settlement. It has Microsoft pay only a very small amount of money for actual hardware ($200 million, I believe), and puts Microsoft software on those computers, thereby advancing Microsoft's stance in the education market. If any variation of the proposal was to be accepted, I feel nothing less than having Microsoft pay entirely for hardware and equipping the computers with Red Hat Linux software is fair.

Microsoft was ruled a monopoly. Calling these settlements a punishment is laughable. Please don't let these ridiculously unfair settlements go through. They will do nothing but add to the choke hold Microsoft has on the software development world, and lead to a further lack of choice for consumers.

Gabe Burt
University of Illinois Student
Legal Resident of Kansas

MTC–00003651

From: Joshua Redstone
To: Microsoft ATR
Date: 12/9/01 6:07pm
Subject: Microsoft Settlement

As a citizen of the US and a resident of WA, under the Tunney Act I wish to make the following statement:

I do not believe that Microsoft should be allowed to get off so easy. I think they are a danger to innovation and competition in the software industry, if not by their very size, then by their overly-aggressive and anti-competitive acts in the past. I hope that the organs of government that decide the fate of Microsoft have enough dedication to the US and the American people to not succumb to influence of Microsoft.

Joshua Redstone
Dept. of Computer Science (PhD candidate)
University of Washington

MTC–00003652

From: Michael Kemp
To: Microsoft ATR
Date: 12/9/01 6:07pm
Subject: Microsoft Settlement

Sir—

Looking through the proposed settlement of the Microsoft case, I see that there is plenty of provision for for-profit entities, such as Netscape. However, the real threats to Microsoft's dominance as a monopoly comes from what are called ''open source'' and ''freeware'' products.

For example, the Apache web server system (www.apache.org) is used as a webserver by 56% of all webservers on the internet(1). However, the foundation that maintains the webserver system's software is a non-profit organization. They would have

no rights at all, or even be considered to exist in the current proposal.

Another example is SAMBA. This is a software suite that allows client machines to access files from a server. The server, when running the SAMBA software, can masquerade as any type of server, such as an NT file server. From my own experience, I can attest that the SAMBA system is popular. However, I cannot give any specific statistics. I would also like to point out that, as it stands, the only real threat to Microsoft are groups of independent software engineers who do not charge any money for their product and work for free, essentially acting as volunteers.

Sincerely,
Michael Kemp
PO Box 3028
Socorro, NM 87801–3028
1-http://www.netcraft.com/survey/
2-http://tr.samba.org/samba/samba.html, http://www.samba.org/

MTC–00003653

From: B. Y.
To: Microsoft ATR
Date: 12/9/01 6:08pm
Subject: Microsoft Settlement.

Hi,

I don't think Microsoft did anything wrong. Microsoft is successful and became a monopoly because it didn't make any major mistakes like many of its former and current competitors did.

I think the current proposed settlement is:
*impractical,
*lacks common sense,
*against the principles of market and free enterprise,
*does not benefit consumers
*only benefit Microsoft's competitors indirectly because it drags Microsoft down

I believe the law suit against Microsoft is here because some companies, like Sun Microsystems, could not compete successfully against Microsoft in the market place, so they lobbied government bureaucrats (who are ignorant about the computer industry) to act on their behave against Microsoft. Quite innovative competitive strategy!

Regards,
Bo Yang

MTC–00003654

From: Alexander Palmo
To: Microsoft ATR
Date: 12/9/01 6:05pm
Subject: Microsoft Settlement

I agree with Robert X. Cringely's views in this article:
http://www.pbs.org/cringely/pulpit/pulpit20011206.html

The proposed settlement seems to have a number of holes.

Thanks,
—Alex Palmo

MTC–00003655

From: Rick Moore
To: Microsoft ATR
Date: 12/9/01 6:12pm
Subject: pending antitrust action
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse,

I am concerned that Microsoft still has most of the cards to play in the non-holdout settlement. I am not confident that any form of monitoring will catch this company doing anti-competative actions, especially under the apparent negotiated settlement. Remember that this company has drastically misrepresented its behaviors already, making ludicrous arguments in the face of what the consumer and programming public knows to be otherwise. You need only look to the special connections that Office products have to the OS to observe that Microsoft cheats, bigtime.

What could possibly motivate your group to trust them in any way?

—Rick Moore
Richard Moore
Research Director
Division of Breast Imaging
Department of Radiology
ACC219, 15 Parkman Street
Mass General Hospital
Boston, MA 02114
USA
Work: 617–726–8751, 617–726–3093
Fax: 617–726–1074
Lab: 617–727–3694 Donna
Secy: 617–726–3093 Cathie
Pager: 781–230–5888
email: rhmoore@partners.org
email@home: rmoore@evolvingedge.net

MTC–00003656

From: joe shoop
To: Microsoft ATR
Date: 12/9/01 6:15pm
Subject: Microsoft Settlement

To Whom It May Concern,

I am deeply concerned with the proposed Microsoft Settlement ''remedy''. I think it should not only be modified to clarify and close loopholes that exist, but it should also address the issue of protection of non-profit software concerns, such as Apache, Linux, and to some extent, Java. Microsoft has never been an innovator and has used, and will continue to use, its monopoly power to stiffle innovation.

Regards,
Joseph Shoop

MTC–00003657

From: Anze Slosar
To: Microsoft ATR
Date: 12/9/01 6:20pm
Subject: Microsoft Settlement

Dear Madam/Sir,

I am writing to you regarding the Microsoft Antitrust Settlement. The settlement in the present form is unsatisfactory and Microsoft can emerge from it stronger than ever. Microsoft's stronger monopoly is at the OS (operating system)'s side: through the clever marketing policies it has forced dealers to include only Microsoft OS with new computers—this has forced at least two (Beos and OS/2) commerical OSes out of mainstream use.

However, at the present, the most viable alternatives to Microsoft's OSes come from not-for-profit organisations: these include BSD Unix and Linux OSes, together with services that allow them to be used as Web servers (mostly apache, Apache Foundation—another not for profit organisation). Such non-commerical enterprises are completelly unprotected under the current settlement and migh be easily killed off by Microsoft. Quoting Robert X. Cringely:

''Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...'''

Secondly: Microsoft proposed to settle the agreement by providing schools with computer (hardware and software) equipment, making his position stronger than ever. However, a major open source company—Red Hat Inc.— proposed to enhance this this offer by letting the Microsoft provide the hardware, while they will provide an alternative OS solution. I personally think that this is by far the best solution: not only will the socially deprived areas get to use the computers, it will indeed make a big paradigm shift for those areas away from Microsoft into using alterantive computing solutions. As people responsible for punishing Microsoft you must imagine a world in which not every one uses Microsoft Windows and Microsoft Word (I am afraid that judges willy-nilly take them as a defacto standard).

Thirdly: Steve Satchell has applied for a position in a three-person cometee stationed at Microsoft and enforcing the settlement. Steve is a very experienced and educated person, who has been in the computer bussiness for a long time and understand the sprockets and wheels of it extremelly well. Morever and more importantly, he is a deeply ethical and fair person and he is an ideal choice for that position. Therefore I recommend him most warmly.

Yours sincerely,
Anze Slosar
St John's College
Cambridge CB2 1TP UK

MTC–00003658

From: jbange
To: Microsoft ATR
Date: 12/9/01 6:22pm
Subject: Microsoft Settlement

To whom it may concern,

As an end user of Microsoft products, and as an engineer who deals with both Microsoft and non-Microsoft software on a regular basis, I would like to lodge my complaints against the proposed Microsoft settlement. Clearly no-one has learned from any of the evidence that was presented in this trial. The proposed settlement enables Microsoft to further it's clear and unfair dominance in the software and operating system market by inserting itself into schools while also locking not for profit companies and the government out of any potential for remedy. I for one want my children to learn that there

is more than one choice when it comes to software, and this is not the way to do it. For that matter, children will be conditioned to use Microsoft software and eventually increase the already too strong user base that Microsoft commands. Do we punish a monopoly by strengthening it? No we should not.

Please reconsider this settlement and impose a breakup of Microsoft or other measures to stop this monopoly before more small software companies fail. Do not let Microsoft stifle the growth of our technology markets any more.

Thank you!
Joe Bange
Atlanta, GA

MTC–00003659

From: Mike Scalora
To: Microsoft ATR
Date: 12/9/01 6:22pm
Subject: What are you thinking?

How does helping making Microsoft a monopoly in schools do anything for all the money they have ripped off from consumers? How about all the companies that they have run out of business?

Mike Scalora, Orem, Utah

MTC–00003660

From: Michael Simpson
To: Microsoft ATR
Date: 12/9/01 6:25pm
Subject: Microsoft Settlement

Make Microsoft give the schools 1 billion dollars to spend as they see fit. The organization responsible for doling out the money should not be associated with Microsoft. If the schools choose to spend the money on Microsoft software, fine. But they would be free to choose Linux and Apple as well. Also, schools don't need someone's hand me down refurbished computer.

Also, the fine print of who can see Microsoft's APIs should not be limited to companies that Microsoft deems as a viable business. How would they know a viable business. They have historically purchased all of their technology from others who saw the need. Make Microsoft share all of their apis with ANYONE, including the U.S. government and open source.

Thank you.
Michael Simpson
Senior Software Engineer
msimpson@ameranth.com
(858) 794–8282 x138

MTC–00003661

From: Harvey McDaniel
To: Microsoft ATR
Date: 12/9/01 6:26pm
Subject: Microsoft Settlement

Gentlemen:

What I have read in the press regarding the ''settlement details'' of the proposed agreement has made me most angry.

Allowing more MS 'stuff' into the classroom is reinforcing MS's monopoly for years down the road.

And speaking of that road, it is littered with the stripped carcasses of other companies that developed a product only to have it bundled into Windows, at times with all the code intact (Stacker, for instance).

The only way this is going to work is to separate MS into two—one for the OS and the other for other software products. You know it and I know it and the industry knows it. Extract digit and do it.

Yours most sincerely,
H. W. McDaniel
31888 Fayetteville Drive
Shedd, Oregon
shmcd@quik.com

MTC–00003662

From: Ryan Vanderzanden
To: Microsoft ATR
Date: 12/9/01 6:37pm
Subject: Microsoft Settlement.

To whom it may concern,

I, as an end user of computers and computer software, feel that the proposed settlement is utterly appalling. This is far worse than a simple slap on the wrist to a company that knows darned well that they abused their monopoly powers, but it helps them to further extend their power.

As an end user of various types of computers and computer software, I rely on multiple platforms talking to each other. One large hole in the wording of the settlement is that it would allow Microsoft to effectively stop such interactivities. That is truly terrible, because it puts Microsoft in a heightened state of control.

It seems to me, as a consumer, that this 'punishment' is actually nothing of the sort, and most of the settlement is designed to work out in Microsoft's favor. Worse yet, is that during the entirety of the court proceedings, Microsoft continued to do the very thing they were at court for, abusing monopoly power by bundling Windows Media Player and Windows Messenger into Windows XP, and tightening the grip on what hardware vendors could and couldn't do with the desktop. A settlement such as this only enforces the behaviors that Microsoft has grown so accustomed to.

Please, lay down a stricter punishment, something that actually hurts them, not helps them. They were found guilty, they have done nothing whatsoever to show any remorse (and in fact have done more things that prove that they don't care what anybody says, and that they have the power). They are not untouchable as long as we do something about it now. No software company in the world has a chance to beat them on anything they do, and they will continue to grow and abuse their powers unless they see that there are repercussions to monopolistic abuses. Force them to open their source code, force them to stop bundling software such as Internet Explorer, Windows Media Player, and Windows Messenger with Windows, and whatever happens, keep them from running the world with their .net and passport strategy where the internet will be relegated to an 'in' club (those who play by Microsoft's rules) and an ''out'' club (those who refuse to follow suit, and end up not being able to shop online at amazon.com, or whatever sites have exclusive agreements with Microsoft).

Personally, I feel that they should be split up, but I see that will never happen. However, demanding they give a couple billion dollars to AOL/Netscape, as well as Apple, Real Networks, etc, will make the point that if they continue to abuse power, they will have to pay.

Thank you for your time.
Ryan Vanderzanden

MTC–00003663

From: Sarah
To: Microsoft ATR
Date: 12/9/01 6:41pm
Subject: Microsoft Settlement

I am strongly against Microsoft's proposed settlement to the Anti-Trust trial. They are a monopoly, that is a fact and it is not in dispute. However, whilst Microsoft as a company, does do ''a lot of good'' as an mostly ethical originisation, the very fact that they leveraged their monoploy position demands action. During the original Ant-Trust trial, they were found to be falisifying evidence, another action that has gone unpunished.

I demand sufficient action be bought against this company. regards

Richard Roberts

MTC–00003664

From: Justin Michael Palk
To: Microsoft ATR
Date: 12/9/01 6:45pm
Subject: Microsoft Settlement

To Whom It May Concern,

I am writing to you in regards to the proposed settlement in the Microsoft anti-trust case. As a computer professional, I am gravely concerned about the apparent leniency of the settlement currently under consideration. While I in theory support the idea of a speedy remedy, I do not believe that in any instance a speedy remedy should take the place of an effective and reasonable remedy, the current settlement appears to assign primacy to the former at the expense of the latter.

The overall structure of the settlement leaves something to be desired, as it leaves Microsoft's fundamental course of operation untouched, and generally seems to have no concrete method of enforcement, as the Technical Council (TC) only has the power to suggest remedies in the event of a breach of the settlement (IV D 4 c). Similarly, the restriction against members of the TC and their findings, recommendations and other products being admitted in court in any matter regarding the settlement is another curious limitation on the strength of the proposed remedy. Microsoft has demonstrated its willingness to violate agreements with the government in the past (indeed, just such a violation led to the prosecution of this case), and there has been no indication that it has changed its underlying opinion to such agreements. Without a stronger set of enforcement provisions, I fear that Microsoft will regard this settlement with the same disdain it has had for similar agreements in the past.

Another flaw in the settlement is the lack of consideration given to open source, and 'free' software. There are sections which require Microsoft to provide information to commercial competitors, but non-commercial ventures are specifically exempted from these requirements. (III J 2 c) gives Microsoft the ability to define the 'reasonable, objective standards... for certifying the authenticity

and viability of its business', when deciding who is allowed to request information regarding APIs, communications protocols and documentation. Open source software, such as the Apache web server, and Sendmail (the most widely used web server and mail transport software on the internet, respectively), clearly compete with Microsoft products, but, as they are not commercial products, their authors have no right to request information from Microsoft. Similarly, SAMBA, a widely used software package for allowing Windows-based file servers and printers to work with UNIX and other systems, and requires information on Microsoft communications protocols, will effectively have its death warrant signed should this settlement come into effect.

Microsoft itself has recognized that various open source projects are the greatest threat to its continuing dominance of the software market (as shown by the 'Halloween Documents' http://www.opensource.org/halloween/halloween1.html). They have also demonstrated their contempt for government attempts to break their stranglehold on the market. It is my opinion that this proposed settlement will do little to curb Microsoft's predatory and illegal behavior in the commercial sector, while simultaneously strengthening their hand against what is currently the greatest threat to their monopoly. I urge you to reconsider and rework this settlement into an effective remedy that will free the market and provide a tangible benefit to consumers.

Justin Palk
jpalk@engin.umich.edu
734–622–9865

MTC–00003665

From: Mark Crandell
To: Microsoft ATR
Date: 12/9/01 6:44pm
Subject: Microsoft Settlement

In regard to what I have heard about the proposed settlement regarding the Microsoft case. For one I am disappointed with the current idea regarding donation Microsoft products to school systems. The current deal from what I have heard allows Microsoft to distribute to schools the software that it chooses. I for one do not feel this helps school, and also I believe it would help Microsoft extend its reach into the education market. I would be happy to see anything Microsoft might pay me to instead go to a school; however, it needs to be up to the schooling systems how the money would be spent. I am in favor in Microsoft buying the hardware and having Red Hat Linux supply the software.

I believe the Linux operating system would be a great tool for schooling systems to have partly because of the great opportunity for learning computers, and computer software at a low cost (free!). For me, learning how to use Linux has defiantly become a valuable tool for becoming a computer engineer.

Thank you
Mark Crandell

MTC–00003666

From: John C.
To: Microsoft ATR
Date: 12/9/01 6:45pm
Subject: Microsoft Settlement

To whom it may concern,

I have a number of concerns about the proposed settlement in the Microsoft setllemant. One of the first of these is the following:

Section III(J)(2) My understanding of thia is that it says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...

According to this it allows Microsoft to define what a business is. For example it may set citeria that a business has to make $100 million a year to meet the criteria. A small medical and research clinic which is not-for-profit may not meet their ''criteria''. The apache web server is a not-profit and it will be locked out. As will samba for sharing information across a network which has multiple types of machines run on the same network.

My next concern is Microsofts ''giving'' X number of dollars to schools, etc. in hardware and software. Thatis easily inflated by the ''retail'' prices of the software they are giving away, all Microsoft, no doubt. If this is to happen the dollar figure should be based on Mirsofts cost to reproduce the software that is all ready developed. i.e less than a one dollar to press the disks.

This is actually just one more method to maintain there monoply under the guise of good will. I think that the donation needs to include an equal number of SGI machines, Sun machines, Apples, HPunix and Linux boxes to give the education systems all the tools that students may need in there lives.

Having microsoft use their skills to make the top 50 selling of their products run on the all the above mentioned machines and operating systems. This would break the monoply of the operting system.

They are a monopoly and they consistently have locked out or seen good product and then jump on it in a manner that has destroyed other business of which Netscape was one. My fear is they will continue to lock out others and maintain there monopoly.

A final point no longer allow them to use end user license agreements. Declare there products commodities just as a apple or pear is.

Sincerely,
John A. Constantine, PhD.

MTC–00003667

From: Shafer Ramsey
To: Microsoft ATR
Date: 12/9/01 6:46pm
Subject: Microsoft Settlement

I'd like to comment on the proposed settlement. I'm opposed to this settlement for the following reasons:

1. The settlement does nothing to redress the wrongs done to the parties actually harmed by Microsoft's actions, such as Netscape. The workers who have been laid off at these companies are receiving nothing through this settlement though they've had their livlihoods effected by Microsoft's illegal actions.

2. Section III (J)(2) of the proposed settlement outlines companies as being an organization that exists for profit, yet Microsoft's internal documents leaked to the public recently state that Microsoft considers it's biggest threat to be from non-profit organizations such as Linux. In the proposed Settlement Microsoft will be not only able to continue unfair and illegal activities against such non-profit organizations but it will be justified in doing so because of the language of this proposed Settlement.

3. Section III (D) continues the language of (J)(2) further to enable Microsoft to shut out competition from non-profit middleware companies such as ISV, IHV, and OEMs.

4. Lastly, the American government itself will be shut out by the language of this proposed Settlement. The Department of Justice, National Standards and Technology, etc. will be classified as non-profit organizations by the language of this Settlement and Microsoft will be open to exploit that new relationship as it sees fit.

In conclusion, this Settlement will not repair the damage done by Microsoft to the people harmed by their earlier illegal actions, and it will allow Microsoft to continue such illegal actions against entirely new organizations in the future. The language of this Settlement is such that it leaves wide avenues for future abuse by Microsoft, and does nothing to repair the damage aready inflicted.

Shafer Ramsey
39 Play Rd.
Enfield, CT. 06082

MTC–00003668

From: Peter Holt Hoffman
To: Microsoft ATR
Date: 12/9/01 6:46pm
Subject: Microsoft Settlement.

Dear Sirs:

I am concerned about the details of the Microsoft settlement. Specifically, I am concerned about the way in which non-profit organizations have no rights in the settlement as described by ''Robert X. Cringely'' (nom de plume) in his article at http://www.pbs.org/cringely/pulpit/pulpit20011206.html. Microsoft has repeatedly shown themselves to be very clever at manipulating the word of the law rather than abiding by the spirit.

It is especially important at the current time to carefully consider the probable future of computing. It seems that the trend is towards putting more functionality on the server and less on the client. Some day soon it may be that the only client software is the web browser. As a result, even if Microsoft's behavior is modified as far as licensed software is concerned, there will be little affect on the company as their trend is towards licensed services.

Some ideas for consideration:

* Disallow the sale of computers with pre-installed software (including operating systems). Microsoft has advertised each version of Windows as easier to install than the last so this should pose no great hardship while at the same time affording competitors a window of opportunity to make a sale. The installation of most PC operating systems today consists of little more than inserting a CD–ROM and turning the computer on. Other

PC software only requires clicking on ''setup''.

* Require an ''unlock'' feature to be built into Microsoft products requiring registration so that once a product is deemed to be unsupported by Microsoft the registration key is no longer needed.

* Require full media to be sold (not just ''system restoration disks'') so that the user can configure the software as they see fit.

* End special pricing arrangements—the wholesale cost of Microsoft products should be the same for everyone.

* Require the full disclosure of all APIs, file formats, network protocols etc. used by Microsoft and prohibit restricting their reproduction.

* Accept RedHat's offer to work with Microsoft by donating software for every school in the country to run on hardware supplied by Microsoft. Microsoft's proposal is a bit like having a distiller convicted of anti-competitive practices donating whiskey to 21 year olds as penance—a transparent attempt to turn a penalty into a marketing opportunity.

* Prohibit Microsoft from offering services which lock users in. For example, the single login facilities offered by Passport should be based on a protocol, implementable by any professional developer on any platform, so the customer can choose among competing login service providers.

* Prohibit Microsoft from pursuing government sales when there is a competing open source product of commercial quality for some period (perhaps three years). Obviously the definition of ''commercial quality'' would have to be sorted out.

Sincerely,
Peter Holt Hoffman
9 Ladbroke Road
Greenville, SC 29615
864–292–3729

MTC–00003669

From: bg@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 12/9/01 6:49pm
Subject: Microsoft Settlement

I am appalled, and extremely concerned, about language in the proposed settlement with Microsoft that will serve to (very possibly) destroy open source software projects that have helped the internet to thrive and which continue to provide high-quality, reliable computing alternatives to those of Microsoft. Open source and free software projects are important to all kinds of entities, including academia, small business, non-profits, and others. The Linux operating system is the ONLY operating system that provides even a hint of competition to Microsoft. Are you proposing a ''settlement'' that will actually serve to DIMINISH that competition??? Absolutely incredible. I would think that your proposed settlement would include provisions to force Microsoft to cooperate with interoperability (in a local network, for example) between Windows and other operating environments, so that customers can choose freely.

Could it be that the DOJ attorneys lack an awareness of Open Source and free software? If so, I encourage the reading of the following book, which provides an excellent history: Rebel Code: The Inside Story of Linux and the Open Source Revolution by Glyn Moody, Perseus Publishing, 2001

Thank you,
Bill
Bill Gurley, Supervisor of Technical Services
Department of Chemistry
University of Tennessee, Knoxville Campus
CC:Senator Fred Thompson,Sen. Bill Frist

MTC–00003670

From: David G. Epling
To: Microsoft ATR
Date: 12/9/01 6:47pm
Subject: Microsoft settlement

I'd like my opinion known that I don't like the idea of MS's settlement that includes them expanding their market share and increasing their monopoly by giving free software to poor schools.

Thank you.
David Epling

MTC–00003671

From: Michael Dawson
To: Microsoft ATR
Date: 12/9/01 6:56pm
Subject: Microsoft Settlement

To whom it may concern,

I am quite disturbed at the notion of this 'settlement'. No wonder Microsoft accept it with Gates smiling, he's got out of jail free, passed go, and collected $200. When the bundling of Windows and Internet Explorer was deemed illegal, on appeal, even with all the issues over the objectivity and impartiality of the trial, how can the DOJ allow Microsoft to bundle more than ever into windows xp? How can the DOJ allow Microsoft to do to Real Networks and AOL what it did to topple Netscape and attempt to prevent users of other platforms from accessing the full net?

Accepting this settlement is quite out of the question for providing benefits to consumers, in the long-term the only way to ensure that consumers do not suffer damages is to ensure that there is a competitive market, and Microsoft is doing it utmost, and will apparently be allowed to, to change the currently competitive media and messaging markets into uncompetitive markets as has been done with browsers.

Faithfully,
Michael S.A. Dawson
Concerned User

MTC–00003672

From: John Raithel
To: Microsoft ATR
Date: 12/9/01 6:59pm
Subject: Microsoft Settlement

To whom it may concern (and it should deeply concern us all), I am writing to attempt to express my astonishment and disgust with the proposed ''settlement'' of the Microsoft monopoly case. I have been an active professional in the computer industry for 21 years, and my experience has included everything from large-scale systems to customized chip solutions, and from software from the giants to software from the open-source programmer.

I'm sorry, but Microsoft must be broken up. I have seen more than one company abandon products excellent products, products already in beta and near release date that have been enthusiastically reviewed by industry journals I have seen, I say, these companies simply drop their product at the announced entry of Microsoft (MS) into the field. Even though MS at the time had no competing product as yet, and in at least one case it never did develop the ''product''. The bottom line cannot be: ''Will the economy take a hit if we break-up MS?'' It may, it may not, but in the long run the economy necessarily reaps the benefits of open markets, energetic competition, and all those things that restrictions on monopolistic presences have on the market.

MS must compete. It does not now. Any ''solution'' that does not take this into account and correct it wll simply have to be revisited every few years, at immense cost, until the correction is made.

Thank-you for your kind attention to this.
John
John Raithel
raithel@rahul.net
650 726–3931

MTC–00003673

From: twosheds@cray.com@inetgw
To: Microsoft ATR
Date: 12/9/01 7:02pm
Subject: Microsoft Settlement

Concerning the proposed settlement with Microsoft, I would like to raise some concerns with you.

If this case is to be ''settled'', it should be settled in favor of the Public interest. Not in the interest of any single business or lobbying entity. Accepting that premise, the settlement, as proposed, should be rejected because it serves to further entrench Microsoft's monopoly in several business areas.

As proposed, the settlement would allow Microsoft discretion to prevent Free/Open source software from accessing the software APIs—in order to guard Microsoft's intellectual property. This argument assumes that the Free/Open source movement is a business entity seeking to capitalize on Microsoft's development efforts, the truth is that the Free/Open source movement is not a business at all. It is simply software developers seeking to produce high quality software for the good of the public at large.

Making the APIs publicly available to any interested organization—not just competitors—would force Microsoft to compete on a level playing-field with other software producers, and far from undermining their intellectual-property, it would assure interoperability between Microsoft's formidable installed-base of software and the software produced by their competitors. This interoper- ability can certainly be considered to be in the public interest.

Microsoft has repeatedly tried to cast this movement as being ''un-American'' because it isn't concerned with a profit motive. Similarly, the American tradition of Barn raising must be viewed as ''un-American.'' Indeed any effort by ''the few'' which benefits ''the many'' must then be considered ''un-American.'' To that, I submit that it is Microsoft that fails to understand appreciate

what America is all about—and underscores the need to force the awareness upon them that the world doesn't exist to be their unwilling profit base.

Especially if preferred alternatives are forced from viability.

Microsoft has proposed supplying schools with ''PC standard'' hardware and their own software. Taking this course would artificially promote Microsoft in one of the few market areas where it does not already enjoy monopoly status, and over time—as the supplied OSes require updates, Microsoft would be in a prime position to leverage that foothold to assure that others could not compete in that area.

Thank you for your attention.

JAY VOLLMER

TWOSHEDS@CRAY.COM,
JVOLLMER1@MN.RR.COM

952–738–8201

MTC–00003674

From: Tom Glascock
To: Microsoft ATR
Date: 12/9/01 7:06pm
Subject: Microsoft Settlement Sunday, December 9, 2001

My name is Thomas S. Glascock and I live in Cincinnati OH. I strongly urge the United States Department of Justice to reconsider the lightweight ''settlement'' that it has proposed to Microsoft.

Microsoft has shown in the past, and will in the future, that it will take advantage of every possible loophole in this ''remedy.''

The settlement as it stands today does not have any sort of punishment element in it, which will only serve to encourage Microsoft in its illegal, unethical and immoral behavior.

I very strongly urge the USDOJ to add a punishment element to the settlement as a deterrent to their illegal corporate behavior.

Corporations are entities designed to shield individuals from personal liability when running a business, not as a shields for breaking the law. The corporation itself is guilty of a federal crime, and the corporation should be harshly punished, as though it were the actions of an individual.

Thank you

Thomas S. Glascock

MTC–00003675

From: Margaret Leber
To: Microsoft ATR
Date: 12/9/01 7:07pm
Subject: Microsoft Settlement

I'm a professional software engineer with over thirty years experience in the industry, and I'm writing to express my extreme concern about some of the language in the proposed settlement.

Section III(J)(2) says that Microsoft need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...''

This language creates a huge loophole for Microsoft to crush an important element of thier competition today, namely open-source software created under the auspices of non-commercial entities. Considering that only not-for-profit organizations have flourished producing software that competes for technical space with MSFT code (considering they've driven the bulk of the for-profit alternatives out by illegal practices they've already been convicted of) to allow this language to stand will allow MSFT to freeze-out the open-source community through nondisclosure of their interfaces. This will cripple important open-source projects like SAMBA and the Apache Project. MSFT has been quite vocal in the press about the effect open-source has had on their business. In this country, we don't permit convicted felons to own firearms lest they use them to comit another crime. Please don't hand a convicted monopolist yet another weapon in this battle.

Margaret Leber
163 North Whitehall Road
Jeffersonville PA 19043

MTC–00003676

From: Joe Stump
To: Microsoft ATR
Date: 12/9/01 7:09pm
Subject: Microsoft Settlement

Recently I read the following editorial: http://www.pbs.org/cringely/pulpit/pulpit20011206.html

And share the author's concerns that Open Source and non-profits are not adequately being protected under the final agreement with Microsoft. The simple fact is that MS needs to play fair and keep any/all protocols it creates open to the public. Imagine if Einstein had patented $E = mc^2$ or if Newton had made the laws of physics proprietary!

Joe Stump

Joe Stump <joe@joestump.net>

MTC–00003677

From: SpamSpamSpam
To: microsoft.atr
Date: 12/9/01 7:10pm
Subject: Microsoft Settlement.

The proposed Microsoft Settlement is BAD for the USA. The settlement only extends Microsoft's monopoly.

Essentially they are only giving the money back to themselves. And gaining marketshare in one of the few areas that they are weak. It does not provide any remedy, to prevent Microsoft's monopolistic tactics. Break up Microsoft while there is still a chance for some competition.

DO NOT accept the proposed settlement.

MTC–00003678

From: Keith E. Laidig
To: Microsoft ATR
Date: 12/9/01 7:11pm
Subject: Microsoft Settlement

Madam/Sir:

As a small business owner, I would like to put in my two cents regarding the proposed settlement in the Mircosoft anti-trust case. The settlement is nothing more than a complete capitulation by the government to a company which has been found guilty of using its monopoly repeated a in anticompetitive fashion. The 'penalties' do nothing to curtail Microsoft's illegal behavior and, in fact, are designed to extend the company's monopoly further. As more innovative companies are crushed by the continued illegal behavior of a convicted monopolist, the government twiddles its thumbs.

Innovation suffers. The public gets a poor product at a ridculously high price. Pathetic.

Keith E. Laidig

Keith E. Laidig, Ph.D., M.S., M.Phil.
Formix Research Laboratories
laidig@formix.com
http://www.formix.com

MTC–00003679

From: clps
To: Microsoft ATR
Date: 12/9/01 9:59pm
Subject: Microsoft Settlement

Dear Sir or Ms:

I respectfully do not consider allowing Microsoft to 'donate' their software to schools to be any kind of 'penalty' or 'remedy', quite the opposite, in fact. By allowing the settlement to continue as currently proposed, Microsoft has turned a legal defeat into a commercial victory for their monopolistic ways.

A more prudent penalty would be to force Microsoft to provide either cash money, or hardware void of Microsofts operating system, instead forcing Microsoft to donate their competitors software, whether it be from Apple, or a Linux distribution, or some other non-Microsoft product.

Please also force Microsoft to publish their APIs, and restrict them from anti-competitive practices, especially against not-for-profit software ventures, such as Linux, Apache, Sendmail, etc., so that both free and commercial software interests can operate in a business climate which encourages open innovation.

Sincerely,

R. Taylor
PMB 210, 2471 Solano Avenue
Napa, CA 94558

MTC–00003680

From: Howard Owen
To: Microsoft ATR
Date: 12/9/01 7:08pm
Subject: Microsoft Settlement

I am a Computer Systems Administrator with 16 years professional experience. I write with concern over the revised proposed Final Judgment of United States v. Microsoft. In particular, I am concerned with the language of section III(J)(2) of the revised proposed final Judgment which reads:

''(No provision of this Final Judgment shall:...) 1. Prevent Microsoft from conditioning any license of any API, Documentation or Communications Protocol related to anti-piracy systems, anti-virus technologies, license enforcement mechanisms, authentication/authorization security, or third party intellectual property protection mechanisms of any Microsoft product to any person or entity on the requirement that the licensee: (a) has no history of software counterfeiting or piracy or willful violation of intellectual property rights, (b) has a reasonable business need for the API, Documentation or Communications Protocol for a planned or shipping product, (c) meets reasonable, objective standards established by Microsoft for certifying the

authenticity and viability of its business, (d) agrees to submit, at its own expense, any computer program using such APIs, Documentation or Communication Protocols to third-party verification, approved by Microsoft, to test for and ensure verification and compliance with Microsoft specifications for use of the API or interface, which specifications shall be related to proper operation and integrity of the systems and mechanisms identified in this paragraph.''

Some background regarding my experience with Microsoft software will help to clarify my concerns with this language.

For the first five years of my career, I used first the VMS, then the Unix operating systems exclusively. Microsoft's DOS and Windows operating systems were not considered by most of my customers (Scientists and graduate students at the Physics Department of UCSB) to be suitable for their purposes. In 1991, I got a new job at a commercial company, Octel Communications in Milpitas California, supporting their engineers. At Octel, Microsoft's dominance of the market for PC operating systems was well under way. The engineers mostly used Unix (Sun's version) but the rest of the company used DOS and Windows 3.11. For me, as a Unix Systems Administrator, this posed an immediate problem. The Windows systems were networked together using a Microsoft protocol called SMB. The details of this protocol were partly available, and partly kept secret (or at least not published) by Microsoft. This meant that resources on the Windows network, such as disks and printers, were unavailable to users on the Unix network, and vice-versa. This was sub-optimal in a number of ways. It led to situations in which workgroups would have two printers, on each for Windows and Unix. Files would be shared using floppy disks. Searching for a solution, I found a wonderful software package on the Internet called Samba. This software, written by clever programmer in Australia, named Andrew Tridgell, implemented communications between the incompatible Unix and Windows worlds. Using Samba, I could make my Unix computers and disks available to Windows users. I could also make Windows printers available to Unix users. Getting at Windows files from Unix was less well supported, but it was possible. This was OK because at that time the Windows boxes tended to be desktop machines, whereas the Unix computers were generally larger server boxes. This meant most of the disk space we wanted to share was on Unix, and Samba let us do that very well.

Two points about Samba are relevant in my concern over the language cited in my first paragraph. First, since the SMB protocol in use on Windows 3.11 differed in important details from the various published specifications, Andrew Tridgell had to ''reverse engineer'' the protocol. (When he started he didn't even know there were any published specs. By the time he got his hands on them, he had implemented enough on his own to know that certain details were wrong or missing.) This may have been due to a desire by Microsoft to keep the details of their implementation secret or commercial advantage. Most Finance departments in industry look askance at duplicating resources like printers across an entire organization. At Octel, there was pressure from Finance to consolidate the computing platforms in use due to the added expense. Since Finance used Windows, that was the platform they wanted to standardize on. The second point about Samba is it was developed by volunteers, and given away for free on the Internet. This model of software distribution is now more familiar, (It goes by various labels, depending on who is describing it and on what software license is in use. ''Free Software'' and ''Open Source Software'' are two popular labels. Based on its license, the former is the proper label for Samba.) but it was novel in the commercial world in 1991.

Which brings me finally back to the language of Section III(J)(2) of the revised proposed final Judgment reproduced above. One of the several criteria for which ''No provision of this Final judgment shall ... Prevent Microsoft from conditioning any license ...'' for its security related APIs to a ''person or entity'' is that the entity '' meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business...'' (d).

The problem with this clause as it relates to the current discussion is that Samba, as related above, does not have a ''viable business.'' Samba is given away for free by volunteers. It is nonetheless a critical piece of software in ensuring that computers running Microsoft's OS ''play nice'' with rival Operating Systems. If Microsoft is allowed, at its sole discretion, to withhold APIs from entities it deems to not have a ''viable business,'' there is a real danger Microsoft will do so for projects, like Samba, that tend to soften the power of Microsoft's monopoly in the market for PC operating systems. The quoted section limits this clause to APIs ''.. related to anti-piracy systems, anti-virus technologies, license enforcement mechanisms, authentication/authorization security, or third party intellectual property protection mechanisms.'' However this limitation doesn't rescue Samba, which must use ''authentication/authorization security'' mechanisms to access resources on networks running Microsoft's software.

Based on this concern, I strongly urge you to amend the language in the Final Judgment to place the decision in the hands of the Technical Committee set up under section IV(B) of the Final Judgment, rather than Microsoft's

Thank you for your attention,

Howard Owen
EGBOK Consultants
hbo@egbok.com +1–650–339–5733

MTC–00003681

From: Tim O'Reilly
To: Microsoft ATR
Date: 12/9/01 7:16pm
Subject: Microsoft Settlement

I want to let you know that I have serious concerns about the proposed settlement of the Microsoft case. It does little or nothing to impede Microsoft's continued abuse of its monopoly position, and in fact includes provisions that will potentially give Microsoft even greater power. There is so little to like in this settlement, and so much to dislike, that it hardly bears detailed comment.

I am a well known high-tech publisher. My books cover both Microsoft and non-Microsoft technologies. I understand Microsoft's position that they remain vulnerable to new technologies that may disrupt their monopoly, but I don't buy it. Yes, they are now competing for new markets in the next generation of internet applications, and they don't hold all the cards that they held at their peak. But they still have many unfair advantages, and every indication that they intend to use them to destroy both competitors and an open market.

I am particularly concerned about Microsoft's attacks on free and open source software, and the fact that the settlement does little to protect open source developers, who compete with Microsoft in many major markets (for example, Apache is Microsoft's biggest competitor in the web server market), but are not commercial entities protected at all by the settlement.

In addition, I am extremely concerned that Microsoft has been allowed to destroy competitors such as Netscape, to undermine Sun's Java, and to suffer no real penalties. No action by the Justice Department will restore Netscape or the competitive health of the web browser business, but at the very least, Microsoft ought to be forced to pay a significant settlement to web browser and server vendors who were harmed by their actions.

In addition, my ideal settlement would require full advance disclosure of all proprietary Microsoft file formats (since they use their control over data formats to force application lock-in), and open source code for all portions of applications that read or write files in those data formats. We don't need source code to all of Windows or Microsoft Office—just those parts that are used to enforce user lock-in. And this source code needs to be completely free and in the open, not in some restricted release to Microsoft approved vendors!

However, if you do go through with the settlement, it is essential that the people who are set to watch over Microsoft be convinced Microsoft critics, not apologists for the company. I'd love to see Larry Lessig, who raised so many Microsoft hackles when he was proposed as a special master in the case, put on them as a full time watchdog! Microsoft is a great company, but they have broken the law, and they need to be restrained.

Tim O'Reilly @ O'Reilly & Associates, Inc.
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tim@oreilly.com, http://www.oreilly.com
CC:tim

MTC–00003682

From: esoR ocsirF
To: Microsoft ATR
Date: 12/9/01 7:19pm
Subject: Micosoft Settlement

The manner in which APIs would be revealed are limiting to Microsoft's main

competitor: Free and Open Source Software (''Free'' defined as ''without restriction'' not ''free of cost'').

This software is created largely by individuals in informal and generally noncommercial cooperation. This is a very significant movement, and provides great potential benefits for American consumers. I think that makes such Free and Open Source Software *the* essential beneficiary of the ruling against Microsoft. This case was not a question of whether businesses were harmed by the monopoly, but rather consumers. It is essential that this pro-consumer movement be helped by the settlement. Instead they speficially discriminated against by the settlement.

Under provisions to release the API of Microsoft products, Microsoft is given discretion as to who they will release information: namely, ''viable businesses'', with Microsoft being able to interpret that as they wish.

I am personally involved in many projects that have the potential to benefit consumers, but are not businesses of any sort, rather a conglomeration of individual developers. I would expect that these groups will be excluded under this settlement.

Instead of this model, APIs should be made fully public. Individuals, in some manner, should be able to ask questions of Microsoft regarding these APIs, and have them answered publically. If it seems too difficult to allow any individual to ask such a question, an electronic petition process could be used instead, as long as a group of individuals can have the same weight as a commercial organization.

It is essential that the API information be made public. If it is hindered by any sort of NDA it will be *absolutely useless* to Free/Open Source software projects. We have formed a legal and social structure where we do not have the ability to keep pieces of our code private. This process must be respected by the settlement, as it forms the most serious competition for Microsoft, and is of large benefit to consumers. It is also essential that non-commercial groups of individuals be able to access API documentation, and have questions resolved by Microsoft. In general, it is dangerous to allow Microsoft to have discretion on any aspect of this manner, as they can use that to further punish their most stringent competitors as they have done so many times in the past.

It is also dangerous to allow them discretion on security issues. While it is acceptable that they be allowed a short, private period to resolve security issues before making them public, all aspects of their systems must be made public. It is all too easy to add security aspects to nearly any portion of a system. It is even potentially a good thing that they add security at many parts of their system. However, they should not need to be private about their security measures to ensure the effectiveness of that security. The Free/Open Source communities have created large amounts of software that is secure while being open. Microsoft should do the same. This process is completely possible, and has been demonstrated over and over for as long as computer security has existed.

MTC–00003683

From: Scruffy323@aol.com@inetgw
To: Microsoft ATR
Date: 12/9/01 7:23pm
Subject: Microsoft Settlement

My name is steve morin a resident of new york and a student in massachusetts. I am a computer science major and graduating this year and have been following the case since it's inception and the industry in general. I have been reading about the settlement and don't believe it effectively does a single thing. Any proposals that includes donations of free computing software by microsoft are unfair because it then allows them more of a grasp up up and coming users through the school system and costs them virtually nothing. More requests like the proposals, for them to make microsoft office for linux, and mac os's, and including the java environment with the operation system are moves in the right direction as far as curbing monopolistic practices. The current settlement is no more than a joke to microsoft, and evidence has indicated in publications that this sentiment is also shared by upper level microsoft management. I hope that the government takes more stringent measures in the Microsoft Settlement that actually encourages fair practices in buisness and to the benifit of the american people and non-forprofit organizations including protection of non-forprofit software and computer technology companies

Sincerely,
Steve Morin

MTC–00003684

From: Mark Stribling
To: Microsoft ATR
Date: 12/9/01 7:23pm
Subject: Microsoft Settlement

I would like to add my concern over the currently proposed punishment for Microsoft for its antitrust violations to donate more than $1 billion in software, hardware and money to schools. I have several complaints with this sentence. First, the language of the settlement does not adequately regard non-profit and non-business entities. Today, particularly the open source software providers stand to lose the most if the current settlement commences. Apache, Perl, and Sendmail are not afforded any protection from Microsoft's predatory business practices because the language in the settlement does not refer to software providers, rather, software vendors. Since these software projects are not for profit companies, wording like, ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...'' (Section III(J)(2)) offers a lack of protection for those companies that Microsoft most competes with today. I.e., those who should be most protected from its monopoly.

The second problem with the current settlement is that $1.5 billion is significantly smaller than the amount of money and liquid assets that Microsoft has. It is hardly a fraction of the company's worth, and not even a dent in yearly profits. Far from even a slap on the wrist, the amount of settlement makes a mockery of the DoJ. It is a punishment in name only. The final problem with the Microsoft settlement is in the structure of the penalty payment. In requiring MS to give software and hardware to schools, the settlement acts to not only enforce MS's current monopoly, but to actually strengthen it. Currently, Apple computers struggles to retain its current presence in the educational sector. Linux and alternative operating systems has worked hard and barely has any presence in schools. By making MS give out software and hardware to schools, they have less incentive to use Mac or Linux based machines. Not only that, but the future costs of reeducating their employees in the use of Mac or Linux would act as a strong deterrence to make the switch and create a barrier to entry. Thus Microsoft is in an even stronger position of monopolistic control.

Thank you.
Mark Stribling
CC:Jer Wood

MTC–00003685

From: Joseph P Frazee
To: Microsoft ATR
Date: 12/9/01 7:24pm
Subject: Microsoft Settlement

I am opposed to the proposed Microsoft Settlement agreement. Speaking as both a user of Free Open Source software and a systems manager for The Ohio State University Libraries, I depend on the low cost and high interoperability of Free Open Source software as it exists today. This low cost and high interoperability has been made possible by companies adhering to open standards and participating in fair market practices that include making protocols and formats open and accessible.

By allowing a corporation such as Microsoft to legally exclude themselves from providing opportunities for interoperability via open standards, you are effectively ensuring that Free Open Source software will not be able to compete. It will then die.

This would be a tragedy for the organization I am in and organizations that I have worked with in the past. We depend on Free Open Source software to do jobs ranging from enterprise Internet services to desktop support tools. This has become increasingly true amidst the ailing economy where pay-for software, support contracts, and maintenance fees have become too expensive. Do not let Free Open Source software die because monopolies were allowed to prevail. Do no forgot this country's past of furthering open standards. Two hundred years ago we paid Eli Whitney to give us open standards for gun production. Do not let us now pay William Gates so that we never have an open standard again.

Joseph P Frazee
E-mail: frazee.23@osu.edu
The Ohio State University Libraries
Phone: (614) 688–5432
UNIX ManagerPager: (614) 731–4919

MTC–00003686

From: Robert White
To: Microsoft ATR
Date: 12/9/01 7:26pm
Subject: Microsoft Settlement

Greetings,

To be just and effective the Microsoft settlement must include two conceptual modifications.

(1) Microsoft's duty to disclose must not be limited only to existing commercial concerns. The so-called free software community must also have access to the documentation and functionality of the Microsoft products. This doesn't necessarily have anything to do with the free software community itself, even it that is a vital concern. In practice, in order to start a commercial software venture a person or group needs to do a ''proof of concept'' before they know if their idea has any viability. In essence, if Microsoft is allowed to limit the determination of their APIs (etc) to already established commercial concerns, they are being allowed to effectively prevent any new competitors to start-up in the field. This would pro-actively and unacceptably repress new software concerns both ''free'' and ''commercial'' from competing with Microsoft.

(2) All provisions in existing and future licences must be vetted to remove the Microsoft-worst-kept-secret conditions that do not allow hardware vendors to co-install non-Microsoft operating systems on the hardware they deliver. (i.e. the no-dual-boot-to-competitor provisions) While this too directly affects Linux and other free operating systems it has also been used to crush commercial competitors. One only has to look at the way the BeOS operating system was blocked from commercial distribution with new hardware. This Microsoft limit on hardware vendors was used by Microsoft to gravely injure that competitor and eventually was directly responsible for the collapse of that company. They simply couldn't open any distribution channels for their arguably superior product. This is the very behavior that must be prevented in the future.

Robert White
Newcastle, WA
425–228–8825
rwhite@pobox.com

MTC–00003687

From: CareySB@aol.com@inetgw
To: Microsoft ATR
Date: 12/9/01 7:31pm
Subject: Microsoft Settlement

I believe that the current proposed settlement doesn't punish Microsoft at all for their predatory practices. In fact, I believe the settlement will bolster their legal position for further market dominating practices.

If you want to stop the juggernaut:

1. allow MS to keep their compiler and application software divisions, but

2. force MS to put their OS source code in public domain. They could still be allowed to sell it though.

Carey Brown
CareySB@aol.com

MTC–00003688

From: Jessica Blank
To: Microsoft ATR
Date: 12/9/01 7:34pm
Subject: Proposed Final Judgment

To Whom it May Concern:

As a longtime (8–9 years) user of Linux and other NONCOMMERCIAL operating systems and software titles, I am deeply concerned by a conspicuous absence from the Proposed Final Judgement (as I learned from http://www.pbs.org/cringely/pulpit/pulpit20011206.html). Apparently, it is designed to protect businesses— but not non-profit organizations or individuals (who Microsoft apparently will still be free to pursue using whatever tricks necessary).

The market realities in the computer world have changed. Some of the most credible threats to Microsoft nowadays come from noncommercial entities and to free products like Linux.

I would like to urge you in the strongest possible terms to give ALL entities who write software (big businesses, small businesses, non-profit organizations, individuals, etc.) equal protection from Microsoft. Please do not hesitate to contact me if you have any questions or comments.

Many thanks!
Jessica L. Blank

MTC–00003689

From: Wim Coekaerts
To: Microsoft ATR
Date: 12/8/01 11:45am
Subject: Microsoft Settlement

Hi

After reading the proposed settlement (Final Judgement), I cannot see how any of this means microsoft has been punished or found guilty of fiolating antitrust laws. The only thing that is very obvious about the proposal is that Microsoft came out as a winner, not as the guilty party, and this will make them stronger and gives them a wildcard to do even more harm to bigger companies like IBM, Oracle, Sun and everyone else that competes with Microsoft.

I agree in general that the government should not interfere too much with how business is run and allow for competition but in this case they totally destroyed a big company (whether or not Netscape made good or bad business decisions around this is not really the point, the point is that microsoft used their power to trash Netscape and netscape tried to find a way out but got squashed.)

It was also very clear in the case that Bill Gates was holding back information, not cooperating and being very arrogant, which he got repriminded for, but ultimately gets away with. This alone shows how strong they feel, even in such a big and important case, that the current legislature will leave them alone. I am a consumer, so far, microsoft has not released one product that works as advertised, that is the least bit open, in every case where they supposedly supopr a standard, they find a way to make it just incompatible with competing products. Yet, many companies I would like to buy something from, are forced to use Microsoft only products when you purchas something (dell, compaq etc), yes they do offer Some alternatives, but not to consumers for instance.

Do I want the company to go away ? No.. But I was hoping there would be a fair trial, and a fair settlement or punishment. Not a hidden present for destroying companies that started the whole internet revolution (which microsoft at first thoght aws totally stupid...)

So is this tomorrows world ? Break the law, do it at such a large scale that thousands of jobs are lost, go to court and get rewarded for it? The day this proposal was released was a sad day.

Sincerely,
Wim Coekaerts

MTC–00003690

From: Paul Scaer
To: Microsoft ATR
Date: 12/9/01 7:39pm
Subject: Microsoft Settlement

Dear Department of Justice Enforcement Officers,

Please don't let Microsoft shut linux and open source software (Apache, Sendmail, PERL) out of meaningful use of the internet and the software world. Section III J 2 of the Proposed Final Judgement seems to be set to do that. Schools and other non-profit agencies that are using linux and Apache would be even further damaged in such a case. We rely on open source to allow us to keep up with the best in educational network products for our students. One can already see the noose tightening around our computer freedom with the xp licensing requirements and the refusal of Microsoft to discount educational use of its ware. The monopoly only gets stronger, it seems.

The proposed language of this judgement will allow Microsoft to write out SAMBA and other open source efforts from interaction with its products. These open source efforts serve real educational purpose for the schools of America.

Microsoft was found ''guilty''. If you accept the proposed language of III J2, it will reward Microsoft for its monopolistic, anti-competitive rip-offs. Don't let their army of lawyers defeat the verdict of the federal courts. Enlarge your legal definitions to safeguard the precious volunteer work of not-for-profits, please!

Sincerely,
Paul Scaer, Librarian
Masterman School
Philadelphia, PA 19130

MTC–00003691

From: Keith Krieger
To: Microsoft ATR
Date: 12/9/01 7:43pm
Subject: microsoft settlement

The settlement language largely allows Microsoft to stifle competition and eliminate any trace of free market mechanisms with the computing community. Limiting the APIs in the manner laid out by the settlement are limiting to Microsoft's main competition: Free and Open Source Software. (Free is defined here as ''without restriction''. Free is not meant to be ''free of cost'').

This software is created by individuals in informal and generally noncommercial cooperation. This provides great benefits for American consumers. Free and Open Source Software is *the* essential beneficiary of the ruling against Microsoft. Consumers were harmed by Microsoft's actions, not necessarily business interests. It is essential that this pro-consumer movement be helped by the settlement. Instead they are pointedly discriminated against by the settlement.

Under provisions to release the API of Microsoft products, Microsoft is given discretion as to who they will release information: namely, ''viable businesses'',

with Microsoft being able to interpret that as they wish.

Instead of this model, APIs should be made fully public. Individuals should be able to ask questions of Microsoft regarding these APIs, and have them answered publicly. If it seems too difficult to allow any individual to ask such a question, an electronic petition process could be used instead, as long as a group of individuals can have the same weight as a commercial organization.

It is essential that the API information be made public. If it is hindered by any sort of NDA it will be *absolutely useless* to Free/Open Source software projects. We have formed a legal and social structure where we do not have the ability to keep pieces of our code private. This process must be respected by the settlement and is of large benefit to consumers.

It is also essential that non-commercial groups be able to access API documentation, and have questions answered by Microsoft. In general, it is dangerous to allow Microsoft to have discretion on any aspect of this manner. They can use that to further punish their most stringent competitors.

It is also dangerous to grant discretion on security. While it is acceptable that they be allowed a short private period to resolve security issues before making them public, all aspects of their systems must be made public. It is easy to add security aspects to nearly any portion of a system. It is potentially a good thing that they add security at many parts of their system.

However, they should not need to be private about their security measures to ensure the effectiveness of that security. The Free/Open Source communities have created large amounts of software that is secure while being open. Microsoft should do the same. This process is has been demonstrated over and over for as long as computer security has existed.

MTC–00003692

From: Grant Morrow
To: Microsoft ATR
Date: 12/9/01 7:53pm
Subject: Microsoft Settlement

To Whom it May Concern:

I am an avid Microsoft Windows and Microsoft products user. I have read the settlement the Department of Justice has proposed for the Anti-Trust case against Microsoft. There are several items within the settlement that I do not agree with. I not only do not agree with them, I also believe they will allow Microsoft to gain an even stronger hold on the software market than before this case was brought. Here are my reasons:

(1) This settlement does not address free software's rights. In today's software market, the Internet and many thousands of servers and computers across the U.S. and the globe are run by Free-Software. Under this proposed settlement, in Section III(J)(2) specifically, it contains some very strong language against free software/non-profit ventures.

Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...''

This is unacceptable. Microsoft's biggest competitor to their Internet Information Server is Apache, which comes from the Apache Foundation, a non-profit, free-software group. Apache has a currently larger market share and is a more stable and less vulnerable software platform. By not allowing free-software/non-profit software groups to be able to hold their weight against their commercial counter-parts as this settlement does not, then Microsoft will be able to use this settlement to their advantage, and gain market share in areas they do not even currently dominate.

I hope my comments will be taken of note and that there can be a settlement reached that addresses these concerns.

Most respectfully,
Grant Morrow
Student, Southern Illinois University,
Carbondale, IL

MTC–00003693

From: Andrew Morris
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/9/01 7:44pm
Subject: Microsoft Settlement

I am writing express my favor for settling the Microsoft anti-trust case as it currently stands. Anti-trust laws were put on the books to protect consumers and I feel that consumers only stand to suffer by continuing this court case any longer. Please work to settle the case as soon as possible. Microsoft need not be punished further.

Andrew W. Morris
Senior Project Manager
Winning Solutions, Inc.
941.267.2749 ext.101

MTC–00003694

From: Matthew Kennedy
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/9/01 7:50pm
Subject: Microsoft Settlement

How much money did microsoft contribute towards Bushes election?

Matthew Kennedy
Programmer ITD CQU
ph +61 7 4930 6899 ah 4922 2854

MTC–00003695

From: Tim Hockin
To: Microsoft ATR
Date: 12/9/01 7:32pm
Subject: Microsoft Settlement

The proposed microsoft settlement is a farce. Microsoft has railroaded the DoJ to the point where MS will actually BENEFIT from their punishment. Explictly omitted are non-profit organizations. Microsoft's biggest fear, Open Source software, is already at enough of a disadvantage. This settlement widens the gap.

In the meantime, all the companies that have gone down the toilet, all the venture capital, all the jobs, all the ideas and technologies will not come back. They are lost to technology, and as long as MS is running the DoJ, they will remain so.

If this is the best settlement the DoJ can arrange, then the anti-trust division should cease to exist as a whole. We're better off without the beurocracy, the bullshit, and the inability to actually acheive a goal. If I didn't have some faith left, I'd swear that Bill Gates ran the DoJ, the courts, and the White House. This ''settlement'' is all about the USA, the PEOPLE, being forced to settle for whatever MS decides, yet again. The people who accepted this deal should be embarrassed, humiliated, and most importantly FIRED for the pathetic excuse for justice they have enforced.

The United States of Microsoft.
How wonderful.
Tim Hockin
CA resident, software engineer, open-source user, and potential expatriot.

MTC–00003696

From: Gavin Treadgold
To: Microsoft ATR
Date: 12/9/01 8:00pm
Subject: Proposed MSFT Settlement

I am writing this an a concerned non-US citizen. I know my opinion probably doesn't count for much, but I feel obliged to write anyway.

The proposed settlement deal is hardly just for the average citizen. By allowing Microsoft to provide software and hardware in the education market, it distinctly disadvantages one of the leading companies in that sector, Apple. The proposal is simply allowing Microsoft to purchase market share that will allow to to become even stronger. At a minimum for the education proposal to be acceptable, Microsoft should be required to front up the proposed settlement value in cash, and allow a non-partisan group to determine appropriate expenditure—after all, perhaps it could go towards more teachers to help the really disadvantaged.

I used to believe the the United States of America provided one of the fairest and most just countries in the world. Sadly, after recent events in the Microsoft antitrust trial, it is hard to justify this enthusiasm, and the only hope that remains is that the remaining states that haven't settled, and the European Union have more strength and determination to bring Microsoft to true justice for their anti-competitive behaviour.

Gavin Treadgold
New Zealand

MTC–00003698

From: Paul Golovin
To: Microsoft Settlement
Date: 12/9/01 8:10pm
Subject: Microsoft Settlement

Cringely has my ''proxy'': http://www.pbs.org/cringely/pulpit/pulpit20011206.html

I have watched several of his shows, he's smarter than I am and better informed, but shares my views. Hence the proxy, I think you should do whatever he says.

Paul Golovin

MTC–00003699

From: Ricardus Vincencius Wielgosz
To: Microsoft ATR
Date: 12/9/01 8:11pm
Subject: Micosoft Settlement

Dear sir or Madam:

I have grave concerns about the recent DOJ/Microsoft settlement.

The manner in which APIs would be revealed are limiting to Microsoft's main competitor: Free and Open Source Software (''Free'' defined as ''without restriction'' not ''free of cost'').

This software is created largely by individuals in informal and generally noncommercial cooperation. This is a very significant movement, and provides great potential benefits for American consumers. I think that makes such Free and Open Source Software *the* essential beneficiary of the ruling against Microsoft. This case was not a question of whether businesses were harmed by the monopoly, but rather consumers. It is essential that this pro-consumer movement be helped by the settlement. Instead they specifically discriminated against by the settlement.

Under provisions to release the API of Microsoft products, Microsoft is given discretion as to who they will release information: namely, ''viable businesses'', with Microsoft being able to interpret that as they wish.

I am personally involved in many projects that have the potential to benefit consumers, but are not businesses of any sort, rather a conglomeration of individual developers. I would expect that these groups will be excluded under this settlement.

Instead of this model, APIs should be made fully public. Individuals, in some manner, should be able to ask questions of Microsoft regarding these APIs, and have them answered publicly. If it seems too difficult to allow any individual to ask such a question, an electronic petition process could be used instead, as long as a group of individuals can have the same weight as a commercial organization.

It is essential that the API information be made public. If it is hindered by any sort of NDA it will be *absolutely useless* to Free/Open Source software projects. We have formed a legal and social structure where we do not have the ability to keep pieces of our code private. This process must be respected by the settlement, as it forms the most serious competition for Microsoft, and is of large benefit to consumers.

It is also essential that non-commercial groups of individuals be able to access API documentation, and have questions resolved by Microsoft. In general, it is dangerous to allow Microsoft to have discretion on any aspect of this manner, as they can use that to further punish their most stringent competitors as they have done so many times in the past.

It is also dangerous to allow them discretion on security issues. While it is acceptable that they be allowed a short, private period to resolve security issues before making them public, all aspects of their systems must be made public. It is all too easy to add security aspects to nearly any portion of a system. It is even potentially a good thing that they add security at many parts of their system. However, they should not need to be private about their security measures to ensure the effectiveness of that security. The Free/Open Source communities have created large amounts of software that is secure while being open. Microsoft should do the same. This process is completely possible, and has been demonstrated over and over for as long as computer security has existed.

Regards,
Richard V. Wielgosz...

MTC–00003701

From: Richard Allen
To: Microsoft ATR
Date: 12/9/01 8:14pm
Subject: Microsoft Settlement.

Please dont let the evil empire off the hook so easily. Im my opinion this final judgment will only make Microsoft stronger and put them in a better position to stomp on us end users.

Rikki—RHCE, HP-UX Certified Administrator.

—Solaris 7 Certified Systems and Network Administrator.

Bell Labs Unix—Reach out and grep someone.

Those who do not understand Unix are condemned to reinvent it, poorly.

MTC–00003702

From: Joe Campbell
To: Microsoft ATR
Date: 12/9/01 8:21pm
Subject: Microsoft Settlement

Department of Justice:

I urge the courts involved to reject the proposed settlement. It will only serve to enforce the very things Microsoft was convicted of doing. I suggest you find a way to force them to play fairly, publish their APIs, use accepted standards and to not use their monopoly power to ruthlessly crush their comptetion whether it be applications under windows, alternate operating systems or open-source software.

Sincerely,
Joseph Campbell

MTC–00003703

From: Joshua Stratton
To: Microsoft ATR
Date: 12/9/01 8:27pm
Subject: Microsoft Settlement

Frankly, the proposed settlement is the biggest miscarriage of justice in the past ten years. There is no other way to describe it.

How does the market recover from the harms caused by the Microsoft monopoly if the monopoly is strengthened by further entrenching their platform, by letting the company achieve its goals?

If you wanted to help education, you would merely tell Microsoft to fork over cold, hard, cash. Schools that wanted MS products could get them; schools that wanted anything else could do so as well.

Furthermore, the API descriptions won't be made available to some of MS's biggest competitors: participatns in free and Open Source software products! Even government software developers (e.g. at NASA, NIST, USGS) would not benefit.

Given that I'm in law school, and am hoping to practice in a technology-related field in a few years, you're doing little to engender trust in the competence or intelligence of the DOJ. Antitrust laws should not be used to throw violators into a 'briar patch' as it were.

I would STRONGLY urge reconsideration: possibly along the lines of breaking MS up into its individual business units (e.g. OS, Apps, Internet, Games, Hardware, etc.) or creating several smaller but full-fledged MS's that could directly compete against one another. At this point though, Bill Gates is surely laughing about how antitrust law has been perverted to strengthen his monopoly. He's laughing at you, and he's laughing at anyone else in the world who is concerned about the detriment that MS has caused to the industry. If you have any courage, any brains, or any concern for consumers and industry, you'll put a stop to that very quickly.

Thanks for your attention
Joshua Stratton
Rutgers Law Class of 2004
cpt@camden.rutgers.edu

MTC–00003704

From: Richie Laager
To: Microsoft ATR
Date: 12/9/01 8:26pm
Subject: Microsoft Settlement

To whom it may concern:

I feel that the proposed settlement in the Microsoft Anti-trust case is fatally flawed. It places commercial entities on a ''more level'' playing field than not-for-profit entities. As a full-time user of Linux (www.kernel.org) (www.linux.com) (www.linux.org), I see (on a daily basis) Microsoft's growing monopoly. By allowing this proposed settlement, you would be serving to strengthen Microsoft's monopoly.

I suggest that Microsoft be forced to donate large sums of money to the Free Software Foundation (www.fsf.org), the Electronic Frontier Foundation (www.eff.org), the Apache Software Foundation (www.apache.org), the Samba project (www.samba.org), and finally, the WINE project (www.winehq.com). I have selected these for the following reasons:

—FSF: They promote Free Software, which is being crushed by Microsoft's monopoly.

—EFF: They are an industry watchdog for the rights of users, which Microsoft has blatantly violated.

—Apache: They create a competing webserver to Microsoft's IIS. Because of Microsoft's monopoly, IIS has been forced on many companies, and it's long history of security vulnerabilities has cost the world billions of dollars. Apache is much more secure than IIS, and is being developed by an *open* community.

—Samba: The Samba project aims to create an open implementation of Microsoft's file and printer sharing technology. This technology was created by a group of companies, but now, Microsoft has squeezed them out of the development of this protocol. Once the Samba project had implemented the core features of the SMB protocol used by Windows, Microsoft changed the way the protocol worked. (This was done in Windows 2000 and up.) Such changes have the disadvantage of reducing interoperability. This even applies to those users that run Windows only.

—WINE: The WINE project is attempting to reproduce the Windows API for Unix. This will allow users the flexibility to run Windows applications on non-Windows

operating systems, without the need to pay Microsoft. The WINE project faces the same situation as the Samba project, except on a much greater scale. Also, Microsoft is undoubtedly planning to use it's monopoly in the operating system market (e.g. the Windows product line), the browser market (e.g. Internet Explorer), and the Internet portal (e.g. MSN, Hotmail, Expedia, and MANY MANY MORE websites) to push it's .NET technology. The .NET technology will be terrible for consumers, as it will place the confidential, personal data of millions of people in the hands of Microsoft. ONE small security leak in just ONE application of just ONE company would place all this data at the risk of being stolen and misused. Besides, many of the concepts of the .NET system have been stolen from other companies. For example, Microsoft recently created a new computer programming language called C# (pronounced C-sharp). A simple search on the Internet will reveal many websites that explain in great detail how similar it is to the Java language invented by Sun Microsystems (www.sun.com). (So much for Microsoft's ''innovation.'')

Also, to further detail the Free Software situation, I offer the following: When Microsoft decided to create a more secure networking stack for Windows 2000, they looked no further than FreeBSD (www.freebsd.com). They simply integrated code developed by individuals in their spare time into a product and sold it. (This was allowed by the license of FreeBSD, of course.) Of course, Microsoft promoted Windows 2000's more secure TCP/IP stack. It was yet another one of their so-called ''innovations.''

To close, I'd just like to point out that I am a 15 year-old high school student. In my spare time, I am employed as a professional Java programmer. If I can go into such a detailed explanation of the flaws of the proposed Microsoft settlement, why hasn't the Department of Justice figured this out already? Does it have something to do with the fact that you're too busy prosecuting a certain Russian for a piece of software he developed to allow a certain U.S. companies software to comply with Russian law?

Where have our rights gone in the digital age? I was taught that the United States was ''the land of the free, and the home of the brave.'' It seems to me the United States is the land where freedom is paid for, and bravery is simply a word in a large book known to some as ''the dictionary.''

Our freedom has been reduced to the level of an animal's. At least I can rest assured that ''all animals are created equal.'' Oh wait, I almost forgot ''some animals are more equal than others.'' Don't reinforce this timeless quote on political oppression by allowing the proposed settlement with Microsoft.

Thank you for your time,
Richard Laager

MTC–00003705

From: David Peacock
To: Microsoft ATR
Date: 12/9/01 8:35pm
Subject: Microsoft Settlement

I think the US Government's settlement is unfair punishment for Microsoft. It is too easy on Microsoft. It allows them to get a good foothold on the Education market.

Microsoft was declared a monopoly and this is not allowed in the US law. Stop the monopoly.

Microsoft should be severely punished for their practice of punishing companies who do business with their competitors. As I understand it, Microsoft will punish their partners who also partner with a Microsoft competitor. Microsoft will bully and charge these partners more money.

This is not fair.

Microsoft products cost too much money!

Microsoft is a monopoly, so they overcharge their customers.

It is not fair, when products like Linux are almost free.

Wayne David Peacock
San Francisco

MTC–00003706

From: Zzyzx Calysta
To: Microsoft ATR
Date: 12/9/01 8:01pm
Subject: Microsoft Settlement
Mail : Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Renata..

It perplexes me how a group of obviously intelligent people could not see that Microsoft placing $1 Billion in Intel hardware and Microsoft software into the school systems will do nothing more than cement Microsofts monopoly position for the forseeable future.

Not to mention what it will do to Apple, who is the predominant player in the educational market.

Users of that software will come out of the school system thinking ''I know Microsoft, so I must buy Microsoft software.'' You know it's true, and if you don't then you need to get some specialists in market sentiment to teach you about it.

If anything, Microsoft should be paying to have its competition gain ground in those sectors as well as in the commecial and consumer sectors, but we know that artificial market shared gained at the expense of Microsoft will only get back to Microsoft, so nothing will be gained in the latter two sectors.

Here's what I'd demand:

Microsoft pays $2 billion into a general scholastic fund, plus 2% of their gross income for the next 10 years.

The funds are distributed to schools, in a fashion weighted towards those with the lowest technology budget (e.g. the poorest schools) and the lowest per capita family income.

In addition, funds should be used to setup technology training centers in 10 urban areas nationwide with the highest unemployment rates and lowest per-capita incomes.

The funds must be used for technologies other than Microsoft (Apple, Linux, etc.)

Microsoft may not publicize the payment in any way (so as to gain goodwill from it).

I believe this is a reasonable settlement considering the income that Microsoft has generated by gutting every sector of the software industry as it built its huge monopoly.

Randall W. Dryburgh
Dallas, TX

MTC–00003707

From: rafrost@bellsouth.net@inetgw
To: Microsoft ATR,senator_hatch@hatch.senate.gov@inetg...
Date: 12/9/01 8:43pm
Subject: Microsoft Settlement

Dear Sirs,

I would like to express my concerns about the proposed Microsoft settlement. I am particularly concerned about the potential effect on not-for-profit organizations (Section III(J)(2) and Section III(D)).

In many cases, Microsoft main competitor is a product from a not-for-profit organization. If these organizations rights are diminished as a result of the proposed settlement, Microsoft will have been effectively rewarded for their past misdeeds. In my line of work, I use two Microsoft products (Internet Information Server and Exchange Server) and the competing not-for-profit products. If these not-for-profit products are removed from the market place, my choices as an end consumer are reduced, and Microsoft monopoly position is further enhanced. This hardly seems to be an equitable consequence for abusing one monopoly position.

Regards,
Bob Frost
rafrost@bellsouth.net

MTC–00003708

From: Stephen Scherer
To: Microsoft ATR
Date: 12/9/01 8:51pm
Subject: Microsoft Settlement
TO:
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
FROM:
Stephen C.Scherer
325 Overdale Street
Morgantown, WV 26501

Dear Ms. Hesse:

Hello, I am a doctoral student nearing completion at West Virginia University. I've spent nearly four years working in instructional design and developing educational software for use over the Internet. I've had several successful projects, all with a minimum of external funding.

I find many of the settlement issues with Microsoft Corporation ''unsettling.'' For those of us who follow technological issues and trends, the course that Microsoft Corporation has taken with respect to providing a viable solution to their anticompetitive behavior is a slap in the face. Their proposed settlement does little to weaken their monopolistic behavior, and in fact the settlement does appear to strengthen their position, especially their enroaching dominance over Internet protocols and ''distributed

applications.'' The Internet was not designed as a monopolistic stronghold by a company, but rather as a marketplace for products and ideas.

The concern that I have as an educator with a significant background in software development is that educational innovation will become stifled by a company that does not give a damn about education; Microsoft Corporation sees the educational setting as a profit setting. And unfortunately, the last thing that our educational institutions have is money. I've seen the teachers, and I've watched the burnout. Introducing Microsoft software into educational environments will only make this situation worse. Microsoft Corporation behaves in a methodical way: it finds new environments and takes them over. Educational environments are too important to leave to the hands of a convicted monopolist of questionable values: http://news.cnet.com/news/0–1003–200–7978672.html

Many of us are quite sickened by the behavior of Microsoft Corporation, and have been for years, but are at a loss at the steps to be taken to prevent this overgrown gorilla from destroying our educational environments through veiled profit seeking motives.

I am a supporter of Open Source software; I believe that educational software should be developed under the Open Source model, because we are dealing with something that is so much more important than profits. We need to find software that works, and make it available to the widest available audiences; this is imperative, as we are in desperate need of educated individuals if we are to stave off very serious environmental and behavioral consequences that lie in our not too distant future. Education is a community effort, not a business effort, and providing Microsoft Corporation entry into our educational institutions only reminds me of the following phrase: ''The road to Hell is paved with Good Intention.'' I know what works, and I'm pretty sure I know what doesn't work.

Stephen C. Scherer
West Virginia University

MTC–00003709

From: Brian
To: Microsoft ATR
Date: 12/9/01 8:54pm
Subject: Microsoft Settlement.

Hello,

After reading an article at ''http://www.pbs.org/cringely/pulpit/pulpit20011206.html'' I felt compelled to write and share with you my views on the Microsoft Settlement. I have been a fan of Open Source software for a number of years now. It is important for you to be aware that Microsoft has been equally as predatory toward Open Source projects as to other businesses. Please do not overlook this. Please remove any language that could in any way, shape, or form allow Microsoft to harm Open Source projects. Microsoft should be required to give back to the community for its monopolistic practices. Microsoft should be required to re-license much of it's software under the GNU General Public License (http://www.linux.org/info/gnu.html).

Please explicitly protect projects such as Wine (http://www.winehq.org) in the final language for this settlement. Wine is an application for the GNU/Linux Operating System that allows for compatibility with Windows programs. Microsoft should in no way have the ability to attack projects such as Wine.

These are my views and opinions. I would encourage you to research what I have mentioned and strongly consider this in the final language for this settlement. Do not forget, Microsoft is a monopoly and should be dealt with as such.

Thank you for your time.

Brian Horncastle

MTC–00003710

From: Jeremiah and Annika Foster
To: Microsoft ATR
Date: 12/9/01 8:58pm
Subject: Microsoft penalty

Dear Sir,

I am writing today to express my heartfelt conviction that Microsoft is a monopoly that is suffocating innovation in the software industry. I also feel that Microsoft's proposal to supply equipment to schools in our nation to bridge the ''digital divide'' in lieu of court-imposed fines is yet another attempt to get market share from Microsoft's rivals. At MIT, where I work, there is a strict policy; no one may accept gifts from computer companies. This policy allows decisions on purchasing to be made without bias. This policy would be an excellent one for the nation's schools as well, and would preclude a gift of Microsoft software to these schools. Instead Microsoft could arrange for an endowment for technology which would enable lower income schools to keep pace with their better supplied brethren. The monetary award could be given to different schools each year depending on their particular needs. They would apply for it, as if it were a grant, then use the money to purchase equipment best suited for their particular goals, from any company they choose. This would allow many companies to compete for the market, making for a freer marketplace where innovation and efficiency are rewarded and not size and brute force.

Thank you for your time and understanding in this matter.

Sincerely,
Jeremiah Foster
Somerville MA.

MTC–00003711

From: Jeffrey Thorns
To: Microsoft ATR
Date: 12/9/01 8:59 pm
Subject: Microsoft Settlement

Do not accept the proposal, as is. Doing so would only slap Microsoft on the wrist and encourage them to continue their current practices. Accepting the proposal would extend Microsoft's monopoly into the Education market. (At least there is some competition from Apple in that market.)

The proposal would immediately put all not-for-profit enterprises at an unrecoverable disadvantage—ie it would punish people who willingly and freely offered their work for free to the world. (I'm thinking of Open Source initiatives.)

As Microsoft has grown larger and bolder, its ''innovation'' has slowed to a crawl. Allowing the status quo would further discourage them from the innovation that only comes from a free marketplace (ie without monopolies).

Though I use Microsoft products at work every day, our firm is plagued by problems brought about as a result of management thinking that, since Microsoft has the marketplace to itself, they have no choice but to follow. Free competition would open the minds of America's corporate heads, stimulating new businesses, and improving productivity with new and better products.

Please do not allow Microsoft to get away with writing their own rules, as they have so often in the past, to everyone's detriment.

Thank you.

Jeffrey Thorns

MTC–00003712

From: Douglas St.Clair
To: Microsoft ATR
Date: 12/9/01 9:01 pm
Subject: I am NOT in favor of the DOJ-Microsoft settlement

The proposal to provide restitution by giving their software to schools will undermine the efforts of its competitors to the school market. However I would support their donation of hardware provided it offered a balanced mix of Intel, PowerPC, and Sun hardware as well as UNIX, Solaris, and Mac OS X. I don't see any reason to enrich them by including any of their software. If there there are some favorable tax ramifications should they provide the equipment in this fashion these should be deined them so that they pay all the money due out to the public they have cheated.

I think the proposed break up of applications and operating system is the only way to ensure that everybody gets to play on a level playing field as regards interfacing with their OS. The proposals as they stand would seem to make it impossible for freeware and shareware makers to get the information they need to ''compete'' for example.

MTC–00003713

From: Jeb Campbell
To: Microsoft ATR
Date: 12/9/01 8:59 pm
Subject: Micosoft Settlement

The manner in which APIs would be revealed are limiting to Microsoft's main competitor: Free and Open Source Software (''Free'' defined as ''without restriction'' not ''free of cost'').

This software is created largely by individuals in informal and generally noncommercial cooperation. This is a very significant movement, and provides great potential benefits for American consumers. I think that makes such Free and Open Source Software *the* essential beneficiary of the ruling against Microsoft. This case was not a question of whether businesses were harmed by the monopoly, but rather consumers. It is essential that this pro-consumer movement be helped by the settlement. Instead they speficially discriminated against by the settlement.

Under provisions to release the API of Microsoft products, Microsoft is given

discretion as to who they will release information: namely, ''viable businesses'', with Microsoft being able to interpret that as they wish.

I am personally involved in many projects that have the potential to benefit consumers, but are not businesses of any sort, rather a conglomeration of individual developers. I would expect that these groups will be excluded under this settlement.

Instead of this model, APIs should be made fully public. Individuals, in some manner, should be able to ask questions of Microsoft regarding these APIs, and have them answered publically. If it seems too difficult to allow any individual to ask such a question, an electronic petition process could be used instead, as long as a group of individuals can have the same weight as a commercial organization.

It is essential that the API information be made public. If it is hindered by any sort of NDA it will be *absolutely useless* to Free/Open Source software projects. We have formed a legal and social structure where we do not have the ability to keep pieces of our code private. This process must be respected by the settlement, as it forms the most serious competition for Microsoft, and is of large benefit to consumers. It is also essential that non-commercial groups of individuals be able to access API documentation, and have questions resolved by Microsoft. In general, it is dangerous to allow Microsoft to have discretion on any aspect of this manner, as they can use that to further punish their most stringent competitors as they have done so many times in the past.

It is also dangerous to allow them discretion on security issues. While it is acceptable that they be allowed a short, private period to resolve security issues before making them public, all aspects of their systems must be made public. It is all too easy to add security aspects to nearly any portion of a system. It is even potentially a good thing that they add security at many parts of their system. However, they should not need to be private about their security measures to ensure the effectiveness of that security. The Free/Open Source communities have created large amounts of software that is secure while being open. Microsoft should do the same. This process is completely possible, and has been demonstrated over and over for as long as computer security has existed.

Note: I did not write this, but it expresses my opinions well.

Jeb
Jeb Campbell
C4 Solutions, Inc
jebc@c4solutions.net
T 865–546–6381
M 865–368–5322

MTC–00003714

From: David Wright Escott
To: Microsoft ATR
Date: 12/9/01 9:00pm
Subject: Microsoft Settlement

Dear Sir or Madame,

I would like to express my disagreements with the proposed microsoft settlement. I have two major concerns with the settlement, the first being the power that Microsoft is given to determine who should be given protections under the settlement and the second concerns the retributions that Microsoft will be making to the government itself.

Section III(J)(C) of the proposed settlement allows Microsoft to determine which companies would be allowed access to its API, Documentation and Communtications Protocols. Specificly the settlement states that Microsoft may deny this access to businesses that do not meet ''reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business.'' Before accepting this settlement it is imperative that we understand which businesses Microsoft would consider unauthentic and unviable.

At many times over the past year Microsoft executives have criticized the open source movement and more specificly the GPL. Microsofts position is that the GPL is a danger to intellectual property. Microsoft feels that by placing code under the GPL programs are making the code unavailable to the corporate world (itself included) and thereby dangerous to the viability of any company that models itself on the open source philosophy. From these statements it is clear that Microsoft would question the viability of companies like Redhat and non-profit foundations like Apache and Samba.

However it is companies like these that are most likely to threaten Microsoft's position. Currently Apache is the most popular webserver on the internet and GNU/Linux led by companies like Redhat, Suse, and Mandrake are pushing older proprietary UNIX distributions out of larger mainframes and servers. Furthermore projects like Samba are critical to the proliferation of these opensource companies as they provide facilities to connect the high-end UNIX servers with low-end Windows based clients by providing the seemless file-sharing and printer-sharing provided by Microsoft or Netware based networks. If Microsoft were to determine that these companies, and organizations did not have authentic or viable business models, and were to restrict access to the Microsoft/Windows Communications Protocols these projects could be stopped in their tracks leading to a collapse of the opensource movement as an effective competitor to proprietary Microsoft solutions.

Another key point is that Netscape now bases its browser off of the Mozilla renderer. Mozilla is an opensource project that Microsoft could easily determine is not a viable competitor. We have already seen Microsoft restrict access to its msn.com portal for users of other non-internet explorer browsers, and users of Mozilla/Netscape are unable to change their msn.com webmail passwords because of security concerns that Microsoft has with the browser. It seems clear to me that Microsoft would be eager to leverage its power to determine the viability of competitors business models to restrict Netscape/Mozilla's access to the Windows API and Microsoft ActiveX controls for webbrowsers. These restriction could make these products even more unusable in the many Internet Explorer optimized sites on the web.

Internet Explorer has a great advantage over Netscape on Windows because of its intergration into the OS. Much of the code and resources used by IE are already loaded into memory by the system so it takes little time for IE to load and become user-ready. Netscape on the other time must load itself from the hard drive increasing the time it takes for it to become available to the user. If Microsoft were to deny Netscape from access to Documentation on its API because of its Mozilla/GPL roots Netscape engineers would be unable to find ways to optimize the Mozilla code to load faster further increasing the time it takes for Mozilla to load. This simple restriction would inevitable drive Netscape off the Windows desktop and further increase the market share of IE as the browser of choice.

This would give Microsoft Web Servers a distinct advantage over Apache and other competitors because of its ability to provide ActiveX controls that other browsers could not provide because Microsoft would not be required to provide its API to non-profit GPL based companies and organizations.

I fail to see how the Government could have not forseen this as a possible outcome considering that much of the lawsuit was directed at the browser war between IE and Netscape Navigator.

Finally I would like to point out that many other Microsoft competitors have decided to incorporate opensource software in its business model. IBM has begun to push Linux as the OS of choice on many of its servers as an alternative to IBM's proprietary OS. Sun has decided that GNOME 2.0 will form the basis for its new Solaris graphical interface. Compaq has worked extensively to develop 64 bit Linux variations for Alpha's and now Intel's 64 bit chips, as well as ports of Linux to handheld devices currently running Windows CE. And finally Apple has introduced its new operating system based on a variation of FreeBSD UNIX. Although Microsoft could not easily suggest that these companies do not have authentic or viable business models but Microsoft could chip away at the non-profit organizations that provide the basic work needed to make these products usable. In this manner Microsoft could subvert these companies attempts to develop new Microsoft-independent products.

This alone should be reason enough for concern but Microsoft has also managed to find a way to introduce its products even further into society, by offering computers equiped with Microsoft software to schools across the country. Microsoft would be allowed to determine the value of the software it would provide as part of the total evalution of the retribution that the company would pay. It seems illogical that a company should be allowed to determine the worth of its own payment. Does an elementary school student need the advanced graphing features of Excel? Do most people need all the features of Word, or Powerpoint? Is the ability of Internet Explorer to display animations or ActiveX handles truly worth the value to a school that Microsoft will determine they are? I believe that the answer to these questions are no. School systems should be allowed to take the money that

Microsoft would have given in hardware and software to instead purchase their own technology solutions in whatever manner they choose. Like all government contracts these solutions should be provided after open and fair competition between various competitors. To allow Microsoft to provide the solutions themselves is to simply provide Microsoft with an opportunity to infiltrate the school system and make users more dependent upon its software and services.

Although I have not studied all of the settlement I cannot overlook these two areas as critical flaws in the Justice Departments settlement. I believe that the Government would be making a great mistake by accepting these terms and I would greatly encourage the Justice Department to not accept this agreement.

David Escott
Home: 4230 Allistair Rd.
Winston-Salem NC 27104
School: 1406 Harvard Yard Mail Center
Cambridge MA 02138–7504

MTC–00003715

From: Gary W. Shawver
To: Microsoft ATR
Date: 12/9/01 9:01pm
Subject: Microsoft Settlement

To Whom it May Concern:

I write to express my concern about the proposed Microsoft anti-trust settlement. As is currently stands, it is far too lenient. It does not punish Microsoft for past bad behavior, not prevent such future behavior. I am especially concerned that the three-man committee in charge of overseeing the settlement will not have adequate resources to oversee it. Microsoft should be made to finance the the operations of the committee from a substantial fine in the billions of dollars. One man who would make a fine member of this committee is Steven Satchell.

The anti-trust settlement also does not address the concerns of non-profit software makers that offer some of the biggest competition to Microsoft products. In fact, it disenfranchised them. These organizations should be explicitly given the same protections as Microsoft's commercial competitors.

Microsoft should not be left free to crush the true sources of innovation in the computer industry, its commercial and non-commercial competitors, nor should it escape punishment for the damage it has done.

MTC–00003716

From: Mike Ramstrom
To: Microsoft ATR
Date: 12/9/01 9:08 pm
Subject: The nine states are correct, don't cave in.

Dear People:

Don't give in, I know you already have, but you shouldn't have. Running away because the administration has changed, the republicans are in, Gates is a cash cow for American foreign trade... just isn't right. The message is that rich people do control the agenda through campaign contributions and the old boy network. We have to suffer from the mafia like tactics, the smothering hubris, the clearly monopolistic practices of giving away something for free to destroy innovative competition (actually folding the costs into escalation operationg system costs) and those of us who have been around a while don't like it.

If only Digital Research had said yes to IBM. Then Gates wouldn't have made his first theft of CPM, we would have a more open source advocate in charge of the key pieces of our computer world the operating system and gui. The standards would have still been established, more people would be rewarded for creating products that interacted with those standards and each others products, and we would have had real capitalism rather than the terrible situation we now endure.

Force Microsoft to unbundle. To disclose all interfaces and code of the operating system and gui. To price any add ons outside of the kernel and thus have to really compete. This will allow the kernel and gui to be completely debugged by peer review, making a much more secure operating environment, and security will be a big issue in the coming decade with the war on terror shifting into gear. Addons such as Outlook Express will cost money, and will probably be dropped in favor of products which don't have such an abominable reputation as a security black hole.

Keep in mind that IBM's unbundling of hardware/software/applications/operating system... led to the PC and the world of computing/networking as we now know it. We will be better off if Microsoft has to really compete.

Thanks
Mike
CC:carl@ramstrom.com@inetgw

MTC–00003717

From: Bob Tajima
To: Microsoft ATR
Date: 12/9/01 9:09 pm
Subject: Microsoft Settlement

It has been brought to my attention by Robert X. Cringely's web column (http://www.pbs.org/cringely/pulpit/pulpit20011206.html) that sections of the Microsoft settlement strongly discriminate against open source software. These sections include Section III(J)(2) and Section III(D). The open source software movement is a significant social experiment and should not be endangered by the Microsoft Corporation's voracious and ruthless appetite for control of the software industry.

Bob Tajima

MTC–00003718

From: tcgibian@home.com@inetgw
To: Microsoft ATR
Date: 12/9/01 9:11 pm
Subject: Microsoft Settlement

As a consumer who uses not only Microsoft products but also Linux I hope that my perspective may prove useful regarding the fitness of the proposed settlement of the DOJ's case against Microsoft.

First, as I understand it, MS has been found *guilty* of several criminal acts—using their position for monopolistic purposes. As a consumer, I have been injured by this since my choices have been limited illegally. All companies which have wished to compete with MS have been injured as well. Since MS is guilty, they should be punished, and the punishment should hurt. The gain which MS has obtained illegally should be allowed to competitors and consumers since they are the injured parties.

What I have read of the settlement agreement has disappointed me. I can only consider that the DOJ has capitulated on their responsibilities, perhaps unknowingly. The punishment which faces Microsoft is not in proportion to the damage which they have done, it is mostly temporary, and much of it can be avoided by MS without much trouble.

I particularly object to section III(J)(2) from the perspective of the many useful not-for-profit businesses who are in the software production business. This section states that MS need not describe nor license API, Documentation, or Communications Protocols to any company unless it ''...(c) meets reasonable, objective standards established by *Microsoft* for certifying the authenticity and viability of its *business*, ...''. The proposed settlement only protects the competitive rights of ''companies in commerce—organizations in business for profit'' and neglects any businesses which compete with MS but do not seek a profit. The definition of a ''business'' is left to Microsoft. This is like hiring wolves to guard sheep. I fear they will exclude any business they can from the benefits of the settlement, for example, Samba and Apache, to name just two. Section III(D) goes further in allowing MS to exclude these non-commercial concerns.

Part of Microsoft's defense was that times and business have changed since the time a century ago when the laws were written which MS was found guilty of breaking. I suggest that they are more right than they know. I suggest that Microsoft's unlawful practices have hurt all consumers and competitors. This latter group is best defined in the modern day as a company which offers a competitive product, and not merely one which hopes to make a profit from it. The existing settlement will further penalize this not-for-profit segment of Microsoft's competitors, and for that reason I believe it is faulty.

I fear that if the settlement is adopted as written, before too long I as a consumer will be faced with fewer options in the marketplace. I will only be able to buy inadequate software from a company which has proven itself unwilling to compete through production of higher quality products, but prefers to win market share by using illegal practices to slaughter the competition.

I feel proud to be from a state which has found fault with the settlement as proposed. I am very disappointed that the DOJ has chosen to promote a settlement agreement which would allow Microsoft to continue so easily its anti-competitive practices against one segment of the industry from which it obviously feels some pressure. It is not too late to rectify this omission.

Terence C. Gibian
Laguna Beach, CA
tcgibian@home.com

MTC–00003719

From: Jeffery D. Collins

To: Microsoft ATR
Date: 12/9/01 9:15pm
Subject: Microsoft Settlement

The manner in which APIs would be revealed are limiting to Microsoft's main competitor: Free and Open Source Software (''Free'' defined as ''without restriction'' not ''free of cost'').

This software is created largely by individuals in informal and generally noncommercial cooperation. This is a very significant movement, and provides great potential benefits for American consumers. I think that makes such Free and Open Source Software *the* essential beneficiary of the ruling against Microsoft. This case was not a question of whether businesses were harmed by the monopoly, but rather consumers. It is essential that this pro-consumer movement be helped by the settlement. Instead they speficially discriminated against by the settlement.

Under provisions to release the API of Microsoft products, Microsoft is given discretion as to who they will release information: namely, ''viable businesses'', with Microsoft being able to interpret that as they wish.

I am personally involved in many projects that have the potential to benefit consumers, but are not businesses of any sort, rather a conglomeration of individual developers. I would expect that these groups will be excluded under this settlement.

Instead of this model, APIs should be made fully public. Individuals, in some manner, should be able to ask questions of Microsoft regarding these APIs, and have them answered publically. If it seems too difficult to allow any individual to ask such a question, an electronic petition process could be used instead, as long as a group of individuals can have the same weight as a commercial organization. It is essential that the API information be made public. If it is hindered by any sort of NDA it will be *absolutely useless* to Free/Open Source software projects. We have formed a legal and social structure where we do not have the ability to keep pieces of our code private. This process must be respected by the settlement, as it forms the most serious competition for Microsoft, and is of large benefit to consumers.

It is also essential that non-commercial groups of individuals be able to access API documentation, and have questions resolved by Microsoft. In general, it is dangerous to allow Microsoft to have discretion on any aspect of this manner, as they can use that to further punish their most stringent competitors as they have done so many times in the past.

It is also dangerous to allow them discretion on security issues. While it is acceptable that they be allowed a short, private period to resolve security issues before making them public, all aspects of their systems must be made public. It is all too easy to add security aspects to nearly any portion of a system. It is even potentially a good thing that they add security at many parts of their system. However, they should not need to be private about their security measures to ensure the effectiveness of that security. The Free/Open Source communities have created large amounts of software that is secure while being open. Microsoft should do the same. This process is completely possible, and has been demonstrated over and over for as long as computer security has existed.

Sincerely,
Jeffery D. Collins, Ph.D.
CC:jcollins@boulder.net@inetgw

MTC–00003720

From: Julius Smith
To: Microsoft ATR
Date: 12/9/01 9:29pm
Subject: Microsoft Settlement CC: jos@ccrma.stanford.edu@inetgw

To whom it may concern:

After reading Robert Cringely's Dec. 6 column, http://www.pbs.org/cringely/pulpit/pulpit20011206.html I was moved to write to express strong disagreement with the notion that Microsoft APIs need only be disclosed to commercial entities. To enable competition, Microsoft must publish all of its system APIs freely, preferably on the World Wide Web. Otherwise, the most innovative force in software (the open-source community) will be locked out.

Thanks for your consideration,
Julius Smith, Ph.D/E.E.
<jos@ccrma.stanford.edu>
Associate Professor
CCRMA, Stanford University

MTC–00003721

From: Craig T. Snydal
To: Microsoft ATR
Date: 12/9/01 9:31pm
Subject: Microsoft Settlement

Dear Sir or Madam,

I am writing to voice my dismay at the proposed Final Judgment in the Microsoft Anti-Trust case. In particular, I believe that open source projects such as Apache, Perl and Linux be better looked after in the language of the settlement. We open source developers should be allowed to compete with Microsoft just as Compaq and Netscape are being allowed to.

Thank you,
Craig Snydal

MTC–00003722

From: Joe Klimek
To: Microsoft ATR
Date: 12/9/01 9:30pm
Subject: Microsoft Settlement

I, like many of the people I have talked with, think Microsoft is getting of too easy—perhaps even completely ''off the hook.'' I have always thought the role of government is to look into the interest of the people. Am I wrong about this?

About two months ago, I decided to stop using Microsoft Outlook because so many of the PC viruses are really Outlook viruses. Thanks to Microsoft's clout, the media does mention this point. In any case, I started using another e-mail package and then un installed Outlook. Much to my surprise, the program reinstalled itself automatically when I restarted my computer. In other words, I could not un install the program and therefore remain susceptible to these viruses. I, and everyone else, knows that Windows does not need to have Outlook installed in order to properly function. Then, what is the reason I cannot un-install Outlook. I think the trial answered this question. I cannot force Microsoft to behave properly. But the DOJ can. Now, why is it, exactly, that you aren't working for the public's interest? Could it be that big business is running our government. I didn't always think this was true. I do now. In fact, I am sure of it.—

joe klimek

MTC–00003723

From: Admin7
To: Microsoft ATR
Date: 12/9/01 9:37pm
Subject: Microsoft Settlement

Please leave Microsoft Corporation alone. I use their products as do many of my coworkers and friends and we are tired of the government wasting our tax money trying to punish a company that has kept our economy strong. Thank you.

Hugh Jazz (Native American taxpayer)

MTC–00003724

From: Benjamin Davies
To: Microsoft ATR
Date: 12/9/01 9:38pm
Subject: Microsoft Settlement

To whom it may concern,

I fear that the US DOJ's settlement with Microsoft has a huge deficency in reguard to not for profit entities. If the goal in this entire court proceedings is to aid consumers then I fail to see why safeguards should only be applied to commercial situations. That sounds more like a quest to aid industry and ecconomy. For example, if a university or scientific foundation were striving towards a certain advance that required them to work with existing software (work with meaning design for or change of) they could be excluded access from Microsoft code when rival, commerical, entities could not. Microsoft was found guilty. While this does not mean they cannot be trusted it means that they should be prevented from obvious avenues of similar actions. Under the current settlement it would be possible to exclude, in a similar fashion as they exclude Netscape, all not for profit entities. Please take note of this and amend the settlement agreement.

Sincerly,
Benjamin Davies
Pittsburgh, PA

MTC–00003725

From: andrewa@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 12/9/01 9:37pm
Subject: Microsoft Settlement

To whom it may concern:

As a computer software developer, I am reading over this proposed settlement as carefully as I can, and can see places where the language is either a little ambiguous, or does not provide for certain possibilities. I will go through this proposed settlement, and point out changes that I see could stand to be made:

The first part under section III ''Prohibited Conduct'' seems to not make any provisions for a company to have two product lines: Computers with the Microsoft Windows product, and computers with another third-party operating system (such as Linux, BSD, or Be, Inc's BeOS, etc). Provisions are made to allow a company to have both, with

bootloaders or such to allow the user to select the OS, but nothing seems to prevent Microsoft from disallowing companies to sell machines with only a third-party operating system on it, if they sell machines with Microsoft Windows as well. What language does exist in this proposed agreement, is vague, and seems fraught with possible loopholes.

Part E of Section III deals with interoperability being allowed. It seems to imply that APIs should be allowed, but it only seems to apply toward communication formats, and nothing is said about what Microsoft may charge potential users of these formats to obtain them. Nothing is also said of what restrictions MS may place on users of the formats. Thus, MS could sell the formats for a paltry sum of $10,000—and only allow them to use them if the sell their own product for a certain amount. Free Software (ie, GPL'd Software—see www.gnu.org), which relies on mostly community effort, would never be able to afford these API definitions, and furthermore would not be able to use them, since Free Software, while not necessarily free in the monetary sense, also relies on openness of code. Microsoft could simply say that in order to use the APIs, you can't distribute source, thus cutting off access for Free Software developers, and continuing their monopoly in the face of their competition. Lastly, this section deals only with communications formats—what of the other ''real'' formats, such as file formats for documents (Word .DOC formats), spreadsheets (Excel formats), etc? These are the lynchpin formats. Having these formats be open and freely available would allow the development of competing office productivity software by competitors, who could assure users of MS Office that they can easily load and use the millions of MS Office files they have already created. This is where the real competition needs to be.

I do not see this particular settlement to be a good thing. Microsoft is laughing at the government, at the public, at everyone. They have been judged an illegal monopoly, something that has harmed consumers! You and I! Yet, they have not had to pay anything—and are looking like they will be able to continue with their illegal monopoly. It is with a heavy heart that I see this—it seems like the rights of a corporation mean more than my rights as a citizen of this country.

Let me ask you something else: Remember all of these email viruses that go around? Think about them for a minute. How much lost time is spent on these things.

Does it occur to you that they are allowed to propogate because of insufficiencies in Microsoft Software? Namely, Microsoft Outlook, and IIS? Why have they not had to update their software?

What if people could have a viable alternative, in the form of Free Software, GPL'd Linux, or even other third party OS's?

Most people don't want this—because they know they will have problems getting their documents to load, etc—because they are in locked down proprietary Microsoft file formats—and if they switch to another OS, they won't be able to do a conversion, plus, anything they create won't be able to be read by the people and companies they work with, because everybody else is using MS software. It is a vicious circle, and oroborus eating its tail—that can't be broken because the formats are unavailable to the people who need them most: Developers of Free Software.

Don't let this go by this way—change the language—I implore you, as I am sure many, many others haveas well (in much more elegant manners, too, I imagine)! I don't want my children living in a Microsoft dominated culture—I am sure you don't want that either.

The time is now—it must start now. If we wait—it will be too late. Microsoft is rapidly moving to a different revenue model—something where you won't buy your OS, but will instead lease it—perhaps even to the hour—pay $3.95 now, or your document goes ''Bye-Bye''! They could wield this like a hammer to hold consumers (nee, citizens!) and other companies hostage to thier wills and whims.

Please, change this now—before it is too late!

Sincerly,

A concerned citizen and software developer:

Andrew L. Ayers
2305 East Quail Avenue
Phoenix, Arizona 85024

MTC–00003726

From: Curt Pederson
To: Microsoft ATR
Date: 12/9/01 9:45pm
Subject: Microsoft Settlement

I am writing to express my concern with the proposed Microsoft Settlement.

I am a Software Engineer who has been in the industry since 1990. Most of my career has been spent developing applications on the Windows platform. As a developer, I've experienced the pains of dealing with Microsoft bullying not only developers, but end users. My experiences have caused me to change my preferred development language, platform and tools to a point that excludes anything Microsoft. The environment I've moved to is Linux, Java and open source tools.

The proposed settlement with Microsoft exposes the open source community to the continuing rampage of Microsoft by not protecting the community in the same way corporations are protected. Open source is argueably the biggest threat to Microsoft. The largest threat is Linux.

Robert Cringely's site has an excellent explanation of this concern. Here is the section of his page (found here http://www.pbs.org/cringely/pulpit/pulpit20011206.html.) ''Well, Microsoft now appears to be exacting its revenge, leaning this time on the same letter of the old law to not only get a better deal, but literally to disenfranchise many of the people and organizations who feel they have been damaged by Microsoft's actions. If this deal goes through as it is written, Microsoft will emerge from the case not just unscathed, but stronger than before.

Here is what I mean. The remedies in the Proposed Final Judgement specifically protect companies in commerce—organizations in business for profit. On the surface, that makes sense because Microsoft was found guilty of monopolistic activities against ''competing'' commercial software vendors like Netscape, and other commercial vendors—computer vendors like Compaq, for example. The Department of Justice is used to working in this kind of economic world, and has done a fair job of crafting a remedy that will rein in Microsoft without causing undue harm to the rest of the commercial portion of the industry. But Microsoft's greatest single threat on the operating system front comes from Linux—a non-commercial product—and it faces a growing threat on the applications front from Open Source and freeware applications.

The biggest competitor to Microsoft Internet Information Server is Apache, which comes from the Apache Foundation, a not-for-profit. Apache practically rules the Net, along with Sendmail, and Perl, both of which also come from non-profits. Yet not-for-profit organizations have no rights at all under the proposed settlement. It is as though they don't even exist.

Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...''

So much for SAMBA and other Open Source projects that use Microsoft calls. The settlement gives Microsoft the right to effectively kill these products. Section III(D) takes this disturbing trend even further. It deals with disclosure of information regarding the APIs for incorporating non-Microsoft ''middleware.'' In this section, Microsoft discloses to Independent Software Vendors (ISVs), Independent Hardware Vendors (IHVs), Internet Access Providers (IAPs), Internet Content Providers (ICPs), and Original Equipment Manufacturers (OEMs) the information needed to inter-operate with Windows at this level. Yet, when we look in the footnotes at the legal definitions for these outfits, we find the definitions specify commercial concerns only. But wait, there's more! Under this deal, the government is shut out, too. NASA, the national laboratories, the military, the National Institute of Standards and Technology—even the Department of Justice itself—have no rights. It is a good thing Afghanistan is such a low-tech adversary and that B–52s don't run Windows.

I know, I know. The government buys commercial software and uses contractors who make profits. Open Source software is sold for profit by outfits like Red Hat. It is easy to argue that I am being a bit shrill here. But I know the way Microsoft thinks. They probably saw this one coming months ago and have been falling all over themselves hoping to get it through. If this language gets through, MICROSOFT WILL FIND A WAY TO TAKE ADVANTAGE OF IT. ''I realize that is most of the site, however, my writing ability doesn't compare to Robert's.

Thank you for letting me voice my opinion.

Curt Pederson
Madison WI

MTC–00003727

From: Jeremiah G
To: Microsoft ATR
Date: 12/9/01 9:44pm
Subject: Microsoft Settlement

Under the Tunney Act, I am giving my view on the Microsoft Settlement case.

I believe that the settlement is unfair to the United States and is in favor of Microsoft. The courts should not rule to settle, but instead keep prosecuting until a settlement is reached where Microsoft is broken up or somehow made to pay for being guilty.

For example, putting their (Micorosoft) software in school computers is not payment, it is a good thing for the company as more young kids will learn and therefore prefer MS products.

Also, the settlement protects companies in commerce— organizations in business for profit. But non-profit companies need to be protected too. For example, Apache has a very large market share of servers and it is non-profit.

Finally, I would like to recommend Steve Satchell for one of the positions on the committee that will oversee Microsoft.

Sincerely,
Jeremiah J. Griswold
Hudson, MA 01749

MTC–00003728

From: Kevin J. Anderson
To: Microsoft ATR
Date: 12/9/01 9:48pm
Subject: Microsoft Settlement

The proposed settlement is a complete mistake. Under the current version, it completely gives Microsoft a huge advantage over the single entity that microsoft has itself publicly stated that it deems as its greatest threat.

This entity is GNU/linux and the rest of the opensource community such as open source projects like Samba and Apache. also, when it comes to the monetary portion of the settlement, it is hardly reasonable to allow them to include their own products as part of the monetary settlement. It costs them nothing to give their software away and deduct the retail cost of it away from the ballance. If the Government wants to make Microsoft help out poor schools, make them provide it all in hardware and allow the schools to decide what kind of hardware and what software to place on top of it.

my address:
kevin j. anderson
5409 alberta rd
chesterfield virginia 23832

MTC–00003729

From: counterstrike sucks
To: Microsoft ATR
Date: 12/9/01 9:56pm
Subject: Microsoft Settlement

Hello my name is Andres Rivero, and I'm from the state of California. I am writing to say that I believe Microsoft as a company has done so much for the USA and the world, that they deserve much more graditude than what they are receiving. People are quick to point out all the small faults they have, but delay to their great advancements in helping people connect, work, have fun.

After being able to work out an agreement with the DoJ. Microsoft was going to offer computers for schools, and then other companies quickly moved in to halt their offering. Why must everything MS do be something with a hidden cause?

The United States of America was built upon one of the ideas that a person should be and individual and try to advance. Not be stuck in a monotonous group. Microsoft is a company, that is striving to advance, innovate. Sure, just like people, companies make mistakes. But all mistakes are learned upon and have and effect on our future choices. Case in point, I hope that Microsoft has learned from things that they have fumbled upon in the past, and continues to provide great services to the people of the USA and the world.

Thank You,
Andres Rivero
Pasadena, CA

MTC–00003731

From: fkrogh@mathalacarte.com@inetgw
To: Microsoft ATR
Date: 12/9/01 10:06pm
Subject: Microsoft Settlement

I'd like to add my name to those who are extremely disappointed in the settlement agreement that has been made with Microsoft. It seems to me that there has no punishment at all for acts that Microsoft has been found guilty of, and have damaged a good many companies, and more importantly computer users at large. For a monopoly has the effect of limiting choice. In the case of Microsoft this has also had the effect of making the security of our national computing infrastructure much less than it might be.

There are many things that might have been done to address the damages done by Microsoft, but two come to mind:

1. They have been found guilty and have profited greatly from their misdeeds. So about a a fine that reflects the extent of their profits from this. I'm sure the government can use the money, and some clear signal should be sent that misdeeds are punished.

2. The so called api's may be thought of by Microsoft as valuable intellectual property. But they are no such thing. They are valuable only because of Microsoft's monopoly position. The same is true of the file formats that are used. As a monopoly that is to be punished for monopoly behavior Microsoft should be required to make these interfaces and file formats public for all current products and all future products for at least 5 years. A hefty fine should be automatic if any Microsoft product is found to use an interface of file format that has not been publicly documented. Note that we do not believe that Microsoft source code falls in the same category. It is valuable because of the job it does, and would be valuable even for a company that was not in a monopoly position.

Sincerely,
Dr. Fred T. Krogh
fkrogh@mathalacarte.com

MTC–00003732

From: John Robertson
To: Microsoft ATR
Date: 12/9/01 10:11pm
Subject: Microsoft Settlement

Dear Sirs,

In my opinion the proposed settlement between the Department of Justice and Microsoft is little more than a slap on the wrist, and a disservice to all of us who work in the computer industry. I believe that the settlement should include nothing short of:

1) For a period of 5 years, make available by posting on the Internet current and complete documentation on:

a) All file formats for all Microsoft products. No exclusions for any reason (like DMCA, trade secret, patent or copyright law).

b) All Microsoft API calls.

c) All proprietary Microsoft network protocols, or Microsoft specific extensions to standard network protocols.

2) For a period of 7 years, require that Microsoft offer a version of their ''Office'' product for Linux for the same price as the Windows version. Require that the Linux version have the same, up to date feature set as the Windows version.

3) For a period of 5 years, supply a $250,000/year grant to the Free Software Foundation for the purpose of verifying that Microsoft stays in compliance with the agreement. Charge Microsoft $1,000,000 per violation.

Please keep in mind that Microsoft has $30,000,000,000 largely because they have been abusing their monopoly power. They have done this even after agreeing not to do so in a previous anti-trust case. It would be imprudent to assume Microsoft has any ethics. JDR

John D. Robertson, Computer / Engineering Consultant
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MTC–00003733

From: Norbert Cartagena
To: Microsoft ATR
Date: 12/9/01 10:22pm
Subject: Rewards?

To who it may concern;

Since when is the United States in the habit of rewarding Monopolists by allowing them to extend their sphere of influence? Microsoft offers to settle by giving under powered computers to schools, loaded with their over-priced software. In this case, even valuing the software at $.01 is over-priced. This is tantamount to letting a criminal value the worth of his own dollar in a cash settlement (''Yes, this dollar should be valued in 1951 standards...''). Furthermore, what has been offered is the equivalent of having told a Gasoline monopolist that their punishment is to put MORE gas stations up in neighborhoods where they don't hold a monopoly. In this case, however, when you put their gasoline in your car you could put no other products other than theirs—gas, oil, transmission fluid, etc.—or those approved by them. I believe the reasoning behind your decision is based on your lack of knowledge

of the REAL issue at hand. Microsoft has never been a monopoly because of their Internet browser. So what if they've endowed their Operating System (OS) with web browsing capabilities? Unix has had the same abilities for over 30 years! The problem is their licensing agreements with computer manufacturers, which state that any company that distributes Windows with their computers is NOT ALLOWED to display support for ANY other OS. How do you justify one company controlling the policies of another separate and private entity? Whatever happened to an open economic system?

If you truly want to punish them for their monopolistic practices, you will do the following:

1) Agree to the Red Hat proposition which would force Microsoft to buy 1,000,000 computers instead of 200,000. Red Hat has agreed to install their industry standard Operating System, Linux, for free on all 1,000,000 computers, complete with all source code (something which you are now battling Microsoft to open up). If you feel uncomfortable with one company installing their own operating system on all systems, then you can also enlist the help of various other Linux companies, such as SuSE A.G., MandrakeSoft, TurboLinux, eSmith, as well as Non corporate entities, such as the Debian Linux Project and the Free Software Foundation. All with full source code, all with open standards, all who work with the air of cooperation in their business dealings. This would, of course, include the support of Linux's creator, Linux Torvalds, of Transmeta, Inc.

2) Force them to open up their File Format standards and specifications (this is the extension on your documents, such as .doc for a MS Word Document and .xls for an Excel style sheet). This would force the company's products to compete in an equal playing field with other office suites, such as Corel's WordPerfect and Sun's StarOffice, as well as non corporate entities such as the Open Office project and AbiSource.

3) Force the company to recant all licensing stipulations which call for their products to have a place of exclusivity on any other company's distributed system. Directly, DO NOT allow them to ''own'' the boot sector of any machine in which their Operating system is installed. This would allow Hardware companies such as Dell and Compaq to pre install other Operating systems, such as Linux and BeOS (as well as any new operating system which might appear) and give them equal prominence in a system, allowing the end consumer to make the decision, thereby allowing a truly open and free market to balance itself out.

Thank you for your time and may God grant you the wisdom to do the right thing.

Sincerely,
Norbert Omar Cartagena
Voter

MTC–00003734

From: Jason Woodward
To: Microsoft ATR
Date: 12/9/01 10:47pm
Subject: Microsoft Settlement

Hello,

I would like to put forward my views concerning the proposed DOJ/MS settlement.

Firstly, the settlement lacks sufficient provisions for protecting ''not for profit'' organisations and groups. This will hurt non commercial groups such as the Free Software Foundation amongst others.

Also, the proposed settlement will do little if nothing to curb the practices of Microsoft. Already Microsoft has used its monopolistic power in the PC industry to fund its entrance into the Video Game industry with the XBox console. Now Microsoft is poised to enter the homes of Americans. Also, with the .Net services upcoming, Microsoft is well on its way to having a regular billing relationship with its customers, as well as mongering all their personal data with PASSPORT. Please invest more time into researching and interviews with industry pundits. Do not loose hope!

I pray that you will stand by your cause that started this!

Sincerely,
Jason Woodward
424 Sandymead Rd
Matthews, NC 28105
(704) 849–2387

MTC–00003735

From: Robert Redelmeier
To: Microsoft ATR
Date: 12/9/01 10:29pm
Subject: Microsoft Settlement Comments

Persuant to the Tunney Act, I would like to make the following comments on the proposed Final Judgement in ''US et al v. Microsoft'':

Section III(J)2 permits Microsoft to restrict the release of needed information to businesses that meet Microsoft's definition of viability. Section III(D) repeats this for specific OEMs, ISVs, IHVs, IAPs and ICPs. These limits have the following defects:

1) It fails to allow for start-up businesses that have yet to show viability.

2) It fails to allow for businesses which have different business models than Microsoft. One such model is businesses which release source code but sell services.

3) It fails to allow for business and individuals who wish to add functionality for internal use.

To avoid possible obstruction by the defendant or a definitional nightmare, I propose that all restrictions on the recipients of Microsoft information be removed. Only by so doing can the damage caused by an adjudged monopoly in the operating systems market be minimized.

Sincerely,
Robert J. Redelmeier
13011 Mossy Ridge Cove
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MTC–00003736

From: Michael Holve
To: Microsoft ATR
Date: 12/9/01 10:39pm
Subject: Microsoft Settlement

Dear Ms. Hesse,

I'd like to take this opportunity to voice my opinion on the Microsoft settlement issue while I have the chance.

I, like many others feel that Microsoft should definitely NOT be given the chance to simply hand out hardware and/or software to settle, especially to schools. This is exactly what they want and it would be a walk in the park for them—and do absolutely nothing to stave off their aggressive, anti-competitive practices in the industry.

Their ''software donation'' would cost them very little in the big picture since it's theirs to begin with, and would further gain Microsoft ground in the educational market, where they've been held off by Apple. So not only would they get off easy, but they have another opportunity to get their foot in the door where previously they could not. They would in effect, squash yet another competitor in their primary market if allowed to do this. Same goes for the hardware—it would be a tax write off for them. Microsoft has way too much money and power in this industry that such a ''settlement'' would mean nothing to them. They spit in the face of justice, if this were allowed to pass.

In my opinion, Microsoft needs to be dealt with in the strictest of manners or they will simply continue their methods. While I don't necessarily feel that the government should get involved in carving up companies, monopolies DO need to be dealt with, especially one as powerful as Microsoft has become. I don't think I need to remind you that Microsoft software runs 90% of the computers on the PLANET. Hello? Microsoft, since the beginning of this case has tried to ''look good'' in the eye of the public with several similar donations and ''good will efforts.'' Those of us that are in the industry clearly see through this, as I hope everyone else involved in this case does, but I fear that may not be the case.

I have been involved in this industry for twenty years and am pretty much at the peak of my career. For almost the last decade, I have been strictly anti-Microsoft, neither recommending their software nor using it in a professional capacity. I won't turn this into a rant, but suffice it to say that I will not be a party to their strong-arm tactics.

Take a little peak at Microsoft's current ''licensing structure'' for their latest software such as ''Office X'' for the Macintosh, or the ''Windows XP'' operating system for Intel-based computers. That this can be allowed to continue is a true crime. It amounts to nothing short of pure extortion.

Here's a brief example. Microsoft has all but killed ANY competitors in the ''office suite'' market, leaving just ''Microsoft Office'' as the sole choice. This software retails, on average—close to $500. Upgrades which come frequently enough to milk customers dry, and also at $150 or more. The only people that can afford this are businesses. For the average home consumer, there are few options save for watered down leftovers after Microsoft blitzkrieged the landscape of viable alternatives.

Look at the whole ''Microsoft vs. Linux'' debacle, also. They've basically targeted Linux for destruction, but alas—it's out of their reach. For now...

I urge you, nay—I BEG YOU—to do the right thing here. Do not let Microsoft get away with these shenanigans. Examine, re-examine—and examine yet again the clear evidence before you of cut-throat, monopolistic and downright dirty business

practices of this giant mega-corporation. You are the only few that can approach them and bring about this change. Should you look the other way and allow this travesty to continue, I fear for the computer industry and the future of personal and business computers everywhere. American business as well as that abroad rely heavily on computers to bring about economic growth to the world economies and the American GNP. Do we really want to leave that in the hands of this clearly arrogant corporation that defies the DOJ and it's critics alike with these paltry attempts at appeasement?

Bill Gates and Microsoft Corporation did not get where they are today because of good products and practices. Do not take Gates lightly—he is a shrewd businessman, if nothing else—and I wager, has a good team behind him. They will worm their way through loopholes if allowed the slightest chance.

Thank you for your time, and I hope that my opinion has reached someone, anyone—that cares to listen. Feel free to contact me if you should like any further discussion...

MTC–00003737

From: Paul A. Orphanos
To: Microsoft ATR
Date: 12/9/01 10:39pm
Subject: Microsoft Settlement

December 9, 2001

As a United States Citizen, I am exercising my right under the Tunney Act to comment on the proposed DoJ vs. Microsoft settlement.

I am a user of an operating system other than Windows for over 10 years for science and engineering applications and have first hand experience as to the barriers Microsoft places on business that HAVE NOT been addressed by the proposed settlement.

The bigest barrier to competition is the fact that Microsoft is the standard for many applications commonly used in business (word processing, spreadsheets, databases, etc.). They abuse this standard by making the data format used by these programs proprietary, and tying it to other Microsoft products (databases, operating systems, etc.).

I have lost ownership of my intellectual property because it is only through the use of Microsoft products that I can access my data.

Microsft further abuses their position by tying access to my data to the Windows platform since their programs only run on Windows (typically).

It is common sense that a company would be more profitable by writing their software to work on as many operating systems as opssible.

Microsoft, however, has an inherent conflict of interest due to the fact that they want to maximize their overall sales by ensuring that full functionality is only available on Windows.

Therefore, no end-user or company is in any position to even CONSIDER the use of a competing application suites (commercial or non-profit/opensource) or competing operating system. Microsoft's monopoly is unbreakable unless the file formats for their de-facto standard applications are published and freely available.

Microsoft has benefited from competition in the Personal Digital Assistant market competing with Palm Inc., financial management software (vs. Quicken) and now video game consoles with its Xbox (vs. Playstation, Gamecube, etc.). These are legitimately superior products, although MS Money and the PocketPC are completely tied to Windows.

By mandating that Microsoft publicize the formats for their data, not only will better applications result (for example, I could use the word processor with the best user interface), consumers will be able to truly use whatever application and operating system best suits the users need, as opposed to being forced to use Microsoft's offerings because business communications requires it. Currently, this has cost my employer by having to purchase an extra computer on which to utilize these tools.

As a consumer (and/or business), I should be able to choose the word processor, spreadsheet, etc. that I want to use without sacrificing functionality and compatibility with Microsoft's ''standard'' products.

Sincerely,
Paul A. Orphanos
Paul A. Orphanos
mailto:paul@orphanos.ipmail.att.net

MTC–00003738

From: Aaron Estrada
To: Microsoft ATR
Date: 12/9/01 10:40pm
Subject: Microsoft Settlement.

To whom it may concern,

All wording in the Microsoft Settlement that could threaten free and open source software must be eliminated from the document.

Since when has it become illegal to give something away? If Microsoft cannot compete with free software, maybe their software isn't worth buying. Isn't that the whole idea of a free market?

Microsoft is talking out both sides of their mouth when they talk about ''open markets'' Don't HELP them with their agenda!

I urge all the members of the DOJ involved in this case to thoroughly familiarize themselves with the topics of computer software, Internet protocols and the software business. Please be very thoughtful in your decision and don't let Microsoft ''put one over on you''

respectfully,
Aaron Estrada

MTC–00003739

From: Craig Holland
To: Microsoft ATR
Date: 12/9/01 10:41pm
Subject: Support for Red Hat proposal

After reading an online article discussing the Microsoft proposal, I would like to voice my support in the proposal offered by the software comany, Red Hat.
http://www.redhat.com/about/presscenter/2001/press_usschools.html

It doesn't really seem like punishment to force Microsoft to furnish software to schools. These children will have only the opportunity to learn microsoft programs which will further exetend Microsoft's future monopoly.

As CEO of Starpoint Communications, Inc., an full service ISP in SW Minnesota, we rely on the diverse technical skills of our staff. These skill are not one sided Microsoft applications. They include other operating systems such as MacIntosh and Unix-like operating systems.

I can vouch for the fact that open source operating systems can provide a rich and functional computing environment at a fraction of the cost of Microsoft. Personally I use Microsoft products in a very limited capacity, yet enjoy all the comforts of a fully integrated desktop computer environment using the X-windows system. If you are not familiar with this or other open source products, which cost nothing, I invite you to do the research.

I urge you to consider Red Hat's proposal and let Microsoft pay for its crime.

Craig Holland
CEO Starpoint Communications
201 W Marshall
Marshall MN 56258
(507) 532–9641

MTC–00003740

From: arm3@infi.net@inetgw
To: Microsoft ATR
Date: 12/9/01 10:45pm
Subject: Microsoft settlement.

The internet is too important to have it controlled by one company or one person. The proposed settlement by John Ashcroft and the DOJ will not slow Microsoft from their ultimate goal, control of the internet and all commerce that uses the internet. This has been known for years, but has not been addressed.

To gain any control over the internet, they must control the servers.

The proposed settlement does nothing to keep them from leveraging their monopoly into the server market. If they control the servers, they can force all competing browsers and OS's off the internet by changing protocols. The settlement only appears to stop them from excluding competitors, but actually gives them permission to exclude them. Microsoft will be allowed to determine who is a ''viable business'' and who is not. Judging from their past behavior, I doubt that any potential competitor will pass the viability test. This give too much power to Microsoft. It gives them life or death to any business or technology they want to destroy.

I doubt that Apache, their main competitor in the server market will be deemed worthy by Microsoft. All they will have to do is change a protocol and refuse to allow Apache servers to use it. Apache is free and opensource, and not controlled by any one person or company like Microsoft or IBM. They could say that Apache, or any company using Apache is not viable, and there is nothing anyone can do about it.

I thought if you are found guilty of a crime, you got punished. After reading the settlement, it appears they are being handed the keys to the internet. Please don't reward crime by allowing the settlement endorsed by DOJ and Ashcroft, the internet is too important to be turned over to Microsoft.

Al Marzian
1397 Hartland woods Way
Lexington Ky 40515
arm3@infi.net.

MTC–00003741

From: John MacLeod
To: Microsoft ATR
Date: 12/9/01 10:52pm
Subject: Proposed Settlement of Microsoft Antitrust Suit

To Department of Justice:

I am a professional computer consultant with a Master of Science degree in Computer Science and 16 years in the computer industry.

I share the opinion of many computer industry professionals that the proposed settlement is not harsh enough, and leaves Microsoft quite free to repeat its past history of abuse of the market. Since emerging as the market leader in the PC operating system industry in the mid 1980's, Microsoft has continuously abused its monopolist position by hiding the core hooks of its Windows platform from its competitors large and small.

As a result, the PC software consumer has been forced to accept a reduced number of alternatives not only in the OS, but also in applications and utilities. The Windows platform is notoriously less reliable, bloated and expensive than alternative OS platforms such as Unix or Linux.

It is all too clear that many great products have been terminated pre-maturely by Microsoft's monopolistic lockout of the OS.

I would ask that the Department of Justice reconsider the need for punitive damages more commensurate with the harm the Microsoft monopoly has done to the industry and, by extension, to the country's economy.

Respectfully,
John H. MacLeod, President
John MacLeod Consulting, Inc.
108 86 Street
Brooklyn, NY 11209

MTC–00003742

From: Albert Delgado
To: Microsoft ATR
Date: 12/9/01 10:53pm
Subject: Microsoft is Guilty and needs to be kept honest!

Microsoft is Guilty.

The present proposed settlement does not protect open source projects like Samba which uses Windows calls in its implementation. Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...''

I propose that Steve Satchell for Microsoft Anti-Trust Compliance Committee. We need strong citizens who understand technology so that Microsoft will be kept as honest as possible and accountable for its actions Microsoft wanted to give to the schools. Well I think it best that Microsoft give money as to Windows boxes, so as to not further try to monopolize the education market away from Apple computer.

Albert Delgado
Technology Coordinator
Whittier School
Chicago, Il

MTC–00003743

From: Bill
To: Microsoft ATR
Date: 12/9/01 10:54pm
Subject: Public comment

It is my belief that the proposed antitrust settlement with Microsoft Corporation is not in the best interests of the American people. It does not protect against future abuses and in fact encourages the spread of the Microsoft software monopoly by training a vast army of young people to use their operating system and attendant application programs to the exclusion of very viable software alternatives.

America is based on freedom of choice; but students in Americas' public schools can only learn to use computers, an essential skill for the coming generation of employees, on the products provided to them. Today, the Dept. of Justice has an opportunity to broaden the scope of that choice and thus empower generations yet unborn. It also has the opportunity to cavill to Bill Gates and thus must choose between greatness and ignominy.

The Northern Territories school district in Australia, with a population of just over 200,000, finds that it saved $1,000,000 in the first year alone by using Linux alongside Microsoft products to provide computer education at all grade levels. This was enough to allow the school district to purchase an additional 1,000 computers for distribution in the schools and as loaner units for students (and their parents) to use at home. In a few short years their children will be competing, very effectively, on the worldwide intellectual marketplace against American children whose access to hardware was hampered by the prohibitive cost imposed by the practice of using Microsoft products all but exclusively in the public schools. The Australian experience could have been dramatically more productive had they used Linux as the operating system on all their computers but it was a good initial step. The present savings represent its use in their servers only.
http://opensourceschools.org/article.php'story=20011207001012102

I support the notion that Microsoft should pay its fine in hardware donations only. It has been brought to my attention that Red Hat Software of Research Triangle Park, NC, (near Durham, NC) has offered to provide pro-bono copies of the Linux operating system corresponding to a Microsoft donation of hardware. It is my desire that any donation of software that Microsoft might choose to make would not be included in the proposed settlement but must also be a pro-bono gesture corresponding to the Red Hat Software offer.

Moreover, any copies of software Microsoft might donate should require no payment of any sort by the schools at any forward point in time. It must be a true donation of indefinite duration, just as the Red Hat offer is. Otherwise, if required to pay, the schools would eventually have to abandon their training programs for lack of funds to re-license / upgrade their software.
http://biz.yahoo.com/bw/011120/202744_1.html

While Microsoft Corporation should not be excluded from expressing generosity, such generosity, expressed as software gifts, only furthers their ability to monopolize the marketplace and should not be permitted as a part of the penalty for having followed illegal practices in the establishment of their dominance in the software market.

Microsoft has painted itself the champion of choice and freewill while villifying open-source software as being un-American. I think it is time for their actions, public and private, to match their very public words.

Software donations should be no part of the proposed settlement.

Sincerely
William G. Canaday
Detroit, MI.

CC:KLUG,LUGWASH,Metro Detroit Linux Users Group,SUNCO...

MTC–00003744

From: michel@email.netonecom.net@inetgw
To: Microsoft ATR
Date: 12/9/01 10:57pm
Subject: Microsoft Settlement

The settlement as I read it is a clear violation of the rights of the people who use the Linux operating system.

When we look into Section III(J)(2) '' meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...'' and Section III(D) we find very something very disturbing. The impression is that Microsoft is likely to use this to crush Linux which is their main competitor.

I hope this will be clarify and that Microsoft will not be able to get away with crushing any more competitors.

MTC–00003745

From: none none
To: Microsoft ATR
Date: 12/9/01 11:00pro
Subject: Microsoft Settlement.

What I have to say is simple.

Microsoft has not been punished anywhere near enough yet.

For someone to think that they have means that they have been assimilated by Microsoft.

I am in my early twenties and have been using my ever changing home personal computer system since the age of 6. Using it almost every day.

I am very computer experienced and have seen a lot these past 15 years. I have 'loved' computers all my life. Most of those years more than young sexy girls. I ''feel'' computers and operating systems as a 6th sense now. By using a computer system for 30 secs I can feel system stability. I am a Systems Administrator already.

This can only be understood by hardcore computer geeks. Unless you are one don't bother trying.

You only need to know that inside my mind I know Microsoft is still wrong and has not been punished. They have not learned and I doubt they can.

Break em up folks. Seperate the company. Microsoft is old lame news now.

If Microsoft doesn't change drastically then Linux WILL eventually succeed. People like me will MAKE IT SO!

How can a business plan defeat a hardcore geeks 'love' for systems that work and are

useful and can actually be fixed without being anally f****d. Excuse my french :)

No business controls Linux, and never will. Even prying Linux from my cold dead fingers would be a challenge.

This WAS all I was going to write and then Windows XP f****d me. What a happy little coincidence I will include in this email..

I am so used to Windows failing that every text document I deal with I have to make a backup.

Take this email for example. I backed it up after I wrote it...just in case...might seem crazy BUT while I was fixing a typo, I was also holding down the shift key...8 seconds later WinXP hits me with an accessibility window. FilterKeys has been enabled now, OH great. I don't even know what this is. I can click OK, Cancel or the Settings button. How dare I actually try to change windows by pressing the ''Settings'' button, but I did. Now FilterKeys is enabled and my keyboard has completely stopped working. Even though FilterKeys doesn't have a check mark next to it in control panel— accessibility, it is still enabled.

I had to reboot to be able to type again. I lost all keyboard controls and my left mouse button was held down in all text fields. Just cause I held down the shift key and paused for an S.

Naturally, this is called a bug, and every piece of software has bugs. BUT...if you go into Add/Remove Programs you won't find ''FilterKeys''. Heck I don't even have Accessibility options to remove. If the FilterKeys were still enabled and couldn't be disabled cause of a bug then there's no way I could use my windows system anymore. All because it would take Microsoft weeks to release a windowsupdate with a fix, and only weeks if enough people had the problem. Even if a fix was released I would have to spend money or have my privacy invaded to be able to download that 130k fix. Who could ever use Microsoft products without Internet Access? or msn? or IE? or OE? even if the icon is gone, who says it's not still write there!

I don't speak of bugs. I speak of what I see as a general contempt from Microsoft to computer users. An infestation perhaps within Microsoft. Splitting the company and seeing where the infestation remains could find the problem. Microsoft doesn't provide a simple means of uninstalling pieces of their operating system. The whole system is tied together, with loose cut ends hanging around like a messy ball of dirty string. I am not blind, I do not need any accessibility, yet with Windows XP I have no choice and I will have to spend 30+ mins researching on the web how to uninstall accessibility. Windows rarely gets better, typically gets worse.

Let's say FilterKeys messed up with RedHat Linux.

Well..one click for a terminal window...one command to fix the problem...rpm e FilterKeys—0.0.1 beta [enter] and filterkeys would exist no more. (RPM has a GUI interface too) Maybe but not usually I might actually have to open my webbrowser and visit gnome or kde if filterkeys was part of gnome or kde. Someone would fix the code in mins or hours and perhaps days anyways.

The Slick Harkonen

MTC–00003746

From: Randy Prakken
To: Microsoft ATR
Date: 12/9/01 11:08pm
Subject: Microsoft Settlement.

The proposed Microsoft settlement does not properly address the most fundamental problem: The authors of Microsoft Office have immediate access to the developers of Microsoft Windows. Making the source code 'available' to other companies is in no sense equivalent. The authors of Office can simply walk to another building, spend 15 minutes talking, and thereby obtain man-months or even man-years of advantage over any other company, including those with access to their source code under the proposed agreement.

The only reasonable remedy is, at a minimum, to split MS into two companies, one of which does Office and one of which does everything else.

There are, however, a number of other issues which have not been addressed in any manner by the DOJ remedies. For example, Microsoft Internet Explorer and Internet Information Server ignore Internet standards in manners which subtly favor all-Microsoft solutions. These 'bugs' both take advantage of and substantially contribute to Microsoft's monopoly position. Microsoft takes advantage of its monopoly in a host of manners which cost all other software companies a substantial amount of money. Customers for those products, both consumers and companies, of course, pay the ultimate cost.

Randy Prakken
President
SwiftView, Inc.
mailto:randy@swiftview.com http://www.swiftview.com

MTC–00003747

From: Bill Huffman
To: Microsoft ATR
Date: 12/9/01 11:09pm
Subject: Microsoft Settlement

I have followed the Microsoft case with interest from the beginning and was profoundly dissappointed in the accord that was reached a short while ago. Microsoft has intentionally violated the antitrust laws from the beginning, violated them while negotiating a settlement, is doing so currently, and I have no doubt will continue to no matter what aggreement is reached. The only thing to do is weaken them so that they will be less able to do damage. As for their claim that such a move would reduce innovation, I state from my 20 years in the computer business that Microsoft has never been a major factor in innovation and that in recent years, they have cut out most innovation in the PC business. Any idea which is brought to a venture capitalist in this valley (Silicon Valley) must pass the test: ''Will Microsoft, by any conceivable turn of events be interested in pursuing this technology itself?'' If the answer is yes, the idea will not be funded. The venture capitalists know that Microsoft will do anything, legal or illegal, to get where they want to go, and that a good idea is no defense against Microsoft's treachery. Thus is innovation stiffled in the PC area.

Microsoft will almost certainly make a joke of its promise to disseminate information about interfacing to their software. There are scores of ways not to help other software companies without appearing to do so and Microsoft has shown both the will and ability to do things like this before. I have a friend who interviewed at Microsoft. He interviewed with Bill Gates. The —only— subject in the entire interview was how my friend would propose to force others out of the market for the portion of Microsoft my friend might run.

Mr. Gates was not interested in anything about him but what his business plan would be to take over the market and force others out. Microsoft shows absolutely no signs of changing any of this and the present ruling is a sign that they (and others) are perfectly free to go on using their monopoly position in Windows and in Word Document Format to force others to accept their domination of yet more markets.

Bill

MTC–00003748

From: EthnEstes@netscape.net@inetgw
To: Microsoft ATR
Date: 12/9/01 11:14pm
Subject: ''Microsoft Settlement.''

My name is ethan estes a resident of massachusetts and i just wanted to tell you that this preposed settlement is awful. The idea that you are making Microsoft donate their technology to disadvantage schools is horrible. The idea is to give students who have no options oppurtunities-choices really. Yet the way you are doing it gives Microsoft all the controls to decide what the students get-what lesson do you want to teach these students. This would be like forcing momma bell to install telephone service into any home they already didn't control back in the eighties rather than what happened-they were split up. Microsoft has such power already with there OS-why give them more? The idea is to force Microsoft to survive in a COMPETATIVE market-this will rerquire them not to impead the development of other software developers-application developers as well as OS developers. If a school system wants Linux computers they should be able to get them, not be railroaded into Microsofts vision of our future. You should take a look at the briefing apple computer has filed in CA. It's suggestions would force Microsoft to attempt to be a good citizen-you need to remember that Microsoft is not in the business of making our lives better or giving us choices-That is our government's job. I for one would like to see you stop playing buddy-buddy with them and treat them like a company found guilty of abusing their position as a monopoly. That is a federal offense is it not?

ethan a estes

MTC–00003749

From: Robert Slover
To: Microsoft ATR
Date: 12/9/01 11:16pm
Subject: Microsoft Settlement

Greetings,

I am writing to express my dismay with the proposed remedy to be imposed upon Microsoft Corporation as settlement for the

corporate crimes committed by the company. I thought the original proposed solution (breaking up the company) was weak, and had hoped that a stronger remedy would be imposed (complete public disclosure of the source code of any product with over 50% market share, and complete public disclosure of all API's, protocols, file system structures and data file formats). Instead, I have been disappointed to find a new remedy proposed which is far weaker still.

Now, with generalities out of the way I'd like to express my opinion regarding specifics of the proposed '$1B' settlement. Foremost, I will not be fooled by the proposed $870M in 'software' (as valued by Microsoft). I know that the true cost of software development is realized when you ship the 'first' copy, and the incremental cost of the 'second' copy is very, very low, approaching a value less than a dollar per copy in incremental cost above several thousand copies. I'd guesstimate the actual cost to Microsoft at someplace near $8M. My second concern regards the language meant to protect Microsoft's competitors from damage due to unrevealed and poorly documented API's. The language appears to have been written by Microsoft's own lawyers, for it clearly gives Microsoft the privilege of only revealing API's to entities Microsoft recognizes ''(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business''. This means that if you're non-profit, a hobbyist, shareware author, free software author, or Microsoft says you won't be in business long, you will be ignored. This would also exclude the government from obtaining documentation of the same API's and file formats. This is ludicrous. The language here strengthens Microsoft's monopoly and legally guarantees it a method to continue to extend and abuse that monopoly. Get it straight, people, we are betting our future on the 'information economy', and by doing so we must guarantee that the infrastructure of such an economy (API's and file formats) is publicly disseminated and scrutinized. Further, the 'shelf life' of a document is more quickly limited by the lifetime of the application that produced it than by file storage life. (I have XyWrite documents on disk from 6 years ago...find me a copy of XyWrite anywhere to read it. Given documentation of the format (which I have) I can write something to recover it if necessary.) Ancillary concerns I have about the targeting of Microsoft's restitution to public schools are the effect this will have on Apple Computer, which still maintains a healthy niche in schools, and the plans Microsoft has once it has extended deeper into this space...in particular, the draconian licensing strategy it is instituting...that requires licensing 'each and every year thereafter' or the software simply stops working. I volunteer my time at a local private (but financially poor) school maintaining their PC's in a computer lab that I built from donated software and parts. This will be the same sort of environment these poorer schools will have to maintain. I cannot imagine the hassle involved with the new licensing, where machines must be 'activated' for hardware changes. I've spent many a night without sleep, swapping scrap parts in and out of a machine in an effort to have it working for class the next morning, when something 'died' the day before. This school doesn't have internet access for the activation (not available here 'til late 2002, we're told). It will be an impossible maintenance situation for many of these schools.

A better remedy would be financing a single broadband drop into the public libraries of the poorest communities, and allowing schools in those communities, regardless of financial condition, to 'piggyback' off of the community broadband link via wireless ethernet or local (cheap) copper loop. The schools can get the donated hardware and software (I've got tons of Chapter 1 stuff thrown out by the public schools), without Microsoft's interference, it is really easy to do.

Regardless, I think the proposed settlement is the 'worst' I've seen yet.

Some background: I'm currently employed as a Software Engineer in the Telecom industry. I'm 32 years old, and I've been writing software since I was age 10. I first became aware of Microsoft as something more than the vendor of a fairly poor ROM-based BASIC interpreter about 1985 or so, when DOS was becoming a common term after the introduction of the IBM PC. At the time, there were multiple DOS variants and I cut my DOS teeth on the Zenith DOS implementation before settling on Digital Research DOS as the undeniably 'best' implementation. I found all DOS implementations terribly lacking, particularly if compared to Digital Equipment Corp's VMS or Apple's Macintosh environment. By 1990 I was doing some work that was later incorporated into insurance software for Prudential and other work that became part of commercial game software, both for the DOS environment. I leveraged this work to get access to the latest compilers which would run on Microsoft's 'Windows 3.0', which finally looked like it might actually amount to something. After a few months of dredging through the muck of an API Microsoft presented, I abandoned any thought of ever writing Windows software. Although I had verbally sided with the League for Programming Freedom against the Apple look-and-feel lawsuit, I felt Apple 'was' being screwed...that Microsoft had written Word and Excel for the Macintosh only as a way to get a head start on those same applications for their cloned API. It was so obvious, with the torturous Pascal stack ordering even though Microsoft's de-facto language for Windows was C/C++. This put me on the alert to 'watch' this company, and I did.

I watched Microsoft cut deals with OEM's, bundle 'DOS Upgrades' that could be installed just like the full version, re-arrange memory layout in DOS shells to break Lotus 1–2–3, insert special code to break Borland applications, steal code from Stack Data long enough to kill their market, then buy up a competitor (who no longer had a market either) once they were slapped on the wrist for it. I watched them bundle a memory manager to kill QuarterDeck's main utility market (and along with it went DesqView, SideKick, and DesqView/X). I watched it grow in market share so quickly that it killed much better products in the same space (Xerox GEM and GEOS). I watched it acquire small companies with much better technologies simply to bury them (I can't recall the name of the company, but at the moment I am thinking of a company that allowed database queries in natural english, this competed with MS/Access). Outside of the DOS/Windows space, I watched Microsoft's (never fulfilled) promise of an open high-level API influence Digital Equipment Corporation to abandon their own EWS for their joint venture with MIT (X windows, which still doesn't have that high-level API). I watched it go to bed with IBM on OS/2, influencing IBM to abandon their partnership with NeXT computer, then later as soon as they had conveniently lifted what they could from IBM, go off on a (closed) tangent of their own. I worked as a database programmer and a PC tech during this time, and after discovering Linux on the PC, moved into Telecom and Unix development.

After that, I spent exactly 5 years as a programmer and database admin for a local Engineering college (top ranked undergrad engineering college the last 3 years) where we had implemented a program supplying laptops to all students (and incorporating them into classrooms) 8 'years' ago. To begin with, and for (I believe) 4 years, we had a deal with Microsoft in which we paid a site license fee, and supplied their programming, operating system, and office applications on our own custom CD set...as part of the agreement, students owned a valid license to the software when they left or graduated. In the 5th year, they claimed no knowledge of such a prior contract and students lost ownership of their software licenses upon leaving (though that year we did get to bundle it ourselves, since their own installer simply did not work at all with the particular combination of products). In the 6th year, we were forced, with no negotiation, to use the license terms agreed to by Microsoft and IU (the model for their current Educational licenses). I found it interesting, since the DOJ case was going on at the time, that there were Microsoft documents released during the trial recognizing any flexibility in negotiating site licenses, particularly in education, as a vulnerability to price pressure that had to be closed. I have no doubts at all that Microsoft had full knowledge of our original licensing terms.

I'm back in Telecom, and for the first time in my work life I am forced to run a Microsoft OS on my workstation for the sole purpose of editing MS Word documents stored in our engineering document repository. If the file format were open, I would not need to do this. I've not owned any Microsoft software of my own since 1990, and am using it at home now only by virtue (or vice) of a department laptop borrowed for work over the weekend because the Microsoft VPN software used on our internet gateway speaks a proprietary variant of the protocol and is unable to deal with NAT used on my home network, which consists of various Unix machines, 2 Macintoshes, and a Linux PC. So, even as a computer industry professional, wary of Microsoft longer than most people

even knew it existed, I'm forced to succumb to using their software just to do one menial part of my job. This obviously bothers me, and nothing in the proposed remedy addresses these concerns.

Regards,

Robert J. Slover

Commercial Software Engineer 'and' Free Software Developer

MTC–00003750

From: Tom Keiser
To: Microsoft ATR
Date: 12/9/01 11:28pm
Subject: Microsoft Settlement

I am an attorney with some antitrust experience, and, for the past 15 years, a computer consultant. During that time, I have had a ringside seat to the anti-competitive behavior that led to this lawsuit, and also to the fiasco that characterized the 1995 US v Microsoft settlement, in which that Consent Decree was sloppy, ambiguous, and was later turned to Microsoft's advantage at every opportunity. Indeed, if it weren't for the DOJ's carelessness, and Microsoft's clever use of the 1995 settlement, this trial and this settlement would have been largely unnecessary.

One of the only market forces that seems likely to create any kind of level playing field in the software industry is so-called open-source software, such as Linux, Apache, Samba, Sendmail, Perl, BSD and others. There is ample market evidence to suggest that this software is going to hold Microsoft to new standards of quality and pricing if it is allowed to survive and flourish.

And yet, after this lengthy trial, and all the evidence adduced, there is not one word or safety mechanism in the Proposed Final Judgment that would aid open-source software in this critical, pro-competitive role. Instead, the Judgement is sprinkled with the terms ''OEM'', ''firms'', ''business'' and so on, none of which describe the open-source organizations which are not ''businesses'', ''firms'' or any of the other protected alphabet-soup entities. Rather, they are loose collections of programmers from all over the world, organized not in any legal or business entity, but over the internet to accomplish common programming goals. These programmers, much more than ''internet service providers'', ''internet access providers'' or ''internet content providers'' need to have access to the secret keys needed to interface with Microsoft's proprietary software. Yet, all of the ''providers'' just mentioned are specifically protected in the Judgment and the open-source programmers are never even mentioned.

Moreover, access to these secrets is to be by ''reasonable and non-discriminatory licenses'' but no mechanism is provided for the open-source programmers to be eligible to obtain these licenses or, for that matter, to pay for them, at whatever ''reasonable'' rates turn out to be.

Further, according to the DOJ's own interpretation of Section III.J.2.a, ''Subsection III.J.2.a. allows Microsoft to condition such disclosure or licensing on the recipient or licensee: ... (b) having a reasonable business need for the information for a planned or shipping product; (c) meeting reasonable and objective standards for the authenticity and viability of its business; ... ''

One must ask, especially in light of the calamitous 1995 DOJ settlement, whether ''having a reasonable business need for the information ...'' or an ''authentic[] and viab[le] business...'' is not a deliberate trapdoor to eliminate open-source programmers as recipients of this information, as they create no ''planned or shipping products'' (in any commercial sense), and have no ''business'', authentic or valid. As we have seen in the 1995 settlement, Microsoft will not hesitate to use this language as a club against its most formidable competition, and the DOJ may not even be aware of the implications of this language in this context..

In short, perhaps because of the urgency of tending to the problems of September 11th, perhaps out of technological ignorance, the DOJ is capping a successful trial and appeal with an ill-conceived settlement. One which not only has many holes and ambiguities, but which fails to promote the very goal of the Antitrust Division: encourage competition. I urge the court to reject the Proposed Final Judgment, or any similar alternative, which fails to offer full protection to the survival of open-source software as the best deterrent to future Microsoft (or any other) monopolistic products and practices.

Respectfully yours,

Thomas E. Keiser

MTC–00003751

From: default user
To: Microsoft ATR
Date: 12/9/01 11:30pm
Subject: Microsoft Settlement

NO settlement with Microsoft should include any of Microsoft's Products, and marketing gimmicks, only cash and futher restrictions on their closed source anti-competitive products.

With a 35 Billion cash position and a 1 billion a month income anything else from Microsoft would be an insult.

The damage done SO FAR by Microsoft is miniscule compared to FUTURE losses that will be caused by a monopoly that creates mediocre products. The US Government and its agencies should use (and promote) OpenSource software and operating systems to save taxpayers money, and not add insult to injury by adding cash to the Microsoft coffers.

Respectfully,

C. Svanberg

MTC–00003752

From: amy@envy.cs.umass.edu@inetgw
To: Microsoft ATR
Date: 12/9/01 11:29pm
Subject: Microsoft Settlement.
140 Governor's Drive
University of Massachusetts, Amherst
Amherst, MA 01003
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW.,
Suite 1200
Washington, DC 20530–0001

To whom it may concern:

I am writing to you because I am concerned about the proposed settlement of the Microsoft anti-trust case. Although Microsoft has been found to be acting as a monopoly, the proposed settlement does not adequately open the market nor does it punish Microsoft in a manner that will change their behavior.

Because of their currently dominant status in the market, any competitor to Microsoft, either from another commercial company or from the open source software movement, needs to be able to create software which can inter-operate with Microsoft. This means that Microsoft needs to be forced to freely release its file formats and communications standards as well as to allow software such as Sun's Java to run under Microsoft's operating system. These standards need to be released in advance of each new Microsoft product so that their competitors have time to upgrade their products as well.

I am also concerned that the punishment being levied at Microsoft is too lenient. Paying their fine by donating computers and software does not cost them very much and only serves to broaden their future market base. Instead of punishing them, it may serve as a long term gain. Instead, require them to pay the government in cash and then the government can use the money for education. This way their money will train a new generation of computer scientists who can create better software for everyone.

Thank you for your consideration of this matter.

Sincerely,

Amy McGovern

MTC–00003753

From: Joel P. Hnatow
To: Microsoft ATR
Date: 12/9/01 11:29pm
Subject: Microsoft Settlement.

To whom it may concern:

Regarding the proposed settlement between the US DOJ and Microsoft, there are several notable issues that I observed. Section III(J)(2) of the settlement refers to communications protocols, and the fact that Microsoft need not document anything regarding these APIs. This effectively allows Microsoft to use their monopolistic powers to disallow Open Source software the ability to communicate with Microsoft products.

An example of Open Source software which communicates with Microsoft software is the Samba project. This software allows computers running operating systems such as Linux or Unix communicate over a LAN (local area network) with a computer running Microsoft Windows.

In my opinion, one of the most heinous crimes Microsoft has committed is the fact that they rampantly disregard standards. When they happen to introduce a particular standard to the computing industry, they tend to leverage this power to drive other products out-of-business, in a monopolistic and bullying fashion.

Simply forcing Microsoft to document many of their protocols, such as the Word document, Excel file, or their networking protocol (SMB/CIFS) would, in my opinion, be a much more deserving ''punishment'' for Microsoft.

Please reconsider the anti-trust settlement. As a student, I often use Open Source software, because it is very powerful and

free. If Microsoft is allowed to make their products inoperable with other software after the settlement as they have before it, including Open Source software, where does this leave students, such as myself, who use Open Source software primarily for economic reasons?

Thank you for your time.

Joel P. Hnatow
301 S. Pugh St. #304
State College, PA 16801

MTC–00003754

From: Benny Butler
To: Microsoft ATR
Date: 12/9/01 11:37pm
Subject: Microsoft settlement

The biggest competitor to Microsoft Internet Information Server is Apache, which comes from the Apache Foundation, a not-for-profit. Apache practically rules the Net, along with Sendmail, and Perl, both of which also come from non-profits. Yet not-for-profit organizations have no rights at all under the proposed settlement. It is as though they don't even exist.

Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...''

So much for SAMBA and other Open Source projects that use Microsoft calls. The settlement gives Microsoft the right to effectively kill these products.

Section III(D) takes this disturbing trend even further. It deals with disclosure of information regarding the APIs for incorporating non-Microsoft ''middleware.'' In this section, Microsoft discloses to Independent Software Vendors (ISVs), Independent Hardware Vendors (IHVs), Internet Access Providers (IAPs), Internet Content Providers (ICPs), and Original Equipment Manufacturers (OEMs) the information needed to inter-operate with Windows at this level. Yet, when we look in the footnotes at the legal definitions for these outfits, we find the definitions specify commercial concerns only.

But wait, there's more! Under this deal, the government is shut out, too. NASA, the national laboratories, the military, the National Institute of Standards and Technology—even the Department of Justice itself—have no rights. It is a good thing Afghanistan is such a low-tech adversary and that B–52s don't run Windows.

I know, I know. The government buys commercial software and uses contractors who make profits. Open Source software is sold for profit by outfits like Red Hat. It is easy to argue that I am being a bit shrill here. But I know the way Microsoft thinks. They probably saw this one coming months ago and have been falling all over themselves hoping to get it through. If this language gets through, MICROSOFT WILL FIND A WAY TO TAKE ADVANTAGE OF IT.

Benny Butler
Nexus ITG
www.nexusitg.com

MTC–00003755

From: jdumm1
To: Microsoft ATR
Date: 12/9/01 11:37pm
Subject: Microsoft Settlement

Please offer the same protection from monopolies to non profit software developers that you give to profit driven software developers.

Thanks,
Jeff Dumm.

MTC–00003756

From: Steve Ericson
To: Microsoft ATR
Date: 12/9/01 11:43pm
Subject: Microsoft Settlement

I am deeply concerned by the Proposed Final Judgement put forth by the US DOJ against Microsoft. In particular, I understand that 3rd party not-for-profit projects will not be afforded the same concessions that 3rd party for-profit corporations would. Specifically, Microsoft could withhold important information such as APIs that essentially would prevent open source projects from ever integrating with Microsoft products.

The best hope for a competitive industry would be for a company, possibly not-for-profit, to break the juggernaut that Microsoft has on Office software. One of the barriers to entry in this field is the complexity of the file formats, and it seems that a not-for-profit corporation would not be able to obtain documentation from Microsoft under the terms of the Proposed Final Judgement.

In my opinion, the Proposed Final Judgement does not go far enough in this regard to ensure long-term competition in the software industry.

+Steve

MTC–00003757

From: Derek Wong
To: Microsoft ATR
Date: 12/9/01 11:43pm
Subject: Microsoft Settlement

I am against the current proposed settlement, which only requires Microsoft to stop practising the illegal acts they had committed in the past in the way they were committed in the past. The message to the industry is:

(i) bullies are not punished even if caught;

(ii) bullies only need to stop using the same dirty tricks in future fights;

(iii) bullies can still keep their unfair winnings;

(iv) victims do not get compensated;

(v) the fights will resume with bullies in their undeserved dominant positions and victims in their weakened positions; and

(vi) victims are motivated to use dirty tricks, as the above points show, the worst that could happen to bullies is still pretty good.

I firmly believe that had Microsoft NOT committed their illegal activities in the past, the public would be having a better computing experience through the innovation of a vibrant industry. Instead, the progress of the industry has been incremental since the rise of Microsoft. Fundamental innovations, since then, have been few and far between. What innovations there were, such as Netscape browser and Sun Java, were quickly destroyed by Microsoft by means of illegal tactics.

A settlement must send a loud message that illegal behaviour will not be tolerated and a heavy price will be paid by bullies to victims.

Derek Wong

MTC–00003758

From: Jon Kirshbaum
To: Microsoft ATR
Date: 12/9/01 11:44pm
Subject: Microsoft Settlement

Sirs and Madames:

I wish to state that it is very important that Microsoft's monopolistic practices be effectively curtailed.

I am particularly concerned that open source projects (such as Apache and Samba) and Linux, which are not commercial endeavors, need to be protected from Microsoft and its illegal business maneuvoers.

Please do not let a weak settlement allow Microsoft to continue harming competitors who attempt to provide users and customers with non-Microsoft and Microsoft-compatible software.

Thank you,
Sincerely,
Jon Kirshbaum
Portland, OR
jonnyk@nwlink.com

MTC–00003759

From: Michael A. Perry
To: Microsoft ATR
Date: 12/9/01 11:52pm
Subject: Microsoft Settlement

I am distressed to learn that the terms of the proposed settlement would assist Microsoft in its attempt to weaken the open software movement. I belive that open-source software can be an extraordinarily useful and beneficial force in our economy. Please do not allow Microsoft to ignore enterprises that it deems ''non-commercial''.

In addition, I would like to recommend that Steve Satchell be placed on the three-member commitee stationed at Microsoft that will help enforce the settlement. I have known Steve for years, and have great respect for his abilities.

Thank you,
Michael Perry
347 Clay Street
Nevada City, CA 95959
CC:perry@paytoll.FirmWorks.COM@inetgw

MTC–00003760

From: Adam Burrill
To: Microsoft ATR
Date: 12/9/01 11:54pm
Subject: Microsoft Settlement

To whom it may concern,

As a Microsoft certified systems engineer with nine years of supporting MS and competing products, I would like to contribute some comments on the Microsoft Antitrust trial settlement.

Microsoft has shown dishonesty in marketing a wide variety of high quality to low quality software products. While I have appreciated many of their products, I have

also lamented a dearth of competition from small and large competitors. I support the institution of a 3-person compliance review committee for ensuring competitive markets and encourage the DOJ to give it sufficient power to do it's job.

I would encourage this settlement to take into account many of Microsoft's most potent competitors: free software and open source software projects such as Linux and Apache that provide the commercial world with some of the best software available (and keep Microsoft engineers at their best).

I would also like to recommend Steve Satchell of InfoWorld as a member of this tribunal, as he has both the commercial and technical knowledge to make fair judgements that will keep the markets healthy and competitive.

Thank you,
Adam Burrill, MCSE
PMB 737
1122 E Pike St.
Seattle, WA 98122

MTC–00003761

From: basher584
To: Microsoft ATR
Date: 12/9/01 11:58pm
Subject: [selinux@home.com: [WLUG] Public comment]

I couldn't have said it better myself. I have been using Redhat Linux exclusively for almost 2 years (because it works better for me). Its an viable option and if you let Microsoft into the schools like the plan is, then it closes the market off even more for Redhat. If you have any questions or comments please feel free to email me.

Benjamin Noggle
East Lansing, MI

From: Bill <selinux@home.com>
To: microsoft.atr@usdoj.gov
Subject: [WLUG] Public comment
Date: Sun, 9 Dec 2001 22:54:46–0500

It is my belief that the proposed antitrust settlement with Microsoft Corporation is not in the best interests of the American people. It does not protect against future abuses and in fact encourages the spread of the Microsoft software monopoly by training a vast army of young people to use their operating system and attendant application programs to the exclusion of very viable software alternatives. America is based on freedom of choice; but students in Americas' public schools can only learn to use computers, an essential skill for the coming generation of employees, on the products provided to them. Today, the Dept. of Justice has an opportunity to broaden the scope of that choice and thus empower generations yet unborn. It also has the opportunity to cavill to Bill Gates and thus must choose between greatness and ignominy.

The Northern Territories school district in Australia, with a population of just over 200,000, finds that it saved $1,000,000 in the first year alone by using Linux alongside Microsoft products to provide computer education at all grade levels. This was enough to allow the school district to purchase an additional 1,000 computers for distribution in the schools and as loaner units for students (and their parents) to use at home. In a few short years their children will be competing, very effectively, on the worldwide intellectual marketplace against American children whose access to hardware was hampered by the prohibitive cost imposed by the practice of using Microsoft products all but exclusively in the public schools. The Australian experience could have been dramatically more productive had they used Linux as the operating system on all their computers but it was a good initial step. The present savings represent its use in their servers only.

I support the notion that Microsoft should pay its fine in hardware donations only. It has been brought to my attention that Red Hat Software of Research Triangle Park, NC, (near Durham, NC) has offered to provide pro-bono copies of the Linux operating system corresponding to a Microsoft donation of hardware. It is my desire that any donation of software that Microsoft might choose to make would not be included in the proposed settlement but must also be a pro-bono gesture corresponding to the Red Hat Software offer. Moreover, any copies of software Microsoft might donate should require no payment of any sort by the schools at any forward point in time. It must be a true donation of indefinite duration, just as the Red Hat offer is. Otherwise, if required to pay, the schools would eventually have to abandon their training programs for lack of funds to re-license / upgrade their software.

While Microsoft Corporation should not be excluded from expressing generosity, such generosity, expressed as software gifts, only furthers their ability to monopolize the marketplace and should not be permitted as a part of the penalty for having followed illegal practices in the establishment of their dominance in the software market.

Microsoft has painted itself the champion of choice and freewill while villifying open-source software as being un-American. I think it is time for their actions, public and private, to match their very public words.

Software donations should be no part of the proposed settlement.

Sincerely
William G. Canaday
Detroit, MI.

MTC–00003762

From: dino
To: Microsoft ATR
Date: 12/10/01 12:00am
Subject: On the settlement

Dear Sir (or Madam),

As you may read at < http://www.pbs.org/cringely/pulpit/pulpit20011206.html >, the proposed settlement is frankly lousy. Microsoft is getting off far to a easy.

I would like to put in a good word for Steve Satchell for the three-member committee to oversee Microsoft.

You know, I have read a bit of history of the Gilded Age, and how the railroad barons behaved back then. Aren't we a little more enlightened now?

Respectfully,
Dean Moore
2435 7th
Boulder, CO 80304

MTC–00003763

From: brichter
To: Microsoft ATR
Date: 12/10/01 12:09am
Subject: Microsoft Settlement.

To whom it may concern:

As a working American citizen I wanted to write a message explaining how displeased I am with the Microsoft Settlement.

If someone does nothing about this and the settlement sticks, we as Americans will suffer in the long run.

I do not agree with 80% of what is in the settlement. I live in Illlinois and believe it was a big mistake and letdown for Ryan to agree with the proposed settlement. I really don't think he even read it.

Let me just take one single portion quoted from an article:

Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business:

''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...''

What this means is that projects that have BUILT the Internet into what it is today, Microsoft can now cut out of the picture if they choose.

I will not comment on all the other sections of the settlement, there are so many I do not agree with. Most technical people I speak with believe this settlement is a free ticket for Microsoft to continue their behavior and make it even harder for people that want to help the technical movement for the better and that are not finacially driven.

Microsoft went into these trials with the possibility of being broken up into several companies and feared loosing ground. Now they come out clean with a license to kill basically.

You have to remember your roots. The roots are NOT Microsoft. They have mixed in like weeds here and are overtaking everything that was put in place and changing everything out for their finacial gain.

Again I want to stress how dissapointed I am in our government concerning this issue. Thank God there are several states that do not think Microsoft is the magic bullet to bring us out of a recession.

Please add my letter to the Federal Register that I have been told will be built based on feedback.

Thank you very much,
Brian Richter
Illinois

MTC–00003764

From: Raffael Cavallaro
To: Microsoft ATR
Date: 12/10/01 12:16am
Subject: Microsoft Settlement

Dear Sir or Madam,

I am a concerned citizen writing to ask that you insist that any settlement be much tougher on Microsoft than the details of the proposed settlement currently circulating. As you know, Microsoft has already been found guilty of violations of anti-trust law, has

already been found to be a monopoly, and these rulings have been sustained by the US Supreme Court. Such transgressions, especially where they damage the interests of consumers, as well as the interests of many high technology businesses, demand severe penalties.

Some have proposed requiring a forced revelation of the source code of the various Windows operating systems. Others suggest forcing Microsoft to release versions of Windows with no internet application software included, so that Microsoft's anti-competitive effect on that market can be rectified by allowing computer manufacturers to include non-Microsoft browser software on new machines. Both of these remedies would be just, in my opinion. But Microsoft is already trying to sell a pathetically weak remedy.

In particular, Microsoft's proposed settlement would cost them very little (estimated by Apple Inc. to be a little as 10 million dollars) while gaining Microsoft an even stronger foohold in the education market, one of the few markets that Microsoft does not yet dominate. Microsoft should be forced to pay cash (and a mere one billion dollars is not sufficient) to an independent non-profit group that would decide for itself what products to purchase for our nation's school children with the settlement money.

In addition, Microsoft is seeking to prevent any restrictions on their behavior from applying to non-profit groups. This would mean that Microsoft would be allowed to shut out government agencies, our nations colleges and universites, and Open Source software projects from interoperability with Windows. This is simply unacceptable. This language must be removed from any settlement.

Whatever remedies you and the states' Attorneys General demand, they must be tougher than a mere Consent Decree. Remember, we are here in the first place because the original Consent Decree signed by Microsoft was too weak to stop their monopolistic and illegal practices. Another weak Consent Decree will guarantee that the future of computing, indeed, the future of high technology, will be not merely dominated, but completely controlled by a single predatory monopoly. The victims of this monopoly will undoubtedly be both consumers and businesses, indeed, all the people of the United States.

It is no exaggeration to say that the future of the 21st century is in your hands. Please don't give away the potential benefits of such a powerful technology to a single, greedy, predatory monopoly. Please demand a tougher settlement. I, the voters, and your posterity will surely thank you.

Sincerely,
Raffael Cavallaro, PhD
raffael@mediaone.net

MTC–00003765

From: Ivan Teliatnikov
To: Microsoft ATR
Date: 12/10/01 12:19am
Subject: just another comment

You settlement decision is a joke, just another joke that illustrates how hopeless the American Legal system is. MS run computers for the poor just to make them poorer and more dependent on the giant. Shame on you guys!!!!!

PhD Candidate,
Ivan Teliatnikov,
University of Sydney.

MTC–00003766

From: Markus Diersbock
To: Microsoft ATR
Date: 12/10/01 12:27am
Subject: Microsoft Settlement

Microsoft is like the greedy kid at the birthday party who sits at the table and grabs all the other kid's cake. He doesn't grab all the pieces because he's hungry, he just doesn't want anyone else to eat.

So birthday party after birthday party, Billy steals the cake while the others kids stare. Some people will say, ''But who cares that little Billy steals everyone's cake, he gives a couple of pieces to the poor kids down the street.''

Well, what about the kids who were at the table? This analogy has played on throughout the life of Microsoft. With a stranglehold on PC manufactures to sign exclusionary OS contracts they lockout their competition, not only in the OS market, but any other market that can be reduced to an icon sitting on the consumer's desktop.

So the OEMs are forced to bundle unrelated products together to sell to the consumer. The padded price is then funneled to Redmond. Those who don't comply get ''punished'' through jacked-up pricing or non-renewal of their contracts.

''Protection fee''—isn't this what the mob does? I'm a programmer and have used computers since the Apple][+. And I REALLY LOVE Microsoft development tools, but here's the rub.

Microsoft told the development community in the late 80's ''Come write for Microsoft Windows, look at all the great things you can do, blah, blah, blah.'' The reason being that more applications you have for an OS the more people want the OS and thus greater adoption of Windows over other OS's.

But Microsoft didn't want ONLY their OS PIECE of Cake they wanted the WHOLE cake. After Windows was pretty well-entrenched Microsoft turned around and started writing their own competing applications using secret hooks (Undocumented APIs) that gave their applications better power then the 3rd party developers they had been courting years earlier.

They ran company after company out of business going after one market then the next. They were pretty successful in crushing everyone except AOL in online and Intuit in personal finance software. Basically giving the birthday party, inviting everyone in, and when the presents arrived, booted everyone out with no cake.

So there those same people are again, ''Well Microsoft gives money to the poor, blah, blah, blah.'' Well what about the employee's families of the companies that Microsoft ran out of business?

Microsoft has NO friends—they screw everyone. The developers, their partners, even the customers. How many in the tech community came to their defence during these court proceedings? Probably just as many who came to the aid of Standard Oil. So here we are again, years later. Billy has cake frosting all over his face, he didn't get a spanking for his past misdeeds and he's on his way to the next birthday party.

Hmmm, wonder what the outcome will be?
Markus Diersbock
Programmer
http://www.crowdshare.com/profile.asp
CC:bob@cringely.com@inetgw

MTC–00003767

From: Travis Folck
To: Microsoft ATR
Date: 12/10/01 12:28am
Subject: Microsoft Case

Hello sir/madam:

I have been following the Microsoft case closely since it began. The latest settlement proposal is non exceptable.

''Punishing'' Microsoft by ''making'' them donate software and computers to some of the poorest schools is not a punishment. At first it may seem to put a dent in their checkbook, but, as Microsoft may well know, those children will grow up only knowing, and dependant on Microsoft products. Thus, the monopoly cycle begins again. I believe Microsoft knows this, because they donate software to schools already.

As yourself, and Microsoft knows, the Open Source Movement is the biggest threat to Microsoft's monopoly. Because no one ''owns'' Linux or other Open Source software, there is no company for Microsoft to buy out or to do a hostile take over. But the Final Judgement Section III(J)(2), does not protect Open Source.

Microsoft will use this section to find a way to stop all Open Source projects, thus squashing their only real competitor. Microsoft will find a way to take advantage of Secion III (J)(2)!

Nine other states have developed their own proposal, part of which states that Microsoft must allow third party developers to develop a version of Microsoft Office for other operating systems such as Linux. I applaud these efforts; however; I believe making Microsoft release the proprietary code of their Microsoft Office File formats (Word, Excel, Powerpoint, Access) to the public for a set period of time, such at 10 years, is a more just punishment than currently proposed.

This would allow other developers to make their office products be 100% compatible with Microsoft Office. This would break Microsoft's monopoly in more ways than by allowing third parties to port Microsoft Office to other operating oystems.

I am a system administrator for a non-profit company. The only reason why we use Microsoft Windows and Office is because we have Office files that merge data from our database server. There are other programs, such as StarOffice, that can read office files, but not 100%. Because of this, our Word files that use Mail Merge with our database doesn't work with anything but Microsoft Office. Thus, we are forced to use Microsoft's software.

If the Microsoft Office file format was made open to the public, programs like Star Office could be 100% compatible with Microsoft

Office files. This would allow companies like us to move to other operating systems, such as Linux, and use any office program that we like, such as Star Office, to read our Microsoft Office documents and it would read it correctly.

As you can see, this would break the Microsoft monopoly with more impact than by just having a third party port Microsoft Office to another operating system.

Thank you,
Travis Folck
System Administrator / Webmaster
The Urban Alternative

MTC–00003768

From: Shaun Bava
To: Microsoft ATR
Date: 12/10/01 12:29am
Subject: Microsoft Settlement

I am very disappointed in the MS settlement and feel that if this settlement is accepted, the american people are being cheated and the government has wasted many american tax dollars. Microsoft is one of the shiftiest companies there is, and with this settlement MS has plenty of room to maneuver around the proposed restrictions. With this settlement the US government is making the statement that criminal behavior is acceptable as long as you have a big wallet to back it up.

What about those affected by MSes monopoly, or the customers forced to buy their products, or the inflated costs of MS Office. It is baffling that it has taken this long for an investigation, look at DR–DOS, the battle with apple, the failure of NeXT's OpenStep Mach against a shoddy product called Windows 3.0, and the current battle MS is waging against open source and the control of the internet. MS should be forced to pay it's competitors for it misgivings and should be forced to drop the OEM deal where every pc comes with windows. Lets look back at NeXT, great product but MS would not make software for it and it was locked out of OEM licensing by the MS restrictive OEM license. Then with the release of NT and Windows 95 MS ripped of the interface and stole many of their innovative ideas from NeXT. Next we have Netscape, a company despite being the established player in internet software MS gave their stuff away which forced netscape to follow but since this was netscapes only business they could not afford to compete and ultimately fell behind and was forced out of business. Or recently Be, a company with a promising OS. How many more people must lose their jobs and companies be destroyed before MS is stopped. Everyday MS extends the monopoly further by moving into new fields but we let them continue. I feel like MS should get their punishment and under the settlement little is addressed. While unprofessional I understand Judge Jackson's comments and feel that he was impartial, but after hearing years of testimony and the things MS has done with such arrogance he was disgusted and obviously wanted to nail microsoft for the terrible things they have done. The way this case is now being handled makes me upset as an american and represents exactly what is wrong with the US today. The US and it's success was based on the hard work and ingenuity of the American people but MS contrary to the American way has built a monopoly on shoddy products, stolen ideas, monopolistic force, and arrogance. As Americans we should have the best not what someone forces us to use.

MTC–00003769

From: Kresmoi
To: Microsoft ATR
Date: 12/10/01 12:32am
Subject: Microsoft Settlement

At any level, it seems ludicrous to 'punish' Microsoft by handing over one billion dollars worth of the market for PC's in education. Microsoft was found guilty of abusing monopolistic power, and the result is the expansion of that power? Since Microsoft seems so willing to donate products 'worth' a billion dollars to these poor schools, why not have Microsoft just give them a billion dollars hard cash to use on computers any way they like?

Thank you for your time,
Kevin McCloskey

MTC–00003770

From: morgan@transmeta.com@inetgw
To: Microsoft ATR
Date: 12/10/01 12:38am
Subject: Comments on the proposed Microsoft Antitrust Remedy Document

To whom it may concern,

I am writing to comment on the ''Civil Action No. 98–1232 (TPJ)''. It is my understanding that a general requst for comments on the proposed remedy is in effect. My comments are based on reading the proposed remedy as presented here: http://news.cnet.com/news/0–1003–201–7758181–0.html?tag=unkn

I have significant concern about the following provision:

III.C.5:

Presenting in the initial boot sequence its own IAP offer provided that the OEM complies with reasonable technical specifications established by Microsoft, including a requirement that the end user be returned to the initial boot sequence upon the conclusion of any such offer.

My concern about the above provision is that it appears to permit Microsoft to prohibit an OEM from installing an alternative ''IAP offer'' capable of shutting down the OEM's product. By which I mean it appears that this provision limits the potential to power-down the OEM product to a Microsoft product. I feel that this is a wholely inappropriate restriction. It would appear to effectively require that all OEM's ensure the ''end user'' use a Microsoft product at least once per power-up of their OEM product. This requirement appears completely bizarre as a ''remedy'' to the illegal behaviors of a convicted monopoly.

I should like to see this aspect of this provision reversed. To this end, I propose the following re-wording of this section:

III.C.5: (my proposed revision)

Presenting in the initial boot sequence its own IAP offer provided that the OEM complies with reasonable technical specifications published by Microsoft, excluding any requirement that the end user directly or indirectly use a Microsoft product.

Thank you for your consideration.

Andrew G Morgan
885 Linden Drive
Santa Clara
CA 95050–6169

[In this communication, I speak for myself and do not necessarily represent the views of my employer.]
CC:mike.honda@mail.house.gov@inetgw

MTC–00003771

From: John Blommers
To: Microsoft ATR
Date: 12/10/01 12:38am
Subject: Microsoft Settlement

Microsoft has not been punished for it's crimes. It has a lot of cash on hand. Let's set a fine double that amount, half due now, the other half in installments.

The money should be used to pay down the national debt. Microsoft is leveraging it's monopoly into other areas such as MSNBC, MSN, Gaming etc.

Let's prevent it from doing so by limiting it's right to expand into any other areas but Windows. Make Microsoft release it's hold on Bungee.

Bill Gates is personally abusing his Microsoft fortune via Corbis and other ventures. Let's disallow Bill from using his money to personally extend Microsoft's monopoly into any industry. He is also abusing the Gates Foundation's funds by displacing Microsoft competitive computers in schools and colleges—basically contributing Windows computers and software to displace Apple and Linux.

Let's stop the Gates Foundation from using Microsoft products to make donations.

Thank you
John Blommers

MTC–00003772

From: Roger Schlafly
To: Microsoft ATR
Date: 12/10/01 12:33am
Subject: Microsoft Settlement

You are letting Microsoft off easy. Microsoft will continue to leverage its OS monopoly, and the proposed settlement has so many loopholes that it will be unenforceable.

MTC–00003773

From: DMJ Graphics
To: Microsoft ATR
Date: 12/10/01 12:44am
Subject: Microsoft decides on it's own punishment?!

I find it hard to believe that the DOJ would allow Microsoft to forge into the only market they don't have a monopoly on. . .the education market.

Don Montalvo, NYC

MTC–00003774

From: William Stearns
To: Microsoft ATR
Date: 12/10/01 12:51am
Subject: Microsoft Settlement.

Good day, all,

I have some reservations about the proposed settlement with Microsoft Corporation.

In the current situation:

—Microsoft holds a monopoly over the operating system industry.

—Microsoft controls the PC hardware industry by restrictive contracts that make it all but impossible to purchase a computer without a Microsoft operating system.
—Microsoft holds a monopoly in office applications.
—Microsoft maintains that monopoly by withholding the descriptions of the file formats used in their documents.
—Microsoft withholds the documentation concerning API's and network protocols.

The proposed settlement does not appear to require any punitive damages or remedies for past monopolistic practices nor provide any specific punishments for future abuses. Section V seems to imply that the sole punishment for future abuse is a two year extension, ''together with such other relief as the Court may deem appropriate.'' As the DOJ and courts have so far been unable to come up with any punishment for past abuses (even after a multi-year court case in which Microsoft was found guilty), it seems to be insufficient to trust future Court cases to come up with any reasonable and effective punishment.

In essence, the Anti-trust division has put forth a proposed settlement that makes no attempt to handle Microsoft corporations monopolistic practices.

In the proposed settlement:
—Section III(A) does not seem to allow for shipping a computer without any Microsoft operating system at all.
—Sections III(J)(2) and III(D) appear to specifically exclude non-commercial entities from the requirement that Microsoft provide API's documentation and protocol specs. This would have a continued stifling effect on the authors of free operating systems such as Linux, FreeBSD, OpenBSD, and NetBSD, among others.

The final agreement with Microsoft should include at least the following:
—Microsoft shall be required to publish, without restriction on use, 1) all API's and technical documentation for all of its operating systems, libraries and applications, 2) the file formats used in and technical documentation for all of its applications, 3) the complete network protocol descriptions and technical documentation for all the network protocols it uses, including any proprietary extensions to existing protocols, and 4) the format and technical documentation for any filesystems it uses, including but not limited to the FAT and NTFS filesystems.
—Microsofts agreements with OEMs and others may not include requiring any operating system (Microsoft or other) to be sold with a new or used computer, nor may it limit the number of operating systems sold.
—Specific punitive damages for past abuses and monopolistic practices and punitive damages in the case of future abuses or monopolistic practices. The opinions expressed in this note are my own and solely my own. They do not represent any employer or organization of which I am a part.

Cheers,
Bill

MTC–00003775

From: Frank P. Miles
To: Microsoft ATR
Date: 12/10/01 12:53am
Subject: Microsoft settlement

Dear Sir/Madam:

It is my hope that some modification of the proposed Microsoft settlement might occur. While this citizen has no direct financial stake in the outcome of this case, as a user of legally developed Free Software—which must interoperate with Microsoft software—my ability to do my work will be affected by this settlement.

I am not personally very concerned with Microsoft's continual expansion of what it considers as the role of an operating system. However, in my work I share documents regularly with others who use Microsoft Office applications, and through computer networks which include systems running Microsoft Windows. operating systems. In the past engineers and programmers have laboriously (and legally) reverse-engineered Microsoft file formats, communication protocols, and program APIs in order to achieve interoperability. This has been done for both commercial and non-commercial software development. One consistent Microsoft tactic has been to continually change these structures, presumably to make it more difficult for competing products to offer interoperability.

As has been widely noted, the Free Software operating system ''Linux'' appears to be the strongest competitor to Microsoft. However the proposed Microsoft settlement appears to strengthen Microsoft's ability to continue to use its ability to change its structures, weakening its most important competitor.

This is clearly the opposite of the intended result. New initiatives from Microsoft, particularly some of the networking changes anticipated with its ''.NET'' strategy, may accelerate the dominance of Microsoft further into the Internet.

Since Microsoft has become the standard in the industry (at least in part through illegal and anti-competitive means) then they should provide enough information to all others to ensure interoperability. Microsoft must be compelled to make the communication protocols, system APIs, and document file formats freely available prior to the sale of any product. This would not prevent Microsoft from developing new products, or expanding or improving existing products. This would not degrade computer security, as ''security through obscurity'' mostly obscures a products' weaknesses to a legitimate customer (see, for example, the work of Bruce Schnier). I and others who are interested in Free Software (and in commercial software from non-Microsoft sources) look forward to appropriate changes in secion III(D), (E), and (J).

Thank you for your attention in this important matter.

Frank Miles
6521 Chapin Pl N
Seattle, WA 98103

MTC–00003776

From: HunterA3
To: Microsoft ATR
Date: 12/10/01 1:00am
Subject: Microsoft Settlement.

It's rather tragic and disheartening to know that if you have enough money that even after being found guilty of breaking the law that a person or organization can bend the judicial system around to benefit the convict and turn their backs on the true victims; the consumers who have continually been taken advantage of. I'd like to get myself in a car wreck and be in the wrong and pay the eye witness rather than the person I hit. It would be much cheaper for me to settle that.

MTC–00003777

From: Tony Lucio
To: Microsoft ATR
Date: 12/10/01 1:10am
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse: As a U.S. citizen and a consumer of Microsoft products, I wish to exercise my rights under the Tunney Act to comment on the Justice Department's proposed settlement with Microsoft.

It has come to my attention that under the proposed settlement non-profit vendors using Open Source software are shut out of the proposed settlement. Specifically, Section III (J)(2)(c) allows Microsoft to define who is and is not a ''business'' or commercial enterprise that Microsoft may or may not license its products to. Further, Section III(D) allows Microsoft to deny said vendors the information necessary to make their products compatible with Microsoft software. On the surface this may seem like a reasonable remedy. But I assure you it is not, for the following reasons:

Open Source is not a giveaway of technology. Each and every Open Source vendor has the right to develop and market and copyright its own version of an Open Source protocol. The particular protocol cannot be infringed without violating the law and the original source code itself remains open to the public at large as an incentive for development. A great many vendors have accepted this formula and developed successful line of products utilizing source codes such as Linux, FreeBSD, Apache and Perl, to name a few. Each vendor has capitalized on the availability of Open Source to create its own unique and protected product. Without the availability of the Open Source code these products would not exist today. They have created consumer choice and innovation in the limited arenas of Server and Operating Systems by freeing these markets up with competition.

Microsoft, on the other hand, has a proven track record of seeking to stifle competition by threatening, among other things, to withhold licenses from vendors who consider marketing lines of products that include a Microsoft competitor's software. Considering a history of anti-trust behavior such as this, Microsoft cannot be allowed to determine who is and is not a commercial vendor that it may share it's licenses and product authorizations with. To do so would allow Microsoft to define who its future

competition will be by legally withholding from a new class of non-licensees technical information vital to the development of products and services compatible with Microsoft products, effectively killing off those businesses, as Microsoft already possess 90% of the current market in operating systems and software applications and a sizeable share of the server and network-level applications markets as well. Ultimately consumers would suffer as choice becomes narrower and narrower, leaving Microsoft the only developer on the playing field. Allowing an anti-trust violator to determine who their competition will be is akin to allowing a burglar to pick and choose his victims.

I hope the government will seriously consider the issues I have raised here and reject the proposed settlement language I described above, and continue to reject any language which allows Microsoft to determine who is entitled to share the marketplace with them and how they will share it. Software and hardware development, at both the business and consumer levels, needs innovation in order to survive. New products cannot be developed unless designers and producers can integrate those products into a larger marketplace, a marketplace which almost exclusively uses Microsoft systems.

Until the day arises when Microsoft no longer dominates the software world with a 90% market share they must be made to make available to all vendors the tools necessary not only for their own survival but to insure future innovation and development of new technologies and services. Any settlement which requires less than this is simply not in the public interest.

Thank you for allowing me to comment.

Anthony Lucio
P.O. Box 591
Placentia, CA. 92871

To verify my identity, please contact me via e-mail or post. For my own security I never divulge my home address or phone number over the Internet. Thank you for understanding.

MTC–00003778

From: Craig Jungers
To: Microsoft ATR
Date: 12/10/01 1:46am
Subject: Microsoft Settlement

I certainly hope that the existing settlement with Microsoft can and will be altered to better protect the open source/free software community. In particular, I am concerned that unless MS is required to adhere to standards in a more strict way than they have in the past (when, as with Java, they embraced the standard and then extended it to the point where parts of it became proprietary). As a recent example, MS ''upgraded'' its MSN home page to make it unusable unless the user was using Microsoft Internet Explorer. When they were attacked for this, MS claimed that the other browsers didn't conform to the W3C protocol. In actual fact, it was MS which did not conform to this open standard.

By simply controlling the sheer numbers of desktops in the world, MS is able to change things to make it more likely that people will choose its products (which, by the way, are not produced for certain open source operating systems) over competitors' products because consumers will be afraid that the competition may not work on MS-controlled sites. This sort of behavior is typical of the way MS uses its position in the marketplace to control that same marketplace to its own advantage. I am also in favor of requiring that some MS proprietary protocols (in particular the SMB protocol which is used for file sharing) be released into the public domain. This protocol (which is called SAMBA in the unix/linux world) has allowed businesses to share files which are mounted on servers running competitive operating systems with users running workstations running MS operating systems. SAMBA was only produced by reverse engineering (legally) the way MS's SMB works and then producing a license-free work-alike of that process. The ongoing and continual fear among those of us who utilize SAMBA is that MS will change it in some basic way so that it will become unusable and clients will be forced to use MS products to share files with MS workstations at much greater expense and at much greater profit to MS.

I firmly believe that the dissenting States are absolutely correct when they state that unless MS is held accountable for its actions in a specific way, the computer industry will be reduced to a single solution controlled absolutely by Bill Gates.

For this reason I ask the Court to examine via the hearing process the remedies proposed by the DoJ rather than accept what is in effect a political rather than a legal solution.

Very truly yours,
Craig R. Jungers
Vice-President and Network Engineer
Network Essentials, Ltd.
2317 Lakeside Drive
Moses Lake, WA 98837
509–764–5007

MTC–00003779

From: Zipperhead Sunshine
To: Microsoft ATR
Date: 12/10/01 1:52am
Subject: Microsoft Settlement

Make them pay cash not software.

MTC–00003780

From: Chris Dees
To: Microsoft ATR
Date: 12/10/01 1:49am
Subject: ''Microsoft Settlement.''

Hello,

My name is Chris Dees, I would like to express my disappointment at the Department Of Justices' decision in the Microsoft Antitrust remedy. Microsoft was found guilty of operating an abusive monopoly, of what is arguably the most important industry to our nation's future. No one aside from Microsoft, and apparently the DOJ, feels that this is a proper remedy; THE STATES THAT HAVE AGREED TO THIS SETTLEMENT HAVE GIVEN UP. With all due respect to the legal professionals and Judges involved in this matter, I implore you, reconsider your decision. My reason is the fact that the only people who seem to have understood the consequences of this remedy were from Microsoft. You obviously don't understand the impact that this decision will have on the future of the high technology field. Microsoft MUST be held accountable for their actions, and this remedy DOES NOT.

We are on the cusp of a revolution in our society. Microsoft realized this early on and due to several smart business decisions, and in no small part to the ignorance of the general populace, they have positioned themselves to hold more than their share of the marbles right now. The high tech industry, and especially the software segment is a totally different business model than any known industry. So different, in fact, that there is no only good analogy for it. That said, this case should have been handled accordingly, yet it was not. The advisors that the DOJ utilized, if any, were not as astute as Microsoft's, and it shows.

THE SOFTWARE INDUSTRY'S EXISTENCE DEPENDS ON AN OPERATING SYSTEM! It is incredibly time and resource intensive to develop a new OS from scratch.

That is why the field of operating systems is extremely narrow. This is also why we, as a public, have been suffering with a DOS based operating system for the better part of the last 10 years, this is how long it took Microsoft to write and improve their NT product to the point that it is fast, usable and stable. This is why Apple recently took the code base from FreeBSD Unix when reinventing it's Mac OS. The fact that Microsoft has dominated the desktop operating system market, places them in the drivers seat for the software industry. They have to give a software manufacturer certain information before that company can write software that runs on Windows.

Unfortunately Microsoft made the poor choice to abuse this commanding position and started doing things like using the licensing of such information as a carrot to keep software developers from writing software for any other OS or platform. I do fault Judge Penfield-Jackson for saying what he did outside of the courtroom, but his anger was not unfounded. He understood the enormity of Microsoft's transgressions, and that their attitudes were that of indignance. This is what incensed Judge Penfield-Jackson, the flippant expressions and dishonesty in his courtroom.

Based on all the information, Microsoft was found guilty, not that most high tech professionals ever doubted that. Anything short of separating the Microsoft operating systems from ALL other Microsoft products seems a miscarriage of justice. I understand that due to Judge Penfield-Jackson's conduct, a break-up looks like fodder for appeal, but ignoring what is the just and right for that reason, is worse. They also need to keep their operating system out of the schools, they should be donating MONEY ONLY, lest we further their monopoly into a segment which is currently dominated by Apple. LET THE SCHOOL DECIDE WHAT SOFTWARE THEY WANT TO USE, ESPECIALLY THE UNDERPRIVILEGED, AS THEY MIGHT NOT HAVE A CHOICE OTHERWISE.

Another problem I've seen is in Section III(J)(2), it contains some very strong language

against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...''. Being as Microsoft's biggest threat right now is from free and ''Open Source'' software developed by individuals who develop because they love it, namely the Linux Operating System. This section relieves Microsoft of the burden of acknowledging these companies and individual's rights in the industry. Microsoft can't understand these businesses, therefore they abhor them, I have a distinct feeling that this verbiage was not suggested by the DOJ. Please don't follow their lead and shun what you don't understand, find out about it, it's a new thing, therefore you must learn how it works. I understand that Microsoft shouldn't have to cater to every penny-ante out there, but the DOJ SHOULD DEFINE WHAT CRITERION ARE SET FOR THE ''REASONABLE AUTHENTICITY, AND VIABILITY'' OF A GIVEN BUSINESS, NOT MICROSOFT! A company or individual shouldn't have to make money to be considered a business if they are willing to pay licensing fees and want to develop with Microsoft. At the very least Microsoft should be assigned more than 3 watchdogs, and the people chosen should be very tough, yet fair and honest, like Mr. Steve Satchell. But who is to chose?

The DOJ, no thanks, I think they've demonstrated how well they understand the matters at hand. I think the government either needs to tap some high tech professionals to form a Federal Advisory Board, or use their own senior hackers from the NSA or CIA to police Microsoft's activities.

Lastly, I simply ask once again that this crime not go unpunished, which is exactly what I and the overwhelming majority of high tech professionals feel has happened. Through ignorance, exhaustion, or some other unknown reason, a monopoly not only goes unpunished, but manages to actually strengthen their stranglehold on a vital industry, where is the justice in that? Believe it, it's true!

Sincerely,
Chris Dees
Systems Analyst
Thornton, CO
USA

MTC–00003781

From: Sean Bratnober
To: Microsoft ATR
Date: 12/10/01 1:57am
Subject: microsoft settlement

I'm no legal expert, so excuse me if I may sound confused when I complain about the language in the proposed Microsoft settlement. I disagree with this settlement for several reasons.

First of all, I am uncomfortable with the fact that the settlement seems to be extending Microsoft's monopoly power by having them donate their software to schools. Apple computer already has about half of this market from some of the estimates I've heard, and it seems this settlement will give them greater leverage in this market. In addition, it will also serve to shut out open source solutions like Linux in the field of education, where the lack of funds make it an incredible low-cost resource.

This is absurd to me because education is an area where Microsoft's competitors have a lot of leverage. I'm amazed that this settlement would jeopardize this.

In addition, I'm astounded that they will be able to write off much of this penalty on their software. They are allowed to price their donated software at a similar cost to what they would cost consumers, and much of this inflated price has nothing to do with actual material production costs for distribution. I think a greater deal of the money they donate should be put into computer hardware.

But overall I don't agree with having them donate any of their software, especially under the conditions of this settlement, where the schools who receive the software will be forced to pay a steep licensing fee after five years of use. This seems not to benefit the schools but to lock them in as future consumers for Microsoft, which merely extends their monopoly.

I think any settlement must provide real leverage to Microsoft's competitors, which include Apple and those in the open source community.

Their practices have, and sadly, still do try to shut out all their competition. Even today we see them bundling Windows Media Player with their operating system, allowing them to shut out their primary competitor in media viewers, Real Networks, in ways that loudly echo what they did to Netscape. Any solution to this problem must level the playing field and allow companies like Real Networks to compete. I feel one of the best ways to do this would be to open up their source code for viewing, as it would give competitors the opportunity to make their software perform just as powerfully as Microsoft's.

Another area of the settlement that concerns me is some of the language explaining how they can deal with non-profits. Basically, I think it's absurd that they can refuse to provide information about or license API, documentation, or communications protocols to non-profit groups (which is just another name for the open-source community) that don't meet Microsoft's criteria for business. This effectively kills a lot of the robust open-source applications like SAMBA and reduces competition.

I understand that the open-source movement isn't concerned with profit, but I actually believe it provides one of the best source of competition to Microsoft, and I believe that it is a place where competitors can realize profits. Much of what counts in the IT industry is the brainpower of those who develop and support solutions, and much of what has emerged from the open source movement has ''greased the wheels'' in the industry to allow for collaboration and powerful standards where they are needed. It is with open source tools that competitors have a more solid foundation to compete for profit and revenue with their own software.

It is possible to use proprietary software in an open source environment, or in conjunction with open source tools, and as a student programmer I think it offers an much better environment for people like me to be an entrepreneur with my software than the environment Microsoft has created.

It's crucial that the Microsoft settlement doesn't allow them to block out anything that's open source, because if competitors like IBM are embracing things like Linux I think it's clear that open source offers many powerful opportunities for others in the industry. Some people believe the open source movement is ''the'' threat to Microsoft's monopoly power, and this settlement is a shameful farce that appears to extend that power.

I also want to support Steve Satchell in his bid to be a part of the three-member oversight committee that will see that Microsoft cooperates with whatever settlement is ultimately passed.

thank you,
Sean Bratnober

MTC–00003782

From: Jason Jackson
To: Microsoft ATR
Date: 12/10/01 2:17am
Subject: Microsoft Settlement

I work as a computer and network technician for a small business. I would say 95+% of our customers are there because they're using a Microsoft product which failed due to reliability or security issues. They're using it simply because it came with their system, or their operating system. In each case, there are cheaper products, which provide vastly better reliability and security.

I'm talking myself out of a job here, but it would be a great day if Microsoft stumbled and was forced to be competitive again.

Jason Jackson

MTC–00003783

From: Carl E. Meece III
To: Microsoft ATR
Date: 12/10/01 2:16am
Subject: MS antitrust settlement

I think Microsoft was let off way too easy. Microsoft should have been split, and not doing so will hurt consumers and industry alike. What does this settlement say to other companies who may use similar monopoly tactics in the future? It says, ''Go ahead and use illegal monopoly tactics, the worst you'll get is a slap on the wrist.'' Sorry DOJ, but you really fudged this one.

MTC–00003784

From: David Levi Lindsay
To: Microsoft ATR
Date: 12/10/01 2:18am
Subject: Microsoft Settlement

I would like for Steve Satchell to be placed on the three-member committee stationed at Microsoft which ensures any agreements are enforced. He is qualified for the position and I believe will do his job well. Also, I do NOT want people from Microsoft to have any input or influence over who is appoined.

MTC–00003785

From: Jim
To: Microsoft ATR
Date: 12/10/01 2:23am

Subject: settlement
12/10/2001

Re: Microsoft settlement

I would like to express my opinion concerning the settlement between the DOJ and Microsoft. Microsoft was ruled guilty of being an illegal monopoly by nine Judges. In the settlement agreement, I see nothing to punish them for their past acts. They have benefitted financially and by market share. The remedies need to address these issues.

They are now a company worth hundreds of billions of dollars, some of which are ill-gotten gains. A monetary penalty of at least 25 to 50 billion dollars would be in order.

Their market share on the desktop computer is 90+ percent. Steps must be taken to to remedy this. A goal of 66 percent (2/3) or lower must be acheived. To even the playing field, all non-operationg system software made by Microsoft must be available to run on all other platforms. Since MS is discontinuing all non-Windows XP versions, these all need to be released to the public domain. The licensing needs to be changed to General Public License and all source code supplied. Thank you.

Jim Lange

MTC–00003787

From: Nathanael W
To: Microsoft ATR
Date: 12/10/01 2:48am
Subject: Microsoft/Red Hat settlement

I think Red Hat should be applauded for this. Before Red Hat's idea— Microsoft's money goes into fewer computers and an investment into their own future, as the schools have to pay for the software after 5 years. After Red Hat—more computers, lifetime free software for the schools, no compounding of Microsoft's monopoly.

Nathanael W
icicle@ozemail.com.au
http://www.ozemail.com.au/~icicle/
ICQ Number: 47725421

MTC–00003788

From: Alex Lam
To: Microsoft ATR
Date: 12/10/01 2:48am
Subject: Microsoft Settlement

I am writing as a concerned citizen about the proposed Microsoft Antitrust Settlement. It seems that Microsoft is receiving a ''penalty'' that not only fails to restrict them in a serious way, but even ends up protecting them against their major rivals. Microsoft is under no requirement to release it's standards to society at large, but instead only to other ''for profit'' companies that are judged by a committee set up by Microsoft.

Microsoft has shown in the past that it has very little societal ethics. If given a position that they can take advantage of, I am sure that Microsoft will make use of every opportunity. We must restate the wording of this proposal to prevent Microsoft from turning the restrictions into an even stronger chokehold on the software industry.

Sincerly,
Alex Lam

MTC–00003789

From: Ian Danby
To: Microsoft ATR
Date: 12/10/01 2:54am
Subject: Comment on proposed settlement

I strongly urge the Department of Justice to consider all proposals by the nine states who have not agreed to this settlement prior to acceptance by the court. The remedies suggested by the dissenting states seem to me to be a better remedy than the published Final Judgment. I am concerned that there is wording in the Final Judgment that can be used by Microsoft to follow the letter of the agreement without the spirit. For instance ''timely manner'' for disclosing information on new versions of the operating system. As someone who works in the software industry, I am convinced that that will come to mean a day or two before it is put into widespread use. Developers interfacing with the product need more advance notice. Also, I believe there are some loopholes with regard to Microsoft not revealing source code for almost every piece of middleware and server interaction.

The dissenting states have pointed out problems in XP, which has been released after this Final Judgment was published. That alone convinces me that this settlement is not sufficient.

Regards,
Ann Danby

MTC–00003790

From: Frank Harper
To: Microsoft ATR
Date: 12/10/01 3:02am
Subject: Microsoft Settlement

I think you should seriously consider the remarks that Mr. Cringely has published at: http://www.pbs.org/cringely/pulpit/pulpit20011206.html

Regards,
Frank Harper, TURBOMECA DSI/SIP
e-mail: Frank.Harper@turbomeca.fr
Tel: +33–559–12–50–00 poste 6620
Fax: +33–559–12–59–71

MTC–00003791

From: john johnston
To: Microsoft ATR
Date: 12/10/01 3:37am
Subject: Microsoft Settlement

U.S. Department of Justice,

I am writing with respect to the proposed settlement of the U.S. v. Microsoft case. I believe that this proposed settlement is so full of loopholes as to make a complete mockery of the fact that Microsoft was in fact found guilty of antitrust laws.

Of particular concern to me is the wording in Section III(J)(2) and Section III(D). As you are undoubtedly aware of, Microsoft has recently become aware of the fact that ''open source'' software is a major threat to their growing monopoly control of the information infrastructure. Microsoft executives have publicly characterized open source software as: ''viral'', ''a cancer upon society'', and ''un-American''. The wording of this proposal is carefully crafted as to allow Microsoft to transition from this absurd rhetoric to direct action against open source software.

During the trial, Microsoft often stated that they were not guilty of wrongdoing, but rather they were only exercising their right to ''innovate'' for the good of the users of Microsoft software. This is ridiculous for many reasons, the least of which is that Microsoft is not a major innovator of technology. Microsoft excels at imitation, acquisition, funding, and crafting restrictive business agreements. (To be fair, Microsoft has contributed some valuable technical innovation, especially in the area of computer usability techniques.)

On the other hand, over the last 20 plus years we have experienced an enormous outpouring of innovation centered around the Internet. The fuel for all of this innovation is the fact that the Internet is based on open non-restrictive protocols, (TCP/IP), and open source software. The key to this innovation is that the foundation of the Internet is in the public commons. If a large corporation, (such as Microsoft), developed the Internet, it wouldn't be the Internet. It would resemble what transpires on the so called ''public airwaves''. If given the chance, Microsoft would enthusiastically work on creating this kind of vision out of the Internet. The proposed settlement not only gives them the chance, but seems to encourage them.

When I read the proposed settlement, I can clearly see the contribution of lawyers on the Microsoft payroll. Unfortunately, I can't see the contribution of the lawyers on the taxpayer payroll, nor can I see evidence of lawyers working for the public good.

Thank you for considering my input
john johnston
16515 Bryant Rd.
Lake Oswego OR 97035
(john@earacuity.org)

MTC–00003792

From: Tim Triche
To: Microsoft ATR
Date: 12/10/01 3:59am
Subject: Microsoft Settlement

To Renata B. Hesse,

Please strike the anti-competitive, anti-nonprofit language from the proposed Microsoft settlement unless you wish to reward a convicted, guilty antitrust violator with greater economic and legal advantage. This perversion of justice is repulsive; *ANY* entity with a reasonable cause to petition Microsoft for documentation of their APIs and system calls MUST be given a means to fairly and effectively do so!

Thank you.
Timothy J. Triche
1233 Maryland Ave. NE
Washington, DC, 20002

MTC–00003793

From: Philip Brown
To: Microsoft ATR
Date: 12/10/01 3:59am
Subject: Microsoft Settlement.

To whom it may concern,

I would like to make known my views on the proposed microsoft settlement. While the Microsoft legal team has done very poorly in their defence against criminal action, their expertise in contract law is unparallelled. Any type of conduct settlement is essentially a contract. Their skills in that area WILL result in them sidestepping any limitations put upon them to violate the spirit of anti-trust law in new and ''innovative'' ways.

The last attempt at a conduct remedy should show this more than adequately.

Microsoft has been truthful in one thing in their description of the case: This is indeed a ''fast-moving industry''. A year in this business is like 5 in any other. Therefore, American business cannot afford another 4 years of watching Microsoft abuse the system, and another 4 on top of that for another round of legal action. The punishment for their past infringements must be swift, and not ''open to interpretation''.

The only remedy that fits these criteria is a structural breakup of Microsoft into separate business units that are forbidden to overlap in areas of commerce. Additionally, with all the new areas Microsoft is getting into these days, a mere two divisions may be inadequate to nullify their cross-market monopoly leverage. I shall not suggest a specific set of divisions, but I would like to point out that Microsoft is currently operating in the following areas:

Broadcast television (MSNBC)
Desktop Operating Systems
Server Operating Systems
Palmtop Operating Systems (WinCE)
Embedded Operating Systems (In children's educational toys)
Internet connectivity (msn)
Appliance computing/internet connectivity (WebTV)
Business software
Entertainment software
Entertainment hardware platform (X-Box)
Entertainment hardware accessories (microsoft mouse, joystick, etc)

There is barely a single facet of consumer-available electronics and software in which Microsoft does not have a hand in. In fact, I cannot think of a single one.

MTC–00003794

From: Jim Brown
To: Microsoft ATR
Date: 12/10/01 4:12am
Subject: Microsoft Settlement

Let there be choice for the average software consumer!

The home computer is a staple of modern life. People use their computers to communicate with each other, conduct business, research, and even for entertainment. Our society as a whole depends upon the home computer.

I am a fan of windows 2000. It is an operating system that doesn't crash very often. It is easy to use and has a lot of built in features. I understand Windows XP takes this to a new level.

I am not against features in an operating system. They add to a users experience and the power of their computer. What I am against is the lack of competition that Microsoft faces. Admitedly they do a good job of innovating even when they hold a monopoly of the market. But imagine for a moment that two Windows XP caliber operating systems were being produced by two different companies, both vying to land on your desktop as a home user. Undoubtedly, prices would be lower to the consumer and features of the operating systems would become even better. Problems that today are overlooked would be given quick attention (such as some of the serious security holes that Microsoft rarely gives second thought to.) The consumer wins. It has been established that Microsoft uses the most aggressive tactics of anti-competitiveness available. If there is any way that they can take out a competitor, or assimilate them, they will. This only increases their monopoly, and decreases competition in the market place. I say this is unfair, and it is high time the government steps in and does something intelligent to remedy the situation. What action is called for I do not know. But something must be done! Although innovative in features and user-friendliness, Microsoft has a long standing history of serious security flaws that repeatedly appear in their products. So called ''e-mail viruses'' actually only affect people who use Microsoft's Outlook Express mail reader. Why the media calls them ''e-mail viruses'' and not ''Outlook viruses'' I do not know.

Why is Microsoft not held accountable when their mail program facilitates the spread of these so-called ''email viruses?'' I do not know. But I call for accountability. And I call for government intervention that there might be serious competition in the market place. All this so that your average consumer can have more than one good choice for a full featered operating system. Microsoft does not stand for the freedom of choice that capitalism offers as it's benefit. Microsofts first interest is market dominance at all costs, and to them the consumers interests come second. More and more features of the home computer now fall under the power of this monopoly. The only good choice for Word Processing is Microsoft Word. The only good choice for web browsing is Internet Explorer. The only good choice for your operating system is Windows. This is how Microsoft wants it to be. Unfortunately for most people, this is how it is. No good and meaningful competition in the marketplace, no good alternative choice for the average consumer. Something must be done to remedy our situation as consumers, who for now must depend upon one company alone—Microsoft.

The innovation and development of the home computer has come from many companies and still continues to come from many companies, such as AMD, Intel, IBM, Cyrix, Macintosh, HP and others. For a society which has reaped the benefits of computer hardware engineered competitively by many different businesses in the private sector, why must we reap the shallow benefits of software engineered by only one company?

Please, as the government of this wonderful country, do something to protect our rights as consumers. Please do something to let there be choice and freedom in the software market. Please stop the company Microsoft that has shown it will at any cost try to destroy this choice and freedom for us, the consumers.

Thank you sincerely,
Jim Brown
trusty_jim@hotmail.com
CC:trusty_jim@hotmail.com@inetgw

MTC–00003795

From: Malcolm Stebbins
To: Microsoft ATR
Date: 12/10/01 4:24am
Subject: microsoft settlement

I have read the proposed settlement, and it does not address the primary legal finding of the court; that Microsoft uses predatory business practices to further its own ends which are to acquire and retain monopolistic control of the computer Operating System and Middleware software industry.

In general, the settlement leaves the definition of elements such as which enterprises are legitimate or viable businesses, security, privacy, and the legitimacy of any claimed need for access to Microsoft's code entirely up to Microsoft. Certainly the technical committee can review Microsoft's decision, but so what? They review it, and two out of three of the committee members are beholden to Microsoft. Even if they cried ''Foul'', so what? What difference does that make? The last time the DoJ cried foul on Microsoft it took years of litigation and millions of dollars to get to this point where we are now, and Microsoft has used very trick and pressure it could to weaken the decision and remedies against its continued abuse of us, the consumers.

This is not a matter of preserving a 'healthy business climate', though Microsoft may phrase it as such, and issue dire warnings about the collapse of communications of all sorts if it is restrained. WE, the American people, are being screwed by a monopoly which considers a lie or a threat to be normal parts of doing business.

I am not a computer whiz, but it is clear to me as well as to literally millions of other computer users that much of what is foisted off on us by the so-called 'upgrades' to new versions of the Windows Operating System are just window-dressing. They often require new versions of Office, Excel, and the host of other programs on the market for yet more hundreds to thousands of dollars each. And I'm sure Microsoft points out how this 'creates a need' and 'keeps the economy healthy' but I'd rather 'keep the economy healthy' buying something that I really wanted, like high speed internet access or a new program that actually does something for me.

And what about all the freeware and shareware programmers; what about Linux, or BeOS? None of these can be called legitimate businesses—at least not by Microsoft, who, incidentally, claims that Linux 'proves' Microsoft is not anticompetitive. Would anyone care to take a small side bet on what Microsoft will tell Linux programmers when someone asks for Microsoft's code? After all, Linux isn't a business, just a bunch of programmers who like to produce neat programs. Microsoft is not compelled to respond to mere programmers, who might irresponsibly disseminate or otherwise 'misuse' Microsoft's intellectual property. The record so far has shown that when a shareware or other program is worthwhile and popular, Microsoft simply buys it along with the rights to any remotely conceivable extension, and that's the end of that. They can afford to pay incredible amounts for small items that might eventually threaten their ownership of the market—that's what a monopoly is all about, isn't it?

I have questions regarding this whole antitrust decision process; why is Microsoft being relieved of any real restriction to it's past modes of doing business? Why is it not being actually punished for its obvious and documented past misdeeds? Why isn't the company being broken up or otherwise having its immense power reduced to protect us from its predatory and invasive abuse of American Citizens? Why is there no indemnity provided to be invoked against Microsoft for possible future transgression?

Malcolm Stebbins

MTC–00003796

From: Amos Barrows
To: Microsoft ATR
Date: 12/10/01 4:24am
Subject: Microsoft Settlement.

This deal will simply solidify Microsoft's unfair monopoly. It does not represent the best, and certainly not the most intelligence deal that can be struck. And worst of all, it will furthur prevent people from actually having a fair choice when it comes to computers and software. Microsoft may give big campaign contribution, but that doesn't give them the right to stiff the customer.

MTC–00003797

From: Aaron Luttman
To: Microsoft ATR
Date: 12/10/01 4:54am
Subject: Microsoft Settlement

Greetings and Salutations,

I am a mathematician by education, a computer programmer by trade, and a user of Microsoft products. I am also very much against the proposed department of justice settlement with Microsoft. As I said, I use Microsoft products, and that means that I will be among the first to gain if the department of justice takes a HARDER line with Microsoft. I use Microsoft products, because they are the best available for what I do. The reason that they are the best is not that they are good, but rather that Microsoft has destroyed any other company that might produce a better product.

Rather than just complaining, though, I will actually present to you what I think is an important point to make. There is nothing you can do to change the current market dominance of Microsoft systems for personal computers. Moreover, a point that few seem to consider, is that it doesn't matter that you can't do anything about it. Microsoft knows you can't do anything about, but they are scared anyway. You may not understand this, but Microsoft products as we know them, such as Windows (prior to XP) and Office, are going to be obsolete as concepts much sooner than you might guess. Microsoft knows this. They have some people there who are as technically astute as their lawyers are legally astute, and they know such software is going the way of the dodo.

Then what is the problem? The problem is that Microsoft is being allowed to use its current to powers to conquer other industries. It is Microsoft's Internet Information Server that is the problem. It is MSN and its partner Microsoft Passport that is the problem (and I won't even get started on the civil liberties infringements of those products). It is X-Box that is the problem. It is an often-heard joke that Microsoft won't stop until it has achieved total world domination. We laugh, because it is funny. We laugh, because it is, in some sense, true, at least in the technical world. Over the last couple of years, in particular, Microsoft has used its muscle to push its way into other technical areas of our lives, the same way Tony Soprano might expand his 'territory.' This is the problem. This is what we need to be afraid of. This is what we, as consumers, need the department of justice to protect us from.

Windows XP is the problem. It is not an operating system in the way that previous versions of Windows were, or the way that Linux is, or the way that MacOS is. These other operating systems are systems that basically manage the way that other programs use the memory of your computer. These systems keep track of which programs are using, or 'own,' what memory. That is their primary function. Windows XP treats this as an aside. The main purpose of Windows XP is to act as a portal by which Microsoft can dominate the 'cyber-life' of every person. It is not just a software that lives on a PC, but rather product for guiding users through the Microsoft vision of the internet.

Forget about Microsoft's dominance of the PC. It's too late, and it doesn't matter. It is not too late— and it does matter—to stop Microsoft from pushing its way into dominance of other industries and other aspects of consumers' lives. This is where the DoJ needs to focus and make the tough decisions that are needed to prevent this.

Sincerely,

Aaron Luttman

MTC–00003798

From: Brian Conte
To: Microsoft ATR
Date: 12/10/01 4:51am
Subject: Microsoft Settlement

I consider myself as someone who has reasonable knowledge and perspective on the relevant issues of this case. I worked for Microsoft for 5 years, and during that time worked with a number of ISVs working on applications for Microsoft Windows. I also ran my own software company, which developed Windows applications, for 10 years. I have lived in Microsoft's community (Redmond and Seattle) for 20 years.

The settlement is a joke. It is little more than a slap on the wrist to a company that has continually and egregiously abused its monopoly power. It reads like it was drawn up by Microsoft lawyers and agreed to by a justice department more interested in a speedy resolution than an appropriate one. Knowing the dynamics of the software industry and Microsoft's proven willingness to push the bounds of any imposed restrictions, I think that many of the ''remedies'' of this settlement actually hurt the software industry and help Microsoft, rather than vice versa. It is clear to me that the net result of this settlement will be only to allow Microsoft to continue to abuse its monopoly position, stifle creative competition, and ultimately hurt consumers.

I can only hope that the nine remaining states do a better job than the justice department did at penalizing and restricting Microsoft in a way that will meaningfully protect consumers.

Brian Conte

MTC–00003799

From: Pablo Oliva
To: Microsoft ATR
Date: 12/10/01 5:20am
Subject: Microsoft Settlement
December 9, 2001
Pablo Oliva
60 Lehigh Aisle
Irvine, CA 92612
Renata B. Hesse
Antitrust Division, U.S. Dept. of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Mrs. Hesse:

I am a web developer in the Los Angeles area in California. I recently ran across this article online at http://www.pbs.org/cringely/pulpit/pulpit20011206.html which stated the following: ''The biggest competitor to Microsoft Internet Information Server is Apache, which comes from the Apache Foundation, a not-for-profit. Apache practically rules the Net, along with Sendmail, and Perl, both of which also come from non-profits. Yet not-for-profit organizations have no rights at all under the proposed settlement. It is as though they don't even exist.

Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business:

''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...''

So much for SAMBA and other Open Source projects that use Microsoft calls. The settlement gives Microsoft the right to effectively kill these products.

Section III(D) takes this disturbing trend even further. It deals with disclosure of information regarding the APIs for incorporating non-Microsoft ''middleware.'' In this section, Microsoft discloses to Independent Software Vendors (ISVs), Independent Hardware Vendors (IHVs), Internet Access Providers (IAPs), Internet Content Providers (ICPs), and Original Equipment Manufacturers (OEMs) the information needed to inter-operate with Windows at this level. Yet, when we look in the footnotes at the legal definitions for these outfits, we find the definitions specify commercial concerns only.

But wait, there's more! Under this deal, the government is shut out, too. NASA, the national laboratories, the military, the National Institute of Standards and Technology—even the Department of Justice itself—have no rights. It is a good thing Afghanistan is such a low-tech adversary and that B–52s don't run Windows.''

I hope that you understand the severity of this matter. The Open Source Software movement is truly a remarkable thing. Many great products have resulted from this

movement. The Open Source community has spawned innovation and quality in software that is unsurpassed by Microsoft or any other commercial outfit. This movement and community is a great and weighty threat to Microsoft's business model. I encourage you to come to a complete understanding of the impact that the language of the settlement, which the above article sites, will have on the Open Source Software community. There is a big chance that Microsoft will have the ability to use this language to place pressure on and ultimately strangle the life out of the Open Source community? and this is an anti-trust case isn?t it?

Regards,

Pablo Oliva

P.S. I am sending a hard copy of this letter via regular mail. I eagerly await your response.

Thank you for your time.

MTC–00003800

From: Vip Malixi
To: Microsoft ATR
Date: 12/10/01 5:35 am
Subject: Settlement will kill open-source competitors of Microsoft

He's Not in It for the Profit

Steve Satchell for Microsoft Anti-Trust Compliance Committee

By Robert X. Cringely

Two calls came in on the same subject in the same day this week, but from very different perspectives. The first call was from a lawyer working for the California Attorney General. He was looking for somebody like me to testify in the remedy phase of the Microsoft anti-trust case. California, as you know, is one of nine states that have chosen not to go along with the proposed anti-trust settlement between Microsoft and the U.S. Department of Justice. The nine states think Microsoft is getting off too easily. The second call came from Steve Satchell, an old friend from my InfoWorld days, who had noticed deep in the text of the proposed Microsoft/DoJ settlement that as part of the deal, there will be a three-member committee stationed at Microsoft to make sure the deal is enforced. Satch wants one of those jobs.

I think he should get the position. With a background in computer hardware and software that dates back to one of the very first nodes on the Arpanet 30 years ago, Steve Satchell knows the technology. He has worked for several big computer companies, and even designed and built his own operating systems. And from his hundreds of published computer product reviews, he knows the commercial side of the industry. He is glib and confident, too, which might come in handy while attempting to keep Microsoft honest. Sometimes there is a distinct advantage to being the first to apply for a job, so I think Satch should be a shoo-in for one of those compliance gigs. And the boy looks mighty fine in a uniform.

The job will be a challenge, that's for sure. The committee has the responsibility of settling small disputes and gathering the information needed to prosecute big ones. They are supposed to have access to ALL Microsoft source code, and their powers are sweeping. If it goes through, I only hope the court picks three tough but fair folks like Satch.

Meanwhile, there is still plenty to complain about in the text of the proposed settlement, itself. Those who followed the case closely will remember that one of Microsoft's chief claims during the trial was that times and the nature of business have changed, and that anti-trust enforcement ought to be different today than it was when the laws were first passed in the early part of the last century. This is a fast-moving industry based on intellectual, rather than industrial, capital, goes the argument. Sure, Microsoft is on top today (and every day since it got bigger than Lotus around 1986) but, hey, that could change in a Redmond minute. This argument evidently didn't resonate with the court, though, since Microsoft was found guilty. Keep repeating to yourself: ''Microsoft is guilty.''

Well, Microsoft now appears to be exacting its revenge, leaning this time on the same letter of the old law to not only get a better deal, but literally to disenfranchise many of the people and organizations who feel they have been damaged by Microsoft's actions. If this deal goes through as it is written, Microsoft will emerge from the case not just unscathed, but stronger than before. Here is what I mean. The remedies in the Proposed Final Judgement specifically protect companies in commerce—organizations in business for profit. On the surface, that makes sense because Microsoft was found guilty of monopolistic activities against ''competing'' commercial software vendors like Netscape, and other commercial vendors—computer vendors like Compaq, for example. The Department of Justice is used to working in this kind of economic world, and has done a fair job of crafting a remedy that will rein in Microsoft without causing undue harm to the rest of the commercial portion of the industry. But Microsoft's greatest single threat on the operating system front comes from Linux—a non-commercial product—and it faces a growing threat on the applications front from Open Source and freeware applications. The biggest competitor to Microsoft Internet Information Server is Apache, which comes from the Apache Foundation, a not-for-profit. Apache practically rules the Net, along with Sendmail, and Perl, both of which also come from non-profits. Yet not-for-profit organizations have no rights at all under the proposed settlement. It is as though they don't even exist.

Section III(J) (2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business .... ''

So much for SAMBA and other Open Source projects that use Microsoft calls. The settlement gives Microsoft the right to effectively kill these products.

Section III(D) takes this disturbing trend even further. It deals with disclosure of information regarding the APIs for incorporating non-Microsoft ''middleware.'' In this section, Microsoft discloses to Independent Software Vendors (ISVs), Independent Hardware Vendors (IHVs), Internet Access Providers (IAPs), Internet Content Providers (ICPs), and Original Equipment Manufacturers (OEMs) the information needed to inter-operate with Windows at this level. Yet, when we look in the footnotes at the legal definitions for these outfits, we find the definitions specify commercial concerns only.

But wait, there's more! Under this deal, the government is shut out, too. NASA, the national laboratories, the military, the National Institute of Standards and Technology—even the Department of Justice itself—have no rights. It is a good thing Afghanistan is such a low-tech adversary and that B-52s don't run Windows.

I know, I know. The government buys commercial software and uses contractors who make profits. Open Source software is sold for profit by outfits like Red Hat. It is easy to argue that I am being a bit shrill here. But I know the way Microsoft thinks. They probably saw this one coming months ago and have been falling all over themselves hoping to get it through. If this language gets through, MICROSOFT WILL FIND A WAY TO TAKE ADVANTAGE OF IT. Is the Department of Justice really that stupid? Yes and no. They showed through the case little understanding of how the software business really functions. But they are also complying with the law which, as Microsoft argued, may not be quite in sync with the market realities of today. In the days of Roosevelt and Taft, when these laws were first being enforced, the idea that truly free products could become a major force in any industry—well, it just would have seemed insane.

This is far from over, though. The nine states are still in the fight and you can be, too, by exercising your right under the Tunney Act to comment on the proposed settlement. The Tunney Act procedures require the United States to:

1. File a proposed Final Judgment and a Competitive Impact Statement (CIS) with the court.

2. Publish the proposed Final Judgment and CIS in the Federal Register.

3. Publish notice of the proposed Final Judgment in selected newspapers.

4. Accept comments from the public for a period of 60 days after the proposed Final Judgment is published in the Federal Register.

5. Publish the comments received, along with responses to them, in the **Federal Register**.

6. File the comments received and responses to them with the court.

To make your views known (and to put in a good word for Steve Satchell), there are several options:

E-mail: microsoft.atr@usdoj.gov

In the Subject line of the e-mail, type ''Microsoft Settlement.''

Fax: 1–202–307–1454 or 1–202–616–9937

Mail : Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

MTC–00003801

From: Rugbuz Pafnuti
To: Microsoft ATR
Date: 12/10/01 6:15 am
Subject: Microsoft Settlement

I strongly disagree with the proposed settlement. There are several reasons to reject it:

1. Economic: Microsoft is often perceived as a ''driving power'' of the economy. In fact, there are concerns that using strict anti-thrust laws against them could affect the economy as a whole. Mentioning the new ''Windows XP'', vendors hope that this release pushes sales of hardware, software and equipment. From an economic point of view, it would be very dangerous if a single company really had such an economic influence. If those concerns were true, that would indeed be THE SIGNAL that Microsoft is close to a monopoly and that the IT industry is already ''ill'' and has to be cured, which means that such a monopoly has to be removed.

As within all countries featuring a ''liberal economic system'', government intervention has to be restricted to situations where the natural stability of markets fail.

A monopoly (or more generally, when a single company affects the whole economy) causes the natural balance of markets to fail.

Another important point of view is the customer and her interests. While Microsoft (naturally) denies having an all-economic influence, they do state that they are only ''doing the best for their customers''. That assumes that customers were free in their decisions to use Microsoft products, and that the customers chose these products for their ''technical advantage'' over competing products.

[A concern sometimes heard is, that ''killing Microsoft would kill (or at least, slow down) technical development''. That statement has to be carefully analysed. First, Microsoft IS NOT the ''engine of technical advancement''. Why should only Microsoft be commited to make things easier for the customer? Why should only Microsoft be commited to extend the borders of technology? IBM, Sun Microsystems, Oracle and others want to sell, too. It is inherent to a liberal free-market system, that you can only survive by adapting and improving. Advancement coming only from a single point out of the whole system in fact is characteristic for NON-FREE systems that do not rely on free markets, fair prices, freedom of trade, etc.

Conclusion: if the above statement (''Microsoft is best for customers, dont take it away'') really was true, then this would NOT be sign AGAINST using anti-trust laws, but it would be a sign PRO using these laws, PRO reassuring that our system of free markets is functioning well. To clarify my position: it is NOT the duty of the government to punish those who are successfully operating within our liberal free-market system. It actually IS the duty of the government, to ensure that the markets remain balanced, that there IS competition, that customers HAVE a choice, that no single company can control a market or (even worse) the whole economy. That cannot be and that must not be in the interest of any government.

2. Technical: While you can state that there is no economic reason to punish Microsoft (despite my argumentation in the paragraph above), it actually is evident that Microsoft is not ''playing fair'' and at least trying to lock out competition for their products.

As stated above, in a free-market system everyone is trying to gain competitive advantages and to extend ones share of the market. This is natural, and this is good from an economic point of view, as this is the real ''engine'' for technical advancements. However, to ensure that competition really remains free, governments have to make sure that certain rules are accepted and followed by the market participants. One of the most important rules is, that it must be possible to compete with someone. It must not be the case that someone ''locks others out of the market''.

If a segment of a market is controlled by a single company, and if that company is able to effectively lock others out of that segment, then we are here: that company effectively has a monopoly in that segment. To ensure this does not happen, market participants have to ''play fair'', and it is the duty of the government to punish those that do not obey the rules. Microsoft in fact is quite effectively locking others out of certain market segments, and they do everything to make sure that these segments remain ''Microsoft-only''.

1) the Windows internals are not open. Only Microsoft know about them, and treats them as a business secret. As a result, competitors have a significant disadvantage when developing applications for the Windows platform. While Microsoft has the ability to alter Windows to fit the needs of their applications (Office, SQL Server, Web Server, ...), they also have the ability to alter Windows to make existing applications incompatible with future versions of Windows!

2) the Office document format internals are not open. Development of a competing office product, which would be fully capable of reading, writing and transforming MS-Office documents, is almost impossible. As the MS-Office format is close to a ''defacto-standard'' (resulting from a lack of choice by the customers!), this effectively kills free competition on the office market segment.

3) the Windows file exchange and sharing mechanism is NOT documented. However, there actually IS competition, mainly from the open source community (''SAMBA'' project). As Microsoft realized this, they recently changed communication internals within Windows XP (and earlier, also within Windows 2000 Server versions). The goal was clear: effectively stopp competition. However, the SAMBA project adapted quickly. Nevertheless, this should be a clear sign that Microsoft IS NOT PLAYING FAIR!

Conclusion: IF positions as a market-leader really were ''earned'' (by offering better products then the competitors), then Microsoft would not fear competition. However, this is not the case. Microsoft is trying to integrate their products as closely as possible to lock out competition.

When competition arises, product internals are changed. Microsoft, of course, can adapt to this. Others cannot, or can but only with huge efforts. This effectively hinders competition, and aims at gaining a monopoly (or at least a superior position) where customers (and the free-market) possibly would have decided to use other products.

As a customer AND as someone interested in the future of our economy, I reject the proposed settlement between Microsoft and the US Department of Justice. I insist on reconsidering the effects of this settlement, especially in respect to Microsofts position and business practices they have shown.

Sincerly,
Rugbuz Pafnuti

MTC–00003802

From: Martin Fraser
To: Microsoft ATR
Date: 12/10/01 5:19 am
Subject: Microsoft Settlement

I am writting to experss my opinion on the upcoming anti trust settlement between the Justice Department (DoJ) and Microsoft Corporation (MS). It has become known to me that through clever wording on the part of MS in the settlement aggreement may lead to the removal of the rights expressed in the agreement from the Open Source world.

Since MS was found guilty of leveraging there dominant market position the settlement should be a punishment to them.

In the current market the biggest and growing threat to MS buisness is from the Open Source world with GNU/Linux, Apache, Sendmail, BIND and PERL running most of the internet, MS's latest target.

By allowing MS to discriminate against such not-for-profit concerns, they could emerge from the anti-trust proceedings with the tools needed to crush thier biggest competetor, with the full backing of the DoJ. This could only lead to the strenthening of there monopoly and is counter to the spirit the settlement should be received in.

I hope the DoJ have the foresight to realise this before it is too late and MS not only get away with they have already been found guilty of, but come out of these proceedings in a stronger position. This result can only harm consumers.

Thank you.
Martin D Fraser.

MTC–00003806

From: Alan Leiman
To: Microsoft ATR
Date: 12/10/01 7:21 am
Subject: to little

From what I've been reading Microsoft is getting off pretty easy compared to what should be done. They are continuing to push others around and control us, the consumers. If they get off to easy they won't stop. Look at there new product, i realize it wasn't part of the case, but they are forcing people to use there email account for registration, and when you create that account you have to use there email client. You gotta put the foot down so they realize that some things can't be done. And, that they have to leave the doors open for choice, and not use there muscle to push others around.

MTC–00003807

From: Fulton, Tim—BRP-LEX
To: Microsoft ATR
Date: 12/10/01 7:30am

Subject: Microsoft Settlement

To Whom it may concern,

This is to lend my voice to those who want to see Microsoft hung out to dry. There is good reason why many refer to the company as M$. My experiences, though, are a little different.

My company is an international manufacturer who has standardized on this company's offerings. As one whose income relies on the ability to use them, I was a little distressed to learn that Microsoft would not support their product, not even for money.

Because the operating system [OS] was preinstalled by the computer maker (in this case, Dell) Microsoft would not support it. OEM installations, they said, are the responsibility of the OEM.

As this might be understandable in many cases where OEM installations may affect product quality, I tried to get Dell to support the installation. They, however, were not sufficiently trained on the details of the OS, and referred me back to M$.

The point is, Microsoft is negligent in both aspects of this case. If Dell (or anyone having an agreement with M$ to distribute the product) is an authorized reseller, then it is the responsibility of the manufacturer (M$) to ensure the OEM is capable of providing support. If they cannot confer this technical capability to the OEM, then the duty lies with the manufacturer to support the installation.

Because they successfully dodged such responsibility is why I am a lifelong hater of Microsoft. Please find against them, in the harshest way possible, for lacking the fortitude to back up their own product.

Best regards,

Tim Fulton, North American Database Publications

Bosch Rexroth, Lexington KY USA

''The Drive and Control Company''

Tel. 859–254–8031 x.4521

mailto:tim.fulton@boschrexroth-us.com

MTC–00003808

From: Michael Menary
To: Microsoft ATR
Date: 12/10/01 7:33am
Subject: DOJ Judgement

I think it's a travesty of justice that Microsoft has been allowed to get away with it. Basically, by bundling IE with Windows, it destroyed Netscape, and it is still trying to do that in surreptitious ways. (Check out its export facility, which does not sort the output, so Netscape importers get a mess, but IE importers get a sorted list).

Companies that I have worked for have signed up for agreements to receive MS software, but have ended up having to buy PC's with the software already bundled as the OEM's have to install it. How does a company get away with this?

Bill Gates must be laughing his head off at the way he has the US government wrapped around his little finger. It's like he has received a slap on the wrist for multiple homicides because he pays the judge's salary.

Michael Menary

MTC–00003809

From: Mike Miller (Ramesys—Nottingham)
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/10/01 7:36am
Subject: Microsoft Settlement

Dear Sirs,

I would like to register a comment on the proposed Microsoft Anti-trust case settlement. As the currently proposed settlement stands, I am concerned that regulation of Microsoft's anti-competitive activities excludes actions against non-profit organisations. A large proportion of the most promising alternatives to Microsoft software are developed by not-for-profit organisations, often under open-source licenses like the GPL (Gnu Public License). For example:

—The Linux operating system and many of it's components
—The Apache web-server
—The Samba Windows network file sharing tools
—The Mozilla web browser

These products provide strong alternatives to Microsoft's offerings, yet because they are produced by non-profit organisations, the currently proposed settlement allows Microsoft to carry on with anti-competitive actions against these products.

For the settlement to have any value in the current software marketplace, it must protect both normal commercial software and open-source or other not-for-profit developed solutions equally. Failing to address this issue will give Microsoft license to attempt to stifle the open-source software movement with anti-competitive practices in the same way that it has stifled commercial competitors in the past.

Yours sincerely,

Mike Miller

Internet Consultant

Ramesys e-Business Services Ltd.

Email : Mike.Miller@ramesys.com
www.ramesys.com

MTC–00003810

From: mconway
To: Microsoft ATR
Date: 12/10/01 7:38am
Subject: Microsoft Settlement

I am writing to object to the proposed settlement of the Microsoft antitrust case. I have viewed the settlement, and I strongly feel that the proposal is deficient in several ways:

It does not address Microsoft's illegal behavior, and does little to prevent such actions in the future. Microsoft has already been found to be guilty of antitrust, AND in violation of a previous consent-decree. I have worked with Microsoft products virtually every day for the last ten years, I have followed DOJ issues with Microsoft, and it is my firm opinion that Microsoft will not stop its illegal and damaging behavior under the terms of this decree.

The sharing of Microsoft source code is conditioned upon too many vague premises, and will be virtually unenforceable as it is currently written. I suspect that most of the language has been drafted by Microsoft's counsel, and may contain many grounds for interpretation, delay and stalling. I am particularly concerned that Microsoft itself will be able to define who meets the criteria for viewing the source code.

The settlement is too lenient and presents the appearance of impropriety, in that Microsoft has made sizeable and significant contributions to the current administration. The common perception among many members of the IT industry is that Microsoft is escaping with a 'slap on the wrist,' and this impression will spread to the general public, further eroding confidence in our administration.

Thank you,

Matthew Conway

MTC–00003811

From: mac
To: Microsoft ATR
Date: 12/10/01 8:05am
Subject: Microsoft Settlement

I always thought that America was proud of it's justice system but here I see a company that has been found guilty of killing innovation in the market by killing of the small guys and gets away with it. The present proposal will only widen Microsoft's monopoly of the computer market. I don't know how to solve a problem as big at this, I just know that this is not the way.

Gerard

PS One day in the future: ''welcome to the whitehouse (R)''

(R)—the whitehouse is a registered trademark of Microsoft corporation.

MTC–00003812

From: David Casti
To: Microsoft ATR
Date: 12/10/01 7:45am
Subject: Microsoft Settlement

Dear Sir or Madam,

I am writing to oppose the proposed settlement with Microsoft. The settlement which has been proposed fails in many areas, including:

1. Failure to punish Microsoft for past misdeeds in any way

2. Failure to recognize the importance of noncommercial software

3. Lack of ''teeth'' in the case Microsoft fails to abide by the settlement

4. Failure to offer any forward-looking remedies

Microsoft's performance is on the record. This settlement will prove to be bad for consumers and bad for business. Please do not make this mistake. If this settlement is approved, it will be years before Microsoft's illegal behavior can be addressed again in court.

Sincerely,

David Casti

David Casti

Managing Partner

Neosynapse

www.neosynapse.net

MTC–00003813

From: pjm@spe.com@inetgw
To: Microsoft ATR
Date: 12/10/01 7:52am
Subject: Microsoft Settlement

Dear Sirs,

The proposed resolution to the Microsoft anti-trust case will not accomplish the ostensible goal of increasing competition in the markets that Microsoft dominates. The primary problems are that the proposed solution allows Microsoft to spread its software into schools and that encouraging the use of Microsoft's APIs will actually

increase their ubiquity. A far better solution is to simply require Microsoft to provide the details of their proprietary file formats, thereby allowing real competition to arise.

Allowing Microsoft to give software to schools must delight the Microsoft board of directors. Not only is Microsoft allowed to set the value of their donations, it is provided with access to an untapped market segment. This proposed solution will have the effect of training children in the use of Microsoft products, making it much more likely that they'll choose to use them in the future. If the settlement is to include a donation to schools, Microsoft software should not be included in the package. Microsoft should provide the hardware bundled with Open Source software such as Linux.

Requiring Microsoft to license its APIs will not result in greater competition. Microsoft's operating system dominance is not due to the quality of its various versions of Windows, but to the fact that their business applications run primarily on Windows. These applications, including Word, Excel, and PowerPoint, store their information in proprietary file formats. Companies and individuals cannot use alternative applications because they cannot read and write these formats. If the goal is to encourage competition on the desktop, forget about the APIs and require full public disclosure of all file formats used by all Microsoft products past, present, and future.

The proposed remedy is going to cause far more harm than good. Please reconsider your actions.

Regards,
Patrick May

MTC–00003814

From: Yitzchak Gale
To: Microsoft ATR
Date: 12/10/01 8:59am
Subject: Comments on the Microsoft Proposed Final Judgement

I am Software Project Manager and Chief Architect of Biomedicom, Inc., a company that develops software for medical devices. The following represents my own personal opinion and does represent Biomedicom in any way.

I am hereby submitting comments to the Proposed Final Judgement in the Microsoft anti-trust litigation, in accordance with the Tunney Act.

There are major flaws in the Proposed Final Judgement that prevent it from being a remedy to Microsoft's abuse of its monopolistic power in the software industry.

Sections III(J)2 and III(D) of the Judgement provide non-Microsoft entities access to proprietary Microsoft information. This information is critically important for being able to produce software that is compatible with existing Microsoft technologies currently exclusively controlled by Microsoft. However, the only entities that the Judgement empowers to receive such information are exclusively ''business'' or ''commercial'' entities.

By implicitly exluding open source software developed under the auspices of non-profit organizations, the Judgement is strengthening rather than weakening Microsoft's ability to abuse its monopoly power. The vast number of businesses, govenment agencies, and academic research groups that currently depend on one or more open source software packages will be even more vulnerable than before to Microsoft monopoly abuse if the Judgement is accepted in its current formulation.

The Judgement must be changed to allow non-profit, government, and academic entities to access the proprietary information and use it in open source software. A mechanism must be provided through which these entities can reveal just that amount of information required to be compatible with open source and free software licenses currently in widespread use, such as the Free Software Foundation's ''General Public License''. This critical topic was completely overlooked in the Judgement. In addition, the Judgement gives Microsoft the power to decide which entities meet the eligibility criteria for gaining access to this information. This makes it easy for Microsoft to interpret the language a way that excludes its most important competitors. The Judgement must be changed to define more clearly which entities are entitled to receive proprietary information from Microsoft so that the large majority of reasonable applicants will be able to receive immediate approval without dispute.

Furthermore, the wording of the Judgement appears to put the burden of proof on the entity requesting the information to show that it is eligible. That will lead to delays in receiving information that will devoid the information of most of its value given the fast-changing nature of the software industry. Even if the entity is given currently up-to-date information at the end of a long appeal process, the information will be not be useful if the product that required it is no longer relevant.

Many software packages in extensive use are based on open source, and are developed by geographically disperse teams of developers under the auspices of non-profit organizations. Although these applications themselves are not developed for profit, many are essential to the operation of business, academic, and government entities that develop software themselves or are dependent on software.

Some examples are:

—The Apache web server, the most widely-used software for Internet web sites, with Microsoft's Internet Information Server in second place.
—The Linux operating system, an alternative to Microsoft Windows with over 5 million users according to estimates.
—The GNU C/C++ compiler, the second most widely used creator of software in the C and C++ programming languages, second to Microsoft's Visual C++.
—The Perl programming lanuage, a widely used language for developing web sites, together with Microsoft's VBScript Sun's Java.
—The Mozilla web browser, which is the basis for the current Netscape and AOL browsers.

There are hundreds of other important examples. Taken together, this group of software packages represents the single most important alternative to monolithic Microsoft-dominated software. For many software products, including those specifically mentioned above except Perl, there is no other product strong enough to compete with Microsoft even given full benefit of the remedies mentioned in the Judgement.

Therefore, by excluding from the remedies the only viable alternatives to Microsoft products, and by removing Microsoft's fear of future anti-trust action, the Judgement as currently formulated enables Microsoft to abuse its monopoly position even more than ever before.

My contact information is as follows:
Yitzchak Gale
2200 Kerwin Rd. #309
University Heights, Ohio 44118

MTC–00003815

From: Pablo El Vagabundo
To: Microsoft ATR
Date: 12/10/01 8:20am
Subject: Settlement will not help consumers

To whom it may concern,

I am a EU citizen and am appalled at the settlement that MS has brokered. This is a worldwide issue. I have been forced to use MS software against my will. I want options, i have paid good money to microsoft, which i would not have paid if there had been options.

MS has destroyed all options.

To counter this the new measures put forward by the nine states who rejected the settlement seem like they would address some of my concerns about MS's bad practices.

Yours.
P

MTC–00003816

From: Grahame Jordan
To: Microsoft ATR
Date: 12/10/01 8:34am
Subject: Microsoft Settlement.

U.S. Department of Justice,

Microsoft is a monoply. Allowing Microsoft to destribute their OS for free to under privileged schools will only perpetuate the monopoly. Microsoft stiffle competition. They build their products in such a way that no other vendor can interoperate correctly with their protocols. Even open protocols are changed in such a way that there is difficulty to operate with their products. MSIE and IIS are made to work together. In some cases no other web browser can interoperate correctly with IIS. For example, Microsoft Front Page exploits the correctness of Netscape where Front Page fails to close table tags correctly but MSIE is built to handle this. These are subtle but effective marketing ploys designed by MS to render the competition helpless. There are many examples of tricks like these employed by Microsoft.

Microsoft is a law unto itself. End User License Agreements, OEM Licenses are restrictive and less than competative. For example, an OEM company cannot distribute a Computer with dual boot operating systems on it. Microsoft do not own the computer but they dictate that the OEM cannot distribute another Operating System on a PC that they manufacture.

The solution for this Anti-Trust case should be to regulate the EULA and the OEM

Licenses. Giving freedom back to the manufacturer and to the end user.

Microsoft is a monopoly. Therefore they should not be allowed to advertise or do exclusive deals so that companies that use Microsoft exclusively offering big discounts. Their products should have one price for all.

Microsoft is a monopoly.

Regards

Grahame Jordan

TheForce

MTC–00003817

From: Virginia DeBolt
To: Microsoft ATR
Date: 12/10/01 8:35am
Subject: The Microsoft Case
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Renata Hesse:

I am concerned by what I am reading in the press about the decision in the Microsoft antitrust case. It appears that absolutely nothing is going to change in respect to the way Microsoft does business. It continues to be able to bundle web browsers and other application software into its operating system.

Since the settlement applies only to products that were in use from 1995–98, it won't stop Microsoft from repeating anti-competitive practices with current and future products. The new Windows XP system is even more invasive and monopolistic than the products that were mentioned in the case. I urge you to enforce a decision in this case that will create a change in the situation and will force Microsoft to conduct business in a manner that allows free competition.

Virginia DeBolt

Pflugerville, Texas

http://www.vdebolt.com

New blog project: http://www.vdebolt.com/webteacher/

MTC–00003818

From: A. J. Wright
To: Microsoft ATR
Date: 12/10/01 8:36am
Subject: Microsoft Settlement

I would like to see Steve Satchell become one of the three-member committee responsible for keeping watch over Microsoft.

If Microsoft can control who has access to Windows' interface and API specifications, they can control what software can work with Windows. This limit extends to other computers that must network with the computer runnning Windows. Allowing sections III(J)(2) and III(D) would effectively allow Microsoft (who controls a majority of the desktop computers in the U.S.) to further limit their competition.

Thank you,

aj

A. J. Wright <ajw@utk.edu>

Systems Programmer/Analyst, UNIX Systems Group

University of Tennessee, Knoxville

MTC–00003819

From: lewis.jones@malvern.co.uk@inetgw
To: Microsoft ATR
Date: 12/10/01 8:40am
Subject: Renata B. Hesse

Renata B. Hesse

The primary mechanism that Microsoft has used to prevent users from being able to choose better products is their control over Application Data File Formats. The inablility of other software vendors to read MSWord generated files forces them to buy MSWord to read

MTC–00003820

From: Judah Diament
To: Microsoft ATR
Date: 12/10/01 8:42am
Subject: Microsoft Settlement

To whom it may concern;

I find the Microsoft settlement unsatisfactory on a number of counts.

1) As long as Microsoft can bundle more applications with its operating system, it can easily kill competitors, as it did Netscape. There must be a ban on Microsoft bundling appliaction software with the operating system to insure a fair competitive environment

2) It is wildly unrealistic to assume that the government will be able to monitor and regulate Microsoft's behavior in a way that will not simply be a game of catch-up, with Microsoft always having enough time to hurt competitors before the governemtn steps in to stop it

3) There is an excellent article from Robert Cringley (http://www.pbs.org/cringely/pulpit/pulpit20011206.html) which shows how the current language of the settlement would allow Microsoft to kill Linux and open internet standards, which are it's main competition today We can not allow one company to have a strangle hold on technology, since technology's role in everyone's life and in the government is only going to increase. With the release of the XBox and WindowsXP, Microsoft is moving beyond the dekstop and extending its control to the internet and hoem entertainment. If allowed to continue unchecked, Microsoft will have greater control over our lives than the federal government.

Sincerely,

Judah Diament

MTC–00003821

From: Sessoms, Mack
To: Microsoft ATR
Date: 12/10/01 8:46am
Subject: Microsoft Settlement.

I am appalled at this ruling. It appears that the DOJ has become as ethically bankrupt as many other institutions have become. This sends a message to future generations that it is okay to have zero integrity. As an American, I am ashamed to be grouped in with people like you.

MTC–00003822

From: John Talbot
To: Microsoft ATR
Date: 12/10/01 8:49am
Subject: Microsoft Settlement

Renata,

The opinion that I relegate may not impact your decision since I am a Canadian citizen. The case for which you are deciding has far greater impact than just your borders, so as see it my thoughts on the matter are quite important.

My background is very technical, working in firmware design for Nortel. For those not in the business this would be equivalent to the BIOS of PC's. Extremely low level. I'd like to also point out that these are my opinions and not my employer and should not in any way be construed as such.

I've been following the Microsoft antitrust case for some time. It is very clear to me that Microsoft was in fact guilty of monopolistic activities and was indeed found guilty in such matters. Since the early days of Windows trying to shut out Dr. DOS, these practices continue today. Detailed in the court trial are Microsoft's attempts to shut out Netscape, but they hardly touch on Windows XP trying to shut out AOL's instant messenger; proving that the court's time has been nothing more than a rouse to stall for time so that Microsoft can further more extend it's monopoly.

My background dictates that there is a clear distinction between operating system and applications and is founded on decades of experience. The only viable solution to stop Microsoft from capitalizing on others ideas due to their dominance of the WinPC architecture and sure abundance of funds is to proceed with the original conclusions by breaking up the company into at least two parts, that of platform/OS and applications. No longer could Microsoft bundle their own spin of an application with their next generation of operating system to systematically wipe out a competitors product.

Failure to do so now will make it more than impossible in the future as I believe that there can only be one David to slew such a goliath.

John Talbot

CC:bob@cringely.com@inetgw

MTC–00003823

From: james@becnel.net@inetgw
To: Microsoft ATR
Date: 12/10/01 8:53am
Subject: Microsoft Settlement

Try to buy a computer today. Think you can find one that's not got Windows on it? Try telling Dell you don't need an operating system on the computer, that you will install one of your choice. The salesman will have none of that. The only way to get the freedom of choosing my own OS is buying a much more expensive model. This is a form of economic discrimination, IMHO. And anyway, I already own a copy of Windows 98. Why should I be required to buy another copy when I already own a copy of Windows? I am being charged $200 for a OEM version of XP. I think this should be apart of the settlement as well. If I don't want their OS or their custom software, I shouldn't have to pay for it. The computer comes with other applications that I have no choice but to purchase. Most of these other applications are also MS products. Why do I have to pay for a copy of MS Office, when I would use Star Office?

That's like buying a TV and being told I am required to purchase a cable hookup, right on the spot with their pre-agreed upon cable provider. I have no choice, other than not buying the TV.

James Becnel

MTC–00003824

From: Jeff Shelly
To: Microsoft ATR
Date: 12/10/01 9:01am
Subject: Microsoft Settlement

I would like to voice my opinion that the proposed Microsoft settlement will do little to effect, in a positive manner, Microsoft's behavior. While breakup of the company may not be the best solution, neither would it appear that a solution at the extreme opposite end of the spectrum provide the best remedy either. I would urge you to persue options that leave Microsoft largely intact but not unscathed. The ability for Microsoft to use it's current embrace/extend/destroy strategy should be limited. I would suggest that Microsoft be required to fairly take part in the commonly accepted standards practices that are used by the computer industry. If Microsoft were not allowed to accept standards piecemeal there would be greater interoperablity in products which would allow users to pick and chose products that provide the best fit for their needs. As it is currently, Microsoft does not allow other products to compete on a level field, reducing consumer choice.

Jeff Shelly
TouchNet Information Systems
15520 College Boulevard
Lenexa, KS 66219
jshelly@touchnet.com
913–599–6699
913–599–5588 (FAX)

MTC–00003825

From: Fridy, Joseph M.
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/10/01 9:08am
Subject: Microsoft Settlement

Hello,

I have made my living writing software for the last 20 years. I would like to comment on the Microsoft settlement.

The success or failure of the settlement will entirely rest on its success in opening access to Microsoft's file formats and protocols. These formats and protocols, which due to Microsoft's prominence have become ubiquitous, need to be accessible to anyone who wants to write to them. Not just Microsoft's supposed market rivals, but also non-profits (e.g. apache.org, perl.com, samba.org and the FSF), and indeed every crazed coder that has a good idea. By its monopolistic position, Microsoft has established its file formats and protocols as infrastructure. Computer network infrastructure *must* present open interfaces, to allow people to write new capabilities that fit into old infrastructures. For the duration of the consent agreement, public specifications of the current, formats of .doc, .ppt, .xls .etc files should be regularly published, along with the complete details on the current version of SMB, and indeed what is planned for the next version of SMB, .doc files, etc.

If this is done, I don't care if a single line of Microsoft code is revealed. The needs of those who want to actually innovate (as opposed to those who want to control innovation for the sole purpose of increasing their profits) will have been served. If this is not done, then all will have been for naught. Microsoft will continue to leverage their position as a de facto supplier of infrastructure to distort the software economy in their favor.

Thank you,
Joseph M. Fridy
137 School Road
Pittsburgh, PA 15239
CC:Zidian John L.,Lippert Kenneth B.,Vemuri K. Rao,Ha...

MTC–00003826

From: jerry
To: Microsoft ATR
Date: 12/10/01 9:12am
Subject: Microsoft Settlement

Dear Judge Kollar-Kotelly,

I am a consumer and have been harmed directly by Microsoft's illegal business practices. My hope that Microsoft will be prevented from continuing to flaunt the laws of this nation has been severely diminished due to the recent shift in the position of the Department of Justice, as seen in the proposed settlement. Some facts seem to have eluded the present U. S. vs. Microsoft representatives for the Department of Justice. First, Microsoft has been found to be a monopoly, both by the original judge, and unanimously by the appellate court. Second, Microsoft has been found to have illegally manipulated its monopoly position through anticompetitive business practices. In short, the DOJ case was successful, and in simple language, Microsoft lost. The proposed settlement seems to set aside these basic facts by handing Microsoft not a punitive outcome, but a ''warning ticket''.

Some of us among the U. S. citizenry expect those who break the law and defy the authority of the judicial system to be punished. We expect the Department of Justice to live up to its title, and those who sit in judgement to fulfill the charge to treat violators of the public trust, as defined by legislation duly enacted and upheld by the courts, as such.

Letting Microsoft off with little more than a token judgement, with no other anticipated penalties than the mere extension of the warning for an additional two years makes a mockery of the effort and expense of the prosecution, to say nothing of respect for the rule of law.

Microsoft has blatently defied the prior consent decree, and will do so again. Microsoft has willfully submitted false evidence, changed its story to suit itself, and obfuscated common sense, not only in marketing slogans, but under oath during judicial proceedings.

The only way to compel Microsoft to cease taking illegal advantage of its monopoly position is to end the monopoly. Microsoft is not above the law. This nation is not founded on special treatment and double standards. The buck stops at the judicial level, for that is the only branch of government that can be considered remotely immune from the influence of political machinations. It seems that the only possibility of changing the direction of this case is in your hands. Consider the law, consider the precedents and findings, but most of all consider the nature of the monopolist, and its unrepenting tendency to disregard all ethical responsibilities. Finally, consider what measures will be neccesary for successful enforcement.

Thank you for your consideration,
Gerald E. Spicklemire
1402 Wolf Circle
Indianap[olis IN 46229
(317) 894–8840
CC:jerry@spicklemire.com@inetgw

MTC–00003827

From: John H. Spicer
To: Microsoft ATR
Date: 12/10/01 9:11am
Subject: Microsoft Settlement

I believe the Microsoft settlement is not sufficient for it fails to take meaningful action to eliminate Microsoft's monopoly in operating systems and application software.

Microsoft uses its dominance in applications to retain its monopoly in operating systems. A competing operating system must overcome the limitation that programs like Microsoft Office are not available. Either Microsoft should be required to make their software available on other operating systems, or they should be required to license the software to vendors that will make it available on other operating systems.

Until there is competition in both operating systems and applications, Microsoft should be considered a monopoly and should be excluded from entering new markets (e.g., they should not be able to produce products like the X-box) just as AT&T was prohibited from entering other markets until they divested parts of their business.

MTC–00003828

From:
Nathaniel.Wharton@chase.com@inetgw
To: Microsoft ATR
Date: 12/10/01 9:11am
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Hello,

I've read this Robert X. Cringely's article on the Microsoft case: http://www.pbs.org/cringely/pulpit/pulpit20011206.html And agree with his views. Just wanted to add my support.

Sincerely,
Nat Wharton
New York City

MTC–00003829

From: Jason Mott
To: Microsoft ATR
Date: 12/10/01 9:08am
Subject: Microsoft Settlement.

I want to express my discontent with the currently proposed solution to Microsoft's conviction.

If one company owns an entire industry, that industry can't help but suffer at the hands of restricted growth. The independent spirit of the individual would-be entrepreneur is what plants the seed of

innovation—not a huge company that wants to control everything. Microsoft is a convicted monopolists, my industry will suffer if they are not stopped. Since the conviction is final, the punishment must stop them in their tracks, or our industry will never allow an aspiring inventor to make a difference unless Microsoft owns that difference.

Please open up the door for all Americans to compete in this industry, or we'll take our ideas to other countries—and they might be able to produce more innovative products than America because their people are free to do so without Microsoft's permission.

Fair competition is the American way. Microsoft does not respect fair competition. Things will get much worse if they are not stopped by an outside force.

One quick anecdote. Watch the movie Tucker. It's about a guy who wanted start his own Auto company, and what some very powerfull Auto companies did to stop him. Even *he* ended up in court on trumped up charges. In his closing argument he makes a claim that if the big car companies are allowed to do this, we'll all be buying Japanease cars someday. Everyone laughed, as this was during the World War II era. Nobody is laughing now, and many of us are buying Japanease cars (including myself).

Give America a chance to stay competitive in the Tech industry.

For my final word, I'd like to express my complete agreement with Robert X. Cringely's article on the subject: http://www.pbs.org/cringely/pulpit/pulpit20011206.html

J. Jason Mott, Applications Developer

MTC–00003830

From: Jena Benecke
To: Microsoft ATR
Date: 12/10/01 9:14am
Subject: Microsoft Settlement.

Dear Sirs,

I would like to express my views regarding the Microsoft settlement case. I read an article about this case at http://www.pbs.org/cringely/pulpit/pulpit20011206.html where Microsoft's remedies were commented in detail. My opinion is that if Microsoft were allowed to carry on business under these obligations, it would receive a perfect opportunity to kill of, or rather slowly strangle, its single most important competitor. I think this competitor is vital to the continuity of the Internet and IT industry, and I would like you to reconsider the obligations for Microsoft to continue business.

This might be a little lengthy, but I have taken a lot of time writing this (over 2 hours) and I would appreciate if you read it entirely.

Thank you in advance!

The settlement imposes some actions on Microsoft that it needs to disclose APIs, programming information and source code to competing *companies*— but it leaves the definition of what a company *is* to Microsoft itself.

With this requirement, Microsoft can effectively refuse information about their systems (perhaps even what is now published to everybody) to all entities that are NOT a company, e.g. projects that are driven by hobbyists and only supported and distributed (partly) by companies.

I am talking primarily about Open Source software projects. This settlement endangers Open Source software. And most people, frankly, have no idea how dependant they are on it—which is a good thing.

1) Why is Open Source software important?

Ordinarily, in the business world Microsoft would use standard commercial tactics to kill or crush a promising (read: dangerous) upstart company. They would sue over some non-issue and make them go bankrupt over the court costs, just buy them out or simply change their products so they become incompatible with the rest of the world (again).

Open Source software, of which projects like Apache, Samba, and Linux are the most prominent examples, forces Microsoft to play fair in order to participate. You cannot sue a project whose 10,000s of developers are spread throughout the globe, connected only by e-mail. You cannot buy out a company because these people don't work for a company, they do it in their free time. You cannot just take away their source code and use it yourself because the only licence that allows distribution also FORCES you to publish all your changes, and allow all your customers the same license.

(Microsoft tried, though: In 1998, they silently offered Linus Torvalds $1,000,000 if he were to work for Microsoft (and discontinue/hand over Linux). Linus replied he didn't even own 1% of the source code, and to take over Linux Microsoft would have to create seperate contracts with some 500,000 developers around the globe, each of which contributed some piece of code to the Linux operating system.)

Microsoft's licenses are based on _taking_ _away_ rights: you are not even allowed to install a copy of Windows on a new computer when you discard your old one. Licenses like the GPL are based on _freedom_: You can do everything you want with the software (which you couldn't do under normal copyright), as long as you credit everyone whose work you are basing yours on, and publish your additions or improvements at least as freely as the original was.

CONCLUSION: Open Source software makes companies watch their honesty. If they are honest, and contribute to the people, they can share the giant mind pool that is Open Source, and gain a huge advantage. Open Source makes it hard for businesses to earn money by screwing their customers. This is very important.

2) What does this mean for the Internet?

Open Source, or rather its predecessors, basically created the culture around the Internet as we know it today: UNIX was (and still is) not only an operating system, it is an intellectual culture, where research thrives and which at the same time holds the internet together. It is no wonder that OSS projects like Apache, BIND, Sendmail and so on basically 'own' the Internet—Microsoft's products, like IIS, Windows 2000 etc. (now called 'petri dish software' by some IT experts because of the number of recent virus attacks, security holes and weaknesses) have never managed to get a real hold onto the Internet, simply because they lack the culture, not to mention they are technically inferior.

Open Source keeps the Internet the place it was: an open environment, inviting everybody to participate, and allowing everybody to integrate their services (whether professional, commercial, or hobby) into the 'net.

The alternative is what Microsoft is trying to push: a closed, commercial environment, where Microsoft's services decide whether you get access to ANYTHING [see Hotmail, Passport, etc], where Microsoft's products kill compatbility, extending open standards with proprietary extensions [Kerberos, HTTP,...] so that competitors' products fail, and where in order to be 'compatible' you have to use those standards that Microsoft forces into the market—no matter if they are an improvement or more like a 'Verschlimmbesserung'.

I think the Internet is far too valuable a resource to be restricted and perhaps destroyed by commerce, and—who knows—maybe the next generation's Einstein is right now setting up his first Geocities home page? Isn't the heap of crap that you CAN find on the 'net nowadays WORTH the occasional super genius project?

CONCLUSION: Open Source software provides an environment where EVERYBODY can partitipate, not just those with a big purse, or the right business connections.

3) Open Source _drastically_ lowers the cost of entry for new companies This has been elaborated in an article on the Web, I've commented it a little and emphasized the important points (note for the article: wording is the original authors, emphasis is mine). Please have a look at http://slash.jensbenecke.de/article.php3?story_id=45 for more information. Cost reduction is also very important, for just about every industry.

I sincerely hope that Microsoft will continue to be allowed to do fair and only fair business and create quality products without artificial restraints, but I expect the government to actively regulate MS's influence on the rest of the world. This might be a little sarcastic, but if Microsoft is allowed to continue to extend their strangle hold on the industry like it did in the past, we might be much nearer a scenario like this http://www.jensbenecke.de/ms/ms-guidance-software.jpg or this http://www.jensbenecke.de/ms/ms-wd2k.png than we think.

Thank you for your kind attention.

Jens Benecke
Leiter Technik/Administration
hitchhikers.de
http://www.hitchhikers.de—Europas Mitfahrzentrale

MTC–00003831

From: Unixservice Support
To: Microsoft ATR
Date: 12/10/01 9:22am
Subject: Microsoft Settlement

Dear DOJ:

Please don't let Microsoft destroy their only real competitor: LINUX and open source software.

Make sure that Apache, Sendmail, Perl, Linux and GNU are all recognized as ''businesses.''

Please support the rights of U.S. citizens to innovate.

Thank you,
Gary Wallis
Unixservice Support Staff

MTC–00003832

From: Hihn Jason
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/10/01 9:23am
Subject: Microsoft Settlement.

After reviewing documents on this matter, I am concerned about the lack of impact the settlement would have on non-commercial software.

Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business,...''

Should be modified by replacing ''business'' with ''organization.'' Furthermore it is unconscionable that Microsoft be able to pick it's competition.

Microsoft's biggest competitors are now ''open-source'' projects. Linux competes with them more than any other OS and is next to windows in volume growth. Apache still runs ½ the internet and IIS runs the other half.

OpenOffice, StarOffice, KOffice compete with Microsoft Office and all three are open-source (But StarOffice is run by Sun.) Allowing Microsoft to exclude its biggest competitor, the open-source movement, makes this antitrust arrangement completely worthless.

Personally, I think Microsoft should be barred from creating software and the operating system for that software. I think Microsoft should be made to use BSD or Linux. If Microsoft really is behind standards & compliance, then one of these two would be a great choice. It would enable Microsoft to ship applications for many more machines than they currently support (×86 architecture only.) By using one of these two (but taking note that Linux works on many kinds of CPU architectures (ARM, PowerPC, MIPS, x86, H8, SPARC, etc)) they would be able to have a much larger market, but they also would be stripped of any kind of OS/Application integration (aka. ''monopoly'') practices. It is also my understanding that Microsoft makes very little money on the OS (or at least up until this year when they re-structured their licensing.) I think this arrangement would be a win for all.

Please change the aforementioned section so that Microsoft cannot discriminate against it's biggest competition ever—open-source.

MTC–00003833

From: hubner
To: Microsoft ATR
Date: 12/10/01 9:29am
Subject: Spreading a criminalistic companies software is wrong.

Dear Sirs,

Please do not allow a company we are supposed to stop from being a Monopoly from spreading its Monopolistic Software as Punishment.

THAT IS LUDICROUS> THAT IS CRAZY This company is thumbing its nose at our Justice System. You are empowered to STOP this from happening.

Bill Hubner
Linux User
Office Manager

MTC–00003834

From: Jeff Moore
To: Microsoft ATR
Date: 12/10/01 9:34am
Subject: Microsoft Settlement

The proposed Microsoft settlement does not sufficiently punish the company for their guilt. There is little or no incremental cost for a software company to give away their own software, especially when that software is given into a market in which their monopoly is the weakest.

The settlement should not involve ANY free products.

MTC–00003835

From: Joe Kaufman
To: Microsoft ATR
Date: 12/10/01 9:38am
Subject: Microsoft Settlement

To Whom It May Concern:

I would just like to make a public comment regarding the settlement currently being considered in the Microsoft anti-trust case.

Specifically, I have strong sentiment against some language of the settlement regarding the latitude with which Microsoft will be able to interact with business partners. Section III(J)(2) contains some very strong language against not-for-profits. The language of the this section says that it [Microsoft] need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...''

Knowing how Microsoft has taken advantage of legalese in the past, I have no doubt that Microsoft could use this part of the settlement to treat Open Source software groups as veritable non-entities, locking them out of interacting with Microsoft's desktop monopoly. This would include groups which provide very prevalent software such as the Apache web server, the Perl programming language, and the Sendmail mail application. These items provide the backbone of the Internet as we know it, and also provide a very real, usable alternative to Microsoft's monopoly.

I strongly urge that the settlement not be allowed to pass in its current state. Vague language will allow Microsoft to morph the settlement into a tool for their own devices as they have done with past settlements. Let us not forget that Microsoft is guilty of misusing its monopoly power. Passing a settlement that might actually serve to further Microsoft's monopolistic behavior does not make very much sense.

Sincerely,
Joseph L. Kaufman
sutekh@dwx.com

MTC–00003836

From: shannonpetry@netscape.net@inetgw
To: Microsoft ATR
Date: 12/10/01 9:40am
Subject: Sir/Madam,

Sir/Madam,

It is a sad day when the money grubbing software giant Microsoft can tell the world on television how the government is mistreating them! Here we are, the Americal public, forced to pay for Microsofts operating system with every PC purchased from any respectable vendor. This is even if we use opensource products like Linux, and discard the Microsoft products.

I am sure that Microsoft is happy with the settlement, because it does not punish them at all. The just punishment would to remove the monopoly, which can only be done by spliting up the company as originally proposed.

Microsoft ensures it's monopoly by not porting it popular applications, like Word, Excel, and other office products to any operating system other than Microsoft Windows. Businesses understand this, and therfore can not change operating systems to Linux, Solaris, or the like for the simple fact that their data would be useless to them. Forcing the Microsofts applications to run on operating systems like Solaris, HP-UX, Linux, and others would remove the dependancy Microsoft has forced on all consumers.

I sincerely hope that the US Department of Justice will not bend to Microsoft's slanderous advertisements. I sincerely pray that the US Department of Justice will break the giant into respective pieces and free the Personal Computers of America from the Monopoly.

Sincerely,
Shannon Petry
Systems Engineer

MTC–00003837

From: Christopher Durfy
To: Microsoft ATR
Date: 12/10/01 9:42am
Subject: Microsoft Settlement—UNFAIR!

Hello,

I am contacting you to express my outrage if the terms of the Microsoft Settlement.

By exclusively placing their software in our schools, we are teaching them MICROSOFT.

I find the decision to be more of a long term marketing scheme in FAVOR of Microsoft.

This ''settlement'' actually will strengthen their monopolistic position. Please rethink this settlement out. Do the right thing!

C. Durfy
Cincinnati, OH

MTC–00003838

From:
Nicolas_Turk@learningtree.com@inetgw
To: Microsoft ATR
Date: 12/10/01 9:49am
Subject: Microsoft settlement

A stronger settlement is necessary to break the backs of those greedy bastards.

MTC–00003839

From: John Hermes
To: Microsoft ATR
Date: 12/10/01 9:45am
Subject: Microsoft Settlement

Dear Comments Reviewer,

As a software professional responsible for the IT infrastructure for a small company and several external clients, I can say that I was truly stunned by the DOJ settlement with Microsoft. I want to relate my deep concerns, and how I have been affected by Microsoft's behavior over the last decade.

I have personally experienced the effects of unreasonable burdens caused by Microsoft's policies to not just compete, but instead remove competitors from the marketplace by any means necessary.

For several years as a former user of OS/2, I witnessed how IBM, a legal licensee of the Windows OS, repeatedly accomodated Microsoft's changes to their APIs, only to have new incompatibilities introduced through new features including Win32s and FAT32. Wherever Microsoft had options when designing a new feature, I watched them choose whatever method that most negatively impacted compatibility with rivals. It was so obvious to those of us who develop software for a living. You see, I counted on OS/2 for the ability to develop Windows software in one session, while testing in another. This enhanced my productivity then, because a crashed program on a Windows box required a complete reboot (and lost time and data), but under OS/2, the separate development environment (running Windows tools and compilers) remained stable and available.

Now the company I work for depends on Open Source operating systems for serving our needs. Certainly, we have Windows clients, but up to now the Open Source projects have been able to remain wire-compatible, even as Microsoft tries to corrupt standard protocols like Kerberos and SMB/CIFS.

The language of the proposed settlement disturbs me, because Microsoft has introduced language which completely discounts ''non- business'' entities which perfectly describe Open Source projects and operating systems. Open Source has grown so rapidly in part as a response to Microsoft's offerings, in order to provide an alternative to their products. These alternatives are sorely needed, as highlighted by the high costs and constant security problems in Windows software. I fear this settlement language is deliberate, and will be used to undermine or destroy volunteer efforts to provide needed computer solutions where commercial alternatives are not sufficient or do not exist.

Going forward, Microsoft is applying their dominance to the Internet through their new .NET initiative. If they are successful in chaining free and open network protocols to their propriatary platform, those of us most interested in interoperability and open standards will suffer most. Please reconsider the settlement and remove language hostile to non-business entities. Microsoft is a monoloply. Please don't allow them to continue to act like one.

Very truly yours,

John S. Hermes
Principal Systems Engineer
Infoglobe, Inc
1 Edmund St
Dayton, OH 45404
John Hermes
Systems Engineer
Infoglobe, Inc

MTC–00003840

From: Scott Slack
To: Microsoft ATR
Date: 12/10/01 9:51am
Subject: Microsoft Settlement.

Here is my proposal for a settlment in this case:

Cause all source-code for Microsoft Windows consumer operating systems (including desktop, handheld, and tablet), and Microsoft Office Professional to enter the public domain after 3.5 years.

This would not diminish the ''freedom to innovate'', but would rather encourage innovation. Microsoft would then be required to compete with itself.

I am against any settment that is proposed by Microsoft. They are smart, and would find ways to continue to leverage their illegal monopoly power, inspite of the proposed settlement. In addition, what were the penalties of breaking the previous consent decree? Has there been any restitution for those injured by Microsoft's illegal behavior? By the way, a large fine is nothing to the worlds most powerful software company. Us users end up paying for it, anyway, because...they have a monopoly on desk-top operating systems. And giving away software is equally absurd, because it can be produced at virtually no cost to Microsoft, and it only destroys the market for legitimate legal commercial and non-commercial concerns.

—Scott

MTC–00003841

From: Tim Bithoney
To: Microsoft ATR
Date: 12/10/01 9:53am
Subject: Microsoft Settlement.

I do not like the proposed settlement at all, it gives NO rights to the Open Source community who in fact wrote most of the software that makes up the internet today! Without Open Source we would have never had a web server, a mail server a web browser or CGI!!!

Microsoft has used there tactics long enough to squeeze out the competition... Its a far inferior product but because it got some early footholds in the industry and made sure to keep them by playing dirty and stealing others ideas left and right (read Apple's ideas).

Give them a real punishment. MONEY. Make them fork over $3billion for education and spend it on Macintosh computers. Or maybe some Linux systems, so a young child can see what makes up his OS, and learn about it, extend it and become part of it, while building a SMARTER America!!! And make sure they can no longer do things like require an OEM to not sell a system with any other OS except Windows if they sell Windows too. Yeah MS does this!!! Including Internet Explorer is the LEAST of our worries. Also they should be FORCED to publish information on how there protocols work. Especially since they base them on Open Standards and give no credit or monetary support to the community that maintains and generates those standards.

Tim Bithoney

MTC–00003842

From: Richard Mallamo
To: Microsoft ATR
Date: 12/10/01 9:54am
Subject: MICROSOFT SETTLEMENT

Dear DOJ:

As a Microsoft customer for over 15 years, and as a member of that constituency little mentioned in discussions of the Microsoft Settlement— the computer-using public—let me state in no uncertain terms that the proposed settlement is not a punishment, it's a REWARD!

I will not take up your time with a lengthy discussion of all the points against this settlement (which seems to have been written by Microsoft's lawyers) as I'm sure you will be inundated with detailed analyses by some very learned people. Suffice to say that this so-called remedy does nothing to insure that I, the customer, will over the coming years be able to purchase good, reasonably priced (or even free) alternatives to Microsoft products—or even better Microsoft products. Rather, I will be subject to more insults like the new license activation scheme, with its potential theft of my purchase by Microsoft (as you are doubtless starting to learn).

In its details, the settlement only enhances Microsoft's monopoly. Microsoft is a criminal entity. Indeed, they are a recidivist criminal entity. Criminals are supposed to be punished ... or at least rehabilitated.

Instead, your remedy punished the Linux community, Sun, Apple, and just about every other competitor, while offering numerous opportunities for Microsoft to consolidate even more monopoly power. This is insanity and an insult to the rule of law.

I urge you to do the right thing for the citizens of the United States and re-consider your course of action. Thank you.

Yours,
Richard P. Mallamo

MTC–00003843

From: Mike Odegard
To: Microsoft ATR
Date: 12/10/01 9:56am
Subject: Microsoft Settlement

I have 2 major concerns with the Microsoft Settlement:

1. Software API's should be open to everyone, not just Businesses Microsoft selects. This would allow anyone who needed to communicate to Microsoft software the ability to do so, including government agencies, Businesses that are primarily End Users, and non-profit organizations, who are writing applications to meet their own needs or others that use the applications created. If Microsoft can choose to share this critical API interface information to only those selected, that still gives them Monopoly Power.

2. 3-member committee members: These 3 people that are selected should be people with many years experience in the Technology industry, with experience in a

wide-variety of areas, not just those supported by Microsoft products. They should also be people who will be tough and fair in enforcing the Settlement agreement, when finalized and approved. One possible candidate is Steve Satchell, who's been in the Technology industry for more than 30 years.

MTC–00003844

From: Frank Meyer
To: Microsoft ATR
Date: 12/10/01 9:58am
Subject: Microsoft Settlement.

I am not an American citizen. I hail from Canada. You may feel that I would have no input on such an American struggle as what is gripping the American computing world. You would be mistaken. The Final Judgment against Microsoft would have as large an impact to us in Canada as to you in the US. Many of our computer firms stand on the brink of disaster here in Canada, as many more do in the US. Microsoft has been found guilty of anti-trust and must be made to work fairly. Please find it in your hearts to believe in the coming truths of our new age; if you do not see fit to reduce Microsoft's threat against our livelihoods by placing its operating systems in trustworthy hands, then please reduce the damage it does by forcing it to use open standards. No one can win when only one person defines what it means to work America, just as no one won when Adolf Hitler defined what it meant to work Germany.

Frank Meyer
CS–01 AAFC
mac@dlcwest.com

MTC–00003845

From: Donovan Warren
To: Microsoft ATR
Date: 12/10/01 10:03am
Subject: Microsoft Settlement

I have major problems with the settlement, as designed:

—It does not address the core issue: that Microsoft is a monopoly in the PC Operating System (OS) environment, and is illegally extending that monopoly by integrating applications into the operating system. This MUST BE prevented AT ALL COSTS. For example, Microsoft is currently shipping Windows Media Player as a built-in, embedded application installed as part of the Operating System installation of Windows XP. It is separable from the OS, clearly, because it can be downloaded for other Operating Systems; for example, you can download Windows Media Player for Macintosh, Windows 2000, and Windows ME. This is clear evidence that the application is not a core part of an operating system. By embedding this application into the OS, they are attempting to extend their monopoly on the OS into the streaming media server business. The player is free (as are all competing players; Real.COM and Apple both make competing players, but none of them can read the other's formatted files), and so the streaming media player market is not in danger. By embedding the application into the OS, however, Microsoft is creating demand for its Server application which does not now exist. The Streaming Server software is—not—free, and neither is any competing server software. In the process of embedding the player, Microsoft will artificially create demand for the Server, in an arena that they do not currently have a monopoly in, and in the process of creating demand for the server, will muscle out the current market leader, Real. Windows Media Player is just the current example of this activity. Next, Microsoft will embed desktop video applications into the OS, in an arena where competing products are not free. Some of the competing desktop video applications are not even available for Windows (Apple's iMovie and iDVD applications, for example), and embedding these applications into the OS will serve to increase Microsoft's already monopolistic hold on the OS market by decreasing demand for competing operating systems.

—It does not punish Microsoft for its transgressions in a way that Microsoft will understand. Microsoft has proven, time and time again, that they are incapable of listening to reason, of facing up to their own failings, and of understanding when they have done wrong. Much like a recalcitrant child, sometimes the only viable option is to spank them. What this settlement proposes to do is put Microsoft into a ''timeout'' almost exactly like the ''timeout'' they received in 1995. Didn't they violate that consent decree? Isn't that why we're here? It is blatantly obvious that ''timeout'' doesn't work with Microsoft. The Department of Justice needs to reconsider this approach, and seriously evaluate the spanking method of punishment and lesson-teaching.

—It fails to send a clear message to future monopolies: if you illegally extend your monopoly power by requiring bundled sales, or by bundling your own products in markets where you do not hold monopoly power in order to increase your market share in those markets, you will be punished ... or, not. You might be able to get away with it, or maybe you'll get punished severely. Let's remember why monopolies are bad, in general: companies with monopoly power in a marketplace can create barriers to entry, can artificially inflate or deflate market pricing on a whim, and can eradicate whole companies in markets based solely on their monopoly position. Monopolies can be healthy for a time, as they can create some stability in a marketplace. What it is—never—permissible for a company with a market monopoly to do is to leverage that monopoly power to create marketshare in another market, especially when creating marketshare results in another market monopoly for said company, as it has or is coming close to having done in the Internet Browser space in the immediate case.

For these reasons, the Department of Justice needs to reevaluate why it offered this emasculated remedy, reconsider much more stringent penalties, and offer those more stringent penalties to the court.

MTC–00003846

From: baritone
To: Microsoft ATR
Date: 12/10/01 10:05am
Subject: Microsoft Verdict

Dear Sir or Madam,

I would like to take a moment of your time to voice my extreme displeasoure over the proposed settlement for the Microsoft antitrust case. The proposed solution can only help to expand Microsoft's stranglehold on the market while not solving the original concern over the monopolistic developement practices. Let me explain. First, Microsoft donating software to poor schools is indeed generous, however this is a marketing technique used by Apple for many years. Apple would sell software to schools and educators at a highly reduced cost with the intent to increase market share. The idea employed exposes children to the software in hopes that they will pur chase it for home. That ids the point where this stratagy increases both market share and profitability. Second, while this is very generous of Microsoft it does not provide any provisions for hindering the practice of elimination of competition originally addressed in the suit. Nowhere does it state that Microsoft must make their operating system more open to other software producersor separate the operating system manufacture from the applications manufacture. One must ask themselves whether this ''settlement'' punishes or benefits Microsoft. No changes or judgements are passed that change the nature of the original issue. Concurrently Microsoft will gain access to a market, namely the education market, that they have never been able to fully access. This would seem to advance the stranglehold and monopolistic tendencies while risking other companies namely Apple computing.

Sincerely,
Andrew Roughgarden

MTC–00003847

From: parker@narnia.otr.usm.edu@inetgw
To: Microsoft ATR
Date: 12/10/01 11:29am
Subject: are you kidding me?

By allowing Microsoft to extend their monopoly even further by training the children in schools (government subsidized training!) to use Microsoft software is wrong! Their should be another operating system or at the least non-Microsoft applications on the machines placed in schools, if indeed that route is to be taken. The courts have decided that Microsoft is indeed a monopoly and some measure of 'real' punitive damage should be administered against the company. A breakup may be too harsh but to allow them to benefit from their wrong doing is doing us, the American People, a great disservice and a horrible injustice. A hope you will do your job and represent us the people instead of them the special interest.

William Parker
United States Citizen

MTC–00003848

From: Batchellor, Gary
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/10/01 10:21am
Subject: Microsoft Settlement

As an IT professional I have watched with keen interest the proceedings against Microsoft. And in the end I am disappointed that from everything I have seen the remedies proposed fall far short of punishing Microsoft or even offering a remedy. As far as I can tell the remedy lightly slaps Microsoft on the wrist and in certain instances reinforces their

ability to shut others out of the market. Specifically Microsoft can ignore any of the non-profit or share ware or free ware or open source vendors and their industry. Linux can become a viable alternative to Microsoft but under the proposed settlement Microsoft can strengthen their grip on the pc market. Please look very strongly at the remedies being proposed in the light of how Microsoft will deal with others in all industries. This is but one example out of many I see. There needs to be a lot more remedy for the industry in the settlement, all industries.

Gary L. Batchellor
Pulse Systems
316 636 5900

MTC–00003849

From: Lew Perin
To: Microsoft ATR
Date: 12/10/01 10:29am
Subject: Microsoft Settlement

I understand that the proposed Microsoft antitrust settlement extends no rights over documentation, APIs and communication protocols to nonprofit competitors of Microsoft.

This is a serious flaw and it affects the software development work I do for my employer, Cornell Medical College. We depend on, among other nonprofit software packages, the Apache web server, which is maintained and developed by the nonprofit Apache Foundation and which Microsoft is trying to conquer with its IIS product. If the Apache foundation is unable to have accurate knowledge of how to interoperate with Microsoft software the Apache web server will become useless to my employer.

I mention Apache only as a particularly clear example; there are others I could cite. The point here is that ignoring the nonprofit competitors of Microsoft puts the ultimate users of software at a disadvantage. Surely you understand that it is the consumers who are the main party antitrust law is designed to protect.

Yours,
Lew Perin

MTC–00003850

From: Chris Zubrzycki
To: Microsoft ATR
Date: 12/10/01 10:30am
Subject: Microsoft Settlement

The proposed Microsoft settlement, in my opinion as a consumer and voting american, stinks. I use many platforms, being a student at Drexel University, and Windows is the worst. It is buggy, slow, and near impossible to keep from crashing. The only way Microsoft is able to make products such as this is because the public sees them as the only option because it runs on Intel hardware. In their settlement Microsoft is saying ''Ok, Ok, we were bad. Just give us access to schools where we can install our software and brainwash the school children with our products. We normally charge $850 million for it, even though it costs us $1 million actually, but it is worth $850 million, really..it is....''

Ok. do you use windows? how often does your computer crash? twice a day? Guess what? Mine do not. At all. I run Mac OS X and linux. Please don't let Microsoft get away with this.

Chris Zubrzycki

MTC–00003851

From: Lois Quick
To: Microsoft ATR
Date: 12/10/01 10:35am
Subject: Microsoft

Make MS use the custom install on their software—especially the OS. I don't need IE, Outlook, etc as I am not using MS software. I don't mind paying for the parts that are included, but I damn sure don't want to install what I don't need. I really resent having MS trying to get me to use my computer their way! (I run Adobe, Corel and Opera)—All those programs let me custom install.

Weezyrider

MTC–00003852

From: first last
To: Microsoft ATR
Date: 12/10/01 10:35am
Subject: Microsoft Settlement

I'm not at all satisfied with the Microsoft settlement. It is so terrible that it makes me feel that my government is corrupt.

The idea of allowing them to send their software to schools as ''punishment'' is a joke. Everybody knows that will only help them with their market penetration.

Furter, it does nothing to prevent them from continuing to use their OS monopoly to gain success in other markets.

I voted for Bush. I will not do it again if this goes through.

MTC–00003853

From: coffey@ex-hub.cne.celestica.com@inetgw
To: Microsoft ATR
Date: 12/10/01 10:37am
Subject: Microsoft Deal

To whom it may concern

The deal that has been brokered FOR Microsoft expands its monopoly now into the schools. This does not put competition back into the marketplace but does add more money to the already over flowing coffers of Microsoft.

I agree with the deal being proposed where Microsoft should have to open it's source code to companies it has hindered. It should be force to develope their windows products to run on ALL platforms. It should be forced not repay the consumers for gouging with the outrageous prices it had demanded for it software. It should be forced to provide a stripped down version for XP. It should be band from supplying IE for 3 years from all XP desktops.

Put competition back into the OS market and allow people think for themselve and make decisions to buy what they wnat not what Microsoft think everyone wants. The general public doesn't even know what alternatives are available because there is NO COMPITION with Microsoft.

Presently you can purchase a PC on the open market with anything but XP loaded on it. I want to see Linux systems available to an open market. I don't want to have to purchase a PC to format the drive and re-install Linus on it. I am being force fed a product I neither want nor that I like.

Maggie Coffey

MTC–00003854

From: Fred A. Miller
To: Microsoft ATR
Date: 12/10/01 11:33am
Subject: MickySoft settlement.

You people have ''blown it!'' The people want to know EXACTLY why you have backed away from a conviction, reaffirmed by a higher court, not to mention public opinion!! What you have done makes President Bush look BAD, the Administration look BAD, and the DOJ looks very bad!! Now you're in a position where the industry has to take measures of it's own to FORCE proper compensation and SEVERE restrictions on Microsoft via the courts and an investigation on ''the Hill.''

Fred A. Miller
Systems Administrator
Cornell Univ. Press Services
fm@cupserv.org

MTC–00003855

From: Deniz Franck
To: Microsoft ATR
Date: 12/10/01 10:37am
Subject: Say no to microsoft—let them pay for the hardware!!!

Dear Sir/Madam:

I am not one to speak up publicly, but this is the time to be heard. I have been a software professional working in this business for over 13 years (here are my qualifications: http://www.geeksources.com/deniz_franck). I can say that I am not a pro-Microsoft, however, I do have an appreciation for their business savvy. Their technical savvy leaves a lot to be desired, but that is not what is important in the business world, as we all know, from numerous business studies and cases.

In any event, what Microsoft is proposing is a brilliant business maneuver. In no means will it help to settle the case, in fact, it will assist them with pushing Apple out of the education market. A wolf in sheeps clothing is the best description I can think of. Please, do not let them do this. My daughter is in elementary school, and most of the computers in her school are Apple computers. I am not one who programs regularly on a Apple computers, but the children enjoy working on them. The most interesting note is that my daughter is unaware of the differences between the Apple at school, and the mixture of MSWindows98 and Redhat Linux running at home. So here is my point: let Apple, Redhat, (or any linux/unix vendor), provide the operating systems and tools for free for the schools. This is advantageous in 2 respects:

1. Many more PC's can be provided to schools

2. If a child wants to pursue programming as a career, having exposure to many operating systems (especially unix/apple), can lead to them making more $$ in their careers. Exposure to just MS will lead to a future of only MS programmers, which would be unfortunate, and would pigeon-hole many of them to a smaller segment of jobs available.

Let Microsoft provide the funds for the hardware, but not the software. This is the one area in which they have attempted to stay out of, in terms of competition. Since the

lawsuit is directly associated with their ill practices in competition, let them ''sit this one out''. Make them pay for the hardware, not the software, and let the rest of the industry have the chance to donate the software for free. I am willing to bet there will be a stampede of those willing to help. True justice will have been served.

Deniz Franck

MTC–00003856

From: glolro1@charon.npc.net@inetgw
To: Microsoft ATR
Date: 12/10/01 10:40am
Subject: Microsoft Settlement

Renata B. Hesse,

Open-source organizations should be granted the same protections that commercial organizations are granted in the settlement. Open-source software provides great benefits to the software industry. It is a sensible alternative to the never-ending upgrade ''treadmill'' that many software companies force upon their customers. Apache, the web server software used by twice as many web-sites as Microsoft IIS, is open-source software.

Even though Apache is twice as common on the internet, it doesn't have anywhere close to the number of security problems that IIS has. Problems such as the Nimbda, and similar worms. Apache is simply better!

Microsoft perceives this as a threat. Current language specifying that only commercial concerns are eligible for API information will no doubt be used by Microsoft to shut out open-source developers from the vital API information that they need. This would have the unintended effect of enhancing Microsoft's monopoly power.

API disclosure needs to be public with no strings attached. A ''Microsoft API'' web site would fit this need with minimal staffing/administration required on Microsoft's part.

Thank you for your consideration.

—Robert Glover, Software Developer
2716 Hampton Ct.
Jeffersonville, IN 47130
eMail:
rglover@npc.net
rtglover@home.com

MTC–00003857

From: Doug Kartio
To: Microsoft ATR
Date: 12/10/01 10:41am
Subject: Microsoft Settlement

DOJ?

After looking into the proposed settlement papers from Microsoft. I have to voice my option that you do not settle with the proposed agreement. Microsoft is not being punished what so ever, and they will most likely be stronger then before.

Microsoft has destroyed almost every for-profit business in the computer industry, it main source of competition these days comes from not-for-profit organizations, such as Apache, SAMBA, and Linux organizations. These companies that support this technology are totally excluded from getting any documentation, APIs, and source from Microsoft, the way the settlement is written.

Also, Microsoft has made hundreds of billions of dollars by ripping off, legal threaten and good-old-fashion steamrolling of other software and hardware companies. Financially, this case has done nothing to make Microsoft think about changing their ways.

They have falsified evidence, their executives have lied under oath, and they have been found guilty of the monopolistic behavior, and you and letting them get away with it. If this case finishes this way you will not have upheld the law or belief that the Judicial branch of the United States can protect its citizens.

Sincerely
Doug Kartio

MTC–00003858

From: Roger Sarrasin
To: Microsoft ATR
Date: 12/10/01 10:42am
Subject: Settlement opinion

''settlement forces Microsoft to donate software, hardware, and services to America's poorest schools. Red Hat responded to the proposed settlement, pointing out that the settlement could simply introduce Microsoft to a market where they could further extend their monopoly.''

My opinion is simple: Open Source Software is the answer for any school.

Linux is the solution for all schools.

Microsoft is OK for business world only.

Roger Sarazin
Network Trainer
MCSE, MCP2000, CCNA, A+, Network+

MTC–00003859

From: Bradford Behr
To: Microsoft ATR
Date: 12/10/01 10:44am
Subject: Microsoft Settlement

The terms of the proposed Microsoft settlement are ludicrous. The actual cost to Microsoft of the donated software is a small fraction of the claimed market price, so the penalty to them is minimal. Furthermore, they get new inroads into the education market. How is this supposed to dissuade them from future misbehavior?

I think it'd be great for the nation's poorest schools to benefit from the settlement. Let's be sure, though, that the primary aim of the settlement—punishment and prevention—is met. I'm sure you folks can come up with something that will achieve both ends.

Sincerely,
Bradford Behr
Austin TX

MTC–00003860

From: Cain, Michael E.
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/10/01 10:45am
Subject: Microsoft Settlement

Dear Sirs:

The message criticizes one particular aspect of the proposed settlement of the current Microsoft antitrust case. The trial court found that mingling of application and operating system code was an illegal act. This finding was upheld by the appeals court. I believe that any settlement must address this issue. Merely disabling the user interface of an application is not adequate, as enabling the interface is a trivial exercise compared to downloading and installing a complete application. Microsoft should be required to compete on the same basis as other application vendors, hence Microsoft applications should be required to be completely removable. The settlement should establish a date by which all operating system versions shipped by Microsoft must comply with this requirement.

Michael Cain
6925 Independence Street
Arvada, CO 80004

MTC–00003861

From: Peter Lawrence
To: Microsoft ATR
Date: 12/10/01 10:45am
Subject: Microsoft Settlement

I believe that the proposed DoJ/Microsoft settlement is grossly inadequate. It is an insult to the DoJ that it make such excellent progress in showing the blatant anti-trust tendancies of Microsoft in court, only to capitulate to Microsoft's interests in this shamble of a settlement.

Priorities should have included:

*legitimacy of non-commercial, ''open-source'' efforts, not just those meeting ''reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...''

*full documentation of API's to allow 3rd parties to develop Windows-compatible software and prevent Microsoft from using undocumented API calls and other hooks to make Windows, IE, Office, Outlook, etc. inseparable

The ''nine states'' counter-proposal shows far greater initiative to achieving these goals and others, WITHOUT compromising Microsoft's or others' ability to pursue business in the marketplace. In the interests of consumers, the DoJ ought to take the ''nine states'' proposed solution very seriously.

Peter H. Lawrence, Research Engineer
Information Technology & Telecommunications Laboratory
Georgia Tech Research Institute
Georgia Center for Advanced Telecommunications Technology
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Phone: (404) 894–6847 Fax: (404) 894–6634
Email: peter.lawrence@gtri.gatech.edu

MTC–00003862

From: Nicholas Del Medico
To: Microsoft ATR
Date: 12/10/01 10:43am
Subject: Microsoft Settlement

To whom it may concern,

I am writing to comment on the Microsoft settlement. I am extremely bothered by the actions the U.S. Government and, specifically, the Department of Justice prioritizes. Protection of U.S. citizens seems to fall very low on that list. I myself am a software developer. There have also been many occasions when I was disappointed or unhappy with Microsoft's products. Do you know what I did? I used one of their competitors products. A right every citizen in this country has and may exercise at any moment. Most consumers decide not to for many reasons. Microsoft products tend to be easier to use, easier to setup and less expensive. Consumers are not buying Microsoft products because they are forced

to. They are buying Microsoft for a variety of reasons specific to each individual consumer. Reasons that are so varying that no matter how much central planning a government does, it could never match the success of a COMPLETELY free market. In a completely free market, only good monopolies exist. A monopoly that provides an inferior service and charges customers more than the service is worth can only exist with government protections (i.e.; the US Post Office). Since a consumer won't voluntarily pay more than they feel a good or service is worth, a free market automatically destroys ''bad'' monopolies. On the other hand, when businesses that constantly improve their goods and services while at the same time lowering their prices (ie; Microsoft) ''corner the market'', it shows that the company must be suiting the needs of its customers. The Sherman Act is anti-american as is anyone that supports it. I urge you to stop wasting our money. Not only on prosecuting consumer friendly businesses but on every victimless crime the DOJ feels takes priority over the protection of US citizens lives. After all, your reasoning for wasting OUR money is, supposedly, for OUR best interests.

Thank You,
Nick DelMedico
CC:Nicholas Del Medico

MTC–00003863

From: Mike Nelson
To: Microsoft ATR
Date: 12/10/01 10:50am
Subject: Legal Submission by interested party (a consumer)

To Whom It May Concern,

I have to admit, when I heard of the deal that the DOJ made with Microsoft, I had to hang my head in shame.

In a country that we depend on the government governed by the people, we the people were sold out to big business. I know this was a political decision, as our present President of the Country ran on the platform of being pro business. But one thing the people had to rely on in the past is the Justice Department keeping politicians in line with protecting the people of the United States from illegal business practices. You people wonder why America doesn't trust their government, this last DEAL you made with Microsoft just adds to the long list of reasons why we don't trust our government.

I am just a average person, I follow the laws in this country, and taught my children to follow the laws, and even taught them how to fight the laws within the system architecture to change unfair laws. But when they ask me now how to change the law within the boundaries of the law or fight an unfair law, how can I tell them when I can not tell them that our government is not looking out to protect the people? Microsoft has been found guilty in both the courts and appeal process on monopoly charges and practices.

Yet, your solution is to tell them fine, we will make a deal and you can continue your practice as if you did nothing, and you can continue to do these practices. I am amazed that you all can sleep at night. I know I would have problems.

All the consumer wants is choice. All we want is if laws are broken, then adequate punishment is applied so that those laws will be too costly to break again. Thank goodness that our State Attorney General is behind the idea of protecting the people that you were hired to do. The Federal Attorney's solution would actually spread the monopoly of microsoft into the schools and will reduce the competition so they can expand their monopoly practices. The time limits suggested is way to short. They should not be able to engage in any monopolistic practices for at least ten (10) years. In the past, I have put Netscape on my machines, and windows crashed, simply because Internet Explorer code was set up to not allow other competitive programs to share the same machine. If Microsoft wants to integrate their products into their platform, then they should provide in addition a platform that is basic and allows manufactures and people to add their own choices of programs. Any other solution is considered monopolistic.

In other words, I can buy a car with a radio, air conditioning, power brakes, etc. I do not have to buy one brand, even after the car is paid for. A standard is set that all of the electronic and hardware is interchangeable to the choice of the consumer, not the manufactures. A Ford or Chevy will take a third party radio for example if I want to change it, is my point.

I know this will never reach the judge, but at least I put in the consumers point of view.

Michael D. Nelson
2448 Rebecca Rd.
Manhattan, KS 66502
785 587–0664
CC:GENERAL@ksag.org@inetgw

MTC–00003864

From: SodaPop
To: Microsoft ATR
Date: 12/10/01 11:50am
Subject: Microsoft Settlement

I work with open source code all the time, and it disturbs me that the proposed remedy against Microsoft does not include provisions to allow the open source community access to the same interfaces as Microsofts competitors. Under the current wording, only entities that fall under the classical definition of business will benefit from this settlement. It is my recommendation that the remedy be expanded to include providing interoperability information to open source projects.

The software landscape and business rules have changed greatly in the last few years. An increasingly large number of services run and are supported by open source—everything from the internet DNS system, to the mailer I am using to send this letter. A great deal of time and effort has also gone into reverse engineering Microsoft protocols and standards in an attempt to interoperate with Microsoft products. Microsofts greatest competitor is no longer other businesses, but the open source movement. With the settlement as it currently stands, Microsoft can continue to impede the progress of open source. It is my opinion that this not be allowed to happen.

Thank you for your time,
Dennis Towne

MTC–00003865

From: apfister@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 12/10/01 10:53am
Subject: Microsoft Settlement

I've been a software developer for 14 years and have watched the rise of the Microsoft empire. I'd like to comment on the proposed settlement.

From the accounts I've read the settlement does not do enough to stop Microsoft from using their monopoly power to continue to grow in influence in the industry. Forcing them to publish API's to their OS does nothing but encourage more developers to write to their platform. That makes no sense at all if we are trying to encourage competition in the OS arena.

The two things Microsoft should be forced to do:

—publish their file formats (like Word, Excel)
—publish their network protocols (like SAMBA)

These two actions will encourage other operating systems to compete in the very area that Microsoft dominates.

Thank you.
Adrian Pfisterer.
1536 E. 1700 S.
Salt Lake City, UT 84105
apfister@pfamily.org

MTC–00003866

From: Scot Snyder
To: Microsoft ATR
Date: 12/10/01 11:05am
Subject: Microsoft Settlement.

To whom it may concern:

I am very upset concerning the proposed settlement between the Department of Justice and Microsoft. The specific area in which I am concerned about is the settlement's verbiage which gives Microsoft the ability, through legal channels, to stop a distribution of a software package. For discussion purposes I will cite the ''SAMBA'' software package, but please know that there are several other packages which may fall into this category.

The SAMBA software package is an open source (meaning that the source code of the software is open to scrutiny by any user) and free software package that allows Unix, Linux, and other non-Windows computers to interface with Microsoft Windows computers. Please understand that I am using ''Unix'' to cover several vendor specific operating systems such as IBM's AIX, SGI's Irix, Sun Microsystems' Solaris, as well as several free and open source operating systems: namely OpenBSD Unix and FreeBSD Unix. There are several smaller unices that are in use as well that I do not mention.

While on the surface, the settlement's verbiage giving Microsoft the ability to stop these distributions from being published may seem like a good business idea, it is most definitely not a good idea to businesses that do not utilize a homogeneous Microsoft based network. Examine all those institutions that use a Linux or Unix server and Microsoft Windows desktop clients.

Please recall, that Unix is being used as a general blanket term to cover all those operating systems given above. The list of

corporations and government facilities that use a network topology such as this is a number that is growing rather than shrinking.

Many network administrators and information technology officers are looking to Linux and Unix as a viable alternative to Microsoft Windows on a server platform due to lower operating cost and higher system reliability. Others are using Linux and Unix with open source alternatives to simplify server management. As anyone can imagine, it is much simpler to manage a single vendor's product rather than multiple vendors products. The number of companies that would be impacted has the potential to be very large.

As a practical example of this I would cite an article on ZDNet, the on-line arm of Ziff Davis Media, dated June 25, 2001, entitled ''Department of Defense adopts StarOffice.'' This article explains how the Department of Defense is utilizing a service contract with Sun Microsystems, which is already in place due to Sun servers in use at the Department of Defense, to implement Sun Microsystems' StarOffice office productivity package at a reduced cost to the tax payer. If the Department of Defense is using Sun Microsystems' Solaris as a server operating system and Microsoft Windows as a desktop system, a move by Microsoft to stop the SAMBA package would have very costly ramifications to the Department of Defense and the tax payers.

I have very briefly given one example of a software package that is in wide use in business and in higher education that could be impacted by Microsoft at great expense to the American people.

Thank you for your time.

Scot Snyder

MTC–00003867

From: goverdier@dsscorp.com@inetgw
To: Microsoft ATR
Date: 12/10/01 11:10am
Subject: RED HAT RESPONDS TO MICROSOFT ANTITRUST, CLASS-ACTION SETTLEMENTS

Dear Sirs,

I am in favor of the Redhat proposal to have Microsoft make there settlement in the form of hardware contributions to the schools. Allowing them to supply their own software is only aiding Microsoft in entrenching themselves even farthing into their monopolistic practice.

Allowing Rehat (or some other non-Microsoft vendor) to provide the operating system for the machines would be a far greater punishment for Microsoft and maybe more of a deterrent to this kind of practice in the future.

Microsoft has been before the DOJ several times in the past and always seems to come out of it with a mere slap on the wrist, only to return to monopolizing the software industry from a different angle. I don't believe any other corporation would get away with this kind of behavior. Microsoft is no different.

Thank you,

George Overdier

MTC–00003868

From: Augey Mikus
To: Microsoft ATR
Date: 12/10/01 11:13am
Subject: Microsoft Settlement

United States Department of Justice

To whom it may concern:

I find it extremely disturbing that a company so deceptive and manipulative as Microsoft that is now a convicted monopolist could have such a small, underwhelming, unpunishing final sentence. It is obvious to me and so many others that a company with so much financial power could easily take advantage of their position even further and destroy their only competitor at this point in the game which is a small group of not for profit organizations that work for free and give away their software for free. The realm of software has changed. The computer industry is no longer about software, it is about power and control of information. Can you not see how Microsoft and AOL have already figured that out. MSNBC, AOL Time Warner . . . get it? These companies don't make the best most stable software, they are marketing geniouses with a large control of information. Here is an example of the power Microsoft has.

Microsoft, with a snap of it's fingers could make it so only their internet browser, Microsoft Internet Explorer, can view one of the largest internet portals in existence, msn.com. Completely crippling Netscape and the Mozilla group (www.mozilla.org) in one fell swoop. Do you think that is so far off?

Guess what, they already did that just to see what would happen.
(http://news.cnet.com/news/0–1005–200–7655334.html)

This is scary stuff that still this late in the game has not been stopped in the least bit by the government.

In fact, while this case was going on, Windows XP which takes what they were guilty of even further was just finishing development. Now it's out with no limitations by the government. As one ''punishment'', Microsoft must donate $1 Billion to poor school systems around the country. In reality what they must donate is not even close to $1 Billion. A great deal of the money is just software licenses for their own software!!!! They don't have to do anything but make CDs that costs them less than a couple pennies to create. The rest is in hardware cost that is nothing to them. The biggest problem I have with this ruling is that it is a punishment that only futhers a monopolists monopoly! Its tantamount to saying: ''Microsoft, You are guilty of using your large marketshare as an unfair advantage in destroying the competition. You have taken away the consumer's choice. Now you must put more of your software in schools and leave the schools no choice. You must have an unfair advantage in the education industry against Apple, your main competitor in that realm. Bad Microsoft, you should be ashamed of yourself. If this happens again, You better believe we're going to force you to put your computers and software in more schools and more government organizations!'' Wow, thats scary. I bet this will keep them from taking advantage of the consumer!

Don't let Microsoft get away so easily with the crimes they have already been proven guilty of !!

Augey Mikus
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MTC–00003869

From: DJ
To: Microsoft ATR
Date: 12/10/01 11:16am
Subject: proposed settlement allows Microsoft to EXPAND its monopoly by giving it a stronger foothold in the education market

The proposed Microsoft settlement actually allows the company to expand its monopoly. By allowing Microsoft to give its software to schools, they will get a stronger foothold in the education environment, period. This is not a punishment, its a gift, kind of like punishing a child for not eating his broccoli by telling him he can only eat ice cream. How can this be allowed to happen? By the simplest logic it is absurd.

They should be broken up but if that won't happen and this settlement must go through then they should have to pay billions to schools and allow the schools to spend that money in ANY way they want. If they want to spend it on books or teacher's salaries or computers or repairs to buildings that should be the school's call. Second a series of stringent restrictions should be placed on the company so that they can not abuse their power. For instance they should not be able to advertise additional services on the desktop or with pop up windows or icons. MSN should not be the default page for Internet explorer. They should not be able to stop computer manufactures from selling alternative OSes through restrictive licensing. They should not be able to arbitrarily change their licensing scheme to rake in billions of extra dollars.

Please consider my thoughts as you go forward.

DJ

MTC–00003870

From: Larry Smith
To: Microsoft ATR
Date: 12/10/01 11:13am
Subject: Microsoft Settlement

Renata B. Hesse

The proposed settlement of the Microsoft affair shocks me. Why would we punish MS by rewarding them? Allowing them to donate Windows computers to schools would only further entrench their monopoly. How is that a punishment? The billion dollars would be peanuts to them anyway. And our school children would be severely disadvantaged by such an arrangement. The solution I thought of that would both punish MS and help society would be for MS to donate ten MACINTOSH computers to every public (and private) school every year for five years. I recommend this as the remedy. Students and teachers would benefit immensely.

Please remember, the goal is to reduce MS' monopoly position, not reinforce it.

Thank you for your work on this important issue.

Sincerely,

Larry Smith
Dept. of Physics
Snow College
150 College Ave.
Ephraim, UT 84627–1550 USA
voice: (435) 283–7520
fax: (435) 283–7501
mailto:Larry.Smith@snow.edu
http://www.snow.edu/~larrys

MTC–00003871

From: Kent Morrison
To: Microsoft ATR
Date: 12/10/01 11:15am
Subject: Implications of the Proposed Settlement

Dear Madam or Sir:

With regard to the proposed settlement of the Microsoft anti-trust case,

I have these comments:

1. Substantial penalties should be levied. The anti-competitive practices which Microsoft eggregiously persued will not be discouraged by words on a page. MONEY and MORE MONEY in FINES is the way to show Microsoft and other offenders that this type of behavior will not be tolerated. This corporation is SO RICH and SO BLOATED that it will take MILLIONS AND MILLIONS in fines to even scratch their armor.

2. The placing of MORE Microsoft software in public schools, no matter how needy they are, is NOT THE ANSWER. This provides Microsoft with additional market exposure, helping them to get a strangle hold on the next generation of computer users. GET MICROSOFT OUT OF THE SCHOOLS!

3. Open Source software solutions are what is required. Force Microsoft to place LINUX desktop computers in our Nation's schools. This will give fair exposure of NON-MONOPOLISTIC systems to impressionable young students.

Thank you for your time and consideration.

Kent Morrison
Manager, Information Systems
City of Steamboat Springs Colorado

MTC–00003872

From: Daniel Aharon
To: Microsoft ATR
Date: 12/10/01 11:19am
Subject: Microsoft Settlement

Hi,

I'm offering my comment that the proposed settlement in the Microsoft v DOJ and States case is not sufficient to help consumers, the IT industry, or the US economy in general. Microsoft should be properly penalized for breaking the law and causing so much damage to the working and personal lives of so many people. Here at the University of Pennsylvania, I observe clear and striking examples everyday of how my coworkers lives are made worse by being forced to use Microsoft Windows and Office every day to accomplish their tasks. The concept that the ''Operating System war is over'' is truly frightening to the IT sector. Can we condemn ourselves to a future run solely by Microsoft software, and hold ourselves in economic hostage to them?

I recommend that Microsoft be required to immediately cease and desist the development and production of all current and future versions of Windows, be forced to put the source code for Microsoft Office into the public domain, and liquidate, delivering all 36+ billion of its cash and assets to a fund used to provide as many former users of Windows as possible with new computers running a non-Windows operating system, such as Mac OS or Linux.

Whatever decision you make, please don't allow Microsoft to escape virtually unpunished and stronger than ever, which is what the current settlement would ensure.

Thanks,
Dan

Daniel Gil Aharon
University of Pennsylvania
SOM/Information Services
(215) 573–5994
aharon@mail.med.upenn.edu
PGP Key ID: 0x7EBF3379

MTC–00003873

From: milo@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 12/10/01 10:53am
Subject: The proposed MSFT settlement—my opinion (absolutely unacceptable!)

Dear DOJ,

I'm writing to express my opinion of the proposed settlement with Microsoft—which I believe is utterly unacceptable.

May I point out that I have more experience with computers than most people; in fact, than most technical people. I've been programming since I was 9 years old—which was in 1975. I've been on the Internet long before most people knew it existed. I have a Wharton MBA, and have been a senior (VP & officer) executive of several Silicon Valley firms. (I am NOT currently employed by any firm that directly or indirectly has any relationship—adversarial or otherwise—with Microsoft.) I've negotiated with Microsoft (quite successfully, I might add!) at the Director level. I have met Bill Gates, I know the CTO and CEO of Intel, Stanford's expert on networking technology, the former CEO of 3Com and current CEO of Exodus, Lawrence Lessig at Harvard, and many other key players in this industry. I know networking technology intimately—in fact, I've built my own networks including hardware, operating systems, cabling, and IP setup.

Given the strength of the initial court's findings (under Judge Jackson), I find it unbelievable and unconscionable that DOJ would roll over and present such an incredibly weak proposed settlement. Not only is it complete capitulation where none was necessary—it does not settle even half the merits of the initial case.

It has been found that Microsoft not only IS a monopoly, but has abused its monopoly position in clear violation of US antitrust law—these two points are clear and beyond dispute. The proposed remedy, from a structural point of view, is toothless and does not address, let alone solve, those two issues. In fact, Microsoft CLEARLY shows by its recent actions (particularly with regard to XP and .NET) that it is taking steps to further cement its dominance of the operating system that, effectively, most of the world depends on, is tied and beholden to, and must interoperate with. More than IBM ever did under its consent decree, Microsoft owns, dominates, and controls how virtually every individual and enterprise interacts with information, computers, networks, and knowledge. THIS IS INCREDIBLY DANGEROUS—regardless of Microsoft's intent. And in fact, Microsoft has shown over and over again that its intent is NOT benign.

I personally do not favor a ''structural'' remedy in this case—it's not only not particularly pragmatic, but I think it would fail to address dominance in the to-be-separated areas. What would be far more helpful would be a combination of just a few remedies—all of which have been proposed. The most important are these: (a) availability of source code—this would allow competitors to make products (e.g. digital media tools) that run as well as Microsoft's; without it, that is almost impossible as a practical matter, since Microsoft owns the OS and only they know how to interoperate with it optimally. Existing copyright and other IP protection is sufficient that opening the source code would not dilute ALLOWABLE IP value. (b) Microsoft must not be permitted to dictate to manufacturers how Windows is configured, which options may, must, or may or must NOT be installed, or offer differential, preferential, or incentive pricing or terms (which it currently is doing with Windows XP!) of ANY kind. (c) Windows (and subsequent ''platform'' class systems such as .NET) should be modularized, with freely available APIs that are the SAME APIs provided internally to Microsoft's own teams. If groups within Microsoft were to be ''Chinese-walled'' from one another, and the information they share be required to be shared with developers at large, I believe true competition would arise, leading to enormous economic benefit.

One has only to look at the utter failure of the Telecom deregulation act of 1996—and the resultant crash of the competitive telecom sector!—to see how bad this settlement would be for true, American-style, free-market competition in the IT market. The disaster would reverberate for decades, and have a profound impact on the way of life of not only all Americans, but all people worldwide.

I implore you—crack open the fortress. Use the tools you have—the findings of Judge Jackson were clear, unambiguous, and powerful. Impose a remedy that reflects that—and is just!—not some weak half-attempt that virtually every expert agrees will fail.

Regards,
Andrew Corradini

MTC–00003874

From: Tim Duncan
To: Microsoft ATR
Date: 12/10/01 11:29am
Subject: Microsoft Case

To whom it may concern,

Please reconsider your proposed settlement with Microsoft. I work in the IT industry and travel to clients throughout Indiana, Illinois, Ohio and Michigan. Several times I have had discussions with IT/LAN Administrators and even though they are not happy with the Microsoft products they use (Windows NT/2000 in particular) they see no other alternative since they are the only one most

of their vendors will work with them on. The only way to break Microsoft's choke hold on the IT industry is to break their OS (Windows) division away from their Application and Internet divisions. An even better option, in my opinion, would be three companies and split the OS, Application and Internet divisions all into their own company.

No one I have talked to agrees that your ''oversight'' committee idea will have any impact whatsoever on the way Microsoft does business. Please reconsider and do the IT industry, America and the rest of the world a favor and get us out from under Microsoft's boot.

Thank You for letting me take some of your time with this information.

Tim Duncan
2335 Lammermoor Lane
Indianapolis, IN 46234

MTC–00003875

From: Cook, Thomas
To: 'Microsoft.atr(a)usdoj.gov'
Date: 12/10/01 11:32am
Subject: Microsoft Settlement

Hello—

Please, please, please do not allow MS to 'donate' MS software to schools as part of their penalty. Shouldn't the penalty reward the plaintiffs and punish MS? How does subjecting our education system to forced enslavement to MS do either of these things? MS is not even giving the software to the schools. . . it is only lending it to them for 5 years before they ask for payment for any continued use? What a joke . . . when I donate something to my local school do I say . . . you can use this nice musical instrument for 5 years but then I am going to come back and ask you to pay me for any use after that? And that is a donation, not a lawsuit settlement penalty. Or even better yet, do you ask your children what punishment they deserve for stealing money from their siblings? I am sure they would come up with a novel idea of punishment.

Microsoft should have to pay a VERY large CASH penalty to the Justice Department that could be used to fund the SEVERE monitoring that is necessary to ensure that they no longer use the type of blatantly illegal and monopolistic practices that has stymed computer development in MS hell for the past 15 years. MS has demonstrated time after time that they don't think they did anything wrong and therefore will continue to do the same thing that brought us to this poinnt without a severe real penalty and strict monitoring of future business practices.

Don't let the inmates run the prison—

Thomas J. Cook

MTC–00003876

From: Mattheis, Paul
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/10/01 11:41am
Subject: Microsoft Settlement.

I agree with the settements in this article. I also agree with the proposed settlement from the 9 states over the federal settlement. Open APIs etc to all (including open source and non-profit/not-for-profit/etc organizations).
http://www.pbs.org/cringely/pulpit/pulpit20011206.html

MTC–00003877

From: Eric Boes
To: Microsoft ATR
Date: 12/10/01 11:51am
Subject: Microsoft Settlement

As a small business consultant I have virtually no choice but to rely on Microsoft products for many applications despite their high cost and security weaknesses. Their only real competition in the OS marketplace are open-source projects like Linux, Apache and SAMBA.

I was disturbed to discover that no consideration of those products was made in the proposed settlement. Please consider revising Section III(J)(2) to provide protection for those products, and products like them by requiring that Microsoft APIs MUST be licensed, documented at least 180 days prior to being revised. The current language, especially in section (C) undermines the progress of legitimate competitors to Microsoft because they are not owned by a for-profit entity.

Thanks
Eric Boes,
Beaverton, OR

MTC–00003878

From: David Gessel
To: Microsoft ATR
Date: 12/10/01 11:46am
Subject: Microsoft Settlement.
Renata B. Hesse
Antitrust Division
U.S. Department of Justice

Dear Renata B. Hesse,

I am a concerned citizen, unwilling Microsoft customer forced to use their unpleasant products because of their unassailable monopoly, and a long time member of the computer industry.

I am writing to you to protest the terms of the Proposed Final Judgement, in specific the failure of this Judgement to address the pivotal role that the open software movement has played in the genesis of the Internet age, and it's legitimate ongoing contributions which are ignored by the Judgement's terms and will be harmed by the Judgement's execution. To enumerate but three of thousands of valuable not for profit software development efforts which remain critical to the ongoing viability of the net and which will be harmed by the Proposed Final Judgement because they are beneficiaries of neither Section III(J)(2) under (c) as ''meet[ing] reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...'' nor under Section III(D) as the footnotes hold this section in force only to commercial concerns: Apache is the Internet server that made the net possible. It is the most viable competitor to IIS, Microsoft's server architecture. Without Apache the net would grind to a halt. There is no commercial contender to IIS, the entire competitive landscape is between IIS and Apache and a few other open source servers. Since IIS is stunningly, almost fraudulently insecure, the Proposed Final Judgement weakens the Nation should it not aggressively protect the better engineered open source efforts from Microsoft's predatory tactics.

BSD, especially in it's most popular flavor freeBSD, and it's younger but bigger brother Linux present a real and viable challenge to Microsoft in the server market, are gaining in the workstation market, and would, if they could be made compatible with Microsoft's industry crushing ''Office,'' be a viable contender on the desktop. These efforts are undertaken in that most American of spirits: for the good of all. They provide real alternatives to Microsoft; significant and meaningful improvements in performance and security to users who appreciate these things when compared to Microsoft's invariably flawed products, and competition which is perhaps Microsoft's only remaining motive for fixing it's failures. While major security holes are exposed in IIS every month or so, despite Microsoft's efforts to sweep them under the rug, no security hole has been discovered in NetBSD in more than four years. These superior products are run without marketing and lobbying budgets and will be crushed by Microsoft which will endeavor to make them as incompatible as possible with their desktop monopoly (if their efforts to make them outright illegal fail).

This message will reach you through one or many servers running Sendmail. A near perfect application which relies on free and open standards established for the routing of electronic mail. Since Microsoft will be under no obligation to share standards with the not-for-profit organization that maintains Sendmail, it is quite certain that Microsoft will do whatever they can to force all Sendmail administrators to switch to an expensive, fault ridden Microsoft product, leveraging their monopoly on the desktop to do so unless the DOJ alters the Proposed Final Judgement to protect open source at least as effectively as it protects whatever pathetic vestiges of the commercial market still stand to challenge Microsoft's otherwise unassailable monopoly.

The Proposed Final Settlement fails utterly to address the critical role of the open source movement and is therefore utterly unacceptable to me as a harmed party.

Sincerely,
David Gessel
Black Rose Technology
5233 Foothill Blvd.
Oakland, CA 94601
510 290 3849 (cel)
510 536 0105 (fax)
www.blackrosetech.com

MTC–00003879

From: Harry Crowell
To: 'Microsoft.atr(a)usdoj.gov'
Date: 12/10/01 12:16pm
Subject: Microsoft

There will be more entrepeneours able to invent or design better programs and equipment than we have todat. Microsoft was and is a very important contribution to the world..

I appreciate the advances that have occurred because of this company.. Stop this terrible incursion into the world of better inventions and let our economy work and prosper like no other country has ever done.

Stop the evil persecution of a man and company that has done so much for the world— regardless of the wealth he has created for so many including himself— Congratulate—don't sue !!!

MTC–00003880

From: Tom Hogarty
To: Microsoft ATR
Date: 12/10/01 12:06pm
Subject: BeOS

Hi,

I am an investor in BeOS.

This seemed to be a very efficient and competitive solution for people wanting a fast, reliable and attractive operating system.

Unfortunately BeOS was in competition with MicroSoft, who makes another Operating System. I was certain that the technological advantages of BeOS and the flexibility of its small, dynamic team of developers and supporting community had all the right values to be a winner.

My investment was when the stock averaged $18 and I lost in excess of $90,000 on the value of the stock.

I am still holding the stocks which I bought at $18 which are now worth 9 cents each. It has been difficult to watch a competitor wipe out the market opportunities of Be's product and I hope the DoJ will get remedies for some of the unfortunate BeOS investors.

Best Regards,

Tom Hogarty

MTC–00003881

From: Jim Hefferon
To: Microsoft ATR
Date: 12/10/01 12:10pm
Subject: Microsoft Settlement

These are my comments as to the proposed settlement in the Microsoft case.

The entire settlement can only be considered a giveaway to an organization whose anti-competitive actions have been established to the satisfaction of two Federal courts. However, the portions in Section III(J)(2) and in Section III(D) that require only that Microsoft disclose the technical specifications to commercial enterprises (and where determining the definition of 'commercial' is up to Microsoft) is an outrage.

As Professor L Lessig has demonstrated, it is the use of open protocols and systems that has allowed the Internet to exist and to grow. This proposed settlement is a sad step backward.

I strongly urge that the settlement be scrapped.

James S Hefferon
Saint Michael's College
Colchester VT

MTC–00003882

From: Dan Stromberg
To: Microsoft ATR
Date: 12/10/01 12:17pm
Subject: about the microsoft settlements

Please use the settlement proposed by the 9 remaining states, including California. They know what they're talking about. Microsoft's getting off far too easy in the proposed DOJ settlement.

If you must go ahead with the proposed DOJ settlement: Please consider Steve Satchel for the DOJ's Microsoft settlement advisory panel.

Please give the DOJ settlement more teeth. As far as I can tell, the only penalty if Microsoft violates the terms of the agreement, is a longer monitoring phase—which had just proved ineffective. More of the same wouldn't appear to be an effective deterrent.

Please make the settlement have some bearing on opensource projects. That is, don't allow Microsoft to use its anticompetitive tricks against linux, apache, samba, python, perl and so on, just because they aren't directly championed by companies. Sure, there are plenty of companies selling this stuff, but that's a different matter. These projects represent the biggest threat to Microsoft's stranglehold on the computing industry, and are the only source of competition microsoft has. Plus don't allow Microsoft to define these as non-businesses, and hence behave in an unregulated manner with regard to them.

Dan Stromberg
UCI/NACS/DCS

MTC–00003883

From: erw
To: Microsoft ATR
Date: 12/10/01 12:18pm
Subject: Microsoft Settlement

Just a little note from us little guys.

I would like to see some protection for the linux / open source software developers. It would be nice if a citizen could choose any OS or software package because of their personnal preference. I use linux, as well as nt and 98. Each has its own strengths and er....weaknesses.

Things like samba and wine are great tools that have been forged from a desire to use some of the giants available software and still use our desired os.

Things like the API's should be available to all. Why should the defacto standard desktop os have difficulty licensing (for free) to all who need to know. Even GM allows vendors to sell repair manuals that detail the functions of your car.

Please look at Section III(D) and Section III(J)(2)

Thank you,

Earl

MTC–00003884

From: A415A@aol.com@inetgw
To: Microsoft ATR
Date: 12/10/01 12:20pm
Subject: Microsoft Settlement

I encourage the Government to give Microsoft a fair and just settlement in the case at hand. I personally feel that Microsoft has made a very great and substantial contribution toward the advancement of the computer industry. I feel like the public has not been disadvantaged by Microsoft's pricting policies. My feeling is that without Microsoft's aggresive effort our computer industry would not have advanced at the tremendious rate that it has. I feel that the charges brought against Microsoft, by the Government, has been unfair and unjust, and has perhaps stunted the future growth in this industry. I request that the Government not pentalize Microsoft and not impose any restrictions against them that would reduce their ability to carry out the mission of advancing this technology at the very reasonable prices they have been charging for their services and products

George O. Ellis
Petroleum engineer
415 Lakeside Est Dr.
Houston, TX 77042

MTC–00003885

From: Mike Kane
To: Microsoft ATR
Date: 12/10/01 12:22pm
Subject: Settlement opinion

I agree with the opinion offered by Steve Jobs at Apple Computer. Letting Microsoft settle by donating products to the education market is a self-serving, monopoly perpetuating act. Other companies fight hard for their competitive position in the education market. Competing against a gift is an impossible scenario. In addition, the actual cost to Microsoft for the finished goods is a fraction of the monetary value of the settlement.

For Microsoft to ''get the message'' they must feel real pain as a consequence of their predatory market practices. My opinion is that funneling the settlement into the education market is good, but the settlement should be aimed at providing hard dollars into real educational needs such as teacher salaries, capital improvements, text books, lunch programs, etc.

Thank you for listening.

Mike Kane
408–395–6533 ph
408–884–2251 fx
408–497–8448 c
mkane@mktgpartners.com
http://www.mktgpartners.com

MTC–00003886

From: David A. De Graaf
To: Microsoft ATR
Date: 12/10/01 12:24pm
Subject: Microsoft Settlement

The proposed settlement of the Microsoft Antitrust case is deeply flawed. It rewards Microsoft's criminal acts instead of penalizing them. This report is extrememly disturbing:
http://www.pbs.org/cringely/pulpit/pulpit20011206.html

One of the main complaints agains Microsoft is their propensity to twist and deface accepted interface standards and to fail to publish interfaces. Section III(J)(2) says MS need not describe nor license API, Documentation, or Communications Protocols... to companies that don't meet *Microsoft's* criteria as a business.

This cuts off essential information to the entire Open Source development community—the very people that need the information to hold this criminal monopoly accountable.

Since these folks are not working for a profit, Microsoft will certainly not consider them a ''business'', even though they have publically admitted Open Source is a major threat to them. Many important Open Source projects, such as Samba, StarOffice and Apache, need this information. To make it legal for Microsoft to withhold it is just wrong.

Whatever else is in the settlement, I implore you to not impede or penalize Open Source developers.

Please correct this egregiously wrong-headed wording.

David A. De Graaf

DATIX, Inc.
Hendersonville, NC
dad@datix.2y.net
(828) 696–8646; fax (828) 694–1037

MTC–00003887

From: Arthur P. Smith
To: Microsoft ATR
Date: 12/10/01 12:30pm
Subject: Microsoft Settlement

I'm writing to express my views that the settlement proposal from the Department of Justice in the Microsoft anti-trust case is inadequate, and given past behavior by the company is almost certain to be ignored, circumvented, or used to further rather than to retard the monopolistic anti-competitive practices the company has been found guilty of. In particular there appear to be provisions that give the company additional advantages over the very competition that Microsoft has most recently cited as its most serious, namely the free or ''open source'' software movement, which has grown to a position of prominence in the server operating system and applications market with the popular Linux operating system, Apache web server, Sendmail mail software, Bind domain name servers, and thousands of other less prominent tools developed by the internet community.

The philosophy of the companies and organizations that support these excellent tools is quite different from that of Microsoft: since the software itself is freely available, the intellectual property and licensing issues are very different, and companies like RedHat and recently even IBM have been quite successful doing business on the support and packaging side. And some of the organizations providing support are even not-for-profit, such as the Apache Software Foundation and the Free Software Foundation, funded by contributions from other companies and organizations that find their work useful.

But the proposed agreement includes strong language (Section III(J)(2), I have been told, and III(D)) that appears to exclude any requirement for Microsoft to work with these not-for-profit organizations, or any company that doesn't meet standards ''established by Microsoft for certifying the authenticity and viability of its business''.

As a non-profit publishing organization receiving contributions from authors throughout the US and around the world, we have long been plagued by the obscure nature of Microsoft's document product line, which appears to have been deliberately constructed in ways that make it not only extremely difficult to inter-operate with other vendor's software, but even with different versions of itself (Word on Macintosh vs. Windows, the many different versions of Windows, the many different versions of Word itself). In my personal estimation these problems are currently costing our organization on the order of $1 million per year in hand-work required to either process paper versions of these documents, or in addressing and attempting to fix incompatibilities in the differing electronic versions we receive, to convert to our final XML publishing format. Almost all of that cost could be saved if Microsoft's document formats were less deliberately obscure, and more openly available and easily interoperable with other publishing formats.

Microsoft's monopoly power has severe negative consequences for us in this one area, but I know there are many others who are affected even more severely. It was our hope that the anti-trust trial, which exposed considerable wrong-doing by the company, would result in remedies that would provide us some relief. This appears not to be the case, unless the proposed agreement is significantly amended.

Thank you for listening to my complaints,
Arthur Smith (apsmith@aps.org)
The American Physical Society
631–591–4072

MTC–00003888

From: David Williams
To: Microsoft ATR
Date: 12/10/01 12:32pm
Subject: Microsoft Settlement

Dear Sirs;

I have used computers in my dental practice since the early 80's, and there is no question in my mind that this issue has nothing to do with protecting the public, and everything to do with protecting those companies that have tried to employ business practices that were and still are more detrimental to the consumer than Microsoft will ever be.

In 1980 I connected two computers with a Novel network and it cost me $10,000. If I had used Apply hardware it would have been an additional $20,000. As soon as Microsoft entered the arena, I was able to connect seven computers for about $1,200. Also because of the inexpensive operating system Microsoft has made available, I can buy a computer for less than $1,000, I can't do that with Sun, or Apple. My prospective is ''from the trenches'', and I know beyond any doubt that Microsoft has benefited my business immeasurably. It is my belief that this entire action has no basis and has been an embarrassment it our government.

Sincerly,
David S. Williams DDS, MSD
http://explorer.msn.com

MTC–00003889

From: Ozymandias
To: Microsoft ATR
Date: 12/10/01 12:34pm
Subject: Microsoft Settlement

Let me start this out by saying 2 things. First off, I'm a computer repair technician and I've been working on computers since I was 8, I'm now 28. Secondly, I'll try to keep this short, but I don't know how successful I'll be in that respect.

This settlement that has been reached with Microsoft is totally unacceptable. They can and will find a way around it just like they have in the past. For example, when they were told to take the web browser Internet Explorer out of the Operating System install (Windows 95c), they integrated it with the Operating System (Windows 98 and later).

Since Windows 3.1 they have been using their Operating System to unfairly leverage consumers to use their products. The first plainly obvious sign of this is with an icon on their desktop taking the user to MSN internet. The only way that icon could be removed was by going into the registry and manually removing it. Most of the time the things they did were more obscure until they realized they could get away with it and noone stepped in to stop it.

With Office 97, even if you had your default browser set to something else. Whatever office product you were using would open Internet Explorer as it's browser.

Windows 98 is so tightly integrated with Internet Explorer now that if there's a problem with the browser, the system has a problem. Let's go deeper than the browser here though. For example, I run linux as my operating system of choice due to the way Microsoft treats their customers, but there are still things I must do on Windows. So I use a product called VMWare that allows me to install an OS in a virtual machine setting. I happen to have 3 copies of Windows 98 one of them being one of their latest releases of Second Edition. The way it is designed I can not use it under a virtual machine environment because it would allow the system to read the disk, while earlier versions will. These are intentional acts, of that I'm sure and little things of this nature should be/have been investigated.

Windows NT is the biggest mess I've seen. For the server to sit there and run it's sevices, I must install a browser. Why must a server that does nothing but offer out files, websites, mail and the like have to have a browser installed? There is no reason for this sort of thing to be needed. It would be simple enough to just install the files that are needed and not the entire browser.

Windows 2000, Everything is so proprietary that a repair technician can barely work on the machine. Microsoft has become secure in it's dominance and has come to grips that the Government (specifically the DOJ) doesn't understand, care, or even realize what they are doing. They are also showing how sure they are that noone will step in to take action against them.

Windows XP. This was blatantly a power play. First off, they have put to many ''features'' in this OS to compete head to head with so many of the smaller companies. Winzip? don't need it, it's now in the computer already.

CD burning software? Don't need it either, it's be put in the system. Except for the fact that you don't have a copy CD function. PCAnywhere for remote control of the machine? Don't need it either, it's in the system already.

This is just a tip of the iceburg for Windows XP. It's clear they are using their Operating System to force and mislead the public to using more of their products. Such as hailstorm (passport), .Net, and MSN internet. When you first install XP, it PURPOSELY misleads the user that they NEED a passport account to be able to use XP. This is the start of what they are trying to do with .Net and pay to use their software. You'll also note that even with the fact that for years if they were going to put the MSN icon on the desktop they had to put other online services there as well. You'll note that in Windows XP nothing is on the desktop. Instead, in the start menu there is MSN, but no other ''Online Services''.

In the interest of keeping this short I left a huge number of things out. But it all comes to the same point that Microsoft WILL use this settlement to their advantage because it is entirely too soft. There are already glaring loopholes in it that will allow them to further their monopoly into other markets such as schools. This I find unacceptable because this forces my tax dollars to feed Microsoft's caufers.

I stopped using Microsoft products for several reasons the biggest being that they DO force or mislead people into using more of their products. They always have and always will until they are stopped by legislation or legal judgements. That is where it has been left up to you to make sure that there are no loopholes and that they are strongly punished for what they are doing.

As I see it, this settlement has done nothing of that sort. It will only allow microsoft to grow stronger and more bold in what they are doing. It should have been obvious when they were trying to hold back the settlement to release Windows XP. Instead they released XP a little early to make sure they were able to get it on the market. I, for one, and very disappointed in my government because they have allowed this to go on and the poor settlement which has been reached. I want to see this dropped. I would also like to see the DOJ and the 9 states that settled join forced with the 9 states that did not. Simply because the 9 states that did not settle are on the right track.

The are plenty of specialists and very knowledgeable people out there that can and will give information needed to prove, beyond a shadow of a doubt, that Microsoft has, can, and will continue to leverage their Operating Systems to further their purposes.

Attached is an article that I'm sure you will find interesting. And this just helps to prove my point, and the original point behind this case.

CC:gasp@scrserv.com @inetgw,nox@scrserv.com@inetgw

MTC–00003890

From: Dave Brookes
To: Microsoft ATR
Date: 12/10/01 12:38pm
Subject: Please settle this case....

It is fair and we all need to move forward. AOL and SUNW may not agree but they are the only ones complaining. The states just want money out of MSFT. They should learn to run state budgets better and stop trying to shake down companies.

The US Goverment spend more money on MSFT then it did Bin Laden. Now they are going to protect us against MSFT? That money should be used to protect US Citizen and not trying to put companies out of business.

Dave Brookes
2220 Montgomery Ave.
Cardiff, CA 92007
Thank you.....

MTC–00003891

From: Evil Mr Henry
To: Microsoft ATR
Date: 12/10/01 12:39pm
Subject: Microsoft Settlement

I have followed the Microsoft Antitrust case for a while now, and have an idea for the settlement. This idea comes from several unrelated news items. First of all, Microsoft has decided to stop supporting DOS and Windows 3.1 (and will stop supporting other products in the years to come); next, Microsoft has put ''Product Activation'' in Windows XP; and finally is the actual antitrust case.

When Microsoft stops supporting Windows XP, people will no longer be able to use it legally due to the product activation and so will be forced to upgrade to the newest wersion of Windows thanks to a product defect.

My proposal is this: If Microsoft decides to stop supporting a product, they must releise the source code to that product and allow people to change it. If this is adopted, it will be impossible for Microsoft to force users to upgrade their version of Windows. In the above example, a person who could not use Windows XP due to the product activation would be able to download a patch to remove that ''feature'' (generated almost as soon as the source code became available) once Microsoft stops supporting Windows XP. This by no means should be the only action against Microsoft, but it will help destroy their monopoly in the operating system field using their own products as compitition. Thank you for considering this option.

MTC–00003892

From: Bill Richardsn
To: Microsoft ATR
Date: 12/10/01 12:40pm
Subject: Microsoft Settlement

Dear Sirs/Madams,

As usual your justice and allegations are misguided and inappropriate. Would you also defile the sanctity of all Intellectual property as monopolistic and predatory? How in a world with freedom to innovate can you be so blatantly non-objective? Would you also expose the formula for Coca-Cola and Colonel Sanders 11 Secret Herbs and Spices? If so what freedom to innovate would I as an Internet software developer have to protect my interests? Because I find a niche market and take advantage of it am I predatory? Is the effervescent struggle between Coca-Cola and Pepsi the next target for your insane jealousies and obvious favoritism for Sen. Oren Hatch's and Time Warner's Quest for more dollars and favoritism because their product is without Office applications and without a viable desktop graphical operating system? Is this fair? No it is predatory with respect to you and your quest.

Sincerely,
William ''Bill'' Richardson
Cheif Operating Officer
Richcorp, Inc. <http://www.richcorp.net/>
CC:doj@microsoft.com@inetgw

MTC–00003893

From: Konrad Ko(FFFF)odziejczyk
To: Microsoft ATR
Date: 12/10/01 12:41pm
Subject: Microsoft Settlement

I'd like to settlement was accepted because Microsoft didn't break law. Microsoft commingling Internet Explorer with Windows isn't illegal.

MTC–00003894

From: DnldPratt@aol.com@inetgw
To: Microsoft ATR
Date: 12/10/01 12:42pm
Subject: Microsoft Settlement

It is hard to understand how Microsoft can be judged guilty and then be given such a light penalty. In fact the proposed settlement looks more like a creation of Microsoft's marketing department than any kind of deterrent to monopolistic practices. Even with the minor changes announced today this settlement boosts Microsoft's position in the education market, one of the few areas that it has any serious competition.

Both Apple and Linux are very effectively blocked by this decisions. While Microsoft entrenches itself in an a market it has failed to master. Further the plan to allow used or refurbished equipment to be placed leverages Microsoft's exploitation of the matter, boosting used PC prices while saddling schools with technology that will quickly become outmoded. No penalty would be a better solution that this government sponsored marketing blitz.

Don Pratt
32 Ohio Ave
W. Springfield, MA 01089

MTC–00003895

From: erik_nelson@freddiemac.com@inetgw
To: Microsoft ATR
Date: 12/10/01 12:47pm
Subject: Microsoft Settlement

Dear Sir or Madam,

I am deeply disturbed by the DOJ's settlement with Microsoft. I feel that the proposed settlement does nothing to redress the abuses perpetrated by Microsoft in the past and is a disservice to U.S. consumers.

The court case was won. Microsoft was declared a monopoly. Now, why are they getting let go without substantive penalty? They have shown their recidivist tendencies time and time again.

I am concerned that the source of the decision to ''go soft'' on Microsoft after the case was won is a sign of this administration siding with business against the consumer. I have never voted for a Democrat in my life, but things like these make me upset enough that I will in the future.

Sincerely,
Erik Nelson

MTC–00003896

From: root@idscc05.onewest.net@inetgw
To: Microsoft ATR
Date: 12/10/01 12:46pm
Subject: Microsoft Settlement

Sirs:

The following is my comment on the proposed Microsoft settlement. I care about one thing, and wish to see it abolished by the settlement.

My concern is the agreements between Microsoft and suppliers of hardware peripheral equipment (such as modems, printers, scanners etc.) that have the effect of keeping secret the command-codes needed to write drivers for these peripherals.

I have had to buy a new modem and a new printer and a new TV card to use with Linux, because Linux cannot support the ones that came with my system— because the free software community is frozen out of the information needed to write the drivers for these peripheral units.

I have been damaged personally by the practice of keeping these drivers a proprietary secret between Microsoft and the peripheral suppliers who make these deals.

I will not besatisfied with the settlement unless and until it specifically precludes Microsoft from using its dominant market position to limit competition by making and keeping such deals to restrict information on the command-codes needed to write the drivers for computer peripheral equipment.

Sincerely,

Dennis O. Donnelly

MTC–00003897

From: eschmidt@obik.com@inetgw
To: Microsoft ATR
Date: 12/10/01 12:49pm
Subject: Microsoft settlement

To whom it may concern,

I hope you have been receiving a lot of informational email regarding the DOJ vs. Microsoft case. This is an important case, and I am very disappointed in the proposed settlement, as are most of my colleagues. I have worked in the IT industry for 9 years, and have seen first-hand the negative effects of Microsoft's predatory pricing and marketing tactics. I think it is important to remember that Microsoft has been found guilty of violation of antitrust laws, and should pay a steep price, a much steeper price than is proposed.

I suggest you read the following articles/opinions, in which the flaws of this settlement are discussed. The list is by no means complete, just a small sampling from various IT sites. It has actually been rather startling how the IT industry as a whole condemns this settlement; the question of litigation years ago was much more contentious. Of course, it has become clearer through the years that Microsoft has broken the law.

http://www.zdnet.com/zdnn/stories/comment/0,5859,2827338,00.html

http://www.pbs.org/cringely/pulpit/pulpit20011206.html

http://www.zdnet.com/zdnn/stories/comment/0,5859,2827122,00.html

http://www.theregister.co.uk/content/archive/22711.html

http://www.zdnet.com/zdnn/stories/comment/0,5859,2826633,00.html

http://www.theregister.co.uk/content/archive/22684.html

http://www.salon.com/tech/col/rose/2001/11/02/microsoft_settlement/index.html

http://www.theregister.co.uk/content/archive/22647.html

Erich Schmidt
Director of Technology
Obik LLC
http://www.obik.com/

MTC–00003898

From: Tom Kornack
To: Microsoft ATR
Date: 12/10/01 12:51pm
Subject: Microsoft Settlement

Everyone can agree that monopolies are bad for the nation. The Microsoft settlement does not punish microsoft in any meaningful way and goes a long way towards increasing their stranglehold on the market by allowing them to flood the schools with their products. In donating their software to schools that would not normally purchase the software, they lose virtually no money. Software costs pennies to copy and yet they will say that it adds up to billions of dollars. Not so. The punishment should not exonerate them and allow them to go further down their path of incompatibility and exclusionary market tactics. Other commerical and open source software that interoperates with Microsoft software needs to be embraced, not killed by this settlement. Please seek real punishment for Microsoft. They have a monopoly and this settlement does nothing to control it.

Regards,

Tom Kornack

Los Alamos National Laboratory, TA–3, SM–1586, RM–109

505–665–1939 (o), 609–577–7609 (m), 505–672–4140 (h)

73 Joya Loop, White Rock, NM 87544

kornack.com

MTC–00003899

From: Bo Turnbow
To: Microsoft ATR
Date: 12/10/01 12:53pm
Subject: Microsoft Settlement

Dear Sir/Madam,

I write to express my discontent with the current settlement proposal for the Microsoft anti-trust case. I believe the proposed measures fall far short of punishments necessary to rein in Microsoft's monopolistic activities. In fact, the nature of the settlement appears to gloss over the fact that Microsoft was found GUILTY of violating anti-trust laws and therefore harmed its competitors.

In my opinion, an adequate settlement would punish Microsoft for its past behaviors and compensate the companies, technologies, and users who were harmed as a result of Microsoft's harmful practices. The current settlement does none of these things and appears to be a ''wristslap''. Microsoft must provide source code for both its operating system and internet browser to its competitors to strip it of the advantages it gained by its harmful. There also must be significant behavioral controls (with penalties) to guard against future anti-trust violations. Microsoft is still benefiting greatly from the advantages it gained by unlawful actions. This must be punsihed!

Signed,

Bo Turnbow
Tempest Technologies, LLC
Reserve Financial Center
400 North Park Avenue
Helena, MT 59624
Voice: (406) 495–8731
Fax: (406) 443–8083
boturnbow@tempesttech.com
http://www.tempesttech.com

MTC–00003900

From: Ben Rosengart
To: Microsoft ATR
Date: 12/10/01 12:55pm
Subject: Microsoft Settlement

I am gravely concerned about the flaws in the proposed settlement with Microsoft. I do not feel that the settlement effectively addresses the issues. It allows Microsoft to keep the fruits of their crimes, and it will not hinder them from perpetrating similar crimes in the future.

Reams of analysis of the settlement have been written in the weeks since it was disclosed. Rather than rewrite what's already been written well by others, I prefer to supply you with some pointers. CNet has some excellent analysis here: http://news.cnet.com/news/0–1003–200–7765151.html?tag=nbs Robert X. Cringely makes some salient points about halfway down this page: http://www.pbs.org/cringely/pulpit/pulpit20011206.html I am a systems administrator for Public Access Networks Corp., aka Panix, a small internet service provider in New York City. Computer software is my livelihood and also a hobby. As a computing professional with a passing familiarity with law, I urge you to reconsider this settlement.

You have every chance of imposing real remedies on Microsoft. If you do so, I predict that you will see a real resurgence in the computing parts of the economy. There are a lot of good ideas and strong businesses that can arise when the market is free of monopolistic distortions.

Thank you for reading this message.

Ben

''When I say 'literally', I literally mean 'literally'.''

MTC–00003901

From: Spilger Philip G (Phil) PSNS
To: 'Microsoft.atr(a)usdoj.gov'
Date: 12/10/01 12:58pm
Subject: Antitrust Settlement: Individual Public Comment

I feel the settlement reached with the Department of Justice and nine of the plaintiff states is a fair and reasonable compromise that is good for consumers and will be good for the economy. The proposal filed recently by the other states, is extreme and not commensurate with what is left of the case. The Court of Appeals decision drastically narrowed the liability issues and provides the best roadmap as we move forward with these remedy proceedings

Phil
Phone: (360) 476–2202
E-Mail: spilgerp@psns.navy.mil

MTC–00003902

From: Tracey Wade
To: Microsoft ATR
Date: 12/10/01 12:58pm
Subject: Anti-trust Case

I have been continually amazed at the amount of public funds being wasted to bring down a company that has helped spur the economy and growth of our nation as much or more than any other in the last three decades. Software is a fluid product. Being a developer, I can tell you that there is no monopoly to be had in software. A new stab at a product is always just around the corner and even a large successful company like Microsoft could easily miss being the one to bring such innovation to market. It has happened before, and will likely happen again. IBM had a firm lock on the computer industry and, in fact, seeing the opportunities for profit was among the first in the PC market. They blew it. IBM. They lost to an upstart company (Microsoft). This is the way

of this business. Old anti-trust arguments do not so easily apply.

I say get this whole business behind us and stop spending public money to damage our market place.

Tracey Wade
Technical Advisor
x6118

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MTC–00003903

From: Bill Shepherd
To: Microsoft ATR
Date: 12/10/01 1:01pm
Subject: microsoft settlement and anti-trust suit by DOJ;

Sirs,

The settlement in the MSFT vs. DOJ (or MSFT v.s. cryin competitors) was, on its face, ludicrous. Since it was seen fit to allow the decision of a judge who, at best, was in grave error stand and dameliorate the situation with a lesser penalty and MSFT agreed to it, let it stand.

The positions of the states in opposition smack of money grubbing. I am reminded of sharks circling an injured fish. There seems to be some easy blood and flesh to glean for little or no efort. The fact that those states have nothing in the way of injury to that state to tie the amounts of the fine to merely highlights the sense of lusting after free money.

If the prople were damaged, damages should go to the people damaged, not to a fovernment who will further damage them. If there is a settlement to ber elicited then it should go to those who purchased the software in question. I fail to see where the percent damage can be refunded in the case of Explorer, since it was free anyway, and still is, including it in the operating system cannot be the actual source of damage. In my mind it is the sole concern of the manufacturer whether he includes the engine in the car as a part of the car, or charges for each and every bolt and part separately. The only determinant of success would be the consumer who would then immediately go to the manufacturer that did not follow this practice. I would think that this analogy would be fairly simple for the learned folks of the judicial system, even those august determiners of our fate, the judges we have place our faith in.

The entire process sickens me. Let it stand as is or vacate the entire thing as a frivolous and predjudicial action on its face. I, for one, have lost a tremendous amount of faith in our system as it has evolved. What has made us great is our freeedom to innovate. This is set to undermine and destroy that freedom as well as others. It is time we returned to our freedoms before we are all totally enslaved by the controls of a bloated government and a legal system that has so many laws that nothing is legal and everything is legal, depending on the skills and misdirection abilities of the legal argument smiths and courtroom thespians. MSFT simply spends more money, time and effort on development and ennovation than the others. This resultls in some real bombs and some great successes. When they bomb they don't mel about and blame SUN and ORACLE, thye just continue on to compete. The thingsd they have done are well within the guidlines of business taught in our business schools such as Harvard an others thought to be great institutions of learning. They are good, solid business practices. In fact, a blind man can see that the very practices complained against were, as the case drug on, being blatantly practice by many of the plaintifs in the case.

Let it stand and get on with life.

Yours,
William R. Shepherd

MTC–00003904

From: Thomas Streeter
To: Microsoft ATR
Date: 12/10/01 1:06pm
Subject: Microsoft Settlement

Dear Justice Department,

I am writing to comment on the proposed settlement in the Microsoft case, in particular to object to provisions that give Microsoft the power to exclude nonprofit software producers from its obligations to disclose APIs (e.g., Section III (J) (2): ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...'') . As you know, nonprofit software has long been and continues to be central to the information economy; it produced the internet, for example. In the interests of consumers and the health of the economy as a whole, I urge you to change the language of the sections to unequivocally include nonprofit software producers.

Thank you for your time and consideration.

Sincerely,
Thomas Streeter
Sociology Dept.
University of Vermont
31 So. Prospect St.
Burlington, VT 05405 USA
802 656–2167; fax 802 656–2131
thomas.streeter@uvm.edu; http://www.uvm.edu/~tstreete

MTC–00003905

From: Thomas, Stuart P—Raleigh, NC
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/10/01 1:06pm
Subject: Microsoft Settlement

To whomever receives this:

I have scant spare time, but this is important. I am VERY displeased with the settlement against Microsoft, and VERY disappointed in the Justice Department.

Microsoft was found guilty, plain and simple. Their punishment equates to being forced to ''play fair'' in the future, but applies NO PENALTY for past wrong-doing. That is NOT justice. It does go to show you that you can get away with anything if you have enough money to buy off the government, as Microsoft did by heavily funding both Republican and Democratic parties. I

could be a lot more eloquent and say a LOT more about this, but my spare minute is up now. Thank you for hearing me out. I hope you all sleep horribly at night.

Stuart Thomas

Long-time federal employee, taxpayer, and registered voter

MTC–00003906

From: Ray Petrone
To: Microsoft ATR
Date: 12/10/01 1:11pm
Subject: The Settlement in Perspective

Ladies and Gentlemen,

I have followed this case for years and have read many of the documents including Judge Jackson's Findings and Ruling, the Appeals Court 125-page document and the latest Settlement documents. I have written everyone from Presidents Clinton and Bush to my Senators and Congressmen about my feelings about this case. One thing stands out in my mind. In the past when I wrote public officials with my feelings that this case is overblown and that it was time to move beyond it I was told that it is ''A MATTER STRICTLY FOR THE COURTS''. Now we have public hearings. So once more I will voice my opinion but I fail to understand why there should be more hoopla surrounding this matter at this time just as I fail to see why the State Attorneys General continue to insist on separate positions. It seems to me that they derailed the conclusion of this case at least twice to date by their divisive and self-serving behavior. Each time the States have delayed the conclusion of this matter there have been coincident drops in the stock market and blows to the economy. A true coincidence? I seriously think not.

Let's get this matter into perspective with past cases where consumers or commercial customers may have actually suffered from corporate activities. Between the economic and non-economic challenges that this nation faces today we seem to have a disproportionate effort spent on this effort not to mention the waste of taxpayer money at the federal and state levels for legal proceedings. I strenuously urge you to lend your voices to the voice of reason and move forward with the existing settlement as it stands. Hopefully the nation can still capitalize on Microsoft's offer to contribute a billion dollars of goods and services to our school systems although it looks as though the pending Apple litigation makes that less likely every day. Let's put our national efforts where they are truly needed and not on such silly measures as controversy about ''the tying of the browser to the operating system''. Try saying that in the same sentence or paragraph as ''the collapse of the World Trade Center'' and you can't help see some of the triviality.

Respectfully,
Raymond Petrone, P.E.

MTC–00003907

From: hal King
To: Microsoft ATR
Date: 12/10/01 1:19pm
Subject: Microsoft Settlement

I would like to see Steve Satchell become one of the three-member committee responsible for keeping watch over Microsoft.

If Microsoft can control who has access to Windows' interface and API specifications,

they can control what software can work with Windows. This limit extends to other computers that must network with the computer runnning Windows. Allowing sections III(J)(2) and III(D) would effectively allow Microsoft (who controls a majority of the desktop computers in the U.S.) to further limit their competition.

hal king

Unix System Group/The University of Tennessee at Knoxville

pgp key http://web.utk.edu/~hck/hal.asc

MTC–00003908

From: Jones, Larry
To: Microsoft ATR
Date: 12/10/01 1:18pm
Subject: Microsoft Settlement.
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Renata B. Hesse,

Persistent to the Tunney Act I hereby reserve and exercise my right to comment on the proposed settlement. I understand The Tunney Act procedures require the United States to:

1. File a proposed Final Judgment and a Competitive Impact Statement (CIS) with the court.

2. Publish the proposed Final Judgment and CIS in the Federal Register.

3. Publish notice of the proposed Final Judgment in selected newspapers.

4. Accept comments from the public for a period of 60 days after the proposed Final Judgment is published in the Federal Register.

5. Publish the comments received, along with responses to them, in the Federal Register.

6. File the comments received and responses to them with the court.

This proposed settlement is a victory for Microsoft(MS) and slap on the face to the American people. We the people have been taken advantage of by the monopolistic position of MS, and have blindly placed our interests and trust in the hands of Department of Justice to settle it this case within our interests. Once again, you have failed us! As a computer professional, to this day I still see the monopolistic position of MS bullying its competition. I was in a computer store this weekend asking for Linux software when the sales person told me that Microsoft forbid them to sell the Linux operating system and compatible software, they (MS) ''..suggested that their resellers license be revoked''.. if they did.

It's obvious that the Department of Justice interests are not that of the American people, and we have been taken advantage of again. MS should be required to give away the operating system and application software (at the same rate they have been forcing us to upgrade for the next 25 years), open their source, and guarantee backward compatibility with all future products forever. As well as return at least 25% of the illegal monies they have collected from the American people. Then be held strictly accountable for future actions. Anything less is a victory to Microsoft.

Thank you,

Larry Jones
2398 Madison St SE
Albany, Oregon 97321
(541) 924–9341

MTC–00003909

From: Michael Paul Everson
To: Microsoft ATR
Date: 12/10/01 1:21pm
Subject: Settling With Microsoft

Microsoft has repeatedly abused its position and ignored government restrictions. Their greatest skill has always been the subtlety of their deceit. If the DOJ really wants to make this situation change, it needs exact severe penalties for any transgression. These penalties need to be clearly defined so that we don't just end up back in court.

Microsoft must be forced to separate their operating system and application businesses. While these can exist in the same company the information exchange between these department must be in the public record. Too often in the past Microsoft has used its time to market advantage from deals worked out between these groups. Given the dominance of the Windows operating system, this must be enforced for the benefit of the market as a whole.

There must also be a mechanism for third-parties to request enhancements that there products require. The review of these requests must be made in a public forum to make sure they are given equitable consideration. While the economy is in a slump right now, we cannot sacrifice the future of our technology for a quick fix. The freedom to innovate and have equitable access to the market is essential to our continuing prosperity.

Michael P. Everson
Distributed Systems Architect
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http://www.orcades.com

MTC–00003910

From: Luby, Thomas
To: Microsoft ATR
Date: 12/10/01 1:22pm
Subject: Microsoft Settlement

With all due respect to the DOJ Anti-trust department, this case should have never been pursued in the first place. I thought that anti-trust legislation was to protect the consumer, not to appease competitors that are losing in the marketplace. Has Microsoft always been a perfect angel? I don't think so. Microsoft should face no penalties that involve changes to their product or by ''releasing'' information about their source code. The future of computing is not a bunch of different systems that aren't compatible but a global network of computers seamlessly exchanging information. Microsoft is working on this goal.

Sincerely,

Thomas F. Luby

MTC–00003911

From: George Lenzer
To: Microsoft ATR
Date: 12/10/01 1:27pm
Subject: Current Settlement adds more strength to the Microsoft Monopoly

While the donations that Microsoft proposes, sound generous on the surface, they really aren't giving anything more than further dependence on Microsoft products. It would be a shame to see Microsoft get off with just a ''slap on the wrist'', while the people who were hurt by Microsoft's practices get no reparations whatsoever. A better course of action would be to have Microsoft fund (with no strings attached) companies that are developing alternatives to their products. This would level the playing field (which is really what all of this is about) unlike their current proposal. I am opposed to seeing Microsoft go unpunished for their actions against other companies. They've gotten by time and time again, but there is an opportunity to change this now. I have no desire to see Microsoft lose it's footing in the computer industry, but I waould like to see more successful alternatives.

Thanks,

George H. Lenzer
Owner
D.L. Media
1348 Cohassett Place
Lakewood, Ohio 44107
Voice—(216) 228–7481

MTC–00003912

From: Craig W Gold
To: Microsoft ATR
Date: 12/10/01 1:43pm
Subject: DOJ

I think you are sending a bad signal by letting corruption run rampant. You should be ashamed. Are you all just so many common criminals with no sense of right and wrong? Does big money buy off the DOJ just like that?

I do not respect the DOJ any more.

MTC–00003913

From: Barb Keough
To: Microsoft ATR,microsoftcomments@doj.ca.gov@inetgw,...
Date: 12/10/01 1:37pm
Subject: Please Don't Punish Apple for the sins of Microsoft!

Please Don't Do It!

I understand that the justice department is planning to hand over a substantial portion of the Education market to the Windows platform by replacing Macs with Windows computers. This is supposedly to punish Microsoft for being a monopoly that does not play fair??? How do you figure that? I use Macintosh (Apple) computers. It is a wonderful platform. It has done nothing wrong! Why are you punishing Apple?? I am in the design industry and Macintosh (Apple) is the only platform that I want to use. Please don't hand over the Educational Market to the Windows platform!!! This proposed settlement gives Microsoft a big boost in a market segment they have been unable to dominate—one which Apple has a razor thin majority right now. Why is the court ready to kill a substantial portion of Apple's market and hand it to Microsoft? How does this punish Microsoft?? Why are you punishing Apple?

I am writing to you because I am told that you are dedicated to continuing with more effective anti-trust remedies.

I'd be interested in your thoughts and actions regarding this issue.

Thank you

Barbara Keough

Buffalo, NY

MTC–00003914

From: Craig W Gold
To: Microsoft ATR
Date: 12/10/01 1:44pm
Subject: Fw: DOJ

Mister Ashcroft:

Make that WHITE COLLAR CRIMINALS which are the worst in my opinion. Only for green and not out of need do these and people like you exist. Crooks in suits !!!! You all stink. I hope you have to use Windows your entire life !!!

I think you are sending a bad signal by letting corruption run rampant. You should be ashamed. Are you all just so many common criminals with no sense of right and wrong? Does big money buy off the DOJ just like that? I do not respect the DOJ any more.

MTC–00003915

From: Earle Nietzel
To: Microsoft ATR
Date: 12/10/01 1:43pm
Subject: My vote in favor of Red Hat's DOJ propsal

Why would we not want to put a free OS on PC's that can be used to teach.

ALL UNIVERSITIES DO IT...

Earle Nietzel

4 Club Lane

Rock Hill, NY 12775

or

earle.nietzel@unisys.com

MTC–00003916

From: Jeffrey Melton
To: Microsoft ATR
Date: 12/10/01 1:47pm
Subject: Microsoft Settlement

To whom it may concern,

I am deeply alarmed by the terms of the current settlement between the US Department of Justice and Microsoft. I feel there are serious flaws which further Microsoft's monopoly power and even reward them for their anti-competitive practices. Microsoft was found guilty and should make amends to the customers and companies they abused.

In particular, Microsoft's offer to donate more $1 billion in software, services, training and refurbished computers to poor schools around the country will actually further their reach into a market they don't yet dominate. Rather than serve as a punishment for them, this 'gift' would grow their market share, squeeze out other companies such as Apple (which has given a lot to the educational sector), and increase the overall dependence on Microsoft products—all at the expense of citizens. Microsoft has essentially guaranteed itself that much in sales in free advertising with this offer. Also, the cost to Microsoft wouldn't total nearly $1 billion in brand new, quality software and services.

Instead, I recommend that $1 billion cash be used to create an endowment fund, administered by a non-profit, public foundation which would distribute that money to schools and organizations to use on alternative computer operating systems and services—specifically NOT Microsoft's. The foundation could also invest a portion of that money to sustain the program for perpetuity and undo Microsoft's domination which they seek to sustain. Also, the terms of the settlement don't go far enough to protect customers and companies of non-profit products such as Linux which don't get the same treatment and protection as for-profit companies. Thank You,

jeffrey melton / http://www.nofi.org/index.shtml

nofi design / p.o.box 10231 / fort wayne, IN / 46851–0231

jmelton@nofi.org—email / 1–312–660–3701 x2171—voicemail/fax

''Technique is the differentiating force in all technologies.''

MTC–00003917

From: John Econopouly
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/10/01 1:49pm
Subject: Microsoft Settlement

I am against this settlement. It will not do enough to curb Microsoft's illegal practices.

In my opinion there is no doubt that Microsoft has a monopouly on desktop OS'es, and no doubt that they have used it to gain illegal advantage over competitors, at the ultimate expense of consumers. They have lied and misled under oath to retain this unfair advantage, and the outcome of their trial was just. This settlement is far too lenient.

At the very least, the language in Section III(J)(2) should be modified to not have a negative effect on free software initiatives—some of the major remaining competitors to Microsoft's hegemony, and with obvious advantages for consumers. But really you should seek a more aggressive solution that will not be as open to interpretation as this one, such as breaking Microsoft up.

MTC–00003918

From: H Donehower
To: Microsoft ATR
Date: 12/10/01 1:52pm
Subject: Microsoft Settlement

It is time to put the Microsoft Anti-Trust matter to bed. The Justice Department and the Federal Government should spend their time and effort on more important and pressing matters. Matters of National Security and World Wide Freedom. The Federal Government and individual States have gone overboard in the harassment of Microsoft. States with selfish interest in protecting their home based companies used flawed reasoning to pursue litigation against Microsoft. Our Federal Government with political bias campaigned against one of the companies that helps to continue our legacy as the home of the free with freedom to innovate. Bill Gates is an American patriot and has fostered freedom to innovate. His competitors wants to use politics to accomplish in the courtroom what they can't achieve in the market place.

Settle the matter. Get on with the more important business of protecting our nation from terrorism.

H. Roy Donehower, Col., USMC (Retired)

64631 E. Canyon Shadows Lane

Tucson AZ 85739–2028

520–825–1093

MTC–00003919

From: Tedha@aol.com@inetgw
To: Microsoft ATR
Date: 12/10/01 1:50pm
Subject: Microsoft Settlement

It is wrong to persecute Microsoft. The general public has never been harmed by Microsoft's business practices. The only winners in the Justice and states' case against Microsoft is Microsoft's competitors. To say that the public would be better off if Microsoft's competitors were able to be more competitive is a phantom. No one could possibly know what would happen if Microsoft's competitors were better managed, more in tune with their markets, employees more motivated and more visionary. And yet the government has decided it does know the outcome of something that NEVER HAPPENED. What a farce!

Compared to what IBM wanted to charge for OS/2, Microsoft has maintained a low price to the general PC user for its operating systems. To ensure the general user was able to utilize reliable sub-programs to the operating system, Microsoft has added and maintained features over the years. Microsoft's success has primarily come from listening to its customers and providing what they wanted.

Why is the government punishing one of the best managed manufacturers in the world...a company that listens to the consumer, a company that allows its employees to be owners, a visionary, risk-taking, financially solid, world encompassing power for the US economy? No other reason than that Microsoft's business competitors found the US government willing to do their work for them. There is greed in the halls of congress and Microsoft's competitors are taking full advantage of it.

MTC–00003920

From: Pats413@aol.com@inetgw
To: Microsoft ATR
Date: 12/10/01 1:53pm
Subject: stop the lawsuit

The US economy should not be destroying companies that our economy depends on. The US lawsuit against Microsoft led the downfall of the stock market and continues to undermine our confidence in the economy and the Governments ability to lead.

MTC–00003921

From: HoTaxLady@cs.com@inetgw
To: Microsoft ATR
Date: 12/10/01 1:55pm
Subject: Microsoft Settlement

I strongly suggest that Microsoft will be looked upon in a favorable way in this settlement. Microsoft has become a giant in its industry and maybe some of the business practices are illegal and too aggressive. All I know is that Microsoft does many good things in my surrounding communities (I am from Washington State). Microsoft has made many millionairs and has allowed many of its employees to become very wealthy. This contributed to more spending and has helped to drive the economy not just here. Microsoft has shared its wealth freely and I do not consider this company to be a greedy

corporation just looking after its very own wealth.

By the way, I did notice that economies nationwide were going great until lawsuits with Microsoft came into the works. It seems to have upset many markets. Please do not do with Microsoft what has been done to AT&T when the divesture took place.

Karin E. Ho, EA
Business Accountant

MTC–00003922

From: Dino Chiesa
To: Microsoft ATR
Date: 12/10/01 1:54pm
Subject: Microsoft Tunney Act Feedback

This case was a witch-hunt, and an example of activist government overstepping their responsibility and mandate. It should never have been pursued. The settlement snatches victory for the American people from the jaws of a seemingly certain defeat, created by Janet Reno and her incompetent administration.

In more detail,

1. I agree with the need for government oversight of monopoly, but this case stretched the law much too far. The US Government should refrain from engaging in product design, attempting to dictate which function should or should not be included in a particular product, particularly in an industry as young and dynamic as the computer software industry. The tying clause included in the original complaint was out of date almost by the time the first hearings were held. Healthy Competition, with its result being a goodly amount of corporate gore, is the foundation of strength for the American economy. Some companies are winners and some are losers in fair competition—in this way, the consumer benefits. By attempting to restrain Microsoft, government intervention in this case actually served to reduce competition rather than promote it.

2. In retrospect, this case appears to have lived beyond its deserved life only because politicians and lawyers smelled money. They looked at the Tobacco settlement and decided that they would like a chance to extract a pound of flesh from Microsoft as well. The holdout of a few states continues to reflect this mindset—if there is money to be had, let's go after it. The case was NEVER about the public good. The case NEVER demonstrated that consumers were harmed. It was ALWAYS about protecting companies that failed to compete effectively with Microsoft, local constituencies. It was about greed and egos of lawyers.

3. If the government was really interested in promoting the consumer good, they would have bestowed a medal of honor upon Microsoft, one of America's most admired companies and best employers, and builder of the World's Best Software, by any reasonable metric. Microsoft succeeded to the extent it did, worldwide, because the company designs good products that people want to use, and distributes them in an efficient and effective manner. That the US Government, in times like these, would want to persecute such an American success story is beyond the pale.

Absolutely shameful! Janet Reno should receive a dishonorable discharge, retroactively.

Hail to George Bush and his Justice Department for putting and end to the foolishness and settling the case.

Long live representative democracy, capitalism, and the American way!

The opinions expressed in this email are my own, and not the opinions or position of my employer.

DinoChiesa
565 Audubon Av
Pittsburgh PA 15228
+1.412.563.0172

MTC–00003923

From: Joseph Schlecht
To: Microsoft ATR
Date: 12/10/01 1:58pm
Subject: Microsoft Settlement

I would like to submit a comment about the proposed settlement between the Federal Government and Microsoft. In accordance with the Tuney Act, I request that the following comments, and any responses received, be published in the Federal Register and filed with the court.

1. I do not believe that this settlement goes far enough to penalize Microsoft for the crimes it has committed. Microsoft is an illegal monopoly, this is a ruling by the courts of our great country.

2. As a member of the free software community, I would like to make it known that the verbage contained in the proposed settlement, like Section III(J)(2), could possibly eliminate many free software projects. The verbage used is to Microsoft's advantage, they will manipulate their ability to arbitrarily certify the authenticity and viability of a business to crush us (the free software community) like they have illegally crushed other competitors.

These are two of the largest problems I have with the proposed settlement. Let their be no doubt, if this settlement is approved, consumers will not benefit in the long-run, they will be subjected to an even more intense monopoly.

Sincerely,
Joseph Schlecht
Student, North Dakota State University

MTC–00003924

From: PEDAMNER@aol.com@inetgw
To: Microsoft ATR
Date: 12/10/01 2:02pm
Subject: settle this

i believe a settlement is needce immedidatelly as this has dragged on too long. there are more important things to take care of and were it not for microsoft tghere probably be near the advances i hi-tech that we have today. i have never heard one complaint about the prices that windowsx wa too expensive. i don't se where the 9 states says that it is. if it wasw too expensive nobody woul but it. compare it to linux–who wants it. pedamner @aol.com

MTC–00003925

From: Petre Scheie
To: Microsoft ATR
Date: 12/10/01 2:02pm
Subject: Microsoft Settlement

Hello-

I am writing to express my opinion that the proposed settlement in the Microsoft Anti-Trust case is too favorable to Microsoft and will do little to prevent it from unfairly computer industry. Specifically, according to a recent article by Robert Cringley, (http://www.pbs.org/cringely/pulpit/pulpit20011206.html): ''Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...'' ''

I see no reason why Microsoft should be exempt from providing APIs, etc. only to business, and worse, only to businesses—it—deems as viable. Microsoft should be forced to publish its APIs, communication protocols and documentation for all to see. The current wording would, among others, allow Microsoft to not reveal those details to the government because it is not a business. And make no mistake, as it has shown repeatedly, Microsoft will try to exploit—every—loophole to its advantage.

Thank you.
Petre Scheie
System Administrator

MTC–00003926

From: Dan Kloepper
To: Microsoft ATR
Date: 12/10/01 2:03pm
Subject: antitrust settlement

The anti-trust settlement benefits to schools and libraries seems a lot like wnat was already being done by Microsoft through the Gates Foundation ''grants'' which were supposed to help poor institutions, and supply low cost assistance to others.

A close look at the assistance reveals that the USDOJ should have consulted with both k–12 and public libraries to see that the ''help'' was minimal, the proposed new help would be even less effective, and probably provide more of a write off for Microsoft, thus being an additional smokescreen by Microsoft.

I would suggest contacting representatives of all size public and K–12 libraries, and possibly the ALA www.ala.org. fora better picture of the failure of these processes to help K–2 and public libraries, and their actual benefit to Microsoft.

I would suggest you contact public librarians whoare members ofthe Suburban Library System in Suburban Chicago, such as my wife, Krista Kloepper to see how laughable the Gates Foundation and and later Microsoft assistance is.

D Kloepper

MTC–00003927

From: Steven H. Steinberg
To: Microsoft ATR
Date: 12/10/01 2:04pm
Subject: Microsoft Settlement

The settlement reached is fine and should be put in place so that we can move on. There is much to much input from Sun, Oracle, and AOL going on. The court should

rule the settlement finished and tell the other states where to go.

Steven H. Steinberg

MTC–00003928

From: Al BAdger
To: Microsoft ATR
Date: 12/10/01 2:05pm
Subject: Microsoft Settlement

The Government has gone far too far in its involvement in this case. The Government should not be in the business of edicting how software is designed. Anyone who did not like Microsoft products could have voted with their hard drives and purchased Apple or O/S–2 or any of the other competition. They didn't because Microsoft had a better product and I have used it for years, as well as several of their competition's. So what if Microsoft gave the customer a better deal by including a free browser? We the customer got the free browser and the best overall operating systems on the market over the years.If you had ever tried to piece together software designed by disparate vendors before windows you would understand the miracle they accomplished.

The governments interests in protecting the people would be far better served by investigating the patronage that goes on throughout its many branches both State and Federal where we pay for the best qualified person to be hired and get instead some unqualified hack and then pay again because we have to actually hire someone to do the work.

Start with the Massachusetts State government, Logan Airport and the Massachusetts ''Pork'' Authority! We the taxpayer lost thousands of our fellow citizens, and Billions of dollars because of patronage at Logan airport and apparent incompetence of the FAA. Spend some time looking at where the real problems are in our society, and leave Bill Gates alone! He should praised for his accomplishments in stimulating the economy and expanding the world wide trade opportunities you are now stifling; not castigated by an out of touch government.

Albert A. Badger
70 Fletcher Street
Winchester MA 01890

MTC–00003929

From: Ken Kern
To: Microsoft ATR
Date: 12/10/01 1:57pm
Subject: i disagree with settlement

Microsoft should be broken up. Period.

MTC–00003930

From: Ken Kern
To: Microsoft ATR
Date: 12/10/01 2:00pm
Subject: microsoft in the schools

are you guys crazy...this is just what MS wants. Think for a second, it increases their user base...which increases sales. Here is another solution, make MS buy the hardware for a linux or Apple installation in all the schools, to increase competition.

MTC–00003931

From: Laura Solomon
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/10/01 2:12pm
Subject: MS Settlement

There are two problems here. By giving Microsoft the opportunity to settle through donating software to schools, Firstly, Microsoft is further strengthening their monopoly by giving the school software that will insure further dependence on Microsoft products. The second problem is that this settlement does nothing to make reparations for the undue damage that their business practices have caused to rivals. Giving away a few thousand copies of software that will lead to new purchases of their products, is not going to level the playing field. Microsoft is an important piece of the US economy, but it shouldn't be the biggest one if it means sacrificing options to use other software from other companies.

Laura Solomon
Webmaster
Cleveland Heights-University Heights Public Library
2345 Lee Road
Cleveland Heights, Ohio 44118
voice: (216)932–3600 ext.294 fax: (216) 932–0932
http://www.heightslibrary.org/

''It is not necessary to change. Survival is not mandatory.''—Edward Deming

MTC–00003932

From: Larry Lundquist
To: Microsoft ATR
Date: 12/10/01 2:12pm
Subject: Microsoft Settlement

To Whom It May Concern:

I have watched the case involving Microsoft and am dismayed with the twists and turns that have enveloped the case. In any business enviornment, the ability to innovate is critical to growth and well-being of a company. When one is a leader in a field, such as Microsoft, the competion is intererested in disabling the advantages a company has. The crime involves anti-trust issues, (there is some question as to guilt) the penalities should involve perhaps changing of sales practices, cash, and mabey (this is also questionable) trading of product; something other than the elimination of innovation.

Microsofts product is software code. When one must reveal software code and make adjustments that allow competitors to embed their software into Microsoft software, it is silly. With software, code separates a poor product from a good product. Most companies would love to take other companies software code and add it to their own code. Inovation is the creation of new good code in the software industry, and when states ask for this innovation to be revealed to competitors, it makes no sense.

Enough is enough.
Larry Lundquist
Bellevue, Washington
CC:lljudie@qwest.net@inetgw

MTC–00003933

From: art_frame@mac.com@inetgw
To: Microsoft ATR
Date: 12/10/01 2:11pm
Subject: Microsoft settlement

Sirs:

The proposed settlement for the private law suits against Microsoft has an interesting angle to it. Microsoft cheats consumers of millions of dollars and the remedy is to give the money to an undefined group of schools instead of the people who were initially wronged. The ''it's for the children'' routine is getting a little bit old. If Microsoft is so worried about the ''children'' then let them be magnanimous with their own money. The money that should go to the consumers should go to the consumers.

This is like a car accident where the guilty party offers to buy every kid on the block an ice cream cone instead of paying for the damage that was done to the other car. If I were the guilty party, I'd think it a ''sweet deal''. If I were the offended party, I'd be outraged.

Speaking of ''sweet deals''... ... if I decided to cheat on my income taxes and got caught (mind you—I'd only do this if I were actually caught cheating—just like Microsoft) could I buy my way out of the trouble by donating a bunch of my old worthless (I mean re-furbished) computer equipment to poor kids, too? Maybe even give them a few programs I've written but charge them full retail while I'm at it??????? After all, Microsoft may get to set just such a precedence.

Aren't you guys getting tired of having Microsoft tell YOU what they will or will not do and continue to play your department for a bunch of fools???? By the way.... have ANY of you actually taken a computer course or understand the industry at all???? It certainly doesn't look like it from here, outside the beltway, in heartland America.

Ralph Arnold (a.k.a. Arthur Frame on the net)
Canton, Ohio

P.S. For some actual insight into the larger case against Microsoft, maybe you boys should read the article at: http://www.pbs.org/cringely/pulpit/pulpit20011206.html

It explains why you look like such fools when dealing with Bill Gates. Come to think of it, the ''geek boy'' certainly has made the entire Justice Department look like hacks and dullards. Anyone connected with the case should seriously reconsider adding their participation to any resume. It wouldn't be a plus unless you were applying for a job at Microsoft.

MTC–00003934

From: Gigahertz@aol.com@inetgw
To: Microsoft ATR
Date: 12/10/01 2:23pm
Subject: Microsoft Settlement

Dear Sirs:

Hey its time to wrap up this settlement and stop wasting the nation's money. The issues that precipitated the law suit are now mostly moot. The country has other, more important, things to worry about. The enemies of Microsoft will only be happy with the destruction of the Company which no practical person is going to recommend. Realize this and end it.

R. Zardeskas
4521 Larson Dr.
Oak Harbor, WA 98277

MTC–00003935

From: deal@austin.conexant.com@inetgw
To: Microsoft ATR

Date: 12/10/01 2:24pm
Subject: Microsoft Settlement

I would like to voice my concern about the proposed Microsoft Settlement. This settlement does little to curb the abuses the Microsoft has employed to become the monopoly that it is today. It has enough loopholes to be ineffective at promoting competition and in fact appears to be written in a manner which actually empowers Microsoft to not share API, protocol, and file format information with non-commercial entities—the same entities which are currently the biggest threat to Microsoft, open-source programs.

Microsoft has gotten where it is today by bundling applications with the operating system, making these de-facto industry standards (Word, Excel), and then raising prices once dominance has been established (MS Office). It then thwarts competition by changing protocol and file formats to ensure that competing products must continually reverse-engineer just to remain compatible. Microsoft also benefits by forcing everyone to upgrade to the newest office suite every couple of years, since old versions do not support the newer formats. It would not be able to do this if the applications had competition and users had the ability to choose the best implementation of a word processor, etc.

For real competition to exist, Microsoft must design products around open specifications. Microsoft should be given leeway to promote their own protocols, but implementations of these should be open to competition so that the best product will succeed in the marketplace, not just the one that gets shipped with nearly every PC manufactured. This can only occur if Microsoft is forced to develop on a level playing field where all players are privy to the same information.

Microsoft must not be allowed to leverage its monopoly in the operating system arena to other areas of computing. It has already done so with office applications and web browsing and continually tries to do so in other areas such as networking (authentication, SMB, anti-Java practices), audio/video media (audio/video codecs), and the internet (Windows XP MSN Explorer and .NET).

The 1994 Consent Decree did nothing to stop Microsoft's monopolistic practices—it simply provided the foundation of loopholes for them to exploit. I sincerely hope that this settlement does not turn into another win for Microsoft. To quote Judge Sporkin, ''Simply telling a defendant to go forth and sin no more does little or nothing to address the unfair advantage it has already gained.''

Eric Deal
Eric Deal Conexant Systems, Inc
Senior Design Engineer Digital Infotainment Division
eric.deal@conexant.com (512) 349–3557

MTC–00003936

From: Michael Whitesage
To: Microsoft ATR
Date: 12/10/01 2:27pm
Subject: Microsoft Settlement Comment

I am writing this letter to express my support for the Microsoft Settlement. I am the President of a software development company. Contrary to the anti-trust charges, Microsoft has enabled me to build a global business that employs twenty people.

Prior to Microsoft, the software we purchased was expensive, failed to integrate, and we always risked the failure of the company. Microsoft has provided us consistent products that we require to successfully develop our own applications.

I feel that the Settlement is important to putting this behind us. The remedy is reasonable and will benefit many children who would not otherwise have this opportunity.

We live in a competitive world. Today I compete with companies in Europe, India, and China. It is only through innovative software that we keep our advantage. Microsoft's software and integrated solutions is essential to our continued success.

Sincerely,
Michael Whitesage
President
PRISM Group, Inc.
10131 Coors Road NW, Suite 520
Albuquerque, New Mexico 87114 USA
Telephone: +1 505 897–7800
Facsimile: +1 505 897–7898
Internet: www.prism-grp.com <http://www.prism-grp.com/>

MTC–00003937

From: Jon Webb
To: Microsoft ATR
Date: 12/10/01 2:28pm
Subject: Opinion on Microsoft settlement

I understand that you are collecting opinions on the proposed settlement of the antitrust case with Microsoft. I strongly believe that the settlement represents nothing more than a complete capitulation of the government to Microsoft, which will only encourage Microsoft's illegal, monopolistic, and anti-competitive acts in the future.

It has been said that this case represents the last chance anyone will have to restrain Microsoft, because the role Microsoft's own records have played in this case will surely make them change their practices on the use of email to discuss their anti-competitive plans. The government has deliberately walked away from this chance.

The Clinton administration handed you a won case. All you had to do was to pursue the appeal following the strategy laid out in the trial case, and the appeal was winnable—all the facts were there. The judge's behavior hurt the case in the public's view, and the judge's removal meant that the judge would have to be replaced, but the facts were still there. Instead of pursuing the appeal, you dropped the ball.

The American computer industry will be hurt by this. Already Microsoft is chilling competition in new areas, including multimedia. For a brief time, during this case, it appeared that there might be a chance for real competition in this area, and many startups bloomed in response. Now that opportunity is over.

Jon Webb

MTC–00003938

From: Lorin Rivers
To: Microsoft ATR
Date: 12/10/01 2:25pm
Subject: Microsoft Settlement

I wanted to make a couple of comments regarding the proposed Microsoft settlement. Much of the proposal seems to be attempts by Microsoft to INCREASE their competitive advantage.

First, the aid for schools part needs to be a fund, with no free Microsoft software thrown in. This is an attempt to take customers from Apple.

Secondly, it seems as if Microsoft is attempting to defeat free software such as Apache by preventing non-profit organizations from having the same rights as commercial enterprises with which Microsoft competes.

They never quit!

Thanks —
Lorin Rivers 512.263.1233 x712 v
Product Manager 512.263.1441 f
REAL Software
mailto:lrivers@realsoftware.com
PMB 220 http://www.realsoftware.com
3300 Bee Cave Road, Suite 650
Austin, Texas 78746

REALbasic: the powerful, easy-to-use tool for creating your own software for Macintosh, Mac OS X, and Windows.

MTC–00003939

From: Joseph Waddell
To: Microsoft ATR
Date: 12/10/01 2:26pm
Subject: Microsoft Settlement

Greetings,

My name is William Joseph Waddell III. I work with the University of North Carolina at Chapel Hill to provide technology services to over 200 users at the Carolina Population Center.

I find myself asking where I should start. Permit me to start with the statement: Microsoft is Guilty! The Microsoft corporation has taken advantage of all people of the world. Their products (including MS-DOS, Windows 3.1, Windows 95, Windows 98, Windows ME, Windows NT, Windows 2000, Windows XP, Office 95, Office 97, Office 2000, Office XP, and countless other applications developed my Microsoft) are inferior to Open Source (read: FREE) software. Microsoft's applications paint the user(s) into a ''virtual'' corner. Microsoft has known that they cannot compete with the open source community. Indeed, how Microsoft must have thought when constructing their business model taking into account that the products they provide are supplied for free, and with higher quality, by people around the world.

They have attacked our open source community. An open source community where thoughts, ideas, sights, and sounds are for all to experience. An open source community who provides the technological tools with which all people can enrich their lives. Microsoft has attacked by entrenching themselves in proprietary thoughts and methods. Microsoft has not created anything great. Microsoft has taken away what was to be. Microsoft has not encouraged the betterment of our world...our community. They have shown that making money is more important that the well being of the people of the world. When a comprable open source

(FREE) product arrives on the software scene, Microsoft squelches it with their power of monopoly. That could have been the opportinity for thousands of, people who could not afford Microsoft software, to log onto the internet for the first time using open source (FREE) software. It may have been the begining of some children on the other side of the world creating an online community...but NO...Microsoft didn't want it to happen without making some money on it!

I'm asking you to terminate Microsoft with extreem prejudice. Please do not let Microsoft continue to oppress the majority of the world through their monopolistic practices!

Sincerely,
William Waddell
Carolina Population Center
jw@unc.edu
(919)966–6115

MTC–00003940

From: Eli Kae Moore
To: Microsoft ATR
Date: 12/10/01 1:22pm
Subject: Microsoft Settlement
From: Eli Kae Moore
121 Wason ST
Medford, MA 02155
ekmoore@celticweb.com

Dear Sirs/Madams,

I am writing to voice my opinion of the proposed settlement with Microsoft. I do know believe that the proposed settlement is adequate to protect the public's interest. In particular I am against the idea of Microsoft donating software to schools or any other public institution instead of paying a monetary fine or having the company split into two or more entities. Microsoft has already been declared a monopoly and has used illegal means to maintain said monopoly. By having Microsoft donate software to the schools their monopoly is only furthered as most people stick to the computing platform which they learn first, changing only as advances in technology allow and/or require. Furthermore since Microsoft sets the price of this software there is no way to know exactly how punitive such action would actually be.

I would also like to voice my concern regarding any correspondence supporting the proposed settlement with Microsoft. Microsoft admitted to forgery in the past. I refer to earlier this year when Microsoft was caught fraudulently writing letters from fictitious or deceased individuals in support of Microsoft to state attorney generals and claiming that such behavior was both legal and the standard practice in business. For this reason I would consider correspondence in support of Microsoft to be quite suspect.

Sincerely,
Eli Kae Moore

MTC–00003941

From: Jeffrey C. Graber
To: Microsoft ATR
Date: 12/10/01 2:33pm

I feel the proposed settlement as written is fair for the DOJ, Microsoft and U,S. consumers and that this matter should be laid to rest.

Jeff Graber

MTC–00003942

From: cfdmanW@netscape.net@inetgw
To: Microsoft ATR
Date: 12/10/01 2:39pm
Subject: Microsoft Settlement

DOJ,

I do not believe that the settlement that the DOJ and Microsoft have agreed to has gone far enough to punish Microsoft for its monopolistic behavior. The company was clearly found guilty of monopolistic behavior and for the government to ''roll over'' for them is simply not good for the software industry in the long run.

At the miniumum, the DOJ should insist that Microsoft make its file formats publically available and thus, no longer, proprietary. This would include the file formats for Word, Excel, Powerpoint, movie and audio formats, etc.

I thank you for your time.
Saif A. Warsi

MTC–00003943

From: James E Bauer, MD
To: Microsoft ATR
Date: 12/10/01 2:37pm
Subject: Comment on the proposed Final Judgement

I believe that the continuing success of our high tech industries is a critical part of our national future, and recommend that the settlement to which Microsoft has agreed is crucial to our getting back to work.

Please expedite this process with a minimum of recrimination and adverse comment.

Sincerely,
James E. Bauer, M.D., M.Div.

MTC–00003944

From: Andrew Chen
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/10/01 2:43pm
Subject: opinions about anti-trust settlement with Microsoft

I think that in the settlement Microsoft must donate real money, instead of computers and (Microsoft) software, so that schools can have their own choices of computers and software.

We want to give the freedom back to the customers and fair competition to companies. If the schools have to accept the Windows again as the results of anti-trust settlement, then such settlement ends up committing more monopoly for Microsoft. If so, I do not believe that the federal attorneys are doing a good job to protect the consumers.

Andrew Chen
CC:Andrew Chen

MTC–00003945

From: zmoran
To: Microsoft ATR
Date: 12/10/01 2:49pm
Subject: Microsoft Settlement

Well done and thank you.
RJ Moran
825 S. Tamarind Cir
Barefoot Bay, Fl 32976

MTC–00003946

From: Alfred E. Spurr
To: Microsoft ATR
Date: 12/10/01 2:54pm
Subject: Microsoft Settlement

The U.S. government is finally promoting the FREE enterprise system that this country was built on. Breaking up Microsoft would only make a mess out of a company which is only guilty of being competitive in a free enterprise system. Microsoft even helps its competitors by including some of their products on it's system. The government did not break up IBM and look what that company has contributed to the business world.

Thank you, U.S. Government

MTC–00003947

From: PsyJohn@aol.com@inetgw
To: Microsoft ATR
Date: 12/10/01 2:57pm
Subject: Microsoft Settlement

Just a brief note to record my support for your efforts and the results in this settlement. Let's get this issue completely behind us. In my opinion, our country has much more constructive tasks to accomplish than to drag down the engines of our economy. Thank you.

John A. DeNinno, Ph.D.
19213 51st Ave NE
Seattle, WA 98155
PsyJohn@AOL.com

MTC–00003948

From: Joseph Regina
To: Microsoft ATR
Date: 12/10/01 3:02pm
Subject: Microsoft Settlement

Gentlemen,

The purpose of this letter is to express my support for the settlement proposed by the Justice Department regarding the Microsoft case. I would like to congratulate the principal architects of this settlement. Excellent work. It is my opinion that the settlement strikes a difficult balance. I believe it will force Microsoft to rethink its culture towards a more ''Live and Let Live''' approach towards competitors. I don't believe it is the government place to pick winners. Consumers do a much better job. As a personal computer user for the past twenty years I have personally reaped many benefits over the evolution of PC operating systems. Programs that used to cost $40–200 dollars each (disk optimizers, disk defragmenters, color management, scanning software, etc...) are now much improved and free. For that I don't think Microsoft needs to be punished. Much more needs to be integrated into the operating system to make them more useful and secure. I hope Microsoft continues to add features without raising prices. I do understand Microsoft's competitors complaints, and there is merit to some of their complains. I believe the behavioral remedies proposed by the DOJ are quite appropriate.

Keep up the good work.
Best regards
Joseph Regina
jregina@houston.rr.com

MTC–00003949

From: Kirk S. Kuzma
To: Microsoft ATR
Date: 12/10/01 3:06pm
Subject: Microsoft has been done wrong by

the DOJ, and it is time to end it.

My simple view on the action brought against Microsoft is sheer amazement at the lack of understandanding for the software industry, and the difficulty of creating software for thousnads of differant configurations of personal computers.

For example, PC manufacturers often use substandard components of several different varieties when creating PC for large customers. When this occurs, Microsoft has to include device drivers for every one of these devices. Try setting your monitor to a specific brand, you will be presented with several thousand choices from several hundred manufacturers. Add to the mix all the peripherals and you will see how many resources have been devoted to this single aspect of windows.

It makes common sense to me for Microsoft to be able to control the base operating system as shippied initially to the customer. When manufacturers bundle helpful tutorials, additional software, or other Value Added Extras, they are invariably installed incorrectly, poorly documented, are of poor quality, and in most cases, affect the stability of the Operating System. As the feature set of Windows has increased over the years, the complexity of these features has been skillfully seperated into components which can be used by any number of applications that desire to use them. Like the Web Browser component. From the first day, this component was available to me for use in my Visual Basic applications. Netscape on the contrary was nearly unusable from other applications, and their philosophy was quite draconian—You must be contained within their browser if you wished to utilize the services that exposed.

I have written several emails in the past, and it is clear that the whole case was driven not by the factual realities of software development, but the hidden agendas on the lobbyists who represented the companies that had painted themselves into a corner by creating huge slipshod applications that could no longer adapt to the marketplace. The truth is the same today— Poorly written code stays around for a lot longer than people realize, and in my experience, most companies are loaded with substandard systems. I'm truly convinced that the action and finding against Microsoft precipitated the collapse of the market, as it said to the entire IT industry, dont try succeed or the government will intervene. The worse part was that the technical community was kept quite distant from the case, and I would challenge the so called court experts to explain the technologies exploited by Microsoft to achieve browser superiority. I doubt if they could. In fact, the government was never able to explain it.

In the Software Development world, personalities take second place to quality, yet we reward the the most skilled political lobbyist by listening to their dishonest tales of conspiracy when they fail in their own business. Microsoft has done more good for standards that any other company in the world—and the government finds this bad? What is the message you are trying to get across?

If you really want to do some good, go after all the Spammers and disseminators of Viruses and Trojan Software and make the penalties severe.

Sincerely
Kirk S. Kuzma
Sr. Software Engineer

MTC–00003950

From: Bob Greene
To: Microsoft ATR
Date: 12/10/01 3:09pm
Subject: Microsoft settlement

Sirs:

Microsoft's offer to supply software and hardware to schools is pure marketing. In doing so, they are extending their monopoly and creating an additional revenue stream that will pay out as schools are forced to upgrade existing software to match Microsoft's ever changing file formats. This will also likely bind schools to Microsoft's present and future licensing schemes where the software becomes cost prohibitive.

A far more equitable solution would be to place the cash at the school's disposal and let the normal rules of consumer choice apply. The schools could exercise their judgement to purchase Microsoft's products or those of a competitor as they see fit.

Regards,
Bob Greene

MTC–00003951

From: Rbuzz1931@aol.com@inetgw
To: Microsoft ATR
Date: 12/10/01 3:11pm
Subject: Microsoft Settlement

The Justice department could very well spend more time on projects that have an immediate effect on the economy. Take a look at the variances in gasoline prices in the west. Blatant price fixing at its best! The Micrsoft team is benefitting the economy with its state of the art products. Let their crybaby competitors wail all they want. Instead, they should just get busy, innovate and create new products and enjoy the fruits of the American free enterprise system like Microsoft did.

MTC–00003952

From: Gary Strauss
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/10/01 3:20pm
Subject: Microsoft Settlement

The wording of the settlement document covers the case of for profit organizations and businesses very well but specifically excludes the not-for-profit groups that at the present time constitute the major competitors of Microsoft. The not-for-profit competition I refer to includes the Apache web server, the Linux operating system, the open office suite, sendmail, and Samba. The terminology limiting the recourse of not-for-profits needs to be revised to allow them the same rights as given to the for-profits.

Gary C. Strauss
American Megacom Inc.
Phone: 734.779.4826
Mobile: 734.812.5592
Fax: 734.464.8828

MTC–00003953

From: James W. Holland
To: Microsoft ATR
Date: 12/10/01 3:24pm
Subject: Microsoft Settlement
Attn: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Subj: (1) Microsoft Settlement

(2) ?Don?t kill the Golden Egg that hatched the Goose!?

Myself and many other Small Businesses around the United States cannot help but be appalled at the Political circles that are kowtowing to AOL–TIME WARNER CONGLOMERATE, Sun Micro Systems and others. Please take the time to read my feelings, as well as the feeling of many others. The 9 States are attacking and litigating Microsoft, just as they did the Tobacco Companies. After the full litigation was over in Florida, for Example, the purpose for which the Litigants (the states lawyers sued for), not one RED CENT has been expended for those with Tobacco related illnesses. I know, I had an Uncle, Charlie Hay, who passed away in Dade County, Florida November 6, 2001 with CPD (Chronic Pulmonary Disease) from Smoking, and he was fortunate to have Family members take care of him! This is a farce of the highest order.

The American Public is sincerely becoming fed up with all these activities at the expense of the State & Local Tax payers. Also, many of us Computer users, Prior to Microsoft Windows Operating Systems and Office Applications, found the Computer environment was very unfriendly, and Apple had a monopoly of the Windows ICON type programs. Microsoft innovated a way to make regular Pc's act like Apple computers. This opened up the market for many PC manufacturers and the information industry. Please refer to the following URL, http://www.microsoft.com/freedomtoinnovate/info/ms_schumer_response.asp

This is a letter I just read to Senator Charles Schumer of New York, who it appears, is on the take from AOL-Time Warner and others who oppose any efforts by Microsoft to improve the ease of use of the windows operating system. He has been holding meetings with the Opponents of MICROSOFT Corp. in an effort to prevent them from doing their business. If this is allowed to continue, none of us in business in the United States are safe from these ''Left Hand Liberal Wingnuts Socialists''.

Microsoft has developed their software to the point where the entire world can communicate. My little company, Holland Signal, Inc. http://www.holland-signal.com, is able to communicate with our customers? worldwide on a Peer-Peer level that is unparalleled in the History of the world. We have been using Microsoft, and other Software products of theirs, as well as other software Providers for over 15 years now. And they have steadily improved my companies operations tremendously, at a very affordable price.

My customers and Associates in Brazil, Venezuela, Peru, Chile, Panama, Argentina and other locations in South America, France, Belgium, Holland, Ireland, Northern Ireland and Great Britain, as well as

Australia, New Zealand, Korea and South East Asia, and not to mention some 50 plus of my Extended family members can all communicate with me via the Internet and Microsoft Office Documents, MS Outlook (my scheduler and Internet Client), MSN Messenger, Net Meeting and a many other software systems and sub-systems, such as Adobe Acrobat and other Adobe products. All of my Foreign Clients and Associates marvel at the stupidity of our government allowing these attacks upon Microsoft. They cannot believe a National Asset, such as Microsoft is under such continuous attack. And, Microsoft is a National Asset. Stick your heads into any office near you and inquire as to the preference of their Software on their computer, and which one they use the most. You will find out very quickly, our Industries run predominantly on Microsoft. The reason is simple. It is easy to use, and it has commonality across the USA and the world, thanks to Microsoft ''we have Compatibility''.

It is time to call a halt to these Un-American Acts. It is to the point that I would welcome a return to the 1950s' when we had the house Un-American Activities committee, which would investigate these shenanigans. These Clinton and Schumer types, we have become fed-up with. And I have a lot of friends in the Elks, Moose, American Legion, D.A.V. and other organizations, to which I belong, who just can't believe this type stuff is allowed to continue.

Please let our feelings be known. Please ?Don?t kill the Golden Egg that hatched the Goose!?

Sincerely,
James W. Holland
Holland Signal, Inc.
P.O. Box 33607
Indialantic, FL 32903–0607
Tel.: +1–321–727–8737
Fax : +1–407–650–2826
e-mail: jholland2@cfl.rr.com
<mailto:jholland2@cfl.rr.com>
web: http://www.holland-signal.com
<http://www.holland-signal.com/>
CC:Bill Nelson,Bob Graham,Howard Futch

MTC–00003954

From: GC Research
To: Microsoft ATR
Date: 12/10/01 3:23pm
Subject: Microsoft

Microsoft's monopolistic behaviour should be stopped as soon as possible. I strongly support California, Connecticut, Florida, Iowa, Kansas, Massachusetts, Minnesota, Utah and West Virginia and the District of Columbia for their continued battle to end this monopoly. Further, microsofts attempt to reacha settlement via donations to schools only serves to strenghten the monopoly by later needs of upgrades by schools. How long is this going to last?

I hope that the DOJ comes to a solution that benefits our country

MTC–00003955

From: MsGee@aol.com@inetgw
To: Microsoft ATR
Date: 12/10/01 3:25pm
Subject: microsoft settlement

In regards to the proposed settlement between the United States and Microsoft Corporation, I find that it is of some note that it appears from reading that the United States has the only right to withdraw it's consent to the Revised Proposed Final Judgement.

Secondly, as I felt from the beginning of the entire process, perhaps the United States is , for some unknown reason, afraid of Bill Gates and his ''power'' as in the amount of money the corporation has earned, therefore went after him and the company with a vengeance.

I only know that if the other companies had invested as much in R&D perhaps they too, would have been able to come up with some of the programs Microsoft has , was, and will be producing., Instead of whining about how Microsoft had a monopoly, they should have been busy re-investing their monies in trying to get to the same place in the computer/internet industry.

As to the nine states still trying to perhaps overrule the proposed accepted settlement , i think they are wasting the taxpayers time and money. After all, who are they to second guess the court and make another newer settlement proposal, while the court entertains the proposed settlement before it now. I am of the opinion that the anti-trust laws are extremely out of date, antiquated , and need to be revised. The ant-trust laws , as they are today, do not adequately address technology in the slightest , especially at the rate it is advancing. I have only seen, a ''supposedly'' good law, one that is ''supposed to protect'' a company, end up to be rather one that does nothing but stifle creativity. And that is exactly the result of our anti trust laws as they exist today.

I see nothing wrong with someone being inventive or innovative and taking something beyond that of the ''accepted'' process or progress of a saleable item. That is a smart businessperson.

I understand that Microsoft Corp. put the pressure on manufacturers to use their products, and that Microsoft is being punished for doing that. However, to be forced to give away codes, etc. is taking someone's inventive processes and is not only unfair, but an actual theft of intellectual property. So is that to be allowed?

If these other companies cannot figure out what Microsoft has figured out, they don't deserve to be in competition with any company.

If the other companies refuse to pay their employees the best wages possible, they have no right to complain about the progress that the Microsoft Corp. has made by hiring the best and paying good wages for their services.

If the other companies choose not to re-invest profits to allow the creation of innovative practices, they have no right to be in business, let alone right at all to complain about the business practices of another company.

All these other companies, still complaining, have yet to reach anywhere near where Microsoft has taken technology.

I question whether or not all of these complaining companies have even tried to match or even begun to try to meet the advances Microsoft has made in the area of technology. That most likely has not occured because they are too busy whining and complaining.

I do not believe that the government has the right or should ever have the right to make a company give up their intellectual property assets to make another company happy or allow them to compete in the market place on someone elses laurels..... I believe in free enterprise to the fullest possibility and that means government keeps hands off private business.

I had a political science teacher once say to my class that the ''power is where the money is'' and for all of us not to forget it, and it is this statement that keeps coming to mind these past few years. I realize now that for government, that may be a correct statement, but for our government to go after a corporation that is only in business to advance technology as we know it, the government has made a grave error in judgement. Bill Gates does not want to be president or anything else, for that matter, except who he is as we see him today. A man of great forsight, a man willing to put his money where his mouth is, and a man who wants nothing more but to make communication and life better for the citizens of the world.

In another vein, an example comes to mind. It is of some interest to me to note that in the United States there are many medical laboratories in every state , in most large cities. However, as an example of a monopoly, there is only one company in the entire United States that medically tests for allergy to latex. They charge whatever they want to charge,for that particular test and guess what? They get their fee! Is that a monopoly? What has stopped any other testing facility from performing that test? A citizen is forced to use only that particular laboratory located in Florida.

It would seem to me that since, this is only one particular example , there are surely, many other examples just in that particular industry alone. My guess is that it's expensive to set that testing up in a lab and therefore other labs just don't bother to re-invest their earnings and offer that service. They probably figure that since there's already one lab performing that test, no more are necessary. I would differ on that issue. There's no healthy competition there at all.

It's the same thing with the other technology companies who whine and complain that Microsoft has a monopoly .. They probably figured that since one company already had found ways to surpass them, they would just complain loudly and try to make that company share their inventive process. Why should they be rewarded? And finally, since the government uses Microsoft products themselves, why haven't they switched to another company's products instead? We all know the answer to that question. The other company's products aren't that good. Why is that? Need I repeat the above comments?

I think the government has done a real ''number'' on one company who has outmanufactured all the other software companies. The government is responsible too, in a sense, for the tremendous loss of funds in the stock market in all fields of technology, which in turn hurt many citizens

right in their pocketbook. Maybe the government thought that if they could cause that loss among consumers, that the consumers would side with the governemnt and sawy public opinion as to Microsoft products. Personally, i think that was a grave error on the part of the Justice Department.

I really wonder when this is all over, the court has made their decision, how long it will take the various technology companies to start complaining again as Microsoft continues their inventive processes.

I am very glad that Gates and Microsoft fought this battle. The life of technology depended on it! I hope too, that it taught the Justice Department a lesson.(Although i'm not sure they truly understand what lesson they have learned). In my mind, they had nothing else to do and therefore had to justify their jobs. I'll never feel any differently.

I think the Justice Dept. should go after other companies and encourage them, no.....force them to be competitive, especially companies like the medical testing labs mentioned above. That to me would certainly justify their jobs. Maybe they should make that Florida lab share their work effort in the area of allergy testing. Then the consumer would be truly helped.

I am very anxious for the court to accept the proposed settlement and be done with this. I am also very anxious for the court to deny the nine states' separate proposal and get on with other more important issues that truly affect society at large.

Sincerely,
Lynnette Goldner
1164 South Wellesley Avenue
Los Angeles, CA 90049
310–207–5036

MTC–00003956

From: Zemne
To: Microsoft ATR
Date: 12/10/01 3:29pm
Subject: Microsoft settlement!

To whom it may concern,

If all concerned took more time to work on new ideas instead of trying to break Microsoft it would be great! Microsoft is an essential part of many people's lives and has helped many young people get a good start in life.

Companies should spend less time trying to get Bill Gates! Let the man do what he does best and quit wasting our money trying to break the Microsoft Company....

Thank you,
Zemne

MTC–00003957

From: Troy Davis
To: Microsoft ATR
Date: 12/10/01 3:40pm
Subject: Microsoft Settlement

To Whom it May Concern,

I've read reports of the proposed settlement of the Microsoft anti-trust case with great skepticism, and today I have found that my skepticism was well-deserved.

The executives at Microsoft are no doubt very intelligent people. Having completely dominated the market for operating systems, office applications and now web browsers, it appears that Microsoft is planning to use the DOJ's proposed settlement to put a stake in the heart of its only remaining competitor: the open source community. Under Section III(J)(2), Microsoft will be permitted to withhold crucial APIs and documentation from any non-profit organization. This will effectively kill open source projects like Samba—a non-profit, publicly-built replacement for Microsoft's file server software. Section III(D) specifies that Microsoft must supply APIs to ISVs, IHVs, IAPs, ICPs and OEMs, but these are defined in the footnotes as only commercial entities. Under this proposed settlement, Microsoft will have successfully beaten back the only entity strong enough to compete with it.

I thought Microsoft was found guilty of abusing its monopoly power? How is this proposed settlement going to prevent further abuse? This settlement isn't punishment for Microsoft's abuse of power, it's a reward. I smell lobbyists and campaign contributions. Stop trying to give away the entire computer software industry to Microsoft, the company's cut-throat greed needs no encouragement. I highly recommend reading Robert X. Cringely's article on this topic: http://www.pbs.org/cringely/pulpit/pulpit20011206.html

Sincerely,

MTC–00003958

From: Mark Povenmire
To: Microsoft ATR
Date: 12/10/01 3:42pm
Subject: Microsoft Settlement.

Would you please stop this foolishness with the Microsoft case? It is starting to get a little annoying. Why should any company let any other competing company have codes that should be kept private? Leave them alone, and quit wasting my tax dollars by fighting a company that has an aggressive business strategy. I like Microsoft products very much, so please don?t try to change them.

Thank you for your time,
Mark Povenmire

MTC–00003959

From: LarrimoreJ@aol.com@inetgw
To: Microsoft ATR
Date: 12/10/01 3:43pm
Subject: Microsoft Settlement

I think this whole matter has been a witch hunt at tremendous taxpayer expense (how much has it cost???). And at tremendous inconvenience for the average computer user like me.

I've read the proposed settlement terms and I think it's lop sided in favor of the DOJ. But I guess if we are to get this thing solved and get on with our lives, letting the DOJ save face is the only way to proceed. What a way to run a government!

James R. Larrimore
205 Vernon Avenue
Glen Burnie MD 21061
CC:LarrimoreJ@aol.com@inetgw

MTC–00003960

From: John Schuetz
To: Microsoft ATR
Date: 12/10/01 3:26pm
Subject: Microsoft settlement

What has happened to the free enterprise system in America? It sounds to me like there are a lot of sore losers out there who are trying to jump on the bandwagon and to get something for nothing.

If it weren't for Microsoft, where would we be today in our ability to do the many functions which the computer is capable of doing? There are other operating systems available if someone chooses not to use Windows. Having Windows as the standard does make sense and it simplifies trying to use other computers, in that a person does not have to retrain in learning a new system when changing jobs.

My hat goes off to Microsoft and I would think that our government and all the blood sucking lawyers that keep agitating the lawsuit should find something else to occupy their time. The economy is already in enough of a tailspin without having to put up with the uncertainity which this type of trial is imposing on the citizens of this great country.

MTC–00003961

From: Jim Burke
To: Microsoft ATR
Date: 12/10/01 3:50pm
Subject: Microsoft Settlement.

It was very clear to me that the suit in the first place was not only to punish Microsoft but to help those companies unable to compete in the first place because of their reluctance to provide a unified product to the public. We never the learned the lessons from VHS vs Beta nor Columbia vs RCA protocols for 33 rpm recording etc etc etc. As I have personally discovered multiple OS and software protocols hinder my freedom by prohibiting sending pictures of school projects to parents in other parts of the world.

Tithe school I work at uses Apple protocols and most industry and parents in the world use Microsoft based OS and software. The suit was partisan on the part of the government in the first place. A better approach would be the separation of browsers from OS but allowing free installation to users at the time of purchase. I have always used both IE and Netscape as needed—there are no issues. I think Microsoft products need to be better NOT limited by government. Bill Gates also needs to help others in the country more (vis a vis the latest school imitative) Don't make life tougher for me the public because some people (industries & companies) need the government to run corporate as well as private lives.

MTC–00003962

From: Michael Banet
To: Microsoft ATR
Date: 12/10/01 3:54pm
Subject: They must be split, or STOPPED

I oppose the kindness in allowing Microsoft to get out of this settlement with a small punishment, the company should be split. How much money have they slipped under the tables?

Michael Banet
80 Harriman Woods Drive
Harriman, NY 10926
845–782–3105
914–661–6624
Michael Banet
Web Master:

MyMac.net
http://MyMac.net/
Ondras Resort
http://ondras.tsx.org/
...Lost Depths...
http://nin.mymac.net/
Email:
mailto:Banet@MyMac.net

MTC–00003963

From: thebirdsalls
To: Microsoft ATR
Date: 12/10/01 3:59pm
Subject: Microsoft Settlement To Whom It May Concern:

In my opinion:

All Government issues and pursuit of advantage over Microsoft should cease.

Microsoft has been a benefit to the entire worldwide computer industry. They just do it better most of the time. Overall, no one has done it as well as they have. Sure, they do some things that irritate but so it is with everything. America particularly has benefited. Governments should not persist in legally trying to kill the geese that lay golden eggs to the direct disadvantage of us, the consumers. Microsoft's competitors have been allowed to start and keep this attack going. NOT FAIR!

Microsoft deserves the fruits of their labor. Competitors using Government should not be allowed to punish a successful business.

The settlement should be imposed on all states to the direct benefit of the consumer.

Now, I would never vote for Bob Butterworth, A.G., Florida because of his holdout for greater return leveraged out of Microsoft.

Richard E. Birdsall
1896 Peachtree Ave.
The Villages, FL 32162
352–259–9870

MTC–00003964

From: Barbara Stepan
To: Microsoft ATR
Date: 12/10/01 4:03pm
Subject: Microsoft Settlement

Dear Sirs,

I hope that measures are not taken to stop the inovation process at Microsoft because we will all lose with that approach. We are all right now free to choose what programs and operating systems we wish to use.

We can judge for ourselves which is better. The public is paying less each year for Microsoft products as they are keeping the prices down. The public is not suffering from Microsoft practices as we are from cable TV and phone companies where we have no choice. We are bombarded by unsolicited calls over the phone by computer generated and unknown caller calls with no numbers to call back and let them know we are either interested or not interested in their products. This is totally unfair and we are paying for the phone service, not them.

I would not be surprised if Microsoft's generosity all over the world out does not surpass the Government's. Millions of people trust Microsoft with their retirement survival. Can we trust the government with our Social Security?

Please do not stop competition and the free market for Microsoft when the people do have choices.

Thank you,
Barbara Stepan
bstepan@zetron.com

MTC–00003966

From: Matthew Arant
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/10/01 4:22pm
Subject: opinion on Microsoft proposal

It seems to me that Microsoft should pay a cash penalty and not a PIK that is structured as advertising for... Microsoft.

Regards,
Matt Arant
Pocket PC magazine
www.PocketPCmag.com
mailto:matt@PocketPCmag.com

MTC–00003967

From: marc
To: Microsoft ATR
Date: 12/10/01 4:17pm
Subject: Microsoft Settlement.

I am an american citizen living in Houston, Texas. I am unhappy with the proposed Microsoft settlement. Microsoft was found guilty, and I believe that breaking up the company is the only long term solution. marc

''Back in 1974, when IBM was building its embedded crypto chip for online banking, the NSA oozed up and said why don't you IBM guys throttle that back to 56-bit DES? And IBM didn't fuss, IBM was all groovy about it. They didn't say, you government dorks, get lost, we'll protect our freedom to non-innovate by throwing wads of cash and crushing you until we can buy ourselves a nicer President.''

—bruce sterling http://www.viridiandesign.org/notes/251–300/00283_geeks_and_spooks.html

MTC–00003968

From: Damour, James A
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/10/01 4:18pm
Subject: Microsoft Settlement

I am writing today to comment on the proposed Final Judgement of the Microsoft Anti-Trust trial. While I acknowledge that Microsoft has developed many products of great value to consumers, I feel that they have unfairly exploited their monopoly position in so-called desktop computer operating systems to crush many competing products and commercial producers.

The proposed Final Judgement does too little to punish Microsoft, to compensate competitors, or to prevent continued abuse. I strongly encourage the Court to reject the proposal. If the Court chooses not reject the proposal, I see little hope for Microsoft's commercial competitors. Fortunately for the American consumer, there are a number of strong non-commercial competitors to Microsoft. The Free Software Foundation, the Apache Foundation, and the SAMBA organization are all not-for-profit organizations that produce software products that directly compete with, and in many cases, can be used in place of, Microsoft products. Among their other virtues, these Open Source Software products are available for zero price for anyone who wishes to download them from the Internet as they were developed by volunteers. The zero price and voluntary contributions have allow these products to flourish in the face of previous Microsoft's anti-competative practices. Some industry observers (including some Microsoft employees, cf. http://www.opensource.org/halloween/halloween1.html) currently consider Open Source Software products to be Microsoft's primary competition in their market segments, and sometimes they actually hold *dominant* market positions (cf. http://www.netcraft.com/survey). As such, many people expect Microsoft to attempt to use its monopoly position to crush these non-commercial upstarts.

Sadly, the proposed Final Judgement may be just the tool Microsoft needs to accomplish this task.

To quote from last week's editorial by Robert X. Cringely (http://www.pbs.org/cringely/pulpit/pulpit20011206.html), ''Secion III(J)(s) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: '...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...'' ' Not only does this language allows Microsoft to set the terms as to what is and what is not a viable business and thus ignore any business based upon the Open Source Software but it precludes Microsoft from having to divulge this information to any organization that is not a business.

The last time I looked, the Justice Department, FBI, CIA, and Federal Judiciary were not considered ''businesses''. Section III(J)(2) taken with Section III(D)—which requires Microsoft to disclose information and APIs to allow access to non-Microsoft ''middleware'' products, but only to commercial concerns—seem directly aimed at the very market segments where organizations developing Open Source Software have made their greatest inroads against Microsoft's monopoly. These sections of the proposed Final Judgement must be reworded to reflect the continuing contributions made by not-for-profit organizations to the software industry and to the American consumer. Failure to do so will allow Microsoft, a company guilty of using its monopoly position in anti-competitive practices, to freeze out its greatest remaining competitors.

Thank you for your time.
James Damour
James.Damour@dfa.state.ny.us
Principle Consultant
Keane, Inc.
474–4637

MTC–00003969

From: Steve Toth
To: 'Microsoft.atr(a)usdoj.gov'
Date: 12/10/01 4:24pm
Subject: Microsoft Settlement

I applaud the Dept. of Justice and the nine states who are finally proposing a settlement with Microsoft. This case has never been about the consumer. This case has always been about Sun, Oracle and AOL attempting to use the legal system to thwart a competitor. I do not agree with using our fine

system of justice for these kinds of purposes. Our country has wasted enough financial resource, personnel and effort in pursuing a company that has demonstrated excellence and works actively to contribute to the community and the country on an ongoing basis. Microsoft has acknowledged previous wrongdoing, appears to be actively working to remedy any reoccurence in the future and appears to be willing to reach a fair and reasonable settlement. I encourage the Dept. of Justice to settle this case as rapidly as possible—that is the course of action that will finally be in the best interest of the consumer. Thank you for the opportunity to express my opinion on this matter.

Steve Toth
Senior Account Manager
Semaphore Corporation
2001 Sixth Ave. Suite 400
Seattle, WA 98121
Off: 206–905–5015
Cel: 206–510–2406
Fax: 206–905–5003
stoth@semaphore.com

MTC–00003970

From: Michael Sullivan
To: Microsoft ATR
Date: 12/10/01 4:34pm
Subject: MICROSOFT AND APPLE

I recommend that Apple's suggestion be followed: the current settlement, with the schools getting Microsoft software, just allows Microsoft to gain a foothold in that market. The solution/punishment allows Microsoft to increase its hegemony. The DOJ looks like a Microsoft puppet in the current arrangement.

Michael Sullivan mjsull@wi.rr.com

MTC–00003971

From: John Williamson
To: Microsoft ATR
Date: 12/10/01 4:39pm
Subject: FW: Microsoft Settlement

P.S.

I am a registered voter in Alameda county in California, and a U.S. citizen.

John Williamson
Product Support Manager, Simucad
510–487–9700x206
john@simucad.com

From: John Williamson
[mailto:john@simucad.com]
Sent: Monday, December 10, 2001 1:08 PM
To: 'Microsoft.atr@usdoj.gov'
Subject: Microsoft Settlement

To Whom It May Concern,

The proposed settlement between Microsoft and the U.S. Justice department is very fair and in the best interests of the consumers and the United States of America.

The nine states who are trying to obtain a different settlement are just responding to campaign contributions from companies trying to gain political and business advantage.

John Williamson
Product Support Manager, Simucad
510–487–9700x206
36091 Bettencourt St.
Newark, Ca. 94560
john@simucad.com

MTC–00003972

From: APress1932@aol.com@inetgw
To: Microsoft ATR
Date: 12/10/01 4:43pm
Subject: Re: Microsoft

It is time the Justice Department got out of the business of attempting to destroy an asset of the United States. This Company has done more for this country than all of the Activities suing Microsoft. Once this suit is settled Microsoft will continue to surpass all those attempting to destroy the Company.

The public wants Microsoft's products and will not buy the products of others that are less than acceptable. I and my Company will continue to by Microsoft products.

Putting Microsoft products in schools of this nation will garner more Microsoft customers. This is a smart action on the part of Microsoft. How can other vendors not see that this is not a good idea for Microsoft?

A. Pressley
523 Valhalla Dr
Columbia, SC 29229–3320
803–788–3293

MTC–00003973

From: Michael Arick
To: Microsoft ATR
Date: 12/10/01 4:42pm
Subject: Microsoft Settlement.

To whom it may concern:

Please try to stop the Microsoft Settlement. There are many flaws with the document, but the worst one is the repeated attempts to sideline Open Source efforts against Microsoft's monopoly.

Open Source applications, such as the Apache Foundation's Apache web-server are not necessarily produced by for-profit organizations. In fact, this is part of what allows them to succeed against Microsoft (see the original Halloween document, produced by Microsoft in 1998: http://www.opensource.org/halloween/halloween1.html). Not-for-profit organizations should have the same rights as other software development houses to Microsoft's internal APIs. Consider the following web-site article by Robert X. Cringely, a highly respected commentator on the tech-industry: http://www.pbs.org/cringely/pulpit/pulpit20011206.html

His most relevant quote toward this issue is the following Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...''

Hence, any non-profit organization, such as the Apache Foundation, will not have access to the information, but Apache is the software used on nearly 60% of web-servers in the country (according to the Netcraft survey, http://www.netcraft.com/survey/). Of all organizations, it seems clear that Microsoft's most-successful rivals should have access to the information they are required to release. This settlement specifically stops the information from being freed in this way. Hence, it won't be a strong remedy.

Thanks for considering these thoughts.

Michael Arick

MTC–00003974

From: Jim Bode
To: Microsoft ATR
Date: 12/10/01 5:02pm
Subject: Microsoft Settlement

I believe that a company should have the right to add additional value to their products without the government's interference. I totally disagree with the DOJ's claims in this lawsuit. Microsoft has NOT hurt consumers in any way. Microsoft's competitors want the government to do what they, the competition, can't do; beat Microsoft. We, the consumers, have made our voices heard with, among other things, our wallets. I am ashamed of our government, specifically the previous administration, for trying to fight the battle for Microsoft's competitors. Microsoft is not a public utility that we are forced to do business with. We have a choice. Please do not allow anything to interfere with Microsoft's, or any other company's, right to innovate.

Thank you,

Jim Bode

Bode Enterprises Web Site <http://www.bodeenterprises.com>

MTC–00003975

From: DrewAIX5
To: Microsoft ATR
Date: 12/10/01 6:07pm
Subject: Microsoft settlement

I understand that the US government is having a hard time with the Microsoft antitrust case. Coming from the technology industry it is easy to see the monopolistic behavior from Microsoft. But looking at the technology industry from the outside in, is no easy feat.

I just hope that when this is all over, Microsoft will be sharing it's programs with other operating systems like linux, and I hope that they don't gain a monopolistic hold on the internet which I'm afraid has already begun. When I buy a new PC from Dell, Gateway, IBM any of the most popular vendors, I HAVE TO BUY MICROSOFT WINDOWS XP even if I never plan to use it. I would want to buy one with Linux but I can't. In fact I can't even but one without an OS and install Linux myself. No matter what I do I still have to pay a licensing fee to Microsoft even if I never use it!

Where is the consumer choice? WHY exactly don't I have a choice? Not only do I have to buy the Microsoft product but Microsoft DEMANDS that I register it and when I do THEY AUTOMATICALLY PLACE MY PERSONAL INFORMATION into their Passport database! I don't want that either! I, in no way shape or form wish to have my personal data put into a database that was already compromised once in the few short months of it's existence.

Microsoft will be building this database of people, keeping all our information in it, but if the Government was to try to do the exact same thing that (Private Industry) Microsoft is doing, there would be mad protests in the street, protesting big brother.

They can, will, and do get away with it because everyone knows that the court

system in this country moves slowly, and that technology is constantly changing at an extremely fast pace. By the time the government actually has a case together and is ready to take it to court, all the rules have changed, and whatever Microsoft was doing they don't anymore (because it doesn't suit them), and they are on to taking over the next new technology that the government isn't even aware of yet. It's a circle.

I hope that this chance to break the circle is not wasted. I don't want to see the deterioration of free enterprise in the computer business any longer.

Thank you,

Andrew Townsend

MTC–00003976

From: Ka9cql@aol.com@inetgw
To: Microsoft ATR
Date: 12/10/01 5:17pm
Subject: Microsoft Settlement

It is unconscionable to allow Microsoft's remedy in the government's anti-trust case against it to be applied to ONLY COMMERCIAL interests.

To specifically exclude Open Source, Not-for-Profit, and other ''freeware'' products/vendors/organizations from consideration of any kind reveals the basis of the proposed ''solution'' to be an unbelievably perverted view of the state of the computer industry, today. Microsoft exists because it has trashed every competitor that rose their head above the crowd.

What will Microsoft get away with, regarding Apache, Pearl, Linux, DAV, LDAP, FreeBSD, WAP, HTML, XML, CORBA,... (the list goes on) if this proposed ''settlement'' goes through as is? I believe I have the answer—''Embrace, extend,... extinguish.''

To coin a phrase ''You ARE the weakest settlement... goodbye!''

Mike Sipin
Frustrated, in CA
ka9cql@aol.com

MTC–00003977

From: Mike Chytracek
To: Microsoft ATR
Date: 12/10/01 5:22pm
Subject: Microsoft Settlement

This email is in reference to the remedies in the Proposed Final Judgement filed by microsoft. For them to be able to exclude not-for-profit organizations access to Microsoft's API's, Documentation, or Communications Protocols would be in effect, continuing to keep their main competition from succeeding. Microsoft's biggest threats to dominating the Internet world are products such as Apache, Sendmail, Perl and PHP. All open source non-commercial products that are developed by not-for-profit organizations.

The DOJ needs to understand that they just can not compete on the level with Microsoft technically.

They can not allow Microsoft to make their own recommendations for a ''Remedy''.

Mike Chytracek
Application Developer
SGSNet, LLC
600 W Jackson
Chicago IL 60661

For My PGP Key: http://www.sgsnet.com/mchytrac/mypgpkey.html <— Another Non-Commercial product, PGP

MTC–00003978

From: Zimran Ahmed
To: Microsoft ATR
Date: 12/10/01 5:26pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the Microsoft settlement's inadequacy in improving the competitive environment in the software industry. Some serious shortcomings relate to:

1) Middleware

The current language in Section H.3 states ''Microsoft Middleware Product would be invoked solely for use in interoperating with a server maintained by Microsoft (outside the context of general Web browsing)'' does nothing to limit the company's ability to tie customers and restrict competition in non Web-based networked services under .NET, as they fall ''outside the context of general Web browsing''.

Microsoft has already begun abusing its desktop monopoly to tie customers int .NET revenue streams and set up a new monopoly over the network.

Part 2 of the same section states ''that designated Non-Microsoft Middleware Product fails to implement a reasonable technical requirement...'' essentially gives Microsoft a veto over any competitor's product.

They can simply claim it doesn't meet their ''technical requirements.''

2) Interoperability

Under the defition of terms, '''Communications Protocol' means the set of rules for information exchange to accomplish predefined tasks between a Windows Operating System Product on a client computer and Windows 2000 Server or products marketed as its successors running on a server computer and connected via a local area network or a wide area network.'' This definition explicitly excludes the SMB/CIFS (Samba) protocol and all of the Microsoft RPC calls needed by any SMB/CIFS server to adequately interoperate with Windows 2000. Microsoft could claim these protocols are used by Windows 2000 server for remote administration and as such would not be required to be disclosed. The Samba team have written this up explicitly here: http://linuxtoday.com/news—story.php3?ltsn=2001–11–06–005–20-OP-MS

3) General veto on interoperability in section J., the document specifically protects Microsoft from having to ''document, disclose or license to third parties: (a) portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria.''

Since the .NET architecture being bundled into Windows essentially builds ''anti-piracy, anti-virus, software licensing, digital rights management, and authentication systems'' into all levels of the operating system, ANY API, documentation, or communication layer can fall into this category. This means that Microsoft never has to disclose any API by claiming it's part of a security or authorization system, giving them a complete veto over ALL disclosure.

4) Veto against Open Source

Substantial amounts of the software that runs the Internet is ''Open Source'', which means it's developed on a non-commercial basis by nonprofit groups and volunteers. Examples include Apache, GNU/Linux, Samba, etc. Under section J.2.c., Microsoft does not need to make ANY API available to groups that fail to meet ''reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business.'' This explicitly gives them a veto over sharing any information with open source development projects as they are usually undertaken on a not-for-profit basis (and therefore would not be considered authentic, or viable businesses).

These concerns can be met in the following ways:

1) Middleware: Extend middleware interoperability with a Microsoft server to ALL contexts (both within general Web browsing as well as other networked services such as are those being included under .NET).

2) Interoperability: Require full disclosure of ALL protocols between client and Microsoft server (including remote administration calls).

3) General veto on interoperability: Require Microsoft to disclose APIs relating to ''anti-piracy, anti-virus, software licensing, digital rights management, encryption, or authentication systems'' to all.

4) Veto against Open Source: Forbid Microsoft from discriminating between for-profit and nonprofit groups in API disclosure.

Sincerely,

Zimran Ahmed

MTC–00003979

From: Chris Eddy
To: Microsoft ATR
Date: 12/10/01 5:29pm
Subject: Microsoft settlement opinion

To the DOJ:

The settlement is a joke. It does almost nothing to address MSFT's historically outrageous behavior nor curtail future repeats of the same.

I was in the software business for 15 years and over that time dealt with dozens of MSFT employees, from developers to the Director/VP level. I've partnered with MSFT, sold to MSFT and competed directly with MSFT. The problem at MSFT not a couple of over-zealous executives—an anti-competitive attitude permeates the entire corporation. They consider the law as an impediment; an obstacle to be avoided or conquered.

I don't have a solution, but I know their behavior will not change without compulsion and education. This must take place at all levels—every employee who interacts with

the outside world needs to learn respect for the law.

We are entering a very dangrous period. The last several years MSFT has had fend off attacks from numerous well funded internet startups. Even a focused giant like MSFT had difficulty subduing all these competitors simultaneously. At minimum these companies kept MSFT honest in many emerging markets. But the internet frenzy is over and the startups are weakening. We are now at risk of MSFT extending their monopoly from the desktop to the entire internet. Then you'll have a much bigger problem to fix.

Thank you for your time,

Chris Eddy

MTC–00003980

From: roycommi@yahoo.com@inetgw
To: Microsoft ATR
Date: 12/10/01 5:29pm
Subject: Microsoft Settlement
Jason Kelly
1707 Deepwoods Trail
Leander TX 78641
December 10, 2001
Public Comment

Dear Sir or Madam:

I believe that any settlement that would have a chance of restoring competition to the computer industry would require at least the following:

1) All terms must be enforced by a non-Microsoft party with full access to all Microsoft resources, including source code. Microsoft cannot be trusted to voluntarily comply with any agreement.

2) All communication protocols used by all Microsoft products must be fully documented. Such documents must be made available to any and all parties for any reason. Microsoft is not allowed to change their protocols until 90 days after documentation of such changes are made available to any parties requesting them. This clause must include also file formats used in any Microsoft products. The documents must be made available for free at the Microsoft web site, not just in MSDN or through some other expensive service or licensing. The documentation must be released at least 60 days before the publication of the product, and also 60 days before the publication of any updates. Microsoft itself must follow the documentation and not make any unpublished private extensions on top of the published protocols. This clause must apply also to any security protocols or file-format encryptions. There might still be loopholes for protocols requiring patented or otherwise closed or proprietary third-party components. Microsoft should be forbidden of using such 3rd-party components to circumvent the requirements.

3) The previous term must also apply to all Microsoft APIs (Application Programming Interfaces).

4) Microsoft may not keep agreements secret. In particular, the terms of the current OEM agreements, currently protected as ''trade secrets'' must be disclosed.

5) Microsoft may not use agreements with Computer OEMs to restrict in any way the addition of other software to the computers, along with Microsoft products. In particular, OEMs are not to be prohibited from selling ''dual-boot'' systems, where the system can be booted into Windows or into some other operating system, such as Linux or a form of BSD or BeOS.

6) Microsoft may not use their licensing terms to stop users or developers from using Open Source software or Free Software.

7) Microsoft may not meddle in the legislative processes of Federal, State or local governments or bodies that make recommendations to them, with their work on UCITA being a prime model of behavior that is prohibited to them as a monopoly.

Sincerely,

Jason Kelly

MTC–00003981

From: TMAC
To: Microsoft ATR
Date: 12/10/01 5:33pm
Subject: Microsoft Settlement

If you truly want to level the field Microsoft should be required to port Microsoft Office to Linux And the API's (not Windows Source Code) should be documented and published for anyone to use—even a single person who may want to write a program to run on windows

MTC–00003983

From: Steve Phillips
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/10/01 5:58pm
Subject: Microsoft settlement offer is inadequate ...

Dear People,

Microsoft's offer to donate billions of dollars of their own software to schools seems especially craven to me. Such a donation amounts to a one billion dollar marketing commitment by Microsoft in the education marketplace, a commitment that no other company is capable of making.

If Microsoft is allowed to go forward under the current (revised) proposal, it seems certain to me that essentially all of our schools will be required to use, purchase, and maintain software manufactured by Microsoft for years to come.

It would be more equitable to require Microsoft to donate cash to the schools.

—scp

Steve Phillips stevep@chaseconsulting.com

MTC–00003984

From: Dermot Gately
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/10/01 5:46pm
Subject: Microsoft Settlement

Folks,

I just want to add my voice to the list of concerned citizens that feel that Microsoft is getting off way too lightly based on what I read on the settlement documents with the DOJ.

Their punishment should be financial...cold hard cash. Give that to the foundation. Allow the foundation to give it to school districts and let those school districts spend it on the technologies of their choice.

Allowing Microsoft to provide their software is absolutely no punishment at all and is simply making the DOJ a marketing partner in their efforts to make the world run on Microsoft products at the expense of other software vendors.

It only expands their grasp...''seed the educational institutions and reap the benefit later when those kids hit the business world''.

Please do not acquiesce to the current offer terms.

MTC–00003985

From: Dalton, Paul
To: Microsoft Case at DOJ (E-mail),Lessig (E-mail)
Date: 12/10/01 6:02pm
Subject: Microsoft's X-Box

I thought you might be interested in this portion of the latest Robert Cringley article in InfoWorld:

''Meanwhile, a reader has reminded me of recent reports based on Microsoft's admission at Comdex Las Vegas that it loses around $100 per unit on the X-box game console, with breakeven not expected until sometime in 2004.

You have to ask yourself whether selling below cost is ''seeding the market'' or if it's that other technical term, ''dumping,'' given the company's plans to turn the consoles into Microsoft-affiliated Internet gaming machines.'' OR . . . Microsoft could be simply ''buying'' the market for game hardware with the eventual intent to do in the game industry just what it did to Netscape: Seize the market away from Nintendo, Sega & Sony so that Microsoft is the dominant player in yet another market where it effectively has ''the operating system'' (in this case, the hardware contains the operating system, which doesn't get licensed to other ''box'' makers). Once Microsoft has a high enough percentage of the hardware market, it effectively controls the game operating system market. At that point, Microsoft will be able to play the same sorts of tricks on game developers that it has in the past on software developers: Giving Microsoft's own developers either or both of more or earlier information than is given to competitors in the game development market, thereby giving Microsoft—once again—an unfair advantage.

Just my thoughts.

Paul Dalton

MTC–00003986

From: Clint Lord
To: Microsoft ATR
Date: 12/10/01 6:03pm
Subject: Microsoft Settlement

I would like to comment on the MS/DOJ settlement. Below are my suggestions for changes that should be made to the settlement:

1. MS should be required to publish the entire Windows API. This would include every possible call to the OS. Including API calls that are currently only shared between MS OS division and MS Application division.

2. If MS ''bundles'' any software with the OS (ie. Internet Explorer) they would be required to publish its entire API as well.

When I say publish, I mean available to anyone that wants it—no stipulations... it would be publicly published.

This would solve several problems:

1. MS doesn't have to show one line of source code to the world.

2. No more unfair advantage to MS Application division.

3. This wouldn't allow MS to ''turn off'' an API option just to shut down a competitor. They would have to publish the change to the API some time before it was released.

4. This would offer the opportunity for competitors to actually create a competing OS that is 100% compatible with Windows apps. Talk about leveling the playing field.

I believe this is a very simple and yet very effective method to level the playing field with MS and the rest of the software development world. They have been found guilty of monopolistic behavior and this would help their competitors compete as well as dissuade MS from future monopolistic behavior.

Thank you for taking the time to review my comments.

Clint Lord
CEO/Senior Programmer Analyst
The Voodoo Cube, Inc.
CC:Russell May

MTC–00003987

From: Mikko Moilanen
To: Microsoft ATR
Date: 12/10/01 6:11pm
Subject: Anti trust case

I am very disappointed about your way of dealing. If Microsoft are forced to give their uselicenses to poor schools, it is same as nothing. Monopoly only hardens. What thei can do is give hardware. Surely you understand without any problem.

Mikko

MTC–00003988

From: Warren Mann
To: Microsoft ATR
Date: 12/10/01 6:12pm
Subject: Microsoft Settlement

I have reviewed the proposed settlement with Microsoft. I would like to point out that no settlement will be effective if it does not address one very important activity that Microsoft has consistently used to strengthen its monopoly position. This is the activity referred to as ''embrace and extend''. This term is even used in Microsoft's own internal documents:
http://www.opensource.org/halloween/

My concern is Microsoft's activities in ''embracing'' open standards, such as the protocols that allow the web to work, and then ''extending'' them, without releasing the details of the extensions, citing copyright/patent issues.

This effectively locks competitors out of the market. This behavior is intentionally done to strengthen Microsoft's monopoly power, BY THEIR OWN ADMISSION:
http://www.opensource.org/halloween/halloween2.html

Any settlement which fails to address these issues is only strenghtening Microsoft's monopoly.

Warren Mann
Kansas City, MO

MTC–00003989

From: Sam Winch
To: Microsoft ATR
Date: 12/10/01 6:15pm
Subject: Microsoft Settlement

Dear Sirs/Madams:

The proposed Microsoft settlement is unfair to non-profit software organizations, such as Linux, Apache and SAMBA, which will be effectively killed if it goes through as proposed.

Although it has a nice, ''feel-good'' veneer to it—with computers going to poor schools—the proposed settlement also effectively grants Microsoft a license to establish a new monopoly in the education market, one of the only places where they have real competition from Apple. I strongly suggest you reformulate the settlement in a way that actually punishes Microsoft rather than rewarding them for their years of predatory monopolistic behavior and years of putting other companies out of business.

A good settlement would open their sourrce code to all software competitors (including non-profits), and to have them pay $10 billion for computers that do NOT run their operating system, and for software NOT made by their company. I'm sure they could write a check for that much without blinking.

sincerely,
Dr. Samuel P. Winch
1507 Woodcrest Circle
Harrisburg, PA 17112

(Note: this opinion is personal and almost certainly does not reflect the opinion of my employer)

MTC–00003990

From: Anderson, Ken
To: 'Microsoft.atr(a)usdoj.gov'
Date: 12/10/01 6:17pm
Subject: Thanks!

As a Microsoft software user, as a software developer, and as a Microsoft investor, thank you for moving on.

Ken Anderson. President
Anderson & Associates, Inc.
100 Ardmore St.
Blacksburg, VA 24060
540 552 5592 fax 540 552 5729
800 763 5596
anderson@andassoc.com
http://www.andassoc.com

MTC–00003991

From: Brad Borland
To: Microsoft ATR
Date: 12/10/01 6:22pm
Subject: Comments

Dear Sir or Madame:

I concur with the actions of the DOJ and Microsoft in reaching a settlement. It is in the best interest of the consumer, tax payer, software developers, the US Government and anyone with a pension or profit sharing plan. It may also expedite the ability of Microsoft and the EU to reach an amiable settlement.

While there are some sour grapes, there are really no losers.

Brad Borland

MTC–00003992

From: Stuart
To: Microsoft ATR
Date: 12/10/01 6:32pm
Subject: Microsoft Settlement.

Dear Ms Hesse

Being a member of the open source movement. I find the proposed DOJ settlement with Microsoft both incomplete and dangerous. Most of my customers use SAMBA a product that emulates Microsoft LAN software. SAMBA is completely unprotected by this agreement from predatory practices we know will ensue from Microsoft. Why does this settlement only protect commercial entities? Microsoft is a monopoly which will continue to play 'hard ball' to protect it's turf against all comers. If this settlement continues as read, I believe that the IT economy will suffer greatly from lack of innovation, fewer consumer options and even more Microsoft lock-in than exists currently.

I believe that if the settlement were to be just, Microsoft would be forced to open all standards they propose to competition from all comers. These standards would be available as they were developed enabling comment and a watchful eye to be cast by the wider IT community.

Your sincerely
Stuart Guthrie
Managing Director
Eureka IT Pty Ltd
Sydney, Australia

MTC–00003993

From: Robert Cortese
To: Microsoft ATR
Date: 12/10/01 6:33pm
Subject: Microsoft Settlement

I'm sure you guys are away of slashdot, anyways I submitted a comment that I thought was pretty good on the MS subject so I thought I would share it with you guys down at the DOJ. I'll summarize now, basically schools do not need more computers taking up space, they need new facilities instead of the delapidates peices of crap we call schools now. Here is my slashdot comment, enjoy!

1 thing I havent seen on this thread is what the teachers responses were to the MS settlement deal. Listening to Rush Limberger this morning, he said that the teachers said screw the computers, just give us the money. After watching the track record of these teachers over the last 30 years, my only answer to them is, Do you realy think we're going to trust you with all that money after the way you left our public schools systems in such shambles? Where america used to be first in acedemia we are now 4th behind asian countries. I've watched PBS specials on how asian schools conduct themselves, it is allmost a throwback to american schools in the 30's and 40's. Teachers use corporal punishment, shame and guild trip techniques, get involved with parents and generally do all the things we americans tossed out of our schools years ago, mainly discepline.

I think computers are going to do more to hurt than help honestly. I remember working for the pleasonton union school district, it was a constant challenge to fend off the waves of would be script kiddies and hackers that habitate the k-12 system. The company I worked for was not cheap either, I was whored out at $150@hr to clean up these little ''messes'' that the kids made on the network.

Another thing scary about computers in schools is it will justify even less spending on academic supplies such as textbooks, pencils, papers. The teachers will spend less time teaching the children how to work

through problems and school is going to become a very cold place with little to no interaction between student, teacher and parent.

MS should be forced to pay, but are k-12 really the right answer? How about donating a computer to every high school graduate? Instead of using them as a ''learning tool'' why not use them as an incentive to get kids to hit the books harder. Of course we could use china's techniques of public humiliation (read dunce cap) and caning to make kids focus. Being that we are america, we spend too much time worrying about these kids rights, fuck em I say, my tax dollars are paying for their education, not a good time. There is a third option of course, this was really popular in the 80's and 90's. We could make MS buy massive quantities of ritilin for our kids and dispense it in their milk. Like bart simpson says, ''No itchin or twitchin cause I take my ritlin''. Being one of ''those'' kids who was called down to the nurses office to take that crap, nah too publicaly humiliating (other kids said we took crazy pills)

All jokes aside I think the best thing for MS to do is to buy up property and erect schools. Even if the Oakland school district got new computers, there is no data wiring, and I doubt the electrical is any good either. It's still going to be the same old drab emotionless schools that they are now. Space is what schools need more than anything. How many times have you driven past a school only to see 3 or 4 of those ''temporary'' trailers parked on the blacktop. Our school buildings have become the equivelent of trailer parks, our kids are the equivelent of trailer park trash. This is what needs to change, not @%#%@ more computers to take up %@#–%@ more space. Am I the only one that see's this or am I a crack smoking lemur?

MTC–00003994

From: Jon Benton
To: Microsoft ATR
Date: 12/10/01 6:34pm
Subject: Microsoft Settlement

To Whom It May Concern:

If it is true that the language of the Microsoft Settlement precludes Open Source and Government bodies from gaining access to vital Microsoft API source code, I believe that would be an egregious and shameful miscarriage of justice.

Perhaps the definition of a ''competitor'' who is allowed to view the API code needs to be changed to more widely encompassing definition which includes entities like the Open Source community and Federal, State, and possibly local governments.

Sincerely,
Jon Benton

MTC–00003995

From: Dave Owen (Los Angeles)
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/10/01 6:45pm

Subject: Please do not allow Microsoft to extend its' monopoly into school s as a 'punishment'

Simply put—if cigarette companies were 'punished' by providing cigarettes to schools free of charge, this would provide a short-term financial drain on the company, but a long-term financial gain to the company.

Similarly—if Microsoft is 'punished' by providing Microsoft software to schools free of charge, this would provide a short-term financial drain on the company, but a SHORT-term and long-term financial gain to the company for the following reasons:

—If children are taught using Microsoft programs, they will be significantly more likely to use these programs as adults—long-term gain.

—If children are taught using Microsoft programs, their parents will be significantly more likely to purchase these programs for doing schoolwork at home—short-term gain.

—If schools utilize Microsoft programs, they will need to hire Microsoft-trained individuals as support staff—short-term gain.

—If schools utilize Microsoft programs, eventually the free settlement software will be out of date and they will need to purchase updated Microsoft software—long-term gain.

—If schools utilize Microsoft programs, eventually the free settlement software will be out of date and they will need to make significant infrastructure revisions to utilize any alternative to the outdated Microsoft programs—long-term gain.

As a 30-year-old working professional who was exposed to computers at a young age, ALL of which has been obsoleted by current technologies, I humbly submit the following:

The technology our children learn will be obsoleted very quickly, likely before they leave college. We serve them better by teaching technology theory, rather than sitting them in front of a computer just like their home computer and saying ''you know what to do''.

The best way to teach technology theory is to use tools that are extremely fundamental; for instance, you do not teach math by teaching a student how to use a calculator. The calculator is a useful tool, but working math problems out by hand is an extremely fundamental tool. At the same time, there are circumstances (such as figuring SINE and COSINE) where a calculator is a boon. This is why calculators and hand calculation are both taught and supported in schools.

For computers, the most fundamental tools available can be found on computers that support 'command line' access, such as DOS, UNIX, Linux, and BeOS (among others). At the same time, computers are also used for word processing, to run training programs, and to teach skills such as typing. Other, less fundamental tools are better suited for such use. This is why computers of all kinds must be taught and supported in schools—by teaching our children to use the right tool for the job, giving them a firm grounding in fundamentals, and exposing them to different (and ever-changing) technologies, we will give them a most fundamental tool: the skill to examine, choose, and adapt.

Extending the Microsoft monopoly further into our schools will not help us accomplish this task—instead, it will teach our children that there is only 'one' kind of computer, and it is the only kind of computer they should bother to learn. Such complacency is abhorrent in an educated and industrialized society.

A far better lesson to our children, as well as to Microsoft, would be a settlement that increases the range of computer equipment available, increases the computer/student and computer/classroom ratio, and provides monies to hire trained support staff.

Thank you for your time.

MTC–00003996

From: Joe Pybus
To: Microsoft ATR
Date: 12/10/01 6:57pm
Subject: Microsoft Settlement

As a retired investor trying to manage my assets so that they will outlive my wife and me, I ask that you expedite the Microsoft settlement. Something also needs to be done to put an end to the grandstanding states attorney generals in this case specifically and in general. We as stockholders of the corporations that make this country's economy strong are paying a heavy price for the combined efforts of your and the states attorney generals.

After spending twenty-six years abroad during my working career in competition with foreign companies, I strongly believe the anti-company position our government takes is counter productive and not in the best interest of the companies, the company shareholders, the national economy or the U.S. citizens in general. Our companies are handicapped by our government while our foreign competitors are assisted by their governments! Significant costs are incurred in pursuing these matters that do not lead to any real benefits except to line the pockets of the attorneys. Let's do what we can to level the playing field and utilize these highly qualified attorneys in productive endeavors!

Sincerely,
Joseph E. Pybus, Jr.
CC:joedaisypybus@yahoo.com@inetgw

MTC–00003997

From: Elizabeth Ghaffari
To: Microsoft ATR
Date: 12/10/01 6:53pm
Subject: Microsoft in USPS Mass Marketing Effort

''Elizabeth Ghaffari''
<techplace@earthlink.net> 11/29/01 3:01 PM

Imagine my surprise this morning as I picked up my stamps at the USPO and saw the public property inside covered with posters for Microsoft's latest version of their windows product. Not only that, but counters were covered with freebie demo CDs showing how wonderful their new product is.

Yet, there's nothing on display stating the truth that Microsoft's XP works ONLY with new PC hardware, that all older PCs cannot operate with this new product. Talk about lack of truth in advertising— AND the USPS is helping!

As an American taxpayer, I really do not like the USPS giving their public property over to the same firm that is being investigated for so many antitrust activities both in the US and abroad.

Elizabeth Ghaffari
techplace@earthlink.net

MTC–00003998

From: Charles Johnson
To: Microsoft ATR
Date: 12/10/01 6:53pm
Subject: Microsoft Settlement

Note: I am not a lawyer, and thus do not fully understand the proposed settlement being discussed. I am merely running on the information provided me by several news outlets as to the exact terms of this agreement. Allowing Microsoft to settle this antitrust lawsuit by giving away a mere one billion dollars in software and hardware to schools is preposterous. While I applaud their ingenuity, it reeks of the Internet Explorer undercutting all over again. Many school districts use Apple Macintosh products to power their learning and library computers. Allowing Microsoft to simply give away their software, all over again, into a market in which Apple has traditionally been dominant is foolish and counter to the idea of punishing a monopolist. Simply allowing them access to a new market in this guise is unconscionable, especially since part of the remedy may be ''paid'' in software. Microsoft sets the price for its product, and it loses nothing (not even in an opportunity cost) by giving the software away to a market that would not puchase it in the first place. However, they stand to gain substantially when the support funds run out, and the schools find themselves in the position of having to pay to maintain their free software from only a few short years before. They become locked into the cycle of upgrades, just like many corporations, and Microsoft gains a new steady revenue stream.

Explain to me again: How is this punishment, exactly? Do not let Microsoft make any part of its settlement payment in kind, be it software or hardware. Force only cold, hard cash from them. I implore you, let justice be served.

Charles Johnson

MTC–00003999

From: Wade Tregaskis
To: Microsoft ATR
Date: 12/10/01 6:59pm
Subject: Microsoft Settlement

<http://www.pbs.org/cringely/pulpit/pulpit20011206.html> effectively summarises the most gross errors in the settlement details. As for the front of the settlement in general, how about Microsoft—rather than being able to freely run rampant through the education market with the government's blessing, smashing a market which has remained competitive so far—provide a more realistic sum ($10 billion [or more] US seems less laughable) for an independant third-party—government assigned board of industry specialists—to purchase and distribute hardware and software amongst the proposed users—low end schools, charity's etc. This board could adopt a multi-platform approach, utilising a full range of the available resources—Apple and Intel/AMD/etc hardware, Sun, MacOS, Linux [various flavours], Solaris, maybe some Unix distro's, etc.

The end result would be a 'seeded market', full of a wide range of different vendors, who can then compete after the settlement, providing motivation to lower prices and provide superior products, due to the investment already made by those vendors in the settlement. In addition to this, those who suffered from Microsoft's disreputable practises must be compensated. The current settlement offers absolutely nothing for this, and one would think this would be the aim of the entire case. This is not a morale issue being debated. If it was, it would not have taken 2 years to reach any kind of verdict, let alone resolution. Microsoft are inarguably morally injust, even now. They have mocked the entire case through to the present moment, and will continue to do so, by repeatedly applying the same tactics to current markets that they did to past ones, the tactics and practises which brought about the court case in the first place.

No, this is purely a money-case, with no direct morale issues being accounted for. So, money must be granted to those who deserve it. The individuals and companies which were crushed by Microsoft's illegal practises. A sad irony that many of those companies no longer exist because of Microsoft, but their founders and past employee's could be tracked down and compensated appropriately.

And final third step to ensure Microsoft cannot run—too—rampant in future would be to assign 49% of it's total stock to a wide range of companies and individuals outside of Microsoft as a two-fold attack. These companies would then be better able to survive Microsoft's monopoly if they received dividends directly from it, and by having such a substantial share of the company, the majority would be able to have substantial influence on the companies lesser workings. It's funny how when some /non-American/ guy in some far off country blows up a few buildings, it only takes a few days for America's egotistically-run government to blow the crap out of that country, even with the knowledge he's not even there anymore. Yet, a company that has had such a profoundly negative effect on the entire world in so many ways, such that it can be closely compared to the xenophobic conquests of Genghis Khan, is allowed to exist. And if the settlement goes through in it's present state, it'll exist with the support and *help* of the US Government. Insanity, it seems, will need to be redefined to contain this new world.

MTC–00004000

From: Fran Cooley
To: Microsoft ATR
Date: 12/10/01 7:04pm
Subject: Proposed Microsoft/D.of J. settlement

To whom it may concern:

I strongly object to the proposal that Microsoft be allowed to donate computers and software to schools in exchange for the settlement of the antitrust suit against them. While on the surface the proposal appears to have merit, it should be noted that the education market is one of the few areas where Microsoft does not dominate. To allow them to strengthen their presence in schools constitutes a reward, not a punishment! Microsoft must pay a real penalty for their unfair and predatory business practices!

Fran Cooley

MTC–00004001

From: Adam Loutzenhiser
To: Microsoft ATR
Date: 12/10/01 7:14pm
Subject: Microsoft Settlement

Having reviewed the documents related to the settlement and being a developer in the software industry myself, I suggest that Microsoft release the source code for their products and nullify any existing anti-competition agreements they have with various other companies. One of the main obstacles to competition with Microsoft that other companies face, and especially the open source movement, is the format of the documents in which their programs save, particularly the Microsoft Office family of applications. Because Microsoft solely controls the formats of these files, it is nearly impossible to write a program that can read these files. Many businesses are therefore reluctant to switch over to an alternative office suite than Microsoft Office because they use programs such as Word and Powerpoint that save in formats that can not be imported into other programs. Because they have literally volumes of information locked in these closed format files, they are locked into perpetually using Microsoft Office as their office suite. In addition, the file formats that these programs use are moving targets — that is, with every new release of Microsoft Office, Microsoft changes the file format, which has the effect of breaking various legally reverse-engineered import filters, such as used by AbiWord. If Microsoft were to release the format of these files, it would be possible to create an import function in competing products that would allow true competition. Instead of competing over which product a business has used the most in the past, products would compete over features and ease of use, if Microsoft would open up their file formats.

Additionally, Microsoft has entered into anti-competition agreements with various other companies. Although these agreements have a wide range of effects, two of the most dangerous to the free market are forcing hardware manufacturers to write drivers exclusively for Windows and preventing computer manufacturers from preloading other operating systems on a same computer that has Windows preloaded.

Forcing hardware manufacturers to write drivers exclusively for Windows hurts the free market by locking businesses into using Windows because of the somewhat lacking hardware support under other operating systems. There is no reason that hardware manufacturers can not release documentation on the protocols that their hardware uses to interface with a computer, except for a previously existing anti-competition agreement with Microsoft. I remember that when I used to buy a printer, included in the manual would be complete documentation of the interface used by the printer to print colors and graphics. Now, when I buy a printer, this documentation is not to be found, because nearly all major printer manufacturers have agreements with Microsoft that they will only use this information to produce drivers for use under Windows. Although it's true that the Foomatic project has legally reverse-engineered drivers for various printers whose manufacturers are under these agreements, the Foomatic drivers are often lacking in features that make other operating systems

unattractive to owners of these printers. This is an aspect of Microsoft's monopoly that isn't merely limited to printers.

I also have an MP3 player that I find more convenient to carry around than my CD player, but I need to use Windows to load music on to it, because there only exist drivers for Windows for my MP3 player. If hardware manufacturers were allowed to publish the protocols that their hardware uses, it would make competition based on merit, rather than who-knows-who. The bootloader issue is equally important. Many users do not know how to install software on their computers, much less an entire operating system. Unfortunately, this means the most users are locked into using whatever operating system comes preloaded on their computers. It is presently uneconomical for a computer manufacturer to risk not preloading a computer with Windows simply because other operating systems have been stifled as I've pointed out above, and most users do not have the previous experience with other operating systems that would allow them to be comfortable using them. If other operating systems were preloaded along side Windows, uses could play around with them and become comfortable in their usage, to the point where competition with Microsoft would be reduced to objective measures such as speed, usability, and stability. It is uncompetitive of Microsoft to actively prevent other operating systems than Windows from getting their due market exposure.

Using myself as an example, I've found that only my ability to scrap and hack together a usable system has allowed me to get away from Windows. Unfortunately, not many other computer uses share my level of expertise, and there isn't enough of myself to help every user who is dependant on Microsoft's products switch over to alternatives. In conclusion, the most fitting way to punish Microsoft for their anti-competitive practices is to force them to stop the very things that make them anti-competitive. To wit, Microsoft must publish the source code of their products, which includes documentation on file formats, as well as other important items that I haven't mentioned such as the NT File System used in Windows XP and API that is only available to Microsoft developers, and Microsoft must let manufacturers out of anti-competitive agreements. If Microsoft's punishment is provide any amount of free software to public schools, it will only further Microsoft's monopoly, because it will stifle price competition from operating systems such as MacOS and Linux. Additionally, forcing Microsoft to port their programs to other operating systems than Windows instead of opening up their source code will effectively do nothing, because users will still be dependant on Microsoft products. The problem of Microsoft's stifling their competition comes from their infectious closed-source policies, which spread by anti-competition agreements to other companies, and the solution to Microsoft's monopolistic behavior must follow in suit. Microsoft must be forced to release all of their source code.

Adam Loutzenhiser,
loutzena@student.gvsu.edu, http://velex.tabris.net/ AIM: v313x, Yahoo: v313x
''All in all it was all just the bricks in the Wall.'' —Pink Floyd, Another Brick in the Wall, Part III ——-BEGIN PGP SIGNATURE——- Version: GnuPG v1.0.6 (GNU/Linux) Comment: For info see http://www.gnupg.org iD8DBQE8FU/xFDcZZpveFKoRAh6BAJ9A3j6SPnRSayX/D5J6r1mxLfqwYQCdFCZeiYIF5X60KmrEhatm25adK90= =xE96

MTC–00004002

From: Josh Berkus
To: Microsoft ATR
Date: 12/10/01 7:11 pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

VIA ELECTRONIC MAIL

Ms. Hesse:

I am writing as my right under the Tunney Act to comment on the proposed settlement between Microsoft and the Department Of Justice. As a professional technologist and an American taxpayer, I must express my opinion that the proposed settlement is no settlement. For four years my tax money paid for the Department of Justice to prosecute Microsoft, resulting in a verdict of guilty. Yet under the terms of the proposed settlement, Microsoft will not merely not be punished, they will actually be encouraged in their monopolistic behavior. To name some specifics:

API DISCLOSURE: The current proposed settlement would allow Microsoft to continue shutting out its competitors through arbitrary and secret changes to the Application Programming Interfaces (APIs) of their products. While the settlement claims to address this issue, in fact, it allows Microsoft to continue their monopolistic practices. In particular:

Section III(J)(2): This section specifically says that Microsoft only needs to disclose its APIs to entities that meet Microsoft's criteria as profitable businesses. This section would allow Microsoft to arbitrarily deny access to APIs to anyone they didn't like, particularly Open Source not-for-profits.

For example, I currently run SAMBA servers for 3 non-profit organizations in order allow their Windows computers to interact with the their inexpensive Linux file servers. Under the proposed settlement, Microsoft could deny the SAMBA Project, a not-for-profit entity, any access to its APIs. This would force the non-profits who depend on me to purchase expensive Microsoft server software they cannot afford.

Section III(D): Microsoft is also allowed to deny disclosure of APIs that might compromise security. This criteria gives Microsoft a pretext for denying access to any Middleware API in a competitive market for ''security reasons,'' and to keep that API secret to themselves. All APIs have a security aspect if viewed in a particular way, and you may be sure that Microsoft will view them that way. My proposal for this issue is that Microsoft be required to publish all of its APIs for free to the World Wide Web, without licensing or ''click-through'' agreements. Microsoft should be required to maintain these public API documents as long as any of the related products are sold in the United states, and be required to respond to reports of inaccuracy.

Numerous Open Source software projects, such as Apache and Open Office.org, have put their APIs into the public domain and this has made that software better, more secure, and more popular. Microsoft has no justification for denying this suggestion except to continue its illegal monopoly parctices.

THE $1 BILLION GIVEAWAY: Microsoft proposes that, to remedy the states' claims of consumer harm, they will give away $1 billion worth of hardware and software to American public schools. This is not a concession from Microsoft, it is part of their sales strategy. Apple and Open Source technology currently dominate the eductional market, and Microsoft's share of this market is shrinking due to the high price of Microsoft's products.

If permitted, this ''giveaway'' would trick many desperate schools into accepting Microsoft software because it is ''free.'' Microsoft would not, however, continue to support this software and hardware for free in perpetuity, and schools would soon find themselves in debt to Microsoft in order to maintain the software and hardware they were given under the settlement. Additionally, learning Windows in school to the exclusion of other operating systems will cause our children to grow up unaware that there are alternatives to Microsoft, thus preserving Microsoft's illegal monopoly into another generation.

To be blunt, Ms. Hesse, this portion of the settlement talks is tantamount to allowing Microsoft to become a heroin dealer to our schools. Drug dealers, as you know, often give the first one for free. Instead, I propose that Microsoft be asked to give away 2 billion dollars in cash to an independant foundation administered by representatives of Microsoft's competitors (such as Sun and Red Hat) and the Department of Education, and not by Microsoft or their business partners. This foundation would be directed to give the money to any school to purchase the computers and software they want, or even purchase books and hire computer teachers and network engineers, with a mandate for the fountation to distribute 100% of the money within 2 years.

I hope that my comments help the Department of Justice come up with a better settlement, one that truly prevents Microsoft from repeating their illegal monopolistic practices.

Josh Berkus

Josh Berkus
Complete information technology and data management solutions for law firms, small businesses and non-profit organizations.
josh@agliodbs.com
(415) 565–7293
fax 621–2533
San Francisco

MTC–00004003

From: Bob Tanner
To: Microsoft ATR

Date: 12/10/01 7:14 pm
Subject: Microsoft Settlement If the information provide here: http://www.pbs.org/cringely/pulpit/pulpit20011206.html

Is correct Section III(J)(2) must contain language including not-for-profit organizations like the Apache Group and Samba Group. The language could be interpretted as only applying to for profit orgranizations.

Section III(D) should also include language to disclose this same information to not-for-profit organizations.

Bob Tanner <tanner@real-time.com> Phone : (952)943–8700

http://www.mn-linux.org, Minnesota, Linux Fax : (952) 943–8500

Key fingerprint = 6C E9 51 4F D5 3E 4C 66 62 A9 10 E5 35 85 39 D9

MTC–00004004

From: Tom Garlick
To: Microsoft ATR
Date: 12/10/01 7:15 pm
Subject: Microsoft Settlement

To Whom It May Concern,

Since the U.S. Court of Appeals for the District of Columbia Circuit found that Microsoft is a monopoly and acted illegally to maintain that status, a settlement based on the distribution of more Microsoft software seems truly ironic.

The assumption that Microsoft software in particular benefits schools ''to prepare students for the business world'' is not necessarily on target. One goal of technology education at the K-12 level aims at teaching software concepts, rather than vocationally training students on particular programs. That is, the same lessons can be learned from any ''office suite'' or via any ''web browser'' or on any ''operating system'' to adequately prepare students. A true ''public benefit'' the settlement could provide would be to give the choice to schools, not Microsoft. For example, Microsoft could provide generic resources (e.g. cash, equipment, etc.) that leave the schools free to choose their own software technology.

Thank you.

Tom Garlick

A concerned citizen against monopolies and unfair business practices.

San Francisco, CA 94112
415–584–5533
tgarlick@rovor.com

MTC–00004005

From: Rick Curry
To: Microsoft ATR
Date: 12/10/01 7:30 pm
Subject: Microsoft Anti-trust settlement

It is my opinion that the US government has been way too lenient on Microsoft. The usual reason I have seen for this leniency has been that Microsoft employs a lot of people and other jobs also depend on Microsoft continuing to pursue their usual practices unfettered by any government restrictions. The inherent speciousness of this argument is appalling. Anti-trust legislation was originally made into law specifically to deal with companies which have gotten too large and must be controlled. An argument that this legislation should not be applied because a company has gotten too large is at the very least disingenuous.

In addition, serious and irreparable harm is being done to US businesses because of Microsoft practices. Not only do their practices limit competition from US companies, Microsoft is also forcing critical technologies overseas. Microsoft forces technology overseas by the following methods:

—Microsoft forces US businesses to use Microsoft products only, putting US businesses at a disadvantage by limiting their access to new technologies.

—Microsoft uses intrusive information gathering techniques which some countries find unacceptable. In these countries, different technologies are created and exploited which avoid this Microsoft hegemony. As these technologies mature, they will become the new global standard for computing and us
Businesses will be left out of it.

—Finally, Microsoft actively supports moving any technology jobs it possibly can to countries where the labor rate is more favorable. Many of these technologies are more art than engineering; when the job is moved overseas, the art becomes lost to the US and becomes the property of other nations— nations which can now set whatever price on these technologies that the market will bear. There is still time to resurrect high technology in the US. This window of opportunity will not remain open forever and other nations will fill the void of reliable competitively-priced software which Microsoft is creating through their monopolistic business practices. Please put a muzzle on this Jackal of a company before it is too late.

Rick Curry
<rickc@kinkos.com> KCO x4684 http://www.cipcug.org/trindflo

MTC–00004006

From: John R. Miller
To: Microsoft ATR
Date: 12/10/01 7:33 pm
Subject: Money for schools

I feel that allowing Microsoft to get a larger foothold in the education market is a monopolistic action in and of it's self, not a punishment. This will just be another way for Microsoft to force their will on people, and more importantly on young impressionable children. I feel that to punish monopolists, they should pay with reduce power or a fine or both, but not with control of a new market in which they currently only have a small foothold.

Sincerely,
John R. Miller
2164 Wildhorse Drive Aurora, IL 60504
630/375–6754
630/697–2910 cellular

MTC–00004007

From: Paul Colley
To: Microsoft ATR
Date: 12/10/01 7:54 pm
Subject: Microsoft Settlement

To whom it may concern,

I would like to express my deep disappointment with the proposed settlement of the Microsoft Anti-Trust case.

First and foremost is that Microsoft has been found guilty of breaking the law and they are not being penalized in any way. There is no fine or compensation to cover ill-gotten gains. There is only a list of ''restrictions'', many of which Microsoft has been told to obey before and which have been totally ignored.

Secondly there is grossly inadequate ongoing oversight of Microsofts practices. A three-person team to be located and paid by Microsoft removes much of the teams credibility. The fact that Microsoft chooses one of the members and has veto over the selected of another makes for even less credibility. The severe restrictions on who the team can speak to and the sheer scope of what must be scrutinized means there may as well be zero ongoing enforcement.

Finally, the fact that Microsoft gets to decide who is a viable ''business'' and therefore who it must share it's source with means that they can totally ignore and undermine their only serious competitors in any number of areas. The most obvious example is the Open Source Software movement that is clearly not a ''business.''

Please read the following resposes to the proposed settlement for further detail as to its fatal flaws:

Ralph Nader
http://www.cptech.org/at/ms/rnjl2kollarkotellynov501.html
Robert Cringley
http://www.pbs.org/cringely/pulpit/pulpit20011206.html

Thanks,
Paul Colley
1933a Delaware St.
Berkeley, CA 94709

MTC–00004008

From: rcrow@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 12/10/01 8:02 pm
Subject: Microsoft Settlement

To whom it may concern:

Please do consumers a huge favor and DO NOT leave the language of Section III(J)(2) and Section III(D) as is. If you really are interested in promoting competition and innovation, level the playing field by allowing open source software to compete unobstructed by Microsoft's interpretation of ''business criteria''. If there is ANY competitive threat to Microsoft at all—it is in the open source world, specifically linux. Microsoft is fully aware of this and the DOJ is playing into their hand if language such as this is left in the settlement.

As a side note, it is totally misguided to allow Microsoft to extend their monopoly by allowing the company to be ''punished'' by putting their software in our school systems for 5 years. This would eventually punish Apple and others and not Microsoft at all! And it is not doing those school systems or the kids a favor. Take a hard look at RedHat's counter offer of providing ALL school systems the software and support. If that happened, you would see ALL KINDS of educational software being ported/written for linux in no time at all! Give it some thought, please!

Please take these comments seriously since many companies and individual careers

depend on the direction of the software industry. If Microsoft is to have a competitor on the desktop it will probably come from linux. BUT if linux is to really have a chance to compete for the desktop then it needs to be seen as having a chance of success so that software vendors will put resources into writing applications targeted for linux—without fear of reprisal from microsoft!

http://www.pbs.org/cringely/pulpit/pulpit20011206.html

Thanks for your thoughtful consideration and time!

Russell Crow

MTC–00004009

From: Michael Brewer
To: Microsoft ATR
Date: 12/10/01 8:13 pm
Subject: Microsoft Settlement

Microsoft has hurt the consumer, and stifled the computer industry as a whole with it's anticompetitive actions. The current settlement proposal is heavily weighted towards Microsoft's advantage. Asking Microsoft to pay reparations to the citizens of the United States by giving to education is noble. However, the details of the arrangement leave much to be desired.

Microsoft should not be allowed to use any of its products as tender for repayment. This allows Microsoft to repay the taxpayers of this country by increasing its market share, which is counterproductive to any anti-trust resolution. Furthermore, Microsoft is able to produce their software from an infinite resource. Any cost in providing software to the educators would be negligible whether the software is delivered through a physical (CD-ROM) or virtual (network) medium. Allowing Microsoft to settle its punishment with copies of its own software is akin to allowing them to print their own money. If Microsoft is to offer goods rather than money as a repayment, they must be products of another company, and must not contain any Microsoft products.

This settlement also addresses the issue of Microsoft's behavior in a poor fashion. Microsoft is allowed to have an internal team that is responsible for making sure they stick to the conditions of the settlement. Furthermore, Microsoft gets to choose the primary officer of this team, and in turn that officer has input on the selection of the rest of the team. This is not an effective means of controlling a company that has previously shown its willingness to disregard conditions placed upon it. I agree that the team should have an internal presence within the organization so that they may have better insight into the company's actual tactics. But Microsoft should have no input into the members of the team. Instead individuals from the computer industry should be allowed to submit themselves to a court which will make the decision on behalf of the citizens of this country.

Another failing of the proposed settlement is the fact that it does not address unbundling of Microsoft's key technologies for extension of their monopoly from their operating systems. During the trial Microsoft made strides in integrating even more technologies into Windows XP in order to extend their monopoly into other areas including digital photograph processing, and user authentication. Any acceptable settlement needs to address the current abuses by Microsoft, as well as placing restraints on using their monopoly to take over other segments of the computer industry.

Regards,
Michael Brewer

MTC–00004010

From: Wes
To: Microsoft ATR
Date: 12/10/01 8:23 pm
Subject: MicroCrash rain on the planet

Good day,

Why would you support a company that produces bug filled software that charges you for a defective product. Here is our new OS for $199.00 Rev.. Now remember to download all of the patches. Oh by the way here is rev. 2 that fixes all of the bugs we left in Rev.. for another $199.00. I refuse to buy any products manufactured by Micro Crash!!!! At least the developers of Linux are listening to what the people want!!! A solid OS and not taking use for every penny they can get. Every single time Micro crash releases a piece of software it is the same thing over and over!!!! Nothing but a milking of we the people. But of course that's not right anymore!!! We the government, for the government, by the government!!!!!

The news media talks about how United we Stand after the Trade Center attacks!!! More like United we stand screwing each other out of a dollar!!!! Put a stop to this company shoving their defective software down our throats!!!! We the people, what happened to our rights to having a choice!!!!!

Thank you for nothing!!!

Wes Youmans

MTC–00004011

From: Elgin S. Perry, Ph. D.
To: Microsoft ATR
Date: 12/10/01 8:28pm
Subject: micro$oft

Dear sirs:

I am pleased to see the a requirement in the settlement agreement that: Disclosure of Middleware Interfaces Microsoft will be required to provide software developers with the interfaces used by Microsoft's middleware to interoperate with the operating system. This will allow developers to create competing products that will emulate Microsoft's integrated functions.

However, I feel that this measure will be ineffective unless Microsoft is also required to maintain these operating system interfaces in a constant state for sufficient time for a competitive market to develop. In the name of innovation, Microsoft has continued to introduce continuous minor changes to their operating systems and other software products so that 3rd party developers can never achieve full compatibility with Microsoft software. Because Microsoft currently enjoys and ill-gotten monopoly, it is not possible to compete without full compatibility. It is my opinion that an industry committee should be formed to establish standards and that Microsoft should be required to adhere to them.

Regards,

Elgin Perry

MTC–00004012

From: Lorenzo Vg
To: Microsoft ATR
Date: 12/10/01 8:31pm
Subject: Microsoft Settlement

Were it mine to do, here is what I would order. Microsoft is prohibited from shipping any form of internet (web) browser for 10 years. Microsoft may not ship any software that potentially interconnects with any other software where the software to be shipped does not comply with open standards. Interconnect includes: file formats, public APIs, Network Protocols, others as may be defined by the special master.

Microsoft must publish interface specifications for all APIs used by any application software authored, branded or funded by Microsoft. The special master may define other interfaces as necessary. Microsoft must pay $100Billion to a pool of Netscape shareholders. The pool is to be divided according to number of shares held, ... something equitable.

Microsoft must release all desktop software, Office, Access, Money, Flight Simulator, Front Page, Net Meeting, etc. on MacIntosh, Linux, FreeBSD, NetBSD, Solaris. Such release must have all the features that the equivalent Windows application has and cannot have a defect rate greater than that for the Windows release.

Microsoft may not ship any applications programs bundled with its operating systems. Each application must be packaged, and priced separately. Microsoft must divest itself of any business ventures not related to software development. This includes MSN, travel, shopping, other business as defined by the special master.

A special master will be appointed to assure Microsoft's complaince. The special master must be known to be ''hostile'' to Microsoft. The special master must be approved by Sun, AOL, Bruce Perens. ... How do I apply for this job?

The special master may assess additional penalties against Microsoft for violations of the judgement. The penalties may be any anything, up to and including liquidation. Such assessments may not be appealed. The special master may order named Microsoft officers, key employees, and contractors (inculuding legal counsel) jailed for up to 5 years and/or fined up to $50Billion, depending on ability to pay, per offense, for contempt if, in his sole judgement, they have knowingly and/or willfully, or through incompetence, violated the terms of the judgement. The sentence to be served in Sherrif Arpaio's (some county in Arizona) jail.

Microsoft must publish a double-page spread in at least one ''leading'' newspaper every day in every state for at least 2 years stating what predatory practices they committed and who they targeted. Microsoft will appologize for their past behavior. Officers, directors, contractors (including legal counsel) for Microsoft will not contest any civil claims for damage caused by their predatory practices and will pay, to the limit of their resources, all claims.

MTC–00004013

From: Todd Spears_
To: Microsoft ATR,tatw@fox.com@inetgw,TCSpears—ebay@ho...
Date: 12/10/01 8:37pm
Subject: I'm sorry....

I'm sorry but I have to voice my opinion and disagree with the proposed settlement with Microsoft. The settlement as laid out does absolutely nothing to curb or stop Microsoft and their illegal business practices. I have used personal computers since the late 80's the original DOS operating systems and in that time I have seen our choices in software expand to include many different types of operating systems, word processors, databases, and spreadsheets—only to collapse back upon itself to where there really is only one or two choices. And the choice everyone is left with is Microsoft.

This has primarily happened due to the practices of Microsoft on the free market. I remember years ago a friend of mine worked for a computer manufacturer (Packard Bell) and he told me that thru exclusive contracts and refusal to ship items (would you like MS Word with that? No.. I'm sorry we cannot ship the rest of your order for eight weeks. Oh, you'll take the MS Word? We'll have your order out tomorrow). And that was only one of their dirty tricks.

The next in their bag of tricks is the proprietary format—their software will really only work with other Microsoft software. Then, in order to remain compatable more and more people are forced to choose Microsoft products. The same thing goes with the bundling of the browswer and media player. Any market the Microsoft feels threatened by they simply lock their own product to the operating system and use that same operating system to disable any competitors products. This has happened to me personally. Using their updating service one day I found that in upgrading itself the media player has also disable the other two types of players on the computer.

The final thing that scares me with regards to Microsoft is their overall plan to make ever person who uses their software pay a yearly subscription fee. At the same time they provide no real service or guarantee for this subscription fee—I as a consumer must pay the fee, but they as the provider of the service must provide nothing. According to the license agreement (as I understand it) they don't even have to provide a product that works. They have no responsibility to do anything—even if their product goes so far as to harm your computer.

Another thing I've found is you cannot even buy a computer without paying a fee to Microsoft—they have exclusive contracts with all of the top computer manufacturers. Between Dell, Compaq, Sony, Hewlitt-Packard and IBM they control almost 75% of the computer market and yet you cannot buy a system from them without paying a fee to Microsoft whether you want to or not.

I don't know what the solution is—whether to breakup Microsoft or just seriously curtail their illegal/immoral actvities—but I do know that though I've never seriously looked into Linux I may start too.

Sincerely,

Todd C. Spears

MTC–00004014

From: Barbara
To: Microsoft ATR
Date: 12/10/01 9:04pm
Subject: Microsoft Settlement Sunflower

To whom it may concern, Dec. 10, 2001.

Please, Please do not let Microsoft off easily. Their methods and intentions are obvious and if you do not protect us in all aspects of this matter you should not be protecting us.

Sincerely,
Marc Brooks
3802 Dartmouth
Garland, TX 75043
972–864–5654

MTC–00004015

From: KenWine@aol.com@inetgw
To: Microsoft ATR
Date: 12/10/01 9:05pm
Subject: Microsoft settlement

Dear Sirs,

Given the length of time and considerable expense to the taxpayers of the country suggest that the time is ripe to conclude the matter against Microsoft and allow them to resume the levels of innovation that lead them to become the dominant player in the software business. Even though I don't believe that Microsoft was guilty of anything other than providing the best solution to consumer's needs this settlement will get business back to business.

Sincerely,
Ken Weiland
6550 4th Ave NW
Seattle WA 98117–5006

MTC–00004016

From: Kristian Benoit
To: Microsoft ATR
Date: 12/10/01 9:07pm
Subject: Antitrust

Are kidding ???? your goiing to ask microsoft to give software and hardware to american schools, cause they of their monopol. . . isn't that just a way to give them a little bit more power over the next generation of student? Isn't Microsoft behind that? They want to look good so they're gonna give, cause de DOJ will ask them to do so . . . but that just giving them more and more power. They should give money to the education, to the university, a university that will work on another os than windows, a university that work to help the community, Linux. But you are on their side you are not for justice, cause your american, and in the american way there is no place for the community, just for the one that can give you money

MTC–00004017

From: swnorris@attbi.com@inetgw
To: Microsoft ATR
Date: 12/10/01 9:09pm
Subject: Arbitration

If you believe we have a choice try to use the other available OS's out there. Try to locate a copy of Microsoft Media Player for Linux . . . . . however, many web pages display the media files in the Media Player format only. Microsoft has gotton so big, we really don't have no choice but to use their product or give up something we really would like to use. I use Linux, (several versions), RedHat and SuSE primarily. I also use Windows 98, ME, and Windows XP. I have to use the Microsoft Products because I have to be able to do some things only available using their products. I am trying to learn Linux because I want to completely rid myself of MS products. Nevertheless, until the day arrives that Microsoft either shares the code so their monopoly on the industry can be broken, I am stuck using their product. This means I HAVE TO PAY whatever they ask because that is the way it goes. I am glad some of the states seen fit not to give into Microsoft like the Department of Justice has. I am also frustrated with the level of security offered with Microsoft products. I am so frustrated over all of this crap. One day, I will without the goverments help, teach myself enough to rid myself of Microsoft Programs. P.S. I would consider a future purchase of Microsoft Products only if the price of the product was substantially lower., i.e., $25.00 per license copy.

MTC–00004018

From: elisabeth evans
To: Microsoft ATR
Date: 12/10/01 9:12pm
Subject: microsoft

so glad you agreed to settle!

MTC–00004019

From: Ralph J. Hochman
To: Microsoft ATR
Date: 12/10/01 9:31pm
Subject: Microsoft Case

I am at a loss to understand the basis for the entire case. I have followed it reasonable close and I just can not understand why a company that wins in the market place is penalized. I think our inter-national competitors are laughing at us and wondering what kind of funny stuff we are smoking.

There are many large companies that could put a great deal of cash back into R & D and product development and truly be fierce competitors. It is a sad day for the concept of capitalism when the successful companies have to be held back by the Government.

By this standard, I would think that you would be all over Wal-Mart—whose stated objective is to ultimately be the only place to shop in America. The real devastation done by Wal-Mart in many small towns throughout America is unbelievable—but no one jumps on them.

They just keep on growing and everyone loves them. As to the concept that Microsoft has charged too much for its software—I find this part of your case absolutely outrageous. Since when has the ultimate consumer become so dumb that he can not decide ''what's a reasonable price''? In college I was taught that price is a deal between willing buyers and sellers—I guess your staff would rather decide what's reasonable—heaven help us all when the Government decides what's reasonable. If the fiscal responsibly of Government to date is any sign of its ability to use fiscal savvy, then I think we are all in trouble.

Microsoft has created a market when there was not one—This new market has allowed

me to my work without expensive techies to bleed me dry programming propriety software and computers that never were very good in the first place.

Hail to Microsoft—the consumer's hero.

Sincerely,

Ralph Hochman

MTC–00004020

From: gpnash@yahoo.com@inetgw
To: Microsoft ATR
Date: 12/10/01 9:34pm
Subject: Seems to me your missing the whole point here.

Seems to me your missing the whole point here. Microsoft is all about taking over the market. That's been their strategy from the start of the company. They do it well. It's just about impossible to buy a computer today without getting a Microsoft product preloaded on it. Several of the PC manufacturers/builders have complained about it. They get a cut rate on Microsoft products if they only offer Microsoft products. If that doesn't stifle competition what does? Microsoft never has had a better product than anyone else, they've just had (and have) a better marketing team. Microsoft's lock on gaming (directX protocol) virtually insures that every home will have a computer running a Microsoft operating system. OS/2 (a much better, more stable PC platform both from the client and server standpoint), Linux (cute and a viable system in it's own) and OS/x (apple's entry) don't stand a chance in the home market as long as the directX standard is Microsoft only. Browsers. . .forget the browsers, they're a dime a dozen. People will use whatever's on the machine, if it bothers them they'll download another one. But the directX standard. . . there's a problem. All of the PC games that are worth buying and many that aren't are written to that standard and will not run on any other platform. Until directX is available on OS/2, Linux and OS/x you'll have no competition for Microsoft.

The battle is almost over. Microsoft has so much market control unless they are broken up the other companies don't stand a chance. Let's quit just playing lip service to this situation. Microsoft is nothing more than a technical terrorist holding the world at bay with viruses and blue screens of death.

oh well. it's not like anyone is really going to read this anyway.

MTC–00004021

From: John C.
To: Microsoft ATR
Date: 12/10/01 9:38pm
Subject: Microsoft Settlement.
U.S. District Judge J. Frederick Motz
Garmatz Federal Courthouse, Suite 4415
101 West Lombard St.
Baltimore, MD 21201

It is my belief that the proposed antitrust settlement with Microsoft Corporation is not in the best interests of the American people. It does not protect against future abuses and in fact encourages the spread of the Microsoft software monopoly by training a vast army of young people to use their operating system and attendant application programs to the exclusion of very viable software alternatives. America is based on freedom of choice; but students in Americas' public schools can only learn to use computers, an essential skill for the coming generation of employees, on the products provided to them. Today, the Dept. of Justice has an opportunity to broaden the scope of that choice and thus empower generations yet unborn. It also has the opportunity to cave in to Bill Gates and thus must choose between greatness and ignominy.

The Northern Territories school district in Australia, with a population of just over 200,000, finds that it saved $1,000,000 in the first year alone by using Linux alongside Microsoft products to provide computer education at all grade levels. This was enough to allow the school district to purchase an additional 1,000 computers for distribution in the schools and as loaner units for students (and their parents) to use at home. In a few short years their children will be competing, very effectively, on the worldwide intellectual marketplace against American children whose access to hardware was hampered by the prohibitive cost imposed by the practice of using Microsoft products all but exclusively in the public schools. The Australian experience could have been dramatically more productive had they used Linux as the operating system on all their computers but it was a good initial step. The present savings represent its use in their servers only.

http://opensourceschools.org/article.php'story=200 11207001012102

<http://opensourceschools.org/article.php'story=20011207001012102>

[opensourceschools.org]

I support the notion that Microsoft should pay its fine in hardware donations only. It has been brought to my attention that Red Hat Software of Research Triangle Park, NC, (near Durham, NC) has offered to provide pro-bono copies of the Linux operating system corresponding to a Microsoft donation of hardware. It is my desire that any donation of software that Microsoft might choose to make would not be included in the proposed settlement but must also be a pro-bono gesture corresponding to the Red Hat Software offer. Moreover, any copies of software Microsoft might donate should require no payment of any sort by the schools at any forward point in time. It must be a true donation of indefinite duration, just as the Red Hat offer is. Otherwise, if required to pay, the schools would eventually have to abandon their training programs for lack of funds to re-license / upgrade their software.

http://biz.yahoo.com/bw/011120/202744—1.html [yahoo.com]

While Microsoft Corporation should not be excluded from expressing generosity, such generosity, expressed as software gifts, only furthers their ability to monopolize the marketplace and should not be permitted as a part of the penalty for having followed illegal practices in the establishment of their dominance in the software market.

Microsoft has painted itself the champion of choice and freewill while villifying open-source software as being un-American. I think it is time for their actions, public and private, to match their very public words.

Software donations should be no part of the proposed settlement.

—passion

All though I didn't write this I agree with the content.

John Constantine

MTC–00004022

From: Amy Rupp
To: Microsoft ATR
Date: 12/10/01 9:59pm
Subject: Microsoft Settlement

I have read the proposed Final Settlement of the Microsoft Anti-trust litigation and feel that it does not effectively remedy the harm done to consumers and competitors by Microsoft over the years. It specifically prohibits known blatant abuses of monopolistic power and appoints a technical oversight committee to ensure that those abuses do not occur again, but it in no way gives relief to the injured parties. To encourage and allow competition in the marketplace, Microsoft must be disallowed to compete at every level of software present in a computer's operating system, firmware, and applications. To allow Microsoft to continue as a single business entity gives a de facto advantage to Microsoft products which are synergistic or rely upon other Microsoft products. For example, it would be easy to rewrite the Windows operating system to prefer specific attributes that only Microsoft employees know about; conversely, Microsoft employees who write applications can disproportionately impact the continuing redesign and evolution of the Windows operating system.

Given that Microsoft has blatantly violated anti-trust laws in the past and has already eliminated much, if not all, of the competition in the numerous markets it competes in, it needs further restriction or the situation will repeat itself. I liken it to having scorched the earth in a particular area. For years afterwards, nothing will grow but weeds, especially because the seeds that would have otherwise blossomed into plants have been killed by heat. Such plants are called competitve, invasive, and advantageous. It takes years for nature to rediversify such land; but intense effort by man can restore the balance and ensure that no one species overdominates. The proposed settlement fails to do this because it does not take into consideration the fact that Microsoft has already scorched the earth and gained unfair advantage. Instead, free of competition, this settlement will allow Microsoft to once again overdominate and invade the marketplace. Only a settlement which limits the number of areas Microsoft can compete in, or breaks Microsoft up into business units which have no more advantage to each other than an independent company and a Microsoft unit would have can possibly lead to a balanced marketplace. For now Microsoft ''weeded out'' the marketplace and freed itself of competitors. Now we must turn to the government to check Microsoft's unhealthy spread.

Sincerely,

Amy Rupp

MTC–00004023

From: Erik Odegard
To: Microsoft ATR
Date: 12/10/01 9:45pm

Subject: In Support of the Microsoft Settlement

Dear Sir/Madam,

As a professional working in the Information Technology field, I support Microsoft's right to innovate, and urge a quick settlement to the US vs. Microsoft case.

Sincerely,

Erik Odegard

HYPERLINK ''mailto:Eriko@dslnorthwest.net''Eriko@dslnorthwest.net

MTC–00004024

From: David Looke
To: 'Microsoft.atr(a)usdoj.gov'
Date: 12/10/01 9:47pm
Subject: Microsoft Settlement

The whole basis of the trial against Microsoft is misguided and this latest settlement is not in the best interest of consumers. It is however in the best interest a handful of Microsoft's competitors who being unable to beat Microsoft in the marketplace, have resorted to the courts (without just cause).

It is not in the best interest of consumers to cobble Microsoft by trying to prevent it from enhancing it's products when that enhancement may harm a competitor.

A. When Microsoft added IE (Internet Explorer) and made it part of the operating system, that approach added many benefits to consumers.

1. Software developers were able to add support for Internet functionality into their applications, knowing that that functionality would be in the operating system. There's a number of benefits to software developers in this approach. For example, they can program to a known code base without the headaches associated with trying to support multiple different APIs and components and versions of each. Microsoft's approach can also reduce the cost for developers and therefore consumers by not requiring that software developers purchase and ship additional components as part of their application.

2. Software developers could add Internet browsing within their application via an ActiveX component—something that Netscape had consistently refused to do. This meant customers could browse a web site as part of the functionality of any third party application. It also made it easy for developers to add automated updating of their application over the Internet, from within their application.

3. Microsoft's integrated IE, was necessary for the Microsoft Help system to work. In Windows 98, Microsoft swapped to HTML Help, which is a help system based upon compiled HTML. IE was necessary for this to work.

For consumers this added many new benefits, including the ability to link to web pages from within the help system which made it easy for help system developers and technical documentation writers to provide updated documentation via this mechanism. Microsoft took this approach as part of it's stated strategic direction, to implement HTML across their product range.

4. It's been the history of the software industry that vendors keep adding functionality to their products—functionality that often harmed their competitors. Most consumer friendly operating systems have consistently added new functionality with each release of their product. Microsoft has always added new functionality. From simple things like adding a TCP stack which meant that the previous suppliers of TCP stacks suddenly found themselves without a viable product. One company that had built it's business around supplying a TCP stack was put out of business. (A TCP stack is an inherent part of the communications capability of a computer and a basic component of Internet communications).

Microsoft added a mechanism that enabled applications to communicate within Windows (DCOM) and this meant that Hewlett Packard's product NewWave, was suddenly unviable. In the software development industry there's been a long tradition of this happening with vendors like Borland, Microsoft, and previously Symantec and Watcom, continually adding new functionality that meant some third party supplier's product became defunct. There's actually thousands of examples of one vendor adding functionality to their product that then made there competitors products unviable, and in every case I can think of, consumers benefited.

Therefore I don't believe any action with regards the integration of the browser is necessary, warranted or in the best interests of consumers.

B. With regards Microsoft preventing computer resellers from modifying some components of the desktop, it is Microsoft's product and I think they have a right to determine whether it is modified or not by the reseller. In fact, nearly every vendor has contracts that require distributors and resellers to agree not to modify in any way, the software that they sell. Most people don't have a problem with this as it is their intellectual property and any changes can reflect on their company and product.

This litigation against Microsoft over this issue appears to have singled out Microsoft solely because of their dominance within the operating systems area. However Microsoft shouldn't be able to restrict resellers from also selling and loading onto the computer competing products, but this change to Microsoft's contracts has already been made and accepted as a result of previous litigation. In my opinion no further action is needed on this issue.

C. I don't know where this claim that Microsoft threatened and mislead software developers comes from as I've never heard of them doing this. As the main distributor of software development tools in Australia, we have contact with more commercial software developers than anyone else in this county. I've never heard Microsoft threaten or mislead developers over Java. Rather the contrary. I've heard Sun mislead and threaten quite a lot. Anyway, this is complete nonsense. Microsoft has not threatened or mislead developers with regards Java—we would have heard about it if they did. Sun themselves has recently stated numerous times that Java does not in any way compete with Windows. When Java was first released I can remember them claiming otherwise, but they seem to have changed their mind on this issue. So if Sun and Microsoft both claim that Java doesn't compete with Windows, I can't see how the submission can claim that Microsoft tried to ''subvert Java middleware technologies that threatened Microsoft's operating system monopoly''. Java is an application development language for goodness sake, it's got nothing to do with the operating system As I stated at the beginning, this case is misguided. In fact some of the antagonists in this case are in fact worse offenders of restrictive practices than Microsoft. But I don't believe Microsoft to be guilty of most of the charges that have been bought against them.

Unfortunately many people see Microsoft as responsible for their computer system crashes, when in fact it is usually always an application or utility that is at fault. Microsoft has successfully published and marketed their APIs (APIs that other vendors have traditionally charged a lot of money for) and produced easy-to-use development environments that make it easy for developers to write Windows applications. Because it is now relatively easy and inexpensive to write Windows applications, many novice programmers have done so, producing applications that are buggy. In fact the calibre of most programmers is less than we would want and the use of runtime debugging and testing tools is less common than it should be—so most applications have bugs that can crash the applications and sometimes the operating system. This has lead many users to blame Microsoft.

Also, I'm concerned that Universities continue to indoctrinate their students to be anti-Microsoft. When these students graduate, they are invariably anti-Microsoft. This makes them more difficult to train as most application development around the world is done in Microsoft Visual Basic or Microsoft C++ using the millions of components written for these compilers.

The Internet is a great tool, but it does make it easy for people to shoot their mouth off and hide behind anonymity. Many kids and other young people have been very vocal over this issue in recent years. They need to be able to state their opinions, but unfortunately many of them belong to the anti-Microsoft brigade and basically do not have the experience to know what they are talking about. They've simply followed the propaganda from the Universities, Sun Microsystems and jumped onto the media hype and bandwagon regarding this issue rather than taking a considered approach. In fact many people treat this issue with religious zeal—the lack of facts and logic supports the anti-Microsoft stance.

When I look at the where most of the vocal people in this issue come from I find they are mainly Apple users, University related people and students, Sun and other Unix users, and kids. However, these are the people who form the 5% of computer users who use alternate operating systems. The other 95% of computer users are generally happy with Microsoft and their products! How then can this litigation be justified in a ''democratic'' country when the bulk of computer users, particularly in the business world, are happy with Microsoft and their products?

Regards,
David Looke,
MicroWay Pry Ltd
David Looke, MicroWay Pty Ltd—Programming Tools
PO Box 84, Braeside VIC 3195. Australia.
Tel: (03) 9580–1333, Fax: (03) 9580–8995
email: davidl@microway.com.au, http://www.microway.com.au ABN: 56 129 024 825

MTC–00004025

From: John Peters Jr
To: Microsoft ATR
Date: 12/10/01 9:49pm
Subject: Microsoft Settlement

You know, this whole thing pales to insignificance compared to General Motors' alleged monopoly abuse. I hear that they are requiring their dealerships to accept delivery on SUVs that the dealership has no way in Hell of ever selling! The only way to get ahead in this industry is to be a ''yes-man'', and the newspapers all print whatever they feel that their best advertisers, the auto industry, wants them to. Talk about conflict of interest! Their management is clueless! Leave poor Microsoft alone, and go after these planet destroyers!

http://community.webtv.net/JohnPeters2/ElNinoEvents

http://community.webtv.net/JohnPeters2/Prettykittens

MTC–00004026

From: John A Brown
To: Microsoft ATR
Date: 12/10/01 10:08pm
Subject: Microsoft Settlement.

I have reviewed the terms and found them severely lacking. There are 3 things missing that need to be included before consumers will gain significant protection from Microsoft:

1) The Java Virtual Machine from Sun—needs to be included in Internet Explorer: 2 Reasons why this is critical;

a) Microsoft has done much to damage Java through the use of non-Java compliant software such as their current implementation of the JVM and their broken development tools for Java—especially Visual J++. By including the standard Java VM, they will begin to make up for the needless damage they have done to this technology.

b) The Government is required to make all public facing and some internal internet content Section 508 Compliant—i.e. accessible to individuals who may be blind, or otherwise needs to use assistive technologies. The Sun Java VM implements an accessibility API (part of JFC/SWING) while the Microsoft JVM does not. In other words, the Microsoft JVM is counter-productive for efforts to make the web a more accessible place for individuals with disabilities, while the Sun JVM has taken a leadership role in championing accessibility

2) Microsoft should be required to keep passport free—now and forever, with the additional restriction that its code be shared with all identified competitors. As a universal authentication mechanism, charging for this service will likely follow after this case is closed— unless explicitly required. Additionally, by taking what was essential MIT's Kerberos and proprietizing it—Microsoft will be taking (yet again) what was a good example of open standards excellence and converting it to a less well understood target for hackers accross the internet.

3) Microsoft should be required to modify their .NET architecture to ensure interoperability with XML web services than those developed for the Windows platform; i.e. they should be barred from restricting .NET components from working only with passport and other windows software.

This may be the most critical restriction moving forward, if Microsoft is to embrace open standards—this piece needs to be present. Otherwise the entire content on the internet may some day become wrapped in proprietary microsoft protocols, authentication mechanisms, and other software agents that would make it hostile to other competing technologies.

If there are any questions regarding my comments, I am reachable at 206–267–0071 EST.

Thanks for this opportunity to comment.
v/r
John Brown

MTC–00004027

From: Mark Walsh
To: Microsoft ATR
Date: 12/10/01 10:15pm
Subject: Microsoft Settlement

I am a consumer or in other words; the supposed reason the antitrust law was put in place. Reading about the alternative proposals from other ''voices'' in the industry I see very little to protect me and a whole lot about how to improve the industry position of Microsoft's competitors. If you really want to see a complete monopoly, try to buy a piece of hardware compatible with an Apple computer from someone besides Apple; you can't. Some other companies have tried to manufacture Apple compatible hardware only to fall victim to Apple's anticompetitive practices.

The fog caused by political contributions of many of Microsoft's competitors (PACs) has created a feeding frenzy by state attorney generals who saw their state treasuries grow from tobacco settlements. Expecting to get the same from Microsoft, a company who never killed anyone and never mislead consumers, proves to us all that companies can use the legal system to improve their market position rather than spending the money on research and development to give me, the consumer, a better product. I believe many of Microsoft's competitors are and will be following that same business practices they do not want Microsoft to be able to use. I do not believe protecting the consumer had much to do with the original action and in many ways, if Microsoft were to cease providing their products many consumers would suffer.

Check out what company provides the most help and aid to enable the handicapped to use computers. I know which company that is. My father was sightless (that's blind to all of you aren't familiar with the term), but was able to use a computer thanks to the help provided unselfishly by Microsoft. When he had problems getting his voice synthesizer to work, his calls to Microsoft not only were handled with the utmost importance, but on more than one occasion, when answers could not be given at lower levels, Mr. Gates himself handled the calls. The ability to use a computer enhanced my father's life greatly as it would anyone who is blind. I wish all of the whining technology companies spent what Microsoft spends to be sure their products can be used by the handicapped (Not a bad thing to include in a ruling, something that actually helps consumers, not just companies).

It's not difficult to see the hidden agendas of the politicians involved with the Microsoft case. Hatch listens closely to a company named Novell (Definitely a monopoly in networking before Microsoft released NT). Many members of congress listen closely to the wants and complaints from one of their favorite investments, which is located about 30 minutes outside of Washington DC, and is probably the biggest monopoly in history (AOL). Preservation of AOL's instant messenger monopoly has lead them to absolutely refuse to participate in an open standard so all operating systems and browsers, not just AOL's, could talk to each other. Microsoft was one of those parties seeking an open standard and AOL refused. The only way I can talk to my children at college using instant messenger is to install AOL software that installs other AOL software that is difficult to remove and causes non-technical computer users to sign up for AOL internet access whether they want to or not.

It is my hope that after all the whining is done, and the ulterior motives of all the parties are examined, the Justice department will see fit to rule in a way that will protect me and other consumers, not merely enhance the market position of Microsoft's competitors. I wish these companies would spend half of that money they spend harassing Microsoft on research. They would have better products and consumers like me would be the big winners. Some of the proposed ''remedies'' may actually hurt the consumer. It is important that companies that actually innovate and not just litigate be allowed to improve their products.

Technology can help the handicapped live better quality lives, but everyone ignores them because they can't afford to buy it. Any company that spends research money to help the handicapped, knowing full well the return is in good will, not bigger profits, should be applauded, not sued.

Like most consumers, I can't afford big political contributions to get my voice heard, but it was my understanding that's why the Justice Department is there.

Thank You,
Mark Walsh, An American Consumer
CC:president@whitehouse.gov@inetgw

MTC–00004028

From: Steve Slater
To: Microsoft ATR
Date: 12/10/01 10:20pm
Subject: Concerns about the Microsoft Settlement

I object strongly to any discrepancies drawn between 'For Profit' businesses and 'Not For Profit' businesses, 'Open Source', etc. in the Microsoft vs DOJ Settlement.

Make sure Steve Satchell is involved in regulatory enforcement.
Steve Slater

MTC–00004029

From: Bob
To: Microsoft ATR
Date: 12/10/01 10:33pm
Subject: About the judgement
1 Billion Dollars to put computers and Ms software in U.S. schools? They make it back on their MIDDLEWARE and I think WPA (the schools should get about 10 good installs?)!
Thank You
Aron Baird

MTC–00004030

From: LORETTES2@aol.com@inetgw
To: Microsoft ATR
Date: 12/10/01 10:35pm
Subject: Suit against Microsoft
How much money, tax money, has been spent by the government on this case?
How much more? Is there no limit? Get on with it. This isn't the Nurnberg trials. . .
Lorette Schneider

MTC–00004031

From: Robert Breidecker
To: Microsoft ATR
Date: 12/10/01 10:43pm
Subject: Microsoft Settlement
DOJ,
I am very disappointed in your settlement with Microsoft. The settlement is very weak and does little to change Microsoft's behavior in the future and punish them for breaking the law in the past. The ideas proposed by the nine states that have not settled are much closer to where the DOJ should have settled. You settlement is so weak that it actually may do more harm to the computer industry and consumers than if there were no lawsuit at all.
Robert Breidecker
7258 Cornell Ave.
St. Louis, MO 63130

MTC–00004032

From: Trey Ackerman
To: Microsoft ATR
Date: 12/10/01 10:48pm
Subject: Microsoft settlement—Thanks.
To Whom it may concern:
I just wanted to say that I believe the DOJ settlement with Microsoft is too lenient. I wish you had been successful in splitting the company into two separate entities: Windows OS and Applications. Personally, I prefer to run Windows as an application under Linux. This way I don't have to reboot my PC when Windows crashes.
Just the same, thank you for your efforts and better luck next time!
Regards,
Trey Ackerman
2825 Blackwood Drive
Nashville, TN 37214
USA

MTC–00004033

From: Ray and Helene Reinman
To: Microsoft ATR
Date: 12/10/01 10:54pm
Subject: Microsoft Settlement
HELENE & RAY REINMAN
40455 Parado Del Sol Temecula, Ca. 92592
(909) 303–1606
December 10, 2001
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
It's about time the Justice Dept. and the States' Attorneys General got off Microsoft's back. The Sept. 11th N.Y. disaster should have given them the wake up call they needed to know that they have not been doing their jobs to protect the American citizens and taxpayers. If the CIA, FBI, and the local states were doing their jobs, and looking for real enemies, perhaps this could have been averted. As a government we still have not learned history's lessons. The tragedies of Dec. 7, 1941, the first bombing of the twin towers, and the USS Cole incident are more examples that we have become lax and complacent with national security. Perhaps this is because we are preoccupied with less pressing issues, like attacking our strong technology industry led by companies like Microsoft. We are a country in a recession, and we are presently in a desperate struggle for survival as a nation, with a faceless enemy. Our economy needs to be kept as strong as possible to avoid economic collapse. We cannot, and must not tear down the companies that have given strength and hope for America. This is political and economic suicide.
Bill Gates is not a terrorist, and Microsoft is not the enemy. Few companies have paid more taxes, employed more tax-paying American citizens, or launched more related businesses (which in turn have paid taxes; employed more workers, etc.etc.) than has Microsoft. They have been the premier technical company that led the technical economic boom over the past 20 years. They are the major holding in mutual funds, union funds and credit unions in the U.S. As such they are the hope and future of America's working class, and the bread and butter of the retirement dreams and plans of the taxpayers, who pay the bills for the beltway bureaucracy. By attacking companies like Microsoft, we are attacking America and all it stands for. And in the process bleeding it economically. It is illogically asinine to attack one of America's icons of capitalism, when the real, deadly fanatics who have sworn to destroy us continue to exist and work their deadly destruction. Will it be nuclear next time?
It is time to move past the crybabies who started this suit (AOL, Sun, Netscape, and Oracle), and who couldn't make it on their own, with inferior and expensive products, and seek out and attack the real enemies of America. The American economic system works. People buy what they consider the best product at the best price for the job they want to get done. Stop wasting the taxpayers money on worthless lawsuits, that attack the very strengths of American capitalism and entrepreneurial intelligence. The American consumer has for years cast its vote for the best, least expensive and most effective products. And the PC standard, Windows, is no exception. In true democratic fashion the consumer has elected and supported the finest software product ever produced. The one that standardized applications so that all users would have a common data processing modus operandi to execute their tasks. Let not the politicians or the government attempt to take away that election, and the tremendous revenue that it supplies to the state and federal governments.
Governments do not make money, and politicians do not produce any money, or add to the gross domestic product. Only good companies like Microsoft make money, employee people and pay billions in taxes. The only thing the government and the politicians can do is spend, spend, spend. The Justice Department would do well to remember from whence their money comes; and that this is still government of the people, by the people and for the people. And by attacking good American companies like Microsoft, they may as well as dogs—bite the hand that feeds them. Surely they are not that stupid, shortsighted, or preoccupied that they cannot see the real danger, and their own political demise by such a continuance? May you and your department choose wisely.
May God bless America, and Microsoft.
Sincerely, Ray Reinman

MTC–00004034

From: imroscoe
To: Microsoft ATR
Date: 12/10/01 11:51pm
Subject: Microsoft settlement
What a joke. Lets force them to give away more of what they were forcing on us in the first place. Now the organizations that couldn't afford Microsoft products can replace their free Unix platform . Can you spell M-O-N-O-P-O-L-Y?

MTC–00004035

From: George Welch
To: Microsoft ATR
Date: 12/10/01 11:53pm
Subject: My Comments on Microsoft Case
I was mad at Microsoft when they caused me problems with Netscape, but we shouldn't stay mad forever. They have been punished and the Fed's will be watching them closer in the future. The rest of us and especially the attorneys, should stop the whining and ''JUST GET OVER IT''!
Thanks for the chance to share my thoughts.

MTC–00004036

From: Bryan W
To: Microsoft ATR
Date: 12/11/01 12:13am
Subject: Microsoft Settlement
DOJ,
The current settlement with Microsoft is clearly inadequate to 1) make them pay for the crimes they committed, and 2) ensure that furter anti-trust violations don't re-occur. Here is the—minimum—that needs to be imposed for their criminal conduct
1) $3,000,000,000 fine.
2) All versions of MS operating systems up to but not including Windows XP should be made open source, with the copy right to expire 1) in 5 years 2) on court order, should MS be found not to be in compliance with the settlement.
3) Microsoft should have to publish on the web the price schedules for operating systems, so that no preferential contracts can be made.

4) API's are to be immediately made availible to all, without charge, so that open source software can make use of them, without having to be a commercial interest.

5) All contracts restricting the sale, manufacture, or product of dual-boot systems are to be null and void.

6) Microsoft must resume free support of their products. Current support options are all fee based.

7) Microsoft must support Java on all operating systems.

8) Explorer must be unbundled from the OS.

Thank you

Bryan Waterman

MTC–00004037

From: Chris Menzel
To: Microsoft ATR
Date: 12/11/01 12:28am
Subject: Microsoft Settlement

To whom it may concern,

Please note that Section III(J)(2) of the Proposed Final Judgement potentially plays right into Microsoft's hands. It says that Microsoft needn't share its APIs and communication protocols affecting authentication and authorization to companies that don't meet criteria for a being a business that are ESTABLISHED BY MICROSOFT itself. Microsoft might well try to use this clause to torpedo its central threats, namely, the flagship products of the Open Source free software movement that created the Apache web server that dominates the internet—and which Microsoft would dearly love to supplant with its own buggy, high-priced, and insecure web server—the ubiquitous programming language perl, the Linux operating system (the most serious competitor to Windows), and samba (a program for enabling Windows clients to see a Linux server as a Windows server).

Please ensure that this clause is revised in such a way as to ensure that sophisticated, secure, high-quality free software will continue to be a vibrant alternative to Microsoft products for all computer users.

Thank you.

Christopher Menzel

cmenzel@tamu.edu

MTC–00004038

From: Ron Nelson
To: Microsoft ATR
Date: 12/11/01 12:48am
Subject: Microsoft Settlement

I hope the government will finalize the current settlement with no additional penalties to Microsoft. This suit has gone on too long and was clearly brought on at the urging of Microsoft's competitors. There has never been any harm to consumers and in fact the consumer has been the beneficiary of Microsoft's low pricing and standardization. The competitors, if successful, would be just the reverse. High prices and little if any standards.

Thank you for your consideration.

Ron Nelson

Seattle, WA

MTC–00004039

From: docfi@nycap.rr.com@inetgw
To: Microsoft ATR
Date: 12/11/01 12:50am
Subject: Microsoft Settlement

Please read the article at:

http://www.pbs.org/cringely/pulpit/pulpit20011206.html

Jon Fowler

MTC–00004040

From: aerland
To: Microsoft ATR
Date: 12/11/01 12:58am
Subject: Microsoft Settlement

Dear DoJ:

Several sections of the proposed settlement with Microsoft appear not to be reining in its abuse of its monopoly power, but rather empowering it to extend that power!

For instance Section III(J)(2)(c) effectively gives Microsoft the power to kill not-for-profit and other Open Source projects with a clause that permits them to determine if a business ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...'' I urge you to reconsider the fundamental nature of this settlement, lest it have the effect of further extending the power of the convicted monopolists, Microsoft Corporation.

A. Erland

aerland@directvinternet.com

MTC–00004041

From: Andrew Peter Reynolds Jr
To: Microsoft ATR
Date: 12/11/01 1:08am
Subject: tunney act

bill gates built a better mouse trap, and now you people [doj] want to punish gates??? I'm not a bill gates fan, I'm an mac-fanatic. but to punish gates makes no sense. on the other hand, it doesn't make any sense to allow him to capture the educational market. that's all mac has, that and the ever shrinking video capable machine market. let gates make a monetary settlement, in the form of grants, to lower socio-economic school, and then let the schools buy mac. that seems fair.

apreynoldsjr

apreyjr@earthlink.net

give it a rest doj...aren't there enough legitimate crooks around for you to chase.

MTC–00004042

From: AznGuy7758@aol.com@inetgw
To: Microsoft ATR
Date: 12/11/01 1:18am
Subject: Comments on proposed Microsoft antitrust settlement

I am shocked at the leniency that Microsoft will receive in the latest proposed antitrust settlement. Microsoft has for years bullied and illegally used its monopoly power to quash competition and force its products upon consumers, and I see nothing in the proposed settlement that will prevent them from doing so in the future. Microsoft did not emerge victorious in the word processor, spreadsheet, and internet browser markets because its products were vastly superior to those of its competitors. It did so solely by illegally leveraging its monopolistic position in the operating system market. Am I to believe that Microsoft Word was so much better than the once reigning word processor, WordPerfect, that Microsoft now deserves to hold 94% of that market? Or that Lotus' spreadsheet and Netscape's Navigator browser were so inferior to Microsoft's products, that their markets now rightly belong entirely to Microsoft as well? I personally did not switch from using WordPerfect to MS Word several years ago because I thought that the latter was a superior product. I was forced to do so because all of the PCs at my workplace came preloaded with Microsoft products at the expense of its competitors, thanks to Microsoft's illegal bullying of PC manufacturers. Now that Microsoft has already taken these markets and overwhelmed its competition with its monopolistic leveraging, is the latest settlement proposal somehow going to right these past wrongs, ensure a completely level playing ground in the software market, and bring these pioneering companies back to the prominence that they truly deserve? The fact of the matter is the damage has already been done, Microsoft has won on its own terms, and its technology is now even more deeply entrenched in the market. The latest antitrust remedy will do little to rectify this situation. If Microsoft's operating systems will still be free of any significant restrictions, if they do not open up their APIs, and if they can still bundle anything they want with their operating systems, what exactly are they sacrificing? Many of the provisions of this mild settlement reflect changes that Microsoft has already made, so the settlement itself seems to be a moot point now.

I am frankly very surprised that the Justice Department chose not to break up Microsoft into two separate companies: one which develops operating systems, the other which develops applications. This seemed to be the most logical and fair remedy, as it would ensure that Microsoft could not continue to tie its applications so closely to its operating systems. At the very least, Microsoft would have had to consider every company's applications equally in determining which to bundle with its operating systems. Given Microsoft's historical disdain for fair play and its reputation for evading past remedies, does the Justice Department truly believe that Microsoft will suddenly stop using its monopoly to favor its own applications? It seems obvious to me that Microsoft will continue to have an unfair advantage over its competitors.

It is clear that Microsoft currently has the power to control the direction of computing, regardless of how popular or powerful competing technologies may have proven themselves to be. Take Sun's Java technology, for example. Microsoft is the only company in the world that has the power and audacity to exclude something like Sun's Java Virtual Machine from future versions of its operating systems. Over the past five years, Java has established itself as the undisputed de facto standard for running applications on multiple platforms, and yet Microsoft won't include this technology in Windows. Java has taken the software industry by storm since its emergence, and yet Microsoft has decided to go against this overwhelming tide. Can you think of any other software company in the world that could conceivably reject a technology that's as popular and as mature as Java already is today, and still get away with

it? Microsoft's advocacy of ''innovation'' only seems to apply when it is done on Microsoft's terms, using Microsoft technology. Their definition of ''innovation'' seems to involve identifying a competitor's product, buying it outright or coming up with their own version which runs only on Windows, killing off the competition using their monopoly, and then declaring to the world that they have ''innovated'' for the benefit of consumers. They are attempting to do this now by subverting Java as the predominant multiplatform technology and replacing it with their own ''.Net'' technology.

I used to scoff at the idea of Microsoft being able to dominate the Internet, but it has now become clear to me that not only is this entirely feasible, it is exactly what they will succeed in doing without a stronger antitrust remedy. Microsoft will continue to leverage its monopoly to advance its .Net technology while killing off Java and other companies' innovations unless the Justice Department does something to rectify the situation. To be fair, Microsoft has surely had an enormous positive impact on the industry as a whole, though for the most part this has meant standardizing the entire world on a Microsoft platform. What they have consistently done to the detriment of consumers has been to illegally use their monopoly to kill off competitors' innovations in favor of their own version of ''innovation''.

What consumers need now is a remedy that will prevent Microsoft from forcing its products upon us, while other companies' valuable innovations fall by the wayside. While the computer world has become a better place with Microsoft in it, it would certainly become much better place if only it played fairly. I hope that the Justice Department will reconsider the current proposal in favor of a stronger response to Microsoft's predatory, unfair, and clearly illegal tactics.

A Concerned Consumer (and user of Microsoft products)

MTC–00004043

From: Ilan Rabinovitch
To: Microsoft ATR
Date: 12/11/01 1:20am
Subject: Microsoft Settlement

I suggest you do not accept any settlement in which Microsoft may offer free software and services instead of money or other restrictions. Allowing them to provide educational institutions with free software will only strengthen their monopoly by forcing their software on todays youth. Possibly accept Red Hat's offer to provide all software and training services for free if Microsoft provides hardware as payment for their wrong doings and anti-competitive practices.

In addition any provisions in the settlement that apply to Microsoft's competitors should also apply to open source, public domain, educational, and non profit projects/groups/organizations. The MSFT monopoloy has hurt these groups just as it has hurt comercial competitors. Microsoft recently retired windows 95. This and other products such as DOS, Windows 3.x, etc should have their source code opened and made available under a license that allows the code to benefit the public. Example licenses that would benefit the public: GPL, BSD, Public Domain, etc. You should consider requiring them to open the code to other products as well. For example Internet Explorer and other versions of windows. In all cases code which is offered should be released under licenses that dont hinder the ability of the public to make use of the code. Finally please consider limiting Microsoft's ability to enter the home entertainment system market. This will allow them to spread their monopoly to the machines that run our homes. I for one do not look forward to a day where Microsoft runs all aspects of my life. As it is their sub par software has made our lives more difficult by introducing regular crashes and security issues into a majority of the computing systems in the world.

Ilan Rabinovitch
Los Angeles, CA 91316

MTC–00004044

From: Steve Kinney
To: Microsoft ATR,groupmind2 @yahoogroups.com@inetgw
Date: 12/11/01 1:27am
Subject: anti-trust settlement

To whom it may concern,

This message is in response for the solicitation of public comment on the proposed settlement in the case of U.S. v. Microsoft, Civil Action No. 98–1232. I find the settlement completely unacceptable. The proposed settlement rewards Microsoft for breaking the law. There are no provisions in the settlement that would interfere in any way with Microsoft's anti-competitive practices, as the Redmond giant continues to employ illegal means to leverage its operating system monopoly into application software, network protocol, and Internet server monopolies.

The well publicized ''penalty'' chosen by Microsoft, that it provide software to some public schools, is nothing more than an extension of their already well established policy of providing ''free'' software to any educational institution, in order to exclude other companies' products from their campuses. I place ''free'' in quotation marks, since the software offered is always network server software, which if accepted, excludes other operating systems from the school's local network of computers. Microsoft's competitors offer measurably higher performance, in speed, scalability, security, and reliability, along with superior customer support, and lower cost to the user. All Microsoft can offer to counter this competition— from innovative U.S. companies like Sun, Red Hat, and Mac— is to foster an educational environment where ''Microsoft is the only company whose products you have ever seen or learned how to use.'' Why is it OK for Microsoft to break the law? A private conference between Bill Gates and George W. Bush, was documented by the Dallas Morning News on July 9, 1999. This meeting was followed by over $35 million in Microsoft contributions to the Bush campaign, accomplished through direct Microsoft sponsorship of the most productive ''Pioneer'' fund raisers for the Bush campaign: Microsoft executives collected full time pay from Microsoft, while working full time as fund raisers for the Bush campaign.

The Bush Administration's Department of Justice, proposes that Microsoft choose exactly how it will be ''penalized'' for breaking the law, and allows Microsoft to freely re-define U.S. law as it will be applied to their own business practices in the future. I would suggest that the Department of Justice officials' first loyalty should be to the law of the land. This would require the enforcement of anti-trust laws as written and voted into force by Congress. Even when the convicted offender is Microsoft.

Thank you for your attention,
Steve Kinney

MTC–00004045

From: Wendell Schubert
To: Microsoft ATR
Date: 12/11/01 2:25am
Subject: MS Settlement is not in my best interest

I do not feel that the currently proposed Microsoft/DOJ settlement is in my best interest. It does not punish Microsoft for abusing it's monopoly power, and will not stop Microsoft from continuing to abuse that power. The current settlement effectively does nothing to make Microsoft play fairly in their markets.

I would much prefer to see Microsoft broken into FOUR competting companies (ie: TWO applications companies that must compete in the same market and TWO operating systems companies that must compete in the same market). I also believe that the courts should have stopped the release of Windows XP until a settlement is completed as Windows XP further abuses Microsoft's monopoly power (practically forcing users to participate in their new Passport services) as well as infringes on freedom of speech (handicapping your encoding auto to the mp3 format in favor of their proprietary wmf and the ''Smart Tags'' feature in the illegally integrated Internet Explorer that can effectively edit sites webpages).

Sincerely,
Wendell Schubert
6755 SW Princess Ave
Beaverton, OR 97008

MTC–00004046

From: Matthew Geiger
To: Microsoft ATR
Date: 12/11/01 2:33am
Subject: Feedback on proposed Microsoft Settlement

Hi,

I understand the Justice Department is soliciting US public comment about Microsoft's proposal to supply computers and software to underprivileged school districts to satisfy the punishment phase of its legal settlement over monopolistic practices. I dearly hope the Justice Department won't allow Microsoft to use its proposed settlement to extend its monopoly and potentially generate more revenue for itself by locking the neediest school districts across the US into the Microsoft product-upgrade cycle. I also trust the department sees the inherent disingenuousness of

Microsoft providing the lion's share of the settlement value in software whose marginal cost to Microsoft is next to nothing—but which is being valued at off-the-shelf prices for the purposes of the settlement.

In evaluating the true worth of the Microsoft settlement, it's most informative to note the offer by Linux distributor Red Hat to provide operating system software, desktop applications and updates to these systems for free to these same school districts. That would maximize the value of the settlement for these school districts by investing all of the Microsoft payout in tangible computer hardware, which can operate on open-source software for free. The difference, Red Hat estimates, will allow qualifying schools to receive an average of 70 computers each, as opposed to the 14 each they would get under the Microsoft proposal. All this without raising the nominal amount of Microsoft's settlement.

I doubt there would be a warm reception at the DoJ for a proposal by major tobacco companies to settle their legal damages partially by supplying heart-lung machines to the nation's neediest hospitals and then satisfying the balance of the settlement in cartons of free cigarettes to the neighboring communities.Yet, this example isn't without parallel to the current Microsoft case. Indeed, considering that this settlement itself stems from Microsoft's monopolistic practices and price-fixing, it clearly better serves the sense of justice that Microsoft's punitive settlement should help engender healthy competition in the marketplace—as well as provide maximum benefit to our educational system.

For the record, as a user of both Microsoft and open-source software at home and in the workplace, I'm fairly agnostic about the roles and performance of both. Having installed and administered a number of open-source-based servers, applications and security tools, I am continually impressed by the stability and functionality of this free software. At the same time, I certainly appreciate that Microsoft has put a great deal of research into developing its product line. But Microsoft's marketing practices consist of just the sort of abusive, manipulative behavior that the US' fair trade laws were designed to protect the public from. Please don't let Microsoft similarly abuse and manipulate this nation's justice system.

Yours sincerely,
Matthew Geiger
Matthew Karl Geiger (US citizen)
21 Oxley Walk
Singapore 238594
matthew@geigers.org

MTC–00004047

From: kenusdojgov@klabrams.com@inetgw
To: Microsoft ATR
Date: 12/11/01 3:04am
Subject: Please listen to Apple Computer...

To Honorable J. Frederick Motz,

I support and volunteer my time and equipment to help my three daughters in three schools in the San Jose, CA area: Mulberry Elementary, Baker Middle School and Westmont High School. All three schools have a mix of computers, but the Macintosh systems are the most prized for their ease of use, installation and training. I'm a software engineer and manager for 20+ years, and have used Windows, Macintosh and Unix systems many times, but I highly recommend using Mac systems at the schools. I back this up with donating time and equipment.

I strongly object to rewarding Microsoft for their moral and civic failures by helping them corner the education market. Determent, not rewards should be what the court is looking for.

Ken Abrams
kenusdojgov@klabrams.com
4074 Keith Drive
Campbell, CA 95008

MTC–00004048

From: Frederic Soulier
To: Microsoft ATR
Date: 12/11/01 3:13am
Subject: Microsoft Settlement.

To whom it may concern,

Please do not let Microsoft off the hook so easily, they have done enough damage and harm to too many companies to not be punished in some ways. They are going to exit this case even stronger than before, free to use their power to harm consumers and companies beyond any possible repair.

Regards,
Frederic Soulier

MTC–00004049

From: Norman.Azadian@swisscom.com @inetgw
To: Microsoft ATR
Date: 12/11/01 3:52am
Subject: Microsoft Settlement

As Microsoft claimed during the trial, times and the nature of business have changed. The anti-trust enforcement that was meaningful three-quarters of a century ago are not necessarily so in the twentyfirst century. Specifically, the settlement takes into account only established, for-profit, business entities, as defined by Microsoft itself. Talk about letting the fox guard the henhouse! In today's world of computer software, Microsoft's most dreaded competition is not a business, but free software. For example; Apache, Sendmail, and Perl rule the internet, and yet they are all free. SAMBA, another freebie, is widely used to let real servers serve Windows shares. Without the knowledge which this proposed settlement guarantees to businesses, SAMBA won't be able to keep up.

Even the US government is denied the information. Remember the story of the new battleship that had to be towed back to harbor on it's maiden voyage because it's Microsoft-driven computer system failed? The DOD, NASA, NIST, and assorted national laboratories are all prime contenders to need the information that is being dispensed.

This proposed settlement needs another going-over. At the very least, the US government should be included. Organized free-software efforts are also vital. Better still, why not just require that the knowledge be put in the public domain? If it can be made available to the so-called arch-rival businesses, why not to Joe Public? In any case, Microsoft should not be allowed to set any standards for eligible recipients—that is an obvious conflict of interest.

Don't be fooled by my address; I am a US citizen.

NHA
Norman.Azadian@Swisscom.com+41 31 342 8129
MC-OP-MIT-SWM-TSWSwisscom Mobile AG

MTC–00004050

From: Dale Pedersen
To: Microsoft ATR
Date: 12/11/01 4:37am
Subject: Microsoft Settlement

I am hoping that you will accept this e-mail as my comment on the proposed Microsoft anti-trust settlement. The trial concluded that Microsoft is a predatory monopolist. That couldn't be more true and is something anyone familiar with the computer industry has known for many years. My concern is that the proposed penalties are not strong enough. The proposed settlement seems more like a slap on the wrist than what is really needed, something with teeth. Please do what you can to throw the book at them. All the public is asking is for the government to make the punishment fit the crime. Pretend that you're the Taliban and make the remedy merciless!

Dale Pedersen
CMR 420 Box 741
APO, AE 09063

MTC–00004051

From: Lawrence Sproul
To: Microsoft ATR
Date: 12/11/01 5:08am
Subject: Microsoft Settlement

Where are the protections for Non-profit, opensource, and government entities?

And why does Microsoft get to choose it's own criteria for determining what businesses can participate in the benefits.

Shouldn't this be done by the Independant Committee?

MTC–00004052

From: Denis Williamson
To: Microsoft ATR
Date: 12/11/01 4:58am
Subject: Microsoft Settlement

Sir,

Microsoft has broken US laws.

When reaching a settlement please remember that justice must not only be done, but must be seen to be done!

To introduce free Microsoft software into schools would seem to sanction Microsoft's behavior and to suggest that the US Government rewards such law-breaking.

Please punish Microsoft so the punishment not only equals the crime, but can be seen by all to equal the crime.

Denis Williamson

MTC–00004053

From: Scott
To: Microsoft ATR
Date: 12/11/01 6:05am
Subject: MICROSOFT SETTLEMENT

Dear Sirs,

I am of the opinion that the Microsoft settlement amounts to a ''a slap on the wrist,'' and am extremely concerned that it will result only in an increase of the current Microsoft monopoly. Please do not play into their hands.

R/S,
Scott R. Taylor

MTC–00004054

From: Duane C. Mallory
To: Microsoft ATR
Date: 12/11/01 6:40am
Subject: Microsoft Settlement

To whom this may concern:

I read with some interest the deal worked out between the Government and Microsoft: I must say that I really can not believe the outcome. The government, by winning the case against Microsoft, is in a position to be sure that justice is served. From everything that I have read, and believe I understand, the following is what I think of the current settlement.

1) Microsoft has been found guilty of Anti-trust violations.

2) Microsoft, under the current settlement, is not only let off the hook, but is in a stronger position than ever before in that they can decide what constitutes action required on their part.

3) Open source software, such as Linux, Apache, SendMail, and SAMBA, are going to be damaged by this settlement as Microsoft will argue that they are NOT a Commercial / Business entity in the true sense—they are Not-for Profit entities. This basically means that any access to API's, code, or other areas that could benefit these companies in an effort to compete fairly will not be available to them.

4) There is absolutely NO MONETARY FINE imposed on the company for their crimes!

All in all I would say that the settlement is laughable. Unfortunately, I believe there are quite a number of companies and organizations who will not be laughing if this settlement is allowed to go through as is. It is sad to think that, in a great country such as ours, perhaps crime does pay after all.

Best Regards,
Duane Mallory
CC:Duane.Mallory@asus.net@inetgw

MTC–00004055

From: jdh@sparky.hunter@inetgw
To: Microsoft ATR
Date: 12/11/01 7:04am
Subject: Against DOJ sweatheart deals!

The DOJ should be ashamed.

I use UNIX. Why should MS be allow to penalize me by using UNIX to get rid of UNIX??

The whole US can see what a weak sweatheart deal they're trying to make. Its no wonder consumer trust and trust in the government is at an all time low.

My option:

1) let MS keep their broken code which is their property—we DON'T want it

a) we DON'T want it furthed—we want it LESSENED

b) so we DON'T want the code pubished !!!

c) we DON'T want MS—we want [Sun, Apple, Linux, AIX, HP-UX, ...]

d) the LESS distribution of their terrible code the BETTER

2) force them to comply with standards or halt sales a) like netscape plugins, like ANSI C, etc...

3) all ''giveaways'' should be effective to EFFECTED CONSUMERS in the form you know damn well we're asking for. And that ISN'T a giveaway to the government school funds in your pockets: you asses!

That's the three fingered solute to MS—who have wasted millions of manpower hours in needless lock-ups—and litterally years of mine. Intentional lies about a product can't be disclaimed—even a fool would know that.

I read all their damn ''developer'' lies as a kid—for years—until I was an adult and realized how they had lied. They owe me for that. MS can stuff it. I might add that their ''we're allowed to lie'' ''contract'' didn't apply to me as a minor; as such contracts are invalid with minors.

MS has harmed several of my development projects intentionally due to their childish competitive bull—stifling science and development: for instance: database connectiviety for Mathematica to meantion one. But do I have recourse?? No—thank to you people!

Ah yes...
Have a BAD day
John D. Hendrickson

MTC–00004056

From: Susan Dwyer
To: Microsoft ATR
Date: 12/11/01 7:17am
Subject: The microsoft settlement

Gentlemen,

I never do anything like this, but I feel so strongly that I must speak out about this travisty. Microsoft has brought mediocrity and a complacency for inferior software to the software market. Before Microsoft, any company who dared to ship a product so riddled with bugs and defects as the microsoft products would have gone out of business.

People are fed up with microsoft, but have nothing else to use, so they tolerate the poor products and poor support. Letting Microsoft get away with putting their software in schools for free is rewarding Microsoft for their illegal activities. That will allow another generation to be brainwashed into using microsoft products before they even get out into the real world. I am enclosing an article from one of Microsoft's own user publications, which says it better than I can, and reflects how most of us out here feel.

Thank you for reading this—the microsoft article follows

Susan Dwyer

* AN ANALYSIS AND OPINION OF THE STATES' PROPOSED MICROSOFT REMEDY

As expected, on Friday the District of Columbia and the nine remaining US states allied against Microsoft presented their proposed remedy for Microsoft's antitrust case. After the watered-down and ineffectual proposed settlement between Microsoft and the US Department of Justice (DOJ) and nine other US states last month, I didn't expect much from this proposed remedy. But this proposal is far more realistic and pragmatic than the earlier proposed settlement, and I strongly urge Judge Colleen Kollar-Kotelly to wholeheartedly reject the DOJ agreement and adopt this proposed remedy instead. In this analysis and opinion, I'll examine the remedial proposals the states have presented and explain why they represent a more suitable punishment for Microsoft's repeated violations of US antitrust law.

But first, a quick review. The US Court of Appeals for the District of Columbia unanimously agreed with the earlier ruling that Microsoft had illegally maintained its desktop OS monopoly by ''suppressing emerging technologies that threatened to undermine its monopoly control.'' Microsoft prevented these technologies, which included Sun's Java and Netscape's Web browser, among others, from succeeding by maintaining what the Court of Appeals called the ''applications barrier to entry,'' in which a dominant platform such as Windows stays in power by keeping consumers locked in. As noted in the proposed remedy, ''the applications barrier to entry, coupled with Microsoft's 90 percent plus market share, gave Microsoft the power to protect its 'dominant operating system irrespective of quality' and to 'stave off even superior new rivals.'" To specifically combat Java and Netscape, Microsoft ''aggressively and unlawfully prevented these rivals from achieving the widespread distribution they needed to attract software development and ultimately make other platforms meaningful competitors with Microsoft's Windows operating system.'' The proposed remedy also notes that the US Court of Appeals ''cataloged an extensive list of anticompetitive [and] exclusionary acts by which Microsoft artificially bolstered the applications barrier to entry, including commingling the software code for its own middleware with that of its monopoly operating system, thereby eliminating distribution opportunities for competing middleware; threatening to withhold and withholding critical technical information from competing middleware providers, thereby allowing Microsoft middleware to obtain significant advantages over its rivals; threatening to withhold porting of critical Microsoft software applications and financial benefits from those who even considered aiding its rivals; contractually precluding [PC makers] and ultimately end users from the opportunity to choose competitive software; and even deceiving software developers to conceal the fact that the software they were writing would be compatible only with Microsoft's platform.'' The list is long and, sadly, only a subset of the strategies that Microsoft has employed over the years to stifle competition and innovation.

After losing its appeal, Microsoft entered a new phase of its antitrust trial. Kollar-Kotelly recommended that the company attempt to settle the case, and the court eventually provided a mediator. Then on October 31, the last day of mediation, Microsoft and the DOJ shocked the world by announcing a settlement. However, Microsoft critics immediately denounced the settlement as being too lenient on the company. Even I referred to the settlement as ''a travesty of justice that leaves an illegal monopoly in a position of power, enabling Microsoft to continue harming competitors, partners, and even customers'' (see the URL at the end of this article for my take on the DOJ and Microsoft settlement).

As a result, the District of Columbia and nine of the 18 states allied against Microsoft refused to sign the agreement, calling on antitrust precedent and noting that ''the suit has been a futile exercise if the Government proves a violation but fails to secure a remedy adequate to redress it,'' and ''a remedies decree in an antitrust case must seek to 'unfetter a market from anticompetitive conduct' to 'terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future.''' So the states' proposed remedy, delivered Friday as required, addresses these issues and punishes Microsoft for its illegal behavior. And the proposal elegantly explains why Microsoft should be punished in a manner more appropriate than that in the DOJ settlement.

''A meaningful remedy must do more, however, than merely prohibit a recurrence of Microsoft's past misdeeds,'' the proposed remedy reads. ''[First,] it must also seek to restore the competitive balance so that competing middleware developers and those who write applications based on that middleware are not unfairly handicapped in that competition by Microsoft's past exclusionary acts, and [secondly,] it must be forward-looking with respect to technological and marketplace developments, so that today's emerging competitive threats are protected from the very anticompetitive conduct that Microsoft has so consistently and effectively employed in the past. Only then can the applications barrier to entry be reduced and much-needed competition be given a fair chance to emerge.''

The states even specifically take a jab at the proposed DOJ and Microsoft settlement. ''Unlike the previously announced settlement between the DOJ and Microsoft, these remedies create a real prospect of achieving what the DOJ said it intended to accomplish: 'Stop Microsoft from engaging in unlawful conduct, prevent any recurrence of that conduct in the future, and restore competition in the software market.'''

Here are the states' proposed remedies. I've ordered them by magnitude, with the proposed remedies I consider the most important listed first.

1. Microsoft should be required to license its Office source code so that competitors can sell Office on rival platforms. ''To begin to erode the applications barrier to entry that was enhanced by Microsoft's unlawful behavior, and thereby begin to 'pry open to competition a market that has been closed by defendants' illegal restraints,' Microsoft should be required to auction to a third party the right to port Microsoft Office to competing operating systems,'' the proposal reads. Also, Microsoft should be forced to continue offering its Macintosh Office product, with the stipulation that each revision of that product ship within 60 days of each Windows version of the suite and include similar functionality. And Microsoft should be forced to auction off Office licenses so that at least three companies can port the suite to the platforms of their choice; Microsoft will receive a royalty for each auction but no further payments. And Microsoft will be required to give the third parties all the technical information needed to make the ports successful.

This controversial remedy hits Microsoft right in the gut because it hands over some of the company's crown jewels—the source code to its dominant Office products—to competitors and opens up the Office productivity market once again. Critics have long maintained that Microsoft's OS monopoly is unfairly bolstered by users' reliance on Office, and this proposal seeks to answer that complaint. Indeed, given that many of Office's features have found their way into Windows over time and that the Office team has had unfair and early access to internal Windows technologies for years, it's only fair that competitors get the same benefits.

2. Microsoft should be forced to open-source Internet Explorer (IE). Much of the original trial focused on Microsoft's illegal bundling of IE in Windows solely to harm its competitor Netscape; the Appellate Court finally ruled that Microsoft designed IE not to make browsing more attractive to users, but to discourage PC makers from distributing rival products. In other words, the company ''integrated'' IE into Windows solely to harm Netscape, not to help its customers. ''Eliminating Netscape and establishing [IE] as the dominant browser was a critical component of Microsoft's monopoly maintenance strategy,'' the proposed remedy notes. ''Given that Microsoft's browser dominance was achieved to bolster the operating system monopoly, the remedial prescription must involve undoing that dominance to the extent it is still possible to do so. Accordingly, the appropriate solution is to mandate open-source licensing for [IE], thereby ensuring at a minimum that others have full access to this critical platform and that Microsoft cannot benefit unduly from the browser dominance that it gained as part of its unlawful monopolization of the operating system market.'' If the court enacts this proposal, Microsoft will have to disclose and license the source code for all current and future versions of IE and any related Web-browsing functionality found in various versions of Windows. This action will give competitors and other developers a perpetual, royalty-free license to create any derived products they want, without fear of retaliation from Microsoft. As with the Office porting proposal, this proposal hits right at the heart of the matter and is an appropriate remedy for a company that abused competitors, partners, and users through its anticompetitive bundling of IE and Windows.

3. Microsoft's bundled software should be unbundled from Windows. As with the previous proposal, this requirement relates to Microsoft's illegal commingling of IE and other middleware with Windows, which deterred PC makers and users from installing competing products. The states give Microsoft two options: Either cease bundling middleware such as IE, Windows Media Player (WMP), and Windows Messenger in all current and future versions of Windows, or start selling Windows versions that don't include those bundled applications. If the court chooses the latter option, those unbundled Windows versions should cost significantly less than the versions that include bundled software and should function properly. This requirement applies to Windows XP, Windows 2000, Windows Me, and Windows NT 4.0, but not to Windows 98 or Win98 SE, for some reason.

Again, I endorse any remedy that addresses a specific area in which the court found Microsoft guilty of breaking the law. Indeed, the US Court of Appeals for the District of Columbia unanimously upheld the earlier District Court ruling that Microsoft bundled middleware such as IE solely to ''deter computer manufacturers from installing a rival browser such as Netscape Navigator. Microsoft offered no specific or substantiated evidence to justify such commingling, and such commingling had an anticompetitive effect.'' Users and PC makers should be able to choose whether to install Microsoft or third-party middleware, and this proposal makes the choice possible. Contrast this solution to Windows XP, where users can't uninstall components such as WMP, Windows Movie Maker (WMM), and Windows Messenger, let alone replace them with other software.

4. If Microsoft knowingly violates the terms of this remedy, the company should be forced to license the source code of the product in question. Given Microsoft's repeated violation of previous agreements, this proposed remedy is key. If the court finds in the future that Microsoft illegally commingled software code into Windows, for example, the company will have to freely license the Windows source code to the appropriate parties. ''If the Court determines that Microsoft has knowingly committed an act of Material Non-Compliance, the Court may, in addition to any other action, convene a hearing to consider an order requiring Microsoft to license its source code for the Microsoft software that is implicated by the act of Material Non-Compliance to anyone requesting such a license for the purpose of facilitating interoperability between the relevant Microsoft product and any non-Microsoft product,'' the ruling reads. If the court finds that Microsoft knowingly engaged in a pattern of noncompliance, the company will have to pay fines and suffer further appropriate remedies.

This remedy is crucial because it openly warns Microsoft about the consequences of its future behavior, giving the company no wiggle room to ''reinterpret'' its legally binding conduct remedies as it has so often in the past.

5. Microsoft should be forced to adhere to industry standards. Microsoft frequently ''embraces'' open standards only to ''extend'' them with proprietary additions that make interoperability with non-Windows platforms difficult or impossible. The states refer to this practice as the ''co-opting and/or undermining of industry standards,'' and they point to Microsoft's specific behavior regarding Java: The company ''purposely deceived software developers into believing that the Microsoft Java programming tools had cross-platform capability with Sun-based Java'' when they didn't. Under terms of this proposal, Microsoft would again have two options: The company could adopt and

implement industry standards into its products and not modify them at all. Or it could modify these technologies and supply the changes to any party that requests them. Furthermore, Microsoft couldn't require third parties to use standards-based technologies it had modified.

This is another compelling request, because it addresses a specific behavior Microsoft has long been guilty of. If enacted, Microsoft's embrace-and-extend strategy will be open to competitors and thus rendered moot.

6. Microsoft should be forced to distribute Java with Windows and IE. According to the states, ''Microsoft's destruction of the cross-platform threat posed by Sun's Java technology was a critical element of the unlawful monopoly maintenance violation affirmed by the Court of Appeals. Microsoft continues to enjoy the benefits of its unlawful conduct, as Sun's Java technology does not provide the competitive threat today that it posed prior to Microsoft's campaign of anticompetitive conduct. Because an appropriate antitrust remedy decree should, among other things, attempt 'to deny to the defendant the fruits of its statutory violation,' Microsoft must be required to distribute Java with its platform software (i.e., its operating systems and [IE] browser), thereby ensuring that Java receives the widespread distribution that it could have had absent Microsoft's unlawful behavior, and increasing the likelihood that Java can serve as a platform to reduce the applications barrier to entry.'' Under the proposal's terms, this bundling would continue for 10 years and would require Microsoft to continue developing modern versions of Java that conform to Sun's latest Java specifications.

This is the only part of the proposal I disagree with, largely because Sun has never opened up Java to an internationally recognized standards body (I likewise reject any argument that Java is a de facto standard). During the company's original trial, the court asked Bill Gates about Microsoft bundling Netscape Navigator in Windows. Gates replied that that would be like requiring Coca-Cola to include one Pepsi in each of its six-packs of Coke. I agree that such a requirement is ludicrous, as is requiring Microsoft to bundle Java with Windows. The remaining proposed remedies are less exciting and more closely mimic the remedies in the DOJ's proposed settlement. Thus, I'll cover them more succinctly.

7. Microsoft should be required to reveal all interoperability technologies so that ''Microsoft middleware developers [don't] receive preferential disclosure of technical information over rival middleware developers.''

8. Microsoft should have to license its intellectual rights when necessary to meet the requirements of this remedy. Some of the aforementioned proposals will require Microsoft to license its intellectual property to third parties. The company will have to do so when appropriate.

9. Microsoft should have to provide uniform and nondiscriminatory licensing to PC makers, regardless of their relationships with Microsoft and Microsoft competitors.

10. Microsoft should be prohibited from entering into agreements that would harm competition. Furthermore, ''Microsoft must also be prohibited from taking certain actions that could unfairly disadvantage its would-be competitors, whether by knowingly interfering with the performance of their software with no advance warning or entering into certain types of contracts that could unreasonably foreclose competing middleware providers.''

11. Microsoft should be banned from retaliating against companies or users that choose non-Microsoft technologies.

12. Microsoft should be prevented from forcing PC makers and users to choose Microsoft-only solutions. No Microsoft middleware can be included in Windows unless it can also be removed and replaced by PC makers and end users.

13. Microsoft should be prohibited from requiring partners to sign noncompete agreements, such as the agreement it allegedly tried to enter into with Netscape.

14. Microsoft should be required to undergo regular compliance certification to ensure that it meets the requirements of the ruling against it. This certification will include an internal compliance officer, annual compliance certifications, a compliance committee consisting of at least three members of Microsoft's Board of Directors, and extensive internal-document retention.

15. A Special Master should be empowered to promptly investigate any future complaints against Microsoft.

16. Microsoft should be required to report any potential technology or corporate acquisitions to the plaintiffs for review because the company has used such acquisitions in the past to extend its monopoly power.

Folks, this proposal represents your tax dollars at work. I salute the states of California, Connecticut, Florida, Iowa, Kansas, Massachusetts, Minnesota, Utah, West Virginia, and the District of Columbia for erecting a logical and workable remedy that addresses, rather than rewards, Microsoft's illegal, anticompetitive behavior. Just weeks ago, it seemed that Microsoft would escape punishment, but these proposed remedies give new hope that justice will be served. If Judge Kollar-Kotelly can at least find a happy middle ground between the DOJ's proposed settlement and this more reasonable set of remedies, we might see competition and innovation return to the computer industry. If I'm not mistaken, that was the original point of this legal nightmare.

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MTC–00004057

From: Robin (Roblimo) Miller
To: Microsoft ATR
Date: 12/11/01 7:25am
Subject: Criminals must be punished

If Microsoft can be convicted of criminal behavior in a federal court and then have the Department of Justice decide no punishment is warranted, other criminals are going to expect the same treatment. We might as well not have a DoJ if we are going to prosecute criminals, convict them, and then not punish them.

Or does Microsoft get special treatment because of large contributions to the Republican Party and individual Republican candidates? Either way, the DoJ's failure to ask the judge to impose harsh penalties against Microsoft sets a bad precedent.

Anyone who has raised a child knows that when you threaten punishment and don't carry out your threat, the child behaves worse than ever in the future. That child's brothers and sisters, too, learn that their parent's threats are toothless and can be ignored.

The other potential message here is, ''Give lots of money to the political party in power, and you can break federal laws without fear of punishment.''

Let's not send either message. Let's punish lawbreakers, both so that they don't repeat their crimes and so that other potential lawbreakers get the message that we Americans don't tolerate illegal behavior, even by people or companies who have enough money that they can buy access to highly-placed government officials.

Thank you in advance for doing the right thing, both as Americans yourselves and as public servants who work for *all* U.S. citizens.

Robin Miller
6665 Aspern Drive
Elkridge MD 21075
phone 410–215–2894

MTC–00004058

From: Praising Jesus
To: Microsoft ATR
Date: 12/11/01 7:33am
Subject: Microsoft Case

I am the pawn in all this litigation. I am the consumer. I continue to read about the ''harm'' Microsoft has done to me and how the damage should be mitigated. Poppycock! Microsoft has only helped me. I have bought almost every product they make from a Systems or Office perspective. When MS-DOS came out, it was fashioned after some very arcane programming principles which made it difficult to use (CP/M). Microsoft heard our cry and MS-DOS was continually improved by adding features like a text editor, a file manager, etc., etc. many things that were being charged hundreds of dollars for, Microsoft incorporated in their next version of the Operating System to make my life easier, cheaper, faster and make computing more accessible to the lay person. When it was clear that Apple had a good idea with Graphical Interfaces, Windows was born. Again, missing almost everything I needed to work with it. Aftermarket products were offered at hundreds and thousands of dollars by all the companies out there. So bad was the bilking of the public, the shareware market was born to save us from software authors.

Microsoft, however, continued to hear our pleas and made their software cheaper, easier and more feature-filled than their opposition. Most of the add-ons were inferior, by design,

to allow the after-market to prosper— which it did and still does. However, Microsoft continued to supply the things most users were interested in. Games, system management tools, elementary word processors, network connections—they gave users what they wanted to keep software people from bilking them for non-descript add-ons. During this period, you couldn't even share a word processing document with a friend. Every piece of software was unique and did not meet any standard format. I once had to purchase Word, Word Perfect, Amipro, Lotus 1–2–3, Excel, QuatroPro, Visicalc, Powerpoint, Harvard Graphics, Coreldraw, dBase, Access, Foxpro, Procomm, and a host of smaller programs just to communicate with my employees who were bringing things from home. It was an impossible situation. Microsoft resolved this for me by creating an Office Suite and pricing it reasonably enough that people could buy it for use. Their competitors refused to lower prices and eventually went out of business.

Finally, Microsoft has only ever had two actual operating systems, MS-DOS and Windows NT. Every version of Windows (3.0, 3.11, Win95, Win98, Win98SE, and Millennium Edition) are all just a graphical user interface built on top of MS-DOS. You can try it yourself, each version can be simply booted as MS-DOS. At the familiar > prompt, simply type WIN to run the interface. Now a case can be made that each iteration was merely an upgrade to the original MS-DOS system. Each upgrade added so many features, the price increased accordingly. You could say that Microsoft built their base by allowing users to incrementally fund their upgrades to an operating system they purchased long ago. However you frame it, Microsoft gave users what they wanted and needed. Their competitors did not. I bought my first copy of Microsoft Office for less than I paid for my first copy of WordPerfect. The real bottom line is this—the only thing that will damage me is these states winning this lawsuit and causing me irreparable harm and expense by reverting back a system which blatantly exploited users while their was no competition ($700 and $800 word processors, $900 spreadsheets, etc.). Microsoft made competition, Microsoft made a superior product, Microsoft standardized the software industry and made personal computing possible, and now we want to punish them for it.

This lawsuit is clearly an attack by their competitors attempting to find a way to exploit the consumer through protectionism and forcing competition to go away. I object to the terms of the settlement. While Microsoft has made some poor decisions, the very people suing them have made very similar decisions. It is the height of hypocrisy to charge that Microsoft was so much *MORE* egregious that they deserve punishment. I frankly don't even think we need a settlement, Microsoft should be allowed to continue their business as they have and let other companies get competitive or get out. However, since they have acted a bit too arrogantly and have coerced some suppliers to go along with their business practices, then settle this by making them stop doing it. They don't need any great penalties since they really haven't done anything that wouldn't have happened anyway. I even question that they are a monopoly. I can buy at least five different operating systems now. I can buy dozens of office applications now. While they have the overwhelming market share, how can they be considered a monopoly when there are still such a large number of users and competitors who do not use their product? My current employer adopted their product not because of coercion, not because of superiority. Just like the war between Beta and VHS in the video industry, just like the war between cassette and 8-track in the audio industry, my employer chose Microsoft because standardization was essential and Microsoft made the most logical product at the time that decision was made. Once that decision was made, changing horses in the middle of the stream became an unsound economic decision. Microsoft got where they are because they offered the ''best value'' at the time a decision was made. Once the decision was made, they won the war. It doesn't make sense to switch to other products. Artificially forcing the consumers and businesses to spend billions, perhaps even trillions of dollars to retrain people on inferior products, inflated in price from protectionism and throwing standardization out the window is ludicrous— particularly in the name of ''protecting'' those same people.

My opinion, drop this ridiculous suit and tell the states, and their politicians, to go garner votes some other way than at my expense. If I am forced to buy a ''stripped down'' version of Windows and pay for common options that were part of my operating system, I should have the right to start my own suit for the damages caused me.

Michael Paul Deslippe
15644 Blain Road
Mount Sterling, OH 43143
(740) 869–1189

MTC–00004059

From: cole man
To: Microsoft ATR
Date: 12/11/01 8:28am
Subject: microsoft

Microsoft needs to separate its operating system from application software. Make it compete like other software developers. No bundling of its browser, firewall, media player, or anything else.

MTC–00004060

From: Phil Mendelsohn
To: Microsoft ATR
Date: 12/11/01 8:36am
Subject: Microsoft Settlement

I would like to comment upon the settlement of the Microsoft anti-trust suit.

I believe the proposed agreement is not binding enough, especially when Microsoft has shown in the past that they are likely to either bend or disregard the rules of any restrictions put against them. Specifically, the area of greatest concern is that section III(J)(2) provides that Microsoft need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...''

There is absolutely no reason why Microsoft, the guilty party, should be the judge of whose business meets or doesn't meet some criteria of being a business. This is truly giving the fox the keys to the hen house.

Furthermore, and most importantly, there exists some very important software that is created by other than for-profit organizations, including the U.S. Government and its agencies. While trying to protect themselves from revealing source code to hobbyists or their own competition, the language here would provide an opening to prevent legitimate and serious public software creators, such as N.A.S.A., from qualifying to get a license allowing them access to the API or documentation in order to do their jobs.

Also, in section III(D), when the groups Microsoft have to disclose information to for said groups products to interoperate with Windows are listed, all are considered as for-profit companies only.

By not allowing for a person or foundation to put a product that interoperates with Microsoft's products on the market for philanthropic or whatever reasons, this proposal limits the market in ways that are not in keeping with the intent of anti-trust law.

Microsoft is trying to avoid the commoditization of their product, plain and simple, by holding the market hostage. And they will continue to do so, as long as people don't have the freedom to ignore them.

Microsoft is supposed to be ordered to compete fairly. This agreement lets them avoid competition from other than the profit based sector, a luxury that no other manufacturer enjoys.

Sincerely,
Phil Mendelsohn
143 Bates Ave.
St. Paul, MN 55106

MTC–00004061

From: Jason Greenwood
To: Microsoft ATR
Date: 12/11/01 8:37am
Subject: ''Microsoft Settlement''

I know what I know about the proposed settlement from all of the Media attention this case has garnered. I was a Windows user and now run Linux as a result of what I strongly believe to be totally outrageous, unfair and illegal business practices by Microsoft. I just want to state before the court that I feel that any remedy MUST, for the sake of the law, be much more than a token handslap against this behemoth of a company that can manage nearly ANY financial storm the DOJ sees fit to throw at it. Don't let MS get away with what they've done, truly LEVEL the playing field and keep the open source software community a legitimate concern in the process. Many computer users out there imlore you to carefully consider your findings, as it affects so many the world over.

Kind Regards,
Jason Greenwood

MTC–00004062

From: Bob Townsend
To: Microsoft ATR
Date: 12/11/01 8:45am
Subject: Free enterprise market?

A truely free enterprise market is one that has competition, it also tends to be self regulating, Microsoft only has the leading edge, now. Leave the market alone, and someone will develope a better product!

There is a good thing in Microsoft, don't bugger it up with gov't regulation and beaurocracy!

MTC–00004063

From: Michael Fortin
To: Microsoft ATR
Date: 12/11/01 8:46am
Subject: Microsoft Settlement

To whom it may concern,

I opposed to the settlement as it stands. I have two major objections. One is that by giving money, software and computers to schools, microsoft will be extending its monopoly into the education market. One of the few areas where microsoft still has competition. That competition being apple.

Two is that the language of the settlement would be very damaging to the open and free software movement. Free and open source software such as Samba, Apache and linux would loose market share. I am speaking primarily of Section III(J)(2) and Section III(D).

Thank you
Michael Fortin
849 Kirkwood Ave
Atlanta Ga 30316

MTC–00004064

From: cscrwh@asterix.cs.gsu.edu@inetgw
To: Microsoft ATR
Date: 12/11/01 8:47am
Subject: Microsoft Settlement

Dear Sirs:

It appears to me that the proposed settlement of the us government's antitrust suit with microsoft is a near complete victory for microsoft. I am very concerned as a computer science professional (an Associate professor at Georgia State University, although these are my personal opinions and not those of the university or my department) that the closing of previously open standards will adversely affect research, development and future economic vitality in computer science. Since non-commercial groups, which includes open source developers, government organizations, and academics appear to have no rights under the settlement we can be effectively shut down by microsoft. This is not good as the basis for our nation's strength comes from its diverse and active economy. By the way I am not anti-microsoft per se, I even own stock in the company. I am just very concerned that the mis-application of anti-trust laws in a technological field will severely damage our nation.

rob
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MTC–00004065

From: Paul
To: Microsoft ATR
Date: 12/11/01 9:21am
Subject: Funds for education

As an independent computer proffesional in North Carolina, I would like to add my name to the list of those who've expresed the gravest disappointment at the acceptance by my state and others of a settlement that does not go far enough to protect innovation, consumers, and entrepeneurs from Microsoft's continuing anti-competitive practices. It is my hope that the Attorneys General of the dissenting states (California, Iowa, Connecticut, et.al.) will succeed in securing appropriate remedies.

Paul Smith
President, Acme Communications
http://www.acmecomm.net/
paul@acmecomm.net

MTC–00004066

From: Tom Schneider
To: Microsoft ATR
Date: 12/11/01 9:27am
Subject: true punishment

Dear DOJ:

I am pretty disgusted with your actions on Micro$quish (ie microsoft). To suggest that they give ''free products'' to schools is outrageous! You just will let them increase their market this way. A much better solution would be for them to provide HARDWARE on which is PRE INSTALLED linux.

Then there would be no question that it would be to the benefit of the children. I'm shocked that they have pushed you around this much. Perhaps they are paying you off?

Thomas D. Schneider, PhD
107 Alessandra Ct #208
Frederick, MD
CC:feedback@redhat.com@inetgw

MTC–00004067

From: Steven R. Bowers
To: Microsoft ATR
Date: 12/11/01 9:27am
Subject: Microsoft Decision

You realize that this decision will be viewed as the government knuckling under to Microsoft's political influence. If the government cannot or will not enforce the law, then what will now happen in the market place will be directly traced back to this decision. I would not want my name attached to this decision. Maybe you know something that has eluded a lot of the critics (and a large portion of them are not competitors) about this situation.

To the future view of this decision,
Steven R. Bowers

MTC–00004068

From: Paul Healey
To: Microsoft ATR
Date: 12/11/01 9:28am
Subject: Oppose current Microsoft settlement

Hello.

I am writing to let you know of my strong opposition to the proposed settlement mediated between DOJ and Microsoft. I have followed Microsoft's behavior for many years, and I continue to be amazed at conduct which can only be described as amoral. I am particularly surprised that the proposed settlement seems to leave Microsoft unpunished for its continuing flaunting of the law.

Of course, punishment for past lawbreaking is less important than corrective action, and it seems to me that this settlement leaves Microsoft in a position to continue its monopolistic practices exactly as before. I support the nine Governors' proposal, although I think that even they have paid too little attention to the bundling problem—by which I mean not only the practice of forcing consumers to pay for options they don't want, but the added insult of forcing them to load those options on their computers.

Paul Healey
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Tel. (530) 753–9275

MTC–00004069

From: w.s.meyers
To: Microsoft ATR
Date: 12/11/01 9:41am
Subject: Comment Microsoft Antitrust settlement

Renata Hesse,

While large corporations with team of attorneys struggle for advantage in the Microsoft settlement, the people hurt the most, the users, come away empty handed.

The Court has concluded Microsoft is a monopoly, this is a fact. What is also fact is the Microsoft Windows operating system was and still is unreliable. So much so that Windows lack of reliability became a joke. Similar to Ford Motor Company, Microsoft just did not care about the customers.

The people hurt most were the users who lost hours of work every time Windows would freeze. I would ask the Court to consider compensation for this direct injury.

Microsoft has a data base of every Windows user for the time period of the government's antitrust case. Use that data to identify claimants. For myself, I have lost an average of 3 hours of work a week as a direct result of Windows. Assuming an hourly wage of $24.00 per hour and 2 weeks vacation a year, that would make my out-of-pocket loss $3,600.00 per year. Assuming a 5 year period, that would be compensation in the amount of $18,000.00. This would be fair and reasonable for the grief Microsoft and Windows has caused me.

Following this proposed formula would also be a major economic boon to both the business community who would receive the bulk of the refunds but also we end users forced to purchase an unreliable product.

W.S. Meyers
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mrbill@billfoto.com

MTC–00004070

From: Javier Olguin
To: Microsoft ATR
Date: 12/11/01 9:51am
Subject: Microsoft Settlement

To Whom It May Concern:

I am writing this response to the proposed Microsoft Settlement. I have been working in

Information Technology since I graduated High School. I have personally witnessed the rise of Microsoft as someone in the ''trenches''. While many good things have come about from Microsoft, there are behavioral aspects that require intervention.

My primary case and point is the emergence of Microsoft Office. I was at a company that had deployed Lotus 123 and WordPerfect. Both of these products were what I considered best in class. Microsoft Excel and Microsoft Word were adequate, but not exceptional.

License and support cost for 123 and WordPerfect were not exorbitant. As the company was moving to the newer versions of the products, we ran price differentials on the individual costs of 123 and WordPerfect for each computer. The upgrade was not cheap. Microsoft on the other hand began to bundle Excel and Word into the Office Suite. The individual prices for Excel and Word were comparable to 123 and WordPerfect.

The Office suite was significantly discounted. I clearly remember our Director saying that the price difference was just too great to be ignored. I also recall the director jokingly saying that they were probably selling the Office Suite at a loss to gain market share. In addition he also predicted that if they continued this, they would eradicate the other competing products and eventually raise prices due to their monopoly position. I only wish that I knew where that director was now in order to compliment his foresight.

The real reason for writing this is to make a recommendation to the court. I recommend that Microsoft be forced to implement the Office Suite for alternative platforms such as the Linux operating system.

This remedy has two purposes:

1)If you really want to spur competition along the operating system realm, port the primary business tool to Linux. Linux is an operating system that has become the primary default competitor to Windows. Linux is however, a weak competitor due to the lack of business applications. If you port the Office suite, this would encourage companies and some consumers to migrate to Linux and yet maintain compatibility with their existing documents and spreadsheets they have today.

2)There is an additional benefit to having Microsoft port the Office Suite to various platforms. For any feature implemented into the Windows version of the suite, the exact same functionality would be implemented on all the other platforms. This would help prevent any anti-competitive practices in which Microsoft builds secret interfaces from the Office suite into the Windows operating system. Microsoft's chief claims during the trial was that times and the nature of business have changed, and that anti-trust enforcement ought to be different today than it was when the laws were first passed in the early part of the last century. This argument evidently didn't resonate with the court, though, since Microsoft was found guilty. Now Microsoft is using the same letter of the old law to not only get a better deal, but literally to disenfranchise many of the people and organizations who feel they have been damaged by Microsoft's actions.

One of the remedies in the Proposed Final Judgement specifically protect companies in commerce—organizations in business for profit. On the surface, that makes sense because Microsoft was found guilty of monopolistic activities against ''competing'' commercial software vendors like Netscape, and other commercial vendors—computer vendors like Compaq, for example. But Microsoft's greatest single threat on the operating system front comes from Linux and it also faces a growing threat on the applications front from Open Source and freeware applications.

The biggest competitor to Microsoft Internet Information Server is Apache, which comes from the Apache Foundation, a not-for-profit. Apache, Sendmail, and Perl, all come from non-profits. Yet not-for-profit organizations have no rights at all under the proposed settlement.

Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business:

''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...''

Open Source projects use Microsoft calls and the settlement gives Microsoft the right to effectively kill these products.

Section III(D) takes this disturbing trend even further. It deals with disclosure of information regarding the APIs for incorporating non-Microsoft ''middleware.'' In this section, Microsoft discloses to Independent Software Vendors (ISVs), Independent Hardware Vendors (IHVs), Internet Access Providers (IAPs), Internet Content Providers (ICPs), and Original Equipment Manufacturers (OEMs) the information needed to inter-operate with Windows at this level. Yet, when we look in the footnotes at the legal definitions for these outfits, we find the definitions specify commercial concerns only.

Under this definition, the government is shut out, too. NASA, the national laboratories, the military, the National Institute of Standards and Technology — even the Department of Justice itself—have no rights. While it's true the government buys commercial software and uses contractors who make profits and Open Source software is sold for profit by outfits like Red Hat.

Microsoft has shown by its past aggressive marketing tactics actions that they probably made sure that these sections were included. If this language gets through, MICROSOFT WILL FIND A WAY TO TAKE ADVANTAGE OF IT.

MTC–00004071

From: Justin Seiferth
To: Microsoft ATR
Date: 12/11/01 9:54am
Subject: Comments from Consumers

I feel left out in this settlement. I don't care what Microsoft does or who they sell to- I don't use their software. I do however hope I will be allowed to continue to use what I prefer and that's where I feel this settlement falls short.

I won't quote paragraphs or cite examples. You're more familiar with the settlement and the cause than I could ever hope to be. I do wonder how many on the DoJ staff or the Executive Staff use something other than Microsoft products. Please talk with those people, should there be any, to discuss how they will feel when Microsoft uses the loopholes and generosity of this settlement to ensure any and all alternatives are destroyed.

It's choices and alternatives that make our country great. What was good for GM wasn't that good for the US. The US has grown and prospered. GM got what it wanted but the corporation has withered from it's former self and done tremendous damage in the process. Microsoft has gotten what it wanted from the settlement. They may eventualy wither-though that is not my wish. I just hope they do not bring the rest of the US IT industry down along with it as GM has seemingly done to our once dominant position. On the other hand, where judgements were ''harsh'' those companies and industries have blossomed. I hope the Executive Branch and the DoJ will reconsider the provisions of this settlement and draft something to take both the needs of the consumer and the good of the nation into account.

vr/
Justin Seiferth
seiferth@ce.uml.edu
CC:seiferth@ce.uml.edu@inetgw

MTC–00004072

From: Michael L Kornegay
To: Microsoft ATR
Date: 12/11/01 10:01am
Subject: Microsoft Settlement

Hello,

As Microsoft has abused their powers and their monopoly status allows them to unfairly dominate the client desktop operating system market I recommend that any settlement include:

o For any release (including widely distributed pre- releasees of software aka alpha/beta) of software that runs on a client desktop system that Microsoft provide a ''fully'' documented file format for all such software.

For example, this would require them to ''fully'' document the file format of Microsoft Word. This would allow competitors to compete in the ''word processor'' application market space providing consumers a choice. This should be done for all such applications including but not limited to those in their ''office'' suite.

o For any release (including widely distributed pre- releases of software aka alpha/beta) of software that communicates accross network connections in both intra and inter machine scenarios, that Microsoft provide a ''fully'' documented network protocol and message specification for all such protocols.

For example, this would require them to ''fully'' document SMB/CIFS aka Microsoft Windows Networking such that Macintoshes, linux, and so on could fully participate in a Microsoft network. For example, this would require them to ''fully'' document '.NET'

such that they do not use their monopoly power with that architecture.

The penalty for not complying should be that they will be prevented from selling or distributing such non complying products until they comply with the above requirements.

How all this is worded must be done VERY carefully, Microsoft is great at finding loopholes in legal and other dealings.

Please seriously consider this,

mlk

CC:michael.kornegay @mlksys.atlanta.ga.us @inetgw

MTC–00004073

From: Charles Nofsinger
To: Microsoft ATR
Date: 12/11/01 10:20am
Subject: Microsoft Deal

The proposed deal with MS is seriously flawed in not forcing them to make their API's open for all, including not-for profit organizations, obviously this restricts the governments rights versus microsoft as well. Please consider opening their API's and interoperability to all.

Sincerely,

Dr Charles Nofsinger, MD

MTC–00004074

From: Magnus, Jonathan E.
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/11/01 10:22am
Subject: Settlement

I work in IT for SeaRiver Maritime, Inc. We are a part of Exxon/Mobil. I have worked in IT since 1976. Back then I was able to read virtually all of the information that came out about it every month. It would be one thing if this current situation were benign (like CISCO) but this a only the latest in a series of offenses that have set the IT industry back time and time again.

There is a pattern here. Not only one of theft, intimidation and ignoring the Courts, but one of more emphasis on 'hype' than reality. Virtually 100% of the viruses that have hit the world in the past 5 years have taken advantage of the same few security flaws in Microsoft products. Look at the huge dollar losses because of the poor quality of the product. This is not ''Innovation'', this is pursuit of profit at all cost. If Microsoft is so ''good'' why not fix the problem?

I realize that Microsoft is a large company and that it will be difficult to provide any judgement that is satisfactory to every one involved. This is not the first time Microsoft has been in court for this, if the company is not broken up it will probably not be the last.

If this court is 'soft' on Microsoft, the industry as a whole will continue to suffer (sales are down now because there are no significant new feature in the new products) and the average citizen may believe that the financial ability of Microsoft to contribute to political causes may be the real reason behind the judgement.

I believe that the decision must be something that Microsoft considers ''harsh''.

The real question is, ''Is Microsoft so big that our laws no longer apply?'' You have to decide.

This situation has led to one that I believe is even more serious and contributes to the 'digital divide'. The Microsoft philosophy of ''ship it and we will fix it with Service Packs'' has produced a similar philosophy in virtually all of the current PC hardware and software vendors; virtually no product works 'out of the box'. No matter what you buy, you immediately have to download a 'patch' form the Internet. This patches are usually equal in size to the software that came with the device and sometimes they are even larger. This has produced a PC that requires a high-speed Internet connection or a payment to a consultant to make it usable. This is a passive form of discrimination as only those who can afford $50 per month can keep their home computer running.

Software and Hardware should work as it is shipped. The IT industry can do this, they have chosen not to partly because they have watched Microsoft get away with it year after year. (Of course, this ignores the basic premise of the suit that those who can least afford to pay software prices that have been inflated by a monopoly are forced to pay too much to even get a computer.)

This is a very disturbing trend. A computer should be viewed like an automobile; it should not require frequent trips to the 'garage' to keep it running. Real Innovation, in my opinion, should be able to provide this to us. The PC has been turned into something that provides a constant source of income for 'insiders', not a reliable product for consumers.

Should the 'digital divide' be allowed to get worse? You have to decide.

Jonathan E. Magnus
Systems Analyst
SeaRiver Maritime, Inc

MTC–00004075

From: Mark Gannon
To: Microsoft ATR
Date: 12/11/01 10:26am
Subject: Microsoft Settlement

Dear Sirs,

Your proposed settlement with Microsoft would have no impact on the competitive landscape and would result in no change to Microsoft's illegal monoply practices.

Section III(J)(2) and III(D) allow Microsoft to limit access to its API to commercial concerns approved of by Microsoft. This is no change from the way that Microsoft behaves today. Many companies working closely with Microsoft are granted access to its source code.

Additionally, these sections prevent Open Source software products like Linux to have access the source code. The Samba Project (http:;//www.samba.org) allows Unix systems to interoperate with Microsoft Windows over a network. This package is key for many companies and organizations seeking to relief from Microsoft's onerous monoply practices. Not only does Samba enable individual entities to avoid the monoply, many businesses also use it as the foundation of products. For example, many vendors in the Network Attached Storage (NAS) market, use Linux and Samba as the core of their product. Allowing Microsoft to determine who and how other organizations get access to their source codes and APIs means that this settlement would have no impact on the competitive landscape. Companies and organizations that wanted to avoid the Monoply practices of Microsoft, would be unable to take advantage of this provision. Given the court's finding that Microsoft has illegally used its monoply power, the only appropriate way to level the playing field is to require Microsoft to allow unrestricted access to all of its source code without any license restriction to everyone.

Regards,
Mark Gannon
mark@truenorth.nu

MTC–00004076

From: triquero@prodigy.net.mx@inetgw
To: Microsoft ATR
Date: 12/10/01 5:52pm
Subject: http://www.redhat.com/opensourcenow/Bill Gates

Microsoft at one time had to compete with other software companies. It has indeed done well in becoming the dominating force in retail software. If the powers that be can see this then let the competion (who might have a more innovative idea) have a chance at success (by sole decision of the consumer) as 'the giant' has enjoyed. I as a consumer hate things forced onto me and it is the sentiment of most.

Thanks.

MTC–00004077

From: java cruise
To: Microsoft ATR
Date: 12/11/01 10:58am
Subject: Microsoft Settlement

I'm dismayed at the recent settlement with Microsoft. We consumers, when faced with a monopolistic entity such as Microsoft don't not have much recourse. Normally with a company a consumer can decide not to buy a product if a company starts producing poor quality products, not so with a monopoly. As a developer and long time software engineer I have recommended much better quality software products in lieu of equivalent functionality Microsoft products to management only to be told they were concerned about compatibility problems. So, at work we are forced to use buggy, insecure Microsoft products. My productivity over the years has continued to decline. I'm constantly fighting the products made by Microsoft trying to get them to work. Continual resets, advertised functionality that plain and simple does not work which when you point it out to Microsoft tell you that you have to buy the next version. Gun! If I buy a TV, a car or any other consumer products that does not work I do not have to BUY THE NEXT VERSION so why does the government allow Microsoft to do this?

Please take into consideration that I do not ask for controls against Microsoft lightly. I live in the same region as Microsoft. Anything that you do to open up the market to other competitors against Microsoft is likely to affect me adversely in the short term. But I'm willing to make that sacrifice. I see great peril ahead for our economy if something is not done about Microsoft. We tracked in a development group the direct time lost to crashes in Microsoft products. For 40 people the average was 5.5 hours per week/per person! I worked on other computing environments where we had

maybe 10 hours per year, and this were older systems. Microsoft is supposed to be the 'modem operating system' with 'new and improved' applications. I really think Microsoft should change their motto.

'We are Microsoft. We don't care, BECAUSE WE DON'T HAVE TO!!!'

You are the consumers only hope. Do not forsake us.

Sincerely,

Concerned in Seattle

MTC–00004078

From: William Mitchell Jr
To: Microsoft ATR
Date: 12/11/01 10:58am
Subject: Microsoft Settlement

What we need is the interoperability infomation, such as file formats and API's, not the programs themselves.

Wm

MTC–00004079

From: Bill Squire (123)billsf(125)
To: Microsoft ATR
Date: 12/11/01 11:01am
Subject: Absolutely brilliant on RHAT's part!

YES,

Make MSFT really pay in full! I don't get it how a $0.25 CD can qualify as $100. Keep education free, even in the US, there needs to be freedom of the kids to learn a real OS. I'm grateful for having Unix as my first (and present) OS.

Fair is fair. Microsoft forks over the true cost in hardware and the 'punishment' (well deserved) is they are NOT allowed to use their software in American schools.

Allready, here in Europe, Microsoft is losing this area quickly and they never realy had the classroom in the first place.

PLEASE, PLEASE show a bit of respect for your education systems by keeping Microsoft out of the classroom!

Thank you—If anybody read this

Bill Squire

Engineer

MTC–00004080

From: Matt Francis
To: Microsoft ATR
Date: 12/11/01 11:37am
Subject: Microsoft Settlement

I am strongly opposed to the settlement as it stands.

In Section III(J)(2), I would like to see Microsoft's concept of a ''business'' incorporate not-for-profit organizations. In Section III(D), I would like to see that information regarding middleware be available to all middleware providers, and not just commercial middleware providers.

As the settlement stands, Microsoft will emerge from the anti-trust trial capable of leveraging it's monopolistic tendancies against not-for-profit organizations. Since there really not very many commercial companies left that provide similar services as Microsoft, we don't want that.

Thanks,

Matthew Francis

MTC–00004081

From: Jeff Ramsey
To: Microsoft ATR
Date: 12/11/01 11:36am
Subject: The Red Hat Proposal

My name is Jeff Ramsey. I am an MIS Administrator for a fencing manufacturing company in Washington State. I believe by allowing Microsoft to 'give' it's software to our nation's 14,000 poorest schools, you are only locking those schools into an ongoing license agreement in which Microsoft would then have the opportunity to change some of the company's software standards, causing the schools to need to purchase more MS software to stay compliant with the rest of the world. The proposal made by Red Hat CEO Matthew Szulik to have MS put that money into hardware for the schools, and use Red Hat's Linux software for free is a better bargain from all angles. Forcing MS to give its software to 14,000 schools is not a punishment because it enables MS to continue its monopolistic ideas by way of making upgrades and security patches cost more than they should. Some of those upgrades will be necessary for the schools to continue to operate computer labs and classes in a secure environment. So instead of making MS go without dinner, you will be adding 14,000 more schools to the pot.

The proposal from Red Hat to give the 14,000 schools Red Hat Linux software for free and force MS to either give the schools money or computer hardware is a win-win situation. Here is some of what that proposal includes:

1. Microsoft redirects the value of their proposed software donation to the purchase of additional hardware for the school districts. This would increase the number of computers available under the original proposal from 200,000 to more than one million, and would increase the number of systems per school from approximately 14 to at least 70.

2. Red Hat, Inc. will provide free of charge the open-source Red Hat Linux operating system, office applications and associated capabilities to any school system in the United States. Not just the 14,000 poorest schools, but any of them.

3. Red Hat will provide online support for the software through the Red Hat Network.

4. Unlike the Microsoft proposal, which has a five-year time limit at which point schools would have to pay Microsoft to renew their licenses and upgrade the software, the Red Hat proposal has no time limit. Red Hat will provide software upgrades through the Red Hat Network online distribution channel.

My opinion in the matter is simple: Allowing Microsoft to give out its own products to schools is not a punishment for the company, it's an investment. I sincerely hope that you will take Red Hat Inc.'s proposal into careful consideration.

Thank you for your time,

Jeff Ramsey

MIS Administrator

Tubafor Mill, Inc.

MTC–00004082

From: Fred Brown
To: Microsoft ATR
Date: 12/11/01 11:49am
Subject: Microsoft is runnung amuck

Even Microsoft's offer to provide software to poor schools is self serving. It makes poor people future consumers of MS products—not that that's a bad thing because everyone should be computer literate, but MS is not punished in the process.

Fred Brown

MTC–00004083

From: Jeremy M. Dolan
To: Microsoft ATR
Date: 12/11/01 11:56am
Subject: DOJ/Microsoft Antitrust Settlement

I don't understand why Microsoft is not even getting a slap on its wrist for it's years of illegal monopoly maintaince. The proposed settlement is a complete joke. Unless it is your strategy to come up with a settlement so rediculous the judge has to throw it out, you all should be investigated for bribery and contempt of court. Your technical consultants were either ignored, complete idiots, or also on the take.

Sincerly,

An outraged U.S. citizen

MTC–00004084

From: EDPED@aol.com@inetgw
To: Microsoft ATR
Date: 12/11/01 11:58am
Subject: The microsoft settlement

To whom it may concern:

I support apple's position that Microsoft should fund the settlement in cash, not with inflated software costs.

In a recent wall street journal article, the biggest issue with computers in the classroom in poor districts is maintenance, so the cash is more important to the poor school districts.

The settlement should focus on the whole support picture because just donating software will not give the poor districts what they need, a complete package of hardware, software, and technical support.

Thanks.

Ed Matysiewicz

MTC–00004085

From: NORSKPOLE@aol.com@inetgw
To: Microsoft ATR
Date: 12/11/01 11:58am
Subject: Argument to settle with Microsoft on present terms

The ability of American business to communicate digitally on a common platform, (Microsoft DOS, Windows, and Office) has been a major driving force in the huge gains made by American business over a little more than a decade. The anti-trust suit against Microsoft was based more upon trying to give competing companies an advantage, than it was about Microsoft's abuse of its patents and copyrights.

The states that are holding out from the settlement, are very clearly establishing that they wish to obtain special benefits for companies in their states, over and above the agreement reached between Microsoft and the other states. This process has not been handled fairly from the beginning, when a clearly prejudiced judge presided over the case, and subsequently, as states, such as my home state of California, have attempted to upset a very equitable settlment agreement.

MTC–00004086

From: Holland, Jason
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/11/01 12:05pm

Subject: Help Close the Digital Divide
<http://209.116.85.26/strategic/lhead/redcross.map>

Please encourage Microsoft to provide resources to those farthest from the technology revolution: The ''Have-Not'' side of the digital divide. I support Red Hat in their efforts.

Thank you, Jason

<http://209.116.85.26/strategic/card/XMCC.map> Jason Holland IT Consulting Practice Manager 919.379.8000 jason.holland@stratech.com <http://www.lettermark.net/emailhelp.asp?id=Strategic+Technologies>

MTC–00004087

From: Edwards, Catherine
To: Microsoft ATR
Date: 12/11/01 12:08pm
Subject: Microsoft Settlement

To whom it may concern:

Please do consumers a huge favor and DO NOT leave the language of Section III(J)(2) and Section III(D) as is. If you really are interested in promoting competition and innovation, level the playing field by allowing open source software to compete unobstructed by Microsoft's interpretation of ''business criteria''. If there is ANY competitive threat to Microsoft at all—it is in the open source world, specifically Linux. Microsoft is fully aware of this and the DOJ is playing into their hand if language such as this is left in the settlement.

As a side note, it is totally misguided to allow Microsoft to extend their monopoly by allowing the company to be ''punished'' by putting their software in our school systems for 5 years. This would eventually punish Apple and others and not Microsoft at all! And it is not doing those school systems or the kids a favor. Take a hard look at Red Hat's counter offer of providing ALL school systems the software and support. If that happened, you would see ALL KINDS of educational software being ported/written for Linux in no time at all! Give it some thought, please!

Please take these comments seriously since many companies and individual careers depend on the direction of the software industry. If Microsoft is to have a competitor on the desktop it will probably come from Linux. BUT if Linux is to really have a chance to compete for the desktop then it needs to be seen as having a chance of success so that software vendors will put resources into writing applications targeted for Linux—WITHOUT FEAR OF REPRISAL FROM MICROSOFT!

Also, please consider Steve Satchell for the three member committee to oversee Microsoft's adherence to the deal.

Thanks for your thoughtful consideration and time!

Catherine Edwards
SAS Programmer
Peopleclick
919–645–2986
Catherine.Edwards@peopleclick.com
<mailto:Catherine.Edwards@peopleclick.com>

MTC–00004088

From: aumenta@sgi.com@inetgw
To: Microsoft ATR
Date: 12/11/01 12:21pm
Subject: Microsoft

Microsoft scares me. Their operating system is endangering humanities right to privacy. The general public does not even know this is occurring—I don't even think the government is aware.

Set up a firewall and watch how often microsoft accesses the computer via the internet.

Their should be no settlement at this point—you need to do more research.

Albert Aumenta
SGI Der-2019
519 First Street
Troy, N.Y. 12180–5536
phone 518–271–8959
fax 518–271–6868
vnet 483–2648
vnet is not connected to direct line

MTC–00004089

From: Adrian Byng-Clarke
To: Microsoft ATR
Date: 12/11/01 12:28pm
Subject: DOJ/Microsoft Antitrust Settlement

I believe that Microsoft should be more severely sanctioned for its anti-competitive behavior. It is important at this time to make sure that this behavior does not continue. Perhaps the most effective way is to have Microsoft release the source code for its Operating Systems (or at least the main core of them). Microsoft has imposed itself on 95% of the desktop systems. However it has done so through an unfair advantage: its monopolistic network. Releasing operating system will help to restore the competitive balance to the market.

I am a computer programmer and web designer at the Massachusetts Institute of Technology. I should make it clear that the views that are presented hear are strictly my own and necessary those of MIT.

I believe that Microsoft should be more severely sanctioned for its anti-competitive behavior. It is important at this time to make sure that this behavior does not continue. Perhaps the most effective way is to have Microsoft release the source code for its Operating Systems (or at least the main core of them). Microsoft has imposed itself on 95% of the desktop systems. However it has done so through an unfair advantage: its monopolistic network. Releasing operating system will help to restore the competitive balance to the market.

Releasing the source code to the public will open the market in a couple of ways. First off, it will ensure that software manufacturers are on equal footing with Microsoft. Because 3rd party software manufacturers aren't privy to the inner workings of the MS operating systems, they are less able to compete with the Microsoft programmers. This should not be allowed to continue. Opening the Operating System Source will nullify Microsoft's advantage for developing software to run on its own operating system. Microsoft's software will have to compete based on its functionality and performance, not on the fact that its programmers get insider information.

Releasing the source code to the public (vs. just to computer manufacturers) will also help to restore competition to the operating system market. At this point it is very difficult for an emerging operating system to be successful due to Microsoft's strangle hold on the OS market. This is because most software is built around Microsoft Windows. Operating systems can only be as popular as the software that they support. If one releases a great operating system—it might just disappear because there is no word processor or spreadsheet for it. However, with the Windows source code open, operating systems will be better able to emulate Windows and thus run windows software. To continue to succeed (or dominate), Microsoft will have to prove itself by the quality of its products and service; not just its universality. Operating system competition can only benefit consumers with better products at more competitive prices.

Microsoft should also be prohibited from leveraging hardware manufacturers and computer retailers for a certain amount of time (5 years at least). As a preventative measure, I believe that Microsoft should be prohibited from penalizing companies that don't bundle their computers with Microsoft software, particularly Windows. This should further open up competition in the OS/PC market.

Although most of the debate has revolved around Microsoft Windows, Microsoft Office should also be addressed. I believe that this is an excellent product that has universal appeal. However Microsoft has historically used this product to unnaturally control the market. Word and Outlook use formats that are inherently proprietary so as to prevent users from migrating or using other products. Microsoft has consciously stayed away from proven, open and universal standards that foster the easy transfer of information. Instead they have relied on proprietary/closed formats to maintain their dominance.

I submit that Microsoft has intentionally made it difficult for other programs to open word documents or for people to transfer other document formats (such as Star Office). This kind of sabotage, known as ''Breakware'', should be illegal. Right now Office persists as a standard because it is the only set of programs that can open much of the knowledge as it is stored in Microsoft formats. This bothers me because it implies that much of my work, done in Microsoft Word for example doesn't exclusively belong to me. The files have a Microsoft cachet that I am forbidden from breaking. If Microsoft were to stop making Office for later versions of its operating system, I might be unable to open my files. Information should be kept in open formats to foster knowledge transfer and persistence. Program choice should be left up to the user. Office is an excellent product. Surely its functionality can be separated from the way in which it stores information. Microsoft should be given 2 choices. Either they should adhere to existing open standards, or the document storage formats they use should be opened up.

This letter simply wouldn't be complete without addressing Internet Explorer. Clearly Microsoft has destroyed the browser market by ''giving away'' internet explorer. However, there is no version of this for Linux operating systems for example. I believe that MS

browser dominance can be addressed in the same way as the other areas: OPEN THE SOURCE CODE. It's free anyway—why not make the code freely available. This should again nullify Microsoft's unnatural advantage.

It is important for us to create a fair playing field for the computer industry. This has been one of the most dynamic sectors of our economy for the past decade. However, I believe that Microsoft's advantage has promoted mediocre products. If we intend to remain competitive with emerging markets, we need to make sure that our products can stand on there own. Open the source code. American ingenuity will make up the difference.

Adrian

MTC–00004090

From: iharding@pakrat.com@inetgw
To: Microsoft ATR
Date: 12/11/01 12:26pm
Subject: You have got to be kidding me.

If you let Microsoft make money off the settlement by giving away something that costs them nothing (copies of their software) and infects the minds of young children with the Microsoft virus, you guys are a bad as them. Their smug lawyers have actually stated on TV that they are happy about the settlement allowing them to ''Influence thousands of young computer users'' by indoctrinating them into the world of daily crashes, incompatibilities, and forced use of substandard software.

Make them give hardware only, and not just from their cronies and subsidiaries. Better yet, make them give COMPETITORS software like * bsd or linux. I hate them for the productivity they have cost us. Look in the mirror and realistically answer the question ''How much time have I wasted trying to make [Access, Excel, Word] do something I could have done in 2 seconds with a [Rolodex, Calculator, Typewriter]. There are better solutions and they do not enrich a bloated monopoly. The computer this was composed upon contains no trace of the microsoft virus. It is attacked daily by Outlook macro viruses, but is impervious to them. It runs at 20 Mhz and has 8 Mb of RAM. There is no microsoft operating system that will run on it. It, however, supports IPv6, secure access, and a host of other features that microsofts current crop of operating systems do not.

If a human read this, thank you for taking the time. Put a checkmark in teh ''opposed'' column in your Access database.

Sigh.

Ian A. Harding

Tacoma Washington

MTC–00004091

From: Dave Hunter
To: Microsoft ATR
Date: 12/11/01 12:37pm
Subject: Microsoft Settlement

Section III(J)(2) contains strong language against not-for-profits: ''it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business:''

Would this mean Microsoft can continue attempting to abuse standards bodies and standards like:

Kerberos (http://web.mit.edu/kerberos/www/) or the Web itself: (http://www.w3.org/)?

The biggest competitor to Microsoft IIS is Apache, which comes from the Apache Foundation, a not-for-profit. Apache practically rules the Net, Yet not-for-profit organizations have no rights under the proposed settlement. It is as though they don't even exist.

Dave Hunter

MTC–00004092

From: terry benshoof
To: Microsoft ATR
Date: 12/11/01 12:43pm
Subject: a vote for microsoft

AS MUCH AS I AM FOR FAIR COMPETION, THE CREAM WILL RISE TO THE TOP. AS FOR MY TAX DOLLARS BEING SPENT WISELY, ENOUGH IS ENOUGH. THE COMPETION HAS GOTTEN A FREE RIDE ON THIS LAW SUIT, MERGED IN THE MEAN TIME, AND STILL WITH ALL OF THIS NOISE ARE NO BETTER TODAY THAN YESTERDAY. I JUST CAN SEE SPENDING ALL THESE MILLIONS FOR WHAT? AGREE AND LET'S MOVE ON.

MTC–00004093

From:
john.t.mitchell@mail.sprint.com@inetgw
To: Microsoft ATR
Date: 12/11/01 12:56pm
Subject: Microsoft Settlement

Dear Madam or Sir,

I have had the opportunity to read the proposed settlement between the U.S. Department of Justice and Microsoft and I wish to inform you this settlement will make Microsoft stronger than it is now. There is no protection for non-business (open source software) in the settlement and the proposal does not properly discipline Microsoft for their past behavior. The only proper way to discipline Microsoft is to publish the Window's code. Access to this code would allow other companies to compete with Microsoft on an even footing.

Sincerely,

John T. Mitchell, PMCP, MCSE+I, TCO Expert

Technology Solutions Consultant—Project Manager

Sprint E|Solutions, Detroit

E-mail: john.t.mitchell@mail.sprint.com

Text Page: www.messaging.sprintpcs.com/sms/, 7346749877

Voice: 734 674–9877

''Just as water reflects the face, so one human heart reflects another.''

MTC–00004094

From: hildy
To: Microsoft ATR
Date: 12/11/01 1:14pm
Subject: Microsoft Settlement
Attention: U.S. Department of Justice,
DC Federal District Court
RE:UNITED STATES OF AMERICA,
Plaintiff,
v.
MICROSOFT CORPORATION,
Defendant.
Civil Action No. 98–1232 (Antitrust)

To the Court;

Thank you for this opportunity to allow my opinion to be considered in this court. I have read and followed with much interest the proceedings concerning the above Antitrust law suit, which in part states:

I. NATURE OF THIS ACTION

1. This is an action under Sections 1 and 2 of the Sherman Act to restrain anticompetitive conduct by defendant Microsoft Corporation (''Microsoft''), the world's largest supplier of computer software for personal computers (''PCs''), and to remedy the effects of its past unlawful conduct.

2. Microsoft possesses (and for several years has possessed) monopoly power in the market for personal computer operating systems. Microsoft's ''Windows'' operating systems are used on over 80% of Intel-based PCs, the dominant type of PC in the United States. More than 90% of new Intel-based PCs are shipped with a version of Windows pre-installed. PC manufacturers (often referred to as Original Equipment Manufacturers, or ''OEMs'') have no commercially reasonable alternative to Microsoft operating systems for the PCs that they distribute.

It is my opinion; the basis of these proceeding against the Microsoft Corporation is in error, as explained above in Parts 1 & 2. I am not an attorney, nor do I thoroughly understand the reference to Sections 1 and 2 of the Sherman Act, but, the first line of section 2 states; ''Microsoft possesses (and for several years has possessed) monopoly power''.

From the following sentence, or definition, I understand the meaning of ''monopoly'' as:

1.Exclusive control by one group of the means of producing or selling a commodity or service.

2.Law. A right granted by a government giving exclusive control over a specified commercial activity to a single party.

3.a. A company or group is having exclusive control over a commercial activity.

b. A commodity or service so controlled.

4.a. Exclusive possession or control: arrogantly claims to have a monopoly on the truth. b. Something that is exclusively possessed or controlled: showed that scientific achievement is not a male monopoly.

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From my perspective, and understanding the above definitions, I will attempt to explain my views as follows;

1. Exclusive control,... Microsoft doesn't exclusively control the market place with regard to computer software operating systems. Anyone can acquire or purchase several computer software operating systems from other software manufacturers.

2. Law. A right granted by a government,... I don't know of any government entity, including the US Federal Government, who

has proclaimed Microsoft to be the sole and exclusive source of computer software operating systems, do you?

3.a. A company or group having exclusive control, and b. A commodity or service so controlled,... The Microsoft suite of software has become the product of choice by a majority of users and/or suppliers of PC's, over other suppliers or manufacturers competing in the market place. I can think of many products or services by others which also have been favored by consumers over similar offerings, does that mean they are monopolists too? How does the U.S. Department of Justice or the DC Federal District Court equate this definition?

4. Exclusive possession or control,... Certainly the fourth and last definition doesn't apply either. Microsoft does not have exclusive control or possession of computer software operating systems. Certainly there has been some 'arrogance' displayed from the marketing of Microsoft products, but again, I can think of numerous examples of similar claims, even by some of the those supporters of this Anti-trust lawsuit. I cannot understand how any person of normal intelligence could assert this as an argument or a basis for a law suit, can you?

With respect to my arguments above and the obvious confusion regarding this law suit in general; I believe this law suit is the result of angst or frustration by other software vendors. They have convinced a few powerful policy makers of the US Government to file this suit on their behalf and hopefully enabling them to challenge or market their products and services against the more popular and superior software products from the Microsoft Corporation.

With respect to the U.S. Department of Justice, It is my understanding the function of the U.S. Government and all it's many entities is; to protect and serve the United States of America and the American way of life, enabling the citizens to select the products or service of their choice. I don't believe, upon further consideration of the above facts, the U.S. Department of Justice wishes to be a part and party to the desires of a few individuals and their financial interests or businesses over the detriment of another. In my opinion; it is wrong to handicap or regulate one business over another for the perceived benefit of the entire United States of America and it's citizens.

As generally accepted, the Democratic market place of the U.S. is usually the deciding factor of who supplies and provides superior products. It is simply a matter of choice by the consumers, and in this case, it 'presently' appears to be Microsoft Corporation.

Just as a foot note and an example worthy of consideration in context with this law suit; I believe from hind sight, it was a major mistake by the U.S. Department of Justice to have broken up AT&T Corporation and enabled a so-called 'free market' for the telecommunications industry. Of course this has only become obvious over time, and it serves as an example of governmental 'interfering' in such a crucial infrastructure of this country. I think some other form of regulation would have better served the growing needs of this nation.

I also believe the Computer Industry, and the present form of the Internet, including the developing, evolving, technologies which serve it should be allowed to develop unhindered from any governmental regulation or control. It could become another disaster for such a promising technology to be handicapped at such a crucial time of its evolution. I think it would be a mistake to allow a few near sighted governmental bureaucrats or policy makers to inspire their power or control over such a potentially beneficial technology.

Again, thank you for allowing my views to be included in your decision process, for such an important developing technology.

Sincerely;

D.F. Hildermann

MTC–00004095

From: Edward Ray
To: Microsoft ATR
Date: 12/11/01 1:28pm
Subject: Microsoft Settlement

Dear Ms. Hesse:

This letter is in response to the proposed settlement between Microsoft and the Department of Justice. I believe this agreement does nothing to protect the consumer, private industry, and government from the prior excesses of Microsoft. I urge you to reject the settlement on those grounds. Microsoft has used its monopoly of the PC desktop to further its own ends at the expense of others. While this may seem like fair competition it reduces the competitors to Microsoft. As a consumer, I already have to put up with buggy software which is exploited by hackers almost daily. If it were not for open source programs like Linux and BSD, the consumer would have little choice. This settlement allows Microsoft to continue to incorporate free code from the open source community, modify it so it will only work for Windows OS machines, then release it as its own proprietary software.

The original remedy had its merit, but I also believe that industry should break up companies. If you allow this settlement to go through, please make sure that impartial, intelligent people sit on the three member panel. Steve Satchell' s name comes to mind as an excellent candidate.

Regards,
Edward W. Ray
P.O. Box 2488
Orange, CA 92859

MTC–00004096

From: Jason Jeremias
To: Microsoft ATR
Date: 12/11/01 1:27pm
Subject: Microsoft Settlement.

I would like to comment on the proposed Microsoft Settlement. I feel the settlement is entirely to weakly worded. Here is my main concern, Microsofts biggest rivals are not companies at all. If you take a look at Microsoft's products and who has any chance of competing with them in most cases the competing products are free software or open source software. Here's a breakdown for you.

Microsoft ProductBiggest Competing Product WindowsLinux (www.linux.org) IISApache (www.apache.org) Windows File & Print SharingSamba (www.samba.org) CUPS (www.cups.org) Internet ExplorerMozilla (www.mozilla.org) Netscape (www.netscape.com) OfficeNo competitor with a chance.

As you can see above most Microsoft products have a ''free'' or ''Open source'' rival. Many of the Free products will be harmed by this settlement. The reason is Microsoft does not have to provide them any API's or disclose any information to allow these products to continue to be compatible with Microsofts Monopoly. According to the settlement Microsoft only has to disclose to Commercial companies, and only if they meet Microsoft Criteria. Does this seem fair? I think not. Also I believe Microsoft should have to make its Office Document standards open. Its unrealistic to think Microsoft will ever not have a monopoly in the Office application market if its competitors can never be compatible with the Microsoft counter parts. Everytime any competitor comes close to achieving an acceptible level of compatibility to a Microsoft Office application. Microsoft releases a new version with a new document format.

Summary:

Free and Open Source product should be considered and given the same rights as Comercial products. If they are not included in the settlement Microsoft will find a way to exclude them. This will in fact Harm not help Microsofts Largest Competitors. In the end the settlement will be just another way for Microsoft to maintain its monopoly position. Microsoft will use the settlement as a way of excluding its largest competitors, the free and open source products that are scaring it today.

MTC–00004097

From: Ron Martin
To: Microsoft ATR
Date: 12/11/01 1:35pm
Subject: Microsoft DOJ Settlement

Dear DOJ,

I think that allowing Microsoft to provide schools with their software will eventually lead to the demise of Apple Computers. It just does not make any sense to me to do this.

Microsoft provides software and then corners the market in the schools. They already have the business market cornered. This settlement will insure that Microsoft will continue to grow and will be a huge anti trust problem.

Think about it gentlemen.

Sincerely,
Ron Martin
Owner/Integrated Computer Resources

MTC–00004098

From: Bailey, Bruce
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/11/01 1:38pm
Subject: Microsoft Settlement

Dear Sirs,

I am a long time computer user who just started working for the Federal Government.

The proposed Microsoft Settlement does not go far enough. Microsoft was, after all, found guilty. The implication being that the remedy should be significant. Ideas that I have heard that would, in my professional opinion, be acceptable include one or more of the following:

(1) Open source Windows 3.11 through Windows 98.

(2) Make Windows 3.11 through Windows 98 available for free to schools, libraries, non-profit organizations, individuals with low income, and perhaps others.

(3) Auction the rights to port the Office XP Suite to Linux, with the profits going to Apple Computer. The primary objective here is ensure that there be a competitive product offering to Windows Office XP Suite. The secondary object is to reimburse one of the companies most severely damaged by Microsoft illegal business activities.

(4) Open source Internet Explorer. This is logical since Netscape and Navigator was the one of the primary casualties of Microsoft's illegal business practices. There is little point in financially reimbursing the current Netscape organization in any way, as the original company has been destroyed.

(5) Split Microsoft into two or more companies. This represents my own personal perspective and does not represent the Department of Education in any way.

Thank you for your time.

Sincerely,

Bruce Bailey

ED OCIO Technology Center

400 Maryland Avenue, SW

Washington, CD 20202

202/260–4101

MTC–00004099

From: jim(a)lineaux.com
To: Microsoft ATR
Date: 12/11/01 1:39pm
Subject: My opinion on the proposed settlement

The settlement appears entirely too weak to make a differerence for competitors at this time. Even Now, Microsoft continues unabated. Finally, Microsoft's dominance is a direct result of the anticompetitive behavior they have demonstrated.

If these measures were enacted years ago, it might have made for a more competitive IT landscape. Instead, stricter measures need to be created to ''level the playing field.''

Microsoft is still leveraging themselves into every market they can. Microsoft is able to conquer any market it enters: PDAs, Broadband, Console Games, Browsers, Media Players, Development languages, etc. Microsoft has not risen to a dominant position because of quality products. Look to the average of two security advisories a week they issue. Look to the notoriously buggy software releases, that have even crashed when Bill Gates was demonstarting them. The position of advantage they now hold is directly the result of their anticompetitive practices. In sum, Microsoft needs more than a slap on the wrist. They need to be penalized in a meaningful way for other companies to EVEN HAVE A COMPETITIVE CHANCE. Please make a difference for us. Please try to increase the chances for the next generation of entrepreneurs to be able to compete.

Thank you,

Jim Kreinbrink

jim@lineaux.com

303.333.5466—voice

303.388.7437—fax

http://www.lineaux.com

MTC–00004100

From: hermest@thebestisp.com@inetgw
To: Microsoft ATR
Date: 12/11/01 1:54pm
Subject: Microsoft Settlement

To whom it may concern,

I write to express my serious reservations about the terms and language of the proposed settlement of the Microsoft Corporation's antitrust violations conviction.

My first objection is to any acceptance of the distribution of any Microsoft product as an element of the remedy. Considering that the case against Microsoft centered on a product the corporation gave away as part of a strategy to prevent competition, exercise market dominance and abuse the position that a monopolistic control of any market affords, it seems almost comical that software gieaways, particularly to a captive audience such as schoolchildren, would even be considered by the Department of Justice. I also object to the language of the proposed settlement in several particular instances. In particular, it is generally recognized and has been acknowledged by Microsoft that one of the greatest current threats to their continued market dominance is open-source software and operating systems such as Linux and Apache. I point specifically to Section III(J)(2) which gives Microsoft the power to define ''reasonable, objective standards established by Microsoft for certifying the authenticity and viability of [businesses for which Microsoft must license API, Documentation, and Communications Protocols affecting authentication and authorization].''

For these standards to be truly reasonable and objective, they cannot be defined by the Microsoft corporation. Furthermore, the general language of the proposal must be changed to reflect the protection of not-for-profit corporations as such organizations are clearly poised to play an integral role in the creation of a more freely competitive and thus healthy capitalistic software business environment. In the increasingly networked world of computer software the control of authentication and authorization is tantamount to the control of software markets. While standards are necessary to insure that corporations are not forced to authenticate and authorize ''nuisance'' entities, definitions must be establish by objective standards bodies representing all major players including critical not-for-profits such as the Apache Foundation.

Again, under the definitions in Section III(D) it is only necessary for Microsoft to disclose the information necessary to make software inter-operate with Windows at the ''middleware'' level to commercial entities. It should be noted that not only not-for-profit but Governmental agencies risk being exluded by the narrow and commerical-centric nature of these definitions. Again, Microsoft must not be allowed to define these terms as it renders the antitrust decision against them virtually powerless.

Thank you very much for your consideration of these objections.

Sincerely,

Jonathan M. Hamlow

PO 3171 Minneapolis MN 55403

MTC–00004101

From: Charles Guy
To: 'microsoft.atr@usdoj.gov'
Date: 12/11/01 1:47pm
Subject: The bully

Some comments on the proposed antitrust settlement.

I do not compete with MicroSoft at this time. I design computer hardware, rather than software. I have done computer design from the time that the IBM antitrust suit was in the federal court system.

I think the settlement offers little if any relief to the platiffs. MicroSoft is a monopoly, as already determined by the courts. MicroSoft needs to provide all documentation on its software to ISV (Independent Software Vendors). This information should be made available under the following conditions:

A reasonable fee for the documents is to be set by an independent entity No criteria is to be set by MicroSoft regarding who can recieve these documents This information should be available to ISVs at the same time MicroSoft starts development All OS features must have clearly defined interfaces MicroSoft must fix all bugs determined to be a problem by an independent entity.

MicroSoft must continue support for bug fixes for at least 5 years following product release This is for all reported bugs in the first 5 years Bug fixes are completed when the problem is solved as determined by an independent entity Innovation at MicroSoft is primarily in the form of new ways to destroy competition. Some examples include:

OS changes to Windows to prevent the correct function of Word Perfect.

OS changes to Windows to prevent the correct function of Borland C and C++

OS changes to Windows to prevent the correct function of PC Tools by Central Point Software

OS changes to Windows to prevent the correct function of Netscape

OS changes to Windows to prevnet the correct function of Paradox

OS changes to Windows to prevent the correct function of Quatro Pro

And the list goes on and on and on and on .....

So that is how MicroSoft became a monopoly, plus IBM put them in that position.

I have not noticed any real innovation to the MicroSoft OS that was not copied in some form from existing successful software. If you know of a place where they innovated I would be interested in hearing about it. Windows itself in nothing more than an imiitation of what Xerox did with their Star system back in the early 80's.

The main problem I have with MicroSoft is that their software is full of bugs. They have no incentive to fix it, as happy customers might not buy the next release.

Charles B. Guy

Voice:(503) 628–0643 FAX (503) 628–5401

email: cbguy@avsyscorp.com

Avsys Corp. www.avsyscorp.com

MTC–00004102

From: Naylor, John
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/11/01 2:01pm

Subject: Microsoft Settlement
to whom it may concern,
i believe the injection of more microsoft software is ridiculous. how can we find a company guilty of running a monopoly, and then expand that monopoly as a resolution.
red hat linux had what seemed like a great solution. microsoft provides $1 billion worth of hardware, red hat supplies free software, and many more students are exposed to computers.
—john naylor
adp

MTC–00004103

From: Andrew Peck
To: Microsoft ATR
Date: 12/11/01 2:01pm
Subject: Sell out to Microsoft
To DOJ;
It sure looks like MS got everything it wanted. The must have donated a lot of money to the Bush campaign. Looks very very suspicious.
Microsoft should not be allowed to control both the Operating System and the Applications. They repeatedly have demonstrated a willingness to engage in unethical behaviour to push their poor quality product on users. The OS and the APPS should be split into separate companies. MS also spies on its users by gathering data about them through the OS and various Apps. This practice should be illegal, corporate entities can be trusted only to ''maximize stakeholders wealth'', within or outside the law depending on consequences. Corp's will misuse the data absolutely without doubt and should be barred from gathering it at all.
Sell Out Sell Out Sell Out. DOJ cannot be trusted to act in the best interests of society.
Andrew Peck
P.S. If I was an American I would be ten times more pissed off with my own government.

MTC–00004104

From: Eric Rehnke
To: Microsoft ATR
Date: 12/11/01 2:01pm
Subject: Microsoft Settlement
Thank you for allowing the public to comment on the appropriate remedies to help mitigate the damage done by The Microsoft Company to its competition in the past and into the future.
To begin with, I was particularly vexed by the fact that the government case against Microsoft seemed to center around the theory that it was bad to embed the added functionality of an internet browser into the operating system itself. I felt that although this was happening and a case could be made that this was a bad thing, the far greater threat from Microsoft was always in the restraint of trade area, where Microsoft threatened to stop Compaq from bundling Windows 95 with Compaq computers unless Compaq ceased bundling the Netscape browser with its computers. But, that is water under the bridge.
Please make sure that Microsoft is forced to share information that will allow the not-for-profit organizations that created and continue to support such applications such as APACHE, SAMBA, LINUX, PERL and other such software to interoperate with Microsoft products. These software applications have the best chance of competing with Microsoft in an open marketplace and Microsoft is already expending much of its resources to fight against these OPEN SOURCE ''enemies'' of Microsoft market domination. This is the area of the ''remedies'' that need to opened up so as to allow these not-for-profit organizations to have free access to the information they need to support their software systems.
The following text has been copied from the Dec. 6 2001 column by Robert X. Cringely:
''..... Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...''
Section III(D) takes this disturbing trend even further. It deals with disclosure of information regarding the APIs for incorporating non-Microsoft ''middleware.'' In this section, Microsoft discloses to Independent Software Vendors (ISVs), Independent Hardware Vendors (IHVs), Internet Access Providers (IAPs), Internet Content Providers (ICPs), and Original Equipment Manufacturers (OEMs) the information needed to inter-operate with Windows at this level. Yet, when we look in the footnotes at the legal definitions for these outfits, we find the definitions specify commercial concerns only. .....''
In closing, if only one thing can be done to force Microsoft to fairly compete in the marketplace, PLEASE ALLOW NOT-FOR-PROFIT ORGANIZATIONS OPEN ACCESS TO THE INFORMATION THEY NEED TO INTEROPERATE WITH MICROSOFT OPERATING SYSTEMS AND APPLICATIONS.
Thanks for you consideration,
Eric C. Rehnke
24343 Seagreen Drive,
Diamond Bar, CA 91765
909–861–8429
ke6ql@callsign.net
CC:ke6ql@callsign.net@inetgw

MTC–00004105

From: Leonard Lee
To: Microsoft ATR
Date: 12/11/01 2:04pm
Subject: Antitrust settlement comment
I am really baffled by the proposed Microsoft antitrust settlement. I fail to see how the currently proposed remedy will compensate for the damage that Microsoft has already done. Telling them to play fair now is like asking Hitler to stop invading other countries after he's already conquered all of Europe. What's the point? Why did DOJ suddenly reverse itself and reject the idea of breaking up Microsoft?

MTC–00004106

From: Vladimir G. Kogut
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/11/01 2:04pm
Subject: Microsoft Settlement.
Rather sooner then later consumers will be cut off having any choice but Microsoft Software.
To really fix that problem:
#1. The definition of the general term ''Operating System'' (OS) should be established desirably not by Microsoft but by independent scientists and businessman.
#2. Microsoft must ship its ''pure'' Windows OS that is precisely in compliance with that OS definition.
Thanks,
Vlad

MTC–00004107

From: jim (sparky)
To: Microsoft ATR
Date: 12/11/01 1:59pm
Subject: Microsoft Settlement
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Attorney General Ashcroft:
I believe the government should have stayed out of Microsoft 's business all along. The original suit was ill conceived. A liberal Clinton Administration filed the suit for the benefit of a few companies that could not compete in the free enterprise marketplace.
There should have been nothing more than a mandated separation of the Windows operating system and browser software.
I find it extremely interesting that the settlement requires Microsoft to do the very thing for which the original suit was filled. That is give away free software. Now, with this settlement, Microsoft will be installing their product line in schools for millions of future generations of customers to use. What started because Microsoft imbedded their Internet browser software into their Windows operating system has become a government forced sponsorship and usage of their products.
Microsoft produces and markets many fine products. I use many of them both at a business and personal level. However, I feel that because of the terms of the Federal settlement, that long term computer software technology will only be slowed by lack of active competition. Millions of young adults will enter the workforce knowing only the use of their products. Because of this public schooled-trained labor pool business will have little choice but to buy and use the same products.
The true long-term winners in this settlement will not be the workforce of America but rather Microsoft and professional class action litigators like Stan Chesley. From a strictly political viewpoint I understand your actions. I just wish it could be otherwise.
While I will not say that Microsoft is getting some kind of sweetheart deal, I must wonder why they are spending so much money to sell the settlement.
Please do nothing that adds to the monetary cost of this settlement. There is no such thing as a free lunch. The consumer will be the final bill payer for any settlement. It will become a cost of doing business and the

next generation of products will reflect those costs.

Sincerely,
James E. Cliff Jr.
11808 Liming-Van Thompson
Hamersville, Ohio 45130
CC:fin@mobilizationoffice.com@inetgw

MTC–00004108

From: M
To: Microsoft ATR
Date: 12/11/01 2:07pm
Subject: Simple Statements of Fact

Simple Statements of Fact

Not your area but, anyone who was serious about internet security would start by forbidding Microsoft software from connecting to the internet. Not within you power I know but, blocking Microsoft from selling operating systems would probably be the simplest way to promote a strong, competitive computer industry. Call it a good deed, improving the computer user's experience would be reason enough to do so. They simply aren't good at OSes. Now we get to you, Microsoft has a long, well-established history of abusing their monopolistic position and have shown neither remorse nor any intent to correct their future conduct.

Question: Are the DOJ and other plaintiffs going to do anything about that or just cave in to the plutocratic interests of Dubya and other conservative socialists?

M

MTC–00004109

From: Joe W Walz
To: Microsoft ATR
Date: 12/11/01 2:19pm
Subject: Microsoft Settle

1 Billion dollars in software give away to schools is going to kill all the education resellers in this the country. This will cost Microsoft 1 million dollars in media cost to product the software on the CD's. Cost the educational resellers to go out of business and more. Help Microsoft promote it's software etc. We need to re-think this issue. Microsoft needs to give the money's to the school then purchase the software via educational resellers. Let's get your acts together about this issue.

Joseph W Walz
President
Unique Software Corporation

MTC–00004110

From: Ben Pearre
To: Microsoft ATR
Date: 12/11/01 2:37pm
Subject: Microsoft Settlement

I applaud the proposal that Microsoft would have to open its APIs to competitors (Section III)—it shows a good understanding of what allows Microsoft to abuse its monopoly. However, the provision is basically useless: Microsoft gets to choose to whom to release its APIs. Microsoft's main competitor is hobbyists, not a corporation. Indeed, most of the Internet runs on free software—almost all routing, mail delivery, most web servers, etc... A provision forcing Microsoft to reveal its APIs only to what Microsoft deems to be a Corporation is no remedy at all—Microsoft will be able to continue to strangle its main competitors: the Apache web server, the Sendmail and Postfix mail systems, the Secure Shell, the Samba server, Netscape/Mozilla/etc... all extremely important and popular software with few or no commercial alternatives except for those from Microsoft. In order for the provision to be useful, it must force Microsoft to reveal its APIs to ANYONE, preferably on Microsoft's main web server.

Microsoft knows all this—why else would they be so adamant about the provision that would allow them to deny access to the API to active developers? The DOJ certainly must know most of this, though whether this provision just slipped in unnoticed or the DOJ didn't realise how important free software is I don't know.

Sincerely,
Ben Pearre
Massachusetts Institute of Technology
Cambridge, MA 02139
bwpearre@alumni.princeton.edu http://hebb.mit.edu/~ben

MTC–00004111

From: Asbury Lenny-LASBURY1
To: Microsoft ATR
Date: 12/11/01 2:47pm
Subject: Microsoft Settlement

Dear Sir or Madam:

I have tried to remain current on the provisions of the Microsoft Settlement of the Anti-Trust/Monopoly case.

I do not entirely agree with the decision of the court, specifically, I do not feel that there was a preponderance of evidence that showed Microsoft to have a monopoly, or to have abused a position of dominance in the software market.

Regardless, the proposed remedies in the settlement do not appear to be excessively damaging to Microsoft, or the software community at large. The distribution of software to students and educational institutions by Microsoft has always been the cornerstone of my argument that Microsoft had NEVER abused their position.

Specifically, Microsoft has always made software available to educational institutions at substantial discounts off the list price. As a former university student, I have obtained thousands of dollars of software from Microsoft at a small fraction of the advertised cost.

I feel that the requirement for Microsoft to distribute software materials to the educational community as the specified remedy in this case is entirely appropriate. It expands a behavior that Microsoft has continuously shown to be part of the Microsoft corporate culture. Instead of receiving these materials at percentage discounts off the list price, the poorest and most needy communities will receive these valuable materials at 100% off the list price.

I have never worked for Microsoft. I work for Motorola. My current employer has gained valuable expertise and skills from the discounted materials that Microsoft made available to me when I was a student.

I feel certain that the entire US economy will benefit greatly from the free distribution of software from Microsoft to the educational community. This is a settlement with incalculable value to America, because it extends the skills of our future workforce.

I whole-heartedly support this settlement.

Len Asbury, CQA, CSQE
Quality Systems Technician
(817) 245–7443
RAB QMS Internal Auditor N0817741

MTC–00004112

From: Sagstetter, Philip W
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/11/01 2:52pm
Subject: Comment on microsoft settlement

I think the proposed Microsoft settlement is much too lenient. Letting Microsoft give software to schools is like encouraging advertising. The schools then must buy into the restrictive Microsoft license scheme. The licenses require the schools to buy Microsoft product upgrades in the future.

I prefer the Red Hat Linux offer. Let Microsoft pay real money to schools. Let the schools use whatever computer software they want. For example, the schools may want to buy Apple computers for graphics training.

Another problem is the disclosure of APIs, interfaces, file formats, documentation, protocols, etc.

This should not be limited to Commercial Businesses, as defined by Microsoft.

All this info should also be disclosed to Non-profit organizations and Government Agencies.

The greatest potential future competition to the Microsoft monopoly is Linux.

Most Linux companies are non-profit, or could be defined that way by Microsoft.

Because Linux development is by volunteers, Microsoft cannot undercut Linux companies into bankruptcy. Linux and other Open Source or Free Software projects are the only serious prospective competition for Microsoft in the future. They must be given fair access to information to compete.

Finally, Steve Satchell sounds like a well-qualified person to be on the three-person committee that will oversee Microsoft under the proposed settlement.

philip.w.sagstetter@lmco.com
8832 West Ida Place
Littleton CO 80123–2354

MTC–00004113

From: none na
To: Microsoft ATR
Date: 12/11/01 3:07pm
Subject: Micorsoft Settlement

Thank you for taking the time to read this. I have been following the anti-trust case against Microsoft and feel compelled to write and express my feelings. I understand that under the current proposed settlement, Microsoft would not be required to disclose details about various Microsoft Application Interfaces to non-profit organizations. Apparently only businesses would apply. This restriction is unacceptable. One of Microsoft's biggest competitors is the open source community and this settlement would, in effect protect Microsoft, not the public at large. Since, Microsoft OS runs on %45 of all web servers and %95 of all client systems, anything other than complete and open documentation of Microsoft's API's should not be allowed. This would protect Microsoft's intellectual property while allowing any third party to develop products and programs that function in a Microsoft world.

Sincerely,
Benjamin Zack

MTC–00004114

From: qwest
To: Microsoft ATR
Date: 12/11/01 3:10pm
Subject: Microsoft verses open source

I am happy to see that the Justice dept is beginning to go after the mega corp. But I feel that the proposal that Microsoft is making is not one of justice, but one to increase there control over the computer industry. If Microsoft was to supply all the schools with Microsoft products then it will just increases there already exploding income and do nothing but increase there hold on the students in there future. If they are trained on Microsoft product in school then that will be all they know when they graduate and that will be all they will buy and support. Is this a good punishment for Microsoft? A punishment that will increase there profits and improve there monopoly in the computer industry in the future. But with an open source operating system like Linux, then the student will have a choice and be able to be exposed to two types of O/S. And with the open source software the students will be able to learn more about the computer with the ability to program and learn just how an operating system works in stead of moving a mouse and click on a screen.

Go ahead and let Microsoft add there software to the schools, but also have them add another operating system so the students can make there choice and learn different Operating systems

MTC–00004115

From: Earl Newborn
To: Microsoft ATR
Date: 12/11/01 3:09pm
Subject: Microsoft Settlement

Microsoft (MS) has been convicted of misusing their software monopolies in restraint of trade, and this verdict has been upheld on appeal. Therefore, the treatment of this conviction by the Ashcroft Justice Department as a partisan political matter is not only shameful but dangerous to US economic health, I'm writing this to protest the way the Justice Department has handled this settlement.

As long as MS is permitted to eradicate non-MS software by abuse of their monopoly position, the US will become increasingly locked into control of computer operations by a small group of MS executives whose sole interest is their own monetary gain. The evolution of computer operations has already been seriously retarded by this monopoly, and it will become increasingly so in the future, leading to US computer technology being dependent upon increasingly outmoded software. For example, in the latest MS operating system, ?Windows XP?, we?ve seen a new MS practice of non-MS code being disabled in favor of inferior MS code, and this practice will doubtless intensify as MS becomes increasingly bold in abuse of their monopoly. This is not in the interest of US economic health.

A handling of this settlement that recognizes the importance of US economic health would have two facets:

1. Punitive. MS has profited for many years through abuse of their software monopoly. They should be punished for these illegal actions. It would be appropriate to levy large fines on the individual MS executives responsible for these activities, but doing so would be difficult administratively. Instead, MS itself should be fined. A $25 billion dollar fine seems about right. That would still leave MS with a cash account of $15 billion, an amount that other US corporations can only dream of.

This money should be placed in a fund to be administered by a court-appointed body. It would judge whether to grant funds to nonprofit organizations that apply for them. An initial grant of $1 billion or more should be made to schools to use as they see fit for purchase of computer technology. This would replace the MS proposal of their donation of MS software to schools, since this activity, if approved, would probably lead to the destruction of Apple Corporation, one of the few remaining sources of innovation in the computer world.

2. Administrative remedy. Any action here should be aimed not at the destruction of MS ?Windows? and ?Office? monopolies; large US organizations need the ease of communication that these universally-employed systems furnish. But, the stultifying effect produced by MS actions designed to retain and extend these monopolies should be attacked.

The simplest way to do this is to admit the monopoly and place all MS software in the public domain. Were this done, competing but compatible versions with valuable software innovations would quickly appear, which would advance US software development greatly. The MS code should be deposited with a court-appointed body for sale to applicants. Revenues could go to MS. When MS writes a change in this software that change should be withheld from public domain for a time (one year?) sufficient to allow MS to make a profit on its research investment. This would allow MS to truly produce the innovations that they constantly claim to produce, although hitherto their software development has actually been not innovation but purchase or copying of the innovations of others.

G. E. Newborn

MTC–00004116

From: lowell2@webbster-prmt@inetgw
To: Microsoft ATR
Date: 12/11/01 12:55pm
Subject: http://www.redhat.com/opensourcenow/

It is clear that not only will the computer industry suffer from the settlement, but rather the precedent set by the findings, ruling, & subsequent punishment. It will not be long before other industries find the ''Yes you are guilty BUT we're not going to do anything about it'' useful for their own monopolistic activities.

MTC–00004117

From: William A. Ogden
To: Microsoft ATR,WISAG@DOJ.STATE.WI.US@inetgw
Date: 12/11/01 3:26pm
Subject: Microsoft Anti Trust Trial

Good Day,

Since college in the mid seventies, I am and have been a computer industry professional. Starting with main frame computers I moved to microcomputers in the late seventies. During the intervening years, I have been involved in programming solutions in FORTRAN to BASIC, from dBase IV to FoxBase, and from MS Access to FileMaker Pro. Working with CPM, Apple DOS, MS/DOS, Mac OS, and Windows, I provided a variety of professional computer services. I have designed, implemented and maintained network architectures. I have setup and maintained e-mail servers, file servers, web servers and many other network based services. I feel well qualified to comment on the proposed agreement between Microsoft and the United States Justice Department.

In the early days, I watched as Microsoft brought a level of professionalism lacking in much of the microcomputer industry. Their products, such as ''Microsoft's CPM Card'', were well thought out and implemented. Later, their GUI windowing products for the Mac OS were some of the best of class. Developed and available years before Microsoft Windows became popular, in the early nineties.

However since the mid to late eighties I have seen a change in Microsoft's professionalism. Rather than present products based wholly upon merit, which they did in the beginning, they began using questionable tactics to eliminate their competition. These questionable tactics, eventually found illegal by the courts, have eliminated my ability to choose which product I deemed best.

Watching the Microsoft anti trust trial during the last few years, I have been fascinated by the ups and downs of the case and also frustrated by it's lack of progress. I have followed the trial's proceedings in the news and have read many of the published legal papers. I am amazed by the number of times Microsoft's representatives twisted words and meanings in their testimonies, giving all observers, including the judge, an impression of deceit.

Now Microsoft is guilty of breaking the law. The trial court said so and the Appeals Court affirmed it, unanimously 7 to 0. And that takes us to the recent agreement between Microsoft and The Justice Department. Where, after reading the settlement agreement, I find no penalty and no punishment for Microsoft. Does this mean Microsoft is exempt from the Rule of Law?

What I do find is the Agreement regulates Microsoft's behavior, much like the agreement in 1994 where Microsoft consented ?to refrain from anticompetitive bundling and licensing of its Windows operating system.? (CNET News.com-September 25, 1997) And of course it was Microsoft's ignoring this decree that gave rise to the anti trust case. And even if the intent of today's Proposed Agreement is followed honestly and ethically, Microsoft's past successes using these, proposed banned, behaviors make any behavioral remedy moot. All effective competition has been eliminated, so how are behavior limitations on Microsoft going to jump start competition?

Plus the Proposed Agreement puts Microsoft in charge as all competitors are under the requirement ?that the licensee?(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, (d) agrees to submit, at its own expense, any computer program using such APIs, Documentation or Communication Protocols to third-party verification, approved by Microsoft...?.(section J 2(b),(c)) And even Microsoft could not meet the requirements under section J 2(a) of the Proposed Agreement. ''Microsoft has demonstrated time and again that through their sheer power and immense wealth, they can easily evade behavioral remedies designed to constrain their unlawful activity,'' said Edward J. Black, president of the Computer and Communications Industry Association, which backs Microsoft's corporate adversaries.?

Let me finish by asking the questions. How can any settlement with Microsoft be just five years? Particularly when section D requiring disclosure, and section H, of the Proposed Agreement does not require Microsoft's compliance for a year. How can any law breaker, proven and affirmed to be so in a court of law, not be punished? If you have enough money and you burn someone's house down, we let you go if you promise not to do it again. How can we, as a country based on the rule of law, allow a company proven to have broken that law, benefit from their crime and there be no material consequences.

I ask you to please find a way to bring fairness and open competition back to our industry. Let new ideas find a fertile environment to flourish. Please let the market place, not Microsoft's special interests, determine what software products and internet services I purchase and support.

Thank you,
William A Ogden
Director of Technology / Network & Technical Manager
wmogden@prairieschool.net
The Prairie School
4050 Lighthouse Dr / Racine, WI 53402
Phone: 262–260–6808

MTC–00004118

From: Shannon Family
To: Microsoft ATR
Date: 12/11/01 3:37pm
Subject: Glad to Hear It

To Whom It May Concern:

For a while when Microsoft was first being tried, I believed that the company should be convicted. It seemed that they were most certainly a monopoly based upon the fact that one could only commercially buy a PC with Windows in it, and that Microsoft bundled much of their software with the operating system. While I was too young to fully understand it at the time, I had also heard that Microsoft engaged in some blatantly monopolistic practices. Then the case seemed to fade from the public eye, and I personally forgot about it for some time. Just recently it became important again, and I heard that the trial was coming to an end. After having spent five more years on the computer and having experimented with Macintosh & Linux operating systems, I decided that Microsoft was not a monopoly at all. The company produces a product that is superior for their target audience, is the most readily available and most widely supported on the market, and is easier for those who have little or no computer experience to use.

The company cannot be blamed for this, and it is therefore in the best interest of the computer industry and the consumers to just leave things as they are. I hope that the ruling is not changed, and that Microsoft can continue to improve their operating systems (hopefully improving in leaps and bounds, like the move from Windows 9x to XP) and their hardware for many years to come.

Sincerely,
Dan Shannon

MTC–00004119

From: Aurelien Marchand
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/11/01 3:40pm
Subject: Great Solution

DOJ US Attorney: Microsoft Corp.
Aurelien Marchand,
Programmer/Analyst/Web Developer
Research Capital Corporation
Phone: (416) 860–7790
Reply to:
aurelien.marchand@researchcapital.com
<mailto:aurelien.marchand@researchcapital.com>

MTC–00004120

From: mark.stout@L-3com.com@inetgw
To: Microsoft ATR
Date: 12/11/01 3:42pm
Subject: questions about Microsoft Settlement

Hail!

It has been detailed in certain corners of the media that the US Department of Justice intends to punish Microsoft Corporation by having them provide computer hardware, software and consulting to schools at a cost to be deteremined by Microsoft.

Another part of the settlement is that Microsoft will reveal thier proprietary interfaces to commercial competitors.

My question is this: Doesn't putting Microsoft products and employees in front of schoolchildren make thier monopoly more ubiquitous, and strengthen thier monopoly?

Another question: Microsoft has used methods other than proprietary interfaces to keep commercial competitors from surviving. Microsoft didn't have a way to deal with the Open Source community, till this settlement was handed to them. Now, Microsoft can stop using industry standards and come up with thier own, implement proprietary interfaces for everything, and the government and businesses have to buy Microsoft products; Apple can't release a compatible product the same day as Microsoft because they won't have to release the interface specifications till release date. By the time Apple or Novell catch up, Microsoft can revoke product licenses and release another ''enhanced'' specification.

Poof! Instant Dictator! Give Bill Gates an aircraft carrier or he'll revoke the Pentagon's NT licenses!

The most logical conclusion would be to halt proprietary interfaces and use industry standard ones. That means that an old Amiga or Mac Classic can get mail from a Microsoft mail server. Need a new feature? Fine! Propose a standard that any programmer, commercial, home or in the open source community, can understand. Let people buy the best product, and upgrade after they outgrow older products.

Don't limit the publication of Microsoft's proprietary standards to commercial companies; they no longer constitute a credible competitor. I'm not telling you to shut down Microsoft and make everybody use Linux, I'm asking that Microsoft face the possibility of an entity as big as itself. This might even be to thier own advantage; they'd be forced to make the best products possible.

Here's the off-the-wall proposals:

1. Limit Microsoft to Fifty employees, and the salary of the highest paid executive can only be twice that of the janitorial and mailroom staffs. Base salary dictated by the need for everyone for food, clothing, shelter and transportation, and then demonstrated value to the company dictates the amount of additional compensation.

2. Microsoft speaks as though they value innovation, so support thier innovation. That was Microsoft BASIC for CP/M. Allow Microsoft to sell as many copies of this as they want, but they can't sell operating systems, applications, or other programming languages. Just BASIC.

Now, don't the above arguments sound reasonable?

L-3 Communications
Communication Systems West
4 North 2nd Street, Suite 500
San Jose, CA 95113
Tel. (408) 291–5160
Fax (408) 291–5166

MTC–00004121

From: Aurelien Marchand
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/11/01 3:51pm
Subject: FW: Great Solution
From: Aurelien Marchand Sent: Tuesday, December 11, 2001 3:40 PM
To: 'microsoft.atr@usdoj.gov'
Subject: Great Solution

DOJ US Attorney: Microsoft Corp.
Aurelien Marchand,
Programmer/Analyst/Web Developer
Research Capital Corporation
Phone: (416) 860–7790
Reply to:
aurelien.marchand@researchcapital.com
<mailto:aurelien.marchand@researchcapital.com>

MTC–00004122

From: lplato@cisco.com@inetgw
To: Microsoft ATR
Date: 12/11/01 3:53pm
Subject: Microsoft Settlement

Greetings,

I am quite troubled by the proposed settlement with Microsoft and with the administration's encouragment to have the Justice Dept settle. I would like to respectfully propose the following:

—If you want to end their monopoly, you need to have a core of people trained to use other systems, what better way to ensure that than by installing competing products

in America's schools. We should require Microsoft to purchase $1,000,000,000 in hardware and/or COMPETING software. Any software donated by Microsoft should not count towards the $1,000,000,000 in sanctions.

—If Microsoft chooses to donate software to the schools, it must not be pre-installed on any system, it must have a perpetual license, so that the schools do not need to pay in the future to continue to use the software 'donated' to them and it must come with an agreement for at least 20 years of support (and if the product it discontinued before that time, Microsoft must give them free upgrades to the newer system including hardware upgrades to the recommended levels). Microsoft must not be allowed to escape it's support obligation by discontinuing a product line and requiring the schools to purchase an upgrade.

Microsoft is being allowed to extend it's monopoly to future generations by this settlement. This is supposed to be punishment for corporate misbehaviour, instead, they are being allow to penetrate the educational sector (the only area they have failed to gain access to) as part of a settlement. Microsoft is not actually paying anywhere near $1B for this settlement, they are including software with a retail cost of $100's but an actual cost to produce of more like 25 cents. The net cost of all bundled software to Microsoft is likely to be less than the cost of one song for one ad campaign, and will yield them an army of Microsoft users. (eg Start Me Up, by Rolling Stones costed MicroSoft, IIRC, $16M) Microsoft has violated the terms of previous settlements and yet there is insufficient and vauge overview of the enforcement of these sanctions. The previous sanctions have failed to reform them.

Respectfully yours,
Larry Plato 734 604 9399
Speaking only for myself
CC:lplato@cisco.com@inetgw

MTC–00004123

From: gvtlinux@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 12/11/01 4:10pm
Subject: Why did Microsoft get better treatment than IBM

Dear Attorney General Ashcroft

As a citizen that does not use Microsoft or IBM products. (I make my own computers and use Linux) I fail to understand why the Department of Justice failed to give equal treatment to Microsoft as it once did to IBM. We do business with the U.S. Government . They require us to submit our proposals and bids in Microsoft Word format. I now understand why your regulations are the way they are and it is wrong. Why can not the U.S.Government be fair to all companies in this country.

We citizens get the impression that there may be some in the U.S. Government that find the latest settlement beneficial and I wonder if that may be financially and or politically so. I find myself gravely concerned, as to if the Department of Justice represents this nation and its citizens or just the powerful corporations. It certainly looks from my point of view that the Department of Justice is in league with Microsoft. If that is the case you have performed a great disservice to the whole of the citizenry of this nation.

If your thinking is correct in your decision we can expect to find in the future one car company, one cookie company, one computer company, one grocery store company, one military contractor, one lumber company and one software company.

Your decision was not a fair and just decision for this country period. Microsoft is not a company that I would like to see providing all the software for this nation. Half maybe at best but not the current dominance that it was handed to you your department.

I do support your efforts in the war on terrorism and personally think other than this Microsoft decision you are doing a fine job. Please fix this problem before Microsoft controls every computer in this country.

Sincerely
George Van Tuyl
gvtlinux@xmission.com
gvantuy@artisllc.com

MTC–00004124

From: root@uvamann.uvamann@inetgw
To: Microsoft ATR
Date: 12/11/01 5:44pm
Subject: Anti-Trust

The USA law SHOULD be equal for everybody in the USA. Nobody is excluded from that privelage.

If the USA starts ''wheeling and dealing'' than the government will create a precedent for ever.

Only competion will thrive the free market, and innovate computing in this particular case.

regs
HGM Duijker
ps Imagine the USA with Only Ford, only General Elecric, only Standard Oil, This means NO competion.

NO competion is the downfall of the society.

MTC–00004125

From: Derek McCabe
To: Microsoft ATR
Date: 12/11/01 4:10pm
Subject: Microsoft Settlement

I am outraged about this proposed ''settlement''. Since when you companies in this country get to pick their own punishment. This is a slap in the face to every citizen in the United States. And further, donating ''Microsoft equipment'' is not a punishment at all. This only increases Microsoft marketshare!!!!!! How about they donate $1 billion in CASH to the schools. Or even better yet, how about donate $1 billion to the people and companies that Microsoft hurt, AND WAS FOUND GUILTY. The bottom line is a lot of people were hurt when Microsoft rolled over these fledling companies. Jobs were lost, economy hurt, innovation squashed, and dreams crushed. Those people should benefit from any punishment given to MS. Don't think for a second that I believe schools don't need it, but let those who suffered at the hands of MS benefit from their penalties.

Derek McCabe
Project Manager, Creative Practice
Tallan
Mobile 203.449.3828
dmccabe.mccabe@tallan.com

MTC–00004126

From: lamm@met.fsu.edu@inetgw
To: Microsoft ATR
Date: 12/11/01 5:19pm
Subject: Microsoft Settlement

The settlement proposed here seems to assure more of the behavior the other 8 judges found them guilty of. For example, this proposal leaves people like SAMBA totally at Micr.'s mercy. There is no provision for Micr. to share APIs with non-profit groups.

James Lamm Ph.D. computer science

MTC–00004127

From: mikkib@earthlink.net@inetgw
To: Microsoft ATR
Date: 12/11/01 5:20pm
Subject: Microsoft Settlement

Greetings,

This is my first time e-mailing the DOJ in regards to anything. I am so glad that it is about something that is very close and dear to my heart. I am so pleased that the TPA was passed I personally feel that this country must pick it self up and start to get the ball rolling again with this awful slump in the economy. I feel that each and every company has the choice to work their hardest to developed the high-tech industry. It is critical to us all to have a better economy.

I personally feel that Microsoft has been nothing but a whipping boy for no good reason at all. It was a shame that a Judge could be so biased as Judge Jackson was. If that is the kind of judges we have in this country deciding such important issues we are headed for a lot more trouble.

I personally feel that Microsoft has suffered enough through this long court struggle.

This is America the land of the free, so lets allow the high-tech industries the opportunity to innovate & compete, and stop wasting precious time in the courts. Every other company who was on the bandwagon in the class action suit had and has the change to succeed on their own merits and not trying to destroy such a wonderful company as Microsoft who has and still gives us all the best of what a company can give.

I am so pleased that again I was given a chance to express my feelings.

Warmest regards,
Mikki

MTC–00004128

From: Arturo Sedo
To: Microsoft ATR
Date: 12/11/01 5:24pm
Subject: current settlemenet is a joke!

As long as Microsoft doesn't publishes all protocols they use to interact with other products, they should be broken up. What I think the DOJ should do is allow Microsoft to use only internationally accepted protocols. The law should not allow microsoft to accept and extend protocols. Also Microsoft should publish the Word format so other companies can write a competing application. the same goes for

Excell. Or force Microsoft to write only in xml or an accepted format like that.

MTC–00004129

From: Darryl Wilburn
To: Microsoft ATR
Date: 12/11/01 6:11pm
Subject: On Microsoft

Dear sir:

I'm not sure how much weight that a letter from a computer professional like myself brings to bear on the recent Microsoft legal preceedings. My opinion is simple. I believe we should have a choice as to what OS we choose to run. Yes, it's true that I have a choice today, Microsoft, Linux, or ?? Those are the only two OS's that a home user like myself can even consider. That's OK, two is better than one. The impact the Microsoft has on the world is huge. Using Linux, I can't visit certain websites because they don't develop websites that support Netscape, or any of the many browsers that are included with Linux. Because Microsoft has the world by the throat, we're forced to use IE as our browser of choice. Some choice! Microsoft Office is the defacto standard when it comes to office applications, because intentional or not, other office suites don't perform as well on Windows.

Again, I'm not sure what a letter from someone like myself really means in the grand scheme of things, but this America, and I felt some obligation to state my opinion. I don't think there is anyway that another company can compete in today's marketplace with the way that the table is slanted toward Microsoft.

Sincerely,
Darryl Wilburn

MTC–00004130

From: Pauline Freise
To: Microsoft ATR
Date: 12/11/01 6:28pm
Subject: No creative possibility?

Micro$oft has ruined programmers and most of all it has destroyed design and innovation. We had many programmers in the past with excellent ideas about how to design work-able software and programs. This monopoly destroys innovation and ideas. There is no more room for being creative now? How do we see the light here? We recognize that Windows is efficient, but allows no room for creativity or design ''by it's own design'' and ''refer to copy right and other programmer issues like following windows standards for interface design issues''.

?who's standards
Pauline Freise

MTC–00004131

From: David Frossard
To: Microsoft ATR
Date: 12/11/01 6:46pm
Subject: Microsoft Settlement
c/o
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

To the Court (re: United States vs. Microsoft proposed settlement):

I am writing as a private citizen (albeit one with decades of computing experience and intimate knowledge of the computer industry) under the provisions of the Tunney Act (Antitrust Procedures and Penalties Act) 15 U.S.C. ? 16 requiring 60 days of public comment on proposed antitrust settlements.

I object strongly to the proposed DOJ-MS settlement, which will do little or nothing to (1) punish Microsoft for past uncompetitive monopoly behavior; (2) prevent Microsoft from engaging in such behavior in the future; (3) divest Microsoft of the fruits of its past behavior; (4) increase competition in markets controlled by Microsoft. In fact, certain provisions will tend to increase Microsoft's monopoly and may especially put Open Source competitors to Windows, such as Linux, at a further competitive disadvantage. Have we learned nothing from previous, toothless settlements between the DOJ and Microsoft? At a minimum, a truly effective agreement should include (but not be limited to the following) provisions:

1. Microsoft must publish and open all Application Programming Interfaces (APIs) to the general public (i.e. to ALL competitors, not just a select few), on penalty of massive fines or contempt-of-court citations. (I suggest that a bounty system could be put in place, whereby those identifying unpublished Microsoft APIs would receive a large payment for their efforts; other methods may also suffice.) This provision the only way to ensure that Microsoft's few remaining competitors are able to fairly compete in the Windows application space—that Microsoft can't continue to use secret APIs to make its products function better than competitors' when running under Windows. (As opposed to Microsoft's famous in-house slogan, circa 1990: ''Windows is not done until WordPerfect won't run.)

2. Microsoft must publish and open all document formats to the general public, under similar penalty terms. Today, competitors to Microsoft Office are locked into that application primarily because competitors can not perfectly translate to/from Office to/from competing applications. Indeed, it is widely known in the industry that Microsoft changes its formats regularly simply to foil the efforts of its competitors to inter-operate cleanly with Office. If Office formats were truly open—and thus understandable — competitors could at least try to challenge Office in that space.

3. Microsoft should pay a massive fine based on the fruits of previous illegal monopoly behavior. Currently Microsoft has an estimated $40 billion in cash reserves. It is not unreasonable to fine the company, say, half of that—$20 billion— to remove illegally gotten financial gains.

4. There should be setup a streamlined system by which complaints about Microsoft's inevitable flouting of this settlement (see, e.g., the previous MS-DOJ settlement) are quickly resolved — perhaps by binding arbitration supervised by this Court, rather than by further, lengthy antitrust suits brought by the government. Much more can be done here, but these are the four most important elements, in my opinion, of a just and comprehensive settlement—as opposed to the abject surrender offered by the DOJ here.

I hope you will reject the current proposed settlement and protect the interests of consumers and competitors alike by imposing far more comprehensive remedies.

Sincerely,
David Frossard
418 Sunset Dr.
Golden, CO 80401

MTC–00004132

From: Preston Hall
To: Microsoft ATR
Date: 12/11/01 6:48pm
Subject: Microsoft settlement

To whom ever is in charge of making these deal with Microsoft. I think you are letting Microsoft off the hook way too easily. I am ashamed at my government's actions that let a company destroy so much innovation and lie, cheat and steal to get control of the market.

So I hope you understand that your actions of allowing Microsoft to get a away with these actions only set a precedent for all companies in the future to get away this crap and manipulation.

Punish Microsoft for what they have done, do you think they will learn with a slap on the wrist?

I thought our elected officials were smarter than that.

Please make the right decisions and bring justice to this industry. Punish Microsoft and make them pay 1 billion cash, not in software that furthers their monopoly.

Cheers
Preston Hall
President
Cobalt Multimedia Inc. & Affordable Dedicated Servers
http://www.cobaltmultimedia.com
http://www.affordable-dedicated-servers.com
Local: 360 752 0161

MTC–00004133

From: Andy Romeril
To: Microsoft ATR
Date: 12/11/01 6:52pm
Subject: DOJ/Microsoft Antitrust Settlement

To the DOJ,

As a taxpayer and long-time computer professional, I feel that I must strongly protest the proposed settlement with Microsoft as wholly inadequate and failing to meet even the most basic test as a ''reasonable'' remedy given the company's past actions.

Please reconsider your decision in light of the overwhelming response being made by the computer industry and consumers. This is a pro-Microsoft, anti-consumer decision which the observer can only interpret as a blatant move by the Administration to make concessions favorable to Microsoft.

We, the people, will not accept this solution.

Sincerely,
Andrew Romeril
Sr. Platform Engineer
eiStream ViewStar, Inc.

PS—To my friends, you can get more info here:
http://www.redhat.com/opensourcenow/

MTC–00004134

From: Pete Schmidt

To: 'microsoft.atr(a)usdoj.gov'
Date: 12/11/01 6:50pm
Subject: Microsoft Settlement

To whom it may concern:

I am a professional IT engineer and I am displeased with the proposed settlement of the antitrust case against Microsoft. While Microsoft has been found and affirmed to be guilty of illegally exploiting its monopoly on the desktop, the proposed settlement appears to fail to address the three main requirements of such a settlement: (a) prevent future illegal behavior by Microsoft, (b) redress the damages to consumers, and (c) set an example to discourage illegal behavior by other corporations and discourage investors from investing in corrupt organizations.

Thank you for your attention. I would be pleased to back up my position with historical data and specific issues with the proposed settlement if that would be helpful.

Peter Schmidt, Ph.D.
The Alliance for Lifelong Learning
420 Lexington Avenue, Suite 2820
New York, NY 10170
646–825–5226
pete.schmidt@opsy.org

MTC–00004135

From: sniedermeyer@cob.org@inetgw
To: Microsoft ATR
Date: 12/11/01 7:21pm
Subject: Opion on DOJ & Microsoft

Anything short of separating Microsoft into 2 separate entities (operating system, applications) is short-sighted. The consumer and the economy will benefit from this separation. Even Microsoft would benefit in the long run.

MTC–00004136

From: Daryl Williams
To: Microsoft ATR
Date: 12/11/01 7:00pm
Subject: Microsoft Settlement.

i agree with this article. please read it in the interest of justice.

thank you,
daryl williams
daryl@weblane.com
530.622.4262
<http://www.pbs.org/cringely/pulpit/pulpit20011206.html>

MTC–00004137

From: Rouleau, Joseph S
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/11/01 7:43pm
Subject: Microsoft Antitrust Questions

Dear Justice Department,

As a proposed settlement against a Microsoft, ideas have been publicized that the guilty corporation should merely donate its product (software) or funds to be used for computer-related equipment. Is this truly what children want or need? Arts and sports programs are being cut so that children can learn how to sit in front of a computer terminal, and this antitrust ''remedy'' only propagates the problem! Microsoft most assuredly deserves a severe fine—a monetary figure much greater than the figures generally discussed today—but that money should be donated to schools and charities with no strings attached whatsoever. Schools have many needs far more critical than the latest computer software, and they should use it to address those urgent needs. Knowing that education departments struggle with inadequate budgets, how would Windows-specific computer equipment that may not integrate with their current educational computer systems aid children at all? The goal of education is to foster the talents and interests of children so that they can pursue their dreams and live prosperous lives in society. They should not need to learn a monopolistic corporation's latest software!

In fact, if any stipulation is placed on the use of money Microsoft is forced to donate, it should be that the money NOT be used to purchase computer platform-specific equipment or software. There should be no computer system favoritism in schools. Can't we spare one part of our children's environment that is sheltered from an endless barrage of corporate advertising? Sitting for hours a day in front of a Microsoft computer and they going home to play with a Microsoft X-box or surf the Microsoft .NET with Microsoft Web TV or watch the MSNBC news is the absolute worst future i can imagine for our society. How is Microsoft's plan to be the sole industry leader in all information-related arenas different from George Orwell's Big Brother? But this is precisely what is happening as we allow corporate monopolies and duopolies to set precedents and policies. How quickly the naive consumer will compromise principles and sacrifice his freedoms for the sake of instant satisfaction and convenience. It is left to a wise government to save us from profiteering corporations!!!

Microsoft has clearly demonstrated its disdain for limitations of any kind. In the perfect world, its self limitation would be automatic and there would be no need for sanctions. But in the perfect world we would also have diverse computer operating systems that interface seamlessly; we would have fully operating system-independent hardware. Microsoft Windows today can be sold at literally any price because the world's computer infrastructure is now practically built to operate with Microsoft electrons. Business and technological diversity, like biodiversity, is necessary for our long-term health and survival. Elimination of Microsoft's domination of all aspects of a consumer's computing experience is not going to be achieved by merely fining them, and it certainly won't be solved by teaching another generation how to use Microsoft software.

Sincerely,
J Rouleau
Bothell, WA
CC:'business(a)seattletimes.com'

MTC–00004138

From: Mark Potochnik
To: Microsoft ATR
Date: 12/11/01 8:51pm
Subject: Antitrust

I like the Red Hat solution to the antitrust settlement.... For the cost of the combination of Windows and Microsoft windows, One BRAND NEW computer could be supplied.....

Mark Potochnik
4559 S Vermont Ave
St Francis, WI 53235–5758

MTC–00004139

From: Peter Rowe
To: Microsoft ATR
Date: 12/11/01 8:53pm
Subject: Microsoft Settlement

Dear Sir/Madame,

I would like to strongly oppose your proposed Microsoft Settlement. It is poorly crafted with exceptions that allow Microsoft to continue their monopolistic behavior. It reads as if a decent proposal was first crafted and then someone amended each clause to allow Microsoft a way to circumvent it. I can give you a personal example of how ineffective this agreement will be: my current ISP ''Qwest'' is eliminating residential DSL support which is getting migrated to Microsoft's MSN as a result. This morning (December 11, 2001) I carried out the migration. However my Eudora email program no longer works. According to Microsoft Support:

http://supportservices.msn.com/us/content/qanda/_email/_port25.htm it will only work with Microsoft's Outlook or Outlook Express email programs. The reason cited is ''security''. In other words I can now only use Microsoft's email program to access my email, I have no other option. All other competitive email programs are locked out. Remember in the proposed settlement the clause that makes exceptions when ''security'' is involved? Well, this is how Microsoft interprets that. Should an ISP really be allowed to dictate what applications I can or can't use? The proposed settlement is so full of holes like this that Microsoft can easily circumvent almost every piece of it. Their past behavior guarantees that they will.

On a bigger note though the potential to continue to stifle innovation with this proposed settlement is almost too much to bear. First of all Microsoft does not innovate, although they now have a policy of using the term each time they speak. No, Microsoft started with DOS—something cloned from a very successful OS called CP/M, no longer in business. Then came word-processing and spreadsheet applications that companies like WordPerfect and Lotus truly innovated and developed. These companies were behemoths but are now decimated even though they had superior products. Of course there's Microsoft Windows which we know came from the likes of Apple and Xerox, and how long can they last? Then there's the PDA, developed by Palm, rapidly losing market share to the Windows-tied Microsoft PocketPC. There's the Microsoft IE browser which drove Netscape out of business—a company that literally invented the Internet as we know it. There's music and video players; how long can RealNetworks last? And the list goes on. In fact, it is extremely difficult to name a single product that Microsoft has innovated and in every case the DOS/Windows monopoly is what allowed Microsoft to remove the innovative competition. The point is that innovations come from outside of Microsoft, mostly from small, truly innovative, companies. They need these companies—the very ones they drive out of business. A sobering way to think of it is: if Microsoft can annihilate someone like Netscape— the innovators of something as huge as the Internet—then what

chance does any other small company have, what can some small company do that would be bigger than the Internet? What product could Microsoft not annihilate?

Another example is Java. Java is truly a great technical product. In essence it allows new programs to be developed but more importantly it ''contains'' these programs as they run in what is called a ''sandbox'' to make sure they are safe. While not perfect yet by any means the correct architecture is there to build on. Contrast that with Microsoft's initial answer to Java— re-branding their existing OLE to ActiveX. The big problem with this is that ActiveX programs run unguarded in the machine so programs are free to do anything with no constraints. It was easy to see how viruses and so on would proliferate, and they did. Where Java was really intended though was to provide a common environment for all computer programs so that they could run on any platform. Microsoft's reaction to that was to pollute Java by locking it to proprietary parts of Windows in an attempt to destabilize the marketplace. They were successful. Now they've entirely removed Java from Windows. None of this is of benefit to the consumer— in fact it is the very opposite. Microsoft has now cloned Java (they call it C#) and will use it as the foundation of their .NET strategy. An all too familiar outcome.

The real problem then is Microsoft's use of their Window monopoly to relentlessly pursuit and cause the destruction of companies who do truly innovate combined with the fact that Microsoft then delivers inferior product. As proof of this you have to look no further than the latest related out- of-business company, hacked IIS website, or Outlook virus. The correct answer is to split up the Operating System from Application Development but unfortunately that opportunity appears gone now. You must do something to put a constraint on Microsoft's tie of applications to the Windows operating system or true innovation, not what Microsoft talks about, will be greatly stifled in the future. The current agreement is very naive in it's attempt to achieve these goals. The United States runs a great risk that just like the auto industry foreign interests will ultimately capitalize on this and offer superior products that consumers will migrate too.

I have no connection to Microsoft or any of it's competitors.

Thank you,
Peter Rowe
13301 Leslie Lane
Lake Oswego
OR 97034
Tel: 503–697–4211

MTC–00004140

From: Florin Andrei
To: Microsoft ATR
Date: 12/11/01 8:56pm
Subject: the solution is wrong

Hi,

I believe DoJ is wrong. It looks like Red Hat's proposal is much better:

http://www.redhat.com/about/presscenter/2001/press/_usschools.html —

Florin Andrei

''Engineering does not require science.''— Linus Torvalds

MTC–00004141

From: Nicholas Riegel
To: Microsoft ATR
Date: 12/11/01 8:58pm
Subject: Microsoft's Proposed Remedy

If you haven't heard of Read Hat's proposal for Microsoft's antitrust settlement, you need to consider it. As I understand the current proposed settlement, Microsoft would donate its software and computers to some of the nation's poorest schools. The problem with this proposal is that it spreads Microsoft's market in the guise of philanthropy.

Additionally, under Microsoft's proposal, only after a few years Microsoft will be able to start charging licensing fees for the ''free'' software that it supplies. It costs Microsoft very little to actually produce the software that it is placing in the schools. So the only real cost is the hardware and time.

A better proposal is be one that has been offered by Red Hat that allows Microsoft to give back to some of the neediest consumers while not promoting the growth of the company. Allowing Microsoft to pay for placing computer hardware in the schools, and allowing Red Hat to place the software on those computers, is a much better remedy for all parties involved. Red Hat is an American company that produces an award-winning version of the up-and-coming Linux operating system. By allowing Red Hat to place its software and operating system on the computers that Microsoft purchases, it a guarantees that the money and effort that Microsoft puts forth will benefit only the students and not Microsoft's pocket and market share. It further allows more competition against Microsoft by introducing new computer users to software that is just as capable as Microsoft Windows. Furthermore, Linux is a growing software movement that by its very nature prevents the emergence of an abusing monopoly. The way that Linux is developed ensures that any company, or individual for that matter, can contribute and/or produce software for the operating system. It ensures that no one company will have so much power to stomp on and ''squash the competition'' in any monopolistic manner. Linux is about truly open standards that allow companies and individuals to fairly compete on an even playing field.

I encourage you to, at a minimum, deny Microsoft's current proposal for remedy. It would only prove that Microsoft is more powerful the United States federal government in further serve Microsoft's monopolistic practices. I realize that the United States economy is currently going through a recession. A recession is no excuse to allow a recognized monopoly to continue to abuse the law. One of the fundamental economic lessons indicates that business performance is cyclical. Microsoft is plenty powerful, and is nowhere near being ''down and out''. The reality is that short of closing down Microsoft altogether, almost no remedy would significantly hurt Microsoft and cause them to go out of business. I encourage you to seek other options that spur competition as opposed to giving Microsoft more of an unfair advantage in the marketplace.

Thank you for your time.

MTC–00004142

From: Jim Haliburton
To: Microsoft ATR
Date: 12/11/01 9:00pm
Subject: Settlement

Good day:

As a Canadian we did not get the press coverage that was often the case in the US on this matter. Also in a strictly legal point I as a Canadian probably don't have much standing in US eyes.

I have been in the IT business for too long. What has been a fond hope is that a real penalty would be assesed to Microsoft. If any other industry was controlled or monopolized as much as the desktop computer industry it might appear to an outsider that it was a government agency. If this was a consumer product the consumer product safety branch would have removed the product from shelves years ago. If it was an auto the whole company would have been recalled.

The economic impact of Microsoft's monopoly, which judgement of being a monopoly was not overturned, as I understand, has been severely detrimental. Because of the stranglehold this monopoly has created world wide, people and businesses are being negatively impacted by poor quality, worm and virus prone, insecure software. The economic impact of Microsoft's all pervasive position is just as detrimental to the world as the World Trace Center bombing. It just happens a few dollars at a time at every desk for every user every day, not dramatically, not live on TV. Microsoft has created a monopoly where mediocracy is the norm and quality products are either shunned, ridiculed, bought out and shut down, or destroyed by the practices that the court found monopolistic.

In Canada we have no government that either understands this or has the intellectual resources to take on Microsoft. The wealth of Gates turns a lot of political heads.

Many of us were hoping that a committed US DOJ would be able to do what everyone else in the world is unable to do. Some international agency can tell you how many countries Gross Domestic Products does it take to reach the wealth of Mr. W. Gates.

Today the US is the only power that can engage in sustained military actions on the other side of the world. Taking on those persons and organizations that kill and maim is the responsibility of a great and just power. One had hopes that same committment would have continued in the attempt to take on the software terrorist that is Microsoft.

In reality it appears that Bin Laden and the other terrorists were pushovers compared to Microsoft.

I am saddened and disappointed in the settlement.

Regards
Jim Haliburton
James A. Haliburton
On-Site Computer Services of Halifax
Suite 100, 25 Walton Drive
Halifax, Nova Scotia
Canada B3N 1X6
Cell/Pager : (902)499–5250
Home/Office : (902)477–8342
e-mail: jim@on-site.ns.ca

MTC–00004143

From: Henry Cross
To: Microsoft ATR
Date: 12/11/01 9:12pm
Subject: Microsoft Judgement & Open Source

Some of the verbiage of the proposed remedy does not allow for competition from Microsofts greatest competiton—Open Source.

Please fix this verbiage:

Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...''

So much for SAMBA and other Open Source projects that use Microsoft calls. The settlement gives Microsoft the right to effectively kill these products.

Section III(D) takes this disturbing trend even further. It deals with disclosure of information regarding the APIs for incorporating non-Microsoft ''middleware.'' In this section,

Microsoft discloses to Independent Software Vendors (ISVs), Independent Hardware Vendors (IHVs), Internet Access Providers (IAPs), Internet Content Providers (ICPs), and Original Equipment Manufacturers (OEMs) the information needed to inter-operate with Windows at this level. Yet, when we look in the footnotes at the legal definitions for these outfits, we find the definitions specify commercial concerns only.

This verbiage should be fixed if this is to be a ''remedy''.

MTC–00004144

From: Don Norton
To: Microsoft ATR
Date: 12/11/01 9:57pm
Subject: Microsoft Anti-trust

I am writing you in support of the settlement that was reached with Microsoft. Interestingly (though not surprisingly), I am doing this by following a link from Red Hat Software (a Microsoft competitor). I am an Information Technology expert and have followed this trial closely. From its very beginnings, I think the strong competitive forces in the technology sector (AOL/Netscape, Sun, Oracle, and other smaller companies such as Red Hat) have used and manipulated the Department of Justice and the Justice system to enhance their respective positions as vigorous competitors of Microsoft. I find this approach underhanded and devious.

That said, Microsoft is not without blame in the current situation. When Microsoft made the decision to bundle in disk compression technologies (in or around 1993) in order to eliminate Stacker Software. Then, in 1995, when Microsoft made the decision to offer a free (unprofitable) version of Internet Explorer 1.0 in order to drive customers away from Netscape it crossed the line and used unfair practices in the marketplace.

I feel that the proposed settlement punishes Microsoft sufficiently and hopefully ensures free market competition without the radical step of breaking up the company.

Don Norton
Chattanooga, TN

MTC–00004145

From: Dean Durant
To: Microsoft ATR
Date: 12/11/01 10:10pm
Subject: linux should be allow to compete so should samba and apache. Please take note of the article by Rob Cringely.

Here's my nod for Steve Satchell.

MTC–00004146

From: Micheal Black
To: Microsoft ATR
Date: 12/11/01 10:27pm
Subject: DOJ/Microsoft Antitrust Settlement

As a taxpayer and long-time computer professional, I feel that I must strongly protest the proposed settlement with Microsoft as wholly inadequate and failing to meet even the most basic test as a ''reasonable'' remedy given the company's past actions and current direction. Please reconsider your decision in light of the overwhelming response being made by the computer industry and consumers. This is a pro-Microsoft, anti-consumer decision which the observer can only interpret as a blatant move by the Administration to make concessions favorable to Microsoft at the expense of the tax paying public.

We, the people, will not accept this solution.

Sincerely,
Micheal Black
Information Systems Engineer
eiStream ViewStar, Inc.

MTC–00004147

From: Joe W Walz
To: Microsoft ATR
Date: 12/11/01 10:31pm
Subject: Microsoft Settlement

Microsoft 1 billion dollars software give away. We still have problems with Microsoft selling practices. Why does Microsoft sell Office small business to Dell and Gateway for $30 a unit and sell them for $150 to us. DOJ has now play right in the hands of Microsoft by giving away 1 billion dollars in software which will not cost Microsoft more than the cost of putting the software on a CD. Microsoft for year has given away software for years to get market share and now DOJ play right into the hands of Microsoft. I have been working in this industry for 15 years and allot of small companies are gone due to Microsoft intregating software into it's own products. Companies like Wordperfect who had the word processing market, Lotus who had the spreadsheet market, etc. If this settlement goes through many educational resellers will go out of business. The only way this is going to work if Microsoft gives the money to the schools and the educational resellers are able to sell these product to the schools so that we will not be left out in the cold.

Thanks
Joseph W Walz
President
Unique Software Corporation

MTC–00004148

From: Dan Larson
To: Microsoft ATR
Date: 12/11/01 10:36pm
Subject: Microsoft Trial Settlement

I am writing this to add my voice to the many who have already done so. It's pretty obvious that what was done was wrong. The bully in the software industry has not been punished. In fact, the bully, has been rewarded. Justice was not done.

I've been pretty naive about the legal system my whole life. I had the idea that it was about making things fair and helping people. Having never been to court, I've been able to blunder along with this idea. A couple of years ago, OJ Simpson was on trial. The result was unexpected and appeared wrong. I thought the OJ case was an anomaly. After this Microsoft settlement and a few other examples, I am beginning to see that the purpose of American justice is to help the rich and punish the poor.

May God help us all.

Dan Larson

CC:attorney.general@ po.state.ct.us@ inetgw,ag@oag.stat...

MTC–00004149

From: Highlander
To: Microsoft ATR
Date: 12/11/01 10:39pm
Subject: Microsoft Settlement.

I feel the settlement is too tough on Microsoft.

David Winkler

MTC–00004150

From: Carter, Stuart T (N-Ciber)
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/11/01 10:46pm
Subject: I think the settlement is wrong for America in the long haul...

Forget the fact that the United States is in a recession right know. I feel as though the Ashcroft Justice Department would have allowed Microsoft to win this historic battle from the get-go. I am a Republican, but I do not feel that this decision is what is best for the American, much less the world's, computer industry.

I don't think that anyone can deny that Microsoft has a monopoly of the PC marketplace. While not splitting Microsoft up in the short term is probably going to spare the NASDAQ a few months worth of pain, it will have long lasting repricussions for startup businesses to be able to compete in today's PC marketplace. What happened to Netscape will eventually happen to other competetors. Corel's WordPerfect is a perfect example. It was driven from the Windows marketplace because Microsoft had not only the ability to include trimmed down versions of Word (Wordpad), but they could market it for free with architectural ties to the Operating System.

The difference between companies that have distributions of Operating Systems like Linux, is that they are not trying to compete in more than one marketplace. You don't see RedHat with an office suite, for instance. They are content fighting it out with other OS manufacturers based on the merits of their product. Microsoft for years has been using

a brilliant marketing campaign to make people believe that they have to have their OS, even at the expense of over hyping the product, or flat out lying about them. It pains me to say this, but the DOJ under the Clinton administration was on the right track. Sever the ties between Microsoft's Windows division and their applications division. Allow them to bundle Internet Explorer with Microsoft Office, if they choose. But if other companies are going to have a fighting chance against Microsoft, they have to have the ability to compete.

Microsoft is too big. They control the destiny of all ''little guy'' startup companies around the world. A small company may make a superior product to something Microsoft could make, but as long as Microsoft is as big as it is, all it will have to do is make a comparible product and release it for free. It has the financial backing to take a money loss on a free product, if it will ensure that the other company goes bankrupt (Netscape).

I have been in this industry for a number of years, and it saddens me to see the lack of honest competition that there once was. The UNIX/LINUX world is the exception. These companies create free software that is portable, and they even play nice together. They come up with standards together (POSIX), develop languages together (JAVA), and have the same, although not just one, windowing environment (KDE, CDE, GNOME, etc.).

The DOJ needs to rethink this stance, because if they do, competition will flourish, which in turn will make the stock markets stimulated. If they don't, Microsoft will eventually be the one standard with the motto: ''do it our way, or don't do it at all''.

MTC–00004151

From: J. Scott Edwards
To: Microsoft ATR
Date: 12/11/01 10:43pm
Subject: Microsoft Settlement

I just wanted to let you know how disappointed I am in the settlement you made with Microsoft. I feel like you have snatched defeat from the jaws of victory. While the settlement contains some good ideas (like not letting them control the boot-loader), it doesn't go far enough and it doesn't outline what the consequences are if Microsoft violates it. I also believe that a completely independant (from Microsoft) should oversee Microsoft's behavior. Microsoft's behavior has stiffeled innovation in the industry for years and put far too many companies out of business with their practices. They have damaged the computer industry and hurt the public in the process. They should have to make amends for what they have done and have extremely tight restrictions on what they can do in the future. My only hope at this point is that the Judge turns down the settlement. What you should do is support the nine states proposal, now that has some teeth in it.

J. Scott Edwards
sedwards@qrwsoftware.com
CC:sedwards@qrwsoftware.com@inetgw

MTC–00004152

From: DickW
To: Microsoft ATR
Date: 12/11/01 10:46pm
Subject: Microsoft Steals and Bundles
Renata Hesse, trial attorney
Antitrust Division
U.S. Department of Justice
601 D St. NW, Suite 1200
Washington, DC, 20530.

Dear Attorney Hesse,

Since 1983 I have made my living with computers and have purchased them, installed software, set up and configured local area networks, and programmed several applications using a certain database software.

Over the years it became evident that Microsoft does not innovate. Instead, it waits until somebody else develops a market for a new software or software concept. Then, Microsoft uses its monopoly power to crush this start up company and includes the intellectual property of this crushed company in its next version of DOS or Windows, etc., as an ''innovation.''

Microsoft inhibits free trade and freedom to innovate and preys on new startup companies to force them out of business or forces them to sell out cheaply. Microsoft is a detriment to our supposedly free society.

Remember DOS 6.0? Microsoft was caught with its hand in the cookie jar and was forced to remove all copies of DOS 6.0 from dealer shelves. It had been found to have stolen the code for a new software concept from the company that originally produced it. A revised DOS 6.2 came out 3 months later after the legal proceedings against Microsoft had run their course. Microsoft is a thief!

Another example of Microsoft's perfidy is the manner in which it ''sucked the air'' out of Netscape by stealing the look and feel of Netscape and then forcing the code for the Microsoft version of its browser into what should have been just an operating system. Microsoft used its monopoly position to crush what it saw as a competitor. Now, most users are not allowed to choose their own browser and the Microsoft Internet Explorer and its Outlook Express software have become a playground for hackers throughout the world. Time and again users of Outlook Express are required to download another ''fix'' to protect themselves from viruses and worms. This is mostly because of the sloppy programming practices of Microsoft and the manner in which what should have been an ancillary program such as a browser, was forced to become part of the operating system.

Frankly, I fear for the safety of my country. Many parts of our government are becoming increasingly dependent on Microsoft software.

Millions of computer hackers throughout the world are set on damaging Microsoft, because they hate this company, and with good reason it seems. We put many parts of our government at peril because Microsoft has intertwined too many parts of its software into what should have been just an operating system. This is poor programming practice and leaves too many computer systems open to nefarious intrusion.

So, the safety of our country, the freedom of consumer choice, the damages I have incurred by being forced to purchase unwanted software, are just some of the reasons I hope much needed controls will be placed on Microsoft. It is a monopoly that is running amuck.

Unfortunately, too many consumers don't understand enough about computer software and they think they are getting something ''free'' when the browser is mixed into the operating system. This is not the American way. Microsoft is inhibiting the progress of computer software, is destroying initiative amongst independent programmers, has constricted my freedom of choice and has forced me to purchase software I don't want to use.

I want you to force Microsoft to conform to the demands of the various state Attorneys General still holding forth their suits against Microsoft. I don't want what many see as a Bush DOJ ''sellout'' to Microsoft to rule my life. I am a citizen, I am a computer professional, my opinion should be considered.

Richard Westenskow
6141 Elm Ave.
Loves Park, IL 61111

MTC–00004153

From: ajablins@enflex.net@inetgw
To: Microsoft ATR
Date: 12/11/01 11:16pm
Subject: Microsoft Settlement

Dear U.S. Department of Justice Representative,

Again, I wanted to express my disappointment with the Microsoft settlement. This time, I am writing about a particular issue... I am particularly concerned about the passages which talk about those excluded from access to the API's. The language is written so that Linux, Apache, and other open source developers would not have access to the API's just because they do not work for a company. This is a case where Microsoft is secretly slipping in some verbage so they can fight their chief competitors in the server markets, members of the open source software community.

One could also interpret the verbage in a way that would indicate that our own government (e.g., branches of the military, U.S. Department of Justice, NASA) and members of the university communities would not have access to the API's.

These exclusions are unacceptable. So much of the Internet depends on the Apache web server and the Linux operating system. So much web processing is done with Perl, an open source scripting language. Many branches of the goverment and universities are implementing systems and doing valuable research work using open source software. All of these developers should have access to the MicrosoftAPI's, not just developers working for conventional businesses.

The software industry has been using open source software ever since the 1960's. The goverment and universities have produced a wealth of software since then also. We can not exclude these communities from this settlement.

Anne E. Jablinske
ajablins@enflex.net

MTC–00004154

From: mcglk@ralf.artlogix.com@inetgw

To: Microsoft ATR
Date: 12/11/01 11:09pm
Subject: Microsoft Settlement.

I have been following this case from the beginning, and all along, I had a lot of faith that the verdict and settlement would be tough, but fair. As silly as it might sound to some in this day and age, I have faith in the judicial system, that most of the time, it sees clearly, and its sense of justice unwavering.

Which is why the Microsoft settlement has shaken me quite a lot. I mean, miscarriages of justice usually occur during the trial—not during the sentencing phase. In particular, I'd never expect to see the following:

* A just-convicted killer being given a concealed weapons permit, a gun, several boxes of ammo, and a head start;

* A just-convicted embezzler being given the passwords to the Federal Reserve's computer system, a Swiss bank account, and the master keys for ATMs.

* A just-convicted monopolist being given an edict to extend their monopoly for pennies on the dollar, lock out most of its competitive threats from competing with it, and make a tidy profit in tax breaks.

And yet, this last one is exactly what has transpired in the proposed settlement.

* Allowing Microsoft to satisfy the monetary penalties for pennies on the dollar by extending their monopoly to elementary and secondary educational facilities—an area currently represented well by its competitors. This would harm its competitors (Apple, Be, and various Open Source operating systems).

* Allowing Microsoft to keep private interfaces, documentation or protocols from organizations that don't meet Microsoft's criterial for a business. This would harm its competitors (various Open Source programming efforts).

Software like Samba, Apache, Perl—all terribly useful tools put together by volunteers—would be crippled immeasurably by the restrictions in Section III of the proposed settlement, which would greatly harm the ability of Open Source software to compete on a level playing field, all while allowing Microsoft to support (badly) the Open Source protocols, blaming any poor performance on those efforts (a tactic they've used on a multitude of occasions already).

I hope that the Department of Justice reconsiders this proposal in a new light. The manipulation that Microsoft is doing on this boggles the mind, and yet it seems disturbingly close to being allowed to happen. Under no circumstances should the convict be allowed to perpetrate the crime as part of the punishment, nor should the convict be allowed to dictate how who against whom they can commit the same crime again, more effectively.

Don't permit this to happen. Please.
Ken McGlothlen
Seattle, Washington
mcglk@artlogix.com

MTC–00004155

From: Pete Wason
To: Microsoft ATR
Date: 12/11/01 11:29pm
Subject: Nail Him Now Before He Owns Everything

Nail Gates. Gates is EVIL. M$ is at it again, jamming Windows XP down the throat of the public. Hmmm.... I wonder why it only runs well in 256MB of RAM? Crappy software, perhaps? Or maybe Bill is just honoring that deal he made with the RAM manufacturers....

By the way, there's another thing you should be looking at: Why many ISP's and websites, in order to be ''compatible with the latest internet software from M$'', are now becoming *incompatible* with internet software running on non-M$ systems.

Don't we have standards? And aren't standards something that we all agree on, not something dreamed up by the richest f*** in the world?

I've been surfing for years with non-M$ systems, and now I'm finding that slowly, ever so slowly, I am being blocked out of this site and that site, just because ''well, if you were using Internet Explorer under Windows XP, you wouldn't have any problems...''

Yeah, right.

Except one REALLY BIG PROBLEM. I'd be using CRAPPY SOFTWARE.

Just my opinion ;-)
Pete Wason
Hy Noom Publications

MTC–00004156

From: Gavin Vess
To: Microsoft ATR
Date: 12/11/01 11:46pm
Subject: Microsoft Antitrust

I am saddened by the lack of protection DOJ has afforded consumers and competitors in the recent settlement lacking both protection and punishment.

MTC–00004157

From: josef@sbcglobal.net@inetgw
To: Microsoft ATR
Date: 12/11/01 11:46pm
Subject: antitrust settlement

This settlement with MSFT is a mistake. Dont do it.

thank

MTC–00004158

From: Kevin Low
To: Microsoft ATR
Date: 12/11/01 11:53pm
Subject: Microsoft Settlement

You guys won't do any harm to economy if you just do what you're supposed to do—beat Microsoft and make them pay. Instead you just think short-term and let Microsoft go because you believe this will help boost the economy. Come on! This is a chance of a lifetime to do something about it. With over $30 billion to spend, Microsoft isn't going to just drop dead. That money is not going to be used for innovations. It is just to stifle competition and beat its rivals. It is a real waste you guys come so close just to give it all up. Think of what will happen if AT&T isn't broken up 20 years ago—our phone, our cable, the internet will probably be all AT&T. Let's do something for the future economy and get a better deal for the settlement.

Thanks,
Kevin.

MTC–00004159

From: tony clapes
To: Microsoft ATR
Date: 12/11/01 11:52pm
Subject: Microsoft Settlement

I have taken the liberty of marking up and annotating the Proposed Final Judgment to effectuate its stated purposes. On the basis of extensive experience with administered antitrust and intellectual property regimes such as is proposed in the PFJ, I can see a number of places in which the language will have proved ill-advised in the implementation. The most closely analogous regimes with which I have had in-depth experience are: the 1956 IBM Consent Decree; the IBM Undertaking in the EU; the IBM-Fujitsu arbitration; and a confidential settlement regime in a major software copyright case involving IBM and another major supplier of computer hardware and software.

As co-counsel for Bristol Technology Inc., I had access to much of the evidence in the Microsoft case, as well as independent access to some of the major interested third parties and amici, and independent access to Microsoft documents, executives and employees. While much of the foregoing access was under protective order or other confidentiality restriction, and I have therefore not relied on it in formulating my attached comments, you may rest assured that I do not speak in ignorance of the evidence in US v. Microsoft, of the dynamics of the PC operating systems business or of the views of the more active third parties and amici.

The views expressed in the markup are my own, at the moment. I am not acting on behalf of anyone in this matter. Since it is an open-source draft, however, other persons may make use of it in framing their own comments, or may suggest to me revisions that I decide to post in subsequent drafts.

If you have any questions about the attached markup, please don't hesitate to contact me.

For more information on my background, see: www.dmpress.com/cv.htm

Quotable, Dynamic Open Source (QDOS) Draft Final Judgment in US v. Microsoft (Rev. 0.5) * Below is an open source draft based as much as possible on the settlement reached by the Justice Department and Microsoft, but with changes necessary to make the remedies effective, as compared to the language that was changed, which will not produce effective remedies. This draft, being ''open source'', may be freely copied and distributed, and may be used to create derivative works that can be freely copied or distributed. No attribution is necessary. If you find it helpful, take and do with it what you will.

The stated aim of the MS/DoJ Proposed Final Judgment is to ''provide a prompt, certain and effective remedy for consumers by imposing injunctive relief to halt continuance and prevent recurrence of the violations of the Sherman Act by Microsoft that were upheld by the Court of Appeals and restore competitive conditions to the market.'' USDOJ Competitive Impact Statement, 11/15/01. However, like all settlements, this one is a compromise, and it is one in which the parties have addressed most of the problems, but not solved them. Basically, the structure of the deal is sound, but the content will not, without changes in

the areas indicated below, provide a remedy that is either prompt, certain or effective.

Most if not all of the alterations below are self-explanatory and obvious to anyone in the software industry. They are based on the author's experience with supervised antitrust and intellectual property settlements. For the markup-challenged, strikethroughs mean delete, boldface means add. Annotations are also in boldface. Send comments, questions or report bugs to webmaster@dmpress.com. Also, as with open source code generally, the author will accept improvements and post them in subsequent beta or release updates. The webmaster will collect such submissions as well. Note: the author may or may not find your submission to be an improvement.

Despite the fact that the Justice Department's abandonment of the remedy of splitting Microsoft into separate companies, one for systems software and one for applications software, the fact that the trial judge felt it necessary to impose such a drastic remedy strongly suggests that an effective remedy, one that restores competition, probably lies at the interface between the OS and the apps. The DoJ seems to think that middleware is the key to solving the problems at that interface. It is not. The key is to open up the interface and close down the money the money that flows from Microsoft to third party developers at that interface. That reality is what drives the following redraft.

Of course, the remedy is constrained by the scope of acts found unlawful; at the same time, it may go beyond simply enjoining past behavior in order to restore competitive conditions. That is why the open-source redraft is based so heavily on the Proposed Final Judgment.

ALC, 12/02/01

I. Jurisdiction

This Court has jurisdiction of the subject matter of this action and of the person of Microsoft.

II. Applicability

This Final Judgment applies to Microsoft and to each of its officers, directors, agents, employees, subsidiaries, successors and assigns; and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise.

III. Prohibited Conduct

A. Microsoft shall not alter Microsoft's commercial relations with an OEM, or withhold Consideration from that an OEM, because it is known to Microsoft that the OEM is or is contemplating:

1. developing, distributing, promoting, using, selling, or licensing any software that competes with Microsoft Platform Software or any product or service that distributes or promotes any Non-Microsoft Middleware;

2. shipping a Personal Computer that (a) includes both a Windows Operating System Product and a non-Microsoft Operating System, or (b) will boot with more than one Operating System or (c) includes only a non-Microsoft Operating System; or

3. exercising any of the options or alternatives provided for under this Final Judgment. [If Microsoft alters its relations with an OEM for any of the 3 reasons, the government have to prove not only that it happened but that the purpose was ''retaliation''. It makes no difference to the OEM what Microsoft's actual intent was; the OEM ''gets the message''. Also proving subjective intent is so difficult that the antitrust laws at one time jettisoned the requirement in pricing cases.]

Nothing in this provision shall prohibit Microsoft from enforcing any provision of any license with any OEM or any intellectual property right that is not inconsistent with this Final Judgment.

Microsoft shall not terminate a Covered OEM's license for a Windows Operating System Product without having first given the Covered OEM written notice of the reasons for the proposed termination and not less than thirty days' opportunity to cure. Notwithstanding the foregoing, Microsoft shall have no obligation to provide such a termination notice and opportunity to cure to any Covered OEM that has received two or more such notices during the term of its Windows Operating System Product license.

Nothing in this provision shall prohibit from providing Consideration to any OEM with respect to any Microsoft product or service where that Consideration is commensurate with the absolute level or amount of that OEM's development, distribution, promotion, or licensing of that Microsoft product or service, except that Microsoft is prohibited from providing Consideration to any OEM with respect to any Microsoft Platform Software product.

[The OEM's already procure vast quantities of platform software from Microsoft. There's no commercial justification for Microsoft paying any consideration to an OEM for acquiring its platform software. MS Consideration comes in the form not only of money but also of technical support, access to MS ''secrets'', marketing support and certification. Allowing MS to favor large OEMs in these respects weakens smaller OEMs who may he more willing to venture into Linux and other non-MS platform software.]

B. Microsoft's provision of Windows Operating System Products to Covered OEMs shall be pursuant to uniform license agreements with uniform terms and conditions. Without limiting the foregoing, Microsoft shall charge each Covered OEM the applicable royalty for Windows Operating System Products as set forth on a schedule, to be established by Microsoft and published on a web site accessible to the Plaintiffs and all Covered OEMs, that provides for uniform royalties for Windows Operating System Products, except that:

1. the schedule may specify different royalties for different language versions;

2. the schedule may specify reasonable volume discounts based upon the actual volume of licenses of any Windows Operating System Product and [Allowing Microsoft to group products for purposes of determining quantity discounts provides a benefit not consonant with the antitrust justifications for quantity discounts: lower product costs or meeting competition. It facilitates a kind of ''bundling'' of separate products that is more a reward to Microsoft than a remedy.]

3. the schedule may not include market development allowances, programs, or other discounts in connection with Windows Operating System Products [The original 3B fails to recognize the commercial realities. Under this provision, Microsoft may offer ''uniformly'' various allowances programs or discounts that are in practical terms only applicable, useful or attractive to targeted OEMs. In other words, what is in form nondiscriminatory can in fact be discriminatory. There's no reason to allow these amorphous forms of largess to be used to sweeten quantity discounts.]

C. Microsoft shall not restrict by agreement any OEM licensee from exercising any of the following options or alternatives:

1. Installing, and displaying icons, shortcuts, or menu entries for, any Non-Microsoft Middleware or any product or service (including but not limited to IAP products or services) that distributes, uses, promotes, or supports any Non-Microsoft Middleware, on the desktop or Start menu, or anywhere else in a Windows Operating System Product where a list of icons, shortcuts, or menu entries for applications are generally displayed.

[The exception clause deleted above is vague, ambiguous and incomprehensible. What is a ''list'' in Windows terms except a program name and an icon? The deleted language allows Microsoft documentation to define where an OEM may place its icons, shortcuts and menu entries. It allows Microsoft to define where non-MS products will be accessible in what is now a modest part of the Windows desktop, but could at any time be a larger part.]

2. Distributing or promoting Non-Microsoft Middleware by installing and displaying on the desktop shortcuts of any size or shape so long as such shortcuts do not impair the processing of the user interface components of Windows Operating System Products. [''Functionality'' is vague and ambiguous. As long as the shortcuts don't impair the processing of the Windows GUI, MS should not be able to restrict their installation or display.]

3. Launching automatically, at the conclusion of the initial boot sequence or subsequent boot sequences, or upon connections to or disconnections from the Internet, any Non-Microsoft Middleware if a Microsoft Middleware Product that provides similar functionality would otherwise be launched automatically at that time, provided that any such Non-Microsoft Middleware displays on the desktop no user interface or a user interface of similar size and shape to the user interface displayed by the corresponding Microsoft Middleware Product.

4. Offering users the option of launching other Operating Systems from the Basic Input/Output System or a non-Microsoft boot-loader or similar program that launches prior to the start of the Windows Operating System Product.

5. Presenting in the initial boot sequence its own IAP offer provided that the OEM complies with reasonable technical specifications established by Microsoft, including a requirement that the end user be returned to the initial boot sequence upon the conclusion of any such offer.

6. Exercising any of the options provided in Section III.H of this Final Judgment.

D. Starting one month after the submission of this Final Judgment to the Court, Microsoft shall disclose to ISVs, IHVs, IAPs, ICPs, and OEMs, for the sole purpose of interoperating with a Windows Operating System Product, the APIs and related Documentation that are used by Microsoft Middleware to interoperate with a Windows Operating System Product. In the case of a new major version of Microsoft Middleware, the disclosures required by this Section III.D shall occur no later than the first major beta test release of that Microsoft Middleware. In the case of a new version of a Windows Operating System Product, the obligations imposed by this Section III.D shall occur in a Timely Manner. All disclosures under this paragraph shall be updated to inform recipients of such disclosures of any changes in the APIs and related Documentation disclosed.

[a. Why should the intial disclosures be delayed by year? The calls to an OS function should be readily identifiable in the middleware code.

b. Disclosure via MSDN requires people who wants this info to join MSDN and thereby identify themselves to MS and subject themselves to unwanted contacts from MS. There's no need for this. The info can be posted in the clear on MS' web site, with a click-through agreement.

c. The change from ''last'' to ''first'' is to make the disclosure provision commercially effective by getting the disclosures to third parties in time to allow them to have a chance of getting product to market before MS floods the market. Even first beta is somewhat late for this purpose, d. Obviously, the disclosures should be updated as MS middleware is upgraded, enhanced or ''fixed''.]

E. Starting one month after the submission of this proposed Final Judgment to the Court, Microsoft shall make available for use by third parties, for the sole purpose of interoperating with a Windows Operating System Product, on reasonable and non-discriminatory terms (consistent with Section III.I), any Communications Protocol as that protocol is, (i) implemented in Windows Platform Software that may be installed on a client computer, and (ii)/or can be used to interoperate natively (i.e., without the addition of software code to the client operating system product) with any Windows Operating System Product.

[a. For each protocol implemented there was an MS development requirement and a resulting project. MS knows today what communications protocols it has implemented. There's no reason to wait. If practicalities dictate a saving clause requiring MS to submit within a month protocols documented in its code, and submit undocumented protocols within 60 days after, that would be OK.

b. what should be disclosed is the protocol as implemented by Microsoft, not the abstract protocol,

c. The disclosed protocols should include those implemented before the Judgment too, since those will be the bulk of the protocols in the code for some time to come.

d. The included products should be those capable of running on a client and those that can be used on a client, not those actually running on a client. Otherwise the parties will constantly be arguing over what a ''client'' is. (It appears that the parties adopted the undefined term ''client'' because they meant to include more types of equipment than those included in the defined term ''Personal Computer''.)

e. The disclosed protocols should include those used in peer-to-peer communications, not just those used in communications between client and server. The phrase ''products marketed as its successors'' is a huge loophole that allows MS to stop providing protocol information simply by changing its advertising or branding. Note here that this draft uses a definition of Windows Operating System Product that includes Windows servers.]

F. Starting one month after the submission of this Final Judgment to the Court, Microsoft shall disclose to ISVs, IHVs, IAPs, ICPs, and OEMs, for the sole purpose of interoperating with Windows Platform Software, the APIs and related Documentation that are used by Microsoft applications software products to interoperate with Windows Platform Software. In the case of a new major version of Microsoft Middleware, the disclosures required by this Section III.D shall occur no later than the first major beta test release of that Microsoft Middleware. In the case of a new version of a Windows Operating System Product, the obligations imposed by this Section III.F shall occur in a Timely Manner.

[The foregoing addition addresses a key omission from the original draft: the reinforcement of monopoly power through manipulation of APIs at the application software level. ''API'', after all, stands for ''Application Programming Interface'', even though its usage in this document doesn't originally address Application Programming Interfaces. The pernicious effect on third parties, particularly ISVs, of leveraging control over application interfaces as between Windows and MS applications can be quite profound.]

G. 1. Microsoft shall not retaliate against any ISV or IHV because of that ISV's or IHV's:

a. developing, using, distributing, promoting or supporting any software that competes with Microsoft Platform Software or any software that runs on any software that competes with Microsoft Platform Software, or

b. exercising any of the options or alternatives provided for under this Final Judgment.

2. Microsoft shall not enter into any agreement relating to a Windows Operating System Product that conditions the grant of any Consideration on an ISV's refraining from developing, using, distributing, or promoting any software that competes with Microsoft Platform Software or any software that runs on any software that competes with Microsoft Platform Software. Microsoft may enter into agreements that are reasonably necessary to and of reasonable scope and duration in relation to a bona fide contractual obligation of the ISV to use; or distribute any Microsoft software or to develop software for, or in conjunction with, Microsoft, so long as such agreements do not have the effect of conditioning the grant of Consideration on an ISV's refraining from developing, using, distributing, or promoting any software that competes with Microsoft Platform Software or any software that runs on any software that competes with Microsoft Platform Software.

[Why prohibit these loyalty arrangements and then provide an exception big enough t0 drive an 18-wheeler through? There should be no exceptions to this prohibition. Microsoft should not have power to condition providing marketing support, technical support, early access to information or any other consideration on loyalty to Windows. Such agreements, disguised as ''nondisclosure agreements'', can prevent the world's most important ISVs from working in any meaningful way with other OS or middleware suppliers. MS can provide consideration on reasonable terms, including confidentiality if reasonable, but only if they don't have the effect of freezing out MS' OS and middleware competitors.]

3. Nothing in this section shall prohibit Microsoft from enforcing any provision of any agreement with any ISV or IHV, or any intellectual property right, that is not inconsistent with this Final Judgment.

H. Microsoft shall not enter into any agreement with:

1. any IAP, ICP, ISV, IHV or OEM that grants Consideration on the condition that such entity distributes, promotes, uses, or supports, any Microsoft Platform Software [MS should not be allowed to bribe people to distribute, promote, use or support its platform software products. Period. The exception in the original language is completely unworkable, because in order to curry MS' favor, third parties will sign anything (and have). What does it mean for MS obtain such abject obeisance in ''good faith''?]

2. any IAP or ICP that grants placement on the desktop or elsewhere in any Windows Operating System Product to that IAP or ICP on the condition that the IAP or ICP refrain from distributing, promoting or using any software that competes with Microsoft Middleware. Nothing in this section shall prohibit Microsoft from entering into (a) any bona fide joint venture or (b) any bona fide joint development or joint services arrangement with any ISV, IHV, IAP, ICP, or OEM for a new product, technology or service, or any material value-add to an existing product, technology or service, in which both Microsoft and the ISV, IHV, IAP, ICP, or OEM contribute significant developer or other resources, that does not expressly or by its operation or effect inhibit such entity from competing with the object of the joint venture or other arrangement.

[a. MS can enter into ''any bona fide joint venture'', but ''any joint development or joint services arrangement'' (whether bona fide or not, apparently)? This asymmetrical drafting seems to invite trouble.

b. There are so many vague terms in the above paragraph that it appears either to have been severely under-negotiated or grossly over-negotiated. E.g., ''arrangement'', ''joint services'', ''material value add'',

''significant... other resources'', ''competing with the object''. The range of relationships permitted is therefore large and ill-defined, and it is completely unreasonable to permit MS to prohibit competition across that range of activity. Instead, the only such ventures or arrangements permitted should be those that do not inhibit competition. Otherwise, MS could prevent hundreds of third parties from applying their expertise in support of nonMS OS or middleware suppliers for significant periods. Alternatively, the paragraph can be deleted in its entirety.]

[The above sentence allows MS to enter into arrangements that preclude competition simply by licensing the other party's trademark.]

I. Starting at the earlier of the release of Service Pack 1 for Windows XP or 12 months after the submission of this Final Judgment to the Court, Microsoft shall:

1. Allow end users (via a mechanism readily accessible from the desktop or Start menu such as an Add/Remove icon) and OEMs (via standard preinstallation kits) to enable or remove access to each Microsoft Middleware Product or Non-Microsoft Middleware Product by (a) displaying or removing icons, shortcuts, or menu entries on the desktop or Start menu, or anywhere else in a Windows Operating System Product where a list of icons, shortcuts, or menu entries for applications are generally displayed, and

[The phrase ''limited to products that provide particular types of functionality'' is useless as a delimiter; every product provides a particular type of functionality. In any case, the deleted exception allows MS to do on a part of the desktop what it is prohibited from doing on the rest of the desktop. Does anyone wonder which part of the desktop will grow, and which shrink, under such strictures? Moreover the exception allows MS this freedom with respect to any ''list'' of icons, shortcuts or menu entries. What is an icon but an image with associated text? What is a list but an item-by-item display of entries? How does a ''list'' of icons differ from a desktop display of icons? Query: should the prohibitions this section III.I be extended to cover nonMS apps as well as nonMS middleware?]

(b) enabling or disabling automatic invocations pursuant to Section III.C.3 of this Final Judgment that are used to launch Non-Microsoft Middleware Products or Microsoft Middleware Products. The mechanism shall offer the end user a separate and unbiased choice with respect to enabling or removing access (as described in this subsection III.I.1) and altering default invocations (as described in the following subsection III.I .2) with regard to each such Microsoft Middleware Product or Non-Microsoft Middleware Product and may offer the end-user a separate and unbiased choice of enabling or removing access and altering default configurations as to all Microsoft Middleware Products as a group or all Non-Microsoft Middleware Products as a group.

2. Allow end users (via a mechanism readily available from the desktop or Start menu), OEMs (via standard OEM preinstallation kits), and Non-Microsoft Middleware Products to designate a Non-Microsoft Middleware Product to be invoked in place of that Microsoft Middleware Product (or vice versa).

[a. Requiring confirmation from the user to confirm their intent to substitute a nonMS middleware product is an unnecessary inhibitor. This paragraph seems aimed at preserving MS hegemony on the desktop by requiring those users who would eliminate MS middleware that is invoked in a visually prominent way to think twice.]

3. Ensure that a Windows Operating System Product does not (a) automatically alter an OEM's configuration of icons, shortcuts or menu entries installed or displayed by the OEM pursuant to Section III.C of this Final Judgment.

[a. subparagraphs (a) and (b) are inconsistent with one another.

b. Section IIIC permits OEMs to configure the desktops on their own machines. MS should not be allowed to undercut that privilege at all, otherwise the purpose of IIIC is undercut.] Notwithstanding the foregoing Section III.I.2, the Windows Operating System Product may invoke a Microsoft Middleware Product in any instance in which: [The deleted exception is too broad. The parenthetical probably belongs after ''interoperating'', but even in that case, the exception would be overbroad. Since a reasonable purpose for for the breadth is not evident, it should be deleted.]

2. that designated Non-Microsoft Middleware Product fails to implement a reasonable technical requirement (e.g., a requirement to be able to host a particular ActiveX control) that is necessary for valid technical reasons to supply the end user with functionality indispensable to a Windows Operating System Product, provided that the technical reasons are described in the disclosures required of Microsoft by Sections IIID., IIIE., and IIIF. of this Final Judgment.

[a. Only where a middleware function is indispensable to Windows and not provided in nonMS middleware should Windows be able to invoke MS middleware instead of the nonMS middleware selected by an OEM or user.

b. This subsection would disadvantage any nonMS middleware that chose not to utilize every function of Windows, no matter how trivial.

c. The technical reasons should be described when disclosures called for in 3D and 3E are made so that nonMS middleware vendors do not waste development moneys on ineffectual solutions.] Microsoft's obligations under this Section III.I as to any new Windows Operating System Product shall be determined based on the Microsoft Middleware Products which exist(a)seven months prior to the last beta test version (i.e., the one immediately preceding the first release candidate) of that Windows Operating System Product, or (b) as of the time for disclosure under Sections IIID., IIIE. or IIIF. of this Final Judgment, whichever first occurs.

[As soon as the referenced disclosures are made, nonMS middleware vendors and OEMs will start adapting their products. If there is something they need to do to avoid MS interference with their ability to alter the MS desktop, they should be told what it is from the outset. Lengthy betas for Windows versions are not uncommon due to MS' tendency to want to ship versions before they are stable, and without the change suggested above, OEMs and most particularly nonMS middleware vendors could waste substantial development effort.]

J. Microsoft shall offer to license to ISVs, IHVs, IAPs, ICPs, and OEMs any intellectual property rights owned or licensable by Microsoft that are required to exercise any of the options or alternatives expressly provided to them under this Final Judgment, provided that

1. all terms, including royalties or other payment of monetary consideration, are reasonable and non-discriminatory;

2. the scope of any such license (and the intellectual property rights licensed thereunder) need be no broader than is necessary to ensure that an ISV, IHV, IAP, ICP or OEM is able to exercise the options or alternatives expressly provided under this Final Judgment (e.g., an ISV's, IHV's, IAP's, ICP's and OEM's option to promote Non-Microsoft Middleware Products shall not confer any rights to any Microsoft intellectual property rights infringed by that Non-Microsoft Middleware Product, unless Microsoft has refused to license such rights for use in such Non-Microsoft Middleware Product);

3. an ISV's, IHV's, IAP's, ICP's, or OEM's rights may be conditioned on its not assigning, transferring or sublicensing its rights under any license granted under this provision, where such condition is commercially reasonable; [For example, sublicensing or assigning to a wholly-owned owned subsidiary would be reasonable more often than not, as would assigning rights to an acquiring company. DoJ seems to feel that the overall requirement of 3.I.1 that license terms be reasonable negates the need for a restatement of the reasonability requirement here. Maybe, but why leave the matter to interpretation?]

4. the terms of any license granted under this section are in all respects consistent with the express terms of this Final Judgment; and

5. an ISV, IHV, IAP, ICP, or OEM may be required to grant to Microsoft on reasonable and nondiscriminatory terms a license to any intellectual property rights it owns that are extensions of the intellectual property licensed to such ISV, IHP, IAP or OEM and actually implemented in the products or services of such ISV, IHV, IAP, ICP, or OEM relating to the exercise of their options or alternatives provided by this Final Judgment; the scope of such license shall be no broader than is necessary to insure that Microsoft can provide such options or alternatives. [A blanket grantback of license to all intellectual property rights that a third party ''may have'' that relate to its options and alternatives under the Final Judgment (including, apparently, trademarks and trade secrets), whether they have anything to do with Windows APIs or GUI or not seems excessive, to put it mildly. ''May have'' could include rights that are not owned, but licensed from others. ''Related to'' could refer to internal design of the third-party's middleware, application software or GUI personalization. The changes suggested

above would limit the grantback to rights owned by the third party that arise from development work done by or for the third party utilizing IP rights granted by MS under the Final Judgment. In the Competitive analysis statement, the DoJ worries about a third party that has patented a feature of its middleware or applications software that consists of a particular pattern of calls to the operating system, and that the Final Judgment might require Microsoft to disclose that feature to the interfaces used by that third party to others so they could implement similar features. However, if all information about calls to the operating system are available to all ISVs, then how they make use of the calls is in element of their competitive advantage, and they are entitled to protect it. One hopes the Final Judgment does not allow Microsoft to pass valuable intellectual property of one ISV on to other ISVs willy nilly. There is a real-world reason why Microsoft would need a license from one third party in order to be able to provide the same interfaces to all third parties, but it's not the DoJ's reason: third party may figure out how to fix a bug in an API, or how to improve an API, and tell Microsoft. Microsoft may wish to fix or improve the API. If it does so, the fix or improvement should not be for the benefit of the clever third party only; Microsoft should be a be to license it to others. Of course, the clever API should be able to collect a royalty.]]

Beyond the express terms of any license granted by Microsoft pursuant to this section, this Final Judgment does not, directly or by implication, estoppel or otherwise, confer any rights, licenses, covenants or immunities with regard to any Microsoft intellectual property to anyone.

K. No provision of this Final Judgment shall:

1. Require Microsoft to document, disclose or license to third parties: (a) portions of APIs or Documentation or portions or layers of Communications Protocols that are not required to be used in order to achieve interoperability with Microsoft Platform Software and the disclosure of which would compromise the security of a particular installation or group of installations of Microsoft anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria; or (b) any API, interface or other information related to any Microsoft product if lawfully directed not to do so by a governmental agency of competent jurisdiction. In circumstance (b), if such nondisclosure impairs interoperability with Microsoft Platform Software, Microsoft must use its best efforts to create an alternative API, interface or other information that provides comparable functionality.

[a. A real problem is identified in subparagraph (a), but the solution is pernicious. Security is a serious problem for Windows, and MS should not be discouraged from addressing that problem; on the other hand, MS should not be able to integrate security solutions into its products in such a way as to frustrate interoperability. The proposed added language is designed to prevent that.

b. Subparagraph (b) does not relate specifically to security. The ''government agency'' could be a court enjoining MS from infringing someone's patent or copyright. Where a function utilized by MS applications or middleware becomes unavailable to applications or middleware competitors, MS should provide a reasonable alternative.]

2. Prevent Microsoft from conditioning any license of any API, Documentation or Communications Protocol related to anti-piracy systems, anti-virus technologies, license enforcement mechanisms, authentication/authorization security, or third party intellectual property protection mechanisms of any Microsoft product to any person or entity on the requirement that the licensee: (a) has no history of software counterfeiting or piracy or willful violation of intellectual property rights, (b) has a reasonable business need for the API, Documentation or Communications Protocol for a planned or shipping product, (c) meets reasonable, objective standards for certifying the authenticity of its business, [a. The standards ''reasonable'' and ''objective'' invoke community opinion, not the opinion of a single entity, and certainly not an entity with a strong interest in limiting disclosures made under the Final Judgment.

b. Using ''viability'' as a criterion for allowing access to APIs will prevent legitimate startups and small companies from using the benefits of the Final Judgment to compete with larger beneficiaries, and will require financial and technical assessments that entail disclosures to Microsoft the nature of which may discourage participation in the benefits of the Final Judgment.]

(d) agrees to submit, at its own expense, any computer program using such APIs, Documentation or Communication Protocols verification by a reputable third party, to test for and ensure verification and compliance with Microsoft specifications for use of the API or interface, which specifications shall be related to proper operation and integrity of the systems and mechanisms identified in this paragraph.

[The third party verification should be independent of MS; perhaps arranged by the TC. Allowing Microsoft to select the third party is like allowing the fox to select the guard for the chickens.]

L. Starting at the earlier of the release of Service Pack 1 for Windows XP or 12 months after the submission of this Final Judgment to the Court, Microsoft shall (a) separately price Internet Explorer, Outlook Express, MSN Messenger Service, windows Media Player and Net Meeting as offered in Windows Operating System Products, (b) and provide a means through the user interface to those products for users to delete the code that provides the functionality of those products (but not functionality essential to other components of Windows Operating System Products), (c) arrange for such act of deletion to create a proof of deletion, which the user can provide to Microsoft in exchange for a rebate in the amount of the price so established, and (d) offer options (a)–(c) above for any new functionality that Microsoft makes available either through a graphical user interface launch capability or by automatic opening of a Top Window in a Windows Operating System Program.

[This paragraph is intended to halt the extension of Windows' monopoly power into middleware and applications sectors, and restore competitive conditions, for the products listed above, in a nondisruptive way.]

IV. Compliance and Enforcement Procedures

A. Enforcement Authority

1. The Plaintiffs shall have exclusive responsibility for enforcing this Final Judgment. Without in any way limiting

2. To determine and enforce compliance with this Final Judgment, duly authorized representatives of the United States, on reasonable notice to Microsoft and subject to any lawful privilege, shall be permitted the following:

a. Access during normal office hours to inspect any and all source code, books, ledgers, accounts, correspondence, memoranda, e-mail, electronic files and other documents and records in the possession, custody, or control of Microsoft, which may have counsel present, regarding any matters contained in this Final Judgment.

[The change adds electronic records to the inspection list.]

b. Subject to the reasonable convenience of Microsoft and without restraint or interference from it, to interview, informally or on the record, officers, employees, or agents of Microsoft, who may have counsel present, regarding any matters contained in this Final Judgment.

c. Microsoft shall report annually on its activities relating to compliance with this Final Judgment. Upon written request of the United States, on reasonable notice given to Microsoft, Microsoft shall submit such other written reports under oath as requested regarding any matters contained in this Final Judgment.

[Although the TC is to report on its own activities, the TC report is no substitute for a regular, comprehensive report by MS. The need to produce such a report is additional motivation for MS to comply on a timely and complete basis.]

3. The United States shall not disclose any information or documents obtained from Microsoft under this Final Judgment except for the purpose of securing compliance with this Final Judgment, in a legal proceeding to which the United States is a party, or as otherwise required by law; provided that the United States must provide ten days' advance notice to Microsoft before disclosing in any legal proceeding (other than a grand jury proceeding) to which Microsoft is not a party any information or documents provided by Microsoft pursuant to this Final Judgment which Microsoft has identified in writing as material as to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure.

4. The United States shall have the authority to seek such orders as are necessary from the Court to enforce this Final Judgment, provided, however, that the United States shall afford Microsoft a reasonable opportunity to cure alleged violations of Sections III.C, III.D, III.E, IIIF.and III.I, provided further that any action by Microsoft to cure any such violation shall not be a defense to enforcement with respect

to any knowing, willful or systematic violations.

B. Appointment of a Technical Committee

1. Within 30 days of entry of this Final Judgment, the parties shall create and recommend to the Court for its appointment a three-person Technical Committee (''TC'') to assist in enforcement of and compliance with this Final Judgment.

2. The TC members shall be experts in either (or both) the business or the design and development of systems software. No TC member shall have a conflict of interest that could prevent him or her from performing his or her duties under this Final Judgment in a fair and unbiased manner. Without limitation to the foregoing, no TC member (absent the agreement of both parties):

[There should be the flexibility to appoint to the TC someone with business sense.]

a. shall have been employed in any capacity by Microsoft, or by any competitor to Microsoft in respect of Microsoft Platform Software, within the past year, nor shall she or he be so employed during his or her term on the TC;

[As originally written, this requirement would essentially have limited TC members to being academics, since virtually everyone in the software industry competes with MS in some way. Even the limitation to platform software may be too broad.]

b. shall have been retained as a consulting or testifying expert by any person in this action or in any other action adverse to or on behalf of Microsoft; or

c. shall perform any other work for Microsoft, or for any competitor of Microsoft in respect of Microsoft Platform Software for one two years after the expiration of the term of his or her service on the TC.

[Again, this requirement as originally written was too restrictive. It may still be too restrictive for anyone in the software industry not on the verge of retirement.]

3. Within 7 days of entry of this Final Judgment, the United States and Microsoft shall each select one member of the TC, and those two members shall then select the third member. The selection and approval process shall proceed as follows.

a. As soon as practicable after submission of this Final Judgment to the Court, the United States and Microsoft shall each identify to the other the individual it proposes to select as its designee to the TC. The United States and Microsoft shall not object to each other's selection on any ground other than failure to satisfy the requirements of Section IV.B.2 above. Any such objection shall be made within ten business days of the receipt of notification of selection.

b. The United States shall apply to the Court for appointment of the persons selected by the United States and Microsoft pursuant to Section IV.B.3.a above. Any objections to the eligibility of a selected person that the parties have failed to resolve between themselves shall be decided by the Court based solely on the requirements stated in Section IV.B.2 above.

c. As soon as practical after their appointment by the Court, the two members of the TC selected by the United States and Microsoft (the ''Standing Committee Members'') shall identify to the United States and Microsoft the person that they in turn propose to select as the third member of the TC. The United States and Microsoft shall not object to this selection on any grounds other than failure to satisfy the requirements of Section IV.B.2 above. Any such objection shall be made within ten business days of the receipt of notification of the selection and shall be served on the other party as well as on the Standing Committee Members.

d. The United States shall apply to the Court for appointment of the person selected by the Standing Committee Members. If the Standing Committee Members cannot agree on a third member of the TC, the third member shall be appointed by the Court. Any objection by Microsoft or the United States to the eligibility of the person selected by the Standing Committee Members which the parties have failed to resolve among themselves shall also be decided by the Court based on the requirements stated in Section IV.B.2 above.

4. Each TC member shall serve for an initial term of 30 months. At the end of a TC member's initial 30-month term, the party that originally selected him or her may, in its sole discretion, either request re-appointment by the Court to a second 30-month term or replace the TC member in the same manner as provided for in Section IV.B.3.a above. In the case of the third member of the TC, that member shall be re-appointed or replaced in the manner provided in Section IV.B.3.c above.

5. If the United States determines that a member of the TC has failed to act diligently and consistently with the purposes of this Final Judgment, or if a member of the TC resigns, or for any other reason ceases to serve in his or her capacity as a member of the TC, the person or persons that originally selected the TC member shall select a replacement member in the same manner as provided for in Section IV.B.3.

6. Promptly after appointment of the TC by the Court, the United States shall enter into a Technical Committee services agreement (''TC Services Agreement'') with each TC member that grants the rights, powers and authorities necessary to permit the TC to perform its duties under this Final Judgment. Microsoft shall indemnify each TC member and hold him or her harmless against any losses, claims, damages, liabilities or expenses arising out of, or in connection with, the performance of the TC's duties, except to the extent that such liabilities, losses, damages, claims, or expenses result from misfeasance, gross negligence, willful or wanton acts, or bad faith by the TC member. The TC Services Agreements shall include the following.

a. The TC members shall serve, without bond or other security, at the cost and expense of Microsoft on such terms and conditions as the United States approves, including the payment of reasonable fees and expenses.

b. The TC Services Agreement shall provide that each member of the TC shall comply with the limitations provided for in Section IV.B.2 above.

7. Microsoft shall provide the TC with a permanent office, telephone, and other office support facilities at Microsoft's corporate campus in Redmond, Washington. Microsoft shall also, upon reasonable advance notice from the TC, provide the TC with reasonable access to available office space, telephone, and other office support facilities at any other Microsoft facility identified by the TC. The TC offices provided by Microsoft hereunder shall not be accessible by Microsoft personnel except in cases of physical emergency.

[Obviously, the compliance authority should have secure facilities.]

8. The TC shall have the following powers and duties:

a. The TC shall have the power and authority to monitor Microsoft's compliance with its obligations under this final judgment.

b. The TC may, on reasonable notice to Microsoft:

i. interview, either informally or on the record, any Microsoft personnel, who may have counsel present; any such interview to be subject to the reasonable convenience of such personnel and without restraint or interference by Microsoft;

ii. inspect and copy any source code, books, ledgers, accounts, correspondence, memoranda, e-mail, electronic files and other documents and records in the possession, custody or control of Microsoft personnel;

[Better to repeat the inspection list from A.2.a above than to create confusion by mentioning only one of the items from that list.]

iii. obtain reasonable access to any systems or equipment to which Microsoft personnel have access;

iv. obtain access to, and inspect, any physical facility, building or other premises to which Microsoft personnel have access; and

v. require Microsoft personnel to provide compilations of documents, data and other information, and to submit reports to the TC containing such material, in such form as the TC may reasonably direct.

c. The TC shall have access to Microsoft's source code, subject to the terms of a source code Confidentiality Agreement, as approved by the United States and to be agreed to by the TC members pursuant to Section IV.B.9 below, and by any staff or consultants who may have access to the source code.

The TC may study, interrogate and interact with the source code in order to perform its functions and duties, including the handling of complaints and other inquiries from non-parties.

d. The TC shall receive complaints from the Compliance Officer, third parties or the United States and handle them in the manner specified in Section IV.D below.

e. The TC shall report in writing to the United States every six months until expiration of this Final Judgment the actions it has undertaken in performing its duties pursuant to this Final Judgment, including the identification of each business practice reviewed and any recommendations made by the TC.

f. Regardless of when reports are due, when the TC has reason to believe that there may have been a failure by Microsoft to comply with any term of this Final Judgment, the TC shall immediately notify the United

States in writing setting forth the relevant details.

g. TC members may communicate with non-parties about how their complaints or inquiries might be resolved with Microsoft, so long as the confidentiality of information obtained from Microsoft is maintained.

h. The TC may hire at the cost and expense of Microsoft, with prior notice to Microsoft and subject to approval by the United States, such staff or consultants (all of whom must meet the qualifications of Section IV.B.2) as are reasonably necessary for the TC to carry out its duties and responsibilities under this Final Judgment. The compensation of any person retained by the TC shall be based on reasonable and customary terms commensurate with the individual's experience and responsibilities.

i. The TC shall account for all reasonable expenses incurred, including agreed upon fees for the TC members' services, subject to the approval of the United States. Microsoft may, on application to the Court, object to the reasonableness of any such fees or other expenses. On any such application: (a) the burden shall be on Microsoft to demonstrate unreasonableness; and (b) the TC member(s) shall be entitled to recover all costs incurred on such application (including reasonable attorneys' fees and costs), regardless of the Court's disposition of such application, unless the Court shall expressly find that the TC's opposition to the application was without substantial justification.

9. Each TC member, and any consultants or staff hired by the TC, shall sign a confidentiality agreement prohibiting disclosure of any information obtained in the course of performing his or her duties as a member of the TC or as a person assisting the TC to anyone other than Microsoft, the United States, or the Court. All information gathered by the TC in connection with this Final Judgment and any report and recommendations prepared by the TC shall be treated as Highly Confidential under the Protective Order in this case, and shall not be disclosed to any person other than Microsoft and the United States except as allowed by the Protective Order entered in the Action or by further order of this Court.

10. No member of the TC shall make any public statements relating to the TC's activities.

C. Appointment of a Microsoft Internal Compliance Officer

1. Microsoft shall designate, within 30 days of entry of this Final Judgment, an internal Compliance Officer who shall be an employee of Microsoft with responsibility for administering Microsoft's antitrust compliance program and helping to ensure compliance with this Final Judgment.

2. The Compliance Officer shall supervise the review of Microsoft's activities to ensure that they comply with this Final Judgment. He or she may be assisted by other employees of Microsoft.

3. The Compliance Officer shall be responsible for performing the following activities:

a. within 30 days after entry of this Final Judgment, distributing a copy of the Final Judgment to all officers and directors of Microsoft;

b. promptly distributing a copy of this Final Judgment to any person who succeeds to a position described in Section IV.C.3.a above;

c. ensuring that those persons designated in Section IV.C.3.a above are annually briefed on the meaning and requirements of this Final Judgment and the U.S. antitrust laws and advising them that Microsoft's legal advisors are available to confer with them regarding any question concerning compliance with this Final Judgment or under the U.S. antitrust laws;

d. obtaining from each person designated in Section IV.C.3.a above an annual written certification that he or she: (i) has read and agrees to abide by the terms of this Final Judgment; and (ii) has been advised and understands that his or her failure to comply with this Final Judgment may result in a finding of contempt of court;

e. maintaining a record of all persons to whom a copy of this Final Judgment has been distributed and from whom the certification described in Section IV.C.3.d above has been obtained;

f. establishing and maintaining the website provided for in Section IV.D.3.b below.

g. receiving complaints from third parties, the TC and the United States concerning Microsoft's compliance with this Final Judgment and following the appropriate procedures set forth in Section IV.D below; and

h. maintaining a record of all complaints received and action taken by Microsoft with respect to each such complaint.

i. Making copies of the Final Judgment available to all employees responsible for design and development of Microsoft Platform Software or for relations with ISVs, IHVs, IAPs, ICPs or OEMs, and obtaining certifications from them of exactly the same type and form as described in paragraph C.2.e. above.

[Obviously, all such MS employees should read and commit to the Final Judgment, the provisions of which they will be involved in implementing.]

D. Voluntary Dispute Resolution

1. Third parties may submit complaints concerning Microsoft's compliance with this Final Judgment to the United States, the TC or the Compliance Officer.

2. In order to enhance the ability of the United States to enforce compliance with this Final Judgment, and to advance the parties' joint interest and the public interest in prompt resolution of issues and disputes, the parties have agreed that the TC and the Compliance Officer shall have the following additional responsibilities.

3. Submissions to the Compliance Officer.

a. Third parties, the TC, or the United States in its discretion may submit to the Compliance Officer any complaints concerning Microsoft's compliance with this Final Judgment. Without in any way limiting its authority to take any other action to enforce this Final Judgment, the United States may submit complaints related to Sections III.C, III.D, III.E, III. F. and III. I to the Compliance Officer whenever doing so would be consistent with the public interest.

b. To facilitate the communication of complaints and inquiries by third parties, the Compliance Officer shall place on Microsoft's Internet website, in a manner acceptable to the United States, a copy of this Final Judgment and the procedures for submitting complaints. To encourage whenever possible the informal resolution of complaints and inquiries, the website shall provide a mechanism for communicating complaints and inquiries to the Compliance Officer.

[The procedures [or submitting complaints would be more or less meaningless without access the Final Judgment, which is the context for the complaints.]

c. Microsoft shall have 30 days after receiving a complaint to attempt to resolve it or reject it, and will then promptly advise the TC of the nature of the complaint and its disposition.

4. Submissions to the TC.

a. The Compliance Officer, third parties or the United States in its discretion may submit to the TC any complaints concerning Microsoft's compliance with this Final Judgment.

b. The TC shall investigate complaints received and will consult with the United States regarding its investigation. At least once during its investigation, and more often when it may help resolve complaints informally, the TC shall meet with the Compliance Officer to allow Microsoft to respond to the substance of the complaint and to determine whether the complaint can be resolved without further proceedings.

c. If the TC concludes that a complaint is meritorious, it shall advise Microsoft and the United States of its conclusion and its proposal for cure.

d. No work product, findings or recommendations by the TC may be admitted in any enforcement proceeding before the Court for any purpose, and no member of the TC shall testify by deposition, in court or before any other tribunal regarding any matter related to this Final Judgment, unless the conduct of Microsoft or its personnel vis a vis the TC or in respect of the TC's responsibilities is at issue in the case.

[There are certain types of court proceedings that could not sensibly proceed without such testimony.]

e. The TC may preserve the anonymity of any third party complainant where it deems it appropriate to do so upon the request of the United States or the third party, or in its discretion.

V. Termination

A. This Final Judgment will expire on the fifth anniversary of the date it is entered by the Court. It will automatically be extended unless this Court determines to the contrary as to all or any portion of this Final Judgment prior to the expiration date.

[Five years is a grossly insufficient period of time to restore competitive conditions to the market.]

B. In any enforcement proceeding in which the Court has found that Microsoft has engaged in a pattern of knowing, willful and systematic violations, the United States may apply to the Court for an additional one-time extension of this Final Judgment of up to five years, together with such other relief as the Court may deem appropriate.

VI. Definitions

A. ''Application Programming Interfaces (APIs)'' means the interfaces, including any

associated callback interfaces, that Microsoft Middleware or Microsoft application software running on a Windows Operating System Product uses directly or indirectly to call upon that Windows Operating System Product in order to obtain any services from that Windows Operating System Product.

[Changed to include application interfaces and in recognition of the fact that many (perhaps most) calls to Windows functionality are indirect.]

B. ''Communications Protocol'' means the set of rules for information exchange to accomplish predefined tasks between a Windows Operating System Products or successors connected via a local area network or a wide area network. These rules govern the format, semantics, timing, sequencing, and error control of messages exchanged over a network. Communications Protocol shall not include protocols used only to remotely administer Windows 2000 Server and products marketed as its successors.

[Changed to account for peer-to-peer protocols and to restrict the exclusion of W2Ks remote administration protocols. Note: W2Ks, in this draft, is included in Windows Operating System Products.]

C. ''Consideration'' means any monetary payment or the provision of preferential licensing terms; technical, marketing, and sales support; enabling programs; product information; information about future plans; developer support; hardware or software certification or approval; or permission to display trademarks, icons or logos.

D. ''Covered OEMs'' means the 20 OEMs with the highest worldwide volume of licenses of Windows Operating System Products reported to Microsoft in Microsoft's fiscal year preceding the effective date of the Final Judgment. The OEMs that fall within this definition of Covered OEMs shall be recomputed by Microsoft as soon as practicable after the close of each of Microsoft's fiscal years.

E. ''Documentation'' means all information regarding the identification and means of using APIs that a person of ordinary skill in the art requires to make effective use of or effectively implement those APIs. At minimum, such information shall be of the sort and to the level of specificity, precision and detail that Microsoft customarily provides for APIs it documents in the Microsoft Developer Network (''MSDN'').

F. ''IAP'' means an Internet access provider that provides consumers with a connection to the Internet, with or without its own proprietary content.

G. ''ICP'' means an Internet content provider that provides content to users of the Internet by maintaining Web sites.

H. ''IHV'' means an independent hardware vendor that develops hardware to be included in or used with a Personal Computer running a Windows Operating System Product.

I. ''ISV'' means an entity other than Microsoft that is engaged in the development or marketing of software products designed to run on a Windows Operating System Product.

J. ''Microsoft Middleware'' means software code that

1. Microsoft distributes separately from a Windows Operating System Product to update that Windows Operating System Product;

2. is Trademarked;

3. provides the same or substantially similar functionality as a Microsoft Middleware Product; and

4. includes at least the software code that controls most or all of the user interface elements of that Microsoft Middleware.

Software code described as part of, and distributed separately to update, a Microsoft Middleware Product shall be deemed Microsoft Middleware unless the TC determines, pursuant to a request from Microsoft, that it shall not. The TC may establish guidelines for Microsoft's guidance in determining which updates are to be considered Microsoft Middleware under this Final Judgment.

[In aid of undoing the adverse effects of MS. activities found to have been unlawful, the presumption of this paragraph should be that software described as middleware should be deemed to be middleware unless some independent authority says it should not.]

K. ''Microsoft Middleware Product'' means

1. The functionality provided by Internet Explorer, Microsoft's Java Virtual Machine, Windows Media Player, Windows Messenger, Outlook Express and their successors in a Windows Operating System Product, and

2. For any functionality that is first licensed, distributed or sold by Microsoft after the entry of this Final Judgment and that is part of any Windows Operating System Product

a. Internet browsers, email client software, networked audio/video client software, instant messaging software or

b. Functionality provided by Microsoft software that—

i. Is, or in the year preceding the commercial release of any new Windows Operating System Product was, distributed separately by Microsoft (or by an entity acquired by Microsoft) from a Windows Operating System Product; ii.is similar to the functionality provided by a Non-Microsoft Middleware Product; and iii.is Trademarked.

Software code that Microsoft describes or markets as being part of a Microsoft Middleware Product (such as a service pack, upgrade, or bug fix for Internet Explorer), or that is a version of a Microsoft Middleware Product (such as Internet Explorer 5.5), shall be considered to be part of that Microsoft Middleware Product.

[Changed to be consistent with last paragraph of Section J. above.]

L. ''Microsoft Platform Software'' means (i) a Windows Operating System Product and/or (ii) a Microsoft Middleware Product.

M. ''Non-Microsoft Middleware'' means a non-Microsoft software product running on a Windows Operating System Product that exposes a range of functionality to ISVs through published APIs, and that could, if ported to or made interoperable with, a non-Microsoft Operating System, thereby make it easier for applications that rely in whole or in part on the functionality supplied by that software product to be ported to or run on that non-Microsoft Operating System.

N. ''Non-Microsoft Middleware Product'' means a non-Microsoft software product running on a Windows Operating System Product (i) that exposes a range of functionality to ISVs through published APIs, and that could, if ported to or made interoperable with, a non-Microsoft Operating System, thereby make it easier for applications that rely in whole or in part on the functionality supplied by that software product to be ported to or run on that non-Microsoft Operating System, and (ii) of which at least ten thousand copies were distributed in the United States within the previous year.

[Original excluded low-volume middleware for no apparent reason. The Competitive Impact Statement naively indicates that programs without a million copies distributed are either ''minor'' or ''nonexistent''. This severely disadvantages new entrants.]

O. ''OEM'' means an original equipment manufacturer of Personal Computers that is a licensee of a Windows Operating System Product.

P. ''Operating System'' means the software code that, inter alia, (i) controls the allocation and usage of hardware resources (such as the microprocessor and various peripheral devices) of a Personal Computer, (ii) provides a platform for developing applications by exposing functionality to ISVs through APIs, and (iii) supplies a user interface that enables users to access functionality of the operating system and in which they can run applications.

Q. ''Personal Computer'' means any computer that can use a video display and keyboard (whether or not that video display and keyboard is included) and that contains an Intel x86 compatible (or successor) microprocessor. Television set top boxes, handheld computers, game consoles, telephones, pagers, and personal digital assistants are examples of products that are not Personal Computers within the meaning of this definition.

[The original definition is too restrictive. Personal computers are commonly used by multiple persons at a time. (E.g., for collecting personal info, depositing cookies, viewing webcam scenes, processing web-based applications, messaging.) They are also used as web servers and other types of servers.]

R. ''Timely Manner'' means at the time Microsoft first releases a beta test version of a Windows Operating System Product that is distributed either to 200 or more ISVs or to 150,000 or more beta testers of any description

[The fact that the beta has gone to 200 ISVs means that the APIs are working at a reasonable level of stability. It also means that 200 ISVs favored by MS have a competitive advantage over other ISVs.]

S. ''Top-Level Window'' means a window displayed by a Windows Operating System Product that (a) has its own window controls, such as move, resize, close, minimize, and maximize, (b) can contain sub-windows, and (c) contains user interface elements under the control of at least one independent process.

T. ''Trademarked'' means distributed in commerce and identified as distributed by a name other than Microsoft or Windows that Microsoft has claimed as a trademark or

service mark by (i) marking the name with trademark notices, such as or, in connection with a product distributed in the United States; (ii) filing an application for trademark protection for the name in the United States Patent and Trademark Office; or

(iii) asserting the name as a trademark in the United States in a demand letter or lawsuit. Any product distributed under descriptive or generic terms or a name comprised of the Microsoft or Windows trademarks together with descriptive or generic terms shall not be Trademarked as that term is used in this Final Judgment. Microsoft hereby disclaims any trademark rights in such descriptive or generic terms apart from the Microsoft or Windows trademarks, and hereby abandons any such rights that it may acquire in the future.

U. ''Windows Operating System Product'' means the software code (as opposed to source code) distributed commercially by Microsoft as Windows 2000, Windows XP, and predecessors and successors to the foregoing, including without limitation the Personal Computer versions of the products currently code named ''Longhorn'' and ''Blackcomb'' and their successors, including upgrades, bug fixes, service packs, etc. Subject to the provisions of this Final Judgment, the software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion.

[a. Microsoft and DoJ may like to think that the world has shifted to Windows Professional and XP, but that is not the case. To be effective, these remedies need to apply to 32-bit versions of Windows still in active use.

b. The distinction between server and client versions of these products has in the past been thought to be artificial and in some cases trivial. Under those circumstances, Microsoft should not be given an opportunity to evade the Final Judgment by tacking the word ''Server'' to the end of a product name.]

VII. Further Elements Jurisdiction is retained by this Court over this action and the parties thereto for the purpose of enabling either of the parties thereto to apply to this Court at any time for further orders and directions as may be necessary or appropriate to carry out or construe this Final Judgment, to modify or terminate any of its provisions, to enforce compliance, and to punish violations of its provisions.

VIII. Third Party Rights Nothing in this Final Judgment is intended to confer upon any other persons any rights or remedies of any nature whatsoever hereunder or by reason of this Final Judgment, or to restrict in any way any rights or remedies of any nature whatsoever conferred on any other persons otherwise than by reason of this Final Judgment. [It would he a more effective settlement if third parties were given rights and remedies directly, but then again there might be no settlement at all if MS were faced with private litigation over violations of the Final Judgment. In any case, the Final Judgment should make clear that as a result of the settlement third parties do not lose any rights or remedies they would otherwise have.]

* Formerly, ''Quick and Dirty Open Source Redraft''. Revs 0 and. 1 were Quick and Dirty. Revs 0.2–0.4 were internal. Rev .2 is more reliable and reasonably stable. For those not conversant with Microsoft history, QDOS was the operating system bought from Seattle Software and turned into DOS, the first operating system for the IBM PC.

MTC–00004161

From: bobegole@netscape.net@inetgw
To: Microsoft ATR
Date: 12/12/01 12:33am
Subject: DoJ settlement in the Microsoft antitrust case is insufficient

The proposed settlement between the US Department of Justice and Microsoft is insufficient to remedy the anticompetitive practices of Microsoft. My main concern is regarding the finding upheld by the appeals court that Microsoft ''attempted to mislead and threaten software developers in order to contain and subvert Java middleware technologies''. Microsoft should now be required to include a certified compatible Java virtual machine. In the time since Microsoft engaged in illegal conduct against Java, it has developed competing middleware which it is bundling in the operating system as part of it's so-called .NET environment. Microsoft, having engaged in illegal conduct to delay the industry acceptance of Java, now feels safe to exclude Java. This damage needs to be remedied but is not addressed in the proposed settlement. Microsoft should be compelled to include Java for a period that will compensate for the damage inflicted by Microsoft's illegal conduct.

The preceding is a minimal addition that I believe should be imposed on Microsoft. The ultimate solution is to separate Microsoft's platform development (the Window's operating system and .NET services) and the application divisions (the browser, Office, etc.). This is the only way to be certain that other software application companies can compete fairly with Microsoft applications. Until this separation is made, Microsoft applications will continue to unfairly influence extensions in the Microsoft platform and to unfairly gain advance knowledge of features available in the Microsoft platform. Furthermore, the operating system source code should be made open to other computer companies so that they may develop and market operating-system enhancements. This will allow competition in the PC operating system, which has stagnated as Microsoft merely extends their monopoly by tightly coupling applications to the operating system. New versions of the operating system have added integrated web browser functionality, collaboration applications, and other applications but, meanwhile, the operating system core has remained largely unchanged since the release of Windows 95 and Windows NT more than 6 years ago. The operating system should be made open to give others the opportunity to extend platform functionality.

Let me close by saying that it is my belief that the current stagnation in the computing industry is largely due to Microsoft's uncompetitive practices. They have not only actively thwarted competition, as found by the appeals court, but have created disincentives to competition by expanding their definition of ''operating system'' to include emerging applications and ''middleware''. Microsoft should be forced to include Java, separate the company's platform and application divisions and open the operating system to competition as a minimal remedy for their uncompetitive behavior. This will also allow other companies to compete fairly and innovate without fear that years of investment and innovation will show up as a mere feature of the next release of Windows. Effective measures to counter Microsoft's illegal conduct must be taken to ensure the health of the US Technology industry.

Sincerely,
James M. A. Begole, Ph.D.
Computer Scientist
CC:bobegole@netscape.net@inetgw

MTC–00004162

From: Joe Huwaldt Family
To: Microsoft ATR
Date: 12/12/01 12:34am
Subject: Microsoft Settlement

I strongly disagree with the proposed settlement in the Microsoft Anti-Trust trial. How does it restore competition? What does it do for the hundreds of competitors who are no longer even in business because of Microsoft's illegal monopolistic behaviors? What does it doe for the maligned partners let alone the customers who have been short changed again and again? Microsoft has been found guilty of being an illegal monopoly in federal court. This guilt was affirmed in the appeals court. Microsoft is guilty. Keep that in mind. Any settlement that doesn't address their past misbehavior and that doesn't prevent it from happening again is not in the best interests of this country and is an affront to the law.

I am an aerospace engineer who has no connection to either Microsoft or any of it's competitors. However, I have been forced to be one of their ''customers'' against my will for many years both at home and at work and have always been greatly disturbed by their blatantly illegal behavior. Never has there been a company that was more hated by it's unwilling customers than Microsoft. The fact that no one will even attempt to compete with them for fear of being unfairly crushed should be proof enough that something more drastic than a slap on the wrist needs to be done. Microsoft doesn't believe in their guilt. Their motivation for this settlement, therefore, is simply to get on with business as usual. That is to say, back to the behavior that got them before this court in the first place! Their record at keeping within the constraints that have been placed on them by the court in the past is dismal. They will NOT be constrained by behavior limitations in the future. Therefore, if something serious isn't done, they will be back before this court again before long. Let's end this now, while we have a chance.

Let's say that they do live within this settlement (which they won't) and they do give up the monopolistic behaviors described in this settlement. Microsoft looses some old monopolistic weaponry that it can use on it's customers and competitors. But, so what, it has already identified a new monopolistic weapon that makes all the old ones totally

obsolete anyway. Microsoft has found that weapon in .NET. Whether people like .NET or not, they'll get it as old computers are replaced with new ones. Within three years .NET will be everywhere whether customers actually use it or not. Even if they hate it and are infuriated by it, they will be forced to use it and have it on all their computers. And that ubiquity, rather than commercial success, is what is important to Microsoft.

.NET is essentially a giant system for tracking user behavior and, as such, will become Microsoft's most valuable tactical tool. It is a system for tracking use of services, and the data from that tracking is available only to Microsoft.

.NET allows Microsoft (and ONLY Microsoft) to track where all system calls are going and what services are or are not being used. If calls are going to third-party software packages, Microsoft will know about it. With this information, Microsoft will know which software packages to ignore and which ones to destroy. With this information, Microsoft can create it's own implementations of competing products and integrate them into their .NET framework, thus easily eliminating any third-party competitor. Microsoft can also use the .NET generated market research that Microsoft gets for free, and nobody else gets at all, to change Windows to give automatic preference to Microsoft's own middleware. They can give the appearance of openness without actually being open. These behaviors are not in any way proscribed by the proposed settlement with the DOJ, yet they virtually guarantee the continuation of Microsoft's monopoly on applications and services as long as they have an operating system monopoly. When Microsoft talks about ''innovation,'' this is what they mean. Nothing is going to change.

I generally agree with Robert Cringely's suggested remedy which can be found at the following URL: http://www.pbs.org/cringely/pulpit/pulpit19991118.html Much of the following is a paraphrasing of Cringely's proposed remedy and I believe that this is how the court should deal with Microsoft:

1) Microsoft's operating system division must be completely separated from the rest of the company by a ''Chinese Wall''. There is nothing new or draconian about this. Defense contractors, such as the one I work for, have been doing this successfully for decades. Employees may not discuss projects with those outside their group, period. This will ensure that other divisions of Microsoft will have exactly the SAME access to the operating system API as competitors. Microsoft can still innovate and manage the future of it's operating system, but everyone will have equal access to those innovations.

2) The only divestiture that is required of Microsoft is that they MUST spin off their programming language businesses. This is critical and levels the playing field. Especially in light of the new .NET strategy. For application development, Microsoft will be required to use someone else's compilers and languages. This forces Microsoft to provide good information to the compiler makers before it can use any improvements in it's own products. This helps requirement #1 work.

One of the strategies at the core of .NET is that Microsoft will have 100% control of all programming languages and development environments that can be used to write programs that work with .NET. This completely blocks entry to .NET services by all potential competitors. Microsoft says they are supporting a wide array of programming environments for .NET, but they are controlling all the specifications and all the implementations. If Microsoft wants to build in a special capability that only Microsoft's application developers can access, they have complete freedom to do so.

3) Microsoft must establish a fair and consistent pricing strategy for all their products. This model should insure all OEM's get the same price and terms. Upgrades should cost less than the original product. Product price increases should be governed by investment and inflation. Establish a fair and consistent product license agreement that follows established industry norms. In a sense, Microsoft has from time to time resorted to ''dumping.'' Access and Internet Explorer are the most notable examples of this. Microsoft must be prevented from ''dumping.''

4) Microsoft must establish clear product maintenance and support rules. All products are to have a predetermined warranty period of 18 months to three years. Microsoft will fix all product defects and provide those fixes free of charge during the warranty period. Consumer protection provisions will be improved to provide reasonable product support assistance.

5) Microsoft must establish corporate ethical guidelines that are responsible and consistent with US industry practices. Microsoft should not be allowed to raid talent from competitors. People can freely apply to work at Microsoft, but Microsoft can not initiate the process.

6) Finally, many companies and their employees were financially damaged by Microsoft. Microsoft should pay compensation to those clearly injured by their monopolistic activities. Priority should be given to insure employees are fairly compensated. The total cost of the damages paid by Microsoft should not exceed 15 percent of their net income for the next 10 years. No punitive damages should be levied against the company.

Thank you for your time and consideration.

Ad astra,

Joe Huwaldt

CC:Doug Babst,Joe Huwaldt (at work)

MTC–00004163

From: Robert D. Roberts
To: Microsoft ATR
Date: 12/12/01 12:38am
Subject: Settlement

Very bad settlement. Talk about rewarding ''Evil Doers''. If MSFT wishes to help the bad schools, it should give them 1/2 of the $30B it has accumulated from its illegal practices.

Robert D. Roberts

Sonoma CA

MTC–00004164

From: Daniel Carrera
To: Microsoft ATR
Date: 12/12/01 1:55am
Subject: RedHat's proposal on Microsoft antitrust settlement

Dear Justice Department member,

I am writing to express my support for RedHat's proposed alternative for the Microsoft antitrust settlement. RedHat has proposed that all the money that Microsoft was currently planning on giving in the form of software be redirected towards providing more hardware for the poorest schools in the country. RedHat then proposes to offer all necessary software to the schools, itself, free of charge, plus technical support. This proposal has many large advantages over the original plan. Problems with the original proposal:

1) In giving so much Microsoft software to the schools, the original proposal would result in extending Microsoft's dominance over the education sector. This does not make sense since the reason why there is a settlement is that Microsoft was found guilty of illegal monopolistic practices.

2) Microsoft's software lisences would expire after 5 years. After that time, the schools would be under great pressure to start paying very large software fees to Microsoft which ultimatelly hurt their funds very severely. The alternative would be to move away from Microsoft products, but that would be very difficult because the curriculums would already be based around the Microsoft software. Benefits of RedHat's proposal:

1) RedHat offers to provide all the necessary software to the schools free of charge. Unlike Microsoft's proposal, this offer will not expire. The RedHat software, including all upgrades, will remain completely free to all the schools in the US indefinitely.

2) RedHat extends the proposal to add free customer support to the schools (also for an unlimited time). With this proposal, the schools can safely build a curriculum around the software available. They can rest secure in the knowledge that the software the might enjoy, will remain available to them at no cost.

3) In redirecting the cost of software towards hardware, many more schools would be able to benefit from this settlement. This change would more that cuadruple the number of computers brought to the schools (from 200,000 to over a million). The number of computers per school would grow from 14 to over 70.

It is clear that this new proposal brings a much greater benefit to the schools.

4) RedHat's proposal also extends to many more districts. If Microsoft provides the hardware for the 14,000 poorest school districts in the US, RedHat will provide the software for every single school district in the entire country.

5) This proposal has the final benefit of putting the decision on which software is run (and thus what students learn) right where it should be: on the hands of educators and parents. Since there is no requirement to use the RedHat software, and no loss if they don't, the choice remains theirs.

On the merits of RedHat software: I am an educator myself. I am a Mathematical Physicist currently teaching at the Unversity of Toronto and next year I will start teaching at the University of Maryland. I can testify as

to the merits of the software that RedHat is offering to the schools. This is the same software that I use myself.

For the areas of mathematics, science, and engineering, there is simply no coparisson. There are very powerful utilities that make excellent teaching instruments for all the sciences. The mathematics and scientific software available for this platform (free of charge) is of a variety and quaility that simply has no comparisson under the Windows operatins sytem (including commercial software). I use this software myself in my own teaching.

In other areas, the RedHat software will provide excellent tools for image manipulation, vector graphics, office applications and more. For computer science, RedHat is offering the best possible platform for software development. Educators have a choice of an immense array of the best programming languages in the world, each with its own strength, all available by default.

It is my honest opinion as a scientist and educator that the software that RedHat is offering free of charge far surpases what would be available to the schools through Microsoft software. I would like to strongly encourage the Justice Department accept the offer from RedHat and greatly extend the help offered to the most needy schools in the nation.

If you wish to ask questions or clarifications about any of what I have written here, please do not hesitate to ask. I am a strong believer in the importance of education, and this is a great opportunity to help those who are least capable of affording one.

Sincerely,
Daniel Carrera.

MTC–00004165

From: Bob Ulmer
To: Microsoft ATR
Date: 12/12/01 2:16am
Subject: APPROVE THE NEW SETTLEMENT WITH MICROSOFT!

It's good for America! It's good for the underprivileged! I say where would America be today without MICROSOFT! It has raised the bar with it's excellent products!

Bob Ulmer
Owensboro, KY

MTC–00004166

From: Martin van Iersel
To: Microsoft ATR
Date: 12/12/01 2:06am
Subject: ms and the rest

If you let ms install their systems into school for free you will have just given them a monopoly on the schools as well. And area where apple still has a good grip. If you want to get rid of the monoply i think you should make ms give all the data required to allow other operating system run windows products from games to office suites.

MTC–00004167

From: David Madison
To: Microsoft ATR
Date: 12/12/01 2:30am
Subject: Microsoft Settlement. Re: The Tunney Act and the Microsoft Case

Please, please don't back down now. Microsoft should have been stopped a long time ago. We still have a chance to try to make things right.

David Ljung Madison

MTC–00004168

From: Bruce Hanson
To: Microsoft ATR
Date: 12/12/01 2:33am
Subject: Help-We Need Help

I am writing as a long time school teacher. This is my 31st year. I teach in Adams County School District 50 in Westminster, Colorado. I am the PE teacher and school technology rep for Fairview Elementary School. My school district is very poor. Our schools are old, and we cannot even afford to repair them properly, much less stay technologically able. This summer, I went to the Technology In Education conference in Snowmass, Colorado. A representative was there from the Colorado Department of Education. He characterized various school districts as being technologically 1st, 2nd, and 3rd generation. My school district was pre 1st generation by those standards. We do not have the luxury of making sure that our technological marketplace is diverse in it's PC community. We have no Apples in our district. This is not because we are part of a Microsoft monopoly, but because we couldn't afford them. They are more often found in more well to do communities. At least that is true in Colorado. The nature of Microsoft's potential settlement would provide the only scenario that might help out a school district like ours. We can never hope to even stay in the race by local mill levy. Our only chance is that some technological giant could toss a few crumbs our way. This would be no small thing. Technology could help our majority population of minorities acquire tools to move out of the barrio.

Please consider ruling positively in favor of Microsoft's offer. As long as you act as a watchdog to make sure that they are fair in their allotments, this could do a great deal to help underpriviledged school districts like ours. The issue of fairness in the business community should be greatly secondary to making sure that all America's students have the opportunity to learn to use technology in their daily lives.

Thanks Very Much,
Bruce C. Hanson
Fairview Elementary School
7826 Fairview Ave.
Denver, Colorado 80221
303–428–1405

MTC–00004169

From: DE WOLF PETER
To: Microsoft ATR
Date: 12/12/01 2:37am
Subject: DOJ/Microsoft Antitrust Settlement

It is quite amazing and funny to watch the game between DOJ and Microsoft. In the Clinton period MS was told to split the company; now it's Bush time and a penalty combined with some charity will do it. It's called a settlement, I think even DOJ can not compete with the army of lawyers from MS. If DOJ accepts this settlement, MS shall even extend its monopoly on the desktop.

It's impossible they can get out of it that easy.

Peter De Wolf
Siemens Business Services

MTC–00004170

From: sghansen@att.net@inetgw
To: Microsoft ATR
Date: 12/12/01 2:45am
Subject: Microsoft Suggestion

To whom it may concern.

As you might know—For a computer to be useful for people to use, it must have what is known as a ''killer application''. For several years Microsoft has been gobbling up or putting out of business every company that makes any product that has to do with office productivity. I.E. Word Processor, Spread Sheet, Presentation Software, etc. They, then, have been making this technology work only on the Microsoft operating system platform. My suggestion is—Not To Breakup Microsoft—But force them to port their killer applications, (Word, XL, PowerPoint, ETC), to the other major operating systems.

This way, we, (The Consumers), could choose the hardware and operating system that meets our requirements separate from the application software we need to be productive. In other words—If I decide to buy a Ford, I'm still free to put any set of tires I wish onto my Ford, I'm not required to use Firestone tires. The application software, (Tires), should be separate from the Operating System, (Ford). There are many superior operating systems out there, but we are forced to use an inferior operating system because we must use the defacto standard office productivity software.

Thanks.
Steve Hansen
sghansen@att.net

MTC–00004171

From: Carpenter, Craig
To: 'Microsoft.atr(a)usdoj.gov'
Date: 12/12/01 3:24 am
Subject: RE: Opposition to Microsoft ''settlement''

I am vehemently opposed to Microsoft's proposed settlement. *Proposed ''settlement'' is engineered by Microsoft not the DoJ *DoJ appears to be caving in, perhaps it wishes to get this case out of the way for political reasons. *Microsoft appears to be sidestepping the Tunney Act. with false information. *Microsoft is in denial of the true nature of itself and it's practices. I hope I have some influence with this brief email. I know there are many who oppose this ''settlement'' many who don't care and many who favor it, the point is they have been proven guilty, so let the punishment fit the crime. Microsoft will not change their practices without adequate incentive.

Thank you,
Craig Carpenter

MTC–00004172

From: Joshua N Pritikin
To: Microsoft ATR
Date: 12/12/01 4:13 am
Subject: antitrust settlement

I would very much like to see Microsoft forced to accept Red Hat's proposal for the antitrust settlement.

For details, see: http://www.redhat.com/opensourcenow/

Thanks,

–j Victory to the Divine Mother!! after all, http://sahajayoga.org http://why-compete.org

MTC–00004173

From: jp
To: Microsoft ATR
Date: 12/12/01 4:07am
Subject: Disappointment and outrage 12 December 2001

I can't believe it!!! Millions of dollars spent on this suit and the result is as if there were never a lawsuit! Allowing Microsoft to say whether it violates—any—agreement is like asking any criminal if he / she broke the law!!!! Hah! They ''didn't really —mean— to do it, it just happened that way''! 30 billion dollar$ —does— buy the law.

John Miley

MTC–00004174

From: Bob Thomson
To: Microsoft ATR
Date: 12/12/01 4:48am
Subject: Microsoft Settlement

Dear Sir or Madam,

The settlement as proposed will do little, if anything, to impact on Microsoft's monopoly on the desktop Operating System and Web Browser markets. It is unlikely that anyone in the IT industry who has knowledge of these markets would believe this settlement will have any impact whatsoever. In this it appears to the vast majority of those 'in the know' that the US Government is powerless to punish corporations which break the laws of the US. Looking in from Europe this creates an extremely negative impression of the US government and it's attitude to business. The nation which is seen around the world to encourage entrepenuership will be seen to favour the largest coroporations at the expense of innovation and new businesses. Microsoft has a long history of, what it euphemistically calls, ''Embrace and extend''—Aquisition of competing companies and their products—the proposed settlement does nothing to address this. As such start-up companies will continue to bring products to market only to have them snuffed out by Microsoft by way of Microsoft using their vast resources to develop a similar product faster than the smaller company can build their market share or by Microsoft simply purchasing the company or it's product and absorbing it and the company.

Make no mistake that Microsoft has never innovated— it is hard to name a product that Microsoft have developed themselves which displays technical innovation that was not already present in other products. With their continued monopolies with the PC desktop OS and the Office Suite Microsoft will continue to have control over these markets and I cannot see anything in this settlement which will curtail this.

What is most disturbing however, is the case's complete abscence of addressing the issue of the installed OS on PCs as purchased. It is almost impossible to purchase a PC without a Windows Operating System per-installed. There is no consumer choice. There is no technical reason why this should be the case. It is entirely the result of the restrictive licensing practices which Microsoft has forced upon PC manufacturers.

It is also the case that the impression given is that Microsoft have covinved the US Government that any impact on Microsoft will affect the entire IT industry. This is tantamount to nonsense. Microsoft have a huge market captilisation by virtue of it's monopoly and it undoubtedly overvalued. There are huge areas of this industry that Microsoft have little influence on—the danger is that the lack of controls proposed in this settlement opens the door to Microsoft opening up new monopolies in the markets they have little control over at the moment. So, far from aiding the IT industry, the settelement as proposed would weaken it in the future by discouraging innovation and business startups and putting several other large players out of business resulting in huge job losses and a lack of competition.

In short this settlement should be completely discounted and redrawn with a view to addressing the following issues :

1) Microsoft has been found guilty of abusing it's monopoly in the PC desktop OS market.

2) Microsoft usesd dubious and illegal practices to create a monopoly in the web browser market.

3) There is no consumer choice in purhcasing a PC with a pre-installed OS (As most PCs have a pre-installed OS)

The measures should include:

1) Microsoft should be barred from signing exclusive agreements with PC manufacturer's which preclude the manufacturer's from supplying PCs with more than one OS already installed (Dual boot).

2) Microsoft should be requird by law to release full details of APIs for all Operating System and Web Browser products as far in advance of release as possible.

3) Microsoft should be required by law to release details of all file formats used by Office products so that competitors can develop products which read and write these formats—This could be implemented by way of a licensing mechanism so that the intellectual property involved is not simply 'given away'. The current situation is analogous to a situation whereby CDs manufactuered by Sony are only playable on Sony CD players.

4) A review should be made in 5 years and if Microsoft is still felt to be abusing its monopoly then the company should be split into an operating system and services business and an applications business.

As a UK resident I await with interest the outcome of the EU Competition Commission's investigation into Microsoft. I hope the EU shows more bravery, insight and integrity than seems to be on display in the US DOJ.

Sincerely,
Bob Thomson,
Director,
tty Ltd.
Bob Thomson, Sun Certified Solaris System and Network Administrator.
Web: http://www.tty-ltd.co.uk
Phone: +44 (0)7970 700089

MTC–00004175

From: phoenix
To: Microsoft ATR
Date: 12/12/01 4:59am
Subject: One point to fix

One undeniable fix would be to force the company (MS) to reveal its file formats (like ''.doc'' ''.ppt'' , etc) to the public; to disallow them from changing even a single ''1'' or ''0'' in the coding of the file formats of a released product without giving 100% complete detail of the changes; and not allowing them to release such changes into a product until a given (long) amount of time after it is confirmed that all competitors have the details. In effect, the company's file formats will be public domain and allow competition with the products it's monopoly helped it to make prolific.

MTC–00004176

From: Wesley Gibbs
To: Microsoft ATR
Date: 12/12/01 5:25am
Subject: please put the squeeze on microsoft

You know they're monopolists I am a web developer and former systems admin for a MS Windows NT network. They're lame. I for one say ''Put the squeeze on them.''

Sincerely,
Wesley Gibbs

MTC–00004177

From: Robert Warren
To: Microsoft ATR
Date: 12/12/01 5:50am

Microsoft is obviously a Government sanctioned monopoly. I guess mony can buy almost anything. Microsoft software forces it's political viwes and religious views into the operating system. Application software that is doing well in the marketplace is either bought by Microsoft or challenged by Microsoft's own competing product. A company with the sole desire that all software come from or created with software from Microsoft is a dangerous monopoly. With the power over the operating system that they alone dictate, they can invade the privacy of your computer at will. I doubt a firewall is of much use against their backdoors into virtually every piece of software they make. With as many lines of code that their operating system contains, it would take a very long time to seal all of the chinks in their armour.

That is why it is so easy to hack into the operating system. If the DOD is using MS operating systems, I shudder with fear. The settlement was not even equal to a hand slap. They have closed the doors of many good companies with their tactics. They deserve to be fined and limited in scope as to their product line. You might say that freedom of speech is at stake here. Linux is the only thing stopping Gates empire from total domination of the PC market. You broke up the AT&T monopoly, big oil, and refuse to let some airlines to merge even though it will most likely mean the demise of both because of it. Microsoft is obviously a VERY close friend of the US Government to get away with all of their unfair practices.

I am ashamed of the way our government responded. I am proud to be a US citizen. Our freedoms did not come cheap. We are letting one company take over the way we shop, where we can browse, what

information we can access, and open our personal data to them at their leisure. Please protect our freedoms that were fought for by so many.

Robert C Warren

''Hear, O Israel:The LORD our God, the LORD is one! You shall love the LORD your God with all your heart, with all your soul and with all your strength.''

Deuteronomy 6:4–5

MTC–00004178

From: Brad Bauer
To: Microsoft ATR
Date: 12/12/01 6:15am
Subject: Microsoft Settlement

My tax dollars pay your salaries.

So, please, do your job? don't let Microsoft off so easily. Don't agree to a settlement that will put Apple Computer in jeopardy. Don't let George W. Bush strong arm the justice department into turning tail and letting Microsoft win.

Do your job.

PLEASE.

Brad Bauer

A concerned US Citizen

MTC–00004179

From: Dexter Anderson
To: Microsoft ATR
Date: 12/12/01 7:25am
Subject: Microsoft Settlement 2001–12–12

Comments on the Microsoft Settlement

1. The action against Microsoft should never have been launched during the last Administration, and the sooner it is wound up, without damage to this quintessentially American company, the better.

2. We sometimes seem to have a death wish. As in the AT&T dismemberment of 1983/1984, we have in Microsoft a company that is admired throughout the world, yet some seem to derive a perverse satisfaction from seeing whether they can smash it up.

3. It is one thing to go after a company on antitrust grounds if it threatens to corner the market on a physical resource such as oil or silver. But intellectual property is infinitely expandable. If Microsoft does not keep investing better intellectual mousetraps, or if the buying public believes it is overcharging, it will quickly lose ground to competitors. The competitive system is self-correcting. There is no need for government to step in. There is need for government not to step in.

4. Microsoft's competitors should fight it in the marketplace, not in the courtroom. It's shameful enough for the CEO of a competing company to come whining to the Department of Justice when he fails to obtain the results he desires in the marketplace; it is downright disgusting to see him crossing the ocean to denounce his countrymen from Microsoft before officials of the European Communities.

5. The bundling charge took first place for absurdity. One may as well tell a car manufacturer not to include tires, or a radio, with his product.

6. The States should have no role in in the Microsoft matter or in similar matters involving companies that are clearly national in character.. The Constitution gives the regulation of interstate commerce to the U.S. Congress. The threat to companies of hostile action (sometimes, as in this case, politically motivated) by regulatory authorities of 50 states unnecessarily raises the cost of goods and services and harms U.S. competitiveness.

Thank you for considering my views.

Dexter Anderson
29 Sherwood Drive
Westerly, Rhode Island 02891–3701
andersondexter@home.com
CC:Anderson Dexter

MTC–00004180

From: Richard Ollerenshaw
To: Microsoft ATR
Date: 12/12/01 7:30am
Subject: Encouraging anti-competitive practice

A watered down settlement is just the signal the world needs that America encourages unfair domination by those with money and power. A fair and open marketplace is clearly unnecessary to the US, or at least that is the signal being sent out.

Richard Ollerenshaw

MTC–00004181

From: RZ German
To: Microsoft ATR
Date: 12/12/01 7:50am
Subject: microsoft settlement

1. Problems with the proposed settlement:

—not-for-profit organizations have no rights at all under the proposed settlement.

—Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...''

—Under this deal, the government is shut out, too. NASA, the national laboratories, the military, the National Institute of Standards and Technology—even the Department of Justice itself—have no rights.

2. I support Steve Satchell for the three-member committee stationed at Microsoft to make sure the deal is enforced.

RZ German
Ohio Citizen

MTC–00004183

From: CoastNet
To: Microsoft ATR
Date: 12/12/01 11:41pm
Subject: why not?

Go for the Red Hat approach. Microsoft are after all just mass marketing a mediocre product, give someone else a go!

MTC–00004184

From: William A. Perrotto III
To: Microsoft ATR
Date: 12/12/01 8:52am
Subject: Microsoft Settlement

I do not agree with the DOJ settlement pact. It seems more like giving a thief the keys to the city. The only way competition can be re-introduced to the market is for stricter actions. The rouge states who side against the settlement have my vote at this time and are pushing the right buttons to boot. Microsoft will take advantage of any legal documents they have to in order to continue on the path they have walked for a very long time. The only true punishment is one that can not be undone. These people systematically eliminated competition and anything they didn't agree with. They have done this for years, and the punishment should match the crime. If you are really fighting for us, stop playing around and take them to the mat. After all if you are in this for the commerce world then they are crushing the commerce world. If you are in this for the people then they are abusing and swindling the common man. Either way, M$ wins and every one else loses.

William A. Perrotto III

MTC–00004185

From: Marc van der Erve PhD
To: Microsoft ATR,jeremy.wagstaff@dowjones.com@inetgw
Date: 12/12/01 9:14am
Subject: Microsoft bashing—A customer's perspective

Dear Jeremy,

I read The WallStreet Journal daily and glance through your column regularly. I am one of the silent majority that you have ridiculed into reacting to relentless and, in my view, unfair bashing of Microsoft (i.e. both by media and courts on both sides of the Atlantic).

My compliments for getting me out of my hole, though! Indeed, your column is striking a chord but, I believe, a false one! Although Microsoft does not need my help at all, I would like to make the following sobering points knowing that I have no time to generate the detail needed for a court case.

For whatever the customer's view is worth to you, here is my perspective.

MS's ADDED VALUE IS IN HANDLING COMPLEXITY

I recognize some of the problems that you are referring to but they have largely been resolved in later versions, such as Windows Professional 2000 and XP.

The referral to other suppliers with similar, witty, but generally not better software ''toys'' has been symptomatic in ''reviews'' like yours. But, in doing so, you are forgetting one important thing! The true benefit to customers is not only in userfriendliness but also in managing the complexity of their tasks. For example, although I might fancy the presentation of an odd diary application over that of Outlook, Outlook as part of an highly integrated suite grandly improves my effectiveness as a user. The added value of Microsoft to the user (and to the economy at large as so many of us are using MS products) is in its handling of the increasing complexity of tasks, data and communications. Hence, the suite of highly integrated MS systems can only be complex in itself and, as a result, can only be more error prone than independent toys. However, the net benefit of using Microsoft's products by far exceeds some of the adverse situations that might occur.

The ways in which MS deals with individual customers by far outshine those of

other suppliers when it comes to support. I have had grave experiences with the software from IBM and Ericsson (Symbian) which compared to the true plug-and-play features of MS are plainly irritating. Many of my investments in non-MS software-driven products have gone down the drain because either the products did not work or the support provided was either not there or clumsy to say the least.

In my book, Tablets of Light (Laws of the Networked Society), in the chapter on EVOLUTION, I refer to Microsoft when I discuss its ''ability to adapt,'' i.e. based on its capacity to listen and react constructively to customers. Having studied behavior, organizations and complexity at large, I am personally amazed as to how MS has been able to maintain and improve its responsiveness.

MS IS FACILITATOR OF INNOVATION

Indeed, MS is not necessarily known for its inventions but above all for its capacity to refine and commercialize products. Many of the features built into its software have been obtained and licensed from smaller, best-in-class innovators on the market. In that light, MS actually triggers and supports innovation as it provides a market to those who manage to invent the ultimate. Of course, in order to manage complexity, MS must adhere to a certain architecture which is why MS requires that architectural requirements are met. Still, the architecture of MS is mutating as new features and inventions see the light through the eyes of independent entrepreneurs and software developers. Of course, as you observed in XP, whenever the management of complexity is hindered by foreign applications, the performance of a system may degenerate gradually. I am sure that as part of your research, you must have been loading a lot of software on your system with understandable consequences. In other words, it is in the interest (and the responsibility) of the customer to help maintain an environment on his system which manages complexity well.

In a more interactive economy, competition changes from a one-to-one bull fight for supremacy to the ''generation of variety.'' Variety brings with it the chance that one or a few variations will fit the needs of an unpredictably evolving market. Traditional competitors, such as Sun, IBM and others, are competitors no longer if they do not bring innovative products to the table. MS, as any other business, is best served by an increasing variety of product inventions which they are eager to include if the customer so desires. Variety indeed remains an impetus for improvement.

I don't think the above is new to you. Hence, as bashing MS is ''in'' today, any media and judicial attention seems supersticiously opportunistic and not always beneficial to the interest of customers. Most of the noise made in Europe and the US can be led back to competitive barriers that are caving as a result of the irresistable product offerings of MS and, above all, the lack of innovativeness of established industries. In that sense, I am not at all proud of being a European! Although, many innovative ideas can be found in the organizations of established industries, only a few succeed to bring them to the market. Sometimes, these companies may pull it off once, but they fail in creating an environment (like that of MS) which absorps new inputs and mutates products and services continuously.

By all means, competition is essential to innovation and progress (progress generally equivalent to the increasing complexity of natural and virtual life forms). However, competition should be driven by variety not bashing!

Last, but not least, what a joy is it to work with XP, i.e. its impeccable communications (ADSL), its handling and printing of pictures, etc! I was pleased to read in an earlier column that your sons seemed to judge the MS character differently as they could not part from the X-Box. Or, was it another columnist?

Kind regards,

MARC VAN DER ERVE PhD
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E-mail: erve@evolutionmanagement.net
CC:RFC-822=mailto:managers@microsoft.com?body=Mike%20...

MTC–00004186

From: Tony Castaldo
To: Microsoft ATR
Date: 12/12/01 9:24am
Subject: Microsoft Settlement

I have three comments:

1. It is completely inappropriate for Microsoft to only have to reveal API information to commercial entities. The software that overwhelmingly runs the the Internet is Apache and SendMail, and although Microsoft dominates the desktop, Linux is a major competitor of Microsoft as an operating system on Servers. All three of these are open-source and free software maintained by the community. They are not profit-oriented. Although there is a loose organization in charge of each, they are not formal businesses and could not be described as commercial. Yet they are potent forces providing great value to both business and society as a whole; they can be thought of as non-profit organizations staffed by volunteers for the joy of contributing. This Settlement screws them. Microsoft should not be allowed to pick and choose who gets the API information AT ALL, it should have to publish the APIs on its website for all to see and read; it should be included in the help system for its C++ and other languages, just like the MFC (Microsoft Foundation Class) help. Make them tell EVERYBODY.

2. It is completely inappropriate for MICROSOFT to make the determination of which entities ARE commercial businesses! They are the guilty offenders, for God's sake, why do they get to decide what's a ''real'' business and what isn't? By this agreement, Section III(J)(2)(c), they could decide anybody with less than ten billion in revenue isn't a real business. Being the offender most damaged by revealing anything, I don't believe Microsoft is capable of establishing ''reasonable, objective'' standards.

They don't even have to tell us WHAT these ''reasonable, objective'' standards of being a business ARE, they can just say ''It's uh, not you!''

3. Schools. Why should Microsoft be REWARDED by this Settlement? Schools is about the only place Apple competes evenly with Microsoft, and this gives Microsoft an edge! If Microsoft wants to do this, fine, but let them do it separately from the Settlement. Any money Microsoft shells out should go to the plaintiffs, pure and simple. Also, this lets Microsoft substitute software for money, and the software probably actually costs them five bucks a package, which counts as a hundred bucks. This whole school thing is crazy, it's some sort of red herring.

Finally I have read some about Steve Satchell and heard good things about his experience and intelligence; I think he would be a good candidate for the compliance team.

Anthony M. Castaldo
11819 Gallery View
San Antonio, TX 78249
(210) 690–5233

MTC–00004187

From: M. G. Fred Kick
To: Microsoft ATR
Date: 12/12/01 10:15am
Subject: Microsoft Settlement

This case should have been settled years ago, I feel it was a very costly procedure not only for Microsoft but also for the taxpayer. The courts should not stop progress and with the interaction of the DOJ development slowed and the cost goes up. Settle in the interest of the Consumer/Tax payer.

M.G. Fred Kick

MTC–00004188

From: Dwfarmers@aol.com@inetgw
To: Microsoft ATR
Date: 12/12/01 10:16am
Subject: Microsoft

This company hired some of the best, smartest, and innovative minds in the country. They stuck their necks out years ago to invent, promote, and market one of the best products ever seen. But the real key here is: THEY DID NOT DO THESE THINGS AT THE EXPENSE OF THE CONSUMER. Their products are affordable to all. They are largely what makes America and Americans great. They should be left alone.

Dave Watson
Uniontown, Ohio

MTC–00004189

From: Saalo Sparkes
To: Microsoft ATR
Date: 12/12/01 10:17am
Subject: MS Antitrust

Hi there,

I'll brief. The problem with Microwuss[soft] is that they know a good thing when they see it. And, because it'a better than anything they could think of they try to rubbish it. Take Win XP, for example, it looks nice and it's easy to use, but it need large computer resources (200Mhz Processor, 128MB Ram, etc) which most people don't have. OK, that's good for me 'cos it means I can sell those people upgades, but you don't want to buy a new OS only to find it won't

work. If I had my way I'd encourage my customers to use Linux systems mainly due to the fact it has Open Source—it's the best thing that happened to OS's.

What more can people want?

Yours Saalo Sparkes, 9th Dimension IT

MTC–00004190

From: carrie schwartz
To: Microsoft ATR
Date: 12/12/01 10:34am
Subject: Microsoft Settlement

PLEASE DO NOT ACCCEPT MICROSOFT's PROPOSAL.

1-They are guilty. Treat them as such. Have them pay resitiution to those that they have most injured.

2-If they are to donate to schools—PLEASE have Microsoft donate cash and not software to schools. Allowing them to donate '' software'' to schools only further's their monopoly under the guise of a penalty by introducing their software to schools in which their competitors have managed to somehow hold on to. Most schools know what they need most. Does Microsoft really know ?If Microsoft is really so '' pro schools'' have them donate money—otherwise the unecessary and unused software might end up as CD ornaments for holiday decorations.

3-Do not allow Microsoft to place anyone on the board. (why would you allow such a thing?? Why would they have any members on this board at all?? Why should they have any say in this at all? Sounds like they are proposing more of a business deal and not seeing this as a punishment. I see no remorse in that proposal.

4-Perhaps you could have every member of the Microsoft corporation do 1 year of physical community service work in schools or in non profits such as the United way or the Red cross, cleaning highways—teaching people how to read, helping feed the homeless at the holidays. Allowing Microsoft to send a few software CDs will not really impact them. Have Microsoft do something that will cause them to truly reflect on what they have done. They put people out of work not because they sold a better product, but because the excluded the competitors, right?

Is that really the true American way?

All the best,

carrie lee

MTC–00004191

From: Jason Anderssen
To: Microsoft ATR
Date: 12/11/01 7:14pm
Subject: Microsoft Settlement.

To whom it may concern,

I live in Australia, and really dont have a right to put my views forward, however, I would like to try at least put a few views forward and hope these are heard.

Firstly, I do not believe microsoft plays fairly with others at all and have seen and read to many incidents that have not been fair, but for some reason, they (Microsoft) can get away with it every time. All I want to see is Microsoft to play fair and compete fairly with other companies. Personally I, and many believe that Microsoft is above the law anyway, and if America does actually prove it self, would monitor and help other companies to be able to compete on a level playing field with microsoft. Lets put the above words into perspective a little. Since Microsoft does not allow developers or other companies to see the underlying code to the OS, how can anyone create a third Party product to compete with there ''Add—On'' products. Microsoft will alway have the upper hand and produce a product that works faster and more efficient than a third party can ever do. So lets take the motor industry into consideration as an example. If a third party brakes product could not perform as good or as reliable as the original manufacturers brakes, accidents would happen more often and would then be dangerous to use these third party products on your motor vehicle. This be unfair to both the third party company producing the products and the consumer as well.

Secondly, why is it in the past that when a company acheives (I have only heard this, but maybe you can correct me on this) 70% monopoly, the company is split up, but microsoft some how acheives a 90% monopoly and manages to still stay together and above all is dictating how they should be ''punished'' (If you even call the punishment a punishment). This is the reason that microsoft is declared in many places as Americas new Government. Ultimately, Microsoft is above the Law and America is defensless.

What I personally think should happen to them is as follows....

1. Open up the core operating system source code, this would allow companies to compete better with microsoft. (However, they can keep the source to there own ''Add—On'' products because this is what they actually are.)

2. If Microsoft uses standards from other companies or organisation's, they must be forced to obey by there specifications, none of the extend rubbish. What should happen is they should have to submit the change to the protocol to the board of who maintains the standards, and only add the extension's if the board approves of it. (Kerberos as an example).

The reason I am adding this is simply because Kerberos is NOT THERE PROTOCOL. So why should they add extensions to it and WITH HOLD the changes from the world. This is not fair at all!!!!! (I believe this has been rectified, but shows there true colors anyway!!!)

3. Any new product that is attached and uses the network through ''proprietery'' protocols should be opened up for others to investigate and interoperate with. Anyhow, I could keep going but I have said a few things to start what I feel and think. Just incase you just dismiss this letter becuase it is not American Originated, I should not waste my entire time writing a letter that will most likely end up in the trashcan anyway.

Yours Sincerely

Jason Anderssen

MTC–00004192

From: John Setzer
To: Microsoft ATR
Date: 12/12/01 10:55am
Subject: Dear Sirs,

Dear Sirs,

I have many thoughts on the Microsoft Anti Trust Trial. My first thought is that Microsoft has definitely used illegal methods to gain market share. Using this as a base, Microsoft has dominated the market. By allowing Microsoft to continue to dominate the market, we allow Microsoft to reap the benefits of prior illegal methods. The thoughts of allowing Microsoft to further increase their current and future dominance by teaching children (the future users) on their platform is ludicrous. If there is one place that Microsoft can be penalized is by a forced introduction of competitor platforms in school systems. Redhat, a linux based operating system, could be installed in schools across the country. If this were to happen, there would be a shift in future developments on alternative platforms, instead of Microsoft platforms. If we allow Microsoft to go unpunished for their illegal methods, then we have not made the competitors whole. A result of decreased competition is lower quality or less innovation in the marketplace. Microsofts monopoly on the operating system industry has created a slowdown in industry development and large barriers to entry for other innovators.

Please take this into consideration, and do not allow Microsoft to ''give'' the gift of Microsoft to our children. Microsoft is using the same methodology a low end drug dealer uses to infiltrate high schools.

John C. Setzer

MTC–00004193

From: Eric
To: Microsoft ATR
Date: 12/12/01 10:55am
Subject: opinion

I heard that you were collecting opinions, so here's mine. I think that the DOJ has really dropped the ball on this one. By making Microsoft donate PC's to schools you're just enforcing the monopoly. It was my understanding that the punishment should help break the monopoly. It really makes you guys look like something shady is going on behind the scenes.

My two cents.

Eric Johnson

|| E L E V E N ||

http://www.designeleven.com

MTC–00004194

From: Richard Reddy
To: Microsoft ATR
Date: 12/12/01 11:11am
Subject: Microsoft

Hello DOJ,

I can see how this matter has become something entirely political. No matter. I am all in favor of Open Source and the free software movement. My new PC is running GNU/Linux, a stable, powerful, robust OS that includes hundreds of free utilities and applications. Thousands more are available on the web. Open Source is the fastest growing software movement of all time, and already has 20 million users.

I am elated to find out that DOJ and Microsoft are both irrelevant, in light of larger movements of users who see a need for social change. If MS has a lock on the market, and charges high prices—and DOJ caves into political pressure from GOP, it doesn't matter at all. You are both irrelevant to me, and I

intend to keep it that way. DOJ failing to do anything noteworthy in antitrust is not the problem. I feel the problem is the model of ''intellectual property'' which drives the world of proprietary software. Proprietary software is an inferior product in the first place, and also rediculously expensive. Obviously there is too much corruption to police the markets with the interests of consumers (computer users) in mind. But, we are certainly smart enough, and energetic enough to send Microsoft packing! In twenty years, they will be a monopoly without users. It's difficult to dislike Gates, who really is a wonderful fellow—the most generous philantropist we have seen in decades. But, monopolistic influence greatly inhibits innovation, gouges consumers, buries competitiors and it's not where we want to go. I say we put the entire model of proprietary software on the slag heap, along with the ''market'' we hear so much about, that relies on throwing people in jail, should they exhibit normal user behaviors in violation of copyright. MS is so unpopular they will never be able to hang on to users, who now have attractive alternatives.

Can't say I think highly of DOJ! Rest assured your counterparts in Europe, as well as individual states—will not be succeptable to manipulation by the Bush Administration. This is the only explanation that seems to account for letting MS off the hook, but some states and nations are not inclined to politicise matters of unfair competition.

Richard Reddy
Boston

MTC–00004195

From: BILL EDWARDS
To: Microsoft ATR
Date: 12/12/01 11:31am
Subject: leave them alone

you cant get your own job done so be quiet
Sincerely
OAKDALE
MOM

MTC–00004196

From: jtklaas@mediaone.net@inetgw
To: microsoft.atr@usdoc.gov@inetgw
Date: 12/12/01 11:36am
Subject: Microsoft DOJ settlement

I am writing to make my voice heard about the DOJ's settlement of the Microsoft case.

Due to Microsoft's past behavour regarding licensing, I think that it is important to include a provision to allow people to not have to pay for Microsoft software by default. You should require that the Microsoft software be an independant removable option from the purchase of any computer, much like a monitor or a printer or other peripheral might be.

This would allow people who don't use Microsoft software to not pay for it. Related to this, if the computer manufacturer has it as an option, people should be allowed to have both the Microsoft OS option and an alternative OS option be both installed on the same machine. Microsoft's current licensing with most major computer manufacturers currently appears to disallow this, thus discouraging people from exploring alternatives to Microsoft's OS.

Since Microsoft has established an effective standard for common file formats for office communications through the widespread use of its Office software applications, it should be forced to publish those formats publicly so that anyone may produce software capable of reading and writing those types of documents. It should also provide those formats in a timely fashion so that competing office applications could work shortly after a new format is produced by the Microsoft software. These formats should be available to anyone willing to write software to read these files, not just for-profit companies.

Many people believe that Microsoft's Applications programmers get special information from the OS group about hidden or undocumented APIs (Application Programming Interfaces) in the OS. I think that the reality is less sinister than this. However, the Applications group will have access to internal Microsoft documents about APIs that may not get published publicly, whether this failure to publish those APIs is intentional or not. These APIs should be available to anyone who wishes to write software to use these APIs, not just for-profit companies. To improve competition and the quality of Microsoft software, Microsoft needs to publish all the APIs it has developed for is Operating Systems. This should also help change the perception that Microsoft changes its APIs gratuitously to force people to buy new versions of its software, rather than changing their APIs to improve the software. Additionally, interoperability has always been an important concept in distributed systems. Since Microsoft has been increasing its capabilities in the distributed systems via their new operating systems, Windows 2000 and Windows XP, it is important that their software's network APIs are well documented. For instance, in Windows 2000, they took a commonly defined Kerberos (an authentication API) implementation and changed it enough so that other operating systems were unable to use it. Then they failed to properly document the changes they made to the standard. This sort of behaviour on Microsoft's part should be stopped.

There is evidence they are planning on using a similar strategy to prevent people from choosing other network services than their own. Since they own the OS that the vast majority of people use to access the internet it is apparent they plan to force people to use only their services rather than allowing people to choose which services best meet their needs. With any other company, these tactics might be viewed as good competitive practice. However, given the power Microsoft has in the personal computing industry, these tactics are anti-competitive and must be addressed to prevent their further monopolization in these areas.

James Klaas
350 Skydale Dr.
Ann Arbor, MI 48105
jtklaas@mediaone.net
jklaas@cs.albany.edu
jklaas@umich.edu

MTC–00004197

From: Jerry Rappard
To: Microsoft ATR
Date: 12/12/01 11:51am
Subject: Easy

You are being much to easy on Microsoft. They continue their and expanded their monopoly activities with the XP operating system. What was your pay off from Bill, a few million. He will never miss it, hope you can live with yourself for being so easy on a person to the likes of Bill Gates. I bet you are sorry you didn't get a chance to get a payoff from ATT or IBM.

Shame on you!

MTC–00004198

From: John Parziale
To: Microsoft ATR
Date: 12/12/01 11:55am
Subject: Public Comment on the Proposed Microsoft Antitrust Settlement Agreement

Your Honor,

This proposed settlement does not address Microsoft's illegal practices as found in the earlier case and appeal. The proposed settlement agreement will not remedy either the past or future abusive business practices of the Defendant, or the Defendant's misuse of its monopoly position in the personal computer market.

The instant litigation arose from the Defendant's violation of an earlier consent agreement. While the proposed settlement agreement appears to be comprehensive and effective in remedying the defendant's past illegal behavior and instituting policies and procedures to prevent their recurrence, approval of this settlement agreement merely postpones to another day and another court the task of imposing a solution that protects the consumer from the Defendant's illegal practices and overwhelming market power. That market power will not be held in check by this proposed settlement agreement; instead, the proposed agreement as currently structured will assure the Defendant that ''business as usual'' is the norm, that Microsoft can continue to wield its dominant position in personal computer operating systems to suppress competition, pervert industry standards, and embrace and extend its market power to the detriment of the consumer and the independent software development community.

I strongly urge the court to reject the proposed settlement agreement negotiated between the US Department of Justice and the nine concurring states with Microsoft. I will leave a detailed analysis of the defects in the proposed settlement agreement for others—they are too numerous for this comment. Approval of this proposed settlement agreement would be ineffective, short-sighted and counterproductive. My thanks to the Court for an opportunity by a member of the public to comment on a important matter.

Sincerely,
John R. Parziale
6159 Parchment Court
Haymarket, VA 20169

MTC–00004199

From: Julian Opificius
To: Microsoft ATR
Date: 12/12/01 11:59am
Subject: who owns who

This whole situation is a travesty of justice. It seems like Microsoft has bought the legal system in this country. Break them up—force the separation of OS from applications, and penalize them for their monopolistic behavior.

Julian A. Opificius.
802 Fawn Road, Elk River, MN 55330.
Home: 763.441.1291, Cell: 763.360.5919
julianop@mninter.net ICQ: 3268206

MTC–00004200

From: Virgil Bube
To: Microsoft ATR
Date: 12/12/01 11:55am
Subject: MicroSoft Settlement

Not that I expect my opinion to make much difference, but the only settling I see in this ''agreement'' is the DOJ's lawyers caving in. There is nothing to benefit the consumer, in fact it smacks of being the same deal that was ''reached'' several years ago in which Microsoft was to keep the manufacturers of competing software products updated on changes being made to the operating system so their products would work,, and Microsoft (almost) immediately turns around and releases new versions of its non operating system software well in advance of the release of the next version of the OS. Which is at least partly why this suit was brought.

The agreement as it reads now leaves everyone else playing catch-up and not knowing what tricks Microsoft will pull to make sure that competing products don't play well with Windows, at least without the end user jumping through several hoops. This is what Microsoft wants, they rely on the consumer to NOT buy anything else when something that works, usually poorly in comparison, is already in front of them. Microsoft snubbed its nose at the web when it first came along, and the little it has to the game is far overshadowed by the way it is trying to control everything by ignoring existing standards, and not WORKING with others to make it a better place, but to control it.

I feel it is a waste of my tax dollars to have gone this far, only to give them the financial slap on the wrist that has been agreed to by the DOJ and some of the states. They have been found guilty and should be punished. The little man does not have the money to fight a financial monster like Microsoft, and must rely on the system to look out for his/her rights. Microsoft should, at the very least, be made to use existing standard, and, where there are no set standards, made to work with third party companies to set a standard so everyone that makes a word processor, spreadsheet, database, or whatever application/program is playing on a level field. Since Microsoft controls both the operating system and the software applications/programs it does have the inside scoop on what is needed to make them work within the new OS and force the competition to play catch up.

To take Microsoft's argument that things other than what is specifically named in the guilty verdicts that have been reached is a disservice to the populace that the original anti-trust laws were intended to address.

Virgil C. Bube
309–58–4244

MTC–00004201

From: Conlon, Patrick
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/12/01 12:14pm
Subject: Microsoft Settlement

To Whom it May Concern,

It concerns me greatly that the proposed settlement in the Microsoft anti-trust case might end up rewarding the plantif in the long-run. A give away of Microsoft software to needy schools (be it a nice gesture) does nothing to help the real people that Microsoft has crushed with their monopolistic policies through the years.

I also hope that the Tunney Act procedures are held to and that the DOJ doesn't end up with Microsoft people on the three-member committee stationed at Microsoft to make sure the deal is enforced. I suggest that Steve Satchell be seriously considerd for one of those 3 positions. He knows the commercial side of the software industry. He is a confident and fluent speaker, which might come in handy while attempting to keep Microsoft honest.

Patrick Conlon
Color/Images Production Manager
The Wall St. Journal
Temp#609–520–4929

MTC–00004202

From: kevin@shark.dls.net@inetgw
To: Microsoft ATR
Date: 12/12/01 12:16pm
Subject: Microsoft settlement

Dept. of Justice:

I am providing a brief opinion on the proposed Microsoft settlement. I am currently working as a computational researcher in a pharmaceutical company. I am 37 years of age and have a Ph.D. level education. Microsoft's proposed settlement is simply mind-boggling. It will serve as nothing more than a fantastic advertising opportunity for Microsoft, giving them a foothold into the education market from which they will later extract support and upgrade fees, which all the time offering the students only a single alternative to operating systems: WINDOWS. The technology behind Windows is stagnant and highly proprietary. Instead of progressing through improvements and working with other developers to adopt and maintain standards for sharing information, Microsoft stifles all efforts to do so. Their browser (Internet Explorer) embeds code from Microsoft Office (namely Excel and Powerpoint), and does not abide by WW3 standards. Their J++ perversion of the open-source Java language will read Java, but not write code that can be read as standard Java (again, locking you into Microsoft products). Sun offered a portable, shared, open-source product, and Microsoft corrupted it into a proprietary, non-standard, non-portable code.

To offer Microsoft the opportunity to essentially adverstise within schools with software and operating systems is unacceptable. Given the opportunity to CHOOSE among operating systems and evaluate alternatives, any intelligent, innovative student would easily see the limitations of Microsoft's proprietary old-time technology and adopt a more progressive, innovative, open-source platform such as RedHat Linux (or any Linux operating system) immediately. These systems provide superior selections of software INCLUDED with their distributions (not extra charge for every program, compiler, etc. as from Microsoft). They are free of charge. What better way to educate our children, with unlimited use of the RedHat Linux operating system across ALL their computers, with no upgrade charges ever. The software and operating system can be downloaded for free. The decision here is easy.

Please don't perpetuate Microsoft's monopolistic infection into our children's schools. Give them a choice, and they will choose the (1) superior, (2) standardized, (3) FREE operating system RedHat Linux (or any other Linux vendor).

Kevin Condroski, Ph.D.
Computational Research Scientist
303–386–1235

MTC–00004203

From: John Kumpf
To: Microsoft ATR
Date: 12/12/01 12:21pm
Subject: microsoft case comments

A settlement in the Microsoft case is a contradiction.

Why?

Microsoft's corporate philosophy and business plan is maintaining its monopoly in Windows and leveraging that monopoly to succeed in other markets. It would never agree to a settlement agreement that prevented it from ''including new features in their operating system,'' as they have said many times publicly. But such a settlement is exactly what's needed. The settlement must prevent future illegal monopolistic behavior.

Specifically, the Competitive Impact Statement (which I read at http://www.usdoj.gov/atr/cases/f9500/9549.htm) makes no mention of Microsoft's publicized attempts to leverage their monopoly in their .NET initiative and its centralized use of Microsoft's Passport service and MSN. These efforts are designed to further protect Microsoft's OS monopoly by preventing independent development of the market. Microsoft's efforts here are also intended to extend its monopoly to the internet. They are a widely recognized case of Microsoft's ''Embrace, Extend, Extinguish,'' technique. Jamie Love and Ralph Nader have a well thought-out web page on the issue which is fully support: http://www.essential.org/features/msfinalorder.html My comments are mine alone, and not representative of any other organization.

John Kumpf
Alternate email:
john@kumpf.org
jvkumpf@shr.intel.com
john.kumpf@intel.com
09.11.01
CC:jvkumpf@shr.intel.com@inetgw

MTC–00004204

From: Alessandro Abate
To: Microsoft ATR
Date: 12/12/01 12:26pm
Subject: Microsoft Settlement

Dear Sirs,

I am not a lawyer but usually when a person or company is found guilty, they don't get to make demands about their form of punishment. Why then is the Department of Justice bending over backwards to please Microsoft. Microsoft has shown its disdain for previous controls over its nefarious behaviour. Any punishment and/or settlement has to take into account that Microsoft will try to get around any limits that are put on its behaviour.

Microsofts' settlement proposal is nothing less than a shopping list of the things that would help it expand its monopoly into new areas and protect it form competitors. Its proposal to give away Microsoft software to schools would extend their monopoly into one of the few areas where it does not currently own the market. Furthermore the proposed settlement does not provide any protection for the biggest threat to Microsoft, the open source software movement. Any settlement should make sure that Microsoft does not use its monopoly powers to further extend its market illegaly and that the open source movement is protected as well.

The biggest competitor in the server market to Microsoft is Apache, an open source program given away for free by a non profit organization. There is nothing Microsoft would like more than to see programs like Apache dissapear. Aside from being more reliable these open source products are more secure and better designed. Businesses are begining to wake up to this fact. If Microsoft gets its way the open source movement will wither before businesses can take advantage of it. Without real competition there is no way to keep Microsoft honest and there is no incentive to innovate. What Microsoft usually calls innovation really means extending their illegal monopoly. If the government does not protect the few options available to consumers, we will not have these options in the future. Microsoft will make sure of that.

You must treat Microsoft like the illegal monopoly that it is. You cannot let Microsoft dictate the terms of the settlement. If you do, they will continue to extend their monopoly to the detriment of the entire computer industry.

Alessandro Abate
sandrino@mac.com
1291 Nightingale Avenue
Miami Springs Florida 33166
Telephone: (305) 887–3546

''I am convinced we have to use Windows—this is the one thing they don't have. . . We have to be competitive with features, but we need something more—Windows integration. If you agree that Windows is a huge asset, then it follows quickly that we are not investing sufficiently in finding ways to tie IE and Windows together.'' Using Microsoft's code name, Memphis, for the next version of Windows, Allchin concluded that, ''Memphis must be a simple upgrade, but most importantly it must be a killer on OEM shipments so that Netscape never gets a chance on these systems.''

Jim Allchin,
Microsoft Senior Vice President
Source: US Department of Justice, Antitrust Suit Against Microsoft
<http://www.usdoj.gov/atr/public/press_releases/1998/1764.htm>

MTC–00004205

From: George Mitchell
To: Microsoft ATR
Date: 12/12/01 12:38pm
Subject: Proposed Microsoft Settlement

Dear Sirs,

I would like to make the following comments about the proposed Microsoft settlement:

1) The fact that Microsoft is specifically exempted from having to cooperate with those THEY do not consider to be a business' effectively blunts competition from free software. And in fact Microsoft themselves have identified free software as their number one potential competitor. If this settlement is really about restoring competition to the software industry, why does it contain such a gaping hole? Their should be NO discretion allowed on Microsoft's part as to who they are required to share their technology with, that discretion if any should be assigned to the independent overseers.

2) This settlement does much to attempt to restore competition to the application software market, but does not even address the operating system software market. While it prevents Microsoft from using their OS monopoly to leverage their applications, it does nothing to prevent Microsoft from using their applications monopoly (MS Office) to leverage their OS. Microsoft has in fact previously threatened to pull their office suite product from the Mac OS in order to stifle just this kind of competition. Microsoft knows that they face little competition from the Mac OS and are loath to offer their office suite product for deployment on any OS that might prove to be an effective competitor. Microsoft should be required to license their office suite for porting to other OS's in order to restore competition to the OS market. Otherwise, they're complete dominance of the desktop market will be used by them to effectively leverage the OS market as a whole, and marginalize they're competition.

Sincerely,
George H. Mitchell
4497 Excelsior Rd
Eureka CA 95503–6180

MTC–00004206

From: Tempas Jeff
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/12/01 12:41pm
Subject: Microsoft Anti-trust Deal

You have once again allowed Microsoft to continue its predatory practices with the latest settlement. What prevents Microsoft from continuing to buy out their competition or force them out? I'll give you a recent example. Corel had a very nice alternative to the Windows/Office productivity solution with Linux and its WordPerfect suite. It was so good that many Linux users saw it as a legitimate competitor in the business environment. What did Microsoft do? They infused Corel with money and killed their Linux offering.

If you really want to keep Microsoft honest, they will have to be split into two companies. Selling both an operating system and applications allows them to leverage both to promote each other. You have companies buying Office because it only runs on Windows and people using Windows so they can be compatible with other Office users. One feeds on the other. Microsoft has become so large and wealthy that they can buy out anyone who competes with them either directly or through litigation. It's the DOJ's job to protect the consumer when this happens.

MTC–00004207

From: xian
To: Microsoft ATR
Date: 12/12/01 12:41pm
Subject: Microsoft Settlement

I would like my comments to be reflected in the Federal Register regarding the Microsoft settlement case. While the remedies addressing Microsoft's obligations to the corporate sector do much to redress the harm done by their business practices, the remedies *must* include protections for the not-for-profit and government sectors as well. Microsoft's chief competition in the desktop and network operating systems markets are in the not-for-profit. The not-for-profit sector also provides significant competition in the software market. The government also needs the same access to source code, API's, documentation, and communications protocols as the corporate sector, so that the government does not become obligated to turn to outsourcing as the only means of developing computing solutions for evolving governmental needs. As a matter of national security, especially, our government requires this access. As the remedies have been currently formulated, they fall far short of providing the protections that guarantee a truly level playing field in the global computing industry. Failure to amend these remedies to include the above referenced issues is tantamount to granting Microsoft a guaranteed position of dominance in the marketplace, putting all parties involved, from programmers, to consumers, to our elected officials, to our governing agencies, at a supreme disadvantage.

Frank Balsinger
Takoma Park, MD 20912
301–891–8555

MTC–00004208

From: John Yost
To: Microsoft ATR
Date: 12/12/01 12:56pm
Subject: MS Settlement

To Whom It May Concern

I would like to express my opinion to the fact that the proposed Microsoft settlement will destroy America's leadership in the computer software industry.

Their policies destroy any competition. Their next step .net will have every user paying a few cents every time we turn our computers on. Now is the time to reign in this monopolistic giant

Very Truly Yours
A computer user since 1967
John D. Yost
Senior Vice President
Rado Enterprises Inc.

MTC–00004209

From: Danan Jay Sudindranath
To: Microsoft ATR

Date: 12/12/01 12:58pm
Subject: comment on microsoft case

Microsoft's business practices and subsequent monopoly power have without a doubt stifled my choices as a consumer of computer hardware and software.

Some of the major problems I see that need to be rectified:

—Microsoft's business practices make it nearly impossible to purchase an x86 based personal computer with operating systems other than theirs.
—Microsoft's bundling of products along with their operating system leads to the elimination of 3rd party competing software, thus reducing my choice as a consumer.
—Microsoft's monopoly power results in hardware and software developers not developing equivalent software for operating systems other than Microsoft's.

Additionally:

—Microsoft has the power to leverage its monopoly to enter and dominate new markets.

I strongly urge the Justice Department and the Supreme Court to bring a firm and fair punishment upon Microsoft to penalize them for damage they have done to the consumer and the computer industry. I also urge the court to put strong limits on their business practices so that they are forced to compete on a level playing ground with other companies. This will lead to more innovation and progress in the industry.

Danan Sudindranath

MTC–00004210

From: Randy Ennis
To: Microsoft ATR
Date: 12/12/01 1:05pm
Subject: Inadequate remedy in Microsoft v. Dept. of Justice

As a citizen negatively affected by the actions of Microsoft in maintaining its monopoly, I would like to offer my views concerning the proposed remedy in this case. As the proposal currently stands, there is little, if any, actual penalty to Microsoft. In addition, Microsoft is currently engaging in sponsoring legislation which would, in effect, make it illegal and ''UnAmerican'' for me to continue using the open source operating system (Linux) which I currently use.

A more appropriate solution might be as follows:

1. Require Microsoft to publicly document its file formats, to allow complete interoperability with other software/operating systems. This could help sponsor more competition in the market place by allowing companies to develop software which would be able to read and create files compatible with Microsoft Office products. One of the most common complaints is from people who cannot (or do not know how) to read documents produced by competing manufacturers' products. Another on-going problem is that when Microsoft ''upgrades'' it's office products, documents produced in the upgraded version are unreadable by prior versions of the software, effectively requiring that companies and individuals spend millions of dollars ''upgrading'' software simply to be able to read documents from other users. No other software company has been as egregious in this as Microsoft. Most manufacturers will attempt to provide some form of backward compatibility, even in a new format, if at all possible. Not so, Microsoft. In addition, other manufacturers are unable to provide software which will read/write these formats, as they are completely closed to anyone outside Microsoft unless an expensive Non-Disclosure Agreement is completed, which many small companies cannot afford, effectively locking them out of real competition.

2. Require Microsoft to publicly document all networking protocols. The future for the world is in networking interoperability, and Microsoft has done much to proprietize public protocols, making it difficult, and sometimes impossible, to create software with full interoperability with Microsoft's protocols. If these protocols were publicly documented, it would benefit users the world over, by allowing software to be developed which would be able to interoperate correctly with all other software. It would also allow more secure products to be developed, security being an area in which Microsoft has an abysmal record. Security is probably one of the most important areas in which the open source community can contribute, as it is the most secure software available, as security updates are available usually within hours of discovery, and due to the open nature of the source code, companies and individuals are constantly testing and updating it to make it more secure.

3. Remove Microsoft's close alliances with hardware vendors. As it stands today, it is nearly impossible to purchase a new PC from any major vendor without some form of Windows operating system and software already installed. This should be an extra-cost option available from the manufacturer, allowing the vendor to offer any other available operating system of it's choice, or even a ''bare'' computer to which the user may add his own operating system/applications.

4. All API's (Application Programming Interfaces) must be publicly documented, including currently ''undocumented'' ones. Microsoft has always maintained a lead over other developers by being able to utilize publicly undocumented features of it's operating systems to enhance certain performance characteristics of its software. These should be opened to the public to allow manufacturers to create software which can take advantage of currently unknown features, allowing users to experience software which can enhance their experience in computing, rather than requiring manufacturers to devise ''work-arounds'' to enable features in their software. I would also advise close government oversight on Microsoft's new .Net initiative (including Passport). The wording of licensing agreements for these intitiatives indicates that Microsoft doesn't want to play fairly in any field upon which it decides to play, and could allow Microsoft to effectively steal ideas simply because they were created using these services.

I hope that you will consider adding these restrictions to any penalty brought to bear against Microsoft. It is only by cooperation and openness that we will be able to fully realize the promise of this new ''electronic age''. Indeed, it was those traits, along with the willingness to express new ideas and follow new dreams, which helped to create the greatest country on Earth. Don't allow Microsoft to trample upon these ideals.

Sincerely,
Randy Ennis
708 N. Westfield St.
Feeding Hills, MA 01030

MTC–00004211

From: dmj48@email.byu.edu@inetgw
To: Microsoft ATR
Date: 12/12/01 1:03pm
Subject: Microsoft ''settlement''

Microsoft's proposed settlement would only increase its market share, especially with the new plan to team with a company which emulates Macs. Schools have been the last real holdout for Macs for a long time, and Microsoft wants to insure that every computer runs Windows so they can put harsh upgrade and licensing fees on the rest of the world and help drive hardware sales up with inefficient, ''eye candy'' operating systems. In my opinion, the only acceptable end to this is an end to bundling Microsoft internet access with the operating system (MSN threatens to become another destructive monopoly), an end to Microsoft's behind the scenes dirty handling with computer manufacturers (making deals which threaten them financially if they allow customers to request other operating systems or even word processors), and large fees not only to the states but also to Corel, whose word processor has almost been wiped out by Microsoft's dirty dealing, and the Mozilla Organization, which is the successor to the practically dead Netscape browser group (giving the money to AOL instead of the independent Mozilla organization would only help AOL to become another monopoly).

Sincerely,
Daniel Jensen

MTC–00004212

From: Dennis J Bouvier
To: Microsoft ATR
Date: 12/12/01 1:38pm
Subject: Microsoft

The Microsoft corporation has done more damage to the future of computing than can be measured. The actions taken do not go far enough.

MTC–00004213

From: Purdum, John (123)10–6(126)Indianapolis(125)
To: 'Microsoft.atr(a)usdoj.gov'
Date: 12/12/01 1:57pm
Subject: Microsoft Settlement

I strongly believe that government intervention of Microsoft's business practices undermines the basis of free enterprise established within the United States. I'm a software engineer that writes applications for Windows environments as well as Unix, Linux, etc. Windows has created excellent products that appeals to users. Its not a question of guerilla marketing or forceful contracts. Its the fact that Microsoft has made a name for themselves and can demand

certain things. If other operating systems were as efficient then vendors would just simply use theirs. The point is, consumers have made the choice and that angered other CEO's with inferior product. I'm a firm supporter of open source and my favorite language to develop in is Java, but I don't like the fact that the government is stepping in realms they really shouldn't involve themselves in. Our country became successful because of competition. This competition makes other companies develop bigger and better products. This intervention will only hinder the process. Not to mention the fact that has anyone ever thought about the amount of money Microsoft has made other companies. By creating languages such as VB, C++ and making their OS and development IDEs extensible has lead to billions in third-party software sales annually. This is just another case of ''the giant is too big and I don't like it!'' The problem is the government doesn't realize that, if they want to make things fair, they would have to shut down Microsoft as a whole. Interfering like this will only make Microsoft bigger, stronger, and A LOT wealthier! Their products will become better and they will spread their reach over more industries. Even the government should think twice about pissing off a company like Microsoft. Maybe thats why this all came about!!!

Good Luck,

John Purdum

MTC–00004214

From:
Paul_Queen@notes.freedom.com@inetgw
To: Microsoft ATR
Date: 12/12/01 2:13pm
Subject: Settlement Proposal is no punishment

Unbelievable:

If ever there were an unchallenged monopolistic entity in the history of America it is Microsoft. Microsoft then used that monopoly to force lagitament Companies out of business or as close to it as possible, by either offering a Microsoft version of the product free (Internet Explorer web browser) or by packaging there own version of a popular software into the Windows operating system (Eliminating the need for the competing software).

The governments final decision on how to punish Microsoft for these crimes (The practices they used are illegal and hence crimes) is to have Microsoft give its software to schools around the country for free....thereby extending and enforcing there monopoly for generations to come??? Please tell me how this is punishment? Please tell me how this gives justice to the thousands of companies that were forced out of business and lost there livelihood?

By this standard of ''justice'' (And I use the term in its loosest since) a fitting punishment for a company that broke into Microsoft headquarters and stole all the source code for all there software and then redistributed it under there own company name to profit by billions would be to have that company give Microsoft some free software. Then everythings OK right? Yeah we forced you out of business and caused thousands to lose there jobs and took away your livelihood, but hey. . . . heres a free CD.

If this is to be what ''Justice'' is to be in this country, then Im going to move my family to Russia, or Afghanistan, or Iraq where their since of justice is far superior to that of the United States.

Paul Queen

Apparent Citizen of The United States Of Injustice

(714) 863–7118

MTC–00004215

From: Ross Baker
To: Microsoft ATR
Date: 12/12/01 2:40pm
Subject: Microsoft settlement comment

Hello,

As a person deeply involved with computer matters, I find the proposed settlement disturbing. I have no animosity towards Microsoft, per se. In fact, I made a rather significant amount of money off Microsoft stock from 1992–1999. I made this money because I came to realize at that time that Microsoft's control of the underlying operating system of all IBM PC-compatible computers gave them an insurmountable advantage over all application vendors that chose to use the IBM PC platform. This has not changed. In fact, the snowball is rolling downhill. Microsoft used its operating system dominance as a lever to dominate office productivity applications and suites. With that done, it uses proprietary file formats to ensure the maintenance of that situation. Now Microsoft is trying to use its dominance on the PC-platform to control network protocols and, ultimately, the Internet itself. It is likely to succeed if not restrained.

These systems should, for the public good, be based on published, public specifications.

I feel that it is imperative that any just settlement require Microsoft to make freely available complete and accurate specifications of all its application programming interfaces, file formats, and network protocols. There is no great intellectual magic to these things. They are only critically important because the sheer dominance of Microsoft gives them importance. Once this is required of Microsoft then it is my hope that we will see a more level playing field and that protocols will no longer needlessly proliferate. At this time much extra work is done simply because Microsoft's advantage increases if it generates new, proprietary methods for doing things that are already being done successfully with open standards. This is NOT in the public interest and only serves to help maintain and extend Microsoft's monopoly positions.

I hope you will give my thoughts at least their due consideration.

Thank you,

Ross Baker—Devices for the Future

In a time of universal deceit, telling the truth is a revolutionary act. George Orwell

MTC–00004216

From: Sonne, Byron
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/12/01 2:25pm
Subject: Renata Hesse, Department of Justice re: Microsoft case

Greetings,

As a computing professional with many years of experience in the field, I have great concerns regarding the Microsoft Antitrust case. The company has, I remind the judge, already been found in violation, and this is the penalty phase of the case, but the settlement contains no penalties and actually advances Microsoft's operating system monopoly. A just penalty, I continue, would at barest minimum include three additional features:

*Any remedy seeking to prevent an extension of Microsoft's monopoly must place Microsoft products as extra-cost options in the purchase of new computers, so that the user who does not wish to purchase them is not forced to do so. This means that for the price differential between a new computer with Microsoft software and one without, a computer seller must offer the software without the computer (which would prevent computer makers from saying that the difference in price is only a few dollars). Only then could competition come to exist in a meaningful way.

*The specifications of Microsoft's present and future document file formats must be made public, so that documents created in Microsoft applications may be read by programs from other makers, on Microsoft's or other operating systems. This is in addition to opening the Windows application program interface (API, the set of ''hooks'' that allow other parties to write applications for Windows operating systems), which is already part of the proposed settlement.

*Any Microsoft networking protocols must be published in full and approved by an independent network protocol body. This would prevent Microsoft from seizing de facto control of the Internet.

Respectfully yours,

Byron Sonne

MTC–00004217

From: Keith Frost
To: Microsoft ATR
Date: 12/12/01 2:29pm
Subject: Proposed Settlement

As someone knowledgeable about computing and the computing industry, I cannot see how the proposed settlement of the Microsoft antitrust case offers any remedy for the antitrust violations of which Microsoft has been found guilty. The proposed settlement not only contains no meaningful penalties; it actually advances Microsoft's operating system monopoly, and allows Microsoft to continue to extend it to the Internet.

Any just penalty would require at least the following three measures:

1. Microsoft operating systems must be sold only as added-cost extras with new computing systems, so that users who do not wish to buy Microsoft software are not forced to do so. This requires not only that computer sellers offer their computers without the Microsoft operating system, but that they also offer to sell the Microsoft operating system without a computer, for a price equal to the difference in price between the computer system without the Microsoft operating system, and the computer system

with it. Only in this way, can Microsoft truly be prevented from maintaining their monopoly position by unfair business tactics.

2. The specifications of all present and future Microsoft document file formats must be made public, so that documents created in Microsoft products can be read by software from other makers, on Microsoft or other operating systems. In addition, the Windows application programming interface (API) must be published in full, to allow all other makers to write software for it.

3. Any Microsoft networking protocols must be published in full and reviewed by an independent network protocol body. This is to prevent Microsoft from extending its operating system monopoly to seizing effective control over the Internet. Our rights as citizens, to a fair and competitive marketplace, are at stake. Microsoft has shown itself to be an aggressive, unprincipled monopolist, and needs to be reined in, if we truly want a vital, innovative computer software industry in this country.

Keith L. Frost
1912 8th Avenue West
Seattle, Washington 98119

MTC–00004218

From: rlboyd
To: Microsoft ATR
Date: 12/12/01 1:58pm
Subject: Microsoft Settlement

I think the settlement was a nice way to show the world that ''Department of Justice'' is a misnomer. Maybe you should change your name to the ''Department of Business Interests and Bribes''. The courts found Microsoft guilty of illegally using their monopoly power. Instead of having the punishment fit the crime you give them yet another slap on the wrists. Their is no way for the settlement to be enforced because if Microsoft doesn't abide by the settlement what is their punishment? Two more years oversight. Wow, Microsoft will really want to avoid something that strict. We both know the best way to restore competition in the software industry is to split up Microsoft. Where would we be if Standard Oil or AT&T was still intact? With $36 billion in the bank, Microsoft has the cash to continue to eliminate competition in the industry by buying up weaker competitors weakened by the current economic climate. You split up Microsoft and you divide the amount of cash they have. A three-way split would be very effective.

When you split the company, not only do you divide the cash they have but you also separate the tools used to maintain their monopoly. The first tool is the market share they have in the Operating System market. This monopoly powered their take over of the Internet Browser market through bundling. People would rather use the browser that came with the operating system than take the time to download a browser from a competitor (a feat that could take 30 minutes to 1 hour back in the days before wide adoption of broadband). The download time is very inconvenient. The only way to put competitors on equal footing is to either ship the Microsoft Operating System with Microsoft Internet Explorer and other browsers or ship the Microsoft Operating system with no browsers. This allows people to choose their browser based on the quality of the browser and not convenience. This would work for other software as well. Splitting the current company into three companies, one for operating systems, one for multimedia and internet applications, and one for office software would help ensure that Microsoft no longer has an unfair advantage through bundling of their own software with their Operating System. We can already see that they are using the bundling strategy in the new Windows XP Operating System. They have bundled their own browser, media player, software to encode music to Microsoft WMA format but not MP3 format. It seems that the DOJ bowing down to Microsoft hasn't slowed Microsoft down one bit.

You need to force Microsoft to open up ALL APIs, not just those that Microsoft doesn't deem to be a security threat, to allow other software to work as tightly with Microsoft Operating Systems as Microsoft software. You need to force Microsoft to release information to allow other software to read patented file formats such as .doc and .asf/.wmv and future formats. Also, any Microsoft networking protocols must be open to prevent them from taking control of the internet.

I can't even buy a name brand PC without a Microsoft Operating System on it. Don't believe me? Try buying one from Dell, HP, Gateway, IBM, Compaq. See what I mean. The Microsoft monopoly must not be extended if for no other reason that national security. The Center for Strategic and Internation Studies has already released that study that says the use of Microsoft software poses a security risk.

In closing, the settlement is another example that law in this country applies to some and not to others. So, I don't expect you to do anything that might be confused for JUSTICE in this case. You are, afterall, an impotent organization, headed by a right-wing fanatic, appointed by a illegitimate president.

MTC–00004219

From: Scott Greathouse
To: Microsoft ATR
Date: 12/12/01 2:43pm
Subject: Microsoft Settlement

Dear Sir or Ma'am:

I am extremely concerned about the nature of the proposed settlement in the Microsoft antitrust case. The settlement creates no real limitations on Microsoft's behavior and, in fact, may encourage the Microsoft monopoly by giving it ready access to young computer users. In the long term, this settlement will only prolong this matter.

The alternate remedy offered by those states opposed to the current settlement is excellent. However, I suspect, given Microsoft's consistent past record of disregard for legal authority, that this remedy would not be enough. The only way to truly restore competition in the operating system market, and those markets that it affects, is to require Microsoft to reveal the source code for the Windows operating system. For example, Microsoft could be required to include media containing the source code with every copy it sells. This would allow competing companies to write software that interacts with the Windows operating system and protocols. It would also allow programmers of other operating systems, like the Macintosh operating system or Linux, to make their operating systems compatible with Windows software like MS Office or Media Player.

Microsoft would have to un-bundle any product whose source code it wanted to keep secret. This would encourage them to un-bundle certain applications, such as Internet Explorer and Media Player, which have become the focus of concern for many people.

While Microsoft would complain loudly about this, such a remedy would not destroy any of Microsoft's intellectual property rights. It would still be illegal to copy or distribute MS Windows without paying for it. Software is distinctly different from other products in that the underlying functioning of a product can be completely obscured. With any other product, an analysis by a knowledgeable individual will reveal how the product works so that other products can be designed to work with it. However, if a device is patented, it is illegal to reproduce it without the permission of the patent owner. The same protection is given to software through copyright law. The real reason that Microsoft is opposed to releasing the full source code for its operating system products is that it knows that such a remedy would force it to compete once again. The operating system monopoly that Microsoft maintains has been very profitable, so it is understandable that the company would be strongly opposed to the measure. Again, the remedy would be that when Microsoft sells a copy of the Windows operating system, that the full source code of it and any applications bundled with it (e.g., Internet Explorer and Media Player) be included on separate media (like CD-ROMs). No other remedy would be necessary were this remedy implemented.

Thank you for your time,
Scott A. Greathouse
System Administrator
Behavioral Health Concepts, Inc.
Columbia, Missouri
http://bhcinfo.com/

MTC–00004220

From: Denise K. Robbins
To: Microsoft ATR
Date: 12/12/01 2:46pm
Subject: Microsoft Settlement

I would like to say that I believe what the government and competitors are trying to do to Microsoft is unfair and unjust. Why is it a crime to be extremely good and successful in business? This whole case is built off of jealousy that other companies could not succeed as well as Microsoft or did not think of something first.

Microsoft took the software industry to the next level when companies like Lotus, Novell, and WordPerfect became complacent. If the government is going to punish Microsoft for being innovative and capturing the market then why not look at the other companies, like Oracle and SUN, who are trying but have not succeeded at doing the

exact same thing. SUN has their own hardware and their own operating system that runs on their platform. Open source is not an option. Is the government going to force every software company to make their products open source? And think of the logical consequences to such actions. No further innovativeness, no real competition, and then think of the security issues. If Windows and/or other products are made open source can you just picture some person not having enough knowledge/skill and trying to modify code and then destroy peoples'/companies environments all because the product was open sourced.

Let me give you an analogy: Let's say that I own my own cookie business. I start it up using a family recipe that was passed down for generations. I start out small and because they are so good my business booms and I start expanding all over. Pretty soon when anyone thinks about cookies they think about my company and me. Now, some other cookie maker comes along and because they do not do as well in the business as me they start to complain and make a lot of noise. Then they get other cookie companies to do the same. Is it fair to say that the government would then ask me to share my recipe for my cookies as well as my success?

I don't agree that the 9 states that don't want to settle should be given that choice. They are only looking out for what is best for their individual state and not the public. It is in the best interest of the public to have this case resolved once and for all.

Thanks for taking the time to read.

Denise Robbins
Program Manager
drobbins@genuity.com

MTC–00004221

From: Matt Soccio
To: Microsoft ATR
Date: 12/12/01 2:45pm
Subject: Public Comment on Microsoft penatly

I am a Unix system administrator at Penn State University, and the political and economic ebb and flow of the computer industry has a deep effect on my job and how well I can do it. I am very concerned about the current Microsoft case and the impact that it will have on my ability to keep a heterogenous computer network running smoothly for years to come. Since 90% of my department uses Unix workstations, we currently have to jump through hoops in order to communicate with the countless number of people who use Microsoft products exclusively. Those professors who are amply funded, usually opt for a desk with two computers, one Unix, and one Microsoft. On the other hand, those people who are not amply funded, and cannot afford a high-powered Unix workstation, often choose a really fast Pentium class machine and use one of the free versions of Unix, with a great deal of sucess and satisfaction. When these Pentium-class machines break and are under warranty, I often have to push very hard on the manufacturer to support the hardware since there is no longer a Microsoft OS present. Lastly, I would like to point out that the recent security issues with Code Red, Nimda, Sircam, etc. have all been made possible because of loop holes in Microsoft code. I feel that one of the reasons that these incidents have had such a massive impact on the internet is because Microsoft guards its code so closely. If it is scrutinized by the computing community, it can be fixed before things reach such critical levels.

In conclusion, I feel that the current suggested penalties do not go far enough to break Microsoft's monopoly in the computer industry. I suggest the following:

—Break Microsoft's anti-competitive deals with PC manufacturers. Currently, the only real choice to a consumer when purchasing a PC, is which version of Microsoft's OS they want. I would like to be able to order a PC without an OS, or a freely available OS, and still get the hardware support that is offered by the big name PC manufacturers.
—Force Microsoft to make its binary formats available to the public. If this code was made available, files created on Microsoft-based machines would be able to be properly filtered so that they would be useable on other platforms.
—Force Microsoft to make the code for its networking protocols freely available. This will reduce the grief that is suffered by countless users who have to integrate combinations of Microsoft and non-Microsoft computers and servers on their networks.

Thank you for your time and consideration.

Matt Soccio Manager, Network and Information Systems

Penn State University Dept. of Astronomy and Astrophysics

445 Davey Lab 814–863–4465
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MTC–00004222

From: Glenn Maxey
To: Microsoft ATR
Date: 12/12/01 2:57pm
Subject: Microsoft Settlement
CC: RFC-822=pavlicek@ linuxprofessional solutions.com@in...
Mail : Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Whereas you can go after Microsoft for its business dealings in the past, the settlements do nothing to resolve the issues of the future.

''As far as consumers are concerned, our true grievances against Microsoft are:

—data incompatibility and proprietary formats.
—unresponsiveness in fixing long-standing software problems.
—circumventing and deliberately polluting open standards.
—opening the door to trampling our rights.

The punishment/resolutions to Microsoft should be:

—Forcing open both their APIs and their source code using a Software Public Libary.
—Forcing adherence to open published standards.
—Forcing support for the life of hardware.

The benefit to the consumer:

—hardware can be supported much longer.
—software does what you need it to do.
—custom software is affordably available.
—your data remains compatible.
—you can do it yourself if you're so inclined.

Forcing open both their APIs and their source code.

The concept of a Software Public Libary is that all published software (Microsoft or otherwise) should be required [by international law] to be available in the library: executables, DLL's, object, and [XML tagged and commented] source code. Most executables, DLL's, and objects cost money to download. The money is collected either through direct online purchases or maintenance agreements. The charge for executables depends on the level of testing and certification performed before being made available. The source code should cost little (or nothing) to download, because small royalties can be imposed on all for-profit derivative products. Although the person should have to register themselves and agree to some limitations, they are free to make improvements to the software and to write new software that more fully integrates into what already exists. Improvements to the software can be checked back into the library and made available to others. Anybody writing improvements to code can collect proportional royalties on their incremental improvement based on actual new/altered code and the level of testing/certification it passed. Because all published software works need to be in the library, any code that is re-used or borrowed from another product can have proportional royalties diverted off of the new product to compensate those initial efforts for a limited period of time (say, 7 years from its first publication date which was the spirit of the original copyright laws).

Various rules can be put in place that protect source code exposure for a short time limit (unless appropriate fees/royalties are paid) or that limit check-in of altered source code (unless the new implementation is truly unique and better). Existing software source control tools can easily test for uniqueness while benchmark performance and usability tests can also verify improvement. Microsoft makes money by being the software integrator, tester, and certifier. An external oversight committee helps manage and schedule which fixes coming from various sources need to be integrated so that it doesn't become a Microsoft-only shop.

Any code coming from others that hasn't been integrated, tested, or certified would still be available in the library, but at reduced prices. Independent Software Developers can make money off of royalties coming from their improvements to products. Consumers benefit by getting more rebust code that supports new and old hardware platforms and software releases. Because proportional royalties are paid for derivative products—no revenue lost—, there would be less incentive for proprietary solutions. If the solution works, is open, and nobody is being ripped off for their creative efforts, there would be less incentive to ''re-invent the wheel'' and more incentive ''to spend our time building on what already works.'' This is what the consumer wants.

Forcing adherence to open published standards. People are putting their lives into

the digital realm, from family histories to the digital family albums to e-mail correspondence and love letters... not to mention the family videos soon to appear on DVD. Is the digital electronic age taking our histories to hell in a hand basket? Microsoft has been the ultimate drug dealer. The bloat of their software has necessitated upgrading hardware. However, the true nicotine in the Microsoft/Intel addiction is data incompatibility and proprietary formats.

Microsoft is leading us very much astray. They constantly force us to upgrade. Like junkies needing a fix, if you don't upgrade, you are left out and can't even work. We're literally losing touch with our (personal) history, because corporations like Microsoft force us to upgrade beyond the technical ability to go back and review what was done before. Microsoft among others are doing all in their power to steal our personal information, our personal data, and our personal correspondence ***by locking them in proprietary data formats.*** (Windows XP adds yet another wrinkle to stealing personal information.)

My personal data and correspondence needs to more accessible (by me), not less. It is, afterall, **MY** address book, **MY** e-mails, and **MY** information. It is bad enough fighting 5.25'' floppies, 3.5'' floppies, CD-ROM's, and zip disks. But Microsoft deliberately encodes my information into formats that require Microsoft tools and upgraded hardware to do anything with. Microsoft has a history of polluting open standards (HTML, Java, XML, MP3...). It is one thing to propose improvements to the standard boards; it is another to forge ahead with a solution in parallel that creates confusion and incompatibilities in the market place.

Look at how little and/or poorly Microsoft supports HTML/XML. What happened to the push towards true OPEN STANDARDS that are independent of tools? I shouldn't have to have a Microsoft hammer and Microsoft wrench set in order to fix my data house. For no **good** reason, Microsoft implemented non-standard Java. They produce the absolute worst HTML code and are poised to non-standardized the already standard-approved XML. MP3 is the first format that can truly start to transcend the limitations of the hardware format. It can be at home on a website, on a computer, on a CD-ROM, on a walkman-type player, on a home stereo system, as an e-mail attachment... MP3 made it possible to get music that the big music industry would not produce or would not re-release because of low volumes and marginal revenues.

And now Microsoft Windows XP has its own media player format which limits where you can play your music and for how long. Microsoft obviously agreed to help enforce digital rights management (DRM) with their XP operating system. This helps out the very powerful music and movie lobbies.

Consumers benefit by having standards, because it frees them in the selection of a vendor. When we talk about civil liberties and freedom of speech, we should realize that propietary data formats attack those very tenants. We need a combination Declaration of Independence and Emacipation Proclaimation for the user-data. '' ... All user-defined data is considered equal and has certain unalienable rights, one of which is the freedom of religion (...err, operating systems and editors). Data conversion is a form of taxation without representation, particularly when information gets lost in the process or when you have to pay extra for the feature. All data belongs to the user and not to the tool or tool vendor that created the data.''

Forcing support for the life of hardware.

Software and hardware manufacturers should support the true lifetime of a machine. A computer isn't normally exposed to the elements and has few moving parts. It should theoretically last longer than a car. Microsoft doesn't make it easy to get over America's negative reputation as a throw-away society.

We should still be finding worthwhile uses for that old computer hardware. We should still be programming for those old processors. The tragic state of high-tech today is that you can barely even **give away** your old computer, because you can't get equipment or newer software. Having Public Software Libraries is a start to keeping old hardware viable in today's world. Opening the door to trampling our rights.

Look through the license agreement provided by Microsoft for Windows XP. Not quoted exactly and emphasis added, parts of their license agreement state: ''Microsoft may collect and use techical information gathered *in any manner* as part of the product support services... Microsoft and their affiliates may disclose this information to others, but not in a form that personally identifies you... Microsoft may use this information to improve their products or to provide customized services or technologies to you.'' By stating that Microsoft can gather information ''in any manner'', they give themselves permission to sort through my trash and bug my telephone line. With Remote Assistance, they can put things on my computer without me knowing it. Whenever I'm online, their ''in any manner'' programs will be running in the background and communicating with their hosts. Cookies are technical information. Just by viewing what files are present and processing the cookies on my machine, they can come up with a pretty good profile of who I am, where I've been online, what I've purchased, etc. They can pass this on to e-mail spammers and telemarketers— after filtering my name. Spammers and telemarketers don't need to know my name in order to provide ''customized services'' to me; they figure that I'll give them my name when I actually order. In any event, we all become easy targets for the advertising and marketing industry.

Who needs carnivore if you've got Windows XP? Why did the government back down against Microsoft?

Microsoft Windows XP now has the power to monitor and enforce what is on everybody's computer. This is more powerful than carnivore. In the near future, you can bet that one of the ''customized services'' that Microsoft will be providing you might be a couple of cops knocking on your door to take you away.., if a routine remote search on your computer turned up unregistered programs, bootleg MP3s, controversial material, questionable associations in your Outlook address book...

OPENING UP the source code is the only way to guard against having software trample our rights in background processes without our knowing it from ''leased'' and soon-to-be ''rented''

Microsoft software.

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MTC–00004223

From: Aker, Susan
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/12/01 3:06pm
Subject: The Proposed Remedy

Attn: Renata Hesse

The case against Microsoft proved them most definitely guilty of anti-trust violations, and, yet, by reading the proposed remedy, I see nothing that will effectively limit them from continuing the very same practices. Their monopoly in the area of personal computer operating systems, under the proposed remedy, will continue unchanged. There is no punishment here for wrongdoing and is, instead, only a light tap on the hand and a reminder that they will be watched. But the watchers, those not employed by Microsoft, will be unable to effectively rein in the company when they return to their illegal practices. This remedy shows itself to be no remedy at all, having so many loopholes that even a person untrained in legalese can see them. Please look to a different remedy, something that Microsoft will not easily agree to—after all, if they agree, especially so quickly, it must not be any kind of hardship upon their business practices. Perhaps a breakup of the company is not necessary, but whatever punishment is given for illegal activity, it should be in the form of a punishment and not a small inconvenience.

Thank you for your time,

Susan Aker
288 Gregory Dr.
Jasper, GA 30143
770–735–6069
770–393–5436

MTC–00004224

From: Jerry Kreps
To: Microsoft ATR
Date: 12/12/01 3:11pm
Subject: Microsoft Settlement

To whom, in the DOJ, it may concern, if anyone in the DOJ is even listening:

I read the following remark in a talk-back forum. I believe that 'Shiva' is correct in his assessment. More than likely it is because powerful politicians, businessmen, pension funds, and other lobbies have justified this 'settlement' on the basis that anything which hurts Microsoft hurts the economy. (More than likely they are just looking out for their own portfolios and retirement funds—the people be damned!) This presupposes, of course, that any damage that might occur if Microsoft were held to the penalties the law

allows would be greater than the harm Microsoft has already cost the economy in lost production due to crashes and reboots, inflated prices for their products and 'upgrades', lost assets due to theft because of Microsoft's abysmal security, or jobs that Microsoft has destroyed when they pirated other companies software and ''rolled'' it into their OS. I doubt that assumption and I am sure that if this 'settlement' is allowed to stand we will witness more blantant criminal behavior than has gone on in the past. In fact, three months before this settlement was annouced, last August, Microsoft must have gotten wind of it because it suddenly stopped acting reasonable and began demanding that PC vendors NOT install any other OS on the PCs they sell, nor include the ability to all the customer to install or dual boot any other OS—a clear violation of the Sherman-Clayton antitrust act. One of countless Microsoft behaviors that you, the DOJ, seem mindless of.

The 800 lb Gorilla can get away with such actions for two reasons:

1. They have a MUCH larger purse than many of their victims and can outlast them in court in most instances, if the victims can even afford to take Microsoft to court in the first place, and

2. the Department of Justice, the defender of the people against injustice and evil doers, has demonstrated a remarkable incompetence in snatching defeat out of the jaws of victory. What else can be said when the DOJ wins two verdicts and still lets the convicted criminal write a 'settlement' so outrageous as to give the criminal MORE power than they had before being convicted?

I feel as much anger toward the incompetent DOJ lawyers and our legal system as I do for Osama BIn Laden, Al Qui'ade and the Taliband. Regrettably, I feel the die as been cast, and the actors are merely looking for ways to float the 'settlement' in the best light possible, or drag it on till no one cares.

Our forfathers are rolling in their graves.

Jerry Kreps

521 West Garber Avenue

Lincoln, NE 68521

Shive wrote:

''This takes the cake!

Imagine a mafia boss is convicted for running a protection racket, extorting protection money from customers by criminal threats and putting all competing businesses out of business by leveraging his criminal protection racket. After the conviction the Judge sits with the convicted felon and discusses with the felon what his punishment should be (note this is not plea bargaining—this happens AFTER the conviction). The punishment agreed with the felon then comes out like this:

'The felon may continue the same criminal activities for which the felon has been convicted (ie: extracting protection money through criminal threats and acts and putting competitors out of business by running and leveraging his criminal protection racket) in relation to companies or persons that don't meet the felon's criteria as a business: '...

(c) meets reasonable, objective standards established by the felon for certifying the authenticity and viability of its business, ...'',

This is what you have you have got folks! I cannot believe that even the most ignorant lawyer would come up with something like this as a punishment. I am now absolutely convinced this is the most blatant corruption at the highest levels. Al Capone never had it this good!

Shiva ''

MTC–00004225

From: Leachman, Rob
To: Microsoft ATR
Date: 12/12/01 3:13pm
Subject: Microsoft Settlement

Your Honor,

Thank you for the opportunity to submit comments regarding the proposed Final Judgement regarding the Microsoft anti-trust case. I only have a few comments, and I will try to be brief. I do not believe the remedies outlined in the proposed settlement are fair.

ONE TIME

1. Too much value placed on Microsoft's donated software

I believe too much of the settlement is based on ''$X worth of Microsoft software''. They couldn't sell this software to schools and shouldn't be allowed to credit the price against the settlement as if cash traded hands. Let them credit $1/CD–ROM to cover printing costs, perhaps a 50% discounted price against the software on the CD, but not more.

2. Insufficient monetary penalties

No company is richer than Microsoft, and since this is due to enjoying and exploting an illegal monopoly, I feel stricter cash penalties are in order. Perhaps they cannot ''give it back'' but you could and should make them pay it out.

ONGOING

3. Insufficient technical disclosure

I believe there is far too much ''fine print'' about the specifications Microsoft will publish in the future. Please force them to publish complete source for every published software offering, perhaps after a 6 month period covered by the of ''intellectual capital'' copyright provisions today. This will force them to continually innovate, while allowing competitors a better chance of actually competing.

4. Insufficient funding for oversight committee

I think the oversight committee is a great idea, but wish there was more direct funding/staffing. I am sure Microsoft will take care of their appointee, but believe more should be done to guarantee the People's appointee, and the third appointee, have adequate staff to research the information behind the issues. As it stands now, it appears Microsoft could easily overwhelm the committee in data that would hamper adequate resolution of complaints.

Again I thank you for the opportunity to comment, and for your consideration to my suggestions.

Rob Leachman

rob@bitblaster.com

PO Box 931

Corvallis OR 97339

MTC–00004226

From: Greg Machala
To: Microsoft ATR
Date: 12/12/01 3:32pm
Subject: Settlement suggestions

To whom it may concern,

I am an IT Officer with NOAA. We use open source software a lot and feel the DOJ/Microsoft settlement has loopholes that Microsoft can use to eradicate its only real competition right now...the Open Source Software Movement.

FIRST:

There are certain file and document saving protocols Microsoft uses to save documents. These documents are deciphered into human readable text by Microsoft products. These document formats should be published and open so anyone can write an application to read them and display and manipulate them. By closing the document format Microsoft has a lock on the sole application that can read them. This is bad and perpetuates Microsoft's natural monopoly. By opening these document formats, competitors whether open source or commercial vendors, can all write software to read these document files. Some examples of Microsoft applications that create closed format document files are:

Microsoft Office, Microsoft Word and Power Point and there are others such as spread sheets etc. The main issue here is the software can remain closed and protected and can compete based on its usability, functionality and security aspects....but NOT on it file format...which should not be a legally patentable entity in a competitive environment.

ACTION: Force Microsoft and any future companies writing proprietary closed software to publish file and document formats, for current and future applications, to the extent that ANY software developer whether for profit or non-profit could write an application to view and modify that document and resave it in the same format.

BENEFITS: This prevents natural monopolies from forming in the first place. Forces microsoft to write better and more secure software because if the do not...since the doc formats are opened up, someone else will. Competition and choice is open up and playing field is level. Other software writers can have access to the file formats and can focus more on writing good software instead of trying to figure out how Microsoft document files are saved. This will naturally eliminate Microsoft's monopoly in the Office applications environment and will stop or significantly reduce what are surely national security risks in Microsoft Outlook email software by bringing real competition to this now proprietary (Microsoft) product.

SECOND:

We often buy computers and put ''non-Windows'' operating systems on them. This is a very technical office and expertise in UNIX and computing in general. Finding a supplier that sells an OEM computer with a ''non-Windows Operating System'' or ''no operating system'' as you could do in the early and mid 90's...is impossible today. Microsoft essentially demands OEM's to include Windows on every machine they ship out the door. This also perpetuates Microsoft's natural monopoly. We as an organization need a choice when we buy an OEM computer. I would like to see a scenario

much like the early and middle 90s' where you purchased the computer and Operating System separately. This eliminates all the back rubbing and hidden costs that go into today's OEM computers from Dell, Compaq and others.

ACTION: Make it illegal for an Operating System developer to bundle or require any OEM computer supplier to bundle their operating system with any OEM computer. Leave it only to retailers or consumers to install the operating system of choice. OEM's shall not be involved in operating system installation. This is a conflict of interest and a road block to competition in the market place. Much like you choose which cell phone you choose to use with your provider, or which TV you choose to watch your cable service with.

BENEFITS: Again brings competition back to the computer operating system market. The operating system will have to stand on its own merits based on consumer perceptions of reliability, usability for a specific purpose, security and costs. This also allows upstarts to get a foothold in the marketplace by dis-allowing Microsoft the ability to ''force'' OEMS to install Windows on all computers.

THIRD:

Networking protocols!!! This is a biggie. This is the future of not just the internet but e-commerce of the future. No company and I mean NO COMPANY should be able to patent or close any networking protocol to block out other competitive Operating Systems. Networking protocol should be approved by and independent body and be published so that any computer operating system can communicate with any other computer operating system at the most fundamental level. Right now microsoft has their own internal networking protocol that is closed. This is to prevent rival operating systems from communicating with the Windows operating system. This locks corporations, organizations and businesses into the Microsoft platform. There is a project called SAMBA which is a not for profit organization that has tirelessly and painfully tried to figure out how Microsoft's networking protocol works to that other computer operating systems like HP-Unix and Linux can communicate and exchange information with Windows and NT servers and desktops. The DOJ solution does not insure that Microsoft will publish these networking protocols and will essentially give Microsoft LEGAL means to kill the SAMBA project which our organization depends on to function. We also need Apache the free web server used by most of the Internet Service Providers. The lack of strong wording in the DOJ solution give Microsoft new LEGAL grounds to shut down apache servers and put into there place...Microsoft products. This certainly does not half the Microsoft monopoly but instead perpetuates it!

ACTIONS: Force Microsoft and any rival operating system they create to release networking protocol for review by an official body of experts and publish this protocol so any software developer whether commercial or not for profit can use this information to write networking software that is more secure and more functional that Microsoft's that will fully communicate with Microsoft products and services and allow them to work with rival operating systems.

BENEFITS: Opens up competition in the server and networking environment. Allows all software vendors access to the operating systems core communication network protocol so more secure and stable server and networking software can be written.

I hope these addition can be added to the DOJ solution to the Microsoft trial. I feel at the present rate of expansion of Microsoft products and the severe lack of competition is leading to national security nightmare. Microsoft is not being held accountable for huge security loop holes simply because there is no competition. This lack of competition allows Microsoft to slack off on refinement of essential networking and software issues that are so central to security. By incorporating these changes into the settlement. We can have real competition in the Operating System market place and will again see progress made in the computer market.

The days of closed formats is over. Protecting the software with patents is fine...writing and re-writing core networking, communication and file format protocol and patenting that to lock out competition is wrong and is against all the principles this country was founded on. Microsoft will continue to change its file formats and networking protocol and will force users to upgrade to lock out competitors unless these issues are addressed.

Please consider them.

Gregory Machala

Information Technology Officer, National Oceanic Atmospheric

Administration

404 Savannah Cove

Calera, AL 35050

Calera, AL 35040

MTC–00004227

From: jtatum@ns1.ccandg.com@inetgw
To: Microsoft ATR
Date: 12/12/01 3:40pm
Subject: Microsoft Settlement

Renata B. Hesse,

I feel compelled to tell you that as a consumer I feel disenfranchised by the results of the antitrust case against Microsoft. While I use many of their products, I do not wish them to continue having the godlike powers which they currently have in the marketplace as it would continue to put big holes in my pocket. Currently, there are several trends which keep and will keep Microsoft on top.

The first of these is that Microsoft collects more ''tax'' on every computer sold than any givernment in the world. This is because you have to pay for Microsoft software whether you want it or not. Microsoft's argument is that the refund for said software should come from the OEM, while the OEM claims the refund should come from Microsoft. Frankly, I am content with Windows 95 and will continue to use it for as long as it remains a viable product. The biggest reason for this? I can do every function that is currently available on the newer operating systems with much better performance. Why? smaller faster Kernel is why. Microsoft's decision to integrate Internet Explorer and Media Player into their OS have stolen system performance, so I have no interest in upgrading to the latest greatest Microsoft OS, yet the MS deal with OEMs basically forces me to pay an MS tax if I want new hardware. This is major gripe number 1. I want to be able to buy a computer from a major manufacturer (Compaq, Dell, HP, IBM,) without having to buy a new OS.

Major gripe number two. MS has announced that it will no longer support Windows 95 or Windows NT. If they are no longer going to support it, they should have to release the source code so we can support it ourselves. I think this should be the case for all products that MS chooses not to support. They should have to make a choice, continue support in perpetuity or release the source code. They should also have to release the source code on any product on which the patent has run out. I myslef can not write code for beans, but there are many people out there who can and do. This would allow the users to provide their own support. This is especially important with regards to security fixes and drivers.

Major gripe number three. Prior to going into the antitrust hearings, MS had to provide information regarding APIs to anyone who wished to write code. Period. If I wanted to write software that would work on the MS OS, all I had to do was purchase the development kit and I would get all the APIs necessary to code functioning software. I am concerned that this will no longer be the case with the new agreement. It could put an end to shareware and freeware. Specifically I refer to Section III(J)(2) which states that Microsoft need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business. Let me give you two expamples. One: I am a small PNP who needs to write a custom software package to manage the tasks which I perform for the community. Because what I do involves the personal information of people in general and US Citizens in particular, I want that information to be secure. Under the old arrangement MS would have had to provide this information to me, under the new deal MS no longer has to provide me this information. Two: I am a programmer who gets an idea. I want to develop this idea on my own or with the help of a few friends. This idea involves me providing content through MS new .NET channel. I am not a business, so MS does not have to provide me with any documentation, etc. Suddenly my idea, which might have earned me a small fortune and significantly inreased my tax obligation to the US Government, is completely unworkable because MS determines that I am not a business and therefore chooses not to provide me with the information I need in order to have THE FREEDOM TO CREATE:. Those words, the freedom to create, combined with the freedom to innovate, are the words that MS used to beat the US DoJ over the head with again and again. It should be noted that, when they say that, MS really means the freedom for MS to create or the freedom for

MS to innovate, especially if it will put a competitor out of business. This is the MS version of freedom. For these reasons, I think it should be law that ALL APIs, Documentation and Communication Protocols related to any product have to be available to EVERY US Citizen who requests it. PERIOD. This should also apply to everyone, not just Microsoft. Anything else gives MS an unfair advantage in the marketplace, all of hich means that I will have to pay more and more for MS products as they gain marketshare in an area. If we do not force MS to keep this information freely available, then MS will do the same thing that they did with Office and Internet Explorer and Media Player and . . . the list goes on and on. They will develop proprietary protocols, in what they claim is ''the interest of performance,'' which will not interact well with anything except their propritary protocol. They will use this to become so powerful that they will be able to defy the US Government with impunity. Excuse me, I forget, they have already done that and won when they released Windows 98.

As regards Section III(D), I would like to see the addition of Government Agencies (that's right, the current language does not FORCE MS to release this information to the government, do you think they will do it voluntarily?) and finally I think there should be a clause added which states ''. . . and any other party or parties who wish to create software or hardware that will interact with or use a Microsoft Product.'' By adding this phrase to the language, the only requirement I have for getting information from MS about how to interact with their products is that I wish to create. Note that I am not advocating that MS give me the source code for their product, but rather access to their APIs, the documentation for the APIs, and any and all communication protocol information required to use their authentication for what I want to create.

One final comment. This has to do with recommending a change to copyright/patent laws. The truth is that software code is obsolete in 5 years. Windows 95 gave way to Windows 98 in only 3 years. Windows NT version 4 gave way to Windows 2000 in 4 years. Windows 2000 gave way to Windows XP and Windows .NET Server in less than 2 years. For this reason I propose that copyrights for software be limited to five (5) years. Companies have already gotten all of their R&D money and a good bit of profit out of it by then anyway. I further recommend making this change retroactive to all source code ever written. Remember, the idea behind copyrights and patents was to allow companies exlusive rights to their products or licensing fees for their products so that they could recoup their investment. This typically happens with software in one to five years, hence the recommendation for a five year copyright/patent on software.

Thank you for your very kind attention,

John Tatum

jtatum@email.com

MTC–00004228

From: Greg Machala
To: Microsoft ATR
Date: 12/12/01 3:50pm
Subject: Settlement issues

See attached file

To whom it may concern,

I am an IT Officer with NOAA. We use open source software a lot and feel the DO J/Microsoft settlement has loopholes that Microsoft can use to eradicate its only real competition right now . . . the Open Source Software Movement.

FIRST:

There are certain file and document saving protocols Microsoft uses to save documents. These documents are deciphered into human readable text by Microsoft products. These document formats should be published and open so anyone can write an application to read them and display and manipulate them. By closing the document format Microsoft has a lock on the sole application that can read them. This is bad and perpetuates Microsoft's natural monopoly. By opening these document formats, competitors whether open source or commercial vendors, can all write software to read these document files. Some examples of Microsoft applications that create closed format document files are: Microsoft Office, Microsoft Word and Power Point and there are others such as spread sheets etc. The main issue here is the software can remain closed and protected and can compete based on its usability, functionality and security aspects . . . but NOT on its file format . . . which should not be a legally patentable entity in a competitive environment.

ACTION: Force Microsoft and any future companies writing proprietary closed software to publish file and document formats, for current and future applications, to the extent that ANY software developer whether for profit or non-profit could write an application to view and modify that document and resave it in the same format.

BENEFITS: This prevents natural monopolies from forming in the first place. Forces microsoft to write better and more secure software; because, if the does not (since the doc formats are opened up) someone else will. Competition and choice is open up and playing field is level. Other software writers can have access to the file formats and can focus more on writing good software instead of trying to figure out how Microsoft document files are saved. This will naturally eliminate Microsoft's monopoly in the Office applications environment and will stop or significantly reduce what are surely national security risks in Microsoft Outlook email software by bringing real competition to this now proprietary (Microsoft) product.

SECOND:

We often buy computers and put ''non-Windows'' operating systems on them. This is a very technical office and expertise in UNIX and computing in general. Finding a supplier that sells an OEM computer with a ''non-Windows Operating System'' or ''no operating system'' as you could do in the early and mid 90's . . . is impossible today. Microsoft essentially demands OEM's to include Windows on every machine they ship out the door. This also perpetuates Microsoft's natural monopoly. We as an organization need a choice when we buy an OEM computer. I would like to see a scenario much like the early and middle 90s' where you purchased the computer and Operating System separately. This eliminates all the back rubbing and hidden costs that go into today's OEM computers from Dell, Compaq and others.

ACTION: Make it illegal for an Operating System developer to bundle or require any OEM computer supplier to bundle their operating system with any OEM computer. Leave it only to retailers or consumers to install the operating system of choice. OEM's shall not be involved in operating system installation. This is a conflict of interest and a road block to competition in the market place. Much like you choose which cell phone you choose to use with your provider, or which TV you choose to watch your cable service with.

BENEFITS: Again brings competition back to the computer operating system market, The operating system will have to stand on its own merits based on consumer perceptions of reliability, usability for a specific purpose, security and costs. This also allows upstarts to get a foothold in the marketplace by dis-allowing Microsoft the ability to ''force'' OEMS to install Windows on all computers.

THIRD:

Networking protocols!!! This is a biggie. This is the future of not just the internet but e-commerce of the future. No company and I mean NO COMPANY should be able to patent or close any networking protocol to block out other competitive Operating Systems. Networking protocol should be approved by and independent body and be published so that any computer operating system can communicate with any other computer operating system at the most fundamental level. Right now microsoft has their own internal networking protocol that is closed. This is to prevent rival operating systems from communicating with the Windows operating system. This locks corporations, organizations and businesses into the Microsoft platform. There is a project called SAMBA which is a not for profit organization that has tirelessly and painfully tried to figure out how Microsoft's networking protocol works so that other computer operating systems like HP-Unix and Linux can communicate and exchange information with Windows and NT servers and desktops. The DOJ solution does not insure that Microsoft will publish these networking protocols and will essentially give Microsoft LEGAL means to kill the SAMBA project which our organization depends on to function. We also need Apache the free web server used by most of the Internet Service Providers. The lack of strong wording in the DOJ solution give Microsoft new LEGAL grounds to shut down apache servers and put into there place . . . Microsoft products. This certainly does not halt the Microsoft monopoly but instead perpetuates it!

ACTIONS: Force Microsoft and any rival operating system they create to release networking protocol for review by an official body of experts and publish this protocol so any software developer whether commercial or not for profit can use this information to write networking software that is more secure

and more functional that Microsoft's that will fully communicate with Microsoft products and services and allow them to work with rival operating systems.

BENEFIT. S: Opens up competition in the server and networking environment. Allows all software vendors access to the operating systems core communication network protocol so more secure and stable server and networking software can be written. I hope these additions can be added to the DOJ solution to the Microsoft trial. I feel at the present rate of expansion of Microsoft products and, the severe lack of competition, is leading to national security nightmare. Microsoft is not being held accountable for huge security loop holes simply because there is no competition. This lack of competition allows Microsoft to slack off on refinement of essential networking and software issues that are so central to security. By incorporating these changes into the settlement, we can have real competition in the Operating System market place and will again see progress made in the computer market. The days of closed formats is over. Protecting the software with patents is fine . . . writing and re-writing core networking, communication and file format protocol and patenting that to lock out competition is wrong and is against all the principles this country was founded on. Microsoft will continue to change its file formats and networking protocol and will force users to upgrade to lock out competitors unless these issues are addressed. Please consider them.

Gregory Machala
Information Technology Officer,
National Oceanic Atmospheric Administration
404 Savannah Cove
Calera, AL 35050

MTC–00004229

From: Barry Craigen
To: Microsoft ATR
Date: 12/12/01 3:52pm
Subject: Attn: Renata Hesse

In regards to Microsoft vs. USDOJ,

First, let me say that I am not an American, but rather a foreign (Canadian) consumer and computer enthusiast. I have, however, been following the case, and believe that the outcome will have ramifications which transcend international borders.

As so many others have no doubt pointed out, the decision of the court to this point has been that Microsoft has a monopoly position in the desktop operating system market, and further that they have used and continue to use illegal business practices to maintain and extend that position in the PC market.

Given the decision of the courts, the questions which need to be asked regarding fairness of the proposed settlement are as follows:

1. Does the proposed settlement adequately impose punitive damages on the guilty party?

2. Does the proposed settlement restrict the business practices of the guilty party in such a manner as to restore integrity to the marketplace?

3. Does the proposed settlement sufficiently restore a level playing field to the software market by removing control of the API's, file formats and interfaces from Microsoft? After reading the proposed settlement, I am not convinced that it fulfills ANY of the objectives which a reasonable settlement would fulfill.

PUNITIVE DAMAGES:

There is nothing in the way of punitive damages to either Microsoft Corp. or the executives who knowingly and willfully broke the law. I must ask, then, if this settlement goes through in its present form, what ever happened to the basic principle of law that criminals should not be allowed to profit from their crimes?

Microsoft and their employees should be forced to divest themselves of all shares currently held in other high tech. companies, and forbidden to collectively own more than 5% of any one company. All executives who have worked at Microsoft over the years in which the crimes were committed should be fined 25% of their net worth to be paid out in full within 12 months (and yes, jail terms for those who do not comply). And Microsoft Corp. should pay a one time fine of at least 10% of their revenues over the years in which their crimes were committed.

The proceeds from these fines should be spent on computer equipment for schools in less fortunate areas of the world (including the poorer districts in the US) with the proviso that the computers may not ever use Microsoft software.

INTEGRITY TO THE MARKET/LEVEL PLAYING FIELD:

The proposed settlement does not, in my opinion, sufficiently accomplish this for a number of reasons.

First, we must ask who the most viable competitors to Microsoft are. The Open Source community of developers are pretty much the only serious competition Microsoft has at this point. All other ''competition'' seems to limit themselves by not developing for the PC platform. There are a few notable exceptions. Corel owns a very small part of the Office Suite market, but since Microsoft purchased a 50% stake in the company, they stopped development for alternative platforms, and pulled their Operating System from the market. In the browser market, there are basically two major competitors on the Windows platform—Netscape (owned by AOL who still has their clientele using Internet Explorer over their own in house product), and Opera (a promissing little company who are finding it very difficult to keep going in the face of reduced opportunity afforded by a market dominated by Microsoft).

Next, we must ask what the primary means of software distribution is. In one word, ''Preload''. Consumers won't actively go out and look for alternative software to that which comes preloaded on their computers at the time of purchase—at least not in numbers sufficient to sustain competition. Thus whoever controls the preload, controls the market. Here again, I find the proposed settlement lacking. As a consumer, what I find repugnant about the current market is that I don't have a reasonable opportunity to say NO to Microsoft product at the time of purchase. My preference is for the Linux Operating System and the wide variety of software available for it. However, if I try to purchase a computer in any store (Even in major centres), I must pay for a Windows license (even if I have no intention of keeping Windows on my computer). There is no mechanism in place to be reimbursed for that purchase. This is the result of exclusive contracting, and provides a mechanism for Microsoft to impose other unwanted product on the unwary consumer. A mechanism for compensation to consumers should be imposed, and since this was determined by the courts to be a Monopolitic practice, the provisions of the Sherman Act for triple damages should be put into play here—furthermore, the retail price charged for Windows should be the basis for compensatory action. Even if I have the opportunity to say NO at the time of purchase, Microsoft can still make life difficult for me, and others like me. One of their favorite tricks has been to use their file formats, API's and Communications/Networking protocols to make themselves incompatible with everyone else on the market. The proposed settlement takes a cynical stab at solving this one, but will effectively have no impact on the market because it leaves Microsoft in charge of the whole process (including determining who may have access to the necessary information to built alternatives, under what conditions, and at what price). A much simpler solution would be to require them to publish all API's, file formats and communications/Networking protocols under the Public Domain license. Furthermore, if they are found by a panel of industry experts to be violating the intent of this section, a severe penalty should be applied with no further appeal process (Including fines for all the executive, as well as the developers who assisted them).

SUMMING UP:

It is my opinion that the proposed agreement between Microsoft and the DOJ will have little or no impact on the current state of affairs. Furthermore, it is woefully inadequate in imposing punitive damages for past actions or future violations. For these reasons it should be rejected. A solution so lacking makes a farce of the criminal justice system.

MTC–00004230

From: James Spack
To: Microsoft ATR
Date: 12/12/01 3:56pm
Subject: Microsoft Settlement

I feel that the complaints of Steve Jobs of Apple, are just that sour apples. He is afraid that Microsoft will take some of his business away from him, but his company has done the same thing to get the monopoly it has in education now. Apple is well known for giving free and heavily discounted computers and software to schools to get an inroad into the schools. Then once the kids start using the software and computers they can expect that parents will buy similar units for home use as the kids are already familiar with the programs and equipment.

MTC–00004231

From: Dale W. Way
To: Microsoft ATR
Date: 12/12/01 4:11pm
Subject: Microsoft Settlement

Gentle people,

I would like to add my voice to the chorus of people objecting to the settlement with Microsoft. It will not blunt this particularly ruthless and amoral company's continued quashing of competition. Their recent and transparently self-serving attempt to bribe their way into domination of the education market by ''giving'' away their products to school as recompense for their guilty monopolists behavior should reveal this to even the most technologically and business-illiterate in the legal community.

I am particularly concerned with the loophole that requires them to play nice only with other business entities, not not-for-profit entities. Everybody knows the non-profit institutions of the Open Software movement are prime competition to Microsoft's extending their domination beyond the desktop, yet this is precisely the area of competition Microsoft is free to trample, according to the settlement. This settlement does not due justice to Microsoft's criminal behavior nor effectively prevent them from continuing it.

Thank you.

Dale W.

Way Oakland, CA

USA

MTC–00004233

From: Jon Pugh
To: Microsoft ATR
Date: 12/12/01 4:37pm
Subject: Microsoft Settlement

Honorable Court:

I have been watching Microsoft for years. I had the opportunity to join Microsoft when I graduated college in 1983 but did not pursue it because I considered them to be the bottom feeders of the software industry even then. Their primary concern at the time was capturing the business software market. Instead, I joined the Lawrence Livermore National Laboratory doing high energy physics computer support and then moved to Apple Computer in 1992, where they were doing user centric computing instead of business oriented computing. I am currently working for Adobe Systems, making cross platform publishing software, so that the freedom of words can continue to ring across America. I have been critical of Microsoft's practices all through this time period. I have watched them destroy company after company. Where are Borland, Ashton-Tate and Lotus these days? Crushed. Even IBM has felt their sting. Apple was nearly crushed and seems to be propped up as a foil from complete monopoly status these days. Netscape has even disappeared in the time this trial has taken. My email signature for a long time was ''What are you doing to stop the Microsoft juggernaut?'' and I have written web pages which describe my opinion of how and why Microsoft is so dominant in this industry and so concerned with squishing every opponent they encounter:

http://www.seanet.com/jonpugh/microsquish.html

Watching this anti-trust trial has been difficult. I had such high hopes and was so pleased with the way David Boies roasted Microsoft's defenders, showing them to be biased and incorrect, if not out and out lying. Judge Jackson's exasperation with Microsoft showed me that he was understanding how these people worked, with weasel words and shifting definitions.

Then the world changed with the administration change and the Justice Department caved in completely to Microsoft, as many people expected. Now the various settlements appear to hand Microsoft everything they desire, and my hope that America is fair has begun to wane. I had hope when the Supreme Court upheld Microsoft's determination as a monopoly, but these settlements (both the anti-trust and class action suits) indicate that someone either doesn't understand the situation or is actively working for Microsoft. Please put some teeth into this settlement or reject it completely. Do not hand the industry over to Microsoft. It will be the instigation of a new Dark Age, when everyone must use Microsoft software or write everything themselves.

And we will write everything ourselves rather than tie ourselves to the horror than is Microsoft.

Jon Pugh
Senior Computer Scientist
18306 Andover
Edmonds, WA 98026
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jonpugh@frostbitefalls.com

MTC–00004234

From: E. Jonathan Hardy Hardy
To: microsoft.atr(a)usdoj.gov
Date: 12/12/01 1:40pm
Subject: TechWeek TV agrees with Redhat proposal

Just wanted to voice the opinion of many of our viewers here in the Capitol city of Hartford, CT. The Proposal for software seems much better. It would allow students at an earlier age to get used to using another operating system shared by many companies—not just one. As an activist in my community regarding technology issues, we feel that it is extremely important to get the actual machines in the hands of the students. Software can be donated a lot easier than the machines themselves. This proposal that would allow Microsoft to charge for the software is an extreme disgrace to our judicial system. They end up with a whole lot more paying customers when they would like to renew their software in five years, and in the long run, that would pay off big-time for them. The whole point here is a punishment/settlemant—not guaranteeing future sales of their operating system at the expense of our childrens education.

E. Jonathan Hardy

TechWeek TV!—Co-Producer and Tech Journalist

MTC–00004235

From: Ian Ballantyne
To: Microsoft ATR
Date: 12/12/01 4:38pm
Subject: Microsoft Settlement

Dear Sir,

I am writing to comment on, and object to, the currently proposed settlement with Microsoft in the antitrust case.

The remedies in the Proposed Final Judgement specifically protect companies in commerce—organizations in business for profit. On the surface, that makes sense because Microsoft was found guilty of monopolistic activities against ''competing'' commercial software vendors like Netscape, and other commercial vendors—computer vendors like Compaq, for example. The Department of Justice is used to working in this kind of economic world, and has done a fair job of crafting a remedy that will rein in Microsoft without causing undue harm to the rest of the commercial portion of the industry. But Microsoft's greatest single threat on the operating system front comes from Linux—a non-commercial—and it faces a growing threat on the applications front from Open Source and freeware applications. The biggest competitor to Microsoft Internet Information Server is Apache, which comes from the Apache Foundation, a not-for-profit foundation. Apache runs an outright majority of web servers in the internet. Sendmail, and Perl, both of which also come from non-profits, are also critical backbones on the internet. Yet not-for-profit organizations have no rights at all under the proposed settlement.

Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that Microsoft need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''. . . (c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, . . .'' Such language, and therefore the settlement, gives Microsoft the right to effectively kill products such as Apache, Sendmail, Perl, and every other not-for-profit software product that must in some way communicate or work with Microsoft products.

Section III(D) takes this disturbing trend even further. It deals with disclosure of information regarding the APIs for incorporating non-Microsoft ''middleware.'' In this section, Microsoft discloses to Independent Software Vendors (ISVs), Independent Hardware Vendors (IHVs), Internet Access Providers (IAPs), Internet Content Providers (ICPs), and Original Equipment Manufacturers (OEMs) the information needed to inter-operate with Windows at this level. Yet, when we look in the footnotes at the legal definitions for these outfits, we find the definitions specify commercial concerns only. It therefore excludes those not-for-profit foundations and the developers associated with them from obtaining critical information to make the products of those foundations compatible and able to function with Microsoft products. Under this deal, the government is shut out, too. NASA, the national laboratories, the military, the National Institute of Standards and Technology, even the Department of Justice itself, have no rights.

If this language gets through, MICROSOFT WILL FIND A WAY TO TAKE ADVANTAGE OF IT. Microsoft will find a way to shut out Open Source and not-for-profit developers and the products they work on. The proposed three person commitee will be powerless to change this since it is a legally binding settlement. This settlement will further assist Microsoft to destroy any competition that

Microsoft does not approve of, such as Apache, Sendmail, Samba, Perl, and the Linux operating system itself.

This settlement at best does extremely little to curb the power of Microsoft. In my opinion as a professional software developer, this settlement in fact gives Microsoft even more power than they had before. That's because they now have a legally binding document that allows them to fully legally justify their refusal to provide critical information, or for that matter any information at all, to not-for-profit foundations and individuals who may develop products that must somehow work with Microsoft products. If this deal goes through as it is written, Microsoft will emerge from the case not just unscathed, but stronger than before and with what is essentially a stamp of approval from the United States Department of Justice itself for their business practices in the past. For the reasons stated above I object to the proposed settlement between the United States Department of Justice and Microsoft.

I support a much more stringent settlement, such as that proposed by the 9 states that have refused to sign onto the proposed antitrust settlement. The settlement proposed by these 9 states provides much better opportunity for competition in the software market place. It makes Microsoft much less able to discriminate to whom they provide necessary technical information to make competing software products, particularly Open Source products and products from not-for-profit foundations, interoperable, therefore stimulating competition and variety in the software market place.

Yours faithfully
Ian Ballantyne
Maerzstrasse 52/8
1150 Vienna
Austria, Europe

MTC–00004236

From: Jay Moran
To: Microsoft ATR
Date: 12/12/01 4:42pm
Subject: Microsoft Settlement

To Whom It May Concern:

I'm writing concerning the proposed settlement with Microsoft.

For the most part, I am ambivalent concerning Microsoft and the antitrust case. Having said that, I have to admit that the settlement is laughable in two very important regards.

First, it displays a lack of ignorance of how Operating Systems and Software Application interoperate.

Second, it imposes no penalties on Microsoft vis-a-vis their business concerns.

As to the first point, telling Microsoft that they have to allow developers access to the Application Program Interfaces (APIs) is no great threat.

MicroSoft will force users to use their software development platform. This, by its definition will prevent other OS users from accessing applications that will become platform dependent. It will also limit the types and kinds of advances that can be made, due to the prohibition on knowing what MicroSoft will be doing next with their OS. Presumably, their in-house developers will access to the next generation APIs well before mainstream developers get the opportunity.

Secondly, you're saying MicroSoft can basically proceed as they have all along, with no real change. What you're seeing with Java will be the same going forward. Kodak is already getting squeezed out of the desktop software market. To say that proprietary access is not only okay for certain software, but IS OKAY shows a disconnect between antitrust law basics and reality. It would be like breaking up Standard Oil and saying that have to be able to sell other types of gas and that they can continue to sell gas as long as they use their own pumps. Nothing is going to make them offer other pieces of software (especially if the Federal Government can't get them to do it.) I have to admit, I stand in awe and wonder how so many otherwise intelligent people could have studied this issue for so long and come up so short in demonstrating understanding.

I wonder how many small software operations are going to be shut down due to this blind abeyance to MicroSoft? I wonder if the Department of Justice cares.

Sincerely,
Joseph F. Moran
9 Horseshoe Court
Atco, NJ 08004–2922
856–719–6819

MTC–00004237

From: jmorgan@elite-oregon.com@inetgw
To: Microsoft ATR
Date: 12/12/01 5:12pm
Subject: Microsoft Settlement

To whom it may concern,

I have been keeping up on the limited information about this case. I am sure my one letter isnt going to make a lot of difference, but I must send it out, just at the chance that it may make a difference. I am a linux user, and have been for 6 years. At first, it was a hobby, to toy around with, but now, it is the primary operating system on my computer, and also runs my business. I have put a lot of faith in Linux, because I feel it has matured enough to become a viable option.

This is not primarily a technical point I am trying to make, but an economic one. When I first started using linux, I didnt have a lot of money. I was a struggling student, and I couldnt afford much for my primary passion, which was (and still is) computers. I wanted to write programs, create graphics, and other things with computers. One of the problems was, I was using computer hardware which was horribly out of date, and wasnt really up to the task of performing in the manner in which these programs required. Even if it did, hardly could I afford the tools. I still remember saving money for 5 months to purchase a copy of Corel Draw, so I could create graphics.

Software was just entirely too expensive. Not that it isn't justified; I feel that these companies deserve to reap the rewards of creating a good product, on the other hand, I was a poor student, without hundreds of dollars to throw at the latest and greatest software. Plus, I wasnt using this software to make money, I was only using it to learn, for my own personal benefit. This made it hard to justify spending a lot of money on it, even if I had it.

Some people in this situation would turn to piracy. They would copy the program from a freind, or get it off the internet, because they couldnt or didnt want to pay for it. This wasnt an option for me, as I have always been an honest person, and was brought up to take the honest path in life. This meant, for me, making do with what I had, or, as I stated, saving for months, and putting forth a lot of money to see if it was right for me. Then I found Linux. A free operating system, I didnt mind downloading it and trying it out. It was hard at first, to use, but after a while, I became accustomed to it. I had noticed, that all the programs I had wanted, were included for free. A state of the art graphics program. A compiler. CAD utiltities. This thing had it all. Plus, my old computer ran a lot better under linux, which meant I didnt have to upgrade my computer as often.

I owe my whole career to Linux. Without it, I probably wouldnt be where I am today. As a result, I was able to advance and learn without financial boundaries, or becoming a thief. Today, my company depends on linux. We do high-end graphics work with ''the Gimp'', and our servers all run on linux. The money we save on software and licensing goes to gimp.org, and other foundations to keep them running. It really is a better deal. And now that I can afford high-end software, I still use linux as a primary tool, as it has developed into a professional class platform. When I hear that Red Hat wants to donate Operating Systems to schools, and have Microsoft donate hardware, I think thats great. I have personal reasons to be biased about it, but I think its a great idea. It lets poorer schools give kids a better education, and can mean the difference in millions of childrens lives. For ''poor kids'' who otherwise may not have any chance of acheiving thier goals, this may enable them to get marketable skills, a good job, and succeed in the workforce. This could enable a whole new generation of technically skilled individuals, who could grow together, and advance us farther than we ever imagined. With people coming from all areas of the country, rich or poor, we end up with a larger amount of technically skilled people, and advancement of our quality of life is that much faster. There could be the next Bill Gates, the next technical genius, sitting in a poor school in the middle of the inner city, sitting on a winning lottery ticket, holding the key to curing cancer, and this op

Jeremy

MTC–00004238

From: Ray Whitfield
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/12/01 5:29pm
Subject: Microsoft Settlement
Renata Hesse
Trial Attorney
Suite 1200, Antitrust Division
Department of Justice
601 D Street NW
Washington, DC 20530
Ray Whitfield
1715 14th Place
Plano, TX 75074

This comment regards the proposed remedy for the case U.S. v. Microsoft wherein

the U.S. Department of Justice has won the case but lost the settlement. As someone familiar with the computer industry, and the stifling effects of Microsoft's monopolies in this area, I cannot see how the proposed settlement will fix the problem. Microsoft has been found culpable as a market monopolist and one should expect that the settlement would reflect this. This settlement as it stands now provides no real determent against the abuses for which it was design to prevent: thereby, not only does it fail in it intended goal but it further emboldens Microsoft to continue down this path and only guarantees that Microsoft will be back before the courts for a third time. Please remember that the first settlement with Microsoft had no real effect and the company has been maintaining its monopoly status in other ways not contemplated by the original settlement. This new settlement must be more comprehensive and foresight full than the last; it must be in the people's interest, not Microsoft's: after all Microsoft is the abusive monopolist. Microsoft controls the operating system and the office productivity markets and indeed there have been no challenges to Microsoft's position in either of these markets for many years for which the previous settlement was supposed to correct.

The settlement as it stands now must also include these points:

1. A punitive assessment that will be felt by the company. It must be large enough to give Microsoft pause and make it think twice about future abuses.

2. In order to level the playing field and allow for competition in the operating system market in a meaningful way all Microsoft operating systems must become extra-cost options in the purchase of new computers. The purchaser of a computer does not have to buy a Microsoft operating system if they do not want to.

3. Also in order to level the playing field in the application markets then all bundled components in Microsoft operating systems must be unbundled and either made separate products each for sale on its own merits or with drawn from availability. The user who does not wish to purchase Microsoft applications will not be forced to do so even if they use a Microsoft operating system. This recognizes the point that the vast majority of computer users don't have any choice of operating system and must utilize a Microsoft operating system in order to even use a computer.

4. It is not enough to force the publication of the operating system API's (these are the mechanisms by which applications interact with the operating system). Microsoft has a monopoly in the Office productivity segment of the market and in recognition of this then the settlement must have a provision such that all present and future file format specifications of all of Microsoft's products must be made public, placed on a easy to find address on the internet at Microsoft's expense and that they must be kept up to date reliably available and accurate in a very timely fashion.

5. There must be a provision for appointing a Special Master who will determine Microsoft's compliance on all points of the settlement. This is to ensure that any corrective action that Microsoft may need to take in order to maintain compliance with the settlement is performed in a timely manner. The computer industry moves and changes quickly and as a result by the time an infraction is brought to court in normal circumstances then the harmed commercial entities will most likely not exist and there by in effect help Microsoft maintain its monopoly positions even if found guilty of violation. Delay tactics must not be allowed to frustrate the goals of the settlement.

Also the Special Master will decide what API are excluded from publication based on their appropriateness of exclusion for security or antivirus reasons as provided in the existing settlement. It is in the country's best interest to have a meaningful punishment against Microsoft not a swift one that does not protect the markets from unfair competition.

MTC–00004239

From: Peter Cleaveland
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/12/01 5:34pm
Subject: Microsoft Settlement

I'm an internet programmer for Online Documents, Inc. I use Microsoft products all day, but I have serious misgivings about the terms of the proposed settlement.

Please make sure the Microsoft Antitrust settlement does not contain language that exempts Microsoft from co-operating with not-for-profit and open source organizations. Section III(J)(2) and Section III(D) are particularly troubling examples where cooperation with commercial enterprises and businesses is required, but cooperation with the Open Source movement and academic efforts is not. These not-for-profit enterprises are the source of a great deal of innovation and the single greatest long term competitor to Microsoft. Please don't allow the terms of the settlement give Microsoft license to undercut these efforts. Microsoft was found to be breaking the law by behaving in an anti-competitive manner, right? Lets not give them a tool to continue that behavior.

Along a similar lines, please don't let Microsoft flood the educational market (one of the few places they don't dominate) with (supposedly $1 billion) of their own products at almost no real cost to themselves. Dumping product at below cost to stifle competition is a classic anti-competitive strategy in it's own right. Why should we reward Microsoft's criminal, anticompetitive acts with an invitation to do more of the same? It would be much better for the educators to have $1 billion in cash to buy technology of their own choosing. That would actually be a penalty to Microsoft. The current proposal seems more like a reward.

Peter Cleaveland

MTC–00004240

From: Ricevuto
To: Microsoft ATR
Date: 12/12/01 5:54pm
Subject: Microsoft Settlement

To whom it may concern,

Will the comments be made public? Will you be posting a link to all the comments on this website? I would be interested in reading what other people have said (anonymously, I hope).

Also, great job on this website! This is what democracy is all about.

Sincerely,
Pat Ricevuto
e-mail: cmprice@gte.net
CC:cmprice@gte.net@inetgw

MTC–00004242

From: Exquisite36S@netscape.net@inetgw
To: Microsoft ATR
Date: 12/12/01 6:02pm
Subject: Opposition to microsoft antitrust settlement

Mr/Mrs Renata Hesse,

I would like to voice my opposition to the microsoft settlement. I feel that if the courts have found microsoft to be in violation of the antitrust laws, then they should pay a stiff penalty for breaking that law. I also feel that any resolution that does not allow for stiff penalty will show americans that if you break the law, the only punishment you will get is a penalty, that will allow you to continue your monopoly. When AT@T and IBM were found to be monopolies, they were broken up and had to pay a stiff penalty for breaking this law. Microsoft is a monopoly that has hurt competition in many areas. If they have a product that can withstand the pressures of competition, then they will show this by the sales of their products. I a consumer, do not like the fact that if I buy a system and don't want microsoft on it, I still have to pay the price as if it was present on the system. Resellers, manufacturers, still have to pay microsoft and that cost is push on to customers like myself.

Also according to reports that microsoft may have to put system's into poorer schools would further it's monopoly, this is a very bad decision and I for one, would not be happy about it. Also I feel that microsoft should as part of their punishment, have to purchase systems with other OS's and put them for free into the poorer school districts. This would be a fair solution. And have to pay the government back all that it spent to prosecute them for their crime, and break up the company Did you know that if microsoft continues it's monopoly, that it will control most of the data on every server, and that microsoft can at it's decretion, do whatever it feels necessary with that data. Would you be confortable in knowing that all your personal data belongs to microsoft and that you may have to pay large amounts to retrieve this data, and also that the servers it sits on, because of the Microsoft OS is not secure allowing terrorist and any hacker to obtain this information. Would the Government like to know that it's top secret information is controlled by microsoft and that anyone may have access to that information. If you feel comfortable with knowing that a corporate company has control over all data on the internet and private networks, and can do with it what it wants, then you are sadly mistaken. What are we showing our children about the law, when a company that has committed a crime, is let off with a slap on the wrist and has successfully controlled the U.S. Government and let them know that they cannot do anything with microsoft because it rules this country and not our Government.

Thank you for taking time out of your busy schedule to read this, I hope that by voicing my opinion it will not fall on deaf ears.

Jonathan Spearman
3535 14th St #2804
Plano,Texas 75074
May GOD Bless america!.

MTC–00004243

From: Charlie Zender
To: Microsoft ATR
Date: 12/12/01 6:05pm
Subject: Reject Microsoft's proposed settlement

Dear Sirs,

Microsoft's proposed settlement is, in my opinion, a cynical sop to public opinion, and a dangerously flawed one at that. Microsoft proposes to ''donate'' their software to the one marketplace segment that they do not already completely dominate, US schools. That in itself is reason enough to reject the settlement. There also does not seem to be any type of punitive action against Microsoft for violating the previous (1995?) consent decree. This company uses its OS monopoly to break into new markets and destroy competitors so often and predictably that one wonders when they will get more than a slap on the wrist. Forbidding MS from charging more for windows to manufacturers who want to ship their machines with multi-boot OSs, forbidding MS from requiring that MSIE be used to access crucial websites (using ''embrace and extend'' tactics on HTML), these are the areas that really make a difference and need to be addressed.

Respectfully,
Charlie Zender
Professor of Earth System Science
Charlie Zender zender@uci.edu (949) 824–2987/FAX–3256, Department of Earth System Science, University of California, Irvine CA 92697–3100

MTC–00004244

From: Sean Wolfe
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/13/01 6:10am
Subject: Microsoft Settlement

Dear DOJ folks:

Please note this individual's comments on the proposed Microsoft settlement. As a Linux and open-source enthusiast and Internet professional, the extremely light proposed settlement causes a lot of concern. Microsoft's ability to stongarm other entites with its desktop—OS monopoly, and its push into other fields, needs to be curbed. I for one am paranoid that we may live in an even more Microsoft-centric world.

Open source and third-party companies must be given more access to Windows resources such as APIs, etc. I for one think Internet Explorer should be separated from Windows and installed separately, to allow companies like Netscape and others to survive. And please don't contribute to Microsoft gaining market share by letting them ''donate'' software and hardware to the education community, one of the last non-Microsoft markets! Thank you for your attention.—Sean.

Sean Wolfe, IT Coordinator
Ticketmaster Arizona
602.438.4110 x1211
sean.wolfe@ticketmaster.com

MTC–00004245

From: Rodman Brett
To: Microsoft ATR,dfw@sec.gov@inetgw,exemptapp@sec.gov...
Date: 12/12/01 5:08pm
Subject: Compelling Federal Interest for Certiorari in The MicroSoft Case

December 12, 2001
From: Brett A. Rodman Diogenes Unlimited Political Consulting temp address 102 Reid Road West Columbia, TX 77486
To: Attorneys' General of the States of The United States of America
Subj: 'Compelling Federal Interest' for a Writ of Certiorari to the Supreme Court of the United States of America concerning The MicroSoft Anti-Trust Case
cc: The Securities and Exchange Commission
The European Union
The United States Senate

Attorneys' General,

The MicroSoft Corporation, and Bill Gates have been able to amass the great amount of wealth that they possess as a result of widespread ignorance on the part of the judicial community, and the public to a great degree, concerning computers, the internet, and technology. More specifically, as the Internet, and Commerce conducted, with regard to its technological advancements remains a legal ''no man's land'' concerning applicabililty of legal standards governing taxation, contracts, the public welfare, and anti-trust and competition standards regarding the same commerce The Microsoft Corporation and Bill Gates are able to escape legal scrutiny, indictments, and penalties, forfeitures, and damages.

The technology associated with the High-Tech Internet ''MarketPlace'', and the ''Commerce'' conducted therein is relatively new. In fact, it has been proliferate for only the greater part of ten years now. Therefore, it is understandable that the Legislative, Judicial, and Law Enforcement Infrastructure of the United States Government, and the Fifty States of the United States of America have difficulty in comprehending or delineating the implications of, or codifiying and prosecuting with facile intergrity and efficiency, criminal and civil tort breeches, and commercial standards, and or proprietory and fair practices standards pertinent to this new high-tech commercial market space.

Over the last year, I have done academic research, concerning how the Constitutional and Legal Protections, Guarantees, Immunities, and Priveleges of the Bill of Rights, most specifically regarding political and speech rights, apply on the internet. This being an estblished area of interest of mine, I would like to offer the following metaphor, and thoughts, concerning the 'Microsoft Monopoly' over ''High Tech Commerical Air Space'' and how it is detrimental to the general welfare of the public and the American People.

The Internet is a Super Highway. It represents a high-tech Super Highway of Commerce, Industry, and Capitalism. Just as the Assembly Line was the 'life's blood' of the American Industrial Revolution, so to is the Internet, the life's blood of the New Information Technology Economy of the 21st century. However, juxtaposing the two, the goods, services, and commodities produced by the Assembly Line were available to the American Consumer at a ubiquitious level to all of the American People who could afford them. This was due to the self-regulation of industry and laissez-faire economics creating equitable supply and demand structures in the marketplace of the goods and services created by the assembly line.

Unfortunately, one of the negative effects of the 'Microsoft Monopoly', with regard to its Windows Operating System, as the only feasible accessing device to this Information Technology Economic Market Place has been the disenfranchisement of a large segement of the American Population towards entry into, and the benfits of this Market Driven Economy. For the most part, this has its greatest effects at the lower end of the Economic Spectrum in the lower income, and moderate to lower income wage sectors of the American Economy. This has in effect, due to this Monopoly, catalyzed greater disparities in income distribuition, savings, disposable income, and the accumulation and accruement of wealth into the hands of the top-teir of the wealthiest of Americans. This problem dynamically proliferates itself, as the express intent of the Internet is to expedite, and initiate a more dynamic high-speed development of capital transactions and the ability to engage in commerce. The amazing effectiveness of the Internet has as a tangential effect catalyzed a proliferation of negative aspects for the General Welfare of the American Public as a whole.

The MicroSoft Corporation, and Bill Gates, have in fact established a system, whereby access to The High Tech Information Market Place of Commerce, Goods and Services, and Capitalism requires that they are payed a tax by the American People desiring to utilize this Market Place. As it currently stands, it is nearly impossible to find a computer operating system, or server that is accessible in the public and private realm that will access this market place, without first having to access and utilize the Windows Operating System, and pay 'a tax' to the MicroSoft Corporation acting as a quasi-governmental agency exercising full authority over the Internet, and the right to engage in Commerce, and Capitalist functions therein. Mr. Gates, and the MicroSoft Corporation's defense is, that you should not penalize sucess. I invented this system, therefore I am justified in establshing an 'Operant Monopoly' thereto due to this. Though this argument it sound, it lacks validity, cogency, and the the dictates of American Jurisprudence and Common Sense. Utilizing this argument, it could be supposed, that the person who invented concrete should be given a ''tax revenue'' everytime a new road is paved, brige built, or driveway poured, or more than this every time a road is utilized by a vehicle. As this metaphor applies to the Super-Highway of Commerce, imagine that the company that invented concrete was allowed to tax every person who utilized the streets, roads, and highways of the United States of America in both the private and public realms. The person that invented

concrete would have, in effect established a toll-booth at the end of every american driveway, established, erected and protected by the American Government so that the inventor of Concrete would get their tax-money for use of the streets, roads, and highways of the United States of America. More than this, every time Public Transportation was utilized, the tax-money derived from the use of the streets, roads, and highways would not go to the local, state, or federal government, but to the inventor of concrete, collected for them by the Government, at the expense of the tax-payer. This is a clear and unambigious Constitutional Violation abrogating The Exclusive Taxation Powers of the United States Congress provided for under Article I, Sectioin 8 of the Constitution of the United States of America.

The Consent Decree agreed to by the Justice Department of the United States of America, Forty One of the States of the United States of America, and The MicroSoft Corporation provides no real remdy. Instead of breaking up the ''Operant Monopoly'', and institution of 'illegal taxation' by the monopolist, the government made a deal with the company to establish a 'bi-lateral operant monopoly' with the company that as it applies to our metaphor, makes the 'toll booths' at the end of driveways (The Sun Micorsystems Java systems). It is proposed by the consent decree, that by dividing the 'Operant Monopoly,' and 'illegal tax money' with Sun Micro Sytems (the toll-booth operators) that in effect this will serve as a Judicious Remedy of what should be deemed as a monopoly over entrance to a market place in the Public Domain. This is a clear and convincing violation of United States Title Code 15, Section 1, The Sherman Act, and though subtle, and implicit in nature, a violation of United States Title Code 29, Sectioin 151, The Wagner-Connery Labor Relations Act.

The content, purview, and express intent of the Wagner-Connery Act generally provides for remedy of corporate and lavor relations. However, as it concerns the omnipresent proliferation of the Internet and high-speed communications as a requisite entry point for access to the Information Technology Market Place of Commerce and Capitalism over the past teny years the Wagner-Connery Act is applicable. Invevitably, or unfortunately ultimately invariably at the least, in this instance, access to the Information Super Highway, and the Informatioin Technology Market Place of Commerce and Capitalism requires a financial transaction, apparent as a 'quasi-governmental information technology tax' with the MicroSoft Corporation and the Corporate interests of Bill Gates. In doing this, as the Information Technology Market Place of Commerce and Capitalism, is in fact an artifice and institution of the Public Domain, the MicroSoft Corporation has enacted a ''taxatioin system'', provided for by the Government, using tax-money to collect the tax revenue for a private institution. As such, through this tax, The Micro-Soft Corporation, and Bill Gates has established an employeer-employee relationship with not only his company and the Citizens of the United States of America, but The Citizens of the World, desiring access to this Informatioin Technology Market Place of Commerce and Capitalism.

This Monopoly however is elusive, difficult to understand with respect towards current commercial codes, and anti-trust standards, and therefore is difficult to prosecute with effectiveness, or offer equitable remedy against, due to ignorance of how it is established, and the intracacies of Information Technology Systems. Due to this, this real, and established in fact 'Operant Monopoly', provided for by the Government, utilizing the tax revenue of the American People as a means to exact the ''tributes'', ''taxes'', and ''fees'' derived thereto appears as a pernicious, and dangerous threat to the General Welfare of the American People. Its appearance, manifestation, and proliferation threatens the economic viability of the United States Economy due to its devastating potential to subordinate and disenfranchise a large segment of the America Public, and further proliferate the gap between rich and poor in America.

The parents patriae relationship between the Microsoft Corporation and the American Public, as it is manifest as a employeer-employee relationship for all desiring access to the Information Technology Market Place of Commerce and Capitalism, pursuant to USC Title 29, Section 151, The Wagner-Connery Act, does in fact;

''(a) impair the efficency, safety, and operationa of the instrumentalities of commerce'' is in fact;

''(b) occurring in the current of commerce'' does;

''(c) materially affect, restrain, and control the flow of raw materials and manufactured or processed goods from and into the channels of commerce, and the prices of such materials and goods in commerce'' and in fact; ''(d) causes the dimunition of employment and wages in such volume as substantially to impair or disrupt the market for goods flowing from or into the channels of commerce''

This is caused when the necessity of access to the Information Technology Market Place of Commerce in Capitalism is in fact necessarily directed through, and provided for by the exclusive necessity to use the Windows Operating system prior to entrance to this Public Domain and Venue. This principle and perspective gains reinforcement through the application of the public-function test. As a result, a large segment of the American Public, and in this case the World Population is disenfranchised from access to the Commerce and Capitalist Marketplace by the artificial prices that are established by the Microsoft Corporation, and its competitors in this sector concerning Information Technology Systems, Equipment and Facilities necessary for entrance into the Market itself. Allowances by other computer companies, and corporations operating in this economic sector are intracted into the pricing of their commodities, goods, and services. As a result, competitors, to maintain competitive profit margins, to keep up with MicroSoft as a viable invesment opportunity, pad prices, artificially inflate costs to the consumer, and enhance dividends as a means to compete with Microsoft and its 'Operant Monopoly', and 'illegal taxation artifice' established as a requirement for access to, and entrance towards engaging in Commerce and Capitalist Activity in the Information Technology Market Place. This does in fact, disenfranchise a large segment of the American Public and Citizens in Foreign Countries, and exacerbates not only wealty disparities on the personal and micro levels, but undermines efforts by states, governments, and fledgling markets, economies, and arbitrage systems from stabilization.

As this is the case, I offer that pursuant to United States Title Code 15, Section 8, and United States Title Code 15, Section 11, established as a Constitutional Violation of Article I, Section 8 of the Constitution of the United States of America, provided for under Article V of The Bill of Rights of the same, that the Microsoft Corporation should be required to forfeit the license to the Windows Operating System to the United States Government, and be subject to Treble Damages to the Fifty States of the United States Government. Due Compensation, as required by law, should be offered in the amount of the Company's ''real value'' after such legal taking, and Attorney's Fees, Damages, and Compensation have been paid by The Microsoft Corporation.

I look forward to hearing from your organization concerning this matter.

Very Truly Yours,

I remain,

Brett A. Rodman

Start of forwarded message

Subject: MicroSoft and Movie Studio Investments

To:
brandan.sultivan@williamsandconnolly.com,
drogers@teamsc.com,
sboyd@carolinacapital.net,
kthomas@teamsc.com,
microsoft.atr@usdoj.gov,
sjeantet@macdom.com,
webmaster@microsoft.aynrand.org,
jhendren@seatletimes.com,
attorney.general@state.mn.us,
webmaster@ago.state.ma.us,
uag@att.state.ut.us,
attorney.general@ppo.state.ct.us,
ag@oag.state.fl.us,
awhall@agmail.ag.state.ia.us,
webteam@ag.state.ia.us,
luparker@news.kabb.com,
sandersa@cofc.edu, houghs@cofc.edu,
cabotj@cofc.edu

From: Rodman Brett <securitiesandexchange@justice.com>

Date: 20 Nov 2001 12:06:51 PST

November 20, 2001

From: Brett Anthony Rodman Diogenes
Unlimited Political Consulting temp address 1009 11th Street NW
Washington, DC 20001

To: The Securities and Exchange Commission (SEC) 450 Fifth Street
Washington, DC 20549 202–942–7040

Subj: MicroSoft and Movie Studio Investments

Ref: (a) Ltr to Brett A. Rodman dtd February 18, 2000 from the SC Department of Commerce

cc: The South Carolina Legislature

The Federal Bureau of Investigation
The Film Office of South Carolina
The SC Economic Development Authority
The South Carolina Department of Commerce
The Apple Corporation
The MicroSoft Defense Site
The Department of Justice Anti-Trust Division
Offices of the Attorney General SC, CA, CT, FL, IA, KS, MA, MN, UT, WV
International Anti-Trust Agencies
Brendan Sullivan, Attorney at Law, Williams & Connoly
The College of Charleston SEC,

My name is Brett Anthony Rodman, I run a small political and legal consulting entrepreneurial enterprise. I am interested in the MicroSoft Case, but have little time to research the issue right now.

However, I have a ''hunch'' that I was hoping your agency and the cc: line addresses might be interested in undertaking dudilligence concerning its validity. For, if it is true it speaks to the business practices of MicroSoft, not only in the area of Information Technology, but its investments in other areas of the economy. It concerns the ''intellectual property rights'' to offer an IPO, and garner 'venture capital' for the Construction of a Movie Studio in the State of South Carolina.

In February of 2000, I authored, and delivered a hand-written copy of a 30-year Economic Redevelopment plan for the State of South Carolina. The State of South Carolina acknowledged receipt of this plan, which included the construction of a 'movie studio' with Reference (a).

I contend for the record, that my former employeers, Practical Holdings Limited of 206 Sak's Fifth Avenue Building, and Zebo's Restaraunt and Brewery of 275 King Street Charleston, SC did conspire, to defraud me of the rights to this ''intellectual property'' through threats, intimidation, bribery, and eventually a 'murder attempt' in front of St. Louis Cathedral in New Orleans, LA resulting thereof, for their own pecuniary, fiduciary, and economic benefit. I originally made this contention, and my desire to see the matter investigated to the United States Secret Service Field Office and Special Agent Kenny. At the time of the Field Interview, Special Agent Kenny mentioned that he did not feel that the American Government could investigate pertinent to 10th and 11th Amendment concerns. The same behavior that was exhibited in Charleston, SC, has now continued through three other state jurisdictions. The States of Texas, Missouri, Louisiana, and even to a lesser degree the District of Columbia.

Throughout the breadth of this three year hate crime, and I would contend human rights abuse i have kept the Federal Bureau of Investigation through e-mail, and the United States Secret Service through e-mail and interviews updated on the progress of these individuals and their criminal behavior. Unfortuantely, the coconspirators at Zebo's Restaraunt and Brewery have extensive connections through the nation's capital and getting any type of investigation initiated has been difficult. You can contact the Ned Twining, formerly one of the largest shareholders of Exxon Oil for details on the behavior of his investment at Zebo's Restaraunt and Brewery.

This brings me to the possible involvment of the MicroSoft Corporation. As everyone in the financial world is well aware, all corporations have people on the street, as information represents money. Microsoft obviously, as they have more money have more people on the street. I contend for the record that the Co-conspirators to defraud me of my property did in fact approach the Microsoft Corporation for Deveolpment money to investigate the possiblity of the construction of a movie studio in South Carolina.

In fact, I conted for the record, that my employment by Debra Rosen, Tony Stroupe, and Mark Barhyte at Practical Holdings Limited, and Zebo's Restaraunt and Brwery was nothing more than a dudilligence effort to gather enough information to be able to commit identity fraud, so as to garner investment capital from sources banking in the Bank of Japan Monetary System. I have made this contention, and sent documentation to the Embassy of Japan, and the Consulate of Japan in Houston to enummerate these concerns.

Moreover, Practical Holdings Limited was working on a Interactive Museum Project with the Gates Foundation in Charleston, SC. I contend that this is the point in time where, ''money to be put on the street'' was garnered as, 'investigative capital' or plans ''formulation money. This money was then used to intimidate, bribe, buy off justice officials and police officers, and eventually have me stabbed in the streets of New Orleans. I feel that if the MicroSoft Corporation offered money for this project, or funneled money to his people in the street, through quasi-jobs (i.e. payments for doing nothing), Mr. Gates was aware of what the money was being utilized for, approved of this, and in fact established a high tech concentration camp, a hate-crime, and a human rights abuse for his own amusement. Of course assuming that he, as the richest man in the world could just buy the problem away later.

I do sincerely hope that you will look into this matter, and contact the aforementioned individuals. As it is my contention that if Mr. Gates was involved he is subject to the provisions of USC Title 18 Section 96, and forfeitures contained therein, to the Treasury Department of the United States of America.

The international community and economic police agencies can contact any foreign students who attended the College of Charleston from 1997 to 2000, to ask them what they might know about any of this. A good place to start with any dudilligence would be 139 Calhoun Street, the Trio Club.

In earnest, I am, Brett A. Rodman

By the way, one other person you can contact is Professor Bjerken of the College of Charelston Philosophy Department. I took a Chinese and Japanese Religions Class from him. There was a girl (red head) named Katy who sat next to me in class. One day she waked by me, and condesendingly muttered under her breath at me, ''your taking on Microsoft''.

Apparently, MicroSoft has purchased the American Government and Legal System.

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MTC–00004246

From: Martin J. Stadler, B.Sc.Eng.
To: Microsoft ATR
Date: 12/12/01 6:26pm
Subject: Anti-trust settlements

N.B. My personal views are not necessarily shared by my employer

Dear sir(s),

It is no surprise that a change of administration in the USA has resulted in a change of official attitude towards the multitude of serious criminal offenses committed by Microsoft.

It should NOT be neglected, however, that the Microsoft monopoly and the consequent LACK of product quality costs the United States and other western economies hundreds of billions of dollars every year, in lost productivity, computer down-time and loss of valuable data due to abysmal operating system security.

Personal injuries from sheer frustration are incalculable, and the fear of yet another ''Microsoft Experience'' can be paralyzing. The pace innovation within the computer industry is over-shadowed by chaos, and contrary to Bill Gates' ranting(s), monopoly has not brought order.

The time has come for governments to treat computer operating systems as an essential public utility and to regulate them accordingly.

Respectfully Martin J. Stadler, B.Sc.Eng. (TE), EIT.

N.B. My personal views are not necessarily shared by my employer

MTC–00004247

From: Tim Ambrose
To: Microsoft ATR
Date: 12/12/01 6:58pm
Subject: Support of Microsoft!

To whom it may concern,

It is time to leave Microsoft alone to do it's great work for the good of both the nation and the world. This company has compromised fully and I'm sure way beyond what it feels is fair. It is obvious that they are just warn out and want it to end at any cost.

Again, please advise all these enemies of Microsoft to stop this war for the good of the consumer and the right to inovate!

I love all of their products and just want more.

Very respectfully,
Tim Ambrose,

MTC–00004248

From: GERALD THOMPSON
To: Microsoft ATR
Date: 12/12/01 7:07pm
Subject: MICROSOFT SETTELMENT

HI I HAVE USED WINDOWS FOR 10 YEARS I HAD NO PROBLEM NOT USEING THERE INTERNET. I USED A LOCALE START UP COMPANY CFANET . IT WAS BOUGHT OUT BY ERIENET,THAN VOYAGERNET, THAN CORECOM. THUR ALL OF THAT I HAD NO BLOCKAGE FROM MICROSOFT. WHAT IS THE PROBLEM PUTTING YOUR OWN COMPANY ON WINDOWS. IT IS STILL ON MY START PAGE I DON'T USE IT ???? I AM 70 AND DON'T KNOW A LOT ABOUT COMPUTORS

BUT WINDOWS IS EASY TO USE. I AM ON MY 3RD COMPUTOR.
THANK YOU
GERALD THOMPSON

MTC–00004249

From: Dwight Bale
To: Microsoft ATR
Date: 12/12/01 7:09pm
Subject: Justice & Microsoft Settlement

I propose to the DOJ that they do their job in straightening out the criminal Justice System. Have someone do a quality review and get something going to make it more efficient. For example the Jury system stinks, at best.

I am sure you can pass this off as not relevant to your division, but someone somewhere should be doing something about it as we are still operating the same as 50 years ago.

Please pass this on, but it will probably get buried in the bureaucracy, anyway..

Dwight Bale
401 Auburn Ave
Auburn, WA 98002

MTC–00004250

From: Michael
To: Microsoft ATR
Date: 12/12/01 7:19pm
Subject: proposed Microsoft settlement and the non-settling states

Sir or Madam,

The non-settling states are getting a far better deal with the current settlement than they deserve. Their goals are to prop up competitors that are very sorry business-people.

Please give them what whining kids deserve most, either a kick in the pants or a new diaper.

Sincerely,
Michael Patrick Chaffey, OCP, CPA
17516 NE 138th St.
Redmond, WA 98052

ps—OCP stands for Oracle Cerified Professional. This certification is about 180 degrees opposite from loving Microsoft products.

MTC–00004251

From: Ed Lyons
To: Microsoft ATR
Date: 12/12/01 7:33pm
Subject: Microsoft Settlement

Dear Sirs:

First of all, let me thank you, the government for giving the ordinary citizen the chance to submit comments on this case.

I am against the settlement for two reasons: it does not adequately punish past behavior and will not deter similar behavior in the future.

I am a software developer who works primarily with middleware and the Java programming language.

Even at the level of code itself, Microsoft thwarts innovation and intentionally prevents competing technologies from either working well or working at all. There is a grand design at hand that will not be undone by consent decrees. Microsoft's entire company is dedicated to monopolization and exclusion in everything they do. Their identity is so well established that I do not believe that they can truly be punished and deterred by something they see fit to agree to. Would it make sense to forge an agreement with a fox to not eat chickens from the coop when he is hungry every night? Would it not make more sense to erect an impassable fence instead?

Yes, it would take a few more years to properly impose a remedy on them. But it will take many more years when you have to start this process again. You should already know this as they willfully violated the last consent decree. Has a lengthy trial full of lies and half-truths convinced you that their management team is somehow more committed to honesty this time? Microsoft, who won't even pay the search for truth enough of a compliment to even admit that Windows is a monopoly, is sure you will rather cut your losses rather than go the distance. It knows that violations of the new decree will carry on for years in further litigation. It believes that you don't really want to go the distance. I hope that you don't prove them right.

Sincerely,
Ed Lyons
Boston, MA

MTC–00004252

From: Brian P. Kasper
To: Microsoft ATR
Date: 12/12/01 7:45pm
Subject: Settlement is a Travesty

To Whom It May Concern:

I am alarmed by the Microsoft settlement currently proposed by the Department of Justice and Microsoft.

Microsoft has been found guilty of monopolistic tactics. It is a prime tenet of open-market systems that monopoly power cannot be tolerated and must be eradicated.

Microsoft has suggested that they provide their software to schools as a remedy. This is a bad idea in two senses.

First, Microsoft is permitted to specify the cost of their own software when the amount of the remedy is calculated. At this point, the unit cost of a copy of Windows XP to Microsoft is the cost of the creation of the media and packaging, but they can claim the full retail cost per copy, greatly decreasing the impact of the remedy.

Second, by providing schools with Microsoft software, the Department of Justice will be acting, in effect, as a Microsoft distributor and a perpetrator of the Microsoft monopoly. Since the Microsoft software will be the first software used by many of these children, they will grow up with the mindset that Microsoft software is the easiest to use and ''best'', simply because it's the software with which they are most familiar.

The remedy is also replete with loopholes and muddled language which would permit Microsoft to continue its unfair domination of the computer software marketplace, especially in regards to nonprofit or ''open source'' companies.

I plead with you not to implement the currently-accepted remedy. In my thinking, these are the critical changes that must be enforced:

(1) Microsoft must adhere to accepted standards and be prevented from creating proprietary closed extensions to said standards

(2) Microsoft must not give their application developers unfair advantages because they control the operating system. This could be implemented, for example, by separating the parts of Microsoft that create operating-system and application software and forcing the application software portion to compete in the open market

(3) Microsoft must be punished so that the punishment has an effect. A fine levied upon a multibillion-dollar company must be commensurably larger than that appropriate for smaller companies.

(4) Any settlement must not be a vehicle for increasing Microsoft mindshare

I believe, for example, that the modified settlement proposed by Red Hat, Inc. is a much more appropriate remedy in that it addresses my two specific concerns with the current remedy.

Thank you for your time and consideration in reading this letter.

Brian Kasper

MTC–00004253

From: Ken Sallot
To: Microsoft ATR
Date: 12/12/01 7:49pm
Subject: Microsoft Settlement

To whom it may concern:

I write to you this evening in regards to the settlement proposal with Microsoft Corp. Specifically, I would like to comment on proposed restrictions that Microsoft would have to comply with, and the proposed restitution Microsoft will have to pay for their monopolistic practices. I would also like to take this opportunity to discuss possible remedies that could be considered. I am making my commentary, as is my right as a United States citizen, during the Tunney phase of the settlement.

From what I understand of the proposal for restrictions that Microsoft will have to comply with is that Microsoft will be prevented from giving special price breaks to different computer OEM's. The proposal, as I read it, is that for a five year period Microsoft will be required to provide uniform pricing on the Microsoft Windows operating system, as a method to restrict Microsoft from applying ''punitive'' pricing tactics for supporting competitive operating systems.

However, I am concerned that there were no provisions made to ensure the same does not happen with other Microsoft products. Considering that Microsoft manufactures many software products besides the Windows operating system, I would not be surprised to see Microsoft offer their ''preferred partners'' special bundle packages on other select software applications in an effort to circumvent the restrictions on Windows price breaks. Special care must be made to ensure that Microsoft does not take advantage of this loophole as a method to punish vendors for supporting competitive products.

Secondly, I would like to comment on the punishment and restitution that Microsoft should make for their actions. The idea that Microsoft should give $1 billion dollars in computer equipment to school districts across the United States is an excellent idea. However, I am concerned that Microsoft could use this settlement to their advantage

in a couple of ways that would only allow them to extend their monopoly. I'll explain my point of view more clearly below.

1. Microsoft has proposed that they will supply software, hardware, and training to the sum of $1,000,000,000. However if Microsoft were to valuate their software products at full retail value, the actual number of computers provided would be a paltry sum. Microsoft Office Professional edition currently carries a retail price of $579, and Microsoft Windows XP currently has a retail price of $299. Since just about every computer provided through this solution would most likely include Windows and Office, the software would comprise $878 of each computer.

Considering that a generic Celeron based system with 256MB RAM and 17'' monitor can be found for under $500, it quickly becomes obvious that over 70% of Microsoft's proposed settlement would be in the form of their software products. The one billion dollar settlement quickly becomes three hundred million in hardware and seven hundred million in software.

2. By providing systems which only run the Microsoft Windows operating system, and the Microsoft Office productivity suite, Microsoft will dramatically increase their presence into markets which they do not currently control a monopoly. K-12 educational markets are currently split almost equally between Windows based machines and Apple Macintosh based systems. The infusion of one billion dollars worth of Windows machines into the educational market would irrevocably shift the balance between the two companies in this market.

3. My understanding is that the term of the software licenses that Microsoft will provide as part of the settlement will expire after five years. This means that eventually the schools that have received this ''gift'' from Microsoft will have to turn around and purchase new licenses for the hardware if they wish to continue running Windows and Office.

The idea that this is even in the proposed agreement is repugnant to me, and I fail to discern how this is any different than a street-corner drug dealer giving his future customers their first ''taste'' for free. I am very concerned that once the school districts that have received these computers have become dependent on Microsoft products that Microsoft will be rewarded in the form of new license sales once the five year term has expired.

Additionally, I would like to offer my commentary on what I feel would be reasonable measures to consider for punitive measures.

Some companies have recently offered to provide free copies of the Linux operating system and application software for each and every machine that Microsoft purchases as part of the settlement agreement. Their proposal suggests that Microsoft should focus that billion dollars on PC Hardware, and they will provide the software and support for the software for free. Although I personally think the Linux operating system is excellent, I feel that their suggestion might be too radical and would give the Linux operating system a monopoly in the educational market. I do not think we should replace one monopoly with another, even if that other monopoly is ''free.''

Instead, I believe that a more reasonable solution would be to split the computers purchased between Apple Macintosh computers and generic ''PC''s running the Linux operating system. This would allow a diversity in the computer systems among the schools that would benefit from the billion dollar grant, but at the same time it would not reward Microsoft for their prior transgressions, unlike any solution which includes Microsoft products.

Additionally, I feel that Microsoft should provide specifications to their present and future document file formats so that applications can be developed on operating systems that Microsoft does not support. This would allow users of alternative operating systems to ''speak'' to Microsoft products, such as Office and Visio, as well as allow people to migrate their data away from Windows. Currently, many users of Microsoft products are locked into the Windows Operating system, unless they are willing to recreate their data from scratch. The Visio product is one of the most notorious for this, but the Microsoft Office suite is not immune from this. Indeed, there are instances where a document written in one version of MS-Office is unreadable in another.

Microsoft Networking Protocols should also be published so that Microsoft Windows will be able to inter-operate with other operating systems. For example, Microsoft has repeatedly made changes to their CIFS protocol which have caused problems for products that compete with Windows Server by speaking this protocol. The SAMBA product is one example of a competitor to Windows Server that continuously has had to play ''catch up'' in order to communicate with a copy of Windows that has the most recent service pack applied to it.

If the national interest is to be served, then it is crucial that Microsoft's' monopoly should not be extended as a result of the settlement.

Sincerely,
Ken Sallot
4235 NW 20th Ter.
Gainesville, FL 32605

MTC–00004254

From: Andres Mera
To: Microsoft ATR
Date: 12/12/01 7:57pm
Subject: Microsoft settelman

I am in favor to help Microsoft.

MTC–00004255

From: Apple stinx@ao1.com@inetgw
To: Microsoft ATR
Date 12/12/01 8:16pm
Subject: Microsoft Settlement

To the Folks at the Department of Justice, (favorable to Microsoft)

Here are my feelings about the proposed Microsoft settlement. I begin with my history of owning an Apple computer. My story helps make most of my points.

Late January, 2000, myiMac Special Edition arrived. It constantly crashed. I called Apple Techsupport. They had me reload & reload the operating system & go through many other lengthy procedures. After a couple months, I shipped it to an Apple service provider, who pronounced it ''A-OK'' and shipped it back to me. I plugged the iMac back in, ran it, crashed immediately. I purchased ''AppleCare'', the extended warranty, as I realized I had huge problems on my hands. Under this warranty plan, a technician will come to your home. There was one problem after another, aggravated by the fact that Apple often had to wait weeks to get the parts in stock.

Eventually, the Appleservice provider took the iMac from me, bringing it to the shop, where it was declared dead on arrival. Apple promised to replace the machine.

Chicago was hit shortly thereafter by a terrific snowstorm, making it impossible for me to get the machine back. Apple insisted that I personally return the machine before they would issue a replacement. Why? Their dealer was already in possession of the machine. I called Apple many times, I was treated badly. Finally, I asked for a refund. I was told, ''Would Ford give you a refund, so you could go buy a Chevy;''?.

It should be understood that I had spent hundreds of hours on the phone with Apple, often waiting 45 minutes on hold.

When my replacement machine came, I could not sell it, though I tried. The snow storms left all Chicagoans not wanting to drive or go anywhere that was not absolutely necessary.

Eventually I sold it to an individual who wanted it for its ''iMovie'' software, which permits editing videos right on the computer. Surprisingly, the buyer told me he owned two Apple laptop computers, both non-functional. He told me that many people had posted similar problems with these models at the Apple web site. Apple considered this a ''known issuer''.

First iMac serial #: SG953EAP–HQS
Second iMac #:RN04008DJVA

I WANT TO SHOW THAT APPLE IS NOT BEING DESTROYED BY MICROSOFT, APPLE IS BEING DESTROYED BY APPLE.

Apple is one of the only true competitors for home computers. Apple differs from Microsoft in that Apple not only writes its own software, but holds exclusive rights to the design of its Apple computers. Apple controls both the hardware & software aspects. Therefore, if a problem arises, Apple can't point a finger at anyone else.

From what I have read, Apple has by far the best software for editing movies, & Apple computers are the choice of most companies that do video production for advertising. Isn't that giving Apple an unfair advantage? Shouldn't they be punished for hogging the entire video market? Applef's iMacs, until recently, had no way to save to floppy disk or make backups to a CD. This was odd, since Apples carry a premium price. Apple started ''iTools'', a service for Apple users, so they could store things on Apple's computers via Apple's website. I did just that. And Apple lost my files. Since I had no other way to back things up, everything was lost when the dealer took my first iMac away to the shop. I had to re-create some time consuming graphics. I created & saved them using Apple's ''AppleWorks'' suite of programs. AppleWorks is a word processor,

spreadsheet, database, drawing & painting program. One file, which I so painstakedly re-created, became corrupted, & never printed out right. (Same printer, now on a PC, works splendidly.) While I went through my 10 month ordeal with Apple, they sent me the newest version of their AppleWorks software. It crashed at the slightest provocation. It was worse than the first version.

MICROSOFT IS CRUSHING APPLE? For those who choose to use Apples in a business environment, they often find Apple's Appleworks is simply not suitable for the job.

Fortunately, Microsoft makes software, Microsoft Office & Microsoft Word for the Apple computer. Without Microsoft, many Apple users would be up a creek.

MICROSOFT OVERCHARGES FOR SOFTWARE? Maybe, maybe not. I wish software were a lot cheaper. If one wants to buy the latest, greatest version of Microsoft Windows, Windows XP, it will cost $100. If one wishes to buy the latest version of Apple's operating system, called OSX (operating system 10) it will cost between $100 & $130. I am still receiving many Apple-oriented mail order catalogs from Apple mail order companies. The price seems to fluctuate, and I don't know why. If Microsoft IS overcharging for software, then so is Apple. Why aren't Apple's sins under investigation?

CHICAGO SUN TIMES, TUESDAY DECEMBER 11, 2001 PAGE 50: Article: Microsoft changes court offer An excerpt:

''Apple holds nearly half the pre-college educational market and analysts said that share could be threatened by the settlement.'' (End of Quote)

What? Apple holds 50% of that educational market, yet when it comes to buying a homecomputer, 95% choose not to go with an Apple, the very computer they may have learned on. Something is very wrong here. I had to learn the Apple on my own (my first computer), since no one I knew had an Apple. Then, because of my total lack of faith in Apple, I switched to a PC after 18 months. It is not pleasant to have to throw away everything you've learned to learn a new system. Why, if 50% of kids grow up using an Apple, do they choose to buy a PC? Apple certainly didn't make much of an impression on these kids.

As an Apple user for some 18 months, I followed all the Apple-related news on the web. Steve Jobs, CEO of Apple, had cut the sales staff that dealt with schools. Is this Microsoft's fault that Jobs made a poor decision? Apple could be holding much more than that 50%. Apple could be offering free stuff to our schools. But they aren't doing so. They want the DOJ to punish Microsoft, and turn some of the proceeds over to Apple, a company which in many ways is more guilty than Microsoft. I don't recall Microsoft trying to convince me not to use a Mac. I had free choice. Apple convinced me not to use an Apple.

MICROSOFT'S OFFER OF A BILLION DOLLARS OF HARDWARE & SOFTWARE IS A SCAM—THE SOFTWARE COSTS THEM ALMOST NOTHING.

Consider this: Dell Computer runs a contest, you can win a $4000 computer if you get lucky. We all know $4000 is what we would pay for that computer. It does not cost Dell $4000 to give it to me if I win. Most people understand the concept of profit, and I think any company that writes software would understand the difference between intellectual & tangible property. Steve Jobs of Apple, whose company actually charges more for software than does Microsoft, wants to be on the receiving end of Microsoft's 'punishment'. As I stated in my 'Apple ownership history', Apple made it clear that it didn't matter what I'd been through with Apple to get it to work. They weren't going to give me money so that I could go support another brand. Apple simply can't compete, though they have a large presence in the educational arena, & they were the first to introduce modern operating systems. Apple is not being destroyed by Microsoft, in fact, Microsoft is a blessing to them. Apple is being destroyed by Apple. I FIND IT EXTREMELY DISTASTEFUL THAT A COMPANY SUCH AS APPLE, ACTUALLY MUCH DIRTIER THAN MICROSOFT, WANTS TO TAKE ADVANTAGE OF THE SITUATION. APPLE'S SINS ARE 'UNDER THE RADAR' BECAUSE NO ONE REALLY CARES ABOUT A LITTLE COMPANY WITH LESS THAN 5% MARKET SHARE.

THERE IS ANOTHER OPERATING SYTEM FOR BOTH THE PC & THE APPLE IT IS CALLED LINUX

Linux is an operating system that is free. The original 'inventor' copyrighted it & gave it away. The idea was that no one could own it. If a company can improve the thing, they can charge for the improvements they have made. Users can make all the copies they want & distribute them. A friend could give me a copy. He could charge me for his time & the CD, if he wishes. Since this is a 'free' operating system, why isn't everyone using it? In spite of the fact that many companies produce Linux, (Redhat, Caldera, Xandros, Mandrake, etc.) almost no one can produce a version that doesn't require advanced knowledge & some special skills. You need to understand how to correct faulty installations by using your knowledge of Linux. If you can't load the darn thing, how can you ever learn it? Some, smarter than I, have succeeded at installing the Linux operating system. I succeeded, after a 2 hour call to Canada. The thing only took 10 minutes to boot up, & began to crash. I could install it a different way. But I would still need to replace my modem with a different modem, if I want to get on the internet. Microsoft Windows is a large, bulky operating system, but it pleases most people. At present, Linux seems primitive. Its like going back to outhouses, cars without power brakes or steering, and fireplaces. Who wants to go back to those 'goodold days'? Amazon.com has switched to Linux & made it work. A few other companies are going in that direction. So Microsoft DOES have competition in that market. Maybe one day Linux will be ready for us average guys. I hope so. Microsoft isn't holding these many companies back. They can't, as yet, compete fully with Microsoft. Apple's new OS is sort of related to this Linux. Has Apple chosen wisely? Only time will tell. As much as it irks me, there's a chance Apple could succeed, even surpass Microsoft windows. Will the DOJ then come along & punish Apple, requiring Apple to make some of Apple's settlement available to buy Microsoft products?

ONE LAST POINT-MAYBE NOT ALL THAT IMPORTANT I am just sick of hearing how Microsoft forces folks into a never ending cycle of purchasing upgrades. Microsoft will not come to your home & beat you up if you don't upgrade. The word processor that works so well today will be equally good 3 years from now. I think of Microsoft as the kitchen-sink-company.

They throw in every possible feature, including the kitchen sink. I don't think there will be any great technological advances in writing letters in the near future. Microsoft Word has too many darn features. If people want to buy new software, they do it for the same reason that women buy the latest fashions, they don't need the stuff (I'm not too slick with a word processor, don't blame Microsoft if I've made mistakes in this letter.) Thereare a few people still working with Windows 95 & many people working with Windows 98. If Microsoft's registration policy is overly restrictive, the market will punish them. So far, despite all the complaints, the majority still chooses Windows. The market has spoken. Microsoft has lots of money. They're no more guilty than their competition. Let Microsoft give a billion dollars, it won't hurt them. But let them take pride in donating their own product. Don't force them to support the even-dirtier competition. All of a sudden, Apple & Redhat Linux stick their noses in this thing. Apple & RedHat never expressed much concern about our schools before this. They want to collect welfare from Microsoft, & pull it off as caring, social responsibility. If they care so much about our schools, let them make separate contributions to the school systems.

Out of things to type, finally,

William Borg
1931 N.Spaulding BSMT
Chicago, Il60647–3733
773–235–0332

I apologize—AOL always messes up the formating of the stuff I type.

MTC–00004256

From: Jon (038) Sara Bonesteel
To: Microsoft ATR
Date: 12/12/01 8:28pm
Subject: Microsoft Settlement

Sirs,

I have a number of issues with the proposed settlement for Microsoft. In short, this proposal provides Microsoft (MS) the means by which to become EVEN more of a Monopoly. I certainly understand that the new administration is very monopoly and business friendly (especially with failed energy trading firms, but that's a different story), but please address my following concerns in the Federal Register. As a disclaimer, I have copied some of this text from a Robert Cringley article. I have verified the quotes.

(1) Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation,

or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...''. The phrase ''established by Microsoft'' allows MS to disallow any information to strictly ''non-commercial'' concerns even though they may be bigger real competitors (e.g. Apache, or Linux). This allows MS to squash any (their call) non-commercial threat.

(2) Section III(D) takes this disturbing trend even further. It deals with disclosure of information regarding the APIs for incorporating non-Microsoft ''middleware.'' In this section, Microsoft discloses to Independent Software Vendors (ISVs), Independent Hardware Vendors (IHVs), Internet Access Providers (IAPs), Internet Content Providers (ICPs), and Original Equipment Manufacturers (OEMs) the information needed to inter-operate with Windows at this level. Yet, when we look in the footnotes at the legal definitions for these outfits, we find the definitions specify commercial concerns only.

(3) The educational software distribution gives MS a gift of an additional entrance into the one market where they are not currently a monopoly. By gifting MS products to the schools, competitors such as Apple are put at a significant disadvantage. Is this a settlement?

Seems like furthering monopoly power to me.

Thanks
Jon Bonesteel
57 Tuxedo Rd
Montclair, NJ 07042

MTC–00004257

From: GAMatthews03@aol.com@inetgw
To: Microsoft ATR
Date: 12/12/01 8:28pm
Subject: Microsoft Settlement

As I was with IBM in the Governments rediculous antitrust suit against that company...finally ended after 40 years. Is this a waste of taxpayers money or what.

Why doesn't the government put the consumers interests first>?

Punishing folks who are successful is counter to what US is all about. You are aiding our foreign competitors by punishing MS and others who do well. The market and the competitors will take care of folks before they get out of hand. The government needs to STAY OUT of areas they know little about, namely computer software. You have NO idea of the detrimental ramifications to taking drastic action against Microsoft.

The whole browser deal was redicoulous. I have always used Netscape instead of IE...with NO problem. Microsoft in NO way prevented me from using other browsers. Govt does not understand that, I guess.

Get these few last governors out of the picture and get the agreement signed and lets all move on and quite wasting taxpayers money!!!

MTC–00004258

From: Tay (038) Kathleen Bass
To: Microsoft ATR
Date: 12/12/01 8:38pm
Subject: Microsoft Settlement

Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Greetings! I wanted to make my extreme distaste of Microsoft known. The company has demonstrated over and over that it will lie, cheat, and steal to achieve its goals. Please push for the harshest punishment possible. I would put the breakup option back on the table.

Sincerely,
Tay Bass
3530 Harwich Dr.
Carlsbad, CA 92008
(760) 720–3630

MTC–00004259

From: donovan2@ix.netcom.com@inetgw
To: Microsoft ATR
Date: 12/12/01 9:02pm
Subject: Complaints about Microsoft

Dear Sir or Madam:

Hopefully this complaint is not too late. Approximately 2 1/2 years ago, when I bought a computer from Gateway, I asked to have Word Perfect Office and not Microsoft's office installed. That was no problem, but within 6 months of the first purchase, when we went to purchase another computer, Gateway indicated Microsoft no longer let them substitute Word Perfect, so we were forced to buy Wod Perfect separately, while MS Office was included in price . It is discouraging that Microsoft's bundling practice has virtually eliminated all competing office suites, though its product is not superior. Law firms throughout the country were forced to change systems to Microsoft word, though it was not as well suited to the practice. This was because business users had switched because the products were bundled or tied to the Windows operating system. MS clearly has monopoly power and these practices should have been illegal As a result of these illegal actions we can expect few if any improvements to be developed by competitors as they no longer have any market share. For my purposes the Word Perfect/Corel products were clearly superior to microsoft, but it isn't clear they will be able to remain in business.

Fortunately by not using microsoft, our office has avoided virtually all virus attacks. Just like it is dangerous to eliminate all varieties of a plant, because the entire species could be wiped out by an insect, fungus, etc to which that plant is not immune, so the vulnerability of our computer systems to viruses is a result of the nearly complete elimination of competing operating systems and software, particularly e-mail and internet services.

MS Internet Explorer should be unbundled and be sold separately. At home on Windows 95 I was able to uninstall explorer, but until I did, it was clearly programmed to cause my computer to crash when I used Netscape. At work when I uninstalled explorer, my whole hard disc crashed and everything had to be reinstalled. Microsoft has not built a great product and compared to what others have created, but have been unable to market, perhaps not even good. It is outrageous that a settlement would include giving microsoft computers to anyone as that is a great advertisement and only increases their market share. I would hope the court would not approve a settlement, that did not require Microsoft to sell explorer separately—in fact that should be a different company—but if not they should not be allowed to sell it below cost, and never to give it away with Windows. They should be required to give cash to schools to purchase a computer system and networks of their choice.

For 3 years I ran a Novell network for a law firm, having 50 computer users. In that time, we never crashed once (it was DOS based and so more stable than windows). We could work from home, and access information through a modem at that time. It was very discouraging to see how often windows based system crashed for other administrators. We did have Windows and could use it if necessary, but rarely was there any need, which probably is one reason we were never down. Unfortunately Windows NT will probably drive Novell out of business also, though NT is an inferior product.

Again, I hope it isn't to late to lodge these complaints.

Thanks for the opportunity.
Patricia Gray

MTC–00004260

From: Karulal Choudhary
To: Microsoft ATR
Date: 12/12/01 9:14pm
Subject: Microsoft Settlement

Dear Sir,

The settlement is a big insult to the US Judiciary System and criminal collusion between the Justice Department and the covicted monopoly. Kindly consider the following facts:

1. Microsoft has killed a very innovative and revolutionary company called Netscape. It must be punished severely for that crime. The judge should not hear any argument or compromise on this fact. The Justice Department just turned its eye on this very simple crime.

2. Microsoft has illegally charged the vulnerable people and companies for its software. If you see the trend in the IT industry for last 10–15 years, the hardware prices have dropped from by 10 times (from $4000-$5000 range to $400-$1000) and their capacity and power has increased by 10–15 times, where as Microsoft has sold the same junk again and again at the same or increased price. They have never reduced their software's prices while the whole industry have reduced their prices by 10–15 times.

3. The Distict court and the Appeals Court have unanimously convicted Microsoft as illegal monopoly, it must be punished. Even though it's very rich and influential, I think the US Judicial System must be higher and powerful than any criminal.

4. I term Microsoft as a Tech Terrorist. It has terrorized many small companies including Netscape, Apple, Novell, IBM, Sun, Coral, and many many more. I have seen it for last 10–15 years.

Let justice prevail.
With regards,
Karulal Choudhary
544 Central Avenue #105
Alameda, CA-94501

MTC–00004261

From: Pedro Villavicencio
To: Microsoft ATR
Date: 12/12/01 9:33pm
Subject: Comments to proposed settlement

In my opinion the settlement is incomplete; it does not prevent Microsoft from continuing its practice of copying popular ideas with the purpose of incorporating them as enhancements into their operating systems (all of them). I would like to add to settlement two more ways to prevent Microsoft's monopolistic practices. The first is to prohibit the company from developing development tools such as Visual Studio by spinning off the Software Development Tools section; this will prevent Microsoft from decoding and rewrite somebody else code (a process called reverse engineering). The second is to prohibit the company from participating in any entity discussing industry standards; if Microsoft is a market leader and innovator then they have enough recognition to establish the so called ''de facto'' standards without major difficulties.

Best regards,
Pedro Villavicencio
VNcs
12/12/01
Pedro Villavicencio
kuntur@earthlink.net

MTC–00004263

From: David Lowe
To: Microsoft ATR
Date: 12/12/01 9:37pm
Subject: Microsoft/DOJ Settlement

Department of Justice:

I have worked in the Information Technology field for the last 30 years. I remember operating some of the first ''computer'' equipment that IBM manufactured while I served in the U.S. Navy. Beginning in those early years it seems to me that technology is developed, implemented and replaced at an ever faster pace.

As in other fields, when one Company exerts total or near-total control of a product arena, innovation advances at the pace of the controlling Company. I believe Microsoft nowadays has less motivation for innovation due to their 800 lb gorilla demeanor.

As someone who is in the middle of the IT field I can firmly say that there are other Operating System (OS) softwares that would offer substantial competition to Microsoft if the playing field were even somewhat level. Do not believe for a minute that Microsoft will change their predatory ways. The existing DOJ/Microsoft settlement has the cart (Microsoft) leading the horse(DOJ).

David Lowe
7924 Ditzler Ave
Kansas City,Mo. 64138
db-lowe@home.com

MTC–00004264

From: root@egyptian.net@inetgw
To: Microsoft ATR
Date: 12/12/01 10:50pm
Subject: Microsoft Settlement

My wife and I hope hope that one policy is used in this settlement and that is being fair, the one word that Microsoft does not understand. We would like to put in a good word for the appointment of Steve Satchell to the three member committie that is to be appointed.

Paul S. & Germaine K. Mitchell
3564 Union School Road
Chester, IL. 62233

MTC–00004265

From: Zimran Ahmed
To: Microsoft ATR
Date: 12/12/01 11:16pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Department of Justice:

I recently came upon a patent filed by Microsoft for digital rights management at the operating system layer.

This patent grants Microsoft the right to effectively veto any competition for digital rights management infrastructure. Moreover, the proposed DoJ settlement (section j) specifically protects Microsoft from having to ''document, disclose or license to third parties: (a) portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria''

You will notice that since Microsoft's entire operating system is moving towards digital rights management, the settlement protects them from having to disclose *any* portion of it to anyone else. This clearly renders the current settlement entirely ineffectual, as everything the company does is exempt under this clause.

Sincerely,
Zimran Ahmed

MTC–00004266

From: BFGalbraith
To: Microsoft ATR
Date: 12/12/01 11:23pm
Subject: Microsoft crimes against humanity

Dear well intentioned Department of Justice,

When you're average user buys a computer, he pay's Microsoft an extra $60— $120. For what? For some things that Linux does better. The illusion is that Windows is easier to use. In fact, the learning curb on some Linux distributions is much less starting from scratch then for Windows. Since these distributions are free, and since you do not have the option of getting Linux machines at most stores because of Microsoft market control, Microsoft is basically stealing $100 from everyone who buys a computer, not to mention limiting innovation and competition between operating systems.

What's worse is the ''Micorsoft office suite'', which runs hundreds of dollars, compared to the equivalent software for Linux, which runs tens of dollars or often is just free.

Also, if there is a problem with Linux software, chances are you can get something done about it. And legally, you are usually allowed to try. Not so with Microsoft. Microsoft encourages people to accept failure, not think, and blame thier problems on others.

How many community colleges offer courses in how to use Windows? Many indeed. How about Linux courses? This much rarer. What is more needed? I want to study Linux in school right now, but there just isn't anything besides a 1 credit computer lab. On the other hand, there's at least 20 credits offered here (Olympic college in Bremerton WA) in using the Microsoft office suite. Microsoft is socially and intellectually damning.

If Jesus from the New Testament were here, would he support Windows or Linux? He certainly would not support Microsoft.

Please end this social/economic abomination. Please bring us justice.

Patriotically yours,
BFGalbraith
Hack and Slash Project Manager
bgalbrai@krl.org

MTC–00004267

From: ark
To: Microsoft ATR
Date: 12/12/01 11:49pm
Subject: Antitrust settlement

American Telephone and Telegraph (AT&T) and Standard Oil Co. were not half as monopolistic as Microsoft is and will continue to be unless they (msft) are punished severely. Microsoft's tactics are unethical and un-American, as long as they are permitted to spread half-truths about their own and other companies products the Personal Computer market will continue to suffer. Microsoft has never made a significant contribution to this arena. All advancements have been made by Macintosh or the numerous Unix/Linix/Open Source open-minded, free-thinking, innovative programmers, only to have Microsoft steal their work and mutate it into their own bastardized, resource hogging version (microsoft will most likely add their famous paper clip [it looks like you're writing a letter] to what ever they steal). From DOS (CP/M) to Windows 3.x/95/98/ME (Mac) and Office (Perfect Office, Novell) to NT/2000/XP (VMS) Microsoft has followed their classic SOP; steal, steal, steal.

Please, do the world a favor—put Microsoft in its place.

Mark P. Meland
CMI MIS
Phone: 952–876–8441
Pager: 612–648–9872/ark.page

MTC–00004268

From: Daniel Corbett
To: Microsoft ATR
Date: 12/12/01 11:57pm
Subject: Monopoly

I guess I can see the logic. I mean, MicroSoft IS a monopoly, but they are an AMERICAN monopoly, now aren't they?

MTC–00004269

From: a
To: Microsoft ATR
Date: 12/13/01 12:08am
Subject: microsoft and USA

First off, I'm not writing this letter to crush Microsoft. Cause I know it will not happen in my lifetime. Second off, I'm not writing this letter to ask for anything more than your time. Cause I know I'm not a US Citizen or anu special person.

To me, Microsoft is abusing too much on its domination power. I won't call this a monopoly, since They have not controlled the whole market. Just... almost dominate it. And when more people are moving into Microsoft world than moving out of it, this is the proof that Microsoft is abusing its dominance. There should be an equal balance. Everyone knows that. When one company become larger and larger, the small get smaller. When the rich get richer, the poorer can't get any richer. When thing get out of controlled, it must be controlled.

I'm not saying that government should intervene in the business world. It would destroy the fair competition. But this is an exception. The existence of Microsoft has almost made fair competiton thing of the past. To proof my point. Why would Microsoft, tried so hard to open out AOL Instant Messager's network? Would they do so if they can't be sure that they can win out even in a fair competition environment? If that's the case, then this means Microsoft has grown too big. They've covered almost all the segments of Tech industry and they are getting stronger.

I can't bear to see what fair competition will look like in the next 10 years. Or 20 years. Forget about start-ups innovation, or innovation-that-made-people-free-to-decide. Just look at dominate-more-industry-kind-of-innovation by big corporations. You call that having IE inside an operating system an innovation? What about XML? To me, it's a real innovation as they proliferates communication of different and incompatible devices or software to talk to each other and share information. Java too, is a good one. And Microsoft has tried hard to destroy this kind of innovation. Even though Microsoft does not seems to hate XML. They are making their own version of XML... again... after the Java.

Well, I really don't know but I don't see MS Word to use XML and can be open with any other word processor. I still can't see windows app fully utilizing XML and can be run on any operating system. I just don't see that happening. They're still depending on their dominance, reluctant to cut prices and to give consumer more freedom to choose.

Over the years and have seen step by step by Microsoft how to destroy open standards and to develop their own standards and to gain more market share and force other companies or consumer to use their software and uneasy to migrate to other platforms. Until I can see Microsoft providing a full migration software from windows to Linux or other OSes this will remain true. If I was the judge I will prosecute them on the fact that they reduced consumer's choice and implementing features to made migration to other platforms a harder task alone. Not to mentioned that their shown of a monopoly company's behavior by implementing their own remedy. By donating more Microsoft software to school for... FREE? And... to get more market share? What kind of remedy is that?

That's all I have to say whether that this letter will taken into account, depends on the intelligence of the people that will be reading this letter.

MTC–00004270

From: John D. Hardin
To: Microsoft ATR
Date: 12/13/01 12:12am Subject: Microsoft Settlement
17014 Broadway ave.
Snohomish, WA 98296–8031
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Fax: 1–202–307–1454 / 1–202–616–9937
E-mail: microsoft.atr@usdoj.gov

Ms. Hesse:

I am writing you to register my comments on the proposed settlement in the Antitrust case of U.S. v. Microsoft. I hope they will be considered. First off, I want to gently remind you that Microsoft has been found guilty in a court of law of committing crimes, in that they repeatedly violated the Antitrust laws and engaged in many acts of illegal anticompetitive behavior. Please do not lose sight of this fact when considering the settlement.

Microsoft has violated the law, and as such, they must be punished. Punishment involves causing the criminal so much discomfort and pain that they regret having committed their crimes, and do not wish to repeat them. Otherwise it is not punishment. Any settlement where Microsoft does not squeal loudly and publicly about how unfair it is, is not punishment. Thus I find it disheartening that the Justice Department is even talking to Microsoft about what form the punishment shall take: ''Will this hurt too much? Oh, sorry. Okay, how about this?''—would this be done with any other criminal? Where is the justice for the public in this? Please don't forget you are on my side, defending my rights, not Microsoft's.

The terms of the current settlement do little or nothing to punish Microsoft. In effect, Microsoft is being given an opportunity to spend a small portion of their enormous cash reserves to gain a powerful entry into and lock on a new market (that of disadvantaged schools), and is in the process being given protections against the competitors that do the most to threaten their business. How does this punish them?

Any solution to the problem of Microsoft's anti-competitive behavior must strike at the roots of that anticompetitive behavior: their constant and recurring exclusionary practices. These most often take the form of dictating OEM behavior and engaging in gratuitous blocking of software interoperability.

The current proposed settlement does not effectively address these practices. Charles James' comment that the proposed settlement will ''fully and demonstrably resolve'' all problems is the worst kind of wishful thinking, and shows that he is not acting in the public's best interest.

(1) Microsoft must not be permitted to dictate what software OEMs may or may not install on the computers they build and sell, including most importantly Operating Systems. OEMs must be able to build and ship so-called ''Dual Boot'' systems without incurring any penalties or punishment from Microsoft. OEMs must also be able to ship computers without any Microsoft operating system at all without incurring any penalties or punishment from Microsoft.

(2) Microsoft must be required to publicly, freely and completely document the Application Programming Interfaces (APIs), communications protocols and data storage formats (file formats) used by all products they offer (for example, Microsoft Word and Microsoft Windows itself). In this manner, competing products, including those created by non-commercial sources, will be able to interoperate with Microsoft products. This documentation must be published well before the release of any new product or upgrade, and must be freely available without fee or registration or restriction on use. It is vitally important that there be no restrictions on the use of this documentation, for if there are any restrictions at all, Microsoft will find a way to use those restrictions to their advantage to stifle fair competition. See Section III(J)(2) and Section III(D) for their current attempt to do this; these sections would have the effect of allowing Microsoft to determine who they deign to provide interoperability information to.

Remember, your goal is to punish Microsoft. Let them compete based on the quality of their products, not the obscurity of their APIs, communications protocols and file formats. Microsoft's ubiquity and ability to produce de-facto ''standards'' demands that their software interfaces be fully, publicly and freely documented. This is the price of their having a monopoly.

(3) Microsoft's products must be held to their documented interfaces. If a Microsoft product is found to use an undocumented extension to an API, communications protocol or file format, then the extension must immediately be documented under the above terms, and Microsoft must be fined and the offending product removed from sale until the documentation has been updated or the use of the extension removed. The same punishment should apply if a product is found to use a wholly undocumented interface.

In conclusion,

The current proposed settlement is a very light slap on the wrist to Microsoft, and if it is enacted then in five years we will be right back where we are now all over again, just as we are now going through yet another penalty phase of yet another anticompetitive practices trial today because of the weak Consent Decree imposed in the mid-1990s. The only difference is in five years Microsoft will be yet larger, more arrogant, and harder to effectively punish.

I hope that the Justice Department will inflict meaningful punishment upon Microsoft. I hope that the currently proposed

settlement is not enacted; it seems to me to be nothing more than Public Relations window dressing intended to hide the fact that the Justice Department cannot effectively enforce the law upon a wealthy company. Please don't prove yet again that Money Talks, and that Microsoft is above the law.

Thank you for your time and attention.

Sincerely,

(signed) John D. Hardin

17014 Broadway ave.

Snohomish, WA 98296–8031

CC: email, mail, fax

John Hardin KA7OHZ

ICQ#15735746

http://www.impsec.org/jhardin/

jhardin@impsec.org

pgpk -a jhardin@wolfenet.com

MTC–00004271

From: Crystal

To: Microsoft ATR

Date: 12/13/01 12:52am

Subject: Microsoft/Redhat proposed settlement

I am a woman of few words (if you can believe that), so I will make this short.

Anybody who thinks that Microsoft's proposed settlement is better than RedHat's settlement is obviously insane. Anything that puts more computers in front of students, educating them in some of the most important skills they could ever use in the business world today and years from now, is a very good thing.

Thank you and have a happy holiday season,

Crystal Zeestraten

shendra@dawnofmagic.com

and,

Christian Boynton

bcb@targetsafety.com

MTC–00004272

From: Kelley G. Tedd

To: Microsoft ATR

Date: 12/13/01 1:41am

Subject: Frustration with Microsoft

To Whom it May Concern,

I am a staunch Republican, a 28 year-old US Citizen and CEO of a prominent mid-sized European IT-services company. I have no business ties in any way to Microsoft nor is Microsoft a competitor of mine or my Company. I have been living in Europe for 8 years, but follow US events and politics very closely and I am very proud of our President, George W. Bush! I am likewise exceptionally pleased with all of the cabinet picks and those that President Bush have chosen to help him run the Government. However, despite all of this I am appalled by the proposed Settlement Agreement between the US Justice Department and Microsoft!!

Microsoft is a very good company in the way that it sells, markets, and builds a business. Mr. Gates is a business-man's role model; however, his company has broken the Law and US Courts have agreed, but it appears that this is not the prominent concern of our Justice Department that otherwise acted in a fair and evenly-handed way in the almost first year of this Administration. I am dismayed and flabbergasted that the Justice Department has decided to take the preverbal quick road to ending the Court Actions against Microsoft through such a powerfully unfair Settlement.

Not only is this highway robbery against users around the world and a slap against fair business practices, but it is also an embarrassment to fair Administration. How will the US Justice Department look when other Court Actions do what this Antitrust Trial could have and should do?! I'll tell you how the Justice Department will look: squeamish and weak. Not to mention one who does not defend the rights of Computer Users everywhere. Microsoft has broken the law, it has been proved in a US Court of Law, it has and continues to affect users in an adverse way, and should this Settlement between The US Justice Department and Microsoft be the last word on behalf of the Justice Department in this Anti-Trust Case, the US Government will join Microsoft in robbing users around the world! I request that you respectfully consider this experienced opinion and upon request would be pleased to offer additional information for the cause of fairness!

Best Regards,

Kelley G. Tedd

MTC–00004273

From: Leon Brooks

To: Microsoft ATR

Date: 12/13/01 2:12am

Subject: Comment on Proposed Microsoft Monopoly Settlement

CC: president@whitehouse.gov@inetgw

A signed copy of the body of this email will be forwarded by surface mail via Renata Hesse, Trial Attorney with the Antitrust Division of the Department of Justice in Washington.

IDENTIFICATION

My name is Leon Brooks, I was born on the 30th day of August, 1962 in Merritt, British Columbia, Canada of Australian parents and have been a resident in Australia for the past 37 years. My current address is 5 Lisle Street, Mount Claremont (6010), Western Australia. My usual email address is leon@cyberknights.com.au. I am a director of the Information Technology company Cyberknights Pty Ltd, which creates, modifies, repairs and administers computer software. I can be contacted by telephone (voice or SMS) on +61–409–655–359.

RELEVANCE

The decisions made in this case, although occurring within United States jurisdiction, will have a significant impact on computer practice, policy and law worldwide, including Australia and Canada.

In the course of my work in the computer industry I am called upon to work on programs and data run and stored on computers within the United States mainland (through remote access tools like OpenSecureShell and CVS). I have had 21 years of experience in working with software, including proprietary software, including Microsoft products. I have lived through the events which led to Microsoft being convicted as a monopolist and had to deal with difficult situations created by those monopolising actions.

I have created and modified (and continue to create and modify) both proprietary and various forms of Open Source software, including software licenced under the Free Software Foundation's GPL and software licenced under other Open styles of licence such as those termed ''BSD-like'' and ''freeware.''

COMMENT ON SETTLEMENT PROPOSAL

PROBLEMS WITH EXISTING PROPOSAL

1. The educational domain is one of the few computer-user areas not yet completely dominated by the monopolist, and the proposed monopoly settlement, prima facie, simply gives government sanction to the monopolist overwhelming their major proprietary competitor, Apple Computer Corporation, by extending the monopoly products into this area.

2. The proposed settlement would also allow the monopolist to enjoy the fruits of its illegal labours, give it enormous tax breaks, and allow it to be claiming to do genuinely good, charitable and useful things when the net effect of the proposed remedy would actually be a financial benefit to the monopolist. Even without the tax breaks and direct monopolising effects, consequential sales of other monopoly software would more than pay for the ''donation.''

3. The amount of the donation is insignificant. The monopolist currently has—cash—holdings valued at in excess of thirty times the amount being considered in the remedy. To put this in context, if your gross income is USD $200,000.00 per annum and you have USD $1,000,000.00 cash in the bank plus USD $1,000,000,000.00 in other assets, will a once-off tax-deductible fine of USD $18,000.00 deter you from practices which increase your income by an extra 8% (USD $16,000 in round 1) per annum?

4. The enforcement measures are insignificant and have no timely and powerful backing. The monopolist all but ignored the last set of antitrust measures imposed on it. In order to get the monopolist to obey any rulings not staggeringly favorable to it, there will need to be stiff, clear and specific non-compliance penalty clauses in place from the start, backed and adjudicated by people willing to actually apply them.

5. No provision has been made for reimbursement of damages to any of the plaintiffs. Far from being a penalty or a remedy of any kind, it is (fancy words aside) effectively a direct sanction for and encouragement of monopoly. The English terms for this kind of remedy are all long-winded, but the Jews have a single word ''chutzpah'' (or ''hutzpah'' in some dialects) to describe it. I should not like to have my name associated with its implementation at all, let alone published for posterity in the **Federal Register** and spread across cover stories in legal and computer-related media around the world.

FAVOURABLE POINTS IN EXISTING PROPOSAL

1. It ends the current round of these legal proceedings quickly.

IMPORTANT ISSUES NOT ADDRESSED BY THE PROPOSAL

1. The National Security implications of having the vast majority of users working through a single software set, particularly a set with a highly disproportionate number of ongoing security issues, have not been addressed.

2. The financial and military risks of having a significant percentage of the nation's capital dependent upon or running through a single corporate entity have not been addressed. Consider a heavily industrialised nation that loses most of its computing power (data access) through a custom-written Windows virus or a bomb at MSN just as another WTC-sized terrorist event gets underway, or another stock-market crash begins.

3. The stability of a nation which allows so many resources to be tied up in what amounts to a single privately controlled business entity has not been addressed.

4. The remedy fails to address or even hint at the contributions of key people behind the deliberate and strategic monopolisation. To be fair and just, the remedy should include significant penalties for the individuals responsible for directing it during its establishment and ongoing maintenance.

OTHER CONSIDERATIONS

Many individuals have lost their entire livelihood through the monopolistic actions of the defendant, and have not been represented in the proceedings simply because they cannot afford to. This should be borne in mind when framing the nature and size of penalties. Many other individuals have been so frustrated and demoralised by the monopolistic actions of the defendant that sheer accumulated pessimism has prevented them from bringing suit. Such an accumulation of wealth (approaching $1 trillion if all companies involved are considered together with personal fortunes) must have come from somewhere. Unless it can be shown that the defendent alone provided more than this value in services to the communities from which this fortune came, the difference represents a loss to those communities and must be reimbursed to them.

IMPROVEMENTS TO THE PROPOSED SETTLEMENT

It is not easy to apply any sensible amendment to the existing proposal which will address more than one or two of the many issues still unresolved. It would be simpler and more just to discard it and build a very simple proposal to replace it. The purpose of a monopoly is to achieve control, and through that control to acquire assets. Therefore the ideal remedy is to remove control and assets from the monopolist since this directly contradicts their reasons for deliberately constructing a monopoly. In this case, the monopolist is a company which cannot think for itself, a company which is directed by owners and managers, so it would be most appropriate if the remedy included those managers.

AN ALTERNATIVE PROPOSAL

ASSET REMEDY

That Microsoft pay a fine of 10% of their nett worth, 20% of which is due and payable on the day of imposition and the balance at 3% of the initial value [note 1] on the first day of each succeeding calendar month until the balance is paid, into a fund.

The penalty fund will be managed by people and organizations with no personal or corporate ties [note 2] with Microsoft, or with any of their first and second-level managers. This fund may then be drawn upon by the existing plaintiffs in the value of half of their proven claims, and any remaining monies are to be allocated to registered charitable organizations on application, such organizations to have no personal or corporate relationship to Microsoft or any first or second level Microsoft managers, and applications to be limited to one per financial year and in amounts less than the minimum of $10 million or the organization's previous financial year's gross income not including previous applications, or $100,000 if this is their first year of operation. Each first-level Microsoft manager (e.g. Bill Gates, Steve Ballmer) pay a fine of 20% of any monies or shares granted to them by Microsoft and related companies or people, shares to be valued at the start of the day of imposition or if already sold or traded then at their sale or traded value. Terms of payment as for Microsoft.

Any second-level Microsoft manager (ie anyone who has reported directly to a first-level manager) pay a fine of 10% assessed as above.

The penalty for failure to promptly comply would in the first instance be a doubling of the amount not being complied with, due and payable immediately, and 2% per month interest on outstanding balances; and in the second instance the immediate bailiff/sheriff-supervised liquidation of randomly chosen corporate assets until the then-due amount is met [note 3].

CONTROL REMEDY

Microsoft, together with any company ever owned or controlled by it, or by its first- or second-level managers, to promptly (ie completed within a year) publish [note 1] detailed specifications for all of its data file formats, software and hardware APIs and networking protocols, together with dual GPL and BSD-licenced [note 2] working software examples in source and not dependent on proprietary code or development tools [note 3]. Microsoft to continue to so publish for ten years any new or altered file format, software/hardware API or networking protocol BEFORE the file format, software/hardware API or networking protocol is used (including for beta testing, giveaways, lease, hire, sale or similar arrangement) by people other than Microsoft employees or contractors.

Complete source code and documentation for any product no longer supported must be promptly published under a GPL licence [note 4], by the end of 2002 for products already unsupported and before support is withdrawn for any product still supported on day of imposition.

The penalty for non-compliance would in the first instance be the immediate recall of all related products until one month after correct publication was made, and in the second instance a fine of one billion dollars for each product in violation, due and payable immediately with further penalties as above.

EXPLANATORY NOTES ON PROPOSED ASSET REMEDY

1. The penalty is stiff, but will surely be legally mitigated by Microsoft, and represents only a small fraction of the real damages. It directly addresses a motivation for creating and exiting a monopoly. It also acts directly to temporarily limit the growth of the monopolist. Such a limit will assist alternative technologies in having a fair chance at establishing themselves in the marketplace.

2. To help in avoiding the inevitable efforts to circumvent the remedy.

3. A less direct penalty would invite legal haggling; lesser penalties have proven to be ineffective in past actions.

EXPLANATORY NOTES ON PROPOSED CONTROL REMEDY

1. Publish as in, make freely available. A USD $10,000.00 fee for a paper manual set represents a serious investment for a very small company, an individual, or even a quite large company in a country with USD $20-a-month average wage. Publishing the specifications in unadorned standard HTML illustrated with standard PNG images on a freely accessible website would be suitable.

2. The BSD-style licences permits incorporation into proprietary products, without which the remedy would not be as useful to producers of proprietary software. The GPL licence permits incorporation into the growing Free (Libre) Software base and offers protection against legal trickery in a Microsoft-amended BSD-style licence. Microsoft use BSD-style licenced software in their own products. The website at http://www.opensource.org/ has examples of these licences available.

3. Dependence on tools or libraries for which a developer must obtain a possibly exclusive licence and/or pay a substantial fee to use would be an effective barrier to competition from individuals or nations in impoverished locations.

4. GPL is singularly appropriate here because it makes the code maintainable by third parties including the users themselves, but (legally at least) prevents entrepreneurs from rebranding, recompiling and marketing entire product lines in competition with Microsoft as if they had invented them.

SUMMARY

The remedy which I propose here is crude and almost certainly unworkable even when phrased in careful legalese, but I believe it represents a necessary starting point, and when suitably diluted by negotiations may result in a workable solution which does address concerns about not only direct monopolisation but also the risk to the American nation and consequently the world of letting so many eggs collect in one corporate basket.

Thank you for giving due consideration to this comment on the case.

Leon Brooks

MTC–00004274

From: James Cook
To: Microsoft ATR
Date: 12/13/01 2:23am
Subject: Punishment?

For the government to allow Microsoft to escape any penalty by allowing Microsoft to give software to schools is like punishing a fox by locking the fox in a henhouse full of chicken. For any judge to spend more than 5 minutes realizing this is a joke only shows the government is not serious about breaking Microsoft's monopoly and the judge is clueless. The settlement would only be taken out of Microsoft's advertising budget.

If the government allows Microsoft to escape punishment with their proposed plan, the government show just create a Department of Microsoft and admit defeat and humiliation.

Jim Cook

MTC–00004275

From: Bob Rasmussen
To: Microsoft ATR
Date: 12/13/01 2:30am
Subject: Microsoft Settlement

May it please the court,

I appreciate as a consumer, the opportunity, and right to comment on the settlement agreement between the Microsoft Corporation, and the United States Department of Justice. My comments come as a consumer, specific to the issues that relate to my purchase, use, and experience with the many software products available today, which include those developed and sold by Microsoft.

In the roughly three years that this case has been under trial, I have read much of the available information on the trial, as well as the many, many statements given by competitors of Microsoft, and their concern with Microsoft's behavior, both before and during the trial. Never in my recollection of watching the business world have I observed such a concerted effort by numerous companies to malign and destroy the image, perception, and products, of a successful company. And what amazes me even more is that to a large degree, these companies employ many of the very same tactics used by Microsoft yet without any apparent threat of reproof. America Online (heretofore referred to as AOL) is a company that for every intent and purpose, has today the vast majority of Internet users as customers for their service. Effectively, they are presently as we speak, a monopoly in that industry. Yet to read any news publication today, the most that fact will bring is a limp assertion that yes, AOL is the predominant Internet Service Provider (heretofore referred to as ISP), with roughly 30 million subscribers, and it is left at that. No one is investigating AOL, no Congressional Hearings are scheduled, and in fact, great care is taken to ensure that their product and service in this industry is insulated from competition.

During their recent merger with Time Warner, Inc., the Federal Communications Commission (FCC) had the opportunity in their review of the merger, to require AOL to make their instant messenger service compatible with other similar services. As a consumer, I can instantly relate to the importance and advantage of such a requirement. The FCC however did not capitalize on that opportunity, and as a result, the media giant continues to lock out users of other ISP services from communicating with AOL subscribers.

In comparison, when I review and observe the Microsoft case, as well as comments associated, I see that products where I as a consumer realize a benefit, are under constant scrutiny, not only from the government, but even more so from competitors. For example, the various versions of the Windows operating system have for years offered a form of a media player, which is presently under dispute by many competitors, as that application or device resides within the latest version of the Windows product, Windows XP. For years that was not a concern, but now another company exists, RealNetworks, which offers for free a download player called RealPlayer. Suddenly a benefit that I had as a consumer with the purchase of an operating system is threatened because another company wants to limit what is contained within the operating system. Regardless of the fact that any consumer can download for free the RealPlayer, RealNetworks Inc., for one, among others, protests the inclusion of Microsoft's Media Player within the operating system because it competes directly with what RealNetworks would like to give away for free. The bottom line? As a consumer, I see the potential of a very robust and ''application capable'' operating system, one that offers me great flexibility and performance, being required to reduce it's service and functionality to me so that others can improve their opportunity to compete. Yet the fact is, this product offered by RealNetworks is an easy download, and is often loaded onto machines alongside of Microsoft's Media Player anyway. Twenty years ago, there might have been a case to consider here. Consumers were still getting their feet wet in determining the right hardware and software to purchase, and many were easily confused, and possibly misled in the process. Today however consumers are quite prepared to make well informed decisions about their hardware and software purchases. With a plethora of information available, through various forms of communication (media, print, Internet, classes, service companies, etc) the consumer has more than enough information available to help them in their purchasing decisions. And frankly, that is supposed to be what all of this is about: The consumer, and the protection of their purchasing power and decisions.

In fact, everyone from Senator Orrin Hatch, to Ann Bingham (head of Antitrust Division, original investigation, 1995) to Judge Penfield Jackson has stated all along that the it was the consumer they were representing in their fight against Microsoft. However the ramifications of their actions has been anything but positive for consumers. I have today countless choices of software I can run on my PC, simply because of the operating system standard provided by Microsoft. I do not use Microsoft software exclusively, nor do any of the people I see regularly who work with computers. As a consumer, I feel I am quite well informed about what products exist in the marketplace, and I am quite confident I can make intelligent choices about the products I wish to purchase. However I believe that of ALL the interests represented in the courtroom, in the media, and in print, the consumer's interests have been the least heard or considered. Companies like Sun Microsystems, Oracle, AOL, Novell, Apple, & IBM are not nearly so interested in what works well for me as a consumer, as they are interested in gaining market share for their own respective companies. If this settlement is derailed, through the lobbying of companies like this, it will prove once and for all that competition, and consumer choice in the marketplace, no longer determine or direct the outcome of products and services, as they have for the last several hundred years.

Market share, and competitive advantage cannot and should not be awarded in a courtroom. The measures within this settlement agreement are sufficient to ensure that Microsoft cannot take unfair advantage of, or punish any company in the future. At the same time however it preserves Microsoft's right and ability to continue to provide the best product possible, which is for me, the consumer, the best and only appropriate outcome.

The additional measures sought by the nine rouge states go well beyond what is necessary, and actually threaten the intellectual property of one of the country's most successful businesses (and this frankly, threatens us all). No other company in this country (or the world for that matter), has been required to dismantle it's showcase product, to it's own demise and destruction, simply to appease the wishes of less successful competitors. To do so now, would unfairly serve only those companies, and would destroy much of the gain realized by consumers through Microsoft's achievements in product integration. If this court truly values the purchasing power of millions of consumers, who are today quite savvy about what kinds of software they need and want, it will allow this settlement to stand, and repel the imperious demands of the nine states that remain as extreme and overreaching.

Thank you for your time and attention to review my comments.

Sincerely,
Robert S. Rasmussen
rasm47@nidlink.com

MTC–00004276

From: koby
To: Microsoft ATR
Date: 12/13/01 2:47am
Subject: Microsoft should do this

Hallo,

I believe that microsoft should do these next things: Microsoft should give money to schools. money, not products, money! about 50% of its years income for 5 or 10 years. Microsoft should give money to apple for stealing ideas in the os. (for the last 10 years). Microsoft should give money to the open source companys. (companys that Microsoft dose not own). Microsoft should pay a fine of about 70% of its year income. Microsoft should give money to support advretising other softwer companys.

thank you.

MTC–00004277

From: Ben
To: Microsoft ATR
Date: 12/13/01 5:37am
Subject: Do SOMETHING

Microsoft has been found guilty of anti-competitive buisness practices right? Strong action MUST be taken to break thier monopoly. The proposed settlement will not change Microsoft's monopoly. As a concerned citizen of the United States I beg you to take strong action to alleviate this

thorn in the side of this nation's greatest jewel, a strong healthy COMPETITIVE capitalism.

Thank you

MTC–00004278

From: Rich
To: Microsoft ATR
Date: 12/13/01 6:01am
Subject: Microsoft 'settlement'

12th of December, 2001

This letter is written with respect to the proposed Microsoft settlement. Let me state that I am a software architect and database administrator and have been in the IT industry for about 16 years. In addition I have a B.S. degree in Computer Science with a g.p.a. of 3.792 on a 4.0 basis so I am reasonably intelligent and have direct experience in the field that Microsoft is involved in. I have worked on everything from embedded systems in assembly language up through 4GL systems running on UNIX and pretty much everything in between. I have developed on Micrsoft based platforms as well as DEC and UNIX based systems and so have seen many different aspects of the industry. During my 16 years in this business I have repeatedly seen the impact of Microsoft's behavior and watched them crush promising technologies and products from competing companies by the use of their position on the PC desktop. Rarely have they won a market by technical excellence or innovation I might go so far as to say never. They have used whatever means at their disposal, whether ethical or otherwise, to take over market after market, and along the way have done a very real disservice to the industry and to the consumer. It is patently obvious that the company is now using their dominance in the desktop OS market and the Office software market to charge ever increasing amounts for their software and to damage the abilitiies of other companies to properly engage in producing competing products. In the end those of us in the industry would just like to see real competition re-introduced into the software market so that there could be real innovation along with non-monopolistic pricing for PC based software. The current settlement proposal does nothing to provide for any of that, and in my view, actually rewards Microsoft for their illegal behavior. To call the DOJ/Microsoft proposal punitive is like calling the Taliban tolerant—a complete reversal of the sense of the word involved. Many of us in the industry have a deep concern about where the internet technologies will be in five years if this settlement is made law. Will the internet wind up just being an extension of the MS desktop monopoly? If they are not restrained in a very real fashion that will indeed be the result and then the whole world will really get to suffer as every action taken on the internet will have an attendent fee being sent to Redmond Washington along with the company probably making a mockery of the idea of personal privacy on the internet. I hope our government, that at least states it's love of freedom, can see clearly enough to realize that the software industry, and therefore our nations economy and commerce, cannot be truly free while an unrestrained Microsoft roams the land unfettered.

Rich Mycroft
770–667–5484
255 Summerfield Drive
Alpharetta, GA 30022
rmycroft@mediaone.net

MTC–00004279

From: Michael McLay
To: Microsoft ATR
Date: 12/13/01 6:46am
Subject: One addition to the Microsoft remedy

I very much liked and agreed with Dan Kegel's analysis of the proposed Microsoft remedies. His edits of the proposed remedies are available at http://www.kegel.com/remedy.html. What follows is a description and justification for one additional remedy.

Bundling Internet Explorer into the Microsoft Windows operating system is not the central cause of Microsoft's ability to control the desktop. The non-disclosure of the file formats used by Microsoft Office is the key factor in the ability of Microsoft to retain monopoly control of the desktop.

Ownership of the file format essentially makes Microsoft a co-owner of the contents of those files. Even the Federal government is held hostage to Microsoft by the secrecy of these file formats. Eliminating Microsoft's control over the content will eventually lead to the creation of a more competative market. The disclosure of the file formats will enable alternative office suites, such as StarOffice, OpenOffice, and KWord to enter an open market for office document processing.

The Microsoft Office tools have been designed as an easy to learn and use starting point for creating content used in the business process. For many business activities the creation of the data is just one step in a workflow process. The Microsoft non-disclosure policy, that allows them to maintain their vice like grip on the users, has harmed their customers by limiting the ways in which user can access the data contained in the documents to only those methods which are approved by Microsoft. The Microsoft .NET proposal will work to exploit this situation by extending control over a larger portion of the workflow within organizations. This next exploitation will be enabled if the injustice of the Microsoft non-disclosure policy is allowed to continue. Unlocking the content of the documents produced by Microsoft Office, by requiring a full disclosure and cooperation in the definition of the format, will enable alternate workflows to make use of the document contents, such as post-processing by tools such as Python, Perl, and XSTL.

The inequity of the non-disclosure policy to the customers of Microsoft Office can be eliminated by requiring full disclosure of the file format. Given the Microsoft track record, the disclosure must be supported with evidence and tools that demonstrate that the disclosure is honest and correct. This can only be done by providing software that proves the disclosure to be correct. This is a punishment for the crime committed by Microsoft, so the fix should not entail additional costs to the end user. The cost to Microsoft to produce the documentation and software would be insignificant relative to their income off of the Office product. The following set of requirements for the file format disclosure are required in order to keep Microsoft from obstructing the free use of the content of the files. The interoperability with OpenOffice is particularly important to the end user. A more detailed justification for the terms can be provided if necessary.

An Additional Term for the Remedy

Within six months of the final settlement Microsoft will release bi-directional translators that move data between the Microsoft Office native file formats for PowerPoint, Word, and Excel and a documented XML file format. The mapping must follow the architecture used in OpenOffice as closely as possible. This includes the separation of bitmapped pictures into separate files and the use of zip to compress the resulting collection of files. The element and attribute names of OpenOffice should also be used, unless a rationale for non-conformance is provided. The translators will be made available for all versions of Microsoft Office dating back to Office95.

The translators will be made availble for free download over the Internet. The translators will not require the installation of Microsoft Office on the system on which the translators are present. The translators must support a simple command line interface that specifies the input file name and the output file name. No GUI based interaction should be required when the command line is used. No external applications will be launched by the translator application. No licensing restrictions will be made on the translators. A W3C XML schema (XSD) that precisely defines the constraints on the elements and attributes of the file format must be supplied with each translators. Documentation describing the function of each element and attribute in the schema must be supplied. The W3C XML schema (XSD) and the documentation must be approved by an oversite committee. The bi-directional translators must demonstrate round-robin testing of any Microsooft Office document without loss of data. When a document is read back into Office from the XML file and the document is written out to the file a second time the order and content of the elements and attributes must remain unaltered. The XML file must conform to the canonical XML file format. The correctness and completeness of the translators will be assessed by an independant court appointed oversight committee. The source code for the translators must be made avaliable under terms compatible with Open Source Software.

CC:dank@kegel.com@inetgw

MTC–00004280

From: James C. White/mediaone
To: Microsoft ATR
Date: 12/13/01 7:11am
Subject: Microsoft Settlement

Dear Judge Kollar-Kotelly,

My opinion is that the antitrust action against Microsoft should be concluded as soon as possible according to the proposed settlement agreement.

I am 45 years old and have worked in the software business for the past 20 years as an engineer and consultant. The software business is a highly competitive industry characterized by brainy people, money, and light speed. Microsoft has earned it's leadership position by producing some of the industry's best software at the lowest price possible. Many competing companies demand drastically higher prices for their products. Oracle's database software sells at a list price of over 100 times the list price of Microsoft's competing product. Sun Microsystems products also carry heavily inflated prices, when compared with Microsoft. These companies are seeking to cripple Microsoft's business by government intervention because they have failed to compete fairly with Microsoft on software quality and pricing in the marketplace. Without Microsoft, consumers of software products would be paying a multiple of the price they currently pay for their software. No company has ever served product consumers more faithfully and effectively than Microsoft. It is ironic that millions of tax and shareholder dollars have been fed into this sorry spectacle of antitrust action in the name of protecting the consumer. I can think of nothing more inflationary and damaging to our economy than to introduce legal restrictions on Microsoft's business that will favor their adversaries and their exorbitant pricing schemes. Public confidence in the judicial system as well as the financial markets rests on the outcome of this case. If Microsoft can be successfully assaulted through the courts in this way, then no person or company is safe from such a blatant misuse of our system of justice.

Respectfully,
James C. White
Winchester, MA
My company website:
http://people.ne.mediaone.net/dpci/index.html

MTC–00004281

From: B. L. Jilek
To: Microsoft ATR
Date: 12/13/01 8:10am
Subject: The microsoft curse.

I'm writing to say my piece on Microsoft. I used MS Windows for the first year I used a computer. I was not happy with being held into a certain way to do things on my computer. I found linux then and now No Microsoft software is on any of my computers. I wanted to learn programming but could not because Software for Windows was too expensive. Hardware was also if I wanted to keep up with the latest Windows version. Linux provided me a way to learn and it came with all the software I needed.

The curse is that I cannot do simple things like visit certain web pages without Internet Explorer. I can't get any game I want to play without having Windows. I can't buy any piece of hardware that I want without having windows. I can't buy a new computer without being forced to pay for windows. This should be stopped. I don't have anything against Microsoft except for this. I choose not to run their software because I don't like to be locked into one way of doing things. I also don't have the extra money to pay $200.00 for the upgrade to XP and the extra hardware it would require. I would like to be able to have software vendors writing software for Linux. I would gladly pay for a Linux version of the Newsreader Forte Agent for example.

I would also like to go to a hardware vendor and get Linux version of the drivers for their video cards or what ever.

I would like to be able to play DVD's without having to worry about breaking some idiotic law designed to force people to use windows.

This is all I want. To be on a level playing field and enjoy the same considerations with my chosen OS.

Thank you for listening.

B. L. Jilek <bljilek@yahoo.com> —> Put—crowbyte—in the subject or mail to me will bounce if your not on my nobounce list.

GPG: 0x8ABA0CE6 (Preferred) PGP: RSA-0x64183EA1 DSS-0x66FF0BC1

Linux user: 163800 ICQ: 83785391 http://www.geocities.com/bljilek

MTC–00004282

From: paula price
To: Microsoft ATR
Date: 12/13/01 9:04am
Subject: MicroSoft settlement

I do not understand why anyone would think the class action settlement resolves any of the problems related to Microsoft's monopolization of the software industry. Doesn't anyone see that by giving the software to schools, they are only perpetuating the very problem they have been complaining about. This will give Microsoft the corner on the software market for the next generation.

Microsoft's manipulation of the public became very real to me recently. I was doing research on WestLaw and had unbelievable problems printing my cases. After several unsuccessful attempts, I called WestLaw. WestLaw's representative asked me if I used Microsoft Internet Explorer. When I said I did, he explained that Microsoft has blocked nearly all browser plug-ins that are not Microsoft. In other words, because WestLaw does not use a Microsoft ATP browser plug-in, I can no longer print directly from WestLaw to my printer. I must now download my research (or e-mail it to myself), then open and print. Microsoft is costing me time and my employer money. I am on a network and cannot change my internet access software. So, I have to accept that it now takes several steps instead of one click to complete my research. Thank you Bill Gates.

Sincerely,
Paula Price
Paralegal
Consumer Protection Division
Office of the West Virginia Attorney General

MTC–00004283

From: Deke Weinblatt
To: Microsoft ATR
Date: 12/13/01 9:18am
Subject: Please reconsider settlement

Department of Justice

Please, I beg of you, don't allow Microsoft to increase their market share by allowing them to give their operating systems and software to such a key market, our youth.

I was able to learn different operating systems, Macintosh, Unix, Windows, because the schools that I attended were able to get an even mix of computers/operating systems and software allowing me to see the ''whole'' picture. Microsoft today not only doesn't encourage its customers to use its products based on quality, it becomes the standard, therefore you have no other choice. If Microsoft is allowed to do this, I am fearful for our future.

I would prefer a cash donation to schools or no fine at all over this proposed settlement.

Deke Weinblatt
15740 Rockford Road Apartment 201
Plymouth MN 55446
763–550–9651
CC:Sales

MTC–00004284

From: Otto Marroquin
To: Microsoft ATR
Date: 12/15/01 9:22am
Subject: * Please liberate us from MS tied software.

The software from MS tie every software package to depend on another one, so we have to buy it from them !!

MTC–00004285

From: Mike Stevenson
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/13/01 9:36am
Subject: Microsoft Settlement

To whom it may concern,

The proposed Microsoft Settlement will potentially cause great harm to the Open Source software movement.

The settlement allows Microsoft the ability to ''not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business...''

Open source organization, such as Apache, Perl, LInux, etc, which are not-for-profit, will not meet this criteria. In fact, all branches of the government including The Justice Department, will also fail to meet this standard.

This is a tremendous flaw in the settlement that will have a large, negative effect on domestic and international businesses, educational bodies, and individuals.

MTC–00004286

From: Joeri Sebrechts
To: Microsoft ATR
Date: 12/13/01 9:46am
Subject: comment on the settlement

Hello,

For the last decade, I have been involved in the computing industry as a consumer and developer, and have seen the events regarding Microsoft's monopoly unfold from the first row. I therefore believe to have an opinion worth hearing regarding this case.

There are two things an appropriate anti-trust case remedy must seek to fulfill: it must repair damages done, and it must prevent future damages. In this specific case, the damages done to consumer choice by the illegal maintaining by Microsoft of their OS and browser monopolies must be undone,

and a set of rules must be setup to make sure Microsoft has to act correctly in future years, accompanied by a set of punishments if Microsoft were to abuse their monopoly position again. These remedies can not be delayed, or lessened by a need to resolve this case quickly. If this case is not resolved correctly then consumers and businesses in the US, and across the globe, will suffer in the coming years due to maintenance of the status quo, which is Microsoft not acting in a legal manner. A soft or hasty approach will lead Microsoft to the obvious conclusion that it is ''all right'' to abuse a monopoly position, and will offer no inducement to stop their current illegal behavior.

In view of this, the settlement as proposed by Microsoft and the DOJ is inappropriate. It does NOT repair damages done, and although it sets up a number of behavioral limits to Microsoft, these are not extensive enough in scope to cover all the ground this case covers, and have no set of adequate punishments if these limits are broken.

So, what would I personally consider appropriate measures? Firstly, damages done must be undone. While there are a number of businesses involved in this case, which deserve compensation, the most important party which has suffered under Microsoft's illegal actions is the end-of-line consumer. Microsoft's actions have led to less choices, and higher prices. The most important problem is the binding of the Windows operating system to new systems sold. There can be no effective competition in the operating systems market as long as you can not walk into a store and buy a computer with the operating system of your choice, without having to also buy a copy of Windows. Microsoft must be forbidden to make deals that disallow PC's to be sold without a copy of Windows. Also, current deals that aim to achieve that effect must be renegotiated to comply with this new behavioral limit.

Another large party harmed by Microsoft's actions are the developers of software interacting with Microsoft software. The consistent efforts of Microsoft to break compatibility of Windows with competing products maintains their monopoly. This must be stopped. Any and all information interchange protocols used in the Windows and Internet explorer products, or parts thereof, must be fully documented, so competitors can be offered a levelled playing field with Microsoft's own software developers (of products which run on top of the Windows or Internet Explorer products). This includes file formats, data sharing protocols used in networks, and so called ''objects''. In addition, Microsoft can not enforce licensing of patents which block competitors' products from inter-operation with the Windows and Internet Explorer products.

Otherwise, they could price the competitors right out of the market, again maintaining their monopoly, which would be illegal. As a third hatch to this, all application programming interfaces (API's) offered by the Windows and Internet Explorer products must be fully documented (with the documentation available freely, or at the cost of the information carrier), again allowing competitors to write programs that interact with the Windows and Internet Explorer products. All new API's also fall under this rule, so Microsoft can not move away to undocumented API's once they have made documentation available. The above mentioned patent rule also applies to these API's, to make sure everyone (including the so called open source community, which can not afford paying licensing rights), on equal terms, can write programs that drive and interact with the Windows and Internet Explorer products. The above mentioned rules only apply to the Windows and Internet Explorer products, because they were the ones directly mentioned in this case. Microsoft holds another monopoly however, on the Office product, which comprises Word, Excel, Powerpoint and various other programs.

These might be used as stepping stones to dodge the rules applied by the above set of remedies. More importantly, one of the most used information interchange formats is the Word .doc format. Although part of this format has been documented, it has proven to be nearly impossible to offer full compatibility. Since in the business world everyone uses Word, as a business you have no choice but to also use Word, since no other product will edit (there is a free viewer available, but viewing is only part of the equation) received word documents meant for revision, like contracts, for example. These problems also apply to the other components of the Office suite. It would be best for the business world as a whole if the Office file formats were fully documented. I understand this may fall outside of the scope of this trial. But someday someone will have to deal with this problem, because it is an even bigger problem than the Windows and Internet Explorer monopolies.

Finally, to ensure interaction with the Microsoft platform, any networking protocol designed and used by Microsoft must not only be fully documented, but also reviewed by an impartial standards body to make sure it can be used by anyone freely, purely on an interaction basis. Therefore there can be no patents blocking use of the protocol. The reason why this is important can be seen by the impressive hoops competitors have to jump through just to be able to inter-operate with Windows systems. An example of this is the samba server (http://www.samba.org), which is a file sharing server designed to mimic a Windows file sharing server on another operating system. Despite years of active development and reverse engineering in trying to obtain full interoperability with Windows clients, they still haven't achieved their objective. Microsoft keeps changing the protocols involved to remain incompatible. This kind of monopoly-enforcing behavior must be stopped. All these behavioral limits must be enforced by an independent group, with the option to apply appropriate punishment (in cash or in other measures) should Microsoft not live up to them. This to make sure Microsoft actually complies with the rules set up by the court in remedying Microsoft's illegal monopoly.

I hope this comment, and the many more just like it, will show that the IT community at large feels the current settlement is a failure. I agree that solving the situation quickly is desireable, but not at the expense of the general public, and the business community, which will certainly be the case if the current settlement is approved.

Have a nice day,

Joeri Sebrechts

MTC–00004287

From: tsnodgra@csc.com@inetgw
To: microsoft.atr@usdoj.gov
Date: 12/13/01 9:55am
Subject: MIcrosoft

Microsoft has profited from its control of the desktop operating system market for the past several years and managed to destroy innovation. There are several steps that could be taken to increase competitiveness to this market arena that have not been mentioned yet.

1: At the current time PC makers only offer desktop machines with Microsoft OS's on them and usually only the most recent one. This inables them to get the maximium profit margine per new PC sold. This is commonly called the Microsoft tax by most none Microsoft users. The solution to this would be to require PC manufactures to offer a chose of which OS they wanted on there new PC or let them install the OS from there old PC (provided that PC no longer had that OS on it). This would also require PC maker to offer PC's with no OS on it at all.

2: At the current time the goverement requires all none Microsoft OS's to be certified before they are used on goverenment PC's. This provides Microsoft with a major advantage in the Government sector and excludes other more stable OS's(UNIX, LINUX and BEOS).

3: Liability has never been assessed to Microsoft for issues caused by there OS's instability. If it was possible to sue Microsoft for there product quality and require the OS's to be stable Microsoft would find it safer to remove extra applications for there OS that they have dought about.

Thanks

Tommy Snodgrass

MTC–00004288

From: Michael Satterwhite
To: Microsoft ATR
Date: 12/13/01 9:55am
Subject: Mixed feelings

First: overall, I am not sympathetic to the Justice case. As a consumer and independent developer, I see little to no merit in the original case. Specifically:

(1) They were charged with anti-competitive practices for giving away their browser. Excuse me? Netscape had been giving away *THEIR* browser for for years when Microsoft came on the screen. You *COULD* buy Netscape, but you could also download it free with full licensing off their web site. How is it wrong for Microsoft to do the exact same thing that their competitor was doing?

(2) It was offered as an anticompetitive practice that Microsoft priced Windows at the price that would bring in the most money—essentially in the middle of the range that they could charge. A monopoly would charge the maximum. True anticompetive practice would demand the

minimum. Microsoft simply did what was fiscally sound.

(3) The very definition of monopoloy was manipulated to create one. Let's ignore Apple and Linux (the consumers have, but that's the nature of a free market!!) Forget the Unix market. Once you rule out everything except the market Microsoft is in, then you have a monopoly. That's not right. That said, Microsoft is powerful enough that the government should probably keep

LEGITIMATE oversight to keep them ''honest''. As an example (but not limited to), their new ''activation license'' has tremendous power to be abused. Each time a copy of the software is installed, you have to activate it throught MS. If your hard disk crashes (or you install a larger drive)—and this *IS* going to happen—you have to justify to Microsoft why you are reinstalling the package. They are probably going to be reasonable, but they have the power to prevent the consumer from reinstalling and using software they bought and paid for. This gives Microsoft unprecedented power to control a user's computer. The practice should be questioned, at least.

Things such as this should be monitored for abuse. With this in mind, however, the settlement is correct.

MTC–00004289

From: Barry Trout
To: Microsoft ATR
Date: 12/13/01 10:12am
Subject: Microsoft Settlement

I find this settlement an outrange. Basically, the settlement just makes Microsoft's monopoly position stronger by givving them a bigger piece of the market.

Where is the sense in this?

Microsoft should be fined a specific dollar amount and the money used to buy hardware. Then you can use free software to enable many more students computer access. Redhat has said they would provide the operating system to run this computers. Not only would this prevent the settlement from doing more damage than its fixing, but it will allow for a lot more kids to use newer computers. Sun Microsystem offers a free office suite, which would be another huge cost saving.

The kicker is, that this software will actually give the kids more tools and resourecs to learning a computers, programming, and other computer related taks. And, they get the source code to these programs so they can find out how to write an office app or database engine.

Free things that run on redhat.
Programming
perl
python
c
c++
any many more
Database
mysql
postgressql
+ more
Office
KOfficce
Openoffice
Staroffice
+ more

Plus tools to learn networking, system administration and many other things.

StarOffice www.staroffice.com
OpenOffice www.openoffice.comj
Rehat www.redhat.com

PS. If you need more insite please let me know, I would love to point you in the right direction.

MTC–00004290

From: Karen Weber
To: Microsoft ATR
Date: 12/13/01 10:23am
Subject: Re: Microsoft Settlement—Voice of Dissent

Calling the plan for Microsoft to give $1 billion in refurbished hardware and software to the poorest schools a settlement would be laughable if it weren't so disturbing.

Microsoft makes no educational software save for its Windows platform and the Apple OS would not work on the refurbished hardware they propose on giving. Furthermore, if for example half of the $1 billion settlement were to consist of MS software it would cost them nowhere near $500 million . . . As mentioned by countless others the education market is one of the few areas where Microsoft and the hardware makers that utilize the Windows OS do not dominate with Apple maintaining its fair share of the education market. If the schools received cash they would be be free to chose the hardware and software of their choice which they believe would best serve their students and educators. The fact that Apple has continued to thrive in the education market while its overall market share is estimated @ 5% cannot simply be an accident.

At the very least the dissenting states proposal that Microsoft's Office Suite be compatible with competing software platforms must be condition of the settlement. It is a long held belief that Microsoft agreed to continue producing its Office Suite for the Mac platform due to Apple's agreement to feature Internet Explorer as the default web browser on the Mac.

The settlement as is cannot and should not stand.

Sincerely,
Karen Weber
Brooklyn, NY

MTC–00004291

From: Sidney Moglewer
To: Microsoft ATR
Date: 12/13/01 10:26am
Subject: Comments on Microsoft Settlement

The Government settlement with Microsoft was very disturbing as a strong indication of the DOJ failure to protect the public interest in favor of the political interest. This settlement obviously ignores the vast body of evidence developed previously by DOJ against Microsoft. Respect for the even-handed application of the Law by DOJ will only be diminished in the public eye. This is very unfortunate during these critical times. I have no connection with Microsoft or any other high-tech company and am only an unfortunate user of Microsoft Windows doing the quality control work by actual use that properly should have been done by Microsoft prior to release of their inadequately tested and poor security products. The DOJ settlement will not correct these practices by permitting the continued monopoly of Windows and Office. Sincerely, Sidney Moglewer, 1866 Forest View, Prescott, AZ 86305.

MTC–00004292

From: FIRSTNAME LASTNAME
To: Microsoft ATR
Date: 12/13/01 10:27am
Subject: Microsoft Settlement

As a software engineer and consumer, I feel shamed by DOJ's settlement with Microsoft. If Microsoft is unchecked for its notorious behavior, who will invent except Microsoft's ''Innovation''?

I came from China and have a real understanding of corrupted govement due to unchecked power. There will be a similar consequence for unchecked Microsoft.

Yuhong Wang
yuhong_wang@yahoo.com

MTC–00004293

From: ray_dubcak@tx.acer.com@inetgw
To: Microsoft ATR
Date: 12/13/01 10:31am
Subject: Microsoft Settlement

To Whom it may concern,

I have worked as an IT professional since 1985 and have stayed on the cutting edge the entire time.

Under Related Documents, the first link entitled Complaint (5/18/1998) I read the following false statement. To me this one untrue statement ruins the whole case against Microsoft

2. Microsoft possesses (and for several years has possessed) monopoly power in the market for personal computer operating systems. Microsoft's ''Windows'' operating systems are used on over 80% of Intel-based PCs, the dominant type of PC in the United States. More than 90% of new Intel-based PCs are shipped with a version of Windows pre-installed. PC manufacturers (often referred to as Original Equipment Manufacturers, or ''OEMs'') have no commercially reasonable alternative to Microsoft operating systems for the PCs that they distribute.

Contrary to what is written in red, PC Manufacturers DO have a reasonable alternative to Microsoft operating systems. That operating system is free unless you pay for support or manuals. That operating system is Linux. Another option is IBM OS/2. Unfortunately, IBM seemed incapable of properly making their operating system work with their own computers and peripheral devices. When they lost the operating system wars, it was due to their own failures and consumers recognizing that.

How can Microsoft compete with something that is free? The answer is to make your product so good and so easy to use that everyone still wants it. I used to dislike Microsoft products because I considered them of inferior quality. However, their products are currently superior quality and are much more cost-effective for a business to run with. This competition has been good for consumers.

For example, Oracle is extremely expensive (years ago you couldn't touch it for

under $50,000) and it takes a highly-trained expensive person to keep it running. Microsoft's competing product SQL Server goes for about $1,500 and can run efficiently on much less expensive equipment virtually maintenance free. Compare the price of a Sun vs. Intel and you will see a huge difference.

The thing that has irritated me throughout this entire fiasco is that the government says they are trying to protect consumers. If Oracle, Sun and IBM would have had their way consumers would never be able to afford or understand their products. Microsoft has brought computers to the common people and the common people love them for it.

If you want to chase after someone harming consumers, then go after the electric companies. When they shut off an elderly person's power because they can't afford to pay it out of their meager Social Security check and then die of heat or cold, you tell me who is hurting consumers. Hmm let's see, a $99 operating system or a $200/month electric bill? You figure it out. Go after the phone companies who don't shut off services when customers request and then continue to charge and then send collections agents their way.

In fact, go after the biggest monopoly there ever was! This monopoly is like a parasite which only drains life and offers nothing in return. When a business is working, they are there to get their share of the profits yet they offer no help in return. When that business pays out wages, they are their to take from the business again and from the employees. When the employee goes to the grocery store they take some more. When that employee tries to start a small family owned business, they are there to take food out of the children's mouths. They create laws so complex that only highly paid professionals can understand them. They makes new rules at a whim and yet ignorance of their rules is unpardonable. This monopoly takes about 40% of a small business profits or individual person's income. Sometimes more and sometimes less. They get a cut of every financial transaction that occurs yet they did nothing to contribute. When a son or daughter has an incurable disease, they are there to hold back progress, yet a pill to kill unborn babies they do not halt. Guess who or what I am referring to! If you want to judge others, start within our (I'm ashamed to say 'our') own corrupt government! Its not the government itself that is corrupt, but the people who disguise themselves as 'public servants' but do that which is not right.

...And judgment is turned away backward, and justice standeth afar off: for truth is fallen in the street , and equity cannot enter. Isaiah 59:14. Fortunately, we have a President who seems to be a righteous man. Maybe he can help make a difference!

MTC–00004294

From: Chuck B
To: Microsoft ATR
Date: 12/13/01 10:39am
Subject: Every Day User

I just wanted say that as an everyday user of PC computers and software for work and home use, the key element of commonality and compatibility between all of the structure. All though Microsoft has over reached it bounds, they have brought to the industry those elements of standardization and flexibility between equipment and software.

Many industries over years have evolved so that platforms are inplace for competitors within that industry can participate....auto, telephone, home appliance, etc. Each have their respective marketing agendas to capture the market dollar.

We do not need this industry to revert to the early days, 60–70's, when software and equipment issues made it impossible for the general public to take advantage of the capabilities of the industry. It has taken almost 40 years for this industry to evolve to its current level of user comfort.

Chuck Burger
Semi-Retired

MTC–00004295

From: Vemuri, K. Rao
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/13/01 11:22am
Subject: Microsoft Settlement

Hello,

I worked in computing for almost 20 years, and I am amazed at what may be allowed to happen in the context of the Microsoft settlement.

Rapid growth in computing has made this technology so ubiquitous that computing standards should now be considered an infrastructure, and not just property of the industry participants—just as the network of roads are not the property of any automotive company. No corporation should be allowed to control such a vital infrastructure, if innovations in computing are going to be the best they could be, to the benefit everyone. This antitrust case is more important than any such case in the past, including the IBM case 20 years back, since computing is now ubiquitous. Given that computing permeates every aspect of life in the modern society, it has become the most critically important technology. Allowing Microsoft (or any other corporation) to hide the de-facto standard file formats and protocols in such a vital industry is tantamount to allowing the creation of a monopoly of unprecedented power. This will stunt the growth of computing technology, so that it can never deliver all it could. Also, no corporation should be allowed to unilaterally extend the otherwise standard formats, thereby simultaneously making those formats less useful and hinder technical progress.

I believe the current settlement will allow Microsoft to dominate computing to such an extent that true innovations in computing will be held back. The society will benefit a lot less from computing than it would otherwise, even while filling up the Microsoft coffers to an even greater degree.

Thank you,
K. Rao Vemuri
4313 Woodbine Ct.
Murrysville, PA—15668

MTC–00004296

From: BruceG@tisi.com@inetgw
To: Microsoft ATR
Date: 12/13/01 11:27am
Subject: Microsoft Settlement

I am for the current settlement as defined by the DOJ, Microsoft, and many of the States. The additional things wished for by the nine dissenting States are intended to benefit Microsoft competitors. There is nothing in these additional punishments that address consumers in any fashion whatsoever. The punishments these States want is totally inappropriate. Anti-trust laws are not intended to be used to prop up competitors.

The only settlement that will matter is one that addresses consumers. These other things, forcing Microsoft to make the source code to Windows public domain is to essentially strip Microsoft of the benefit of their Copyrights. Is this how we reward intellectual property companies that are successful? We strip them of their products and put the those products in the public domain? That is wrong! We must not set that precedent as it will certainly have a chilling effect on innovation. And the government should not get into practice of product design. The Government should not design Microsoft's products. In any event the Appeals court said the bundling issue had not been proved and would have to be re-tried. Well these nine states do not want to re-try that aspect. Instead they are pushing to the remedy phase without a trial again! This should be tried in a court of law! How can the states ask for a punishment that is not a result of a trial? It is wrong! The states do NOT have the right to force product designs on Microsoft especially considering that that part of trial was rejected by the appeals court.

Thank You,
Bruce Garrick
Sr. Application Developer
Total info Services
888–634–9942 x2484
bruceg@tisi.com

MTC–00004297

From: Dan Vaughan
To: Microsoft ATR
Date: 12/13/01 11:34am
Subject: Microsoft Anti-Trust Case Comment

Hello,

I am an average American citizen without ties to Microsoft. I feel that the government and the outstanding states continuing the long drawn out expensive trial are in error. It astounds me that as a small business owner we are encouraged to innovate and strive to create better products and services only to see our fate crushed if we reach the level of success that Microsoft has achieved. Please move to end this trial and let Microsoft continue to innovate new products and services to ENHANCE the software industry and give competitors something to strive for.

This case seems to me to be telling the American public that the government knows better than we do what kind of software we should run. If companies compete with Microsoft they can actually make better products. A prime example of this is Intuit Software companies Quicken software. This product outsells Microsoft's Money software because it is a better product. Please do not allow the pressure of these states, that are only fighting this due to the fact that big Microsoft competitors reside in their states, to speak for the American public.

God Bless America!
Signed By:

Dan Vaughan
Knight Products Company, Inc.
www.kpcsupplies.com
(800)262–4116

MTC–00004298

From: ATRXEB01.WTGATE. ''rdwales@earthlink.net@inetgw''
To: Microsoft ATR
Date: 12/13/01 1 l:35am
Subject: Comments on the Microsoft case results

I think that the government has been too lenient on (if not aiding) Microsoft with its verdict.

1) To allow Microsoft to ''donate'' their products to schools is aiding them to increase their monopoly by training students to use only their products.

2) To allow Microsoft to continue to include their programs in their operating systems essentially gives them a monopoly on all aspects of computer software.

3) To allow Microsoft to undermine, corrupt, and otherwise defeat the use of any programs but their own is to force all other companies into bankruptcy.

4) To allow Microsoft to keep their source code private with no good controls is to further aid in their monopolistic endeavors.

Thank you in advance for considering my comments,

Sincerely,

Barbara M. Wales

MTC–00004299

From:
Travis McGee
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/13/01 11:54am
Subject: Show your real Patriotism and Leave Microsoft Alone!!!!!

Dear John Ashcroft,

Re: 60 day comment period

Microsoft is the most respected company in the World. Bill Gates is the most respected non plitical leader in the World. Microsoft is successful because their products are the Best in the World. Steve Balmer is the best CEO in the World.

Bill & Melinda Gates Foundation is the best foundation in the World. Microsoft brings us the most valueable export dollars. Please stop being the Puppet of Microsoft's competitors and be used in this shortsighted prosecution of an institution that is more American the the apple pie.

Please stop this Clinton's/Democrats' trend of Government controls everything & therefore we should kill the most successful in the market place.

Microsoft is America's flagship, a company dear to our hearts. God Bless America

Thank you for everything John Travis McGee

A Card Carrying and a Devoted Republican

MTC–00004300

From: Roper Mountain
To: Microsoft ATR
Date: 12/13/01 11:51am
Subject: Can Microsoft antitrust case now; ill-conceived; gone on too long!!

Gentlemen:

It is my considered opinion that the Microsoft antitrust case was ill-conceived originally. It has gone on far too long, becoming a legal charade. This country owes a debt of gratitude to the Microsoft Corporation and Mr. William Gates for the preeminent position of leadership in information acquisition, processing, and presentation it presently enjoys.

The public can see through this veiled attempt at fleecing the recently financially successful entrepreneurs and corporation. Go punish Ford and Firestone for the Explorer rollover tragedies. These companies are sufficiently legally sophisticated to fend the Justice Department off for several lifetimes. Where is the top level management decision making capability at the Department? This Microsoft thing appears to have been out of control from the inception.

Thank you for your consideration of my opinion.

CC:jaldridgeiii@hotmail.com@inetgw

MTC–00004301

From: David Blair
To: Microsoft ATR
Date: 12/13/01 12:02pm
Subject: Please carry out justice!

It seems that Microsoft's power is overwhelming. Of course with a monopoly already illegally established, those people bound by that monopoly wish to see this case decided for Microsoft. They fail to see the long term effect or even stop to realize how many smaller innovative companies have been swallowed up by Microsoft and have disappeared from the horizon.

I find it ironic that one remedy proposed by our own DOJ would only INCREASE Microsoft's monopoly into that last frontier that has eluded them thus far....EDUCATION. And in this process hurts a truly innovative company, Apple Computer, which truly seems vested in helping schools.

Please don't let this juggernaut overwhelm you too and become just another lemming that has jumped off the cliff at Microsoft's beckoning. I have faith that you will carry out the appropriate justice. Microsoft's activity was deemed illegal. In my opinion the answer should not only include remedy but some punishment for their actions. Thank you for you time and indulgence

''True eloquence consists of saying all that should be said, and that only.''

Francois de La Rochefoucald
David L. Blair
Green Valley Area Education
Agency 14
dblair@aea14.k12.ia.us 1405 N. Lincoln, Creston, IA 50801
http://www.aea14.k12.ia.us Voice: 515.782.8443 FAX:.4298
CC: April Kerychuk,Dennis LaMasters

MTC–00004302

From: Benjamin C. Boynton
To: Microsoft ATR
Date: 12/13/01 11:58am
Subject: In Support of U.S. Poor Schools

Sir or Madam,

This new settlement is great! I believe this new settlement is more of a benefit to the schools and RedHat Linux is sufficient for their needs.

Sincerely,

Benjamin Christian Boynton, registered voter.

MTC–00004303

From: Mark Hurty
To: Microsoft ATR
Date: 12/13/01 12:11pm
Subject: Settlement Issues

Microsoft's suggestion that the DOJ force holdout states to accept their settlement proposal is un-fair. Microsoft's settlement proposal offers them an opportunity to extend and enhance the monopolistic behavior of which they were found guilty. Rewarding Microsoft by forcing a non-remedial settlement on the holdout states is unconscionable.

Mark Hurty—
Mark Hurty hurty@medicineman.com
http://www.medicineman.com
Direct Telephone: 650.325.4819
Medicineman Office: 415.647.4242

MTC–00004304

From: Excalicoin@aol.com@inetgw
To: Microsoft ATR
Date: 12/13/01 12:17pm
Subject: MS settlement

Microsoft has accomplished great things in the standardization of the computer industry; much as Hitler rebuilt Germany and Stalin ran Russia. They must be as tightly regulated as possible. They must also be made to provide a functional operating WINDOWS which they have never done. All WINDOWS operating systems have been fraudulently marketed as none of them have ever worked properly. Microsoft has always refused to stand behind their product and has refused to compensated buyers for their defective programs. This must change!

If any other major corporation pulled these stunts, or produced a product as defective as WINDOWS; Congress would put theme out of business. XP had four ''service packs'' released in the first two weeks of it's sales; and new patches are still coming out. It would be the same as if Pontiac sold a car that was recalled four times in the first two weeks after you bought it. If you bought a car with the defects of WINDOWS, it would qualify for the lemon laws in the first month of ownership. This is now a consumer issue and not just a commercial issue as it was ten years ago.

Get real; you are condescending to and protecting a con man with this nonsense.

Al Martin
PO Box 2234
Edison, NJ 08818
excalicoin@aol.com

MTC–00004305

From: Daphanie M. Mullins
To: Microsoft ATR
Date: 12/13/01 12:18pm
Subject: Microsoft Settlement

Below is the result of your feedback form. It was submitted by (jamesefelton@ncns.com) on Sunday, November 4, 2001 at 10:51:11

Name: James E. Felton
phone: 501–760–6201
address: 156 Madill St.
city: Hot Springs
state: AR
zip: 71913
other: ON
othertext: Microsoft Settlement
Radio1: contact—asap comments—
questions: Many of the articles I've read in

newspapers (and websites) suggest that we should let Microsoft off easy because it is hurting our economy. Is that what we want to teach our children? That we won't prosecute ''crime'' if it hurts our economy?

Microsoft has been proven guilty of serious crimes that affect all consumers, and all businesses, and in fact, may affect our entire future. And we're going to let them off easy? Meanwhile, someone like A. Alfred Taubman of Detroit faces a strong possibility of 3 years in prison, and $300,000.00 in fines for MUCH lesser crimes (charged with violating the Sherman Antitrust Act by fixing prices at Christie's and Sotheby's auction houses) because prosecution of his crime doesn't negatively affect the economy.

This is ridiculous. Microsoft was PROVEN GUILTY. Most of the charges were upheld by the Appeal's Court. The evidence is a matter of PUBLIC RECORD. Bill Gates, and other Microsoft executives SHOULD BE IN PRISON. Instead, they stand to walk away with a slap on the wrist!

PLEASE stand firm against Microsoft! This proposed settlement DOES NOT adequately address the crimes. It might have been acceptable IF Microsoft had been willing to settle BEFORE they were convicted. But it certainly is not acceptable afterwards. If the States sign on to this settlement they are basically allowing Bill Gates and Microsoft to walk away LAUGHING at our system of justice.

REMOTE—ADDR: 63.254.228.4

MTC–00004306

From: Wang, Bill
To: 'Microsoft.atr(a)usdoj.gov'
Date: 12/13/01 12:22pm
Subject: Microsoft Settlement

I support the proposed settlement. It is reasonable and good for consumer.

Bill Wang

MTC–00004307

From: Clara Bow
To: Microsoft ATR
Date: 12/13/01 12:31pm

I believe Microsoft's settlement is more than fair. Let's take the state politics and anti-competitive practices of Microsft rivals OUT OF THIS PROCESS.

MTC–00004308

From: Daphanie M. Mullins
To: Microsoft ATR
Date: 12/13/01 12:32pm
Subject: Microsoft Settlement

Below is the result of your feedback form. It was submitted by (douglasmetcalfe@mac.com) on Monday, November 5, 2001 at 07:30:27

Name: Douglas Metcalfe
address: 113 North Star Road
city: Imperial
state: PA
zip: 15126
info_antitrust: ON

Radio1: contact_asap comments_questions: Stand up for the Rule of Law! This settlement by the DOJ is a travesty, and a perversion of the anti-trust laws of this Country and this State. Rewarding a predatory monopolist for it's continued and ongoing breaking of the law will dishonor the legal system. Take a look at Windows XP and .Net!

With this settlement the cancer that is Microsoft will metasticize into control of the Internet as well as the desktop.

REMOTE_ADDR: 165.247.93.29

MTC–00004309

From: Daphanie M. Mullins
To: Microsoft ATR
Date: 12/13/01 12:33pm
Subject: Microsoft Settlement

Below is the result of your feedback form. It was submitted by (pbaxter@neumedia.net) on Monday, November 5, 2001 at 10:56:16

Name: Peter RF Baxter
phone: 304–636–2467
address: 199 Summit Street
city: Elkins
state: WV
zip: 26241
other: ON
othertext: Microsoft Suit

Radio1: contact_asap comments_questions: PLEASE DON'T SETTLE WITH MICROSOFT!!! Bush administration has sold us all out with hardly a slap on their wrists. Microsoft is a predatory menace to all consumers. Hang in there and fight it out, please! West Virginia computer users are counting on you, now.

REMOTE—ADDR: 208.192.20.227

MTC–00004310

From: Daphanie M. Mullins
To: Microsoft ATR
Date: 12/13/01 12:34pm
Subject: Microsoft Settlement

Below is the result of your feedback form. It was submitted by (amok@mountain.net) on Tuesday, November 6, 2001 at 15:44:25

Name: Jennifer Stathakis
phone: 3042967550
address: Rt 8 box 289
city: fairmont
state: wv
zip: 26554
info—antitrust: ON

Radio1: contact_asap comments_questions: I want to express my hope that West Virginia is one of the states that has rejected the ''micro-soft'' settlement. Please continue to pursue our rights!

REMOTE_ADDR: 208.33.84.12

MTC–00004312

From: Daphanie M. Mullins
To: Microsoft ATR
Date: 12/13/01 12:34pm
Subject: Microsoft Settlement

Below is the result of your feedback form. It was submitted by (dixonm@pobox.com) on Tuesday, November 6, 2001 at 16:12:09

Name: Meredith Dixon
phone: (304) 986–1944
address: Rural Route #3, Box 85–B
city: Mannington
state: WV
zip: 26582
other: ON
othertext: Microsoft case

Radio1: contact_asap comments_questions: Please don't give in and accept the Justice Department's ''settlement''. I've read it all the way through; it doesn't solve anything, and the slap on the wrist it does give expires in five years. Microsoft is both unscrupulous and out of control. I'd like to see it broken up, as the judge originally suggested, but if that can't be done, then at least significant sanctions should be imposed on it.

You don't actually need to contact me about this matter at all—I just wanted to give my opinion, and I'll know your decision soon enough through the news—but I don't see any way to turn off the ''Please Contact Me As Soon As Possible'' button on your webform. I'm running Netscape 4.7x.

REMOTE_ADDR: 63.66.163.7

MTC–00004313

From: Justice Lrm
To: Microsoft ATR
Date: 12/13/01 12:34pm
Subject: Microsoft Anti-Trust

To whom it may concern;

It would appear that the American Dream has all but dissapeared inside the American Monopolies. I do not see any attempt by our government to even make an honest attempt to break up the, possibly biggest on earth, monopoly that is Microsoft.

Bill Gates and company have the resourses to buy their form of justice, and it would appear that they are succeeding very nicely. While they have billions of dollars to spend in an effort to remain the Top Dog, the true innovators in the computer indusrty are being stomped on by the Microsoft Monopoly. And, the DOJ appears to be totally unwilling to even make an honest attempt to rectify this blatant misbehavior of Micosoft's.

It simply furthers my opinion of government: easily bought off by the highest bidder, no moral character, in office strictly for their on benefit, and of no use to anyone.

Please prove me wrong.

Lonnie

MTC–00004315

From: Mike Doyle
To: Microsoft ATR
Date: 12/13/01 12:36pm
Subject: Microsoft Settelment

DOJ Leadership,

The entire Microsoft case has been a mistake. I buy Microsoft products because they are a great value. If they continue to offer the best value I will continue to buy them. When they stop offering the best value I will buy something else. That is the way competition must work and the Government needs to get out of the way. I is not our Governments place to provide an advantage between companies competing between each other for my business. Please stop the madness and end the Microsoft case now.

Mike Doyle

MTC–00004316

From: Michael Nicholson
To: Microsoft ATR
Date: 12/13/01 12:37pm
Subject: Against the Microsoft Settlement

Dear DOJ:

I've been following the trial since its inception, years and years ago. I am still in a state of shock and disbelief, since after all this time and stalling Microsoft is poised to get away with their crimes and perpetuate more crimes. And they may be able to ''force'' the settlement on the hold-out states?

I find this unacceptable.

Microsoft argues that the process is now at the remedy stage, and that punishment should not be doled out. How can this

argument be logical in any sense? Any remedy that reduces Microsoft's potential to remain a monopoly is, by default, a punishment. Therefore, to stay a puhishment is to withhold a remedy.

I do not agree with the terms of the remedy that the DOJ and the compliant states have worked out with Microsoft. I believe that the proposed ''remedy'' will open doors for Microsoft in the education market. This is clearly in Microsoft's best interest. I also don't agree that Microsoft will lose incentive to innovate if they are forced to expose code for some of their software or if their software cannot be bundled with the operating system.

The name of the game is consumer choice. I am with the hold-out states, California, Massachusetts, Connecticut, Iowa, Florida, Kansas, Minnesota, West Virginia, and Utah, as well as the District of Columbia, in my desire to hold Microsoft to a more stringent remedy to their Anti-Trust and Monopolistic policies and practices.

Sincerest regards,
Michael Nicholson
4517 Camino de las Estrellas
Thousand Oaks, CA 91320 e-mail: nicholmi@gte.net

MTC–00004317

From: Daphanie M. Mullins
To: Microsoft ATR
Date: 12/13/01 12:39pm
Subject: Microsoft Settlement

Below is the result of your feedback form. It was submitted by (webmaster@wwforum.com) on Wednesday, November 7, 2001 at 10:01:28

Name: Wayne Miller
other: ON
othertext: No reply necessary
Radio1: contact_asap comments_questions: I wanted to thank you for not signing off on the Justice Department's agreement with Microsoft. I do not feel that the agreement can be enforced and it relies on Microsoft to clean up its own act with little oversight or enforcement possibilities. Microsoft's track record in cleaning up its own act would suggest that different tactics are necessary.
REMOTE_ADDR: 63.23.214.168

MTC–00004319

From: Keith.Wurzbacher@walgreens.com@inetgw
To: Microsoft ATR
Date: 12/13/01 12:40pm
Subject: Microsoft Antitrust Proposal offers Schools No choice

US DOJ,

Please do NOT accept Microsoft terms to buy used or refurbished computers for schools. This will force schools to accept more bad and old microsoft garbage. This would give Microsoft a further advantage instead of a viable solution.

If instead, Microsoft would give money to the schools, then the schools could decide for themselves what would be best for them—Not dictated by microsoft.

Thank you for your consideration,
Keith Wurzbacher
199 Bernard DR
Buffalo Grove, IL 60089

MTC–00004320

From: Watkins, David
To: 'Microsoft.atr(a)usdoj.gov'
Date: 12/13/01 12:39pm
Subject: FW: Microsoft settlement
From: Watkins, David
Sent: Thursday, December 13, 2001 11:37 AM
To: 'president@whitehouse.gov'
Cc: 'AskDOJ@usdoj.gov,'; 'Microsoft.atr@usdoj.gov,'; ' phil_gramm@gramm.senate.gov,'; 'senator@hutchison.senate.gov'
Subject: Microsoft settlement

Dear Mr. Bush,

I write to express my deep concern over the Justice Department settlement of the Microsoft antitrust case. I belive it to be misguided and in the long run detrimental to consumers and the informational technology industry in general. It rewards rather than punishes a convicted monopolist for its behavior by fostering its inroads into education, one of the few areas it has yet to dominate. Microsoft's strategy has always been to use its OS monopoly to leverage its other businesses. It has shown no remorse or even acknowledgement of itsr overly aggressive practices. Microsoft protests but sounds like Brer Rabbit pleading not to be thrown into the briar patch. It has never been especially innovative, and the IT industry has always had to look elsewhere for technological advances. Please do not sell out the future for transient economic gains despite our current economic woes.

Sincerely,
David L. Watkins, MD
Dallas, Texas

MTC–00004321

From: macmd
To: Microsoft ATR
Date: 12/13/01 12:53pm
Subject: Free PR for Microsoft

How does letting Microsoft take over the Education market show the people of the world that you care about diversity in capitolism?

MTC–00004322

From: Warren F Taylor
To: Microsoft ATR
Date: 12/13/01 12:57pm
Subject: Antitrust

Like most Americans, I have tried to follow the arguments, pro and con, respecting Microsoft's (MS) supposed monopoly status in the world of computing and the internet. I am not an authority on anything, but know a little about many things, especially computers, how they work and function in the real world. I feel qualified to give some general comments on what I think is a travesty of the American judicial system. In brief, keep government out of the legitimate interests of those who need to react to technological changes like the cheetah. Those who cannot compete, whose 19th century mechanical mindset make them more like the three-toed sloth, should simply admit their incompetence and leave the field to others who can compete. Turning to government in the interests of quote smoothing the playing field unquote has become the game of the century. It is the first resort of the incompetent. It needs to stop! The goal is excellence, not mediocrity. But more of that later.

The Netscape browser was and continues to be what one web site called 'technologically inept.' As one who has used both browsers, IE and Netscape, I can tell you that IE is vastly superior in its ability to interpret code and bring useful information to the desktop. Netscape lost because it was an inferior product, not because MS used unfair business practices. Like the sloth, it simply couldn't keep up with the cheetah.

MS's vision that in order for the public to prepare itself to deal with an entirely new way of communicating you needed to integrate the desktop with the web, using the web browser as a bridge, is so innovative and fresh that the 'competition' still doesn't get it. They think the way to solve it is to follow the old fallacy that bigness is goodness. So companies like Netscape were interlocked with other monopolies like AOL. Where was the government throughout that charade of a merger? AOL's corporate culture is the most controlling environment I have ever encountered. As a former user, I can tell you that it was virtually impossible to open my web browser, much less use it.

If Windows is a monopoly it's because of integration. The best way to approach any human problem is to develop a synergistic solution. The result of the integration of desktop, browser and internet was a reality which is greater than the sum of its parts. The best I can compare it to is the way a biological system functions. Integration produced a flexibility that is virtually unlimited in scope. The only monopoly here was the public recognition of a superior product, not to mention the fact that Gates' original agreement with IBM was that his code be included on every machine built using PC architecture. Please notice that even XP has a rudimentary form of MSDOS in the OS's ability to open a command line and run legacy programs. This has never changed since Windows was invented. And let me regress: if Windows was simply a Mac knock off, why didn't Apple sue for breach of proprietary interests and intellectual rights? Windows was produced independently as an outgrowth of DOS. People misinterpret results and origins all the time. It is possible to arrive at the same destination by taking different routes!

Consumers were not hurt, ever. Only competitors. But that's the nature of the free market. You compete and somebody loses. Why reward the losers? It only produces mediocrity. Which leads me to recall an old saying. It went something like this: the nail that sticks up too much always gets hammered. MS was the nail, the hammer was the DOJ wielded by sore losers. If progress is our most important product, this travesty of an antitrust law suit just set us back to 1891, when the Patent Office director closed the doors of his office by commenting that everything of any usefulness had now been invented. He must be smiling in his grave!

Sincerely yours,
Warren F Taylor
Porterville, CA

MTC–00004323

From: WJ Cornelieus
To: Microsoft ATR
Date: 12/13/01 12:54pm

Subject: Microsoft is a psychopathic monopolist

Hello DOJ Antitrust Division.

Based on what I'm hearing in the news about Microsoft's proposed settlement remedies, it is my opinion that any settlement that you reach with Microsoft is not going to be any more meaningful than Chamberlin getting Hitler to sign an agreement committing Hitler to be a really fun guy from then on.

The key to resolving this issue is to somehow impress upon Mr. Gates that the ''game'' is over.

Thank you for at least listening.

M. Clark

MTC–00004324

From: st9668nh
To: Microsoft ATR
Date: 12/13/01 1:02pm
Subject: not acceptable

To whom it may concern,

The current proposal Microsoft offered is unacceptable. They said that the schools could load applications that were offered by other companies such as media player or instant messanger. Well, all these are free. Quicktime, reelmedia player, Aol Instant Messanger, yahoo messanger, they are free with a charge for an upgraded ''Pro'' version which most schools wouldn't need. This is no harm to Microsoft. The next suggestion was to allow a dual boot on the computers. Well, I'm not sure but I don't think many students use Solaris, Unix, or Linux to run their word processing applications and especially the ones that come from the countries poorer schools. They would be greatfull just to use a computer. Also Apple Computer's Macintosh OS does not run on an intel based computer so the largest holder of market share in the school sector would be hurt the worst.

As you can see from these examples, there would be no real change in the agreement because there is no monetary value to Microsofts suggestions. The idea of a settlement is to punish a company for their wrong doing which would include doing commercial harm to the offending company yet Microsoft does not feel they should be harmed for what they did. It appears that Microsoft is trying to get away with a slap on the wrist when what they need is a good canning. Apple Computers CEO Steve Jobs had the best suggestion. Microsoft should be forced to pay one billion in cash so the schools can use the money to purchase whatever hardware and software they want. This would keep the company competing for market share instead of one particular company jumping to number one over a monopoly settlement.

Please review these thought and comments and seriously consider forcing Microsoft to accept the terms of a proposal or face further punitive damages.

Thank you for your time,

Sincerely,

Bryan Thurnau

MTC–00004325

From: Todd Little
To: Microsoft ATR
Date: 12/13/01 1:10pm
Subject: Microsoft Settlement

To Whom it May Concern,

I have recently read the proposed settlement between the Department of Justice and Microsoft. As a software developer for the last 25 years, I can find nothing in the form of a remedy in the proposed settlement. At best the settlement curtails Microsoft's past monopolistic behaviors, but does nothing to punish Microsoft for its past antitrust violations.

It would appear that someone convinced the DoJ that requiring Microsoft to end its previous monopolistic behaviors and publish specifications about its middleware is going to somehow foster reasonable competition. Instead, what I see is that Microsoft will be free to use its position as a monopoly on middleware to further its control on the middleware market. Their latest attempt is to try and limit the ability of Java to compete with their products by not shipping support for Java in their operating systems. Thus, it will be necessary for an OEM, manufacturer, or the end user to now explicitly load Java support. This is just but one small step Microsoft will take with its monopoly to try and prevent technologies like Java from competing with Microsoft's proprietary middleware technology.

With the terms of the proposed settlement, Microsoft has little reason to foster competition and will use its position as a monopoly on middleware to expand its middleware into other areas. Their .NET initiative is exactly that.

So I ask, ''What exactly is the Department of Justice doing to end Microsoft's monopoly? How does the Department of Justice reasonably expect Microsoft's competition to compete against a monopoly that has not been curbed in the slightest?''

Todd Little
1155 W Illinois Ave
Palatine, IL 60067
847–202–1031

MTC–00004326

From: Jof10530@aol.com@inetgw
To: Microsoft ATR
Date: 12/13/01 1:29pm
Subject: comment

I think it is time the government got on with other problems and left Microsoft alone, it is a wonderful company and does so much for so many people and yet a few Democrats cant let it go. How much is this costing us for them to keep after Microsoft. You did it to A.T.T. many years ago and that has been a mess ever since, why is it when anyone in this country is successful the goverment steps in and ruins it. Some of these people need to get a life there are so many people that need help right now why not concentrate on them. Elizabeth Fletcher

MTC–00004327

From: Ned Glick
To: Microsoft ATR
Date: 12/13/01 1:33pm
Subject: Enforcement

The proposed settlement seems very weak.

Mechanisms are needed to assure that future anti-competitive uses by Microsoft of its monopoly powers can be challenged quickly and with minimal costs. Enforcement of remedies should be clearly specified, and speedy.

CC:ned@stat.ubc.ca@inetgw

MTC–00004328

From: jrt@acm.org@inetgw
To: Microsoft ATR
Date: 12/13/01 1:32pm
Subject: Microsoft Settlement.

My comments are in the attached PDF
James Richard Tyrer
James Richard Tyrer
tyrerj@acm.org
United States Department of Justice
microsoft.atr@usdoj.gov
Microsoft Settlement

I have read the REVISED PROPOSED FINAL JUDGMENT and the COMPETITIVE IMPACT STATEMENT and it is my opinion in general that the proposed settlement does not:

1. Provide sufficient relief to consumers for the damage they have suffered as a result of MicroSoft's illegal actions.

2. Provide adequate measures to properly restrain MicroSoft from future illegal actions.

3. Provide sufficient measures to ensure competition in the future.

4. Provide adequate measures to ensure MicroSoft's compliance with the Judgment.

More specifically: I All customers that choose to use non-MicroSoft products are damaged every day by their methods of attempted market monopolization. The best example of this is the World Wide Web.

Although the case focused on MicroSoft's attempts to put NetScape out of business and their actions in coercing Apple Computer to use the Internet Explorer browser, I do not think that these were the ultimate purpose—these were not ends in themselves. MicroSoft's intent appears to be the ultimate control of web content production and distribution (servers). Their method is simple: MicroSoft web content production software and their web server software—most specifically the so called ' Active Server Page [ASP] and the IIS web server—produce HTML code that is not compliant with the W3C standards. This would be a very poor market strategy for any company that did not hold a virtual monopoly. However, for a monopolist it appears to work.

On IBM PC compatible computers there are still several web browsers available, but if you use one of them you keep running into web pages that don't work correctly. I have submitted some of these to the W3C's validation program (at their web site) and they have numerous errors in them. But, I assume, that they work correctly on MS IE. So, their software produces non-standards compliant web pages that only work on MS IE.

There is no possible business rational for this strategy. It would not work for a small company! If a small company introduced such software that required users to use their web browser, they would quickly go out of business. But, with a monopoly and their web browser available free, this tends to encourage people to use their web browser on Windows. After all, it is available free or it came with the computer. People try MS IE, and it works so they keep using it. The only major barrier to this strategy was Apple

Computer and evidence at the trial indicated how they coerced Apple Computer into switching to MS IE. So, with makers of standards compliant browsers almost completely shut out of the market, MS is now free to set the standards for web content.

I should point out how difficult it is for another company to make a new browser. The MS IE browser is standards compliant—it will work with standards compliant web pages, but it will also display the non-compliant web pages produced by MS software. Mr. Gates has stated that IE is the most compliant browser available. Quite true since it not only displays standards compliant HTML but also MS generated HTML. But, how is any other company going to accomplish this. MS has no printed standards for their version of HTML. It is basically impossible. And, even if some succeeded, MS could just make changes to their secret 'standard' and simply tell users to download the latest version of IE.

I do not believe that disclosure as outlined in the Settlement would cure this problem since it really appears that it is a question of MS IF. being very tolerant of mistakes in a way that could not be stated in a standard. However, there is a very simple solution to this problem. MicroSoft must be required to, after a set date, guarantee that all web content produced by their software will be 100% compliant with the current W3C standards for HTML and CSS. This would create a bright line, the W3C validation programs already exist and it is a clear binary question—either a page passes or it doesn't. There would be no arguing over whether or not some disclosure met the requirements of the Settlement.

I note that if this were the case, that MS software produced fully W3C compliant web content that the questions of the free distribution of the browser and their attempts to put NetScape out of business become much less relevant because their ultimate ends could not be achieved. II The Impact Statement states that the Settlement will benefit consumers by: Ensuring that software and hardware developers are free to develop, distribute, or write to software that competes with Microsoft middleware or operating system software without adverse action by Microsoft, by prohibiting Microsoft from retaliating against developers or conditioning consideration on a developer refraining from developing, distributing or writing to software that competes with Microsoft platform software.

I do not believe that the prevention of retaliation is sufficient to achieve this goal. I emphasize here the development of operating system software. The Statement concentrates on ''middleware''. However, disclosure of the technical details of middleware is not sufficient to ensure competition in operating system software in all respects. While it will have some positive effects on server software, it will have little or no effect on desktop operating system competition.

For there to be competition in the desktop operating system market, the Settlement must achieve at least some of the results which would have resulted from the break up of MS. In this context, a major defect in the Settlement is that the required disclosure of APIs and other information is: for the sole purpose of interoperating with a Windows Operating System Product[.] First, this would appear to contradict the section from the Statement quoted above, and, certainly could be used to prevent the disclosure of such information for the purpose of writing software to compete with MS operating system software.

The common wisdom is that what is now holding other operating systems back—preventing effective competition with MS—on the IBM PC type personal computer is not Windows, but rather it is the MS Office Suite. For a Settlement to provide the needed relief to consumers, it must address this point.

I also note that I believe that these limiting conditions on disclosure will lead to constant wrangling over what must be disclosed to who and further legal action. What is needed is full disclosure of the API without conditions. Specifically that it be made available for the purpose of producing competing operating systems.

There also needs to be a bright line, as stated above in regard to web browsers. The reasons for this should be clear to anyone familiar with the case. MicroSoft have shown themselves to be devious and egregious liars. Experience with the previous case about the web browser issue have clearly shown that MS will not act in good faith.

The best way to deal with the disclosure issue is with a standard. Therefore, I recommend that MS be required to submit the Windows API to an IEEE standards making committee and that a published standard be produced within a set time at MS's expense. And after the publishing of the standard that MS be required to contract with two independent software and testing companies to produce the software necessary to test both the Windows operating system and the Office Suite for compliance with the standard. This software should be generally available for a reasonable fee to cover the costs of materials and distribution only. After a reasonable time, MS should be prohibited from selling any version of Windows or the Office Suite that does not comply with the published standards as determined by the two independent software and testing companies.

Alternately, they could be allowed to convert to fully POSIX compatible software and stop selling software that uses the current Windows API.

The same standards making should also be applied to the client/server and middleware issues.

III It has been conjectured that if MS was broken up, that the application company would make the Office Suite available for other IBM PC operating systems. This is not totally certain, but we can be sure of the pattern of selectively offering the MS IE explorer for various platforms. It is available for Windows and the Mac OS. A little known fact is that it is also available for UNIX. Specifically, it is (or was) available for Solaris and HP–UX. The Solaris was available for Sparc only—the UNIX version is not available for UNIX running on Intel x86 processors. This is not a rational business decision since the demand for these versions is consideraly less than it would be for Linux and BSD running on Intel processor systems. It should be clear that their objective is to push the Windows monopoly in preference to promoting the use of their browser. I would, therefore, recommend that MS be required to make the Office Suite available for Linux and Solaris (both Sparc and Intel processors). To ensure competition and compliance in the case of Linux (and because this appears to be possible) I would recommend that they be required to provide two versions. One (for Linux) independently ported and sold by CodeWeavers with a usual and customary royalty arrangement. And the other (for Linux and Solaris) a MS version ported with the aid of their current Windows to Unix porting software as available from MainSoft or their own WISE software. MicroSoft to pay all development costs.

IV I believe that MS should be in some way penalized for their illegal conduct and the damage done to consumers over the past 10 or so years, that they should be fined. I would suggest that instead of a fine that they be allowed to donate One Billion Dollars to the Free Software Foundation. This would be a charitable contribution since the FF is 501 (c) (3). This would also promote competition in the personal computer market. This may sound odd, but since it has been much more difficult for MS to retaliate against the open software community, many (including myself) believe that the best chance for competition with MS software (in the near future) is the open source movement.

V The greatest harm to me as a consumer has been the Novel, WordPerfect, UnixWare fiasco. I presume that you are aware of the fact the Novel purchased WordPerfect (and Quattro Pro) and UnixWare with the intention of offering an office suite not only for Windows but for UNIX as well. It is my understanding from what I have read in the IT trade press that MS coerced Novel with the threat that they would make the next version of Windows totally incompatible with Novel Netware. As a result, Novel sold WordPerfect to Corel Corporation and UnixWare to SCO.

Corel is now slowly getting out of the WordPerfect business and slowly their business continues to decline. SCO was only interested in the OS and had their own fight with MS about that. UnixWare was then sold to Caldera.

As I remember, this also spelled the end of the OpenDoc project which would have greatly increased competition in the office suite market by promoting an open document format. The result of this is that I (and all consumers) can NOT purchase the WordPerfect Office Suite for UNIX (Linux, BSD, Solaris, etc.). Something must be done to redress this.

I don't know what the best way to redress this would be. It would clearly depend on whether the successors in interest to Novel were interested in doing anything about it. What is certain is that MS should provide the finances.

A possible suggestion is that a joint venture be formed to develop WordPerfect Office Suite for UNIX (including UnixWare, Solaris and Linux). For example, Novel, Caldera, and

Corel could form a corporation to do this, each buying in with $100 Million in stock (stock swap) and MS would be required to buy in with $1 Billion in stock but MS would receive nonvoting shares. The corporation could then sell the M* stock as needed to finance their operations. There are many other methods and permutations that would server as well including some form of non-commercial only open source.

But, something must be done to address this point because without real competition to MS Office Suite, there will never be real competition in the desktop operating system market. NOTE: I note in closing that some of my suggestions will require MicroSoft to invest money in new business ventures. In the case of WordPerfect, this is somewhat punitive, but in the case of porting MS Office Suite to other platforms, I believe that this is in the best interest of the company and that they have not done so not for rational business reasons but for reasons of monopoly maintenance. In both cases, they might make money on the deal. The 9 dissenting states have demanded the MS Office Suite be ported but they have gone too far in requiring that MS not earn royalties on its sale.

The issue of whether various actions by MS are rational business decisions or done for the sake of monopoly maintenance is probably the most important issue in the case. I feel that it is on this basis that the success of any settlement should be judged. If they continue to make marketing decisions based on monopoly maintenance, then the settlement will have failed.

James Richard Tyrer

MTC–00004329

From: Paul D. Weatherford
To: Microsoft ATR
Date: 12/13/01 1:42pm
Subject: Whatever you do....

I am a lowly computer user and I wrankle because I am forced to use Microsoft Operating Systems. Also, the control they use with their ?xplorer' is excessive.

That is also true of Netscape to some extent. They are trying to compete with Microsoft on their terms and in the process are making their Browser les than desirable.

The Browser should be sparated from the operating system. The Operating System Windows XP should be devoid of advertising gimmicks that force you to use anyone's software. Software for other uses should stand along and compete in the marketplace. Thank You.

MTC–00004330

From: John Jacobs
To: Microsoft ATR
Date: 12/13/01 1:46pm
Subject: Microsoft Anti-Trust Settlement

To Whom It May Concern:

(I'm not sure if this is the right e-mail address or not for responding to the antitrust settlement that was proposed about a month ago. If it's not please disregard this e-mail and I truly apologize for incorrectly sending it.)

I wanted to state that I'm not confortable with the settlement as it stands now. I can't see where any part of if will truly limit Microsoft from using its same predatory acts to force people to use software they don't want. The main issue I have is with Microsoft ''tying'' code for ordinary applications into its operating system and then calling it necessary for the functionality of the operaing system. That's a lie.

The operating system (Windows) worked before without the code, and other OSes have those same types of applications and they don't require the applications to be ''tied'' in order for the OS to work. This whole issue could be solved if Microsoft would just ''componentize'' its operating system. Let me explain. Microsoft ''tied'' Internet Explorer to its operating system because it stated that it would be the user a better 'user experience' when using a computer. The concept/direction they chose to better the customer's experience in and of itself is not wrong. In fact, Microsoft will be the first to admit that that's why they did it in the first place. The problem is that the way they went about it was wrong. Instead of ''tying'' the browser to the operating system, they could have made it a component (much like the plug-in concept in most other applications). This means that, if coded to a pre-set list of APIs, a browser can be ''plugged into'' the operating system; thereby, allowing the user to use the browser's interface to navigate through his/her computer. Obviously, since Microsoft will have created the APIs, their browser would be the first one capable of working with the ''new Windows feature''. However, now other browser companies could tailor their browser to work with this new feature if they wanted to. This would promote healthy competition by allowing multiple companies to write a component (in this case a browser) to work with the new operating system feature. This also gives the users the experience that they wanted as well as the freedom to choose which company they want to deliver that feature to them.

The component concept described above would easily apply to all other areas of debate that are currently be discussed in the anti-trust case. This way Microsoft can keep their code that's behind the APIs secret; and yet still open the feature up to other companies so their applications can work with it if they so choose. In short, Microsoft's current philosophy of ''tying'' the feature to the operating system and then stating that the operating system wouldn't work without it is wrong. If they are forced to build these features as components (or plug-ins), then we wouldn't be in the anti-trust nightmare we are currently in.

Therefore, in my personal opinion, I would be happy with any anti-trust settlement that forced Microsoft to stop providing a feature to users by ''tying'' it to the operating system, but provide it as a component plug-in so other companies are free to come up with something better if desired. This would be a win-win for the users, third-party companies, Microsoft and the government.

Thank you for you time.

John Jacobs
Computer Consultant
Digital Fusion, Inc.

MTC–00004331

From: Corn Walker
To: Microsoft ATR
Date: 12/13/01 1:45pm
Subject: Reevaluate Microsoft Settlement

Atty. General Ashcroft,

As a citizen of the United States of America I am thankful for our judicial system and its ability to bring about resolution to increasingly complex matters. However, given the findings of fact by the courts, it is difficult for me to comprehend how greatly disproportionate the penalties and remedies are as proposed by the US Department of Justice and accepted by some of the other states bringing suit. It seems to be clear to the courts that the actions of the Microsoft Corporation violated both the letter and the spirit of the law and constituted monopolistic and predatory behavior. As with any other company engaging in monopolistic behavior, the penalty and remedies proposed should be severe given the nature of the crimes. The current Microsoft/DOJ settlement does not give us that, and in some cases appears to actually work against the victims of Microsoft's monopolistic behavior. This is the third time Microsoft has been to court for anti-trust allegations. It is clear that the ''slap on the hand'' approach is not working to remedy their behavior. The proposed settlement is worse than a slap on the hand—it perpetuates Microsoft's monopoly and in some cases will actually stifle competition. Clearly the American consumer does not benefit from the current settlement proposal. While I don't believe the proposal from the nine dissenting states is necessarily the best remedy, I do believe an appropriate settlement should include both corrective and punitive actions. The purpose of the judicial system is not simply to say, ''Don't do that again,'' it is to provide punitive measures to prevent a company from engaging in similar behavior. Without real punitive measures there is no force of the law to prevent Microsoft from engaging in the same behaviors it always has. It is for these reasons that I urge you to reevaluate and withdraw the settlement proposal and pursue more appropriate corrective remedies and penalties to prevent Microsoft and other like corporations from engaging in destructive and anti-competitive behavior.

Cornelius Walker
11 Arcadia Lane
New Milford, CT 06776
cnw@mac.com

MTC–00004332

From: msn
To: Microsoft ATR
Date: 12/13/01 1:53pm
Subject: Microsoft settlement

Dear Sir or Madam;

I would like to add my opinion and support of the proposed settlement. Through out this trial, it has never been proven to me—a consumer—that I was harmed by Microsoft's predatory practices. I do believe that strong-arm business tactics were used, and as a result, competing businesses were harmed. But I believe it's probable this harm resulted from their failure to create and market superior products.

Greed has no limits once an attorney is involved; i.e., the 'tobacco settlement'of years past. How much did the consumer recover in

those states? There is nothing complicated about right and wrong! Thank you for listening.

MTC–00004333

From: Dan Murdock
To: Microsoft ATR
Date: 12/13/01 2:52pm
Subject: judgement

I am writing to express my views on the Microsoft trial. Microsoft in my opinion is a HUGE monopoly that the government seems scared of trying to stop. Forcing Microsoft to donate computers to poor schools will do nothing except increase the strangelhold Microsoft has on the industry. If Microsoft was forced to play fair and open up their code, we would have seen great strides in technology long ago, not just the things that Microsoft wants us to see. I hope and pray you will not allow Microsoft to continue to hold technology back simply for their financial gains.

Thank You
Dan Murdock
Senior Technician
Freshwater Education District
Staples, MN 56479

MTC–00004334

From: Scott Ellsworth
To: Microsoft ATR,Microsoft Comments@doj.ca.gov@inetgw
Date: 12/13/01 2:00pm
Subject: For the sake of American competitiveness and worker productivity, do not accept the MS settlement

The recent settlement proposal by the DOJ does not actually remedy the results of Microsoft's rapacious practices, nor does it put anything effective in place to prevent similar practices in the future. Further, the counter-proposal to put more Microsoft products and equipment in the hands of the schools only furthers their monopoly. This is no more the way to discourage rapacious practices than an exotic dance is the means to discourage rape.

Accepting this settlement is not in the interests of the American people at large, American workers using computers, or American workers maintaining those computers. The only settlements that can be actual remedies are those that either split Microsoft or that force them to open their source code now and forever on anything in use by more than half the people in the target market.

I am a software consultant. I work in biotechonology, but I have also done work in secure access, cryptography, database design, and mathematical modelling for econometric forecasting software. In all of these fields, we have felt the cold hand of Microsoft's monopolistic practices hanging over us like a pall. My clients in Irvine, Long Beach, and Carlsbad, CA, have all complained of predatory practices.

My wife is a member of the Management and Information Services division of the city of Newport Beach. She reports similar practices taking place in her place of work.

Both Isis Pharmaceuticals and the city have been threatened by Microsoft within the last six months, in an effort to get them to start using annual licenses. In the words of one Microsoft representative, ''unless you can prove that every PC has the exact same copy of Windows and Office that came in the box with it, it is not enough to have sufficient licenses, registration cards, and CD packs. We will take you to court, and we will win, because it is impossible for you to prove that you are in compliance. It will cost you more to fight us on this, than to just pay the license fee for our new program.'' This blackmailer was claiming that even though the organization had bought and paid for valid licenses, Microsoft would force them to prove this. I find this most distressing, as the rep had been invited to the location to propose license options. These people wanted to make sure they were within the bounds, and were willing to listen to a presentation on the topic, but instead, they received threats.

Threatening someone's livelihood in these troubled times is, to me, no different than threatening to dynamite a business if it does not pay protection money. I would have hoped that the Department of Justice would try to protect us from such threats, but I accept that Microsoft is powerful enough to threaten the state itself. Still, the state has the ultimate power in such a struggle, and I hope that the individual states, and the country as a whole will use that power.

Microsoft has proposed donating millions of dollars of software and hardware to schools. I applaud their charity, but feel they must be forced to donate actual cash, which the schools may use as they see fit. At most, the schools should be asked to spend the money on computers, software, and training, but the brands and models should be up to the schools and the parents of the districts affected.

These schools will not be able to buy new machines any time soon, thus they will end up training yet more people to use Windows. Given that education is one of the few markets where Apple Computer has a strong share, I cannot see such a gift as anything more than further advancing their hegemony.

As part of my job, I routinely use Windows NT, Windows 2000, Linux, Solaris, and MacOS X, as I must use what the client wants. I can recommend, suggest, and encourage, but at the end of the day, a consultant must do what the client asks. I prefer MacOS X for both client and server applications, but I have set up Linux and Solaris servers, and Windows front ends as well. I can do this because we are using open source databases that run on all three, and our client software is written in Java. We find that Windows requires greater maintenance, has more downtime, and has larger security holes, but each customer makes the decision they need. Open source software, and cross platform Java let us give the customer what they desire, without locking them into a single vendor or platform.

Microsoft has done everything in its power to make this more difficult. This is a clear sign of intention on their part—they do not want people to have a choice, nor do they want people to pick the best solution for them. For some, Windows is the best choice, and they are welcome to it. For those with different needs or desires, shouldn't we be encouraging them to pick the best, most efficient choice? As they see it, not as Redmond does?

Thus, I encourage the federal government to revisit the settlement, and reconsider forcing them to open their source code. Reconsider splitting them into separate divisions. Decide what will give Americans choice. We have three auto makers in this country, and they have to hustle to compete with foreign models despite being on their toes. I fail to see how having all of our operating system and software eggs in one basket will make us more competitive in the world market.

I encourage the states to stay strong. Do not let Microsoft threaten, browbeat, and cow you into accepting a settlement that will harm the workers and residents of your states. They want to get their hooks in deeper, and they do not believe you can hurt them.

Prove them wrong.

Microsoft now feels that they are invulnerable. If Microsoft gets away with its lunatic settlement offer, or even gets away with destroying Netscape, and getting OS dominance by threats and intimidation, then we no longer deserve to be competitive. We will have sold our freedom for a handful of pottage, and I, for one, do not find that a fair trade.

Scott Ellsworth
Computer Specialist
Alodar Systems
24596 Via Tequila
Lake Forest, CA
92630

MTC–00004335

From: Dave Nelson
To: Microsoft ATR
Date: 12/13/01 2:06pm
Subject: Microsoft Settlement

I am appalled at the continuous quest to further punish Microsoft. Those who would benefit from this would not be consumers but companies that cannot compete. Also I am sure there are some politicians who would benefit from this situation. The Microsoft Litigation has been going on for three years, it should be over with.

MTC–00004336

From: Eveland, Mike
To: 'Microsoft.atr(a)usdoj.gov'
Date: 12/13/01 2:14pm
Subject: Microsoft class-action suit

To Whom It May Concern,

The class-action suit filed against Microsoft by several states is groundless and a disgrace to our judicial system and the laissez-faire philosophy. The individual states have no valid argument or claims against Microsoft and its unethical to even consider it. Microsoft has done nothing to these states, businesses or their citizens that could in any way warrant a law suit with compensatory damages. Let's call it what its is—a sham. Consider this—If the DoJ rules in favor of the states, they will be setting a case law precedence for future decisions that could cause severe damage to our free enterprise system for ever. Rule against this class-action suit—It's not only the right thing to do, it's the only thing to do.

MTC–00004337

From: MFoutch@aol.com@inetgw
To: Microsoft ATR
Date: 12/13/01 2:12pm
Subject: Microsoft Settlement

Having read the proposal carefully and considered the impact of its terms and conditions on the parties I feel that this is a fair settlement and should be adopted immediately. As a former (now retired) global class procurement manager for a number of high tech manufacturing companies wherein I purchased thousands of computers and actively participated in the first licensing agreement for Windows NT, I feel very qualified in reviewing this settlement. It is time to put this matter behind us and move on. Microsoft needs to have room to operate its business and I believe this agreement will prove adequate to the task of mitigating any future inappropriate business practices. I also hope it stops the carping from the states Attorney Generals and their shadows from Sun, Apple and Netscape. They were simply out maneuvered by a more capable company. Morris C. Foutch, CPM

MTC–00004338

From: James W Walden
To: Microsoft ATR
Date: 12/13/01 2:17pm
Subject: Microsoft Settlement

Please modify Section III(J)(2) and Section III(D) of the settlement to provide for the description and licensing of Microsoft APIs, documentation, and communication protocols to not-for-profits as well as to for-profit companies. This change will protect important non-for-profit projects such as Samba which are essential to many businesses and not-for-profit entities.

James Walden ''Fall leaves blanket ground

Sr Internet Software Engineer Redmond dreams darkly, beware

Intel Microelectronics Winter brings penguins''

(503) 456–2199 —Kevin Hackman

MTC–00004339

From: Ray Petrone
To: Microsoft ATR
Date: 12/13/01 2:20pm
Subject: Spread Your Limited Resources

Distinguished Ladies and Gentlemen, As you consider this matter please think of the limited resource that everyone has—time. Hasn't the US Government spent a disproportionate amount of time on this matter already? When will you make an end? What do you think you will accomplish for the Consumer from all this? If you somehow did create a significant new operating system out of all this it certainly would not benefit my family or yours who have a significant learning curve and inconvenience so that can't be the desired end point, can it?

Do a reality check. Our economy continues to stumble and Congress continues to vacillate. Next year is an election year. Get your priorities in order. Please. Thank you.

Respectfully,

Raymond Petrone, P.E.

MTC–00004340

From: Jueri Svjagintsev
To: Microsoft ATR
Date: 12/13/01 2:20pm

What kind of a joke is the Microsoft settlement? I think that The DOJ has let itself get completely run over by the Microsoft monopolists. This is not in the publics interest and will only lead to further stifling of competition.

Sincerely Jueri Svjagintsev

MTC–00004341

From: Clyde and Jean
To: Microsoft ATR
Date: 12/13/01 2:25pm

This suit seems more an assist to Microsofts competitors than concern about MS's so called monopoly position in the market place. It is difficult to see how the customer is benefited by any of the 'remedies' that have been proposed.

The best thing for the consumer is competition among the the companies. As MS improves it's products the others must improve theirs instead of the expecting the government to provide them with a favored position that does not benefit the consumer in the long run.

MTC–00004342

From: Ellen Page
To: Microsoft ATR
Date: 12/13/01 2:26pm
Subject: Complain and Final Judgment

I have read the above, and I am solidly in Microsoft's court. I feel the energy, enterprise, and creativity of this company have contributed to our economy and its products have set a standard for competitors to meet. We have an obligation to support our giants rather than destroy them. Weaken Microsoft and the ripple effect will be felt throughout the industry. Are they arrogant? I don't know, nor do I care! And, whose standards of arrogance are being used to judge the partners? Frankly, I think the complaint against them is arrogant.

MTC–00004343

From: Karl
To: Microsoft ATR
Date: 12/13/01 2:35pm
Subject: Break the Law, Pay a Penalty

My understanding of Civil Law is the injuring party needs to provide restitution to the injured parties. I think Microsoft playing victim is a pretty good indication that this company shows no remorseful for any of the illegal activities that they have already been convicted of. They continue to exhibit the same behavior and have pushed forward with the same plan of abusive tactics during the entire proceedings. In the time since they were convicted of monopolistic behavior they have used their power over the market to get an even stronger foothold on whatever they currently control, expanded to control even greater markets and have positioned themselves to takeover even more. The current proposed settlement will be a small speed bump and will easily be circumvented by Microsoft, and with the way they easily manipulates the Justice Department the proposed settlement will probably be mute by the time any actual sanctions are imposed. Microsoft will draw this out even further and nothing in the proposed settlement will have any baring on any of Microsoft's plans. Look how they were able to get Windows XP to market dispute their earlier conviction.

Now I am a believer in the free market. But the free market only operates if the rules and principles with which fair competition are governed are followed by everyone who participates. Microsoft has been convicted of breaching those rules. Now it is time for them to provide restitution. The compromising of principle is a greater detriment to society than the rise and fall of Microsoft. They themselves have confessed that alternatives exist. There will be a cost involved to the general public, but the cost to society is greater if we compromise the our belief in the notion of fair play. Choose and choose wisely.

MTC–00004344

From: Annette Hall
To: Microsoft ATR
Date: 12/13/01 2:43pm
Subject: Microsoft Settlement

I was extremely displeased to see that certain states refused to settle the Microsoft lawsuit. It is my opinion that their refusal to do so is not for the reason of benefiting consumers. Instead, the purpose is to inflict maximum financial and commercial harm on Microsoft so that competitors of Microsoft who are located in those states can gain commercial advantage over Microsoft. Though very successful in their own right, these companies didn't have the same amazing level of success as Microsoft. They haven't been able to surpass Microsoft's success by normal competitive means, so they are trying to do it by lawsuit, even if it means harm to consumers. The financial penalties that have already been inflicted on Microsoft have more than paid for any perceived ''wrongdoing'' they may have committed in zealously pursuing success in the high tech industry. In my opinion, by attacking Microsoft in such a jealous, vindictive and selfish way, the initiators of this lawsuit are responsible for accelerating the serious financial downturn the high tech sector has experienced since the lawsuit was filed. The high tech sector's troubles ultimately affected the entire business world in a seriously negative way. The goal of these lawsuit initiators was not to stop Microsoft from doing something illegal; it was to seriously harm Microsoft as a competitor by any means necessary, even if it meant harming a thriving and vibrant economy. That economy was due in no small part to the economic riches Microsoft brought to millions of people directly and indirectly.

By harming Microsoft to the extreme extent that they have, these people have seriously harmed consumers, individual investors, small businesses, and large businesses nationwide, and even worldwide. Ironically, Larry Ellison, Scott McNealy, Jim Barksdale, et al, and their respective cohort states got hit by the economic downturn that their lawsuit precipitated. They miscalculated by thinking a lawsuit against Microsoft would result in a surgically precise knockout punch, with no harm to themselves. Despite their miscalculation, these men are still immeasurably rich. I, on the other hand, suffered great financial harm when my measly 2000 shares of Microsoft stock

plunged in value to such an extent that I had to sell them. I had a margin loan on those shares, which I had used to finance a business project. In August, 1999, at 50 years old, I left a full-time job to go into business for myself and complete this project. I used the value of my 2000 shares of stock to finance it. I had planned to pay off the loan once my project started generating income and then save the shares for their original intended purpose: as a retirement fund. When the value of my shares plunged to such an extent that I had to cash them in to pay off the margin loan, it seriously harmed my project and my financial condition. In fact, I had to call a halt to the work in 2000 until I could find other means to resume and finish my project. It wasn't until just this month that I was able to raise the funds necessary to do so. I am now in serious debt, thanks to Scott McNealy, Larry Ellison, the US DOJ, et al. I am not alone in this situation.

Thanks for nothing. SETTLE THIS LAWSUIT NOW before any further harm is done to us little people!

Annette R. Hall
Washington State

MTC–00004345

From: J Grizzle
To: Microsoft ATR
Date: 12/13/01 2:56pm
Subject: Make it right now or you condem the future

When I buy a television from Sony. They do not tell me how to use it, where to use it, what I can add to it, which part of the house to place it, or weather or not I can sell it or give it away.

When I buy a car from Ford. They do not tell me where I can drive it, how to drive it, what color or parts I can change or use on it. So why do we now allow Microsoft to dictate to us through the ''Windows XP'' ($200 to $300). On how we can use it, where we use it, How many times and places we can use it. as well as to answer to them on when we do major changes to our personnel computers.

They have been left un-challenged and now we are here. I am just Joe Average. I use a slow system at home that runs Windows 98. I do not use Outlook, I do not use Internet Explorer (I use Netscape that I bought years ago), I do not use other applications that are embedded in the operating system. However, I would be forced to buy a bigger and faster p.c. Just to use ''XP''. I do not use Instant message, I will not edit video, I will not use their media player (I use a free one off of the internet). I will not use there calendar function (I bought Calendar Creator years ago.) However, because these application are embedded it means that this operating system is a resource hog. More disk space is used for stuff that I may never use. More memory is required to work the machine, because the code is so bloated. Memory should be used to run what is selected to run. Not run what Microsoft thanks you may run.

You have to ask 2 questions. 1.) What is the basic definition of an operating system ? 2.) Why are applications that can be bought off of a shelf being embedded ? Once they embedded other applications in the operating system, it stopped being an operating system. It is much more. Once you answer these two questions it is simple. This is about control, me only and money.

If the application writers at Microsoft can write the applications as modules. The cost, size and waste of resource by the operating system will be little. They then can sell the applications as separate packages to those that want to edit video or use a media player.

For Microsoft to say that they can not remove the code, it is bogus. Are they saying that they do not have change control/quaility control (ISO9000) on their product ? If they can write the code to insert it. There is always a way to back it out. Forever on window 98. If I do upgrade it will be to an Linux operating system with no bells and whistles. ($50) Also, It will run on my current hardware. Can not afford to buy new.

These statements are no reflection of the company I work for, They are my own comments.

Sincerely Your,
John Grizzle

MTC–00004346

From: Regina Villalpando HTML EMail Services (038) WebTEKGroup
To: Microsoft ATR
Date: 12/13/01 3:01pm
Subject: The Microsoft Settlement Deal is FAIR

I believe the Microsoft settlement deal is fair. Their product should be open sourced just like Macromedia's Flash is open sourced. They produce an inferior product that's always plagued by breakdowns and problems. I hope the settlement goes through as planned without Microsoft's intervention.

Kind regards,
Regina Villalpando

MTC–00004347

From: Hotmail
To: Microsoft ATR
Date: 12/13/01 3:07pm
Subject: MICROSOFT SETTLEMENT

The U.S. businesses and Microsoft have the freedom to innovate. It is time the nine states against Microsoft realize the United States is a Republic and not a communistic nation. Our ability to compete is what has made us a great nation. Our fine U.S. Government should realize the nine states against a settlement, as proposed, are competitors and not the majority of the people.

MTC–00004349

From: John Kundert-Gibbs
To: Microsoft ATR, Microsoft Comments@doj.ca.gov@inetgw,...
Date: 12/13/01 3:28pm
Subject: Microsoft settlement

Dear attorneys general,

While I do not currently live in any of the states that are holdouts to the proposed Microsoft settlement, I have lived in two (California and Massachusetts) previously, and am certainly a citizen of the USA in any case, and thus feel my comments should be heard regarding this proposed settlement.

First, let me say that I wholeheartedly agree with the 9 states that have not yet signed off on the proposed settlement: this settlement, far from aiding the businesses and public who have been harmed by Microsoft's predatory practices, actually harms us.

One area that is particularly offensive to me, given that I have worked in the education field for over a decade now, is Microsoft's attempt to subversively instill good will toward itself via an inexpensive donation of refurbished computers plus a number of software titles that, one, are Microsoft titles, and two, cost the company perhaps 1% of their claimed value of $850 million. If this portion of the settlement is approved, not only will Microsoft not spend anything like the $1 billion they claim, they will shove their software down the throats of millions of the very children who have almost no recourse to other computing resources, removing their (and their school districts') choice of computing platform and software. Far from remedying monopolistic practice, this proposed settlement will only increase the monopoly powers of the company into areas of the education market—and for very little outlay of cash as well!

Beyond this one particular element of the settlement, I simply see no strong remedies in it that will either improve the lot of competitive companies (not to mention those that have been run out of business by the company in years past), or will improve the choices and competitive environment for us consumers.

In addition, from what I have been able to glean from the news, Microsoft through its lawyers is attempting to make the DOJ and 9 holdout states into the villains now. This is a patently ridiculous claim, as this group has spent years and countless dollars to punish a company that continues to this day to wield its monopolistic powers as flagrantly as they did when the whole case began. If a more radical settlement to this case is not accepted, Microsoft will happily pay their ''slap on the wrist'' punishment and continue with their monopolistic tactics, all the while beating their chests and claiming they have been unfairly treated.

After all this preamble, my suggestion is simple: treat Microsoft fairly for what they have done this past decade. In my opinion, the more radical settlement solutions proposed by the 9 states just barely qualifies as fair treatment for this reprehensible company.

Thank you for your time, and all of your work in this case!

John
John Kundert-Gibbs, Director
Master of Fine Arts in Computing
404 Edwards Hall
Clemson University
Clemson, SC 29634
864 656–6977
jkundert@cs.clemson.edu

MTC–00004350

From: Peter Difatta
To: Microsoft ATR
Date: 12/13/01 3:37pm
Subject: No subject was specified.

Renata Hesse
Antitrust Division
U. S. department of Justice

Dear Ms. Hesse:

I'm appalled that the Microsoft antitrust suit is being watered down on the basis of

national efficiency because of current global conflicts. From my viewpoint, this is the most significant antitrust suit to have been filed in the last 60 years and it shouldn?t be soft peddle.

I'm just an average consumer, and what bothers me is that I have little choice when buying computer products. I don?t like Microsoft products or the way the company conducts business and try to avoid them, but because of the stance of laissez faire the government took years ago and because of misguided legal rulings, Microsoft was given the opportunity to develop a monopoly that increases in strength daily, and if given the latitude will continue to extend its tentacles thereby weakening the economic functioning of our nation. Microsoft is a predator and should be stopped. A perfect example is Microsoft's intention, even after last years ruling that Microsoft was truly a monopoly, they intended to allow their web browser to replace existing adds on a web page with ones of their own choosing. Doesn?t that say something right there! Microsoft, because of its monopolistic power, has hindered the development of the computer industry. It makes inferior products and stymies innovation. The nation (and the world) would have been much further along if Microsoft's predatory tactics had been stopped earlier. I believe that a ?standard operating system? shouldn?t be owned by any one company and that to truly break up this insidious monopoly, the government should work toward removing the basic operating system that seems to be a standard away from Microsoft's control. This source code should be free to all computer makers. This could be done fairly, to appropriately compensate Microsoft and within an acceptable time frame. Think of this approach in this regard. When television was developing, there were numerous scanning systems developed by several companies all incompatible with each other. For the television industry to develop, a common system had to be agreed upon to be used by all. Therefore the industry developed and matured without any one company having a great advantage over any other. How would it be, that in order to produce and broadcast a new television program, one would have to purchase scanning technology software to be able to broadcast your program. And new versions of it would be coming out on a regular basis so even old programs would constantly have to be upgraded? The end user would have to buy the technology too. That's exactly what Microsoft does. And unlike pharmaceutical drugs where patents run out after so many years and then become available to any manufacturer, Microsoft is able to change it's operating system slightly to maintain the monopoly. This needs to changed.

It is highly important for the future of the industry that other companies as well as average consumers like myself be given a fair chance. And if we aren?t, you will still have continued lawsuits about this problem.

This is an issue that to me is more important than terrorist attacks. I can to a reasonable degree with caution and awareness defend myself against terrorist activity. But Microsoft is everywhere and almost has the ability to control everything you read, hear or see. Take MSNBC, for instance. I can?t isolate myself from a monopoly that is already too powerful that it may be too late. But, that's what the courts are for. Please use your power to correct this error that has gone on for too long. Institute the most comprehensive remedies discussed. Even that won't be enough.

Peter J. Difatta
(a consumer)
4312 Coastal Highway
St. Augustine, FL 32084
email: OldestCity@Earthlink.net

MTC–00004351

From: James Duberg
To: Microsoft ATR
Date: 12/13/01 3:43pm
Subject: Microsoft Settlement

The proposed Final Judgment fails to protect ''not for profit'' enterprises, such as Apache, Sendmail, Perl and Samba. In fact, as drafted, the Final Judgment will allow Microsoft to easily destroy these projects by withholding access to information that Microsoft will be required to provide to ''for profit'' businesses.

This is a completely unacceptable state of affairs.

MTC–00004352

From: Michael Schwarz
To: Microsoft ATR
Date: 12/13/01 4:03pm
Subject: Ineffective punishment for a virulently anti-competitive company

I do not believe that Microsoft will in any way modify its behaviors as a result of this decision. Three people, no matter their qualifications, cannot possibly monitor compliance over a base of billions of lines of code. Microsoft has demonstrated a repeated and constant pattern of bullying, evasion, threat, and abuse of monopoly power. So long as that monopoly exists, their power remains undiminished for they can maintain their freedom of action through obfuscation.

Microsofts executives have been openly defiant of the Court, they have misrepresented evidence (as in the videotape evidence that allegedly showed a single computer system before and after removal of IE which, under cross examination was shown to be two completely different systems with a different mix of software), they have an institutional inability to see the illegality and immorality of their actions.

I believe a structural remedy is the only solution that will have any lasting effect, and I believe a remedy harsher than Judge Jackson's is necessary. I believe the company should be split into systems, applications, and media. I believe the matter will be before the courts again. Next time ''.NET'' will be the center of their monopoly power. Microsoft has accepted this judgement and is about to do precisely what they did with the MS–DOS consent decree: They will, in essence, ''rename'' their monopoly (MS–DOS became Windows95): Windows will become ''.NET.''

The presently proposed settlement (admitting that I am a computer professional and not a lawyer) seems to me wholly inadequate to prevent the ongoing pervasive violations of law endemic to the Microsoft culture.

Michael A. Schwarz
mschwarz@sherbtel.net

MTC–00004353

From: FAN1957
To: Microsoft ATR
Date: 12/13/01 3:49pm
Subject: Microsoft settlement

Now that the government has foolishly spent millions of taxpayers dollars on this frivolous suit, I think it is high time that an end be brought to this situation. Surely our government has more important things to spend their time on than this outrageous suit.

The FREE ENTERPRISE system which has made this COUNTRY so great, is apparently being overlooked by a bunch of greedy lawyers and states who want to jump on the band wagon and try to get something for nothing.

Let this NOT continue to drag on...it has already exceeded the limits of justifiable time. Reach an amicable decision and let this country get on with more important issues at hand.

MTC–00004354

From: PAUL HENRY
To: Microsoft ATR
Date: 12/13/01 4:23pm
Subject: Microsoft is not a monopoly

Microsoft is not a monopoly, the court is wrong this seems more like a mafia shakedown for money than justice served, competitors such as aol /time Warner, oracle, apple, sun micro seem to be more at the heart of this matter . each of the aforementioned companies have billions at there disposal to innovate operating or any other products but they choose instead to use the courts to keep Microsoft from creating great products instead of competing fairly on the marketplace, bill gates started with nothing but a vision, competing products available in the market today include Linux, Solaris, the many flavors of UNIX, apple, be, dos, caldera, Cobol, ect. . .consumers already have a choice as the people who own apple computers can attest, a apple computer by definition is a personal computer, the same as one with windows, no difference. real networks media player does more harm to the consumer than win media player i.e forcing you to use real and making it a pain if you don't whereas Microsoft media player only load's when asked, when I loaded Broderbund print shop aol loaded without asking the icon on the screen warned me that by deleting it I would not unload the program to go to add/ remove programs where it could not be found a ploy to keep the average computer user in confusion to fool them into loading there program. shame on the justice dept. the only thing that has come out of this is less innovation and when the settlement is over the consumer will pay more like the tobacco settlement . this shake down by the government and Microsoft's competitors has caused the consumer's irreparable harm already please drop this case immediately if you really want to help the consumer as this consumer has had to much help already

MTC–00004355

From: Barb (038) Bill Roby

To: Microsoft ATR
Date: 12/13/01 4:19pm
Subject: Microsoft Settlement.

I think it is high time to get off the back of Microsoft. I wonder how much money the Government and State Governments have spent in the hopes of getting a wind fall of money they are not entitled to and the fact big Business's is successful. Is it greed or jalousie?

Bill Roby, Oklahoma City.

MTC–00004356

From: Donald Shannon
To: Microsoft ATR
Date: 12/13/01 4:20pm
Subject: Microsoft Settlement

As a user of Microsoft systems, I am concerned than government is coming down so hard on Microsoft and their user-friendly systems. I find their systems to be easy to use and any computer user can easily utilize the systems of other manufacturers if for some reason they dislike the Microsoft systems. It seems to me that the states and competitor companies who are sueing Microsoft are doing so only to try to win a competative advantage.

I am concerned that the definition of monopolistic practices is being distorted in Microsoft's case, while being ignored in the case of foreign oil companies who have been allowed to buy control of smaller oil companies and thereby create monolpolys which allow them to control fuel prices to the detriment of we, the consumers.

Microsoft and their systems have contributed greatly to the knowledge and efficiency of our nation. They should be rewarded for their contribution, not punished.

MTC–00004357

From: Lanny Smith
To: Microsoft ATR
Date: 12/13/01 4:27pm

Dear Sirs,

I own a small business with 30 networked computers all running Microsoft products. I pay a full time person on staff to run all computer issues in the company. The compatibility of products is of the utmost importance in transferring documents, email systems, database use etc.. I am actually old enough to have bought expensive enterprise computers and hired a programmer to create an accounting program to just do accounting for my company. The grief I went through in the early days of computers was intolerable. I am personally very grateful that a company with enough market power exists to have created standards out of chaos. With a multitude of different software vendors these days a definite choice exists for anyone to do anything they want to with or without Microsoft. I chose Microsoft products over all others because I need seamless operation of software products at a very reasonable cost. I am told by my son that Linux is a superior operating system. I still don't buy it because the overall cost of compatiblility and retraining is not worth it. Microsoft is not the evil empire eventhough they used every tactic to get their OS on the desktop. I neither like or dislike them as a company, I just happen to think they provide me with the best overall tools at the best overall cost in the software industry.

The idea that antitrust will create more choice is a very debateable advantage. Time after time we see examples of well meaning misguided individuals imposing their own biases on consumers.Choice in electric power delivery in California brought on a crisis throughout the nation. Some nit wit thought they could wring the last bit of profit out of power and everyone just spent more money buying generators to keep their respirators going at home. The real long-term cost of that decision was astronomical.

Similarly, consumers in the computer area just need products that all work together. And, they must continue to rapidly adjust to market demands. If other companies can convince consumers that they have great products through marketing and performance they should win in the marketplace over a company that many say is holding the market back. My opinion is that moving too rapidly with a wide variety of products subjects the market to incompatibility and almost immediate obsolesence. Fortunately, I have had the funds to purchase a great many software products over the years, but the constant search among poor product performers really cost me a great deal more money than I should have spent. If Microsoft offers a product in an arena that I need, I always buy it and I have yet to be disappointed in either performance or price.

I have read the settlement proposal from start to finish. As a businessman I would fight to the death to prevent being shackled in competition the way this proposal ties up Microsoft. An independant committee reviewing constantly every strategic decision would be intolerable I feel Microsoft has only accepted this onerous settlement to avoid an incredibly brutal fate.

I graduated from The Wharton School of Business at the University of Pennsylvania with an MBA and I have 30 years of running my own businesses.I am definitely opposed to inflicting restrictions on business because consumers ultimately pay the cost of these inefficiencies. It is similar to some idiot suggesting that businesses be taxed more so that individuals can be taxed less. In a competitive marketplace all business taxes are passed directly on to the individuals purchasing products. Instead I suggest that if someone has broken the law they pay appropriate fines for having done so or they do some jail time like my school mate Michael Milken.It seems to have done him some good. I'm not suggesting that Mr. Gates does time, but as a businessman the threat of personal loss or incarceration is a far greater deterent than even having to deal with some rediculous committee overseeing and running my business.

Further, the persons you are trying to punish will be punished rather than consumers who just want products that work seamlessly together at a fair price. If you want a real solution, you will create a judgement that recognizes wrong doing in the past with real teeth for the future to prevent recidivism which does not create inefficiencies in the marketplace that consumers end up paying for anyway.

Sincerely,

Lanny Smith, President Coverstar Inc.
Provo Utah
OS X—the biggest thing since point & click
ls@coverstar.com

MTC–00004358

From: Chris Roveto
To: Microsoft ATR
Date: 12/13/01 4:29pm
Subject: MICROSOFT SETTLEMENT

Finally this thing is coming to an end! New Mexico dropped its case against Micrsoft. I applauded our Democrat A.G. for that stroke of good sense althugh it came a bit late. I wish MY government had spent the time, effort and MONEY going after Bin Laden, killer of thousands as fervently as it went after Microsoft, creator of thousands of jobs. It should be obvious by now, this case and Greenspan's incessant rate hikes in 1999 caused the stock market debacle that has plagued the country for the past 2 years. American dreams of an early, fulfilling retirement (as well as a large percentage of most state pension funds) vanished before our eyes. The budget surpluses greedily eyed by politicians will likewise vanish as those capital gains turn to capital losses, all tax deductible. When the government undertakes a project with this much downside it must have a good reason, right? Whining netscape browser users and misguided mac heads do not seem a good enough reason to me. There are several choices of operating systems available to anyone who wants to pick up a mouse and install them on their system. For those not sophisticated enough, it doesn't matter they don't care what operating system they use. they just want good software choices. multiple operating systems mean less software chioces. Remember when VHS tapes became the standard, beating out Beta, movie availability soared as all resourses could be channeled into one format. This analogy applies in this situation as well as has become obvious to many.

Hopefully, now the government can start to go after REAL monopolies—like the public school system.

Chris Roveto

MTC–00004359

From: Ben F. Padgett
To: Microsoft ATR
Date: 12/13/01 4:30pm
Subject: What would one expect?

To Whom It Concerns:

Sometimes I marvel at statements made by our Congressional leaders. Some seem skeptical of the settlement reached by the DOJ because of what competitors are saying. What would one suspect from competitors? It would be a much better world if one would hear, ''Well, yes, I think that Microsoft has been punished enough.'' Or, ''You know, we had out chance but just could not turn the corner.'' Competitors will blame their failures on those who are successful in the same field. I think what should have never been in the first place should be closed today.

I used Netscape for a long time during the early days of Internet communicating. Long after Explorer hit the market, Netscape was my browser. With hard work and investments, Microsoft was able to write a better program and when they did I switched

to Explorer. I'm not the only person that made the switch and it had nothing to do with bundling or availability. It had to do with Netscape falling behind the developmental process.

Microsoft has saved me a ton of money with good software and I would like to see it continue. I'm sure that Netscape and Sun take a much different view than me because they are competitors and I am a most satisfied consumer.

Sincerely,

Ben F. Padgett

MTC–00004360

From: Steve Wiedemann
To: Microsoft ATR, microsoft comments@doj.ca.gov@inetgw,...
Date: 12/13/01 4:44pm
Subject: How can this be?

A settlement that helps the most anti competitive company in history extend its reach and further undermine healthy competition? IS SOMEBODY OUT OF THEIR MIND? This is like punishing a drug cartel kingpin by forcing him to donate 10,000 pounds of heroin to the inner city schools. It will simply extend the problem. Please don't let this happen. Make Microsoft donate $800,000 of non Microsoft specific aid to schools if you truly want to punish them. Otherwise I'd have to suspect this is graft made in Microsoft heaven.

I'm in the position of making sure all of our platforms interoperate at our company. You've heard it a million times but at every turn, the entire computer industry almost without exception is striving to connect themselves to the mainstream of technology. At the same time, Microsoft is working very hard to submerge these efforts and replace them with seemingly identical but crudely inferior solutions and standards. The only reason anybody uses their technology is because it's bundled with their systems. For example, QuickTime is the crown jewel of multimedia embraced by most of the industry, yet Microsoft sees this technology as stiff competition that needs to be killed. They continually make sure it is as difficult as possible to use this and other much better technologies that they don't get paid for.

Microsoft preys on the continued bafflement of their less technical customers to extend their ''technologies.'' In fact, I'm quite sure Microsoft hasn't had a relatively original idea in the last two decades. Most of their successful products were either purchased or outright stolen from the rest of the industry, modified to only work in their world and released in a way that makes the original technology irrelevant. I'm sick to death of having what technology I may or may not use be dictated by a self interested corporation like Microsoft. Pull the plug on them. Break them up and make them compete on the technology level and not with a gun to our heads. —

Steve Wiedemann

MTC–00004361

From: Wiggers, Tom
To: 'Microsoft.atr(a)usdoj.gov'
Date: 12/13/01 4:45pm
Subject: The proposals of the nine states and DC are just and fair. MS is hurting competition.

Please impose the proposals of the nine states and District of Columbia on Microsoft. It frightens me as an American that Microsoft seems more powerful than our justice system.

When our free enterprise system is not effectively regulated, when corporations are allowed to rely on unethical business practices rather than product merits to compete in the marketplace, the terrific benefits of capitalism to society are greatly diminished. Innovation is not rewarded; mediocrity prevails.

Case in point: In the 60's and 70's, automobile innovations were not happening because the entrenched Detrioters killed any new competition. When you look back now, you can see how poorly engineered the cars were as a result of this stagnation of new ideas. But the Japanese were outside the influence of Detroit and started innovating like crazy. They really shook up the auto industry and scared the [censored] out of us. But now look how we the consumers have benefited. The average consumer can now afford a car that will easily last 200,000 miles, the knobs don't fall off, the paint resists rust, and almost every car has power windows, air conditioning and a zillion cup holders. The Japanese really upped the ante to everyone's benefit. One might ask where we draw the line. Answer: When corporate practices are allowed to inhibit healthy competition. By any measure, Microsoft is abominably beyond this line and is thumbing its nose at our free enterprise system, the DOJ, and consumers. In this respect, Microsoft Corp. might even be characterized as being ''un-American''.

Competition is absolutely sacred. Fair Enterprise = Free Enterprise.

Sadly, Mr. Gates is modeling very clearly to our children that ethics are an obstacle to success.

Sincerely,

T. Wiggers

Beaverton, Oregon

MTC–00004362

From: MarsCS@yahoo.com@inetgw
To: Microsoft ATR
Date: 12/13/01 4:49pm
Subject: Settlement/Punishment

It is evident from reading the Final Judgment that Microsoft clearly violated the law. It is further apparent to me, that other than enforcing the law by inspection and the TC's given authority, and the proposed $1billion offer that Microsoft proposed for the nations poorest schools, that little is actually being given up for the many years of overcharging the consumers of the world for their products. Besides, it would further enhance their monopoly, by providing a market that Apple Computers have had a good footing with and an excellent relationship with the many educational institutions it provided with computers and software.

I want to see a stronger punishment handed down by the courts. Microsoft should be fined in the billions, because of the billions they earned using the illegal tactics of monopoly and ''extorting'' OEMs, ISVs, IHVs, etc. It was reported that Microsoft CEO Bill Gates was worth $70 billion, prior to the downturn in the stock market last year. Money that was earned from the way that his company conducted business over the years. The proposed settle offer that Microsoft has made is an embarrassment to the DOJ, the courts, and the many plaintiffs, that have waited for so long now for a settlement to be made.

Although I would like to see the company split into at least two entities; one that would be the Windows Operating System and the other one the Office Suite and other software products developed by Microsoft. And it should be stipulated in the Final Judgment that this entity would be subjected to the same limitations as those mentioned in the current Final Judgment as to what and when they can have access to, in regards to APIs and source code relative to their ability to develop applications and hardware drivers for use under the Windows Operating System.

In addition, Microsoft should be made to pay fines or restitution to the many software developers, that were unfairly denied the ability to compete with Windows and other Microsoft products. Perhaps an amount that is calculated as the market share other vendors could realistically have earned, had Microsoft played on an even field. Fred Marsico

Information Systems and Technology Specialist

PO BOX 564

Monroe, OR 97456–0564

MTC–00004363

From: Mike Millson
To: Microsoft ATR
Date: 12/13/01 5:13pm
Subject: Response To U.S. v. Microsoft Corporation Proposed Settlement

Following please find my response to the U.S. v. Microsoft Corporation proposed settlement. I also faxed a letter with this content on December 12, 2001.

To the Department of Justice:

As the CEO of AableTech Solutions, Inc. and a Web Systems Engineer with 7 years of Internet experience and 20 years of programming experience, I am very familiar with the technologies and issues at hand in the Microsoft antitrust case. I have witnessed firsthand the negative impact that Microsoft's monopoly has had on our industry, and the proposed settlement is not an adequate response to the antitrust violations that Microsoft has committed.

Microsoft has already been found guilty of maintaining an illegal operating system monopoly, and now should be the time to enforce a penalty that accounts for Microsoft's past illegal activities and prevents further monopolistic behavior. However, I find the proposed settlement contains no substantial penalties and will only serve to advance Microsoft's operating system monopoly.

I believe a just penalty would contain the following remedies:

Microsoft's operating system should not be allowed to be coupled with computer hardware. Instead, the operating system should be an additional charge. Consumers should be able to purchase a computer without an operating system at a lower price

than a computer with an operating system, and they should be allowed to choose the operating system that is installed. Microsoft should not be allowed to bundle non-operating system related software such as Web browsers, e-mail programs, and media players with the operating system. These products should be offered as stand-alone products at a cost above and beyond the operating system to prevent Microsoft from continuing to use its operating system monopoly to take over new markets. Microsoft should be forced to FULLY publish all its networking protocols and file formats in addition to publishing its operating system APIs to allow competitors to build products that will interop with Microsoft's software and prevent Microsoft from seizing control of the Internet.

Microsoft should have to pay monetary damages to the companies such as Netscape, IBM, and countless others that have suffered or been driven out of business as a result of illegal activity. Microsoft has unjustly filled its coffers, and a percentage of this money should be distributed to the companies and individuals who have been wronged.

I do not believe the current state of the tech economy should be interpreted as a signal to enforce a light penalty on Microsoft. In fact, it is crucial to the national interest that Microsoft's operating system monopoly not be extended. In the report entitled ''Cyber Threats and Information Security: Meeting the 21st Century Challenge,'' the Center for Strategic and International Studies concluded that use of Microsoft software actually poses a national security risk.

Microsoft's activities over the last 10 years have substantially stunted the growth of the computer industry. Without any real competition, the software that Microsoft has produced has been riddled with security holes and productivity sapping bugs, and many truly innovative companies have been driven out of the marketplace. Consumers have been left with no other choice but a blas• fare of sustaining, yet hardly remarkable products from Microsoft.

I support and commend the 9 states that have refused to agree to the proposed settlement. In order to breath new life into the technology sector and safeguard the future of the United States and the computer industry, stricter penalties and restrictions must be placed on Microsoft.

Thank you,
Mike Millson
AableTech Solutions, Inc.
770.414.8834
770.414.8206 fax
http://www.atsga.com

MTC–00004364

From: Vincemiele@aol.com@inetgw
To: Microsoft ATR
Date: 12/13/01 5:32pm
Subject: MSFT CASE

This case has gone too far...too long. As a customer I don't feel MSFT did me any harm. In fact MSFT products have been instrumental in my learning to use the computer and benefit from many ''efficiencies''. The product prices are forever decreasing...and the quality of the products are forever improving. LET THE MARKET GOVERN THIS BUSINESS AND LET COMPETITORS CRY ON ANOTHER SHOULDER...NOT MY GOVERNMENT'S. Help make the world safer, keep out non- US citizens who aim to destroy us. Use our resources to productive ends and not chasing after MSFT for no wrongdoing.

V.P.Miele

MTC–00004365

From: Ken Harrison
To: Microsoft ATR
Date: 12/13/01 5:27pm
Subject: Microsofts Scam

To Whom It May Concern.....

To say I'm disappointed is to say the least..

I have been in the computer industry for 20 years and find your actions to be undescribable....

Microsoft have out play their hand to the destruction of the industry, major competitors have been consumed with ''free'' software being given away as part of the operating system. My books define operating systems as the interface between application software and the hardware. Internet Explorer doesn't seem to fit here.....

The only hope left now is that the E.U. will censure them because you cannot.. A question now begs, what deal was done?

Yours Sincerely
Ken Harrison

MTC–00004366

From: Carl Michal
To: Microsoft ATR
Date: 12/13/01 5:34pm
Subject: Proposed Microsoft Settlement

Renata Hesse,
Trial Attorney, Suite 1200,
Antitrust Division, Department of Justice,
601 D St. NW,
Washington, DC 20530

I am writing to express my concerns with the proposed settlement to the Microsoft antitrust trial.

I believe that the settlement, as proposed, will not serve the public interest, and that additional features must be incorporated within it in order to ameliorate the current market conditions which contribute to Microsoft's maintenance of its monopolies.

Because the most successful competitors in recent years in product markets in which Microsoft holds a true or de facto monopoly (eg. personal computer operating systems, Internet browsers, and office productivity software) have arisen from the open source software community, I believe it is of extreme importance that any settlement protect and enhance this community's ability to produce products that provide end-users with viable choices.

In my reading of the proposed settlement, such protection is not provided. On the contrary, the settlement will serve to allow Microsoft to continue to hinder the open source software community's efforts. The proposed settlement speaks of disclosure of APIs and licensing of intellectual property. I fear that any information disclosed by Microsoft will only be licensed to vendors or developers under conditions of a non-disclosure agreement, thus preventing the implementation of such protocols in an open source project or product.

This settlement, if implemented as proposed, will serve to entrench Microsoft's monopolies further, by allowing it to exclude the open source software community from any future technologies and APIs it develops. As this community is currently one of Microsoft's most serious competitors, it seems unbelievable that the proposed settlement will aid Microsoft in eliminating this ''threat'' to their monopolies.

As an example of the current ''problem'' of Microsoft's monopoly in the OS and office productivity software markets, I point to the ubiquitous ''.doc'' file. This one proprietary file format I believe is one of the cornerstones of Microsoft's OS/productivity suite monopoly. Many people I know in the academic and business communities regularly purchase updated versions of Microsoft Windows and Microsoft Office for the sole reason that their correspondents send them .doc files as e-mail attachments. The options for importing these files into 3rd party applications are many; however, having personally tried a large number of such programs, both free and commercial, I can safely say that many work well some of the time, none work well all of the time. The continuing cycle of forced upgrades to maintain compatibility with correspondents lies at the heart of Microsoft's monopoly.

As a solution to this kind of problem, I believe that Microsoft should be compelled to disclose the specifications of the file formats used by its products to anyone who sends or receives files in such formats and requests the information.

Left unsolved, this problem is bound to be more severe in the future. It has been widely reported recently that Microsoft is considering moving to a yearly licensing-fee system for its OS and Office software. In this case, files created with licensed software and saved in proprietary formats may be permanently unavailable to the creator or owner of the data in the file if a user or company chooses to terminate its license. I may own the copyright of the work I create, but that is of little value if the only copy of the work in existence is one saved in a format to which I do not have access.

Of course the .doc file format is not the only proprietary file format Microsoft products use, and the arguments above apply equally well to other products and file formats. The .doc format is likely the most important however, because text-based documents appear to be the most commonly shared and transmitted.

A second cornerstone of Microsoft's monopoly is the fact that many computer manufacturers will not sell computer hardware without a Microsoft OS. I understand that the proposed settlement will prevent Microsoft from entering into exclusive arrangements with vendors, but I believe that stronger protections are required.

If Microsoft's agreements with computer vendors forced the vendor to disclose to the computer purchaser the price of the Microsoft products included, it would help consumers choose products and vendors that were appropriate to their needs. As an example, I point to Dell which will, as far as I can tell, not sell a computer without a Microsoft OS and office productivity suite. If

purchasers knew that without these products they could save some number of dollars, that now often amounts to a sizeable percentage of the computer package purchase price, they could apply pressure to the vendor to provide alternative (likely less expensive) products. Microsoft has stated concerns that selling computers without operating systems equates to software piracy. This assertion is absurd, and has become irrelevant with Microsoft's newest release of Windows XP, which requires license activation.

Having consumers and end-users with more information is clearly in the public interest. All of what is suggested here concerns supplying information that enables computer users to make informed decisions, and to access their own work on their own computer.

In summary, I believe the proposed settlement is seriously lacking, and will, if implemented as proposed, aid Microsoft in its efforts to hinder its most viable competitors. Any successful settlement must protect the rights of computer users to choose the products they desire to access their data.

Sincerely,

Carl Michal

Department of Physics & Astronomy

University of British ColumbiaTel: (604) 822–2432

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Vancouver, BCFax: (604) 822–5324

Canada V6T 1Z1Email: michal@physics.ubc.ca

MTC–00004367

From: Joseph Henry
To: Microsoft ATR
Date: 12/13/01 5:51pm
Subject: Microsoft Settlement

I would like to congratulate the DOJ's stellar work in bringing Microsoft to justice. By forcing the company to donate $1 billion dollars (in cash, equipment and software) you really hurt them. Oh wait, now that I think about it you actually just increased Microsofts market share dominance and hurt it's only viable competitor Apple Computer. It just goes to show you that if your a big corporation with unlimited resources, you can buy anything in this country including justice (and DOJ personel). Lets hear it for the good ol US of A!

Joseph Henry
604 Riverside Ave. Apt. 2
Park Rapids, MN 56470
218–732–7664

MTC–00004368

From: Joseph Henry
To: Microsoft ATR
Date: 12/13/01 5:53pm
Subject: Dear Department of Justice,

Dear Department of Justice,

I would like to express my feelings on the proposed Microsoft settlement. I am vehemently opposed to it as it is written for a number of reasons. First, as it is written the settlement won't be able to stop Microsoft from illegally using its market power and isn't easily enforceable. Second, The $1 billion donation to schools will only strengthen Window's (Microsofts) position in education at the expense of Apple Computer. Although the schools will be able to spend the cash portion however they seem fit, what operating system do you think most will choose if they are given loads of referbished Windows machines (as well as a bunch of Windows only based software). Lastly, $1 billion isn't enough. For a guy like Bill Gates, who has built his personal net worth to over $87 Billion through Microsoft's monopolistic practices, $1 billion is pocket change to keep the Federal Government at bay. The way I see it this settlement does exactly the opposite of what antitrust laws are intended to do. It slaps the wrist of a monopolistic company, imposing no real sanctions and at the same time erodes the market share of it's only viable competitor (Apple Computer).

Please don't let Microsoft get off this easy.

Joseph Henry
604 Riverside Ave, Apt. 2
Park Rapids, MN 56470
218–732–7664

MTC–00004369

From: Linda Quick
To: Microsoft ATR
Date: 12/13/01 5:58pm
Subject: Microsoft Settlement

I support Microsoft. It is a company that employs thousands of people in an industry that was almost nonexistent 25 years ago. Microsoft has made technology easy for the average person to learn and to use. Why would we punish a company that has contributed so much to society? I for one am happy that there is essentially one operating system. I can't image the problems we would encounter if everyone used different operating systems to ''talk'' to each other. PLEASE SUPPORT MICROSOFT. Thank you.

L. Quick, Connecticut

MTC–00004370

From: John Kristjansson
To: Microsoft ATR
Date: 12/13/01 6:00pm
Subject: Settlement

To whom it may concern:

Historically, Microsoft has had little problem with deliberately changing their operating system source code in order to destroy a competitor's competing, and oftentimes superior, products—a la ''it ain't done 'til Lotus won't run''. These practices have led to a situation where the consumer has become convinced that the only safe product to buy is one manufactured or endorsed by Microsoft. They have employed underhanded tactics in their licensing schemes to prevent PC manufacturers from offering competing products alongside the Windows platform—the infamous boot time license. Further, they use federal certifications, specifically the Orange Book (DOD Trusted Computer Systems Evaluation Criteria), in order to convince the consumer that their products are more secure than they really are(Orange Book C2 certification applies to standalone machines rather than a networked o/s). I won't even touch the topic of software bundling at this point, only the illegal maintenance of a monopoly. I am not convinced that the settlement, which has aspects that appear to help reinforce their monopoly position, goes far enough in remediating the conditions which led the DOJ to prosecute an antitrust suit against Microsoft. I feel that the only possible resolution that will prevent further illegal maintenance of their monopoly is to place the source code of their current operating system and its immediate predecessor in public scrutiny under a license similar to the Artistic License, as well as a 15-month ban on any further operating system releases. This will have the effect of lowering the barrier to entry in the marketplace, allowing a certain amount of competition to redevelop in the marketplace, and ultimately improve the overall security of the architecture. While this may sound a bit extreme, the actions that Microsoft has taken in the past are no less extreme, and their current activities and plans appear to make their past misconduct a more desirable situation. They must be held liable for their actions, and suffer the consequenses.

MTC–00004371

From: Karen Messenger
To: Microsoft ATR
Date: 12/13/01 6:03pm
Subject: Don't allow Microsoft to determine what is a ''viable business''

Dear Sir/Madam,

Having seen the proposed settlement, I would like to register my strong objection to it. The agreement is full of loopholes, whereby Microsoft is allowed to determine, at its own discretion, whether to adhere to certain principles. For example, Microsoft is required to make available its APIs, but only to organizations which Microsoft deems to be ''viable businesses''. This is outrageous! What constitutes a viable business?

I am an independant software developer. I have spent 3 years developing ground-breaking Internet technology designed to facilitate free broadcasting of media (e.g. video) between communities of cooperating clients (see www.freebeam.com for a short explanation). I have applied for a patent. I have acquired no outside funding. My business development plan calls for giving away my software for free, for some years, in order to develop a user base. After that time, I expect to derive income from patent royalties paid by large-scale commercial users. I expect I may derive no income for several years, in other words. Eventually, it will be very lucrative for me, so that makes up for it.

Am I a ''viable business''? Will Microsoft be required to make their APIs available to me? If not, then I would be unable to compete on an equal basis with competitors which Microsoft deemed to be ''viable''. That would be self-fulfulling.

In the interest of fair play for small-scale developer/entrepreneurs, such as myself, I implore you to reject the proposed settlement. Such a settlement would very clearly tend to squelch small-scale developers—a powerfully innovative force. Microsoft should not be able to exercise its own judgement in deciding how to live up to the terms of the agreement. The terms should be interpreted and enforced from outside of Microsoft. To do any less would be to further entrench Microsoft's illegal monopoly.

Sincerely,

Chuck Messenger
CC:chuckm@rochester.rr.com@inetgw

MTC–00004372

From: John Jensen
To: Microsoft ATR
Date: 12/13/01 6:08pm
Subject: Microsoft

Did someone sell out to Microsoft, that they effectively have no punishment to go with their conviction? They are still at their old tricks, so STOP THEM ALREADY!

John Jensen
520 Goshawk Court
Bakersfield, CA 93309
icq #: 18494316

MTC–00004373

From: Ellsworth, Jenny
To: 'Microsoft.atr (a)usdoj.gov', 'Microsoft Comments (a)d..
Date: 12/13/01 6:24pm
Subject: Please Reject the Proposed Microsoft Settlement

As a remedy for Microsoft's abuse of monopolistic power, it would be better to forbid them to give their products to schools than to require it. I am an IT professional for the City of Newport Beach, and an important part of my job is computer training. I know, from observing users in our Microsoft-dominated environment, that exposure and training are the determining factors for a user's choice of software. Allowing Microsoft to monopolize the schoolchildren and future computer professionals of this country will only serve to ensure that they continue to monopolize the software industry in years to come.

In addition to serving Microsoft's business needs of the future, such so-called ''charity'' would cost them pennies to provide software to schools, and offer Microsoft both tax benefits and good public relations. Microsoft has in the past regarded the DOJ as giving them a mandate to monopolize the software industry, and this would be no different. Were they to provide cash, rather than software, to be used as the schools need to use it, that would be a great aid.

Allowing PC makers to install non-Microsoft software is not sufficient to enable competition. Microsoft must be made to separate the operating system from their other applications. Many users I know are at least somewhat confused about the difference between Windows, Office, and the Internet. This is the result of Microsoft's deliberately ambiguous naming conventions and the interaction between Microsoft products that cannot be matched by any other software manufacturer. I realize that dissociating their OS and other software is a tall order, but without such a move, competitors will not succeed.

Microsoft clearly believes that the DOJ and the State Attorneys General will not act against them. This has made them arrogant. They feel safe to act in a non-competitive manner, bullying companies and extorting money from them. When Newport Beach's IT department invited their reprentative to help us be in complience with their license agreements, the person from Microsoft spent most of his time threatening to audit us, telling us why piracy was bad, and often insulting us. To quote their representative when we produced our evidence of legitimate purchases, ''That and a dollar will buy you a cup of coffee,'' and, ''You know, we audit cities like you, and we win. Ask your city attorney; he will tell you it isn't worth it to fight us.'' Remember, we invited them to visit us. We asked for their help. They acted like bullies. Coercion through legal action is distasteful in a major corporation, but is illegal in a clear monopoly.

Microsoft must be made to clarify their licensing. Although we had paid for every single copy of Microsoft software, we, as intelligent computer professionals, couldn't understand the requirements well enough to comply with them. The licensing requirements are deliberately confusing and hard to comply with, and Microsoft knows that most companies will simply pay for more licenses, rather than try to fight them on an audit.

Please, do not allow Microsoft to infiltrate schools to increase their monopolistic power. Please, demand that Microsoft separate their OS from their other software. Please, require that Microsoft establish clear licensing that doesn't lead to entrapping customers.

These opinions represent my observations as an IT professional in an organization of over 400 people. The views do not necessarily represent those of the City of Newport Beach.

Jenny Ellsworth
MIS Technical Services Specialist
City of Newport Beach
3300 Newport Blvd.
Newport Beach, CA 92663

MTC–00004374

From: Robert Neely
To: Microsoft ATR
Date: 12/13/01 6:42pm
Subject: One citizen's view

I have been a DOS & Windows user since near day one and have NEVER been disappointed in Microsoft's updating of existing software or maintenance of adequate customer service. This entire litigation seems to be solely motivated by other software manufacturers who were able to attract the attention of some office-holders.

I have yet to hear of even one consumer who claims to have been damaged by Microsoft's products. This entire matter seems to have jealousy as a base. Will someone please breath some common sense into the case? Thank you.

Robert Neely,
3055–84 N. Red Mountain,
Mesa, Arizona 85207; 480–641–9578

MTC–00004375

From: Joan Amino
To: Microsoft ATR
Date: 12/13/01 6:47pm
Subject: Microsoft settlement

Can we get off Microsofts case and let them get on with their business. I cannot believe that we are holding them up to appease some of their competitors. Let's get off their backs. PLEASE!!!

MTC–00004376

From: Russell Yuma
To: Microsoft ATR
Date: 12/13/01 7:08pm
Subject: Microsoft Settlement

Dear Sir,

I do not believe that Microsoft has done anything against the law that harms consumers in anyway. The complaints against Microsoft were brought about mostly by competitors of Microsoft. The states that have not agreed with the settlement are wrong and no more punishment should be made against Microsoft.

Microsoft is a most successful company that Benefits Consumers. Competitors should not be able to use the Justice Department and courts to gain a competitive advantage.

Russell Yuma
PO Box 165
Oakland, OR 97462

MTC–00004377

From: John Gelston
To: Microsoft ATR
Date: 12/13/01 7:10pm
Subject: Microsoft Settlement.
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I am a retired Boeing Company computer research and technology manager with 31 years of computing industry experience. I have first hand knowledge of the industry and its evolution. Competitors of Microsoft have succeeded in misleading government lawyers. They have characterized Microsoft's success as the result of illegal activity. Microsoft became successful long before anyone could have called them a monopoly because they understood consumers' (both commercial and individual) desire for products that worked well together on the personal computer. With all due respect, lawyers are not competent to evaluate what software product designs are good or bad for consumers! The marketplace is!

In the existing federal/state government suit, claims of damage to consumers are speculative at best. If valid, one would expect the plaintiffs to have been a host of corporate users rather than government lawyers parroting claims of disgruntled competitors. Where were the damaged consumers in the case? It was some of Microsoft's competitors, with their ringleader Scott McNealy, not consumers, who contrived the idea that consumers were being harmed and initiated complaints against the software company. The plaintiffs have not shown damage to consumers. We are expected to take on faith that helping competitors by harming Microsoft will somehow help consumers. Hogwash!

Claims of anti-competitive practices by Microsoft focus on hard-nosed business practices. While some of their tactics are deemed unacceptable due to their now dominant position, they are common among competitors in the industry. It is a fact that there is no industry that is any more competitive. The rapid rate of change in the software industry has been brought on by competitive innovation. The barriers to entry are nil. Linux, a significant alternative to Windows, came out of a dorm room. Anyone

that can program can become a billionaire if they have the initiative. The fact that the marketplace freely gravitates to de facto standards of one vendor does not mean they are being harmed! There is no other example in human history of such rapid increase in the benefits, features and functionality of product offerings accompanied by plummeting prices. Consumer damage is laughable! Every business and individual user around the world has benefited from Microsoft in one way or another. Before their contribution, the personal computer relied on a chaotic mish-mash of incompatible software, appealing to only the techie world. Microsoft's great success is due to overwhelming marketplace desire for and acceptance of the benefits they provided, more than any heavy-handed competitive acts they are charged with. I include a direct quote from a piece on this subject by Bob Williams of the Evergreen Freedom Foundation, a non-partisan public policy research organization in Washington State.

[''Microsoft's actions have increased the rate of technological development, but the same cannot be said for the actions of the government. Thousands of hours of labor and millions of dollars have been diverted from technological research and development to respond to the government's lawsuit.

''The government's case falls short in several areas, most notably in the government's misuse of antitrust laws. The proliferation of new products on the market and falling prices make it difficult to defend the idea that Microsoft's alleged monopolistic activity has harmed consumers. Consumers do not have to buy Microsoft products if they don't want to. This was illustrated best by an attorney from Ralph Nader's organization who criticized the size of Microsoft's market share, then proceeded to undermine his own argument by proudly stating that his office used no Microsoft products.

''It is litigation-happy state AGs who are harming consumers, not Microsoft. Certainly the rapid increase in useful technology has created enormous challenges for our society and many issues must be addressed, but the response from government should not be to crush all innovation by over- regulation and litigation. If the federal government is going to look suspiciously at lower prices and improved quality as evidence of illegal activity, American consumers are in big trouble.

''State attorneys general need to let this lawsuit end and focus on true threats to America's citizens and consumers.]

Respectfully,

John H. Gelston

9811 Marine View Drive

Mukilteo, WA 98275

425–349–1628

johngelston@email.msn.com

CC:Senator Maria Cantwell, Senator Patty Murray, msfin@...

MTC–00004378

From: Chris Griffin
To: Microsoft ATR
Date: 12/13/01 7:07pm
Subject: Microsoft Settlement

To whom this may concern,

I hope and pray that the DoJ has the common sence to realize the chance at hand to to make a stronger economy. By forcing microsoft to open up source code, especially that of their Office suite, it could be ported or atleast partially used to help other vendors compete.

If the unix environment had a compatable office suite it could be used on more desktops at offices. Companies would then have more money to spend in other areas, such as user training, pay raises, technology advancements by being able to afford bright new programers that wouldnt have as much of a chance in a proprietary world. The list go on and on.

If the Apple/MacOS environment had another option than microsoft office that would also open doors for new jobs, and the before mentioned benefits. MS claims that if they open the code they will not have any incentive to better the product? Then what drives the free software movement? The people that either don't get paid or get paid very little. What keeps them improving their product? It's because they love what they do, and want to help people.

It should be obvious to everyone by now, with the momentum the open source people have built up that MS is trying desperatly to keep themselfs in the #1 position and not let anyone else even close. While competition is healthy, and almost all companies see that, even if they dont like it, microsofts tactics are unreasonable and should not go unnoticed by the courts.

Making MS open their office code to the public is a good and fair judgement I believe. I don't think their InternetExplorer code is as much of a big deal because with their latest release it has dropped support for some of the most common internet plugin software making it not the best choice of internet browers.

But I ask you to also consider how when MS updated their newest version of msn.com the site refused service to non IE browsers. That should be noticed as a blatant DoS (Denial of service) which has been pursued by the FBI. I think MS should be treated as any ''hacker'' the uses a DoS attack because the outcome is no different, its a Denial Of Service.

Thank you for your time, and I hope you make the right choice in this matter.

Chris Griffin

MTC–00004379

From: lloyd olson
To: Microsoft ATR
Date: 12/13/01 7:41pm
Subject: Microsoft settlement

Dear Sirs:

My husband and I think that the last five {holdout} states are completely out of line in trying to inflict more penalties on Microsoft. The first solution, one with providing software to the under privileged is enough. Let Microsoft do their things and help the country out of recession. sincerely, Eileen and Lloyd Olson

MTC–00004380

From: Roland Hughes
To: Microsoft ATR
Date: 12/13/01 8:36pm
Subject: Microsoft settlement

I very much disagree with the settlement reached with Microsoft. They are a preditory company and will do anything to anything to crush oposition. The idea of letting them indoctrinate school children as a punishment is to idiotic to even comtemplate.

MTC–00004381

From: Monica Samec
To: Microsoft ATR
Date: 12/13/01 8:38pm
Subject: Proposal Re: Microsoft anit-trust settlement

Dear Justice Department member,

I am writing with regards to the Microsoft antitrust settlement. The Linux company, RedHat has proposed that all the money that Microsoft was currently planning on giving in the form of software for the poorest schools in America be redirected towards hardware. Red Hat then promiss to provide software to the schools, free of charge, with several additions:

—Red Hat will provide software for ALL the schools in America.

—Red Hat will also provide training and technical support.

—Red Hat's offer does not expire, ever. The Microsoft one expires after 5 years.

This proposal has many large advantages over the original plan. Problems with the original proposal:

1) Don't punish a monopoloy by extending it and giving it a foothold in the nation's most vulnerable.

In giving so much Microsoft software to the schools, the original proposal would result in extending Microsoft's dominance over the education sector. This does not make sense since the reason why there is a settlement is that Microsoft was found guilty of illegal monopolistic practices.

2) After 5 years, the most vulnerable schools will be trapped.

Microsoft's software lisences would expire after 5 years. After that time, the schools would be under great pressure to start paying very large software fees to Microsoft which ultimatelly hurt their funds very severely. The alternative would be to move away from Microsoft products, but that would be very difficult because the curriculums would already be based around the Microsoft software.

3) Most of the money that Microsoft would be ''giving'' would be entirely fictional to them.

Microsoft's proposal also serves to avoid paying the penalty imposed on it. Independently of how much Microsoft charges for its software, it costs next to nothing to print another CD. Also, it doesn't cost Microsoft anything to give someone a lisence. A lisence is not a product that must be manufactured, it doesn't cost the provider anything.

Benefits of RedHat's proposal:

** Schools get a much greater assistance.

1) Over 5 times more computers for the schools. In redirecting the cost of software towards hardware the number of computers given would jump from 200,000 to over a million. The number of computers per school would grow from 14 to over 70.

2) More schools are benefited. Every single school in America gets Red Hat software, not just the poorest 14,000. It is clear that this new proposal brings a much greater benefit to the schools.

** More seccurity for the schools to build a curriculum.

2) Red Hat's offer does not expire.

The RedHat software, including all upgrades, will remain completely free to all the schools in America indefinitely.

3) Red Hat also offers free technical support and training.

Just as important as having access to software, is being trained in it and having someone responsible when you have difficulties. Red Hat offers technical support and training, also for an unlimited time. With this proposal, the schools rest secure in the knowledge that the software the enjoy will remain available to them at no cost. It is now possible to build a curriculum.

** Red Hat's software is better:

Red Hat's software consists of the Linux operating system and an very large selection of applications for it.

1) Linux easily the most reliable and flexible operating system in the world. Schools don't have to worry about downtimes.

2) Linux is fast and efficient. The schools can keep their hardware longer.

Windows has a tendency to grow larger and slower over time, forcing consumers to purchase newer hardware to be able to upgrade. Not so for Linux. Linux itself grows very little over time (in some areas it actually gets smaller and faster). This frees schools from the need of continuous expensive upgrades.

3) The Open Source software running on Linux is of excellent quality.

* Computer Science.

—Linux offers the best selection of computer languages of any platform, as well as more tools for programming than any other operating system. Several of these (Perl, Python, PHP, Tcl, etc) are accessible to young children, and others (C, C++, Java, etc) can be taught at a high school level.

—Linux offers more tools for programming (program debuggers, editors, etc) than any other operating system.

—The Linux compiler for C and C++ is probably the best in the world.

—Linux comes with the best web server in the world: Apache. Schools can use it to allow students to make their own websites.

—Linux comes with many excellent tools for website development which are certainly accessible to both a younger audence and profesionals alike.

* Science and Mathematics.

For the areas of mathematics, science, and engineering, there is simply no coparisson. The tools in Linux are many, they are the most powerful, the most efficent, and they are free. This is why, UNIX and Linux are the standard platform for the physical sciences and math. To learn more about Linux and children, please visit www.linuxforkids.com

* Imaging.

Red Hat provides the excellent program GIMP (GNU Image Manipulation Program)—GNU is an organization responsible for some of the best software in the world.

Children can use this tool to create astounding artwork which might then be used on a printing press or on a website. References: www.gimp.org, www.gnu.org

* Other.

Red Hat's software also contains several excellent office applications, vector graphics tools, multimeda, etc. Now that you have seen an overview of what Red Hat is offering to the schools (I left out much for space reasons), I would ask you to find out exactly what Microsfot is offering to the schools and make a comparison. It is my honest opinion that the software that Red Hat is offering free of charge far surpases what would be available to the schools through Microsoft software.

I would like to strongly encourage the Justice Department accept the offer from RedHat and greatly extend the help offered to the most needy schools in the nation.

If you wish to ask questions or clarifications about any of what I have written here, please do not hesitate to ask. I am a strong believer in the importance of education, and this is a great opportunity to help those who are least capable of affording one.

Sincerely,

Monica Samec

MTC–00004382

From: blburton@mac.com@inetgw
To: Microsoft ATR
Date: 12/13/01 8:57pm
Subject: AtATgram: Over Before You Knew It (12/13/01)

Brian <blburton@mac.com> is sending you a scene from _As_the_Apple_Turns!_Scene 3451 follows:

Over Before You Knew It (12/13/01)

'Tis a sad day, indeed, for ''Redmond Justice'' has finally wound to a close. That news may come as a shock to those of you who have been following the antitrust action from the very beginning, because you probably thought that a federal judge still needs to approve the proposed settlement between Microsoft and the Justice Department before the case can officially be considered over and done with. We thought that, too, but evidently we were wrong— at least, if Microsoft's latest actions are any indication.

See, faithful viewer CHOLLYHEAD noticed a CNET article which reports that Microsoft has already gone ahead and named two ''compliance officers'' responsible for ensuring that the company sticks to the behavioral changes outlined in the consent decree. That'd be the_new_consent decree, mind you, as opposed to that old one from '95 which Microsoft treated with as much respect as it would a used Kleenex facial tissue. But hey, this time will obviously be different— these two compliance officers will make sure of that! Especially since one of them is already on the Microsoft payroll in the company's ''Law and Corporate Affairs antitrust practice group.'' (Way to inspire confidence...)

Now, clearly Microsoft wouldn't jump the gun and appoint compliance officers before the settlement was even _approved,_ right? As Microsoft CEO Steve Ballmer himself stated, ''As a major employer and a leader in our industry, we take our legal obligations very seriously.'' Therefore, the company would _never_ try to influence a judge to approve a proposed settlement by enacting the restrictions in said settlement before it's been given the go-ahead. No sirree Bob. Apparently all that stuff we heard about a sixty-day period of public comment followed by another thirty days of Justice Department response before the judge even has the _option_ of approving the settlement was just a hoax.

Then again, if Microsoft _is_ enacting compliance months before the settlement is even approved, we can only hope that the judge isn't na?ve enough to fall for a blatantly transparent ''we'll be good little boys'' act. As faithful viewer JONATHAN FLETCHER pointed out, the Senate Judiciary Committee is pretty skeptical about the settlement proposal, at least according to the New York Times, so here's hoping that people in general aren't really as painfully stupid as Microsoft seems to think they are. As for those nine states still pushing for tougher (read: ''actual'') penalties, check out The Register's commentary on Microsoft's ranting attempt to get the judge to force them to accept the settlement as it's currently worded— it's worth a giggle. And here's hoping that Microsoft's voluntary early compliance with the as-yet-unapproved consent decree only shows the judge just how ineffectual those ''remedies'' will be before she actually accepts or rejects it...

To see this scene as it was meant to be seen, complete with links to articles and formatted as originally broadcast, visit: <http://www.appleturns.com/scene/?id=3451>

To see the complete, unadulterated episode in which this scene was originally broadcast, visit: <http://www.appleturns.com/episode/?date=12/13/2001>

As the Apple Turns: <http://www.appleturns.com/>

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This Episode: <http://www.appleturns.com/episode/?date=12/13/2001>

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MTC–00004383

From: Rich Hurd
To: Microsoft ATR
Date: 12/13/01 8:57pm
Subject: microsoft settlement

Hi

I am a student thinking of being a teacher. Information Technology can and will shape the teaching profession in the future. Please dont put Microsoft in charge of that future by allowing the current settlement terms to go forth. If they continue and extend there monopoly, I wont teach Math or Science. I will do something else.

Thanks for listening

Rich Hurd

MTC–00004384

From: Hurd, Richard P
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/13/01 9:01pm
Subject: Microsoft Settlement

Hi

I am a student thinking of being a teacher. Information Technology can and will shape

the teaching profession in the future. Please dont put Microsoft in charge of that future by allowing the current settlement terms to go forth. If they continue and extend there monopoly, I WILL NOT teach Math or Science. I will do something else.

Thanks for listening

Rich Hurd

MTC–00004385

From: Patricia J Bennatts
To: Microsoft ATR
Date: 12/13/01 9:21pm
Subject: Leave Microsoft free to improve, invent and share their innovations PLEASE !!!!!!

Please stop this stupid case to prohibit excellence in designing better and more desirable ways .. Stopping competition ties the inventiveness of Microsoft because the others can't or don't have the expertise to do so.. Let us complement this company under seige and value the good opportunities it offers to so many to make a good living and keep the economy progressing ... PLEASE LET US BE FAIR TO THIS GOOD COMPANY AND STOP TRYING TO PUT THEM DOWN Also note they don't hoard their wealth but contribute to many educational and philanthropic organization ... They are for excellence and continue to keep the marketed products ever new and wondrous.

MTC–00004386

From: bpetit@mac.com@inetgw
To: Microsoft ATR
Date: 12/13/01 9:26pm
Subject: Breakup

I support breaking up Microsoft and think the current agreement you have made with Microsoft is a plain giveaway to them. They are a ruthless monopoly!!!

Concerned citizen

MTC–00004387

From: Len Bloch
To: Microsoft ATR
Date: 12/14/01 10:08pm
Subject: Microsoft Settlement

To whom it may concern,

I am writing to offer feedback on the proposed Microsoft settlement. There are many aspects of the settlement which I feel could be improved, but I will focus on the requirement that Microsoft disclose some of their code to other companies.

I am fully in favor of disclosure, but I feel that the disclosures should be made to the public at large, and the all members of the public should then have the right to modify and use the code. Microsoft's most significant competition comes from the free software movement, and it is crucial that the disclosures become available to anybody who wants to compete with Microsoft, even if they are not a ''company''.

As for the proposal that Microsoft be required to port their office applications to at least three other operating systems. It should be specified which operating systems, with the understanding that it should be widely used systems, like Linux and Open BSD.

Remember, Microsoft has been found guilty of criminal activities, and the remedies need strengthen Microsoft's main competition or they will not work as remedies. Microsoft's biggest competition comes from free software. By making more and better free software available, everybody will benefit.

Aloha,

Len Bloch

MTC–00004388

From: James Brundege
To: Microsoft ATR
Date: 12/13/01 10:25pm
Subject: Microsoft Settlement.
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I would like to comment on the proposed Microsoft antitrust settlement. It is my understanding that the settlement requires Microsoft to disclose information on their APIs, protocols, etc. to competing businesses, but that this requirement does not extend to non-profits and government agencies. This is a critical problem with the settlement as proposed! As a developer of bioinformatics software for the scientific community, I develop free and open source software that fills critical scientific niches. This work is paid for by government grants. This type of software is critical for the research community, and it, like most software, must interact with systems operating under the Windows OS. This has become increasing difficult as open standards have been ignored to generate a competitive advantage. If non-profits, universities, and other sources of free software are locked out of the settlement agreement it will impede our ability to produce these niche programs. This will ultimately harm major government directives in bioinformatics and other areas.

I thus request that you reject the Microsoft settlement as proposed. Please reconsider the settlement to include provisions to give non-profits and other organizations the same competitive rights and the same access to Microsoft APIs and protocols that businesses are guaranteed in the current settlement.

Thanks you,

James Brundege, Ph.D.
Division of Medical Informatics, BICC
Oregon Health & Science Univ.
3181 SW Sam Jackson Park Rd
Portland, OR 97201
Phone: 503–494–7906 Fax: 503–494–4551
E-mail: brundege@ohsu.edu

MTC–00004389

From: Rolf Paloheimo
To: Microsoft ATR
Date: 12/13/01 10:58pm
Subject: Microsoft settlement

Dear Sirs,

I am writing to inform you of my discomfort wioth the settlement that the government has entered into with Microsoft.

The settlement:

*does not give Microsoft any incentive to stop deceiving its customers,

*does not punish microsoft for attempting to deceive the government and the public,

*institutionalizes microsofts monopoly.

I hope that the court will reconsidor this settlement.

Thank you,

Rolf Paloheimo
http://healthyhousesystem.com
Creative Communities Research Inc.

MTC–00004390

From: Gary Rost
To: Microsoft ATR
Date: 12/13/01 11:33pm
Subject: Microsoft Settlement

There is still plenty to complain about in the text of the proposed settlement, itself.

Those who followed the case closely will remember that one of Microsoft's chief claims during the trial was that times and the nature of business have changed, and that anti-trust enforcement ought to be different today than it was when the laws were first passed in the early part of the last century. This is a fast-moving industry based on intellectual, rather than industrial, capital, goes the argument. Sure, Microsoft is on top today (and every day since it got bigger than Lotus around 1986) but, hey, that could change in a Redmond minute. This argument evidently didn't resonate with the court, though, since Microsoft was found guilty. Keep repeating to yourself: ''Microsoft is guilty.''

Well, Microsoft now appears to be exacting its revenge, leaning this time on the same letter of the old law to not only get a better deal, but literally to disenfranchise many of the people and organizations who feel they have been damaged by Microsoft's actions. If this deal goes through as it is written, Microsoft will emerge from the case not just unscathed, but stronger than before.

Here is what I mean. The remedies in the Proposed Final Judgment specifically protect companies in commerce—organizations in business for profit. On the surface, that makes sense because Microsoft was found guilty of monopolistic activities against ''competing'' commercial software vendors like Netscape, and other commercial vendors—computer vendors like Compaq, for example. The Department of Justice is used to working in this kind of economic world, and has done a fair job of crafting a remedy that will rein in Microsoft without causing undue harm to the rest of the commercial portion of the industry. But Microsoft's greatest single threat on the operating system front comes from Linux—a non-commercial product—and it faces a growing threat on the applications front from Open Source and freeware applications.

The biggest competitor to Microsoft Internet Information Server is Apache, which comes from the Apache Foundation, a not-for-profit. Apache practically rules the Net, along with Sendmail, and Perl, both of which also come from non-profits. Yet not-for-profit organizations have no rights at all under the proposed settlement. It is as though they don't even exist. Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...''

So much for SAMBA and other Open Source projects that use Microsoft calls. The

settlement gives Microsoft the right to effectively kill these products. Section III(D) takes this disturbing trend even further. It deals with disclosure of information regarding the APIs for incorporating non-Microsoft ''middleware.'' In this section, Microsoft discloses to Independent Software Vendors (ISVs), Independent Hardware Vendors (IHVs), Internet Access Providers (IAPs), Internet Content Providers (ICPs), and Original Equipment Manufacturers (OEMs) the information needed to inter-operate with Windows at this level. Yet, when we look in the footnotes at the legal definitions for these outfits, we find the definitions specify commercial concerns only. But wait, there's more! Under this deal, the government is shut out, too. NASA, the national laboratories, the military, the National Institute of Standards and Technology—even the Department of Justice itself—have no rights. It is a good thing Afghanistan is such a low-tech adversary and that B–52s don't run Windows.

I know, I know. The government buys commercial software and uses contractors who make profits. Open Source software is sold for profit by outfits like Red Hat. It is easy to argue that I am being a bit shrill here. But I know the way Microsoft thinks. They probably saw this one coming months ago and have been falling all over themselves hoping to get it through. If this language gets through, MICROSOFT WILL FIND A WAY TO TAKE ADVANTAGE OF IT. Is the Department of Justice really that stupid? Yes and no. They showed through the case little understanding of how the software business really functions. But they are also complying with the law which, as Microsoft argued, may not be quite in sync with the market realities of today. In the days of Roosevelt and Taft, when these laws were first being enforced, the idea that truly free products could become a major force in any industry—well, it just would have seemed insane.

MTC–00004391

From: karsten koepcke
To: Microsoft ATR
Date: 12/13/01 11:46pm
Subject: Microsoft Settlement

To whom it may concern,

I've been in the computer business for about 20 years. I think this settlement is a total capitulation by the DOJ. The government is supposed to protect and encourage competition. All this does is allow Microsoft to continue its monopolistic practices. Judge Jackson had the right idea. Breaking the company up, much like Roosevelt did with the oil, steel and railroad trusts, is the right thing to do. No large, and especially no monopoly, enterprise is interested in innovation much less competition. To the contrary it is in their best interest to stifle innovation. Is there anyone out there who cares about ''We the people''???? The government seems to have a phobia in regard to competition. You break up AT&T and then you allow the Bell Companies to merge! And now with Taunzin Dingle you want to stifle competition in the telecommunications arena. I just don't get it.

Sincerely,
Karsten Koepcke

MTC–00004392

From: Patrick Thurmond
To: Microsoft ATR
Date: 12/14/01 12:15am
Subject: Your doing the right thing!

Your doing the right thing! The MS settlement is absolutely correct. I do not want to see MS busted up. Thank you for holding steady to your decisions.

Happy Holidays,
Patrick Thurmond

MTC–00004393

From: Philip Sandiford
To: Microsoft ATR
Date: 12/14/01 12:19am
Subject: One Public Comment on Microsoft Punishment

I'll be brief. Microsoft has been found guilty. They are not repentant, in fact, they defy the court's judgment. The company has so much leverage that points raised within the Bush administration include the negative impact on the economy if the punishment is too severe, as well as the costs in time and expense.

I am not a wise man and will not pretend to know the ''just'' answer but I hope ''the dollar'' doesn't sully the correct remedy. I will gladly pay my part if society must also share a price to correct the unlawful behavior of those found guilty. Better that then increasing the public cynicism towards the court and Government.

Please don't allow these giants to believe they have grown above the law.

Philip T. Sandiford
Spokane Washington

MTC–00004394

From: T Paluchniak
To: Microsoft ATR
Date: 12/14/01 12:27am
Subject: Microsoft settlement

I am opposed to the settlement the Justice Department has negotiated with Microsoft. The settlement proposed by the nine dissenting states makes more sense. The DOJ's settlement does not do enough to insure that Microsoft does not further abuse its monopoly power. For example, the settlement now claims Microsoft does not have to afford certain protections to small developers unless they have been in business for a year, and have given out more than a million copies of its software. Whoever negotiated this has little knowledge about how the software industry works. In a year Microsoft could have already stomped out the competition. Such as a deal does not encourage competition, it hinders it drastically.

Furthermore, the proposed deal does not even require Microsoft to admit guilt, which makes it harder for companies like Netscape to collect damages resulting from Microsoft's illegal activities that brought it into court in the first place.

For some one such as myself who chooses to use alternative products such as the operating system put out by Apple Computer I personally am injured by Microsoft's practices because Apple is continuously threatened by Microsoft, which uses its monopoly power to get Apple to do things its way. Apple is afraid Microsoft will stop making Microsoft Office for it (which is is profitable for Microsoft) because Microsoft claims that it will stop making it. Apple then is forced to stop competing with Microsoft in certain areas, as no Microsoft Office would mean the death of Apple. Again this hurts competition. Worse it hurts me the consumer who likes to have a choice in the computer operating system market.

Microsoft shows no sign of letting up either, just look at its proposed settlement in being heard in Boston. Microsoft wants to punish itself by expanding its own market share at Apple's expense. How does this help competition? It does not.

I plead that the court will truly come up with a solution that sends a clear message to Microsoft that illegal competition is not tolerable.

MTC–00004395

From: mikey
To: Microsoft ATR
Date: 12/14/01 12:46am
Subject: MS Settlement

Call this justice NO I call it a mockery. You have told Microsoft that because it has money it can buy its way out of breaking the laws. this is it too you have sent the signal that because they have money they can force there way on Us the many citizens of this great country

MTC–00004396

From: Josh Wurzel
To: Microsoft ATR
Date: 12/14/01 1:14am
Subject: Microsoft Settlement

Dear Sirs,

As a user of an alternative platform, as an investor, as an educated student, and as a republican, I can not agree with Microsoft's settlement. This concession by the world's largest software company is clear an attempt to 1) look generous to the public 2) solve a major problem for the company and 3) continue to do business as usual. The fact of the matter is that Microsoft's presence and tactics hurt the economy far more than to help it, and this will not change if this settlement goes through. In fact, Microsoft will become even more bold than it did after the trial a few years ago. Nothing will stop them from using their market share to dominate every conceivable market. People do not buy windows because they want to. People buy windows (and other microsoft products) because ''everyone else uses them''. And people do not use these products for their quality, they use them because Microsoft forces vendors to cater to their demands, bundling their products and threatening retribution if strict rules are not followed. It takes no psychic to see where Microsoft is going with its current technologies. Do you really think Microsoft would launch subscription-based software if it did not have a monopoly? Now, it can FORCE people to use its operating system, and to repeatedly pay for the privilege of doing so. This is WRONG, in the very truest sense of the word.

With .net in the near future, Microsoft is going to be in a position to virtually control the internet. How much more grabs for power will it take before something is done to stop

them? How long before Bill Gates can threaten to take down the entire world wide web if billions in ransom are not paid? The idea seems far-fetched now, but it didn't take much threatening from Microsoft to get a small city in Virginia to cough up nearly a million dollars. And even if it is un-realistic to assume that Bill Gates is involved in some world-domination scheme, the fact is that his company puts him in a position to go through with it, if he should ever want to. We can't allow companies to have this much control over the population.

Please see Microsoft's offer for what it is: a pathetic attempt to ingratiate itself to the world while offering no real solution for its behavior.

Thank you,

Josh Wurzel

Bring MATLAB to OS X for Macintosh! Sign the petition!

http://www.PetitionOnline.com/matlabx/petition.html

MTC–00004397

From: suzerain.studios
To: Microsoft ATR
Date: 12/14/01 2:18am
Subject: Settlement Proposal Comments

To whom it may concern:

As an American citizen who relies on computers for his everyday life, and for putting bread on my table, I'm extremely concerned about the proposed settlement proposal in the Microsoft antitrust case. It doesn't even begin to address the ethical breaches of repeatedly building from antitrust status to promote future product exposure. Microsoft is in a dangerous position where they could become more powerful than any single company, individual or country in history. Why? They are the leaders in an industry that is rapidly controlling more and more of everyday human life. Computers store DNA records, medical records, salary information, credit card data, and so on. Further, the network between computers is rapidly becoming the most important communications infrastructure between people. Communications lies at the heart of what makes a society able to function.

If any one entity gains control of the communications infrastructure, it will mean bad things for ordinary citizens. Any Microsoft settlement must do a few things:

(1) Prevent them from repeating the same ethical misgivings in future universes (i.e., networking protocols, networking software)

(2) Punish them for moving to keep people from technologies they wanted (Netscape's browser, QuickTime, etc.), for stifling the development of open protocols which would ease development of online product.

Therefore, I am disheartened, and would like to see the following:

(1) Any future networking protocols that Microsoft develops must be governed by truly open, multinational and multicorporate standards bodies which can keep the specifics of communication open for developers.

(2) A ''fine'' of enough to affect the company (i.e., in the billions). I think the money should be paid back to an entity that helps the very consumers they have adversely affected with their anticompetitive behavior (perhaps to fight hunger, or help people, or assist schools with getting the technology they wish to purchase).

Cheers,

Marc Antony Vose

Suzerain Studios

MTC–00004398

From: Speedy
To: Microsoft ATR
Date: 12/14/01 2:42am
Subject: Microsoft must be punished.

Briefly, the views expressed are similar to those in this article: http://www.linuxplanet.com/linuxplanet/opinions/3952/1/. This is where I saw the need to contact you regarding this issue. To Whom it may concern.

I wish to express my concern at the unjust ''penalties'' that Microsoft has been offered. The anti-trust case has proven the company to be trading in a way to retain a monopoly, and this is now where the penalties are to be given. Instead, they have been offered compromise after compromise, without having to compromise themselves.

I am not a resident of the US, but rather of Australia. Thus, I offer this email as an opinion of a resident of the internet. As a part of the Linux community. As a person with enough technical insight to understand what needs to be done in the industry to benefit both sides. I am disgusted at the way the US DoJ has handled this case, after it was already proven but yet to be settled. I am disgusted even more at the backflip done by the Bush administration to not punish a criminal, as was found in the courts of the Clinton administration. I won't even go into the evidence that Microsoft had pumped a lot of money into Bush's campaign. This is not about politics, but about justice and the IT industry.

I am not a lawyer, and I am not a Microsoft user. How many messages supporting Microsoft will be from normal users? Not many, I would assume. But why would Microsoft need users to write in with bad spelling and grammar, when they can pay lawyers to write full dissertations which are littered with Latin?

Microsoft has it's place in this world, and a decent agreement would benefit them, as well. It would force them to write more secure and stable systems, while allowing others (Linux, FreeBSD, and all the other free and proprietry Operating Systems) to be a choice for the end user. When I buy a computer, I hate the fact that I often have little to no choice about software. I can buy pieces and build my own, but if a large chain was offering a system for a budget price, why am I then forced to buy Window's with it? I could save another hundred dollars and have it loaded with Linux. Or with nothing at all, leaving it up to me to choose (there's that word again). But only if Microsoft is forced to comply with the law.

We need at least three items dealt with:

1) Any remedy seeking to prevent an extension of Microsoft's monopoly must place Microsoft products as extra-cost options in the purchase of new computers, so that the user who does not wish to purchase them is not forced to do so. This means that for the price differential between a new computer with Microsoft software and one without, a computer seller must offer the software without the computer (which would prevent computer makers from saying that the difference in price is only a few dollars). Only then could competition come to exist in a meaningful way.

2) The specifications of Microsoft's present and future document file formats must be made public, so that documents created in Microsoft applications may be read by programs from other makers, on Microsoft's or other operating systems. This is in addition to opening the Windows application program interface (API, the set of ''hooks'' that allow other parties to write applications for Windows operating systems), which is already part of the proposed settlement.

3) Any Microsoft networking protocols must be published in full and approved by an independent network protocol body. This would prevent Microsoft from seizing de-facto control of the Internet. As to the point about Microsoft needing to remain as it is for ''National Security''? HA! Ask the NSA what operating system they recommend. Better still, here is the address you may find the information: http://freshmeat.net/redir/selinux/7258/url—homepage/ (NSA Security-enhanced Linux is a set of patches to the Linux kernel and some utilities to incorporate a strong, flexible mandatory access control architecture into the major subsystems of the kernel. It provides a mechanism to enforce the separation of information based on confidentiality and integrity requirements, which allows threats of tampering and bypassing of application security mechanisms to be addressed and enables the confinement of damage that can be caused by malicious or flawed applications. It includes a set of sample security policy configuration files designed to meet common, general-purpose security goals.)

Why would a company, who have hijacked an entire industry and created their own ''standards'' without allowing others to use those standards (case in point: Word documents), be more secure than one whose standards are open? Any attempt by Microsoft to say otherwise should be regarded as fraud, or at least contempt. After all, what would happen if the ''security'' was, at some point, compromised? Would Microsoft take responsibility? I doubt it.

Thank you for letting me participate in this decision.

Shane Phillip Ravenn
219 Duffield Rd
Clontarf QLD 4019
Australia

MTC–00004399

From: Conrad Gempf
To: Microsoft ATR
Date: 12/14/01 2:47am
Subject: Microsoft Penalty Phase

As an American citizen living abroad, I have great hope that the United States courts will accomplish something that I see for myself no other body can: restore competition and fair play to the computer industry. My ''day job'' is not directly in computers, but in theological education.

However, I have been involved with writing for computer journals both in print and online for some time. I think most people in the industry are under no illusion about Microsoft's claims to want ''to innovate''. They have systematically moved into every lucrative field that they could by copying or buying out the competition and then leveraging the new product with their vast operating system monopoly. We have seen this happen with their buying of a web-browser and renaming it Explorer to compete with Navigator, we've seen it with their copying of the Palm handhelds, and nowadays we're seeing it with the launch of yet another games platform, with promises of integration to Windows and their new vision of a corporately-controlled internet and with their efforts in media players in Windows.

They maintain their monopoly in a way which quite evidently has strangled the competition. The numbers speak volumes. Even people who think that the Microsoft Windows operating system is superior to the Mac operating (and those people are not that easy to find) do not think that, on merits alone, it would deserve 95% of the market. It's not *that* much better. Consumers simply don't have a choice.

Even people who think that Microsoft Word is a better word processor than the pre-Windows 95 market leader Corel Word Perfect do not believe that it is 98% better.

Microsoft has and keeps the monopolistic market share that it has not because consumers choose them, but because manufacturers and consumers are made to choose them.

Microsoft have, we all know, broken agreements in the past. In the face of having been found guilty and having had that conviction upheld unanimously, they are still quite publicly maintaining that they have not done anything wrong. They cannot, therefore, be relied upon to conform willingly with the spirit of a voluntary penalty —they do not, apparently, understand what the courts are saying to them about their past behaviour.

A just and effective penalty would have to restore the possibility of competition. One of the best tests of a penalty would be the possible effects in the marketplace in terms of restoring competition and allowing the alternatives of the Microsoft Windows operating system to regain marketshare that reflects how consumers regard them on their merits.

In many ways, the structural remedy seemed to me ideal, both in terms of what it would accomplish and in terms of how little continual monitoring would have to be done by other people. I recognise that, for some reason, this has been withdrawn from consideration. But something needs to be done that is more drastic than the proposals that some of the States have accepted.

Saying ''You must behave lawfully from now on'' is not a penalty, it doesn't go beyond what any ordinary company would have to do. A repeat offender like Microsoft needs to be penalised in such a way as to artificially restore the balance it has wrongfully tipped in its favour, and preferably in ways that quickly give a boost to those competitors, like Apple, who have been directly harmed by their practices.

Thank you for your time and consideration.

Conrad Gempf, PhD
US citizen,
Lecturer in Theology in London, UK

MTC–00004400

From: Tuukk4 (124)(091):)(060)–(060)(124) p4s4n3n
To: Microsoft ATR
Date: 12/14/01 12:21am
Subject: Microsoft

hi,

I agree completly with there arguments

* Any remedy seeking to prevent an extension of Microsoft's monopoly must place Microsoft products as extra-cost options in the purchase of new computers, so that the user who does not wish to purchase them is not forced to do so. This means that for the price differential between a new computer with Microsoft software and one without, a computer seller must offer the software without the computer (which would prevent computer makers from saying that the difference in price is only a few dollars).

Only then could competition come to exist in a meaningful way.

* The specifications of Microsoft's present and future document file formats must be made public, so that documents created in Microsoft applications may be read by programs from other makers, on Microsoft's or other operating systems. This is in addition to opening the Windows application program interface (API, the set of ''hooks'' that allow other parties to write applications for Windows operating systems), which is already part of the proposed settlement.

* Any Microsoft networking protocols must be published in full and approved by an independent network protocol body. This would prevent Microsoft from seizing de facto control of the Internet.

These arguments can be found on http://www.linuxplanet.com/linuxplanet/opinions/3952/2/ Also I like see Microsoft be more polite to open source community/free software foundation. Everyone have right to exist without rasism. GPL is about freedom (I think you americanz admire that:).

All the bugs should be let out to public as soon as possible. All the bug data and securitys holes should be informed. Microsoft should collect any information from it's customers without asking it directly with email (Ok button isn't enough).

Money giving schools is fine but schools should have right to choose what they want to use. these are the main things.

Tuukka
Wallankumous alkaa ajatuksesta

MTC–00004401

From: Campagna, Tim
To: 'Microsoft.atr(a)usdoj.gov'
Date: 12/14/01 4:11am
Subject: Microsoft Settlement

Please explain how giving more market share to the behemoth Microsoft is a punishment for it's action's. Is it not in plain site that Microsoft wants to push this through as fast as possible because they know they're getting off with nothing less than an advance in the education market. This is absolutely ridiculous!

Microsoft has a strangle hold on the business market and couldn't push companies like Apple out of the education market with it's system alone, so now they must use their monopolistic ways to attempt a take over. What's amazing about this is that the govt. wants to hand it to them with this settlement. Do not let Microsoft bully you! Please!

We need fare competition, let them compete for their money back, make them cough up the cash and let the schools decide.

Sincerely,
Tim Campagna
Newport Beach, CA

MTC–00004402

From: tc
To: Microsoft ATR
Date: 12/14/01 4:43am
Subject: Drop the Case Against Microsoft

I believe the government's case against Microsoft is an absurd abuse of process whereby Microsoft's competitors have attempted to use the power of government to achieve what they could not do in the free marketplace. This case should absolutely be settled at as little cost to Microsoft as possible. I am not a MS stockholder, but I believe that MS should be praised for making computers accessible to the average person rather than being persecuted for its success.

Anthony R. Conte

MTC–00004403

From: r.baggarley@waldmann.com@inetgw
To: Microsoft ATR
Date: 12/14/01 6:50am
Subject: Comments on the proposed anti-trust settlement

I am an American citizen living abroad:
Richard Baggarley
Paul-Ehrlich-Weg 2
78549 Spaichingen
Germany

I fail to understand how the proposed settlement punishes Microsoft for its illegal activities. On the contrary, this ''remedy'' only serves to increase Microsoft's presence in the education computer market. The dollar value of the settlement is minute since it costs Microsoft very little to manufacture copies of software. I'm sure that a settlement more in line with the gravity of the illegal activities of which Microsoft has been found guilty can be developed. Do not ''punish'' lawbreakers by allowing them the means to continue their illegal behavior.

Respectfully,
Richard Baggarley

MTC–00004404

From: Michael Vander Sande
To: Microsoft ATR
Date: 12/14/01 8:00am
Subject: Comments on

Renata,

It is good that the Federal government is reconsidering the proposed Microsoft settlement as it fundamentally wrong to provide Microsoft with a clear path to expand it's general monopoly. The education market is one of very few that Microsoft controls and allowing them to freely promote, evangelize and otherwise steal market share seems more like a gift than punishment. We should not be suggesting, or

polluting, the minds of educators and students to use Microsoft versus it's competitors by forcing Microsoft products and services upon them. Microsoft products have proven to be less than easy to use, prone to security risks and generally unreliable. Please don't force children and educators to use them, instead provide a choice to those who seek it.

I look forward to staying informed of your decisions and am hopeful they will result in all that is fair and right.

Best Regards,
Michael Vander Sande
the Project House
859.431.4157
859.250.1313—cell
prjcthouse@mac.com

MTC–00004406

From: Wlwelter@aol.com@inetgw
To: Microsoft ATR
Date: 12/14/01 8:40am
Subject: Justice

Dear Renata Hesse,

Please consider my choice/voice to have Microsoft ''punished'' or held accountable for trying to elliminate its competition. If the company was found guilty and lost its appeal why would they not be punished. No one would give me that break.

Bill Welter
Orlando, FL

MTC–00004407

From: Daphanie M. Mullins
To: Microsoft ATR
Date: 12/14/01 8:55am
Subject: Microsoft Settlement

Original Message
From: ''Carlos Edwards'' <rcedwards@corcystems.com>
To: <consumer@mail.wvnet.edu>
Sent: Tuesday, November 20, 2001 10:49 AM
Subject: Microsoft

I am very disappointed with the out come of the Microsoft trail. I believe harsher penalties should be enforced. Please do not back down, do not settle.

Sincerely,
Ronald Edwards
270 South 5th Street
Brooklyn NY, 11211

MTC–00004409

From: Daphanie M. Mullins
To: Microsoft ATR
Date: 12/14/01 8:59am
Subject: Microsoft Settlement

Original Message
From: ''Brian Higgins'' <bghiggins@ucdavis.edu>
To: <consumer@mail.wvnet.edu>
Sent: Tuesday, November 20, 2001 11:00 AM
Subject: Microsoft Settlement

Dear Attorney General,

I am utterly appalled by the decision of the US Justice department to settle the Microsoft suit as described in the press. The DOJ settlement agreement is a joke and a total affront to the consumer. I trust that you and your staff will not buckle under to the Microsoft propaganda. The courts have ruled that Microsoft has acted as a monopoly and we as consumers need to see the law upheld, the events of Sept 11 notwithstanding.

Please prosecute this case with vigor. Support the consumer.

Thank you
Brian Higgins
3202 Grosbeak Court
Davis, CA 95616

MTC–00004411

From: Daphanie M. Mullins
To: Microsoft ATR
Date: 12/14/01 9:03am
Subject: Microsoft Settlement

Original Message
From: ''Rutherford, Ronald'' <ronaldrutherford@dwt.com>
To: <consumer@mail.wvnet.edu>
Sent: Tuesday, November 20, 2001 11:44 AM
Subject: Microsoft Settlement

Greetings. This is just a short note to say that I also believe that the proposed Microsoft settlement, as it currently stands, is unacceptable.

Please keep up the fight. Thanks.
Ron Rutherford
Seattle

MTC–00004415

From: Daphanie M. Mullins
To: Microsoft ATR
Date: 12/14/01 9:09am
Subject: Microsoft Settlement

Original Message
From: ''Tom Moore'' <tom.moore@landslidedesign.com>
To: <Recipient List Suppressed:;>
Sent: Tuesday, November 20, 2001 1:13 PM
Subject: Stay the course!

To the Attorney General:

I cannot urge you in strong enough terms to continue on your path of seeking to punish Microsoft for its egregious antitrust violations.

What they have done—and what they still plan to do—to the computer industry, and, by extension, almost every industry in America, is outrageous.

I'm extraordinarily disappointed in the federal government's abdication of its duty in this matter. It is now up to you to protect businesses like mine, and families like mine, from Microsoft's relentless and lawless clutches.

Thank you.
Tom Moore
Tom Moore
President, Landslide Design
tom.moore@landslidedesign.com
11 Forest Ave., Rockville, MD 20850
phone: 301.762.0627 fax: 301.762.5156

MTC–00004417

From: Daphanie M. Mullins
To: Microsoft ATR
Date: 12/14/01 9:12am
Subject: Microsoft Settlement

Original Message
From: ''Jonathan Ness'' <jness@frontbase.com>
To: <consumer@mail.wvnet.edu>
Sent: Tuesday, November 20, 2001 1:46 PM
Subject: Microsoft Settlement

Hello West Virgina AG,

I want you to know that I support your continued fight to pursue justice against the Microsoft monopoly and it's anti-competitive business tactics. They sure got off easy in that settlement. Please don't give up the fight to ensure that they change their ways. Thanks!

Jonathan Ness
10520 19th Ave NE
Seattle, WA 98125

MTC–00004418

From: Daphanie M. Mullins
To: Microsoft ATR
Date: 12/14/01 9:34am
Subject: Microsoft Settlement

Original Message
From: ''Jack Tyler'' <jack@jtectn.com>
To: <uag@att.state.ut.us>
Sent: Tuesday, November 20, 2001 2:22 PM
Subject: I support further prosecution of Microsoft

I am a resident of Memphis, TN. Unfortunately, my state has settled with Microsoft in the anti-trust battle. My Attorney-General does not represent me, and my only recourse is to ask that you continue to prosecute.

Microsoft's latest action, the 'donating' of $1 billion worth of microsoft windows, software and hardware to schools (while in theory a nice gesture) illustrates how they continue to use their power to and unlimited wealth to move more and more people onto their platform.

Please help.

Please continue the fight for equality.

Jack tyler
JTEC
http://www.jtectn.com
memphis, TN

MTC–00004419

From: Daphanie M. Mullins
To: Microsoft ATR
Date: 12/14/01 9:35am
Subject: Microsoft Settlement

Original Message
From: ''Ron LaPedis'' <Sales@realpens.com>
To: <consumer@mail.wvnet.edu>
Sent: Tuesday, November 20, 2001 10:38 AM
Subject: Microsoft settlement

Dear Mr. Attorney General,

I would like to commend you for not accepting the proposed DOJ settlement with Microsoft. I believe that it has been shown time and time again, that Microsoft 'extends and extinguishes.' That is, while appearing to support a standard, such as Java or Kerberos, they then add extensions to it that will only run on the Microsoft operating system (OS) platform.

When threatened by Netscape, which sold a browser which allowed web pages to be displayed on any platform, they developed their own browser and tightly integrated it into the OS then bundled it free of charge. Coupled with web pages that used coding which would only work on the Microsoft browser, they took over the market, effectively eliminating Netscape as a viable company. And this was AFTER a consent decree with the DOJ in an earlier case!

With Windows XP, Microsoft is attempting to take over access to the Internet, forcing users to use their middleware and go to Microsoft approved sites when a URL (web

address) is mistyped. Microsoft MUST be reigned in as a convicted monopolist, or there will be no choice whatever left for consumers.

I sincerely hope that you and the other dissenting state attorneys general will work for a settlement with teeth in it which will prevent Microsoft from crushing the competition through illegal practices, of which it has already been convicted .

Ron LaPedis
2115 Sea Cliff Way
San Bruno, CA
650–359–9887
http://realpens.com

MTC–00004421

From: Daphanie M. Mullins
To: Microsoft ATR
Date: 12/14/01 9:42am
Subject: Microsoft Settlement

Original Message

From: ''TechSupport->CBC-Saint Louis'' <techsupp@cbc-stl.org>
To: <consumer@mail.wvnet.edu>
Sent: Tuesday, November 20, 2001 1:54 PM
Subject: Microsoft ''Settlement''

Dear Sirs:

I am very glad that you are resisting the effort of Microsoft to get off scott-free from their monopolistic behavior. Please, since the Federal Government has caved in to Microsoft, continue this battle until real remedies AND punishments have been levied against Microsoft.

I find it very difficult to understand how a company can be found guilty, egregiously guilty in fact, of crimes, and all the Federal Government wants to do is to get them to promise to maybe never do it again! An individual, or a company without limitless pockets, that were to be found guilty of such behavior as has Microsoft, would be facing strict punishment that would make them truly regret committing such crimes and would make them think twice before committing such crimes again. Remedies for the future are needed, as well as punishments for past misbehavior. This is the second time that Microsoft has been found guilty of essentially the same crime—does the Three Strikes and you're out rule apply here? Because they will be back in court for the same crimes again!

Thanks for your care for the consumer. Please don't give up!

Brother Ray Bonderer, FSC
CBC-Saint Louis
Christian Brothers College High School
Technology Coordinator
6501 Clayton Road
Saint Louis, MO 63117–1796
314–721–1200

MTC–00004422

From: Joe (038) Micki Wilder
To: Microsoft ATR
Date: 12/14/01 9:43am
Subject: Let go Microsoft!

It was fair what the Dept. of Justice and the 9 states & Microsoft agreed on . Let go of this great company and get on with National Security.

MTC–00004424

From: Daphanie M. Mullins
To: Microsoft ATR
Date: 12/14/01 9:48am
Subject: Microsoft Settlement

Original Message

From: ''Patrick McDonald'' <patrick. mcdonald@courrier. usherb. ca>
To: <consumer@mail.wvnet.edu>
Sent: Tuesday, November 20, 2001 2:26 PM
Subject: Keep them on their toes

To whom this may concern,

Congratulations on not selling out to Microshaft, an unrepentant monopolist, bully, and lawbreaker of unique proportions. Congatulations on being clever enough (or honest enough) to not fall for their ''compromise offer'' that conveniently lets them walk away from legal proceedings... while laughing loudly at the federal and state governments, law-abiding corporate entities, and consumers. Please don't give up; the importance of staying the course is as immense as Micro$oft's repeated and conscious violation of fair competition laws. Your perseverance and determination will have crucial repercussions, not only for your constituency, but also for people living as far away as snowy Canada, and even beyond.

Best regards,
Pat McDonald

MTC–00004425

From: Daphanie M. Mullins
To: Microsoft ATR
Date: 12/14/01 9:51am
Subject: Microsoft Settlement

Original Message

From: ''Dave Coker'' <dcoker@panix.com>
To: <consumer@mail.wvnet.edu>
Sent: Tuesday, November 20, 2001 2:29 PM

To whom it may concern :

I am totally appalled by the current MicroSoft settlement.

For years they have without restraint of any kind practiced a predatory form of business. They have effectively increased costs and limited consumer choice, all in the course of their efforts to control and increse market share.

I plead with you to revisit this decision as soon as possible, before it is too late.

In closing, as a Computer Professional with over twenty years experience I am obliged to point out that many lay people don't really know what they are being deprived of because of Microsofts practices.

Please correct this wrong.

Dave Coker

MTC–00004431

From: Berl R. Oakley
To: Microsoft ATR
Date: 12/14/01 10:02am
Subject: Microsoft settlement

Dear Judge Kollar-Kotelly:

I am e-mailing with respect to the proposed Microsoft antitrust settlement. It is my firm belief that the proposed settlement is inadequate to prevent Microsoft from continuing its pattern of abuse of its monopoly power. Indeed, judge Jackson1s remedy was probably inadequate. A more reasonable solution would have been to break the company into four or more companies. The currently proposed remedy is clearly and obviously inadequate. It is important to note that Microsoft has engaged in illegalities repeatedly and over a very long period of time. It has successfully thumbed its collective nose at previous rulings and has shown that it can not be trusted in any way.

In addition, the wide-spread use of Microsoft software (particularly in the networking area) is a threat to national security. Microsoft has been very weak on security issues and the wide-spread use of a single platform makes us particularly vulnerable. Given the damage caused by kids engaged in mischief, it is frightening to consider the damage that could be caused by a serious cyberterrorist.

In addition, antitrust enforcement has been much too permissive in recent years. For one example of many, we get our news from fewer and fewer sources because of mergers of news organizations. This is unhealthy for democracy. When companies become very large and the management makes serious mistakes, the entire country suffers. Japan certainly has experienced this in the past decade in the banking sector. There are only a small number of banking corporations in Japan and they all made bad real estate loans a decade or more ago.

This has stifled credit flow and hindered economic recovery. The Enron debacle in the US may have similar (although one hopes not as severe) consequences. It is time for antitrust enforcement to regain some teeth. A just penalty for Microsoft must include, at a very minimum, the following.

First, Microsoft products must be extra-cost options on computers. Now they are bundling products into an operating system that has become extremely expensive (half the cost of an entry level computer). This clearly stifles competition as one is unlikely to pay for a program from a Microsoft competitor if one has already paid for the Microsoft version as part of the operating system or as an add-on that comes with the operating system.

Second, Microsoft applications should be required to use open document formats (such as XML). These document formats must be approved by an independent body (as is the case with XML). Microsoft must not be allowed to modify these formats to make them Microsoft- or Windows specific. As long as Microsoft1s closed formats are a de facto standard, other companies will be at a significant competitive disadvantage. Requiring Microsoft to use open document standards will help level the playing field. The value of open document standards (e.g. HTML, PDF) is apparent from how remarkably they fostered the growth of the internet. If Microsoft is not required to use open document formats, the specifications of their current and future document formats must be made public so that other software development companies can design their software to open, read and save Microsoft format documents. This is a simple matter, but is hugely important.

Third, Microsoft must be forced to respect open standards such as JAVA. This will allow developers to create cross-platform applications which will give users more software choices. Microsoft has responded to the promise of JAVA by producing a modified version that is Windows-specific. This is clearly an effort to hinder the

development of cross-platform software and, thus, reduce the choices available.

Fourth, any Microsoft networking protocols must be published in full and approved by an independent network protocol body. It is apparent that Microsoft would like to control the internet (note their .NET strategy). It is of paramount importance that they be prevented from doing so.

Fifth, Microsoft must be required to produce (or in some cases continue to produce) versions of their most popular software such as Word, Powerpoint, Excel, etc. for platforms other than Windows (Macintosh, Linux). These applications must be cost-competitive and features competitive with the Windows versions. This would go some way toward allowing these platforms to compete with Windows. Please note that I have no financial interest in antitrust actions that might restrict Microsoft. I do not work for a Microsoft competitor and I suspect that I own more Microsoft stock through mutual funds than that of all of its competitors. My motivations are simply an interest in fairness and the well being of our country.

Yours sincerely,
Berl R. Oakley, Ph. D.
Professor of Molecular Genetics
The Ohio State University

MTC–00004433

From: Daphanie M. Mullins
To: Microsoft ATR
Date: 12/14/01 10:06am
Subject: Miscrosoft Settlement

——Original Message——

From: ''Dennis & Diana Wright'' <wrightsdd@home.net>

To: <consumer@mail.wvnet.edu>

Sent: Tuesday, November 20, 2001 10:50 PM

Subject: Thanks!

Thanks to your state for having the credibility and will to not agree to the bogus Antitrust settlement agreed to by nine of the 18 states and the U. S. DOJ.

The settlement negotiated by USDOJ and Microsoft and the nine states is an absolute disgrace. It will have no effect on the crimes committed by Micro$oft. They will continue their predatory practices and thumb their nose at the courts as they have in the past. Microsoft has severely damaged the Computer Industry through their practices and continue to do so.

I and many Americans will view this bogus settlement as another example of political contributions to the Republican Party and this administration being rewarded generously through this lame settlement.

I encourage you to push for punishment that will change these predatory practices and level the playing field for smaller companies. I commend you for your courage and your attempt to squeeze justice out of this process.

Thanks,
Robert Wright

MTC–00004435

From: Piolino, Thierry
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/14/01 10:10 am
Subject: Miscorsoft Settlement

Dear Sirs,

I have been following the proceedings for quite a while and I was struck by the 'penalty'. In simple words DoJ says: ''Microsoft, you are a bad boy. Promise that you will not do it again.''

Microsoft has been found guilty of its de facto monopoly and with its new operating system Windows XP it is 'cementing' its grip on that monopoly. Under the guise of ''this is what people want'' Windows XP locks out standards owned by competitors (Java from Sun Microsystems, QuickTime from Apple, audio and video formats from RealNetwork). This is why I have certain concerns about any effect that the opening of the Windows application program interface might have.

Some people argue, that it is a question of National Interest. Remember the USS Yorktown (CG–48, Ticonderoga-Class AEGIS cruiser, lying dead in the Atlantic water after a complete crash of Windows NT, forcing her to be towed back to Norfolk, VA). Remember all viruses running on Windows, Outlook or Office.

For me 'National Interest' means interest for the Nation, nor for Microsoft ALONE. If MS gets some benefits, that is OK, but if only MS gets benefits and the rest of the world gets harmed, it is not National Interest, but Microsoft interest.

Microsoft should be punished for practicing illegally (and not thanked and encouraged to do so).

Merry Christmas and rule wisely.
T. Piolino

MTC–00004436

From: Brian Densmore
To: Microsoft ATR
Date: 12/14/01 10:10am
Subject: Microsoft Settlement

Dear DOJ,

You really need to get some professional software and hardware engineers on your staff. This proposed settlement is ludicrous. You don't seem to even have a basic understanding of the computer industry. This settlement would be far more damaging to the computer industry than is the current situation. If you allow this settlement to happen, you will have cleared the way for Microsoft to systematically wipe out all serious competitors. Example:

Microsoft would be able to define its own standards and block and seek to destroy all opposition on the web server front. Apache is the leading webserver in use today, but since it is part of a not-for-profit company Microsoft could attack this company in much the same way as it destroyed Netscape. This is a seriously flawed document. Go back to the drawing board and start over.

Take it from a professional computer software engineer (go check it out I'm in the Who's Who for the IT industry [or whatever they called it], or at least I was at one time—I really don't keep track of that stuff, too busy writing code).

By the way, in case you forgot. The courts found Microsoft guilty, not non-compliant. These guys are criminals, you should treat them accordingly.

Best Regards,
Brian Densmore
<mailto:densmoreb@ctbsonline.com>
Associate
CompuTech Business Solutions, Inc.
http://www.ctbsonline.com/
(816) 880–0988 x215

MTC–00004437

From: Neal T Konneker
To: Microsoft ATR
Date: 12/14/01 10:13am
Subject: Opposed to settlement

I oppose the proposed settlement with Microsoft. It does nothing more than reiterate existing laws in more specific terms. Since Microsoft violated these laws before, simply restating them in more detail accomplishes nothing. It offers little if any protection to Microsofts future competitors and no redress for those companies harmed by Microsoft in the past.

Neal Konneker

MTC–00004438

From: John Lightsey
To: Microsoft ATR
Date: 12/14/01 8:56am
Subject: Microsoft Settlement

Hi there,

My name is John Lightsey and I'm a computer programmer and systems administrator for a small web development company in Houston Texas. Though I don't have an opinion about the legal wording of the proposed Microsoft antitrust settlement, I do feel qualified to voice my own opinion about its spirit.

The question of wether or not Microsoft holds a monopoly position in the desktop OS marketplace is already resolved. They do hold a monopoly and have for some time now. The question of wether or not Microsoft misuses their monopoly has also been resolved. They have misused it on numerous occasions in very direct way and are continuing to do so today. The proposed settlement, while acknowledging these facts, does little to prevent or halt current and future abuses of Microsoft's monopoly position. For example, it is patently obvious that Microsoft illegaly tied Internet Explorer into the Windows OS in order to destroy the market for third party web browsers, why is Microsoft STILL being allowed to bundle it in Windows XP. Why is there so little discussion of compensating the parties who were directly damaged by that action (Netscape, Mozilla, Opera, etc)? And, as a consumer, why do I still not have the option of purchasing a retail version of Windows without Internet Explorer built into it with the cost of Explorer reduced from the price?

This same line of reasoning applies to a wide variety of programs being bundled with the latest release of Windows which in reality are not a part of the operating system itself. Media Player (Microsoft's latest anti-competitive move very obviously designed to kill off third party applications like Real Player, Winamp, Power-DVD, Win-DVD which had done so well on Windows 95/98), its integrated firewall (destroying the market for products by Norton, Black Ice, Zonelabs and others), CD-burning capabilities (Nero, EZCD-Creator, CDR–Win), .Net capabilities (Java). The list of all the markets for third party applications that Microsoft has already destroyed is quite voluminous. The list of what companies they are directly targeting

with their latest OS release is also quite lengthy. Microsoft's contention with Internet Explorer has always been that it is ''free''. So, are all of these applications similarly ''free''? If so, why doesn't Microsoft make versions of these ''free'' applications available for other Operating Systems? The answer is obvious...these programs simply aren't free. They have a cost associated with them, and that cost is being directly rolled into the cost of the OS. So, if I'm already a happy consumer of RealMedia's products, why am I being forced to purchase Media Player? If I'm already happy with Nero as my CD burner, why am I being forced to buy the bundled Microsoft CD Burner? Out of the $200 cost for a full version of the Home Edition of Windows XP how much of the money am I spending on Microsoft products that I'm perfectly content to purchase from third parties? Unfortunately, when you combine the Microsoft bundling practices with it's other practices designed to force upgrading in order to maintain compatability you get a very nasty combination that will most certainly destroy any consumer choice in these areas in a very short time span. In fact, the length of time it has taken just to decide wether or not Netscape was pushed out of the browser market illegaly has seen the birth and the first stages of the death of valuable markets in CD burning software, personal firewalls, and integrated media applications. As a consumer, the government's nod of approval towards Microsoft's actions in this regard are quite disheartening.

Personally, I stopped using ALL Microsoft products when I read the news that the government was throwing in the towel and giving microsoft the go ahead to do as it pleases. It's quite obvious Microsoft has no intentions of stopping it's practices which will ultimately destroy the markets for any and all profitable third part computer applications. It's also becoming quite obvious that the current administration is not interested in addresing the monopolistic practices of Microsoft. As a programer I worry that if I ever build a profitable business off an application designed to work in Windows, I would be in jeopardy of having the functionality of my product integrated into the OS and any future market for my product destroyed. As a consumer, I'm disturbed to find that the government has no intention of creating a level playing field on which products can compete on the basis of merit, rather than the financial clout of their creators or their forced purchase through bundling. As a result I've started using Linux and contributing to the development of a truely free desktop OS. Though I do beleive many Microsoft products stand on their own merits (the core of the Windows OS, Office, Visual Studio) the fact that neither the government or Microsoft intended to halt the continued unfair, and IMHO illegal, anti-competitive practices or Redmond is really making it an all-or-none decision. Everything is Microsoft's or nothing is Microsoft's... Things like the Frontpage 2002 End Users Licensing Agreement, and it's conditions that you can't use the product to design a website critical of Microsoft or its subsidiaries, make it obvious that the ''Everything is Microsoft'' route will eventually destroy the computer industry.

Wether or not you agree with anything I've had to say up until this point, before I close I'd just like to mention another concern I've had recently. Many industry insiders are claiming the Desktop computer will fall by the wayside in another decade. While I don't necessarily agree with this prediction, it appears that Microsoft does. The X-Box, Windows CE, and .Net seem to be the spearhead of their advance into these new markets. Backed by the financial clout their OS monopoly has produced and their complete control of the desktop and it's standards for communication with other devices, Microsft is pushing its way into these new markets with the intention of dominating them as well. It has been reported, for instance, that Microsoft LOSES $100 on each and every X-box sold. Given that fact, how long is it going to take Microsoft to turn it's OS monopoly into a game console monopoly, into an internet appliance monopoly, into a PDA OS monopoly. I hope that any changes to the current settlement will take considerations like these into account, and that these issues can be addresed prior to Microsoft using its current monopoly to become the defacto standard in these new markets as well.

Thank you fo your time.
John Lightsey
webmaster@wazzim.com
1526 Richeleiu ln
Houston Tx, 77018
(713)812–1389

MTC–00004439

From: klg@humerus.mae.cornell.edu@inetgw
To: Microsoft ATR
Date: 12/14/01 10:33am
Subject: Microsoft Settlement

To whom it may concern:

I maintain the computer systems for a computing facility in the biomechanical engineering field at a leading university. I am not content with the proposed settlement of the antitrust suit currently pursued against Microsoft. Microsoft has been found guilty of monopolistic behavior that negatively affects the consumer. The proposed settlement does not go far enough to prevent further illegal behavior. Microsoft has demonstrated in the past a willingness to skirt the letter and intent of former consent decrees. Several weaknesses in the proposed settlement allow for continued harmful behavior with little remedy. We need a better settlement that also addresses past injuries to the consumer and discourages ongoing illegal behavior. This settlement falls short of that.

Thank you for your consideration. I can offer further details and specific examples should you be interested.

Kirk Gunsallus
Biomedical Mechanics
232 Upson Hall
Cornell University 14853

MTC–00004440

From: Jelagin
To: Microsoft ATR
Date: 12/14/01 10:34am
Subject: Public comment—Microsoft antitrust remedies

Gentlemen,

Thank for the opportunity to express my opinion regarding this issue. I am aware that my message is only one of many that you are receiving, and I am especially appreciative if an actual human being is reading this (besides someone from the FBI or NSA). If I am wrong on this assumption, shame on you for not caring, and shame on me for believing in the system. Enough of that, lets get to the heart of the matter; I'll try to make it quick and painless:

1. Microsoft has an unfair, and illegal, monopoly (you know this already).

2. The remedy you propose does nothing to break up that monopoly, in fact, it assists them in establishing new monopolies (re: the education market).

3. The penalties you propose are not severe enough to prevent them from continuing their current business practices.

4. While this may not be the case, many perceive this as a politically influenced process, which leads people to speculate if the outcome of this issue would have been different, had a few hundred people in people in Florida were more adept at using a butterfly ballot.

Thank you for your time,
Andy
Andy Jelagin
Network Administrator
Kaleidoscope Imaging, Inc.
700 N. Sacramento, 2nd Floor North
Chicago, Il 60612
www.ksimage.com

MTC–00004441

From: Greg Granger
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/14/01 10:35am
Subject: Travesty

This toothless agreement with Microsoft is a travesty of justice. Mr. Charles A. James needs to be investigate to determine why he would broker an agreement so hurtful to the American People. This has given the impression to the citizens of the United States (and the rest of the world) that in American Justice is for sale. It is a very very sad day. Millions were spent to bring MS to court and they were found guilty of Anti-Competitive behavior in both the original trial and the appeal.

But I suppose that's unimportant, in the U. S. today, Mr. James is justice. I suppose we can in the next ten years expect another 6–8 fold increase in software prices, buggier software and a continued lack of support. No doubt this is ok with Mr. James as long as he keeps Bill Gates happy. I also found it very interesting that the wording on the agreement was changed from ''The United States Government'' and ''The People of the United States'' to ''The United States Department of Justice'', no doubt this insures that even the few points of this agreement that require any participation from MS will be ignored. Certainly, unpatriotic (isn't that the term for person who have no concern for their country or it's citizens) people like Mr. James won't trouble MS and the wording of the agreement insures that not other part of the government can/will either. Even if MS were force to following the largely vacuous wording of the agreement to the letter, it's

wouldn't effect their monopolistic stranglehold over the software industry.

I will be writing my representatives requesting that Mr. James and Mr. Ashcroft be investigated. We need people of unquestionable patriotism and integrity working and leading the Deparment of Justice. We cannot afford to have men who through appathy, incompetence or corruption make a mockery of our Justice system and by extension our Country.

Greg Granger

R4305 x15876

''Happiness is good health and a bad memory.'' Ingrid Bergman

MTC–00004442

From: Earl Helbig
To: Microsoft ATR
Date: 12/14/01 10:39am
Subject: Microsoft Settlement

We think the time is overdue to resolve this ongoing dispute. Freedom to innovate is curtailed by dragging out this dispute. It is more important to get our country moving again.

In the national interest, find a suitable way to let Microsoft forge on with its proven track record of innovation.

Ruth and Earl Helbig

MTC–00004443

From: Mark Tennent
To: Microsoft ATR
Date: 12/14/01 10:40am
Subject: U.S. v. Microsoft

To: Renata Hesse, Trial Attorney, Suite 1200, Antitrust Division, Department of Justice, 601 D Street NW, Washington, DC 20530 From: Mark Tennent, 71 Wish Road, Hove BN3 4LN, UK Re: U.S. v. Microsoft

I understand that public comment has been invited on the above case and hope that as a non-US resident my comment is valid. I have been involved in the computer industry since 1985, before Microsoft held a near world-monopoly position in software. Since 1985 I have observed that as Microsoft's influence has grown, they have actually kept users of their operating systems and software at a disadvantage. Their operating systems are prone to attack by computer virus writers—and subsequently have been responsible for an immense cost to the world in recovering from the effects. Often the reason for the easy access offered to virus writers is due to Microsoft's badly or incompetently written software. Because of their control of the operating system they are also able to prevent faster development of computers and software by deliberately not supporting existing standards, such as MP3, or by making other companies software incompatible with Microsoft's, such as Apple's Quicktime, or by refusing developers access to Microsoft's codes. Consequently they have held back their own customers and limited their choices.

Currently I choose not to use a Microsoft operating system and avoid Microsoft applications because I have learned from experience of both that they are seldom the best tools for the purpose in hand. If Microsoft is allowed to extend their monopoly position it will have a great effect in limiting my own choices in software and what I am able to do with it. Microsoft were guilty of taking a competitor's product, Sun's Java, and changing it to make it proprietary to Microsoft. I am still suffering from the effects of this.

For example: I use on-line banking services, accessing my accounts from my computer. However, I am often barred from doing so unless I use specifically Microsoft operating systems and software. The only reason for this is that access has been blocked deliberately for non-Microsoft users. My bank, my Visa card supplier and others, operate similar secure services but on open-source applications and operating systems instead of Microsoft programs. They are able to be accessed from any computer that can use the Internet.

Another example is where the UK Government used to run its on-line services on open-source operating systems, at that time I had full access to the services. Microsoft was contracted to improve the services and since then they are only available to computers running Microsoft operating systems and applications. This has prevented me from using the facilities I used to have, to pay taxes and such like over the Internet. Microsoft have been found guilty of maintaining a monopoly yet the proposed settlement does little to correct the situation. Microsoft will not suffer in any way for their guilt and will themselves supply the controllers to prevent future transgressions. Already their proposed settlement of other cases—by donating software and computers to schools—seems deliberately designed to extend their monopoly into an area where, so far, they have not gained an overwhelming control, by damaging their biggest rival, Apple Computer.

I respectfully suggest that Microsoft have no intention of following the instructions of the court unless it has a beneficial effect for Microsoft. The penalties imposed should curb their behaviour and punish them for their past mis-behaviour. At the very least the settlement should contain the following three elements.

1. Microsoft be prevented from insisting that computer manufacturers must sell computers with Microsoft operating systems or only Microsoft products. This will allow computer manufacturers to supply computers with or without Microsoft operating systems with no fear of losing their licence to sell Microsoft products. In addition they should be able to place whatever other applications on the computers and make any icons or links to those applications appear on the computer's desktop at start-up time and to open as the default application in preference to Microsoft's.

2. Microsoft's present and future document file formats be made public, so that documents created in Microsoft applications may be read by programs from other makers, whether on Microsoft's or other operating systems. This is in addition to publishing Microsoft's Windows application program interface so that other authors will be able to write applications for Microsoft operating systems.

3 All Microsoft networking protocols should be published in full to prevent Microsoft from extending their control of the Internet and that and programming instructions be removed that prevent other operating systems from accessing applications running on Microsoft servers and applications.

MARK TENNENT

MTC–00004444

From: John Zukowski
To: Microsoft ATR
Date: 12/14/01 10:58am
Subject: Microsoft Settlement

I just wanted to send a note that I feel the proposed settlement will not prevent Microsoft from further monopolizing the desktop computer arena. The proposed alternatives from the holdout states (mine includes / Mass.) provides, in my opinion, better remedies.

John Zukowski

MTC–00004445

From: AMaiersugg@aol.com@inetgw
To: Microsoft ATR
Date: 12/14/01 11:02am
Subject: (no subject)

Dear Sirs,

Between the Justice Department and Mr. Greenspan, those of us who are retirees are really having a difficult time.

Settle this suit, those states who are unwilling to settle are not helping me, the hunt and pick user, but those companies who have just not gotten the message. Use the KISS system, you know, keep it simple, stupid. There are plenty of systems for those companies that use this commercially, but for me I need the Windows and Word programs provided by Mircrosoft, so please, for my use and my pocket book. Put an end to this thing. I have felt from the beginning that the Justice Department was not interested in those who use the Mircosoft systems, but in those local companies who had been setting on their hands too long and the market had passed them by.

Thank you.

Anna C. Maier-Sugg

MTC–00004447

From: Duncan Holley
To: Microsoft ATR
Date: 12/14/01 12:02pm
Subject: Microsoft Settlement

To whom it may concern,

I am writing this letter as a response to the ''penalty'' that Microsoft Corporation is to receive in the proposed settlement of their anti-trust violation case. As a professional in the IT industry, I come into contact with Microsoft products, and those of their competitors, every day, and I feel that through this experience, I am qualified to comment on the issue at hand.

Microsoft has already been found quilty in this case, and therefore, I will not discuss here the issue of their market place dominance, or the practices which brought the courts to this decision. However, I look at the proposed settlement and find myself asking several questions:

1) Why a settlement. Traditionally, are not settlements reserved for out of court decisions, reached before a defendant is found guilty of a crime? Why should a defendant have any right to influence his or her own sentence, after he or she has been

found guilty? Seemingly, this is the duty of the judge or jury, and not of the defendant. In light of this, I propose that Microsoft have no further input into the outcome of this case, beyond that of this public forum, which they are as entitled as the rest of us to partake in.

2) If a settlement, why this one? While on the surface, the support for financially challenged children is a noble ideal, it simply does not address this issues that are brought up in this case, nor remotely punish Microsoft for their illegal activities. In a statement released earlier in the week, Microsoft reacted with venom to the idea that the nine states which still pursue the case against them were attempting to punish the company. Forgive me if I am incorrect here, but isn't that what we are supposed to do with those that break the law, punish them? Below are the flaws I see in the current settlement, please review them at your liesure.

* Microsoft's competitors are in no way compensated for the damage the Micorsoft's abuse of monopoly powers has caused. While I understand the reality that each of these competitors would benefit only mildly from a financial perspective, isn't it up to those bodies to decide how the money should be spent, not Micorsoft? Additionally, the sheer volume of parties damaged by Microsoft's illegal activity is what would make each individual settlement so small. It seems to me that this implies Microsoft has hurt too many parties too be punished so lightly.

* Microsoft stands to Gain More Marketshare from this action. They will provide their equipment to school children, therefore increasing their marketshare. Even if they pay a small fee here, they will recoup it in the future, as these children will become accustomed to working with Microsoft equipment, and be more likely to use it in the future. This means that the settlement is a tool for Microsoft to Further Enhance It's Monopoly.

* If my understanding is correct, Microsoft stands to MAKE MONEY on the settlement. The production costs on a Windows CD are likely no more than a dollar each. If they are allowed to treat this penalty as a charitable donation, they will actually return more money in tax benefits than they spend in production costs.

In short, I hardly see how a settlement in which the Guilty party is not responsable to those it has injured, is given a tool to further perpetuate it's crime in the future, and even makes the perpetrator a few dollars on the side, is in any way a penalty for the great disregard Microsoft has shown for the law, the government, and the American consumer. The administration has set as a goal that this issue be finished in a final way, that it not reoccur, and we do not see Microsoft back in court every five years. The way to do this is to actually penalize them. By rewarding them, we are incouraging these individuals to not only continue to break the law, but to get it brought back to court. It seems to help their business. Remember, the last time they were found guilty of an anti-trust violation, they ignored the penalties put against them. It seems this time a more serious punishment is in order.

And if you simply must make them give one billion to the schools, just make it in cash, and say that no one is allowed to buy Microsoft software or hardware with that money. Apple, Sun, and Linux systems are all viable alternatives, and, as a member of the IT community, it is my experience that learning UNIX skills will make an individual at least as employable as learning Windows (Windows is so dominant in the home market, that those of us with UNIX skills are rare) and this will benefit those kids as well.

Sincerely,
Duncan H. Holley
9451 Lee Hwy #304
Fairfax, VA. 22031

MTC–00004451

From: Daphanie M. Mullins
To: Microsoft ATR
Date: 12/14/01 11:17am
Subject: Microsoft Settlement

——Original Message——
From: ''rj friedman'' <rjf@indoserv.com>
To: <consumer@mail.wvnet.edu>
Sent: Wednesday, November 21, 2001 9:56 PM
Subject: MS Settlement is Unacceptable

As a concerned US citizen living abroad, I wanted to write to let you know that I am extremely disturbed at the proposed terms of settlement that the US Dept. of Justice has agreed to with Microsoft.

Given Microsoft's past history of manuevering around their supposedly binding agreements; given the huge number of loopholes in the proposed agreement; given the overall weakness of the remedies in relation to the crime; it would make a mockery of all the time, effort, and money that went into the proceedings to date, to accept those terms.

I appreciate the stand that West Virginia has taken to this point, and would like to STRONGLY urge the Attorney General to continue holding out for a more just and more meaningful remedy.

RJ Friedman

MTC–00004452

From: Daphanie M. Mullins
To: Microsoft ATR
Date: 12/14/01 11:20am
Subject: Microsoft Settlement

——Original Message——
From: ''George Wagner'' <gwagner@macconnect.com>
Sent: Wednesday, November 21, 2001 9:23 AM
Subject: More on the Microsoft settlement

After reading more on the Microsoft settlement, I am even more concerned. While the point of this was to reduce or eliminate Microsoft's use of their monopoly to expand its markets, the settlement forces them to do just that. It has Microsoft providing hardware, software, and training for schools. While I am all for helping out schools, all this does is increase Microsoft's marketshare, and in the long run makes them more money than it costs through upgrades and replacements. Providing straight funding with no strings attached would allow the schools to use the funds for whatever the SCHOOL decides is needed.

Additionally, the settlement doesn't appear to address any of Microsoft's new markets such as Internet transactions, Microsoft could be paid a fee for every transaction made with the computer. This could be huge. In addition, their software license agreement borders on a protection racket, dealing with the software as more of a lease than a purchase.

Microsoft's foray into the game console's is another example where their sheer force has made them a contender in a market where they have had no reputation. Had it not been for their monopoly, there would have only been moderate interest until the product actually hit the market.

There are other examples, but I am sure that you get the idea, and I hope that you are able to do something about it.

George Wagner

MTC–00004453

From: rsobba
To: Microsoft ATR
Date: 12/14/01 11:32am
Subject: Microsoft Settlement

Dear Justice Department,

I believe Microsoft is running an illegal monopoly and believe the would will greatly benefit from a competitive market (which is currently not the case.) Please let me know if I can do any thing to help this cause, i.e. petition, e-mail, letters...etc.

Sincerely
Rick Sobba
7739 Fontana
Prairie Village, KS. 66208

MTC–00004454

From: jda
To: Microsoft ATR
Date: 12/14/01 11:45am
Subject: Microsoft settlement

I am writing to express my profound disagreement with the settlement of the Microsoft monopoly case proposed by the US government. The proposed remedy has little teeth, and the ''penalty'' is actually a prescription for extending the monopoly into the sphere of education. The proposal put forward by the dissenting States is better. In particular, Microsoft must be obliged to provide its de facto monopoly software (Office) on other (non-Windows) platforms, in particular the MacOS and Linux. Furthermore, if Microsoft is to donate resources to poor schools, it should be in the form of cash, not refurbished (obsolete) computers and their own software—these will inevitably have the paradoxical effect of furthering Microsoft's presence one of the few arenas in which it does not already enjoy a monopoly. If the reimbursemet was only in the form of money, Microsoft would have to compete on an equal footing with other platforms/vendors who provide technology for the classroom. That is, they will have to earn their way in (like the other vendors) with out an unfair advantage.

The proposal, as it stands, is an obvious and cynical maneuver by Microsoft to further its monopoly status at little actual cost to itself. It should be soundly rejected.

Jonathan Ashwell
8903 Seneca Lane
Bethesda, MD 20817

MTC–00004455

From: Chris nelson

To: Microsoft ATR
Date: 12/14/01 11:52am
Subject: Microsoft settlement

To Whom It May Concern,

I am very disturbed at the prospect of the proposed settlement of the Microsoft anti-trust action going into effect. In my work as an aerospace engineer I am exposed to the negative effects of the Microsoft monopoly on a daily basis. The hassle caused by substandard software quality, incompatible interfaces, poor security, and undocumented formats is a present reality, not a theoretical abstraction, for me. I had hoped that, after all the time and money spent pursuing the case, after having convicted Microsoft of illegally maintaining their monopoly, and after the conviction had been sustained by the appeals court, that Microsoft would actually be facing punishment for its misdeeds. Instead, the current settlement would seem to set the fox in charge of guarding the coop, with the promise that he won't take any more chickens- unless he decides that he really needs to. How does this settlement even pretend to penalize Microsoft for the things they have been convicted of doing? In many ways, it would appear that this settlement actually improves Microsoft's position as a monopoly.

In my opinion, a just settlement (one designed to limit Microsoft's ability to repeat its misdeeds) should include:

1) Microsoft's operating system API should be released to the public. Not just some of it, but all of it- especially the parts dealing with security. How is one to write a secure program in a Windows environment if Microsoft is obfuscating the API? Further, this release should truly be made to the public, not just to the companies that Microsoft deems significant enough to warrant it.

2) Microsoft's document formats should be made public (as above, I mean by this ''released to anyone who is interested''). This would allow competitors to write products which can seamlessly access documents produced in Microsoft applications and restore much-needed competition in this area (which is one of the prime leverage points that Microsoft uses to preserve its monopoly).

3) Microsoft software should be prohibited from being bundled with hardware purchases. While one would not want to stop people from buying their products at the same time that they purchase a computer, they should be a separate line item with a price tag attached to it. In this fashion, the myth that Microsoft operating systems come ''free'' with a computer would be dispelled, and, if the price was not right, then people would be able to evaluate other alternatives. In addition, those who never wanted to buy a Microsoft product with their new system would not be forced to pay the so-called ''Microsoft Tax'' as they usually are now.

4) Microsoft should be required to make it's operating system available to hardware manufacturers and resellers according to an openly published price schedule with uniform terms and conditions and a common date of availability. This would prevent recurrence of the blackmail strategies in which Microsoft withheld an operating system from a vendor (or made it available at a significantly higher price than competitors were paying) until the vendor complied with Microsoft's demands regarding competing products.

A settlement with the above points would truly work toward the elimination of the stranglehold currently held by Microsoft in the arena of operating system and office productivity software. Accomplishing this would, in the end, benefit everyone in the nation as competition resulted in better products at lower prices. Indeed, virtually the entire world would benefit from it.

Sincerely,
Dr. Chris Nelson
Chris Nelson
nelsoncc@hap.arnold.af.mil
931–454–6696
Home address:
431 Campfire Dr
Murfreesboro TN 37129

MTC–00004456

From: Julie Rubenstein
To: Microsoft ATR
Date: 12/14/01 12:01pm
Subject: Comments on Microsoft

TO WHOM IT MAY CONCERN:

I wish to offer my comment on settlement of the Microsoft case and important lingering issues I believe will still haunt Windows users, a group which pretty much equates to the general public at this point in our technological development.

I am a trained attorney, with basic education in antitrust law and a 25 year career in the public policy arena, currently working in the field for a United States Senator. It's been my observation as an early (1993) user of the Internet and a lifelong devotee of the Macintosh operating system, that Microsoft has pulled out every stop, at every opportunity, to prey upon its own customers throughout the distribution network as well as upon the end user market. I applauded the government's pursuit of this case and the excellent work Joel Klein performed on its behalf. Settling out at this point is a capitulation of important principles that will reverberate for many years to come, to the shame of this Administration. Is this the legacy you want to leave?

Further, I have grave concerns about allowing this monopoly to continue its overwhelming market dominance in this new era of terrorist threats, dangerous computer hackers and the possibility of network communications breakdowns. Reliance on a single operating system makes each and every one of us that much more vulnerable to this type of attack, so all the more reason to foster, not dampen, competition in this industry.

Thank you for your attention.
Julie Rubenstein
CC:Kathleen.Foote@doj.ca.gov@inetgw

MTC–00004457

From: Brian Kelly
To: Microsoft ATR
Date: 12/14/01 12:08pm
Subject: Microsoft Settlement

Well, I must that I have a mixed reaction to the proposed ''settlement''. First off, just from a philosophical point of view, I can understand Micrsoft's contention that the added functionality provided was simply giving the end user more for their dollar.

And I must also say that much of this litigation has sounded like propped up ''sour grapes'' from Mr Barksdale and Netscape, however, there are other issues which this litigation didn't even attempt to address which is quite simply,

''How did Microsoft's behavior in obtaining exclusive contracts to access points, web server services, and by contracting with numerous supposedly independent Internet Service Providers affect the access market?''

Much of the debate has centered around whether Microsoft's integration of additional software functionality was a violation of the Law, however you folks don't see the true strategy behind Microsoft's latest initiative.

You seem to believe that they don't care how the people connect, they simply want to be able to control the market once they do. And since there are numerous access ''players'' in the market, everything must be honky dorey.

I think if you did a little more ''investigative'' work instead of spending your time juggling through mounds of paperwork, you'd understand the true ''intentions'' of this corporation. Anybody even tangentially involved in this industry sees it as plain as day, unless they've been too befuddled by their overreliance on a single application.

They, meaning Microsoft, don't mind the antitrust ruling at all, since it still allows them to be probably the largest player in the access business. And access in combination with the leasing of Ware products, not HOME INSTALLED SOFTWARE, is what it's going to be all about in the coming years folks.

Sure they'll sell their lion's share of standalone Office products, but office has competitors. With Microsoft's Cash reserves, and their ability to institute the forthcoming ''passport'' system, their jewel has slipped right under your eyes folks.

They will argue there are thousands of Independent Access Providers, however, Microsoft is now poised not only to dominate the desktop but to dominate the very market which we all foolishly thought would be a free, more open way of doing business, the Internet itself and how people connect with each other.

But if you want my opinion on the case before the court, this seems like a bunch of litigation over whether Netscape is better than IE. So since it's simply a squabble between two companies who both were given access to the Public Markets in the form of Stock Issues, warrants and the rest, there won't be much sympathy in the end user community for either player.

The question actually centers on this, ''Why shouldn't Microsoft be allowed to extend their product beyond the traditional sit at home and type on the computer realm?'' Why shouldn't Microsoft be able to compete for the very market that their desktop systems helped to create, almost by mistake.? I don't think even years ago the computer industry realized how big a market to the home user, independent internet ''access'' would be.

So not only will Microsoft control the method of displaying web pages, via ISS, and their rolling out versions of ASP and .NET, but they will also be able to track every single consumer in the form of either their passport system or through acquisitions such as Hotmail and other services. Microsoft is probably the least concerned with end user privacy of any company in the market. They print out nice little privacy policies and the rest but behind the scenes I think we all know what they're going after.

I don't know if it's exactly the ''freedom to innovate'' scenario Bill likes to describe, but I'd be more concerned with Microsoft's behavior in dealing with the actual access points including the telecommunications providers, backbone providers (UUNet), Qwest, etc etc, then I would be with Microsoft's dealings when it comes to simply producing standalone applications like Office and IE.

Because we all know, unless we're floating around in some sort of self induced trance, that the Bottleneck is where it's going , not the standalone ''blip blip blip'' of typing your self printed flyer for your local yard sale.

I applaud the DOJ's efforts, but I must say folks that in some respects, you missed the boat. Microsoft will go on, and they will be stronger than ever. Nice try though, who could expect a bureaucratic organization like the DOJ to actually have any clue about what's really going on besides typing complaints with footnotes on their Microsoft Word desktops provided by Michael Dell.'

MTC–00004458

From: Cadet
To: Microsoft ATR
Date: 12/14/01 12:11pm
Subject: justice

Dear DOJ,

Please do not let microsoft decide it's own punishment. They are a company with a total disregard for the law and the justice department. They have bullied and strong armed the industry to their advantage. They do not promote innovation, they ether aquire it or destroy it. They cannot compete evenly on the merit of their products, so they use anti competitive tactics to compensate. Punishment should be harsh and final!!

Thank you for you're attention,
Christian Manasse
971 E Monterey St.
Chandler, AZ. 85225

MTC–00004459

From: Quinn Perkins
To: Microsoft ATR
Date: 12/14/01 12:12pm
Subject: Microsoft Anti-Trust Settlement

I strongly urge the courts to reject the current settlement proposed by Microsoft. The only way to repair the damage Microsoft has done to the software industry over the past five years is to implement the following:

1) Require Microsoft to continue development of Office and Internet Explorer at an acceptably high level for the Macintosh operating system. Apple cannot fairly compete with Microsoft because they hold development on the Mac platform for these two key areas over Apple's head.

2) Prevent Microsoft from pressuring PC manufacturers to include their Windows operating system, Internet Explorer browser and Windows Media Player multimedia device. To allow for fair competition, buyers of PCs should have options available to them.

3) Prevent Microsoft from forcing their ISP partners (such as Qwest Communications) from restricting use of operating system, browser or media player. If one wants DSL in Denver, one has to be on a Windows PC, using Internet Explorer if they deal with Qwest.

There will not be a second opportunity to remedy this situation. The political courage needs to be found to reign in Microsoft and restore competition and consumer choice to the computer and software industries.

Quinn Perkins
10309 West Fair Ave #C
Littleton, CO 80127

MTC–00004460

From: Bruce Moore
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/14/01 12:03pm
Subject: Microsoft Settlement

This settlement is a joke. It will allow Microsoft to keep its monopoly with HUGE barriers to entry into the software OS industry. This settlement has so many loopholes I'm suprised that the Department of Justice just asked for a Congressional bill that would grant a monopoly and give them all the power they want to continually break the anti-trust laws of the United States.

This settlement isn't even a slap on the wrist, more like a handshake and a pat on the back telling them ''hey don't worry the nations economy and the approval rating for the Bush administration is more important than law.

Bruce Moore
Web Programmer
Quickdinero Inc.

MTC–00004461

From: Tristan Ishtar
To: Microsoft ATR
Date: 12/14/01 12:19pm
Subject: Microsoft settlement

To Whom it May Concern,

I am upset that the government is apparently letting Microsoft off the hook in this antitrust case. While I'm glad that Microsoft is not being broken up (just look at what that did for the telephone industry!), I feel that there needs to be an actual punishment imposed and mechanisms put in place to prevent Microsoft from owning the internet and the software industry.

Competition is good for any industry. Please make sure that Microsoft gets spanked for past infractions and prevented from committing future ones.

Thank you,
Tristan Ishtar
Orlando, FL

MTC–00004462

From: Wenger, John R
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/14/01 12:19pm
Subject: Microsoft Settlement

Renata Hesse,

As someone familiar with computing and the computer industry, and the adverse effects of Microsoft's monopolies in these areas, I cannot see how the settlement that is proposed even pretends to remedy the antitrust violations for which Microsoft has been found culpable. The company has, I remind the judge, already been found in violation, and this is the penalty phase of the case, but the settlement contains no penalties and actually advances Microsoft's operating system monopoly. A just penalty, I continue, would at barest minimum include three additional features:

Any remedy seeking to prevent an extension of Microsoft's monopoly must place Microsoft products as extra-cost options in the purchase of new computers, so that the user who does not wish to purchase them is not forced to do so. This means that for the price differential between a new computer with Microsoft software and one without, a computer seller must offer the software without the computer (which would prevent computer makers from saying that the difference in price is only a few dollars). Only then could competition come to exist in a meaningful way.

The specifications of Microsoft's present and future document file formats must be made public, so that documents created in Microsoft applications may be read by programs from other makers, on Microsoft's or other operating systems. This is in addition to opening the Windows application program interface (API, the set of ''hooks'' that allow other parties to write applications for Windows operating systems), which is already part of the proposed settlement.

Any Microsoft networking protocols must be published in full and approved by an independent network protocol body. This would prevent Microsoft from seizing de facto control of the Internet.

Also, the Center for Strategic and International Studies has pointed out that the use of Microsoft software actually poses a national security risk.

Thank you for your consideration.
Jack Wenger, IS Mid-Tier Administrator
Wisconsin Department of Natural Resources

''Black holes are where God divided by zero.''
Albert Einstein

MTC–00004463

From: tkj
To: Microsoft ATR
Date: 12/14/01 12:22pm
Subject: Please dont let MS off the hook!

Dear Members of US Government, the Litigation Team, and those of the various States of these United States of America.

It would represent a serious travesty of justice and would represent terrible policy were Microsoft Corp. be allowed such a meaningless and insulting end to this matter.

Microsoft's greed, furthered by its proved arrogance and disregard for any concept of fairness in the American business world, must not be rewarded. Many millions of our citizens have been harmed by Microsoft. Products famous for promulgating insecurity and all sorts of vulnerabilities to our institutions have been forced down the throat of the buying public which, in its innocence, carries the MS banner aloft, unwittingly betraying basic tenents of fairness that have helped make our country great.

Of all possible influences for good that can befall a nation, it is the IDEA of 'fair play' that is at the heart of our freedoms, our willingness to defend our way of life with our lives, and our confidence that we're doing the right thing for our children.

Do not let the harm done by this company go rewarded by such weak and unenforceable terms of the proposed agreement.

jon anderson, md
32 school st
northampton, ma. 01060

MTC–00004464

From: Thomas W. Carr
To: Microsoft ATR
Date: 12/14/01 12:28pm
Subject: Bad settlement

To the lay person it was clear that Microsoft was a monopoly. The findings of fact determined that Microsoft was a monopoly. The trial demonstrated Microsoft's propensity to deceive, manipulate and otherwise try to unfairly use the judicial and legislative system in their favor. The proposed settlement does not do nearly enough to protect the consumer and Microsoft competitors from their unlawful acts. It does not adequately punish Microsoft for their previous and continuing bad behavior.

The present settlement should be rejected. We need stronger remedies.

Tom Carr
Professor of Mathematics
Dallas, TX

MTC–00004465

From: George Chamales
To: Microsoft ATR
Date: 12/14/01 12:32pm
Subject: A humorous look at the world ahead.

I'm sending you this e-mail from 2021—40 years after IBM released its first personal computer—in a last attempt to prevent the mistakes in computer development that put civilization in jeopardy... Not everything is awful. Some things are just, well, weird. For instance, Apple Computer continues to do well, but not for its stockholders. The company gained tax-exempt status as a religion in 2015. Authorities were convinced the designation was appropriate after many users took to flagellating themselves in public when Steve Jobs failed to make any significant new-product announcements at Macworld in Boston. Apple evangelists have become common in shopping malls and airports. The cult tends to attract very nice people, and they've managed to integrate into society quite well. The rest of us simply avoid talking about technology around them lest we get flooded with irate e-mail.

Bill Gates has been barricaded for the last two years in a vast subterranean bunker, along with a core group of true believers from the old Microsoft Corp.

Gates and his minions literally went underground in 2019 after the Supreme Court ruled against the company for the 1,249th time in the antitrust case that began in 1997. Authorities gave up trying to extract them after concluding that cracking open the bunker might hurt the people inside, who technically weren't criminals because they'd never actually been charged. Various philanthropic groups tried to ''deprogram'' followers of the man who once headed Microsoft and entice them out of the bunker. But the would-be rescuers were usually met with derisive laughter. The Microserfs said they'd only emerge from their shelter if the humanitarians correctly answered three riddles.

One group, having craftily recruited a team of Linux programmers, was able to pass the test. But those inside insisted that the Linux folks must have cheated and thereafter refused to respond to any more entreaties from the outside.

The only reason we know they're still alive down there is the frequent issuing of news releases, such as the one yesterday declaring that Microsoft takes security very seriously. In recent weeks, the releases have sometimes taken on a more plaintive tone, offering bug fixes for Windows Uber Grande users in exchange for a case of Malomars.

But the problem relating to the licensing system Microsoft established remains. Some years ago, the company stopped selling software outright and instead set up a subscription-based system. Users paid a fee, just like the cable bill and got to use a Microsoft operating system or Microsoft software, like the Office suite.

As a result, when Microsoft decided to issue an upgrade, we all upgraded pretty much simultaneously because the company eventually would cut off access to the older software. It wasn't too long before everybody, everywhere, was running exactly the same thing.

This had some great advantages. Computers got a lot simpler and more reliable because they didn't have to be quite as flexible. Things such as technical support and interoperability issues largely disappeared. All our appliances pretty much run on a stripped-down version of the Microsoft operating system, everything from the microwave oven to the thermostat. The problem is, because everything runs the same operating system—even my electric shaver—once somebody discovers a security flaw, it can bring down our computers. All the computers. All over the world. In some places, the power is on for only a couple of hours a day now. It's not safe to drive because the traffic lights can't be trusted. Torch-bearing mobs occasionally break into the homes of known technologists and . . . well, let's just say we're starting to run low on people who can fix things. We're on the brink of disaster, akin to the great corn blight of 2012. Then, all commercially planted corn had been made genetically identical, which produced spectacular yields. But when a new disease infected a crop in a small field in Iowa, it ripped through all the corn around the world because none of the plants had any resistance to the blight. God, what I wouldn't give to taste Frosted Flakes again. This story can be found at: http://www.dickypimpkins.com/article.php'sid=34

Thanks for your time,
George Chamales
College Student majoring in Electrical Engineering.

MTC–00004466

From: Stephen Putman
To: Microsoft ATR
Date: 12/14/01 12:29pm
Subject: Microsoft Settlement

Dear Ms. Hesse:

I wish to take advantage of the Tunney Act public comment period to express my sincere disappointment with the settlement reached between the Department of Justice and Microsoft Corporation in the antitrust matter currently being litigated.

I am a Senior Consultant with a major software company, frequently implementing solutions using Microsoft software. I also possess a Bachelor of Science degree in Economics with a concentration in Antitrust Policy. With this combination of experience, I have been following the progress of this case with great interest.

Microsoft has shown all of the classic behavior traits of an abusive monopolist throughout its corporate history. They have routinely intimidated competitors, kept prices artificially high in relation to other portions of the computer industry, and restricted innovation in the overall computer industry. They also do not have the incentive to correct major design flaws in their products because of lack of competition brought on by their monopoly position. This results in a computer industry that frustrates most people who use the machines I spend a good portion of my days explaining problems inherent in their systems and often times having no good answers.

During the course of the current litigation, the behavior of Microsoft was proven to be anti-competitive. Even though the original remedy for their transgressions was overturned on appeal, the fundamental finding of monopoly power was not. The settlement that you have reached does not address this basic fact, based on antitrust precedent. In my mind, the best examples of proper remedies in a case like this are the Standard Oil case in the early 1900s and the ATT case of 1984. In both cases, the abusive monopolist was split into multiple entities, and the result was more competition, better products, and lower prices for consumers. This settlement does not achieve anything close to this, which means the status quo is maintained, to the detriment of everyone concerned save one party Microsoft.

Microsoft has made the argument that any remedy in addition to your settlement would be inefficient economically. In this, I agree additional items of remedy would make my occupation more difficult in the short run because integration of disparate software products is inherently difficult in the current evolutionary state of the computer software industry. However, the currently proposed settlement does not adequately address the proven behavior of the company, nor ensure that this behavior would not reoccur. One can only hope that Judge Kollar-Kotelly will see this and rule appropriately, which would include harsher penalties than you have proposed.

I cannot help but think that the current political environment has contributed to the Departments desire to settle this matter in the way it has chosen to do so. It is quite unfortunate that the Department of Justice cannot rise above political expedience and pursue this matter to its logical conclusion,

protecting the interests of the public at large instead of the interests of a major corporation. But, based on the actions of the Department in other areas recently, I cannot say I am surprised. I fully expect this criticism to be sent to the electronic trash bin, after my name is added to the Departments Treason list for speaking out against your performance in this matter.

Sincerely,
Stephen J. Putman
Antelope, CA

MTC–00004467

From: Steve Rudeseal
To: Microsoft ATR
Date: 12/14/01 12:34pm
Subject: Microsoft Settlement

Requiring that Microsoft donate software to schools does nothing to remedy their illegal business practices. What it does in fact, is allow Microsoft an unfair advantage in a market in where Apple is competing successfully. The proposed final judgement does nothing to address the fact that Microsoft is guilty of attempting to maintain its monopoly. Microsoft has become a de facto standard through both legal and illegal means. Therefor, they bear the burden of ensuring interoperability with other systems. Microsoft's competitors consist of both businesses and communities of individuals. Companies like Apple, Sun, Netscape and Red Hat compete directly with Microsoft in the business arena. But, there is also the Open Source and free software communities which are not related directly to any given company. Open source projects like the Apache web server and Samba file server have been very successful in competing with Microsoft. The proposed remedy does nothing to ensure that these Open Source competitors will be able to compete in the future.

To ensure that both companies and open source communities are able to compete fairly with Microsoft, two measures must be taken. First off, Microsoft must not be allowed to pre-install and bundle its software onto new systems. The consumer should be allowed to choose what software they want on their system. Microsoft would still be able to offer volume pricing to vendors, but would not be allowed to attach restrictions on how the software is used by the vendor.

Secondly, to ensure that there is other software available, Microsoft should be compelled to release the documentation on their protocols, APIs and file formats. Doing so would allow other competitors, both companies and communities, to compete on a level playing field. This solution would not require Microsoft to open up its source code, but it would ensure interoperability with competitors products.

Steve L. Rudeseal
System Administrator
TraceAnalysis, Inc.
email: srudeseal@traceanalysis.com

MTC–00004468

From: Kevin Colussi
To: Microsoft ATR
Date: 12/14/01 12:41pm
Subject: U.S. v. Microsoft

To Whom it may concern:

I'm writing on behalf of the proposed settlement of the U.S. v. Microsoft case. I do not agree with the decision and would only agree with the decision if the following were included in the settlement.

—Any remedy seeking to prevent an extension of Microsoft's monopoly must place Microsoft products as extra-cost options in the purchase of new computers, so that the user who does not wish to purchase them is not forced to do so. This means that for the price differential between a new computer with Microsoft software and one without, a computer seller must offer the software without the computer (which would prevent computer makers from saying that the difference in price is only a few dollars). Only then could competition come to exist in a meaningful way.
—The specifications of Microsoft's present and future document file formats must be made public, so that documents created in Microsoft applications may be read by programs from other makers, on Microsoft's or other operating systems. This is in addition to opening the Windows application program interface (API, the set of ''hooks'' that allow other parties to write applications for Windows operating systems), which is already part of the proposed settlement.
—Any Microsoft networking protocols must be published in full and approved by an independent network protocol body. This would prevent Microsoft from seizing de facto control of the Internet.

If the national interest is at issue, as I believe it is and as the judge has suggested it is, it is crucial that Microsoft's operating system monopoly not be extended, I quote the study released a year ago by the highly respected Center for Strategic and International Studies, which pointed out that the use of Microsoft software actually poses a national security risk.

In closing, All are surely in agreement that the resolution of this case is of great importance, not just now but for many years to come. This suggests a careful and deliberate penalty is far more important to the health of the nation than is a hasty one.

Sincerely,
Kevin Colussi
3711 Rock Haven Dr.
Greensboro, NC 27410

MTC–00004469

From: dave@bfnet.com@inetgw
To: Microsoft ATR
Date: 12/14/01 12:45pm
Subject: Argument against the Consent Decree

As a member of the computer industry, I am very familiar with the adverse effects of Microsoft's monopoly. Contrary to the statements of the US Department of Justice in its impact statement discussing the Consent Decree, the remedies settlement embodied in the Consent Decree fails to achieve the ends mandated by the Court for the following reasons:

—it fails to deny Microsoft the fruits of its statuatory violations,
—it fails to ensure that competition is likely to result,
—it was an agreement reached for the purpose of expediency, not for ensuring an adequate remedy and,
—it establishes an untenable precedent for future antitrust cases.

The Federal Government has already found Microsoft in violation, but this settlement contains no penalties and actually advances Microsoft's operating system monopoly. A just penalty would at barest minimum include three additional features:

—Any remedy seeking to prevent an extension of Microsoft's monopoly must place Microsoft products as extra-cost options in the purchase of new computers, so that the user who does not wish to purchase them is not forced to do so. This means that for the price differential between a new computer with Microsoft software and one without, a computer seller must offer the software without the computer (which would prevent computer makers from saying that the difference in price is only a few dollars). Only then could competition come to exist in a meaningful way.
—The specifications of Microsoft's present and future document file formats must be made public, so that documents created in Microsoft applications may be read by programs from other makers, on Microsoft's or other operating systems. This is in addition to opening the Windows application program interface (API, the set of ''hooks'' that allow other parties to write applications for Windows operating systems), which is already part of the proposed settlement.
—Any Microsoft networking protocols must be published in full and approved by an independent network protocol body. This would prevent Microsoft from seizing de facto control of the Internet.

If the national interest is at issue, as the judge has suggested, we must stop the growth of Microsoft's operating system monopoly. The Center for Strategic and International Studies has pointed out that the use of Microsoft software actually poses a national security risk.

This case is of great importance not only to national security, but to the US economy and future competitiveness of US industry. We must take the time to craft a careful and deliberate remedy for the sake of our nation's health.

Sincerely,
David Michael Wuertele
Palo Alto, CA

MTC–00004470

From: Joseph Blough
To: Microsoft ATR
Date: 12/14/01 12:46pm
Subject: Microsoft Settlement

Please reconsider this settlement in the Microsoft (MS) antitrust case. The settlement (http://www.microsoft.com/presspass/trial/nov01/11–02settlement.asp) in no way prohibits MS from using predatory practices against competitors or consumers since there are huge loop holes that MS can (and will) use. A good analysis of one such hole can be found here http://linuxtoday.com/news_story.php3?1tsn=2001–11–06–005–20–OP–MS.

The Christain Science Monitor went so far as to call Windows XP a ''tourist trap'' where they suck you into using nothing but their software with their proprietary file formats. This is surely not the behavior of a company that plans to make amends and compete fairly with its competitors. As a linux user, I have seen how many options a user can have as far as computer operating systems (OS), software, and file formats. Microsoft seeks to remove these options through OEM agreements/arm-twisting hidden behind a ''trade secrets'' tag. The internet is a OS non-specific and browser non-specific medium, but MS is even taking that away. Windows XP heavily pushes you toward MSN in an attempt to overtake their latest competitor AOL. Personally, I use a local Internet Service Provider (ISP), but soon I'm sure MS will make it unprofitable to be a small time local ISP.

Consider this recession and how so many smaller computer software companies have had to close their doors. The main reason that many of these software companies remain small is that most of the money in the computing industry ends up in Redmond. Other companies only hope is to be bought by MS. MS monopoly eats into the revenue of practically every aspect of the computing industry (OS, ISP, office productivity, hardware, and now even console video games). These smaller companies can grow and hire more employees if only they have the assurance that MS is not able to use it's monopoly to destroy the smaller company.

Please, in the interests of protecting the consumer, do NOT accept that settlement. It will lead to unprecedented abuses by MS resulting in the loss of choices for many computer users. Many users do not even realize that they have a choice thanks to MS's past (and ongoing) strategies.

Thank you for your time.

MTC–00004471

From: Wpnelson@aol.com@inetgw
To: Microsoft ATR
Date: 12/14/01 12:48pm
Subject: Microsoft settlement

Following are my comments for the public record regarding the Microsoft settlement.

Microsoft code should be made public to such an extent that programmers can write topnotch programs that are fully compatible with Windows. They should also be required to release such code that allows other programs to interface with their operating system so as to allow easy file translation between different programs such as word processing, spread sheets.

Their internet activities and code should be sufficiently open so that they cannot gain control of the net via their operating system through required registrations etc. Programs to make their browser Java compatible should be provided in the operating system as readily available and visible option to allow consumers to install the necessary code for cross compatibility. Kid's programs should remain compatible with Windows and Macintosh. Microsoft should be required to continue making Macintosh specific Microsoft Office programs available on a regular basis.

Microsoft should not be allowed to extend the reach of their operating system via ''giveaways'' in the public school system. If there is such a program it should be in cash with no strings attached as to where the money is spent on computers and software and the amount should be larger than currently indicated.

They should be prohibited from engaging in tactics that intimidate or enter into deals that require/allow programmers/companies from publishing competing software.

MTC–00004472

From: Brian Kelly
To: Microsoft ATR
Date: 12/14/01 12:53pm
Subject: P.P.S

Oh and by the way, I use Microsoft products because I simply think they are in every way shape and form superior to competitors products offered currently, so don't think I'm just a mindless Microsoft basher with an Interior decorator who thinks Linux is just the COOLEST. . . Not.

Microsoft kicks butt, that's why people buy their stuff, so let's move along now folks and get on to the 21st century.

I'm just concerned over how little the general public actually understands about how these companies actually operate, but who am I but another senseless user behind a keyboard with a satellite dish.

God Bless the USA!

MTC–00004473

From: Fidel Davila
To: Microsoft ATR
Date: 12/14/01 1:03pm
Subject: Microsoft Antitrust Settlement Comments

I am writing to state my opposition to the proposed Microsoft anti-trust settlement. In general, the proposed settlement does little to change the underlying monopolistic practices of Microsoft Corporation. First, history has shown that monopolies must be broken up into several entities OR become regulated if they are to stay as single units. Standard Oil and AT&T are just two situations that prove that break-up of monopolies lead to future increased competition and better services for the US public. And, investors in these companies ended up in better economic positions. Barring break-up, strict regulatory control like AT&T before its break-up is required to control the monopoly. The proposed Microsoft settlement does not break-up the company to increase competition nor provide sufficient regulation to prevent continued monopolistic practices.

Second, controlling Microsoft in current monopolistic areas will not prevent Microsoft from using their monopoly to control other areas of the digital realm. Microsoft wants to monoplize the PDA arena with its Pocket Windows system, television recording with its Ultimate TV, digital game boxes with their X-boxes, and regular television through set top box software being developed. They will use the same tactics used in gaining monopolies in web browsers and multi-media players to dominate these other areas. So, limiting Microsoft's monopolistic practices in some desktop operating systems and extensions areas will do nothing to control them from acquiring monopolies in these other areas noted.

Microsoft's distain for the US anti-monopoly laws and unrepentant attitude revealed itself in Microsoft's initial proposed settlement with the nine states that opted out of the Federal settlement. Their proposed settlement actually would have increased their monopoly into the educational area—one of the few areas they do not monopolize. Their arrogance at using a anti-monopoly settlement to extend their monopoly is incredible. The current proposed settlement does nothing to change this arrogance.

In summary, Microsoft's problem is one of attitude and processes. The current settlement does limit these marginally in the areas where Microsoft currently has monopolies but does nothing to prevent Microsoft from gaining monopolies in other areas of the digital realm. So, Microsoft keeps their current monopolies and is allowed to gain monopolies in other areas. Where do we—the general public—win? Given the current distaste for regulatory control of businesses, the only credible action is the break-up of MicroSoft into multiple entities. These would be at a minimum: a) an operating/server systems unit, b) applicants unit and c) multi-media unit. Then and only then will Microsoft units be in positions to cooperate with others to compete. With competition, the public will win!

Fidel Davila
5909 Edinburgh Drive
Plano, Texas 75092
972–378–9996

MTC–00004474

From: Ernie
To: Microsoft ATR
Date: 12/14/01 12:55pm
Subject: microsoft anti trust trial

Hello,

I was recently informed by a news web site I frequently visit that public comments were now being taken about the Microsoft trial, and the punishments, if any, they will face. Although I realize one voice may be lost in the shouts of millions of others, I felt that I had to respond, to at least show my support for some sort of major punishment for Microsoft. I am a user of Free Software. I run Linux, and OpenBSD, both of which are Freely available, and Open, operating systems. Many people around the world use software like this, and I won't bore you with the reasons. With Microsoft in control, free programs and operating systems such as the ones I use, and the many others in use around the world, will have a harder and harder time communicating with those who choose (or had chosen for them) Microsoft's Windows Operating Systems.

Microsoft has continually done things to promote anti-competitive behavior. They have changed their networking protocols, their .DOC word file format, and even the format of their file system from release to release. Although there may be technical reasons behind their changes, you would never be able to get that information from them. All of this is showed in mystery, as is their right as a private company, and yet Windows and MS Office are the most widely used pieces of software around. Yet only Windows can read and write the doc format with 100% compatibility, forcing you to use

Office, and a Windows based machine. If you want to network with Windows, you are forced to use their ever changing network protocols, and so on. It is with much doubt and trepidation I look forward to the coming months, and with it, Microsoft's ultimate fate. I feel that punishments need to be put in place, punishments that will foster competition in the technical market, and allow Microsoft to no longer maintain the stranglehold they have now.

At a minimum, I feel:

Microsoft should have to publish the format of its Microsoft Office suite. This will allow open communications between users of differing operating systems, regardless of the program they use.

OEM computer vendors should be allowed to change and modify the Windows desktop as they see fit, and Microsoft should no longer be allowed to ''strong-arm'' those vendors into installing, and only installing, its Windows operating system. Windows XP does not need to be any better or different than its predecessors for it to become to standard. New computers will simply come with it pre-installed, and the consumer will not have a choice.

Microsoft's networking protocols must be published IN FULL, and approved by an independent body, such as the IETF. I have no problem with Microsoft also donating large sums of money to the poorer school system around the world, education is very important; But, to allow them to simply further their dominance by letting them flood the school systems with their own software is insane. That will simply increase their dominance, and the cost to them will be minimal. In fact, its really more of a benefit for them, than anything. They should simply donate cash, and let the schools have the choice that a consumer walking into his local computer store does not have (the choice of not getting a computer with Windows).

I hope my comments will be taken seriously. Microsoft, which started as small as any company, has grown exponentially since. They seem to not represent the ideals that founded this country: Openness, fairness, and a willingness to cooperate.
Ernie Cline

MTC–00004475

From: Eric Ries
To: Microsoft ATR
Date: 12/14/01 1:12pm
Subject: Microsoft Settlement
Renata Hesse,
Trial Attorney
Suite 1200
Antitrust Division,
Department of Justice
601 D Street NW
Washington, DC 20530

Thank you for this opportunity to comment on the recent proposed settlement in the Microsoft antitrust case. As a member of the computer software industry, I am concerned about the precedent created by this proposed settlement. If it is the court's ruling that Microsoft is in violation of relevant antitrust laws, then it is imperative that the penalty imposed be adequate to address those violations. The proposed settlement does nothing to reduce Microsoft's monopoly power in any way. Furthermore, it sends the signal that Microsoft's methods are acceptable—even necessary—for success in the software industry.

Like many others, I am myself uncomfortable with excess government intervention in my industry. However, if government is to have a role, it should be a constructive one. I therefore would like to add my support to several other remedies being proposed by various scholars and industry experts. I feel that these remedies would be more effective at reducing Microsoft's monopoly power, and be easier and simpler to implement, leaving less room for ambiguity. They are:

1) De-coupling Microsoft software products from OEM computer hardware products. This would allow other companies to compete with Microsoft for the OEM markets in operating systems and office productivity software.

2) Requiring that Microsoft allow other operating systems to have access to the hardware ''boot loader'' which controls which operating systems a computer may run. Microsoft has used both technical and legal means to shut out various competitors from access to this vital system component, most notably Be, Inc.

3) Require Microsoft to publicize full details of all of their APIs, file formats, and network protocols. This would require Microsoft to go back to competing on the technical merits of its products.

In any event, I urge the Department of Justice to reconsider its proposed settlement with Microsoft and replace it with something that is both less ambiguous, more appropriate as a remedy, and more comprehensive in its scope.

Thank you for your time,
Eric Ries
950 Crane St #1
Menlo Park, CA 94025

MTC–00004476

From: John Beidelman
To: Microsoft ATR
Date: 12/14/01 1:16pm
Subject: U.S. v. Microsoft—Public Comment in opposing settlement

I oppose the proposed settlement of the case U.S. v. Microsoft on these grounds:

1. Under the proposed settlement, Microsoft maintains its dominant monopoly in operating systems and office applications software, contrary to sound public policy. This is the root of the problem. If you control the operating system, you control the desktop, the applications, the application programming interfaces (APIs), the network, and everything else that runs atop or in conjunction with the operating system. We're talking about the crown jewels of the information age. I can't believe that this nation could bust up the anti-competitive and illegal monopolies of Rockefeller and Morgan, but can't come to grips with the challenge presented by Gates and Ballmer.

2. The proposed penalty for Microsoft's offenses pales in comparison to the additional market capitalization they achieved by their illegal and harmful conduct. (They got away with it!) Indeed, if they are allowed to pay this proposed paltry penalty with software (in lieu of cash) to needy schools, their marginal expense is negligible—and Microsoft succeeds in capturing a new market presently held by Apple Computer. This part of the proposed penalty is preposterous! I remind you that the purpose of a penalty is to penalize, not do further harm.

3. By allowing Microsoft to ''embrace and extend'' internet standards and circumvent open APIs on the public internet, there is a real chance that the internet will become more and more inaccessible to those unable or unwilling to adopt Microsoft products and standards. This would be tyranny.

For these reasons and others, I oppose the proposed settlement and urge the Department of Justice to remove it from the table. Any settlement should be a cash only settlement and should provide no clauses to enable Microsoft to strengthen its negotiating position in the marketplace.

Respectfully yours,
John D. Beidelman

MTC–00004477

From: Jerrysafediver@aol.com@inetgw
To: Microsoft ATR
Date: 12/14/01 1:25pm
Subject: Microsoft Settlement

The settlement proposed by Microsoft appears to be reasonable, fair, and just. Let's quit punishing success and put this ill-concieved action against Microsoft to rest. Significant harm has already occurred to consumers as a result of this action through the curtailment of innovation and increase in cost. Enough is enough!

Regards,
Jerry Effenberger
17511 32nd. Ave. N. E.
Seattle, Wa. 98155

MTC–00004478

From: Steve Brewer
To: Microsoft ATR
Date: 12/14/01 1:23pm
Subject: Proposed settlement unacceptable

The proposed settlement with Microsoft is unacceptable. The nature of the settlement itself is unacceptable because Microsoft has already shown that it does not believe its past behavior was a violation of law and it has consistently flouted consent decrees and rulings of the course in the past. There should be some remedy which actually reduces Microsoft's potential to illegally extend their monopoly into other businesses. A consent decree seems unlikely to accomplish that.

Furthermore, the language used provides loopholes for Microsoft to not release information to programmers working on open source and free software alternatives to microsoft software, especially with respect to file formats. Even if the consent decree were followed, it would give Microsoft new tools to fights its only serious competitors.

Please reject this settlement and impose a remedy on Microsoft that will have the effect of actually limiting their ability to extend their monopoly into other businesses. Without such a remedy, it seems certain that we will be back in this same situation again soon.

Steven D. Brewer <limako@mediaone.net>

http://revo.ne.mediaone.net/~sbrewer/
Ne lauxdu la tagon antaux vespero.

MTC–00004479

From: root@wt6.usdoj.gov@inetgw
To: Microsoft
ATR,antitrust @ftc.gov @inetgw,
Ralph@essen...
Date: 12/14/01 1:26pm
Subject: ''How Much Do We Need To Pay You To Screw Netscape?''
CC: letters@latimes. com@inetgw,letters@sjmercury.com@i...
Re: Bin Laden Tape Sparks Debate
''This is your lucky day...according to profit Ronnie Reagan, peace be with him.''

MTC–00004480

From: Brad
To: Microsoft ATR
Date: 12/14/01 1:31pm
Subject: Microsoft Settlement
The settlement currently proposed by Microsoft does little to penalize them and potentially does a lot of harm by allowing them to extend their monopoly into education.
Brad Brooks
West Hills, Ca

MTC–00004481

From: Kevin Gryczan
To: Microsoft ATR
Date: 12/14/01 1:36pm
Subject: Public comment on MS v. DOJ Antitrust case
I have been a user of Microsoft products since MS–DOS 6.2 I know Microsoft has published quality software and should be allowed to continue doing so. What I disagree on is the marketing tactics that Microsoft has used to expand its business at the expense of third-party competition keeping a level playing field, particularly in the area of office applications and suites. I feel that an appropriate punishment for Microsoft for its violation of anttrust law is the following:
1: The proposed donation of computer equipment and software to poor school districts should be computer equipment purchased by Microsoft, with no software installed, and software being made available through grant money provided by Microsoft for the school districts to spend on software as they wish. School districts can then decide, with the help of IT professionals such as myself and others, which software packages and operating systems they can purchase and utilized on these donated computers.
2: Any Microsoft proprietary document file formats should be made open, and developers should be allowed to have unrestricted access to software development kits to develop programs that can read from, write to, and modify these documents. With this clause as part of a final judgment, better quality software products, such as a version of Microsoft Outlook that contains very few security holes which can be exploited through the spread of e-mail ''worm'' viruses can be developed.
3: Any standards and protocols that Microsoft has establshed while it was operating as a monopoly must be made open, with unrestricted access to developer kits and documentation for software and hardware developers wishing to utilize these standards and protocols. Again, this will level the playing field, with better quality products being developed by many manufacturers and developers.
The real issue at hand here is how fair is it to the consumer to allow Microsoft to continue operating under their current business practices.
Kevin Gryczan
Software Technician
InfoRad, Inc.
kevin.gryczan@inforad.com

MTC–00004482

From: Sean
To: Microsoft ATR
Date: 12/14/01 1:36pm
Subject: Bad settlement Idea
Hello,
Having spent much of my career as an Information Systems professional dealing with Microsoft and it products, I have to add my voice to the multitudes that think your proposed settlement is a bad idea. I have seen many good products go out of existence because of their inability to maintain their user base after Microsoft has decided to compete. The worst part of it is this; the competing Microsoft product is not as good, is more expensive, and generally doesn't play well with the other applications. It is impossible to get rid of, as it is ''part of the operating system'' or ''is required to work with the Microsoft Server software'' or some other tie in. Please do not take the offer settlement, it is to my detriment, and the detriment of all of those who make a living in the internet community.
Thank you,
Sean Flynn
Partner
STModdell.com Security Consulting

MTC–00004483

From: David Freeman
To: Microsoft ATR
Date: 12/14/01 1:42pm
Subject: Microsoft Anti-trust settlement.
To whom it may concern. I want to know why a corporation that has been found to be engaging in an illegal monopoly is now going to be given the opportunity to legally continue said monopoly. If I were convicted of a crime, would I be given the settlement that allows me to legally commit the same crime over and over again? I think not. Microsoft is the great stifler of innovation. Look at Java. Java is an awesome programming language whose greatest attribute is platform-independence (that means the same code can run on Macintosh, Unix, or Windows without being re-written), yet Microsoft goes MILES out of its way to ensure that Java is not implemented properly in there operating system. It sickens me to no end. Please, do the right thing and deny the settlement that Microsoft has been pushing for.
Regards,
David Freeman
14500 Cottingham Dr.
Austin, TX 78725
dfreeman@austin.rr.com

MTC–00004484

From: Dan Moore
To: Microsoft ATR
Date: 12/14/01 1:50pm
Subject: Why microsoft software should not be in public schools.
To whom it may concern,
I am a computer programmer who has worked as a system administrator and a technical support provider for unix, windows, and macintosh machines. I'm currently working on an electrical engineering degree from the University of Utah. I've been very concerned about the Microsoft Settlement currently proposed by the Department of Justice. The Microsoft Windows Operating System is uniquely unsuited to the public education sector. I believe this to be true for a number of reasons:
1) There are several very good Operating Systems available free of cost (all of the distributions of both Linux and BSD can be obtained for free, the GNU Hurd will soon be freely available). My wife teaches seventh grade english and I believe it's evident that there are many ways in which the funds allocated for public education could be better spent than on complicated and cripplingly expensive licenses.
2) Microsoft software makes an effort to hide from the user many of the fundamental processes that a computer routinely performs in day to day operation. The objective of hiding these preocesses is to make a computer easier to use and probably accounts, in large part, for Microsoft's success in the market, but does not seem suited to educating young people about how computers work. If a person can use a unix clone operating system (such as Linux, BSD, or Hurd) that person can easily adapt to Microsoft software and is often more competent than life long Microsoft users. As the goal is education it seems apparent that unix clones are the better alternative.
3) Most operating systems in use today (including the MS Dos Operating system upon which the windows operating systems are based) are based on Unix. This makes it a very easy jump from Unix to any other Operating System.
4) The freely available software is most often willing to furnishthe source code for the Operating Systems and all applications. The educational value of this for Computer Programming students cannot be overstated. For students to be able to examine the source code of professionals will help produce a generation of skilled, creative programmers with very professional coding styles.
5) Microsoft is a for-profit corporation. Adam Smith warned of the dangers of Government Sponsored Monopolies. To place Microsoft Software in schools is a government endorsement of their product. This could certainly viewed as a sanction. There are many distributions of opereating systems furnished entirely by not-for-profit volunteer organizations. (Look at www.debian.org and www.gnu.org for starters). The use of these non-corporate operating systems would help to protect capitalist ideals of a free market and of no government endorsements of corporations.
Taking into account the considerations that makes Microsoft software unsuitable for public education, I feel strongly that the anti-

trust settlement ought to be altered such that Microsoft makes their contribution to public education entirely in computer hardware, and that software better suited to public education be selected by schools to be put on those machines.

Dan

MTC–00004485

From: Michael Haisley
To: Microsoft ATR
Date: 12/14/01 1:50pm
Subject: Public comment

As someone familiar with computing and the computer industry, and the adverse effects of Microsoft's monopolies in these areas, I cannot see how the settlement that is proposed even pretends to remedy the antitrust violations for which Microsoft has been found culpable. The company has, already been found in violation, and this is the penalty phase of the case, but the settlement contains no penalties and actually advances Microsoft's operating system monopoly. A just penalty, I continue, would at barest minimum include three additional features: *Any remedy seeking to prevent an extension of Microsoft's monopoly must place Microsoft products as extra-cost options in the purchase of new computers, so that the user who does not wish to purchase them is not forced to do so. This means that for the price differential between a new computer with Microsoft software and one without, a computer seller must offer the software without the computer (which would prevent computer makers from saying that the difference in price is only a few dollars). Only then could competition come to exist in a meaningful way.

*The specifications of Microsoft's present and future document file formats must be made public, so that documents created in Microsoft applications may be read by programs from other makers, on Microsoft's or other operating systems. This is in addition to opening the Windows application program interface (API, the set of ''hooks'' that allow other parties to write applications for Windows operating systems), which is already part of the proposed settlement.

*Any Microsoft networking protocols must be published in full and approved by an independent network protocol body. This would prevent Microsoft from seizing de facto control of the Internet. If the national interest is at issue, as I believe it is and as the judge has suggested it is, it is crucial that Microsoft's operating system monopoly not be extended, and in this I quote the study released a year ago by the highly respected Center for Strategic and International Studies, which pointed out that the use of Microsoft software actually poses a national security risk. In closing, I say that all are surely in agreement that the resolution of this case is of great importance, not just now but for many years to come. This suggests a careful and deliberate penalty is far more important to the health of the nation than is a hasty one.

Michael A. Haisley Jr.

Chief Executive Officer, Phenotek Corp.

MTC–00004486

From: Brian McHugh
To: Microsoft ATR
Date: 12/14/01 1:59pm
Subject: Please accept settlement

December 14, 2001
Renata Hesse
Trial Attorney
Antitrust Division, Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Subject:Microsoft Settlement
VIA EMAIL

Dear Attorney Hesse:

I am aware that the Department of Justice is accepting public comment on the Microsoft settlement and write to support the proposal. Our country is in a recession. President Bush and Republican leaders in Washington are working to pass legislation that would stimulate the economy. People are out of work, businesses are cutting costs and laying off workers and families are tightening their budgets.

The absolute last thing we need right now is for the federal government to continue to spend taxpayer dollars in pursuit of this private company. Microsoft employees thousands of people and makes a major contribution to our economic vitality. The federal government should follow the lead of taxpayers and families and limit its spending. This will not only help the economy, it will allow Microsoft to prosper and continue to have a positive impact in our country.

Thank you for your commitment to public service.

Sincerely,
Brian McHugh
McHugh Funeral Home
283 Hanover Street
Manchester, NH 03104

MTC–00004487

From: Victoria Welch
To: Microsoft ATR
Date: 12/14/01 2:01pm
Subject: Comments on microsoft anti-trust case.

Dear Sir or Madam,

My comments for the Microsoft Anti-Trust Case. Microsoft has been determined guilty of violating anti-trust laws and the penalty phase just seems to miss the mark, I am hearing comments on the street that the U.S. Government is now a wholly owned subsidiary of Microsoft. I will admit that I find the ''penalties'' somewhat perplexing in that they certainly seem to miss the mark rather completely.

I personally think that is probably a little radical, but then I see demo copies of Microsoft's XP operating system on all the workbenches of my local post offices and I do wonder what is going on here. I do not see any other vendors product demos available there. This seems to indicate implicit approval of Microsoft products and no other by a government entity?

The following are the flaws that I see in the ''penalties'' that essentially seem to leave Microsoft better off than they were before the trial.

I do not see that Microsoft is penalized in any way in that there is no separation of integrated software that harms and stifles competition to the microsoft operating system. Further I see no provisions for computer manufacturers to be able to offer other and more viable operating systems in a fair and price competitive atmosphere—essentially nothing has changed.

I do not see that the proprietary protocols for the operating system, networking and other elements are to be made public in order that others may have equal opportunity to develop applications in a spirit of healthy competition and to encourage innovation. Microsoft appears to be allowed to maintain the closed, proprietary and monopolistic systems that started this process. Again it appears that nothing has changed and it will be business as usual for Microsoft.

In Washington State, Microsoft continues with its obnoxious and heavy handed practices only now in a new area. Their handling of their Internet Service Provider (ISP) business seems to be following the same basic marketing strategy that they used with their operating systems. This has even been noted in the Seattle Times Newspaper in a city where normally Microsoft can do no wrong:

Again, it appears to be business as usual for Microsoft. Thus I am perplexed at the current ''penalties'' being ''imposed'' on Microsoft. They seem to be more of an encouragement for Microsoft to continue in the same ways it has been and those are the very same ones that brought this issue to the DOJ in the first place. If these are implemented as currently stated then fair business practices, innovation and competition are DEAD in the computer field.

I do use Microsoft products, a very few are reasonably decent but I am forced to use others because the only option I have for them is other Microsoft products. Because of this my time is considerably less efficiently used in repairing and working to keep the systems going rather than accomplishing work that I need to do. If one does not expect much from the computers running Microsoft products then they are not the absolute worst products on the planet. If you expect much from them and/or use them heavily then you are going to rather constantly going to have them fail to the loss of time, effort and money. On days when I am working hard it is common to have to reboot my machine to recover my working ability at least several times. As time goes on from the initial (or subsequent complete re-install of the operating system) the situation grows steadily worse. The overall cost of running Microsoft products is incredibly high and far higher than it ever should be were Microsoft concerned with more than creating a market for the next version of its products. Bluntly quality is not job one.

In order that Microsoft be brought into line and with any hope of curbing their horrid business practices, it will take REAL penalties and serious oversight. With the obscene amounts of money that Microsoft has managed to accumulate through its less than fair business practices (to be kind) there is some doubt as to whether that can actually be accomplished. It has become quite obvious to anyone working in the field that there is no honor or integrity in Microsoft, only the search for more money in complete disregard for the good of the industry, the users and at this point in time it becomes

rather blatantly obvious that national security is at risk due to the poor quality and serious lack of attention to security that is epidemic in their products. That alternatives are few is a direct result of the issues that DOJ is supposed to be addressing in this matter.

I've been told that I am wasting my time here in that Microsoft can pay people to submit positive comments for this business enhancing solution that has been proposed as a ''punishment''. They have done the same things in the past, that is pretty much common knowledge. I can only hope that DOJ will prove wise, not be bought out by Microsoft and free the industry for the good of the consumer and the country. Thank you for your time and effort in this matter.

Sincerely,
Christine V. Welch
4337 8th Avenue NE, Apartment #C–107
Seattle, Washington 98105
(206) 634–0984
vikki@oz.net
Victoria Welch, WV9K, DoD#–13, SysAdmin SeaStar.org, vikki.oz.net

''Walking on water and developing software to specification are easy as long as both are frozen''—Edward V. Berard.

Do not unto others, that which you would not have others do unto you.

''Micro$oft Windows. I'll bet you can't install it just once!''

MTC–00004488

From: Richard Hecker
To: Microsoft ATR
Date: 12/14/01 2:05pm
Subject: Settlement comments
Richard A. Hecker—Senior Software Engineer
42906 47th Street West
Quartz Hill, California 93536
Renata Hesse—Trial Attorney
Suite 1200, Antitrust Division, Dept. of Justice
601 D Street NW,
Washington, DC 20530
Dear Renata;

I thank you for this opportunity to express my concerns about the proposed settlement. This case has been difficult from the start and I have followed the progress of it diligently. As a Senior Software Engineer, my understanding of the claims has motivated me to give serious consideration to the proposed settlement. I hope the invitation to use this email account was sincere and that my views will be given equal weight as the comments that are submitted via other means.

Perhaps my biggest concern involves the attitude Microsoft displayed throughout the process. The litigation phase is over and the facts are clearly established. As a monopolist, Microsoft must follow the law. It will encourage them to break the law if you minimize the penalty. Their view of the law was expressed by some of the evidence they tried to submit and I was shocked from a professional standpoint.

I am also concerned that this settlement does little to eliminate the gain Microsoft accrued from killing their competition. If Microsoft keeps the gains from their previous illegal action, how can we expect the new competition to fair against them? I would like to see a settlement that provides assurances for such fair competition.

I see this settlement as having national significance in my own specific way. Microsoft is a large company with many shareholders and they contribute a significant amount to our economy. I see them as collecting monopoly benefits from the desktop section of this computer revolution. I expect that this desktop section will continue to drive productivity gains. Healthy competition based upon open standards is important. Full disclosure of all file specifications and application programming interfaces should be a minimum requirement. I would also like to see complete documentation of their network protocols as they expand their .NET services. Basically, I want to eliminate any aces they might try to conceal up their sleeve. In summary, the proposed settlement does not suffice. I know it will require more effort but the health of our desktop industry warrants it.

Richard

MTC–00004489

From: Mike Smith
To: Microsoft ATR
Date: 12/14/01 2:03pm
Subject: Public comments: Penalty phase of Microsoft Case

Honorable Judge Kollar-Kotelly:

Having heard and read stories about the proposed settlement and what it contains (or lacks) I am pressed into sharing my comments and ask that you give them your consideration. I think they are directed to the heart of the matter.

From my perspective, Microsoft has been found guilty of hoarding thus the penalty, to be just, must require them to share.

All of the proposed settlement points do not address this issue so I ask that you include the following remedy.

The specifications of Microsoft's current and future file formats must be made public, so that files created by Microsoft applications can be read by programs from other makers, on any operating systems.

Sincerely Yours,
Michael Lee Smith
3355 Claire Ln #903
Jacksonville, FL 32223–6661

MTC–00004490

From: mike stephen
To: microsoft.atr(a)usdoj.gov
Date: 12/14/01 2:09pm
Subject: Microsoft settlement
Renata Hesse, Trial Attorney,
Suite 1200, Antitrust Division,
Department of Justice,
601 D Street NW,
Washington, DC 20530;

Please I beg of you..... If you let Microsoft get away like the current proposal suggests, We (the computer professionals) may never be able to dig ourselves out from the pit Microsoft has cast us all into.

Microsoft products by virtue of being a monopoly, have been designed without concern for security or reliability. I can prove that the design of Microsoft products leads to the spread of countless virii in the computer industry. They (Microsoft products) are the perfect products to use to send damaging virus from many groups like the terrorists from Afghanistan, Israel, Palestine, Egypt.... And do not imagine that these places have not already done damage.

And it is not only because Microsoft products are in such wide use, but the real problem is that the products have been very poorly designed. It seems Microsoft has enough money to do the job right, so the remaining reasons why the products are so poorly written is that there is currently no need to be ''Best of breed''. when you are the only option.

It will not be long till they (the terrorists) discover that they can inflict hundreds of billions of dollars in damage. All this because Microsoft has a virtual monopoly, and instead of actually writing well designed programs, they spend all the energy they have to simply maintain that monopoly.

Often I give speeches to information technology groups that state.... ''Without Microsoft in the industry, we would be at least 10 years ahead of where we are today''. But because of the constrictive designs and monopolizing practises of Microsoft, no possible competitive products have been able to get a start.

As just one example: IBM wrote a fine operating system called OS/2 in 1992. Only today some 9 years later is Windows XP beginning to catch up to the technical capability of OS/2. In fact it still has a long way to go to catch up to OS/2 in security and reliability. What happened? IBM could not get any hardware vendors to carry the software because Microsoft had tied up all manufacturers of computers to include with each and every computer, a copy of Windows. This in spite of the fact that many wanted to use OS/2 instead of Windows. What happened to anyone who decided to use OS/2 was they also paid and received a copy of Windows that they did not desire.

The only way to get the marketplace back in order is to separate the computer hardware from the operating system. When you go to a store to buy a computer, you should be able to buy any computer available without having to also purchase an operating system. That choice should be made at the time of purchase rather than included in the cost of the computer.

Please suggest that all operating systems should be available as separate products. The purchase of a computer should not also be the purchase of products from Microsoft.

It is much akin to buying a car, and with that car purchase, it also comes with a coupon for gasoline from the Microsoft gasoline company. We agree that the car uses gasoline, and we all buy gasoline, but what if we prefer to buy gasoline from Shell rather than prepay for gasoline from the Microsoft gasoline company? Should we not have the option of not prepaying for fuel from the Microsoft gas company?

Please at least bring this option up. It solves all the problems inflicted upon us by Microsoft and some of their abuses of the Sherman act. It also requires little supervision, and levels the playing field for others to play.

I suggest this (above) in addition to any penalty that might be given Microsoft

because of the illegal activities regarding the Sherman act. It's just that without the above mentioned separation of operating system from the hardware, we will not see any competition in the operating system industry. And when I imagine where we (the users of computers) could be were it not for Microsoft, I am almost brought to tears over the condition Microsoft has left the computer industry in.

We are a multi Trillion dollar industry, and to be controlled by illegal means, by one company that has already shown distain for the law and ethical business practises, means unless someone like you makes a move to change it, you will be remembered as part of the problem rather than as part of the solution.

Mike Stephen
Computer consultant
MCSE, IBM BesTeam, CNE.

MTC–00004491

From: Kenny, Eric
To: Microsoft ATR
Date: 12/14/01 2:14pm
Subject: Settlement

I am a software developer living in Cincinnati, Oh (who works with Microsoft products), and I would like to register my total dissatisfaction with the DOJ's settlement with Microsoft. It amounts to nothing more than a slap on the wrist, and does almost nothing to rectify the situation. Consumers will be in no better situation that they were before this case.

Sincerely,
Eric Kenny

MTC–00004492

From: Andy Freed
To: Microsoft ATR
Date: 12/14/01 2:16pm
Subject: Microsoft Comments
To: Renata Hesse
Trial Attorney
Suite 1200,
Antitrust Division
Department of Justice
601 D Street NW
Washington, DC 20530
microsoft.atr@usdoj.gov

The proposed Microsoft Settlement is a sham. We should expect this from them by now, but we shouldn't accept it. If Microsoft is allowed to choose the terms of their own punishment, they will choose to advance their own software. The current wording of the settlement is very different from the original ruling by Judge Michael Penfield, and lacks any true punishment for maintaining a monopoly.

There are plenty of arguments for breaking the company up. This is what was originally ordered by Judge Penfield, but was overturned in later rulings. This would be the best solution and punishment for Microsoft. As a Mac User, I avoid their operating system whenever I can. However, their Office software suite is excellent on the Macintosh platform, and only continues to get better. This software was created by a separate group, one that operates outside the realm of Microsoft and its operating systems. This shows that Microsoft doesn't require co-development of its software and operating system. However, by tying the two, they can successfully prevent the use of their software on other platforms.

The current settlement, as proposed by Microsoft, should be thrown away. I think a situation that truly punishes the corporation for violating anti-trust laws, which they have been convicted of, is needed. This could range from splitting the company into separate entities, or forcing Microsoft to share their source with developers, so other companies can have equal access to information that is pertinent to developing good software.

Microsoft has not been reprimanded for their monopolistic behavior, which they have not changed as of yet. They have also used their powers as a monopoly to extend other software, services, and protocols which will continue to advance their position as a monopoly. This case affects everyone who uses computers, in some way or another. The correct response to this case has nothing to do with the settlement that Microsoft has proposed. It should be thrown away, and a new settlement, something closer to Judge Penfield's ruling should be used.

Thank you for this opportunity to comment.

Andy Freed
1415 SW Custer Dr. #A6
Portland, OR 97219
503–246–4836

MTC–00004493

From: Rock.Roskam@wachovia.com@inetgw
To: Microsoft ATR
Date: 12/14/01 2:22pm
Subject: comment on the settlement

Microsoft has, I remind the judge, already been found in violation, and this is the penalty phase of the case, but the settlement contains no penalties and actually advances Microsoft's operating system monopoly. As a consumer I have repeatedly forced to pay extra and recieve inferior customer service because there is no recourse. A just penalty, I continue, would at barest minimum include three additional features:

Any remedy seeking to prevent an extension of Microsoft's monopoly must place Microsoft products as extra-cost options in the purchase of new computers, so that the user who does not wish to purchase them is not forced to do so. This means that for the price differential between a new computer with Microsoft software and one without, a computer seller must offer the software without the computer (which would prevent computer makers from saying that the difference in price is only a few dollars). Only then could competition come to exist in a meaningful way.

The specifications of Microsoft's present and future document file formats must be made public, so that documents created in Microsoft applications may be read by programs from other makers, on Microsoft's or other operating systems. This is in addition to opening the Windows application program interface (API, the set of ''hooks'' that allow other parties to write applications for Windows operating systems), which is already part of the proposed settlement.

Any Microsoft networking protocols must be published in full and approved by an independent network protocol body. This would prevent Microsoft from seizing de facto control of the Internet.

Sincerely,
Rock Roskam
P.O. Box 14466
RTP, NC 27709

MTC–00004494

From: Jed Haile
To: Microsoft ATR
Date: 12/14/01 2:23pm
Subject: Objection to Microsoft Settlement

Dear Department of Justice Official and Judge Kollar-Kotelly,

I have spent a large amount of time studying the proposed settlement for the Microsoft antitrust trial and I must express my extreme displeasure with the settlement.

Both the initial trial verdict and the appeals verdict upheld the fact that Microsoft is a monopoly that has illegally used it's monopoly power to deny other companies a chance to compete, and to control the flow of technology. Microsoft official were evasive and borderline to committing perjury in their testimony during the antitrust trial. Microsoft willfully disregarded the terms of their 1995 consent decree. What reason does any of us have to believe that Microsoft will honor the letter or the spirit of the proposed settlement? There are no strong enforcement clauses in the settlement, and there are enough exemptions and loopholes to make it entirely unclear what the settlement even restricts or enforces.

When the 18 states and the Department of Justice began this antitrust action against Microsoft the goal was to establish that Microsoft had illegally exercised monopoly power and to obtain punishment for that crime and to insure that Microsoft would no longer be able to commit further crimes of this nature. The proposed settlement does none of these things. Nowhere is there any punishment for Microsoft's breach of law, and the settlement contains enough exemptions and exclusions to leave Microsoft a broad lattitude to operate how it pleases. The settlement effectively makes it legal for Microsoft to continue their illegal practices.

The settlement is hopelessly biased in Microsoft's favor and I believe that Microsoft's past behavior warrants extreme reason to believe that Microsoft has no intention of honoring this settlement. Microsoft has never acknowledged their guilt, Microsoft has never accepted responsibility for their crimes, and Microsoft will certainly never agree to sign a settlement that limits their ability to continue to operate as they accustomed. The only option is to have punishment and corrective measures IMPOSED on Microsoft. I would ask that the court consider the new settlement terms being proposed by the states that have not yet agreed to the settlement. The simple fact that not all the states are satisfied with the settlement should be ample warning that there are serious reasons to object to this proposed settlement. I urge the Department of Justice, the State Attorney Generals, and the Judge officiating over this trial to reject this proposed settlement. A great amount of time, money and effort have gone into establishing that Microsoft did indeed violate

the law, and this settlement does nothing to justify that great effort.

With all respect,
Jed Haile
290 E 13th St
Idaho Falls, Id. 83404
Phone:
(208) 522–4518

MTC–00004495

From: Tony Kocurko
To: Microsoft ATR
Date: 12/14/01 2:08pm
Subject: Proposed Settlement of Microsoft Antitrust Case
14 December 2001
Renata Hesse, Trail Attorney
Suite 1200
Antitrust Division
Department of Justice
601 D Street NW
Washington, DC
U.S.A. 20530
Anthony J. Kocurko
23 Burling Crescent
St. John's, Newfoundland
Canada A1E 5H3
Office Phone: 709–737–8898
Office FAX : 709–737–2589
E-mail: akocurko@mun.ca

Dear Ms. Hesse:

As a U.S. citizen living in Newfoundland and employed as a systems manager in a research department of a university, I have a keen interest in the Microsoft antitrust case. To be succinct, I believe that the complete details of the formats, including syntax and lexical interpretation, of both the data files and the network communications protocols of Microsoft products should be made public. That is the short of it.

Here is the long of it, although not very long. It is not uncommon for me to be asked by researchers, who do not happen to be using Microsoft operating systems, to help in deciphering e-mail attachments sent to them from colleagues or institutions using Microsoft products. (In fact, amazingly, there have been instances of researchers, who do use Microsoft operating systems, receiving e-mail text attachments and being unable to read them because they do not have the same Microsoft program that produced them.) Most often, we end up asking the sender to recreate the attachment in an open format, such as Rich Text Format, for example, for which there are available readers for non-Microsoft computer systems. On the networking side, if it were not for the existence of the Samba software (http://www.samba.org), we would have a very hard time sharing our research data among our Microsoft and non-Microsoft systems. My fear, as a systems manager of a heterogeneous facility, is that Microsoft will use the proposed terms of the settlement to make it impossible for third parties to produce open source software that will allow the fluent interchange of data between Microsoft and non-Microsoft products.

In thinking about this issue, I usually return to several situations to which almost anyone could relate. At the moment, I can pick up my phone and talk to a person anywhere in the world, regardless of the manufacturers of the phones and regardless of any fancy extensions that either phone may have. Similarly,I will be able to FAX this note to you without wondering whether the company that made your facsimile machine has so arranged things that only a FAX machine by the same company can send to yours. Again, I can make a recording on my VHS VCR and not have to concern myself with the VHS system on which it is re-played. Now, one may argue that no company would be so foolish as to create a phone that only phones of the same manufacturer can call, but, if that phone manufacturer controlled 90% of the phone market, it could well be tempted to do just such a thing.

It is my opinion that what goes on within the strict confines of a computer is up to that computer's operating system, but when the produce of that software leaves the computer, either as e-mail or a data file or a network transmission, then it has entered the public airways, so to speak, and its format should be readable by anyone on that airway. To put it in an almost ridiculously simple form, it is one thing to write a program that adds two numbers, but it is quite another to write such a program with an interface that requires that the two numbers be supplied to the program in some secret, proprietary language.

Sincerely Yours,
Anthony J. Kocurko

P.S. Please note that a FAX version of this note is being sent to one of 202–616–9937 and 202–307–1545.

MTC–00004496

From: tigre@roo.ybos.net@inetgw
To: Microsoft ATR
Date: 12/14/01 2:40pm
Subject: Regarding the Microsoft settlement proposal

My name is Titiimaea Ala'ilima and I am a computer professional in Cambridge, MA. I have read of the proposal for a settlement and I must say I feel very strongly that this is an entirely unsatisfactory remedy to the antitrust violations of Microsoft. It entirely sidesteps the issues at hand of abuse of monopoly power, giving no restitution to those who have actually been harmed by their anti-competitive practices. It is a work of pure public relations. Their so-called penalty involves giving away a certain dollar value of software, with the valuation of that software self-determined as a result of their monopolistic manipulation of the market. And it only serves to entrench their monopoly even further by training more children on their proprietary software. There is scarecely any sense of the word in which I would consider this a penalty, much less a reasonable remedy proportional to Microsoft's culpability.

Why not take the proposal offered by Red Hat, a distributor of the popular Linux operating system? If Microsoft wants to channel their punishment towards the benefit of needy children, why not do it in a cost-effective manner. They could provide hardware, the prices of which they have not themselves artificially inflated, and a more cost-effective operating system could be provided for these machines from another source, Red Hat themselves, for example, who have offered to provide the operating system software completely free of charge. This would impose a real, measurable financial cost to Microsoft, and a real benefit to society, without furthering the monopoly that Microsoft is in trouble for abusing.

It may seem like expediency would serve the interests of all involved, but I think this nation and its economy will suffer if we let Microsoft continue to dictate its own terms. The government will have wasted all of its time and money in prosecuting this case successfully if this settlement is accepted. This decision demands careful deliberation. The public may be tired of seeing this case in the news, but we must not let that dictate the merits of pursuing it further. The future of computing is at stake.

Sincerely,
Titiimaea Ala'ilima
180 Third Street
Cambridge, MA 02141

MTC–00004497

From: John Walker
To: Microsoft ATR
Date: 12/14/01 2:43pm
Subject: Giving away intellectual property

Some of the states have suggested that Microsoft be forced to share its source code for Office and Internet Explorer, among other remedies, in punishment for its recent ''conviction'' for anti-trust violations. My opinion: BAD!!

Microsoft should NOT be forced to disclose the ''secret formula'' which it has spent BILLIONS of dollars and MILLIONS of man-years to develop. The purpose of any remedies should NOT be to ''punish'' Microsoft for the alleged offenses (I still don't believe their conviction is valid, but. . .) but to set guidelines to control any future ''abuses''.

The ''reveal your source code'' solution is the equivalent of disemboweling someone for running a red light: effective (in that the person is unlikely to run any more red lights) but excessive (obviously).

MTC–00004498

From: Adolf von W(00FC)rttemberg
To: Microsoft ATR
Date: 12/14/01 2:47pm
Subject: Microsoft case

Microsoft is a creative company. Leave these guys alone.

Adolf V. Shastri von Worttemberg, Ph.D, MCP
Computer Lab Manager/Sanskrit Professor
Emory University, Atlanta, GA
Office Ph.: 404–727–7619
Cell Phone: 404–314–3056
Home: 770–963–2699

People often find it easier to be a result of the past than a cause of the future.
Idam satyam: . denn so redet m i r die Gerechtigkeit: die Menschen sind nicht gleich. Und sie sollen es auch nicht werden.

MTC–00004499

From: Tony Kocurko
To: Microsoft ATR
Date: 12/14/01 2:18pm
Subject: A Thousand Pardons, Ms. Hesse!

Dear Ms. Hesse:

After FAXing a copy of my previous e-mail regarding the proposed settlement in the Microsoft antitrust case, I discovered that my

(non-Microsoft) spell checker happily let me give you the title ''Trail Attorney''. Of course, if you're originally from Wyoming, this may well be the case. However, since we don't know each other, I beg your pardon.

Regards,

Tony Kocurko

Seismological Systems Manager (Phone: 709–737–8898 or –8142)

Department of Earth Sciences

Memorial University of Newfoundland

St. John's, Newfoundland, Canada A1B 3X5

MTC–00004500

From: David L. Craig
To: Microsoft ATR
Date: 12/14/01 3:01pm
Subject: Microsoft Settlement

I understand from Robert Cringley's article, ''He's Not in It for the Profit—Steve Satchell for Microsoft Anti-Trust Compliance Committee!'' (http://www.pbs.org/cringely/pulpit/pulpit20011206.html), _this_ email address/Subject combination is the online place to register my comments on the proposed settlement of the Microsoft anti-trust case. If this is not so, please let me know.

I have been very troubled by the turn in this case since Judge Jackson's ruling was overturned. I do not believe the best interests of the public, indeed, the entire planet, are being served any longer. Microsoft was proven to be guilty of very serious anticompetive behavior, yet the government appears to have backed off any serious response to that guilt. I regret the actions of Judge Jackson that have muddied the waters of the appropriate response—break up the monopoly! I see no other guarantee that will restore proper market forces and the ultimate good of competition fostering better products enhancing the quality of life. As long as Microsoft remains unchanged in its determination to use every possible means of abusing its monopoly position for its own gain at the expense of everybody else, and this seems to be the case still and into the foreseeable future, then it is the duty of the government to intervene and mete out the proper remediation. To not do so dooms us all to more abuses and their costs.

Judge Jackson had the right idea. Please deliver us from the monster in Redmond.

May the LORD God bless you abundantly!

Dave Craig

MTC–00004501

From: Roger Ayers
To: Microsoft ATR
Date: 12/14/01 3:04pm
Subject: microsoft settlement

I am an interested technology consumer and citizen of Washington State. I have followed this case from Day 1, including the original consent degree and the history leading up to the original District Court Filings. I have read, as suggested, the documents related to the proposed settlement, as well as all current District Court Filings and Appeal Court Filings. I find the proposed settlement preposterous and insulting to previous DOJ antitrust administrations, the informed public, and myself. It fails all forms of reasonableness in light of the District Court Finding of Facts and the Conclusions of Law, and the unanimous Appeals Court Ruling. It also ignores the basic evidence established throughout the history of the case, including Microsoft's current willingness to continue past transgressions into new areas as they attempt to extend their monopoly into new markets. I propose that the Court throw out the proposed settlement and instill the two simple remedies as best explained by the author of the attached article. Please allow me to include my suggestion of proper remedies as contained in the attached article. If this is not acceptable, please reply so I may remove the link and author my remedy within my text.

Thank you.

MTC–00004502

From: Pete Parks
To: Microsoft ATR
Date: 12/14/01 3:06pm
Subject: Voodoo Economics

To whom it my concern:

If Coke was given the same opportunity as Microsoft is being given. Non-Coke drinkers would have limited choice, which means the consumer suffers. It's sad to see that justice makes the victims suffer to the same crimes that monopolist tries to create in the first place which is ''limited choice''.

While getting my college degree my economics professors each stated the best economy is the economy where the consumer has multiple sources from which to make a choice. In addition the freedom to make the choice is what America is suppose to be about.

Please side on the consumers side by making Microsoft payout money to the schools so they can decide what's the best choice for them (note it might not even be a computer). Otherwise, it just like the joke the average American is hearing right now ''first hit is free kid!'' states the school drug dealer. Once the first hit has taken effect these school become an annuity based cash cow for Microsoft.

Pete Parks

MTC–00004503

From: Logan
To: Microsoft ATR
Date: 12/14/01 3:29pm
Subject: Anti-Trust

To Whom It May Concern,

Years spanned into decades as I formulated my own personal view of morality in this world. Years of experience and learning have come together to form the three basic principles by which I live. These principles may be best described as ''truisms'' because of their base nature, yet they remain effective in day to day use. They are:

''If it ain't yours, don't touch it''

''Lead by example and others will follow''

''That which does not kill us, makes us stronger'' (her Friedrich Nietzsche)

In respect to the anti-trust case against Microsoft all of these truisms can be applied, and in all cases to less than satisfactory implications. First, a word about my true interest in this case.

Nearly seven years ago I had my first experiences with the internet. One of those experiences was with a burgeoning new technology known as Java. I downloaded an application that allowed one to create Java Applets for implementation on the web. This software was known as ''Liquid Motion Pro.'' I was thrilled with the product as it allowed me as a creative designer to make things happen that were never before available to a ''non-programmer.'' Three weeks after this initial download, a message was posted on the manufacturers site stating that they had been purchased by Microsoft and that further development would be implemented by that company. A new web address was given to view the progress of the product. Two weeks after that, the product was discontinued and trash-canned by Microsoft.

Since that time I have watched as dozens of innovative applications simply go away due to the influence of this all-devouring monster known as Microsoft. They have trashed, beaten on and devoured more innovation and and innovative spirits than anything I've seen in my lifetime.

This breaches the first of my base tennets of living. If it ain't yours, don't touch it. Microsoft seems to understand this ideal, but from a strange sense of perspective. If they can't touch it, they find a way to make it their own, then they break it. If they can't break it, they make it so no one else can touch it. Example: Bungie Software at one time was the only major manufacturer of games for the Macintosh platform. They were to have released a ground breaking game called ''Halo'' for simultaneous release on Mac and WinTel. After having been purchased by Microsoft, they are only writing software for the proprietary Microsoft gaming system known as Xbox.

Lead by example and others will follow is supposed to be an inspirational slogan designed to motivate people to ''do the right thing.'' Lead by example for Microsoft has led to the capture of the major share of processor market by Intel. A company which produces inferior products for the non-professional market(check the benchmark tests of Pentium-IV vs the DEC Alpha EV67 or the Athlon XP). A company which has forced everyone to conform to their standard of chip architechture. Not surprising is this company's close working relationship with Microsoft. (A secondary truism that may be used effectively here is ''birds of a feather...'')

That which does not kill us. Well, this only applies if we do not die in the trial. Many companies who have fought against this Goliath have died. Many more will continue to die by their hand. Some who see their comrades fall by their side decide simply not to fight. How many of these corpses on the field of battle does there need to be in order to see this company for what it is?

I am not a legal expert. I am a layman. And as a layman I have to gather information and make decisions to the best of my ability based on a few simple principles. I used to have faith in this country. I served in it's armed forces. Now I see the winds of change beginning to blow.

As I see it, in my own small way, the anti-trust laws were established to promote fairness in business practices—to create an environment of competition—in a free and open market. They were also designed to

increase the technological innovations available to the public, thereby increasing the standard and quality of living for every citizen (not to mention the advancement of military capabilities).

What seems to be advancing is the idea that money makes might and might makes right. Through legal wrangling about the comments that a judge made about their company during the trial they wiggle their way into a legal impass. Their defense was not ''We're not guilty'' their defense was ''You didn't follow proceedure.'' After a costly stalemate the monopolists simply turn around and say ''we'll give you some money so you can fight your war and you make this all go away''

What appears to be huge amounts of money are about to be sloshed in the direction of the government. That is what the settlement is about. This is not about what is right or wrong, but about the size of the payoff. If it was about right or wrong, this case would have been taken to the Supreme Court and Microsoft would have been confirmed as guilty. I begin to realize that soon I will be at my desk forced to stare at the incredibly inane flag of the conqueror as I start up my computer for the third time that day and repeat the mantra to myself ''Resistance is futile, you will be assimilated'', then wonder if I'll have enough money to pay to vote for president on the next election day.

Thank You,
Logan
Creative Director,
USinns.com

MTC–00004504

From: George McCullen
To: Microsoft ATR
Date: 12/14/01 3:11pm
Subject: COMMENT ON MICROSOFT AND DOJ SETTLEMENT

As part of the public comment on the Microsoft settlement, I would like you to know that I believe your settlement with Microsoft is fair and just. While we waste our time with Microsoft, we are not paying attention to other companies that are anti-competitive. For example, the cable TV industry. I have a choice whether I wish to use Linux or Windows on my PC, and I can choose what media player or browser I would like to use by either buying it, or downloading it for free. I do not have a choice with my cable TV access. I cannot choose the channels I wish to see (I pay for all or none). What about cable broadband internet access? It seems that a lot of consumers are stuck without a choice there. Do we punish one company because they out-smarted their competitors? What about AOL? Netscape, Sun and Oracle? Should they US Govt help them compete? I think that has no bearing on consumer choice. I support your settlement with Microsoft. After this is settled, maybe cable TV operators or AOL should be next.

George McCullen

MTC–00004505

From: Matt Williamson
To: Microsoft ATR
Date: 12/14/01 3:12pm

As a linux user since 1995 I can proudly say the MS is not the only horse in town, please remember this.

And consider the following:

*Any remedy seeking to prevent an extension of Microsoft's monopoly must place Microsoft products as extra-cost options in the purchase of new computers, so that the user who does not wish to purchase them is not forced to do so. This means that for the price differential between a new computer with Microsoft software and one without, a computer seller must offer the software without the computer (which would prevent computer makers from saying that the difference in price is only a few dollars). Only then could competition come to exist in a meaningful way.

*The specifications of Microsoft's present and future document file formats must be made public, so that documents created in Microsoft applications may be read by programs from other makers, on Microsoft's or other operating systems. This is in addition to opening the Windows application program interface (API, the set of ''hooks'' that allow other parties to write applications for Windows operating systems), which is already part of the proposed settlement.

*Any Microsoft networking protocols must be published in full and approved by an independent network protocol body. This would prevent Microsoft from seizing de facto control of the Internet.

Matt Williamson
< mattw_unix@yahoo.com >

MTC–00004506

From: Greg Baker
To: Microsoft ATR
Date: 12/14/01 3:24pm
Subject: Please reconsider you settlement before its final.

This is not meant to be a bash, only my personal opinion that soon I will have no choice to but to use Microsoft products for everything I do on my computer. While this isn't such a horrible thing in and of itself, the fact that I won't have a choice makes me feel extremely exposed. I will be paying more because they will have me right where they want me and in that day there will be no turning back.

I am completely happy with my copy of Windows 2000 professional BUT I know that soon if I want to log on to my banks website I will have to use an array of Microsoft products. This means I will have to upgrade to Windows XP, because Microsoft won't release the necessary components for Windows 2000 NOT because they are technically unable, but because they have a monopoly and can force me too. Force me to pay for the another copy of windows (keep in mind I'm completely happy with W2K), use Microsoft Internet Explorer etc etc.

Please DO NOT settle with the current agreement. It does not help consumers to essentially let MS walk away with no fines, no punishment and most importantly no real way for new products to come into the market.

Thank you
Greg Baker

MTC–00004507

From: Annalisa—SecureStore
To: Microsoft ATR
Date: 12/14/01 3:23pm
Subject: Auguri!

Scalda il tuo inverno e quello dei tuoi cari.

Approfitta di questa occasione anche per Natale!

Tutto questo all'indirizzo: http://ghirosonno.monrif.net

oppure http://scaldaletto.xoasis.com—http://spazioweb.inwind.it/scaldasonno

DIRETTAMENTE DALLA FABBRICA A CASA TUA!!!

***L'OFFERTA E' VALIDA FINO AD ESAURIMENTO ***

Tutti i dati sono trattati in conformita' con la Legge 675/96.

MTC–00004508

From: Paul Burkeland
To: Microsoft ATR
Date: 12/14/01 3:30pm
Subject: Harsher Penalties for Microsoft

Please, please, please impose harsher penalties upon the software giant Microsoft.

Their maintaining of a monopoly is hurting us computer users. They make proprietary formats, and people accept them because of the huge hold they have on the market. They can charge whatever they want for their software (which is the only way to access these formats), essentially forcing people to pay outrageous prices to get work accomplished. If there were more competitors in this area, prices would be cheaper, and we wouldn't have to conform to Microsoft's way of doing things.

Microsoft keeps making their own standards on the internet. They make others conform to what THEY want. That isn't how the internet is supposed to be. One company isn't supposed to dictate how things are viewed and interacted with. One company isn't supposed to have a stranglehold on the future of computing.

Please?
Paul Burkeland

MTC–00004509

From: Shawn E Matthews
To: Microsoft ATR
Date: 12/14/01 3:40pm
Subject: Microsoft DOJ Settlement

Shawn E MatthewsWhile it's not perfect (what is these days), it is better than nothing. It's time to move on ... the States, while thinking that they're taking the best interests of the people in hand, are only making this worse by dragging it out.

Technology changes at lightning speed, what was wrong two years ago is no longer relevant today. I wonder, will the same level of scrutiny be applied when other monopolies like AOL Time Warner are investigated? Let's hope so.

Thank you,
Shawn E Matthews.

MTC–00004510

From: Warren Downs
To: Microsoft ATR
Date: 12/14/01 4:02pm
Subject: Comments on settlement

Renata Hesse, Trial Attorney Suite 1200 Antitrust Division, Department of Justice 601 D Street NW, Washington, DC 20530

To whom it may concern:

I'm writing to express my concerns with the proposed Microsoft-DOJ settlement. As a user of the Linux operating system, who has used multiple computer operating systems, including Microsoft Windows (in various incarnations) and IBM OS/2, I have found Linux to be the most flexible and useful basis for my computing. However, it is my concern that the proposed settlement will, far from opening up competion in the marketplace, actually assist Microsoft in removing my choice to use an alternative operating system.

Here are some of my specific concerns, which I hope will be addressed by the final settlement (and are not addressed by the currently proposed one):

1. When friends, family, and business associates send me Microsoft documents (e.g. Excel spreadsheets, Word documents, Powerpoint presentations), I need to be able to view those documents without being forced to use Microsoft products. Or, at the bare minimum, by using Microsoft applications on top of Linux, should that be an option. At present, there are a number of non-Microsoft products which attempt to read Microsoft file formats. However, they are hindered by Microsoft's frequent undocumented file format changes. At a bare minimum, I would request that Microsoft applications (e.g. MS Word, Excel, Powerpoint, Microsoft Money, Internet Explorer, Outlook/Outlook Express, including Windows Address book file formats such as .wab and .pab) should be available to run on Linux. It seems unfair to require Microsoft to port them to Linux, because there may be other operating systems which should also be supported. Rather, I feel it would be better if Microsoft be required to license the porting to third party companies. For programs which Microsoft charges for, such as MS office, the licensing wouldn't be free, but the price of the end product should be no more expensive than it's counterpart on Windows. Thus, Internet Explorer for Linux should be free, just like it is in Windows.

Microsoft will claim that Internet Explorer is part of the OS, as it is integrated into Windows. Regardless whether that is the case or not, users consider it to be an application, and as long as Microsoft continues to encourage Internet Explorer specific enhancements to the web pages on the internet, Microsoft should be required to make Internet Explorer available to other operating systems. Otherwise, we'll all be forced to use Windows in order to view web pages.

However, the best solution to the file format problem, would be to require Microsoft to make these file formats public documents. Microsoft could then keep their intellectual property, but third-party programmers would be able to produce compatible programs, so end-users such as myself would be able to access their data on alternative operating systems such as Linux.

2. Similarly, I need to be able to share information between my Linux computer and computers running Windows. At present, I am able to use the Samba (http://usl.samba.org/samba/samba.html) file sharing system on Linux to retrieve my files from the office computers. However, should Microsoft continue to make undocumented (and even patent-restricted!) changes to their network protocols, this option may not remain available to me.

Microsoft will claim that it is necessary to restrict details of their file formats and network protocols for security reasons. It is true that, in many cases, their file formats and network protocols attempt to be secure through obscurity, rather than through provably-secure algorithms. See http://www.softlab.ntua.gr/-taver/security/secur3.html for a definition of ''security through obscurity''.

However, the notable insecurity of Windows even without its file formats and network protocols being publicly documented should be testament enough that obscurity isn't helping security in this case. Instead, were Microsoft required to document their protocols and file formats, they would be more inclined to fix any security problems that came to light, and users of alternate operating systems such as Linux would be able to interoperate with their Windows-using co-workers, friends and family.

Therefore, a useful remedy would be one that requires Microsoft to publicly and non-discriminately document any changes to their network protocols, to be approved by an independent network protocol body.

3. In point #1, I mentioned the option of running Microsoft applications on Windows. At present, there is an effort, known as the Wine project (http://www.codeweavers.com/), which is attempting to make it possible to run Windows applications on Linux. It has been largely successful with applications which are written to use only the publicly-documented Windows Application Programming Interface (API) which Microsoft already provides.

However, it is well known that Microsoft applications (and perhaps those of a few other companies in close association with them) make use of undisclosed interfaces between Windows and the application. This makes it impossible to run those applications using an interface (such as Wine) created from only the public documentation. Therefore, it is unsurprising that Microsoft applications have been the least successful at running on Linux using Wine.

A useful remedy should require Microsoft to document all Application Programming Interfaces (APIs) which are used by any applications which it sells separately from Windows, bundled with Windows, or downloadable from Microsoft's website. This would at least make it possible to interoperate with Windows users by using the native Windows applications on Linux. However, it is Microsoft's trend to actually work against this option, in spite of being under anti-trust investigation. Microsoft licensing agreements for many of their applications currently state that you may only use the application in conjunction with Microsoft Windows. Thus, even if it were technically possible to run the Microsoft application on Linux, those licensing agreements would make it illegal! This is unconsionable, and should be addressed by requiring that Microsoft licensing agreements allow usage of their applications in conjunction with alternate operating systems, if the user so desires.

Of course, Microsoft doesn't wish to allow or encourage piracy of their software, and rightly so. However, as long as they maintain a monopoly, restricting interoperability with users of alternate operating systems, they should also allow their applications to be used in conjunction with alternate operating systems, as long as the application is legally owned by the user. Applications which are freely downloadable for Windows users, should also be freely downloadable for Linux and other operating system users.

4. When I purchase my next computer, I should be able to purchase the computer without Windows, or with Windows but without any bundled Microsoft applications, if I so desire, at a reduced cost. It is unfair of Microsoft to require bundling their products, or allow unbundling but only if the purchaser pays a penalty.

In order to be effective, a remedy must insure that, as a monopolist, Microsoft should be required to allow sales of Windows with or without bundled applications, with no penalty in the latter case. And Microsoft should not be able to penalize a computer vendor for selling some of their computers without Windows, either. This means that the software should also be available separately from the vendor, priced the same as the difference between the cost of the computer with and without the software. Only then will competition be able to flourish.

In closing, though my comments are written from the point of view of a Linux operating system user, I believe that it will be to the benefit of all computer users, including those using Windows, and yes, even Microsoft itself, for effective remedies to be taken in this case. I believe that the remedies I have proposed are reasonable, and I hope that the court will agree with me. I am not writing on behalf of a large competitor of Microsoft, and I strongly object to Microsoft's claim that this whole case is about it's competitors. It is of unmost concern to me, that I be allowed choice in what operating system and programs I use on my computer, and I believe there are many other users who feel the same. At present, we feel that we are held hostage to the infrastructure provided by Microsoft.

I am not antagonistic to Microsoft, and if I could be assured that I would have freedom of choice regarding the operating system I use, I would be happy to use and pay for Microsoft applications. However, my experience has been to the contrary, and I feel that only government intervention and continued supervision of Microsoft will be able to ensure that freedom of choice.

Sincerely,
Warren E. Downs
525 S. Williwaw
Palmer, AK 99645
(907) 745–6811

MTC–00004511

From: Herbst, Mike M.D.
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/14/01 4:07pm
Subject: Microsoft anti-trust settlement

Dear Sir or Madam:

I oppose the proposed Microsoft anti-trust case settlement. I believe that it neither

punishes Microsoft for past abuses nor effectively prevents future abuses.

I support measures to require Microsoft to reveal and license its source code for Windows operating systems. I believe that the Microsoft dual monopolies in the operating system business and the application business should be strictly separated.

Michael Herbst, MD

Chair, Santa Monica—UCLA Medical Informatics Committee

MTC–00004512

From: Jake Burns
To: Microsoft ATR
Date: 12/14/01 4:23pm
Subject: Microsoft Settlement View.

I view the settlement of the US Department of Justice's v. Microsoft to be inadequate. I urge you to reconsider the ramifications of the agreement the Microsoft is so heartily agreeing to.

I belive that all current Microsoft Software should be relicensed underthe GNU gpl scheme. All future Microsoft releases should be required to have no extra software bundled with it. For example, an operating system would be sold as an operating system with no extra applications. Internet Explorer would come as a separate product, so would Wordpad, Notepad, and any other applications that are not necessary or inherent in the operation of the system. This means, no bundled e-mail clients or games either.

Essentially an operating system sold by Microsoft would be the kernel,memory debug tools for kernel crashes and a Window manager or Shell.There are two reasons for this, it forces Microsoft to compete in several arenas legitimately. Instead of relying on the fact that they've made it hard for people to go out and use/install other softare. It also provides people the ability to show who they truly support as a business.it is fair to Microsoft in that they can charge for the software products that they currently bundle and make even more money (if their''aftermarket'' product is truly that marketable or saleable).These ''aftermarket'' products should be bundled in packages of no more than two prodcts. In otherwords, a Word Processor/Spreadsheet package could be made available, or any other combination of two products bundled could be made available.

On another level Microsoft's hardware, software, and services/internetdivisions should be split up. As we can see from past this did not hurt AT&T or any of the spinoffs. As a matter of fact, AT&T has had a few major spinoffs since the creation of the baby bells (eg Lucent). On top of these measures, Microsoft should pay back the rest of the industry that it has helped to stifle by, creating endowments for open source development. Essentially, they should create seed funds for full time open source development teams. The teams would work on software that doesn't compete with Microsoft's kernel products, eg. Linux open source software.

I personally think that this settlement gives Microsoft the ability to make money in three well defined separate arenas. I also believe that it levels out the playing field a little bit. With Microsoft's new .net strategy, they should be more than happy to open up the source code of their prior products. They should realize the profit potential of selling software as separate packages, rather than bundling with an OS to stifle competition. They should realize they have a well established internet presence that nearly stifles competion on its own.

I hardly think my proposal is harsh. The reason being, is that it stillallows Microsoft to make enough money to satisfy any greedy executive. Of course the lynchpin to it all is 3 oversight groups. One to monitor their sales of bundled software, one to monitor their funding of open source development and making sure that the open source development is adequately used. The third group would monitor internet services/ hardware sales (making sure drivers for their products are available to otherOS'es, and making sure that their internet services are truly compatible,(the most recent incident of them blocking other browsers to their content is outrageous)).

Bill Gates is a driven man, he should be up to the challenge of making three separate enterprises run well without each other.

Jake Burns

MTC–00004513

From: TOM HAVILAND
To: Microsoft ATR
Date: 12/14/01 4:23pm
Subject: I am against the current settlement

I am against the current Microsoft anti-trust settlement. I do not believe it provides any remedy to their past and current practices. In fact I believe that it was developed with an eye more toward sexpediency than justice. Any settlement should contain the following restriction: Microsoft must publish all internal file formats and APIs to an independent 3rd party standards body. Additionally, Microsoft must submit any network protocols that it develops to an independent 3rd party standards body. Microsoft may not develop or deploy any products based on these file formats, APIs andnetwork protocols until the standards body approves and publishes same. No protocol, API, or file format may be encumbered by patent restrictions.

Thank you
Thomas Haviland
100 Duxbury Road
Bolton, Vermont 05676
CC:senator_leahy@leahy.
senate.gov@inetgw

MTC–00004514

From: Triodes12AX7@aol.com@inetgw
To: Microsoft ATR
Date: 12/14/01 4:37pm
Subject: Submittance of comments regarding the DOJ/Microsoft Settlement

The Department of Justice is doing the world no favor by settling with the conditions they have set. Microsoft has been devising ways to bend the conditions to their advantage ever since their creation. Microsoft does not create programs, but rather is a business machine. Microsoft has not sold software since the mid to late 80s, rather they have sold infleunce. By IBM making a fatal mistake and selling off DOS (they thought no money could be made by selling software at the time, they thought the bucks were in the hardware) Microsoft gained a foot hold in the standards of the PC. Through this, they've decided who suceeds and who fails by using their image. Talk to anyone in america, it's very doubtful you will find many who do not know who Microsoft is, and how powerful they are. Through design they try to make the market theirs. By implementing their own ''bastardized'' standards (ala Java, the Kerbos networking protocol, microsoft proxy server etc.) they make it so you can only use their products or products approved by them. Back in the day, there was an authentication protocol called CHAP (an open standard was used called CHAP 80) Microsoft in an attempt to sieze control of the market implemented a version called ''CHAP 81'' which was basicly the same thing except it involved ''handshaking'' that would refuse connections to non CHAP 81 servers. In doing so they tried to push their OSes and networking products, but it failed miserably. Microsoft is like the mythical Hydra Hercules fought, this punishment will be like cutting off the heads, and there will merely be more in the places of the ones you cut off. Aim your attack for the heart of Microsoft instead. Some people say release the source code to Microsoft programs, but that's a punishment that would ultimately lead to their total destruction. Microsoft serves a place in socciety that is very important, as does windows. If you want to hurt microsoft without killing them, force them to release the source code to the version of software that was formerly released or after 3 years of the software being sold in retail (eg Windows ME whereas Windows XP is the current home edition, NT version 4.0 whereas Windows 2000 (NT 5) is the current version, and so on under the GNU Public liscense. Also allow versions of their software over 8 years old to become part of the public domain. There should also be a strict forbiddance for Microsoft to bundle more then the basic software (e.g. the updated versions of the Windows 95 install, as well as drivers such as DirectX) and they should be forced to put the rest on seperate CD(s.) If you have any issues that you desire to regard in this commentary, please email me at the address above. I will be happy to take any of your questions or comments to the best of my ability.

Regards,
Alan H Draconic

MTC–00004515

From: Terence E. Shelton
To: Microsoft ATR
Date: 12/14/01 4:57pm
Subject: Microsoft

You should be ashamed of your proposed settlement with Microsoft! They are an abusive illegal monopoly and we the taxpayers pay your salary to protect us from them.

Microsoft does not invent. I have challenged several news groups to name a single software invention from Microsoft, so far there are two, BOB and DLL hell. Everything else was invented by others, mostly individuals and small companies,

only to have Microsoft copy their ideas and bake them into their product lines. This usurping of others ideas is the greatest hindrance to advancement for the software industry today. Nobody wants to put down the time and effort to write neat and useful programs because they know they will never be able to capitalize on it, Microsoft will copy it and get all the money. What will your proposed settlement do to hinder this in the future? As far as I can see nothing! At least the 'hold out states' proposed solution provides a glimmer of hope for breaking the monopoly. They appear to be doing your job. When I was an officer in the Navy we were restricted in our purchases from IBM because they were quasi-monopoly. Does that restriction still apply? Hopefully so! That would put the entire US government including the DOD out of Microsoft's pocket. That would break the monopoly and rekindle the innovation in the software industry.

Terence E. Shelton, MCSE
Systems Administrator
Nathan D. Maier Consulting Engineers Inc.
8080 Park Lane #600
Dallas, Texas 75231
Phone 214.739.4741

MTC–00004516

From: Juan Rivero
To: Microsoft ATR
Date: 12/14/01 5:03pm
Subject: Microsoft Antitrust Settlement

To whom it may concern:

As a computer user, developer, and educator, I wish to express my concern about the Microsoft Antitrust Settlement. My understanding of the matter is that Microsoft has been found guilty of Sherman Act violations, and that the public has been asked to comment on the penalty phase of the case. It is my opinion that the settlement, as currently stated, does nothing to remove the Microsoft monopoly and in fact enhances it.

As far as I can determine, Microsoft is not required to take any significant steps to relinquish its monopoly of the Software Systems market. At a bare minimum, the settlement should additionally:

(1) Require full publication of all file formats, especially those of Word Processors and Spreadsheets, so that competitors can produce equivalents of e.g. MS Word without being unduly handicapped by proprietary formats.

(2) Require that any network protocols invented by Microsoft be approved by an independent organization, in the same way that other protocols are.

(3) Require that retailers be permitted to sell computers with any operating system at all (including none) preinstalled, and adjust the price of their machines accordingly.

The issue of open file formats is extremely important, as MSWord files exchanged over networks have become a *de facto* standard for both business and governments; these organizations are reluctant to consider any alternatives to Microsoft operating systems because of the unavailability of MSWord-compatible products on the alternative platforms.

If a national security issue is at stake here, as the judge apparently has suggested, then all the more reason not to extend the Microsoft monopoly. The National Security Agency, who is surely qualified to judge, has stated for example that Windows NT is not auditable. In this case, it becomes desirable to allow alternative platforms an opportunity to enter the market without undue hindrance. This opinion is my own, and in no way do I pretend to represent the University of Alaska or any other institution.

Yours,
Juan Rivero
Dr. Juan Rivero, University of Alaska Southeast
http://www2.jun.alaska.edu/~jfjr
email:juan.rivero@uas.alaska.edu

MTC–00004517

From: Perrault, Brian
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/14/01 5:04pm
Subject: Microsoft Settlement

December 14th, 2001
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Ms. Hesse,

I am writing to voice my concerns over Microsoft's monopoly of the software and specifically, operating systems, industry.

First of all, let me thank you for taking the time to consider my comments. It is much appreciated that this opportunity has been granted to the public, I am most appreciative that I live in a society where I am able to participate in such dialogue.

I feel that the suite of operating systems which Microsoft has delivered to the public for the past 10 years have been poor in quality, at best. Furthermore, Microsoft's brute-force mass distribution of their product, has brought our society to a point where consumers and businesses cannot function without their product. This is a serious issue which must be dealt with immediately. Microsoft cannot continue to operate with the business practices they have employed in past years.

An appropriate alternative would be to break up Microsoft into several pieces. One piece would control development of their operating system, one would control their suite of office products, and a final one would control their suite of web software. Furthermore, Microsoft should be forced to sell a stripped-down version of their Windows operating system, which would allow users to customize their software options. Thank you for your consideration in this matter. I encourage you to use the full force of the law to save our society from this plague which is Microsoft.

Sincerest thanks,
Brian J Perrault
Group 99
Advanced Space Systems and Concepts
MIT Lincoln Laboratory
Lexington, Massachusetts 02420

MTC–00004518

From: Jon Sellers
To: Microsoft ATR
Date: 12/14/01 5:12pm
Subject: Proposed Microsoft Settlement

My name is Jon Sellers. My address is 5541 Oak Hollow Drive, Titusville, FL 32780. I would like to make public comment on the proposed settlement for the Microsoft case.

I have over 15 years of experience in the systems management and software development fields and I am currently an Information Systems Manager with the Brevard County Board of County Commissioners. The opinions stated here are strictly my own and do not necessarily represent the opinions of my employer.

The current proposed settlement will have no affect on the maintenance of Microsoft's monopoly in desktop operating systems. The basis of this monopoly is simple:

1. Control of the Application Programming Interface (API) to the Windows operating system. By maintaining this control, Microsoft can modify the API to its advantage and to the disadvantage of its competitors.

2. Control of the file formats associated with its products. A commercial competitor cannot be assured its products will work with these formats which again, can be modified to Microsofts advantage.

3. Control of the network protocols associated with its network protocols. The argument is exactly the same as above.

Because the settlement proposed by Microsoft and the Department of Justice will not rectify any of these fundamental problems, it will not have any effect on Microsoft's maintenance of its monopoly.

It is my stated opinion that a better settlement would be to simply require that the above are made into public standards, alterable only by the consensus of an organization whose members represent both Microsoft and its competitors.

Jon Sellers

MTC–00004519

From: Mike Dewey
To: Microsoft ATR
Date: 12/14/01 6:11pm
Subject: Comment on Microsoft's antitrust case

Renata Hesse, Trial Attorney
Suite 1200, Antitrust Division
Department of Justice
601 D Street NW
Washington, DC 20530

I would like to express my concerns about the penalty phase of the U.S. v. Microsoft antitrust case. My qualifications for commenting on this case are that I am a computer programmer and I have been working in the computer industry for nine years. I do not have any ties to the parties involved in this case other than I am a user of their products.

Microsoft has been found guilty of violating U.S. antitrust laws, and therefore a just penalty must not encourage the continuation of this monopoly. The proposed settlement, however, would not punish Microsoft at all, and would actually help them hold onto their unfair advantage. I feel that the major reason that Microsoft has been able to hold onto their monopoly is that they do not make their file formats and other protocols public. In order for competing products to move into a space that is controlled by Microsoft, they must be able to interact with Microsoft products. However,

this competition cannot spend their resources creating new features because they are constantly playing catch-up with Microsoft's changing proprietary protocols. I think that it is very important for any penalty to include opening file formats, as well as having all of their protocols approved by an independent body of computer professionals and academics.

Another concern that I have is that Microsoft's settlement proposal involves distributing their software to our public schools. This is not a punishment at all, but rather a way for the company to guarantee that our next generation of computer users were raised on Microsoft products. I fully endorse the idea that any capitol exchanged as part of the punishment should go toward the public good, but it should not be done in a way that just makes the problem worse.

In closing, I would like to address the issue of how this settlement will affect our national interest. Computer systems most definitely play a role in our overall national security, and as things stand today they are our Achilles heel because they are controlled by a proprietary monopoly. When network protocols are open and public they can be reviewed by hundreds of people around the world, and this makes them more secure. I realize that this may be contrary to what one might think, but in the computer world secrecy always leads in insecure products. As an example, the web server made by the open source Apache group is the most widely used server in the world, yet it has been more than three years since a known remote root exploit has occurred through Apache. Microsoft's IIS server, on the other hand, is closed source and proprietary. IIS has had several major exploits in the past several months (the code red worm for instance).

I appreciate that you took the time to read my comments, and I hope that you take them into consideration when you make your decision.

Sincerely,
Michael Dewey
307 MacArthur Blvd.
Oakland, CA 94610
(510) 839–1892

MTC–00004520

From: Sugars, Kirk
To: 'Microsoft.atr(a)usdoj.gov'
Date: 12/14/01 5:25pm
Subject: Proposed Microsoft Settlement

To whom it may concern:

I would like to express my deep reservations and concerns about the proposed settlement of the Microsoft case.

First of all, Microsoft was indeed found guilty of violating the Sherman Anti-Trust act. Having worked with their products in a corporate setting for nearly two decades, I can personally attest to the damage their unfair tactics have caused the marketplace. The most notable would be the destruction of competition by buying out competing products, killing innovation by promising the same function in some future release of their operating system, or the maintenance of a monopoly (through onerous licensing practices) that is based on products that fail to meet necessary standards for security and stability. Having looked at the proposed settlement, I cannot see how the settlement addresses any of the CAUSES of the problem, or incents Microsoft in any way to change their behavior in the future. Quite the contrary, the settlement is almost a kiss and an apology to Microsoft for ''all their trouble with this annoying lawsuit.'' This does not appear to me to be in the public interest.

Secondly, I would like to suggest that this case and its consequences are of historic proportions. In my job I have spent many hours trouble-shooting instabilities in Microsoft's operating systems, fighting viruses that were virtually ''invited'' into the systems by their poor design decisions, and developing work-around's to the systems' limitations. All the while my choices have been limited by the unethical tactics of Microsoft. The future of our nation may well depend upon our ability to establish public control of, or at least influence over, the technological foundations of our economy. We cannot afford to ''hand over the keys'' to a company that has shown that it can't be trusted. I see no sign of remorse or any intention to behave differently in the future on the part of the defendant. Therefore, they should not be ''set free.''

Respectfully Submitted,
Kirk Sugars
VP-Systems Liaison Manager
Technical Services Group
Bank of Albuquerque
3900 Vassar Dr. NE
Albuquerque, NM 87107
505–855–0802
ksugars@bokf.com

MTC–00004521

From: Robert Ridgard
To: Microsoft ATR
Date: 12/14/01 5:22pm
Subject: MS court decision

Please consider that MS's 'reluctance' to accept the 'punishment' of placing PC's and software in schools sounds too much like Brer 'Rabbit pleading' please don't throw me in that brier patch'. It gives MS a segue into a market they had little presence in previously. Then there's the 'refurbished' PC option. Sure, an old PC is better than none, but a new one would be more useful to students AND would represent a more convincing decision. Plus, without adequate tech support and training, the computers are just boat anchors in Arizona! I urge, at the very least, that proper (not just 'adequate') training personnel be provided.

Thank you
Robert L. Ridgard
32779
Your focus determines your reality.

MTC–00004522

From: Bransky, Alex
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/14/01 5:22pm
Subject: suggestion

You should have Microsoft supply schools with computers that run Linux or Macintosh.

Alex Bransky
Anagram International
Eden Prairie, MN
952–949–5727

MTC–00004523

From: Clewley,Daniel T
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/14/01 5:24pm
Subject: Reject the DOJ Settlement
C C: 'thurrott(a)win2000mag. com'

I urge the Honorable Judge Colleen Kollar-Kotelly to reject the proposed settlement between Microsoft and the US Department of Justice (DOJ) . I strongly support that the proposed remedy from the remaining states and ask that it be accepted. Adopting the DOJ settlement will reward Microsoft for its past criminal actions, encourage future misconduct, damage the few remaining viable competitors, and force consumers to continue to pay inflated prices for inferior software. The attached analysis and opinion from the Editor of Win 2000 Magazine accurately conveys my beliefs regarding how and why the convicted monopolistic Microsoft corporation should be punished. ''Unlike the previously announced settlement between the DOJ and Microsoft, these remedies create a real prospect of achieving what the DOJ said it intended to accomplish: 'Stop Microsoft from engaging in unlawful conduct, prevent any recurrence of that conduct in the future, and restore competition in the software market.'' '

Daniel T. Clewley
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dclewley@mwdH20.com
..... Original Message .....
From: WinInfo Daily UPDATE
[mailto:WinInfo_UPDATE@lists.win 2000mag.net] Sent:
Monday, December 10, 2001 1:11 PM
To: dclewley@mwdh2o.com
Subject: WinInfo Daily UPDATE, December 10, 2001

1. NEWS AND VIEWS (contributed by Paul Thurrott, News Editor, thurrott@win2000mag.com)* AN ANALYSIS AND OPINION OF THE STATES' PROPOSED MICROSOFT REMEDY As expected, on Friday the District of Columbia and the nine remaining US states allied against Microsoft presented their proposed remedy for Microsoft's antitrust case. After the watered-down and ineffectual proposed settlement between Microsoft and the US Department of Justice (DOJ) and nine other US states last month, I didn't expect much from this proposed remedy. But this proposal is far more realistic and pragmatic than the earlier proposed settlement, and I strongly urge Judge Colleen Kollar-Kotelly to wholeheartedly reject the DOJ agreement and adopt this proposed remedy instead. In this analysis and opinion, I'll examine the remedial proposals the states have presented and explain why they represent a more suitable punishment for Microsoft's repeated violations of US antitrust law.

But first, a quick review. The US Court of Appeals for the District of Columbia unanimously agreed with the earlier ruling that Microsoft had illegally maintained its desktop OS monopoly by ''suppressing emerging technologies that threatened to undermine its monopoly control.'' Microsoft prevented these technologies, which included Sun's Java and Netscape's Web browser, among others, from succeeding by

maintaining what the Court of Appeals called the ''applications barrier to entry,'' in which a dominant platform such as Windows stays in power by keeping consumers locked in. As noted in the proposed remedy, ''the applications barrier to entry, coupled with Microsoft's 90 percent plus market share, gave Microsoft the power to protect its 'dominant operating system irrespective of quality' and to 'stave off even superior new rivals.'' ' To specifically combat Java and Netscape, Microsoft ''aggressively and unlawfully prevented these rivals from achieving the widespread distribution they needed to attract software development and ultimately make other platforms meaningful competitors with Microsoft's Windows operating system.'' The proposed remedy also notes that the US Court of Appeals ''cataloged an extensive list of anticompetitive [and] exclusionary acts by which Microsoft artificially bolstered the applications barrier to entry, including commingling the software code for its own middleware with that of its monopoly operating system, thereby eliminating distribution opportunities for competing middleware; threatening to withhold and withholding critical technical information from competing middleware providers, thereby allowing Microsoft middleware to obtain significant advantages over its rivals; threatening to withhold porting of critical Microsoft software applications and financial benefits from those who even considered aiding its rivals; contractually precluding [PC makers] and ultimately end users from the opportunity to choose competitive software; and even deceiving software developers to conceal the fact that the software they were writing would be compatible only with Microsoft's platform.'' The list is long and, sadly, only a subset of the strategies that Microsoft has employed over the years to stifle competition and innovation.

After losing its appeal, Microsoft entered a new phase of its antitrust trial. Kollar-Kotelly recommended that the company attempt to settle the case, and the court eventually provided a mediator. Then on October 31, the last day of mediation, Microsoft and the DOJ shocked the world by announcing a settlement. However, Microsoft critics immediately denounced the settlement as being too lenient on the company. Even I referred to the settlement as ''a travesty of justice that leaves an illegal monopoly in a position of power, enabling Microsoft to continue harming competitors, partners, and even customers'' (see the URL at the end of this article for my take on the DOJ and Microsoft settlement).

As a result, the District of Columbia and nine of the 18 states allied against Microsoft refused to sign the agreement, calling on antitrust precedent and noting that ''the suit has been a futile exercise if the Government proves a violation but fails to secure a remedy adequate to redress it,'' and ''a remedies decree in an antitrust case must seek to 'unfetter a market from anticompetitive conduct' to 'terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future.'' ' So the states' proposed remedy, delivered Friday as required, addresses these issues and punishes Microsoft for its illegal behavior. And the proposal elegantly explains why Microsoft should be punished in a manner more appropriate than that in the DOJ settlement. ''A meaningful remedy must do more, however, than merely prohibit a recurrence of Microsoft's past misdeeds,'' the proposed remedy reads. ''[First,] it must also seek to restore the competitive balance so that competing middleware developers and those who write applications based on that middleware are not unfairly handicapped in that competition by Microsoft's past exclusionary acts, and [secondly,] it must be forward-looking with respect to technological and marketplace developments, so that today's emerging competitive threats are protected from the very anticompetitive conduct that Microsoft has so consistently and effectively employed in the past. Only then can the applications barrier to entry be reduced and much-needed competition be given a fair chance to emerge.''

The states even specifically take a jab at the proposed DOJ and Microsoft settlement. ''Unlike the previously announced settlement between the DOJ and Microsoft, these remedies create a real prospect of achieving what the DOJ said it intended to accomplish: 'Stop Microsoft from engaging in unlawful conduct, prevent any recurrence of that conduct in the future, and restore competition in the software market.'' '

Here are the states' proposed remedies. I've ordered them by magnitude, with the proposed remedies I consider the most important listed first.

1. Microsoft should be required to license its Office source code so that competitors can sell Office on rival platforms. ''To begin to erode the applications barrier to entry that was enhanced by Microsoft's unlawful behavior, and thereby begin to 'pry open to competition a market that has been closed by defendants' illegal restraints,' Microsoft should be required to auction to a third party the right to port Microsoft Office to competing operating systems,'' the proposal reads. Also, Microsoft should be forced to continue offering its Macintosh Office product, with the stipulation that each revision of that product ship within 60 days of each Windows version of the suite and include similar functionality. And Microsoft should be forced to auction off Office licenses so that at least three companies can port the suite to the platforms of their choice; Microsoft will receive a royalty for each auction but no further payments. And Microsoft will be required to give the third parties all the technical information needed to make the ports successful.

This controversial remedy hits Microsoft right in the gut because it hands over some of the company's crown jewels—the source code to its dominant Office products—to competitors and opens up the Office productivity market once again. Critics have long maintained that Microsoft's OS monopoly is unfairly bolstered by users' reliance on Office, and this proposal seeks to answer that complaint. Indeed, given that many of Office's features have found their way into Windows over time and that the Office team has had unfair and early access to internal Windows technologies for years, it's only fair that competitors get the same benefits.

2. Microsoft should be forced to open-source Internet Explorer (IE). Much of the original trial focused on Microsoft's illegal bundling of IE in Windows solely to harm its competitor Netscape; the Appellate Court finally ruled that Microsoft designed IE not to make browsing more attractive to users, but to discourage PC makers from distributing rival products. In other words, the company ''integrated'' IE into windows solely to harm Netscape, not to help its customers. ''Eliminating Netscape and establishing [IE] as the dominant browser was a critical component of Microsoft's monopoly maintenance strategy,'' the proposed remedy notes. ''Given that Microsoft's browser dominance was achieved to bolster the operating system monopoly, the remedial prescription must involve undoing that dominance to the extent it is still possible to do so. Accordingly, the appropriate solution is to mandate open-source licensing for [IE], thereby ensuring at a minimum that others have full access to this critical platform and that Microsoft cannot benefit unduly from the browser dominance that it gained as part of its unlawful monopolization of the operating system market.''

If the court enacts this proposal, Microsoft will have to disclose and license the source code for all current and future versions of IE and any related Web-browsing functionality found in various versions of Windows. This action will give competitors and other developers a perpetual, royalty-free license to create any derived products they want, without fear of retaliation from Microsoft. As with the Office porting proposal, this proposal hits right at the heart of the matter and is an appropriate remedy for a company that abused competitors, partners, and users through its anticompetitive bundling of IE and Windows.

3. Microsoft's bundled software should be unbundled from Windows. As with the previous proposal, this requirement relates to Microsoft's illegal commingling of IE and other middleware with Windows, which deterred PC makers and users from installing competing products. The states give Microsoft two options: Either cease bundling middleware such as IE, Windows Media Player (WMP), and Windows Messenger in all current and future versions of Windows, or start selling Windows versions that don't include those bundled applications. If the court chooses the latter option, those unbundled Windows versions should cost significantly less than the versions that include bundled software and should function properly. This requirement applies to Windows XP, Windows 2000, Windows Me, and Windows NT 4.0, but not to Windows 98 or Win98 SE, for some reason.

Again, I endorse any remedy that addresses a specific area in which the court found Microsoft guilty of breaking the law. Indeed, the US Court of Appeals for the District of Columbia unanimously upheld the earlier District Court ruling that Microsoft bundled middleware such as IE solely to ''deter

computer manufacturers from installing a rival browser such as Netscape Navigator. Microsoft offered no specific or substantiated evidence to justify such commingling, and such commingling had an anticompetitive effect.'' Users and PC makers should be able to choose whether to install Microsoft or third-party middleware, and this proposal makes the choice possible. Contrast this solution to Windows XP, where users can't uninstall components such as WMP, Windows Movie Maker (WMM), and Windows Messenger, let alone replace them with other software.

4. If Microsoft knowingly violates the terms of this remedy, the company should be forced to license the source code of the product in question. Given Microsoft's repeated violation of previous agreements, this proposed remedy is key. If the court finds in the future that Microsoft illegally commingled software code into Windows, for example, the company will have to freely license the Windows source code to the appropriate parties. ''If the Court determines that Microsoft has knowingly committed an act of Material Non-Compliance, the Court may, in addition to any other action, convene a hearing to consider an order requiring Microsoft to license its source code for the Microsoft software that is implicated by the act of Material Non-Compliance to anyone requesting such a license for the purpose of facilitating interoperability between the relevant Microsoft product and any non-Microsoft product,'' the ruling reads. If the court finds that Microsoft knowingly engaged in a pattern of noncompliance, the company will have to pay fines and suffer further appropriate remedies. This remedy is crucial because it openly warns Microsoft about the consequences of its future behavior, giving the company no wiggle room to ''reinterpret'' its legally binding conduct remedies as it has so often in the past.

5. Microsoft should be forced to adhere to industry standards. Microsoft frequently ''embraces'' open standards only to ''extend'' them with proprietary additions that make interoperability with non-Windows platforms difficult or impossible. The states refer to this practice as the ''co-opting and/or undermining of industry standards,'' and they point to Microsoft's specific behavior regarding Java: The company ''purposely deceived software developers into believing that the Microsoft Java programming tools had cross-platform capability with Sun-based Java'' when they didn't. Under terms of this proposal, Microsoft would again have two options: The company could adopt and implement industry standards into its products and not modify them at all. Or it could modify these technologies and supply the changes to any party that requests them. Furthermore, Microsoft couldn't require third parties to use standards-based technologies it had modified.

This is another compelling request, because it addresses a specific behavior Microsoft has long been guilty of. If enacted, Microsoft's embrace-and-extend strategy will be open to competitors and thus rendered moot.

6. Microsoft should be forced to distribute Java with Windows and IE. According to the states, ''Microsoft's destruction of the cross-platform threat posed by Sun's Java technology was a critical element of the unlawful monopoly maintenance violation affirmed by the Court of Appeals. Microsoft continues to enjoy the benefits of its unlawful conduct, as Sun's Java technology does not provide the competitive threat today that it posed prior to Microsoft's campaign of anticompetitive conduct. Because an appropriate antitrust remedy decree should, among other things, attempt 'to deny to the defendant the fruits of its statutory violation,' Microsoft must be required to distribute Java with its platform software (i.e., its operating systems and [IE] browser), thereby ensuring that Java receives the widespread distribution that it could have had absent Microsoft's unlawful behavior, and increasing the likelihood that Java can serve as a platform to reduce the applications barrier to entry.'' Under the proposal's terms, this bundling would continue for 10 years and would require Microsoft to continue developing modern versions of Java that conform to Sun's latest Java specifications. This is the only part of the proposal I disagree with, largely because Sun has never opened up Java to an internationally recognized standards body (I likewise reject any argument that Java is a de facto standard). During the company's original trial, the court asked Bill Gates about Microsoft bundling Netscape Navigator in Windows. Gates replied that that would be like requiring Coca-Cola to include one Pepsi in each of its six-packs of Coke. I agree that such a requirement is ludicrous, as is requiring Microsoft to bundle Java with Windows.

The remaining proposed remedies are less exciting and more closely mimic the remedies in the DOJ's proposed settlement. Thus, I'll cover them more succinctly.

7. Microsoft should be required to reveal all interoperability technologies so that ''Microsoft middleware developers [don't] receive preferential disclosure of technical information over rival middleware developers.''

8. Microsoft should have to license its intellectual rights when necessary to meet the requirements of this remedy. Some of the aforementioned proposals will require Microsoft to license its intellectual property to third parties. The company will have to do so when appropriate.

9. Microsoft should have to provide uniform and nondiscriminatory licensing to PC makers, regardless of their relationships with Microsoft and Microsoft competitors.

10. Microsoft should be prohibited from entering into agreements that would harm competition. Furthermore, ''Microsoft must also be prohibited from taking certain actions that could unfairly disadvantage its would-be competitors, whether by knowingly interfering with the performance of their software with no advance warning or entering into certain types of contracts that could unreasonably foreclose competing middleware providers.''

11. Microsoft should be banned from retaliating against companies or users that choose non-Microsoft technologies.

12. Microsoft should be prevented from forcing PC makers and users to choose Microsoft-only solutions. No Microsoft middleware can be included in Windows unless it can also be removed and replaced by PC makers and end users.

13. Microsoft should be prohibited from requiring partners to sign noncompete agreements, such as the agreement it allegedly tried to enter into with Netscape.

14. Microsoft should be required to undergo regular compliance certification to ensure that it meets the requirements of the ruling against it. This certification will include an internal compliance officer, annual compliance certifications, a compliance committee consisting of at least three members of Microsoft's Board of Directors, and extensive internal-document retention.

15. A Special Master should be empowered to promptly investigate any future complaints against Microsoft.

16. Microsoft should be required to report any potential technology or corporate acquisitions to the plaintiffs for review because the company has used such acquisitions in the past to extend its monopoly power.

Folks, this proposal represents your tax dollars at work. I salute the states of California, Connecticut, Florida, Iowa, Kansas, Massachusetts, Minnesota, Utah, West Virginia, and the District of Columbia for erecting a logical and workable remedy that addresses, rather than rewards, Microsoft's illegal, anticompetitive behavior. Just weeks ago, it seemed that Microsoft would escape punishment, but these proposed remedies give new hope that justice will be served. If Judge Kollar-Kotelly can at least find a happy middle ground between the DOJ's proposed settlement and this more reasonable set of remedies, we might see competition and innovation return to the computer industry. If I'm not mistaken, that was the original point of this legal nightmare.

MTC–00004524

From: Timothy Taebel
To: Microsoft ATR
Date: 12/14/01 5:28pm
Subject: Microsoft

To whom it may concern:

As a end user, I am grateful to the people at the Microsoft organization. I am 60 years old and never have had any formal training in the usage of computers. All I know, is that the cost of computers continues to fall and they are easier to use which is most beneficial to me and my family. It seems to me that the folks at Microsoft got up earlier, worked later and smarter than their competition and made the best mousetrap. The only mistake that Microsoft made is they weren't politically savvy. While Microsoft was tending to their knitting, the out witted competition cried foul and hired a bunch of lawyers and lobbyist. Then unfortunately the states got involved as their politically motivated Attorney Generals decided that suing Microsoft was good for the advancement of their careers. It seems to me that nobody is speaking up for the consumer, who has benefited immensely from the products from Microsoft. The lawsuit is nothing but a waste of tax payers money and should be resolved as quickly as possible. I

suggest the competition should just try to make a better product at a cheaper price and the public will buy it.

Thank You
Timothy C. Taebel
2020 Goldengate Dr.
Michigan City, In. 46360

MTC–00004525

From: David Morrissey
To: Microsoft ATR
Date: 12/14/01 5:42pm
Subject: Public comment

Hello...my name is David Morrissey.

I am not in favour of this settlement. I am an individual who understands many of the aspects of the computer industry. Within that sphere, I feel that the need for a hasty resolve is not as important as a proper resolve.

This is the aspect of the trial where Microsoft's punishment for breaking the law is being created and myself I would wish to see the following also included as they have all been raised my many voices from many corners of the issues.

1. Microsoft to offer the windows operating system's without additional software included or embedded to OEM's with both:

A) a price difference which reflects the cost of products such as MS Office instead of say 5–20$ dollars. Example-if MS office costs 100 dollars...I would like to see the price of the Office free windows OS 100 dollars cheaper.

B) A uniformed contract set up which would prevent MS from favouring or punishing OEM's who choose one variety or ''flavour'' over another. My feelings for this are that MS will be limited in it's ability to abuse it's monopoly in the OS market if it is unable to retaliate against manufacturers who wish to either not support Microsoft's other products and or choose to support a competitor's instead.

2. Microsoft must be made to release information required by competitors in a public and universal form in a timely manner. As they are a monopoly they must not be able to choose who may and may not and in what order and when software developers gain access to required Microsoft product information or ''hooks'' as their called.

3. Details of document file formats of Microsoft programs (Office) must also be made public and universal in a timely manner. If not then fear of another monopoly may prove warranted but unheeded.

4. Microsoft must not be allowed to create proprietary networking protocols which may take away from the internet as a free and open place devoid of the requirement for one company over another. Any new networking protocols Have to be FULLY documented and reviewed by an established Independent body such as tcp/ip is today. This could in effect remove the Open Source movement and competitors such at Linux, the fastest growing operating system avalible, from being a viable solution to an Internet virually inclosed behind a Microsoft yoke.

5. The moniting will last only a few years. What will happen after that is over? I feel that as long as there is a monopoly, then Microsoft should be held in check to prevent it from abusing it's monopoly. Hence the two items should be linked together in some manner where reports of abuse may be investagated where the monopoly abuse issue is called into question.

6. In the punishment stage I do no believe that Microsoft should have a hand in selecting who will be chosen to see that the punishment will be observerd... Or to have say in when and where these 3 purposed wardens can go and see within that area. More to the matter, here while the purposed agreemenet is being reviewed and this request of comments from the general public is being asked for, Microsoft has selected 2 of the people that MS says will oversee that it conforms to the agreement which MS also say through these actions will be agreed to by the DOJ. http://www.zdnet.com/zdnn/stories/news/0,4586,5100682,00.html This leaves myself feeling that my time in responding to this request for public responce carries little to no weight. Big time buisnees and big time goverment?

7. There is NO penalty being required of Microsoft. They will pay no fines, they will have nothing laid agaisnt them. This illegal abuse of it's monopoly has streagthened and benifited Microsoft greatly at the cost of others. And those others will not recover from it or see any of their loses returned to them. Indeed this is more than worth it to MS to continue to break the law in order to break competitors.

8. The ability to embed software which directly compeates with competors such as Internet Explorer, must be removed to prevent effective bundeling. MS has the ablitiy to merge into the operating system a number of programs and software which will be paid for via higher OS prices and or licences fee's as the case may become.

Microsoft in this matter is not being properly addressed by the purposed agreement. I feel that the public would be better represented by a new sentence which would address the above concerns.

This company has been mentioned by the Center for Strategic and International Studies as a possible threat to national security. I would like to see it removed from gaining that sort of position. I fail to see how without addressing the above issues this agreement intends to effectively do this.

This company has also repeatedly made statements and remarks reflecting a goal to the only operating system available including comparisons to items such as the Open Source moment's Linux to Cancer. It may be well pointed out at this time that Microsoft is itself funning FreeBSD, a free open source OS, for it's hotmail service as I write this letter.

Thank you for your time and I hope that my time in this letter as well as others writing in will have some voice in this matter. Computers can be very complicated devices, and many people do not carry the level of understanding some of the more technical aspects of the issues dealt with in this case. I hope only the letters you recieve from those who do understand some or much of this case aid in adding weight against this agreement (or as the public opinion may go), and is not just an exercise in public relations.

Sincerly
David Morrissey.

MTC–00004526

From: Ted Kim
To: Microsoft ATR
Date: 12/14/01 5:50pm
Subject: Public Comment RE: US vs. Microsoft

As a longtime computer user, I find that the proposed settlement regarding the Microsoft Anti-Trust case to be inequitable and not in the best public interest. The proposed settlement does nothing to punish or curtail Microsoft's monopolistic business practices. In my humble opinion, the proposed settlement allows Microsoft to further its monopolistic business practices with no competition and with the Court's blessing. Gladly I observe that the Court has not gone blindly down that primrose path and is hearing other players in the industry to gather their opinions before acceptance of the proposal.

The Court is now determining the penalty to Microsoft for violating the Sherman Anti-Trust Act. Microsoft has been found to be illegally maintaining a monopoly of the operating systems market. Any penalties handed down to Microsoft should include, but not be limited to the following in my opinion.

1. Microsoft operating system software should be billed, listed as, and invoiced to the consumer as a separate option on any computer purchases. This allows for the consumer the choice of not buying Microsoft's operating system and using another competing product. This also negates the argument from retailers that ''the computer will not run without Windows!'' There are alternatives to Microsoft's operating system. This allows those consumers, that choose not to use Microsoft product, not be punished for taking advantage of choices that are in the marketplace.

2. Specifications for past, present and future file formats must be publicly published by Microsoft. This is to ensure that third party vendors and programmers may design and make software to work with Microsoft product, not only on Windows, but on other operating systems.

3. Although already proposed, there should be more firm standard to be adhered to in regards to the public publishing of Application Programming Interfaces or API's. They should be fully disclosed and not partially disclosed and key important pieces not published as has happened in the past. A neutral panel or a neutral third party should be placed in charge of oversight.

4. Specifications for past, present and future network protocols should also be published and approved by a neutral third party. This is to ensure that Microsoft does not extend its monopoly to the Internet and become the de-facto standard.

I thank the Court for hearing my opinion, and hopefully my opinions and the opinions of others will help you in this monumental decision.

Respectfully,
Ted Kim
crazyk@powdersoft.com
crazyk@mac.com
3736 Colonial Avenue
Los Angeles, CA 90066

''Difficulties exist to be surmounted.''—Ralph Waldo Emerson

MTC–00004528

From: Paul Van Noord
To: Microsoft ATR
Date: 12/14/01 6:12pm
Subject: Microsoft Anti-trust Settlement
12/14/2001 5:22 PM
Microsoft Anti-trust Settlement

To whom this concerns;

I am a computer consultant who focuses on small businesses, churches, missions and families. I build systems, write custom applications and train users. I have been in business since 1989. This needed to be said to lend credibility to what I have to say.

First, this is an anti-trust suit. Why? Because Microsoft cannot be trusted. If this were a different time in history Bill Gates' name would be Al Capone. The primary difference between these two men is their choice of weapons and the playing field. Both are/were driven by greed and an insatiable desire to control people.

Any settlement that increases the distribution of Microsoft products is totally contrary to what is needed to send a message to the up and coming ''wannabes'' that the type of Microsoft crime does not pay. AOL got where they are by giving away their software. Now you are proposing to do the same for Microsoft? Please do not do it.

Make Microsoft refund to any purchaser who asks, a substantial portion of the Windows purchase price as just compensation for manipulating them. Also, require their operating systems to be made open source and available to anyone. They can keep their proprietary applications but the operating systems should be open source because they are the weapons used to bludgeon purchasers into using their software. No Microsoft software should be part of any settlement. Only cash should be involved.

Sincerely,
Paul Van Noord
Common Sen$e Consulting
6480 Thoman Drive
Spring Grove PA 17362
717–633–6392 Fax 717–633–9886

MTC–00004529

From: Raul X. Garcia
To: Microsoft ATR
Date: 12/14/01 6:13pm
Subject: Microsoft settlement.

Dear Department of Justice:

I feel the present settlement agreement regarding the Microsoft Anti-Trust suit is contrary to the purpose of the suit and it's legal proceedings. The fact that Netscape as a browser company is no longer, and that Microsoft gave away it's competiting product, under the disguise of being part of the operating system, speaks for it's self. Being a computer professional, I find it puzzling that Microsoft has captured 90% of the PC operating systems, office suites. It as if there are no other alternatives out there. Based on the wording of the agreement (which I feel has been written by Microsoft) there are loop holes which Microsoft will take advantage of. There have been and will continue to be companies victimized by Microsoft. Which will only result in a benefit for Microsoft, and detriment for the consumer.

I also believe, that appointing Steve Satchell to the Microsoft Compliance Committee, will bring it a certain degree of creditability and dignity.

Thanks,
Raul X. Garcia
Wk. 626–287–8520
Hm. 626–442–6521
Em. 626–278–4479

MTC–00004530

From: root@wt6.usdoj.gov@inetgw
To: Microsoft ATR,antitrust@ ftc.gov@inetgw, Ralph@essen...
Date: 12/14/01 6:14pm
Subject: Microsoft Hegemony' The IBM Monopoly Torch
CC:letters@latimes.com@ inetgw,letters@ sjmercury.com@i...

''What do you expect!!? What do you expect!?? Uncle Sam PASSED the IBM monopoly torch to Microsoft in 1982... you think we should hand it off to Joe Q. Public? Jesus Christ, Uncle Sam, you made the decision to screw Joe Q. Public then, so live with it!''

''All I say to Uncle Sam is Ka Ching, Ka Ching...ha ha, speak their language, they listen...''

MTC–00004531

From: Eric Swanson
To: Microsoft ATR
Date: 12/14/01 6:20pm
Subject: Microsoft Antitrust Proposed Final Judgement
VIA ELECTRONIC MAIL
TO: Renata Hesse, Trial Attorney
Suite 1200
Antitrust Division
Department of Justice
601 D Street NW
Washington, DC 20530
microsoft.atr@usdoj.gov
FROM: Eric Swanson
2934 Folsom Street
San Francisco, CA 94110
415–377–6531
swanson@mooselessness.com
REGARDING: Microsoft Antitrust Proposed Final Judgement

Dear Renata Hesse and All Those It May Concern:

I am writing as a concerned citizen to register my comments on the PFJ now being considered in the Microsoft antitrust case currently before Judge Colleen Kollar-Kotelly of the US District Court in the District of Columbia.

As a technology consultant, an expert implementor of both Microsoft's and other technology platforms, and a 20-year veteran in information technology, I believe the proposed settlement would be completely ineffective in correcting the harm Microsoft has done and continues to do to the computer industry overall. I won't belabor the point of how Microsoft's practices have limited my choices as a technology consumer—after all, their misdeeds have already been proved—but I will comment briefly on what I believe is wrong with the propsal.

First, the requirement that Microsoft disclose necessary software interfaces for the purpose of allowing competitors to develop network products and middleware that work with Microsoft systems may be well intentioned, but appears entirely toothless. This appears to require only that Microsoft disclose these interfaces upon release of the operating system that uses them. This still leaves a period of months or years when Microsoft internal developers will be aware of planned interfaces and can develop for them without competition. By the time external competitors catch up—perhaps six to eighteen months later—Microsoft could be nearly ready with another new OS release, complete with another window of advantage. To be effective, I believe this measure must require that Microsoft release such interface information even as it is being developed, so that outside developers can begin developing with accurate specifications at the same time it becomes practical for Microsoft developers to begin.

Second, the idea that Microsoft should be allowed any role in selecting the Technical Committee that will oversee its compliance (much less the very substantial role proposed) seems patently ridiculous. Any body that oversees compliance should be appointed by the Court, and selected based on technical skill, legal acumen, and a real understanding of how Microsoft's previous actions have caused harm. I endorse appointing a single special master to oversee this process, but at the very least any committee should be appointed by the presiding judge—or at least somebody other than a proven antitrust violator.

Third, the proposal does not define to my satisfaction how one finds whether Microsoft is ''retaliating'' against a competitor. As written, it seems to require that a court proceeding determine Microsoft's intent in order that they be held responsible. To me, this seems like a recipe for more years-long bouts of legal wrangling. Instead, I believe that biased treatment plus an identified motive for Microsoft should automatically be construed as retaliation unless Microsoft can prove otherwise. For example, if Microsoft changes some licensing terms for a competitor that recently started shipping systems with Linux instead of Windows, that change in terms would be automatically taken as ''retaliation''—the burden shifts to Microsoft to prove conclusively that the change was not retaliatory.

I have quite a few other disagreements with the proposed judgement, but there are people far more qualified than I to expand upon them.

I echo most of the sentiments of Attorneys General Bill Lockyer and Tom Miller, and many of the non-Microsoft industry leaders who have spoken about this issue. In short, I recommend taking a much harder line against a company that has shown not only violation of, but complete contempt for, the antitrust laws of our nation. If we fail to contain this threat, Microsoft and other large companies will be sent a terribly permissive message. Please don't let this happen.

Sincerely,
Eric Swanson (via email: swanson@mooselessness.com)

MTC–00004532

From: Wizard

To: Microsoft ATR
Date: 12/14/01 6:19pm
Subject: Microsoft Antitrust Settlement

To whom it may concern:

As a software developer for nearly 20 years, I find myself concerned with the details of the proposed settlement in Microsoft's antitrust case. As stated, I have been developing software for Microsoft's operating systems (OSs) as well as OSs from Sun, DEC, HP, and Linux. Since the inception of Windows 95 however, I have shied-away from any sort of development on Microsoft's OSs. I have done so because I believe that by developing software for Microsoft OSs, I am condoning the behavior that Microsoft has in the past, and continues to, exhibit in regards to it's competition.

I believe that any settlement with Microsoft that fails to directly and strongly address the central issue of the case by forbidding any similar practice in the future is irresponsible on the part of the DoJ. To this end, I believe that the DoJ must enforce a policy that does the following:

—The DoJ must ensure that any computer system sold that can be a target for a Microsoft OS, must declare the separate price of that OS and sell it separately for that price. It can include additional Microsoft products as a ''package'' with the installed OS for no additional cost, but the base OS must be a separate cost.

—Microsoft must make it's storage format for files of any and all of it's products that have benefited from it's monopoly. This would include all of the applications associated with it's Office suite, as well as Outlook Express, NetMeeting, and many others. This will help to level the playing field back to something that resembles fair. As it stands presently, the companies cannot compete as long as Microsoft is so far ahead.

—Microsoft cannot be allowed to create proprietary network protocols. All protocols that are intended to communicate beyond the physical boundaries of the machine must become a matter of public record, without restrictions on it's use. Any and all network protocols should be approved by some governing body providing oversight in such a manner as to ensure interoperability with other OSs. Microsoft should not be allowed to extend existing protocols without first seeking public comment on such extensions, and then publishing all of the details of the proposed extension. It can however, add functionality to existing systems provided that such added functionality does not interfere in any way with the proper implementation of the existing systems, and provided that the specification of the existing systems allow for such added functionality.

I feel most strongly about the last item. Microsoft has already extended the Kerberos standard to meet it's own desires (see http://www.usenix.org/publications/login/1997–11/embraces.html). This extension is not only proprietary, but it's not compatible with the existing Kerberos V5 standard. This has the interesting effect that the NT domain controller must be a Microsoft product, and that, I believe, is intentional.

The end result with what Microsoft is doing, is that it is intentionally developing it's OS in such a way as to make it extremely difficult to integrate other OSs into a Microsoft environment. With their existing monopoly, I believe that this is the HEART of why the antitrust settlement must take these items into account. As long as Microsoft is allowed to continue to benefit from it's monopoly status, there will never be any real competition in the marketplace, and that is just un-American.

Thank you for your time,
Grant Mongardi
Software Developer
Scituate, MA.
wizard@bostonhot.com

MTC–00004533

From: Alan J. Ecklof
To: Microsoft ATR
Date: 12/14/01 6:28pm
Subject: Why now?

The fact that Microsoft is being punished now for behavior everybody knew was occurring since at least 1994, is like closing the barn door after the horse is out. Those who turned to IBM's OS/2 for a far superior OS in the early to mid-nineties are well aware of how MS manipulated the independent vendors. By making intentionely premature promises of a new OS(Windows 95) delivery, MS forced them to allocate resources to Windows development and ignore an OS that was better(by Gates' own admission) and already existed. The infamous MS software delays came to be known as vaporware. This led to a dearth of applications for OS/2 and no new OS for Windows machines. When it finally arrived, it was more hype than substance. I, personally, stopped using OS/2 when MS made a minor change to the Win32 service and forced IBM to pay 'again' for the right to be compatible, which according to sources was the last straw and led to a niche OS.

As far as forcing computer mfrs. into expensive licensing deals, that is only another example of how a monopoly can extend its reach and force people to by their software, when that may not be the buyer's first choice. Now the problem has become trying to punish the company after it ''finally'' has gotten it right and made a product that is worthy of praise (WindowsXP). This would only serve to make life difficult for all that use Microsoft products and possibly regress to the bad old days. This would have been a perfect scenario 4–7 years ago when Microsoft products were still, basically, expensive garbage and their far superior competitors still had some semblence of market share to further develop. Now it's nothing more than window dressing and does nothing to repair the software companies ruined by these illegal practices. In addition, some of the plaintiffs, AOL in particular, are no better than the defendant.

I wish I had a dime for every hour I spent trying to keep an MS Operating System alive and working or just reinstalling it again.

Please don't do anything that would bring back those days.

MTC–00004534

From: Jim O'Dell
To: Microsoft ATR
Date: 12/14/01 6:45pm
Subject: Microsoft Settlement

Dear Sir,

As a Operating Systems Analyst I have a serious interest in computers, and their operating systems(OS). Please do not let Microsoft get away with unfairly, and illegally, cornering the computing market.

Microsoft has effectivly a strangle hold on OS's, and the applications that run on them.

By controlling the OS's Application Program Interface (API), and the release dates of applications that must use the API, they keep anyone else from competing.

The only hope of leveling the playing field, and increasing the quality of programs that the world depends on, is to force Microsoft to adhere to Open Standards. Open Standards by their nature allow the world of computing to interface, interact, and grow.

BTW, the Internet is a prime example of how Open Standards can allow may diverse systems to work together.

Jim O'Dell
24429 Tyann Ct.
Moreno Valley, Ca. 92551

MTC–00004535

From: John Hilker
To: Microsoft ATR
Date: 12/14/01 6:56pm
Subject: Microsoft Settlement

Sirs:

I am one who feels that the proposed settlement between my government and Microsoft who was found guilty of violating portions of the Sherman Act is far from being in the best interest of me and is clearly not in the nation's interest. Microsoft may be a formidable component of our nation's economy but it's dominance is transitory. The decision on a penalty for Microsoft's behavior will have a long standing, precedent setting effect. Might makes right may be nature's example but our country was founded on a premise that the people must be shielded from oppressors.

I find it offensive that Microsoft is being allowed to thumb its nose at the People who have proven the guilt of the company in its behavior towards its customers and competitors.

Thank you for the opportunity register my opposition to the proposed settlement.

John Hilker
256 Genthner Road
Waldoboro, ME 04572

MTC–00004536

From: hersh@ri.cmu.edu@inetgw
To: Microsoft ATR
Date: 12/14/01 6:57pm
Subject: comments on the Microsoft settlement

The breakup of the Bell Telephone monopoly spawned many new technologies and services which would never have happened otherwise.

There is now a thriving industry of local and long-distance phone carriers, DSL services, etc. Similarly, a real end to Microsoft's monopoly on computer software would spur huge growth and competition in operating systems and application software. The global internet holds fantastic promise

for new applications, new ways of connecting people, and incredible innovation. Building these new things and offering them at reasonable prices is not in Microsoft's interest when they have a monopoly, and is not possible for other companies. Break up the monopoly, and I believe we'll see enormous economic growth, as new companies spring up to compete.

To effectively allow competition, the settlement must enforce the publishing of standards. There are many standards we take for granted in everyday life without which whole industries would be impossible. Light bulbs all have the same type of socket. No one company has secret control over a socket standard, so no one company has a lock on selling the fixtures *and* the lights.

So Microsoft must be forced to expose their interfaces. Interfaces include APIs of course, but they importantly include document formats. A document saved in Microsoft Word *must* be openable (correctly) in a competing word processor program, and other programs must be able to correctly write files which MS Word reads. Sending and receiving documents is a fundamentally important communication, and if Microsoft is the only company which can sell software to read documents published by others, Microsoft's monopoly will continue unaffected, and new companies and new economic growth will not appear. In essence, *every* interface between one piece of software and another must be made public. This should be true not only for Microsoft, but for every software company. Interfaces include:

—network protocols
—Application Programming Interfaces (APIs)
—document formats

and possibly others. There must be no ''secret handshakes'' exchanged by Microsoft software which keeps others from competing.

As a Ph.D. student in Robotics with Masters and Bachelors degrees in Computer Science and several years in the programming industry, I have a good deal of experience with different software systems. It is my firm belief that Microsoft's software is as unreliable as it is and as expensive as it is because of Microsoft's monopoly. It is also my firm belief that other companies have been prevented from offering competetive software products because of Microsoft's monopoly. The court has found Microsoft guilty of maintaining a monopoly. The penalty given to Microsoft is a critical opportunity to enliven the whole nation's economy, but it must be done carefully, and include the publication of all interfaces.

Thank you,
David Hershberger
1235 Bellerock St.
Pittsburgh PA 15217

MTC–00004537

From: srd@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 12/14/01 7:02pm
Subject: Microsoft Settlement

Honorable Sirs and Madams:

Microsoft's proposal to distribute their software to needy schools to atone for their monopolistic behaviour is ludicrous. Addicting yet another generation to their software exacerbates rather than mitigates the problem. While young and flexible, students should learn that alternative computing environments, such as Linux, BSD, UNIX, MacOSX and BeOS exist and have considerable virtues. In particular, students should be exposed to the open source movement, because of its low cost, intellectual freedom, and technical excellence. Education in the comparative merits of these systems is vastly preferable to indoctrination in the Microsoft way... Microsoft's proposed remedy is blatantly self-serving and an insult to intelligence.

A sensible way to reduce Microsoft's stranglehold on the software market is to *compel* them to open their proprietary Office file formats to the software world. I believe the sole reason Microsoft's OSes are so widely utilized is the public's addiction to their proprietary Office applications. Only by opening/documenting Microsoft's proprietary Office file formats, can competing office products, such as Sun's StarOffice, gain a competitive foothold. Without the capability to convert documents to and from Microsoft Office format, alternative office application software will *never* break through Microsoft's entrenched user base.

Microsoft's strategy of usurping and perverting open standards in their exclusive interest is well documented (http://www.opensource.org/halloween/) and must be curtailed. It is time to reverse this parasitic process, and make their proprietary ''standards'' open to the public. All ''standards'' should be public.

While compelling Microsoft to make its Office software available for Linux or MacOSX would benefit those OSes in the short-term, it would increaser Microsoft's dominance in the Office applications arena in the long run. I believe that opening/documenting the Office file formats would be a far more effective means of simulating software innovation and development.

While the courts have found Microsoft to be a monopoly, the DoJ's recent actions suggest that there will be no meaningful penalty. By putting Microsoft above the law, Microsoft's predatory behavior will become more egregious. Although Microsoft's malicious actions toward Netscape and Sun were serious, they pale in comparison to their apparently little-known, yet long-standing licensing practice that forbids or penalizes computer resellers from setting up dual-boot systems capable of running other operating systems. Microsoft must be compelled to cease and desist in this particular anti-competitive practice!

Microsoft has recently waged a libelous war against the the open source software movement. Their officials have called the movement ''un-American'', ''communist'', and ''a cancer''. There can be no doubt that Microsoft will stop at nothing to erradicate the open source movement. The DoJ's ultimate goal *should* be to insure that this kind of predatory Microsoft behaviour is banished from the face of the earth. Any settlement wording that requires Microsoft to share its APIs and file formats with other software businesses MUST BE WORDED TO EXPLICITLY INCLUDE THE MEMBERS OF THE FREE SOFTWARE MOVEMENT!

Anyone who doubts the value of a diverse ''gene pool'' in the software field should pay closer attention to the litany of virii that plague Microsoft, but not other, OSes. A huge amount of time, money and productivity have been wasted as a result of Microsoft's inability or lack of motivation to secure its OSes. Further, the never-ending cycle of pointless ''upgrades'' that Microsoft has used to sustain it's revenue stream should offend rational people everywhere.

Respectfully,
Dr. Stuart R. DeGraaf
Advisor Engineer / Systems Architect
Northrop Grumman ESSS
Baltimore, MD
410–531–0061 (home)
srd@erols.com (home)
410–765–4560 (work)
Stuart_R_DeGraaf@mail.northgrum.com (work)
CC:DeGraaf, David,Thyberg, Robert

MTC–00004538

From: Mike Muldoon
To: Microsoft ATR
Date: 12/14/01 7:05pm
Subject: Public response to Microsoft settlement action

Renata Hesse,

As someone familiar with computing and the computer industry, and the adverse effects of Microsoft's monopolies in these areas, I cannot see how the settlement that is proposed even pretends to remedy the antitrust violations for which Microsoft has been found culpable. The company has already been found in violation, and this is the penalty phase of the case, but the settlement contains no penalties and actually advances Microsoft's operating system monopoly. A just penalty would at barest minimum include three additional features:

1. Any remedy seeking to prevent an extension of Microsoft's monopoly must place Microsoft products as extra-cost options in the purchase of new computers, so that the user who does not wish to purchase them is not forced to do so. This means that for the price differential between a new computer with Microsoft software and one without, a computer seller must offer the software without the computer (which would prevent computer makers from saying that the difference in price is only a few dollars). Only then could competition come to exist in a meaningful way.

2. The specifications of Microsoft's present and future document file formats must be made public, so that documents created in Microsoft applications may be read by programs from other makers, on Microsoft's or other operating systems. This is in addition to opening the Windows application program interface (API, the set of ''hooks'' that allow other parties to write applications for Windows operating systems), which is already part of the proposed settlement.

3. Any Microsoft networking protocols must be published in full and approved by an independent network protocol body. This would prevent Microsoft from seizing de facto control of the Internet.

If the national interest is at issue, as I believe it is and as the judge has suggested it is, it is crucial that Microsoft's operating

system monopoly not be extended, and in this I quote the study released a year ago by the highly respected Center for Strategic and International Studies, which pointed out that the use of Microsoft software actually poses a national security risk.

In closing, all are surely in agreement that the resolution of this case is of great importance, not just now but for many years to come. This suggests a careful and deliberate penalty is far more important to the health of the nation than is a hasty one.

Thank You,
Mike Muldoon
Senior Architect
Digital Age Media

MTC–00004539

From: Cage, Russell
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/14/01 7:08pm
Subject: Comment on settlement proposal
Russell Cage
1615 Morton
Ann Arbor MI 48104
14 December 2001
Renata Hesse, Trial Attorney
Suite 1200, Antitrust Division
Department of Justice
601 D Street NW
Washington, DC 20530
202–616–9937 FAX
microsoft.atr@usdoj.gov

It is my understanding that the Department of Justice has reached a proposed settlement with Microsoft in the matter of the recent anti-trust suit. Despite the established guilt of Microsoft, this settlement calls for only a token cash outlay, no fines, few conduct penalties and great freedom on the part of Microsoft to continue doing business as it wishes.

In my humble opinion, such a settlement is unconscionable. Not only does it fail to remedy the effects of past monopolistic behavior or prevent the same or worse in the future, it leaves the victims of the monopoly without a remedy. Worst of all, it may present a threat to national security.

Certain terms of the proposed settlement, such as the provision of $900 million in Microsoft software to schools, do nothing to ameliorate the damage done by previous monopolistic behavior. It has been argued that this would only extend the monopoly into an area where Microsoft is currently weak. This should not be allowed. By all means allow Microsoft to make up some of the damage the company has done to schools with its marketing practices, but make them do it in cash. The disposition of the cash should be overseen by people charged with getting the most benefit to the schools; benefit to Microsoft should not be a consideration. For this reason stock is inferior to cash; the value of the stock can be affected by the purchasing decisions of the schools, and Microsoft's welfare should not be a factor in the decision.

Other terms leave much to be desired. Microsoft has been proven to ignore conduct restrictions imposed on it by consent agreements. What is to prevent Microsoft from doing what it pleases regardless of the terms of this settlement? For this reason, I believe that the court was premature in ruling out a structural remedy.

But the most important issue may be national security. Microsoft's dominance in desktop operating systems means that most businesses run it on most or all of their computers. The vulnerability of Windows and other utilities such as the Outlook mail agent to viruses, worms and Trojan horse software has made both the global Internet and company intranets subject to being swamped with traffic and even crashed. Even crude viruses such as the Love Bug required eradication efforts amounting to billions of dollars world-wide.

This vulnerability is almost entirely due to Microsoft's ''integration'' of unwanted functionality into Windows and its related utilities. Once such functionality is ''integrated'', users and companies alike have few ways to remove or disable it if it becomes a liability. If an intelligent and determined enemy were to exploit many such liabilities, the cost to the USA could be far greater than the September 11 disaster.

For this reason, any settlement must stop Microsoft from ''integrating'' utilities and ''middleware'' with the operating system. Microsoft should be required to package, sell, install and remove software functionality in distinct, related units. If functionality such as an insecure web browser can be removed and replaced, the damage from an attack on that utility's vulnerability is limited. The effect on competitors to Microsoft may be one of the smaller issues; if such functionality cannot be removed and replaced because it is ''integrated'' by Microsoft, the entire Internet can potentially be shut down by a single security flaw.

Thank you for your attention to this pressing matter.

MTC–00004540

From: Graham, J. Christopher
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/14/01 7:16pm
Subject: My opinion on the MS case

I think that Microsoft should be SEVERELY punished for its monopolistic, heavy-handed practices. Industries and innovation elevate when there is competition in the marketplace. The technology industry—and as a result the business and home users—have suffered due to Microsoft running its competitors out of business. The initial judgment that was passed down is a joke—they need to be hit hard—financially or otherwise. As an independent technology consultant, whose organization is a Microsoft Consulting Partner—I am disappointed in the number of vendors or solutions that my clients have to choose from.

J. Christopher Graham
Baker Robbins & Company
Knowledge, Solutions, Partnership
Ph: 312.425.4458
http://www.brco.com

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MTC–00004541

From: Kengo Hashimoto
To: Microsoft ATR
Date: 12/14/01 7:31pm
Subject: Comment from a non-MS user

To all whom it may concern:

I, as do millions of other citizens across the world, have an interest in sterner remedies, be it conduct or structural, in the United States vs. Microsoft Corporation case.

As the largest publisher of operating software and business applications software in the world, Microsoft is at a unique position to create an illegal monopoly in more ways than one. Some of these have been shown in court, and Microsoft has been found to be guilty of illegal monopolistic practices.

What concerns me about the current conduct of Microsoft is as follows: First, there is virtually no way for a consumer or a business to purchase a PC from a large vendor, such as Dell, without having some version of a Microsoft operating software pre-loaded on it. Second, Microsoft is notorious for creating non-documented application programming interfaces for use by Microsoft programmers, but not by their competitors in the applications field. Finally, as the largest producer of operating environments and Internet software, they alone can create non-standard extensions upon the languages spoken between computers, called protocol, potentially locking out competitors.

It is vitally important for a consumer or a business to be able to purchase a computer from a large OEM without Windows preloaded on it. Despite what Microsoft may claim, computers without Windows is not a hotbed of piracy. In fact, Microsoft themselves have taken steps with their newest operating environment, Windows XP, to prevent such casual copying. Therefore, in order to level the competitive playing field for different operating environments—such as BeOS, a potential PC version of MacOS X, Linux, Sun Solaris, to name a few—these machines should be made available without any operating environments, with separate prices for machines. For businesses, the situation is slightly different. Most large businesses purchase a business-wide license for operating environments from Microsoft. If these machines are not made available without an included Windows license, then these businesses will in effect end up paying twice for the same product. Of course, having two price lists, one for computers with, and the other for computers without, will have secondary beneficial effect of exposing what the various OEM prices for Windows are, and will prevent Microsoft from ''punishing'' OEM's who sell other operating environments (as happened with IBM's PC division in the early 1990's, when they chose to offer the IBM OS/2 operating environment as well as that of Microsoft's).

Of course, changes in the way Microsoft handles their Windows applications programming interface (API) needs to change as well. It is often rumoured, and once proven, that Microsoft maintains a list of API methods that are not available outside of Microsoft. What this allows Microsoft to do is to create two methods for receiving operating environment support for such common tasks as opening a file, differing in execution speed but otherwise identical in function. As virtually everything a program or an application can do, it must do so via calling the API methods, a Microsoft application, with the faster of the two

method calls available to it, will have a distinct and unfair advantage over the non-Microsoft competition. Obviously, these method calls are not limited to opening files, and can include, but not be limited to: launching new programs, opening a new network (including Internet) connection and reading in and writing out to it, opening a file and reading from and writing to it, displaying a graphics, and playing a sound.

As for Internet standards of protocols, there already exists several independant bodies for creation and maintenance of protocols. These include, but are not limited to, the World Wide Web Consortium, the Internet Engineering Task Force, ANSI, and ISO. Unfortunately, with Microsoft's track record of building their own, proprietary protocols that compete with the open protocols created by these independant committees, Microsoft has often closed the doors on competing operating environments on different platforms. For example, in the translation of human-readable domain names (such as www.sun.com) to machine-readable numeric representation (such as 192.168.1.2), performed by nameservers, Microsoft has already created a non-standard extention to their own system, such that a non-Windows nameserver takes a performance hit against a Windows-based nameserver when the client is also running Windows.

Similarly, Microsoft has created their own then-proprietary and closed extention to the Kerberos network authentication protocol with the introduction of Windows 2000. Because of their immense size, allowing this conduct can and will stifle innovation by their competitors, which is exactly what Microsoft has been found guilty of.

I would like to believe that Microsoft will not continue these behaviours, now that the courts have deemed them illegal. However, in the case of criminal behaviour by an individual, we as a society do not, after finding such a person guilty of the deed, tell them merely to stop doing that deed, and let them go. Instead, oftentimes, we incarcerate that individual. Similarly, we must place strict penalties upon Microsoft, as they have broken a law, and must be punished.

Sincerely,

Kengo Hashimoto

I request that my contact information be kept private, but for the purposes of full discloser it is as follows:

Contact Information:

email: hashik@cs.rpi.edu

phone: 314–878–4610

address: 1265 Whispering Pines Dr., Saint Louis, MO 63146

MTC–00004542

From: Logan Harper
To: Microsoft ATR
Date: 12/14/01 7:30pm
Subject: Proposed Microsoft Anti-trust Settlement

From my understanding of the proposed settlement, Microsoft is hardly being penalized for their previously uncompetitive maneuvers and even gaining the legal right to maintain its monopoly of the operating systems market. Any penalty that is assessed should not be payable in Microsoft Software any more than printed ''Microsoft Dollars'' would be a reasonable currency. For mere pennies on the dollar, Microsoft can reduce the fine from millions to a few thousand dollars. For the penalty phase, I would recommend at least several hundred million dollars in levied fines for their cavalier disregard of anti-trust law, payable directly to the US government, with absolutely no PR value for Microsoft, and no forced further integration of Microsoft products in school systems.

The key to breaking the monopoly on Operating Systems is first to allow buyers their choice of operating systems. Previously this choice was heavily discouraged by Microsoft. A remedy to this problem would be to make the choice of an operating system entirely distinct from the hardware—each buyer purchases a computer at a ''base price'', and any operating system, setup costs, etc. are added to this base price afterwards. In other words, no more package deals. Also, all computer resellers should pay the exact same price for the Microsoft software, regardless of how many other operating systems they offer to consumers.

Another consideration is the proprietary formats that Microsoft has established for programs running solely on its operating system. This can do little but maintain the necessity of their own operating system, and force users to purchase ''compatible Microsoft operating systems and programs''. A fitting solution to this concern would be to force Microsoft to release the details of the proprietary file formats so closely integrated into their operating system—word, excel, etc. Then, should someone wish to produce an application for another operating system that was compatible with the Microsoft standard files, they would be able to. This would help to make the choice of operating system just that—a choice.

In short, I feel the proposed settlement is little more than a mockery of the anti-trust law that it supposedly upholds. I would like to see a real settlement that would force Microsoft to end their stranglehold on the operating system market, and punish them for maintaining that stranglehold for way too long.

Sincerely,

Logan Harper

5500 Wabash Ave.

Terre Haute, IN

MTC–00004543

From: Donovan Bernauer
To: Microsoft ATR
Date: 12/14/01 7:35pm
Subject: Settle!!! Settle!!! Settle!!!!

Sincerely,

Donovan Bernauer

MTC–00004544

From: Andrew Gillean
To: Microsoft ATR
Date: 12/14/01 7:47pm

I do wish you people would get off Microsoft's case and do what you are supposed to be doing. Without Microsoft's Internet Explorer being given away way back when we would still be paying someone like Netscape money to have the technology to access the 'Web'.

Would you please remember that.

The other 'free' browsers would not even exist if it were not for Microsoft's efforts.

A Satisfied Microsoft Customer,

Andrew Gillean (agillean@rogers.com)

CC:support@msn.com@inetgw

MTC–00004545

From: Ed Reames
To: Microsoft ATR
Date: 12/14/01 7:48pm
Subject: COMMENT ON MICROSOFT AND DOJ SETTLEMENT

Renata B. Hesse
Antitrust Division
U.S. Department of Justice

Dear M. Hesse,

I believe that you have erroneously settled with Microsoft. You should have required much more in settlement terms. Microsoft can really do whatever they want under the terms of your settlement.

I have been in the computing and telecommunications business for about thirty years. I do not think that you have done anything that will cause Microsoft to change their opertions.

Respectfully,

Calvin E. Reames, Jr.

14504 Ascot Square Court

Boyds, MD 20841–9036

301/353–9027

CC:Paul Sarbanes,Connie Morella,Barbara Mikulski

MTC–00004546

From: Aaron R. Kulkis
To: Microsoft ATR
Date: 12/14/01 7:59pm
Subject: Microsoft settlement

Considering the GREAT amount of harm which Microsoft has caused to it other businesses through it's anti-competitite practices... I notice that the currently proposed remedy consists of

A) PROMISES from Microsoft not to do it again.

(Just like Germany promised to not invade any neighbors in the 1940's)

B) Microsoft giving away CD–ROMs of their software....thereby FURTHER extending the monopoly by eliminating sales opportunities by competitors.

C) No TANGIBLE punishment in the form of fines of the corporation and/or jail time for officers of the corporation who made these criminal decisions.

(B) and (C) need to be changed.

Microsoft must NOT be allowed to further destroy competitor's opportunities to even gain customers, and Microsoft MUST suffer SIGNIFICANT punishment in the form of LARGE fines (large enough to have a REAL DETERRENT EFFECT... that is, on the order of $1 Billion or more). If Microsoft's investors get hurt...well, that's the price of choosing to become part of, and benefit from the behavior of, a criminal organization.

Aaron R. Kulkis

Computer Systems Engineer

General Motors Corporation

MTC–00004547

From: Anthony Hologounis
To: Microsoft ATR
Date: 12/14/01 8:03pm
Subject: Please stop the Microsoft monopoly

Hello

Please make note that I do not agree with the DOJ decision with respect to Microsoft. They are a monopoly and they have harmed the consumer.

Cheers

Anthony

MTC–00004548

From: Phillip Hofmeister
To: Microsoft ATR
Date: 12/14/01 8:18pm
Subject: United States v. Microsoft Settlement
To: Renata Hesse
Trial Attorney
Suite 1200
Antitrust Division
Department of Justice
601 D Street NW
Washington, DC 20530
microsoft.atr@usdoj.gov

To whom it may concern:

I am a concerned citizen of the State of Michigan who sees the proposed DOJ and Microsoft settlement to be inadequate for true justice and the national interest.

As can be seen throughout the course of the past 20 years, Microsoft's market share in the computer industry has steadily risen. Along with this rise has also come a rise in prices of Microsoft's operating systems and software (a rise in price that is faster than the rate of inflation). One can only assume this rise will continue as Microsoft's hold on the market becomes stronger. This is the exact reason that unregulated monopolies are NOT in the favor of national interest. As Microsoft continues to drive competition out of the market its prices will only continue to rise (I would be highly surprised if anything contrary to this happens). The proposed settlement does not adequately protect consumers and competition from this horrible, grim future.

A few of the many problems I see with the proposed judgement are mentioned below:

III.C.1 ...provided that the restrictions are non-discriminatory with respect it non-Microsoft and Microsoft products.

This portion of the judgement is open to manipulation and interpretation. What exactly qualifies as ''non-discriminatory''? It is not specified in the definitions. This leaves the door open to a year or more debate down the road as to what is discriminatory and what is not, which equates to loss of several thousands of dollars in taxpayers' money in legal expenses. This is definitely not in the public's best interest.

II.C.2 ...so long as such shortcuts do not impair the functionality of the user interface

One again, this statement is opened to much interpretation and the same problems as section III.C.1 (mentioned above).

IV.A.2 To determine and enforce compliance with this Final Judgment, duly authorized representatives of the United States and the plaintiff States, on reasonable notice to Microsoft and subject to any lawful privilege, shall be permitted the following:

Not that I do not trust Microsoft, but what would prevent them from ''loosing'' such documents when they receive this notice? Who could prove if this ''loss'' was accidental or intentional? The plaintiff's should have the right to inspect documents and source code without notice.

IV.A.4 The Plaintiffs shall have the authority to seek such orders as are necessary from the Court to enforce this Final Judgment, provided, however, that the Plaintiffs shall afford Microsoft a reasonable opportunity to cure alleged violations of Sections III.C, III.D, III.E and III.H, provided further that any action by Microsoft to cure any such violation shall not be a defense to enforcement with respect to any knowing, willful or systematic violations.

There is no limit place on what is a ''reasonable time''. Is it a year? A week? During this time it takes Microsoft to ''cure'' the problem it is still there. Microsoft should be required to pay damages for the time the problem was not ''cured''. This provision would encourage them to ''cure'' the problem quicker. In addition, there is no provision that says what will happen if the problem reappears after it is ''cured''. Does the process start over again with the same problem as the first time?

V.A Unless this Court grants an extension, this Final Judgment will expire on the fifth anniversary of the date it is entered by the Court. Why does Justice and a settlement that is supposedly in favor of the nation's interests expire? Are we only concerned with the nation's interest for 5 years? This clause effectively allows the whole battle to begin once more in 5 years. I do not believe anyone wants to endure this battle again. I would urge the reconsideration of this proposed settlement.

Respectfully submitted,

Phillip Hofmeister
6080 Academy Drive
Saginaw MI 48604
plhofmei@svsu.edu

MTC–00004549

From: Blake Buzzini
To: Microsoft ATR
Date: 12/14/01 8:25pm
Subject: Fully Support Proposed Settlement

I fully support the proposed settlement between Microsoft and the DOJ. It strikes the right balance between addressing the issues found by the court and ensuring that technology companies can continue to improve their products.

Many who support stricter sanctions prefer to ignore the facts of the case in favor of pushing their own technological agendas (Linux users, the Free Software Foundation). Still others are simply jealous of Microsoft's success (Sun, Oracle, AOL, Novell). I urge the Court to ignore these zealots and sore losers and approve the proposed settlement.

Sincerely,

Blake Buzzini

MTC–00004551

From: Preston A. Elder
To: Microsoft ATR
Date: 12/14/01 8:38pm
Subject: Microsoft Anti-Trust case.

Hi,

As a member of the wider internet community, I would like to voice my opinion of the proposed settlement by the US Dept. of Justice in regards to the Microsoft Anti-Trust case. Microsoft has been proven (and upheld) to be a monopoly, a corporation that stifles competition—however it seems the proposed settlement is little more than a slap on the wrists saying 'bad boy', but does not really address stopping Microsoft from BEING a monopoly.

Microsoft was proven to attain its monopoly status by such things as bundling software items with their operating systems (even if the user did not want to install the extra software on their machine), and worse, making it difficult for any user of these operating systems to chose to use a compeatitors product, and KEEP using it.

For example, if someone installs one of Microsoft's operating systems, Windows Media Player is installed, weather the user wanted it or not. The user must then take extra steps to NOT use Windows Media Player. To add insult to injury, after the user gets their system fully setup to use an alternate product, and then must do something as innocent as upgrade Microsoft Internet Explorer, Windows Media Player is installed aswell and set as the default player again. Even though the user did not want a newer version of Windows Media Playe, it was upgraded for them, and its dominance re-established. This is obviously monopolistic behavior, and the settlement proposed by the Dept. of Justice does not really restrict such behavior.

In addition, Microsoft has taken active roles to try and lock out anyone who chooses to use another operating system, by deliberately making Microsoft operating systems use slightly modified internet protocol standards, that are just different enough to make them not work with any non-Microsoft product, however, Microsoft still calls them a 'standard' implementation of the protocol in question. A recent example of this was Microsoft's using the Kerberos standard for their Windows 2000 network authentication schemes. Only after much pressure from the technically aware did Microsoft releace the source code to their proprietary extensions (to a public standard), and even then forced people who viewed these extensions to agree to a click-through license that essentially ment no-one could implement them for compatability.

Microsoft should be subjected to two destinct restrictions. Given their market possition, any protocols Microsoft invents instantly become a kind of de-facto standard, however most are not published, and must be reverse engineered to allow other operating systems and applications to communicate effectively with Microsoft products. This essentially gives Microsoft a 'stifling' possition in the market, especially as more laws such as the DMCA start to restrict the right to engage in activities such as reverse engineering. Therefore, Microsoft should be compelled to release full documentation on any new protocols and standards they employ. I also believe that some kind of third-party review committee should continually be involved in the process of creating these new standards, to ensure that Microsoft does not try and create a new protocol or standard that, by its very nature, precludes any competing product (such as another operating system like the Linux or Solaris operating systems) from implementing these protocols or standards, and effectively ensures that people must use

Microsoft only systems to be able to use whatever has implemented this standard.

Even if Microsoft is not broken in to two or more companies (it really is so large, and stifling, it should be broken into three destinct companies)—a better solution to their monopolistic behavior would be to force them to be more honest with the public, and open up their development process a little. Microsoft is such a widely used product, and a critical part of most desktop computers, that the amount of secrecy in-built into Microsoft's systems is more harmful than good. This in itself has been proven by the recent spate of virii that has attacked Microsoft systems, servers and desktops alike. Most of the time, by the time a hole in a Microsoft product is exploited, the problem is already known by Microsoft, but they cover it up, and hope nobody notices. If Microsoft had more open standards, such as opening up Microsoft's programmatical interfaces (API's, etc), and their file formats, these kinds of problems would be known alot earlier, and more importantly, fixes, patches, and even prevention by things such as virus scanners would be achieved much easier.

This would also have the added side-effect of helping end Microsoft's monopoly. It is well known that many applications Microsoft releases, such as Microsoft Office, use 'back-door' hooks into the various Microsoft operating systems. This means that products like Microsoft Office have more intergration, and can be alot faster than any compeating product could ever achieve because the developers of Microsoft Office have much more knowledge of and access to the program interfaces that the various Microsoft Windows operating systems use, which means they can stifle the competition by ensuring their product is always better because of the various tricks it can employ.

Microsoft recently sent a memo out to all the major PC vendors stating that they should NOT allow any consumers who purchase a PC from them to purchase it without a Windows operating system. The reasoning behind this was 'Since they are going to buy it anyway, this will help cease the increasing trend of software piracy'. This is clearly monopolistic behavior. There is an increasing number of users, businesses, and even governments that are NOT using Windows on their desktop and server machines, instead they are using alternatives such as Linux, Solaris, and other unix variants. However increasingly, every time a new PC is sold, the user is forced to purchase the Windows operating system with it, even if they have no intention of using it.

This behavior is increasing Microsoft's monopoly in two ways. Firstly, they get more and more 'sold' copies of their Windows operating system even from users who did not want it in the first place, and secondly, most of these systems come with Windows pre-installed, which means that users arent getting a choice of which operating system they wish to use, and Microsoft once again (as with their software bundling) is forcing the user to go through extra effort to NOT use a Microsoft product. In addition, most PC vendors have to pay Microsoft weather they put the Windows operating system on a new PC they sell or not, which effectively means there is 'no cost difference' between a PC with or without the Windows operating system—which means even if a user DOES manage to purchase a PC without the Windows operating system, they still end up paying for it anyway, as its already been added into the cost of their new PC by the vendor.

Microsoft products have been proven by multipal studies to be the biggest security risks on the internet. Microsoft's attitude and assumptions mean that more and more security flaws are being released in each successive product, and having farther and farther reaching concequences. With Microsoft introducing their new .NET initiative, this prospect is even scarier, as Microsoft will be forcing EVERYONE who wants to use their .NET systems to give Microsoft personally identifying information, which, as part of their licensing agreement, they may share with anyone they wish to. Microsoft's closed archetecture, and monopoly in the marketplace means that everyone will be forced to start giving up any information Microsoft wants—a scary prospect when you think about all the recent virii, and vulnerabilities found in Microsoft products (especially when compared to their compeatitors).

Finally, the Dept. of Justice settlement, apart from being too minimalistic in its conditions placed on future Microsoft business practices, also only gives Microsoft a slap on the wrist financially. Microsoft will be spending $1.1 billion dollars getting new computers to needy schools, a worthy and noble thing to do. However looking deeper, they will only be spending $200M on actual computer equipment, and the rest on software, their own software. They will be working out this $900M cost based on retail, or slightly discounted costs of their products. However this costs relatively little to Microsoft itself. The software is already created, and actually burning it to CD, and issuing site licenses for it is an extremely cheap process. Microsoft may say its worth $900M, and it would indeed be that much to buy if a business wished to purchase the same amount, however it costs them much less. Thus it ends up being only a small financial hit to the company, especially when you think about their profits from just one year.

There have been several offers from other companies, such as RedHat Inc. to make this a more equitable deal—by forcing Microsoft to pay the entire amount in hardware costs—something they cant just make cheaply and assign any price to it. RedHat even offered to supply all the software free, and give indefinate support and upgrade, as opposed to Microsoft's limited support and upgrade offer. I believe these kinds of offers by third party companies should seriously be considered as part of any Dept. of Justice settlement.

In summary, Microsoft's monoply has far-reaching effects, both now and especially in the near future. Microsoft stifles competition by changing or inventing standards that block compeating products from communicating to Microsoft products. Microsoft uses special code within its products to ensure that any product they make will always be faster or better intergrated than any compeatitor could be—infact, they've been caught in the past writing specific code to hinder compeating products! Microsoft ensures that a user will have to go through more effort to try and use (or keep using) a compeating product, than they would to use a Microsoft product. All of this behavior requires a stiffer repremand than the current Dept. of Justice settlement gives. Microsoft will push any settlement to its absolute limit, and find any loophole that is left in it—however with Microsoft's current dominance in the PC market, looking forward, we cannot allow Microsoft to maintain to its current practices, especially when Microsoft could soon be the gate keeper of thousands, even millions of peoples personal infromation.

Thank you for your time,

PreZ

Owner, Shadow Realm (http://www.srealm.net.au)

Systems Administrator, GOTH.NET (http://www.goth.net) Development Head, Magick IRC

Services (http://www.magick.tm) Maintainer, CoreWars (http://www.corewars.net)

Founder, DARKER.NET (http://www.darker.net)

CEO, RelicNet IRC Network (http://www.relic.net)

Death is life's way of telling you you've been fired.

— R. Geis

MTC–00004552

From: ANTHONYNAT@aol.com@inetgw
To: Microsoft ATR
Date: 12/14/01 8:50pm
Subject: Microsoft Settlement
Name: Anthony J. Natoli
Organization: CEREBRAL PROPERTY LAW OFFICE

DISCLAIMER: I am not and have not been an employee, shareholder, or business partner of Microsoft, and I, as an attorney, do not and have not had Microsoft or any of its business partners as a client.

Statement: I strongly support the proposed settlement in U.S. v. Microsoft I find the proposed settlement of the antitrust case of U.S. vs. Microsoft to be a fair and balanced resolution of the issues, protecting and helping consumers while also acknowledging the legitimate rights of Microsoft to practice its business.

I submit the following comments on the proposed settlement as a concerned consumer, a technophile, an intellectual property attorney, and a U.S. citizen:

1. As a consumer:

a. I have determined, from over two decades of using technology, that there has been significant price stability and/or reduction in prices of software and other components used in consumer devices and applications, generally referred to as ''computers'' and ''the Internet'', based on the business activities and products of Microsoft;

b. I have determined that there is and has been significant and valuable competition and choices available to me, as a consumer, to obtain more and better computers and uses of the Internet based on the business activities and products of Microsoft; and

c. I have determined that the proposed settlement is far more beneficial to consumers such as myself instead of the more harsh or draconian remedies proposed by other parties, with such suggested remedies including divestiture and/or breaking up of Microsoft, or stripping Microsoft of its intellectual property and/or its ability to innovate in consumer-related computing, including the Internet and browsers for use with the Internet.

2. As a technophile:

a. I have seen and benefited greatly from the advances in computing brought on by the business activities and products of Microsoft, especially market-driven standardization over two decades, of systems and components for use on or with Microsoft products and related products, including operating systems, graphic user interfaces, productivity suites, and Internet browsers;

b. I have seen and benefited greatly from the advances in computing brought on by the entry by Microsoft into different and diverse markets involving many areas of computing, including personal computers, wordprocessing and other productivity applications, and the Internet; and

c. I am wary of any government action which may decrease interoperability and standardization of computing technologies, such as the situation presented twenty years ago with far too many competitors pushing and selling disparate and incompatible computing platforms and software, with such chaotic conditions being potentially revisited and brought on by any government's imposing and implementing the more harsh or draconian remedies proposed by other parties, with such suggested remedies including divestiture and/or breaking up of Microsoft, or stripping Microsoft of its intellectual property and/or its ability to innovate in consumer-related computing, including the Internet and browsers for use with the Internet.

3. As an intellectual property attorney, experienced in patents, copyrights, software, and licensing and business agreements:

a. I favor the ownership and enforcement of intellectual property rights as an incentive for Microsoft, as with all other entitled entities, to innovate with the promise of reward via legitimate and enforceable government granted or recognized limited monopolies, for a limited time, as per Article I, Section 8 of the U.S. Constitution;

b. I believe that the compulsory licensing of intellectual property rights by Microsoft to other parties including competitors, as found in the proposed settlement, is an appropriate remedy and balancing of interests for permitting the government to apply and enforce antitrust laws under the Commerce Clause of the U.S. Constitution in view of the intellectual property rights granted by law under the U.S. Constitution, with such compulsory licensing of intellectual property being well known and applied in other countries but generally unheard of in the U.S. and so being extraordinary but reasonable for enforcing the U.S. antitrust laws; and

c. I deplore the statements and attitudes of certain critics who blithely pooh-pooh, dismiss, or otherwise put no value in the intellectual property rights entitled to Microsoft, in its software and/or business licensing practices, so that such critics may pirate or otherwise obtain the intellectual property of companies for little or no payment of justifiable royalties and/or recoupment of research and development costs (and allegedly justified by such critics pompously in crying ''information wants to be free!''), with such royalties and recoupments owed to Microsoft or other software creators.

4. As a U.S. citizen:

a. I favor the present market system in the U.S. to permit Microsoft to utilize any and all business practices which are well-established and commonly used throughout multiple industries, including the computing industry, such as the free distribution of software such as Internet browsers to increase market share, a practice conducted extensively by Netscape (but unfortunately only in the past in order for Netscape to establish over 90 % market share in the browser market) with its freely downloadable browser available years before Microsoft even had an Internet browser to itself freely distribute;

b. I deplore the unequal application of the antitrust laws by the U.S. government in pursuing Microsoft, which has clearly benefited consumers, when there are many other businesses, including competitors of Microsoft, with more egregious practices and/or more monopolistic market power of certain other companies, such as the over 90 % market share of the Netscape browser at one time, via the aforementioned free distribution of software, as well as Cisco Systems which, for a number of years in nationally broadcast advertisements in television and other media, touted that over 90 % of the Internet systems used Cisco servers, without any investigation of Netscape or Cisco by the Federal Trade Commission and/or the Department of Justice of such pervasive and (according to some of Microsoft's critics) presumptively monopolistic market power; and

c. I seek a final resolution of this antitrust case against Microsoft in order to permit Microsoft to continue to further advance computing and Internet applications, for example, via WINDOWS XP and OFFICE XP, and to spur the recovery of the U.S. economy from the current recession for the betterment of all citizens of the United States.

CC:natoli@cerebralproperty.com@inetgw

MTC–00004553

From: Lee Bane
To: Microsoft ATR
Date: 12/14/01 9:03pm
Subject: MS Settlement—My Comments

Please!!

Set down and ask yourself, is this settlement the right way to protect the public? For now and the future.. or is this the right way to protect the big money people so they can buy more favors and forget the public interest. I am 76 years old and would like to just have a nice ''bread & butter'' operating system that I could add things to it that I want not what some big ole bully wants to put on it . Please, again what is right and what is wrong?

Thank you for your good service to ALL of us voters.

Lee Bane
lebane@cox-internet.com
www.banefamily.com

MTC–00004554

From: John Maxwell
To: Microsoft ATR
Date: 12/14/01 9:13pm
Subject: Microsoft case

I have never had to deal with such an aggravating, arrogant, and despicable organization as Microsoft.

Whether I want their products or not, I have to pay a premium on each computer I buy because of their licensing practices. The government's total failure to treat them as the monopoly they are cost me money every time I buy a Personal Computer, forcing me to support them whether I want to or not.

Since they own the market, Microsoft seems to care little if the products they sell are substandard—in fact their poor practices have been adopted by competitors since there appears to be no recourse for consumers. A case in point is the proliferation of virus attacks launched through the same errors and poor practices that have existed for the last five years in their software. We would not allow this incompetence bordering on fraud in other industries to continue indefintely, but the government ignores Microsoft's repeated failures to provide their customers a reliable product.

I actually feel the blame belongs to the US government. This cut-throat operation has been unchecked for years, and the excuse is the consumer can always pay again for another operating system, pay again for non-Microsoft products to replace the ones they have already bought bundled into the machine, and the customer can always pay yet again for add on products such as anti-virus programs to make the Microsoft products almost safe to use. I submit if these were cars that consumers had to buy replacement brakes, replacement seatbelts, and functioning doors because those supplied at the factory were known to be defective, the Justice Department would have stepped in almost immediately.

And now that Microsoft has managed to drive most of its competitors out of business, the government is suggesting consumers let this organization automatically update users' software, forcing them onto th Internet whether they want to go or not. WHAT does Microsoft have to do to show the government that it has no ethics, no morals, and cannot be trusted to keep its word—yet again?

The Department of Justice should be ashamed.

MTC–00004555

From: Eric Crone
To: Microsoft ATR
Date: 12/14/01 9:25pm
Subject: Microsoft comments to webmaster's inbox

The two attached emails came into the Antitrust Webmaster inbox.

Best Regards,
Eric Crone
202–307–2782
CC: ATRMAILD:ATRMAILD.
ATRISG01:ATRMAILD. ATRISG01(HESSR...
Date: 12/14/2001 03:33 pm (Friday)

From: Stoney, Ericka
o: Atr, Webmaster
Subject: FW: Microsoft Antitrust case
Original Message ——-
From: Wojtyniak, Tim [mailto:twojtyniak@gentex.com] Sent: Friday, November 02, 2001 10:30 AM
To: ASKDOJ; 'senator(a)stabenow.senate.gov'; 'senator(a)stabenow.senate.gov'
Subject: Microsoft Antitrust case

I hope that what I am hearing is not correct about the wholly inadequate ''settlement'' in the Microsoft-DoJ anti-trust suit. If it is, I must protest that the DoJ is failing to protect me and all consumers from a monopolist convicted in Federal court of anti-competitive behavior. This settlement not only has no teeth—and Microsoft has shown a propensity toward failing to comply with the letter of agreements, not only the intent—but misses the point entirely that some proactive sanctions are necessary to keep Microsoft from illegally defining the future of ALL electronic technologies to it's tastes—and the detriment of all others. Despite their protestations, Microsoft's tactics do NOT benefit consumers in the long run. They benefit Microsoft alone. Consumers benefit from a legitimately open, competitive marketplace where companies are not allowed to use monopoly power in illegal ways to extend their market dominance.

To the DoJ:

As a US citizen, I am counting on you to vigorously enforce the laws of this country and not defer the opportunities of all Americans and all American companies to earn their success in the modem marketplace.

If I am misunderstanding the position of the DoJ, I apologize and would appreciate some further information about how the DoJ intends to proceed on the case.

To my esteemed representatives in the 107th Congress:

As my elected representatives, I am counting on you to look after my interests in this matter. Note that these are the interests of a citizen, first-most, and, secondarily that of a consumer. I trust that, while you hold elected office and thus have additional considerations and responsibilities, you still share the concerns of all citizens for just laws and enforcement of laws to protect the true American ideals, not the false ideals of greed and dishonesty so prominently displayed by the Microsoft Corporation.

Best,
Timothy A. Wojtyniak
twojtyniak@earthlink.net
twojtyniak@gentex.com
2614 S 9th Street
Kalamazoo, MI 49009
Date: 12/14/2001 03:32pm (Friday)
From: Stoney, Ericka
To: Atr, Webmaster
Subject: FW: USDOJ Comments—Microsoft settlement
——- Original Message ——-
From: WOLF [mailto:admin@wolfdenftp.com] Sent: Friday, November 02, 2001 5:04 PM
To: ASKDOJ; attorney.general@po.state.ct.us
Subject: USDOJ Comments—Microsoft settlement

Dear DOJ and Connect State Attorney General Blumenthal; As a personal computer user I am dismayed at the happenings with the DOJ's lawsuit with Microsoft. Microsoft has shown total disregard for the government (re issue in 1995 where microsoft violated an agreement with you, and the recent XP operating system) and for computer manufacturers and finally final users. Their products are ridden with hidden functions that spy on users, and are not reliable in terms of operating smoothly, and the easy of hackers to gain access to personal/corporate computers.

I agree with the following:

The Washington-based Computer and Communications Industry Association charged the administration wasn't pushing for tough enough penalties such as requiring Microsoft to disclose its source code blueprints for its flagship Windows operating system. ''The Justice Department isn't settling this case, it is selling out consumers, competition, and all those who want a vibrant, innovative high tech industry contributing strength to our economy,'' the group's president, Ed Black, said in a statement.

I am very disappointed that the government that we the people have elected has decided to go soft on microsoft. Judge Thomas Penfield Jackson's decision to breakup microsoft and impose strict regulations of microsoft and their behavior was the most appropriate action to be taken for this monopolistic company whose only desire it seems is to continue it's domination by whatever means it chooses. And it seems the government has no objections to it. Does the LAW apply only to one group, and not others? What happened to the other monopolies in our past? Railroad and telephone and oil companies were all broken up, and became separate companies, not owned by the original monopolistic company. Why is that not happening here?

About the recent terms of settlement: What is the government thinking? The source code of microsoft contains many secrets that if discovered would show just what they are up to. There are many sites on the internet that show a great deal of hidden activities that microsoft has embedded in the operating system. What are they hiding? Microsoft needs to be broken up. Period. Their source code needs to be made public, and only then will we know just what they are up to. And only then will computers be made secure, applications will be made by others (and that will stimulate job growth) that actually work without crashing and then the people will have more faith in their elected officials. Unbundling of certain parts of the operating system should not just include them, or hide them. They need to be removed from all source code, and only installed at the users discretion, not hidden in the background.

Remember that the government is made up of those elected by the PEOPLE, NOT monopolistic corporations. YOU are our protection against them, as they strive to impose their shoddy products upon us while stifling competition. Please reconsider your agreement. This case has dragged on for a long time. Do not let the events of September 1lth be an excuse to roll belly up to a rich monopoly (how did they get so rich?!). If it goes longer, that's ok, just do the right thing for a change: represent the people, follow the LAW, and enforce it strictly.

I thank you for your time and attention.
Regards,
Phil Rizzuto, JR.
361 West Main Street
Cheshire, CT. 06410–2414
203.605.5696

MTC–00004556

From: Tom Kiatchuck
To: Microsoft ATR
Date: 12/14/01 9:39pm
Subject: Microsoft Settlement.

It is my belief that the proposed antitrust settlement with Microsoft Corporation is not in the best interests of the American people. It does not protect against future abuses and in fact encourages the spread of the Microsoft software monopoly by training a vast army of young people to use their operating system and attendant application programs to the exclusion of very viable software alternatives. America is based on freedom of choice; but students in Americas' public schools can only learn to use computers, an essential skill for the coming generation of employees, on the products provided to them. Today, the Dept. of Justice has an opportunity to broaden the scope of that choice and thus empower generations yet unborn. It also has the opportunity to cave in to Bill Gates and thus must choose between greatness and ignominy.

The Northern Territories school district in Australia, with apopulation of just over 200,000, finds that it saved $1,000,000 in the first year alone by using Linux alongside Microsoft products to provide computer education at all grade levels. This was enough to allow the school district to purchase an additional 1,000 computers for distribution in the schools and as loaner units for students (and their parents) to use at home. In a few short years their children will be competing, very effectively, on the worldwide intellectual marketplace against American children whose access to hardware was hampered by the prohibitive cost imposed by the practice of using Microsoft products all but exclusively in the public schools. The Australian experience could have been dramatically more productive had they used Linux as the operating system on all their computers but it was a good initial step. The present savings represent its use in their servers only.

http://opensourceschools.org/article.php'story=200 11207001012102 [opensourceschools.org]

I support the notion that Microsoft should pay its fine in hardware donations only. It has been brought to my attention that Red Hat Software of Research Triangle Park, NC, (near Durham, NC) has offered to provide pro-bono copies of the Linux operating system corresponding to a Microsoft donation of hardware. It is my desire that any donation of software that Microsoft might choose to make would not be included in the proposed settlement but must also be a pro-bono gesture corresponding to the Red Hat Software offer. Moreover, any copies of software Microsoft might donate should require no payment of any sort by the schools at any forward point in time. It must be a true

donation of indefinite duration, just as the Red Hat offer is. Otherwise, if required to pay, the schools would eventually have to abandon their training programs for lack of funds to re-license / upgrade their software.

http://biz.yahoo.com/bw/011120/202744—1.html [yahoo.com]

While Microsoft Corporation should not be excluded from expressing generosity, such generosity, expressed as software gifts, only furthers their ability to monopolize the marketplace and should not be permitted as a part of the penalty for having followed illegal practices in the establishment of their dominance in the software market.

Microsoft has painted itself the champion of choice and freewill while villifying open-source software as being un-American. I think it is time for their actions, public and private, to match their very public words.

Software donations should be no part of the proposed settlement.

MTC–00004557

From: James Z. Coleman
To: Microsoft ATR
Date: 12/14/01 9:48pm
Subject: Microsoft, Owns what they MAKE, not the Goverment!

Hey,

What's the deal... Microsoft has its right to what they make... Why should our Government care... Microsoft made Windows, Microsoft can decide if they want Internet Explorer or any thing else in there... That's their Business, not Sun Micro, or you name it! If I made Windows, I'd be up there like Microsoft. I'd protest to the ending day... You have NO Control over what people put in their software, they made it, they decide on it! Unless something is copyrighted.

What I think... I think everyone is being a BIG BABY. If AOL and SUN Are upset and everyone else... Why doesn't Sun go with Linux, and AOL make an AOL O.S of their own, and not of Microsoft!

Second, Microsoft holds the right to their source... I don't think ANY STATES, should be trying to force Microsoft for open source... I'd leave any State over that reason. I'd hate them to NO END. I think its bad enough for this to go on.

There are other companies and people that need to be in court besides Microsoft!

James

James Z. Coleman—Owner
Digital Advance—Computer & Internet Specialists
jzcole@digitaladvance.net
Phone: 731.402–3444
<http://www.digitaladvance.net/> http://www.digitaladvance.net

MTC–00004558

From: PSHSR@aol.com@inetgw
To: Microsoft ATR
Date: 12/14/01 9:57pm
Subject: Microsoft Settlement

Ever since the antitrust case began I have felt that Microsoft was being prosecuted for being good at their business. I disagreed with Judge Jackson's ruling then and I still disagree. I would prefer to see all charges against Microsoft dropped.

Peter S Hanson

MTC–00004559

From: Silva
To: Microsoft ATR
Date: 12/14/01 11:19pm
Subject: Disappointing

www.slashdot.com and other technical/software web news spots have begged readers like myself to send in our 2cents worth of comments towards the outcome of this trial. Therefore, please read below. Reading through the technical/software news, it appears that this trial is taking a disappointing turn for the worse since the outcome appears that Microsoft will be allowed to be a monopoly, but will have the additional legal backing to keep doing even more of it. The first trial was correct in attempting to split Microsoft into 2 separate groups. The reason for that is that the operating system group would be {forced} to lay an even and fair playing field for anyone and everyone wanting to create programs to run on the Windows operating system, while the application software group would be equally on a level competition field by {only} using the known application interfaces provided to everyone by the operating system group.

Please....To keep Microsoft the way it is now behaving with only a task force of 3 people to keep Microsoft honest by looking at millions and millions of lines of source code would be a disappointing result of the trial. Microsoft is based on all major continents last time I checked. 3 people is simply not enough to look at all that information and deal with all the extra issues that will be thrown at them on top of all that. It is too many tasks for too few people and things will be easily obfuscated past such a small group. If you decide to go this way, please add more people.

Microsoft strongly relies on the fact that customers do not go beyond loading the initial CDrom or bootdisks. Therefore if your 3 people find problems {after} the CDroms are sent out in public, you have just lost what you wanted to achieve. Few people actually update their machines with the fixes presented afterwards and the only way to be sure that the majority of users use the updated version is to physically send customers updated CDroms which Microsoft will not want to do at all. Despite all the patches and software updates and fixes presented on the Microsoft website, it prefers to know that the majority of users has non-updated.... Windows98 CDrom—it is difficult to remove Internet Explorer Windows2000 CDrom—it is difficult to load a competing operating system.

WindowsXP CDrom—it is impossible to remove Internet Explorer and it is taking a big hit against a company called SUN by leaving out Java. Please.... Separate Microsoft Applications from the Microsoft Operating System in some form or manner so that it is a level playing field for everybody. Right now Microsoft has the inside scoop on Microsoft while everybody else is on the outside looking in and only able to use the published/known operating system interfaces. If a person, group, or business is to create a program using only the known application Program Interfaces (APIs), Microsoft has the homegrown advantage to be able to create a quicker, fancier version competing against that product. We all watched NETSCAPE die to a former shadow of what it could have become because it was starved for income against Microsoft's free Internet Explorer plus all the twists and turns put into the operating system to keep Netscape Out.

If you do not separate applications from operating system in some form so that everybody has a fair chance, you will be seeing history repeat itself. BORLAND (a competing programming language company) and several other companies used to create very good compiler programs for Microsoft DOS and early Windows but they are mere shadows of themselves since they do not have insider information like the Microsoft compiler language programmers have access to. Right now, I won't be surprised if Adobe ACROBAT and other great programs become part of the Microsoft stable in a few years. The reason for saying that is that they have incorporated Microsoft's Visual Basic into their program(s) and since they have no competing product to replace it, Adobe Acrobat is either going to be a mere shadow of itself in the future or it will have to be sold to Microsoft itself when it eventually gets cornered with no alternatives to Visual Basic and the information Microsoft decides to present or break. Please have all application program interfaces (APIs) for the operating system brought out for everybody to use so that others can bring out competitive products.

Being a monopoly isn't wrong if you are the biggest fish in the pond, especially if all things are considered equal, fair and played on a level playing field, but doing actions to hinder fair competition and maintain that monopoly should be considered illegal.

Sincerely,

Jose Da Silva,
11280 Westminster Hwy,
Richmond, BC, V6X–1B3,
Canada

MTC–00004560

From: Alex Zarenin
To: Microsoft ATR
Date: 12/14/01 11:53pm
Subject: Microsoft Settlement

To Whom it may concern:

I would like to express my overall satisfaction with the wording of the proposed settlement. I think it properly addresses rights and obligations of all the parties and provides environment in which innovations from all sides may thrive.

I also think that provisions of this settlement will be beneficiary to consumers community by providing them with stable and rich operating environment without unduly limiting the choices and preferences.

It is true that Microsoft presently has a dominant role on the desktops; however this role was obtained as a result of fast and innovative development and, as a result, sufficiently good offering. Windows OS obtained its present position in competition with other OSes, such as OS/2, Macintosh, X/Windows etc. Moreover, even today its dominance is challenged daily with new offering (supported by pretty large companies, such as IBM, Sun, etc)—Linux,

System 7 just to name a few. As such I don't think that Microsoft has a true monopoly, which would imply that they may stop development and just reap the benefits of previous work for times to come—it has to improve its offering every day just to maintain this leading position.

In my opinion the states that continue pressing additional charges against Microsoft and do not agree to the proposed settlement are just blinded by the Microsoft-bashing mentality—their proposals would skew the marketplace towards Microsoft competitors and would let mediocre companies, such as Netscape, to make huge profits of the consumers and corporations by selling to them products that otherwise comes from Microsoft for free (like browser or Media player).

Netscape Navigator version 2 was much better then Internet Explorer 2— and it was dominating the market! However since then IE was greatly improving with each new release (and still was free!), while Netscape Navigator was lagging behind, which made it lose the market share. Similarly other companies should compete with Microsoft by providing better products, which in these years of instant communications will immediately attract consumers' attention!

In conclusion I would like to suggest some minor additions to proposed settlement:

For section ''C'' I would suggest to allow Microsoft to imbed in OS tools and features that would allow end users (and only end users!) to revert to Microsoft-provided versions of middleware and other tools, which were replaced by the OEM, if user feels that these replacements are detrimental to the stability or usability of the system. For example a user should be given an option to revert customized versions of the browser (installed, for example, by Comcast or AOL) to the vanilla version of this product.

For sections ''D'' and ''E'' I would suggest that Microsoft should not only made appropriate APIs and interfaces available to broad developers community (through MSDN or similar ways), but also take effort to submit them for non-binding review to corresponding committees (such as WWW consortium etc). The non-binding nature of these submission should not preclude Microsoft from implementing solutions that receive negative reviews; however negative reviews of appropriate APIs or interfaces will open the doors for competitors to provide alternative products, add-on tools etc.

I greatly appreciate the opportunity to provide my comments to this settlement!

Alex Zarenin, Ph. D. in CS

MTC–00004561

From: Bol, Chris
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/14/01 11:51pm
Subject: Microsoft Antitrus Case

To whom this may concern,

Microsoft has proposed to donate products to failing schools to help educate the children in Microsoft Products, this only further their holds in the market place. I manage the the web and networking divisions at a small West Michigan computing firm. There are many solutions that Linux can provide to us, but we can't find people with appropiate training. Use Microsoft money to purchase Linux products to truly give our children a diverse education, filling huge gaps for network managers and programers world wide.

Thankyou,
Chris Bol
chrisb@issol.com
www.issol.com
616–785–0745 x 113

MTC–00004562

From: Josh
To: Microsoft ATR
Date: 12/15/01 12:24am
Subject: Microsoft have an illegal monoply

Microsoft have an illegal monoply, they leave consumers no choice but to use MS software for general use, eg games, movies, web sites. This is wrong and should be stopped.

MTC–00004563

From: Dennis Jugan
To: Microsoft ATR
Date: 12/15/01 1:52am
Subject: Microsoft Settlement

An apologue of the proposed Microsoft settlement A man intending to rob a bank parks his car and walks away without feeding the parking meter. While 'busy' at the bank, a parking enforcement person places a ticket on his car. His criminal act completed, he walks briskly back to his car with $20,000 tucked in a bag. Noticing the ticket, he rips it off the windshield, throws it aside, and escapes.

The ticket prompts the police to investigate him as a suspect in the robbery. Evidence is abundant. He's arrested and goes to trial in what everyone presumes to be an open-and-shut case.

Having failed to pay his parking ticket, he's served with papers to appear in traffic court as well, where he's found guilty and fined $100. The district attorney strikes an outrageous plea bargain: Pay the $100 parking fine and we'll drop the bank robbery charges.

This is no stupid man. He walks out of the courthouse minus $100, but enjoys the freedom to return to a locker at the bus station where he retrieves $20,000 in ill-gotten gains and begins to case the next bank. Bank robber takes all.....Microsoft takes all !!

Any reasonable person would recognize this hypothetical plea bargain as an unconscionable travesty of justice. Yet parallels can easily be drawn to the Microsoft settlement.

In the case of Microsoft, there is an undeniable maintenance of monopoly at the expense of competitors and the consumer. The remedy must ensure a reasonable opportunity for the market to return to a level playing field. Microsoft's behavior must also be closely scrutinized by a special master that fully understands the nuances of information technology as they relate to Microsoft's incorrigible conduct of the past as well as the company's announced designs for the present and the future in this market and in other unrelated markets.

The nine dissenting states have put forth a comprehensive remedy that promises a fair redress on the part of Microsoft and allows for the necessary requirements and scrutiny that Microsoft has proven necessary by its record of flaunting past legal agreements with the courts and its persistent misdeeds in the marketplace.

I encourage the court to dismiss the Department of Justice's ''plea bargain'' settlement with Microsoft and to pursue the recommendations thoughtfully set forth by the Attorneys General of the nine dissenting states.

Dennis Jugan
393 Devon Drive
Johnstown, PA 15904
djugan@devonbrook.com

MTC–00004564

From: Curtis(u)E(u)Combs
To: Microsoft ATR
Date: 12/15/01 4:07am
Subject: antitrust case

dear sir

i work at a campus in south georgia where, like most campuses, computers are a part of everyday use. my system administrator is constantly having problems with the lack of security installed with windows operating systems and it is a constant headache for him, i am forced by an unknoledgeable manager to use microsoft windows, and on a daily basis i'm made well aware of its uselessness. i'm a linux user. i am very competant and very aware of the needs of others who are not technically minded, i work with them everyday. i only wish that i had a suitable alternative not only the the constant failings of the operating system but to its shortcoming and its inablities to efficiantly provide constant stable, reliable performance. please, please, for the future of our children do not let microsoft continue to influence our market and continue providing us with less than workable environments for computing and yet continue to profit from it i would not expect to have to pay for a haircut in which the barber only cut a single hair and said that he has done his job, i would not expect to be arrested because i didnt pay, because the barber had brought the local police with his money.

thank you
curtis e combs jr
cecombs@valdosta.edu

MTC–00004565

From: James Saunders
To: Microsoft ATR
Date: 12/15/01 5:30am
Subject: Microsoft settlement

The consumer has not been harmed, quite the contrary. Is this the price of success in this country? If you really want to go after a monopolist that is gouging all of us, try Frito Lay. Sincerely, Pat Saunders

MTC–00004566

From: Roland Seuhs
To: Microsoft ATR
Date: 12/15/01 8:24am
Subject: Microsoft Settlement

The best settlement would be if Microsoft is forced to charge the same price for Windows and have to treat PC-makers the same way.

This way, PC-makers could preinstall non-Microsoft operating systems without being afraid of facing higher price for Winodws-

licenses. Of course Microsoft should be allowed to give volume-discounts, but for 100,000 licenses, they would have to charge the same, no matter if the PC-maker installs competing operating systems or not.

For example Vobis, a big PC-maker and former market leader in Germany was nearly driven out of business because Vobis decided to preinstall OS/2 on some computers and Microsoft responded in shipping delays and higher license-prices. A fair license price which is the same for all PC-makers would solve that problem.

This settlement would also help competitors in the application market, because PC-makers could preinstall non-Microsoft applications without fear. For example Microsoft threatened several PC-makers not to preinstall Netscape. Since this solution is very fair (Microsoft still can set the prices, still can give volume discounts, they just have to treat every customer the same) I think Microsoft will have a very hard time arguing against it.

Thanks for listening and regards,

Roland Seuhs

MTC–00004567

From: Dr. Martin Senftleben
To: Microsoft ATR
Date: 12/15/01 9:00am
Subject: Request for justice

Dear Sir,

I have noticed the ongoing attempts to reach a settlement between the DOJ and possibly the mightiest software company in the world, Microsoft. Microsoft has not become the mightiest because of the quality of their products, but because of their marketing methods, which forced me more than once to buy a computer with their operating system already pre-installed. I never ran this OS, but yet was forced to pay for it—no vender would give me any discount when removing Windows, actually, they refused to do that or offered to do it only at a high price.

Further, Microsoft did everything possible to avoid compatability with other products, once their operating system was established. The history is well known and has been on trial. I have knowingly been a victim—others never knew they were—of this misuse of monopoly power.

If you want to reach a settlement rather than breaking Microsoft's monopoly, then I request that a fair chance is given to every other software manufacturer. This can be reached only if Microsoft is forced to do the following:

1—The Microsoft Windows OS must be an option for every consumer, i.e. computers which have Windows pre-installed must be more expensive than computers without this OS, and computers with the same hardware configuration, but another OS must not cost more than a computer with Windows pre-installed.

2—Microsoft products besides the pure OS must be an option which needs to be paid, and must not be combined with Windows as has been with Internet Explorer and appears to be with the .NET technology in Windows XP, for example.

3—Since Microsoft's Windows has become kind of a standard, it's programming interfaces must be completely public. This is necessary for other software manufacturers to be able to exploit Windows functions to its fullest, since Microsoft has this advantage for its own products.

4—The document format of Microsoft applications must be fully public, so that migration from Microsoft products to other products becomes simple. The strongest reason for not migrating to another, competetive product for most people is the fear that they cannot handle their documents which have been created in Microsoft products any longer.

5—Microsoft must never be able to seize control of the Internet. Hence, any new networking protocol which might be incorporated into a Microsoft product has to be public, in order to enable others to use this protocol. Best would be to have an independent body keep control over the protocols used in the Internet.

6—Focusing on Microsoft products poses a high security risk, as has been proven hundreds of times every year. Yet, more and more companies feel forced to use such products, thus risking the security of their own confidential data (and eventually presenting it unknowingly to Microsoft on a silver tablet?). This fact should be reason enough to make sure that Microsoft must not be enabled to control any section of the market, as it shoudn't be the case with any company in this highly vulnerable area.

Please consider all facts very carefully. Do not give up our independence as consumers, and do not risk the national security by leaving an area uncovered which can be used by Microsoft to unfold it's power even further.

Thank you very much,

Dr. Martin Senftleben, Ph.D.

using Red Hat Linux 7.2

my webpages:

MTC–00004568

From: sbskinner
To: Microsoft ATR
Date: 12/15/01 9:41am
Subject: Microsoft AntiTrust Settlement

Dear Ms. Hesse:

Below describes just one of the problems I have with the administration's settlement of the Microsoft antitrust case. Although the below experience I had this morning is trivial, I thought you might like to view it from a very basic consumer standpoint. I am sending this also to the AGs of Massachusetts, California, West Virginia, Minnesota and to the District of Columbia (I haven't at this time located the remaining AGs rejecting the settlement),as well to you at the Department.

Suzanne B. Skinner

To: Microsoft Customer Service

Dated December 15, 2001

''For the last week or more, every time Ia fter I signed into hotmail, whether via Netscape Communicator 4.78 or from IE 6, the home page either didn't load at all, OR I had to keep refreshing the page to make it load. Then, next, while trying to access my inbox/junk mail boxes, the same thing occurred. Finally, this very morning and as I speak, when I logged on via IE, half the home page appeared on the screen AND the other half of the screen had that disgusting white page that said to ''Detect network settings,'' etc, because my browser could not support nahda nahda nahda... Also my IE often a/or continually rebuffs my ability to access even the most innocent of sites: e.g. last night to get to Google I had to perform the most herculean efforts and even then, most of the links (e.g. such real horrors as perhaps symantec, ancestry.com, also came up with the white ''network ... page and I was unable to get through. Fully exasperated, I then disabled cookies entirely (usually I keep them to return to sender), and the same tragic story was repeated. Netscape, while giving me the very same Hotmail issues, does allow me, even with cookies returned to sender, access to these above-mentioned wild sites without problem.

WHAT IS HAPPENING?

Suzanne B. Skinner

P.S. Speaking of bugs, at least three or four times over the each of the last five or six weeks, that ''do you wish to debug now'' error pops up. I would be glad to debug, if only the process didn't seem to occupy a vast amount of time, thereby leaving me too exhausted to finish up the rest of what I have to do online.

sbs

P.P. S. NOW: I am unable to send this email to you because, even though THERE IS NOT TOPIC TO BE SELECTED IN THE TOPIC AREA DROP-DOWN MENU, I CANNOT SEND THIS TO YOU BECAUSE I HAVE NOT SELECTED A TOPIC! THIS IS REALLY BAD, GUYS. I have to cut and paste this complaint into a word document to save it so I can send it via some other route. What a disaster.

P.P.S.S. NEXT NEXT: I have tried to follow your rotten process to get to tech support, and low nothing I can do can get me there. I am only trying to report a problem with Hotmail; I have been sent all you?re your 900 sites and get stuck back where I started. This is a really asinine ?computer lack of support? program. I could get Bill Gates or the Pentagon more easily than getting through to you?no wonder every one I know is hoping that Linux is us and running lots of stuff in the near future. Just now, immediately before I was retuned to the ?get help from a Microsoft support (the operative word) professional, I was given a full screen announcement that LO there was a run time error. Are you guys talking with each other? Where the heck is the ability to reach customer service? I am planning to send a copy of this notice to the justice departments anti-monopoly unit, as well as to the attorneys general of every state and ? if I have to ? every European Community nation that refuses to settle the anti-trust suit against you.

Now I have to find another way to reach Customer Disservice, without going through this painful and futile process.''

MTC–00004569

From: Mike Goodman
To: Microsoft ATR
Date: 12/15/01 10:17am
Subject: Microsoft Anti-Trust Agreement

I would like to speak my mind on the impending anti-trust agreement with

Microsoft. The original judgement should have been left in place, as a computer/technology professional I have long been plagued by Microsoft's attitude towards business and the public in general. Bust'em up, nothing less will do.

MTC–00004570

From: Jeff and Shauna
To: Microsoft ATR
Date: 12/15/01 10:17am
Subject: What Happened?

I would like to add my two cents to the whole mess. The best thing for the world is to break up Microsoft. One it punishes them. But more importantly it would be the best thing that could happen for the industry. It would force Microsoft to either create a stable and open operating system or they would go out of buisiness. It would force Microsoft to create software that works equally well on Linux or Mac as it does on Windows. In the end Microsoft would become a great competitor in the industry, not an overbarring monopoly.

Jeff Swenson
Driggs, ID

ps. I use Linux exclusivly at home. I use Windows at work. I am not anti-Microsoft. I am strongly in vavor of more real options.

MTC–00004571

From: mummum@hotmail.com@inetgw
To: Microsoft ATR
Date: 12/15/01 10:34am
Subject: Microsoft Trial Comment

To whomever it may concern,

I believe that the decision made by the Department of Justice and the nice settling states was a fair and adequate one. It will impose certain restrictions to allow competitors to be able to get their products out to consumers and also give them an equal chance where one was not present before. Although, what I don't agree with at all is the fact that the remaining nine states are choosing to pursue this further. There should be no way that the restrictions they have suggested should go through or even be considered. Allowing other companies access to protected source code violates patent laws and making it so that Microsoft will not be able to add anything to their OS is unspeakable. It is afterall their piece of software and any company should be able to create something and add to it what they please. Offering two versions, being a light version and a regular version makes perfect sense, but not just a stripped down version. We see now that competitors such as Sun Microsystems, AOL-Time Warner, Oracle and Apple have continually intervened with the trial proceedings and now they are coming out with techonologies and products that will damage Microsoft. While consumers should be protected, the United States and its parties are not and should not be out to destroy companies that contribute so much revenue to the overall economy. Another retrcition asked by the states is that Microsoft include the Java VM by Sun Microsystems in their OS. This is absurd, as in 1997, Sun sued Microsoft for using it and modifying it, making it clear that they didn't want them to use it. Why would it be forced on them now? Furthermore, how can anyone even fathom the idea of forcing competing software on another company. It makes sense when Bill Gates made the comparison of saying that we can't force Pepsi to bundle a can of Coke with every six pack. Just like you can't get a Mercedes Benz dealership to make and sell Toyota cars for them. It just doesn't make sense any way that you put it. Consumers should have a choice, yes, but this choice is up to them to create for themselves. It was deemed that Microsoft should not decide what consumers should be able to use, but equally the Federal Government and governments of the individual states should not credit themselves with the authority to be able to do this either. I hope my comment has been taken to heart, because Microsoft is one of the greatest innovators in the history of US enterprises and hurting them more than necessary is a huge and terrible mistake. They make excellent products and I have benefited from them for many years. As a consumer I don't see where the harm came in in the first place, but these other restrictions are ludacris in their very nature. If it goes through, we would be destroying the very principles on which the concept of Free Market enterprises was created, it is an attack on her soul.

This should be considered as well as many other points, I have not been able to mention.

Your truly,
Stephen Ristich

MTC–00004572

From: Dr. Volodymyr Kruglov
To: microsoft.atr(a)usdoj.gov
Date: 12/15/01 10:34am
Subject: On MS cases—a view from abroad

Dear Sir,

I have wrote you, because I am worrying on the result of the Microsoft-DOJ and Microsoft-19 states cases. Let me discribe my own position that has shared with many friends of mine.

1. From our own experience we know very well that MS is using predatory practice—it is just impossible to buy PC without some Windows installed, even in Russia and Ukraine. Moreover, nobody never returned money, if I need not in their Windows.

2. Quality of MS Windows (all versions) is low: you can observe this, even via watching TV or reading the newspapers—permanent noise on 'compromised Web sites', 'new viruses' and similar. But, if you choose an alternative OS—Mac OS, Linux, OS/2—you will immediately be faced with troubles—some sites will reject to service you; there is not broad support from vendors and so on. Instead, everybody will propose you plenty of mediocre Windows-XYZ programs.

3. Few years ago, when the historical case against Microsoft has started, we have obtained some hope to see punished predator. All this process was, unfortunately, very long, but it showed to all (unblind) persons, what kind of tactics was used by MS: for killing OS/2, for struggle with Netscape, with attempts to remove or reduce Java etc. It was, sometimes, even funny to see, how 'great' Bill Gates impudently lying, how MS witnesses had permanent troubles with truth. The result was: guilty, should be splitted and it was just great! You can tell that Judge Jackson did mistake—he gave interviews to the newpapers—yes, it was tactical mistake, but I can understand this: what should you feel on MS, when you were forced to hear their lying for almost 3 years? And, also, the Appeal Court has never changing the main case result: they were agree that MS is guilty!

4. When we started to hear talks on 'settlement', I couldn't even think that such a variant is possible. After this, we started to hear on attempts to mediate states' cases. It was especially intresting to read on MS proposal to settle—via introducing themself in the one of the last sectors of market, where they weren't presented yet. It was strange, it was horrible ... We heard a lot on 'fair game', 'competition', holy 'American Justice', 'innovations of MS' (may be, MS Mouse?), of course. But please tell me, in what country the person, who was already announced guilty, has (with the help of government) opportunity to escape from real charges and to enter to a new beautiful marketing sector—schools? Sorry, but we can not see any justice in the lastest news—we could see only new victories for MS (and the absense even the 'commom sense' in American Justice).

If MS escapes their punishment, we will know very well, what is the meaning of 'Justice' in the USA, but, in this case, please avoid using of words aforementioned in the future—now we will know, how much these words cost!

Sincerely yours,
Volodymyr
PS
Microsoft should be destroyed!

MTC–00004573

From: Joey Smith
To: Microsoft ATR
Date: 12/15/01 12:08pm
Subject: Settling the case with Microsoft

To whom it may concern,

I am a computer programmer and Systems Administrator with more than 8 years of experience with varying Operating Systems, and feel it my moral and civic duty to speak out against the proposed deal with Microsoft to settle the antitrust case.

Like the majority of the other programmers that I personally know, I have watched most of the recent legal developments concerning the so-called ''Tech Sector'' with fear and trepidation. I am not a lawyer, but I have tried to understand how the Justice Department thinks that the proposed settlement will solve anything.

It has been found that Microsoft holds a monopoly in Operating Systems Software, and that Microsoft has acted to maintain that monopoly, in clear violation of the laws of the United states. It has also been found that this monopoly has allowed Microsoft to create a ''Barrier to Entry'' for Application developers (see ''Competitive Impact Statement'', III.B.2).

I am not a lawyer, but it seems fairly clear to me that any action taken should strive to remove from Microsoft the power to maintain this monopoly. I cannot understand how the proposed settlement addresses this issue. In fact, the language of the proposed settlement in several areas gives Microsoft a government enforced monopoly, by hiding it behind such concepts as ''security'' and ''anti-piracy''. By

using these words that are so emotionally bound, they have manipulated their way into a proposed settlement that does nothing to stop them from continuing their anti-competitive practices.

I would like to propose some additional actions that, from a computer programmer's point of view, are the barest minimum action that would remove this Microsoft from this position of power.

(I) In addition to the proposed requirement that Microsoft make available their ''API's and other Documentation'', there needs to be some provision made to allow the public to obtain the file formats for both existing and future Microsoft products.

(II) Microsoft should not be allowed to set the terms and price of distribution for such API's, Documentation, of file formats. I can understand if Microsoft feels they need to be fairly compensated for this information, but allowing Microsoft to set the price would give them the power to put this documentation out of the reach of those who best stand the chance to break this monopoly, and those most hurt by it.

(III) In the ''Revised Proposed Final Judgement'', I propose that the following sections should be stricken: III.J.2(b), III.J.2(c), III.J.2(d)

These conditions make it possible for Microsoft to exclude from these reparations the group that Microsoft's CEO himself has declared to be the single biggest threat to their businees. I'm speaking of an international community of programmers who volunteer their time to give to the world software that is technically superior, freely avialable to everyone (including the background logic, or ''source code''), and not legally encumbered by crippling or binding licenses. I speak of the people collectively referred to as the ''Open Source Community''. I am a member of the Open Source Community, and have repeatedly attempted to legally obtain from Microsoft documenation that would allow me to release a product that either competes with, or cooperates with, Microsoft products, and had these attempts blocked simply due to my involvement in Open Source. In the past, there was nothing I could do except attempt to legally reverse engineer this information. But if we are to truly achieve a result which will allow a competitive marketplace, we must remove this ''Applications Barrier to Entry'', as discussed in ''Competitive Impact Statement'', III.B.2. III.J.2(b), III.J.2(c), and III.J.2(d) give Microsoft all the ammunition they require to maintain this barrier.

(IV) If it is determined that Microsoft should make some sort of financial reparations, it should be declared that this may NOT be in the form of Microsoft Software, as this would simply allow Microsoft to spread their monopoly even further under the guise of compliance to the settlement.

These opinions are likely quite naive from a legal viewpoint, but from the viewpoint of a computer programmer, this is the minimum that will give us empower us to overcome the barriers Microsoft has thrown in our way.

In closing, I would like to draw your attention to the comments made by Matthew Szulik, CEO of Red Hat, Inc., generally regarded as the most successful company selling and supporting open source software. ''...contrary to the statements of the US Department of Justice in its impact statement discussing the Consent Decree, the remedies settlement embodied in the Consent Decree fails to achieve the ends mandated by the Court for the following reasons:

it fails to deny Microsoft the fruits of its statuatory violations,
it fails to ensure that competition is likely to result,
it was an agreement reached for the purpose of expediency, not for ensuring an adequate remedy and,
it establishes an untenable precedent for future antitrust cases.''

MTC–00004574

From: promo@f1trading.com@inetgw
To: Microsoft ATR
Date: 12/15/01 12:44pm
Subject: REMOVE SUCCESS

This is to confirm your removal from our database. You will receive no further emails from F1Trading.com

MTC–00004575

From: Marc (038) Denise Bryant
To: microsoft.atr(a)usdoj.gov
Date: 12/15/01 1:11pm
Subject: Microsoft Settlement

Hi,

I would just like to comment on the Microsoft anti-trust case. I know quite a bit about computers. I feel Microsoft has taken over the computer industry. I have seen many good companies that made a better product, but were bought out by or put out of business. I've seen good programs that are coded well but no longer are available because of Microsoft. One can argue ''It's a free country, they can do what they want''. The truth of the matter is we have many freedoms in this country however we have no freedom of choice when it comes to Microsoft. There are other operating systems available, but who can go up against Microsoft. You may have the best product, but you're never going to sell it because Microsoft won't let you. Does that sound like freedom to you?

very truly yours
Marc C. Bryant

MTC–00004576

From: Joseph Boschert
To: Microsoft ATR
Date: 12/15/01 1:39pm
Subject: Microsoft case

As a student at the University of Wisconsin-Whitewater, I see first hand the harm that is done when mixing Microsoft and education. I wont go into great detail, because I believe the CEO of Red Hat Inc. already discussed it, but I do feel that by donating software and hardware to poor education disctricts is a suitable punishment for Microsoft. I do favor the proposal that has been making the rounds about Microsoft donating $1 billion in hardware, and having Red Hat, Inc. donate all the software to run on the Microsoft donated hardware. I see this a perfect opportunity to introduce competition into the marketplace, and have Microsoft do the ''right thing'' by giving poor educational school districts the appropriate means of computing technology. I do not see any solutions brought to the public as suitable. As you look to your constituents for answers to this complex monopolistic situation, I hope you continue to read and listen to suggestions. Thank you for your time.

Joseph Boschert
UW-Whitewater Student

MTC–00004577

From: Steve Black
To: Microsoft ATR
Date: 12/15/01 1:42pm
Subject: Comments on Settlement—United States vs. Microsoft

Comments on proposed settlement for civil action No. 98–1232: Without doubt, I cannot agree more with the proposed settlement. Primarily for the following reasons:

1. In the civil action, numerous allegations are presented that are no more than unproven statements of marketing hype and propaganda. It's no surprise that the statements are one-sided and ignore Netscape's public comments regarding the demise of Microsoft's commercial viability which are equally meaningless. Attorney's are highly skilled at avoiding lies, but extremely skilled at presenting misleading information.

2. There is a monopoly in PC operating systems, however it, has been created by competitor incompetence, sloth and greed. PC OEM's are only interested in what earns them the most profit and America's millions of large and small businesses cannot afford the expense of maintaining, training, installing and resolving compatibility issues of multiple PC operating systems . As it is, having to maintain separate server and PC systems is more than enough headache and there are strong financial forces to compel the fusion of these systems.

3. Microsoft failed at the outset to enhance Windows Explorer to have the capabilities of Internet Explorer. The internet is simply one large array of hard drives. Every computer should be able to connect to these shared drivers. There is no need for separate ''Explorers'' or ''Navigators''. However, there is nothing to prevent a competent product from being commercially successful if consumers and businesses identify ownership value. Unfortunately, there has never been a market for a separate ''browser''. Netscape's theft of the browser concept and attempt to create a marketable product is something they have every right to attempt, but this product concept is doomed from the beginning.

4. Alternative operating systems have been soundly rejected by the marketplace for reasons of commonality, cost of training and lack of return of investment for businesses. The Apple monopoly could have been wildly commercially successful, except they chose to maintain high prices. The high cost of operating system entry is hard work, investment and technical competence. Allegations that a Microsoft operating system monopoly makes it more difficult to market a competing operating system are correct, however, there are no barriers to marketing any other software product as thousands of large and small companies have done,

provided there is a viable marketing concept and perceived value to the product.

5. There is no browser threat to an operating system. This is a totally ludicrous statement and is not just my opinion, but the opinion of hundreds of PC experts that have published over and over again how totally void of technical knowledge such a statement is. Quoting Microsoft statements to the contrary is simply mis-use of marketing propaganda, proves nothing and has no basis in fact.

6. Software that runs on multiple operating systems is no threat to Microsoft. JAVA, which is not a competitor to the Microsoft operating system, is being avoided more and more by many PC users because it is the language of choice of many hackers and PC terrorists. The demise of JAVA is dependent on it's authors making it a safe and viable product. Their technical competence and business acumen is on trial in the eyes of the market place. I know of no reason to run JAVA on my computer and simply avoid all web sites that try to load it on my machine. Microsoft does not force any PC user to install their operating system. But like junk mail, numerous web sites offer it daily. Linux, Unix, Beos and several operating systems are available, but do not provide the features and benefits of Windows and will not even be cosidered by businesses.

7. This action has never been in the interest of consumers. Netscape and Sun have used their political influence to leverage anti-trust concepts to a new level of distortion. Ambitious politicians like Bill Lockyer have been financially induced to support egregious legal actions by companies that have lost billions of hardware dollars to windows PCs. That is, thousands of small companies that could not afford $60,000 work stations with proprietary UNIX software, can now use $3,000 PCs to engineer products that consumers demand. Increased productivity due to Microsoft innovation is the real benefit of a free market. This is why Netscape and Sun are losing billions due to the demise of their empires and why they are in such a panic to get revenge by destroying Microsoft. They are using the legal system to compensate for their business failings. Did the largest makers of the buggy whip sue Henry Ford for anti-trust behavior?

Steven Black
1916 Camas Court SE
Renton, WA 98055

MTC–00004578

From: Dave Muse
To: Microsoft ATR
Date: 12/15/01 1:55pm
Subject: Microsoft settlement

to: Renata Hesse, Trial Attorney, Suite 1200, Antitrust Division, Department of Justice, 601 D Street NW, Washington, DC 20530 Greetings,

As a long-time computer hobbyist (since about 1979) I have long lamented the slow but steady demise of choices in the computer operating system and computer applications market, brought about by Microsoft's increasing dominance.

Many users of computers are relatively new to computing, and cannot appreciate what can or should be different about this marketplace. But I had to watch, over the years, many excellent software products vanish by being forced out of business or bought up by Microsoft—and in most cases I did not feel that the competing Microsoft products were as good (in any way but marketing) as what was no longer there.

I am very disappointed at the proposed settlement supported by Microsoft and the DOJ. I believe it is full of the very sort of loopholes that Microsoft can enjoy exploiting to its advantage. Where is the punishment for what Microsoft has been found guilty of? Do not make the issue into one of national security, or the strength of our economy; this is the time to fix the problem and get it behind us. The task will not become easier, indeed, much longer-term damage to our competitive marketplace could eventually result.

In my opinion, what consumers need, at a minimum, to be able to truly choose alternatives to Microsoft are:

—Both the Windows API and Microsoft document formats (MS Word, MS Excel, etc) must be made freely available. This will enable competitive products to view and edit documents created by Microsoft products., and to create programs that can run on Windows as well as Microsoft's applications do. Open standards benefit everyone except a monopolist.

—Microsoft networking protocols must be standardized by a standards body. This will prevent Microsoft from using their private, proprietary protocols to seize control of new applications used on the Internet. Again, open standards are in everyone's interest except Microsoft.

—Microsoft products should be provided only as extra-cost options on personal computers. I should always have the choice of whether or not I'm going to buy a Microsoft product.

Sincerely,
Dave Muse
200 Burt Ave
Jackson MI 49201
mrvideo@softhome.net

MTC–00004579

From: mitchell@deckard1.mcmurdo.gov@inetgw
To: Microsoft ATR
Date: 12/15/01 2:21pm
Subject: Break the application lock

Microsoft's lock on the computer industry stems from its proprietary file formats. In short, everyone runs Word because the only way to share a document is by using the same application to read/write it. Other programs —try— to read/write .doc files, but invariably they fail in some way or another. As a result, to be fully compatible, you must use Word as well, because that is what everyone else using. And this isn't just Word, but all the file types; spreadsheets, presentations (powerpoint), etc.

IF the format of these files were openly published, then any software company could write programs that read and wrote to those specifications. Any company then has the chance to write the next ''killer word processor/spreadsheet/etc'' based on the functionality and user-interface of their program. They are not locked out because it isn't compatible with whatever program currently has the greatest user-base.

As an example of this in other technologies; anyone can make a tv because the broadcast format is well documented and it will work with everyone else's. We aren't tied to choosing a CBS tv because we want to watch a few CBS shows.

Likewise, we are not tied to using MCI (in the telephone industry) because that is what our friends/work/etc uses. We are free to choose our own telephone company and can talk with anyone else regardless of what telephone company they use. In the same goal as standards in other communication areas, file formats should also be standardized. That would allow people to choose what company/program they want to use based on their own preferences, not because they have to conform to what everyone else uses.

Any company selling a ''communications'' program (that is what documents, spreadsheets, presentations, etc, programs are, they communicate ideas to other people) must conform to a standardized way of exchanging that information. As changes are needed to the standards, those changes must be at the very least, well publicized, and ideally would be reviewed and incorporated into the standards such that everyone has equal access to the new extensions.

With this solution adopted, it allows Microsoft to succeed or fail based on the quality of their own products and allows other companies to enter the market and compete equally. Further more, Microsoft is then not being ''penalized'' by the government for being successful, as the very staunch Microsoft supporters view it.

Sincerely,
Richard
Richard Mitchell—Airborne Oceanographic Lidar
mitchell@aol.wff.nasa.gov—Laboratory
mitchell@osb.wff.nasa.gov—(shining a little light on the world)

MTC–00004580

From: Steve Cohen
To: Microsoft ATR
Date: 12/15/01 2:33pm
Subject: My comments re: US vs Microsoft

I am writing to express my opposition to the proposed settlement in the case. I am a software developer with over ten years in the industry. I have worked with Microsoft products and others for most of those ten years. I have seen the harm that the Microsoft monopoly does to the industry.

THE SETTLEMENT IN MANY WAYS MAKES THINGS WORSE

The settling of this suit on the terms proposed would be a travesty. Although convicted of many violations of antitrust law, the settlement does not require Microsoft to admit any wrongdoing and they have not done so. Worse yet, the settlement resolves many of the ambiguous portions of earlier decisions upon which most of the case was argued— in Microsoft's favor! Microsoft's ability to destroy competition by incorporating new features into the Windows operating system has been explicitly allowed. How is that a reasonable outcome of a case where the defendant was convicted?

MICROSOFT'S PREDATORY DESTRUCTION OF THE INDEPENDENT SOFTWARE INDUSTRY

I remember in the early 1990's when Microsoft was eager to get Independent Software Vendors to write to the Windows platform; I remember a few years later seeing Microsoft enter the market with competing applications to those which had been written for the Windows platform. Software Vendors who may have envisioned years of profitable activity as a ''partner'' of Microsoft now found that their partner was directly competing with them—enabled by the unfair monopoly Microsoft enjoyed over Operating System distribution through new computer sales. Today, the Independent Software industry is a shambles. In the late nineties, venture capital for competitors to Microsoft dried up. The filing of US vs. Microsoft in 1997 temporarily reversed this trend as Microsoft temporarily was forced to stop some of its most egregious predatory practices. This settlement, if adopted, will revert this industry to this unhealthy state.

POOR SECURITY PRACTICES BY MICROSOFT PROTECTED BY ITS MONOPOLY

Microsoft products are notorious for the poor security they provide. Much of today's problems with viruses and other malicious junk distributed on the Internet would be lessened if this security were improved. A marketplace in which only Microsoft products were readily available would remove whatever incentives Microsoft has to improve this aspect of their products. And recent comments prove that they still don't get it.

Recently, Scott Culp, Manager of the Microsoft Security Response Center issued a broadside to the industry calling for there to be less talk about known security weaknesses in Microsoft products. Rather than fixing problems, they want to be free to hide problems and be shielded from bad publicity.

The less ''monocultural'' the general computing environment is within society, the more security there will be against these threats. Thus diversity in computing environments is in and of itself a benefit to the general health of our networked computing environment. And this is all the more true when the dominant player is the weakest link in terms of security.

DISCRIMINATION AGAINST ''OPEN SOURCE'' SOFTWARE

There are other problems with the settlement, even with some of the sections that would seem to be improvements. Certain sections of the settlement protect Microsoft's competitors ''in commerce'' against actions which Microsoft has committed before. Netowrk protocols, file formats and similar technical information must be freely shared with these competitors.

But the ''in commerce'' clause protects Microsoft from disclosing this information to what have become its most important competitors—Open Source software, which has emerged as a viable alternative in many areas, particularly the Internet. Because Open Source is not distributed on a for-profit basis, it is not protected as are commercial software companies. Worse yet, Microsoft is permitted to set the criteria designating to what businesses it is required to release this information.

And yet many Open Source applications have been adopted for use by for-profit companies, as well as the Unites States Armed Forces and other branches of government. They find it to be not only cost-effective but also find the ability to fix bugs themselves an advantage that cannot be duplicated in the world of commercial software, where bugs can take months if not years to be fixed, if they are fixed at all. Also, Open Source programs such as SAMBA allow Windows computers and non-Windows computers to coexist and communicate well on the same local-area networks, a big advantage. If Microsoft is not required to release its network protocols to the Samba project, this facility will be killed, thus forcing many customers who might otherwise not wish to buy only Windows computers to do so, thus FURTHERING THE MONOPOLY EVEN MORE.

The restriction on providing protocols only to organizations ''in commerce'' must be lifted. There is no reason why these specifications should not be freely available to anyone. Some might object that this would release information compromising security—this is refuted by the mess that already exists with unreleased information, as well as by the fact that other organizations which DO release this information have far fewer security problems than Microsoft systems. At a minimum the decision of who to release to should NOT be made by the convicted defendant in this case, Microsoft.

LACK OF CONSUMER CHOICE IN NEW COMPUTER PURCHASES Another problem is the whole problem of customers forced to take operating systems they may not want when purchasing a new computer. If a consumer wishes to run a different operating system on a new consumer, that consumer should not be forced to pay for an OS he or she will not use. This practice should be forbidden since it is at the core of so many of the abuses on which Microsoft was convicted.

CONCLUSION

In conclusion, it is my belief that this settlement is a total cave-in to the convicted defendant in this case, and would effectively remove this industry from antitrust protections of the law. While the original remedy of breakup ordered by Judge Jackson is not a necessity (and many sincere people have questioned its effectiveness), the terms of this settlement need to be tightened to prevent Microsoft from the abusing the great wiggle-room this ill-advised settlement gives them.

Sincerely,
Steven M. Cohen
335 Darrow Avenue
Evanston, IL 60202

MTC–00004581

From: root@wt6.usdoj.gov@inetgw
To: Microsoft ATR,antitrust@ftc.gov@ inetgw,Ralph@essen...
Date: 12/15/01 2:45pm
Subject: Microsoft Hegemony: Proud American, Please Be Happy
CC: letters@latimes.com@ inetgw,letters@sjmercury. com@i...

''Instead of crash-proof unix, consumers get pure unadulterated koran.''

''Instead of exciting software enterpreneurship, young graduates can worship at my mosque.''

''Instead of implement paradigm shifting ideas, all nerds grow beards or wear burqas.''

''This I choose for you, proud American, please be happy. Okie dokie? Ha ha ha ha...''

MTC–00004582

From: Lonnie Rolland
To: Microsoft ATR
Date: 12/15/01 2:46pm
Subject: doj settlement

Sir:

I honestly think (and there is plenty of proof to back it up) that Microsoft is 'killing' off many, many nitch markets in the computer industry. You could see it 5 years ago. You can see it even better today. Is justice blind ? (or corrupted ?) There is a whole army of extremely un-happy programmer wanting to do something about this. Fix the problem now. Do we really need 'democrats' back in the public office in order to fix the glaring wrongs. Prove me wrong !

Disgusted,
Lonnie Rolland
CC:letters@latimes.com@inetgw

MTC–00004583

From: George Beekman
To: Microsoft ATR
Date: 12/15/01 3:04pm
Subject: antitrust settlement

DOJ,

I'm writing to express my shock and dismay concerning the settlement proposed by the Bush administration in the Microsoft antitrust case. The proposed settlement has several serious shortcomings:

1. It does not punish the company for its illegal activities
2. It does little to prevent future illegal activities
3. It essentially rewards the company for its abuse of power
4. It effectively increases the company's market share, strengthening its monopoly position.

For a settlement to be fair, it must:

* make it easier for competitors (AOL, Apple, Sun, Oracle, and others) to penetrate markets that Microsoft dominates
* make it harder for Microsoft to abuse its monopoly status.
* discourage other companies for engaging in illegal monopolistic practices.

The current settlement proposal isn't justice. Our government must do more to bring Microsoft to justice.

Sincerely,
George Beekman
3825 NW Hayes
Corvallis, OR 97330

MTC–00004584

From: lifedata@vol.com@inetgw
To: Microsoft ATR
Date: 12/15/01 3:11pm
Subject: Comments on Microsoft Anti Trust Case
To: Renata Hesse, Trial Attorney.

People knowledgable in computer technology and unbiased by connections with Microsoft know and declare the

obvious. Microsoft has used its enormous financial power to crush smaller competitors. In the process it has stifled the innovation typical of those lean operators whose bottom line depended on truly ''doing it better,'' rather than on massive advertising campaigns.

The findings that Microsoft is in violation supports the voices thus speaking out. It does not intimate the damage to private enterprise when they disappeared, one after the other nor the enormous loss of the technology these innovators had been contributing. Security is but one example. The loss of billions of industry dollars when hackers attack through the myriad, continuing, security leaks in Windows software is unnecessary. Far better security is available in other systems. Microsoft callously ignores this.

Remedies should be commensurate with the massive culpability of Microsoft. Serious penalties and corrective measures are in order. As should be expected, current proposals, written by Microsoft itself, actually enhance their monopoly, and deepen the technological loss to the American people. The posturing of Microsoft's legal cadre notwithstanding, breaking up Microsoft, therefore their monopoly, is step in the right direction. Such breakups in the past have proven to give birth to many new technologies.

Further, because of their immense power:

1. Microsoft should be prevented from forcing their system to be installed on any new machine whether by old or new schemes. Schemes designed to bypass this intent by ''creative'' pricing or clever wording should be flatly prohibited.

2. Microsoft should be ordered to make their system APIs available in full to all software developers equally. That is, they should not charge more or license less to a competitor than to a partner.

3. Microsoft should be ordered to make all their networking standards public, therefore prevented from secretly making competing browsers disfunctional.

Sincerely,
James P. Lalone
9835 Standifer Gap Rd
Ooltewah, TN 37363

MTC–00004585

From: ROBERT REMINGTON
To: Microsoft ATR,rremington @webtv.net@inetgw,mcarona@...
Date: 12/15/01 4:26pm
Subject: Financial News 12/15/2001

Business & Financial News from 11/1/2001 to 12/15/2001

Houston based Enron Corporation lays out the plan for Chapter 11 bankruptcy. The failed Azurix water unit and wind energy assets may be sold for $4-$6 billion dollars. Other assets as the energy trading unit may be sold to one of three financial bidders including JP Morgan Chase, Citicorp, two of the largest Enron creditors, or UBS Warburg. Enron employee 401K pension funds were vested in Enron stock, now virtually worthless! Enron's total bank debt, including bonds and derivatives is about $15 billion. Accounting firm Arthur Andersen's CEO has been quoted as saying that Enron did not disclose subsidiary company information to Andersen, a felony violation of SEC regulations. Enron hid negative balance sheet information through affiliated companies.Total value of failed Enron Corporation is over $60 billion dollars, including stock and preferred shareholders values.

The Microsoft Anti-Trust Deal is under bipartisan fire in Congess. The Senate Judiciary committee has been overseeing the Justice Department's proposed deal, with nine states still pressing for tougher terms. Bristol-Myers Squibb Co. has received an antitrust lawsuit from 29 states. The attorneys general alleged that the Company illegally kept generic versions of its BuSpar anxiety medication off the market, cheating consumers out of millions of of dollars.

Prudential Financial launched the largest IPO ever in the insurance business, selling $3 billion dollars of stock to investors.

AOL Time Warner CEO Gerald Levin announces his retirement from the Company, effective May 2002, the earliest date his employment contract offered.

Vivendi-Universal executive Edgar Bronfman, from the Seagrams family, resigns the number two position at the media conglomerate. French based Vivendi retains Jean-Marie Messier as CEO.

Barry Diller, of USA Networks and the Home Shopping Channel has been named chief executive of Universal Studios, overseeing all theme parks, television, and motion picture operations. The huge music & publishing division of Universal will remain under separate management. Vivendi-Universal has announced a financial partnership with Echostar /DirecTV in the range of $1.5 billion dollars. The strategic partnership is designed to provide content for HDTV and traditional satellite subscription broadcasts.

The Federal Reserve Bank reduces the prime rate for the 11th time this year.

Hollywood studios and directors agreed this week on a new three year contract six months earlier than the deadline in May 2002. Run away productions to foreign countries has been one of the major issues in resolving conflicts early.

Major League Baseball places contraction on hold until 2003. Speculation from many general managers is based on elimination of collective bargaining and other labor/salary issues wrapped up in a smokescreen of talks regarding team elimination.

''Anaheim Angels' Done Deal Disintegrates''. Headlines from the Orange County Register detail Disney executives nixing a negotiated trade with the Chicago White Sox involving Angel Darin Erstad and the Sox' Garland, Singleton, & two minor league players.

ABC & AOL Sports purchase 6 year rights to broadcast the NBA, winning the bid from NBC.

NBC announces the elimination of broadcast advertising bans on hard liquor commercials, allowing Smirnoff vodka and other Diageo brand to advertise on the peacock network from 9–11 PM and on the Tonight Show with Jay Leno & Saturday Night Live. ABC, CBS, & FOX networks will allow only beer and wine advertisements at this time.

MTC–00004586

From: Lou Owens
To: Microsoft ATR
Date: 12/15/01 4:34pm
Subject: microsoft

Quit wasting tax dollars trying to punish Microsoft for exercising free enterprise. This country is a capitalistic society and free enterprise is one of the core principles.

I run a small business and no one is wasting tax dollars to limit my competition. The market decides if I am providing products and services at the right price and quality.

Lou Owens

MTC–00004587

From: Ray Ashmun
To: Microsoft ATR
Date: 12/15/01 5:09pm
Subject: settle

You need to keep asking yourself, where is the consumer outcry about Microsoft. There isn't much, because most people are very happy with the current situation. I'm an old-time pc user and remember how things were before Windows. It cost us a fortune in money and work to get the necessary utilities up and running in our computers. Now we save time and money with almost everything in Windows. I don't want to go back to the old days and I will continue to purchase Microsoft products for as long as they are available. It is disgusting to me that you have allowed competitors who are unable to develop decent products to convince you that everything will be better as soon as you cripple Microsoft. The entire PC revolution would be much farther behind where it is today if it hadn't been for Microsoft. Most if us chose Microsoft when given the chance, and will continue to do so for the foreseeable future.

Leave things alone and settle this court case now.

Ray Ashmun

MTC–00004588

From: lmuntz
To: Microsoft ATR
Date: 12/15/01 5:46pm
Subject: Microsoft attitude toward intellectual property

I am a doctoral candidate in English at the University of Iowa and serve as a teaching assistant at UI and at Mt. Mercy College in Cedar Rapids, Iowa. The temptation that essay-for-sale-or-trade websites offer to undergrads is quite strong and offers a constant battle for those of us who wish to prevent plagiarism and teach our students how to perform rigorous, honest intellectual work. The publication of the following article on Microsoft's website Slate undermines such attempts. For a corporation that portrays itself as concerned about intellectual property rights and about making the Internet a learning tool for students, the promulgation of such an article on-line by MSN indicates at the least a faulty editorial policy and at most an arrogance about or negligence in enacting the corporation's policies and missions, in my opinion.

I appreciate having this venue by which to comment.

Lori Muntz

Original Message From <lori-muntz@uiowa.edu> shopping

Adventures in Cheating

A guide to buying term papers online.

By Seth Stevenson

Posted Tuesday, December 11, 2001, at 11:04 AM PT

Illustration by Nina Frenkel Students, your semester is almost over. This fall, did you find yourself pulling many bong hits but few all-nighters? Absorbing much Schlitz but little Nietzsche? Attending Arizona State University? If the answer is yes to any or (especially) all these questions, you will no doubt be plagiarizing your term papers. Good for you—we're all short on time these days. Yes, it's ethically blah blah blah to cheat on a term paper blah. The question is: How do you do it right? For example, the chump move is to find some library book and copy big hunks out of it. No good: You still have to walk to the library, find a decent book, and link the hunks together with your own awful prose. Instead, why not just click on a term paper Web site and buy the whole damn paper already written by some smart dude? Que bella! Ah, but which site?

I shopped at several online term paper stores to determine where best to spend your cheating dollar. After selecting papers on topics in history, psychology, and biology, I had each paper graded by one of my judges. These were: Slate writer David Greenberg, who teaches history at Columbia; my dad, who teaches psychology at the University of Rhode Island (sometimes smeared as the ASU of the East); and my girlfriend, who was a teaching assistant in biology at Duke (where she says cheating was quite common). So, which site wins for the best combination of price and paper quality? I compared free sites, sites that sell ''pre-written papers,'' and a site that writes custom papers to your specifications.

Free Sites

A quick Web search turns up dozens of sites filled with free term papers. Some ask you to donate one of your own papers in exchange, but most don't. I chose one from each of our fields for comparison and soon found that when it comes to free papers, you get just about what you pay for.

EssaysFree.com: From this site I chose a history paper titled ''The Infamous Watergate Scandal.'' Bad choice. This paper had no thesis, no argument, random capitalization, and bizarre spell-checking errors-including ''taking the whiteness stand'' (witness) and ''the registration of Nixon'' (resignation). My judge said if they gave F's at Columbia, well Instead, it gots a good old ''Please come see me.''

BigNerds.com: Of the free bio paper I chose from this site, my judge said, ''Disturbing. I am still disturbed.'' It indeed read less like a term paper than a deranged manifesto. Rambling for 11 single-spaced pages and ostensibly on evolutionary theory, it somehow made reference to Lamarck, Sol Invictus, and ''the blanket of a superficial American Dream.'' Meanwhile, it garbled its basic explanation of population genetics. Grade: ''I would not give this a grade so much as suggest tutoring, a change in majors, some sort of counseling .''

OPPapers.com: This site fared much better. A paper titled ''Critically Evaluate Erikson's Psychosocial Theory'' spelled Erikson's name wrong in the first sentence, yet still won a C+/B− from my dad. It hit most of the important points-the problem was no analysis. And the citations all came from textbooks, not real sources. Oddly, this paper also used British spellings (''behaviour'') for no apparent reason. But all in all not terrible, considering it was free. OPPapers.com, purely on style points, was my favorite site. The name comes from an old hip-hop song (''You down with O–P–P?'' meaning other people's ... genitalia), the site has pictures of coed babes, and one paper in the psych section was simply the phrase ''I wanna bang Angelina Jolie'' typed over and over again for several pages. Hey, whaddaya want for free?

Sites Selling Pre-Written Papers

There are dozens of these—I narrowed it down to three sites that seemed fairly reputable and were stocked with a wide selection. (In general, the selection offered on pay sites was 10 times bigger than at the free ones.) Each pay site posted clear disclaimers that you're not to pass off these papers as your own work. Sure you're not.

AcademicTermPapers.com: This site charged $7 per page, and I ordered ''The Paranoia Behind Watergate'' for $35. Well worth it. My history judge gave it the highest grade of all the papers he saw—a B or maybe even a B+. Why? It boasted an actual argument. A few passages, however, might set off his plagiarism radar (or ''pladar''). They show almost too thorough a command of the literature.

My other purchase here was a $49 bio paper titled ''The Species Concept.'' Despite appearing in the bio section of the site, this paper seemed to be for a philosophy class. Of course, no way to know that until after you've bought it (the pay sites give you just the title and a very brief synopsis of each paper). My judge would grade this a C− in an intro bio class, as its conclusion was ''utterly meaningless,'' and it tossed around ''airy'' philosophies without actually understanding the species concept at all.

Illustration by Nina Frenkel

PaperStore.net: For about $10 per page, I ordered two papers from the Paper Store, which is also BuyPapers.com and AllPapers.com. For $50.23, I bought ''Personality Theory: Freud and Erikson,'' by one Dr. P. McCabe (the only credited author on any of these papers. As best I can tell, the global stock of papers for sale is mostly actual undergrad stuff with a few items by hired guns thrown in). The writing style here was oddly mixed, with bad paraphrasing of textbooks—which is normal for a freshman—side by side with surprisingly clever and polished observations. Grade: a solid B.

My other Paper Store paper was ''Typical Assumptions of Kin Selection,'' bought for $40.38. Again, a pretty good buy. It was well-written, accurate, and occasionally even thoughtful. My bio judge would give it a B in a freshman class. Possible pladar ping: The writer seemed to imply that some of his ideas stemmed from a personal chat with a noted biologist. But overall, the Paper Store earned its pay.

A1Termpaper.com (aka 1–800–Termpaper.com): In some ways this is the strangest site, as most of the papers for sale were written between 1978 and '83. I would guess this is an old term paper source, which has recently made the jump to the Web. From its history section, I bought a book report on Garry Wills' Nixon Agonistes for $44.75, plus a $7.45 fee for scanning all the pages—the paper was written in 1981, no doubt on a typewriter. Quality? It understood the book but made no critique—a high-school paper. My judge would give it a D.

I next bought ''Personality as Seen by Erikson, Mead, and Freud'' from A1 Termpaper for $62.65 plus a $10.43 scanning fee. Also written in 1981, this one had the most stylish prose of any psych paper and the most sophisticated thesis, but it was riddled with factual errors. For instance, it got Freud's psychosexual stages completely mixed up and even added some that don't exist (the correct progression is oral-anal-phallic-latency-genital, as if you didn't know). Showing its age, it cited a textbook from 1968 and nothing from after '69 (and no, that's not another Freudian stage, gutter-mind). Grade: Dad gave it a C+. In the end, A1 Termpaper.com was pricey, outdated, and not a good buy.

With all these pre-written papers, though, it occurred to me that a smart but horribly lazy student could choose to put his effort into editing instead of researching and writing: Buy a mediocre paper that's done the legwork, then whip it into shape by improving the writing and adding some carefully chosen details. Not a bad strategy.

Papers Made To Order

PaperMasters.com: My final buy was a custom-made paper written to my specifications. Lots of sites do this, for between $17 and $20 per page. PaperMasters.com claims all its writers have ''at least one Master's Degree'' and charges $17.95 per page. I typed this request (posing as a professor's assignment, copied verbatim) into its Web order form: ''A 4-page term paper on David Foster Wallace's Infinite Jest. Investigate the semiotics of the 'addicted gaze' as represented by the mysterious film of the book's title. Possible topics to address include nihilism, figurative transgendering, the culture of entertainment, and the concept of 'infinite gestation.' '' This assignment was total hooey. It made no sense whatsoever. Yet it differed little from papers I was assigned as an undergrad English major at Brown.

After a few tries (one woman at the 800 number told me they were extremely busy), my assignment was accepted by Paper Masters, with a deadline for one week later. Keep in mind, Infinite Jest is an 1,100-page novel (including byzantine footnotes), and it took me almost a month to read even though I was completely engrossed by it. In short, there's no way anyone could 1) finish the book in time; and 2) write anything coherent that addressed the assignment. I began to feel guilty. Some poor writer somewhere was plowing through this tome, then concocting a meaningless mishmash of words simply to fill four pages and satisfy the bizarre whims of a solitary, heartless taskmaster (me). But then I realized this is exactly what I did for all four years of college—and I paid them for the privilege!

When the custom paper came back, it was all I'd dreamed. Representative sentence:

''The novel's diverse characters demonstrate both individually and collectively the fixations and obsessions that bind humanity to the pitfalls of reality and provide a fertile groundwork for the semiotic explanation of addictive behavior.'' Tripe. The paper had no thesis and in fact had no body—not one sentence actually advanced a cogent idea. I'm guessing it would have gotten a C+ at Brown-maybe even a B−. (Click here to read the rest of the paper.) If I were a just slightly lesser person, I might be tempted by this service. One custom paper off the Web: $71.80. Not having to dredge up pointless poppycock for some po-mo obsessed, overrated lit-crit professor: priceless.

sidebar

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Infinite Jest

Introduction

Wallace's fictional narrative Infinite Jest is an epic approach to the solicitous and addictive nature of humanity. The novel's diverse characters demonstrate both individually and collectively the fixations and obsessions that bind humanity to the pitfalls of reality and provide a fertile groundwork for the semiotic explanation of addictive behavior. Although Wallace may have actualized the concept of the ''addicted gaze'' to the literal or physical response to the viewing of Incandenza's coveted film the Entertainment [Infinite Jest], it is manifested symbolically throughout the novel in the distractions of its characters.

Nihilism

It would appear that Wallace has chosen society's most frequently rejected and denounced individuals as the vehicle for the narrative search for and preservation of the ultimate fix, which is illustrated by the obsession for Incandenza's film. At the same time and despite their diversity and distinctions, these individuals will ultimately represent the inextricable and covert characteristics of nihilistic behavior.

School-aged malcontents, drug addicts and the physically challenged all attempt to get a hold of a copy of the film and experience its pleasures at any cost. Ironically, it was the film maker James Incadenza's habit to regularly observe the depravation of Boston's crowded street milieus, where ''everyone goes nuts and mills, either switching or watching'' (620). It is not surprising therefore that he should develop a film that would be perceived as the panacea to the entertainment addictions of the masses.

Figurative Transgendering

Wallace devotes a substantial amount of space to the illustration of the contradictions of gender, where the adoption of gender behavior or symbols contrary to the character's true gender can be analyzed. The occasion of Hugh Steeply in drag as he met with Marathe to discuss the emergence of the Entertainment's cartridge may have served the literal purpose of the agent arriving incognito however his devotion to applying feminine mannerisms appear to go above and beyond the call of duty (90). In spite of his practice, Marathe nevertheless describes Steely's appearance as ''less like a women than a twisted parody of womanhood'' (93).

Wallace also presents the steroid-driven objectives of a number of the female tennis player's like Ann Kittenplan. ''who at twelve-and-a-have looks like a Belorussian shot putter'' (330). It may be fair to assume that their desire to acquire a manly physique is not entirely confined to the advantages it offers on the tennis court. In his notes, Wallace suggests that the ''gratification of pretty much every physical need is either taken care of or prohibited'' by the tennis academy (984). Clearly, the administration of steroids or any other drug of choice is prohibited by the ETA considering the wide scale purchase of ''clean'' urine for the academy's drug testing.

An Endless Jest

Perhaps the most significant example of the addicted gaze is demonstrated not so much in the stationary and fixated attention to satisfying one's obsession but in the demand for the continuous pursuit of it. The halfway house/rehab center, Ennet House, represents the often ineffectual and delusional pursuit of ridding oneself of addiction. A clear example of the deceptive environment of rehab is demonstrated by Lenz's use of cocaine while at the facility. For many of the residents like Lenz, the limitations at Ennet House are often so unbearable that its residents are driven to the use of drugs in order to preserve their sanity. Ironically, Lenz's stash of cocaine works as a contrived temptation that undermines any true potential for ridding himself of his addiction.

Conclusion

Wallace's Infinite Jest is a chaotic amalgam of humanity and the similarly depraved behaviors that they demonstrate in the pursuit of amusement and satisfaction. Although the restrictions to their attainment are clearly represented by the physical entities of the Academy, the Ennet House and the wheelchair, they are also fostered by them.

If Incandenza's ''Accomplice'' is any indication of the content of the Entertainment, it only reinforces the contention that human nature includes the inherent desire to not only view the depravity and debauchery of human behavior but even more, to participate in it. There is little to ponder why so many of Wallace's characters must depend on their mind and body altering drugs of choice, if not to influence how they are viewed by others then at the very least to make more palatable their own perceptions of self.

John L.'s monologue delivered at one of the AA meetings illustrates the destructive implications of either reasoning: ''all the masks come off and you all of a sudden see the Disease as it really is??and see what owns you, what's become what you are—'' (347).

References

Nihilism. The Internet Encyclopedia of Philosophy. [online] Available: http://www.utm.edu/research/iep/n/nihilism.htm.

Wallace, David Foster. Infinite Jest. New York: Little, Brown & Co., 1996. for future reference

MTC–00004589

From: Todd Chilson
To: Microsoft ATR
Date: 12/15/01 6:54pm
Subject: Microsoft Monopoly

Hi,

In regards to the attached email, my thoughts are as follows. I think Microsoft winning (winning in my definition meaning slaps on the hand being irrelevant...) is very disheartening. The reason it is disheartening is because it sends the message that our own government is not really in control, nor has the actual ability and/or care to note and control such behavior. If you will notice that Microsoft is using the ''loss'' to market there own products yet again. And once again, our judges and government officials just aren't bright or competent enough to see through these things.

On another note, I make a living supporting NT and Unix networks and I am currently using MS products to send you this message. I would like to see sensible cases and sensible reprimands. Companies like Novell and Sun that do not really ''compete'' with MS and then sue is a little ridiculous as well. Novell just sat there and watched the giant come without really trying to compete. Sun has never targeted the home user or even the low end server market, yet the complain about MS? We need research, relevant facts, and accurate penalties. I actually don't hate MS. I hate a system that allows companies like MS to do whatever they want with nothing more than a inconvenience or the ability to turn their ''punishments'' into ''advantages.''

Thank you,

Todd Chilson

P.S. In all sympathy to government officials, I know they have a very hard job and they are doing the best they can with enlightening counter-arguments to my position. I believe in them equally, but this is my opinion as it stands today.

MTC–00004590

From: Ron
To: Microsoft ATR
Date: 12/15/01 8:18pm
Subject: Microsoft case

I personally don't see how consumers have been harmed by any of the so-called actions of Microsoft. In fact, consumers have benefited. Microsoft has bundled other products into the operating system so the consumer doesn't have to buy them separately. This is a win for the consumer. There is no consumer or consumer group that can say this is not a benefit to them. Where can you get an operating system which comes with audio and video editing capabilities, CD writing capabilities, and built-in networking, for $100 (or less). You can't. Check the price of Novel's operating system, or Sun's operating system. They cost much more.

It is obvious that this case has been spearheaded by Netscape. Netscape originally gave their browser away for free to flood the market. Microsoft has been accused of this too, but Netscape did it first. Unfortunately for Netscape they did not have the capital to hold them over while they gave away a free product. Microsoft came along with their own browser, and late in the game I might add. After several revisions, Microsoft's browser became superior to Netscape's browser. Netscape buried themselves, Microsoft didn't bury them.

Ronald Listo

11006 Old Cheshire Lane
Chester, VA 23831

MTC–00004591

From: Karl Vogel
To: Microsoft ATR
Date: 12/15/01 8:37pm
Subject: Microsoft Settlement
Attn: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Greetings:

The proposed Microsoft settlement language lets the company off far too easily. If the deal goes through without modification, I believe Microsoft will actually become stronger and better able to act as an industry monopoly.

As I understand the proposed final judgment, remedies specifically protect organizations in business for profit. This is fine as far as it goes, but Microsoft's greatest current threats come from the non-commercial arena: Linux-based systems on the operating system front, the Apache webserver on the IIS-alternative front, and the Gnome and KDE GUI packages on the desktop front. These three competitors are all not-for-profit in nature, and not-for-profit organizations seem to have no rights at all under the proposed settlement.

Section III(J)(2) says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business:

''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...'' In other words, Microsoft can now effectively kill any not-for-profit product which makes use of Microsoft protocols, which doesn't amount to much in the way of punishment for precisely that sort of past behavior. The biggest loser in this settlement would seem to be the U.S. government, as it also doesn't qualify as a for-profit organization. This includes your office, the military, and anyone else working for the government who might benefit from some real competition. Finally, nothing in this proposal would prevent a future Microsoft monopoly based on .NET and HailStorm.

Recommendations:

* People should be able to create independent implementations of Microsoft APIs without fear of legal retaliation. This is the only way that other organizations can hope to make their products work and play nicely together with MS products on an MS desktop.

* Instead of auctioning the right to port Office to specific systems, or forcing them to give up code for IIS, simply require that MS Office work properly when installed and run under the ''Wine'' emulator for Intel-based systems. This prevents MS from making a product dependent on undocumented Windows features, without hobbling them or making them give up their corporate crown jewels.

http://www.kegel.com/remedy.html holds more specific language changes for the proposed final judgment.

Please rethink this. You can get a very clear picture of a company just by watching what they're willing to do to get the last 5% of a market. If Microsoft had been willing to settle for 85% of the desktop, do you think this trial would have happened in the first place? Winning is one thing, but winning by any means necessary is another. Thank you for your time.

Karl Vogel
Wright-Patterson AFB
Beavercreek, OH

MTC–00004592

From: Dave Gant
To: Microsoft ATR
Date: 12/15/01 9:48pm
Subject: MS Settlement

I think it's utterly ridiculous to reward a monopolist entity that has proven time and again to have no respect for morality, fair play, or even the law. If the DOJ cannot see that the placement of one's product in an institution for education is a huge benefit, I have honest concerns about the competence of the government to deal with these matters in today's world. If this settlement goes through, it will send the message to businesses that fair competition and business ethics are an optional hindrance.

Dave Gant

MTC–00004593

From: morrownr
To: Microsoft ATR
Date: 12/15/01 10:53pm
Subject: Microsoft Anti Trust Case

After having read the agreement between the USDoJ and Microsoft concerning the settlement of the ongoing case I must say that I feel justice will not be served by this agreement. I have followed the small computer software industry for many years and I identifed what I thought to be illegal activity by Microsoft as early as 1986. I then watched as the years passed and the increasingly obvious illegal activities increased. I watched as the DoJ made a couple of attempts to curb this illegal activity in the early '90's but Microsoft totally ignored both the letter and the intent of the agreements they signed with the DoJ. Microsoft has not and nor do I expect them to show any regard for the laws of the United States of America until far more reaching corrective action is taken. Microsoft has made billions by disregarding the law. The current settlement allows them to keep it all. This is simply not right. It is also not right that the company be left with the same structure that it has today. This company must be broken up to stop the illegal activity. A strong message needs to be send to the business community...that the laws of the United States will be enforced.

Regards,
Nick Morrow

MTC–00004594

From: Louis Vonderscheer
To: Microsoft ATR
Date: 12/16/01 12:09am
Subject: Comment

As an end user of computers and software I feel I must protest the proposed settlement of the Microsoft Case. To me it seems a small slap on the wrist for a company that has a virtual monopoly on both operating system and applications.

Most executives that choose the software for companies will pick Microsoft much as they used to pick IBM. They are afraid of incompatibilities when using 3rd parth software.

Microsoft has bought their compitition, or dried up their sales by announcing a competing product to be released ''real soon now''. Much software that I have used over the years is now gone, replaced by some ''kitchen sink'' variety, bundled into the current Windows version. Now we are stuck with Access, Word and Excel, while old industry standars like Paradox, Lotus and WordPerfect are fading into obscurity. It would be nice to have a choice in software at least if not the OS. I like General Motors but I want more then Chevrolet available. We need the competition.

Thank you for your consideration
Louis A. Vonderscheer
Redding, California.

MTC–00004595

From: ROBERT REMINGTON
To: Microsoft
ATR,rremington@webtv.net@inetgw
Date: 12/16/01 2:31am
Subject: USPS Mail Tampering

During the past weeks I have been receiving encoded messages as to the origins of the shenanigans, hijinx, assaults, and felonies against me while living at 62 Trofello Lane, Aliso Viejo, CA. This supposed secure gated community at the edge of Soka University, has operations funded by a Mission Viejo based company, Benchmark Funding. The tip, provided by the local USPS carrier is only one of the many discoveries of subversion & deception here.

Additional stalling and funding by Canadian based companies as well as the entry of a ''planning'' neighbor from St. Louis via Laguna Niguel reeks of another's idea of how I should live my life. Tonight's mail featured a card addressed to this woman's (Laura) three year old daughter (Brianne) with our 62 Trofello address. Last week, my only income, the California unemployment check arrived after 10 business days from the date it was mailed from Sacramento, normally a one to two day trip even with the 9/11 security and holiday mail demands. Someone, I believe one of the residents living on my block, intercepted my unemployment check for over a week, and then placed it in a US Postal mailbox for a second routing through the US Postal Service. I have timed the prior receipt of this biweekly check and have received it directly in two days from the US Postal carrier when I wait for my mail at home. I shouldn't have to do this!

Apparently someone's thinking I would stay at home for weeks while my check was lost, as my bank account is close to zero. Wrong! I will continue to sell personal items in order to live normally by searching for employment in an area of my choice. The Merino community in Aliso Viejo is not even

close to an area that I desire to reside in. I want my money rightfully returned to me without delay in order to continue living without others dictating business for me.

This is the United States, folks. For over 35 years I have been enslaved while my money and royalties were intentionally withheld in order to clone a replacement musician for the Chicago Blackhawks Hockey Team, and later, as a ''Project'' for Canadian funded television shows and other nonsense. Additional royalties and revenue have been illegally used by others without my consent, resulting in a multi-decade fight for my rights to live in a safe, secure community of my choice, not another's decision.

A strategically placed December 17, 2001 People Magazine with George Harrison on the cover features an article by Susan Forward titled ''Ties That Bind'' ''Outraged By Your In-Laws? Author and self-help guru Susan Forward has some tips for easing the strain''. Referring to the intense abdominal strains from the multiple poisoning by my sister, Bonnie, her husband, Al Rex, as well as my parents during the past year, the People feature descries the various varieties of poisonous in-laws with her new book, ''Toxic In-Laws: Loving Strategies for Protecting Your Marriage''. Reciprocal communications or assistance from the Orange County Sheriff's Department and the United States Department Of Justice are less than direct to me. An occasional feature article by someone unknown to me may be left in my view at the 24 Hour Sporting Club in Irvine. Big deal, all it confirms is that someone deliberately poisoned me, I already knew that, as well as some of the motives for the assaults.

Official replies or settlements after decades of investigations and over three years of my direct communications have yet to occur. COX Cable, one of the media & communications conglomerates bidding for the $60 billion dollar assets of AT&T's cable communications division has been active plotting behind the scenes. Cox Cable provides the telephone communication at the Merino community as well, forcing me to choose yet another cellular provider, Verizon, in order to obtain return calls from employers.

Friday's edition of the LA Times Living section features two cartoons in the comics pages relevant to my complaint. The first is Real Life Adventures on page E21. The authors, Wise & Alderich, choose to show a couple behind a hedge with the words, ''NUDIS COLON''. The author could have chosen the exact wording, Nudist Colony, however the encoding is for New Disney Colon, referring to the continued attacks and subsequent ''creative juices'' prepared in Tropicana Pure Premium Orange juice with a special ''White Cap'', the company my father retired from.

I now believe that my brother's ''spastic colon'' and colon surgery for Crohn's disease several years ago was actually caused by my family's intentional poisoning against him, without his knowledge of the origins of the attacks. Barry is intelligent and has clued me into my mother's subversive personality in his jewelry business years ago. It has taken me longer, unfortunately, to believe that parents could be so cruel! The discoveries of the chronic Muenchausens Proxy and ''Toxic In-Laws'' Syndromes proven frequently with attacks from my parents, sister, and her in-laws. I belive my mother's brother, Allan, an insurance agent, has interfered with my money. Allan's mysterious disappearance overseas on cruise ships coincides with ''Disney done deals that disintegrate'' and other fizzled plots.

Above the Real Life Adventure is the Over The Hedge comic. This comic has been mentioned in several of my previous US Justice communications. This entire week has been devoted to the theft of $30 million dollars by the ''mastermind'' critter against the ''turtle'' character through credit card fraud. The settlement occurs in Saturday's edition when an African credit card is used to pay off the debts incurred. This cartoon is close to the truth, folks!

I am requesting your immediate attention to my complaints! This situation is degrading daily and will result in EXTREMELY UNPREDICTABLE BEHAVIOR if my money is not returned to me immediately. I have waited for over 15 years and have informed the US Department of Justice regarding the truth in the deceptive business and theft of my money and assets. I deserve the opportunity to live my life in security and peace, away from my family's continued attacks and interference! There is adequate comfortable safe housing available in other areas! You know it, and so do I.

DO IT NOW !!

DO NOT DELAY THIS ANY MORE !!

Robert Remington

MTC–00004596

From: Ryan Johnson
To: Microsoft ATR
Date: 12/16/01 3:34am
Subject: Microsoft Settlement

Dear Dept. of Justice,

I am concerned about the anti-trust settlement with Microsoft. It is clear that Microsoft is guilty of antitrust violations. Although I am not an expert, I have been keeping up with the case and would like to express my concern with the way that the agreement addresses open source software and other access to the API's associated with Windows. It seems clear to me that the power Windows holds over the market is much more than a coupled browser, but the way that Microsoft can leverage that monopoly to increase the barriers to entry of other software makers into producing software for Windows.

Section III(J)(2) and Section III(D) both contain language that could damage free software and other enterprises that Microsoft does not consider a business. Since programs like Apache and Linux make a huge difference in the server market, and consequently the internet, this language essentially gives Microsoft the keys to the gate regulating the connection of PC's with internet servers. Additionally, since these programs are maintained by large communities of people not formed into a legal entity, they have little way to legally fight Microsoft if Microsoft decides they are not worthy of the API's necessary to interface with Windows.

This language would also hurt the government, NASA and any other non-profit scientific or other organization that would like to interface with Windows. Please look at this area further and do not give the company a chance to strengthen it's position in the market. Additionally, it does not seem like the agreement provides enough penalities to the company for it's monopolisitic actions. Microsoft should not be stopped from competing fairly in the marketplace, but they should be given a new way to strengthen their position either. It is not enough just to make it available to remove coupled programs or to change certain features. The benchmark should be whether or not the average computer user is able to make that choice when they buy their computer. As one last point, I would like to advocate the selection of Steve Satchell as a member of the three member watchdog committee over Microsoft. Robert X. Cringley has recommended him highly and I have learned to trust Mr. Cringley's opinion after having read his column for a long time.

Sincerely,
Ryan C. Johnson
Los Gatos, CA

MTC–00004597

From: Alex Johnson
To: Microsoft ATR
Date: 12/16/01 3:48am
Subject: DOJ v. Microsoft comments

Below are my comments regarding the conclusion of the US v. Microsoft trial, in accordance with the public comment period. I hope they are considered in the resolution of this case:

I have followed the trial very closely, and am most disappointed with the resolution proposed. I do not feel as though Microsoft has respected the court at any stage of it's trial, and has acted with distain toward our entire system. Furthermore, I feel as though the Attorney General after the change in the administration has pursued this issue with less vigor than is appropriate for a case with such far-reaching implications. I hope that the Court again finds against Microsoft, a company that does not respect it's customers, competitors, or the legal system. Please punish Microsoft in a way that will make it take notice, and that will help competition. I'm very concerned that favorite technologies such as Quicktime and Java will be knocked out using the same unfair Microsoft practices that already cost consumers innovative products like Netscape, and has hurt the adoption of the Macintosh OS.

Thank you for your consideration.
Alex Johnson
3438 Vista Ave
Cincinnati, OH 45208

MTC–00004598

From: Dan Cannon
To: Microsoft ATR
Date: 12/16/01 8:31am
Subject: Microsoft Settlement

Other than some vague language about ''harming consumers'', I could find no specific statements in the complaint that clearly defines what the damage has been to consumers. The complaint itself clearly focuses on competing products and

Microsoft's competitors. While not specifically mentioned in the complaint, anyone familiar with computer industry knows who these competitors are. It is clear this complaint was fostered by these competitors and not by consumers.

From a consumer's (and industry participant's) viewpoint, the complaint seems like a contradiction in that producing affordable software requires a ubiquitous platform and re-useable infrastructure, but a ubiquitous platform and re-useable infrastructure(according to the complaint) somehow equates to a monopoly. In addition, moving functionality down into the platform has always been a way of achieving re-usability and thus reducing software development cost. Microsoft's competitors understand these basic tenets and are coming up with alternatives to achieve ubiquity; they just don't do it as well and efficiently as Microsoft—yet.

I had a vision of what our world would look like when I started out in the computer industry some 30 years ago. Microsoft has done more to advance that vision by making it possible for the masses to afford computing devices. We are still in the vision's infancy. The evolutionary process will continue to weave exciting new capabilities into the consumer's daily processes. Microsoft understands this and is aggressively bringing these new capabilities to the masses. They are also empowering many whole industries and individuals to take advantage of exciting new opportunities.

I would suggest our government send a loud message that reaching any vision is not accomplished by filing complaints, but instead by innovation and hard work. From a consumer's viewpoint we are punishing success; exactly the wrong message we should be sending. Tell the computing industry (and all other sectors) to focus less on fostering legal action and more on building competing platforms, providing re-useable infrastructure, achieving ubiquity, and ultimately providing markets with cost-effectiveness solutions to process improvement.

Dan Cannon
xiggi@hotmail.com

MTC–00004599

From: Steven Zaveloff
To: Microsoft ATR
Date: 12/16/01 9:48am
Subject: Microsoft Settlement
Ms.Renata Hesse, Trial Attorney
Suite 1200
Antitrust Division
Department of Justice
601 D Street NW
Washington, DC 20530

Dear Ms. Hesse:

I am writing regarding the proposed settlement of the Microsoft antitrust litigation.

I believe that the proposed settlement is a travesty of justice. Its effect will be to make it even easier for Microsoft to make its operating systems even more pervasive and its monopoly position more secure—with a tax write-off to boot.

Yours truly,

Steven H. Zaveloff zaveloff@earthlink.net
P.O. Box 200203 Tel: (512)219–7142
Austin, Texas 78720–0203 Fax: (707)988–8694
http://www.foreignword.com/cv/document_353.htm

MTC–00004600

From: Zach Arnold, JMaD
To: Microsoft ATR
Date: 12/16/01 12:19pm
Subject: Microsoft

To whom it may concern:

I am of the opinion that the proposed Microsoft antitrust settlement is a sham. It would not promote competition in any way. Microsoft, which has been found to be guilty on numerous occasions, does not deserve such a blatant concession by the federal government.

Zach Arnold
zacharnold@excite.com

''If you're not going to be better tomorrow than you were today, what need have you for tomorrow?''

Rabbi Nachman of Bratslav

MTC–00004601

From: Robert Constant
To: Microsoft ATR
Date: 12/16/01 12:42pm
Subject: AntiTrust Settlement

The case should be settled. Microsoft wants to settle the case and now the States are are holding up the process with more demands. The States that are holding out are of course the States that have Competitors to Microsoft. Hopefully this is not a case of Competitors basically trying to get want they want from Microsoft by USING the Goverment. I believe that what the goverment has put forth. It is not up to the goverment to try and make a competive arena. Punish the Micorsoft for its behavior, not make its competitors get a free ride or even to playing field for them.

MTC–00004602

From: Ryan, Randy
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/16/01 1:00pm
Subject: Microsoft Case

I work in public education and experience Microsoft everyday. While I feel that they are somewhat over-zealous in grabbing every penny they can from all users of their software, it still is the only way to fly.

There are other solutions we could use, but truthfully, Microsoft has a very good and stable product. I think that this is because of the resources they have and if they don't protect their position in the marketplace, then all computer users will suffer.

Don't tear apart the best thing for computers, but don't let them just run roughshod over us either. I trust that the DOJ will make the correct decision as long as the justices in question keep an open mind and take in both sides of the case....the consumer and the company.

Thanks for the opportunity to air my position.

Randy Ryan
Marble Falls, Texas

MTC–00004603

From: Mike Westkamper
To: Microsoft ATR
Date: 12/16/01 12:59pm
Subject: Microsoft Settlement

I strongly disagree with the settlement that has been publicly touted in this case. From my perspective as a business person in this industry, Microsoft has destroyed competition, stifled creativity and has exposed this country to irreparable harm. The arrogance shown by this monopoly and defiance of the law coupled with products which expose us to significant harm are a direct result of their apparent invulnerability.

The settlement is a coup for Microsoft. It provides junk computers and Microsoft software to kids. A marketing win for them. Nowhere do those who were harmed see compensation or recognition.

I hold that Microsoft should be made accountable to those who claim harm from their manipulation of the market as a monopoly. Further, Microsoft should be made to compensate those who have been harmed by the poor software allowing hackers to infect their sites.

I would gladly offer additional comments if you would like another voice in the chorus.

Mike Westkamper
President, WEI Inc.

CC: Connecticut Attorney General,Mike Westkamper

MTC–00004604

From: Starr81
To: Microsoft ATR
Date: 12/16/01 1:01pm
Subject: Microsoft Settlement

I found on the Internet that citizens may comment on the proposed settlement of the Microsoft case. Therefore, I offer these thoughts: The proposed settlement is a travesty. It is the desired product of a clever defendant who has found a prosecutor eager to throw Br'er Rabbit back in the briar patch.

The settlement fails to honor the verdict of the trial court and the unanimous conclusion of appellate judges. It even defies common sense, because it leaves a monopolist in undisturbed control of the market. PC shoppers will continue to find no choice but machines in which Microsoft's operating system has already been installed. (Apple doesn't count, because it has a miniscule and declining percentage of the market.)

Pre-installation of the operating system means the consumer cannot know what is being paid for Windows, and what the price would be if the computer came with no operating system or an alternative system. Worse, it effectively defines other software options, leveraging Microsoft's power. The only answer is a remedy that prevents Microsoft from preventing consumers from making an informed choice. The consumer must be offered a true choice. This requires two things. First, that Windows be ''un-bundled,'' so that computers be offered and priced on the basis of all of these options: with no operating system included, with a sysem such as Linux, and with the buyer's choice of Windows ME, 98SE, 2000 or XP. (The latter choice is necessary to prevent Microsoft from forcing consumers to accept Windows XP's special ''hooks'' that will lead to control of software application markets Microsoft doesn't already dominate.)

Second, Microsoft must be forced to allow the natural development of alternative

operating systems. Its 90% control of the word processing/spreadsheet/etc. office software package market is part and parcel of its monopolist power; Office strengthens Windows, and Windows strengthens Office. Accordingly, Microsoft must be compelled to develop or license versions of Office for Linux (and any other competitive system that may arrive), much as it currently does for Apple's machines. This must continue to be required as long as either Windows' or Office's share of the ''IBM-compatible'' market is greater than fifty percent. Only when Microsoft voluntarily chooses to market application software on a non-discriminatory basis can one conclude its monopolist personality has changed. In sum, the acid test of a settlement should be this: if the defendant is happy to enter into it, then the prosecution has been duped and justice will be denied.

Gerald Starr,
Norman, Oklahoma

MTC–00004605

From: Edward Styles
To: Microsoft ATR
Date: 12/16/01 1:14pm
Subject: Microsoft Settlement

Now I agree that Microsoft should face penalties that will slow the grow of this monopolistic practice.

Now we are all aware of monoploies. The utilities and cable companies are examples of monoploies. I feel that if Microsoft became a monopoly because it was just the best product for the job I would say let them be, but I cannot say that. Microsoft is a product that I am forced to use. I also have to pirate the software because there is no way to learn about the software for IT jobs. Two wrongs don't make a right but how can I learn about it if I can't afford to use it. What does Microsoft have to say to that.

Also I feel that Linux should be pushed into schools. The money saved could be used on teachers and better classrooms. Open source technology would be great for that. Also there is a place for Windows and Office. I do feel the companies should be split so that it can promote competition and through this competition better products. I do not wish for Microsoft to fail, we need Microsoft, but we also need choice as well. No penalities, just the company split.

MTC–00004606

From: hyperkat44@netscape.net@inetgw
To: Microsoft ATR
Date: 12/16/01 1:16pm
Subject: microsoft settlement

As a senior programmer analyst with long industry involvement, I strongly agree with the counter-proposal for settlement of the United States vs Microsoft offered by the 9 states and am vehemently opposed to the proposed final judgement of Nov. 6th.

In my opinion, the proposal of November 6th would not restore competition and sends the wrong signal to an organization that rationalizes criminal behavior as ''innovation''. I feel that even the stronger counter-proposal by the dissenting states does not go far enought in punishing Microsoft corporation for ill gotten gains.

Sincerely,
Richard T. Van Cura
14256 Jennifer Road
Omaha, Ne 68138

MTC–00004607

From: John Bekas Jr
To: Microsoft ATR
Date: 12/16/01 2:40pm
Subject: DoJ vs Microsoft settlement

Dear DoJ

I am writing to you in response to the settlement terms of the antitrust case against Microsoft. I am extremely disappointed with the outcome, as Microsoft is receiving little or no punishment for their actions. As a software developer in Chicago, Illinois, I am sorely disappointed that the federal goverment and my own state government have given up the fight and have decided to settle on terms favorable to Microsoft. The courts have ruled that Microsoft is indeed a monopolist. Not only that, they ruled that Microsoft abused this monopoly. Therefore, I believe Microsoft should be treated accordingly.

I understand that ongoing court cases take time and cost a lot of money. Plenty of both have been invested over the past few years of litigation. However, coming to a settlement favorable to Microsoft, such as this one is, is equivalent to throwing away all of the time and money invested in the case.

One example of abuse I experienced came about a few years ago when I was purchasing a new computer from Dell. At the time, IBM's OS/2 Warp was an alternative operating system which I was interested in running on my new system. When asked if I could receive my computer with OS/2 Warp installed instead of Windows 95, the sales person said no. When asked if I could receive my system with no operating system installed, the sales person again said no. When I persisted, the sales person changed his attitude and said that I could get the system without an operating system installed; however, the system cost remained the same. I was unable to purchase a new system without paying Microsoft for software that I had no intention of using.

I have no idea whether this situation has changed in the past few years. Instead, I have discovered that if I assemble a system on my own, no software is included. Unfortunately, a typical computer generally does not have this option.

As for software and bundling, I believe Microsoft abuses this power greatly. Although the common person probably does benefit from the inclusion of Web Browsers, Media Players, Image Manipulation Tools, etc., many power users uninstall these ''freebies,'' and instead opt to purchase more fully functional software. Unfortunately, these users are forced to pay for the included software in order to upgrade their operating system. If Microsoft was truly interested in including software that was of use to a majority of users, why do they not include Microsoft Word or Microsoft Excel with their operating system? I would imagine that more people probably use a word processor or spreadsheet than Media Players or Image Manipulation Tools. My guess is that Microsoft no longer has any competition in these markets and has no incentive for forcing their use. When is the last time someone sent you a document in Word Perfect format?

I also want to touch on the proposed settlement of the Class Action lawsuits currently being proposed by Microsoft. Please do not let them extend their monopoly further by allowing them to install $1 billion of their software in needy schools. Instead, let Microsoft donate their money and let the schools decide which solutions they are interested in buying. Apple Computer has focused on software designed for children and they should be given a fair opportunity to compete for installation rights in these schools. RedHat Software is willing to donate free software (with no time limit) to these schools if the settlement money is given in the form of hardware and not software. Any of these alternative options will increase competition and will not just help Microsoft extend their grasp to new areas.

In closing, I think that the proposed solution from the remaining states in the antitrust case is much better suited to the crimes committed. In particular, I'm referring to the stricter punishments for non-compliance that the states are requesting—namely, the opening of source code to the Windows OS if Microsoft is found to be continuing its anticompetitive behavior during the next few years.

Thanks,
John Bekas, Jr.
Software Developer
Chicago, Illinois

MTC–00004608

From: Roger O'Brien
To: Microsoft ATR
Date: 12/16/01 3:07pm
Subject: You have NBC, you have a part of Apple, please don't take the Education

You have NBC, you have a part of Apple, please don't take the Education market!

MTC–00004609

From: Bill
To: Microsoft ATR
Date: 12/16/01 6:19pm
Subject: RE: Microsoft and your DOJ Action—STOP your actions against this Fine American Company!

Gentlemen:

This email is to let you have one more American citizens opinion about YOUR actions ...the actions of our elected government officials and how you spend MY tax dollars. Microsoft has been shown to be a monopoly. This is not illegal. The lawsuits propagated against this fine company were brought during the liberal administration of the past 8 years and the era of ''competitive lawsuits'' as a method of competing in a market where the companies supporting the lawsuit were unable to produce a product that was competitive. Said another way: STOP your actions against Microsoft and live with the current settlement that has been proposed. This company has been damaged enough even though they do NOT deserve these actions!

They make a wonderful product...one that consumers WANT to buy. They make it better than OTHER competitors can make it and they market it ''CHEAPLY''...well within

the product development and production costs. They do not make a huge profit for what they charge. In fact the profit they make is THEIR business...not the consumer or government's business. Let them alone to continue to produce a better mousetrap! STOP being ''bought'' by other competitors! MY TAX vote says leave them alone!

I am not a Microsoft employee or have anything to do with their company. I simply use their products. I believe that THIS company should be PROTECTED by your DOJ from these frivolous lawsuits brought by competition that cannot simply come up with a competitive mousetrap! By the way...I am extremely computer fluent and KNOW much about computers and all software involved! Personally I PREFER Microsoft software to all of the rest...and I have bought and used the rest!

The point is I am an American Taxpayer, a businessman and a VOTER. Please respect my vote and bring back some decency to our government at the DOJ levels by CUTTING your DOJ actions and departments. LAYOFF many of your unneeded lawyers and put our TAX dollars back into the consumer's hands and OUT of the government BUREAUCRACY!

Thank you,
Bill Martin
2850 Country Club Blvd
Orange Park, Fl 32073
wem@pobox.com

MTC–00004610

From: Steven B. Ronsen
To: Microsoft ATR
Date: 12/16/01 7:16pm
Subject: United States v. Microsoft Settlement

I am an IT professional who specializes in creating applications for the Microsoft Windows environment.

I am extremely disappointed in the proposed remedy which holds no hope for forcing Microsoft's compliance to non-predatory practices. I am appalled to think that, after five years of litigation, the DOJ feels this is a satisfactory conclusion. It really begs the question of where Microsoft is investing its political contributions and reflects very poorly on the entire administration.

A fitting solution would be much closer to remedy originally proposed by the trial judge.

Steven B. Ronsen
72 Norwood Ave.
Buffalo, NY 14222
(716) 881–4809
Steven B, Ronsen
sronsen@buffnet.net
(716) 881–4809

MTC–00004611

From: alan malnak
To: Microsoft ATR
Date: 12/16/01 9:49pm
Subject: Microsoft Settlement

Please be advised that I have read most of the legal documents concerning the Microsoft settlement and am of the opinion that the settlement is fair and just.

It seems to me, that as indicated in the Microsoft brief, much of the opposition to the settlement comes from companies that have selfish motives.

Having Microsoft reveal as much as the opponents request would be similar to the government ordering Coco Cola to reveal its recipe to all of the competitors on the street.

We even see our elected official taking the part of companies that are located in their political district.

Despite what may be claimed, can anyone really say that telephone service is better or cheaper for the consumer since the inception of all of the smaller companies since the court ordered breakup ?

In addition, and one only has to look at the Market history to come to an obvious conclusion, as Microsoft goes so goes the market. Many company pension plans are suffering severe loss in value as a result of the drop in Microsoft stock and the effect it has on other investments That may not be of great importance to some, but it is to me since I am retired and cannot vote myself a larger pension and increased health benefits as our elected officials do.

Again, I am in total support of the settlement agreed to by the Government and Microsoft.

MTC–00004612

From: Frederik Eaton
To: Microsoft ATR
Date: 12/16/01 10:37pm
Subject: Microsoft Settlement

Microsoft must be required to provide documentation about APIs, ABIs, and communications protocols to individuals and developers of free software, not just to commercial vendors. A large part of Microsoft's competition comes from free software community, and to deny its members the same rights as commercial interests under the new antitrust settlement would be absurd.

If there will be any kind of committee appointed to oversee Microsoft, Steve Satchell should be on it.

MTC–00004613

From: Patrick J-Whitty
To: Microsoft ATR
Date: 12/16/01 10:43pm
Subject: Microsoft: Enough is Enough

I am writing this email as a concerned American citizen. Ever since the beginning of the anti-trust case against Microsoft, I have learned more and more about how they connived and manipulated their way to success. I've learned how they tried to muscle other companies out of business because they didn't want to have any competition. This is wrong. Microsoft is a monopoly, and monopolies do nothing but harm this country. They stifle innovation and they place power into the hands of the wealthy.

Just because Judge Jackson's ruling was overturned does not make these facts untrue. Microsoft does nothing but harm others. I am appalled that Judge Kollar-Kotelly would use the disasters of September 11 to try to shield these crooks from the justice they deserve. This is downright tasteless.

Microsoft must be brought to justice. Their programs should all be open sourced, people should be given the opportunity to choose whether or not they want Windows, and Microsoft should not be allowed to dominate the Internet.

I hope other Americans see what I have seen. What is decided with Microsoft will affect the rest of the world for years to come. They must be stopped and brought to justice.

Sincerely,
Patrick Johnson-Whitty

MTC–00004614

From: Yev Bronshteyn
To: Microsoft ATR
Date: 12/16/01 10:59pm
Subject: Microsoft settlement

To whom it may concern:

As it stands, I believe the proposed settlement is insufficient. While giving certian limited freedoms to the manufacturers, I believe all parties involved have lost track of those for whom the settlement is necessitated—the consumers.

As a consumer, I am entitled to demanding free choice in buying a product, and to government protection of my choice. In regards to Microsoft settlement, this applies as folows:

* The consumers must be given inalienable right to select any and all of the software he/she purchases with a new computer. This includes both middleware and operating systems.

* The consumer must not pay for any software he/she does not receive as a result of making the decision described above.

* No OEM or retailer should suffer any financial loss for granting a consumer the afore-mentioned fundamental freedoms, and no party should (yes, even Microsoft) should gain from denying these rights to the consumer. Specifically, this translates into:

—No exclusivity contracts with OEMs.
Microsoft must not be allowed to enter into contracts that bind the OEM to providing any Operating System and/or middleware on all or any specific fraction of systems sold but that OEM.

—No discounts to OEMs based on their choice of operating system or middleware.

Any settlement that fails to provide for the above rights are included in ironclad, incontravertible language with no ''exceptions'', falls short of satisfactory to the needs of the consumers.

As a consumer, I thank you for your concern for our interests.

Yev Bronshteyn.

MTC–00004615

From: Yev Bronshteyn
To: Microsoft ATR
Date: 12/16/01 11:02pm
Subject: Microsoft settlement

To whom it may concern:

As it stands, I believe the proposed settlement is insufficient. While giving certian limited freedoms to the manufacturers, I believe all parties involved have lost track of those for whom the settlement is necessitated—the consumers.

As a consumer, I am entitled to demanding free choice in buying a product, and to government protection of my choice. In regards to Microsoft settlement, this applies as folows:

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Any settlement that fails to provide for the above rights are included in ironclad, incontravertible language with no ''exceptions'', falls short of satisfactory to the needs of the consumers.

As a consumer, I thank you for your concern for our interests.

Yev Bronshteyn.

MTC–00004616

From: Bill Fox
To: Microsoft ATR
Date: 12/16/01 11:14pm
Subject: Microsoft Settlement

I would like to express my opposition to the settlement in the Microsoft antitrust case. I am not a lawyer but a user of personal computers, a tool essential to my livelihood for approximately 20 years. I have used many personal computing operating systems over the years, including those made by Microsoft (MSDOS, Windows 3.11, Windows 95, Windows 98, Windows ME, Windows NT 4.0 and Windows XP Pro), Amiga, Commodore, IBM, Texas Instruments and Apple Computer. My opinion is that operating systems other than Microsoft's have been superior in features and performance at each stage of development of the personal computing platform. Yet Microsoft achieved a monopoly, i.e. in excess of 70 percent of the personal computer market. Microsoft's illegal behavior in maintaining and expanding that monopoly to in excess of 90 per cent of the market effectively destroyed all existing competitive personal computing operating systems in the process, save one, and perhaps prevented others from being developed.

I am firmly opposed to the settlement for three principal reasons. First, the settlement does not in anyway compensate for the effects of Microsoft's illegal maintenance of a monopoly. Second, it forecloses further pursuit of illegal tying. Third, its attempt to prevent future illegal monopolistic behavior is inadequate.

Microsoft stands convicted after appeal of conducting illegal acts to maintain its monopoly of personal computer operating systems. Microsoft's illegal acts certainly have cost consumers billions of dollars directly and possibly much more by preventing the development of alternatives. We will never know what we've lost as a result of illegally stifled competition. Yet the settlement does not provide even a miniscule penalty for the deleterious results of Microsoft's egregiously illegal behavior. It simply dismisses this and proceeds with a lame attempt to prevent a continuation of such illegal behavior. No corrective action of any type that simply attempts to put Microsoft on a legal course can be reasonably construed to be a penalty of any sort. A penalty is required and none is provided by the settlement.

Microsoft was also convicted of illegally tying its products to its monopoly operating system but that conviction was overturned on appeal based on the standard used by the District Court judge to convict Microsoft. The issue was remanded to the District Court for further consideration. A decision to not pursue the illegal tying issue is formalized in the settlement even though the Justice Department announced that it would not pursue it before entering into the settlement. In my experience it is indeed Microsoft's tying of its products to its monopoly operating system that has been the most damaging to competition in the personal computing market. Microsoft was initially found guilty of illegal tying and the remanded issue should be pursued. The settlement formally forecloses the opportunity to do so. Finally, the settlement is inadequate to prevent Microsoft from continuing its practices of illegally maintaining its monopoly. Clearly, Microsoft is an unrepentant criminal. As an example, its CEO Steve Ballmer was quoted as stating that he does not even know what a monopoly is after Microsoft was convicted of being one. It is totally incredulous to believe that Microsoft will simply go forth and be a good corporate citizen. While the settlement contains provisions to enforce its restrictions through oversight, the burden is on the government to catch Microsoft in the act and, if so, then Microsoft is simply returned once again to proceedings such as these. Where is the incentive for Microsoft to comply? My mind boggles in that this is the second time that a settlement of this nature has been reached with the same convict. The second is no more satisfactory than the first. Any resolution of this case against Microsoft must provide appropriate incentives for the unrepentant criminal to comply with the law.

Respectfully,
William W. Fox, Jr.
9805 Fox Rest Lane
Vienna, VA 22181
703–281–3126

MTC–00004617

From: Benjamin Everson
To: Microsoft ATR
Date: 12/16/01 11:19pm
Subject: the settlement is flawed

I will keep this brief—the settlement in the Microsoft anti-trust case is severely flawed. MS has been found guilty, yet the DOJ has found it more appealing to just make the case go away rather than really trying to solve the problem that has been determined to exist. Please don't allow this mistake to happen. If you do, I promise it will come back to bite us all. The Internet is supposed to be an open community, not owned by any one entity. This will cease to be true if Microsoft is not reigned in, and the day that happens will truly be a sad one.

Ben Everson

MTC–00004618

From: Michael Longfield
To: Microsoft ATR
Date: 12/16/01 11:43pm
Subject: Microsoft Settlement

To whom it may concern:

I am one of many people upset by the potential ramifications of the Settlement. Although I do not live in your jurisdiction (I am Canadian), I am nonetheless concerned. I use Microsoft products. Yet I do not think they should be given the opportunity to strengthen their market position in schools as punishment for their other monopolistic practices. The suggestion of Steve Jobs, requiring Microsoft to provide money not software and hardware, is worth greater consideration.

Sincerely,
Michael Longfield

MTC–00004619

From: C. R. Brade
To: Microsoft ATR
Date: 12/17/01 12:40am
Subject: Microsoft Settlement

I don't see how this settlement changes anything. Microsoft (MS) already has a foundation (started after the suit, I think) that donates money that K-12 schools can apply to, how does expanding the visibility of such PR do anything to change MS. Microsoft used to have a lower market share than Borland for the then popular C++ Programming Language software; MS didn't have a better product and couldn't get Borland (Enprise(sp.?)) to sell their company to MS, so they took over half of Borland's top programming staff (wages that no one else could match). Borland never did get anywhere near their marketshare in programming language software back. Sure MS might of had to pay Borland (briefly changed its name) a fine, but I am sure MS has more than made of the difference. Why should MS ever deal ethically with anyone? If they get caught they may pay a fine, but the fine won't be enough to make them suffer any long term loss in any area.

Everyone knows that the Apple Computer Company's strategy that helped them get a foothold in the K-12 schools was its heavy rebate program for schools to buy one of their computers. What this settlement would do is basically give MS the same strategy to slowly remove Apple's presence. Why not require that the computer's not run MS software? Money not used can grow interest deferred and be used for improving technical training in non-Microsoft equipment. The Red Hat people said they would provide free Red Hat Linux OS's with technical support for the schools MS gives equipment to. There is a glut of MS certified people, why not train some disadvantaged children in high school/jr. high in Linux administration. There are probably many inner city or Appalachian Mountain children who would jump at the chance. Companies in economically disadvantaged areas would then have someone to hire who knows how to run a server with very low site license fees and has

a lower number of security issues requiring patches with each new release. This could help a new company compete and grow—helping a company grow and employ more tech. savvy employees which could help the area no longer be an economically disadvantaged area. Note Linux has in some cases been put on computers and have them run compatible applications that choke on MS OS & software. If not why not require MS if it takes more than 10% (when agreed upon market share rate) of Apple's K-12 OS share in K-12 schools during and 2 years after of this billion dollar K-12 assistance phase; require that MS pay an additional one billion (at one year anniversary date of first payment) plus whatever percent of share loss over 10% times 100 billion until either MS for over a year doesn't exceed its when agreed upon market share rate or holds less than 65% of the market share in all of the following: PC OS's, word-processing packages [note the large share they took from with bundling (WordPerfect/ Lotus 1–2–3)], programming language software, and internet browsers.

Maybe it is true that money talks and big corporations never have to apologize as long as they have the money. I hope I am wrong, but the case of the intermittent windshield wiper patent comes to mind.

C.R. Brade
twiggy139@home.com
aj7301@wayne.edu

MTC–00004620

From: Wes Peterson
To: Microsoft ATR
Date: 12/17/01 12:56am
Subject: Microsoft's Monopoly

I have been using both Microsoft operating systems and the Macintosh for as long as they have existed. I could write a long letter, but I won't. It is very clear to me that on many occasions Microsoft has used their dominance of the operating system marked to further their monopoly. You might not realize that they have done it in the word processing market in Japan.

Today let me just say that I am seriously concerned about two things. First, by putting their media player into Windows and making it the first choice media player, they have taken a big step towards squeezing out Apple Quicktime and RealNetworks RealPlayer.

Secondly, there is Microsoft Passport, which is collecting a lot of data about subscribers and forcing all who are using Microsoft Hotmail, Microsoft Network, and Microsoft Developers' Network to subscribe if they want to continue to receive those services. I think it is a very unhealthy thing for this service to be under Microsoft's control at all, and it will be very unfortunate if they dominate this field as well as the operating system market.

Very Sincerely Yours,
W. Wesley Peterson
Professor of Information and Computer Sciences
University of Hawaii
wes@hawaii.edu

MTC–00004621

From: js aal
To: Microsoft ATR
Date: 12/17/01 3:15am
Subject: Proposed settlement is an embaressment to the US/DOJ

Ladies/Gentlemen;

As I reviewed the proposed settlement offered Microsoft in its recent anti-trust suit, I am struck by the lack of any real penalty to Microsoft. The original trial judge found MS guilty of being a monopolist and ordered a series of remedies. The appeals court did not agree with the remedies, but they did uphold the finding of monopolistic actions. This confirms the need for some sort of penalty or sanction that forces MS to end their monopolistic actions.

The DOJ proposals to settle this case clearly have an odor of a payoff of some sort. MS has hired the right type of Washington, DC attorneys, it has sponsored the right lobbyists, BUT it has yet to admit the monopolistic practices and show some sort of remorse. The company has continued in the same course it has prior to the trial.

DOJ should ask for two things:

1. Disallow the OEM relationship MS has with the makers of personal computers that allows them to ship a unit with MS installed along with along with the placement of unique icons that tie the machine back to other MS products.

2. Force MS to publish the full interface specifications to its Windows operating systems packages. This should be a standard that all other vendors (including other divisions within Microsoft) would use in developing their applications.

There is a precedent for the second penalty, because that is the condition forced upon IBM when it settled with DOJ in one of its several anti-trust cases. IBM continued to prosper as did many of the smaller ancillary companies.

That is anti-trust justice displayed in the past. I hope DOJ and the US Court system has the same courage to do this today.

Have a great Day!
Alex Lukshin

MTC–00004622

From: gwintle@csc.com@inetgw
To: Microsoft ATR
Date: 12/17/01 4:29am
Subject: Microsoft Settlement

It is clear to me that the Consent Decree was reached for the purpose of expediency rather than a sustainable result. When the result of the antitrust litigation has been upheld by the highest court in the nation, why is a lower court and, more specifically, the Justice Department willing to accept a less favorable settlement to consumer than the Microsoft proposed settlement when the finding of guilt was still at issue. I find it inconceivable that a firm with 96% marketshare, which has routinely annihilated competitors in its path, be offered improved terms after guilt has been established. I find that it is with deep regret, that contrary to the statements of the US Department of Justice in its impact statement discussing the Consent Decree, the remedies settlement embodied in the Consent Decree fails to achieve the ends mandated by the Court for the following reasons:

* it fails to deny Microsoft the fruits of its statuatory violations,

* it fails to ensure that competition is likely to result,

* it was an agreement reached for the purpose of expediency, not for ensuring an adequate remedy and,

* it establishes an untenable precedent for future antitrust cases.

I feal that as someone familiar with computing and the computer industry, and the adverse effects of Microsoft's monopolies in these areas, I cannot see how the settlement that is proposed even pretends to remedy the antitrust violations for which Microsoft has been found culpable. The company has already been found in violation, and this is the penalty phase of the case, but the settlement contains no penalties and actually advances Microsoft's operating system monopoly. A just penalty would at barest minimum include three additional features:

* Any remedy seeking to prevent an extension of Microsoft's monopoly must place Microsoft products as extra-cost options in the purchase of new computers, so that the user who does not wish to purchase them is not forced to do so. This means that for the price differential between a new computer with Microsoft software and one without, a computer seller must offer the software without the computer (which would prevent computer makers from saying that the difference in price is only a few dollars). Only then could competition come to exist in a meaningful way.

* The specifications of Microsoft's present and future document file formats must be made public, so that documents created in Microsoft applications may be read by programs from other makers, on Microsoft's or other operating systems. This is in addition to opening the Windows application program interface (API, the set of ''hooks'' that allow other parties to write applications for Windows operating systems), which is already part of the proposed settlement.

* Any Microsoft networking protocols must be published in full and approved by an independent network protocol body. This would prevent Microsoft from seizing de facto control of the Internet.

There is considerable national interest in this issue, it is crucial that Microsoft's operating system monopoly not be extended. This is a case is of great importance, not just now but for many years to come. This suggests a careful and deliberate penalty is far more important to the health of the nation than is a hasty one.

I would like to finish by quoting the nine State Attorneys Generals who are opposing the settlement ''Nothing in the text of this agreement forces Microsoft to change its business practices and technical implementations in the least.''

MTC–00004623

From: Mike
To: Microsoft ATR
Date: 12/17/01 4:36am
Subject: Microsoft settlement must be amended.

To the U.S. DOJ et al:

Good morning. My name in Michael Mohr. I am writing to you today to share my opinion regarding the Microsoft antitrust

settlement. Having used PCs for almost a decade now, I am familiar with most Microsoft operating systems, including DOS, Windows 3.11, Windows 9X, and NT. After reading about the proposed settlement between Microsoft and the USDOJ, I am outraged that such nonsense could come about. Please read first my experiences as a Windows 98 user, and then my recommendations on what should be done.

After many years experimenting with various operating systems, including all of Microsoft's and quite a few unices, I have come to the conclusion that Windows 98 is the operating system that I must keep installed on my laptop. Note that I said must, not wish to. Go into any Staples, Office Depot, Circuit City, or Office Max and take a look at the software on the shelves. Look closely and you will see that all the software available runs solely under Microsoft's Windows operating system. You will not find software for Solaris, UNIX, BSD, Linux, QNX, or any other operating system. This also poses a problem in the arena of device drivers, which are often solely distributed for the Windows OS. This is a result of Microsoft's OS being bundled with almost all new computers sold today. Why is this so? Because Microsoft has more money and power than the other developers. It lets them freely violate the Sherman Antitrust Act without fear of reprecussion from the government, as shown by your settlement. It also lets them crush competetion before it has its legs under it, as shown by AOL's buyout of Netscape.

In addition to this, I have recently begun to notice strange things happening when I run Internet Explorer. It crashes 2 to 3 minutes after execution, without fail, every time. Now this wouldn't be so much of a problem for me, except that the browser is actually the operating system. Hence, when the browser crashes, the operating system crashes, often leading to a complete system freeze or a blue screen. This requires the computer to be shut down, power removed, and booted again.

Every 2 to 3 minutes. Imagine if your computer frize every 2 minutes at work and you lost all data you had input in that time. You would be pretty angry, wouldn't you? Moreover, you would be unable to get any work done at all. I have been forced to use Netscape Communicator to browse the web. At least when Netscape crashes (and it happens a lot less than Internet Explorer does), it doesn't crash the entire operating system.

Now take all of this and compare it to Linux. If an application fails, it can be easily terminated from a command prompt. If the graphical interface crashes (which happens QUITE infrequently), it can also be shut down and restarted from a command prompt. This is the result of a very smart group of people who designed the OS to be modular. If one part fails, all of the other parts are completely independant, and therefore a crashing browser will not take down the entire system. Try to find any Windows server with a continuous uptime of 6 years and you will be looking for the rest of your life. Anyhow, that ends my complaints against Microsoft (for now). Here are some suggestions that you may wish to consider when finalizing the settlement with MS.

(1) Anything that MS does which is intended to expand its monopoly MUST be offered as options which cost more money. In this way, a computer buyer who does not wish to purchase these options is not forced to do so.

(2) All distributors or vendors should be required to offer their new computers with a choice of non-Microsoft operating systems such as Linux, QNX, or nothing at all. In addition, these vendors must ship their computers with hardware which is compatible with all operating systems offered. For example, the notorious Lucent Winmodem should not be shipped with Compaq laptops because it was designed for use ONLY under Windows.

(3) Microsoft's present and future document formats should be made public so that other applications running on other operating systems are able to read and save into these formats.

(4) All Microsoft networking protocols must be published in full and approved by an independent network protocol body. This would prevent Microsoft from seizing de facto control of the Internet. Microsoft must not be allowed to extend its OS monopoly and other choices must be available to consumers, right there, on the front page. 100 percent compatibility for Linux should be offered in all desktops and notebooks.

Thank you for your time. I hope that you take my words into account when finalizing your judgements.

Michael Mohr

MTC–00004624

From: Jonathan Kingaby
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/17/01 4:56am
Subject: Public Feedback

I have been using Microsoft Products for over 10years and generally I think they are great.

However, a genius it does not take to realise that they have been up to some very suspect shenanigans since about 1990. I would not want to see them shutdown, split up or otherwise reduced since in many ways they are the engine room of the good ship IT economy. I would like to see a tougher stance taken though and a more punitive slap delivered.

Regards
Jonathan Kingaby
Development Manager
Elan Computing
Elan House
5–11 Fetter Lane
London
EC4A 1QX

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MTC–00004625

From: Gerald S. Abreu
To: Microsoft ATR
Date: 12/17/01 7:23am
Subject: The Microsoft Case

As I see it competition would force Microsoft to improve the quality of its products in areas including but not limited to reliability and security. The settlement before the judge would benefit only Microsoft; a sterner settlement would benefit everybody. I think now is the time to move the world in the direction of open markets and opportunity in the field of personal computing.

Thank you and sincerely
Gerald S. Abreu
104 Linden Lane
Culloden, WV 25510

MTC–00004626

From: david javid
To: Microsoft ATR
Date: 12/17/01 7:48am
Subject: COMMENT ON MICROSOFT AND DOJ SETTLEMENT

Hello,

I think it is a shame that Microsoft has to be punished for the good it has done to the public across the World. The World owes B.Gates for making computer technology available to all men and women, old and young, white and black, rich and poor, even in the remotest part of the World and in any language at an affordable price. More importantly, I admire Bill Gates for providing an environment in which every interested person or body can learn, educate and flourish in the field of computers and computing. This is in contrast to the behaviour of some other corporate operating in the high technology market and for some reason CISCO comes to my mind!!

Regards
David Javid

MTC–00004627

From: Aaron Katz
To: Microsoft ATR
Date: 12/17/01 8:35am
Subject: Microsoft Settlement

I would like to express my opposition to the settlement in the Microsoft antitrust case. I am not a lawyer but a user of personal computers, a tool essential to my livelihood for approximately 20 years. I have used many personal computing operating systems over the years, including those made by Microsoft (MSDOS, Windows 3.11, Windows 95, Windows 98, Windows ME, Windows NT 4.0 and Windows XP Pro), Amiga, Commodore, IBM, Texas Instruments and Apple Computer. My opinion is that operating systems other than Microsoft's have been superior in features and performance at each stage of development of the personal computing platform. Yet Microsoft achieved a monopoly, i.e. in excess of 70 percent of the personal computer market. Microsoft's

illegal behavior in maintaining and expanding that monopoly to in excess of 90 per cent of the market effectively destroyed all existing competitive personal computing operating systems in the process, save one, and perhaps prevented others from being developed.

I am firmly opposed to the settlement for three principal reasons. First, the settlement does not in any way compensate for the effects of Microsoft's illegal maintenance of a monopoly. Second, it forecloses further pursuit of illegal tying. Third, its attempt to prevent future illegal monopolistic behavior is inadequate.

Microsoft stands convicted after appeal of conducting illegal acts to maintain its monopoly of personal computer operating systems. Microsoft's illegal acts certainly have cost consumers billions of dollars directly and possibly much more by preventing the development of alternatives. We will never know what we've lost as a result of illegally stifled competition. Yet the settlement does not provide even a minuscule penalty for the deleterious results of Microsoft's egregiously illegal behavior. It simply dismisses this and proceeds with a lame attempt to prevent a continuation of such illegal behavior. No corrective action of any type that simply attempts to put Microsoft on a legal course can be reasonably construed to be a penalty of any sort. A penalty is required and none is provided by the settlement.

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Finally, the settlement is inadequate to prevent Microsoft from continuing its practices of illegally maintaining its monopoly. Clearly, Microsoft is an unrepentant criminal. As an example, its CEO Steve Ballmer was quoted as stating that he does not even know what a monopoly is after Microsoft was convicted of being one. It is totally incredulous to believe that Microsoft will simply go forth and be a good corporate citizen. While the settlement contains provisions to enforce its restrictions through oversight, the burden is on the government to catch Microsoft in the act and, if so, then Microsoft is simply returned once again to proceedings such as these. Where is the incentive for Microsoft to comply? My mind boggles in that this is the second time that a settlement of this nature has been reached with the same convict. The second is no more satisfactory than the first. Any resolution of this case against Microsoft must provide appropriate incentives for the unrepentant criminal to comply with the law.

Sincerely,
Aaron M. Katz
Beverly, MA 01915

MTC–00004628

From: Jeremey Wise
To: Microsoft ATR
Date: 12/17/01 8:52am
Subject: Microsoft Antitrust

I am a Technical Computer Consultant for one of the world's largest computer resellers in the world. I have both an MCSE, CNE, and other certifications (tried for RHCE but failed on first try). I only say these things as examples that I understand the industry.

I have been following the MS antitrust case closely from the aspect of its direct impact on my wellbeing. I do believe that MS did and does still participate in very anti-competitive activities to the extent of falling under the auspices of antitrust. Yet, I do not believe it is the job of the government to break them up. I believe that free market will solve this issue in the long run. My concern, and why I am writing this letter, is that the proposed solution of having MS purchase hardware and provide the software for schools makes no sense. In all my years of consultation I have strived to help companies understand Total Cost of Ownership is the real gauge of a successful deployment. In the proposed settlement MS would not be helping the school systems in any way by adding there software to the settlement. Hardware is less than 1% of the total deployment and maintenance cost. Not to say this would not help out schools. If that is how the government wishes to punish MS, and MS is ok with that, then ok. But please asses the total cost long-term before letting them tack on the software pieces.

MS software like any software is a license that is essentially 'leased'. The end user must eventual upgrade to retain any level of support. MS also, to there credit, has built a structure that provides disincentive to its customers to retain older software via support, or integration of new software being contingent on upgrade of the old software infrastructures.

Synopsis: I believe that the hardware purchase aspect of the settlement, if agreed to by both sides (MS & DOJ) to be a viable one. The adding of software to the mix will, in the long run, cost the US Governement far more and to a large extent further expand the hold that MS will hold over the market sector, a market sector which is particularly sensitive to monetary constraints that would be enforced vi upgrade incentive build into MS marketing strategies (the upgrade concerns of the government are reflected in there maintaining a high amount of Macintosh systems in schools which have a very different software marketing strategy than MS). I am not objecting to MS holding a large sector of the market. Just that if the stated goal of MS is to demonstrate, via this act of donation, there intent to follow non anti-competitive strategies. Then they should be open to alternative solutions of software where the later upgrade fees are not a concern.

Jeremey Wise (MCSE,CNE,CSE)

MTC–00004629

From: SSchwartz@MICROS.COM@inetgw
To: Microsoft ATR
Date: 12/17/01 8:56am
Subject: Microsoft Settlement

To: Renata B. Hesse Antitrust Division U.S. Department of Justice 601 D Street NW Suite 1200 Washington, DC 20530–0001 Under the Tunney Act, I wish to comment on the Microsoft settlement's inadequacy in improving the competitive environment in the software industry. Some serious shortcomings relate to: 1) Middleware: The current language in Section H.3 states ''Microsoft Middleware Product would be invoked solely for use in interoperating with a server maintained by Microsoft (outside the context of general Web browsing)'' does nothing to limit the company's ability to tie customers and restrict competition in non Web-based networked services under .NET, as they fall ''outside the context of general Web browsing''. Microsoft has already begun abusing its desktop monopoly to tie customers into .NET revenue streams and set up a new monopoly over the network.

Part 2 of the same section states ''that designated Non-Microsoft Middleware Product fails to implement a reasonable technical requirement...'' essentially gives Microsoft a veto over any competitor's product. They can simply claim it doesn't meet their ''technical requirements.''

2) Interoperability Under the definition of terms, '' 'Communications Protocol' means the set of rules for information exchange to accomplish predefined tasks between a Windows Operating System Product on a client computer and Windows 2000 Server or products marketed as its successors running on a server computer and connected via a local area network or a wide area network.'' This definition explicitly excludes the SMB/CIFS (Samba) protocol and all of the Microsoft RPC calls needed by any SMB/CIFS server to adequately interoperate with Windows 2000. Microsoft could claim these protocols are used by Windows 2000 server for remote administration and as such would not be required to be disclosed. The Samba team have written this up explicitly here: http://linuxtoday.com/news_story.php3?ltsn=2001–11–06–005–20-OP-MS

3) General veto on interoperability In section J., the document specifically protects Microsoft from having to ''document, disclose or license to third parties: (a) portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria'' Since the .NET architecture being bundled into Windows essentially builds ''anti-piracy, anti-virus, software licensing, digital rights management, and authentication systems'' into all levels of the operating system, ANY API, documentation, or communication layer can fall into this category. This means that Microsoft never has to disclose any API by

claiming it's part of a security or authorization system, giving them a complete veto over ALL disclosure.

4) Veto against Open Source Substantial amounts of the software that runs the Internet is ''Open Source'', which means it's developed on a non-commercial basis by nonprofit groups and volunteers. Examples include Apache, GNU/Linux, Samba, etc. Under section J.2.c., Microsoft does not need to make ANY API available to groups that fail to meet ''reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business.'' This explicitly gives them a veto over sharing any information with open source development projects as they are usually undertaken on a not-for-profit basis (and therefore would not be considered authentic, or viable businesses).

These concerns can be met in the following ways:

1) Middleware: Extend middleware interoperability with a Microsoft server to ALL contexts (both within general Web browsing as well as other networked services such as are those being included under .NET).

2) Interoperability: Require full disclosure of ALL protocols between client and Microsoft server (including remote administration calls)

3) General veto on interoperability: Require Microsoft to disclose APIs relating to ''anti-piracy, anti-virus, software licensing, digital rights management, encryption, or authentication systems'' to all.

4) Veto against Open Source: Forbid Microsoft from discriminating between for-profit and nonprofit groups in API disclosure.

Additionally,

5) Keep Microsoft out of the classroom. It is bad enough having to use their desolate software at work, don't force it onto children who are so malleable and may still have a chance to become creative and improve the world. Giving away antiquated software and hardware, which is what the $1,000,000,000.00 would be, becomes a tax write off. Make them purchase $1,000,000,000.00 worth of NEW, state of the art goods in the open market. What an economic stimulus that would be!!! And, make them provide services to set up and maintain the equipment, in addition to the $1,000,000,000.00 worth of goods.

Sincerely,

Stephen Schwartz

MTC–00004630

From: Schultz, Michael S
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/17/01 9:02am
Subject: Thoughts

Greetings,

My name is Michael Schultz, and I am an IT Professional working for Pfizer. After reading about the settlement, I was disappointed in the results. Microsoft has been using their heavy handed practices for years to gain an edge on the competition. However, they have also been an incredible boon to the digital community by bringing the computer to households much as TVs in the past. Their bad practices need to be curtailed, so other companies can compete, but you don't want to cut the legs out from under a company that has done so much in this field.

The settlement as I would have it:

1. MS must stop their heavy-handed practices against competitors. (If you can't beat em, buy em attitude, and forcing PC manufacturers to do ANYTHING other than install the OS)

2. MS can continue to offer their ''all-in-one'' package for their OS, but they must also offer a ''Lite'' version for those who want the OS, but not be forced to use anything else.

3. The losers from MS actions are the people. Because of this, I recommend that all fines against Microsoft go towards a commission to provide learning materials and computers to public schools.

I know it seems like a very simple solution, but it's all that we have been asking for. Stop MS from forcing things down our throat. Allow the competition room to enter the market...as competition makes BOTH parties better. And finally, fine MS enough for them to take notice, but not enough to injure the companies growth...putting this money toward something benificial to the people.

Heck, I'd have this whole thing over in a day!

Michael S. Schultz
SMS Consultant
(860) 441–1022
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MTC–00004631

From: Harry Hochheiser
To: Microsoft ATR,hsh@cs.umd.edu@inetgw
Date: 12/17/01 9:21am
Subject: Microsoft Settlement.

The proposed settlement of the Microsoft anti-trust agreement is does not go far enough. By leaving the basic components of Microsoft's dominance in the PC operating system and office application markets untouched, this proposal does little, if anything at all, to enhance meaningful competition. This proposal should be replaced by a stronger settlement that opens the way for realistic opportunities for competition in desktop operating system and productivity software.

Microsoft's dominance in the OS market has led to a situation that is fraught with dangers for the computer-using public. The susceptibility of Windows machines to viruses points out the costs of a closed, vendor-driven operating system: substantial economic inconveniences caused by Code Red and related viruses are directly attributable to Microsoft design and marketing practices, and could easily have been avoided. Furthermore, operating costs due to reliability and usability problems of Microsoft software place a burden on businesses, schools, and government agencies that make substantial use of computers.

Microsoft's monopoly on the operating system and office applications has also led to a slowing in innovation: without meaningful competition, advances in application tools, interfaces, and reliability have slowed. New releases of Microsoft products appear to be driven by a desire to sell additional software licenses, rather than by any meaningful innovation. Microsoft products that are shipped bundled with new computers should be priced separately, to provide consumers with information necessary to make informed decisions about the costs of Microsoft products.

Any settlement should include provisions that would create the realistic possibility of a completely compatible alternative to Windows and the Office Suite. Specifically:

Operating systems API interfaces, file formats, network protocols, and other details should be published and freely available to any interested software developers. Provision of this information post-fact to commercial developers on a fee basis is insufficient. Substantial fees for access to this information would essentially close off the vital open-source community ,and delays in dissemination would significantly reduce the value of this information.

New versions of software should maintain compatibility with older Microsoft products and existing competitive products. In particular, Microsoft should be required to use file formats that are baked on community-supported consensus and widespread publication.

Microsoft products must respect ongoing standards efforts and refrain from using extensions that place competitors at significant disadvantages. Microsoft-specific extensions HTML tags that go beyond accepted standards of the World Wide Web Consortium have made use of Netscape Navigator increasingly difficult. Where standards such as HTML exist, Microsoft should be required to adhere to standards as published.

Microsoft and its supporters can be expected to argue that these measures would raise the cost of innovation and stifle advances in the state of the art. The recent history of the computer industry does not support this view. Efforts such as SMTP and POP3 protocols for Internet mail, the World wide web, and Linux have proven the ability of open standards and common shared platforms to foster development of software that innovates and provides value to end users. The Microsoft settlement must be strengthened to achieve these goals.

Harry Hochheiserhsh@cs.umd.edu

Human-Computer Interaction Lab, University of Maryland

Director-at-Large, Computer Professionals for Social Responsibility

http://www.cs.umd.edu/~hsh http:/www.cpsr.org

(Affiliations provided for identification purposes only. I do not speak for either U. Md. or CPSR)

MTC–00004633

From: Daniel Mann—Centreville KW164
To: Microsoft ATR

Date: 12/17/01 9:26am
Subject: The Proposed Settlement

Dear Sir or Madam:

I am 21 years old. I'm about to graduate from college, and I have grown up with computers. In school, I have used mostly Macs, and in work, I use windows machines exclusively. That is to say I have extensive experience on both platforms. I think that the proposed settlement is a joke. Not only does it excuse the findings of fact and the verdict of the court, but also the settlement offers a public relations coup by allowing Microsoft to ''donate'' 500 million dollars of their own products. This costs them very much less than they propose. The duplication of software is very inexpensive. In a year, nobody will remember that it was due to an antitrust conviction that the software was even donated. I feel that the punishment necessary is far greater than what is being offered. If Microsoft cannot be split, then I urge you to open the windows source code, offer unbundled versions of software, require full java support as a standard feature, and require development and production of office and internet explorer software for all competing platforms. Additionally, strict fines should be imposed. Perhaps half of the damages, or roughly 6 Billion dollars could be a more equitable compromise. Thank you for your time.

Daniel Mann
MCA
Keller Williams Realty
Centreville, VA
P: (703) 815.5700 F:(703) 815.5707

MTC–00004635

From: IAMDMANN@aol.com@inetgw
To: Microsoft ATR
Date: 12/17/01 9:27am
Subject: settlement

Dear Sir or Madam:

I am 21 years old. I'm about to graduate from college, and I have grown up with computers. In school, I have used mostly Macs, and in work, I use windows machines exclusively. That is to say I have extensive experience on both platforms. I think that the proposed settlement is a joke. Not only does it excuse the findings of fact and the verdict of the court, but also the settlement offers a public relations coup by allowing Microsoft to ''donate'' 500 million dollars of their own products. This costs them very much less than they propose. The duplication of software is very inexpensive. In a year, nobody will remember that it was due to an antitrust conviction that the software was even donated. I feel that the punishment necessary is far greater than what is being offered. If Microsoft cannot be split, then I urge you to open the windows source code, offer unbundled versions of software, require full java support as a standard feature, and require development and production of office and internet explorer software for all competing platforms. Additionally, strict fines should be imposed. Perhaps half of the damages, or roughly 6 Billion dollars could be a more equitable compromise. Thank you for your time.

Daniel Mann

MTC–00004636

From: Daphanie M. Mullins
To: Microsoft ATR
Date: 12/17/01 9:29am
Subject: Microsoft Settlement

——Original Message——
From: ''Herb Himmelfarb'' <himby@open.org>
To: ''Himmelfarb, Cyn & Herb'' <himby@open.org>
Sent: Wednesday, December 12, 2001 3:15 PM
Subject: Microsoft Settlement

Hi, The proposed settlement in the anti-trust case against the Microsoft Corporation appears to me to be too lenient. In my opinion, this corporation has engaged in restraint of trade to an alarming degree. Rather than bore you with information you already have, I request that more severe penalties be imposed upon Microsoft.

Thank you for your attention to this matter.
Herbert S. Himmelfarb
615 19 Street NE
Salem, OR 97301–2713
503.375.2934
himby@open.org

MTC–00004639

From: Daphanie M. Mullins
To: Microsoft ATR
Date: 12/17/01 9:33am
Subject: Microsoft Settlement

——Original Message——
From: ''Blaize Clement'' <blaizec@home.com>
To: <consumer@mail.wvnet.edu>
Sent: Tuesday, December 04, 2001 1:54 PM
Subject: Microsoft

Just one example of how Microsoft has an unfair advantage is that as a freelance writer, I am not able to submit work to many publications or internet sites because I use a Mac. I should not be forced to use a Windows-based program to sell my work when I prefer the more efficient Apple system. Please don't let Microsoft control my personal choice and that of a lot of other writers.

Thank you,
Blaize Clement

MTC–00004641

From: DArmour@weatrust.com@inetgw
To: Microsoft ATR
Date: 12/17/01 9:35am
Subject: Opposed to the Settlement

To Whom It May Concern

As a computer profesional and avid user of computers I oppose the proposed Microsoft settlement. Microsoft's efforts have damaged the creativity and vitality of the American software industry. A broad industry with multiple players will produce higher quality software that will more directly benefit the consumer and American businesses. There is no evidence to suggest that Microsoft's practices of bundling software have offered consumers any advantage. The quality of their software has cost consumers and business large sums of money. The constant upgrade cycles have promoted their bottom end, but have not drastically improved or changed the computing experience. Since 1995 there have been at least 6 Microsoft OS upgrades. Four of them have been of equal quality and problems which have been sited as reasons for upgrading namely stability and usability. The user interface of OS have not changed substantially since 1984 when Apple introduced the Macintosh.

If the government does not take an extremely active role in the the punishment of Microsoft they will cause the software industry to irreparably damaged. In the long run this will hurt America and American interests. Without competition there is no true progress. In this case, there is already insufficient competition, to promote true advantages and benefit to the consumer. Please re-think this settlement and attempt a more comprehensive and restricive solution.

Sincerely
David Armour

MTC–00004643

From: Daphanie M. Mullins
To: Microsoft ATR
Date: 12/17/01 9:37am
Subject: Microsoft Settlement

——Original Message ——
From: ''Gordon Krum'' <gkrum@appletserve.com>
To: <consumer@mail.wvnet.edu>
Sent: Monday, December 03, 2001 12:48 PM
Subject: Microsoft settlement

Greetings,

As a programmer who specializes in educational projects I can tell you from personal experience that the way Microsoft conducts business has held back the usefulness of computers to education at all levels. Schools just can't cope with the additional expenses generated by Microsoft's attempts to own the world. The losers here are our kids and therefore our society. Allowing Microsoft to buy their way out by giving schools hardware and software will only increase the problem by further limiting competition. Instead, and at least, make them give the thing the value most COLD HARD CASH and let the schools decide how to spend it without restrictions of any kind.

Some excuse Microsoft by saying that they are just good technology manipulators. So were the robber barons of almost a century ago. Through new technology they then and Microsoft now manipulated, circumvented, squashed and laid waste the honest well intentioned efforts of many people all in the name of filling their own wallets. If what the robber barons did was criminal then what Microsoft is doing is criminal.

Having lived and worked in the silicon valley I know that there are thousands of Gates want to be's. How this settlement goes down sends a message to the entire industry about what behaviors will or will not be tolerated.

Please make it a RESOUNDING message!
Gordon Krum, programmer
gkrum@appletserve.com
4151 Olive Hill Rd.
Fallbrook, Ca 92028

MTC–00004644

From: DArmour@weatrust.com@inetgw
To: Microsoft ATR
Date: 12/17/01 9:36am
Subject: Microsoft Settlement

To Whom It May Concern

As a computer profesional and avid user of computers I oppose the proposed Microsoft settlement. Microsoft's efforts have damaged

the creativity and vitality of the American software industry. A broad industry with multiple players will produce higher quality software that will more directly benefit the consumer and American businesses. There is no evidence to suggest that Microsoft's practices of bundling software have offered consumers any advantage. The quality of their software has cost consumers and business large sums of money. The constant upgrade cycles have promoted their bottom end, but have not drastically improved or changed the computing experience. Since 1995 there have been at least 6 Microsoft OS upgrades. Four of them have been of equal quality and problems which have been sited as reasons for upgrading namely stability and usability. The user interface of OS have not changed substantially since 1984 when Apple introduced the Macintosh.

If the government does not take an extremely active role in the the punishment of Microsoft they will cause the software industry to irreparably damaged. In the long run this will hurt America and American interests. Without competition there is no true progress. In this case, there is already insufficient competition, to promote true advantages and benefit to the consumer. Please re-think this settlement and attempt a more comprehensive and restricive solution.

Sincerely
David Armour

MTC–00004645

From: Daphanie M. Mullins
To: Microsoft ATR
Date: 12/17/01 9:43am
Subject: Microsoft Settlement
Original Message
From: ''Wilner, Richard A.'' <WILNERI@mail.northgrum.com>
To: <consumer@mail.wvnet.edu>
Sent: Wednesday, November 21, 2001 10:22 AM
Subject: Microsoft Settlement

Hi,

I am very disappointed with the Feds settlement.

Microsoft has been getting away with activities like this for years. From stealing the operating system from the Macintosh to pulling the rug out from under developers that were developing applications for OS/2, to taking control of the internet with their browser. With money brings power and they have much to much power. They wiped out Netscape by offering their browser for free and putting it on every PC that was sold

Richard Wilner
Command Media
AEW & EW Systems
Phone (516) 575–0997
Fax (516) 346–2577
email:
richard_wilner@mail.northgrum.com

MTC–00004646

From: Daphanie M. Mullins
To: Microsoft ATR
Date: 12/17/01 9:44am
Subject: Microsoft Settlement
Original Message
From: ''JLilly'' <john@corpgraphics.com>
To: <consumer@mail.wvnet.edu>
Sent: Wednesday, November 21, 2001 10:34 AM
Subject: Microsoft settlement offer perpetuates the monopoly

Dear Sir,

The proposed settlement by Microsoft to supply schools with computers and software does nothing but further entrench their monopoly. In fact, it leverages their share into one of the last markets where there is still real choice; education.

Instead of letting Microsoft dump their software into the nations schools, I suggest having Microsoft pay that same amount in cash, perhaps for a ''technology'' earmarked fund, and let the schools choose what they want to do with it. If they choose Microsoft, more power to them. If they continue to use Macs, that's fine too. At least they will have a choice, and they won't have the monopoly hoisted onto them under the false pretense of a ''gift.''

John Lilly

MTC–00004647

From: Daphanie M. Mullins
To: Microsoft ATR
Date: 12/17/01 9:44am
Subject: Microsoft Settlement
Original Message
From: ''Marcus Nelson'' <Marcus.Nelson@Dobson.net>
To: <consumer@mail.wvnet.edu>
Sent: Wednesday, November 21, 2001 10:37 AM
Subject: Microsoft

Please do not let Microsoft get away with this. When I first got into computing fifteen years ago, there were several multi-media and office solutions. Prices were competitive and acceptable (around $150 or so), now it's almost $600 for the professional version. The fact is, it is in my best interest to have to use their proprietary solutions to work with their other products. How much longer will it be before this will be a requirement?

When a company gets as big as MS, it is very easy for them to either steal another smaller companies intellectual property, knowing their own lawyers are stronger and can drag it out until the smaller company has to cave in. Or they can just buy the company out and bury it. This is not innovation. It's tyrant bully-ism at it's finest. No company can compete against this.

Please consider cafefully the judgements placed upon MS. They do not deserve to get off easily. If they do, we'll be right back here again in a couple of years.

Regards,
Marcus Nelson
CELLULARONE
Regional IS Coordinator
Wisconsin/Michigan 1
5000 Stewart Avenue
Wausau, WI 54401
Cellular (715) 571–0051
Fax (715) 551–2300
Office (715) 551–2554
marcus.nelson@dobson.net

MTC–00004648

From: Daphanie M. Mullins
To: Microsoft ATR
Date: 12/17/01 9:47am
Subject: Microsoft Settlement
Original Message
From: ''Tony Palumbo'' <tpalumbo@netcsi.com>
To: <consumer@mail.wvnet.edu>
Sent: Wednesday, November 21, 2001 1:44 PM
Subject: Microsoft settlement

To whom it may concern...

I have just finished reading an article about the proposed Microsoft settlement and can only shake my head in disbelief. While I agree that severe penalties are in order, the form of this settlement will only further establish the monopolistic behavior that MS already enjoys.

YES ... forcing them to spend $1 billion on the poorest school districts is a wonderful idea and I applaud the effort. Unfortunately, this also helps the Microsoft WinTel cartel into a more dominant position. Wasn't this entire case about CHOICE

A better idea would be to force Microsoft to outfit these schools with software/hardware solutions from its competitors (Apple, Linux, Sun)

This settlement is neither in the interest of consumers who will further have their ability of choice eroded, nor those business and their employees who will be forced out of business as MS is allowed to play the same games it has since its inception.

Thank you for your consideration
Anthony J. Palumbo
80 Ridge Road
Hackettstown, NJ 07840

MTC–00004649

From: Daphanie M. Mullins
To: Microsoft ATR
Date: 12/17/01 9:46am
Subject: Microsoft Settlement
——- Original Message ——-
From: ''Ken'' <macessen@accountmaster.com>
To: <consumer@mail.wvnet.edu> Sent: Wednesday, November 21, 2001 12:26 PM
Subject: Anti-Trust Settlement

The proposed settlement between the Justice Department and Microsoft is weak, will not stop future abuses, and does not protect consumers. This settlement favors Microsoft to such a degree that it would appear that Microsofts donations to the Republican party and the Bush presidential campaign were a quid pro quo, and this directly affected the course of the Justice Department in settling the case. As a consumer, I find it incredible that the defendant in this case has gotten so much influence regarding the nature of the punishment. This is not justice and its not a remedy for proven anti-trust violations.

The settlement does not address unfair advantages Microsoft has gained using illegal behavior. Companies have been destroyed, not though fair competition, but rather by Microsofts monopoly tactics to maintain and increase their market share. For all practical purposes, there is no longer any competition in the browser market. Microsofts competitors have been harmed and many companies completely destroyed.

The proposed restrictions will not prevent further abuses. Just look at the features that Microsoft has bundled, or in some cases excluded, in its new Windows XP just

released in October of 2001. It was proven in the anti-trust trial that Microsoft attempted to coerce, bully, and illegally obtain and maintain a monopoly with multimedia application technology to the detriment of Real Media, Apple Computer, and others. They include their own multimedia player and exclude other similar products from other companies. By removing support and making it difficult for consumers to add competing products that are often superior to Microsofts bundled products, consumers have been harmed.

They have removed support for Java from Windows XP which will disrupt e-commerce and Java based applications delivered over the Internet. This has harmed Sun and other companies that have invested heavily in Java based technology that Microsoft considers a threat to their monopoly. Microsoft has modified their version of another technology, JavaScript, the programming language for Web browsers. These changes to Microsofts implementation of JavaScript are intended to hijack the previous JavaScript standard and make it their own. As a result, only Microsoft Web browsers will handle this new standard properly. The examples go on and on. Consumers have been and continue to be harmed.

The proposed 3 member panel that will oversee Microsoft will likely be biased in favor of Microsoft, or at the very least, not fair in protecting consumers. With one member chosen by Microsoft, one chosen by the Justice Department, and the third chosen by these two members, the judgment of the panel will be questionable. With their oversight activities done in secret and their salaries paid by Microsoft, it looks like the fix was in and Microsoft won.

Ken Goff
422 5th Street SE
Watertown, SD 57201
(605) 882–1917

MTC–00004653

From: Chris Lee
To: Microsoft ATR,antitrust@usdoj.gov@inetgw
Date: 12/17/01 9:50am
Subject: MS is found GUILTY and gets away w/''MURDER''!

BAD SETTLEMENTS WILL LEAD TO FURTHER COURT ACTIONS, WHICH MEANS MORE RESOURCES AND MONEY WILL BE EXPENDED IN THE FUTURE TO CORRECT THE CURRENT MISTAKE!!!! HOW CAN MS WIN WHEN IT LOST THE TRIAL AND THE APPEAL??????

December 17, 2001

For Microsoft, a Season of Triumph

By STEVE LOHR

or most technology companies, the fall of 2001 was a season to forget, with its deepening sales slump, losses and layoffs. But for Microsoft (news/quote), it was a time of triumph, even some vindication. In the federal antitrust case that Microsoft fought so long, with so little success, things turned in the company's favor when the Bush administration decided to settle in November.

Within weeks, Microsoft announced a settlement with plaintiffs in more than 100 private class-action antitrust suits. To be sure, protests remain. Some states that sued Microsoft are urging a federal judge to toughen provisions of the settlement with the Justice Department, and there are objections to the class-action deal. A European investigation also continues, although Microsoft says it wants to settle that case as well. In all, however, Microsoft has made rapid, dramatic strides toward finally putting its antitrust troubles behind it.

The proposed settlement in the crucial federal case is widely seen as a Microsoft victory. It would not restrict the company's product designs, allowing Microsoft to fold software into its Windows operating system for potentially huge new markets, including online shopping, personal identification and downloading music and movies over the Internet. Those features are found in the recently released Windows XP.

And the drastic sanction of splitting Microsoft up the remedy championed by the Clinton administration, and approved by a lower court judge, but regarded quite skeptically in a federal appeals court ruling in June was rejected by the Bush administration.

But the settlement terms do require Microsoft to share technical information with competitors and industry partners more openly. In addition, Microsoft would be prohibited from bullying other companies with anticompetitive contracts.

Some Microsoft rivals and industry commentators argue that the case could do a lot to encourage competition, by forcing Microsoft to change its corporate behavior.

Microsoft's legal team is certainly echoing the behavioral theme. ''The client has learned a lot through all this,'' said William H. Neukom, the tall, silver-haired general counsel and legal field general in Microsoft's antitrust battles.

Mr. Neukom, 60, is stepping down next year, and his designated successor, Bradley P. Smith, suggested that priorities for Microsoft would be to establish a ''strong track record of compliance'' with the settlement order and to ''strengthen our ties with the rest of the industry.''

But legal pressure is not the only thing forcing Microsoft to change. Technology trends notably the spread of Internet technology are equally responsible.

Over all, investment in technology may have slowed, but Bill Gates, the Microsoft chairman, believes that some cooling off may be healthy. With the get-rich-instantly mentality of the dot-com bubble gone, Mr. Gates said, chatting with journalists in October, ''I think the environment for doing major research and development real innovation is better now than it was before.'' Certainly it is for Microsoft, which is sitting on $36 billion in cash.

Microsoft is putting some of its capital to work by investing heavily in the development of ''Web services,'' mainly clever software sent over the Internet to automate all kinds of business and personal tasks. A company's data will be linked with a supplier's to replenish needed parts automatically, for example. Or a person's scheduling data, stored on a PC or hand-held computer, will interact with the dentist's data to set up an appointment or with an airline to arrange travel.

To realize these goals will require open communications in software, which raises privacy and security issues that must be resolved. The move will also require businesses to form partnerships and trusted relationships with other companies. This will mean a change of many corporate cultures, including Microsoft's.

Consequently, over the next several years, it will be very difficult to determine the legacy of Microsoft's antitrust conflicts, because so many other forces will also be shaping the company and the industry.

MTC–00004654

From: Daphanie M. Mullins
To: Microsoft ATR
Date: 12/17/01–9:51am
Subject: Microsoft Settlement

——- Original Message ——-
From: ''Stephanie Santmyers'' <ssantmyers@triad.rr.com>
To: <consumer@mail.wvnet.edu> Sent: Wednesday, November 21, 2001 6:49 PM
Subject: microsoft settlement—No

If Microsoft wants to give schools a billion it must be in cash. Poor schools need books, supplies, and breakfast programs for students not computers. Microsoft wants to make good little consumer Microsurfs.

Stephanie Santmyers

MTC–00004658

From: Daphanie M. Mullins
To: Microsoft ATR
Date: 12/17/01–9:58am
Subject: Microsoft Settlement

——- Original Message ——-
From: ''Don Adams'' <dadams@vallnet.com>
To: <consumer@mail.wvnet.edu> Sent: Thursday, November 22, 2001 10:07 AM
Subject: MS antitrust

I can't believe Microsoft is getting off so easy. After reading an superior article in Wired magazine I believe MS should be severely punished or it will continue it's anti competitive behaviors. Only the government can protect consumers from a giant like MS.

Don Adams

MTC–00004659

From: Daphanie M. Mullins
To: Microsoft ATR
Date: 12/17/01–10:02am
Subject: Microsoft Settlement

——- Original Message ——-
From: ''Doug Walker'' <dwal@mac.com>
To: <consumer@mail.wvnet.edu> Sent: Friday, November 23, 2001 6:48 PM
Subject: Unhappy with federal settlement

I am very unhappy with the Federal government's settlement of the Microsoft anti-trust case. Microsoft broke the law! The punishment is far too mild. Furthermore something needs to be do to prevent Microsoft from continuing these violations. It appears our government has failed to do its job.

I am very happy the West Virginia Attorney General did not join the Federal government's settlement. Keep up the good work. I am in support of your decision.

Doug Walker
2743 Blackburn Drive
Davis, CA 95616

MTC–00004660

From: JOHN BONANNO
To: Microsoft ATR
Date: 12/17/01 10:04am
Subject: Microsoft again!!!

''I would like to express my opposition to the settlement in the Microsoft antitrust case. I am not a lawyer but a user of personal computers, a tool essential to my livelihood for approximately 20 years. I have used many personal computing operating systems over the years, including those made by Microsoft (MSDOS, Windows 3.11, Windows 95, Windows 98, Windows ME, Windows NT 4.0 and Windows XP Pro), Amiga, Commodore, IBM, Texas Instruments and Apple Computer. My opinion is that operating systems other than Microsoft's have been superior in features and performance at each stage of development of the personal computing platform. Yet Microsoft achieved a monopoly, i.e. in excess of 70 percent of the personal computer market. Microsoft's illegal behavior in maintaining and expanding that monopoly to in excess of 90 per cent of the market effectively destroyed all existing competitive personal computing operating systems in the process, save one, and perhaps prevented others from being developed.

''I am firmly opposed to the settlement for three principal reasons. First, the settlement does not in anyway compensate for the effects of Microsoft's illegal maintenance of a monopoly. Second, it forecloses further pursuit of illegal tying. Third, its attempt to prevent future illegal monopolistic behavior is inadequate. ''Microsoft stands convicted after appeal of conducting illegal acts to maintain its monopoly of personal computer operating systems. Microsoft's illegal acts certainly have cost consumers billions of dollars directly and possibly much more by preventing the development of alternatives. We will never know what we've lost as a result of illegally stifled competition. Yet the settlement does not provide even a minuscule penalty for the deleterious results of Microsoft's egregiously illegal behavior. It simply dismisses this and proceeds with a lame attempt to prevent a continuation of such illegal behavior. No corrective action of any type that simply attempts to put Microsoft on a legal course can be reasonably construed to be a penalty of any sort. A penalty is required and none is provided by the settlement.

''Microsoft was also convicted of illegally tying its products to its monopoly operating system but that conviction was overturned on appeal based on the standard used by the District Court judge to convict Microsoft. The issue was remanded to the District Court for further consideration. A decision to not pursue the illegal tying issue is formalized in the settlement even though the Justice Department announced that it would not pursue it before entering into the settlement. In my experience it is indeed Microsoft's tying of its products to its monopoly operating system that has been the most damaging to competition in the personal computing market. Microsoft was initially found guilty of illegal tying and the remanded issue should be pursued. The settlement formally forecloses the opportunity to do so. ''Finally, the settlement is inadequate to prevent Microsoft from continuing its practices of illegally maintaining its monopoly. Clearly, Microsoft is an unrepentant criminal. As an example, its CEO Steve Ballmer was quoted as stating that he does not even know what a monopoly is after Microsoft was convicted of being one. It is totally incredulous to believe that Microsoft will simply go forth and be a good corporate citizen. While the settlement contains provisions to enforce its restrictions through oversight, the burden is on the government to catch Microsoft in the act and, if so, then Microsoft is simply returned once again to proceedings such as these. Where is the incentive for Microsoft to comply? My mind boggles in that this is the second time that a settlement of this nature has been reached with the same convict. The second is no more satisfactory than the first. Any resolution of this case against Microsoft must provide appropriate incentives for the unrepentant criminal to comply with the law.''

Ditto JOHN BONANNO
J.S. Bonanno Inc.

MTC–00004667

From: Peter Ekstein
To: Microsoft ATR
Date: 12/17/01 10:19am
Subject: anti-trust penalties

''I would like to express my opposition to the settlement in the Microsoft antitrust case. I am not a lawyer but a user of personal computers, a tool essential to my livelihood for approximately 20 years. I have used many personal computing operating systems over the years, including those made by Microsoft (MSDOS, Windows 3.11, Windows 95, Windows 98, Windows ME, Windows NT 4.0 and Windows XP Pro), Amiga, Commodore, IBM, Texas Instruments and Apple Computer. My opinion is that operating systems other than Microsoft's have been superior in features and performance at each stage of development of the personal computing platform. Yet Microsoft achieved a monopoly, i.e. in excess of 70 percent of the personal computer market. Microsoft's illegal behavior in maintaining and expanding that monopoly to in excess of 90 per cent of the market effectively destroyed all existing competitive personal computing operating systems in the process, save one, and perhaps prevented others from being developed.

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Peter Ekstein
Miami, Florida

MTC–00004668

From: Matt Brittenham
To: Microsoft ATR
Date: 12/17/01 10:21am
Subject: Don't let Microsoft off so easy

I'm sure you're aware of the facts and Microsoft's history with regard to the previous consent decree in 1995. I'm also sure you will have plenty of other correspondence to sift through on this subject. so I won't bore you by trying to support or argue my opinion, but merely offer the opinion that the proposed settlement is a terrible idea. If it is to be a penalty make it hurt, if it is to be a protection, at least make it something that protects other software companies in some way. The proposed settlement neither

punishes nor protects, and at worst it could further embed Microsoft's monopoly into the Education market.

Sincerely,
Matt Brittenham

MTC–00004673

From: Alex
To: Microsoft ATR
Date: 12/17/01 10:37am
Subject: Microsoft settlement

These are not my own words but I am in full agreement.

Alex Castillo
214 Lynnhurst Dr.
Ormond, Fl 32176

''I would like to express my opposition to the settlement in the Microsoft antitrust case. I am not a lawyer but a user of personal computers, a tool essential to my livelihood for approximately 20 years. I have used many personal computing operating systems over the years, including those made by Microsoft (MSDOS, Windows 3.11, Windows 95, Windows 98, Windows ME, Windows T 4.0 and Windows XP Pro), Amiga, Commodore, IBM, Texas Instruments and Apple Computer. My opinion is that operating systems other than Microsoft's have been superior in features and performance at each stage of development of the personal computing platform. Yet Microsoft achieved a monopoly, i.e. in excess of 70 percent of the personal computer market. Microsoft's illegal behavior in maintaining and expanding that monopoly to in excess of 90 per cent of the market effectively destroyed all existing competitive personal computing operating systems in the process, save one, and perhaps prevented others from being developed.

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Thank you

MTC–00004674

From: james stanley
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/17/01 10:43am
Subject: My Feedback

Stop wasting tax dollars and leave Microsoft alone. Give them the $1B education settlement and move on.

James T. Stanley
Technical Product Manager
Powerway, Inc.
(317) 915–6140

MTC–00004675

From: Steve Watkins
To: Microsoft ATR
Date: 12/17/01 11:18am
Subject: Microsoft Settlement

I wish to express my opposition to the proposed settlement in the Microsoft aantitrust case. I have served as a Director of Information Technology for over 10 years and am also an attorney. This settlement does not address the fundamental issue of Microsoft's illegal monopoly. Through the years, Microsoft has stifled superior products, such as Corel WordPerfect Office, the Macintosh OS, and Novell NetWare, to name a few. Microsoft has stifled these products and sought to force consumers to use its own inferior versions of these products through heavy-handed tactics and leverage of its illegal monopoly. The only way to prevent expansion of Microsoft's monopoly and hopefully reverse it is to break the company up into smaller companies and I urge the Court to reject the current settlement proposal.

Steve Watkins
590 Kirkwood Dr.
London, KY 40744

MTC–00004676

From: Patton, Simeon
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/17/01 11:29am
Subject: Settlement

it would not serve the children of poor neighbor hoods to be subjected to the microsoft control. It is a great jester for them to provide computers to all these schools but that cost absolutely nothing it's a tax write off(big penalty there). Further more at the end of this school computer deal, will we the tax payer before to pay MS more for new license fees on each of the computer(I don't think so) what a deal give computer and software away get tax break then charge them back for licenses and hardware upgrade and not only do we make money but we further our dominance in the computer business. WOW that was will thought out. on top of that we'll be getting all of the youngest minds drugged into the MS cartel, forever a junkie to a bad drug. This is not a punishment the selling of the American youths to corporate America.

Please do not make the children suffer just to bring a end to this.

MTC–00004677

From: caezar5
To: Microsoft ATR
Date: 12/17/01 11:50am
Subject: comments

I am a student at Mechanicville High School, in New York. For my 12th grade English term paper, I will be writing about why Microsoft is a monopoly. I would like to ask you one question. Why do you think Microsoft is a monopoly?

MTC–00004678

From: Tim Breaux
To: Microsoft ATR
Date: 12/17/01 12:05pm
Subject: Comments on the Microsoft penalty

Gentlemen—

I was more than shocked to note that the penalty phase of the Microsoft anti-trust trial did not actually apply any penalties after the court confirmed that the anti trust infraction had occurred in fact. Microsoft has always manufactured inferior products (with only one historical exception) and bludgeoned their competitors through intimidation and through extending their operating system monopoly to other services. Microsoft (according to the court) maintained their operating system monopoly. I certainly agree with this finding. Their ensuing success with Microsoft Office and Internet explorer was based ONLY on the pre-existing power of their operating system monopoly and not on the strength of the products. Microsoft's tactics has generally been to release inferior products, give them away as part of a ''deal'' with the operating system, get them entrenched, and then slowly upgrade quality. This give Microsoft years to complete development of a product, where competitors need to create a great one out of the gate, and then maintain superior function in perpetuity.

The only product that Microsoft ever introduced that was a credible competitor to its peers (at introduction) was Excel. Excel was introduced in the late 1980s and was superior to the entrenched competitor (Lotus 1–2–3) but (humorously) did not run on Windows because Windows was not yet capable enough. Excel was introduced on the Macintosh. Hmmm. I wonder where Microsoft got the display ideas to make Excel function on Windows? Microsoft deserves to incur a real penalty. The penalty should include:

1) Pricing of the MS operating systems must be separate from the purchase of a PC. That would let competitors actually compete. Even on price. Imagine that.

2) Microsoft must publish of file standards for all Microsoft application products, particularly Microsoft Office products. That way, competitors with better products could displace them

3) Microsoft should be precluded from using any API (application programming interface) to Windows that they have not published. That way, others could use their monopoly as well as they do. Microsoft would still have a timing advantage, as they would always help themselves first (that is they would release their APIs internally before they would externally) but Microsoft actually is not that strong at development, so they would still lose some market share over this.

4) Any network protocol that Microsoft releases should be approved by an independent protocol committee, to preclude Microsoft from using its existing monopoly base to supplant the heterogeneity of the internet.

I am happy to discuss this further.

TSB

Tim Breaux

Chief Executive Officer

Full Market Value, Inc.

''The Multiple Listing Service of Excess Computer Equipment''?

Phone 503.221.7800

Fax 503.221.7820

tim.breaux@fullmarketvalue.com

FullMarketValue.com

MTC–00004679

From: RasselArt@aol.com@inetgw
To: Microsoft ATR
Date: 12/17/01 12:26pm
Subject: Microsoft Settlement

I am deeply disappointed by the current settlement proposals. Microsoft is a twice convicted monopolist and is getting away with a slap on the wrists. I am a graphic artist that has been using computers for 16 plus years. Being a graphic artist, most of my computer use has been based on Apple's Macintosh platform, but I have used others, including Microsoft Windows. As a consumer, over the years I have witnessed Microsoft Corporations very aggressive behavior. I am no lawyer, but I consider some of the following to be anticompetitive, monopolistic behavior.

Years ago I used a software program that was first marketed by the former Aldus Corporation—Aldus Persuasion. Persuasion became an Adobe product after Aldus was purchased by Adobe. Persuasion was a presentation graphics program. Persuasion was considered by myself and others to be a much superior program to Microsoft's PowerPoint. Adobe, for whatever reason, decided to stop marketing Persuasion not long after Microsoft starting bundling PowerPoint for free with their Office suite of products. Coincidence?

Perhaps, but how could Adobe compete in a marketspace where the competition gives their product away to gain market share? Now, I and everyone I work with uses PowerPoint. It has become the defacto standard for electronic presentations because it was bundled with Microsoft Office.

I have also witnessed two occasions, where in my opinion, Microsoft has made financial investments in their competitors to keep them in business: My first example is Apple Computer, the only company with an operating system that can even be considered competition for Microsoft's Windows. Apple computer was in grave financial health and Microsoft made a $150 million dollar investment and a five year software commitment. I think most people in the industry would agree that Microsoft's commitments saved Apple Computer from going out of business.

My second example is Corel Corporation. Corel is the maker of a suite of office products that are the only software programs that can be considered competition to Microsoft's Office software. Microsoft made another huge financial investment to keep Corel from going out of business. This time though, the investment raised so many eyebrows that Microsoft had to withdraw their name and the strings attached to the investment, yet leaving Corel with the financial investment to keep the company viable.

In my opinion, Microsoft's own monopolistic behavior has forced them to invest in their competitors to keep them from going out of business. The investments sustain Microsoft's only viable competitors. If that isn't evidence of total and complete control of a marketspace, I don't know what is.

Sincerely,

Steve Rassel

338 Edgewater Road

Sheboygan, WI 53081

Rasselart@aol.com

V 920.459.8375

F 920.459.9655

MTC–00004680

From: Robert Burcham
To: Microsoft ATR
Date: 12/17/01 12:32pm
Subject: Microsoft Settlement

It is foolhardy to believe that a monopoly such as Microsoft will ever play fair. They will not. They are a bigger monopolistic force in their industries than Bell ever was, and yet there seems to be a magic new standard applied to this case.

The company should be broken up. It is a crime against the future if they are not.

And for God's sake, why would you ever want to ''punish'' a monopoly by giving them NEW CUSTOMERS? If MS is allowed to ''donate'' software to America's schools, what boat will those schools be in 5 years from now? We will be able to simply chalk them up as the latest group of consumers stripped of choice and indentured to MS unchecked illegal business practices.

MTC–00004681

From: Smith Eric D Contr ASC/YSXI
To: 'Microsoft.atr(a)usdoj.gov'
Date: 12/17/01 12:38pm
Subject: Microsoft case

Please insist on another look at the Microsoft case. Microsoft has consistently used illegal (much of their technology was openly stolen) and unfair tactics (antitrust prctices) to propagate mediocre software. They consistently ignore international software standards so that their software forces users to use MS software for something which should have been done using existing international standards. Worse yet, they force users to upgrade to newer versions of existing MS software (for example, they force the latest version of their browser just to display help pages in a nonstandard HTML format). Perhaps more importantly for the governement, the software they produce is riddled with huge, undocumented security holes. Their web server (IIS) alone has been known to have almost daily security fixes released. Almost all the viruses have beeen aimed at known security vulnerabilities in MS products such as OutLook, Exchange, IIS, etc.

1. The proposed settlement should be tossed.

2. Various agencies of the US government should be ENCOURAGED to use standard ''Open Source'' software where possible.

—Occurance of viruses would be reduced to near nonexistant.

—Using the Apache web server (most popular in the world) would save billions by providing for a more stable and secure web server environment. Almost all web server targeted viruses would be eliminated.

—Using Open Office, www.openoffice.org (or the slightly enhanced Star Office), instead of MS Office would save hundreds of billions of dollars just in the DoD and would eliminate most of the viruses aimed at MS Office.

—Using the more stable Linux operating system accross the DoD would save hundreds of billions of dollars in software purchases and licensing. It would also eliminate virtually all major viruses.

3. Please encourage the Justic Dept to enforce antitrust laws.

Thank you for your continued hard work,

Eric Damon Smith

MTC–00004682

From: McCay, Joseph
To: 'Microsoft.atr(a)usdoj.gov'
Date: 12/17/01 12:43pm
Subject: The Microsoft Case.

I believe the current proposed solution does nothing to stop Microsoft's behavior. Even during the court case, Microsoft has continued the practices of pushing there monopoly. They have been slapping the court in the face. Recent examples of this would be Windows XP. Windows XP includes the MSN (Microsoft's equivalent to AOL) built into the operating system. They

are trying to force AOL, Prodigy, et. al. out of business with the same tactics that have been ruled a violation of the Antitrust clause. They continually show complete disregard for the courts of the United State of America and the people prosecuting them. If you take a closer look at Windows XP, I am sure you will find many problems. Please reconsider you stance against Microsoft and move forward with harsher penalties that will actually force Microsoft to change their ways.

Microsoft is stifling innovation. They have never really been innovative. They only ''borrow'' open source code that doesn't require changes that are made to be open source too (BSD style licenses), and they ''embrace and extend'' open standards to prevent a standard from gaining any momentum. The embrace the standard, and then they add proprietary technology that only they can use. I am sure you will find more if you start looking.

Thank you for your time.

Joseph L. McCay

MTC–00004683

From: Lawrence D.W. Graves
To: Microsoft ATR
Date: 12/17/01 12:30pm
Subject: comments on US v. Microsoft settlement

This e-mail is to communicate my strong opposition to the terms of the proposed settlement.

Let me state at the outset that I support government intervention in commercial spheres only within the exercise of its constitutionally-granted powers, and then only when market forces will not remedy the perceived problem. Further, I generally believe that not all monopolistic competition is bad, as there are many industries in which the traditional economic model with its ''dead weight loss'' is simplistic and ignores the benefits of reinvestment of the monopolistic prices in a manner that shifts the supply curve downward (the Schumpeter analysis). In short, please accept that I am a very reluctant advocate of government action in the anti-trust arena. Nevertheless, the Microsoft case is one where I feel that government intervention is not only appropriate now, but actually is long overdue.

Microsoft is a company that has achieved and perpetuated its market dominance by various unfair means, only a few of which were brought into issue and proven in the present case. Moreover, Microsoft shows absolutely no sign of changing its ways. If ever there were a case where structural relief was warranted, this is it.

I was dismayed at the judgment of Judge Jackson when he prescribed structural relief, but not in the way that Microsoft was: breaking the company into only two pieces (without soliciting the input of experts on this point) is clearly inadequate. The Microsoft juggernaut was able to succeed largely as a result of improperly exerting its control over one part of the software market (operating systems) and leveraging this into others (e.g., internet browsers, office suites). On the facts known to the industry, I would suggest a break-up into at least the following: (1) consumer operating systems, (2) corporate/server operating systems, (3) consumer applications, (4) corporate applications, (5) internet-related applications and services. With a prohibition against preferential treatment by and for any other companies spun out in the break-up, this would allow each of the new companies to act in an independently-rational way, rather than as now (where, for example, the MS Office suite is not ported to run on Linux, despite the clear market for it).

The proposed settlement does little to address the company's past misbehavior, and puts all of its past conduct out of the reach of future enforcement. Failing to pursue, now and to the utmost, the government's remedies will effectively immunize Microsoft against governmental sanction for any misbehavior for the next decade. I cannot imagine a worse result to consumers in the computer industry.

Please contact me if you have any questions regarding any of the foregoing comments.

LDWG
Lawrence D.W. Graves
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Fierst & Pucci LLP
(413) 584–8067
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(413) 585–0787 (FAX)
Northampton, MA 01060
PGP key at pgp.com

MTC–00004684

From: Caveman
To: Microsoft ATR
Date: 12/17/01 12:53pm
Subject: Microsoft Anti-trust Case

As a long time computer user, and now, a software quality engineer at the Checkfree Corp, I would like to give a few thoughts on what judgements should be given to Microsoft in the Anti-trust settlement and the technical elements of such a settlement.

First, I believe it is important for Microsoft to remain intact, as one company. Microsoft has been an industry leader, and it would not benefit the computer industry, or Microsoft's ability to deliver its product, by breaking up the company.

Next, it is very important that Microsoft be reigned in with regards to its licensing and fees policies that currently are in place. Because of its sheer size and familiarity in the marketplace, Microsoft has been able to provide computer makers with deep discount prices on their software, but then they turn around and make end-users pay very high fees for access to the software. This creates a problem, because for the computer makers who do not have much of an interest in how their customers actually use the computer, so in almost all cases they will pick the cheapest operating software to package with their computer so that the customer can use the hardware that they make. Because Microsoft's software is therefore so well distributed, the end user is forced into a relationship where the middleman (the computer manufacturers) get what they want, Microsoft gets what they want (high licencing fees), but the end user doesn't get what they want (effective product support and low costs). Because their are really two products involved, software and hardware, a lack of accountability is also introduced since Microsoft can blame the hardware companies, and the harware companies can blame Microsoft when something is defective for the end user. And the end user has no recourse to determine the exact party at fault, because they need to pay ridiculously high licensing costs to Microsoft to determine how the software code is using the hardware. Think of the Firestone/Ford Explorer tire blame game that is still going on, which hasn't benefitted the consumer at all.

Lastly, I believe that an Operating System, such as Microsoft's recently release WindowsXP need only to provide the necessary protocols and low level functions to run the computer hardware. All other software that Microsoft packages with their current operating systems software is superfalous. OfficeXP, Outlook, Internet Explorer, etc. all have been woven so closely with the Operating System software so as to close out other software companies attempting to build equivalent alternatives. This is not needed. I have no problem with Microsoft developing protocols to run extra software packages such as these more efficiently than their competitors software, but to exclude access to these operating system protocols so that a competitor is intentionally hindered in making the most efficient use of the Operating System is wrong. This is an attempt to increase market share—only—using monopolistic tactics, and does not allow creativity or competition in the marketplace.

MTC–00004685

From: Chris KeepsSecrets
To: Microsoft ATR
Date: 12/17/01 1:01pm
Subject: Microsoft Settlement

I would like to voice my opinion in the matter of United States v. Microsoft. I believe that it will be inherently impossible for Microsoft to remain in it's current state and not be considered a monopoly. As long as Microsoft is allowed to coordinate their operating systems Division and Software departments in coordination, the consumer will lose out. Microsoft has shown in OS's such as Windows XP that they are willing to sacrifice user security in order to advance initiatives such as Microsoft Passport and .NET. I believe the only remedy to the current situation is to create 2 separate entities to handle software and operating systems. I must strongly object to the regulations in this settlement and ask for a new set of guidelines Thank you for your time.

Chris Bradshaw
Columbia Missouri

MTC–00004686

From: andrew.cook@mail.sprint.com@inetgw
To: Microsoft ATR
Date: 12/17/01 1:05pm
Subject: Microsoft Settlement

I would like to add my voice to the dissenting states who desire to tie Microsoft compliance to source-code publishing. Microsoft has a track record of finding loopholes in consent decrees, and the less that is left to interpretation the better. Please give this decree teeth, but also keep the

constraints within reason so Microsoft will stop trying to win via courts and marketing and go back to software development.

Regards,

Andrew Cook—Senior Network Engineer
Sprint LTD—Advanced Network Services
Tallahassee, Florida
PH: (850)847–0457
FX: (850)656–6133
E-Mail: andrew.cook@mail.sprint.com

MTC–00004687

From: Jason A. Bubenicek
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/17/01 1:07pm
Subject: A Simple Solution the Microsoft Fine

Hi,

Microsoft should have to pay the $1,000,000 in cash. The money should go a special school technology committee. This committee will take requests for technology from all IT departments at the nations ''poorest schools''.

All the requests should be tallied, the best ideas win. Emphasis should be placed on shared/networked technology. A community should be created that schools can connect to and share information. That should be one of the biggest points.

The system should only use technology that is standards based (XML, HTTP, HTML, SOAP, SMTP, SQL Databases, etc.) Once this system is developed, the money should be evenly divided between the schools to purchase whatever hardware and software they choose. The only stipulation is that whatever they purchase will have to connect to this standards based network system that has been created.

Each school's IT manager would then petition all the major hardware/software vendors for bids on the system they want to setup.

All the above should foster competition, reliance on standards based systems, a connected/shared environment, use of the private market to get the best price and above all a rich set of tools for the education of our students.

Jason Bubenicek

MTC–00004688

From: Scott Purl
To: Microsoft ATR
Date: 12/17/01 1:16pm
Subject: Microsoft Settlement

1. When I worked at a university, we were covered by the site license negotiated with Microsoft, which allowed us to not budget or buy the operating system on new PCs. However, the vendors were not allowed to sell the computer without the operating system, thus allowing Microsoft to double-bill the University.

2. These new PCs fequently had Microsoft Office ''bundled'' with it. We were again covered by a site license, and the vendor was not allowed to un-bundle the Office sofware. Double-billing again by Microsoft.

3. Seperating Microsoft into two companies would probably not remedy the situation. However, requiring Microsoft to not bundle software with the operating system, and to not require bundling by hardware sellers, would probably be a good start. I would suggest 3 required operating system offerings: (1) No Microsoft Operating system, (2) Basic, (3) Deluxe with previously bundled applications (image processing, windows media player, internet explorer, outlook express, solitaire/freecell/pinball).

4. I fear that the seperation of Microsoft into two or more companies would result in more monopolies.

Cheers,

Scott

MTC–00004689

From: jonathan hirschman
To: Microsoft ATR
Date: 12/17/01 1:23pm
Subject: Microsoft Settlement

To Whom It May Concern:

I firmly believe that the proposed DOJ settlement for Microsoft does not serve either the best interests of the consumer or the business community at large. I'd like to recount several experiences that underscore that conviction.

I've been involved in the IT and Interactive Media industries since the '80s, and I've seen how Microsoft has stifled competition, progress and made the technological workplace less efficient as a result. Additionally, Microsoft has made my life as a consumer more difficult, removing choices that I'd like to see in the marketplace.

Examples:

* While overseeing a switch-over from a DOS environment to a Windows environment in the early '90s, my company (Newkirk Products, Inc. in Albany, NY) was forced to remove DR-DOS from all machines, and move instead to MS-DOS. Why? Because Windows 3.0/3.1 was purposely made to not function on DR-DOS. Newkirk was actually paying extra to use DR-DOS (most PC's came with MS-DOS at the time, bundled in) since it was far superior. Newkirk was compelled to move to Windows due to the business community's wholesale move to Office. Companies were moving to Office not because it was the best software at the time, but because Microsoft's bundling practices at the time made it the cheapest. Newkirk had been using Borland and other office productivity products up to that time. Newkirk did not want to move to Windows, had their been versions of Office for other GUI products of the time (for example, GEM, from DRI, which was more functional and more advanced than Windows at the same time).

The move to Windows ended up increasing costs, overall, as Windows did not work on existing PCs as well as competing GUI products. It was, however, a case of either being able to trade documents with other companies, or not being able to.

Moving to MS-DOS, in turn, made it more difficult for Newkirk to continue using Novell's Netware product. Again, Newkirk felt compelled to move to Windows NT. Microsoft's predatory pricing at the time also helped fuel management's decision; NT was given away nearly for free at the time, even if the official pricing didn't reflect that.

When I left Newkirk after 6 years, it had gone from a multi-product environment to one that was exclusively Microsoft products. Microsoft's lock on both the operating system market, and the applications market, effectively forced Newkirk off of a technology path that was essentially non-Microsoft.

* As an Executive Producer at Time Inc. New Media's Pathfinder, Microsoft's grip on the industry became even more accute. Pathfinder was one of the first commercial Internet sites, and was the first ''portal'' as well. Microsoft effectively forced many technological choices upon us due to bundling Internet Explorer with Windows. Despite the fact that Netscape's browser was far superior, Pathfinder was forced to ''dumb down'' its Web site so that Internet Explorer users wouldn't be left out.

It was clear to me that users only used Internet Explorer since it was shipped with their computers, not because it was a good product. During my exposure to users of the Internet, it became clear to me that if no browser had shipped with Windows, users would have picked Netscape almost all of the time.

* Two other events from my days with Pathfinder bear recounting: In 1995, we were visited by a representative from Microsoft that told us that Microsoft was going to dominate the Internet, and that if we didn't fall in line with their techological vision, we'd be ''swept aside''. It made more than a few senior executives nervous.

It is my understanding that, later, Microsoft even took the step of proposing a ''quid pro quo'' arrangement with Pathfinder: that if Pathfinder changed its site to ''favor'' Internet Explorer, Pathfinder would enjoy both the latest inside track technology from Microsoft as well as lucrative ''banner'' advertising. This was rejected due to concerns of journalistic integrity and general ethics.

* As an end-user, I enjoy the benefits of Linux and other ''free'' operating systems and related technologies. However, Microsoft's industry dominance has strangled efforts for innovation on non-Microsoft platforms.

One example is computer games. Microsoft, again, due to their platform ubiquity, was able to compel game publishers to change the APIs that they used for creating the games. In the '90's, many, if not most, game publishers were using OpenGL as their graphical API. OpenGL is cross platform, which means that it is relatively easy for game publishers to port their software to Macintosh or Linux should they wish to do so. However, Microsoft, again using bundling tactics, forced the industry to move to DirectX—a Microsoft only API. As a result, most games realistically cannot be ported to other platforms—it is too expensive an endeavor to re-write them from the ground up.

As a result, at least partially, there are very few games for the Macintosh and Linux. If Microsoft were forced to move their gaming technology (as well as their other software) to ther platforms, consumers would greatly benefit from increased choice. Although there are efforts to clone Microsoft's API on other platforms, my understanding is that such efforts have no standing in the current settlement. They should.

Microsoft's dominance of network operating systems have also spawned work-alikes, such as Samba. Samba allows anyone to run Microsoft file and print sharing

protocols, but for free. It is an excellent product that large companies such as HP have based for-pay products on. However... Microsoft keeps on changing their proprietary APIs, seemingly to ''break'' compatibility. This is a well known fact in the Samba community.

Since Samba is the only real competitor to Microsoft's networking operating systems, it deserves standing in any settlement.

Lastly:

I believe that the only way to effectively stop Microsoft from their stifling effect on the technology world at large is to split the company into two or entities. One such entity, Applications, should be mandated to provide equal version of their software on at least three non-Windows operating systems., preferably those with the largest user-bases. I believe that Microsoft's source code should be open to examination by competitors, including those that represent ''free'' products like Samba. I believe that Microsoft's source code should be released to the public domain within a year of commercial release, to ensure that there are no hidden functions or agendas within their products.

Hopefully letters such of this one will have an effect on the outcome of this case. I sincerely believe that the current settlement will do very little to rein in Microsoft's continuing abuse.

jonathan hirschman

MTC–00004690

From: yonder
To: Microsoft ATR
Date: 12/17/01 1:42pm
Subject: Re: U.S. v. Microsoft: Settlement Information

By definition, a monopoly must be detrimental to or restrict competition. Many people will remember a little feature in early versions of Internet Explorer for Windows 3.1 that disallowed the downloading of Netscape citing that the file was too large. Yet somehow I was still able to download larger files than Netscape from other sites. I was even able to download the same Netscape executable that IE felt was too large from alternate sites. While this example was from many years ago, I believe that Microsoft's aggressive corporate philosophy has remained unchanged. More recently you may note that Microsoft has included in its end user agreement for Frontpage 2002 the following clause:

''You may not use the Software in connection with any site that disparages Microsoft, MSN, MSNBC, Expedia, or their products or services, infringe any intellectual property or other rights of these parties, violate any state, federal or international law, or promote racism, hatred or pornography.''

While the legality of this clause is questionable at best, what remains clear is Microsoft's commitment to eliminating criticism and competition. It has been their argument that federal intervention and restriction on their business practices stifles innovation. I think you must ask yourself what kind of corporation refers to preventing the downloading of competitive products and making critical speech a violation of an end user agreement innovation. You will also remember Kodak's suit against Microsoft over desktop photo software. Why would it be so difficult for a user who has installed Kodak software to use it as a default with Kodak digital cameras? This may be a long shot but I think it has something to do with the percentage Microsoft makes off of every photo processed with the default XP software. They have done much worse things that tying Internet Explorer to Windows and have to wonder why the DOJ was so quick to attempt dropping the case. The coming of Windows XP, Microsoft .NET, and Passport tracking only signals worse things are to come, especially if the settlement proposed by Microsoft is accepted. I do not feel that training millions of children on Microsoft products from an early age is an appropriate remedy for an existing monopoly. If they truly cared about providing kids with computers, why have they violently rejected to proposal to provide schools with alternate operating system based systems (Mac OSX, Linux, etc...)?

As a computer software professional and a security advocate, I implore you to look closer at the consequences of allowing current trends to continue. I would like to believe that any software company I create has a fighting chance of competing with Microsoft supported companies.

Jaymin Benjamin Kessler
yonder@nyc2600.org
1.201.967.1601
378 Harrison St
Paramus, NJ 07652

MTC–00004691

From: Vince Pratt
To: Microsoft ATR
Date: 12/17/01 1:43pm
Subject: Microsoft Settlement

Microsoft has been found guilty. It is my opinion that the Proposed Final Judgment will do little or nothing to stop the anti-competitive practices from Microsoft. It is my belief that Microsoft should also be held accountable for the security and reliability of it's products. Here are a few examples of actual issues I take with Microsoft.

In Windows 2000 operating system software of course comes with the Internet Explorer web browser software and Outlook Express email software. On a recent occasion I wanted to remove Outlook Express from the computer as I did not want to use it and because of security (virus) concerns. I would like to point out the Microsoft has a Control Panel to Add/Remove programs to/from the computer. The end user has no option during install or by using Add/Remove Programs to remove Internet Explorer or Outlook Express. One might think well since I don't want Outlook Express I'll just manually throw the program into the trash. Well that will not work. The operating System will not allow the end user to remove Outlook Express. Below is a link to the Microsoft document that describes the steps necessary to remove Outlook Express. I would like to point out that 80% of computer users would not be able to complete the steps described.

http://support.microsoft.com/default.aspx'scid=kb;EN-US;q263837

I link to a Slashdot article from 12/12/2001:

http://slashdot.org/articles/01/12/12/1357232.shtml

Which links to the original article here :

http://www.eetimes.com/story/OEG20011211S0054

These articles speak about Microsoft now entering into a new market. DVD players. It seems Microsoft now wants to have it's own proprietary CODEC (Compressor/Decompressor) installed into every DVD player that exists. My question is why is Microsoft able to 'set standards' when we have committees of experts and academics that develop and set 'industry standards'. This shows how Microsoft operate. There are perfectly viable standards out there right now that work on all computing platforms. This will harm anyone who does not want to run on the Microsoft platform.

I would just like to have my opinion known. I believe that the Proposed Final Judgment will do nothing to help protect consumers or other technology companies. I believe that the states proposal does a great deal more to punish Microsoft. After all they were found guilty and are supposed to be punished for their behavior.

Sincerely,
Vince Pratt
Network Administrator
LeMoyne-Owen College
Memphis, TN 38126
901–942–6252 Voice
901–775–7600 FAX

MTC–00004692

From: Josh York
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/17/01 1:49pm
Subject: Microsoft.

Greetings,

I am Josh York an Information Technology professional and I have followed this case from the beginning.

The Monopoly that Microsoft maintains over the Personal Computer Desktop Operating System market must be stopped. Allowing them to extend their monopoly to our children is downright absurd! Giving Microsoft a foot in the door of our education systems is appalling do not want my children to grow up and know nothing but Microsoft...allowing them to pump our schools full of their Monopoly-ware will provide them with an Army of young adults who only use Microsoft products.

Any remedy seeking to prevent an extension of Microsoft's monopoly must place Microsoft products as extra-cost options in the purchase of new computers, so that the user who does not wish to purchase them is not forced to do so. Only then could competition come to exist in a meaningful way.

Microsoft must not be allowed to offer benefits to companies for selling their software preinstalled. This FORCES customers to pay high prices for Microsoft's monopoly-ware, ensuring the nourishment of the software giant. Computer companies have paid Microsoft large sums of money for every computer sold for far too long,*this is because computer companies have no real alternative.* This MUST stop. And this is the only way it will happen, Microsoft enforces this policy with monopolist aggression.

Any Microsoft networking protocols must be published in full and approved by an independent network protocol body. This would prevent Microsoft from seizing control of the Internet. Microsoft is notorious for using a VERY monopolistic and unfair business practice to drive competition our of markets: Protocol switching. Open standards drive the internet and all Technology. Microsoft wishes to use their own trademarked protocols to monopolize markets they cannot dominate using Fair . For inbusiness practices stance: Microsoft Windows 3-windows XP use the SMB protocol for file and printer sharing, This protocol is being utilized by Red Hat Linux, Novells' NetWare, Sun Microsystems' Solaris, and other Operating systems to interface with Microsoft software. Studies show that Red Hat Linux, Using the SMB protocol, can OUTPERFORM Microsoft's OWN servers, using SMB to provide files and printers to Microsoft's clients. Microsoft sees a threat in these companies ability to provide services to their clients so they try to are seeking to disable their ability to do so by rejecting the standards.

I also propose that Microsoft's Operating System and Applications divisions be Seperated,not into two, but into MANY companies.

Here is a list of proposed split results:

Microsoft Windows OS. (Win 95,98,Me,XP,Windows 2000 Pro,NT Workstation.)

Microsoft Office/Visual Studio/Internet Explorer/Other Development.

MSN /MSN messenger/Hotmail

Windows Embedded/MS compact edition

Microsoft Entertainment/ MS-Media player/MS-Xbox/MS gaming Zone.

Microsoft Server OS.(Exchange-Server,Microsoft Data Center,Internet Security and Acceleration Server, .Net server,2000 Server,Win NT server,SQL server,IIS server,Back office,Sharepoint server,Biztalk,) Having separate Desktop and Server OSes would force Microsoft to adhere to Open standards.

Splitting Office and Development suites from the main distribution could lead to the Development of Office for Unixes (Linux,Sun Microsystems' solaris ect..),as well as lead to better development tools for other platforms.

Splitting the Embedded division would help enforce the use of open standards, many companies believe that PDAs and Pocket-PC's are to play a big role in Microsofts' future, and aid in their monopoly of Software. Creating a Microsoft Entertainment company will help keep Microsoft from using things like Hotmail and Passport to force their customers to use their Email or Internet service providers (ISP). The separation of the ISP and messenger would keep Microsoft from using their OS monopoly to put companies like AOL out of business.Currently Windows XP only ships with Microsofts ISP connectivity and Messenger software,this is a very blatant monopolistic practice.

That is all,

Thanks

Josh York.

My Opinions do not reflect the opinions of anyone but myself,that includes my Company.

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Special thanks to: dennispowell@earthlink.net For Content provided by he.

MTC–00004693

From: Sam Steingold
To: Microsoft ATR
Date: 12/17/01 1:48pm
Subject: MS settlement—break-up is necessary!

Dear Mr. Ashcroft,

Given the Microsoft's history of ignoring anti-trust settlements with the government, I see no reason to believe that they will behave any better now.

A monopoly will never change it's behavior as long as it is a monopoly. No agreements, no oversight, no committees—nothing will change that. In my opinion, the only way to contain Microsoft's monopolistic anti-competitive behavior is to split the company.

Sam Steingold (http://www.podval.org/sds)

MTC–00004694

From: John Monahan
To: Microsoft ATR
Date: 12/17/01 2:00pm
Subject: Microsoft ''punishment''

Dear Sir(s),

Microsoft should not be allowed to escape with such a ''punishment'' as giving away a boatload of their own software that costs them very little to reproduce.

Besides, it will give them stronger hold on the education market, which is one of the very few markets that MS does not already have a stranglehold on. As Steve Jobs of Apple Computer, Inc. has said, if MS wants to give the $1 Billion dollars to the schools, then let the schools decide how they want to spend the money. This would be fair to MS's competitors and giving $1 Billion in ACTUAL MONEY (not their own software) may be a true and just punishment.

Thank you,

John C. Monahan

Webmaster of www.bright.net

In-House Network Administrator, Com Net, Inc.

MTC–00004695

From: Justin Mahn
To: Microsoft ATR
Date: 12/17/01 2:00pm
Subject: Microsoft Anti-trust case

I think Microsoft should be broken up into operating system and other components as a company. Look what happened to the Microsoft Office 'firewall' that Microsoft was supposed to have from the last decade.

Justin Mahn

439–67–2244

MTC–00004696

From: William Affleck-Asch
To: Microsoft ATR
Date: 12/17/01 2:06pm
Subject: Microsoft Settlement

William C.S. Affleck-Asch
3648 Francis Ave N, #B
Seattle WA 98103–9323
Phone 206–632–3010

In regards to the proposed final settlement of the US v Microsoft case, I believe that I may have some relevent points to make, both as a long-time investor and as someone who has worked with (and for) Microsoft.

Please note that I live in the Seattle area and through investments in Microsoft owe the establishment and ownership of my first house. I worked for one of the direct contractors of Microsoft, and have been a Microsoft Certified Professional and many of my friends and neighbors work for or have worked for them.

In my opinion, the current final settlement is unworkable. Microsoft is unlikely to abide by the constraints in terms of business practices, as in the tech industry it is easier to use legal loopholes or gray areas to attack one's opponents and crush them at the early stages of marketing, than to play totally by the book. Historically, this has been one of Microsoft's chief tactics, and it is unlikely that their behavior would be changed under this final solution.

The main problem that I see is that the tech oversight committee is toothless. Without the ability to delay or force immeadiate (90 day or less) remedies, they would be a reactive committee that could only admonish Microsoft, and by the time anything would occur, Microsoft would have succeeded in demolishing their opponent in a tech sphere.

The second, and perhaps most egregious, problem is that the offer to provide Microsoft software and hardware to public schools would have the unintended effect of increasing Microsoft's profitability and ability to dominate the software market, particularly in terms of education. This could be easily remedied by requiring Microsoft to donate the $1 billion with no strings tied as to the hardware or software chosen.

In fact, it would be preferable for Microsoft to basically write a blank check, by having a form where one chose between PCs and Operating Systems—where one could choose to receive a Microsoft software bundle at the educational discount rate (e.g. WinXP plus OfficeXP for $100) or a similar solution from a Linux provider (since they admit this is their competition—and since I have read that Red Hat will provide a similar solution for free). It also should be vendor neutral in terms of what networking solutions are required—for many schools it is the server software and hubs, routers, and gateways that cost the most.

Beyond this, however, my only point is that Microsoft maintains its dominance in PC OS market primarily through the use of continual changes to standards and protocols—a requirement to fully and quickly publish any such documents and specifications and do so at no or minimal charges would be the easiest way to bring back competition in this sphere.

Sincerely,

Will Affleck-Asch

current member of the B.F. Day school PTSA in Seattle

current member of the 43rd District Democrats—currently serving as their Secretary, but not speaking for them past member of the 36th District Democrats—King County Democratic Central Committee alt(m)

MTC–00004697

From: DYMOND Christopher S
To: Microsoft ATR
Date: 12/17/01 2:11pm
Subject: Microsoft settlement

Reneta B. Hesse,

I'm writing to express my shock and dismay concerning the settlement proposed by the Bush administration in the Microsoft antitrust case. For the settlement to be fair Microsoft it should make it easier for competitors to penetrate markets that Microsoft dominates. The proposed settlement does very little to accomplish this, in fact it would appear to give Microsoft a win by helping them to move into the markets (such as schools) where they are not dominate.

Sincerely
Christopher Dymomd
Salem Oregon
(503) 378–8325

MTC–00004698

From: wellner@weida.dyndns.org@inetgw
To: Microsoft ATR
Date: 12/17/01 2:16pm
Subject: Proposed Final Judgment

As I understand it you are required by law to make yourselves available to public comment, but I thank you for the chance to put in my concerns regardless of why you read them. I also am quite sure that in a high profile case you are getting much in terms of input, so I'll keep this short and to my primary concern. In that past Microsoft has shown great contempt for both the free market and the court in it's business practices. This was proved in the case.

I don't agree with the settlement that has been proposed. It seems to me that it is a terribly light slap on the wrist for a company that, by it's own admission, is central to the computing economy to suffer so little for such egregious crimes.

However, there is little I can do except to state that I hope stronger punishment can be given in place of the current PFJ.

Assuming that the PFJ is put into action *please* make sure that the supervisory functions are actively executed and that all future violations (at this point I think we must assume there *will* be future violations since Microsoft has shown no remorse for it's past illegal behavior and, in fact, have built the largest software company in the world using said practices) be quickly dealt with.

The problem with the software industry is that it moves so much more quickly than the court system. In the current context Netscape is a great example of a company that Microsoft put out of business using illegal practices, but there are dozens of others. I have worked with several databases, GUI tools and general utilities made by companies that no longer exist because Microsoft colluded to put them out of business using illegal practices.

As I say earlier I think the PFJ is a startlingly punishment free proposal for such egregious crimes. My preference would have been a fine of $17B (the amount of free cash that Microsoft has in the bank right now) as it seems the only thing they respect is the dollar. If it cannot be, then please make certain that future violations are dealt with swiftly. It's the only way that competition if going to be reintroduced to the competitive market.

rw2
Rich Wellner
531 Canyon Trail
Carol Stream, IL 60188

MTC–00004699

From: Michael Peele
To: Microsoft ATR
Date: 12/17/01 2:35pm
Subject: Microsoft Settlement

My suggestions, as a voting, taxpaying US citizen:

Do not allow Microsoft to spread its software as a ''cost'' to Microsoft. If Microsoft wants to donate software to schools, let it, but remember that the incremental cost of producing software is zero. Do not allow Microsoft to spread its software to anyone for any reason as part of this settlement. Make Microsoft pay the fees in CASH. US Currency only. Not stock, not software, not hardware, CASH.

I like Red Hat software's suggestion from Matthew Szulik.

I would really like to see Microsoft split up.

I would like to see Microsoft compete fairly in all markets.

Michael Peele
Georgetown University

MTC–00004700

From: Anthony K. Galanis
To: Microsoft ATR
Date: 12/17/01 2:48pm
Subject: Microsoft Antitrust

To Whom It May Concern:

I would like to submit my opinion on the Microsoft antitrust case during the 60-Day public feedback phase.

This case in no way represents the best interests of the consumer. This case is all about Microsoft's competition. You cannot compare the computer software industry to anything else that has existed before. It does not work the same way. Things that used to take years in other markets can take days in this market. Innovation and improvements are based on an iterative standard. The consumer has chosen their standard and it is Windows. Millions and millions of people appreciate and choose Microsoft's software and they want to be able to reap the benefits of having a standard. There is much more software available to solve almost any problem. Have you tried to find a program for the Amiga, Linux or even Macintosh. It is difficult because not many developers make programs for them because they can't make money. From an economic standpoint, there are more benefits from having one dominant OS. As a consumer I have many, many more choices because I do have Windows. For my other OS's my choices are very, very limited.

When a new technology come around, the best of breed is usually purchased by Microsoft (the original development company wins) and then that product is integrated into Windows (which then benefits millions upon millions of other users who otherwise would never have been exposed to that technology). If a better solution exists that is not Microsoft's, people can still go out and buy that if they choose. Microsoft's not stopping that.

Here is a good example. Take the backup utility and the disk defragmentor. Both would be considered middleware. Both serve the purpose for millions of users. Those users don't have to go out and purchase a $49.99 backup program and a $49.99 disk defragmentor program, which of course would not benefit them at all. Yet other backup programs and disk defragmentor programs are flourishing in today's market. They add additional abilities that Microsoft's 'middleware' does not, so they succeed. You don't see any plain backup or defragmentor programs out there because everyone with Windows already has one. This drives innovation because it forces manufactures to improve upon the 'standard' to succeed. It has worked very well in the past. Look at all of the amazing things that a consumer can get for less that $200.

The hot issues are of course IE and Media Player. If these products we not the best, they would not succeed. If Microsoft was not constantly improving them or not following standards, they would end up like the backup or defragmentor programs, still included for out of the box functionality.

But if the States have there way, all middleware would be striped from Windows, forcing consumers to once again purchase every little thing. It is very obvious what the benefit is to Microsoft's competition but what exactly is the benefit to consumers?

I do not think it is any coincidence that all of the states remaining in the antitrust case represent Microsoft's biggest competitors. Where are the consumers that are supposed to be complaining that the states so vehemently claim to be protecting?

Do I think Microsoft is perfect? No. Did it pull some shady deals with PC manufactures? Probably. So fine them for that and make it illegal for deals like that to be made again. But wait, isn't that what AOL is trying to do right now? If Microsoft can't make exclusive deals, then nobody else should be able to either.

The World and humanity itself benefits from having a 'standard' operating system. The Internet is where it is today in no small part to the integration of IE with Windows. The digital music and video will experience similar benefits from Media Player. All consumers will win. Only the competition that does not have a compelling product will lose.

One last note on Java. Sun refuses to submit Java to a standards body leaving it as a proprietary programming language. This is very much unlike Microsoft's C#, .Net, XML and DHTML initiatives. Microsoft should in no way be required to integrate Sun's Java virtual machine (VM) into Windows. I used to program in Java and very much appreciated Microsoft's extensions to the language. It made programming for the Windows environment much, much easier. But Sun did not own those extensions so the sued Microsoft. Now the want their VM included. Give me a break. They had it made and they bit their own leg off. Too bad for them.

Please don't take away my benefits because a lot of very rich, jealous competitors did not succeed.

Thanks you for your time,
Anthony K. Galanis
CTO
qBill, Inc.

MTC–00004701

From: Steve Russo
To: Microsoft ATR
Date: 12/17/01 3:16pm
Subject: Nail them to the cross.

As a valid MCSE, I would like to say that I am dissapointed about the outcome of this court case. I think that you are letting them off to easily. I would like to see something done about how they have repeatedly broken the law. I don't care if Mr. Bush is president, and I don't care if the sales of their products bring us out of a recession. What I care about is JUSTICE. Don't let them put their junk in schools! If ATT&T had tried to put more phone systems in libraries as the settlement for their case, they would have been laughed out of court. The same should be done for Micro$oft. I feel that it is wrong that everytime I buy a new PC, I need to pay for a windows os to come with it. I DONT USE THEIR OS's! I shouldn't need to pay for it. This is a monopoly and I am not happy about vendor lock-in. I want to see you people get off of your asses. Do something about them instead of taking bribes from them. Let justice prevail!

Thanks,
Steve

PS Also, if you do do something about them, please sleep better at night knowing that you did the right thing. We can't get back the companies that we lost, but we can do something about the companies that we WILL lose. PSS If you would like more information about me or my MCSE information, please email me back. I will gladly give you my Microsoft Certificate numbers.

MTC–00004702

From: Lord Sith
To: Microsoft ATR
Date: 12/17/01 3:15pm
Subject: Microsoft Settlement.

Dear Department of Justice;

The events and findings of the second MS anti-trust trial were more or less brought about by Microsoft's willful failure to follow either the letter or the intent of the first consent decree.

Given the numerous exemptions and limitations placed on items set forth in section III (Prohibited Conduct) of the ''Revised Proposed Final Judgment'' I fear that this settlement is doomed to suffer similar fate. Too many loopholes are available for Microsoft to skirt around the intent of this judgment.

It is my opinion that this proposed settlement is not strong enough to control or curtail Microsoft's monopolistic behavior.

Thank you for your time,
Jonathan Call
Springville, UT

MTC–00004703

From: Smith, Wayne
To: Microsoft ATR
Date: 12/17/01 12:16pm
Subject: Proposed Remedy

To Whom It Should Concern:

The schools of America do NOT need a bunch of out-dated PC machines running Microsoft software—as proposed. Software—free to schools, and also nearly free to Microsoft.

There are countless numbers of software producers who work hard to sell there wares to the education market. Government-sponsored ''give-away'' programs as proposed in the Microsoft remedy simply shuts out all other competition...and you call that punishing a monopolist company for past transgressions?

A fair solution would be to have Microsoft PAY cold, hard, CASH to the schools to use on needs educators identify. The cash amount should be significant and on-going for a period of at least 12 years, so that each of the 12 grades could benefit over time by the purchase of NEW technology OR reduction in class size, or other enhancements that educators know will make a real impact in learning improvement. My government should not be assisting a law-breaking monopolist in finding new ways to shut out its competitors in the education market.

Show me you understand what is at stake in this case by rejecting this ''free software-hardware'' bait.

Microsoft did not get to be so big by being the best or by being dumb. They got caught violating laws designed to protect us. Punish them, do not reward them!

Wayne Smith
3043 Shannon Lakes North
Tallahassee, FL 32309

MTC–00004704

From: Jason LaVoie
To: Microsoft ATR
Date: 12/17/01 12:19pm
Subject: Microsoft Settlement

To Whom It May Concern,

As a member of the software industry whom is intimately familiar with Microsoft's Windows NT based operating systems, I find the settlement agreement with Microsoft Corporation unsatisfactory. The three member oversight committee is laughable. First and foremost it is open for corruption (e.g. payoffs.) Secondly, it is far too subjective. Thirdly, I possess severe doubts this committee is going to have any real bearing on Microsoft's practices.

More needs to be done to open up the marketplace for competition. I do not feel the current settlement is going to change the landscape of the desktop operating system market. Microsoft ships unstable and often junky operating systems to people who can barely use a computer. The end user suffers while Microsoft takes its time shipping service packs. Most end users do not even know what a service pack is, let alone know how to install it. In any other market this practice would be unacceptable. Perhaps service packs to prematurely shipped cars that fell apart while driving would be appropriate? Microsoft gets away with this behavior because it CAN. Capitalism works because of competition, and Microsoft has none. Linux is not and may not ever be a viable competitor in the Desktop Operating System market.

I believe more can and should be done to curb the anti-competitive behavior of Microsoft and to open up the marketplace for competition. The current settlement does not effectively accomplish either of these goals.

Thank you for your time.
Jason LaVoie
34 Maple Ln
Mahopac, NY 10541

MTC–00004705

From: Charles Duffy
To: Microsoft ATR
Date: 12/17/01 3:23pm
Subject: Microsoft Settlement

Good day. As a free software developer and an employee of a company which deals primarily in software developed through non-commercial means, I'm concerned about the current settlement's implication that only for-profit, commercial entities should have access to Microsoft's APIs. Much software developed not-for-profit has commercial impact or usage; developers of such software should be recognized without the need for a commercial entity to represent their interests.

As an example, the WINE project is a development effort which seeks to build an application programming interface permitting software written for Windows platforms to function on UNIX-based operating systems such as Linux. While WINE presently has commercial backers and has been used in some commercial products (such as CorelDRAW for Linux), for much of its development life its development was run by a loosely affiliated group of developers.

If providing commercial interests with access to interoperability information is in the public good, providing similar access to non-commercial interests is no less so; such open access benefits both personal users and commercial interests which make use of the fruits of such development efforts. For these reasons, I urge that the language recognizing only commercial interests in the proposed settlement be striken.

Thank you kindly for your consideration.

MTC–00004706

From: Matthew Johnson
To: Microsoft ATR
Date: 12/17/01 3:29pm
Subject: Microsoft Settlement.

Regarding the proposed settlement of the case Microsoft vs USA—this settlement proposes to solve the problem of Microsoft's anti-competitive behavior, and change the fact that competing in the markets (principly those of operating systems and office software) that Microsoft control is currently very difficult. A large part of that difficulty are problems with the interoperability with those Microsoft systems—if I write some wordprocessing software, for example, which is better than Microsoft Word, I cannot hope to get any market penetration, due to the fact that my software will not be able to be compatible with data generated by Microsoft's version—which is the current industry standard. This is obviously bad for competition. The same is true of operating system protocols, notably the SMB protocol that Microsoft use for networking file sharing and authentication—they have frequently updated this so that other Operating Systems (for example Linux) will not work correctly.

I think (and I know that I am not alone in this) that any attempt to make that market

more competative would have to begin my requiring MicMicrosoft Settlement.rosoft to release details of these formats, and restrain from making undocumented changes that break compatibility with other systems. If this was the case, the software would have a greater chance of competing purely on merit, which is, of course, the ideal.

Given that the proposed settlement has a Technical Oversight Committee to ensure compliance with the judgement, I hope you will consider this as a condition they should enforce, either that specifications for these are released so that other software can be compatible with Microsoft products, or that they should look closely at that issue with regards to deliberate changes that they make to file formats and protocols, that are primarily designed to break functionality, rather than implement new features, or if new features are added, that this be done in such a way as to leave existing functionality in place.

Yours Sincerely,

Matthew Johnson.

<techieguy@breathemail.net>

Why the EU-CD is bad—don't let this become law!

http://eurorights.org/eudmca/WhyTheEUCDIsBad.html

''They that would give up essential liberty for temporary safety deserve neither liberty nor safety.''

Benjamin Franklin

''Those who desire to give up Freedom, in order to gain Security, will not have, nor do they deserve, either one.''

Thomas Jefferson

MTC–00004707

From: Dan.Nolan@ni.com@inetgw
To: Microsoft ATR
Date: 12/17/01 3:41pm
Subject: Microsoft Settlement

To whom it may concern,

I have been following the Microsoft antitrust case since its early beginnings. I would like to humbly suggest a possible remedy. Years ago, IBM released the IBM PC. Although the PC is now the computer hardware platform of choice (as opposed to Apple's Macintosh or the now defunct DEC Alpha), very few of the PCs sold today are actually made by IBM. The creation of the IBM-compatible computer allowed third party companies to sell computers on which PC software would run, without having to pay residuals to IBM. This allowed the explosion of diversity of software that we have enjoyed over the last decade. As hardware competition brought computer prices down, consumers benefited from the broad variety of offerings and software vendors flourished on platform that allowed them to sell to a wider audience than ever before. What I propose is simple: we need to encourage the creation of Windows-compatible operating systems. If there were other companies besides Microsoft who could sell an operating system that could run the same programs as Windows, at no additional expense to the consumer or software vendor, then Microsoft's monopoly would be broken without directly penalizing them. In fact, if there were an industry of Windows-compatible OS vendors, each one would try to distinguish itself by bundling useful software or partnering with other software companies to provide value-added packages. While Microsoft remains a monopoly, these practices make competition nearly impossible, but in a free market with fair competition these same tactics become acceptable and even encouraged.

Consider the case of Netscape Navigator vs. Internet Explorer. When Microsoft decided to bundle IE with Windows, there wouldn't have been any problem is Netscape could have made a deal with a competing OS vendor to bundle its software. But since there were no competing vendors, Netscape's demise was guaranteed.

So how do we encourage and empower companies to create Windows-compatible operating systems? By exposing the internals of Windows to the public. If the source code for each version of Windows that was obsolete (no longer on store shelves) was released to the public under an open source license like the GPL, it would allow third party companies to create compatible operating systems. Microsoft could still compete and even dominate the industry by producing high quality software and bundling them with the latest version. However, since many software products require it in order to run, tightly bundled software like DirectX which provides additional graphics capabilities to Windows programs would also have to be made open source (except for the latest version, of course). If this remedy is applied, it would benefit all parties involved: consumers benefit from lower prices on software and operating system upgrades, software vendors could sell their products to a larger market, computer science researchers benefit from the years of technical innovation that made Windows possible, and Microsoft can still remain the leading operating system vendor in the market (at least for the next five years).

Dan Nolan

Software Engineer,

National Instruments.

MTC–00004708

From: Micah Quinn
To: Microsoft ATR
Date: 12/17/01 3:42pm
Subject: Microsoft Settlement

My correspondance with you today is in response to a call for public comment on the proposed Microsoft Settlement.

I am the president of a small software development company in Houston, Texas. We develop web-based applications that employ open-source tools including the Linux OS, the Apache web server, and the PERL scripting language. I write to you today because I believe my perspective as a technical professional in the computer industry and my experience with my customers over the past four years may help to support the position that an expeditious, rather than a settlement that addresses the monopolist abuse perpetrated by Microsoft will do further damage to an industry that has already seen abusive use of a monopolist position. The proposed relief settlement may have been appropriate in reducing monopolist abuse six or seven years ago when competitive products such as office suites and web browsers existed, but today it would serve as a ''20–20 hindsight'' commentary on monopolist abuse.

One example of the direct damages incurred on consumers and my customers is the inability to deploy alternative desktop solutions to a purely Microsoft based environment. The solution is not infeasable because of any technical deficiency in alternatives or lack of functionality, but rather becase of a monopolist abuse of proprietary file formats. The Microsoft Office suite changes file formats routinely to prevent competitive office suites from succesfully implementing import filters for those formats. The proposed settlement includes a remedy for this situation, but does so a Microsoft's discression. This power to decide what information and to what extent it is made available is exactly the abuse that has damaged the free and open software marketplace. By routinely changing published standards and advertised intentions to keep their competitors one step behind.

In a truly free and openly competitive marketplace, a company would /* never*/ change their file formats so radically, but rather work to support third-party filters and products to allow consumers to more easily manipulate their data. The remedy does nothing to insure that Microsoft will not continue their abuse of these notorious strongholds. My customers routinely ask me for alternatives to the high cost of proposed Microsoft solutions and for the time being we are able to offer such solutions in limited cases. However, these limited cases too are falling into peril as Microsoft continues to abuse industry standards. One of my customers was recently quoted an e-mail system costing in excess of $45,000 US to support roughly a 400 user community. Because we were able to convince our customer to not restrict themselves by using Microsoft Outlook clients, we were able to implement an competitive solution for $2500 US.

The entire project, however, was predecated on the customer not using Microsoft Outlook's group calendaring features. Had they insisted on that their business need for group calendaring be based on Microsoft Outlook, then the ONLY usable solution would be Microsoft's Microsoft Exchange server. The protocols and formats used by the Exchange mail server are routinely changed, not well documented for third-party developers, and are not developed as an industry standard. Forcing Microsoft to devulge it's proprietary data formats means more than monitoring their license agreements with third-party companies at this point. To fix years of abuse, the information must be made, free of charge, to a wider group of software developers, thus helping to restore competitiveness to these areas of the industry. Making the information available free of charge will allow Microsoft's competitors to offer solutions that can co-exist with todays Microsoft domainated landscape.

If time and effort is not taken to thoroughly evaluate the reprecussions of a hastily made settlement, the software industry will

continue to wither in the hands of a monopoly company. Strength in our economy and society has been achieved through radical diversity. The software industry in years past has seen tremendous strides from it's diversity. Any entity that threatens that diversity by strangling competitors and prohibitively raising the barrier for the entry of new products must be seen as a threat and as destructive to our economy.

If Microsoft is not firmly held at bay until a monopoly no longer exists, competitive products and corporations such as mine will simply fail to survive. Not because they don't offer superior products or services, but because they cannot find entry into an industry that uses /*exactly one */ vendor for all of it's core software needs.

Thank you for your time.

Sincerely,

Micah T. Quinn

Quinn Team Incorporated

Micah T. Quinn

President

MTC–00004709

From: Tony Kimball
To: Microsoft ATR
Date: 12/17/01 3:44pm
Subject: Comments on Proposed Settlement

Lectori Salutem:

Pursuant to the announced proposed settlement conditions which purport to provide remedy to the antitrust violations for which Microsoft has been found culpable, I write to provide for the record my specific objections, as a computing professional of 12 years experience in the field:

Firstly, the proposed settlement fails to provide effective remedy in that restrictions on interface disclosure are left to the judgement and discrimination of the culpable party, and explicit conditions are placed on disclosure requirements, which prevent public-interest organizations from obtaining essential information enabling the development of interoperable components.

Secondly, the proposed settlement fails to provide effective remedy for the damaging monopolistic practice of hiding the cost of Microsoft products in the cost of purchasing a computer or other device. Unless consumers are able to purchases devices at lower cost in the absence of a Microsoft product, all consumers are in effect being taxed to subsidize Microsoft's monopoly.

Thirdly, the proposed settlement fails to provide effective remedy because it does not require Microsoft to provide adequate disclosure of file formats, type library formats, document formats, network protocols, and other crucial related interfaces to the public, or even to purchasers of Microsoft products. As a result, public-interest development organizations and commercial competitors alike are prevented from providing product offerings which are competetive with Microsoft products in performance and capability.

Fourthly, the proposed settlement allows Microsoft to avoid compensating the public for its criminal practices, places the burden of paying for the costs of obtaining remedy on the goverment and the people, rather than upon the culpable party, and in fact assists Microsoft in extending its monopoly into the educational systems of the various states.

Fifthly, the proposed settlement does nothing to protect the public from the evident intention of Microsoft to subvert the global Internet as a tool of monopoly extention, and to the detriment of the privacy of all persons, by insinuating proprietary protocols into the conduct of commerce, and enforcing the disclosure of detailed personal and financial information to entities controlled by Microsoft. Sixthly, the historic and continuing failure of Microsoft to provide secure information systems constitutes a dire threat to the national interest and security, which can only be prevented by placing Microsoft installations on equal competetive footing with installed computer systems which use more robust and secure software systems. Microsoft has placed backdoors in its operating systems which allow surreptitious access to private information by unauthorized parties. Until and unless the source code for all of Microsoft's software components are available for public inspection, continued security lapses and abuses must be expected. The only effective means of resolving these problems, both the competetive disadvantage of non-Microsoft systems, and the instability and insecurity of the predominant Microsoft systems, is to require that all of the source code for Microsoft's system software as distributed with OEM computers and appliances must be made available to all persons constructing interoperable or competing software. The proposed settlement, to the detriment of the security, stability, and viability of nations economic, military, and emergency systems infrastructure fails to provide any such requirement or stipulation.

In summary, the proposed settlement provides no effective remedy to the illegal practices of Microsoft, and imposes a substantial penalty on the wronged parties (the goverment and public of the United States) by failing to exact compensation for court costs or for damages done.

Sincerely,

Anthony Lee Kimball

1822 N Park St

Fergus Falls, MN

56537

alk@pobox.com

MTC–00004710

From: root@wt6.usdoj.gov@inetgw
To: Microsoft ATR,antitrust@ftc.gov @inetgw,Ralph@essen...
Date: 12/17/01 3:46pm
Subject: Microsoft Hegemony' Wall Street Journal's Double Standard
CC: letters@latimes.com @inetgw,letters @sjmercury.com@i...

Re: Haitian Connections—How Clinton's cronies cashed in on foreign policy.

We are not suggesting that Fusion's business in Haiti is illegal.

...We are saying that Fusion's Haiti deal is sleazy.

Sleazy like Bill Gates's modus operandi or different than that of Wall Street's poster boy?

''My friends at Dow Jones, they know who to criticize and who not, ha ha ha...''

MTC–00004711

From: Steven Bach
To: microsoft.atr
Date: 12/17/01 3:52pm
Subject: Microsoft Settlement

Hello,

I am writing to protest the proposed DOJ settlement with MicroSoft. The net result of this settlement is in no way punitive, nor does it help to resolve past damages, or do enough to prevent future predatory monopolistic behavior by Microsoft.

Specifically, currently many of MS's most serious competitors are Open Source software projects headed by non-profit foundations. Section III(J)(2) makes it clear that these groups would not be entitled to API documentation. While it is outrageous that only for-profit corporate entities would be considered worth of documentation, the fact that no for-profit corporate entities appear to be able to compete with MS, while projects run by various non-profit foundations are in many cases more successful than MS (Apache, BIND, sendmail) makes it ludicrous. This must be addressed.

Section III(D) makes it outlines that MS will disclose to Independent Software Vendors (ISVs), Independent Hardware Vendors (IHVs), Internet Access Providers (IAPs), Internet Content Providers (ICPs), and Original Equipment Manufacturers (OEMs) the information needed to inter-operate with Windows at this level. Yet, when we look in the footnotes at the legal definitions for these outfits, we find the definitions specify commercial concerns only(!). The most important competition is running on a non-commercial level. Consider that even our Gov't, for instance NASA, the national laboratories, the military, the National Institute of Standards and Technology—even the Department of Justice itself—have no rights. In some cases nat'l labs and other groups produce free software, and it makes no sense for the gov't to exclude itself from the right to access MS's APIs. This too must be addressed.

Even with these aspects rectified I do not think that the settlement is adequate. A split of the company into four groups (HW, Developer Tools, Applications, Server Software), along with a substantial fine would be the only proper way to dispense justice to the guilty party.

Thanks for your time,

Steven Bach

MTC–00004712

From: Byron York
To: Microsoft ATR
Date: 12/17/01 4:00pm
Subject: Microsoft Settlement

I would like to see an investigation started that looked in to George Bush and John Ashcroft's dealings with Microsoft. As the Proposed Final Judgment was obviously written by an attorney for Microsoft, and not the DOJ, I feel it would be prudent to look in to the back room deals that made the settlement possible.

I believe there are major abuses of power, fraud, conflicts of interest, and other high crimes and misdemeanors that were committed in Microsoft's name. The real

culprits, Bush and Ashcroft, should pay for their crimes. There is no way a reasonable person can look at how Ashcroft has handled this case since he took over and not see the glaring capitulation that the DOJ has handed Bill Gates.

Why surrender when you have won? Nine federal judges agree: Microsoft is an abusive monopoly and needs to be punished. Why, other than fraud or an abuse of power, would the DOJ give up like this?

''The best thing that happened to Microsoft in years was George Bush being elected president.'' THAT is not how JUSTICE is supposed to work in this country. The law, and the enforcement of the law, should be blind to who is sitting in the White House. The DOJ's actions in this matter have left a bad taste in my mouth and have brought into question the entire system of justice in this country.

Hoping that the real criminals behind this fiasco are brought to justice,

Byron York

713.416.4487

MTC–00004713

From: Lysinger, Sam (ISS Atlanta)
To: 'Microsoft.atr(a)usdoj.gov'
Date: 12/17/01 4:12pm
Subject: Microsft anti-trust case

Hello,

After reviewing the documents regarding the charges against Microsoft and spending many years using and supporting their products (I write this email using Microsoft Outlook), I feel that the US Courts should throw the book at Microsoft.

Most of the argument regards Web Browsers. Why is it that Microsoft Outlook, an email program, requires Internet Explorer in order for it to function? Web browsing and email are completely unrelated things. This alone tells me that I am being forced to use Internet Explorer on some level or other.

Most people don't take the time to download Netscape if another web browser is already on their computer. This is laziness, and not Microsoft's fault but they are exploiting the basic human desire of taking the path of least resistance in doing a task. To make it more interesting, HTML is a computer langauge that is platform independant. Why is it that Microsoft added specific HTML tags that only work in Internet Explorer. Most people don't think about it, but there are web pages I cannot browse without their html browser. I don't particularly like their browser, it functions fine, but I prefer the layout of Netscape. If you were to surf Microsoft's web page with a competitors web browser, you will find it difficult at best. This is clearly forcing me to use another piece of web browsing software, theirs, when I need to download a patch or security update for the windows operating system.

I like choice, I like Windows NT and 2000, I totally hate win95 and win98. I like unix and I like Mac OS also. I like Excel and I hate Microsoft Word with a passion (I use Word Perfect for DOS and I think much could also be said about Microsoft forcing application competitors out of the market but I don't want to take up too much of your time).

I do not like being forced into using something and I feel that I am. This is why the 13 colonies kicked out the English and this is why we broke up Standard Oil and IBM.

I'd like to see justice done.

Thanks for your time,

Sam Lysinger

IT Infrastructure

slysinge@iss.net

404–236–4063

Television is so educational, every time I turn it on I want to go to the library and get a book.

MTC–00004714

From: Jerry Seeger
To: Microsoft ATR
Date: 12/17/01 4:21pm
Subject: thoughts on the antitrust settlement

I am rather perplexed and amazed by the proposed settlement of the antitrust violations of Microsoft. Perplexed because the settlement is so weak that it is not a punishment at all and amazed that anyone thinks it would change Microsoft's behavior after the brazen way the company rolled over the last consent decree.

Microsoft broke the law. Microsoft is continuing with the exact same illegal behavior in Windows XP by bundling CD-burning software, instant messaging, and a host of other features. As an example, the CD-Burning features in Windows XP are vastly inferior to other commercial (non-free) products, but despite the higher quality the independent vendors cannot compete with free. Yet, if the features listed above are intrinsic features of an operating system which should be available at no charge, why do you have to pay an extra $200 to connect securely to Microsoft's own servers? Which one of those sounds more like a necessary operating system feature that should not cost extra? The extra cost for a secure connection to a Microsoft server is an example of what happens when Microsoft has no competition in a market. This so-called settlement merely legitimizes Microsoft's continued predatory behavior. More competitors will vanish each year, until there is only one software company. Any software maker who makes a useful product for the windows platform will eventually be replaced by second-rate, but free, software from Microsoft.

Jerry Seeger

Vice President of Software Engineering

BinaryLabs, Inc.

MTC–00004715

From: Andrew W. Hill
To: Microsoft ATR
Date: 12/17/01 4:34pm
Subject: Microsoft Settlement

I strenuously object to the settlement in the Microsoft antitrust trial. I am a student, programmer and computer technician. I do technical support on both Windows and Macintosh computers, and it has been my experience that Windows is a far inferior operating system. It crashes more frequently, is harder to use and users are far less time-efficient on the Windows machines. Despite this, Windows runs on 90% or more of the computers in America.

Microsoft was convicted of engaging in illegal activities that enabled it to create and maintain a monopoly. There is no penalty suggested for such illegal activities in the settlement, merely clarifications that hope to prevent further illegal continuation of the monopoly. I do not believe these will prevent such a continuation, and a penalty should be required in response to the illegal actions performed so far.

I am also skeptical about the availability of unbiased persons to sit on the technical committee. Microsoft's effect on the computing industry is such that there would be very few people with such technical knowledge that would not have any predisposition towards Microsoft.

In addition, the matter of illegally tying applications to the operating system has not been adequately addressed. Microsoft was initially convicted of illegally tying, but was overturned on appeal. Since then, it has been remanded to the District Court for consideration. This settlement prematurely closes the issue of illegal tying before it can be considered properly. This settlement is unsatisfactory for a number of reasons, especially the lack of a penalty. There is no incentive for Microsoft to comply with future requirements, as they have not been penalized for their actions, merely to cease such actions. What is to stop them from engaging in further activities knowing that there will be no drawbacks beyond stopping them? It would be akin to debating whether to take a miracle drug with the long term effects of water. No, there is no incentive here to prevent further abuse of the legal system, or of the market through the use of illegal monopolies.

Sincerely,

Andrew W. Hill

MTC–00004716

From: Matthew Toczek
To: Microsoft ATR
Date: 12/17/01 4:40pm
Subject: Microsoft Settlement

Department of Justice,

It is my opinion that Microsoft has already proven it does not respect and will not abide by antitrust laws in this country. I appreciate your work and time spent in attempting reasonable compromise with Microsoft; however, it is not your fault a legal, lasting and appropriate solution cannot be made—it is Microsoft's. As such, I feel the only way to get the point across to this gigantic corporation is through extensive legal and economic means.

Sincerely,

Matthew Toczek

public key: www.wpi.edu/toxic/public—key/public—key.html

CC:Matthew Toczek

MTC–00004717

From: mpl22@cornell.edu@inetgw
To: Microsoft ATR
Date: 12/17/01 5:09pm
Subject: Microsoft Settlement

Dear Sir/Madam,

This letter presents my response to the revised proposed Final Judgement to resolve the United States' civil antitrust case against Microsoft, which is currently up for public review. I am a citizen of the united states, and a resident of Ithaca, NY.

I. Critique of Proposed Final Judgement

The proposed Final Judgement that the US and Microsoft agreed to on November 6th appears to have the best intentions, and addresses many of the major issues raised by the case. Unfortunately, I feel that it falls short of being an effective remedy.

I agree with many of the points in the following critique of the proposed final judgement, and it is more complete than my own statement will be. Please review the statement on the antitrustinstitute.org website at: http://www.antitrustinstitute.org/recent/149.cfm

There is much to consider in that document, the points in the proposed final remedy that I consider most important to review are that:

(1) it makes no attempt to address ''ill-gotten gains'' garnered by microsoft through its anticompetitive practices. This is a serious shortcoming because the company's illegal tactics have placed it in a very advantageous position in the industry. In order to make anticompetitive behavior unprofitable, there must be substantive punishment that reduces those gains.

(2) the anti-retaliatory clause is insufficient. Section 3.A.1 specifies that Microsoft shall not retaliate against and OEM for ''developing, distributing, promoting, using, selling, or licensing any software that competes with Microsoft Platform Software or any product or service that distributes or promotes any Non-Microsoft Middleware;''. Section 6.L defines Microsoft Platform Software as ''(i) a Windows Operating System Product and/or (ii) a Microsoft Middleware Product.'' As I read this clause, it still allows retaliation against OEM's for developing, distributing, promoting, using, selling, or licensing, software that competes with other Non-Platform Microsoft Products, such as Office, .Net, and other applications. This opens an important window for Microsoft to continue its anticompetitive practices.

(3) the api disclosure provision in section 3.D is impossible to enforce. The only way to ensure that microsoft isn't hiding undocumented API's is to audit the source code. No body with sufficient manpower has been appointed to do this. A more appropriate solution would be to require disclosure to API's AND source to ISVs, IHVs, IAPs, ICPs, and OEMs. They could then audit suspect code themselves, and present an informed complaint to the Technical Committee, which could verify and investigate.

(4) The only punitive measure specified to discourage Microsoft from non-compliance is a 2 year extension of the terms of the judgement. If Microsoft is not complying with the judgement anyway, this is an extraordinarily ineffective punishment.

II. Support for Plaintiff Litigating States' Remedial Proposals (December 7, 2001)

The proposal filed by the state on December 7th, 2001 is a much more complete remedy. The proposal is available on the web at: http://www.naag.org/features/microsoft/ms-remedy—filing.pdf

(1) It addresses the Microsoft's ill-gotten gains in section H by Open Sourcing the code to Internet Explorer. The Court's Findings of Fact, issued on 11/5/99, state that Microsoft successfully used its monopoly power to increase the market share of Internet Explorer. These findings of fact can be found on the US Department of Justice webpage at: http://www.usdoj.gov/atr/cases/f3800/msjudgex.htm#vh By Open Sourcing the code to Internet Explorer, Microsoft is deprived of the gains associated with their anti-competitive behavior. Additionally, consumers and the entire computing industry benefit by augmenting the publically available software infrastructure of the internet.

(2) Section E offers a stronger anti-retaliatory clause which covers all microsoft products, and not just Platform Products.

(3) Section C offers an API Disclosure provision that is enforceable. ISV's, OEM's, etc are provided access to source as well as API documentation. This will allow them to inspect suspicious code and present well informed complaints to the Technical Committee.

(4) Section O offers excellent punitive measures in the event that Microsoft does not comply with the Judgement. Additionally, section L of this document provides excellent protection against Microsoft co-opting and breaking standards compatibility, as the findings of fact show it did with the JAVA standard. This topic is not addressed in the Proposed Final Judgement.

III. General suggestions

Unbundling microsoft middleware/products/services is a superior solution than requiring alternatives be bundled as well. The latter has the effect of favoring a small number of well established middleware/products/services by creating large barriers of entry to new middleware/products/services that are not included in the OS distribution.

Mandating that Microsoft offer licenses to third-party companies to port its applications to alternative Operating Systems is a superior solution than requiring that Microsoft maintain ports of particular products to particular OS's. Determining whether a port of a given application to a given platform can be profitable is difficult and should be decided by the market. Microsoft should not be allowed to lock-out existing markets by not porting applications and not allowing others to do so. However, is it not feasible to expect Microsoft to port every application to every platform. There is not always a demand.

There should be a reward in the event that microsoft makes every effort in good faith to comply with the judgement. Perhaps make the judgement applicable for 10 years, with an option to terminate the measures in 5 if microsoft makes efforts in good faith to comply.

IV. Relevant Links

(1) The Proposed Final Judgement (11/6/2001) http://www.usdoj.gov/atr/cases/f9400/9495.htm

(2) The commentary on the Proposed Final Judgement at antitrustinstitute.org http://www.antitrustinstitute.org/recent/149.cfm

(3) Plaintiff Litigating States' Remedial Proposals (12/7/2001) http://www.naag.org/features/microsoft/ms-remedy—filing.pdf

V. Closing

Thank you for your time and consideration. I hope an appropriate set of remedial measures can be decided upon soon.

Mike Lococo
Coordinator Computer Facilities
221 Tjaden Hall
College of AA&P
Cornell University
14853
CC:mpl22@cornell.edu@inetgw

MTC–00004718

From: Frank Carreiro
To: Microsoft ATR
Date: 12/17/01 5:47pm
Subject: Microsoft Settlement

Just a quick note regarding the settlement with Microsoft Corp.

I am rather disappointed with the DOJ. Despite the facts behind the case and a higher court supporting the facts, I was hoping Microsoft would be penalized for exercising regularly their monopoly powers. How many people do you know running Microsoft products? How many run alternative operating systems. Now we have Windows XP. At $300 a copy I'm outraged. Over time products usually get better and cheaper for the home user. Not in this case. I believe this is the most Microsoft has charged for an operating system to date.

Fortunately there are a large number of people walking away from Microsoft. I am now running RedHat Linux 7.x for over 90% of my computer usage these days. At every opportunity I push Linux as a solution simply because it's high quality software without the Microsoft bugs. Someday we all should have the joy of working on a computer that is reasonably priced and very productive.

Speaking of which. I do run a couple of SAMBA servers (www.samba.org) which permit me to connect my friends computers and communicate with them. If I am reading this deal correctly SAMBA and every other product in Linux which can communicate with Windows will be killed. Some deal. Giving Microsoft MORE power to monopolize the world? I don't believe this has been well thought through. I would strongly suggest everyone pay closer attention to what is going on here. Also the not for profit organizations such as Apache would be in great jeopardy.

Section III(J)(2) concerns me a great deal. You may wish to re-read it as it seems to allow Microsoft to define what is a business (well.. just about). Right now the biggest threat to Microsoft is open source software. I think we all understand just how well Microsoft's security by obscurity has worked in the last few years. Pathetic would be kind in my estimation. Certainly the other OS's have their share of problems however it IS easier to troubleshoot and fix problems with 10,000 people looking at the code over 100 people doing the same work. Over time it becomes harder and harder for bugs to creep in as more people get involved. In closing I don't believe splitting the company into two entities will solve the problem at hand however the other end of the spectrum also does not resolve our concerns with Microsoft. Some middle ground must be reached. Microsoft must not be allowed to continue operating as they have in the past. Ma Bell and the oil companies from the early 1900's were not allowed to continue their

monopolistic practices after the courts ruled against them. Why should Microsoft be allowed?

There are better alternatives to Microsoft which are just as difficult to learn and use. Give them a chance to prove themselves. I believe the economy will turn around as they contribute in their own way. Other countries have learned what open source can give them. Let us be leaders and not followers in technology. Else we will be eating their dust in the years to come.

Frank Carreiro

MTC–00004719

From: C HOFFNER
To: Microsoft ATR
Date: 12/17/01 5:57pm
Subject: Microsoft Settlement

Dear Renata B. Hesse,

(A Problem—Partial Standards)

Standards are rules system components must embody to interact correctly with other components. Without standards it is impossible to build a new component to extend or upgrade the original system. Components of the DOS and Windows operating systems are at three levels. The drivers at the bottom level include the hardware interface. The applications at the top level include the user interface. There are three areas where the software industry depends on standards to ensure aftermarket products are compatible. These three areas are file formats, application interfaces, and communication protocols. The de jure standards defined by the CCITT and similar bodies inherently promote competition. On the other hand, the de facto standards defined by the Microsoft monopoly effectively stifle competition.

In the telecommunications industry, de jure standards have become a part of the culture. In fact, de facto standards are not viewed as standards at all since they change at the dictates of a single company. The de facto standards from Microsoft stand in stark contrast to those from AT&T and IBM. Entire books have been written on undocumented DOS and Windows. Missing information is only found by reverse engineering. It is not that Microsoft fails to provide details of the standards it defines. It is rather that they are all too often incomplete and inaccurate. Something must be done to level the playing field.

(A Solution—Improved Disclosure)

Before computer programmers write any code, systems engineers write a set of specifications. Among other things, these spell out the standards, both de facto and de jure, the software must implement. Because communications protocols found in Microsoft products are those drafted by standards bodies in the telecommunications industry, complete and accurate documentation is available to competitors. This is not the case with the documentation for file formats and application interfaces. In fact, it is sometimes necessary to find what works by trial and error. The result is unexplained failures.

Standards documents are of use to developers rather than end-users. They should be tracked and updated in a manner consistent with industry practice. The consumer benefit is higher quality products. Changes to file formats and application interfaces may be made late in the development cycle. A product group that is ISO-9001 certified will have procedures for updating the specifications accordingly. To ensure responsible use of its de facto standards:

(1) Order Microsoft to seek ISO-9001 certification.

(2) Order Microsoft to provide missing information.

(3) Impose harsh fines for repeated non-compliance. Improving disclosure of de facto standards is not all that is needed. It is a problem by itself, but only a part of the broader problem. But here, the example of AT&T and IBM can help in fashioning a solution.

Sincerely,

Charles W. Hoffner

MTC–00004720

From: JMHynes@aol.com@inetgw
To: Microsoft ATR
Date: 12/17/01 7:27pm
Subject: Microsoft Settlement

To the US DOJ:

For what it's worth, it is time for you to hear from the backbone of the US economic system—The small business owner. Below is a copy of an email that I sent to Microsoft. It was written from the culmination of many years of my frustration with attempting to use Microsoft's products. This direct lack of respect for customer service sent me over the edge. And so, I send this to you to read and understand that the economy will never realize the true efficiency gains from Microsoft software because we spend twice as much time as we save with it on the phone with poor customer service issues. Bottom line = If there was a competing operating system out there to which I could easily switch, I would be gone from Microsoft in an instant. Please negotiate a settlement that encourages better service and/or competition. If I receive a response from Microsoft, I will submit it for your review as well.

Respectfully submitted,

John M. Hynes

Partner

Excidian, LLC

To whom it may concern (Manufacturing/Engineering/whoever):

I own a small business. I purchased a computer from Gateway with your Millenium product on it and a FREE upgrade to Windows XP. Gateway tells me that I will have to wait for my upgrade until next spring even though they are shipping new computers with their OEM version of XP on it now. Microsoft customer support had a great deal of difficulty explaining this to me (I cannot believe you leave your customer service people hanging out to dry without the info to explain these problems), but from what I can understand, Microsoft tweaks each OEM version so that it runs correctly with each manufacturer's BIOS. I cannot believe that you cannot burn enough upgrade disks so that your OEM customer, Gateway, does not have to tell their customers that they will have to wait until the spring of 2002! Or, did you release the XP version before the bios designs were ready and now software engineering cannot keep up? Or, did Gateway run a promotion to keep selling computers and screw their customers that were stupid enough to buy a device with Millenium (and I write that branded product name with disdain)? Can someone at Microsoft explain why I will have to wait until the spring of 2002 for my upgrade from Millenium to Windows XP? I'm thinking right now that if there were competition for operating systems, this type of ''glitch'' would not happen. If I could easily switch to a competing operating system right now, I would do it. I certainly would not run my small business like this. Show me your entrepreneurial spirit. Show me that you want to under promise and over deliver. Show me that you want to keep your customers happy enough so that no other competing operating system would be able to take customers from you. Show me that you care enough by letting Bill Gates read and answer this email. Better yet, send me my Gateway customized upgrade from Millenium to Windows XP!

John Hynes
Excidian, LLC
(724) 728–8477
CC:Excidian@aol.com@inetgw

MTC–00004721

From: Patrick McCloskey
To: Microsoft ATR
Date: 12/17/01 7:52pm
Subject: Microsoft antitrust settlement

I am firmly opposed to the settlement for three principal reasons.

First, the settlement does not in anyway compensate for the effects of Microsoft's illegal maintenance of a monopoly.

Second, it forecloses further pursuit of illegal tying. Third, its attempt to prevent future illegal monopolistic behavior is inadequate. THEY ARE OBVIOUSLY STILL UP TO THEIR SAME OLD TRICKS AND THINK YOU AND THE AMERICAN PEOPLE ARE FOOLS.

Patrick McCloskey

MTC–00004722

From: Pam Takada
To: Microsoft ATR
Date: 12/17/01 8:44pm
Subject: Microsoft settlement, I am opposed to the settlement

Dear Sir or Madam,

I wish to register my OPPOSITION TO THE MICROSOFT SETTLEMENT, which is too lenient. I am an ordinary citizen with no connection to the case. I feel that Microsoft is a monopoly and that the settlement is a slap on the wrist for Microsoft. Clearly, the evidence shows the monopolistic and predatory behavior of Microsoft.

The settlement only serves Microsoft's interest in further propagating its monopoly. A suitable settlement would include the breakup of Microsoft into 2 or more companies.

Thank you for your consideration,
Kevin Takada
916 San Ramon Ave.
Huntsville, AL 35802
Pam.Takada@mindspring.com
256–881–7750

MTC–00004723

From: jackie lightfield

To: Microsoft ATR
Date: 12/17/01 8:58pm
Subject: Microsoft Settlement

The proposed terms of the settlement, in particular ''that Microsoft does not have to disclose portions of the APIs that might ''compromise the security of anti-piracy, antivirus, software licensing, digital rights management, encryption or authentication systems'' is problematic. Under such vague definitions, Microsoft would be able to avoid other provisions of the settlement by invoking this clause. I don't think it was the intent of the courts to create a case law that is unspecified and therefor unenforceable.

Much like there are Government regulations separating the consolidation of power amongst owners of broadcast and newspaper media companies in the same markets, there too should be regulations against the consolidation of of power amongst a single company in the technology market.

It is imperative that the industry adopt standards in order to assure interoperability. This is the area that I hope the Department of Justice review and determine that an enforcement of published standards, long before the release of software, would provide competition an equal opportunity to develop for the operating system in question, and as a by product, create better software. Under the proposed settlement there are no time provisions, that would define clearly the period in which new APIs can be introduced and disseminated. Further, there should be a classification of where, within the operating system code, such portions of the API as it related to security of anti-piracy, antivirus, software licensing, digital rights management, encryption or authentication systems, are utilized, and what alternatives the Operating System will provide for third-party software to utilize such API calls. For example, a chat service that requires authentication, should not require that the chat service ''recreate: authentication, encryption or other such code, in order to perform correctly on the operating system.

regards
jaqueline lightfield
president
http://www.blowtorch.com
interactive publishing technologies
tel 203/497–8832 fax 203/497–8836
* http://www.yourct.com *

MTC–00004724

From: Ken Worthy
To: Microsoft ATR
Date: 12/17/01 9:17pm
Subject: Software monopolies and Microsoft

Hello.

The government's solution to its case against Microsoft, and its strategy in pursuing the case, are completely misguided and ineffective. In short, MICROSOFT'S MONOPOLOY MUST BE ELIMINATED, NOT MITIGATED, AT ITS SOURCE, BY FORCING THE CREATION OF OPEN STANDARDS, PARTICULARLY THE STANDARDIZATION OF THE INTERFACE BETWEEN THE OPERATING SYSTEM AND APPLICATIONS AND THE STANDARDIZATION OF FILE FORMATS, SUCH AS WORD PROCESSING DOCUMENT FORMATS.

The government has managed to get this case completely wrong. There is a fact about software development which is essential to Microsoft's position which has been obscured by the whole conversation. That's because the correct distinctions between more traditional technologies and software have not yet been discerned. This case is not, at its essence, about ''unfair'' practices, but rather aobut the very existence of a harmful and unnecessary monopoly control over what should be in the public domain—operating system and file format interface specifications. The fact is that monopoly proprietorship of operating system and file format interfaces is NOT essential to interoperability. A standard IS essential, and that standard will either be intentionally created/maintained, or it will be spontaneously generated by whichever company has an early market lead. In the case of the operating system / application interface, Microsoft was lucky enough to have an early lead, and its momentum in the control of the operating system interface has lead to a huge market advantage which has only grown and will continue to do so. In addition, they have been able to parlay their position as controller of that standard into the monopoly control of yet more standards, particularly the file format standards for word processing and spreadsheets.

The very fact that the solutions arrived at involve simply penalizing Microsoft for unfair business practices and reforming those practices reveals that there is a real lack of understanding that it is not simply Microsoft's use of their defacto monopoly position that is harmful, but rather the very existence of that monopoloy position, which, contrary to much of what they and others say is NOT essential for the health of the industry and innovation, but rather extremely DETRIMENTAL to those things. Evidence of the latter is the fact that Microsoft continues to produce defective, inefficient operating systems (which are continually purchased due to their monopoly position, NOT their quality), that are quite inferior to readily available alternatives which do not enjoy a monopoly hold on the operating system to application interface.

Microsoft's astounding success and wealth has been gained primarily due to their monopoly control over these interfaces. Because of that, they now should be forced to fund the creation of an independent industry consortium or standards board responsible for creating and developing the open interface standards, and they must be forced to conform to those standards in all of their products. At that point, the market will be truly open and free and other competitors will be able to actually compete with Microsoft. Microsoft knows full well that when this happens, their market hold will dissolve because other companies are more streamlined and efficient and will be able to produce these products at a fraction of the price. The result will be the release of the vast human resources now occupied by Microsoft, into more efficient and productive companies. This would be the most positive development in the software industry, perhaps ever.

These thoughts come from about 15 years' experience as a software developer and observer of the software industry. Now that I am in graduate school, I see firsthand many more of the negative effects of Microsoft's monopolies. In academia, as in much of the rest of society, word processing documents cannot usually be accessed by other people unless they are in Microsoft's proprietary ''Word'' .doc format. That is simply because it has become the defacto standard format. There is no reason why one company must control the defacto standard format; it could as well be controlled by an open standards board who are responsible for its maintenance and technical development. Also, we are effectively required by the defacto operating system standard to have Microsoft Office as our operating system for computers; this is because many of our scholars require certain programs which only work on that operating system. If Microsoft did not own the defacto standard operating system interface, ANY vendor would be able to produce operating systems which would run all of those applications that we need. The interface itself would be developed in such a way as to benefit consumers and the industry as a whole rather than being developed primarily at the discretion and for the benefit of a single company.

The fact that it is the operating system / application interface which Microsoft controls (and is the defacto standard) is obscured in most of the discussions that I have seen in this case. Government lawyers have ASSUMED that it is the operating system itself, rather than the interface to it which is central to the monopoly, but this is false. The following analogy should illustrate the point: In the world of transportation, imagine that one single company owned all of the information (and patents) needed to construct a road or highway (other companies might be able to make railroads, for which the exact design specifications are public knowledge). This company basically owns the interface between roads and cars. Other companies can produce cars to drive on their roads (because they publish that side of their interface), but other companies cannot produce roads on which those same cars can drive, because patent law prohibits them from building roads to those secret, proprietary specifications—the road/car interface specification. You would think it is absurd, but this is exactly the situation we are in with software. One company got an early lead in producing desktop operating systems, gained momentum from the market's deep need for a standard interface, and has reaped the rewards ever since, to the detriment of industry and consumers. Please make Microsoft give up its proprietary control of operating system and file format interface specifications, and create an open standards board to administer industry-wide standards for these things.

Thank you very much,
Kenneth Worthy
University of California, Berkeley

MTC–00004725

From: Taran Rampersad
To: Microsoft ATR
Date: 12/17/01 9:29pm
Subject: Public Comment Regarding Microsoft Inc.'s Case

To Whom It May Concern:

For the record, I am a Software Developer who has worked in the industry for almost 10 years. I have used many Microsoft products, and have enjoyed the increasing abilities of software systems developed by Microsoft. I also enjoy using other operating systems, but as a software developer, I have to follow market trends to keep myself fed—regardless of the market trends.

However, it is apparent that Microsoft has attempted to maintain a monopoly on the Internet Web Browser market to any casual software user. It is more apparent to a software developer who work within Microsoft operating systems. The technical aspects involved in the operating system itself, specifically, development with the Microsoft Foundation Classes and use of ''.Net'' technology marries the software developer (happily or unhappily so) to Internet Explorer, and the operating system. Furthermore, specific training programs such as MCSE (Microsoft Certified Software Engineer) and MCSD (Microsoft Certified Solution Developer) are geared towards maintaining the Internet Browser market by way of gearing Microsoft Certified individuals (who pay for courses and tests!) to use only Microsoft Products. Operating Systems. Software. Software Development. In an internet enabled world, these are the tools for maintaining a monopoly on the Internet Browser Market.

One could argue that nobody else has attempted these things on the level that Microsoft Inc. has. Yet that is my point. Nobody should. Freedom of Choice.

The newer versions of Windows have the internet technologies wrapped in them. This IS an obvious attempt to maintain a monopoly on the Internet Browser market. They may be able to prove that they did not do it 'on purpose', but they have done it. If I run over a man with my car, and I broke a traffic law while doing so, the offense is manslaughter. It I planned to do it (premeditated), it's Murder 1.

The fact remains that a man would be dead. The fact remains that Microsoft has leveled the playing field. Odds are that when this is read, it will be read on a Windows NT 4.0 machine. Why? Because the U.S. Government has certified Windows NT 4.0 as a secure operating system. Furthermore, this mail message will probably be read through another one of Microsoft's applications.

The U.S. Government, for lack of any other 'secure' operating system, has gone with the highest bidder. Neil Armstrong quipped about going to the moon on everything built by the lowest bidder, and here the United States states that we'll go with the ONLY software manufacturer that creates an operating system.

This seems counterintuitive. Freedom of Choice. If you need more proof than the software that the reader of this document is using, and my ability to predict that, I'm at a loss.

These two points highlight the fact that the average American consumer is paying more than once for the same software—first as consumers, then as taxpayers. When banks charge twice for ATM withdrawals, we cringe and say that it may be legal, but it is obviously immoral. Given, the hardware manufacturer is hiding the price of the operating system on new computer systems, the fact remains the same. This is a sticky situation, but legal recourse in the interest of the people of the United States (and the rest of the world!) should contain the following items:

(1) Microsoft products—or products of any software manufacturer—must be sold as separate items by computer vendors. Users can then make a CONSCIOUS choice. Other software manufacturers then also have a chance to compete. Installation of the USER SELECTED software can remain free.

(2) Any Microsoft networking protocols must be published in full and approved by an independent network protocol body. This would prevent Microsoft from seizing de facto control of the Internet.

(3) The specifications of Microsoft's past, present and future document and network formats must be made public, so that documents created in Microsoft applications may be read by programs from other makers, on Microsoft's AND other operating systems. This is in addition to opening the Windows Application Program Interface ('Windows API', the set of ''hooks'' that allow other parties to write applications for Windows operating systems), which is already part of the proposed settlement.

(4) The level Microsoft is certified by the Software Engineering Institute must be made public to the consumer, as well as insight into their development process for Operating Systems. SEI level 3 is required by the United States Government for software companies that supply software to it (or that was coming in 1999). This certification was created to protect the government from software manufacturers that had no software development process. This same certification should protect the average consumer, AND insight into the Software Development Process for creation of their operating systems would give software manufacturer's a chance to keep up with Microsoft.

(5) Device Driver information for new operating systems MUST be made public prior to the release of the operating system by a minimum of 6 months. This is VERY important when dealing with future web enabled embedded devices. This is also very important to the average consumer—they get a better product!

This judgement is not only of import to the United States, where it is a national issue. It is in fact an INTERNATIONAL issue, since the monopoly itself extends to all corners of the world. Judgement in this case MUST be fair to the consumer, because future cases along these lines will look toward this precedent. And, in future, it may not be as domestic an issue.

Furthermore, if Microsoft Inc. were a foreign company, this would be seen as a security issue. It should be seen this way despite the fact that Microsoft is a domestic software manufacturer for the SAME reasons.

Please realize that the implications in an internet based society reach further than the next few years.

They affect society ad infinitum.

Thank you,

Taran Rampersad

2546 Oak Trail West, #203

Clearwater, FL 33764.

MTC–00004726

From: Derek Chen-Becker
To: Microsoft ATR
Date: 12/17/01 10:41pm
Subject: Microsoft Settlement

Hello,

My name is Derek Chen-Becker and I am currently a Graduate student at Washington University in Saint Louis, Missouri. I am writing to voice my concern with the proposed remedy for the Microsoft Anti-trust settlement. Specifically, I feel that the proposed remedy does not in any way recognize the significance of non-commercial works and the importance of maintaining open standards to the process of innovation in the computer industry. The Internet, originally DarpaNet, was conceived on the basis of open standards to ensure interoperability between disparate systems. The proposed remedies would allow Microsoft to leverage its monopoly in the personal computer market to impose de facto standards without requiring that these standards are open for interoperability purposes. Without this requirement, Microsoft can effectively stifle competition in any one area by changing its standards enough to break competing products.

As a graduate student, I am aware of many projects written for non-Microsoft operating systems which are used to allow compatibility between systems. For instance, the Samba project (http://www.samba.org) provides network filesystem compatibility between Microsoft and non-Microsoft operating systems. This project is non-commercial and is effectively in the public domain. Section I.1 specifies that all terms be reasonable and non-discriminatory (RAND), but what is RAND for a commercial entity is hardly RAND for a non-profit project composed of volunteers.

I feel that without modifications to the settlement that provide for requirements of open standards, Microsoft will have little incentive to change its current practice of breaking interoperability with non-Microsoft systems.

Thank You,

Derek Chen-Becker

Derek Chen-Becker
dwb2@cec.wustl.edu
http://cec.wustl.edu/dwb2

MTC–00004727

From: Craig Ogle
To: Microsoft ATR
Date: 12/17/01 11:27pm
Subject: Microsoft Settlement

As an Australian Computer user for the last 15 years I have seen the rise of personal computers. This has been an amazing journey. The darkest part of computing has been the rise of the Microsoft Corporation as it has constricted competition and forced IT'S standards upon the computing world. I think the settlement that Microsoft wants to reach is a slap in the face for justice (world not just American). This corporation who has destroyed countless companies, has to be held accountable for its actions.

Please as a concerned world citizen do not let Microsoft railroad the justice system at it has done the computer world.

Craig Ogle
4 Sylvia Crt Eatons Hill
Queensland Australia 4037

MTC–00004728

From: skoric@EUnet.yu@inetgw
To: Microsoft ATR
Date: 12/18/01 12:17am
Subject: MICROSOFT ANTITRUST

''Red Hat'' <RedHat@redhat.rgc2.net> wrote:

November was a busy month for Microsoft and the US judicial system. It began when the Department of Justice announced it had reached a settlement of the antitrust suit against the company. The DOJ had previously found Microsoft to be a monopolist, but the settlement included no punishment for past actions and left doubt as to its protections against future monopolistic practices.

The DOJ is collecting your letters about the settlement via email. We encourage you to share your opinions.

send your letters to:
microsoft.atr@usdoj.gov

That's my opinion. The global position of Microsoft's Windows has made it the world's leader in operating systems. That is ok as long as it is considered as a market competition. But, when such a leader position is used to remove competitive products in areas that are not so close to (or just not needed to be used by) an operating system—then it is the monopol.

It makes me wonder why the DOJ (or any other US official) doesn't include any punishment for past actions, because that might motivate other similar cases. In the same time, looks that such ''justice'' is very ''gentle'' to the monopolyst that is an US company. Would it be the same when a non-US company behaved like Mocrosoft? It won't be good if such ''justice'' works for only those players who might belong to the US ''national interests'', but does not for others.

Regards,
Misko

MTC–00004729

From: David C. Hill
To: Microsoft ATR
Date: 12/18/01 12:36am
Subject: Microsoft Settlement

''I would like to express my opposition to the settlement in the Microsoft antitrust case. I am not a lawyer but a user of personal computers, a tool essential to my livelihood for approximately 20 years. I have used many personal computing operating systems over the years, including those made by Microsoft (MSDOS, Windows 3.11, Windows 95, Windows 98, Windows ME, Windows NT 4.0 and Windows XP Pro), Amiga, Commodore, IBM, Texas Instruments and Apple Computer. My opinion is that operating systems other than Microsoft's have been superior in features and performance at each stage of development of the personal computing platform. Yet Microsoft achieved a monopoly, i.e. in excess of 70 percent of the personal computer market. Microsoft's illegal behavior in maintaining and expanding that monopoly to in excess of 90 per cent of the market effectively destroyed all existing competitive personal computing operating systems in the process, save one, and perhaps prevented others from being developed.

''I am firmly opposed to the settlement for three principal reasons. First, the settlement does not in anyway compensate for the effects of Microsoft's illegal maintenance of a monopoly. Second, it forecloses further pursuit of illegal tying. Third, its attempt to prevent future illegal monopolistic behavior is inadequate.

''Microsoft stands convicted after appeal of conducting illegal acts to maintain its monopoly of personal computer operating systems. Microsoft's illegal acts certainly have cost consumers billions of dollars directly and possibly much more by preventing the development of alternatives. We will never know what we've lost as a result of illegally stifled competition. Yet the settlement does not provide even a minuscule penalty for the deleterious results of Microsoft's egregiously illegal behavior. It simply dismisses this and proceeds with a lame attempt to prevent a continuation of such illegal behavior. No corrective action of any type that simply attempts to put Microsoft on a legal course can be reasonably construed to be a penalty of any sort. A penalty is required and none is provided by the settlement.

''Microsoft was also convicted of illegally tying its products to its monopoly operating system but that conviction was overturned on appeal based on the standard used by the District Court judge to convict Microsoft. The issue was remanded to the District Court for further consideration. A decision to not pursue the illegal tying issue is formalized in the settlement even though the Justice Department announced that it would not pursue it before entering into the settlement. In my experience it is indeed Microsoft's tying of its products to its monopoly operating system that has been the most damaging to competition in the personal computing market. Microsoft was initially found guilty of illegal tying and the remanded issue should be pursued. The settlement formally forecloses the opportunity to do so.

''Finally, the settlement is inadequate to prevent Microsoft from continuing its practices of illegally maintaining its monopoly. Clearly, Microsoft is an unrepentant criminal. As an example, its CEO Steve Ballmer was quoted as stating that he does not even know what a monopoly is after Microsoft was convicted of being one. It is totally incredulous to believe that Microsoft will simply go forth and be a good corporate citizen. While the settlement contains provisions to enforce its restrictions through oversight, the burden is on the government to catch Microsoft in the act and, if so, then Microsoft is simply returned once again to proceedings such as these. Where is the incentive for Microsoft to comply? My mind boggles in that this is the second time that a settlement of this nature has been reached with the same convict. The second is no more satisfactory than the first. Any resolution of this case against Microsoft must provide appropriate incentives for the unrepentant criminal to comply with the law.''

You can't be serious about letting Microsoft off the hook !

Sincerely,
David C. Hill
Arvada, Colorado

''Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and the success of liberty.''

John Fitzgerald Kennedy
1/20/61
Dave Hill <dchill1@qwest.net> :-)

MTC–00004730

From: Ted McFadden
To: Microsoft ATR
Date: 12/18/01 12:55am
Subject: Microsoft Antitrust Suit

To whom it may concern:

I was made aware of this e-mail address by an online forum, and wish to contribute my opinion to the trial, for whatever it may be worth. Microsoft makes itself to appear harmless, but in fact they are a gigantic international monster, crushing any and all competition in its path to maintain its own kingdom. While this in itself may not be a bad thing, consider that the ideal Microsoft world basically consists of us ''low-life'' consumers feeding them money on their own terms. Microsoft does not care whether the customers are happy; they simply want money, and they will do anything in their power to get it. Recently, Microsoft has been issuing progressively worse software (starting with the release of their Windows 95 operating system, and continuing today in the form of their Windows XP operating system), but a lack of a real choice has subjected many (including myself) to Microsoft's whim.

As an American who believes in the freedom to choose, I object to Microsoft's continued abuse of their monopoly power, especially after having been disciplined once. Microsoft was given a second chance by the 1995 Consent Decree, issued by the highest law of the land (our own Supreme Court). They not only disobeyed the Decree, they insulted the very heart of our judicial system by doing so. The punishment for doing so should *NOT* give them the chance to extend their monopoly power further, as the current proposed settlement would allow. I, personally, am all in favor of Microsoft donating money instead of software and hardware, to let the said schools choose their own preferred route. Not only that, Microsoft should make information about competition available to the said schools, so the schools can make an informed choice. If the schools choose to go with Microsoft's software, then so be it.... at least they had the ability to choose.

Sincerely,
Edward Ridout ''Ted'' McFadden

MTC–00004731

From: John McBride
To: Microsoft ATR
Date: 12/18/01 1:38am

Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice

Dear Ms. Hesse,

As stated on the subject line, I am writing you this letter in regard to the proposed settlement between the United States Justice Department and the Microsoft Corporation. I must tell you up front that I am not a lawyer or economic specialist. My only real interest in the case stems from my profession as a computer programmer, a means with which I have earned my living (to some extent) since the mid 1980s.

As outlined at the DOJ website, I have reviewed the various sections of the document found at :

http://www.usdoj.gov/atr/cases/f9400/9495.htm

As I am a simple person, I am partioning this message into three parts. The first part will address the shortcomings I perceive in the proposal, the second part will address what I believe to be positive areas of the proposal, and the final section will be a declaration of my personal concerns about the overall proposal.

I will quote the portions of the document that concern me, then follow the quote with some type of comment.

Part One: Shortcomings of the Proposal:

''Section III. Prohibited Conduct''

''A. Microsoft shall not retaliate against an OEM...''

''B. Microsoft's provision of Windows Operating System Products to Covered OEMs...''

''C. Microsoft shall not restrict by agreement any OEM...''

Microsoft's upcoming strategy is to replace hardware OEMs (Dell,HP,Compaq) with their own hardware platform, and derivitives of the same, known as ''The Xbox''. These prohibitions are meaningless in such a scenario.

''Section III. Prohibited Conduct''

''E. Starting nine months after the submission of this proposed...''

''D. Starting at the earlier of the release of...''

Part of the text includes the wording ''..for the sole purpose of interoperating with a Windows Operating System Product...'' Does this mean that any code written must, at the time of execution, be connected on at least one end to a Microsoft product? In other words, Microsoft is guaranteed 50% market share during a transaction instance? If this interpretation can be made, it is hardly a penalty—it is guaranteed market share.

''Section III. Prohibited Conduct''

''F.2. Microsoft shall not enter into any agreement relating...'' The wording is so complex that it will be, in practice, easily circumvented.

''Section III. Prohibited Conduct''

''J.1; J.2 ...'' IP, Piracy, Hackers...this is an enormous loophole; an open hoop that Microsoft will jump through in an instant. These two sections, in many ways, invalidate the entire proposal.

Part Two: Positive Areas of the Proposal:

Anything exposing the inner workings of the Windows System, both the protocols and APIs, so that programmers, researchers and scientists can make their products work efficiently and competitively with the Microsoft Platform are beneficial. I hope that Section III.E,D can be interpreted in such a way that no Microsoft product need be present in the transaction using such exposed protocols and APIs.

Part Three: Declaration of Personal Concerns:

My primary personal concern is that, at nearly every technical conference I attend, there is an increased Microsoft presence at a rate that far exceeds the market saturation of General Motors (1950's) and IBM (1970's)—both of which had dealings with the US Government regarding antitrust issues—in the American marketplace Given the extreme market penetration, the continuing patterns of abuse, and a marketing department that (quite frankly) lies at every opportunity, all I can say about Microsoft (with regards to this proposal) is the following statement:

''As a result of this proposal, Microsoft will have an increased presence on computers and computing devices in the near and long term. Consumers will continue to have less choice in the computing environments they use, as such, the proposed settlement will not have accomplished its goal—to end the Microsoft monopoly on computing devices''.

If the DOJ and Federal Government were serious about increasing consumer choice, you would have found a way to mandate Operating Environments (in general) on a percentage basis, in much the way broadcasting and monetary environments are regulated. Indeed, the political arm would have insured that no platform ever control more than, say, thirty percent of the user or server environment. Until the Federal Government and the DOJ acknowlege this reality, my choice in computing environments is, quite simply, Microsoft. The proposal has not, and will not, change this reality.

Thank you for your fine service, and I strongly appreciate this opportunity to express my opinions.

Sincerely,
John McBride,
North Edwards, CA

MTC–00004732

From: Scott Walters
To: Microsoft ATR
Date: 12/18/01 2:07am
Subject: Settlement Comments

Dear Renata Hesse;

I wish to go on record as I feel I have been materially harmed, as have all businesses and software developers in America. Microsoft sets a standard for compatability for nearly all computer systems in the United States. Competing systems by other vendors, such as Compaq, IBM, RedHat, SGI are frequently and genereally rejected for applications for which they are technically superior and more cost effective because they do not meet this standard of compatability set by Microsoft Corporation. The standard that Microsoft sets shifts to suit Microsofts needs. When competing products are able to interoperate with their file formats, programming conventions, or network protocols, Microsoft quickly changes the standards. As a result, people and companies genereally fear to use anything not endorced by Microsoft, as they know it will soon be incompatable. This afflicts even vendors who wish to support Microsoft, by building their software exclusively on this platform. Any company that makes good or useful software for Microsoft quickly finds that Microsoft has a version of their own software that is tightly integrated with Windows that is difficult to remove or replace. This has happended to Lotus, to dBase, to Netscape, to Harvard Graphics, to WinAmp—and hundreds of other companies and products.

A previous computer software and hardware monopoly, before being broken up, held the market from any outside innovation, and provided standard software programming processes and computer systems. These systems are the heart of many large companies, including my current employer, Qwest. These systems became deeply entrenched, after 15 years of monopoly. It has proven impossible to replace these computers or move the software off of them, due to their proprietary nature. The backbones of thousands of companies like Qwest/USWest are these ailing, proprietary, hulking beasts. They cannot be upgraded any longer to deal with the new demands increased capacity and business models have placed on them. Modern software design processes and methods don't apply to them. Even today, as each year goes by, it becomes harder and harder to replace them.

Closed, secret systems owned by a single vendor are creating time-bombs for the future. While businesses know they will never be able to run software for Windows on any other system, they are failing to consider the fact that the face of computing will have completely changed in 10 years. Unless Microsoft's protocols, file formats, and ''API'' (software's specification for interfacing to the operating system) are not intentionally minipulated to maintain incompatability and secrecy, we will face this same legacy, and this same disaster, again. Billions of dollars will be spent maintaining systems from a previous generation, while businesses information backbones could easily be taking on new shapes and dimentions. Every business bullied into using Microsoft products today for fear of being subjected to incompatability will find the future holds much greater threats.

This monopoly will essentially be leagized if Microsoft's offer is accepted. The corporations, software developers, computer manufacturers, and consumers deserve better then this. Microsoft can maintain a viable product and business without this. The quality of Microsoft's product will not noticibly deteriate, and will likely improve, if they are not held in a status where they can refuse to interoperate with other vendor's products. Data and resources being shared between computers will produce a more diverse, competitive market. Businesses will be able to elect to use software, hardware, and other technology that best suits their needs, including new, untested, experimental and futuristic ideas. Businesses will be at liberty to plan and build for a future, and to take this future in their own hands.

Thank you sincerely for your time and attention on this grave matter.

Scott David Walters
16231 E Balsam Dr
Fountain Hills, AZ 85268

MTC–00004733

From: Christopher Smith
To: Microsoft ATR
Date: 12/18/01 2:42am
Subject: Microsoft settlement

Apparently it is quite impossible for non-technologically enhanced people to look at the situation logically-especially US Justices. Trust in that if Microsoft is penalized to the letter and spirit of the law-that the sky won't fall. There are alternatives to Microsoft. It is incredulous to my mind that Microsoft has been allowed to thrive. Apparently Mr. Gates can buy ANYthing-even justice. I wish you all a lifetime of windows for your actions to date, may you live with unstable operating systems. thousands of computer viruses, and a stagnant tech sector due to your laissez-faire policies. Not to mention a megalomaniac named Gates. Usually I am sympathetic to people of Mr. Gates nature, for he is truly a unique individual. A real shame that due to his business practices and unrepentant behavior he is no better than a criminal, and since he is super-wealthy can buy what he wants. For myself I will not purchase Microsoft software, nor will I use it unless it is free, and superior. Fortunately Microsoft Macintosh products are superior in this area where Microsoft has had to compete with other Macintosh products. Microsoft CAN do a good job of software if they have to. Why do they have to under the settlement you propose?

I would rather not service Microsoft OS based computers in my work, and since I an a Macintosh specialist I don't have to. Even the new Windows XP will crash if a real load is put into the OS-not to mention the back orifices that report the contents of your hard drive to Redmond every time you connect to the internet. I realize that Microsoft has a piracy of software problem-but I am not prepared to live in a world where some engineer can look at the contents of my hard disk whenever I use the net. No thanks America, I'll stick with my Mac.

MTC–00004734

From: Karl Fusaris
To: Microsoft ATR
Date: 12/18/01 6:37am
Subject: Rewarding Crime

Dear Sir or Madam,

Rewarding criminals in exchange for their crimes sends the wrong message to everyone.

Yours truly,
Karl Fusaris

MTC–00004735

From: tidwell@tekelec.com@inetgw
To: Microsoft ATR
Date: 12/18/01 7:34am
Subject: microsoft.atr@usdoj.gov

Just upgraded to windows XP and wanted to share some concerns I have as a consumer.

During the upgrade process from Windows 98 MS informed me that Java would no longer work with my new system and must be removed for the upgrade. It also informed me that my Adaptec CD software would have to be removed as well.

While the Java issue makes me laugh the Adaptec issue IS SERIOUS. The reason being the software WILL WORK ON WINDOWS 2000 BUT NOT XP. XP uses the EXACT same 'kernal' as Windows 2000. So to use the analogy of a car I should be able to use the same gas but now I have to visit a different gas pump for CDs!

On further examination I find that MS is making it difficult for me to work with MP3 but PUSHING their own WMA format for CD data. I COULD NOT EVEN READ my Quicken data from a CD-RW disk because XP changed the driver.

Now for the cleancher ...

MS HAS LOCKED DOWN ACCESS TO DRIVERS. IF YOU WRITE A DRIVER FOR MS THEY HAVE TO APPROVE IT NOW. So now unless I do a deal with MS my driver would NOT GET USED by the average consumer. MS will use this to force upon consumers hardware and media that the consumers will have NO CHOICE on.

PLEASE PLEASE PLEASE stop this. The American software market will go to Japan or Europe if the bright minds in this country are not given access to the OS.

MS was born on 3rd base and wants everyone to think they got there by hard work. Well if MS is TRULY a competitive company then shouldn't their application divisions have to play by the same rules as everyone else?

MS only has to hit it out of the infield for THEM to get a homerun. For everyone else writing software you have to swing blind folded and HOPE you hit it.

I see no way for a software company to make money writing software that run on Windows. MS continues to dump on the market and sit on their cash. If an oil company was in the car buinsess would you let them give away CARS?

Then how can an OS company give away applications while still making money selling them? Why can't everyone see that if Ford and Exxon where the same company and DESTROYED ALL THE OTHER ONES that it would be a BAD THING. Operating sytems and application software SHOULD BE considered seperate markets. IF REVENUE IS GAINED. MAKE MS GIVE AWAY EITHER THE APPLICATIONS OR THE OS. MAKE THEM PICK.

No other software company can give away free code without someway to make a profit.

Sincerely,
Ed Tidwell
Raleigh, NC

MTC–00004736

From: Andrew Kuenzi
To: Microsoft ATR
Date: 12/18/01 8:31am
Subject: Microsoft Settlement

I think it is absolute joke that you would allow this company to settle when you have mountains of evidence and countless witnesses to the fact that this company has demonstarted, and continous to demonstrate monopolistic behaviors. It really makes me wonder what kind of justice we have when you have solid evidence to a crime, and from my last review of the laws of the United States, monopolistic behavior is a crime, and you choose to settle instead of procecute to the fullest extent. It would not surprise me to read that the justice department will also settle with Bin Laden for 2 years probation or a settlement of $100,000. You always take the easy way out. There are reasons laws are created. Either you enforce the laws or you change them.

MTC–00004737

From: PRAXIS Institute
To: Microsoft ATR
Date: 12/18/01 8:37am
Subject: MS Settlement

Greetings and good day.

We are requesting information on how to provide services to over 20,000 low income, at-risk, under-served, under-represented minority and ethnic youth. The Microsoft settlement with the DOJ is an answer to our prayers. We currently operate computer repair classes for our youth and families, but we need software and computers for their homes and their schools. Lots of schools. Could you please give us the relevant contact information from both the U.S. and Microsoft?

Thank you. We can be reached at 215.769.2441, 215.514.7680, 781.239.0115, and through this e-mail address.

Horace Arthur Trent III
President and CEO
PRAXIS Institute
CC:pdwhite@juno.com@inetgw

MTC–00004738

From: Immanuel.Babu@
industrialrisk.com@inetgw
To: Microsoft ATR
Date: 12/18/01 9:10am
Subject: Microsoft Settlement

I would like to register my strong reservations regarding the settlement reached with Microsoft. A company which limits consumers access to competitors software should not receive such a liberal settlement. The source code for the Windows platform should be open source so that all vendors would have an equal footing. There should be strict restrictions on the aggressive marketing policies of this company.

Best Regards
Immanuel Babu
860/ 543 6246

MTC–00004739

From: Marc Schafer
To: Microsoft ATR
Date: 12/18/01 9:14am
Subject: comments

Attached, please find my comments regarding the proposed settlement of the Microsoft anti-trust lawsuit.

Marc Schafer

Dear Sirs,

I am writing this letter to express my dissatisfaction with the proposed settlement against the Microsoft monopoly. I have worked in the software industry for 10 years now. Great strides have been taken in that time and Microsoft has made many contributions; however, they have used their power and control in the market to limit consumer choice.

They have taken advantage of their operating system monopoly to take over

every area of application software seen as profitable. They do this by providing their own internal developers with the Applications Programming Interface (API) for the Windows operating system well before the public has access to it. Some parts of the API are never published at all. Microsoft has also used bundling to great advantage. The anti-trust action started as a result of their unfair competitive practices used against Netscape and the results can already be seen. Microsoft has used it monopoly in web browsers to begin modifying existing web standards into proprietary, undocumented extensions that render some web pages unviewable in Netscape. Many content creators using Microsoft tools are not even aware that are using these extensions resulting in numerous pages on the web that simply don't work with anything but Microsoft tools. Microsoft enjoys unrivaled market power and uses its wealth to maintain this dominance. Licensing agreements with computer vendors ensure that the discount for ordering a machine with Windows installed is almost nothing while the retail purchase price of the operating system is large. As a frequent linux user, I have also seen companies producing software for both operating systems get purchased by Microsoft and forsake their linux products within months afterwards.

Despite their numerous abuses, the current proposed settlement does nothing to improve the comptetive situation. In fact, donations to schools will only cement Microsoft's position by training a new generation of computer users in a Microsoft only environment. The remedies against the monopoly must include the following:

1. Microsoft products must be listed as extra-cost options in the purchase of new computers, so that the user who does not wish to purchase them is not forced to do so. This means that for the price differential between a new computer with Microsoft software and one without, a computer seller must offer the software without the computer (which would prevent computer makers from saying that the difference in price is only a few dollars). Only then could competition come to exist in a meaningful way.

2. The specifications of Microsoft's present and future document file formats must be made public, so that documents created in Microsoft applications may be read by programs from other makers, on Microsoft's or other operating systems. This is in addition to opening the Windows application program interface (API, the set of ''hooks'' that allow other parties to write applications for Windows operating systems), which is already part of the proposed settlement.

3. Applications in markets where Microsoft enjoys a monopoly due to past anti-competitive behavior must be made available on non-Windows operating systems. For example, Internet Explorer should be ported to Linux/Unix along with the Microsoft Office Suite. Selling these products on other operating systems would generate revenue for the company yet they refuse to do it because it weakens their stranglehold on the market.

4. All Microsoft networking protocols must be published in full and approved by an independent network protocol body. This would prevent Microsoft from seizing de facto control of the Internet as they are trying to do right now by subverting Java and introducing extensions in their web server which are undocumented and work only with Internet Explorer.

5. Microsoft must make available for sale a ''bare-bones'' version of its operating system to prevent bundling. Although great arguments have gone on about what constitutes a ''bare-bones'' operating system, there are examples to work from. Linux, for example, still fits entirely on a single 1.4MB floppy disk.

6. Microsoft must be prevented from entering the hardware market. The introduction of the XBox clearly paves the way for a future for where Microsoft software will be the only choice and it will only work well on their own hardware. Without these remedies there will be no other operating systems, web browsers, or office productivity suites. The United States is a world leader in technology for the digital age. It is time for Microsoft's control over the future of the entire industry to be broken so that other innovators may have their chance to shape the future.

Sincerely, Marc Schafer

MTC–00004740

From: Brendan Moore
To: Microsoft ATR
Date: 12/18/01 9:28am
Subject: Microsoft Anti-Trust Settlement

Just wanting to convey my disbelief at the proposed settlement for the Microsoft anti-trust case. Allowing Microsoft to provide software to schools will have the effect of strengthening their position, not punishing them for past vioalations and preventing new ones. Any settlement MUST punish Microsoft for their past abuse of their monopoly position, prevent future abuses, compensate victims of the abuse, and allow current and future competitors a level 'playing field'. Nothing else is good enough; nothing else will send out a clear message that huge corporations such as this will not be allowed to abuse their extremely priveleged position.

Regards,
Brendan J Moore
23 Buller Road
Brighton
BN2 4BH
United Kingdom

MTC–00004741

From: Thomas Diehl
To: Microsoft ATR
Date: 12/18/01 9:40am
Subject: Public Comment

I usually do not comment on issues such as this trial, but I am baffled by how much leeway Microsoft has had in determining its own punishment for abusing monopoly power.

If a person commits and is convicted of murder, there is very little disagreement on whether jail time is appropriate punishment. The defendant doesn't decide the nature of the punishment. While I understand that there is little well defined precedent for this case, that does not justify repeated rebuttals of punishment until they fit within the control of Microsoft.

I would like to add my own suggestion for part of the punishment appropriate to the crime. One of the reasons Microsoft maintains a monopoly is control of the Office software sales. I would think removing proprietary rights to any file formats of current and future (5+ years) mocrosoft products would be appropriate. I believe that if this is done, it would allow competitors access to the market since purchasing microsft software would not be required for compatibility. This could have addressed issues with Java compatibility, preventing the continous upgrade path Microsoft forced on the office software consumers, and several other area where Microsoft is trying to gain control, such as video and audio formats, graphics drivers and others.

Thank you for taking the time to read this. as I have watched this case through several phases, the arrogance and poor morality of Microsoft has made itself readily apparent. I believe something must be done that will actually changed how business is done at Microsoft. The current settlement does not appear to offer any repercussions that could prevent microsoft from maintaining a monopoly through abuse of that monopoly.

Sincerely yours,
Thomas Diehl

MTC–00004742

From: Jason Glazer
To: Microsoft ATR
Date: 12/18/01 10:19am
Subject: Microsoft Settlement

I do not believe the proposed settlement will prevent Microsoft from abusing its monopoly position in the software market in the future. I call for structural remedies. Innovation is the cornerstone of the software industry yet innovation throughout the industry has slowed to a trickle. Microsoft provides innovative new features slowly in a measured approach so that they can ensure continued upgrades to software in future years. Office and Internet Explorer have seen very few real innovations since competition has ceased. No real competition or innovation is possible unless the competitive threat that exists today as Microsoft is removed from the industry. Microsoft prevents new companies from starting based simply on the fear that if they become successful they will face Microsoft.

Instead of the current settlement, please recommend that Microsoft be broken into many small companies (about 20). Each ''sub-Microsoft'' would be provided the entire set of source code and 1/20th of the employees chosen by lottery. These companies not be allowed to rejoin in any form for at least 15 years nor allow any of the companies to hire any programmer from any of the competing companies for the same 15 years. Any collaboration between the companies would be prohibited unless done in a open forum that anyone could attend for the cost of attendance. If Microsoft has been shown to have abused its monopoly position than only structural remedies can have any lasting effect.

Jason Glazer

MTC–00004744

From: Mark Carrara
To: Microsoft ATR
Date: 12/18/01 12:57pm
Subject: Proposed Settlement

As a user of Microsoft products, specifically the Windows Operating system I do not feel that the proposed settlement is a fair remedy for the illegal activities that Microsoft was found guilty of committing. Contrary to Microsoft's current spin on the matter, they were found guilty and the verdict was upheld by the appellate court. The only question open is that of a fair remedy. I feel that the remedy proposed by the current DOJ is based on political considerations and not what is fair for users and the country as a whole.

One argument put forth by the supporters of Microsoft is that it is in the 'national interest' that they not have harsh remedies applied. With the rapid reduction in the cost of computer components the operating system is becoming one of the most expensive 'part' of a modern computer. If Microsoft was not allowed to maintain the monopoly it has on operating systems, costs to consumers, including businesses, would be reduced, increasing profits throughout the economy.

Any remedy needs to address the ability of purchasers of computers be allowed to reduce their costs by not buying Windows when they purchase a new computer. Also sanctions must be put in place to prevent Microsoft from extending their operating system monopoly to other areas, such as the Internet.

Mark Carrara Technology Coordinator
School District of Gilman 325 N. 5th St
Gilman, WI 54433

MTC–00004745

From: David J. Liszewski
To: Microsoft ATR
Date: 12/18/01 1:19pm
Subject: Microsoft Settlement.

I suggest that this remedy be implemented and enforced as soon as possible. Today it is impossible to buy an Intel-based personal computer without paying for Microsoft software. I hope that the penalties are a sufficient deterrent: any amount less than hundreds of millions or billions is immaterial to them.

Sincerely,
David J. Liszewski

MTC–00004746

From: Chris Compton
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/18/01 2:12pm
Subject: Commentary on Microsoft settlement

While the DOJ settlement does seem a little light to me, it is the best offer on the table for the United States. The other states want to destroy Microsoft, you cannot let this happen. Despite the personal interest of the people at Oracle, Sun, et. al., Microsoft has propelled the microcomputer industry foreword to a standard. This benefits everyone (including people that don't own computers). I have been a professional programmer since 1989, and while I still prefer the Mac OS, I believe that especially with the current economy we need to SETTLE THIS CASE BASED ON THE DOJ RECOMMENDATION IMMEDIATELY.

Thanks,
Chris C.

P.S. In my personal opinion Larry Ellison is even less relevant than Steve Jobs.

MTC–00004748

From: Alexander Hutton
To: Microsoft ATR
Date: 12/18/01 3:18pm
Subject: Microsoft Remedy

To Whom it May Concern,

I am writing to you to express my extreme displeasure with the proposed anti-trust settlement.

The reasons for my displeasure are simple. If, in fact, Microsoft is a monopoly and has abused its position as found by the court system, then the settlement only serves to strengthen that monopoly, NOT remedy the situation.

It will not seriously punish Microsoft for the following reasons:

1.) The cost of goods provided do not equate to a ''cost detriment'' for the amount stated. Software, aside from the time to develop, the $1.00 or so it would cost to produce the CD and paper goods, only has value to the consumer. So even a billion dollars worth of software ''donated'' to schools might only actually cost Microsoft a hundred thousand dollars worth of $.02 compact discs.

2.) Microsoft has an enormous cash position. Even if they were to somehow be forced to pay 1/10 of their liquid assets, they'd still have more money than 99.999% of the businesses in the world, and certainly a grossly large amount when compared to various competitors. So much cash that, it would not put them or their business practices at risk, nor would it serve to curtail their monopolistic practices at all. Furthermore, the remedy will actually HELP Microsoft. If, for example, you were a rich Arab speaking nation that desired to influence the western world into increasing trade with your homeland. One way you could naturally affect that outcome would be if all children attending American schools were to learn Arabic. What better way to make sure that happens than to donate what seems like a huge sum of goods and services to the ''impoverished'' school systems of America? How much better for you if your donation actually didn't tangibly cost you any real considerable cash flow? Soon, these schools, whose foreign language programs have been languishing without proper funding, would almost automatically be producing young citizens to be fluent in Arabic—thus increasing the probability that when they entered the job pool they would use these skills to betterment of themselves and said Arab nation. In the same way, planting Microsoft products in schools (one of the few niche markets that Microsoft does not own 95% market share) will only encourage future use of their products and services, and wide spread adoption of their technologies. This remedy actually hurts competition, and increases their market share even more. Please consider other options, I would recommend options that actually increase the adoption of open standards authored and steered by multi-vendor bodies.

Thank You
Alex Hutton
Principal
Alexander Hutton, L.L.C.
http://www.alexhutton.com
614.596.0967

MTC–00004749

From: ross
To: Microsoft
ATR,rdestaf@home.com@inetgw
Date: 12/18/01 4:07pm
Subject: Microsoft settlement IMHO

Microsoft is a monoply.

1) OS dominance leveraged to maintain/create Application dominance

2) Application platform exclusivity to maintain/expand OS dominance Remedy/Solutions:

1) Seperate the OS from the Apps.: seperate the development/marketing decisions of MS–OS from MS–APPS, this may require seperation of money/ownership.

2) If MS provides an application free/below market value, then they should have to garantee it remains free for lets say 10years, that way we ensure it is not leveraging its OS profits for APPlication development. (Maybe allow pay-for distribution if app is pulled from market for 2yrs prior to return to the market place)

3) MS should offer OS-build-in-apps(free) as a second source-cd distribution seperate from their OS. Also these free apps should be installed in the same manor as other third party vendors. Should not be placed on start-bar as intrinsic to the OS.

4) If a MS-App gains a certain percentage of OS saturation or profit margin, then it should be required to port that app to other OS's Overview/Background/Discussion: MS (Microsoft) dominance as an OS (Operating System) provider gives them leverage as an Application provider. MS has manipulated it's OS to gain Application market share. This has occured by devalualing the actual cost of Application development from the App to the OS. In a Second method MS has modified its OS to give it's Applications prominance: by use of default settings and uninstallable Apps: DirectX, Internet explorer are not uninstallable (I believe MS's latest audio/visual player behaves the same). Thirdly, MS has limited OEM's ability to ''bundle'' third party apps with new machine sales. MS has used pricing leverage to limit third party inclusion.

MS does not provide it's excellent Application to other OS's (except in the MS-office/MAC case). The is small sales benefit of porting MS-Word to Linux/Solaris definitely out ways the possible loss of Desktop OS share. (IF MS-word was available to Unix, there would be very little push to move from Unix to MS–OS.) But, because of the MS-word reliance on MS-OS there is a trend to move from Unix to MS–OS. In my employment case, most users have two machines, one to run engineering apps and another computer to run MS–OS/MS-Office. I believe MS does not port it's Apps to Unix because it would negatively effect MS–OS market share. Overall MS does a wonderful job on its user interfaces and with interoperablity of its applications, but I believe the ability of microsoft to leverage it's

OS dominance to benifit it application market and it's ability to limit its apps to a particular platform restrict industry growth and increase reliance on MS instead of providing a better market.

I think the proper solution is to seperate the development/marketing decisions of MS–OS from MS–APPS, this may require seperation of money/ownership.

BTW: Having MS pay for computers and OS's for schools and local governments is not a solution, it has nothing to do with the problem. It is just greedy politicians looing for handouts from greedy corporations.

Ross M. DeStafeno

MTC–00004750

From: CCDHankA@aol.com@inetgw
To: Microsoft ATR
Date: 12/18/01 4:11pm
Subject: microsoft settlement

Dear Sirs,

I agree with many that a rush to settle this case can only aid Microsoft in achieving its continuing malpractice. I will leave it it position to expand its dominance of the software industry.

Henry G. Adams

MTC–00004751

From: slewis@mac.com@inetgw
To: Microsoft ATR
Date: 12/18/01 4:18pm
Subject: Microsoft

I find it hard to believe what is going on with Microsoft. As a shareholder of Apple stock, I must add that the settlement is extremely mild and will likely jeopardize Apple's share of the education market. I am against the settlement and the new proposed settlement from Microsoft. ''Microsoft's proposed settlement compels schools to adopt Microsoft technology. Most educators, along with Apple, think this is simply wrong. Any settlement must guarantee that schools have the freedom to choose, and this requires that Microsoft pay their penalty in cash, not donated Microsoft software which will cost them only pennies on the dollar. A $1 billion cash penalty represents less than 3 percent of Microsoft's $36 billion cash hoard,'' said Jobs.—taken from http://www.maccentral.com

Thank you,
Steven Lewis
1010 Lee St
Barboursville, WV
25504

MTC–00004752

From: rshiller
To: Microsoft ATR
Date: 12/18/01 4:22pm
Subject: Microsoft settlement

I am very disappointed that the government has caved in to the Microsoft Corporation. First, $1 billion is a drop in the bucket compared to what they have cheated its customers and suppliers out of. Second, the $half billion in software devoted to operating systems(OS) costs Microsoft practically nothing and gives their monopoly in operating systems a boost, giving them new markets(some punishment!). Third, there is no protection from or punishment of Microsoft continuing its monopolistic practices. Red Hat has offered to give these schools free operating systems if the amount Microsoft was to use for OSes is given to the schools in cash instead of software. This seems like a good deal too good to refuse! Please put me on any mailing list you have that would keep me informed about what you are discussing or doing on the Microsoft matter.

Thank you,
Robert N. Shiller

MTC–00004753

From: Scott M. Fulton, III
To: Microsoft ATR
Date: 12/18/01 4:30pm
Subject: Microsoft Settlement

Gentlepersons:

Attached to this e-mail are my comments with regard to the Proposed Final Judgment in the Microsoft antitrust matter. I am a published author, editor, and developer of software, currently in partnership with Ingenus. My credentials are explained in the attached comments. I thank you for directing this document to the proper authority, and wish you the best of holidays.

Yours sincerely,
Scott M. Fulton, III
Senior Partner, Ingenus
5664 Fen Court
Indianapolis, IN 46220 USA
voice: (317) 475–0212
Ingenus
5664 FEN COURT
INDIANAPOLIS, IN 46220 USA
(317) 475–0212
smfulton3@apexmail.com
Scott M. Fulton, III
Jennifer Fulton
PROFESSIONAL I.T. SERVICES
Editorial Consulting
Engineering Training
Research
18 December 2001
Renata B. Hesse
Antitrust Division
United States Dept. of Justice
601 D. Street NW
Suite 1200
Washington, DC 20530–0001
Ingenus

Dear Ms. Hesse:

I am submitting to you this document in accordance with the U.S. District Court's request for public commentary in the matter of the proposed settlement in U.S. v. Microsoft, Civil Action No. 98–1232, and New York v. Microsoft, Civil Action No. 98–1233.

I am currently a computer book author and private computing consultant, and until very recently, was employed with CMP Media, Inc. as a Senior Editor for the Planet IT Web site—one of the recent victims of the ''dot-com fallout.'' I have been a published author, editor, and correspondent in the field of computing for over 17 years, several of those years having been spent as one of Computer Shopper magazine's original contributors. Under the pseudonym ''D. F. Scott,'' I am the author of 13 books, nine of which are on the subject of Microsoft Visual Basic, one of that company's most prominent programming languages. I am currently working on my fourteenth title, on the subject of the Microsoft Access 2002 database. As an author, programmer, and private consultant, I am intimately familiar with Microsoft's products, applications architecture, and corporate history. I have developed software using Microsoft products for 23 years.

I know Microsoft, and I know my industry. I thoroughly comprehend how Microsoft's products, agendas, and conduct have shaped and defined computing as we know it today. I have friends and colleagues who work at Microsoft, and I have others who work with its current partners, its former partners, and its direct competitors. Having read Judge Thomas Penfield Jackson's Findings of Fact in the civil matter as rendered 5 November 1999, and having shared my opinions at length with others directly affected by those Findings since that time, I can state without hesitation that there is nothing in those Findings to which I take exception, or about which I personally can find any reason to disagree. I call your attention to the fact that these Findings of Fact were given deference by the Court of Appeals, despite that certain elements were called into question, and despite the disqualification of the judge. The Appeals Court's thorough study of the Findings of Fact, as well as the other evidence in the case before the District Court, uphold a quintessential truth whose importance transcends any scrutiny of judicial misconduct: Microsoft's conduct as a corporation and a manufacturer of computing products, is predicated upon an internal policy of deception, which includes deceiving customers, deceiving competitors, deceiving partners, deceiving its own vendors, and at some level, deceiving its own staff.

Although the Appeals Court—with reluctance—deferred to Judge Jackson's Findings of Fact, it appears to me that the settlement currently proposed by Microsoft and the Justice Dept. has ignored the basic tenets of those Findings. This proposed settlement does not specify the actions of a company that has violated the Sherman Antitrust Act—a fact which has been upheld by the Appeals Court. Instead, it is a document with ample evidence of being scripted by a company entangled in its own self-importance and intoxicated by a fundamental belief in its own immunity, and having been agreed to by a plaintiff that no longer represents the cause of fairness in free enterprise originally championed by Joel Klein and Janet Reno.

That Microsoft Corp. has monopoly power in key markets is not in dispute. To hold monopoly power in this country is not illegal, and in certain conceivable circumstances, it may even be justified. Microsoft achieved its monopoly power through means which stand the test of legitimacy under the closest scrutiny. Throughout its history, the company has shrewdly and wisely taken advantage of imminent and remarkable opportunities. Its initial agreement in 1981 with IBM, allowing it to produce compatible operating systems for non-IBM computers, actually created an industry where there had not been one before, and which actually might never have been. That competitors, including IBM, have been unable to produce viable alternatives to MS–DOS or Microsoft Windows, can indeed

be attributed to failures in foresight, design, and marketing solely on the part of those competitors. Generally, the prominence of Microsoft Corp. can be credited to its own legitimate successes, and to its competitors' legitimate shortcomings, wild notions, and simply wrong ideas.

But once Microsoft attained its lofty position, the measures it took to fortify, protect, and defend that position were clearly immoral, unethical, and as the Court of Appeals has upheld, illegal. The antitrust case against Microsoft has been mainly about deception as a means not of attaining prominence, but of ensuring it. Any remedy imposed upon Microsoft, or settled upon by Microsoft and the Justice Dept., must acknowledge this deception, must take steps to completely disable and render defunct Microsoft's means of deception in the future, and must in some measure compensate those who were harmed—if not monetarily, then through good faith measures that go beyond the requirements of an ordinary company to do respectable and competitive business in its chosen industry. As it stands now, the proposed settlement may actually be used as a tool to extend and sustain the sheath of deception Microsoft has sewn, to further its own interests, and to continue the basic falsehood that the state of the computing industry now is as it should be.

ENTER THE DUNGEON

Once it became a monopoly as early as 1988, Microsoft's executives almost immediately adopted a Watergate-style cloak-and-dagger approach to its internal corporate and even personal conduct, to the extent that some executives were privately relishing in the opportunity for them to emulate Nixon's ''plumbers,'' or characters from ''The Godfather,'' or anti-heroes from comic books, or even leaders of the Third Reich. The company's chief executives not only tolerated but helped foster this new approach, like ''dungeon masters'' in a role-playing game encouraging nastier self-characterizations by players who deemed themselves ''evil.'' Before the company had actually violated the law, Microsoft's executives were adopting other-worldly roles, imagining themselves as saviors of the world but rebels against the establishment, immunized from the laws that apply to mere mortals. It was this immersion in this surrealistic fantasy vision that empowered Microsoft not only to commit its undisputed violations of antitrust law, but also to defend its conduct to this very day as somehow fair, honest, innovative, and pro-competitive.

In 1994, Newsweek correspondent Michael Meyer sat in on a meeting of Microsoft's key executives, including then-CEO Bill Gates, and product managers who were discussing—while fully aware of Meyer's presence—the lackluster performance of their personal accounting software, called Microsoft Money, against a competitor, Intuit's Quicken. (Later, Microsoft and Intuit announced a merger, which even later fell apart.) In his 11 July 1994 article entitled, ''Culture Club,'' Meyer recounted his experiences in the boardroom:

Then comes a strange moment, the sort of thing that happens often at Microsoft, which seemingly within moments turns disaster into salvation. Talk has turned to broader trends in banking. Where's it going, what's in it for us. Banks are dinosaurs, says Gates. We can ''bypass'' them. [The Money product manager] is unhappy with an alliance involving a big bank-card company. ''Too slow.'' Instead he proposes a deal with a small—and more easily controllable—check-clearing outfit. ''Why don't we buy them?'' Gates asks, thinking bigger. It occurs to him that people banking from home will cut checks using Microsoft's software. Microsoft can then push all those transactions through its new affiliate, taking a fee on every one. Abruptly, Gates sheds his disappointment with Money. He's caught up in a vision of ''the transformation of the world financial system.'' It's a ''pot of gold,'' he declares, pounding the conference table with his fists, triumphant and hungry and wired. ''Get me into that and goddam, we'll make so much money!''

Here is Microsoft in action. In just three hours, it laid plans to buy at least two companies, ditched an alliance with a major financial institution, opted for another and made major moves into ''two incredible new worlds,'' as Gates put it—home banking and sports entertainment. Another company might take months to accomplish as much. It is important to note here that, seven years later, none of this ''of gold'' thinking actually led anywhere—not for Microsoft Money, not for Microsoft Corp., and not for the world financial system. Nothing took place that day, or any day since, on this particular subject that offended anyone's rights or broke any laws. Nor was Microsoft Money as a software product the least bit improved. Meyer was astonished by Microsoft's ''accomplishment,'' but today, little evidence of it remains outside of this article.

What did happen that day in 1994 is an example of how Microsoft approaches its everyday business: not by applying itself to the truths and principles and operating parameters of its chosen industry, and not by solving the arguably solvable problems put before it, but instead by concocting a fantasy world where Microsoft is the world's great benefactor, the great multitude is the recipient of its mercy and grace, and all other entities in the computing industry are either—to borrow a recently reborn phrase—''with us or against us.'' This is a world where media entities such as Newsweek, and professional observers such as myself, should stand in awe of that company's ''accomplishments,'' as if its role-playing conquests held tangible value in any currency in which common people trade.

How MICROSOFT LOST THE MORAL HIGH GROUND

In another civil matter separate from the suit brought forth by the Justice Dept., the Canadian software producer Caldera took action against Microsoft in U.S. District Court in Utah, on behalf of a product it had acquired from Novell Corp.—a competitive operating system called DR–DOS. (This civil action was later settled, and the specific terms of that settlement were undisclosed.) As revealed by evidence subpoenaed by Caldera and presented in its Consolidated Statement of Facts, Microsoft's executives openly conspired to develop MS–DOS in such a way that compliance with its principles would mean, by definition, incompatibility with DR–DOS. Later, these same executives came up with the idea of tying MS–DOS together with Windows—the first instance of ''tying'' in the company's history—in such a way that DR–DOS users would be artificially prohibited from running Windows 3.1. In fact, as the evidence in Caldera v. Microsoft indicates, Microsoft's idea of tying MS–DOS to Windows derived from its efforts to thwart the development of DR–DOS, and may have been created for that specific purpose alone and no other.

The Consolidated Statement in the Caldera case uses subpoenaed internal documents and e-mails from Microsoft executives to draw a picture of a company whose central, overriding, and only interest from 1990 to 1995 was not to produce a viable operating system for consumers, but to prevent Digital Research, and then Novell, and then Caldera from doing so. (Granted, IBM's OS/2 was also a Windows competitor during this time, although the Caldera Statement makes little mention of that system.) According to the Statement, in the summer of 1990, Microsoft's OEM sales force was directed to only use per-processor terms in licensing agreements with both small and large PC manufacturers, in order to prevent, as one account manager put it, ''losing them to DR.'' Per-processor licensing practices was the subject of one of the Justice Dept.'s first civil actions against Microsoft, and was a matter of contention throughout the current civil case. Such exclusionary licenses made it cost-prohibitive for manufacturers to offer DR-DOS, or any other alternative operating system, to their customers while at the same time maintaining their critical link to Microsoft. As Microsoft's company memoranda—excerpted in the Caldera Statement—indicate, the company was fully aware of that fact. For instance, there is this note of congratulations:

Congratulations are in order for John ''DRI Killer'' McLaughlan (No, he isn't having another baby) who signed a $2.5M agreement with Acbel (Sun Moon Star). The agreement licenses DOS 5 per processor on a worldwide basis for 3 years (they will be replacing DRI DOS which they currently ship outside the US).

In July 1991, Novell announced its merger with DR–DOS producer Digital Research, in order to build a stronger, more complete operating system product line that could compete on the same level as Microsoft, and that could be licensed to IBM, which had already identified itself as an interested party.

In a memorandum to fellow executives dated March 1992, Microsoft Vice President (now Senior Vice President) Jim Allchin spelled out his perception of the threat imposed by Novell: I still don't think we take them as serious as is required of us to win. This isn't IBM. These guys are really good; they have an installed base; they have a channel; they have marketing power; they have good products. AND they want our position. They want to control the APIs, middleware, and as many desktops as they can in addition to the server market they already own. We need to start thinking about

Novell as THE competitor to fight against—not in one area of our business, but all of them.

If you want to get serious about stopping Novell, we need to start understanding this is war— nothing less. That's how Novell views it. We better wake up and get serious about them or they will eventually find a way to hurt us badly. Allchin's concept of ''war'' sparked then-Windows Product Manager Brad Silverberg to advocate developing Windows 3.1 intentionally so that it gave DR–DOS users the impression that it could not run on that platform. The Caldera Statement provides this e-mail exchange between

Silverberg and his deputy (now Senior Vice President), David Cole: Cole: A kind-gentle message in setup would probably not offend anyone and probably won't get the press up in arms, but I don't think it serves much of a warning [* * *] What is the guy supposed to do? Silverberg: what the guy is supposed to do is feel uncomfortable, and when he has bugs, suspect that the problem is dr-dos and then go out to buy ms-dos, or decide to not take the risk for the other machines he has to buy for in the office. With company policy having been determined that the Windows user should be made to feel uncomfortable with the notion of using a non-Microsoft product, work began on how to intentionally develop the beta code of Windows 3.1 so that parts of it fail to execute on a DR–DOS platform. In an e-mail discussion excerpted in the Caldera statement, a developer of Windows 3.1 told his development manager, Phil Barrett, of an incompatibility he discovered between a disk cache utility for 3.1, code-named ''Bambi,'' and DR–DOS. The developer reports that he has created a build of the utility that solves this problem. Nevertheless, Barrett suggests in his response that this fix never see the light of day:

heh, heh, heh * * * my proposal is to have bambi refuse to run on this alien OS. comments? The approach we will take is to detect dr 6 and refuse to load. The error message should be something like 'Invalid device driver interface.' The actual error message in Windows 3.1 Setup would read, ''The XMS driver you have installed is not compatible with Windows. You must remove it before SETUP can successfully install Windows.''

Whether on direct instruction to do so or working on his own initiative, a Microsoft programmer made contact with Andrew Dyson, a technical support analyst at DRI, and in so doing identified himself as ''Roger Sour, Director of Windows Development, Microsoft.'' Explaining that he was trying to solve an incompatibility problem with the ''memory control blocks,'' this Microsoft developer requested information from Dyson on whether DRI has written Windows code to detect whether a program is running under a DR–DOS or MS–DOS platform. In the interest of fair play, Dyson submitted this information; but later, a DRI official wrote ''Roger Sour'' (whether or not he knew Sour existed is beside the point) to tell him that DRI was aware of Microsoft's plan to make Windows 3.1 fail on DR–DOS. The letter stated, ''Usually, when a software manufacturer feels that something in our operating system is preventing their application from running well, that company works with us to resolve the actual, perceived, or potential conflicts.''

In a letter dated 1 November 1991, Phil Barrett responded to the DRI official that there no ''Roger Sour'' at Microsoft, and added, ''Perhaps you may have been the victim of a prank.'' This ''prank'' was reported to the Federal Trade Commission, which contacted Microsoft later that week. News of the FTC contact prompted David Cole to write the following in an executive memo:

The bothersome part is where the hell is DRI getting their information. Are they just speculating? Seems like a pretty risky thing to do with the FTC? Did they interpret ''Roger Sour'' thing broadly and conclude we are doing it for Windows?

What bothered Microsoft more than the possible appearance of impropriety was the possibility of a mole within the company. For the next year and a half, Microsoft would deal with DRI, Novell (which acquired DRI), and the FTC as a single monkey on its back—the collective entity preventing Microsoft from smoothly integrating itself into the corporate computer network. Beginning in 1992, Microsoft would develop the entire Windows platform into ''Chicago''—a confusing amalgamation of possible development scenarios which only Microsoft would be able to decipher, leaving confused independent developers and consumers to sort them out for themselves. In a 16 June 1992 strategy document circulated by Microsoft's then-Vice President Brad Silverberg, the company outlined its concept of Chicago as a product that could be packaged three ways—as Windows for Workgroups, as plain Windows, and as MS–DOS. Thus, the answer to the question, ''Are you merging MS–DOS with Windows?'' could be ''Yes,'' and the answer to the question, ''Are you maintaining the two product lines separately?'' could also be ''Yes.'' This obfuscation, according to documents, was crafted deliberately for the sole reason of throwing off the competition and keeping consumers guessing, thus fulfilling the following directive Brad Silverberg had made in late 1991:

This is a very important point. We need to create the reputation for problems and incompatibilities to undermine confidence to drdos6; so people will make judgments against it without knowing details or fats [sic].

In 1993, following its acquisition of DRI, Novell re-engineered DR–DOS to become Novell DOS 7—a product which it promised would not only serve as a cohesive network and desktop platform, but which would also run Windows 3.1 without problems. At long last, the monkey on Microsoft's back became too much for Chairman Bill Gates, who on 21 July wrote the following memo to his subordinates:

Who at Microsoft gets up every morning thinking about how to compete with these guys in the short term—specifically cut their revenue. Perhaps we need more focus on this. After their behavior in this FTC investigation, I am very keen on this. Once again, Gates infuses his fellow executives and product managers with a lofty vision of Microsoft as having carte blanche, on account of its size, to set the rules for the industry, even if it means teetering on the edge of implying that it's above the law. With Gates, there is never a smoking gun. The job of providing the smoke is left to others, such as Jim Allchin who, in an 18 September 1993 memo, advised the following:

Sentiment is against us. We can and MUST turn this around. As we become more aggressive against Novell product and marketing-wise, we must get our mouth in order. The press, etc. is very sketical of us so one slip up and we get set back quite a ways. This really isn't that hard. If you're going to kill someone there isn't much reason to get all worked up about it and angry—you just pull the trigger. Any discussions beforehand are a waste of time. We need to smile at Novell while we pull the trigger.

The strategy that Microsoft concocted is for the company to represent Chicago as the successor to MS–DOS 6.3, and as perhaps Windows bundled with DOS and perhaps Windows merged with DOS. Consumers and businesses considering their upgrade options would have to consider the extent to which they considered Windows an asset. Not knowing whether the two products would bundle or merge, consumers were forced to evaluate MS–DOS as though it were Windows, and not for its own merits—which, against Novell DOS, were admittedly lacking. As long as Windows continued to support Novell NetWare—and it did, quite completely—consumers would conclude they had nothing to lose from their current NetWare investment, if they were to choose an all-Microsoft upgrade path for the future, which included DOS as well. The decision to actually merge DOS with Windows was withheld until the last possible minute—in 1994, well after what was supposed to have been Chicago's initial release date. This decision was the coup de grace to Novell DOS, indicating to buyers that there would be no need for a DOS once Windows 95 was installed.

Consumer confusion about Microsoft's course of action led to the desired result: Buyers turned away from Novell, believing what Microsoft itself calls its own ''FUD messages'' (fear, uncertainty, and doubt) about the future reliability of Novell DOS in tandem with Windows. The term ''FUD'' is said to derive from a similar term used by Pres. Nixon's famous ''plumbers''—the people hired to spread rumors and false information about possible presidential opponents. It is a term which shows up in Microsoft internal memos and documents as though it were its own brand name.

MIRACLE INGREDIENTS

The DR–DOS story is important because the behavior of Microsoft during the early 1990s established a prototype for its behavior during the ''browser wars''—one of the current antitrust action's two key periods of interest. It is in some ways humorous to note that Microsoft held little or no regard for the Internet as a global information resource, until such time as it perceived that resource as a threat to its business. Bill Gates actually wrote an entire book, ''The Road Ahead,''

that was a national bestseller, and that afterwards was amended as a ''Special Edition'' after its author had received too many inquiries about its omission of the Internet as a topic. Microsoft is not a company that believes in creating opportunities, or even in finding fair and open opportunities outside of its own corporate walls. This is a company whose key success during the 1990s was stifling the opportunities of others in order to protect its own products and intellectual assets.

After Novell had been thoroughly decimated by Microsoft FUD, the company turned its attention in late 1994 to Netscape, as the threat-on-the-horizon it needed to continue to function the way it had trained itself to do. Microsoft, as we all know now, perceived Netscape Navigator as a platform that could potentially be leveraged to distribute a future form of Sun Microsystems' Java as a substitute operating system. The cross-platform capabilities of Java awakened developers to the potential of crafting applications that did not need to rely on the resources of any one operating system exclusively—especially Windows.

As Judge Jackson's Findings of Fact show, Microsoft's internal policy was to develop its own Java programming language and applications resources—called J++—to appear to be compliant with Sun's Java, while actually presenting Java developers using Windows with non-portable libraries. Jackson writes:

In a further effort intended to increase the incompatibility between Java applications written for its Windows JVM and other Windows JVMs, and to increase the difficulty of porting Java applications from the Windows environment to other platforms, Microsoft designed its Java developer tools to encourage developers to write their Java applications using certain ''keywords'' and ''compiler directives'' that could only be executed properly by Microsoft's version of the Java runtime environment for Windows. Microsoft encouraged developers to use these extensions by shipping its developer tools with the extensions enabled by default and by failing to warn developers that their use would result in applications that might not run properly with any runtime environment other than Microsoft's and that would be difficult, and perhaps impossible, to port to JVMs running on other platforms. This action comported with the suggestion that Microsoft's Thomas Reardon made to his colleagues in November 1996: ''[W]e should just quietly grow j++ [Microsoft's developer tools] share and assume that people will take more advantage of our classes without ever realizing they are building win 32-only java apps.'' Microsoft refused to alter its developer tools until November 1998, when a court ordered it to disable its keywords and compiler directives by default and to warn developers that using Microsoft's Java extensions would likely cause incompatibilities with non-Microsoft runtime environments.

The part of this story that Judge Jackson didn't touch on, and that was not introduced as evidence, concerns Microsoft's efforts during 1996–1999 to promote a cloudy but potentially promising future system called ActiveX as an alternative to Java for developers, and an alternative to Netscape for Windows users. Just exactly what ActiveX was, is, or was supposed to be, isn't entirely clear. I understand this fact better than most people alive. In 1996 and '97, I wrote a book on ActiveX technology for developers, with the full cooperation of a major worldwide publisher. For the better part of two years, I wrote seven complete drafts of this book, overhauling the content each time in order to keep up with Microsoft's mind-boggling changes in its definition of the product/concept/marketing scheme.

In an early document for developers such as myself, dated 18 June 1996, Microsoft defined ActiveX in this way:

ActiveX is a set of open technologies that bring the power of the personal computer to the ubiquitous connectivity of the Internet. ActiveX takes the Internet beyond static text and picture documents to provide users with a new generation of more active, exciting, and useful experiences. For intranet developers (intranets are private Web sites published on internal, corporate networks), ActiveX provides core functionality for building robust enterprise-wide applications that offer enhanced functionality and productivity beyond basic HTML document sharing.

So in June, at least, ActiveX was a multimedia standard for Web sites. The very next month, Microsoft announced it was turning over stewardship of ActiveX to an independent body. In its press release, Microsoft quoted an independent industry analyst as stating the following:

COM and DCOM—the foundation for ActiveX—constitute the most widely used object framework, but as technologies owned and controlled exclusively by Microsoft, they were not vendor-independent solutions. In the hands of a neutral standards body, ActiveX can become a vendor-independent solution, enabling interoperability while allowing both developers and customers to take full advantage of their existing investments in OLE and DCOM technologies. ''COM and DCOM'' are, respectively, the Component Object Model and the Distributed Component Object Model. These are legitimate architectures which, in my view, represent some of the best ideas Microsoft has ever put forward. COM enabled source code from diverse and varied applications and program components to address one another dynamically, using a common framework and an amendable object language. This way, old programs could conceivably determine the capabilities of newer programs when they shared the same system, under a multitasking framework such as Windows 95. DCOM extended these principles to program components over a network, so server-based components could communicate with client-based components and provide them with requested resources. These were delicately intricate systems, but they were constructed with the best of intentions, and their creators deserve respect.

But it was apparently never the intention of Microsoft's executives to exploit the full potential of COM and DCOM. Instead, they deployed ActiveX as a marketing tool to befuddle the market as to Microsoft's intentions, and to repeat the company's successful strategy against DRI and Novell, this time to kick Netscape and Sun Microsystems into the death spiral.

Developers such as myself were given a myriad of mixed and often self-contradictory messages. In the summer of 1996, we were told that ActiveX was a system that would be deployed on Microsoft's Internet Explorer Web browser, to enable online applications from Windows servers to utilize controls—buttons, menus, lists, and common ''user interface'' elements—whose programs were deployed on the client side, thus freeing bandwidth and relieving much of the burden on the server. This was—and still is—a good idea. We were told that ActiveX controls would make use of a Windows feature called Object Linking and Embedding (OLE, pronounced ''olay'') to enable their code to be called up on the server side by container programs on the client side—again, a good idea. This utilization of resources would free the controls programs from the constraints of the client-side architecture called Microsoft Foundation Classes (MFC)—the architecture upon which Microsoft's Office applications are based. (Microsoft's developers are indeed capable of creating good ideas, and executing good plans based on them.)

In the fall of 1996, the FUD began. Microsoft offered developers a free, limited edition of its Visual Basic development environment, geared exclusively toward the creation of ActiveX controls. These controls, we were told, leveraged the power of MFC to make them more fully integrated with Windows. This went against the company's original design strategy, for reasons we couldn't yet fathom.

While the newly-formed ''ActiveX Working Group,'' assigned stewardship of the ActiveX standard, did establish a Web site for a brief period, the group only held a few token meetings, and even then with a subset of its membership. Many members listed on the Web site were surprised to find they were members at all. As soon as January of 1997, the Working Group had become a non-entity.

Later that same month, Microsoft announced its intention to deploy a network communications system then called Microsoft Transaction Server (MTS), and to market that system under the ActiveX collective umbrella. MTS would be the hub of a system that processed DCOM transactions over networks and over the Internet, between Microsoft servers and client systems that were running ActiveX controls. What confused us at first was the fact that DCOM was not OLE, so the ActiveX controls we had now appeared not to be the ActiveX controls we were supposed to build for later. Furthermore, the new controls—to be created using that free edition of Visual Basic—could only operate within the confines of a single, designated container program—which, not coincidentally, was part of Internet Explorer 3.0. So it appeared that the capability of Netscape Navigator to be adaptable, through a third-party product, to display and use ActiveX controls, was due for extinction.

By the spring of 1997, Microsoft had announced the replacement of its core database transaction protocol with something

called ActiveX Data Objects (ADO). This protocol would be used by Microsoft Office applications, and would be licensed for free to developers making their own programs for data transactions. For ADO to be deployed in a network environment, it appeared, the server would need to run MTS. So if everyday applications wanted to take advantage of Web deployment capabilities, Netscape was appearing to be less and less of an option. ADO objects were not controls—what's more, they weren't COM objects or DCOM objects either. So the umbrella seemed to be reaching further. Almost every Windows protocol had something to do with ActiveX—and thus, by association, something to do with future deployment over the Internet.

In the summer of 1997, Microsoft sprung the trap. MTS as a product was integrated with Internet Information Server, and very soon thereafter, IIS was incorporated as a native part of Windows NT 4.0. If your server had NT4, it had IIS, so it had MTS. On the client side, Internet Explorer would be ''sewn'' onto the front end of Windows 98, not as an integral part or even an inseparable one from Windows 98, but a part which the common user could not easily detach from it. Suddenly, the whole world of Windows closed in on itself, excluding Netscape and Sun technologies and immediately rendering them obsolete. Users abandoned Netscape in droves, and within only a matter of months. Sun's efforts to develop Java further, gradually slowed to a trickle. The death spiral still worked.

The code of conduct which the Appeals Court upheld as illegal use of Microsoft's monopoly power, stems directly from the code of conduct Microsoft taught itself in fending off the DR–DOS threat. It is not the behavior of an established, experienced company whose leadership position is bestowed upon it by its customers and partners. It is the behavior of an adolescent, catapulted quickly to prominence in a young industry, without ever having found the time or the inclination to learn how success may be achieved fairly and with honor. It is a spoiled brat kid that never listened to its elders, and has never come to appreciate the world outside of itself. It has erected its own psychological ''barrier to entry'' that prohibits it from absorbing anything of positive benefit—any new ideas, any good alliances, any substantive partnerships—from the outside world, out there, where the enemy lives. Paranoid, over-sensitive, and withdrawn, it hides out in its room, nails a ''Keep Out'' sign to its door, locks the door shut, loses itself in a video game, and drowns itself out with loud music laced with messages of pessimism and disdain. It is the unloved child. It is built in the image of its maker. It will not listen to reason.

Within the locked, sacrosanct confines of corporate headquarters or boardrooms, no fantasy world is illegal. Corporate fiefdom or chivalry may assume any degree of distortion, and black may very easily be declared white without objection. It is when these bizarre practices lead directly to tactics of deception, sabotage, and bad faith against not only a company's competitors but also its purported partners, and to a calculated campaign of consumer choice control, that they impede upon the rights of individuals, of companies and corporations, and of an entire industry. Microsoft's private fantasy world has evolved into a dangerous corporate subculture whose principles and motives threaten the very way business is done in America, in Canada, in Asia, in Europe, and anywhere there is a microprocessor.

When faced with a situation where the only rational option is for Microsoft to solve its own problems, Microsoft chooses instead to go on the attack against some outside enemy that could potentially expose or spotlight those problems. As a result, those problems may never be solved, but the enemy du jour becomes so damaged that the continued existence of those problems in the context of the industry as a whole, becomes inconsequential. To this day, serious bugs and deficiencies in Microsoft's operating systems and applications, discovered by myself and others and duly reported to Microsoft, remain uncorrected, quite possibly for fear of the political cost of exposing the problem by making the world aware of its solution.

Microsoft's distorted perception of the computing industry, and of the world as a whole, is important because of a fact which Judge Jackson came to realize but, all too soon, commented on: Any conduct remedy which relies solely upon Microsoft's own ability to scrutinize, admonish, and improve itself through its own means, will be treated by Microsoft's executives with disrespect and contempt. It's like a parent ordering his wayward son to shape up. The executives of Microsoft are as unwilling to consider such an order as an adolescent boy, bottled up in his room, is willing to remove his headphones and listen to his dad for five seconds. They are likely to ignore such an order altogether. I say this with the utmost respect: They don't give a damn what you think.

FIRST NOVELL, THEN NETSCAPE, NOW THE JUSTICE SYSTEM

Microsoft is a company which views all events and actions relevant to the computing industry, taken outside of its corporate headquarters, as attacks against it. These include not only new product announcements from Oracle or marketing agreements from Sony, but legal maneuvers, motions, and actions from the Justice Dept., and judgments and decisions from the courts. Microsoft's executives are charged with the mission to manipulate circumstances to its own advantage, so that the enemy's actions end up reinforcing the company's prominence. Bill Gates calls this mission ''kicking them into the death spiral.'' Here's how the death spiral works, paraphrased from Microsoft's own internal documents:

1. Make agreements with the enemy that build an interdependence between the enemy and us.

2. Generate uncertainty about our future course of action, to throw the enemy off-track.

3. Propose a clear solution to the uncertainty that depends upon a certain set of rules, and make it impossible for the enemy to turn you down.

4. Change the rules so that the enemy is forced to live with its own decisions, while we move to an entirely new world where the rules are different and we own the territory.

The proposed final judgment before you now, presented by Microsoft and the Justice Dept., is yet another clear example of the death spiral methodology, this time applied to the American justice system. Just as Novell was compelled to commit itself to a category of products that appeared to have been rendered obsolete, and Netscape was compelled to commit itself to offering for free a product that once generated revenue and that had been rendered in most consumers' minds unnecessary, the Justice Dept. and the District Court are being compelled to accept a vision of Microsoft's conduct for the future that is incompatible with Microsoft's own vision of the future. Microsoft plans to change the rules, to pull the rug out from under you, and move on to a new territory where it gets to make new rules.

Last 12 December, Microsoft counsel Charles F. Rule presented a statement to the Senate Judiciary Committee, defending its Proposed Final Judgment (PFJ) as taking corrective measures that are far broader than may even be necessary, given that ''four-fifths'' of Judge Jackson's findings were invalidated, by his estimate, by the Appeals Court. As with most prepared statements before a Senate committee, the latter part that no one has time to read aloud, is ''read into the record'' without objection. The body of this statement explains the three-part provisions of the PFJ. The following excerpt explains the Judgment's provisions with regard to the category of software called middleware:

The case that the plaintiffs tried and the narrowed liability that survived appellate review all hinged on claims that Microsoft took certain actions to exclude Netscape's Navigator browser and Sun's Java technology from the market in order to protect the Windows operating system monopoly. The plaintiffs successfully argued that Microsoft feared that Navigator and Java, either alone or together, might eventually include and expose a broad set of general purpose APIs to which software developers could write as an alternative to the Windows APIs. Since Navigator and Java can run on multiple operating systems, if they developed into general purpose platforms, Navigator and Java would provide a means of overcoming the ''applications barrier'' to entry and threaten the position of the Windows operating system as platform software.

A person might expect that a decree designed to address such a monopoly maintenance claim would provide relief with respect to Web-browsing software and Java or, at most, to other general purpose platform software that exposes a broad set of APIs and is ported to run on multiple operating systems. The PFJ goes much further. The Department insisted that obligations imposed on Microsoft by the decree extend to a range of software that has little in common with Navigator and Java. The decree applies to ''middleware'' broadly defined to include, in addition to Web-browsing software and Java, instant messaging software, media players, and even email clients—software that, Microsoft believes, has virtually no chance of developing into broad, general purpose

platforms that might threaten to displace the Windows platform. In addition, there is a broad catch-all definition of middleware that in the future is likely to sweep other similar software into the decree.

To summarize: It is conceded that Microsoft acted unlawfully to thwart any action that Netscape and Sun may have taken to use Navigator and Java as leverage for the distribution of an operating platform that substitutes for Windows. Microsoft is to be praised, says Rule, for its broad definition of middleware as more than just Web browsers, but many categories of software with functionality that currently isn't part of an operating system—software that could not displace Windows in and of itself, because it isn't really an operating platform like Java anyway. ''A broad catch-all definition of middleware,'' Rule calls it—essentially, any software that isn't Windows. Defined so broadly, anything that isn't on the Windows Setup CD-ROM could potentially be defined as middleware. The settlement's provisions would, conceivably, apply to Microsoft's treatment of the producers and manufacturers of any non-Microsoft package on a store shelf or Internet download site. Which sounds perfectly wonderful if we allow ourselves to forget recent history: Microsoft has a reputation for incorporating features from non-Microsoft software packages—or features which at least appear to incorporate their functionality—in new versions of Windows. The new digital photo management features of Windows XP are a clear and present example. What is to prevent Microsoft from adopting any new feature into Windows, thus narrowing the feature set of ''middleware'' at will? Certainly not the proposed judgment, which includes specific provisions enabling Microsoft to share resources with a third party for the development of products that compete with that party. From the top of page 5:

Nothing in this section shall prohibit Microsoft from entering into (a) any bona fide joint venture or (b) any joint development or joint services arrangement with any ISV, IHV, IAP, ICP, or OEM for a new product, technology or service, or any material value-add to an existing product, technology or service, in which both Microsoft and the ISV, IHV, IAP, ICP, or OEM contribute significant developer or other resources, that prohibits such entity from competing with the object of the joint venture or other arrangement for a reasonable period of time.

So conceivably, if we accept Mr. Rule's explanation, a category of software that was middleware in the past, could at Microsoft's discretion no longer be middleware today or tomorrow. But if you read the Definitions section of the PFJ, you discover Mr. Rule's explanation isn't entirely accurate. In this section, there are two main categories: Microsoft Middleware, and non-Microsoft middleware. The definition of middleware as ''Internet browsers, email client software, networked audio/video client software, instant messaging software'' applies only to the Microsoft category. In other words, the broad definition applies only if Microsoft is the producer of the broadly defined products. Non-Microsoft middleware is defined later in the same section in this way:

''Non-Microsoft Middleware'' means a non-Microsoft software product running on a Windows Operating System Product that exposes a range of functionality to ISVs through published APIs, and that could, if ported to or made interoperable with, a non-Microsoft Operating System, thereby make it easier for applications that rely in whole or in part on the functionality supplied by that software product to be ported to or run on that non-Microsoft Operating System. In other words, any product that exposes its own functionality to outside developers in the same way for Windows as for other operating systems, enabling them to conceivably write code that supports that functionality, for instance, for Macintosh, Linux, and Windows simultaneously. This isn't exactly Rule's ''broad catch-all definition'' that applies to instant messaging. Essentially, what this truly refers to is any software that establishes dependencies with other software, apart from the native dependence that all Windows software has with the Windows operating system.

Speaking as a developer, I can speak with experience: This definition may sound quite broad, but it isn't. Excluded from this definition are the drivers that software requires to be able to, for instance, print an image on the printer or display something on-screen—drivers are always considered part of Windows, even though Microsoft may not have written them. Excluded from this definition are the kinds of products whose mutual benefit, from the perspective of the user, is derived from their being bundled together rather than from their communication with one another—for example, Netscape Instant Messenger's bundling with Netscape Navigator. Excluded from this definition are programs that establish dependencies on categories of data (as opposed to programs or source code) that rely on the native operating system independence of the system that uses them—as, for example, MP3 music files are non-specific to Windows or Macintosh or Linux.

It is not broadness that distinguishes Microsoft's legal definition of middleware, but fuzziness. Depending on how you look at it, and where you look for it, it can be anything at any time. The conduct restrictions in the PFJ prohibit Microsoft from entering into agreements with manufacturers that, in turn, would prohibit them from choosing their own middleware for their own systems. Such restrictions would be important if we could be certain what it is that Microsoft is prohibited from prohibiting.

This fuzziness extends to the present moment. As I write, the entire ActiveX marketing scenario is in the final stages of being disbanded, in favor of a program architecture that replaces it entirely: the .NET (pronounced ''dot-net'') architecture. The basic principle of .NET is that Windows may be enhanced to include a just-in-time compiler (JIT) whose job is to execute programs in the Windows environment. The role of the JIT is analogous to that of the Java Virtual Machine (JVM), although Microsoft's implementation will have no cross-platform capabilities. Conceivably, as developers are compelled to switch their program architectures from the now-obsolete COM to the new .NET, the architectural model of the Windows application may be redrawn in such a way that ''apps'' become satellites of a sort—small, shared components designed to interoperate and, in so doing, produce a collective, de facto application on behalf of the user. In such an architectural model, middleware by one definition would not exist. The reason is because the functionality of a collective .NET application would not have to be ''exposed'' like the opening of a telephone directory—and as the PFJ expects—but is instead derived as a result of an independent assessment by Windows of the collective capabilities of the .NET component programs. Imagine telephones that could publicize their own phone numbers, and you get a glimpse of the idea.

The architectural concepts underlying Microsoft's .NET architecture are among the best ideas the company's developers have ever conceived. Nonetheless, the mechanism is being put in place today for Microsoft to change the rules yet again. Microsoft itself has stated in press conferences throughout the antitrust proceedings, that the rules of the computing industry change so fast that, by the time a judgment or settlement is finally reached, its terms will have been rendered obsolete by the very evolution of the industry. Microsoft is actively working to demonstrate this principle, and we must see .NET not only as a good idea, but a warning. As long as we consider Microsoft the de facto keeper of the computing dictionary, we will render that company of changing its terms—and to some extent, our lives as a result—on a whim.

Microsoft has a history of making its enemies follow a set of rules, which it then changes. Provisions in the PFJ would prohibit Microsoft from excluding from any party the right to include icons and menu selections on its systems that point to any software it chooses. As both a developer and an editor, I have heard news—whether it be controlled leaks or the usual FUD—that Microsoft is considering eliminating the ''Desktop'' as a feature of Windows, replacing it with a more resplendent, multimedia-oriented, Web-based system that's possibly tied into its MSN network. The Windows Desktop is where all the icons and menu selections are. If Microsoft changes the rules, these provisions would immediately be rendered archaic.

The provisions of the Proposed Final Judgment as they stand today would restrict Microsoft to behaving as we would expect any large, successful company to behave with regard to its partners, competitors, supporters, and customers, had that company attained its position of prominence by legitimate means. What the PFJ would have us forget is that Microsoft has a duty, at this point in its history, to make reparations to those parties whom it knowingly and willfully deceived. It must behave not as an ordinary large company, but as one with unordinary obligations to the market in which it does business: to provide its partners, competitors, supporters, and customers with more than is expected of the company that has operated in good faith, competed on the quality of its products and

services, and has not broken federal and state laws.

MICROSOFT'S WORLD, AND OTHERS

Unlike any single corporation in any other industry in the world, Microsoft has attained the freedom to dictate not only the terms of the course of action for others in that industry, but also the very terminology, principles, and rules of existence by which that industry operates. In 1984, an operating system was a ''bootstrap'' program whose basic function was to engage the computer, take keyboard commands from the user, and give the user some rudimentary access to stored files. In 2001, the operating system has become something which removes red-eye from photographs, bounces instant messages to digital cell phones, and handles copyright infringement management on behalf of music publishers—and all of these things, not particularly very well. This transfiguration of the concept of the operating system is referred to by Microsoft as ''innovation.'' No similar concept of innovation can be applied to any other industry in the world. In our own fantasy world, we can imagine an automobile industry whose leader endows its products with microwave ovens, paper shredders, and Spanish teachers. We can imagine the manufacturer calling these developments ''innovation.'' And we can argue that such developments would not be illegal in and of themselves. But even in that fantasy world, we cannot concoct a situation where the inclusion of these features in automobiles would in any way impede, hinder, or prohibit a consumer's means of nuking a hot dog, shredding a letter, or counting to diez by any other method.

Microsoft's incorporation of often arbitrarily-chosen new features in its operating system, by design, impedes the channel of delivery for any company whose business is specifically to provide those features. Knowing that, Microsoft has created its own little market where partners and potential partners bargain for prominence. The price of a partner striking this bargain is often the termination of its own native distribution channel for its product—without Microsoft's backing, neither the product nor the company can exist. And yet Microsoft itself has shown it had no intention for its partnerships to continue for any longer than it could conjure its own, self-branded alternative. Microsoft used its partnerships to develop new markets in voice recognition, storage security, file backup and restoration, messaging, imaging, multimedia, database organization and translation—markets whose main channel of distribution were controlled by Microsoft. Once that market exists, Microsoft rescinds its partnership and offers its own ''innovation'' as a substitute.

The Definitions section of documents in the current antitrust case, including the overturned District Court's Final Judgment, paints an outline for a newcomer to planet Earth of an industry constructed in general accordance with Microsoft's current vision. What an operating system is, what a ''browser'' is, what an application is, what a database is, are definitions that could have been supplied by a Microsoft manual. That a company should have such a defining vision should never be made illegal—any American company should be free to dream of redefining its industry. But the very definitions of these things as we have come to understand them, derive from Microsoft actions taken to defend its own prominence and thwart enemy attacks. Had these actions never been taken, our very understanding of the parts of a personal computer may be almost unrecognizable to the inhabitants of this world. Taking that into account, any remedial measure which accepts the present state of computing at face value, without taking into account not only what computing is becoming, but also what it might have been today had Microsoft never acted with such aggression and deception, is of no benefit to the companies outside of Microsoft who each should have the right to challenge Microsoft's prominence in a fair and competitive manner.

We use personal computers today whose processing power and data address capability supersede that which the Dept. of Defense categorized as ''supercomputing'' only eight years ago. Knowledge of their technology falling into the hands of enemies of the U.S., was considered a threat to national security. The processors on our desktops are capable of calculations which, as late as 1989, were deemed impossible given the laws of physics. Yet what can we truly do with these computers? Can we calculate the trajectories of celestial bodies? Can we give them voice commands and ask them to perform sophisticated analyses of financial transactions, bodily functions, or legal maneuvers? Can a computer tell me what I'm eating that jeopardizes my cholesterol rate? Can we make heads or tails of Enron's bookkeeping strategy?

These are jobs, the basic functions of which supercomputers of the 1980s could perform with ease. Yet the modern, everyday personal computer, whose processing ability supersedes that of those machines by orders of magnitude, just barely delivers enough power for you to type a letter, or keep a list of your colleagues' phone numbers, or even play a decent game of chess with you. Crashing has become one of the fundamental functions of a computer. Entire careers are spent by system administrators whose principal jobs are helping their users recover from system crashes. We speak often of how the computers on-board Apollo 11 had one-fourth the processing power of a T.I. pocket calculator. Today, an everyday personal computer, capable of literally millions of times the processing power of Apollo 11, has difficulty running a real-time simulation of the Apollo 11 on-board computer, without being bogged down by the colossal overhead incurred by the operating system. Most of us computer users and developers are just barely eking out our everyday jobs.

Had there been a true state of competition between Microsoft and other producers of operating systems over the last 15 years, this pitiful state of existence would never have come about. Microsoft yesterday and today has employed brilliant programmers, with the capability to endow computers with extraordinary functionality and richness of experience. These programmers—not just those outside the company—have been handicapped by the crippling weight of the monstrosity that has become Microsoft Windows, a platform that transforms the definition of ''moving target'' into an unfathomable, four-dimensional puzzle from which rational minds can barely escape.

It is bewilderment in the apparently minuscule importance of the law within Microsoft's own little world, that Judge Jackson attempted to express—and which, sadly, he did at the wrong time and with improper motivation. Judge Jackson's judgment was indeed clouded, as was Joel Klein's, and those of the other parties in this case who have attempted to craft an appropriate remedy for Microsoft's offenses. To date, no solution on the table—including the breakup of the company—has taken into account this obvious fact: Any remedy that fails to render the future executive conduct of Microsoft or its successor companies innocuous to those whom its prior conduct knowingly deceived, is no remedy at all.

NEW CONSIDERATIONS FOR THE FINAL JUDGMENT

Tough love, for a misbehaving adolescent child, often mandates that the parent be willing to cut that child off—not to kick him into the death spiral, but to make him live with his own choices. Microsoft would have itself continue to live in a world defined by the agreements it makes with others—how free and open they are, how restricted and narrow they may be, but in any event, how many agreements there are! It is my suggestion to you that, in the interest of tough love, Microsoft should be cut off. We must take steps to force Microsoft to live with the decisions that it has already made for itself. We must allow Microsoft to live in the world it has constructed for itself. But we must not allow circumstances to continue which force, or compel, or rely upon any other company doing business in the computing industry—software, hardware, services, networking, or elsewhere—to have to make any agreements with Microsoft whatsoever just to stay alive.

What if we're sick of Microsoft? Why must developers, manufacturers, vendors, and retailers be forced to endure even the fairest and most legally honorable of relationships with a corporation that has proven its inherent incapability to see value in the ideas, works, and products of others outside its own doors? Why must the rest of the computing industry be bunched together under the category of ''third party'' by legal definition?

In the early 1980s, the computing industry at large made a collective decision to support a single, pre-eminent operating system, and to trust Microsoft with the stewardship of that system. This decision was not reached by having been kicked into the death spiral. This was a rational decision made by honest, persevering corporations whose mutual interest was to build an industry together so that each could prosper.

Microsoft Windows did not, as Microsoft's self-authored history proclaims, compete head-to-head with other operating systems on equal turf, and achieve a position of prominence through overwhelming customer acclamation. MS–DOS—and by succession, Windows—were handed this position of prominence on a silver plate, under the

auspices of a bond of trust between Microsoft and the rest of the computing industry. This trust was the collective property of the computing industry. Microsoft violated, ruined, and destroyed that trust. Entire corporations were destroyed as a result, and others today struggle simply to break even.

To presume that Microsoft can make reparations for this violation by way of an agreement stating that it promises this will never, ever happen again, is to ignore the extent of the damage that was done. For Netscape, Sun, and Novell, the death spiral was indeed devastating, but their survival is foreseeable. They may each yet rise from the ashes, with or without Microsoft's aid—and they may be better off without it anyway. These are companies that may never benefit from any settlement on the content of future agreements with Microsoft. These companies don't want future agreements with Microsoft.

The offended parties in the Microsoft antitrust matter are Microsoft's many software development partners, the computer manufacturers who depend on Windows, the retailers who have the right to sell the products they want to sell, and most importantly, the consumers and businesses who rely on Windows every day. The state of Windows today—and as a result, the state of the way their businesses work every day—was designed, planned, built, and executed in bad faith.

In the interest of crafting a proper redress, I make the following suggested replacements for the terms of the District Court's Final Judgment:

1. Microsoft should cede stewardship of all components of its operating system directly related to the function of maintaining the readiness and usability of the computer, to an independent Licensing Bureau. This Bureau may be comprised of representatives of software manufacturers (including Microsoft); hardware manufacturers; leaders in services, support, and education. Any element of Windows whose basic function does not directly relate to the operability of the computer and its peripherals, may be retained exclusively by Microsoft. This definition may include Media Player, Outlook Express, and such elements that Microsoft has called ''Microsoft Middleware.'' This central element of Windows is referred to here as the Windows core.

2. Representatives of lawmaking entities worldwide will be appointed as special liaison to the Licensing Bureau, for the purpose of overseeing all development, licensing, and educational operations. This includes representatives of the US Justice Dept., but may also include representatives from the various plaintiff states, from Canada, from the EU, and elsewhere.

3. The Licensing Bureau will make public all relevant information required by any independent developer to be able to create an application or program for any purpose that developer may conceive, in a timely manner such that a program constructed using this information may be guaranteed to run on the most premium version of Windows commercially available for a period of time 24 months following the developer's receipt of the information. Costs incurred for this publication will be assumed by the Bureau, and the Bureau will be free to make certain premium versions of its publications—such as ''courseware''—commercially available.

4. The Licensing Bureau will serve as the central authority for licensing of shared Windows components to independent developers, for inclusion in independent programs. This way, developers who use a compiler package will be able to incorporate elements of shared code necessary for the software to perform common functions, such as display buttons and present menus.

5. Members of the Bureau will grant themselves licenses to produce, develop, distribute, and sell operating systems with any package, design, or name they may choose, but which has guaranteed compatibility with the Windows core, and whose principles comply completely with the level of interoperability and communication required by the Windows core. Costs incurred for licenses will be paid to Microsoft Corp., and for the first two years, Microsoft will be credited in any non-Microsoft version of Windows as the creator of Windows. For example, ''IBM Windows'' may include this message: ''Based on Microsoft technology.'' (Use the ''Intel Inside'' logo for a prototype.)

6. Each member of the Bureau will retain the right to develop (or ''innovate'') its own exclusive packaging arrangement for its own version of Windows. Hypothetically, ''HP Windows'' could include HP's own choice of media player, e-mail client, or instant messenger; and HP may even choose to make a ''plain'' version of Windows available without these items. Meanwhile, Microsoft may continue to offer Windows Media Player, Outlook Express, and MSN Messenger. Fair market competition will determine which package is superior.

7. It will be the sole and exclusive responsibility of the Bureau to determine for the benefit of its own members, as well as the computing industry at large, the developmental strategy for the Windows core, to assign the tasks of development to Microsoft teams or to teams from other companies, to manage the development process, and to ensure compliance with the interoperability principles of the Windows core. Microsoft has a seat at the table, but it's a seat among equals. It can elect to play along, or go home and sulk.

At this time in the history of the computing industry, and of the country as a whole, it is incumbent upon us all to get smarter very quickly. We now live and work in a society dependent upon the free and expedient flow of information. The computing industry has helped the concept of information to evolve to include not just news and mail, but functionality—the type of work that can be performed by software and yet represented digitally.

Microsoft's most ardent supporters have argued that it should not be the business of the federal government to interfere with, place controls on, or make restrictions to the free flow of information, or to any company that facilitates this flow of information. They are right. Acceptance of the Proposed Final Judgment as it presently stands, is a tacit surrender and assignment of all rights to restrict the free flow of information, by the federal government, to a single company. The Proposed Final Judgment defines the future as a magnification of the present—in a state of existence that does not appear to have evolved much from where we stand now. And yet we know that the company to which the government would, in effect, render this authority is capable of using its own monopoly power in deceptive ways to manipulate the information industry in such a way that every single transaction comes closer and closer to flowing, at some point, through Microsoft.

''Get me into that,'' Bill Gates is quoted as saying, ''and goddam, we'll make so much money!'' The free flow of transportation was engineered by geniuses—Henry Ford, John A. Roebling, Norman Bel Geddes—and championed by presidents—Abraham Lincoln, Theodore Roosevelt, Dwight Eisenhower. The free flow of ideas is one of the basic principles upheld by the United States Constitution. Up to now, all successful freedom has been constructed and established on solid principles. Are we truly prepared to draw up a statement that speaks for all of us as a people and a nation, that serves as a catalyst for the surrender of the free flow of information not to an institution defined by principles, but a corporation defined by deception? We are a smarter people than that. We know, for a fact, that all information, all knowledge, all wisdom is truly free, and that all people are entitled to fair and equal access. This principle will be demonstrated, clearly and unequivocally, either in the relative peace of today or in the turmoil of the future. You may spare the people a great ordeal now, against a powerful yet unprincipled force, by putting a stop to the death spiral. The way you do this is the way you deal with a wayward adolescent: Stop making deals. Take away its power. Spell out the law. And don't get kicked in yourself.

Yours sincerely,
Scott M. Fulton, III
Senior Partner, Ingenus

MTC–00004754

From: Jay Starkman
To: Microsoft ATR
Date: 12/18/01 4:34pm
Subject: Awful settlement proposal with Microsoft

Dear Sir or Madam:

Your proposed ''settlement'' with Microsoft still leaves me with an intrusive Windoz operating system that I can't avoid using because it's a monopoly. As a monopoly, other vendors' software is written to run only on Windoz. MS makes sure that the Windoz API calls cannot be emulated by another OS. A real settlement would require MS to publish all its APIs so that other OS's could write emulation code allowing Windoz-specific software to run on non-Windoz OS's like Linux and OS/2. It would allow me (not just computer manufacturers) to remove unwanted software like Outlook Express, NetMeeting, and Front Page. It would give me access to hidden directories and hidden registry entries. It would give me a choice of which OS I want to run given software and give me control over Windoz OS if I chose to use it.

I use both OS/2 and Linux, but it's becoming harder and harder as MS tightens the noose around those systems. Even surfing the Internet, there are sites written specifically for MS Internet Explorer and the Windoz user. The .NET and Passport initiates will seal Internet into the MS corral. Your ''settlement'' unchains a tyrant MS on the world. Innovation will suffer. So will my pocketbook. Just try to find a copy of Windoz XP for a non-fair traded price. Why did they even bother with a ''settlement''. It's a capitulation.

The second tragedy of September 11 is that it led to the unleashing of Microsoft.

Please fire every lawyer in the anti-trust division Justice Department.

They're all incompetent.

-Jay Starkman, CPA

Atlanta, GA

P.S. In 1973, I was employed by Price Waterhouse to assist with their anti-trust matters. I've got first-hand familiarity with the resources and connivance used to get the government to drop that case. The Justice Department is again being taken for fools. And you are!

Jay Starkman, CPA

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e-mail: jay@starkman.com

Atlanta, Georgia 30329

Internet: http://www.starkman.com

MTC–00004755

From: Karl Zaske
To: Microsoft ATR
Date: 12/18/01 4:42pm
Subject: Microsoft Settlement

The proposed settlement of the antitrust action against Microsoft Corporation is most alarming. As I understand it, instead of punishing MS for violating the law, this settlement rewards their misdeeds by providing them an unfair competitive advantage in one of the few markets where they have not been able to bully their way to domination, K–12 education. How can this possibly make sense? As punishment for abuse of monopoly power the remedy is to increase the monopoly? It's my opinion that Microsoft is making a fool of the DOJ, and Lord help consumers if this settlement goes through.

Sincerely, Karl Zaske

MTC–00004756

From: Rich Murdock
To: Microsoft ATR
Date: 12/18/01 5:18pm
Subject: Microsoft Settlement

Department of Justice

I have worked in Education as a computer Technician for 3 years and I have seen over and over Microsoft pushing out the smaller companies. No one can compete with them because they have the money to push out the little guy who needs to make a profit on everything, where Microsoft can afford to loose money just to get their foot in the door. Like this new proposal, it's like convicting a child molester and then for a punishment make him the director of a daycare center. If you want to punish Microsoft don't give them the oppertunity to molest more kids, make them pay by breaking them up or give half of last years income in cash to needy schools. This helps everyone, the schools need money and Microsoft has unfairly earned the money so take it away and give it to the needy.

Rich Murdock

Freshwater Education District

Computer Technician

MTC–00004757

From: Jeremy Richter
To: Microsoft ATR
Date: 12/18/01 6:21pm
Subject: Very Upset Citizen

As a citizen of the United States who believes in the spirit of competition, I am deeply concerned about the steps being taken to settle the Microsoft Antitrust case. I am a Macintosh user and like the choices that are provided to me using Apple's operating system. But with Microsoft's recent suggestion that a fair settlement could be reached by donating software to underprivileged schools, I am outraged. This is such an obvious ploy to gain additional customers that I can't believe the government is not objecting to it. Didn't they break the law? How does donating software to schools remedy the monopoly stranglehold they have in the PC industry? Allowing Microsoft to donate a billion dollars worth of software completely wipes out any competition. How can Apple and other companies compete with Microsoft in the education market if Microsoft's software will be for free? This isn't a remedy; it's simply creating an even bigger beast that will further destroy competition.

Make Microsoft donate billions in cash for its previous violations and have an independent organization manage how the money is dispersed. Currently, Microsoft has over $36 billion dollars in cash, so I'm pretty sure a few billion would not hurt them in the long run. This would be the right thing to do. In addition, Microsoft should be required to provide its popular Office Suite to both the Macintosh and Linux platforms indefinitely (and they should be released at the same time as the Windows versions and have the same features).

I am confident that most consumers believe preserving competition is worth having to spend a little more time and money to implement the right remedy for Microsoft's wrongdoings.

Thank you for your time and consideration

Sincerely,

Jeremy Richter

MTC–00004758

From: Gregory J. Smith
To: Microsoft ATR
Date: 12/18/01 6:33pm
Subject: Microsoft Settlement

I'm quite displeased that my government has decided to let Microsoft off the hook when they have been declared a monopoly. The terms of this settlement does little to prevent Microsoft from continuing their monopolistic practices and does nothing to punish them from their past regressions. Microsoft has proved itself as a fierce competitor and will stop at nothing to own what ever market it wishes to own. It will try and try again destroying it's competitors or at the last resort buying them out. At work I use a MS operating system, MS Office, we have MS servers and I use a MS web browser. Forget about using an ''alternative'' web browser, my IT department forbids it because it would be incompatible although technically possible. MS marketing at work!

Now they want to control my personal information with their .NET initiative. They say it's because that is what people what and they are just trying to give us what we want. The real reason is because MS wants to own a potential market and keep the rewards for themselves. They have shown that they have no interest in security or doing anything of interest to the user. They don't make changes until they are forced to and then they are often do a poor job or steal from other companies. I certainly do not trust Microsoft. From a Wired article: ''Microsoft chairman Bill Gates on Thursday defended the settlement as tough but one that ''we're really pleased to have.'' If Microsoft is glad to have it then it clearly does not go far enough. I hope that the judge will reject this settlement as inadequate. I also hope for a Department of Justice that is interested in protecting the interests of American citizens rather than the interests of large corporations.

Gregory J. Smith

1840 Peach Rd. NE

Rio Rancho, NM 87124

(505) 891–6160

gregjsmith@mac.com

MTC–00004759

From: AMERHOME@aol.com@inetgw
To: Microsoft ATR
Date: 12/18/01 8:18pm
Subject: Microsoft antitrust case

December18, 2001

Renata Hesse

Trial Attorney

Antitrust Division

U.S. Department of Justice

601 D Street, NW # 1200

Washington, DC 20530

By fax and Email: <A HREF=''mailto:microsoft.atr@usdoj.gov ''>microsoft.atr@usdoj.gov</A>

Dear Ms. Hesse:

We are writing to comment onissues in the settlement of the Microsoft antitrust case. We also wish to commend the Department of Justice for negotiating a fair and reasonable Revised Proposed Final Judgment in the case, and to urge the Department to resistefforts of Microsoft competitors to undermine the proposed settlement of thecase.

The American HomeownersGrassroots Alliance is the national advocacy organization representing, alongwith its sister foundation, the nation???s 70 million homeowners since 1983. Ourinterest in this case comes from the fact that nearly 60% of homes have one ormore computers. Those tools are increasingly important to homeowners who dependon them as tools for personal and business communications, financial managementand planning, adult and children???s education, and also to manage the rapidlygrowing number of home-based businesses.

In the early history ofthe personal computer industry there were many choices for operating systems,much as there are in

cellular telephones in the U.S. today. The utility ofpersonal computers was undermined by the inability of software written for oneoperating system to work on a different operating system, just as theincompatibility of today???s cellular telephone operating systems is a limitingfactor in their value to consumers. Over time the development of many types ofsoftware for the Windows operating system lead more and more consumers toselect the Windows operating system. Consumer preference for a wide variety ofsoftware applications, convenience, and ease of use also lead to a consumerpreference for the integration of software applications into the Windowsoperating system.

The evolution of theWindows operating system into an industry standard through consumer choice isthe most valuable consumer benefit of Windows. Actions taken to addressMicrosoft behavior should, in no case, undermine the current right of consumersto select Microsoft operating systems and popular arrays of integrated softwareapplications.

We believe the revisedproposed final judgment strikes the right balance in effectively addressingMicrosoft???s unacceptable practices and also preserves consumer choice. Theagreement calls for uniform pricing and allows computer makers flexibility toconfigure Windows and promote non-Microsoft programs. Both interfaces andprotocols necessary for other software to work with Windows must disclosed, andboth retaliation and exclusive agreements are prohibited. An independentlyappointed permanent technical committee will monitor compliance and assist withdispute resolution. The U.S. or any of the states have a right to inspect allMicrosoft documents and all source code for any Microsoft program, interviewany Microsoft employee, and order Microsoft to prepare any report under oathregarding any issues relating to the final judgment. Any person may complainregarding noncompliance to the Justice Department, the states and/or thetechnical committee and the plaintiffs can immediately initiate proceedings tohold Microsoft in contempt. We see no loopholes in this remedy.

Our members have noturged us to support more stringent sanctions against Microsoft. In fact webelieve there is little or no consumer opposition to the revised proposed finaljudgment. We oppose many of the suggestions of Microsoft competitors, directlyor through their influence of federal legislators, state attorney generals, third party organizations, for settlement provisions designed to increase their market share. These companies do not represent consumers, and consumers havemade their preference for the Windows operating system known by their actionsin the marketplace.

We thank you for theopportunity to present our views on this case.

Sincerely,
Beth Hahn
President

MTC–00004761

From: Kent L. Shephard
To: Microsoft ATR
Date: 12/18/01 8:29pm
Subject: Microsoft Settlement

To Whom It May Concern,

I have followed the case carefully and seen the effects of Microsoft's violation of anti-trust statutes. Microsoft has shown that it can't be trusted to not engage in this type of behavior. They had been brought before the court previously and found guilty of similar behavior. This settlement does nothing to protect the consumer or competition from Microsoft's abusive monopoly.

Quite frankly, this settlement had no teeth. What happens if Microsoft finds itself again guilty of this behavior? What action will be taken and what is the penalty? I see nothing outlined. Do they just get to walk and be told ''don't do it again''? What happened to punishment for prior actions? Do they just get away with putting companies out of business? Blatantly ignore the law and walk away?

I say this with the utmost respect. This settlement stinks.

Sincerely,
Kent L. Shephard
Kent L. Shephard
B2C2, Inc.
ASIC Design Manager
(510)814–7373 x153
kshephard@b2c2inc.com
The opinions expressed are mine
and not those of B2C2, Inc.

If I expressed them, they would have to be mine wouldn't they?

MTC–00004762

From: Bill Martin
To: Microsoft ATR
Date: 12/18/01 8:43pm
Subject: comments on proposed Microsoft settlement

As someone who has long believed that government anti-trust enforcement was unnecessarily heavy handed, I am nonetheless appalled and outraged by the Justice Department's handling of the Microsoft case.

I have studied what I can find about the terms of the agreement, and find myself wondering whether Mr. James had the wool pulled over his eyes due to his ignorance of (and/or bad advice on) the technical aspects involved, or whether ''the (political) fix was in.'' I am a retired Fortune 500 corporate financial executive, and as such, with in-house legal assistance, negotiated many eight figure financings and other agreements. I have never seen an agreement so full of loopholes. I honestly believe that the settlement agreement is worse than no settlement at all.

For the last four years, I have worked as the (volunteer) computer staff person for a local professional performing arts organization. I first built the network, including repairing and upgrading a hodge podge collection of donated PCs and building the server. I have then kept the network maintained since then, upgrading it when necessary. As such, I have greatly expanded my long time computer hobbyist's knowledge and am well aware of Microsoft's transgressions. I have watched them target and destroy many entrenched or potential competitors by improper use of their OS monopoly. I have seen them tell outrageous lies to the public, and later to the courts, to maintain and build their monopoly. I am a lifelong believer in free markets and capitalism; their behavior is an embarrassment to me and gives aid to those who would replace our economic system with socialism or state capitalism.

To refute just one faulty Microsoft technical argument that DOJ improperly accepted, secrecy is not a necessary, nor even a reliable, way to build a secure operating system. Microsoft used the secrecy = security argument to sell DOJ on allowing it to improperly keep parts of its OS inaccessable to firms writing competitive applications. Yet the most secure PC operating system in the world (Open BSD Unix) has made its code public. The ultimate security comes from having others review the code to find flaws. Microsoft's secrecy policy does not work; new security holes are found weekly. Secrecy merely delays the discovery of problems until the software is in wide use—maximizing the problem. The public would be better served by requiring them to publish their OS secrets—better served through improved detection of security holes, and also by facilitated competitors who are able to better program applications to run on Microsoft's operating systems.

I will not get into other technical issues here; they are well documented in the industry press and the Wall Street Journal. And their transgressions are well documented in the court record. Where is the punishment for their past misdeeds and perjuries? Where is the incentive for them not to continue the practices that the appeals court has properly found to be illegal? Where is there a single provision in the agreement that does not have at least one large loophole? They have clearly demonstrated that they will use (and extend aggressively) any opening that they can find (or create (or imagine).)

Microsoft has made fools of the DOJ. Please go back to the negotiating table or the courtroom. Further delay in justice is better than legitimizing Microsoft's illegalities and other misdeeds. The health of our economy demands it.

William R. Martin
2725 River Road
Virginia Beach, VA 23454–1210
bill_martin@usa.net

MTC–00004763

From: Mark Taggart
To: Microsoft ATR
Date: 12/18/01 9:06pm
Subject: An outsider's viewpoint

Make them give cash—$1 Billion—there's my opinion. If they don't like it, raise it to 1.5 billion, and keep going up because they are wasting your time and our tax dollars. I'm willing to be the tax payers have already paid a hefty sum for these hearings and with the $1 billion fine at hand we will at most break even. I'm not going to bother you with my reasoning any more than that.

Have a good day,
Mark Taggart

MTC–00004764

From: David Phillips

To: Microsoft ATR
Date: 12/18/01 10:35pm
Subject: Comment on proposed Microsoft Settlement
2689 Elmwood Avenue Apt 2
Kenmore NY 14217
716–874–9407
davep@niagaracyber.com

Greetings.

I'm writing to comment on the proposed Microsoft settlement. Microsoft's major penalty should be financial. They benefited enormously from direct and indirect effects of the intimidation tactics they employed. Also, they got caught lying bare-assed to Judge Penfield, which is a major disgrace. Under no circumstances should they be allowed to use a legal penalty to dump hardware and software onto a market segment, such as Education, which has seen a fair amount of competition over the years. For Microsoft to use your settlement as a 'free' way to kill Apple Computer, for instance, would be adding serious insult to real injury.

Alternatively, let Microsoft pay cash—not credit, not millions of copies of their inferior software with a marginal production costs of pennies per unit—to a completely independent foundation which can allocate funds to help EDUCATION. Not necessarily only for the most needy schools, but for the most needy geographical areas, such as rural or inner-city school districts. Some of those billions of dollars could—should the foundation so decide—go to local Headstart programs, for teacher professional development or to help school districts attract better-quality teachers. Math and Science teacher shortages, and the need to recruit girls into these fields, could be among the areas addressed by this foundation.

To recap: Microsoft should just pay money. Lots of it. And the recipient foundation must be COMPLETELY independent of Microsoft. And the funds should be able to be spent to alleviate ignorance.

Clearly, Microsoft's own executives could have used some civics lessons when growing up. How about we break that cycle of ignorance in this generation?

Thanks very much,
David Phillips, PhD.

MTC–00004765

From: Ole Sock
To: Microsoft ATR
Date: 12/18/01 11:23pm
Subject: Open letter to the confused Attorney Generals
Subject: Open letter to the confused Attorney Generals

The attorney generals in all 50 of our states should realize that the biggest monopoly of all is the ''Government (sic Public) Education System''. In order to curry favor with the influential education bureaucracy the two party politicians have allowed the fox into the hen house, fully disregarding the sound government procurement principle to never ''sole source''. In this respect the politicians have failed the taxpayer miserably. Even though we now have 5 year vesting the future looks grim for millions of baby boomers who have been bashed about with downsizings in the ''private sector''.

Competition and the supposedly global free market are the built in checks and balances to keep ''private'' sector goods and services reasonably priced. The ''public'' sector worker is largely immune from NAFTA and FAST TRACK. This is unfair and its further unfair to encumber an innovative company such as Microsoft which competes in the private sector. It's companies such as Microsoft that eventually produce a product to serve the public by taking over an entity that in its present state is cumbersome and an expensive burden on the backs of society. Our aging populace could better use these saved dollars for medical needs. Therefore I ask the AGs to stop encumbering our free market companies and direct their attention to areas that are bigger concerns to the taxpayer.

I challenge all states attorney generals to rid us of our biggest monopoly and stop violating the constitutional rights of America's children, which under the present situation does not provide an equal opportunity to education. Dangle that education dollar in front of our private sector technological companies and let the innovation of the free market bring a better and equal education to America's children at a cost that is determined by the free market.

If any of you 50 need further convincing in free markets for education try WWW.FRIEDMANFOUNDATION.ORG.

Ray Bastings
29 Hickory Lane
Malvern Pa 19355
FARKNARKLE@MSN.COM

MTC–00004766

From: laspencer
To: Microsoft ATR
Date: 12/18/01 11:35pm
Subject: microsoft settlement

Microsoft should be split up into 3 companies.

1. An operating system company.
2. An application software company.
3. A web browser company.

Microsoft has clearly abrogated the traditional rules for monopoly control. They are unrepentant. It is time for the federal government to limit Microsoft's power.

Lee Spencer
3323 Seawind Circle
Anchorage, AK 99516
laspencer@gci.net
907–345–0772

MTC–00004767

From: Bill Defelice
To: Microsoft ATR
Date: 12/19/01 7:52am
Subject: Microsoft Settlement

I would like to express my concern to the settlement in the Microsoft antitrust case. I am a computer support professional of more than 22 years with the past 16+ of those years spent in the area of education.

I have used a variety of personal computing operating systems in both the retail and educational channels, including those made by Microsoft (MS–DOS, Windows 3.11/95/98/ME/NT/2000/XP), Amiga, Commodore, IBM, Unix, BeOS, Novell and Apple.

My opinion is that a variety of operating systems other than Microsoft's provide superior features and performance at each stage of development of the personal computing platform. Yet Microsoft achieved a monopoly in excess of 70% of the personal computer market. Microsoft's illegal behavior in maintaining and expanding that monopoly to in excess of 90 per cent of the market effectively destroyed all existing competitive personal computing operating systems in the process, save one, and perhaps prevented others from being developed. There have been numerous ways that this has been documented, including the PBS television special ''Triumph of the Nerds'', which covers every aspect from Microsoft's own Bill Gates taking advantage of the original author of the PC Dos operating system to stealing the look and feel of Apple Computer's operating system used in the Macintosh and Lisa personal computer systems.

I am quite opposed to the settlement for several reasons. The one I most strongly object to is the fact that is provides Microsoft with an unfair advantage through an increased market share. By the fact they are to provide a majority of their settlement award with their own hardware/software in lieu of cash only strengthens the foothold of Microsoft in the educational environment. Many school districts, including the one I work for, utilize multiple computing platforms from Unix, Macintosh as well as Microsoft.

Receiving product from Microsoft not only hinders progress within districts like ours, but provides further deterioration of the other platforms utilized—regardless of the merits of these other platforms. I would recommend that Microsoft be required to pay a mostly cash settlement instead of providing them with an avenue for furthering their stronghold.

Microsoft was also convicted of illegally integrating its products and/or its key technologies to its monopoly operating system but that conviction was previously overturned. In my experience it is indeed Microsoft's tying key technologies to its monopoly operating system that has been the most damaging to open competition in the personal computing market. Microsoft was initially found guilty of this act and this should be remedied. The settlement formally forecloses any future opportunity to do so * this simply can't be allowed.

There doesn't appear to be any further action to prevent them from furthering their monopoly. The nerve of CEO Steve Ballmer stating publicly that he does not even know what a monopoly is after Microsoft was convicted of being one. This should show that the Microsoft mentality is they believe we are all drones and will be bamboozled anything they say as gospel! How can the American public believe that Microsoft will change their ways and become law abiding? There is no apparent incentive to keep Microsoft's compliance. There must be safeguards provided in the settlement to insure compliance as well as monitoring them to prevent deviation from those guidelines set forth for a settlement.

Respectfully submitted,
Bill DeFelice, Sr. Technician
Norwalk Connecticut Public Schools
Bill DeFelice

Sr. Computer—A/V Technician
Norwalk Public Schools
Instructional Technology Center
125 East Avenue
Norwalk, CT 06852
Tel: 203–854–4104

MTC–00004768

From: Eleanor J Morgan
To: Microsoft ATR
Date: 12/19/01 9:26am
Subject: Microsoft Settment

I think it is time the Government put this subject to rest. I feel other company's feel they aren't getting as much money and are poor losers. Bill Gate's has done so much for others and people are taking advantage of him. Hope something is done soon to get this behind him.

MTC–00004769

From: Wendell Galbraith
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/19/01 9:36am

Please do not let Microsoft get away again without stiff penalties. They use the words ''innovate'' and ''consumer'' over and over to bamboozle the public and lawmakers and force us to use their software. It got no publicity but research the case of ''Blue Mountain Arts vs. Microsoft'' and you will get a crystal clear understanding of what they do.

Wendell Galbraith
Research Director
WJMK Television
Boca Raton, Fl.

MTC–00004770

From: Rebecca Matthews
To: Microsoft ATR
Date: 12/19/01 10:37am
Subject: How do you apply for a grant?

Please let me know how you apply for a Microsoft grant.

RM

MTC–00004771

From: Steven Randolph
To: Microsoft ATR
Date: 12/19/01 10:58am
Subject: Microsoft Settlement

Gentlemen:

I am writing to express my disapproval of the proposed settlement with Microsoft in the anti-trust case. I heartily concur with the finding of the courts that Microsoft is an abusive monopolist that has acted illegally to limit competition. But the proposed settlement will not sufficiently restore competition. Microsoft should be divided into two independent companies as per the plan described by the original trial judge. Furthermore, strong measures should be taken to ensure that Microsoft does not ''bundle'' applications into its operating systems so as to prevent or discourage consumers from consideration of competing applications from non-Microsoft sources.

Sincerely,
Steven Randolph
6710 Taylor Road
Lakeland, FL 33811
863–255–8954
steven.randolph@starband.net

MTC–00004772

From: Bernard P Ducamp
To: Microsoft ATR
Date: 12/19/01 11:13am
Subject: Monopoly Maintenance

Please refer to the we site: http://www.byte.com/documents/s=1115/byt20010824s0001/. The article about the demise of BeOS points out the following: The reality is that Be's failure has made a point to the world, to whit: ''Don't bother trying to create a better commercial desktop OS—it doesn't matter how hard you try, how many engineers you throw at the problem, how much money you spend, how many years you put into it, or how wonderful the product is. Microsoft owns that (monopoly) space, and will VIGOROUSLY defend it.''

MTC–00004773

From: Mark
To: Microsoft ATR
Date: 12/19/01 11:17am
Subject: Comment about Microsoft antitrust settlement

Having worked in the computer industry for more than 20 years I have seen the bennefit TRUE competition as done for our industry. The current Microsoft settlement does nothing to promote competition and in fact further promotes Microsoft's monopoly into the education market. In the future, the underfunded schools will be forced to pay for upgrading Microsoft software. This is an expense our schools can't afford.

Additionally the true cost of the software Microsoft plans to donate is significantly less than the list price. A better solution would be to have Microsoft pay cash to the schools and allow the schools to spend to money on what ever they wish or non-Microsoft platforms. Redhat has offered to donate Linux for free. Let Microsoft buy the hardware. Or let the schools buy Apple computers.

I would prefer to see Microsoft broken up in to an operating system company and an application company.

Sincerly,
Mark Wisner
101 Farrell Ct.
Morrisville, NC 27560

MTC–00004774

From: holtf@redwood.rt.cs.boeing.com @inetgw
To: Microsoft ATR
Date: 12/19/01 1:42pm
Subject: Microsoft Settlement

Here's a snippet from an e-mail making the rounds today, 19 Dec 01—This is the sort of compliance you can expect from Microsoft:

''I understand that some people using Netscape's browsers had trouble reading my recent IETF trip report. Unfortunately, I had forgotten that Microsoft had changed their HTML conversion utility for Word2000 such that it creates great content for their IE browser but horrid content for Netscape browsers.

Because I used Word2000 to create this report, I have been getting emails reporting great frustration trying to read/access my report.

Fortunately, <name deleted> used a utility to strip out the Word2000-isms from an older version of my trip report. . . .''

The only innovative work we've ever seen from Microsoft has addressed avoiding standards and undermining competitors. The people impressed with Microsoft products are the turn-key users and those who benefit directly from the largesse. Everyone I know who works in information technology admires Microsoft's business strategy—a monopoly in an area the government doesn't understand. However, in these technical circles, I never hear Microsoft praised for its technical innovations or for its quality; quite the opposite.

(Technically, what has Microsoft *ever* innovated? A dancing paper clip? Seriously review this question of innovation with someone knowledgable in the history of information technology—every major Microsoft product is the result of purchase or imitation.)

Those in the industry know that antitrust action against Microsoft should have started in the late 1980s. The government has clearly been slow to understand the information technology sector of business. But finally the suit came, too late for Lotus and Caldera, but Microsoft's fundamental business practices had not changed. I can't believe that after winning the case, the U.S. Government is now going to capitulate.

Fred.

Fred B. Holt Phone: (425)865–4148
Math and Eng. Analysis FAX: (425)865–2966
The Boeing Company e-mail: fred.b.holt@boeing.com

The Boeing Company takes no responsibility for the content of this message.

CC:senator_leahy@leahy.senate.gov @inetgw,attorney.gen.

MTC–00004775

From: Richard D. Copeland, Jr.
To: Microsoft ATR
Date: 12/19/01 2:18pm
Subject: Proposed Microsoft Settlement

Renata Hesse, Trial Attorney
Suite 1200, Antitrust Division
Department of Justice
601 D Street NW
Washington, DC 20530;
(facsimile) 202–616–9937

Dear Sir or Madam:

I am a computer programmer and consider myself knowledgeable of the computer industry. I am writing concerning the proposed Microsoft settlement with the Department of Justice. Since Microsoft has already been found guilty, I consider the existing settlement to be severely lacking in several areas. As it is currently written, the settlement will not prevent Microsoft from continuing their anti-competitive behavior. Also, it provides no penalty for Microsoft's past behavior. A meaningful settlement needs, at a minimum, the following:

* Both the Windows API and Microsoft document formats (MS Word, MS Excel, etc) must be made freely available to anyone who wants them.

* Microsoft networking protocols must be standardized by a standards body. This will prevent Microsoft from using their private, proprietary protocols to seize control of new applications used on the Internet.

* Microsoft products should be provided only as extra-cost options on personal

computers. The software should also be available for the same price as the difference between a computer loaded with Microsoft products, and one without any Microsoft products. This will prevent Microsoft from ''bunding'' an entire kitchen sink of applications with Windows, increasing the price of Windows (either directly or indirectly), and preventing competition.

Sincerely,
Richard D. Copeland, Jr.
concerned, informed Citizen

MTC–00004777

From: Brian Uecker
To: Microsoft ATR
Date: 12/19/01 4:16pm
Subject: My support

I totally endorse the DOJ's settlement with Microsoft! Don't let those liberal, know-nothing states screw this up!!!

Brian Uecker

MTC–00004778

From: Russell Parker
To: Microsoft ATR
Date: 12/19/01 4:56pm
Subject: Microsoft Settlement

To whom this may concern, I am Russell Parker and have been a Systems and Network engineer for over 17 years. And as a professional in this field I would like to say that I think that the US Gov. is doing a gross case of Injustice in regards to the harassment of Microsoft. Why is it that the US Gov thinks it has to punish a company once they are at a certain size? As for as the claims that Microsoft does not play fair. That is just the cry of companies that do not have a product that is as good as what Ms has and they are using this to get an unfair advantage over Ms. If the consumer does not like what any company does they have the ''right'' not to buy from a company that does not do bossiness in the manor that they like. That is what happened to WordPerfect, and for the government to tell a company what they can and can not do is not only bring us closer to socialism in the US.

Russell Parker CNE, MCSE
4400 S. Bell Apt 102C
Amarillo TX 79109

MTC–00004779

From: Wally Flint
To: Microsoft ATR
Date: 12/19/01 5:02pm
Subject: antitrust issues

THE IDEA PROPOSED HEREIN IS THE DEVELOPMENT OF A STANDARD SET OF OPERATING SYSTEM COMPONENTS. The specification of these components is not a specification for how the components should work. Instead, it is only a specification for the nature and scope of components (what module does what), together with the interfaces for the components (how to ''connect to'' a component, or how to access the functionality of each component). I call this operating system the ''Standard Operating System'' (SOP).

METHODOLOGIES

Many well-known software companies (BEA, IBM, Sun, ...) compete on a level playing field to produce J2EE application servers. This ''fair and competitive market'' did not emerge from the mist of random free market chaotic activity. Instead, it developed on the basis of the following methodologies:

1) Modularization of Software

Dell manufactures computers from video cards, mother boards, and other electronic modules and components. Contrast this with the old way of carrying out circuit design—wiring together a bunch of resistors and transistors. With the old methodology, every electronic product was essentially ''custom built''. Then, electronic hardware became modularized. The integrated circuit (IC) offered complex functionality (such as an amplifier) as a modular unit. Circuit boards (like a PC's mother board or video card) offered even more complex functionality as a modular unit. If a circuit board goes bad, just replace it with a new one (as opposed to replacing the entire computer). If a cheaper video card appears on the market, companies like Dell can lower costs by changing to the new cheaper video card.

This modularization could not have developed without standards. For example, circuit boards have standard connectors that plug into standard sockets in the PC. If every video card had its own custom connector, then each PC design could use one and only one type of video card.

Just as electronic products are built from standard modules, large complex software programs may be built from standard software modules. For this to happen, the interface for accessing the functionality of that component must be defined. Standardizing a software module interface is analogous to standardizing circuit board connectors. For example, if a software module draws lines on the screen, then the line drawing functionality may possibly be accessed by calling a ''drawLine'' function, a ''paintLine'' function, a ''renderLine'' function, and so on. A standard is developed by choosing one of these names, and asking all component developers to use the same name. This allows software modules to be mixed and matched for a variety of purposes (optimization of cost, speed, quality, ...), just as hardware components are mixed and matched in the design of a PC.

2) Community Process Sun has developed a community process, called the ''Java Community Process'', for allowing interested parties to influence the development of a standard. (www.jcp.org)

3) Proving Compliance with a Standard To prove compliance with a standard, a compatibility test suite is developed. A compatibility test suite is a software application that exercises the various functionalities of a software module, and verifies that the behavior that results is the same behavior as that required by the standard. The same compatibility test suite is used for all software module developers, producing a ''level playing field'' for competition in meeting the standard.

(http://developer.java.sun.com/developer/technicalArticles/JCPtools/)

IMPORTANT FEATURES OF THE METHODOLOGIES DESCRIBED ABOVE

A) These methodologies allow code to remain proprietary (unless a company elects to open source its code), yet still facilitate competition for all operating system components. They also facilitate mixing and matching components. You could run a Microsoft kernel with a windowing system from company XYZ, or visa versa. Allowing code to remain proprietary stimulates competition and investment, promotes quality, and is fair to investors.

B) Part of the difficulty in solving the anti-trust problem lies in defining where the operating system ends and software applications begin. Should an instant messenger be classified as an operating system component, or is it a software application? This issue is highly significant when trying to determine whether Microsoft is bundling its applications with its operating system, and thereby forcing consumers to purchase the applications in order to get the operating system. I call this bundling phenomenon ''operating system creep''. Operating system creep is the process of expanding the definition of word ''operating system'' for the purpose of legitimizing the practice of bundling applications with the operating system.

The above methodologies indirectly provide a solution to the problem of operating system creep. Assume the standard operating system is developed as a bunch of components, instead of as one giant blob. In this case, the standard for a given component may change frequently while the standard is maturing. However, the standard for that component will eventually stabilize, and thereafter the standard will probably not change very often. After a component standard has stabilized, companies that develop that component are not affected by operating system creep. That is, if company XYZ markets a component for rendering the desktop on the screen, then that component cannot be adversely affected if Microsoft bundles an instant messenger component with its version of SOP. Under the current situation (no standardized modularization), the entire operating system is pushed onto the consumer as a single giant ''blob'' (a single giant component), and in this case, no other company can compete to provide this giant component, because the component changes with each iteration. (For example, the giant component may include an instant messenger in one iteration, where it did not include an instant messenger in the previous iteration.) But with standardized componentization, the standard for a given operating system module eventually stabilizes, and all companies can then easily compete to implement that standard. The point is that the standard for a stabilized component cannot be affected by changing the scope of what is considered the ''operating system''.

C) In order to end up with a quality design, an industry consortium should develop the standardized interfaces, as well as the scope of those interfaces (should it be one big interface, or a component for screen rendering, a component for I/O, and so on? should screen rendering be one big component, or should it be broken into several sub-components?). The industry consortium could standardize components using a process similar to the java community process described above.

ONE ASPECT OF THE REMEDY

Suppose the Windows operating system is required to implement the SOP interfaces. In

this case, if Microsoft applications (such as Microsoft Word) communicate with Windows using proprietary (non-standard) interfaces, then this effectively creates an artificial shortage of applications for competing operating systems. Looked at another way, it forces competing operating systems to implement the proprietary interfaces to become ''Microsoft Word compatible'', and thereby destroys the standard. Perhaps one aspect of a remedy could be requiring Microsoft applications to use ONLY the standardized interfaces.

MTC–00004780

From: Tom Harwood
To: Microsoft ATR
Date: 12/19/01 5:32pm
Subject: Microsoft Settlement

Microsoft Is An Unrepentant Criminal And Must Be Treated As Such: On November 29, we first noted that the 60-day comment period on the Microsoft antitrust settlement with the Justice Department and nine states had begun. Today, we filed our comments on the settlement. It is incredulous to us that anyone could think that the settlement is reasonable and effective. Here is the text of our submission to the Justice Department: ''I would like to express my opposition to the settlement in the Microsoft antitrust case. I am not a lawyer but a user of personal computers, a tool essential to my livelihood for approximately 20 years. I have used many personal computing operating systems over the years, including those made by Microsoft (MSDOS, Windows 3.11, Windows 95, Windows 98, Windows ME, Windows NT 4.0 and Windows XP Pro), Amiga, Commodore, IBM, Texas Instruments and Apple Computer. My opinion is that operating systems other than Microsoft's have been superior in features and performance at each stage of development of the personal computing platform. Yet Microsoft achieved a monopoly, i.e. in excess of 70 percent of the personal computer market. Microsoft's illegal behavior in maintaining and expanding that monopoly to in excess of 90 per cent of the market effectively destroyed all existing competitive personal computing operating systems in the process, save one, and perhaps prevented others from being developed.

''I am firmly opposed to the settlement for three principal reasons. First, the settlement does not in anyway compensate for the effects of Microsoft's illegal maintenance of a monopoly. Second, it forecloses further pursuit of illegal tying. Third, its attempt to prevent future illegal monopolistic behavior is inadequate. ''Microsoft stands convicted after appeal of conducting illegal acts to maintain its monopoly of personal computer operating systems. Microsoft's illegal acts certainly have cost consumers billions of dollars directly and possibly much more by preventing the development of alternatives. We will never know what we've lost as a result of illegally stifled competition. Yet the settlement does not provide even a minuscule penalty for the deleterious results of Microsoft's egregiously illegal behavior. It simply dismisses this and proceeds with a lame attempt to prevent a continuation of such illegal behavior. No corrective action of any type that simply attempts to put Microsoft on a legal course can be reasonably construed to be a penalty of any sort. A penalty is required and none is provided by the settlement.

''Microsoft was also convicted of illegally tying its products to its monopoly operating system but that conviction was overturned on appeal based on the standard used by the District Court judge to convict Microsoft. The issue was remanded to the District Court for further consideration. A decision to not pursue the illegal tying issue is formalized in the settlement even though the Justice Department announced that it would not pursue it before entering into the settlement. In my experience it is indeed Microsoft's tying of its products to its monopoly operating system that has been the most damaging to competition in the personal computing market. Microsoft was initially found guilty of illegal tying and the remanded issue should be pursued. The settlement formally forecloses the opportunity to do so.

''Finally, the settlement is inadequate to prevent Microsoft from continuing its practices of illegally maintaining its monopoly. Clearly, Microsoft is an unrepentant criminal. As an example, its CEO Steve Ballmer was quoted as stating that he does not even know what a monopoly is after Microsoft was convicted of being one. It is totally incredulous to believe that Microsoft will simply go forth and be a good corporate citizen. While the settlement contains provisions to enforce its restrictions through oversight, the burden is on the government to catch Microsoft in the act and, if so, then Microsoft is simply returned once again to proceedings such as these. Where is the incentive for Microsoft to comply? My mind boggles in that this is the second time that a settlement of this nature has been reached with the same convict. The second is no more satisfactory than the first. Any resolution of this case against Microsoft must provide appropriate incentives for the unrepentant criminal to comply with the law.''

MTC–00004781

From: Jen Huebert
To: Microsoft ATR
Date: 12/19/01 6:14pm
Subject: Microsoft Settlement

I am writing to express my support for Steve Satchell to be a nominee for the three-member committee stationed at Microsoft for the Microsoft Anti-Trust Compliance Committee. I believe Mr. Satchell is well qualified for this postion, and would be a fair and knowledgeable member of the committee.

I would like to comment on the case for public record according to my rights under the Tunney Act:

One of Microsoft's chief claims during this trial was that times and the nature of business have changed, and that anti-trust enforcement ought to be different today than it was when the laws were first passed over a century ago. Microsoft now appears to be leaning on this to disenfranchise many of the people and organizations who feel they have been damaged by Microsoft's actions.

Here's the explanation:

The remedies in the Proposed Final Judgement specifically protect companies in commerce—organizations in business for profit. On the surface, that makes sense because Microsoft was found guilty of monopolistic activities against ''competing'' commercial software vendors like Netscape, and other commercial vendors.

Microsoft's greatest single threat on the operating system front comes from Linux—a non-commercial product—and it faces a growing threat on the applications front from Open Source and freeware applications. The biggest competitor to Microsoft Internet Information Server is Apache, which comes from the Apache Foundation, a not-for-profit. Apache practically rules the Net, along with Sendmail, and Perl, both of which also come from non-profits. Yet not-for-profit organizations have no rights at all under the proposed settlement. It is as though they don't even exist. Section III(J)(2) is a prime example, and Section III(D) is another. Under this deal, the government is shut out, too.

This is all cause of great concern, and should be to us all.

Regards,
Jen Huebert
jhuebert@postmark.net

MTC–00004782

From: frank xu
To: Microsoft ATR
Date: 12/19/01 6:43pm
Subject: the settle is fair and benefical to consumers

TO who it may concern,

I think the settle fair and benefical to consumers. Any opposition to this settle has seen to be only benefical Microsoft's competitors such as SUN and Oracle. The products from these MS competitor have much higher price, in the order of magnitude.

Tax payer's money should be used to help companies to make good and more products, not to put any limit on all the good stuff MS created and consumers have long been enjoying. MS competitors should spend more time on improving products intead of firing laws suits which are waste of Tax payer's money.

Thanks for asking public opinion.
Frank Xu

MTC–00004783

From: James Dixon
To: Microsoft ATR
Date: 12/19/01 9:35pm
Subject: Comments on the proposed settlement.

Dear Sirs:

I am writing to voice my opinion on the proposed settlement in the Microsoft antitrust trial. I have no legal training and am writing solely as an informed layman. I do have experience with computers, as I have worked as a computer technician for the past 6 years, and have been using computers since 1976.

Microsoft has been found guilty of establishing and maintaining a monopoly in the field of computer operating systems. It is my opinion that the proposed settlement does nothing to penalize them for past illegal actions taken in this regard, and does little

to prevent such actions in the future. Quite frankly, in both this trial and the previous one, Microsoft has shown a complete and total disregard for the law and legal agreements. Any penalty must take this into account, and be crafted accordingly. I believe there are three simple components to such an effective penalty.

First, Microsoft should pay a large fine for its past actions—large not just in layman's terms, but in relationship to the size of the company and it's current cash reserves. This money should be used by the court to compensate those injured by Microsoft's illegal activities. How best to do so is a matter best left to the judgement of the court. This serves two purposes. Hopefully it reminds Microsoft that there is a penalty to pay for breaking the law, and thereby dissuades them from doing so in the future. More importantly, it reinforces the standard (and reminds the public and other corporations) that the rule of law is absolute, and disregard of it will not be tolerated. Secondly, since Microsoft is an acting monoply, it should be regulated as one. Microsoft should no longer be allowed to negotiate individual license fees for Windows and Office. Instead, as with other regulated monoplies, they should publish a public tarriff which lists the quantities and prices at which their products may be purchased. This would prevent Microsoft from providing reduced prices in exchange for exclusive contracts, a popular tactic of Microsoft's in the past. This tarriff would be the only way in which Microsoft would be allowed to sell their products. Since this is a fairly harsh penalty, it should probably be subject to periodic review to determine if it is still required. Every 3–5 years would seem to be appropriate.

Thirdly, all API's to Microsoft's products should be made public. This should be enforced by a panel of outside experts with full access to Microsoft's source code, and their decisions should be binding. No API's, security or otherwise, should be excluded, and the disclosure should be fully public, not limited in any way. This will prevent another of Microsoft's popular tactics, reserving hidden API's and only partially documenting others.

Taken together, these three components will act as a significant check on future illegal activities on Microsoft's part, and will allow competing firms and Open Source developers to offer products which both compete and interoperate with Microsoft's. They do not, of course, address the full range of Microsoft's illegal and anti-comptetitive actions, but doing so is outside of my capabilites or time. These are the points on which I feel qualified to speak, and I believe my recommendations are both simple and relatively easy to implement, especially in comparison to the currently proposed settlement. I would like them to be considered in lieu of or in addition to the proposed settlement.

Finally, if Microsoft cannot agree to these types of regulations, or breaks the agreement in any way, final drastic action is required. Just as a convicted criminal can no longer be allowed to possess weapons, if Microsoft cannot act within the law their weapons should be taken from them. In this case, those weapons are Windows and Office. If Microsoft will not agree to these terms, or live by them, the copyright to Windows and Office should be removed from them and placed in the public domain. I realize this is an extreme and drastic action, but given Microsoft's well demonstrated and total disregard for the law and lawfully negotiated settlements, I can think of no other final penalty which meets the needs of the public.

Thank you for your time and patience.

Respectfully,

James E. Dixon
Route 3, Box 85-B
Mannington, WV 26582
jdixon@pobox.com

MTC–00004784

From: Mark Sealey
To: Microsoft ATR
Date: 12/19/01 11:54pm
Subject: Comment against the recent MicroSoft judgement settlement, payment to schools

Mark Sealey
24668–A Brighton Drive
VALENCIA
CA 91355–4374
(+1 661) 255 7044

As a long time educator and computer/IT specialist, i am extremely concerned at the recent settlement proposed for industry monopolist Microsoft.

The proposal to 'pay off' monies owed to the industry and public by making equipment and software available to educational establishments would, in fact, further that company's monopoly.

Such an arrangement would effectively tie in those schools and colleges unwise enough to receive such merchandise to depending on Microsoft products from the time they took delivery of the goods onwards. Microsoft has a proven record of releasing inferior software and operating systems necessitating that the buyer pay later on for upgrades and improvements.

Schools participating in this deception would sooner or later find themselves under strong pressure to abandon superior products for Microsoft upgrades and later versions.

This is not good for American school students, parents, tax payers or the spirit of competition which has put such otherwise excellent resources into our schools.

Please inform me of the Department's intention not to let this happen.

Thank you!

best

Mark Sealey
<www.markworks.com>

MTC–00004785

From: RedGhost
To: NEWCASE ATR,Microsoft ATR
Date: 12/20/01 1:24am
Subject: Microsoft use of Federal Facilities for Advertising

I am disturbed to find that Microsoft has been allowed to advertise in a Federal Facility. Today I was at the Main Post Office in Seattle and found that Microsoft has paid for placement in local Postal Facilities. This apalls me. I understood that the case Department of Justice had prosecuted ended up in a Conviction on the Charges. The appearance of the posters, CDs and other items promoting Microsoft, seems to imply that the Federal Goverment condones the actions, historical and future that this criminal endevour undertakes. Maybe I am mistaken in my understanding, but the left hand either does not know what the right does, or there is a new policy of selling access to government facilities to the highest bidder.

This sets a precedent that leads down a slippery slope in allowing anybody with a wad of cash to buy a their way into government facilities. If this is going to be policy, what is to restrict any enterprise from dispensing items of a questionable nature other buildings where the public has access? The assault on postal facilities with bacterial agents, though tragic, is not as insidious as allowing this activity to continue.

I have reviewed the contents of the ''free'' disk and have found that this item perpetuates the continued anticompetative activities the company was investigated for. This item forces the user to ''upgrade'' software on their computer, to the Proprietary microsoft item, instead of allowing the interested party to view this with a competitors browser or multimedia program. It also promotes gambling with a ''Contest'' for prizes, which forces the user to ''register'' with the microsoft Passport software, to allow the company to monitor the users online activities, and track actions.

Thank you for your attention to this matter

Clay Monroe
5702 43rd ave NE
Seattle, WA 98105–2225

MTC–00004786

From: Aaron Peluso
To: Microsoft ATR
Date: 12/20/01 3:24am
Subject: Microsoft Feedback

Lets get this thing settled and get on with our lives. The DOJ settlement is more than fair.

Aaron Peluso

MTC–00004787

From: Jeremy.Duane@Metavante.com@inetgw
To: Microsoft ATR
Date: 12/20/01 8:11am
Subject: MicroSoft Settlement

I'm 27yrs old, and need some explantion. How is it any different when companies like ''AOL'' & ''Time Warner'' merg, and take a commanding lead in their fields. Then now AT&T plan a merger & now are going to take control of the market more then what their competitors had. HOW is it then different then how ''MicroSoft'' conducts itself? I have no business/law degree, but to me....it just seems unfair. Punish ''MicroSoft'' for ''bullying'', but then when other huge companies are doing the same....say&do nothing to them? If your going to make this ''fair'', make it fair down both sides of the street. I work hard for a living, manage to stay afloat, I could care less what one company does to another.... my point is: Make it legally fair to everyone. Personally, the whole thing against ''Microsoft'', to me, just makes no sence at all. Why anger the richest man in the world? He now is reaching out into different

markets, soon his ''XBOX'' will eliminate competitors, are you then going to go after him for that? Then after that, then what? From a plain guy in WI., I say leave it be already.

Jeremy Duane
www.geocities.com/soul—seeking

MTC–00004788

From: mmcweeney
To: Microsoft ATR
Date: 12/20/01 8:19am
Subject: Comments on Antitrust for **Federal Register**

Dear Sir/Madam

I wish to voice my concerns at the haste at which the Antitrust case against Microsoft is being reached. I believe there are superior alternatives to Microsoft products available, but believe the penalties proposed will not allow the companies and individuals who comprise the computer community to benefit from these.

Specifically, I have found it close to impossible to purchase a desktop or laptop computer for my own personal use, without having Microsoft Windows included in the price. In other words as a consumer, I was forced to buy a product I neither required nor wanted. This is an unacceptable situation. Those engaging in this practice include virtually all the major computer manufacturers, and almost all retail outlets. On enquiring why this is the case, most informed me that they were prevented from shipping the computer alone (without bundled Microsoft software) because of agreements with Microsoft. As such, these same companies would not quote me for a software-free machine.

Microsoft should not be allowed to yield profits from those who want to use their products. By imposing penalties which prevent these agreements, the Department of Justice has the opportunity to:

1:Prevent Microsoft from dubbing closed proprietary file formats and other technologies as ''Industry standards'', thereby improving interoperability.

2:Allow true competition which will benefit the entire computer community in terms of software quality and security.

3:Facilitate the public by allowing them to choose software on merit.

4:Eliminate the scourge of viruses which are almost non-existant outside the realms of Microsoft, but as Code Red and Nimda showed, could potentially grind the internet to a halt for everybody. It's everybody's internet.

Please protect it.

I sincerely hope that the Dept. of Justice will be mindful of this and impose meaningful penalties which will undo past damage, and improve future competition.

Yours faithfully
Mel McWeeney
Mr. Mel McWeeney,
I.T. Consultant,
136 Teffia Park,
Longford,
Rep. of Ireland.

MTC–00004790

From: Stacey Tarbell
To: Microsoft ATR
Date: 12/20/01 10:16am
Subject: Microsoft Settlement
December 20, 2001
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Subject: U.S. v. Microsoft
By Email

Dear Attorney Hesse:

The Department of Justice Antitrust Division is accepting public comment in the settlement between the United States government and the Microsoft Corporation until the end of January 2002. I write to offer my support of the settlement.

Although I do not work in the high technology industry, I can see the benefits it has had in our country, specifically those of Microsoft. In the span of a few short years, this company has totally transformed how Americans communicate in business and in their private lives. Microsoft has brought worker efficiency to a level that was never dreamed of when we were all using typewriters and calculators.

If any of Microsofts competitors could even come close to a product that could rival Excel, Word or PowerPoint, consumers would have a real choice. Since no other company can even come close, consumers chose Microsoft. As a result, its competitors have chosen to try and defeat them in the courtroom, rather than the marketplace. They are co-opting the governments resources because they really have no alternative to compete with other than their inferior products.

It is a shame that the government has fallen prey to the special interests of Microsofts competitors. Through this settlement, we have the opportunity to finally put an end to what has already been a case that has gone on too long. I urge you to settle this case once and for all. Consumers, families and the marketplace deserve nothing less.

Sincerely,
Stacey Tarbell
121 Pinewood Drive
Contoocook, New Hampshire 03229

MTC–00004791

From: Joseph J Wolff
To: Microsoft ATR
Date: 12/20/01 11:04am
Subject: Microsoft Settlement

Hello,

The Microsoft proposed settlement will only serve to make Microsoft a stronger monopolist.

1) 'Giving' software away to underprivileged schools benefits Microsoft far more than it benefits the schools—and in fact giving software away to schools is a proven marketing tacting used by Apple computer 20 years ago to put its business on the map—it is akin to 'planting the seeds' in young users of your operating system or platform—grabbing mindshare at the earliest point, and while the minds are still open and gullible, without the ability to filter propaganda and spin. It also plants the seeds for upgrades—sources put the IT budget of Microsoft-based schools at 30–40% of the total IT budget—hardly something that the underprivileged schools will be able to afford after their first five years of free ride is ended, with the next release after that of MSWindows or MSOffice being (intentionally) ''incompatible'' with the previous release—a proven tactic to force upgrades.

A better solution is proposed by RedHat Software, here: http://www.redhat.com/about/presscenter/2001/press—usschools.html This would preserve the future of the software for the schools, and would quintuple the number of systems and schools receiving a benefit.

2) An even more disturbing manipulation contained in the settlement is described here: http://www.pbs.org/cringely/pulpit/pulpit20011206.html So once again, Microsoft is using the settlement to actually lock in its future—rather than actually be constrained by it.

These clauses will give Microsoft the leverage it needs to prevent distribution of it's API documentation to whomever it doesn't want to see them, perpetuating the problem, in precisely the same way it has done in the past—only this time with the force of law!

The clauses also attack the only real competition Microsoft now has—the open-source community, where the products are available for nothing—the only way it has proven possible to compete with Microsoft given its monopolistic practices.

In conclusion, I urge the DOJ to rethink the proposed settlement—I also respectfully submit that the selttlement, and the comments from the knowledgeable members of the media and industry experts, indicate clearly that there is a fundamental lack of understanding by the DOJ of the software business and the way Microsoft has competed unfairly and used monoipolistic practices to squash competition—and in fact the DOJ in the current settlement is simply another pawn being played by Microsoft to further its own interests.

Respectfully,
Joseph J Wolff
Founder and CEO,
eRacks Thin Systems
www.eracks.com
joe@eracks.com
CC:joe@eracks.com@inetgw

MTC–00004792

From: Michael W. Shelton
To: Microsoft ATR
Date: 12/20/01 12:07pm
Subject: Let Justice Prevail

As a long-time network administrator, I have long suffered from the abuses perpetrated by Microsoft's hegemony in the sphere of small-computer operating systems. Whereas my suffering is not sufficient for the law to require relief, Microsoft's actions have been determined to violate the law, and in this penalty phase of the case, penalties should be meted out appropriately. It is beginning to look like that may not happen, and that computer consumers and users will continue to suffer. Thus, I'm offering my opinion.

* Users should not be forced to buy Microsoft products as part of the purchase of

a new computer. The cost of those products should be added on, and their inclusion made optional. Thus, a computer without software could be configured with software products of the buyer's choice at prices that reflect true competition between those products, rather than settling for Microsoft's products because they are ''included'' or add ''only a few dollars'' to the price.

* Microsoft's file formats should be made public, so that other vendors' programs can read them, even on other operating systems. Also, the Windows application programming interface should be opened to allow other vendors to write programs for the Window operating system with the same advantages that Microsoft's internal programmers have.

* If Microsoft insists on developing its own networking protocols, those protocols should be made public, so that the company cannot leverage its hegemony into control over even more of the internet.

Whereas I am, like most Americans, appalled by the events of September 11, there is no excuse for sacrificing that which makes America great in a headlong rush to concentrate on the solution of a single problem at the expense of all others. This is not a time for us to be sacrificing civil rights or to knuckle under to corporate greed, however it may be clothed. Microsoft has been found, appropriately and finally, to be in violation of the law, and an appropriate remedy should be levied. We will all (including Microsoft, if you believe in that most capitalistic of values: free and open competition) benefit from a leveling of the field and from the business-as-usual continuity of the proper application of the rule of law.

Thank you for the opportunity to make my voice heard.

Sincerely,

Michael W. Shelton

If you think education is expensive, try ignorance.

Derek Bok

Michael W. Shelton

1537 North Lakeside Ridge Drive

Sand Springs, OK 74063

phone 918/245–0510

Mike@MikeRocosm.com

MTC–00004793

From: Sylvia Rapp
To: Microsoft ATR
Date: 12/20/01 12:19pm
Subject: objection

Dear Sir:

I want to voice my objection to the settlement our Government is plannig to give Microsoft. I feel it is unfair to consumers and will crush all competition in the market place. It is not in our best interest to live in a world dominated by Microsoft.

Sincerely,

Sylvia Rapp

MTC–00004794

From: Chet
To: Microsoft ATR
Date: 12/20/01 11:20am
Subject: Microsoft Settlement

Please review carefully the proposed settlement in this case.

I, like millions of other tax paying citizens of this country feel that Microsoft is not being punished, but rewarded with this proposed settlement. Where is the justice for the thousands of businesses and individuals who have been hurt by Microsoft. They are not in the underprivileged schools of America. I agree that a settlement going to the schools would be wonderful. But not in the form of more Microsoft software and training. That would only diminish Apple's stronghold in the Educational Sector and further promote Microsoft's monopoly.

And where do all those who have been negatively effected by Microsoft's monopoly get there justice? Certainly not in this proposed settlement.

Please, let's get a grip on this situation and muster up the intestinal fortitude to devise an appropriate settlement that actually punishes Microsoft and rewards those who have been harmed by their monopolistic practices!

Regards,

Chet Poulton

Creative Director

ICS Inc.

cip@icsys.cc

MTC–00004795

From: E Floyd
To: Microsoft ATR
Date: 12/20/01 12:44pm
Subject: Comment on MS/DOJ Settlement

I can't beleave they were let off that easy. This is not more then a slap on the hand for a company like that. Not to mention they are still useing the same tactic as we speak. In my opinion, this does nothing but set up the world for a ''Microsoft Tax'' In this case, I don't think my tax dollars were put to good use. It seems as if it was a waste of time and money.

MTC–00004797

From: Chuck Scott
To: Microsoft ATR
Date: 12/20/01 1:29pm
Subject: Comment on Microsoft settlement

I have been using Microsoft Windows software for well over 20 years now for both business and personal use. I can not begin to fathom how it is that the government would say that improving your product is a detrimental to consumers. In order to improve your product you have to stay competitive. Microsoft did just that. If you look at the root cause of everything that has been laid at the feet of Microsoft I think you will find that personal greed and ego were as much to blame for what happened as anything Microsoft did in terms of business deals. If you really look at this objectively you will see that Microsoft is the leader of the this industry and certainly is not the detractor it is made out to be.

I am sure that their competitors would love to hamstring Microsoft so they can force you to pay bloated prices for their software which they do not test very thoroughly and the support for which is poor if it exists at all. I recently shifted to Windows 2000 at work and Windows XP at home. The quality is remarkable and if recent experience holds true the return on investment period will happen much earlier in the lifecycle than I ever imagined possible.

And lets talk about Netscape. I began using it when it first hit the market and used Navigator quite a while after MS Internet Explorer came out. I never cared what was pre-installed on the PC I went with the software that was best suited for my needs. What influenced me to change was to IE was when the level of quality and performance in IE surpassed Netscape. Netscape got sloppy and IE became a superior product which was incrementally improved and for which quality and stability and security were more important than ego, flashiness, and advertising opportunities. Netscape did themselves in, Microsoft's only real hand in this was building a better product and marketing properly.

And as a consumer of quit a large library of non-MS software that runs on Windows I would also like to make a point that Microsoft has enabled a huge and extremely productive industry around the world. Because of this the price of software for personal and business use is affordable by a great many people. If Microsoft's competitors were to have their way they would control the price and access. And limit it to running only on their hardware. The key point here is that Microsoft was successful in building a operating system that runs on wide range of hardware from many manufacturers at a price that is affordable to nearly every one. This sounds to me like something that is good for consumers and business.

So the agreement more than exceeds the necessary level of ''protection'' we need from this industry leader. Accept it as is and get on with more important things. Get more from the Web. FREE MSN Explorer download : http://explorer.msn.com

MTC–00004798

From: Bill Parish
To: rickbe@microsoft.com@inetgw,steveb @microsoft.com@i. . .
Date: 12/20/01 2:35pm
Subject: 5 Brief Story Ideas—Request for SEC Action

CC: John Chambers,Larry Carter,radkem@sec.gov@inetgw,r. . .

Hell Steve, Here a few thoughts you might consider. I am confident that sooner or later you will see the significance of supporting these efforts and iron out a compromise. Also copied are john chambers and Larry Carter given the enron like public relations techniques they have used to suppress my research. Can you imagine, dedicating their entire monthly corporate pr plan (keep in mind the size of their staff) to discrediting my efforts toward working toward reform and clarifying unusual financial transactions at cisco? Most surprising was that this was not even news to leading publications, especially after they said I could not talk about the plan because it constituted a ''trade secret.'' To those leading reporters out there unable to report on Microsoft, Cisco or AOL, please do consider giving O'Reilly, Oprah and a few of the other talk show hosts a call on my behalf. Maybe we could arrange a show featuring ''little bill'' and ''big bill'' best regards,

Bill

cc: SEC Chief of Staff, Federal Reserve, FTC, John Chambers, Larry Carter

bcc: leading business reporters, regulators, legal experts, academics, federal reserve

1) Enron/Microsoft—CEO Key Lay's previous Quote to employees at Memorial Coliseum in Portland, Oregon.

''We'd like to look at ourselves as the Microsoft of the energy world.'' Lay saw that Microsoft was able to make massive off balance sheet speculations using derivaties on its own stock, manipulate earnings and use employee options to completely eliminate their corporate income tax. Like Enron, Microsoft also has a staggering mix of what could be direct conflicts of interest among insiders that make Enron's offenses look minor. Corruption that was tolerated at Enron was enabled by the Microsoft Corporation and their orchestration of a complete breakdown in corporate accounting practices.

This included Microsoft firing its own internal auditor who told them what they were doing constituted securities fraud, as documented on my website and reported by ABC News. It is also noteworthy that two previous CFO's at Microsoft boasted over their ability to impact accounting standards. One of these individuals was also Chairman of the Board of the Nasdaq stock exchange while CFO at Microsoft and also aggressively setting new accounting standards. The other CFO was so brazen as to do an op-ed piece in the NY Times after the Times did a key feature story titled Financial Engineering 1.0. The Op Ed piece is a shining example of misrepresenting the significance of financial activity at Microsoft and it is startling that he was not sanctioned by the SEC. Financial integrity was a joke to this CFO who is also on record as boasting of 10 reasons why Microsoft should have a market value of $1 trillion. Even more startling is how Microsoft is now triggering the collapse of the Internet itself as documented in the http://www.billparish.com/20011128msftupdate.html. Although poorly written, this report contains numerous excellent well documented story ideas and can be directly quoted.

2) Impact of Comcast/Microsoft purchase of AT&T Broadband. AOL now has more than $100 billion of what a prudent person might consider ''fake'' assets or inflated goodwill on its balance sheet.

Why hasn't AOL written this down similar to what JDS/Uniphase did. Parish & Company hereby specifically asks the SEC to conduct a review here given the significant impairment of these assets in many other companies.

Microsoft has almost no ''fake'' assets and more than $35 billion in cash. In addition, AOL also has bank debt of more than $20 billion and back taxes to the IRS resulting from the Time Warner merger of more than $13 billion. Most disturbing however is their championing of ''pro forma'' earnings and eliminating the cash expenses of interest and taxes from these pro forma earnings. In the summer of 1999 at an investor town forum I asked a question of Arthur Levitt that was reported in the Oregonian. The question was, when will the SEC go after the big offendors who are breaking down the rules rather than simply focusing on smaller cases. Please allow me to repeat that request today and suggest that the SEC focus on AOL and Microsoft. This seems especially prudent given Gerald Levin's announced departure next Spring. Clearly, Ted Turner is being set up as the fall guy.

In April of 2000 I issued a public warning on AOL's bonds and specifically asked both Moody's and Standard and Poors why their debt was not downgraded. The SEC could also look at the business relationships between S&P and Moody's and AOL to see if more disclosure of potential conflicts of interest should be required. Two useful reports regarding the impact of the Comcast/Microsoft purchase of AT&T broadband are:

http://www.billparish.com/20010430aolpart2.html This is more pure background on unique situations at AOL. http://www.billparish.com/20011128msftupdate.html Addressed AT&T more directly.

3) Citigroup and Spinoff of Asbestos Liability. Completely unreported regarding the spinoff of Traveller's Property Casualty unit is what could be the real reason for the spin-off, as noted in note 77 in the following report on Citigroup. This report also contains my letter to FTC trying to block Assoc First Capital merger that occurred last fall. Note 77 details Citigroup's asbestos exposure from purchasing Aetna's Property Casualty Business for $4 billion. This is a shining example of an activity banks should not be allowed to enter, that is, property casualty insurance. This was also one of the rationale presented to the Federal Reserve Board of why they should have denied the Associated First Capital merger, known in the industry as the icon of predatory lending. http://www.billparish.com/citigrouppyramid.html

4) Microsoft Hoodwinks Grover Norquist. Grover Norquist, along with Howard Jarvis, was responsible for the legendary property tax limitation #13 that was passed in CA in 1978. I heard Grover speak recently in Portland and, knowing that Microsoft is one of his biggest funders, as dicated on his website, I asked him afterward how he felt about Msft paying zero federal income tax. His reponse was ''how do they do that.'' Think about the implications, simply remarkable. Tax policy is important and clearly what drives many organizations to fail, most notably Enron, due to an attempt to justify economic illusions from a manipulation of the tax code. For example, you can be certain that 90 percent of Key Lay's wealth resulted from stock option wages were taken as a tax deduction by Enron but never charged to earnings. This greatly inflated their true earnings. Other financial engineering similarly modeled other techniques used at Microsoft, for example those used at Expedia.

5) Microsoft Speculations on Own Stock. Miraculously, Microsoft's SEC 10K for the year ending June 30, 2001 indicated that this obligation had been settled. Given that this loss was more than $8 billion a few months earlier, the question becomes, was the disclosure adequate. More important, were any of these options held by company insiders including Paul Allen. Parish & Company hereby formally requests that the SEC, given the recent collapse of Enron, make an inquiry to determine if any of these options were held by Paul Allen or any other significant Microsoft insiders. Although not a board member, given overlapping business dealings Allen is still an insider. This is critical to restore integrity to the market. 6) Overcoming Ruthless Legal and PR Intimidation: For example, as many of you know, Cisco Systems had an orchestrated company wide effort to try and discredit my efforts to disclose what was clearly unusual financial activity at Cisco. This campaign, which was a monumental failure, occurred in October 2000 just before Cisco's stock began a steep decline from $82 to $20 per share. When I was later anonymously sent a copy of this confidential plan, I would guess from some employee trying to clear their conscience, I was told that it represented a ''trade secret'' that could not be discussed. Sure sounds like Enron like PR to me?

Summary Comment: Any opportunity to be quoted regarding helping generate a dialogue on these issues is always most appreciated. I can understand that many of you have considered me somewhat opinionated on these matters. Let's not worry about that but rather how to get the economy back on track. The validity of my claims should only be magnified by the situation at Enron. Enron was able to climb to slot number 7 in Microsoft's pyramid scheme, 7th in the S&P 500, but they did not see how they were structured to fail, nor does AOL now. As an aside, it is amazing how the Janus family of funds seems to be insulated. They own almost $10 billion of AOL and you have to wonder who is doing the research.

I was able to help a lot of people locally avoid large losses on Enron but it is up to you to help maintain the integrity of the system.

I'll keep putting out hard hitting studies designed to help fix the system but I can't have much impact without you. You might scan my archive at www.billparish.com for various other ideas pertaining to these topics, all designed to help restore integrity to the financial reporting process. Again, if you are a reporter and can't do the story, please do try and contact another media outlet that might. I do produce quite a lot of most interesting research not put on the web site that might allow you to greatly advance your career. People tell me that I am much better via radio or television, in terms of media experiences. Probably because they are more interactive and allow for questions. My strategy is all about win/win and maybe one of these days I'll even convince Bill Gates of its merits.

Please do lend a hand.

Most sincerely, Bill Parish

Bill Parish
Parish & Company
10260 SW Greenburg Rd., Suite 400
Portland, Oregon 97223
Tel: 503–643–6999
Website: www.billparish.com
Email: bill@billparish.com

MTC–00004799

From: Ole
To: Microsoft ATR
Date: 12/20/01 3:59pm
Subject: Antitrust settlement.

Dear USJ Folks,

One citizen's view: The Microsoft offer to settle the class action anti-trust suit should be accepted only with the modification

suggested by Red Hat. Otherwise, in it's original form, Microsoft offers nothing—except a further extention of it's (illegal) monopoly.

We are rather disappointed with the proposed settlement of the original case against Microsoft, considering the resolution something just short of a sellout. But DoJ has an opportunity for at least partial redemption by obtaining a resolution of the instant case in some fashion closer to the Red Hat proposal. And the schools of America would be the beneficiaries.

With sincere wishes for a more free and open market,

Duane L. Olson

(Retired system design engineer, with no current industry affiliation of any kind)

MTC–00004800

From: William Douglass
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/20/01 3:50pm
Subject: Microsoft Settlement

TO: The U.S. Department of Justice

This letter is written by officers of both Incremax Technologies Corporation of New York City, and the International Association of Microsoft Certified Partners (IAMCP), a group of independent organizations selling solutions based primarily upon Microsoft software.

We wish to express full agreement with the settlement that has been arrived at between Microsoft and the federal government and nine states. It is in the best interests of the consuming public, the industry, and the economy, which has been negatively affected by the uncertainty this lengthy litigation has generated.

Any future litigation against Microsoft will re-introduce uncertainty to the marketplace while threatening over-regulation of an industry that already functions quite well to the marketplace (and to the arm of the law) on its own.

We urge that the settlement be finally approved because it has harnessed Microsoft for over-stepping its bounds. It is now time for consumers to benefit from the unfettered workings of a free marketplace.

Sincerely,
Kerry P. Gerontianos
President, Incremax Technologies
Incremax Technologies
President, IAMCP
William H. Douglass
Director of Communications,
Board Member, IAMCP
CC:Kerry P. Gerontianos

MTC–00004802

From: West, Dennis
To: 'Microsoft.atr(a)usdoj.gov'
Date: 12/20/01 4:29pm
Subject: DOJ Proposed Microsoft Anti-trust (Monopoly) Settlement

DOJ Proposed Microsoft Anti-trust (Monopoly) Settlement The US judicial system found Microsoft was a monopoly but the DOJ and some states have proposed a settlement that doesn't fully solve the Microsoft anti-trust/monopoly issue and prevent Microsoft from continuing to expand the company's present monopoly.

Asking Microsoft to not do it again will not work.

In the 1990s, I personnel watched Cecil Dobbs from Microsoft in Foster City California give hundreds of copies of free software packages to Lockheed Martin in Sunnyvale California that resulted in Lockheed Martins standardizing on Microsoft software and other software venders that sold Word processor, Spreadsheet, Presentation, Project Management, Calendar/Scheduling and E-mail fade away since they depended on the sale of their software to survive.

What I saw was Microsoft using the sale of the Windows Operation System software to finance free gifts to a major company to standardize on other Microsoft software.

Without separating the Window Operating System cash cow from other types of software, competition will die and Microsoft end up being the consumers only choice.

Windows XP Operating System is a good example of Microsoft's effort to eliminate competition from 5 other software packages by bundling other Microsoft software with the Windows XP Operation System for consumers and companies.

Without software choices, Microsoft will be free to set software prices and their will be little or no motivation to improve software. Some REAL legal remedies are needed at the present time to reduce the existing Microsoft software monopoly that the courts agreed presently exist. Please stand firm that a lot more is needed than the present DOJ settlement proposes.

Personally, I would like to see some kind of a barrier between the Windows Operating Systems and general user Microsoft software that would foster competition.

Dennis L. West
10670 Cordova Road
Cupertino, CA 95014–3912
(408) 255–2077

MTC–00004803

From: Scott
To: Microsoft ATR
Date: 12/20/01 4:32pm
Subject: Microsoft Settlement

Having been an unwilling Microsoft user for some time, I have quite a few comments in regards to how Microsoft should be dealt with. Microsoft should be required to port Win32 Emulators and Direct X to Linux and Macintosh computers. Microsoft has had a stranglehold on the gaming industry; requiring that they expand their proprietary software to other platforms will aide in giving gaming companies choice, and providing for consumer freedom.

Microsoft should also be required to release full source code within a two to three year period. This permits watchdog groups to analyze Microsoft's work in WindowsXP (and later OS'), so that it can be assured that Microsoft is, (a) not purposely placing barriers in its software, against competition; and (b) security flaws can be identified, when they arise, and independent groups have the ability to react.

Microsoft .NET should receive heavy government attention, and be both open source and restriction free, for other companies to improve upon Microsoft's foundation.

MTC–00004804

From: Robert Levy
To: Microsoft ATR
Date: 12/20/01 4:45pm
Subject: Microsoft Settlement

Comments on the Microsoft Settlement

Here is the good news if the Microsoft settlement is approved: Although the company may face litigation from competitors, a few consumers, the European Union, and recalcitrant state attorneys general, at least the federal antitrust lawsuit won't be around to drain Microsoft's energies and undermine economic growth so essential to the post-September 11 recovery.

From a longer-term perspective, the Microsoft antitrust dispute, which has been festering in one form or another since the Federal Trade Commission opened its investigation in 1991, produced nothing but losers. There are no long-term winners. To settle the case, Microsoft will be making more concessions than is justified by the DC Circuit's opinion. In the meantime, consumers had to pick up the tab while high-tech executives wasted resources on politicking instead of developing the kinds of integrated products that customers demand. The settlement addresses and corrects, with minor exceptions, each objection raised by the DC Circuit in affirming Judge Jackson's holding of monopoly maintenance. Microsoft may not retaliate against other companies for supporting competing software; or enter into exclusive agreements with software developers, Internet content providers, or Internet access providers. Nor may Microsoft prevent PC makers and consumers from installing a rival operating system, or removing Microsoft's ?middleware? products and installing rival middleware. Further, Microsoft must disclose and license its applications programming interfaces (APIs) to software developers; and charge uniform, published prices (except for volume discounts) to its 20 top PC-maker clients.

The principal Microsoft ?transgression? not addressed in the settlement is the commingling of operating system and browser code. Of course, that problem is trivial as long as the consumer and PC maker are not forced to use, and can actually uninstall, Microsoft's browser. In two critical respects, the settlement goes beyond what the appellate court directed. First, the court found that Microsoft had suppressed competition in the middleware market as a means of maintaining its Windows monopoly. Middleware, according to the court, consists of products that expose APIs and thereby compete against traditional operating systems. But the settlement agreement defines middleware more broadly, to include not only browsers but also products like email, instant messaging, and media players. Those products do not expose

APIs; they do not compete against Windows; yet Microsoft will be compelled to treat rival ?middleware? products as if the court had found ? which it did not ? that bundling those products somehow constituted an illegal tying arrangement.

Second, the settlement dictates that Microsoft will have to disclose its server protocols so that non-Microsoft servers (like those produced by IBM, Oracle, Sun Microsystems, and Novell) will be able to interoperate with Windows. The allegation,

first leveled by Sun in a complaint filed with the European Union two years ago, is that Microsoft is attempting to extend its PC monopoly to the server market by making newer versions of Windows incompatible with servers other than Microsoft's. But the newest version of Windows (XP), just released on October 25, has a miniscule share of the operating system market. Quite simply, there is no monopoly to leverage. Older versions (Windows 95 and 98) are perfectly compatible with non-Microsoft servers, which by the way supply about 60 percent of the server market. Most important, the server issue was never part of the Justice Department's case. On that issue, there was no complaint, no trial, no evidence, and no verdict ? just a restriction on Microsoft's behavior.

There's a lesson in all of this. Two years ago, an attempted settlement mediated by appellate judge Richard Posner came to nothing, reportedly because of several intractable attorneys general. Judge Posner had little to say about his efforts until September 2000 when, in a speech, he lambasted the states? role in antitrust litigation, accused them of being captured by competitor interests, and suggested that they should limit themselves to price fixing cases involving goods sold to the state.

That's good advice. Ten years have lapsed since the Microsoft case first unfolded. Silicon Valley, supposed bastion of entrepreneurship, has become part of the problem. Multiple governmental entities, responsive to the parochial interests of rival businesses, initially combined to challenge Microsoft. Now, with that challenge resolved to the satisfaction of almost everyone, nine states might dawdle just long enough to foul the country's near-term economic recovery. It's time to shut down this lawsuit and let the software industry get back to serving customers.

Respectfully submitted,
Robert A. Levy
Senior Fellow in Constitutional Studies
Cato Institute
1000 Massachusetts Avenue, NW
Washington, DC 20001
Phone: 202–789–5253

These comments are extracted from a longer article by Robert A. Levy entitled ?Soft Settlement,? Los Angeles Daily Journal, Nov. 26, 2001.

MTC–00004805

From: Haven, Richard
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/20/01 6:05pm
Subject: Microsoft Settlement.

Please add my objection to the proposed settlement, specifically regarding the definition of the beneficiaries of the remedies. Not-for-profit and governmental organization are part of this market and deserve the compensation and protection of any agreement.

Allowing the subject of penalties any discretion in who is to benefit does not remedy the market as a whole, or benefit those potential beneficiaries who Microsoft might try to exclude for the same reasons they were convicted in the first place.

Thank you for your attention

Richard C Haven

MTC–00004806

From: Jim Saxton
To: Microsoft ATR
Date: 12/20/01 8:47pm
Subject: Appropriate settlement

Microsoft has gained and maintained its monopoly in the PC desktop Operating System market by enforcing an anti-competitive boot loader license with its OEM customers. As you know, this license prohibited Microsoft OEM customers from installing non Microsoft Operating Systems on the same computer that includes Windows. This license leveraged the Microsoft Windows market share to prevent the computer manufacturers from differentiating their computers by including non-Microsoft products. This license effectively killed such products as BeOS and OS2.

The appropriate remedy is to modify this license to require Microsoft OEM customers to include a non Microsoft Operating system. This would put microsoft in a position of actively repairing the damage it has caused to the Computer Operating system market. Microsoft may indeed have to resurrect a competing OS to allow its customers to bundle Windows with their computers.

The personal computer industry would benefit by allowing the manufacturers to once again differentiate their products. This would benefit the consumer by allowing them to buy a computer with an alternate Operating System to Windows. This would also make the Internet more resilient as there would be a more diverse environment and consumers would be less vulnerable to virus attack.

Black Belt Jimmy

MTC–00004807

From: JShoe2@aol.com@inetgw
To: Microsoft ATR
Date: 12/20/01 10:41pm
Subject: Microsoft Settlement

I am simply a homemaker/family business person and I don't understand why big Government can't leave something alone that isn't broken—Just look at the mess the phone industry is in—this is your fault!

I like going to the store and buying a computer with all the programs I need already loaded and ready for my use. I don't know enough to want to pick and choose between various hardware and software programs.

Seems to me these states that won't settle are very jealous of all Microsoft has accomplished and the revenue that OUR state makes from their success. Bill Gates and Microsoft are very philantropic and give many things back to our state, schools, universities, as well as other charities. They even spread this largesse to other charities and other educational programs thru-out the US.

Seems to me that these other states should be embarrassed by their greed and have their hands slapped.

Thanks for listening to me.

Jean Shoemaker

MTC–00004808

From: Jud Meaders
To: Microsoft ATR
Date: 12/20/01 11:12pm
Subject: XP security hole

Still think MSFT can be trusted with mission-critical work? Want to let the security of the country depend on MSFT? Want to hire MSFT ''security experts'' to advise the federal government?

I am still outraged at your complicity in letting MSFT get off the legal, political and economic hook totally. I will do my everything I can to vote you guys out of office.

Here's the link: http://www.newsfactor.com/perl/story/15458.html

MTC–00004809

From: Mal Elliott
To: Microsoft ATR
Date: 12/21/01 12:18am
Subject: My lack of choice

I am tired of being shoved around by Microsoft. I have purchased software from many companies such as Digital Research, Novell, Corel, and many others only to have Microsoft use its muscle and money to push them aside with inferior products and operating systems. Microsoft was found guilty of monopoly in federal court but was not punished for it and it is obvious from what is going on now that it is doing things even worse than it did before the federal law suit. Microsoft should be broken up into a company that manufactures the operating system and all other software it produces should be under another entity. That is the only way to bring them back to the level of competition with the remainder of the software companies. Microsoft did not grow to its present size with superior products; it did it with money and market control, with inferior products. I am a retired writer now writing books. I want to use better products to produce my books but am forced to use Microsoft products because that is what the market dictates. I want choice.

Mal Elliott,
Wichita, Kansas.

MTC–00004810

From: Robert Wong
To: Microsoft ATR
Date: 12/21/01 12:21am
Subject: Microsoft Settlement

The Plaintiff-Microsoft Revise Propose Final Judgment should be reject because the proposal is too HARSH on Microsoft. There is consumer harm if Microsoft agrees to abide by the terms of the agreements.

Microsoft is to provide information on server products, but server products is an area where there is healthy competition and which Microsoft does not have a monopoly. The server platforms were never mentioned in any of the Finding of Facts and Conclusion of Law or the Full Court of Appeals ruling. By providing such information, competitors can damage the Server platform products if that is there intent and this agreement will allow it to occur.

Microsoft agrees to provide technical information to all competitor's of middleware, it does not rule on inferior middle ware created by competitors in order to sabotage the Windows platform. Java is one form of middle ware, but the Finding of

Facts indicates that Java is not mature and was slower than native Windows applications.

The terms on the Technical Committee and three appointed members represent endless investigation which are a waste of Microsoft time and money. There is no lines of division on the technical committee between investigating Windows platform and X-Boxes. They have access to all Microsoft source code, contracts and internal documents. Will an investigation of X-Box be warrant if someone like Sony complains that X-Box is too rough on the game station market? With three technical members, each one of them can conduct the same investigation and come up with a different conclusion. There is nothing in the agreement which allows one investigation per committee member. Endless competitors can flood complains for each of the three technical committee members.

Please revise this proposal to eliminate the abuse by Microsoft competitors who have no interest in consumer interest before approving. This settlement is too HARSH on Microsoft.

Robert Wong
e-mail: robertwong@hotmail.com
CC:robertwong@hotmail.com@inetgw

MTC–00004811

From: Lionel Berthomier
To: Microsoft ATR
Date: 12/21/01 1:39am
Subject: microsoft settlement

microsoft v. french justice
interesting links :
http://www.01net.com/rdn?oid=168836&rub=2796
http://www.vnunet.fr/mac/kios/sommaire.htm?revue=90
http://www.weblmi.com/daily/2001/1129/condamnation.htm
http://www.thestandard.ru/cw/1996/36/2.htm
http://www2.computerwoche.de/index.cfm?pageid=254&artid=30183&type=detail&category=84

MTC–00004812

From: larry a price
To: Microsoft ATR
Date: 12/21/01 5:36am
Subject: Microsoft Settlement too weak.

There are several issues that the proposed settlement needs to address, in order that Microsoft not walk away unpunished for their CRIMINAL behaviour.

1. Protecting Open Source. The proposed final settlement offer contains language intended to let Microsoft itself determine who is qualified to have access to the technical information intended to allow other operating systems to interoperate with Microsoft software. In point of fact, the language specifically claims their right to require that those party to interoperability information be businesses. This is clearly intended to to discriminate against the MANY software projects that are run entirely as volunteer efforts. The court should require that any technical information that Microsoft is required to disclose must be available to the public, so that the public itself might act in redressing the harm created by Microsoft's illegal tactics.

2. Closed File Formats Are A tool of Monopoly. One of the most insidious tactics used by Microsoft in the construction of their monopoly in business productivity and personal computing software is the creation of incompatible, undocumented file formats.

In addition the tactic of making new versions of their software produce files that were incompatible with their old software led to their being in effect able to require users of their software to upgrade their systems on their schedule.

The fact that Microsoft's file formats were undocumented has meant that competitors were effectively locked out of providing equivalent services to consumers who had unwisely chosen to use Microsoft products and that those consumers were themselves harmed in that their property was held hostage to Microsoft's software and would need to be either abandoned or (at great expense) converted to some other format.

3. Security Needs Of Consumers and Appropriate Liability. A further issue that could be addressed by the court is Microsoft's liability for the millions of person-hours of time wasted in dealing with the inadequacies of their operating system and of their email products. A clear statement by the court that consumers had at a minimum an implied warranty of functionality, including an expectation of data privacy in the form of mechanisms to prevent both Microsoft itself and others from altering, destroying or illicitly copying data without it's owners permission; would set a clear precedent that software is the same as any other class of product and should not be allowed to exempt itself from product liability through specious End User License Agreements. In that a product sold in exchange for value should meet a reasonable buyers expectations for functionality and safety.

http://www.efn.org/laprice (Community, Cooperation, Consensus
http://www.opn.org (Openness to serendipity, make mistakes
http://www.efn.org/laprice/poems (but learn from them.(carpe fructus ludi)
http://allie.office.efn.org/phpwiki/index.php?OregonPublicNetworking

MTC–00004813

From: steven st catherine
To: Criminal Division,Microsoft ATR,Barrie.Thurlow@hom...
Date: 12/21/01 6:52am
Subject: Industrial Espionage is a serious crime
New Age Informations

Dear Barrie Thurlow

The list of crimes are as incomplete and as the following criminal investigation in part details, I was at a Ms Christine Hodder flat 29 Campden House, Harben Road NW3 where I was allowed to work and stay for over a year at her home, and where I am an intellectual property designer of a sort. On an argument over her involvement into the theft of my intellectual property and or thinking process methodology, and or any material gain via dishonest contact which she admitted at one point only to retracted it later. On leaving she insisted that I take the computer where I had found a memohasp-??device on the table when she was dismantling the computer to give to me. Which I now believe is a bug of some sort, as I had checked out the product on the internet and found out it was a multi-purpose electronic transmitting device. Returning three day later to a website which detailed the memohsap-1 differently from what I had first read its product details to be. On investigation I found that the company Aladdin was the said sole distributors of Hasp products and the only entry found on their website search facility for this product was solid.asp. Solid.asp is a webpage relating to Solidworks Corporation who when questioned via their public information access info@solidworks.com about there involvement in this product deceptive uses they refused to answer a product company relationship claimed by Aladdin to exist. Returning to Aladdin and using the website search facility the only entry for memohasp-1 was removed and marked 0. On further investigation many webpages at Aladdin Hasp were false and some completely blank and their relation to other companies they claim are also false. On contacting Progress Soft Corporation a claimed distributor by Aladdin for Hasp products in Jordan and other Arab countries does not have a word of the Arabic Language on their website www.progressoft.com, as fact. On writing an email to Progressoft their reply was towards that of denial and claimed that IS is the sole distributor for Aladdin Hasp products where Aladdin and other sources claim that they are. However IS does not yet exist to my knowledge and is a mystical company name given out of share panic. The electronic device is a form of bugging device which is given to their company related clients and or individual to use which their company product, and or claimed uses. And as Solidworks Corporation is in 3D design technology of a kind their clients may of been bugged by them so they refuse to answer any question relating to this product. On contacting a UK distributor and questioning them about the product they stated that they only put the device on the back of machines without knowing there internal description workings. However, this device was claimed to be a Cara Professional protection device by Ms Christine Hodder and this can be confirmed by the two officers who attended its return to her and which was refused by her but confirmed by her as a Cara Professional protection device. Webpages have been changed at the US patent office, and or distorted by electronic manipulation as else where also and where I am still trying to complete the formal addressing procedural action to be address to the US patent office. On contacting Aladdin Hasp claiming I was given the memohasp-1 by Ms Christine Hodder as is the case to have the device reinstalled lead me to the FTP.exe file. It is already on the computer she had given me and where I was instructed by Aladdin to download a ftp:/ extension file Hinstall.zip.

Ftp stands for File Transfer Program and the extension ftp is used in connection to the internet. This is in part the crime and if the British government now want to state that crimes involving intellectual property is not criminal and is civil I disagree completely.

As any act to obtain information and or property of any kind via dishonest means is a criminal offence. And as yourselves may be involved in this crime and or involved by way of none action I can now see why you try and play this issue down and alike matters. This is a clear claim by the British government to be involved in maintaining criminal activity for their own benefit. The computer was also witnessed by two officers to be communicating with an external source without a phone line being connected. My phone line was then connected days later as the cover-up continues where I had made phone call on a phone line which did not exist by my request. This is a worldwide espionage network and it uses Microsoft Corporation operating system the FTP.EXE file and or files similarly alike to communicate undetected and gain access control of computers, and or complete control undetected. Aladdin also claimed it had a concise National Software Testing Lab (NSTL) report and on contacting NSTL they reply that they have a report that is three year old or older. On requesting this report via paying for it from NSTL they have not replied because they may also possibly be a bogus website for selling illegal bugging devices. Microsoft are the claimed owner of NSTL logo and if this is correct and they own the logo of NSTL they then possibly own the company who is a advisor to US governmental institution. Industrial Espionage is a serious crime sir please take note.

Yours sincerely and respectfully
Steven St Catherine
Director

From: Thurlow Barrie
To: '''steven_st_catherine@hotmail.com''' CC: ''Public Enquiries (CD)''
Subject: Serious criminal activities
Date: Fri, 21 Dec 2001 09:58:16 -0000

Dear Mr St Catherine,

Thank you for your message to report serious criminal activities. As you did not mention what these activities were I regret that the Home Office is unable to help.

Please report criminal activity to your local police, and please consult your legal adviser or Citizen's Advice Bureau in the first instance regarding any dispute over intellectual property.

Yours sincerely,
Barrie Thurlow
Home Office
Direct Communication Unit

MTC–00004814

From: Tanya L. Durni
To: Microsoft ATR
Date: 12/21/01 7:45am
Subject: microsoft case

The sanctions ordered in the Microsoft case are not tough enough. Microsoft has a history of bending and breaking the laws to suit them, at the expense of their partners and competitors. The case has at least exposed some of these practices.

I think Microsoft's worse enemy in the long run is itself, however, in the meantime, the companies with new innovative ideas are at risk. I don't understand why our government, when it finally determines there is a problem, waits sooooo long to deliver the appropriate discipline. Unfortunately, by waiting they are rewarding the lawbreakers and penalizing the honest hard working American. By not doing enough to control the source of the problem early on, we only allow things to get way out of hand.

MTC–00004815

From: James Wall
To: Microsoft ATR
Date: 12/21/01 7:48 am
Subject: Microsoft Case

Please settle the case as is. Microsoft has done more for average users than any other company. One could have always bought Apple or IBM. Apple made biggest mistake in US business history in not unbundlely their OS. never understood the PC business. Microsoft was just more aggressive and smarter than others. The states case is stupid. Most of those opposed to settlement are angry billionaires who were out smarted by MS.

jjwall

MTC–00004816

From: Leon Schafer
To: Microsoft ATR
Date: 12/21/01 8:08am
Subject: Proposed settlement
Renata Hesse, Trial Attorney
Suite 1200
Antitrust Division
Department of Justice
601 D Street NW
Washington, DC 20530

Dear Sirs,

I am writing this letter to express my dissatisfaction with the proposed settlement against the Microsoft monopoly. I have worked in the software industry for 27 years now. Great strides have been taken in that time and Microsoft has made many contributions; however, they have used their power and control in the market to limit consumer choice.

They have taken advantage of their operating system monopoly to take over every area of application software seen as profitable. They do this by providing their own internal developers with the Applications Programming Interface (API) for the Windows operating system well before the public has access to it. Some parts of the API are never published at all.

Microsoft has also used bundling to great advantage. The anti-trust action started as a result of their unfair competitive practices used against Netscape and the results can already be seen. Microsoft has used it's monopoly in web browsers to begin modifying existing web standards into proprietary, undocumented extensions that render some web pages unviewable in Netscape. Many content creators using Microsoft tools are not even aware that are using these extensions resulting in numerous pages on the web that simply don't work with anything but Microsoft tools.

Microsoft enjoys unrivaled market power and uses its wealth to maintain this dominance. Licensing agreements with computer vendors ensure that the discount for ordering a machine with Windows installed is almost nothing while the retail purchase price of the operating system is large. As a consumer, I have also seen companies producing software for both operating systems get purchased by Microsoft and forsake their non-Windows products within months afterwards.

Despite their numerous abuses, the current proposed settlement does nothing to improve the comptetive situation. In fact, donations to schools will only cement Microsoft's position by training a new generation of computer users in a Microsoft only environment. The remedies against the monopoly must include the following:

Microsoft products must be listed as extra-cost options in the purchase of new computers, so that the user who does not wish to purchase them is not forced to do so. This means that for the price differential between a new computer with Microsoft software and one without, a computer seller must offer the software without the computer (which would prevent computer makers from saying that the difference in price is only a few dollars). Only then could competition come to exist in a meaningful way.

The specifications of Microsoft's present and future document file formats must be made public, so that documents created in Microsoft applications may be read by programs from other makers, on Microsoft's or other operating systems. This is in addition to opening the Windows application program interface (API, the set of ''hooks'' that allow other parties to write applications for Windows operating systems), which is already part of the proposed settlement.

Applications in markets where Microsoft enjoys a monopoly due to past anti-competitive behavior must be made available on non-Windows operating systems. For example, Internet Explorer should be ported to Linux/Unix along with the Microsoft Office Suite. Selling these products on other operating systems would generate revenue for the company yet they refuse to do it because it weakens their stranglehold on the market.

All Microsoft networking protocols must be published in full and approved by an independent network protocol body. This would prevent Microsoft from seizing de facto control of the Internet as they are trying to do right now by subverting Java and introducing extensions in their web server which are undocumented and work only with Internet Explorer.

Microsoft must make available for sale a ''bare-bones'' version of its operating system to prevent bundling. Although great arguments have gone on about what constitutes a ''bare-bones'' operating system, there are examples to work from. Linux, for example, still fits entirely on a single 1.4MB floppy disk.

Microsoft must be prevented from entering the hardware market. The introduction of the XBox clearly paves the way for a future for where Microsoft software will be the only choice and it will only work well on their own hardware.

Without these remedies there will be no other operating systems, web browsers, or office productivity suites. The United States is a world leader in technology for the digital age. It is time for Microsoft's control over the future of the entire industry to be broken so

that other innovators may have their chance to shape the future.

Sincerely,
Leon Schafer
2116 Mark
Lansing, MI 48912

MTC–00004817

From: Johnny Barrett
To: Microsoft ATR
Date: 12/21/01 8:15am
Subject: Microsoft Settlement

I honestly hope the Justice Department sees through the facade MS is proposing. The deal offers very little value (pennies on the dollar) and gives MS an inroad to market they have been historically the underdog. This is just another market to conquer and the settlement is a great vehicle to begin the process.

Better to force them to give the actual dollars to the schools and inform the schools the funds are earmarked for computer education.

Johnny C. Barrett
CST-Supporting NMD XBR (256) 313–9879 FAX 319–757
Johnny.Barrett@nmd.army.mil

MTC–00004818

From: finortis
To: Microsoft ATR
Date: 12/21/01 8:18am
Subject: A few things about Microsoft, I do not like and think needs addressing
CC: finortis

These are newer issues then was brought up in the US vs. Microsoft trial .... but one's that absolutely show Microsoft's monopolist behaviour .... and too much control they have gained over the consumer. Certain things that should be addressed, and also show that Microsoft has not ''learned their lesson'', but remains bad as ever, and perhaps worse/more bold then in the past:

1. Windows Product Activation: This has been bundled into Windows XP (the successor to Windows 2000, and their current lattest operating system). With this system in place, the OS keeps track of peices of info about the hardware in the computer. Some of the things, an upgrade becomes necessary largely due to the bloat provided in software ..... of which Microsoft is a main culprit through the inclusion of useless features such as ''Mr. Clippy'' in Microsoft Office. Things such as RAM .... people need more RAM because the software comes to utilize more RAM, as each generation progresses. Disk space, need we look at the disk space requirements of win3.1 and Dos 6.22 vs win95, win95 vs. win98, winNT 4.0 vs win2k, etc? CPU, same thing .... it wasn't that long ago that a 400 MHz CPU was plenty fast .... not with many software products on the market .... that same CPU, the performance would tank.

Microsoft, with ever increasing amounts of bloatware has contributed to the need of consumers to upgrade their hardware, and despite this, they now restrict the users right to upgrade their own computers as they see fit. Under Windows Product Activation (or WPA), one is allowed to have 4 of those identifiers changed (a CPU upgrade changes too of them). After that, the operating system will cease to function, requiring reactivation. One is then at the mercy of Microsoft to allow them to reactivate, or have to re-purchase an operating system, they already payed for a liscence to use.

They will site software piracy as a reason for this .... but they won't mention the flip side. How many times has a user, upgrading their computer from an OEM, been required to buy a bundled copy of Windows (many times the SAME EXACT VERSION the customer is liscenced too), due to Microsoft's OEM contracts? Ask many a Linux user how feasable it is to buy a ''naked PC'' (one without an operating system) and see what they say? They're refered to it as the Windows tax. One should not have to get a new liscence when one is replacing a PC, and not adding to it. The liscence in the past has stated that the user has a right to do a clean transfer of their Microsoft software from one computer to another. However, OEM contracts that Microsoft holds, has effectively prevented the user the right to do this. This WPA could further force the user to have to purchase an OEM copy of winXP, even if they own the upgrade, simply because they bought a new PC .... even if they migrate their hard drive from the old to the new. This is bunk, Windows Product Activation has got to go.

2. I am extremely opposed to the ''Secure PC anitiative''. Gettng in bed with the RIAA, that has lobbied the DMCA through Congress, in which other elements of society were unwisely not listened too ..... fair use rights which have been enjoyed by US citizens for decades are rashly being discarded. There is no balance sought here anymore .... and take this entire mess, and throw in some people's ideas of brain fingerprinting, the cost to civilization could be quite negative ..... and the consequences to future generations quite bad. Brain fingerprinting, another one of these perposterious ideas that (in that case cropped up after Sept 11, supposedly to keep us safe, by allowing them to monitor brain responces, to figure out the inner workings of people's minds, and profile people's thoughts or what is in their brain) .... is nothing short of an Orwellian nightmere. The possible applications of this:

http://www.theregister.co.uk/content/archive/22020.html
http://www.theregister.co.uk/content/archive/22123.html

But in the case of the RIAA, which MS is getting in bed with, the DMCA (Digital Millenium Copyright Act), unwisely legislated under pressure from lobbyiest, without balancing this against other elements and interests of society, other then the recording industry, has even been used in case to stiffle scientific progress. And what is this about scientific confrences migrating accross seas out of fear to publish work that is against the interests of a given corporation?

http://www.eff.org/effector/HTML/effect14.37.html#I

'''This judge apparently believes that the fact that hundreds of scientists are currently afraid to publish their work and that scientific conferences are relocating overseas isn't a problem,'' noted Robin Gross, EFF Intellectual Property Attorney.''

Allowing copyright law (the DMCA specifically, which seems at the urging of the RIAA (Recording Industry Association of America) and others, to have largely thrown out fair use rights of previously legislated copyright law, to stiffle scientific progress is most unwise, and could serve to hinder innovation, more then help it. So much of the technological progress we have seen in recent times, so many innovations, owe their existence to scientific discoveries which have been made over the last couple hundred years. Without the contributions science has offered to society, we might still be farming the backlands, and going to the bathroom in out houses. Without the discoveries of modern medicine, cures to many formerly dreaded diseases and ailments would not have been found. Without the discoveries of scientists, much of the technology now being discussed would not have even existed.

A hinderance of science, and the ability of scientists to publish their discoveries .... because it is not in favor with a given corporation, could do more to hinder the progress of civilization, then any good that could ever come from it. Instead of welcoming discoveries of a flawed system, and learning from it, and learning how to make better systems (assuming the system imposed on customers is even a good idea, and that is quite an assumption), they have instead chosen to threaten legal action against researchers, if they should publish their work, which the motion picture industry does not like. Under conditions such as this, the objectivity in both findings and in the publication and sharing of findings, which the scientific method is very much dependent upon, is largely compromised. It little matters if it is corporate interest, or religious doctrine and persecution (Galileo anyone?) that stands as a hinderence to such objectivity being allowed in said findings and reporting of them.

This should come as no surprise in a court room type environment .... where the search for the truth in any given case, should be of utmost importance. When the objectivity in fact finding is compromised, because it might be in disfavor of a given corporation (as much as a given religious authority of old) .... the ability to arrive at the truth, and using such knowledge arive at a wise decision is itself compromised.

Taking all of this, the Secure PC Anitiative that Microsoft is behind, essentially amounts to nothing less then a decleration of war against the consumer ..... and in the name of preserving the power of the recording industry (which society is largely progressing to the point of their obsollesence) is further erroding the freedoms that US citizens have enjoyed under law for decades. For information on the Secure PC Initiative, one can begin looking here:

http://www.theregister.co.uk/content/4/23387.html

This, and other initiatives such as CPRM, their ''Digital Rights Manageament'' and other such proposals, are totally unacceptable. Further the DMCA, and certain applications of it, such as in the case above, should be up for Constitutional Review, and put to the test against both prior articles of legislation and the US Constitution. Making such a law, without considering and

balancing all the interists and parties of society is both unwise, and unwarrented. If endeavors such as this, and Micosoft's contribution to this aren't checked ..... the cost to civillization and the impact on society it makes, in years to come could be extremely negative.

3. Microsot's .NET proposals should be reviewed. Much of what I have read, and it all being under Microsoft's control, leaves me extremely concerned. I would tend to be extremely cautious before rushing right into acceptence of .NET.

4. MSN (the Microsoft Network) could very well be an anti-trust violation waiting to happen. I just recently recieved an email from Qwest.net (my current provider) concerning a merger Qwest made with MSN. We are being encouraged to migrate to ''MSN service powered by Qwest''. Some of this information can be viewed on the qwest.net Internet site until January 3rd, when the site will be updated, per their announcement http://www.qwest.net/nav4/public/bus/

crossroads.html

Specific info on this merger is here: http://www.qwest.net/nav4/msn/faq.html

Browsing around, I got info that states only Windows is supported. Umm.... I dual boot between Linux and Windows .... and as far as I'm concerned that is my right. When I signed up with qwest.net, I never agreed to run in a Windows only environment, and should not have to do so now. Such a provision is absolutely unacceptable, and I will not tollerate or agree too. I do not plan on migrating, but am looking into alternative services now .... since having further looked into MSN and gathered more information about this service from DSL Reports. I then got indication that not only is Linux not totally supported, but that MSN prohibits one from using non-Microsoft email software. It is none of their business, and they have no right to tell me what software I can and can not use ..... and to prohibit me from using an email program from a competitor to Microsoft. The suggested transition ..... I come to like even less. http://www.dslreports.com/forum/remark,1775836root=msnetworkmode=flat

''In addition, Microsoft also prohibits MSN users from using any third-party e-mail programs. Good Luck on Microsoft EVER supporting Sendmail :-D''

Further searching .... I find even less to like about the ISP Qwest wants to switch us all over too .... since certain corporate alliances were made between Qwest the phone company, and Microsoft (MSN specifically): http://www.dslreports.com/comments/1646

In fact, I have yet to find one positive feedback from any of MSN's customers. All indication is that they're holding people against their will ..... by holding them to the service and making it very difficult ot leave once transitioned. Doing a futher search around

http://www.dslreports.com

for info on MSN or this merger will find much of the same, from very disatisfied customers. This whole MSN proposal has the ear marks of possible anti-trust viloation associated with MSN (or anti-trust violations in the possible making) .... In any case, as for me, I have NO intention of transitioning .... but plan on changing my service before the current one runs out. The more I read about MSN ..... the less I like the service, and do NOT want to get ensnared in this ISP from the get go. That they are taking over from my current ISP .... I do NOT like, and very much loathe the prospects. I will even have my Qwest DSL service cancelled, and sign up with another provider such as Covad ..... before I will switch to them, given all I have read about their service, on top of my initial hesitation, which has only been confirmed and expanded upon, the more research I do on them. I just hope that neither MSN or AOL expands into the customer base of any new ISP I go with, through such mergers.

MTC–00004820

From: Lyon, David
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/21/01 12:13pm
Subject: Microsoft Settlement

I am writing to comment on the revised proposed Final Judgment to resolve the United States' civil antitrust case against Microsoft. I am a professional programmer certified with both Sun Microsystems and Microsoft. As a United States citizen I believe that my tax dollars have been wasted on this case against Microsoft and I am glad to see it is finally being settled. I believe that this case was not brought against Microsoft to protect the interests of the United States citizens, but to protect the interests of government lawyers who need to justify their jobs and in the interest of various competitors of Microsoft. I believe that Microsoft's competitors are large enough and powerful enough to compete effectively with Microsoft without the help of the United States government. I also believe that the lawyers and judges involved in this case do not have an understanding of the technologies and products involved, and have made decisions based on assumptions many of which are aided by the Marketing teams from competing companies.

Thank you for this opportunity to comment.

David Lyon
Senior Programmer Analyst

MTC–00004821

From: JefRaskin@aol.com@inetgw
To: Microsoft ATR
Date: 12/21/01 1:02pm
Subject: (no subject)
Jef Raskin
8 Gypsy Hill
Pacifica CA 94044
650–359–8588 www.jefraskin.com
jefraskin@aol.com
MICROSOFT'S REAL SINS

The courts have determined that Microsoft has used its economic clout and technological hegemony to maintain and extend its market dominance unfairly. But this insult to the body corporate and intrusion into the body politic does not compare in severity to the injury Microsoft has done to our bodies, minds, and wallets as individual and corporate users of its products.

The problem I speak of is not one of market dominance, but of an inhumane disregard for our physical frailties and mental limitations.

The human-machine interface of Microsoft products is badly designed, as if interface designers did not know how to do better. The effects of this willful ignorance are manifold. One, for example, is to force us to make many more keystrokes and mouse motions than is necessary for a task. This excess can be total— as when there is no action you may take but must either use the mouse to point to and click on a certain on-screen button or tap the Return key before you are allowed to proceed. I estimate that overall, compared to good interface design practice, over 25% of the keyclicks and 50% of the mouse moves are unnecessary. Where is the reckoning for the human pain and loss of productivity from repetitive stress injuries? Who will dun the Redmond Monolith for the large negative impact on productivity that the wasted motions themselves have caused?

More subtle is the unnecessary taxation Microsoft software interfaces impose in terms of frustration and annoyance. Due to designs that ignore what is presently known about human cognition—the software often causes us to make errors, errors that would not have occurred had decent cognetic engineering been applied. In another time, riled revolutionaries might have tossed the software into Boston harbor (nowadays they'd be fined for polluting the harbor).

When I give talks on usability, I never find one computer user who is not fed up with the petty impediments we face. I ask, ''Who here has accidentally struck some key combination when using Microsoft Word and then spent minutes figuring how to turn off the undesired feature that resulted?''

Almost every person raises a hand. I can bring down the house by saying, ''It looks like you're writing a letter. You are an idiot. You need help?'' It is not that the problems of Microsoft's works are unrecognized, it is that they seem to be accepted as an inevitable part of using computers. Apple's Macintosh interface, our only almost-big-time alternative, suffers from the similar interface problems: it is only a little better. Besides, most of us are forced to use Microsoft products on it anyway. Outside of Gates's Domain, we note that the Internet and the World Wide Web could be made far easier to understand and use.

Most of the people who design the systems and the software, those who we think of as leaders and visionaries, are woefully behind the times when it comes to interfaces. They have not progressed much beyond where we were 20 years ago.

To compound these sins, Microsoft's products demand far more computer resources than necessary. For example, in one editor I use, a 22-word memo, with 118 characters, is stored in 456 bytes of memory. In Word, it takes up 19,742 bytes. A business plan that requires 98,482 bytes in the first editor is bloated into 225,280 bytes by Word. Depending on the average size of your documents, Word wastes from half to over 90 percent of your memory. That's memory you or your company pays for. Now add in the hundreds of megabytes of memory and gigabytes of hard drive space their latest operating system demands. With competent design, it could run a lot faster and fit in a lot less memory then it now does. Besides

stealing resources, large programs are harder to learn and understand, and are more prone to bugs than are smaller programs. They eat into your time and pocketbook relentlessly. Nobody is taking Microsoft to court over these brazen acts of theft.

Some defend Microsoft on the grounds that it has brought a measure of uniformity and standardization to the industry. They point out that because of Microsoft, skills are transferable from one machine to another. Even if true, and it is possible to argue that standards arise in ways other than by domination, that is no excuse for the awful quality of the products. Others believe that there is no other possible approach than Microsoft's, but this opinion comes purely from parochialism. Microsoft (and, to a lesser extent—only because they sell fewer units—other software makers) is injuring us physically by making us do unnecessary labor; waste our time and that of our enterprises; cause us avoidable mental stress, anxiety, frustration, and annoyance; and force us to buy more far more hardware than is necessary to do the job. Even if the department of Justice had applied the severest remedies open to it, these crimes would not have been touched.

Computer and software designs are not like the weather. We can do something about them. The technology is available. If the courts cannot, it is time that users, management, and shareholders demand better.

Jef Raskin, an independent interface designer and writer who lives in Pacifica, California, created Apple's Macintosh series of computers and is the author of the recent book ''The Humane Interface'' (Addison Wesley, 2000).

MTC–00004822

From: Brett Markham
To: Microsoft ATR
Date: 12/21/01 1:08 pm
Subject: Microsoft Settlement

Dear Sir or Madam,

I am a computer industry professional, well versed in both Microsoft products, and those of competitors.

I am not a pinko commie that wants Microsoft punished for being successful. I would describe myself as a distinctly pro-business guy. However, Microsoft has engaged in such rampant abuse of free enterprise that I believe the settlement is too light.

Microsoft makes everything in its operating systems dependent upon installation of their browser, rather than competing products. In fact, one of the steps needed to make NT Y2K compliant was downloading IE4. I recently needed to install an antivirus package on an NT server, and was forced to download their IE5 as a prerequisite of upgrading the OS, not as a prerequisite of the Virus package.

That is insane. Nobody can convince me this is necessary, since no other OS in existence has that dependency.

But why their insistence on IE? BEcause of Internet Information Server, and front page. You see, using those products, it is possible to create web sites that only work with their browser. In other words, Microsoft is creating a world where no competing clients OR servers can exist. On an ongoing basis, Microsoft deliberately introduces changes in its products that make it stop functioning with other companies' products. An example is Samba, an SMB server that operates on Unix platforms to make files on Unix servers available to Windows clients. Microsoft deliberately broke compatibility in SP3, and then again with the Win2K release.

Why? Because they are trying to force everybody in the world to abandon every other product, and install MS products instead.

And I'm sure you are aware of what goes on with laptop computers and most others. MS enters into agreements with manufacturers that essentially make MS the only choice. In and of itself, having an agreement between companies is not a problem. But margins are so narrow in the computer hardware market that the difference between a manufacturer paying $189 and $25 for a Windows license is the diference between a profitable company, and bankruptcy. By making these deals with manufacturers, it isn't long before others are forced to comply or go under. At best, that is an illegal contract of adhesion.

So what happens to the consumer is he ends up buying a computer, and having to pay for MS products, even if he intends to load another OS! This automatically makes competing products more expensive for the end user. And guess what? The agreements between MS and manufacturers often deprive the manufacturer of the ability to even sell computers with competing products!

I could go on and on; and doubtless many have. Microsoft's treatment of Blue Mountain greetings after a failed buyout bid are legendary and were the source of an injunction.

Microsoft lies, steals, enters into contracts which are adhesive, forces reliance on its browser, breaks competing software, etc. etc. etc.

Anything short of separating its OS company and its application company will not work for protecting the American public.

Very truly,
Brett Markham

MTC–00004823

From: Dorothy
To: Microsoft ATR
Date: 12/21/01 1:28pm
Subject: Microsoft settlement

When will you wake up. Microsoft stiffles all competition. If some one has a better product, they either steal it or buy it and effectively puts the little guy out of business. Reliance on one leaky, leaky system is foolhardy!!

Dorothy Sucre (I use both Apple and Microsoft, but Apple doesn't leak like Windows does!!)

MTC–00004824

From: Glenn Murray
To: Microsoft ATR
Date: 12/21/01 1:40pm
Subject: Comment on proposed Microsoft settlement
Glenn Murray
Research Asst. Professor
Dept. of Chemical Engineering
Colorado School of Mines
Golden, CO 80401
Renata Hesse, Trial Attorney
Suite 1200
Antitrust Division, Department of Justice
601 D Street NW, Washington, DC 20530

Dear Renata Hesse,

I am writing to object to the proposed settlement to the Microsoft antitrust case. As an educator and researcher in technical fields it has been my experience that Microsoft's dominance and way of doing business has hampered innovation and the free exchange of information. In particular I am concerned about the following points:

(1) Microsoft's attempt to control the internet via proprietary protocols. I believe these protocols should be open standards and that Microsoft should have to compete on a level playing field.

(2) Microsoft's proprietary document formats (e.g., for Word, Excel, and Power Point) and their acceptance as a closed standard strongly discourage any competition. It has come to the point that to communicate with others it is necessary to buy expensive Microsoft products—-there are no compatible competing products, expensive or otherwise. Having open formats could not but help this situation and, again, provide a level playing field for competitors.

It seems we have antitrust laws for a reason, but the proposed settlement does not address the harm Microsoft has done, continues to do, and evidently intends to do. I found it particulary ironic that the settlement encourages Microsoft to extend its dominance into the educational sector. In education we are continually introducing students to new technology. I think that marketplace competition is the best way to keep prices reasonable and introduce innovation for people trying to learn these technolgies. I would like to see an antitrust settlement which has a chance of achieving this.

Sincerely,
Glenn Murray
www.mines.edu/gmurray/public_html/Welcome.html

MTC–00004825

From: Stephanie (038) Ted Coopman
To: Microsoft ATR
Date: 12/21/01 2:03pm
Subject: MICROSOFT SETTLEMENT

Dear Ms. Hesse,

I am extremely concerned about the proposed settlement in the Microsoft Anti-trust case. I feel the settlement is wholly inadequate to curb Microsoft's illegal behavior and fails to adequately address several key issues that are critical to not only the future of computer and internet based business, but has broader societal implications. I discuss my specific concerns below:

Microsoft Is a Remorseless Repeat Offender

Microsoft has shown no willingness to accept responsibility for its actions. In fact, it still adheres to the concept that it is innocent of any wrongdoing. Earlier conditions placed on Microsoft for its anti-competitive behavior were completely ignored. To think that this company will simply be polite and follow the tepid

suggestions of the Department of Justice(DOJ) is sheer folly. If Microsoft believes it is doing no wrong and they have not be censured for their activity, it will, as it has in the past, continue to behave in the manner that has brought it so much wealth and power. Microsoft is the same as the repeat offender thief who feels that they are somehow above the rules and laws that apply to everyone else. Microsoft has violated its parole (so to speak) and should be hit with the maximum penalty.

Settlement Sets a Bad Example

This settlement will have so little impact on the computer and internet related markets and conditions as well as the ability of Microsoft to operate in preferred anti-competitive mode, that other companies will not see anti-competitive monopolistic behavior as anything other than a successful business model. If we, as a society, believe that harsh sentences are required to deter illegal behavior by others, how can we give Microsoft a pass in this case? Rather than an example of the harsh fate awaiting those who defraud the public, this settlement would be an example that the DOJ is a paper tiger who will not hold companies responsible for their actions.

Any Settlement Without Requirements for Interoperability is Useless What makes Microsoft so dangerous is not that its size, but its actions. Microsoft intentionally makes its software so it will not run well with other competing products or even industry standard code. This combined with their dominance in the market makes any real competition impossible. For example, Microsoft Internet Explorer will not accurately read standard HTML, the foundation of the internet. Nor will it read HTML generated by most other HTML composing software. It is designed to only accurately read code produced by another Microsoft product, Frontpage. As with Microsoft Java, this code has no real deviation or innovation related to the original code, other than elements designed to foil competing software or coding formats. This makes extra work for those trying to make alternative formats function with the ubiquitous MS operating systems and integrated applications.

Interoperability is a critical element for the development of the internet. To purposely sacrifice this on the alter of monopoly control and corporate greed is unacceptable. This intentional interference with attempts for consistent interoperability must be stopped.

The Microsoft Monopoly is a Threat to National Security With the focus on ''cybersecurity'' by the current administration, it is amazing that this issue has not come up in conjunction wit this case. Time after time, worms, virus's and other cyber-assaults have wreaked havoc on computer systems world wide costing billions of dollars. The main form for entering all these systems has been Microsoft Internet Explorer and the Outlook Email system. Weaknesses in this program are so easy to exploit and the connections between the program and the MS OS are so numerous that anyone with a few classes in programming can crash millions of computers. This is the computer equivalent of planting a forest with the same type of tree. One bug can wipe out the whole lot. Microsoft's monopolistic attitude of ''ship it now and fix it later'' leaves our computer networks open to attack. The resent glaring security fault in Windows XP is just the latest example. This is a clear example of how Microsoft's actions are a threat to the general public. The US Government has a specific interest in making sure that there is a diverse mixture of internet software to blunt the threat of attack. Microsoft's intentional interoperability thwarts many attempts to harden systems by using alternative software.

This Settlement Will Not Eliminate or Redress Harm Done to Businesses and Consumers

I have personally been harmed by Microsoft's actions. I have wasted hours of programming time trying to make code function on Microsoft Internet Explorer. Code that is technically correct and runs on every other interface. Because of the market dominance of Microsoft, I must make this code work. This is not caused by some superior aspect of this program, but by intentional meddling that ensures only code written in Microsoft Internet Explorer, Frontpage, or MS Office versions will look correct. This is to crush any competitors product. This Microsoft software is not superior in functionality or operation. In fact, it generates useless extraneous code that doubles or triples the size of coded pages which consumes more hard-drive space and makes website run slower. This also slows down the internet. Because Microsoft controls such a large market share, I am forced to use Microsoft software in order to move data other computers. I have little or no choices for programs because I would have to convert them to a MS program first or alter the files name so Microsoft products can read them. There is NO technical need for this. I own Apple computers and the Apple OS will read ANY document no matter what the title. If Microsoft decides it doesn't want to write compatable programs for another OS, that OS is doomed.

In conclusion, I urge the DOJ to reconsider this settlement. Microsoft will not comply with any remedy as long as they fail to admit wrong doing. Steps must be taken to ensure all software has the ability to operate with Microsoft's products. Microsoft must be forced to adhere to industry standards for HTML, Java and other code that allow functionality and interoperability. They must be severely punished and forced to adhere to all remedies by a oversight body that has the power to force compliance. Microsoft must be forced to support alternative OS such Linux and Apple. The penalties for Microsoft's actions must serve as a dire warning to any other company who dares to defraud the public and abuse United States Law.

Sincerely,
Ted M. Coopman
Rogue Commuication
2501 Friesland Court
Santa Cruz, CA 95062
831–477–7780

MTC–00004826

From: Chris Hedberg
To: 'Microsoft.atr(a)usdoj.gov''
Date: 12/21/01 2:44pm
Subject: Microsoft Settlement

Just wanted to send a quick comment regarding the recent Microsoft settlement. I think that the mechanism described whereby Judgement Compliance Officers on the Technical Committee help to resolve issues between Microsoft and customers or competitors is a very good one, assuming that you find the right people for the Compliance Officer positions and that the committee is free to act and backed up by the power to be heard. It's a much better idea that Judge Jackson's initial ruling, which I definitely feel could have led to a lot of confusion in the PC market and not much real advantage to consumers.

I would not have minded provisions requiring Microsoft to publish their APIs more completely and to release specifications for their internal formats to allow other companies easier access to the features internal MS developers take for granted in many cases, but this solution seems very flexible and powerful, both of which I think are required elements when dealing with a market that changes rapidly and a creative, strong-willed, dominant company. I am a former full-time employee of Microsoft, and while I feel that its employees and many of its products are among the best in the world, I have long disagreed with the company's aggressive and often short-sightedly self-serving approach to standards and competition. Microsoft is at its best when it's forced to compete against strong products. It products tend to weaken and fail when there's no clear competitor meeting an unmet need.

Thank you for reading my comments.
Chris Hedberg

MTC–00004828

From: blburton@mac.com@inetgw
To: Microsoft ATR
Date: 12/21/01 5:00pm
Subject: AtATgram: One For The Record Books (12/20/01)

Brian <blburton@mac.com> is sending you a scene from —As—the—Apple—Turns!—

Scene 3467 follows:

One For The Record Books (12/20/01)

Hey, guess what? Something amazing happened today. Ready for this? They found a MICROSOFT SECURITY HOLE. Wait, don't leave! Yes, we know that Microsoft security flaws are about as rare as pennies with Lincoln's picture on them, but this one is different: it's bad. Really bad. So bad it makes most Microsoft security holes look like terrific new features they should be advertising in boldface caps on the box with lots of exclamation points. Yea verily, this is the great-granddaddy of all Windows vulnerabilities. (This is the part where you're supposed to gasp audibly and one or two of you actually faint for effect.)

Actually, technically the bug was discovered several weeks ago, but it was apparently kept pretty hush-hush until now. Faithful viewer DAVID MCCONNELL tipped us off to an Associated Press article which leads off with one of the greatest introductions we've ever seen: ''Microsoft's newest version of Windows, billed as the

most secure ever, contains several serious flaws that allow hackers to steal or destroy a victim's data files across the Internet or implant rogue computer software. —The company released a free fix Thursday.—'' Gosh, all they did is put the personal data of millions of customers at terrifying risk, and the fix is —free?— The newfound benevolence of Redmond never ceases to amaze us. Clearly that whole Justice Department brouhaha did some good after all.

And the amazement just keeps on coming, because Microsoft actually seems to be admitting the gravity of the situation, calling it a ''very serious vulnerability'' and acknowledging that ''the risk to consumers was unprecedented because the glitches allow hackers to seize control of all Windows XP operating system software without requiring a computer user to do anything except connect to the Internet.'' We are stunned— —stunned—, we tell you— that Microsoft hasn't therefore simply blamed the Internet for the problem. What's this world coming to?

By the way, no, there's no word on whether this was one of those ''trojans, trapdoors, and bugs'' that a captured terrorist insists Al Qaeda managed to stick into Windows XP, but feel free to incorporate that possibility into your own twisted world view sans evidence if you like. Meanwhile, word has it that Microsoft has ''forcefully urged'' all users to install the patch right away, although we noticed a distinct lack of any mention of the problem whatsoever when we visited the company's home page. Maybe things haven't changed that much after all. Those of you running Windows XP should probably hunt down and install that patch ASAP; those of you who are just itching to exploit that vulnerability can rest easy in the knowledge that even if Microsoft calls every single registered user of XP, there's still going to be a fair percentage of people who won't bother to apply the patch. So take your time.

In closing, Microsoft is clearly the company with whom you want to trust your sensitive personal and financial information. Oooooh yeah, .NET and Passport just sound better and better all the time ...

To see this scene as it was meant to be seen, complete with links to articles and formatted as originally broadcast, visit: <http://www.appleturns.com/scene/?id=3467>

To see the complete, unadulterated episode in which this scene was originally broadcast, visit: <http://www.appleturns.com/episode/?date=12/20/2001>

As the Apple Turns: <http://www.appleturns.com/>

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This Episode: <http://www.appleturns.com/episode/?date=12/20/2001>

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MTC–00004829

From: Shneiderman, Ben
To: 'Microsoft.atr(a)usdoj.gov'
Date: 12/21/01 5:51pm
Subject: comment on behalf of consumers

Much of the discussion of settlement terms focuses on strategies that promote competition. This is fine, but some method of assessment of the benefit to consumers and computer users might be an appropriate addition.

The current level of user frustration is high—one survey of 6000 users reports that an average of 6.1 hours a week are wasted. This drain on productivity could amount to $100B annually in the US alone. Although there are few reliable statistics about the top ten sources of trouble and frustration, a good start has been made in collecting data about the most serious annoyance—a system crash. The web site www.bugtoaster.com presents data from its clever technology to capture data on crashes (I have no relationship with this company).

Other sources of frustration include:
—difficulties with installation and configuration
—inability to open email attachments
—incompatible file formats
—inability to complete e-commerce transactions
—incomprehensible instructions or dialog boxes
—insufficient information to isolate problems
—lack of feedback about system state
—hostile or incomprehensible error messages

I propose that Microsoft (or an outside independent agency, possibly NIST), be required to establish metrics for frequency and severity of user problems and report on these publicly on a monthly basis. This parallels what airlines do with respect to lost baggage and flight delay frequencies. Then as Microsoft and other software developers improve their software quality, measurable gains could be shown.

A basic approach would be to develop a frustration reporting mechanism that would automatically or by email enable users to register the problems they have. Such a database would help identify problem frequency and measure their severity.

I hope that this proposal generates competitive activity that benefits consumers.

Sincerely,
Ben Shneiderman
Dept of Computer Science
University of Maryland
College Park, MD 20742
www.cs.umd.edu/ben
301–405–2680
301–405–6707 fax
www.cs.umd.edu/hcil
Founding Director (1983–2000), Human-Computer Interaction Lab
Professor, Computer Science
Member, Institute for Systems Research & Institute for Advanced Computer Studies
CC:Shneiderman Ben

MTC–00004831

From: Phillip C. Wolf
To: microsoft.atr(a)usdoj.gov,senator (a)graham.senate....
Date: 12/21/01 6:07pm
Subject: Microsoft comment period

Sirs:

I am an avid computer user since learning about them in my high school in 1972.

I am also a member of the Armed Services of the United States of America, and have witnessed firsthand the tears of frustration at using an incompetent software suite foisted upon the country by Microsoft.

This is NOT a benevolent monopoly as ATT was. This is an evil, greedy, incompetent corporation which stops at NOTHING to extend and prevail it's dominance.

Witness: Bill Gates, Microsoft, et alia working dilgently behind the scenes to control and steer the COMCAST/ATT broadband merger, so as to completely stiffle any potential competition from AOL Time Warner.

My industry-standard, world-standard computer software is today increasing finding internet sites which do not function properly due to Microsoft's blatant highjacking of such standards with proprietory ''flavors'' which are known only by Microsoft, and which overtake the world internet by their monopoly stranglehold. (Java, C++, VisualBasic, FTP, html, and TCP/IP)

The self-imposed, self-proposed ''penalty'' offer (truly, THIS IS A PATHETIC ATTEMPT TO MAKE A COMPLETE MOCKERY OF THE JUDICIAL SYSTEM) to pay off foul deeds against the comsumers of America and the world, by ''donating'' used systems containing Microsoft products EXCLUSIVELY to public schools. Is there no one in government today who can see that this is a thinly disguised attempt to POISON the minds of schoolchildren and pull them into the Hell that is Windows(tm)?????? Unix, OS/2 (killed by Microsoft) even Linux, are far, far, far better operating systems than Microsoft Windows. ANYONE who uses a computer extensively and dares to compare will see this in a micro-second.

To close, I add the thoughts of a commentator I read at Linuxplanet.com, with which I am in COMPLETE agreement:

* Any remedy seeking to prevent an extension of Microsoft's monopoly must place Microsoft products as extra-cost options in the purchase of new computers, so that the user who does not wish to purchase them is not forced to do so. This means that for the price differential between a new computer with Microsoft software and one without, a computer seller must offer the software without the computer (which would prevent computer makers from saying that the difference in price is only a few dollars). Only then could competition come to exist in a meaningful way.

* The specifications of Microsoft's present and future document file formats must be made public, so that documents created in Microsoft applications may be read by programs from other makers, on Microsoft's or other operating systems. This is in addition to opening the Windows application program interface (API, the set of ''hooks'' that allow other parties to write applications for Windows operating systems), which is already part of the proposed settlement.

* Any Microsoft networking protocols must be published in full and approved by an independent network protocol body. This would prevent Microsoft from seizing de facto control of the Internet.

PLEASE: Stop this monster run amok. PLEASE: protect Americans and others from this criminal hegemony. PLEASE: decide in favor of the American Way of Life which has worked so well for hundreds of years—a fair, open, and LEVEL playing field for business. Do the right thing.

Please.

sincerely,

Phillip C. Wolf

Master Chief Petty Officer (USCG)

Consumer Patriot

MTC–00004832

From: Dave.Pickens@sun.com@inetgw
To: Microsoft ATR
Date: 12/21/01 6:24pm
Subject: Microsoft Settlement

To Whom It May Concern:

I wish to register my disagreement with the Stipulation and Revised Proposed Final Judgment in re: United States of America v. Microsoft Corporation. I understand that under the Tunney Act, I as an American Citizen have the ability to comment and wish to do so.

I've been in the information technology field since the late 1970's... I had just started my career when Microsoft was founded and therefore have seen the world both pre-Microsoft and post-Microsoft. My main issues with the proposed settlement are:

1. Does not address non-commercial or open source usage of Microsoft technologies. Specifically it excludes anything that is does not have a viable ''commercial'' entity. How does one measure this? Who is to say what is or isn't viable? Under the proposed settlement, Microsoft would have the ability to exclude much of the development efforts at Universities, non-profit organizations, and small businesses simply by saying that these are not legitament or viable. At that point, these Universities or non-profit entities would need to file a complaint with the oversight group which would undoubtedly take considerable resources and efforts. Many of these organizations could not afford to undertake such efforts.

To limit the access to Microsoft's APIs, etc. in such a manner creates a divide that many would not or could not cross.

I urge you to eliminate this loophole that would allow Microsoft to exclude a significant portion of the information technology community.

Equal access needs to be assured, regardless of whether it's an individual person, a non-profit organization, a University or a for-profit organization.

2. Does not address harm caused by Microsoft's past abuse of monopolistic practices.

Their ability to fund economically unfeasible products or investments—some software related, others not related at all to software, is tremendous.

A prime example is their investment in the new gaming system X-Box... depending upon which analyst you read, estimation is that this product will not even begin to make money until late-2004, perhaps 2005. This is a loss-leader designed to further their business goals in a new market but utilizing capital obtained via monopoly power in other market segments.

Another example is their investment / ''partnership'' with customers with the ultimate outcome of locking in their products / technology use with these customers. This has been accomplished in several ways including the investment in target organization, outright purchase of target organization or significant product discounts beyond normal levels to similarly sized organizations. The only way that Microsoft has been able to do this is by using money (capital) obtained via their monopolist practices.

The proposed settlement continues to allow Microsoft to enjoy the fruits of their criminal activities, so far as to even allow Microsoft to be insulated against market forces due to their diversification. Had Microsoft not invested in nor used money obtained via monopolistic practices, their ability to maintain a monopoly may have been address by the market itself.

I urge you to either require Microsoft to divest holdings in customers, business partners, etc. or place them into a separately managed holding company that is the equivalent of a blind-trust. The ability of Microsoft to continue to utilize these tainted assets is great.

I further urge you to seek punitive damages by way of divestiture to address the harm caused my Microsoft's abuse of monopoly powers.

3. The duration of the settlement is too short a period of time. Based upon my reading of the documents, the settlement could expire in as little as 5 years, and at most 8 years.

My concern is that Microsoft will wait things out, then return to their usual tactics once oversight has been eliminated. The other part of my concern is that Microsoft reduces their aggressiveness to a point, and then frustrates the oversight group for 8 years, effectively distracting and tying up the oversight group with argument upon argument, issue upon issue— effectively outlasting them via appeals, taking things back to court, etc.

4. No specific penalties for non-performance or violation. Most contracts I read tend to have some form of penalties for non-performance or breach written into them. I don't see any of that in the proposed settlement. Based upon this, Microsoft could easily continue to violate the settlement and fight any attempts at punishment for many years to come.

I think certain minimum penalties need to be spelled out should Microsoft even appear (''appearance of impropriety'') to violate the settlement terms, not obey the oversight group, and any other US laws for that matter. These penalties could be as simple as the term of the settlement / oversight is extended to 10 years beyond the date of the infraction. It might also include monetary or other penalties such as breaking Microsoft into 3 or 4 separate companies is avoided initially but should Microsoft violate the terms of the settlement, then they consent to being broken apart into separate companies.

Without penalties, I am concerned that Microsoft will continue abuses, simply writing off the oversight and annoyances because there is no incentive to do otherwise.

Respectfully submitted,

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MTC–00004833

From: Nick Bogan
To: Microsoft ATR
Date: 12/21/01 7:34pm
Subject: Comments on the Proposed Settlement

Since before the original trial and consent decree, continuing through the U.S. vs Microsoft trial preceded over by Judge Jackson, to the present, Microsoft has had as its sole goal the elimination of consumer choice in the computing environment. Time and again, they have used all means both legal and illegal, indifferent to either the interest of consumers and the public at large or the law, to ensure that no other company or influence could tamper with their total control of the PC market. Whether it was crushing Netscape by means of illegal deals with OEMs, or in more recent times working to ensure that only Microsoft browsers on Microsoft OSes can use the Internet (witness their recent trial closure of msn.com to all browsers but IE and old, non-Web-standards-compliant versions of Netscape, shutting out newer, more-compliant-than-IE third-party browsers allegedly in the interest of Web standards compliance; I won't even speak of what Microsoft would like to do to the Internet with .NET), the company has made it clear that it will never change its ways unless the law is enforced.

If Microsoft is not stopped, computer users will continue to be forced to either use their products (Office and IE, and hence Windows) to permit compatibility with other computer users, or use third-party solutions that attempt to provide compatibility with undocumented Microsoft APIs and file formats (for example, the Office file formats) but are burdened with needing to reverse-engineer them. With the planned changes to Microsoft's software licensing, future purchasers of their software may simply be required to upgrade when Microsoft sees fit. As it is, installing Windows XP requires contacting Microsoft (this must be repeated if the computer's hardware is changed at any time) and is accompanied by several requests for the installer to sign up for Microsoft's Passport service.

The evidence that Microsoft has used its monopoly power illegally to protect and even to further its monopolies is indisputable; it is simply a given that the company is a monopolist and has been for years. What is not given is the response of the DOJ to this preponderance of evidence. As a computer user who currently enjoys the opportunity to choose third-party software such as Linux and Mozilla, I hope that a forceful settlement is enacted that prevents Microsoft from continuing to try to force such products out of the computing world. Such a settlement

should, at least, include a provision requiring Microsoft to provide accurate and freely available documentation of its APIs and file formats at the time of launch of any new product, whether it is free or charged for, that modifies these formats. If they do not do so, or release inaccurate or restricted documentation, they would not be allowed to ship (or continue to ship) the product.

I do not support any proposal that mandates Microsoft to produce versions of its software for other computing platforms. By providing free and accurate information about its currently proprietary APIs and file formats, it would be possible, albeit with much work, for Microsoft's competitors and other agents such as writers of Free Software to produce genuine alternatives to Microsoft software. The notion that the only hope for alternative computing platforms is for Microsoft Office or IE to be ported to them speaks volumes about the unhealthy and damaging control that Microsoft has obtained and retains, in large part through illegal actions.

In addition, while the option for OEMs to bundle third-party software and operating systems under the currently proposed settlement is a good start, it should be extended to prohibit the imposition of any future ''Windows taxes'' that use Microsoft's monopoly position to effectively force OEMs to preload Windows. If I don't want to buy Windows when buying a computer, I shouldn't have to, and I should save at least as much as the per-unit license cost to the OEM by excluding it.

I appreciate the efforts of those who are reviewing these comments. I hope that my voice, along with those of many others, will help strengthen the settlement, making it into an effective tool that will restrain Microsoft from illegal actions and help bring an end to its hurtfully excessive domination of the computing industry.

MTC–00004834

From: RobAnn Mateja
To: Microsoft ATR
Date: 12/21/01 8:15pm
Subject: Microsoft Settlement

As a taxpayer and citizen of the United States, I strongly urge the DOJ to accept the settlement offer. Like many American citizens, I feel this case was always more about protecting the interests of Microsoft's competitors than the interests of the American public. Let's let the marketplace, not the competitors or the government, decide who shall prevail in the software computer industry. The settlement terms will put constraints upon Microsoft to mitigate any real, imagined, or trumped up anti competitive behavior by Microsoft.

On a tangential note, I would love to see the DOJ shift its attention from attacking successful American enterprises, such as Microsoft, and focus instead upon protecting this country from the very real threat of anti-American extremists. As sad as it is to say, perhaps if the priorities had been set correctly in the first place, we would not have had to bear the horrible tragedy of Sept. 11. Perhaps that sounds like a cheap shot, but that thought is certainly in my heart and in the hearts of many other American citizens.

MTC–00004835

From: Jack Belland
To: Microsoft ATR
Date: 12/21/01 8:26pm
Subject: Microsoft settlement

It is time to get off Microsoft's back. Companies that compete with MS would dearly love to have the government diminish MS's ability to compete in future software & tech markets in order to improve their chances of making billionaires for themselves. This country needs mega successful businesses & the people with the talent to run and nurture these wealth creating entities which produce the muscle the USA must have to prosper in this world.

Jack in Tucson, AZ

MTC–00004836

From: Amit Jain
To: Microsoft ATR
Date: 12/21/01 11:12pm
Subject: Microsoft Settlement

Microsoft has been found guilty of abusing their monopoly. They should be broken up. Anything less is unacceptable.

Peace,
Amit Jain
1 Castle Pt. on the Hudson S–724
Hoboken, NJ 07030

MTC–00004837

From: Ryan Boder
To: Microsoft ATR
Date: 12/21/01 11:38pm
Subject: Microsoft Settlement

Attached is an Adobe Acrobat file that includes my comments on the settlement. If you cannot view an Acrobat file please inform me and I will send you another format.

Thank You.
Ryan Boder
6635 Olivetree Court
Reynoldsburg, OH 43068
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

To the United States Department of Justice:

I am writing in response to the proposed settlement which is currently under the 60 day public comment period. I consider myself to be a person whom the outcome of this case will have a very significant effect. Currently, as a senior at Carnegie Mellon University, majoring in Computer Engineering and minoring in Computer Science, I am naturally looking for a place in the computer industry in the very near future. As I compare companies and go from interview to interview I am realizing a very hard to face reality. There are almost no jobs available in my field that really interest me. My main interest is in operating system development and I would like to work on a desktop OS. I am a proponent of open source software and some day I hope to either work for or have started an open source software company. But the reason I am writing you today is because I don't understand why it is so difficult to find a job doing what I want do. I believe the answer to that question is the lack of an actual competitive operating systems market. Sure I could go to work for Microsoft, but then I don't like Redmond and more importantly, I don't like the company who illegally injured the industry I want to work in.

Then I begin to think to myself, what about my colleagues? What about my friends in the Computer Science department who aren't really interested in working on an operating system but would love to find a good job developing cutting edge office software or get a job developing some kind of networking application that people would actually use. What should they do? Should they go to work for Microsoft also?

The fact is that now, Microsoft has a monopoly on not only operating systems, but also to a lesser degree, office software and web browsers. They have blatantly and obviously abused this monopoly in many cases over the years and it has to stop. The DOJ has made that very clear. I have carefully read the ''Complaint'', ''Stipulated and Revised Proposed Final Judgment'' and the ''Competitive Impact Statement'' files from the case web site and while they do cover many of the needed changes that need to be made, I do not feel they properly punish the Microsoft Corporation for hurting such a large number of people and an entire industry as they have done. In fact, I do not feel they punish the Microsoft Corporation at all. They do a very good job at setting rules so that it will be more difficult for Microsoft to abuse it's monopoly in the future. This in itself is a good thing but the damage has already been done. While Microsoft was using it's operating system monopoly to keep competitors from competing, it was also illegally building an empire that it does not through legal business practices deserve to have. And who pays the price for their actions? I do. My friends do. Every other company in the the world who is completely and utterly dependent on Microsoft products does.

The DOJ claims that while we all realize that Microsoft is an illegal company, it would be in the best interest of the general public to settle now because it provides ''effective and certain relief''. I admit that it provides a certain action to be taken place, but I disagree that it provides certain relief. Let's say two warriors start out as equal competitive fighters. Then one, through an illegal means, grows 100 times as large as the other. Finally the king steps in and says to the the criminal warrior, ''Now you have to abide by the rules, but you will not be punished for you actions''. Is it going to be a fair fight now? You are effectively pitting David against Goliath except this is no religious fairy tail, this is the computer industry in the 21 st century.

My opinion of software

I have learned software is unlike any product that we have ever seen in history.

1. It takes a long time and a lot of work by smart people to make good software.

2. It can be developed at very little actual cost besides time.

3. Once a usable version is released, it can be ''manufactured'' at practically zero cost.

4. It is never actually done. There are always bugs and defects that can be improved. So from the inherent properties of

software, it seems as though this would be one of the easiest industries to get into. But for some reason even huge organizations like Netscape, Sun, Compaq and many other are struggling or have failed because they were unable to compete. Not to mention the many small software companies that have fallen before they even left a mark. The reason for this is that standards are not open to the public.

What constitutes a standard

A standard is a specification that a group of people have agreed upon so that they can work with each other and not against each other. A communications protocol that everyone on the internet uses is a standard. A programming API that programmers around the world have agreed upon is a standard. A file format that everyone in the business world uses every day to communicate is also a standard. In fact, it might even be considered a communications protocol since it is a method for the person who creates the file to communicate with those who read the file. Standards are a great idea but what happens if a single person or company owns a standard?

Why standards should be public domain

When a standard is public domain everyone can use it. When a standard is proprietary then only the people who satisfy a condition set by the owner can use it. The example I would like to mention here is the Microsoft Office binary file format. This is a perfect example of what happens when a standard is owned. Microsoft and only Microsoft has the ability to truly read and write to Office documents. Others can try and come very close to succeeding, but unless the standard is completely opened one cannot truly be compatible with it. The Office software that I am using to write this paper claims to be Microsoft Office 2000/XP compatible, and for all intents and purposes it is. I have been able to read and write every Microsoft Office file that has come my way with the OpenOffice.org software. Basically what has happened is a group of very talented programmers from Sun Microsystems and the general public have put a lot of time and effort into reverse engineering the Microsoft Office binary file format. The reason for this effort is so that when a person uses their product he or she is not constrained by the twenty Microsoft Office files sent to them every day that they are expected to open and read. Most of the people who send these files have never heard of and can't even fathom the idea of using something other than Microsoft Office to do daily office work. So if the OpenOffice.org people could do it, then there is nothing to worry about, right? Wrong. They were placed at an extreme disadvantage from the start and have still managed to develop a product that I guarantee you can compete with Microsoft Office from a technical standpoint. However, those hours spent tirelessly reverse engineering a binary format could have and should have been spent doing something else. They could have been working on other parts of the program to give it even more useful features than it already has. The Microsoft programmers did not have to worry about this dilemma because they exclusively had the standard. There is no intellectual property in the Microsoft Office file format. In fact it is agreed upon by most people in the software industry that a text based format (such as XML which is what OpenOffice.org uses for their native file format) works better for these types of files. So why does Microsoft continue to use a binary format and not share the specification? Because they know that if they did either of these things they would suddenly have to compete with other software developers and might lose the stranglehold they now have on office software and thus, on every business in America.

Let's assume I convince a non-computer person to try the OpenOffice.org software or Sun Star Office and one day they get a Microsoft Office file that doesn't look right when they open it. I guarantee you the first thing they will think is that their program is bad and Microsoft Office is better because Microsoft Office could open that file while OpenOffice.org could not. (I have never actually seen that happen because those OpenOffice developers did such a good job, but this is a hypothetical situation) Is it because the OpenOffice.org developers are not as good as the Microsoft developers? That question can't really be answered, but as a software expert I seriously doubt it. When a company owns a standard protocol it is inherently anticompetitive and everyone (except Microsoft) loses.

What must be done

These standards all need to be completely and absolutely open to the general public and anyone who wishes to compete. The settlement has the right idea in disclosing most communications protocols and API's but that doesn't cover it. All communications protocols, all API's and all standard file formats need to be opened up to the general public. There is no way to have a competitive market otherwise. I place a big emphasis on file formats because the DOJ has not mentioned them at all in the stipulations of the Final Judgment proposal. They are just as important as communications protocols and in my opinion should be treated exactly as communications protocols for the duration of this case.

The only argument the DOJ has given against opening all protocols is that the ones that are security related should be kept secret. I realize that in the ''Competitive Impact Statement'' it was explained that this exception was only for authorization tokens or keys, but it seems to me that the wording for the actual stipulation is weak and that it will allow Microsoft the ability to still close access to certain functionality under the ''It's for security purposes'' umbrella. What must happen is that all protocols, all API's and all file formats be completely opened to the general public.

Why the general public

The parties mentioned in the stipulations who are protected from anti-competitive acts are ISVs, IHVs, IAPs, ICPs, and OEMs. These people deserve to be protected, but what about open source software developers? Why are they excluded from this list? Do they not have as much a fight to this information as the independent software vendors? Where do you draw the line? Redhat is an independent software vendor, but they produce open source code, so how can they sign the non-disclosure agreement when they always ''disclose'' their software? What about the many other software companies who produce open source products? Are they not independent software vendors? Bill Gates argues that they are not and that they ruin the country because they don't pay taxes, but something tells me that if Redhat didn't pay their taxes they would be punished. Would opening these three standards: protocols, API's and file formats to the general public cause any harm? No way. If you are going to open them to competitors, open them to all competitors, not just the competitors Microsoft has beaten before (in many cases illegally) and already have a huge advantage over. Open them to the open source software developers who not only are some of the most eager people to see them, but also the last group in the world that Microsoft wants to compete with. This is the group that has Microsoft worried sick because they actually might be able to legitimately compete.

How it should be done

I do not want to see the DOJ settle on this case and believe me, I will be lobbying my home state to jump back in this fight. On the other hand, if it the DOJ is going to settle now I hope that they do it the right way. Yes, the Technical Committee is a good idea and I hope the people who get hired to do the job never let one mistake slip by. The TC has the fight to hire as many as it deems necessary to help carry out its task and I hope they do so without holding back. The TC should hire a team of as many programmers and technical writers as it needs and have them prepare and maintain the documentation that will be provided to competitors, Do not let Microsoft be responsible for this task. Let people who actually care about the cause and are passionate about getting these standards out there and helping their colleagues compete fairly handle this important job. Don't leave it up to Microsoft who has only to lose from this stipulation and has for so long kept it secret.

As I have stated before, I do not think that this final judgment will induce a competitive industry as it is supposed to. I believe that while on the fight track, this proposal has some weaknesses and some stipulations that are likely to not be enforced at all. Also it does not in any way punish Microsoft for the crimes they have been committing for the past decade. Here are the stipulations that I question, denoted by letter and number from section HI of the proposal, ''Prohibited Conduct''.

Section III: Prohibited Conduct

C)

1. The part about allowing them to restrict OEM's from installing software that provides a particular type of functionality as long as the restrictions are non-discriminatory between non MS products and MS products. Microsoft will be able to take advantage of that by claiming that a product that competes with their own product has a prohibited type of functionality. It is easy to take two programs that provide a similar function but in all other aspects provide different functions, and say they are two different types of products prohibiting the competitive product.

3. The restriction that non-MS middleware must either not display a user interface or should display a user interface similar to the corresponding MS product. This forces competing software vendors to follow Microsoft's lead in these type of products. Then to the user it seems that Microsoft is the only innovator and the other vendors are merely copying. I believe there should be no restrictions whatsoever on competing middleware products. With this exception, Microsoft is allowed to define the configuration of the desktop. That should be the job of the OEM.

D)

This is one of the most important rules to stop Microsoft from illegally abusing it's monopoly as it has done consistently and effectively in the past. The settlement is right on the concept here but you are leaving out the single most important group that wishes to have access to this API: the public. The general public includes people like myself and other software developers who use and maintain software products that compete with Microsoft products. Open source software developers and the general public want access to those API's just as badly as the commercial organizations mentioned. And we deserve access just as they do. Microsoft API's are not and cannot be considered intellectual property because of Microsoft's monopoly on the entire software industry. Those API's are a de facto standard and must be treated as such. My personal opinion as well as many other software experts like myself believe that no API should ever be closed to anyone for any reason. However, I am willing to not argue that debate in this paper because that is not what this settlement is about. I do believe that Microsoft will continue to abuse its monopoly if these API's are not released to the general public with all documentation. The reason is that I believe competitors to Microsoft are growing out of the hard work and effort of the Free Software Foundation and the GNU organization, the Linux Kernel, distribution providers such as RedHat, MandrakeSoft, Suse, 3T Solutions and many other equally important open source software developers. The open source movement has utilized a method of creating better software, that even a closed source giant like Microsoft itself will have to work very hard to keep up with. Unless these de facto standard API's are released to them and the public, there will not be competition in the software industry. As for the other closed source software vendors, they most likely will not be able to compete with Microsoft even with the API's simply because Microsoft will bury them in marketing and other tactics such as the infamous ''Embrace and Extend'' strategy that was used to retard the popularity of excellent ideas such as Java, Javascript and ANSI C++. Please do not allow Microsoft to harm the industry and the public more than it already has by allowing them to define the playing field even more. In conclusion to this section, the DOJ must force Microsoft to release any and all programming API's and communications protocols to the general public, so that competing open source software developers can make their products compatible with the de facto standard products of the Microsoft monopoly.

E)

This is a very good and necessary stipulation, but it does have a weakness. I tend to learn from experience and it has shown that the Microsoft Corporation will do anything and everything it can, stopping at nothing to not just help it's own products, but to also injure and even paralyze the products of all of it's competitors. We have seen Microsoft make illogical technical decisions for the sole purpose of killing excellent products like Netscape Communicator and Sun Java technologies. Therefore, I do not trust Microsoft to handle such an important task as making all communications protocols absolutely and completely open to all people. For example, Microsoft's biggest fear right now is the GNU/Linux Operating System becoming as easy for a computer user weaned on Windows as Microsoft's own OS. They have good reason to be afraid, since these systems have a history of being more stable and secure than Windows. However since Microsoft owns the vast majority of the desktop Operating Systems being used today, it is imperative for every single Microsoft communications protocol to be open and available for any (competing) open source developer. Otherwise an ignorant user will make the assumption that the competing system is broken, because it does not easily communicate with all the Windows systems they already have. I have suggested a possible solution to this problem above in the ''How should it be done'' section.

G)

1. This stipulation is contradictory. It claims that Microsoft may not enter into a contract that will force the other party to exclusively or favorably deal with Microsoft products as opposed to competing products. Then it says that they actually can do this as long as they can provide numbers that show it is reasonable to favor the Microsoft product. (In good faith? Who are we talking about here?) Since Microsoft has such a large percentage of the market they will always be able to produce numbers that show this. Besides, if you want to see how the Microsoft Corporation likes to fudge numbers, ask them how exactly they came up with the availability rate for their web servers. They are a monopoly and achieved that through marketing and questionable business practices. That is not what got them their enormous market percentage, rather it was abusing that monopoly that made it difficult and sometimes even impossible for their competitors to sell enough product to stay in business. (Even in the cases where the competing product was technically superior) The DOJ must never let them enter into an agreement that removes the other parties right to use a competing product.

H)

3. Along with this stipulation, there should be a message defined by the DOJ that is used every time windows tries to automatically change settings. Also, there should always be an option that the user can choose that will permanently disable each automatic configuration change. This must be clearly explained when asking for user confirmation so that, for example, my grandmother can read and understand exactly what choices she has. The reason for this is simple. Microsoft, if given the opportunity, will ask if the user wishes to change settings on a regular basis so that the user will become extremely annoyed. Then they will use phrases like ''Internet Explorer is currently not your default web browser. Would you like to make it your default? (Click yes to make this message stop appearing)''. There should always be an option such as ''No, keep SomeBrowserName as my default web browser and don't ask me again''. Also, the DOJ should define these messages to keep Microsoft from wording it like this, ''Keep SomeBrowserName as my default web browser (Some functionality may be lost)''. If I am the kind of person who gets nervous about things like using a different program than Word to write a paper, then that statement will be enough to scare me into using IE. Microsoft's Operating System monopoly gives them the power to make any program they want look bad. A perfect example of this is the Caldera vs. Microsoft case where Windows was generating false error messages when run on DR–DOS instead of MS–DOS. They have abused this power many times with their FUD attacks and messages like the one shown above. This must be stopped and only the DOJ has the power to stop it. In the freeway of the software industry, Microsoft has built the roads that most people drive on and history has shown us that only Microsoft brand cars are allowed a smooth drive. This must be changed.

H—Exceptions:

1. Assuming that all communications protocols and programming API's are open to the public, this should never be an issue because any decent non-Microsoft program will be able to handle the users requests.

2. If the user has installed a program that is unable to handle that request, then the user most likely had a very good reason for it and probably doesn't want Windows stepping in and changing that for them. Also, this stipulation gives Microsoft programs an inherent competitive advantage over other programs. When Windows decides a program failed (which will be up to Windows' own discretion?), it steps in and uses a Microsoft program to handle it. But when a Microsoft program fails to handle a request, will Windows step in and use a non-Microsoft product to handle it? No way. On top of all this, it gives Microsoft the ability to leverage the content of their web sites in the same manner that they leveraged the Windows OS to stamp out competitors. I know plenty of people who would not even consider using a non-IE web browser at all if they couldn't access the web sites maintained by Microsoft with it. I remind you of the day, a couple months ago, when they tried to block all non-IE web browsers from viewing msn.com. This attempt was met by an uproar from non-IE users and they removed the block in fear of looking bad in public. With Microsoft extending it's presence into basically all other industries that deal with information distribution and digital media (as they have been doing at a steady rate), this will only get worse. The DOJ must force Microsoft to not switch to a Microsoft program when accessing Microsoft's servers. They must let

any program access it and the communications protocol must be completely available so that all other developers can make their client software also work with Microsoft's servers. If the competing middleware doesn't work then let the user choose to stop using it.

J)

1. Why not? As has been shown in the past time and time again, reverse engineering or even random hacking can and will find those API's and find the security holes in them. Also it has been shown by software packages such as OpenSSH, a program is more secure when it is open for not just the hackers that sit around all day and reverse engineer hidden protocols to find exploits, but also to users who may find the exploits first and then tell the developer to fix them. I don't want to hear that my own government, the people who are supposed to protect me, are relying on a protocol or API hidden in Windows for security. No one is asking for authorization keys or tokens that are hidden in windows. Those should stay hidden and with good reason, but the protocol or API should be open and available. There is no way for a non-Microsoft product to compete with a Microsoft product when Microsoft can access parts of the OS that competing products can't with hidden protocols or API's.

2. This section specifically allows Microsoft the ability not to describe to or license their ''secure'' API's and protocols to their number one competitor, open source software. Do you think that they will disclose these protocols to open source programmers when they have the power to discriminate against a business that does not ''meet reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business'' when Microsoft publicly describes the GPL as a cancer? This stipulation is anti-competitive by nature and does not belong in this proposal. As noted by Robert X. Cringely, Microsoft can and will take advantage of this power. The people who have a desire to crack those protocols can and will crack them whether the DOJ and Microsoft wants them to or not. How long did it take before the eBook anti-piracy code was cracked? Or how about the DVD decryption algorithm? I can't think of any reason to allow them to keep hidden any communication protocol other then to allow them to use Windows as leverage to keep customers away from competing products. The first thing my operating systems professor said in his security lecture was, ''If the security of your system relies on others not knowing how it works, then you're in a lot of trouble''. The reason Microsoft wants it this way is to keep open source software projects from competing. The DOJ cannot allow this.

Conclusion

To conclude this paper I will reemphasize the most important points:

1. Microsoft monopolized, and through illegal abuse of that monopoly, retarded the growth of the entire software industry. These illegal actions have injured myself as a software developer along with my colleagues. They have also injured Microsoft's own customers through high prices, lack of choice in purchasing a product and lack of innovation. There is no reason to innovate when you aren't competing against anyone at all.

2. The most important change that must be made to stop this illegal abuse of power is to open all standards up to the public. The keys standards I mention in this paper are communications protocols, programming interfaces and file formats. The most important being file formats because the DOJ did not even mention them in its Final Judgment.

3. The Final Judgment only includes opening these standards to independent software developers with a non-disclosure agreement. The standard must be opened to the general public so that all can compete fairly, including Microsoft's most fierce competitor to date: open source software.

4. Even if all the changes I mentioned are made, Microsoft will still be the undisputed leader in the software industry and will remain that way for a long time unless they are actually punished for their crimes. This final judgment is what I consider a slap on the wrist, considering the amount of people they have harmed and the software industry that they have corrupted. I ask the DOJ to reconsider it's decision to settle and put Microsoft on trial. They are guilty and they will be found guilty if tried. If the trial takes two years, so be it. At least then they will be convicted and they will be punished. The Final Judgment does not offer any kind of certain results and it might not change anything. Microsoft has been building up an empire while they illegally shut down all competition and that empire will still be strong even if they do have to compete fairly from this point on. I urge the DOJ to put Microsoft on trial, and if (when) they are found guilty, punish them as they deserve to be punished.

If the DOJ decides to continue with the settlement, I urge that they strengthen some of the stipulations, add the general public to the list of those protected and completely open the three key standards mentioned in this paper. For all those who have been injured by the illegal activities of the Microsoft Corporation, they have my sympathy and hopefully the sympathy and support of the government of the United States of America.

Sincerely,
Ryan Boder
boder@cmu.edu

MTC–00004838

From: Alan Mark
To: Microsoft ATR
Date: 12/22/01 12:21am
Subject: Justice isn't doing the US justice

Regarding the Microsoft anti-trust case:

I worked for Novell in Asia from 1992–1993. All the PC manufacturers were afraid of Microsoft because of the licensing agreements they were forced to sign. No PC could ship without Windows installed.

They continue such practices today. It is a shame that you have let them continue to proceed in this fashion. Soon, they will try to corner the home game market. Just wait.

Alan Mark
Chief Security Strategist
Novell, Inc.

MTC–00004839

From: PapaHalland@aol.com@inetgw
To: Microsoft ATR
Date: 12/22/01 12:28am
Subject: Proposed Microsoft Suit Settlement

I wish to protest in the strongest terms possible your proposed settlement of the antitrust suit against Microsoft. The proposals as reported in the newspapers and other media I read on a regular basis are wholly inadequate to correct the egregious violations of the antitrust laws by Microsoft over the years but rather give Microsoft license to keep on bullying its way through the computer software markets without fear of any consequences or effective control by the government.

I think that the only way to level the playing field in computer software is to force Gates and Co. to establish open Operating System interface standards so that anyone with a better piece of software can competitively interface with the Windows OS and compete with Microsoft produced appplication SW of all types (Productivity, internet browsers, et. al.). Additionally, Microsoft applications of all types should not be given unfair advantages. The best way to do this is to sever and establish a fireway between the OS and Application SW divisions of Microsoft. In addition, there should be a special master appointed by the court of jurisdiction to monitor and bring to the courts' attention any further efforts on Microsoft's part to subvert these approachs to free and open competition.

For years, consumers have paid outrageous sums for half baked upgrades of MS software and thereby lined Microsofts corporate treasury and Bill Gates' pockets. With the findings of their guilt alread in the bag, it is time for DOJ to step up to the plate and follow through with real remedies rather than the proposed puny ''settlement solutions'' that will solve nothing. Please don't let the country down. Please restore competition to the PC software market.

Sincerely,
Irving W Halland
Saratoga CA

MTC–00004840

From: Jerome Krough
To: Microsoft ATR
Date: 12/22/01 12:29am
Subject: ms—v—U.S. Settlement

The current settlement between the DOJ and microsoft is unsatisfactory in it's present state. I fail to see anywhere in the settlement where microsoft is being punished for their activities, in fact microsoft is being rewarded for conducting business that is at the very least detrimental to consumers and the tech industry as a whole. In short, I decide how I use MY computer and neither bill gates nor microsoft will dictate to me what software or hardware I use.

MTC–00004841

From: Mike Riley
To: Microsoft ATR
Date: 12/22/01 12:30am
Subject: a global tragedy

I wish someone in a position of power would stand up to Microsoft ''quit being such

winnies''! I am a computer engineer with over 15 years experience; I make a living fixing the so called innovative software that microsoft hacks together; I would much rather be out installing new systems and networks that all ways fixing billy's trash. I use Linux on all of our servers because it is better; I don't have to call anyone if it were ever to break I can just look completely under the hood and fix it; but Linux rarely brakes; I have servers that have been running non-stop for 3 years never a problem and never need to be shut down.

here are some facts that I have not heard brought up in the case against microsoft.

microsoft is to big even for you politicians; and he is just getting bigger! you better stop him now or it will be to late!

Microsoft needs to be split up in to 3 separate companies just like the just said; this would spur an enormous amount of new startup companies to produce better programs for Windows and Linux because for once in 10 years it would be an even playing field and millions of new faces would be in the race to compete in software development.

I have more I will send later gota run; so I can pay my taxes! LOL :)

MTC–00004842

From: sydneymat@netscape.net@inetgw
To: Microsoft ATR
Date: 12/22/01 12:43am
Subject: About the proposal

To the US Department of Justice,

In regards to the settlement by Microsoft, it would be a great idea to transfer the 'money' as was said into something tangible and of worth to the school's of the United States.

An example comes to mind in regards to Red Hat's proposal (http://biz.yahoo.com/bw/011120/202744_1.html) but I think it would be much more sensible to give the money to the nations #1 provider of eductation hardware and software, Apple Computers. The solution is simple, buy the required number of computers from Apple to reach that figure of money and then distribute them all. There are many good reasons to do this:

-Apple provide the best user experience
-Apple have been a leader in education for basically its known existance
-Apple provide a quality solution to any problem with OS and app's built in
-Office for Mac can be distributed at no real charge to the buyers of the new Mac's
-Microsoft does not solidify its position in anything but the office suite market

This is a truly reasonable response to the dilema and would be appreciated by all.

Regards,
Mat

MTC–00004843

From: Olie Echevarria
To: Microsoft ATR
Date: 12/22/01 3:51am
Subject: Against DOJ-Microsoft agreement

To whom it may concern,

As an American, I am now executing my right to free speech and opinion. This opinion is in regards to agreement between Microsoft Corporation, the DOJ and 9 of the 18 states that are suing Microsoft. I regret to inform you that the current agreement that was reached does not go far enough in stopping Microsoft's current behavior. Me, myself, a web developer, and internet user can tell you that there are serious flaws that DOES allow Microsoft to keep its current behavior. Microsoft's proposal is by passing the whole issue why there was a litigation in the first place. They are proposing $1 Billion dollar donation to schools.

My second issue is, why hasn't Bill Gates and any of his associates who testified, under oath been charged with perjury and contempt of court and falsifying evidence(ie, Professor Felton's computer program that seperates the browser from the Operating System)? I urge the courts to please address these issues. Microsoft because of it's financial and corporate status in the United States of America should have no bearing or influence whatsoever!

For example, the agreement fails to address fully the browser issue, the whole reason why the case started. Users will still not be able to have a choice on what browser they will want to use. As a former PC user, I can tell you that there is no choice on what I can use for a browser, except ONE, Internet Explorer, of which I consider a inferior product compared to Netscape, Opera, Mozilla, etc. Try going to Circuit City or CompUSA and ask for a PC with Netscape or Opera preloaded, I can attest to you that you will not find ANY, only Internet Explorer! Yet Microsoft will tell you they are all for competition and choice, but only their choice and terms not yours, the consumer. If they are for choice and competition, then I urge you to force them to allow OEMs to include rival software that will compete based on technical merits and not marketing merits.

Secondly, my second argument comes from their behavior in the market place in terms of their End User License Agreement. According to their ''EULA,'' their software is deemed: ''As is'' meaning if their software blows up your machine, they are not liable to damages. I urge the courts to have Microsoft modify their EULA so that if a consumer who buys a PC and DOES NOT want or to use the Microsoft OS, that they be allowed to return the software to Microsoft and as a result, the consumer be allowed to obtain a full refund based on the full market retail price of the Microsoft software bundled/included.

Third, I would have them open up their source code to Internet Explorer, force Microsoft to license their Office suite to 5 platforms and not two(Windows and Macintosh). Lastly, have them modify the EULA so that includes a clause that holds Microsoft liable for ANY security related defects in their software that they tout as ''the most secure'' ever. As of right, their software is labled as, ''As is.'' Microsoft has a history of telling the public their software is secure and robust and when it comes to enterprise level computing, they fail in that arena.

I urge you, the courts to review their proposal and I urge the courts to find another solution since the current proposal does not go far enough to even come close to finding the correct remedy to impose on Microsoft. With the opinions states above, I urge the courts to look my remedy objectively and I hope that my proposal is good.

Thank you,
Your fellow countrymen,
Orlando Echevarria

MTC–00004844

From: Betty Whitaker
To: Microsoft ATR
Date: 12/22/01 8:25am
Subject: Proposed Microsoft Settlement

I would like to comment on the proposed Microsoft settlement from my perspective as a U.S. citizen and a consumer. I am not a lawyer, so I have difficulty reading the legalese you asked that I read before submitting my comments, however I do know justice when I see it; and I do not see it in the proposed settlement. I do, however, know what I have seen happen over the last few years; and it is from this knowledge that I make my comments.

First, as a law abiding citizen I am outraged that although our court system has judged Microsoft to be a monoply, the Department of Justice is effectively negating that judgement by not requiring Microsoft to quit the behavior for which I understand it was judged to be a monopoly. I don't know who is in whose pocket; but our courts are being made a mockery of by this proposed settlement. There is a clear distinction between an operating system and the programs that run on it. By bundling programs with their operating system, Microsoft is gaining a clear advantage over competitors to their programs just by having Microsoft's programs already installed on consumers computers. Many people will look no farther for programs just because they already have one installed. This gives Microsoft a clear advantage over companies with competing browsers, music players, office suites, etc. This is monopolistic behavior; and must be stopped to be an effective remedy. The only possible just remedy is to split Microsoft into two companies, the operating system and the programs that run on the operating system, both of which must compete for market share. Second, as a consumer I am incensed that I will continue to be forced to pay for programs that I do not use just to purchase an operating system. Microsoft is not providing me with anything I want with their bundled programs. All they are doing is taking up space on my hard drive. I want to be able to determine for myself which programs I want to use for what; and I want to be sure that I get the best program for my money. That is becoming increasingly difficult for me to do. Remember the old adage ''Jack of all trades, master of none.''? That is what is happening to Microsoft today. Even their operating system is getting worse instead of better in some ways, bloated and a resource hog, with worse and worse security holes. Nobody can be all things to all people. I want the best buy for my money; and Microsoft's bundled programs are not the best that I can get. However, they will soon become all that I can get if Microsoft is not forced to compete for market share fairly. All I want from Microsoft is an operating system. Then if they make a better program to run on it I will buy their program, otherwise I will use a competitor's program. That is what I have been doing from the day I bought my

first computer; and that is what I want to continue to be allowed to do.

Thank you for reading my opinions on this matter.

Sincerely,
Betty Whitaker
whitak35@swbell.net

MTC–00004845

From: Ramsey G. Brenner
To: Microsoft ATR
Date: 12/22/01 10:18am
Subject: Recent security flaw (Public Comment)

The recent Windows XP security flaw demonstrates how destructive Microsft is to consumers. They knowingly witheld important information about a very destructive vunerability for 5 weeks while at the same time telling consumers that Windows XP was secure. They knew it was a lie but did not tell anyone because they did not want to negatively affect their sales. Additionally, MS has added new ''features'' that force consumers to upgrade their product every 3 years (or after every 3 installs (which ever is shorter)) after they have already paid MS hundreds of dollars to use their product. MS has also started to make all their older products unsupported, thereby forcing consumers to upgrade to Windows XP even if they have no need to.

Microsft has shown they do not care about the law; taking the attitude that it applies to everyone but them. They have shown that they do not care about thier customers. The only thing that it appears they care about is taking our money.

When a company cares more about money than the quality of their product and their customers, they deserve to be punished. Don't let Microsoft off the hook again; they will never learn.

MTC–00004846

From: Brad Schmitcke
To: Microsoft ATR
Date: 12/22/01 10:20am
Subject: Microsoft Case

As a comsumer, a citizen, and a registered voter, I am appalled at the settlement that has been proposed for Microsoft's anti-trust case. Bill Gates should spend time in prison like anyone else who would submit false evidence to a federal court. There are so many specific points that I cannot go into all of them here.

However, it is clear that MS is not getting the punishment is deserves. They are a law breaking monopoly. Their CEO is a cheater. Allowing MS to merely donate one billion dollars in software that it develops and valuates is like telling a thief he can pay one victim with the money he has raised from stealing from others. Actually, it would be more like telling a thief that he can pay on victim with the profits he has made on the sale of property he has stolen from other victims.

Microsoft would not have reached it's current financial level if it hadn't done some very illegal and unscrupulous things. Microsoft has been found guilty in a Federal Court. How much is Bill Gates worth now? How much was he worth before he broke the law. He should be reduced to his former shadow and even be taken down a notch from there. If I did some of the things that Bill Gates and MS had done, and if I were prosecuted and convicted, I would have nothing and I would be in prison. What is the difference between Bill Gates and me in this land of equality? Does the amount of money a person has determine their level of equality before the law? In theory, no. In practice, it seems to be YES!!

Well, just as a murderer cannot collect life insurance on someone he has killed, MS should not be allowed to keep money that was obtained through illegal practices. Furthermore, they should not be rewarded by being allowed to penetrate the educational market as a ''punishment''. Give Bill Gates what he deserves. He deserves to be punished, not rewarded with another avenue in which to unfairly dominate a market.

Regards,
Bradley D. Schmitcke
Bellingham, WA 98226

MTC–00004847

From: kevin lyda
To: Microsoft ATR
Date: 12/22/01 10:06am
Subject: public comment...

The anti-trust settlement as currently described will do nothing to curb Microsofts monopolistic behaviour. Even today i read about the Microsoft UPNP security flaw, I also note that UPNP itself is a tool Microsoft is using to extend its monopoly. Even correctly implemented, the design of UPNP looks suspect from a security viewpoint, but as time goes on firewalls and NAT routers are going to need to run UPNP in order to use certain Microsoft services.

In other words UPNP is being used to extend Microsoft's dominance on the desktop to the firewall arena.

The fact is that if the current situation continues, the hitech field will be held back and even Microsoft will eventually be hurt by its monopoly position. This settlement must do more to push Microsoft away from this path.

Microsoft should be forced to openly describe file formats and network protocols that it uses. It should also be forced to port its most popular desktop applications to other platforms (linux and solaris). In addition as part of its cash settlement to schools, it's offering software. This is cynical to the extreme. The offer made by RedHat to give away its software to schools and have Microsoft just donate computers would do much more for schools, and better address Microsoft's monopoly.

Thanks,
Kevin Lyda
US citizen
Ballinvoher
Caherlistrane
Co. Galway
Ireland
kevin@suberic.net gpg or pgp encrypted mail is preferred. my
fork()'ed on 37058400 public key is available at:
meatspace place: orbit http://suberic.net/kevin/gpg.roo.public.txt
http://suberic.net/kevin

MTC–00004848

From: Ian
To: Microsoft ATR
Date: 12/22/01 10:48am
Subject: Microsoft Anti-Trust Proceedings

I am writing this to show my disheartenment at the United States Government over the 'slap on the wrist' that they gave the Microsoft Corporation in the latest anti-trust lawsuit. It is utterly fascinating that the you are looking into these flaws for the difficulty exploits could cause people, after basically letting M$ off the hook in the monopoly punishment phase. This is another reason why monopoly for a universally adopted and used O/S is bad. I use Microsoft's Products at home, work, and at school; however, I also use a free operating system, 'linux' at home, work, and school—I like knowing that my operating system is safe...I can look at the source code, and say, ''Hey, wait, that's not supposed to be in there,'' take it out, and then make another operating system. I feel that Microsoft should be punished as follows:

—They make the source code available (after an NDA) to any interested parties
—They drop the copyright on all older versions of their software (Software that hasn't been made in 5 years should be released under the public domain without support)
—They disallow the .NET fiasco that is currently going on now.

Thank you for your time, and for letting my participate in a part of these proceedings.

Ian Wilson
P.O. Box 304
Ada, Ohio 45810–0304

-From RFC 1925: ''(3) With sufficient thrust, pigs fly just fine. However, this is not necessarily a good idea. It is hard to be sure where they are going to land, and it could be dangerous sitting under them as they fly overhead.''

MTC–00004849

From: Mike Haji-Sheikh
To: Microsoft ATR
Date: 12/22/01 11:09am
Subject: Microsoft Settlement

Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I would like to encourage you to rethink the settlement with MS. One disturbing section would allow Microsoft to withhold code to non-profit orginizations such as SAMBA.org. This would effectively allow MS to monopolize the business server business. as quoted from Kringly;

''Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...''

This is a ludicrous section—effectively using the DoJ to firm up it's monopoly since

Microsofts biggest competitor depends on non profits. This competitor is another non-profit called LINUX which has become very important in the world of advanced science and engineering. The LINUX operating system has given the scientific world a low cost way of building supercomputers using clustering. It is imperative that the LINUX operating system is not impacted negatively by the DoJ. The development of new medicines, semiconductors, aircraft and transportation will depend more and more on LINUX based systems. This effective gutting will make it difficult for the LINUX operating system to thrive in a Microsoft world.

Please include my comments as a non-computer professional and scientist

Dr. Michael James Haji-Sheikh, PhD

Sr. Principle Development Engineer, Honeywell's Embedded Systems

MTC–00004850

From: Paul Venezia
To: Microsoft ATR
Date: 12/22/01 11:10am
Subject: Microsoft = bad for the world

To put it simply, this trial and ''settlement'' is a farce. Microsoft is trying to do to the federal government what it's done to countless competitors over the years. This company is ruthless, powerful, wealthy and without conscience. You cannot let this continue, period. A world with a tame Microsoft would be the only way to ensure the growth, stability and security of the Internet, commerce, the economy, and the country. My terms are strong and true.

Do not let them get away with corporate rape and murder any longer. Do not let them run roughshod over hapless consumers. DO NOT LET THEM WIN.

Paul Venezia

US Citizen

MTC–00004851

From: Jezmo
To: Microsoft ATR
Date: 12/22/01 12:43pm
Subject: Microsoft

I am a little ashamed of the proposal set out for Microsoft. I don't care if I have to go back to living in the stone ages, a convicted entity CAN NOT be let off just because it will upset the economy. One analogy would be to say if I punish a killerm it will hurt that individual's loved ones. Justice MUST BE SERVED regardless of the consequences of those actions. Please rethink your your remedies! A very concerned CITIZEN.

P.S. I am a Microsoft user and certainly do not want see them put out of business, however there is better answer than the one proposed!

MTC–00004852

From: Ronald Large
To: Microsoft ATR
Date: 12/22/01 1:01pm
Subject: Microsoft Settlement

Dear Sir:

I am a Microsoft product user, a user of Quicken (Intuit), and use software by many other developers. I started using home computers in 1981 (that is eighty-one, 20 years ago).

Microsoft has not harmed the consumer. On the contrary, Microsoft has immeasurably helped the consumer. We now have an unlimited choice of software. And Microsoft isn't really a monopoly: if I wanted to run Mac OS10 I could buy a Mac and do so. Or if I want to use Linus I can get it free and run it on any of my computers! Actually I really don't care which operating system I use as long as it will run my current software and future software will be developed for it.

I once paid $4,000 for a DEC computer using a DEC operating system. In all of Southern California there were only 2 stores selling software for that operating system, and there was only 1 wordprocessor for it! At that time Egghead Computer and numerous other stores were selling software written for IBM/MS DOS. DOS eventually dominated the market and became the operating system of choice for software developers (larger market for their product). This simplified things and expanded our choices of software.

As a California resident I am troubled by our Attorney General's stance on this issue. I assure that if Microsoft were located in Silicon Valley instead of Washington he would not be pursuing this suit.

California's interest in this case is simply to help Sun Microsystems, Oracle and other California firms do what they cannot do themselves: outsell Microsoft in the marketplace.

Please settle the suit as agreed to by microsoft and most of the states.

Ronald J Large
400 Susana Avenue
Redondo Beach, CA 90277
310.316.2075

MTC–00004854

From: Ronny Ong
To: Microsoft ATR
Date: 12/22/01 3:28pm
Subject: Microsoft Settlement

I agree that the proposed settlement is an acceptable way to resolve the antitrust action against Microsoft Corporation. The settlement obtains timely and adequate protection for consumers, but does not grant unjustified advantage to Microsoft competitors. I believe that the existing antitrust laws are fully applicable in today's technological world. At the same time, the monopoly perceived to be held by Microsoft is clearly different than traditional abusive monopolies.

In a monopoly held by a utility, consumers are forced to purchase the product from the utility on an ongoing basis, month after month. The only choice is to do without the product. In the case of consumers who purchased Windows 95, they remain free to use that product today without ever having paid additional money to Microsoft. Even if we assume that the direct competition to Windows (e.g. BeOS, OS/2, Linux, Solaris, Unix, etc.) are irrelevant, consumers are not forced in any way to upgrade to newer versions of Windows unless they desire the additional benefits of the newer versions. To prevent Microsoft from being able to add features to its operating system in order to compete for those upgrades would be a misuse of regulatory and judicial power.

If we survey all manner of industries and product categories outside personal computer software, there are many manufacturers permitted to favor their own add-ons over those provided by aftermarket suppliers, even when those manufacturers have an overwhelming share of the market. Microsoft makes a tremendous amount of technical information available to Independent Software Vendors (ISVs) on a very timely basis, and the size of the Windows marketplace (which has been used to illustrate Microsoft's monopoly position) is truly a result of how open a platform Windows has been.

This nation is obligated to protect equal opportunity but not to impose equality where not deserved. An extraordinary volume of dissention is being generated by those who have failed to compete successfully with Microsoft in the free market, as well as a relatively small number of disgruntled and greedy consumers. Rational consideration, however, cannot conclude that ongoing litigation serves any purpose besides boosting the self-importance of a few parties and their attorneys. Prompt settlement with Microsoft is in the public good.

Regards,
Ronny Ong
5801 Hilton Head Dr
Garland, TX 75044–4964
CC:attorney.general@po.state.ct.us@inetgw

MTC–00004855

From: Greg Mumm
To: Microsoft ATR
Date: 12/22/01 3:55pm
Subject: Microsoft Settlement.

I write this email to express my displeasure over the absence of any meaningful punishment against Microsoft.

The recent ruling is a symbolic slap on the wrist that will harm competition and further degrade the economy.

As a software engineer I have had the advantage of observing the last decade and half with a depth and breadth of understanding most do not experience.

Two misconceptions exist about Microsoft. First is that they are innovative and second that they compete fairly. Microsoft is not innovative and never has been. Four examples follow.

First, since the 1970's UNIX-based computers have allowed file names of virtually any size. While other operating systems like Novell allowed long file names, Microsoft operating systems didn't until late in 1995. Even though Microsoft operating systems contained this glaring handicap, consumers continued to purchase them in favor of those systems with superior features.

Secondly, while many operating systems used more powerful 32-bit instructions in the 1980s and early 1990s, Microsoft continued to use the less powerful 16 and 8 bit instructions. Use of this less powerful instruction set wasn't completely abandoned until Windows NT was shipped, 6 to 8 years after other operating system began using them—an eternity in the high technology industry. If the market place was competitive, wouldn't customers consider purchasing the more powerful of two operating systems? They generally didn't. Sales of Windows 3.1 and Windows 95 soared.

Third, in the 1980s operating systems frequently included graphical interfaces. This

user-friendly feature was included with the operating systems in the Apple Macintosh, UNIX and the Commodore Amiga. Yet consumers waited many years until Microsoft released Windows rather than purchasing a competitor's operating system containing this desirable feature.

Fourth, an example about Microsoft inferior compiler products. Compiler technology is important because these utilities allow programmers to write applications for a particular operating system. During the late 1980's and early to mid 90's there were many different compilers available from several vendors. In particular, the company Borland produced a tool that was smaller, faster and more robust than Microsoft's tool. Once again consumers choose the Microsoft product overwhelmingly over the competitors product. A few programmers even created a compiler that was given away for free that couldn't compete with the Microsoft compiler. Why would consumers pick the Microsoft product over a more innovative product?

Finally, there is the issue of quality. While Linux and other UNIX systems frequently run for months or years without problems, it's often difficult to get a Microsoft operating system to run all day without crashing. Still, the consumers overwhelmingly choose Microsoft as the operating system of choice, despite it's legendary unreliability. In these cases, and others, the products offered by Microsoft are less innovative, less powerful, harder to use and more unreliable than the products offered by it's competitors.

Microsoft has been very abusive in it's desire to make money as the following four examples illustrate.

First, it's a matter of fact that Microsoft applications like Word and Excel used undocumented features of the Microsoft operating systems they ran under. It wasn't until this practice was widely publicized that Microsoft produced documentation for it's competitors to use. The operating system is like a socket, and applications like Access and Word are the technical equivalent of the light bulb. Microsoft owns both.

The second example concerns malicious code created by Microsoft. The code was placed into Microsoft programs and would display strange messages when running on a non-Microsoft operating system. The phony messages weren't a side-effect, they were the entire purpose of the code modules. In this example, Microsoft's competitor is now out of business.

Third, Microsoft tried to stop the acceptance of Java. Java is an OS-independent language created by Microsoft's rival, Sun Microsystems. Microsoft did not adopt the language and in fact developed a similar one which only runs on Microsoft operating systems. In fact upgrading your Microsoft browser will cause all traces of the Java language to disappear silently from your computer.

Finally, upgrading browser versions causes other problems. Updating a Microsoft browser disables the Netscape plug-in feature. This open-ended feature has been around as long as the Web, but a recent installation quietly removes it in place of a Microsoft-only solution. In conclusion, Microsoft is not, nor has ever been, innovative. What they have been is an overly aggressive monopoly. Monopolies are bad for everyone because they take a bigger piece of the economic pie than they are entitled to. It is a travesty of justice to let Microsoft's abusive, monopolistic behavior continue unabated for this long. The current ruling does nothing to solve the problem.

Sincerely,
Greg Mumm

MTC–00004856

From: Michael Ferguson
To: Microsoft ATR
Date: 12/22/01 7:31pm
Subject: Microsoft Settlement

Since the U.S. government owns so many computers, it should be required to have a computer of another operating system for every computer it owns with the Microsoft operating system. So for each Microsoft type computer the government should be required to use one linux computer, one apple computer, one atari computer, one BeOs computer, one unix computer, etc. This way the government won't be contributing to and exacerbating Microsoft's dominance in the computer industry.

Michael Ferguson
Pelican, Alaska

MTC–00004857

From: JRWORRELL@aol.com@inetgw
To: Microsoft ATR
Date: 12/22/01 8:50pm
Subject: Microsoft Settlement Terms

Dear DOJ Pussycats:

The settlement with Microsoft for it's proven monopolistic practices is a sham. For several years after Microsoft gave me a free copy of one of their programs I was under the Microsoft spell. Then I began to wake up to the fact that some other very good software was beginning to dissapear from the market and that whether I liked the newer Microsoft offerings or not, which I often did not, I no longer had a choice. So, I was delighted when the DOJ took Microsoft to task for the way they were using their monopoly status to gobble up or destroy competitive internet access tools. I also hoped they would get whacked for the tactics they had used to wipe out other graphic user interfaces (including the software that ran on them) in order to establish the Windows monopoly.

I can tell you it was heartning when the court ruled against Microsoft...but, I can't tell you how sick it made me when you guys caved when it came time to access penalties and establish some rules with teeth to prevent more of the same from happening in the future. Why waste the taxpayers money on a fight, win it and then roll over an play dead? I am almost seventy and I don't have much to show for my working life but I still have my self respect for not caving in when the political winds called for something other than marshmallow gonads.

How about a second issue? For a few years there was hope for competitive, alternative software after Corel bought the Word Perfect and Quatro Pro products which Microsoft had almost killed. I was delighted because Corel had long been beating Microsoft's butt in the graphics area and I felt that this might provide some welcome competition. I began to use the Corel alternatives and was pleased with the results. Corel even began to make a position in Linux the alternative, open source operating system that dared to challenge Gates and company.

Then right in the midst of the antitrust proceedings guess who bought Corel? Now Microsoft has taken over the number one graphics product they could never come close to let alone equal and almost the last if not the last of the surviving office suites, not to mention the possibility of getting a foot in the door to muddy up the Unix/Linux products that Corel was into. Not a whimper from any DOJ pussycats? Talk about a slap in the face of justice and fair play.

Now about the settlement itself. What kind of a deal is it to punish someone by giving them the biggest marketing opportunity of the ages. Let them give free software to thousands of future buyers who know little or nothing about the software marketplace and who may never have a chance to see, use and compare a competive product? All it does is serve to create a bigger more dominating monopoly. Doesn't anyone at DOJ have the integrity and guts to stand up to the politicians who have inspired this sham? Probably not!

Well, at best I can hope that someone read enough of this to classify it as an uniquivocal and utterly damming condemnation of the settlement and those who have allowed it to happen after plainly whomping the crap out of Microsoft in court. You deserve more and we, the American public deserve more.

B.W.

MTC–00004858

From: Peter Leckie
To: Microsoft ATR
Date: 12/22/01 11:41pm
Subject: Microsoft Settlement

To the poing microsoft would have more competition if other operating systems were able to execute there cope The program ''Wine'' for linux is such a program But is only is alpha stage and needs a lote of work But mainly it needs help from Microsoft, documentation on all the api's so they can be reproduced to allow wine to run windows programs as well as windows does. But will Microsoft allow this there is plenty of documentation on how to use there api's so software developers can produce microsoft code so shouldn't microsoft release details on how to reproduce there api's.

If Wine could run 100% of windows programs it would give people the choice of either Windows or Linux, giving people a choice of what they use, which we don't have at the moment.

this is a very bad situation we are in now and someone should put a stop to it.

Yours truly Peter Leckie

MTC–00004859

From: svedvik@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 12/23/01 6:25am
Subject: this is the lightest 'punishment' I have ever seen

I can honestly understand how the DoJ would allow Microsoft to remain a single

company. What I can't understand is why anyone would believe that this is going far enough. I think that Microsoft should be required to release all of it's proprietary file formats to competitors, so there is a real competitor to Microsoft Office. Currently no one without MS Office can create a MS-Office Document. Since businesses all use MS Office, everyone had to use MS Office to create compatibility. That is wrong, and should be put to a stop immediately.

MTC–00004860

From: Jerry Davis
To: Microsoft ATR
Date: 12/23/01 9:04am
Subject: Microsoft Settlement

Dear Sirs:

I have been in the Computer Industry for over 27 years. And I would like to say a few words about the Microsoft/DOJ Settlement. I believe that the Settlement does very little to curb Microsoft's maintenance of their illegal monopoly. Microsoft will basically be doing business as usual, and even though the DOJ did a reasonably good job of amassing the evidence leading up to the monopolist being found guilty. It just appears that during the penalty phase (this IS the penalty phase is it not?), everyone lost sight of the fact that Microsoft is guilty. Everyone apparently wants to get it over with rather than really restore competition to the software industry.

I urge you to go on to incorporate the other nine states proposal. It goes a lot further in trying to restore competition.

Jerry F. Davis

Sr. Computer Programmer.

Try Linux, the Operating System which values your freedom. Not the Outlaw Microsoft, which values their bottom line.

MTC–00004861

From: root@puma.awmach.org@inetgw
To: Microsoft ATR
Date: 12/23/01 9:30am
Subject: Proposed Microsoft Settlement

What a cop out.

Of my computers, I have one which runs Microsoft 98SE as its operating system. Yet I had to indirectly pay for Microsoft operating system licenses when I bought the others. That has been going on for years.

The courts found them to be a monoply. As punishment, you are giving them direct access to one of the few markets they don't dominate—schools. What a crock.

My biggest fear as a software developer is that they will decide to put their foot in the door of the market I sell products in. They are trying already, but the experience most of our customers have with their bug ridden security hole dominated O/Ss that you have to reboot every week has kept them from wanting to put Microsoft O/Ss in the remote computer end of it (although it is just about impossible to sell our host products anymore).

Whining that we can't compete? Partially. But our company doesn't have this lucrative arrangement with most of the free world's computer producers that if the free world buys a product from those companies (that we have nothing to do with producing ourselves), the free world has to give us money indirectly anyway—just on the chance that they might use our product someday. What a sweet deal! Now the DOJ is going to roll over and reward that! Any market that Microsoft wants to go after they can stomp on. Their first entry into the market may be crap, but since they have this unending stream of money coming in—completely unrelated to the product they are going after, they can throw tons of money at any problem, hire or buy up as many companies they need—and eventually after 5 years or so, have some product that isn't completely unreliable. Their programmers have better access to the O/S than any outsider ever will have (which you're also rolling over on) both to suggest features beneficial to their product and to get help in coding for the O/S.

Since they can bundle their crappy products with their buggy O/S products right from the version 1.0 level, it is an extreme disincentive for people to even try out anyone else's products. They spend enough time learning and trying to get the 1.0 level product working that they have a time and frequently a data investment in the product that comes essentially free with the O/S. By that time, they figure that version 2.0 will be available soon, so even if they aren't happy with the product, they aren't going to spend their own money to try out something else. So even if there is a better product out there, it doesn't get a chance 80% of the time (or higher). By bundling this information into suites (or bundling IE with the O/S as another example) it makes it harder for standalone products to compete.

From the programming standpoint—you have reasonably small companies trying to innovate even on Microsoft O/Ss, that can't keep up with their rapid progression of operating systems with multiple interfaces. To stay approved as being Microsoft logo careers, you have to stay associated with the latest O/S. Otherwise you can't play. Yet as a small company, you don't have the resources to learn everything that is on the DVD–ROM of new Microsoft avalanches every few months. So, that's another way they win. 3.1, 95, 98, 98SE, NT, ME, 2000, XP, ...—we're a big company with a lot of people working for us—let's change things every year—make sure we only sell the latest O/S on the new computers (pre-installed so people don't have much of a choice), change things enough every couple of years that older products don't work quite right on the new stuff—and make sure that our unending flow of money gets our suites updated to work with the latest so we always have a nice integrated moving target for everyone else to hit. Wherever possible, get our products to pop up first on the list of options—if possible, keep the competitors products from even coming up as an option, and if we get extremely lucky (which seems to happen a lot more often than it should) figure out how the competitors products are working and find out how to disable them (or worse—just make a part of them not work right which leads people to think that the other product is faulty) when we install our own products. Well, I've ranted enough. But letting Microsoft off is just plain wrong in the first place, and letting them into the schools (rewarding them for their monopolistic behaviour of the last decades) really stinks.

William Haller Webservant awmach.org alpha-omega mach

MTC–00004862

From: Don Jerman
To: Microsoft ATR
Date: 12/23/01 10:21am
Subject: Microsoft Settlement

Thank you for your consideration of these comments on the proposed settlement of United States v. Microsoft.

I am a database administrator with more than 12 years in professional service to the State of North Carolina. I have worked in many capacities within our IT organization and I have worked with Microsoft operating system products for the majority of my career. I find that the settlement is probably too lenient to be in the public interest, but with a little strengthening in specific areas, it may serve. Here are the points of weakness that I would like to see addressed, if this settlement is to be entered.

In abstract, the main problem is that the settlement does not protect the consumer, but protects only businesses that consume Microsoft products. Particularly, that an assumption is made that only viable businesses which publish software have a valid interest in API's and communication protocols.

While I recognize that the settlement is the product of a negotiation, it should be noted that Microsoft has been found guilty of violations of the law, and that any settlement must adequately limit their ability to continue to restrain their competitors in an unfair manner. I submit, further, that constraining the ability of private citizens to become competitors falls into this category. Below, I comment on individual sections and paragraphs, preceeding the comments with the reference to the relevant section and paragraph of the Proposed Final Judgment. I refer you especially to the comments regarding III,J, as in my opinion they form a critical weakness in the document, apparently founded on an incorrect appreciation of the nature of computer security. Here are my comments by section and paragraph:

III,A

Although the settlement requires two warnings before termination of an agreement, and allows instant termination of the agreement upon the third, it does not require that the three warnings be given in good faith, nor does it provide a mechanism for timely review of the claims, merely a 30-day period for remedy by the OEM. Microsoft can use this to stop any agreement it pleases simply by making spurious claims.

III,B,3

The limits on size and appearance of a middleware user interface are not consistent with III,B,1 and III,B,2, and do not serve an obvious purpose other than to allow Microsoft to limit the options of its competitors. The limitations permit Microsoft to minimize their competitors' ability to innovate in this area without regard to the functionality their competitors may be attempting to provide. These limits should be struck from the settlement, and replaced with language similar to III,B,2, which says that differences shall not impact the usability of the operating system.

III,I

For the purpose of licensing or publishing API's and Communications Protocols, ''Third Parties'' described in III,E and III,I should be construed to be anyone permitted by III,J,2(a), that is, anyone who ''has no history of software counterfeiting or piracy or willful violation of intellectual property rights'' Businesses are not the only providers of software and services, and with respect to these products, failure to license is failure to permit competition. This is one of the core weaknesses of this document, in my opinion, because as a State agency my organization is none of the entities named, yet we have used Microsoft APIs and communications protocols to build our software.

III,J,1

This is one of the main weaknesses in the document. III,J,1(a) should be limited to ''keys, authorization tokens and enforcement criteria'' only, but the API's and Communications Protocols should not be withholdable. Here is my analysis: Observe that ''secret'' bugs, APIs and protocols have been compromised regularly by virus-writers in recent years.

For instance Thai hackers have hacked the anti-piracy features of Windows XP, presumably without API documents:

http://www.zdnet.com/zdnn/stories/news/O,4586,5099511,00.html

There is no reasonable expectation that failure to provide documentation will prevent insecure use of these APIs by those who want to abuse them. If the code is published in machine-readable form (as it must be, to be used), then those who do not follow rules will be able to read it and use it, whether a formal API is published or not. Anything readable by a machine is readable by some people, and those people can write their findings in documented form for less-skilled people to use.

Keys, tokens and enforcement criteria are legitimate secrets that must be kept secret to be effective. However, documentation of methods, APIs and communications protocols are useful to those who wish to interact with the system. They are not required to abuse the system, as reverse-engineering will yeild the needed information. But they are required to make legitimate use of the system, as reverse engineering of these methods, APIs and protocols is prohibited by the Digital Millennium Copyright Act, since they may be used to secure access to copyrighted materials. Since the abuse of these systems is likely to be an offense anyway, it its not necessary to restrict the information required for legitimate use.

Allowing Microsoft to keep these items a secret permits them to have an advantage over their legitimate competitors, without significantly retarding the development of attacks against Microsoft systems.

I refer the reader to these excellent discussion of whether secrecy about methods and flaws is desirable or not:

http://www.computerworld.com/storyba/0%2c4125%2cNAV47—STO65969%2c00.html

http://www.counterpane.com/crypto-gram-0111.html

Essentially, they take the position that the vulnerabilities in a system exist whether or not the documentation is published, and will be discovered and exploited whether or not documentation is forthcoming.

My conclusion is, therefore, that non-publication merely prevents competition, not abuse. Furthermore that publication can lead to informed decisions, error detection, and intelligent application of precautionary measures, rather than discovery-by-abuse as we've seen before. III,J,2

This is another of the main weaknesses of the document III,J,2(a) is perfectly reasonable, and should be left alone. III,J,2(b) prohibits entities from reviewing the documentation to discover if they have a need for it. As such, and given the arguments under III,J,1 above, III,J,2(b) should be struck from the document. Furthermore, the word Business offers a ''handle'' for III,J,2(c), to which I object below. The word should be struck if this paragraph is allowed to stand.

III,J,2(c) allows Microsoft to prohibit anyone who is not a Business, by whatever criteria they decide, from accessing these API's. I have argued under III,J,1 above that such prohibition is not requried, and I now argue that it is harmful to the consumer. If these API's and protocols are required to interact with Microsoft servers, then preventing the private consumer from doing so prevents their contribution to non-commercial entities, and their full use of the product. There is no justification offered why only businesses, and only viable businesses, should have this access. In any case, permitting Microsoft (and not, say, the TC or USDOJ) to provide the criteria at their sole discretion is absolutely ludicrous!

If anything, the settlement should be forcing more disclosure, and should include all end-users of Microsoft platforms as potential licensees. Furthermore for documentation licenses, the standard for reasonable charges should be related closely to the cost of any required redaction and distribution, as presumably Microsoft needs to produce the documentation for its own use. III,J,2(d) permits Microsoft to charge any price from anyone using one of these API's, for and unspecified testing procedure. Again, this permits Microsoft to restrain private citizens, nonprofits and businesses with relatively little capital from producing products that might compete with Microsoft products. In my analysis:

1. If the API or protocol is secure, then no product could possibly corrupt or violate the server systems by using it (after all it's perfectly reasonable for the server to refuse any request that would violate security).

2. This test permits Microsoft to analyze competing products prior to release—a directly anticompetetive act! It offers prior knowledge and time to act to Microsoft whenever a competitor wishes to release an innovative product.

3. Reliability and security testing now resides with the end-user. End users such as my employer have frequently found that Microsoft's testing of its own products leaves much to be desired. What assurance does Microsoft offer that their testing of these third party products will be more useful? This test will not reduce the burden on the end-user, but may reduce their perception of the potential risk (without really reducing the risk), resulting in a less secure world.

4. If, through some extraordinarily poor judgement on the part of the plaintiffs, this paragraph is allowed to stand, then Microsoft should be held liable for subsequent failures of security for any products surviving this test, and furthermore, the TC should be available for appeal should Microsoft fail to approve any competitor's product. Absence of that language makes this paragraph an invitation to restrain competition! In short, if Microsoft is to become a mandatory testing body, they should be unable to disclaim liability for damages caused by failure of their product and the products they test.

5. If the tests are to be performed, a third party should perform the tests, and all relevant Microsoft products should similarly endure the tests and be approved or rejected based on the same criteria that are applied to their competitors. Finally, the competitors must be able to appeal to the TC any discrepancies between the provided documentation and the test results. I strongly recommend that III,J,2(b,c,d) be struck entirely, or radically altered to provide a real opportunity to all consumers (including non-commercial consumers) to license these materials without providing anticompetetive advantages to Microsoft.

IV

With regard to section IV, my only comment is that the proceedings of the TC should be in the public record, including all documentation and communication between Microsoft, the Plaintiffs and the TC, except where the TC or the Court determines that specific data regarding authentication keys and tokens, trade secrets or future business plans should be redacted or released on a delayed schedule, to protect the viability of Microsoft's business and their business dealings. In such cases they should be redacted in a manner consistent with existing practise in disclosure of public records, so that the public can know the existence and extent of the redacted material, but not its content. It is my hope that these changes, or changes in this spirit, will be introduced to the Final Judgment. Thank you for your consideration.

MTC–00004863

From: r(u)hodg Hodgson
To: Microsoft ATR
Date: 12/23/01 10:54am
Subject: Microsoft Settelment

I feel that the offer that Microsoft has made is a good one and that it should be excepted by all partys concerned.

Thank you; Robert Hodgson;

MTC–00004864

From: ksvm@mac.com@inetgw
To: Microsoft ATR
Date: 12/23/01 12:55pm
Subject: Microsoft Settlement
RE: Reject Microsoft Settlement

Please include in the record of US v Microsoft

DATE: December 21, 2001

To Whom it May Concern:

I am writing to ask that you do not accept the Revised Proposed Final Judgement. It does nothing to remedy Microsoft's illegal behavior, and moreover appears to be completely written by Microsoft lawyers.

Charles James would have us believe that this is a good agreement for the United States of America. I disagree. It is worse than no agreement at all. Microsoft has adopted a corporate culture which has no respect for the law or the free society in which we live. Microsoft is unrepentant and believes itself above the law and beyond the reach of the court system. Now is the time to prove them wrong.

''AND WHEREAS, this Final Judgement does not constitute any admission by any party regarding any issue of fact or law.''

I'm not a lawyer, but this says to me that Microsoft does not, in the proposed settlement, admit any wrongdoing or illegal behavior. This seems unacceptable given that they have already been found to have a pattern of illegal behavior by both a Federal Judge and a Federal Court of Appeals. What possible justification can there be for such weak terms at this point? This is a remand only for remedy not, points of law or fact and yet Microsoft appears to be able to maintain it's legal position that it did no wrong in the Proposed Judgement. This is unacceptable. The only thing the public can surmise from these terms is that The United Sates of America is afraid of Microsoft. The United States of America is afraid to face the world's largest software maker in court, in a case they have already won, not once but twice. The United States has won both in Federal Court and on appeal by an overwhelming margin. What possible scenario of negotiations would lead to wording which allows Microsoft not only to go free without sanctions, but free without admission of an already proven pattern of illegal behavior? On it's face it appears ludicrous.

I have always had a great deal of faith in our system of government, particularly the judicial branch. This branch has not offered us perfect justice of course, it is merely one which attempts to rectify something which has gone wrong or at least to steer society in the right direction. At it's best that is all we can ask of our judicial branch.

Steer us in the right direction.

Prove to us and to Microsoft that we are equal under the law. The Revised Proposed Final Judgement is flawed. It is full of loopholes such as describing a ''Windows Operating System Product'' as ''The software code that comprises a Windows Operating System Product shall be determined by Microsoft in it's sole discretion.'' Clearly, as much of this case has revolved around whether or not browsers, media players and other similar software or middleware can be considered part of the Operating System. The few restrictions only apply to APIs, middleware and software that ''Microsoft in it's sole discretion'' doesn't consider a part of the ''Windows Operating System Product''. As they tried to prove in court that they could not separate their browser from the Windows Operating System Product, we know what Microsoft's view is on the subject even while we also know from court records that it is untrue. Given that Microsoft in this Revised Proposed Final Judgement need not heed previous court findings of fact or law they will most assuredly continue in their legal position that it is the nature of their ''Windows Operating System Product'' to add functionality ad infinitum, which expands and extends Microsoft's Windows Monopoly into any and all new markets as it pleases.

Or in section J.2.

''No provision of this Final Judgement shall: Prevent Microsoft from conditioning any license of any API, Documentation or Communications Protocol related to anti-piracy systems, anti-virus technologies, license enforcement mechanisms, authentication/authorization security, or third party intellectual property protection mechanisms of any Microsoft product to any person or entity on the requirement that the licensee: (a) has no history of software counterfeiting or piracy or willful violation of intellectual property rights, (b) has reasonable business need for the API, Documentation or Communications Protocol for a planned shipping product, (c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, (d) agrees to submit at its own expense, any computer program using such API, Documentation or Communications Protocols to third party verification, approved by Microsoft, to test for and ensure verification and compliance with Microsoft specifications for use of the API or interface, which specifications shall be related to proper operation and integrity of the systems and mechanisms identified in this paragraph.''

Microsoft, here is being given ''carte blanche'' to restrict access to protocols ostensibly being offered in other parts of the agreement. Specifically, ''reasonable, objective standards established by Microsoft'', allows Microsoft, essentially in it's sole discretion the ability to be the gatekeeper of the APIs and protocols. This Judgement is worse than no Judgement at all because it is actually the building of Microsoft's next case, with the clear expectation that there will be a next case. We already know from past behavior, that Microsoft will push this language beyond the limits of crediblity in order to extend their monopoly.

In particular the wording of J.2. (c) seems directed at open-source software, the only credible long term competition to Microsoft in the Server market. If disallowed access to APIs and communications protocols used by Microsoft in PCs, Microsoft will be able to embrace and extend into the Server market. They will of course suggest that open-source is not a viable business model, in spite of the fact it is being sold by many of the largest server vendors, such as IBM, Dell, SGI and others.

The Revised Proposed Final Judgement does nothing to remedy or sanction Microsoft for past illegal behavior. Further, this agreement in effect leaves no recourse but further litigation to remedy any transgressions in the future of the few weak sanctions it contains. Microsoft is moving rapidly into financial services and banking with Passport, their hope at the least is to capture a transaction fee for every online transaction. It does not seem at all unlikely that ''Passport'' once established would then be made of plastic to replace VISA, MasterCard, Discover and American Express. What if any restrictions would the Proposed Final Judgement place on these types of behavior? None, in my estimation.

Microsoft has developed a copy protection scheme and is already deep in the process of entering the field of entertainment, media and access via MSN/ MSNBC. None of these endeavors are even approached by the wording of the Final Judgement. Microsoft clearly expects to extend it's Operating System Monopoly into media access and entertainment monopolies. XBox, for example, is tied to the MSN service. There is nothing to keep Microsoft from having the MSN service inextricably tied to Windows in future versions.

Given the nature of their Windows monopoly, Microsoft can easily integrate these services into the ''Windows Operating System Product'' and raise the price of that product even more dramatically than they already have, as well as charging businesses for access to customers. These practices will not only crush other software vendors they will rapidly crush vendors in all manner of digital commerce.

Microsoft has made no real concessions, nor have they admitted the flaws of their past behavior. They have not promised to improve their behavior in the future. If the Proposed Final Judgement stands, Microsoft will not be a better Corporate citizen. They will be worse.

Sincerely,
Michael Mirande
PO Box 441
Dufur OR 97021

MTC–00004865

From: Joel Landry
To: Microsoft ATR
Date: 12/23/01 2:04pm
Subject: Microsoft Settlement

Speaking as a Canadian who has very little knowledge in interpreting law, I like what I am reading. This is the first step in breaking Microsoft's strangle hold on the computer industry. In the past, everywhere I turned, Microsoft was the ''required'' normal environment for computers. Now maybe other companies can start giving Microsoft some real competition and/or other software will hopefully work better in Windows. Although this settlement sounds nice, there is a side of this argument I have not seen though.... When you submit ''incidents'' to Microsoft for technical help for either MS Windows or Internet Explorer, they are attributed to the same Product Identifier. Now this creates a problem.... Are these 2 software programs not separate? If they are separate, why do they have the same Product Identifier when other Microsoft products are different? Internet Explorer 6 which was just released, still uses the same Product Identifier scheme.

When you purchase Windows, you get a specific number (2 or 3 I think) of ''FREE'' tech help incidents, which can be used up very easily and quickly. If you used these incident for Windows and then run into problems with Internet explorer, then you are out of luck because the PID is the same. The process to get help is a little irritating and complicated. There are only 4 ways I have found to get immediate help:

1- PAY for it. After the ''FREE'' incidents, you are supposed to pay. YA right. Pay for

Internet Explorer when it's supposed to be free.

2- Find what you are looking for in the Knowledge Base. If you are lucky, when you consider most people are not very computer tech literate.

3- Pray for one of those (Usually) irritating POPUP Window Surveys. Maybe they will reply.

4- There is an e-mail link at the bottom of the WEBRESPONSE area on the Microsoft web site. This link is ''hidden'' at the bottom of the page and is not evident. It doesn't even look like an e-mail link. All that being said.... I have been managing to get tech support from Microsoft for Internet Explorer without paying for it. The question now remains.....

Why do 2 apparently separate software packages have the same Product ID? Is this some way for Microsoft to keep everything together even when they say they are not?

MTC–00004866

From: rgr@rgristroph-austin.ath.cx@inetgw
To: Microsoft ATR
Date: 12/23/01 5:54pm
Subject: Microsoft Settlement
This is an emailed version of a letter also sent by the US Postal Service.
Robert G. Ristroph
11612 Hidden Quail
Austin, TX 78758
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse,

I am writing with regard to the Justice Department's proposed settlement with Microsoft. I believe that this settlement should be scrapped and completely rewritten. Most of the ''restrictions'' placed on Microsoft are already illegal; what few restrictions are left are impossible to enforce and seem designed to produce more legal disputes rather than resolve them; and the proposed enforcement mechanism is a ludicrous embarrassment. In addition to scrapping this proposed settlement, any payment or further employment of the authors should be re-evaluated in light of this idiocy.

I have read the original complaint of United States and the several States at http://www.usdoj.gov/atr/cases/f1700/1763.htm, the proposed settlement at http://www.usdoj.gov/atr/cases/f9400/9495.htm, the Competitive Impact Statement at http://www.usdoj.gov/atr/cases/f9400/9495.htm, as well as numerous other sources including the findings of fact and other documents.

My own injury by Microsoft's illegal actions comes from Microsoft's agreements with OEM's which forced my employer to pay for Windows when buying a new computer from Dell, which we had no plans to use Windows, intending it for Linux. This was supposedly addressed in a prior case to the present one, and yet to this day the same hardware without a Microsoft license has the same cost.

I wish to examine the elements of the proposed agreement item by item, and then propose an outline of an alternative settlement.

A. That Microsoft will not retaliate against OEMs for distributing non-Microsoft software. This is already prohibited by law, given Microsoft's monopoly. The proposed settlement can not consist of Microsoft agreeing to follow the law in the future; like other companies in the United States, it has to follow the law regardless of this settlement.

B. That Microsoft make public it's licensing agreements and offer the same terms to everyone. This is the only part of the proposed settlement makes sense, however, OEMs have shown in the past they were willing to collaborate in Microsoft's illegal activities. Should Microsoft offer an OEM a secrete payback or special deal, the cooperation of the OEM will make this section difficult to enforce.

C. That Microsoft cannot restrict certain OEM software through agreements. This is already illegal, like A.

D. Some meaningless nonsense not worthy of comment or the paper it is printed on.

E. That communications protocols in Microsoft software be publicly available. In light of Microsoft's previous behavior in exploiting secrete calls in it's software, all of it's source code should be available for public examination. The suggestion that only ''communications protocols'' be public is problematic because it leaves open to dispute what consists of a communications protocol. This is foolish given Microsoft's previous self-serving interpretations of court orders.

F. That Microsoft will not retaliate against software vendors for competing against them. This is already against the law given that Microsoft is a monopoly.

G. That fixed percentage distribution agreements be banned. This is already against the law. The exceptions listed in this paragraph are also against the law, creating the suggestion that the United States will enter into an agreement with Microsoft to allow it to break the law in some cases.

H. That OEMs and users are allowed to configure the Microsoft software they buy. This is vague and confusing because it is difficult to precisely describe what consists of configuring software, and thus impossible to reliably enforce. In a competitive market it would be the natural case, and the proposed settlement should focus on restoring competition.

I. That Microsoft offer licenses to ''intellectual property'' necessary to allow others to exercise ''alternatives provided under this final judgment.'' The reference to alternatives provided to others contradicts the final section of the proposed settlement, which explicitly denies that the final settlement gives any rights to third parties. Even aside from that, this section probably denies behavior already illegal, is riddled with exceptions, vague, and seems designed to produce legal action rather than remedy.

J. A section devoted wholly to exceptions for Microsoft, as if there where not enough already.

The Enforcement Authority:

A. Access to source code is probably one of the best remedies. The exceptions and limitation of this access to a committee are silly.

B. The Technical Committee. It has too few members, it should be composed of Officers of a United States Federal Court in order to make it's requests immediately enforceable through Contempt hearings, and the gag on public statements renders the whole committee useless. The further restriction that the testimony of this muzzled and hobbled committee not be admissible in court is a bit like shooting the deer after it's tied down with it's throat cut.

C. The Microsoft Compliance Officer. This section is nonsense. Other companies manage to obey the law without the use of a special office. If Microsoft needs one they can implement it without a judgment.

D. Voluntary Dispute Resolution. This section seems dedicated to stipulating that various parties send each other letters before seeking court hearings, common practice. 4(d) guts all enforcement power from the proposed judgment, and suggests that the Attorneys for the Justice Department don't believe in their own system of courts.

Third Party Rights:

This section is in contradiction with other references to the submission of complaints to the Technical Committee and the requirement that Microsoft offer ''intellectual property'' licenses to the third parties so that they can pursue the alternatives guaranteed them in this proposed final judgment.

In summary, this proposed final judgment is a poor sham for a capitulation by the Plaintiffs. It's not even a good surrender, because it's vagueness and self-contradictions guarantee more legal action; if we must capitulate, at least we should save on legal costs. It also completely fails to disguise the capitulation in any way. This is why whoever wrote it should be fired, even if the Justice Department unwisely chooses to fail to enforce the law as applies to Microsoft. A real final judgment, which might have the chance of remedying the situation, would have to be in some way ''self enforcing.'' By ''self enforcing'' I mean that the remedy by it's nature should preclude further legal wrangling and evasion efforts by Microsoft. Stipulations on Microsoft's future behavior inherently have to be enforced, and thus are not well suited to this case. Furthermore, when the proposed judgment stipulates that behavior already illegal be banned and then suggests exceptions, the Plaintiffs are acquiescing in further law breaking by Microsoft. An example of a ''self enforcing'' remedy would be denying Microsoft copyright protection. No Technical Committee is required; all that is needed is to reject out of hand cases of copyright enforcement that Microsoft brings. Thus, revoking copyright privileges for some portion of the works that Microsoft used to violate the law might be an appropriate remedy. Or perhaps Microsoft could post substantial bonds against it's future behavior.

Many of the major flaws in this proposed final settlement result from the needless use of vague and disputable terms, when simple and undisputable ones would do.

Replace all references to ''Microsoft Middleware'' ''Windows Operating System Product'' and such with the simple phrases ''products of Microsoft'' and ''products of third parties.'' Avoid even the use the term ''software products,'' as Microsoft would produce hardware required to run their

products and then violate the agreement. Be sure the phrase ''products'' is defined to mean anything Microsoft does, including services.

Replace all references to ''ISVs, IHVs, ICDs, OEMs'' and such with the phrase ''any third party.'' Quibbling over which member of the alphabet soup a particular entity fell under is thus eliminated. The final judgment should require no differentiation between the various consumers and companies interacting with Microsoft. This also remedies the fault that the current proposed judgment allows Microsoft to exempt any third party from the benefits of what legal behavior is required by claiming they do not have a viable business plan.

I hope you find these suggestions helpful in writing a real judgment.

Sincerely,

Robert G. Ristroph

From: ksvm@mac.com@inetgw
To: Microsoft ATR
Date: 12/23/01 12:55pm
Subject: Microsoft Settlement

MTC–00004867

From: Al Koscielny
To: Microsoft ATR
Date: 12/23/01 4:52pm
Subject: Microsoft Settlement

I do not believe the proposed settlement will alleviate the lack of competition in the software industry. In the monopoly days of IBM, a single company controlled the hardware and all the software than ran on it. Many years of investigation by the DOJ forced production of enough documentation that other vendors could compete. In the current monpoly days of Microsoft, a single company controls the operating system and all the software that runs on it. The vertical stack of tied products has simply moved up the complexity chain.

I should have a choice between at least 2 operating systems, which would preclude the barriers to entry described in the findings in this case. The proposed settlement would only prevent the abuses that Microsoft used in the past to keep its monopoly position. But those previous abuses are no longer important to preserving Microsoft's monopoly position. Currently it's claimed that there is not enough demand to preinstall any operating system other than Windows on a PC, although some vendors have offered Linux, mostly on servers. So Microsoft's hold on the desktop, 92% by some accounts, is not going to change without intervention. How will this settlement remedy Microsoft's ownership of the desktop market?

Recent years have seen a vast shift from single machine computing to a focus on inter-networked computers. The proposed settlement offers no mechanisms for keeping Microsoft in check that adapt to the rapid changes in technology. Over the past few years, I've come across a few sites that only work with Internet Explorer. If Microsoft can popularize IIS sufficiently, they can extend the vertical stack to include the server side of the Internet as well. Will Passport be popular enough that other vendors can be excluded from competition? Will Windows XP put RealPlayer out of business? Will false promises of interoperablity help .net triumph over Java? Where are these areas of potential abuse addressed in the proposed settlement?

Thanks for taking the time to listen to my concerns.

Al Koscielny
alko@nc.rr.com

MTC–00004868

From: Fisk, Kevin
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/23/01 6:14pm
Subject: Settlement

This is NOT in the public interest. I am a registered republican, but will NOT vote for any politician who supports this settlement. It is a joke.

Kevin Fisk
CC:'attorney.general(a)po.state.ct.us'

MTC–00004869

From: HarryBower@aol.com@inetgw
To: Microsoft ATR
Date: 12/23/01 11:39pm
Subject: Microsoft Settlement

I strongly oppose the proposed settlement with Microsoft wherein they offer to provide a billion dollars worth of computers to schools. That is not a penalty at all. It is simply good advertising omn their part. It results in unfair competition against much smaller Apple Computer (a California Business) which has been able to compete well in the education market. A substantial increase in the Microsoft presence in schools will seriously impact Apple's position. Please find a way of punishing Microsoft instead of giving them an other opportunity to help drive a competitor out of business.

Thank you,

Harry M. Bowers

MTC–00004870

From: Jerry Clabaugh
To: Microsoft ATR
Date: 12/24/01 1:17am
Subject: Public comment on US v. Microsoft

''None of the people who run divisions are going to change what they do or think or forecast. Nothing.''

-Bill Gates, interview in The Washington Post on the 1995 consent decree, August 1995 ''The practices Microsoft agreed to forgo had already served their purpose. Gates was right when he summed up the effect of the [1995] consent decree in one word: 'Nothing.'" -James Gleick, ''Making Microsoft Safe for Capitalism'' The present Consent Decree has many shortcomings which render it ineffective in ''unfettering the market from Microsoft's anticompetive conduct''. In particular, the Technical Committee, which has been characterized as a major concession by Microsoft, gives the proposed Decree the appearance of meaningful enforcement while moving the reality of enforcement beyond reach. These are some of the difficulties with the Technical Committee:

(1) The Committee has wide powers to look at documents and interview individuals, but has no power to cause Microsoft to behave differently.

(2) The information gathered by the Committee will be confidential, unlike information gathered in the past by the Justice Department, further complicating enforcement (B9).

(3) Since Microsoft appoints one of the first two members, and the third member will be appointed by the first two, Microsoft is permitted to establish a committee with a majority of members who have no interest in enforcing the consent decree, even if thay had the power to do so.

(4) The members are supposed to be individuals who are experts in software design and programming (B2), while they will also require expertise in antitrust law and history.

Even though the terms of the proposed Decree are very relaxed, Microsoft, if it remains under the same management and philosophy of the 1990's, will pay no heed to the proposed Decree. If the Decree is accepted, we will be in the same position as in 1996, with a decree in place, but no enforcement options beyond bringing yet another antitrust action.

It is my belief that breaking up Microsoft would be a bitter experience, full of dislocations for all those with an equity in Microsoft; managers, employees, stockholders, and customers. Yet when the antitrust action is brought yet again, the only reasonable remedy then will be a breakup. The only measure we can take now to prevent this outcome is to provide meaningful, effective enforcement in the current case.

The Committee only impedes the job of enforcement. The dissenting States' proposal does include real enforcement terms, and is a preferable alternative to the proposed Consent Decree.

I have focussed on the Technical Committee, but the present Decree gives Microsoft the imprimatur of the Department of Justice to pursue many anticompetitive strategies. Reading the proposed Decree without context gives one the impression that it was the government that was found guilty of interfering with Microsoft's right to abuse its monopoly. If I have read the news accounts correctly, then it is instead the case that every federal judge who has had to evaluate the Microsoft's behavior (nine, to date) has found Microsoft guilty of abusing its monopoly. Why then, are there so many limitations and exceptions? Is Microsoft in such danger of being unfairly treated by law enforcement, when that enforcement has been vindicated again and again by the courts?

The proposed Decree unfairly limits the ability of the public to seek enforcement of antitrust law against Microsoft, and should therefore be discarded. Even a simple fine would motivate management at Microsoft to learn about the meaning of antitrust law, without limiting the rights of the public.

In addition, the proposed Decree does nothing to ''deny Microsoft the fruits of its violations of the Sherman Act'', as instructed by the Appeals Court.

The importance of implementing an effective remedy looms larger than ever before, since computer security is now an issue that needs very serious attention in the United States:

''In a report released this month titled ''Cyber Threats and Information Security: Meeting the 21st Century Challenge,'' the Center for Strategic and International Studies

(CSIS) concluded that the government and the private sector should be concerned about the ''trustworthiness'' of future Microsoft products'' -cnn.com, December 29, 2000 ''Gartner recommends that enterprises hit by both Code Red and Nimda immediately investigate alternatives to IIS, including moving Web applications to Web server software from other vendors, such as iPlanet and Apache. Although these Web servers have required some security patches, they have much better security records than [Microsoft's web server software] IIS''

-Gartner Group, September 19, 2001

The fact that Microsoft's attitude toward security remains so casual, despite many high-profile security failures is an indication of the unhealthy effect of their monopoly power. In a competitive market, competitive pressure should have caused Microsoft to 'clean up its act' with respect to security. Today, the United States cannot afford an unrestrained predatory monopoly in computer software.

Besides security, the other important reason to reject to proposed Decree and instead insist on real enforcement is economic: Microsoft's policy of extinguishing innovation that it cannot co-opt certainly has benefitted Microsoft and its investors, but threatens the larger United States economy.

The Microsoft monopoly and the consumer software market emerged simultaneously, so no one can say what the economic benefits of antitrust enforcement would be. I can only hope that the Court will give prosperity a chance.

I am in no way a competitor of Microsoft. Thank you for the opportunity to be heard,

Jerry Clabaugh
20 Magoun Street
Cambridge, MA 02140

MTC–00004871

From: Curtis Michelson
To: Microsoft ATR
Date: 12/24/01 1:28am
Subject: Microsoft Settlement

To whom it may concern,

I want to just say as a consumer, and as an independent software developer myself, I strongly support the nine states who are looking for tougher remedies against Microsoft. The proposed settlement doesn't go nearly far enough.

Steve Jobs, CEO of Apple Computer made a good point recently that requiring Microsoft to offer software to needy schools is not punishment. It further extends their presence in a market they are looking to further dominate.

It's a gift, and not a sanction. Microsoft was found GUILTY of monopolistic practices and needs to be punished. One billion dollars is a fraction (1/30th more or less) of Microsoft's on hand cash assets.

Finally, I want to draw your attention to some important points made by Robert Cringely, noted computer columnist. http://www.pbs.org/cringely/pulpit/pulpit20011206.html His concerns about the settlement allowing Microsoft to not publish its API's to businesses it deems ''non-commercial'' like Open Source projects needs to be heard. We have to make sure that any third party software developers (like myself), whether working for profit or nonprofit institutions, have the same access to Windows API's as Microsoft's own engineers do.

Thanks for listening.

Sincerely,
Curtis Michelson
Small Company (www.smallco.net)
Orlando, FL

MTC–00004872

From: Michael K McCarty
To: Microsoft ATR
Date: 12/24/01 2:19am
Subject: Comments about Microsoft Monopoly trial

Hello,

I feel that Microsoft should have no say in what it's penalty should be. If we provided the same oppertunity to criminials we'd have empty prisons and a whole lot of community service for crimes they committed. It simply doesn't make any sense.

What Microsoft has chosen is to do it to seed schools with Microsoft software and make sure a new generation is locked into a Microsoft upgrade path which will provide them continued market share in the future. How does this help?

Please split Microsoft into separate entities. (1) Operating Systems & Develppment tools, (2) Business applications, (3) Online services & communications, and (4) Entertainment.

Michael McCarty
Michael K McCarty :: K6MMC
PGP Key @ http://www.thehunted.net/keys

MTC–00004873

From: Tom Caloz
To: Microsoft ATR
Date: 12/24/01 9:41am
Subject: microsoft settlement

Dear Sir or Madame:

The proposed settlement does not take into account that the only real competition to Microsoft, in the x86 space, is from non profit agencies. Apache, Sendmail, Samba, Linux are all non commercial entities, and would be unable to have access to the APIs and other technical information needed for interaction.

Please reconsider the settlement, and provide some form of relief for the groups that have been adversely affected by Microsoft.

Thank You,
Tom Caloz

MTC–00004874

From: Steve (038) Kerry
To: Microsoft ATR
Date: 12/24/01 9:48am
Subject: Microsoft Sett;ement

I along with many other members of the public have been harmed by the ever increasing number of software enabled services being bundled with the Windows desk-top operating system that has monoply status. Having abused that power, why not strip them of much of it by forcing MSFT to offer a bare bones Windows OS to which the consumer can add service enabling software selected from a competitive marketplace. Given current arrangements if consumers wish to participate in an expanding array of software enabled services into the future, they will be given the choice of MSFT services unfairly advantaged by the wide distribution and the guaranteed interoperability association with the monoply confers. The consuming public, given a ubiquitous bare bones OS could vote with its pocketbook on the value of additive software upgrades. Current monopolistic advantage unfairly limits the economic vitality of competing software enabled services. Innovation is hampered. Innovative services from MSFT bundled with, Windows 95,98,2000, XP while possibly desireable, derive support from and unfairly extend a monoply into new areas. MSFT is able to roll out successive versions of its OS and find a market largely because of bundling new software enabled services. I and peers would be better served by a marketplace in which new software enabled services could be selected from vendors based on value rather than upon advantages derived from membership in a monopoly. To do otherwise merely repeats the browser transgression.

Steve Krogh

MTC–00004875

From: Thomas King
To: Microsoft ATR
Date: 12/24/01 9:56am
Subject: Microsoft Settlement

I must say I am very disappointed with the settlement that the United States government has reached with Microsoft. You went through all the work and won the case to give them a slap on the wrist and tell them not to do it again. What is this? Fines and threats will not work with Microsoft. They can afford to pay any fines levied against them, ten time over. And as far as threats are concerned they have seen what the Department of Justice can do and I must they are probably laughing right now thinking that they got away with it. The only way you can break the Microsoft monopoly is to open up the code for the operating systems so clones of windows can be made. Until this is done Microsoft has nothing to worry about.

Thomas King

MTC–00004876

From: Honorland@aol.com@inetgw
To: Microsoft ATR
Date: 12/24/01 12:27pm
Subject: Microsoft Settlement

The proposed settlement appears to be no more than a slap on the wrist. It does nothing to punish Microsoft for past transgressions, and does not stop them from such transgressions in the future. The proposed oversight committee does not have sufficient power ro enforce corrective actions, nor is it free of Microsoft patronage. The oversight committee should not be funded by Microsoft, but rather from government sources. The members should be appointed by an independent body.

In addition to those concerrns, there is real concern about the effect of this settlement on the so-called 'Open Source' software development, such as Linux. Microsoft is not prevented from circumventing the development of this major alternative to Microsoft products. The Linux development poses a real threat to Microsoft, and Microsoft should not be able to adversely affect such development.

Respectfully,
Howard O. Norland
6212 Buchanan St.,
Fort Collins, CO 80525

MTC–00004877

From: John Hamlet
To: Microsoft ATR
Date: 12/24/01 2:20pm
Subject: Microsoft Settlement

they are your enemy and we know it. make them revail the source for windows 95/98/NT

MTC–00004878

From: Doug Armstrong
To: Microsoft ATR
Date: 12/24/01 3:08pm
Subject: Microsoft Settlement

As a professional software developer with over 17 years of experience in the field I feel compelled to express my opinion on the proposed settlement to the Microsoft anti-trust ruling. My livelihood, indeed the future of the entire software and high technology industry, has been and may continue to be directly affected by the behavior of Microsoft should this settlement be approved.

While reading the proposed settlement I was struck by how generous it was to a party which has been found guilty of stifling a very important industry for such a long time. I was also appalled that the victors in this case would agree to terms which encouraged a ruthless monopolist to further its attempts to control each aspect of the software industry, not to mention the Internet.

The company I work for uses Microsoft's office productivity products, despite the well-known security flaws and a history of unreliable operation, simply because the alternatives have been deemed 'too risky' by the corporate IT (Information Technology) department. In explaining what 'too risky' meant, we were told that the IT department was worried that upgrades and support for alternative products might not be available in the future if Microsoft decided to crush the already struggling competition in this arena of software products.

The company I work for also uses Microsoft's software development tools, although not exclusively, and certainly not to develop our own main product. Instead we use their tools to develop test suites to execute within a Windows environment. We have discovered numerous flaws in the tools themselves, and in the compiled code they produce. When we attempted to report this issues to Microsoft's technical support group, we were told that we would have to pay Microsoft for the privilege of helping them find bugs in their own products. No other company in the industry that I am aware of has such an egregiously arrogant attitude toward its customers and developers.

In short, I must convey my strong opposition to the proposed settlement and urge you to continue to work toward achieving a fair and just punishment of Microsoft.

Doug Armstrong
snoop@mediaone.net

MTC–00004879

From: Alfonso Baqueiro
To: Microsoft ATR
Date: 12/24/01 3:32pm
Subject: Anti Microsoft

Of course Microsoft use monopolic tactics, they want to invade all aspects of computer technology, with their close source technology, and ''use our software or use our software'', they generate incompatibilities and don't listen to the world wide standards, they build the software on their own and define their own standards making hard to provide universal solutions in the world.

One example, that everybody knows is what they do with Internet Explorer againts, defining things that only work on Internet Explorer and aren't part of the w3c consortium standards.

Other example is how they want everybody use Visual Basic, without consider well security issues, so they included VB scripting capabilities in Excel, Word, etc, and for that now exists a lot of macro viruses, but the most irresponsible is they include VB scripting in Outlook Express, providing a way to VB Scripting Macro Viruses to spread automatically across the web. Remember that viruses only affect Windows with Outlook, other mail clients are not affeted, why could be the reason?

Well, we can make the world a better place, with freedom (means freedom, not price) using free software and contributing to open source develpment.

THE INFORMATION IS POWER.
BYE.
abaqueiro@yahoo.com

MTC–00004880

From: John Losse
To: Microsoft ATR
Date: 12/24/01 5:47pm
Subject: Fw: Microsoft Settlement
Subject: Microsoft Settlement

I believe that the settlement is not strict enough and does not limit Microsoft business practices. I believe that they should be split up and the soft ware and operating programs should be separate companies.

John Losse
668 Wakefield Rd.
Goleta, CA 93117

MTC–00004881

From: Bob Jensen
To: Microsoft ATR
Date: 12/25/01 3:12am
Subject: microsoft settlement

Never have i heard of a more serious case handled so lightly. Fine them(microsoft), break them into at least three pieces, and fine them mightily for what they illegally did to their worthy competition.

MTC–00004882

From: Charles Stanley
To: Microsoft ATR
Date: 12/25/01 8:45am
Subject: microsoft

Dear Sirs,

I am but consumer I am not however a lawyer, a rabid Anti-Microsoft person nor a employee of any company working against or for microsoft.

In my opinion the current settlement does not go far enough which is sad to say as I us and prefer microsoft operating systems right now I am using windows 2000.

I would like to suggest you consider an alternative to the issue with Microsoft as follows though. Instead of totally breaking Microsoft up instead could you consider the following suggestions so please put up with me a little bit as I know I am not as smart as the people that work at the DoJ that practice law First the MSN division and all the divisions directly under the MSN division should be separated from Microsoft forming a new entity Next the Internet Explorer browser should be separated into a totally separate entity that is builds a browser sort of like what is being done with Netscape except where MS has no say so in how it is run.

Now we come to the heart of the matter the windows 9x code that is the heart of the kernel of the windows 95, 98, 98SE and ME operations systems should be released under General Public License so other parties could use it. after all they have claimed they have abandoned the 9x kernel for the NT kernel.

This would sort of be similar to what is done regarding the Linux operating system and I think this would foster more competition in the market place.

Let Microsoft keep the NT kernel which is the heart of the windows 2000 and Windows XP and let them keep the Microsoft Office and other programs. In this way I think it would solve the worst problems Microsoft causes yet still leave a viable company.

Sincerely,
Charles D. Stanley

MTC–00004883

From: Harvey Clowers
To: Microsoft ATR
Date: 12/25/01 11:22am
Subject: United State v. Microsoft

An article appearing on www.defendersproprights.org has suggested that Jusge Kolleen Kollar-Kotelly should accept the DOJ's proposed settlement with the Microsoft Corporation on the grounds that doing so will insure protection of Microsoft's intellectual property rights, while not doing so will constitute judicially sanctioned violation of those rights.

While the constitutional protection of property rights must be had, that protection does not authorize the property right holder to violate anti-trust law or committ other illegal business practices.

Thus, the just course of action for the judiciary to take is the punishment and penalization of the Microsoft Corporation for its violation of law. It is, after all, an illegally maintained monopoly !!!

MTC–00004884

From: Steve Fisher
To: Microsoft ATR
Date: 12/26/01 1:55am
Subject: Microsoft Law Suit.

I would just like the Justice Department to know that as a consumer, any Microsoft's products that I have purchased, have only saved me time and money. For the US Justice Department to attack this company is waste of the energy and assets of our Government. This suit to our country as an auto immune disease to a person. It hurts our stock market, undermines our economy and destroys our capitalistic system. We have some serious problems, security, defense, missing nuclear suitcase bombs, terrorist cells in our country,

if we don't focus our energy in the right area we will cease to exist. Settle the suit and get on to important things.

Sincerely,

Steve Fisher

MTC–00004885

From: Quincin Gonjon
To: Microsoft ATR
Date: 12/26/01 8:25am
Subject: Microsoft Settlement

I personally believe that Microsoft deserves stronger punishments for destroying thousands of potential computer businesses. They have killed the spirit of entrepreneurship in the software arena and no one will never know if such competition will have been better for this nation. I also strongly believe that Microsoft is alienating the poor underclass people of this nation through pricing. Windows is the standard Operating System around the world and every computer must at least have an Operating System to function. Why not have this OS free for all? I believe that software applications should be the point were purchasing should start.

The Linux community is right about providing this world with a free Operating System that will allow everyone to compete on an equal footing. The OpenOffice organization, SUN microsystem and Ximian Inc are demonstrating the potential benefits of open source and proprietary licensing. This appears to be a win-win situation for both the underclass society and entrepreneurship. Microsoft will never allow this to flourish because it could spell the end to Microsoft's empire. That is why this government should force Microsoft to release the needed documentations to allow OpenOffice and SUN to develop products that have the ability to read and write in standard Microsoft formats.

May your conscious guide you.

MTC–00004886

From: Miller, Michael S.
To: Microsoft ATR
Date: 12/26/01 10:26am
Subject: Microsoft settlement

Anything less than breaking up Microsoft into two companies (operating system and applications) will allow them to continue their anticompetitive practices exactly as they have been doing for the last twenty-plus years—to the detriment of the development community and the consumers.

Regards,

Mike Miller

Michael S. Miller, Ph.D.

Director, eLearning Solutions Group

Information Resources Management College

National Defense University

Fort McNair, DC 20319

voice: 202.685.4882

email: millerm@ndu.edu

MTC–00004887

From: Weiqiang Fang
To: Microsoft ATR
Date: 12/26/01 2:55pm
Subject: United States v. Microsoft Settlement

Dear Sir,

Many of us don't think the settlement will control Microsoft from destroying competitors. Many of the Microsoft competitors have very good products we like. We are so sad to see these technologies (e.g. Unix, Linux, Java, etc) killed by Microsoft. Wayne Fang on behalf of some developers.

MTC–00004888

From: Randall Wood
To: Microsoft ATR
Date: 12/26/01 3:41pm
Subject: Microsoft Settlement

To Whom it May Concern:

I would like to go formally on the record as opposing the proposed Microsoft settlement currently in debate in the Department of Justice. To me, a casual internet user and once-Microsoft customer, the proposed settlement is anything but just. Allowing Microsoft to inundate the education sector with its software products will have exactly the opposite effect required of an anti-monopoly ruling: it will allow Microsoft to further entrench its monopoly in one of the few markets it has yet to dominate. I am an American consumer and I find the idea appalling. I urge you to reconsider alternative settlements in order to find some way to punish a known offender without actually allowing it to benefit. For starters, any software provided to schools ought to be non-Microsoft. I hope you will seriously consider the very well thought out opinions expressed by staff of Apple Computer and RedHat Linux Inc. Regards,

Randall S. Wood

P.O.Box 817

Westhampton, NY, 11977

rsw22@cornell.edu

MTC–00004889

From: madodel@ptdprolog.net@inetgw
To: Microsoft ATR,piu@doj.ca.gov @inetgw,attorney.gener...
Date: 12/26/01 3:27pm
Subject: Microsoft settlement

I'm writing to ask you to consider removing all preload contract terms that require only Microsoft operating systems as well as requiring Microsoft to release all information regarding their proprietary file formats and APIs to be as part of any real settlement of their predatory monopoly finding. As it stands now the proposed settlement is worthless and a complete sellout by the USDOJ and does absolutely nothing other then validate their monopoly status and treat it as if it is a natural outcome. Microsoft has developed and expanded their monopoly by forcing hardware manufacturers to only pre-install Microsoft operating systems on personal computers for years. It is a disgrace that IBM will not pre-load its own superior computer operating system (OS/2) on its own personal computers. Last year during the trial, several major manufacturers had declared they would offer the Linux operating system as a pre-load option. Then it was only to be available on a few models, then only on one or two models, now, after the farce of a settlement outcome of the trial, try and find more then a handful if any among all the major manufacturers. Microsoft can only continue its monopoly by coersion, requiring only its own software on every PC and charging a Microsoft tax on those of us who purchase these systems, but don't want and will not use their products. The only real solution is to make the operating system an option and all systems must be allowed to be sold without an operating system, or with a choice including but not necessarily limited to, OS/2, eComStation Linux, FreeBSD, and Microsoft's current version of WIndows.

Currently on my chosen platform, IBM's OS/2 and Serenity System's eComStation (an OEM version of OS/2), I can get some interchange of documents with Microsoft Word and Excel using Lotus SmartSuite or Star Office, but other formats like PowerPoint and Microsoft Media Player are completely inaccessible. Open formats and APIs can be ported over to non-Microsoft platforms and break Microsoft's stranglehold on the world's information. Making all their proprietary formats and APIs open and freely available will allow those of us who don't use Microsoft products to not be locked out of electronic discourse and electronic media features.

Please stand firm and refuse to give in to the monopolist Microsoft organization.

Mark Dodel

From the OS/2 Desktop of: Mark Dodel ''The liberty of a democracy is not safe if the people tolerate the growth of private power to a point where it becomes stronger than their democratic State itself. That in it's essence, is Fascism— ownership of government by an individual, by a group or by any controlling private power.'' Franklin Delano Roosevelt, Message proposing the Monopoly Investigation, 1938 For a choice in the future JOIN VOICE NOW check out http://www.os2voice.org/index.html

MTC–00004890

From: shaun arral
To: Microsoft ATR
Date: 12/26/01 3:49pm
Subject: Need another copy of the Finding of Facts.

I have one for you. Don't forget what it says, please. If Microsoft likes the settlement, it's not good. If Bill and Steve are smiling, you're not doing your job. Bill and Steve should only be smiling AFTER THE HEARING IS OVER and when their business is not a mopolistic parasite on the nation and it's economy. Relieve this M$ pressure that's holding down the computer industry in the US. The internet is an open platform, don't give them the power to control that too....

If Microsoft OS's are so user friendly why can't I see Apples and Linux clients and Shared directories? While with my Linux computers I can read microsoft, apple and many, many other types of client manchines (shared folders). This is what openness and no secrets on things that aren't meant to be secrets.

Engineering has standards, protocols (I'll make white wire ''hot'')

Telecomm has standards, protocols (i'll transmit on frequency: 90Khz)

Government has standards, protocols (we'll just buy it, it looks good to me)

Computers have them too....

Happy New Year.

Shaun Arral

PS. I'm not yelling with the caps above.

''My mind is a mind that I have come to know'', Blind Melon

MTC–00004891

From: Joshua A Hansen
To: Microsoft ATR
Date: 12/26/01 3:51pm
Subject: Urging a stricter Microsoft Anti-Trust remedy

I write to voice my support of a stricter remedy in the Microsoft anti-trust case than has been proposed. Microsoft is more of a threat to the health of the American economy than any monopoly prior to it (Standard Oil for example). This is because what is at stake in this situation is information, and our rights to have and utilize it.

Microsoft should be required to disclose its file format and network protocol specifications to any organization, commercial or not-for-profit, without non-disclosure agreements. This would facilitate interoperability between Microsoft's products and those products which hope to compete with Microsoft. It must be seen that Microsoft has no remorse over its unfair practices in the past, and so it will continue to repeat similar practices to maintain and solidify its monopoly for years to come. Only government intervention can alter this. Specifically, Microsoft is preparing to unleash its proprietary .NET ''application framework'' on the world. Much like Microsoft has done before, it will flood the marketplace with .NET-based Operating Systems and web servers until everything depends on their framework. Then, they will begin ''extending'' the .NET framework so no other Operating Systems will be able to interoperate with it. Through a cycle of forced license-updates, Microsoft will ''lock in'' most computer users in a way that strips the market of competitive forces and heaves Microsoft products only upon anybody who wishes to do anything on the Internet.

These ideas may sound radical and too conspiratorial in tone. Were they not backed by precedent this would be the case. However, the past repeats itself, so I feel justified in saying that just as Microsoft has dominated the Operating Systems, servers, Web Browsers, and Office Applications markets it will attempt to dominate the Web Services market (.NET), the Instant Messaging market (MSN Messenger), the video game console market (XBOX), the streaming audio and video and digital audio market (Windows Media Player), the Handheld Computers market (PocketPC 2002), and the embedded devices market (Windows XP embedded). Such a wide-based attempt at monopoly solidification and expansion is simply not healthy in a market economy such as ours.

As a computer science student, I hope that through wise government intervention and promotion of competition, the workplace I enter in a few years will not be further enslaved to the Microsoft monopoly. My future will be a much happier one if I can choose software products based on quality, not based on whether or not it will read Microsoft file formats. It is a well-known saying in the computer world that once Microsoft enters a market, all hope is lost for incumbents who try to compete with their products. Is this due to superior products on Microsoft's part? Sometimes, but usually not. It is really due to tricky marketing and product lock-in schemes. This is not right. A market economy will only thrive when exchanges are made willingly, not through product lock-in. A market economy will only thrive when competition forces higher product quality, not when monopoly causes sloth in product development on the part of the monopolist. For the sake of America's economy and the freedom of choice of America's consumers, I urge the Department of Justice and the judge in the Microsoft anti-trust case to impose stricter remedies on Microsoft.

Hoping for a just outcome in this case,
Josh Hansen
Student, US Citizen, Registered Voter

MTC–00004892

From: christopher Dehaan
To: Microsoft ATR
Date: 12/26/01 3:59pm
Subject: Microsoft case

Dear Sir/Madam,

It is my greatest disappointment to see the judgment that was rendered regarding the Microsoft case. It is sad but true that might is right, and the people that have the power to make policy and to right wrongs are avoiding their responsibility. Based on the years of unfair business practices, illegal activity and the fact that Microsoft has repeatedly used its monopoly power to influence and control the software and OS market, anything less than a fine of a few tens of billions of dollars is unacceptable.

The leadership of Microsoft should also be barred from the software or technology industries, the company should be forced to reveal the file formats for its office products. Anything less than this says to people that would break the law both in its letter and spirit, that it is ok to do so, provided that you are big enough. This company has no respect for the rule of law, has been guilty of attempting to lie and mislead the court during part of the video deposition, which was videotaped. The fine leveled against Microsoft should be severe. I would suggest a minimum of about 30 billion dollars, believe me after this judgment, those companies that were thinking of breaking the law will think twice.

If evil is allow to triumph in a democracy, then democracy cannot long last. This has always been true and will always be true. While it may appear that my suggestion is severe, please note that suggestion comes after this company has been tried before and has broken the law before and still continues to break the law. And continues to fight and refuses to yield. The Government should continue to litigate until Microsoft gives in to the demands of the Government and of the people. Then they should be forced to pay the court costs of the Government, this will set a very good example for this country and the world, failing this we would be sending a signal that breaking the law is ok if you big enough.

Sincerely,
Christopher Dehaan

MTC–00004893

From: Brent R Brian
To: Microsoft ATR
Date: 12/26/01 4:07pm
Subject: Settlement

To put Microsoft on competative ground. Windows should only be an operating system.

a. no media players
b. no web browsers
c. no office tools, databases, or such
d. no bundling rules put on OEM's
e. no ''built in ad's'' for Microsoft products
f. no ''ET phone home'' gimmicks for upgrades
g. no system management tools
h. no fax capability out of the box

If consumers want these other tools, let them get them on their own.

So long as Microsoft gives away free-bies, they control file format standards, and they control the industry.

There should be no ''accountability'' of OEM's to Microsoft. If an OEM chooses to install Windows, fine, but Microsoft should be kept in the dark about the installation of other OS's.

Brent R Brian
95 Smith's Creek Dr
Clayton, NC 27520

MTC–00004894

From: Charles H. Courtney
To: Microsoft ATR
Date: 12/26/01 5:09pm
Subject: Comments Microsoft Settlement

I am dismayed at the proposed settlement as it, in fact, does little to break Microsoft's de facto monopoly in the personal computer industry. To accomplish this, the Department of Justice should require as part of the settlement that:

1. All of Microsoft's data file specifications be made completely public for all to see without any restrictions or preconditions whatsoever. This will in no way compromise Microsoft's true intellectual property—the source code of their operating systems and applications programs. However, it will give users of Microsoft products the freedom to use alternative applications programs, networking protocols and operating systems without having their, or their business partners', data held hostage within an unconvertable proprietary Microsoft file format. Doing this will give Microsoft's competition a much needed ''foot in the door'' that will allow them a fair shot at competing for market share.

2. All of Microsoft's networking protocols must be made completely public for all to see without any restrictions or preconditions whatsoever. This will prevent Microsoft from locking out competing vendors by making the latter's networking protocols unable to interoperate with Microsoft's, which, if not prevented in this manner, in effect limits users to only Microsoft networking products. Again, this does not give away Microsoft's intellectual property, but it does give potential competitors a fair chance at market share.

Sincerely yours,
Charles H. Courtney, DVM, PhD
Associate Dean for Research and Graduate Studies

College of Veterinary Medicine
Box 100125
University of Florida
Gainesville FL 32610–0125
tel: 352–392–4700x5111
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e-mail: chas@ufl.edu

MTC–00004895

From: earendil@chicagonet.net@inetgw
To: Microsoft ATR
Date: 12/26/01 4:17pm
Subject: proposed settlement of microsoft antitrust case

As a long time computer user, I would like to respectfully register my dissatisfaction with the proposed settlement of the antitrust case brought against the Microsoft Corporation. It is my understanding that the Court has determined that Microsoft has indeed illegaly maintained a monopoly. It is my belief that any settlement that has the public interest at heart will require Microsoft to open its networking and file format protocols. At this stage in the development of our country, it would be retrograde to allow one corporation to dictate the manner in which ideas are to be exchanged. Moreover, to allow the continuance of a one company monopoly in such a crucial field as information exchange and technology would be detrimental to the economic well being of the country because it would allow Microsoft to continue to impose its inefficiencies on the public as a whole. Opening the market to choice in this regard would be of significant benefit to our economy.

Finally, Microsoft has repeatedly exhibited a totally irresponsible disregard for security in its software products, most recently by releasing on an unsuspecting public, even while its harmful practices are scrutiny by the Court, a seriously flawed operating system: Windows XP. The wide publicity that has attended this arrogant and irresponsible act (including an FBI warning regarding XP's serious security flaws) speaks volumes regarding Microsoft corporate philosophy. At a time when the US is increasingly under threat of terrorist act, we can no longer afford to allow Microsoft to operate an illegal monopoly that exposes our whole information infrastructure to devestating attacks. The only solution is to require Microsoft to open its proprietary formats and protocols to allow creative Americans to forge solutions that will be conducive to the free and secure exchange of ideas and information.

For these reasons, I respectfully request that you carefully rethink the proposed settlement in order to provide a more constructive and secure basis for the future of information technology in America.

Thank you,
Mark Wauck

MTC–00004896

From: Jonathan Spearman
To: Microsoft ATR
Date: 12/26/01 5:27pm
Subject: Antitrust Lawsuit

Mr/Mrs Renata Hesse,

I would like to voice my opposition to the microsoft settlement. I feel that if the courts have found microsoft to be in violation of the antitrust laws, then they should pay a stiff penalty for breaking that law. I also feel that any resolution that does not allow for stiff penalty will show americans that if you break the law, the only punishment you will get is a penalty, that will allow you to continue your monopoly. When AT&T and IBM were found to be monopolies, they were broken up and had to pay a stiff penalty for breaking this law. Microsoft is a monopoly that has hurt competition in many areas. If they have a product that can withstand the pressures of competition, then they will show this by the sales of their products. I a consumer, do not like the fact that if I buy a system and don't want microsoft on it, I still have to pay the price as if it was present on the system. Resellers, manufacturers, still have to pay microsoft and that cost is push on to customers like myself.

Also according to reports that microsoft may have to put system's into poorer schools would further it's monopoly, this is a very bad decision and I for one, would not be happy about it. Also I feel that microsoft should as part of their punishment, have to purchase systems with other OS's and put them for free into the poorer school districts. This would be a fair solution. And have to pay the government back all that it spent to prosecute them for their crime, and break up the company Did you know that if microsoft continues it's monopoly, that it will control most of the data on every server, and that microsoft can at it's decretion, do whatever it feels necessary with that data. Would you be confortable in knowing that all your personal data belongs to microsoft and that you may have to pay large amounts to retrieve this data, and also that the servers it sits on, because of the Microsoft OS is not secure allowing terrorist and any hacker to obtain this information. Would the Government like to know that it's top secret information is controlled by microsoft and that anyone may have access to that information. If you feel comfortable with knowing that a corporate company has control over all data on the internet and private networks, and can do with it what it wants, then you are sadly mistaken. What are we showing our children about the law, when a company that has committed a crime, is let off with a slap on the wrist and has successfully controlled the U.S. Government and let them know that they cannot do anything with microsoft because it rules this country and not our Government.

Thank you for taking time out of your busy schedule to read this, I hope that by voicing my opinion it will not fall on deaf ears.

Jonathan Spearman
3535 14th St #2804
Plano,Texas 75074
May GOD Bless america!.
May GOD bless you richly
Jonathan Spearman
jspearman@onebox.com—email
(972) 354–2521 x6161—voicemail/fax

MTC–00004897

From: Chris Woodard
To: Microsoft ATR
Date: 12/26/01 5:39pm
Subject: Microsoft settlement

To whom it may concern:

I am not a reflexive Microsoft hater. I have friends who work there and have worked there, and I know that they have produced some really good software. Having said that, I believe that the ''settlement'' worked out by Charles James and Microsoft is woefully inadequate.

Microsoft is a company that seems incapable of changing its corporate culture, and that culture is cut-throat and win-at-all-costs. The history of the digital revolution is littered with the corpses of companies who brought out a product, built a business, and provided jobs only to have Microsoft offer a slightly lower-quality (or in some cases much lower-quality) product for free ''because it's part of the OS''. Bye bye, market. Bye bye, company. Bye bye, jobs.

Microsoft has already ignored one consent decree, and another one with a laughable penalty of ''if they break this agreement, it'll be extended for another two years'' is the briar patch that the Department of Justice is throwing Br'er Rabbit into. There's no reason whatsoever to think that Microsoft won't just ignore this settlement too, since they're still convinced that they didn't do anything wrong.

The dangers of having an essentially unfettered monopolist provide the software infrastructure for an entire digital economy, which is in their plans, can be illustrated nicely in two words: Windows XP. Or, if you prefer, three words: Internet Information Server. The dangers of having an unscrupulous monopolist in a position of power should be obvious to anyone with two brain cells connected by a synapse.

The states' counter-offer is the least that Microsoft should suffer for flouting the lawful judgements of a duly appointed court. Money alone shouldn't carry the day, unless that's the message you want to send your children. If you won't think of anything else, think of them and think of what it would tell them about breaking the law and getting away with it if you let Microsoft off with the faintest slap on the wrist.

Chris Woodard

MTC–00004899

From: John Saxby
To: Microsoft ATR
Date: 12/26/01 5:59pm
Subject: Monopoly

Clear DayDOJ,

At one time the computer industry was ramping up to the PC revolution, as it was called. SOL,Ohio Scientific, Apple !!, Alltar, Osborne and others were designing and creating personal productivity tools. CPM was a simple operating system followed by DR DOS, PC Dos, IBM DOS.

IBM made the mistake of hiring a small but almost legal organization to assist it with creating a multi-programming system for their recently released PC. This venture was to give them the chance to create OS/2 which would grow into a decent PC operating system allowing you to run multiple programs concurrently. The partnership gave this fledging computer company the cash to hire competent staff and move the visual interface to their own proprietary operating system based on OS/2 and what was gleaned from another early innovator in the industry(XEROX).

From what was learned from IBM and their methods of controlling the industry this model was then used to control the PC industry. Make sure that the OEM's cannot ship computers with OS/2 or UNIX or Solarius or Linux operating systems. Force the consumer whether it is an individual or corporation to buy and undesireable operating system and refuse to return their money if they return the product!

When the DOJ was convinced this was a monopolistic practice, allow them to continue, and further their control by infecting all educational systems with this operating system. Making sure they are able to convince students that this is the operating system of choice.

I have been in the computer industry since 1969 after serving 13 years as a marine and a defender of our system of justice. Having seen what has occurred with this mockery of justice, I find it hard to even verbally defend our justice system. As has been stated many times this is the best judicial system money can buy, one does begin to beleive this may in fact be true.

Respectfully,
John R. Saxby

MTC–00004900

From: John Daly
To: Microsoft ATR
Date: 12/26/01 7:10pm
Subject: Microsoft Settlement

Microsoft has demonstrated flagrant and repeated disregard for the rights of other companies in the software business. They have used the legal system to keep competition at bay while eroding the solvency of competitors. Now they are proposing a settlement which is more to their benefit than their detriment. The so-called punishment for their monopolistic actions would further leverage them into markets not entirely strangled by their previous actions. A more fitting settlement would be to treat them as they have treated with their competition by vacating all patents, trademarks and copyrights held by Microsoft Corporation or its members held individually or aggregately.

MTC–00004901

From: Maurice Davis
To: Microsoft ATR
Date: 12/26/01 7:22pm
Subject: Public comment—US v Microsoft

December 26, 2001

To Whom It May Concern,

I write to comment on the proposed Micrsoft settlement. I am a software developer and user. I use Linux and various open source software packages for most of my day to day activities because they are technically superior to and much more stable than Microsoft products (as an example, I last rebooted this computer 141 days ago when I upgraded the Linux operating system on it—and this despite the fact that I run web sites and mail services for 20 different small companies and groups on it in addition to a full graphical windowing interface).

While I love the software I use, I find that I can not avoid the need to maintain at least one computer with Microsoft software loaded on it. This is because of their file format lock-in. I need their software only to read their file formats. So, I beg of you, require Microsoft to openly publish their past, present and future file format specifications. In doing so you will also be doing a great service to the country. How many documents being written today will be totally useless 10 years from now simply because they are stored in a .doc file format that has long since been outdated by later Microsoft treadmill upgrades? Must we really maintain old Microsoft applications just to access the information locked away in their proprietary file formats? Here I stress the ''openly publish'' part of my request. It is essential that open source programmers have unmediated access to this information as we currently represent the only real competition to Microsoft. I don't ask for access to their code, who would want it anyway, just the file format specs so that I can get at users' data. Remember that the data does belong to the user after all.

I also have a second request. Require operating system software and bundled application software to be priced and sold separately from the underlying hardware. It is in large part because of Microsoft's past exclusive tie-ins with PC vendors that they were able to establish their monopoly to begin with. How else do you explain the low penetration rate of IBM's superior OS/2 operating system. If you wanted OS/2, you had to first buy a PC with Windows preloaded, then spend for OS/2. As recently as two weeks ago, I was in MicroCenter, a large computer store in Tustin, California. I asked if I could buy a PC without Windows preloaded and was told I could not. Of course, I am sophisticated enough to seek out one of the few vendors who would do this or to piece together my own machine, but what real choice does the average consumer have?

Incredibly, many believe that Windows comes free with the computer. Separating the hardware and software purchase will reveal the true cost of competing options and make it more likely that consumers will inquire about alternatives when it is no longer implicit that buying a PC means buying Window as well.

Put yourself in the place of the average computer buyer and imagine the affect of just these two changes. Now, you walk into a store looking for a computer. There are many brands to choose from. Choices of processor, disk drives, CD–ROM drives and burners, etc. can be weighed on a cost benefit basis but, no matter your selection, you always get Windows because it comes with the computer and, even if you know enough to ask, you're told that it's the only option. Oh, and by the way, you better get that with Microsoft Works or Office or else no one will be able to read your files and data you bring home from work will be totally unusable. Contrast that with a scene in which the buyer learns that Windows will cost an extra $50 or $100, or whatever it costs, on top of the price of the computer. You mean, I could get something other than Windows? Sure, there's OS/2 or BSD or Linux, and BSD or Linux cost much less and are better systems in addition to being easy to use. OK, but what about file compatibility—will I be able to read and write .doc files I get from work and friends? Sure, there are many fine word processing and spread sheet programs which will read those files and better yet you can store your information in universally readable XML format so that they never go out of date. I think that we would then have a choice again and Microsoft would be forced to really compete on price and quality again. As things stand now, they're always a step ahead in the lock-in game.

Sincerely,
Maurice Davis
25 Morning Dove
Irvine, CA 92604
714–549–9745
mjd@networklogic.com

MTC–00004902

From: Charles D Hixson
To: Microsoft ATR
Date: 12/26/01 8:14pm
Subject: Certain comments on some proposed Microsoft remedies

The proposed solution to the monopoly that MS holds in the software industry, i.e., to allow them to engage in advertising (distributing their products in the schools) as a remedy is ... at best unjust. This is rewarding them with the opportunity to practice further predatory mechandizing. The proposed oversight committee is heavily stacked in favor of Microsoft, and really only has the power to require that it be allowed to look at Microsoft longer than it otherwise would if it finds that they haven't changed their business practices. Either or both of these, if adopted as legal remedies, would ... the legal system of the United States has been increasingly regarded as ineffectual against large organizations with a lot of money. If these decisions are adopted, then the matter would be settled beyond any reasonable doubt. I know that legally this shouldn't matter, but if I felt that the matter was being handled in accordance with justice then I wouldn't feel that I needed to write.

Note: I feel considerably more strongly about this than this letter may indicate, but a desire to be inoffensive has caused me to censor much of the content. I wish that I were more eloquent about this case, but rage tends to cause one to be incoherrent.

Charles Hixson

MTC–00004903

From: rich mycroft
To: Microsoft ATR
Date: 12/26/01 8:23pm
Subject: Re: MS Settlement

255 Summerfield Drive
Alpharetta, GA 30022
Dec 12th, 2001

As someone who has spent the last 16 years in the software industry, who has worked on everything from tiny embedded systems to mainframes, I find the proposed 'settlement' to be ludicrous. The idea that an organization that is a convicted, law-breaking monopolist should get such a light set of restrictions is almost beyond belief. Microsoft has done almost nothing in the way of innovation, but they are extremely good at tying everything under the sun into Windows and the proposed settlement does nothing to alter or restrict that behavior. I have worked on Microsoft systems as well as many other

systems and as a technologist I can plainly state that their success has nothing to do with the technical capabilities of their products but a great deal with their ability to use their financial and marketing muscle to restrict and destroy alternative technologies they feel might encroach upon their monoploy—and this was clearly stated in the decisions from the two courts. There was a time when I championed the Microsoft products as they seemed designed to give the average user more ability to do useful things with their personal computer systems, but over the last decade or so it has become apparent that they are now simply trying to find new ways to milk yet more money out of the consumers of the world while delivering products that are so shoddy that even the FBI has to call them up to inquire about the latest security holes.

That the current administration via John Ashcroft can seriously submit this so called settlement is almost beyond comprehension. I hope the court will see past Mr. Ashcroft's lack of desire to enforce a section of the law he evidently does not find appealing and in so doing create the real opportunity for technologists in this country and around the world to truly push for innovations. The alternative is to merely protect

Mr. Gates and his monopoly.

Richard Mycroft

MTC–00004904

From: mike woods
To: Microsoft ATR
Date: 12/26/01 10:09pm
Subject: Microsoft Domination

I live in the United States and I still have somewhat of a freedom of choice in my life up to this point in time, but if the DOJ doesn't stop Microsoft at this time with something more than a slap on the hand we will be long down the road toward their Monopoly that they have well underway. I want to have the choice of software, operating systems & etc. that I want to use every day without Microsoft dictating to me what I haveto use or run to be compatible with what they want. I have used their product most of the time since Windows 3.0 and they have yet to produce a secure or stable product. Even their products like Word, Excel, etc are some of the most buggy products out there. The only reason most people use them is because they don't know of the other products that are available and Microsoft has people conviced that they have to use their products or nothing will work and because people don't understand computers they think they have to trust Microsoft. Why else would anyone pay for something that crashes several times every day and we have been told or led to believe that that's normal and a good thing. Most people would gladly use something else if they knew about it just to end the aggrivation. Not only Americans need to have the choice of products to use and have available everything out there but so does everyone else in the world that will be affected by this decision of the DOJ. Let's just hope the light will be seen and they will do the right thing for everyone and not something that will benefit Redmond.

MTC–00004905

From: Dave Terret
To: Microsoft ATR
Date: 12/26/01 9:57pm
Subject: Re: Red Hat's settlement counterproposal of Nov. 27, 2001

Dear Sir or Madam,

As a computer professional having no connection to either Microsoft or Red Hat other than using their software, I would like to register my support for Red Hat's counterproposal. I felt that Microsoft's settlement proposal had been insufficiently punative. Also, there is no reason to give a monopolist an opportunity to extend its monopoly. While one could say that, by the same token, there's no reason that Red Hat should be allowed the opportunity to benefit from that monopolist's penalty more than other injured parties, their proposal is still vastly more just than Microsoft's.

David Terret
Indiana University

MTC–00004907

From: glenn green
To: Microsoft ATR
Date: 12/26/01 11:03pm
Subject: Public Comment

Dear Sir or Madam,

I am a computer professional, working in what is by necessity an almost pure Microsoft environment. This is not by choice, but necessity. Not because it is the best product for the job necessararily but because Microsoft has so entrenched their monopolistic, blackmail upgrade practices to the point that it is in effect the only viable solution pretty much regardless of the cost at this point in time. Happily, I don't have to make that decision in the work environment, much less justify the expense.

In the performance of my duties I have had forced Internet Explorer upgrades rammed down my throat many more times than I care for, sometimes they cause compatability problems with other microsoft products, creating a domino effect. Sometimes this results in hours of down time, not just for a workstation. The effect as applied to a server can affect an entire organisation. This merly scratches the surface, Internet Explorer upgrades have been 'required'' for as innocous things as printer drivers, this is rediculous no, criminal!! I feel that some of the comments I have read on linuxplanet.com have stated this in an unarguable and perfectly clear fashon that I have no chance of equaling. Rather than plagerise the material I am including links. I implore, no beg of the doj to read very closly these linked comments. The current remedies are virtually benign to microsoft, it will be business as usual, nothing really changes. http://www.linuxplanet.com/linuxplanet/reviews/3973/2/ and http://www.linuxplanet.com/linuxplanet/reviews/3973/3/

To sum up a few key points. The proposed settlement mentions disclosing api's and other intellectual property, presumable file formats. Are these being disclosed to Microsoft's only real competitor?? The open source software comunity? I fear this disclosure will be made only to Microsoft's chosen vendors or develepors under the restriction of non-disclosure. Even were this to be disclosed to the open source community. Microsoft intentionally creates a moving target, by updating and forcing updates of key elements of this material. Not correcting known problems in existing version, but creating enhancements to new versions. We don't need html enabled email, active scripting in email and word documents, we've all seen what this enables. Yet this practice further entrenches the strangle hold on not only US consumers and businesses, but the entire world. Remember the Haloween Documents.

The proposed penalty as it stands does virtually nothing to change this.

A personal experience with my home PCs. My newest one came with Microsoft's Windows ME, which at first glance seemed as if it may be an acceptable solution to maintain compatability with other (Windows 95) systems on my small lan.

Not so!! After downloading the supposedly free DirectX Ver 8 from work, which was necessary because I refused to sign up for passport on my home system when I had another avenue. I then copied it to the home PC over a dialup connection into work, planning to simply copy if over my lan to the broken PC to repair DirectX which was broken by installing a game. Ah, a third party game?? No!! A MicroSoft game, but I digress. I was unable to connect to the Windows 95 machine, unless I installed an ME networking upgrade on the Windows 95 machine. I refused to be strong armed into an upgrade of even a small component of the existing system.

At this point I had a simple solution, reboot the machine to Linux, copy the DirectX ver 8 download to a cd-rw, carry it into the other room and repair the broken PC. Upon returning to my main PC, I promptly deleted the Windows ME partition. Problem solved, I refuse to be blackmailed into any more upgrades on my personal computers.

Enough is enough. It's not as simple, it's not as compatible, it's not as elegant, but I control the upgrades, and I know at least in general terms why they are required. Microsoft will not blackmail me into any more upgrades, I'm done, furthermore I will not rent software for a year or two (XP) or whatever Microsoft's current half baked scheme is.

Again I implore the doj to consider the only real competitor, of which I believe Microsoft is terrified and will eliminate by any underhanded means at it's disposal, legality be damned. The open source community, by introducing competition if given half a chance will force Microsoft to consider something other than what is best for Microsoft. Both quality and security will have to improve significantly if Microsoft is unable to eliminate this newest competitor, or Microsoft is going to be in trouble. Thank you for taking the time to read this, and please consider the open source community in the penalty of the Goliath Microsoft has become.

Glenn Green
1582 Railroad Drive
Carson City, Nevada 89701

MTC–00004908

From: Randy Wieck

To: Microsoft ATR
Date: 12/26/01 11:23pm
Subject: Microsoft settlement

Sirs:

I do not believe that the settlement between Microsoft and the DOJ is in the best interest of consumers. It allows Microsoft to basicly continue doing what is has in the past with only a small slap on the hand and also assures them of a gaureented monopoly into the educational market. If you're not going to discipline them, at least DON'T give them a lock on yet another market sector!

Thank you

Randy Wieck

CC:attorney.general@po.stat.ct.us@inetgw

MTC–00004909

From: Robert Smith
To: Microsoft ATR
Date: 12/27/01 12:05am
Subject: Microsoft

In the first trial that Microsoft was convicted of abusing it's monopoly power, the judge rejected the DOJ's proposed ''punishment'' (which was essentially—stop doing the bad things you've been doing) since it was not punishment. At that point, the DOJ joined Microsoft in arguing that it was. They succeeded in getting a new judge to accept their non-punishment. Now a second trial has convicted Microsoft of abusing it's monopoly power. Again the DOJ has chosen to not punish Microsoft. And this despite Microsoft executives continuously lying or conveniently not understanding their own damning written communications. Despite Microsoft being caught giving deceitful demos, but for which they went unchastised during the trial. Compaq decided they wanted to include Netscape's browser on their computer. Microsoft immediately decided Compaq would not be able to buy Windows. Compaq was forced to longer use Netscape as they couldn't sell computers without Windows. Prodigy Internet wanted to be one of the Internet Service providers preinstalled in Windows. Microsoft said, sure, as long as you switch from Netscape to Internet Explorer. Intel wanted to develop some Java apps. Microsoft said if you do, we will make Windows work better with AMD products. And more abuses, including the current Microsoft license that says no second operating system may be added by the computer manufacturer to any machine which has Windows on it. An item which the DOJ CHOSE NOT TO PURSUE IN IT'S CASE!!!! Incredibly the first trial finally forced Microsoft to stop using a software license that forced payment to them for each machine sold, not just those that had Windows installed; and yet the second trial decided not to pursue their equally abusive current license.

I would be reluctantly expecting a third trial, except for the fact that Microsoft's monopoly is now complete. There is no company to worry about them damaging. OS/2 is gone. Corel is only in business because Microsoft gave them some money. Netscape is no longer a company, and it's new owner, AOL only uses Internet Explorer with their service. Only consumers can force a trial now, and unfortunately, the excessive price Microsoft charges for their products—giving them a huge monopoly sized profit margin and profits—has never been an issue. And a recent class action lawsuit was settled at Microsoft's suggestion with a settlement that just shows Microsoft has the government in their pocket— the ''penalty'' was again a non-punishment—Microsoft gets to give their software (along with machines to run them) to poor secondary schools. Secondary schools, one of the last places where Microsoft had some competition—from Apple. Amazing.

Thanks for making a mockery of justice and right and wrong, DONJ.

Robert Smith

MTC–00004910

From: Brent Farwick
To: Microsoft ATR
Date: 12/27/01 12:30am
Subject: microsoft settlement

Dear Sirs and Madames,

I am a bit unnerved that such a toothless compromise has been arrived at as a remedy to Microsoft's misbehaviour. It is certainly no secret to those of you in the Justice Department that Microsoft has not lived up to the requirements of the last consent decree. Please show us that you can be trusted to act in the interest of all parties, not just the richest entity.

Brent Farwick

Southern California

MTC–00004911

From: Zach Anthony
To: Microsoft ATR,dennispowell @earthlink.net@inetgw
Date: 12/27/01 1:12am
Subject: A threat to our national defense.

Hello,

I work for a government contractor in the development of information systems. The project I am currently working on is an important intelligence application that has been in use by the Department of Defense since the 70's.

I am writing because I am particularly concerned about the negative impact that non-standard, closed software may have on our project and our national defense.

Development of new functionality of our application relies heavily upon open source software and open standards. Software currently being utilized in our system includes: Java, Apache HTTPD, Apache Tomcat, Apache SOAP, Ghostscript, and various GNU utilities; gzip, gcc, gdb, and the list goes on.

My point is this, open source and open standards provide the public and the government with quality software components that are being used **right now** to reduce costs and increase flexibility. Only by using standards based, open software can the government or any corporation ensure that they are free from control of a single entity.

The Internet evolved from the work of the U.S. government to create an indestructible infrastructure that no one could stop. Why on earth would we want to hand this over to Microsoft?

It has been said in several other articles and correspondence that Microsoft's control over the Internet is dangerous. Their ability to monopolize technologies through marketing and distribution of incompatible software is widely known.

To me, America is about freedom. We must encourage the freedom of the government, corporations, and all individuals by insuring the free exchange of information.

Microsoft seeks to ''loan'' their computer applications, and store information saved with those applications in a closed or encrypted format which only Microsoft applications can unlock. What this amounts to is data hi-jacking * * * you can get to **your** data only if you are willing to pay the price Microsoft asks.

Please, protect your country; every citizen, every corporation, every government agency. Do not let Microsoft continue to release non-standard, closed technology that benefits only themselves.

Sincerely,

Zach Anthony

MTC–00004912

From: Jud Meaders
To: Microsoft ATR
Date: 12/27/01 1:39am
Subject: TMF: Are you XPerienced? / Apple (AAPL) http://boards.fool.com/

Message.asp?mid=16344903 thought maybe you guys and gals might like to see some of what is being said about your favorite monopoly; one that you seemingly refuse to punish and/or hold accountable. Thanks

MTC–00004913

From: maureen@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 12/27/01 2:07am
Subject: RE: Judgement of Microsoft

As a private citizen of the United States and a computer user, both at home and at work, I was very disappointed to see that the DOJ appears to have been bought and paid for by Microsoft (Bill Gates). There is nothing in the document that protects my rights as a citizen. According to this proposed document I would have to use Microsoft products. When I purchase a new machine, I would have to purchase it with Microsoft on it.

What happened to my freedom of choice. I use three forms of Microsoft products at work. I am a 911 call taker and dispatcher. Our radio system is based on Windows NT. The machines freeze approximately once a month. This means we are not able to talk to the units we have dispatched in the field until we reboot the machine (providing it only has to done once). This could cost lives of the very people who protect and serve the public. Our 911 phone system is based on Windows 2000. Of the six machines we use, at least two of them freeze in the middle of 911 calls once a week. These people call us for help. They have a prowler, maybe a house fire, or a domestic. When these calls get cut off we don't even know where they go. All we can do is try to call the number back (after we reboot the machine, which takes about 3 minutes), or pray they call us back. Our CAD, Computer Aided Dispatch, machines are based on Windows 98SE. These are the machines we use to record the call and the response of the units. It also holds all the

information regarding the call. They freeze at least twice a month. This is not too much of a problem providing all three machines don't freeze at the same time. All our machines are networked. All of been installed by Microsoft certified people. They cannot stop these machines from freezing.

The above happens because Microsoft is the defacto OS. We have three different versions of Microsoft software. All three fail us. There have been no improvements in there software since 3.0 came out. The loss of information has cost companies millions of dollars. The down time of employees increases this amount. The loss of life due to software failure should not be permitted. At home I choose to use Linux. I paid for the boxed version because I believe in supporting companies that supply to the consumer a decent product. It doesn't crash, freeze, or change any of my input information. When I retrieve a file, it is exactly what I had saved. I don't have to reboot. In fact I haven't rebooted my machine in months. I have a multitude of choices in software. I also did not have to pay an enormous fee for the software included with the OS I choose.

Should you continue with the proposed judgement I would not be able to surf the internet as in the past. Microsoft would, with its propreitary software, not allow me to connect to any MNS sites. I would be unduly restricted from many websites including the Goverment ones that I use frequently.

Please reconsider your judgement. Do not allow Microsoft to keep their monopoly in the software market. Protect us, the public, who use software. Allow us, the public, to have the freedom of choice.

Maureen L. Thomas
8234 Autumn Oak Ave.
Port Richey, FL 34668

MTC–00004914

From: Oliver Bausinger
To: Microsoft ATR
Date: 12/27/01 5:35am
Subject: Comment on the Microsoft settlement

First of all, I have to say that I'm not a US citizen (I'm German), so my voice may not be heard in this phase of public comment. But nevertheless:

Microsoft's use of its monopoly in the Operating System, Office and Internet Browser market is a high danger for its competitors. With its proprietary closed protocols and formats (MS Office Formats, Kerberos, etc.), it's limiting its competitors abilities.

Therefore I urge the US Government not to let the get away the easy way: Microsoft should be forced to open up their technical specifications for their file formats and protocols so that competiting products can provide interaction.

Obviously, protocols that are used by 90% and more of the users should not be controlled by one company (but by some kind of non-commercial independent organization).

As non-US citizen, I urge you to apply the appropriate measures to this case.

Yours sincerely,
Oliver Bausinger

MTC–00004916

From: David Kubalak
To: Microsoft ATR
Date: 12/27/01 8:39am
Subject: Not happy about settlement

I don't know that much about the settlement, but what I have heard of it shocks and puzzles me. What I have heard doesn't seem to me to solve anything—it doesn't actually provide any real punishment for breaking the law, it doesn't even seem to assure that Microsoft obeys the law in the future. I have heard many good arguments for better remedies—opening up file protocols, making licensing agreements public, publishing the cost of Microsoft products bundled with computer sales.

I have seen copies of letters sent to you, and I couldn't tell you anything new, but I do want my voice to count as another heavy computer user and programmer who is not happy with the settlement. Please listen to the suggestions that other have sent to you, and provide a more useful solution.

Thanks,
dave
David Kubalak

These opinions are my own and not my employers. I don't know what their opinions are in this situation.

MTC–00004917

From: Jeff Muse
To: Microsoft ATR
Date: 12/27/01 9:55am
Subject: proposed Microsoft settlement

To Whom it May Concern:

I would like to spend a few moments discussing the proposed anti-trust settlement with Microsoft. One of the ways I make a living is by migrating individuals and business from Microsoft products to those produced by the open-source community, so I am in a good position to assess the impact of Microsoft's actions on the market. For a long time, it has been painfully clear to me that there are a number of issues that need to be addressed in order for the playing field in the computer and software markets to be level. In no particular order, they are:

1) Eliminate the bundling of Microsoft operating systems with hardware. Currently, it is difficult, indeed nearly impossible, to buy a PC without a Microsoft operating system pre-installed. This has the effect of making consumers pay for an operating system whether they want it or not. Worse yet, this situation increases the proliferation of Microsoft based viruses and worms by shipping Outlook and Outlook Express as mail clients. These mail programs are far and away the most common vector for the spread of malicious code throughout the Internet. In the current state of concern for national security—which was one of the concerns cited by Judge Kollar-Kotelly in urging a swift settlement—it is incomprehensible that this situation would not be addressed. As matters stand now, the current Microsoft monopoly has no reason to improve the security of its systems.

2) Require that any Microsoft file formats have published standards. One of the most vexing issues in transitioning away from Microsoft is that many clients feel tied to Microsoft and its office suite because they are concerned that they will not be able to read documents sent to them by others. This is problematic for two reasons. First, rather than choose the best software available based on price and features, consumers choose Microsoft products because that's what everyone else uses. Second, the closed file formats used by Microsoft software allow Microsoft to force consumers to upgrade not only programs but hardware as well, consequently forcing the purchase of more powerful machines which just coincidentally come pre-installed with a Microsoft operating system. This is accomplished by changing the closed file formats every so often.

A case in point is my mother, who had a perfectly functional older PC with Windows 95 and Office 95. She could not read documents sent to her that were written in Office 2000. As her machine was not powerful enough to handle the newer versions of Windows, she was forced to buy new hardware in order to run software that would read her email attachments.

3) Publish all Microsoft interoperability specifications.

Microsoft is notorious for an ''embrace and extend'' policy with regards to industry standards. A case in point in Kerberos, the authentication policy that runs with Windows 2000. For years, this was an open standard used by the Unix community. After Microsoft's embrace and extension, Kerberos on Microsoft failed to work with Kerberos on Unix. Had the specifications for the Microsoft extensions of Kerberos been published, this attempted lock-in to Microsoft products would have failed.

Another example is Samba, a program used to emulate a Windows server on various flavors of Unix. Samba developers have been forced to spend quite a bit of time reverse-engineering rather then developing software. Were it not for them, Microsoft would have a much larger chunk of the server market than they do currently. Having monopolized the desktop, as illustrated above, they then attempted to make sure that only Windows servers would work with the ubiquitous desktop machines.

Opening Microsoft's standards will expose their products to a higher level of scrutiny than previously possible. There is a saying in the open source community: ''With enough eyes, all bugs are shallow.'' These additional eyes can only improve the performance and security of Microsoft products. Consequently, the standards to be opened must be available to all, and at the time of product release. Restricting access to a privileged few will dilute the efficacy of the solutions to Microsoft's monopoly. It is also necessary to realize that the rest of the world, with a few notable exceptions, is moving towards open standards in computing. As globalization and international trade increase, we may find that continued endorsement of Microsoft's practices will have an isolating effect.

In short, the existing Microsoft monopoly is harmful to consumers, to our national security, and to our nation's commercial interests. A strong and vigorously enforced anti-trust settlement, such as outlined above, will rectify these problems.

Sincerely,
Jeff Muse

3895 Connecticut
St. Louis, MO 63116
jmuse@kcnet.com

MTC–00004918

From: Bergmeister, Frank
To: Microsoft ATR
Date: 12/27/01 10:17am
Subject: name=''winmail.dat''

To whom it may concern,

I just wanted to voice my opinion on why the proposed settlement with Microsoft is a bad thing. My state unfortunately has already conceded (we are a Microsoft state here in Maryland) and signed off on the settlement. Believe it or not, students at the University of Maryland have to pay a fee each year for using Microsoft products ... whether they use them or not!! It's not a lot of money each year, but when you have 20,000 students, it really adds up. Also: Because the most successful competitors in recent years in product markets in which Microsoft holds a true or de facto monopoly (eg. personal computer operating systems, Internet browsers, and office productivity software) have arisen from the open source software community, I believe it is of extreme importance that any settlement protect and enhance this community's ability to produce products that provide end-users with viable choices.

In my reading of the proposed settlement, such protection is not provided. On the contrary, the settlement will serve to allow Microsoft to continue to hinder the open source software community's efforts. The proposed settlement speaks of disclosure of APIs and licensing of intellectual property. I fear that any information disclosed by Microsoft will only be licensed to vendors or developers under conditions of a non-disclosure agreement, thus preventing the implementation of such protocols in an open source project or product.

This settlement, if implemented as proposed, will serve to entrench Microsoft's monopolies further, by allowing it to exclude the open source software community from any future technologies and APIs it develops. As this community is currently one of Microsoft's most serious competitors, it seems unbelievable that the proposed settlement will aid Microsoft in eliminating this ''threat'' to their monopolies. It will give them gain a monopoly in the last place that they do not have one * * public education.

I hope that the decision is changed and that some thought is used to come up with a better solution!!

Frank Bergmeister

MTC–00004919

From: john.andrews@amsys.ie@inetgw
To: Microsoft ATR
Date: 12/27/01 10:26am
Subject: Proposed Final Judgment

Dear Renata Hesse,

As a consumer who uses Microsoft products on a daily basis I feel severely let down by the remedies as contained in the Proposed Final Judgment in the case United States of America vs Microsoft Corporation. While publication of the windows API's may be a good idea in principle it is not sufficient on its own and it should be expanded to include publication of file formats. Let me give my situation as an example of why this should be so. In my case I use Microsoft Word on a daily basis even though it is not my word processor of choice. However I am forced to use it both at home and at work in order to be sure that colleagues and friends will be able to read and update documents that I produce and vice versa. Alternative word processors that I have used have been unable to import and export Microsoft Word.doc files to a sufficient standard for me to be able to use them. This is the only reason I do not use an alternative word processor to MS Word.

The difficulties and frustration at having to use a product that I find poorly designed and counter intuitive cause a considerable loss of productivity in my daily work. While I hope that this loss of productivity is not replicated by millions of other consumers across the US I would not be surprised to find out that it was. To remedy this the judge should mandate the setting up an independent commission that would have the following powers and duties:

1) It would publish all current and past Microsoft file formats, protocols and windows API's.

2) It would require Microsoft to explain and justify any changes to its current file formats, protocols and windows API's. Any changes would have to be justified on the basis of improved consumer utility.

3) It would have the power and the duty to prevent Microsoft releasing products using new file formats, protocols and windows API's in any cases where it was not convinced that the benefits to consumers outweighed the disadvantages of the new file formats, protocols and windows API's.

4) In cases where it was satisfied of the benefits to consumers it would publish any new Microsoft file formats, protocols and windows API's at least 6 months in advance of any Microsoft product using them. This gives other producers the opportunity to update their products in time for a new Microsoft release. Consumers using these non-MS products would not then experience periods during which their product of choice was unable to use the latest Microsoft file format. Items 2 and 3 would benefit all consumers even if they only ever used Microsoft products. Items 1 and 4 are essential to the protection of any consumers who wish to have a choice between Microsoft products and those produced elsewhere.

There are some very important requirements for the operation and makeup of this commission:

The commission should do as much of its work as possible in public. It would be required to consider submissions from consumers before making important decisions. It would need a strong and technically capable staff. Although the commission and its staff would need to be in constant communication with Microsoft none of the commission members would be Microsoft employees or have been proposed by Microsoft. This is in order to insure the commission's independence. Finally the commission must have the power to enforce its decisions at the time that they are made. Any Microsoft appeals should be considered only after the decisions have been enforced.

To Conclude: The remedies as agreed by the government and Microsoft will make almost no difference to me as a consumer. In order to make any improvement to my day to day experience as a consumer of Microsoft Operating Systems and Microsoft applications, most if not all, of the suggestions above would need to be implemented.

Yours sincerely
John Andrews

MTC–00004920

From: Quincin Gonjon
To: Microsoft ATR
Date: 12/27/01 11:06am
Subject: Microsoft's Monopoly

This country has been blessed with freedom and the strength to empower its people with it. Freedom is independence, liberty and the exemption from the power and control of another. Microsoft takes away freedom from this country as well as from the entire world. By allowing Microsoft to complete its stated goals to provide the only de facto Operating System, Office suite, and internet tools for the entire world we are giving away our rights as free people. Todays way of living has changed dramatically and more people depend on computers to communicate, buy, find jobs, plan daily activities, organize, travel and search for information like a library. A great deal of control will be placed on one company (Microsoft) to secure our very freedom without selfishly using this to empower themselves into the biggest entity that the world has ever known. I personally don't believe that such power should be given to Microsoft and that the best way is for this government to stop all monopolistic goals and activities generated by Microsoft.

Microsoft products are by nature insecure and they are in constant threat of being hacked or cracked. Their product is not secure because they implement insecure features like portal, hailstorm,IIS, Outlook, vb scripting, remote appliance control through the web, MS Java machine and the macro features in their Office Suite. Microsoft's goal is not to secure its Operating System but to make sure its users find it easier to use. This by nature makes the Operating System even more hacker and cracker friendly. Our nation and other countries will need to have choices. Our citizens should also be aware and have the freedom to choose from different applications without the propriety licenses of file format to hinder one application from communicating to another. I strongly believe that if Microsoft would be permitted to continue its journey of monopolizing the software industry, the entire world would loose its freedom. The only recourse as a free nation is to make sure that the proprietary formats and protocols of Microsoft is made public and can be used by new and older companies to build competing products.

CC:qgonjon@nyc.rr.com@inetgw

MTC–00004921

From: David McKellar
To: Microsoft ATR
Date: 12/27/01 11:32am
Subject: Open is the solution

I am sure many other people will be making suggestions like this... The answer for the Microsoft problem is to force them to release all details on all their file formats and protocols. In the future they should be barred from using proprietary format/protocols—strictly ISO/ANSI/W3C standards. This would mean other companies (and non-profit groups) can fairly complete with the 800 pound gorilla Microsoft has become.

MTC–00004922

From: Sherman, Robert (Orlando)
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/27/01 11:34am
Subject: Nader & Love said it best!

Linux is not a Cancer attacking innovation...It represents the innovation of every college, gifted user/programmer and even some highly innovative companies. Microsoft is actively trying to squash this movement...look closely at the changes at Corel, a company which once offered a vibrant Linux distribution which had a focus on creating a viable Linux Desktop OS. They experienced some financial trouble, which is in and of itself an odd situation, and when Microsoft bailed them out...they decided to end Linux OS developement.

Mr.(s) Nader and Love Stated ... What is surprising is that the US Department of Justice allowed Microsoft to place so many provisions in the agreement that can be used to undermine the free software movement. Note for example that under J.1 and J.2 of the proposed final order, Microsoft can withhold technical information from third parties on the grounds that Microsoft does not certify the ''authenticity and viability of its business,'' while at the same time it is describing the licensing system for Linux as a ''cancer'' that threatens the demise of both the intellectual property rights system and the future of research and development. The agreement provides Microsoft with a rich set of strategies to undermine the development of free software, which depends upon the free sharing of technical information with the general public, taking advantage of the collective intelligence of users of software, who share ideas on improvements in the code. If Microsoft can tightly control access to technical information under a court approved plan, or charge fees, and use its monopoly power over the client space to migrate users to proprietary interfaces, it will harm the development of key alternatives, and lead to a less contestable and less competitive platform, with more consumer lock-in, and more consumer harm, as Microsoft continues to hike up its prices for its monopoly products.

This open Source movement is important, innovative and should be protected.

MTC–00004923

From: Harka Steinhart
To: Microsoft ATR
Date: 12/27/01 11:45am
Subject: Comment on MS case

Dear Ladies and Gentlemen,

I thank you for the opportunity to comment on the recently proposed remedies in the case against Microsoft.

It is with great regret, that I have found those remedies to be not of such nature at all. They, in their current form, will not in any way change the sad state of affairs in the computer software industry and by extension not enhance and empower the end users of software products.

The proposed settlement in the case will, however, be of great damage to the Government of the United States and the Department of Justice in particular. Essentially people see this case and it's recent development as a sign, that Microsoft's devious ''business'' practices will again go unpunished and nothing will change whatsoever. In fact, now it seems even more legitimized because everything is ''settled'' and ''remedied''. This dramatically undermines peoples faith in the Justice system. I cannot stress enough the importance of this! I work in the IT profession and come in contact with many different people. Even those, who are generally big proponents of Microsoft (products), see this case as ''MS having bought out the DoJ'' and in return having gotten the most benevolent treatment that could possibly have been hoped for in Redmond.

Having mentioned this, I would like to take the opportunity to suggest a couple possibilities, that would really make a difference to the industry and consumers alike. Let me also preface this with the fact, that these following options do not in any way intend to ''damage Microsoft as much as possible'' out of spiteful reasons, but are a real attempt at restoring a healthy and beneficial market atmosphere of competition, where the best product advances on it's own merit, as opposed to a product that is quite literally forced upon users against their will.

1. Decouple hardware from software. The proposed ''non-exlusive contracts'' between hardware vendors and Microsoft do not accomplish this.

Hardware needs to be sold as that...hardware. The Operating System and any applications must be an additional option (if desired at all) based on the buyer's/user's true choice.

Currently it is just about impossible without extensive research to find vendors where one's hard-earned money does not go by default to a significant extent to Microsoft. Even people, who later on exercise their choice in software, tend to have to buy a computer with a Microsoft OS and applications preinstalled, thereby rendering their later choice impactless in the market because Microsoft has already gotten paid, even though their products, including the MS-Windows OS itself, weren't used (which is also why the proposed changes in regards to ''middleware'' are not enough, because they assume the MS-Windows Operating System as being the one used, thus yet again cementing the monopoly of Microsoft!)

This situation is contrary to the *foundation of this country*, which is a free and competitive market, where money votes for which product will survive. The freedom of choice is currently quasi non-existent.

An even more unfortunate extension of this problem of hardware being tied to a particular Operating System and/or applications from a specific company is, that in recent years even the usually generic hardware has become OS specific. An example of that are the infamous ''WinModems''...modem's, which will only work with a Windows-driver and thus precluding any other OS. So yes, theoretically the user could install another OS but won't be able to go online, effectively preventing even the possibility of such a choice of OS. I have seen similar examples with graphics cards and other components. The only true remedy for this is to make the Operating System and applications an *option* upon buying!

Further, Microsoft needs to be prevented from leveraging their financial standing by offering substantial and competitor-hostile discounts on their software, even if it is preinstalled with the users approval. I.e. a copy of the MS-Windows OS should be the same price whether it is purchased seperatly or preinstalled. This also means, that if no Microsoft OS and/or applications were desired by the user, Microsoft should not get a single penny (as opposed to ''per-processor'' contracts, where MS got paid regardless, even if nothing at all was installed). This not only would restore a market balance and give users an extremely important choice over their computing environment, but also lower costs by not having to pay for undesired products.

2. Force Microsoft to open their formats. The proposed opening of the Windows API to ''commercial'' ventures is not only to restrictive in it's scope since it excludes not-for-profit development efforts, but also not effective in eliminating the illegal monopoly Microsoft is holding over the market place. Far more important than the API are the formats used for wordprocessed files (*.doc), spreadsheets (*.xls), networking protocols and the handling of formats such as XML. Microsoft keeps these formats not only a secret, but tends to deliberately change them every so often, not only making it almost impossible for competitors to, well, compete but also forcing even users of it's own products into a viscious and expensive ''upgrade'' cycle if they want to be able to read documents being sent to them by someone with a newer version of the program.

The development of alternatives in the Office-Suite area, for example, are dramatically hindered by the obscurity of the formats used by Microsoft. The situation is so dire, that people don't ask how well an alternative might work as a word processor in itself, for example, but ''how well does it handle Microsoft Word(TM) documents''. Generally it can't possibly handle it well because the developers do not have access to the *.doc format, thus forcing users to use Microsoft's own Word-processor as opposed to a perhaps technically superior alternative just because they have to remain ''compatible'' in the document format.

This is so important an issue, that not only the choice of Office-Suite is currently inhibited, but users are not able to adopt an alternative Operating System such as Linux, simply because it doesn't have Microsoft Office ported to it (although there are several very good Office-Suites available for Linux). The opening of the various formats and protocols, however, would among other

things allow the developer's of alternatives to correctly import and handle MS-Word *.documents and thus give the users the tools they want and can most effectively use. A word processor would be a word processor again and not a ''Microsoft Word(TM) Document Processor''. This step in itself would dramatically alter the unhealthy landscape currently present to a more productive and balanced (not monopolized) market place. Ladies and Gentlemen, these two points outlined above would be far more reaching towards the underlying goal to ''unfetter [the] market from anticompetitive conduct,'' to ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future'', than the current proposals. The current terms of the proposed settlement do not accomplish that and are therefore UNACCEPTABLE! It is therefore my hope and and wish to see revised terms including the points made above, that would indeed unburden the market and users from the heavy weight of a monopolist such as Microsoft Corporation.

Thank you for your consideration.

Sincerely,

Harka Steinhart

MTC–00004924

From: boyd
To: Microsoft ATR
Date: 12/27/01 11:48am
Subject: DOJ proposed Microsoft Antitrust Settlement

Reading the proposed settlement, and the arguments put forward by the DOJ in support of it, I find myself wondering how the DOJ could craft a solution that not only does not solve the problems it addresses, but exacerbates them.

As a Computer Scientist who teaches about Operating Systems and Networks, I am very familiar with the problems that have arisen as a result of Microsoft's monopoly on the desktop OS market. These problems have cost the United States billions of dollar in lost time and productivity. These problems threaten our domestic security and make us easy to attack from abroad. Simply put, any monopolist in this area makes us easier to attack, and Microsoft, with their very poor security record, make us a sitting duck for any 13 year old kid with a virus kit. We talk of bioterrorism, but I think there is a much greater danger of real economic loss from computer terrorism.

There aren't any easy solutions to this problem, but the need for remedies is real and the ones put forth by the DOJ are not useful remedies. If you adopt them, Microsoft will have been given your permission to continue and even increase its monopolist behavior and our country will be damaged by a lack of innovation in computer software and by a lack of security. Please give serious consideration to the alternative proposals put forth by the states that have, wisely, refused to accept the DOJ settlement proposal and to the suggestion you receive during this comment period.

Sincerely,

Mark J Boyd, PhD.

Assoc Prof of Computer Science

University of North Carolina

MTC–00004925

From: mark dufour
To: Microsoft ATR
Date: 12/27/01 12:11pm

how simple can it be? microsoft should not purposefully make their software incompatible with software by others! require of them to thoroughly document public formats such as Word so there can be honest competition. unless you are being bribed, or your whole government is owned by microsoft, you will agree with me that this can only benefit the consumer. mark dufour, student of computer science, the netherlands.

MTC–00004926

From: Sharon A. Fordham
To: Microsoft ATR
Date: 12/27/01 12:27pm
Subject: Microsoft Settlement

To the DOJ:

Folks, I urge you to reject the proposed Microsoft settlement which would allow Microsoft to donate old Windows equipment and software to schools, probably at cost, as a way of compensating the ''class'' of consumers who believe they were ripped off by Microsoft due to uncompetitive pricing of their Windows products.

First, let me say that I am a sizeable stockholder in Microsoft and I use their software everyday. It1s good and I1m pleased to have it. That said, I think the proposed Microsoft settlement in patently wrong at many levels and needs to be completely rethought.

First and foremost, the settlement is completely unresponsive to the court case, which defined a class of oppressed consumers who were forced to purchase Windows at a higher premium than they deemed appropriate. How is a proposal to contribute old hardware and software to schools in poor urban districts responsive to a class action lawsuit for unfair, anti-competitive practices? Shouldn1t those in the class be compensated, accepting that a donation to a school is perhaps more noble?

Second, and far more troubling to me, is that the proposed Microsoft settlement is clearly a Trojan horse strategy for Microsoft to begin to dominate one of the few industries where they are not nearly as competitive. In fact, Apple has almost a 50% share in schools, and is the current category leader. This is a very clever way for Microsoft to begin to take control of the school channel as well. Hummm, let1s see...they gave away Internet Explorer and took away a 70% share of the market from Netscape; they1re giving away a free media player to unseat RealPlayer as the leader. Doesn1t a free ''giveaway'' to indigent school systems sound like it1s yet another leg of the very uncompetitive trade practices for which it was found guilty in the first place?

I urge you to reject the Microsoft proposal for the reasons above.

Many thanks for your time...

Sharon A. Fordham

CC:safordham@rcn.com@inetgw

MTC–00004927

From: Nugent, Michael P (SAIC)
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/27/01 12:32pm
Subject: Microsoft Antitrust Settlement

In the settlement of the antitrust lawsuit against Microsoft, the DOJ states that imposed restrictions will stop Microsoft's unlawful conduct. My warranted distrust of Microsoft aside, even were Microsoft to adhere to the restrictions set forth by the settlement, Microsoft could and would still continue to wield monopoly clout.

The most profound loophole is evident in Section II ''Overview of Relief'', bullet point 6. While the settlement requires that Microsoft publish its APIs, the settlement does not deal at all with file formats or network protocols.

Without forcing Microsoft to provide information about these, Microsoft would continue to prevent serious competition to its office productivity software monopoly, and hinder interoperability with other networked OSs. Competing products do not have any way to interpret Microsoft's proprietary file formats or network protocols without reverse engineering, which puts competitors at a severe disadvantage. It may also prove legally impossible to develop a competing product, depending on licensing agreements, some of which explicitly restrict reverse engineering.

The most egregious loophole allows Microsoft to continue to extract a price from each new PC sold which is bundled with their Microsoft OS, regardless of whether the PC will ever run that Microsoft OS.

The settlement contains provisions in Section II, bullet points 1, 2, 3 and 5, that allow PCs to feature alternative middleware products, but not provisions to allow PC manufacturers to feature an alternative to the Microsoft OS, pre-installed on nearly all new PCs. That is to say, PC manufacturers must pay for a pre-installed Microsoft OS, even if they de-install the OS before the OS is used, and replace it with another, non-Microsoft OS. The Microsoft OS cost is then passed down to the customer.

A recent and personal case in point: I intend to purchase a notebook from Sony, and though I will never boot to Windows, I incurred the cost of the pre-installed OS. Predictably, Sony does not sell any computers without a Microsoft OS. And, though I do not ever agree to the licensing agreement, nor do I open the shrink-wrapped software accompanying it, I cannot get a refund.

While a recent ruling in another court does permit me to sell the licensed software, I will not likely get the full value. Nor would I like my incidental purchase of a Microsoft product to add to their revenue or bolster their market penetration statistics.

(To read the ruling mentioned above, see http://www.cacd.uscourts.gov/CACD/RecentPubOp.nsf/bb61c530eab0911c882567cf00 5ac6f9/574aa79ff518021188256aed006ea2dc/$FILE/CV00–04161DDP.pdf)

MTC–00004928

From: Steven W. Orr
To: Microsoft ATR
Date: 12/27/01 12:55pm
Subject: Please break Microsoft up.

They need to be broken up for all of the following reasons:

1. They insist on using proprietary file formats. Things like Word and Excel are just the tip of the iceberg.

2. Proprietary network protocols. Separate from proprietary file formats is the format of data used to communicate between different processes which might be on different computers. Microsoft is famous for trying to subvert well established protocols and changing them so that already running software will not work with their systems. At first blush, you might think they were just plain stupid, but in reality they are trying to prevent anyone from running any software at all unless it was purchased from them.

3. Bad security implementations. They insist on implementiung their security protocols in a proprietary fasion. The end result is that it's impossible to evaluate how secure their systems really are unless someone figures out how to crack them. In fact, time and time again, their systems always turn out to be trivially crackable. And when it happens, they do not act in a timely fasion to fix the problem. All of the good security protocols are developed out in the open so people can see how they work.

4. They prevent people from being able to buy computers without their OS. I happen to run Unix systems. I would never be happy being forced to pay the extra Microsoft tax for software I don't want and would never use.

5. They engage in unfair business tactics. They are famous for their deceptive business practices. Little guys are routinely stepped upon and squashed.

And finally, their bad practices are impacting my personal ability to enjoy the services provided to me by others. One recent story I have for you concerns the cable modem I have at home to host my own personal domain. About 5 months ago when the Code Red virus struck, my ISP, RCN, as well as other major ISPs (like MediaOne) simply shut off port 80. They were well within their rights to do this for a number of reasons; the main one being that People are not allowed to run servers on a cable modem. The driving force here is that the Microsoft OS implementation is susceptible to virus in an era when all other OS's are not. The latest episode is that RCN has just shut off all access to all computers within their own router groups, just for the purpose of squashing yet another virus that affects the Microsoft OS.

Please help. This is what government is for. —

-Time flies like the wind. Fruit flies like a banana. Stranger things have— -happened but none stranger than this. Does your driver's license say Organ -Donor? Black holes are where God divided by zero. Listen to me! We are all- -individuals! What if this weren't a hypothetical question?

steveo@syslang.net

MTC–00004929

From: Chris Barr
To: Microsoft ATR
Date: 12/27/01 1:10pm
Subject: Comment on Microsoft suit

Microsoft has, as we all know, gained its market position via illegal business practices.

Severe penalties should be levied for their misdeeds, including substantial payments to injured parties and substantial changes in the company's future business opportunities.

The proposed settlement is far too lenient in regard to Microsoft.

Chris Barr
21 Riverview Avenue
Wayland, MA 01778

MTC–00004930

From: Bill Rausch
To: Microsoft ATR
Date: 12/27/01 2:06pm
Subject: Microsoft judgement

I am a concerned user and programmer. I use Microsoft products as well as Apple products. I also use quite a few different UNIX systems as well as Linux. In fact, my use of Linux and related open source products such as Apache has been growing. I'm concerned that the not-for-profit organizations appear to have been left out of the settlement. It appears to me that Microsoft's current competition is these very organizations and that they must be specifically included in the settlement.

I'm also concerned about the make-up of the three person panel. That seems to me to be too small a number of persons to properly assess the vast number of software technologies involved. I've spent my professional career in software development and am familiar with more many operating systems and platforms and more programming languages, yet certainly wouldn't feel qualified to sit on such a small panel wielding such large influence. I don't think any group of three persons could do a satisfactory job. I'd be more inclined to support a group of seven or more persons, along with some support staff.

Bill Rausch Software developer for Numerical Applications, Inc. in Richland, WA Adjunct computer science faculty for Washington State University From comments by Robert X. Cringely:

The remedies in the Proposed Final Judgement specifically protect companies in commerce—organizations in business for profit. On the surface, that makes sense because Microsoft was found guilty of monopolistic activities against ''competing'' commercial software vendors like Netscape, and other commercial vendors—computer vendors like Compaq, for example. The Department of Justice is used to working in this kind of economic world, and has done a fair job of crafting a remedy that will rein in Microsoft without causing undue harm to the rest of the commercial portion of the industry. But Microsoft's greatest single threat on the operating system front comes from Linux—a non-commercial product—and it faces a growing threat on the applications front from Open Source and freeware applications.

The biggest competitor to Microsoft Internet Information Server is Apache, which comes from the Apache Foundation, a not-for-profit. Apache practically rules the Net, along with Sendmail, and Perl, both of which also come from non-profits. Yet not-for-profit organizations have no rights at all under the proposed settlement.

It is as though they don't even exist.

Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...''

So much for SAMBA and other Open Source projects that use Microsoft calls. The settlement gives Microsoft the right to effectively kill these products.

Section III(D) takes this disturbing trend even further. It deals with disclosure of information regarding the APIs for incorporating non-Microsoft ''middleware.'' In this section, Microsoft discloses to Independent Software Vendors (ISVs), Independent Hardware Vendors (IHVs), Internet Access Providers (IAPs), Internet Content Providers (ICPs), and Original Equipment Manufacturers (OEMs) the information needed to inter-operate with Windows at this level. Yet, when we look in the footnotes at the legal definitions for these outfits, we find the definitions specify commercial concerns only.

But wait, there's more! Under this deal, the government is shut out, too. NASA, the national laboratories, the military, the National Institute of Standards and Technology—even the Department of Justice itself—have no rights. It is a good thing Afghanistan is such a low-tech adversary and that B-52s don't run Windows. —

Bill Rausch, Software Development, Unix, Mac, Windows Numerical Applications, Inc. 509–943–0861 bill@numerical.com

MTC–00004931

From: Robert Fischer
To: Microsoft ATR,attorney.general @po.state.ct.us@inet...
Date: 12/27/01 2:59pm
Subject: Microsoft AntiTrust remedies

To whom it may concern;

I would like to present the viewpoint of a volume consumer of Microsoft products as you consider possible remedies to the judged illegal actions of Microsoft.

1)Integration of products does not benefit consumers. Trust me. We are a $400,000,000.00 + company employing about 700 people. A browser used to cost about $25.00 per copy under the various volume purchase agreements between Microsoft & Netscape. I spend many, many times that fixing bugs, and fending off the latest virus because Microsoft integrates application function in the operating system or vice-versa. It isn't an advantage.

2)My Microsoft licensing costs QUADRUPLED this year because Microsoft is leveraging the fact that there is no competitive operating system or office productivity suite. I can no longer purchase and deploy upgrades as I need them in a cost effective way, I have to buy maintenance on a 3 yr contract, for products that come out every two years or so (that are usually VERY buggy, see the recent XP news) that would take a year to deploy. Do the math, this improves their cash flow tremendously while giving our company nothing. It is cheaper to buy new PC's and depreciate them. In a

down year like this, we can't do that and survive.

3)Microsoft would like to think they are an innovator. Xerox invented the GUI interface, most everything else is the result of acquisition (or theft). XP is experiencing the same problems as Windows 95, Windows NT, or Windows 2000. Where's the innovation? Innovation is usually the result of competitive pressure. They have no competition, they are not innovating. I don't know that this will change anything but I hope that it becomes another piece in the puzzle. PLEASE, do not let Microsoft off the hook. The industry need competition and innovation to survive, and that isn't the way.

Robert Fischer
Director-Information Technology
Communications Supply Corp.
630–221–6620

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MTC–00004932

From: Thomas R. Bank
To: Microsoft ATR
Date: 12/27/01 3:38pm
Subject: Proposed DOJ / Microsoft settlement

I have been familiar with computing and the computer industry for nearly twenty years now. I have long seen the adverse effects of Microsoft's monopolies in these areas and I cannot see how the settlement that is proposed even pretends to remedy the antitrust violations for which Microsoft has been found culpable.

The company has already been found in violation and this is the penalty phase of the case. However, I cannot understand how the settlement contains no penalties and actually advances Microsoft's operating system monopoly.

As an example of the current 'problem' of Microsoft's monopoly in the OS and office productivity software markets, I point to the ubiquitous '.doc' file. This one proprietary file format I believe is one of the cornerstones of Microsoft's OS/productivity suite monopoly. Many people I know in the business community regularly purchase updated versions of Microsoft Windows and Microsoft Office for the sole reason that their correspondents send them .doc files as e-mail attachments. The options for importing these files into third party applications are many; however, having personally tried a large number of such programs, both free and commercial, I can safely say that many work well some of the time, none work well all of the time. The continuing cycle of forced upgrades to maintain compatibility with correspondents lies at the heart of Microsoft's monopoly.

As a solution to this kind of problem, I believe that Microsoft should be compelled to disclose the specifications of the file formats used by its products to anyone who sends or receives files in such formats and requests the information.

Left unsolved, this problem is bound to be more severe in the future. It has been widely reported recently that Microsoft is considering moving to a yearly licensing-fee system for its OS and Office software. In this case, files created with licensed software and saved in proprietary formats may be permanently unavailable to the creator or owner of the data in the file if a user or company chooses to terminate its license. I may own the copyright of the work I create, but that is of little value if the only copy of the work in existence is one saved in a format to which I do not have access. I will be required to maintain my yearly license merely to access my past body of work.

Of course the .doc file format is not the only proprietary file format Microsoft products use, and the arguments above apply equally well to other products and file formats. The .doc format is likely the most important however, because text-based documents appear to be the most commonly shared and transmitted.

I am also urging to court to act on future technologies as well. Microsoft is now planning to add vast pieces of the Internet to it's web of interdependencies. With it's initiative .Net, whole portions of the web would be cut off from non-Microsoft technologies. We have seen a glimpse of the monopolist's vision of the future with the UK and MSN portal, designed by Microsoft and accessible only with Microsoft technology.

Thomas R. Bank, II
281 Walton Street
Lemoyne, PA 17043–2025

MTC–00004933

From: Marc Hughes
To: Microsoft ATR
Date: 12/27/01 4:31pm
Subject: Proposed Settlement Problems

Hello,

I am an adminstrator of several commercial websites which will remain unamed since I send this email on my own behalf and not neccesarily on the behalf of my company. I am no legal expert, so I will keep my comments brief and simply try to convey the following points; I believe I have been hurt by the microsoft monopoly. I do not believe that the current penalties go far enough to restrict the microsoft monopoly. And lastly, I believe that if the proposed settlement is accepted, little, if any, changes will likely actually occur.

On our web servers, we use the linux operating system. Up until recently I ran linux on my workstation as well for it is far easier to adminstrate a linux web server with a linux workstation. I have recently had to document many of the procedures using Microsoft Word, and this has caused me to install Windows on my workstation. This is due to the fact that there are no good alternatives that can read and write the Word .doc files. This is because it is kept secret from the general population. I would like to see this, as well as all their other file formats and network protocols documented fully for anyone to use. Currently, under the current proposal, only for-profit organizations would have access to this information. This seems irrelevant since the greatest threat to Microsoft is open source, not for-profit organizations.

Thank You for your time,
Marc Hughes
8 Lowell St
Worcester MA 01603

MTC–00004934

From: Rudy Socha
To: Microsoft ATR
Date: 12/27/01 4:55pm
Subject: Microsoft settlement

I would like to publicly state my disagreement with the Microsoft settlement. I do not see anything in the settlement to deter future monopolistic behavior. I also fail to see any immediate remedies for corrective action that can be taken by the oversight commission.

Sincerely,
Rudy Socha
President
WildlifeGifts.Com
P.O. Box 410
Lorain, OH 44052
P-440–288–5400
CC:attorney.general@po.state.ct.us@inetgw

MTC–00004935

From: Art Mellor
To: Microsoft ATR
Date: 12/27/01 4:56pm
Subject: comments on MS proposed settlement

While I have many complaints with this whole situation (beginning with MS being declared a target of anit-trust violations in the first place), I feel compelled to comment on the proposed settlement. If you are to accept that MS is guilty of anti-trust violations involving anti-competitive practices surrounding their Operating System and other software, it is (in my opinion) ludicrous to allow their punishment to include the further distribution of their software—especially to schools! This seems like the tobacco companies being allowed to settle a suit by handing out free cigarettes. Also, the dollar value of ''software'' can not be set at retail prices when deeming the value of the *punishment*. The value must be set by the real cost to MS in dollars—the manufacturing and packaging cost of the software plus the lost sales for the schools who would have bought some software anyway (which is not very many, otherwise the punishment is even more ludicrous).

Make them give cash, or other related products that create no future revenue stream for MS. Make them buy their competitor's products for the schools if the damage they have done is monopolistic in nature. But do NOT allow them to seed our children with their poison.

Art Mellor : HTTP> http://www.scumpa.com/art/ : Cool,Humor,Gross Lists at art@scumpa.com : Cell> 617/899–2360: www.scumpa.com/lists.html

Computers are not intelligent. They only think they are.

MTC–00004936

From: steadyed
To: Microsoft ATR
Date: 12/27/01 5:00pm

Subject: Microsoft Reaches Private Antitrust Settlement

Microsoft Reaches Private Antitrust Settlement

I am the computer specialist at the company I work at. We are a Microsoft based company, not out of choice but because we have no choice. The company is the most powerful monopoly the world has known and now is the time to make real changes so that other companies and software manufactures can provide their skills and products without fear of Microsoft stealing, destroying, or braking interoperability.

This settlement as it stands now is a charade. It makes no sense, looks like a Microsoft pay off and it is horrible for competition and consumer choice as well as the rule of law.

It's like punishing a cigarette company by making it supply schools with free Cigarettes for a few years. I'm sure Apple Computer and network hardware and software companies for example, will find the settlement unsettling, to say the least. How can others compete any longer in their main markets when a competing company is given the key to the facility and a green light to wire and network the district with their proprietary equipment and software?

It's a hard place to be in for the schools who see Microsoft waving one billion dollars (the cost of what Microsoft would charge, not the actual cost to the company), in front of their face. It's blinding. Who can argue the benefits of technology to our youth and at first glance, a cost reduction to our schools.

However, I estimate this one billion investment will pay off handsomely and be a windfall for Microsoft and its products entrenchment in those very same schools within the near future. The schools will end up being dependent on one source, which will be of no benefit to anyone but Microsoft.

This is not a remedy, it is a strangle hold on those very schools which will now be completely dependent on Microsoft. The Ironic thing is that if Microsoft was to offer a billion dollars to set up schools with their equipment in a different environment, it would most likely not be allowed to because it would be anti-competitive since it would block out all other companies that cant compete cost wise. This act by Microsoft is of course not altruistic. It is just the first step in solidifying it's future for the billions of dollars schools will spend in the upcoming decades. It also makes a future anti-trust case more likely and more unsettling. You can not punish a company that has over 30 billion plus in cash in the bank (not including non cash assets), by giving them whole markets (and for pennies on the dollar), and call it a Monopoly remedy. That's just a joke.

One billion dollars is the same amount of money that Microsoft is spending on Advertisement alone for Windows XP. Microsoft plows over multi-billion dollar companies like Sony, as if they are ants.

The company plans on loosing roughly a billion dollars on the Xbox this year alone in-order to solidify a market presence dominated by Nintendo and Sony. The company has factored in a loss of over one-hundred dollars per Xbox it sells just to gain market share. How can a start-up or even a thriving company compete with Microsoft when it can sell it's products at margins of a one-hundred dollar loss per unit. Microsoft can lose a billion dollars a year and survive with no problem for over 30 years.

The rest of the Tech industry lives from quarter to quarter and has to compete (or in most every case chooses not to) with Microsoft, who has grown from a darling to a cancer. This One billion to the schools, like the XP marketing blitz and Xbox expenditures, solidifies a presence in yet another market for Microsoft, one of few markets that it doesn't yet have a Monopoly in. You got to love the Genius behind Microsoft though. They pulled another fast one on US, the public. Microsoft out spends the US government until the United States can't stand up against it. It just going to get worse.

I don't pretend to know what the remedy should be, but it needs to be strong, effective and no-nonsense. Even if there is a strong, effective and no nonsense remedy Microsoft will still be unstoppable in my opinion.

Hopefully, the settlement will prevent a third anti-trust case at my(the consumer/tax payers) expense and allow other companies at least a slight chance to compete in an open market, which at this point is almost exclusively a closed Microsoft market.

Joshua Orzech

California, USA

MTC–00004937

From: Larry
To: Microsoft ATR
Date: 12/27/01 5:11pm
Subject: microsoft settlement

Let the schools decide what computers & software they want to buy for there own and don't put the decision in MS hand. that only empowers them even further than they already are.

thank you for your time

MTC–00004938

From: Rick Wintheiser
To: Microsoft ATR
Date: 12/27/01 5:26pm
Subject: My ''Bilingual'' Opinion

ON the issue of the Microsoft case, it is very clear to me what is the true way to go, and the Microsoft, good company that it is, is really a Monopoly or at least leading an Oligopoly. I must state that I buy, sell and develop for Microsoft Windows platform products. I feel and see the results of Microsoft everyday. It is my business. On the other hand I choose to us Macintosh for my personal needs. I ''self support'' my machine at the office and in the home. So I feel I can make a fairly unbiased opinion. Microsoft carries a huge stick. They do what the want, when they want (you only need to look into their relations with IBM and the development of OS/2 or the recent Xbox launch). They have the money and the marketshare to hold out or buy out. This is not the behaviour of fighting small company. GM cannot work like this, Nestle, Citibank, either. I think for me it is common sense that Microsoft is pushed or broken up. They cannot have unfair advantage based on market share and size. It kills innovation and stifles creativity. Feel free to contact me at any time.

Rick D. Wintheiser

Methodus Consulting you're going too slow.

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www.methodus.com

MTC–00004939

From: Valient Gough
To: Microsoft ATR
Date: 12/27/01 5:40pm
Subject: comments on proposed settlement

To whom it may concern, I am a software developer for a large internet retailer based in Seattle. Having followed the case against Microsoft over the years, I am dissapointed with the results. In our company, all our developers (on the order of 1000) work on Linux systems. Also our hundreds of web servers and various online systems are running either Linux or another type of Unix.

But even though Linux is where all of our real work gets done, every developer also has another computer under their desks which runs Windows. That is because we sometimes have to open Excel spreadsheets or Word .doc files, which are notoriously difficult to decode. The greatest potential for a truely competitive marketplace comes from open source projects, not other companies. Microsoft knows how to deal with for-profit organizations—they can make vapor ware announcements, sabotage competing programs, buy out competitors, basically use their enormous bank account against a poorly funded rival until the rival is dead. But this doesn't work against open source projects, which I believe is why they have succeeded against this gorrila where commercial enterprises have failed.

What bothers me about this proposed settlement is that it is not forward looking. It does not look to prevent Microsoft's illegal actions against what it percieves as the current threat (and our great hope)— open source software. Part of the proposed settlement stated that Microsoft could decide who gets information based on wether or not they were a viable buisness. This seems clearly an attempt to exclude open source software.

In order to really allow competition to bloom, here's what you need to address. Microsoft uses sleazy buisness tactics to destroy for-profit competitors. One solution would be to try and reign in their tactics. This is frought with danger and likely doomed to failure because as long as they have the money and desire, they will find new and inventive ways of being sleazy. A slightly better solution would be to try and reduce their ability to act—by monitary fines, breaking up the company, etc. The problem is this doesn't separate the wheat from the chalf (the sleaze from the innovative technology), so you end up reducing both in proportion but you reduce the good just as much as the bad. If there is no way to make Microsoft compete fairly with other companies, then that just shows that the battle field to concentrate on is not the graveyard of its former competitors but the blooming competition from open source.

It is here that you can make a real difference. The reason is that most of the sleazy tactics do not apply against grassroots

open source projects. Instead of using sleazy tactics, Microsoft is forced to rely on tactics based in technology. Their primary technology-based tactic so far has to been to create interoperable and propietary formats and use their monopoly power to push those formats across the board in an attempt to cut out competition. The reason I think this is where you have a chance at doing good is because this is where the future competition actually lies, and because technology can be easier to control then tactics—as technology leaves a physical existance (source code, run-time behavior) which can be witnessed and serves as a record.

The first step is to open up Microsoft's proprietary formats—to everyone under public domain. I think other people can speak better to other parts of a remedy, so I will limit myself to saying that from my experience, Microsoft's use of proprietary formats is the greatest technological stranglehold on their monopoly. They may have maintained their monopoly for years based on shutting out small competitors, but the real competition today is from open source. That is where you should be focusing remedies. It would take much greater effort to try and revive commercial competition from the dead—you should act on preserving an already existing and viable competition.

Additionally, there are many crossovers of hybrid open source and commercial enterprise entities. This is where open source projects become the basis for a small corporation providing either support or services. By providing the atmosphere for open source projects to interoperate with the widely installed base of Microsoft products, you can turn the fact that they are a monopoly into an advantage by providing an ample audience for new projects, which in turn will provide many opportunities for new companies to provide support and services, all of which are an advantage to the consumer.

regards,
Valient Gough
Senior Software Development Engineer

MTC–00004940

From: David W. Murray
To: Microsoft ATR
Date: 12/27/01 6:31pm
Subject: Microsoft Monopoly Penalty

Dear Sir/Madam,

I was astounded to see the proposed penalties to Microsoft Corp., which has been found guilty of maintaining an illegal monopoly, which amount to no penalty at all, or a slap on the wrist. To allow Microsoft to flood the education market, one of the few markets in which they do not hold monopoly position, with their software is not a penalty but a boon.

If I am convicted of speeding, I must pay the full fine in cash. I am not permitted to pay to a third party in the form of a product which will be considered at full retail cost, despite the fact that it costs me but a few percent of that figure to produce. Nor am I permitted to pay my penalty in such a way that it enhances and increases my business, as that would turn my penalty into a simple business investment.

A penalty for a crime must punish past behavior, and prevent such behavior in the future. The proposed penaltied do neither. Microsoft has been so conteptuous of the power of the Justice Department to control it that, far from treading lightly during the protracted proceedings, it has continued to act to extend its monopoly. In the internet arena, which seems to be the next target, Microsoft has repeatedly modified open access tools, such as Java, for no other purpose except to prevent access, except through use of the Microsoft tool. One encounters more and more sites which can be accessed only with Microsoft software, for example.

The Republican party, of which I am a member, has stood accused of being owned by various large industries. It is time to put that lie to rest, if lie it is, and to consider this case on its demonstrated facts.

Sincerely,
David W. Murray
15 Moorage Ave.
Bayville, NJ 08721
732–269–5752

MTC–00004941

From: Jose Castejon-Amenedo
To: Microsoft ATR
Date: 12/27/01 6:30pm
Subject: US vs. Microsoft

Dear Madam/Sir:

The settlement proposed to bring the US vs. Microsoft legal proceedings falls short from accomplishing any useful social goals in at least two respects: (1) Microsoft has been found guilty of illegally abusing its monopoly position on a regular basis for a number of years now. That is, this company has shown a consistent and olympic disrespect for the law for years, and for that it deserves just punishment.

The proposed settlement does nothing much to administer any significant punishment to Microsoft for its past misconduct. The message that this sends to individual citizens is that the consequences associated with breaking the law can be rendered irrelevant when a sufficiently large amount of money and/or influence are available. By allowing Microsoft the privilege to come out unscathed, the DOJ is actually mocking the foundations of the law.

(2) The proposed remedies do nothing much to prevent Microsoft from carrying on along its past lines of conduct. Worse, in instances they actually provide Microsoft with a leverage to expand its monopoly to other areas where it has not achieved hegemony yet. An expanded monopoly can only result in further limitations of freedoms of choice, with the consequent social damage.

In order to provide effective means to curb Microsoft's monopolist ambitions, and to promote competition, the remedies should include the following:

(a) Force Microsoft to publish detailed descriptions of its proprietary protocols, file formats, and application programmer interfaces (APIs). Microsoft ought to be also forced to publish the details of any modifications that it sees fit to carry out on those items before it releases an actual software implementation thereof. Finally, Microsoft ought to be forced to adhere to such published descriptions.

Notice that forcing Microsoft to make public the source code of its operating systems is neither necessary nor convenient. Microsoft should be allowed to keep such implementation details secret, as long as it complies with the specifications above.

(b) Microsoft ought to be prevented from buying out any competing companies for a number of years. It should always be free to innovate, but by its own means and resources, not by extinguishing potential competition.

(c) Microsoft ought to be prevented from striking secret exclusive deals with any other company. In particular, any deals that Microsoft has with vendors, such that the latter are prevented from preinstalling competing operating systems, ought to be declared illegal.

Sincerely,
JCA
Jose Castejon-Amenedo
1401 Red Hawk Cir.
#N312
Fremont, CA 94538
USA
Phone #: 510–739–3852

MTC–00004942

From: Stephen Besedick
To: Microsoft ATR
Date: 12/27/01 6:55pm
Subject: Antitrust Case

Dear Sirs,

Microsoft has been determined guilty of violating anti-trust laws but has not been ''punished'' accordingly! No reasonable person would ask that the federal government impose ''corrections'' that cripple Microsoft, but it must find ways of leveling the playing field. With the encroachment of technology into almost every facet of our daily lives, it is imperative that no ONE company be in control. It has become quite obvious over the years that an overwhelming majority of American consumers do NOT really care what computer operating system they use . . . they just want it to WORK. Furthermore, given the inherent communicative nature of computer technologies, the American consumer wants to be able to ''talk'' and/or ''share'' information with others; and have this whole process WORK transparently behind the scenes no matter what make or model of computing device a person uses.This model of compatibility is just the thing that makes the internet such a successful vehicle for communication. When standards are invoked, all manufacturers must meet the criteria or face exclusion from the market. It's sort of like UL approved appliances . . . where standards of safety are set, and all manufacturers build accordingly. If, on the other hand, we let a manufacturer establish the standard(s), the consumer is subjected to the levels of safety this manufacturer deems appropriate. It is quite clear that this latter model most closely resembles the state of technology is our country. In this writer's opinion, Microsoft has been allowed to climb its way (on the backs of unwary consumers) to the position where it alone defines the viability of technology solutions, It answers to no one, and crushes any who may oppose it. Its not

that Microsoft is inherently bad, but that it needs to be put in its place. The federal government is at a crossroads wherein it can help shape the technological future of our country. If it allows Microsoft to continue in its ways, everyone will be tied to its whims and fancy. On the other hand, if it forces Microsoft to become simply a tech company (not the standard), it will truly level the playing field for all who choose to compete. The success or failure of a company will again rest on its ability to meet consumer needs.

Stephen Besedick
Tech Coordinator

MTC–00004943

From: David.Rosario@chase.com@inetgw
To: Microsoft ATR
Date: 12/27/01 6:55pm
Subject: Monopoly comment

I would like to comment on this topic.

I'm sure that everyone is aware of the fact of Microsoft's monopoly, including Microsoft themselves, yet many reject to acknowledge reality and put a spin on the truth (aka lie!) In fact, I remember Microsoft's vision in the early 1990's: ''Windows everywhere'' is what they called it—in computers, cable boxes, refrigerators—pretty much anywhere they could get it into. That is what they would like to see. Along the way they have demolished many companies to further their cause and gain an unfair advantage.

Toward the mid-1990's they stated that they would port their Office suite to OS/2 when OS/2 reached critical mass—2 million users, according to them. What happened? OS/2 reached critical mass and Microsoft never delivered on their promise. Why? Because OS/2 was superior to Windows and would directly compete with them.

In an effort to fool everyone, Microsoft invested in Apple and updated their Office suite for the Macintosh. They did this because they needed a ''competitor'' that could take some of their market share. Microsoft was merely trying to convince naive individuals that there was a viable alternative to Windows, namely the Macintosh, that could compete with them. I have heard too many reasons as to why the Mac is not as successful as hoped (and you will see the relevance of this) but nobody has stated the correct reason. The correct reason that the Mac has failed is because of their closed hardware architecture and exorbitant prices. Can you buy a Mac-compatible device from another vendor? No. Can you buy a non-Apple computer that runs the MacOS (or OS X)? No. How is this important? The only two operating systems (for desktops, not servers) that Microsoft has attacked are OS/2 and Linux. Why? Because you can use the same computer that runs Windows to run OS/2 or Linux. OS/2 and Linux have had a serious following. Sure there have been other desktop operating systems for the PC like BeOS, but they never received serious support. Microsoft has spread vicious lies about Linux to any non-technical manager that will lend an ear just because those are the ignorant type of managers that make technical decisions.

OS/2 created a version named ''OS/2 for Windows'' (aka Ferengi). With this, the cost of OS/2 would be lower because it didn't include Windows 3.1 which was an additional license charge. You could use your exisiting Windows and OS/2 would incorporate it. Microsoft's response? They released a modified version of Windows which became incompatible with OS/2 for Windows. How's that for uncompetitive?

I heard Microsoft's arguments about how they felt the Netscape browser was a threat to Windows, which prompted them to take the actions they did. However, everyone seemed to overlook the fact that you need an operating system to run a browser. A browser is capable of rudimentary operations. Even with Java applets, they do not have the flexibility of Java applications. However, you still need a JRE (Java Runtime Environment) to be able to run applets, and where does the JRE reside? In the operating system! I don't know how Microsoft was able to argue that Netscape's browser was a threat to their operating system. It is just not possible. Microsoft must be forced to publish API's for all of their products and port their products to competing operating systems. Compilers and window toolkits (like Qt) that grew up on Unix were made to run on Windows—now it's time for them to do the same.

Microsoft has a history of introducting incompatibilities with accepted standards to further their cause. J++ had Windows-specific hooks. Their Kerberos implementation is incompatible (to an extent) with the Unix standard. Their motto is ''embrace and extend''. This is completely uncompetitive. Something must be done about it. Having them donate resources to schools (a proposed remedy) is just a way for them to further increase their penetration into the market. We are in a county that opposes taxation without representation. Now it's time to represent the taxpayers voicing their opinions. Let's see if the U.S. Government's judiciary system actually works they way they teach us it does.

MTC–00004944

From: Brian Pankuch
To: Microsoft ATR
Date: 12/27/01 7:08pm
Subject: microsoft

Gentlemen:

I'm not a lawyer, but I am a heavy user of software and a Professor of Chemistry. Since Microsoft has been found guilty in several high courts and found to be an illegal monopoly, it is beyond belief that we can even consider making them more of a monopoly than they already are as part of the settlement. The proposed settlement costs Microsoft very little and does great harm to other competitors in education.

Can I respectfully suggest if you want to help poor school systems then money for anything but Microsoft products should be considered. Supplying only their own software helps Microsoft and hurts their competitors, how can this possibly be a punishment??

I do think Microsoft has some good products, but they are also a very dangerous monopoly, please help while we still can still have some competition. Thanks for listening.

Brian J Pankuch Ph.D.

MTC–00004945

From: Pierre F. Fogal
To: Microsoft ATR
Date: 12/27/01 7:10pm
Subject: Comments of US v. Microsoft

To Whom it may Concern,

I am a scientist, and while not a computer professional per se, I have programmed everything from microprocessors to supercomputers. Thus far, I have always felt that I have had the ability to choose how I will approach the programming task at hand. However, it is clear that the choice has been dwindling in direct proportion to the rise of the Microsoft (MS) empire. Now, don't get me wrong, I have used many MS products over the past 2+ decades, and early on was quite happy with the results. Why and when did that change? Well, to begin with, it changed with the MS mentality that MS should provide the software solution en toto, usually in monolithic applications that lead to the term ''bloatware''. As the complexity of these applications increased, there has been a comcomitant decrease in robustness. So, we arrived at a point where we had the opportunity to do many things (a large percentage of which any one user won't do), but in reality not the ability. Also, as MS further developed their technology, they often managed to break mine. Computers that were perfectly capable in January, became nearly obsolete in June. Why ? They didn't have the capacity to run the latest versions. So . . . don't, we say. However, others did, and eventually, the hardware really did need replacement. Now there exists a hodge podge of things that almost work. Is this a situation restricted to MS products? No, but it occurs on a far shorter time scale when MS products are concerned. I raise these points at various times with various people and a typical response is ''Well, what OTHER CHOICE is there?'' And that's what its all about. Choice. The ability to choose not to upgrade. The ability to choose the functionality we want. The ability to choose the software that will deliver that functionality. The ability to choose INTEROPERABILITY BEYOND and OUTSIDE the MS family of products. To this end, I propose that MS be required to deliver something like the following. . . .

(1) That they be required to support their own earlier file formats as completely as possible. This would ease the requirement for rapid upgrades on the part of users.

(2) That they correctly export documents into other formats, so long as those other formats are capable. This allows us more freedom to choose software.

(3) That if Microsoft writes files in a format that is a ''standard'' and/or largely in the public domain such as html, xml, postscript, pdf, that they be barred from ''enhancing'' those formats and that any functionality they wish to add be submitted to what ever de facto administrative body oversees the various formats, for inclusion. In the past their enhancements have broken other software, limiting our choices.

(4) As for 3, but dealing with communications protocols including but not limited to hardware, software, and the internet.

(5) That they make public in a complete manner, the complete specifications for

operating system API's, where those APIs will allow a 3rd party to provide software capability on par with MS products. This goes directly to the issue of choice.

(6) That .Net not be permitted to evolve into something that can only be effectively used via MS products. Should it do so, the potential for misuse and abuse is staggering!

(7) On a different note, MS should be mandated to keep out of the information gathering and management business. It is utterly frightening that the people who write the software that run our computers on one hand, are potentially also the people gathering information for the use, or by the request of, entities such as insurance companies, financial institutions, potential employers, marketers, special interests, and so on. . . .

(8) MS has also taken to releasing public statements regarding how open source software is not trustworthy, going so far as to say that the open source model is Un-American. These diatribes are rarely factual and MS should be restricted in much the same manner IBM was restricted in the 1980's and 90's from making pronouncements regarding software. It is wrong for them to use their pre-eminent position to distribute fear, uncertainty and doubt (FUD) regarding potential competing products.

To summarize, MS limits our ability to choose how we want to work today. Please ensure that they are limited in their ability to do so.

Thank-you for your time,

Pierre Fogal, Ph.D.
Pierre F. Fogal, Ph.D.
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University of Denver
2112 E. Wesley Ave.
Denver, CO, USA 80208
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MTC–00004946

From: Greg Cunneen
To: Microsoft ATR
Date: 12/27/01 7:52pm
Subject: Reward or punishment

There are extremely large numbers of computers in the world, all of which become obsolete within 2 to 3 years. Many are recycled into other products, many are dumped, yet many get donated to institutions (like schools). The advantage of getting school kids ''hooked'' on a particular system are obvious; they continue to use what is familiar to them in later school years and adult years.

''Punishing'' Microsoft by allowing it to hijack the sole remaining competitive market seems very strange to me. Not only does it kill off the other legitimate businesses (the ones that did not break the law), it will naturally lead to increased sales for Microsoft in the future for the reason stated above in paragraph 1. As a rule, I do not use Microsoft products unless absolutely necessary. I admit my bias. Unfortunately, their products are now so dominant that it is impossible for me not to use them (because everyone else uses them too). I don't know the technical definition of a monopoly, but I cannot think of any other industry that is so completely dominated by one company.

And I cannot help but think that if Microsoft were not an American company, say Taiwanese or Japanese, everyone in US political circles would be bending over backward to nobble the foreign entity to ensure valid competition. Instead, Microsoft ends up being rewarded.

Where is the justice in that?

Greg Cunneen

MTC–00004947

From: Carl
To: Microsoft ATR
Date: 12/27/01 8:13pm
Subject: U.S. v. Microsoft

To Whom it may Concern:

I've been working with computers for the last six years, and I have seen the growth of microsoft in the marketplace. It has reached a point that a majority of computers sold today are sold with microsoft products, while it is quite difficult to find an alternative offered.

My concern with microsoft's monopoly lies with the internet, a computer network originally payed for by the taxpayers of the U.S., and now is slowly being monopolized by microsoft's attempts at creating 'closed' protocols with their .NET initiative. The internet should be free, the public payed for it, and it should not be dominated by one company for it's sole profit. The internet best represents our right to free speech, and no company should dictate what that speech should be. My ability to 'surf' the internet is hindered by the fact that microsoft powered sites cater only to microsoft browsers, and that is just the beginning, soon, with the .NET initiative, more of the world wide web will be inaccessible. This is not just a problem in the U.S. it is a problem that spans the globe. The internet is such that the people of the planet have the ability to communicate, and the microsoft monopoly will insure that the entire planet is running microsoft products. The punishment of microsoft must ensure that the internet remains free and that all people enjoy the freedom of choice of software products worldwide.

Carl Miles
cmiles@fuckmicosoft.com

''One is often kept in the right road by a rut.''

Gustave Droz

MTC–00004948

From: Lupe Anguiano
To: Microsoft ATR
Date: 12/27/01 8:59pm
Subject: Microsoft Settlement

Renata B. Hesse: I am a Latina small technology consultant. I believe Settlement of the Microsoft Antirust Case is critical to the health of our US technology economy. The interest of consumers and affordable user friendly software applications should be the overriding factor in this decision to settle this case once and for all. It is obvious that companies and States (California Attorney General hired a Washington DC lawyer to advice him) against Microsoft have various personal financial gains at heart. Tax payer monies should not be used to support company and personal gains.

Lupe Anguiano

Technology and Fundraising Consultant
14420 Kittridge St. #220
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languian@gte.net

MTC–00004950

From: Darren Varner
To: Microsoft ATR
Date: 12/27/01 9:06pm
Subject: Microsoft case.

They were found guilty of being a monopoly. They are a monopoly. Due to this they charge ridiculous prices for their software. They have put people out of business for years even though their own software is of lesser quality. They got caught cold threatening Apple to kill Quicktime, the superior streaming media, or else they would stop development of Office for Macintosh. They trashed Java and when they got called to mat on this what do they do? They remove it entirely from their latest version of Internet Explorer!

It is even more unbelievable to me that they have had a hand in determining their own punishment. And how do they do this? By helping their chances greatly in the education market! (This same strategy for punishment never used to work when we were youngsters either . . . don't you remember that?) They have shown how unsecure their software is and recently, while they claim that XP is their most secure work to date, we find that the biggest security risk ever to their software has now got them scrambling again. Diversity in operating systems is a good thing in todays environment of hackers. Please do the right thing. Punish them as the monopolists they have been found to be!

Darren Varner
315 E. 68th Terrace
Kansas City, Missouri 64113
darrenv@kc.rr.com

MTC–00004951

From: James Ramsey
To: Microsoft ATR
Date: 12/27/01 9:13pm
Subject: Apparent misperceptions about security

One of the sections from the Final Judgment, III.J.1, has already been noted controversial because it is a possible loophole. However, aside from that problem, it also appears to rest on a false understanding of how to make secure software. From III.J.1: ''No provision of this Final Judgment shall . . . [r]equire Microsoft to document, disclose or license to third parties: (a) portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of a particular installation or group of installations of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria; or (b) any API, interface or other information related to any Microsoft product if lawfully directed not to do so by a governmental agency of competent jurisdiction.''

The above appears to be built on the idea of ''security by obscurity,'' where security is

dependent upon hiding the implementation used to secure something. In the physical world, this would be analogous to making the mechanisms of a lock or safe a trade secret. In the computer realm, this would mean keeping secret the mathematics or algorithms, source code, protocols, etc. of cryptographic software. While this appears to make sense on its face, it has long been discredited by those who deal with computer security, such as Bruce Schneier, author of ''Applied Cryptography'' and ''Secrets and Lies,'' a book about dealing with real-world security problems. (His business's website, by the way, is http://www.counterpane.com.) In particular, the core problem with ''security by obscurity'' is that it is fragile, that is, the security implementation is not necessarily obscure to the ones who may attempt to break it. Industrial spies or hackers/crackers have the tools and expertise to discover the source code or algorithms of a piece of security software. Even those who are not ''black hats'' may break proprietary, secret algorithms with relative ease. (See http://www.counterpane.com/crypto-gram-9902.html#snakeoil) Much of strong cryptographic and security software, rather than relying on the secrecy of the algorithm or implementation, relies on public algorithms and often public implementations. What is kept secret is a long number, a key, used in combination with the algorithm, and knowledge of the algorithm is useless without the key. Examples of public cryptographic algorithms are the government standards DES (recently ''retired'') and AES (DES's replacement), and RSA, the algorithm behind SSL, the protocol used for secure Internet transactions. Examples of secure software with public implementations are OpenBSD, OpenSSH, OpenSSL, and PGP.

The point of this discussion of ''security by obscurity'' is that Microsoft (MS) should have no need to hide the protocols and APIs used for security. Unless their software has a fragile security implementation, disclosing the protocols and APIs should do no damage or compromise security. The only possible exception to the above points is digital rights management (DRM), which is inherently fragile. (See http://www.counterpane.com/crypto-gram-0105.html#3) However, DRM is more designed to deter would-be casual copyright infringers, who lack technical knowledge, rather than mass-scale pirating operations of the kind one sees in Asia. The documentation of DRM APIs and protocols would be of little use to those whom DRM is designed to thwart.

In general, there is no good technical reason to allow Microsoft to have any private APIs.

I am a fool for Christ. Mostly I am a fool.

MTC–00004952

From: Diveanddig@aol.com@inetgw
To: Microsoft ATR
Date: 12/27/01 9:54pm
Subject: Microsoft Settlement

I would like to submit my comments concerning the proposed Microsoft settlement.

Allowing this company to continue the abusive and damaging monopolistic practices that have destroyed many innovative small businesses, and has thwarted competition and fee enterprise, would be damaging to our inventive and superior technology industry the in the United States. Microsoft has used it's monopolistic position to destroy the very competition that has lead to our superior lead in the field of computer technology, and without competition, innovation is stifled. They must be stopped for the sake of our country, economy and free enterprise system that has served us so well. Allowing them to buy their way out of the suit by supplying software and outdated near worthless hardware would be a flagrant disregard for the spirit of our antitrust laws that are in place to protect private enterprise and consumers from anti competitive practices of abusive monopolies. The incremental cost of producing a billion dollars worth of software is pennies on the dollar, and would let Microsoft get away with murder. Our justice system would become a laughing stock, and it would send the message that it is all right for monopolies to pursue abusive practices without consequences. Not only that, the plan to supply schools with this software is almost comical since it would extend their monopoly to one of the last areas they do not dominate. Microsoft has shown total disregard for our antitrust laws in the past, and without an appropriate penalty, and corrective measures, they will continue to do so in the future.

William D. Bird

MTC–00004953

From: Mark Kaiman
To: Microsoft ATR
Date: 12/27/01 10:49pm
Subject: the proposed settlement

I believe that Apple Computer is correct when it opposes Microsoft's proposed settlement with the United States government. To allow Microsoft to give free copies of its software to schools will only further entrench its position as an abusive monopolist. How can Apple, Sun, or other competitors hope to compete when Microsoft is giving its software away for ''free'' in the name of justice? A far better solution would be to force MS to pay cash (many billions) to schools, which the schools would use as they see fit. If they dont want to buy Microsoft products, then so be it. That is the free market that Microsoft appears to loathe.

Microsoft is a predatory monopoly that is anti-competitive and stifles innovation and technological development. To allow them to get away with a mere slap on the wrist would be a travesty.

Mark Kaiman
Friday Harbor, WA

MTC–00004954

From: Quincin Gonjon
To: Microsoft ATR
Date: 12/27/01 11:04pm
Subject: Microsoft the Monopolist

This country has been blessed with freedom and the strength to empower its people with it. Freedom is independence, liberty and the exemption from the power and control of another. Microsoft is slowly taking away our freedom of choice by taking full control of our computer and the internet. They are doing it without having any responsibility over such consequences as security of personal data.

Microsoft products are by nature insecure and they are in constant threat of being hacked or cracked. The thousands of viruses and worms that are propagated each year is proof of Microsoft's lack of security. The fact is that any 10 year old child can become proficient enough in word or excel to create a macro virus sophisticated enough to delete files and email itself to others. It is no wonder that a full range of Microsoft products are by nature insecure and are promoted as secure, for example, Microsoft Portal and Hailstorm, Windows XP, IIS web server, Microsoft Exchange, Microsoft Outlook, and Internet Explorer. These products are dangerous to the public at large. They are the most attacked products on the internet and they are the gateways for hackers to get into servers that contain personal public information. Today companies can't compete with Microsoft products because they used their Operating System and proprietary file formats and protocols to Monopolize 90% of the software industry.

Everyone knows that Microsoft killed its competition by not releasing vital information about its operating system on time. In fact, Microsoft may have provided out dated information about its operating system just to make sure other applications crashed. This type of competition is illegal but Microsoft was allowed to play dirty in the early days of Windows 3.X and 95. Now that they have made their products the standard in the industry through illegal practices, why should they keep the proprietary licenses for their file format and protocols? I think that a case can be made against Microsoft's patent for these licenses. This government should not allowed such dirty underhanded and illegal practices to continue unpunished. The law should be firm and strict with Microsoft. The first penalty I would act on is to force Microsoft to make all of their formats and protocols freely available to the public so that compatible products that read, write and understand Microsoft protocols and file formats can be produce.

I strongly believe that Microsoft is a threat to our nations security and to fair competition in the software business industry. The punishment that has been applied to the company is far to lenient. The only recourse as a free nation is to make sure that Microsoft is crippled from performing such actions today and in the future. To make the company give up its competitive edge by releasing its file formats and protocols so that new software companies can rise and compete. This should stimulate growth and allow citizens to choose the best product for their needs.

MTC–00004955

From: Edwin Schwab
To: Microsoft ATR
Date: 12/27/01 11:22pm
Subject: Comment on Microsoft proposal

Please allow for a comment from overseas:

The settlement must make sure that documents created using Microsoft products

are usable 5 years after Microsoft ceases to exist or chooses to no longer support the given software or document format.

This implies:

—It must be possible to still use the software

—Microsoft must publish the document structure

There is high hope for this trial to provide some of the data security needs that are sorely missing now.

With kind regards

Edwin Schwab

MTC–00004956

From: Louise Tremblay Cole
To: Microsoft ATR
Date: 12/27/01 11:38pm
Subject: Microsoft Monopoly

Your Honor:

The proposed ''reparation'' will allow Microsoft to expand its monopoly while shifting the burden of disposing of obsolete equipment to impoverished school systems. This is no penalty.

Louise Cole

MTC–00004957

From: marcsten
To: Microsoft ATR
Date: 12/28/01 1:00am
Subject: No Subject

Dear Sirs:

I wish to comment on the proopsed litigationj involving microsoft and the DOJ. AS I read it, in spite of microsoft having been found in violation of the law, they are under the settlement being encouraged to continue to do so. In short, there is no justice in any resolution of this case unless it contains the following:

* Any remedy seeking to prevent an extension of Microsoft's monopoly must place Microsoft products as extra-cost options in the purchase of new computers, so that the user who does not wish to purchase them is not forced to do so. This means that for the price differential between a new computer with Microsoft software and one without, a computer seller must offer the software without the computer (which would prevent computer makers from saying that the difference in price is only a few dollars). Only then could competition come to exist in a meaningful way.

* The specifications of Microsoft's present and future document file formats must be made public, so that documents created in Microsoft applications may be read by programs from other makers, on Microsoft's or other operating systems. This is in addition to opening the Windows application program interface (API, the set of ''hooks'' that allow other parties to write applications for Windows operating systems), which is already part of the proposed settlement.

* Any Microsoft networking protocols must be published in full and approved by an independent network protocol body. This would prevent Microsoft from seizing de facto control of the Internet.

I trust that you will take these suggestions to heart when attempting to resolve this litigation. War or no war, we do not wish to have an automobile industry where there is only one car company allowed to do business—particularly if that company is YUGO; similarly, the public is done a great diservice if the only available operating system and software is from microsoft, the ''virtual Yugo.''

Thank you for your attention.

Marc Stenchever

MTC–00004958

From: joey@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 12/28/01 1:05am
Subject: Microsoft Settlement

To Whom It May Concern—

You have probably received similar statements already. As an ''average,'' slightly technically inclined computer user; I would like to see the following happen to prevent one company from ''owning'' standards and file formats:

1.) All networking protocols remain open and compatible no matter what operating system or device. In other words, NO proprietary extensions for anyone—with incompatibility designed into them.

2.) All file formats for Office (specifically the Microsoft family of Office suites) must be opened up to ensure compatibility with competitors programs.

3.) All graphics files must remain open standards.

4.) Media file formats must remain open to allow for true competition.

This would include not only Microsoft media formats, but also formats from Real Networks, Apple Computer (specifically in this case the Sorenson Vision QuickTime codec), etc.

Most importantly, as the Internet was built on Open Standards and Protocols to allow machines to ''communicate'' over networks, regardless of the operating system or architecture; it's important the Internet and it's connectivity remain Open and that CANNOT be proprietarized and monopolized by one company or group.

In order to ensure compliance:

1.) Set up a ''watchdog'' group of various disinterested 3rd parties and groups, as well as competitors of Microsoft. This includes vendors who write software for the Microsoft family of operating systems. Stiff penalties for violations must be incorporated as well as effectively and swiftly enforced, and continued until the violation(s) are corrected.

2.) As part of the penalty phase, ALL APIs (Application Programming Interfaces) should be made available to anyone after a reasonable fee is paid. This ensures that companies that write software competing with any past, present or future software offerings from Microsoft can engage in FAIR competition, and that Microsoft software won't automatically run ''faster'' or ''better'' than anything the competition may offer; thereby including such software commingled with the Windows operating system kernel—such as Explorer, Outlook, Windows Media Player, and Outlook.

Competitors should be allowed access to the code that will allow their software to run on equal footing with Microsoft software.

3.) No OEM (Original Equipment Manufacturer) deals that includes threats (implied or real), bribes, exclusionary contracts or any other illegal means that violate the Sherman Act shall be allowed. Any OEM who wants to install other (competing) operating system software, dual boot operating systems (ie; Windows and Linux), and/or software that competes with offerings from Microsoft that run on their family of Windows operating systems; shall be allowed to do so without impediment. This would include BIOS boot code.

4.) Lastly, I suggest that the true cost of Windows on a new PC computer system be put into the price listing of a PC. This would apply to all other operating systems as well. If the cost is $75 to an OEM, that should be listed. Likewise, the cost of an ''alternative'' operating system (ie; Linux Mandrake, Red Hat Linux or BeOS) should be listed on the invoice or advertisement. This would ensure true, fair price comparisons of the various operating systems out there.

5.) Given Microsoft's horrible security record in the PC and Server computing industries, ''Lemon Laws'' need to be enforced on the software industry as well. Any ''reasonable'' amount of time must be considered to allow for a fixes. However, bugs and security holes that are not patched and/or fixed in a reasonable amount of time must subject Microsoft, as well as other software companies; to lawsuits, claims for damages caused by defective software as well as demands for consumer refunds; provided the media is returned and it can be proven the offending software product(s) from the machine. Given the sheer number of known as well as unknown back doors, security holes and other ills that affect the dominant Windows family of operating systems, it is also advised that:

6.) The government, on all levels; encourage the use of *only* software that's based on Open Standards and Protocols. This includes software released under various Open Source Licenses, especially Free Software written under the GNU General Public License (GPL). This would encourage the distribution and reusing of software code not only in government and business, but also educational institutions as well. It is time to put a stop to all the hand wringing, delaying, stall tactics and legal maneuvering being practiced by Microsoft at this time. The penalties must be sure, swift, and final to allow true COMPETITION to return to the PC market, prevent monopolizing of future industries and allow CHOICE for the consumer mass market. Only then can the consumer have a TRUE choice.

Regards,

Joseph Nicholson

MTC–00004959

From: Charles F. Waltrip
To: Microsoft ATR
Date: 12/28/01 1:58am
Subject: Objections to the Microsoft Settlement

Objection 1. Free Software to Schools

I agree with Apple, Red Hat, et al. that the proposed remedy furthers Microsoft's anti-competitive position. I'm sure Bill Gates is saying: ''Puh-leeeze B'rer Fox, don't throw me in that thar Briar Patch.''

Objection 2. Failure to Break Up the Company

The combination of selling both the OS and the Software Applications was anti-

competitive for IBM and is more so for Microsoft. Microsoft has unpublished Application Programming Interfaces in their OSs which they are free to use in their Software Applications and change at will. These APIs often confer performance and feature advantages over Microsoft's unwitting competitors.

Microsoft is also able to plan both their OS changes and their Software Application product changes together. Again, they are able to gain a time advantage over their competitors.

I can say from personal involvement in purchase decisions that these advantages are often the overriding factor in choosing a Software Application supplier. The clear remedy for this is to break up Microsoft into two companies: one company that develops Operating System software only and a second company that develops Software Applications such as Microsoft Office.

Objection 3. Other Factors

It is clear that Microsoft's monopoly position has damaged consumers. While Moore's Law has so far governed the cost of computer hardware causing constantly improving hardware to cost constantly decreasing amounts, we see no such decrease in the cost of Microsoft software (though the decrease appears elsewhere with software developed for the Java environment being a good example—much of it being freeware). The free Java Software Development Kits provide an environment richer than the standard Microsoft OSs that runs in Java Virtual Machines that can, in turn, run on any OS including the free Linux OS. Much valuable freeware is available written in Java. And much valuable freeware is available for Linux and other UNIX systems. Yet the high cost of Microsoft software continues to eat up the resources of Information Technology departments that might otherwise be spent on the tasks of training and converting to less expensive and, often, better and more productive free or inexpensive software.

And all consumers (individuals; businesses; government) are damaged by the lack of security features in Microsoft products. All of the competitive OSs (UNIX, Mac OS X; and Linux) have better security features. Huge losses are attributable to just one of the Microsoft products: Microsoft Outlook. In aggregate, the losses attributable to security defects in all Microsoft products add greatly to the cost of these products and exacerbate the difference in the cost trends between computer hardware (way down) and computer software (way up). And new capabilities in Microsoft XP's TCP/IP make it possible for hackers or terrorists to disrupt and even bring down the Internet.

While the lawsuit has been in process, Microsoft has gained almost total control of the Web browser software arena and has led the market away from standards such as Java and has introduced non-standard features into XSL. They implement the features they want in the way they want and there is virtually no competition to challenge them by fully implementing and encouraging the use of standards.

Finally, Microsoft's contempt for these anti-trust proceedings is manifest in their recent push into the area of personal portals in which America On-line is the current major player. It is as though they were punishing them for starting this whole business in the first place.

In all of these ways and many more, Microsoft has damaged the market, the economy and the users. Please provide a truly effective remedy.

Your consideration of these remarks is greatly appreciated.

Charles F. Waltrip
5063 Columbia Road
Columbia, MD 21044
(410) 992–1858
chuckwaltrip@home.com

Opinions expressed in this document are my own.

MTC–00004962

From: Greg Walker
To: Microsoft ATR
Date: 12/28/01 2:38am
Subject: Microsoft Anti-Trust Settlement

Dear Sir or Madam—

I am writing to express my discontent regarding the anti-trust settlement with Microsoft. The proposal to donate computer hardware and software to schools would only increase the public's exposure to Microsoft products, and therefore, because Microsoft has retained its monopoly, would increase the number of Microsoft customers. Microsoft has already proven itself untrustworthy of managing the power of a monopoly without abusing it, and the school donations would certainly further its ability to abuse that power.

The most effective suggestion I have heard requires that Microsoft make public all of their present and future file formats, networking protocols, and application programming interfaces:

—Files created in Microsoft applications could be read and correctly modified by third-party programs, on the Windows operating system (OS) as well as other operating systems (such as Apple's Macintosh OS and the Linux OS).
—Other operating systems would be able to implement Microsoft's networking protocols, and thus easily interact with Microsoft-based computers on the internet and on local networks.
—As I understand, opening the Windows application programming interfaces is already part of the proposed agreement.

Without requiring these or similar measures, Microsoft would be able to continue many of its abusive practices, in the same or similar forms which caused this trial in the first place. Opening up Microsoft's protocols would require the company to compete on the merits of the design and functionality of their software, and not because they retain full and exclusive control and understanding of those protocols.

Any attempt to curb Microsoft's abusive practices must be made with a broad brush—making demands regarding a specific version of its operating system, or one of its programs in particular, will not end such abuse. Only changes which affect any software Microsoft could potentially create will have a lasting and meaningful effect.

Thank you for your time, and for considering my sentiments.

Sincerely,
Greg Walker

MTC–00004963

From: P=??B?5f==?=1 Hvistendal
To: Microsoft ATR
Date: 12/28/01 3:46am
Subject: Opera Software's reaction to proposed settlement DOJ-Microsoft Corp.

This memorandum outlines Opera Software ASA's view on the proposed settlement on the case US Department of Justice (hereinafter ''DOJ'')vs. Microsoft Corp.

1. INTRODUCTION The Norwegian company Opera Software ASA has on an equal footing with Netscape been systematically targeted by Microsoft Corp. by way of illegal business practices in order to monopolize the browser market. Although Opera Software has created critically acclaimed browser technology, the Company is completely dependent on an open market where free and fair competition sets the criteria needed for success. Opera Software ASA's sole product is browsers, and the Company does not have the financial muscles of a large parent company behind it, such as Netscape has in AOL. To secure a competitive marketplace, Opera Software ASA offers to provide the DOJ with its view on the proposed settlement. In this short memo we wish to draw the attention of the DOJ to issues which we find are especially troubling seen both from Opera Software's stance as a browser provider, and seen from the software industry as a whole. It must, moreover, be emphasized that the topics discussed herein does not represent an exhaustive list related to Microsoft's abuse of a dominant position in the browser market.

2. COMPANY PRESENTATION

2.1 Opera Software ASA

Opera Software ASA (hereinafter ''Opera'') is an industry leader in the development of Web browsers for both the desktop and the embedded Internet markets and ranks number three among the most widely used Internet desktop browsers in the world. Opera is a world leader in the embedded space.

What started in 1994 as a research project at Norway's largest telecom company Telenor ASA, led to the founding of the independent development company Opera Software ASA. The Opera browser has received international acclaim for its small size, speed and stability. Opera has not only survived in a tough market; it has become a rival to the two major browser-makers AOL/Netscape and Microsoft's Internet Explorer.

Opera has grown strongly since its founding. As of November 1, 2001 Opera Software had 100 employees.

2.2 Commercial breakthrough

Opera has had a commercial breakthrough in the years 2000 and 2001. Opera version 5 for Windows, the first version of Opera to be offered as a no-cost ad-sponsored browser, was launched in December 2000, and more than 6 million users from all over the world downloaded and installed Opera by November 1, 2001. During this period Opera also closed several important strategic agreements in the embedded space with some of the world's leading Internet companies. In addition to several still

confidential deals, agreements with companies like IBM, Advanced Micro Devices (AMD), Sharp, Symbian, Canal+ Technologies, and Ericsson, have made Opera a well-recognized world leader on browsers for non-Microsoft systems.

2.3 Market and future potential

The Internet had a breakthrough in the 1990s, with millions of people all over the world becoming accustomed to using this new communication medium. Still, Opera Software believes that the Internet is only in its infancy. Currently, approximately 8 percent of the world's population has access to the Internet, and millions more new users will log on within the next few years.

Not only will the sheer number of Internet users increase; the way the users access the Internet is also most likely to change. Until now, most users have connected through a PC/desktop from home or work, running Microsoft's Windows Operating System. In the near future, the Internet will move out of the confines of the traditional desktop computer and into many new environments, such as that of handheld devices and WebPads. Such devices will be designed to perform specific tasks, whether it is completing work-related tasks in the workplace, or entertainment functions at home.

From being 100 percent focused on the Windows operating system, Opera Software turned its focus in 1998 focus towards this new emerging market of embedded Internet products. In most cases, embedded Internet products are memory-constrained, and the platforms and applications that run on them have to be scaled to fit the device. Opera has turned out to be the ideal Web browser choice for this platform environment since it's compact and efficient coding has produced a small, fast, and configurable browser. The success of this strategy shift is reflected in the many strategic agreements that Opera Software has entered into in the course of the last couple of years, with the market leaders of producers of embedded Internet products. Opera Software's development aim is to maximize the commercial results by creating a multi-platform, high quality product. One central aspect of the development strategy is the platform-independent kernel (core), to which thin platform-specific layers are added. This enables the browser to easily be ported to other emerging platforms and simplifies overall maintenance. Opera has been released for several platforms. Currently the Opera family of browsers consists of releases on Windows, Linux/ Solaris, Mac OS, Symbian OS (EPOC), QNX, BeOS/BeIA, OS/2, with other potential ports under continuous commercial review.

3. OPERA AND MICROSOFT

3.1 Introduction

Opera Software has on an equal footing with Netscape been systematically targeted by Microsoft by way of illegal business practices in order to monopolize the browser market, in conflict with US antitrust legislation, cfr. Judge Jackson's findings in the Antitrust Division of the Department of Justice of the United States(1 U.S. Department of Justice, Complaint in Civil Action No. 98— 1232, May 18, 1998, at http://www.usdoj.gov/atr/ cases/f1700/1763.htm.),

Despite the findings of Judge Jackson, Microsoft's campaign to gain a monopoly over the browser market continues.

Relative to Microsoft, Opera Software is a small company both in terms of finances and staff. In this short memo we wish to draw the attention of the DOJ to issues which we find are especially troubling seen both from Opera Software's stance as a browser provider, and seen from the software industry as a whole.

3.2 Embrace, Extend, Extinguish

3.2.1 Accessibility and unreadability

It is a recognized principle that Internet tools and applications shall respect the standards established by the World Wide Web Consortium (W3C), see below. Such standards are necessary to upkeep in order to maintain the Internet principle that Internet technologies shall be interoperable and accessible to all.

Microsoft claims that it does its utmost in order to comply with the W3C issued standards, while it in reality pursues a conscious policy of embracing only parts of the standards, and thereafter pursuing a strategy of extending the standard, i.e. developing a standard only present in its own browser client Internet Explorer. Thus Web page authors that create web pages to fit Internet Explorer's Internet standards may find that their web pages are not accessible to other browsers and that they in many cases only work on the Windows operating system. Since testing Web pages with several browsers running on several platforms is time consuming and expensive, many Web developers stick to testing and developing only with the current market leader Internet Explorer. In this way Microsoft has gained control over standards which were meant to be open and accessible to all.

Microsoft's purpose with making Internet sites unreadable to browsers that do not have access to the developments added by Microsoft is to motivate or force the users that do not use Internet Explorer and Windows to convert.

Gaining control over the browser market again provides for possibilities to direct users to Microsoft's own Web properties, such as the MSN portal. In this way Microsoft will gain control over much of the Internet traffic, and thereby making the situation of its Internet competitors, such as Opera Software, increasingly more difficult.

3.2.2 The World Wide Web Consortium

It is in the interest of Internet users that the Internet shall be accessible to all no matter the software used to access the net. In order to keep up the speed of the development of universal, converging infrastructure on the Internet, consensus is needed among developers on what languages may be used and the sets of rules needed for communication computer-to-computer. The World Wide Web Consortium [W3C.org] (hereinafter ''W3C'') is the Web's international standardization body created to ensure a convergent development of the technical aspects of the Web. The W3C develops and coordinates common languages and rules for the Web, to ensure the W3C's long term goals:

Universal Access

To make the Web accessible to all by promoting technologies that take into account the vast differences in culture, education, ability, material resources, and physical limitations of users on all continents.

Semantic Web TO develop a software environment that permits each user to make the best use of the resources available on the Web.

Web of Trust To guide the Web's development with careful consideration for the novel legal, commercial, and social issues raised by this technology.

Opera Software is an active participant in developing the Web to its full potential through the active participation of its Chief Technology officer, H+kon Wium Lie, a member of the W3C's Advisory Board.

3.2.3 Opera's compliance with the W3C standards

No browser is a 100 percent in conformity with the W3C standards. There is an industry tolerance for slight divergences. These must however not represent a conscious act to further develop the standards, and thereby making the developments inaccessible for other standard compliant products. Opera Software respects the open standard policy, and is today to a great extent fully compliant with the standards set by the W3C.

3.3 Control of browser—control of Internet traffic

Recently, Microsoft introduced an update to its portal MSN.com. A portal is an electronic gateway to the Internet. The portal is really an extension of the search engine idea, but instead of providing lists of sites matching someone's search criteria it relies on a selection process to choose starter sites that new users might be interested in visiting.

Portals try to create stickiness (making surfers visit and then getting them to return again), and do so by providing a range of information on services and entertainment that will encourage visitors to return. The information provided might include a directory of other sites, a search facility, a weather service, chat rooms, free e-mail and a selection of sports, cinema and other entertainment sites.

The MSN.com portal and the Microsoft.com Web sites are some of the most visited Web properties on the Internet. It is therefore of vital importance that all browsers are given full access to the site on equal terms. This is further underlined by Microsoft's resent linking between its operating system and the MSN: Microsoft has an almost perfect monopoly in the market for operating systems, and uses this position to increase the traffic on the MSN.com portal. The new Windows XP is thus full of hooks, which directs traffic to MSN.com.

Opera Software was earlier this year alerted by users that the newly released version of MSN denied access to Opera both from the main page itself, as well as to links leading to subsections of the portal. The MSN server was thus checking which browser was being used, and programmed so as not to give Opera users full access. In effect the Opera browser and its millions of Internet users were blacklisted. Microsoft admitted that it was watching out for so-called Opera strings (the identification of the browser sent from the browser to the server), but stated that it did so to encourage people to use a standard-

compliant browsers. Microsoft claimed for example that Opera did not follow the XHTML standard. This is incorrect, as Opera in fact has excellent support for XHTML. It is in general incorrect that Opera is not standard compliant as the Opera browser is well known in the market for its adherence to standards set by the W3C. The misplaced criticism raised by Microsoft against the Opera browser is in fact applicable to the MSN site itself, as it is far from following the W3C standards of web development. The standards are broken consistently on every page, and the blocking out of Opera users must therefore be seen as a conscious policy to manipulate the users to leave the Opera browser and swap to Internet Explorer. After a media uproar, Microsoft promised to fix the problem of non-accessibility for the Opera browser. Some items have been fixed (the one's mentioned in Opera's press release on the issue) but Microsoft has now again reverted to the same tactics, but in a less obvious manner, by hiding their targeting of Opera in subcategories, or by giving Opera users identifying as an Opera browser user a slightly distorted version of the web page presented to Internet Explorer user. Opera Software worries that if the current pressure towards Microsoft to end its anticompetitive behavior ends without a serious legal reaction, no public uproar will manage to make Microsoft backtrack in its determination to get control of the browser market.

3.4 Predatory pricing

Microsoft has an almost perfect monopoly on operative systems for PCs. Judge Jackson found that from 1998–99, Windows has held a market share of at least 95%. There is reason to believe that market share has increased since. Against the background of a high percentage of the market, Microsoft's pricing behavior, the fact that there are no viable alternatives to Windows, as well as Microsoft's behavior towards other firms, Judge Jackson concluded that Microsoft had monopoly power.

Microsoft is known to use its monopoly power to maximize its profits where it holds a factual monopoly, while it sells products at a loss in markets where it is not in a monopoly position, the purpose of such pricing policy being to gain market share and market power in markets where it does not hold a monopoly. Opera alleges that this practice amounts to predatory pricing. The fact that Internet Explorer was included in Windows for free, had the result that Microsoft managed to take 40–45 % of the browser market from the end of 1996 to late 1998, while Netscape's market share dropped from around 80 % to about 55 % in the same period. Today, three years later, Internet Explorer has a market share close to 90 % of the market and Netscape barely 10 %. The consequences of this price policy have thus been dramatic. Microsoft is now pursuing the same policy with respect to its operating system for embedded products, the so-called Windows CE / Pocket PC. The price for the new Windows XP for the desktop market has recently dramatically increased, while the price for Windows CE on the other hand is much lower.

There is no objective reason for this dramatic difference in price. Windows CE builds on the same platform as Windows XP, but is designed to take up less storage space in order to be more adapt to the limited storage capacity of embedded products. There is thus reason to believe that there is no correlation between the cost of developing Windows CE and the price currently being charged. Opera Software is of the opinion that the price charged for Windows CE is probably below the average variable cost, and may pursuant to the Areeda-Turner Test be classified as predatory pricing.

3.5 Tying

The allegation of predatory pricing is closely linked to Microsoft's practice of tying products. Opera Software alleges that operative systems and browsers are separate products, without any natural or necessary link. Microsoft's inclusion of Internet Explorer in its operative system Windows thus amounts to an illegal tying of products.

Microsoft's practice in the desktop market is well known to the States, as Judge Jackson's findings in the case against Microsoft in the United States discusses this issue in depth. The company's practice has, over a period of five years, increased the market share in the browser market from close to zero to almost 90 percent.

Microsoft is still practicing the tying of Internet Explorer to the operating system Windows: The newly released Windows XP contains the latest version of Internet Explorer.

3.6 The server market

Apart from controlling the market for operating systems, browsers and some of the world's largest Web properties, Microsoft is also a dominant and aggressive player in the server market. This position has been used to harm Opera Software, and with Microsoft's growing dominance in this market, the future provides for even greater opportunities for misuse of market power. A dominant position in the server market gives Microsoft the possibility to abuse its position in the following manner: It is technically speaking an easy operation to program the server's software to only give users of the Internet Explorer browser access to web sites. Microsoft has done this in the past, and only relented after Opera Software raised this issue with Microsoft directly. The problem is however yet not fully solved, as users of Opera have to mask their browser as Internet Explorer in order to get full access. Opera Software worries that if the public pressure of antitrust fades away without a serious legal reaction, nothing will stop Microsoft from effectively closing Opera browser users out from millions of Web sites around the world.

3.7 Consequences of Microsoft's business practices

The business effect of Microsoft's business practices with regard to the points discussed in the above have been severe. Many of Opera Software's potential partners have chosen not to enter into cooperation with Opera Software due to an expressed fear about becoming subject to a campaign by Microsoft by themselves being ''blacklisted''.

Due to the confidential nature of these negotiations Opera Software is, as yet, not able to provide examples hereof.

4 REMEDY

4.1 Proposed remedy in settlement

Opera Software alleges that its market share would have been considerably higher in the present situation, had not Microsoft continuously practiced a policy of predatory pricing, illegal tying of products, extension of open standards and manipulation of the server market. Opera Software further alleges that its present market position will be severely damaged if the present illegal business practices by Microsoft are not curbed.

In the view of Opera Software the proposed settlement will not stop Microsoft from continuing its abusive tactics for dominace and monopoly power, to the detriment to all Internet innovators. In addition, the settlement is not a punishment for Microsoft's predatory behaviour.

4.2 Opera's suggestions for remedies

In the view of Opera Software, a series of actions need to be taken towards Microsoft, to reflect the damage they pose to the entire computer industry.

4.2.1 Standards compliance

Microsoft must be forced to follow the international, open standards set by organizations like the W3C. Microsoft would have to follow these standards to the letter, not partially or by introducing proprietary standards under the guise of ''innovation.'' Only with that measure in place can Microsoft's practice of ''embrace, extend, extinguish'' be put to a halt. To ensure compliance, an independent body should be able to check all Microsoft products before their public release.

4.2.2 Competing browsers

To ensure a competitive browser market, Microsoft should bundle Netscape and Opera in all their Operating Systems.

4.2.3 Stripped Windows at lower price

Microsoft should be required to offer only an unbundled version of their Operating Systems, meaning that browser, mail client, streaming media, etc. would be excluded. The extra Microsoft applications can then be offered in a separate packages, but no tying of the application packets and Operating System should be allowed.

4.2.4 No blacklisting on servers

Also, because of Microsoft's position also in the server market, the Company must be held to promise that it will stop identifying what browser is used to access its servers, to avoid blacklisting competitors.

4.4.5 Pricing

The price of Windows CE and Windows should be the same, or Windows CE should cost more as it includes more applications.

The proposed solutions should all be simple for Microsoft to introduce, while at the same time opening the marketplace to true competition, restoring a balance to the marketplace for the benefit of the whole computer industry as well as all computer users.

MTC–00004965

From: PAULAnNEAL@aol.com@inetgw
To: Microsoft ATR
Date: 12/28/01 7:18am
Subject: Microsoft case

To whom it may concern,

I am writing to comment on microsoft case/settlement. By my reading of the settlement,

msft seems to be more rewarded for their monopolistic practices than punished. The biggest reason why msft ran afoul of the law in the first place was the fact that they bundled and integrated all their extras in with the operating system, essentially making their standard the defacto standard. If you read msft's own press over the past years prior to the introduction of the new xp operating system, they have gone even further doing this with this new system and nothing in the remedy prevents them from doing this again and again. Msft has also in the past built things into the operating system to make competing programs work less well than their own products. This gives msft an unfair advantage that is not addressed in the settlement. Msft continues to try to run afoul of accepted standards in order to allow their own brand of product to prevail.

Also as part of the settlement, Msft offered to give a billion in used hardware and software to schools. By structuring the settlement in this way, it essentially furthers msft's monopolistic practices by shutting out other potential solutions to the school market, a market that msft has not been able to totally dominate yet. A more proper penalty and solution would be to have msft make a cash donation to the schools to help with purchasing the technology they feel they need, not the technology that msft wants to give them to further their dependance on msft products in the future. In addition, msft software donations would be valued at full retail value but actually cost msft pennies on the dollar. This would hardly penalize msft at all.

Lastly, competing products must be given a fair chance to compete. Msft needs to adhere to standards chosen by the computer industry, not try to force their solution to the defacto choice simply because they control the majority of the computer desktops.

Sincerely,

Neal

MTC–00004966

From: Bombs@aol.com@inetgw
To: Microsoft ATR
Date: 12/28/01 7:25am
Subject: Comment on Microsoft Settlement

The settlement has done little to protect consumers. One of the original issues was the bundling of MS Internet Explorer into the OS. A browser is not required to control the disk, memory and peripherals of a computer, which is the job of the OS. Fast forward to November 01. MS in attempt to thwart soon-to-be-announced DOJ penalties, releases the latest OS (XP), weeks ahead of schedule through OEM sales, such that it could not easily be recalled. This OS has numerous additional software features built into the OS such as multi-media players, CD burners, etc. These latest inclusions reflect MS blatant attempt to monopolize the PC market and put other software companies out of business. In fact, the settlement offers more PCs and MS software to educational facilities. This will only help MS crack the educational market, one of the last segments that had yet to dominate. The actual cost to MS is virtually nil, the CDs are pressed for mere pennies, yet they can write each off for several hundred dollars. What a joke, again MS is laughing all the way to the bank and the DOJ looks like a weak idiot. MS needs to be broken into a Commercial Software Company and Commercial OS Company. Obviously, MS is resistant to this as the Software Company would have to compete against the OS company which they know is a losing battle. However, the Software Company should win out in the end: if MS Office was released in a Linux form, it would continue to be a best seller. However, it would lose many of its OS customers, which is why MS is the only major computer company that has failed to jump on the Linux bandwagon (even staunchy IBM has thrown serious muscle into the effort). Do your job and protect the consumers from an acknowledged monopoly. The current settlement is weak, pro MS and fails to protect the consumer. God knows XP protects nobody, after being proclaimed the most secure OS ever from MS, the FBI had to issue an alert to warn all citizens of serious security breaches. Bravo

MTC–00004967

From: HMAletter@aol.com@inetgw
To: Microsoft ATR
Date: 12/28/01 8:54am
Subject: Antitrust settlement

After years of waiting and hoping, I cannot find many in the corporate IT world that is satisfied, or even a bit happy, with the currently proposed settlement with Microsoft. For a company that has scoffed at Justice for many years, I find it hard to believe that those involved in the case would let them proceed as they have.

For those that are unaware of just how much we have all suffered as a result of this monopoly, I offer just some of the hardships. Microsoft took over the browser market by incorporating Internet Explorer (IE) into Windows. Outlook and Outlook Express, Microsoft's e-mail software, virtually eliminated all development from other competitors. Outlook Express comes with virtually all Windows computers for no additional price. I might add that Outlook has been the prime delivery mechanism for hackers looking to spread dreaded viruses. As the Justice Department looks for a speedy end to this case, Microsoft has made it very difficult for new browsers and other software to work with their latest buggy system called Windows XP. RealPlayer and various other small competitive products have been locked out from the system at various points, as have any non Windows computers into the MSN networks.

For those that are not tech-savvy, I must do my best to dissuade you from believing that Microsoft's monopoly position has not stifled creativity or slowed down technology. Many ''new'' features in the current release of XP have been standard fare on Apple computers for over 3 years. As one who both owns and supports both platforms, I can attest to the decreased stress level and increased productivity on the Apple platform. Many Apple standards are simply adopted by Microsoft at later dates and used to further entrench their monopoly. Apple stands today only as a result of the infamous 1997 deal with Microsoft in which Apple dropped all pending lawsuits against them in return for 5 years of continued development of the popular Microsoft Office Suite. I might also add that Microsoft Word and Excel were originally developed for the Macintosh platform, not Windows.

If Justice or the Court needs any impetus to look for a stronger settlement against Microsoft they need look no further that the current Windows XP or the .NET strategy and corresponding products. I suspect that Justice will have to revisit this issue 4 years or so down the road. Unfortunately, it might be too late for the many companies and products that have been destroyed by current monopolistic activities. I am always saddened to see Windows machines in the classroom, an area that has long been the strength of Apple. Down the road, school districts will have to grapple with the issues of Microsoft's licensing practices, not to mention the tremendous support budget increases required to keep the systems up and running. This is fact, not merely statements. There are far more issues to contend with than those brought up in the original antitrust case. In fact, I believe if Justice had the foresight, they would be preparing a new case based on the events that have transpired between 1998 and the present. At any rate, I would advise anyone looking into a reasonable settlement to discuss the current situations in the PC world with the users, and the executives of companies that sell the hardware and software.

Steve Hinchey

MTC–00004968

From: Curtis Garrison
To: Microsoft ATR
Date: 12/28/01 9:12am
Subject: Facts to keep in mind

Microsoft owes everyone, not just the schools, for their abuse of maintaining a monopoly. Here are a couple of examples in which I was personally impacted:

—Several times up until a couple years ago, I wanted to purchase a Dell, Compaq or Micron computer primarily to use as Linux servers if not for other reasons that put me in the position of NOT wanting a Microsoft related license. I had no choice but to continue to buy the computers with MS Windows of some sort since it was a violation for the vendors to sell me a customized or ''blank'' computer. The only other choice I had was to build my own computer out of parts which was not what I wanted to do considering the reliability I needed from a vendor and my experience and abilities to do this.

—During the browser wars of Netscape and Internet Explorer, there were many web sites (StarTrek.com for example) that wold only allow you access if you used Internet Explorer. This cost me time to download and install this software when I was perfectly fine with Netscape. This was imposed on me and also further cost me in hard disk space usage at a time when it was not as cheap as it is today.

—In the mid 90's I was on a committee at Nortel and we evaluated Novell and Windows NT as possible Network Operating System Solutions. Microsoft held stiff penalties over our heads

regarding licenses overall such as on the 60,000 Microsoft Office licenses we had to have. If we did not make the choice to go to their platform, we would not be looked at favorably when it came to further license arrangements for Office, etc.. . . They also emphasized to us that Novell was on their way out as their technology was destined to be outdated and limited. This cost several people training options and career directions that they were in the middle of pursuing and stagnated developments in that industry unless it was Microsoft related. These are just a few examples of how I am many many people were personally effected with Microsoft's continued abuse of their monopoly. If this is not resolved in a manner that is legit and more beneficial to the public, I am sure that there are very many people like myself that would be disappointed and not satisfied. I already have feelings that someone is being bought out or influenced in an unethical way simply in light of these Microsoft proposals even being considered. I implore you to make sure the right thing is done to help correct things by taking some action that will help realign the balance in the industry some what accordingly and/or compensate the public for Microsoft's actions.

Imagine the growth in the technical sector if all of a sudden tens of thousands of small developers and related businesses could get funding and support if they didn't have to worry about the hopeless idea of trying to compete against Microsoft.

Thank you

Curtis Garrison

InteractiveSociety.com

''Join Our Click''

http://www.InteractiveSociety.com

P.O. Box 801548; Dallas, TX 75380

214–808–2878

MTC–00004969

From: Fred Butzen

To: Microsoft ATR

Date: 12/28/01 10:00am

Subject: Microsoft Settlement

Dear Sir or Madam,

The following gives my comment on the proposed settlement with Microsoft corporation. My comment is based on my 20 years' experience as a computer programmer and technical writer. Among my published works are ''The Linux Network'' (MIS Press, 1998), ''The Linux Database'' (MIS Press, 1997), ''ANSI C: A Lexical Guide'' (Prentice Hall, 1988), and ''The SuSE Linux Network'' (M&T Books, 2000).

—Criteria for a Settlement—

The settlement with Microsoft must fulfill the following criteria:

1. It must, as much as possible, preserve Microsoft as a corporate entity and engine of commerce.

2. It must alleviate Microsoft's illegal monopolistic influence on the market in computer software.

3. It must be clear, verifiable, and enforceable.

The first point is obvious: while Microsoft has behaved illegally, it is still a vital entity in the marketplace. It needs to be tamed, not destroyed. The second point is also clear: the point of the settlement is not to punish Microsoft, but to preserve the integrity of the market from Microsoft's illegal monopoly. That is the goal: to preserve the market. The third point is often overlooked: unless Microsoft's behavior can be verified objectively, the result of any settlement will simply be another round of lawsuits—an outcome that no sane person could wish.

—The Proposed Settlement Fails These Criteria—

The proposed settlement fails on all three criteria.

1. The proposed board of oversight will interfere with Microsoft's internal operations, slowing its ability to work and complicating the already complex task of writing software.

2. The proposed settlement addresses some contractual issues, but does not address Microsoft's warping of the marketplace in technology—which is by far Microsoft's most damaging behavior.

3. The proposed settlement's oversight provisions are vague, and are subject to interpretation and dispute.

With all due respect, the proposed settlement is something only a lawyer could love—and litigious lawyer at that. It is possible to write a settlement that will be fair to Microsoft yet preserve the marketplace from its predations—but only if one understands the techical core of Microsoft's threat to the marketplace.

—Technical Basis for Preserving the Market—

Much of the government's case against Microsoft depended upon the internals of Microsoft's software—particularly the Windows operating system. However, this is misleading: the most important feature of a software program is not how it behaves internally, but how it interacts with other programs. Computer programs exchange information through the use of *protocols*. A protocol is simply a set of rules that define how data is interchanged. A protocol can govern how data are written into a file, so the data can be retrieved and processed again; or it can govern how two programs ''converse'' with each other over a network.

This point is vital: ** A monopolist can extend its influence from one software arena into another arena if and only if it controls the protocols with which the programs in the one arena communicate with the programs in the other arena. ** The vast computer network that we call the Internet is governed by a set of protocols that have been written by the software community at large. A mechanism called a ''request for comment'' allows an individual or group to propose a protocol; others comment, amendations are made, and votes taken before the protocol is adopted. This openness permits a free market in software and services: all software that adheres to the protocol can participate in the marketplace, and exchange data with other programs by other vendors that also adhere to the protocol.

** The key to Microsoft's distortion of the marketplace is that it unilaterally rewrites protocols.**

Sometimes the rewriting consists of changing a protocol's rules. More often, it involves adding extensions to the protocol. These features are not documented, and often are patented or copyrighted. They are offered as improvements or enhancements to the protocol; but whilethese changes may or may not improve the protocol, but they *always* have the effect of blocking other software vendors from participating in the software arena.

The rewriting of protocols is allowing Microsoft to extend its monopoly in desktop operating systems and applications into the server market: its ability to unilaterally rewrite how client and server communicate means that commercial users will have to use Microsoft servers in order to receive business from Microsoft clients.

This extension of influence from one arena into another is precisely the abuse that antitrust law was meant to stop—and it is precisely the abuse that the proposed settlement does *not* address.

—A Settlement That Works—

Fortunately, the technical nature of the abuse also makes possible a technical settlement—one that fulfills all three criteria that I outlined above. My proposed settlement has the following points:

1. Microsoft software will use *only* commonly accepted protocols for communication between clients and servers. No additions or modifications will be allowed, except where approved by the software community at large through the normal request-for-comment process.

2. Microsoft will document and submit to the request-for-comment process all of the file formats used by its applications, in particular, Microsoft Word, Microsoft Access, and Microsoft Excel. Once the submission is made, Microsoft must adhere to the file formats so documented, and can change formats only by submitting revisions to the software community at large through the normal request-for-comment process.

3. A set of computer programs will be written by a court-appointed third party. These programs will test whether Microsoft software adheres to protocols as openly documented.

4. Should the test program show that Microsoft has violated a protocol, and should the violation be verified by a third party, the court will order adherence, and prescribe appropriate penalties.

This settlement will let Microsoft carry on its work unimpeded by supervisors or court-imposed bureaucracy. It will stop Microsoft from extending its illegal monopoly into other arenas, and it will let new companies compete in the Microsoft arena. Most importantly, it is clear and objectively verifiable.

—Conclusion—

Thank you for taking the time to read my comment. I hope that my comments will help the court to arrive at a settlement that is truly fair and truly effective. Most importantly, I hope the court will take to heart the need for any settlement to address Microsoft's abuse of protocols. This is the heart of the problem, and any settlement that does not address it will be a failure.

Fred Butzenfred@lepanto.com [home]

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Chicago, IL 60618–1612 USA(888) 599–8854

CC:fred@lepanto.com@inetgw,jith @stanfordalumni.org@in. . .

MTC–00004970

From: MWLAURSEN@aol.com@inetgw
To: Microsoft ATR
Date: 12/28/01 11:03am
Subject: Microsoft—Problems

Dear Sir;

I do have problems with Microsoft and there size as a computer company. I believe that Microsoft is out to control the software industry on both the Windows and Macintosh operating systems. I am a long time Apple Macintosh user, and Microsoft has cause me to purchase upgrade of their software for Operating system changes. Now I know that some times this is a necessity, but the last time I had to upgrade was not. This is why I believe that they are out to get the consumer.

Example of this case: I have an Apple Macintosh G3, that was running system 8.6. I then purchased the next version, 9.0.4. All the software that I had moved to the new operating system except for Microsoft products (Word, Excel, PowerPoint). I needed to upgrade from my pervious version. Now since all the other software worked, even a shareware game that I have for years, and several operating systems. Why does Microsoft write their software not to function on new operating systems.

This upgrade cost me the cost of the operating system and the 249.00 for the upgrade to the Microsoft software. Another items is the number of choices that I have word processors, and spread sheets. It has dewinelled to one and that is Microsoft.

They have become the standard in the software business for desktop computers, and in some case this is good, because the data that is created for any desktop computer and be shared with another, not worry about the maker of the computer, even Macintoshes can read data from intel base desktop computers. The items that Microsoft needs to share with the rest of the computer world is the standards. The data formats are now default standards, which should be disturbuted freely to all that want to communicate with a piece of software (Word processor documents). Then a standards committy can then determine the changes to the standard and distibute to all that would want them. Microsoft is a strange computer company because they are the only company that creates an operating system for a computer that they do not build. All the other companies build a computer and write the operating system for it. This one of the reason I use an Apple Macintosh, it just seems to work better.

Thank you
Mark Laursen

MTC–00004971

From: Monty Nicol
To: Microsoft ATR
Date: 12/28/01 11:25am
Subject: Settlement Comments

Dear Sir/Madam:

I am not a Microsoft-hater or one who loves any particular brand or type of software more than any other. I believe, however, that the current proposed Microsoft settlement is extremely detrimental to today's software customers and to the competitive market at large. The current proposed deal seems extremely weak to me in light of Microsoft's past infractions. I urge you to re-evaluate this settlement and choose impose not just government oversight and enforcement, but also organizational and structural changes to Microsoft itself in order to better facilitate competition in the marketplace.

Thank you,
Monty Nicol
Internet Developer
Brooklyn, NY 11238
Do You Yahoo!?
Send your FREE holiday greetings online!
http://greetings.yahoo.com

MTC–00004972

From: Joe Morse
To: Microsoft ATR
Date: 12/28/01 12:00pm
Subject: Microsoft Settlement

To whom it amy concern:

I'm writing to express my extreme dismay and sense of betrayal at the DOJ's proposed settlement of the United States v. Microsoft civil antitrust case. I am a software engineer with 7 years of experience in the computing field. I also have a bachelors degree in Economics from the University of California at Berkeley, where I focused my studies on antitrust issues relating to technology industries.

For years Microsoft has been able to get away with using anticompetitive practices to anihilate any company that seeks to enter the markets it dominates (OS, Office Suite, Etc). The absence of competition has resulted not only in higher prices, but also in software of dubious quality. Every major worm and virus on the internet in the last 5 years has targeted blatant vulnerabilities in Microsoft software. These vulnerabilities exist because Microsoft has quashed (or acquired) competing products whose presence in the marketplace would have induced Microsoft to produce better and more secure software. Consumers (especially business consumers) lose because they get a shabby product at a higher price. Security and other defects also increase the cost of computing. On two occasions in the past year I have seen my company's network shut down for days at a time because of security holes in Microsoft's operating system. This resulted in several thousand lost man-hours and millions of dollars of financial loss for the company.

The proposed settlement would allow Microsoft to continue its predatory business practices unabated. Antitrust violations are often a cultural phenomenon at a corporation like Microsoft. Procedural and behavioral remedies fail to address Microsoft's conduct in markets it may seek to dominate in the future. There's an atmosphere of lawlessness in Redmond that only a structural remedy will cure.

Markets are created by society to fulfill its needs and desires. When a business enterprise becomes destructive of those needs and desires the government has a moral and legal obligation to step in and take strong corrective measures under the Sherman Act. The DOJ's proposed settlement falls well short of that obligation and betrays the public trust. I strongly urge the DOJ to abandon the proposed settlement in favor of an effective structural remedy.

Sincerely,
Joe Morse
Do You Yahoo!?
Send your FREE holiday greetings online!
http://greetings.yahoo.com

MTC–00004973

From: Jon 'maddog' Hall, Executive Director, Linux International
To: Microsoft ATR
Date: 12/28/01 12:47pm
Subject: Additional comment and proposals for Microsoft/Open Source solution

80 Amherst St.
Amherst, NH 03031–3032 USA
Honorable Colleen Kollar-Kotelly
U.S. Court of Appeals for the District of Columbia

Your Honor,

I am writing in support of the change to Microsoft's penalties as proposed by Mr. Matthew Suzlik, CEO of Red Hat Software, Inc. As a former programmer and educator with over thirty years of experience in the computer industry, I feel that Mr. Suzlik's proposal of replacing the over-priced, closed-source Microsoft software with Open Source GPL'ed software has real merit. However, I have some additional comments and suggestions to further increase the benefit/function of his proposal.

Mr. Suzlik correctly points out that his proposal would increase the number of systems from 200000 to over 1 million. From my understanding of the original proposal, the total amount of the punitive measure was about two billion dollars. I also understand that a lot of the computer equipment was to be ''refurbished'' equipment, which would do little or nothing to strengthen the economy. At today's equipment prices, I would encourage this course of action:

Generate a Request for Quote for a hardware vendor to produce one or two fixed models which would give basic multimedia desktop or server capabilities to the school systems, almost at manufacturer's cost. The schools would then be free to order these machines from this list of systems. If the manufacturer did not have to pay the Microsoft licensing fees, I believe that the cost of these computers would be able to deliver basic multimedia functionality to close to 2 million computers, not the one million that Mr. Suzlik estimates, and at a cost less than it would be to collect, recondition and redistribute refurbished models.

These units would then have a consistent set of hardware that would make it easier for both Red Hat Software to support the operating system, and easier for the school districts to support the hardware in the long run. The use of new hardware will also typically generate a longer warranty from the manufacturer then the use of refurbished hardware also. I am sure that the hardware companies will work very hard to generate the best possible bid on this contract, both for the amount of systems it represents, and for the publicity that they will get in being part of this solution.

The building of these new machines, rather than the refurbishing of the older machines,

would help to create jobs needed at this time in the economy. While refurbishing machines also generates jobs, it is not guaranteed that the number of refurbished machines would allow a consistent set of hardware across the entire program, nor with a consistent warranty and replacement program.

A second comment that I have on Mr. Suzlik's proposal is that the Open Source software that he is suggesting be used has a benefit to the students in the school system that Microsoft's code does not provide. While both sets of software allow the students to browse the web, write papers, use spreadsheets, and do other tasks a student has to do in education, only the Open Source code allows the student to see HOW these tasks are done. As a former college professor, I would have given my eye teeth to have an operating system like Linux to teach operating system design, or compiler suites like GNU (which come with all Linux distributions) to show students how compilers are actually written. I would have been overwhelmed with joy to have a database system like MySQL or Postgres to show my students now only how to use and manage a sophisticated database, but how they worked inside. This can be done with Open Source software, but can not be done with closed source, proprietary software like Microsoft's.

But today Open Source software goes beyond just operating systems, compilers and database engines, and if you go out to the place on the net called ''SourceForge'' (www.sourceforge.net) you will find over 30,000 projects with over 300,000 people working on them. These projects cover almost every area of academic pursuit, and the use and encouragement of Open Source software would allow these students in the ''fourteen poorest school districts in the United States'' to work along side other students from all over the world. Perhaps some of these students from these poorer school districts would get their work recognized and publicized, increasing their self-confidence, not only in the areas of computer science, but biology, mathematics, physics and other areas where the United States is beginning to lag other countries.

Finally, I would like to point out that in a lot of these poorer school districts there exist already some local Linux user groups nearby that might be willing to act as ''sponsors'' and ''angels'' for this program, to provide support and help for these districts, in addition to what Red Hat would provide. If you need any additional information in considering this proposal, please feel free to contact me at the address given above, or the telephone numbers give below.

Warmest regards,
Jon A. Hall
Executive Director
Jon ''maddog'' Hall
Executive Director
email: maddog@li.org
Voice: +1.603.672.4557
WWW: http://www.li.org
Linux International(SM)
80 Amherst St.
Amherst, N.H. 03031–3032 U.S.A.
Board Member: Uniforum Association, USENIX Association (R)Linux is a registered trademark of Linus Torvalds in several countries. (SM)Linux International is a service mark of Linux International, Inc.
CC:maddog@li.org@inetgw

MTC–00004974

From: James Lancaster
To: Microsoft ATR
Date: 12/28/01 1:16pm
Subject: Harsher consequences!

My tax dollars are going to this lawsuit so I want to pay for something that accomplishes the task it was set up to perform. Giving Microsoft a slap on the wrist will not prevent them from engaging in further gouging of the market. I propose that all Microsoft OSes be removed from all government computer systems. Why would the government want to trust the code of a proprietary Operating System that has more security issues than any other operating system in existence? Would not an open source solution allow for greater security among government-owned systems? Anyway, my 2 cents have just been added.

Sincerely,
James Lancaster
27157 Shadowcrest Ln.
Cathedral City, CA
92234

MTC–00004975

From: JBMARKETS@aol.com@inetgw
To: Microsoft ATR
Date: 12/28/01 1:23pm
Subject: Comment re Proposed Settlement

Microsoft's proposed settlement is a travesty which makes mockery of the findings and further, serves as a marketing plan to extend its monopoly into the education market, and it clears the way for Microsoft to continue it monopolistic practices for years to come. The ''$1 Billion donation'' consists primarily of seeding-enveloping less prosperous schools and children with lesser-quality/refurbished computers and Microsoft software which costs pennies per copy to provide. It is not a penalty, but a marketing reward, harmful to some of the same competitors Microsoft has already been found to have harmed. Cash with no Microsoft strings attached is the only proper remedy for this aspect of the settlement. Schools and all markets deserve the freedom to choose the products they want. The provisions relating to supposed assurance of monitoring-preventing future anti-competitive practices by Microsoft are woefully inadequate in the face of a company culture that historically ignores and obfuscates the law and any rulings and findings.

Justice is not at all served by this settlement, nor are consumers and competitors. Continued delays have and continue to play a major role in promulgating Microsoft's anti-competive practices and strategies. There is great risk that an inadequate settlement and loose behavioral restrictions will result in Microsoft soon controlling the internet and ultimately the bulk of all electronic devices and systems in the all-connected-wired future. The court needs to impose a true and just settlement, quickly.

Jeff B.
Columbus, Ohio

MTC–00004976

From: Joejensen@aol.com@inetgw
To: Microsoft ATR
Date: 12/28/01 1:30pm
Subject: Microsoft Monopoly Must Be Stopped

MICROSOFT IS A THREAT TO THE SECURITY OF THE UNITED STATES. Microsoft was found guilty in that it ILLEGALLY Maintained an operating system monopoly. As Microsoft did not in any way and at any time willingly cooperate with the investigation (and in fact continued to lie, mislead and use undue financial resources to shape p[ubhlic opinion, IT THEREFORE SHOULD NOT BE PERMITTED TO PLEA BARGAIN AT THIS TIME OR TO SELECT ITS OWN DESIRED PENALTY. This case is a travesty!

Microsoft's business tactics are ruthless. Based on the company's anti social and arrogant behavior The company is determined to exercise total control of all companies that it enters into business agreements into and to enslave all who utlize it's operating systems. The company regularly applies extorsion to its business clients in forcing them to pay ever higher maintenance fees, and its sole interest is to extract money from every available resource.

I FEEL VERY THREATENED BY MICROSOFT'S POWER AND INTIMIDATION. It seems that every time the justice department hones in on Microsoft, there suddenly appears a crisis that totally diverts attention away from itself. Examine the history of its bad luck with the courts and crisis like anthrax appear out of nowhere, alowing microsoft to hide away from national attention. Is Microsoft behind these attacks?

WHEN I READ ABOUT MICROSOFT'S PROPOSED SETTLEMENT WITH THE STATES, I really lost faith in our government and the leadership serving our nation, because apprantly Microsoft is somehow controlling or blackmailing them. I COULD NOT BELIEVE THAT THEY WOULD DONATE ABOUT 100 MILLION CASH, WITH THE REST OF THE DONATION DEAD INVENTORY OF OBSOLETE PRODUCTS THAT MICROSOFT KNOWS WOULD NOT REALLY HELP ANYONE.... AND IN RETURN THEY WOULD GEET A $550 MILLION TAX DEDUCTION!!!! Have we lost all of our better senses? The $550 MILLION Tax DEDUCTION WOULD GIVE MICROSOFT $275 MILLION OF CASH. IN OTHER WORDS, THEY WOULD EARN A PROFIT OF $175 MILLION paid for by us dumb tax payers. IN ADDITOIN MICROSOFT SHOULD BE FORCED TO SEPERATE ITS OPERATING EARNINGS FROM ITS TOTAL EARNINGS, a practive it refuses to do. In other words, there is no way of knowing whether microsoft made a profit from operating the company or from its investments. FINALLY, I sincerely hope that Microsoft is severly PUNISHED for being the criminal organization that it is, and that the company should be made to pay a penalty of one half of all its assets to be held by the US Treasury. The funds should be returned to the public at large via tax refunds and tax credits. In addition a percentage of these

funds should be used to expand competing operating system technologies, such as MacIntosh,

Linux, etc.

Thank you for your time and attention to this matter.

MTC–00004977

From: gatzke@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 12/28/01 1:42pm
Subject: Microsoft must be punished.

Greetings,

I am a real person. I am NOT employed by Microsoft to write letters of support. Concerning the Microsoft Monopoly, I think Microsoft has acted unfairly in the past. This hurt consumers and continues to harm consumers. Microsoft should be punished severely.

1. To limit Microsoft's use of muscle to control hardware vendors, prices should be published for the operating system for all vendors, not just the top 20 OEMs. Loopholes should be avoided, such as ''dealer incentives''. People should be able to decide what operating system to run. A PC should be available without an operating system.

2. File formats should be specified. These should be released 6 months prior to a software release. If the software does not conform to the file specifications, Microsoft should be punished by stiff fines or refunds to customers. I am sure there are many other items that should be considered. Others with better knowledge of the situation may have more useful insight.

Thank you for your time.

Ed Gatzke
Assistant Professor, Dept. Chem. Eng.
Univ. of South Carolina
Swearingen Engineering Center,
Chem. Eng. 2C32,
Columbia, SC 29208
(803)777–1159 wk,(617)461–3634 cell,(803)419–9655 hm,(803)777–8265 fax

MTC–00004978

From: bfox@wt6.usdoj.gov@inetgw
To: Microsoft ATR,webmaster @ago.state.ma.us@inetgw,att...
Date: 12/28/01 1:47pm
Subject: Microsoft Settlement

As a citizen of the United States and the State of Massachusetts, I am dissatisfied with the proposed settlement of the Microsoft Antitrust settlement, announced on or about Nov. 20, 2001.

The proposed settlement, to compell Microsoft to donate $1B in SW, HW, and services to K-12 schools, will further entrench Microsoft's image as the only OS option in the minds of children. What about the competitors. Thats what this is all about. The settlement is effectively a windfall for Microsoft. Microsoft's marketing division probably views this settlement as $1B windfall How will we have Microsoft account forthe ''cost'' of $1 Billion in exquipment, software, and services? I am sure Microsoft will argue for ''full cost'', while their true cost is nil. Consider the economics of the software industry. Software creation is 90% of a product's cost, reproduction is 2%.

The toothless settlement proposed will only further encourage Microsoft, and corporate America at large, to flaunt the DOJ as merely a nuisance to business as usual, not a formidable market police body to be respected. I suggest restrictions of Microsoft's market access. It is clear Microsoft is moving on other facets of the IT industry such as online services, entertainment, and telephony. Perhaps a settlement that freezes them out of several of these industries to prevent them from further controlling the technology infrastructure of this country.

Similar to the AT&T settlement of the early 80s Another option is to limit Microsoft's access to Federl and State contract awards for a period of several years, limiting them to XX% of all awarded contract $$s These types of punishments show teeth to the DOJ's and State AG's actions.

William J. Fox
Director of Systems Architecture
400 West Cummings Park
Suite 2350
Woburn, MA 01801
781–938–7283 x272
781–389–3110 (mobile)

MTC–00004979

From: Robert Poreda
To: Microsoft ATR
Date: 12/28/01 1:58pm
Subject: Microsoft Antritrust Case
From: Robert Poreda
31 East 25th Street
Tulsa, Oklahoma 74114
December 28, 2001

The proposed settlement allowing MS to give a large sum of money, product and services to the educational market will only serve to strengthen the Microsoft monopoly. This proposal tells independent software developers that here is another market segment we will lose, courtesy of the Department of Justice. I'm trying to start an internet hosting company. At the outset, I'm running into sites that either strongly recommend the use of the MS internet browser or fail to show properly when accessed by Netscape 6. Some sites developed by MS products are completely inaccessable by other browser versions such as Netscape 4.x or Opera. Now, MS introduces their .Net program, which I understand will exacerbate the problem by creating more sites unusable by anything other than MS Explorer. I was raised to keep my options open, to not put all my eggs into one basket. The United States has done just that with office services software and now appears to be doing the same with the internet. This aspect alone creates substantial vulnerability to our economy and technology, let alone the problems related to you regarding competitive markets and creativity. Microsoft needs to be divided into at least two companies, and perhaps as much as four.

MTC–00004980

From: Mark Bej
To: Microsoft ATR
Date: 12/28/01 1:59pm
Subject: Microsoft Settlement Public Comment

Sirs and Madames:

In my view, nothing short of breakup would be an appropriate resolution to the monopolistic behavior of Microsoft. It would be one thing if there were a situation analogous to the car, oil refining, or breakfast cereal industries. Each of these has several major players with fluctuating market share, but in no case does one company have 90+% market share. So, to bring the analogy back to the computer market, if 30–50% of computers were Windows+MS Office, and there were sizeable proportions of OS/2+SmartSuite, Mac OS+Claris Works, and Corel Linux+Corel Office, I would not be writing you. But all of you know that this is not the situation at all. Breakup would be the best remedy. If DoJ persists in not pursuing this policy, only the most detailed, long-term, and invasive scrutiny of Microsoft would, in my opinion, be an appropriate response. This would have to include review of Windows source code to confirm that Microsoft is not leaving itself back doors, undocumented procedures, and ''time bombs'' for other vendors' software. To date, only one company has been able to thumb its nose at Microsoft and get away with it—Intuit. It behooves DoJ to know exactly why.

Many thanks for the opportunity to respond.

Mark D. Bej, M.D.
bejm@eeg.ccf.org
Section of Epilepsy & Sleep Disorders
Section of Neurological Computing
Department of Neurology Cleveland Clinic Foundation S-51 9500 Euclid Ave. Cleveland, Ohio 44195 U.S.A. CC:attorney.general @po.state.ct.us@inetgw Phone (216) 445–2565 Operator (216) 444–2200 bpr 24095 Fax (216) 445–6617 (public) Voice mail (216) 444–0119 (nonclinical only)

MTC–00004981

From: Timothy Clark
To: Microsoft ATR
Date: 12/28/01 2:12pm
Subject: Microsoft Settlement

Dear People,

When people look back a 100 years from now Microsoft will be listed as one of the all time great robber barons of our history. Who knows where are computer industry would be now without their predatory tactics. Please do not let them off the hook.

Tim Clark

MTC–00004982

From: Robert Cheetham
To: Microsoft ATR
Date: 12/28/01 2:23pm
Subject: Microsoft Settlement

Dear DOJ Antitrust Division,

I am writing to submit comments during the Tunney Act public comment period regarding the Department of Justice's settlement proposal of the antitrust case with Microsoft Corporation. My company is a Microsoft customer. We are software developers that rely on the Microsoft platforms and developer tools to make our business work and to help our clients do the same. However, over the past seven years we have repeatedly witnessed the bullying of competitors, stifling of innovation, obfuscation of security flaws in the software, increased prices for operating systems and office automation software and a dramatic decline in the choices we have available to us as consumers of computer software.

Observing these events, we believe the case brought against Microsoft over the past several years was fully justified. Moreover, the behavior of Microsoft's representatives during the trial was appallingly dishonest and disingenuous at best. In light of this, we submit the following points:

* While we do not support the originally proposed breakup of the company, we agree with the Court of Appeals that Microsoft is a monopoly and that it has illegally abused that monopoly.

* The OEM terms requirements in the settlement are positive moves and will be helpful.

* The settlement requires licensing of operating system APIs, but it allows so many exclusions for security, anti-piracy, authentication, etc., that there will be an enormous amount of the operating system that will remain closed. Moreover, whether an API is subject to exclusion or not will be subject to interpretation, turning compliance into an argument over terms.

* The means by which the compliance will be monitored includes a 3 person technical committee, with one member chosen by the plaintiff, one by Microsoft and the third agreed upon by the first two. We do not believe that Microsoft should have a voice in forming the committee that will monitor its own behavior.

* While the OEM terms are positive, we do not believe that the settlement arrived at by the DOJ and the States is going to be an effective remedy to Microsoft's past behavior. It is therefore not in the public interest. We encourage the Court and the plaintiffs to reject the proposed settlement and consider other more effective, remedies including requiring Microsoft to release into the public domain or to open source both the APIs and source code for its Office, Windows operating system, and Internet Explorer browser. These are the products with which Microsoft both has a monopoly and has abused that monopoly. If the source code for these products were available to the public for re-use, we believe the result will be a more competitive market, more secure operating systems, and greater innovation.

This still leaves an enormous range of competitive products (such as Visual Studio, SQL Server, MapPoint, etc.) upon which Microsoft can innovate and make money. Moreover, with Windows, Office and IE as either open source software or in the public domain, a common platform for future software development will be maintained for the benefit of the consumer. Such a remedy would cause short-term damage to Microsoft's revenues, but in the long run, the result will be a healthier Microsoft, a more robust software industry and a more secure information infrastructure. Despite the events of September 11, we are confident that the American economy is fundamentally healthy. The settlement that was agreed upon in October and November 2001 is, quite frankly, toothless and nothing more than a slap on the wrist for Microsoft. It rewards the company for its past illegal behavior and will do more to stifle the American economy than it will to encourage it. Microsoft's monopolistic behavior has stifled far more innovation than it has encouraged, and the US economy is increasingly based upon such innovation. Microsoft's monopoly abuse should be prevented in the future, and we encourage the Department of Justice and the State Attorneys General to consider remedies that will do so. We believe the current proposed settlement does not. We want to see Microsoft be a successful company, but we also want to see that happen on a level playing field in which smaller companies, like ours, have a chance to both compete fairly and to purchase innovative, competitively-priced software products. Please consider withdrawal of the proposed settlement and negotiation of a settlement that is in the public interest.

Sincerely,
Robert M Cheetham
President
Avencia, Incorporated
Philadelphia, PA
CC:attorney.general@po.state.ct.us@inetgw

MTC–00004983

From: Randy Nye
To: 'microsoft.atr(a)usdoj.gov', 'attorney.general(a)po...
Date: 12/28/01 2:38pm
Regarding: Microsoft Corporation Antitrust Litigation Settlement Agreement, MDL Docket No. 1332

I have serious concerns, questions, and problems with the proposed Microsoft settlement. The reasons why I feel that the settlement is unfair and does not properly compensate the plaintiffs for the charges they have filed against Microsoft in their civil suits are the following.

*The final outcome of the settlement will be a very large program aimed at training our students attending the underprivileged K-12 schools and their teachers on how to use Microsoft software.

*This program is designed to guide the teachers on how to use Microsoft software in their education curriculum.

*The computers purchased through this program will be limited to those which are certified by Microsoft. This means that these computers will be configured to run Microsoft software.

*The settlement excludes completely the ability for rival software companies from providing software and services to these underprivileged K-12 schools, which compete directly with Microsoft's own software products in the PC software market place. This provision astounds me. It would be more appropriate in an agreement where the Justice Department were the offending party making amends to Microsoft.

*The fact is there is a budding new software industry based on free software otherwise known as GNU or Open Source software. The term free applies to both free in cost and free as in freedom. This new software industry is based on software written by many programmers working together through loosely tied collaboration using the communication tools provided by the Internet. (e-mail, file transfers, web browsing).

*These same tools of communication and methods of collaboration which the Internet provides, are the ones which we wish for the students of the underprivileged K-12 schools to take advantage. This is due to the fact that this is the same modality by which our scientists use to achieve the latest advances in science and technology.

*I am aware that Microsoft is working to try and stop this new software industry based on GNU/Open Source software. This GNU/Open Source software industry is one of Microsoft's biggest concerns since it threatens its dominance in the personal computer software market. The current settlement is structured to directly shut out this segment of the software industry.

I do not understand why you entered into this settlement agreement with Microsoft which is so clearly beneficial to Microsoft. I would have expected the agreement to pursue corrections on inappropriate conduct, not rewards. What I am interested in seeing is;

*Ensure that the plaintiffs understand our concerns regarding their settlement with Microsoft.

*Ensure that you, as attorneys representing the plaintiffs in this civil class action suit, inform your clients that there are no provisions in their settlement to allow free and open competition for the needed software products used to upgrade the computers, networks and computer based teaching aids for the underprivileged K-12 schools the settlement funds will be targeting.

*Find ways to actually halt actions found to be illegal and not be used to support and dictate further market penetration. I would further request you to change the terms of the settlement such that Microsoft have no say what so ever in how the money of the settlement be spent. This should be accomplished by having Microsoft donate cash grants to the underprivileged K-12 schools which were targeted in the original settlement. The size of the individual grants should be in proportion to the number of students enrolled in the school. The schools should then be directed to spend the money on computer hardware, software, networking infrastructure and Internet connection bandwidth for systems used by the teachers and students, as they best see fit for themselves. We emphasize that these funds be restricted to upgrading the IT infrastructure just mentioned, used directly in the classroom environment. These would be upgrades to system used in general class rooms, libraries, science labs, computer clubs or which ever other teaching forum the school has developed for the teaching of their students. The role of the Foundation, as created in the settlement agreement, should expend its efforts to ensure this funding policy be enforced.

Furthermore, in order to ensure that Microsoft has no part in directing how the settlement funds be spent, the Foundation created to manage the settlement funds should be made up of people from our leading science and education institutions. Examples of the people who should be sought to sit on the blue ribbon board of this foundation would be the head of the National Science Foundation, the head of the National Academy of Sciences, the Presidential Science Adviser, directors of our national laboratories, presidents of our renown

universities, heads of teachers unions, the Secretary of Education, the Secretary of Commerce or other people who have great knowledge of both education, its advancement and the free and open market system upon which the strength of this country is founded. The task of forming a search committee for these board members should be given to Honorable Judge Motz or someone to which he delegates this task.

Thank you for your time and your assistance in this matter.

Randy Nye
IS Director
Northland Services, Inc.
rnye@northlandservices.com
<mailto:rnye@northlandservices.com>

MTC–00004984

From: Eric Pickup
To: Microsoft ATR
Date: 12/28/01 2:59pm
Subject: Microsoft Settlement

This settlement just postpones the problem until tomorrow. In five years, you'll be back in court for some other violation. Settling for a slap on the wrist for the sake of a tiny boost to the economy is bad judgement. If this was decided politically you have little choice but at least put some teeth in to it. Right now you have behavioral remedies that can be easily worked around that in the end will have little effect on Microsoft's business and a laughable enforcement mechanism which invites them to ignore the settlement. You are doing a disservice to the industry and the country. If you want to revitalise the industry you need to allow the small and mid-size businesses to survive the displeasure of the reigning monopoly—afterall it's those small businesses that are being truly innovative. Microsoft just takes other's ideas, slaps them into a bundle and calls that innovation. If Microsoft repeatedly crushes smaller companies, in the end there will be fewer and fewer innovators and with no one else to copy Microsoft will just stop bundling and then where will we be?

Eric Pickup

MTC–00004985

From: Ben Rady
To: Microsoft ATR
Date: 12/28/01 3:00pm
Subject: Microsoft Settlement

To whom it may concern: I work in the Software industry as a developer, and I work with Microsoft products every day. Due to the extensive experience I have developed over the years it is my opinion that Microsoft would have to do (at least) the following in order to be considered non-monopolistic:

1) Publish all the internal API's and specifications of their products, before or at the time of the release of those products. Anything less than full and complete documentation of these specifications should result in the loss of any income due to the related product.

2) Terminate and abstain from any licensing agreements that prevent or discourage computer manufacturers or re-sellers from installing competing products on the systems they sell. Furthermore, all licensing agreements with said computer manufacturers/re-sellers should be made public. There are many more areas in which I believe Microsoft could and should make their business more competitive, but these two are the most glaring and any settlement that even pretends to look out for the consumer's interests should include them.

Thank You,
Ben Rady
Houston, TX
Ben Rady
ben@int.com
PGP Key available at keyserver.pgp.com

MTC–00004986

From: Steve Stites
To: Microsoft ATR
Date: 12/28/01 3:02pm
Subject: Dear Sir,

Dear Sir,

There are three remedies that I would like to see included among those imposed upon Microsoft. These are:

1. Permanently allow the hardware vendors offer any operating system they chose, or none if they so chose without any coercion from Microsoft to use Microsoft's operating system. During Microsoft's probation period any computer sold with a Microsoft operating system must also have a second, non-Microsoft operating system installed at Microsoft's expense. The hardware vendor can choose which alternative operating system to install at Microsoft's expense.

2. Permanently dissallow Microsoft from dictating to a hardware vendor what application software will be installed on new computers. During the probation period Microsoft must make the source code, file formats, etc. for all Microsoft applications available to anyone who wants them.

3. During the probation period Microsoft must adher to all Internet standards. Miscrosoft cannot create product differentiation on Internet protocols and software. None of the various Microsoft Internet applications can be set up to where they will not work with rival products as long as the rival products are adhering to the standard Internet protocols.

Sincerely,
Steve Stites
GO.com Mail

MTC–00004987

From: arigsby@buffalorock.com@inetgw
To: Microsoft ATR
Date: 12/28/01 3:06pm
Subject: Microsoft Settlement

Gentlemen:

I am definitely opposed to the current settlements with Microsoft neither do I see how the proposed remedy of breaking up Microsoft would resolve the issue or help level the playing field. What I think should be done is to force Microsoft to separate the Windows user interface and the Windows operating system. I know that Microsoft claims this is not possible but if they truly can not then they have used a very poor program development methodology. Once they separate the user interface, they should make the Windows user interface available for sale on their major competitor's operating systems and they should allow their competitors to market competing user interfaces on the Windows operating system. This would increase the competition in both operating systems and user interfaces and many third party software vendors would have a better environment in which to support their products across multiple operating systems.

This is a personal opinion and not the official policy of Buffalo Rock Company.

Thanks,
Jack Rigsby
CC:attorney.general@po.state.ct.us@inetgw

MTC–00004988

From: Adrian Byng-Clarke
To: Microsoft ATR
Date: 12/28/01 3:19pm
Subject: DOJ/Microsoft Antitrust Settlement

I am a computer programmer and web designer at the Massachusetts Institute of Technology. I should make it clear that the views that are presented hear are strictly my own and necessary those of MIT. I believe that Microsoft should be more severely sanctioned for its anti-competitive behavior. It is important at this time to make sure that this behavior does not continue. Perhaps the most effective way is to have Microsoft release the source code for its Operating Systems (or at least the main core of them). Microsoft has imposed itself on 95% of the desktop systems. However it has done so through an unfair advantage: its monopolistic network. Releasing operating system will help to restore the competitive balance to the market. Releasing the source code to the public will open the market in a couple of ways. First off, it will ensure that software manufacturers are on equal footing with Microsoft. Because 3rd party software manufacturers aren't privy to the inner workings of the MS operating systems, they are less able to compete with the Microsoft programmers.

This should not be allowed to continue. Opening the Operating System Source will nullify Microsoft's advantage for developing software to run on its own operating system. Microsoft's software will have to compete based on its functionality and performance, not on the fact that its programmers get insider information. Releasing the source code to the public (vs. just to computer manufacturers) will also help to restore competition to the operating system market. At this point it is very difficult for an emerging operating system to be successful due to Microsoft's strangle hold on the OS market. This is because most software is built around Microsoft Windows. Operating systems can only be as popular as the software that they support. If one releases a great operating system- it might just disappear because there is no word processor or spreadsheet for it.

However, with the Windows source code open, operating systems will be better able to emulate Windows and thus run windows software. To continue to succeed (or dominate), Microsoft will have to prove itself by the quality of its products and service; not just its universality. Operating system competition can only benefit consumers with better products at more competitive prices.

Microsoft should also be prohibited from leveraging hardware manufacturers and

computer retailers for a certain amount of time (5 years at least). As a preventative measure, I believe that Microsoft should be prohibited from penalizing companies that don't bundle their computers with Microsoft software, particularly Windows. This should further open up competition in the OS/PC market. A final note should be made regarding Microsoft Office. I believe that this is an excellent product that has universal appeal.

However Microsoft has historically used this product to unnaturally control the market. Word and Outlook use formats that are inherently proprietary so as to prevent users from migrating or using other products. Microsoft has consciously stayed away from proven, open and universal standards that foster the easy transfer of information. Instead they have relied on proprietary/closed formats to maintain their dominance. Because Office is so universally used in business, this makes it particular difficult for a user to use another program. I submit that Microsoft has intentionally made it difficult for other programs to open word documents or for people to transfer other document formats (such as Star Office). This kind of sabotage, known as ''Breakware'', should be illegal. Information should be kept in open formats to foster knowledge transfer. Program choice should be left up to the user. Right now, If I wrote a program to open up a outlook email message file, it would be impossible without violating several patents and lice.

MTC–00004989

From: Neufeld, Jonathan
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/28/01 3:35pm
Subject: RE: Appropriate Penalties for Microsoft's Antitrust Law Violatio ns
RE: Appropriate Penalties for Microsoft's Antitrust Law Violations

The following are the flaws that I see in the 'penalties' that essentially seem to leave Microsoft better off than they were before the trial. I do not see that Microsoft is penalized in any way in that there is no separation of integrated software that harms and stifles competition to the Microsoft operating system. Further I see no provisions for computer manufacturers to be able to offer other and more viable operating systems in a fair and price competitive atmosphere—essentially nothing has changed. I do not see that the proprietary protocols for the operating system, networking and other elements are to be made public in order that others may have equal opportunity to develop applications in a spirit of healthy competition and to encourage innovation. Microsoft appears to be allowed to maintain the closed, proprietary and monopolistic systems that started this process. Again it appears that nothing has changed and it will be business as usual for Microsoft.

I am perplexed at the current 'penalties' being 'imposed' on Microsoft. They seem to be more of an encouragement for Microsoft to continue in the same ways it has been and those are the very same ones that brought this issue to the DOJ in the first place. If these are implemented as currently stated then fair business practices, innovation and competition are DEAD in the computer field.

If Microsoft's agreements with computer vendors forced the vendor to disclose to the computer purchaser the price of the Microsoft products included, it would help consumers choose products and vendors that were appropriate to their needs. Microsoft has stated concerns that selling computers without operating systems equates to software piracy. This assertion is absurd, and has become irrelevant with Microsoft's newest release of Windows XP, which requires license activation. Having consumers and end-users with more information is clearly in the public interest. All of what is suggested here concerns supplying information that enables computer users to make informed decisions, and to access their own work on their own computer.

Another issue I have with the proposed settlement is the restrictions that are placed on the entities with which Microsoft must share their API's. In the explanations I have seen of the proposed settlement these entities are restricted to 'commercial' ventures, implying for-profit status. This is simply wrong and way too restrictive. I believe that to be truly effective the parties with whom Microsoft should share their API's and the like should be broadly defined, maybe something like 'any party or entity that could potentially benefit from such information'. In other words this information should essentially be in the public domain.

In order that Microsoft be brought into line and with any hope of curbing their horrid business practices, it will take REAL penalties and serious oversight. With the obscene amounts of money that Microsoft has managed to accumulate through its less than fair business practices (to be kind) there is some doubt as to whether that can actually be accomplished. It has become quite obvious to anyone working in the field that there is no honor or integrity in Microsoft, only the search for more money in complete disregard for the good of the industry, the users and at this point in time it becomes rather blatantly obvious that national security is at risk due to the poor quality and serious lack of attention to security that is epidemic in their products. That alternatives are few is a direct result of the issues that DOJ is supposed to be addressing in this matter.

Microsoft products, by virtue of being a monopoly, have been designed without concern for security or reliability. I can prove that the design of Microsoft products leads to the spread of countless virii in the computer industry. They (Microsoft products) are the perfect products to use to send damaging virus from many groups like the terrorists from Afghanistan, Israel, Palestine, Egypt.... And do not imagine that these places have not already done damage.

And it is not only because Microsoft products are in such wide use, but the real problem is that the products have been very poorly designed. It seems Microsoft has enough money to do the job right, so the remaining reasons why the products are so poorly written is that there is currently no need to be ''best of breed'' when you are the only option.

This comments have been quoted from other contributors, and I reproduce them here as an indication of my full agreement.

Jonathan D. Neufeld, Ph.D.
Assistant Clinical Professor of Psychiatry
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(916) 876–5149 voicemail
neufeldj@saccounty.net

MTC–00004991

From: Jon 'maddog' Hall, Executive Director, Linux International
To: Microsoft ATR
Date: 12/28/01 4:28pm
Subject: Microsoft Settlement: Data Formats, Open Source Developers and Global Economy
80 Amherst St.
Amherst, NH 03031–3032 USA
Honorable Colleen Kollar-Kotelly
U.S. Court of Appeals for the District of Columbia

Your Honor,

I have been trying valiantly to keep up with the proposals for settlement back and forth between Microsoft, the different state attorneys and yourself, and I can not find three points that I hope have been covered.

1) In several of the documents I have seen people refer to ''interfaces'' (used in programming and running applications) and ''protocols'' (used in transmitting data across networks), but little if anything in the area of ''data formats'', used in the exchange of documents (e.g. the ''.doc'' format used by Microsoft Word). As a barrier to entry into a marketplace, the inability of a word processor to read documents created by 90% of the marketplaces' word processing people (i.e. users of Microsoft Office or other Microsoft products) is very detrimental. While products like Corel's Word Perfect, Applixware and Star Office all attempt to read and display Microsoft Office's data formats, often they are not able to decipher the data format, and therefore the document interchange is incomplete or wrong. The same is true for spreadsheets (Excel) and presentation packages (PowerPoint). This tends to be a stopping point for people purchasing alternative products. In the past there have been several successful products that have created data interchange standards that were uniform across vendors because the designer of the interchange language documented it and pushed it as a standard. The level of documentation that Microsoft has created for their data formats does not allow complete transference of all the information needed to create, read or write a document with a simular product from another vendor. Microsoft should either be forced to document the data exchange formats more fully, or make as their product's default data formats one of the standard data exchange formats for documentation.

2) Specification of who has access to Microsoft's specifications and standards In a lot of the documentation around the trial, Microsoft is expected to make information available to ''ISVs, OEMs, ISPs, etc., etc.'' However a lot of Open Source developers are not part of any of these organizations. For most of them, signing a non-disclosure or other type of license is not an option, either because of the time consuming aspect of the act, or the fact that they would usually want legal advice in signing such a non-disclosure, and this is expensive for a person who

normally receives no financial compensation for their work. I feel that any of these interfaces which are available to all of these aforementioned groups should be PUBLIC knowledge, openly available to ANYONE without license of ANY kind. After all, Microsoft should WANT people to use these interfaces, protocols and data exchange formats and make them as easy to understand and use as possible. If Microsoft complains about the cost of documenting these interfaces, protocols and data exchange formats to the extent needed, they should be reminded that when a company reaches the size of a monopoly these are the natural costs of doing business.

3) Microsoft is a world-wide company in a global economy. This last issue may be harder (or impossible) to impose, but I would like to make the problem known. I have traveled to Taiwan, and spoken to various members of the educational sector in that country. They have told me that Microsoft has been approaching Taiwanese magazine owners and threatening to remove all Microsoft and Microsoft-assisted joint advertising in PC magazines that print articles on Linux and Open Source software or run advertising for Linux or Open Source products. Since in some magazines Microsoft sponsored advertisements cover over 70% of their advertising revenue, these magazines are hesitant to have Linux articles or advertisement.

Similarly, I have been told by Taiwanese motherboard manufacturers that Microsoft has been threatening them with raised royalty fees on any Microsoft products unless they bundle in Microsoft licenses to all of their motherboards, Since a large quantity of systems built in the United States have Taiwanese motherboards, this means that (in effect) all systems have Microsoft operating systems ''built in'' before they even start to enter US jurisdiction. These licenses (and therefore these costs) are then passed on to the US companies making end-user products out of these motherboards. While I could not verify any of these rumors with actual Taiwanese companies, I did hear it from several reliable sources. I have also heard of similar instances of intimidation by Microsoft from companies in Brazil and Argentina.

As the strongest economic power in a global economy, the United States has a moral obligation to protect companies in other countries as we would protect our own, particularly when these companies are part of the total manufacturing chain for US-bound products. Microsoft should not be allowed to by-pass the judgment against them just by moving the affected business outside the United States, yet still expect to sell the final product to US citizens.

Please make sure that these three items are covered in any final draft of the agreement. Again, if you have any issue or need any clarification in the above areas, please feel free to email or call me at (603) 943–6666.

Warmest regards,
Jon A. Hall
Jon ''maddog'' Hall
Executive Director
email: maddog@li.org
Voice: +1.603.672.4557
WWW: http://www.li.org
Linux International(SM)
80 Amherst St.
Amherst, N.H. 03031–3032 U.S.A.
Board Member: Uniforum Association, USENIX Association

(R)Linux is a registered trademark of Linus Torvalds in several countries.

(SM)Linux International is a service mark of Linux International, Inc.

CC:maddog@li.org@inetgw

MTC–00004992

From: Peter
To: Microsoft ATR
Date: 12/28/01 5:09pm
Subject: The DOJ apparently considers this monopoly to be a positive outcome.
CC: dennispowell@earthlink.net @inetgw

To whom it may concern, Though I could find no reference to this provision in the judgement, information has been widely circulated of a gift of software to underprivileged schools. It should be obvious to the government that the provision of software to the underprivileged by Microsoft, might have been done even without the court decision, in the interest of discouraging piracy and the use of alternatives, and that the cost of this remedy is insignificant to Microsoft. This ''remedy'' could just as easily be written off as a small part of the marketing cost for Windows XP, as it in no way penalizes the company. The prohibition against retaliation against OEMS for shipping dual-boot systems is very weak., as are the provisions concerning ''middleware.'' In any event, The concern with middleware is a red-herring. Why has the entire Microsoft Office suite been excluded from the middleware definitions?

That product is the single biggest application platform for Microsoft, and one of the chief tools for broadening the monopoly, yet it is not touched by the judgment. The limited disclosure provisions for source code and file formats does nothing to encourage competition from the biggest group that has the potential to compete with Microsoft: the free software community. That community cannot participate in ''limited disclosure'' schemes, nor distribute the results of work based on those agreements.

The blanket permission to keep security and rights management API's essentially secret, (J. 1.) lays the groundwork for making it illegal to produce competitive software. The Department of Justice should know that all electronic commerce is predicated on the use of such systems, and that this exception amounts to a gift of additional market share to the company in markets where they do not already dominate, by raising the barrier to entry for competitive companies still higher.

While it is certainly legitimate to keep keys or tokens secret, the provision covering authentication mechanisms allows Microsoft to divulge essentially nothing about key technologies such as Passport. It further will reduce the security of desktops wordwide, by allowing Microsoft to rely on ''security by obscurity.'' which is widely discredited in technical circles. As a counter example, one need only look to the NSA's own release of a secured operating system (http://www.nsa.gov/selinux/). Mechanisms and API's need to be public, in order for them to undergo sufficient scrutiny, and provide a level playing field for competitive implementations.

As for the technical committee, it is inconceivable that Microsoft should have any say whatever in who oversees their compliance. This makes as much sense as giving a prisoner his choice of jailer.

Taken together, it would appear that the government has decided that, in this particular case, a monopoly is good. In order to make the monopoly as complete as possible, The government's remedy ensures that no viable alternatives can be legally produced. This is a misguided conclusion in countless ways. It takes for granted that the current monopoly will continue for the foreseeable future, so there is no point in encouraging any competition. It assumes that there is no cost to the US economy for the continuation of this monopoly, when in reality there is an incalculable cost in lost innovation. There is a tacit approval of what will essentially become a tax on all citizens, payable to Microsoft, in order to function in the digital environment. In fact, every effort must be made, not only to forestall the encroachment of monopolists into new markets, but to roll them back in markets which they already control through the past and current use of illegal tactics.

Leaving the weakness of the proposed remedy to one side, one has to consider what an adequate remedy for this monopolist is. The clear answer is to encourage competition to arise, and for the monopolist, as a form of reparation, fund the leveling of the playing field. There is only one direction to look in to find a potential competitor for Microsoft: Free Software. There is a reason why Microsoft characterizes free software as cancer. (Steve Ballmer http://www.suntimes.com/output/tech/cst-fin-micro01.html) (see http://www.linuxuser.co.uk/articles/issue12/LU12-ebenmoglen.html, an article by Columbia University legal history professor Eben Moglen, for a fuller discussion.) Free Software has the potential to compete and beat Microsoft, and encourage a more vibrant software and hardware industry.

Current examples of such products are the apache web server, which has a larger market share than Microsoft's own IIS, and is immune to the many infections which plagued the Microsoft driven portion of the internet this past summer, in spite of the secrecy of their current security provisions. All key technologies of the internet are public, and allow for different companies to produce competitive implementations. Why should the Microsoft Word file format (for example) be any different?

Free Software means simply allowing programmers in thousands of companies to co-operate to produce ever better software in a much more competitive environment, where the best implementation wins, and the others wither and disappear. It is, in no way, an impediment to free enterprise or for profit software development. It has nothing to do with altruism, but is instead a method of harnessing the self interest of vast numbers of technical people, trying to help their

respective companies innovate. Free Software is about leveling the playing field to allow innovation to arise from anywhere. All major computer systems vendors, (such as: ibm, sun, dell, hp, compaq, intel) both support and benefit from Linux development, for example. Innovation can come from any direction, when the environment is open to it. It can come from a company that wants to sell cheaper network file servers (www.raidzone.com), cheaper internet routers (www.snapgear.com) to any hardware device that requires an operating system, which can include anything from cellular phones to dishwashers.

All of the products mentioned above can be produced today, based on free software technology. If free software withers because of an inability to legally produce competitive products, the US economy will suffer. A big part of the problem with the Microsoft monopoly is the immense chill it puts on any software development project. The first barrier is that information required is not available. There is invariably a cost associated with obtaining information, if it is available at all. The second barrier is finding the information (reverse engineering is complicated, costly, and includes legal complications beyond the means of small start up companies.) The third barrier is the natural cap on the market. Since any successful software company, once they achieve a certain market presence, will either need to compete with Microsoft in the current, steeply tilted environment or be swallowed outright by them.

Currently, products based on Free Software can survive because they use IETF (Internet Engineering Task Force) standardized interactions with other devices, and can leverage their efforts off those done in the mainstream desktop free operating system realm. If Microsoft is the only source of devices to interact with, and knowledge of the protocols is only available at high cost to select individuals within large corporations, the pace of innovation will be severely constrained, the number of people literate about computing devices will be severely limited by the lack of an ability to reference others' work in practicing their art. In short, the software industry, outside of Microsoft, will be largely limited to point-and-click installation of Microsoft applications. It is fundamental to realize that the Microsoft monopoly is hurting innovation, and sooner or later, that will hurt US competitiveness. Combating the harmful effects on the US software (and hardware) industry should be the chief object of the remedies.

Any remedies should take into account the needs of Free Software to remain viable. First, there should be full disclosure to the public domain of all file formats and networking protocols, as well as validation suites, to allow quick and complete implementation of competitive products. For example, there should be a collection of reference word documents, which, taken together, exercise all of the features of the format, such that an implementer can have confidence, that should Microsoft Word work differently with a given file than a competitive suite which successfully interacts with the reference documents, then it is a bug, and must be remedied in a timely manner (IE. either Word must be changed to conform, or the reference documents improved to include the missing functionality.) While the cost of maintaining that information should be borne by Microsoft in perpetuity, given the inherent conflict of interest, it would be best if it were maintained by a third party.

Second, there should be a ban on the bundling of an operating system with the sale of a desktop computer. Buyers should have to make the choice to explicitly purchase software (which could be packaged on a CDROM ''recovery disk'', such that the installation only requires a few clicks.) The cost of software needs to be indicated separately from the hardware. Buyers will then know what the software costs, and have the choice of purchasing or using alternatives. Third, the remedies should not do anything to further extend Microsoft's monopoly, but should instead encourage competition. In that direction, Microsoft should provide funding for other parties to provide Free Software alternatives, including technical consulting and ongoing support for five years) to the under privileged, so that the institutions have a chance of being free of Microsoft software by the end of that period.

In summary, the remedy proposed is a counter-productive encouragement to Microsoft to not only continue their unbridled monopolistic practices but expand it into other markets, and constitutes a government stamp of approval on those practices. Proper remedies should aim at reducing the harmful effects of the Microsoft monopoly, and encouraging competitors to arise. I hope the Department will take these concerns, spoken by a neighbor who knows the impact of this case will be worldwide, to heart. Thank you.

Peter Silva,

(a concerned Canadian)

MTC–00004993

From: Christian BAYER
To: Microsoft ATR,attorney.general @po.state.ct.us@inet...
Date: 12/28/01 9:41pm
Subject: Microsoft Antitrust

Hello,

In my opinion the proposed settlement of the Microsoft Antitrust case is absolutely absurd. The Microsoft Corporation has abused it's monopolistic position in a severe manner. The actions of the company have greatly harmed consumers and businesses by suppressing competitive and innovative products, many of superior quality to Microsoft's offerings. The proposed settlement does nothing to curtail the illegal practices of the Microsoft Corporation, nor is it a punishment fitting with the crime. The donation of Microsoft Software to schools is a twisted and downright sick idea. I suggest the settlement be changed to a simple fine for about 20 billion dollars. Some of the funds should be used to finance a new lawsuit against Microsoft for it's Windows XP product. It is my sincere wish that the judicial system perform it's function of enforcing legislation and providing suitable punishment for crimes. If the proposed settlement of the Microsoft case prevails, it will effectively place the corporation above the law.

Thank you,

Christian Bayer

MTC–00004996

From: Ann Evans
To: Microsoft ATR
Date: 12/28/01 11:43pm
Subject: Microsoft Monopoly

I am a home user of Microsoft Windows operating systems. Working with these systems can be a nightmare, even for those of us who have been using computers for about 25 years. We recently purchased a new piece of hardware for our home network. We got an antenna that hooks us to an ethernet card for high speed wireless internet access. Living in a rural area, our choices broadband choices were limited. The hardware installation went without a hitch, but the installation and configuration of the drivers and software have been a week long nightmare.

We were using one of Microsoft's ''home'' versions of operating systems. It baffles me why Microsoft seems to think that a home user would some how need less of an operating system than a business would, especially since businesses have support people available to help when problems arise. The Windows ME we have been using for about a year and a half of frustration and dreaded blue screens, hung up and destabilized during the installation of the network software. During the time we have used this system software, it has been a struggle to install even the simplest program on the computer and get it working- much less keep it working. This time, not only was the system unable to install the new software, but it became unable to manage normal operation. (This same software later installed without any problems on the professional Windows 2000 system)

The system became so corrupted that we were completely unable to restore it from the original, licensed installation disk. I went to the OfficeMax to purchase a better operating system, Windows 2000. The young man at the store insisted that even though the box clearly stated that the version I was buying would upgrade from Windows 98, it would not do so, but would only upgrade from Windows NT. I pointed out to him that if necessary I could format my hard drive and reinstall Windows 98, if it wouldn't work with Windows ME. He insisted that I should continue to use the Windows ME, until the hardware drivers I required became available for Windows XP home version. That was out of the question, since it was non-functional, and couldn't be repaired by its original disk.

He insisted that I had no business purchasing the Windows 2000 software, because it was designed for business, not home use. Apparently he had been trained to believe that home users are not entitled to stable and secure operating systems. He made his judgment of what I needed for my computer not by asking me how I use my computer, but by looking at me and determining that I am a middle aged woman.

When I mentioned that I might format the hard drive, he began a speech about how that would be horribly expensive and require the

installation of a new motherboard. Clearly this was a misconception (big fat lie) on his part, which I pointed out to him. Reformatting and rebuilding a computer from scratch is tedious, but does not require a new motherboard. After all, my husband had found it necessary to do this procedure three times since we ''upgraded'' from Windows 98 to the software that Microsoft felt would be ''good enough'' for home users. Formatting erases all information on the hard drive, including system, programs and files. We have lost our work, many hours of our time required to reinstall and configure every program we have, and have also lost program upgrades that proved to be no longer available at the time we had to format, requiring the purchase of new software to replace a perfectly good program. I have used Macintosh computers and system software for 15 years without going through all this even once.

I feel that my family has been harmed by the monopolistic hold that Microsoft has on the computer industry because for all practical purposes, our choice of operating systems has been limited to one company's product, which has proven, at least in the ''home'' versions, to have been a shoddy piece of work engendering anger and frustration whenever we try to use it. Many software functions, especially in regard to internet and networking use, are only available for Windows computers—the programmers simply don't write versions for other operating systems.

We have been victimized by this company which has made its own decisions about our needs without consulting us, and then has trained technicians all over the country to force these inferior and non-functional products upon us, and to ''baffle us with you-know-what'' in the process. I am a very experienced user, and was able to stand my ground with the young technician, though I had to become loud and obnoxious before he was willing to <allow> me to purchase the Windows 2000 product, which I did as he grumbled away. I was not interested in any more inferior ''home'' versions of this software, and I was very much aware of when he crossed over the line of giving an honest opinion. Another person, less experienced than I, could easily have fallen for this Microsoft-trained jerk's confabulations, and could have ended up forking over a large sum of money to fix a problem that was entirely caused by the slap dash quality of the system software that Microsoft has determined was ready for release to the ''home'' user.

Not only has Microsoft put a strangle hold on the software industry itself, but it is also well on its way to putting that same vise like grip over everyone who uses their product by means of its proprietary training programs, which include, in my experience, training in the same patronizing and demeaning attitude that this young man displayed. Just because a person is able to pass a test based on rote memorization does not mean that they have any particular ability to make computers function properly, and from what I have experienced, they are quite likely to inflate their income by fixing things that are not broken, or by randomly installing parts until they accidentally replace what was broken—while not really ever understanding what went wrong. In addition to that, there were no clear instructions anywhere on the Microsoft website, nor in the help files about how to configure the Windows software to work with this network arrangement- which was not a particularly complicated one. I was finally able to find instructions at a website called http://www.annoyances.org—which is a revealing choice of titles, I think.

I would point out that if I had suffered this much trouble with a brand of car—I would buy a different brand, wouldn't I? I would have that choice, wouldn't I? If a car manufacturer trained its service people to be universally rude and demeaning, one would simply deal with a different manufacturer, right?

Apple Computer, as a sharp contrast, has only one set of system software—both for home and for business use. The newest system, OS X, only costs $120 for the full professional version. Windows 2000 cost me $199 for the upgrade version. The full version was $269. There is no possible way that Windows 2000 is worth almost three times as much as an operating system than OS X.

Only in an atmosphere of monopoly could this company inflate its prices to three times that of its competitors, sell a crushingly inferior product, and not be beat to the ground by the normal forces of fair competition.

I hope that the Department of Justice will examine the business tactics of Microsoft very closely—not only as they take advantage of their competitors, but also in how they use their monopolistic position to take advantage of their customer base as well. In a fair, competitive market, I should have had the choice to use someone else's product if I was unhappy with Microsoft's work, shouldn't I? In reality, there is no choice.

Sincerely,
Ann Evans
Citizen and Voter

MTC–00004998

From: Scott Sayre
To: Microsoft ATR
Date: 12/29/01 4:51am
Subject: U.S. vs. Microsoft

As a period for public comments in the above case has been allotted, the following are my views: Microsoft Is a Monopolist. Once the Windows operating system (OS) became the dominant platform for computing, Microsoft clearly used its position to bully IBM, to coerce PC clone manufacturers, to dictate to Apple, to stifle Netscape, etc., subsidizing it's efforts with the windfall profits from it's OS. This is clear to the most casual observer, as it was to Judge Jackson, and the Court of Appeals. On-Going Monopolist Behavior.

In the absence of a swift penalty, Microsoft continues to flout its monopoly position. It's most recent OS, Windows XP, has integrated even more software, including an internet browser, messenging, e-mail, photo, and video functions, all offered for free, virtually eliminating the possibility for real competition in these areas. Windows continues to be plagued almost daily with security flaws, viruses, and other bugs, yet the structural barriers to competition insulate Microsoft from acting seriously on these critical issues. Apple Computer and the Linux distributors, for example, cannot move against the enormous inertia of the Wintel marketplace. In order to win in such an environment, competing products must be not just good, but massively superior, a nearly impossible task for small companies to accomplish at the OS level.

The Public Interest Has Been Damaged Microsoft has argued that it is the dominant software purveyor simply because the public prefers it's work. Yet courtroom testimony has demonstrated a persistent pattern over the past ten years of using threats and intimidation to secure a position for Microsoft products, by bundling additional software, usually for free, with Windows, rather than through open and free competition. The demise of Netscape's browser and Corel's WordPerfect are the two most obvious examples. Microsoft is pursuing a similar strategy against Real, Intuit, and numerous others at this moment. Clearly, the public would be better served by real choice. An Appropriate Punishment.

The change of administration has apparently caused the Justice Deparment and a number of States to shrink from seeking a substantial penalty, something more firm than the toothless consent decree issued in a previous judgment several years ago. However, the remaining nine states are exactly right to pursue severe sanctions, preferably ones that do not need on-going supervision to succeed. Here are some suggestions:

1) The PC manufacturing community must be freed from some of the most onerous provisions of their agreements with Microsoft to use Windows, such as paying a license fee even for computers sold without any OS, or some other OS, pre-installed.

2) Windows must be compartmentalized, so that the PC manufacturers, and the general public, have the ability to freely chose which browser, messenger, e-mail, etc., software they want to install. Microsoft has fretted publicly that these items are merely ''features'' of their OS, and are not separable, but this is clearly a dodge, a device to avoid putting their software up for competition on an equal footing. Dividing Microsoft into pieces is the only certain way to accomplish this. Supervision by any select group will most likely be evaded, as has happened before.

3) The API's, or hooks by which third party software companies link their work to Windows, must be made entirely public. It is common knowledge that Microsoft creates hidden API's, known only to its employees, for use with it's other software products, giving it's own work tremendous advantages over that of competing firms.

4) Some punitive monetary damages should be assessed, to strip the company of some of the huge economic power it wields to absorb emerging technologies and subvert industry standards. This could be given to the U.S. government as a fine, or as rebates to purchasers of Windows, or both.

Thank you for your consideration.
Scott G. Sayre
Arcadia, California

MTC–00004999

From: Sean S.
To: Microsoft ATR
Date: 12/29/01 10:34am
Subject: Microsoft settlement

I just wanted to offer my opinion regarding the proposed settlements of the Microsoft anti-trust case.

I think the DOJ offer is in no way satisfactory. It does little to punish Microsoft for past illegal activity. The dollar value of the proposed contribution to schools is a paltry sum for Microsoft, it won't actually cost them anywhere near the claimed value, and it could entrench Microsoft in one of the few markets (education) where other computing options (Apple, Linux) still have a chance of competing. The DOJ settlement offer also does nothing to prohibit Microsoft from continuing their past behaviors—no penalties for further illegal behavior are outlined.

The proposal from the six states who rejected the DOJ proposal is much better. This proposal requires Microsoft to release source code for some of their applications, which will open up competition and remove some of the competitive edge Microsoft enjoys from owning the operating system. It requires Microsoft to sell a version of Windows that does not have bundled applications. It prohibits Microsoft from retaliating against vendors or developers for providing non-Microsoft software with systems or developing for non-Microsoft platforms. The proposal also has teeth—there are very specific penalties outlined for breaches of the agreement.

I strongly urge the DOJ to abandon its proposed settlement, and adopt the settlement offer of the six states.

Sean Sawtell

MTC–00005000

From: RNG
To: Microsoft ATR
Date: 12/29/01 11:17am
Subject: Comment on proposed Microsoft settlement

Let me first clearly state that I am not a US citizen. While this may disqualify me from truly participating in the public comment period, I wish to voice my opionons on this matter for simple reason that in our globalized economy any action taken by the US government will have profound implications on the state of the IT industry world-wide. To put my comments into perspective: I am a computer/programming professional with a degree from a respected US university and 10+ years of industry .experience. I have worked for (major) US software firms in development, support and various consulting roles.

First of all, it is beyond my understanding why the US government would want to accept the proposed settlement after having succeeded in getting the court system to declare Microsoft a monopoly which has (in the past) abused it's market position to further it's own ends. The current settlement does very little to 'fix' the issue which caused the current situation in the first place.

In my opinion, any settlement should include the following:

1) Microsoft should be prevented from using Windows licencing as a means of coercing hardware vendors from not offering to pre-install alternative operating systems. The ability of a vendor to obtain a windows licence from Microsoft must be unencumbered: the same contract terms should be granted all Windows licencees, regardless of their size and any other discretionary factors.

2) Microsoft should be forced to document all file formats used by it's applications (such as the MSOffice suite) to allow 3rd parties to develop document reading/authoring capabilities with regards to Microsoft application file formats. This documentation should be available to all interested parties for free (which includes the open source community).

3) Microsoft should be forced to document all network protocols in order to allow 3rd parties to develop dependable interoperability. This documentation should be available to all interested parties for free (which includes the open source community).

4) Microsoft must be prevented from further integrating external components into the operating system. There are no fundamental technical reasons for doing this; it only serves to cement the stranglehold they currently have over the industry. There is nothing wrong with integrating more components into and operating system, but when a monopoly with limitless funds does so (and gives the products away as part of the Operating System), the consequences are far more damaging and far-reaching than when a 'normal' company does so. In fact, it could be said that Microsoft destroyed the market for web browsers: since Internet Exploer is (in essence) free, there is no incetive for other companies to continue development and marketing of another browser; most people will not buy it since Internet Exploere is available for free.

Lastly, I believe that Microsoft has shown that it is willing to undermine past consent decrees by carefully exploiting ambiguities. Any settlement put forth should be devoid of such ambiguities and amount to more than a 'slap on the wrist'; any remedies should be clear, strict and painful. Microsoft has never entertained the notion of competing on equal ground and will not do so until the US government forces it to do just this. They are an entrenched monopoly fighting to keep their grip on the IT sector. What is at stake is nothing less than the openness of the IT industry, the long term competitiveness of the US software industry and competition in the operating systems and applications markets.

Respectfully
Robert Gasch
CC:dennispowell@earthlink.net@inetgw

MTC–00005001

From: Ron Nath
To: Microsoft ATR
Date: 12/29/01 11:37am
Subject: Concerns regarding the US DOJ settlement with Microsoft Corp

To whom it may concern:

I would like to submit my concerns and thoughts regarding the recent settlement with MS corp. I do not believe that the settlement as it stands is in the publics best interest.

MS has been found to be a monopoly in the operating systems arena. To restore balance in this area, the government needs to take much more aggressive steps. I would go so far as to suggest that the company should have been broken up not in two, but into 5 parts (Commercial/business OS, Home OS, Commercial apps, Home apps, and internet services). However, as this will not happen we need to do the next best things:

1. Require that the OS be ''unbundled'' from hardware such that users can see the cost of proprietary operating systems vs. open/free software alternatives.

2. Require MS to open source its OS code to all those who purchase it.

3. Require MS to port ALL its apps to alternative operating systems (Linux, the BSDs, Mac OS X, Solaris, AIX, HP–UX) to ''level the playing field''

4. Require MS to license its OS code to others who could sell various ''versions'' of the OS, ie having different apps added on by default (AOL/Netscape Windows, IBM Windows, Oracle Windows, Red Hat Windows containing open source apps running on top of core windos os, etc.)

5. Require MS to sell a lower cost version of its OS that is devoid of all ''bundled'' apps, ie Internet Explorer, Windows Media Player, IIS, instant messenger, Passport, Outlook Express, etc. Beyond that, the government needs to take its own steps to encourage adoption of open source systems and apps (Linux, BSDs, MySQL/PostgreSQL, OpenOffice, etc.) as an alternative to current costly commercial/proprietary systems. This should be at all levels of government—Federal, state, local, all public schools, etc.

By requiring that all purchases of commercial software must be justified when an equivalent open source solution exists (much like generic drug substitution for brand name drugs) we could save tax payers an enourmous amount of money. More tax breaks would make the current government look even better in the eyes of the voters.

I hope you will consider these suggestions in light of the remaining 9 states who have not ''caved in'' to the might of Microsoft who is basically holding the government hostage. Its frightening to think that one corporation wields this much influence and power over what is considered the most powerful country in the free world. We must take the above steps to change this horrid situation.

Thank you for your time and interest in my thoughts.

Ron Nath
Wolcott, CT.

MTC–00005002

From: Hubert Daugherty
To: Microsoft ATR
Date: 12/29/01 12:01pm
Subject: Microsoft Settlement

Good day,

Please modify the language of Section III(J)(2) to insure that Microsoft must share protocols used over the Internet with ALL organized programing communities. The substitution of the description ''organized programing communities'' instead of just commercial entities would allow both for-profit commercial and non-profit open source projects to compete for the interconnected

future of our society. The changes in descriptive terms should apply to Section III(D) as well. Competition is a good thing, but it should include all of the innovative elements in our society, not just Microsoft.

Thank you for your time and consideration,

Hubert Daugherty

Hubert Daugherty Rice University/Rice Multimedia and Edupop Project

hd@rice.edu (713) 348–4035 Fax (713) 348–6099

insight + planning + funding + participation + documentation = creation

CC:Hubert Daugherty

MTC–00005003

From: Russ Wright
To: Microsoft ATR
Date: 12/29/01 12:03pm
Subject: My thougts on the US vs. Microsoft Case

I am a developer who for the past ten years has benefited financially from developing applications using Microsoft products. My income came mostly from developing software solutions using Microsoft development tools. I have however experienced many frustrations when attempting to give my customers what I consider the best solution and not just the Microsoft solution. I would dearly love to be able to suggest to my customers solutions that fulfill the users needs from Open Source or Microsoft. However, the largest obstacle preventing me from doing so is kept secret by Microsoft. Many of the projects I worked on, experienced limitations when we were unable to ''look under the hood'' and understand how a particular protocol or file format was created. To be more precise, network protocols, and the layout of Microsoft's Office files are a secret. If these protocols and file formats were published, then I would be able to suggest the best solution, whether it was Microsoft or another company's product. I ask that Microsoft be forced to publish these protocols with all detail.

I also see that the new .Net technology touted by Microsoft has the potential to monopolize large portions of the web. Users who do not want or have Microsoft products will be cut off from using portions of the web built on .Net technology. I ask the court to prevent this extension of the Microsoft monopoly by forcing microsoft to disclose and publish all protocols and formats to be used with this technology so that the monopoly will not extend further into the web.

On a separate note, I understand that Microsoft may be forced to give hardware and software for use in underprivileged inner city schools. I believe that this would only benefit Microsoft and enable the extension of their monopoly. It will benefit Microsoft of another generation of students grow up to think that the only solution is Microsoft. I suggest instead that a trust be set up from the fines that Microsoft must pay and that the monies be used to purchase the best solution for the need. Again, the point being to meet the needs of the consumer and not limit their choices.

Regards

Russell Wright

MTC–00005004

From: rj-lambird@att.net@inetgw
To: Microsoft ATR
Date: 12/29/01 12:02pm
Subject: United States v. Microsoft Corp. Settlement

Ms. Renata B. Hesse
Antitrust Division

This is not a legal memorandum. As an elder member of the computing community, I bring to this commentary 45 years of experience.

My education and practical experience with computers and their software began in 1956. My age (70) and health have slowed me down a bit, but I am still a licensed electrical engineer and CPA. I, and the companies I work for, are users of Microsoft, IBM, and Oracle products. In the past, Sun Microsystems has been a source of hardware and software. My experience with IBM dates back to 1956.

During that 45-year period, I have seen many companies enter and leave the computer industry. Ultimately, the companies that remain do so because users perceive VALUE in their products. I see little practical difference in the business practices of Microsoft, IBM, Oracle and Sun. If anything, Microsoft and IBM do a better job of supplying the needs of the small businesses that I am associated with. Two examples follow: First, I regularly receive notices of free and low-cost education from Microsoft. Second, IBM (through American Express) offers quality hardware at very attractive prices. In contrast: Although I have been an Oracle customer for years, I rarely hear anything from them—and special offers of products and education are rarely included. Sun Microsystems treats us like we don't exist!

Why do I mention IBM, Oracle and Sun in this commentary? After all, Microsoft is on trial here. I do mention these companies because they, directly and indirectly, have financed the anti-settlement campaign in at least a dozen States of the Union. I don't think that the DOJ Antitrust Division should become further involved in what is really bitter personal rivalries between top executives of the above four companies. That is not in the public interest.

In conclusion, I support the proposed Settlement. It is time to move on to other issues.

Robert John Lambird, PE, CPA

MTC–00005005

From: Tedd Potts
To: Microsoft ATR
Date: 12/29/01 12:51pm
Subject: Microsft Settlement

The proposed settlement between the DOJ and Microsoft is flawed because it does not recognize Microsoft's property rights. In fact it presupposes that society has the right to the property of Microsoft and it is simply a matter of compromise to determine how much of its property Microsoft should retain. Microsoft is ''guilty'' simply because it has too many customers. If customers had chosen either IBM's of Apple's operating system then Microsoft would be ''innocent''. Microsoft negotiated with the DOJ under the threat of physical force, so the proposed settlement should be scrapped and Microsoft should be compensated by the Federal government for its legal costs.

Tedd Potts
President
Heartland Chevrolet, Inc.
Liberty, MO

MTC–00005008

From: Chuck Weitzel
To: Microsoft ATR
Date: 12/29/01 3:07pm
Subject: Microsoft's monopoly on Operating Systems

Dear Sirs,

I am writing this as a concerned citizen, one who is forced to use the Windows Operating System of the Microsoft Corporation. There is no real competition for this system due to the influence of Microsoft. I cannot see how the settlement that is proposed to remedy the antitrust violations for which Microsoft has been found guilty. The company has been found in violation, and this is supposed to be the penalty phase of the case. It appears to me that the settlement contains no penalties and in fact seems to actually advances Microsoft's operating system monopoly.

I would suggest that it would be a step in the right direction in preventing a continuation of Microsoft's monopoly that Microsoft products should be an extra-cost option in the purchase of new computers. This would permit the user who does not wish to purchase Ms (Microsoft) products to have a choice and not be forced to purchase MS operating systems. This would mean that for the price differential between a new computer with Microsoft software and one without, would clearly be a choice the customer could make. That would truly be market place competition in a meaningful way.

Also, any Microsoft networking protocols must be published in full and approved by an independent network protocol body. This would prevent Microsoft from seizing de facto control of the Internet which at this time it nearly has done. This case is of paramount interest to the United States as a nation as well as us individual consumers as the Judge in this case has suggested. Microsoft needs to be reigned in and others permitted fair competition in the pursuit of continued advancement in the computer world.

Thank you for your consideration.

Sincerely,

Charles H. Weitzel

MTC–00005009

From: Leon Mintz
To: Microsoft ATR
Date: 12/29/01 4:51pm
Subject: Comments on proposed settlement

I've been programming since the early days of personal computers and I have watched Microsoft' tactics since the beginning of Dos. They have always used the revenues from their operating system monopoly to put their competitors out of business by either buying them under threat to put them out of business by selling a competing product at

artificially low prices or by gradually copying the best features of competitor's programs. In my opinion they have always been more interested in eliminating competition than in producing reliable programs. Their programs are always the ''buggiest'', especially their operating systems.

In the early days, when IBM was paying them to participate in a joint program to develop the OS2 operating system, Microsoft secretly stopped signiificant work on OS2 and started to work on Windows. OS2 is a superior and much more reliable system than Windows, but even IBM could not overcame MS's monopoly.

All of these comments are my own opinions as an observer of the personal computer history and I cannot supply any information useful in court. It is also my opinion that laywers and judges, with rare exceptions, do not have the necessary knowledge to understand how MS undermines and eliminates competition. I have no doubt that they will quickly emasculate the proposed settlement. They should be broken into at least three companies to have a chance of bringing competion back into the industry.

Thank you for your attention.

MTC–00005010

From: Gregory Slayton
To: Microsoft ATR
Date: 12/29/01 4:56pm
Subject: Microsoft Settlement: Serious Problems with the PFJ

Dear Judge Kollar-Kotally;

I am neither an employee or major shareholder of Microsoft, Sun, AOL, Oracle or any of the other major participants in the long-running Microsoft antitrust battle. But I am a software executive that over the past 10 years has run and sat on the Boards of a variety of small and medium sized companies that have partnered with all of the above.

Over the past 6–12 months many of my fellow CEO's are laboring under the triple whammy of a terrible tech economy, the necessity of overseeing layoffs in their own companies and the virtual shutting down of capital markets. As a result, many of us, including myself, have taken little or no time to study the PFJ. Then of course there are many of us who have been beaten by Microsoft before—and are now afraid to be yet again 'Redmond Roadkill' '—and so are willing to accept whatever decision our government comes to.

However, over the holidays I decided to take the time to actually review the PFJ and study its probable implications for our industry. And that is why I am now writing. I am shocked at the fact that our DoJ has apparently decided to give Microsoft not only a free pass on its long-standing monopolistic practices (the Appellate court's finding certainly came as no surprise to anyone here in Silicon Valley)—but also that the basic go-forward agreement is almost completely lacking in any real restraints.

I'm sure I don't have to go into detail for you on the numerous loopholes and almost complete failure of the PFJ to actually ensure anything like a level playing field for current or future Microsoft competitors. Leaving it up to Microsoft to determine which company, if any, is 'viable'—or to allow them to 'bolt' important new software to their OS—are just two examples of the ridiculous nature of much of what the PFJ holds out as 'remedies'. The PFJ truly leaves the proverbial fox to guard the ever shrinking henhouse.

The PFJ is not just a potential disaster for all non-Microsoft supporters— it is a potential death knell for one of our country's most dynamic and powerful job creators and export industries. It is clearly a long-term blow to all software consumers and users. And it is a travesty for all who believe in the free market and the power of competition to drive simultaneous product innovation, job-creation and cost-reduction. . .the true brilliance of the American economy. Finally, it sends the wrong signal to every company that may be able to establish a defacto monopoly in any field—that illegal activities will not be pursued diligently and penalized.

Judge Kollar-Kotally: please use you power under the Tunney Act to send this back-room deal back to the DoJ for a complete overhaul. Or at least remedy those portions of it (and it appears to me as a layman that there are many) that are completely ineffectual if not downright harmful to our industry and our country.

Out of respect for your greater knowledge in this general area I have endeavored to keep this note short. But please feel free to contact me directly if you have any questions on any of these points. . .or any others. I am sure that I speak for hundreds—if not thousands—of my fellow independant software executives in voicing my deep concern with the PFJ as it now stands.

Thank you for your time and consideration.

Gregory Slayton
Palo Alto, CA
cell: 650–906–0155
CC:microsoftcomments@doj.ca.gov@inetgw

MTC–00005011

From: Thomas L. Wood
To: Microsoft ATR
Date: 12/29/01 4:58pm
Subject: Penality Phase

Dear Sir or Madam,

Microsoft was found to have violated US law. The remedies that have been shared with the public fall short of what is needed to correct the situation and redress the damage done by Microsoft's unlawful activities. Indeed, the penalties seem to have been designed by Microsoft's own brilliant marketing department. If the these one-sided ''remedies'' stand, it will undermine the government as a force for fairness and justice. With what is going on in the world today, this is not the time for the Department of Justice to undermine the perception of the United States as a fair and just country.

Respectfully,
Thomas L. Wood

MTC–00005012

From: Randall Edick
To: Microsoft ATR
Date: 12/29/01 5:07pm
Subject: In the interest of small commercial software developers

Having a standard platform worldwide is beneficial to small commercial developers everywhere. This standard allows one to write, test and distribute worldwide ones work. It is ESSENTIAL to small software developers everywhere to keep this standard alive.

Do what you will to stop illegal practices but DON'T damage the infrastructure.

Randall Edick
Thin-Walled Structures Software
redick@thinwallsoftware.com

MTC–00005013

From: David Thompson (LC–DS)
To: Microsoft ATR
Date: 12/29/01 5:22pm
Subject: MS Antitrust Suit Settlement is fair

Judge Jackson erred grievously in the early going when he defined the entire market for operating systems as Intel—based systems only. By his logic, Apple has a predatory monopoly on Motorola based systems; Sun has a predatory monopoly on Sparc based systems, etc.

The settlement as proposed is fair, and on a par with the actual wrongdoing MS has been found guilty of. The alternative settlement proposals go far, far, beyond the revised findings of the appellate court. Some of these alternate proposals would force the company to create software for other, non Intel platforms against its will. This is completely against the foundations of our capitalist society.

David Thompson
Microsoft Platform Support
LC Professional Directory Services Team

MTC–00005014

From: a brody
To: Microsoft ATR
Date: 12/29/01 5:31pm
Subject: My feelings on the Microsoft Monopoly

Your honor,

I agree with the judges before who have claimed that Microsoft has maintained a monopoly. By maintaining a monopoly they violate the Sherman Act, and current remedies do nothing to solve the monopoly. Any remedy that lets Microsoft get away with less than losing half their value for practicing this monopoly, and doesn't let other operating systems to prosper in the face of Microsoft does not do justice for America. Microsoft has gained a 95% market share on all computers today, and even on the 5% is allowed to produce the only Office software package for business, namely their Microsoft Office. Their Internet Explorer Browser even on the Macintosh platform is the default browser because they bullied web developers into supporting standards that Netscape and other browser developers can't develop for because of plugins and standards specific to Internet Explorer, Microsoft's web browser. Microsoft has corrupted a standard developed by Netscape by not supporting some of the Netscape standards, and introducing some of their own, by making Javascript into their own JScript standard. A look at—Javascript the Definitive Guide— by David Flannagan (ISBN 1–56592–392–8, O'Reilly Publishing, 1998) page 4 will reveal that there are 2 Javascript 1.2 standards, one for Netscape, and one for Internet Explorer. Pages 417–749 will show just how divergent these standards can get in Javascript 1.2.

They have gone as far as to remove Java from their latest operating system, Windows XP. Java was the last hope to make an independent system for internet browsing that doesn't depend on platform. Now with Microsoft no longer installing Java, the home user will have to download it for themselves if they want to. Most do not know how to do this. They must continue to install Java by default. They also should conform to the same Java standards Sun Microsystems has created by making their Java standard. In numerous cases they don't and when they don't it makes internet developers write Java code that doesn't work on all browsers. If you were to join http://chat.yahoo.com/ on Apple Computer's Mac OS X with Internet Explorer you get a Java error. Yet on Internet Explorer on a Windows system it works just fine. Internet Explorer for Mac OS 9 is able to join that chatroom without a problem. Why does this happen? Consistant standards even on the standard creating platform haven't been set by a variety of Javas on the market. Microsoft made their own Java Virtual Machine (or engine) for their own Windows browsers that accepts its own code in conjunction with ActiveX. ActiveX is a Microsoft standard which has not been ported over completely to other platforms. This is a monopolistic practice since it forces people to use their operating system if they want to be compatible with the web.

To make matters worse, Microsoft's monopolistic practices have exposed businesses to numerous computer viruses by their being such a big target, and having closed source code. Holes in their database engine have been reported exposing numerous internet databases to potential viruses have been reported on:

http://www.cnn.com/2001/TECH/ptech/12/27/sql.holes.idg/index.html

And their Windows XP operating system which was billed their most secure system ever, now is found to have a serious hole letting any hacker take control of their system by the FBI on:

http://www.idg.net/go.cgi?id=621579

That's two serious security holes in one week exposing 95% of the internet population to potential data damage because Microsoft has not opened their source code to developers to find the holes before the operating system hits the streets. If the had done that, most likely these holes would have been found and plugged before the public had to worry about them. And how many of those members of the public will read those two news stories and know how to plug the holes themselves. Microsoft should offer free CDs to update the operating system with security patches. By making themselves 95% of the market, more hackers have found the holes in their operating system and exploited them as opposed to other operating systems by a ratio of 50,000 to one. The bigger you are, the harder you fall. You've probably heard of Code Red, Melissa, and NIMDA viruses. They have cost industry billions. Yet Microsoft does not pay?

Each of those viruses did not affect Apple Macintosh or Linux systems, but did affect Microsoft based systems exclusively. All we ask is you make remedies that make Microsoft no more than 50% of the market in operating systems, office applications, and web browsers.

Microsoft should pay developers to make competing software in each of these fields, and not get money back for those payments. That's the only way to balance the computer market. Making Microsoft pay schools $1 billion is a drop in the bucket, especially when it will be Microsoft's software the current agreement is calling for schools to buy. In fact that $1 billion should not be forwarded to any Microsoft software. It should only be used to rebuild schools and the rebuilding should go to hiring new teachers, and buying books for schools that need them. And it really should be more like $50 billion. If you are going to make a monetary punishment, make it cash with the allowance it will not be payed on computing. Unless the computing it is used to pay for is a non-Microsoft system. Apple Macintosh has been the system of choice for schools, and is cross platform, and now is more compatible to other computers than even Microsoft thanks to http://www.connectix.com/ VirtualPC software. An Apple Macintosh can run 12 operating systems simultaneously thanks to this. A website called http://www.macwindows.com/ devotes its efforts to finding additional crossplatform solutions. To help in the migration of people away from Microsoft these solutions should be considered to ease the migration so it is less painful.

Additional reasons to not let Microsoft be the soll provider of operating systems is that it costs more to maintain than any other. A very good report here explains the cost benefits of not using Microsoft based software exclusively:

http://homepage.mac.com/mac—vs—pc/Intro.html

As you can see if people saw Apple Macintosh as an alternative, which it really is to running Microsoft based software applications and operating systems, then Microsoft's monopoly would weaken to the point that it wouldn't hurt the market anymore. It wouldn't cause the lack of software development to proceed. It is time to encourage a crossplatform world. It is time make Microsoft no longer the rule in software.

Thank you.

Sincerely,

Abraham Brody

MTC–00005015

From: John C. Glasgow II
To: Microsoft ATR
Date: 12/29/01 8:09pm
Subject: Microsoft settlement

To whom it may concern,

I object to the Microsoft settlement. Microsoft, agreeing to distribute their operating system free of charge to underprivileged schools, costs them little, and amounts to a government sanctioned promotion of Microsoft's operating system in one of the very few sectors in which Microsoft does not enjoy an operating system monopoly. That will create future victims of Microsoft's monopolistic practices and do nothing to help their current victims. It is not a remedy, and is in fact, a reward for Microsoft.

John C. Glasgow II
33 Mooney Rd.
Ft. Walton Beach, Florida, 32547
CC:jglas@gnt.net@inetgw

MTC–00005016

From: Michael Getter
To: Microsoft ATR
Date: 12/29/01 8:27pm
Subject: microsoft settlement

To whom it may concern:

I am protesting the terms of the proposed settlement offered to and accepted by Microsoft. I am a Macintosh user and have appreciated some Microsoft products for years. Excel, for example, is a terrific spreadsheet—the best that there is, in fact. However, I use far more non-Microsoft products because they are better at doing the job for which they were designed. In most cases, Microsoft offers similar, though inferior, products. In the future I hope I will be able to continue to choose better products from competing software publishers just as I can today.

However, the illegal behavior practiced by Microsoft in the past will not be significantly abated in the future under the proposed settlement. Microsoft will continue to be able to offer inferior applications similar to superior products on the market, wrapping them up in the latest Windows operating system that now controls over 90% of the market. This practice alone will make it increasingly difficult for small companies, let alone larger ones, to stay in business even though in many instances they offer better solutions to user needs. This is unfair, and I would think, illegal. I ask that the remedy be altered to reflect this inequity. Today, it does not. I do not wish to become a part of the Microsoft .Net strategy, I do not wish to use Windows in any flavor. I do not wish to be ''tracked'' by Microsoft software. I do not wish to be forced to purchase software, and hardware, upgrades in order to feed Microsoft's profits. Rather, I prefer to make independent choices for better software based upon my knowledge that I am free to make those choices and not be precluded from doing so due to Microsoft's insatiable drive to eliminate all competition.

Please consider the following:

1 Allow computer buyers to choose the operating system they prefer. Make the operating system an separate, extra cost option at the time of the hardware purchase. This will give buyers a true choice when purchasing the computer and the operating system. It will also compel Microsoft to sell the operating system CDs at the time of purchase as other companies do.

2 Microsoft must be made to reveal its document formats and operating system requirements so that competing products may interact with them. This will enable all software publishers to compete in a meaningful way.

3 Disallow Microsoft from embeding any software in its operating system or offering it for free to drive out competition. Demand that all Microsoft products be sold at a true and reasonable cost. This will open the door to software competitors—a door that is being closed more tightly as time goes on. If Microsoft offers superior products in the

future, it will continue to thrive. By the same token, other vendors will be given an above board opportunity to compete in the software and operating system market. They, too, will have a full and fair chance to succeed. Please review the proposed settlement and make the changes required to allow the software industry to regain its competitive balance and prosper.

Respectfully,
Michael Getter
20206 Waterside Dr
Germantwon, MD 20874

MTC–00005017

From: Jack Fenchel
To: Microsoft Monopoly
Date: 12/29/01 10:09pm
Subject: Microsoft Monopoly

Microsoft Monopoly,

American system of justice is indeed horribly wrong in this Monopoly Case. The Justice Department, '' Alone '' is the only qualified body by law to try this antitrust case against Microsoft. If not, then from now on All, S.A.G's will take a part in all upcoming Monopoly Cases. Hal Stratton, a former Attorney Gereral of New Mexico, says States should think carefully before they branch out beyond their traditional fuctions. The State Attorney General's paraded across the stage, hit all the night shows. They committed one of the worst sins in judicial history. (A public Show Trial) South Carolina, State Attorney General, pulled out '' No Monopoly '' The United States Government, issued Microsoft the License for Windows. The S.A.G's are in over their head, by law. As Tom Miller, paraded across the stage Charaacter Assassination, Bill Gates was an Icon. At this point in time, this tanked the Market & 401K's. Investors lost 80B in one day by the S.A.G's actions. Bill Clinton, committed one of the worst Justice Sin, by inviting Bill Gates, to a Sat. TV. Lunch, for Political Reasons. ($$$ Gore)

When this monoply case started, there were at least two cases of purjury by the prosecution's witnesses. There were people who got up on the stand raised their hand and did not tell the truth. The DOJ, hid letters till after the testimony. Congress got wind of this and questioned Joel Klein, on the validity of the findings of the facts. Shortly after Joel Klein, resigns. At that point in time the S.A.G's changed Wall Street to Short Street and they pickpocketed, investors and 401K's to death. The terrorist attack on Microsoft, by our Government, destroyed many 401K's and retire funds like mine at the age of 72. I lost $1,500 this past month from my retiremet. I do not own any Microsoft stock. I would like to see the DOJ, close this Monopoly Case, and not do any more damage to All America.

Thank you, God Bless America,

Jack Fenchel, 185 Friendship Rd. Beaver Falls Pa. 15010 (724–843–4276)

MTC–00005018

From: Andrew S Van Heden
To: Microsoft ATR
Date: 12/29/01 10:20pm
Subject: Microsoft Settlement

Please breakup the Microsoft monopoly by:

1. Breaking up the company

2. Forcing them to release their source code.

Thankyou,
Andrew VanHeden
Engineering Student and Systems Administrator

MTC–00005019

From: Bill
To: Microsoft ATR
Date: 12/29/01 10:59pm
Subject: Microsoft decision

Microsoft is an 800 pound gorilla. You finally have it afraid of you. To my way of thinking, you may never be able to wrestle this 800 pound gorilla to the floor again, so you had best do the job right this time.

I urge you to make the settlement harshly punitive. If you don't pen the gorilla now, it's unlikely you ever will. Write a ''plain English'' settlement. You should be able to wrap the whole thing up in a single brief paragraph. The more you write, the more ammunition you are giving Microsoft.

Do not allow Microsoft to dictate any of the terms. Microsoft is NOT repentant and will NOT encourage language that allows a ''level playing field''. It is clear that they well know how to craft a settlement that looks good but is totally without teeth. Take away their paper and don't let them write on yours. They MUST repudiate all current license agreements which require that their operating system be installed on new computers. They MUST repudiate any license agreements which forbid ''dual-boot'' with their operating system and another (without restriction). They MUST repudiate any license agreements which forbid revelation of actual price paid for their operating system as reflected in the retail price of a hardware device.

They MUST agree to submit to the decisions of internet standards bodies. ANY network protocol that they implement MUST adhere to those published standards and NOT extend them in any fashion. Moreover, they MUST consent to roll back modifications already made to the kerberos standard as presently utilized in their operating systems to those in agreed upon by the accepted standards bodies. The change is simple to make. They should be given no more than 90 days to comply.

They MUST accept that failure to abide by the terms of the settlement ... to the letter ... will result in immediate seizure of all their financial assets without further recourse. The law, particularly at this stage of the game, is generous in the latitude given prosecution. Go for the throat now or C.Y.A forever.

Sincerely,
W Canaday
Detroit, MI

MTC–00005020

From: Doug Munsinger
To: Microsoft ATR
Date: 12/30/01 9:37am
Subject: comment on Dept. of Justice settlement with Microsoft

Dear Sirs and Madams:

I am a Systems and Network Architect with a hardware company in Marlboro, Massachusetts. I can implement as part of my company's network and communications infrastructure any technology I wish. Or I could if it were not for the presence of Microsoft on the scene. I would choose, and do where it is possible to do so, to implement Open Source software such as Apache webserver, RedHat Linux operating systems, and many others. In some cases this has proved impossible because of Microsoft's sheer overwhelming presence and effect on the marketplace.

I recently purchased a Network Appliance File Server, a specialized server for holding and providing large quantities of data to users. After several months of attempting to make this product function without resorting to a Microsoft Windows NT server for authentication, I was finally forced to turn to this for two specific reasons. The first is that Microsoft, to extend their control and reach, perverts and changes and adds to existing interoperabe open sourced and publicly defined protocols, making them no longer work except with Microsoft products.

In this case the Samba program, an open source alternative to an NT server, communicates in this case differently than an NT server in an obscure manner. Forcing Microsoft to cease to alter defined protocols or to publish their specifications for any network communications would allow competition that is not possible at present. Second, Microsoft's threatening position in the marketplace causes companies such as Network Appliance to heed what works with a Microsoft solution and effectively ignore interoperability which signifigantly cripples software development by fragmenting programs into those that adhere to the Microsoft line and those who do not do so. While Network Appliance pays lip service to interoperability, the actual performance is not present. This wastes an amount of effort truly unimaginable. Microsoft can and does incorporate new ''features'' all the time into its ''operating system''. Many of these new features, beyond the browsers, represent formerly independent companies who were forced to make a deal with Microsoft to license or sell their technology, or are forced out of business as Windows now contains that feature.

Much more importantly, having a single corporation guide all commercial software development direction forces a single viewpoint on how humans should interact with computers. This is flat wrong. The windows interface (it is truly NOT an operating system as such, merely a way to interact with hardware) is only one logic for dealing with data and a very limited one. As these machines become more interleaved into our culture, such a mono-theism is s serious mistake. Despite Microsoft's claims to innovation, they on the contrary stifle and prevent an extraordinary amount of development by their currentl monopoly. The remedy proposed by the Department of Justice is very weak and not really effective in curbing Microsoft in the market. This solution is inadequate and should be rethought before this moves forward.

Sincerely,
Doug Munsinger
egenera, Inc.
dmunsinger@egenera.com
508–858–2612 Cell: 508–326–0872

165 Forest Street, Marlboro, MA 01752

Sarah: And finally, does your computer ever crash?

Bill: Oh definitely, believe me I get to the bottom of it every time and that's part of the passion that I and a lot of Microsoft people have is we want to make a tool that we want to use ourselves and we know from our own use we can make it a lot better and a lot more reliable.

—Interview 6 December 2001 with Bill Gates by BBC Children's TV

PING!

ICMP: the protocol that goes ...

MTC–00005021

From: rpjday
To: Microsoft ATR
Date: 12/30/01 11:38am
Subject: Comments on proposed Microsoft settlement

Dec 30, 2001
Robert P. J. Day
President,
Eno River Technologies
Chapel Hill, NC
Re: Microsoft anti-trust settlement

Sir/Madam:

I'm writing to express my opinion on the proposed settlement regarding Microsoft's illegal monopolistic behavior. While there are numerous issues that could be addressed, I'm assuming others will cover those issues and I'm going to confine myself to discussing just one topic which I would dearly like to see addressed in any settlement proposal—this involves Microsoft's forced bundling of their operating systems with almost every OEM's personal computer.

As everyone knows, it is virtually impossible to buy a PC from any major vendor (Dell, Compaq, Gateway, etc.) that does not come pre-loaded with some version of a Microsoft operating system. The consumer is, in all of these cases, never given a choice of a non-Microsoft operating system or, for that matter, the choice of no OS at all. For years, the situation has been: if you buy a new PC, you got a Microsoft operating system whether you wanted it or not.

And let's be clear: you paid for this software, whether you ever used it or not. While vendors would (disingenuously) claim that the software was tossed in for free, it's clear that the actual cost was simply tacked on to the final price of the PC. But it gets better.

Once you got the PC home and got a chance to read Microsoft's end user license agreement (EULA), you were told quite directly that, if you did not agree to the terms of the EULA, you had the right to return the software for a refund. However, if you tried to return it to the vendor, their response was that you had to contact Microsoft. Microsoft, of course, pointed the consumer back at the vendor, with the result that no one was prepared to refund the price of the software back to the consumer. In short, the consumer, in purchasing a PC, was forced to accept and pay for software he did not want, and was not given the opportunity to return it for a refund, despite the guarantees of the EULA. (By the way, this additional forced cost to the consumer is jokingly referred to in the industry as the ''Microsoft tax,'' for obvious reasons.)

If anyone needs evidence of Microsoft's monopolistic power, it's hard to imagine a better example than a company which has the clout to force a consumer to purchase and accept, with no opportunity for refund, a product that the consumer explicitly says he or she does not want. What more proof does anyone need of Microsoft's abusive behavior?

There are many changes I'd like to see in the current proposed settlement, but at an absolute minimum, Microsoft should be enjoined from forcing OEMs to bundle their operating system if the consumer does not want it and, furthermore, consumers who choose to forego a Microsoft product should have their purchase price adjusted (by a realistic amount) to reflect this.

Thank you for your attention.

Robert P. J. Day
Chapel Hill, NC

MTC–00005022

From: tim stoughton
To: Microsoft ATR
Date: 12/30/01 12:12pm
Subject: microsoft

microsoft has done nothing illegal. get off their backs tim stought

MTC–00005023

From: don@dbivens.dyndns.org@inetgw
To: Microsoft ATR
Date: 12/30/01 2:09pm
Subject: please reject proposed settlement

The proposed settlement with Microsoft, in its current form, will in my view do practically nothing to rememdy the behaviors for which Microsoft was brought to justice in the first place. I urge you to withdraw the proposed settlement and implement the penalties that were imposed upon Microsoft by Judge Jackson in the first place.

Before I comment any further about the actual settlement proposal, I should start by saying that I am totally baffeled as to how a convicted illegal monopolist found to violate the Sherman AntiTrust laws in at least three or four instances is in a position to negotiate with the United States government. I have never heard of any other criminal who has been found guilty negotiating their own punishment. Furthermore, what kind of punishment is it when the convicted party gets to select two of those who are tasked with overseeing its compliance with its punishment? This seems to me to be a case of the fox guarding the henhouse. As well, the proposed punishment appears to be that if Microsoft is found to be in violation again then they will be in the position of being watched for an additional period of time. This is no punishment at all.

As far as Microsoft opening their protocols, etc., entirely too much leeway is given to Microsoft in how, where, when, and to whom it will document said protocols. If they are allowed to determine the criteria then they will do what serves their own interest which has proven in court to be illegal.

If breaking Microsoft up is no longer a consideration, although I feel it would be an equitable remedy, then they should be forced to document all networking and application protocols and file formats so that people can create alternatives and thereby introduce competition into the Information Technology realm.

Thank you.

Don Bivens
1059 Croyden Court
Fort Mill, SC 29715

MTC–00005025

From: hsrodgers@UCLAlumni.net@inetgw
To: Microsoft ATR
Date: 12/30/01 3:43pm
Subject: Settlement?

In my opinion the following article should be required reading by everyone in the Justice Department, Congress, and the White House: The Wall Street Journal, December 27, 2001 Microsoft Has Good Year,At Expense of Customers By WALTER S. MOSSBERG IT HAS BEEN a terrific year for Microsoft, but average consumers of its products haven't fared so well.

Microsoft made major progress in its goal of using its Windows operating system to push its other products and services at the expense of its competitors. Consumers are the losers.

When 2001 started, the software giant was under the threat of a court-ordered breakup, having been found guilty by a federal district judge of violating antitrust laws in multiple ways.

In June, an appeals court threw out the breakup order and harshly criticized the lower-court judge, although it upheld the legal core of his findings. The seven appeals judges ruled unanimously that Microsoft was a monopoly that had violated the antitrust laws by integrating its Web browser into its Windows operating system in an effort to freeze out other browsers.

Expressed in plain English, the court said Microsoft shouldn't be allowed to design Windows in a way that limits consumer choice—the ability of users to discover and easily use other companies' products and services. The court said it was OK to add features to Windows, as long as they weren't added mainly to maintain Microsoft's monopoly.

DESPITE THIS DECISION, the company went on to launch a new version of Windows—Windows XP—that continued to integrate tightly into the operating system new features that are crucial to extending Microsoft's monopoly onto the next battleground: Internet-based services. And it added these features in a way that hinders consumer choice.

For instance, Windows XP allows users to easily perform instant messaging, to authenticate their identities across the Web and to order prints of photos on their hard disks. But these features work only with Microsoft's own proprietary Internet services, or services owned by companies that pay Microsoft for inclusion in Windows XP. Competing services, including those better-established or more popular than Microsoft's, aren't integrated into Windows XP in the same smooth way, so users are less likely to turn to them. Microsoft attempted an even more breathtaking attack on consumer choice and online competition. It tried to integrate into Windows XP a feature whereby the built-in Web browser would automatically add links to millions of sites across the Web, without the permission of the owners. These Microsoft-imposed links, called browser

Smart Tags, would have led users to Microsoft's sites and those of its partners. The company dropped the feature only after it was discussed in this column (''New Windows XP Feature Can Re-Edit Others' Sites'') and sparked a massive outcry. But it reserved the right to try again.

Given this unrepentant behavior, you'd expect the Justice Department to react adversely. Instead, it has proposed to settle the antitrust case in a way that would leave this sort of conduct unfettered.

The settlement reached in October, now pending before yet another federal judge, does bar some offensive Microsoft behavior. But much of it pertains to the company's relations with the hapless makers of PCs, which aren't in any position to defy Microsoft. It isn't about consumer choice, except indirectly; it's more about placating Microsoft's competitors or partners. And it's all about the past, not the future battle in Internet services. It doesn't touch the company's ability to use Windows XP to extend its monopoly to these new areas.

WHAT'S WRONG with Microsoft building new features or gateways to services into Windows? Nothing, per se. I have never agreed with critics who assert that Windows shouldn't contain any feature that other companies want to sell separately. A more useful Windows is good for consumers. The problem is the way these features are designed.

It's great, for example, that Windows XP contains a built-in interface for doing instant messaging. But that interface should be neutral about which service a consumer wants. If I prefer to use the America Online instant-messaging service with the built-in Windows interface, I should be able to do so, just as I can use the built-in browser and e-mail program with non-Microsoft services. Instead, Microsoft has wired the interface to its own service.

So what, some might ask? Isn't it common in a free market for companies to use one of their products to cross-promote another? Doesn't AOL use its online service to boost the movies made by its Warner Brothers studios? Doesn't The Wall Street Journal run ads and plugs for its sister publications and Web sites?

The difference is that these other companies aren't court-certified monopolies, and when you're a monopoly, you have to follow different rules, as the appeals court said.

So, in my view, the proposed Justice Department settlement with Microsoft is bad for consumers. It isn't about preserving or enhancing consumer choice. It seems to be about getting the nettlesome case out of the government's hair.

Our government and courts shouldn't try to destroy, or run, Microsoft. But they should require the software monopoly to expand consumer choice in its dominant operating system. Unfortunately, in 2001, that's not what happened [1]Howard[o]

MTC–00005026

From: darklord@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 12/30/01 5:29 pm
Subject: Monopoly.... ;-(

I think that the recent Dept. of Justice decision is a step in the right direction, but sadly, does not go far enough. Firm, corrective enforcement must be applied to Microsofts monopolistic ways. Imagine that David walked up to Goliath and slapped him on the wrist. Do you honestly think that he would have stopped slaying the Israelites? No, of course not. In the very same context, Microsoft will not stop dominating (I really should use ''domineering'' there!) any and all competition by whatever means it feels it can get away with. I'm also very disappointed with the thought that Microsoft will open its API's/standards to any ''business'' that meets its qualifications. Hello? Just how many competitors do you think will qualify for that? Linux (the only real threat to Windows) will certainly fall under Microsofts list of ''not really a business'' so we won't help you candidates...

Let me try one more analogy with you...imagine you get up this morning and your car won't start. Its an older model with lots of problems so you decide to just trade it in on a new one. You go down to your car dealer, and say, ''I'd like to buy a GM to replace my old jalopy''. The dealer looks at you funny and says, ''sorry buddy, we only sell Fords here''. No problem, you just decide to go to another dealer...except that every dealer tells you the same thing, that only Fords are sold. You -can't- buy anything else. No problem, you think. I'll just repair my old car. Except that you can't even buy parts for your old car, because all the ''standards'' only work with the Fords being sold. Your right to a choice has been taken away. This is what its like in the world of computers now... I don't want my children and grandchildren to grow up in a world where there is no choice...

I don't think the founding fathers of our great nation would have wanted this either...

I'm not looking for the complete and total destruction of Microsoft, just a little fairness please...some equalisation...like:

Ford
GM
Chrysler
let there be:
Linux
Apple Macintosh
Microsoft

Please -think- about this...its probably one of the most important decisions you'll ever make.

Thank you...
Dark><Lord

MTC–00005027

From: Dan Pandre
To: Microsoft ATR
Date: 12/30/01 9:34 pm
Subject: Microsoft Settlement

There are two issues of monopoly maintenance, one of which I believe the revised proposed final judgment misses. The contract/licensing issues that prevent OEMs and others from switching away from Microsoft products, or to building integrated solutions have for the most part, adequate solutions in the settlement. The one that it completely misses is the programmatic ways in which Microsoft maintains its monopoly. By use of their power, they have been able to charge anything they want for what is, ultimately, a commodity.

A computer without an [available] operating system, or an office suite arguably, is without real commercial value. Yet Microsoft has nothing to fear from competitors attempting to replace them in the market, because they control all integrative bundling; their products will work better (or with less effort) with their other products, regardless of any attempts by competitors to replace individual commodities in their product line. The fact that bundling occurs is not in and of itself a bad thing; it makes things easier for the end user. However, regulating this bundling on an individual basis is a brain-dead approach. Any other developers should be able to integrate their products with Microsoft's on the same level of tightness that Microsoft itself does. For this to be possible, all Microsoft APIs (Application Programming Interface) of all products must be fully documented, up to date, and public. Their previous [documented] attempts to 'embrace and extend' existing standards to tie people to their products will no longer function. Also, all developers will be able to, for example, make emulators that run Microsoft software on other platforms, or add a new file system to windows, or in the case of AOL, instant messaging, browsing, and shopping; all of which Microsoft's Windows XP provides, furthering it's grasp on the end user's possible spending and product use.

The fact that their monopoly exists necessitates the openness of their APIs, otherwise they can, by pricing, licensing, or simple permission deny any competitors the opportunity for innovation. To this end, they should be monetarily punished for their illegal uses of monopoly force in the past and their compliance with open API requirements should be monitored closely. The judgment as it stands misses the technological points of monopoly maintenance, and establishes neither precedent nor deterrent for future such attempts by Microsoft.

-Dan Pandre

MTC–00005028

From: tom@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 12/30/01 9:53 pm
Subject: microsoft monopoly

Dear Americans,

Since reading all the published comments about the microsoft monopoly, I find that most of the other companies involved in the desktop computer industry, support microsoft by not competing. For example, IBM spends one billion dollars on Linux, porting many of its web and enterprise software, but does not port any desktop software from its lotus subsidiary.

If you want to punish microsoft and increase competition, then you can make it easy for Microsoft software competitors to port their software to other Operating Systems, including Linux, FreeBSD, Solaris, Mac X, etc.

This would have the effect of stimulating competition, and opening export markets to American software, other than Microsoft. The lesson of what American users did to IBM

after it was let off by the doj, should not be forgotton. A similar fate for Microsoft would be disasterous to the world economy at this stage.

Your faithfully
Tom Russell, Australia

MTC–00005029

From: stephen rector
To: Microsoft ATR
Date: 12/31/01 12:35 am
Subject: Microsoft Proposed Settlement

I would like to state that I have read the text of the settlement Microsoft agreed to, and I was stunned at the concessions which the DOJ appears to be ready to let Microsoft have. The $1B of software and support offered by Microsoft has strings attached all over it, and the ''platform-independence'' which Microsoft mentions once or twice in the document has statements so vague and full of loopholes as to be meaningless. I see no guarantees that the boards of independent directors Microsoft has agreed to will place any priority on extracting for schools what they ask for if Microsoft places incentives to choose Windows.

The settlement is not only *not* a punishment, it is a reward to Microsoft for behavior unrivalled even by the Standard Oil Trust. Indeed, Microsoft is rewarded in the language it understands best—market control—being given an inroad into one market where it doesn't have a 90+% monopoly. Besides that, the $1B is external value to Microsoft, the actual cost to the company being much less for distributing its own product. The DOJ seems to be abetting the crime rather than punishing it by agreeing to this settlement, and that is an outrage. I protest. I favor the alternative proposed by Steve Jobs, which does not place strings on the money provided to schools.

As for what has transpired between Microsoft, the DOJ and the Courts in the past 10 months, the journalist Dan Gillmor of the San Jose Mercury News summarized it well in one paragraph today (Dec 30): ''* The Justice Department and nine of the states prosecuting the Microsoft antitrust case snatched a humiliating defeat from the jaws of victory. Having trounced a corporate lawbreaker in court, they sold out competition and consumers with a vacuous settlement. Nine states, led by California, Iowa and Connecticut, couldn't stomach the deal and stayed the course. But the odds now favor Microsoft, which has never wavered in its determination to continue brutalizing an industry over which it gained absolute control through unethical and illegal practices, and ultimately to control the choke points of commerce and communications. Makes you wonder if crime pays.''

Regards,
Stephen Rector,
Tempe, AZ
mailto:stefano@amug.org

MTC–00005030

From: adi@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 12/31/01 2:05 am
Subject: Microsoft anti-trust settlement

U.S. Dept. of Justice,

I wish to express my whole-hearted dissatisfaction with your decision to settle your suit against Microsoft under an agreement which is severely flawed. The agreement will not solve any of the problems which brought this suit against Microsoft in the first place. In many ways it will actually help Microsoft continue its monopolistic practices.

For example, giving software to low-income schools looks like a kind-hearted gesture, but in reality it is nothing but a public-relations ploy because it actually helps Microsoft break into new markets it didn't otherwise have access to. That software they'll be donating is simply a loss leader. All Microsoft products are designed to work better (or sometimes, only work) with other Microsoft products. Those kids who learn basic computer skills on the Microsoft platform will be trapped into using it for years to come.

The effect is that it will extend Microsoft's monopoly. Let me also give you a bit of my background, to show you another reason why Microsoft is hurting the computer industry.

In 1998 I graduated from Cornell University in Computer Science. Since then I have been working for a startup venture which is building a platform-independent, standards-compliant healthcare transaction processing engine. Due to various factors the venture has had limited success. If the venture fails, I have made a decision that I will not support the Microsoft monopoly by lending them my software development talent. The main reason is that I believe Microsoft is harmful to our economy, our country, and our civilization as a whole.

I have already examined job opportunities outside the computer software/hardware field, and plan to leave the field permanently if I cannot find work which does not support the Microsoft monopoly. I simply do not want the headaches, hassles, and guilt associated with working with Microsoft technology. Microsoft technology is shoddy and weak, and the stress I'd have to put up with is not worth the higher salary it would bring me.

That's one highly skilled and talented information technology worker (in very high demand in this economy) the industry will have lost because of Microsoft. I'm sure there are many more like me.

Sincerely yours,
Adi Fairbank
Chief Architect
CertSite, Inc.

MTC–00005031

From: Tim Jones
To: Microsoft ATR
Date: 12/31/01 5:03 am
Subject: Proposed Settlement Comments

To Whom it may Concern:

I believe the proposed settlement currently being considered is woefully incomplete, for the following reasons:

It simply does not address enforcement or punishments, nor even attempt to. The DOJ should know from past experience (the 1995 Consent Decree) that they'll simply continue business as usual. The DOJ's failure to curb Microsoft's vicious behavior would be similar to allowing Usama bin Laden to continue his pre-September activities.

Past wrongs are not assigned any kind of monetary amount. The damages can easily be valued in the tens or hundreds of billions, when you try to fathom the losses caused by crashes, prolonged downtime, endless viruses, insecure software, increased costs, decreased choices, entire sub-industries of software absolutely devastated, jobs lost, and entire generations of computer users who are terrified to use more than a small set of their their PC's capabilities. Microsoft alone has set back the information age at least 20 years back from where it would have been otherwise.

If a breakup is still anywhere on the radar screen, let me add these observations:

Two, 3 or even 5 or 10 subdivisions of Microsoft based on any conceivable lines (product line, industry, etc) would not be enough to keep them from pooling their resources together in a way harmful to everyone but themselves in the future. Put succcinctly, every single line of business must be cordoned off from all others, unable to communicate with the others. Each business unit must be forcibly held separate and not have the authority to engage in any business deals beyond producing and selling their products on uniform terms. That means no 'partnering', no 'affiliates', no 'reseller', no product tying, no discounts of any kinds. Each of these devices they have ruthlessly employed to further the monopoly.

The very freedom of individuals and companies to choose their technologies that run their lives and businesses is at stake. The ability of users to choose their own software, in all devices (especially those smaller than PCs), is the one thing that will save us from routine daily acts of privacy invasion and further exploitation of the public from all large companies. Microsoft has never willingly indulged the users in any meaningful kind of choice, and has proven time and again, that THEY CANNOT BE TRUSTED.

Their file formats, network protocols and media codecs are all tools used to hinder creativity and freedom—they must be forced to publish and document them for ALL PARTIES to see, FREE OF CHARGE. Anything less will result in another market for them to own outright, either through restricting to (their definition of) 'legitimate businesses parties' or outrageous licensing fees.

In this country, we do not let the Al Capones of the world run free, keep their money, and continue their business practices and reigns of terror. The current proposal would let them do just that.

Tim

Timothy Jones—tim@timjones.com / tjones@tsiconnections.com

Unix/Linux/Java Programmer/DBA/SystemAdmin & Brasswind Player

MTC–00005032

From: Jason Hoke
To: Microsoft ATR
Date: 12/31/01 9:37 am
Subject: Microsoft VS. DOJ and our Freedoms

DOJ,

I think it is only fair that other companies be given the same chance, to develop new software and operating systems that Microsoft has been given. I am furious as a consumer, and as a citizen of the United

States to think that we the people and our laws cannot stop a company like Microsoft from monopolizing and dominating the computer and software markets. We as consumers do not have freedom of choice when our choices are being monopolized, while I think that Microsoft does make good products, I also think that other software developer can do as well or better if given the chance(which at this time are not given the chance). And I think that Microsoft is dominating our freedoms of choice, and is manipulating our laws to their own benefit.

a. Controlling Manufactures to loading only Microsoft Windows operating systems does not give us choice.

b. Forcing their integrated internet browsers does not give choice.

c. Microsoft trying to seize control over the internet through their .net strategies does not give us choice

d. Microsoft not allowing thier software to be open source avalible to the public does not give us the consumers any choice.

My main concern: Why is our goverment and our judicial system allowing this to continue? Or the better question will our goverment be able to stop this from happening and not be willing to accept watered down deals with loopholes?

How can we allow/have allowed this continue? When will we have a choice?

Thank you for your time

Jason Hoke

MTC–00005033

From: Jason Hartley
To: Microsoft ATR
Date: 12/31/01 10:44 am
Subject: Microsoft Settlement
December 31, 2001
Attorney General John Ashcroft
US Dept. of Justice
950 Penn. Ave, NW
Washington, DC 20530

Dear Mr. Ashcroft,

I heard that the public comment period for the Microsoft antitrust hearing was in full swing, and so I thought it would be important to announce my support for Microsoft and the agreement. It's fair to Microsoft, consumers, and the government, so I would like to thank the people who've worked hard at the Department of Justice to reach this settlement.

It wasn't wholly proper to bring this suit against Microsoft in the first place. Microsoft has never been a monopoly; they just simply make a better product than their competitors. This suit was likely begun by those competitors in order to attack Microsoft, not outraged consumers looking for a break.

The government has better issues to spend taxpayer's money on than attacking American companies that help our economy to the extent that Microsoft does. Supporting the American economy is important in this time of recession, and the government should do all it can to help.

I hope that you take my opinion into account, along with the millions of others who depend on Microsoft's products. It's safe to say that we all hope that the government will end its vendetta against Microsoft. Thank all the people at the DOJ again for their work, and thank you for your work in this matter.

Regards,
Jason Hartley

MTC–00005034

From: George Cannon
To: Microsoft ATR
Date: 12/31/01 10:44 am
Subject: Microsoft penalties

NOW is the time to STOP Microsoft aggressions.

George W. Cannon,
1404 Stratford Road, SE,
Decatur, AL 35601–6019
Voice: 256–351–0602
Fax: 256–351–0677
Email: <gwcannon@bellsouth.net>

MTC–00005035

From: Ike Bock
To: Microsoft ATR
Date: 12/31/01 10:44 am
Subject: Settlement

Its time to settle this case once and for all. Punishing a company for developing a great product to me seems wrong. If there is a better product around, put it out there, custumers will buy it. Let companies compete in the market place, not in the courtroom.

Walter Bock

MTC–00005036

From: David Roth
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/31/01 10:50 am
Subject: Microsoft Settlement
December 31, 2001
Atty. Gen. John Ashcroft
US Dept. of Justice
950 Pennsylvania Ave, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I have been convinced for some time now that this lawsuit against Microsoft was ill advised at best, and represented one of our government's lowest points with respect to supporting American business interests at worst. Now that this settlement has been reached, I am hoping that it will be supported through the public comment process and implemented as soon as possible.

Not only are there far more important issues facing our nation today needing our undivided attention, but this would be a good time to renew the American consumer's opinion that our government exists to promote our corporate and economic interests, rather than to hinder them with this senseless bickering heard by all through the halls of Congress, or, worse, through the courts. Now is the time to renew our national spirit of economic health and prosperity, rather than to hold ourselves up for scorn and ridicule because we seem intent on devouring ourselves in front of the entire world.

Sincerely,
David Roth
President
908.790.9400 ext. 11
Stratis Group, Inc.
76 Floral Avenue
Murray Hill NJ 07974
908.790.9200 Main
908.790.9543 Fax
http://www.stratisgroup.com <http://www.stratisgroup.com/>

MTC–00005037

From: Michael Scottaline
To: Microsoft ATR
Date: 12/31/01 10:47am
Subject: Proposed Settlement

I'm taking this opportunity to express my dissatisfaction with at least portions of the proposed settlement with Microsoft Corporation in the US v. Microsoft case.I do not use Microsoft products for the most part (I use Linux), but I do not consider myself one of the ''enemies'' of the their software. While I believe some of their OS's are rather unstable, and some of their software is ''buggy'' and problematic, I actually do believe that some of their software has been resposnible for the incredible increase in the usage and usability of personal computers.My personal view is not that Microsoft must be *punished* beyond the scope of the proposed settlement. I have no personal interest in punishment, per se. I am interested in the settlement enhancing competition in the computer software market.I will stress only two areas of concern at this time. As an educator for the past 28 years, I am naturally delighted that part of the agreement has Microsoft providing computers to underfinanced school districts. It is unthinkable that students might graduate from High School, unexposed to even the most basic computer skills. However, I don't think that providing what are sometimes called *Wintel* machines enhances competitiveness. Microsoft simply gets another opportunity to teach young people that Windows is what an Operating System is! Many students where I work, even those that are reasonably computer literate believe that x86 computers MUST run on Windows. This portion of the settlement would simply provide Microsoft with an opportunity to extend that type of growing dominance in the education market (likely at the expense of Apple Corproation). Perhaps Microsoft should be forced to provide the hardware running an alternative OS along side the ubiquitous Windows in a dual boot fashion (this would have to be monitored; IBM might be willing to provide some expertise in this area).I'm also concerned that little is done to insure that Microsoft not take advantage of their near monopoly in OS to cripple competitors in other software areas. Perhaps Microsoft should be required to make the filters of their productivity software (Office suites, databases, etc.) OpenSource. For example, competing Office Suites should have acces to Microsoft code to make their own Office Suites capable of importing and exporting Microsoft Office files. I fear the propsed UCITA will provide Microsoft with an opportunity to make changes to their proprietary extensions (.doc, .xls, etc) while it will be illegal for anyone else to reverse engineer that file format to create new import and export filters.Again, my concern is not necessarily punishment, but enhanced competitiveness. I'm not certain the proposed settlement/compromise goes far enough in this direction. Thank You for the opportunity to express an opinion in this matter,

Michael Scottaline

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nbhs2@i-2000.com

MTC–00005038

From: Tony Lyall
To: Microsoft ATR
Date: 12/31/01 10:57am
Subject: Microsoft case

Hasn't this continued long enough. A great company is being riddled with legal costs and shareholder value is declining so a few attorneys can line their pockets in hopes of keeping legal process alive. Enough is enough-time itself has allowed Mircosoft's competitors sufficient time to get their act together and be competitive. It's a free market-time to set Microsoft free!

MTC–00005039

From: Richard C. Haight
To: Microsoft ATR
Date: 12/31/01 10:56am
Subject: Microsoft has NOT reformed!

A friend has reported to me thet Windows XP will not read data CD disks that are recorded in ISO (International Standards Organization) 9660 format. The same CDs that failed with XP work fine on a Windows 98 system. This is just another case of Microsoft subverting standards to exclude other operating system software. Richard Haight

MTC–00005040

From: Arlin Sorensen
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/31/01 10:55am
Subject: Microsoft Settlement
December 31, 2001
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Ave. NW
Washington, DC 20530

Dear Mr. Ashcroft,

It is no particular secret that Microsoft had always maintained an aggressive competitive posture. I am not sure, however, that this posture should have earned them a lawsuit by our own government. That having been said, I am gratified to see that the government has chosen to settle this suit, rather than pursuing it through the courts. We have all seen the impact that this suit has, in part, wrought upon our economy. While there are a great many factors that have contributed to our economic slowdown, I am convinced that this suit has played more than a minor role.

I am writing to voice my support of this settlement, as well as my hope that this sort of legal action against any American company can be avoided in the future. Thank you.

Sincerely,
Arlin Sorensen
President
SCCI
653 Oak Road
Harlan, Ia 51537

MTC–00005041

From: Shepherd, Darren
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/31/01 11:21am
Subject: Microsoft Case

Dear Sir or Madam;

I think the point has been made clear to Microsoft and it is time to let them do what they do best, software and make money. Both of which are good for the economy and time for other companies to stop crying and start competing. Most of the requests made by the states would be asking smaller companies to fold.

I have worked in Technology for 17 years and I have seen Microsoft grow from being ridiculed for releasing a network OS when everyone knew that NetWare was the big Cahuna, to developing solutions, to the Bill & Melinda Gates Charity Foundation.

From someone who has seen all sides of technology, believe me when I say that to be fair, we need to quit looking towards Microsoft by smaller companies who can't compete. They need to have the technology as well as the media. I have seen both sides, but seldom done as well as Microsoft. That is the key to their success.

Sincerely,
Darren Shepherd
CNA, MCP+Internet, MCSE, CCNA, CCDA

MTC–00005042

From: Michael Jordan
To: Microsoft ATR
Date: 12/31/01 11:53am
Subject: Microsoft Settlement

Dear Sir or Madam,

My name is Michael Jordan. First, I would like state for the record that I am presently working for a company that advocates the use of an alternative operating system known popularly throughout the world as Linux. I previously used the Microsoft operating systems known as MS–DOS, Windows 3.1 and Windows 95. Shortly after purchasing Windows 95, it became apparent to me that the goal of the Microsoft Corporation was not primarily to sell me products to help me develop computer software and to use computers more efficiently, but to put me on a ''treadmill'', so to speak, of never ending costly software updates and of buying new computer hardware on which could only adequately work using Microsoft products. I was trapped inside the Microsoft way of doing things and I wanted the freedom to develop on my own terms. Linux afforded me that freedom.

My purpose for writing is to argue that the settlement that the Department of Justice has reached with Microsoft is far too lenient for the egregious violations of both US law and common ethics that the Microsoft Corporation is guilty of. I would like to point out briefly two things which have happened to me, and I can safely assume this has happened to others, regarding Microsoft and software and computer purchases.

In 1995, after having bought Microsoft Windows 95. I attempted to open files created with software that I had purchased from Microsoft to run under Microsoft Windows 3.1. I was informed by way of a dialog box that I could not open these files. That is to say, I could not open files made by an earlier version of a Microsoft product with an updated version of the same Microsoft product. This proves that at Microsoft along with usability, obsolescence in just as important a design issue. The do this in an attempt to put users on the ''update treadmill'' that I mentioned earlier. If these frequent upgrades were justifiable on the grounds that newer versions Microsoft's product would enhance computer performance, I wouldn't be writing this letter. It it usually the quest for mere profit and continued dominance in the software industry that Microsoft releases frequent upgrades. Moreover, it has been observed that Microsoft either holds back or releases upgrades of their and other companies' software only for considerations of market share, never taking into account the importance that certain software innovations could have in bettering the industry as a whole. That is to say, if Microsoft is behind on innovation, they either pressure strategic partners to not release their software on schedule or they hastily releaseill designed and poorly tested software. This is done in order to give the appearance that they were the ''first'' with that particular innovation, thus getting a jump on other firms, who are, though technologically superior, unable to compete with Microsoft purely for reasons of name recognition and capitalization. Due to this, innovative companies with highly competent staff often are forced out of the market and the world is deprived of new and important developments in software.

A year after being introduced to the Linux operating system, I decided to buy a newer computer. Due to the aggressive and, as has been proven in court, illegal attempt by Microsoft to pressure computer dealers to pre-install only Microsoft's operating systems, it was by all intents and purposes impossible to get a ''plain'' computer without Microsoft Windows pre-installed. I should add that due to Microsoft's illegal dominance in the operating system market, anyone who goes to a computer dealer today is almost, de-facto, pushed unwittingly into buying a Microsoft operating system along with her computer. This takes on an especially alarming significance since the attacks of September 11, 2001.

It is clear and has been proven by countless computer security experts that Microsoft operating systems are by far the most vulnerable to those computer attacks popularly known as ''hacking''.

In the interest of brevity, I will leave these two examples to speak for themselves. As I mentioned, my motivation for writing is to argue, from an informed perspective, that the settlement in the Microsoft anti-trust case proposed in early November 2001 is far too lenient. The basic flaw that can be seen in the settlement is that it does not attempt to effectively remedy the two most dangerous consequences of Microsoft's monopoly and of which I have given two personal examples here: stifling of innovation and stifling of competition.

In order to set things right in the computer world, the settlement should oblige Microsoft to do two basic things:

1) Open up all source code for all software products released on the open market. This will give all developers the opportunity to produce file formats which are compatible with Microsoft's software. If we have proven in a court of law the Microsoft has maintained a monopoly, what better remedy

than to give software companies the opportunity to compete on an equal footing with them. This is particularly important as well, in light of the attacks of September 11, 2001. Microsoft's code is flawed from a security point of view. What better way to audit and repair these flaws than countless numbers of experts being able to look at the give their opinion of their development practices.

2) Prohibit Microsoft from operating directly with computer dealers. The settlement should expressly prohibit Microsoft from getting their operating system installed on a computer before the consumer purchases it. Just as a person buying a new car is not obligated to forever use the same brand of gasoline, a person should not be obligated to use an operating system on a computer. This is why a computer dealer should have the freedom to buy various kinds of operating systems to have in stock and then inform the consumer that they have a choice. The computer dealer should be the one to initiate any purchase orders with Microsoft. Microsoft should in no way initiate a contact or attempt to influence or consult in any way about how a computer should be sold.

This of course means that Microsoft can and has the right under our free system of government and our system of free enterprise, to manufacture their own hardware and market it with their own operating system as is done by Apple Computer. But independently manufactured and assembled computer systems should not contain an operating system until the consumer either installs it herself or makes arrangements with the computer dealer to purchase a system from a company that she deems fit.

I believe that these two simple measures would provide the best remedy to the situation of Microsoft's illegal monopoly. It would also create a climate where computing is enjoyable for all, where innovation is freely pursued and security for individuals, governments and businesses is assured.

Thank you for your attention,
Michael J. Jordan
Website developer
Computer Assisted Language Learning software developer
US Citizen
160 Western Ave.
Essex, MA 01929
Michael J. Jordan—Director, Academia Boston
www.englishbos.com / www.spanishbos.com
e-mail: info@englishbos.coms

MTC–00005043

From: Michael Daconta
To: Microsoft ATR
Date: 12/31/01 11:52am
Subject: Microsoft Settlement

To whom it may concern,

I am writing to comment on the proposed settlement with Microsoft for its antitrust violations. As an IT director and developer, I was dissapointed to see that the settlement does not address Microsoft's illegal hindrance of the Java platform. Nor, does the settlement prevent future hindrance via its C# language and .NET platform. Furthermore, it did not require Microsoft to support a JVM in its Internet Explorer Browser, whose now dominant market share was gained illegally.

Microsoft's illegal use of its OS monopoly to thwart the Java platform continues to hurt consumers by increasing the barrier to entry for Java applications on Windows. As Java is a current defacto, internet standard for running applets (java programs that run inside the browser), Microsoft must be required to ship a compliant JVM in its browser to redress its past violations and level the playing field. Additionally, to level the playing for standalone applications, Microsoft should be required to incorporate a compliant JVM into its operating system (the browser could be designed to use the same JVM).

Additionally, the proposed settlement in no way guarantees that Microsoft's abuse of Operating System APIs (using hidden APIs, or adding code in an API to thwart a competitor's product) will not occur in the future. Thus through delay in providing API documentation, or more importantly via API thrashing (changing frequently) Microsoft can continue its dominance due to its close coordination between its Operating System group and its application group. The settlement makes no effort at creating a ''chinese wall'' between these parts of Microsoft.

The only guaranteed way to do this would be a structural remedy. I would prefer a structural remedy be again considered.

I hope the settlement can be modified to address these shortcomings.

Thank you for the opportunity to comment,
Mike Daconta
Michael C. Daconta
Director, Web & Technology Services
www.mcbrad.com

MTC–00005044

From: Zakariya, Shamyl
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/31/01 11:54am

Mrs. Hesse,

I'm writing with regard to the inadequate proposed settlement for the Microsoft antitrust case. As a graphics artist & hobbyist programmer I work with computers, frankly quite constantly; as such I have been made painfully aware again and again of Microsoft's astonishingly monopolistic practices. But the fact that Microsoft is a monopoly isn't in question. The trouble, as I (and I think *many*) of my peers see it, is that the proposed remedy will do nothing to aid in the situation.

Let me describe a common situation. A year or so ago I bought a new laptop computer. The operating system I installed was one called BeOS (the CEO of the company which made BeOS, Jean Louis Gassee, testified in the trial). BeOS was exactly what I wanted from an operating system (reliable, easy to use, fast, modern, with concise developer documentation and well documented programming APIs) and as such I had no use or desire for windows. But, I had no choice, and had to pay at least 100 dollars (I can't recall how much now) for a Windows 2000 install cdrom which I didn't want, didn't use, and was forbidden from selling or using on another computer. It lies untouched in my closet.

Now, if you look at any (x86) computer manufacturer's product listing, all their computers come with windows. This is understandable, as most people prefer windows [this is a bit chicken-and-egg, as most people haven't had the opportunity to see what other operating systems are out there]. But we aren't given the option of buying the machine at reduced price without windows.

Our hands are tied here. Frankly, I have several windows install cdroms from various computers I've purchased over the years, none of which have ever been used—as I installed my preferred OS's myself (Linux & BeOS). Specifically, I have a windows 3.11 install diskette package, a windows 95 cdrom, a windows 98 second edition cdrom and a windows 2000 cdrom. None of which have ever been wanted, asked for, or used; all of which I paid for. It seems reasonable to assume I've spent about 1000 dollars over the years for these disks.

[For reference, the BeOS operating system is no longer in existence, as no computer manufacturers were even *allowed* to preinstall it on their own hardware due to binding licensing agreements with Microsoft] My next concern is the preponderance of closed protocols and proprietary behavior Microsoft is famous for. As we all know, most office work is done via the Microsoft Office suite of tools. The tools aren't bad, but as most people will agree, there *were* better suites out there, but all computers now come with MS Office... regardless, we are dependant upon this suite, which puts MS in the position of no longer needing to provide high quality office/business products.

Just a few weeks ago, the email servers here at my office were brought down for several days fighting off the GONER email worm. As they were with the previous worm, and the previous worm before that one, and so on. This is a trait unique to Microsoft tools, in that MS apparently has zero interest in fixing the problem.

[For reference, again, when a bug is found in an open source product, like OpenSSH or Apache for example, it is fixed immediately. This is the nature and benefit of open protocols and peer review, something Microsoft labels as ''anticompetitive''.]

—But why should Microsoft fix any problems? They already have our money, after all. Billions of dollars have been lost due to these virus outbreaks, and what is Microsoft's response? Apparently, instead of fixing bugs in their shoddy protocols, their response now is to threaten legal action on parties who *find* and make public weaknesses in their protocols. Microsoft's argument is that if these parties didn't make the bugs public, people wouldn't know or thereby take advantage of them. Is this the behavior we want from the de-facto king of modern computing? I think it stands to reason that were Microsoft actually in competition with other companies, their behavior would be different—e.g. they would quickly fix bugs and not attack legally those who find them.

As a staunch capitalist, I don't think America has any business breaking up

Microsoft, and I'm glad that option was thrown out (as most folks agree, it would have probably actually been *good* for MS). What needs to be done is some action which doesn't unfairly hurt Microsoft, but *does* open the market up to fair competition.

Many wonderful companies with good ideas and great talent have been broken by the rich behemoth MS—this can't go on. Microsoft can't be allowed to strong arm computer manufacturers. Microsoft can't be allowed to continue to develop closed internet protocols and document formats.

Thank you for your time,
Shamyl Zakariya
APCO Worldwide
1615 L. St NW
Washington DC, 20036
202.778.1031
shamyl zakariya
202.778.1031

MTC–00005045

From: S. Vetter
To: Microsoft ATR
Date: 12/31/01 12:13pm
Subject: Microsoft Settlement

I thank you for allowing me at add my comments to the Microsoft Settlement proposal. Hopefully it is not too late to do so. I would also like to congratulate those states for wishing a more harsher settlement as they are proper in doing so.

For many years Microsoft has grown to proportions that this country has rarely seen and they continue to grow. This company has also expanded into other areas such as: The Internet which they have stated they would not do, but they did, they have gone into the game station arena, they are going into TV / news stations (MSNBC and MSFN), and a few others.

Microsoft has also bought out other companies and continue to do so and with no end in sight. If they cannot purchase the product they may either produce a similar one or force that company out of business. Another Microsoft tactic is to bad mouth the company unjustly as you may recall the words about Linux. Another favorite tactic of Microsoft is to take them to court. Recently you may have heard about a company making a product called Lindows. This product runs the Linux operating system but is trying to allow Microsoft's products to run on it. Microsoft is claiming it will cause confusion to the consumer. So, in order to prevent this Microsoft is claiming the Lindows is too similar to Windows and will take them to court about it. If Microsoft wins, the company making Lindows will probably go out of business (one less competitor of the few remaining). You may recall the Netscape browser and the operating system called OS/2. Eventually Microsoft will be the only choice.

Lets also see another way Microsoft dominates the market place. They woo developers into making software that only works on their operating systems. Other platforms are left with little or nothing since most have gone to the Microsoft way of doing things and on their platforms.

For those of you that have not seen this at work, I invite you to look in the archives. Microsoft buys a company or a product from a company. In doing so they tell the consumer you must switch to their product or be left without support. And to do so you must pay a slightly more amount than what you purchased the original product for. Now all Microsoft has done is changed the packaging and the product to include Microsoft's name, and perhaps a new feature or two. Six months later, or maybe a little more time goes by, and they release a newer version with again a new feature or two more. And once again for a little more money. If the consumer does not buy this new version, then support will be dropped. And it continues on and on.

They have applied pressure to companies to market ONLY THEIR products of face repercussions. Such as Intel, Creative Labs, and Compaq. If an individual or company wanted to buy a computer system with another OS, where would they turn? I encourage you to try! Ever try to buy a scanner or printer that works with some other operating system? And have you walked into a computer store to buy a software package for something other than Windows?

As for Microsoft's claim about innovation. This I would like to see myself! DOS started out as someone else's product. Windows is the same. Viso and Microsoft Office, yes someone else developed these as well. The list goes on...

For the remedy the ones that have been proposed are too light and can be expressed best by calling them a slap on the wrist. Also they have no real consequences should Microsoft violate them. The idea of splitting the company in two, while a good thought at the time, has a flaw. You end up with two Microsofts. There was no real split and prevention of people having control of both.

Some ideas on how I would propose a settlement:

Microsoft cannot purchase other software companies. Or hardware companys.

They must publish all of their interfaces—with documentation.

They must also open up the way files are stored.

Security must be added to their products.

Open up the source code.

Java / Javascript must be included in any more of their operating system releases.

They must not be able to branch out in other areas such as game machines, TV / news networks, or cable companies. (Just to name a few)

The browser must be independent of the operating system. Also any browser must allowed to be used on the operating system.

Microsoft's must be freed from controlling computer part manufacturers, software and hardware developers.

Computer vendors must be freed to market any hardware or software as they please.

To allow other vendors to get a foot hold in the market place no new releases or variations there of must halt for at least two years.

Ever wondered why Microsoft agreed to the latest proposal? Because it had little impact on them. They would loose virtually nothing.

Any action on Microsoft has to be harsh, with no loopholes, and is monitored and enforced. It must also give competitors some real hope of succeeding with their products.

I thank you for allowing me to voice my opinions.

Respectfully,
Scott Vetter
45118 Geddes Road
Canton, Michigan 48188

MTC–00005046

From: Trace Windham
To: Microsoft ATR
Date: 12/31/01 12:18pm
Subject: Open Comment

I am writing this out of concern and fear. I don't want to lose the internet to MS.

I don't want to be forced to have MS products to obtain information. I don't want a 'passport'. I don't want my services to be forced to use the .Net framework.

I don't have to have a particular phone company to make or recieve certain types of phone calls. When I buy a car, I don't have to agree to use a certain brand of gasoline to make it run to certain locations.

I am free to speak on the phone, and my government protects that freedom for me. I am free to travel across the country in my car, and my government protects that freedom for me.

I am free to access information on the internet with my computer that I built, with the operating system that I chose. Will my government protect that for me too? I hope so.

Trace Windham
Centralized Systems Development
PDX Inc.
101 Jim Wright Freeway
Suite 200
Fort Worth, Texas 76108
817–246–6760 ext 4415

MTC–00005047

From: Ken Otwell
To: Microsoft ATR,dennispower @earthlink.net@inetgw
Date: 12/31/01 12:41pm
Subject: Microsoft settlement position

Gentlepersons of the court;

As a 20-year computer programmer and small business owner, I have used virtually all Microsoft products since DOS 4.0. Due to high cost, constant crashes when used as intended, inability to be integrated with products from other vendors, and radically increasing hardware resource requirements, I now find myself constantly looking for realistic alternatives to Microsoft products, and usually coming up short.

My opinion on the findings of fact in the Microsoft case is that it is a reasonable compromise based on available and provable evidence. I strongly suspect that the actual case would be much worse for Microsoft if more evidence were available, but given what is known, the ruling seems quite fair. My opinion on the proposed settlement, however, is not nearly as sanguine. The settlement does virtually nothing to grant relief to those harmed or to prevent future abuses, and does a fair amount to increase Microsoft's monopoly and even extend it in new directions, like educational software.

The minimal changes to the proposed settlement that I feel are necessary is to simply:

(1) Require every distinct functionality in a Microsoft operating system to be separately accessible by a complete API that Microsoft must publish at least six months prior to each version release of said functionality. (If Microsoft cannot provide an API at six months prior to release, then their software development practices are simply not acceptable in a world where financial and economic security depends on correctly functioning software.)

(2) Require that every protocol and data format used in the saving of application data or in transmitting data from one Microsoft application to another must be published six months prior to each version release of said protocol or data format. This requirement holds for all data transmitted via the internet or stored on any medium.

(3) Require that where internationally recognized standards committees have established standards for such APIs, protocols, or data formats, that Microsoft systems must be configured, by default, to fully and completely adhere to those standards. For example, Microsoft's implementation of XML, while ''technically'' standard, is embedded in other protocols in such a way as to defeat the clear intent of the standard in that competing products cannot make use of the Microsoft XML documents.

A typical Microsoft operating system will include an internet browser, image browser and/or image editor, music player, video player, file editor, file browser, internet connection subsystem, network configuration subsystem, and many more proprietary products from Microsoft. Each of these are nominally distinct products that continue to benefit from the network effects from Microsoft's operating system monopoly. The only way to provide meaningful remedy is to allow the competitors to have reasonable access to the technologies necessary for integrating their competing products into each Microsoft operating system, and to enable competing applications to process documents or other data streams that are generated by Microsoft software.

Furthermore, since the fastest-growing competition to Microsoft now comes from the non-profit, open source community, these APIs, protocols, and data formats must be published not just to proven business competitors, but must be freely available to anyone in any location around the world. I cannot emphasize this latter point too much: the strongest competitor to Microsoft's OS is Linux, and if the Linux development community is barred from relief under the settlement, then Microsoft will have clearly ''won.''

Without this minimal relief, Microsoft will continue to benefit from the network effects caused by their monopoly and they will continue to extend their monopoly deep into uncharted waters of internet business, and even further into our collective wallets.

I thank you for the opportunity to speak out on this grave issue. I wish you the best of luck in your deliberations.

Sincerely yours,
Kenneth H. Otwell
CTO, Calidris Ltd.
http://www.calidris.com/

MTC–00005048

From: Bruce Lill
To: Microsoft ATR
Date: 12/31/01 1:01pm
Subject: letting them off easy is wrong

The least microsoft should get is that we shouldn't be required to purchase their products. If I purchase a computer and it comes with Microsofts products I should be able to sell them to someone else if I'm not going to use them. This would require microsoft to recognize the resale. I also should not have to give them any information if I want to use their product. Now I have to sign up to use XP. With passport there isn't a way to get your information deleted.

The consumers have been hurt by lack of quality software and the cost of the current software. They have made it hard for novice users to purchase computers that are configured for them or technical users to not have the restrictive software.

Bruce Lill

MTC–00005049

From: Mike Pestronk
To: Microsoft ATR
Date: 12/31/01 12:57pm
Subject: Ms settlement

I just wanted to voice my opinion on the settlement. Microsoft needs to be broken up, into at least two separate entities, but three would be better. One needs to be the OS part, one the office/productivity part, and a third part encompassing Internet Explorer and it's new .Net software. Microsoft has continued its monopolistic practices with its new .Net initiative, as it will not cooperate with the rest of the industry's liberty alliance and j2ee systems. They continue to use the os to leverage this new technology, as they were doing when with IE when the complaint was first filed. I am very dissapointed the justice department decided to drop the case, even though it might show a sign of cooperation between MS and the government over security issues. Microsoft is continuing their monopolistic practices worse than when the case started and will need to be broken up eventually. I hope the nine remaining states or the EU can have some effect.

MTC–00005050

From: Larry D. Burton
To: Microsoft ATR
Date: 12/31/01 1:06pm
Subject: Microsoft Settlement

Since we are inside of the 60 public comment period I thought I ought to put my two cents worth in. The more and more I think about it the more I like the Red Hat proposal for a solution. Microsoft has offered to give away $X of hardware and software to needy schools. Let them give it all in hardware and take up Red Hat's offer of them providing the software. This way, no one is tied down to a platform controlled by any one company and it will go an awful long way in reversing the damage done by Microsofts monopolistic practices.

Regards,
Larry
mailto:larry@pickett.com
(423) 875–8034
CC:attorney.general@po.state.ct.us@inetgw

MTC–00005051

From: David Parsons
To: Microsoft ATR
Date: 12/31/01 1:07pm
Subject: Microsoft settlement

The major difference between the Microsoft trial and the ''OJ'' trial is that maybe OJ wasn't guilty; Microsoft actually managed to have the case decided on the emotional value of various libertarian slogans like ''we're being punished for our success'' rather than the actual facts of the case.

Microsoft's monopoly makes Standard Oil's look trivial. Microsoft won, big time, and it's stranglehold over the field of Information Technology remains intact and will continue to tighten in the years ahead.

The DoJ, or rather the politicos who so arrogantly place their uninformed opinions of what they think 'should be' above the facts, should be ashamed. And now the States are letting Microsoft pay off their 'penalty' by giving CDs of their software (costing $1.00 or less to produce) to schools and claiming $400.00 retail price, all the while increasing their monopoly into yet another area.

I for one am ashamed
David Parsons
Regional Technical Officer
US DHHS—OIG Region II
dparsons@os.dhhs.gov
CC:attorney.general@po.state.ct.us@inetgw

MTC–00005052

From: Debbie Andree
To: Microsoft ATR
Date: 12/31/01 1:13pm
Subject: Microsoft Settlement

To whom it may concern,

I do not agree with the terms of the Microsoft settlement. It is not in the best interests of our schools, our children or represent fair and open market competition.

Sincerely,
Debbie Andree
eVision-Ventures AG
da@evision-ventures.com

MTC–00005053

From: Diana Rogers
To: Microsoft ATR
Date: 12/31/01 1:29pm
Subject: Comments on Microsoft

I am writing because I am a 66 year old woman who, thinks the whole antitrust is all wrong. It was only brought my Microsoft's competitors who are not as resourceful as Microsoft.

I like what Microsoft has done, because I am not that great in figuring out how every thing works, but I like all the programs together. It is much easier for me. My granddaughters figure things on the computer much faster than . I love the BUNDLING, it helps me. I really like the way Office is put together, it has all the programs I need. I will only use MSN, because I believe that AOL is one of the Competitors that is trying to stop Microsoft growth. My not stop AOL's growth.

The only program I use that I like better than a Microsoft is Quicken. It has some great reports, that Microsoft doesn't have. Microsoft has agree a to fair settlement. Don't let the State Attorney General's have their way. They just want to make a name for

themselves or run for Governor of their States.

Does anybody remember when the Stock Market went down? It was the day that the other Judge ruled against Microsoft. The People of the United States don't want any more penalties, they want a settlement now.

Diana Mayhew Rogers
23221 -60th Court So
Kent,WA 98032
253–373–1569

MTC–00005054

From: Shlomi Harif
To: Microsoft ATR
Date: 12/31/01 1:34pm
Subject: Comment on the proposed Microsoft anti-trust settlement

To Whom It May Concern and Attorney General, State of Connecticut: Pursuant to the Tunney Act of 1974 I am commenting on the proposed settlement between the government and Microsoft. I feel I am particularly capable of providing professional input, as the father of three children in school, and the Chief Technology Officer for a finance-related software firm, Austin Logistics, here in Austin, Texas.

I would love to be able to say where my traffic fines are spent: my sidewalk could use a little fixing up. Oh, and I'm real particular as to the kind of cement, and who does it. Did I mention that I'm in the concrete business? I'll Just make the check out to myself, and I'll take care of the whole thing, okay?

I'm not sure if the cynicism was obvious enough, but punishments should never enhance the crime for which a defendant is being punished. Giving Microsoft additional revenue and a tightened lock-hold on the educational system is monopolistic in and of itself.

This action, if executed, will set a precedent for any future anti-trust cases, and impinges on the ability of the public, through the offices of the government, to get pure legal redress for actions impacting citizens. An independent, court-appointed monitor should disburse the funds in a manner that benefits the schools, not the criminal.

Sincerely,
Shlomi Harif
13303 Ivywood Cove
Austin, Texas 78729
shlomi@liquidmind.net
(512) 249–8888
CC:attorney.general@po.state.ct.us@inetgw

MTC–00005055

From: alex.qu@atfreeweb.com@inetgw
To: Microsoft ATR
Date: 12/31/01 1:50pm
Subject: Microsoft Settlement
AtFreeWeb.com, Inc.
801 Calle Mar Vista
Oxnard, CA 93030
Tel: 805–278–9548
Fax: 805–278–9554
http://www.atfreeweb.com
December 31, 2001
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
CC: Representative Elton Gallegly

Dear Mr. Ashcroft,

I write this letter in accordance with the Tunney Act expressing my support of the settlement between Microsoft and the Justice Department. I believe that this settlement will be beneficial to both the IT industry and the consumer, but continuing on with more court nuisance is a fleecing of the American taxpaying citizen. To prevent this from continuing any further, the D.O.J. should finalize the settlement as soon as the Tunney Act comment period is over.

This settlement is fair and reasonable. If anything,

Microsoft was treated a little spitefully. A few terms of the agreement follow, which should underscore the severity of this settlement: the DOJ will establish an independent technical committee, monitoring Microsoft's compliance with the settlement; Microsoft also cannot retaliate against computer makers that may ship software that would compete with the Windows operating system; and Microsoft will open up their vault of secrets concerning system interoperability to competition.

Even though the settlement prevents laissez-faire economics, the right thing to do is to settle the suit now and work to ensure that the industry and the economy can move forward again. Microsoft must be allowed to return to innovation, rather than litigation.

Sincerely,
Alex H. Qu
President

MTC–00005056

From: Mike Friedman
To: Microsoft ATR
Date: 12/31/01 2:11pm
Subject: Comments on the Microsoft ''settlement''

I'm completely appalled by the so-called settlement that the government has reached with Microsoft. When will you people learn that the only thing that will stop MS from doing what it does is to go ahead and break it up. Microsoft only understands the raw use of power. The only entity that has the power to keep Microsoft from doing what it does best (gobbling up all its competitors because it has a monopoly) is to break it up into pieces so that others have the possibility of keeping the Internet and the computing world diverse.

The recent revelations of serious security holes in Microsoft's latest operating system and the hideous security implications of the new .Net Passport technology should only serve to reinforce this sort of strategy. Minimizing Microsoft's power to keep engaging in anti-competitive behavior is in the best interest of the whole world.

Thanks.
Mike Friedman
2310 Alemany Blvd.
San Francisco, CA 94112
CC:attorney.general@po.state.ct.us@inetgw

MTC–00005057

From: Jim Acker
To: Microsoft ATR
Date: 12/31/01 2:36pm
Subject: Settlement

I am writing this email to express my concern over the proposed settlement between the DOJ and Microsoft Corporation. It seems to me that the settlement does not directly address the points on which Microsoft was found guilty. Any settlement should address these points in a manner that at a minimum prevents the behavior from continuing, and where possible, provides payment to parties damaged by the past behavior.

At the heart of Microsoft's business model is the extension of the Windows domination on the PC platform. They accomplish this in two ways; they strong-arm hardware vendors and they bundle applications into their Windows installation media to eliminate competition. On both these fronts, Microsoft was found guilty of monopolistic behavior. On the first issue, it appears that an effective settlement has been reached.

On the ''bundling'' front, the settlement is tough enough. For example, they are currently bundling the Microsoft Media Player with every copy of Windows. It is not an innovation, as it offers nothing that can't already be found in competing products in the market, e.g. Real Player and QuickTime. It has no valid operating system function. It is purely an application which gets enormous market share simply because it is included with Windows. It gains that market share w/ o having to compete on it's own merits in the market. This was done with their browser, their media player and will be continued with future products under the guise of ''innovation''. It is very hard to regulate the software business, but some remedy should be proposed that determines if a product is truly performing an operating system function or is an application. Where it is an application, why must it be ''bundled'' with the Windows operating system? Are there strong competing products already in the market? With such simple scrutiny, Microsoft would not have been allowed to bundle their browser or their media player into Windows.

Finally, on the subject of restitution for damages resulting from the behavior Microsoft was found guilty of, this seems to be miss the point. Giving lots of Microsoft products to schools around the country is from one perspective nothing more than an expensive marketing campaign for Microsoft. Hook the kids while they're young. A better solution would be to require hard cash payment in the form of grants to the various school districts to be used for the same purpose, with one important difference. The grants would have no strings attached regarding what type of hardware/software was purchased. If a school wanted to purchase all Apple products, then they would be allowed to do so.

Thank you for your consideration of my views.

CC:attorney.general@po.state.ct.us@inetgw

MTC–00005058

From: ryan.morillo@convergys.com@inetgw
To: Microsoft ATR
Date: 12/31/01 2:37pm
Subject: Microsoft Settlement.

I would still like to see the separation of Microsoft into an operating system division and an other software division, with strong legal definitions of what an operating system is. Not something very costly to the tax payer

or to Microsoft (possible loss of revenue is not a cost or a loss no matter how the large corporations may try to make it seem as such.) The Operating system is a moot point, but the other software bundled with it is cutting into ability of anyone to have a chance.

Ryan Morillo

—The opinions expressed herein do not necessarily reflect those of Convergys Corporation—

MTC–00005059

From: Jackson, David (Engineering)
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/31/01 2:45pm
Subject: Microsoft Settlement

Sirs

This is my opinion of the proposed settlement of your case against Microsoft. Needless to say I find it less than satisfactory. I am surprised at the ease at which the DOJ can be disregarded by a corporation operating in this country. Microsoft does clearly use it's monopoly to the disservice of the people of this country and shows no signs in being interested at all in voluntarily changing it's ways. The settlement you propose is either naive or motivated by something other than the best interest of the people you purport to represent. At best it's nothing more than a slap on the wrist and a promise from the company to not do this sort of thing in the future. This company has made promises like this in the past. The fact that they have ended up back in the sights of the DOJ should tell you what you need to know about how that went last time.

As a user of Microsoft products (by necessity), Apple products (by preference), and Linux/GNU products (for stability) I have watched as my options have grown increasingly smaller over the years. This is become unbearable for me from an economic standpoint. An example for this can be given. I recently needed to buy a better video card for my Apple Macintosh G3 computer which I use for the majority of my computing at home. I find the system to be more stable than Microsoft Windows (any version) and more pleasing to work on from an aesthetic and ergonomic point of view. The video card in my Macintosh was simply not up to the task and so I went to my Local electronics store to find another, better, and faster card. That's when I saw the end result of what you are so ready to settle over.

There is only one current video card available for Apple Macintosh computers through retailers. It's an ATI Radeon card with 32MB of RAM and has very good performance. For Windows this card retails for $69 after rebate and is one of well over a hundred options I might have. Windows video cards vary in price from under $20 to well over $400 (excluding the grossly expensive video cards used by graphics professionals, these can run in the thousands of dollars) giving Windows users a card for every need or budget. For the Macintosh this card is priced at $229. It's the same card. It has the same graphics chip on it and it has the same amount of memory. The Microsoft monopoly has effectively destroyed any choice I have in upgrading one of their competitors machines by it's sheer size and weight. The cost of making this card with an Apple Macintosh ROM on it simply doesn't justify it being priced in the same range as the version for Windows.

In Linux you have a similar situation. Here you can certainly buy any of the countless PC video cards but you cannot find any companies willing to create the driver software to make these video cards perform to their abilities. The Windows versions of these drivers get updates and rewritten multiple times per year but the same companies will not expend the time or effort to create equal quality drivers (or most often ''any'' drivers) for Linux. Again my choice is limited and again Microsoft and it's standard way of doing business are at the root of the problem.

My own personal solution to this has been to not spend money on anything that will make Microsoft richer. It's a uniquely American idea that the market is free and that it will all come out in the wash. By my estimation I have not given Microsoft a penny since 1994 and I will continue to do that even though it means my stepson might just be the only kid on his street to not get an X-Box, ever. Proceed with your settlement and see how many kids own Nintendo Gamecubes or Sony Playstation's in five years by the way. Whenever I can at work I push for the non-Microsoft alternative and I even win some from time to time. Realistically though I know this isn't making any difference. I'm watching the products and companies I do support slowly vanish from the computing landscape. Individual consumers cannot reign this company in and it's a matter of time before we are all connecting to the internet, playing games, getting work done, or doing any of a hundred thousand other things that will help our lives by nothing more than the grace of Microsoft.

Honestly when one looks at what this company has done, is doing, and will be capable of doing if they remain unfettered by the laws of the country they do business in it is frightening. At the same time if the settlement is approved and those other states which have turned away from it are stopped from doing what is right I have to think that my views on the Right and Wrong of my government will have changed for good. It's been my idea for most of my life that this country was usually (if not always) ''right'' and those who stood against it were usually (if not always) ''wrong''. How can that be the case if the DOJ is interested in selling my best interests out because the administration of the moment wants Microsoft to keep fueling their economy?

There is a right and a wrong and it's not difficult to tell the difference between the two. I urge you to not pursue this settlement and instead actually make Microsoft do business on an equal footing with their peers.

David Jackson
Systems Support Technician
713.755.1147

MTC–00005060

From: Kevin Buterbaugh
To: Microsoft ATR
Date: 12/31/01 2:47pm
Subject: Microsoft settlement

Greetings,

As a concerned citizen of the United States, I would like to register my opposition to the proposed settlement between the DOJ and Microsoft. This settlement amounts to nothing more than a slap on the wrist. Even worse, it contains so many loopholes at to be totally useless. Of course, since Microsoft is the defendant, if a meaningful settlement were enacted, it would have to be vigorously enforced. Microsoft has repeatedly shown that it will do whatever it can get away with.

Microsoft has been convicted of breaking the law. An appeals court unanamously upheld that conviction. Why in the world is the DOJ letting them walk away scott-free??? About the only good thing that can be said about this settlement is that, unlike the proposed settlement in the K-12 Education suit, at least the DOJ is not proposing to reward Microsoft for breaking the law.

It is extremely obvious that those who have made this decision are totally ignorant of the ultimate consequences of their actions. Consider this: Microsoft now has a 90%+ monopoly in the desktop operating systems market. Let's just say this farce of a settlement is allowed to stand ... Microsoft will then continue to extend their monopoly ... they will inevitably someday achieve a 100% monopoly, not just in desktops, but servers as well ... when that day arrives, when 100% of the computers used by the United States government run a Microsoft operating system, who then really runs the United States, George W. Bush or Bill Gates? I would not be surprised to find that those who support this settlement are so ignorant about what they've done that they cannot even see that the answer to that question is the latter.

It is my sincere hope that those who support this settlement will realize their ignorance to this point and choose to pursue a meaningful settlement, before irrepairable harm is done not only to the consumer (it's probably too late for that), but to our very government and way of life.

Literally nothing short of the freedoms we hold dear is at stake.

Kevin Buterbaugh
1500 Deal Road
Burns, TN 37029
CC:attorney.general@po.state.ct.us@inetgw

MTC–00005061

From: Michael Haag
To: Microsoft ATR
Date: 12/31/01 2:52pm
Subject: Microsoft anti-trust file...

The corporate version of O. J. Simpson style justice—bought and paid for.

MTC–00005062

From: Matias Moyano
To: Microsoft ATR
Date: 12/31/01 3:12pm
Subject: About the settlement

hi, like an user of Microsoft Products, i have to say that the settlement reached by microsoft and the DOJ with the 9 of 18 states is a joke, MICROSOFT is not only allowed to keep doing their ANTI COMPETITIVE activities, this will not help the consumers at all, how can someone say that if microsoft is break in 2 parts is going to hurt the economy? what kind of joke is that??? MICROSOFT is

destroying the economy by just being there and doing what they do all the time! the economy grows if there is a way to compete arround!, the economy grows when someone decides to create a product and start selling and doing some competition, but with microsoft arround like that.... no one will have the chance to even take a product to the market because microsoft will buy them or..... wors and the most common strategy by microsoft that is.....''adding a new feature to the OS'' and that feature is the one that is created by this new company, so, with this kind of market, go will want to compete if they know that they will be doom anyway or another? they can loose because microsoft haves the money to make you loose, or they can loose because microsoft haves the most selled OS arround, they just have to bundle a new feature and the company is dead, So now tell me, how this deal will benefit the consumers? if i will still not have the right to choice what ever i want? when i use winamp i know that some day it will not be manufactured because loose of money, and what i have? windows media, and so on so on so on, whats next?

how much time we have to wait until someone realises that MICROSOFT IS NOT THE ANSWER TO THE ECONOMI? i hope for the good of every consumer out there, that this deal between the DOJ, 9 states and the HUGE MONOPOLY OF MICROSOFT is cleared, and a new one.... the one that is proposed by ''rebel'' 9 states is taken as the remedi, please, hear what the people haves to say, not what some idiots that dont know what is to use a computer... whe dont need to benefit microsoft, whe need to benefit the consumers, and with the settlement that the DOJ accepted, the consumers are not happy at all.

that is all i have to say.

Matias Moyano.

MTC–00005063

From: john.m.curren@mail.sprint.com @inetgw
To: Microsoft ATR,attorney.general @po.state.ct.us@inet...
Date: 12/31/01 3:15pm
Subject: Microsoft anti-trust settlement

To Whom It May Concern:

I have never written a letter of my own initiative to any government body until now. I have been in the computer industry since graduating from college so I have been observing Microsoft's behavior for about twelve years. I cannot in good conscience allow the proposed ''settlement'' to pass without at least voicing my opinion.

I recall a time when there was competition in the PC operating systems and application software markets. You could use DOS, DR–DOS, OS/2 and possibly others as your operating system. You could also choose between WordStar, WordPerfect, and Microsoft Word for your word processor. You could choose between Lotus 1–2–3, Excel, or Quattro for your spreadsheet. There was competition. Microsoft has completely annihilated all competition in those and other markets. I remember Stacker and the Borland development tools. Unless something is done competition will never be restored to those markets.

I do not see how the proposed settlement benefits the plaintiffs one iota. I doubt most of the schools have or can afford the resources to keep a handful of networked PC's running. I doubt that it will really cost Microsoft one billion dollars in hard cash to dump a bunch of outdated PC's and copies of software onto underprivileged schools. A columnist in InfoWorld suggested something that I believe would truly restore competition in the PC marketplace. In a nutshell, make the Windows operating system and the Office platform a public standard or API which other companies can write operating systems and applications for. Make it illegal for Microsoft to extend or go beyond the API without first extending the public definitions as they have done in the past with the Windows API. This would instantly create two huge markets that would create jobs, stimulate the economy, and benefit consumers globally. Of course Microsoft would vehemently object but somehow I think they will be able to manage. Furthermore if Microsoft's software is so good they should be able to compete and win on a level playing field.

Thanks for your time.

John Curren

System Administrator

MTC–00005064

From: sssfjet
To: Microsoft ATR
Date: 12/31/01 3:58pm
Subject: ms

Microsoft has been a bad, bad boy. You should do what the last remaining states (and the citizens of America) want and wack the hell outta Microsoft's pee pee. It's time for the big bully Microsoft to get a taste of their own medicine. There is no need to keep this in the courtroom for another 10 or 15 years.

The court system has already found them guilty. But what good is that if the court system does nothing about it. Pass sentence and kick their ass in the process!

sfjet

MTC–00005066

From: TQME2@aol.com@inetgw
To: Microsoft ATR
Date: 12/31/01 4:05pm
Subject: Microsoft Antitrust Court Decision

I, as a citizen of the United States of America, longtime computer user, and former manager of Information Technology acquisitions for the US Department of Agriculture, make a public record on my great concern over and disapproval of the proposed settlement made between the Federal Government and Microsoft in this case.

The strictures themselves and the results stemming from implementation of them cannot and will not solve the basic problem of Microsoft's illegal monopolistic activities. They can and will embolden the firm to continue its illegal practices and will adversely affect individuals, corporations, and governments around the world.

Please revise the settlement such that the current and future actions of Microsoft will be modified commensurate with the actual legal findings of monopolistic practices by the company.

T Q Stevenson
tqme2@aol.com

MTC–00005067

From: Chas433@aol.com@inetgw
To: Microsoft ATR
Date: 12/31/01 4:21pm
Subject: Antitrust?

After spending my hard earned tax money talking with Microsoft all these months, you have lost the wet noodle for the wrist slap, and are providing a craven settlement in the Microsoft antitrust case on weaker terms than negotiated before you won the appeals case. I realize the slogan ''Go Nuke???em'' was taken by the other side before you started but given the egregious Microsoft conduct this settlement is ridiculous. Their cries of preserving ''innovation'' are smoke. Were the gross incompatibilities of Wind ows Millennium innovation, or the big security holes in Outlook and Windows XP? I read in the Washington Post for Dec 22, 2001 that the FBI is now giving advice to XP users on measures to block hackers. There has been little innovation except on how to block credible competition. Adding insult to injury is the proposal to provide school donations of software as a follow-up aimed at knocking out the meager competition remaining. I cannot say I am proud of the DOJ in this one. The hold-out states have my appreciation and may they prevail. May a better operating never appear and your Windoze eternally be hacked and crash. The only thing worse than this settlement was the one proposed by the FCC for the Nextwave wireless license fiasco.

MTC–00005068

From: Dramen Mendra
To: Microsoft ATR
Date: 12/31/01 4:58pm
Subject: Microsoft Monopoly

I would hope that the continued monopolization of the software and internet markets by Microsoft will be stopped. Microsoft has been determined guilty of violating anti-trust laws, that's good. But the present solution is hardly worth the effort that brings us to this point. I can only hope that the DOJ take another careful look at their present plans because those plans do nothing more than improve Microsoft's' position to further control the software and internet markets. Please protect the American consumer, business and ultimately the citizens of this country by re-evaluating your proposed ''penalty'' for violating anti-trust laws. How many more enterprising software developers must bite the dust. How much more can consumers be forced to swallow whatever Microsoft dishes out? Will it have to get so bad that we will be forced to go down this road again, and will we have the dubious luxury at that point?

A concerned consumer and citizen.

MTC–00005069

From: tsungshiang sun
To: Microsoft ATR
Date: 12/31/01 5:23pm
Subject: Microsoft

To whom it may concern:

As a pride American citizen, I definately support Microsoft. It will be great to settle this anti-trust case as soon as possibe for the benefit of consumers and our economic.

Fred Sun

MTC–00005071

From: Graham Grist
To: Microsoft ATR
Date: 12/31/01 5:25pm
Subject: Settlement

I am amazed at the leniency of the settlement proposed. It is evident that Microsoft have flagrantly disregarded the law in building a dominant monopoly position.

It is also clear that the settlement in no way adequately prevents the company from using its monopoly power again, and it is doing so as much as it can.

The key architect Bill Gates should be banned from any executive involvement. The company should be split up. Just because the original judge was foolish enough to breach protocol does not mean his remedies were wrong and that the American people and the world should suffer the predatory pricing and other actions that this company has at the root of its culture.

Graham Grist MA (Oxon) FCT

MTC–00005072

From: John Peters
To: Microsoft ATR
Date: 12/31/01 5:27pm
Subject: Microsoft Settlement

It is beyond me why my tax dollars are even being used to investigate the so called monopolistic acts of Microsoft.

I realize that this whole thing is the fact that Internet Explorer is considered a part of Windows. But I as a consumer have the ability to go on the web, download, and install any browser I feel. I do not feel forced to use Internet explorer. Also as a consumer I can purchase and install any operating system I chose again I do not feel tied to Windows.

I feel that the worse thing that Microsoft has done is find out what the consumer wants and put into an operating system. I think we need to get rid of all these anti-Microsoft special interest groups and let them find something else to complain about. Perhaps they could complain about the lack of affordable health care instead of complaining about Microsoft.

What effect does a finding against Microsoft have on the big picture.

Again please don't waste my tax dollars on investigating this or on any further court cases against Microsoft.

I Love Microsoft!!

Also, if the DOJ replies to these messages please feel free to send it through the mail. I am proud Postal Worker.

John Peters
730 Armistice Blvd.
Pawtucket, RI. 02861–2749

MTC–00005073

From: Tjack1931
To: Microsoft ATR
Date: 12/31/01 5:25pm
Subject: Settlement

I Would like to voice my Opinion on the Microsoft settlement.. I think it is in our Interest for you the Justice dept. to settle this ongoing witch hunt against Microsoft, I think that there is more of a monopoly going on with AOL and Time Warner than any other outfit out there.. why are you not faulting them that brought the suit in the first place.. For Gods sake settle and move on to more pressing problems that we have in this country then picking a Company such as Microsoft apart that has done so much for us computer users,

Sincerely
Helga Jackson
4318 So 325th St.
Auburn, WA 98001
Tjack1931@msn.com

MTC–00005074

From: Jerald Hill
To: Microsoft ATR
Date: 12/31/01 5:29pm
Subject: Microsoft Settlement

Microsoft should not be penalized for its business practices. I use Microsoft products as well a many of their competitors and I believe these companies should be let alone to compete. We consumers can decide what products we want to buy. Please end this case and let everyone get back to developng products.

Jerald Hill
8020 Thunder River Way
Cumming, GA 30040

MTC–00005075

From: William R (Bill) Moore
To: Microsoft ATR
Date: 12/31/01 5:29pm
Subject: Microsoft Settlement

To Whom It May Concern:

While I feel strongly that the entire case against Microsoft has been an abuse of power by the Justice Department pushed by companies who could not compete and for various self-interest groups, it probably is best to put this matter behind us and get on with business. I do not feel that the restrictions and sanctions being placed on Microsoft will significantly impact its ability to provide quality products and enhance the overall computer user community whether it be business or personal. It may impact those companies who sought to rely on government and judicial powers to be able to compete. Maybe now they will attempt to be more competitive on a product basis.

William R. Moore
1300 Pebble Drive
Greensboro, NC 27410
William R. (Bill) Moore
www.big-m.com
wilmoo@triad.rr.com

Where there's a Will, there's a way but only the saavy survive! It's lonely up here on Olympus.

MTC–00005076

From: Lee Pollard
To: Microsoft ATR
Date: 12/31/01 5:30pm
Subject: Microsoft Settlement

To Whom It May Concern:

There are many more important issues for this country than DOJ meddling in the free enterprise market. It is ironic to me that AOL / Netscape can essential do the same thing as Microsoft has been charged with, although not nearly as well, and those companies are not under any type of wasteful investigation.

Microsoft provides a solid platform for the majority of computer users worldwide to be able to communicate and work together.

Take whatever they have decided to give you and leave them alone.

Lee Pollard
USMA '86
Owner—Computer Therapy

MTC–00005077

From: Rollie Hallen
To: Microsoft ATR
Date: 12/31/01 5:30pm
Subject: Microsoft Settlement

Th Whom it may concern;

I feel that the US government was completely taken by microsoft in this ordeal. Big business won, the government and people from all over the world lost. But what would you expect, doesn't business run the US government?

Roland W. Hallen
3310 9th St.
Lewiston, ID 83501

MTC–00005078

From: Gene Owens
To: Microsoft ATR
Date: 12/31/01 5:29pm
Subject: Microsoft Settlement

I think it is time to stop this nonsense and quit wasting my taxpayer dollars on this case. Microsoft has literally created the computer industry. The interchangeability of applications on different brand PC's is a tribute to the Microsoft operating systems. Who cares if it comes bundled with MS products. Their products are good—and they work! That's what consumers really need. The vast majority of PC users want something easy to use— that's MS products. They've made a lot of money—so what? They deserve it. They earned it.

Let's settle this case and be done with it. The Federal Government should devote its efforts to tracking down criminals and terrorists—not good businessmen!

Gene Owens
Shrewsbury, PA

MTC–00005079

From: Dick Foreman
To: Microsoft ATR
Date: 12/31/01 5:31pm
Subject: Re: judgement

This is a farce, you have given in to Microsoft and their monopolistic practices. They will continue to screw the public knowing the government will do nothing to stop them or punish them for their transgressions. The golden rule is alive and well in the USA, ''he who has the gold, rules.''

Dick Foreman, dick@foremanart.net
Foreman Art, Research & Technology
1002–1 Pacific Grove Lane
Pacific Grove, CA 93950
Phone: 831.657.9493
http://www.foremanart.net

MTC–00005080

From: Hannum Dion G.
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/31/01 5:32pm
Subject: Microsoft Settlement

I personally think this settlement is just. In my opinion it would be a waste of taxpayers money to prolong this case.

Dion G. Hannum

MTC–00005081

From: Jim Davlin
To: Microsoft ATR
Date: 12/31/01 5:32pm
Subject: Please read

There was once a time in this country when a man could invent a better mousetrap. He could benefit from it and live the good life. Microsoft is such a company. Don't punish them because other big businesses can't figure out how to beat them. To bad you did not watch Enron closer.

Jim Davlin
8833 Jaylee Drive
San Gabriel, caCA
91775
626–309–0429
CC:RFC-822=0—23163—79E0AE9D-3CC5-D211–86EF-0008C7DAAE...

MTC–00005082

From: Jim Marsh
To: Microsoft ATR
Date: 12/31/01 5:34pm
Subject: Microsoft Settlement

Dear Sirs

Please stop wasting our money going after the American dream. This type of company growth is what our country was built upon.

If government keeps stepping and trying to make all types of companies the same then why not have one company run everything i.e. ''The Government Company'' that provides software, support, etc.

I for one am very tired about the wasted time and money being spent on trying to kill Microsoft for the hurt feelings of the few. If these companies products were better then they would have been brought! I had various M/S software clones and they just don't do the job!

I bet you are looking at this e-mail on some M/S software product.

Regards
Jim Marsh
Public Citizen

MTC–00005083

From: Jim Miller
To: Microsoft ATR
Date: 12/31/01 5:36pm
Subject: Microsoft Settlement

To Whom It May Concern,

Please initiate the settlement with Microsoft and get on with other more pressing businness fo the Department. This has gone on long enough.

I have used Microsoft products for years, I understand the breadth of their market share and don't blame their competitors for being worried, they provide a good product at a reasonable price, and that is why they have the market they do.

Let Microsoft get on with developing new products and helping the computer industry reach its potential That after all is why they call it ''FREE'' Enterprise.

James E. Miller, Alameda, Ca
A concerned consumer.

MTC–00005084

From: Ralph Heymann
To: Microsoft ATR
Date: 12/31/01 5:38pm
Subject: Microsoft Settlement.

Microsoft's competitors have caused enough damage and should be restrained from causing more havoc

As a satisifed user of Microsoft's products I believe that the proposed settlement is good for all concerned, the consumer, Microsoft's competitors and, most of all, our economy.

There is a need that these proceedings come to a close and the DOJ settlement be accepted as a good and fair one.

Ralph Heymann
Chapel Hill NC

MTC–00005085

From: Killraven
To: Microsoft ATR
Date: 12/31/01 5:34pm
Subject: Microsoft Settlement

I'm posting this in response to a Microsoft FINFlash e-mail asking people to give their opinions to the DOJ in regards to the proposed Antitrust settlement.

My opinion is that the current proposed settlement would make the money spent on the investigation a bigger waste than that spent on the Whitewater investigation.

For a token penalty (less than 10% of MS's petty cash!) Microsoft would be handed a huge victory in being able to strengthen their Operating System monopoly in the one area that they have largely been kept out of, the Public Education System.

Years back, prior to Windows 95, the PC public had a choice of at least three different Operating Systems (MS-DOS, PC DOS, and Novell DOS (aka, DR DOS)), all of which would adequately run the Windows 3x environment. Now we are restricted to Microsoft only. This has certainly stifled innovation in the technical arena, as history shows that Microsoft has almost always been a copier or purchaser of innovation. The existence of alternative OS's (Linux, Be and various Mac flavors) is simply not adequate as the majority of the worlds computer programs are designed for the various flavors of Windows, from business applications to entertainment.

In my opinion, the nine states that did not readily accept Microsoft's tainted bait have an acceptable solution in forcing Microsoft to offer a stripped down version of Windows that will allow users to build their OS with only the tools they desire or require.

Also, in my opinion, the best overall solution would be to require Microsoft to license the portions of Windows code that would allow competitors to build their own Operating Systems that would be completely Windows-x compatible so that consumers would once again truly have freedom of choice. Competition is the true mother of innovation, and innovation helps everyone.

Thank you for your time.
Sincerely,
Paul A. Hoerner
Bismarck, ND
USA

MTC–00005086

From: Jbrumwell@aol.com@inetgw
To: Microsoft ATR
Date: 12/31/01 5:42pm
Subject: Microsoft Settlement

Please wrap this thing up and move forward! Examine every dissenting state AG and you will see MS competitors among their constituents and/or politically ambitious grandstanders who are attempting to keep the pot boiling on this issue to put their names and faces in the newspapers. I have been using computers for years and can assure you that these machines were merely word processors before Windows came along. If we want the new industry leaders to be based offshore then keep on harassing our innovators.

Sincerely,

James Brumwell (MS stockholder, I'll buy Sun & Oracle too when they put their primary emphasis on improving their products rather than placing it on trying to pull down the industry leader by court action!)

MTC–00005087

From: Robert Keating
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/31/01 5:18pm
Subject: Microsoft Settlement

Dear Sirs:

Leave Microsoft alone. Microsoft is the market leader in software because they make the best products. The market has voted with their dollars, and Microsoft has won the election.

Microsoft's competitors could not compete in the marketplace and are trying to use the government to help their cause. They should compete with their products instead.

Targeting Microsoft in the first place was a bad idea. This DOJ suite has contributed to the downturn of the economy. Encourage the companies of the nation rather try to throttle them.

Robert Keating
Oklahoma City, OK

MTC–00005088

From: Frank Rice
To: Microsoft ATR
Date: 12/31/01 5:43pm
Subject: Microsoft Settlement

Dear Sirs,

I strongly believe that it is in the best interest of the economy and US consumers that the government settle the DOJ case against Microsoft. I find it extremely difficult to understand why the government (both federal and state) continues to pursue litigation against a company that has created thousands of much needed jobs and provided so much benefit for the consumer. Continuing this litigation will only worsen an already sluggish economy with no additional value to the consumer.

Sincerely
Frank Rice

MTC–00005089

From: Wright, Michael
To: Microsoft ATR
Date: 12/31/01 5:45pm
Subject: Microsoft Settlement

Leave American Business alone!!! All things being equal.it could never become as corrupt as a government.

MTC–00005090

From: shannon Gamba-Lewis
To: Microsoft ATR
Date: 12/31/01 5:45pm
Subject: microsoft settlement

D.O.J.—

This needs to be done with. The government should seriously have more important things to do than interfering with private enterprise. Get off their backs for the sake of the public, and stop spending tax dollars to support vindictiveness on the part of MSFT's rivals. They have done nothing but help our economy and our daily lives. Microsoft touches all our lives every day. This is America, remember? ''Land of the free''. Thank-you

Shannon Lewis
7230 Harbor Light Way
Sacramento, CA 95831
916–255–4676

MTC–00005091

From: Keith R. White
To: Microsoft ATR
Date: 12/31/01 5:47 pm
Subject: Microsoft Settlement

It is time for the litigations to end, even though I do not believe Microsoft did anything wrong or improper, the settlement is as close to fair as we are going to see.

Keith R. White
Comp TIA A+ Certified
whitek1@airmail.net

MTC–00005092

From: Glenn Fincher
To: Microsoft ATR
Date: 12/31/01 6:09 pm
Subject: Microsoft Settlement

This email is to lodge my concerns regarding the settlement between Microsoft and the DOJ. PLEASE cease and desist from wasting ANY more of MY money on pursuing this frivolous suit! Microsoft is being pursued not by Justice, but by jealous competitors who are unable to bring to market satisfactory products able to compete with Microsoft in the free market. Thus, they, NOT JUSTICE has pursued this ongoing and costly suit to the detriment of free enterprise, the consumer, and untold employees in the IT industry.

It is my opinion that Microsoft has been driven unfairly to make concessions that bode well only for those faithless companies that have pursued them in the courts, not the consumer. End this charade, and allow this final settlement to put at rest the pursuit of a company that has built an industry. AOL, Sun, Netscape, Oracle and the others wish only to supplant Microsoft as the single most successful company in American history; NOT to provide any real alternative nor innovation of their own.

Glenn Fincher
Microsoft Certified System Engineer
Windows 2000 & XP MCP
InToto Technologies, Inc.
gfincher@intoto.com

MTC–00005093

From: marty-solveig@att.net@inetgw
To: Microsoft ATR
Date: 12/31/01 5:47 pm
Subject: Microsoft/Government Settlement

Sirs,

Please by all means end this situation. Microsoft is on our country's plus ledger with respect to our balance of payments; as is the Boeing Airplane Company and other very large companies.

From my read the settlement appears OK and it should get implemented.

This opinion from a World War 2 vet who can remember the Depression Era and can still think about assets in our national intrest.

Yours truly,
Martin Schames

MTC–00005094

From: Kevin Tracy
To: Microsoft ATR
Date: 12/31/01 5:58 pm
Subject: Microsoft Settlement

To whom it may concern,

As long as I can remember I have always been a user of microsoft products, and now, as a business owner, their products make up the backbone of my company. Recently, it has come to my attention that they had reached a settlement which can still be contested. While not clear what the opposition wants as an end result to the settlement, it is clear what harm could be caused to microsoft, and indirectly to my company. The longer Microsoft is busy dealing with legal issues and spending more money on them, the longer it may take for them to release an innovative new product. It may also cause a layoff of a worker.

This worker may be the one who could have saved a contract for my company through excellent and fast technical support. While this is a improbable example, the longer and more expensive the legal battle is for Microsoft, as well as perhaps any increased damages resulting from it, the more this concept becomes a reality. And this is not just my reality, there are millions of people just like me who rely on Microsoft for products and as a company. That is why I ask that you as a group to finish this as soon as possible.

Sincerely,
Kevin Tracy

MTC–00005095

From: Larry Babcock
To: Microsoft ATR
Date: 12/31/01 5:49 pm
Subject: microsoft settlement

Please do what ever it takes to settle this, it has gone on long enough. The longer this litigation takes the more obvious it is about money, not fairness to the consumer. We need to move on.

MTC–00005096

From: Stu Thomas
To: Microsoft ATR
Date: 12/31/01 5:49 pm
Subject: Microsoft Settlement

To the US government—you need to do whatever it takes to keep Microsoft in this country. They could do like American Express has done, or like Pinnacle West has done and move the operations to India. This takes you out of the picture. They could just move north less than 200 miles and you are out of the picture and what would you do for software to run your computers? What would I do? What would the people who haven't used their brains that are pushing for this do for software? Lets realize that many people would not be employed today if it were not for what Microsoft has done. While I realize that your efforts protect me and others in the industry, please consider that the money Microsoft has spent on this means that I pay more for their products and I pay more taxes. Any company must make a profit and if you cost them money, they must pass it on to the consumer. My taxes pay your salary! So lets work out a compromise that keeps Microsoft in the country.

If you want to prosecute someone or a company look to companies that hire consultants from India or Pakistan or the Philippines or Australia. They say its because of a lack of qualified applicants. That is a lie. Why can I say that? I work for a company that hires consultants from India and the last two openings that were posted had over 87 qualified applicants after very careful screening. There are literally over a thousand computer programmers in the Phoenix area alone looking for work and you and I mean you allow companies to hire consultants from another country and the money flows back to that country. It doesn't help the US or the local economy. This slowly erodes our society—it is done slow—it is done subtle—you are fooled—the communities are ruined forever. Why are the communities ruined? People go bankrupt—they are ruined over greed. And who cares about a few people? Well let this continue and it may be you. Think of the teachers from India teaching your school children! What American history, or perspective can they give your school child?

This goes on—do you have the integrity to do something about it?

MTC–00005097

From: Greg Manning
To: Microsoft ATR
Date: 12/31/01 5:50 pm
Subject: Tunney Act

DOJ

As a consumer, I would like to comment on the ''Public interest'' of the Microsoft litigation case. It is my opinion that further litigation would only cause harm to consumers. Given the events of the last few months, it is more important than ever to move forward in a positive manner and allow consumers and the markets work...the way this country designed them to work. The penalties put in place should allow all companies to prosper in the highly competitive, and ever changing, technology marketplace, with the end result being better products for consumers. Further litigation would only harm consumers. Close the case...move on...and let everyone get back to business.

Thank you for your time,
Gregory J. Manning

MTC–00005098

From: Mark Eden
To: Microsoft ATR
Date: 12/31/01 5:50 pm
Subject: Microsoft Settlement

I want to add my voice to the ''settle already'' column. The settlement is fair and just. Please allow the software business to get back to business. This on-going litigation only helps a few large companies and does nothing to help consumers or other competitors.

If the lingering states' litigation was actually based on protecting me I might feel

differently. It is about greed and anti-competitiveness. Using the government to try to help sales of their products is abhorrent. They should be making better products.

Thank you,
Mark Eden

MTC–00005099

From: Sharyn Verdon
To: Microsoft ATR
Date: 12/31/01 5:50 pm
Subject: Microsoft Settlement

Please settle this lawsuit. Enough time and money has been spent. Let's get on to something more pressing...like responsible immigration policies and tracking.

Sharyn K. Verdon

MTC–00005100

From: randaus
To: Microsoft ATR
Date: 12/31/01 5:49 pm
Subject: MICROSOFT SETTLEMENT

YOU THE DEPT OF JUSTICE ARE TRYING YOUR TO MAKE US A THIRD RATE COUNTRY.

YOU MAKE THE RUSSIANS PALE IN COMPARISON TO YOU.

MTC–00005101

From: Vitula Green
To: Microsoft ATR
Date: 12/31/01 5:51 pm
Subject: Microsoft Settlement

I am very pleased that the DOJ and various states have come to common ground in the suit against Microsoft. I have always felt it was terribly wrong to blame a company for being successful. I understand the final settlement has not yet been reached and I hope for a prompt and complete closure in the near future. May all the companies in the United States be as successful as Microsoft!

Ida Vitula Green
22506 SE Highland Circle
Issaquah, WA 98029–5207
12–31–2001

MTC–00005102

From: Jason D. Miller
To: Microsoft ATR
Date: 12/31/01 5:52 pm
Subject: Microsoft Settlement

I just wanted to voice my opinion that it is in the public's best interest to allow the Microsoft settlement to go through.

Thanks,
Jason D. Miller

MTC–00005103

From: Shelley Anderson
To: Microsoft ATR
Date: 12/31/01 5:52 pm
Subject: Microsoft Case

I am not a computer whiz and I could only parrot statements and articles others have written about the Microsoft case. The best that I can do is tell you how scared I am about the things I read about what Microsoft could do if not held back—the control over ME they could eventually have—and all the other little guys in the USA. My understanding is that they are hoping to crush the Internet freedoms provided by other browsers and have total control.

No one or no company should have total or nearly total control over anything in our country. Isn't that what outlawing monopolies is all about? What has happened in our country that we no longer protect and encourage the little guy? Why does Microsoft need so much control and/or so much money?

''Settling'' the problem with ''free'' computers to schools sounds noble, but to me it's just another way to capture another segment of the computer world. It's interesting that Microsoft's recent attempts at operating systems (the ones with ''Window'' in their name) are also attempts to be as much like another operating system as they can possibly be.

Why would we want to reward a system that has ''allowed'' the hacking, worms and viruses that have crippled the whole world of computing at times? I've even read that they leave loopholes on purpose so they can heroically ''fix'' them later.

Please, please consider very carefully what the outcome will be in this case. Microsoft has, after all, been found guilty of violating monopoly laws. Shouldn't the penalties be in line with those of other monopoly abusers?

Shelley Anderson

MTC–00005104

From: JOHN J JOHNSTON
To: Microsoft ATR
Date: 12/31/01 5:53 pm
Subject: Microsoft Settlement

GENTLEMEN,

The last thing the American economy needs is more litigation that benefits only a few wealthy competitors and stifles innovation. The Federal Govt. should close this case and tell the States to fall in line with the Fed Govt. settlement.

MTC–00005105

From: Stephen Cracknell
To: Microsoft ATR
Date: 12/31/01 5:54 pm
Subject: Microsoft Settlement

To whom it may concern,

I just wanted to make certain that the DOJ decision makers were aware that there is a great deal of support for Microsoft around the country. It seems apparent that most of the commotion about monopolies and unfair practices is being generated by Microsoft's faltering competition and not by the end users. These end users are currently experiencing hyper-innovation to a point where they are beginning to complain about the pace of change in the industry. Please focus your energies on industries that are clearly being driven by unhealthy monopoly practices like the airline industry's International Airline and Transportation Association (IATA) who's primary role is to fix prices. Also please crack down on the major airlines' oligopoly practices used to squeeze startup airlines out of business.

Stephen

MTC–00005106

From: Larry Davenport
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/31/01 5:58 pm
Subject: Microsoft Settlement

I am very much NOT in favor of the settlement you have negotiated with Microsoft. It appears that once again, Microsoft has outwitted the DOJ. It seems that the DOJ is more interested in a quick settlement than a just one. For those of us who must do business with Microsoft, and we must since that have a monopoly position, we know that it is their actions and not their innovations that are a corner stone of their marketing practices. Just look at their latest policies for upgrades.

You must reverse your settlement and do something to eliminate the monopolistic position that Microsoft exploits.

Lawrence G. Davenport
Executive Vice President & CIO
Foamex International Inc.
(610) 859–3618
(610) 859–3613 Fax

MTC–00005107

From: coolcraw@att.net@inetgw
To: Microsoft ATR
Date: 12/31/01 5:54 pm
Subject: Microsoft:

Microsoft:

Cannot believe that the DOJ spent such little time and money on the terrorists and so much on Microsoft. (Of course before 911

Carl K. Kapikian

MTC–00005108

From: William and Gwen Fisk
To: Microsoft ATR
Date: 12/31/01 5:57 pm
Subject: Microsoft Settlement

We think The Tunney Act should be accepted. This case should be settled. It's now four years old. Our economy does not need more litigation. Consumers overwhelmingly agree that settlement is good for us, the industry and the American economy.

Thank you,
William & Gwen Fisk

MTC–00005109

From: Ben Vega
To: Microsoft ATR
Date: 12/31/01 6:00 pm
Subject: My Public opinion

End all litigation against Microsoft.

all litigation against Microsoft is against the public interest and the capitalist system.

Benedict J. Vega

MTC–00005110

From: Joe Ciconte
To: Microsoft ATR
Date: 12/31/01 6:00 pm
Subject: Microsoft Settlement

I am in full support of Microsoft. I belive that an American Tax Paying company has a right to make money. Being a computer professional I know that consumers have the right to choose their software (bundled or not), there are other companies that offer Microsoft Microsoft makes top of the line software and with Windows a lot of people would not have the ability to run a computer. Microsoft should not be punished for being a successful corporation.

Joe Ciconte

MTC–00005111

From: (123)USER(u)FIRSTNAME(125)
(123)USER(u)LASTNAME(125)
To: Microsoft ATR
Date: 12/31/01 6:01 pm
Subject: Microsoft settllement

I am of the belief that the Microsoft suit brought by the various State attorneys General should be dismissed in the interest of justice and that no further prosecution of Microsoft should occur.

Ronald
Matthews, San Diego, Ca.

MTC–00005112

From: JPW Consulting
To: Microsoft ATR
Date: 12/31/01 6:02 pm
Subject: microsoft settlement

Hi,

I do not agree with the terms of the Microsoft anti-trust case settlement. As a member of the software development community I am more than aware, and have suffered under Microsoft's licencing policies for several years. I especially find the ''donation'' to schools of Microsoft software to be cruel and unusual punishment. This money should be up to the schools to spend and not to force additional Microsoft products down the school's throat. Head back to the table and come up with something more than the current slap on the wrist! CC:attorney.general@po.state.ct.us@inetgw

MTC–00005113

From: Ben Vega
To: Microsoft ATR
Date: 12/31/01 6:02 pm
Subject: MIcrosoft Setlement

End all action against Microsoft. It is NOT in the interest of the American public or Capitalism

Benedict J Vega

MTC–00005114

From: john keener
To: Microsoft ATR
Date: 12/31/01 6:04 pm
Subject: Microsoft Settlement

Dear Sirs, To make this as simple as possible, I am asking you to allow companies in an extremely competitive and changing marketplace to do business. We don't need to have all of the restrictive practices of past decades.

Thank you for you consideration.
Regards,
John Keener
6500 Edgewood Court
Granbury, TX 76049–4318

MTC–00005115

From: GETAM@aol.com@inetgw
To: Microsoft ATR
Date: 12/31/01 6:03 pm
Subject: Microsoft Settlement

Hello,

I have comments about the Microsoft Settlement. This entire matter has been out of control since the beginning. There are many companies that do business a certain way, and the customers either buy or patron the manufacturer or supplier or they do not. All of Microsoft's competition has had the same opportunity to manufacture products that the consumers will buy, but the customers do decide what they want. If Microsoft supplies a product the consumers want, they will continue to purchase it, if they fail the public, likewise, the public will let them know. This settlement is more than fair for Microsoft. To me, I feel it is totally unfair to penalize a company for going after the American dream, and providing the world with products that have excelled, and advanced the world.

The jealousy of others to go after Microsoft, cost many in the business world their businesses, and jobs. My opinion, it created most of what we deem ''the recession'' due to job losses.

I suggest, what would be a more meaningful avenue to pursue is all of the fees and surcharges American's are paying in their telephone bills, and cable bills under the FCC fee's, Universal Fee's which amount in excess of $300 annually per account. These funds were not appropriated by Congress to be taken from the consumers. These are taken from as I said Telephones, Cable, Cell Phone bills, and these are uncalled for, and robbery from all Americans. These collections are just the same as before when Americans were paying for the Spanish American War still from Phone bills recently, those funds were not repaid to Telephone subscribers either. This is something that does need investigation and cleaning up.

Please end the unjust Microsoft ordeal, it is a total waste of the taxpayers money, and has cost America dearly in jobs and businesses. Again, I feel strongly, the consumer will purchase what they wish, leave the manufactures to make the best they can offer, and allow the public to choose. The ones that are sore at free enterprise, need to come up with ideas and products that drive the consumers to buy their products, they just need to be better, instead of fight this way. Please end the ordeal, the settlement is past being fair to those who have suffered nothing, but are jealous of ''Free Enterprise of the American dream.'' Thanks for your time. God Bless America! May 2002 bring us a very good year and blessings to all.

Sincerely,
Gerry J Slobe
CEO/President GETAM Enterprises
GETAM@aol.com
CC:GETAM@aol.com@inetgw,Hannity @foxnews.com@inetgw,Ru...

MTC–00005116

From: Sherry Berghefer
To: Microsoft ATR
Date: 12/31/01 6:06pm
Subject: Microsoft Settlement

In the matter of the Microsoft antitrust settlement, I have to say I disagree with the judgement. For years, I have watched the DOJ and several states (unfortunately, mine is included) waste time and money on a pointless case. Because of Microsoft's success, they are now to be penalized and I question the logic in this endeavor.

I was raised to believe that I lived in a free enterprise system and that regardless of what I did, I should do my best at it. What this case has shown us is that the free enterprise system works as long as everyone agrees to be mediocre. Success is punished, while mediocrity is lauded. What a puzzling concept.

For a time, Netscape was the predominant browser available on the market. Why? Because it was free and, for a while, more robust and user-friendly than Internet Explorer. Along comes a significant improvement in Microsoft's technology and, hold the phone, Netscape gets scared. It realizes that it can't keep up with Microsoft anymore, that it's product is nowhere near as desirable as Microsoft's. Now, instead of demanding more innovation from its programmers, Netscape ran crying to the federal government that it wasn't fair. Other companies decided to join them on the anti-Microsoft bandwagon. After all, if someone is making you look bad, it's easier to push them out of the picture than it is to change yourself.

What I wonder is whether anyone has thought about how Microsoft came to be so dominant? The answer is simple: consumers.

Consumers want something that works the way they want it to at a reasonable price. Microsoft now offers that. I didn't used to like Microsoft's products. They were cumbersome, bloated and were not designed with the user in mind. They learned from their mistakes, though, and have created very robust and easy-to-use programs. I've tried many of the other options out there, and have to say, that I'm very unimpressed. All these other companies have apparently devoted too much of their R&D money to pursuing the big, bad giant. Meanwhile, consumers have been moving away from the so-so software and going to something they know works. Microsoft has implemented a consumer wish list for their products. Other companies just sit back and whine.

I would suggest that perhaps the government should take the time to see how many consumers are really feeling put-out by Microsoft's success. I would wager that the vast majority of consumers feel that this entire pursuit is unwarranted.

Sincerely,
Sherry Berghefer
Nevada, Iowa
slbergh@home.com

MTC–00005117

From: Andy Baldwin
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/31/01 6:06pm
Subject: Microsoft Settlement

To Whom it may concern:

As an IT professional I would like to cast my $.02 worth on the Microsoft Anti-trust settlement.

First and foremost I have always been of the opinion that the lawsuit should never have been brought in the first place. The reasons are numerous but the best way I have been able to voice my view is by means of an analogy. If I were a headlight manufacture and I as a businessman signed a contract with my clients to provide an alternate headlight to the standard headlight deployed on a Chevrolet car and I was making money doing so I would be set for a long time financially. Then one year Chevrolet changes their body style (without consulting me first of course) and my headlights no longer work without the clients doing some modifications to their cars then what is my course of action?

In the case of Netscape they sued to make Microsoft change their product to more easily accept Netscape software. This is much like me in the above analogy suing Chevrolet to change their new car model to accept my old headlights. What should happen is that I as

a business man should adapt my product to work with the new model OR start manufacturing a car of my own that comes with my headlights standard. Netscape could do the same.....

If your product is harder to install or does not function properly with the new versions of Windows then create an OS of your own and try to buy into the market, not use taxpayer money to have the government order a private business to change and accept a product that was created and modified and relies on certain things in Windows to work. Netscape has modified their software to run under Linux, Unix, Mac OS and you do not hear them gripe when Mac changes their OS and software needs updating.

I would love to see yet another OS on the market that can perform and is supported like Windows. Personally we have tried to use things like Linux but found that the OS is harder to use for end users and much more difficult to maintain. We have elected not to use it for these reasons. The point here is that we made a financial decision to not use an ALMOST free OS because it does not perform at the same level as Windows.

You always hear about the patches and fixes being release for MS software. MMMMM .....Readhat has release at least 3 version this last year and a multitude of security and bug fixes along side these versions.

If you want to write software that relies on a 3rd party OS or 3rd party software and that manufacture changes something that disables your tool then you have a choice. Change your product to work or STOP RELYING ON THE 3RD PARTY ALL TOGETHER!

Why is Microsoft at the top of the food chain? In my opinion it is because the founders had a dream, a goal, and did what it took to accomplish that goal. Mind you this was done in a time when your average Joe Person had no idea what a computer was. When this turned into a windfall of financial rewards, those who did not latch on to the possibilities cry foul and ask the government to step in and give them a piece of the pie that they were not fore-thoughtful enough to cut into in the beginning.

If this lawsuit goes on then I plan on asking the government to step in on my behalf. A decade ago a company called Wal-Mart went public. I did not think it would amount to much so I did not buy stock in the company. Now I think I am entitled to the profits that I COULD have reaped had I invested. Is the government going to use taxpayer money to help me recover my ''LOSS''? I don't think so. Neither should the government be stepping in to help companies that did not perform when they should have been to recover their so called ''LOSSES''.

To sum up the reason for this email I would like to encourage DOJ to accept the courts rulings, and most of all put this lawsuit to rest for good. In other words ACCEPT IT and MOVE ON. This goes for the 9 greedy states that are standouts from accepting the offer for whatever reason they stated. Think of the possibilities that all the funds (taxpayer money) used in the frivolous pursuit of Microsoft could have been used for. All the real DOJ interest such as home law enforcement, national safety, public safety, and other endeavors. For instance think about how quickly things like the Ford / Firestone problem could have been identified if DOJ had gone after them instead of private individuals who finally got the Transportation Safety Administration involved.

Think about the possibility of a much lower crime rate if that money had been used by state and local law enforcement. Think about the backlog of cases that could have been prosecuted in the last 4–5 years. After all this I would once again as a voter and a taxpayer HIGHLY ENCOURAGE you to accept the Court findings (including the 9 stand out states) and move on to more important endeavors.

Andrew Baldwin
Programmer/Analyst
Anatel Corporation
abaldwin@anatel.com
<mailto:abaldwin@anatel.com> 303.417.8149

MTC–00005118

From: Edward Kalabus
To: Microsoft ATR
Date: 12/31/01 6:08pm
Subject: M/S Settelment

Dear US Government:

The Microsoft penalty should be far more harsh and should be cold hard cash, a penalty they would understand. The current XP operating system shows there is no contrition what so ever by this certified monopoly.

Ed Kalabus
607 Thunderbird Dr.
Prescott, Az 86303

MTC–00005119

From: Cranham@aol.com@inetgw
To: Microsoft ATR
Date: 12/31/01 6:11pm
Subject: Microsoft settlement

New Year's Eve, 2001.

Your Honour(s), Ladies and Gentlemen of the District Court, and anyone else relevant:

Re: The Microsoft situation

First, for the record, I am not a Microsoft shareholder, employee, or otherwise have any interest in the Company, except that occasionally I purchase (and duly license) its products for my small business purposes. Second, please let me be transparent and state that I believe that Microsoft has been dealt with harshly. There is ample evidence that the Company's competitors have been, and continue during this comment period, to be instigators.

Third, the Company's products are a tremendous facilitator of the small business owner, including all the interchangeability and cross-referencing between programs that can be accomplished. Lastly, my view is that the time has come to cease all the litigation. If there is an end to this matter, after the Appeals Court ruling, then fine, regardless if one thinks it too harsh.

This country is in danger from terrorists and other economic constraints. We need all our economic, legal, and judicial power to be constructive and progressive in times like this. So let us have the settlement finalised at the end of this commentary period, let us get on with the pursuit of our true enemies, and let us rebuild from the damage of 2001. These goals will be greatly aided by getting our economy going again.

Please feel free to contact me with any questions that you may have with regard to verifying this public comment. My office (Pacific time) is (760) 930–0500 -0520(fax).

Yours very truly
Anthony W Fox
President
EBD Group
6120 Paseo del Norte, J2
Carlsbad CA
92009

MTC–00005120

From: Rob Foster
To: Microsoft ATR
Date: 12/31/01 6:11pm
Subject: Microsoft Settlement.

The whole Microsoft issue has been carried on for far too long at your countries tax payers? expense, it is time to come to a settlement whereby the public are the winners. I believe the settlement outlined appears to be acceptable to all parties and should be adopted as early as possible. I have not always agreed with Microsoft's policies but they have been handled completely unfairly during this ongoing farce ? it is time to put an end to it

Best Regards
Rob Foster
Foster Information Services
web: www.fis-uk.comHYPERLINK ''http://www.fis-uk.com/''
email: rob@fis-uk.com
tele: +44(0)7710 255561
fax: +44(0)1784 488142

MTC–00005121

From: michael govern
To: Microsoft ATR
Date: 12/31/01 6:12pm
Subject: Den of Thieves

What share of market do the pirates have? In China, it is some where around 90%—almost the same for Latin America. The Court, Media, & Microsoft Haters never address this issue. If Penfield Jackson says that MSFT has a 90% share, it must be true. If Judge Edwards says MSFT has a 90% share, it must be true. If Clinton said he did not sleep with that woman, it must be true.

MTC–00005122

From: EBrauer712@aol.com@inetgw
To: Microsoft ATR
Date: 12/31/01 6:17pm
Subject: Microsoft Settlement

Please!! Enough is enough. If you're interested in ability of the consumer to receive the best at the least cost, continuing this lawsuit is not the way to do it. Allowing certain companies with agendas of their own to push for the continuation is not fair to the public, who are the only ones (besides Microsoft) who will suffer. Please end this thing.

Thank you,
Adrienne Brauer

MTC–00005123

From: Walter Ullengren
To: Microsoft ATR
Date: 12/31/01 6:18pm
Subject: Freedom

To whom it may concern,

Listen folks you still have the best product out there and that should what it's all about! If you our blocking somebody's else's dream well then that's another story!

E.O.M

MTC–00005124

From: Timothy Gorski
To: Microsoft ATR
Date: 12/31/01 6:20pm
Subject: Microsoft Settlement

Dear Sir or Madam,

While I am generally sympathetic with businesses that choose to make their own decisions in the marketplace, I am very concerned that the DOJ is setting Microsoft free to engage in new and greater abuses of its monopoly power. In particular, I see now that Microsoft's new XP operating system *forces* users to upgrade, is configured to interfere with the users' ability to upgrade their hardware components, and that these features appear to be primarily designed to wring cash out of users of the Microsoft XP products. Microsoft has said right along that it's Windows operating system should be thought of just like an automobile—their favorite comparison.

But what automobile forces its users to purchase additional modifications from the manufacturer? What automobile quits working when the owner puts in new upholstery or makes other changes to the vehicle? I urge you to reopen the Microsoft case and consider these continued and, from the looks of it, planned bigger abuses of Microsoft's monopoly power with respect to PC operating systems.

Respectfully,
Tim Gorski MD

MTC–00005126

From: CHARLES CLAYWELL
To: Microsoft ATR
Date: 12/31/01 6:27pm
Subject: Microsoft Settlement

In my opinion, the Department of Justice or government and a group of people including the judge that first tried the case, and the state attorney generals that joined the case and the news media with their lip service in general, all were banded together because they could not compete. Microsoft was treating the public fairly plus doing a better job of developing new software at a better price then their competition. I think it is time for everyone to tiptoe away and let Microsoft do an even better job than they have before.

Thank you,
Charles F. Claywell

MTC–00005127

From: Charles Romanus
To: Microsoft ATR
Date: 12/31/01 6:28pm
Subject: Microsoft Settlement

Dear Sir:

Please bring this case to a final conclusion. it ahs gone on long enough and we need to concentrate our national efforts and resources in other areas. I highly recommend that the DOJ and all of the States involved in the Microsoft case mutually agree with the settlement that has been accepted by the DOJ.

Thank you for your consideration in this matter and Happy New Year,

Charles F. Romanus
595 Eat Gate Drive
Thomasville, GA 31757

MTC–00005128

From: Richard F Schneider
To: Microsoft ATR
Date: 12/31/01 6:31pm
Subject: Microsoft Settlement

I believe the settlement in fair to all concerned and this should be settled without further litigation. We need Microsoft back doing what they do best and not spend any more time in the courts. They have enough good computers to keep progress on a path forward to keep the US computer industry up to or ahead of the rest of the world.

R.F. Schneider

MTC–00005129

From: ragweed
To: Microsoft ATR
Date: 12/31/01 6:35pm
Subject: Microsoft Settlement

As a computer user. I hope the Microsoft case can be finally settled. The uncertainty has hurt the market place and the consumer. I am a Microsoft supporter; I am also a Sun, HP, Motorola, and Apple stock holder and just updated my Real Networks Real One software. I use a lot of Microsoft software but I use Quicken, Corel Draw and other none Microsoft software. I use Windows XP, I have been a beta tester for Microsoft and I have been impressed by the work done to obtain compatibility with software from various sources. I have both the Microsoft and the Netscape browsers on my computer. I choose which software I use. I welcome Microsoft adding perks to its software, but if other companies make better products, I use them. I hope the computer industry can concentrate in building better solutions for the consumer instead of legal arguments.

David Shulan
ragweed@msn.com

MTC–00005130

From: Greg Post
To: Microsoft ATR
Date: 12/31/01 6:34pm
Subject: Microsoft Settlement

I am firmly in favor of the proposed settle of the Microsoft Anti-Trust case. As a small business computer consultant, I rely on Microsoft to provide operating systems and applications that work well together. The only thing that I saw Microsoft do wrong was in their dealings with OEMs. OEMs should be free to install whatever operating system they want without fear of any reprisal from Microsoft. The settlement agreement adequately addresses this issue.

There is nothing wrong with any of the Microsoft products in how they present them in an integrated fashion. Yes, they should be complete in the their disclosures of how the operating system works, eg. a complete API disclosure, but the settlement agreement adequately addresses this issue. In my business I work with a lot of regular users, people who aren't heavy duty technical types but just people who want to get something accomplished with their computer. All of the improvements that I've seen Microsoft make in Windows have been toward the end of making the computer easier to use. The same cannot be said of all other software/hardware vendors although there are exceptions. The chaos in the computer industry that would have resulted without Microsoft's leadership and standard setting (even defacto standards) have been largely mitigated by Microsoft's ability to freely innovate and produce good products. A simple example is CD-RW technology. Before Windows XP, there was no good user interface standard for how to create CD-RW disks. With Windows XP handling the disk creation, all the different user interfaces are gone and users can now easily, intuitively create CD-RW. AND they can help other Windows XP users do the same.

Thank you,
Gregory Post
Cedarose Consulting

MTC–00005131

From: Neale, Miles
To: 'microsoft.atr(a)usdoj.gov'
Date: 12/31/01 6:36pm
Subject: Microsoft Settlement

As a user of Microsoft products for over 16 years, a developer of software, and a native born American I would like to see the Microsoft Anti-trust case settled. The action of the Government on behalf of the people was warranted and the settlement that is currently in place should be finalized. As a long standing application developer and data manager, I feel that leaving Microsoft in tact is the prudent and necessary action. Making two or three companies out of the one company would be an unnatural and abhorrent decision. Let the company over time grapple with this issue, we might find in the future a division that would be natural and logical. Historically we have noted that when an external mediator or arbitrator, who is not intimately involved with software development, gets into the process and initiates decisions, the lack of in-depth experience and knowledge will most often cause damage to all sides represented in the decision. In short, a person or organization who has limited knowledge or a vested interest to divide or not to divide, then the people get shorted. We should eliminate this shorting of the American public and let this thing play out. Thanks for the opportunity to comment on this.

Miles Neale
Data Administrator
Wash State Dept of Ecology
360–407–6592—Voice
360–407–6493—Fax
''If there is a way in, there is a way out.''

MTC–00005132

From: Jim Paxton
To: Microsoft ATR
Date: 12/31/01 6:37pm
Subject: Microsoft Settlement

I support the settlement, I believe it is fair-minded, tough and well within reason. Any further delays, or negative actions could cause additional harm to the US economy.

I sincerely believe that is in the US consumer's best interest to put this issue behind us.

Thank You
James Paxton
1351 Rosenkranz Rd

Tieton, WA 98947

MTC–00005133

From: Richard Jennings
To: Microsoft ATR
Date: 12/31/01 6:43pm
Subject: Microsoft Settlement

Section E of the agreement only covers communication between two products on a Microsoft platform. The definition should be expanded so APIs can be extended across operating system platforms.

MTC–00005134

From: Bruce Hagen
To: Microsoft ATR
Date: 12/31/01 6:45pm
Subject: Microsoft Settlement

Gentlemen:

Have we come to the point that we must punish those that excel? I hope not. The previous DOJ cost all of us a ton of money only because they hated success and had a twisted understanding of the computer business. If it was not for what Bill Gates has accomplished we'd still all be stuck with operating systems such as CPM and computers would only be for the Geeks.

Bruce Hagen

MTC–00005135

From: Michael Jacquet
To: Microsoft ATR
Date: 12/31/01 6:45pm
Subject: Microsoft Settlement

Dear DOJ,

Enough is Enough, you have wasted MILLIONS of U.S. Citizens tax payer dollars litigating an absolute obserd law suite against Microsoft Coporation over the last four years. As a U.S. taxpayer, and a Microsoft share holder I strongly urge you to accept the settlement terms both parties agreed to earlier this year and fight FOR the fair and equatable settlement both parties reached in future court hearing. I cannot believe that a few special interest groups and some lazy competitors are trying to derail this long sought after settlement.

Enough is Enough, quit wasting my TAX Dollars !!!!

Regards
Mike Jacquet
Concerned Citizen

MTC–00005136

From: Tom Shipley
To: Microsoft ATR
Date: 12/31/01 6:45pm
Subject: Microsoft settlement

I am a user of personal computers—since 1977. Before Microsoft got involved. I used WordPerfect until Microsoft Word overtook it. I used Lotus until Microsoft Excel outperformed it.Buy all of the old files have always been accessible with Microsoft's products. I think that we should continue to have the advances that Microsoft has been continually introducing. I speak purely from the standpoint of a user and I don't think you are getting enough input from users. We are too busy—and that's too bad.

Tom Shipley
tom@tshipley.cnchost.com

MTC–00005137

From: EFchristi@aol.com@inetgw
To: Microsoft ATR
Date: 12/31/01 6:46pm
Subject: Microsoft Settlement.

To Whom it May concern,

I am a Microsoft OS user, not because it was on my computer when I bought it, because I found it was the only system offered that is user friendly. All the other system I have experience with are very hard to work with and not very friendly when you make mistakes. I have had the opportunity to change my OS and browser to Linex and Netscape, Unix and Oricle, and several others, but I didn't because I use these system at work and find they do not handle user mistakes very well.

In my opinion, and I know my opinion and 75 cents might get you a cup of coffee in the cafeteria, Microsoft has brought the computer industry forward by leaps and bounds. It has come along way in the past 20 years. I remember when the home computer was just a dream, now just about every husehold can afford one. I have five and all of them have Microsoft systems installed. My original Apple II, is of no comparison to what these computers can do today.

I think the settlement with Microsoft is fair and just.

Sincerely,
Edwin F. Christian
P.O. Box 669
Scottsville, TX 75688–0669
E-mail: efchristi@aol.com
Phone: 903–934–8226
Fax: 903–934–8607

MTC–00005138

From: Onetonyc@aol.com@inetgw
To: Microsoft ATR
Date: 12/31/01 6:48pm
Subject: Microsoft Settlement

To Whom it may concern:

I am one who wishes to voice my opinion about the ''Tunney Act.'' The Tunney Act, provides for a fair and just settlement for those involved in the lawsuit. Please see your way clear to move ahead with the settlement as outlined in the Tunney Act and give Microsoft back their right to pursue commerce in the competitive business they have chosen to engage. Any further delay will add to the already bogged down economic crisis we are experiencing.

Let Microsoft do what they do best, innovate and invigorate the computer industry.

Sincerely,
Tony Chalupnik
San Diego, CA

MTC–00005139

From: bob@osterhout.org@inetgw
To: Microsoft ATR
Date: 12/31/01 6:51pm
Subject: Microsoft Settlement

Dear Sir;

Please LEAVE Microsoft along! They are the best thing we have to keep the PC industry going.

Thank You!
Robert Osterhout

MTC–00005140

From: Richard Dauphine
To: Microsoft ATR
Date: 12/31/01 6:51pm
Subject: Microsoft settlement

I do not think Microsoft has done anything wrong and that the U.S. Department of Justice should settle the case and move on to matters of national importance, not repressing innovation.

Richard Dauphine

MTC–00005141

From: MORRIS KAY
To: Microsoft ATR
Date: 12/31/01 6:53pm
Subject: The Microsoft Settlement.

To Whom It May Concern:

It appears to me that this litigation has been going long enough. The settlement agreement, in my opinion, is fair to all parties involved. Let's bring this action to a conclusion NOW....

Morris Kay

MTC–00005142

From: Paul van Ast
To: Microsoft ATR
Date: 12/31/01 6:53pm
Subject: microsoft setlement

Please approve settlement

MTC–00005143

From: jimlab2
To: Microsoft ATR
Date: 12/31/01 7:00pm
Subject: Microsoft Settelment

To Whom It May Concern:

We are sick of the ''grandstanding'' of a few businesses and the government officials that support them and cater to them because of political contributions. The Microsoft prosecution caused the current recession (commonly known as the Clinton/Reno economy) and the quick settlement of this case is a must to get our economy back on track. It is way beyond time to move on and there are only a few people in the country that feel that Microsoft has hurt anyone. The real reason for the suit was they were not contributing to the Democrat Party. Plain and simple. Settle it now!

R. James Labyak
Irene L. Labyak
6142 NE 154th St
Kenmore, WA 98028–4333
CC:Congressman Jay Inslee,President George W Bush, Sen...

MTC–00005144

From: Marlin Ritchie
To: Microsoft ATR
Date: 12/31/01 7:01pm
Subject: Microsoft Settlement

DOJ;

I think Microsoft has been punished enough with the settlement that they have offered to agree to. I think that this trial has been driven by disgruntled competitors and the by the states where they are located. I further think that AOL-Time Warner and Comcast are just as guilty in not sharing their cable control thus preventing competition in the cable communication field.

Settle for what Microsoft has offered to do in response to the law suit and give them the room to continue to innovate in the area of software development in a way that will not stifle the development of software that the consumers need in a reasonable time frame. Do not load them down with legal

bureaucratic oversight that is not required for their competitors and that adds cost to the consumer. A concerned US citizen,
Marlin Ritchie

MTC–00005145

From: Robert B. Yonaitis
To: Microsoft ATR
Date: 12/31/01 7:03pm
Subject: Microsoft Settlement
To Whom it may concern,
I have followed the Microsoft Case for Some time. I believe in the beginning there was no harm to the consumers and no harm to the competitive environment that helps the consumer. I wanted to take this moment to state that I think that the settlement reached was extremely fair and that Microsoft and the DOJ did excellent work in reaching the settlement. I believe it is excellent for the consumer and the collaborative and competitive environment that innovation requires.
Best Regards,
Rob Yonaitis
CEO
HiSoftware Inc.
www.hisoftware.com

MTC–00005146

From: Alex Kaufman
To: Microsoft ATR
Date: 12/31/01 7:16pm
Subject: My comments on MSFT
I firmly believe that the issue that our country should have with monopolies is monopolistic power that can be used to raise prices while subsequently lowering standards. This kind of abuse is simply not happening with Microsoft. They are constantly on the ball and coming out with better and better software. Granted, it is extremely difficult to beat the Microsoft empire, but the empire is not yet an evil one by any account. From the consumer standpoint, Microsoft has been a beneficiary for small and large corporations alike. My father could not have started his own business without the excellent tools provided by Microsoft. I really don't care if MSFT took Netscape's market share away, if you had ever used Netscape you'd know it was a crummy browser compared to IE. It is not Microsoft that has engaged in anti-competitive practices, but rather our government has done so by bringing this lawsuit against the company. Competition breeds excellence. Why would MSFT not want to use every means possible to squash its competitors? That is just what competition is all about. Gates realized that the OS battle would be a winner-take-all one. He won. He receives the spoils of war. Now he has stayed on top of his game yet again by identifying the internet as a potential threat and directing the machinery of Microsoft to fully take advantage of the opportunities it provides. The Internet battle is slowly being won by MSFT as well, and why shouldn't they? To the victor go the spoils. Please settle the suit against MSFT quickly, because Bill Gates has done nothing but see to it that the industry gets better and better.
Alex Kaufman

MTC–00005147

From: DanSorkin
To: Microsoft ATR
Date: 12/31/01 7:22pm
Subject: Microsoft Settlement
Dear Sir or Madame,
As a citizen of the USA I implore you to release the Microsoft Corporation from the tyranny of the past Administration's war on Capitalism. Microsoft should be able to move freely to compete in the open marketplace. May the BEST product win.
The settlement in this case should be a blanket dismissal of all charges.
This paragon of American Free Enterprise should be held up as a model for all to emulate. It should not be emasculated in any way. To do so would be to say to the world WE DO NOT BELIEVE IN THE AMERICAN DREAM.
Thank you!
Dan Sorkin
President & CEO
GFFC, Inc.
2109 Skycrest Drive
Suite one
Walnut Creek, CA 94595–1828
(925) 952–4408

MTC–00005148

From: Dwight Bale
To: Microsoft ATR
Date: 12/31/01 7:27pm
Subject: Microsoft settlement
To: DOJ
Don't you people have anything better to do than to do as much as you can to make some other lawyers richer...
Please start working on monopolies such as gas and electric companies like PSE in Seattle area, who have no competition whatsoever.
Please start doing something for the ''public'' and let big business fight for themselves. They got the money, let them spend it on themselves. But you should be helping us...

MTC–00005149

From: John Reese
To: Microsoft ATR
Date: 12/31/01 7:28pm
Subject: Microsoft Settlement
As an end user I feel the settlement is fair for Microsoft. I don't even think there was a case against them from the start.
As a Customer I've always been treated fair and am very happy with their products and support.
Thanks for reading this,
John Reese
Sacramento, CA USA

MTC–00005150

From: jerrystuart
To: Microsoft ATR
Date: 12/31/01 7:27pm
Subject: Microsoft Settlement
Gentlemen,
As a user of Microsoft products for years, I am quite satisfied with the terms of the DOJ's proposed settlement with MS and would like to see all further effort to litigate stopped. Please let us all get back to our work and lives and move ahead.
Jerry Bonow
Pompano Beach, Florida

MTC–00005151

From: Paul Wheeler
To: Microsoft ATR
Date: 12/31/01 7:35pm
Subject: Settlement Agreement
I support Microsoft's position in the settlement.
I am not an employee of Microsoft nor compensated in ANY fashion by Microsoft. I have been in the computer industry over 25 years and have seen a lot things come and go. The worst of which is when I have worked hard for a company only to see them close their doors for any of a variety of reasons. Starting the job search and starting at the bottom again and again gets old. I have seen the industry ignore a lot of activities FAR WORSE than Microsoft's behavior, which I will not list here, but I could.
My position is, our US Justice Dept. should go in the direction of what the majority of the industry and litigants WANT and AGREE to. Special interests risk softening an industry and economy that needs STABILITY. If you have chanced jobs a bunch of times like I have, not by choice but because you were laid-off, you will know what I am talking about.
I feel we should clarify and re-clarify and re-clarify computer laws so that they are FAIR and apply them EQUALLY in the industry. Keep POLITICS out of the computer industry. I support Microsoft's position and whatever they agree to.
Thank you and God Bless America.
Paul A Wheeler,
MCSE NT 4.0, A+, MOUS certifications. (currently studying for Cisco's CCNA)
y2kpaul@tns.net

MTC–00005152

From: JACK FORD
To: Microsoft ATR
Date: 12/31/01 7:45pm
Subject: Microsoft settlement
It is my opinion that the current settlement arrangements are as fair and just as possible. There is nothing to be gained and much to be lost in prolonging this matter further.
Jack Ford
14690 Fame Ave.
Colfax, IA 50054

MTC–00005153

From: PAUL NOLL
To: Microsoft ATR
Date: 12/31/01 7:45pm
Subject: Settlement
Microsoft has helped Americans like myself, but if you no settlement favors Microsoft,then only wealthy other Ceo's and their companies will enrich themselves at the sacrifice of our economy. As an average (or below average) American, Microsoft has made my life better, so please give them the proper settlement.
Thank you,
Paul E. Noll

MTC–00005154

From: Ron Jenkins
To: Microsoft ATR
Date: 12/31/01 7:59pm
Subject: Microsoft Settlement
Sir(s)

I work in the Computer Industry and after many months of watching and listening to the DOJ vs Microsoft, enough is enough. Did Microsoft participate in illegal practices, I feel we can safely say yes.

Did they hurt other inferior products, I doubt it it. Should this mess be settled and go away and stop spending my money on the company that helps feed my family as it is the premier player in my industry, ABSOLUTELY! ENOUGH IS ENOUGH.

If the DOJ spent as much time and effort prosecuting real criminals who seem to always get off on technicalities this would be a much safer place to live. Instead we have several individuals who wanted dot make a name for themselves, and did. So they have accomplished their objective. Let's move on.

Ron Jenkins

Knoxville, TN

MTC–00005155

FROM: Ray Parsons
TO: MS ATR
DATE: 12/31/01 8:01pm
SUBJECT: Microsoft Settlement

We, [the voting public] think this has gone far enough. It is a very waste of money to let this gone any longer. Get this done, now.

A voter,

Ray Parsons

MTC–00005156

From: Ganesh and Sashikala Prasad
To: Microsoft ATR
Date: 12/31/01 6:11pm
Subject: Comments on the proposed antitrust settlement 01 January 2002

Dear Sirs,

I wish to submit my comments (attached) to the database of public feedback on the proposed settlement between the Department of Justice and Microsoft, which must reach you before the 27th of January.

I am submitting them in both plaintext and HTML formats for your convenience.

Regards,

Ganesh Prasad

Sydney 1 January 2002

Dear Sirs,

I am an Australian citizen with about 15 years in the computer industry. What happens in the US vs. Microsoft antitrust case affects me professionally as well as personally, since I am a fairly heavy user of computer software and technology. I would like to comment on the settlement jointly proposed by the Department of Justice and Microsoft. To be blunt, I believe the proposal is a dishonest one that sells out the public interest. I will explain why, and offer some guidelines for a fairer remedy.

1. Microsoft's main crime (not bundling, but the prevention of bundling) has had lasting anti-competitive effects that the settlement should address but doesn't The argument that has most often been used against Microsoft is the ''bundling'' one, the allegation that Microsoft bundled its browser (and now its media player and instant messaging software) with its operating system. By doing so, it leveraged its monopoly in operating systems to enter other markets. Though this is a classic antitrust argument, people who believe in a free market are not convinced because the remedy does not sound right from the standpoint of the consumer interest. Consumers enjoy greater convenience, not less, when extra software is bundled with the operating system they buy. That is why the harsher remedy proposed by some of the states is also wrong. Forcing Microsoft to unbundle such software needlessly inconveniences the consumer. It also takes away from Microsoft's legitimate right to decide what goes into its products and puts the courts in the avoidable position of having to define the scope of technologies such as operating systems when they are not technically qualified to do so. The only parties that are benefitted by such a remedy are competitors. Doesn't this add credibility to Microsoft's claim that its competitors are inefficient and require government intervention to survive?

However, the prosecution has failed from the start to argue this point with the right emphasis. What Microsoft did that seriously disadvantaged the consumer was not so much bundling its own browser with its operating system, but preventing computer resellers (OEMs) from offering consumers a choice by bundling competing browsers such as Netscape Navigator. Microsoft threatened OEMs such as Compaq with the withdrawal of their Windows 95 license if they dared to bundle Netscape Navigator with the PCs they sold. Given the overwhelming dominance of Windows 95 in the operating system market at that time, a withdrawal of that license could have bankrupted even an OEM as large as Compaq. The threat was credible and secured the compliance of all OEMs. So certainly, Microsoft did leverage its monopoly in operating systems to gain entry into the browser market, and it did so both through the relatively benign means of bundling its own browser, and by the decidedly illegal means of preventing consumers from sampling the wares of its competitors. Any free market advocate can readily see the consumer harm in this latter action of Microsoft's, but the prosecution has damaged its own case by not emphasising this enough.

Microsoft has also had secret agreements with OEMs that prevent them from offering consumers the choice of which operating system to boot when they start up their computers. This is often known as the ''bootloader clause''. Microsoft abused its monopoly in operating systems by threatening OEMs and blocking, at the source, the entry of other operating systems into the market. Consumers have had no opportunity to know about or sample competing operating systems. In other words, Microsoft abused its operating system monopoly to maintain that monopoly, which is another violation of antitrust law. The fact that no OEM except IBM dared to testify against Microsoft during the trial is itself proof of Microsoft's terror tactics. Their silence speaks louder than any testimony.

Microsoft's history is full of such anti-competition and anti-consumer actions. Bristol Technology won a case against Microsoft (over Microsoft's sudden withdrawal of support for their Unix interoperation software Wind/U) but was awarded a laughably poor compensation of one dollar. Caldera had a strong case against Microsoft (over the illegal way in which Microsoft used Windows 3.1 to force consumers to buy MS-DOS rather than Caldera's DR-DOS) but its silence was bought through an out-of-court settlement. The consumer has been the ultimate loser in all these cases because Microsoft's actions removed competitive choice and interoperation options.

The DoJ's proposed settlement shows an awareness of these abuses and aims to prevent their recurrence, but it needs to be far stronger and bolder. The damage to the industry has been done systematically, over more than a decade, and significant network externalities have been created that work to perpetuate the Microsoft monopoly. How can this damage be reversed by a mere forward-looking arrangement? Consumers and Microsoft's competitors now face nearly insurmountable market hurdles to creating a viable alternative computing environment, even though technically good alternatives are available. Even if Microsoft's abuses are halted, the structural and systemic forces they have created over the past decade will continue to work in their favour. At a time when consumers look to the government to right these historical wrongs, the settlement that the government proposes is inexplicably defeatist. It resigns consumers to the status quo! One would imagine that a prosecution that has had its argument upheld by two courts would have the momentum, confidence and real power to broker a deal that restores genuine choice to the consumer, not step lightly around an entrenched monopoly that was the problem to start with.

2. A criminal should not be allowed to keep his ill-gotten gains Microsoft's monopoly profits are the direct result of these and other illegally anti-competitive tactics.

The antitrust case established that the absence of competition emboldened Microsoft into charging $89 for Windows instead of $49. In other words, consumers paid extra merely because of a monopoly that was being illegally maintained. Four eminent economists filed an amicus curiae brief during the remedies phase of the trial in which they showed that Microsoft's rate of return on invested capital was 88%, while the average in other industries was about 13%! [See www.econ.yale.edu/nordhaus/homepage/Final%20microsoft%20brief.pdf] Microsoft could never have made such huge profits without its illegal maintenance and extension of its monopoly, and therefore a major part of its current wealth is illegally earned.

There is absolutely nothing in the proposed settlement that addresses the issue of these ill-gotten gains, or how these will be reimbursed to the public from whose pockets they came. This simple omission easily amounts to billions of dollars, and by itself makes the settlement a sellout of the public interest, even without an assessment of its other shortcomings.

3. Ill-gotten gains should not be allowed to influence the outcome of this case It is disturbing to read that many states are settling because they are running out of funds to pursue the case further as they would like to. Meanwhile, Microsoft, with its multi-billion dollar war chest, has no such

constraints. They can outlast all their opponents. The world is learning the cynical lesson that the American justice system is a mere extension of the free market—you get as much justice as you can afford to pay for.

What happened to the principle (so successfully applied in the A1 Capone case) that criminals should not be able to use their ill-gotten gains to pay for their legal defence? Wouldn't a scrupulous application of that principle prevent the distortion we see here? If a convicted abusive monopolist has more funds than its prosecutors, and that fact is forcing them to settle, can't the monopolist's funds be frozen, or can it not be made to pay the legal costs of its prosecutors? A simple ruling along those lines might see Microsoft scrambling to agree to a fairer settlement, one that will better safeguard the freedom of the consumer.

4. There is no attempt at punishment for wrongdoing Though it has been established that Microsoft has repeatedly broken the law, the settlement only defines mechanisms to prevent future wrongdoing. What about punishment for past wrongdoing? Are murderers let off scot free with mere provisions to prevent future murders? What kind of example does this set? And what confidence does this inspire in the American justice system? Any remedy must include appropriate punishment.

5. The economy is being used as a bogeyman to prevent punishment It is being argued that in the current difficult economic climate, Microsoft should not be broken up or otherwise punished, because that will in turn affect the rest of the economy (through a fall in the stockmarket index, a delay in the recovery of hardware sales, more unemployment and hardship, etc.). On the contrary, the lessons of Economics are that monopolies are always bad.

They reduce efficiency, innovation and economic activity. In other words, Microsoft's monopoly has already affected the economy adversely. An end to the Microsoft monopoly may result in some churn, but that churn will be the ferment of genuine innovation from the rest of the industry. The impact on the stockmarket from a fall in Microsoft's share price will be more than offset by the rising stocks of independent software companies that can operate without fear of a monopolist's wrath. A decisive curbing of Microsoft's stifling influence will create more confidence in the rule of law, generate more jobs and help the economy.

Therefore, it is dishonest and self-serving on the part of the DoJ to suggest that this settlement proposal is the best one from the viewpoint of the economy. Moreover, the state of the economy should not determine whether or not a crime should be punished. It takes a statesmanlike judge to see beyond the petty posturing and to do the right and wise thing.

Guidelines for a fair remedy:

Any remedy in a case that has been so clear-cut in its findings must be more assertive in its defence of consumer interests. Regardless of specifics, such a remedy must address the following:

1. Recurrence: Microsoft must not be able to continue to abuse its monopoly the way it has in the past.

2. Reimbursement: Microsoft has no right to retain the excess profits it has earned as a result of its illegal actions. This money should be repaid to the consumer.

3. Reparations: As Microsoft is responsible for the current uncompetitive market in operating systems and related applications, it must underwrite efforts to restore competition and consumer choice. The rest of the market should not have to pay to recover from Microsoft's abuses.

4. Reference: Microsoft must pay punitive damages over and above its reimbursement and reparations obligations, to serve as a warning to deter future monopolists. The remedy must in no case send out a signal that a large enough violator can get off lightly. Future tax dollars can be saved by discouraging abuses instead of having to prosecute them. The DoJ is supposed to be acting on behalf of the consumer, and they must pursue a remedy that addresses all the above issues.

For example, a remedy that required Microsoft, among other things, to only sell through channels that offer at least one other operating system, could address the reparations issue and break the structural forces perpetuating their monopoly (If an OEM requires training to support another operating system, Microsoft may be forced to subsidise such training).

The proposed settlement goes partway towards addressing the issue of recurrence, but does so only half-heartedly because it creates significant exceptions and loopholes for Microsoft to take advantage of. It completely ignores the other three issues. An impression is created that the DoJ is more sensitive to Microsoft's interests than to the interests of consumers who have been systematically robbed of both their choices and their money.

Therefore this proposed settlement must be rejected as not being in the public interest. History will be the judge

After the immediate tumult over this case dies down, there will be a dispassionate analysis of all aspects of the Microsoft phenomenon in the computer industry, and the roles of all players will be dissected. It seems fairly certain that the Department of Justice will be likened to a champion boxer who was paid to throw his fight. Judge Jackson will probably be faulted for his many indiscretions, but it may be remembered that his analysis was on the mark, and his verdict fearless. The appeals court will probably be remembered as being fair though it started with a reputation for being consistently lenient towards Microsoft.

What will Judge Kollar-Kotelly be remembered for? Will she be known as the one who meekly accepted an agreement that sold out the public interest, because it was politically expedient to do so? Or will she be remembered as the person who braved the prevailing political winds to do the right thing and restore balance to a corrupted system?

The world is watching to see what she will do.

Regards,

Ganesh Prasad Software developer and web architect
3/1 Doomben Avenue
Eastwood, New
South Wales 2122
Australia
Tel: +61–403–902–483 e-mail: sashi@easy.com.au

MTC–00005157

From: Tony Safina
To: Microsoft ATR
Date: 12/31/01 8:05pm
Subject: Microsoft Settlement

Public Comments

I have been using Microsoft products since the 1980's. I do not think Microsoft should be broken up. I do not think they should be punished for being successful. What ever happened to the American way? Would Horatio Alger today be considered a criminal for wanting to better his lot in life? Why does government in America encourage people to make an honest buck but once someone has earned a billion honest bucks or fifty billion honest bucks it is immediately assumed they are doing something dishonest.

I think a lot of the Microsoft brouhaha was started by cry babies at Netscape. They want the DOJ to think they invented the web browser. I am here to tell you Netscape did not invent the web browser. They improved the web browser just as every company before them improved the web browser. I know because I switch web browsers every time a better web browser becomes available.

In 1989 I did not use a web browser because the web had not been invented yet.

In 1990 the web was invented and people surfed the few web sites available using the text browser Lynx. It was free. The authors gave it away. I guess they wanted to be nice. Nobody sues people who want to be nice. By late 1991 the first browser for Windows was invented. It had a graphical user interface (GUI) and it was a lot better than Lynx. This program was called Cello. It was free. The authors gave it away. I guess they wanted to be nice. Nobody sues people who want to be nice. I don't think the authors of the Lynx program tried to coerce the DOJ into suing the authors of the Cello program. I guess that is because the authors of the Cello program were not billionaires. If they had been billionaires you would have called them evil and said lets sue their sorry crass butts. I'm glad that didn't happen because change is good, especially so when a new program is a vast improvement over an earlier program. I switched to Cello the instant I saw it.

By 1992 another browser for Windows became available. It too had a graphical user interface (GUI) and it was better than Cello. This program was called Winweb. It had a cooler slicker look than Cello. I don't know that it was any better than Cello, it just looked sharper. It was free. The authors gave it away. I guess they wanted to be nice. Nobody sues people who want to be nice. I don't think the authors of the Cello program tried to coerce the DOJ into suing the authors of the Winweb program. I guess that is because the authors of the Winweb program were not billionaires. If they had been billionaires you would have called them evil and said lets sue their sorry crass butts. I'm glad that didn't happen because change is good, especially so when a new program is a vast improvement over an earlier program. I switched to Winweb the instant I saw it.

By late 1992 or early 1993 another browser for Windows became available. It too had a graphical user interface (GUI) and it was better than Winweb. This program was called Mosaic. It had a cooler slicker look than Winweb. I don't know that it was any better than Winweb, it just looked sharper; I think it could handle a wider variety of HTML tags than any web browser before it. That made better looking web pages possible, pages you could surf faster too. It was free. The authors gave it away. I guess they wanted to be nice. Nobody sues people who want to be nice. I don't think the authors of the Winweb program tried to coerce the DOJ into suing the authors of the Mosaic program. I guess that is because the authors of the Mosaic program were not billionaires. If they had been billionaires you would have called them evil and said lets sue their sorry crass butts. I'm glad that didn't happen because change is good, especially so when a new program is a vast improvement over an earlier program. I switched to Mosaic the instant I saw it. By mid 1993 or late 1993 another browser for Windows became available. It too had a graphical user interface (GUI) and it was better than Mosaic. This program was called Netscape. It had a cooler slicker look than Mosaic. I don't know that it was any better than Mosaic, it just looked sharper; I think it could also handle a wider variety of HTML tags than any web browser before it. That made better looking web pages possible, pages you could surf faster too. It was free (at least initially, probably right up til Netscape's IPO it was free). The authors gave it away. I guess they wanted to be nice. Nobody sues people who want to be nice.

I don't think the authors of the Mosaic program tried to coerce the DOJ into suing the authors of the Netscape program. I guess that is because the authors of the Netscape program were not billionaires, at least not initially. If they had been billionaires you would have called them evil and said lets sue their sorry crass butts. I'm glad that didn't happen because change is good, especially so when a new program is a vast improvement over an earlier program. I switched to Netscape the instant I saw it.

By mid 1994 or late 1994 another browser for Windows became available. It too had a graphical user interface (GUI) and it was not better than Netscape. This program was called Microsoft's Internet Explorer. It did not have a cooler slicker look than Netscape. I didn't like it at all and did not switch. I continued to use Netscape. As I hope to make clear I do not switch web browsers the instant a new one becomes available, I only switch when a better one becomes available. In 1994 Netscape had the best web browser available, bar none. They program was so awful they couldn't give it away, at least not to a seasoned web surfer like myself. They couldn't have paid me to use it. Well, perhaps if we were talking billions, okay millions, well I guess for just a hundred or so I would have given it a try.

By 1967 a new improved browser for Windows became available. It too had a graphical user interface (GUI) and it was better than Netscape. This program was called Microsoft's Internet Explorer IV. It had a much slicker look than Netscape and it improved the functionality of Windows as well. It was definitely better than Netscape. It didn't just look sharper, it was more functional because it worked better in Windows. Maybe it could also handle a wider variety of HTML tags. This time the authors of the previous best browser which was Netscape did try to coerce the DOJ into suing the authors of the Internet Explorer IV program. I guess that is because the authors of the Microsoft program were billionaires and they now had a great product. Netscape didn't care to sue when Microsoft had an inferior web browser which they had with Internet Explorer I, II, and III, but as soon as they had improved their product to a point where they were now better than Netscape Holy Hevell broke out. They called Microsoft evil and they whined to their Uncle Sam and said lets sue their sorry crass butts, I'm sorry that happened because change is good, especially so when a new program is a vast improvement over an earlier program. I switched to Microsoft Internet Explorer IV the instant I saw it. I switched just as I had always switched when a better web browser became available. It's being a Microsoft product meant nothing to me. What mattered was it was a better browser and I always switch when a better browser becomes available.

In Microsoft's case it was a big deal that it was free. The authors gave it away. I guess they wanted to be nice. Nobody sues people who want to be nice unless it's Microsoft that is being nice. Then suddenly it is no longer a question of nice. Now they call it criminal if your only fault is having a few billion dollars more than the next guy (or gal). This is why I decided to submit my comments today. Microsoft has done nothing but excel at what they do best, making and marketing good software products. So what if they want to give it away for free. Being a 1980's software junkie I have never paid for a web browser to this very day. I used Netscape for four years and never paid a penny for it. If you run beta versions and use ftp to download them you can use Netscape for four years and never spend a penny. Same for the Microsoft browser. I fail to see what the big deal is all about.

I think you should tell Netscape to go scratch and then drop the case against Microsoft. It should not be a punishable offense to excel at your job and that is the only thing Microsoft has done wrong. They are guilty of being too good, and that in my opinion is not a punishable offense.

Sincerely,
Anthony X. Safina, Jr.
425 S Hubbards Ln, Apt 431
Louisville, KY 40207–4097
502–899–3723
tony@iglou.com

MTC–00005158

From: GRIZ1000@aol.com@inetgw
To: Microsoft ATR
Date: 12/31/01 8:08pm
Subject: Microsoft Settlement

If Microsoft broke the law punish them but don't reorganize them or tell them how to design their products. Ernest Ruterman, GRIZ1000@aol.com

MTC–00005159

From: Doyle E. Whitten
To: Microsoft ATR
Date: 12/31/01 8:08pm
Subject: Comment

I just want to say that Microsoft sometimes drives me crazy with the way they do things but they do not deserve what the previous justice department did to them. It is important that the market place be the place where the decisions are made. There are advantages to having one company for many different software programs. Let's get off their back and let the customers decide which company to support.

MTC–00005160

From: dhamm1@airmail.net@inetgw
To: Microsoft ATR
Date: 12/31/01 8:07pm
Subject: Microsoft Settlement Dear Sirs,

I have believed in Microsoft all along. I still believe they are innocent of any charges. However the fact that a settlement has been reached is wonderful it is about time. Lets do it drop it and move on. The economy is weak enough without penalizing one of the major contributors to this economy. It is a crime for this to proceed any further and will serve no justice.

Thanks for the opportunity to express my opinion thank God we live in the United States and thank God for innovation keep on keeping on Microsoft I am behind you 100%.

David Hamm
MCSE, MCDBA, MCP and A+
dhamm1@airmail.net
Microsoft XP rules

MTC–00005161

From: NIMRIHLDGS@aol.com@inetgw
To: Microsoft ATR
Date: 12/31/01 8:07pm
Subject: Microsoft Settlement

Dear Sir:

I would like to urge the decision makers to settle the Microsoft issue in a quick manner to remove any cloud hanging over that company and their employees, who after all are consumers in this country, and consumer is the backbone of the economy.

Andy Nimri

MTC–00005162

From: Lexx
To: Microsoft ATR
Date: 12/31/01 8:10pm
Subject: Microsoft settlement

I have been advised that the Tunney Act requires a public comment period between now and January 28th after which the District Court will determine whether the settlement is in the ''public interest.''

Unfortunately, I am aware that a few special interests are attempting to use this review period to derail the settlement and prolong this litigation even in the midst of uncertain economic times. The last thing our American economy needs is more litigation that benefits only a few wealthy competitors and stifles innovation. I, for one, a Microsoft stockholder and a committed user of its products, wish that this would all be over and let's get things back to normal because to settle these matters is in the public interest, in my humble opinion. If you build

a better mousetrap, everyone else will copy it very quickly and if the competitors of Microsoft cannot compete fairly, why should the Government help them with special legislation and by burying Microsoft with lawsuits. ENOUGH IS ENOUGH!!!!!!!!!!!!!!!!!! Please settle the cases as soon as possible.

Virginia M. Norris
10712 Highland Park Court
Las Vegas, NV 89144–4119

MTC–00005163

From: Gil Milbauer
To: Microsoft ATR
Date: 12/31/01 8:14pm
Subject: Microsoft Settlement

I would like to comment in support of the REVISED PROPOSED FINAL JUDGMENT settlement agreement among Microsoft Corp., the Department of Justice, and the various states who have agreed to it.

It seems to me to be more than adequate penalty Microsoft's activities. Drawing this out further would not be in the interests of justice, the economy, or consumers. I think it would be a mistake to allow the Department of Justice to become a weapon that competitors can use against successful companies.

Thank You,
Gil Milbauer
6308 154th ST SE
Snohomish, WA 98296
gilmilbauer@myrealbox.com

MTC–00005164

From: SALLYA28@aol.com@inetgw
To: Microsoft ATR
Date: 12/31/01 8:14pm
Subject: Comment regarding Microsoft settlement

I support the current settlement with Microsoft by the Department of Justice and half of the states involved in this lawsuit. I do not think any more severe penalties are warranted. Microsoft probably deserved a little hand slapping because of the way they dealt with the computer manufacturers. But the issue surrounding the operating system improvements and add on???s is frivolous. The Internet Explorer was a needed part of the operating system and add on???s such as these should be allowed. It was also very easy for others to use Netscape if they wanted to. Bottom line is that Internet Explorer wound up being the best browser. I believe that a large part of the fuss on this issue is being made by Microsoft???s competitors who have wound up second and third best and have tried to compensate for their under performance by supporting the antitrust law suit against Microsoft. I believe that a major motivating force for the hold out states is purely political as it relates to companies in their area and political contributions.

As a consumer, I believe that Microsoft has been good to us. They have provided outstanding products at reasonable and decreasing prices. Some states would prefer that consumers buy all of the add on???s and that could be big down the road. Where Microsoft has been dominate in a particular software application, prices have fallen. I also believe that Microsoft has contributed mightily to the US economy. They have probably been the biggest contributor in the last 10 years. They should not be punished for being good to consumers and the economy. I might also add that Microsoft is a good corporate citizen.

It is time to settle this suit as the Department of Justice and Microsoft have proposed. The more harsh remedies that are being proposed by the non agreeing states should be rejected.

Sarah W. Andrews
1864 Castle Oaks Court
Walnut Creek, CA 94595

MTC–00005165

From: Ed Sackley
To: Microsoft ATR
Date: 12/31/01 8:18pm
Subject: Microsoft Settlement—Public Comments

Dear Federal Official:

My first experience with a computer was as a high school student in 1969 . . . working at a hospital that used punch cards as input to a primitive ''computerized'' accounting system. In the years that followed, I was always around computers . . . even serving as an operator for a University of Illinois mainframe operated in support of Department of Defense research in the early to mid-70s. I've had a PC on my desk since 1982.

Why the history? It wasn't until Microsoft INSPIRED and ENABLED the necessary economy of scale in the personal computer business that computer applications and hardware became possible for every American. In the 80s, we all struggled with applications that didn't work together and companies that were unwilling or unable to stand behind their products. Our nation, our economy and all of our citizens have benefited from Microsoft's innovation and leadership. By most accounts, the company did abuse some of its power and market position and for that they have paid a price. It is now time to close this chapter and move ahead.

I urge you to support the Tunney Act and turn aside those remaining special interest groups who would have you derail the settlement. Microsoft will be under more scrutiny in the future than they have ever experienced in the past. They are a fine company that has played a significant role in America's technological dominance for over 20 years. Please allow them to devote all of their resources to improving our lives and our world.

Thank you for your consideration and understanding.

Ed Sackley
10314 Archwood Drive
Portage, MI 49002–7101 USA
Voice: 616.323.8119 Fax: 616.323.0470

MTC–00005166

From: JOSEPH
To: Microsoft ATR
Date: 12/31/01 8:26pm
Subject: Microsoft sentiment.

Hi,

I would like to let you know my thoughts on the microsoft question. I do not agree with the settlement. However, if it is the only way to get this behind microsoft. It has always struck me as odd the way the government tries to help the consumer. In this case, it would seem it seeks to help us by making us purchase what we clearly don't want. We know of the other browsers. We know of the other operating systems. We like Windows. You treat Microsoft as if making a good product that people want is evil.

You definately, seem to believe that it is somehow illegal. As if it is Microsoft's job to make us like their competitors? Are you kidding? Tell them that if we wanted a Yugo we would give them a call (the competitors). We want the Rolls Royce (Microsoft). You can't make us drive the Yugo. It's not what we want. We will buy Windows. We will use as many or as few browsers as we want. If they can't compete maybe they should try a different line of work. Stop punishing success. Unless of course, failure is what you're after.

Joseph morris

MTC–00005167

From: scn@san.rr.com
To: microsoft.atr(a)usdoj.gov
Date: 12/31/01 8:25pm
Subject: Microsoft Settlement

The DoJ settlement with Microsoft is fair. Don't let the renegade states that are representing competitors interest drag this case on. This negativity is detrimental to economic recovery and productivity improvements. Close this case now by accepting Microsoft's fair settlement offer.

Thank you for hearing our opinion.
William and Stephanie Necoechea
6509 Caminito Catalan
La Jolla, CA 92037

MTC–00005168

From: B. Mitchell Loebel
To: Microsoft ATR
Date: 12/31/01 8:27pm
Subject: Microsoft settlement

Hello:

Please pass my comments to the DOJ.

I believe that the so called anti-trust suit which was levied against Microsoft was a travesty of justice! It's promoters were disgruntled Microsoft competitors, i.e. Sun Microsystems, Apple Computer, Oracle, Netscape, Novell, and perhaps a few others. It's no coincidence that members of the hate Microsoft crowd are often affiliated with the hate America crowd ... in both cases, theirs is a hate of our Capitalist system. They are the ones to be stopped ... now! I don't always agree with Microsoft's strategies and tactics, e.g. I'm not happy about the highly restrictive licensing rules that the company is applying to WinXP. However, and this is important ... we consumers and stockholders (I am both) can care for ourselves through the free market! We don't need and don't want (usually incompetent) government intrusion.

B. Mitchell Loebel
Executive Director
The Tech Startup Connection 408 264–2068
(formerly The PARALLEL Processing Connection)
CEO and Chief Technical Officer
Multinode Microsystems Corporation 408 264–2068
CEO and Chief Technical Officer

Minute-Tape International Corporation 408 264–2068

MTC–00005169

From: Anarg Frangos
To: Microsoft ATR
Date: 12/31/01 8:27pm
Subject: Microsoft Settlement

Gentlemen,

Please settle the Microsoft case without further litigation in the best interests of our country.

Anarg Z. Frangos

MTC–00005170

From: Evan Heckel
To: Microsoft ATR
Date: 12/31/01 8:31pm
Subject: Microsoft Settlement

Gentlemen:

As provided for under the Tunney Act, I would like to express my strong support for the current terms and conditions of the proposed settlement between the Department of Justice, the various States, and the Microsoft Corporation. I believe the terms of this proposed settlement, as well as other aspects of this litigation, strike a proper balance between enforcing the Law and maintaining the viability of the United States interest's in a strong technology sector.

I realize that there are those who would prefer stronger punishments, but I think such expansion is primarily at the behest of the competitors of Microsoft and simply is not appropriate or in the best interests of this process.

I think the proposed settlement sends the right messages about abuse of marketing position, while at the same time recognizing that dealing with evolving technology is different than dealing with simple market dominance. I think you have struck the right balance in this case and that further constraints and/or penalties are not appropriate.

Thank you for considering my thoughts on this very important matter.

Evan Heckel
1619 Corral Drive
Houston, TX 77090

MTC–00005171

From: Connie87@aol.com@inetgw
To: Microsoft ATR
Date: 12/31/01 8:35pm
Subject: Microsoft Settlement

I am writing to ask you to put a postive end to this horrible persecution that has been going on over the last few years of Microsoft and Bill Gates. I'm sure you do not consider it to be persecution, yet I'm sure that many man-hours of productive time and many thousands, perhaps millions, of dollars have been spent during this procedure which has seemed, too much of the time, like a witch hunt. Microsoft is competitive...otherwise they would not have survived this long. Microsoft is innovative and creative in their improvement of technology, and this has made them the giant that they are today. They are open to new ideas, to creativeness from their employees, to listening to the needs of consumers. These qualities have allowed them to thrive. They have single-handedly done more for today's computer users than any other company, bar none. Other companies are jealous of their achievements and because they are jealous, they seek to force Microsoft to stop being so successful in hopes that they may be able to gain more customers. This is what has caused all this problem with the law-suits. A company can not give away their ideas, can not give away their technology and expect to survive. To expect Microsoft, or any other company to do that, is to ask them to commit suicide and is unreasonable.

We've heard a lot about America recently, because of the horrible tragedy in NYC in September. We're all proud to be Americans, and to have the freedoms that we do. On the other hand, one of the freedoms that we cherish here is the freedom to be what we can be, to develop our potential, to become successful without unreasonable restrictions holding us back. Why is it then, that Microsoft which is obviously very talented and very good at what they do, should be so threatened, so persecuted and so prevented from being a success? We have an open market. We have the freedom to buy Microsoft, Netscape, Symantecs, McAfee, or any other type of software that we feel will enable us to use our computers in the way we need to work. No one is forced to buy Microsoft products. I buy them because they are easy to use, and because they are compatible with other software and hardware. I want them to CONTINUE to be easy to use, and to be compatible with my software and hardware. I do not want the company split up, the software dis-assembled, or to have to go through a bunch of hoops to get it to work just because another company is jealous. Please...Please, allow Microsoft to get back to work without worrying about all this lawsuit stuff. America needs them, we have important work to do!

Thank you,
Connie Williams
(teacher)
P.O. Box 4515
Davis, Ca 95617
connie87@aol.com

MTC–00005172

From: JeremyC
To: Microsoft ATR
Date: 12/31/01 8:37pm
Subject: Microsoft Settlement

As a member of the public I am obliged to voice my opinion re: the above mentioned settlement.

For many years I did not respect Microsoft and their software. Things have changed a great deal in the eleven years I have used a PC for my work, I do now think that the company produce a good product, (so do most consumers judging by the number of copies of Microsoft software legitimately used daily.)

The bitter competitors of Microsoft are still willing to try and block any settlement. But if their products are so much better and their business practices are In the interest of the majority of people, why are their sales so poor in comparison with Microsoft? Why do they not unveil a superior product for the benefit of all?

I am fed up with the wasting of time and the potential damage to the international progress in the world of IT.

Please approve this settlement and make it clear to Microsofts 'competition' that to compete, they need to put their resources into innovation and skill instead of negative destruction.

May I wish all of you in the US a good 2002, you all deserve to have one, God bless.

Sincerely
Jeremy Carr

MTC–00005173

From: Mary Euyang Shen
To: Microsoft ATR
Date: 12/31/01 8:46pm
Subject: Microsoft Settlement

Please do settle and help the economy trend upwards.

Mary Shen

MTC–00005174

From: jeff—rouse@msn.com@inetgw
To: Microsoft ATR
Date: 12/31/01 8:46pm
Subject: Microsoft Settlement

Dear Sirs:

In the strongest words possible, I write in support of Microsoft. Though I could go on in support of Microsoft for quite some length, I will keep my comments relatively brief. Microsoft is the standard, the underpinning of our economy. To attack it or break it up would be like attacking the Interstate Highway system (cars and trucks need the same highways in New Hampshire, Indiana, or Wyoming), the Air Traffic Control System (airplanes landing in Chicago, New York, or Atlanta need the same kind of controls), or money (our European friends will soon learn the benefits of one currency).

If the Department of Justice wants to help users like me, they should join with Microsoft to educate the Microsoft-hating press and the Microsoft hating public to stop attacking Microsoft. My relatively new and wonderful broadband Internet connection is in a shambles because of the nearly constant attacks I have suffered. The recent Windows security problem that was in the news counts me as one of its victims. On my other computer, I cannot connect to the Internet now. I compose this e-mail on another computer using a 56k dial up connection, cowering behind a software firewall, hoping not to be attacked Microsoft has caused no victims. Microsoft-haters have.....me.

Warmest regards,
Jeff Rouse

MTC–00005175

From: Carl Forester
To: Microsoft ATR
Date: 12/31/01 9:07pm
Subject: Microsoft Settlement

I am 100 percent in favor of the settlement unless the government decides to withdraw completely and admit its part in terrorism against an American company.

Carl Forester—
Advisory IT Specialist—
IBM Global Services—
carlforester@us.ibm.com—
Office/Fax (904) 928–4595—

MTC–00005176

From: P. Johnston
To: Microsoft ATR
Date: 12/31/01 9:09pm

Subject: Settlement

This ''settlement'' is unfair and premature. MSFT is guilty as sin and trying to monopolize the Internet by putting other companies out of business. That is unAmerican. How can the DOJ let this go on?

MTC–00005177

From: Bill Lemon
To: Microsoft ATR
Date: 12/31/01 9:19pm
Subject: Microsoft Settlement

I think you shoul leave the settlement as is so we can all get on to more important matters.

Bill Lemon
Woodridge, Il.

MTC–00005178

From: Mark Grossman
To: Microsoft ATR
Date: 12/31/01 9:24pm
Subject: Microsoft Settlement

I have worked in the software industry for over 20 years and have been a Microsoft employee for a little over seven years. My personal experiences at Microsoft have led me to believe that this company has provided consumers with reasonable quality products at relatively low prices. It is mainly for this reason that Microsoft has succeeded and grown, consumers have had many choices and they chose Microsoft. I believe that the current settlement terms are appropriate to remedy the problems found by the courts with Microsoft's behavior in the past and I believe that the leadership of Microsoft has the integrity and has made the commitment to follow the letter and spirit of the agreement, an agreement under which consumers will continue to benefit from Microsoft's development of new software and other technologies. While many of Microsoft's competitors and politicians would like to handicap the company with additional constraints for their own economic and political benefits, the average citizen will most benefit from the fair open competition that the current settlement provides for.

Mark Grossman
6435 132nd Avenue NE #201
Kirkland, WA 98033

MTC–00005179

From: Betty Trembley
To: Microsoft ATR
Date: 12/31/01 9:22pm
Subject: Microsoft settlement

The Microsoft case has dragged on entirely too long. In this period of major lay offs and many people becoming termed the ''poor''' please see to it that the lawyers get no more and that money spent on this litigation will be freed up to be in circulation and to help those who need it. I think Microsoft has done a superior job to bring the computer into almost every home and has made it ffordable. Why should they be penalized for doing eactly what we have encouraged people to do. ''Build a better mousetrap, Etc.''

Betty Trembley
1314 23rd Avenue
Longview, WA. 98632

MTC–00005180

From: Richard Postrozny
To: Microsoft ATR
Date: 12/31/01 9:27pm
Subject: Microsoft Settlement
To: Whom It May Concern .....

Let's put this case to rest once and for all. America is supposed to be the land of opportunity ... and that includes the freedom to innovate. I'm an engineer and my main responsibility is to come up with new product and process ideas at the lowest costs that will benefit both the producer and the consumer. I'm not only speaking for myself, but for other technical people as well. How can we be creative if we fear that the fruits of our labor will result in lawsuits on top of lawsuits ... ad infinitum???!!! It's the freedom to create and invent that made our country what it is. PLEASE don't destroy that freedom, especially now in these difficult economic times.

Sincerely,
Richard Postrozny
21 N. Quincy St.
Hinsdale, IL 60521

MTC–00005181

From: BOBA28@aol.com@inetgw
To: Microsoft ATR
Date: 12/31/01 9:30pm
Subject: Independent Institute in Oakland

Attached is a piece that I recently received from the Independent Institute in Oakland. They make some good points that you should consider in your settlement with Microsoft.

Attachment: STATES' PERSECUTION OF MICROSOFT: Throwing Bad Money after Good Because government bureaucrats don't bear the costs of their actions directly, governments are especially bad at not knowing when to stop throwing bad money after good. The Microsoft antitrust case clearly illustrates this truism of government pathology. Although the U.S. Court of Appeals discarded the guts of the government's antitrust suit against Microsoft last June, nine states — led by California and New York—have chosen to keep fighting Microsoft. And although the federal antitrust trial uncovered no proof that consumer welfare was harmed by Microsoft's fiercely competitive behavior, the nine states perpetuate the pretense that they are pursuing Microsoft for the sake of consumers rather than Microsoft's rivals.

As Dominick Armentano put it in a recent op-ed: ''The first trial produced not one shred of evidence Microsoft's software licensing or browser integration resulted in any consumer injury; the new trial will be similarly cursed. Instead, the testimony will confirm Microsoft plays competitive hardball (who doesn't?) and intends to take market share from competitors with new innovation, savvy marketing and low prices.'' ''But that kind of behavior (engaged in by all free market firms) is the very nature of the competitive process and should be applauded, not condemned. Yet the holdout states and their politically ambitious attorneys general falsely believe antitrust laws exist to preserve specific competitors or specific products and that government must constantly level the playing field or micro-manage inter-firm business dealings with antitrust litigation. So the states will put the competitors on the stand and let them whine.

''Consumers (and businesses) in all states require government protection from force and fraud but they don't require decade-long antitrust assaults on firms that innovate and lower prices to consumers. Such assaults are economically inefficient, create incentives for additional litigation, perpetuate business uncertainty and harm society's long-term welfare. Enough already.'' The British legal system requires that the loser pay all court costs; this helps discourage frivolous lawsuits. If American antitrust law imposed a similar penalty, perhaps business rivals would spend more time competing and less time in antitrust litigation. And perhaps government antitrust bureaucrats would also curb their costly excesses.

See ''It's Time to Quit,'' by Dominick Armentano (NATIONAL POST, 12/21/01), at http://www.independent.org/tii/news/011221Armentano.html By the way, I think the right long term job for Attorney General Lockyer of California is City Attorney of Berkeley. He would be great for that City.

Bob Andrews
1864 Castle Oaks Court
Walnut Creek, CA 94595–2358
925–933–6569
925–933–8991 (Fax)

MTC–00005182

From: Dragster
To: Microsoft ATR
Date: 12/31/01 9:36pm
Subject: Microsoft Settlement

Dear Sir, Please dont stop short of breaking up the Microsoft monoply. Windows is the most troublesome backward system there is. Why the world should have to bow to this giant is beyond me. I run windows xp because my new computer came with it and Ive had to bing the thing back to the shop 3 times in 30 days! It wont work with all my OLD software. Im going to run Linux from now on as I cant afford to keep fixing this ''more stable system'' !!! Thank you and I pray you wont bow to the giant just to end this. Sincerely, Phil Winter pob 104 Dewitt, Ia. 52742

MTC–00005183

From: Bruce G Murray
To: Microsoft ATR
Date: 12/31/01 9:46pm
Subject: Microsoft Settlement

Our family would like to see the Microsoft Settlement move ahead, beyond the 9 States who have already agreed. We are long-term residents of California and believe that California should agree to this same settlement so that Microsoft can focus on innovation and job creation, as opposed to the litigation of the past several years that primarily benefits attorneys.

Sincerely,
Bruce Murray

MTC–00005184

From: cvinson
To: Microsoft ATR
Date: 12/31/01 8:32pm
Subject: Microsoft Settlement.

To Whom It May Concern:

I am a user of Microsoft Win '95 and Win '98 SE software on my personal home computer, having purchased these items from Gateway and the local Comp USA stores. I

have used Microsoft software for the past 7 years as a professional engineer in the employ of Rockwell International. This software has made my job much easier, work output greater and significantly increased my ability to generate professional thesis, proposals and written communications. Despite the aggressive lobbying efforts of a few of Microsoft's competitors, the federal government and nine states finally reached a comprehensive agreement with Microsoft to address the reduced liability found in the Court of Appeals ruling. In my opinion, this settlement is tough, but reasonable and fair to all parties involved. I further think the settlement is good for the consumer, the software industry and Windows XP may boost the American economy as it recovers from recession.

The last thing the American economy needs is more litigation that benefits only a few of Micrsosfts wealthy competitors, stifles innovation and lines the pockets of the legal profession.

The federal government has spent far too much money in pursuing this case already.

Clay Vinson
P.E. Retired

MTC–00005185

From: James Meehan
To: Microsoft ATR
Date: 12/31/01 9:49pm
Subject: microsoft settlement

Please, you people who haven't the brains to compete, get off Microsoft's back. James Meehan

MTC–00005186

From: Roy
To: Microsoft ATR
Date: 12/31/01 9:57pm
Subject: Monopoly Suit

My opinion of this suit all along has been that Microsoft produces the best operating system in the world for home PC's. To break it up would be just like the phone service. You go from the best, most reliable in the world to the piecemeal crap we have now.

MTC–00005187

From: Timothy Bell
To: Microsoft ATR
Date: 12/31/01 10:08pm
Subject: Microsoft Settlement

As a computer professional and as a computer hobbyist I believe the settlement is a fair and reasonable agreement. This settlement will allow the end user more options to customize their system and will encourage competing products that will benefit the computer using public.

Timothy A. Bell
Ypsilanti, MI

MTC–00005188

From: Jeff (038) Gerrit Huston
To: Microsoft ATR
Date: 12/31/01 10:11pm
Subject: Microsoft case

To Whom It May Concern,

Now is the time to think about the larger impact that Microsoft has on not just the technical sector of the computer world, but also the large impact this great company has on the economy. We have seen the burden this continual trail has on the country. It is time to put it to rest and to move on to much more important issues.

It is doing very little to continue to pursuit issues that have already fallen to the past. Technology has and will continue to change. We need to allow companies to meet the wants of the people. What we want now is to settle and to move on. Let the government stay out of the fundamental freedom of capitalism.

Thank you for your time,
Gerrit Christine Huston

MTC–00005189

From: Bobby Cammer
To: Microsoft ATR
Date: 12/31/01 10:18pm
Subject: Microsoft Settlement

I am a very small user of Microsoft products. Being retired I only use the Microsoft products for personal work.

Problems I see with Microsoft having complete control over the world's and my operating system.

1. I cannot sell their product (Windows 95 or Windows 98)to someone else without including at least one part of hardware. This is just intimidation by Microsoft. What if Ford motors restricted the sale of a part from their vehicles without sending the motor?

2. My operating system Windows 98 is loaded with Microsoft stuff that I either have to accept or find out how to delete or over ride it. Tell Microsoft to keep their extras and sell the on the open competitive market. If I want their stuff I'll buy it.

3. There is no competition in the operating systems market that an old amateur like me can buy or even compare costs. With this monopoly Microsoft can and does sell the product at an inflated price. They will only sell at their controlled market price. You can't go to a discount store and buy the product at a volume price.

4. Windows 98 frequently goes belly up and stops in mid function. There is no customer complaint department that really listens. They state that they have most of the problems taken care of. Where I come from that's called horse dung.

5. When I was working in the manufacturing sector if you had a product that garnered at least 80 percent of the market you had to routinely justify the selling price. How in heavens name can Microsoft justify the current cost of Windows 98?

6. If you buy one of the popular PC's it will come with the Windows operating system bundled on a single CD with the other software. If you dump, trash or upgrade (build your own)your PC you cannot take the software to the new PC. It's like Microsoft put a soul in the machine and only Microsoft, decay or God can remove it. The CD now is only usable as a Frisbee! Who do you think forces the PC builder to bundle their stuff?

7. Try selling your old copy of Windows 95 on eBay. Now that you have one of the later versions you no longer need it. Microsoft controls the sale by eBay and their sellers. You can't sell it without complying with Microsoft's rules. Microsoft has a large paid legal staff to monitor and protect against violations of their monopolistic rules.

I hope my name is kept in confidence. I don't need either the FBI or Microsoft legal eagles checking me.

Regards

MTC–00005190

From: Joe Swafford
To: Microsoft ATR
Date: 12/31/01 10:32pm
Subject: Microsoft Settlement

To all concerned:

Microsoft is a great and innovative company which has contributed immensely to the American economy. They are a symbol of the American dream. They have fore-sight, ingenuity, and determination. They innovate to make the best possible software solutions which have made our lives easier, simpler, and more enjoyable. They are aggressive and pervasive. I admire this company; a company which is truly an American business icon. I cannot say enough good things about Microsoft because they have truly helped shape the future of our country and the future of our planet.

That being said, I must admit that I do not agree with some of the business practices in which Microsoft has chosen to pursue. I would never want Microsoft to stop innovating or developing top-notch products. I would never want them to cease as the business entity they are today. But I cannot, with a clear conscience, admit that they have participated in practices which have not stifled competition. I am just an average consumer. I could say nothing and be perfectly happy with using my Microsoft products and nothing else. However, I think our country is the greatest country on this planet for a reason. I believe that reason is opportunity; the opportunity of success without unfair interference.

I feel there has been a major swing in respect to the legal aspect of this antitrust case. It seems the tone of this case has changed. It seems the seriousness of this case has changed. It seems the outcome of this case has changed. It seems the judicial process has changed. In effect, it seems the whole development of this case has been tainted due to a change in political power or a change in the agenda of the government because of the current economic environment.

It disturbs me to think that our judicial process is influenced to such an extreme by the other powers of our government. Whether it is from the legislative or executive branch; this doesn't matter. What matters to me is that the principles of our founding fathers are preserved and that we always do the ''right thing''.

Again, I think Microsoft is one of the most extraordinary companies in history. Microsoft is a company which will be in textbooks and will remain a strong contributor to our economy regardless of this legal matter. I still cannot understand how a court can overlook the code mixing of Internet Explorer and the Windows operating system. This is an obvious example of ''bundling'' which is never mentioned in the final judgment of the antitrust case.

As a native born American consumer who appreciates Microsoft and its software, I am not disappointed in Microsoft. I am disappointed in our judicial process for allowing the letter of the law to be misconstrued and distorted in order to serve

the interests of the lobbyers, the politicians, the big money making machines, and the special interest groups. I think in the end, the consumer has lost and this is very sad. Because, when it comes right down to it, the individual consumer is the one who makes our economy work.

Thanks for your time,

A Microsoft fan who disagrees with a few things

MTC–00005191

From: Lorimar712@aol.com@inetgw
To: Microsoft ATR
Date: 12/31/01 10:52pm
Subject: Microsoft Settlement

Dear DOJ:

As a concerned Citizen I urge you to ensure that the proposed settlement between the DOJ and Microsoft does not get derailed by wealthy competitors or special interest groups. The American economy NEEDS this settlement.

Thank you, Mark G, Costa, San Diego CA

MTC–00005192

From: CHPETERSON@aol.com@inetgw
To: Microsoft ATR
Date: 12/31/01 10:55pm
Subject: MICROSOFT ANTITRUST CASE

GENTLEMEN:

I REMAIN AMAZED AT THE TIME AND RESOURCES MY GOVERNMENTS (BOTH NATIONAL AND STATE) CONTINUE TO WASTE PM THIS CASE. MICROSOFT HAS DONE MORE THAN MOST COMPANIES IN AMERICA TO INCREASE PRODUCTIVITY, CREATE WEALTH AND GENERALLY IMPROVE AMERICA'S QUALITY OF LIFE.

THIS CASE SEEMS TO BE DRIVEN BY SEVERAL LARGE COMPETITORS MOTIVATED BY THEIR OWN GREED AND JEALOUSY, BY GREEDY STATE GOVERNMENTS LOOKING FOR ANOTHER DEEP POCKET (LIKE THEY FOUND IN BIG TOBACCO) AND BY THE PREVIOUSLY DEMOCRATIC PARTY DOMINATED FEDERAL GOVERNMENT JUST SEEKING A SUCCESSFUL BUSINESS TO ATTACK.

IT IS TIME TO CALL IT A DAY AND LET MICROSOFT AND ITS COMPETITORS GET BACK TO COMPETING.

CHARLES H. PETERSON
3724 N. HULLEN STREET
METAIRIE, LOUISIANA 70002
CHPETERSON@AOL.COM

MTC–00005193

From: David Oakes
To: Microsoft ATR
Date: 12/31/01 11:08pm
Subject: Microsoft law suite

Dear Government and States,

Please leave Microsoft alone. They have done nothing but create jobs for Americans and help lead the USA in the technology world. They also have helped make the computer more user friendly throughout the world. The politics of these lawsuits stinks.

David Oakes
daisyo@home.com

MTC–00005194

From: CKlein545@aol.com@inetgw
To: Microsoft ATR
Date: 12/31/01 11:13pm
Subject: Microsoft settlement

I urge you to quickly approve the Microsoft settlement. We do not need further litigation of this matter. As a consumer, I have not been harmed by Microsoft's actions. Computing costs—hardware and software—are extremely low. I appreciate the standards that Microsoft has set.

Sincerely,
Carla Klein
Sunnyvale, CA
cjklein2@msn.com

MTC–00005195

From: basil johnson jr
To: Microsoft ATR
Date: 12/31/01 11:14pm
Subject: Microsoft ; us government

Microsoft's team, keep up the good work! Lazy assholes (US government) and other companies that are too lazy or to damn stupid to be integrative! MSN tries to keep up support and free up dates for their products but interference has damn near stopped MSN. Assholes heed to get off their lazy ass and build their own products! I spent 30 years of my life outside rain, sleet, snow, heat for 12 hours a day to as many as 57 hours straight building and repairing railroad tracks. My choruses . $1.00 a day for meals and lease money an hour than a Food Lion bag boy would make! This was because of the US governments lick common sense. Which they still have a lack of! We would go as long as 8 years with out a contract be cause congress would average wages using all railroad workers together. Upper officials $5,000,000 to over $36,000,000 a year to our $18,000 per year. The railroad like the US government , may be corrupted , but not stupid. So their cut the real work force 80%! Damn R.R. workers per employ makes a hell of a lot of money! Same shit the governments are trying to do to MSN ! You have the money and power '' FIGHT'' for all of our rights !

bcjr1@msn.com

MTC–00005196

From: Richard Tackett
To: Microsoft ATR
Date: 12/31/01 11:21pm
Subject: to the DOJ...were I stand with microsoft

This case is nothing but a bunch of crybabies that don't like Microsoft success. I support Microsoft in this fight.

Rich Tackett
19811 Portal Plaza
Cupertino, Calif. 95014
408 253–7810

MTC–00005197

From: sheris Swain
To: Microsoft ATR
Date: 12/31/01 11:24pm
Subject: Microsoft Settlement

I would really like to see this case settled once and for all. I am not only a stockholder of Microsoft, but I have 2 relatives that work for Microsoft (one retired, one currently employed) I lived in Bellevue just across the road from Microsoft for over 10 years. I enjoy all of their products and I commend them for originally having a concept when on no else did and capitalizing on it. I believe Bill Gates dream of everyone having a computer and I don't think it is Microsoft's intent is to be dominate, just to be a pioneer and keep forging new paths that others dare not attempt, but want to reap the benefits.

I think it is time to settle in the favor of Microsoft. It would do other companies a lot of good to look at Microsoft, their culture, their healthplans the employee moral etc. They not only make great products but they are progressive in their employee relations.

MTC–00005198

From: Mike McAtee
To: Microsoft ATR
Date: 12/31/01 11:34pm
Subject: Please drop charges against msft, time to move on.

Please drop charges against msft, time to move on.

MTC–00005199

From: Ron Nath
To: Microsoft ATR
Date: 12/31/01 11:41pm
Subject: Microsoft Settlement

To whom it may concern:

I have reviewed to proposed settlement and would like to submit additional, revised comments from my previous ones. Overall, I believe the requirements are inconsequential and ineffective in stopping this convicted monopolist. The best course of action would have been to break-up the company as originally suggested by Judge Thomas Penfield Jackson (or even more so). However, as that is almost certainly not going to happen, alternatives need to be found.

The current list of remedies (besides being ineffective) requires oversight and will undoubtedly allow Microsoft to find loopholes. Moreover, the duration of the requirements are only in effect for five years. I would suggest a much simpler, but more stringent set of remedies that would require no oversight. In addition, they would be in effect as long as Microsoft maintains a dominance (largest share) or monopoly (>50%) in ANY market- operating systems, office applications, internet browsers, etc.

These would include:

1. Microsoft must license its operating system to hardware vendors who can customize it any way they choose. In addition, the operating system cost must be separated out from the hardware cost so that consumers will have the option to install a free operating system.

2. Microsoft or the hardware vendors who licensed and installed the operating system must provide a 90-day money back guarantee should a consumer wish to return the operating system (after having it deinstalled on their machine by the original seller of the system).

3. Microsoft must provide source code (for an additional but reasonable fee) upon request to those who purchase a copy of any of their software (though it will remain copyrighted and can not be duplicated, etc.)

4. Older, unsupported versions of their software (e.g. windows 95, office 95, etc.) will enter the public domain and be completely open source and free for any use.

5. ''Core'' applications (Office, internet explorer, SQL server, etc.) must be made available for all major operating systems (Linux, FreeBSD, AIX, Solaris, etc.) while all

their other applications should be eventually ported to these other OS's.

6. Their client and server operating systems must interface equally well with alternative platforms (ie, win9x or win2k clients will provide native support to connect a unix server via an X-server GUI or a win2k server will allow unix clients to connect via a provided terminal server client) Though these requirements are not as drastic as the original break-up, it goes much further than the current, almost worthless stipulations.

S. Nath
Wolcott, CT.

MTC–00005200

From: Tdpage@aol.com@inetgw
To: Microsoft ATR
Date: 1/1/02 12:13am
Subject: Microsoft Settlement

This suit was ill advised from the start. Settle NOW!

Don Page
Dragoon, AZ

MTC–00005201

From: Don Stults
To: Microsoft ATR
Date: 1/1/02 12:49am
Subject: Microsoft Settlement

In my opinion, the litigation against Microsoft should cease. I have a difficult time understanding why the case was litigated. There seems to be a ''punish the proficient'' attitude in this case. Microsoft has invested a lot of money to develop products CONSUMERS WANT and they have accepted ALL the market risks (sales, worldwide copyright infringement, and yes, competition).

Let Microsoft get on with their business (which they do well). . .the continuing litigation expenses will NOT be paid by Microsoft, it will be paid by consumers of their products.

Don Stults
donstults@hotmail.com

MTC–00005202

From: Bob Levittan
To: Microsoft ATR
Date: 1/1/02 12:58am
Subject: Microsoft Settlement

Settle it NOW!!!!! Don't let this travesty continue. From the very beginning, this whole thing has been about Sun, Netscape, AOL et al, using litigation as a means to compete. END IT NOW! STOP WASTING MY MONEY! SPEND MORE TIME TRYING TO MAKE OUR LIVES SAFER. STOP WASTING TIME AND MANPOWER!

END IT NOW!
Bob Levittan
50 Cliftwood Drive
Huntington, NY 11743

MTC–00005203

From: Donald Hetrick
To: Microsoft ATR
Date: 1/1/02 1:30am
Subject: Microsoft Settlement

Please record my support to finally settle the endless litigation against Microsoft. I find the current settlement harsh, but feel its fine if it can finally be concluded so our country can move on.

Thank You,
Donald J. Hetrick

MTC–00005204

From: tobeyd
To: Microsoft ATR
Date: 1/1/02 1:32am
Subject: Microsoft Settlement

Hello,

I've been working as a software developer since 1964.

In my opinion, Microsoft has attained their current position is because—

1) They listen to the requests of Computer Users.

2) They develop quality solutions based on Users requests.

3) They provide an integrated platform for Independent and Corporate Developers to provide effective solutions for their clients.

Imagination and Innovation are the keys.

Thanks,
David Drake

MTC–00005206

From: Rick Weyenberg
To: Microsoft ATR
Date: 1/1/02 2:18am
Subject: Microsoft Settlement

Settle now!

MTC–00005207

From: Miriam A. Detert
To: Microsoft ATR
Date: 1/1/02 2:32am
Subject: Microsoft

This entire case is the most unjust case your so called Justice Department has ever taken . You are prosecuting an innocent man and company. They have done more for this country than anyone in many, many years.

Miriam A. Detert

MTC–00005208

From: JRob98@aol.com@inetgw
To: Microsoft ATR
Date: 1/1/02 2:51am
Subject: Microsoft Settlement

The Microsoft settlement is harsh, and more than enough penalty for Microsoft. Prolonging this only benefits a few special interests, for their own greed. AOL is prime for a monopoly investigation, and is campaigning for more against Microsoft to benefit their own interests. The few states protesting were only being more greedy than the rest, looking for a free ride on someone else's money. No one is forced to buy Microsoft or use IE, but do because it is a better product. Leave them alone. Jan Roberts

MTC–00005209

From: DigitalBurn2k1
To: Microsoft ATR
Date: 1/1/02 3:53am
Subject: Microsoft Settlement

Dear to whom this may concern,

I am an upcoming programmer at a major university. And, this court case has caught my attention. I would like to tell you that I do not agree with the government completely in the solutions to this problem. Microsoft has been in violation of some monopoly laws, I agree. However, I feel that to impede on the authoring writes of a company is not legitimate. Something would have to be changed, granted, but I do not agree that Microsoft Middleware such as Internet Explorer should be changed.

A major step that Microsoft made in the 1995 windows was the integration of internet explorer. I understood this major step, as it makes the operating system more closely tied to the internet. This is a convenience to the user. Sure, it may impede on Netscape; however, I believe that this is a must have feature with today's internet fueled economy/society. This technology has led to other web integrated technologies that Microsoft has developed and have greatly impacted the world, making our computer lives easier.

I feel that if the government impedes on Microsoft's freedom to produce technology, then they are stopping progress. If you would have told Microsoft that they could not have integrated net features with the OS years ago, then

1) this ordeal would not be in court

2) Microsoft would have surely lost consumers as someone else would have moved on the idea The government I understand is trying to keep competition in the marketplace. However, I would like to see progress thrive. Competition will always survive as it drives software makers to produce better software. Netscape is not better software, that is half the reason they have fallen in sales, just a personal user opinion. How can the government say what the best road is for technology? What if they are taking a wrong turn by penalizing Microsoft, which will in turn cause technology to slow progression? That is neither healthy for our citizens or our economy.

I think that if the government is going to penalize Microsoft, they should do it in a way that is not hurting their creative rights, rights that have made the US dominant in the computing field. Lets face it, it is Microsoft that has given us an edge in the technology industry for the past 20 years. Do not ruin that because of some useless company like Netscape.

Sincerely,
Brad Davis

MTC–00005210

From: Daniel Telford
To: Microsoft ATR
Date: 1/1/02 4:40am
Subject: Microsoft Settlement

Dear Sirs:

I believe that the settlement reached between the DOJ and Microsoft is more than fair since Microsoft in my opinion has never violated any anti-trust law. Take what you have and go.

Daniel Telford
Kearney NE

MTC–00005211

From: Jason
To: Microsoft ATR
Date: 1/1/02 6:00am
Subject: Microsoft Settlement

Given the number of years that have passed since the trial began Microsoft have very much responded to criticism and in my view have made all efforts to remedy the situation.

Given that free operating systems are around (how competitive is that!—what if the situation existed with free cars!) and piracy

is rife—if microsoft was ever judged a monopoly it was on its merits.

The level of piracy, the level of competition, all work to undermine microsofts efforts to conduct fair and legal trade. The settlement is fair and just in my opinion, if anything its too harsh. We all know how big business works, with coca cola signing exclusive deals with suppliers, sports stars signing contracts that mean they can only advertise with nike etc, so why microsoft should be held aloft on a pedestal for its alleged actions is beyond me.

If anything would be ultimately in the publics interest it would have been a long time ago that the whole matter was dropped. Right now, barring that, the best thing is for all parties to accept the settlement and for those competitors of microsoft to stop trying to use the courts for financial gain when instead they should employ smarter people, up the R & D, and increase the quality of their products.

Jason

MTC–00005213

From: lynn orser
To: Microsoft ATR
Date: 1/1/02 6:31am
Subject: Microsoft Settlement

To Whom It May Concern:

I believe that it is time to finalize this ridiculous fiasco and get on with the work of the people. Please move forward with the proposed settlement and put this case behind the American people. I believe there are more important issue that the government should be dealing with.

Sincerely,
Lynn Wm. Orser
11288 James Court
Genoa, IL. 60135

MTC–00005214

From: Robin Datta
To: Microsoft ATR
Date: 1/1/02 7:01am
Subject: Microsoft Settlement

Dear Honorable Justices:

I have used Microsoft products from MS-DOS 3.0 onwards through 6.0+; Win 2.0 (yes, 2.0, when the IBM OS2 was priced at $400+ but the MS product was quite reasonable to dabble with) and on through 3.0, 3.11, Win 95 (briefly), WinNT3.5, 4.0 through SP6 and on to Win2kProf and WinXPPro. Other OSs have attempted to take the place of Windows but have not offered the options and versatility that we have now.

Microsoft was under no obligation to offer automatic updates to its OS but has done so. It is a wonderful feature. And Windows will be the OS to be proficient in, in much of the foreseeable future. To say that MS will have an unfair advantage in providing its software to the educational system is to neglect the unfair disadvantage that the students now have when screwing around with the Apple/MacIntosh system. While MS does make its Office Suite available for the Apple/MacIntosh system (which refutes the argument that the Office Suite holds the user hostage to Windows), there are so many other features of the Windows and so many other applications and devices that run under windows, that it is almost cruel to deprive the student generation of proficiency in these.

It is time for the pirhanas to get off Microsoft. If they cannot compete in the market, it is not right that they try to make good in the courts. We have already seen a candidate who could not win in the election installed by the courts as the President-pretender of this country. I do not believe that the court system should replace the people's choice whether in the software market or at the ballot box.

Sincerely,
Robin Datta
robbin@ix.netcom.com
9228 N Stoneridge Ln
Fresno CA 93720–1210
(559) 434–0370

MTC–00005215

From: zach cross
To: Microsoft ATR
Date: 1/1/02 7:00am
Subject: microsoft settlement

to whom it may concern,
The One and Only, Zachary B Cross

MTC–00005216

From: Michael Knight
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/1/02 8:10am
Subject: microsoft settlement

back off you idiots and get blumenthal to do so also.

Michael J. Knight, CPA, CVA, CFE
Licensed Life, Accident and Health Agent
Michael J. Knight & Company, CPAs
Licensed Mortgage Brokers, Consultants
116 Sherman Street
Fairfield, Connecticut 06430
Tel: (203) 259–2727
Fax: (203) 256–2727
Website: http://www.mjkcpa.com

MTC–00005217

From: MarstonB@aol.com@inetgw
To: Microsoft ATR
Date: 1/1/02 7:55am
Subject: Microsoft Settlement

I am a 64 year old sole practicing attorney in Marietta, GA who has been sufficiently computer literate and fortunate to be able to practice by myself (no secretary, paralegal, etc.) for the past several years due, in no small part, I truly believe, to Microsoft's providing a simple yet comprehensive ''workplace'' for me.

Many will say others could do as well or better...I do not believe others would make my PC platform as simple, user friendly and idiot proof as Microsoft has.

Leave them alone and able to continue to provide as they have, please.

MTC–00005218

From: l.heath@att.net@inetgw
To: Microsoft ATR
Date: 1/1/02 8:00am

This is not a settlement but a travesty. There is no meaningful change to the status quo which means Microsoft continues to benefit from its past monopolistic practices and, indeed, benefits from this action by expanding its influence though our school systems. Where is the corrective action that our laws are supposed to provide?

Thank you,

Larry Heath
CC:attorney.general@po.state.ct.us@inetgw

MTC–00005219

From: Gregg Christman
To: Microsoft ATR
Date: 1/1/02 8:08am
Subject: Nine State Microsoft Settlement

To whom it may concern:

I am very dissappointed with our government over this entire court case against Microsoft.

First and foremost Microsoft has created an industry that has made our country number one again in the world and has created jobs, increased productivity, and more importantly for the Federal Government Billions of Dollars of Tax Revenue!

The idea that they are a monoply is absolutely absurd they have to compete against thousands of competitors daily to win and earn their revenues. They spend Billions on Research and Development to provide better software.

The notion that they are controlling the software industry is ridiculous. Every consumer in the marketplace has a choice whether or not they want to own Microsoft Software no one is putting a gun to there head and forcing the consumer to purchase Microsoft. This lawsuit which was initiated by President Bill Clinton and

The Clinton Administration is an absolute conspiracy to undermine the American Way,to create, build, and sell products to be successful.

This lawsuit has been counterproductive from its' inception and has cost our economy Billions in lost revenue, and Billions in investors portfolio's value.

I believe the settlement reached by the Nine States and Microsoft is extremely generous a Billion Dollars worth of Software and other computer related items for the low income schools. I think this is a fair and reasonable settlement.

I believe the US Government needs to rapidly agree with this proposed settlement by Microsoft and conclude this total unfounded, ridiculous, lawsuit and let's get on with what is important getting our Technology Economy rolling again. Microsoft is the engine that is pulling the Technology Sector forward. I hope our government can see this however; sometimes I think our leaders are in a closet.

Concerned Citizen,
Gregg Christman
greggchristman@earthlink.net

MTC–00005220

From: jack3108
To: Microsoft ATR
Date: 1/1/02 8:10am
Subject: Microsoft Settlement

Let's get this case over. Even the few states that are still objecting are purchasing Microsoft products—The attorney generals don't seem to know what most of their dept. purchasing agents are buying.

MTC–00005221

From: Joseph W. Guillory
To: Microsoft ATR
Date: 1/1/02 8:50am
Subject: Microsoft Settlement

I believe that the only thing that needs to be changed in this settlement is that Microsoft should give cash instead of software and computers. This way the receiving schools or benifactors can choose how best to use these funds.

Thank You

Joseph

MTC–00005222

From: Sun-Tzu1
To: Microsoft ATR
Date: 1/1/02 8:55am
Subject: Microsoft Settlement

A recently purchased computerized billing and scheduling system running Windows XP has made a tremendous difference for my business. The efficiency of this new system is significantly greater than the older non Windows based system and yet was extremely affordable. As a consumer of computer and compter related goods I have been greatly satisified with the reliability, performance, variety, innovation and affordability of Microsoft products. In today's current environment the citizens of this country have fears that extend well beyond Microsoft. The threat of terrorism, nuclear weapons, unemployment, the decline of America's auto manufacturing, and the rising costs of health care have become the issues that require attention. As a country we should be comforted by the existance of strong global companies, such as Microsoft, which through their existance provide fuel to America's economy and ultimately enhance the power of our nations leaders. We must remember that the blanket of freedom that covers our nation is the direct result of the economic strength we possess. It seems ironical that a country that relies so heavily on its financial strength to resolve world crises would spend so much energy to disrupt the very source of its strength. Any other country in the world would welcome Microsoft with open arms because with its ecomomic might comes bargaining power. In summary, be thankful that Microsoft exists and let us, as a nation, encourage other American companies to become as successful. Let us begin to concentrate our efforts on the issues that require immediate attention and will have the most impact for the American people.

Sincerely,

Richard Watson

MTC–00005223

From: BryantKing
To: Microsoft ATR
Date: 1/1/02 9:18am
Subject: microsoft settlement

Please continue with the settlement as agreed to and put this behind us. We need less government and permit the American entrepreneur to flourish. Businesses have to compete to stay in business and it requires long hours and hard work.

Sincerely,

Bryant A King

MTC–00005224

From: Jack Stoutenger
To: Microsoft ATR
Date: 1/1/02 9:20am
Subject: microsoft settlement

i do not think microsoft has done anything wrong other than make some awesome software that makes it very easy for anyone to use

MTC–00005225

From: Robert Gardner
To: Microsoft ATR
Date: 1/1/02 9:36am
Subject: Microsoft Settlement

To Whom It May Concern

I believe that the proposed settlement should be accepted for the common good of USA & the world in general. The continued uncertainties around Windows creates a depressed marketplace, full of apprehension, tightened purse-strings. Additionally it makes the US look foolish when the Appleals court overturned a decision, which granted Microsoft the right to integrate the Web Browser into the Operating System.

What the SUN Microsystems, AOL/Netscape & affiliated companies complain most about is that Microsoft has produced products that integrate well together. SUN has its StarOffice, but no one seriously accepts it, as it offers little to build a business system from. There is scant integration between StarOffice and other software applications produced by independant software vendors.

Continued poor integration of open-source software will damage consumer confidence by offering too many options, that most people do not understand the reasons why they should choose one over the other. This is why the Open Source community would welcome Microsoft Office to the Linux operating systems. From what I understand the latest version of MS OFFICE for

MacOS10, would take little to port to the Linux operating systems. It should be pointed out that other computer related companies have violated fair trading practices in a much greater way, for example:

1) SUN also offered its Solaris operating system for free, but after signing up for it, I then found I was to be charged $75 (US) for media. What a blatent misrepresentation!

2) Apple allowed, and openly greeted other companies who were to produce clones of their Mac's. But when it was evident that Apples share of the overall computer market was not increasing, they then witheld their operating system from the clone builders.

3) When the Mac OS was witheld, the clone builders started offering G4 upgrades for G3 machines, but then Apple changed the BIOS routine so that these upgrade cards would not function.

In closing, I hope you agree that in the interests of the world economy, particularily after September 11, that this proposal must be accepted.

Sincerely Yours

Robert G Gardner

Port Macquarie NSW

Australia

MTC–00005226

From: Cdmorse@aol.com@inetgw
To: Microsoft ATR
Date: 1/1/02 9:34am
Subject: Microsoft Settlement.

To whom this may concern,

I spent 2 years in the computer industry in the US. I have had no problems with Microsoft except they beat their competition. Is this the US or not? Does free enterprise exist or is the concept for fairly tales and uncensored history books? I do not understand a 'free society' the penalizes a company that delvers services to a majority of the market, out distances their competitors then is criticized for being successful.

Settle the dispute as quickly as possible and allow the business of business to get on...

Sincerely,

Cindy Morse

149 Wallinwood NE

Grand Rapids, MI 49503

MTC–00005227

From: DavePenn60@aol.com@inetgw
To: Microsoft ATR
Date: 1/1/02 9:35am
Subject: Microsoft settlement

I'm writing in support of the settlement negotiated by the DOJ and Microsoft.

I am both a user of Microsoft software and an owner of Microsoft shares.

I have worked in the information technology arena since entering the workforce in 1962. I have known what it is to develop systems for computers with only 4096 bytes of memory (that is not a typo). For computers for which punched cards were the only storage medium. For computers that were anything but personal.

In my career the focus of my development efforts changed from developing systems for mainframe computers to developing systems for personal computers in early 1988. At that time the operating systems ''war'' was being fought among IBM, Microsoft, and Apple. I can personally attest that there has been an ''order of magnitude'' improvement in the Windows operating system since that time. That improvement was primarily attributable to the ''invisible hand'' of competition among that group of competitors.

As a user of application software, I can personally attest to the value that Microsoft has brought to that field. The organization I was a partner of (Andersen) had adopted Lotus 1–2–3 as its standard spreadsheet software. The improvements that Microsoft made to Excel that even the most diehard supporter of 1–2–3 had to acknowledge that Excel was the better product and ultimately we changed to Excel as our standard spreadsheet.

I'm also aware of the improvements that Microsoft has made to programming languages and the other software that facilitates development in those languages.

In short, Microsoft has done a great deal to foster improvements in information technology and that has rippled throughout our entire economy. If Microsoft has broken the law, it should be punished in accordance with that law. If current laws are not adequate for the world we now live in, new laws should be written and adopted in the cold light of day. We should not, however, develop new laws through the judicial process. And, we should not develop new laws through the judicial process at the urging of organizations who have not enjoyed the success they believe that they deserve in the competitive arena.

Yes, you need to consider the source and I acknowledged I was and am a Microsoft

shareholder. I'm a shareholder because I recognized the value Microsoft was bringing value to the field of information technology. And, I continue to believe that Microsoft will continue to bring value to that field as long as the competition with other information technology providers is fair. As I understand the terms of the settlement agreement, I believe that the proposed post-settlement environment will be fair to all concerned.

Thank you for considering the voice of one consumer and one owner of a part of the American economy.

David Brunn

Professor of Business Administration

Carthage College

MTC–00005229

From: CF000@aol.com@inetgw
To: Microsoft ATR
Date: 1/1/02 9:41am
Subject: Microsoft Settlement.

Mr. Attorney General,

How much longer will we let a select group of people continue to perpetuate an issue such as the unsettled Microsoft litigation to cause so much uncertainty in our economy. It seems often that powerful and self serving people, directly or through organizations they influence, are able to manipulate government actions that works contra to the needs of the greater good. Certainly, that seems to be the case with this new scheme to delay this settlement.

Everyone now knows this settlement is the right thing to do, because it is right in its own merits, and because the economy was hurt by the original suit and needs to be made right. A lot of other companies and market segments were hurt by the original action. And not just the capital of those companies, but more importantly employees and their pension plans, their livelihood and the very fabric of their family and sense of security. So now these self interest are making one last attempt. Is it because they are being influenced by short sellers who are trying to make yet one more killing in the market—if they can cause confusion on the stocks of the high tech sector, see these stocks crash and burn again, so they could buy back low. Is this what the DOJ and the Bush Administration have in store for the country in 2002—to let this happen. If so, its so Clinton like.

My family, neighbors and friends are watching this closely, and I can assure you, a lot of others are too. We don't see how fixing this economy is possible without sticking to the existing agreement and closing this issue immediately. It's time to take leadership and complete the job you people were put in office to address in 2000.

Thank you,

C. Figueroa

New Jersey

CC:RFC-822=3—23163—987C91CF-ED8E-D211–9F48–00C04FB98E...

MTC–00005230

From: Barbara Sanborn
To: Microsoft ATR
Date: 1/1/02 9:58am
Subject: Microsoft Settlement

Get it done so business can move on. Settle this so competition in business and the right to innovate can continue. If Microsoft has done things wrong...I am sure they are not alone..but they have certainly demonstrated what this country is all about..the right to succeed in business and to be rewarded for that success.

MTC–00005231

From: GDingoian4972035@aol.com@inetgw
To: Microsoft ATR
Date: 1/1/02 10:05am
Subject: I FEEL THE STATES SHOULD TAKE THE OFFER FROM MICROSOFT

i am writing because i feel since the D.O.J started legal action against microsoft in 6–2000 to present that it has caused a mess within all the technology area microsoft is the heart and engine of the tech and they like the 3 auto makers feed alot of vendors we in short as investors not only tech but the whole market suffered the worse loss of 5 trillion .

not all of it was caused by the legal matter against microsoft by also greenspan 6 rate hikes the same time the legal matter against microsoft we are in one of the worst recession since 73–74 and it is global i feel this matter has gone long enough and i have followed this case and understand some of problems but they were in the past and now alot of the problems are gone microsoft admited to some wrong dueing and is will to pay damages the justice department agreeded to some kind of settlement but 9 states want to drag this and really what would they gain i doubt that they could win if they are going out to split microsoft first it has been stated by appeal court that braking up microsoft was off the table and settlement was only thing on the table finally i feel alot of tax payers money has been wasted and will be wasted more for i truly believe that these 9 state attorneys have political movities and not really interested in settling i urge the D.O.J to wrap this matter and let microsoft pay for damages to which they already have agreeded to then they will then spend money on r/d instead of attorney fees then with the 11 rate cuts and energy saving and restruturing we will more r/d and hiring layoff people plus those who lost alot will start getting some of it back so i urge you not on my behalf but the whole economy to end this bleeding and urge to wrap this matter up so microsoft can spend the money back into r/d we have had a massive layoff mainly coming from technology all good strong companies all have laid off 10% some even higher i feel once this matter is wrapped up thinks will improve with economy and then alot of these companies like cisco,oracle,sunmicosystems,cien,junper,all networking, and semi-conductors will get fed by microsoft and they will feed the smaller it is like a domino it just travels i urge you the end this as fast as can be for people are still fearful that we may continue another year like 2001 that is why 3 trillion dollars in low 1% money markets because with technology there is no economy no growth and no stock market

it is like the engine to the car for it will not run it also effected the global markets for like i said once you cut the leggs off then the rest falls like a domino

finally i urge you to tell these hold outs that it would be in the best interest

to all that they settle for they would loose if they wanted to continue miscrosoft just is to big and with over 30 billion in cash it would take these 9 states 20 to 30 years to get an answer and it would be no they can not beat a giant like microsoft and neither will anyone i was against this whole matter for what did any citizen or investor get out this whole matter

nothing and in fact paid a hell of a price because all you got was what

microsoft offered from the begining

thank you

george g. dingoian

gdingoian4972035@aol.com

MTC–00005232

From: James Button
To: Microsoft ATR
Date: 1/1/02 10:09am
Subject: Microsoft Settlement

Sirs,

I believe that any settlement addressing a companies monopolistic and/or anti-competitive actions should fulfil at least 1, and preferably all of the following::

1) Financial restitution to the actual, and prospective 'competing' organisations for the damage already inflicted.

2) Financial restitution to the actual, and prospective 'competing' organisations for the loss of future profitability.

3) Financial restitution to the actual, and prospective 'customers' for the probable inflated costs due to lack of availability of products from alternative sources.

4) Enforcement of 'proper' business practices in the future.

5) Require the offender to ensue that the products they are currently supplying are brought up to the standard that would have been required to achieve their current dominant status if they had been competing in a 'fair' marketplace In the case of Microsoft, I as a user suffer because Microsoft OS and Office products have become the 'defacto' standard in industry.

My organisation also has to (at our expense) have somebody regularly monitor the internet and PC systems for 'security' gaps, and ensure that the holes found are addressed In order to interact with business peers, and maintain the business's employability the organisation is forced to purchase the new releases of Microsoft products (with the required hardware upgrades). This being essential due to the Microsoft policy of discontinuing support for old versions. (To date about $1000 per PC system directly attributable to business compatibility upgrades). While I accept that providing substantial assistance to educational establishments may form part of a 'penalty'' that does nothing to provide restitution to the prior purchasers of their products, nor does it actually impose a real penalty on the organisation unless that organisation is inhibited from adjusting their prices and marketing to recover that cost from their customers. If they are allowed to include their own products in costs of their penalty, they can simply ship 10,000 CD'sets at a quoted $500 each ($5,000,000 billed for $2,500 worth of media) and site licences of 20 accompanying each CD set (accounted for @ say $5 per user = $10,000,000).

Not only does such an approach increase their dominance in the market, as businesses will have a greater incentive to use their products because their new employees will have already, at an education cost billed to the public purse/wallet, gained experience in the offenders products, but also opens an opportunity to charge for increases in the licensing (to say 100 users per CD set @ say $4 per user) giving profits of $4 x 80 x 10,000 = $3,200,000— Booked cost of the action = $15,000,000, at a net cost of $2,500 minus $3,200.000 = ?? Considering the above:

I feel that any settlement allowing the offender's products to be promoted is greatly flawed. I also believe that the proposed settlement will actually increase Microsoft's dominance, at the expense of the US taxpayer, businesses, but also to the detriment of PC users throughout the world.

J.B.C.S. Limited. (a UK company)

MTC–00005233

From: scottwquigley@netscape.net@inetgw
To: Microsoft ATR
Date: 1/1/02 10:10am
Subject: Microsoft Settlement

To whom it may concern:

I have been following the Microsoft Anti-trust case now for quite some time, and feel the need to offer some input on the subject. My hope is that you will give due consideration to input that I and others from the public community offer, as the decisions made by the judicial system will have a significant impact on the consumers' ability to choose products that meet our needs at reasonable prices.

Civil Action No. 98–1232, (Antitrust), COMPLAINT devotes a significant amount of text to the subject of the ''bundling'' of Microsoft products in its operating system. The main argument seems to be that, by including products such as Windows Media Player and Internet Explorer on PC's using the Windows Operating System, consumers are prevented from using other products. This is absurd. I am writing this e-mail from a computer running Windows 98 Second Edition, which came ''bundled'' with IE, but I am writing this e-mail from a Netscape 6.2 browser window. I normally use IE, not Netscape. However, after reading the text of the Complaint, I decided to see just how hard it is to get Netscape onto my machine and use it. I found Netscape to be free, with the task of downloading and installing to be quite simple. Further, I was able to eliminate IE from my machine using the Windows Add/Remove function in its control panel. (I have since subsequently downloaded and insatalled IE back to my machine for free, with equal simplicity). I found it interesting that Netscape came with AOL Instant Messenger (AIM) ''bundled'' with it! Frankly, I believe the charges against Microsoft are being generated by individuals that do not have the first idea of how to use computers and the internet. If they did, they would know how ridiculous these charges are.

''Bundling'' is a common practice in one of the largest industries in the US and the world—the automobile industry. Imagine going to a dealer and trying to buy an automobile with a Cadillac body, Ferrari interior, Porsche engine, and a Ford transmission. Not possible. We can't pick which brand fuel injectors we want, which brand audio system we want, which brand tires we want, which brand paint we want, or which brand suspension components we want. We choose a package. If we don't like a particular package, we go to another dealer and choose a different one. The freedom to choose which package we want is the freedom that needs to be protected. Years ago, when the Chrysler Motor Corporation was on the verge of failing, we protected this freedom bailing them out. We did NOT try to protect this freedom by forcing GM and Ford to be broken into smaller groups, nor by forcing GM and Ford to stop ''bundling'' so as to allow consumers to ask for Chrysler components to be included on their GM or Ford products. Why, then, are we trying to take these actions against Microsoft? The fact that no other product is being offered that competes with Microsoft is, perhaps, reason to provide some sort of initiative to potential competitors, but certainly not to order the breakup of Microsoft or to force them to stop ''bundling''. Browsers and media players are as much an integral part of a computer as engines and transmissions are for automobiles. Microsoft should be able to provide the packages that they choose to offer, as they are doing now, based on the wants and needs of the users.

I urge you to consider carefully the comments I have provided, and all others offered by the public through this and other avenues. I appreciate the opportunity to provide these comments to you. I look forward to you decisions on these matters.

Sincerely,
Scott Quigley
606 Ashford Place
Newport News, VA 23602
Phone: 757–890–0017
E-Mail: scottwquigley@netscape.net

MTC–00005234

From: Mr Bleakley
To: Microsoft ATR
Date: 1/1/02 10:15am
Subject: Microsoft settelment

Sirs:

I ask the D. O. J. discontinue ANY further action that is detrimental to Microsoft and the business community. I suggest a full settlement of the charges against Microsoft as outlined by the court. In my opinion, the governments should all be ashamed of themselves for persecuting a company that has done as much for an industry as has Microsoft. Mr. Bleakley

MTC–00005235

From: Milton Karafilis
To: Microsoft ATR
Date: 1/1/02 10:19am
Subject: Microsoft settlement

Please approve the settlement of the Microsoft case. This is not the time to be undoing a settlement to the harm of a US Company like Microsoft. The problem seems to be with the States that have Microsoft competitors, let them find their profits in the marketplace like the rest of us. Thank You for your consideration...

Milton Karafilis,
Sole Proprietor & Microsoft User

MTC–00005236

From: Bob Little
To: Microsoft ATR
Date: 1/1/02 10:25am
Subject: Microsoft Settlement

The settlement of the DOJ vs. Microsoft case should NOT include free Microsoft software for schools. That would only further Microsoft's Monopoly. Microsoft should put up cash and let the schools decide how to spend it. In fact, rules should be put in place so that the money must be spent at companies other than Microsoft. That would be a proper punishment for Microsoft's monopolistic practices.

MTC–00005237

From: Suji Singh
To: Microsoft ATR
Date: 1/1/02 10:28am
Subject: Microsoft Settlement

USDOJ —-

In my opinion Microsoft Settlement is fair and equitable. Enough is enough! No company should be punished for its success.

Sincerely, Suji Singh, Professor of Mathematics, SW Texas State University, San Marcos, TX 78666.

MTC–00005238

From: Charles Stark
To: Microsoft ATR
Date: 1/1/02 10:29am
Subject: Microsoft Settlement

I oppose all attempts to institute government control of Microsoft. Leave them alone! Let free enterprise solve the problems of free enterprise.

Charles R. Stark

MTC–00005239

From: Mike Ezekiel
To: Microsoft ATR
Date: 1/1/02 10:31am
Subject: Microsoft Settlement

I have no great love for the way Microsoft does business. They essentially did the same thing Apple and other computer companies have done through the 80's—they stole their ideas from others. The result is, that they have been highly successful and a dominant force in the industry. But, that's not what I'm writing about.

Fairness! It is unfair to go after Microsoft when you have the bloodsuckers at AOL doing whatever they please. I would like to know what happened with that 18 Billion dollar lawsuit against them. Swept under the rug? I have not heard anything about it. Lots of states also had lawsuits against them. And believe me, those were valid lawsuits. I owned my own computer company in 1999—2000, and we had nothing but problems with AOL software. Causing hardware problems and essentially taking over the computer and not allowing other dial-up software to work properly.

So, unless your going to be fair across the board! Leave Microsoft alone!!! Settle, and let Microsoft innovate!

Mike Ezekiel
Concerned IT specialist

MTC–00005240

From: Peter Shikli
To: Microsoft ATR

Date: 1/1/02 10:33am
Subject: Microsoft Settlement
Dear DoJ,
Microsoft is asking those of us they feel are partial to them to send you our requests to be lenient with them. Please have the resolve to finish what you started in a way that protects us from monopolies. There can be no doubt that Microsoft has stifled the competition on our desktop. You will never again have this chance to restore a level playing field.
Sincerely,
Peter Shikli
CEO, BusinessWare
2738 Camino Capistrano,
San Clemente, CA 92672
949–369–1638 x77—
pshikli@bizware.com
www.bizware.com
Automating Online B2B Communities
Reply-To: <3—23163—02E08142–9573–4226–979F-8BBBFBCCCBDF—US@Newsletters.Microsoft.com> From: ''Microsoft'' <0—23163—02E08142–9573–4226–979F-8BBBFBCCCBDF—US@Newsletters.Microsoft.com>
To: <info@bizware.com>
Subject: DOJ Wants to Hear From YOU!
Date: Mon, 31 Dec 2001 14:15:49 -0800
For nearly four years, your voice has been instrumental in the debate over the freedom to innovate. Tens of thousands of concerned citizens have communicated to their public officials about whether the Microsoft case should be settled or further litigated. Despite the aggressive lobbying efforts of a few of Microsoft's competitors, the federal government and nine states finally reached a comprehensive agreement with Microsoft to address the reduced liability found in the Court of Appeals ruling. This settlement is tough, but reasonable and fair to all parties involved. Consumers overwhelmingly agree that settlement is good for them, the industry and the American economy.

However, this settlement is not guaranteed, and your voice is more important than ever.

The law (officially called the Tunney Act) requires a public comment period between now and January 28th after which the District Court will determine whether the settlement is in the ''public interest.'' Unfortunately, a few special interests are attempting to use this review period to derail the settlement and prolong this litigation even in the midst of uncertain economic times. The last thing the American economy needs is more litigation that benefits only a few wealthy competitors and stifles innovation.

Don't let these special interests defeat the public interest.

Between now and January 28th, it is critical that the Department of Justice hears from you about the Microsoft settlement. The Department of Justice will then take all public comments and viewpoints and include them in the public record for the District Court to consider. Please send your comments directly to the Department of Justice via email or fax no later than January 28th. Whatever your view of the settlement, it is critical that the government hears directly from consumers. Please take action today to ensure your voice is heard.

Email: microsoft.atr@usdoj.gov . In the Subject line of the e-mail, type Microsoft Settlement.
Fax: 1–202–307–1454 or 1–202–616–9937
To find out more about the settlement and the Tunney Act comment period, go to the Department of Justice Website at: http://www.usdoj.gov/atr/cases/ms-settle.htm.
Thanks for taking the time to make a difference.

MTC–00005241

From: Freund, Robert W
To: Microsoft ATR
Date: 1/1/02 10:36am
Subject: Microsoft Settlement
Dear DOJ,
It is time to move on and make this settlement final.
Our interests as a country will best be served by completing the settlement in the form contained in the Tunney Act.
I can't imagine a more productive end to this farce. thanks
-bob

MTC–00005242

From: Ken Partridge
To: Microsoft ATR
Date: 1/1/02 10:36am
Subject: State opposition to settlement
Consumers voted with their dollars on who would be the leader in operating systems. We should be thanking Microsoft for standardizing an industry. These states are looking for a free ride in revenue. Why would the US Justice Department support ambulance chasers? Settle this now and let Microsoft get back to innovation.
Ken Partridge
Chandler, AZ

MTC–00005243

From: Baraneetharan
To: Microsoft ATR
Date: 1/1/02 10:00am
Subject: Microsoft Settlement
Respected Sir,
Microsoft case should be settled , there is no need to drag it further. The current settlement is tough , but it is reasonable. I feel the settlement is good foe everybody.
Thanks
Baraneetharan

MTC–00005244

From: DMcKerch@aol.com@inetgw
To: Microsoft ATR
Date: 1/1/02 10:39am
Subject: Microsoft Settlement
Consumers Perspective
Microsoft has good, products and low prices. In now way do I believe Microsoft is trying to take advantage of the consumer. Their actions are precisely what capitalism is all about. Perhaps they are more aggressive than other companies, so what, that is why they are number one in the world. Having everything nicely integrated makes my life much easier. Punishing Microsoft because their competitors whine is placing the government in a role of subverting capitalism. There are much better uses for our national energies than beating up on successful companies.
David McKercher
Farmington Hills, Michigan

MTC–00005245

From: Dolores Freund
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/1/02 10:51am
Subject: Microsoft Settlement
DOJ,
I wish to voice my support of Microsoft's position in the current lawsuit. Microsoft has fueled the growth of our economy with its superior innovations. It is the quality and quantity of these innovations which has made Microsoft software the standard for excellence that consumers have come to rely on. Microsoft has shown an AMAZING ability to innovate and continue to innovate. This continuous innovation has made it very hard for competitors to keep up. Excellence should be applauded and encouraged, not discouraged because it makes it so hard for competitors to keep up. Microsoft should NOT BE CRIPPLED. It should not be PUNISHED for its successes. Microsoft innovations FUEL the growth of our economy by fueling PRODUCTIVITY for ALL AMERICANS.
VERY Sincerely,
Dolores Freund

MTC–00005246

From: john makara
To: Microsoft ATR
Date: 1/1/02 10:55am
Subject: Microsoft Settlement
I have been following the Governments case against Microsoft and I believe the settlement should be enacted by both parties in the interest of our national economy. The tactics and market conditions that Microsoft acted on and what fostered the governments claims have clearly changed so much that any anti-trust remedy aimed at changing Microsoft's business practices will be inapplicable and ineffective now. Microsoft is clearly a player in a global competitive economy and should be allowed to exercise business practices in a effort to promote its products. As a consumer I have reaped the benefits of Microsoft success by purchasing amazingly productive software from Microsoft in the last 10 years at prices that have remained stable even though inflation has reduced the actual cost to me. Even had prices been high due to 'monopoly' power I still would have a choice of when and how much software to buy.

The governments case against Microsoft however has cost taxpayers millions of dollars and is an example of a cost I am FORCED to bear. It is not my choice to spend my money this way but the choice of a few wealthy government officials and lawyers.

MTC–00005247

From: Edwin Mizrahi
To: Microsoft ATR
Date: 1/1/02 11:00am
Subject: Microsoft Settlement
Dear DOJ,
I think the settlement is a step in the right direction. But, I think companies should not be forced to prove if they are in the public interest or anti-competitive. Companies should be allowed to profit from their work just like individuals. If the contracts are voluntary, and don't violate the other parties rights, then their practices should be allowed

to continue. My existence and Microsoft's should not be based on permission. This is not Soviet Russia, or Communist China. America is for the rights of individuals. Which includes having the government protecting peoples right to their property. This to me means being able to create property, (Windows 2000) and being able to dispose of that property as they sees fit. (Selling it bundled or under certain conditions with other software). I think Justice means people get what they have earned. Microsoft has not used force or fraud to sell its products. It has earned everything morally. Therefore, if Netscape or Sun or whomever doesn't like it, they should just accept it or get out of the business.

Sincerely,
Edwin Mizrahi
NYC
Be Seeing You.....
Edwin
personal e-mail emizrahi@yahoo.com

MTC–00005248

From: Mauro Gandini
To: Microsoft ATR
Date: 1/1/02 11:07am
Subject: Microsoft Settlement

I agree with Microsoft
Mauro Gandini
The Outsourcing Company
Milano Italy

MTC–00005250

From: Tom Pate
To: Microsoft ATR
Date: 1/1/02 10:40am
Subject: Microsoft Settlement

Please include my comments in the public record for the District Court to consider for the Microsoft Settlement.

I support the settlement as is. I oppose government/judicial action that interferes with free-market trade. Those businesses suing Microsoft are taking advantage of the political system to compensate for their failure to perform in the free market system.

I am not an employee of Microsoft. I own no Microsoft stock directly (but probably some through Mutual Fund investments).

MTC–00005251

From: clayton sherwood
To: Microsoft ATR
Date: 1/1/02 11:27am
Subject: End

Microsoft settlement. C Sherwood

MTC–00005252

From: Gremelkin@aol.com@inetgw
To: Microsoft ATR
Date: 1/1/02 11:30am
Subject: Microsoft Settlement

Please continue with the settlement. No further litigation is necessary.

Lynne Nelson

MTC–00005253

From: balbert@claritas.com@inetgw
To: Microsoft ATR
Date: 1/1/02 11:33am
Subject: Microsoft Settlement

Dear Honorable Justices,

I have been a professional software developer for fifteen years and have been using tools developed by Microsoft and other vendors throughout my career. I believe, that although Microsoft has engaged in some questionable business practices, they have greatly benefited the software and computer industry as a whole. Prior to the Microsoft standards, software development was chaotic due to the many incompatible platforms that prevailed. Microsoft solved this very burdensome situation by introducing DOS and later Windows. Their development and promotion of COM was a major achievement in software development which allowed components developed in different programming languages and using both Microsoft and non-Microsoft compilers to communicate with one another.

I believe that Microsoft should adhere to your recent decision and not be further penalized for the good of everyone.

Sincerely,
Bob Albert
Director, Application Services Development
Claritas Inc
53 Brown Rd
Ithaca, NY 14850

MTC–00005254

From: Joseph (038) Taylor Hilden
To: Microsoft ATR
Date: 1/1/02 11:34am
Subject: microsoft settlement

Enough is enough . Four years of this unnecessary waste of taxpayers money instigated by a few competitors is enough. Let the competitors compete in the marketplace and save litagation for the proper cases. The anti-trust laws are suppose to protect the consumers but this travesty of an investigation has been unneeded. The public has never been reequesting this witch hunt. Please let this case die soon. Thank You in Advance Joseph and Carol Hilden

MTC–00005255

From: THOMAS J CLINTON
To: Microsoft ATR
Date: 1/1/02 11:35am
Subject: Microsoft settlement

I want to express my opinion that to continue this litigation any further will hurt our economy and free enterprise.

MTC–00005256

From: Hilda899@aol.com@inetgw
To: Microsoft ATR
Date: 1/1/02 11:38am
Subject: Microsoft Settlement

I heartily approve of the DOJ's settlement with Microsoft and wish that it would take place promptly. Too much time and federal dollars have been spent trying to beat down a company that has contributed a great deal to the development of technology and wealth in the U.S. The DOJ's and competitors' concern for the lowly consumer is a farce. No consumer that I am aware of ever complained about Microsoft's behavior. It's the company's competitors who used the consumer argument to challenge Microsoft because of Microsoft's dominant leadership. Your settlement and supervision of future developments will keep the company in check without destroying its initiative.

H.F. Marx, 380 Prospect Ave., Hackensack, NJ 07601

MTC–00005257

From: Bobo462@aol.com@inetgw
To: Microsoft ATR
Date: 1/1/02 11:39am
Subject: Microsoft settlement

Dear Sirs,

When is this tragedy going to end? When Microsofts competition learn its easier to innovate and not litigate. Its amazing how the same states and senators as there competition are the ones who dont want to settle. This case has never been about the publics best interest but that of other companies such as sun micro, orcle, aol, csco, and the list goes on. The public was never really harmed by Microsoft and alot of other software companies and tech firms who associated anything with windows became great succsesses. I dont think we need ten different operating systems or ten different internet exploreres. Linux is free and I would never use it. This company's litigation has single handedly destroyed the whole tech sector. Thanks for 3 years of zero growth and a devastated Nasdaq. I'm sure all these Goverment Officials should be proud of what they accomplished in the name of competition and innovation. Maybe they should look at how much money Microsoft spends on research and developement. When Phillip Morris diversified noone worried about there other bussinesses, but sun micro started all this litigation in this country and abroad when Microsoft when into the server market. What kind of company trys to hurt another American company abroad. Especially when our technology is one of our greatest assets. At this rate we will fall behind the rest of the world in technology innovation and then it will devastate our economy for years to come.

Please stop the madness..
Steven Woolverton
Staten Island, Nerw York

MTC–00005258

From: Geb Blum
To: Microsoft ATR
Date: 1/1/02 11:38am
Subject: Microsoft Settlement

This is to show my support for the DOJ-Microsoft settlement. We're not going to get anywhere getting the country moving again by using our resources to bash and try to destroy honest and successful US companies like Microsoft.

Geb Blum
Tulsa, OK

MTC–00005259

From: Sean Parsons
To: Microsoft ATR
Date: 1/1/02 12:00pm
Subject: Microsoft Settlement

Dear Sir or Madam:

I would like to express my disappointment in the settlement against Microsoft. District Court Judge Colleen Kollar-Kotelly's demand for expediency was at the cost of accomplishing true justice.

The settlement codifies the legality of Microsoft's predatory practices. While it forces Microsoft to share its APIs with the competition, it also forces those who use the APIs to share their finished code with Microsoft. The result is that Microsoft would

see all of its competition's trade secrets and easily replicate them. Or, though the ruling ensures that Microsoft competitors be allowed to get their icons on PC desktops, the clause only applies to companies who have sold more than a million copies of their software in the United States. The very companies who need a competitive advantage in this case can't get it.

As if the antitrust settlement wasn't determined in poor enough judgement, the civil settlement is worse. After documented proof and testimony from various respected professionals about how Microsoft has gouged consumers by charging over four times as much as what a competitive-market would allow for similar software (generating billions of extra dollars due to its OS monopoly) all they have to do in return is donate old Microsoft computers and software to poor schools, something it needs to do periodically anyway to keep its staff in the latest tools. This also creates some inroads into schools, the one market it has had some trouble in (it only controls about 50% of that market).

I sincerely hope that upon further reviews of the DOJ's decisions that someone will attempt to correct this terrible injustice.

Sean E. Parsons
seanparsons1976@yahoo.com

MTC–00005260

From: george h byrkit
To: Microsoft ATR
Date: 1/1/02 12:01pm
Subject: Microsoft Settlement

Opinion of George Byrkit, 4755 Dexter Pinckney Road, Dexter, MI 48130 USA: I find that this suit was brought by a consortium (cabal) of Microsoft's competitors. Most of these competitors made poor business decisions on their own, without Microsoft's involvement. Then these competitors got an overly-friendly justice department to prosecute a very thin case, which only had merit in a very thin area.

It is more than likely that Microsoft will NOT be a going concern in 20 years, based on my experience in the IT industry. To punish them too harshly will only hasten the end of Microsoft, but to no advantage to the customer or to Microsoft's competitors, as the users will NOT necessarily adopt their inferior product to replace that offered by Microsoft. Judge Jackson erred in evaluating the magnitude of the challenge offered by Linux and other Open Source initiatives. As such, his remedies were excessive and over-zealous, not to mention recommended by a Macintosh fanatic/fancier.

Do NOT allow the few states that are hold-outs to keep this otherwise meritorious settlement from proceeding. They are mostly home states to Microsoft's competitors, so are less than impartial in this matter. Most of those objecting to the proposed settlement object on the grounds that 'they' don't get a piece of the action. Too bad!

Regards,
George Byrkit

MTC–00005261

From: Tom Hallis
To: Microsoft ATR
Date: 1/1/02 12:04pm
Subject: Microsoft Settlement

Dear DOJ,

You and Microsoft have finally reached an agreement the seems to be acceptable by all except those few competitors who have not been able to compete due to their own inabilities to satisfy the customer, and those District Attorneys who just can not let go of an issue that the majority of us believe should be over.

I used to use all of the Competitors of Microsoft in my business because they were better. They did not keep up with my needs so I switched to Microsoft because they listened. For Microsoft to be penalized for doing a better job for the consumer is a blow to the consumer and any company who succeeds as a result of aggressive marketing and product development. Please do not go backwards and get caught up in the unpopular minority consensus put forward by Microsoft's competitors or those few states' Attorneys that can not let go for there own personal reasons.

Best regards,
Tom Hallis, Realtor(R)
GRI, CIPS, CRLS, CLHS, CCRS
''Serving the Tampa Bay Area''
''If it matters to you, it matters to Tom''
Mail to: thallis1@tampabay.rr.com
Web Page: http://www.tomhallis.com
Office Phone: 727–367–2793 Ext 128
Office Fax: 727–367–8733
Mobile Phone: 727–215–3156

MTC–00005262

From: John Verger
To: Microsoft ATR
Date: 1/1/02 12:05pm
Subject: Microsoft Settlement

Dear Sirs,

I have been following the DOJ case concerning Microsoft for the past couple of years. During that time I have never written you but I feel that the time has come to voice my opinion. I have, in the past five years, spent approximately $2000 buying various MS products ranging from operating systems (98SE, 2000 Pro, XP Pro) to Flight Simulators (2000, 2002, and multiple Air Combat) to Office (97 and 2000). My point is that I have continued to buy their products because of the value, and enjoyment, I get from them. When I go to a store I have the money to buy any compaies product but I normally buy MS. Not because of advertising or magazine articles but because of my own experience with various products. MS has what I consider to be the best track record of any software company in the world today. And I spend my money where I know it gets its best value. For example, I build my own computers because I like working with the various components and setting it up exactly the way I want it. When I buy the Central Processing Unit (CPU) I buy AMD instead of Intel because I consider them to be the best even though they are the smaller and less known. I would do the same with software if anyone out there is better than MS I will buy them! Please settle this case so that Microsoft can put this behind them and do what they do best-write the best software programs known to man.

Thank You,
John D. Verger
9500 Springdale Rd.
Austin, Texas 78754–9639

MTC–00005263

From: Jerome D. Bashinski
To: Microsoft ATR
Date: 1/1/02 12:10pm
Subject: Microsoft Settlement

DOJ,

I am a consumer and have been a computer user and small system designer since the early days of PCs. One of the greatest things that happened in our world was when Microsoft software was selected through choice by users as the dominant operating system and as the final choice for office applications such as Word, Excel, Power Point, etc. Before that occurred, it was nearly impossible for inter agency and cross agency information sharing and for connection of various system. The same thing is true with browsers. I am tired of seeing the United States Government in the form of the Department of Justice taking sides between Microsoft and its competitors in the software market place. I have bought and will continue to purchase very good Microsoft software as excellent values for their cost in place of software produced by other publishers. For years because Microsoft has given and continues to give the best value for the dollar spent. And, I am one hell of a lot better judge of that than is the US Department of Justice, the State of California, or Microsoft's competitors.

The action taken by DOJ against Microsoft isn't just unfair, it distorted the entire idea of a monopoly. It is literally unAmerican to use the Government Monopoly in a such a fashion. From my point of view the agreement which has been accepted by Microsoft is unfair to Microsoft. I believe, the agreement, do to the idiocy of the Department of Justice, the Courts, and other branches of government will result in higher prices, and the sniveling of competitors will result in shoddier and higher priced products for consumers. However, an agreement has been forged and accepted by Microsoft.

So, Get on with the agreement as it has been made and stop listening to whining and complaining of Microsoft competitors and other government units, such as the State of California, that are trying to get additional money for for their own political purposes. They surely don't care about me or the other consumers who already chose Microsoft in a free market place. They are concerned only about themselves.

Jerome D. Bashinski
3114 Brackenwood Pl.
El Dorado Hills, Ca.
95762

MTC–00005264

From: Terry Myerson
To: Microsoft ATR
Date: 1/1/02 12:10pm
Subject: Comments on Microsoft settlement

It is wonderful to see that a rational discussion of the issues has finally taken place between the government and Microsoft. It would be wonderful to see the settlement approved, and watch our capitalist system grow on.

Terry Myerson

4114 187th Ave SE
Issaquah, WA 98027

MTC–00005265

From: George Flake
To: Microsoft ATR
Date: 1/1/02 12:09pm
Subject: Microsoft Settlement

Dear Sirs,

I think that the harrassment of Microsoft Corporation via the antitrust court case should be terminated promptly. I am an owner of Microsoft stock and feel that he government has unfairly cost me money because of this lawsuit. Please bring this case to closure.

George H. Flake
17867 Amberwood Lane
South Bend, IN 46635

MTC–00005266

From: GARY STOGSDILL
To: Microsoft ATR
Date: 1/1/02 12:11pm
Subject: Microsoft Settlement

This settlement is reasonable and fair, how much longer must this go on. Let's get this economy rolling we don't need this to further delay our wishes.

MTC–00005267

From: Dick Schwab
To: Microsoft ATR
Date: 1/1/02 12:16pm
Subject: Microsoft Settlement

Department of Justice,

The time has come to put and end to continuing legal action against the Microsoft Inc. and complete the proposed U.S. Microsoft Settlement. The Department of Justice (i.e injustice) together with the Federal Reserve started in the year 2000 the Tanking of the US economy buy spooking the investment community. Now that you both have succeeded and cost me the majority of my life savings I wish you would get your heads out of your butts and allow me to live out the few years I have left with a return of the investment community to investing in their beliefs and not being dictated to by US Government agencies who think playing with the laws is a game. All of you are hired to serve all of America not just a few special interest groups trying to force their products on people by using US Government actions. In this country, the better product and better service is what gains product acceptance and the consumer should not be jerked around by US Government agencies serving a few special interest groups. Now go and do the right thing and serve all of America's consumers and investors instead of serving just a few special interest groups.

Richard Schwab
38 Howard Street
West Haven, CT 06516
rj.schwab@snet.net

MTC–00005268

From: hal gronewold
To: Microsoft ATR
Date: 1/1/02 12:42pm
Subject: Microsoft Settlement
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I'm relieved the Department of Justice has finally settled its antitrust case against Microsoft. I hope the other states will soon see the light and sign on to this agreement.

We in Iowa believe we have benefited from Microsoft products. Had it not been for Microsoft's policies the average American would not be able to afford a PC. I hope Microsoft will be able to get back to the business of providing innovative software and other products for consumers without this distraction. Our economy depends on high technology to keep moving it forward and Microsoft is one of the prime stimulants.

Thank you for supporting this settlement. I trust you will continue to make the decisions needed for the stability and security of our American way of life. Thank you for your attention.

Harlan L. Gronewold
PO Box 524
Atlantic, IA 50022
712–243–2083
E-Mail halagron@metc.net
FAX 712–243–5812

MTC–00005269

From: Joseph Duffey
To: Microsoft ATR
Date: 1/1/02 12:50pm
Subject: the proposed mircrsoft settlement

Blank I am really flabbergasted at the lack of concern for consumers displayed in the proposed settlements in the matter of Microsoft

Joseph Duffey
2801 New Mexico Avenue NW
Washington, DC 20007
jduffey@earthlink.net

MTC–00005270

From: Nancy Swaim
To: Microsoft ATR
Date: 1/1/02 12:53pm
Subject: microsoft settlement

Where do states rights end and state Attorney Generals (who wannabe governors, at the very least) end?

Let's see if you can get politics out of this case and end it fairly. How much ''tax payer's money'' has already been spent on this case? Outrageous!

Thanks you.
Nancy Swaim
1/1/02

MTC–00005271

From: wolfgang manowski
To: Microsoft ATR
Date: 1/1/02 12:55pm
Subject: Microsoft Settlement

Dear Sirs:

The last thing the American economy needs is more litigation that benefits only a few wealthy competitors and stifles innovation. Lets settle the Microsoft Settlement now; nothing could be more ''in the publics interest''.

Regards,
Wolfgang Manowski
25 Southridge Way
Daly City, CA 94014
4153335610 wolfm3@yahoo.com
Regards, Wolf.

MTC–00005272

From: Dave Moore
To: Microsoft ATR
Date: 1/1/02 12:53pm
Subject: Microsofot Settlement

I believe that the current agreement is in the best interest of all those concerned, Thanks Dave Moore.

MTC–00005273

From: Hank Sauls
To: Microsoft ATR
Date: 1/1/02 1:10pm
Subject: MS Settlement

Wait a minute—aren't you supposed to represent the public? Then why did you put out such a STUPID agreement? Is this the best you can do? Next time I suggest you use lawyers that have a legit law degree and not the ones that learned law in jail! Nincompoops! You make a mockery of justice! The ordor from this stinky agreement will NOT go away. Am extrememly disappointed with your actions. No wonder the Senate is investigating. Thanks for selling us all out. No wonder people loathe lawyers. You are now part of the problem and NOT part of the solution.

Assholes.
Sincerely, WHS

MTC–00005274

From: Claudio Vacalebre
To: Microsoft ATR
Date: 1/1/02 1:12pm
Subject: Microsoft Settlement

Please Stop the litigation ang give Microsoft the opportunity to continue improving its products! We leverage, as IT Providers, the Microsoft Platfom, considered by us the best IT platform the market can offer.

Dr.claudio
CEO & CIO dotMMS srl
Messenger: claudiov99@hotmail.com
Sito Istituzionale: www.dotmms.it
Portale dimostrativo: http://dotmms.tv
Sito Personale: http://claudio.tv

MTC–00005275

From: Helchie Charles
To: Microsoft ATR
Date: 1/1/02 1:13pm
Subject: Microsoft Settlement

I hope that the nine states who want to create even more trouble for Microsoft are told to go on their way. Four years is enough time having disruptions occur to a great American company such as Microsoft.

Our country is at war and all these states can think of is their own agendas. Well, our economy is trying to rebound after the worst attacks on American soil ever. Hearing the Attorney General of Connecticut whine about the terms of this settlement is sad and he is humiliating his state. They were very close to Ground Zero and this is what he focused on? Time to get this settled and give Microsoft a chance to continue to raise the level of perfection in the field of software. If this company wants time to adjust to the settlement then I think they should get it. After the blistering they received at the hands of Judge Jackson they deserve some break in this whole mess. Now at a time when we are all asked to ''keep the economy moving'' who

are these nine states to show us they are not willing to do the same?

Thank you for your time.

Helen Charles

MTC–00005276

From: Flash Sheridan
To: Microsoft ATR
Date: 1/1/02 1:15pm
Subject: Microsoft Settlement Re: DOJ Wants to Hear From YOU!

On Monday, December 31, 2001, at 02:17 PM, Microsoft wrote: Email: microsoft.atr@usdoj.gov. In the Subject line of the e-mail, type Microsoft Settlement.

Please don't believe Microsoft's orchestrated pseudo-grass-roots campaign. They're an illegal monopoly and should be treated as such. CC:Flash Sheridan

MTC–00005277

From: Elizabeth Lester
To: Microsoft ATR
Date: 1/1/02 1:18pm
Subject: Microsoft Settlement

I am a citizen of California, and am in STRONG FAVOR OF proceeding with the Microsoft SETTLEMENT in lieu of further litigation. Far too much effort has been spent to demonize a company which helped spark the pc revolution. Many technology companies have benefitted from the success of Microsoft, and it is undeniable that Microsoft has created countless American jobs. Microsoft's philanthropic efforts have been earnest and most generous. Great philanthropy does not justify wrongdoing. But what is so wrong about revolutionizing the way we live and work and making a profit in the process? I can think of many other ''villains'' to attack: Osama bin Laden, Saddam Hussein, John Walker. Did they put personal computers in schools or money in workers' pockets? I don't think so. Let's start attacking our real enemies, and stop biting the hands that feed us.

Sincerely,
Elizabeth H. Lester
Fremont, California
CC:Larry Hollis,Tim Lester

MTC–00005278

From: Larry
To: Microsoft ATR
Date: 1/1/02 1:46pm
Subject: Microsoft Settlement

I am for proceeding with the current settlement.

From everything I've read, I believe the settlement reached between the DOJ, Microsoft, and 9 states is fair, reasonable, and healthy for the software industry and consumers. Further punishment or shackles on Microsoft would only serve to weaken American strength in the global technology industry.

Dr. Larry Novak
1751 Oakmount Rd.
South Euclid, Ohio 44121–4007

MTC–00005279

From: Stephen Myers
To: Microsoft ATR
Date: 1/1/02 1:48pm
Subject: Microsoft Settlement

My view is that Microsoft has acted in the publics interest to come to settlement terms with the DOJ and nine states, even though they could prolong litigation to receive a more favorable outcome. I think the terms should be accepted, and the resourses of the government put to better use elsewhere.

Thank you
Stephen Myers

MTC–00005281

From: Mike
To: Microsoft ATR
Date: 1/1/02 1:46pm
Subject: Microsoft

The people and the business world has had enough. A settlement was reached and it's time to get on with life. Do not allow others to derail what has taken a very long time to settle.

MTC–00005282

From: Jim Smith
To: Microsoft ATR
Date: 1/1/02 2:00pm
Subject: Microsoft Settlement

I would like to urge the government to settle this case quickly. Our economy is in dire need for this case to be resolved as quickly as possible. Microsoft is one of the gems of our global economy. Our entire world's economy is in bad shape directly as a result of the actions of a few misguided individuals in the previous administration.

The Bush administration, the justice department and the judges involved in this case owes it to the public to resolve this case quickly and get our economy back on track.

It is no secret and historical market data/charts can prove that the stock market meltdown started immediately after this case was ruled upon by Judge Jackson. As Microsoft's stock started falling the rest of the tech sector started falling thereby causing a market meltdown. Ironically many flourishing new competitors with low cash and high market cap were able to compete with Microsoft with their stock capital. Now those companies are gone also because of these state attorney generals and the previous administration.

It is ironic that the competitors of Microsoft got hurt by this case more as well as the entire dotcom economy crased after this case was decided upon in the lower courts.

The government and Microsoft's Competitors must learn and realize from this mistake that our software industry and the entire IT industry is linked by a common fabric of stability, leadership and innovation led by Microsoft, the independent software and hardware vendors and partners that build high technology solutions around this fabric.

Every day as more PCs are sold with the standardized Windows platform, there is secondary (trickle down) demand created for:

1. Semiconductor components that make up a PC—Memory, processors etc.,

2. Peripherals that are attached to the PC such as disk drives, video cards, modems, network interfaces, etc.,

3. Software from 3rd party developers that build solution around Windows all over the world including bridging competitive platforms around Windows

4. IT consulting by—EDS, Price Waterhouse, D&T, and many many small consulting firms all over the world

5. Servers—IBM, SUN Microsystems, Compaq, Dell, Gateway, Sony, Fujitsu, Unisys, Hitachi, etc., to serve web pages to the masses that will go online after their PC purchases

6. Advanced backoffice software to provide infrastructure to millions of PC users (eCommerce, B2B, B2C, etc.,)—SAP, People Soft, Oracle, IBM, and other similar products by many smaller companies Microsoft's competitors had gained just as much benefits by Microsoft's success as a result of this secondary and trickle down demand until the stock market meltdown.

Lets not forget that the Internet economy was created by the masses that logged on to the information highway and started the eCommerce craze. These same masses use Windows based PCs to participate in eCommerce thereby generating demand for Servers; yes the very same servers that Microsoft's competitors make such as Sun, IBM, Oracle etc.,

It was extremely shortsighted and misguided for these attorney generals to be waging this war against Microsoft in the name of consumers. In fact ironically, more consumers and general public have been economically hurt by the careless actions of these attorney generals.

As a direct result of this DOJ case against Microsoft, many 401k and retirement funds have been wiped out both in the private as well as the Goverment sector and not to mention the millions of dollars that has been wasted on this case to please a few wealthy, envious and greedy executives of the tech industry.

Lets resolve this problem right away by accepting the settlement between Microsoft and the goverment. Furthermore, the state attorney generals should be scolded by the judge for trying to derail this important settlement.

Sincerely,
Tax Payer.

MTC–00005283

From: Robert G. Parsons
To Microsoft ATR,john.hostettler@mail.house.gov@inetg...
Date: 1/1/02 1:55pm
Subject: Letter regarding Microsoft AntiTrust Suit

Gentlemen,

Attached please find a letter regarding the Microsoft AntiTrust Settlement.

Thank you for listening.

Bob Parsons
Robert G. Parsons
President
AUTOMATED OFFICE SOLUTIONS 2100 N. Cullen Ave.
Evansville, IN 47715
812–471–5005 Phone
812–471–5858 Fax rgp@aos-evv.com www.aos-evv.com

December 31, 2001

Attorney General John Ashcroft
U.S. Dept. of Justice: 950 Pennsylvania Ave., NW
Washington, DC 20530

Dear Mr. Ashcroft,

Over the years I have encountered several instances where I believe that Microsoft had crossed the line of overly aggressive sales and service techniques—particularly with respect to its technology partners. I have never been convinced, however, that this business-savvy attitude warranted something as severe as this antitrust lawsuit instituted against them by our own government. More likely than not, should Microsoft's aggressive attitude have continued, market pressure would have brought them back into a more cooperative spirit anyway. Certainly, our government's threats to break the company up were a bit over the top.

Now that the lawsuit has been settled, however, I am sure that Microsoft will be more likely to treat its technology partners with a greater degree of cooperation, helpfulness and respect. I am therefore hopeful that the settlement will be affirmed through this period of public comment, and that no further federal action will be required.

This letter is a measure of that hope. We cannot allow the government to spend any more of its valuable resources and time on this. There are obviously so many other more important matters with which to deal. The Justice Department itself is especially busy lately, perhaps more so than any other agency. Our government can do great things for America in areas such security and the national economy now, and it should focus instead on that.

I appreciate the opportunity to voice my opinion in such a meaningful way. Thank you.

Sincerely,
Robert G. Parsons, President
AUTOMATED OFFICE SOLUTIONS
2100 N. Cullen Ave.
Evansville, IN 47715
rgp@aos-evv.com 812–471–5005
cc: Representative John Hostettler

MTC–00005284

From: Tom Conrad
To: Microsoft ATR
Date: 1/1/02 2:01pm
Subject: Microsoft Anti-Trust Resolution

To whom it may concern:

I would like to express my opposition to the Microsoft Anti-Trust ''settlement''. The settlement is clearly insufficient punishment for a corporation that controls in excess of 90% of the personal computing market and attempts to dominate every aspect of the consumer electronics marketplace.

As a senior software engineer for a major defense contractor, I indirectly depend upon Microsoft for my paycheck; however, I see Microsoft abuse its monopoly power on an almost daily basis. Numerous small companies that provided excellent customer service and superior products (Visio Inc., AutoMap Inc., and many others . . .) were purchased by Microsoft in the name of ''progress'' and ''innovation''. The technology developed by these companies was dissolved into the ''MS Monopoly'' (a phrase that is probably trademarked by Microsoft by now), with Microsoft claiming credit for the ''innovation'' of the original products. As part of the ''Microsoft overhaul'', the products from these former companies were usually packed with useless features (such as promotions for other Microsoft products) and sold at higher prices (ironically, because of the new ''features'').

As a software developer, I'm forced to decipher Microsoft's pathetic documentation in an attempt to create products that compete with their own applications. I've tried using Microsoft's so-called ''technical support'' to try to determine how to implement new software, only to be told I ''couldn't'' or ''shouldn't'' do what I'm attempting. After failing to receive answers from their technical support staff after literally weeks of waiting, I would resort to using ''undocumented'' techniques to determine how to make my software work with their operating systems. Naturally, Microsoft detests those who would dare use ''undocumented'' features, although a quick analysis of their software indicates their internal developers use the same functions I use. I simply can't imagine Microsoft's ''Office 200(whatever)'' development team having to wait for weeks to get answers to their questions!

In summary, in order to restore competition into the computing marketplace, Microsoft must be broken into at least two divisions (operating systems and software applications). This would allow smaller companies to compete with Microsoft and would give consumers limited relief from ''MS Monopoly 2002''. More importantly, such an action would force Microsoft's application developers to live in the same environment as the ''rest of us''. If you really want to see ''innovation'', not merely ''MS Innovation 2002'', break them up! Contrary to Microsoft's statements, the computing world is very unlikely to abruptly end!

—Tom Conrad
Senior Software Engineer
CC:attorney.general@po.state.ct.us@inetgw

MTC–00005285

From: Kenth Astrom
To: Microsoft ATR
Date: 1/1/02 2:02pm
Subject: Microsoft Settlement

Dear Sirs,

It is my firm oppinion that DOJ should dismiss the case against Microsoft entierly.

The charge was not just in the first case and was politically motivated. Microsoft has done more for this country and this economy than any other large corporation in history, with products which makes life easier and are enjoyed all over the world.

Please take the only plausible action and dismiss this case when the ruling takes place this month.

Freedom to invent must endure, especially in this downturn in economy!

Yours Sincerely
Kenth Astrom
Northford, CT

MTC–00005286

From: Stanley Holman
To: Microsoft ATR
Date: 1/1/02 2:28pm
Subject: Microsoft Settlement

To those of you that are concerned. Please lay off Microsoft, they have done more to offer help to potential competitors than any other company I can think of.

As a simple computer user, (As the vast majority of us are), It is EXTREMELY important that all of the programs within the computer do not conflict with each other. No other entity that I know of is nearly as concerned with this aspect of the business as Microsoft.

Bill Gates, In my opinion, did nothing wrong except to look out for those of us that are not computer programmers by incorporating a working browser for free. Additionally, he has not sent us looking for drivers or asked us to go into our systems and fiddle with programs, system ini files, etc.

Bill Gates is a true American hero and a perfect example of how to become a Millionaire. The exact opposite of (AOL ''Arabs on line'' and Time Warner) who have many Anti American policies and employees.

Sincerely;
Stanley L. Holman

MTC–00005287

From: dave
To: Microsoft ATR
Date: 1/1/02 2:29pm
Subject: Microsoft Antitrust non-settlement

The proposed settlement of the antitrust action against Microsoft is unacceptable. This settlement could be compared to citing Hitler for not having his apparatus for killing people up to the current safety code—no safety valves for the pilots on the oven burners.

David Freeman

MTC–00005289

From: kathie grimsley
To: Microsoft ATR
Date: 1/1/02 2:47pm
Subject: Microsoft

In my opinion . . . the message to Microsoft AND it's competitors should be that innovative ideas are needed to keep us moving towards the future and ensure the best products are available. However, designing operating systems or software applications that are not openly compatible stiffles innovations and limits the consumers ability to use whatever OS and applications best meets their needs.

In spite of already losing in the courts, Microsoft continues to use every means possible to stifle any competition that could provide alternative products. ''Open'' competition would force ALL hardware and software manufacturers to provide products that are cross-compatible AND user friendly. Their software continues to demand more memory, faster processing, upgraded programs, etc. Technical support for older (last version) hardware and software products is non-existant. You can no longer buy any hardware or software that you can expect to use for more than 6 months to a year. What kind of resources (plastics, metals, haz-mat substances) are being wasted by making these products ''disposable''? How much money must the consumers be expected to spend just to keep a system that is useable AND supported?

Microsoft's latest release (Microsoft XP)now threatens to infringe upon privacy issues. They are not threatened by the monetary fines assessed by the courts so far. They have consumers by the short hairs and

will just continue their practices which will continue to make them more money than is imaginable.

Microsoft has the advantage of being able to set the ''standard''. Everyone else (consumers & competitors) are force-fed the Mircosoft standard because there isn't anything else acceptable. The Microsoft systems continue to be unreliable. Systems crash, vital information and productivity is lost. How is this acceptable? The old DOS systems were VERY reliable and cross-compatible. Never any crashes, no lost information, etc.

Part of the blame also rests with consumers for not demanding alternative products. Alot of consumers (individuals and businesses)jumped on the Microsoft bandwagon before it's systems were time-tested. Most are unwilling at this point to make critical changes because of the expense that would be involved.

Microsoft continues to operate in a manner that is not conducive to a competitive environment and will ultimately do more harm to the consumers and the industry if left unchecked.

Now that this has been brought to the fore-front, we have the ability to force change for the betterment of the industry and the consumer. The message to Microsoft must be strong ''CEASE and DESIST the unfair practices'' they continue to use. Their products should be openly compatible so the consumer can decide what they want to use. If Microsoft is truly the superior product, they will have lost nothing and gained the respect of the industry and the consumer. If they are not the superior product, the industry and the consumer wins the chance to find or create something better.

Thank you.

MTC–00005290

From: Mike KAZEEF
To: Microsoft ATR
Date: 1/1/02 3:06pm
Subject: Microsoft Settlement

I am a user of Microsoft products and would like to support the current terms of the settlement.

I am urging DOJ to place a great dal of weight on the value of innovation.Economic growth and technological leadership do not happen by themselves. They are triggered or supported by advances in thinking and improving the execution of business strategies in all walks of life.

Thank you for considering the long term well being of the US economy.

Regards
Mike Kazeef
2000 Santiago Drive
Newport Beach, CA 92660

MTC–00005291

From: TheRHogue Hogue
To: Microsoft ATR
Date: 1/1/02 3:44pm
Subject: Microsoft Settlement

The law (officially called the Tunney Act) requires a public comment period between now and January 28th after which the District Court will determine whether the settlement is in the ''public interest.''

During this public comment period, I would like to state that the settlement is fair for all parties and for the American people.

The current settlement is in the best interest of our country. Given the current recession and the terrorist assault on our country, I ask the court to end this litigation by accepting the settlement. 2002 is an election year. I ask the court not to allow this matter to, once again, cause political mischief.

It is true that a few of Microsoft's rivals wish to continue litigation, and it is their right to do so. But, the settlement isn't designed to help these rivals. The settlement is for the benefit of the American people. I ask the court to help the American people do what they desire most...to move on in troubled times.

Sincerely
Robert Hogue

MTC–00005292

From: Joan Ruffing
To: Microsoft ATR
Date: 1/1/02 3:45pm
Subject: Microsoft Settlement.

Dear Sirs:

Please settle this conflict immediately.

Our economy is in enough difficulty at this time. Steel mills are closing. Many industries are fleeing to the low employment costs of other countries. When an American industry is thriving, why do we spend all these tax dollars trying to destroy it?

Leave Microsoft alone and spend your time and MY DOLLARS trying to fix our struggling economy.

Sincerely,
Joan Ruffing, LMS

MTC–00005293

From: Mark Genung
To: Microsoft ATR
Date: 1/1/02 3:46pm
Subject: Microsoft Settlement

To Whom It May Concern:

I have been involved in the computer industry since 1978. It is my humble opinion that we would not be were we are today without industry leaders like Microsoft. Microsoft has almost single handedly paved the road to get technology on the desktop, where it is today.

I have never really understood the government trying to protect me, the consumer, from a good company like Microsoft. An American company that started out with nothing, was in the right place and the right time, made good decisions and through the same basic business philosophy that we preach to our children, become one of the most successful companies of all time. Now my government says they have gotten to big and successful, that that cheap operating system or browser they provide for free can't be good.

I know this, if it were not for Microsoft we would still be in the dark ages with computers, and to purchase the software that Microsoft almost gives away it would cost 10–20 times what Microsoft charges for it.

I'm a small business man, I understand competition, if I do my job better than my competitor, I will survive , If I don't, I won't.

What message should record in history? Be successful, but don't be too successful? This Microsoft story is as American as apple pie. Don't mess with my apple pie. Let this story play out. Just as Microsoft got on top, they could be just as easily tumbled by some other innovative concepts we have not considered. The government is trying to handle this; time will take care of any antitrust problem on its own.

Settle with Microsoft and let's get on to the things in this country that are important.

Sincerely,
Mark A. Genung
8247 Indy Court
Indianapolis, IN 46214
317–271–1000

MTC–00005294

From: leo coro
To: Microsoft ATR
Date: 1/1/02 3:50pm
Subject: Microsoft Case

The proposal that Microsoft has put forward is just more of the same thing that they have been doing. Their offer of ''used computer equipment'' and software is ridicules. The cost of the software should be counted value wise, at the cost of the materials only, so its value is about $0.02 per copy not street cost. The value of ''used computer equipment'' is again nothing for a Corp. of their size the upgrading of equipment is constant, and makes a good tax rite off so we the ones they have been robing with their ''we will do as we please '' and no one can stop us must end or the total industry will collapse.

Leo S. Coro
Richmond VA.

MTC–00005295

From: Jim Botts
To: Microsoft ATR
Date: 1/1/02 3:52pm
Subject: Microsoft Settlement

I am 100% in favor of this settlement. It should not of been filled in the first place.

James W. Botts
jsbotts@earthlink.net

MTC–00005296

From: Mark Josephs
To: Microsoft ATR
Date: 1/1/02 3:50pm
Subject: Comments

Dear Sir:

I have worked with computer software for over 18 years. During this time I have seem the growth and death of many software companies. However, the Microsoft monopoly has grown using illegal practices. I have been damaged by these illegal practices when I purchased WordPerfect for Windows and it did not work. I was forced to buy Microsoft Word as a word processing tool.

The proposed settlement does not punish Microsoft for its illegal behavior nor does it provide any means of assuring that Microsoft will not continue to use its vast economic, political and technical power to continue to extend its monopoly in the computer hardware and software business.

Please do not accept this settlement offer. Please impose measures that will allow competition to again flourish and protect consumers in the software markets.

Thanks for your time,

Joseph J. Simpson
6400 32nd Ave. NW #9
Seattle WA. 98107

MTC–00005297

From: marsha.hunter@att.net@inetgw
To: Microsoft ATR
Date: 1/1/02 4:00pm
Subject: Microsoft Settlement

As a concerned citizen I have watched the Microsoft case and think it's time to settle the case once and for all.

Please settle this case so everyone can move on.

MTC–00005298

From: Jesika
To: Microsoft ATR
Date: 1/1/02 4:08pm
Subject: Microsoft Settlement

To whom it may concern:

I wish to voice my displeasure over the settlement made in the Microsoft Antitrust case. While it does address some important points, the most egregious of Microsoft's actions go unmentioned. I was pleased to see that it prohibited Microsoft from asking OEM's to discontinue their current practices of pre-installing competing software and OS's, but this is simply not enough. The simple fact is that consumers are being forced to pay a Microsoft ''tax'' on every complete system purchased. It is impossible to purchase a complete system without Microsoft pre-installed, even if you have no intention of using the product.

What I'd really like to see is a true offer of competition. I would like to see Microsoft prohibited from requiring OEM's to offer their OS exclusively, or in combination with another OS. Until I can walk into a store and purchase a pre-built x86 PC without a Windows operating system on it, Microsoft is still monopolizing my options. I will not be satisfied with the rulings against them if I am not given an option to either purchase a computer with out Windows, or a method of receiving a refund for Windows if I remove it from the system.

Thank you for considering my opinions. I appreciate the work you have done so far on this issue.

Sincerely,
Jesika Hurdelbrink
San Antonio, TX

MTC–00005299

From: Alex Lima
To: Microsoft ATR
Date: 1/1/02 4:08pm
Subject: microsoft settlement

I believe that the reached settlement is fair enough to all. In this time of economic uncertainty the Government should be doing everything within their power to restore confidence to the American people. Microsoft is a great company to this country and to the entire world. Lets get back on track and show the world that the U.S. Gov. And private industry can work together for the better of all.

MTC–00005300

From: A&L Solutions
To: Microsoft ATR
Date: 1/1/02 4:16pm
Subject: Microsoft Settlement

Let's settle this and move on. Tax payers have more to worry about than ever and every minute this thing goes longer we (tax payers) pay, pay, pay. There are more immediate concerns to invest tax dollars in with our economy in the trash can and terrorists crossing our boarders freely. Settle now and allow our country's industry to progress.

I use Microsoft products and although they are not perfect, I find them to be the best available and will continue to use them regardless of what other programs are available. Microsoft stands by their technology and personally I feel this whole long drawn out litigation is ridiculous.

I am a consumer of computer products and do not feel that Microsoft has infringed on my freedom to purchase any brand by any company. Personally, I feel that Microsoft is just another victim of attorney greed. I'd like to see the figures on how much of the ''settlement'' winds up in attorney hands. I'm betting I'm correct in saying that it would be shocking.

Further litigation serves no one. Enough is enough. Settle this now.

Thank you for allowing me to express my opinion.

Linda Wood

MTC–00005301

From: Stehlikjf@aol.com@inetgw
To: Microsoft ATR
Date: 1/1/02 4:16pm
Subject: Microsoft Settlement

I urge the Government to settle this suit as soon as possible. The agreement that was worked out by the Government and Microsoft seems to bring a reasonable conclusion to this case. It is unfortunate that some others want to continue to litigate this effort for an extended period of time for an unknown benefit. I believe that very little good can come of a continued debate over the completeness of the settlement. This whole argument about Windows and its associated software will be old news in another year or two as the progress made in the operating system software is expanding extremely fast.

Microsoft did accomplish some major benefits for the consumer. The primary benefit is that it made the computer usable to a myriad of people who have little on no technical background. Prior to Windows and its integration, we all struggled with a DOS based system that provided most users with high levels of frustration. Today, we now have 90+ year old grandmothers and grandfathers using the Internet to say hello to their grandchildren and great-grandchildren. It has also given them a feeling that life has not passed them by. Hurray!

Lets us get on with the settlement. It is not perfect and it never will be. It seems to be reasonably fair and that is all we can ask. We do not need more punishment.

Jim Stehlik

MTC–00005302

From: Xactman
To: Microsoft ATR
Date: 1/1/02 4:28pm
Subject: Microsoft Settlement

Jan 1, 2002

I am taking the time from my New Year's Holiday to write you concerning the Microsoft settlement.

I am now a database applications developer making a very good salary. I am self trained, having taken advantage of numerous free training opportunities provided by Microsoft and gaining free access to their technologies through their websites and publications. Microsoft has been the only company that has provided me this opportunity.

From my point of view, if it hadn't been for this accessible training availability, I would not be in the position I am today. I have never found Microsoft to be anything but helpful in providing opportunities and assistance along the way in my career development.

Gene Stebley
1310 Santa Rita #26
Chula Vista, CA 91913

MTC–00005303

From: Michael King
To: Microsoft ATR
Date: 1/1/02 4:35pm
Subject: Microsoft Settlement

Virtually every industry in the United States, and hence our national economy, has benefited from the breakthrough performance opportunities the technology sector has enabled. This scenario has promptly made the technology sector a fiercely competitive industry itself. It unnerves me that in order to compete with Microsoft, its competitors seek political intervention as the ?killer play? that enables one of them to leapfrog Microsoft to victory, or at least to get a bigger slice of the pie. These tactics undermine the principle of hard work, and hail government intervention as a business management option.

Settle this case fairly, and let Microsoft do what it has proven it does so well ? make business, and the economy, better. And not just the national economy; the global economy benefits substantially from the technology sector which Microsoft should be allowed to participate in vigorously, aggressively, intelligently, and passionately. Anything else is a failure of our government to recognize the same spirit that wins wars wins success.

MTC–00005304

From: Bruce Gladstone
To: Microsoft ATR
Date: 1/1/02 4:47pm
Subject: Settlement

I am thoroughly in agreement with the settlement reached by Microsoft and the Justice Department. I believe the continuing objections by the State's Attorneys General are politically motivated and are not designed to benefit consumers in the slightest. This is especially true of Atty. Gen Lockyear in my home state. It is no coincidence that both Sun and Oracle are California Corporations, both would much rather not compete with Microsoft based server applications and database software and both were significant contributors to Atty. General Lockyear.

Bruce

Bruce Gladstone email:
brucegl@pacbell.net

3937 Sumac Dr. tel: (818) 986–2950
Sherman Oaks, CA 91403 fax: (818) 981–5922
CC:attorney.general@po.state.ct.us@inetgw,Cringely@bd...

MTC–00005305

From: robow31@juno.com@inetgw
To: Microsoft ATR
Date: 1/1/02 4:47pm
Subject: Microsoft Settlement

It is my honest opinion that spending more taxpayers dollars in continuing the anti trust action against Microsoft is totally uncalled for. Without Microsoft,our country would not be a leader of the technology is this field.

There are certainly many other places our tax dollars could be spent to make a positive impact on our whole way of life.

Lewis Dahl,
Retired taxpaying veteran of WW2

MTC–00005306

From: Butch Fuller
To: Microsoft ATR
Date: 1/1/02 4:49pm
Subject: Microsoft Settlement

I feel the Microsoft settlement is in my best interest and that of other consumers.

I feel opposition to the settlement is based on self serving attitudes of some companies, and is not in the best interest of consumers. I do not own stock in microsoft or any technology company.

Sincerely,
Clark H. Fuller, Jr.
4926 York St.
Metairie, LA 70001
ph: 504–456–2946

MTC–00005307

From: hawks-75@juno.com@inetgw
To: Microsoft ATR
Date: 1/1/02 4:53pm
Subject: Microsoft Settlement

To Whom It May Concern:

When ''Human Intelligence'' (HUMINT) is collected by our military and other government sources; perhaps the most important aspect if the information lies in ''Who's Talking''. In this case, I am a Retired, US Navy Captain; having served as a jet fighter pilot and ''Administrator'' for 30 years. I have commanded the TOPGUN squadron, (Navy Fighter Weapons School), an F-14 Squadron as well as an overseas Shore Station. My wife of 39+ years and I continue to vote and pay our taxes. We are PROUD Americans who are grateful to live in this magnificent country.

Having said all that, we appreciate that our ''Opinion'' is no more significant than any other family's opinion, but we welcome this opportunity to have our opinion considered.

We are very well informed on the merits and basis of the case against Microsoft, and of the proposed settlement(s). We believe it's time to ''Git on with Bidness!'' If ''Both Sides'' can accept the existing elements of the proposed ''Settlement'', then we propose DOJ MAKE IT SO! We have been worn to a frazzle by this overly-long and drawn out process seeking some sort of ''Justice'' at taxpayers expense. This has been particularly adverse for all Americans as there can be little doubt this litigation exacerbated the economic downturn and possibly fueled the subsequent Recession our economy has experienced to date.

DOJ should answer the question; . . . ''What possible GOOD can be served FOR ALL AMERICA by refusing to settle and continuing an extended court case against Microsoft?'' The ''Answer'' should be couched in terms that the ''Average American'' can both understand, and, perhaps more importantly, AGREE WITH on a ''Cost vs Gain'' basis. Is there no other way in which our tax dollars could be spent more productively? Only DOJ can answer that.

We appreciate the complexities involved, but strongly recommend that DOJ accept the settlement as written and move smartly into the future beginning early in 2002.

. GOD Bless YOU in your decision process, and GOD Bless AMERICA! With Sincere Best Wishes for the BEST OUTCOME;

John Monroe Smith
Virginia H. Smith

MTC–00005308

From: RR-
To: Microsoft ATR
Date: 1/1/02 5:01pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am writing to ask the DOJ to please settle the lawsuit with Microsoft. Since the inception of this lawsuit it has been about other corporations and the governments fight against Microsoft for the benefit of these other corporations. Myself and millions of other people believe that Microsoft has helped the consumer immensely. We were given Internet Explorer free of charge as well as other software programs.

Unfortunately, a few special interests are attempting to use this review period to derail the settlement and prolong this litigation.

I own 2 small business in Salem, Oregon and we depend upon the innovation of the Microsoft products as well as the support they give the consumer. Please settle this litigation, and let us and everyone else get on with their life!

Sincerely,
Ray Reid

MTC–00005309

From: UKRbuff@webtv.net@inetgw
To: Microsoft ATR
Date: 1/1/02 5:07pm
Subject: Microsoft ;

In my opinion Microsoft Corp..is no different than some one's musical scores—They should have the right to protect their inventions in the electronics field just the same—and not be infringed upon—just because they were smarter and first on the market with certain features that were appealing to competitors—

If this right were to be extinguished —you would totally allow theft of other persons hard work and realization of fruits of their labors.

The one thing I have noticed in my 75 years on this earth—Greed seems to take total control——'He's got it—I want some too' attitude prevails...Rather than taking the bull by the horns—inventing something that will do the job just as well—but in a different manner..

I fixed TV's for a living as part of my training to become an Empirical Eng..(Electronic)—I couldn't afford college—with sick parents etc..I had to work-improve myself as I went—and wound up Chief Eng.in three organizations—23 of those years of my last employment —Manufacturer of Nuclear Measuring Equipment. as Final QC. Eng-and Field Service Eng.

I take it personally that a person starts a company—perhaps at the ''right time'' in their life and time for that their products are needed by the general public—and they work hard-fast-efficient and do a good job—THEN have someone else say ''I want that Too'' but the original owners of the system they invented naturally don't think it right to be forced to give up their control of their products..that they invented....

Thank you for taking the time to read this one small voice—against oppression of the country's people's right to innovate and follow-up with improvements of THEIR OWN INVENTIONS——

James A.Eastham
Indianapolis, Ind.

MTC–00005310

From: MChernev@aol.com@inetgw
To: Microsoft ATR
Date: 1/1/02 5:08pm
Subject: Microsoft Settlement

Please let the Microsoft settlement stand. Marlene Tonkin Chernev, Fair Oaks, CA—MChernev@aol.com

MTC–00005311

From: Robert V Robertson
To: Microsoft ATR
Date: 1/1/02 5:12pm
Subject: Microsoft Settlement

Please bring an end to the suit against Microsoft. Some of their competitors are jealous of their success and are try to go to all lengths to hurt the company and their shareholders. If it were not for Microsoft, we would not have all of the ability and knowledge that we have to conduct business in today's world.

It is not right to penalize a company for their ability to provide superior products as that is what is needed for us to provide for the future.

Thank you for your consideration..
Robert V. Robertson
5731 Emmaus Church Road
Providence Forge, Virginia 23140

MTC–00005312

From: Andrew Suchy
To: Microsoft ATR
Date: 1/1/02 4:19pm
Subject: Microsoft Settlement

To Department of Justice Staff,

I have read the posted court documents related to US vs. Microsoft, and would like an opportunity to comment. While I do not have training in law, I am an active software developer, and have seen the industry evolve for the past 12 years. With all due respect to the legal minds that have worked to find remedies for Microsoft's antitrust violations and anti competitive conduct, I deem the measures grossly insufficient.

I do not wish to reiterate any points already covered in the document, it is sufficient to say that I have seen first hand some of the complaints raised by the plaintiff, and seen the devastating effect on

competition and innovation. Instead, I would like to point out why some of the remedies will not work, and bring to your attention how Microsoft continues anti competitive behavior even today. First the remedies:

a. The requirement that Non-Microsoft Middleware have at least one million copies distributed before it is considered ''competition'' is ridiculous. In the software business, one needs to have access to the API's in order to deliver a competitive product. This is a chicken and egg problem: one can't get to one million copies without having technical details (such as Section III.D) and the ability to replace Microsoft Middleware free of restrictions.

b. Regarding Microsoft's restrictions on subsection III.C.3 which require that Non-Microsoft Middleware activated during the boot sequence look and behave the same way as Microsoft Middleware, this clearly favors Microsoft. If a competitor cannot distinguish itself by the way its software appears on the screen, or behaves during operation, than it is doomed. Why would anyone load (or buy) software that looks just like Microsoft's, when Microsoft's version is already included in the OS? This restriction must have been dreamed up by Microsoft's marketing department.

c. The remedies regarding Middleware can easily be avoided by Microsoft, by simply moving functionality into the greater ''OS''. Any feature can be hidden from competitors by putting the functionality into proprietary operating system components (otherwise known as libraries). The remedies are so full of holes, no software developer can take them seriously. There are other concerns not already addressed by the court papers, as well:

a. There is no remedy for the hundreds or thousands of businesses already killed by predatory behavior,

b. There is no remedy for standards subversion. In the computer industry, standards for communication protocols, application protocols, and internet protocols (just to name a few) are made up by representatives of the industry in committees. Undue influence from a giant like Microsoft is unavoidable. The attempted subversion of Java is one example, the introduction of the C# (pronounced C sharp) programming language is another (because software development tools are also monopolized by Microsoft—not a well publicized fact). There are also internet protocols at stake, where interoperability of software is prevented by diverging from established standards (or evolving standards). Doing this guarantees Microsoft that competing products will not work, and lets Microsoft dictate the protocol.

c. There is no remedy for other software getting ''tied'' to the operating system. A good example is the dispute between Microsoft and Kodak over digital photography software included in Windows XP. CD writing (CD–R) software is another recent addition. In fact, Microsoft continues to kill competition by including software that has nothing to do with the operating system. As an analogy, would any of us feel comfortable if the power company started to include all the electric appliances we needed, along with the electricity it sells us? Soon, GE, Maytag, etc. would all be out of business, and we would have nowhere else to go get a refrigerator but the power company. It doesn't sound like the world I want to live in.

None of the remedies in the settlement deal with this problem.

I hope my comments are constructive and help bring about a settlement more effective than the current one.

Sincerely,
Andrew P. Suchy
CC:asuchy@cyberinnovate.com@inetgw

MTC–00005313

From: philip solar
To: Microsoft ATR
Date: 1/1/02 5:36pm
Subject: One person's comments

I and my wife for one, Praise Microsoft for their inovativtive policies. We would not be able to conduct our business and be productive if it were not for Microsoft and their products. I for one have always felt that there policy and pricing has been fair.

There is no question in my mind that without this company our balance of payments would be considerable more than it is.

Philip Solar
Panzer2020@msn.com

MTC–00005314

From: John G. Jones
To: Microsoft ATR
Date: 1/1/02 5:43pm
Subject: Microsoft Settelment

Hi,

I would like to encourage the Government to stop hassling Microsoft, They are a prime example of capitalism at it best. You are discouraging people from building a large compaies, why not spend your time and our Money tracing down Bin Laden or Omar. Do you know how much money Microsoft and Bill Gates donates to charity? Get off it and do something useful.

John G. Jones

MTC–00005315

From: William Spurr
To: Microsoft ATR
Date: 1/1/02 5:52pm
Subject: Microsoft Settlement

It is time to stop punishing success. Equating bigness with badness has been the hallmark of anti-trust legislation from the time of J. D. Rockefeller. This case, like most of the others, has not been about the consumers, who are supposedly protected by anti-trust laws. It is about competitors who can't compete and about political favoritism. If you have tried to use even the latest version of Netscape (6.2) with many of the websites that use Java (a Sun product—not a Microsoft product), the pages don't load properly, even though they work fine in Internet Explorer 5.5 and above. If this doesn't show that Netscape is uncompetitive, and that it is not the choice of consumers, what does?

Sincerely,
William A. Spurr
webmaster@crossroadspc.org

MTC–00005316

From: RBSINTL@aol.com@inetgw
To: Microsoft ATR
Date: 1/1/02 6:05pm
Subject: MICROSOFT SETLEMENT

Dear Mr. John Ashcroft:

I am Rafael Beltran III a hard working Hispanic who pays taxes as most Americans do.

I am writing to you today to request that the case against Microsoft be settled:

a. As soon as possible before the new elections

b. To ensure our economy gets back on track as soon as possible The only thing Microsoft has done wrong is to once again put the USA ahead of other countries in the world with the very best technology that can be created.

We can no longer be protective of companies that change technology every three months and we get stuck with the bill. When is this going to end? Please accept Microsoft and The Justice Department terms so we can move forward and bring our economy where it supposed to be. Stop those states that continue to delay the settlement and have no common sense and no vision of the future. These states are nothing but protectionist states for political reasons that have nothing to do with technology.

Thank God for Microsoft I can put food on my family's table. Microsoft's technology does not discriminate. Microsoft is good for America. Please stop those protectionist states that are trying to torpedo the settlement that has been agreed upon.

If those companies that say they are being left out continue to be protected because they are not able to compete squarely and fairly then they should shut down and move on to something they are good at. Technology will embrace what makes sense and what is efficient, if those companies' products were not efficient and did not make sense then the American public did not support them and therefore we do not need them.

I am most confident that Microsoft will comply all the way and at the same time stimulate our economy and yes bring a better life to little people like me.

Microsoft products do not discriminate and do not see colors and origin and they way you sound and the way you look.

Please stop harassing Microsoft.

Very Respectfully,
RAFAEL BELTRAN III
1898 Ascot Drive
Moraga, CA 94556
925–247–0777
US NAVY Reservist

MTC–00005317

From: Kirk Shaeffer
To: Microsoft ATR
Date: 1/1/02 6:43pm
Subject: Microsoft Settlement

Please complete the settlement process as soon as possible. The country is in a recession and it is not productive to continue this Microsoft case any longer.

By prolonging this process the advancement of technology will be slowed. In addition, the nine individual states are wrong not to settle this case as they appear to be in on a MONEY GRAB of the profits of one of America's most successful companies.

The saddest part of the Microsoft case was that it's competitors had complained to the Clinton Administration until they finally pressed the case against Microsoft. I certainly would not act in this manner to any of my successful business competitors!

Thank you for time in reading this email. A response is not necessary.

Kirk Shaeffer Real Estate Analysis Northwest

MTC–00005318

From: William Noble
To: Microsoft ATR
Date: 1/1/02 6:43pm
Subject: Microsoft Settlement

Microsoft Settlement

End this nonsense once and for all. Microsoft has done nothing that Netscape, Yahoo, Sun, Novell, Orcale and others have not done. If the DOJ wants to stick up for the ''consumer'' take a long hard look at the banking industry, insurance idustry (They make the Mafia look legit) or maybe cable tv markets. Great job they did going after the cable company's, last time. So pretty soon we'll have comcast and comcast to choose from. The lawsuit agaist microsoft is wrong and bad for consumers. The last administration is gone, let their wrongful, anti-consumer lawsuits go with them...

William Scott Noble
Nashua, NH

MTC–00005319

From: Richard H Rosenberg
To: Microsoft ATR
Date: 1/1/02 6:44pm
Subject: Microsoft Settlement

The settlement as proposed sounds reasonable for all parties. In these uncertain economic times it would be best to concentrate on the challenging future, not the past misdeeds of Microsoft. I think Microsoft has learned it must deal more fairly with competitors. Continued attention by DOJ to Microsoft's compliance with the settlement's terms is merited.

Sincerely,
Richard H. Rosenberg
2568 Indian Ridge Drive
Glenview, IL 60025–1049

MTC–00005320

From: DONALD SCHUMAN
To: Microsoft ATR
Date: 1/1/02 6:49pm
Subject: Microsoft Settlement
To: Department of Justice Member

From: Donald L. Schuman

I thought we had finally settled the case against Microsoft but I now hear that 9 states have decided to go against the settlement and continue the case. How absurd? Let's put this action to bed. Enough is enough. We have far more serious problems to worry about than a bogus lawsuit.

Without Microsoft's initiative in producing quality software this country would not have produced the gains in productivity that helped this country over the last 7 to 10 years. Now these states want to ''penalize'' the company further because they have created something that their competitors could not have. Where is the sense and reason for this action. This country was built on innovation, hard work and creativity!!! Now we are letting those who feel, since they didn't invent it, its something bad and injurious to their company. That's just plain b.s. Microsoft products have always been open and competitive. Let's let them continue to innovate and help us to move forward. For those companies that are not that creative, well maybe they should ''fall by the wayside.'' Let us not punish the good for those who are not as smart. I am a taxpayer and a consumer that feels strongly that you must not stifle creativity for the benefit of those that are just not that bright and creative. Go Microsoft!

Donald L. Schuman
donald.schuman@worldnet.att.net

MTC–00005321

From: AWzr1
To: Microsoft ATR
Date: 1/1/02 7:17pm
Subject: Microsoft settlement

As a Consumer I strongly believe that the settlement between the DOJ and Microsoft is a good deal for us and the American economy.

In the ''public interest'' lets end this mess and avoid any prolonged litigation. That's as brief and to the point as I can be.

Sincerely,
Anthony Wieleba
AWzr1@msn.com

MTC–00005322

From: Stanislav Fritz
To: Microsoft ATR
Date: 1/1/02 7:33pm
Subject: Microsoft Settlement

To whom it may concern,

I would like to briefly comment on the potential settlement on the Microsoft Anti-trust case. At a time when the nation, and the state of Washington in particular, is in economic dire straits and struggling with change, it would seem like this settlement is something that should go forward as quickly as possible.

The landscape of high tech continues to change and if the U.S. has any chance of remaining a leader in portions of this, such as software, biotech, and aerospace, we need to have strong innovative companies.

If Microsoft is continually shackled by the DOJ, private lawsuits, and uncertainty, it will indeed falter and no other punishment will be needed. This can do nothing but hurt the economy and high technology.

2002 is a crucial year for all. I urge speedy action.

I have been an executive at three software companies. My personal experience tells me that Microsoft is indeed an innovative company and it acts aggressively, but not unreasonably. I am not a Microsoft employee.

Sincerely,
Stanislav Fritz
6717 46th Avenue SW
Seattle, WA 98136

MTC–00005323

From: Ron Burk
To: Microsoft ATR
Date: 1/1/02 7:58pm
Subject: Microsoft Settlement
Ron Burk, Founding Member
ronburk@hightechinfo.com
HighTechInfo.com
P.O. Box 3082
Redmond, WA 98052
(425) 869–0233

This is a comment on the proposed government settlement in the Microsoft antitrust action. We believe the proposed settlement does not fall within the range of acceptability, and is not within the reaches of public interest.

This comment on the proposed antitrust settlement with Microsoft argues two things:

* That the government attorneys negotiating the settlement were unable to judge the boundaries of their own competence on technical matters, leading them to assumptions that were starkly incorrect.

* That the settlement is detrimental to national security. That is due to the fact that, contrary to the government's uninformed assumption, security software that is centralized and kept secret is much more vulnerable to attack than security that is open, public and decentralized. Courts versus Technology

Two effects must be taken into account when assessing the technical competence with which this settlement was arrived at and accepted by the participants: the accelerating complexity of technology, and accelerating permeation of technology in society. On the one hand, the technological acceleration of the last few decades guarantees that the courts must deal with highly technical issues where government officials have no hope of holding personal competence. On the other hand, the permeation of technology into society gives its non-technical members the illusion that they understand the technology well enough to judge when they are, or are not, competent to act with common sense.

For example, when powered flight first emerged, few members of the public would have ventured any opinion about how airplanes work or are piloted. By the time passenger flight was cheap and common, however, most people formed at least some very rudimentary level of understanding about airplanes and flight. Thus, most people would apply common sense to their own limited experience of airplanes to assess that flying closer to the ground is safer than flying high, and that flying slower is safer than flying fast. Unfortunately, both of these ''common-sense'' reactions are exactly wrong, as all student pilots must be taught.

A more compelling example of technological surprise comes when an airplane stalls, which causes the nose of the craft to pitch downward. It is only the most obvious form of common sense that the nose of the aircraft must then be immediately pulled back up, to keep the aircraft from diving into the ground. Unfortunately, this ''common-sense'' response is also exactly wrong. The correct response, which must be repeatedly drilled into new pilots so that they can overcome their ''common sense,'' is to push the nose even further down and apply more power. So powerful is this incorrect feeling of ''common sense,'' that there have been recorded accidents caused by passengers in small aircraft seizing the controls and preventing the pilot from recovering from a life-threatening stall.

Thus, we see that well-intentioned people with a passing familiarity with some form of technology may be incapable of judging the boundaries of their own competence. Moreover, technology provides many situations where the layperson's common-sense assessment of the correct course of action is incorrect, or even disastrous. We believe that this settlement provides an example of such a disastrous application of ''common sense'' being applied outside a party's areas of expertise.

In the area of computers, most everyone in government has some experience using computers. While most non-technical computer users hardly believe themselves to be experts, most have enough basic experience to feel that they at least know what the limits of their competence is. As with airplanes, this assumption is generally false, and when that incorrect assumption affects court proceedings, the results can be as disastrous as an airplane crash.

Secrecy versus Security

One of the areas where the government's team clearly was incorrect in assessing the boundaries of their own technical competence was the controversial blanket exemption for disclosing any information that ''would compromise the security of antipiracy, antivirus, software licensing, digital-rights management, encryption or authentication systems.'' The November 9, 2001 issue of The Wall Street Journal quotes the government's Mr. James as saying that this grant was ''one of those 'duh' issues'', continuing ''Microsoft has security protocols. Are we going to tell everyone how they work? Do you want people to get access to your credit-card information when you shop on line?''

Mr. James' common-sense response to this issue is entirely logical to the layperson—and stupendously incorrect. Mr. James is presumably not aware that the security protocol used to protect almost every Internet-based credit-card transaction is public knowledge, has been so for years, and has been studied extensively by large numbers of programmers, including those who would like nothing better than to be able to steal credit card information.

Non-technical computer users often have some personal experience with ''passwords,'' which tends to instill a belief that secrecy and security are identical. Although it contradicts the average computer user's ''common sense,'' security experts know that the only proven way to create security protocols that can withstand attack for any length of time is to make them public. Time and time again, the history of computer security has taught programmers that security measures that rely on secrecy (e.g., I bet no one will discover where my software stores this password) have quickly fallen to attackers. Even the security protocols historically put forward by the government itself were first exposed in detail, so that they could be studied and their weaknesses assessed before critical systems were made to rely on them.

Furthermore, Mr. James would presumably be astounded to learn that the main competitor (called Apache) to Microsoft's web server product, not only uses publicly documented protocols for security, but also provides the entire source code for the server itself. That's right, any attackers who would like to steal credit card information can freely study absolutely every bit of source code that goes into the most popular web server in use on the Internet today. Once again, the layperson's ''common sense'' is confounded, since the number of security vulnerabilities discovered in the completely exposed Apache web server has dwindled to a trickle, while a steady stream of security flaws continues to be exposed in Microsoft's proprietary and secretive web server. Indeed, the most virulent attacks to date on the government's own computers were implemented by exploiting security flaws in Microsoft's IIS web server (ironically, some of the computers involved in the attack belonged to Microsoft—they had neglected to install their own innumerable security patches on some of their own computers).

Even Microsoft is quite aware that secrecy is not a sound basis for security, and (eventually) learned to rely on robust, publicly examined security protocols. However, they still do use secrecy extensively in order to prevent (via legal attacks, if necessary) competitors from creating software that is compatible with their own. Thus, when Stac sued Microsoft for violating their patents, Microsoft countersued—essentially claiming that no one could make the product in question compatible with Microsoft software unless they had reverse-engineered the necessary information, which Microsoft indeed deliberately kept secret (said secrecy offering no security, only a way to prevent competition).

Thus, although Microsoft incorporated a well-known public security protocol (called Kerberos) into Windows 2000, they ''extended'' it in order to deliberately render it incompatible with third-party software. Again, the goal was to prevent competition, not to benefit customers. This is precisely the sort of thing that any remedy should eliminate, and precisely the sort of thing that the government's settlement would nanvely accept as necessary. Microsoft was no doubt happy to accept the government's ignorance about computer security and, with it, the blanket exemption that will allow them to continue to hold the power of life or death over companies that need to make their products compatible with Microsoft's monopoly products to survive.

The Interests of National Security

The same Wall Street Journal article implies that thoughts of war and terrorism influenced the settlement negotiations. Here, too, it's likely that the government was unable to assess the bounds of their grasp of the big (technical) picture.

Microsoft Passport (a so-called ''single logon'' service) is cited as an example where Microsoft must keep information secret. Not only is it false that Passport's security relies on keeping interoperability information secret, but Passport is ironically promising to be one of the biggest threats to national cybersecurity the United States has ever seen. Because Microsoft wants Passport to be centralized and under their control, they essentially hope to put all of the nation's passwords, credit card numbers, phone numbers, and other personal information in a single location. As it is now, a foreign hacker who wants to steal credit card numbers (or blackmail a company whose customer data he stole), must do so one company at a time. With Passport, there will be a single place where a hacker can affect all customers (if Microsoft is successful at signing everyone up, which their new Windows XP tries very hard to do). Thus, part of the system that the government hopes to prop up with their settlement is a system that could become the juiciest target for cyber-terrorists of all time.

Customers have generally failed to voluntarily select Microsoft's Passport product (despite it being free), so Microsoft has resorted again to using its monopoly powers to force a product on the marketplace. They first made using Passport a requirement for certain products, though that still failed to force a large enough number of customers to participate. Most recently, windows XP is designed to nag, cajole, and otherwise convince nanve users that they are required to use Passport. The government's settlement, with its misguided blanket exemption for security, allows Microsoft to use their monopoly power to tie this non-competitive product to their operating system, and thereby force it on the marketplace. The result is to make the nation more vulnerable to cyber attack.

An example of why a centralized and non-open design like Passport is so vulnerable was provided on November 2, 2001, when a programmer openly demonstrated a technique for stealing any Passport user's complete information (including credit cards) simply by getting the victim to open an email message. Microsoft had to shut the Passport service down for an extended period to effect repairs. Customers relying on Passport were simply out of luck for the duration of the repairs. Imagine if everyone in the U.S. used a single service for their passwords, and therefore most Internet work came to a halt every time Microsoft needed to fix a security bug. The Internet depends on decentralization for its robustness (it has withstood power outages, cable cuts, and even terrorist attack). Microsoft hopes to force consumers to use a service that will make much Internet use highly vulnerable to all the problems the Internet itself has survived.

Unfortunately, discovering a security bug is not necessary to shut down Passport. Because the Passport design is centralized rather than distributed, it can easily be shut down by any denial of service (DOS) attack. It is currently virtually impossible to prevent DOS attacks on the Internet (experts estimate that several DOS attacks are in progress at almost any given moment on the Internet). A DOS attack may temporarily render one, or even several web sites unusable simply by ''clogging the pipes'' near those sites, so that all other traffic is stopped or slowed to a devastating degree. There is virtually nothing that can be done to prevent DOS attacks in the current design of the Internet (more to the point, it is a community problem, and not something that Microsoft can affect in any way by changing their software).

The centralized design of Passport (Microsoft needs it centralized so that they can control consumers' data rather than allowing competing companies to do so) assures that it is completely vulnerable to DOS attacks. Thus, the government's settlement is helping to prop up an anti-competitive single logon system that can be shut down at any time by a disgruntled teenager (often found to be the source of such attacks) with moderately high technical skills. Various arms of the government claim to be highly concerned about the threat of cyber-terrorism, yet the government proposes to accept a settlement that will prop up a monopoly's plan to build the most enticing and vulnerable cyber-terrorism target in U.S. history.

It is our belief that Passport is one of a great many areas of Microsoft anti-competitive activity that this settlement will have no effect on.

Samba: Canary in a Coal Mine

Non-technical observers typically deem the impact of any antitrust action against Microsoft likely to be difficult to measure or prove. Technical observers, however, can point to any number of concrete situations that are entirely dictated by whether or not Microsoft can continue to abuse its monopoly power.

Samba provides a good case in point. Microsoft sells server software that provides file sharing, and security management (among other things). Microsoft has, of course, tried to make their networking software largely proprietary, so that they can control who is, or is not, allowed to create compatible software. Samba is the name of a product that tries to allow users of non-Microsoft operating systems to expose services (such as file sharing) compatibly with Microsoft networks. Thus, a company that has both Unix and Windows computers can run Samba on their Unix computers to allow Windows users to easily access Unix files.

The problem with Samba is quite simply Microsoft's refusal to document their protocols. Thus, with each new release of Windows, Microsoft changes their protocols, and the Samba team has to tediously reverse engineer all the changes (just one example of the huge amount of American productivity that is wasted nationwide on reverse-engineering interfaces that Microsoft refuses to document). Microsoft knows full well that Samba will be able to eventually make their software compatible (secrecy and security being two separate things, as described earlier), but by constantly making changes and keeping Samba one step behind, they can convince companies that Samba is an inferior choice for any company that has workers using Windows.

Any antitrust settlement that allows this situation, in which Microsoft can use its standard anti-competitive techniques to keep Samba from ever catching up to ''complete'' compatibility with Windows, is a failure. Some believe that Microsoft will also patent their incompatibilities and then use legal means to prevent Samba from fully interoperating with Microsoft products. All of which may be perfectly acceptable in a competitive marketplace, but not in a marketplace dominated by a single monopoly.

We believe that this is just one example of the many important areas that the government-accepted settlement will allow Microsoft to practice business as usual. An integral part of what Samba does is password management. Microsoft should be able to claim to any government overseer that their network services manage passwords, and therefore they must (as they do now) refuse to document their network protocols (despite knowing full well that said protocols will eventually be reverse-engineered, and that that results in no compromise of security).

Astoundingly, the proposed settlement lets the convicted company help choose the members of its own somewhat toothless overseeing ''technical committee.'' That fact, combined with Microsoft's prodigious ability to delay and dissemble, and the settlement's incomprehensible restriction of terms to the oddly defined ''middleware'' should allow Microsoft to continue to press their anti-competitive tactics on products such as Samba.

It is our belief that Samba is another one of the great many areas of Microsoft anti-competitive activity that this settlement will have no effect on.

Summary

We believe the government likely also exceeded the bounds of their competence in the area of economics. Another subtext of the negotiations (and one Microsoft pressed relentlessly in public), was that Microsoft's success is crucial to the economy. In fact, Microsoft's monopoly has consistently wiped out small businesses and innovation of all sorts for years, decimating what was once a thriving sector of the economy. Another recent Wall Street Journal article predicted that the current lack of innovation in technology would help prevent any economic turnaround in that sector. We believe that a settlement that vigorously curtailed Microsoft's ability to exploit its monopoly (which is obviously not what this proposed settlement does) would greatly stimulate the technology sector of the economy. We have not pressed that particular issue here because our credentials are in technology, not economics.

While Microsoft's lawyers had to get their negotiating agreements approved by a qualified technical overseer (Bill Gates), the government's attorneys had no such technical authority over them. As we have shown, that clearly led government negotiators to make incorrect decisions in areas where they mistakenly believed their own common sense was sufficient.

This antitrust action was an opportunity for the government to force Microsoft to take responsibility for their past flouting of the law, and to rejuvenate an industry whose main enemy is not the current economic downturn, but the illegal actions of a single monopoly. Unfortunately, the settlement appears to be ineffectual at both penalizing past law-breaking and preventing any future law-breaking. The settlement appears to be good deal for Microsoft and a few large companies. It appears to be a very bad deal for the nation's security and economy.

Ron Burk

HighTechInfo.com,
www.hightechinfo.com

MTC–00005324

From: wencheng
To: Microsoft ATR
Date: 1/1/02 7:50pm
Subject: Microsoft Settlement.

Dear Sir/Madam,

I believe the proposed settlement is reasonable and fair to all parties involved.

Sincerely,
Wen-Ching Cheng
301–330–8512

MTC–00005325

From: Tom Hemmer
To: Microsoft ATR
Date: 1/1/02 7:54pm
Subject: settlement?

I want to register my dismay at the lack of backbone that the justice department is showing (again) in this case. I am a computer professional that remembers the last antitrust settlement (or should i say lack of settlement) the previous time the justice department to microsoft to task. My, my, how that really helped stem the microsoft criminals!

Now once again, the justice department is going to roll over. Is it because the party was found innocent? no, it is because of politics (Ashcroft is a lackey for big business). Using the state of the economy as a reason to give microsoft a slap on the wrist is wrong, wrong, wrong. this is really short term thinking. Think in the long term! But hey, a shot in the arm for the economy would bolster Mr Bush, Mr. Ashcroft and the republican party.

What should be Microsoft's punishment? why let's subsidize their push into one of the markets they do not dominate! As for the people who came up with that solution, well, Idiot school never graduated a better class!

So much for my government working for me.

A Vietnam war era veteran (from a family of veterans) who supports his country when right and will not hesitate to change it when it is wrong.

MTC–00005326

From: OrcaUSA
To: Microsoft ATR
Date: 1/1/02 7:57pm
Subject: Fax: 1–202–307–1454 or 1–202–616–9937

Sir I believe it is in the public's interest that the Microsoft case be settled without further litigation.

Respectfully,
Donald W Seymour, MD

MTC–00005327

From: John Myles
To: Microsoft ATR
Date: 1/1/02 8:18pm
Subject: Microsoft Settlement

It is my opinion that Microsoft and Bill Gates used the system to its most true purpose—to make money.

Sure, some of the things that they did may have been immoral, but to enter the business arena and then cry foul when you get knocked down is just plain stupid. Expecting to be treated fairly is unrealistic when many people are competing for the same dollar. Microsoft will have its day and so will the

next multinational business behemoth that comes along.

MTC–00005328

From: Anthony Shipman
To: Microsoft ATR
Date: 1/1/02 8:29pm
Subject: comment on the U.S. v. Microsoft case

A penalty is not a penalty unless it stings. The current proposed ''penalty'' does not sting Microsoft. The simple fact that they are saying positive things about it, calling it ''fair'', shows that.

A real penalty that would be of great benefit to the computer-using public would be to require that control over the Microsoft Office file formats be transfered to a public standards body such as the American National Standards Institute (ANSI). This would include, at least, the formats for Microsoft Word documents, Excel spreadsheets and Powerpoint presentations.

This would make it possible for a variety of software companies to develop office software that interoperated with Microsoft products. The goal is that an ANSI-conforming document produced by vendor X software would be guaranteed to be readable by vendor Y's software. Since it is a common practice to e-mail documents, spread-sheets etc. from person to person and business to business one would expect that the formats should be standardised and that the standardisation process be impartial. As well as revitalising the software industry this remedy would also go a long way to solving the problem of archived documents. It is well recognised by historians and librarians that much of the documentary material in an electronic format produced by today's society is ephemeral and will not be available to historians of the future. This is not only because physical formats such as magnetic tape become obsolete but also because the file formats become obsolete. Even now, if you have a Word document from 10 years ago you will have great difficulty in reading it as current versions of Word do not recognise formats that old.

You will have to hunt around for a software product that can convert it to a newer format. This problem will continue to get worse in the future. In short, since office file formats have become an integral part of the information infrastructure that the public depends on in this day and age it is important that they be under impartial, public control rather than be subject to the whim of Microsoft's marketing department.

I believe that this would be the biggest step that could be taken to level the playing field for business software.

Anthony Shipman

Elektrichore—The muse of high technology.

als@labyrinth.net.au

MTC–00005329

From: Kevin S. Cavanaugh
To: Microsoft ATR
Date: 1/1/02 8:46pm
Subject: Micsosoft Settlement

Dear USDOJ: I am writing to urge to complete the settlement with Microsoft as soon as possible. I also urge you to influence those states now unwilling to settle with Microsoft to ''get over it'' and agree with the usdoj settlement terms.

I have been a Microsoft customer for nearly 20 years and I do not see Microsoft as the evil that it is portrayed. Over the years other companies had many opportunities to compete effectively and to overshadow Microsoft but did not; mostly due to their own stupidity, not overreaching by Microsoft.

Your continued pursuit of Microsoft is now far more harmful to consumers than any perceived anti-competitive behavior on the part of Microsoft. Let's settle this dispute and move on.

Thank you for listening,
Kevin S. Cavanaugh
kcavan@yahoo.com

MTC–00005330

From: Pratik Chipdey
To: Microsoft ATR
Date: 1/1/02 8:45pm
Subject: Microsoft Settlement

To Whom It May Concern:

I would like to see this case settled as early as possible. For one, I can't even imagine why an icon of American economy, like Microsoft, has been put thru such tough lawsuit by of all the parties the US Government.

Microsoft has done nothing but good to the world of computers and the economy in general. Remember the days when companies like IBM controlled the market? If it were up to them, computers would still have been an esoteric tool, limited to the rich and the powerful.

I do not believe that Microsoft has ever stifled competition. They have consistently come out with the very best products. Netscape died a natural death I don't know of a single person who would like to use Netscape after having used Microsoft's Internet Explorer. If you notice, the only companies concerned about Microsoft are the ones that have been sitting pretty so far due to lack of competition. This includes companies like Oracle, Sun and AOL (and IBM to some extent). All of a sudden, they have to improve their products so that they are not killed by better products from Microsoft.

There is nothing wrong with the survival of the fittest. Isn't this what capitalism is all about?

Myself, and millions like me, who have benefited directly or indirectly from Microsoft, would like to request you in the public interest to drop this lawsuit altogether. If not that, please at least settle it so that consumers are not harmed. We are all comfortable with someone like Microsoft play the leader. Hate to see it go folks like Oracle, Sun and AOL?

Regards,
Pratik Chipdey
Little Ferry, NJ

MTC–00005331

From: hcmcdonald
To: Microsoft ATR
Date: 1/1/02 8:52pm
Subject: Microsoft

I am a 73 year old man, and my wife and I depend upon my computer to connect with the world—the whole world. I am in touch with my old workmates, my children and my grandchildren. Also, I can find out everything I want to know through MSN.com. I know there are lots of smart people that can do everything with computers, but if it weren't for Microsoft and Windows, I would just be lost and not in touch with anyone or anything. I feel empowered by my computer, and I don't feel that I paid too much for anything. I love the simple world of Microsoft. Everything works, and I don't have to experience the stress of installing a new program. If something would not work on install, I don't know what I would do, as I can't understand complicated instructions. I have many friends that feel the same way, although some of my friends have kids that can do everything on computers, but they are the luck ones.

Please, don't put Microsoft out of business, because some of the other companies are mad at them.

Regards, Henry

MTC–00005332

From: Robert Lippert
To: Microsoft ATR
Date: 1/1/02 8:55pm
Subject: The Waste of Money

How can the Federal Government and some states, continue to waste tax payers money? What was at stake some years ago, is now a moot point. At what expense are you willing to continue this joke? Have the states disclosed the total legal expenses to their taxpayers? I bet not or at least not the correct amounts. Microsoft will continue to exits, its competition will continue to exist and our tax money will continue to be wasted!!

MTC–00005333

From: Higgs Glenda
To: Microsoft ATR
Date: 1/1/02 9:34pm
Subject: microsoft settlement

I think this case should be settled. Microsoft has done so much to help older people like me be able to use the computer. There should never have been a suit period. enough time and money wasted. * * *

MTC–00005334

From: EHessek@aol.com@inetgw
To: Microsoft ATR
Date: 1/1/02 9:37pm
Subject: MICROSOFT SETTLEMENT SUPPORTING THE 10,000 POOREST SCHOOLS

Hi—

I am looking for information on Microsoft's settlement supporting the 10,000 poorest schools. I would be interested if the court would consider our school for this settlement. If you could e-mail me with some information, I would greatly appreciate it.

Thank you—
Kristie Hess
Children's House of Bucks County

MTC–00005335

From: Flavien@aol.com@inetgw
To: Microsoft ATR
Date: 1/1/02 9:38pm
Subject: microsoft settlement

As a consumer and an end user of Microsoft products, I would like to be on record as saying that I think the court case was a waste of time, and my tax payer money to begin with, so now that there is a settlement I am all for that. I want this case to be over as soon as possible. I am 100% in favor of this settlement and do not wish to see the case go to court again. I don't feel that Microsoft has taken advantage of me or overcharged me for any of its products. I feel that Microsoft has gotten to where it is from a lot of hard work and some creativity, and now that they are where they are some jealous folks want to try and take that all away from them. I feel that the settlement is good for me, the industry, and the American economy in general.

Folks over at the DOJ, there are much more important things to worry about now.

MTC–00005336

From: JoAnn-Souvenir
To: Microsoft ATR
Date: 1/1/02 9:46pm

Microsoft is and always has been a benefit to me. I am so very against in further action against Microsoft and or Bill Gates. I've been a computer user and programmer for 22 years and I would hate to think of a computer world without Microsoft and Bill Gates! Please do not prolong this litigation.

Jo Ann White

''God Bless America''

MTC–00005337

From: Phyllis Onofrietti
To: Microsoft ATR
Date: 1/1/02 9:53pm
Subject: Microsoft Settlement

This is to encourage the settlement worked out with the USDOJ and Micrsoft to stand as agreed. The objections of the nine states is a shakedown inspired by the competitors of Microsoft and the states themselves in order to enrich their own pockets just as they did in the tobacco settlements. Enough is enough, dismiss the nine states objections now.

MTC–00005338

From: Stringer
To: Microsoft ATR
Date: 1/1/02 10:01pm
Subject: Comments on Microsoft Settlement

As both a shareholder in Microsoft and a computer professional I am opposed to the current settlement proposal.

The traditional remedy for an abusive monopoly is to split up the company, and this has usually been a win-win situation which benefits both the shareholders of the company and the general public. The only losers are the egos of the small group of people who run the monopoly.

The original judge's proposed remedy was primarily correct and only in error in splitting the company into too few parts.

His remedy was an obvious solution.

For the DOJ to wimp out in the face of Microsoft's lobbying efforts undermines the rule of law in the USA.

Roger Stringer

CC:attorney.general@po.state.ct.us@inetgw

MTC–00005340

From: ancient7qwest
To: Microsoft ATR
Date: 1/1/02 10:22pm
Subject: Missing the boat

To Whom it may concern,

I am a computer professional and have been in the field since the early 80's. I am president of a small company that does computer manufacture and repair in Tucson AZ.

1. I do not understand why the scope of the suit against Microsoft is so limited. They are still embedding their browser in their OS's, not offering ''Radio Button'' choices during install as is offered for other components. Please hear this next concept, if you own an MS OS and want to see what security patches, updates, or upgrades are available on the OS upgrade site, you are told to come back when you are running Internet Explorer. It pointedly denies critical patches and updates to users of other browsers, i.e. Netscape or Opera. Is this not an embodiment of anti competitive practice?

2. The Microsoft corporation has been using the FBI as an enforcement arm to exempt itself the effects of supply and demand. They have re-defined the concept of software piracy. It is not just making illegal copies and selling them. MS considers original, authentic software with the hologram, etc. to be counterfeit if they are purchased from anyone but an authorized distributor.

Example 1: The Compaq/HP merger goes through and the new entity has 20 thousand copies of Windows ME with an HP logo on it. They prefer not to distribute it with their product and resell it to a broker who sells it to small system builders at a substantial cost savings. When the builder installs the os on a system, Microsoft considers that piracy and declares those once authentic, legal copies to be counterfeit. This used to be called gray marketing, now it is criminal.

Example 2: Small company goes out of business and an auction is held. Someone buys all the software the company had, including Microsoft products. If he distributes these legally purchased products to dealers or end users, yup piracy and counterfeiting.

Buying an OS should be like buying a car, replacement parts should be available for 10 years. Another parallel to the automotive world that is missing is that manufactured products that are marketed with known defects, that cause damage to people and things of value should be liable to remediation of damages. Personal and Corporate data and production impacted by flaws in operating systems have value based on cost of input, availability of replacement, and the guilty manufacturer should be subject to punitive damages.

I have other gripes about MicroSoft's business practices and products and again state that the severe limit of scope of the work done by the DOJ almost smacks of collusion, hopefully ignorance, but I can not understand what kind of investigation could miss such basic problems in a system. To Date, every major release of an operationg system by Microsoft has been followed by patches, updates and indicat premature release to meet or attempt to meet target dates. Available for additional discussion,

Cliff Levy

President Hi-Tech Computers
520–918–8911

MTC–00005341

From: Jere Stahl
To: Microsoft ATR
Date: 1/1/02 10:23pm
Subject: Settlement

Hi,

Having been a microcomputer owner since 1979 and reading many many computer publications over the ensuing 22 years I find it incredible that you folks cannot see what Bill Gates is doing to the DOJ and american public. He has done nothing to reduce his efforts to control the computer world. In fact, with their latest offering of XP they have claimed even more control.

In the meantime Microsoft's offer to give computers to schools in reality is sowing the same seeds that Apple did many years ago, in that they gave schools a super deal, knowing the kids would go home and bug unknowing parents into buying similar systems.

If you want to punish Microsoft and Gates and company for thumbing their noses at you since day 1, then I suggest you force Gates and Balmer to retire from the company, and never have any more contact with it. Otherwise the control issues will become greater and greater. If you look at many of Microsoft's new pricing policies you'll see where they are punishing their customers for the hassle and costs you folks have put them through.

MTC–00005342

From: Matt Johnson
To: Microsoft ATR
Date: 1/1/02 10:33pm
Subject: Microsoft Settlement
To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the Microsoft settlement's inadequacy in improving the competitive environment in the software industry. Some serious shortcomings relate to:

1) Middleware

Section H.3 states ''Microsoft Middleware Product would be invoked solely for use in interoperating with a server maintained by Microsoft (outside the context of general Web browsing)'' This does nothing to limit the company's ability to tie customers and restrict competition in non Web-based networked services under .NET, as they fall ''outside the context of general Web browsing''. Microsoft has already begun abusing its desktop monopoly to tie customers into .NET revenue streams and set up a new monopoly over the network.

Part 2 of the same section states ''that designated Non-Microsoft Middleware Product fails to implement a reasonable technical requirement . . .'' essentially gives Microsoft a veto over any competitor's product. They can simply claim it doesn't meet their ''technical requirements.''

2) Interoperability

Under the definition of terms, ''B. 'Communications Protocol' means the set of rules for information exchange to accomplish predefined tasks between a Windows Operating System Product on a client computer and Windows 2000 Server or products marketed as its successors running on a server computer and connected via a local area network or a wide area network.'' This definition explicitly excludes the SMB/CIFS (Samba) protocol and all of the Microsoft Remote Procedure Calls needed by any SMB/CIFS server to adequately interoperate with Windows 2000. Microsoft could claim these protocols are used by Windows 2000 server for remote administration and as such would not be required to be disclosed. The Samba team have written this up explicitly here: http://linuxtoday.com/news__story.php3?ltsn=2001–11–06–005–20–OP–MS

3) General veto on interoperability

In section J., the document specifically protects Microsoft from having to ''document, disclose or license to third parties:

(a) portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria'' Since the .NET architecture being bundled into Windows essentially builds ''anti-piracy, anti-virus, software licensing, digital rights management, and authentication systems'' into all levels of the operating system, ANY API, documentation, or communication layer can fall into this category. This means that Microsoft never has to disclose any API by claiming it's part of a security or authorization system, giving them a complete veto over ALL disclosure.

4) Veto against Open Source

Substantial amounts of the software that runs the Internet is ''Open Source'', which means it's developed on a non-commercial basis by nonprofit groups and volunteers. Examples include Apache, GNU/Linux, Samba, etc.

Under section J.2.c., Microsoft does not need to make ANY API available to groups that fail to meet ''reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business.'' This explicitly gives them a veto over sharing any information with open source development projects as they are usually undertaken on a not-for-profit basis (and therefore would not be considered authentic, or viable businesses).

These concerns can be met in the following ways:

1) Middleware:

Extend middleware interoperability with a Microsoft server to ALL contexts (both within general Web browsing as well as other networked services such as are those being included under .NET).

2) Interoperability:

Require full disclosure of ALL protocols between client and Microsoft server (including remote administration calls)

3) General veto on interoperability:

Require Microsoft to disclose APIs relating to ''anti-piracy, anti-virus, software licensing, digital rights management, encryption, or authentication systems'' to all.

4) Veto against Open Source:

Forbid Microsoft from discriminating between for-profit and nonprofit groups in API disclosure.

Sincerely,
Matthew Johnson
32753 Mono Lake lane
Fremont, CA. 94555
MattJ

MTC–00005343

From: Walt Zwierzycki
To: Microsoft ATR,attorney.general@po.state.ct.us@inet...
Date: 1/1/02 10:54pm
Subject: Microsoft settlement

I oppose the settlement agreed to by the DOJ and some of the states. It does nothing to stop Microsoft's anti-competitive behavior and even provides legal protection to perpetuate some of it. I support the recommendations of the nine other states.

MTC–00005344

From: Daniel
To: Microsoft ATR
Date: 1/1/02 10:57pm
Subject: Microsoft Antithrust Case
Renata Hesse,
Trial Attorney,
Suite 1200,
Antitrust Division,
Department of Justice,
601 D Street NW,
Washington, DC 20530
Daniel Wells,
1936 Pawnee Drive
Yukon Ok, 73099

This letter is for your consideration as part of the public comment ordered by the court concerning the penalty phase of the Microsoft antitrust case.

It is not necessary for me to express why Microsoft is guilty of ''maintaining'' a monopoly, the court has already found this as fact. My concern is, in light of recent world events and an economic slowdown, that our judicial system is in fact turning from its role of justice to one of politics. Justice demands that Microsoft give up its monopoly of the Windows operating systems, including:

Microsoft Windows 95,
Microsoft Windows 98,
Microsoft Windows 98 Second Edition,
Microsoft Windows Millennium Edition, and
Microsoft Windows XP Home Edition.

Microsoft has sufficient operating system competition in the business market to compete for its versions of Microsoft NT, 2000, and XP Pro, to remain a viable and competitive company. But, unless the plug is pulled on the Home Operation System market while the opportunity exist, irreparable damage will result in our nations ability to continue being a leader in the microcomputer mass marketing arena.

Each industry goes through a period of time where a basic infrastructure has to grow. At some point, basic services, become so common place, that it remains inconsumable to imagine them being solely owned by one company. When that happens, entrepreneurship and competition stagnates. This is the case today with the consumer computer industry. Microsoft now controls what, how, when, and by whom, all new computer data communications technologies, peripheral hardware and software products will become marketable.

Microsoft once was a great company for America, but now has become her enemy, becoming more and more aggressively forced onto everything we do on computers today. If you must play politics, then demand justice first and foremost.

The court should order the public release of 100% of the proprietary information, compilation tools, and development software, concerning the above listed operating systems. In addition, the court should revoke the licenses of the OS and turn it over to the public domain, thus allowing competition to proceed now, and not wait for the endless appeals processes that Microsoft lawyers will undoubtedly use otherwise. Additionally, order Microsoft to place all of this data on high speed servers so that is readily available over the internet with a bandwidth that is at least equivalent to its current online support sites.

Lastly, demand that this be done immediately without delay, and appoint court officials to oversee the process, imposing extremely heavy fines for non compliance and order a freeze of assets if Microsoft does not comply. Order future monitoring of Microsoft activities, and impose heavy fines if it regresses into future attempts to monopolize.

Now surely, companies will spring up selling exact copies of the current MS products, but that market will not last, it will be those companies that bring new innovations, tools, and improved security to the foreground that will get America back on track as the industry leader. Certainly, Microsoft will remain in the best position to compete in an open market. This action will give America the shot in the arm that it needs, whereas the current proposed penalties will result in further economic slowdown and create the unprecedented litigation that our economic future is to be driven by the whims of Mr. Bill Gates.

Thank you for requesting public opinion.
Daniel Wells

MTC–00005345

From: Doug Campbell
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/1/02 11:02pm
Subject: Microsoft settlement

If the previous administration spent as much energy chasing Bin Laden as it did chasing Bill Gates we might not be in the mess we are in now. The proposed settlement is probably to harsh and unnecessary, but lets implement it and move on. Get the ''outlaw'' states on board, close this issue and let the economy recover. Bill Gates and the other creative minds of the computer age have truly revolutionized the world (for the better) created millions of jobs, huge efficiencies in the way the world works and communicates—he is a hero not a villan. In

my own smalll business automation has enabled us to cut costs in half while growing sales 20% Implement the proposed settlement, strongarm the remaining states to go along and move on to more important things.

Sincerely,
Doug
Douglas A. Campbell, CIC
President & CEO
CRES Insurance Services, LLC
(800) 880–2747

MTC–00005346

From: Ann Randall
To: Microsoft ATR
Date: 1/1/02 11:06pm
Subject: Microsoft Settlement

To Whom It May Concern:

I believe the US Government has done more than enough to wreck a thriving company. It has been four years of harrassment. Please proceed with the settlement and do what ever possible to stop the continuous litigation so Microsoft can go back to innovating for the rest of the world.

John Randall
161 Ashton Drive
Burr Ridge, IL 60527

MTC–00005347

From: EDWARD LANGON
To: Microsoft ATR
Date: 1/1/02 11:12pm
Subject: msft settlement

to: renata b hesse,anti trust division.

i am not a attorney or a computer engineer but i am a msft customer. i have become disappointed again. during the past months the state attorney general in california has made inflammatory statements regarding this judgment. it appears some states want it to never end. the proposed final judgment with strong compliance and enforcement procedures provide a certain remedy for the msft violations. thank you

elangon5@hotmail

MTC–00005348

From: XaNeX
To: Microsoft ATR
Date: 1/1/02 11:26pm
Subject: Microsoft

As the Network Administrator . . . it is my responsibility oversee the deployment of new technologies to our company. My position gives me ample freedom to implement whatever software or hardware I see necessary to keep the company network running smoothly and to satisfy user requests. Unfortunately, though my position may give me that freedom, the current software economy cannot.

''I would dearly love to replace all Microsoft technology in my office with Open Source software, and if the software economy can give me as much freedom as my job did, I would do just that. However, the most defeating problem is what Microsoft chooses to keep secret—it's network protocols, the layout of it's Office files, and the precise technology needed to migrate from their email server. . . . I am asking the court to force Microsoft to publish these protocols in detail. I am also urging to court to act on future technologies as well. Microsoft is now planning to add vast pieces of the Internet to it's web of interdependencies. With it's initiative .Net, whole portions of the web would be cut off from non-Microsoft technologies. We have seen a glimpse of the monopolist's vision of the future with the UK and MSN portal, designed by Microsoft and accessible only with Microsoft technology.

Ryan Stagman

MTC–00005349

From: dino
To: Microsoft ATR
Date: 1/1/02 11:34pm
Subject: Why are you being so nice to Microsoft

Dear Sir (or Madam),

This Linux user (look at the headers on this e-mail) feels the DOJ is being far to nice to Microsoft. The plan to donate computer goodies to poor schools sounds nice, but it is bogus—it's just a way to drive out the competition.

Why don't they offer to give software from Mac or Linux OS to the schools? This is merely ''business as usual,'' (nod-nod, wink-wink) under a different guise. Or just give the bully what he deserves? But the bully doesn't seem to realize that this is the age of the Internet—dirty games like that become known fast, and ''nod-nod, wink-wink''—and the payoff—become known in a hurry.

Sincerly,
Dean Moore
2435 7th Street
Boulder, CO 80304

MTC–00005350

From: Quent Cordair
To: Microsoft ATR
Date: 1/2/02 12:44am
Subject: Microsoft Settlement

To Whom It May Concern,

I'm an artist in Burlingame, CA, where I also run a small two-person art gallery. I am in no way associated with Microsoft, nor do I own any Microsoft stock. But over the years, my art and my small business have much benefited from the use of Microsoft's Windows products. Please leave Microsoft alone. They've done no wrong to the consumer; they've done nothing but help us greatly. They're guilty of nothing more than continually making their products better and cheaper for us, year after year. To punish Microsoft is to reward the mediocrity of their competitors, and by extension, to do harm to me, the consumer. Morality and plain common sense would dictate that the Justice Department spend its time, focus and efforts, and our hard-earned money, in defending us against real criminals, rather than shackling the best and most innovative, those who add the most value to our lives. How on earth has it come to this, that are you choosing to hurt us, rather than help us? Let's see if anyone in the Justice Department has the courage and integrity to stand up and do the right thing at this point. It would take a true hero.

Regards,
Quent Cordair
Quent Cordair Fine Art
346 Lorton Avenue
Burlingame, CA 94010
(650) 344–1134
quent@cordair.com

MTC–00005351

From: SOster629@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:52am
Subject: Microsoft Settlement

I think the DOJ has been fiddling around and avoiding definite action vis-a-viz the Microsoft case. How can it be 'in the public interest' to continue to delay this case? In the unlikely event that you come up with a solution to give Microsoft's assets to johnny-come-lately competitors who would like to cripple Microsoft for little reason other than to abscond with Microsoft's wealth, would the world be better off without Microsoft? You can bet your boots that the world and the US economy will both suffer.

Sincerely,
F. Samuel Ostertag, Mesa, Arizona

MTC–00005352

From: Ellison
To: Microsoft ATR
Date: 1/2/02 12:58am
Subject: Microsoft Settlement

Attorney General John Ashcroft:

We wish to see the Microsoft mess ended. The Department of Justice settlement agreement was both fair and reasonable and it has gone far enough.

Russ & Doris Ellison
N8579 Hay Creek Road
Willard, WI 54494
Phone or Fax: 715 267–7284
e-mail: elli@badger.tds.net

MTC–00005353

From: Neal Shafto
To: Microsoft ATR
Date: 1/2/02 1:09am
Subject: Microsoft Settlement

I believe that the companies that have charged Microsoft and its officers with the complaints and have cost the American Tax system Millions on $'s on litigation should cease and desist. The judges have dealt with the cases before it and have reached an agreement. Since this has been accepted by both parties involved, I believe the case to be completed and no further action is required. If the system continues to do harm to the free enterprise system that is in place in the global economy, it will cause irreparable damage and further the decline of the economy. Stocks are affected by this child-like actions of a few who are jealous of the power and business skills of Microsoft. Please do not allow this to continue to erode the financial system, which is in place in this international economy. We have been ''raped'' by a few for too long and deserve better.

I remain concerned and committed, to free enterprise of equality for all, not for a few who ''can not'' continue to evolve in the system with the generation of new and better ideals for the consumers.

Neal T. Shafto
Simcoe, Ontario
Canada

MTC–00005354

From: philip solar
To: Microsoft ATR
Date: 1/2/02 1:51am
Subject: Microsoft settlement

As a consumer of Microsoft products, this should go away. The American problem would not be the same regarding productivity y if it weren't for Mr. Gates and company. They had made me far more productive and without there feedback. This is one terrific company. As consumers we do that tike all the prods. 'Do n to profit

MTC–00005355

From: triscgd@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/2/02 1:59am
Subject: Microsoft Settlement

I wish to speak out (albeit from Australia) against the settlement proposed in the Microsoft anti-trust case.

As has been pointed out by Robert X. Cringely (http://www.pbs.org/cringely/pulpit/pulpit20011206.html), the details of the proposal will potentially put Microsoft in a position to target open-source software, which is in fact the only true competition which Microsoft faces today. It will thus end up increasing, rather than diminishing (as is the case's intent) Microsoft's market power. In addition, organisations such as our own require the flexibility to be able to choose open-source software, which we know is secure and not subject to ''back-door'' snooping by Redmond, or anyone else whom they are ''in bed with''. A percieved ''cosy deal'' between the US Govt and Microsoft will drive foreign governments and organisations away from US software and towards software they can trust.

In short the deal is not in the best interests of Microsoft, the US, or foreign software users. It will not address the problems raised in the anti-trust case.

Regards,
Graham Daniell
Helpdesk Administrator,
Department of Treasury and Finance
Western Australia

MTC–00005356

From: Chris Striker
To: Microsoft ATR
Date: 1/2/02 2:26am
Subject: Microsoft Settlement

My name is Chris Striker, and I am a consumer interested in the case concerning Microsoft. I want to register my disapproval with the case, and consider it imperative that nothing whatsoever be done to Microsoft. Nothing less than a quick dismissal of the entire case will be satisfactory. America cannot afford to spend time or money crippling companies, and I certainly don't want such actions performed by the government in my name with my money. Lay off. Let the competitors compete.

MTC–00005357

From: Robert Warren
To: Microsoft ATR
Date: 1/2/02 6:30pm
Subject: Feedback on Settlement Issue

Hi DOJ,

I just thought I'd offer my thoughts as I was invited to by an email from www.redhat.com I've got to say this MS witch hunt is absolutely appalling from my point of view.

As the centre of entrepreneurial achievement, I would have thought Microsoft would be something to be proud of. Why start a company if you are not in it to become the biggest company in the world, even if it means other companies will suffer from your success?

Sure, fine MS for their monopolistic practices. I think almost everyone would agree with this on principle. But using the anti-monopoly laws to protect other competitors from the success of another company reeks of 'tall poppy syndrome' and 'sour grapes'.

Honestly, telling a company they cannot incorporate THEIR OWN product into THEIR OWN operating system is an absolute farce. Worse still, now I hear others calling for MS to make a scaled-down version of THEIR OWN product so others can use it to promote their own products?!? You MUST be joking!!

The lesson I have learnt is 'don't become too successful or even the DOJ will attack you'. Not really what you should be about, don't you think??

Just my two cents...
Cheers,
Robert Warren

MTC–00005358

From: Robin Schroeder
To: Microsoft ATR
Date: 1/2/02 4:07am
Subject: DOJ Input

I feel that the current settlement that was reached between Microsoft, the federal government, and nine states involved in litigation is fair to all and not stifiling to innovation. My position still remains that companies producing inferior products are attempting to gain via Microsoft's loss. If their products were superior, they would not need to resort to such tactics. Judges in our country have allowed attorneys to run rampant finding loop holes in the law and hence allowed these same individuals to become wealthy via lawsuits. Prolonging this litigation is, in essence, punishing a company for being successful and innovative, and this approach does not support the American Dream. Where would we all be without Windows?

MTC–00005359

From: Marc Jullien
To: Microsoft ATR
Date: 1/2/02 4:42am
Subject: Support from France !!!

As Great Things must go on, Microsoft has still to run the show accordingly to world interest !!!

MTC–00005360

From: joanpeterson
To: Microsoft ATR
Date: 1/2/02 5:15am
Subject: Microsoft Settlement

Please settle this matter so that our economy can begin to improve. All this fighting with Microsoft has placed a heavy burden on our economy.

MTC–00005361

From: Don Clear
To: Microsoft ATR
Date: 1/2/02 6:42am
Subject: Dept. of Justice/Microsoft Settlement

Please finalize the pending settlement without further litigation. The agreement reached between both parties is fair and will benefit consumers.

PLEASE SETTLE NOW!
Respectfully,
Don Clear

MTC–00005362

From: Elvin Kever
To: microsoft.atr(a)usdoj.gov
Date: 1/2/02 10:28am
Subject: Why MicroSoft?

I for the life of me can not understand why Microsoft gets off so easily. Think of what it would be like if we had only one auto manufacturer, or one kind of restaurant. If only you would have the courage to stand up to the crap that the lawyers from Microsoft are dealing you. When you hear crap about how the economy would be affected by the disassembly of Microsoft, well Ma Bell was broken up and look at that market. If the software industry was given a level playing field and hardware manufactures where aloud to choose open source you would see a economic boom like no other.

Regards
Kevin Power

MTC–00005363

From: Keith Godfrey
To: Microsoft ATR
Date: 1/2/02 7:22am
Subject: Microsoft Settlement

Greetings,

Please accept the following as public comments relating to the Proposed Final Judgment in the current antitrust trial against Microsoft.

Thank you,
Keith Godfrey

1) The 5 years allocated to the agreement is a very short time. Assuming this were the perfect agreement to 'level the playing field' and provide competitors the chance to fairly compete, Microsoft will be allowed to resume business as usual in a very short time. At a minimum, such an agreement should be readdressed by the court every 5 years until it is deemed to be no longer needed.

Additionally, the agreement appears to be less than perfect if for no other reason than it lacks any method for redress of grievances from past monopolistic abuses, providing those competitors of Microsoft (those that remain in business, which notably does not include Netscape or Be, Inc.) with no advantage to regain market share lost to demonstrated illegal Microsoft business practices.

2) Protocols and middleware interfaces, even if released, provide Microsoft with an inherent competitive advantage over competitors. Not only is there the time advantage, where Microsoft product development based upon these protocols or interfaces will likely be going on for weeks or months before public release of the interface, the interfaces are developed and tailored specifically for Microsoft product needs.

3) Incorporation of low cost or free middleware with the operating system yields a large competitive advantage to Microsoft because many consumers are not inclined to actively download or purchase alternative products without a clear advantage to doing

so. Additionally, users without a technical background (specifically, for example, my parents and grandparents) may have no knowledge about alternative products, have little incentive to find them, and even if they do, lack the confidence and minimal ability required to download and install them

4) The agreement seems very weak given the dominant Microsoft market position—this agreement may have been appropriate several years ago but now is likely to be largely ineffective

5) The settlement seems to address only the issues outlined in the narrow scope of the trial, and fails to consider additional monopolistic abuses against competitors who were too timid to testify, those that lacked the financial resources to testify, and those that fell outside of the prosecutions list of top 20 witnesses. The demonstrated pattern of abuses clearly implies the existence of similar behavior that the penalty should address and seek amends for.

6) The settlement does not appear to address favorable treatment by Microsoft to OEMs who produce operating specific hardware. Most OEMs now include 'WinModems' (modems operable only through Windows) with nearly every new computer in place of what used to be fully functioning modems operable under all operating systems. Microsoft mandating the inclusion of such hardware for favorable pricing effectively raises the barrier to entry for operating system competitors, as the end users are forced to buy additional hardware (a second modem) to use the computer in an increasingly online world. This same argument can be made for network interface cards.

7) There seems to be no allowance for an OEM to manufacture computers without installing Windows and not incur penalties by Microsoft. The proposed final judgment section III, A.2 and C.4 specify that computers can be manufactured with an additional operating systems installed, but do not mention manufacturing computers using only alternative operating systems. This can allow continuation of the 'Microsoft tax' to end users when purchasing a computer when they do not want, and will never use, the Microsoft products installed on it.

8) Section J.1.a—there appears to be a potentially large loophole prohibiting the final judgment from forcing disclosure of APIs, Documentation or (importantly) communication protocols that compromise the security of 'a particular installation' of a series of products, including encryption, authentication tokens and authentication systems, when the announced direction of the company is towards a distributed network strategy which heavily relies on these elements. It is technically very easy to create a specific implementation that disclosure of protocols or APIs might threaten the security of and hence allow the locking up of all these disclosures.

9) While possibly beyond consideration of the court, an effectively homogenous network of computers using software and operating systems from a single manufacturer makes for an ideal 'breeding ground' for computer viruses and worms. This should be considered a strong threat to national and economic security. Structural remedies to break up the monopoly held by Microsoft seem to be the only method to resolve this issue.

MTC–00005364

From: brian@apthand.com@inetgw
To: Microsoft ATR,attorney.
general@po.state. ct.us@inet...
Date: 1/2/02 7:47am
Subject: Microsoft Settlement

I'm yet another information technology person that can not understand why Microsoft is not being broken up. Their monopoly status in not in dispute. The fact that Microsoft used this status to exend its Monopoly to other markets is not in dispute. The Sherman Anti-Trust Act has been broken and the only effective, long-term solution is to separate the application software (Word, Excel) development company from the operating system (Windows) company.

Needless to say, I oppose the current settlement proposal. Is is not in the best interest of the public.

Brian Blevins
brian.blevins@apthand.com
http://www.AptHand.com/
Mobile Consumer Intelligence: Home Buying for Digerati

MTC–00005365

From: Riverhiker723@cs.com@inetgw
To: Microsoft ATR
Date: 1/2/02 7:56am
Subject: (no subject)

my opinion on the microsoft case is bill gates should be incarcerated.

MTC–00005366

From: Cheyenne
To: Microsoft ATR
Date: 1/2/02 7:56am
Subject: Microsoft Settlement

Dear Reader,

Please Do Not stop good companies from making great products! Let's get this case behind us and move on. This settlement is in the best interest of the US and world economy and everyone that uses Microsoft's products.

A very satisfied customer.

MTC–00005367

From: Cessna, Joel R (Wooster XJP 60C)
To: 'MICROSOFT.ATR(a)usdoj.gov'
Date: 1/2/02 8:03am
Subject: Microsft Case

Please settle this case ASAP! Americans and the economy have suffered long enough. Lets don't forget all the positve things that Micosoft has done for all of us including you and everyone else on the planet!

MTC–00005368

From: ed.smallwood@twcable.com@inetgw
To: Microsoft ATR
Date: 1/2/02 8:05am
Subject: RE: Microsoft Settlement, Public Comment

It is my opinion that the US govt. should tread lightly and issue leniant sanctions against Microsoft. This company may have violated the letter of some law but it (in large measure) also brought to our world a wave of usability and productivity the likes of which have never been seen. I know that it's become popular these days to denigrate the giant software maker, but in the interests of fairness, I ask that you please be gentle.

Regards,
Ed Smallwood
Matthews, NC

MTC–00005369

From: Rivera William
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/2/02 8:04am
Subject: Microsoft Antitrust Ruling

Dear sirs,

I am writing to inform you that I do not agree with the settlement ruling in the Microsoft Antitrust Case. I do not think that the settlement is in my interest, as Microsoft is still able to bundle software which I do not use or need nor WANT. I respectfully request that a different ruling be looked at and chosen which would require Microsoft to separate the non-necessary and unwanted components from the operating systems which it sells. Further, I request that this ruling take into account software that Microsoft is presently selling which was not being sold when the Antitrust Case was begun, as this software also includes unwanted software in the programming code.

Sincerely,
William E. Rivera
wrivera@t-online.de
Unit 28043 Box #18
APO AE 09112
CC:'attorney.general(a)po.state.ct.us'

MTC–00005370

From: Ferraro, James A
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/2/02 8:26am
Subject: Microsoft Settlement

I think the litigation favors Microsoft's competitors and not the general public.

James A. Ferraro
Lockheed Martin Missile & Space
Air Force Reentry Systems Programs
230 Mall Boulevard, King of Prussia, PA 19406
Phone: 610–354–2932
Fax: 610–354–5225

MTC–00005371

From: Jeff Seiler
To: Microsoft ATR
Date: 1/2/02 8:21am
Subject: Microsoft Settlement

Hey Folks,

Please get this over with. Let the settlement stand as is. I was not forced to use Microsoft products. They are just the best for what I do. This has gone on too long and as both a user and a stockholder, I'm sick of it. Let the settlement stand. . . move on to something more important like predatory lending.

Jeff Seiler
President
S&S Benefits Consulting
219 Darien
Dundee, IL 60118
P:847–428–5353
F:847–428–9876
jseiler@ssbenefits.net

MTC–00005372

From: Boyer, Jonathan
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/2/02 8:29am

Subject: Comment on proposed settlement

I am a United States citizen exercising my rights under the law to comment on this case. I believe that accepting the proposed settlement as it stands is will be a huge mistake on the part of the US Department of Justice and the 9 states who have also agreed to it in principle. In essence, far from damaging Microsoft (MS), this settlement will actually aid them in extending their current monopoly of the operating system market into a segment of the market where there is traditionally far more competition than in the general business and home markets.

As it stands, the market for academic computing at all levels is far more likely to support alternative operating systems, such as Apple Computers' Mac OS or the open-source Linux operating system. The proposed settlement can only serve to erode that competition through a means that is essentially unfair in the sense that schools cannot afford to turn away donated materials, and those donated materials will be all MS. A far more judicious version of the same settlement would be to force MS to pay the full dollar value of the settlement in cash to the proposed foundation, rather than allowing refurbished PC's and MS software to make up any portion of the value. This would give the benefit of a much stronger financial base for the foundation along with providing for free choice in a critical market. Even then, the remedy is on the light side, considering the size of MS cash reserves, which it has in large part amassed through monopolistic practices that have often seemed lacking in ethics.

Jonathan R. Boyer
Tek Systems / Eaton Corp.
Eastlake, OH USA
Desk: 440.954.5719
Cell: 440.725.9117

MTC–00005373

From: Lyn Norstad
To: Microsoft ATR
Date: 1/2/02 8:31am
Subject: Microsoft Settlement

I think the time has come to put this behind us, and allow the industry to go about it's business. As a computer user since the late 1970s, I am convinced that this whole ''ill-advised'' action was one of the principal causes of the economic recession we all now face. It was . . . and still is . . . shameful behavior on the part of a few self-serving entities who instigated it.

Lyn Norstad
Chicago, IL

MTC–00005374

From: SSchwartz@MICROS.COM@inetgw
To: Microsoft ATR
Date: 1/2/02 8:33am
Subject: Microsoft Settlement

You need to revise the settlement, as it is not in the best interests of the people who use computers. First, it needs to punish the perpetrators, which it currently does not, second, it needs to set an example that will stop companies from behaving in a similar way in the future and finally, it needs to restore confidence that the government is for the people and not owned by the company with the most money, which is what people think.

Steve Schwartz

MTC–00005375

From: jshansen
To: Microsoft ATR
Date: 1/2/02 8:44am
Subject: Microsoft Settlement

To whom it may concern,

I wish to express my opinion regarding the Microsoft Anti-trust settlement situation. My honest opinion is that this trial has proven the lack of integrity now in our court system. Their should simply be a rule of law which decides right and wrong and let justice be served. Opinions are expressed constitutionally through the voting processes. Specifically, the laws which were passed in this case are out-dated and have no bearing upon private intellectual property. In other words, this case should have never been before a court.

As for the public interest, is it ever in the public's interest for a corporation to be forced to spend it's money on lawsuits and settlements? Certainly not and even more so when the country has fallen into recession and a large corporation such as Microsoft is forced to take its finances out from the private sector and place it into the hands of the government where it will not be used properly. Case in point, the Tobacco settlement. Large sums of money went to multiple different states, many of them claiming that it was money ear-marked for their Education programs in an attempt to persuade the ''public's interest''.

Now that they have the money, it has been spent on a multitude of wasteful programs and in only a few cases has there been distributions to the educational programs.

Please let the Free Market decide what companies should be punished for hurting the public. It is very clear that consumer spending can make a difference.

Sincerely,
Joel Hansen
Lancaster, OH
(740) 654–0682
CC:US@Newsletters.Microsoft.com@inetgw

MTC–00005376

From: Borkholm, Clay
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/2/02 8:43am
Subject: Microsoft Settlement

To whom it may concern,

This e-mail concerns the Microsoft antitrust settlement. In my estimation, it is time to put the enormous cost and effort behind us and look forward to the future. Microsoft has been a phenomenal innovator in the industry and deserves to continue to compete effectively. In that Microsoft has, by finding of fact, engaged in unfair business practices, it seem appropriate to censure, fine and monitor Microsoft against anti-competitive practices. However, additional penalties and litigation seems wholly unjustified. It seems that Microsoft, by their very success, has created industry standards in an industry lacking in such sorely needed guidance. This is due to extraordinary growth in the discipline, I'm sure. Because of the lure of wealth, other companies seek any legal means to replace the defacto standards with their own. Litigation is one means to this end, and has become widely accepted as an appropriate business practice. I urge you to see through this attempt and respond with even-handed justice. Turn away those who would tie up the courts in an attempt to weaken the competition.

Thanks for your consideration,
Clay Borkholm
Chief Technology Officer
BST Consultants, Inc

MTC–00005377

From: Forrest Hawkins
To: Microsoft ATR
Date: 1/2/02 8:48am
Subject: Microsoft Settlement

Clear DayFolks,

Put me down as one who strongly believes the Microsoft settlement should be settled.

I am not a Microsoft fan. I don't like their software and I don't own their stock.

However this case should never have been brought. It is obviously sour grapes by competitors.

Please stop the attacks on perhaps the most innovative company in American history.

At the same time their competitors had a hard time, thousands, if not millions of others have made fortunes from the development environment provided by Microsoft's Windows.

Forrest Hawkins

MTC–00005378

From: John A MacNeal
To: Microsoft ATR
Date: 1/2/02 9:13am
Subject: Microsoft Settlement

I approve of your efforts to settle the Microsoft litigation. Please get the matter resolved and let the competitors go compete. The Courts and the lawyers need to get out of the way.

MTC–00005379

From: shawnlab(a)microsoft.com
To: Microsoft ATR
Date: 1/2/02 9:18am
Subject: Microsoft Settlement

My opinion:

Punishing Microsoft now, for activities stopped years ago, could only benefit a few large, powerful competitors and hurt the economy as a whole.

Microsoft produces great software that we all use. Crippling them will only serve the lawyers and some politicians needing a ''David and Goliath'' slant on their next election campaign.

MTC–00005380

From: Dave McClintock
To: Microsoft ATR
Date: 1/2/02 9:27am
Subject: Microsoft's anti-competitive behavior

I work for a public school district in Delaware. Recently, the high school librarian sent me an e-mail asking me why she could no longer access Microsoft's Web site for Encarta (encarta.msn.com), an online information resource similar to an encyclopedia. When I checked this out, I found that I could use Internet Explorer to bring up the Web site just fine. But when I

used Netscape Navigator, I received the following error message: Microsoft VBScript runtime error '800a000d' Type mismatch: '[string: ''']' /intl/bver.inc, line 8 Microsoft has ''fixed'' this Web site to make it appear that Netscape does not have the capability needed for displaying this Web page. This Web page has a Visual Basic script embedded. Internet Explorer ''understands'' Visual Basic, but Netscape does not, hence the error. Visual Basic is a proprietary Microsoft technology, not an Internet standard. Microsoft could have just as easily used a Java script (which is an open Internet standard), but chose not to do so in order to make non-Microsoft browsers inoperable on this site.

The Web is a wonderful educational resource for our public school students. These resources should be constructed so that a variety of technologies will work properly. Our public libraries used to work on this principle—one didn't need special glasses, or technology, to read World Book Encyclopedia as opposed to other encylopedias. A student who opened World Book could just as easily (and in a very similar manner) get information from any encyclopedia written by different publishers.

Microsoft's use of Visual Basic scripts on their Web sites is just another example of their monopolistic behavior. Quality of content in Encarta should be the benchmark for how they compete with other resource sites, not proprietary technology (especially when open technology standards already exist). If Encarta has better content, then people will use it instead of other online resources which have less quality of content. But the only way they can use it now is to access it via Internet Explorer.

Dave McClintock
Supervisor of Technology
Lake Forest School District
Felton, DE
302–284–3020 ext 113

MTC–00005381

From: Mark Korolevich
To: Microsoft ATR
Date: 1/2/02 9:26am
Subject: Microsoft Settlement

To whom it may concern:

I will make this short and to the point. Microsoft makes great products that are of great value to their consumers. Do not hinder their ability to continue to produce these great products. The government has already spent too much money in litigation with Microsoft.

Leave Microsoft alone.
Mark Korolevich
Sr. Programmer
Arrow-Magnolia

MTC–00005382

From: Guy, Brendan
To: 'microsoft.atr(a)usdoj.gov',' attorney.general(a)po...
Date: 1/2/02 9:45am
Subject: Microsoft ''Settlement''

This is a disgrace.

The proposed administrative remedies are so light-handed and irrelevant as to be laughable if the subject weren't so serious. Letting MS off the hook for their anti-competitive practices by allowing them to further their monopoly is some of the most byzantine logic yet applied, and allowing them—retail—value—in the fine structure is an insult to every intelligent person involved.

Microsoft is in this mess because of their flagrant violation of the last round of administrative remedies. They have proven time and time again that they hold no respect for the rules that govern corporate behaviour in this country.

Cut them up and break them down, do what's needed to—change—the entrenched culture of intimidation and bullying that has gotten them to where they are. Administrative remedies that ''level the playing field'' are useless in an industry where the playing field changes every six months unless you change the underlying culture that created the violations in the first place.

Brendan Guy
Brooklyn, New York

MTC–00005383

From: Edward Chan
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/2/02 9:46am
Subject: Microsoft Settlement

Competition and choices are critical to a capitalistic society like ours. I have the choice of using and choosing Apple Computers, Wintel platform, Linux, SUN and even IBM. To say that Microsoft is a monopoly or customers have little or no choice is ludicrous. Why spent so much of our tax dollars trying to destroy such a great U.S. company is truly unwise and definitely unpatriotic. Let's face it, there are a lot of smart people in India, China, etc. but they don't have Microsoft! If we choose to destroy our great companies, impose unreasonable fines and restrictions. . . . U.S.A will be the loser down the road.

MTC–00005384

From: Ken Mays
To: Microsoft ATR
Date: 1/2/02 10:02am
Subject: Comment

Please consider the long-term negative impact on innovation and creativity in the educational environment if Microsoft is allowed to negotiate a settlement that puts their product in the nation's school systems. The net effect will likely be to increase their market share and result in yet a new monopoly in just a few years. I add my voice to those against this settlement. Thank you.

Ken Mays

MTC–00005385

From: Devon Bingham
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/2/02 10:03am
Subject: Microsoft Settlement

Hello,

I felt I should comment on the settlement since it directly effects me. Personally I feel that the whole lawsuit should not have been filed in the first place, but that is another matter. I feel that the settlement that was reached recently is more the enough to ''punish'' Microsoft. I do like the inclusion of money/software to the public schools. I think this whole thing should be finished as soon as possible, its been dragged on long enough by the lawyers and politicians who are looking to make a name for themselves.

Devon Bingham
IS Analyst
USD School of Medicine / University Physicians
http://med.usd.edu <http://med.usd.edu>
http://www.upclinics.org <http://www.upclinics.org>

MTC–00005386

From: Dan.Stern@born.com@inetgw
To: Microsoft ATR
Date: 1/2/02 10:09am
Subject: Microsoft Settlement

Technology winners and losers should be determined in the marketplace, not the courts. It's time to settle the Microsoft case. Let the public decide if it wants new features bundled into their software or if they'd rather pay several manufactures for a more expensive and difficult to manage solution. Who is the government protecting? Microsoft offers outstanding products at a fair value. Their only crime has been their success.

MTC–00005387

From: Pursley, Hank G.
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/2/02 10:19am
Subject: Microsoft Settlement

Please end this!
Best Regards
Hank Pursley
Site Support Consultant
Marconi Managed Services
Office (714) 986–8464
Pager (888) 650–7957
henry.pursley@marconi.com

MTC–00005388

From: Lilli Sassenhagen
To: Microsoft ATR
Date: 1/2/02 10:29am
Subject: Microsoft Settlement

To whom it may concern:

It seems to me that those entities (states and companies) trying to derail the settlement between Microsoft and the DOJ are interested in protecting their states or companies from competition rather than protecting the consumer. Microsoft's innovations have made my life a lot easier.

If the DOJ is interested in saving the consumer money let them stop these unwarranted delays of a settlement. Because the longer the delays the higher the legal fees for Microsoft and the government, which in the end would be passed on to the consumer by higher prices and higher taxes.

Sincerely,
Lilli Sassenhagen

MTC–00005389

From: bgbergmann@aep.com@inetgw
To: Microsoft ATR,RFC-822=attorney.general%po.state.ct...
Date: 1/2/02 10:38am Subject' Proposed Microsoft settlement harms children and continues Microsoft's Monopoly

Proposed Microsoft settlement harms children and continues Microsoft's Monopoly I agree with the spirit of the following and would refuse to accept the settlement if I were a plaintiff. As a professional computer user and United States citizen, I urge you to do what you can to

make sure that the settlement is not made in its current form. Thank you.

Open K-12 Petition Letter

To: Plaintiffs in the Nationwide Settlement Class Action Suit filling against Microsoft's Anti-trust practices, MDL Docket No. 1332

From: The 1245 Petition Signers of the Open K-12 Petition Drive project

Dear Plaintiff,

We, the 1245 signers of this letter are petitioning you to reconsider your decision, made on behalf of your attorneys representing you in your class action antitrust suit against Microsoft, to settle your suit with Microsoft. The reason being is that we feel the current conditions of the settlement to be unjust, not only to you, but to the software industry which provides software products and services to the K-12 school system.

The reason why you have joined this class action suit filed against Microsoft is because of Microsoft's antitrust behavior which has caused you damages you are seeking to remediate in court. The settlement you are about to enter into with Microsoft will in effect shutdown competition in the software industry which serves the K-12 school program. This outcome, that of cutting of avenues of competition, is precisely what you are fighting against in your suit against Microsoft.

By entering into this current settlement with Microsoft, the following actions will occur. You will dismiss all your charges against Microsoft, and agree never to pursue them again. In return, Microsoft will spend up wards of $500 million dollars in cash to promote Microsoft software products and services, and training on how to use these Microsoft products and services, in the nations ''underprivileged'' K-12 (kindergarten through high school) schools over a period of 5 years. $100 million of this is a 1 for 2 matching fund raising program. (i.e. for every $2 dollars raised through fund raising efforts, Microsoft will donate $1 dollar, up to $100 million dollars.) If no further funds are raised through private means, then the sum total would be $400 million dollars over 5 years.

Microsoft will subsidize the purchase of up to 200,000 refurbished personal computers, by paying for 1/3 of the cost for desktop systems, and 1/2 the cost of laptops. These PCs must be purchased through Microsoft certified refurbished PC dealers. Microsoft will provide software for these systems in the form of several hundred thousand licenses for various different Microsoft software products. These will range from operating system software, to office productivity software, to compilers. Microsoft is given the right to deny any wrong doing or admission of any guilt in your case you filed against Microsoft.

The fact that Microsoft is spending money in this educational program for the underprivileged K-12 schools in return for you dropping your charges will not be considered an admission of guilt or any wrong doing which you state in your case. All material which you brought forward as evidence in your civil suit against Microsoft will either be destroyed or placed in custody of the attorneys representing you and/or Microsoft and labeled as confidential. This evidence which you brought against Microsoft will never be used in court in any other cases brought against Microsoft.

Copies of any legal material written by your attorneys in regards to this case will be kept by them under confidentiality and thus will never be used in future cases against Microsoft. We, the 1245 signers of this petition, would like to inform you that we feel this settlement to be unfair in that the final outcome of the settlement will be a major promotion of the use of Microsoft software in the nations underprivileged K-12 schools. This will be done in the following way.

A ''Foundation'' will be established which will receive the funds of the settlement. This foundation will be governed by a board, made up of 5 members. Two of these members will be appointed by Microsoft, two will be appointed by the attorneys representing you, and one will be appointed by a unanimous vote of the first 4 board members. The ''Foundation'' will create an ''Education Council'' which will take charge of helping the board spend its funds. The members of the ''Education Council'' will be appointed by the board members of the ''Foundation''.

Among other responsibilities, the ''Education Council'', will be to educate the K-12 schools on how to spend the money they receive from the settlement. Included in this education program will be training material, curriculum materials, and training on curriculum integration, provided to the teachers of these K-12 schools. Section IV.d(d) of the settlement stipulates that the ''Education Council'' must consult with Microsoft on which training and curriculum material will be used as well as how to integrate this training material with the curriculum. Furthermore Microsoft will create a Microsoft certified refurbished PC seller, and funds from this settlement can only be spent on computers bought from these Microsoft certified refurbished PC sellers.

In other words, Microsoft will setup a legal structure, though its ''Foundation'' and ''Education Council'' to ensure the funds are spent on promoting the use of Microsoft software in these underprivileged K-12 schools. Microsoft is also setting up a training and education program to train the teachers how to use Microsoft's software product under the control and guidance of Microsoft. Finally, Microsoft is making sure the schools spend the settlement funds on purchasing used personal computers which are configured to run Microsoft software. There are other details in the settlement which further promote the use of Microsoft software products, but what's listed above makes up the foundation of Microsoft's K-12 education program.

From these facts, we, the 1245 signers of this petition, recognize Microsoft's efforts to use this settlement to train teachers and students on how to use Microsoft software. We also recognize that the ultimate goal of this settlement is to further expand Microsoft's customer base through this aggressive training program aimed at the children of our underprivileged K-12 schools. We find this kind of targeted training program to be ill suited to be used as a settlement agreement for charges of antitrust behavior brought against Microsoft.

We, the 1245 signers of this petition, would like for you to take one of two actions.

1. Contact your attorney, and ask him to change the conditions of the settlement. The settlement we propose is to have Microsoft donate cash grants to the underprivileged K-12 schools which were targeted in the original settlement. The size of the individual grants should be in proportion to the number of students enrolled in the school. The schools should then be directed to spend the money on computer hardware, software, networking infrastructure and Internet connection bandwidth for systems used by the teachers and students, as they best see fit for themselves. We emphasize that these funds be restricted to upgrading the IT infrastructure just mentioned, used directly in the classroom environment. These would be upgrades to system used in general class rooms, libraries, science labs, computer clubs or which ever other teaching forum the school has developed for the teaching of their students. The role of the Foundation, as created in the settlement agreement, should expend its efforts to ensure this funding policy be enforced. Furthermore, in order to ensure that Microsoft has no part in directing how the settlement funds be spent, the Foundation created to manage the settlement funds should be made up of people from our leading science and education institutions. Examples of the people who should be sought to sit on the blue ribbon board of this foundation would be the head of the National Science Foundation, the head of the National Academy of Sciences, the Presidential Science Adviser, directors of our national laboratories, presidents of our renown universities, heads of teachers unions, the Secretary of Education, the Secretary of Commerce or other people who have great knowledge of both education, its advancement and the free and open market system upon which the strength of this country is founded. The task of forming a search committee for these board members should be given to the Honorable Judge Motz or someone to which he delegates this task.

2. Or opt out of the settlement. Section 5 of the settlement states that you have a right to opt out of the settlement and preserve your right to pursue your claim against Microsoft. To do this, you need to send a letter to ''The Settlement Notice Administrator'', indicating your wish to do so. You have 150 days to exercise your ''opt-out'' options after entry of the Court's order for preliminary approval of the settlement.

We thank you for reading our petition and listening to our concerns regarding the settlement you are about to enter with Microsoft. We, the 1245 signers of this petition, are very encouraged that Microsoft is willing to fund so handsomely a computer education program for our underprivileged schools. But we also want to make sure that it is done in a fair manner that promotes an open market place for software products and that this settlement not be used to exclude other software vendors from participating in

this education program. We also recognize that in order for our country to keep its role as a global leader, we need to ensure our children are properly educated using the latest technology tools. We must also ensure that the tools which they use are ones which they have chosen freely.

MTC–00005390

From: RWeis21634@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 10:40am
Subject: Microsoft Settlement

Dear Sirs:

I believe the reduced liability found in the Court of Appeals ruling is both fair and just. I also believe that rapid settlement of the suit against Microsoft will be in the best interest of our country, and our economy.

Thank you
Richard Weis
74 Farragut Rd.
Cincinnati, Oh. 45218
rweis21634@aol.com

MTC–00005391

From: KWMEAD
To: Microsoft ATR
Date: 1/2/02 10:41am
Subject: Microsoft Settlement

Dear Sirs-Dept.of Justice

I believe strongly that the current settlement agreed with DOJ and nine states is very fair to all parties, especially CONSUMERS.The freedom to innovate should be protected for the continued benefit of consumers and a competitive economy.The pending objection by the nine states and their efforts to stop the settlement is just a ploy by less competent competitors via their lobbyists to restrict Microsoft and add to the costs paid by consumers for inferior products.Consumers have not been properly heard in this case;they would have thrown it out long ago;it has been a waste of taxpayers money to proceed against Microsoft without any significant complaint of MICROSOFT USERS and that they were harmed in a material way !

Kenneth W. Mead
5357 Newport St.
Lisle,IL. 60532

MTC–00005392

From: Forest Majors
To: Microsoft ATR
Date: 1/2/02 10:47am
Subject: Microsoft Settlement

The Microsoft settlement is more than fair. I say this as a consumer and as a software professional that served the industry for thirty years before retirement. Continued litigation would not serve the software industry or the consumer well. It is time to settle and bring this litigation to term.

Forest Majors
PO Box 459
47 Clark Hill Road
Hadlyme, Connecticut 06439
(860) 526–5964

MTC–00005393

From: Ronald Kegge
To: Microsoft ATR
Date: 1/2/02 10:54am
Subject: Microsoft Settlement

To whom it may concern at the U.S. Department of Justice, Please end this ridiculous court case now. It is a complete waste of taxpayer money. If anything, the current settlement is unfair to Microsoft and only serves to benefit it's competitors. Allowing this case to continue will only waste money, give Microsoft competitors unfair advantage, and bolster the ego's of the state AG's who filed the case against Microsoft. Please stop wasting my money!

Sincerely,
Ronald Kegge

MTC–00005394

From: Laura Riera
To: Microsoft ATR
Date: 1/2/02 10:56am
Subject: Microsoft settlement

Please settle the Microsoft case—further litigation is only in the attorneys' interest and NOT in the public's interest.

Laura Riera
PO Box 12479
San Francisco, CA
415–333–8063

———-Original Message———-
From: Microsoft [mailto:0—23163—A43FE97C-035E-D211–8ED5–00805FA7C50A—US@Newsletters.Microsoft.com] Sent: Monday, December 31, 2001 2:18 PM
To: roaringdragons@hotmail.com
Subject: DOJ Wants to Hear From YOU!

A FINFlash Alert: The DOJ wants to hear from YOU!

To cancel your subscription to this newsletter or stop all newsletters from microsoft.com, read the directions at the bottom of this message. For nearly four years, your voice has been instrumental in the debate over the freedom to innovate. Tens of thousands of concerned citizens have communicated to their public officials about whether the Microsoft case should be settled or further litigated. Despite the aggressive lobbying efforts of a few of Microsoft's competitors, the federal government and nine states finally reached a comprehensive agreement with Microsoft to address the reduced liability found in the Court of Appeals ruling. This settlement is tough, but reasonable and fair to all parties involved. Consumers overwhelmingly agree that settlement is good for them, the industry and the American economy.

However, this settlement is not guaranteed, and your voice is more important than ever.

The law (officially called the Tunney Act) requires a public comment period between now and January 28th after which the District Court will determine whether the settlement is in the ''public interest.'' Unfortunately, a few special interests are attempting to use this review period to derail the settlement and prolong this litigation even in the midst of uncertain economic times. The last thing the American economy needs is more litigation that benefits only a few wealthy competitors and stifles innovation.

Don't let these special interests defeat the public interest.

Between now and January 28th, it is critical that the Department of Justice hears from you about the Microsoft settlement. The Department of Justice will then take all public comments and viewpoints and include them in the public record for the District Court to consider. Please send your comments directly to the Department of Justice via email or fax no later than January 28th. Whatever your view of the settlement, it is critical that the government hears directly from consumers. Please take action today to ensure your voice is heard.

Email: microsoft.atr@usdoj.gov . In the Subject line of the e-mail, type Microsoft Settlement.

Fax: 1–202–307–1454 or 1–202–616–9937

To find out more about the settlement and the Tunney Act comment period, go to the Department of Justice Website at:

http://www.usdoj.gov/atr/cases/ms-settle.htm.

Thanks for taking the time to make a difference.

MTC–00005395

From: Tom Gottshalk
To: Microsoft ATR
Date: 1/2/02 11:02am
Subject: Microsoft Settlement

Dear Sirs,

As a computer user and as a citizen interested in good government which includes equal justice under the law. I have written to the DOJ and my elected officials several times on the subject of our government's anti-trust suit against Microsoft several times. On each of those occasions I stressed my conviction that the search for justice has been completely distorted by all parties involved. I am convinced to this day that justice has not been severed most particularly for the party stated by the DOJ as the injured party, namely the consumer. Everyone involved in the case has benefited except for the computer buying public and the taxpayer of this country. Lawyers have gained fees, politicians have gained in reputation, The DOJ has gained by saying they are protecting the public, Microsoft stock holders have gained despite the efforts of the US Government, and most especially Microsoft's competitors gained by having their arch rival entangled in a legal briar patch. I'm not saying I think Microsoft is innocent of the allegations, clearly they are not. I am saying in this case a monopoly producing a personal computer operating system was and still is a good thing. I am also convinced that the only process remedy that makes any sense for the public and for Microsoft especially for their competitors is the process of the open market undistorted by any hand of the government even in the slightest way.

For proof of the truth of the above statement just look at the recent introduction of Microsoft's newest version of the Windows Operating System, Windows XP. In their attempt to make pirating impossible (the real problem in the software industry) they have made the multiple computer home user buy separate copied for each computer. This is as much a marketing ploy as it is a copyright issue. As a marketing gimmick it will backfire and cost Microsoft tens of thousands of sales. I predict Microsoft will be forced to relax this requirement to gain additional sales. And Microsoft has already had a serious security issues with XP which will

cost them more sales a situation that will require MS to re-write portions of XP. In the end the dominance of MS Windows will falter because users will find better ways of doing the same kinds of things they now do on PCs. The government is on the verge of institutionalizing the MS Windows operating system in the interest of justice for the consumer by strict so called process regulations and rules. Such a mission by the DOJ is bound to fail because regulated products survive only because their regulation survives.

Please consider the only possible justice for the consumer is open markets that reward producers of good products with sales at fair prices and punish producers of inferior products with no sales regardless of their price. The DOJ should keep in mind the consumer as an equal to the law and that in the end exercises more power than the law.

Sincerely,
Tom Gottshalk
344 Remington Dr.
Oviedo, FL 32765

MTC–00005396

From: mt mdt
To: Microsoft ATR
Date: 1/2/02 11:15am
Subject: Microsoft Settlement

Please allow the tentitive agreements that Microsoft has made to be implemented and do not levy anymore penalties against Microsoft. I have been against this litigation from the start and it should be dropped.

Milton Till
Milton D. Till
love ya babe

MTC–00005397

From: Jerry Bordic
To: Microsoft ATR
Date: 1/2/02 11:16am
Subject: Microsoft Settlement

It is time to conclude the Microsoft Settlement and end more litigation.

MTC–00005398

From: John Zubac
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/2/02 11:23am
Subject: Microsoft Settlement

I do not feel that you have not served the public interest litigating Microsoft. I feel that Microsoft should not get away with their sneaky and devious past practices. They continue with their same practices today. They offered a free Microsoft Certified Professional exam for upgrading from Windows NT 4 to Windows 2000 (Microsoft Windows 2000 Accelerated Exam for MCP's Certified on Windows NT 4, Exam #070–240) but do not give you final marks to measure your skills in the new operating system. Is this because they want to waste your time and money by failing everyone on this exam, so that they are required to take four exams which cost $600 US. This exam is also four hours long. These are the first things I thought because I don't trust anyone and NOTHING is free in this world. I also wanted to know my weaknesses in order to get my employer to upgrade my education. They need the proof. You should make Microsoft pay to the full extent of the law. They should finally pay for everything they have done to ruin small businesses, control education, and control this industry.

John Zubac, MCSE, MCP+I, MCP
CPSO
80 College Street
Toronto, Ontario
M5G2E2

MTC–00005399

From: A. Bairamian
To: Microsoft ATR
Date: 1/2/02 11:33am
Subject: Microsoft Settlement.

The following is my input regarding the DOJ settlement proposal for the Microsoft lawsuit.

I have been in the software industry for about 20 years. I use Microsoft products both at my work and personally.

Microsoft is one of the greatest companies ever created in the world. Their dominance—achieved by hard work, innovation, and marketing skill—is a great boon to the PC and software industries: a common OS, and applications that work seamlessly is very, very important to have.

If Microsoft does no innovate and produce quality products, it will become irrelevant and disappear, like so many other software and hardware manufacturers.

We the people buy Microsoft products because we want to: unlike the government, Microsoft cannot compel us to hand over our money to them on pain of jail.

DOJ must not hamper Microsoft's ability to innovate.

DOJ must stop wasting our tax money on a frivolous lawsuit brought on by petty and jealous Microsoft competitors, and presided over by a biased judge.

DOJ's lawsuit against Microsoft triggered the slide in the tech market which eventually turned into a crash: average Americans lost $billions in equity, because of DOJ misadventures.

It is well past time to stop harassing Microsoft, a great American asset, and settle the suit ASAP.

A. Bairamian
Glendale, CA.

MTC–00005400

From: Karuna Karan
To: Microsoft ATR
Date: 1/2/02 11:47am
Subject: Microsoft Case

Hello

I understand this is the US government site that accepts comments from world citizens on the Microsoft case.

Let me first give you a background of myself. I am an engineer and I run a small electronic business in Hong Kong. I was retrenched from my job six months ago and so started this business. I am at present working hard to meet my needs.

When I started this business six months ago, I bought a brand new laptop which was bundled with Windows ME operating system. Now, everyday, my computer system crashes on an average three times. The hard disk had also crashed once in the last 6 months time.

This sad situation is that I have no other alternates to help me. Microsoft has effectively killed the growth of any good software that answers to consumers needs pro-actively.

I am sure millions of computers users around the world are facing the similar problem to mine. Microsoft has effectively reduced productivity and efficiency all around the world. If someone was to calculate the amount of time and data lost due to mal-functioning of Microsoft products, I am sure it will run into Trillions of USDollars.

Microsoft has to be stopped immediately ! They should also be made to return their ill-gotten wealth to the world citizens. PLEASE DO IT NOW ! best wishes Karunakaran

MTC–00005401

From: Sally Sargent
To: Microsoft ATR
Date: 1/2/02 11:51am
Subject: Microsoft Settlement

To The Department of Justice—

I would like to urge you to discontinue any further litigation in the Microsoft case. I believe that the actions taken against Microsoft 2+ years ago spurred the most devastating recession in this nation's history and it is time for the Government to do the right thing and stop this direction. One could argue the direct correlation to the economic downturn, but I challenge you to look at the statistical data about tech performance and economic performance since the DOJ first took action against Microsoft, if you are so inclined to ''argue.''

It is beyond time for this country to heal, from Sept. 11 and from the downturn in our economy. In order to do this, the strongest, most talented, most productive company in the United States should be allowed to perform without intervention of the government. Microsoft's business practices that were once challenged no longer exist and, in fact, the market is different and there are many other companies who have technology that could essentially, lock out competition. However, I am not advocating that the DOJ even attempt to identify these companies. I am advocating that for profit companies who may compete in these areas, including Microsoft, should be smart enough and tough enough to ensure they can compete. Clearly, the government can only dilute excellent performance in an industry it knows little about. Actions against private industries are detrimental to our country's economic health. Please, I urge you to end the Microsoft case now.

If there is something you want to look at closer, in the interest of football fans across America, check out and do something about the collusion that exists between network TV, NFL football team owners, when they black out games in the local viewing areas that are not sold out. Who benefits? NFL team owners. Who's getting paid off? ??? It is very difficult to build a local fan base if fans cannot attend a game via TV. Who is hurt? Local fans, local sports bars and restaurants, local advertisers, local tv stations, local players, local coaches. I urge you to take this on instead. I highly doubt this would cause a 2-year downturn in our economy but would greatly benefit millions of Americans while taking to task the otherwise undetected NFL powerbase.

Thanks for your time,
Sally Sargent
Seattle, WA

MTC–00005402

From: Frankhouser, Douglas—HFD
To: Microsoft ATR
Date: 1/2/02 11:58am
Subject: Microsoft Settlement

To all concerned:

I would like to express my support of the Microsoft Settlement. I believe that it will benefit all parties concerned, especially consumers.

Regards,
Doug Frankhouser
Conroe, Texas
dlpa-frankhouser@worldnet.att.net <mailto:dlpa-frankhouser@worldnet.att.net>

MTC–00005403

From: Mauvais Genie
To: Microsoft ATR
Date: 1/2/02 12:00pm

Subject: Little red Linux-hood and the big bad Mcrosoft For years now people have been railing against Microsoft for various reasons. Personally, my dislike began with Windows 3.11 over nothing important. See, I just found it to be a little patronizing. I wanted some little digital Toto to pull the curtain back and show me the truth. I could not understand why Microsoft was so insistent that they not tell me how it works. Here it is a decade or so later and its only gotten worse. Enough of the Adjectives, here's the point. Microsoft, to their credit, managed to create an operating system that an intoxicated monkey could use. At the same time, an office suite and later a web browser, and all too soon...'.net' which from my perspective kinda like steering into the skid.

As for me, there isn't anything I can do about it. If you create something geared for the dumbest person you know, before you know it everybody's using it. Everything is based on the lowest common denominator, and in this case its real low. Some one with absolutely no computer knowledge can use Windows and their expectations will be met because they don't have any. The demands they place on the operating systems and tasks running with in it are insignificant. And there are all too many people out there that don't even understand that there is a difference between the computer itself, the operating system, and the Internet. This speaks volumes about the way Microsoft blinds consumers and encourages ignorant users.

As I said, for years now people have been railing against Microsoft. I had my reasons and other people had reasons I couldn't understand. For some it was that Microsoft got too big too fast. Others had conspiracy theories that I found to be absurd. But through it all, there were those of us out there, forced to use it at jobs, forced to tolerate friends and family using Windows and having to deal with them. Deal with them in the non-descript phone calls of 'something' being wrong and being sent files that need to be opened with Microsoft programs or just deleted for lack of interest. For the most part, the fight against Microsoft's 'attitude' (I guess that's the best word) has been something akin to poking a polar bear with a really short stick. There have been small gains in the Open Source community, And keep in mind that any gain in any technology that competes with Microsoft to date is an impressive one which I support completely. But these gains I believe are exaggerated and have little impact on the market. I don't believe, given the current climate, that Mr. Gates is loosing any sleep over the Open Source community.

That said, the Open Source community needed a bigger stick. One I had hoped they'd found in the DoJ. I thought it was clear, that Microsoft had gone too far in too many ways. I mean really, even the stupidest monkey will only go so far out on the limb. And I'm not even really talking about from the standpoint of legality or technology which are not as readily visible. I'm talking about 'corporate arrogance'. Its a kind of arrogance that comes from a company that knows they have you. Like Ma Bell before the breakup: ''what are you going to do, go with another phone company??'' Funny now isn't it. But think about what long distance prices would be at now. Think about the state cell phone technology would be at. Think about the fact that there would be no DSL or DHL connections. These advances seem largely the result of competition. As it stands now, I can get an Internet connection through a satellite dish and a cellphone from any number of companies willing to give me a phone just for signing up. I don't even need a home phone and the phone company knows it.

The phone company analogy serves no more than pointing out an example of the good fight gone right. Where very innovative people, given more opportunity explode onto the scene, pushing technology forward in some small part to fly in the face of their oppressors. I think the fight against Microsoft's 'policies' is a good fight. It warrants consideration. I also believe that the pending outcome seems to be more of a nod to Microsoft than any sort of penalty. All this talk of freedom is fine and has merit, but it really isn't my point. My point lies in the idea of doing what is fundamentally right in the ethical arena, to ensure that technology has the ability to move forward in the most efficient, beneficial way it can. If there is a matter of National Security here, it is in the idea of protecting the advancement of technology, not in protecting the advancement of Microsoft.

At this point, I would predict that a post-trial celebration party will be thrown by Microsoft's new spokesman....O.J. Simpson. History will frown on this case's outcome as short-sighted.

Sincerely,
Jack Ware

P.S. This was typed on a Compaq Deskpro EN computer with a sticker on it that says ''Designed For Microsoft'' in Microsoft Word running on Microsoft Windows NT 4.0 Service Pack 6, where it was routed through a Microsoft Exchange Server on the way out of the LAN via a Microsoft Hotmail being fed into Outlook. I'm at work.

Permission to reprint in part or whole, granted to Dennis Powell and his ilk as he feels is appropriate. Its the least I can do.

MTC–00005404

From: chuck(u)mathis Mathis
To: Microsoft ATR,chgojoe44,Fussebd,Cliff Knudson,Rick...
Date: 1/2/02 12:16pm
Subject: Microsoft Settlement

With regards to the Tunney Act;

Dear DOJ Participants in The Microsoft Settlement, I know you feel you have the welfare of the common man at heart with your decision making, regarding the Microsoft Suit, and I say, ''God bless you for your concern.'' But, correct me if I am wrong, did not all tech stocks in general take a fall upon the outset of the MS suit? And has it not continued to plunge even further discounting 9–11–01?

Now I am by no means a rocket scientist, an economist or, ''thank God'', a lawyer but I am able to see that this absurd suit against innovative free enterprise has had a decidedly adverse affect on my world. I repeat, MY WORLD!!!

Now, more than ever, my beloved USA needs strong economic factors to bolster it as we teeter on the edge of untold disaster. In God's name, why would any entity tamper with the economics of the company that started it all as well as continues it? Look around you. You may not personally be affected but if you take the power hungry glare from your stare you will see countless others who are drastically affected by the MS Suit and our common state of the day. Could you sleep at night knowing that you drove the final nail into the coffin? I think not.

Leave Microsoft intact where it can continue to be the Flagship of our great nations technical infrastructure. If we are to overcome the current economic crises we must continue to lead the way in information and technology. If a fourth of a company is good in your thinking then a whole company is fortuitous beyond belief for this country.

I thank you for taking the time to read this and I apologize if I have offended you in any manner, but in my defense, the actions against Microsoft that are being bandied by the Department of Justice are an offense to me, my country and the capitalist spirit which has made the United States the greatest nation in the universe.

Use your powers to be wise not vindictive.
Best regards,
Charles R. Mathis Jr.
1642 Country Lakes Dr., #A
Naperville, IL 60563
chuck—mathis@msn.com

It is the common fate of the indolent to see their rights become a prey to the active. The condition upon which God hath given liberty to man is eternal vigilance; which condition if he break, servitude is at once the consequence of his crime and the punishment of his guilt.

John Philpot Curran: ''Speech upon the Right of Election'', 1790.

MTC–00005405

From: Bill Liedtke
To: Microsoft ATR
Date: 1/2/02 12:18pm

Subject: Microsoft/ Tunney Act Comment
To: Department of Justice
From: William P. Liedtke, Attorney 27443 Linwood Circle, North Olmsted, OH 44070 440–777–0478

Dear Sirs,

Regarding the Microsoft Settlement/ Tunney Act Comment Period, it is the personal opinion of this writer that the Government (State and Federal) has gone well beyond what was necessary in the above case. The conclusion of the Federal case should have concluded all litigation (including state Anti-Trust litigation). Microsoft is the only true success story of a large U.S. business recently, in what has been termed a ''down economy''. Must this nation attack each success story (when we have so few recently). Any rule or regulation agreed to by settlement with Microsoft must be made mandatory upon each of its competitors, so that none may take advantage of a company hamstrung by Anti-Trust litigation. .

Cordially,
William P. Liedtke, Attorney at Law
bliedtke@easyon.com
1/2/02

MTC–00005406

From: Wu, David
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 12:24pm
Subject: Settlement

As a software developer, I support the settlement between DOJ and MS.

David Wu

MTC–00005407

From: Lee Behel
To: Microsoft ATR
Date: 1/2/02 4:25am
Subject: Microsoft Settlement

To whom it may concern:

For God's sake, settle the damn thing! It has gone on way too far already. Microsoft should never have been put through this.

Lee Behel

MTC–00005408

From: William Pennington
To: Microsoft ATR
Date: 1/2/02 12:24pm
Subject: Settle.

The case against Micrsoft is a joke. Whatever settlement they are willing to offer, take it.

William Pennington
President
Pacific West Builders, Inc.
7025 Longley Lane, Suite 60
Reno, NV 89511
775–852–8453 x17
775–852–1042 fax

MTC–00005409

From: Brad Nickel
To: Microsoft ATR
Date: 1/2/02 12:25pm
Subject: Time to move on.

Enough wasting our time and tax dollars pursuing Microsoft because they are successful. The whining losers that started this process at Netscape and others, just could not figure out how to compete effectively, because they were morons. Microsoft should be held up by our government as a model of what competitive capitalism should be.

Thanks,
Brad Nickel
717 Laurel Way
Casselberry, FL 32707
407–388–9975

MTC–00005410

From: Terry Voss
To: Microsoft ATR
Date: 1/2/02 12:28pm
Subject: Microsoft Settlement

Dear People,

As a software developer age 52 I have seen the state of competition before and after Microsoft was formed as a company. Competition is still healthy and very important there is much more importance attached to created standards that help businesses communicate with each other.

I was ill-concerned when Microsoft was charged by our government, but now feel that the settlement has been somewhat fair.

Thank you for allowing my opinion to be heard.

Terry Voss
Developer/Owner
Computer Consulting
Microsoft Certified Partner
http://www.computer-consulting.com <http://www.computer-consulting.com/>
tvoss@computer-consulting.com
2403 North Nettleton Street
Spokane WA 99205
Tel: 509–327–7202
Fax: 509–327–2303
http://www.spokaneoutdoors.com <http://www.spokaneoutdoors.com/>

MTC–00005411

From: Small, Vincent
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 12:24pm
Subject: Microsoft Settlement

Please stop dragging this thing out.

There is plenty of competition in the Software and Online Services Space. For the most part, the states that are dissenting are backed by companies that do not want to compete with Microsoft. They are the real nemesis of innovation and change.

Vincent Small
Vice President
Financial Software Systems Inc.

MTC–00005412

From: George
To: Microsoft ATR
Date: 1/2/02 12:27pm
Subject: Allow Microsoft to Innovate

Allow Microsoft to continue focusing on product innovations rather than defending itself in the courts. I strongly suggest that the government drops all charges against Microsoft.

George Polychroniou

MTC–00005413

From: Clay M. Smith
To: Microsoft ATR
Date: 1/2/02 12:27pm
Subject: MS Settlement

Dear Sir or Madam,

I strongly support the Microsoft settlement in its current form. Please bring this case to a prompt conclusion. Clay M. Smith

MTC–00005414

From: Jiang, Peng
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 12:23pm
Subject: Microsoft Settlement

To whom it may concern:

I believe the current agreement between Microsoft and the federal government and the nine states represents the best interests of consumers and the American economy.

Thanks for your time.
Peng Jiang, Ph.D.
Member of Technical Staff
SonoSite, Inc.
21919 30th Dr. SE
Bothell, WA 98021–3904
Tel. (425) 951–1337
Fax (425) 951–1201
Email peng.jiang@sonosite.com
Web www.sonosite.com
SonoSite*
Imagine What You Can Do

MTC–00005415

From: Jrloans@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:27pm
Subject: Re: microsoft settlement

Time to settle for a small amount and everyone get back to business.

MTC–00005416

From: Smith, Georgia
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/2/02 12:26pm
Subject: Microsoft Settlement

Thank you for allowing me to express my opinion with regard to the Microsoft Settlement. I support the courts ruling and ask that you continue to uphold the decision. Our economy has faced enough uncertaincy in recent times and it is important that we move forward and do everything possible to strengthen our position. The last thing the American economy needs is more litigation that benefits only a few wealthy competitors and stifles innovation.

Georgia B. Smith
Vice President,Federation Services
Newspaper Association of America
1921 Gallows Road, Suite 600
Vienna, VA 22182
(703) 902–1784
(703) 902–1773 fax
smitg@naa.org

MTC–00005417

From: Wayne Newcomb
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/2/02 12:23pm
Subject: Microsoft settlement

I really believe the current settlement is harsh enough on Microsoft. I believe the states who are still against the settlement are looking to gain an unfair advantage, (take advantage) of the situation and I believe if you allow this our economy will be further damaged by vultures who occupy places of authority!

Wayne Newcomb
Dean of Students
Word to the World College

MTC–00005418

From: Stephen Land
To: Microsoft ATR
Date: 1/2/02 12:28pm
Subject: Microsoft Settlement

Please accept this communication as my support for the negotiated settlement between the DOJ and Microsoft. I hope you will not be distracted by the politics that underlies the position of the dissenting states and certain members of Congress.

Stephen Land
(770) 698–9500
http://www.divorceland.com <http://www.divorceland.com/>

MTC–00005419

From: Frank Johnson
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/2/02 12:28pm
Subject: microsoft settlement

It is time to move on with this case, this settlement is reasonable. there will always be those who have an agenda that will be disgruntled, do not allow them to hold our economy hostage to their own interests.

Frank Johnson

MTC–00005420

From: Robert
To: Microsoft ATR
Date: 1/2/02 12:29pm
Subject: Microsoft Settlement

Gentlemen,

Having read the proposed settlement in detail, I believe that it is clearly in the best interest of the government, the US consumer, and the world economy to conclude this matter as soon as possible by implementing the settlement as published.

Sincerely,
Dr. Robert F. Hausman, Jr.
President
Rockridge Information Systems, Inc.
1214 Camino Carlos Rey Suite 2
Santa Fe, NM 87505
(505) 474–7404

MTC–00005421

From: Jack Warring
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 12:28pm
Subject: Microsoft Settlement

I support the Microsoft settlement that has already been agreed to by 9 states and Microsoft. Let's put the Microsoft case to bed and stop wasting a lot of money on legal fees.

Thanks,
Jack

MTC–00005422

From: Mark Reed
To: Microsoft ATR
Date: 1/2/02 12:28pm
Subject: Microsoft Settlement

TWIMC,

I am not a Microsoft employee, however I am completely on Microsoft's side of this case. They have helped greatly helped our country and should not be punished for the success they have earned. I believe it should not be the Governments job to play referee between competing companies—especially in the highly competitive Hi Tech Computer industry. Sun Microsystems, IBM, Oracle and the like should desist in wanting government intervention. If they were in Microsoft's position—they would behave the same way.

Thank you for your time,
Mark Reed
Mark M. Reed
Senior Systems Engineer
(972) 728–8161
mreed@mh2.com

MTC–00005423

From: Dave Howland
To: Microsoft ATR
Date: 1/2/02 12:27pm
Subject: Gov. Meddling

Why don't you investigate Tyson Foods and leave Microsoft alone. You are only hurting the stock market and the economy.

David J. Howland

MTC–00005424

From: Paul Jasper
To: Microsoft ATR
Date: 1/2/02 12:29pm
Subject: microsoft settlement

To the District Court:

It is important that this case be settled now. Microsoft is an innovative company, without whom the Internet would not be as good as it is. This case needs to be settled now without further cost to the taxpayer.

Sincerely, Paul T. Jasper
Paul Jasper
tuck1@earthlink.net

MTC–00005425

From: Mike Stolper
To: Microsoft ATR
Date: 1/2/02 12:29pm
Subject: settlement

The government should look at areas that stifle innovation rather than encourage it. Stay away from technology. Leave Microsoft alone.

Michael Stolper
1606 Clemson Circle
La Jolla, Ca. 92037

MTC–00005426

From: Dan Messersmith
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 12:04pm
Subject: Proposed Microsoft Settlement

I am writing to express my desire for you to accept the current proposed settlement and stop the litigation associated with Microsoft. Our business has been and will continue to be a Microsoft customer. Their innovation is second to none and we want that to continue.

Thanks,
Dan E. Messersmith, CPA
Duncan, Newman, Messersmith & McCormick, Ltd.
Certified Public Accountants & Consultants
1700 Malvern Road
Hot Springs, Arkansas 71901
Phone: 501–624–7400
Fax: 501–623–6451
Email: dan@hscpas.com

MTC–00005427

From: Jeffrey C. Graber
To: Microsoft ATR
Date: 1/2/02 12:29pm
Subject: DOJ: I think the time has come to settle the case against Microsoft.

The DOJ:

I think the time has come to settle the case against Microsoft. The proposed settement is fair for both Microsoft and consumers and in the interest of the country I propose that the DOJ accept the settlement.

Jeff Graber

MTC–00005428

From: Jones, Michael L
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 12:29pm
Subject: Microsoft Settlement

I would like to show my support for the settlement currently in place. While I think the case against Microsoft was wrong in the first place, at least we can put this behind us now. As a economist I am particularly concerned about our economy. I am especially concerned about businesses using the anti-trust laws as a tool to harm another company in order to gain competitive advantage. The case brought against Microsoft had more to do with hurting the competition than with helping the consumer.

Please settle without further delay. If you change anything, reduce the impact on Microsoft.

Thanks,
Michael L. Jones
Albuquerque

MTC–00005429

From: Judy Morris
To: Microsoft ATR
Date: 1/2/02 12:29pm
Subject: Microsoft Settlement

Time has come to put this ugliness behind us and move forward. Although harsh, I believe the settlement terms are fair and acceptable to the American public.

Let's be done with this witch hunt and move on.

Thank you,
Judy Morris
Spokane Washington

MTC–00005430

From: Michael A. Strasser
To: Microsoft ATR
Date: 1/2/02 12:29pm
Subject: Microsoft Settlement

To whom it may concern:

I believe it necessary to settle the case against Microsoft and convey to you my desire that the Department of Justice accept and implement the proposed agreement as it stands now.

There are many reasons to do this at this time, one being that it will help add a stabilizing effect on the business community and help bolster our national economy.

Additionally, while I don't always agree with how Microsoft conducts it's business, I felt that this was a waste of taxpayer money and was a major part of damaging our national economy. Sun, Oracle and Netscape were upset because they couldn't compete (mainly because they were too busy fighting with other companies and not paying attention to their own products) and duped the government into being their champion. We all lost on that one!

Thank you for your time.
Michael A. Strasser

MTC–00005431

From: Prince, Lee

To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 12:30pm
Subject: Microsoft Settlement

To whom it may concern:

I would urge the government and the USDOJ to retain the settlement reached. The sentiments of the other nine states to continue the warfare is not helpful to the future of my industry.

I work in the software industry, in no way related to Microsoft. But the uncertainty introduced by the litigation has harmed the industry as a whole. It needs to be stopped for the future of our industry and ultimately for the future of the consumer of software.

It is time for the litigation to stop and the right to innovate be validated.

Please affirm the settlement and reject the demands of the greedy nine state attorneys-general.

Lee Prince
5632 Mavis Place
Hansville, WA 98340
Lead Technical Support Analyst
ERP Backup & Recovery
(360) 638–0116 (direct)
(360) 908–1214 (cell)
Lee—Prince@bmc.com

MTC–00005432

From: Ken
To: Microsoft ATR
Date: 1/2/02 12:30pm
Subject: microsoft settlement

I want to express my support as a consumer for the settlement.

Ken Weissblum

MTC–00005433

From: Philip Royalty
To: Microsoft ATR
Date: 1/2/02 12:30pm
Subject: Microsoft Settlement

Please accept my opinion that I believe the Microsoft Settlement must be settled at once. The consumer and the American economy is not being helped by prolonging this. Let's get it behind us and go on to bigger and better things. Philip Royalty

MTC–00005434

From: JerrydeannaPHX@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:30pm
Subject: microsoft settlement

Please stop the letigation the settlement is more than fair since Microsoft was never guilty in the first place.

The fultons
jerrydeannaPHX@aol.com

MTC–00005435

From: Jeff Aaron
To: Microsoft ATR
Date: 1/2/02 12:29pm
Subject: Microsoft Settlement!

Thank you for all that you have done on behalf of the public but I believe the agreed upon settlement is adequate and fair to all parties involved. Please do not bring this back for further litigation...it will only benefit a few parties and stifle further innovation from Microsoft. As history has shown, innovation not litigation is beneficial to the consumer. We as consumers are what matter not the lawyers. Thanks again!!

Happy New Year!!

MTC–00005436

From: Shahbaz, Ali
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 12:30pm
Subject: Microsoft Settlement

I am happy to see Microsoft has not been broken in to two. However, I think Microsoft must support Java, and open system. Open system is the key. The new Microsoft XP has many problems with other programs. Microsoft should not dictate its terms to the industry.

Regards,
Ali Shahbaz, B.A.Sc.
Tel: 604–643–7372

MTC–00005437

From: Herb Biddle
To: Microsoft ATR
Date: 1/2/02 12:29pm
Subject: Microsoft Litigation

It is critical in my view that the litigation regarding Microsoft that has consumed the public record be settled as agreed. To do so will only benefit the country.

H. D. Biddle

MTC–00005438

From: Buss, Bob
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 12:30pm
Subject: Microsoft settlement

As a taxpaying citizen, it appears the settlement is fair and reasonable. Thus, it would seem in the best interest of all concerned to minimize additional expenses by ending the time period for additional litigation.

Thank you!
Bob Buss
Senior Manager
Wipfli Ullrich Bertelson LLP
469 Security Blvd.
P.O. Box 12237
Green Bay, WI 54307–2237
(920) 662–2851(Telephone)
(920) 662–0024(Fax)
bbuss@wipfli.com
www.wipfli.com

MTC–00005439

From: David Chester Smith
To: Microsoft ATR
Date: 1/2/02 12:33pm
Subject: Microsoft settlement

Dear US Dept of Justice:

I am firmly of the opinion that the whole lawsuit against Microsoft was a huge waste of taxpayers' money. I find the settlement overall to be oppressive to Microsoft, but I would be satisfied to accept it to end the controversy. I am a user of Microsoft products, and greatly appreciate the order and consistency that Microsoft has brought to the computer world in general. Their leadership has always kept the consumer in mind.

David Chester Smith
Metairie, LA
dsmith@accesscom.net

MTC–00005440

From: Greg Taylor
To: Microsoft ATR
Date: 1/2/02 12:31pm
Subject: Microsoft Settlement

I was totally opposed in the beginning to this lawsuit as I view it as a very biased action to afford competitors of Microsoft a competitive advantage. This is totally contrary to a free market society. All of the other states that haven't signed on to this settlement should be forced to sign on. I think that this lawsuit serves to stifle and restrict innovation and private investment.

Gregory A. Taylor

MTC–00005441

From: FreeH1@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:31pm
Subject: Microsoft Settlement.

I think the DOJ/Gov have better things to do ,, What a joke ,, If it was not for Microsoft we would be 10 years behind. When you buy a new PC, windows /XP are the cheapest thing on the PC, I do not use all of Microsoft's soft ware i use what i like ,, DOJ should be looking at ENRON,,,,,,

Howard & Elaine Freeman

MTC–00005443

From: PAUL M. MCKINLEY
To: Microsoft ATR
Date: 1/2/02 12:31pm
Subject: Microsoft Settlement

We urge you to settle the Microsoft case; no more litigation in the matter.

Paul & Layne McKinley

MTC–00005444

From: Tucker Cheadle
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 12:42pm
Subject: Microsoft Settlement

Gentlemen,

The Microsoft case has gone on long enough. By way of background the Wall Street Journal reported that this case was instigated by Sun Microsystems and Oracle who were worried that Microsoft would develop products in their areas. They spent $3,000,000 on a mock trial for Joel Klein's benefit, made all of their lawyers and engineers available to the government and then Joel Klein agreed to pursue the case.

The original allegations have long been dismissed, ie., the browser, or lost and the government is left with a monopoly finding and no ability to break up the company.

Yet, Sun and Oracle go on and on and on. In an unrelated civil case Sun and Oracle are opposing a settlement with over 100 plaintiffs and Microsoft...and neither Sun nor Oracle are or ever have been parties in the case. And, they prevailed on Governor Davis to join them on behalf of California. Most interestingly, among the chief complaints of Sun and Oracle were the Windows desk top system. Although Windows has been out for some 9 years, neither Sun nor Oracle have ever created their own desk top system. They could have done it years ago, or even now, but they do not do so. Rather, they have embraced the Windows platform and have extended it in their own ways.

It is long time to move on. The settlement is reasonable and should be approved.

MTC–00005445

From: Willner, David
To: Microsoft ATR
Date: 1/2/02 12:31pm

Subject: Microsoft Settlement
To Whom It May Concern:
As a long-time PC user, I ask that the settlement agreed to by the DOJ and Microsoft be accepted and that the objections raised by the dissenting States be rejected.
The integration of services Microsoft provides (operating system, productivity applications and internet browser) continue to be of highest importance to me. Requiring Microsoft to disable such integration and manage these services through separate companies would be a major technological step backward, offering consumers only a false sense of product choice while adding significantly to the complexity of PC setup.
Thank you for your attention to this comment.
David Willner
This message and attachments, if any, contain information that may be confidential and privileged. Unless you are the addressee (or authorized to receive for the addressee), you may not use, copy or disclose to anyone the message or any information contained in the message or its attachments. If you have received the message in error, please advise the sender by reply e-mail to <mailto:dwillner@gowebway.com> dwillner@gowebway.com and delete the message. Thank you very much.
CC:David Willner (dfwillner@yahoo.com)

MTC–00005446

From: Jim McChesney
To: Microsoft ATR
Date: 1/2/02 12:31pm
Subject: Microsoft Settlement
010202 1127
I support settlement of this spurious and frivolous lawsuit under the terms of the Tunney Act. Let us put a stop to this egregious nonsense and allow Microsoft to get on with its innovative and profitable business.
Sincerely,
JPM
James P. McChesney
Parker College of Chiropractic
2500 Walnut Hill Lane
Dallas, Texas 75229
Attn.: C.I.R.A. Ste. 238 South
EMail: jmcchsny@parkercc.edu
VOICE: 1.800.438.6932 Ext. 7130
972.438.6932 Ext. 7130
FAX: 214.902.2446
WHB

MTC–00005447

From: Kathleen Jane Dunlap
To: Microsoft ATR
Date: 1/2/02 12:31pm
Subject: Microsoft Settlement
To the Justice Department,
I strongly urge settlement of the Justice Deparment's case against Microsoft. This case should be closed and no continuance or extensions of the case by individual states should be considered or allowed.
Kathleen J. Dunlap
General Manager
Dunlap Consulting Int'l
Dunlap Consulting International, LLC
Niue Tourism Office
959 Thornhill Road
Lexington, Va 24450
540–463–7092
540–463–7182–fax
dunlapkj@yahoo.com

MTC–00005448

From: Marwan Shouery
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 12:31pm
Subject: Microsoft Settlement
I think it is totally wrong to punish Microsoft for being the most successful company ever. Microsoft should be the one who decides what to put in its software packages and no one else.
M Shouery

MTC–00005449

From: Kaplansky, Lazar (ECCS)
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 12:30pm
Subject: Microsoft Settlement
Dear Sir/Madam,
I strongly believe that the settlement is reasonable and fair to all parties involved. The settlement is good for the consumers and American economy and should be approved. The nine states that do not want to settle are not looking after 'public interest'; all they want is to confiscate as much money as they can from the Microsoft. That should not be allowed to happen.
Thank you and Best Regards,
Lazar Kaplansky
22 Garwood rd.
Fair Lawn, NJ 07410
email: Lkaplansky@exchange.ml.com
<mailto:Lkaplansky@exchange.ml.com>

MTC–00005450

From: Dr. J. Rumpakis
To: Microsoft ATR
Date: 1/2/02 12:31pm
Subject: Microsoft Settlement
You have reached a settlement, now stick to it! The nine states that are holdouts are acting like children who didn't get their way on the playground. Let's all get back to business, Lord knows the country sure needs it. Thank you for your time in this matter.
Regards,
John
John M. B. Rumpakis, O.D., F.A.A.O
Chairman & CEO
Practice Resource Management, Inc.
www.PracticeResourceMgmt.com

MTC–00005452

From: Paul N. Norton
To: Microsoft ATR
Date: 1/2/02 12:32pm
Subject: Re: Settlemnt Issue
It is my opinion that the issue has been fairly judged and the settlement does allow Microsoft to continue in their intention to provide great software. It also does allow for a choice and it forces their products to succeed only if they are reliable and more beneficial to those of their competitors.
Paul N. Norton 1/2/2002

MTC–00005453

From: Dcstacks@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:31pm
Subject: Microsoft Settlement
To Whom it May Concern
I am in favor of the settlement of the lawsuit. It is time to get back to the business of innovation.
Thank you for your time.
Pray for America
Peace,
Deborah Stachowiak

MTC–00005454

From: Steve Ross
To: Microsoft ATR
Date: 1/2/02 12:33pm
Subject: Microsoft
I think the DOJ has invested way to much time and tax dollars trying to destroy a successful technology contributor. Microsoft has lead the US, in many ways others haven't, couldn't or wouldn't.
Leave Microsoft alone.
Steve Ross
President

MTC–00005455

From: Evelyn
To: Microsoft ATR
Date: 1/2/02 12:33pm
Subject: Microsoft Settlement
Please proceed with settlement. It is in the best interests of customer to settle now without further litigation.
Gordon R. Phillips @
phillund@earthlink.net

MTC–00005456

From: Ray (038) Debbie Reaume
To: Microsoft ATR
Date: 1/2/02 12:32pm
Subject: Microsoft Settlement
Ladies and Gentlemen:
We live in a capitalist society. Those who make great products will drive up demand. Those who don't create great products fall by the wayside. Please settle this Microsoft lawsuit now.
Sincerely,
Raymond and Deborah Reaume

MTC–00005457

From: Timothy N. Tangredi
To: Microsoft ATR
Date: 1/2/02 12:33pm
Subject: Microsoft Settlement
Dear Justice Department:
I wanted to share with you my two cents about the pending Microsoft settlement. Microsoft needs some oversight as you have proposed to limit any strong-arm sales tactics. Technology is moving rapidly and the operating system will be radically different in just a few short years. Further restrictions on Microsoft will only serve, in my opinion, to move this industry into a fragmented state with foreign firms taking the lead given strong government support. I liken the situation to that of Boeing and Airbus. The US needs to maintain its superiority in the high technology arena.
The nine States protesting the settlement are needlessly wasting taxpayer dollars as the ends suggested do not justify the purported crime.
Please accept the settlement and let Microsoft get back to what it does best—making great software at great prices.
Sincerely,
Tim Tangredi
Dais-Analytic Corporation

11552 Prosperous Drive
Odessa, FL 33556
727.375.8484 Ext 305
707.924.2352 FAX
http://www.daisanalytic.com

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MTC–00005458

From: Kecia Bruce
To: Microsoft ATR
Date: 1/2/02 12:33pm
Subject: Microsoft settlement

The Microsoft settlement is in the public interest. Our economy does NOT need more litigation that benefits a few special interests, and harms consumers.

MTC–00005459

From: Mike Gallop
To: Microsoft ATR
Date: 1/2/02 12:27pm
Subject: Microsoft Case

To Whom it may concern,

As an investor and U.S. citizen, I think it's high time that the U.S. Gov. stopped spending our tax money on the pursuit of one of the most successful companies in the U.S. at the behest of a small group of well funded special interests. Former and current U.S. officials have been paid to lobby against the settlement, these are the only voices of dissention, most people, myself included, only to want this witch hunt to end. Let the market sort it out, not results purchased by special interests. Our enemies are outside our borders, we don't need to be torn apart from within.

MTC–00005460

From: George J. Popovich, Jr
To: Microsoft ATR
Date: 1/2/02 12:33pm
Subject: Microsoft Settlement

Gentlemen:

All things considered, it would be in the best interest of all consumers to settle the Microsoft case per the agreement already reached between Microsoft and the DOJ.

MTC–00005461

From: Ken Shelton
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 12:33pm
Subject: Microsoft settlement

I feel that as long as I have the option to use any software with the windows platform that Microsoft can add all of their software to the platform for all I care.

Example. I use CompuServe as my internet provider and not msn. I use the office program which is an add-on simply because it is more universal. But I use Quicken and Quick Books instead of Money for my financial program and I use TD Waterhouse for use as a financial tool. Anyone has the ability to use a software program from any other source.

If they decide that there is a better program out their. Just as I feel that Quicken is a better program than money and is a more universal program. Unix is a platform that is winning a lot of support and so is the Macintosh platform and they seem to thrive.

I am a business man and I guarantee you that in a competitive market we stay on our toes to keep our position and improve our position. Many companies have set up easier access to the product I sell but it is my responsibility to viably compete against them not the court system.

Ken Shelton
Ken Shelton Agency

MTC–00005462

From: MEDFACTOR@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:34pm
Subject: I like MS products and pricing

Mark Colbert, President
Medical Factoring Concepts, Inc.
2848 East Bell Rd #200
Phoenix AZ 85032

MTC–00005463

From: GideonZik@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:34pm
Subject: Fair settlement.

The Microsoft settelment is more then fair,and should be accepted.

Bernard Anker

MTC–00005464

From: Bobby (038) Nancy Johnson
To: Microsoft ATR
Date: 1/2/02 12:28pm
Subject: MicroSoft Settlement

I strongly object to any further prosecution of Microsoft. You are destroying our economy. If you remember, when Janet Reno and Company brought charges against Microsoft, our economy went down hill and continues to decline. Of course, I'm sure all personnel in the Justice Department will deny this.

Why not do a little research and determine how many school retirement systems have went broke because of the legal actions against Microsoft?

I'm just wondering what kind of operating systems that the billions of computers will use, if you are successful and bankrupt Microsoft. I know that is what is going on. Companies like Sun and Oracle have been instrumental in getting you to press more and more charges against Microsoft.

Thank you,
Bobby J. Johnson
210 La Luz Ln
Ruidoso, NM 88345–7809
505–258–1159

MTC–00005465

From: bob dollar
To: Microsoft ATR
Date: 1/2/02 12:33pm
Subject: Microsoft Settlement

Get off Microsoft's back.

Settle this thing, for the sake of the consumers and the US ecomomy. What would we have if we didn't have Microsoft.

Bob Dollar

MTC–00005466

From: Rob Green
To: Microsoft ATR
Date: 1/2/02 12:33pm
Subject: Microsoft settlement

I am happy with the Microsoft settlement as proposed by the federal government. I am very, very unhappy with the continued persistence of the states that have not joined. Please work to accept the federal governments proposal.

Thanks,
Rob Green

MTC–00005467

From: Svlgolfer@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:33pm
Subject: microsoft settlement

Gentlemen

Settle this matter NOW so we can all work toward moving our nation and the economy forward. I feel this case has reached the point that any presumed gains does not justify the effort and expense.

James H Carr

MTC–00005468

From: Calvin Guthridge
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/2/02 12:33pm
Subject: Microsoft Settlement

Ladies & Gentlemen:

I think it is ridicules dragging out the Microsoft anti trust case. Microsoft should be praised instead of hounded by a bunch of poor losers. I think Enron should be more worthy of attention than Microsoft.

Calvin Guthridge
6543 West Cameron
Tulsa, OK 74127

MTC–00005469

From: Mr. G
To: Microsoft ATR
Date: 1/2/02 12:35pm
Subject: Civil Action No. 98–1232

My name is Gerard Gambino 3812 Quentin Ave Boynton Beach Florida 33436 phone 561–742–0978

I feel the settlement agreed upon by the parties is more then fair to both sides and this matter should be put to rest for the good of the economy, tax payers and computer enthusiasts.

Thank you

MTC–00005470

From: Papaioannou, Michael G.
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 12:33pm
Subject: Settlement

Dear Sir/Madam,

I think that the settlement is reasonable and fair. This issue has to be put to rest.

Sincerely,
Michael Papaioannou

MTC–00005471

From: Anthony York
To: Microsoft ATR
Date: 1/2/02 10:36am

Subject: Microsoft Settlement

Please! Now is the time to get this matter behind us once and for all. For many of us who are not legal scholars—and for many who are—this whole lawsuit never made much sense to begin with. Whatever the merits of the case, those who want to punish Microsoft have never made a case that is convincing to the public at large. Now that we have finally have some progress, for God's sake don't go backwards and start this thing all over again.

Sincerely,

Anthony D. York

Professor Emeritus of Englishand Comparative Literature

Univ. of Cincinnati

MTC–00005472

From: D. Alexander
To: Microsoft ATR
Date: 1/2/02 12:33pm
Subject: microsoft case

I think the USDOJ should get out of the way of business, microsoft does not have monopoly (Linux, Apple, Sun etc). You're only hurting millions of taxpayers and their investments.

Doug R. Alexander

www.douglasalexander.com

MTC–00005473

From: Kecia Bruce
To: Microsoft ATR
Date: 1/2/02 12:34pm
Subject: Microsoft Settlement

The Microsoft settlement is in the public interest, PLEASE settle it. Our economy does NOT need more litigation that benefits a few special interests, and harms consumers. I want Microsoft to keep developing innovative products!

MTC–00005474

From: jdfain@tmch.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:33pm
Subject: Microsoft Settlement

I believe that the settlement that Microsoft has proposed is adequate and fair.

I have always believed that Microsoft has done more for the computer industry and the consumer than any other computer vendor in the world. This has never been an issue with the consumer. This battle has been about what the DOJ thinks is good for the consumer without polling the consumer. Anti-trust law suits should be brought about because of what has happened to the consumer. Not what happened to Microsoft's competition.

Joe Fain SR

jdfain@tmch.com
<mailto:jdfain@tmch.com>

337–266–2113

MTC–00005475

From: Graham Flood
To: Microsoft ATR
Date: 1/2/02 12:34pm
Subject: Microsoft Settlement

Hi,

Please see these comments from a consumer perspective rather than an employee.

''I have used MS software for many years (before I was a MS employee). I am very open to new technologies and software but the reality is that if you want to get your job done quickly an easily then MS software usually provides the answer. I use an Apple Mac (as I work on the Macintosh team) much more than a Windows PC and I think MS have done a great job with Mac software and have really spurred on Mac sales. I use many other types of software other than MS software only if it is any good. If I buy a PC or MAC that has pre-installed software and it doesn't do what I want I don't use it or remove it, I then go and get better stuff if its there.

Anyway I think for the economy sake and for thousands that work in the industry you should put a lid on this ASAP so we can all get on with much more important things. Why should a company be punished just because they are successful, in this business you don't get anywhere by lying down.''

thanks

Graham

MTC–00005476

From: Steven Lombard
To: Microsoft ATR
Date: 1/2/02 12:35pm
Subject: Microsoft Settlement

I believe the government should accept the settlement and forego further litigation, which, I believe, is not in the public interest. Please, do NOT pursue the litigation further.

Sincerely,

Steve Lombard

P.O. Box 356

Laie, HI 96762

MTC–00005477

From: Lorraine Storeno
To: Microsoft ATR
Date: 1/2/02 12:34pm
Subject: Microsoft Settlement

It is appalling to see how Micrrosoft has been singled out with all the anti-trusts suits when that company has done so much for the computer industry.

I have been using a computer since 1987 and can remember how difficut it was to use a computer and download every morning the DOS and etc. After Microsoft came along with Windows, I was so relieved and enjoyed computer use. It was so useful.

Our American has always recognized the leaders of our industry in whatever catagory they excelled. Please don't criple this nation's innovative technology and make them humbled to the weakest link in the chain. We need leaders, not sniviling whiners who want the government to protect them from advancement of the technology.

Let up on Microsoft. It has been a shame how ignorance has prevailed.

L. Storeno

MTC–00005478

From: Michael Gambro
To: Microsoft ATR
Date: 1/2/02 12:37pm
Subject: Microsoft Settlement

I think this litigation has gone on long enough. I strongly support the proposed settlement. I think the 9 dissenting states are not at all interested in protecting consumers but rather are interested in protecting businesses in their states who compete with Microsoft. Meanwhile, technology and business applications are continuously evolving and changing, such that this litigation is even less relevant now than it was when it was first brought. Enough is enough. I do not want my tax dollars spent on this anymore. Very few consumers believe they have been harmed by Microsoft. Rather, they believe that Microsoft has created tremendous efficiencies for consumers and businesses. I strongly believe this, based on my experience working at home and at work.

Let's focus on maintaining our competitive edge in the rapidly changing, global technological and business landscape. This can be done by settling the litigation now, and let the businesses work on developing better products as opposed to more creative litigation strategies.

Michael S. Gambro

Partner

Cadwalader, Wickersham & Taft

100 Maiden Lane

New York NY 10038

(212) 504–6825

Fax:(212) 993–2666

Fax:(212) 504–6666

email: michael.gambro@cwt.com

MTC–00005479

From: Gregory Guzman-Moss
To: Microsoft ATR
Date: 1/2/02 12:34pm
Subject: MICROSOFT SETTLEMENT

Government should get off Microsoft's back. This settlement is about Netscape's inability to compete in the marketplace. Stop punishing successful entrepeneurs and corporations.

Greg Moss

MTC–00005480

From: wyatt to
To: Microsoft ATR
Date: 1/2/02 12:34pm
Subject: Microsoft Settlement

Dear Sir,

I feel that the Microsoft case should be quickly settled. Why are we trying to hamstring one of the country's most productive corporate citizens? Because of Microsoft, our country is the leader in the computer software industry. It is in America's best interest to get this corporate witch hunt out of the way and concentrate on rebuilding our country and our economy.

Sincerely,

Wyatt To

MTC–00005481

From: Sullivan
To: Microsoft ATR
Date: 1/2/02 12:34pm
Subject: Microsoft Settlement

To DOJ:

Please end the Microsoft litigation as quickly as possible, minimizing fines and damages against Microsoft.

If you hurt Microsoft, you hurt the US economy, and all of us voters and taxpayers.

Dr. Daniel T. Sullivan

Mrs. Susan M. Sullivan

61 Frontenac Dr.

St. LOuis, MO 63131

MTC–00005482

From: WALKER, CHARLES B (HP–USA, ex1)
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 12:35pm
Subject: This settlement is tough, but

reasonable and fair to all parties involved.

This settlement is tough, but reasonable and fair to all parties involved. It is doing what is best for the consumer.

Charles Walker

MTC–00005483

From: MARVIN KALLSEN
To: Microsoft ATR
Date: 1/2/02 12:34pm
Subject: Microsoft Settlement

I hope this settlement can be finalized quickly so our economic system can function as it should without undue government influence. I'm not a lawyer, but I don't understand how the objecting states have any ''basis'' or ''standing'' in this issue anyway.

Marvin Kallsen

MTC–00005484

From: metamorphous
To: Microsoft ATR
Date: 1/2/02 12:35pm
Subject: Microsoft Settlement

Enough already.

Microsoft has done everything you asked. Microsoft is still innovating. Do you want to stifle innovation and creativity? I am an inventor in a non tech industry. I am a senior citizen spending much of my cash reserves to develop a better process and product. This process will eventually revolutionize an entire industry. Will you make me pay a penalty too. Finish this and stop spending more taxpayer money. You will never satisfy everybody so do the right thing.

Alfred Niederman

MTC–00005485

From: RONLOMCMIL@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:35pm
Subject: Microsoft Settlement

It is my opinion that the Microsoft suit should be settled in an expeditious manner.

This has taken much too long and has cost the taxpayers excessively. It has also taken many dollars from the pockets of the senior citizens of this country who are the major stockholders. As a widow on a fixed income, I can tell you it has been costly for me and the suit has caused the tech stocks to all suffer.

Sincerely,

Lois L. McMillan

MTC–00005486

From: Jon Missert
To: Microsoft ATR
Date: 1/2/02 12:34pm
Subject: Microsoft Settlement

I am sending this email to urge you to settle the Microsoft anti-trust suit. I would also ask you to urge the states not currently supporting the settlement to join those who have to resolve this as soon as possible. There are many investors, mostly individuals, that would benefit tremendously from a resolution to this matter. The suit has accomplished its goal, prices continue to drop, and products continue to improve. The computing public is now safe and it is time to move on and let Microsoft get back to doing what it does best—making good products and increasing its share price.

Jon Missert

MTC–00005487

From: William R. Michelman
To: Microsoft ATR
Date: 1/2/02 12:34pm
Subject: microsoft settlement

Dear DOJ:

I am writing to express my support for the pending Microsoft settlement. In my opinion, the lawsuit against Microsoft was ill conceived and, without coincidence, it coincides with the start of the downturn in our economy. Without Microsoft we would all be in a computer age Tower of Babel, because Microsoft brought a stable format to the computer industry that allowed it to develop to the point it is at today, and to where it will be tomorrow. I am still waiting for the testimony of a single consumer who can show he or she had to pay a higher price for a computer or for software as a result of anything that Microsoft did. If it was not for politically connected whiners like Sun Microsystems and other companies trying to take market share from Microsoft, there would not have been such a misplaced use of the antitrust statute. I support this settlement, not because I think that Microsoft actually harmed consumers, but because anything that gets the case over with without doing unnecessary harm to Microsoft is a good idea. In my opinion, the states that are refusing to go along with the settlement are just like gold diggers.

They need money and they see the lawsuit as a means to that end.

WR Michelman
Tacoma, WA

MTC–00005488

From: OHIOHOTDOG@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:35pm
Subject: Microsoft Settlement

DOJ:

This email is to support the Microsoft Settlement.

1. It is fair. If any of the competitor's of MS really want to do a service to the country all they need to do is develop an OS that is better and/or cheaper than Windows Systems.

2. Stop this endless expensive litigation now.

John T. Frankfurth

MTC–00005489

From: Grahame
To: Microsoft ATR
Date: 1/2/02 12:35pm
Subject: Microsoft Settlement

The last thing the American economy needs is more litigation that benefits only a few wealthy competitors and stifles innovation.

MTC–00005490

From: Lenny Woods
To: Microsoft ATR
Date: 1/2/02 12:35pm
Subject: Microsoft Settlement Feedback

To Whom It May Concern:

I wanted to send a short note of feedback regarding the Microsoft decision. I believe the decision that stands should be accepted by all states and I'm happy to see that Microsoft will have sanctions against them without destroying their ability to produce innovative and exciting technology.

Regards,
Leonard M. Woods

MTC–00005491

From: Doug Klappenbach
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 12:24pm
Subject: Microsoft Settlement

I believe that the proposed settlement between DOJ and Microsoft is fair. I feel that the 9 States that refused to join the Settlement Agreement are driven by special interests of companies competitive to Microsoft and are both i.) delaying the completion of the case and ii.) tiring to impose remedies that benefit companies in business competing with Microsoft. This will not result in benefit to the consumer.

Doug Klappenbach

MTC–00005492

From: Matthew Foldenauer
To: Microsoft ATR
Date: 1/2/02 12:35pm
Subject: Microsoft Settlement

The government should stay out of Microsoft's business. Evidently, only a certain amount of success is tolerated in this country. When a government attempts to create an artificially level playing field, they inevitably do more harm than good. Keep government out of the way of free enterprise.

Matthew Foldenauer,
griffinmo@hotmail.com

MTC–00005493

From: Potter, Bob Ext.1411
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 12:40pm
Subject: Please, I'm begging you—Get Off MS's back—for the good of the economy!!!

Regards—Bob
Bob Potter
Information Technology Department
Potterb@co.monterey.ca.us
(831) 796–1411

MTC–00005494

From: Dan Plastina
To: Microsoft ATR
Date: 1/2/02 12:35pm
Subject: Shutdown the Microsoft competitors from further harming a great american company Microsoft is a good company. Microsoft does good things for people. Software and PCs have never (ever!) so affordable and great.

This case is now so obviously about Microsoft competitors wanting to slow Microsoft down.

I do not believe that the US Court system should kill one company for the sake of the other STRIVING and BILLION DOLLAR competitors. Let them spend R&D money instead of lawyer fees (and corporate espionage). Yes, Microsoft is big. Past contractual behaviors may not have been fair, but the proposed consent decree does address those issues and will do what it is supposed to do—Reinstate a competitive environment by cleaning up the playing field, not by knowing out of the ring one of our great companies.

MTC–00005495

From: Bruschi, Gene
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 12:42pm
Subject: Comments on the Mircosoft Antitrust Case

My name is Gene Bruschi (gene.bruschi@wxsms.com) and I appreciate the opportunity to express my views on the Microsoft anti-trust case. This settlement is tough, but reasonable and fair to all parties. Please do not allow the interest of a few special groups to delay the settlement of this case.

MTC–00005496

From: Howard (038) Connie
To: Microsoft ATR
Date: 1/2/02 12:36pm
Subject: Settlement

Let us not use this phase of the settlement process for the 9 states to try to gain more concessions from Microsoft. The DOJ settlement is fair,lets get on with better things.

Howard Simpson
380 Dolphin Ave NE
Ocean Shores, Wa 98569
360 289 3635

MTC–00005497

From: PAULS401@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:35pm
Subject: microsoft settlement

It has been judicated, let's move on. States which did not accept the settlement offer are nothing more than opportunists and have only self interest objectives.

MTC–00005498

From: Dkbul@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:35pm
Subject: Microsoft Settlement

My wife and I fully support the final settlement of this case without any further litigation or legislation.

D.K. & B.E. Bullard
1116 Woodstock Lane
West Chester, PA 19382

MTC–00005499

From: Al Kulp
To: Microsoft ATR
Date: 1/2/02 12:35pm
Subject: Microsoft Anti-trust settlement

Please get this over with. Microsoft's monopoly power is limited to their ability to produce better software than competitors, including open-source. The software industry can and will change quickly based on the product's merits. Microsoft has developed good software that consumers and businesses want. Alternatives are available. Let the market decide.

Al Kulp
Anaheim Union High School District

MTC–00005500

From: MailittoLinda@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:36pm
Subject: Microsoft Settlement

To Whom It May Concern: Please know that I oppose any future litigation against Microsoft. I thought the government settled the case against Microsoft, but apparently The Tunney act says the states can sue also if they disagree with the govt. decision. I urge everyone contemplating suit to forget that. We need to end this and soon. We need to get our economy growing again, that's earnings, profits on production, not law suits. Thankyou.

Sincerely,
Linda Jackson
Chicago

MTC–00005501

From: Josh R. Mitts
To: Microsoft ATR
Date: 1/2/02 12:28pm
Subject: Microsoft Settlement

Dear the DOJ,

I just wanted to say that I am in full support of the settlement and hope things proceed. Thank you!

Sincerely,
Josh R. Mitts
jmitts@treasureonthenet.com

MTC–00005502

From: George Gowland
To: Microsoft ATR
Date: 1/2/02 12:36pm
Subject: Microsoft Settlement
To: U.S. Justice Department Anti Trust Division

The U.S. Department has a chance to make amends for the Clinton-Reno version of a Justice Department in the case of the Microsoft settlement. There was so much wrong in the handling and subsequent trial that it would take more than this letter to detail the unfair practices by the government. It is time to move on. Microsoft is one of the World's premier companies representing all that is best about the United States and entrepreneurship. Bill Gates and his wife have through their charitable foundations shown what separates them from the moronic politicians who have pressed this witch hunt.

The present attorney general of California, the State I reside in has chosen to lead the other State malcontents in continuing this vendetta. He did not have the courtesy to reply to my written objections. Settle the case and lets get back to work increasing the country's technological lead.

George and Patricia Gowland

MTC–00005503

From: Miguel F. Sarria
To: Microsoft ATR
Date: 1/2/02 12:37pm
Subject: FINAL JUDGMENT

I believe that to maintain justice, all parts of the FINAL JUDGMENT should be applicable to all players in the technology industry. But this should not hinder the R&D of the technology industry. If we see that such rules become RED TAPE and slow the progress of R&D of Operating systems, software in general and hardware, the courts should allow for deregulation

Miguel F. Sarria
Miguel F. Sarria, IS Manager
Alliance for Transportation Research Institute / University of New Mexico 1001 University Blvd SE, Suite 103, Albuquerque, NM 87106–4342, USA Phone (505) 246–6442 Fax (505) 246–6001—Email: msarria@unm.edu, Web Sites: www.unm.edu/atr and www.trex-center.org

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MTC–00005504

From: Hugh Solaas
To: Microsoft ATR
Date: 1/2/02 12:37pm
Subject: Microsoft Settlement

Please let this prosecution of one of our great American companies end. Our economy and stock market has been hurt by this insane prosecution. It is very much ''in the public interest'' to let this settlement stand and to move on.

Thank you for the consideration,
Hugh Solaas
Hansville, WA

MTC–00005505

From: Bremner PA (Phillip) at Aera
To: 'Microsoft.atr@usdoj.gov'
Date: 1/2/02 12:33pm
Subject: Microsoft Settlement

I am a programmer with 10 years experience. Currently I am working as a SAP ABAP programmer for Aera Energy in Bakersfield, CA. The government's case against Microsoft has been driven from the wrong position. This case has done nothing except strength Microsoft's competitors at the expense of the consumer and the software development industry. This is and has been a farce.

Please stop the insanity... let the world continue in a path that lets technology grow. Get out of the way!

Thank You.

Philip Bremner—ABAP Programming Analyst
Aera Energy LLC—SAP Support
Location: 1B06 Voice: 661–665–5589 Pager: 661–337–1963 Schedule: B
Email: PABremner@AeraEnergy.com <mailto:PABremner@AeraEnergy.com>
PBremner@bak.rr.com

MTC–00005506

From: Gil
To: Microsoft ATR
Date: 1/2/02 12:36pm
Subject: MIcrosoft Settlement

Stop the persecution of Microsoft. Bill Gates gave the world what they wanted when nobody else cared to, and is reaping the rewards of those efforts. As for all those whiners—let them eat their sour grapes!

MTC–00005507

From: Luby, Thomas
To: Microsoft ATR
Date: 1/2/02 12:37pm
Subject: Microsoft Settlement

With all due respect leave Microsoft alone. Drop all charges and back out quietly. Anti-trust cases are supposed to be about consumers that are harmed. I have seen no evidence about any consumers being harmed.

Only competitors being pissed off because Microsoft is good at what they do. Please don't punish success.
Sincerely,
Thomas F. Luby
Thomas@Luby.com
678–560–1180—Home
404–579–6170—Cell

MTC–00005508

From: Jef Gazley
To: Microsoft ATR
Date: 1/2/02 12:36pm
Subject: Dear Sir;
Dear Sir;
I really feel that Microsoft has done nothing criminal and that the government should get their hands out of it- both state and federal.Jef We believe better health begins with better Mental Health.
Jef Gazley M.S.
http://www.asktheinternettherapist.com

MTC–00005509

From: Planter26@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:37pm
Subject: settlement
Settlement would be good for consumers and stock holders.

MTC–00005510

From: Fullilove, Doug
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 12:37pm
Subject: Microsoft Settlement
Dear Sir:
I think the settlement offer by Microsoft is more than fair. Everyone should accept this generous offer and let Microsoft get on with creating jobs. In my opinion the suit was ridiculous, and never should have been brought. I am better off because of Microsoft Products. Microsoft has never hurt me in any way.
Sincerely,
Douglas
Fullilove

MTC–00005511

From: GK2043@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:37pm
Subject: MICROSOFT SETTLEMENT
PLEASE SETTLE THE MS CASE ASAP, DO NOT TAKE ANY FURTHER ASCTION AGAINS MS.
SINCERELY; GREGORY t. KERN

MTC–00005512

From: grossklas
To: Microsoft ATR
Date: 1/2/02 12:37pm
Subject: proposed settlement
To Whom It May Concern:
I believe the settlement is not only unfair to Microsoft but that the whole proceedings against Microsoft are illegal. Given the understanding of the Founders of our country, and, as laid out in the Federalist Papers and the documents of the Federal Convention of 1787, there is nothing in the U.S. Constitution which gives the Federal Government any authority whatsoever to take any action against this company.

However, if Microsoft is willing to settle for this restriction on its rights then this agreement should be allowed to proceed.
William P. Grossklas
PERSONAL INFO:
William P. Grossklas, Sr.
609 Spring Road
Elmhurst, IL 60126
Phone: 630 530 2973
Fax: 630 530 2976

MTC–00005513

From: Paul Kay
To: Microsoft ATR
Date: 1/2/02 12:36pm
Subject: Microsoft Settlement
I would like to comment on the proposed DOJ settlement with Microsoft. I believe the settlement is fair to all concerned and I would like the settlement to proceed. I do not understand why the 9 states are allowed to pursue their case separately. The suits against Microsoft by the states are ridiculous. The US Government found a way to settle the case and the states should agree to the same terms.
Thank you.
Paul Kay

MTC–00005514

From: Kevin White
To: Microsoft ATR
Date: 1/2/02 12:38pm
Subject: enough already
The amount of time and money spent on trying to dismantle Microsoft should be an embarrassment to the DOJ. It is obvious that the states that either have prominent Microsoft competitors, or are just trying to put themselves in the news, are continuing the witch hunt to further their own agenda. I am in the medical industry and see the tremendous abuses of power by J&J and Tyco, yet never a sign of the DOJ. Too busy chasing its tail. Enough is enough. Let Microsoft continue to produce products that benefit consumers. Look at other industries with the same scrutiny.
K. White
Oregon

MTC–00005515

From: John Crean
To: Microsoft ATR
Date: 1/2/02 12:38pm
Subject: Microsoft settlement
I think it's time to put all of this baloney behind us.
The only thing Microsoft is guilty of is putting great products on the market at fair prices.
John Crean
Oneonta NY

MTC–00005516

From: Bud Aaron
To: Microsoft ATR
Date: 1/2/02 12:38pm
Subject: Microsoft Settlement
To Whom It May Concern—please get this behind us. We really need to get on with business as a small developer and we need stability more than any other single thing in my view.
Bud
Bud Aaron
http://www.checkmaster.com
760–757–6635

MTC–00005517

From: Jim S. Craft
To: Microsoft ATR
Date: 1/2/02 12:39pm
Subject: Microsoft Case should be Settled
I think that the Microsoft case should be settled as decided. I think that the case was weak, since Microsoft is not a monopoly (look at the palm pilot, Epoc, Apple, etc.). This case was never in the interest of the people, as Microsoft has become the largest software manufacturer by selling their product for less than the competition with more features. The monopoly laws were meant to keep companies from charging more for inferior products, and that is not what Microsoft has done.
I say that the government should stay out of free enterprise and allow for companies to compete. If Microsoft were making a bad product and making huge profits, it would be a different ball game. Until then we should be happy with the way things are now.
Jim Craft
Battle Creek, MI

MTC–00005518

From: dennis
To: Microsoft ATR
Date: 1/2/02 12:36pm
Subject: Microsoft Settlement
I believe the Microsoft settlement is in the best public interest as it now stands, and object to any changes.
dennis g bouscal
209 e sierra ave
spokane, wa 99208
509.468.0177
dennis@bouscal.net

MTC–00005519

From: Benjamin Strong
To: Microsoft ATR
Date: 1/2/02 12:38pm
Subject: Microsoft Settlement
I believe that the proposed settlement between Microsoft and the Justice Dept. is seriously deficient and will not protect the rights of the American people, computer users all over the world and Microsoft competitors. I believe the position of the nine dissenting states is reasonable and well founded. One of my prime objections to the proposed settlement is there is far too much reliance on Mr. Gates and his company to be ''good citizens''. His past record rebuts this. Mr. Gates has always taken the position that ''What is good for Microsoft is good for the industry and the Country''. He has given ample proof that he is not to be trusted.
I hope and wish that the DOJ will reconsider its position and give serious consideration to adopting the position of the dissenting States. Thank you.
Benjamin R. Strong
6550 Chardonnay
Pensacola, FL 32504
ben@strongb.com
Phone: 850–494–9857
Fax: 850–477–3133

MTC–00005520

From: James Mosimann
To: Microsoft ATR
Date: 1/2/02 12:38pm

Subject: settlement
Thanks for the just settlement, and the DOJ's moving on this. The economy needs entrepreneurs at this time of slowdown.
James Mosimann
5 Balmoral Court
Rockville, MD 20850

MTC–00005521

From: Nicholas Cloyd
To: Microsoft ATR
Date: 1/2/02 12:40pm
Subject: Microsoft Settlement
January 2, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
RE: Microsoft Settlement
On November 6, 2001, the United States and Microsoft tentatively agreed to the entry of a revised proposed Final Judgment <http://www.usdoj.gov/atr/cases/f9400/9495.htm> to resolve the United States' civil antitrust case against Microsoft. Please settle this case as currently proposed, Tunney Act (Antitrust Procedures and Penalties Act, 15 U.S.C. ? 16).
This settlement is in the best interest of our nation, free enterprise and the American people.
Business and People, (time, intellect, money and testimony) have all had due process. Thankyou for providing such and now please settle this case.
Yours Sincerely,
Nicholas K Cloyd
cloydn@wwdb.org

MTC–00005522

From: Caroline.Cacas@ey.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:35pm
Subject: Microsoft Settlement
I urge you to please settle the Microsoft case and not allow further litigation.
Thanks
Caroline

MTC–00005523

From: M.G. (q)Ravi(q) Ravichandran
To: Microsoft ATR
Date: 1/2/02 12:39pm
Subject: Microsoft Settlement
Hello,
I have been following this case since it started. As a consumer, I believe this case had more to do with competitors complaints rather than consumer interest. Regardless of that, I am happy to see that DOJ and Microsoft reached a settlement. In spite of the fact that this settlement is harsh on Microsoft, I believe it is time to close the case and move on.
Thanks
M.G. Ravichandran
Northville, MI

MTC–00005524

From: Tom_Smarsh@cargill.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:38pm
Subject: Microsoft Settlement
To whom it may concern!
As a user of Microsoft products, I feel there is a fine line between being an aggressive marketer of your products and breaking anti-trust laws. Seems to me both the U.S. Government and competitors yell foul when a company like Microsoft grows and becomes successful in marketing great products that fill the need of many consumers worldwide. How is Microsoft any different than Wal-Mart in marketing and pricing practices? When Wal-Mart comes into a new market their buying clout puts many grocery stores, filling stations, tire dealers, clothing stores, lawn & garden stores, and other stores out of business. If a law was definitely broken by Microsoft, fine them appropriately, make them dedicate free resources to what the U.S. Government is currently paying to have done, and let's get on to better things that strengthen our Country. . . .
Have a Sterling Day !!!!!!!!!!!!!!!
Tom Smarsh
Office Phone = 316–291–2936
Cell Phone = 316–393–3808
Office E-Mail= Smarsh,Tom J./wich
Internet E-Mail= Tom_Smarsh@cargill.com

MTC–00005525

From: John Wagner
To: Microsoft ATR
Date: 1/2/02 12:39pm
Subject: Microsoft settlement
I think that the Microsoft suits should be settled as it determined by the courts. Hurting Microsoft more now will hurt the overall economy.
John L. Wagner
780 Norfolk Drive
Carson City, NV 89703

MTC–00005526

From: Jack McDaniel
To: Microsoft ATR
Date: 1/2/02 11:38am
Subject: Microsoft Settlement
Please don't drag out this settlement any longer. The settlement reached is fair and equitable. Our economy needs stabilizing, not more conflict brought on by competitors interests.
Jack McDaniel
POB 1409
4705 240th St SE
Bothell WA 98041–1409
(425) 486–9205

MTC–00005527

From: Regan, Kevin
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 12:39pm
Subject: Microsoft Settlement
To whom it may concern,
Please understand that anymore time and money spent on the MS case is counterproductive and futile. The freedom to innovate is what made this country strong, the freedom to sue is what has reduced this country to a bunch of babies. Get off MS back. Spend the money on real enemies. Tell Oracle to go and make a product sell it and quit whining.
Kevin P. Regan
Kinko's—National Business Development Manager
IKON—The Way Business Gets Communicated
Toll Free: 800–804–0315
Direct-In-Dial: 425–803–5206
Personal Fax: 425–803–5237
Business Cell: 206–799–3788 U.S.A.

MTC–00005528

From: Nikisher, Michael
To: ''Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 12:38pm
Subject: Microsoft Settlement
Dear Sirs:
It is time to settle this case and move on.
Michael Nikisher
Round Rock, TX

MTC–00005529

From: James Bratsanos
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 12:38pm
Subject: Microsoft Settlement.
Please allow the agreed upon settlement to stand. This issue has taken far to long to resolve and I for one thing the settlement is fair. Let's start spending our taxpayer money on other more pressing matters!
Thanks
James Bratsanos

MTC–00005530

From: John Victor
To: Microsoft ATR
Date: 1/2/02 12:38pm
Subject: Microsoft case
I strongly urge the DoJ to settle with Microsoft. It is in the best interest of consumers and our economy to end this lengthy lawsuit.
Sincerely,
John Victor

MTC–00005531

From: Charles Jaffe
To: Microsoft ATR
Date: 1/2/02 12:30pm
Subject: Microsoft Settlement.
DROP THE LAWSUIT.
Charles Jaffe, CPA

MTC–00005532

From: Loy, Betty D.
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 12:39pm
Subject: Microsoft Settlement
II very much support the DOJ setlement. As a consumer I don't believe it is in the best interest of consumers and taxpayers to continue to harass Microsoft. In my opinion they are doing what an innovative provider should be doing and I don't think they should be penalized for that. I thought the decision not to break up Microsoft was a wise one and I urge you to not overturn this decision. Our economy is too fragile at this point to continue litigation against a company that is doing so much for the USA and its people.

MTC–00005533

From: RAY2001@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:39pm
Subject: Microsoft settlement
Let's stop beating the dead horse. Microsoft is one company America should be proud of. Stop the persecution and get on with life. Why punish a company that has brought us so much good? I would question the motives of their competitors agenda. Let's use the gov't to get rid of all of my competition. Microsoft's good works and good products

speak volumes for their case. Get it over with now!

MTC–00005534

From: H20br@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:39pm
Subject: MicroSoft Settlement

To whom is concerned:

I believe that NOTHING should be done to Microsoft. When you can find a company that does as much as Microsoft does for our CHILDREN, whom I believe is OUR FUTURE, that we should be saying THANK YOU. This country is based on the right to enjoy FREEDOM. It seems to me that the companies that oppose what Microsoft did by not including their product, need to quit the whining and get busy developing a better product and put it in their own software. By finding Microsoft guilty of not allowing other companies in the Microsoft products is ludicrous. Make GM put a Chrysler body on their frame and have it powered by Ford. I know, Toyota would file a lawsuit against you! LET MICROSOFT do what they do best, and leave them alone! I will bet that you are reading this thru Microsoft products and therefore are guilty as Microsoft for not giving the other companies the opportunity. I WANT MY MICROSOFT.

Thank YOU . . . Bill Roland

MTC–00005535

From: TINNELLFIBRE@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:40pm
Subject: MICROSOFT SETTLEMENT

DEAR SIR,

AS A CONCERNED CITIZEN AND USER OF MICROSOFT PRODUCTS I FEEL IT IS TIME TO ''LAY OFF'' MICROSOFT AND FOCUS ON IMPORTANT ISSUES. MY FEELING IS THERE A LOT OF STATE ATTY. GENERALS THAT WANT TO MAKE A NAME FOR THEMSELVES AND SOME WINDFALL MONEY FOR THEIR STATES. THIS IS NOT IN THE GENERAL PUBLIC INTEREST.

ALSO MICROSOFT HAS COMPETITORS THAT WOULD LIKE TO SEE MICROSOFT LOOSE SOME COMPLETIVE EDGE THROUGH GOVERNMENT INVOLVEMENT. THIS IS NOT GOVERNMENTS JOB IN MY OPINION. MY VOTE GOES FOR DROPPING ANY PENDING ISSUES AGAINST MICROSOFT AND MOVE ON. ALSO I HAVE NO SIGNIFICANT DIRECT INVESTMENT IN MICROSOFT THAT WILL BE IMPACTED BY THE GOVERNMENT DECISION ONE WAY OR THE OTHER.

HAPPY NEW YEAR AND BEST REGARDS,
WILLIAM R. TINNELL
ORANGE, CA 92869

MTC–00005536

From: Allen Benas
To: Microsoft ATR
Date: 1/2/02 12:40pm
Subject: Microsoft Settlement

Good Day:

It seems to me your efforts can be much better applied to our current national problems with terrorists instead of further attacking a company who's products have revolutionized the nation and the world, employs thousands of highly paid employees including every minority there is and donates tens of millions of dollars to numerous charities, in an effort to enhance the life styles of the disadvantaged. All this, while companies like AOL/Time Warner are allowed to create the largest communications monopoly in the history of the world, right under your noses. Isn't it about time we realize that enough is enough, and look upon Microsoft as an overall fine and upstanding national citizen, facing with stiff competition, that is simply trying to remain successful?

Yours truly,
Allen Benas
P.O. Box 69
Clayton, NY 13624

MTC–00005537

From: Bobjytte@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:39pm
Subject: Microsoft Settlement

Please settle this now as worked out in the courts.

MTC–00005538

From: Uskup, Ergin
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/2/02 12:39pm
Subject: Microsoft Settlement

As a citizen and also as the Chief Information Officer of a $ Billion company would like for you to know that I support strongly the DOJ settlement terms of Microsoft conflict. I think Microsoft has been attacked by their competitors who Seem to be unable to compete fairly in the open technology market place. Microsoft products are essential to corporation (to ours) and to consumer. The integration they provide between their products improves our productivity & saves us time & money. Both the corporate Information Technology world and consumer will be worse off if this conflict does not get settled ASAP and along the lines of DOJ agreement.

It is hard enough to cover all aspects of technology in the corporate or consumer world (security, inter operability etc) within the current environment where Microsoft provides integrated products. The competitors of Microsoft should spend their money on R & D instead of in legal fees and work hard. It is not that hard to hire lawyers or get in front of senate committees and complain. Let them roll their sleeves & get to work. In the mean time let us go forward without unnecessarily further complicating the technology environment.

I would be happy to provide additional views if you wish. Thanks

MTC–00005539

From: Betty Seymour
To: Microsoft ATR
Date: 1/2/02 12:40pm
Subject: Microsoft Settlement

This country is based on feedom. Let's settle this so we don't waste any more paper, money and breath on it, and can go back to accomplishing the inovation that Microsoft was born to carry on. What a waste of steam.

MTC–00005540

From: Rahl, Francis R.
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 12:41pm
Subject: Public Comment

I believe the proposed settlement to be sufficient and am hopeful the matter can be put to rest.

Francis R. Rahl, Jr.
27 S. Stricker St.
Baltimore, MD 21223
410–765–7828

MTC–00005541

From: Faye, Judy
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 12:38pm
Subject: Microsoft Settlement

I believe that the proposed settlement is in the best interest of all concerned and should stand as is.

Judith R. Faye
Senior Application Consultant II
USinternetworking, Inc.
612 Wheelers Farm Road
Milford, CT 06468
Telephone: 203–701–3838
E-mail: judy.faye@usi.net

MTC–00005542

From: B42241@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:39pm
Subject: Microsoft Settlement

Jan. 2, 2002

As a Microsoft stockholder I firmly urge you to settle as soon as possible.

Best Regards, Beth Scott

<A HREF=''http://www.campnapa.com/ ''>http://www.campnapa.com/</A>

MTC–00005543

From: ECLAUSNER@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:41pm
Subject: Microsoft Settlement

We are aware that DOJ lawyers deliberately prolong law suits to help their brothers in the civilian community line their pockets. Settlement of this matter has been delayed long enough.

MTC–00005544

From: CJyourDJ@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:39pm
Subject: Microsoft Settlement

It's time to bring this whole affair to a close based on the previously agreed settlement. As a professional, my work has become so much more efficient than in years past because of the advances in computer science—much of it developed by microsoft. It's time to get the rest of the states on board and everyone back to productive work

C. J. Lehane

MTC–00005545

From: Anthony D'Attomo-Home Office
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 12:36pm
Subject: MICROSOFT SETTLEMENT

DEAR SIR:

I am the Chief Financial Officer for a national company. I have worked with computer people my entire career, and in fact, I now have over 20 IT professionals reporting to me. If you have not realized it already, they can be a most unusual breed of people. In the case of Microsoft, the feelings

become intense and personal. For those that do not like Bill Gates, it is as if he ran over the family dog. The only analogy I can make is if you had some deep hatred for the President of Ford, and therefore refused to buy a Ford automobile for that reason alone The PC came about when I first started my career in 1979. I have operated the original type that wrote files to a tape player, all the way up to the amazingly powerful clusters that exist today. I can tell you that clearly computing owes Microsoft everything. What I can do in this companies network could not be accomplished without what Microsoft did with its software. No matter how a person feels about Mr. Gates, we cannot overlook this simple fact.

The rocks being thrown by other software makes is nothing but sour grapes. They got beat, and they do not like it. I can tell you for example in the Apple vision for the world 20 years ago, it was use Apple software and hardware, or you use nothing at all. Thank god we were not being led by that group.

The bottom line is that Microsoft made computing what it is today, and they continue to provide the best product. I can tell you that XP is beautiful as are all of the Microsoft products. If someone makes something better, we will buy it, and run it under XP. As far as operating systems like XP, 2000, 98 and 95, they fact that they provide a standard for us to run our desktops and networking is imperative to keeping this process on track. Imagine that if every time you bought an appliance for your home each device required its own particular power source. You would have a mess on your hands. In computing the desktop operating system is like the electricity in your home, a standard is imperative.

As far as my two cents, I am glad that you are near settlement. I would rather see my tax dollars spent chasing a real problem, and not one generated by software vendors who failed to deliver a good product and now stand behind the government to get them back into the game. The protraction of this debate is also upsetting the stock market and the financial stability of the nation. Dragging this out hurts everyone, and helps no one. By the way, if you want to understand a true monopolistically aggressive company, check out AOL. They better fit the pattern that you are looking for

Anthony D'Attomo CPA

MTC–00005546

From: james—flynn@urscorp.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:40pm
Subject: Microsoft Settlement

I believe the settlement agreement is fair and is in the public interest. It was negotiated by experts over an extended period of time and should be acceptable to all parties.

Regards,
Jim Flynn
Senior Hydrogeologist
james—flynn@urscorp.com
URS Corporation
1501 Fourth Avenue, Suite 1400
Seattle, Washington 98101
206–438–2700 (Reception)
206–438–2113 (My direct line)
206–438–2699 (FAX)

MTC–00005547

From: Rdso@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:41pm
Subject: Microsoft Settlement

Settle this suit quickly. It was an unjust litigation at the beginning, brought by competitors to bring down a successful company. We must reinforce the business climate in this period of economic uncertainty. Ardis Ostrom

MTC–00005548

From: Mauiti@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:39pm
Subject: microsoft settlement

I feel that enough is enough. Let's get this hole thing over with. Microsoft and the government have come to a settlement, let's get on with business. Let the other states cry all they want. They just want there own company's in there state to profit like Microsoft has. They don't want to have put out the money nor the time they just want it given to them. Sorry but I disagree. I hope they lose big time.

Bob Kassner JR.

MTC–00005549

From: B.J. Fornadley
To: Microsoft ATR
Date: 1/2/02 12:41pm
Subject: Microsoft Settlement

Why doesn't the Fed. press the States to accept the settlement that was fair to all.

It's is only politics by those senate and house members who are ''friends of SUN and Oracle CEO's etc'' that are keeping this thing going!

Quit wasting the tax payers money!

MTC–00005550

From: Annabel Wayne
To: Microsoft ATR
Date: 1/2/02 12:40pm
Subject: Lawsuit against Microsoft

I am very concerned that the suit that you have against Microsoft, stops the innovations that one company single handedly has given to the world. Because of Microsoft, I have become a better teacher, using their software which came on my computer to enhance my lessons. If I had had to purchase another program, I would not have known what to do, let alone where to get another program in a small town. When my programs came on my computer, I did not feel that Microsoft was pushed down my throat. I am sure that milliions like myself were very glad to have their programs already installed on our computers.

Annabel Wayne

MTC–00005551

From: Prakash Puram
To: Microsoft ATR
Date: 1/2/02 12:41pm
Subject: Microsoft Settlement

The Federal Govt's settlement of the Microsoft case is a fair and just one. Microsoft's competitors are attempting to unduly influence the settlement to gain an unfair competitive advantage for personal benefit. In a market economy, demand and supply forces should be allowed to work over a period of time. I am a small software company that works with Microsoft and find them to be incredibly cooperative and encouraging of my company's product development work. They have rightfully earned their place in US Businesses as a crown jewel and the U.S. Govt. should not pay any heed to the 9 States attempting to derail the settlement on the table.

The U.S. Economy as a whole will benefit dramatically from the innovation and increased productivity to be release by Microsoft if it is rightfully allowed to continue operating its business with all due freedom accorded by the U.S. commercial and trade laws. The stock market will surge higher, the recession will end, businesses will return to a growth mode, and many unrealized benefits will come to fruition the moment the DOJ and the United States close this case without much further legal proceedings. Competitors are trying to leverage their government elected officials unfairly to benefit their personal agendas and I am not willing to put up with this.

I spent most of my working career with IBM and saw how the DOJ shackled IBM's innovation when it too was dubbed a monopoly. After a decade of dragging IBM thru relentless battering, the United States Govt. unwittingly was the main factor in destroying that company's competitive advantage in the marketplace and they passed on the power not to other American firms, but sadly to Fujitsu, Hitachi, NEC, and other Japanese firms. The very basis for assaulting IBM became moot since with or without the DOJ's help, Microsoft rose to leadership thus clearly verifying the fact that innovation and market forces are ultimately the most invincible arbiters of winners and losers. If Microsoft doesn't continue to innovate or provide value for money, within days or weeks corporate America and the individual consumers will cast away Microsoft for better products and services from other companies.

Please end the legal wrangling now and take conscientious decisions to return America, Microsoft and the entire software industry to focusing on their work—not on legal proceedings. To not close this case immediately bodes bad tidings for the US Economy in 2002 and beyond and we just cannot afford that. Sun, WordPerfect, Palm Novell, AOL, Netscape are all losers because they have bad unproven products. The brand name and the market share of Microsoft is hard-earned and should be preserved not destroyed.

Please end the litigation now and ratify the Microsoft—DOJ Settlement without further delay.

Prakash Puram, CEO, iXmatch Inc.
612–840–6979
http://www.ixmatch.com
iXmatch—For Mission-Critical Matching

MTC–00005552

From: Emilie Hernandez
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 12:36pm
Subject: MICROSOFT SETTLEMENT

Please allow Microsoft to settle this case as soon as possible. The proposal is very fair and benefits many individuals. The economy

is so uncertain at this time, the government could better use the money it is wasting on this suit.

Emilie Hernandez
hernandez@fergwell.com
<mailto:hernandez@fergwell.com>
503.226.1444

MTC–00005553

From: Mister Thorne
To: Microsoft ATR
Date: 1/2/02 12:42pm
Subject: Microsoft Settlement

Dear Sirs:

Please advise as to when the 60-day period for comment on the proposed settlement expires.

Thank you
Mister Thorne

MTC–00005554

From: Chris Holt
To: Microsoft ATR
Date: 1/2/02 12:42pm
Subject: Microsoft Settlement

Hi,

Here's what I think:

Enough already! Settle. It really IS for the benefit of consumers and other companies. Sure Microsoft competes hard with companies like Oracle, AOL, etc. but what many people don't understand fully is how many THOUSANDS of small companies out there THRIVE off of Microsoft's innovations and technology. The companies who continue to complain about Microsoft like Oracle, AOL, SUN, etc. would only LOVE to be in Microsoft's situation and are simply using the government to attempt to get ahead because they cannot compete on there own merits.

Thanks you for the opportunity to write,
Chris Holt
Salinas, CA 93907

MTC–00005555

From: Bob McConnell
To: Microsoft ATR
Date: 1/2/02 12:41pm
Subject: I think the Microsoft settlement should go through, dont delay it

I think the Microsoft settlement should go through, dont delay it

Bob McConnell

MTC–00005556

From: Murray Oldman
To: Microsoft ATR
Date: 1/2/02 12:41pm
Subject: Microsoft Settlement

I believe that the settlement between Microsoft, the Federal Government and nine States should be adopted with no further modifications.

Cordially,
M. M. Oldman
murf5@prodigy.net

MTC–00005557

From: John/Sharon
To: Microsoft ATR
Date: 1/2/02 12:38pm
Subject: Microsoft Settlement

We (a family of three, voting age consumers—owners of four active computers at the moment) definitely feel that the settlement of the Microsoft case is in the best interest of the consumer. Each of our computers uses a Microsoft operating system. Two use Windows 98 and two use Microsoft 2000. In addition to the operating system we also use the Microsoft Office 2000 Professional in our computers. At one time we had a computer with a different operating system. It was a nightmare, the support for the consumer was poor, and ultimately it was removed from the computer and replaced with a Microsoft product.

We each believe that this whole Microsoft suit was ridiculous. Microsoft has hired the employees who develop their software. Their employees seem to be well treated and content to remain with Microsoft...and to try to hurt this company for their foresightedness is ridiculous. When it comes to customer support, Microsoft is the best. They stand far above many other companies in this aspect.

What I see happening if this suit is not settled is: continued uncertainty for Microsoft, which if I were running the company would definitely result in a delay in further development (not good for the consumer); increased costs to Microsoft which would be passed along to the consumer (again not good for the consumer); possibly some gain for CEO's of other software companies in terms of financial gain. This would not benefit the consumer either. We have always been very pleased with Microsoft and will continue to remain loyal to them.

The other 'cry baby' companies who are unable, or unwilling, to compete in the marketplace will never gain our support in terms of buying their products or any other means. What they have attempted to do through a legal suit does not have our support. The states that are holding out and the companies who desire to continue this suit are definitely NOT putting the best interest of the consumer at the front of their decision.

Sincerely,
Sharon, John & Greg Nawalanic

MTC–00005558

From: GKohn@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:41pm
Subject: Microsoft Settlement.

I SUPPORT THE SETTLEMENT. I CONSIDER INNOVATION TO BE A KEY ELEMENT TO THE
PROSPERITY OF OUR NATION.
GEOFFREY KOHN

MTC–00005559

From: Paul A. Kittle
To: Microsoft ATR
Date: 1/2/02 12:41pm
Subject: Microsoft Settlement

010202 @ 12:30 PM EST—

Dear DOJ—

I am an active computer user as well as an active supporter/user of Microsoft's software. Even though I do not agree with the origins of the suit against Microsoft, I am certainly willing to support that the DOJ + 9 state settlement is suitable since Microsoft itself acknowledges it is suitable. The idea that this whole event would continue for another year, maybe longer, just so several state AG's can keep their name in the paper seems to me to be nonsense.

Many of the complaints about the software produced by Microsoft are completely unreasonable, in that anyone who can read can alter the Desktop, change browsers, add software, and/or choose to use or not to use items included with any given version of Windows. For instance, I use many of the included features, but I do not use their included diagnostics, I use Norton as an alternative. I do not use Microsoft Visio, I use Smart Draw, etc. Microsoft does not require you to use each subsection, they provide it just as my car provides a radio with a tape drive, even though I only use CDs. The list goes on and on.

Please settle this completely and finally and get on to doing something worthwhile—go find Osama, for instance. Microsoft is NOT a national or international threat.

Thank you.
Regards,
Paul A. Kittle
foamman@aquafoam.com
http://www.aquafoam.com
Phone—610–804–0100
Fax—909–257–8266 (NEW)

MTC–00005560

From: Tony Kennedy
To: Microsoft ATR
Date: 1/2/02 9:41am
Subject: Microsoft Settlement

DOJ;

We are now entering a new year and one would hope with the most recent disasters in New York and the deficit spending that is occurring in rebuilding New York and the National economy related to the after effects of 9/11 that someone would be wise enough to finally settle the Microsoft anti trust litigation. It seems that everyone is interested in penalizing one of the greatest companies in the world, a company that has single handedly had the greatest impact on businesses becoming more efficient which has lead to the USA once again be seen as the ultimate world leader in some many industries where we have halted the advances that other non USA countries were making at the USA cost.

I urge you to settle this case so this great Nation can turn it's attention to more important issues!

Regards,
Anthony J Kennedy
Vice President Finance & Administration—North America

MTC–00005561

From: Murray Powell
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 12:42pm
Subject: Microsoft Settlement

I have been opposed to this litigation from the beginning. Now that a settlement has been reached it is time to close this affair. To delay this settlement only benefits the few special interests along with the government bureaucrats and attorneys who are feeding off of this legalized boondoggle.

MTC–00005562

From: Hawley@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:41pm
Subject: microsoft settlement

Does not seem to be significant enough to disrupt the monopoly...

MTC–00005563

From: Annabel Wayne
To: Microsoft ATR
Date: 1/2/02 12:41pm
Subject: Microsoft Settlement

I am very concerned that the suit that you have against Microsoft, stops the innovations that one company single handedly has given to the world. Because of Microsoft, I have become a better teacher, using their software which came on my computer to enhance my lessons. If I had had to purchase another program, I would not have known what to do, let alone where to get another program in a small town. When my programs came on my computer, I did not feel that Microsoft was pushed down my throat. I am sure that milliions like myself were very glad to have their programs already installed on our computers.

Annabel Wayne

MTC–00005564

From: Bill Beyer
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 12:41pm
Subject: Microsoft Settlement

I am writing as a concerned citizen regarding the Microsoft Antitrust Case. Over the past several years the Microsoft Antitrust Case has been litigated on both the State and Federal level. Recently the Federal government and 9 states have reached an agreement with Microsoft.

I believe coming to settlement with Microsoft is good for consumers, the industry and most importantly the American economy. Now is NOT the time to continue litigation on this case. Doing so only benefits the lawyers and a handful of wealthy competitors. More importantly prolonged litigation on this case negatively affects consumers, the industry and the American economy.

Please settle this case now as I believe it is in the people's best interests.

Bill Beyer,
707 West 4th St. #25,
Long Beach, CA 90802

MTC–00005565

From: lawrence price
To: Microsoft ATR
Date: 1/2/02 12:43pm
Subject: Mricrosoft Settlement

I am pleased that a settlement has been reached and approve of the tentative settlement. Any further litigation would be against the best interests of the American consumer.

MTC–00005566

From: John.Walentia
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 12:41pm
Subject: microsoft settlement

Gentlemen:

It is time for this to end. We need to move on. Accept the settlement...review Microsoft's actions over the next few years. If they step out of line by exceeding the terms of the settlement then they should be punished, but whatever the government does it is time to move on.

Thank You.
John R. Walentia

MTC–00005567

From: Warren Dunlap
To: Microsoft ATR
Date: 1/2/02 12:59pm
Subject: microsoft settlement

I am in favor of the settlement as currently agreed upon. I think it is fair to both parties and is in line with the antitrust laws of the United States. Trying to read more into the laws than is there runs the risk of dampening the incentive to innovate, a building block which has led this country to its leadership position in new technology.

MTC–00005568

From: Leslie, Jon
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 12:42pm
Subject: Microsoft Settlement

Dear Sirs,

It is my opinion that no action should be taken against Microsoft. No action should've ever been taken against Microsoft. They are being punished for being good at what they do. Giving away the MS Internet Explorer software was questionable, but they still do not charge for it. Plus, LINUX is an entirely free OS and no one is up in arms about that. Microsoft deserves no punishment. They have already been punished enough. Please do not interfere with the Free Market System.

Best Regards,
Jon Leslie
Jon Leslie
Sr. Project Manager
Tibersoft Corporation
One Research Drive
Suite 300A
Westborough, MA 01581
main # (888) 888–1969
direct # (508) 621–2320
fax # (508) 898–1820
< http://www.tibersoft.com <http://www.tibersoft.com/> >

MTC–00005569

From: The Computer Help Desk
To: Microsoft ATR
Date: 1/2/02 12:42pm
Subject: Microsoft Settlement

Please Settle This Issue A.S.A.P.
Thank-you,
Ronald D Whobrey
528 North Ingram Street
Henderson, Kentucky 42420
270–827–0784

MTC–00005570

From: Anderson, Mark (MLIG)
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/2/02 12:38pm
Subject: Microsoft Settlement

To Whom it May Concern:

I think it is time for the suit against Microsoft to be dropped. It is a waste of taxpayer money, government resources, and time. The general public doesn't want it anyway. Most people want Microsoft to continue to operate as is, since a healthy Microsoft is able to develop and market new and better products that enhance our productivity and happiness.

In business, the strongest, most aggressive, and savvy are the survivors. If I want to buy a luxury car, it is going to be a Lincoln or a Cadillac and not a Dussenberg or a Cord. The only Packards around are Hewlett-Packards. Yes, it is a shame to see companies fold or sell out, but it is survival of the fittest and it is ridiculous to punish Microsoft for being the most fit. If they pressured hardware manufacturers to bundle their products that's OK with me. The computer makers didn't have to go along because there are other operating systems out there. If they want to include WIndows with their PCs, then the price to pay is including Explorer. They can choose not to, but they are smart enough not to do so.

Accept the settlement and close the book on this case.

Mark Anderson
(609) 627–3823
Manderson@na2.us.ml.com

MTC–00005571

From: Jerry Robinson
To: Microsoft ATR
Date: 1/2/02 12:42pm
Subject: Microsoft Settlement!

Justice Department,

Please accept the Agreed Settlement with Microsoft ASAP!!

Tks, Jerry D. Robinson
665 Wren Drive
Casselberry, Fl 32707

MTC–00005572

From: B Duensing
To: Microsoft ATR
Date: 1/2/02 12:43pm
Subject: Microsoft Settlement

Please pass the tunney act and close the microsoft issue once and for all. Your efforts will be much better spent elsewhere than involving yourselves in to private business issues.

MTC–00005573

From: IOFZ@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:43pm
Subject: Fwd: Microsoft Settlement

Jan.2nd 2001

Mr. Gates & Associates have performed superbly for the whole world, in the use of their products and only envy and jealousy collectively from other manufacturers has caused the Government to take an unnecessary action against them, to the detriment of world wide users. So what if individuals of Microsoft benefitted financially; their earned money will come around again and so benefit the Country. Why can't Government leave them alone and let them progress unhindered, producing products for the benefit of mankind.

Drop the case against Microsoft.

A.E. IOFZ@AOL.COM

MTC–00005574

From: PBHansan@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:42pm
Subject: microsoft settlement

settle it now and let he company continue to make money for itself and shareholders as well as be the leader in software. less intrusion in the marketplace please

MTC–00005575

From: Tony Meier
To: Microsoft ATR
Date: 1/2/02 12:42pm
Subject: Microsoft Settlement.
Let's be done with this!

MTC–00005576

From: BargBobbo@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:42pm
Subject: MICROSOFT SETTLEMENT
Leave Microsoft alone! Why penalize a company for developing a great product.You're undermining the very thing that has made this country great.
Bargbobbo@aol.com

MTC–00005577

From: Laura Hemler
To: Microsoft ATR
Date: 1/2/02 12:43pm
Subject: Microsoft settlement—yes!
Please approve the Microsoft settlement. This is costing the gov't too much money and punishing a great company. The competitors are just sore losers and the states are just trying to extort money from Microsoft.

MTC–00005578

From: David Chen
To: Microsoft ATR
Date: 1/2/02 12:42pm
Subject: Microsoft Settlement
Dear Sir:
I am a consumer of the computer hardware and software, the recently agreement of the government and Microsoft was in process, the settlement will be good for the general users, companies and for the economy, especially after the 911 events, we need reboot the economy to all the states, the settlement is one of the best things we are doing right now. It will help the users, companies even government of the states back to our economy and inspire the confidence of the consumers.
I would like to see the settlement to be proceed successfully and hope everybody have a good starting for business. Good keep bless America!
A consumer—David Chen

MTC–00005579

From: Patrick Clemins
To: Microsoft ATR
Date: 1/2/02 12:42pm
Subject: Microsoft/DOJ Settlement
To Whom It May Concern:
As a consumer, I am happy to see an end to the Microsoft/DOJ legal battle. Microsoft, I believe has done their best to make quality products over the years and listen to the consumer so as to include features that the consumers want. The end of the legal battle is welcomed as now, Microsoft can now dedicate their efforts to producing software, instead of using resources to fight, what has been in my opinion, a ridiculous lawsuit. Microsoft is NOT the industry leader because of anti-competitive measures, but because they put out better software. I used to use the competitions products, but as I and other consumers discovered, as the years went by, Microsoft's product got better, and the competition's didn't, so we switched. Microsoft should be allowed to market the best they have to offer and the government should let the consumer decide what to buy.
Respectfully,
Patrick John Clemins

MTC–00005580

From: Peter Cline
To: Microsoft ATR
Date: 1/2/02 12:43pm
Subject: Microsoft Settlement
I am requesting that you approve the most recent settlement decision offered by the Justice Department and not further litigate this matter. It has gone on long enough and I believe the proposed settlement does enough to more than protect the consumer. Further litigation would only damage the consumer and the economy which is completely unnecessary.
Sincerely,
Peter W. Cline, CFP

MTC–00005581

From: HYLER, BUCK
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/2/02 12:43pm
Subject: Microsoft Settlement
I am in total agreement with the proposal settlement.
I hope the Judge will not be inclined to give any consideration to the special interest groups that are trying to derail this for their own benefit.
BV Hyler

MTC–00005582

From: Nick A. Corcodilos
To: Microsoft ATR
Date: 1/2/02 12:43pm
Subject: Microsoft Settlement
For years we have watched this ludicrous attack on Microsoft—and we heard the complainants demand justice from the courts and the government. Now, the government has worked out a reasonable settlement with Microsoft, and some of the complainants once again reveal their intent—not to resolve anything, but to turn this into a permanent battle, wasting taxpayer's and Microsoft's time and money. The courts are not the place for competitors of Microsoft to make their case—they need to make it to the consumer and the market. Please don't encourage them to continue this unproductive legal battle.
As a consumer, I consider the settlement fair and, more important, necessary to all parties involved. I urge the District Court to approve it. For what it's worth, I never saw any benefit to the consumer (including businesses that use Microsoft products) behind this attack. Competition in our free market is complex. Few survive. And that's as it should be. The states and companies that have agreed to the settlement are to be commended. The rest should go back to the drawing board and develop better products. Let's get this over with, finally. Perhaps those hold-outs ought to be charged the ''consumer'' costs of this protracted litigation—as a consumer I believe Microsoft has been hampered from innovating while it has dealt with this battle.
Respectfully,
Nick Corcodilos
ASK THE HEADHUNTER
web: http://www.asktheheadhunter.com
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email: northbridge@sprintmail.com

MTC–00005583

From: Craig Stewart
To: Microsoft ATR
Date: 1/2/02 12:43pm
Subject: Microsoft Settlement
To Whom It May Concern:
I urge you to accept the current settlement. Justice has been done. All parties have been duly served.
Microsoft along with its many competitors, must be able to serve the consuming public. It serves no useful purpose to continue to pursue Microsoft. Only the attorneys stand to benefit, not the consumer.
Sincerely,
Craig W. Stewart
206–729–0807

MTC–00005584

From: DeBona, Dave
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 12:42pm
Subject: Microsoft Settlement
To Whom It May Concern:
The events of the past few years have brought to light many things, few of which have been earth shattering, enlightening or consumer friendly. So it was with great pleasure that I heard of the settlement. As a professional who deals with not only Microsoft but other industry players and as a ''home user'' I was thrilled to hear this action was coming to an end. I was also happy to hear that Microsoft as a company would not be ''dismembered'' as so many of Microsoft's competitors had hoped for.
I think this decision by the DOJ shows a committed and honest concern and fairness for both the consumers, Microsoft, and their competitors. The cost of this trial and the resultant ebb and flow in the economy has put more strain on the industry than those practices Microsoft had been accused of. The sad fact of the matter is that Microsoft dominates because there are few alternatives worth chasing. I liken this to grocery stores. There are often times 1, 2 or even 3 within a few miles of a home. However, usually only 1 place gets shopped consistently. The only time a change occurs is when one store has ''better'' products or better pricing, i.e. something compelling to make me change. Of course this is simplified, but to the average consumer, simple is understandable and desired.
It's sad to see companies such as Oracle, Sun, and especially AOL screaming about the practices and policies of Microsoft. Oracle has dominated the database world for a long time, their product has been somewhat slow to adopt new standards and upgrade performance. They consistently lose ground to Microsoft and IBM in this area. Sun has always dominated the Web server market, again, being somewhat slow to react and upgrade. They too face increased competition from many hardware vendors, due largely in part to Microsoft's NT operating systems and the performance/value proposition they provide. And AOL, I can't say much good about AOL, so I won't. Suffice it to say, they are certainly in the pot calling the kettle back category. So as you can see, I'm very happy

that this case if finally coming to an end and I thank the DOJ and the new administration for putting emphasis where it belongs. I would also urge the DOJ to do whatever it can to put an end to the other 9 states who possibly feel the need to file their own cases in light of not accepting this settlement. Those 9 states attorney general's should be ashamed of themselves. They play politics while spending their states money, not too mention pressuring Microsoft to continue spending legal dollars on this. Of course this will eventually translate into passed on cost to the consumer. But of course, the 9 states AG's don't seem to care about anything other than their own political interests.

I would very much appreciate information on where I can write these 9 states AG's.

Thank you for your Time.

David DeBona

Technical Consultant, eCommerce

Victoria's Secret Direct-The Limited, Inc.

eMail

Work: <ddebona@vscat.com>

Home: ddebona@columbus.rr.com <mailto:ddebona@columbus.rr.com>

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Work: 614–337–5258

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Cell: 614–582–6072

6145826072@myvzw.com <mailto:6145826072@myvzw.com>

Pager: 614–520–4005

MTC–00005585

From: Landguy2k1@cs.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:43pm
Subject: Microsoft Settlement

To Whom it May Concern:

As a Microsoft user and share holder, I felt the lawsuit at the time was a bogus political ploy on the part of the Clinton Administration to punish Microsoft for not putting enough of my retirement money into the coffers of the Democratic Machinery. I also feel anything the new DOJ can do to make this thing go away is a good thing. The settlement is adequate. The DOJ needs to keep its focus on kicking people out of this country who come over here with the sole intent on killing Americans.

Mike Madden

Gulfport, MS

MTC–00005586

From: Houlihan, Kelly P.
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 12:41pm
Subject: Microsoft settlement

Can this be over? We all know the computer industry is so fast paced that Microsoft could be gone by next year if you try holding them down.

Kelly Houlihan

Construction Supt.

Oakland

510–773–6353

510–835–2492 fax

MTC–00005587

From: Svenski50@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:43pm
Subject: Microsoft Settlement

Department of Justice:

As a consumer in the software market place I want to express my opinion regarding the Tunney Act. I believe it is fair, reasonable, in the publics best interest and should not be further litigated.

Lary Simpson

MTC–00005588

From: Ron Black
To: Microsoft ATR
Date: 1/2/02 12:45pm
Subject: Microsoft Settlement

Gentlemen—

I wish to express my approval of the proposed settlement with Microsoft Corporation. I believe this is a fair and reasonable settlement and is in the best interest of the consumers of Microsoft products and the technology industry in general.

Sincerely,

Ronald R. Black

PO Box 682

Peru, NY 12972

MTC–00005589

From: JPEO826@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:45pm
Subject: Settlement

I feel that the DOJ settlement is sufficient and should be final. It is my belief that Microsoft should be allowed to innovate without government interference.

John Peoples

MTC–00005590

From: rdmtscott@juno.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:44pm

For the sake of the Nation lets end this lawyers fee management effort to delay progress.

Richard McGregor

MTC–00005591

From: Edwin McClannan
To: Microsoft ATR
Date: 1/2/02 12:45pm
Subject: Microsoft Settlement

Settle this suit now. Microsoft should not used as a test bed for social law engineering. Investor confidence and world-wide investors have had their confidence shaken by the manner in which the Clinton Justice Department handled and choose American Corporations for litagition. It is apparent that campain contributions could have prevented this injustice against Microsoft in the first place. This corporation has paid their taxes and has provided untold wealth of many Americans, either in the form of jobs in manufacture, development or on computers. Microsoft has managed to make our lives a little better. No Democrat Social Agenda should ever be allowed to wrangle cash from corporations for spending of people by intimidation or changing the law as we go to secure funds for frivilious social spending.

Edwin L. McClannan

Jumper74@yahoo.com

MTC–00005592

From: Joseph Sabrin
To: Microsoft ATR
Date: 1/2/02 12:45pm
Subject: Microsoft Settlement

To Whom It May Concern:

It is important that our government spend time and money on creating jobs rather than going after a company that has created over 1 Million new jobs in the USA.

Regards,

Joe Sabrin

eHire

40 Fulton St.—19th Floor

New York, New York 10038

212–513–7160

jsabrin@ehire.com

www.ehire.com

MTC–00005593

From: Gary Evans
To: Microsoft ATR
Date: 1/2/02 12:45pm
Subject: Microsoft Settlement

Microsoft has continued to provide the products I need to deal with my responsibilities and get my work done faster. In an effort to create a better product they have bundled other products into the code of their operating systems. I love this! For me, the consumer, I can choose to pay the price Microsoft wants me to pay and get a FULL featured operating system—that continues to have more features (programs) added to it in each release—or I can choose Linux for free and find pretty much everything I need for free. It's ALL about my choice. Microsoft is out to get their operating system to as many people as they can. So how would you do it? GIVE THE PEOPLE WHAT THEY WANT...A GOOD PRODUCT (which means integrated the different programs into the operating system...it's convenient for me).

Thanks for listening,

Gary

MTC–00005594

From: Cheryl Schuh
To: Microsoft ATR
Date: 1/2/02 12:45pm
Subject: microsoft settlement

If the voice of the people still has any meaning in this country, then please hear mine.

Stop further litigation against Microsoft. The settlement is fair and just so let it be. Given the current state of our economy further litigation seems rather senseless and destructive. Even though I do not reside in Washington state, I can see how the hit that the airlines industry has taken since 9/11hurt the state through the Boeing company. Microsoft is a major industry in that state, let's let them get on with business under the the current settlement and help to bring strength back to our economy.

''Justice for all'' should include the big and the small companies, the rich and the poor, give the American Dream back to Microsoft.

Sincerely,

Cheryl Schuh

MTC–00005595

From: Count Curtis
To: Microsoft ATR
Date: 1/2/02 12:45pm
Subject: Stop the nonsense

It is time to drop the case.

1.Many of the attackers of Microsoft appear to be motivated only by their own self-interest. Most of the state Attorneys General have reportedly received support, monetary

and otherwise, from various competitors of Microsoft. From the numerous press conferences it seems that the AGs are in this for their own self-interest—headlines and hob-knobbing with the rich and famous.

2.The competitors appear to be sore-losers. From a consumer point-of-view they are guilty of far worse than they charge Microsoft with. An example is Netscape. Once I installed their product only to find that it had insinuated itself as the default system and made the original browsers unusable. It took me several days to repair the damage caused by Netscape.

3.The president of Sun makes pronouncements that seem libelous. As a user of a personal computer I do not want to be forced to waste time and money to obtain features that should be part of the operating system. If the silly proposals by the states AGs were implemented, I would have to spend a lot more money and time buying, installing, and resolving inconsistencies.

Why don't you charge the states Attorneys General and their corporate accomplices with racketeering? It certainly looks to me like that is what they are doing. They are not helping the consumer only themselves.

Sincerely,
E. C. Curtis

MTC–00005596

From: kenboyer
To: Microsoft ATR
Date: 1/2/02 12:44pm
Subject: Microsoft Settlement

I wanted to drop a note to say that I support the proposed settlement between the federal government, the nine states, and microsoft. I feel that the current enviroment is competitive, and that any more draconian steps against microsoft would serve only to help their competitors and not help the consumer.

ken boyer

MTC–00005597

From: Deborah Mangiamele
To: Microsoft ATR
Date: 1/2/02 12:45pm
Subject: Microsoft Settlement

Like millions of Americans, the computer has become part of my everyday life. Thanks to innovations from Microsoft, my skills continue to improve and I continue to learn—right at home. With continual online updates, tech support and user-friendly style of troubleshooting, I've been encouraged me to expand my computer horizons. Microsoft must continue to develop technology that compliments our world without sanctions or restrictions. I believe the settlement is a fair answer at this point.

My wishes for a healthy, peaceful and prosperous 2002!

Sincerely,
Deborah Mangiamele
Rochester, New York

MTC–00005598

From: Phillip Wertheimer
To: Microsoft ATR
Date: 1/2/02 12:45pm
Subject: Microsoft Settlement

I have been a Microsoft customer for 15 years. In my opinion, it is in the best interest on the consumer public and the tax payers of America that we settle this now and move one. Back in the old days of operating systems we had many choices. But when someone wanted to write a software application that had to decide what operating system they would write the program for. Now they have only two choices Mac or Windows operating system. We are seeing more products come to market now.

Phillip Wertheimer
Intersea Fisheries West
Tel: 206–285–5630
Fax: 206–283–7627

MTC–00005599

From: Brian Frink
To: Microsoft ATR
Date: 1/2/02 12:45pm
Subject: Microsoft Settlement is Fair

Ladies and Gentlemen,

I am writing to express my total support for the settlement of the Microsoft antitrust matter. As a consumer and taxpayer, I view this settlement as fair and logical.

Brian Frink
16 Premier Ct.
Chico, CA 95928

MTC–00005600

From: Jchance007@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:45pm
Subject: microsoft settlement

please

no more delays. i agree with the present settlement as is between the usdoj and microsoft. we as a nation have to get on in life after 9/11/01. microsoft as a major company can only help the united states. please let microsoft do there work and research to better help our society

sincerely yours
jeffrey a. chance

MTC–00005601

From: MADuniho@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:44pm
Subject: Microsoft Settlement

To add to the views of others about the proposed settlement, I will just say that I think that in the fast moving world of computers and the internet, Microsoft hasn't long to ''live'' anyway, and you had better settle this case before there is not a significant company left to deal with. I also think that Microsoft's competitors are ridiculous to have pushed this suit in the first place, expecially given how the landscape is and also has been shifting so quickly.

MTC–00005602

From: Michael C. Moll
To: Microsoft ATR
Date: 1/2/02 12:44pm
Subject: Microsoft Settlement

I am for this settlement. Please consider this during this final process.

Mike Moll

MTC–00005603

From: Elena Luisa Garella
To: Microsoft ATR
Date: 1/2/02 12:44pm
Subject: TUNNEY ACT PUBLIC COMMENT— MS SETTLEMENT

It is ESSENTIAL to the development of the American computer industry and to the rule of law that the Windows monopoly be dismantled and more importantly that Microsoft—and all who admire it— learn that laws are there to be obeyed, and the judicial system is the final word. The district court and the Court of Appeals found egregious and repeated violations of the law. This settlement appears to reward Microsoft for its intransigence and fails— in my opinion— to do anything to repair the damage done to the consumers.

HAVE YOU USED A WINDOWS PRODUCT LATELY? Windows OS and many MS products are unwieldy, subject to crashes, and generally inferior to Macintosh and other non-MS products such as real networks, true JAVA, etc.. . AND YET MS HAS THE VAST MAJORITY OF THE MARKET due to their predatory practices. The settlement will not revive the competition and will simply ensure the continued dominance of second rate products and the insufferable Microsoft arrogance.

PLEASE STOP THIS SETTLEMENT AND PURSUE LEGAL REMEDIES IN DISTRICT COURT! Why is MS pushing this settlement so hard? Because they know that it is vastly favorable to them than the result that would be obtained in Court— and you can't tell me that the result in Court would not be more favorable to consumers in the long run.

Elena Garella,
Seattle, Washington

MTC–00005604

From: Enrique C. Perez
To: Microsoft ATR
Date: 1/2/02 12:44pm
Subject: Microsoft' settlement

I want to show my support to the Court settlement and for that reason I'm sending this e-mail.

Have a nice day!

MTC–00005605

From: Hoffman, Bob
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 12:45pm
Subject: Microsoft Settlement

I strongly believe that the settlement agreement between Microsoft and the Department of Justice is both fair and reasonable. In my opinion, the agreement more than adequately addresses all issues raised during the trial. Furthermore, I feel that a quick resolution to these proceedings would be beneficial to consumers and taxpayers alike. During this long process, it has seemed to me, that the concern has been for the interests of a select few corporate entities, and that very little attention has been paid to the harm, or lack thereof, to consumers and taxpayers caused by Microsoft's practices. This action against Microsoft, the long proceeding associated with it, and the deplorable behavior of Judge Jackson have caused more harm to consumers and taxpayers than Microsoft ever has.

Robert Hoffman
Flushing, New York
rhoffman1@nyc.rr.com

MTC–00005606

From: Don Carlson
To: Microsoft ATR
Date: 1/2/02 12:46pm
Subject: For Microsoft settlement

Dear DOJ,

I am writing to let my voice be heard that the settlement with Microsoft should be done. The cost and disruption of business spurred by the interests of a few greedy competitors and their state attorney generals is disgusting. Please stop this insanity and get on with life. Microsoft is a great company with fantastic products. I use their products as well as other software companies and find theirs is the best and most reliable at a reasonable price. Thanks for taking the time to read this and please lets get this over now.

Sincerely, Don Carlson

MTC–00005607

From: Russ East
To: Microsoft ATR
Date: 1/2/02 12:43pm
Subject: Settlement

Please accept the settlement as it is. Microsoft has done so much for the economy and for humanity! Before home computers I would have had to work outside my home in a hospital or doctor's office. Because of Microsoft I now work at home where I am available to my children at any time. We have products other than Microsoft on our computer and certainly don't feel forced to only use Microsoft products. America was built on ingenuity and it should not be squelched. thank you. criss east

MTC–00005608

From: Mark Gabrielle
To: Microsoft ATR
Date: 1/2/02 12:44pm
Subject: Settle and get on—this is nuts to begin with

Microsoft offers a superior product and should not be penalized for it, its one of the few global business that a US company is dominant (other countries encourage and even support, sometimes US does the opposite and pushes to break them up-sometimes this is right and sometimes it is not, in this case I support Microsoft). Yes, Mr Gates is a character, probably not a good public defender of Microsoft, but he has made his company into something that many other companies wish they could.

MTC–00005609

From: Robert Beene
To: Microsoft ATR
Date: 1/2/02 12:44pm
Subject: Microsoft Settlement Dear Department of Justice,

First, let me thank you for your efforts with the case regarding Microsoft. As an employee of Microsoft, I have watched the case with great interest and I firmly believe both Microsoft and the Department of Justice want the same thing—Happy Consumers who are not being taken advantage of and a company that competes fairly.

I wanted to take this moment to voice my opinion in that the settlement proposed to bring the case to settlement is a very just and reasonable proposal. I believe the proposed changes will positively impact consumers and make positive changes in the way that Microsoft does business that will not hamper Microsoft's ability to innovate and will also allow competitors to continue to compete with Microsoft and vice versa.

Thank you again for the time you have spent working on this issue and for the proposed settlement.

Sincerely,
Rob Beene, MCSD

MTC–00005610

From: CThomp8789@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:44pm
Subject: Microsoft Settlement

I believe the Microsoft settlement is good for consumers, the industry, and the economy. It is time to move on.

Clayton K. Thompson
2420 Winnetka Dr.
Rockford, IL 61108

MTC–00005611

From: JKIRKPATRICK@PILLSBURY.COM@inetgw
To: Microsoft ATR
Date: 1/2/02 12:44pm
Subject: Microsoft Settlement

We have had enough litigation on this matter. It is time for the settlement to be consumated.

James S. Kirkpatrick
P. O. Box 1715
Dension, TX 75021–1715

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MTC–00005612

From: Jim Jones
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 12:45pm
Subject: Microsoft Settlement

The existing settlement is in the public's best interest and should be enacted to finally resolve this dispute. The state attorney's general who do not believe in this settlement are not acting in the publics best interest.

Sincerely,
Jim Jones

MTC–00005613

From: JWD321@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:46pm
Subject: Microsoft Settlement

Please tell the DOJ to move on to important subjects like terrorism, etc., and leave Microsoft alone.

MTC–00005614

From: GMontgo465@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:45pm
Subject: Comments

It is my considered opinion that the proposed settlement IS in the public interest as well as in the interest of the market and all investors in the market and NOT just the Microsoft investors or Microsoft itself. The settlement has been too long in coming and the conclusion has been delayed for one inane reason after another. If ''interest groups'' would stop debating what ''their interests'' dictate we might be able to put this one behind us and get on with our struggles in this unusual economy where all software companies proceed to gain market share by virtue of their ''products'' and not try and stifle the progress of superior products in the marketplace.

We are where we are in the overall world economy because of our free market/free enterprise system. That system should not be thwarted for ''special interest'' reasons advanced by the so called special interest groups. Let's get on with it and get it DONE, once and for all.

Thank you.
George C. Montgomery

MTC–00005615

From: ACNAPT@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:46pm
Subject: (no subject)

Further pursuit of the Microsoft case makes absolutely no sense. Accept the settlement and get along with the nation's business. With the political and economic issues at stake in the world today it is absurd to divert our energies from what is really important.

Paul F. Teryl
7450 NW 4th Street
Apt 206
Plantation, Florida 33317

MTC–00005616

From: Rich Hoffman
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 12:43pm
Subject: Microsoft Settlement

To the DOJ:

I believe the settlement is fair and reasonable. It is time for the parties to move on.

Rich Hoffman
Vice President—Taxes
Outsourcing Solutions Inc.
390 South Woods Mill Rd., Suite 350
Chesterfield, MO 63017
T: 314–514–2607
F: 314–576–7949
E: rich.hoffman@osi.to
<mailto:rich.hoffman@osi.to>

Outsourcing services are primarily performed by OSI Outsourcing Services, Inc.; collection services are primarily performed by OSI Collection Services, Inc.; letter series collection services are primarily performed by North Shore Agency, Inc. and Transworld Systems Inc.; portfolio services are performed by OSI Portfolio Services, Inc.

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MTC–00005617

From: chris.higgins@horizon.ie@inetgw
To: Microsoft ATR
Date: 1/2/02 12:39pm
Subject: RE: Microsoft Judgement—comments

Hi,

The proposed settlement of the Microsoft anti-trust case doesn't solve the underlying issue—Microsoft's ability to, and intent to control its market place. It also fails to provide any remedy to the rest of the industry for the years that Microsoft abused its position.

Most of the people I talk to are not seeking punishment for Microsoft, but rather a balancing of the playing field. A change in the rules which promotes competition and allows other vendors (the existing vendors, and new startups) to compete in an open and fair way with Microsoft. Then let the consumer choose which product(s) they want. The issue that exists is that with its current position, Microsoft can smother any sector of the industry by 'integrating' that sectors technologies it's operating systems

In the early nineties, there were loads of independent vendors of TCP/IP software for windows (Microsoft didn't include it with Windows—and you had to pay extra for it). Loads of companies made money by adding value to Windows, by solving problems for users.. Microsoft eliminated that entire market by bundling TCP/IP with windows.

The same has happened with the office productivity suites— Lotus/Corel have all faded into insignificance because they cannot compete in a market where Microsoft not only owns the operating system—but through that forces people to use it's propietary file formats..

The same happened again with the WWW browser market—Netscape has died a horrible death because of Microsoft's abuse of it's position.

Microsoft are currently attempting to eliminate their competitors in the WWW server market space by bundling IIS as part of NT—and they have clearly set their sights on controlling the internet with their promises for .NET technology. When does enough become enough ? Will we all have to wait for total global meltdown—when there is only Microsoft left ? Or will we go on forever—promising ourselves that it's really isn't that bad, and it's a sign of a healty industry ? The playing field needs to be level, and kept that way. To fix the problems of old, Microsoft needs to make full details of it's file-formats public. It also needs to make full details of it's network protocols public.

No-one is suggesting that any intellectual property that microsoft owns should be given away—but how a sequence of bits can translate into intellectual property is beyond me.

Microsoft keeps it's implementations that it uses in it's operating systems—but in the case of new technologies—it should release the source code for a reference implementation—one that fully adheres to the standards.

It's up to other people to innovate, but the underlying data format should be available to all. Why is my data stored in a format to which only Microsoft own the key? Is that protecting the consumer or Microsoft..

If you doubt that statement—try (using any non-microsoft software) to extract your email in a usable format from a Microsoft outlook .pst file... If you succeed—please let me know as I have 19Mb of email I can no-longer get access to because I haven't paid for my software license to microsoft for the exchange server. People worry about not being able to get access to information in the future—there are loads of us being denied access to our own information *now*.

Based on the current proposed settlement, Microsoft seems to be exempted from publishing authentication system information. What is there to prevent Microsoft from adding a password field to the start of every file format—and claim that the format is now an integral part of the authentication system? Alas, the settlement needs to be clear, concise and needs to define the environment for all technology companies to operate without the monopolistic approach of Microsoft.

Many thanks for your time and efforts reading this far,

Rgds,

Chris

CC:Chris Higgins

MTC–00005618

From: Gary Gromet
To: Microsoft ATR
Date: 1/2/02 12:46pm
Subject: approval needed

Acceptance of the settlement is in the best interest of the consumers. Obviously, the competition does not like it because it will allow Microsoft to continue to cut into their profits by forcing them to lower prices. No where in the entire litigation morass has anyone shown how the consumer has suffered. All that is repeatedly shown is the suffering of Microsoft's competition in that their profits are down. The anti-trust efforts against Microsoft are analogous to the fairy tale of the emperor without any clothes.

The competition that Microsoft faces cannot compete successfully, so they say it is Microsoft's fault when in reality it is there own inability to do their own job correctly that prevents their own success. Like many Americans, they won?t accept responsibility for their own mistakes.

All the government anti-trust attorneys could then concentrate their efforts on ending the petroleum monopoly which is the cause of artificially inflated prices for energy. The price of petroleum does not take into account the cost of production only the stranglehold of production exercised by petroleum exporting countries.

Discount Health Foods
www.DiscountHealthFoods.net
858 N.Krome Ave.
Homestead, FL 33030, USA
Tel: 305–247–8487
Fax: 708–575–6632

I use Hotmail because all incoming and outgoing e-mail is screened for viruses by Symantec (Norton Anti-Virus)

MTC–00005619

From: GLee361504@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:46pm
Subject: (no subject)

A company must have the freedom to innovate. I want to see this case settled ASAP. I am in favor of Microsoft's position.

G. Lee

MTC–00005620

From: Joe935
To: Microsoft ATR
Date: 1/2/02 12:35pm
Subject: Microsoft Settlement

It's time this case was settled. The government should not be penalizing Businesses that do well. They do well because the people buy their products and that means the people want them.

The government would better spend their time going after the real menace in this country, DRUGS.

Joe Calderone

MTC–00005621

From: GOHAMILTON@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:46pm
Subject: MY REPLY RE. MICROSOFT ANTI TRUST LAWSUIT FIASCO

AS A GOP CANDIDATE FOR GOVERNOR / US SENATE FROM MICHIGAN IN 2002, I HAVE ALWAYS OPPOSED STRONGLY THE DOJ AS WELL AS MY OWN STATE'S ATTORNEY GENERAL OFFICE ILL ADVISED STUPID LAWSUIT AGAIINST A LEADING AMERICAN JOB PROVIDER SUCH AS THE MICROSOFT CORP. WHEN ELECTED AS THE NEXT GOVERNOR OF MICHIGAN I WILL CUT THE BUDGET OF THE STATE A.G. OFFICE AND GET RID OFF THE SOCIALIST LAWYERS IN THAT DEPARTMENT.

SINCERELY AND HAPPY NEW YEAR,
ED H-A-M-I-L-T-O-N
REPUBLICAN CANDIDATE FOR GOVERNOR '02
GOHAMILTON@AOL.COM
(248) 643–0403 OR (248) 701—3670—CELL PHONE

MTC–00005622

From: L. Scott Masi
To: Microsoft ATR
Date: 1/2/02 12:46pm
Subject: Microsoft Settlement

To whom it May Concern:

I am writing today as a taxpayer and as a computer professional. I must say that I am appalled at the waste of time and money by the US government regarding their continued pursuit of Microsoft.

I think that we all should look at the overall benefits from Microsoft products. The computer industry has benefited greatly over the past number of years due to the fact that Microsoft has taken a leadership role in the development and deployment of useful tools for each and every consumer. Without the leadership that Microsoft provides, there would be far too many standards and applications that probably could not and would not interact with one another in an appreciable way.

Please lets just accept the agreement on the table and allow Microsoft to continue to innovate and produce the high-quality software that every computer user has become accustomed to using. The proposed remedy, to which Microsoft has agreed, should allow many more companies to have

access to the parts of the Windows operating environment so that they, too, may be able to develop robust, useful applications. Why continue to try to destroy one of the best examples of corporate success in America's history.

I applaud the management team at Microsoft for helping virtually every computer user in the world today. OK, there may be a few apple hold-outs, but whose programs are used by the overwhelming majority of personal computer users in the world? Microsoft! Whose programs are the glue that holds together countless production applications and environments? Microsoft! Let the nay-sayers try to imagine for just one moment how difficult their jobs would be without the standards and programs provided by Microsoft.

So, as far as I am concerned, I think that the government (courts) should approve the agreement, and let Microsoft continue to provide me, and all of the other computer users in the world, with the fine software products that we have come to expect from them.

Sincerely,
L. Scott Masi
Senior Analyst
215–345–0997

MTC–00005623

From: Arthur Tuber
To: Microsoft ATR
Date: 1/2/02 12:46pm
Subject: Anti Trust Suit

This lawsuit has infuriated me from day one. It strikes me that the government is against ingenuity and success. It also appears Clinton was angry about not receiving a contribution for his 1996 re-election campaign, eventually leading to this unnecessary law suit.

Enough is enough. All phony charges should be dropped, allowing Microsoft to continue improving their software for the benefit of ALL our people.

Sincerely,
Art Tuber

MTC–00005624

From: Ringering@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:46pm
Subject: Microsoft

I have been a long time supporter of Microsoft and I am against any further action against the company. I believe it has been wrongly prosecuted and that the company and country have suffered on account of this action. I am a strong advocate for competition in the marketplace. However, I disagree that the government should try to ''level the playing field'' in favor of those companies that are unable to compete without the government intervention.

Sincerely,
Robert L. Ringering

MTC–00005625

From: ESKIMOPUP@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:47pm
Subject: Microsoft Settlement

The Microsoft suit is hurting our country. A few competitors should not be able to destroy the greatest company in the history of technology. Settling the suit will help us get out of a recession. There are more important things going on now. Get this suit settled now! It should NEVER have been filed against Microsoft.

MTC–00005626

From: LEGAC2@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:47pm
Subject: Microsoft Settlement

I am writing to urge the Department of Justice to proceed as quickly as possible with the positive settlement of this case. I feel this whole litigation was politically motivated and that Microsoft, the corporation, has taken the brunt because they were innovators and leader in a new economic field which did not contain all the restraints and laws normally in place in a more established field. Our economy suffered because of this litigation. Consumers have expressed many times their disagreement with the government that they have suffered damage. Microsoft has supplied a whole new way to communicate and consumers have agreed. With the election of a new President and the events of September 11, it is time to let this go and work on positive ways to support the people of the United States.

Judith R. Petersen,
Public Citizen and Voter in the State of Washington

MTC–00005627

From: Mike
To: Microsoft ATR
Date: 1/2/02 12:47pm
Subject: Microsoft Settlement

Dear Sir:

Please do not impose any more harm upon Microsoft than was placed upon its customers. That is to say, if you can quantify how much less the consumers should have paid for their Windows software, that should be the damages.

I, for one, would gladly pay again for the use of this software. As the browser was free, as are many updates from Msft, there would be no harm there. I have both Netscape and IE on my computer and I never use Netscape unless I have to.

Microsoft's rivals should not control our courts in their deliberations or punishments meted out. The proposed settlement is fair to all sides, and the States should follow the lead of the Federal Government.

Mike Stoddard
Tampa, Florida

MTC–00005628

From: Robert Andersen
To: Microsoft ATR
Date: 1/2/02 12:47pm
Subject: Microsoft Settlement.

As a consumer and tax payer I urge you not to mess up, keep Microsoft whole. We have something that works lets keep it that way. If other suppliers are better let them come forward without government (state or federal) intervention. In a free nation the best will win.

R. B. Andersen
Oceanside, CA

MTC–00005629

From: Krupoff, Marty
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 12:58pm
Subject: microsoft settlemet

I think you should settle with Microsoft based on the latest agreement sannounced in the newspaper.

MTC–00005630

From: Tzadik8402@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:47pm
Subject: Microsoft Settlement

To Whom it may Concern:

My wife and I believe that the Microsoft settlement is a good one.We hope that the nine states opposing the settlement be convinced of that as well. It truly is a wonderful company and I believe they really have the best interest of the consumers of their products. If it were not for this company and what products they have created in the last 18 years we would not be where we are today!!!

Please settle this case as soon as possible!! Please convince the nine states that it is best to settle. I believe that the Microsoft company has been humbled to some extent by this case will be more attentive to the needs of the consumer, business piers and all the users of their products globally!

Theodore & Shelley Gruber
18132 Meandering Way
Dallas,TX
75252

MTC–00005631

From: Bud (038) Nell
To: Microsoft ATR
Date: 1/2/02 12:47pm
Subject: Microsoft Settlement

This case reminds me of the time that our goverment was looking out for the consumer and broke up the Bell Telephone system. HA!! What a laugh!! Talk about killing innovation as this country went from the best and cheapest telephone system in the world to one of the most expensive and shoody. Butt out!!!

LAD in Texas

MTC–00005632

From: Dickon Smart-Gill
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 12:44pm
Subject: Microsoft Settlement

Dear Sir / Madam,

I would like to voice my opinion on the United States vs Microsoft case number 98–1233

After reviewing the documents, in particular http://www.usdoj.gov/atr/cases/f9500/9549.htm I am in support of the current settlement agreement. I believe that the action taken by the United States is fair to both Microsoft and the consumer.

Dickon Smart-Gill

MTC–00005633

From: Deptula,Elaine(NXI)
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 12:47pm
Subject: MICROSOFT SETTLEMENT

The settlement is fair to all so let's be done with it. It is about time that we get on with America's business and settle this lawsuit. It seems like there are certain groups that want to keep this going just for the joy of it... it

is important to our economy that we get this behind us. We have a lot to do and are wasting time with this effort.

Elaine Deptula
Director, External Contracts
PH: 312–822–1284
Fax: 312–817–2272
Elaine.deptula@cna.com

MTC–00005634

From: Jeffrey A. Schmatz
To: Microsoft ATR
Date: 1/2/02 12:47pm
Subject: A Small Business Owners Perspective

I challenge anyone from the DOJ to come to my office, sit across from my desk and tell me how Microsoft has hurt my business. I have a choice everytime I go to the store.....if they have the best product I buy it....if they don't I buy another. That is called the American way. This action was a huge waste of the taxpayer's money and as a taxpayer I am pissed off. Why don't you go after some real criminals?

Jeffrey Schmatz
JS Media LLC
112 West Hawk Avenue
McAllen, Texas 78504–1802
956–682–2766
956–682–9472 (fax)
work jschmatz@jsmedia.net
home JeffreySchmatz@aol.com

MTC–00005635

From: Kirk Conklin
To: Microsoft ATR
Date: 1/2/02 12:48pm
Subject: Microsoft settlement

The last thing the American economy needs is more litigation that benefits only a few wealthy competitors and stifles innovation. This sums up what I as a consumer think about this attack on free enterprise. Put the Clinton era of political attacks and payoffs behind us and let innovation thrive.

Kirk Conklin

MTC–00005636

From: Penny Woods
To: Microsoft ATR
Date: 1/2/02 12:48pm

Go along with government settlement and don't prolong agony any further. Took years to resolve this far and country needs to move on.

MTC–00005637

From: joseph harrison
To: Microsoft ATR
Date: 1/2/02 12:48pm
Subject: Microsoft Settlement

In my view the Microsoft Settlement known as the Tunney Act is fair and reasonable. I believe after four years of litigation it is time to move on and stop wasting the tax payers money on a case that should have been settled years ago. The nine states that don't want to settle are not thinking about consumers. They are only concerned with the competitors of Microsoft. The Anti-Trust law was not established to even the playing field between competitors, it's purpose was to keep prices competitive. I think Microsoft has kept the prices of it's products competitive. The competitors of Microsoft should stop whining. If they came up with a better product for a lower price, people would buy that product regardless of whether Microsoft Windows was loaded into the computer at the factory or not.

Joe Harrison
7320 E. Patricia
Port Orchard, WA 98366

MTC–00005638

From: Viken
To: Microsoft ATR
Date: 1/2/02 12:48pm
Subject: Microsoft Settlement

Support Microsoft. Thank you.

MTC–00005639

From: Richard Jackson
To: Microsoft ATR
Date: 1/2/02 12:48pm
Subject: Microsoft Settlement

Gentlemen:

Please accept this mailing as a request that The Department encourage a hasty settlement in this captioned case involving Microsoft's anti-trust violations. M/S has already lost a bundle and the consumer is the big loser so far.

Let these folks out in Washington state get on with what they do best,,,,help business and individuals save money and time. While I personally think Microsoft should fight to win, if they think this is a fair settlement, so be it; let it be done.

Thanks for your consideration of my plea.

Sincerely,
Richard W. Jackson
3425 Crosswinds
Alexander City, AL 35010

MTC–00005640

From: HankAsh@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:48pm
Subject: Microsoft Settlement

To Whom It May Concern:

It is our opinion that the recent settlement reached in the Microsoft case should be allowed to stand, so that this litigation can be brought to an end.

Thank you.
Henry and Dian Ash
3766 E. Lake Drive
Land O Lakes, FL 34639

MTC–00005641

From: Jim Rubino
To: Microsoft ATR
Date: 1/2/02 12:48pm
Subject: settlement

I believe the Microsoft settlement should proceed without further delay.

Jim Rubino
2521 W. Marion Ave. #311
Punta Gorda, FL. 33950
941–575–1340
jrubino@sunline.net
and during trial phase
jrrubino@home.com

MTC–00005642

From: TomKohl@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:48pm
Subject: microsoft settlement

This trial has wasted enough time and money for both this country and Microsoft. Please see that it is brought to a speedy close. I feel the settlement agreed upon is fair for all concerned. thank you,

Thomas D. Kohl

MTC–00005643

From: DKingN7KGX@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:47pm
Subject: MICROSOFT SETTLEMENT

Dear sirs

With the economy as it is and the harrasement of those that would like to see the eventual demise of Microsoft, i think that a quick and fair settlement of this case. Microsoft is not doing anything that any other big business is doing or has done.

Thank you
Dean King

MTC–00005644

From: Sam George
To: Microsoft ATR
Date: 1/2/02 12:48pm
Subject: Microsoft Settlement

I urge you to please consider settling the Microsoft case as it stands. I believe (as a consumer) that this is the best course of action.

MTC–00005645

From: Jim Hurst
To: 'microsoft.atr@usdoj.gov'
Date: 1/2/02 12:44pm
Subject: Microsoft Settlement

I support the proposed settlement, lets get on with business and stop waisting taxpayer money. Thank you.

James R.Hurst

MTC–00005646

From: Buttinzki@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:48pm
Subject: Microsoft Case

Dear Sirs,

In my humble opinion, Microsoft's Bill Gates has been truthful and forthcoming, and a champion of leadership in spite of the intolerable scrutiny his business has undergone these past four years. Mr. Gates has singularly propelled the information age, and I daresay that his attackers are not only motivated by petty jealousy and greed, but were it not for Mr. Gates and Microsoft, his detractors and defamers, some of them, would still be in the technological dark ages. Mr. Gates has behaved in an exemplary fashion with the Department of Justice, and were it you or I or most anyone, can you not imagine feeling the most callous disregard for this nation, can you not imagine just walking away from it all? Mr. Gates continues, however to show us the spirit that built Microsoft, and appears, unimaginably, undaunted.

For God's sake, please don't break Bill Gate's spirit.

Tim Rummell

MTC–00005647

From: db—design@juno.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:49pm
Subject: Microsoft Settlement

DOJ

Please leave Microsoft alone and alow them to continue to developing sepurior Window and business applications. If the competition can not keep up that is their fault. Microsoft should not be punished for be able develop great products.

Richard Power
DB Design Consultants

MTC–00005648

From: engler@csi.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:49pm
Subject: Microsoft Settlemnt

This DOJ should settle the Microsoft case as soon as possible. There is a hatred of successful business people in this country as reflected by the consistent anti-trust cases against successful businesses.

This form of bigotry must stop.

Sincerely,
Edward L. Engler
857 Berick Dr.
St. Louis, MO 63132

MTC–00005649

From: Giacomo Zardetto
To: Microsoft ATR
Date: 1/2/02 12:49pm
Subject: Microsoft Settlement

Dear Sirs:

The settlement with Microsoft must stand, let's get this over and done with. Litigation of our government and a industry leader can only give America a NEGATIVE CONCLUSION. Lets move forward and support the innovators, the leaders of our private enterprise, providers of jobs, providers of taxes, they are the whole purpose of our Capitalist Society. Without capital creators there are no taxes, without taxes there is no government.

World affairs, current national circumstances show us that the time for bickering amongst ourselves is BAD POLICY. UNITED WE STAND, DIVIDED WE FALL. Team players is what we should be, private enterprise and government. Do you think that if Microsoft would be a company from any other country in the world, that ''said'' country would be trying to weaken or destroy it as it is, as it stands today?

Please conclude the settlement and lets move our country forward, we've got bigger problems to deal with than to harm a company for being good at what they do.

Giacomo Zardetto
Orcas Island, WA
zardetto@rockisland.com

MTC–00005650

From: Ervin, Craig (INV-EDH)
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 12:49pm
Subject: Microsoft Settlement

I believe the settlement is fair.. No more litigation so be sought!

Craig Ervin

MTC–00005651

From: Laurence Lewitt
To: Microsoft ATR
Date: 1/2/02 12:49pm
Subject: Microsoft settlement

It's time to stop the harassing. Settle and be done with it.

MTC–00005652

From: Ronald Merrell
To: Microsoft ATR
Date: 1/2/02 11:37am
Subject: Microsoft Settlement

I believe very strongly that the remaining states should be required to accept the settlement agreed to by the Justice Department. In my judgement, the Justice Department's initial handling of the case was overly influenced by Microsoft competitors and was a major factor in bringing about the current recession. It is important to the economy that the Justice Department insist on the current proposal agreed to by the Justice Department and Microsoft.

Ronald D. Merrell
Ph.D. Business Administration
Ronald D. Merrell, Ph.D.
Dean of the Graduate School

MTC–00005653

From: CHARLES SPENCE
To: Microsoft ATR
Date: 1/2/02 12:49pm
Subject: MICROSOFT SETTLEMENT

TO WHOM IT MAYCONCERN,
REFERENCE THE MICROSOFT JUSTICE DEPT. SETTLEMENT.

THIS SETTLEMENT IS MORE THAN FAIR ESPECIALLY SINCE THE SUIT SHOULD HAVE NEVER BEEN BROUGHT. THIS SUIT WAS A CLINTON JUSTICE DEPT. PAY OFF TO SOME OF MICROSOFT COMPETITORS FOR THEIR CONTRIBUTIONS TO THE CLINTONS AND THE DEMOCRATIC NATIONAL COMMITTEE. IF IT IS A CRIME TO DEVELOP A BETTER PRODUCT AND BRING IT TO THE CONSUMER AT A LOWER COST THEN WE BETTER RETHINK OUR WAY OF LIFE. THIS CONCEPT IS WHAT HAS GIVEN AMERICANS THE BEST WAY OF LIFE ON THIS EARTH.

CHARLES E. SPENCE
2500 EVANS DR.
PLANO, TX 75075

MTC–00005654

From: RSteve2259@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:49pm
Subject: Microsoft Settlement

Ladies and Gentlemen

I believe that the setllement is a good thing for the country. Approve it. Certainly the antitrust laws mean well and are needed but this settlement goes far enough.

Thanks for your diligence but lets move on.

Sincerely,
Robert W. Stevenson

MTC–00005655

From: Ted Ahre
To: Microsoft ATR
Date: 1/2/02 1:05pm
Subject: MICROSOFT SETTLEMENT

Please add my name to the list of citizens who believe that the proposed settlement with Microsoft is more than fair to the nation. This obvious effort to stifle a successful corporation's success should end here.

Theodore R. Ahre, CPA
Oregon

MTC–00005656

From: Debbie McMillen
To: Microsoft ATR
Date: 1/2/02 12:49pm
Subject: Microsoft Settlement

To whom it may concern,

This case should be settled and closure obtained ASAP. The settlement is reasonable and fair. It's good and is needed for consumers, the industry, and our economy. This case should not be allowed to go through more litigation that benefits only a few wealthy competitors, stifles innovation, and only hurts the American economy even further.

Deb McMillen
Microsoft Consulting Services
469–222–1961
debmc@microsoft.com

MTC–00005657

From: King Tam
To: Microsoft ATR
Date: 1/2/02 12:50pm
Subject: Microsoft Settlement

The Microsoft case should be settled now. The settlement is good for consumers, the industry and the American economy.

MTC–00005658

From: Joel Klopfenstein
To: Microsoft ATR
Date: 1/2/02 12:50pm
Subject: Microsoft Settlement

I personally believe that Microsoft did make some bad decisions in the past, and they are no doubt a Monopoly, but in some respects the consumer did come out ahead as far as a multipurpose mainstream Operating System that could do everything you needed it too. But the price could (and should) be a lot cheaper for mainstream use, I think it should cost as much as any other software package (around 30–50$). The settlement that Microsoft will not effect the average consumer, and home schools are not allowed in the settlement as well. I think the consumer was hurt in the pocket book, and therefore the prices should be mandated cheaper, or even have a version that is less scaled down just the O.S. nothing more, no fluff, for a reasonable price 29.99.

Joel Klopfenstein

MTC–00005659

From: WUTS, PETER G (091)SUP/0200(093)
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 12:50pm
Subject: Microsoft settlement

First of all I would like to say that the government should not have been involved in suing Microsoft in the first place. This is a country that supports free enterprise and innovation—-no government intervention should be involved. The settlement that is proposed should go through so that the company can get back to the work that has helped propel the tech revolution of the 90's.

Peter Wuts

MTC–00005660

From: Marie Robinette
To: Microsoft ATR
Date: 1/2/02 12:49pm
Subject: Microsoft Settlement

Please note that taking all things into consideration, what in the competitive field has remained the same since this antitrust suit was first brough to bear? VERY VERY

LITTLE!... Note also that those companies that sought relief are engaged in their own interests— creating monopolies in their own arenas—meanwhile, Microsoft continues to innovate and through immeasurable community service in all locations around the world still strives to make lives of others improved through technology—see the entire package that is Microsoft—not just what the competition is whining about!

Have a happy and prosperous New Year!!!

Marie Robinette, MCSE
Back Office Support
EMail: marierob@microsoft.com
Hours: 9:00 am—6:00 pm (Mon—Fri)
<<Picture (Metafile)>>

Work Hard—Do your best—Keep your word—

Never get too big for your britches—Trust in God—

Have no fear—and Never forget a friend. —-Harry S. Truman

MTC–00005661

From: shabels
To: Microsoft ATR
Date: 1/2/02 12:50pm
Subject: microsoft settlement

Please honor the integrity and intelligence of our best businessperson in the US and get off Bill Gates back. Let him go to work for us as he always has.

Best,
Sharron Belson

MTC–00005662

From: JS8522@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:51pm
Subject: Microsoft Settlement

It's my opinion that the Microsoft settlement benefits both me and the public interest. I strongly support the settlement and request that DOJ take action to end this controversy and allow all parties to get on with business.

James E. Shrader
401 South Miller
Wenatchee, WA
98801

MTC–00005663

From: Tim L Norris
To: Microsoft ATR
Date: 1/2/02 12:51pm
Subject: Microsoft Settlement

To Whom it May Concern:

I am writing to express my desire that the Department of Justice (DOJ) conclude the Microsoft case as agreed to in the recent settlement between the DOJ and Microsoft. I am increasingly concerned that certain companies are using the legal system as a vehicle to reduce the competitiveness of Microsoft in order to improve their own position in the marketplace . Under the guise of increasing competition, these companies are attempting to thwart their competition, in this case, Microsoft. It is shameful conduct and the DOJ should publically denounce these attempts to abuse our legal system for parochial ends. Let these companies compete in the free and open marketplace that characterizes our American system of capitalism and end this abuse of our judicial system.

Sincerely,

Tim L Norris 310–647–0803
tlnorris@west.raytheon.com
Raytheon Systems Company, Airborne EO
Bldg E1, MS E123
2000 E. El Segundo Blvd
El Segundo, CA 90245

MTC–00005664

From: Rocky859@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:51pm
Subject: (no subject)

if msft has the best product on the market ...let the other companies compete....don't have a bully fight for those who can't compete... i thought that america was free rnterprise

george saunders

MTC–00005665

From: Yazen@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:51pm
Subject: Microsoft settlement

As a consumer, I am in support of concluding the governments case against Microsoft and allowing Microsoft to stay intact as one corporation, who have in the past served their customers with efficient, cost effective software products, making our business and personal lives easier and more productive. To shun a company for innovation is not only counter productive, it is harmful to the consumer sector and the economy as a whole. The time is ripe for the government to settle with Microsoft and end litigation. Thank you for your time and effort to this matter.

Yazen Alhassan
Alexandria, VA

MTC–00005666

From: andrew minkin
To: Microsoft ATR
Date: 1/2/02 12:51pm
Subject: Microsoft Settlement

The next generation of all technology adoption by the masses depends on the end of this case.

Microsoft can narrow the digital divide. The settlement offering to help schools is the best way to do this. I do not think that consumers have been hurt, but if there is any group that needs to benefit from a paying of Microsoft's debt to society, it is the underprivileged. Do not make any settlement a victory for another company or law firm, but a victory for the betterment of the people who need it the most.

MTC–00005667

From: Kelly Chen
To: Microsoft ATR
Date: 1/2/02 12:51pm
Subject: Microsoft Settlement

I fully support the settlement. And I beleive the settlement would definitely help to stimulate the slow economy.

Regards
Lai Yuen Leung
Ming Chu Chen

MTC–00005668

From: Bentleyboys@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:51pm
Subject: (no subject)

The Country needs to put this behind them and get on with more pressing matters. Windows XP is a marvelous piece of technology for $99. Maybe someday we can deal with why you can buy an inkjet printer for $99 that takes $85 worth of ink cartridges to keep it working. Roy Magnuson

MTC–00005669

From: Bcd268@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:52pm
Subject: Microsoft Settlement

Please get this over with and let the public carry on with their daily activities. The settlement is just and should be implemented immediately. With AOL and Time Warner merging, one can hardly say that Microsoft is a monopoly. I use AOL, when I purchased my computer, there were several software options to choose from, including MSN. Our economy is suffering enough, let's get this settled and start anew. Thank you for the opportunity to voice my opinion.

Sincerely,
Bonnie Dion

MTC–00005670

From: Jim Earley
To: Microsoft ATR
Date: 1/2/02 12:53pm
Subject: Microsoft Settlement

Please terminate this exercise in futility. To prolong this any longer will only further unsettle a recessive economy. We consumers will be just fine without additional ''protection''.

Jim Earley
Premier Magnetics
20381 Barents Sea Circle
Lake Forest, CA 92630
jim—e@premiermag.com
www.premiermag.com

MTC–00005671

From: Mark G Filler
To: Microsoft ATR
Date: 1/2/02 12:46pm
Subject: Microsoft Settlement

Enough, already! Wrap this up now!

Mark G. Filler
mfiller@filler.com

MTC–00005672

From: Donald J. Helsel
To: Microsoft ATR
Date: 1/2/02 12:51pm
Subject: Microsoft Settlement

The proposed Microsoft settlement seems fair to all parties concerned. This cases should be settled now as further legal efforts offer no real benefit to the everyday citizen and would be a further waste of tax payer money.

Don Helsel
donhelsel@earthlink.net

MTC–00005673

From: Jack
To: Microsoft ATR
Date: 1/2/02 12:51pm
Subject: Mlicrosoft Settlement

I have been a user of Microsoft Products for over 10 years. I see no reason why there should be any delay in settlement.

The law suits brought against Microsoft are instigated by competitors that have been

unable to keep up with Microsoft Research and Development and are turning to the law instead of the open market. Microsoft has been the reason for the widespread use of the computer by millions—their approach to marketing as compared to Apple is the reason for their success. There is no reason for Microsoft to be punished further. Settle the case and let the free market survive.

John K. Jouett
2134 N. Stoney Beach Lane
Oak Harbor, WA 98277

MTC–00005674

From: Walt Sweyer
To: Microsoft ATR
Date: 1/2/02 12:50pm
Subject: Microsoft Settlement.

Get off their backs!!!!

MTC–00005675

From: IFJUDGE@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:51pm
Subject: Microsoft Settlement

I am urging you to consider the proposed Microsoft Settlement to truly be in the best interests of the general public. Our current economic situation in the U.S.A. should lead the Court to take the steps necessary to resolve this matter, to avoid protracted litigation, and to allow the economy to move forward.

Thank you! ISABEL FLEISHER New London, NH

MTC–00005676

From: Sfin5259@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:51pm
Subject: microsoft settlement

Enough is enough. How many times must one party defend itself against the same charge?? If the states not accepting the settlement were party to the suit in the first place, then they should not have the option to continue for another ruling that suits their interests. Does'nt this border into double jeopardy territory?? The states not accepting the negotiated ruling should be dropped from all compensatory releif. This is the case in other types of litigation.

MTC–00005677

From: RMcamis858@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:51pm
Subject: Microsoft Settlement

I'm very much concerned with waste of taxpayers money in the Government continuing to pursue the Microsoft antitrust suit. I believe that it's time to get on with more important things, such as taking care of our more serious problems, such as the New York terrorism situation, and the pursuit of those responsible. Microsoft has continued to lead the world in innovations in various software fields, and we certainly wouldn't be where we're at today without Microsoft's many, many contributions. Plus the contributions Microsoft has made to our learning institutions. Let the other cry baby companies do their own research, there is nothing to stop them. So, enough already, let Microsoft get on with their business.

Ron McAmis
1835 Truckee Way
Salinas, CA 93906–2125

MTC–00005679

From: McGregor
To: Microsoft ATR
Date: 1/2/02 12:51pm
Subject: Microsoft Settlement

I'm writing to urge you to accept the settlement proposed by the government in it's litigation against Microsoft Corporation. Further litigation by the states is an egregious ploy designed to wring competative advantage for corporations residing in those states as well as to line the state's public coffers. As the owner of a business with over 30 branch locations and 400 employees, I can assure you that we could not do our job half as well today if not for Microsoft products and services. They're reasonably priced, they work and they work well together. I'm an agnostic when it comes to which operating system, word processor or accounting package we use. Unix, IBM, MAC, we've tried them all. We use Microsoft products because they deliver, period.

Continuing litigation to prop up dying companies like Novell, or companies like Sun that are trapped between open standards and cheaper Wintel systems serves no one except the corporate interests of those companies.

End the litigation. Kick out the states. Settle with Microsoft.

David McGregor

I didn't fight my way to the top of the food chain to be a vegetarian.

Phone: (801) 944–6333 Cell: (801) 502–7544

MTC–00005680

From: TEHSHEEL@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:52pm
Subject: microsoft settlement

Dear Sir: I am grad the settlement had been reached between microsoft and your department. I think this settlement is fair and good for the comsumers and our country.

Thank you!

MTC–00005681

From: bob(u)patti1
To: Microsoft ATR
Date: 1/2/02 12:52pm
Subject: Microsoft Settlement

Hello,

What company in the history of the United States has given back more to world communities? Mr. Gates has and is continuing to return Millions of dollars to benefit people all over the world. Most of his resources go to benefit people who have a real need. I believe the recent settlement agreements are fair and provide a real benefit to young Americans.

Don't let the overzealous competitors and their over paid lobbyist and government friends stand in the way of a TRUE AMERICAN FRIEND in helping to provide the world with improved technology. Mr. Gates is a businessman who has compassion for his industry and the people it serves.

Settle this and let Microsoft get back to what it does best.....develop products that help improve the quality of life for Americans and the rest of the World.

Thank You,

Bob and Patti Turner

MTC–00005682

From: The Third Millennium
To: Microsoft ATR
Date: 1/2/02 12:53pm
Subject: Microsoft Settlement

I think the judge in the case should accept the settlement worked out with DOJ and MSFT. This is obvious to any clear and open minded public citizen!!

Clearly special interests with political motivations in 9 states (Just look which 9 states are dragging their feet!) are objecting to final settlement disregarding the interests of the public and tech industry as a whole.

Let's get on with it—the longer things are dragged out the worse it is for the economy and a recovery!!!

Accept the DOJ and MSFT settlement they negotiated!!

Bill Breseman—a concerned citizen

MTC–00005683

From: QORG@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:52pm
Subject: MICROSOFT SETTLEMENT

If Microsoft had not progressed the way it did, we would still be limited to 640K memory on our computers and, heaven forbid, the OS2 operating system. Their innovation is what paved the way for increased capacity on the PC platform, for both disk and for memory. Without it, the Internet would be used only by the government, E-business would be nonexistent, and AOL wouldn't exist to pressure the suit.

AOL does not allow access of their system by other Internet providers (buddy chats, etc.) Shouldn't this be viewed as unfair practices?? Thanks for listening to the electronic side of my reasons to back Microsoft. Economically, their suit caused the bubble burst in the NASDAQ. How many billions did that cost consumers??

Thanks,
Amy Cottrell
MIS Director, Retired

MTC–00005684

From: Howard Todd
To: Microsoft ATR
Date: 1/2/02 12:53pm
Subject: Microsoft Settlement

Greetings,

I am writing to register my support for the proposed settlement between Microsoft and the US Government. It is time to put this case behind us, for the benefit of consumers and the US economy. Please do not let a few states acting on behalf of Microsoft's competitors delay or derail the fair resolution of this case.

Thanks you,
Howard Todd
21464 President Point Rd.
Kingston, WA 98346
howard@wendertodd.com

MTC–00005686

From: gene—
wedge@notes.teradyne.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:52pm
Subject: Microsoft Settlement

Dear People,

As a long-time customer of Microsoft products I have followed the progress of the DOJ legal actions against the company. Having read the current proposed settlement I believe that it correctly limits the company's ability to engage in anticompatitive marketing practices while allowing Microsoft to continue to develop innovatively integrated products. Please register my support for the settlement in the public record.

Thank you,

Gene Wedge

Oak Park, CA

MTC–00005687

From: Holly Simmenroth
To: Microsoft ATR
Date: 1/2/02 12:53pm
Subject: Microsoft Settllement

I hereby take this opportunity to thank the Federal Government and States for negotiating a tough but reasonable settlement in the Microsoft case. I know this is in the best interests of the consumer, the industry and the American Economy in general. I trust the Department of Justice will forward my position, as a consumer, to the District Court as encouragement to conclude these proceedings as quickly as possible.

Truly Yours,

Henrietta Simmenroth e-mail: holly@goes.com

MTC–00005688

From: Jeff Smith
To: Microsoft ATR
Date: 1/2/02 12:54pm
Subject: Microsoft Settlement

End this process. The proposed settlement is in the best interests of all of us.

Jeff Smith 513 791 5074

MTC–00005689

From: James Muir
To: Microsoft ATR
Date: 1/2/02 12:54pm
Subject: Microsoft settlement

I am so glad the trail period is over and even though I feel the whole mess was a political interference with Business. Spurred by competitors who found it easier to compete through their State representives and the political arena than the market place the situation of Microsofts monopoly has gone on far to long. I feel in no way damaged by Microsofts efforts in Technology neither financially nor by lack of innovation in the market place. They deliver superior products for very reasonable prices and they provide great jobs and support their community and the rest of the U.S. charity needs. BOTTOM LINE: I think the Government and Microsoft resolutions are tough, adequate, and sufficient. Lets get on to the next big problem. Thank you. Jim Muir

James Muir

jmuirbrkr@earthlink.net

MTC–00005690

From: Phillip Kirby
To: Microsoft ATR
Date: 1/2/02 12:52pm
Subject: Microsoft Settlement

To Whom it may concern;

I feel that Microsoft has proven there commitment to innovate many times, and continues their innovations today. They are a revolutionary company, who has not only made great software but made the world the technologically advanced society that it is now in 2002! Without there groundbreaking software, I truly believe computers would not be used nearly as much as they are today! I feel that the settlement if very fair for both Microsoft, consumers, and our American Economy!

Phillip Kirby:

mt—man40@hotmail.com

MTC–00005691

From: RLFiala@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:54pm
Subject: MICROSOFT SETTLEMENT

TO THE DOJ,

It is my opinion that this case against Microsoft should be settled as quickly as possible and that Microsoft should be allowed to get back to doing what it does best—creating and exploring new technologies to benefit our civilization now and in the future.

Rhoda Fiala

MTC–00005692

From: Patty MacDuffie
To: Microsoft ATR
Date: 1/2/02 12:52pm
Subject: Microsoft Settlement

Proposed settlement is terrific! Go for it!

Patty MacDuffie

MTC–00005693

From: Robert Van Winkle
To: Microsoft ATR
Date: 1/2/02 12:53pm
Subject: Microsoft Settlement

Please let this chapter close without additional litigation. The economy has suffered enough already and will only continue to suffer as this continues to go on.

This whole process has been a senseless act driven for the benefit of the few such as Sun, AOL and Oracle and not the people. I have yet to see any evidence in this whole process that people were harmed in any way.

Robert Van Winkle

MTC–00005694

From: Janell
To: Microsoft ATR
Date: 1/2/02 12:54pm
Subject: Microsoft Settlement

Please stop all further action against Microsoft—the current settlement is fair.

Phil Stover

MTC–00005695

From: Jay Cull
To: Microsoft ATR
Date: 1/2/02 12:54pm
Subject: Microsoft Settlement

I believe that this settlement is fair and should be approved

MTC–00005696

From: Lepianka, Tamara
To: Microsoft ATR
Date: 1/2/02 12:53pm
Subject: Microsoft Settlement

I believe we have wasted enough time and money on this case. A settlement is in the best interest of all involved and the current agreement seems reasonable. I am disappointed that not all states accepted the settlement and continue to drag out an issue that will only continue to cost their states money. Especially at a time when funds would be better spent bolstering the economy, assisting families and reducing debt instead of throwing their state funds at an issue that has ceased to interest even the Information Technology industry, much less the general population. The case needs to be put to rest on ALL sides. I only hope that our judicial system exerts as much effort prosecuting foreign terrorists as it does in protecting? us from American companies.

Tamara W. Lepianka

Elizabethtown, KY

lepianka@infi.net

''MMS <hilliard.com>'' made the following annotations on 01/02/02 12:53:22

MTC–00005697

From: Chuck Newton
To: Microsoft ATR
Date: 1/2/02 12:54pm
Subject: Microsoft Settlement

It is time to put the Microsoft issue behind us, and the actions of various State Attorneys General fail to support the public interest in this matter. Suitable penalties have been adjudged on Microsoft, and further action at the state level on a matter which is predominately a matter of federal jurisdiction will do nothing to further the cause of consumers or government. By delay, it has just the opposite effect. My suspicion is that, like the tobacco settlement, the interest of the states is more for financial benefit than for consumer protection. These actions should be repudiated by the Justice Department, and a final settlement pursued with all due haste.

Charles G. Newton, Jr.

30 Bunker Hill Lane

East Greenwich RI 02818

MTC–00005698

From: scott cuddihy
To: Microsoft ATR
Date: 1/2/02 12:45pm
Subject: Microsoft Settlement

The USDOJ needs to end/settle this situation asap.

I believe the USDOJ has been manipulated by competing businesses that could not win in the marketplace.

The consumer has a much easier and less expensive time with their computing needs today; then ever in history, thanks to Microsoft products. The purpose of anti-trust law is to protect the consumer who has not been harmed. Please pressure the 13 states attorneys general to stop their farce, their motivation is to benefit their own political careers, not aid the unharmed consumer.

Thank you,

Scott Cuddihy

MTC–00005699

From: Dennis Hardman
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 12:54pm
Subject: Microsoft Settlement

The Microsoft settlement is fair. Further litigation is NOT in the public interest.

Dennis Hardman

6210 88th Ave West

University Place, WA 98467

MTC–00005700

From: DonaldF342@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:54pm
Subject: Industry and Government

A Great Nation-built upon Industry doing its thang, and Government doing it's. It is only when one or the other tries to interfere in the others' areas of expertise that the trouble begins. keep it a great nation. Back off this stupid Microsoft Vendetta. Go find Osama Bin Laden.

D.Fitzpatrick
627 NW 47 Avenue
Deerfield Beach, FL
33442

MTC–00005701

From: Jane Larkin
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 12:54pm
Subject: Microsoft settlement

Do you think it's a coincidence that it was when the DOJ first started persecuting Microsoft that the stock market started to crater? Please recognize that it is the health of companies like Microsoft that drive a prosperous economy. Let entrepreneurs be entrepreneurs—and for all our sakes stay out of the way.

MTC–00005702

From: stu96
To: Microsoft ATR
Date: 1/2/02 12:54pm
Subject: lawsuit

its time to end this charade called a monopoly and get on with business the law suit was filed because of companies that couldnt compete if they had been given the keys to the barn.

MTC–00005703

From: Ryan
To: Microsoft ATR
Date: 1/2/02 12:42pm
Subject: Microsoft Settlement

The government should end its case against Microsoft Corporation. I am a re-entry student in my 40s and having Microsoft products has increase my chances to be re-employed.

Thank you
Ryan F Peters
351 Lone Tree Road
Oroville, California 95965

MTC–00005704

From: Steve n' Gwen Secor
To: Microsoft ATR
Date: 1/2/02 12:55pm
Subject: MicroSoft settlement

My concern is . . . Will the further action against Microsoft help ''fix'' the problem or just creat more caos?

Steve Secor

MTC–00005705

From: Mule887@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:55pm
Subject: Microsoft Settlement

To Whom It May Concern: I would like to show my support for a settlement of the Microsoft case without further litigation. Nine states have already approved the offer which I believe is in the best interests of consumers.

Let the free enterprise system work.
William Marvin, Hooksett, NH

MTC–00005706

From: Chuck Schulien
To: Microsoft ATR
Date: 1/2/02 12:55pm
Subject: Microsoft Antitrust Settlement

This case reminds me of the injustice the government did to the tobacco industry. For years our government has been making money off of tobacco with all the taxing, then you turnaround and sue them for billions! Now it seems that the States that missed out on the Tobacco settlement are jumping to get a piece of the Microsoft pie.

I never smoked a cigarette in my life. I would be glad to give the $300.00 back that the State of Illinois gave me, if the government would back off and stick to the business providing a safe place to live. People have a choice, they do not have to buy computers or cigarettes! We do however need a safe place to raise our families.

Chuck Schulien
8421 Parkdale Drive
North Richland Hills, TX 76180
817–514–1936

MTC–00005707

From: Roy Carlton
To: Microsoft ATR
Date: 1/2/02 12:50pm
Subject: Microsoft

What the DOJ and the states have done to Microsoft borders on criminal acts. Microsoft has made my life as an accountant so much more easy. In addition, Microsoft has created more millionaire business owners who have spun off new products based on the Microsoft line of products. It's disgusting what the Federal and State Governments have done to a highly successful corporation. It's too bad we cannot sue former AG Janet Reno and President Bill Clinton for the damage this anti-trust action has done to the stock market.

Roy E. Carlton
6524 Gray Fox Curve
Chanhassen, MN 55317

MTC–00005708

From: Limitup16@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:54pm
Subject: Microsoft Settlement

Please get the Microsoft settlement settled. This has dragged on for long enough without any benefit whatsoever for the consumer. The consumer has any number of choices. . . . Microsoft has done more for the economy than many government programs.

James W. Toole
1114 Baltimore Dr
Orlando FL 32810

MTC–00005709

From: MHarme5683@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:54pm
Subject: Freedom to Innovate.

To Whom it May Concern:

Please end all the litigation in reference to Microsoft. In the interest of the American economy and the right of Microsoft to continue on without further litigation is in every ones best interest. As a stockholder of Microsoft it truly aggravates me that all those states have entered into the litigation against Microsoft. I think they are trying to get a monetary settlement from the company without ever investing a penny in the company. If you can explain to me the damage that Microsoft has done to those individual states perhaps it would be easier to understand. I think we would be technologically behind if not for innovative companies like Microsoft. Stop paying all the lawyers and allow the company pay a dividend to the people that have invested in the company. Thanks for hearing me.

Mary Harmening

MTC–00005710

From: LMi3280257@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:55pm
Subject: Approval

Approve this settlement and let's get this thing behind us!

Luana Miller,
San Rafael, CA

MTC–00005711

From: TJ Robinson, CPA
To: Microsoft ATR
Date: 1/2/02 12:56pm
Subject: Microsoft Settlement

Please stop this insane slide into a total depression by keeping one of the countries best companies doing what it does best. I have met no one that has been harmed by anything Microsoft has done if you exclude the competition. Things are cheaper, faster, and better.

MTC–00005712

From: PAUL G. BRUNNER
To: Microsoft ATR
Date: 1/2/02 12:56pm
Subject: MICROSOFT SETTLEMENT

I THINK IT IS TIME FOR GREEDY MONEY HUNGARY STATES TO ALLOW THE AMERICAN SYSTEM OF FREE ENTERPRISE WORK, THANK GOD FOR MICROSOFT, WE NEED MORE INOVATIVE BUSINESS INSTEAD OF USING THE COURT SYSTEM TO SLOW DOWN PROGRESS ENOUGH IS ENOUGH , I AM FED UPWITH THE COSTLY LAW SUITS THAT ACCOMPLISH VERY LITTLE EXCEPT SLOW DOWN THE COMPETITIVE SPIRIT, THERE ARE BETTER WAYS TO USE OUR COURT SYSTEM. I WOULD NOT BE ABLE TO AFFORD MY COMPUTOR IF IT WEREN'T FOR MICROSOFT

SINCERELY
PAUL G. BRUNNER

MTC–00005713

From: Charles Roberts
To: Microsoft ATR
Date: 1/2/02 12:56pm
Subject: Microsoft Settlement

To the honorable members of the court:

The revised proposed Final Judgement against Microsoft seems to me to be too harsh on Microsoft, however Microsoft has agreed to it and says they think it is fair. Therefore I urge you to impose the revised proposed Final Judgement and close the proceedings

for good. I am a computer user and have been for more than nineteen years. Microsoft products have been very good for me.

Charles E Roberts
628 N. Glenn Ave.
Springfield, MO 65801

MTC–00005714

From: Andy Smith
To: Microsoft ATR
Date: 1/2/02 12:55pm
Subject: Microsoft Case

It is important to America for the DOJ to settle the Microsoft litigation NOW. Thank you.

Andy Smith
Houlihan Smith & Company, Inc.
312–499–5910 Direct Phone
312–499–5901 Fax
www.houlihansmith.com

MTC–00005715

From: SabineMcManus@aol.com @inetgw
To: Microsoft ATR
Date: 1/2/02 12:55pm
Subject: Microsoft settlement

The Justice Department should leave Microsoft alone. The case against Microsoft is a pathetic embarrassment. We should be praising people like Bill Gates/Microsoft not suing him. Every time a company gets too successful, the government cracks down. I don't think Microsoft is a monopoly, and think that the only ''true monopoly'' is a government generated one. Obviously, Microsoft does not fall into this category. We are lucky to have entrepreneurs such as Bill Gates who create so much good for our society in the form technological advancement, jobs, and charitable organizations.

Sabine
Sabine McManus and Associates
Healthcare Search Consultants
433 North Camden Drive, Suite 600
Beverly Hills, CA 90210
Tel: 310–205–2006
SabineMcManus@aol.com

MTC–00005716

From: Mr1031@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:55pm
Subject: Seattle area guy

I have resented seeing our court system miss used. Sure it is legal but is it right? I don't think it is.

This is no different from some business person using their influence to get a piece of real estate down zoned in order to drive out his competition. I feel the high tech industry should be allowed to innovate and grow and let the public decided what is best by what they choose to purchase. Any regulation the courts will establish today will likely be irrelevant in a year or more just because their is no way any group of legislators or judges can KNOW the future. If they could they would be in a different business. The public is watching and has a keen sense of FAIR and knows why the remanning states are holding out. Just like the guy who holds out selling his property to a developer who is assembling real estate for a project. He does it because he wants to gamble the developer will pay him the highest price for his property. Have you ever noticed when you see a large new project with one remaining old structure niche into the site? That is how those nine states holding out should find themselves. Maybe those states should be allowed to increase their state sales tax on any Microsoft products. . . . The buyer could buy mail order and skip them. These states will not join the others and settle until they feel they would get less. Right now their bottom side is covered and they only stand to appear as heroes if they get more for their state. That is a miss use of the courts.

Ron

MTC–00005717

From: Binney, Peter
To: Microsoft ATR
Date: 1/2/02 1:02pm
Subject: Microsoft Settlement

Attn US Dept of Justice,

Please accept this note from a constituent as a vote in favor of expeditious settlement of the Microsoft Anti-trust litigation. I think the settlement is more than fair to me (as a consumer of software products, I don't think I was harmed to begin with) and we need to put this behind us.

Thanks
Pete Binney
508–339–9213
Mansfield, MA 02048

MTC–00005718

From: Scott, Vivian
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/2/02 12:55pm
Subject: settlement

It is my feeling that this law suit has gone on long enough, cost the tax payers plenty of money and, in fact, probably shouldn't have happened at all.

Settle it and be done with it.

I would also like to know why the Mac has not been brought in to this mix. At least on the PC you have a choice for start up programs (and have always had a choice once they were written) whereas on the Mac it is limited to their operating system only. Doesn't that effectively cut the competitors out of the picture entirely. Isn't that what this is all about, the competition feeling they aren't able to compete?

Last I don't think the states should get anything. Talk about jumping on the band wagon. What consumers are they talking about getting taken advantage of. When I bought my computer I inquired about the cost when buying an operating system separately it was noticeably more then to buy as a package. I believe this is a fairly common practice in many venues. Again, settle and be done with it.

MTC–00005719

From: Deborah Merklin
To: Microsoft ATR
Date: 1/2/02 12:56pm
Subject: MICROSOFT SETTLEMENT

U.S. Dept. of Justice
Washington, DC

I vote that the U.S. Department of Justice do all that it can to expedite the Settlement as outlined in the Tunney Act.

Deborah Budz-Merklin
dbudzmerklin@earthlink.net
Fax—(815) 550–5169

MTC–00005720

From: H S
To: Microsoft ATR
Date: 1/2/02 12:57pm
Subject: Microsoft Settlement

Enough foot dragging. Let's put an end to this settlement, and the sooner the better.

I think that DOJ should have other more revelant issues to pursue. Yes, Microsoft is powerful, but let consumers vote on that with their dollars. If they don't want to use Microsoft, that is their choice. Computers have always been about choice. If I don't like Microsoft, there is always an alternative.

MTC–00005721

From: winsonmc@juno.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:56pm
Subject: Microsoft Settlement

I am very much in support of the freedom to innovate, as a basic American freedom. Now that the court of appeals has rendered a decision, I feel it should be upheld and this issue brought to an end, so that the consumer, the people, can get on with their lives. In most fields, automobiles, appliances, etc. the parts of the different manufacturers are not interchangeable, why should they be in computers. This is what drives innovation and invention, so to the better innovator goes the spoils.

Sincerely,
I.C.McLendon M.D.

MTC–00005722

From: Ueli Jucker
To: Microsoft ATR
Date: 1/2/02 12:55pm
Subject: MICROSOFT SETTLEMENT

IT IS PAST THE TIME TO FINISH THIS SETTLEMENT FOR THE HOLE COUNTRY.

UELI JUCKER

MTC–00005723

From: Matt
To: Microsoft ATR
Date: 1/2/02 12:57pm
Subject: Microsoft Settlement

I don't want my hard earned tax money wasted any more! Settle this. Microsoft has done more our economy and has virtually created the software industry. We should end this and end it now!

Matt Fangman

MTC–00005724

From: Peter Kraushar
To: Microsoft ATR
Date: 1/2/02 12:57pm
Subject: Microsot Settlement

To DOJ,

I would like to see this Microsoft litigation settled once and for all. I'm in favor of the recent settlement and want no further litigation. Further litigation benifits only a few wealthy people and hurts the US economy. Thank You,

Mike Kraushar (503) 469–0270
Northwest Scape Website Design Inc.
NetBizDomains Inc.
12614 NW Barnes Rd. #4
Portland, OR 97229

MTC–00005725

From: Bill (038) Robin

To: Microsoft ATR
Date: 1/2/02 12:56pm
Subject: Microsoft Settlement

In my opinion, the proposed settlement with Microsoft is more than fair and adequate. Microsoft has done nothing to harm me in anyway, and I have never requested any assistance from my elected officials in protecting me from something that I simply do not need protection from. This whole mess is nothing more than a trumped up case by some of Microsoft's competitors because they would rather spend their time and resources fighting Microsoft rather than developing a better ''mouse''! The actions by the states to tag along is simply a carry over from the tobacco cases in hopes of adding a lot of cash to their coffers. I wonder if all this would be taking place if Microsoft were located in Utah? I truly do not understand the concern about integrated software applications. As a software user, I demand integrated applications that are designed to work together which is exactly what Microsoft has produced. Let's get on with the many more important things that our country needs to be worrying about and stop this senseless flow of money to a bunch of high paid lawyers and politicians..it has really been and continues to be stupid!!!!

Thank you,
Bill Johnson

MTC–00005726

From: John Hall
To: Microsoft ATR
Date: 1/2/02 12:57pm
Subject: settlement

Tell Bill to keep fighting and keep a stiff upper lip!

I'm on his side as a small stock holder!
John R. Hall

MTC–00005727

From: Ron Huxtable
To: Microsoft ATR
Date: 1/2/02 12:57pm
Subject: Microsoft Settlement

Please leave Microsoft alone. They've done more for the U.S. economy that all of their competitors put together, through jobs creation, charitable gifts, formation of new companies 'living' off of the success of Microsoft products due to worldwide consumer acceptance, and on and on. The consumer will only be adversely affected by further government intervention—innovation and prices will go up.

Thank you for your consideration—
Ron Huxtable

MTC–00005728

From: Fritz Turton
To: Microsoft ATR
Date: 1/2/02 12:57pm
Subject: microsoft settlement

Prosecute the guilty, not the successful. The government has extracted its pound of flesh, Clinton is a bad memory, go chase the Arabs!!! Fred Turton

MTC–00005729

From: Eric—Koach@Dell.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:23pm
Subject: Microsoft Settlement

To Whom It May Concern,

If you are asking for opinions, mine is quite simple. Drop the suit and allow the free enterprise system that founded this country to take care of this situation.

Regards,
Eric Koach
Global Enterprise Account Manager
Dell Computer Corporation
Office 281.361.7384
Mobile 281.352.5121
Mail to eric—koach@dell.com
www.dell.com

MTC–00005730

From: BHall36071@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:58pm
Subject: Microsoft Settlement

I would like my opinion counted. I think the settlement should go through, as it is currently proposed, and not delayed any longer. The only parties benefiting from this continued arguing are the competitors, not the consumers. The consumers are already benefiting from the innovation of Microsoft and don't need any further benefits. The consumers have choices, and Microsoft is not causing the consumers harm by innovating in the industry. We appear to be an ungrateful nation and we appear to try to kill the goose that laid the golden egg. Stop this nonsense and let Microsoft continue to innovate, and settle this lawsuit against them. Settle the suit as the settlement negotiations now stand, and put this behind us. It will be best for the nation and the economy.

H. William Hall
1125 N. 26th St.
Tacoma, WA., 98403

MTC–00005731

From: Barton L. Hinkle
To: Microsoft ATR
Date: 1/2/02 12:58pm
Subject: Microsoft Settlement

I strongly urge acceptance of the Microsoft Settlement as it has been developed, provisions of which have been accepted as fair and reasonable by the Justice Department and which have been agreed to by Microsoft. In my opinion, further haggling about specific items is not in the best interests of consumers.

MTC–00005732

From: Khushcpa@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:58pm
Subject: waste of money

Your tackling of the microsoft issue is a total waste of money and is tacitly unfair . to tear down the most influential company in the world and the one that has made the united states a poweful country is absurd. spend your time and money doing something constructive instead of destroying the bastion of capitalism.

Khush Bodhan CPA

MTC–00005733

From: Ellen ching
To: Microsoft ATR
Date: 1/2/02 12:58pm
Subject: Microsoft Settlement

I believe the reviced proposed Final Judgment is tough but fair. I will definitely like to see this case closed for good. Prolonging this case creates more harm than good; it is a drain to tax payer and the economy.

MTC–00005734

From: ROBERT K RODEN
To: Microsoft ATR
Date: 1/2/02 12:58pm
Subject: Microsoft Settlement

Dear Representative of the Dept of Justice,

Perhaps Microsoft does have a dominant position in the computer software market place. That is precisely why I invested in that company. The technology and ease of use offered by microsoft and my computer maker is what this market place is looking for.

Microsoft is not a monopoly in the market place. They have competition. (Unlike my local telephone company, cable company, etc. etc.) Computer users and consumers are smart enough to find alternate browser software. I get several discs in the mail (unsolicited as well) from different ISPs that use Netscape, Microsoft, etc. You plug it in and it does the work. Or, the keyword system allows users to find free downloads of about any type that works within my microsoft system and they are not microsoft product.

Now that my government has dragged Microsoft through the mud and they have offered a settlement, I think you should take it and stop wasting the resources of a company that brings more efficiency of technology to the U.S than any other company in the world.

Sincerely,
Robert K. Roden
4281 Heritage Drive
Hudsonville, MI 49426

MTC–00005735

From: Paul
To: Microsoft ATR
Date: 1/2/02 1:01pm
Subject: Microsoft Settlement

Please don't delay the settlement any longer. Microsoft has been a good company; they provide quality support and have the customer's best interest in mind. Any good businessperson knows the most important rules of how to increase sales. Number one is to have a quality product that you believe in and number two is keep the customer satisfied. Microsoft does both very well.

MTC–00005736

From: Brian L. Dontje
To: Microsoft ATR
Date: 1/2/02 12:58pm
Subject: Microsoft Settlement

Settle this case now. You were wrong to have filed it or pursued it.

Brian L. Dontje
President
UDS Green Industry Software, Inc.
brian@udsgis.com

MTC–00005737

From: Sherri Starr
To: Microsoft ATR
Date: 1/2/02 12:58pm
Subject: Microsoft Settlement

Please, please settle this...your attack on Microsoft was unfair and unnecessary to the company and the public. The settlement reached is more than fair and this matter should be put to an end. It is amazing that

you could spend more trying to kill Microsoft than you could spend in getting Bin Laden and his groups. I had hoped that a more reasonable and honest voice had taken over the DOJ.

Sherri Starr
Gleneden Beach, Oregon

MTC–00005738

From: Craig Fischer
To: Microsoft ATR
Date: 1/2/02 12:58pm
Subject: Microsoft Settlement

Hi DOJ,

I am an employee of Microsoft Corporation in Charlotte, North Carolina.

Although I believe the lawsuit is based on assertions that were trumped up by our competitors and are baseless, I am in favor of this settlement. This will hopefully get the government monkey off our backs so we can continue to be the best U.S. company ever and the best worldwide!

Sincerely,
Craig J. Fischer

MTC–00005739

From: SFILLPMR@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:58pm
Subject: microsoft settlement

USDOJ, microsoft has violated no law's—I as a consumer am glad to see this all come to a final resolution. Scott J. Fillmore

MTC–00005740

From: Mike Holmes
To: Microsoft ATR
Date: 1/2/02 1:03pm
Subject: Microsoft Settlement

Gentlemen of the DOJ:

As a citizen, taxpayer and voter as well as a small business owner, I am voicing my opinion regarding the Microsoft Case and the Proposed Settlements, etc.

I am a staunch supporter of free enterprise and sound business practices. Moreover, I am also a believer in providing products that are of value to consumers and making an honest profit from such enterprise.

In my opinion, and I consider it an ''informed'' opinion, Microsoft has been wrongly harassed in this entire issue. In addition to developing a business profile that makes a profit by serving the consumer needs as well as investing in providers and competitors, the key executives at Microsoft have followed the American Business Profile in an admirable fashion.

While some in Federal and State Government feel that business should be not-for-profit and service the common good without regard to profitability, I live in the real world. Microsoft has continued to create systems that make it easier for me to work as well as providing a common platform for non-Microsoft programs to run on my computer.

My desire is that the DOJ and various state governments spend time and money pursuing the drug dealers and the child pornographers that are dramatically damaging our country's most valuable resources, our youth. Leave Microsoft alone. Cheer Bill Gates and his execs for generating taxable revenues, providing jobs, giving to charity and helping to make the world of computers easier for us 50 year-old dinosaurs to use in everyday business applications.

If you notice, this e-mail is sent from a non-Microsoft connections, using Netscape as my browser. I use WIndows XP and Office 2000 in my everyday work!

Sincerely,
Michael P. Holmes
12671 West 116th St.
Overland Park, KS 66210
913–498–2626

MTC–00005741

From: Mahalle@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 12:58pm
Subject: settlement

Settlement is best for the economy. The downtern started with gonernment action against Microsoft. Experience has shown that breaking up companies is not for the best. Telephone was broken up and then the parts started merging. Competition must not be stifled but creativity should not be punished.

MTC–00005742

From: optimal
To: Microsoft ATR
Date: 1/2/02 12:58pm
Subject: Microsoft Settlement

I do believe that the settlement entered on Nov 6, 2001 is fair and is in the public interest.

Thanks,
Mike Sarieh

MTC–00005743

From: Dr. James F. Gaines
To: Microsoft ATR
Date: 1/2/02 12:58pm
Subject: Microsoft Settlement

Dear Sir/Ma'am: Drop the case against microsoft. As a comsumer I'm confident that after comparison shopping in the computer stores Microsoft has excellent products at fair prices. Give it up and use my tax dollars for something constructive. The consumers have been trteated fairly by Microsoft.

James F. Gaines, DVM, MS

MTC–00005744

From: belize bound
To: Microsoft ATR
Date: 1/2/02 12:59pm

All govt, states, officials leave microsoft alone!!! govern and leave microsoft alone. thank you,

MTC–00005745

From: ArnoldfS@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:00pm
Subject: Microsoft settlement

It is time that the DOJ accepts a just settelment with Microsoft and concentrates on other more urgent matters affecting our country; ie. war and terrorism.

Microsoft is being used by the AJ's of the nine states to further their private political ambitions—with DOJ's blessings, it seems. ''Cease and desist'' are terms DOJ should be familiar with even when they are addressed to the DOJ itself.

Arnoldfs@aol.com
CC:MSFIN@microsoft.com@inetgw

MTC–00005746

From: Frank Griffin
To: Microsoft ATR
Date: 1/2/02 12:56pm
Subject: Microsoft Settlement

I am happy to hear there is resolution of this matter at hand. It has been, and is, my belief that Microsoft competitors have used the Federal and State Attorneys General as a tool to attempt to whip up on Microsoft. There are certainly more important matters for the Attorneys General, both state and federal to deal with than this matter. Thank you for bringing this matter to an end.

Frank Griffin

MTC–00005747

From: Robert Cunningham
To: Microsoft ATR
Date: 1/2/02 12:59pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am greatly concerned that the lawsuit against Microsoft was brought in the first place. Microsoft has brought this nation some of the finest software that can be found resulting in a more efficient, economical use of the computer. This has had a tremendous positive impact on the economy of this country. I agree that Microsoft is a tenacious competitor but strongly disagree that it represents any type of monopoly. Any and all software manufacturers have the right and the opportunity to create software and market it to the public in any manner they desire. To even suggest that Microsoft has PROHIBITED them from doing so is ludicrous.

I believe the terms of the settlement are excessive and should have never reached this state, but in the interests of trying to prevent the continued harrassment by those with less tenacity and to get this economy back on track, the settlement should be accepted and this entire socialistic venture should be closed with embarrassment to all who participated in promoting this undemocratic, unjustified action.

Robert E. Cunningham, Sr.
321 Cypress Street
Destin, FL 32541
cunningham1148@home.com

MTC–00005748

From: J1ws@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:00pm
Subject: (no subject)

I have had the opportunity to review the settlement reached with Microsoft and the department of Justice. There is no question in my mind that this agreement is in the best interest of the consumer and meets the needs of creating a level field of competition. It is apparent that the competition will never be satisfied and will lobby until they simply can no longer succeed. Lets get on with business, Microsoft is being penalized enough as well as the consumer. Jim Smallman

MTC–00005749

From: Jimmy Boyle
To: Microsoft ATR
Date: 1/2/02 12:59pm
Subject: Microsoft settlement

Dear Sirs:

I think it is time to end this ordeal. It has been clear tome that this suit by the Justice department was a political move prompted

by the competition of Microsoft. The settlement assures the completion that they will have a chance to compete with Microsoft. If their products succeed then that will be fine. But if their products do not succeed you will hear from them again saying Microsoft has done some naughty and they want protection and maybe even some money to support their egos.

Sincerely,
Jimmy Boyle

MTC–00005750

From: Linda Simoneau
To: Microsoft ATR
Date: 1/2/02 1:08pm
Subject: Microsoft settlement

To Whom It May Concern:

I am writing to support a settlement of Microsoft. It seems ludicrous at this point in time that we would consider further litigating this matter. I feel that Microsoft should have the authority to innovate their products without fear of litigation. It seems that there are many more important issues in the United States that need legal attention and this is certainly not one of them.

I would urge the legislature to work towards a swift settlement of this matter.

Very Truly Yours,
Linda Simoneau

MTC–00005751

From: W R Hutchison
To: Microsoft ATR
Date: 1/2/02 1:07pm
Subject: MIcrosoft Settlement

Gentlemen—

I am in favor of settling this matter as soon as possible.

W.R. Hutchison

MTC–00005752

From: userln6304@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:08pm
Subject: microsoft settlement

Innovation has made the US the greatest country in the history of the world.The action in the Microsoft case should be summarily dropped.

Userln6304@aol.com.

MTC–00005753

From: Lien Louis-rp2957
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 1:08pm
Subject: Microsoft Settlement

Dear Sir/Madam

I have been working in the computer related field for twenty years. The competition in this high tech area is very high. Only good quality products with good service can survive in such highly competitive business. Microsoft gained its market share by providing good products to the public. Without good product, Microsoft will not survive. I always believe free innovation and competition is the best way to ensure that consumers will get the benefit of good products and service. There is no need from government to continue wasting tax payers' money in arguing what majority of the people have agreed.

Government should spend its energy in creating better job environment for American people. I believe the Microsoft settlement is good for the consumers, the industry and the American economy. Let's focus on improving our current economy environment that everyone will benefit from it. I support the settlement between Microsoft and federal government and nine states.

Sincerely,
Louis Lien

MTC–00005754

From: Cipolla Art-XTSS05
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 1:08pm
Subject: Microsoft Settlement

I find it annoying that that a few Microsoft competitors are trying to hold up the settlement. These companies such as Sun are thinking about nothing other than themselves. Microsoft and Dell are two of the only companies that want to commoditize the market segments that they serve. They are willing to operate off small margins and make the software or hardware widely available. Most of their competitors talk the standards game but implement nothing but proprietary software and hardware.

The current settlement is more than fair for the competitors. Don't further disrupt the market by considering additional measures driven by Microsoft competitors.

Regards,
Arthur F Cipolla

MTC–00005755

From: James Reilly
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/2/02 1:08pm
Subject: Microsoft Settlement

Dear Madam or Sirs:

I have been very interested and am very pleased with the Federal Government's Decision to an agreement and settlement with Microsoft Corporation. The interest of our country and our economy are best served by this settlement, and affording both parties to move forward without additional legal hassels.

The importance of integrated software and the attractiveness of packaging this into products that enhance the user's familiarity and productivity is most important. I think these aims are well served by the settlement, also.

James S. Reilly MD
Chairman, Department of Surgery
DuPont Hospital for Children
Nemours Children's Clinic
Willmington, Delaware

MTC–00005756

From: RooRoo469@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:08pm
Subject: Microsoft Settlement

Hi my opinion of the Microsoft Settlement is it is WAY TOO WEAK. Microsoft is a total monopoly and has all the parallels of companies of the robber baron days. They choose companies they feel threaten their monopoly and crush them with ''free'' software giveaways and upgrades. They insert pieces of code to make competitor's software run unpredictably, and do not release API's to competitors in a fair fashion. They set all their own ''standards'' and ignore the rest of the industry. I think a good start would have been splitting Microsoft into at least two parts and imposing some REAL restrictions, not the current restrictions that will do nothing to stop Microsoft's anti-competitive ways. I could go on and on but suffice to say the settlement is far from what is actually needed to preserve free enterprise in the USA. Microsoft's ''Freedom to Innovate'' defense is a farce.

Thank you,
Andrew Fox

MTC–00005757

From: Colin Samuelson II
To: Microsoft ATR
Date: 1/2/02 1:08pm
Subject: Microsoft Settlement

I urge you to settle the Microsoft Case. The settlement is good the American economy, and the indusry in general. Cease the litigation and let's move on.

MTC–00005758

From: Jay Atherton
To: Microsoft ATR
Date: 1/1/02 9:04pm
Subject: settlement

I see no harm about Microsoft and it's performance in the marketplace. Without them, this industry would have been 10 years behind everyone else. I support them completely.

Jay Atherton

MTC–00005759

From: Schott, Jim
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 1:10pm
Subject: Microsoft Settlement

To whom it may concern:

I wholeheartedly support the settlement agreement reached between the DOJ, the nine states and Microsoft. The time has come to bring resolution to this drawn-out affair and stop the squandering of taxpayer dollars. It is blatantly obvious that Microsoft's competitors are pressing a handful of states for continued litigation, not ''injured'' consumers. The reality is that consumers have benefited greatly from Microsoft's innovation and the industry's standardization on Windows as the preferred operating system. The speed and ease of use of personal computers have increased exponentially while the cost to consumers has plummeted. THIS IS A GOOD THING! The remedies proposed in the DOJ settlement are tough but fair to all parties. Please do not allow a few of Microsoft's competitors to misuse the legal system to compensate for what they could not achieve in the free marketplace.

Thank you!
Jim Schott
14921 SE 65th Street
Bellevue, WA 98006

MTC–00005760

From: Fred Infortunio
To: Microsoft ATR
Date: 1/2/02 1:13pm
Subject: Microsoft Settlement

Settle this and let Microsoft Get Back to Work.

This is a fast moving industry and a quick completion of this matter will serve all.

The restrictions put in place along with the oversight seem to be fair. the continuing

oversight will provide the direction for future fairness. How far do we have to go to hobble one of the greater engines of our society?

Fred Infortunio, MBA, PE
LCMS
Phone: 856–810–9074
Fax: 856–810–9073
E-Mail Address: LCMS@jersey.net
God Bless America

MTC–00005761

From: Raj Jhanwar
To: Microsoft ATR
Date: 1/2/02 1:09pm
Subject: Microsoft Settlement

The Microsoft Settlement is good for customers and should be a good foundation for long term.

Raj

MTC–00005762

From: Howard Chu
To: Microsoft ATR
Date: 1/2/02 1:09pm
Subject: Microsoft Settlement

RE: The Microsoft case should be settled—the earlier the better

DOJ has / had spent enough. These $$$$$ / time they spent can be used to do something better.

Let MS spend her $$$$$ / time to bring us software. Why on Earth DOJ forces MS to spend her $$$$$ / time just playing around with DOJ?

Let's STOP all these.

Thank you.

B. Rgds.

Howard Chu

–/hc

MTC–00005763

From: Phillip Rubin
To: Microsoft ATR
Date: 1/2/02 1:10pm
Subject: Microsoft Settlement

This has gone on way too long.

As a consumer and small business owner, Microsoft has made a lot of very good things possible. They take care of their customers better than nearlly every other technology company, and certainly better than the telecommunications companies. The settlement offer is reasonable and the states should not impede it further.

Please get this resolved once and for all.

MTC–00005764

From: Art and terry jones
To: Microsoft ATR
Date: 1/2/02 1:10pm
Subject: Microsoft Settlement

Dear Dept. of Justice:

I strongly support your settlement of the Microsoft antitrust case. This settlement is good for the country's economy and also provides sufficient control of Microsoft's corporate behavior. Any further attempt by the 9 remaining states to extend the penalties in this case is not in the best interests of the nation. Instead, these attempts seem to originate with Microsoft's competitors rather than with consumers. I thank you for your hard work in trying to provide a final settlement so we can get on with business as usual. I trust this settlement will allow the U.S. high-tech industry to continue to prosper in the global market.

Sincerely,
Arthur Jones

MTC–00005765

From: Charles Mc Grath
To: Microsoft ATR
Date: 1/2/02 1:10pm
Subject: Microsoft Justice

To the D.O.J.

Please give microsoft a chance to survive in such a gloomy economy ,and the stock holders a chance to make a profit.

Thank You
Charles Mc Grath

MTC–00005766

From: Robert Alberts
To: Microsoft ATR
Date: 1/2/02 1:09pm
Subject: Microsoft Settlement

The settlement agreement is more than fair for both the States and the consumers.

Bob Alberts

MTC–00005767

From: Patrick Settle
To: Microsoft ATR
Date: 1/2/02 1:09pm
Subject: Microsoft Anti-Trust Trial

Greetings,

I have attached my Comments on the Microsoft Anti-trust Trial, to this email in Rich Text Format (RTF). I have also included the text of the document in this email below.

If additional information in is needed please let me know.

Patrick Settle
IT Manager
5221 42nd Street NW Apt. B
Washington, DC 20015
202–321–7370
hyrcan@speakeasy.net (personal email)
psettle@worldwatch.org (work email)

Comments:
Patrick Settle
5221 42nd Street NW Apt. B
Washington, DC 20015
Friday, December 28, 2001

Renata Hesse
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Greetings,

As an Information Technology professional, and user of Microsoft products, with over six years of professional experience in the computer industry, I have seen the negative impacts to the computer industry brought upon it by Microsoft. Their unethical business practices which allowed them to evolve into a monopoly, and their current attempts to maintain that monopoly has stifled a great deal of technology innovations, along with damaging business opportunities for other companies.

I cannot see how the settlement that is proposed even pretends to remedy the antitrust violations for which Microsoft has been found culpable. Microsoft has already been found in violation, and this is the penalty phase of the case, but the settlement contains no penalties and actually advances Microsoft's operating system monopoly.

A just penalty, would at barest minimum include three additional features:

* Any remedy seeking to prevent an extension of Microsoft's monopoly must place Microsoft products as extra-cost options in the purchase of new computers, so that the user who does not wish to purchase them is not forced to do so. This means that for the price differential between a new computer with Microsoft software and one without, a computer seller must offer the software without the computer (which would prevent computer makers from saying that the difference in price is only a few dollars). Only then could competition come to exist in a meaningful way.

* The specifications of Microsoft's present and future document file formats must be made public, so that documents created in Microsoft applications may be read by programs from other makers, on Microsoft's or other operating systems. This is in addition to opening the Windows application program interface (API, the set of ''hooks'' that allow other parties to write applications for Windows operating systems), which is already part of the proposed settlement.

* Any Microsoft networking protocols must be published in full and approved by an independent network protocol body. This would prevent Microsoft from seizing de facto control of the Internet.

As the judge has suggested the national interest is at issue here, therefore it is crucial that Microsoft's operating system monopoly not be extended. Allowing Microsoft's Monopoly to stand, and in fact increase, weakens our national security by the creation of an information monoculture. As Paul A Strassmann states, ''Info-terrorists and criminals will continue to take advantage of the ever-growing proliferation of flaws in the gigantic Microsoft system, consisting of hundreds of millions of lines of failure-prone code.'' In closing, the outcome of this case will affect us not only to day but the future of information technology, and the nation. A thorough and though out penalty is far more important to the health of the nation than is a hasty one.

Thank you for you time.

Patrick Settle
5221 42nd Street NW Apt.B
Washington, DC 20015
202–321–7370
hyrcan@speakeasy.net

MTC–00005768

From: GMCSJERRY@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:10pm
Subject: Microsoft Settlement

Despite the aggressive lobbying efforts of a few of Microsoft's competitors, the federal government and nine states finally reached a comprehensive agreement with Microsoft to address the reduced liability found in the Court of Appeals ruling. This settlement is tough, but reasonable and fair to all parties involved. I agree that settlement is good for the industry and the American economy. The last thing the American economy needs is more litigation that benefits only a few wealthy Microsoft competitors and stifles innovation.

Don't let these special interests defeat the public interest. Enough is enough!

s/Jerry S. Strunk

649 Rainbow Blvd.
Lady Lake, FL 32159

MTC–00005769

From: Jeff Albers
To: Microsoft ATR
Date: 1/2/02 1:10pm
Subject: Microsoft Settlement

To Whom It May Concern:

I understand that the DOJ is required to offer a period of public comment regarding the proposed Microsoft settlement, prior to the final determination of whether or not the settlement is in the ''public interest''. As a U.S. citizen, a consumer, a financial professional, and as a private investor, I wholeheartedly support the proposed settlement of this case. Although I have no affiliation or financial dependence on Microsoft, I believe that this case has been a drag on our U.S. economy and as such has done nothing but exacerbate recessionary pressures. I believe that the people of the United States are anxious to recover and move on from the current economic recession and the events of this past year. The Microsoft settlement would aid in this recovery with the removal of the ''black cloud'' hanging over the technology side of our economy.

I believe that Microsoft has gotten the message regarding their competitive business conduct, and have already paid a very high price. The only benefactors of a continuation of the suit are a few competitors of Microsoft.... Certainly not the general public or the U.S. economy. I hope that the DOJ and the handful of states will not be influenced by a few self serving special interest groups and will finalize this settlement, as it is in the best ''public interest''.

Thank you for your time.
Jeff C. Albers, CFP, CLU, ChFC
ALBERS & COMPANY, INC.
950 Pacific Ave., Suite 620
Tacoma, WA 98402
Phone: 253–596–0601
Fax: 253–572–1499
www.alberscompany.com

MTC–00005770

From: CaryBisset@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:10pm
Subject: Microsoft Settlement

I believe the settlement terms as described by Microsoft and the US government and the 9 states in accord is the right choice for the consumer and business interests.

Microsoft continues to innovate, commoditize services and support and partners with thousands of software developers, resellers and other small, medium and large businesses which ensures fair competition and enhances each of those businesses bottom line. Microsoft is the best business partner I've ever had.....and as a consumer I am thankful there is a prevalent way to communicate with any person I want via the internet and office applications that Microsoft has built in the last 25 years!

Carol Luber
215–640–0960
1835 Arch Street
Philadelphia, PA 19103

MTC–00005771

From: Daniel L Christie
To: Microsoft ATR
Date: 1/2/02 1:04pm
Subject: micorsoft settlement

We feel it is vital to thee economy and to the stockholders that the settlement already made be finalized. Micorsoft is an important part of our life savings, we are 88, and 92 years old and have already lost over 20%of our retirement money. We do not wish to lose any more. Further micorsoft is the key leader to rebuilding the economy of not only the U.S. but the entire globle welbeing.

Lets get it over.
Dan Christie & Betty Christie

MTC–00005772

From: LAST
To: Microsoft ATR
Date: 1/2/02 1:10pm
Subject: Microsoft Settlement

Enough is enough. lets drop the litigation and let microsoft get back to what it does best.....innovative products and an industry standard.

Dr. Richard Laban
Harrisburg PA

MTC–00005773

From: A415A@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:11pm
Subject: Microsoft Settlement

I believe Microsoft has suffered enought at the expense of the government and its competitors. I believe the US government and State's government should back off and give Microsoft a fair settlement and allow them to go back to providing the public with the good software and services they are known for. In my opinion the government's interferance has already cost us, the general public, a great deal in lost services of Microsoft. Microsoft should be rewarded, not penalized, for the great work and services they have provided us in the past at a very reasonable price

Sincerely yours
George Ellis
Civil Engineer

MTC–00005774

From: Ron B
To: Microsoft ATR
Date: 1/2/02 1:11pm
Subject: Microsoft Settlement

I feel the proposed settlement in the Microsoft action is appropriate as is and should be finalized. I have never felt financially harmed by any of the marketing statagies of Microsoft in the past. It's time to move on and let free enterprise work for our betterment.

Sincerely,
Ron Berich

MTC–00005775

From: Donald Baudrand
To: Microsoft ATR
Date: 1/2/02 1:11pm
Subject: Microsoft Settlement

I have followed the Microsoft litigation closely. It is time for me to express my opinion: Microsoft has contributed greatly to the technology that makes computers useful, and even essential. I compare their contribution to that of Henry Ford's development of the production line that lead to automation, making the US an international power economically. Microsoft has done as much or more. The people who consider Microsoft a monopoly are primarily its competitors, of which there are many. I have studied constitutional law, history, and present related laws. I believe Microsoft has done little, if anything, wrong, legally or morally. It would be a blow to the advance of technology to find Microsoft guilty of any wrong doing.

Donald W. Baudrand
Consultant

MTC–00005776

From: Ed Largaespada
To: Microsoft ATR
Date: 1/2/02 1:12pm
Subject: Microsoft Settlement

I think is time to settle this case as proposed by Microsoft to DOJ (and a few States). Microsoft brought to the market an innovative product. It should not be penalized for the economic success and the market dominance that, once again, only reflect the good products introduced to the American and World Market.

Thanks for your attention to this matter and please feel free to contact me:

Ed Largaespada
8261 SW 128 Street, #109
Miami, FL 33156
(305) 259–9345

MTC–00005777

From: mark—hoffman@
notes.teradyne.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:12pm
Subject: Microsoft Settlement

Re: Public comment

I am a professional user of computers with little personal interest in the settlement of the Microsoft case. I am not an expert on law or on this case. I do believe that Microsoft is effectively a monopoly and is not serving the general public well. Also, they seem to have not changed their ways since the suit was first brought.

I don't think that the proposed settlement sufficiently addresses the problems that make it difficult for competitors to offer users a choice. As I see it the issues are It should be easier for other companies to integrate their products into the OS. It should be easier to get bugs acknowledged and fixed. Security should be a higher priority and better.

It would be a great help if the application part of Microsoft were split off from the OS part. The application part would be on equal footing with other application companies to get information and bug fixes from the OS part of Microsoft. The companies could negotiate with eachother about what SW parts would be better off in the OS and pay royalties or whether it would be better to just provide the hooks for whatever SW would be inserted. The government might have to help set up a standards committee for this.

The alternative would be for Microsoft to make its code available and to give appropriately timed warnings when it would change. I think that this would be harder to control and slow innovation down.

These comments are mine, personally, and don't represent the views of my employer.
Mark S. Hoffman
Burlington MA

MTC–00005778

From: Mike
To: Microsoft ATR
Date: 1/2/02 1:14pm
Subject: Microsoft Settlement
Dear Sir:
Please do not impose any more harm upon Microsoft than was placed upon its customers. That is to say, if you can quantify how much less the consumers should have paid for their Windows software, that should be the damages.
I, for one, would gladly pay again for the use of this software. As the browser was free, as are many updates from Msft, there would be no harm there. I have both Netscape and IE on my computer and I never use Netscape unless I have to.
Mike Stoddard
Tampa, Florida

MTC–00005779

From: Pedro Ferreira
To: Microsoft ATR
Date: 1/2/02 1:13pm
Subject: Microsoft Settlement
I consider the settlement correct and fair.
Pedro Chaves Ferreira

MTC–00005780

From: retredmed@cchat.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:12pm
Subject: Microsoft Settlement
It seems to me that the government has forgotten that in these United States one is supposed to be able to attain their highest goals. It seems to me that those who have complained about Microsoft are nothing more than entities that envy their position. Its too bad they didn't have the brain power to come up with the innovations that Microsoft has.
I feel that any settlement should never have been. Microsoft has made it possible for the average person to have massive computing power. However, if Microsoft is willing to settle something that should never have been, then I have no problem. From what I can see the settlement is fair to all but Microsoft.
R.E. Lee

MTC–00005781

From: Rebard@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:13pm
Subject: Microsoft
Please settle this conflict with Microsoft as quickly as possible. Microsoft has built a much needed base for all computing where many products can work together, in no way has it hurt consumers.
Thank you for your attention.
Barbara V. Rebard,
Redding Calif.

MTC–00005782

From: Josh Moultray
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 1:13pm
Subject: Microsoft Settlement
A quick response to the Microsoft settlement:
It should finally be over, whatever the resolution. Since the DOJ and Microsoft have agreed I think it is in the best interests of all consumers that the case be finished and that Microsoft again focus its energy on innovation rather than litigation.
If this were a vote, I would cast a Yes, agree to the settlement.
Thanks,
Josh Moultray
Site Technology Coordinator
The Jewish Day School of Metropolitan Seattle
JMoultray@JDS.org
<mailto:JMoultray@JDS.org>
425–460–0235

MTC–00005783

From: Philip Szanto
To: Microsoft ATR
Date: 1/2/02 1:06pm
Subject: Microsoft Settlement
It is vital to our countrys economic well being that a Microsoft Settlement allowing the company the freedom to continue to prosper is concluded. Microsoft is an American success story producing a product consumed by the world. It would be a terrible tragedy if a shortsided decision hurt the company so that leadership in computer software went overseas!!

MTC–00005784

From: Jeff Welbourne
To: Microsoft ATR
Date: 1/2/02 1:13pm
Settle, and let this company continue to provide the technology that has done so much for our country, the world and their industry.

MTC–00005785

From: Tiger
To: Microsoft ATR
Date: 1/2/02 1:13pm
Subject: Microsoft Settlement
From: David Beers
9220 Clarewood No. 1004
Houston, Tx 77036
As regards the Microsoft Settlement, It is in my opinion fair and equitable to all parties.

MTC–00005786

From: janell peyton
To: Microsoft ATR
Date: 1/2/02 1:13pm
Subject: Microsoft Settlement
I think the case needs to be settled and has been going on for too long.
Janell Peyton

MTC–00005787

From: Sarah Del Degan
To: Microsoft ATR
Date: 1/2/02 1:13pm
Subject: Microsoft Settlement
It is time to bring closure to this nonsense. Too many tax payer dollars have already been spent to support the outcrys of a few competitors that see their future threatened by a more innovative company in Microsoft.
The state of the economy and confidence of the people are in no position to receive more negative news about a company that has literally created the software industry, which has provided tens of thousands of jobs in this country. It's time to move on.
The Del Degans

MTC–00005788

From: Werner Glass
To: Microsoft ATR
Date: 1/2/02 1:13pm
Subject: Settlement
Keep the ability to innovate alive in America. Settle with MS so they can get on with developing better software.
Werner Glass

MTC–00005789

From: Funair, Joe
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 1:12pm
Subject: Microsoft Settlement
Dear Sir or Madam:
This is to notify you that I am concerned over the potential of the case against Microsoft dragging out and severely retarding the economic recovery underway. Microsoft has become a major constituent part of our economy and directly impacts the economies of many nations throughout the world. The economic problems that were brought about by this unfair and punishing case against Microsoft has done much damage to the world economy. It must be brought to a swift and fair conclusion so we all can move on in a predictable and orderly progression.
Please do not punish Microsoft for being successful—It is Un-American and UnFair!
Joseph D. Funair
Titan Systems Corporation
Systems and Imagery Division
Director, Business Development
321–727–0660 x2244
jfunair@titan.com

MTC–00005790

From: Steve GOODRICH
To: Microsoft ATR
Date: 1/2/02 1:09pm
Subject: Microsoft settlement
Dear Sir or Madam,
I urge you to approve and conclude the pending settlement of the Microsoft antitrust case. The perceived antitrust problems have been addressed, to the extent possible considering the nature of the technology industry, by the settlement agreement. I do not believe that any benefit to consumers (as opposed to lawyers, judges, and Microsoft competitors) will be realized from continuing this case.
Thank you for your time and cooperation.
Steven C. Goodrich
5535 E. Elmwood
Mesa AZ 85205
email: sgoodrich@teramarstaffing.com

MTC–00005791

From: jamesmunro@att.net@inetgw
To: Microsoft ATR
Date: 1/2/02 1:15pm
Subject: Microsoft Settlement
Please add my name to the list of those who support the proposed settlement and wish to see an end to the litigation which, I believe, has been instrumental in the general business recession that had its beginning in April of 2000. As Microsoft goes so does not go the business of the United

States, but Microsoft is a giant, no worse and perhaps not much better than its critics. Microsoft is big enough to count as a Dow-Jones index component, and bad business in general is made worse when Microsoft flounders. I believe that time is now of the essence whereby the company can begin to concentrate on its business at hand and perhaps lead us to a recovery.

Very truly yours,
/s/James S Munro, Jr.
84 Summer Street
Nahant, MA 01908

MTC–00005792

From: Billy Hurt
To: Microsoft ATR
Date: 1/2/02 1:14pm
Subject: Re: Microsoft Settlement

I do not believe that further litigation by those refusing to accept the DOJ agreement with Microsoft is in the best interests of the public, the American economy or the investor's in MSFT. We saw state's greed dominate the ''settlement'' of the case against the tobacco companies. Much of the money that went to the states will never see it's way into those avenues that serve the general public's interest. Will we see a similar thing with the states that are now pursuing further punitive measures against Microsoft?

Please accept and enforce the settlement arrived at between the DOJ and Microsoft.

Billy G. Hurt
bghurt1@apex.net

MTC–00005793

From: chuck soyars
To: Microsoft ATR
Date: 1/2/02 1:14pm
Subject: Microsoft Settlement

Leave Microsoft alone. We (the consumer) benefit by microsoft's position. If a company ever gets to the point antitrust laws are designed to prevent, in a free market economy, competitors would pop up to challenge their position making antitrust laws unneccessary. I also believe them to be unconstitutional, but thats another argument.

A small business owner
Chuck Soyars

MTC–00005794

From: Martell Lindsay
To: Microsoft ATR
Date: 1/2/02 1:15pm
Subject: Microsoft Settlement

HOW CAN ANY ONE CONTEND THAT THE CONSUMER WAS OVER CHARGED. GOOD GRIEF—JUST LOOK AT THE PRICING. I CONSIDER THE MICROSOFT OPERATING SYSTEM ONE OF THE BEST VALUES I HAVE EVER RECEIVED!

Martell Lindsay
101 Leaview Lane
Chagrin Falls, OH 44022

MTC–00005795

From: Gary Allen
To: Microsoft ATR
Date: 1/2/02 1:15pm
Subject: Microsoft Settlement

Dear Sirs,

This matter needs to be settled. No one but the Attornies are gaining a thing from this suit. Microsoft has done a world of good in creating these operating systems and has done no more wrong than the others would have done to Microsoft if they would have been the leaders. The only thing this is doing for the American people is to make software & hardware prices skyrocket for us consumers. Just as it has done for the price of cigarettes. Put a stop to it.

Thank You.
Gary F. Allen
30741
garya807@mindspring.com

MTC–00005796

From: Maryln Pedgrift
To: Microsoft ATR
Date: 1/2/02 1:19pm
Subject: Gentlemen:

Gentlemen:

My wish for Microsoft is no more litigation. I believe they have concluded it fairly already.

Best wishes for a better year.
Maryln@primeline.com

MTC–00005797

From: Darrell C. Brett
To: Microsoft ATR
Date: 1/2/02 1:15pm
Subject: microsoft settlement

Let's get this settled and get the tech economy moving again—What Microsft has agreed to is more than enough and the justice dept needs to expedite closure to this matter.
Darrell
Brett Portland OR

MTC–00005798

From: Cam Taylor
To: Microsoft ATR
Date: 1/2/02 1:15pm
Subject: MS settlement

Please end this litigation promptly. No further litigation is needed! The settlement reached between the Federal Government and the nine states and Microsoft is tough, reasonable, and fair to all parties involved. It seems most consumers agree the settlement is good for the computer/software industry, the American Economy, and us! So, please end this litigation promptly!

Thank you,
Cam Taylor,
ctaylor@ee.net

MTC–00005799

From: Ruud de Jonge
To: Microsoft ATR
Date: 1/2/02 1:16pm
Subject: Please sign the settlement

It's crucial fot the future of competition and the IT industry that this settlement is confirmed.

Regards,
Ruud de Jonge
IT Professional
The Netherlands

MSN Foto's is de eenvoudigste manier om je foto's te delen en af te drukken: http://photos.msn.nl/Support/WorldWide.aspx

MTC–00005800

From: Ben Goodwin
To: Microsoft ATR
Date: 1/2/02 1:19pm
Subject: Microsoft Settlement

I have been using Microsoft products for the past 15 years. I continue to believe that the value, support, and productivity gains represent a tremendous value proposition to me as a consumer.

My own view is that much of the furor over Microsoft has been generated by their competitors, who having failed to win in the competitive market, look to the judicial system to provide relief. Let the market and the consumers decide on value and when you do—Microsoft wins—hands down. Ben Goodwin

MTC–00005801

From: Barry Woodard
To: Microsoft ATR
Date: 1/2/02 1:15pm

The government should settle this case against Microsoft. Enough money has been spent, and I think the settlement will allow all parties to ''get back to business''.

Barry Woodard
San Francisco

MTC–00005802

From: Tinsleyl@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:16pm
Subject: Microsoft Settlement

I want DOJ to know that the whole attempt by the antitrust Judge to attack Microsoft from the bench the way he did when he did not even understand computers and what makes them effecient was a gross miscarriage of justice for a judge to act as that one did.

However, it is time to settle but I do not agree with the few states who want to drag the settlement out. The case needs to be settled now! To drag it out reeks of the same miscarriage of justice that that judge committed and it is certainly not in the best interests of the American public.

Jim Tinsley

MTC–00005803

From: rick
To: Microsoft ATR
Date: 1/2/02 1:16pm
Subject: Microsoft Settlement

To Whom it May Concern

I think the Microsoft case should be setteled immediately. The settelement agreed to by the states and the DOJ is reasonable. Any further litigation or other government involvement will simply result in unwise use of both Microsoft and Government resources and contribute to further delay in enabling software to contribute to productivity improvements for the US economy.

Richard Bjorklund

MTC–00005804

From: David Griffith
To: Microsoft ATR
Date: 1/2/02 1:17pm
Subject: Microsoft Settlement

I am a software engineer and have operated in many facets of the software and networking world for the past 5 years. Somewhat new to the industry, I came into this with a non-bias opinion and have been able to formulate one based on experience.

I don't see Microsoft as a monopoly. Contrary, I think that most software vendors lack the inoventention of Microsoft due to the lack of vision. Many software vendors are more concerned about producing mass software in a cookie cutter fashion and treat

the software industry like a manufacturing one. The downside, is we are not an assembly line and software produced like it is comes out looking like it.

I respect Microsoft ability to adjust to growing market trends, changes, and expansion. Most companies lack the ability to do that as well. Cisco, Macintosh, producers of Linux and Unix are all guilty of producing products that constantly look and operate the same as their predicessors. I used to own a Mac and I don't see much that has changed over the years, other than the fact that they have tried to simulate what Microsoft has done in order to stay competitive. Linux vendors are just as guilty of copy-catting. On the topic of government involvement, is one issue I have strong oppinions. The consumer is currently getting a better deal with more feature rich applications from every software vender including Microsoft, than ever before. Government intervention on this matter only slows that process and hurts the consumer. Any action government takes to change the way software is delivered will only mean dollars costs to the consumer.

Microsoft does not use competitors technology advancements to advance their own or use their dollars in a way that constitutes unfair competition. They just deliver quality and quantitative software. I hope that my opinion matters and that government will realize the impact of their involvement and resolve this matter completely.

Thanks,
David Griffith

MTC–00005806

From: Roland Pohlman
To: Microsoft ATR
Date: 1/2/02 1:17pm
Subject: Leave Micorsoft Alone

Please let micorsoft to inovate and dream. They have helped the world with all of there inovations. Do not punish them because they have helped everyone in so my ways. What would our world be without micorsoft?

Please let micorsoft to inovate and dream. They have helped the world with all of there inovations. Do not punish them because they have helped everyone in so my ways. What would our world be without micorsoft?

MTC–00005807

From: MORGIK@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:16pm
Subject: (no subject)

Gentlemen:

The fact that our country is the beneficiary of a Company like Microsoft who researched, invested to be a leader in the software industry, makes me wonder what interest those belligerent states are pursuing. I have an idea, but I am not certain. I, as an old computer software user hope some reasonable people will do something with those out of touch states.

Thank you.
Mihail

MTC–00005808

From: John Reilly
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/2/02 1:16pm
Subject: Microsoft Settlement

Dear Sirs and Madams,

I would like to endorse the Microsoft Settlement as a fair compromise. Microsoft is in the position that it is because it provides the products that customers want. While I believe that they did do some inappropriate things, a larger remedy would not be beneficial to anyone. The software/hardware market changes so quickly that companies need to be innovative and fast. Microsoft's competitors only have themselves to blame for the failure of their expensive, proprietary solutions.

Thank you for your consideration of this email.

Regards,
John P. Reilly
President
Dynamic Applications, Inc.

MTC–00005809

From: JeffressR@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:17pm
Subject: Microsoft Settlement

After reading the documents and having read and followed the lawsuit and judgements thus far we think it is time to finally settel this mess. To take this case further is not productive to Microsoft, the government, the competitors, and especially to the consumers. In this economic climate we need to encourage business and compitition not stiffle it with further law suits and pettiness.

Sincerely,
Bob and Rosalie Jeffress
jeffressr@aol.com

MTC–00005810

From: CHARLANNE DIVITO
To: Microsoft ATR
Date: 1/2/02 1:17pm
Subject: settlement

Please put me down as in favor of the settlement presently on the table for this mess.

Charlanne Divito Valley Village, CA

MTC–00005811

From: Jaking300@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:16pm
Subject: Microsoft settlement

I think that Microsoft has done a great deal for the American people as well as for the entire world. They are not perfect, and they have been censored for any infractions they might have committed. However, we like their products—plain and simple. They have spent millions of dollars to make their products conform to our needs—and for the most part they do. Their products have allowed us to have an industry standard that has made all our lives much easier. It's time to stop punishing the company that has made all this possible. They have been given guidelines to follow and are living up to those guidelines, from what I can tell.

If we weaken Microsoft because we are vindictive or greedy, we have weakened our own economy. It's time to wrap this phase of our history up and let Microsoft move on. Secretaries, office managers, and many others will thank you.

Judith King
South Carolina

MTC–00005812

From: Ramerth, Douglas L.
To: 'Microsoft.atr@usdoj.gov'
Date: 1/2/02 1:15pm
Subject: Microsoft Settlement

DOJ,

I want Microsoft to organize and conduct business that benefits America's technological growth. Do not impair Microsoft's ability to develop and market any product, including operating systems, internet software, professional and enterprise development software.

I write software using Microsoft products in the course of my work. I think Microsoft products are far easier to use and far better integrated than any other programming software. As a result, it is much easier to create better software at far less cost. Other companies that utilize the Microsoft development environment, such as Compaq Visual Fortran, enable programmers to quickly expand skills to other programming languages.

I'm a self taught Visual Basic and Visual Fortran programmer. I'm developing a Windows application with Office integration for cooling flow analysis of gas turbine engines. It consists of a customized database, viewers for drawings, drawing annotation of flow circuits, test data reduction, plotting test data and engine performance analysis.

I've developed prototype software and demonstrated a 300 percent productivity improvement over existing software processes. In some instances the productivity improvement approaches 1000 percent. Moreover, I'm writting the sofware in a fraction of the time it would take to create similar engineering software for a Unix workstation.

I'm recommending to my management that Honeywell develop more engineering software using Microsoft development tools. Furthermore, I'm recommending Windows operating system upgrades. I'm an engineer at Honeywell Engines & Systems, a manufacturer of gas turbine engines. Our industry is highly competitive with product development cycles four years long and very costly. We must have higher productivity to stay in business. I solely credit Microsoft for enabling me to achieve high levels of engineering design and analysis productivity.

Thank you for soliciting my opinion,
Doug Ramerth, Dept 93–320, M/S 503–249
Senior Aerospace Engineer
Honeywell Engines and Systems
111 South 34th Street
Phoenix, Arizona 85034
(602)–231–2057

MTC–00005813

From: KStutz1054@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:16pm
Subject: Microsoft Settlement

It's time to wind it up and let them get on with their business.

Ken Stutzman

MTC–00005814

From: Patel, Thakor G., MD
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 1:22pm

Subject: Microsoft

I believe it is time to stop this charade and let Microsoft be what they are. It is one thing to say that they violated some regulation and another thing to stop the innovation and stifle the progress. I have not heard form the DOJ or others as to what Microsoft has done for the world in terms of simplyfying the life of average, non sophisticated computer users. The competitors and complainers had a chance, but they could not integrate all the software that is there and want to ride the train at Microsoft's expense. It is time to dispense of the case and as far as the States are concerned they are looking for free money on behalf of their states.

Microsoft has been able to simplify the use of computers and add the ability to track appointments, calenders, addresses, Excel, Word, Power Point such that even the secretaries are not needed. If you look at the benefits to the world and Americans in particular, life is simpler because of Microsoft and no other company. Please dispense this case in favor of the people of the United States and do not misrepresent them.

T.G.Patel, MD

MTC–00005815

From: Chicklarge@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:18pm
Subject: justis dept

I think the settlement is just. Please don't kill the horse because the rider can't ride. Breaking up Ma Bell did not benefit the consumer and more sever punishment of Microsoft will not benefit the consumer.

MTC–00005816

From: BJL1@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:18pm
Subject: Settlement

I, strongly support the Microsoft position and fear if this continued action prevails we will be seeing another AT&T debacle that has created weakness and a large group of floundering companies. I, also believe this just another carryover action of the Clinton Administration that to this date does not understand business, and the benefits resulting for both employees, and supporting Companies.

B.J.O'Bryan

MTC–00005817

From: CohenHM@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:18pm
Subject: microsoft settlement

enuf already give microsoft a break and let's move on they're innovative and creative don't cramp their style we need their contribution now

MTC–00005818

From: Daniel Ness
To: Microsoft ATR
Date: 1/2/02 1:18pm
Subject: Microsoft Settlement

To continue using the gun of government to attack a business (Microsoft) that has changed the world and added billions to the economy—at the behest, and benefit, of it's competitors (Sun, Oracle, et al) violates every tenet of our nation. Although the ''settlement'' reached between the government and Microsoft offends my Constitutional senses, it is far better than continuing the unconstitutional abuse of government power that preceded it. Consumers (you know, those folks that anti-trust laws were created to protect) aren't harmed by better and cheaper products, but ARE harmed by competitors that use the courts instead of innovation to defeat their rivals. Cease acting as agents for the competition and start acting as agents for the consumer by ending this attack on Microsoft.

Daniel A. Ness
mailto:daness@monticellosys.com
Monticello Systems
''Life, Liberty, and the Pursuit of Improvement''
www.monticellosys.com

MTC–00005819

From: Mike LaCon
To: Microsoft ATR
Date: 1/2/02 1:18pm
Subject: Microsoft Settlement.

Microsoft Settlement.

I feel the settlement to not break up Microsoft is not only fair, it is the only reasonable settlement that is beneficial to the consumer. Any breakup would cause more harm to the consumer through higher costs and less innovation. Please do not breakup MSFT as this would also be very harmful to the economy and it would send a very anti-capitalism message by communicating to the world that success in this country is will not be rewarded.

Sincerely,
Michael LaCon, R.Ph.
mlacon@gis.net

MTC–00005820

From: Stashuman@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:18pm
Subject: MICROSOFT SETTLEMENT

NINE STATES SETTLED IN ACCORDANCE WITH THE DOJ DECISION....THE REMAINDER OF THE STATES ARE HOLDING OUT AND IT IS EVIDENT THAT IT IS NOW A MONEY ISSUE! THIS ACTION WAS REALLY BROUGHT ON BY MICROSOFTS' COMPETITORS, RATHER THAN THE CONSUMER. I STILL WOULD LIKE TO KNOW HOW ANY OF US WERE HARMED, SINCE WINDOWS USUALLY IS INSTALLED IN THE COMPUTER WHEN PURCHASED. GREED AND ENVY CERTAINLY PLAY A PART OF THIS SETTLEMENT....THE JUDGE SHOULD RULE THAT THE SETTLEMENT IS FAIR AND EQUITABLE AND THAT THE STATES SHOULD NOT BAND TOGETHER (COLLUSION) AGAINST MICROSOFT FOR PERSONAL GAIN.... WHY SHOULD 9 STATES BENEFIT FROM SOMETHING THAT THE OTHER 41 DO NOT?????

IT APPEARS THAT THE CLINTON ADMINISTRATION WAS LISTENING TO THE WRONG PEOPLE .....THE CONSUMER WAS NOT HARMED!!!! THANK YOU FOR READING MY THOUGHTS

STAN PRAGER
4860 MT. ROSE WAY
ROSEVILLE, CA. 95747
(STASHUMAN@AOL.COM)

MTC–00005821

From: Mike Rausch
To: Microsoft ATR
Date: 1/2/02 1:20pm
Subject: Microsoft Settlement

Let's put this behind us and get on with business. Please settle this.

Mike

MTC–00005822

From: Rhonda Hostetler
To: Microsoft ATR
Date: 1/2/02 1:19pm
Subject: Microsoft Settlement

To whom it may concern,

I am sending this email to voice my support for the Microsoft settlement and to express my desire for the government to end its intervention into Microsoft's business practices as soon as possible.

Sincerely,
Rhonda Hostetler
12216 201st Court NE
Woodinville, WA 98072

MTC–00005823

From: tom stephenson
To: Microsoft ATR
Date: 1/2/02 1:19pm
Subject: Microsoft Settlement

Let's get this settlement under way NOW! The states that do not agree should be forced out of their suits by court actions because all they have in mind is cashing in at taxpayer's ultimate expense. You are urged to force these settlements because of an age old truism—Corporations can not pay taxes! They simply pass them along to the consumers in higher prices for the products they sell!

TOM STEPHENSON

MTC–00005824

From: Kenneth Nicholson
To: Microsoft ATR
Date: 1/2/02 1:19pm
Subject: Microsoft Settlement

We are totally opposed to any further litigation against Microsoft. We believe that the current offer by Microsoft is more than fair and equitable, should be accepted and the case closed. This case has gone on long enough causing undue hardship on many by a group of selfish litigants spurred on their own selfish interests! We urgently request that all further litigation be immediately discontinued.

Kenneth B. & Isolde
S. Nicholson
11315 Cloverdale Court, S.W.,
Lakewood, WA 98499–1233

MTC–00005825

From: Hammerslag@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:19pm
Subject: Microsoft Settlement

I consider the settlement approved by the DOJ and nine states eminently fair, especially to the consumer.

I'm a user of Microsoft software and over the years found Microsoft's product and service to be excellent and of very reasonable cost.. I could easily switch to a competitor

(like Apple Computer), but my choice is Microsoft.

I think that the charges like ''bundling'' are ridiculous. I have yet to be charged for any of the ''bundled'' products I don't want. Lots of companies, like automobile companies ''bundle'' and the consumer generally benefits. High time we (the US Government and certain state prosecutors) quit harassing innovating companies like Microsoft, who through their inventiveness have done so much for our economy. In the end. I, the consumer, have to pay for all the Government plaintives, court costs, lawyers and the expenses Microsoft has to incur. .

Jake Hammerslag
27011 Calle Esperanza
San Juan Capistrano, CA 92675
e-mail: hammerslag@aol.com

MTC–00005826

From: Marv W. Mortenson
To: Microsoft ATR
Date: 1/2/02 1:21pm
Subject: UnJust Settlement!

The Government should not force any business that is more successful than others and force them to do less than there competitors—i.e.: Coca Cola puts one bottle of Pepsi in each of there six packs—I'm not interested in what is fair but am interested in equitable treatment for all—Bill Gates built an intelligent Corporation with hired Brains that went out and did what most Americans are attempting to do is build a better mouse trap—and you the Government and our Tax Dollars are penalizing success—Microsoft is not America's Enemy—Bill Gates is not a Criminal—Admit you the Government made a mistake and stop this non-sense.

Regards,
Marvin W Mortenson,
Citizen

MTC–00005827

From: CLEEF
To: Microsoft ATR
Date: 1/2/02 1:17pm
Subject: MICROSOFT SETTLEMENT

IT IS TIME FOR THIS MIS-GUIDED EFFORT TO BE BROUGHT TO A CLOSE AT BOTH THE STATE AND FEDERAL LEVEL. HAS THE DOJ LEARNED NOTHING FROM THEIR EFFORTS TO EXTORT MONEY FROM LEGITIMATE BUSINESSES AND THE RESULTANT FAILURE OF ANY REAL EFFORT TO REDRESS THE SUPPOSEDLY INJURED PARTIES. DO NOT LET THE TRIAL LAWYERS ASSOCIATION CONTINUE TO LINE THEIR POCKETS AT THE TAXPAYER'S EXPENSE.

MTC–00005828

From: stan guilkey
To: Microsoft ATR
Date: 1/2/02 1:20pm
Subject: DOJ

To Whom It May Concern:

Get the bureaucrats off of Microsoft's back. They have provided a good product at a lower cost over the years. Settle the case and accept what they are offering for the schools in the form of computers.

Sincerely,
Stan Guilkey
765 644–4469

MTC–00005829

From: Paul Larmon
To: Microsoft ATR
Date: 1/2/02 1:20pm
Subject: Microsoft Settelment

DOJ,

I am against any additional legal action with Microsoft. You should settle this case right now.

Paul Larmon

MTC–00005830

From: Ike
To: Microsoft ATR
Date: 1/2/02 1:27pm
Subject: Proposed Settlement

Settlement is fair and equitable—let's move on!!

MTC–00005831

From: SistoKid1@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:20pm
Subject: settle the case now

the best, like cream, will rise to the top. if msft windows was no good the public would have opted for apples system. but for some reason windows was better or at least the marketing was so most of the new pc's have windows. save a percentage of their gross income to support the other systems, give money to the wtc relief fund and settle the case.

MTC–00005832

From: MRourke555@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:20pm
Subject: Microsoft Settlement

Dear Sir or Madam,

I hope the US Justice deptmartment will bring the Microsoft ordeal to a speedy end. It seems we have a number of people only interested in lawsuits as opposed to getting rid of barriers to business in our country. Microsoft is providing leadership, employment, innovation, and most of all a committment to America through grant programs. I just had dinner with an incredible young woman who has gone through college and post graduate degrees all with the help of the Gates foundation. Lets not penalize success. It is the American dream.

Mark Rourke
U.S. Citizen

MTC–00005833

From: Gerald Meyer
To: Microsoft ATR
Date: 1/2/02 1:21pm
Subject: Microsoft Settlement

For goodness sake, settle up. There is more than enough anguish in the World without prolonging this fiasco. Surely the Country's patience is at an end, don't you think?

Sincerely,
Gerald Meyer

MTC–00005834

From: Ganesh, C P
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 1:20pm
Subject: Microsoft settlement

I as a shareholder of Microsoft and as a general public feel strongly that the settlement arrived at should be confirmed by the Department of Justice to allow the company to regain its lost glory and to contribute effectively to the economic development specially after the post September 11, 2001 era. I am sure Bill Gates will achieve this given the right support!

Chatapuram P. Ganesh.

MTC–00005835

From: Gordpenn@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:21pm
Subject: Microsoft Settlement

DOJ:

This is to express my concern about the continuing resistance to settlement of the Microsoft case. This has gone on long enough and we need to let Microsoft get back to their business. As a computer user and as a financial investor I believe the Government is correct in its settlement proposal.

Gordon Pennington

MTC–00005836

From: BJPDavis@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:20pm
Subject: Microsoft Settlement

Dear Sirs:

A settlement in this case should force Microsoft to desist in its practices which eliminate the competitive nature of our free market system. Instead, the settlement is actually a $1 billion dollar promotion of Microsoft software products targeted at the K-12 education system. Microsoft has been found to engage in monopolistic practices with respect to hardware vendors, discouraging them from allowing the installation of competitive products in systems preloaded with a Microsoft operating system. Microsoft has provided a mediocre product, restricted consumer choice, overcharged for unneed features, and prevented consumers from removing the unwanted portions of the system. I oppose the settlement because it is completely biased toward the introduction of Microsoft software products to our underprivileged K-12 schools, and because it provides for basically no other alternatives than the use of Microsoft software products. This is basically a $400 promotion of Microsoft products. Further analysis of the settlement shows the mismatch between complaint and settlement. Class plaintiffs claimed (among other issues) that consumers had been overcharged for Windows, yet the settlement proposal returns nothing to those consumers and merely entrenches the Microsoft monopoly further.

While we support Microsoft's stated goal of helping underprivileged schools, that goal is best accomplished by giving schools unrestricted grants for use as they need, not ''donations'' biased toward the use of Microsoft products.

Thank you for your consideration.
Barbara J. Davis
6575 Sunburst Drive
Portage MI 49024
616–327–5894
BJPDavis@aol.com
CC:attorney.general@po.state.ct.us@inetgw

MTC–00005837

From: Bob(u)Dawna Robinson

To: Microsoft ATR
Date: 1/2/02 1:21pm
Subject: Microsoft Settlement

DOJ,

I and the majority of the people in the world, would like for this case to end asap. This has drug out far too long as it is. Send a message to the businesses of the world that the government is not going to punish a company that has produced a better product just so their competition can catch up with them. With the way other countries dominate so many other markets, America should be proud of the success story of Microsoft. But instead we punish MS and do everything in the goverment's power to put road blocks in their way. By interfering with future development of MS products our goverment opens the door for foreign countries to take over this market also. How would the US goverment like it if a Japanese company held the influence MS has on the industry?

The government should get out of this and let the strongest company determine who is successful.

Bob Robinson

MTC–00005838

From: George Thomas
To: Microsoft ATR
Date: 1/2/02 1:22pm
Subject: Microsoft settlement

DOJ:

Please settle the case NOW! Special interests such as AOL are using this for their own special interest purposes. I think that as Microsoft goes the rest of the economy will follow. Lets get the economy back where it belongs.

Thank you
George A Thomas
512 14th st
Bellingham WA

MTC–00005839

From: Ruben Odom jr
To: Microsoft ATR
Date: 1/2/02 1:21pm
Subject: Microsoft Settlement

I have my opinion short and sweet: I believe that the view that Microsoft has engaged in anti competitive activity is true only because the computer industry has failed to show any motivation what so ever to compete with Microsoft in any form what so ever. I don't think anything out side of what the has already been ruled on by the supreme court is necessary. But in a desire to see that the playing field be leveled for companies desiring to enter into the OS competition is necessary. I think the current revision allows entry of a company that already has an established reputation—like Sun Micro Systems or AOL–Time Warner. These companies with the improved marketing ability of an operating system can and will pose a significant threat to Microsoft. I sincerely know that it is wrong and in turn illegal to cause MS to be forced to turn over any source code or be forced to develop any software for any platform that already has plenty of proprietary software ported to it (ie. Linux and Corel). I also know that it is illegal to force MS to support any Middleware company that has enough internet presence and advertising ability to market it's own product instead of being carried by MS to undermine its future operations.

In short, I feel that the 9 rouge states are acting in the interest of lazy free software proponents that want to undermine the software industry, its tough quality standards, and ability to reach the masses with innovative technology to fuel an economy. Their communist view of free software equaling greater understanding is equal to communism: a very nice dream. It is a common fact that programmers and end user's prefer to use someone else's hard work instead of being concerned with the details. Another parallel between communism and the free software movement is the fact that they have a demonstrated tendency to keep potential threats of any magnitude from the masses in order to save face and govern over people. This communist open source threat needs to continue to be checked by our present justice system by allowing the current revision, as of the date of this email, to stand and reject the request of the 9 rouge states.

Thanks for hearing me out
Ruben A. Odom Jr.
aron37@msn.com
614–239–8561
2034 Prince George Drive
Apt. G
Columbus, OH 43209

MTC–00005840

From: Doris Justice
To: Microsoft ATR
Date: 1/2/02 1:22pm
Subject: Microsoft Settlement

In the best interest of consumers like me, the general public, the American economy, and american business ability to innovate, it is my opinion that the Microsoft Settlement should be approved. This case should have never brought originally. Good ole american free enterprise should have prevailed.

Doris H. Justice

MTC–00005841

From: Peterson
To: Microsoft ATR
Date: 1/2/02 1:21pm
Subject: Microsoft Settlement

It is in the best interest of the American people that Microsoft case be settled. DOJ has dragged it on too long to the detriment of costing the American taxpayer millions of dollars and also the millions depleted from the Microsoft Co. THIS IS A FREE ENTERPRISE COUNTRY, I PRAY.

Chuck Peterson,
350 Climbing Way,
Wimberley, TX 78676

MTC–00005842

From: Lloyd Smiley
To: Microsoft ATR
Date: 1/2/02 1:21pm
Subject: Settlement Now with Microsoft

Monday, July 02, 2001

Very Much Needed Resolution with Microsoft

The Federal Appeals Court decided against the breakup of Microsoft Corporation into two companies. A breakup would have destroyed the vital and highly valuable synergistic and innovative abilities of Microsoft. I firmly believe that prosecution of Microsoft by the U.S. Department of Justice has caused tremendous damage to our economy and may be ascribed in large measure to our current financial struggle, started in March 2000.

As an independent consultant my work has been involved in computers from the punch card era in the 1950's until now; have been involved with Microsoft software from 1982. My experience with computers includes writing and many presentations, order processing, optimization in logistical systems and operation of distribution centers and levels of employment in manufacturing, rail car and OTR truck fleet management, investments with screens and transactions, operations and financial analyses and controls, engineering, budgets. IBM, Intel and Microsoft have been the most important developers of useful hardware and software in the accelerated progress experienced in this country over the past 20 years.

Antitrust Prosecutor Joel Klein, Attorney David Boies, U.S. Attorney General Janet Reno, Attorney Generals from 18 states and executives from competing firms of Sun, IBM, AOL/Netscape, Apple and Oracle have through their use of biased Judge Penfield Jackson significantly caused the slowdown of this country???s economy, started in March 2000. We trust the Department of Justice Assistant Attorney General Charles James and new judge will continue to use good judgment and common sense in the final phase in fairly and promptly resolving the antitrust problems related to Microsoft.

Microsoft's practices in the market have been aggressive but cannot to my knowledge be described as unfair to customers in developing the Windows operating system and in combination with the Internet Explorer. The development of the software was done in the open in competition with Lotus, Netscape, IBM, AT&T Unix, Sun, Apple and Oracle. These alternative software operating systems and applications have been run by me in parallel on the same computers and have through critical comparisons decided in favor of Microsoft (Unix v. DOS/Windows, Lotus Office Suite v. MS Office, Netscape/Communicator v. Internet Explorer). Price was not an important factor. Obviously, Microsoft has temporarily won the competition in Windows operating systems but has lost the browser competition to the 33 million AOL/Netscape subscribers. Linux and Unix have made recent strides forward with IBM and Sun in competing with Microsoft in operating systems. The latest IBM servers are now delivered with the Linus Operating System and not Microsoft NT or Windows Professional. Why should the Department of Justice and District Court aid and abet Microsoft competitors that do not need help?

I encourage that Microsoft be allowed to continue to compete and innovate, to keep our economy moving forward without oppressive state and federal restrictions and regulations, without further excessive fines and harassment from the attorneys general and eager attorneys looking for ways to perpetuate this litigation. I favor an early settlement to allow Microsoft and this economy to move forward. The settlement

with the federal government needs to include a finality and closure with states attorney generals and all attorneys related to this litigation. This avoidable costly matter should be settled at the earliest possible date.

Sincerely,

Lloyd Smiley, Management Consultant, MIT 1951

Retired Professional Engineer (10 states)

Retired Certified Statewide General Contractor

4830 East Coventry Drive

Vero Beach, Florida 32967–7301

Telephone 561–564–9825

E-mail: Lloyd_Smiley@Hotmail.com

MTC–00005843

From: Fran Combar
To: Microsoft ATR
Date: 1/2/02 1:21pm
Subject: Microsoft Settlement

The Microsoft settlement should be approved as is, let's get this problem resolved so the country can move on! Thanks

George Carlin—Imponderable:

Do infants enjoy infancy as much as adults enjoy adultery?

Fran Combar

Bridgewater, NY

MTC–00005844

From: PNTXJACK@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:21pm
Subject: microsoft settlement

i overwhelmingly support any reasonable end to the litigation against microsoft. the litigation was an embarrassment when initiated, and it will continue to be an embarrassment until it is terminated. this notwithstanding the findings of the trial court. this is a new age, and a new industry. crybabies and losers do not deserve the support of the federal government in their tantrums. if i had to, i could probably count in months the productivity i have saved by having microsoft as 'the choice' of operating system. rather than having to study, compare, assess, and choose from many, then hope that my choice was competitive if not the best.

jack nissen

MTC–00005845

From: Mary Anderson
To: Microsoft ATR
Date: 1/2/02 1:22pm
Subject: Microsrt Settlement

It is about time to put this behind us as a country. As a consumer, I find this has hurt me more by tecnology waiting in the wings for a settlement to happen. That is not in the best interest of our country. That is the bottom line. This lawsuit has done more to hurt me as a consumer both financially with the tech stocks in such a decline, and with freedom to innitiate and innovate. Finding a way to finish it fast is in my best interest and that of our country. I have personally never been ''hurt'' by microsft anyway, but this court case has hurt me finacially and that is very personal. Do Something soon! We need to support our comapnies that can foster in some new growth and jobs not discourage companies so that they do not srive to become larger and world class leading companies.

Thank you,

Mary Anderson

Gig Harbor, Wa 98332

MTC–00005846

From: Thomas Nugent
To: Microsoft ATR
Date: 1/2/02 1:22pm

For my two cents, I recommend that the current settlement with Microsoft be implemented without further inhibitions placed on a company that has added enormous value to the U.S. economy. Why on earth we would penalize a company that gives things away while turning a blind eye to the monopolistic OPEC cartel is beyond me but I think there must be some semblance of reason regarding the Microsoft case. Let's get this darn thing behind America and move on to more important matters.

Tom Nugent

MTC–00005847

From: Wes Harris
To: Microsoft ATR
Date: 1/2/02 1:19pm
Subject: Microsoft Settlement

I would like to make my viewpoint known concerning the microsoft case. I would like to see this case settled as soon as possible. I do not think ongoing litigation in this case is good for our country. It is only good for the attorneys. Please do not let the special interest groups opposed to a final settlement derail the process. The DOJ and Microsoft have both spent enough time and resources on this issue and it needed to be settled now.

Thank you.

Wes Harris

1014 Bayou Vista Dr

Deer Park, Texas 77536

832–309–8059

MTC–00005848

From: Sam Biggs
To: Microsoft ATR
Date: 1/2/02 1:19pm
Subject: Microsoft Settlement

I firmly believe that the Microsoft Settlement as currently proposed and agreed upon between Microsoft, the U.S. Government and various consenting states should ratified by the courts without change and finalized. Perpetuating this litigation is a waste of taxpayer dollars and government resources. Additionally, the millions of dollars spent litigating this issue by Microsoft and other parties has benefited (and will benefit) no one other than attorneys.

Those opposed to the Microsoft Settlement include principally Microsoft competitors and a few states, led by California, who apparently are looking for their own personal benefit rather than for the good of the taxpayers and consumers. Opposition by Microsoft competitors should be read for what it is, a strategy to use the courts to gain a competitive advantage which should be restricted to the marketplace. As for California, this state believes it is its own imperial nation and should have everything its own way. I know. I live in this state. California believes, as do many of its residents, that they can sue anybody for anything regardless of the merits and the impact. The governor of this state unilaterally spent the entire state surplus of over $6 billion on purchasing electricity to give away to its residents. This money was spent without approval of the legislature or the voters of the state. Now we are facing a state deficit and tax increases. California should drop this litigation and the additional waste of taxpayer dollars, just as did New York, and get on to better things. I strongly urege the courts to uphold the current settlement and put this matter to bed.

MTC–00005849

From: Fred
To: Microsoft ATR
Date: 1/2/02 1:21pm
Subject: Microsoft Settlement

Gentlemen;

From what I have read I don?t see that Microsoft has committed any crime with its business practices.

Our country was founded on free enterprise and competition. Just because they are the largest and best operating system on the net, I don't feel they should be chastised for protecting their products.

Sincerely

Fred Eastland

1219 Pawnee Trail

Carrollton, Texas 75007

MTC–00005850

From: Gerald Gaumer
To: Microsoft ATR
Date: 1/2/02 12:59pm
Subject: Microsoft Settlement

As a concerned citizen, I was very much upset with the manner in which Microsoft was ''dragged'' down by the prosecutions of the Clinton Administration and his appointed members of the Justice Department.

If one reviews the history of our financial markets, there is a direct correlation between the Federal findings of March, 2000 and the subsequent declines of our publicly held corporations, with special attention to those in the high tech sector. Microsoft, though some of its actions may be interpreted as unfair, also must be viewed as a true innovator, willing and able to make the tremendous investment necessary to radically economize the manners in which we transact business or communicate with each other. Sunn, Oracle and others may cry ''wolf, wolf, wolf ...,'' but there is no small amount of envy mixed in with such cries, as they vie for position in a competitive marketplace. So enough—let's put this matter behind us, let's get on with rebuilding our economy, get on with innovation and move forward in the grandest way possible. If some states wish not to be a part of the proposed settlement, then let that be their fate, stewing about old business as the rest of us venture forth.

Sincerely,

Gerald W. Gaumer

ggaumer@earthlink.net

Marietta, GA

MTC–00005851

From: pkedoman
To: Microsoft ATR
Date: 1/2/02 1:01pm
Subject: Microsoft settlement

Please, guys. The ability to compete and win is what makes the ease with which I sent this e-mail possible. Let's not hamper that

ability in such a way that there is no incentive to do research and development or create new products. Let's end this thing and get on with what's important.

Patrick L. Doman

MTC–00005852

From: Mike McDaniel
To: Microsoft ATR
Date: 1/2/02 1:06pm
Subject: Microsoft Settlement

It is clear to me that Microsoft is being damaged by the government and we the taxpayers and consumers of this great nation are basically being damaged by both. Microsoft must pass the costs of litigation on to the consumers, and the government must collect sufficient taxes to pay for the expensive litigation. In the end, it is the general public that is the most damaged. Microsoft has basically helped the world in many ways and for that I'm grateful. Just because they are on top, there are many that wish to tear them down.

This is wrong.

MTC–00005853

From: rbroberg@[158.188.130.124]@inetgw
To: Microsoft ATR
Date: 1/2/02 1:01pm
Subject: Publish MS File Formats and Network Specifications

I am writing to you on behalf of computer programmers who write and support software for computer operating systems such as Linux, BSD, Solaris, and other Unix OSes. The difficulty with the MS monopoly is not that they control 95% of the desktop market, but that it is increasingly difficult to develop systems that interoperate with the MS networks. It is this ''lock in'' that perpetuates the MS market share and decreases the ability for third parties to challenge MS in a particular software domain.

I believe that the most effective remedy is not one that addresses past wrong-doings—from a market perspective that damage is done. The most effective remedy is one that increases competition in the future. Microsoft should be required to publish the file formats of its application software and the protocols of its network services. Microsoft has claimed that (due to market share) its software create the ''de facto'' standards. It should now make those standards available to all programmers. This single requirement would greatly increase the ability of software companies to create products that would interoperate and compete with current and future Microsoft offerings.

Thank You
Ronald Broberg
Software Engineer
Lockheed Martin Mission Systems
719–277–4124
ronald.broberg@lmco.com

MTC–00005854

From: Dan Vaughan
To: Microsoft ATR
Date: 1/2/02 1:02pm
Subject: Microsoft Settlement

To whom it may concern,

I am an average small business owner. Please allow Microsoft the opportunity to continue to innovate and build new products for the software industry. I could go on and on with details for this note but I am sure you have many to read.

Thank you.
Dan Vaughan
Knight Products Company, Inc.
www.kpcsupplies.com
(800)262–4116

MTC–00005855

From: michael c putnam
To: Microsoft ATR
Date: 1/2/02 1:00pm
Subject: Microsoft settlement

Dear Sir:

I believe that the Microsoft anti trust settlement should be concluded with the current agreement that is now proposed between the US Government and the majority of States. Microsoft has been bullied enough for political and competitors gain and pleasure. I think that Microsoft is a vital and important US Corporation that should be supported by the US people and US Government and not disassembled or destroyed for self serving gain of a few. Bill Gates is an American Hero and Microsoft Corporation has helped many people and the US economy enormously. No thanks to the US Government is required. Microsoft has done this on there own just like any other Corporation could have or could do it. Unless the Government takes away the incentive or freedom to innovate, which would be a shame! The idea that Microsoft should be ordered to sell or offer a striped version of the Windows Operating System is ridiculous and absurd.

Michael Putnam

MTC–00005856

From: Romano, Joe
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 12:59pm
Subject: Microsoft Settlement

No further litigation. The company (any company) should have the right to further enhance their product to keep it as competitive as is practical in the free market. One can find many examples of true competition without legislation (rental car companies, retailers in any niche, etc.) The savvy shopper will let competition thrive.

MTC–00005857

From: jackmilazzo@att.net@inetgw
To: Microsoft ATR
Date: 1/2/02 1:00pm
Subject: let's move on

a settlement has been reached. . .let it take effect and let the companies compete in an open market.

MTC–00005858

From: Jeff Waranch
To: Microsoft ATR
Date: 1/2/02 1:01pm
Subject: MICROSOFT SETTLENMENT

I WANT TO STRONGLY SUPPORT THAT THE STATES SETTLE WITH MICROSOFT. SINCE COMPETITION CAN'T COMPETE WITH MICROSOFT THEY ARE FORCED TO TRY TO GET THE GOVERNMENT TO COMPETE FOR THEM. MICROSOFT IS GREAT AND CONTINUALLY STRIVES TO GIVE THE PUBLIC ''MORE'' AT A FAIR PRICE. WHY SHOULD MICROSOFT BE REQUIRED TO HELP THEIR COMPETITION. IF THE PUBLIC DOESN'T LIKE PART OF MICROSOFT'S PROGRAM, THEY DON'T HAVE TO BUY IT.

MTC–00005859

From: RIOPATTON@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:01pm
Subject: (no subject)

As a senior citizen, former Fortune 500 employee, and Microsoft shareholder I support the recent rulings and believe the future potential litigation should be stopped.

MTC–00005860

From: Cgrow947@cs.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:01pm
Subject: Microsoft Settlement

Please do everything within your power to insure that the US government's antitrust case against Microsoft is settled under the legislation currently proposed. The terms of the proposed settlement appear fair. It is in both Microsoft's customers' and shareholders' best interest to move on at this point. Millions have already been wasted on showy court proceedings. Microsoft's monopoly will be restricted by effective innovations on the part of its competitors. I increasingly have the feeling that Microsoft's competitors are leaning on the government to level what appears to them to be an uneven playing field. This is not the case. Microsoft's products are simply better and very affordable. Microsoft's strongest competitor is currently itself. When this ceases to be true, the apparent monopoly will begin to dissipate. I do not think our capitalistic system has ever seen this phenomena fail. Who would have expected Microsoft to win out over mighty IBM in the operating systems arena 20 years ago?

As a result of the tragic events of September 11, the United States and the Department of Justice have many new opportunities for both its attention and its financial resources. The pursuit of Microsoft is one area in which we need to call a halt. We should divert those funds to help insure the safety of US citizens.

Sincerely,
Carolyn Grow
Keswick, VA

MTC–00005861

From: Bpjd1@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:01pm
Subject: Microsoft Settlement.

Department of Justice
Re: Microsoft Settlement.

I do believe that this settlement is tough, but reasonable and fair to all parties involved. I also, agree that this settlement is good for the consumers, the industry and the American economy. I really think it's a shame that a few aggressive lobbying groups, plus a few politician has caused such turmoil in the economy over the past few years. I also believe because of this law suit it has hurt the aggresses of Microsoft as far as new product, that would have help the economy of this Country plus the World economy. This settlement is tough, but reasonable and fair.

Sincerely,

Bruce P. Day
11709 Redwood Dr. E.
Brandywine, MD 20613
Bruce

MTC–00005862

From: Thompson, Margie
To: Microsoft ATR
Date: 1/2/02 12:56pm
Subject: MicroSoft Settlement
Dear Sirs,
I believe the settlement will provide a fair and equitable decision and benefit the consumer. This has gone on long enough.
Sincerely,
Margie Thompson
e-mail address mailto:thompsm@eagle-home.com

MTC–00005863

From: Sean Cope
To: Microsoft ATR
Date: 1/2/02 1:01pm
Subject: Microsoft Settlement
To whom it may concern,
I would like to voice my opinion that the Microsoft anti-trust case should not proceed with further litigation. As a consumer and an IT professional, I think that this case should be settled in a swift, decisive manner and should not be prolonged for any reason.
Thank you for taking the times to read my words,
Sean Cope

MTC–00005864

From: Jkueneman@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:01pm
Subject: microsoft settlement
dear sirs:
please complete the microsoft settlement as soon as possible and get on with more important doj business.
sincerely,
jack kueneman

MTC–00005865

From: Bob Luhrs
To: Microsoft ATR
Date: 1/2/02 12:52pm
Subject: Microsoft Settlement
I wish to express my opinion that the settlement seems fair to me, and long overdue. The issues are or have been mainly corrected, serious, major market share competitors have emerged in both operating system and office software. The company is in a far different position today with Linux and many other options available to consumers. At this point the choice really is theirs, even free in the case of Linux.
Abuses which have existed have been corrected, and I feel it's time to move on. There are lots of competitors not offering anything better but paying for legal action versus doing their own hard work to create better software. I work here, I know. Most of the resulting software is a labor of love, people even die or have to take early retirement due to burnout. The effort is quite a hard one to get what looks like simple software. Let the others do this and see what they come up with, that would give us real competition.
Thanks,
Bob Luhrs

MTC–00005866

From: Willie Wiginton
To: Microsoft ATR
Date: 1/2/02 1:03pm
Subject: MIcrosoft Settlement
The recent agreement to settle between the Federal Government and nine states is a fair and equitable settlement to all parties involved. It is time to get this issue resolved and for all of us to move on to running our business. I urge you to accept this agreement and let's get on with the critical issues currently at hand and facing this country.
HD Wiginton

MTC–00005867

From: G G
To: Microsoft ATR
Date: 1/2/02 1:02pm
Subject: Microsoft Settlement.
Settle the case with Microsoft. Let's move on with this and not waste another penny of my tax dollars deliberating it. Microsoft makes good software, and I'm intelligent enought to decide on my own what software I do or do not want to buy, regardless if there is an icon on the screen or not.

MTC–00005868

From: Kim Alexander
To: Microsoft ATR
Date: 1/2/02 1:02pm
Subject: Microsoft Settlement
Although I may not agree that the Tunney Act, should move forward, I would agree that this case needs to be resolved. Since Microsoft has shown a willingness to accept this agreement, I would do the same and hope the DOJ does likewise.
Please pass the Tunney Act.
Kim Alexander

MTC–00005869

From: Steve Stephens
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/2/02 1:01pm
Subject: Microsoft Settlement
Dear Sir,
It is in the public interest to let the Tunney Act pass as is.
Regards,
Steve Stephens

MTC–00005870

From: Alex Milman
To: Microsoft ATR
Date: 1/2/02 1:02pm
Subject: Microsoft Settlement
I demand to stop harassment of the best American company—Microsoft—the pride of the whole world! How is it that the government of the USA is trying to destroy the best we have in this country? With Democrats in administration with their fantastic hatred towards business it was expected. They managed to drive country into recession even during technological revolution. Actually all the fruits of this revolution are gone. The hope is that new Republican administration will turn the country around, despite democratic majority in the Senate, where they are trying to make thing even worse than they are now.
Hold on!!!

MTC–00005871

From: Crsnot@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:02pm
Subject: Microsoft Settlement
It's about time that this legal nightmare be put behind us and to allow Microsoft to go on with the business that it does best to create jobs in a time when the national economy is faltering and to generate additional income for its stockholders and for the economy in general.
In my view a protracted litigationn benefits only the voracious legal profession involved in this sordid affair and the hungry for publicity attorneys general of the states that are still holding out.
Charles Notara
A Concerned Citizen

MTC–00005872

From: dl123
To: Microsoft ATR
Date: 1/2/02 1:01pm
Subject: Microsoft Settlement.
In the past I used IBM OS2, Mac and LINUX OS systems. None were as easy, cheap or stable as Microsoft. There was always one serious draw-back, whereas Microsoft is the most positive.
The problem with Microsoft products is they are boring; they work almost all the time. That is why I play around with LINUX. but it requires technical expertise. Others must have felt the same or there would be a greater abundance of them.
Dieter Louis
dl123@home.com

MTC–00005873

From: Werner Grob
To: Microsoft ATR
Date: 1/2/02 1:02pm
Subject: Microsoft Settlement
With respect to the settlement you have negotiated, it is my opinion that the settlement, as proposed, is in my best interest.
Thank you
Werner Grob
Key Biscayne, FL

MTC–00005874

From: Anthony W Strano
To: Microsoft ATR
Date: 1/2/02 1:02pm
Subject: Microsoft settlement
I believe the Microsoft settlement is fair and should be implemented. Microsoft has made the PC the effective consumer tool that it is today. The bundling of innovations into its windows operating system is a benefit to the consumer. The whole reason for the suit against Microsoft by other competitors is that they are not good enough to compete, so they enlisted the state and federal governing bodies to try and destroy Microsoft. Years ago, the then Secretary of Defense, Charles Wilson, said what is good for General Motors is good for the country. I believe that is true today for Microsoft. Let's let them get on with their great work in improving the life of consumers.
Anthony Strano

MTC–00005875

From: Larry Enoksen
To: Microsoft ATR
Date: 1/2/02 1:02pm

Subject: Microsoft Settlement

I use Microsoft Software. I think they have reduced havoc in the industry by standardization and this is a real plus.

However, because they have won a victory over firms competing in the development of products, they now are threatening anyone using their software to be able to prove licensing requirements have been met. Frankly, I believe I am in compliance and I encourage others to be as well, but I am offended by the intimidating letters sent by Microsoft, probably the same tactics used against others.

I believe this is the same tactic they have used on other firms to quash innovation, force competitors to litigate into financial ruin, and has allowed them to usurp technology developed by others.

I can't imagine how many firms will be forced into litigation over licensing issues. How many of those will Microsoft put out of business?

I was previously in favor of the settlement, but now feel the public is having the opportunity to see Microsoft management for the 'government outside of Government' that it has become.

Microsoft should be reorganized to allow a competitive market at all levels including Operating Systems, Software design, and development of new technology.

Have a Great Day!

Larry C Enoksen, EA, Notary

VP Operations, Tax Mam, Inc/Tax Services Group

larry@taxmam.com

http://www.taxmam.com

http://www.cupertino-optimists.org

MTC–00005876

From: Keith(a)redplane
To: Microsoft ATR
Date: 1/2/02 1:03pm
Subject: Microsoft Settlement

I am writing to let you know my thoughts on the Microsoft Settlement. I am strongly opposed to changing the settlement that has been worked out with the Federal Government and nine states. This is a more than fair settlement and will make a difference. The Microsoft competitors that have made so much noise about the settlement and the case should themselves be penalized. They are using this whole issue to make up for their inadequacies—the public doesn't want their products, so they cry to the government about the industry leader's supposed unfair practices.

I am concerned that if the government messes with the proposed settlement, the end result may be that the public will get less. Microsoft has made every effort to work with the government and should not be required to start over just because competitors are not talented enough to come up with successful products that sell.

Thank you.

Keith A. Tobias
P.O. Box 666
La Ca?ada Flintridge, CA 91011
email: ktobias@redplane.com
Tel: (818) 790–6040
Fax: (818) 790–6002

MTC–00005877

From: jhuff
To: Microsoft ATR
Date: 1/2/02 1:02pm
Subject: Microsoft Settlement

To Whom It May Concern:

I just want to urge you to accept the Microsoft settlement. The public certainly hasn't been hurt by Microsoft. Have been using computers since 1983 and have found them vastly improved due to Microsoft. I had such faith in Microsoft that I bought its stock. Sold some at a loss.

Can't understand that when a company does well and helps the public, the government wants to penalize that company. I also feel that the technology of computers and other communication devices is changing so rapidly that companies fortunates will ebe and tide with their ability to keep up with changes. These companies shouldn't have to spend their time and treasure defending themselves against the government also. The competition is stiff without that.

I do not work for Microsoft and have no connection with them other than I still own a small of amount of stock. (at a loss which I will sell when I have gains to offset it). I do, however, use their products and find them outstanding, especially Microsoft Publisher. I use it to do my church's newsletter each month and for other purposes.

Thank you for your consideration.

Joyce Lofmark
38 Brookhouse Drive
Marblehead, MA 01945

MTC–00005878

From: Paul Wuthrich
To: Microsoft ATR
Date: 1/2/02 1:02pm
Subject: Microsoft Settlement

The US Government should leave Microsoft alone and focus on the issues that really affect Americans and our security—like foreign and domestic terrorists! Why does the govt. have to destroy a great US company? Janet Reno should have spent our tax money on something that benefited the public. Instead, they tried to dismantle a company that provides great products and improves business.

Microsoft is a great company with a product that enhances business. If the competition had a comparable product, people would buy it! Instead they want the govt. to step in and help them try to compete with Microsoft. Sun Microsystems and the rest of the ilk should be ashamed.

Paul Wuthrich

MTC–00005879

From: Bev and Scott Milne
To: Microsoft ATR
Date: 1/2/02 1:03pm
Subject: MicroSoft Anti-Trust Problem

I thought that Anti-Trust suit is used when its believe the company is hurting the consumer. The Clinton administration (the worst in our history) hurt the consumer by charging Microsoft in the first place. The stock dropped so much that billons of dollars was lost in 401(k)'s, but we don't hear much about that do we. And then that nut case Reno held a press conference stating that consumer will be protected now because of the action they (JD) took. And of course Orin Hatch jumped on the band wagon because Oracle is located in Utah. Along with Reno, Hatch wanted Microsoft to share industrial secrets with Oracle and other companies so that competition will be a on level playing field. That pure BS. If Oracle and others want to be better then MS, invent a better mouse trap. This whole lawsuit, including the states, is a typical democrat approach, in this case redistribute industrial secerts like they do with everyones money to those who don't deserve it.

Sincerely,
A. Scott Milne
1227 143 Ave SE
Bellevue, WA 98007

MTC–00005880

From: Ray McCoy
To: Microsoft ATR
Date: 1/2/02 1:03pm
Subject: Microsoft Settlement

I wish to comment on the proposed Microsoft Settlement. I believe that the Microsoft settlement is fair to consummers and the industry and that we need to move beyond this issue.

It is obvious that Microsoft's competitors are trying to use the Federal and State Attorney's General to unfairly stiffle Microsoft. These companies should expend their efforts on developing software applications that compete with Microsoft rather than using their own and taxpayer dollars to attempt to hurt Microsoft. Let the marketplace decide who's products are best.

Sincerely,
Ray McCoy
Marketing Manager
Infostat Systems, Inc.
916 649 3244 Ext 203
mailto:rmccoy@infostatsystems.com

MTC–00005881

From: Ken Klinger
To: Microsoft ATR
Date: 1/2/02 1:02pm
Subject: Microsoft Settlement.

Enough. Let the litigation end. Ken Klinger

MTC–00005882

From: Mark Hester
To: Microsoft ATR
Date: 1/2/02 1:03pm
Subject: MicroSoft Settlement

Dear Sir or Madam,

I am in favor of the settlement as it stands for the DOJ V. Microsoft case.

At this point it appears that the interests and states that are fighting the settlement are doing so in an attempt to gain an unmerited windfall for themselves and their business interests. MicroSoft has continued to place resources at risk inorder to create markets and expand their business; neither of which will happen if they do not have the interest of the consumer at heart. The recent XBOX launch is an excellent example. MS has introduced an innovative OPTION for the public. Has SUN had this opportunity? Yes. Has MS's Windows Operating system limited SUN, or NetScape (AOL), in their creation of new products? No. But their focus on MS and this lawsuit has. MicroSoft's dominance in the operating system market is overrated by the opponents of the settlement. The

opportunity to compete is available to all that want to spend their resources on creative solutions instead of wasting the people's time and money trying to gain an unfair windfall.

Let the settlement stand and let's get on with business.

Respectfully,
John Mark Hester
CEO RedRock Solutions, Inc.
Madison, Alabama
256.656.7879

MTC–00005883

From: Stan
To: Microsoft ATR
Date: 1/2/02 1:01pm
Subject: Microsoft Settlement

This case should be settled immediately, as it has been going on too long, and the ultimate cost for it is bourn by the taxpayer. A company should have the right to put what it wants in its products and software.

Why would anyone want to stifle innovation. That is what made this country great and should be allowed to continue. Thank you.

Stanley R. Kneppar
8109 Hibiscus Circle
Tamarac, Florida 33321–2134
(954) 720–0413
kneppar@mediaine.net

MTC–00005884

From: Capt. Ronald L. Pouch
To: Microsoft ATR
Date: 1/2/02 1:03pm
Subject: ms antitrust

This case has become a battle of who's has the best lawyer. It is lawyer welfare. So I paid too much for MS software what else is new. I paid too much for my car , my groceries etc. My goodness settle this case!!! Leave MS alone. Did we sue GM when they started putting their own radios and AC's in their cars instead of making us buy after market from motorola etc. Enough with this case and all the money being wasted by various governments and MS.

MTC–00005885

From: Chris Averkiou
To: Microsoft ATR
Date: 1/2/02 1:04pm
Subject: Microsoft Settlement

January 2, 2002

Dear Sirs at the DOJ:

The purpose of this email is to provide Tunney Act public comment on the Microsoft Settlement. The parties to the litigation have reached a settlement ending litigation. It is in the public interest to settle the lawsuit and allow the parties to return to work, directing resources on more important matters. Microsoft contributes valuable services to the United States economy as a whole, the public interest is best served by eliminating uncertainty to the software industry caused by pending antitrust litigation. The Court of Appeals has already ruled on the legal issues, settlement based on its decision is a simple matter.

Please include my comments in the public record.

Yours,
Chris Averkiou
7100 Louisiana NE, H204
Albuquerque, NM 87109

MTC–00005886

From: Jeff Leite
To: Microsoft ATR
Date: 1/2/02 1:04pm
Subject: Microsoft Settlement

As a voting resident of Florida and a software developer I find that the Microsoft settlement has gone far beyond what is fair and reasonable. I think this case has been ridiculous from the start as it hinders my freedom to innovate and create quality applications. Because a couple companies who make unworthy products feel they can't compete with quality Microsoft products we have had to endure this law suit. I personally have informed my Attorney General who is one of the non-technical bureaucrats who are still involving my state in this ridiculous law suit that my votes in the future will be sure to rely on the outcome of this law suit. I respectfully request that you accept Microsoft's offer.

Jeff Leite
Jacksonville, FL

MTC–00005887

From: Andrew Dobson
To: Microsoft ATR
Date: 1/2/02 1:04pm
Subject: Microsoft Settlement

Please finalize the Microsoft settlement (as currently proposed) as quickly as possible and stop pursuing this ill-advised prosecution. While Microsoft clearly has a monopoly on desktop operating systems, I believe such monopolies are both necessary and commonplace in information technologies; that such monopolies will be short-lived; and that the governments' position on this case is detremental to the interests both of consumers and of the country.

Andrew Dobson
Arlington VA

MTC–00005888

From: cm
To: Microsoft ATR
Date: 1/2/02 1:02pm
Subject: Microsoft Settlement

Enough is enough. Microsoft has improved Windows to a point where it is a better value than it ever was. They are not the best at everything. Other companies have been able to compete againt MS in their specific areas. Only then the companies sat on their laurels and got lazy was MS able to make a better product and outsell them.

Isn't that what America is about?
Chris Medley
5509G Langley Way
Bolling AFB, DC 20336

MTC–00005889

From: Priby@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:05pm
Subject: Microsoft settlement;

I support the government's case which settled the issue. I do not support further lifigastion, be it by other states or individuals.

Otto Pribram

MTC–00005890

From: John P. Sullivan
To: Microsoft ATR
Date: 1/2/02 1:06pm
Subject: Microsoft Settlement

For nearly four years Microsoft has been beaten up on. The Microsoft case should be settled without further litigation.

The settlement reached is tough, but reasonable and fair to all parties involved. Consumers overwhelmingly agree that settlement is good for them, the industry and the American economy.

John P. Sullivan
2809 Irwin Road
Huntsville, AL 35801

MTC–00005891

From: Stephen Quinn
To: Microsoft ATR
Date: 1/2/02 1:05pm
Subject: Microsoft Settlement

Please settle this case! It has been going on too long.

Stephen Quinn
US Taxpayer

MTC–00005892

From: Thorbz@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:05pm
Subject: (no subject)

I think the settlement is fair and if all penalties in this country are turned into benefits for our school system, what better win/win situation can you ask for?

LT

MTC–00005893

From: JDarrjr@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:05pm
Subject: Microsoft Settlement.
TO: Dept of Justice

It is high time for the lawsuit again Microsoft to be settled, compensation paid by whatever means is agreed upon. The remaining few states that are disrupting this settlement simply have their own agenda to service, and has little to do with any original complaint, valid or not. Bill Gates and other Microsoft executives have done more for the entire ''world'' by producing the excellent computer systems over the years, and not one of the litigants would have even had a business if it weren't for these wonderful products . . . especially NETSCAPE which most people refuse to use and whose software was probably produced using all the latest Microsoft software.

Settle the damn lawsuit !! America needs to focus it's Justice Department on the prosecution of the criminals being rounded up in our worldwide ''War on Terror''.

Sincerely,
John Darr
4451 Pinyon Tree Ln
Irvine, CA 92612–2215

MTC–00005894

From: JTAPPOUNI@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:04pm
Subject: DOJ Settlement

I am against the government in the Microsoft case.My support is behind Microsoft 100%. Julie Tappouni 1/2/02

MTC–00005895

From: Norm Johnson
To: Microsoft ATR
Date: 1/2/02 1:03pm
Subject: Microsoft Settlement

I believe that Microsoft is a fine company and has a very good product and is not in violation of any laws.

I believe they should be able to improve on their product as they see fit, i use it all the time and look forward to improvments they make to the browser and email clients.

Thank You
Norman Johnson
1001 Heather Lane
Moore, OK 73160

MTC–00005896

From: George McLennon
To: Microsoft ATR
Date: 1/2/02 1:04pm
Subject: Microsoft Settlement.

Let's get this thing settled once and for all. No matter what legal issues come along there is always some Attorney that will bend, twist and almost break the law just to make a buck. Why don't we settle this as the Fed has already set forth.

It's time to get off Microsoft and get on the back of some of these so called special interest Attorneys whose only special interest is their own wallet.

Respectfully,
George McLennon

MTC–00005897

From: RABaehr@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:04pm
Subject: Microsoft settlement

Dear sirs: I would hope that the proposed settlement between Microsoft and the Department of Justice and the 9 states that signed on will be approved. There was never any evidence of harm to consumers from Microsoft's behavior. The litigation was funded and promoted by Microsoft's competitors- Sun, Oracle, and AOL, among others. I hold stock in stock in several of these companies, as well as Microsoft, and have been upset that this is how these companies chose to compete with Microsoft- through the courts, rather than the marketplace. It is not the government's role to reward whiny competitors. Microsoft is certainly an aggressive competitor, and the terms of the proposed settlement suggest that the company's behavior needs to be monitored given its share of the operating system market. But expanding the capabilities of a software product is in consumers' interest. It is far easier , more efficient, and much cheaper for consumers to buy a broadened Windows, than many pieces of far more expensive software. Competition exists for Windows. Linux was not even a factor when this suit was framed, but now it is growing in importance. Sun's Java also offers a way to bypass Windows, as do internet only computers. This is a rapidly changing dynamic market. It doesn't need the heavy regulatory hand of government to reorder the pieces. Richard Baehr, Chicago, Il. .

MTC–00005898

From: Don Thompson (CDDG-TRAINING (038) CERTIFICATION)
To: Microsoft ATR
Date: 1/2/02 1:04pm
Subject: Microsoft Settlement

While I think regulation is a necessary tool to ensure fairness and equity in commerce as stated in the Constitution, I feel the governement has succumbed to the interests of several corporations attempting to gain competitive advantage through litigation. When I read the information leading up to the Anti-Trust laws, the predominant theme is ''harm to the consumer''. Further, there is substance to expanding that to include damage to ''the competive nature of business'', however, I cannot see any merit to the claims that the corporations attempting to bring about this lawsuit have been damaged in that sense. Nor can I find ''harm to the consumer'' in any of may daily activities associating with the people the DOJ is attempting to ''protect''.

I urge you to cease the nonsensical litigation against Microsoft and any company for that matter, that would produce substantial harm to the economy. If you continue to pursue the litigation and bring about substantial repression of the companies productivity and innovation, I would then recommend a Anti-trust suit against those who cause the resulting harm to the consumer. . . .

Thank you for your time.
Don Thompson
6703 50th Place NE
Marysville WA 98270

MTC–00005899

From: RLWATSON77@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:04pm
Subject: Microsoft settlement

I hope you will go ahead with the settlement that has been offered to Microsoft. It appears to be practical and fair to all. We do not need more litigation on this matter.

Sincerely,
Rosemary Watson

MTC–00005900

From: Kurt Buecheler
To: Microsoft ATR
Date: 1/2/02 1:04pm
Subject: Microsoft Settlement

Microsoft is a world class company that competes vigorously, but no more vigorously than its competitors that are complaining about Microsoft. Microsoft has simply delivered a better consumer value proposition and customers have responded by adopting the product as the best way to enhance their abilities and lives.

For consumers, the PC has delivered a huge platform upon which innovation occurs at a rapid pace and delivers new functions and vastly improve the way we live and work and play. The PC standard embodies AMERICAN VALUES of empowerment and access to information. The PC is a low cost solution that continues to be available to more and more people.

In the process of consumer empowerment, the PC has created a huge market, many wonderful companies, increased productivity and a large tax base. If anything, the federal and state governments of the US should be considering how they can assist MSFT to continue to establish computing standards in the USA rather than somewhere else or under the heavy influence of other super powers such as the EU.

The settlement will be tough on MSFT, but should be accepted by both sides and become a closed issue. The important issue to the American people is the quality of their lives. (strong economy, safety, employment) The PC industry advancing creates employment and a strong economy and may even help with advancing security as a smart device that can greatly enhance the capabilities of security workers.

Please drop further litigation and focus on building the economy and security of the USA.

Sincerely
Kurt Buecheler
Microsoft employee and proud American

MTC–00005901

From: Morris Allen
To: Microsoft ATR
Date: 1/2/02 1:31pm
Subject: Microsoft

To whom it may concern:

While I have not always been pleased with Microsoft's actions, I believe the government should not interfere with their Operating Systems. I have been working in this industry since 1980 and has seen the development of computers, first hand. I do not believe our computer capabilities would be as advanced as they are today, without Microsoft. If you look at what it cost consumers and Microsoft to advance to the computers Operating Systems of today, it is a fraction of what the Government spent with IBM, on their programs. In any case, Microsoft has the right to protect their investment. It shouldn't matter that their product is made up of ''0 and 1's''.

Respectfully,
Morris Allen
Vidcom Center/VidcomNet, Inc.

MTC–00005902

From: Patricia Swift
To: Microsoft ATR
Date: 1/2/02 1:05pm
Subject: Microsoft Settlement

The Tunney Act seems fair to me. The settlement is in the public interest. It would NOT be in the public interest to drag this out. Let's get it settled, and then everybody can devote themselves to productive work instead of more litigation.

Sincerely,
Patricia Swift
Creswell, Oregon

MTC–00005903

From: Mark Spain
To: Microsoft ATR
Date: 1/2/02 1:06pm
Subject: Microsoft Settlement

enough is enough. settle case as soon as possible. It's in the best interest of the majority.

MTC–00005904

From: MASails@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:06pm
Subject: Microsoft Settlement Ladies and

Gentlemen:

I am one taxpayer who would appreciate the Federal District Court's holding to the settlement agreement reached in late 2001 with Microsoft.

The longer this suit is prolonged, the more out-of-date and obsolete become the complaints against the software company.

I'm sure that neither Microsoft nor their lawsuit-armed competitors are operating from selfless motives, but refereeing them at the taxpayers' expense is wasting my money. I also believe that, having redirected Microsoft's behavior somewhat, the courts should leave the business organizations to fight it out in the marketplace.

Marcia Andrews
Pineland, FL

MTC–00005905

From: Joe E. Mayfield
To: Microsoft ATR
Date: 1/2/02 1:06pm
Subject: Microsoft Settlement

I want to go on record as one firmly opposed to the DOJ's action against Microsoft in the first Place.

I believe that it was , pure and simple a witch hunt by the Clinton Administration. I believe that this suit was a major factor in the loss value in the Technology stock market. I has cost thousands of average U.S. citizens hundreds of thousands of dollars much of which was in retirement programs.

The Millions of dollars that it cost taxpayers to bring this suit was a total waste and could have been better spent tracking down and destroying the Terrorists which were attacking Americans and American interests all over the world.

MTC–00005906

From: Phinnt@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:06pm
Subject: MICROSOFT SETTLEMENT

This case has dragged on for three (3) plus years and the present settlement should be IT. We and the Justice Dept. have got way more important issues to work on than let special interest groups continue to WASTE taxpayer's money on this beaten down hoss..Period. . .Period. . .Period. . .END OF REPORT

Best of Health and regards,
Phinn W. Townsend

MTC–00005907

From: Chris Worley
To: Microsoft ATR
Date: 1/2/02 1:06pm
Subject: Microsoft Settlement

Sir/Ma'am,

I find the proposed Microsoft antitrust settlement to be just short of an apology to Microsoft.

It will do nothing to stop their anticompetitive behavior. It will do nothing to spur competition in the software industry. It gives Microsoft carte blanche to continue to run roughshod over consumers and competition.

The media has well documented that every key provision in this settlement has an ''opt out'' for Microsoft.

The one I'm most concerned with is the ''security'' ''opt out'' in the ''open protocols'' section. . .

''Security'' has become a buzzword associated with terrorist acts, allowing Microsoft to portray competing vendor's software compatibility with authentication software as an act of treason. It's just not so. ''Security through obscurity'' has never stopped hackers with ill intent, it only keeps those being attacked ''in the dark''. It's much like human viri: we want to know what can infect us, how to keep from getting infected, how to detect the infection, and how to stop the infection (even if it can't be stopped). This information is key to our longevity. For example, the recent anthrax terrorist acts have shown that public information is critical to detection and cure, and the lack of information led to unnecessary infection (of postal workers) and panic among the uninfected, and did nothing to stop the perpetrator.

Software viri/worms require the same publicity to protect and inform the population.

I'm afraid Microsoft has negotiated this loophole in the settlement with ill-intent in mind: stopping compatible products from competing under the guise of stopping terrorism.

For example, a software package called ''Samba'' competes with Microsoft NT file servers: file servers compatible with the protocols that provide you with your ''network neighborhood''. If Microsoft can hide the authentication protocol, then the competing file server software can't compete: if you have to have an NT server to authenticate users, then you might as well use that server to serve files and not use Samba at all. For Samba to compete, it must be able to perform all the necessary protocols for Microsoft's network file services. This settlement is a ruse. It's a trap. And, the DOJ seems overly willing to fall for it, to the detriment of competition and consumers.

Chris Worley
Salt Lake City, Utah

MTC–00005908

From: JDurliat@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:06pm
Subject: microsoft settlement

ladies/gentlemen: please accept this communication as my congratulations on settling the microsoft case. usually these case are instigated by competitors simply wanting a government given advantage. the settlement seems reasonable. please try to get the remaining state to endorse the settlement so everyone can get-on with business.

very truly yours,
jack durliat

MTC–00005909

From: Mike Denholtz
To: Microsoft ATR
Date: 1/2/02 1:09pm
Subject: microsoft settlement

My opinion:

If the DOJ can settle then it should all be settled. Enough is enough.

Leave MS alone.

Thanks,

Mike

MTC–00005910

From: LSchoenber@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:06pm
Subject: MIRCOSOFT SETTLEMENT

Hi Sir,

I feel it should be settled now because we have 50 states and only 9 states do not agree. I always believe in majority. Microsoft did great job for deaf while other companies did not recognize the deaf's needs. Dont destroy it. I do not believe that Microsoft is monopoly because Microsoft did not make the customers suffer.

Thank you
Larry Schoenberg

MTC–00005911

From: Marilyn139@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:06pm
Subject: (no subject)

..I BELIEVE THAT A COMPANY LIKE MICROSOFT MUST REALIZE THEIR PROBLEMS (OTHERWISE THEY WOULD NOT BE AS SUCCESSFUL AS IT IS) IT IS TIME FOR ALL THEIR FINANCIAL SETTLEMENTS TO BE ACCEPTED AND LET THEM GET ON WITH THER R&D FROM WHICH THEY BECAME SO SUCCESSFUL

MTC–00005912

From: Robert Wallace
To: Microsoft ATR
Date: 1/2/02 1:07pm
Subject: Microsoft Settlement

As the owner of a small business that relies heavily, though certainly not exclusively, on Microsoft products, I want to express my displeasure with the continued harassment of Microsoft by the Justice Department and opportunistic Attorneys General from various states. I don't believe the DOJ claims or the settlement extracted from Microsoft were fair, but the DOJ and the company did agree and I believe the matter should be closed and the blood sucking by the states should be stopped. Robert C. Wallace, Bellevue, WA.

R.C. Wallace, CEO,
Wallace Properties, Inc.,
PO Box 4184,
Bellevue, WA. 98009–4184;
Phone (425) 455 9976; Fax (425) 646 3374;
rwallace@wallaceproperties.com

MTC–00005913

From: John Bradley
To: Microsoft ATR
Date: 1/2/02 1:08pm
Subject: Microsoft Settlement

I am writing about the settlement that has been reached in the Microsoft anti-trust case. I believe that this settlement is fair to all parties involved and it is a good agreement for consumers. I urge that the settlement be executed by the DOJ.

Sincerely,
John Bradley

MTC–00005914

From: Joseph Chauvin
To: Microsoft ATR
Date: 1/2/02 1:08pm
Subject: To Whom it may Concern,

To Whom it may Concern,

I strongly support the proposed settlement between the Justice Department and Microsoft. The settlement more than addresses the concerns brought up at the trial without unduly harming a company that has perhaps done more for the US Economy than any other. This settlement will allow Microsoft to keep innovating, while being sensitive to the needs of competitors and computer makers.

The dissenting nine states proposed alterations to the settlement are punitive in nature, and are primarily designed to help Microsoft competitors at the expense of Microsoft and Microsoft shareholders. They are designed to prevent Microsoft from innovating, and to make Microsoft hand over intellectual property to competitors. Microsoft has shown signs it is very determined to comply with the settlement, by internally appointing compliance officers. Therefore, I believe the states concerns are unfounded.

It is my opinion that if the settlement is approved, and this case is finally closed, that it will help to eliminate uncertainty in the tech sector of the equity markets. This can also help to spur economic recovery. Therefore, I do not feel it is in the best interest of consumers or the country to drag this on further.

Please accept the settlement of United States vs. Microsoft as submitted by the US Justice Department.

Sincerely,

Joseph W. Chauvin

MTC–00005915

From: Doc Gibson
To: Microsoft ATR
Date: 1/2/02 1:07pm
Subject: Microsoft Settlement

D.O.J.

This note is to let you know that as a consumer I support the current settlement being considered to end the litigation against Microsoft. I have watched as this litigation has unfolded and believe it is time to put a stop to it.

The money and political influence that has been pouted into the issue has for the most part been wasted effort, and has done little or nothing to improve the consumer's ability to access new technology and improvements to computer operating systems.

Please end the litigation and the appeals process as soon as possible. Accept the settlement that is currently on the table.

Sincerely, ''Doc'' Gibson
''Doc'' Gibson, CSAC, CPS, CCGC
CEO/Program Director
New Alternatives for Teens & Families
P.O. Box # 2547, Prescott AZ 86302
(888) 209–8573 Office
(928) 445–4375 FAX
docgibs@mindspring.com

MTC–00005916

From: DonaldSass@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:07pm
Subject: Microsoft Settlement

Microsoft has done more good for the US economy and for keeping US technology in the forefront over the past twenty years than have all of Microsoft's competitors combined.

DOJ should be more concerned with determining how US satellite technology got into Chinese hands during the Clinton administration, and less concerned with determining how Microsoft became the foremost software company in the world. DOJ should use it's resources to investigate Loral's relationships with the

Chinese government during the past ten years.

In other words, DOJ should lay off Microsoft and investigate Loral instead.

Donald Sass

MTC–00005917

From: Pvb959@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:07pm
Subject: Microsoft Settlement

I personally have used Microsoft products since 3/98. I like Microsoft. Their service and support is terrific. I've never had any poor experiences, every question answered, everything to my satisfaction. I need Microsoft. I don't want anything the DOJ may do to effect their business negatively. This country needs Microsoft and all the new good things in the pipeline now, and in the future. I'm of the opinion that the marketplace will decide whats good or bad for this country. We don't need more government interference in our lives. Let's get this settlement overwith and get on with things.

Peter von Blanckensee
2400 E. Baseline Ave. #143
Apache Junction AZ 85219

MTC–00005918

From: ROGER MACON
To: Microsoft ATR
Date: 1/2/02 1:07pm
Subject: MicroSoft

I think you need to leave them alone so they can continue doing exactly what they have been doing which has been a great advancement for the entire world, the techno industry and has forced cohesive integrated growth.

Roger Macon

MTC–00005919

From: David Pharr
To: Microsoft ATR
Date: 1/2/02 1:08pm
Subject: Microsoft Settlement

Dear DOJ,

I am a long time Microsoft supporter and would like to express my support for the proposed Microsoft settlement. I believe this proposed settlement provides significant benefit to the general public and is in the best interest of the U.S. economy. This case has dragged on for too long as it currently stands and I would like to see the settlement accepted and the case concluded.

MTC–00005920

From: Bernard
To: Microsoft ATR
Date: 1/2/02 1:08pm
Subject: Microsoft Settlement

I think it is high time this was over!

Me, a user of computers and much software has not suffered from anything Microsoft has done.

Neither have any of my Companies.

However, all of us have paid and have suffered, over these unnecessary lawsuits, instigated by a few so called competitors. If these so called competitors need our Government to survive in business, they should get out.

Enough is enough.

End it now, please.

Bernard Hollin

MTC–00005921

From: The Campbells
To: Microsoft ATR
Date: 1/2/02 1:07pm
Subject: Microsoft Settlement

I urge you to approve the Microsoft Settlement. I and all of my family and friends appreciate Microsoft's contribution to the computer world, and can't imagine a world without Windows operating system. And Internet Explorer is much better than Netscape.

So please approve the Microsoft Settlement.

Stephen Campbell
79 Manilla Dr.
Draper, UT 84020
(801) 495–3032
stevec@stevec.org

MTC–00005922

From: FRANKEROUSE
To: Microsoft ATR
Date: 1/2/02 1:07pm
Subject: MICROSOFT SETTLEMENT

I am a Microsoft Windows user and have had no problems using other software. I was not in favor of the Microsoft litigation and now that there is an agreement with nine states and the Federal Govt. I can see no good reason to have other selfish interest groups drag this issue on into the future. Surely it won't help the best interests of the American public to drag this on in these times of economic uncertainty, especially if it serves the interests of a few States wherein Microsoft's competitors reside.

Please take action to end this issue immediately.

Frank Rouse
Yakima, WA.

MTC–00005923

From: Schober, Larry
To: Microsoft ATR
Date: 1/2/02 1:08pm
Subject: Microsoft Settlement

Dear Sirs:

It is time to settle the Microsoft case and move on to more pressing problems. You are doing the consumer a disservice, and the nation as well, by pursuing this case. Please settle the case promptly.

MTC–00005924

From: Dick Reed
To: Microsoft ATR
Date: 1/2/02 1:08pm
Subject: Microsoft Settlement

Please confirm the proposed Microsoft Settlement. The stock market decline of 2000–2001 started with the Clinton administration attack on Microsoft. It contributed to the current economic recession. It is now long past due to allow the U.S. economy and financial markets to get back to normal. Any further litigation

intended to benefit competitors such as Sun Microsystems, Oracle, and Apple would be inappropriate and counterproductive.

Regards,
Richard A. Reed
319 Robin Way
Richardson, TX 75080
972–231–6689

MTC–00005925

From: Ronald S. Frantz
To: Microsoft ATR
Date: 1/2/02 1:21pm
Subject: Microsoft Settlement

Gentlemen:

I believe that the Microsoft settlement is fair to all parties. I also do not believe that the suit should have been brought by the Justice Department.

Any further delay would be harmful to Microsoft and very unfair.

Sincerely yours,
Ronald S. Frantz
East Aurora, New York

MTC–00005926

From: Joyce Harness
To: Microsoft ATR
Date: 1/2/02 1:23pm
Subject: MSFT

Please get this case settled. I believe the settlement that was reached was fair and equitable and the case should end with that.

Thank you.
Joyce Harness
3015 NW 73rd
Seattle, WA 98117
206–784–9126

MTC–00005927

From: Don Harikian
To: Microsoft ATR
Date: 1/2/02 1:22pm
Subject: Microsoft Settlement

Please accept my comments on the Microsoft Settlement.

I am a business user and consumer of Microsoft products so my comments are from that perspective and are my own opinion. I have been in the business world long enough to see the evolution of many computer software products.

I have always gravitated to the products that provided the most efficiency and reduction in work as possible. I was delighted to install Framework on my computer because it itegrated features that I used most often. I must say that over those years Microsoft products ended up always providing the most efficiency for the price as any other product I have used on my desk top computer. For this reason I have always been confused by the theme of the antitrust case that Microsoft has harmed consumers. It seems that they have harmed competitors only because they provide, as I said, a better product for less cost. Microsoft is not the only software that our company uses, any software that adds value for a reasonable cost is on my desktop.

This brings me to my second point of confusion about the case in that it implies that I do not have a choice, as a consumer/user, about what software I use on my desk top just because Microsoft has an icon on it. I have never had any problem loading other software that adds value to my computer.

My third point is the question about proprietary software. I am not speaking as a lawyer but the company that has the ingenuity and know-how to bring unique products to the market should not be required to allow other companies to pirate and capitalize on that through access to their detailed programs. The DOJ should respect and honor this concept rather than allowing the ''world'' to have access to American ingenuity.

Fourth, I have followed this case since its inception and talked to many others in the business world and also home use consumers and have yet to find one person that said they have been harmed or have paid to much for Microsoft products. All have said that the company provides the best value for the buck. Our data processing people were ecstatic with NT products when they came out. They provided a low cost alternative. I am still wondering who has been harmed. Perhaps competitors with an inferior product at a higher price? Please do not construe my comments as just loyalty to Microsoft because as I said I have many of Microsoft competitor's products on my computer.

In summary, even though I am confused about the basic elements of this case, the settlement should be completed as it stands to get this whole thing behind us. The U.S. economy has suffered because of it and we must get on with innovation. I agree with Microsofts position on their statement of ''Freedom to Innovate''. I urge the dissenting states to end this as quickly as possible, it has already gone to far! I also encourage the DOJ to bring as much influence on those states to end this.

Thank you for the opportunity to express my opinion. That is why America is the greatest!

Regards,
Don Harikian

MTC–00005928

From: howard schiffman
To: Microsoft ATR
Date: 1/2/02 1:23pm
Subject: As a small business deeply involved on the Internet

As a small business deeply involved on the Internet since 1996, we have been closely following the Microsoft case in the news reports. We feel confident the governments proposed settlement in this case is fair to all parties concerned. Today, more than ever, we are facing serious economic times. Let's get on with business, and increase our profits and build a much stronger economy!

Sincerely,
Howard Schiffman
Chief Operating Officer

MTC–00005929

From: Linda Heinkel
To: Microsoft ATR
Date: 1/2/02 3:17pm
Subject: Tunney Act

Please finalize this situation as soon as possible. It is not in the public's best interest to allow lobbying special interest groups to delay this any longer.

Linda Heinkel
lheinkel@udnet.net

MTC–00005930

From: Pats413@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:22pm
Subject: end the suit..

The economy needs the case against Microsoft stopped! I am a consumer and a stock holder as are millions of other Americans. This case is continuing to undermine the entire high tech sector. Consumers have recouped their money by the low prices Microsoft charges for their software. States should be satisfied and end their suits.

MTC–00005931

From: Roy Leban
To: Microsoft ATR
Date: 1/2/02 1:22pm
Subject: Microsoft Settlement

I work for Microsoft, so you might think I'm biased about the Microsoft suit. I'm not. I thought it was stupid long before I joined Microsoft. Why is it stupid? A few reasons . . .

1. Microsoft has a monopoly on ''Windows operating systems''. Well, of course it does! In fact, it has 100% of the market, by definition. General Motors has a monopoly on Chevrolets, but nobody's complaining. Apple has 100% of the market for Macintosh operating system computers (both hardware and software!).

2. Microsoft has ''bundled'' things into the operating system that were previously available as extra components. Well, of course it does! This is how operating systems and practically all products are developed. Let's take web browsers: The Macintosh OS ships with a browser. Solaris ships with a browser. Linux has a browser. No operating system could ship today without a browser. What would you lose if you couldn't add anything to the operating system that had been available separately? A short list in Windows includes the file manager, long filenames, file search, integrated printer drivers, even ethernet/internet drivers. All those things used to ship as separate products.

If we applied the same rule to cars, your car wouldn't come with a radio, seat belts, cruise control, fuel injection, a center rear brake light or even a roof. Given all the things that have been bundled into cars, it is impossible to start a new car company today—much harder than it is to start a new computer company. You could even say that the car companies have colluded with each other to add those features to block competition (with the help of their accomplices, the DOT and the USTA). Following this logic, we should force all the car companies to unbundle almost everything so that new car companies wouldn't have such a high barrier to entry. Of course, the average car would cost $100,000 this way and consumers would have to basically assemble their own cars, but that's the price you pay for better competition.

3. Internet Explorer is much more than a browser—it's an integration of the web into the OS. Any application can use this feature and many do. Rather than inhibiting competition, the integration of IE encourages it because companies can build web and/or

browser functionality into their applications without having to write it themselves.

4. This suit has never been about monopoly power or what's good for consumers. It's about some jealous competitors who missed the boat for various reasons. But, given that the suit wasn't tossed out and that much of the judiciary and public don't understand enough about the situation, I think the proposed settlement is reasonable. Although some of it will be burdensome for Microsoft, it doesn't prevent Microsoft from doing what it does best—responding to customer needs and building better software.

Thank you for listening.

Roy Leban

RoyLeban@microsoft.com

DISCLAIMER: My opinions are my own, not my employer's

MTC–00005932

From: LnTDevita@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:23pm
Subject: Let's move forward

Please put an end to this litigation. As a concerned citizen and consumer, I would like to move forward in strengethening our economy in the face of global competition and global economic decline. Our country is stronger, smarter and better equipped to address the future because of innnovators like Microsoft. Please build a system where they are able to do what they do best . . . bring quality products to consumers. We the consumers have benefitted by the technology brought to us by Microsoft. Please allow them, and us, to get back to the business at hand: building a stronger America, made up of strong companies and empowered citizens.

Thank you,

Louis deVita,

Sammamish, Washington

MTC–00005933

From: pstaley
To: Microsoft ATR
Date: 1/2/02 1:23pm
Subject: Microsoft Settlement

Please add my name to those who think the Microsoft Settlement is fair.

Perry L.Staley
411 Orchard Street
Ironton, Ohio
45638–1166

MTC–00005934

From: bob fleming
To: Microsoft ATR
Date: 1/2/02 1:24pm
Subject: MICROSOFT SETTLEMENT

I WISH TO PROTEST THE DOJ'S HANDLING OF THE ABOVE SUBJECT. YOU HAVE SPENT MILLIONS OF DOLLARS OF TAXPAYER FUNDS CHASING AFTER A COMPANY THAT HAS DONE NOTHING MORE THAN TO GIVE ITS CUSTOMERS THE BEST POSSIBLE PRODUCT AND SERVICE! YOU HAVE WASTED ENOUGH OF OUR MONEY,CLOSE THIS CASE!

ROBERT FLEMING

MTC–00005935

From: Manjogthru@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:24pm
Subject: Microsoft Settlement

I cannot understant why the settlement with Microsoft cannot be finalized. Let's settle with Microsoft and get on with our lives. In difficult times like this we do not need to waste more time and money fighting a company that has done so much for all of us.

If you must fight someone, then go after the 9 states who are unwilling to settle. We all know why they want Microsoft punished and broken up. Put an end to this entire fiasco.

Carl Hanson
3703 Mc Cormick St. S.E.
Olympia, WA 98501

MTC–00005936

From: RANDMOREILLY@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:24pm
Subject: Microsoft Case Settlement

I add my voice to the many who believe the settlement of the Microsoft anti-trust case is fair to all. It is time to close this chapter and move on! In these unsettled times the country can ill afford such continuing litigation. The Microsoft competition should be satisfied at the outcome agreed to by the DOJ and the majority of the states. The opposing states' arguments against approval of this agreement are not persuasive. I earnestly request the settlement approved earlier be upheld. Let us all return to more productive activity.

Sincerely submitted.

Robert W. O'Reilly

MTC–00005937

From: W7326@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:24pm
Subject: Microsoft Settlement

I am writing to give you my input on the Microsoft situation. This case should never have happened in the first place. It has taken months to try to settle and cost millions of dollars and an enormous amount of time that could have been used better elsewhere. It is time for this to be over. My vote is to settle this case and to do it as quickly as possible. Microsoft has been the leader in software ever since it started and has given the public many different ways to learn, communicate, entertain themselves, and make life easier and more interesting.

Doris Wolfe

MTC–00005938

From: Egarner123@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:24pm
Subject: Microsoft Settlement

Dear DOJ:

I am responding to the email that Microsoft sent advising me to let the DOJ know my opinion regarding the settlement. I think the settlement stinks to high heaven. In the past, I have been pro-Microsoft (years ago as an IT professional, I choose MS Windows 3.0 over the Mac, OS2, and UNIX clients—I took a professional blow for being so controversial). Presently, in my opinion, Microsoft is not serving the best needs of the public nor the stockholders.

As I understand the settlement, Microsoft is proposing to push its IT solution upon the upcoming generations through education. This is not a fine but an investment. More stringent punitive judgments need to be assessed. I suggest the following:

—billions should be awarded to alternative operating systems and office suites that promote a more open system—pre Windows XP version source code (client only), should be made available—to the public—Microsoft should lose its Windows trademark, any interested party should be able to license their own version of Windows.

The fact that Microsoft is behaving in a monopolistic manor during this controversial time, is a further indication of the company's contempt for the judicial proceedings and the public's welfare at-large. I urge the DOJ to continue negotiations with the public's interest as its guiding light.

Sincerely,

Edward Garner

IT Professional

MTC–00005939

From: Xue-Ling Han
To: Microsoft ATR
Date: 1/2/02 1:22pm
Subject: Microsoft Settlement

It's fair and enough. Please have everyone go back to work.

MTC–00005940

From: Trey Bailey
To: Microsoft ATR
Date: 1/2/02 1:20pm
Subject: Microsoft Settlement

To whom it may concern,

I feel that any legislation that breaks a company, Microsoft or any other, is going beyond the place of government. Please let the agreed settlement continue.

Glynn (Trey) Bailey
Programming Department Manager
Wellsco Inc.
(870) 236–1080

This holiday season, as we laugh and eat and shop and enjoy friends and family, our soldiers are in Afghanistan risking everything for us. Some of them won't come back. The rest will never be the same. Every one of them volunteered. They think we're worth it. Let's prove them right.

Scot Adams (Creator of Dilbert)

MTC–00005941

From: SCHOTTLER@aol.com@inetgw
To: Microsoft ATR,MSFIN@microsoft.com@inetgw
Date: 1/2/02 1:24pm
Subject: MICROSOFT SETTLEMENT

I hope this is worth sending. I do not have much faith that it will be read or added to your files. Our government is not known for getting things right except when we go to war.

THE SETTLEMENT IS TOTALLY FAIR AND PROPER AND SHOULD BE APPROVED A.S.A.P.

James R. Schoettler

MTC–00005942

From: Steve Paylor
To: Microsoft ATR
Date: 1/2/02 1:25pm
Subject: MICROSOFT SETTLEMENT

Dear Sir/Madam,

This is to state my opinion concerning the DOJ/Microsoft settlement. First, I believe that the attack on Microsoft by the DOJ was very much politically motivated. I believe that the DOJ, under Janet Reno, was a political tool used by the Clinton administration to ''pay back'' those who did not adequately give support to the DNC or Clinton. Second, I believe that in this case, the DOJ took sides in an ideological struggle between left wing socialists and free market capitalists.

Third, I believe that the case unfairly sided with Microsoft's competitors who are jealous of Microsoft's success. Microsoft should be completely free to include or exclude any and all features in their software products. If that makes it difficult for competitors to compete, that is tough. This is part of the free market system and it is the competitor's problem to solve not the DOJ's.

Finally, I believe that Microsoft did employ some anti-competitive business practices. I believe that the settlement adequately punishes them for that misbehavior and it also provides much social good.

Steve Paylor
San Diego, California

MTC–00005943

From: Jhkober@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:25pm
Subject: Microsoft Settlement

Dear DOJ, I think you should settle the Microsoft Case as agreed. States should follow your lead. Lets but this to bed now. Our country needs it's attention on building a strong American Economy. Microsoft is a great company and has made other company great as well because of their standards of competition.

Thank you. James H. Kober 70 E 10th St. New York, New York.

MTC–00005944

From: David Gam
To: Microsoft ATR
Date: 1/2/02 1:26pm
Subject: Microsoft Settlement

Isn't it time to put an end to the persecution of Microsoft because of their success? Is this what we do to successful American enterprise? Does the economy have to be burdened by the whining of losers? The industry, the country and the world owes a debt to Microsoft for the contributions it has made that is unparalled. It in fact, virtually created the new industry that has brought prosperity beyond imagining. For this, do we penalize American enterprise? Because Microsoft accomplished what none of the whiners could, should we then listen to cries of ''foul''? Let's put an end to this travesty.

Sincerely,
David B. Gam

MTC–00005945

From: Bob Pap
To: Microsoft ATR
Date: 1/2/02 1:37pm
Subject: Microsoft Settlement

I believe that the Microsoft Settlement needs to be done as proposed. I believe that it would be in the people of the United States interest that Microsoft put 10% of its R&D into developing a special version of Windows that is bullet proof and not released to anyone but government agencies and contractors. This is vital to the security of our national infrastructure. The people at Sun and Oracle now need to be investigated for their anti-trust activities in the same way as Microsoft. Note: their product is much more expensive and they refuse to license any patents to government contractors for enhanced development. Also, require any files and view of any Americans computer that Microsoft has on file to be deleted from their file if Americans opt out.

I believe that any state that does not want the settlement should be required to have a vote of confidence or no confidence in the law enforcement and prosecuters over the Web by people in the state. This should be published in a web listing. I bet Microsoft would cut costs and save us more money if DOJ had a running talley.

Bob Pap
Accurate Automation
7001 Shallowford Road
Chattanooga, TN 37421
423–894–4646 rmpap@accurate-automation.com

MTC–00005946

From: Les Herrman
To: Microsoft ATR
Date: 1/2/02 1:25pm
Subject: Microsoft Settlement

Dear sirs:

After extensively reading over the proposed settlement in the Microsoft case, I feel that the proposal is more than sufficient remedy in the case. Having been a computer user for over 10 years, I feel that no company has done more for the home personal computer industry than Microsoft. The inovations and ease of use of their operating system has made it very easy for new computer users to accomplish complicated tasks using their computers. Also the standardization of Operating System to Windows has helped to make it much easier for companies etc. to train employees to use the computers at their businesses.

I totally abhor the few companies that scream running to the DOJ to fight for them because they can not compete on their own merits. IE Sun, Netscape, AOL, and others mentioned in the Microsoft suit. Just because they can not come up with a compteing product that is as easy to use as Microsoft they go screaming foul and anti-trust and monopoly to the government.

I therefore urge you to settle this case with the current propsed settlement. The continuation of litigation in this case agains Microsoft will do nothing more than hurt the consumer and waste tax dollars that could be better spent somewhere else.

Les Herrman
19008 East 37th Terrace
Independence, Missouri 64057

MTC–00005947

From: Brian K. Rineberg
To: Microsoft ATR
Date: 1/2/02 1:26pm
Subject: Microsoft Settlement

In the year's past you have shown no genuine concern for the ''CONSUMER''. This latest settlement further amplifies the general consensus within the DOJ and individual states Attorney General. That is to stifle the consumers actual wants and needs. This latest settlement does nothing to ''HELP'' the consumer, it just gives OEM manufacturers the opportunity to provide an onslaught of advertising to unsuspecting consumers.

I am often called in to ''clean up'' a messy OEM installation of an operating system containing links, icons and registry settings the consumer had no idea was to be included on their new computer. These advertisements are an intrusion and should be disallowed in all cases. If an OEM manufacturer develops a contract with an ISP for example, the ISP can simply provide software in the form distributable media such as a compact disc. This will save the consumer both time and money by allowing them to simply discard the unwanted inclusions. There is just one question needed to be answered. What gives ''ANY'' solution provider the ''RIGHT'' to include anything a consumer does not specifically ask for? The answer is quite simple. They have no right, no matter what licensing agreement they have with the manufacturer of the in question operating system.

I am insulted by the inclusion of the word ''consumer'' interjected into this battle between competitor's. Lawyers and State Attorneys General have no idea what is best for the consumer. They have only the best interest of the competitor or campaign supporter providing the question. When I purchase a corkscrew, I get a corkscrew, nothing more.

Brian Rineberg
San Marcos, CA

MTC–00005948

From: JR
To: Microsoft ATR
Date: 1/2/02 1:26pm
Subject: Microsoft Settlement

Hi,

Thank you for accepting feedback on the Microsoft case. I am a software developer with 13 years of experience. The most important thing to me is to be able to deliver quality software solutions to my customers in a timely manner. This has been getting easier and easier to do as Microsoft has continued to improve their products. Any effort to inhibit Microsoft will hurt my business, the business of my customers and ultimately it will impact our economy.

Product by product, I know first hand that one guy with one computer can compete with Microsoft. This makes the monopoly charge against them seem silly. Microsoft has been able to aggressively produce great products that people want. I do wish they would price and sell all their products separately. This would disarm those claiming there is a monopoly. However, even under that scenario, Microsoft would still sell more product than anyone else because as a rule their products are easier to use and are more robust than their competition.

I believe the persecution on Microsoft is primarily instigated by those who wish to have the ''monopoly'' for themselves. I have used all the products from those competitors and I can say without hesitation that their products are harder to use and are significantly more costly. Until they improve

their products they do not deserve the market share that Microsoft has. Please let our industry compete. There are thousands of businesses spending millions of dollars in this industry and I can assure you that they are very careful before committing real money on products. The best products have always floated to the top. Please do not try to manage that process.

Thanks—JR

John Richardson

MTC–00005949

From: Gayle Rivera
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/2/02 1:25pm
Subject: Microsoft Settlement

Gentlemen:

We believe that the Microsoft case should be settled and not continued to drag on.

Sincerely,

Ben & Gayle Rivera
1925 Willow Avenue
West Sacramento, CA 95691

MTC–00005950

From: Loyce Reid
To: Microsoft ATR
Date: 1/2/02 1:26pm
Subject: Tunney Act

I believe the settlement to be fair and we should get this settled and move on. I am a consumer and have no special interests.

Loyce Reid
loycere@earthlink.net

MTC–00005951

From: David Hogan
To: Microsoft ATR
Date: 1/2/02 1:26pm
Subject: microsoft settlement

Dear Sir:

It is time that the Government stop spending our tax dollars for such a frivolous case against Microsoft. Please settle this case now and move on to problems that are real problems. This case is not one that the American people want to continue with.

Regards:

David Hogan

MTC–00005952

From: bryce holmes
To: Microsoft ATR
Date: 1/2/02 1:27pm
Subject: Microsoft Settlement

It's time to settle the Microsoft case. The settlement that has been worked out between the federal government and Microsoft is fair. Consumers should be the focus of antitrust cases, rather than competitors. Microsoft has been hobbled long enough.

Bryce Holmes

MTC–00005953

From: Ed Seits
To: Microsoft ATR
Date: 1/2/02 1:28pm
Subject: Microsoft Settlement

It is way past time to end this litigation. You should not cave to a few wealthy competitors who are trying to stifle innovation by attacking the company that has done more for advancing the use of computer technology by the average consumer than any other enterprise in modern history. Microsoft should be lauded for its contributions to improving our quality of life—rather than being crucified for being successful! You should respond to your responsibility to serve the interests of America's citizens by settling this case NOW!

Thank you for considering my comments.

Ed Seits
Carmichael, CA

MTC–00005954

From: Knobler Al M NSSC
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/2/02 1:21pm
Subject: Microsoft Settlement

The purpose of this e-mail is to express my desire to settle the microsoft restraint of trade issue under the federal government's comprehensive agreement. There are significantly more pressing matters that require the focus of the federal government than Microsoft's past practices. A recent example would be prosecution of terrorists. Enough already with Microsoft.

Alan Knobler

MTC–00005955

From: Jeff Kehl
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 1:21pm
Subject: Microsoft Settlement

To the Justice Department,

I am writing to express my support of the proposed settlement with Microsoft. I feel that it is in the best interest of all parties, Microsoft, federal and state governments and individuals. I believe that weakening a corporation such as Microsoft would be a big mistake. It is one of the leading companies in the world and the US Government, and to a slightly lesser extent, the state governments shouldn't attempt to harm this company. The economy needs to have strong companies such as Microsoft to lead the way to a more connected and compatible computing environment.

I would appreciate your doing everything to bring this settlement to fruition and allow Microsoft to be able to concentrate 100% of its energies on producing products and operating systems that increase productivity and benefit all end users.

Cordially,

Jeffrey T. Kehl

MTC–00005956

From: Allen Anderson
To: Microsoft ATR
Date: 1/2/02 1:27pm
Subject: Microsoft Settlement

Dear DOJ: As a user of Microsoft products for the past eight to ten years I could never really understand the concern for the customer about Microsoft products, their instalation, costs, etc. that have been the emphasis of all the suits against the company. I have found their pricing satisfactory and their service excellent. Obviously the remaining states in the legal proceedings against have a axe to grind in that the companies in their states did not measure up to the expertise of Microsoft and they hope to damage Microsoft by their actions. I am not an attorney but rather a retired banker and can only hope that the Department of Justice will give both sides an equal opportunity to prove their case.

Sincerely,

Allen D. Anderson

MTC–00005957

From: Sam Steinhauser
To: Microsoft ATR
Date: 1/2/02 1:27pm
Subject: Microsoft Settlement

To whom it may concern,

I have been using Microsoft products for 12 years now in my home and business. The waste of tax dollars to continue pursuing this countries own software company which has set the standard in technology for the world is beyond belief. I'm sure Microsoft's practices may have been questionable, but what major corporation in this country when put under the magnifying glass would be sparkling clean? None!

I started out in 1988 with my first PC made by Apple. I was completely racked over the coals by Apple and their lack of support. Since 1988 I have lost thousands in products I purchased only to be replaced in a few months with newer technology. The technology business is dog eat dog. I paid $80 for a speech recognition program only to find it would not work with a newer computer and operating system in less than a year. Then I realized Microsoft had the same program. Microsoft's program was free and worked with most all systems. Most software companies will not give you phone support anymore. I have spent hours with Microsoft's Technical Representatives for free on numerous occasions.

I wanted to move from a text based internet connection to the current more graphical used interface. I had several choices, Netscape, Eudora, ect. For free I could use Microsoft's Internet Explorer and that's what I choose. Therein lies the problem. Microsoft put a hurt on Netscape, Netscape cried to the government and this mess started. What a waste of tax dollar resources! Why can't we be proud of having the biggest and most innovative software corporation in this country instead of spending millions to stifle them? Would it be better for the US economy to have Microsoft in France or Japan? How many of these people caring the sword for Microsoft spend 150+ hours in front of a PC every month? How many work for a competitor of Microsoft. How many have used Microsoft products for more than a decade. It is an embarrassment for this country to spend this kind of money and time trying to crush one of it's very own companies that sets a world wide standard for technology and offers unparalleled support for it's own products and then drive down a street in one of the Great United State's cities to see homeless people pushing shopping carts and rummaging through garbage cans. Please stop this action against Microsoft now.

Sam Steinhauser
sam@iglou.com

MTC–00005958

From: Sightsaver@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:27pm
Subject: DOJ settlement

It is high time that we put this case behind us. Clearly the DOJ has better things to do post 9/11 than pursue this politically

motivated witchunt of a great and valuable Amercan co. I think the proposed settlement is very much in the national interest.
Sincerely,
Leslie D. Grosinger MD

MTC–00005959

From: Ohmeryhew@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:27pm
Subject: Microsoft Settlement
It seems to me to be a just settlement.Lets not have a small number of states hold this settlement up. Lets put this behind us and get back to much more important things.Such as airport securety,war on terrorism and doing away with UBL.

MTC–00005961

From: Charles Schneider
To: Microsoft ATR
Date: 1/2/02 1:27pm
Subject: Microsoft Settlement
I support it

MTC–00005963

From: Gates, Tom
To: Microsoft ATR
Date: 1/2/02 1:27pm
Subject: Microsoft settlement
Sir or Madam,
I my humble opinion, Microsoft action should be dismissed. As a consumer who has had a computer since 1983, I have benefited from constantly decreasing prices and increased functionality. I owe a lot of those positive trends to Microsoft. Further, I think you should give the company some kind of AWARD for good corporate citizenship instead of what you are currently trying to do.
Thank you.
Tom Gates
Any message forwarded from a source outside Dain, Goldman or First Boston is the opinion of that source and cannot be guaranteed to be accurate.
Tom Gates
First Vice President
RBC Dain Rauscher, Inc
509–574–5542 or 800–323–8870
409 N 2nd St
PO Box 485 Yakima, WA 98907
thomas.g.gates@rbcdain.com
Fax 509–454–0933

MTC–00005964

From: Larry Glaser
To: Microsoft ATR
Date: 1/2/02 1:26pm
Subject: Microsoft Settlement
DOJ
Please settle thjs suit ASAP. The current findings are fair.
L. Glaser

MTC–00005965

From: MsLillieB@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:26pm
Subject: Re:MS settlement
I am against the government pursuing this any further and I feel all action should stop at once. Why can't the government stay out of business and let free enterprise survive by it's self? My tax dollars are being ill spent and I would like to see a stop to it.

MTC–00005966

From: Mehta, Prakash
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 1:25pm
Subject: Microsoft settlement
My name is Prakash Mehta, I am CFO for Information Management Company located in Fairfax VA, our company has 250 employees and revenue of $ 19.0 million
I am in favor of DOJ & Microsoft settlement, we have to move forward in this economy time instead of fighting, settlement reach by DOJ & other state is fair and its best interest of small company specific to those employed in Information Management industry. Changing new rules hurts Software developer preparing product on based of Microsoft Operating system
Please considered our inputs
Prakash Mehta 703–352–8340

MTC–00005967

From: MesirowEsq@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:26pm
Subject: Microsoft settlement
The settlement is good for the country. Let progress happen!
John Mesirow

MTC–00005968

From: SBacinoS@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:27pm
Subject: object
Dear Sir:
I object that United States antitrust cases against Microsoft. I support Microsoft settlement.
Sincerely,
Simone Bacino

MTC–00005969

From: Gareth Larsen
To: Microsoft ATR
Date: 1/2/02 1:27pm
Subject: Microsoft Settlement
Gentlemen:
In response to the Government's position with regard to the Tunney Act I would like to add my comments concerning Microsoft. I am appalled at the action taken by the Government with regards to Microsoft.
I have used their products since the time of Windows 3.1. I do not know who has been harmed by Microsoft's practices and actions. I purchase and use a great deal of their software both in my home and in my business. I cannot recall one instance when they have failed to provide excellent product support when I have needed it, almost all of it free of charge. I certainly have never been harmed! I feel that their prices have been extremely fair. Why is the Government trying to destroy one of the most innovative companies in the world?
I strongly urge the Department of Justice to conclude this matter and reach final settlement without further delay.
Respectfully,
Gareth L. Larsen
Senlar Resources
glarsen@senlar.com

MTC–00005970

From: jdahl@pipeline.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:28pm
Subject: Microsoft Settlement
Dear Sir,
While I am not an employee of Microsoft nor a friend of Mr. Gates, I must sincerely urge you to complete the settlement of the Microsoft case as quickly as possible. It appears to me that the current settlement is both fair and just and it is long past time for this issue to be put to bed. Microsoft has certainly given more than it has gotten over its corporate history, and, after all, this country IS all about success. Microsoft is successful, and because they are, we are ALL successful. Please use the resources that you have been using to pursue Microsoft to pursue anyone and everything involved with bin Laden/Al Qaeda /Sept 11, et. al. And put the Microsoft issue to rest!!!
Respectully,
James K. Dahl
3815 South Kalispell Street
Aurora, CO 80013–2703
voice: 303.693.9869
fax: 303.617.0308
email: jdahl@pipeline.com

MTC–00005971

From: Chris McQueeny
To: Microsoft ATR
Date: 1/2/02 1:28pm
Subject: Microsoft Settlement
I am writing this email to convey waht I hope will be the opinion of the public on the Microsoft Settlement. While this aggrement is a tough one, it is in the best interest of not only the economy, but the consumer base that it be passed. I feel that protracted litigation will only further hinder the progress Microsoft is making in the modern world. I hope my opinion has helped the Department of Justice settle this case.
Sincerely,
Chris McQueeny

MTC–00005972

From: Lenora Lawrence
To: Microsoft ATR
Date: 1/2/02 1:28pm
Subject: Dear DOJ,
Dear DOJ,
Enough is enough—Leave Microsoft alone. One of the best run and most sucessful companies in the US and THE GOVERNMENT wants to destroy the company. The United States of America should incourage free interprise not distroy it. A concerned citizen.
Yours,
Lenora Lawrence
elytisranch@hotmail.com

MTC–00005973

From: Jsimsaug@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:28pm
Subject: microsoft settlement
I am urging a final settlement on the issues. Litigation is timely and costly and quite frankly a waste of good taxpayers monies. This case has gone on far too long. I urge a final settlement!
Jeanne Sims
GS Consulting Services, Inc.
Phone: 817.430.9520
Fax: 817.430.9507

Cell: 817.999.9887

MTC–00005974

From: flapolecat@juno.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:27pm
Subject: Microsoft settlement

Gentlemen (and Ladies):

I wish to comment on the settlement. It is in the best interest of the country, the government and in particular small business people such as me, to stop this exercise. There will always be the ''have's and the have not and there will always be some one who feels that they have been wronged. If you, in your infinite wisdom, tell me that I can not innovate because it may offend my neighbor, I will stop, and America will stop.

It is reasonable to rectify a problem once identified but not to make it retroactive to when the problem did not exist. As new things emerge, new problems will be the result. I, personally, did not fully understand the problem. I understand the concern of the competition and the urge to ''protect'' their turf, but a law suit when the only crime was to be smarter than those before us?

Playing this game only hurts the people who work for, invest in, and use Microsoft products. I find they are a very responsible provider of free support and very competitive in their pricing. I recently purchased a Quicken 2002 program. It would not load properly in my machine and the literature said ''there may be a charge of 95 cents a minute for technical advice. I sent the program back. If it were Microsoft, there would be ''fixes'' on the Internet. When you are good there are many who will be jealous but allowing them the use of the ''law'' to satisfy their hurt feelings is dangerous for our country.

I am 66 years old and have worked for private industry and the government (NASA) for most of those years. I am presently retired and find a lot of enjoyment using my computer(s). I use a multitude of programs and usually rate them by the amount of support they offer. Some are good and the rest go by the way side. Please consider all the implications in your decision.

Thank you
Fred Budukiewicz
325 Inlet Ave.
Merritt Island, FL 32953

MTC–00005975

From: Ginny Caughey
To: Microsoft ATR
Date: 1/2/02 1:35pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am a software developer and partner in a small software company located in North Carolina that develops software for municipalities and business all over the US and Canada. I am also a Compuserve subscriber as well as a AOL–Time Warner RoadRunner subscriber for Internet access. As you may imagine, the current legal proceedings against Microsoft interest me professionally as well as personally very much.

I am very satisfied with the terms of the Microsoft settlement, as is my state's attorney general. I do not use some of Microsoft's competitors' products because I find them INFERIOR, not merely because Microsoft provides competing products. I do use some products that compete directly with Microsoft's because I find them better suited for my purposes. And I purchase Microsoft products instead of using free products from other sources when that is the best business choice for my clients. I do not believe that it is in my best interests as a consumer or as a software developer for a minority of state attorneys general to pursue this matter further in hopes of providing an unfair competitive advantage to some of their constituents. If they truly want to help AOL or Sun Microsystems, for example, they could advise them to provide better products and services! Competition is the engine that results in the best products and services for me and my clients, and the current terms of the settltement ensure that competition for all parties is possible. I hope that the Court will agree with me that this matter should be ended with the current settlement.

Sincerely,
Ginny Caughey
Vice President
Carolina Software, Inc.
Wilmington NC

MTC–00005976

From: Arthur Whitson
To: Microsoft ATR
Date: 1/2/02 1:29pm
Subject: Microsoft Settlement

DOJ,

The Microsoft Settlement is fair and just. There is no reason for delaying any longer. Free enterprises must continue to be free to compete. If a company wins in the marketplace by consumers buying it's products: The people have the right to choose!!!

I am a resident of Manatee County Florida.
Art Whitson

MTC–00005977

From: Wes Green
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/2/02 1:29pm
Subject: Microsoft Settlement

Litigation is the cancer of America that robs from the economy and lines the pockets of opportunists. Microsoft has offered a fair structured settlement to benefit the people and silence its critics. However, a number of states refuse to approve the settlement due to their inability to make a stand in the face of the lobbyists of the self serving technological companies within their own borders. I implore the government to approve the agreement for what it is; a mutual compromise for all involved.

Move forward on stopping the corporate takeovers that have robbed competition from America. Attack the AOL's and Oracle's that use their power and political clout to destroy the American dream. Until the US Government acts equally against all many of the people will just agree that the government is nothing more than a puppet for the lobbyists lining the politicians pockets.

MTC–00005978

From: Mrtea@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:29pm
Subject: Microsoft settlement

Mr. Attorney General Ashcroft:

Please get this case settled and get rid of the 9 renegade states who are prolonging the agony for some political purpose.

Rick Trenkmann
Chicago

MTC–00005979

From: Tony Tidball
To: Microsoft ATR
Date: 1/2/02 1:29pm
Subject: I feel the settlement re Microsoft is a fair settlement.

I feel the settlement re Microsoft is a fair settlement.

MTC–00005980

From: Sheila Milligan
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 1:25pm
Subject: Microsoft Settlement

Hello!

I'm a consumer of Microsoft products/ technology. I have to tell you how disappointed I am at the personal vendetta that the DOJ is carrying out against Microsoft for a few insiders in the technology industry.

Seems that the DOJ has nothing better to do with my money as a taxpayer. But they have all the money in the world to spend on a useless lawsuit. Why don't you invest this money in something we can use—like upgrading our education system, rehabilitating real criminals or public education of self responsibility?

You have Chevron and Texaco merging to create yet another monopoly. Of course you wouldn't even consider thinking that taxpayers paying smokers to live like millionaires because of their bad habits are bad. Good to know that our States Attorney Generals prefer smokers to great products in winning state money from you. How blind the DOJ is to real consumer issues and how blind the DOJ is to technology. What a great laugh you provided the entire technology industry with the technology trial by lawyers that know nothing about technology. But now the lawyers know how to turn on a computer—that makes for smart business. Good to know.

Thanks for the vent—I'm so disappointed in the system and yes I only see it from my side—I'm a very happy consumer of Microsoft products. Go Bill—Keep up these great products, programs and support. At least someone thinks about the consumers.

Sheila K. Milligan-Trounson
Owner
Milligan Events
733 North 14th Street
Boise, ID 83702

MTC–00005981

From: Jhilge1032@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:29pm
Subject: Microsoft Settlement

This settlement as set forth by the government should be approved. It is time to stop the legal proceedings and let the companies help the public through their innovative developments.

The appeals by other companies who want to be able give the public inferior products at the same or greater cost should be denied.

A. Hilgendorf
Bloomfield, MI

MTC–00005982

From: Marcella Fenske
To: Microsoft ATR
Date: 1/2/02 1:29pm
Subject: innovate now, get this over with, please.

MTC–00005983

From: Kathurban@cs.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:29pm
Subject: Microsoft Settlement

Please abide by the court decision and DO NOT allow continued law suites to re try this issue with Microsoft. Microsoft has helped the world in general and our economy does not need to have the same anti trust issues re visited. I believe in the anti-trust laws but this Microsoft issue was decided and should be put to rest.

Sincerely,
Kathryn Urban
Atlanta, GA

MTC–00005984

From: Ingham, Richard
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/2/02 1:29pm
Subject: Microsoft settlement

To whom it may concern at the Justice Dept.:

Please support this settlement and bring an end to this case. Continued litigation benefits only competitors, who should not be able to win in the courtroom what they cannot win in the marketplace.

Sincerely,
Richard Ingham
CIS Development
Mailcode: N03–2A
Phone: 508–549–6357
Fax: 508–549–6698
mail to: ringham@foxboro.com

MTC–00005985

From: Dusza, Michael E
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 1:26pm
Subject: Microsoft settlement

Dear USDOJ:

I am pleased with the settlement in the Microsoft case and do not want to see it go any further.

I am also a very modest Microsoft shareholder (100 shares).

I can see no further benefit to the consumers of the world by dragging this case.

Please concentrate your efforts to locate and punish those who would destroy the fabric and being of our wonderful country... including the United States Department of Justice.

Thank you.

Michael W Dusza, Technical Consultant
Mellon Investor Services LLC
105 Challenger Road
Ridgefield Park, NJ 07660
(201) 373–7302
mdusza@melloninvestor.com

MTC–00005986

From: Ted Rickel
To: Microsoft ATR
Date: 1/2/02 1:30pm

I believe that it has been and still is wrong for the U. S. Dept. of Justice to have any court cases against Microsoft. Microsoft has done nothing wrong. And the U. S. Dept. of Justice should never have brought a suit against Microsoft in the first place. All of this litigation is a waste of my tax dollars. The U. S. Dept. of Justice should use those dollars to fight terrorists and illegal immigration. Thank you.

Ted
01–02–02

MTC–00005988

From: Frank Fujioka
To: Microsoft ATR
Date: 1/2/02 1:30pm
Subject: microsoft settlement

I have used Microsoft products for the past 9 years. I consider them to be an important part of my computer work. Considering the time, money and personnel required to produce the software, I believe that the prices of their products are extremely reasonable.

I have used other competitive products and find them to be inferior and I do not consider Microsoft to be a monopoly. It is simply the best product on the market.

Frank Fujioka
4636 S Rhodie Ln
Freeland, WA 98249

MTC–00005989

From: PMcCombie@Herc.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:30pm
Subject: Microsoft Settlement

Sir:

I wanted to voice my opinion of the proposed Microsoft settlement. I feel that it is in my best interest, as a consumer, to allow the current settlement to be approved. Professionally, as an IT support representative for a multinational corporation (Hercules, Inc.), the commonality of Microsoft software has allowed me to provide better support in a more timely fashion to my customers. If the proposed remedies are extended, that will have a severe negative impact on both my professional and personal life.

Sincerely,
Patrick J. McCombie

MTC–00005990

From: MarvinLaw@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:30pm
Subject: Microsoft Settlement

Gentlemen:

After so many years of litigation, I feel the settlement finally negotiated with Microsoft, the government and several States is, in fact, in the best interests of all concerned parties, as well as the technology industry and the general public who are theoretically the purported beneficiaries of this litigation and settlement.

I feel the Settlement as negotiated, should be approved and the litigation ended. The marketplace, as usual, will then sort out the surviving competitors based upon their products and prices.

Thank you for your consideration.
Marvin Srulowitz, Esq.

MTC–00005991

From: gordon hill
To: Microsoft ATR
Date: 1/2/02 1:30pm
Subject: Microsoft Settlement

To whom it may concern,

As a spouse, parent, business person and American citizen I am concerned about the fairness with which we are treated. From what I see, I believe the Microsoft settlement is going more in favor of the rich and powerful than toward an equitable resolution. Microsoft has used their position to directly influence this outcome, which is their responsibility to employees, customers and shareholders (I am the latter two); however, I am convinced they also abuse their position through intimidation both direct and indirect.

Their direct bullying can be seen in the restrictive practices they have used in forcing their distributors to favor their products. Their indirect (covert) actions are evidenced by their avoiding adherence to standards they supposedly support by adding features which make the use thereof non compliant with the standard; e.g., their JAVA 'extras'. This is not a plea to punish them, rather one to encourage the Department of Justice to be enthusiastic in encouraging fair play.

Thank you,
Gordon Hill, Explainer
creative explaining services
8620–15th Lane N.,
St. Petersburg, FL 33702
http://www.explainer.com
727.576.4028

MTC–00005992

From: gppatnude@juno.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:30pm
Subject: Microsoft Settlement

I believe that the Microsoft Settlement has wasted millions of taxpayer dollars as well as millions in funds from Microsoft as well. While all this was going on, untold illegal copies were made and sold, further undermining the economy of the US and the technological leadership of American high-tech companies. This has only served to increase the cost of software development and protection. This whole process should have been expedited in order to permit Microsoft to get back to ''normal business operations'' years earlier.

Microsoft is the leader in software technology and should not be punished because they are good at what they do. The built their market share based on the ability to deliver solid and reliable technology. In reality, Microsoft is the injured party and should be reimbursed for the legal costs required to defend their position.

MTC–00005993

From: Sam DeNardo
To: Microsoft ATR
Date: 1/2/02 1:28pm
Subject: Microsoft

Hi,

It is plain to see that Microsoft's Windows operating system has won the race in getting people to use to use it. I know this fact has

not been lost to anyone with common sense. Imagine the mess the DOJ would be in today without a ''universal computer language''. The Judges on the bench use Windows ??? The United States is currently facing a crisis of epic proportions. It would be insane for the DOJ and all other US law enforcement agencies to try and communicate effectively without a ''universal computer language''. Let's face it you would not want our leaders at the DOJ, the Senate, and the Congress speaking in French, German, Spanish, Italian, and Greek on a daily basis to conduct business. Let's slap Microsoft on the wrist for anything they did wrong in getting where they are, but let us get on with declaring an Official ''universal computer language'' like we did with the English Language.

Thank you

Sam

MTC–00005994

From: HLeeW1@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:30pm
Subject: Settlement

DOJ,

I think it is time to settle this costly law suit with Microsoft and let every one get on with life. DOJ has made it's point and can still keep a check on Microsoft. We have more important things to get done in America. Settle now and get it over with.

Lee Wallace

MTC–00005995

From: IreneD8454@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:30pm
Subject: Microsoft settlement

Please stop wasting government money and finalize the settlement. There are better things to do to protect consumers and to make life better for our citizens than to continue litigation that nobody but special interests seem to desire.

Irene Dowdy

MTC–00005996

From: manuel reyes
To: Microsoft ATR
Date: 1/2/02 1:30pm
Subject: DOJ get off Microsofts' Back

To the demos in the Doj, get off the Microsolts' back. Clinton and his lap dogs have blackmail the people of this country.

Manuel D. Reyes
2892 Rockford Falls Drive North
Jacksonville, Florida 32224–4878

MTC–00005997

From: CrisKell@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:32pm
Subject: Microsoft Settlement

Dear Sirs:

Why doesn't the DOJ quit tormenting Microsoft and move on. The states are claiming that the consumer was 'short-changed' by Microsoft. It seems to me that if the consumer didn't like the Windows OS, they could vote with their feet. You can't make somone buy what they don't want to buy. This is all triggered by whining competitors who can't make the grade on their two feet.

I should think the fact that Microsoft is maintaining its workforce when layoffs in all sectors are a problem would be reason enough to support their success rather than try to stifle it.

Shame on the whiners!! Please stand up for one of our great American Companies—MICROSOFT!!

Christine M. Kellstrom
1 Cromwell Drive
Morristown, NJ 07960
973–898–6751
CrisKell@AOL.com

MTC–00005998

From: ESanmiguel@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:32pm
Subject: microsoft settlement

Dear sir or Madam: there are other companies that truly have monopolies and provide the worst service to consumers and yet DOJ does not go after them; for intance telephone companies, like sprint. Hence compare to telephone companies microsoft should be let go fordward. As to true monopolies go after them instead.

Thanks.

MTC–00005999

From: Marcella Fenske
To: Microsoft ATR
Date: 1/2/02 1:32pm

let microsoft act like a businness with no further delay, government, take a hike.....

MTC–00006000

From: Maines, Roy
To: Microsoft ATR
Date: 1/2/02 1:29pm
Subject: Microsoft Settlement

Greetings,

I would like to share my opinion regarding the settlement of the Microsoft Antitrust case. I would like to applaude the efforts of the Justice Department under the Bush Administration. The settlement that has been proposed is reasonable and fair to all parties. It is time to put this case behind us and move on. I believe that it is crucial to the US economy, to settle this case and move on with the business at hand. The never ending stream of lawsuits filed against Microsoft by it's competitors is designed to derail one of our Nations most successful companies. Microsoft is clearly a key player in the US Technology industry as a leader in a number of key areas and as a partner to thousands of smaller companies who depend on Microsoft innovations as the basis of their business.

If your taking count, I am all for the settlement. It's time we move on!

Kind Regards,
Roy Maines
Senior Systems Analyst
Perot Systems Corp.

MTC–00006001

From: Larry Shirley
To: Microsoft ATR
Date: 1/2/02 1:31pm
Subject: Microsoft Settlement.

It is time to put the Microsoft issue to bed. If the DOJ had spent as much time, money and energy following up on terrorist leads (i.e. the Minnesota debacle; tips from foreign intelligence agencies, etc., etc.) in this country as they have trying to punish an outstanding, innovative company like Microsoft, the national tragedy that occurred on 9–11–01 could have been avoided.

The DOJ and FBI must share a great deal of blame for the failure to detect the long-range planning required to pull off a terrorist attack like this on our country. Shame on those who did not act on information they had months or even years before the attack. Instead of following up on obvious leads/indications, you were out to destroy one of the most beneficial American companies of the last half of the 20th Century.

Sincerely,
Larry D. Shirley
Mountain Home, AR 72653

P.S. Question: What are you going to do about the ENRON debacle?? Where were you when the top brass of this corporation were running it into the ground?? You need to get your priorities straight.

MTC–00006002

From: David Hodgson
To: Microsoft ATR
Date: 1/2/02 1:32pm
Subject: Microsoft Settlement

To Whom It May Concern,

I want to express my concern about the settlement with Microsoft. I don't believe that this settlement does anything to fix the problem of the anti-trust practices of Microsoft. It leaves the door wide open for them to continue the same practices and actually makes them legal with a court ruling. It also does nothing to help those companies that have been damaged by Microsoft, nor does it help the consumers that have been overcharged by Microsoft.

Please take another look at what Microsoft has done and at what this settlement will do to fix the problem. I don't think that breaking up the company is the answer (one big Microsoft, or two small Microsofts, it's still the same), but this settlement does not bring justice.

Thank you for your time.
David Hodgson
dhodgson@sacog.org
CC:attorney.general@po.state.ct.us@inetgw

MTC–00006003

From: Edward Gioffre
To: Microsoft ATR
Date: 1/2/02 1:31pm
Subject: Microsoft settlement

To Whom it may concern,

My opinion on this matter is that we shoud move on. Lets end this useless Antitrust litigation, and focus on our economy. This has been a waiste of my tax dollars from the very begining. Those competitors are just jelouse of Microsoft's success, they should try to innovate instead of litigate.

Microsoft Corp., one of the most powerfull software technology companies in the world, and its an American corporation! Lets keep leadership companies here in the states, not overseas.

Ed Gioffre

MTC–00006004

From: Fern
To: Microsoft ATR
Date: 1/2/02 1:33pm
Subject: Microsoft Settlement

I believe it is in the best interest of consumers for the DOJ to act quickly and go ahead with the terms of the comprehensive settlement reached by the federal government and nine states.

Additional litigation is a total waste of the taxpayers' money.

A concerned citizen,
Fern Price
CC:msfin@microsoft.com@inetgw

MTC–00006005

From: hwfascher
To: Microsoft ATR
Date: 1/2/02 1:32pm
Subject: Microsoft Settlement

Dear Sir or Madam,

It seems that Microsoft is willing to accept the offered settlement, so lets get this behind us so everyone can get on with what they do best. Develop new and better software.

Sincerely,
Harvey

MTC–00006006

From: dale nichols
To: Microsoft ATR
Date: 1/2/02 1:34pm

Dear Attorney-General,

I am writing about the Microsoft anti-trust case and the refusal of some nine states to accept the settlement already accepted by the other states involved.

I was totally shocked by the gloating Ms Reno when she announced that a blow for the consumer had been struck against this evil giant. This blow costs those she was protecting literally millions of dollars in the various retirement funds throughout the country as well as millions to all investors. There is a direct relation between this lawsuit and the tumble of the stock market that followed. I and many others believed that this attack on Microsoft was politically motivated by the Clinton administration and hoped that justice would prevail once a new administration took office. We need to put an end to this economic persecution by what appears to be self-serving interests of the competitors of Microsoft. After the many hours the government and the taxpayer money that has been spent on this politically motivated attack on one of America's most consumer friendly companies. (Microsoft has kept the costs of software at an affordable level.)

And after a hard won settlement has been reached that both sides have agreed to WHY? are a few states trying to continue this attack? It is my opinion that the state of California for one has rejected this settlement because of the pressure the political leaders of that state are feeling from the competitors of Microsoft that are resident in that state. Sort of a warning to outside companies don't be too successful or else.

Giving competitors a foot up by punishing an aggressive hard working company only warns other companies that success doesn't have to come through hard work and new ideas, if you are losing a race blame the winner...its their fault for your lack of progress in the market place. Please set a tone that says we are not fooled by these pretenses that Microsoft is successful because of hard work and that we respect that. Stop the on-going persecution and make the agreed upon settlement the final chapter. Lets all get back to work for a better climate for business in America.

Sincerely,
Dale Nichols

MTC–00006007

From: RoseMHern@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:34pm
Subject: Microsoft Settlement

This entire proceeding has been nothing more than a ''witchhunt'' conducted by our government on behalf of PR-powerful corporations. It has done nothing to protect the consumer, nor to advance technology and has only managed to dwindle the hard-earned investments of people like myself who trust the innovations developed at Microsoft. It's time we settle and get it over with—and it is time the DOJ reign in the renegade states who still want to operate in the dark ages.

Rose M. Hern?ndez

MTC–00006008

From: WIrwin5597@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:33pm
Subject: (no subject)

I find the amount of time and money my government (my elected officials) have spent litigating this issue to be totally irresponsible. Accept the settlement and stop any further litigation. Can you imagine a world that did not have Bill Gates and Microsoft??

MTC–00006009

From: Tony P. Krvaric
To: Microsoft ATR
Date: 1/2/02 1:34pm
Subject: Microsoft Settlement

Give it a rest already! As an american and a Microsoft shareholder I'd like to see this witch-hunt end once and for all. It saddens me to see that there's actually a limit to how successful a company can become before all the lawyers and politicians start to go after it. Microsoft needs to be able to compete and increase the functionality of their products and services. In my opinion, the company is more vulnerable today than at any other point in time, due to the rapid adoption of the Internet.

New operating systems and software can be spread very quickly and reach mass adoptation if it's the right product. My Microsoft products have been increasing in functionality while prices have stayed the same or decreased. I'd say that's a benefit to all consumers.

In addition, there are enormous cost savings when many individuals and corporations use the same software—imagine if we had 8 operating systems and 16 word processing or spreadsheet programs on the market. It'd be chaos.

In addition, Microsoft's products continually will awards for being great software. That does not mean they're prefect, only that they're the best out there. If someone offers me a better product at the same or lower price, I'd naturally consider it. I am sick and tired of listening to whining babies like Larry Ellison of Oracle and Scott McNealy of Sun Microsystems. They should spend less time on the legal circuit whining and more time hunkering down and coming out with superior products.

As a republican I'm particularly disgusted with Sen. Orrin Hatch's stand on the issue when it's so obvious he's not reflecting the US as a whole, but instead looking to protect Novell from competition—it's unamerican! Thanks for considering my opinion. Warm Regards,

Tony P. Krvaric
San Diego, Calif.

MTC–00006010

From: Perry Herman
To: Microsoft ATR
Date: 1/2/02 1:33pm
Subject: Microsoft Settlement.

Dear DOJ:

It fascinates me that while corporations like AOL/Time Warner use their economic might to control the Internet Provider Service market and while other media giants continue to increase their monopolistic control over the airwaves/cable/satellite, a handful of state's attorney generals have decided to tirelessly pursue the Microsoft issue. They continue to rally on behalf of Netscape (which, despite its vociferous opposition to huge monopolies, sold out to a huge monopoly) and the billionaires who control Sun and Oracle. In the meantime, middle class share holders like me continue to suffer economic harm. I guess state governments feel it's their duty to continue fighting for a handful of Silicon Valley billionaires.

I want this anti-trust matter resolved now. My retirement depends on it.

Thank you,
Perry Herman

MTC–00006012

From: MPavlow@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:34pm
Subject: Microsoft Settlement

January 2, 2002

This case has gone on long enough. It is time to settle the Microsoft case for the good of the public and the economy.

Marlene Pavlow

MTC–00006013

From: Ikoti@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:34pm
Subject: Microsoft settlement

I am in favor of the Microsoft settlement as earlier proposed between the company and the Dept. of Justice. Continued litigation is not in the best interest of the consumer, competition, or free trade. Such action is only in the interest of those companies that are competitors of Microsoft and are not able to compete on a level playing field. They desire the courts to offer them an unfair advantage in the marketplace.

In the best interests of the country, and the consumers in general, settle the case and let's move on. The questions addressed in the original case have long been overcome by events.

John J Higgins
Boise, ID

MTC–00006014

From: jay@bonzi.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:37pm
Subject: Microsoft Settlement

Microsoft has had to endure the wrath of a government lawsuit waged on behalf of its competitors and I call on the Justice Department to put a quick end to this unnecessary and harmful court action. Microsoft has made significant contributions to our nation's economy, to technological innovation and—most importantly—to the quality of life for American consumers. For the past twenty-five years, no company has done more for consumers and our national economy than Microsoft. Microsoft is one of our most globally competitive companies and we should be bolstering its competitive position not poisoning its roots.

The Justice Department has spent millions of dollars on this case and never produced a single consumer who'd been harmed by Microsoft. The Government failed to prove that consumers have been adversely affected by Microsoft's business practices. On the other hand, what we have seen is that the economy and technological innovation have been adversely affected by the government's business practices. It's time for the Bush Administration to move to settle this case and to lift the burden the Department of Justice has placed on the high technology industry.

Look, the antitrust laws were written to deal with industries with high market entry barriers and long-lasting market dominance—i.e. that would use their power to harm consumers. The government and the court have been unable to find a harmed consumer. Besides, in the high tech industry, innovation and its resulting constantly changing marketplace renders any possible market power obsolete.

Can't you seed that this case is one of the most significant factors that will influence the future health of our economy? I am convinced that it is in the best interest of consumers and the U.S. economy for this case to be resolved as quickly as possible. The U.S. economy needs a boost, not continued litigation... and we need the creative team at Microsoft to keep doing their great work.

Jay Bonzi

MTC–00006015

From: Barry Behrman
To: Microsoft ATR
Date: 1/2/02 1:34pm
Subject: Microsoft Settlement

Nobody has done it better than Microsoft for the individual consumer! ''User Friendly'' Those are the words that matter most and the other jealous nerds are not at all concerned with this. Bill Gates built the better mouse trap and it is entirely up to them to come up with a competitive operating system. It is quite obvious that they can not and that their answer is to screw it up for the rest of us so they can sell inferior products that do not work well with other systems and force us to hire technicians to keep the systems running.

Thank you!

Q-Master Billiards

MTC–00006016

From: WiltonWood@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:34pm
Subject: Microsoft Settlement

I would recommend settling the case, and get back to business!!

MTC–00006017

From: Tom.Luther@flextronics.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:34pm
Subject: end the embarrassment of DOJ, quit while you're behind

I'd like to thank the ruling political class for making a mockery of the Constitution, and dragging the DoJ through the mud. So called anti-trust legislation is impossibly broad and famous for the political process used to select victims. Microsoft is only the latest example of what is wrong with the DoJ, DC, and the anti-trust laws that cripple the economy.

Microsoft now pays millions annually in homage to its (now acknowledged) master in DC. The trolls have their pound of flesh, they will crawl beneath their bridges and wait for the next kill. Perhaps it will not be so large or so arrogant as Microsoft. But there are no lack of companies who fail to see the ''success trap'' embedded in our legal system. It doesn't pay to succeed too well in America. And it's particularly poor practice to not even pay lip service, much less direct graft, to the DC mob. Microsoft made all these mistakes.

The ultimate irony of the ''settlement'' is that Microsoft has secured a monopoly on public school children. Institutionalizing a monopoly is a comic and fitting end to the litigation. I suggest that the DoJ quit now, lest the settlement be expanded to ''force'' Microsoft to supply software to all government organizations (possibly to be later expanded to include all government suppliers and contractors) throughout the US.

Tom Luther
411 Cutler Street
Raleigh, NC 27603–1921
919.821.5521
luthert@asme.org

MTC–00006018

From: Ted Rickel
To: Microsoft ATR
Date: 1/2/02 1:35pm

I believe that it has been and still is wrong for the U.S. Dept. of Justice to have any court cases against Microsoft, Microsoft has done nothing wrong. And the U.S. Dept. of Justice should never have brought a suit against Microsoft in the first place. All of this litigation is a waste of my tax dollars. The U.S. Dept. of Justice should use those dollars to fight terrorists and illegal immigration.

Thank you
Ted
01–02–02

MTC–00006019

From: Randy (038) Marinelle Szenasy
To: Microsoft ATR
Date: 1/2/02 1:34pm
Subject: Microsoft Settlement

Please let the Microsoft Settlement go through immediately in its original, without any further disruption from special interest groups individual state governments, who are trying to make money from it.

Consumers across this nation want the settlement to go through as is, and also want this constant attempts to derail it stopped once and for all. Please do this immediately!!!

Thank you,
Marinelle K. Szenasy
Hobbs, New Mexico

MTC–00006020

From: Laura Dodds
To: Microsoft ATR
Date: 1/2/02 1:25pm
Subject: Microsoft Settlement

How can world computer services progress if the MAJOR innovator in the world is continually restricted from giving complete services to the world. I URGE that Microsoft be allowed to continue their outstanding record of innovation without any further legal constraint. Let's make the new century the best in communications with MIcrosoft leading the way for everyone!!!

MTC–00006021

From: Scott McNairy
To: Microsoft ATR
Date: 1/2/02 1:35pm
Subject: Microsoft Settlement

It is important to realize that the remaining 9 states in the DOJ case that are seeking very radical resolutions that lie outside of the scope of what Microsoft has been found guilty of are all homes to competing firms products, ironic isn't it—given that Monopolies don't have competitors. The court should stick to the already harsh resolution that the DOJ has ratified.

Scott McNairy

MTC–00006022

From: Vic and Gigi
To: Microsoft ATR
Date: 1/2/02 1:32pm
Subject: Microsoft Settlement

Dear Sir,

It is my sincere desire the the ''United States Department of Justice'', and/or, the States that have not yet agreed to settle this Microsoft debacle, do so now, without anymore delay and in my opinion, unjustified litigation! Any more delay in an attempt to punish, an already punished Microsoft, would only serve to further weaken an already weakened economy.

Sincerely,
Victor Scaturo

MTC–00006023

From: LYONCLAN@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:34pm
Subject: Microsoft Settlement

I urge the District Court to accept the above subject...it's fair!

Richard Lyon
600 South The Strand
Oceanside, CA 92054

MTC–00006024

From: Richardson, David M
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 1:35pm
Subject: Microsoft Settlement

It is time to settle and end the persecution of Microsoft and the free enterprise system.

Thank you,

David Richardson

david.m.richardson@turner.com

MTC–00006025

From: JBATES1@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:35pm
Subject: Microsoft Settlement

Government Officials

You have wasted enough of puplic monies pursuing this antitrust action. You only hurt our American economy by prolonging this action. You are wrong, get over it , and get going to building our economy!

John Bates,

New York

MTC–00006026

From: Tom Byrne
To: Microsoft ATR
Date: 1/2/02 1:35pm
Subject: Microsoft Settlement

Although I would like to see the Microsoft suit go the US Supreme Court where I am confident that the District Court's verdict would be vacated, the Federal government and Microsoft have finally reached agreement on settling the matter. Therefore, this settlement should be accepted by the court. From its very beginnings this suit was ill conceived, politically motivated, and underwritten by Microsoft competitors. While certain Microsoft contracting practices deserved judicial scrutiny, the essence of the suit missed the underlying technical issue by a country mile. The battle is really about something called a Virtual Machine (VM), an internal part of the operating system that the Internet browser relies on and that an end user never really sees.

The VM is the software component in the browser that allows ''Java'' to work. Java is the much-ballyhooed technology that Sun Microsystems touts as the lingua franca of the Internet that will eliminate the need for robust operating systems. Obviously, the Sun and Netscape folks support this approach and Microsoft does not. Microsoft perceives Java as merely another programming language, albeit well suited to the Internet, and has already ''enhanced and embraced'' it by creating J++ (now C#). Of course, it should also be noted that the entire stable of Microsoft languages are being upgraded to exploit the Internet.

The Microsoft .Net based languages leverage the Windows operating systems (95, 98, NT, 2000, XP) thereby creating performance and functionality advantages that a stand-alone language could never achieve. Herein lies what the battle is really all about. Should Microsoft's be allowed to exploit the operating system advantages that it has spend billions of dollars to develop in order to make the best VM that it can, or should the government create a separate Internet/Java industry by edict? Further, should Microsoft be constrained from further enhancing operating systems functionality? It should be noted that significant technical arguments about specific functionalities being stand-alone, incorporated into an operating system, or leveraged have gone on for decades with each approach having its ebb and flow as technology advances. Java, the mantra from the ''open standards folks'' (i.e., Microsoft competitors), is pursuing the very desirable goal of creating an environment that would allow any program to run on any computer without any modification. This pursuit is not new.

Over the past three decades there have been several attempts to achieve this goal. In fact, about a dozen years ago, some of the folks who are now working on Java also worked on another attempt named ''X Windows''. X Windows attempted to compete with Microsoft Windows and Macintosh Windows, but it failed to gain market share because Microsoft and Apple continually improved their product faster than X Windows could catch up with the functionality of the previous version. This time out, the Federal government—perhaps as an unwitting ally—tried to stop, or at least slow down, Microsoft's progress so that the Java technology could catch up; a very bad move and one which probably contributed to the technology meltdown.

The Federal government's rationale for initiating the suit was its interest in ''leveling the playing field''. However, Sun Microsystems is a major league player in its own right ($18 billion in 2001 revenues). In fact, when one considers the financial and marketing muscle of its partners, and the AOL/Time Warner consortium, these forces actually dwarf Microsoft. The government took sides in a technology battle best left to our free market economy. Now that agreement has been reached, it is time to end this charade.

MTC–00006027

From: OSHAExpert@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:37pm
Subject: Microsoft Settlement

I throughly support the Microsoft Settlement. The Justice Dept. should have never brought this suit in the first place. The only thing that has been accomplished by this suit is to slow down the technolgical revolution and advancement in this country. You ought to be ashamed.

Charles Klein
719 Broad Bay Cove
Newport News, Va 23602
757–877–4771

MTC–00006028

From: Jeff Miller
To: Microsoft ATR
Date: 1/2/02 1:02pm
Subject: Microsoft Settlement

I'm writing to express my support for the currently proposed settlement in the Microsoft Antitrust case. As the case progressed, it has been my feeling that many of the central issues that caused this case are not supported by facts.

I purchased my first PC in 1990. At the time, it was a middle of the road system, and cost about $2,500. It did not include any application programs that I needed. I had to purchase Lotus 1–2–3 or Microsoft Excel separately, and the cost for either program was around $600. The PC itself was powered by a 286 CPU, had 1 megabyte of RAM, and a 20 megabyte hard drive.

Today, I can purchase a PC with a Pentium III or 4 CPU, 256 megabytes of RAM, a 20 gigabyte hard drive, and a CD-ROM drive that comes with an application suite like Microsoft Office for less than $1,000. Such a PC would simply dwarf my original PC in terms of computing power and functionality.

This has occurred because Microsoft has led the way in creating an operating system that is the standard for personal computing. The marketplace has chosen Windows because it has drastically lowered all costs associated with PC's. Microsoft has been knocked for bundling functionality into Windows. Doing so has continued the trend of lowering PC costs. And while there is no doubt that such bundling has adversely affected some competitors, in my mind there is no doubt that it has greatly benefited consumers who can now afford computers that were out of reach ten years ago.

In summary, while I think prosecution of this case was unwarranted and any solution is unnecessary, given the current status of this case, the proposed settlement seems the best resolution possible.

Sincerely,

Jeff Miller

Redmond, WA

(not employed by Microsoft or connected with Microsoft in any way)

MTC–00006029

From: Bob O'Rear
To: Microsoft ATR
Date: 1/2/02 1:36pm
Subject: Microsoft Settlement

The settlement proposed by Microsoft is more than fair; it is generous, and should be accepted as proposed. Those opposed to this settlement are primarily competitors wishing to use the government rather than their own resources to compete with Microsoft.

I am a former employee of Microsoft (I left 8 years ago) but I still know that Microsoft's intentions are honorable. They achieved their greatness through intelligence and extremely hard work, not unfair competition. They provide great products to end users at fair prices. This settlement is in the best interests of end users everywhere.

Thank You,

Robert O'Rear

9001 NE 26th St.

Clyde Hill, WA 98004

MTC–00006030

From: Prather, David
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/2/02 1:36pm
Subject: MICROSOFT SETTLEMENT

PLEASE DROP THIS CASE. THERE IS NO PURPOSE SERVED TO CONTINUE DRAGGING THIS OUT. I'M SURE MICROSOFT KNOWS THEY WILL BE WATCHED CLOSELY ON FUTURE BUSINESS. I DO NOT BELIEVE THEY DID ANYTHING WRONG ORIGINALLY. I BELIEVE THE BULLY ADMINISTRATION IN OFFICE AT THE TIME THIS STARTED WAS SCARED BY ONE PERSON DEVELOPING AS MUCH POWER AND WEALTH AS HAS OCCURRED, AND WANTED TO WRANGLE CONTROL OF WHAT EVER PART OF IT THEY COULD. I CERTAINLY BELIEVE AND HOPE THAT THE CURRENT

ADMINISTRATION IS OF MUCH WISER UNDERSTANDING ABOUT OUR FREEDOMS AND BUSINESS, AND WOULD ENDORSE DROPPING THIS ALSO.

REGARDS,
DAVID C. PRATHER
706–849–6811

MTC–00006031

From: charles eisner
To: Microsoft ATR
Date: 1/2/02 1:36pm
Subject: Microsoft Settlement

I believe the settlement is fair and prolonging the litigation will benefit no one with the exception of some attorneys. Special interest groups have had more than sufficient time to be heard.

Charles Eisner
34 Currier Way
Cheshire, CT 06410

MTC–00006032

From: castlepk
To: Microsoft ATR
Date: 1/2/02 1:36pm
Subject: Microsoft Settlement

Gentlemen

It is time for both the government & other businesses to get on with life. There is no better way to settle the problem that we as consumers may have with Microsoft than to let us deal with them one on one in the marketplace. There is no amount of laws & legislation that any of you can pass that will do the job that we can do with our checkbooks. IF the other businesses truly have a product that is better than what Microsoft has given us than they should provide it to us. If not they should get out of the way & let the business that does have the product supply it to us.

Rick Blackford
Castle Park Mortgage

MTC–00006033

From: MrGwiz@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:36pm
Subject: Microsoft Settlement

Dear DOJ:

I support Microsoft and their methods of doing business in the marketplace. I see no advantage to continue this witch-hunt by the DOJ on a solid American company that has shown it can supply the necessary software and competitive prices to the entire world to make it easier for us to communicate. Finalize the settlement and stop wasting taxpayer money on frivolous lawsuits by Microsoft's competitors.

James E. Gwiazdowski
611 Golfview Drive
Ballwin, MO 63011

MTC–00006034

From: Christophe Poncy
To: Microsoft ATR
Date: 1/2/02 1:36pm
Subject: Microsoft Settlement

Bonjour,

I'm a french developer and i am very happy to give you my opinion; i can speak english very well, but i prefer to continue with my native language to insist on the importance of Microsoft .NET technologies for the future in all over the world; and consequently very good for me, for french economy, and for the world's economic growth... Well, faut il soutenir Microsoft?

Oui, car dans l'utilisation du Framework .NET, donc dans la plateforme de dìveloppement de Microsoft, les gains en terme de temps de dìveloppement et performance sont ìnormes!! Oui, car le Framework nous permet de dìvelopper et de concevoir des applications non pas limitìes ? seulement Windows pour PC, mais ìgalement pour le web, le Wap, les PocketPC... Oui, car nous allons pouvoir dìvelopper des Services Web XML, et relier ainsi les applications, les services et des pìriphìriques de fa?on trAs simple, quels que soient les languages de dìveloppements utilisìs, quels que soit la plate-forme ciblìe. Il me semble qu'il n'y pas de limites ? l'innovation gr?ace ? cette technologie.

Enfin oui, car cette technologie donne un nouveau sens ? ma vie professionnelle. Je suis vraiment enthousiaste! J'ai 30 ans, mais j'ai l'impression de revivre mes 15 ans! Oui, ìgalement pour la richesse que va provoquer l'arrivìe de cette technologie, et pas seulement pour les usa. Je suis sYr que la France, et le este du monde profiteront de cette avancìe technologique pour crìer de la richesse, et poursuivre leur dìveloppement...et par voie de consìquence, maintenir la croissance mondiale!

Regards,
Christophe Poncy, from France.

My adress: 57 rue de la marine, 47520, LE PASSAGE, France.

MTC–00006035

From: Mike Jonson
To: 'microsoft.atr@usdoj.gov'
Date: 1/2/02 1:40pm
Subject: Microsoft Settlement

The proposed settlement should be adopted. The complaints of Microsoft's competitors should not drive the governments policies. Anti-trust policy should be based on what is good for the country, not the protection of competitors from competition. I own Microsoft stock, but that does not change my view of the above. It is very destructive to allow businesses such as Sun Microsystems and Oracle use the government to protect their market shares.

MTC–00006036

From: baldeagle1@mcleodusa.net@inetgw
To: Microsoft ATR
Date: 1/2/02 1:38pm
Subject: Microsoft Settlement

Dear Sirs:

I am from Iowa, one of the States that has been causing many of the problems. I believe that if the public didn't want to purchase Microsoft's products they wouldn't. Microsoft was more inventive than all of their competators, now they want to punish them. I don't understand. They belt a better mouse trap. Somebody will come up with something new, lets not punish people for being innovative.

Sincerely,
David Day
805 Jerome St.
Marshalltown, Ia 50158

MTC–00006037

From: angela Viesse
To: Microsoft ATR
Date: 1/2/02 1:37pm
Subject: Microsoft Settlement

To Whom this may concern:

Regarding the Microsoft Settlement, I realize that a few special interests are attempting to use the current review period to derail the settlement and prolong this litigation even in the midst of uncertain economic times. The last thing the American and the global economies need is more litigation that benefits only a few wealthy competitors and stifles innovation. Please don?t let these special interests defeat the public interest, and promptly resolve the settlement.

Regards,
Angela Viesse

MTC–00006038

From: BRIAN RAWSON
To: Microsoft ATR
Date: 1/2/02 1:39pm
Subject: I believe it is imperative that we honor the existing settlement.

As an IT professional and consumer, I believe it is imperative that we honor the existing settlement. It is fair to all parties and good for the US economy.

Brian Rawson

MTC–00006039

From: Alice Rhea
To: Microsoft ATR
Date: 1/2/02 1:38pm
Subject: Microsoft Settlement

I believe the Microsoft settlement is fair and in the best interest of all concerned. I have used Microsoft products for many years and feel that my life has been enriched by their innovation. The economy of our region has benefited tremendously from having Microsoft located here. I hope the matter can be concluded swiftly, and the US Justice Department resources can be directed at other issues. Neither I nor any member of my family has ever been affiliated with Microsoft.

Respectfully submitted,
Alice Rhea
PO Box 1798
Snoqualmie WA 98065
425–831–6103
amrhea@nwlink.com

MTC–00006040

From: WPLPOWELL@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:38pm
Subject: Microsoft settlement.

Dear DOJ,

I am not a Microsoft shareholder. I am a Microsoft customer. I believe it is time to get the Microsoft lawsuit behind us and take no further action to reduce the incentive to be creative in the development of new tools. Innovation should be rewarded and not penalized.

Thanks.
J. C. Powell

MTC–00006041

From: DBrandt881@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:38pm
Subject: microsoft settlement

it's time to settle....dragging this on any longer is detrimental to the investing public and to the users of microsoft software and other internet software users....common sense and economic sense virtually screams, settle....it's time.

MTC–00006042

From: Rob
To: Microsoft ATR
Date: 1/2/02 1:38pm
Subject: Microsoft Settlement

I think it is in the best interest of the United States to settle the Microsoft case immediately. I feel this case has hurt the economy and the millions of retirement accounts that hold Microsoft stock. The country has more important issues then to let this case drag on. In my opinion this legal case and a judge who has little knowledge of the hi tech industry should have been settled months ago. I do find it interesting that the settlement requires Microsoft to give away hundreds of millions of dollars of there products. Isn't this why Microsoft was sued in the first place.

Robert Leiser
2212 Sullivan Trail
Easton Pa
18040–7901

MTC–00006043

From: Fred.A.Underwood@ bankofamerica.com@ inetgw
To: Microsoft ATR
Date: 1/2/02 1:38pm
Subject: Microsoft Settlement

The Department of Justice wants to hear from the Consummer on this ongoing issue. In my view, the world is a much better place because of the advances Microsoft has made over the past few years. Do they profit handsomely from it? Of course, but as critics ignore, these profits are plowed back into research and development for even better progress and products for the future. In fact over the past 12 month period between September 30, 2001 and September 30, 2000, over $4.4 billion was expended on R&D by Microsoft, to make better products to make my life easier. If you want a compare and contrast, how about Drug Companies that have a similar Research & Development and profitability models. Lets take a look at Merck whom has plowed $2.4 billion into R&D over the same 12 month period. Yet for a 1 month supply of 40 mg Zocor (30 tablets), its about the same price as a copy of Windows XP. So Why aren't you going after all the Drug companies that are apparently ''Gouging'' consumers at this rate on a monthly basis? You think there aren't sales reps out there that are pushing Zocor on Doctors becasue of Merck/Medco's clout?

In regards to the proposed settlement to fund R&D for underpriveleged Schools. If the DOJ and states can make this go away with such a common sense solution, than by all means do it! I could care less If I get my $10.00 check in the mail at some undetermined point in the future to repay me for the ''Harm'' and ''Unjust Pricing'' that I have incurred. If you keep listenining to all of Microsoft's competitors that are dragging you down their arcane path, then you are all fools. They have no interest in the consumer, they only have an interest (as would any management team or executive) in their business and to building Shareholder Value. If they can do that with the governments help, than they would be fools for not taking the handout!

MTC–00006044

From: Roy E. Williams, Ph.D.
To: Microsoft ATR
Date: 1/2/02 1:39pm
Subject: Microsoft Settlement

Dear Sirs,

SETTLE THE CASE! Let Microsoft and the Government get on with their business (Microsoft: developing more products and Government: protecting us from maniacs like UBL, not people like Bill Gates). Further litigation will only hurt American business, especially entrepreneurs, who are hesitant about getting into a business where the potential for liability lawsuits is SO great (and now, even from our own Government). Government regulation is already bad enough with respect to businesses without us having to worry about additional potential lawsuits.

Sincerely,
Roy E. Williams, Ph.D.
901–53–244

MTC–00006045

From: William R. Cwynar
To: Microsoft ATR
Date: 1/2/02 1:39pm
Subject: Microsoft settlement

January 2, 2002

To Whom it May Concern; It is in the best interest of the economy to settle this case promptly. The economy started to recede about the same time this case was brought forth. Companies need to be free to innovate or our system can't survive. Let us get on with it, and get the greedy government out of Microsoft's pocket.

Thank you,
Ann cwynar

MTC–00006046

From: EnvAudits@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:40pm
Subject: Microsoft Settlement

It is about time to bring the microsoft case to a conclusion in line with the settlement already agreed to by the presiding judge and Microsoft. This case has cost the government as well as Microsoft millions of dollars to no good purpose. If it were not for Microsoft this country would probably not be the technological leader of the world as we are now. Why try to murder a highly successful American company which has benefited this country so much, in order to please some disgruntled competitors and feed some greedy state Attorneys General who hope to make a pile of money for their state treasuries and a name for themselves personally. Please stick to the agreement that has already been reached and conclude this matter as early as possible.

Thanks.
James A. and Leona C. Hazen
1192 Montevideo Road
Jacksonville, Florida 32216

MTC–00006047

From: davidhenryart
To: Microsoft ATR
Date: 1/2/02 1:41pm
Subject: microsoft statement

Dear Sirs,

I am in favor of a speedy settlement with Microsoft.

MTC–00006048

From: Mark Cody
To: Microsoft ATR
Date: 1/2/02 1:39pm
Subject: Microsoft settlement

Good morning, Please don't penalize Microsoft for giving the people the product they want. I have been a computer user since the early 80's with the Commodore VIC20. As technology advanced and new computers entered the market, compatibility became an issue. UNIX, Commodore, Apple, and DOS didn't talk to each other and their files were not compatible. As time moved forward UNIX and DOS were the only operating systems that remained backwards compatible with their own OS. This was great advantage for business and personal computing.

When you decided you needed to buy a more powerful computer to run your new software, you could still use the old computer for more mundane chores. Now you have 2 computers that can operate together. Commodor and Apple oh the other hand were not backwards compatible, so you had to throw the old one out along with all of the software, or at least have 2 computers independent of each other, unable to share files or printers. Over the years Microsoft has kept it's platform backwards compatible and has allowed users to upgrade software and hardware as they see fit.

This is a significant difference between Apple and Sun. I believe the PEOPLE have selected Microsoft as their Operating System of choice because Microsoft provided the user the features they wanted most, low cost and backwards compatibility. Microsoft has always operated from an open platform, allowing anyone to create hardware to run on their OS, while Sun requires only Sun certified hardware be used in their systems.

Why is Microsoft so popular? Why did the others fail? IBM, Initial deployment of DOS, high cost of hardware. Microsoft, secondary deployment of DOS on low cost IBM clones. Apple, High cost, not backwards compatible. Commodor, not backwards compatible, few business applications. Sun, high cost of hardware, no GUI. IBM, initial deployment of Windows NT as OS2, created a roadblock for second party software development. Sun, Solaris running X-windows and Microsoft office, High cost. Microsoft has consistently given the user the features they wanted at a price they could afford, isn't that what makes America great?

Thank you,
Mark Cody
markwcody@hotmail.com
503–649–9532

MTC–00006049

From: Wyskiel, Matt
To: Microsoft ATR
Date: 1/2/02 1:34pm
Subject: Microsoft Settlement

Dear DOJ: Stop picking on Microsoft. They make a bunch of great products that work

together well, and they charge a reasonable price for those products. This whole case against them has been an unnecessary waste of time and money. End it ASAP. Signed very satisfied Microsoft consumer.

Matt Wyskiel

MTC–00006050

From: Paul A. Kempf
To: Microsoft ATR
Date: 1/2/02 1:41pm
Subject: Microsoft Settlement

As a US citizen and stockholder of Microsoft I would like to express my support for the comprehensive agreement reached by the federal government and nine states with Microsoft, which addresses the reduced liability found in the Court of Appeals ruling. Although tough, this settlement seems reasonable and fair to all parties involved. As both a consumer and stockholder I feel the agree that the proposed settlement is good for consumers, the industry and the American economy.

Thank you for your consideration of my opinion and concern of this matter.

MTC–00006051

From: Kenn D. Young
To: Microsoft ATR
Date: 1/2/02 1:42pm
Subject: Microsoft Settlement

I would like for ''my'' Federal Gov't to approve the Tunney Act and stop harassing Microsoft. Microsoft competition started all of this because they were unable to compete in a free market place. Accept the settlement and keep our government out of the business sector as much as possible.

Thank you,
Kenneth D. Young

MTC–00006052

From: Smith, Stephen R.
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 1:41pm
Subject: Microsoft Settlement

I am concerned that Microsoft not be further hampered in settling the antitrust case, by competitors who have an interest in dragging out the proceedings through legal maneuvering. Let's get this case settled and go on with some remedies that will allow innovation and completition to rule the market and not bickering over whodunit.

Stephen R. Smith, M.S. Senior Chemist
TVA Power Service Center G2 Coal Lab
North Side Chickamauga Res
Chattanooga, TN 37415
Phone: (423) 697–4061 Fax: (423) 697–4059
CC:'wsmith(a)microsoft.com'

MTC–00006053

From: Latus, Vincent
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 1:41pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am in favor of the settlement. Let's finish this and move on.

Thank you,
H. Vincent Latus
Network Administrator
Nothnagle Realtors
585–442–1800

MTC–00006054

From: Bill Thacker
To: Microsoft ATR
Date: 1/2/02 1:42pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am writing you today to voice my strong support for the proposed settlement between Microsoft and the Department of Justice (including the nine consenting States). Needless, ongoing litigation is being proposed by the remaining nine dissenting States and the District of Columbia. Such action would be pointless and would benefit no one with the exception of a few Microsoft competitors, which have been lobbying hard for such action over the last few years. In addition to promoting competition, the proposed settlement is in the best interest of consumers and the economy.

Sincerely,
Bill Thacker

MTC–00006055

From: VanderPyle, Nicholas
To: Microsoft ATR
Date: 1/2/02 1:41pm
Subject: Microsoft Settlement

Microsoft has my support!!

Without their certifications, support systems, developer kits, extensive FREE add-ins to windows, beta testing, free email and messaging systems, and MUCH more.. I'd be lost.

There's no way Apple or Linux could ever provide such wide, useful, directed services. I, and thousands of other people would be out of a job if Microsoft is severely punished. Let them settle with GIVING money, products, support, and training to the educational facilities. I bet you're reading this email through Exchange, Outlook, or Internet Explorer.

Nicholas VanderPyle
Systems Analyst
home: (850) 862–7365
work: (850) 302–4553
email: vanderpyle@hotmail.com

MTC–00006056

From: BRIGEBRITE@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:41pm
Subject: Settlement

The 9 remaining states need to listen to the consuming public not Microsofts'whining rivialing competitors.Settle this nonsense now.

MTC–00006057

From: LarrimoreJ@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:41pm
Subject: MICROSOFT SETTLEMENT

This Microsoft suit has been a distraction and an inconvenience for me for more than three years. Enough is enough. The court has proposed a settlement which allows the DOJ to save face while punishing Microsoft. Let's get on with it and then maybe we can return to some semblance of normalcy.

James R. Larrimore
205 Vernon Avenue
Glen Burnie MD 21061
CC:LarrimoreJ@aol.com@inetgw

MTC–00006058

From: thebirdsalls
To: Microsoft ATR
Date: 1/2/02 1:42pm
Subject: Microsoft Settlement

Wrap up this miserable attack on genius and innovation.

Richard Birdsall
1896 Peachtree Ave.
The Villages, FL 32162–7557
352 259 9870
Cheers, richard

MTC–00006059

From: Roy E. Truman
To: Microsoft ATR
Date: 1/2/02 1:42pm
Subject: microsoft settlement.

It is time to get this behind us. finalize the settlement and get on to more important things throughout the United States. Please don't waste any more time on this, and add my comments to the other ones on the way to you. Thanks.

Yours Truly,
Roy E. Truman. PO. Box 70.
Indore, WV 25111

MTC–00006060

From: GolferJim@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:42pm
Subject: Microsoft Settlement

This is James G. Nussbaum, a retired CPA residing at 23537 East Otero Drive, Aurora, CO 80016 with the e-mail address of golferjim@aol.com I strongly urge you to proceed with settlement of the Microsoft case for the good of the nations economy, as I believe the matter has dragged on for far too long. We need to get on with the welfare of our nations people and not be hung up on the demands of a few outspoken competitors and state attorney generals seeking more than they deserve. Let competition prevail unless there is a clear case of harm to the consumer. I haven't seen one bit of proof that I or my family have been harmed. To the contrary, I believe we have benefited from Microsoft's contribution to the marketplace and the competition that does exist.

Thank you
James G. Nussbaum

MTC–00006061

From: GBauer4966@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:42pm
Subject: Microsoft

Leave them alone and quit your efforts to weaken them.

G Bauer

MTC–00006062

From: Howard Woodruff
To: Microsoft ATR
Date: 1/2/02 1:43pm
Subject: Microsoft

It's time to stop these nonsense actions against Microsoft and get on with important issues. Free enterprise is alive and well, leave it that way.

MTC–00006063

From: Keith Shepard
To: Microsoft ATR

Date: 1/2/02 1:43pm
Subject: Microsoft Settlement Comments

As for me (note I do not now nor have I ever worked for or contracted to Microsoft or it's subsidiaries) I think that this whole lawsuit is frivolous and specifically targeted by greed and jealousy types. Finally, can't we all agree to find a more common enemy rather than defeat each others dreams and aspirations for the future? SO..... lets just settle and get on with life.

MTC–00006064

From: Teisan, George
To: 'microsoft.atr@usdoj.gov'
Date: 1/2/02 1:42pm
Subject: Microsoft Settlement

DOJ,

I cannot tell you how irritating it is to me that we continue to waste time and money in the relentless pursuit of Microsoft. When will the madness end? Microsoft has done this country a great service by making the personal computer easy to use and, along with AOL, brought the internet into millions of homes.

Unfortunately, a few insidious special interests are attempting to use this review period to derail the settlement and prolong this litigation even in the midst of uncertain economic times. The last thing the American economy needs is more litigation that benefits only a few wealthy competitors and stifles innovation. The settlement that federal government and nine states finally reached with Microsoft to address the reduced liability found in the Court of Appeals ruling is tough, but reasonable and fair to all parties involved.

I overwhelmingly agree that settlement is good for them, the industry and the American economy.

Thank You,
George Teisan
Scottsdale, Arizona USA

MTC–00006065

From: Alan Copeland
To: Microsoft ATR
Date: 1/2/02 1:43pm
Subject: Microsoft Settlement

Finish this case and let a great software company and a great American company get back to business!

MTC–00006066

From: LDellBill2@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:43pm
Subject: Microsoft Settlement

Dear Court of Appeals:

Go with the agreement which is fair and end the litigation!!!!!

Sincrely,
William A. Hardwicke

MTC–00006067

From: Kathryn Ischinger
To: Microsoft ATR
Date: 1/2/02 1:44pm

Please leave Microsoft alone. It's a great company that is great for the information age and the economy.

MTC–00006068

From: Donald V Atkinson
To: Microsoft ATR
Date: 1/2/02 1:42pm

To whom it might concern:

We want to voice our support for Microsoft in the impending decision. This has dragged on long enough. Let's get it over with and let's get on with business.

Don Atkinson

MTC–00006069

From: Nancy W Alexander
To: Microsoft ATR
Date: 1/2/02 1:44pm
Subject: Microsoft Settlement

I approve of the settlement!

Nancy Alexander, Administrative Assistant
Presbyterian Campus Ministry at Virginia Tech
305 Washington St., SW
Blacksburg, VA 24060–4745
540/552–2473; 540/552–0119 (fax)
cooperh@bev.net

MTC–00006070

From: BROWN1st@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:43pm
Subject: Settlement

I feel a settlement should be reached immediately- or the charges against MSFT dropped. It is my opinion the case was a mean-spirited liberal attempt for Bill Clinton and Janet Reno to get at Bill Gates for being such a strong contributor to the Republican Party. I think it was unnecessary and unfounded. I am a public educator by profession. I also hold Msft. stock and I think the case cost me money- in the downfall of said stock as well as the entire market.

Lyle F. Hoover
246 Montclair
Tulsa, Ok. 74104

MTC–00006071

From: HUFFTMA@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:44pm
Subject: Microsoft Suit

The Justice Department settlement is as far as this case should go. The States are merely being pawns of other High Tech companies and the State Attorney Generals are playing politics for personal gain.

Tom Huff

MTC–00006072

From: Springer, Martin
To: Microsoft ATR
Date: 1/2/02 1:44pm
Subject: Microsoft Settlement

Dear Sir, enough with the lawyers. In my opinion Microsoft did nothing wrong to begin with. The federal and state governments need to direct their efforts in an area that would benefit the people, not shake down one of the few honest employers in this country. If you want to do something of value get into health care or frozen retirement plans.

Martin Springer J. D.
Manager, Export Sales
PMI Nutrition International, Inc.
Mulberry, FL 33860
Phone: 1–863–425–5544
Fax: 1–863–425–8959
Email: Martin.Springer@Pmi Nutrition.Com

MTC–00006073

From: Robert Sobon
To: Microsoft ATR
Date: 1/2/02 1:44pm
Subject: Microsoft Settlement

189 Old Ashley Loop
Pawleys Island, SC 29585
January 2, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

As a resident of South Carolina, I am concerned about further Capitol Hill involvement in the Microsoft antitrust case. It is clear that Microsoft has agreed to a fair and reasonable settlement; the settlement should be final, and further federal action against the company represents nothing short of anti-business posturing by the government.

As you know, the economy is in a recession. Microsoft is a major contributor to the nation's economy, and it is imperative that the company is allowed to innovate in the software industry. Any further action would be negative for the consumer and the IT industry.

I appreciate your support in ending this legal action, and putting this case behind us.

Sincerely,
Robert Sobon
cc: Senator Strom Thurmond

MTC–00006074

From: Robert Dikman
To: Microsoft ATR
Date: 1/2/02 1:44pm
Subject: Microsoft Settlement

Enough is enough! Microsoft should not have been nor certainly should now be continued to be punished for bringing a better product to market. This case needs to be settled now.

MTC–00006075

From: BRUNO13@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:45pm
Subject: Microsoft settlement

It is about time we allowed Microsoft to get on with the business they know best. How many hours of time have been wasted by people at Microsoft, defending their position, when they could have been working on ways to make life easier for us in the coming years. It is obvious now that the government, in it's infinite wisdom, knows it should have left AT&T to do it's business. Now after the breakup, we are seeing ''Baby'' bells wanting to merge in order to survive. Is that what the government is looking for here?

Neil Bersin

MTC–00006076

From: ENalebuff@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:45pm
Subject: Microsoft Settlement

I believe the settlement between the Justice Department and Microsoft is fair and should not be changed.

Do not punish this company which has brought so much to us that use computers.

Edward A. Nalebuff, M.D.
Newton, MA

MTC–00006077

From: lloyd olson
To: Microsoft ATR
Date: 1/2/02 1:44pm
Subject: Fair agreement
Dear sirs,
I think the agreement is fair
Lloyd Olson

MTC–00006078

From: Egmeng@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:44pm
Subject: microsoft settlement
Please settle this case and allow the computer industry to move on. The action against microsoft has stalled progress for all of us that depend on technology. Wherever I go in the world, I know that I can find some standard software that works with other software by finding Microsoft products. Otherwise nothing works with anything else. The fact that Microsoft was allowed to put programs together with operating systems is the reason why we consumers were able to use computers as the industry developed, rather than needing programmers to operate unrelated programs.
eric meng

MTC–00006079

From: HEADDAWG@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:45pm
Subject: Enough is Enough!
Let's stop all this and get on with our lives. Microsoft did all of us a service. Let it be.
Walter Glenn

MTC–00006080

From: David Fladebo
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 1:46pm
Subject: Microsoft Settlement
Even though this case has been going on for years, I still find it hard to believe that the US Govt. insists on this competitor inspired and left-wing driven vendetta against Microsoft. Supposedly, this action was taken against MS to protect consumers, but I to this day have not been able to figure out how the consumer experienced any net harm. In fact, I believe inovation and competition driven by MS has offered the consumer an overwhelmingly positive benefit. Also, many economists feel that much of the poor performance of the economy in 2001 was caused by the litigation and earlier findings of this action against MS, further harming the consumers that this action was purported to ''protect''. Stop the litigation against Microsoft now!
Further, I would like to also suggest that the court make this settlement binding for all 50 States, in order to free MS (and our economy) from this harmful legal action against Microsoft.
Sincerely,
Dave Fladebo
Clear Lake, MN

MTC–00006081

From: Earl Hackett
To: Microsoft ATR
Date: 1/2/02 1:46pm
Subject: Microsoft Settlement
I have read the settlement documents posted on the internet. Assuming the documentation of the API functions and the communication protocols is sufficiently complete, accurate, and inclusive I find the settlement to be satisfactory.
However, the most common form of communication between computer users is by file exchange. Although the settlement requires the disclosure of all communication protocols, I did not see any mention of disclosure of file format definitions or specifications. The data contained in a document produced in Microsoft Word or Excel should be accessible to programs produced by other software vendors.
As for API documentation, my experience has shown that Microsoft documentation of their system API call and the interface with many of their programming languages is incomplete. Omission of critical details from their documentation often has required many days of research to determine the precise operating characteristics of a command needed to achieve proper system operation. These omissions may be simple oversight on the part of Microsoft, but they have occurred more frequently than in my past experience with systems from IBM, DEC, and others.
Earl T. Hackett, Jr.
Research Associate
Tyvek(R) for Medical Packaging
Phone: 302 999–5031
FAX: 302 999–3788
Mobile: 302 540–9321

MTC–00006082

From: Sachtjen, Robert
To: Microsoft ATR
Date: 1/2/02 1:46pm
Subject: Microsoft Settlement
Please stop wasting our tax dollars and settle the Microsoft case. I have used Microsoft products since the inception of the company and never did I feel that I was gouged on the price of any of their products nor do I think that they took undo advantage of what was clearly a leading edge advantage in the software industry. Shouldn't the Federal Government of the United States be trying to strengthen our companies to compete in a GLOBAL economy instead of hamstring them?
Enough is enough. Aren't there any terrorists for the justice department to go after and prosecute? The justice department did such a great job in the breakup of AT&T, I cry every time I get my phone bills, one from my local carrier, one from my long distance provider, one from my Internet provider. Nice job! Now it only costs me about 10 time for phone service compared to the pre AT&T breakup days. Somebody in the justice department should be doing jail time for that monumental screw up.
You guys should ask for public comments more often, but I suppose your afraid of what you will get back.
Robert A. Sachtjen
Director New Business Development
SunGard Investor Accounting Systems
595 East Swedesford Road—Suite 3000
Wayne, PA 19087
Phone 610–975–3031
Fax 610–975–3231
US Cell Phone 610–804–3479
UK Cell Phone 07946–601372
From the US dial 011–44–7946–601372

MTC–00006083

From: BRUCEGRACE
To: Microsoft ATR
Date: 1/2/02 1:45pm
Subject: Settlement
The Microsoft case has been run through and over just about every meaningful scenario possible. In the past five years I am sure that every person or organization has been heard on the subject of Microsoft's business practices. So lets just settle this case by accepting the settlement that has been agreed to by both parties. Waiting any longer just makes the Lawyers on both sides richer and accomplishes nothing when it comes to protecting the consumer. The nine States that have decided to continue this case are only being prodded on by special interest groups and companies within their borders that have lost to a superior marketing organization, and their Attorneys Generals are after votes more than anything. Just for the record I still believe Microsoft has been more of a positive for the new ''E-Commerce'' than a negative, and the fact that they have been as successful has they have been is a testament to our free market system. So please, let our free market system work and settle this now.
Regards
Bruce Jackson

MTC–00006084

From: Aerocenter
To: Microsoft ATR
Date: 1/2/02 1:46pm
Subject: Microsoft Settlement
I would like to comment on the case as follows: As a consumer, I have not been hurt by Microsoft practices. The standards they have established enable someone who is not an expert to learn procedures quickly and accurately. As a small business owner, I am able to buy affordable programs which allow my business to compete with much larger entities on a level field. We cannot afford secretarial and graphics staff, yet we can appear large and efficient to our customers because we have excellent, affordable software. I acutely remember before Microsoft became central to computing. The programs were not compatable with each other. Printers may or may not work. Nothing was standard.
It is my impression that those companies which did not have the foresight or technical ability to expand are now trying to bring down the major company that did. MS did replace many competitors. That is our free market system. Netscape browser was free the first time I learned about it. Then they got the idea for an IPO. I wondered how a company which gave away their program could justify an IPO. I was told they had some server software and government contracts. Soon they were charging for Netscape Browser. After the IPO was successful, the stock price blossomed, for a time. Then the market discovered they did not have unique technology. The market reacted. Stock price plummeted. Now Netscape wants to lay the blame. In any case, the consumer, represented by me, did not suffer harm. On the contrary, we have

benefited from the greatest technology advance in my lifetime (62 years).

I urge the court to reject the politics of this case, and look at the effect on the consumer. We have not overpaid, we have not been duped, we have been enabled, and Microsoft has done the best job of any company to make sure anyone who has the ambition can learn the programs.

Karen R. Sandberg
Owner
AEROCENTER
Aircraft Supply and Avionics
Pierce County Airport
16923B Meridian East
Puyallup, WA 98375–6224
1–800–331–4375
On-Line Ordering at:
http://www.aerocenter.com
Or send us e-mail at: info@aerocenter.com

MTC–00006085

From: Terry Kahler
To: Microsoft ATR
Date: 1/2/02 1:47pm
Subject: Microsoft Settlement

Gentlemen,

In my opinion, the Microsoft case should be settled now, rather than pursue further litigation. Every time the government tries to help the consumer, they actually do the opposite. Breaking up Ma Bell wasn't the best move in the world. Microsoft is a dominant software company, and they got that way by good business practices. They made a better product, and when a competitor would come up with an innovation, they would buy them out if they could. No one is forcing anyone to use Microsoft products, and if the competitors don't want to be bought out, they shouldn't sell.

Dragging on the litigation process serves no one, except the attorneys. I would urge you to settle this immediately, and as a taxpayer, I would like to think that the government actually cares about my best interests....

Thank you....
Terry Kahler

MTC–00006086

From: Matthew Whitcomb
To: Microsoft ATR
Date: 1/2/02 1:46pm
Subject: Microsoft Settlement

It is time to complete the process and move forward. The dragging out of the process has hurt the economy and cost the taxpayers too much money, especially in the midst of an economic downturn.

MTC–00006087

From: Sheri
To: Microsoft ATR
Date: 1/2/02 1:47pm
Subject: Microsoft Settlement.

Isn't it finally time to quit screwing around with the ridiculous intrusion of government into a innovative company????

Please continue with this agreement to settle this litigation.

MTC–00006088

From: A (038) J STEWART
To: Microsoft ATR
Date: 1/2/02 1:47pm
Subject: MISCROSOFT SETTLEMENT

DEAR SIR/MADAM

THE TIME IS LONG OVERDUE FOR FEDERAL AND STATE GOVERNMENTS TO GET OFF OF MICROSOFT'S BACK. MICROSOFT HAS IMPROVED THE QUALITY OF LIFE OF ALMOST EVERYONNE ON THIS PLANET. LAWYERS AND BUREAUCRATS SHOULD SPEND THEIR TIME WORKING ON REAL ISSUES LIKE CRIME, DRUGS,AND GOVERNMENT WASTE

THANKS YOU FOR YOUR CONSIDERATION

MTC–00006089

From: John Shepherd (038) Joe West
To: Microsoft ATR
Date: 1/2/02 1:47pm
Subject: Microsoft's Settlement

Dear Sirs:

The power to innovate is upmost in our culture—Microsoft's present settlement is fair to all concerned!

John Shepherd
Hobbs, New Mexico 88240

MTC–00006090

From: Allin DuBuc
To: Microsoft ATR
Date: 1/2/02 1:46pm
Subject: Microsoft Settlement

Department of Justice

My opinion in the ongoing Microsoft Settlement

I have strongly disagreed with the entire case the Department of Justice brought against Microsoft, from the very beginning. I am in favor of ending all litigation as soon as possible with minimal cost to Microsoft. Any continued attempts by the states or Microsoft's competitors to harm Microsoft with penalties or fines is of no value to me.

Please end this as soon as possible, let Microsoft get back to the business of software development, and leave me the power to buy Microsoft products or not, as I wish!

Thank you for hearing my opinion.
Allin DuBuc
Allin DuBuc
Quixotic Design
4976 ROYAL AVE SPC 247
Las Vegas, NV 89103–5008
(702)876–4833
mailto:allindubuc@LVCM.com

MTC–00006091

From: David MacVean
To: Microsoft ATR
Date: 1/2/02 1:48pm
Subject: Microsoft Settlement

I am a US Citizen and a Microsoft shareholder. This entire prosecution has been a waste of time and money. As Microsoft has been prosecuted, American Online-Time Warner has certainly represented a more powerful ''monopoly.''

Please facilitate the accepted settlement, and let the market run the economy instead of attornies.

Dave MacVean

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MTC–00006092

From: Phil Kuyper
To: Microsoft ATR
Date: 1/2/02 1:48pm
Subject: Microsoft Settlement

End this thing as agreed—-no more bullshit!

Phil Kuyper
phil@ajhanson.com
A.J. Hanson & Co.
PH: 206–763–8550
FX: 206–762–6246

MTC–00006093

From: M Kam
To: Microsoft ATR
Date: 1/2/02 1:47pm
Subject: Microsoft

Please end this legal disaster. Since April 1, 2000 when settlement talks failed, Microsoft and US economy went on a tail spin impacting the global economy as well. As a consumer, I believe that Microsoft products have had a huge impact on productivity and prosperity. I used to pay thousands for custom software that now Microsoft offers for that $100. It is silly to take a self made and one of the most successful companies in the world and try to break their back just because some incompetent competitors needs government protection. Need not to remind you that Microsoft itself was a small fish in a huge pond. They managed and succeeded. This is not China or Russia it is a free enterprise society. Enough senseless damage to our life savings, pension plans and the national and global economy.

Thank you.

MTC–00006094

From: Brice10273@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:48pm
Subject: Microsoft Settlement

The purpose of my email is to let you know that I think the settlement reached with Microsoft is fair to me the consumer and I would like to see it accepted. To prolong the process with further litigation and/or adding more remedies would not be good for me, the taxpayers, or business. I feel we should go with the settlemnt terms as negotiated between Microsoft and the Department of Justice and be done with it.

Thank you for your attention to this important matter.

Barbara Rice

MTC–00006095

From: Kay Barnett
To: Microsoft ATR
Date: 1/2/02 1:47pm
Subject: Microsoft settlement/Tunney Act

I understand the justice department is still reviewing the Microsoft settlement and wished to express my opinion. I think Microsoft probably did abuse their positioning in the software industry, but they also were the major contributor to the fact that a software industry even exists. The Tunney Act seems logical and appropriate, and I think it should stand as the final resolution to this entire situation. Our country is struggling to emerge from a recession and from the devastation of

September 11th. Let's put our focus, our energies and our resources to work addressing these problems instead of the continuation of an issue that has already been resolved. Further litigation can only benefit a select few, and will cost extensive tax dollars that can certainly be better utilized to benefit the majority of our citizens and our country.

Kay L. Barnett
13704—117th Ave NE
Kirkland WA 98034

MTC–00006096

From: James O'Brien
To: Microsoft ATR
Date: 1/2/02 1:48pm
Subject: Microsoft Settlement

The continued opposition of nine States' attorneys general to the Microsoft settlement is irrational. The notion that companies such as IBM, Oracle, Sun Microsystems, Intel, Computer Associates, Hewlett-Packard, Dell, Compaq, etc. cannot compete with Microsoft without further government protection is absurd. Microsoft makes great products that work well, and they are very affordable, especially for a small business such as my own. Frankly, I think the inflated egos of individuals such as the CEO's of Oracle and Sun Microsystems are part of the problem. Microsoft is one of the bright spots in our sick economy, exactly because it is innovative and competitive, which always benefits consumers.

Sincerely,
James E. O'Brien
770 Brookside Road
Maitland, FL 32751
January 2, 2002

MTC–00006097

From: Jeff Ronne/The Boaphile
To: Microsoft ATR
Date: 1/2/02 1:49pm
Subject: Microsoft Settlement

Please settle this case would you?
Thank you,
Jeff
Jeff Ronne
The Boaphile
PO Box 394
Cannon Falls, MN 55009
(507) 263–2621
Email: The—Boaphile@theboaphile.com
Web Sites!!!
http://www.boaphileplastics.com
http://www.theboaphile.com
http://www.theratcafe.com
http://www.bengalshak.com

MTC–00006098

From: Elmer Houghten
To: Microsoft ATR
Date: 1/2/02 1:47pm
Subject: Microsoft settlement

Dear Sir/Madam:

My comment regarding the proposed settlement of the Microsoft case is that it does appear to be a fair agreement based on the facts and considering the costs and time of further litigation. I therefor highly recommend the settlement be accepted.

Elmer Houghten
CPA 5962 E. Viewmont Circle,
Mesa, AZ.

MTC–00006099

From: JKVINCE@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:47pm
Subject: Microsoft Settlement
Department of Justice
Washington, DC

Gentlemen:

I believe the Microsoft Settlement is reasonable and fair to all parties. This Settlement should not be allowed to become derailed. It is not in the best interests of all Americans to allow litigation to be prolonged, using more of the American public's tax dollars. I want our national resources and energies to be better spent for current and future purposes than for continuance of litigation that has been reasonably settled.

Yours truly,
Janet K. Vincent
1446 N. W. Springdale Pl.
Shoreline, WA 98177

MTC–00006100

From: Karlyn Eckman
To: Microsoft ATR,RFC-822=www.usdoj.gov/atr/cases/ms-s...
Date: 1/2/02 1:49pm
Subject: Microsoft products

Re: Comments from a Consumer Concerning Microsoft Products I have just purchased my ninth computer, containing the Windows XP operating system. I did this reluctantly, because I dislike Microsoft products and resent the dominance that Microsoft commands on consumer and professional computing.

I am an independent consultant, but am forced to purchase Microsoft systems because it is used within the United Nations system (my primary contractor). Microsoft software does not easily allow a user to utilise files or software written in Apple, Linux or other formats. Microsoft's dominance means that I, as a professional and a home computer user, have very little choice in which operating sytem or software I can purchase. I personally find Microsoft to be manipulative, greedy and unresponsive to the wide-ranging needs of the average American and even international computer user. What arrogance for Microsoft to think that it can produce software for the masses, regardless of need, preference and priority!?!

Dr. Karlyn Eckman
Consultant in International Forestry.

MTC–00006101

From: CHARLES PEACOCK
To: Microsoft ATR
Date: 1/2/02 1:48pm
Subject: MICOROSOFT SETTLEMENT

I FOR ONE WOULD LIKE TO SEE THIS SETTLED IN FAVOR OF MICROSOFT. I HAVE NEVER HAD PROBLEMS WITH MICROSOFT'S COMPETITOR'S PROGRAM SOFTWARE DUE TO THE MICROSOFT OPERATING SYSTEM. IN FACT THIS OS ENHANCES PROGRAM SOFTWARE. I DON'T THINK IT REDUCES COMPETITION, JUST MAKES SOFTWARE COMPANIES BE SURE THAT THEIR SOFTWARE IS COMPATIBLE WITH MS OS. IT WOULD BE A REAL MESS IF EACH PROGRAM SOFTWARE PURCHASED NEEDED IT'S OWN OPERATING SYSTEM.

CHARLES PEACOCK
9817 BRINGIER CT.
GRANBURY, TX 76049
TEL 817–573–7029
EMAIL CDPEAK52@ITEXAS.NET

MTC–00006102

From: downtown denise
To: Microsoft ATR
Date: 1/2/02 1:48pm
Subject: Microsoft Settlement

To the Honorable Members of the Department of Justice:

As a citizen of the United States, I request that you fully and comprehensively settle all antitrust actions against Microsoft Corporation as quickly as possible, and close this matter immediately. Continued litigation catering to a few special interests prolongs litigation and derails any general settlement agreement. This is not in the best interest of citizens of the United States.

As a technical consumer, Microsoft has not damaged me in any manner. I was not ''forced'' to purchase any of their products. I gladly purchsed their products for superior performance—as is my right as a consumer—to stay on the leading edge technology wise. Please do not delay settling this matter. In light of today's global situation, we must focus on coming together cohesively as a nation, even if it means overriding a few special interests. Catering to special interests plays directly in to Osama Bin Laden's dictate to strike at America's economic heart. We simply cannot let this happen, but more particularly, WE CANNOT DO THIS TO OURSELVES!!!

We cannot afford to cater to the few at the expense of the many. The majority of Americans like Microsoft products and appreciate the fact that this company has rocketed us into the 21st century both hardware and software capability in caparison to any other nation at this time. Do an accounting of the nations that bootleg this US technology illegally! If it were not quality, they wouldn't be stealing it!

Please do not prohibit or limit companies that create benefit (jobs) for America. Please settle this litigation quickly, close the matter, so we may focus (and allow Microsoft to focus) on the important things affecting our consumers, and our nation.

Best Regards,
Denise Rickard
Dallas, Texas, USA
214–508–5004

MTC–00006103

From: Annfucci@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:47pm
Subject: Justice Department Ruling

The Justice Department has made a ruling, which in my opinion has been very fair to all parties concerned.....The complaints by the remaining States are very bias. Competitors are the ones pushing for more punishment....not the consumers. I truly believe the competitors are trying to break Microsoft, so that their own Companies can become more successful!!!! Enough is enough, and I think that the Justice Department has made a fair ruling and so let it stand!!!

MTC–00006104

From: Glenn Leedy
To: Microsoft ATR
Date: 1/2/02 2:18pm
Subject: MicroSoft Settlement Agreement

Dear sirs:

Please make your judgments are based on whether the customer is damaged and not the MicroSoft's competition. There is no clear argument for such damages by MicroSoft. I bring over 30 years of experience in the computer industry and as the owner of much intellectual property I say without hesitation that MicroSoft has brought more benefits in terms of low cost widely available computer products than would remotely possible without them.

MicroSoft has been attached by the SUNs of the industry simply because they have been very effective competitors, but MicroSoft has served the best interest of the consumer and industrial user. I know this to be true from personal experience. I encourage you to let the settlement stand. We need to clear the uncertainty from the air.

Best regards,
Glenn Leedy
President
Elm Technology Corporation

MTC–00006105

From: William E. Endelman
To: Microsoft ATR
Date: 1/2/02 1:47pm
Subject: Microsoft Settlement

I urge the Department of Justice to implement the Microsoft settlement. The objections I believe comes from other special interests, and not as a result of the customer interests. As a user of Microsoft products, I receive high value from excellent products. There are choices available that are fully compatible, some of which I use for database work, photo editing and other things.

I could provide a long list of other industries an companies that truly act as monopolies, ignoring customer service, competition, and fair pricing for their services/ products. Microsoft is not on my list! Please stop wasting my tax dollars and putting a cloud on the economy.

Respectfully,
William E. Endelman, AIA, Principal
Endelman & Associates PLLC
Accessibility Consulting / ADA—FHA Compliance
901 E. Denny Way,
Suite 201,
Seattle, WA 98122
mailto:bill@endelman.com—http://www.endelman.com
(206) 324–6462—Fax: (206)324–6469

MTC–00006106

From: VHSchiller@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:48pm
Subject: Microsoft Settlement.

Please don't get in the way of companies that try to foster innovation. Keep you hands off Microsoft. Without the standards they have introduced and maintained at a reasonable costs to consumers the computer market would be a fragmented mess.

Also... When the government goes after companies that take risks to innovate it scares me. Why should I make investments in technologies and innovations in my company when there is a threat that the Government will just pull the rug out someday?

Keep America a technology leader. Hopefully you can undo the damage you've already done.

MTC–00006107

From: Patty Mackne
To: Microsoft ATR
Date: 1/2/02 1:48pm
Subject: Microsoft Settlement

I support the resolution of the Microsoft case the government has negiotiated with the them. There has been too much money and time spent on this situation to the detriment of our economy, when so many other important matters are present in our nation.

Patricia Mackne
8923 Turkey Hill Rd.
La Plata, MD 20646

MTC–00006108

From: Robert B. Heenan
To: Microsoft ATR
Date: 1/2/02 1:49pm
Subject: Microsoft settlement

The settlement is fair to customers, competitors & Microsoft. Let's get on with it & stop spending tax payers money.

R.B.Heenan
1111 Pine Lake Drive,
Hartsville, SC 29550

MTC–00006109

From: Al Hillman
To: Microsoft ATR
Date: 1/2/02 1:53pm
Subject: Microsoft Settlement

This settlement should end this business once and for all. It is a shame that a company is accused of being terrible in business just because they are successful. I purchase and use Microsoft products and am reasonably satisfied. If another vendor offers better products at lower cost I will not hesitate to try them.

Today Microsoft is on top, however, they will remain there only if they invest in development for products that will be needed in the future. There is nothing from stopping any other company from building better products. I have always thought that this is the American way.

Thank you,
Al Hillman

MTC–00006110

From: Sirvaco@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:49pm
Subject: Microsoft Settlement

It is incumbent upon you to finalize the Microsoft settlement as it now stands. It is time to let this matter alone so Microsoft can give full attention to doing the fine works it is noted for and help in getting the economy headed in the right directioin.

I also believe the only reason these suits are continuing is for the sole reason of getting Microsoft to part with it reserve of assets and cash. Only the lawyers will benefit from further pursuit of litigation. Certainly not the American buying public.

W.E. Sirvatka
CC:RFC-822=Finflash1–2–02.UM.A.1154.142@commpartners....

MTC–00006111

From: The Mikester
To: Microsoft ATR
Date: 1/2/02 1:49pm
Subject: Microsoft Settlement.

If one looks closely at the complaints against Microsoft, one sees poor competition using the unfair influence of government to control the legitimate competition and allow them to market inferior products. Looking at the Senate, the government is an extremely poor judge of what fairness is. They are quite good at pointing out the actions of the Complaint Filers in the Government Lawsuit. I use mostly Microsoft Programs simply because they work the best. Where the Microsoft Programs do not perform the way I want, I use programs that do. So, not to date myself, but ''where's the beef''?

Michael H. Ohl
508 Hilldale Drive
Bath, PA 18014
CC:MSFIN@Microsoft.com@inetgw

MTC–00006112

From: Curtforslund@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:49pm
Subject: Microsoft settlement

As a retired attorney and a former chief deputy state attorney general (with no connections to any party involved) I have followed this litigation closely. The settlement that has been reached is appropriate for all. The staste attorneys general never had any business becoming involved in this lititgation in the first place, and I have no doubt that for most of them, the motivation was solely political. From the outset the states were bit players, hanging on at the fringe, and for a few of them to now try to block this settlement is not in the public interest.

Curtis D. Forslund

MTC–00006113

From: Daniel Wolbert
To: Microsoft ATR
Date: 1/2/02 1:50pm
Subject: Microsoft Settlement Dear Sirs,

I find that any continued government involvement with Microsoft will result in the consumer paying the price. The price will be a reduction of services available to the average consumer and also higher prices for services. It looks like the government would have learned its lesson from the tobacco settlements—not one penny, of the settlements, has come from any tobacco grower or cigarette manufacturer it is paid by the consumer and the same thing will happen if Microsoft is ordered to pay any settlement no matter what amount.

The whole thing comes down to greed and jealousy. Microsoft is a pie everyone would like to have a piece of, so the government allows competing companies and states to sue to get a piece of it for nothing. There is absolutely no doubt that Microsoft has done more to further the availability of computers and software for the average consumer than all the others combined. I guess that is the core issue here, Microsoft has always provided a vastly superior product at a

completive price, and the competitors would rather cry foul than get to work and develop a suitable product themselves.

As a long time computer user I salute Microsoft and their ability to provide software that works and actually anticipates my needs before I do. They also provide totally free support and updates for their products—all the others might or might not, usually not. I would purchase Microsoft products at any cost. Microsoft could charge more for their products, but they have always made their products available to the average consumer.

The final point is that this country was built on innovation and hard work, and to penalize Microsoft for working harder and being better at their job than the others is ridiculous. Let the ones filing the law suits get to work and get out of the courtroom.

Thank you.

MTC–00006114

From: Burden, Douglas
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 1:43pm
Subject: Microsoft settlement

To Whom It May Concern:

Bottom line—enough already! While Microsoft wouldn't be confused for a band of Franciscan monks, the current settlement seems a sufficient chastening. Let's stop the whining and move forward.

Doug Burden

MTC–00006115

From: GHarris160@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:49pm
Subject: Microsoft Settlement

Gentlemen:

During this period of public comment on the Microsoft Settlement, I would like to have my voice heard. It is absolutely ridiculous to continue to pursue this matter any further. The economy and the stock market are in enough trouble without any additional litigation on this matter. Microsoft has served the public extremely well with its technology and its products. The public should not have to suffer the expense and trouble of further litigation. The states who have not gotten onboard with this settlement should be ashamed of themselves. This includes my own state of California, who I am ashamed of for not joining the settlement.

Sincerely,
George Harris

MTC–00006116

From: Edward Enders
To: Microsoft ATR
Date: 1/2/02 1:50pm
Subject: microsoft Settlement

I would just like to say that I think that the government gets nervous when a company get's as big as Microsoft. I also think you guy's at DOJ have went about this all wrong. You should have worked with Microsoft and used there position to your advantage, not just go after them in court. Microsoft is a good company and has done alot of good with it's wealth as opposed to many other companies similar in size. You guys should stop wasting the tax payers' money and get back to work on more important issues.

MTC–00006117

From: Jpf251@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:49pm
Subject: Microsoft settlement

This action should be concluded as is and let MS continue to innovate. MS is the best thing that has happened to the industry since its inception.

Thank you
John

MTC–00006118

From: sstrzelec@tycoint.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:51pm
Subject: Microsoft Settlement

Dear Sir/Madam,

I would like to voice my displeasure with the way competitors of Microsoft are using US government to achieve their goal of destroying one of the most successful and enormously beneficial to consumer company. These competing companies over long years were not able to deliver better product, product which for me an average customer would provide compelling evidence to use it. Microsoft through its effort do deliver ready to use package of different application, provided me with an easy to use and cost effecting product. Through its relentless effort to provide product that customer can use easily, Microsoft became leading provider of operating system which become the standard. Having this standard provided enormous saving in software production and training for others companies which in turn provided customers with big savings. I consider effort of Federal and State officials to punish Microsoft as ill guided and should be stopped to prevent further waste of taxpayers money and to prevent some bureaucratic fixes that will cause software compatibility problems and eventually lead to more expensive products. Standard is critical and it can be established either by government (which will not happen in my lifetime) or strong leading company as Microsoft.

Sincerely,
Stanley Strzelec
sstrzelec@tycoint.com

MTC–00006119

From: Srsusa@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:51pm
Subject: (no subject)

DOJ

Please leave Microsoft alone and don't penalize their success; this is America. More than enough taxpayer money has been spent on this case. The high technology landscape will look completely different in the next 5 to 7 years.

Sincerely,
Regis L. Roderick

MTC–00006120

From: SUSAN.ROBERTS
To: Microsoft ATR
Date: 1/2/02 1:51pm
Subject: Microsoft Settlement

Please do whatever it takes to get this issue settled ASAP. Why do you allow special interest groups to continue to hold up these efforts. Thank you for you impending actions.

Susan Roberts
Prudential Locations Projects Dept

MTC–00006121

From: RCNIPP@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:52pm
Subject: (no subject)

PLEASE DON'T MAKE ANOTHER MISTAKE WITH MICROSOFT LIKE YOU DID WITH AT&T.

THANK YOU.
R.C.NIPP

MTC–00006122

From: Kimberly Bowen
To: Microsoft ATR
Date: 1/2/02 1:52pm
Subject: Microsoft Settlement

Please support passage of the Tunney Act. It's time to settle this expensive investigation fairly, which I believe the Tunney Act will do. As a Microsoft shareholder and Washington State resident, I feel that prolonged persecution of Microsoft will hurt the economy of my state as well as my personal financial well-being and that of my community. Thank you.

Kimberly Bowen
Bowen Consulting
bowen@raincity.com
CC:Kimberly Bowen

MTC–00006123

From: Joyce Cuyar
To: Microsoft ATR
Date: 1/2/02 1:52pm
Subject: Microsoft Settlement

Hello

I think the Microsft settlement is fair and in the best interest of the consumer as well as our country. Too much time and money has been spent on this already by all sides involved. This time and money could be put to better use in reviving the economy and getting the USA back up on it's feet. Enough is enough. Let's get this issue behind us and move on.

Joyce Cuyar . Owner
Pro-Search Prof. Recruiting
PO Box 372 . Jackson Center. PA . 16133
Email: cuyar@staffing.net
http://www.pro-search.net

MTC–00006124

From: Paul Deignan
To: Microsoft ATR
Date: 1/2/02 1:52pm
Subject: Microsoft Settlement

Let's put an end to this litagation now. This has dragged on long enough.

MTC–00006125

From: rmontemorra@att.net@inetgw
To: Microsoft ATR
Date: 1/2/02 1:53pm
Subject: Microsoft

Microsoft has been punished enough. They have seen the stock price slip nearly 50%, which in turn has punished the public that the Gov't wants to protect. I believe that you can tie the fall in the Nasdaq to the fall in Microsofts price and the ruling by Judge Jackson. Neither the DOJ or the States are

doing the public any favors. Let the settlement happen and lets move on.

MTC–00006126

From: Grace D VerHoeven
To: Microsoft ATR
Date: 1/2/02 1:52pm
Subject: MICROSOFT SETTLEMENT

I believe the settlement proposed in the above issue is fair and reasonable, and that further litigation in this matter should be stopped. Let's stop the nitpicking because some firms are jealous of Microsoft's ingenuity and success and concentrate our funds on issues more important to our nation's security.

MTC–00006127

From: Bradford Augustine
To: Microsoft ATR
Date: 1/2/02 1:53pm
Subject: Microsoft Settlement

It is time to settle this case. I am tired of my taxpayer dollars spent on this matter. I believe that the settlement agreement while not perfect is sufficient to protect consumers as well as not stifle advances in technology. Please settle this matter now.

Sincerely,
Bradford G. Augustine
MadronaReal Estate Services, LLC
500 Union Street Suite 900
Seattle, WA 98101–4052
www.MadronaRealEstate.com

MTC–00006128

From: Kent Fiedor
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 1:53pm
Subject: Microsoft Settlement

I am For the settlement of the Microsoft Case. I never agreed that is should have happened in the first place. The government spent too much money trying to punish a successful company whose products have reinvented and improved the office.

Kent Fiedor
Business Analyst
iCorp.com
KentFiedor@icorptech.com

MTC–00006129

From: Burke, Mr. Brian (Computer Research Supp)
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 1:55pm
Subject: Microsoft Settlement

I am in support of the Microsoft/Justice Department Settlement. Please end this wasteful litigation and help the country's recovery and move on.

Thanks
Brian Burke
Purdue Pharma—444 Saw Mill River Rd, Ardsley, NY, 10502
burkebr1@pharma.com

MTC–00006130

From: Doreen Power
To: Microsoft ATR
Date: 1/2/02 1:54pm
Subject: Microsoft Settlement

I strongly support the settlement of the anti-trust suite against Microsoft. It is way beyond time to settle this dispute and invest our taxpayer dollars in more worthy causes such as the sagging economy and anti-terrorism efforts.

Thank you,
Doreen Power
Sammamish, WA

MTC–00006131

From: sdbjla@att.net@inetgw
To: Microsoft ATR
Date: 1/2/02 1:53pm
Subject: Microsoft Settlement

We are completely in favor of the settlement. This case should be ended.

Sincerely,
S. Bragin

MTC–00006132

From: James Robinson
To: Microsoft ATR
Date: 1/2/02 1:54pm
Subject: Microsoft Settlement.

Dear Dept of Justice,

I personally know that I have never been overcharged or harmed by Microsoft. I have benefited immensely by their products because of there ease of use and the conformity all there products have with one another. This conformity has increased my ability to compete in the market place because I am able to learn different application programs more quickly than by using competing software. As a consumer, I have always had alternatives to using Microsoft products. I could have purchased an Apple computer or product using a Unix based system. There is competition out there. I chose Microsoft because it was the superior product. If that should change in the future, I will gravitate to the better product. I personally feel that Microsoft is being unjustly punished. The harm that is talked about is perceived harm, not actual harm. You are going to punish a company on my behalf for the harm they caused me? No harm has come to me, only benefit.

Has anyone ever calculated the benefit to our economy that has been gained because Microsoft software is easy to learn and be productive with? I can easily train people at my company to use a PC, and access the internet, because of the user friendly features of Microsoft's products. When I compare the time required to train employees on our old computer system, verses the time required to train someone on a Windows based PC, I find that I can train someone to use windows in about a quarter of the time. This time adds up to considerable savings to our company because employees become productive more quickly. This increase in production and savings in training is solely do to the Microsoft corporation. What other American corporation has had such a positively huge impact on our economy. Don't punish a corporation for doing what we do best in this capitalist economy: being innovative, making money and positively benefiting our economy and standard of living.

Thank you Microsoft!
Sincerely,
James M. Robinson
5153 W. Wikieup Ln.
Glendale, AZ 85308

MTC–00006133

From: Bradford West
To: Microsoft ATR
Date: 1/2/02 1:53pm
Subject: Microsoft Settlement

The settlement is fair. It recognizes that Microsoft was wrong and it requires Microsoft to pay damages. Microsoft's ability to add features to its products should not be restricted, and Microsoft should not be broken up into multiple operating units, unless financial market forces (unrelated to government intervention) so dictate. The quality of the product and its ability to multitask and integrate with other products should be dictated by the consumer and not by any government. I require a fully-integrated product to run my business. I believe that Microsoft products have enabled me to be more productive year over year, and my productivity increases as the functionality and integration of features increases. A government break-up or restriction on Microsoft's ability to provide better, more fully-integrated products would be harmful to me and to the productivity of the workforce in America and beyond.

Microsoft's products or marketing should not impede the ability of its competitors to innovate and provide consumers with quality choices. Additionally, Microsoft should provide enough information to competitors to allow competitors to make products that function within the Windows environment. To the extent Microsoft did not in the past comply with those requirements, the settlement fairly punishes Microsoft for its non-compliance. Microsoft competes fairly in the cases of which I am aware. I use several products that compete with Microsoft products, such as Quicken, which competes with Money, and I judge Microsoft against its competition in each purchase I make. The key is that I, not the government, chose the product I want to use. Any government restriction on my choice, or my ability to choose as a result of a break-up of Microsoft or restriction on innovation, is wrong. Such a restriction is anti-capitalist, anti-free market, and anti-American.

Bradford D. West, PLC
731 Via Lombardy
Winter Park, FL 32789
bradfordwest@cfl.rr.com
http://www.lawyers.com/westplc

MTC–00006134

From: Ollie Fick
To: Microsoft ATR
Date: 1/2/02 1:58pm
Subject: Microsoft Settlement

I urge you to settle this case according to the terms already worked out with Microsoft. I and millions of other citizens are owners of Microsoft stock and are tired of the drag this case has put on the company's stock. Any benefits that may have resulted from this case have already been written into the agreement. Further delay of the settlement cannot possibly result in significant additional benefits.

Thank you.

MTC–00006135

From: janrog@home.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:54pm
Subject: Microsoft Settlement

Gentlemen:

I believe it is of extreme importance to dispense with any continuing litigation with regard to the alleged anti-trust practices being made against the Microsoft Corporation. In view of the fact that Microsoft has agreed to a settlement to end this case I strongly state that this settlement should be accepted and put into place. Our economy does not need any further negative events and the conclusion of this case will be viewed as a positive influence and will help the US and World economies to begin a rebound from current depressed levels. I believe that those not in support of this agreement use only self centered, selfish reasons and that their reasons are directly contrary to what is just and correct for the American economy. This is America which has been built upon free enterprise and we cannot allow continuing efforts to stifle the strengths we have in this country.

Sincerely,
Roger L. Nauta
janrog@home.com

MTC–00006136

From: Bob Balke
To: Microsoft ATR
Date: 1/2/02 1:53pm
Subject: Microsoft settlement

As a consumer, I appreciate the greater usability of Microsoft software. If I don't want to use Explorer, I'll get Netscape. But I appreciate the fact that I don't have to get Netscape or Real Network in order to have a PC that performs the tasks that I want to accomplish. For some reason, Microsoft is being penalized for building a great product and then making the product better over the years. For my money, the consumer is the largest beneficiary of Microsoft's upgrades. But if you have sufficient manpower, please focus on an industry that openly fixes prices, provides the worst customer service and blames all of its problems on others. Of course I'm referring to the airline industry.

Sincerely,
Robert J. Balke

MTC–00006137

From: Ceebar612@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:53pm
Subject: (no subject)

Personally, I think it ridiculous to keep this up with a company which has contributed so much. It reminds me of oil and the Rockefellers (I am 80 and a half) and what good did that do. Stop the action. It is costly and un-American. Like the Rockefellers, the Gates give back to their country.

Sincerely,
Caroline B. Taylor

MTC–00006138

From: Betty Sherman
To: Microsoft ATR
Date: 1/2/02 1:54pm
Subject: Microsoft Settlement

Why are these ''holdouts'' holding out for more? The DOJ has spent more on going after this one man, who has done so much good for so many people, than they had spent, prior to Sept. 11, going after one man who has perpetrated so much evil in the world. Do these individual Atty Gen'ls of those holdout states set themselves up to know more than the U.S. DOJ? Get this thing settled and get on with other matters.

Thank you.
Betty Sherman retired RDH
1932 Mahan Avenue
Richland, WA 99352

MTC–00006139

From: JOE ROSENTHAL
To: Microsoft ATR
Date: 1/2/02 1:54pm
Subject: Microsoft Settlement

I believe the Microsoft Settlement as offered by MIcrosoft is fair and should be accepted.

Joe Rosenthal
4712 Meadowview Blvd.
Sarasota, FL 34233

MTC–00006140

From: Texpop@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:54pm
Subject: Microsoft AntiTrust Settlement

Dear Sir/Madam,

This AntiTrust Action by the government has gone on too long already; let's close this action and carry on with progress. I am disturbed that some litigants in this case want to prolong the legal process.

Microsoft did indeed overstep the bounds of fair competition in some of their agreements with hardware suppliers, but the solution to that problem could have been resolved many years ago by addressing the unfair practices and stopping them. Instead the competitors enlisted the government to resolve their grievances at no cost to them. These competitors had legal recourse of their own in the court system if they wanted to pursue it.

The complaint about bundling software was and remains specious and against the benefits to the consumer. For example, Netscape's programs could run on Windows. How is that possible? It is because Microsoft gave them all the information needed to program their software to run on Windows. That is not the action of a company trying to deny use of their system. I have yet to hear anyone complain about the cost of Windows and other Microsoft products, so where has the consumer been hurt? The bundling of software is one of the profound advances in system operating systems. This is one of the profound improvements in computer software developments.

I do not understand what the States (and their lawyers) have to gain by rejecting this settlement. Are they more interested in a large financial settlement or a resumption of the economic growth of the technical industry? I think it is the former!

MTC–00006141

From: BMarrow630@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:56pm
Subject: Microsoft Settlement

I favor the microsoft settlement to which the Justice Dept and MS have agreed.

Robert Marrow
56 Rye Rd.
Rye NY 10580
bmarrow630@aol.com

MTC–00006142

From: Hoffman, Matt
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/2/02 1:58pm
Subject: microsoft settlement

please get it done already. more than enough money has been wasted on this suit that never should have been brought. Suits like this impair our freedom.

MTC–00006143

From: john zimmerman
To: Microsoft ATR
Date: 1/2/02 1:54pm
Subject: Microsoft Settlement

Pls settle this issue asap according to the terms released several months ago. The lawsuit against Microsoft was ill-conceived from the very beginning. In any other country, Microsoft would be considered a national treasure and Bill Gates' birthday would be a holiday. As a serious computer user, I would like to see as much functionality as possible bundled into the Windows operating system. I do not enjoy spending serious money on poorly functioning ancillary software like firewalls, virus protection, cd burning, faxing, music, etc. Usually, the functions within windows are good enough for me; they work reliably; and they have no incremental cost. Those who want enhanced functions and complexity are always free to buy them. The universality of Windows is also a great asset. I can currently use almost any desktop computer in the world without spending a day or more learning a new software system. Again, please divert your resources from the irrelevant Microsoft case to issues that are much more important to America-security and terrorism.

John E. Zimmerman
6417 Deerings Lane
Norcross, GA 30092

MTC–00006144

From: JDay31932@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:55pm
Subject: Microsoft Settlement

Hello,

I believe that the US government & Microsoft need to complete the settlement of this case without further litigation. The agreement reached by the parties is equitable to all involved. I cringe when I think what our computer and cyberspace landscape would look like if it wasn't for Microsoft's forward thinking and marketing strategies. The PC environment is quite manageable because of Microsoft.

Respectfully,
John Day

MTC–00006145

From: Sasan Nikoomanesh
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 1:55pm
Subject: Microsoft Settlement

To whom it may concern;

First of all, thank you for soliciting and taking into consideration public opinion regarding the above settlement. It makes me proud to live and be part of the best democracy in the world.

To maintain a true democracy, government needs to act as an independent moderator

and enforce the law to protect its citizens. In my opinion, this case has been drag for so long that it has lost its purpose. Millions of dollars of taxes have been spent prosecuting a business, and millions more have been spent by Microsoft defending its business practices. This money on both sides can be put to better use.

I believe that the current penalties levied by the court are fair and should be executed promptly. The sooner this case is settling, the sooner the consumer and the government can focus on more important matters.

Respectfully,
Sasan Nikoomanesh
A concerned citizen 310–575–7046

MTC–00006146

From: Charles Fisher
To: Microsoft ATR
Date: 1/2/02 1:56pm
Subject: MICROSOFT SETTLEMENT

DOJ,

You have your settlement now it's time to get off their backs. I am sick and tired of hearing about people and companies being punished because they thought of something first. I don't know Bill Gates or anyone else at Microsoft. It won't matter a thing to me if they make another billion or lose all they have. They earned all they have by their brains and brawn. . . . Get off their backs. . . .

Charles Fisher
Tampa, Fl.

MTC–00006147

From: USSSLATER@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:55pm
Subject: Microsoft Settlement

Please get off Microsoft's back and let them get back to doing what they do best—making jobs for a lot of people and making life better for even more people.

Gordon Lattey
ussslater@aol.com

MTC–00006148

From: Jim Holland
To: Microsoft ATR
Date: 1/2/02 1:55pm

To whom it may concern:
Get off Microsofts' back. Now.
Jim Holland

MTC–00006149

From: Erickson, John
To: Microsoft ATR
Date: 1/2/02 1:53pm
Subject: Microsoft Settlement

To whom it may concern:

Regarding the proposed Microsoft settlement, I believe it is fair. We are seeing a few state attorney general and lobbyists trying to make a name for themselves (or the companies they represent). The software environment has changed so dramatically since this case was brought to trial, that many of the issues are not relevant.

Regards,
John A. Erickson
30601 Harristown Road
Grand Rapids, MN. 55744

MTC–00006150

From: Gene Robinson
To: Microsoft ATR
Date: 1/2/02 1:56pm
Subject: Microsoft Settlement

Please settle this case as proposed. I, as a consumer, have never felt harmed by Microsoft's practices. In fact, I couldn't even begin to run my business without Microsoft's products. Thank you for consideration of these comments.

Best regards,
Guy E. Robinson,
Lincoln, Nebraska

MTC–00006151

From: Geoffrey Feldman
To: Microsoft ATR
Date: 1/2/02 1:56pm
Subject: I favor a settlement that is as favorable to Microsoft as possible.

I am a professional software engineer who has never believed the Microsoft anti-trust prosecution should have even begun. I have followed this case, including its technical merits and I find it chilling that the government ever interfered.

I believe that Microsoft's competitors failed through their own incompetence. By this, I mean specific technical mistakes and product quality failures which lead me away from Microsofts' competitors in recommending products to my consulting clients. Microsofts' actions and behaviors have benefited me as a consumer of software and as someone who profits from enhancing and developing software. The action of the government has caused me harm by interfering with a process that was never illegal. The actions of Microsoft are no more anti-competitive than similar actions undertaken by Sun Micrososystems, Compaq, Apple, IBM, AOL and Netscape.

I think the government should settle this case and do so in a way as favorable as possible to Microsoft. I think the government should avoid similar cases in the future and allow the marketplace to make these decisions in the future. Please do not interfere with the operations of Microsoft, you only interfere with legitimate commerce and my way of earning a living as a computer programming consultant. I have no direct interest in Microsoft. I am not an employee nor even a shareholder.

Geoffrey Feldman
geoff@seabasecns.com
617–429–8966
1541 Middlesex St. #8
Lowell, MA 01851

MTC–00006152

From: David Williams
To: Microsoft ATR
Date: 1/2/02 1:57pm
Subject: Microsoft Settlement

Dear Sirs:

The action against Microsoft has in no way and will in no way benefit those persons who use the Microsoft products and any settlement the negatively impacts the company will only worsen the situation.

I am a periodontist and have used computers in my office since 1983. In the past I was forced to deal with those companies that are responsible for bringing this suite against Microsoft. The cost of using their software compared to Microsoft's is easily three to four times greater. I don't view Microsoft as some monopolistic giant, but more as a friend who has made in possible for to have the hardware and software for the systems we have today at an affordable price, whereas before I felt I was being robbed by the likes of Apple and Sun.

In my view, there should have been no judgement against Microsoft and they should be left to do business as usual.

Sincerely,
David S. Williams DDS,MSD

MTC–00006153

From: Byron Stavrou
To: Microsoft ATR
Date: 1/2/02 1:57pm
Subject: Settlement

Gentlemen:

I thought this was pretty much settled! While I believe Microsoft could be faulted for some of its practices, the extent to which this is being prosecuted is unconscionable. The recalcitrant States and the vestiges of of vindictiveness within the DOJ, and more squarely in the Senate, are the height of malicious prosecution.

You are allowing the above self-interested parties, (to some extent driven by the states which are competitors of Microsoft), to tamper with a company who is one of the main engines of this economy. We are in enough of an economic downturn right now. Let us not penalize a company that can help us out of our economic rut. Please stop the further pursuit of this case.

Byron Stavrou
Prudential, DeHOFF REALTORS
821 South Main Street
North Canton, OH 44720
E-Mail <mailto:: ByronG@msn.com>
mailto:: ByronG@msn.com

MTC–00006154

From: HBra42731@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:57pm
Subject: Microsoft Settlement

I wish to lend my support to the Tunney act, for the final settlement of issues related to Microsoft. It is high time that the government stops harrassing Microsoft, a company responsible for thousands of jobs and technical inovation benefiting millions.'To delay further is a total waste of time.

Herbert A. Brauner
110 Sleepy Hollow Dr.
San Anselmo, CA 94960

MTC–00006155

From: CRL0@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:57pm
Subject: Microsoft Settlement

I am a long time user of Microsoft products and believe the settlement should be in favor of Microsoft. I am a retired Federal employee and currently have a home based business, using many of Microsoft products. I do not see a need for other companies of lesser quality products to have a say in what is good for me. I may be reached at this E-mail address of CRLO@aol.com@inetgw

Creola Loyd

MTC–00006156

From: Tlpcook57@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:58pm
Subject: Some testimony

I would like to see my government stop wasting taxpayer money going after Microsoft. Let free enterprise work. My new (then) computer came with the Microsoft search engine along with AOL. Netscape, Msn, Yahoo and several others all bundled on the machine. Hooray I had a choice. Quit persecuting MSFT and use the money to go after Bin Laden and Sadam Hussein.

MTC–00006157

From: Bernie Friedenson
To: Microsoft ATR
Date: 1/2/02 1:57pm
Subject: microsoft settlement

Congratulations on a prompt, fair and equitable settlement! The case has been a burden on the computer industry, the economy, and the whole country.

Bernard Friedenson

MTC–00006158

From: nacpa
To: Microsoft ATR
Date: 1/2/02 1:58pm
Subject: Microsoft Settlement

I support the proposed settlement with Microsoft as it now stands. I am confident that the marketplace for innovation and competition is healthy and needs no further action by the government to protect the public's interests.

I believe those opposing the current settlement are doing so to try and effect changes that will serve their own, not the public's, interests.

Thank you,
Cynthia Wallace Liss
PO Box 753
McLean, VA 22101
nacpa@cox.rr.com

MTC–00006159

From: Lou(038)Anne Salem
To: Microsoft ATR
Date: 1/2/02 1:58pm
Subject: microsoft settlement

I think the agreement for the microsoft settlement is fair to all parties involved.

Thank You
L J Salem Jr.

MTC–00006160

From: James D. Miller
To: Microsoft ATR
Date: 1/2/02 1:59pm
Subject: Microsoft Settlement

To the Attorney General:

As a consumer I find it difficult to understand why a few states and special interest groups can continue to keep this settlement agreement form completion. The Federal Government must put this to rest immediately. We've all suffered financially as the result of this competitor led suit and it's time it stopped. This is a country where the majority rules and that's exactly what needs to happen here. Tell those who want to continue this for their own selfish interests to get in line and stop holding this up and let's get on with it.

James D. Miller.

MTC–00006161

From: Warren Dewar
To: Microsoft ATR
Date: 1/2/02 1:58pm
Subject: Microsoft Settlement

I understand, under the Tunney Act, there is a period of time within which the public is allowed to comment to the District Court regarding the proposed settlement of the antitrust case against Microsoft Corporation. I wish to express my strong support for the proposed settlement. In my opinion, this case was ill-advised from the start, and was an obvious attempt by Microsoft's competitors to strengthen their position at the expense of the world's most innovative company.

Microsoft is clearly committed to a nonproprietary Internet, as opposed to the nation's cable companies, which can design their broadband networks to control what kind of content and applications may be carried. There is little reason to vilify a company with a strong and powerful interest in a strategy that may well reinforce competition on the Internet, especially when few of Microsoft's competitors have adopted such a similarly pro-Internet strategy. Thus, rather than adopting a remedy that is focused exclusively on the 'last war,' a proper remedy to the current antitrust case should be sufficient to steer Microsoft towards its benign strategy, while assuring an adequate response if it fails to follow this pro-competitive lead.

Sincerely,
Warren L. Dewar II
137 Buchanan Street, San Francisco, CA 94102

MTC–00006162

From: Brian Olson
To: Microsoft ATR
Date: 1/2/02 1:58pm
Subject: Hurt Microsoft, hurt the country.

If you insist on a witch hunt why are you not going after Steve Case from AOL?

AOL blocks photos coming from other E Mail sources. AOL stands in the way of Instent messages to all ESPs, MSFT does not.

This is about money for other companies not the people of our Country. Apple price for price is a computer I, as a Computer teacher feels like running for the door when I see one.

It has the worse mouse, lousy graphics, is difficult to navigate. I find it difficult to believe the people against MST have ever used a home computer.

The Government must have determined that the American People are stupid, that they buy Windows because Bill Gates secret organization of Storm Troupers sneaks into homes and forces prospective buyers to purchase Windows.

Forget the Hype that Apple Computers do not hang up. In 10 years of teaching computers, I have seen Jobs little miracle hang up three times to every once for Windows.

I hate to think this, but is the case against Gates fueled by his lack of bribing legislators, or is it just that legislators and judges are a lot less inteligent then I ever thought they were.

BRIAN

PS Who designed the Graphics for Apple!

MTC–00006163

From: Frank Scott
To: Microsoft ATR
Date: 1/2/02 1:59pm
Subject: Microsoft settlement

I believe the DOJ should proceed with its proposed setllement of the Microsoft case.

Frank Scott
Scott American Corporation
Box 88
West Redding CT 06896–0088 USA
Phone and fax: 203 938 2955
e-mail: frank@scottamerican.com
website: www.scottamerican.com

MTC–00006164

From: DChick7070@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:59pm
Subject: Microsoft Settlement

I believe the Microsoft case should be settled post haste. The economy is not good and another company going down the drain is not what we need. I also believe in the old American way that who ever builds the best mouse trap wins.

D.R. Chick

MTC–00006165

From: Captain Brett
To: Microsoft ATR
Date: 1/2/02 1:59pm
Subject: Microsoft Settlement

Dear Madam/Sir:

I think Microsoft Corp. has acted in good faith and given up many of its legal rights in order to bring to an end the anti-innovation anti-trust suit brought by the Justice Department and some states on behalf of special corporate interests. The settlement reached by Microsoft and Justice appears to be in the second best interest of the public—the first would have been to leave Microsoft alone and allow them to continue to develop great software and give American consumers free computer tools—and as a computer user I hope the Justice Department will second this settlement in earnest.

Happy New Year.
Brett Jiu
711 W 171st St Apt 8
New York, NY 10032

MTC–00006166

From: Richard
To: Microsoft ATR
Date: 1/2/02 1:59pm
Subject: Microsoft Settlement

With the terrible events of 9/11 still at the forefront of our collective minds, please do whatever is necessary to bring ALL parties on board for a comprehensive settlement of the microsoft case. It is terribly distracting to have a sterling domestic company dogged by years of litigation. The Federal government's settlement is more than fair to all parties; please do something to bring the states who have opted to continue litigating into the fold. We need to put this behind us. America needs you to resolve this matter. We are all ready to move on, to get back to work, to keep America at the leading edge of technological supremacy.

Richard Hetherington

MTC–00006167

From: C.M. HOOPER
To: Microsoft ATR
Date: 1/2/02 1:47pm
Subject: Microsoft Settlement

Microsoft has contributed greatly to information technology and our new economy. Microsoft has been and is endorsed each time an individual or organization purchases its products and services. These are voluntary transactions and, as an individual, I believe Microsoft has given me full value for the price of its products that I use. Microsoft's competitors are cry babies and the state attorneys general who have sued Microsoft are no better than the worst of tort lawyers. It's time to let Microsoft get back to developing new information technology. Although unfair to Microsoft, it's time to settle the case now before the federal government.

Clay Hooper
HC 63 Box 19
Hamilton TX 76531

MTC–00006168

From: Robert/Shirley Girard
To: Microsoft ATR
Date: 1/2/02 1:59pm
Subject: Microsoft Settlement

We wish to be counted among those who vehemently are against further litigation, with regard to Microsoft, which is costly and time consuming and unnecessary. Please settle this issue as expeditiously as possible. There are many more crucial situations in our world today. We thank you!!!!!!!

Shirley & Robert GIrard
Kingston, WA

MTC–00006169

From: Ray Petrone
To: Microsoft ATR
Date: 1/2/02 1:59pm
Subject: Microsoft Settlement

Ladies and Gentlemen:

Congratulations on the long-awaited settlement with Microsoft. It was long overdue. It is most unfortunate that nine states continue to waste far more time on this matter than can possibly be justified. With situations like the one at Enron commonplace they would be wise to spread their attention in places where millions of people are likely to benefit more from the outcome. Enough is enough. Please move forward with the settlement as agreed to by Microsoft.

Although as a shareholder in Microsoft I think that even that settlement goes too far I am willing to lend my voice to the voices of compromise in order to move to far more important matters for our economy, our nation and the general welfare of the people of this country.

Respectfully,
Raymond Petrone, P.E.

MTC–00006170

From: Toney Herlevic
To: Microsoft ATR
Date: 1/2/02 1:59pm
Subject: Microsoft Settlement.

Dear DOJ,

Please settle this case against Microsoft as soon as possible. This case should never have occurred. It should not be the purview of Government to protect stupid people. I am an average computer user and somehow have managed to put four browsers on my desktop with no help from the Government. The government should stay out of this marketplace and let the marketplace settle these disputes. Please accept the settlements as soon as possible and get off Microsoft's back!

Toney Herlevic
El Cajon, CA

MTC–00006171

From: Funds, Karl—Karl
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 2:01pm
Subject: Microsoft Settlement

Any case against Microsoft has become way to muddied to make any clear sense of the issues involved. Fine them and let's get this over with. Too many have a personal stake in the case for any real resolution, so just end it quickly.

Karl Funds
Funds Hays Graphic Design
2901 W. Busch Blvd., Suite 406
Tampa Florida 33618
kfunds@fundshays.com
www.fundshays.com

MTC–00006172

From: CMSEH@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 1:59pm
Subject: microsoft settlement

Department of Justice,

The Microsoft Case must be settled! It is only correct that the case should be settled because it will improve the economy and as a user of Microsoft since 1976 in my work in the public schools of Milwaukee, I have found it the best of all worlds.

Sincerely,
Carol M. Schaeve; Retired Reading Specialist from Milw. Ghettos;

I retired at 72½. Now I am 76 and still using Microsoft 2000 in writing the genealogy of my four ancestors who came to America in 1845 and 1854. Hurrah for this country; keep it sound and settle Microsoft.

MTC–00006173

From: Kar Ip
To: Microsoft ATR
Date: 1/2/02 2:01pm
Subject: Microsoft Settlement

For nearly four years, the public's voice and interests have been instrumental in the debate over the freedom to innovate. Tens of thousands of concerned citizens have communicated to their public officials about whether the Microsoft case should be settled or further litigated. Despite the aggressive lobbying efforts of a few of Microsoft's competitors, the federal government and nine states finally reached an agreement with Microsoft to address the reduced liability found in the Court of Appeals ruling.

My opinion is that this agreement is comprehensive and tough, but reasonable and fair to all parties involved. As a consumer, I overwhelmingly agree that settlement is good for the consumers, the industry and the American economy. Unfortunately, a few special interests are attempting to derail the settlement and prolong this litigation even in the midst of uncertain economic times. The last thing the American economy needs is more litigation that benefits only a few wealthy competitors and stifles innovation. I will not let these special interests defeat the public interest.

Sincerely
Kar W Ip
Private Citizen
80–55 Bell Blvd,
Queens Village, NY 11427

MTC–00006174

From: Ellen Page
To: Microsoft ATR
Date: 1/2/02 2:00pm
Subject: Microsoft Settlement

If you have the interest of the consumer, and not special interest groups, in mind, then you will settle the Microsoft issue now.

It confounds me that the Department of Justice would practice Draconian justice with a company that has so improved the quality of life for Americans. Sure, it is big. Sure, it is successful. Do you want to discourage growth and innovation in the entrepreneurial sector? It also provides jobs for thousands, who in turn spend money and enhance the economy.

I do part company with Bill Gates when he uses his influence to change immigration laws. We have home grown talent to fill the jobs made available by the hi-tech industry.

Respectfully submitted,
Ellen Page

MTC–00006175

From: MoonDoctor@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:01pm
Subject: Microsoft Settlement

To whom it may concern

Even though I feel that the Microsoft Corporation is being penalized more than I think is reasonable, I realize that it's not going to get much better under current conditions. For this reason, I strongly recommend that the existing terms of the settlement be set up and enacted as a final solution.

Jack Haug
PO Box 1104
Sanford, NC 27331

MTC–00006176

From: William P. Crumpacker
To: Microsoft ATR
Date: 1/2/02 2:01pm
Subject: Settlement

Let us ''move on'' and judiciously allow the settlemet to proceed. If the opponents desire to harm Microsoft, let them attempt to do so in the marketplace, NOT the courts.

Sincerely,
William P. Crumpacker
1654 Hanson St.
Ft. Myers FL 33901

MTC–00006177

From: Mac Goelst
To: Microsoft ATR
Date: 1/2/02 2:01pm
Subject: Microsoft settlement

L.S.,

It is my opinion that it is in the best interest of all concerned if the lawsuit against Microsoft is settled ASAP, because:

—In spite of the anti competitive behaviors Microsoft engaged in according to the court rulings issued so far, we as a company feel that we have only benefited from Microsoft's strength and dominant position by getting more software for ever lower prices. This in turn has benefited our customers (such as you, since we are a UNICOR partner), because it has allowed us to keep our pricing stable.
—Software innovation by Microsoft and others drives a lot of growth, and the sooner we get back and focus on that the better off we'll all be.
—The remedies proposed are fair, and any further tinkering, especially in the direction of a breakup of Microsoft will be tremendously hurtful.

Sincerely,
Mac A. Goelst
President/ CEO
Goelst USA, LLC
915 Bridge Street
Winston-Salem, NC 27101
email: mgoelst@goelst.net

MTC–00006178

From: Bernard Rohde
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/2/02 2:02pm
Subject: Microsoft Settlement

I believe the proposed settlement is fair to all parties and the general public at large. Lets get the deal done and move on with re-building our economy. Surely the Justice Department has better things to do with its time like chasing terrorists instead of hampering the free enterprise system.

Bernard Rohde
430 Martel Lane
Coppell, TX 75019

MTC–00006179

From: Robert Gadd, III
To: Microsoft ATR
Date: 1/2/02 2:01pm
Subject: microsoft settlement

In my judgment the whole market. particularly NASDAQ crashed after the Department of Justice and some states went after Microsoft. The domino effect took it from there.

My request is for you all to back off and drop all proceedings.

Robert F. Gadd, III

MTC–00006180

From: JAdams314@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:01pm
Subject: Microsoft Settlement

Gentlemen:

Let's get on with the business of business and that is to let the economy function as it always has, and not be heavy-handed in regulating, or micromanaging every situation. The government settled, the states should settle and get on with it. No one would want to think that with Europe united and creating a formidable economic threat to the rest of the world and with China getting its act together finally, that we need very strong companies to handle the world business climate. Microsoft is a leader.

Sincerely yours,
John Adams

MTC–00006181

From: michael bricker
To: Microsoft ATR
Date: 1/2/02 2:00pm
Subject: I hope you will use some sense in the Microsoft case.

I hope you will use some sense in the Microsoft case. They have invented a new language for all computer users to use. And have offered it to the public for a fair price. What if Japan or some one elle had invented this item. How maney dollars would we be exporting to them???

MTC–00006182

From: cewagner@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:01pm
Subject: Microsoft Settlement

Dear DOJ,

The current Microsoft settle seems to be fair. Please don't let the Microsoft competitiors do more unfair damage to a company that has been the industry leader for the last decade.

Charles E. Wagner Jr.
25 Newberry St.
Bridgewater, NJ 08807

MTC–00006183

From: YLPATH@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:00pm
Subject: Microsoft Settlement

Dear Sir, I believe that Microsoft settlement is good for the economy of USA

Sincerely,
Yat-sun Leung

MTC–00006184

From: flora@businessaspects.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:01pm
Subject: Microsoft Settlement

To Dept. of Justice,

As a very concerned citizen, kindly allow me to voice my opinion that is is time to settle fully with Microsoft and let this company and our great nation get on with fulfilling our needs for advanced technology, which Microsoft has shown, countless times, does so ably.

Let's get on with a bright future, shall we? Settle with Microsoft now.

Thanks for your time.
Flora Gabriel, BSL, JD
flora@businessaspects.com

MTC–00006185

From: MFGRANDE@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:01pm
Subject: Microsoft Settlement

Dear USDOJ:

I think it is preposterous that the US Government has continued it's attack against free enterprise and Microsoft. Didn't the government learn anything from Ken Stars and that waste of our tax dollars? Call off the attack dogs and let capitalism live.

Time to move on to more pressing issues facing us today and let the lawyers find other revenue streams.

Mario Grande
mfgrande@aol.com

MTC–00006186

From: Simon Litvak
To: Microsoft ATR
Date: 1/2/02 2:02pm
Subject: Microsoft Settlement

Hi,

I would like to express my opinion on Microsoft case. Microsoft case should be settled without any further delays. Continuation of this case is harmful to industry, American economy and American consumers. Statements that Microsoft harmed consumers by building a lot of features inside Windows OS, not to mention overcharging them (we are really undercharged by Oracle and Sun, aren't we?) are ridiculous. When I need small software utility to do my job, I have to pay 25%—100% of what MS Windows OS cost. What do you think consumers would say if they have to pay for browser, e-mail and a bunch of utilities and accessories which are provided as a part of MS Windows?

As a USA Federal and CA state taxpayer I see my money used in this case against my will. Last statement is also correct for millions and millions Americans.

Thanks,
Simon Litvak
Programmer/Analyst
UC Berkeley

MTC–00006187

From: Robert A. Hicks
To: Microsoft ATR
Date: 1/2/02 2:02pm
Subject: Microsoft Settlement

For the record, my wife and I are small stockholders in Microsoft, but we were not supportive of the government's position from day one. Please accept Microsoft's settlement offer, cut your losses, and go after real violators. =====

Robert A. Hicks, Executive Director
Tallahassee Comets, Inc.
2001 TWO-TIME TEAM CAMP USA CHAMPIONS
WWW.COMETSGET.NET

MTC–00006188

From: Dave Garvie
To: Microsoft ATR
Date: 1/2/02 2:02pm
Subject: Microsoft Settlement

The Microsoft case should be settled.

Please end these court proceedings and let Microsoft get on with their business.

Thank you,
Dave GARVIE.

MTC–00006189

From: Everett Joline
To: Microsoft ATR
Date: 1/2/02 2:02pm
Subject: Microsoft Settlement

Dear Sir

I would like to voice my support for the settlement that MS and the DOJ have agreed to. Naturally there are competitors that would like to shoot down this agreement to stifle MS competition in their product areas, however, it is definitely to the benefit of consumers to put this dispute behind us and get on with getting the economy back on track.

Thanks for your attention,

Everett S. Joline

MTC–00006190

From: jdcoussens@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:03pm
Subject: Microsoft Settlment

I agree that the case against Microsoft is bogus, Microsoft is a giant because it's serving its customer better than the others, other products that are better will eventually rise to the top, without the government's involvment.

Jerry Coussens
4440 Cheyenne Ave
Davenport, Iowa

MTC–00006191

From: Bjoart519@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:02pm
Subject: Microsoft settlement

My feeling is that the proposed settlement in the Microsoft problem, is more than fair, and Microsoft should not be penalized further. Though an octogenerian, having the whole computer revolution occur in my lifetime, and being no expert, I do feel that the Microsoft organization has been a large factor in my being able to use and enjoy my computer, and all the things I can do with it.

Sincerely,
Arthur W. Powell
1304 Monarch Circle
Naples, FL 34116

MTC–00006192

From: Wade Wilken
To: Microsoft ATR
Date: 1/2/02 2:02pm
Subject: MICROSOFT SETTLEMENT

Please record me as in favor of the proposed settlement for the Microsoft case.

Thanks and regards,
Wade Wilken Jr.

MTC–00006193

From: JLPWINGS@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:02pm
Subject: Micrsoft Settlement

If the goverment and various states are so eager to be involved in private business may a suggest a better target than Microsoft? Try the baseball industry. The state of Minnesota should look for ways of keeping baseball rather than prolong litigation against Microsoft.

The settlement as of this date is fair. The litigation has hurt more people than it has helped. Let the settlement stand and let's move on.

James L. Peterson
Microsoft User and Stockholder

MTC–00006194

From: Masciovecchio, Philip (P.J.)
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 2:00pm
Subject: Microsoft Settlement

It is truly a shame that our Government is still trying to penalize Microsoft. There are obviously other issues that I feel are more important than the one on hand. Mi

crosoft is a company that started with virtually nothing and has reached (deserved) the opportunity to capitalize on its achievements. I wonder if all those other companies that are competitors of Microsoft's were in the same position, would they feel like they were monopolizing the market. I doubt very much.

Microsoft should use it resources on making this world a better place through its current business, instead of spending it trying to defend itself in court, due to a few competitors who cannot meet what Microsoft has achieved.

I for one, would like to see this case put to rest once and for all. It is a shame our government is wasting so much time, resources, energy, and my taxes trying to penalize a company that should not even have to defend itself.

Regards,
Philip J. Masciovecchio
e-mail pmasciov@visteon.com

MTC–00006195

From: FoxxMulderr@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:02pm
Subject: Microsoft Settlement

Please move ahead with the current settlement that has been reached. Let's move on and let the company continue it's innovation to the technology industry.

David Rabinowitz

MTC–00006196

From: Betty Gotuaco
To: Microsoft ATR
Date: 1/2/02 2:03pm
Subject: SETTLEMENT

TO WHOM IT MAY CONCERN:

I feel that the US Department of Justice has done enough to prosecute Microsoft about the anti-trust concerns of the government. Please leave them alone. Microsoft is doing this great country a service, not like the Department of Justice Anti-Trust Group.

Thank You,
Betty Liang Gotuaco

MTC–00006197

From: Becke
To: Microsoft ATR
Date: 1/2/02 2:03pm
Subject: Microsoft Settlement.

I support Microsoft and urge the DOJ to follow through on the settlement as reasonable and fair to all parties. The dissenting states have business' making their homes in those states that would be helped if you were to disallow this settlement to go through.

I use a Windows product starting only 3 years ago... This system has allowed me to become computer efficient and I now use Microsoft Windows in my small business.

I completely support Microsoft and wish the previous administration and justice department had spent as much time on terrorism as they did attacking Microsoft.

B. Elliot
Texas

MTC–00006198

From: Larry Seltzer
To: Microsoft ATR
Date: 1/2/02 2:04pm
Subject: Microsoft Settlement

I have disapproved of the case against Microsoft from the beginning, and would prefer that it be dropped completely. But as the settlement agreement eliminates the most stupid provisions of the original judgment, I urge its adoption so that the industry and the nation can move on and put this episode behind us.

Larry Seltzer
127 Parker Ave
Maplewood, NJ 07040
larry@larryseltzer.com

MTC–00006199

From: Doug Brennan
To: Microsoft ATR
Date: 1/2/02 2:03pm
Subject: Microsoft Settlement

Please settle now. This has gone on to long and consumer's freedoms or pocketbooks are not being effected.

Thanks,
Doug

MTC–00006200

From: RMKM8818@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:04pm
Subject: Microsoft Settlement

We want the case settled as agreed and no further action taken.

MTC–00006201

From: CMDOC@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:04pm
Subject: Microsoft settlement

Please try to get this settled and let the company move forward with innovation and improvements to their product. The additions they have made over the years to the various Windows operating systems have been phenomenal and have given us (the consumers and users) much greater value for our money along with greater ease of use. Most of the objections are from competitors who would have us all buying separate products by the dozens to do the things that Microsoft has included with each new upgrade of their software. Thank Goodness for Microsoft and the foresight and innovation they have had in the past.

C. M. House, MD,
Captain MC USN

MTC–00006202

From: LORETTES2@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:05pm
Subject: Settlement

For justice's sake: Settle this case. Stop the litigation. Way too much time and taxpayers' money has been spent on this.

Lorette Schneider
A concerned taxpayer

MTC–00006203

From: Alcornwd@cs.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:05pm
Subject: Microsoft settlement is FAIR.

Dear Sir:

I strongly believe the Microsoft settlement is fair. Other wealthy competitors (i.e., Sun Microsystems) are trying to torpedo the settlement for their grudges and monetary gains. Please don't let the settlement be

decided by big businesses (competitors) that have an ''agenda.'' As a consumer, I think Microsoft's many contributions have been good for the general public.

Warren D. Alcorn
Sausalito, CA

MTC–00006204

From: Scott Harrison
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/2/02 2:02pm
Subject: Microsoft Settlement

Dear elected officials and lawmakers,

Please settle the Microsoft DOJ case, do not delay you are not acting on behalf of the consumer if you do not accept the settlement and move on. The proposed remedies are more than fair. The proposed DOJ settlement is the route that is most expedient and fair for all involved.

Microsoft is not a bad company, they are being punished for being successful and giving us consumers what we ask for, much of this suit is being driven by their competition not consumers. Microsoft is one of the very few companies that actually listens to the average consumers feedback. They may not get it right the first time but they listen and keep on trying until it is what we ask them to create. What we have now with Windows is want consumers have asked them to produce. Software companies should be forced to compete on the technical merit of their products as voted on by consumer dollars not via the Justice system and litigation.

The individual states should not be free to peruse additional remedies and measures, this seems wrong and also like double jeopardy. This is wrong that the individual states can choose to continue this matter on their own. If the case has been settled why does litigation continue, by any party?

The consumer is paying for this litigation, even in the end if Microsoft were to pay all legal bills—Microsoft should not have to pay for the government legal bills—the states and federal govenrment has still wasted time and money on this rather than putting those same resources to better use. This entire matter is a huge waste and gross misallocation of resources.

Please listen to consumers not competitors. I as a consumer want you to take the settlement, stop further persecution of Microsoft, restrict the states from being able to peruse this matter further, and stop wasting time and money on this.

It is terrible that we have spent more money tracking down and persecuting Microsoft than we have tracking the worst United States public enemies. Respectfully submitted to microsoft.atr@usdoj.gov on 1/2/2002

Scott Harrison
410 Forest Place SW,
Issaquah, WA. 98027

MTC–00006205

From: Herke, Mark
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/2/02 2:05pm
Subject: Microsoft Settlement

I believe the proposed Microsoft settlement is fair. If it fails and Microsoft is broken up, this would affect the quality of their products since there would be less integration between the operating system and office software. I believe Microsoft should have an equal right to create software that runs on their operating system. I use Microsoft products extensively in my job and would not like to see my job become more difficult with the break-up of Microsoft.

Thank you,
Mark Herke

MTC–00006206

From: Thomas Branley
To: Microsoft ATR
Date: 1/2/02 2:05pm
Subject: Microsoft Settlement

Please settle the Microsoft case. It would be good for the economy and the American people. Four years is long enough.

MTC–00006207

From: PoppaOR@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:05pm
Subject: Re: Microsoft settlement

It is my opinion that the US governments settlement with Microsoft is a reasonable agreement. When each of the worlds infrastructures where began; such as the railroads, telephones, air transportation, etc., it was done with the gov. support, by just a few competitors. This makes the large capital outlay potentially profitable for the infant industry innovators and creates a standard that is easily understood and used by the public.

The difference between an academian and a entrepreneur is: The academian basks in his understanding of ideas and ideals. The entrepreneur takes his understanding and creates a product that the public will use.

US citizen and entrepreneur for 35 years,
GERALD VEENKER

MTC–00006208

From: Andersen
To: Microsoft ATR
Date: 1/2/02 2:11pm
Subject: Microsoft Settlement

As a part time administrator of computer systems for the past 20 years in a small Construction company (2001 sales of $80 million) I am appalled by the suit against Microsoft. I say part time because we do not have a full time IT staff and computers are a small part of my involvement here. Nobody seems to remember what data processing was like in the pre-PC days but I can assure you that our business has benefitted greatly from companies like Microsoft and the open architecture of the PC. We could not maintain our systems no a part time basis without Microsoft.

We spent many dollars during the days of mainframes and minis for systems that didn't work well, required a lot of maintenance and left us vulnerable to gouging on both the hardware and software sides of computing. Microsoft has delivered a more stable platform for a fraction of what our previous systems cost.

It wasn't that many years ago that the cost of word processing software was offered to my company for $50,000. (single user, 1982), adding a dumb terminal (workstation) cost $20,000 and adding 28megs to my hard drive cost $25,000 (this was a terrible scam because the space actually existed on the drive that I owned but it had to be software enabled).

In the early days of PCs, we spent countless thousands on software that didn't work well from Microsoft's competitors and eventually migrated to Microsoft's Office products because they were feature rich and did work better than their competition's.

We do not exclusively use Microsoft products—our network product is provided by Novell as is our e-mail. Our accounting software is from Timberline and the interface issues between these products and MS has been minimal.

Do not hold to the belief that you are championing my cause by pursuing an action against Microsoft but rather please understand that you are probably going to negatively impact my business by your ignorance of reality. If the DOJ wants to go after somebody, they should look at companies like Apple who, to their own peril, has kept their architecture closed or for the countless failed software companies that never delivered on their promises.

This is not to say that we never have issues with Microsoft software but rather to say that they are manageable without Government intervention. A good analogy would be the United States Government. It is not without issues but considering the competition, where else would you go.

Tom Andersen
tea@bbeinc.com

MTC–00006209

From: Terry Green
To: Microsoft ATR
Date: 1/2/02 2:05pm
Subject: Microsoft Settlement

I strongly support the Microsoft settlement! It is time to move forward and not add additional burden to our National economy. Any additional action negating this settlement would only serve special interests (wealthy special interests) and not be of any benefit to the general public. Why do we attempt to tear apart the very structure of our economy when it is the very worst time to do so? As a member of the ''very common general public'' I gain nothing from this fiasco. I don't see where any of this lawsuit benefits me as the public.

I don't view Microsoft as any different then any other ''large corporate giant'' such as General Electric monopoly or any of the telephone monopolies. Just look what happened when the telephone companies were broken up. Not only did the cost of service escalate, but new long distance services were created adding to the cost, and now where are they headed? Why, they are being reacquired by the very companies the government broke up, recreating the very same so called ''monopoly'' situation as before the breakups. The caveat, however, is that the ''very common general public'' is now paying significantly more for telephone service. Who benefited? Why BIG BUSINESS of course; with the governments assistance!

Let's get on with what life's problems we're suffering through right now. Examine the events of 9/11, the economy in the pits, costs escalating everywhere, unemployment, and so much more. Settle this thing with Microsoft and move forward with handling

the ''real problems'' in this Country—Employment & Economy!!!

MTC–00006210

From: Tom Field
To: Microsoft ATR
Date: 1/2/02 2:05pm
Subject: Microsoft Settlement
To Whom It May Concern:
ENOUGH IS ENOUGH; GET IT OVER WITH. NO MORE LITIGATION. The settlement is fair for all parties. Tom Field,
Marlboro, NJ

MTC–00006211

From: Bill Rigby
To: Microsoft ATR
Date: 1/2/02 2:06pm
Subject: Microsoft Settlement
In my opinion, the proposed settlement between Microsoft and the DOJ is appropriate and is in the public's interest.The changes proposed by the disagreeing states are Draconian and are being offered at the urging of Microsoft's competitors who are trying to do through the legal system what the they cannot do through competitive action.
Bill Rigby
wfr760@mindspring.com

MTC–00006212

From: John Vittone
To: Microsoft ATR
Date: 1/2/02 2:06pm
Subject: Gentlemen,
Gentlemen, Enough is enough!!! I vehemently oppose any further litigation in this matter. Please settle the case as approved by the court. I want this matter settled now without further litigation.
John F. Vittone
1503 Seagate Ln
Houston, TX 77062

MTC–00006213

From: Michael Banyacki
To: Microsoft ATR
Date: 1/2/02 2:05pm
Subject: Microsoft Settlement / 1–02–02 / 10:58AM—PST
Dear Sir and or Madam:
I feel Microsoft has been raked over the coals by companies that just were not smart enough to see the big picture. Myself and thousands of other Consumers did not see the wrong that MicroSoft was accused of, yet they were gracious enough to try and be amicable for the failures of others.
I say, Enough is Enough and should stand for settlement, but there are those greedy, inconsiderate States, like California that just don't care about the Consumer, but cater to the interest of political donors!
What Microsoft had done was to be smarter in their approach than other companies and gave the Consumer the best of all the world software by integrating their software. Microsoft and its leader Bill Gates, is a prince among consumers because he and they try to give the public what it really wants in terms of coordinated software, making it easier for the consumer to understand the software and easing business and personal functions that are conducive to a working environment.
My VOTE is for MICROSOFT 100% percent and for staying on track with the settlement that other states have already accepted.....
CW4 Michael E. Banyacki (Ret.)
24992 Spadra Lane
Mission Viejo, CA 92691
E-mail: meb-1@worldnet.att.net

MTC–00006214

From: Kelly, Michael (Alexandria DJ 705)
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 2:06pm
Subject: microsoft settlement
it is clearly in the interest of the people of the U.S. to block further litigation against microsoft. Microsoft, our most impotant innovator of technology has been in the penalty box too long. If this persists we will forfeit our most important lead in what will surely be a technical world. Without microsoft leading the way, we will slip further into a mediocre-albeit politically correct-future.

MTC–00006215

From: Bill Stortz
To: Microsoft ATR
Date: 1/2/02 2:05pm
Subject: Microsoft Settlement
It's fair, so settle the action!!

MTC–00006216

From: GfWeis
To: Microsoft ATR
Date: 1/2/02 2:07pm
Subject: Microsoft Settlement
First let me say that I don't really believe that Microsoft has a monopoly—anyone (including Sun or Oracle) is free to build a competing product—if it's better, people will use it—if it isn't, they wont. A perfect example is Netscape—while it was better, I used it—when it became inferior, I switched.
Maybe the DOJ should spend a little more time going after the real criminals—just look at the millions that MS has added to the US Treasury in terms of taxes—not only in what it pays, but also in terms of what their employees (and no I'm not a MS employee) pay.
Just my thoughts...
Gordon F. Weis
http://yyyZ.Net
mailto:Gfw@yyyZ.Net

MTC–00006217

From: HLW125@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:06pm
Subject: Microsoft Settlemenrt
It's a good finish to what should not have happened. Just a bunch of states turning into ambulance chasers. It does show the power that (thank goodness he is gone) Mr. Clinton had.
HLW

MTC–00006218

From: Hay2lee@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:06pm
Subject: Microsoft Settlement
Will you please move on with this—Microsoft has done more good than harm. I am tired of you wasting tax money for the other whiny companies that won't use their money to take Microsoft to court.
Finish this already and let Microsoft provide the public with the software they need!
Sue Argumedo
Tucson Arizona

MTC–00006219

From: KERMITFL@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:07pm
Subject: Microsoft Settlement
Sirs:
I've been following this case since it started several years ago. Now that it is nearing the end, I'm all in favor of settling the matter as presently proposed. It's past time to move ahead instead of clogging up the progress of innovation and imagination in the arena of developing software. The few should abide by the wishes of the many!
Most Sincerely,
George B Moore
3350 1st Ave No Ste 117
St Petersburg FL 33713

MTC–00006220

From: virginia ladda
To: Microsoft ATR
Date: 1/2/02 2:07pm
Subject: microsoft settlement
Dear Sirs,
I believe that everything that can be done to expediate the settlement with microsoft should be done. It is my belief and the belief of several friends that the problems with microsoft is doing nothing but hurting the technology sector and therefore the economy.
Sincerely,
Virginia Napier Ladda

MTC–00006221

From: Anderson, Ken
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 2:07pm
Subject: Microsoft Settlement
My company is a long time software developer and user. We wrote and sold our first programs in 1981 under the company name of Tecnomics. Initially they were written in TRS–DOS for Radio Shack hardware. Later we spent many of thousands to rewrite it using Pascal which was supposed to have been a universal language. We finally wrote it for MS DOS which was a standard for a good long period and saved us from having to constantly rewrite our programs. I was delighted that this happened and have been very happy with Microsoft's efforts to provide a standard by being the biggest and the best. I think having a standard develop in this way rather than by government decree is best.
I would like for Microsoft to continue to be able to strive to be the biggest and the best. That is what all of us in business try to do. I do not think they should be punished for this. I understand the concern about monopoly but I don't think the situation in the volatile software business is anything at all like the conditions that existing when the law was written.
I think they are being punished for being successful and because some states see them as a big source of funds. I really don't think anyone can show damages. In fact, I could personally show you some advantages that have accrued to my company from the

constant improvement in functionality that MS has brought about. We continually strive for improved efficiency and most MS programs have helped us do this. I would be glad to testify to this point.

Ken Anderson, President
Anderson & Associates, Inc.
100 Ardmore St.
Blacksburg, VA 24060
anderson@andassoc.com
http://www.andassoc.com

MTC–00006222

From: Jerry Howard
To: Microsoft ATR
Date: 1/2/02 2:07pm
Subject: Microsoft

Please accept the current settlement and let everyone get on with their work. Microsoft should be left alone.

Regards,
Jerry D. Howard

MTC–00006223

From: Doug
To: Microsoft ATR
Date: 1/2/02 2:07pm
Subject: Settlement

I believe that the Microsoft suit should be settled quickly and with terms favorable to Microsoft. With out the technology that they have provided the PC would not be where it is today. They did not, in my opinion, act as a monopoly.

Sincerely,
Douglas Gilmore

MTC–00006224

From: Tony
To: Microsoft ATR
Date: 1/2/02 2:06pm
Subject: Microsoft Settlement

It's time to settle in favor of Microsoft for all the wonderful and innovative techniques developed that have moved our nation and the world forward. They (Microsoft) deserves our thanks and appreciation for their contribution towards the advancement of mankind. One of their competitors (Netscape) has openly criticized Microsoft while they themselves were guilty of infringing on Microsoft's browser. Please allow Microsoft to proceed with their innovation in our free and competitive market.

MTC–00006225

From: Don Davis
To: Microsoft ATR
Date: 1/2/02 2:07pm
Subject: Microsoft Settlement

Just a word to weigh in with my view of the MS settlement. I am surprised that MS was willing to pay anything. I suggest USDOJ and the states take the offer and run. It is not good that we project the impression that we punish success in this country. We have the premier technology company in the world whose accomplishments and contributions to the tech leadership of the US is unquestioned, and what do we do. . . it would appear that we wanted to destroy it!!!!

MTC–00006226

From: J (038) S Pinson
To: Microsoft ATR
Date: 1/2/02 2:03pm
Subject: MICROSOFT SETTLEMENT

Please settle the Microsoft harassment. I believe the whole thing came about because of some jealous competitors—let them go out & compete. Competition is the American way, it's healthy. What a bunch of cry babies!

Sincerely,
Shelah Pinson
jpin@dslextreme.com
Anza, CA 92539

MTC–00006227

From: James Prevallet
To: Microsoft ATR
Date: 1/2/02 2:08pm
Subject: Microsoft Settlement

This settlement is reasonable and fair to all parties involved. As a consumer, I agree that settlement is good for me, the industry and the American economy. Please don't lot special interest groups defeat the public interest.

Best of,
James Prevallet
http://www.mp3.cm/JamesPrevallet

MTC–00006228

From: Bev
To: Microsoft ATR
Date: 1/2/02 2:07pm
Subject: Lawsuit

In my opinion this very costly litigation, for not only Microsoft, but for we the taxpayers of this country appears to be almost a vendetta. When one considers the huge impact Microsoft has made on the economic development of this country, the thousands and thousands of jobs (and most are high paying jobs) this company has created, it makes me wish there were more entrepreneurs like Mr. Gates to establish even larger and more successful enterprises in this country. It seems envy and jealousy over Mr. Gates' success is in large part responsible for the millions being spent on litigation. In my opinion, the Government should just plain ''lay off''!!!!!!!

MTC–00006229

From: Tom Wolf (Adelphia)
To: Microsoft ATR
Date: 1/2/02 2:07pm
Subject: Microsoft Settlement

To DOJ:

You need to settle your differences with Microsoft, and the settlement, which we were led to believe was made, should be ratified. We users need to have Microsoft get on with giving us innovative new programs and services. There's plenty of competition out there. I use Netscape as well as Explorer; I use Word Perfect even though I have Word. Your drawn-out litigation and your many delays have cost us taxpayers millions, Microsoft stockholders billions, and users inconvenience and delay in receiving new product from Microsoft. Get on with it!

Thomas P. Wolf
33 Spring Trail
Fairfield, PA 17320

MTC–00006230

From: Scottie Gound
To: Microsoft ATR
Date: 1/2/02 2:08pm
Subject: Microsoft Settlement

Dear DOJ,

Get off Microsoft's back. We computer users want, need Microsoft and her products. We have a decent settlement now. Enough is enough. Drop this lawsuit and tell the states and the money hunting cooperations to leave it be.

A Windows XP user
Scottie Gound

MTC–00006231

From: Hi There
To: Microsoft ATR
Date: 1/2/02 2:09pm
Subject: Settle!

This matter should have been resolved a long time ago! Too much money has been wasted paying attorneys congress-folks, etc. to prolong this matter when in the long run I don't see a more fair settlement to all parties!

MTC–00006232

From: Liz Gjersee
To: Microsoft ATR
Date: 1/2/02 2:09pm
Subject: Microsoft settlement

This lawsuit needs to end. I am not even a shareholder of this company but to continue to drag this thing out is ridiculous. The courts have ruled and the states should abide by the settlement. My guess the main reason for the nine states not to settle is to protect business interests in their own states.

Thanks,
Brian Gjersee,
Arlington WA 98223

MTC–00006233

From: Madelyne Duncan
To: Microsoft ATR
Date: 1/2/02 2:10pm

Settle the case. The economy was hurt when the government began to interfere with Microsoft.

M. Duncan

MTC–00006234

From: Joyce Smith
To: Microsoft ATR
Date: 1/2/02 2:20pm
Subject: Microsoft Settlement

The Settlement agreed to by the Federal government is fair to all, including the public.

Joyce Smith,
Citizen

MTC–00006235

From: hugh gardner
To: Microsoft ATR
Date: 1/2/02 2:09pm
Subject: microsoft settlement

We have followed this folly far too long, everyone in our retired group agrees.!!! Microsoft should be set free to innovate and bring new products to the market.!!! this country owes a great deal to mr. gates and microsoft for moving us from the stone age.. . . the small minded few, with a political agenda I suspect, are holding up progress, the cost to us, the american tax payer, is huge. the cost to our nation in tax revenue, both foreign and domestic is huge. I see others, like AOL-time warner, getting away with far worse, however they are politically correct and therefore above the law, apparently.

thank-you,
H. Gardner,
4917 n. vista drive
bonneylake, wa 98390
hgbj@hotmail.com

MTC–00006236

From: JacHovis@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:10pm
Subject: Microsoft Settlement

I am in favor of the Microsoft settlement. I feel that the government was wrong in indicting Microsoft in the first place. It was just a vendetta against big business by the Clinton administration. Microsoft never hurt anyone. Most computer users want it on their computers. I know I do!! What hurt the public was the Justice Depts' indictment of Microsoft which caused the stock price to drop, costing the consumer BILLIONS of dollars. This also helped to start the stock market's downfall, costing the consumer TRILLIONS of dollars.

Now tell me, who hurt who!! Let's get behind our great corporations, & support them, rather than trying to legislate their destruction. GOD BLESS AMERICA.

Jack Hovis

MTC–00006237

From: Supersams@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:10pm
Subject: Microsoft Settlement

This issue has gone on long enough. The settlement needs to be implemented with haste and get moving. Microsoft has not necessarily been perfect but this has gone on as a vendetta by Microsoft's competitors as a way to bite the hand that has fed them. Microsoft has been instrumental in the development of the computer industry. Good for consumers and good for industry. In a free enterprise environment each company has the same opportunity to develop products. Obviously, the first to market have an edge over later entries. While Apple was squabbling amongst themselves Microsoft continued to produce a product which has become a standard.

Over half of the original states have settled. The rest need to as well. What happens if all the remaining, except one, settle. Does this continue? Let's move along.

Sam Weirbach

MTC–00006238

From: Gil Roundy
To: Microsoft ATR
Date: 1/2/02 2:06pm
Subject: Settlement

It is in the public interest to get this behind us pleawse approve the agreement and let us get going again

Gil & Shurlene Roundy

MTC–00006239

From: doug bergenske
To: Microsoft ATR
Date: 1/2/02 2:10pm
Subject: Microsoft settlement

Sirs,

I think that this settlement should be adopted and be the last of the Gov. harassment of Microsoft!!

Doug Bergenske

MTC–00006240

From: John Chamness
To: Microsoft ATR
Date: 1/2/02 2:11pm
Subject: Settlement

As consumers and user of various software products we fel the settlement offer between the U.S. Government and Microsoft is fair to all parties involved, especially the consumer. Please finalize the settlement.

John and Dawn Chamness

MTC–00006241

From: GCoen@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:11pm
Subject: Microsoft Litigation

Dear USDOJ,

It's time to focus on matters of greater importance to all Americans. Settle the Microsoft matter, please, so we can all ''get on with getting on''. The prosecution of Microsoft, in my opinion, was a politically motivated matter, and not one that benefited any one, including consumers. Say what you will, but Microsoft has done more to facilitate positive economic and communicative momentum in the world than any of it's competitors. That Microsoft was able to be creative and build market share should be commended, not condemned.

Settle the blasted suit!

Donna Coen
559 Old Squaw Pass Road
Evergreen, CO 80439

MTC–00006242

From: Jon Honhart
To: Microsoft ATR
Date: 1/2/02 2:11pm
Subject: DO nothing

Leave MS alone, they have done nothing wrong, should really look into AOL, Oracle, and Sun.

Jon

MTC–00006243

From: Clayton Harrington
To: Microsoft ATR
Date: 1/2/02 2:11pm
Subject: Microsoft Settlement

I think the Settlement should be affirmed. I think the litigation should be terminated. I think it is time for both DOJ and Microsoft to move on with their other respective business requirements.

MTC–00006244

From: James Rhoads
To: Microsoft ATR
Date: 1/2/02 2:03pm
Subject: Microsoft Settlement

It is my considered judgment that a very few individuals, companies and/or states, for personal gain, are trying to remove Microsoft from the software field by arguing against the settlement of the governments law suit. Because of this fact and others I strongly support the settlement of this matter without delay.

Thank you very much for the opportunity to express my opinion regarding this matter.

Sincerely,
James Rhoads
Oldham County Road Y
Box 42
Channing, Texas 79018
(806) 534–2398

MTC–00006245

From: Larry Thompson
To: Microsoft ATR
Date: 1/2/02 2:12pm
Subject: Microsoft Settlement

Sirs,

The proposed settlement is more than fair to the plaintiffs. The settlement should stand as is. I am a user, reseller, and educator and can honestly state I have never seen any of the abuses cited by competitors. I do not feel their voice (despite many thousands in campaign cash) should have any stronger input than mine. I believe this settlement is fair to all parties involved, and needs to be finished. The sooner the better.

Larry Thompson

MTC–00006246

From: Andy Howe
To: Microsoft ATR
Date: 1/2/02 2:12pm
Subject: Microsoft Settlement

To whom it may concern:

I just wanted to send a quick note to share my views on the proposed Microsoft settlement.

I believe that the settlement is fair to the consumers. They will have more choice in how their operating systems are configured, and the OEMs will be on equal footing when it comes to getting the best prices on Windows licenses from Microsoft.

It is my belief that the remaining states are simply opposing the deal because a) they want to drag this out and continue to try to put Microsoft in a bad light, and b) they want to help Microsoft's competitors. As I understand them, the antitrust laws are not here to protect your competitors, they are here to protect the consumers. Most consumers do not care if Microsoft has 8 different versions of Windows, they just want one, and they want it to have a lot of good features in it. The settlement will ensure that there will be more versions available for those who do care. It is time to end this case and let the high tech industry get back to business. I implore you to accept this settlement for the good of the consumers as well as the good of the high tech industry.

Thank you,
Andy Howe

MTC–00006247

From: ATignanell@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:12pm
Subject: MICROSOFT SETTLEMENT

DEAR SIRS/M'S:

I URGE THE DEPARTMENT OF JUSTICE TO GO FORWARD WITH THE PROPOSED MICROSOFT SETTLEMENT. THE SETTLEMENT IS IN THE BEST INTEREST OF CONSUMERS AND BUSINESS PEOPLE SUCH AS ME. I RECENTLY PURCHASED A NEW DESKTOP COMPUTER AND IT CAME WITH MICROSOFT XP. MICROSOFT PRODUCTS ARE USER FRIENDLY AND ARE REASONABLY PRICED. THERE DOES NOT APPEAR TO BE ANY ADVANTAGE EXCEPT TO POSSIBLY MICROSOFTS COMPETITORS TO DERAIL THE

SETTLEMENT. HAVEN'T THE TRIAL LAWYERS MADE ENOUGH???
VERY TRULY YOURS
A. ANDREW TIGNANELLI
ATTORNEY AT LAW
131 SURREY LANE
HARLEYSVILLE, PA 19438

MTC–00006248

From: Earl Johnston
To: Microsoft ATR
Date: 1/2/02 2:12pm
Subject: Microsoft Settlement
I think the battle against Microsoft has been carried much to far for too long. I think an immediate settlement is in the best interests of the country.
Sincerely,
Earl Johnston

MTC–00006249

From: Javier
To: Microsoft ATR
Date: 1/2/02 2:12pm
Subject: Free commerce
My opinion about the Microsoft case:
I believe that Microsoft should be left alone. Microsoft happens to be a Company with lots of ideas for the consumer to use, so what if they are bigger than others , let them do business other companies do their own little things to have a larger market share, so MS does to just in a larger scale they are committed to do better and better. Bottom line the consumer wins. So what if Bill Gates is the richest man, somebody is going to be and what the DOJ is going to sued him or her because is doing good? This is what USA is about, FREE ENTERPRISE.
From a citizen of the USA
Javier Arana.

MTC–00006250

From: Mark Taylor
To: Microsoft ATR
Date: 1/2/02 2:13pm
Subject: Settlement
The microsoft settlement as currently defined is adequate. Please turn all efforts, energies and resources used in pursuing Microsoft to the War on Terrorism.

MTC–00006251

From: Alvina A. Ballinger
To: Microsoft ATR
Date: 1/2/02 2:13pm
Subject: Microsoft Settlement
Dear Attorney General Ashcroft,
I have from day one, believed that this is an unjust action by the Department of Justice in pursuing Microsoft. I believe Janet Reno did irreparable harm to the company and to the stock holders over a trumped up suit. I also believe if Bill Gates would have contributed heavily to the DNC it wouldn't happened!
I respectfully add my voices to those who have asked you to drop the government suit against Microsoft.
You're are doing a great job in your office, keep it up!
Alvina A. Ballinger
Bremerton, WA

MTC–00006252

From: Robert Einhorn
To: Microsoft ATR
Date: 1/2/02 2:14pm
Subject: Microsoft Settlement
Please drop any and all litigation against the Microsoft Corporation. It only serves to further drag the already slow economy and the charges are baseless to begin with. We live in a free economy and the government should not interfere in business unless a clear monopoly is apparent, which is not the case in this instance.
Thank You,
Robert Einhorn
1546 Willow Lane
Crete, IL 60417

MTC–00006253

From: Brad Rush
To: Microsoft ATR
Date: 1/2/02 2:14pm
Subject: Microsoft Settlement
Get it over with. Settle! The suit never should have been filed. Let it go. Get back to governing—let free enterprise get back to growing.
Thanks.
Brad Rush

MTC–00006254

From: Andrew Chadick
To: Microsoft ATR
Date: 1/2/02 2:14pm
Subject: Microsoft and DOJ
This is a post I placed on the MSNBC website and my feelings on the issue haven't changed. Please read through the full post. Note, there are responses to my post included.
Subject:From:Host:Date:
Microsoft Monopoly?! (NOT)
Andrew Chadick
ip85.c207.blkl.bel.nwlink.com
Wed Nov 10 13:32:28
Microsoft entered the market place as a company with a desire to grow and be number one. This much has never been in question. Microsoft developed a piece of software that allows other programs to run with in the same program. This again has never been in question. Who owns the OS? The company that wrote it? The American People? Our Government? Who gets to say what is and can be run on an OS? The answer is simple. Microsoft created a program which has been purchased by millions of people. The program, whether flawed, perfect, or usable, is not even a question to be asked, the only thing in play here is ownership. Microsoft owns the rights to the OS they wrote. Period. What runs in the software is completely up to Microsoft, and if a person does not like that attitude, they should purchase something else. No one has forced the Microsoft product to become the standard by which all others are measured. And there are many options when choosing a platform to run software. Netscape created a program. Its compatibility with another program is not Microsoft's concern. Netscape should create their own OS if they are not happy running as a parasite on Microsoft's program. That is what ''FREE? enterprise is all about! You create something, market it, and if it is purchased... GREAT, if not, go back to the drawing board and start over. The United States is great because of some rudimentary principals, and our justice department needs to revise the word ''justice'' in their title. People choose. That's freedom. Microsoft is a vendor, if no one buys the product they will go under just like any other company, if you like the software, buy it, and support the company, if not, buy something else and support it, and if neither option is to your liking make something of your own. End of Story. Microsoft made it to where they are because of a simple transaction, people bought the program. Microsoft made the product great by making it expandable, making it allow other programs to run on it. Microsoft in this way is gracious to those of us who program and create programs, and in general, we are grateful to be supported by this company. If we don't like it, we can go else where. I speak for myself when I say this, but I know there are many that believe as I do.
Message thread: u Microsoft Monopoly?! (NOT)—Andrew Chadick Wed Nov 10 13:32:28 u Amen. Count me in. Microsoft earned #1.—Don't like it? Build something better! Wed Nov 10 13:55:41 u Re: Microsoft Monopoly?! (NOT)—MICORSOFT SUPORTER Wed Nov 10 14:04:13 u Re: Microsoft Monopoly?! (NOT)—Vinny Tafuro Wed Nov 10 17:07:37
subject:From:Host:Date: Amen. Count me in. Microsoft earned #1.Don't like it? Build something better! proxy.uoeap.ucsb.eduWed Nov 10 13:55:41
I too can't believe the socialist (?) tendencies of the self-appointed Injustice Department. They are complete airheads regarding technology and the American marketplace. The last thing I want to see is the federal government determining what kind of operating system I can buy. The fact is that all these whiners can strip their machines of everything with Microsoft on it, and replace it with their darling little ''boutique geek'' software (Linux, etc.). The reason most of us don't is that we PREFER and WILL PAY FOR a well integrated OS/Office Suite/Browser package at the REASONABLE PRICES Microsoft charges. In case everyone has forgotten, we already had an era where there was an abundance of incompatible system software tools. The general public wasn't buying then and they sure as hell wouldn't buy it now! So lay off of Microsoft. I LOVE what they have done for the average Joe. On Wed Nov 10 13:32:28, Andrew Chadick wrote:
Microsoft entered the market place as a company with a desire to grow and be number one. This much has never been in question. Microsoft developed a piece of software that allows other programs to run with in the same program. This again has never been in question. Who owns the OS? The company that wrote it? The American People? Our Government? Who gets to say what is and can be run on an OS? The answer is simple. Microsoft created a program which has been purchased by millions of people. The program, whether flawed, perfect, or usable, is not even a question to be asked, the only thing in play here is ownership. Microsoft owns the rights to the OS they wrote. Period. What runs in the software is completely up to Microsoft, and if a person does not like that attitude, they should purchase something else. No one has forced

the Microsoft product to become the standard by which all others are measured. And there are many options when choosing a platform to run software. Netscape created a program. Its compatibility with another program is not Mic roSoft's concern. Netscape should create their own OS if they are not happy running as a parasite on Microsoft's program. That is what ''FREE''enterprise is all about! You create something, market it, and if it is purchased... GREAT, if not, go back to the drawing board and start over. The United States is great because of some rudimentary principals, and our justice department needs to revise the word ''justice'' in their title. People choose. That's freedom. Microsoft is a vendor, if no one buys the product they will go under just like any other company, if you like the software, buy it, and support the company, if not, buy something else and support it, and if neither option is to your liking make something of your own. End of Story. Microsoft made it to where they are because of a simple transaction, people bought the program. Microsoft made the product great by making expandable, making it allow other programs to run on it. Microsoft in this way is gracious to those of us who program and create programs, and in general, we are grateful to be supported by this company. If we don't like it, we can go else where. I speak for myself when I say this, but I know there are many that believe as I do.

Message thread: u Microsoft Monopoly?! (NOT)—Andrew Chadick Wed Nov 10 13:32:28 u Amen. Count me in. Microsoft earned #1. Don't like it? Build something better! Wed Nov 10 13:55:41 u Re: Microsoft Monopoly?! (NOT)—MICORSOFT SUPORTER Wed Nov 10 14:04:13 u Re: Microsoft Monopoly?! (NOT)—Vinny Tafuro Wed Nov 10 17:07:37
Subject:From:Host:Date: Re: Microsoft Monopoly?! (NOT)Vinny Tafuro 242836hfc121.tampabay.rr.comWed Nov 10 17:07:37

Microsoft made the product great by making expandable, making it allow other programs to run on it. Microsoft in this way is gracious to those of us who program and create programs, and in general, we are grateful to be supported by this company. If we don't like it, we can go else where. I speak for myself when I say this, but I know there are many that believe as I do. There are many others like you out there. I for one was an avid Netscape user until 1996. The year that Microsoft & Netscape released their newest and finest browsers. I remember this like it was yesterday and it is the biggest reason I am a Microsoft supporter. In a 2 day period (at that time I was still using a modem) I downloaded Netscape Communicator 4.0 and Internet explorer 4.0, in that order. The first night was Netscape (my favorite browser at the time). It was great (new features etc) . The next night I downloaded IE 4.0 and rebooted my PC .... I haven't used Netscape for my own pleasure since! Now for those who think I haven't looked back, you are wrong, I am a web developer and am constantly using Netscape to make sure my pages look right in both browsers. I even have the latest version, and the truth is that Netscape has not added anything new since 96, Microsoft is the company that has pushed with all their effort to better their browser not Netscape.Netscape has watched their market share drop from their own lack of a innovation, not because Microsoft is a monopoly. Microsoft has plenty to worry about when it comes to competition and have this lawsuit over them is detrimental to all of the other companies that think this will help them. Competition is very alive .... What if Adobe sat back and stopped innovating after creating PhotoShop 3.0? Microsoft today would be the leader there too (this is just an example). But Adobe hasn't .... Microsoft and Adobe both have graphics suits yet everyone knows that Adobe's is the preferred program (even myself). This is only because Adobe INNOVATES, they are adding features to keep ahead of the game just like Microsoft. A fundamental problem with the situation is the lack of innovation by both Netscape & its parent company AOL, now with AOL's business concept behind Netscape we are now seeing problems. AOL I will agree is the absolute BEST way to get a beginner on the internet (and that is how they built their business), however they have a fundamental problem with their model... there is no room to grow! AOL is now paying the price for this by losing customers who have learned over time (imagine that) that the internet is much more than AOL. AOL's problem comes from that fact that they themselves haven't given their users a way to grow, AOL is AOL is AOL .... weather you are a beginner, novice or advanced user, and that is NOT how you keep customers. The other companies out there that are backing the Government in this case are doing so simply to avoid innovation.

Message thread: u Microsoft Monopoly?! (NOT)—Andrew Chadick Wed Nov 10 13:32:28 u Amen. Count me in. Microsoft earned #1.—Don't like it? Build something better! Wed Nov 10 13:55:41 u Re: Microsoft Monopoly?! (NOT)—MICORSOFT SUPORTER Wed Nov 10 14:04:13 u Re: Microsoft Monopoly?! (NOT)—Vinny Tafuro Wed Nov 10 17:07:37
Subject:From:Host:Date: Very Good ReadingTed lcust5.tnt2.birmingham.al.da.uu.netWed Nov 10 17:34:50

You should repost this at top every day. Imagine the progress that has been lost tring to settle this, and many other wastfull 'Justice Probes'

Subject:From:Host:Date: Re: Monopoly?!Meebert 208.7.142.140Thu Nov 11 08:09:24

Absolutely right.just because we don't LIKE Bill Gates, or just because Hhis competitors have no chance is not enough reason to steal his life's work out from under him and pass it around like yesterday's bread. If this all happens, Americans are far more stupid than I had thought. Why not dig your own grave? You do it to MS, next it will happen to you. To you, the simple owner of the corner store. If it happens to me, I'm moving to another country where at least even though the truth sucks, it's still the truth. Bert

Subject:From:Host:Date: the whole thing is ridiculous.Meebert 208.7.142.140Thu Nov 11 08:04:45

Take a large company, tear it down and cut it up and give it to the vultures of it's competitors because it has the best product. Windows is not bug free, but last I've seen, neither is CDE or Linux, or Xwindows or Solaris. MS is on top because they made a product that was not only easy to use, but functional and backward compatible. This is a huge undertaking, and none of their competitors even remotely compared. Giving away windows source code is unbelieably stupid and unfair. MS spent billions in research, over 15 years of work, time and effort to create what we all use. and now, because they are a ''huge'' company, they are being punished, all their wok being taken away, by a government that just loves to push people around. This whole fight is about Sun and Netscape whining about MS putting out a superior product. Netscape Navigator was better. But MS has more coders, better coders, and in the end, they won. I'm a web developer, I used to love Netscape, until I noticed that Netscape could not do half of what IE can do. Now I use IE because Netscape cannot function as a viable web browser, not to mention it is far far more buggy. This is very typical of our current society. If we don't like what we see, we cry, we sue, we whine, and kick our feet like children, and Big daddy government will come and save us from the evil money makers.This is incentive for anyone out here to know that you better not be successful, if you are successful too much, your success will be confiscated. Bert

Subject:From:Host:Date: Is MS a Monopoly? Yes, but...Roy Wells pixsv159.isi.comThu Nov 11 08:48:28

Microsoft holds monopoly power. However, how has the company used it? Because of DOS, then Windows, computers are cheaper, software is cheaper and alternatives in hardware and applications are all cheaper. So who has the Microsoft Monopoly hurt? Netscape? Last I checked, the reason Netscape is not doing so well is that MS had a superior product that was cheaper (free) so Netscape went to the courts.Who else? Novell? So Novell went to Sen. Hatch. SO, let's break up Microsoft. Computers can then increase in price, the loss of a standard OS will mean fewer option available under applications (since not everyone will want to port their applications to all the different OS platforms) and hardware (same problem) and so. Breaking up the Monopoly will success—at a cost to the user.

Message thread: u Is MS a Monopoly? Yes, but...—Roy Wells Thu Nov 11 08:48:28
Subject:From:Host:Date: True AmericanTed exch.paragon-eng.netThu Nov 11 09:05:13

So many times when I here how the 'Justice' dept. is mistreating a true American that climbed up from just a suitcase .... I would tell them were to get off, shut down and move out. The 'Justice' dept. is killing the 'American Spirit'

Subject:
From:Host:
Date: Re: Monopoly?!User 12.24.246.81Thu Nov 11 09:05:39

If this all happens, Americans are far more stupid than I had thought. Well, it's not really Joe Q. Public that's prosecuting Microsoft. It's a combination or blood-thirsty lawyers and a government that decided it's

time to push their weight around again. That's not to say there aren't a lot of people that are leeching onto the anti-MS bandwagon. These people are:1) Cronic whiners and complainersand/or2) Lemings

Message thread: u Monopoly?!—Andrew Chadick Thu Nov 11 08:04:28 Re: Monopoly?!—Meebert Thu Nov 11 08:09:24 u True American—Ted Thu Nov 11 09:05:13 u Re: Monopoly?!—User Thu Nov 11 09:05:39

MTC–00006255

From: Wachs, James S.
To: Microsoft ATR
Date: 1/2/02 2:16pm
Subject: MICROSOFT SETTLEMENT

I FULLY AND COMPLETELY SUPPORT THE SETTLEMENT OF THE ANTITRUST PROCEEDINGS AGAINST MICROSOFT. TOO PROLONG THIS CONTROVERSY MAY BENEFIT CERTAIN SPECIAL INTEREST GROUPS, BUT IT WILL NOT HELP A SAGGING ECONOMY, THE STOCK MARKET DOWNTURN, OR, THE PUBLIC IN GENERAL.

JAMES S. WACHS, ESQ.

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MTC–00006256

From: harperj@att.net@inetgw
To: Microsoft ATR
Date: 1/2/02 2:15pm
Subject: Microsoft Settlement

DOJ back off. Technology is global, moves rapidly and chances of the DOJ ability to make a timely decision with full indication of future ramifications are as likely as catching sunlight in a bottle.

1. Your IBM decision was ill-advised and unforseen results.

2. Your ATT decision led to unforseen results. The global market will reward the quickest and the fastest. If Microsoft gets too rich or too monopolistic, it will not remain that way for long. The global technology market will crush a fat microsoft faster than the DOJ can.

MTC–00006257

From: KKH1296@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:15pm
Subject: microsoft settlement

I support the microsoft settlement. I feel it is reasonable and fair to all involved and also in the best interest of the public.

Kathleen Huey
Spring Mills, PA

MTC–00006258

From: hmcarim@mmm.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:16pm
Subject: microsoft settlement.

I agree that Microsoft's terms of the settlement reached with certain states should be accepted by all the others as well. States that continue to hold out and want further litigation are holding back innovation and depriving the public of needed new products . Eventually the consumer pays for the protracted litigation.

Microsoft has accepted a fair settlement that rectifies the alleged wrongs and should now be free to pursue innovative new product introductions.

Hatim Carim

MTC–00006259

From: MJBorza@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:16pm
Subject: Microsoft Settlement

Please exercise good judgement and release Microsoft from all pending law suits. Our country is stronger because of their innovative efforts. You should not have been involved. Please investigate the money trail of the politicians/lawyers who were advocates of the lawsuit to expose their true motives!

Michael Jay Borza

MTC–00006260

From: AJ Chwick
To: Microsoft ATR
Date: 1/2/02 2:13pm
Subject: Microsoft's Settlement

As one who is involved in the computer industry, I feel that the Microsoft Proposed Settlement serves only Microsoft's goals and gains. To have Microsoft give free software to schools, etc. entrenches their poorly designed software further into the fabric of our systems. Simply put, the proposed settlement fixes nothing and it gives Microsoft a better footing in the industry, while hurting all of their competitors.

Sincerely,
Alan Chwick, CFO
TCM Integrated Systems, Inc.
365 S Bayview Avenue, Suite # 202
Freeport, NY 11520–5316
(516)–868–7820

MTC–00006261

From: Mark Orzech
To: Microsoft ATR
Date: 1/2/02 2:20pm
Subject: Settlement with Microsoft Corp

Please continue forward with the current settlement that has been negotiated with the Microsoft Corporation! These proceedings have already wasted vast amounts of public funds and caused considerable damage to the nation's economy, especially the technology sector, by excessively restricting a great company's freedom to sell its own products. I urge you to stop catering to Microsoft's weaker competitors, who have misused government power to drag down their stronger rival rather than improving the quality and marketing of their own products.

Thank you for your attention.

Mark Orzech
739 Henson Court
Marina, CA 93933

MTC–00006262

From: Alina G. Silvestre
To: Microsoft ATR
Date: 1/2/02 2:20pm
Subject: Microsoft Settlement

US DOJ,

We support the proposed settlement to the above case and encourage the close of this case as quickly as you deem possible. Microsoft is good for us, the consumers, who want ease of use and access to tecknology to use in our every day lives. It is good for the USA and for jobs.

Please do not delay and put an end to the embarassing government interference over the last few years.

Thank you
Alina & Raul Silvestre
Wesrlake Village, Ca.

MTC–00006263

From: Stuart Brace
To: Microsoft ATR
Date: 1/2/02 2:16pm
Subject: Microsoft settlement

Justice Department

The time to settle is now. When the Justice Department spent more to persecute Microsoft than it did to stop terrorism under eight years of Bill Clinton you can see what happened on 9/11/2001. The waste of tax payer money must come to an end. Supply our soldiers with money for better equipment not feed federal judges ego with more days in court. Settle now!

Stuart Brace
CC:Pryce.Oh15@mail.house.gov@inetgw

MTC–00006264

From: Peenbeen@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:16pm
Subject: Microsoft Settlement

Please do not allow the special interests of a few wealthy competitors derail the Microsoft settlement any longer. This is not in the best interest of the Public who owe a great deal to Microsoft and the many innovations it has brought to our society.

MTC–00006265

From: Pfbarth@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:21pm
Subject: Microsoft Settlement

Department of Justice:

Please don't let the special interests defeat the public interest in concluding the Microsoft case. The settlement is fair, just and equitable and will serve the United States in the very best way providing for the needs of both parties. I fully support the settlement and pray the Judge will proceed to finalize the case based on the settlement terms Microsoft and the Federal Government have agreed to. Any other finding may well jeopardize the stock market and cause further harm to the investing public for no added gain for anyone. It would seem that our Country has suffered enough without any further negative action against Microsoft.

I again plead that the settlement be finalized as earlier agreed to by the Government and Microsoft.

Thank you for considering my view and position on this critical matter.

Very Sincerely,
Paul F. Barth, PE
2505 Townhill Dr.
Troy, MI 48084
248–644–1411
pfbarth@aol.com

MTC–00006266

From: John Nez
To: Microsoft ATR
Date: 1/2/02 2:17pm
Subject: Microsoft Case / Investigate the Macintosh consumer injustice
John Nez
5209 36th Avenue NE
Seattle, WA 98105
nez@jps.net
re: Microsoft Case / Investigate Macintosh consumer injustice

Dear Sirs,

Concerning the ongoing Microsoft case... I1d like to add an insight of my own which I have yet to find voiced anywhere else in this long painful case.

I am dependent on using a Macintosh computer system with a Macintosh OS for my work. I am more or less forced to use this platform by the fact that the majority of the graphic arts publishing profession uses the Macintosh platform, of which I am a member.

Without getting too technical, I must point out to you that the Macintosh OS one has no included utilities to run disk defragging, disk cleaning, disk maintenance and disk reconfigurement.

Please note that without these extra disk utilities, my Macintosh OS and computer would soon become INOPERABLE! I, as a consumer, am forced to spend another $90 to purchase the Norton Disk Utility... just to keep the Macintosh OS working. Otherwise it would be permanently inoperable!

The Microsoft Windows operating systems all come with these crucial utilities included at NO EXTRA COST! In reality, the Macintosh OS in fact costs the consumer almost twice what the Microsoft OS costs! Also, the Macintosh computer itself is more than twice the cost of equivalent windows based hardware.

So you tell me which company is harming the consumer! Why not launch an investigation into the true harm which I am forced to pay by using a Macintosh system!

Microsoft should be thanked for inventing America1s computer revolution which has changed the world and given our economy a new vision for the next century.

I suppose that the government feels compelled to reward companies that fail, like Chrysler with billions in bailouts... but punishes hard work, innovation and success in the case of Microsoft! Get real!

Best,
John Nez

MTC–00006267

From: JBSpires@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:21pm
Subject: MICROSOFT SETTLEMENT

This settlement is in the public interest. Pleas approve it! Don't let a few special interests use this review period to derail the settlement and prolong this litigation even in the midst of uncertain economic times. The last thing the American economy needs is more litigation that benefits only a few wealthy competitors and stifles innovation.

Regards,
Jeremiah B Spires
1105 Voight St
Houston, TX 77009

MTC–00006268

From: beverly wakeland
To: Microsoft ATR
Date: 1/2/02 2:17pm
Subject: Microsoft Settlement

Microsoft Settlement:

It is time the Government and the nine states stop the nonsense and settle. THIS COUNTRY HAS THE FREEDOM TO INNOVATE Only competitors are delaying the settlement.

MTC–00006269

From: Robert B. Ardis
To: Microsoft ATR
Date: 1/2/02 2:18pm
Subject: Microsoft Settlement

As a consumer who has used Microsoft software products for at least the last ten years, I have no problem with the anti-trust settlement. When I have used Microsoft products, I have used them because they served my needs better than anything offered by Microsoft competitors and I have never found Microsoft's retail prices to be anything other than fair. What business state attorney generals have attempting to pursue this litigation further completely escapes me. Certainly they are not doing so in response to any demands received from members of the consuming public.

Respectfully submitted,
Robert B. Ardis
25 Young Court
Chester, NJ 07930
rbardis@worldnet.att.net

MTC–00006270

From: michael govern
To: Microsoft ATR
Date: 1/2/02 2:22pm

Why did the States pay (taxpayers money) a witness $500,000 to testify against Microsoft?

MTC–00006271

From: CEG1934@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:21pm
Subject: Microsoft Settlement

As an MS stockholder & user, must agree with the dissenting States that the penalties are inadequate in relationship to Microsoft's past practices. Why the company was not split between Operating System (DOS/Windows) software & User Productivity (Word, Excel, etc.) software is incomprehsible to me. In the absence of corrective action on that magnitude, suggest the penalty include:

1) explicit ban on ''exclusivity'' as OpSys provided by hardware vendors

2) release of new OpSys specs to outside/3rd-party software suppliers & ''in-house'' User Productivity @ the same time

3) cash penalties (no ''software/hardware donations'') to be used by school districts to expand computer facilities MS tries to characterize its past practices as the natural cocomitant of ''innovation''. Except for a few pioneers, all software developers have been innovative & derivative & MS is no exception. NOT all software developers went to restrictive MARKETING techniques to accomplish their goals. MS has been a major contributor to the realm of personal computing. Certainly no penalty should jeopardize the basic ability of MS to continue that contribution. Alternately, they should not be let off lightly for past transgressions, nor be allowed to finesse a penalty with their plan to ''seed'' computers to school districts.

Thanks for allowing an opportunity to contribute on this issue.

Carl E. Gallagher
35 Galilee Lane #4
San Francisco, CA 94115
415/567–7978
CEG1934@aol.com

MTC–00006272

From: John Cook
To: Microsoft ATR
Date: 1/2/02 2:17pm
Subject: Microsoft settlement

Department of Justice: I favor the Microsoft settlement proposed by the DOJ. John L. Cook Send and receive Hotmail on your mobile device: Click Here

MTC–00006273

From: James E. Hinsch Jr.
To: Microsoft ATR
Date: 1/2/02 2:10pm
Subject: Microsoft Settlement

The Justice Department has done a terrible thing in bringing suit against Microsoft. This never served the public interest (certainly not mine). The current settlement is unfair to Microsoft. They have already had to pay heavy legal fees. Let business conduct business and let consumers vote with their wallets.

MTC–00006274

From: Ziad Elias
To: Microsoft ATR
Date: 1/2/02 2:21pm
Subject: Microsoft Settlement

Enough litigation. Support the proposed settlement. Microsoft competitors are trying to take unfair advantage.

MTC–00006275

From: JLShatto@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:22pm
Subject: (no subject)

As a US citizen I feel that the settlement with Microsoft I a good and honorable thing for all parties concerned. Its time that we put all this to rest and go on with our business. Those few that want to challenge the settlement are just looking for more ways to line their pockets and do not have the best interest of the citizens in mind. Lets get it done and put to rest, Microsolf has done alot for all of us and I think that they need to be recognized and given a chance to continue with their excellant work.

John Shatto
13526 68th Dr SE
Snohomish, Wa. 98296

MTC–00006276

From: Scott Payne
To: Microsoft ATR
Date: 1/2/02 2:22pm
Subject: Microsoft Settlement

To Whom It May Concern,

I think this much publicized case has been an extreme waste of taxpayers' money and should end as soon as possible (years ago).

Noone even remembers why Jim Barksdale felt compelled to drag the government into an attack on Microsoft's ability to develop integrated products that consumers typically prefer.

Most consumers never had (or will ever have) an interest in installing and connecting different pieces of software together onto their PCs. This is a ridiculous approach to ensuring products work seemlessly—relying on the consumer to become a software integration product specialist.

People are not expected to buy cars with separate parts they can put together themselves to ensure they get the best price on every component. They simply buy a car with an engine, air conditioning, radio, computer(s), etc that all work together. In the event something breaks, they take the car to one location to have it repaired. The same holds true for PCs and software.

Consumers like to know they can obtain support from a single source, versus having some ''hobbiest'' tell them they need to download a patch off the Internet to resolve a software compatibility problem or bug. Most PC users don't know or care how to fix software problems—just make it work together!

Bottom line... Let Microsoft integrate all my software needs into a single source solution. I can assure you there are millions of PC and Internet users out there who really have no desire to become Linux gurus or web developers... They simply want to e-mail friends and send videos of the kids to relatives...

Regards,
Scott Payne
Germantown, TN

MTC–00006277

From: David Lake
To: Microsoft ATR
Date: 1/2/02 2:23pm
Subject: Microsoft Settlement

The settlement should stand as negotiated, and Justice should do everything possible to force the other nine recalcitrant states to also accept it. The point has been made; Microsoft will make amends, and will not repeat the behavior that led to the lawsuit. Neither the public nor the whiney competitors have been harmed, other than by their own inability to innovate and prosper. Microsoft offers a good product at a reasonable price.

David Lake

MTC–00006278

From: Dale Stoughton
To: Microsoft ATR
Date: 1/2/02 2:23pm

Settle the Microsoft problem and lets get along with business.

Dale Stoughton
Wake Forest, NC

MTC–00006279

From: Iris Berman
To: Microsoft ATR
Date: 1/2/02 2:22pm
Subject: Micrsoft Settlement

I feel that this is a just settlement and would like to see it done.

irisberman@yahoo.com

MTC–00006280

From: Marcus P. Hogue
To: Microsoft ATR
Date: 1/2/02 2:20pm
Subject: Microsoft Settlement:

DOJ:

As a citizen of many years now (76) including 4 of my youth growing up in battlefield conditions (17 to 21) as a sailor almost around the world twice, I thought this question had been recently resolved. As a tax payer, I see it as a battle to punish the winner by the unhappy losers with little benefit to the taxpayers.

When we shot at the enemy with our best aim and 16'' explosive projectiles and missed, it did not mean we had done enough. Let it go.

M. P. Hogue

MTC–00006281

From: OCONNORTM@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:26pm
Subject: Microsoft Settlement

This is the time for the DOJ to implement the fair and just aggreement negotiated with the parties. Act now.

Tim O'Connor

MTC–00006282

From: Bob Long
To: Microsoft ATR
Date: 1/2/02 2:25pm
Subject: Microsoft Settlement

Department of Justice:

I am completely in favor of the settlement reached with Microsoft. I believe that this Microsoft settlement is in the public interest. I do not support further litigation on the Microsoft Antitrust case. STOP WASTING TAXPAYER MONEY.

Sincerely,
Robert Longariello
Taxpayer and Citizen
Laguna Niguel, California
blongari@home.com

MTC–00006283

From: Bruce W Worthel
To: Microsoft ATR
Date: 1/2/02 11:23am
Subject: The Microsoft Monoply

To Whom It May Concern

I must protest your you action in regards to the ''Guilty'' verdict handed down to Microsoft.

It seems that your view of guilty means that Microsoft gets government help to increase their monopoly, not losen it. What gives? Worse than doing nothing in regards of their business habits, you have actually gone out of your way to injure the same companies that Microsoft was trying to drive out of business.

You need to adjust your view of right and wrong.

Sincerely,
Bruce Worthel

MTC–00006284

From: Arthur Sorensen
To: Microsoft ATR
Date: 1/2/02 2:24pm
Subject: microsoft settlement

I think the settlement should focus on the new operating system. In particular, does that system effectively cut out competitors such as Real Networks. The new MS system includes a default audio and video capability that is functionally the same as Real Networks. Every time you turn on the computer you get the MS audio system, even if you had switched over to Real only yesterday. Enough people will take the default to eventually kill Real.

I like competition, but that's killer competition.

Arthur Sorensen
98 First Avenue
Atlantic Highlands, NJ 07716

MTC–00006285

From: Beverley Dawson
To: Microsoft ATR
Date: 1/2/02 2:26pm
Subject: Microsoft Settlement

I believe that the settlement with Microsoft is as fair as can be reached under the circumstances. The competitors just need to understand totally what capitalism means. Microsoft should never have been in court in the first place. I am not a Microsoft stock holder, but I do believe that have helped our nation as much as any single corporation can. It's time to get on with life and forget about the suing Microsoft.

Thank you,
Beverley Nichols-Dawson
Houston, Texas

MTC–00006286

From: DON SHERRILL
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/2/02 2:22pm
Subject: consider this

From 1990 to 2000, this country had what many consider it's greatest decade of technological advance. As in my previous e-mail to House Rep. Sue Myrick of N.C., one should look at these gains in technology and productivity, and realize that Microsoft's products had more to do with this than any other entity (except possibly the internet itself, which may or may not be an entity?).

Please leave this company alone and let the free hand of economics take care of the issues of which you are concerned. Given time to work under the laws of free trade, Microsoft and Intel will eventually be replaced by other dominant companies, just as U.S. Steel and Bethlehem Steel, Ford and GM., Exxon and Mobil, IBM and Digital Equipment, etc. were replaced in dominance by others, and by the developing trends of our global economy.

Besides, this country needs all the employment taxes, sales taxes, property taxes, and income taxes that Microsoft pays. There are too many other companies posting losses (no taxes) with poor products in bad markets.

Don Sherrill
Executive VP
SteelFab Inc.

MTC–00006287

From: clandres@mindspring.
com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:25pm
Subject: Microsoft Trial—Comment

Microsoft has had a profound effect on our businesses and our lives. There are few people who don't use Microsoft products, and for the most part those products are innovative and useful. The company is to be commended for the good it has done.

One of the problems with the industry is that there are extremely severe barriers to entry in the largest segment of the computer industry, PC's. Microsoft has taken effective steps toward keeping consumers faced with only one choice for PC operating system, Windows. One choice-robbing step Microsoft has taken is that PC's are shipped with Windows pre-installed. The pre-installation of Windows, while a convenience to the purchaser, has the effect of eliminating choice when a consumer purchases a computer. Pre-installation has also given Microsoft enormous power over the computer manufacturers to the effect that the manufacturers do almost anything Microsoft wants because if even a well known manufacurer, like IBM or Gateway were to ship machines without Windows they would be at a competitive disadvantage with consumers and distributors. In fact, in 1998 I was attempting to install a competitor to windows (OS/2) on a Gateway computer and the technicians at Gateway weren't! even allowed to discuss it with me for fear of losing favor with Microsoft!

Some of the manufacturers now ship server type computers with Linux when requested, but that doesn't remove the barrier to entry that pre-installation has created.

I'd like to see Microsoft required to terminate agreements that result in Windows Operating System pre-installed on computers and not allowed to enter into new pre-installation agreements. It seems to me that if we had to choose the operating system when we buy the machine the barrier that exists from pre-installation would go away. I suspect that most people would still choose Windows, but there would be knowledge of what it costs and alternative operating systems would then have a chance. Since it is now pre-installed and the price of the computer includes the price for Windows, the consumer has no way of knowing how much is being paid for Windows and how much for the computer.

Chuck Landress
2664 James Road
Douglasville GA 30135

MTC–00006288

From: MARLEINED@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:23pm
Subject: Microsoft Settlement.

I would like to have my voice and opinion heard in the Microsoft Settlement case.

I think all that has been settled now is fair. We do not need any more litigation in this case, it needs to end now.

Marleine Dunn.

MTC–00006289

From: Dana Beck
To: Microsoft ATR
Date: 1/2/02 2:24pm
Subject: Microsoft Settlement

As a web designer with a small business, I call myself part of the ''public,'' and I have only one request of the Justice Department: please leave Microsoft alone.

I find it ironic that the justice Department is investigating Microsoft, since, in my opinion, theirs is one of the increasinlgy few companies that seems to give a hoot about producing quality products for the end user. They could, no doubt, put out sorry rotten software and still get it to sell, but they don't; on the contrary, their products are always top notch. Let it be said that they do a great job of serving a population with a wide diversity of needs.

I might also mention that Microsoft is the only company whose Tech Support has been able to answer any question I have posed in the over 30 years I have been in computing. I call that exceptional service in the ''public interest.''

Dana L. Beck
www.becktechwebs.com

MTC–00006290

From: James McHale
To: Microsoft ATR
Date: 1/2/02 2:24pm
Subject: MICROSOFT SETTLEMENT

I Think the settlement is just and this should end.

James McHale
208–05 39th Ave.
Bayside, NY 1361

MTC–00006291

From: Doug Penny
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 2:20pm
Subject: Microsoft Settlement

dragging this ridiculous lawsuit on and on is bad for the economy and worse for your already tarnished badly tarnished image.

Settle this mess!
DC Penny
Englewood, Ohio

MTC–00006292

From: Sharon Stokes
To: Microsoft ATR
Date: 1/2/02 2:39pm
Subject: microsoft settlement

I personally do not approve of the government interferance with microsoft...in my opinion this company has done nothing but inprove the lives of consumers worldwide..we have the right to compete in this country and be inovative..but with the government stepping into the market place and destroying the competion between companies...how do we expect to remain world leaders in anything if we smother ourselves and don't incourage companies to compete amoung themselves to provide better products how do we expect to remain on top and to encourage our gererations comming up to to have the desire to be winners....thank you sharon stokes

MTC–00006293

From: Kyle L. Patton
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 2:18pm
Subject: Microsft Settlement

The proposed settlement in the anti-trust case against Microsoft should be accepted despite the fact that the lawsuit should have never been filed in the firstplace. It is time to move forward. Persecuting a business for developing better products than their competitors is not a practice the Government should engage in.

Kyle L. Patton
Monroe Shine
502–423–0311
502–339–7103 Fax

MTC–00006294

From: Stan Smith
To: Microsoft ATR
Date: 1/2/02 2:23pm
Subject: Microsoft Settlement

Please do whatever you can to finalize the DOJ settlement with Microsoft. It seems very fair to all parties concerned and we need to get on with the business of the nation and drastically reduce the continual urge to litigate.

Sincerely,
Stanford Smith
3204 W. Joliet Ct.
Mequon, WI 53092

MTC–00006295

From: BECK, JOHN
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/2/02 2:24pm
Subject: Microsoft Settlement

I'm writing for the first time to you on this. It is time to finalize the proposed settlement and let Microsoft get on with business. I remember when a word processing , graphics presentation, and spreadsheet software came from three different companies. You had to learn each with their own idiosyncrasies. Microsoft put everything into one suite and made software easy to use and cheaper for the layman.

Additionally, I am embarrassed that my own government chose to penalize a company for being successful. Anti- trust laws are meant to protect the consumer, not competitors. What Microsoft gave the consumer was more workable and cheaper software than what was available. To say that giving a free browser hurt the consumer is quite a stretch.

Settle!
John F. Beck

MTC–00006296

From: Dorothy A Boothe
To: Microsoft ATR
Date: 1/2/02 2:24pm
Subject: MICROSOFT SETTLEMENT

Our thoughts are shared by EVERYONE we talk to about the Microsoft Lawsuit. . It is not right for the Federal Government to interfere in any private industry unless it is harmful to the consumers. Isn't it interesting that the consumer is not suing Microsoft!! The companies that are suing Microsoft are trying to steal their business and the states that are suing Microsoft are trying to steal Microsoft's money, thereby weakening their ability to operate. Let's stop this persecution and let the brains at Microsoft get back on track and create new products for the consumers at a reasonable price. Quit fogging up their brains with lawsuits. All of this has cost them over

a billion dollars. Isn't that more than enough??

A lot of companies in this country are merging, creating monopolies: IE - the railroads and nobody seems to care, especially the Government! This is not being impartial. Judge Jackson who did represent the Government didn't even have the decency to go through these proceedings without name calling.

For the sake of our economy stop these proceedings now! This Microsoft lawsuit tipped the stock market into a recession. Check the stock market records. This hurt all of us!!

RONALD & DOROTHY BOOTHE

MTC–00006297

From: steve(u)silesky
To: Microsoft ATR
Date: 1/2/02 2:26pm
Subject: Msft

This is a good settlement. Let us finish this thing and get the economy going again.

Steve Silesky

MTC–00006298

From: George R Hardesty
To: Microsoft ATR
Date: 1/2/02 2:22pm
Subject: Microsoft Settlement

Please allow the existing proposed settlement be the final settlement. Our Country should be and should have been prosecuting real enemies instead of the corporation that has contributed so much to our greatness.

George Hardesty

MTC–00006299

From: Joe (038) Micki Wilder
To: Microsoft ATR
Date: 1/2/02 2:24pm
Subject: Microsoft settlement.

The settlement is fair to all consumers. There are only a few special interest groups(the nine States) that are not looking out for all the people in the United States. These nine states have been against any proposed settlement only to drag down the economy and the good that this administration is trying to accomplish.The delays only hold the economy, business and the people down. It is time to let this great Microsoft Company lead this nation out of this recession and restore trust in our free enterprise system and our Justice Dept.

Sincerely

Mr. & Mrs. A.J. Wilder of Boca Raton, Florida

MTC–00006300

From: Wilma Edgin
To: Microsoft ATR
Date: 1/2/02 2:23pm
Subject: Microsoft settlement

I would like to comment on the proposed settlement in the Microsoft anti-trust case.

I feel that this settlement should be taken and this put to rest. It has been a long drawn out affair trying to put down a company that has developed and distributed many helpful aspects of the internet world and they shoould be able to continue with this without further delays and penalties. Freedom inovate is the American way and should not be punished.

Wilma Edgin

MTC–00006301

From: Gary A. Bartholomew
To: Microsoft ATR
Date: 1/2/02 2:26pm
Subject: microsoft problem

This article from Mr. Mossberg says everything.

Consumers lose in proposed Justice Department settlement with Microsoft Posted on December 31, 2001

By WALTER S. MOSSBERG

It has been a terrific year for Microsoft, but average consumers of its products haven't fared so well.

Microsoft made major progress in its goal of using its Windows operating system to push its other products and services at the expense of its competitors. Consumers are the losers. software giant was under the breakup, having been found judge of violating antitrust threw out the breakup order lower-court judge, although his findings. The seven unanimously that Microsoft was the antitrust laws by into its Windows to freeze out other the court said Microsoft Windows in a way that ability of users to companies' products it was OK to add features weren't added mainly to

When 2001 started, the threat of a court-ordered guilty by a federal district laws in multiple ways. In June, an appeals court and harshly criticized the it upheld the legal core of appeals judges ruled a monopoly that had violated integrating its Web browser operating system in an effort browsers.

Expressed in plain English, shouldn't be allowed to design limits consumer choice—the discover and easily use other and services. The court said to Windows, as long as they maintain Microsoft's monopoly.

company went on to launch Windows XP—that into the operating crucial to extending next battleground: it added these features

allows users to easily authenticate their to order prints of photos features work only with Internet services, or that pay Microsoft for Competing services, better-established or

more popular integrated into Windows XP in are less likely to turn more breathtaking online competition. It Windows XP a feature whereby automatically add across the Web, without the These Microsoft-imposed Tags, would have led those of its partners. feature only after it was sparked a massive right to try again.

behavior, you'd expect the adversely. Instead, it has antitrust case in a way that conduct unfettered.

Despite this decision, the a new version of Windows continued to integrate tightly system new features that are Microsoft's monopoly onto the Internet-based services. And in a way that hinders consumer choice. For instance, Windows XP perform instant messaging, to identities across the Web and on their hard disks. But these Microsoft's own proprietary services owned by companies inclusion in Windows XP. including those than Microsoft's, aren't the same smooth way, so users to them.

Microsoft attempted an even attack on consumer choice and tried to integrate into the built-in Web browser would links to millions of sites permission of the owners. links, called browser Smart users to Microsoft's sites and

The company dropped the discussed in this column and outcry. But it reserved the Given this unrepentant Justice Department to react proposed to settle the would leave this sort of October, now pending judge, does bar some But much of it pertains with the hapless makers of position to defy Microsoft. It except indirectly; it's Microsoft's competitors or the past, not the future

It doesn't touch the

Windows XP to extend its

building new features or Windows? Nothing, per se. I who assert that feature that other separately. A more useful The problem is the

Windows XP contains a instant messaging. But that about which service a use the America Online the built-in Windows do so, just as I can use e-mail program with Instead, Microsoft has wired

it common in a free one of their products to AOL use its online made by its Warner Wall Street Journal run publications and Web

The settlement reached in before yet another federal offensive Microsoft behavior. to the company's relations PCs, which aren't in any isn't about consumer choice, more about placating partners. And it's all about battle in Internet services. company's ability to use monopoly to these new areas. What's wrong with Microsoft gateways to services into have never agreed with critics

Windows shouldn't contain any companies want to sell Windows is good for consumers. way these features are designed. It's great, for example, that built-in interface for doing interface should be neutral consumer wants. If I prefer to instant-messaging service with interface, I should be able to the built-in browser and non-Microsoft services. the interface to its own service. So what, some might ask? Isn't market for companies to use cross-promote another? Doesn't service to boost the movies Brothers studios? Doesn't The ads and plugs for its sister

other companies aren't and when you're a different rules, as the

Justice Department bad for consumers. It isn't consumer choice. It nettlesome case out of shouldn't try to destroy or require the software choice in its dominant Unfortunately, in 2001, that's not

Gary A. Bartholomew
Bartholomew Photography Inc.
433 E. Golf Road.
DesPlaines IL. 60016
Voice 847 635 0799
Fax 847 824 8473

sites?

The difference is that these court-certified monopolies, monopoly, you have to follow appeals court said.

So, in my view, the proposed settlement with Microsoft is about preserving or enhancing seems to be about getting the the government's hair.

Our government and courts run Microsoft. But they should monopoly to expand consumer operating system. what happened.

MTC–00006302

From: lee sulander
To: Microsoft ATR

Date: 1/2/02 2:26pm
Subject: microsoft settlement

The people have spoken. The nine states and the DOJ have agreed to a fair, responsible settlement. Do not let the dissenting states ruin a ''good'' responsible company like Microsoft. They are practicing class envy and are looking out for their own selfish interests and ignoring the good for everyone decision.

Yours sincerely,
L. Sulander

MTC–00006303

From: D3FUZZY@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:27pm
Subject: Settlement For Microsoft

I have been watching the proceedings of continuous litigation involving the Microsoft case over the past several years and I now believe that settlement is in the best interests of the consumers, as well as, the country.

Debra Masnik,
Springfield, VA

MTC–00006304

From: Donald Nelson
To: Microsoft ATR
Date: 1/2/02 2:26pm
Subject: Microsoft Settlement

It is time that the government stop and settle this ill-conceived law suit against microsoft. The beneficiaries of Microsoft are Microsoft but mostly the computer using public. If companies better financed etc, than Microsoft were unable to compete then that is their problem NOT Microsofts'.

In my opinion this hi-tech lawsuit did much to lead to the collapse of the hi-tech industry. This effort was conceived on political grounds to protect other hi-tech operations from competition.

STOP the lawsuits!!!!! This is only enriching trial attorneys.

Donald Nelson

MTC–00006305

From: Don Sackman
To: Microsoft ATR
Date: 1/2/02 2:27pm
Subject: microsoft settlement

Department Of Justice:

It is in the interest of the economy and jobs that this issue be settled immediately. Dragging it out with further litigation serves only a select few. It is high time that the country and industry get back to furthering our future through Technological Development and Innovation.

Don Sackman

MTC–00006306

From: Steve Parker
To: Microsoft ATR
Date: 1/2/02 2:28pm
Subject: Microsoft Settlement

Dear DOJ:

While I am no particular fan of Microsoft and some of the techniques they have used, I do not believe that most of their actions are illegal. You have successfully focused on a few that are and I believe have come up with a fair compromise.

In my job, that of an independent consultant, I work with technology and Microsoft products daily. Competition is good and it is there now. Let the market make the bigger adjustments. If Microsoft does not clean up their products, and improve their service and support, the public will start to move elsewhere. In fact, I believe this has already started. This is heart of the free market or free enterprise system. Once government gets too involved, the economy, the consumer, and everyone starts to pay big time! So push this agreement through! It is good and it is fair! And none of the rest of it should ever have been a consideration. Because it has been, our economy—particularly the technology industry, as reflected in the NASDAQ—has already paid enough!!!

Thanks!
Steve Parker
rsparker@ameritech.net

MTC–00006307

From: Donnie Wilemon
To: Microsoft ATR
Date: 1/2/02 2:28pm
Subject: Microsoft Settlement

This entire thing has gotten totally out of control. Too many people are trying to make careers out of attacking this fine company at every turn. I am sickened by the number of people and competitors who choose to abuse the legal system rather than competing in the market place.

Everyone has grown weary of this—no one cares anymore but Sun, Oracle, Apple and certain state's Attorneys General who smell another tobacco settlement cash horde (regardless of the true facts of the case). Microsoft should not be forced to fund the state's 'general fund', nor should, for instance, Apple's poor marketing and product plans be paid-for with Microsoft's hard-earned profits.

Microsoft has made some concessions and very generous offers for settlement. Let's be reasonable—tell the professional litigators and unethical competitors to find another company to abuse and move on with their lives.

Enough damage has been done—accept the settlement now.

Donnie Wilemon
dbwilemon@hotmail.com

MTC–00006308

From: pig lut
To: Microsoft ATR
Date: 1/2/02 2:28pm
Subject: re: Microsoft

i feel you should drop the case and focus on bigger issues: world terrorism and internal terrorism.

many people are out for bill gates and this is a waste of your time as well as mine and taxpayer dollars. if gates' competitors have a problem with him, let them settle it between themselves, not the US settling it for them.

thank you.
happy holidays!
noel

MTC–00006309

From: Howard Jones
To: Microsoft ATR
Date: 1/2/02 2:28pm
Subject: Microsoft Settlement

Just finish the case with the agreed settlement and let Microsoft get back to its prime focus on making great software at reasonable prices for the masses.

As a consumer, I make choices with my wallet and I make them carefully. As a consultant in the technology industry I have exposure to many operating systems and software applications and therefore am very familiar with the offerings from Microsoft's competitors. Using my knowledge and my wallet I chose to purchase Microsoft products for my own and my family's use. I have never felt overcharged... on the contrary, I feel that the products offer far superior value compared with other offerings. For some reason my all-knowing government chooses to call this phenomenon a monopoly and has wasted years and countless taxpayer $ on pursuing that folly. Then Microsoft has the misfortune to have Judge Jackson head the proceedings—a man whom I'm sure is very intelligent on certain matters but who has absolutely no clue about the technology industry and what is or isn't good for consumers. The entire process was a farce and an insult to the intelligence of the American people. For Microsoft to have to make any retribution for past business practices is nothing more than an extortion crime perpetrated by the US government and the attorneys general for the states that chose to be involved. Our government is supposed to protect and serve the American people. The lawsuit did neither although seemed to derive from the misguided impression that Americans needed to be protected from Microsoft. If Americans felt that way they would not have bought the products and would have accomplished what the DOJ had no business trying to do in the first place. Apparently the judicial branch of our government no longer believes in capitalism and feels that they need to interfere with an otherwise very efficient process. Leave the interfering for companies and industries that are price fixing and inflating prices and truly hurting consumers—the energy industry is a great example—as our nation was going into recession the energy producers were recording record profits and consumers were paying record prices at the pumps and to heat their homes. Now there is an industry that should be forced to pay something back. Leave Microsoft alone!

Howard Jones
Simsbury, CT

MTC–00006310

From: Vito Corcia
To: Microsoft ATR
Date: 1/2/02 2:28pm
Subject: MicroSoft Settlement

Please settle this matter now. There never has been any problem dealing with MicroSoft in the past.

MicroSoft products function best in computers. Both of the terminals in this office contain fully licensed MicroSoft products and there has never been a crash in the last seven years.

VEETZ...
http://home.earthlink.net/veetz

MTC–00006311

From: Michael Hale
To: Microsoft ATR
Date: 1/2/02 2:27pm

Subject: MS SETTLEMENT Dear Sir:

I do not believe that the resourcefulness, ingenuity, creativity, that Microsoft has brought to our world in the services and products they have provided should be rewarded by punishing them.

Do you think this will encourage more inventions? Do you think they will care more about what the market wants?

I think you should stop going after the people who are doing good for us.

Michael Hale

MTC–00006312

From: TXBILL37@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:29pm
Subject: Microsoft Settlement

Most Americans that use the Microsoft windows never agreed with the Government Lawsuit. It was only a long term Clinton, Gore and Reno diversion from other daily problems they caused. The lawsuit and settlement should have never taken place. Without Microsoft windows, America and the governments would still be in the dark ages on the Internet. The complete lawsuit should be dropped, but the settlement we Americans must agree to and accept for the sake of the Democrats.

CC:TXBILL37@aol.com@inetgw

MTC–00006313

From: FORTIERSLS@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:30pm
Subject: Microsoft settlement

For being learned people, you don't seem to be able to stop stumbling over your own words. Why don't you just grow up and get this pain in the derriere done and over with?

Thank you

MTC–00006314

From: Evelyn M Taris
To: Microsoft ATR
Date: 1/2/02 2:30pm
Subject: microsoft settlement

The Justice department should disregard the remaining 9 states that seek free settlement from microsoft. Our economy has hit bottom now. We need to rebuild our economy not keep taking away. I say let the settlement be final and if the additional 9 states including Florida, where I live, cannot settle then disregard them . They are just looking for additonal funds for themselves and hurting the economy, which has been hit very hard this past two years. We all need to start building our lives again not taking away, we had enough of taking for the past two years. Microsoft has been hit hard enough for the past four years, let there be peace so our economy can start to grow as it should

Evelyn Taris

MTC–00006315

From: Bernard Segebade
To: Microsoft ATR
Date: 1/2/02 2:30pm
Subject: Microsoft settlement

I think enough time has been spent on this case. with our country & our economy in the shape its in, its time to settle this issue & get on with our every day business of getting our country back on solid ground.

MTC–00006316

From: Ron arky
To: Microsoft ATR
Date: 1/2/02 2:32pm
Subject: Lawsuit

AS FAR AS I'M CONCERNED THE SETTLEMENT SHOULD STAND, LETS GET THE NATION AND THE STOCK MARKET MOVING FORWARD AGAIN.

Respectfully
Ron Keller

MTC–00006317

From: RCarey312@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:29pm
Subject: MICROSOFT SETTLEMENT

I AM WRITING YOU IN REGARDS TO THE MICROSOFT SETTLEMENT. IN MY OPINION THEIR SHOULD NEVER HAVE BEEN A LAWSUIT TO BEGIN WITH. IT SEEMS THAT THE CLINTON ADMINISTRATION [JANET RENO] WOULD DO ANY THING TO OBTAIN MONEY.

THIS TO ME IS GOVERNMENT EXTORTION.

WITH THE POSSIBILITY OF A RECESSION COMING ON, FURTHER LITIGATION AGAINST MICROSOFT IS THE LAST THING OUR ECONOMY NEEDS.

IF IT CONTINUES , WHAT INDUSTRIES IS THE NEXT TARGET? IF YOU HAVE NONE MAY I SUGGEST THE THE LEGAL INGUSTRIES.

REGARDS .
RAYMOND A. CAREY

MTC–00006318

From: Donald A. Fife
To: Microsoft ATR
Date: 1/2/02 2:32pm
Subject: Microsoft statment

I think the whole thing has been going on far to long. That it should be settled now. And in the manner the government and the nine states agreed on.

Thank you
Donald A. Fife

MTC–00006319

From: McKay and Linda Snow
To: Microsoft ATR
Date: 1/2/02 2:30pm
Subject: microsoft settlement

I haven't offered my comments on this settlement before but I want to go on record as stating that were it not for Microsoft and their innovative creations in Computers and the Internet, I dare to say that America and the world would not be using computers to the extent they are and I personally would not be able to understand and facilitate the abilities and usability of my computer if it did not have the integrated software that Microsoft has made and marketed. I am grateful for their advances in computer software. It has opened up the world. If I had to deal with many software protocols and programs that may or may not work together, I doubt I would use this instrument. Microsoft is to be commended, not punished for their critical progress in this field. It is plain to me that those that have continued to press for more monetary awards and punitive measures against Microsoft are doing so out of pure greed and jealousy. For them to say, 'give us all your software programs because we deserve them and you don't; and by the way, make sure that we are successful in using them and jeopardize and minimize your own business in the process' seems to fly directly in the face of American ingenuity and independent capitalism. I am extremely disgusted with this protracted DOJ punishment of a company that has built America in ways no one else could have done.

Sincerely,
Linda P. Snow
Bellevue, Washington

MTC–00006320

From: John Peters
To: Microsoft ATR
Date: 1/2/02 2:31pm

MTC–00006321

From: John Hughes
To: Microsoft ATR
Date: 1/2/02 2:31pm
Subject: Microsoft settlement

I am not a microsoft stock holder, but do use their product on my computer. I have no complaints with the way they market their programs. I have been using various spread sheets, word processing and other programs of both microsoft and others. I do not write computer programs, but certainly enjoy the user friendly programs that microsoft has provided.

It would be better if the law suit were settled and allow microsoft to continue to improve the product that they make for the public.

John Hughes
3303 Nottingham St.
Houston, Texas 77005
Ph. 713–667–1666
Mob. 713–248–9417
e-mail jahughes00@msn.com
alt e johnh@sabinegas.com

MTC–00006322

From: Jim Logan
To: Microsoft ATR
Date: 1/2/02 2:29pm
Subject: Microsoft Settlement

I firmly believe that any continuation of the lawsuits against Microsoft will have an adverse affect on our nation's economic recovery. The settlement that has been reached is fair. It is time to accept the proposed settlement, move forward and resolve this issue without further litigation.

Jim Logan
Logan Productions, Inc.
8035 N. Port Washington Road
Fox Point, Wisconsin 53217
Phone: 414–352–9691
Facsimile: 414–352–4993
<mailto:jim@loganproductions.com>
mailto:jim@loganproductions.com
<http://www.loganproductions.com/>
http://www.loganproductions.com/

MTC–00006323

From: Huey Guo
To: Microsoft ATR
Date: 1/2/02 2:28pm
Subject: Microsoft Settlement

Sir/Madam,

Please free the general public from Microsoft's monopoly! Besides the government, there is no one to stop Microsoft from their immoral (though legally, only after their attorneys' twisting of law interpretations) manipulation of the computer world. Indeed, there may be competitors lobbying for a fairer market. Yet, there is simply no one powerful enough to stop Microsoft from their wrongdoings, except the Department of Justice, our only and last hope. This is an example of my freedom to choose being violated: I have been receiving propaganda e-mails from the so-called ''Freedom to Innovate Network'' (MSFin@Microsoft.Com) for years (not by my own free will, though). Even though I tried many times to ''unsubscribe'' from their web site (at http://www.freetoinnovate.com/—utilities/unsubscribe.asp), they never let me unsubscribe. Microsoft has organized an e-mail/fax compaign to influence what DOJ hears against those forceless individuals like me. I am not with any party in the letigation nor have any stake in the law suit. My only hope is for DOJ to hear my opinion.

Sincerely,

Huey Guo

PS. I am not an Apple user. I have been using PC's for the last 15+ years and have sufferred a lot from using Microsoft products, because I have no alternative.

MTC–00006324

From: Bob McDermott
To: Microsoft ATR
Date: 1/2/02 2:31pm
Subject: Microsoft settlement

Please get the government off microsoft's back!!!!!!!!!

MTC–00006325

From: Nick Dolyak
To: Microsoft ATR
Date: 1/2/02 2:32pm
Subject: MICROSOFT CASE

Let's get this case behind us and move on to more important things. Enough is enough.

NICHOLAS P DOLYAK
nickdolyak@earthlink.net

MTC–00006326

From: Ron Beck
To: Microsoft ATR
Date: 1/2/02 2:29pm
Subject: ''Microsoft Setlement''

Gentlemen,

Please settle the Microsoft case. It has gone on too long and the current settlement is more than adequate. Prolonging it any longer is not good for the entire industry.

Thank you.

Ronald Beck
reallibra25@hotmail.com

MTC–00006327

From: Plefka, Bob
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 1:36pm
Subject: Mircrosoft Settlement

It is my sincere hope that the settlement with Microsoft be moved forward quickly. As a consumer (both personal and business user) I feel that Microsoft has been acting appropriately and in the interest of the Consumer and Economy. I have not witnessed any concern of anti-trust or monopolistic behaviors and feel that I can choose other vendors than Microsoft for key applications should I choose.

I support Microsoft's settlement and hope the matters are resolved quickly to allow us all to get back to important work needing efforts.

Robert R. Plefka
1375 Jasper Drive
Ambler, Pa 19002

MTC–00006328

From: mortgagelender@att.net@inetgw
To: Microsoft ATR
Date: 1/2/02 2:30pm
Subject: Microsoft Settlement

Greetings:

As a consumer, I would like to see more competition with other browsers and software choices. The grip Microsoft has is anti competitive as its software is frought with errors. Its philosophy is to ''shove it out the door'' and handle complaints afterwards. This is the result of a Monopoly and a manufacturers arrogance with consumers having no recourse, ''Let them Eat Cake''. Nuff' said.

M. Morrow

MTC–00006329

From: John Richeson
To: Microsoft ATR
Date: 1/2/02 2:31pm
Subject: Microsoft Settlement

Sirs,

I am the owner of a business in Tampa, FL called Bay Area Window Cleaning, Inc. I started out by myself and today have over 45 employees and clean some of the areas tallest buildings. As a user of Microsoft products for over 15 years, I can speak from experience as a day to day small business user as to the effect this company has had on our business. I can honestly say that our business has reached the success it has today because of the usage of some of the great products that Microsoft has implemented and continues to improve upon. This is not to mention the prosperity that we have gained due to ownership of Microsoft stock via mutual funds and other investments.

The government needs to keep its hands out of this company as much as possible. Do not stifle this company's progress. It has benefited not only America but the entire world. For example, think about where our military would be today if they did not have the benefit of Windows and all its associated products. I am continually amazed that Windows XP cost less that $200. It is an amazing product that I think is worth $2,000. and for which I would gladly pay that amount.

Microsoft simply makes a great product. If they do not, then we use another competing product. For example, I use Intuit's QuickBooks because Microsoft Money is just not as good yet. But Microsoft continues to improve Money. Soon I think it will be better than QuickBooks. Then I will immediately switch. I am looking forward to that day because Intuit does not seem to care about simple user issues they have had for years. Let me put it this way....Intuit is stifling our business because their QuickBooks products is weak in certain areas. Microsoft, on the other hand, has the resources and R & D to improve a product tremendously. We all need this.

Please settle these frivolous and wasteful lawsuits and allow them to do what they do best. It is very beneficial to the end consumer. It will continue to help America remain the worlds leaders in technology and efficiency.

John Richeson
President

MTC–00006330

From: Qpbay@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:34pm
Subject: The Microsoft Settlement

I would expect that the Judicial Department will proceed with the current agreement on the Microsoft lawsuit and accept what has already been agreed upon.

In addition, I would hope our legal system will maintain and be a major stimulus to support our free enterprise that exists in this nation. The government should support the free enterprise efforts that have been so important to make this a sound and prosperous nation on this issue.

Where would we, consumers and our nation, be today without the Microsoft organization's important products that we select to purchase and use?

Thank you.

Clifford E. Rowden
Bay Village, OH 44140

MTC–00006331

From: GrampsNorm@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:34pm
Subject: Microsoft Settlement

I would hope this case can be settled, it would be one step toward getting our economy back on track.

Norm Thomassen

MTC–00006332

From: Tutuandpal@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:34pm
Subject: Lay off.

Don't you think it's about time you guys laid off of Microsoft? I think the Clinton DOJ with Janet Reno were part of a terrorist organization, and you are just carrying on where they left off.

Why would a government attack one of its own most successful companies? Name another country that would do that. This is equivalent to using an American airline to attack the WTC. Why would 'Justice' be so unjust? Is this the first salvo whereby the trial lawyers, like a sinister pack of roving hyenas will attempt to lay waste the great industries of the USA, for their own personal monetary gain? Is this not terrorism in one form? What is more un-American than this?

None of you seem to know what the hell you're talking about since I've not found a clear and concise explanation for what Microsoft has done wrong. All that bundling gobbledygook on which you fervently frown is nothing but horseshit. Now really!... If I went to the local market and bought butter, and the management had agreed to give everyone who bought butter, a loaf of bread to go with the butter.....That would be

wrong?..... Where does this hurt the consumer?

Call off your dogs. Do something constructive, rather than destructive like the OSBL Taliban.

Sincerely,

Earle J. Baird

MTC–00006333

From: Korry Pearl
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 2:35pm
Subject: Microsoft Settlement.

This settlement is tough, but reasonable and fair to all parties involved. Consumers overwhelmingly agree that settlement is good for them, the industry and the American economy. Settle Now. It time to move forward. Settle this now.

Sincerely,
Korry I. Pearl
Senior Accountant
SigmaTek Corporation

MTC–00006334

From: GERRY WEST
To: Microsoft ATR
Date: 1/2/02 2:35pm
Subject: Microsoft Settlement

Please accept current proposed settlement. Over time, MicroSoft products, while a virtual monopoly, have provided standardized technology which is time-efficient for multiple users. And, at mass retailing, prices even for a monopoly, are more affordable.

Regards,
Gerry West
gwest@njwresearch.com

MTC–00006335

From: Craig McClure
To: Microsoft ATR
Date: 1/2/02 2:29pm
Subject: Microsoft Settlement

As a member of the software development community, I have seen Microsoft emerge as a huge force in shaping the quality of software products produced over the last twenty years. To say that they engage in unfair competitive practices is to say that excellence is an unfair advantage. They have managed to capture the greatest market share in mature areas of the software industry: operating systems, networking, word processing and spreadsheets. These were markets dominated by other companies who seemed to have a stranglehold on their market segment, but in each case, Microsoft prevailed with a superior product.

To punish this brilliance is to destroy the last vestige of free enterprise in our society.

Craig McClure
CreativeWare, Inc.

MTC–00006336

From: J C and Betty Choate
To: Microsoft ATR
Date: 1/2/02 2:36pm
Subject: Microsoft Settlement

Dear Sirs:

According to the best that I can figure, the stock market started going down very shortly after the litigation was begun against Microsoft. I think the entire country has paid a huge price for this messy business.

I well remember the frustration I used to experience, trying to learn new and different programs, and trying to get programs to work together, BEFORE WINDOWS WAS PUT ON THE MARKET. Microsoft has done a tremendous thing for the world by removing some of these major problems from the computer scene. I think the harrassment the company has undergone has been a poor way to express appreciation for all that has been done.

Personally, I think the settlement that has been made should stand, and let Microsoft and the country go back to life before litigation. It was much more productive.

Betty Choate
708 Burton Drive
Winona, MS 38967

MTC–00006337

From: Howard Haworth
To: Microsoft ATR
Date: 1/2/02 2:35pm
Subject: Tunney Act

Settle the Microsoft case. We have had enough foolishness already!

MTC–00006338

From: PolPrncsVel@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:34pm
Subject: Microsoft Settlement

Gentlemen:

I believe the microsoft settlement is fair & just & should be implemented.

It is time to move on to other matters.

Sincerely,
Velora H. Upstone
Rockford, Il 61114

MTC–00006339

From: Jim Hanke
To: Microsoft ATR
Date: 1/2/02 2:35pm
Subject: Microsoft Settlement.

To whom it may concern,

There are a few vocal anti-Microsoft groups that are the key players in the whole controversy.

If we could turn back the hands of time. Back to before Microsoft, before IBM and a young kid named Bill Gates started talking in 1974, how would this world be? There are a hundred thousand companies of various sizes that would not even exist. Our world would be very different. We take things for granted that we have in our lives. Things we can't live without now. All of these would either not exist or would be so large they would not be practical. The advent of the home PC drove the market to make faster CPU's and faster RAM and smaller components. These components are used in everything in our lives today. Cell phones, microwaves, Digital TV, DVD players for our TV's, all the nifty electronics in our cars; all of this because the personal computer was a technology so many people loved.

Microsoft made the PC practical. We should thank Microsoft for helping make us all more productive and creating secondary and tertiary companies. Most all of these companies are happy to have Microsoft be the driving force behind the advances in the PC industry.

Yes, there are a few folks out there that are anti-Microsoft. They are very vocal. The silent majority are going to be the ones that really end up paying the price.

I feel Microsoft has learned a lesson about how it markets its products. Microsoft has spent a lot of money and time defending itself and I believe their marketing strategy has changed significantly. Make sure Microsoft keeps the market open as you have already. Stop spending billions of dollars to fight Microsoft. There are a lot of other places our tax dollars, yours and mine, can be better spent. Use the money to buy computers for schools. Teach them Unix if you like. Spend money on child welfare, better schools, anti-drug campaigns, stop smoking campaigns, fix our roads, improve airport security, the list is endless. With the money you could save by just accepting the proposal by Microsoft that is currently in process (I don't know what it is, but I am sure it is reasonable at this point) you could give every person that died in the World Trade Center tragedy thousands and thousands of dollars.

Find a better way to spend our tax dollars and your time than fighting an entrepreneur that has done more for this country than anyone since Henry Ford.

Thank you for reading and taking time to take my letter to heart.

James (Jim) Hanke
11405—146th Ave SE
Renton, WA 98059

MTC–00006340

From: William Allen
To: Microsoft ATR
Date: 1/2/02 2:13pm
Subject: Microsoft settlement

As a teacher who uses a lot of software in teaching and research, I am satisfied that the settlement reached between the government and Microsoft is in my best interest as a consumer of software.

William Allen
wallen@astate.edu
http://www.clt.astate.edu/wallen

MTC–00006341

From: JRSONPETER@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:35pm
Subject: Cosumer Comment

Microsoft:

Without Microsoft, computer operations would still be in the dark ages and millions of users would not be able to take advantage of this powerful tool.

James R. Peterson

MTC–00006342

From: don blades
To: Microsoft ATR
Date: 1/2/02 2:39pm
Subject: microsoft settlement

This has been too long and drawn out and has cost us, (we the people) too many tax dollars chasing a dead horse. Settle the d—- thing.

MTC–00006343

From: JnJRanch
To: Microsoft Corpordation
Date: 1/2/02 2:37pm
Subject: Microsoft Settlement

I am in favor of the Micrsoft settlement NOW. The DOJ has interferred too long

Jeanne Jacobs

762 Sandstone Ln.
Camano Is. WA 98282

MTC–00006344

From: Rojji@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:36pm
Subject: MICROSOFT SETTLEMENT

My view is that the settlement of this case is in the public interest; Let us move on. If MSFT is a monopoly, so be it, just as so many other companies in the world of business.

MTC–00006345

From: Hiperfprof@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:36pm
Subject: Microsoft Settlement

I have over 30 years experience in the Information Technology industry and have been upset by the government's actions against Microsoft since the beginning. If Microsoft had not brought some sanity to the entire personal computing industry, we would have had chaos. Their leadership has been a tremendous asset for our industry and our country.

I would be most pleased if I never heard another word about the government trying to penalize or breakup Microsoft.

R. L. Adams

MTC–00006346

From: Thomas J. Fabish
To: Microsoft ATR
Date: 1/2/02 2:36pm
Subject: microsoft settlement

Sir,

My opinion on the entire Microsoft prosecution is that no positive historical grounds exit supporting the antitrust action against Microsoft. My argument consists of the single observation that no previous antitrust action has benefited the public interest including Standard Oil, IBM, AT&T and most recently, Microsoft. That is, the price of the goods or services offered by the accused invariably increased following government antitrust action. Moreover, the continuing action by individual States against Microsoft following the high court's decision to end prosecution seems based upon transparent motives of simple greed for settlement dollars, the acquisition of individual fame, or a crude attempt to aid local business that may compete with Microsoft in a product line.

I conclude that prolonged litigation against Microsoft Corporation benefits only selected groups with goals not at all determined by perceived good for the general consumer. Hence, I hope to see the legal crusade ended and so enable the considerable ongoing expenditure of public and private funds to find more useful applications.

Thank you for your consideration,
Dr. Thomas J. Fabish
e-mail; tjfabish@adelphia.net or tjfabish@earthlink.net

MTC–00006347

From: Wayne/Eileen Grove
To: Microsoft ATR
Date: 1/2/02 2:37pm
Subject: Microsoft

It is time to get this litigation behind us.
Wayne & Eileen Grove

MTC–00006348

From: GMbah
To: Microsoft ATR
Date: 1/2/02 2:38pm
Subject: Microsoft Settlement

DOJ needs to settle this matter now. Slap Microsoft in the wrist if it must and let's move on. Personally I think Microsoft has done a lot of good and in my view has not harmed the public.

Thank you,
Godfrey

MTC–00006349

From: MarlDuffin@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:36pm
Subject: Microsoft Settlement

It is important to settle this lawsuit in the best interests of all the parties involved. The Department of Justice has worked out a settlement with Microsoft and that should be the basis to decide the law suit and end the case.

Marlene Quayle Duffin
21241 Canyon View Dr.
Saratoga, CA 95070

MTC–00006350

From: Thomas Garson
To: microsoft.atr(a)usdoj.gov,
attorney.general(a)po.st...
Date: 1/2/02 2:38pm
Subject: Microsoft anti-trust settlement

Dear Representative of the Public Interest,

I believe the settlement that the U.S. Justice Department and Microsoft have concocted is a travesty of justice. As an information technology professional for over 20 years, I am quite familiar with the monopolistic, and often illegal, machinations perpetrated by Microsoft in order to achieve their current position of ascendancy, often while offering an inferior product. I wholely support the findings of Judge Jackson as being more than reasonable. If anyone in the judicial system has gained a true insight into the modus operandi of Microsoft, it is Judge Jackson. In light of the contempt that Microsoft openly displayed of that court, Judge Jackson was remarkedly restrained.

Any lesser penalties imposed on Microsoft, or any other company showing such contempt for the rule of law, must be considered a complete abdication by the government of its responsibility to enforce the right of the people of the United States to a fair and open marketplace.

Sincerely,
Thomas Garson,
Owner,
Aural Technology, Ashland, Or.
tgarson@auraltek.com

MTC–00006351

From: Richard Barnes
To: Microsoft ATR
Date: 1/2/02 2:39pm
Subject: TUNNEY ACT

Microsoft settlement: I doubt that any business (competitors or otherwise) could endure the kind of scrutiny that Microsoft has had to endure. In the big picture is this kind of stuff good for America? I do not believe it is! I for one want all this to be over and finished. As Americans we have much bigger problems and we need not only the Microsoft but all those that would be Microsofts.

Please stop the bleeding and move on!
One very disgruntled American.
Remember 911!!!

MTC–00006352

From: E. STANFIELD
To: Microsoft ATR
Date: 1/2/02 2:38pm
Subject: Microsoft Settlement

We all hope you all will use your heads and get this settlement approved and end the competetors' bickering and attempting to feather their own nests by keeping out competition so that they can make more money the easy way!

MTC–00006353

From: Buzz Marsh
To: Microsoft ATR
Date: 1/2/02 2:38pm
Subject: Microsoft Settlement

As a constant user of computers and needed software I feel enough is enough. Microsoft has done nothing that successful business has not done during U.S. history and because they have done a better job it is not reasonable they should be punished at all, let alone still more.

The goverment sometimes mixes in where they have no business. This is one of those times.

Freeman A. Marsh

MTC–00006354

From: Davidfreed@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:41pm
Subject: Microsoft Settlement

to whom it may concern:
please settle this case ASAP. there should be no split-up of Microsoft.
david freed
3055 washington street
miami, fl 33133

MTC–00006355

From: Bradley Bobbs
To: Microsoft ATR
Date: 1/2/02 2:39pm
Subject: leave Microsoft alone already!

Please stop harassing Microsoft finally and stop wasting taxpayers' money on this nonsense. Please go after some criminals, instead of companies running a perfectly legal business!

Sincerely,
Dr. Bradley Bobbs
6862 Hayvenhurst Ave.
van Nuys, CA 91406

MTC–00006356

From: DaveRaab@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:39pm
Subject: Microsoft Settlement

This has been going on for to long and FAR to much money spent on this. Many more companies have benefited from Microsoft then been hurt by them. The United States economy and business needs to be done with this case and move on!!

I DO NOT WANT MY TAX DOLLARS SPENT PROLONGING THIS CASE!

MTC–00006357

From: Sample, Michael
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 2:40pm
Subject: Microsoft Settlement

Gentlemen,

Get on with it! I am sick of competitors using the DOJ to get a successful company that they themselves can't defeat in the market place. Secondly, I am sick of publicity-seeking state AGs doing the same thing either on behalf of those competitors or simply for their own political enrichment. The settlement is reasonable and there is no reason to continue to drag out

this process.

Michael Sample
Houston, Texas

MTC–00006358

From: Dle0312@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:41pm
Subject: Microsoft Settlement

I commend the Department of Justice for their decision to settle with Microsoft. It makes sense, as the government should not be curtailing advancements in technology, nor disciplining a company who has found a better mouse trap. It would seem to me that these other companies who challenged Microsoft should try to make a better product, rather than ask that the proprietary knowledge be deseminated to them so that they can use it against Microsoft. I would hope that the DOJ would be able to settle down the states remaining who have decided not to accept the judge- ment between Microsoft and the DOJ.

Donald L. Ensenbach
10601 South 41st Place
Phoenix, AZ. 85044–1331

MTC–00006359

From: NeilHaas
To: Microsoft ATR
Date: 1/2/02 2:40pm
Subject: MICROSOFT

Microsoft has been damaged enough, let the present agreement be enough. The states need to get out of the business of killing off businesses.

I've been in business over 38 yrs and don't want the government causing me to lose just because Oracle and Netscape want to use the government for their own gain.

Neil G. Haas

MTC–00006360

From: JnJRanch
To: Microsoft Corpordation
Date: 1/2/02 2:41pm
Subject: Microsoft Settlement

I am in favor of the settlement reached btween the Federal government, nine states and Microsoft. Further arguing can only hurt the nation, and the economy as a whole.

Jeanne Jacobs
762 Sandstone Ln.
Camano Is. WA 98282

MTC–00006361

From: Mccartyml@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:43pm
Subject: Microsoft Settlement

This case should never have been filed. However at this juncture the proposed settlement is the best of a bad bargain and DOJ should wrap this up ASAP under the settlement proposed.

M.L. McCarty
1911 E. Pole Star Pl.
Tucson, AZ 85737

MTC–00006362

From: BeausBoss2@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:43pm
Subject: re: Settlement

Dear Justice Department:

Please allow the MicroSoft Company the ability to conduct their business and their affairs by stimulating our economy. Allow them to be a competitor that will help stimulate other companies to grow and thrive. Allow the court settlement to be OVER, and allow MicroSoft to move forward. Enough is enough. Let 2002 be a new year for MicroSoft, for the American people, and for the business community.

Sincerely yours,
Elyse Reitzin
beausboss2@aol.com

MTC–00006363

From: RPainley@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:43pm
Subject: Microsoft settlement

We wish to support the current settlement plans regarding the Microsoft case. Please give this your best attention.

Raymond and Merle Painley

MTC–00006364

From: John Garrison, Sr.
To: Microsoft ATR
Date: 1/2/02 2:39pm
Subject: Microsoft Settlement

Request further action in the subject case be discontinued. The last thing the economy needs is more failing competitors to use government to stifle a creative American corporation. A corporation that bet the farm to innovate while competitors tagged along until they found they were falling further and further behind. Then they turned to government to save them. Definitely not what made this country great.

Respectfully:
John Garrison, Sr.
mailto:johng@sun-usa.com

MTC–00006365

From: Ted Pierce
To: Microsoft ATR
Date: 1/2/02 2:41pm
Subject: Microsoft Settlement

To Whom It Concerns:

I am 100% FOR the litigation against Microsoft to be finalized. In my opinion the suit should never have been brought in the first place. We as tax payers foot the bill for the litigation. We as consumers foot the bill when any settlement is imposed. Any thinking person knows that ''the cost of doing business'' is passed directly to the consumer, the investor or both. The worst case is that a company goes out of business because of Government tyranny.

So, settle with Microsoft and let them get on with life, so we consumers and taxpayers can see an end to money being wasted (by Government) and so we can continue to get the fine flow of products we have become accustomed to. The fact that we are in a recession should mean that government gets off everyone's back, not further complicate and harass business.

Ted Pierce
Folsom, CA 95630

MTC–00006366

From: James Hawley
To: Microsoft ATR
Date: 1/2/02 2:42pm
Subject: Microsoft Settlement

The Microsoft litigation has taken a number of years and not it seems that there is a potential settlement. Derailing this settlement now would benefit no one except for attorney fee genereated. If that is the goal of the Justice Department then this case should by all means continue. I believe, however, that is not the Justice Department's goal to increase revenue for attormey fees. The climate has changed considerably in the last few years and all the issues originally being contested are not even an issue any longer. The last thing this country needs at this time is to draw cases such as this one into more legal rambling to no one's benefit. Penalizing one of the Major success stories of the 20th century for the benefit of a few should make no sense. I see this as a ''revenue enhancement'' program for the states and a few companys with no real issues left to resolve.

We have much bigger and important issues that have a signifigant impact on the American Society. This case should have never even been brought to this point in the first place.

Jim Hawley

MTC–00006367

From: Richard Stevenson
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 2:42pm
Subject: Microsoft Settlement

To Whom It May Concern:

Please settle this litigation now. What has been agreed to is fair for all parties.

Sincerely
Richard Stevenson

MTC–00006368

From: RJBKKKID@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:48pm
Subject: Microsoft Settlement

To Whom it may Concern,

Isn't it high time we put this litigation to rest and move on. It would appear that a few of the more vocal die hard Microsoft competitors (and their lobbyists) continue to beat this to death. Would be interesting to know if they would welcome equal scrutiny?

Enough already!
Russ Jones

MTC–00006369

From: Ray Garland
To: Microsoft ATR
Date: 1/2/02 2:47pm
Subject: Microsoft Settlement

Gentlemen,

I am a Microsoft shareholder and a consumer who uses their products. I urge the

Federal government to resolve this case as promptly as possible by settling on the result already reached by the court. The nine states which are withholding approval of the settlement and who want to expand the reach of the case are wrong. So much of the reasons for the initial suit are so outmoded and irrelevant today that delaying a conclusion to this matter risks harming not only a good company but further damaging the US economy.

Ray Garland

MTC–00006370

From: Bounderdon
To: Microsoft ATR
Date: 1/2/02 2:46pm
Subject: Microsoft Settlement

In my opinion, the proposed settlement between the Justice Department and Microsoft is reasonable and fair. To pursue this witch hunt further will serve no useful purpose and will only contribute further to our weakened economy. Let's get on with it and get this matter behind us.

Donald R. Low
216 Derecho Way
Tracy, CA 95376

MTC–00006371

From: AVespa8911@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:45pm
Subject: microsoft settlement

Enough is enough...I do not think for one minute our economy was ever hurt by any action Microsoft took. Their competitors are cry babies...they should have concentrated on making a better mouse trap than MS had. LET IT GO...In the best interest of all concerned. It's just a bunch of sour grapes with states trying to add to their coffers in a very spurious way. A.A. Vespa

MTC–00006372

From: Michael Greene
To: Microsoft ATR
Date: 1/2/02 2:47pm
Subject: Case Settlement

Dear Sir:

This case has gone on long enough. Let's settle this case NOW, for the good of the country!

Michael J. Greene

MTC–00006373

From: Mike Doyle
To: Microsoft ATR
Date: 1/2/02 2:44pm
Subject: Microsoft settlement

Dear Department of Justice Official,

The Microsoft case has gone way too long and has not been positive for technology, innovation, our economy or consumers. I am a consumer and I have never been harmed by Microsoft in any way. Quite the contrary, Microsoft's products allow me to do things never before possible. Please accept the settlement and end this process so American and global firms can compete based on technology and acceptance of their products in the marketplace. The government's role in technology and innovation must never impact personal choice in any way. Hi Tech business moves too fast for government intervention. Let businesses compete without government involvement and we will all be better off. When Microsoft products stop being the best I can buy I will stop buying them and I don't need you telling me when this dynamic occurs.

Mike Doyle

MTC–00006374

From: D.J.
To: Microsoft ATR
Date: 1/2/02 2:47pm
Subject: settlement

I would let competition take its own course. Microsoft should be completely freed from all recourse and certainly have no remediation. The Linus's of the world will either win or loose. Sun Micro, should not cry over their spilt milk. Any Attys Gen should stick to investigating physical crimes against us, the general public and forget business. If they were shrewd in business, they would not be Attys Gen, but be Bill Gates

MTC–00006376

From: Arthur Laube
To: Microsoft ATR
Date: 1/2/02 2:45pm
Subject: Microsoft Settlement

It seems to me that Bill Gates did us—i.e., those who use computers—a great service by encouraging or even demanding that several programs be packaged together with the MS Windows program.

Most of us do not want to buy a computer and then have to install several programs inorder to get started. Anymore than we would want to buy an automobile and then have to but and install four tires. It is obvious that Bill Clinton/Janet Reno's Department of Justice decided that Bill Gates was too big for his britches and needed to be taken down a peg or two. And since he had not paid his dues to them they attempted to make an example of him. Get off his back.

Arthur H. Laube
23 Clover Dr.
Chapel Hill, NC 27517

MTC–00006377

From: Swank, Jeff
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 2:44pm
Subject: Microsoft Settlement

I, for one, am still attempting to understand the issues. The government should allow the marketplace decide the fate of MS or any other company. The software today is less expensive and provides more functionality then ever before. Please allow the free enterprise system to work. This is just the IBM case of old, by the time all of the appeals are processed, the case will not matter.

Thanks
Jeff Swank
Vice President
TMI Systems Design Corp
50 South Third Ave West
Dickinson ND 58601
jswank@tmisystems.com

MTC–00006378

From: Perfilio@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:46pm
Subject: (no subject)

The settlement reached by DOJ and 9 states is fair. Get off Microsoft's back already.

MTC–00006379

From: GinnyAKK@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:44pm
Subject: Microsoft Settlement

Dear Sirs:

I am writing this letter in hopes that my opinion regarding the lengthy prosecution/persecution of Microsoft be regarded and that it be ended as quickly as possible without further penalties and unreasonable costs to Microsoft. We are an entrepreneurial and competitive society and Microsoft, among others, has been persecuted for behaving in this spirit.

Very truly yours,
Virginia Koplowitz
Atlanta, Georgia

MTC–00006380

From: Luther Moon
To: Microsoft ATR
Date: 1/2/02 2:30pm
Subject: Microsoft Settlement

To the Department of Justice,

This letter is to talk to you about and to express my feelings of the Government's involvement with, and the handling of, the Antitrust case against Microsoft Corporation.

To begin with, I do not feel that this action is being levied against Microsoft on behalf of the American consumer. Fact is, it was then, and is now, the consumer that decided what or which product they wanted and liked best. It was this very freedom of choice by the consumer, and freedom of enterprise for American Businesses, which has made Microsoft? and America, the great company and the great country they are today.

It has been the great innovators like the John Rockefellers, JP Morgans, Andrew Carnegies, Henry Fords, and the Bill Gates of our time that has made this Country the great success it enjoys today and, it was this freedom to innovate, that encouraged them to get up every morning and forge ahead with their ideas and ideals. What might happen to this nation, and its great Corporations, if this freedom to express and freedom to innovate continues to get trampled on?

It appears to me that the consumer can only be hurt and made to suffer the consequence of higher prices and less quality of product should the Government begin the dictatorial regulation of and dictating to a company what it can or cannot supply to, or for the benefit of, the consumer. Is it possible that the American Consumer is smarter than he or she is being given credit for?

It has been due to this freedom of innovation from Microsoft that every American consumer, can today, afford to have a computer in their home. It is also a computer in every home that has spurred an economic growth in this country unparalleled by any nation in the world, until the Government decided to intervene.

It wasn't until the dictatorial intervention of our Government into the innovative business of one of this Nations greatest Companies that this Country's economy, overnight, started a downslide into economic collapse, unparalleled in the history of this great country. The economic destruction of resources that has ensued has been devastating to the American people. What,

with all this ''Consumer protection'' levied against the consumer in the guise of protecting the consumer, I'm just not sure I can afford, or surely don't need, anymore of this kind of consumer protection. I feel that I have received far better value and protection from Microsoft than I have in the protectionist interference from our Government (I don't know about you, but there is no longer any retirement left in my retirement funds).

This should be the business of business and not the interference of Government to dictate to the consumer what he or she can or cannot have and at what price we must pay for it. As a consumer and a Citizen of this Great Land, I feel that I, and I alone, should decide what is served on my plate and how it is prepared.

I have Windows on my computer, not because someone else decided for me what I should use and not because Microsoft decided for me what I should use. I decided which was best for me from the many choices that were, and still are, available on the market today. And yes, there are choices out there. I'm sorry, but I am being made to feel that because of the wishes of a mere handful, it is the masses that must pay? and this is just not right. It must not be right.

In closing, I would like to say I am a small-business owner and I depend on Microsoft to keep things running for me, for which they obviously have done quite well. If the Federal government pursues three more years of litigation in this matter, it would not only hurt Microsoft, but millions of home computer users and businesses across the country. I urge you to please put these lawsuits to rest before our economy deteriorates any further. By intervening in business, you would only be discouraging competition by creating fear on the part of other companies wanting to enter the market. Bill Gates made some excellent business decisions, and he, along with the American Consumer, is now being punished for it. His company has done so much for the economy, and now the government is just wasting more of our money picking on this company.

Respectfully,
Luther Moon

MTC–00006381

From: Leonard BRADLEY
To: Microsoft ATR
Date: 1/2/02 2:45pm
Subject: Microsoft Settlement

The proposed settlement by Microsoft is fair and adequate.!!!

Sincerely,
Leonard G Bradley
60402 N 435 PR., N.E.
Benton City, WA 99320

MTC–00006382

From: Bernard D. Dunn
To: Microsoft ATR
Date: 1/2/02 2:50pm
Subject: MICROSOFT SETTLEMENT

The suit against Microsoft was unfair as well as unjust. It was a prefabrication of the Clinton Administration. Microsoft should be absolved of all wrong doing and allowed to operate as before.

What the suit has done is send a message to all forward looking companies that progress is frowned upon. Without the progress made in computer by Bill Gates and Microsoft home computers would be as yet unheard of and I would not be sitting here sending this E-mail Clinton and Reno should be put on trial for interfering with private enterprise and industrial initiative. This is just another example of the Clinton administration being vindictive because they did not get the support they wanted from Bill Gates and Microsoft.

B. D. Dunn

MTC–00006383

From: Vogel, Alan
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/2/02 2:49pm
Subject: Microsoft Settlement

I would like to see the Microsoft case settled as soon as possible. The settlement should be consistent across all states and it should be based within the same rules applied to the nine states that have already signed off. The need to accomplish this is even more urgent during this time of worldwide economic and political turmoil. It has taken us nearly four years to get to this point and to drag it on further is unacceptable.

Respectfully
Alan J. Vogel

MTC–00006384

From: David W. Workman
To: Microsoft ATR
Date: 1/2/02 2:50pm
Subject: Microsoft Settlement

Gentlemen:

The Microsoft antitrust case should never have been started. Please, please accept the current settlement offer and get this thing finished. You are just in the way. Market forces, in the case of software, are fully capable of ruining any company that gets too far from the user's needs. Government may have a legitimate antitrust roll in some industries, but software is not one of them. We the users can put anyone, including Microsoft, out of business before a government agency can write all the reports defining what might be the problem. I am a long-time software developer and have seen the mighty come and go with no government intervention. Government only makes things worse. If we need you, we'll call you. Stop listening to Microsoft's competitors who spend their time whining to government agencies rather than building superior products. And, ignore those state government agencies that only see this as a possible revenue source. This isn't tobacco. Stop government extortion.

Thank you,
David W. Workman
Thomasville, NC
CC:MSFIN@Microsoft.com@inetgw

MTC–00006385

From: Jim Peebles
To: Microsoft ATR
Date: 1/2/02 2:49pm
Subject: Microsoft Settlement

Just adding my own thoughts, but isn't enough enough yet? With the global economy in such precarious position, why are we wasting such time and resources on continuing this litigation? We ALL need to get back to work! Let's just settle the thing, close the books on this entire thing, and get back to doing what America does best... innovating and creating jobs!!

Thanks,
Jim

MTC–00006386

From: Art Hicks
To: Microsoft ATR
Date: 1/2/02 2:49pm
Subject: Microsoft Settlement

It is time to call a halt to the senseless litigation in the Microsoft case. The longer it goes on the more consumers lose. Let the hold-out states outlaw Microsoft products in their states if they want to and see how long their consumers will put up with them.

Arthur Hicks
Lancaster, Virginia

MTC–00006387

From: Kealele@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:49pm
Subject: Microsoft Settlement

To whom it may concern:

Please free Microsoft's hands so that the incredible innovation they offer may proceed. To single out this one company for prosecution/persecution is ludicrous in light of what goes on on a daily basis with a great many powerful and well-entrenched American businesses. Especially in light of the new terrorist attacks which have been unleashed upon the world in recent months, it would seem sensible for America to support her technology companies in their endeavors now more than ever before.

Sincerely,
Lyn Gianni,
Santa Barbara, California

MTC–00006388

From: Joan Amino
To: Microsoft ATR
Date: 1/2/02 2:50pm
Subject: Microsoft settlement

I think the government should let Microsoft get on with business and quit this litigation that is just making the public upset with the court system. I would not buy any other product BUT MICROSOFT no matter how cheap the competitor is just because of this litigation. LET MICROSOFT GET BACK TO BUSINESS!!!

Joan Amino
1642 Los Molinos Way
Sacramento CA 95864
jacatmom@onemain.com

MTC–00006389

From: Ted Palfini
To: Microsoft ATR
Date: 1/2/02 2:50pm
Subject: Microsoft settlement

Get on with it. The settlement should be completed as soon as possible. Although Microsoft is aggressive they do provide a quality product at a reasonable price to the consumer. The lawyers are the only ones winning in this if the case is not settled quickly. I am tired of the lawyers always winning. The resources of Microsoft and the competitors should be focused on better products and product development not

defense and attack in the courtroom/legal system.

Ted Palfini

MTC–00006390

From: DANP2011@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:50pm
Subject: Microsoft Settlement

As an individual American, I never totally understood why the government filed an action against Microsoft. I'm sure somewhere there is some small violation as there would be with any business if you also really pried into their business or had competitor's cry foul because something made by Microsoft was better than what they had available.

Technology and other business areas have changed rapidly over the past years. Everyone was able to grow and expand due to technological advances. Microsoft was one of them and was also the provider of software that made the changes happen.

So as I see it, the creator of the Microsoft software made it better for everyone else and improved their produce at the same time to make it again better the everyone. This is how our society works, isn't it? Did the government file an antitrust action against refrigerator makers when they ''bundled'' the freezer with their product? Can you now buy a refrigerator without a freezer? Or how about all the ADD-ONS with automobiles! Maybe I don't want a battery, wanting to hand crank the car to start. I use Microsoft software! Do you? Did the government in any way use Microsoft software to prepare the action filed against them?

Basically, I don't think it is right to impede with Microsoft and their developments. Without their developments over the years, where would we be? Without their developments in the future, where will we be? Leave innovation alone and be thankful someone developed it and will continue to develop more in the future.

Dan Pierron
901 Howard Lane
Vandalia, Ohio 45377

MTC–00006391

From: Rowe261@cs.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:49pm
Subject: Microsoft Settlement

Gentlemen:

I believe that the current settlement, signed by nine states, is fair and equitable to all parties concerned. More importantly, a continuation of litigation only lines the pockets of lawyers, and tends to reduce innovation and entrepreurship, which helps to drive our economy. Let's settle it NOW!

Sincerely,
William N. Rowe

MTC–00006392

From: peter sabean
To: Microsoft ATR
Date: 1/2/02 2:49pm
Subject: Microsoft Settlement

I am writing as a concerned citizen regarding the Microsoft settlement that is being reviewed. I strongly believe the recent settlement reached between Microsoft, the Justice Department and nine States is absolutely in the public interest. It is evident that the remaining states are motivated either by home-state relationships with Microsoft competitors or by an ''attack the deep pockets'' attitude.

Peter Sabean
Sabean Design

MTC–00006393

From: Roger Bultot
To: Microsoft ATR
Date: 1/2/02 2:50pm
Subject: Microsoft settlement

Let the Microsoft settlement stay as is. Enough is enough.

Roger A. Bultot
440 Undercliff Ave.
Edgewater, NJ 07020

MTC–00006394

From: Popedo711@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:50pm
Subject: Settlement

It is hoped that those people in official capacity positions realize that our economy started slipping around the time President Clinton's jealous liberal Government paid team members first attacked Microsoft. Damage is felt by every voter and tax payer in our United States. Let the current settlement stand and get back to free enterprise practices that built our great nation in the first place.

Thank you in advance for listening to one little self employed renovation contractor in Macon, Georgia USA.

Howard A Wilcox, Jr.

Voter, tax payer, Christian, husband, parent, step parent, grandparent.

MTC–00006395

From: JoeZiem@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:49pm
Subject: Microsoft Settlement

Why is it the people who have been using Microsoft programs successfully for many years have to suffer because the DOJ and some Big-cash companies want to punish a creative and efficient organization?

Certainly Clinton and his cronies seem to have benefited from this chaos in the form of surreptitious contributions. But the average guy wanting to use MS products in the future is going to pay more. Maybe only a few bucks, but more nevertheless. Microsoft's Competition? They're getting a free ride instead of making better products users would prefer.

The Red Cross and the United Fund appear to have robbed money from contributors to the 911 disaster and are pocketing vast administrative fees from their gifts, but DOJ also appears to be on vacation in this regard.

It would be nice if you were concerned about the People of America instead of all the special interests that slide gifts to everybody they can to help their clients.

Don't punish Microsoft!

J. Ziemian

MTC–00006396

From: Gay Abarbanell
To: Microsoft ATR
Date: 1/2/02 2:51pm
Subject: microsoft settlement

I applaud the settlement. Let Microsoft get back to doing what it does so well. As a long time computer user I think the compatibility that Microsoft has brought to the industry is a Godsend.

Sincerely,
Gay Abarbanell, CFP?
National Planning Corp.
5625 Green Valley Cir. #103,
Culver City, CA 90230
gay.abarbanell@natplan.com

MTC–00006397

From: Ron Towers
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 2:52pm
Subject: Microsoft Settlement

I would like to make some comments regarding the harassment Microsoft has to endure due to the fact a few competitors have not been able to compete. Our country is great because of free enterprise and competition in the market place. Microsoft, in my opinion, has never hurt the consumer!!! only helped the industry as a whole. I cannot believe that because they (Microsoft) can produce better products than there competitors that this is against the law. Maybe if the others spent more time working hard in development and marketing instead of attacking their competitors they would far better in the marketplace. I too have many competitors to contend with. However I never take them to court about how they beat me out on this job or that. I just think that if our government condones these types of cases by awarding settlements, let alone letting these types of case even get this far is very sad. Too many attorneys needing work that is why everyone is suing everyone these days. So sad

Respectfully,
Ron Towers

MTC–00006398

From: Verlon Bradley
To: Microsoft ATR
Date: 1/2/02 2:57pm
Subject: Microsoft Settlement

It is time to get off Microsoft's back. The competitive enterprise system will sort out the market.

I am a ''consumer'' user of many Microsoft products and do not feel that I have been overcharged or damaged in any way by Microsoft and their business practices. The notion that they should not have included the Explorer with Windows is stupid. I would not have wanted an ''incomplete'' operating system without and internet explorer. If Microsoft had not developed Windows and The Internet Explorer and made it available at a reasonable price, the internet would not have developed into the powerful tool it is today. If Netscape didn't like the way they bundled it, they could invent their own operating system. Nobody was forced to buy Microsoft products. Give them freedom to innovate and allow them to profit from their hard work and ingenuity!

Surely the Justice Department has better things to do than harass the Microsoft company. Talk about strong-arm tactics—take a look at Jessie Jackson's protection racket as he coerces companies to contribute to the Rainbow Push Coalition which should

not be tax exempt. By intimidating Toyota into a $250,000,000 donation, the consumer will have to pay higher prices for autos. Just one of many examples of heavy handed dealing with an organization which is wrongfully afforded tax exempt status.—Much greater wrong than anything Microsoft may have done!

Stop listening to Microsoft's competitors. Tell them to just go back to the shop and work harder. Tell the liberal leaning states to get on board and lets get back to letting the competitive enterprise system enable the USA to continue to lead the industrialized world!

Thank You for Your Consideration,
Henry V. Bradley
Orange, TX 77630

MTC–00006399

From: JDomani@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:52pm
Subject: Litigation Settlement

As an interested citizen I believe it is time to end this continuing saga by finalizing the proposed settlement that is on the table. I cannot think either party can come up with a new issue to be considered. The continuing uncertainty is not in the best interest of a public who is trying very hard to support the recovery of the economy. Microsoft has been a key innovative player and driver of the economy in the past and it is almost certain they will continue to be so in the future. There are too many other serious concerns facing our society in the business arena as well as our private lives to continue to debate this issue.

Thanks for the opportunity to comments.
Best Regards,
Jim Lindsey

MTC–00006400

From: Silvio Krvaric / CIR
To: Microsoft ATR
Date: 1/2/02 2:51pm
Subject: Microsoft Settlement

Dear Sirs:

This letter is to express my APPROVAL OF THE SETTLEMENT with Microsoft. Though I am not an antitrust lawyer, I studied the subject extensively in law school and considered going into antitrust practice. From my reading of the law and Microsoft's alleged violations, this settlement is already too harsh on Microsoft and too generous to the government. I suggest that DOJ and the court accept the settlement and allow Microsoft to continue the stellar innovation in the computer industry that it has exhibited over the last couple of decades. I have no concerns about its competitors, and would accept penalties on Microsoft only if there was some consumer harm alleged (which there was manifestly not).

In sum, I approve of the settlement and urge the court to accept it.

Sincerely,
Silvio Krvaric
Associate Counsel
CIR
1233 20th Street, NW, Suite 300
Washington, DC 20036

MTC–00006401

From: Boomport Inc.
To: Microsoft ATR
Date: 1/2/02 2:51pm
Subject: Microsoft Settlement

To whom it may concern.

Microsoft has done all of us a great favor. I can write programs that run on 90% of all the desktops in the world. Microsoft doesn't always have the best idea's but they usually do it better then anyone else. I stopped using netscape when Microsoft released version 3. Microsofts was already better at all the things I wanted it to do. Stop trying to say they are hurting me! At least admit that you guys are sueing on behalf of Microsoft haters like Sun, Netscape, Novell. Anyone of those guys would do worse if they had the chance. I never saw a Novell server that made it easier to expand and modify it than NT does. Isn't it true that the more software that can be developed on a platform the better it is for people? Thats why windows are on most of the desktops. I have used unix and is sucks. Why don't a pay 3 times the price and run a Sun computer with hardly any software. I personally love it when they add things to the OS. I just can't see how I am being hurt in any of this!!!!!! Since of course you are only filing this lawsuit to protect me the consumer RIGHT.

Jerrald Nelson. Software developer for 10 years.

MTC–00006402

From: Delmolino@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:51pm
Subject: Microsoft Settlement

We agree with the settlement offered Microsoft from the DOJ. Please settle this issue with Microsoft. We feel we as a people have benefited greatly from Microsoft and their innovations. We back Microsoft and hope they can get on with business soon. Thank you.

C. M. Delmolino

MTC–00006403

From: Thom Cook
To: Microsoft ATR
Date: 1/2/02 2:52pm
Subject: Microsoft Settlement

I have been a member of the computer industry for 20 years, with experience in using both Microsoft and non-Microsoft products. Microsoft has done GOOD THINGS for the computer world, and because their products are good, they have won a large (but not monopolistic) share of design ''wins''. With no difficulty at all, any of the competing operating systems can be installed on any PC. These competitors aren't inconsequential: IBM and Sun (to name only the behemoths) aren't small companies with limited resources.

It is a pity that the DOJ saw fit to pursue this 'witchhunt' in the first place. I doubt that other industries in the U.S. are subjected to such arbitrary harassment. It is time to end this horrific example of unwarranted government meddling (with no imperative from the people of the country).

If special interests can cause the DOJ to prosecute a case, perhaps Microsoft could convince the DOJ to protect Microsoft's copyrights from the millions and millions of software pirates both here and abroad that regularly disregard U.S. and international copyright laws by copying and reselling Microsoft products without permission or payment.

Please serve the people.
Thom Cook
Buffalo Computer Graphics
Buffalo, New York

MTC–00006404

From: ray@ec.rockwell.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:45pm
Subject: Microsoft Settlement

All,

I think the settlement is more than fair, as many states have found. This matter should be put to rest quickly. Many people feel that Microsoft is being singled out and taken to task for what all its competitor's do. This is hardly a position I can support, because of improvements in productivity that Microsoft has brought about and the countless jobs it has helped create. In another vain, if Colgate started packaging a promotional mouthwash along with its toothpaste, would that constitute unfair competition against Scope? I think not. So why single out packaging Microsoft Browser with Windows as unfair competition? Of course, the issue here is ''settlement'', which is different from finding who is at fault. If Microsoft is broken up into pieces as settlement, I doubt if that will help Sun or Oracle or AOL to flourish. All these companies are limited by their power of innovation.

Sincerely
Debes Ray

MTC–00006405

From: CMSarge@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:57pm
Subject: Microsoft Settlement

It is time to get on with business. Nine states plus the DOJ have come to an agreement, which will allow the American economy to move forward. Most consumers and businesses would benefit by looking ahead instead of back. Let's not allow special interests to defeat the settlement. This has taken almost four years, clearly, enough is enough!

MTC–00006406

From: Jeff Paulin
To: Microsoft ATR
Date: 1/2/02 2:39pm
Subject: Microsoft Settlement

DOJ,

We are comfortable with the current settlement regarding Microsoft. We do not feel any further delays or litigation is in anyone's best interest. Please do all you can to bring this case to a timely close.

Thank you
Jeff & Tracie Paulin
Laguna Niguel, Ca.
(949) 365–9092

MTC–00006407

From: Charlie Hyde
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/2/02 2:57pm
Subject: MICROSOFT SETTLEMENT

It is about time! I'm pleased to hear that there is finally a settlement in sight!

I never thought that Microsoft should be penalized for making a better product than its competitors nor for selling its superior products at a lower cost.

Let's get this over with so that we can all move forward!

Charles Hyde
3202 Armagosa Way
Jamul, CA 91935

MTC–00006408

From: Skillgerry@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:57pm
Subject: Microsoft Settlement

Dear US Government:

This is all much too much ado about nothing much. This is America where success is supposed to be rewarded, not throttled. Why don't you concentrate on the real bad guys in our society rather than attempting to disrupt foundations of our capitalism. Microsoft is tough and likely deserves a strong slap or two, but get it settled without destroying them. Remember, there is little liberty and justice without a strong economic America. Our real secret to freedom is our great economic success; without successes our liberties are incredibly threatened.

Success is often despised by those not as capable or fortunate enough to step up to the bar. There is not reason enough for government to impinge on Microsoft's successes, other than where they have clearly exceeded legal, ethical and moral grounds.

Sincerely,
Gerry Weinberg
Kennesaw, Georgia

MTC–00006409

From: ACOU@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:56pm
Subject: MICROSOFT SETTLEMENT

I support the settlement proposed by the Appeals Court. Let's get on with things that are far more important. We should not be looking to punish successful companies who have moved our country ahead.

A.L. Course
119 Tuscany Way
Danville CA 94506

MTC–00006410

From: Bryan Sapp
To: Microsoft ATR
Date: 1/2/02 2:55pm
Subject: Microsoft Settlement

I believe the settlement agreed to by Microsoft, the DOJ and some states is fair to both sides and in the best interest of the public. Please, don't allow special interests to destroy what has been accomplished.

Bryan Sapp

MTC–00006411

From: ScubaNark@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:55pm
Subject: Microsoft Settlement

The last thing the American economy needs is more litigation that benefits only a few wealthy competitors and stifles innovation.

Don't let these special interests defeat the public interest.

MTC–00006412

From: Carolyn Mustin
To: Microsoft ATR
Date: 1/2/02 2:54pm
Subject: Microsoft Settlement

As a concerned taxpayer and American citizen, my husband and I strongly urge you to settle the Microsoft case. The settlement that has been proposed seems strong, but reasonable and fair to all parties involved. In my opinion, putting this case behind us will be in the best interest of all Americans, and is vital to a healthy future for our economy.

Thank you very much,
Carolyn & Tom Mustin
16 Fawnwood Court
Greensboro, NC 27407
(336) 852—4643
carolynmustin@mindspring.com

MTC–00006413

From: Nadine Heppell
To: Microsoft ATR
Date: 1/2/02 2:54pm
Subject: Enough Already

My concern as a taxpayer and consumer let things stand and go on to bigger and better fish such as terrorism abroad and at home'

Reg & Nadine Heppell.

MTC–00006414

From: JERRY M MARTIN
To: Microsoft ATR
Date: 1/2/02 2:55pm
Subject: microsoft settlement

this country of ours needs this case finished. ever since the money hungry states went after microsoft our country, our markets, and our economy has been going downhill. we have had enough. get your new found money somewhere else and let's all tend to our own business. shall we next sue walmart, citibank, the new york yankees, etc. etc. etc. for being the dominant force in their fields? this case needs a settlement now.

thank you.
jerry martin
21 edgewater alley
isle of palms, s.c. 29451

MTC–00006415

From: Robert Gibson
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 2:54pm
Subject: Microsoft Settlement.

The settlement has drawn on too long and is destabilizing to an industry that is already suffering economic hardship due in part to this intervention into the industry by the government. The arduous delays and inability to find a remedy makes it painfully clear that the government is way out of it's depth and doesn't really know what it is doing. Justice cannot possibly ''be seen to be done'' when the government resorts to asking for a remedy from direct competitors of Microsoft, where competitors indulge in spending Microsoft's money only to expanding there own market space. Such a precedent would permit a judge to fine a Pastor for speeding by ordering him to by beer for all at the local saloon. If a crime has been committed against the state then the state should receive compensation and like everyone else Microsoft's competitors must seek there own damages in a civil court themselves. Any attempt to do otherwise breaks the most fundamental tenants of the judicial system.

But isn't it true that one of Microsoft competitors, one instituted by the government, cannot seek such damages as they first set the precedent of giving software away for free to gain a clear monopoly 90% of the browser market and when Microsoft responded with similar tactics, the government then, declared these same tactics illegal.

Robert John Gibson
Senior Systems Eng, B Eng, NNCDE
Network Engineering
Ph 919 905 4915 ESN 355

MTC–00006416

From: User735515@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:55pm
Subject: microsoft settlement

I feel the microsoft product has allowed me to stay competitive in business. I am glad someone initiated this software and continues to improve it. we have been in business for ourselves 47 years as a small family business. These innovations have allowed us to be competitive at reasonable prices. In addition as we get older the software allows us to produce with less effort. I have already written my states attorney asking him not to sue but I was ignored.

Thank you for your consideration
DON HOLMES
Acme Signs Inc.
728 Baltimore Pike unit 132
Bel Air MD.

MTC–00006417

From: Richard Montgomery
To: Microsoft ATR
Date: 1/2/02 2:56pm
Subject: Microsoft settlement

The economy needs a settlement of this case. Work this out and get on to more important issues like getting people back to work!!!!!!!! The stock market is also suffering from your continued inability to settle this case. Get it done!!

Tax payer

MTC–00006418

From: Alex—Young@paramount.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:57pm
Subject: Microsoft Settlement

To whom it may concern,

This email is to endorse the DOJ's proposed settlement of the Microsoft anti-trust case. I believe that it is in the public's interest to see this case come to a quick and appropriate resolution as soon as possible. While Microsoft may have been exceedingly aggressive in its practices at times, they are a shining example of how an American company can position itself as a world leader. Let's settle this case once and for all.

Thank you,
Alexander Young

MTC–00006419

From: Coldrod32@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:56pm
Subject: Microsoft Settlement

Dear US Government:

Its about time to settle this microsoft case. It seems to me, after reviewing the settlement, that this is harsh enough. Competitors are just trying to do the same thing Microsoft is accused of doing. Let them meet in the marketplace and we all will be better off. That does sound like the American way. State government does not have a place in this dispute.

Best Wishes for a speedy settlement

Ronald O. Daly

MTC–00006420

From: rbwall
To: Microsoft ATR
Date: 1/2/02 2:50pm
Subject: Microsoft Case

I truly believe that the suit against Microsoft should never have been filed! Just think where this world would be without the software from this great company. I am almost 67 years old and I think computers are wonderful as long as they have Microsoft Office in them. I have used Microsoft for years now and would not change. Microsoft is so user friendly and compatible for all my needs. I think consideration should be given to a company that has been foremost in bringing the computer to everyone.

Please do not make more charges against them. Leave them free to develop more programs for us, the public. With out Microsoft we would still be in the dark ages!

Betty W. Wall

Educational Diagnostician

MTC–00006421

From: Vance Holloway
To: Microsoft ATR
Date: 1/2/02 2:58pm
Subject: Microsoft Settlement

I am writing this in regards the Microsoft anti-trust suit and impending settlement.

This case has never been about consumers. There probably has never been a company in the history of the United States that has done more for consumers than has Microsoft. Twenty years ago there were a few thousand people who had access to a computer and could use one. Today there are hundreds of millions of people with computers that can operate not only theirs, but 90% of the other computers they are exposed to. This came about due to the vision of Microsoft.

Twenty five years ago the lowest cost computer cost tens of thousands of dollars, today the lowest cost computer cost less than $500. This came about due to the vision of Microsoft and Intel.

No, this case is, and always has been about Microsofts competitors. They did not have the vision to do what Microsoft has done, even though they were on the same playing field as Microsoft. Now, since Microsoft was successful, these competitors want the government to step in and bring Microsoft down to their level. This would be very harmful to consumers.

MTC–00006422

From: JoelMagyar@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:58pm
Subject: MICROSOFT SETTLEMENT

It's time to settle this case on the terms agreed to by Microsoft and the US Gov't.!!! Forget thr nine states.

Joel Magyar
2115 SW 53rd Ter
Cape Coral, FL 33914

MTC–00006423

From: Gerald Hamilton
To: Microsoft ATR
Date: 1/2/02 2:58pm
Subject: Accept The Settlement

Dear Sirs,

Enough is enough! Please accept the DOJ settlement in total so that the high tech portion of the economy can begin to rebound. Few if any are winning from this legal entanglement. Among those few with the loudest voices, the competitors and the attorneys seem to be the only parties who will gain from a prolonged argument. The losers, however, continue to be the American people and the continued loss of our hard-earned investments in the markets. Microsoft has been a standard bearer with its consistent growth in revenues and profits. Its stock has been the gold standard in the industry. Please simply cease the bickering and end this mess by accepting the settlement.

God Bless America.

MTC–00006424

From: Theeinigs@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:58pm
Subject: Microsoft Settlement

The settlement reached between the Justice Department, nine states and Microsoft should move forward. This is a fair settlement and further litigation will only prolong an already overdue agreement. I do NOT favor further action on the part of the Justice Department.

Thank you,

Richard G. Einig

MTC–00006425

From: Samuel Soh
To: Microsoft ATR
Date: 1/2/02 2:59pm
Subject: Regarding to Microsoft

Dea Sirs,

Thanks for Microsoft to bring the computer to user friendly atmosphere, without Microsoft Windows—Our hightech will not be here as of today! coparing the benefit that Windows brought to all of us at the cost less than a lousy movie (Annualize)!

Only the jealous eye and stupidity of the greedy beings will ever think of panelize the giver of the modern high tech.

God Bless America that we have Microsoft in this country, it make the comuter so easy to use! It transfer the computer power to all ordinary people, the benefit to the whole human beings and the society will be judged by the history.

We really do not want to see, thirty years from now, the history state : '' Some people through their personal hate of success, some how use the name of ''FOR THE PEOPLE'' to manupilated American legal system and destroied one of the best company that attributes so much in the modernization to our current civilization achievement.''

Why we want to kill the best running company in America or better in the whole World? Is this that we American suppose to do? I do not get it!

Sam

MTC–00006426

From: Fixedintime@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:58pm
Subject: Microsoft Settlement

It is time to end this long sad story of attract on one of the nations key firms.

The United States and the world are better today, because of the innovations of Microsoft—people are enriched in both their knowledge base and in their bank accounts because of this company.

In a world that moves fast, the rewards go to the most creative and fastest, Microsoft wins. Those people and companies who don't like Microsoft or their products, there are other choices available.

Let those who have a better ideal, come forth. It is not the business of the United States to hinder, stop or interfere with a productive, creative and great world class company that offers and continues to offer better, faster, and lower cost programing for consumers who want to purchase such items. Get this action in the past, close the book on this sorry effort to interfere with a good company doing their job—and in turn, improve the completeness of the nation.

Legal statements aside, this is another example of the law going down a wrong way, and hurting the nation and people involved.

Sincerely,

John J. Overleese

425 822 3643

MTC–00006427

From: Frank A. Nemia
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/2/02 2:58pm
Subject: Micrsoft settlement

Gentlemen/Madam....It is certainly in the ''public interest'' of all to end this unfortunate litigation in accordane with the settlement proposed...To continue this litigation during these uncertain times layers insecurity and negativeizes the marketplace to everyones' detriment...Frank Nemia

Frank Nemia
Coughlin & Gerhart, L.L.P.
(607)723–9511

MTC–00006428

From: Chris Wilkins
To: Microsoft ATR
Date: 1/2/02 2:58pm
Subject: Microsoft Settlement

Continued pursuit of Microsoft and it's business practicies hurts me as a network administrator and my career and a computer professional. They've made compromises while companies like Sun and AOL/Time continue similar practices without punishment. This is not a valuable use of my tax dollar and I would like you to stop. Microsoft is good for the world and especially this country. We should be thankful they are not based out of Moscow.

Sincerely,

Chris Wilkins

MTC–00006429

From: Clayton Murphy
To: Microsoft ATR

Date: 1/2/02 2:58pm
Subject: Gentlemen:

Gentlemen:

I am opposed to the break up of Microsoft. They have introduced a number of very fine products for both consumer and business use. What was done to AT&T has hurt the communications field and this should not be allowed to happen to Microsoft. However, I do not feel that the proposed partnership with AOL is in our best interest. Having previously used the services of both groups, I have not been pleased with their services.

Clayton Murphy

MTC–00006430

From: Rlstockman@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:58pm
Subject: Microsoft Settlement

Settle this suit NOW Stop jerking MS around, drop it and leave them alone. What you are doing is not in my interest or in the interest of computer users, any where. This is a political mess instituted by the Clinton jerkoffs. DROP IT and Move On.....Go after Tyson Foods if you feel compelled to justify your existance.

Robert L. Stockman
75 Simpson Dr.
Kennesaw GA 30144

a long time computer user (1956) and an independent voter.....

MTC–00006431

From: lbstuart@webtv.net@inetgw
To: Microsoft ATR
Date: 1/2/02 2:58pm
Subject: Microsoft Settlement

To Whom It May Concern:

I think it would be in the best interest of everyone that this item be settled. In an economic time as this No more ''dragging your feet'' on this issue. Would you feel that people who work hard give up their knowledge to those who want to ride the '' coattails'' of others.

NO MORE LAW SUITS! End this thing!

Sincerely,
LB Stuart & family

MTC–00006432

From: PRMahan@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:59pm
Subject: Microsoft settlement

Microsoft has been a significant contributor to the technology innovation that has propelled the American economy forward in recent years. Yes, Microsoft has been a very good competitor and has managed to outperform some of it's competition. As a result Microsoft and it's stockholders have been able to make a profit on their at risk investments. Isn't that what a free market economy is all about? Why should Microsoft be punished so severely simply because it has been successful? Does the Department Of Justice want to handicap all successful Companies like a horse race so that their success is reduced to the lowest common denominator, i.e., the speed of the slowest horse in the race? What does this do for the US economy? Slow it down so that the US economy cannot even compete in the world economy? Doesn't this undermine the basis of competition and free enterprise? Does this mean that the making of a profit is a dirty word?

Microsoft may have abused it's leadership at some levels, although I seriously doubt that its abusive conduct has been any greater than most of its competition. Nevertheless an agreement has been reached with Microsoft that significantly reduces and handicaps its competitive advantage. The agreement is more than fair—lets move and see what Microsoft's competitors can do to improve their competitiveness now that the weight has been added to the leading horse.

Sincerely,
Patrick R. Mahan

MTC–00006433

From: Dick Williams
To: Microsoft ATR
Date: 1/2/02 3:01pm
Subject: Microsoft Settlement

Enough already! Stop the litigation. The companies run by Larry Ellison and Scott McNealy can't compete with the quality of Microsoft's products.

The various states that still want to litigate don't have a case. Does anyone think that any money they manage to squeeze out of Microsoft will make it into the pockets of the consumers they profess to represent?

The U.S. economy needs all the help that it can get and so do I.

MTC–00006434

From: Mark Miller
To: Microsoft ATR
Date: 1/2/02 3:00pm
Subject: Microsoft Settlement

To Whom It May Concern,

As a citizen and active taxpayer I would like to express my opinion regarding the antitrust settlement currently being considered. I am very glad that the DOJ has finally reached a settlement with Microsoft—I would have honestly preferred the case dropped altogether but since that does not appear to be an option I will take what I can get. Please do not let this settlement get derailed—it is critical in a country such as ours with the economy the way it is that successful companies be helped—not hindered by our government.

Mark Miller

MTC–00006435

From: Bob Waggoner
To: Microsoft ATR
Date: 1/2/02 2:53pm
Subject: microsoftsettlement

To whom it may concern at the dept. of justice;

Why in the hell don't you leave microsoft alone and let them run their business the way they want to. This company has done nothing but GOOD for the computer industry. I think it all boils down to the fact that the companies that brought suit against microsoft can't run their companies as effecient as microsoft can, so they concocted this bullshit case to try to take down microsoft. Just leave bill gates alone. I get tired of the govt always putting their nose where it doesn't belong. Please consider this when making your decision, just leave the man alone!!!!!!!!!!!!!!!!!!!!!!!!.

Thank You,
Robert Waggoner
rwaggoner@plix.com
GO GET THEM, BILL

MTC–00006436

From: randall wright
To: Microsoft ATR
Date: 1/2/02 2:59pm
Subject: Dear Sirs:

Dear Sirs:

It seems there are a few people and companies that don't like success. I believed from the beginning that the federal government had absolutely no buisiness in the lawsuit with Microsoft. The settlement has already gone too far in what it is asking from Microsoft and still other competitors and special interest groups won't let go of the bone. Please let this end. I respect the Bush administration's prompt action on this matter and I trust that Microsoft will now be allowed to carry out its generous penalty and get on with business. The company has had enough and so has our country.

Thank you,
Randall and Margueritte Wright
1913 VanDyk Rd
Everson, WA 98247

MTC–00006437

From: Mark
To: Microsoft ATR
Date: 1/2/02 2:59pm
Subject: Enough against Microsoft!

The litigation against Microsoft has been promoted long enough by competitors of Microsoft who want an unfair crutch in selling their own products. Windows was the overwhelming choice of the people because it is an OPEN ARCHITECTURE SYSTEM (unlike MAC OS); and is no more of a monopoly than JVC is for having developed VHS. Please top interfering with free competition. To do so ALWAYS does more harm than good.

Sincerely,
Mark Olson
markeao@yahoo.com
San Francisco

MTC–00006438

From: Efdpvb@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:59pm
Subject: MICROSOFT SETTLEMENT

LET'S GET THIS OVER WITH.THERE ARE LOTS MORE CRITICAL ISSUES FACING OUR GOVERNMENT THAN THE MICROSOFT CASE. TIME AND TECHNOLOGY ADVANCES WILL RESOLVE ANY ALLEGED COMPETITVE DIFFERENCES

EUGENE F.DUNN

MTC–00006439

From: Walter Stoewe
To: Microsoft ATR
Date: 1/2/02 2:59pm
Subject: MS Settlement

Microsoft is the most ingenious and generous business in the nation. We MS users are fed up with the continuing pursuit of this great company!

If you were really serious about going after large monopolies you would have busted the DeBeers Diamond empire a long time ago.

This is not about monopolies, this is about outright greed of the less successful

competitors and the trial lawyers smelling blood.

Let the billion dollar Microsoft settlement stand, as it is the best deal for our kids' education !!!

Walter Stoewe
Powhatan, VA 23139

MTC–00006440

From: MICGOETZ@cs.com@inetgw
To: Microsoft ATR
Date: 1/2/02 2:59pm
Subject: Microsoft Settlement

Government should not have to bail out companies because they cannot make it. That is not what government is all about. If we continue this way, socialism is just around the corner.

Companies like Microsoft that have a competetive edge, talent and technical expertise should not be held liable for being industrious, inventive and innovative.

Companies that feel their business was hurt, should not have gone into the business in the 1st place if they could not keep up.

MTC–00006441

From: John Wagenseil
To: Microsoft ATR
Date: 1/2/02 3:00pm
Subject: Re: My opinion

Dear Sirs,

Leave Mr. Gates alone.

It is all sour grapes. If I wanted to compete with Ford or Chevy, would I have a chance? No. Can I get another local phone company, or cable company? No. But I don't hear a lot of people complaining about these ''monopolies''. Bill's on top and everybody is jealous.

Not one of Mr. Gates distracters care about me, the buyer. They just want to beat Bill in some ''I am as good as you are'' frenzy, or the various States just want the business on there home turf.

I have a friend who owns a Microbrew, and he has to use Distributors to get his beer to market. Now these guys have a monopoly. They sometimes just tell him flat they are not paying him. But I don't see a lot of the States jumping on these guys, or the building permit business, and on and on. But boy, the old States jumped on old evil Bill. Get real. I don't care which of these guys has more billions, I just want everything to be compatible. With the way things were, everything had to be compatible with one standard. I am afraid that soon you will have to be worrying about whether the Software you buy runs on your machine or not. I don't care which system is the main one as a user, but they should be compatible. Gates wouldn't be where he is if Apple had gone for compatibility. Gates say OK, you wouldn't settle on a standard, then I will make a standard. It's all sour grapes.

The Netscape leader was on a PBS show one time where he avowed he wanted to bury Mr. Gates. Come on, the guy was worth some 20 Billion at the time and he was mad at Gates, grow up. They all want to be Bill, to beat Bill, cause after all, they are better than Bill. Come on, grow up.

J P Morgan couldn't have gone down on the foundry floor and done anything in the Steel mill, but he sure knew how to tell the Bessemer process was a money maker (sounds like DOS to me), and that the guy he hired from Europe was the best in the business. They were mad at Morgan for his money and position too. It is all sour grapes.

I am 59 years old, male, in the US Merchant Marine, and not a real good computer person.

Leave Bill alone.

Respectfully,

Jww

MTC–00006442

From: Chuck Bell
To: Microsoft ATR
Date: 1/2/02 3:01pm
Subject: Microsoft Settlement

Microsoft has its market share because they offer the best product for a very fair price. If Microsoft had been prevented from competing with Novell when Microsoft integrated networking software into the operating system, we would still be paying Novell $2,000 per computer for networking software. The high cost of the networking software would still be holding the market beck, not allowing the hardware prices to drop also. If Microsoft had been prevented from competing with Novell we would not have a public internet today because small companies and individuals could not afford local area networks. Yes, it is true Microsoft's competition hurt Novell's and other company's profit margin. But it is not true that Microsoft's competition has ever harmed consumers.

Despite the fact that harm to the consumer was never adequately addressed in the lawsuit Microsoft is willing to make concessions. They can do this because they can compete on the value of their products.

Microsoft was the driving force in the super charged economy of the 90?s. The inexpensive products, packed with new features, they brought to consumers and businesses allowed an explosion in productivity.

For the sake of consumers worldwide and the U.S. economy, stop pandering to the existing monopolies and allow Microsoft to compete with them!

Thank you for hearing my comments.

Chuck Bell
Duvall, Washington
bellchuck@hotmail.com

MTC–00006443

From: Rosalinda S. Castiglioni
To: Microsoft ATR
Date: 1/2/02 2:59pm
Subject: Mcirosoft Settlement

I believe that it is in the public's best interest to settle the case against Microsoft. The public is well aware of the fact that Microsoft has greatly contributed to the growth of our economy not only nationally but globally as well. To prolong the litigation process is only counterproductive. It is time Microsoft should be left to continue making innovations and move forward to achieve even greater heights and consequently contributing to our worldwide economy.

Rosalinda S. Castilgioni, PhD

MTC–00006444

From: Walden A. Lange
To: Microsoft ATR
Date: 1/2/02 3:01pm
Subject: End the Microsoft Investigations

January 2, 2002

Thank you for the opportunity to comment. The U.S. Government and the Justice Department have had ample time to take whatever actions it deemed necessary with regard to its lengthy investigation of Microsoft Corporation's business practices. It is now time to end all ongoing procedures, declare all investigations closed and final, and let Microsoft lead the United States out of it's two year economic slump. In my view the slump started with the initial Government lawsuit and it should now be ended. ''Let's Roll'' with the economy and go find some other corporation to investigate. I strongly suggest ENRON CORPORATION!!! Thank you.

Sincerely,

Walden A. Lange

MTC–00006445

From: John U. McDole, Jr.
To: Microsoft ATR
Date: 1/2/02 3:01pm
Subject: Microsoft Settlement

To The U.S. Department of Justice

''Enough already'' is my comment to the attempt to beat Microsoft into the dirt. I don't care for Microsoft or Bill Gates but in this country every one has the right to make money. Perhaps the means were not totally honorable but what big corporation is? Trying to break up this company is nothing short of 'sour grapes' by its competitors. Let this 'witch hunt' die, here and now. Too much of the publics funds have been wasted in this attempt to stifle this successful enterprise. This is about as useful to our country as the Bill Clinton debacle that wasted more money than anyone will ever know. Spending public funds in futile attempts at grandstanding is just playing politics at its worst.

John McDole
Birmingham, Alabama

MTC–00006446

From: Jean Smith
To: Microsoft ATR
Date: 1/2/02 3:01pm
Subject: Microsoft Settelment

I think it is time to let this rest. Let the settlement stand as it is to everyone's benefit that we have this thing settled now.Thankyou for listening to me.

Sincerely
Jean N. Smith

MTC–00006447

From: timewarpp@earthlink.net
To: microsoft.atr(a)usdoj.gov
Date: 1/2/02 3:03pm
Subject: microsoft settlement

I wanted express my opinon on the microsoft settlement. I use Microsoft products and do not feel cheated by the company. I do however feel cheated by me goverment. I am sick of the politics!!!!!!!!!Get it setted without putting Microsoft through more litigation.

MTC–00006448

From: Loney3@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:02pm

Subject: Settlement Of Microsoft Lawsuit

I am in agreement with the proposals in the current settlement to the Microsoft Lawsuit.

Thomas H. Loney

MTC–00006449

From: David J. Gilman
To: Microsoft ATR
Date: 1/2/02 3:02pm
Subject: Microsoft Settlement

This case was ridiculous from the start. It was a move (brilliant one might say) by Microsoft competitors to leverage a Microsoft weakness (hubris) since they couldn't compete with them in the marketplace. This case should be settled, sealed and put to rest quickly so that the hindsight of history can begin to show how ludicrous and ill-conceived the case always was. The DOJ, and associated states, have been victims of a massive confidence ''game'' perpetuated by Microsoft's competitors. Consumers were never harmed. Corporate customers were never harmed. Egos were harmed.

djg

MTC–00006450

From: Mark Consuegra
To: Microsoft ATR
Date: 1/2/02 3:03pm
Subject: Microsoft settlement

I am writing you to encourage your department to settle the existing antitrust action with Microsoft. I believe the case was already politically and competitively driven, rather than by the best interests of business and consumer customers of Microsoft.

As the CEO of an independent software ISV that needs to work with Microsoft, I hope my comments have particular relevance. I have worked with many large corporate partners and believe that Microsoft competes fairly and effectively.

More importantly, I believe the emergence of a strong platform for the PC industry has created a tremendous amount of value, jobs and productivity for our country, and for me, over the past 15 years. This has been engendered by Microsoft's contributions to the industry.

I hope your efforts and the court will consider a speedy resolution of this case, especially at a time where many of us would like to see growth and leadership in our industry—one we hope our country will remain the leader in.

Respectfully,
Mark Consuegra
CEO, Wonderhorse Inc.
551 N 34th Street
Seattle, WA 98103

MTC–00006451

From: Tommy
To: Microsoft ATR
Date: 1/2/02 3:05pm
Subject: Microsoft Settlement

It is about time that this issue be settled once and for all. It is my opinion that the law suits to date have been frivolous and without true standing as far as I am concerned. Without Microsoft, I, and many many others, would have no idea how to use a computer with a degree of expertise. Their products are for the betterment of this nation, as well as others. The case needs to be settled now and to the benefit of Microsoft. Why are they being spotlighted any ways? Go away and fight for what is truly meaningful in this life we live.

SETTLE!!! NOW!!! NO PENALTIES EITHER!!!!

Thomas S. Czop

MTC–00006452

From: ErnieLevy@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:06pm
Subject: Microsoft Settlement

It's time to end this Microsoft issue. At this point I think the issue has changed to who is going to win and how much. This is at great expense to tax payers and stockholders. Enough is enough let's get on with American competition the way it was intended to be not with all this government intervention. If the corporations doing all the crying would apply those resources to product development and marketing they might be able to improve market share. They won't do it in the courts they will only hurt taxpayers and stockholders.

Where would the PC be today if not for Microsoft? One thing is for sure we can't count on justice and fair play not after what we saw from the Supreme Court a year ago in the decision for Bush!

Ernie Levy
64209 E Greenbelt Lane
Tucson AZ 85739
520 825 9629

MTC–00006453

From: Richard Shouse
To: Microsoft ATR
Date: 1/2/02 3:05pm
Subject: Microsoft Settlement

I favor the current Microsoft Settlement. Please, leave Microsoft alone, and let us get on with the work.

MTC–00006454

From: SCraig4420@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:07pm
Subject: Microsoft Settlement

I think this case should be settled as agreed between Microsoft and the DOJ. All the states should be required to accept said settlement and not be allowed to continue their suits.

Sonny Craig

MTC–00006455

From: Goers, Ronald
To: Microsoft ATR
Date: 1/2/02 3:04pm
Subject: Microsoft Settlement

Dear DOJ Folks,

I cannot believe that this silly case has gotten as far as it has. Janet Reno should be hog-tied and whipped with wet spaghetti for her part in the gross mishandling of this case. If the complaint had been brought on by consumers, I might think differently, but let's face it; this case was concocted by Microsoft's competitors. Unfortunately, the folks at SUN Microsystems, and the rest of those who complained are a whiney lot. Too bad they have inferior platforms and software that prevent them from effectively competing in a free marketplace. I wonder why they blame their inadequacies on Microsoft? Maybe instead of wasting money on slick lawyers, they could be spending their time and money inventing something people will want to buy and use. It strikes me as odd that on one hand Microsoft is said to be a monopoly, but on the other hand Time Warner isn't... doesn't that seem strange to you also??? (Think ''having your cake, and eating it too'') And, why isn't Apple under fire? They have both a hardware and software monopoly going!

This case reminds me of a recent Nature program I was watching. The setting was an Alaskan river, where there were several grizzly bears fishing for king salmon. There was one big old male bear who filled his belly by stealing fish from all the other bears. The narrator of the program noted that this particular bear had used this method of ''fishing'' for many years. Those who would have Microsoft punished for advancing technology in a way no other company has been able to do should be ashamed of themselves. I assure you had the shoe been on the other foot, those who brought this suit to the DOJ would have failed to see any wrongdoing in their own practices. And rightly so, since there is no law against creating technology (in this case, an OS) which drove our economy to levels of prosperity never before imagined. Take away Microsoft, and hundreds of thousands of jobs would not exist—and that just from those who write software and build hardware based on MS innovation. Add to that, those who rely on computers running a Microsoft OS to run a business... and to that those who actually work for Microsoft... and those who run MS computers at home... and Palm devices which rely on MS platforms for synchronizing... and it's not hard to see the negative impact it would have on our economy. The Microsoft Operating Systems are one of the key reasons this country has seen such great prosperity in recent years.

Lastly, lest anyone gets the idea I work for (or draw any sort of income) from Microsoft—I don't. In fact, I don't even like their browser! I regularly use—believe it or not—Netscape 4.7!!! Still, I can't support throwing the baby out with the bath water. Even though I don't particularly like the MS browser, nor the way it gets packaged with their OS—I accept it as part of the package. If I don't want to use the browser, I simply don't use it, and install another one in it's place. Simple, isn't it? No suit, no jumping up and down crying ''monopoly'', no sweat!

In summary; My advise on this whole issue is to drop it completely and stop wasting taxpayer's money. If that is not an option, then I would like to see Time Warner sued by the DOJ for refusing to run cable the extra 2 miles down my street to connect it to my house. Maybe they're under the delusion that I would be using Microsoft's browser on their Time Warner ''RoadRunner'' network...

Warmest regards,
ron
Ronald L. Goers
Associate Engineer
SP/SIPT/ISET/IQ Engineering
800 Phillips Road, MS: 0111–30N,
Webster, NY 14580
(585) 422–5331 (Intelnet: 8*222–5331)
Http://photo.scan.mc.xerox.com/ (Xerox Internal Only)
CC:MSFIN@Microsoft.com@inetgw,Adam Stein

MTC–00006456

From: Jon Lane
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 3:03pm
Subject: Micorsoft Settlement

To Whom It May Concern:

The goal to limit the monopolistic practices of Microsoft has been met with this settlement. Competitors now have the opportunity to compete and earn their share of the market by offering products that perform better or are priced better than Microsoft's. To dilute the settlement, which seems to be the goal of Microsoft's detractors, would provide market share welfare to their competitors where it is not warranted. The Justice Department has created an atmosphere that fosters competition, let's retain that ruling.

J. W. Lane

MTC–00006457

From: PKreh4933@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:05pm
Subject: Microsoft settlement

I would like to express my approval of the settlement which has been made with Microsoft. Please rule in favor of it as it will be in the best interests of the public, and this debate and hassle has gone on long enough. Microsoft has done so much for all of us—let them be done with all this confusion and get on with making computers and programs that will further benefit us!

Sincerely,
Phyllis Krehbiel
2015 N. 71st
K.C., KS 66109

MTC–00006458

From: JBerset@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:07pm
Subject: Microsoft settlement

I believe it is time to settle the Microsoft case now. We have enough problems with the economy and others, we do not need to continue this case any longer.

Thank you.
Jacqueline H. Balthaser

MTC–00006459

From: JXCOONS@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:04pm
Subject: Microsoft Settlement

The Microsoft /DOJ/ States disagreement has gone on long enough. The points that were part of the original issue are history and I thought were resolved in the trial and subsequent appeal ruling, it is time to move on. As a consumer of Microsoft products, I think the settlement agreement reached between the DOJ and Microsoft is fair. I want to see accessory products bundled. It is confusing for a layman to sort through various software products that are available. I like to have the starting software provided. Occasionally when I find a product that I like better than one supplied by Microsoft, I simply replace the Microsoft project.

I would urge the DOJ and the court to let the settlement stand and move ahead.

Thank you,
James C. Coons

MTC–00006460

From: RAY NEUBAUER
To: Microsoft ATR
Date: 1/2/02 3:05pm
Subject: MICROSOFT SETTLEMENT

I BELIEVE THE JUSTICE DEPARTMENT SHOULD DO ALL POSSIBLE TO CONCLUDE THE MICROSOFT SETTLEMENT. AS A CONSUMER AND USER OF MICROSOFT SOFTWARE AND MSN I BELIEVE I AND ALL OTHERS LIKE ME WOULD BE BEST SERVED BY ENDING THIS SITUATION. I BELIEVE MICROSOFT HAS BEEN MORE THAN GENEROUS AND COMPLIANT IN ACCEPTING THE TERMS OF THE AGREEMENT.

A.R. NEUBAUER JR.
93 CARAVAN PLACE
SAN RAMON CA 94583

MTC–00006461

From: WilbrettRE@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:03pm
Subject: Microsoft Settlement

The settlement is more than fair, it is time to put this to bed and get it out of the courts. It should have never gotten to this point in the first place. You are stiffiling the very thing that has made this country great and a leader in technolgy.

MTC–00006462

From: Uebe, Joanne
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 3:08pm
Subject: Microsoft Settlement

For nearly four years the Microsoft case has been going on and on and on, and despite the aggressive lobbying efforts of a few of its competitors, the Federal Government and nine states finally reached a comprehensive agreement with Microsoft to address the reduced liability found in the Court of Appeals ruling. I think this settlement is tough enough, but reasonable and fair to all parties concerned. Please settle this case once and for all— for the good of everyone—consumers and Country alike. I don't think the nine states who are opposing this settlement should be given more consideration than those nine states who agree with the settlement.

Again, nearly four years of these hearings is ENOUGH! Settlement is needed for the good of all of us!

MTC–00006463

From: BJA
To: Microsoft ATR
Date: 1/2/02 3:06pm
Subject: Microsoft Settlement

To Whom It May Concern:

I feel that the settlement that has been proposed for the Microsoft case is a fair one. To continue litigation in this matter would, I think, cause unnecessary and prolonged unrest in the technology industry, especially during these uncertain economic times. I hope the Justice Department can let this matter be settled and discontinue any further costly litigation.

Thank You.
Beverly Arnold
St. Louis, MO 63042
arnoldbj@yahoo.com

MTC–00006464

From: GGEJE@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:03pm
Subject: Microsoft Settlement

In my opinion the Tunney Act and the agreed upon settlement are in the public interest and that it is now time for this matter to pass into history.

Thank you,
George G. Edwards, MD

MTC–00006465

From: B(038)B Cody
To: Microsoft ATR
Date: 1/2/02 3:06pm
Subject: microsoft

I don't agree that Microsoft is a monoply. If you want to chastise monoply then I suggest you look to the biggest monoply of all—the Washington government. Why not break up that? All Microsoft is guilty of is being successful. Hurting them hurts the whole economy and we don't need that now or anytime.

Sincerely
R Cody

MTC–00006466

From: stanley t leung
To: Microsoft ATR
Date: 1/2/02 3:04pm

To Whom It May Concern:

Settlement of the Microsoft antitrust case would be good for the national economy, but also restore a sense of fairness to the American markets.

Stanley T. Leung, JD, MBA
Medical Scholars Program
University of Illinois at Urbana-Champaign
506 South Mathews Avenue
Urbana, Illinois 61801
Email: stl4@columbia.edu
Ph#: (217) 352–1133 Pager#: 800–702–3646

MTC–00006467

From: Ken Abeles
To: Microsoft ATR
Date: 1/2/02 3:04pm
Subject: Microsoft Settlement.

Sir,

I believe that the settlement is fair to all parties and that it is not in the government's interest to delay this decision. I use Microsoft products and will continue to use them. Let them innovate so as to best serve the public.

Regards,
Kenneth Abeles

MTC–00006468

From: William Franklin
To: Microsoft ATR
Date: 1/2/02 3:04pm
Subject: Microsoft settlement

According to our Constitution—Justice should be fair and prompt. Prolonging litigation would not apply to being prompt. As it appears our present Tax system needs to be fair and correction should be prompt. Abolish the I. R. S. and promptly give us a fair Tax.

MTC–00006469

From: Mokhtar Hamada
To: Microsoft ATR,lobna gaber
Date: 1/2/02 3:04pm

Subject: Microsoft Settlement
DOJ,
I support Microsoft on the settlement with the U.S. DOJ as approved by federal court. Please stop certain state Attorneys General from making mockery of the federal court's decision. Microsoft has been doing a good, honest business all along. As a consumer, I find Microsoft to be innovative and worthy of my support.
Mokhtar Hamada, D.Sc.
Retired Chem Engineer
St. Louis County, MO 63011
Keep Safe, be Cool, have Fun !

MTC–00006470

From: Edward Klements
To: Microsoft ATR,KlementsSr. ed
Date: 1/2/02 3:05pm
Subject: Justice
To: United States Dept. Of Justice,
Please stop wasting the taxpayers money on this Microsoft suit. I have been buying their products since 1996 and have always obtained an excellent product at a fair price. In my opinion a company is not a threat or a monopoly when it behaves like Microsoft.
If the DOJ wants to do some good for the american public, then take the drug companies to task. They affect me adversely to the tune of $350 a month, if you want to make an example of monopolistic abuse, you've got it with the ''DRUGGIES''.
Edward Klements
Homosassa Fl.
34446

MTC–00006471

From: Michelle Galaz
To: Microsoft ATR
Date: 1/2/02 3:08pm
Subject: Microsoft Settlement
January 2, 2002
Your Honor:
My hope is that the courts will settle this law suit between Microsoft the the Justice Department. Microsoft has been a leader in the software industry for years through hard work, dedicated employees, excellent marketing skills, brilliant leaders, and hugh risks. They were lucky that the risks paid off and rewarded.
Please don't punish Microsoft because they happen to be the first and best in this new age of technology. The recent rash of dot.com businesses showed that this entire field is still evolving. Unfortunately many dot.coms failed. These failed businesses did not make it for various reasons, inexperienced management, inability to turn a profit, obscure ideas, risky ventures, and many other reasons. Microsoft took many of these same risks in the beginning. They also could have failed but a little bit of luck along with briliance not a violation of the Sherman act made them suceed.
As Darwin proved in his theories with nature only the strongest survive. Microsoft has become the strongest and they have survived not through illegal practices but through hard work and risk.
I do not work for Microsoft nor do any of my immediate relatives. I do not say these things for an immediate financial payoff. I say these things because Microsoft is good for Washington State and good for the Nation. I believe that our Nations current financial crisis can be linked directly to the original court ruling Spring 1999.
Thank you for the opportunity to express my opinions.
Sincerely,
Michelle Galaz
9608 Dekoven Dr SW
Lakewood Washington
253–589–1580
Michelle Galaz
galmila@yahoo.com

MTC–00006472

From: Eastmeyr@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:08pm
Subject: Microsoft settlement
I think it is time to conclude the litigation in reference to
E. Steinmeyer

MTC–00006473

From: RAYDOTMAN@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:09pm
Subject: Microsoft Settlement
It is our opinion that the government would do well to keep out of Microsoft's affairs. In fact the government should keep out of business affairs as much as is possible. The government has better things to do than to persecute Microsoft which offers excellent products. I recall with chagrin the breakup of AT&T. Telephone service has not been the same since. Please add our voices to this protest. We want Microsoft left alone!!
Sincerely,
Helen and Ray Richard

MTC–00006474

From: chris.jensen@gm.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:09pm
Subject: Microsoft Settlement
To Whom it May Concern,
It is my opinion that this case against Microsoft should be settled. The American economy is literaly under attack! We need to help American companies such as Microsoft—not hurt them because their competitors are sore loosers. Microsoft has an continues to offer consumers and business a great product at a fair market price. The American consumers do not need any action taken against them.
Chris Jensen
ePD Web Team
General Motors

MTC–00006475

From: Spragens, Joy (WASHINGTON—WK OFFICE WK 749)
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 3:11pm
Subject: Microsoft settlement
I am in favor of the Microsoft settlement. In fact I believe the suit was ill-founded as no consumer has been hurt by Microsoft; to the contrary; Microsoft has helped the consumer both technologically and financially. Computers and peripherals are now compatible and speak to each other. I believe we owe much of the economic prosperity of the last decade to Microsoft and its innovations which have allowed for higher productivity and made computers easy for the layman to use (including my 72 year old mother). I want to see the US remain open to innovation and not stifle it. I do not want to see innovative people and companies move abroad seeking that freedom if it is threatened here. Our antitrust laws as I understand them were drawn to protect the consumer not the competitor. The laws in Europe are the other way around and we can easily see how much it has stifled innovation there.
Sincerely,
Joy Fowler Spragens

MTC–00006476

From: MJT4148@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:09pm
Subject: Anti Trust Settlement
PLEASE ACCEPT THE PENDING SETTLEMENT
Marvin J. Tibbetts
3900 Rosehill Ave.
Apt. 402A
Cincinnati, Ohio

MTC–00006477

From: Wsicketc@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:09pm
Subject: Microsoft Settlement
The US economy has enjoyed the past ten years' successes mostly because Microsoft has bourght unprecedented economies to ALL Americans—private and public. The original lawsuit by the Government was obviously undertaken because Bill Gates refused to contribute heavily to Mr. Clinton.
Enough of chasing successful people. Settle as it now is proposed.
William L. Sickenberger
Reston, VA

MTC–00006478

From: RichDenney@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:08pm
Subject: MICROSOFT SETTLEMENT
PLEASE GET THIS WITCH HUNT OVER. MICROSOFT HAS PROBABLY DONE MORE TOWARDS MAKING THE PC BOTH AFFORDABLE AND USABLE TO TO YOUR AVERAGE AMERICAN. THAN ANY OTHER ENTITY.
IF YOU WANT TO HELP US CONSUMERS THEN GET AFTER THE OIL COS. THE UTILITIES AND ESPECIALLY THE NATURAL GAS COMPANIES. THEY RAPED ALL OF LAST WINTER AND CONSIDERING THE CURRENT COLD SNAP OVER THE SOUTH WE ARE PROBABLY IN FOR ANOTHER RAPE THIS WINTER.
THANK YOU
RICHARD I DENNEY
881 DEBONAIR DR
MOBILE AL 36695
(251) 633–5088

MTC–00006479

From: The1stBA@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:09pm
Subject: Microsoft Settlement
Let this just be SETTLED without further ado, thank you.
Barbara Ann Wilcoxson, a shareholder.

MTC–00006480

From: Carolyn Braswell
To: Microsoft ATR
Date: 1/2/02 3:11pm
Subject: Microsoft Settlement

Please encourage the states to settle this ASAP. This has been one of the reasons for economic recession and we do not need any more of it!

Eddie & Carolyn Braswell

MTC–00006481

From: KTyler5757@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:11pm
Subject: Microsoft Settlement

Your Honor I think the ''settlement'' reached by the various States involved is only a slap on the wrist. Bill Gates is very happy with it, because he knows Microsoft got off almost scott free. Microsoft is a bully and will continue to be unless the Court does something to stop it. Please put some teeth into this case and prevent Microsoft from running over the top of everyone.

Kent G. Tyler

MTC–00006482

From: RGRANT9@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:09pm
Subject: Microsoft Settlement

Please settle this case. No further litigation. We need this to end now! I have a cable company, telephone company and garbage company that are more of a monopoly than Microsoft.

Rob Grant
Mukiteo, WA

MTC–00006483

From: The Fennertys
To: Microsoft ATR
Date: 1/2/02 3:10pm
Subject: Microsoft Settlement

Please recommend approval of the Microsoft Settlement. I believe it to be in the best interests of the consumer as well as bsiness. We need to be actively developing new products in order to be competitive in this extraordinary global economy. Thank you for the opportunity to comment.

Francis E. Fennerty
Tucson, Arizona
fennerty@the river.com

MTC–00006484

From: Hlbry@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:10pm
Subject: Microsoft Settlement

The DO settlement is fair even if a bit severe. Please say NO to those states that are looking for more. Thanks

Harry Bryant
Riddle Village
511 Arlington
Media, PA 19063–6007
Tel. 610–565–2057

MTC–00006485

From: Dorothy Lau
To: Microsoft ATR
Date: 1/2/02 3:10pm
Subject: Microsoft Settlement

I strongly urge that the Microsoft Settlement remain intact as agreed upon by the federal government and the nine states in the Court of Appeals ruling.

The nation needs to attend to the fiscal problems that now exist with the economy. There is nothing to be gained by prolonging the Microsoft Settlement.

Dorothy D. Lau

MTC–00006486

From: Raelbrook@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:11pm
Subject: MICROSOFT SETTLEMENT

I SUPPORT THE RECENT SETTLEMENT BETWEEN THE JUSTICE DEPARTMENT AND MICROSOFT.

I FEEL IT IS TIME THE JUSTICE DEPARTMENT LOOKED INTO THE EFFECT THAT ITS ATTACK ON MICROSOFT WAS RESPONSIBLE FOR DAMAGING THE WHOLE HI-TECH INDUSTRY LEADING TO AN OVERALL DECLINE IN THE US ECONOMY. HAD MICROSOFT BEEN A JAPAN BASED ENTITY I BELIEVE THEY WOULD NOT HAVE BEEN SO TARGETED.

RESPECTFULLY,
GRAHAM RAEL-BROOK

MTC–00006487

From: Peter Ahking
To: Microsoft ATR
Date: 1/2/02 3:13pm
Subject: microsoft Settlement

Dear sir/Madame:

I beleive the agreement is just and fair

I strongly urge that the dept of Justice settle the anti-trust case with Microsoft.

Regards,
Peter Ahking

MTC–00006488

From: FBrand1433@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:11pm
Subject: (no subject)

Leave Microsoft alone. End the settlement now. Where would you be without Bill Gates anyway

Bill and Fran Brandenburg

MTC–00006489

From: Farrelljr@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:12pm
Subject: Microsoft Settlement

Please recommend approval of the current settlement agreement with Microsoft. I think the proposed settlement is fair for me as a consumer and fair to the Government's position.

Thank you.
Sincerely yours,
John L. Farrell, Jr.
Tulsa, Oklahoma
farrelljr@aol.com

MTC–00006490

From: BILL DAVIDSON
To: Microsoft ATR
Date: 1/2/02 3:12pm
Subject: Microsoft case

If 9 states and the Appeals Court have approved Microsoft's generous settlement offer, then I would urge the DOJ to persuade the dissenting states to drop their suits.

Microsoft is the epitome of the ''American Dream''. It appears that many of the objecting states are catering to local constituents that are either jealous of Microsoft's accomplishments or do not have the ability to create a better operating system and package of products for consumers.

Microsoft and the Gates Foundation are among industries most generous contributors to many humanitarian and educational causes.

Please make every effort to stop these jealous attacks on one of America's great companies. Their energies are better spent creating new and exciting products rather than defending frivolous lawsuits.

Yours very truly,
Jean and Bill Davidson

MTC–00006491

From: seung lyu
To: Microsoft ATR
Date: 1/2/02 3:11pm
Subject: microsoft settlement

I believe that the Microsoft anti-trust settlement is reasonable and fair to all parties involved.

Sk

MTC–00006492

From: ronald t moore
To: Microsoft ATR
Date: 1/2/02 3:12pm
Subject: Microsoft settlement

Please settle this witch hunt. Bill Gates has done more for this country in the form of charity than many who are in his position of power. If the money were spent to fight terrorism during the Clinton administration instead of trying to take it to Microsoft, September 11th, might not have the significance that it does. Close the chapter on this disgraceful injustice and move on to important matters.

Ronald Moore
Indianola WA.
CC:microsoft@msn.com@inetgw

MTC–00006493

From: JOANZICHT@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:12pm
Subject: Re: Microsoft Settlement

I feel strongly that the proposed settlement is in the best interest of consumers, the economy and the industry. Let's get it settled and get on with our lives.

Joan Zicht

MTC–00006494

From: sanderson@lvdi.net@inetgw
To: Microsoft ATR
Date: 1/2/02 3:14pm

I believe it's in the best interest of all parties to settle this issue as is.

J.W. Sanderson

MTC–00006495

From: Bob Ulmer
To: Microsoft ATR
Date: 1/2/02 3:14pm
Subject: MICROSOFT SETTLEMENT!

I am in total favor of the Microsoft Settlement! The Microsoft Corp. has been a good company for and to America! I ask where would America be today without Microsoft? The only reason the Department of Justice is in litigation now with Microsoft is greed and jealousy of other competitors! I

say the American way is to let the competitors build a better product if they want more market share! What happened to the free market place that is supposed to exist in America? What does Microsoft bring to the table for America? Jobs, High wages, Philanthropy, A quality product, High customer satisfaction, Innovation,It creates a large tax base for the government of America! Why cut off the nose of America to spite her face!

MICROSOFT IS GOOD FOR AMERICA!
Bob Ulmer
3959 Normandy Drive
Owensboro, KY 42303

MTC–00006496

From: Richard Horlacher
To: Microsoft ATR
Date: 1/2/02 3:14pm
Subject: Microsoft Settlement

Keep the current settlement terms as they now are. Do not change them.
Richard D. Horlacher

MTC–00006497

From: joseph davis
To: Microsoft ATR
Date: 1/2/02 3:15pm
Subject: Microsoft Settlement

MTC–00006498

From: Joe Weber
To: Microsoft ATR
Date: 1/2/02 3:14pm
Subject: Microsoft Settlement

In regards to the proposed settlement of the litigation by the Government vs. Microsoft—it is time (it has been for some time now) to get on with the settlement without further delay! The compromises reached over the course of the year appear to be reasonable for all concerned, not least of whom are the U.S. citizens, who want to see fairness applied to the entrepreneurial spirit which drives our free economic society.

Enough is enough! It's time to get on with the further economic development of this great country, not take a giant step backward in our private enterprise system. Let's continue to reward innovation, not stifle it!

Allow the proposed settlement to happen, and quickly!
Joe Weber
web.vu@pdq.net

MTC–00006499

From: B. Newman
To: Microsoft ATR
Date: 1/2/02 3:13pm
Subject: Microsoft

I think it is about time that this is settled. Time to get off Microsoft's back and let them do their job.

You are playing with innocent people's lives! After all isn't the biggest monoply in the world the U.S. government??? What happened to free enterprise and the American dream?
Brenda K. Newman
Sequim, WA 98382

MTC–00006500

From: Robert Gibson
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 3:12pm
Subject: Microsoft Settlement

The best remedy would be to limit copyright on software to 5 years and then enforce making that code public. Technology is changing at a far more rapid pace today than when copyright laws were first written but those laws have not been updated to reflect this. Today five years spans a software technologies life cycle providing sufficient time gain the vast majority of potential profit. Making code public at the end of 5 years would ensure that significant new development would have to be produced to maintain a competitive position. I would be surprised if Bill Gates would oppose such a move as he has always advocated a fast moving innovative industry, whereas his opponents have advocated open code which they would gain after 5 years. This remedy serves both interests without threatening either to the advantage of the public and the industry while aligning copyright laws with contemporary times.

Thank you
Robert John Gibson
Senior Systems Eng, B Eng, NNCDE
Network Engineering
Ph 919 905 4915 ESN 355

MTC–00006501

From: jlcharlton
To: Microsoft ATR
Date: 1/2/02 3:12pm
Subject: Microsoft Settlement

Both Jack and I were dismayed and infuriated at the amusement and smiles on their faces when we saw Janet Reno and the lead prosecutor in the antitrust case against Microsoft on television announcing that they had won a case that should never have been filed. It is a given that any one of us who has computing experience knew the moment the lawsuit was filed that the technology had moved far beyond what was the subject of the litigation. The DOJ needs to settle the case now and let this country move on and continue to be innovative and successful in business. The companies whining over a loss of business should get busy and work at winning as Microsoft did and continues to do.

Thanks for letting our opinion be expressed.
Linda and Jack Charlton

MTC–00006502

From: JOHN (038) Mary McLauchlin
To: Microsoft ATR
Date: 1/2/02 3:14pm
Subject: Microsoft settlement.

The fight with Microsoft has been going on much too long. Let's somehow get it settled and over with. In doing so, the one thing that should never happen is for Microsoft to be forced to reveal their secrets to anyone. As for Judge Jackson who ruled on his bias, I and many of my friends do not understand why he is still in office.

John McLauchlin
91 Apple Blossom Ln.
Sequim, WA 98382

MTC–00006503

From: DugEaglEye@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:15pm
Subject: Microsoft settlement

I agree with the tentative settlement. As far as I am concerned the US Dept. of Justice got more of a settlement than the Government should have. Even government bureaucrats should be able to figure out that if you put Microsoft out of business, then Japanese computer companies will fill the void, and US companies will loose yet another industry. We once had a steel industry, didn't we?

MTC–00006504

From: Carter Cherry
To: Microsoft ATR
Date: 1/2/02 3:15pm
Subject: Microsoft Settlement

The proposed settlement between DOJ and Microsoft is a fair solution in the interest of all consumers. Prompt settlement with the proposed DOJ-Microsoft agreed upon terms should be sought by all parties.

Cordially,
Carter M. Cherry
11665 Walnut Spring Court
Cupertino, CA 95014

MTC–00006505

From: H. William Koster, Jr.
To: Microsoft ATR
Date: 1/2/02 3:15pm
Subject: Microsoft Settlement

I think the Microsoft settlement is fair as it now stands; any further action byu the DOJ or the States would be unjust.

MTC–00006506

From: frank
To: Microsoft ATR
Date: 1/2/02 3:14pm
Subject: Microsoft settlement

Greetings: I wish to go on record as a user of Microsoft products and an independent Microsoft shareholder that ENOUGH IS ENOUGH !!! It is time to get this un-warranted and frivolous,stupid attack on America's business ended. You all know the reasons behind this litigation so I need not rehash them here. It is in the best interests of the United States to end the un-warranted attack, so please do so immediately.

Frank Wills
8258 Level hill Rd.
Junction, IL 62954
P.S. Possible strongly letter to follow!!!

MTC–00006507

From: tanis
To: Microsoft ATR
Date: 1/2/02 3:09pm
Subject: Microsoft Settlement
Subject: Here's a profound question. Can you answer?

Fw: Question from Philly radio call-in show.....

Without Casting Stones, It is a legit. question.

Two men, both billionaires.

One develops relatively cheap software and gives hundreds of millions of dollars to charity.

The other sponsors terrorism.

That being the case, why is it that the US government has spent more money chasing down Bill Gates over the past ten years than Osama bin Laden?

MTC–00006508

From: Jack Reece
To: Microsoft ATR
Date: 1/2/02 3:16pm
Subject: Microsoft Settlement

If there has ever been a time when the Department of Justice needed to make a judgment for the benefit of the the consumer, the technology industry, and the country as a whole, it is now. A judgment that is more than fair has been agreed to by Microsoft and most of the plaintiff states. And yet, there are specific states, companies and individuals who are seeking further action for selfish reasons.

This country, more than ever, needs an immediate resolution to this problem. Let's not be held hostage any longer by self-serving individuals.

Jack D. Reece
419 Chesterwoods Court
High Point, NC 27262
336–841–7810

MTC–00006509

From: Panchanadam Swaminathan
To: Microsoft ATR
Date: 1/2/02 3:16pm
Subject: Microsoft Settlement

Hello:

I am very anxious to see that the case against is settled as announced. It is time that we all get on with exciting and interesting new technology development which Microsoft has been doing during the past decade. It is highly detrimental to the progress of technology to stop Microsoft from developing new and exciting technology affordable to common people.

I look forward to seeing the case settled as son as possible.

P. swaminathan, Ph.D.
Technical Manager

MTC–00006510

From: BudPorter@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:20pm
Subject: Microsoft Settlement

January 2, 2002

To Whom It May Concern:

I am a consumer and avid user of a PC. I feel that Microsoft over the years has provided me with valuable bundled tools to surf the Internet and do other tasks on the PC. I used the Internet before the Worldwide Web became popular. We would not have or continue to have the convenience of using the WWW with innovations that can be used by the average American if the American government continues its attack on Microsoft! Microsoft products have always been a bargain both in cost and utilitarian value! If litigation continues, the only winners will be LAWYERS AND PRIVATE INTERESTS. An example is the ludicrous tobacco settlement!!! It is a cash cow for lawyers and state treasuries. I feel that the current recession started with Clinton's attack on Microsoft years ago! Remember that the CONSUMER COMES FIRST! THAT IS ME!!!! TOO MUCH OF OUR GROSS NATIONAL PRODUCT IS BEING WASTED ON LITIGATION...CLASS ACTION SUITS ONLY BENEFIT THE LAWYERS AND OTHER PRIVATE INTERESTS. MONETARY REWARDS ARE ONLY PEANUTS TO THE AVERAGE CONSUMER LIKE ME!

(UNLESS YOU SPILL A CUP OF MCDONALDS COFFEE ON YOUR CROTCH!!! AND FIND A CROOKED LAWYER AND SYMPATHETIC JURY!) SETTLE WITH MICROSOFT NOW!!!!

Let American business get back on track!

LLOYD PORTER

MTC–00006511

From: Whelkids@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:18pm
Subject: Micrdsoft Settlement

Rather than have this matter tied up in the courts and the resultant uncertainty, I believe that the settlement should be approved. Let's get it settled—Move ON!

John W. Whelan

MTC–00006512

From: christopher fish
To: Microsoft ATR
Date: 1/2/02 3:17pm
Subject: Microsoft Settlement

I am a software developer who has worked with microsoft products for the last 7 years. Either in supporting users or in creating software. I strongly support the break up of microsoft and wanted to go down on record as doing so.

I also wanted to know if you have addressed these two issues yet.

1) Microsoft's design of the Visual C++ compiler and it's wizards makes it very difficult to create C++ code that can be compiled to run on more then one operating system. This design flaw has the effect of eliminating competing operating systems, because if you want to get inter-operability under windows the best compiler to use (and one of the only two) is Microsoft's visual C++. The problem is that the compilers wizards create projects that don't even have the C++ standard ''main'' operator in them. This makes it impossible to change compilers and since Microsoft's compiler does not readily support compilations for other operating systems it makes compiling your application for other operating systems extremely difficult, thus effectively punishing developers who what to try and write code that can run on more then one operating system.

2) Microsoft's implementation of unicode is off in some of it's higher numbers so as to cause corruption in languages that use characters above and including Russian. This would seem to be something that was very intentionally done as it is the type of mistake that would be hard to make and not notice. It certainly has the effect of requiring anyone who does not use Internet explorer to have to download special components (which of coarse had to be written at the coast of Microsoft's competitors) so that you can view web pages that were created with Microsoft outlook.

MTC–00006513

From: Brian Craze
To: Microsoft ATR
Date: 1/2/02 3:17pm
Subject: MICROSOFT SETTLEMENT

To whom it may concern,

Concerning the proposed settlement between the DOJ and Microsoft, I believe it is in the best interest to accept this settlement and move on. The settlement appears to be fair, reasonable and good for the consumer.

Regards,
Brian Craze
Manager, Electronic Imaging Division (EID)
A.G. Heinze, Inc.
Voice: 480–813–7786 Fax: 480–813–7237
E-mail: brianc@agh.com Web: www.AGHeinze.com

MTC–00006514

From: Kevin Williams
To: Microsoft ATR
Date: 1/2/02 3:18pm
Subject: Re: Microsoft

2 January 2002

Leave Microsoft alone. This is a company that innovates and though they ''dominate'' their segment of the computer industry, they have helped all of the world progress to the point that computers are usable and affordable for all people.

Kevin Williams

MTC–00006515

From: Sesusainc@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:17pm
Subject: Freedom

I am concerned that hold out States are more interested in money than settlement. What would happen if Microsoft stated that no shipment or sale of Windows, etc., would be sold in these States until situation is cleared? Customers in these States would really put up quite a howl I am sure. They should remember, one doesn't buy because they are forced to, they buy because of value they get for the money.

My opinion only,
Alan L. MacLachlan
S.E.S.USA INC.
6527NE 192nd PL
Kenmore, WA 98028–3457
Tel: (425) 485–3801
FAX: (425) 486–1626
E-mail: sesusainc@AOL.com

MTC–00006516

From: Dr. Tucker
To: Microsoft ATR
Date: 1/2/02 3:17pm
Subject: Microsoft Settlement

I strongly urge that the Settlement proposed be allowed to go forward. I believe it is in the best interest of all concerned and further litigation would be self-serving to the legal profession only. They (legal profession) have already had their ''pound of flesh'':

Respectfully,
GRT

MTC–00006517

From: Dave Foshee
To: Microsoft ATR
Date: 1/2/02 3:16pm
Subject: Microsoft Settlement

This issue should be resolved now.

If there is to be a settlement (and I feel that this case should never have been brought in the first place) let it happen now.

Dave Foshee
General Manager
Adelphia—Carlsbad

5720 El Camino Real
Carlsbad, CA 92008
760–438–7741 Ext 604
760–438–8461 Fax
619–890–4088 Mobile
dave.foshee@adelphia.com

MTC–00006518

From: Barbara Kellogg
To: Microsoft ATR
Date: 1/2/02 3:17pm
Subject: Microsoft settlement

Dear Sirs

Let's settle this thing and quit wasting time and money dragging this thing out longer while the remaining states see if they can get just a little more.

Sincerely
Barbara J. Kellogg

MTC–00006519

From: Don650@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:19pm
Subject: Microsoft Settlement

As a user of Microsoft software in business and at home, I have found there products, pricing and availability to be very satisfactory to me and I urge the doj to leave them alone and instead, concentrate on protecting our homeland against real dangers. Microsoft is not one of them. Thank you

Donald F. Tomisak

MTC–00006520

From: Henry Spie
To: Microsoft ATR
Date: 1/2/02 3:26pm
Subject: Microsoft settlement

The time has come to finish this case. I personally thought that the suit filed by the government was wrong to start off with. I feel that the whole case was a waste of taxpayers(of which I am one), money.

My first computer was a256 processor with 20 mgz speed Packard bell computer. It had about 60 megs of memory and 1 meg for the mother board for about 2400 dollars. Now I have a cpu which has 1gig for speed and 40 gigs for memory and it cost less than 1700 dollars. I basically went from a yugo type computer to a Cadillac type for less money. Monopolies work the opposite way. (Less for more).The case should be settled once and for all.

Henry Spiechowicz
Chesterfield Michigan
henry002@ameritech.net

MTC–00006521

From: Jerry Herr
To: Microsoft ATR
Date: 1/2/02 3:19pm
Subject: Microsoft settlement

I think that the revised final judgement should be accepted by all parties..and the states that are holding out should be stoped from any further action against Microsoft....

Thanks for asking....
Jerry Herr,
Park Ridge, IL 60068 ...
email ....gvhparkridge@yahoo.com

MTC–00006522

From: JIM TIERNAN
To: Microsoft ATR
Date: 1/2/02 3:17pm
Subject: Microsoft Settlement

It is way past time to settle something that should not have been investegated in the first place. Microsoft's competiters are trying to get the gov. to do something they couldn't do. Drive them out of business. We the consumer, are just fine with microsoft. If Microsoft wants to give me somthing for free in their softwar bundle then I am all for it.

The settlement that was negotiated was MORE than fair. As a matter a fact it was to harsh and never should have been in the first place. The states are always crying that they don't have enough money in their budgets, well try spending it for something worth while. They have spect along with the feduarl gov. more money than we spent getting Binladen. That is a shame. Bill gates is not the bad guy here. It is hard for me to express my anger with all governments on this subjetct in an e-mail. Feel free to call mae at 1–870–258–3557.

Jim Teiernan
Owner
Springhill Industries, Inc.

MTC–00006523

From: Steve Anderson
To: Microsoft ATR
Date: 1/2/02 3:17pm
Subject: Microsoft Settlement

Dear DOJ,

Our company sells software and computer systems and networks to banks in 32 states. Our software will run on a variety of platforms. We use a combination of Windows and Unix. We can now add Linux to the mix—it is an OPEN market.

The original intent behind the government watching out for monopolies has been turned into the current relentless persecution of Microsoft trying to retro ancient laws into a newer economy. We choose to use Microsoft operating systems because they have the best value and functionality. The bundling of products make life easier for every single user and systems administrator on the planet. As soon as a company can create a better operating system for under $200.00, we will buy it. Microsoft DOES NOT have a true monopoly.

Microsoft software is DIRT CHEAP. Anyone who says differently has never created software themselves, or they are just jealous. STOP listening to these whining competitors of Microsoft. Let them INNOVATE. Microsoft has done nothing but create jobs and create new businesses and create excellent software for the money. Please admit when you are wrong and get onto a new project. You are causing the taxpayers millions of dollars for what? Did you ever try to make computer speakers and scanners work with Windows Version 3.1? If you did, then you would not try so hard to make Microsoft change their bundling of software. The real joke is when you tried to break them up. What a nightmare that would have been for every computer user in the country.

PLEASE move on with your lives and let Microsoft do the same.

Sincerely,
Steve Anderson
President & CEO
SPARAK Financial Systems, LLC
2701 12th Ave SW
Fargo, ND 58104
Sales: 800.659.9121
Phone: 701.293.7198
Fax: 701.293.9654
www.sparak.com
steve@sparak.com

MTC–00006524

From: Catherine Sasso
To: Microsoft ATR
Date: 1/2/02 3:18pm
Subject: Microsoft Settlement

I believe Microsoft's proposed settlement is acceptable. I don't want to see any more litigation by anyone because I believe it would only be beneficial to Microsoft's competitors and that being an unfair way for the competitors to gain market share. I personally am delighted with Microsoft's products; thought them fairly priced. Without the innovations produced by Microsoft, I'd still be struggling to learn how to use a computer. They certainly should be encouraged to invent more, so all our computing would be easier for all.
sassocat@hotmail.com

Very truly yours,
Catherine Sasso

MTC–00006525

From: LGa1582997@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:17pm
Subject: DOJ

The attack on Microsoft was akin to the deregulation of the Bell System, that one took us back at least twenty years and I don't believe we've caught up as of now. Without Microsoft I don't believe I could have afforded to purchase the PC I did back in 1992, nor could I have up graded three times since then. Back in 92 I wanted to start writing about my WW II experiences with the 1st Marine Division and would not have started had I not been able to write my memories one at a time and then with the computer bring them all together into a comprehensive story.

Thanks Microsoft keep up the good fight for affordable soft ware and PC's

Leo Garcia
938 Lurline Drive
Foster City, Ca. 94404
e-mail LGa1582997@aol.com

MTC–00006526

From: bill lakenan jr
To: Microsoft ATR
Date: 1/2/02 3:20pm
Subject: microsoft settlement

please accept the settlement in place and move forward. i believe the setlement is fair. thanx for your time

bill lakenan
ARC, Incorporated
PO Box 10161
Knoxville, TN 37939
office) 865.584.3044
fax) 520.447.7873

MTC–00006527

From: Jim Turcott
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/2/02 3:14pm
Subject: Microsoft Settlement

Dear Settlement Review Board Members,

This registered voter strongly opposes further litigation of the Microsoft company lawsuit. The MSFT organization has already been unjustly punished considering the enormous positive contributions they have provided to this country and the world at large. I can't begin to imagine where our business would be today without their software tools .

Most of my business friends and associates agree (with me) that anything less than a quick closure on the settlement would be a further travesty of justice, and a complete waste of taxpayers' dollars.

We truly appreciate the opportunity to voice an opinion on this matter. It's as American as the right for companies like Microsoft to develop and build upon their innovations without government intervention stifling their progress.

Respectfully Yours,
James L. Turcott
Vice President Engineering
PDS ENGINEERING
Ph: (206) 767–2773
Fax: (206) 763–4128
E-m: jturcott@pdstech.com
http://www.pdseng.com

MTC–00006528

From: Jeff Erwin
To: Microsoft ATR
Date: 1/2/02 3:21pm
Subject: MICROSOFT SETTLEMENT

Concerning the ongoing Microsoft anti-trust negotiations, I am finding it harder and harder to watch Microsoft competitors use nine State District Attorneys seeking publicity and glory to get the courts to beat Microsoft to death. It is appalling that our system can be used this way, and I hope the system can react to the obvious and reshape the anti-trust laws so they can't be used as a competitive weapon in the future.

The latest 'negotiations' by the nine objecting States shows clearly that they have no interest in the case itself, they are only interested in appeasing the competition located in their states and continuing to keep themselves in the public spotlight. The fact that they are now demanding that the Microsoft Office suite of applications be ported to non-Windows operating systems shows that they have little understanding of the markets, and no concern for anti-trust laws. The application side of Microsoft's business has never been an issue in this case, including it now as a part of the remedies shows their true colors. Their demand that Microsoft offer a stripped-down version of Windows shows that the nine States have no understanding of the market, the developer issues and the consumer. If there are several different versions of the same Windows release out in the market, the increased burden on companies supplying software to the Windows market is huge. The test issues become much larger, the development tradeoffs impact the levels of functionality the consumer ultimately gets, and all of this will result in higher product costs to the consumer to pay for the additional development and testing needed to make sure an application works on all the different stripped versions.

Please stop this lunacy. Make decisions based on the consumer, not the competition. Do not let the court system be used and abused in this way. Do not let this country's greatest business success story be torn apart by the greedy needs of a few. While Microsoft has been found guilty of monopolistic behavior, it does not deserve this treatment.

Jeff Erwin

MTC–00006529

From: Carol Stephenson
To: Microsoft ATR
Date: 1/2/02 3:21pm
Subject: Microsoft Settlement

This settlement should go forward as quickly as possible. This country needs to be engaging in positive economic activities; prolonging this settlement is clearly a negative. Let's get this behind us.

Carol Stephenson
Grosse Pointe, MI

MTC–00006530

From: APress1932@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:22pm
Subject: Microsoft Settlement

It is now time to bring the Microsoft Settlement to closure. Do not, repeat, do not string this uncalled for suit out any longer.

Judge, tell the lawyers to go home, and do some public service work and stop trying to ruin an outstanding company and the livelihood of those working for it.

Ancil R Pressley
523 Valhalla Dr
Columbia, SC 29229–3320

MTC–00006531

From: Rick Moe
To: Microsoft ATR
Date: 1/2/02 3:23pm
Subject: Microsoft Settlement

Dear DOJ,

Your settlement with Microsoft is just. Thank you. It is now essential that you help Microsoft get back to work. The economy was hurt by this case. It is crucial that the computer industry stop laboring under a cloud of doubt. Planners need to know that the rug will not be pulled from under them as they begin major software projects. Since the DOJ case started, the industry has been damaged. I am very hopeful that this low productivity epoch is now over.

Thank you. Again, please help with the healing.

Richard N. Moe
Software Developer
3077 Lydia Court
Roseville MN 55113

MTC–00006532

From: JMcg654550@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:23pm
Subject: Anti-trust settlement

I urge you to close out once and for all the attack on Microsoft. I am an older consumer and I can tell you unequivocally that I have benefited enormously from the products put out by Microsoft. My first computer cost more that $4500 and was difficult to use. Although I would be considered ''computer illiterate'' I can tell you that there is a lot I can do on my PC thanks to Microsoft's Windows and other innovations. Incidentally, my son uses an Apple at home and at his business so there is plenty of competition. There is also rival operating systems and software that is quite simple to download.

Sincerely,
Jim McGrath

MTC–00006533

From: Jean and Warren Doremus
To: Microsoft ATR
Date: 1/2/02 3:23pm
Subject: Microsoft Settlement

Dear sirs/madams:

One of the better pieces of news of the year just past was the announcement that the US Department of Justice and nine states' attorneys-general had reached a settlement in the long, drawn out Microsoft case. The fact that other states which had been suing the software maker decided not to join in the settlement was both disappointing and deplorable.

We believe millions of Americans join us in the belief that the agreement reached by the federal government and the nine states was fair, just, equitable, reasonable, sensible and in the best interests of all parties concerned. There comes a time when common sense should take precedence over endless and mindless miss-use of the legal system. The remaining plaintiffs in what is now clearly an unjustified battle against corporate preeminence appear to be more interested in demonstrating clout in the public arena than in serving the public interest.

These opposing states have had their day in court, at the same time the other plaintiffs did. They are now becoming a renegade minority, clearly out of step with the vast majority of the American populace.

Cannot some court step in here and put an end to this so that the nation's economy has a chance to improve without this cloud hanging over it? We think so. We urge the U S Attorney-General's office take whatever legal steps are necessary and to use its full powers of persuasion to make it happen.

Sincerely,
Warren & Jean Doremus

MTC–00006534

From: the ole trapper
To: Microsoft ATR
Date: 1/2/02 3:22pm
Subject: Microsoft Settlement

I have firmly believed all along, that these detractors of Microsoft in the settlement phase of this action, have no right to deny anyone of building a better mousetrap. Look as the past history of many of our industries, and you will find that someone was ahead of the competition all along. I say ''Enough is enough'' and let Microsoft continue with their innovations.

Nelson Cross
36 Key Lime Dr.
Jensen Beach, FL 34957
''the ole trapper'' aka NELSON CROSS

MTC–00006535

From: Johanna Seth
To: Microsoft ATR
Date: 1/2/02 3:22pm
Subject: Microsoft Settlement

I believe that the currently proposed settlement is a fair and just decision. I do not

want this settlement to go back to court for further argument. Microsoft's penalties are fair and will benefit consumers. Further argument, prolonging the settlement, is a threat to our national economy and should not be undertaken.

Johanna Seth
14860–16 Summerlin Woods
Fort Myers, FL 33919.

MTC–00006536

From: bfoertsch@omninow.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:22pm
Subject: Microsoft Settlement

Microsoft has been a powerful influence on American technology. As the CEO of a previous software company that failed due to too many operating systems to support I applaud MSFT's continued support of the burgeoning industry. The justice department should spend our tax dollars chasing the Chinese and other pirating nations who steal our technology and our revenues rather than belittle a company who provides America with a tremendous technological advantage.

Sincerely
Bryan Foertsch

MTC–00006538

From: MikeMayer1@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:24pm
Subject: Microsoft Settlement

Dear DOJ,

We are a user and developer of applications for the MS Windows Operation Systems (OS). We are concerned that our business may be damaged by a judgement that may restrict MS ability to develop state of the art applications and operation systems and to price their products competitively. Any judgement should not be centered around any damage settlement based on the consumer because the consumer has not be injured by MS. The states and the consumers should not be given any cash. MS has provided lower cost products that have saved us and the consumer money. This may not be appreciated by their competitors, but that is just tough (this is a free country).

In our opinion, the judgement should centered around making the MS operating systems more open so that all developers and users have an equal opportunity to develop applications for the MS operation systems and use their existing applications. Not to restrict what features or applications MS can bundle with their operating systems.

Also, the judgement should require MS to allow users to use and purchase the older MS operation systems for eternity or at least 10 years. Upgrading to new MS operating systems should not be required when a new computer is purchased.

Thank you,
Mike Mayer, President
Sima Engineering, Inc.

MTC–00006540

From: santilli
To: Microsoft ATR
Date: 1/2/02 3:24pm
Subject: Microsoftr settlement hearing 01–28–02

I agree that Microsoft settlement is good for states, the industry and the American economy. Get this settlement done!!!

R.E. Santillie
736 Skyview Rd.
Mount Shasta, CA 96067
530–926–4328
santilli@snowcrest.net

MTC–00006541

From: Alyrpal@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:25pm
Subject: It's time to stop trying to destroy Microsoft Co.

Please stop this abusive use of the judicial system to destroy a free enterprise company. The states that will not accept the settlement are not working in the public interest in my opinion. I ask you as a citizen and computer user to put an end to this costly and time consuming process and proceed to new areas of public monopoly. Thank you for listening to me on this subject.

Albert S. Greenberg
617 Cliff Drive
Aptos CA. 95003
831–684–2430 Ph.
831–684–2436 Fax

MTC–00006542

From: Nancy Reid
To: Microsoft ATR
Date: 1/2/02 3:25pm
Subject: MICROSOFT SETTLEMENT

I urge Congressional support of the Tunney Act.

MTC–00006543

From: Lowell Dunn
To: Microsoft ATR
Date: 1/2/02 4:00pm
Subject: MSFT settlement.

Dear Sirs;

Thank you for taking the time to read my opinions and thoughts. Please settle this case and lets take all the time and the money that this case has taken from the United States, the people , the company and go on with our lives. The terms of the settlement are very just and fair and in the end there will be good taken out of this. Microsoft will be watched and will not be allowed to practice unfair business practices.

Please do not allow nine states to cost our government, people and the future any more time and money. Living in the Northeast during these trying times there are more important things in life to worry about.

Thank you,
Kathleen Dunn.
20 Henderson Court
Pompton Lakes, New Jersey 07442

MTC–00006544

From: Robert Smith
To: Microsoft ATR
Date: 1/2/02 3:25pm
Subject: Microsoft Settlement!!

As a long term citizen and one who is concerned about the future of my country, I would like to take this time to congratulate you in the DOJ for your decision to settle the subject case. However I would also like to inform you that based on the technical understanding of the ''software'' world, there should never have been a case in the first place. Only a Janet Reno under pressure from the Massachusetts political fascist from that state would yield to such idiocy. Let this be a lesson to the slope head people in Washington that there is nothing to be gained by picking sides in a technical economic fight, we are all losers when that occurs.

Sincerely;
Robert E. Smith
1850 Hillyard Drive
Clarkston, WA 99403–3034

MTC–00006545

From: LGALLISON@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:23pm
Subject: Microsoft Settlement

I agree that a settlement as soon as possible is in the best interest for the state's economy and the public interest. As one of Washington State's recently unemployed, I can see the economic uncertainty first hand. The number of jobs, particularly in the high tech area has shrunken considerably.

I am concerned about my investments, as well.

Leanne Gallison
lgallison@aol.com

MTC–00006546

From: Onalee@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:25pm
Subject: Microsoft Settlement

As a business person and US citizen, I feel the whole idea of Microsoft charged in this matter is ABSURD—I think that Bill Gates should stop selling all Microsoft products in the USA for while and see what happens to business and industry—I'll bet a settelement much better (for Microsoft) would be reached by the DOJ in a BIG HURRY! Settle this—it is a huge waste of taxpayers money and time!!!

Onalee Israel
226a Benes Road
Brooksville, FL 34604
onalee@aol.com

MTC–00006547

From: MCPHERS@Nationwide.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:25pm
Subject: Microsoft Settlement

For years Microsoft has set the standard for the rest of the technology industry to follow. Their sustained excellence has created opportunities for consumers, of all economic strata, to access and leverage PC technology as well as the internet. As a result of this excellence, consumers and American business have embraced Microsoft products as the industry standard. It seems the only factions reluctant to do so are Microsoft's direct competitors, as well as legislators beholden to these special interest groups.

The U.S. Department of Justice has agreed to a settlement, that, by all accounts, will further extend technological benefits to groups that were heretofore somewhat limited in their ability to access these benefits. It's my understanding the settlement also requires Microsoft release ''trade secrets'' to its' competitors. Still, there are those who feel that the settlement is inequitable. My feeling is that those opposed will not be satisfied until the company is

broken up. Only under such conditions will these underperformers be able to compete in the marketplace and that, of course, is their ultimate goal, to turn a profit. Since they can't do it under the American system of business, they will try to do so by crying ''foul''.

Make no mistake, those in support of extending this action have only their own self-interests at heart and they are asking taxpayers to foot the bill for their attempts to realize these interests. I for one am tired of it. This ''suit'' has gone on long enough. The cost to the parties involved far exceeds any benefit consumers will ever receive. I urge you to put an end to these proceedings as well as this pattern of catering to the lowest common denominator. Your failure to do so runs contra to everything our country was founded on.

The above commentary is personal in nature and in no way represents the views of Nationwide Insurance or any of it's affiliates.

Sincerely,

Scott J. McPherson

MTC–00006548

From: Tom Dunn
To: Microsoft ATR
Date: 1/2/02 3:27pm
Subject: Microsoft Settlement
Public Comment:

While I do not consider myself any friend of Microsoft or their predatory business practices that have often run counter to consumer interests, I also do not consider myself an advocate of our increasingly litigious society. Particularly regarding the obscenely inflated legal fees that both sides charge. The consumer is invariably the loser and the lawyers the hands down winners.

In regard to Microsoft, as this email alleges, this complex settlement is tough on the company, but acceptable, and favorable to Microsoft's continuing service to their customers. This seems fair to all concerned. Especially if the Tunney Act will bring an end to expensive litigation. My question is will the settlement involve some sort of Consent Decree that will permit oversight of the companies operations over a period of time? Merely as a form of insurance for consumer interest. I recently came across a letter to the editor I wrote several years ago about Microsoft's suing a small used bookstore in this area for selling unauthorized software. In that letter, I mentioned seeing originally packaged software for resale there, which was perfectly legal. I also mentioned how all previous versions of a Microsoft mysteriously disappeared simultaneously from all area stores. Manufacturer buy back was the only explanation, probably at a better retailer rate of return than previous versions would command. While there may not be anything technically illegal about such practices, they certainly favor Microsoft's bottom line over public consumer interest. I would like to see such practices (among others) discouraged by the settlement with at least as much vehemence as the company would pursue it's interests.

Thank you,

Thomas F. Dunn Jr.
1993 S. Buena Vista Drive
Apache Junction, Arizona 85220–7567
email: tdunnsprint@earthlink.net
(480) 982–5640

MTC–00006549

From: FORETEN@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:28pm
Subject: Microsoft settlement

I am in agreement with Microsoft. It's time to settle this lawsuit. It's starting to look like the IBM suite that took over ten years.

Michael J. Bonfield

MTC–00006550

From: CJGX@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:27pm
Subject: MSN Settlement

The technology area is changing so quickly that the original charges are not relevant today. Drop the case and stop spending our tax $$$. There is plenty of competition.

Chuck

MTC–00006551

From: Bob (038) Lucy Andre
To: Microsoft ATR
Date: 1/2/02 3:26pm
Subject: Microsoft Settlement

Dear Sir,

I have been a user of personal computers since they became popular in the 1980's. During this time I have witnessed the progression of the software from my time in the Air Force and also from working in the U.S. Govt.

I have followed the case against Microsoft since its beginning and feel that the current settlement is fair to me as a consumer of software products.

Please settle this case as soon as possible in order that we can get this behind us for the consumers good, the good of the industry and for the good of the United States as a Country.

Thank You,
Robert B. Andre,
2920 Cedarwood Lane,
Dunkirk Md. 20754

MTC–00006552

From: GREGRUFFA@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:29pm
Subject: MicroSoft Comment

To whom it may concern at the DOJ,

We are small group of users of Microsoft products for more than 15 years. We have been reading many recent newspaper accounts regarding the case against Microsoft. Although the competition is purple with rage because they can't come up with better products, they are green with envy at the continued march forward into technology advancements that Microsoft has made for the world to use.

Of course, factor of fairness is always important, but they were not fair when they hired government officials to pose the exaggerated charges to block their successes. While many of those very same companies benefit from the new markets and innovative ideas, they want to use the Microsoft ideas in their markets against them. When they fail, they cry.

Microsoft has had products and software stolen, pirated and then slandered. Yes, I think Microsoft should be given a clean slate with the warnings regarding their marketing strategies. Monopoly? I would look closer at AOL.

Thank You,
Gregory Ruffa

MTC–00006553

From: Steven Groubert
To: Microsoft ATR
Date: 1/2/02 3:29pm
Subject: Microsoft Settlement

In the interest of fair play, please allow the settlement to proceed as agreed.

All the best,
Steven Groubert

MTC–00006554

From: Paul McConnell
To: Microsoft ATR
Date: 1/2/02 3:30pm
Subject: Microsoft Settlement

Gentlemen:

I understand that the proposed settlement of the Microsoft litigation is now in a public comment period as required by the Tunney Act. As a taxpayer, I strongly urge you to settle this absurd lawsuit as soon as possible and quit wasting the public's money. In my opinion, the suit was originally brought as a political payoff to Microsoft's competitors. I use Microsoft products everyday and could not be near as productive as I am without them. As a consumer of their products, I certainly do not feel in any way abused by their alleged ''predatory practices''.

The courts should also shut down the grandstanding state attorney generals that had to stick their nose into something they had no business pursuing. Why don't they just stick with tobacco litigation and other forms of legal extortion.

Paul McConnell
(407) 876–7249
Paul@McConnellCompany.com

MTC–00006555

From: Manny Bellmore
To: Microsoft ATR
Date: 1/2/02 3:28pm
Subject: Microsoft Settlement

I am a resident of the State of Maryland and a US citizen. I depend on computers to earn a living and run a small business. I am an interested citizen with respect to the proposed settlement between Microsoft, the Department of Justice and several of the states.

In my opinion, the proposed settlement is in the best interest of myself and many other consumers. I am delighted that the State of Maryland (my home state) is one of the states that support the proposed settlement.

Thank you for taking public comment into consideration.

Sincerely,
Mandell Bellmore
3609 Woodvalley Drive
Baltimore, MD 212081733
Phone (410) 486–1092
E-Mail bmb600@home.com

MTC–00006556

From: Norman Pawlan
To: Microsoft ATR

Date: 1/2/02 3:29pm
Subject: Microsoft settlement

We are of the opinion that Microsoft has offered a satisfactory settlement.

We expressed the same opinion by Email to the Calif. Attorney General, but he evidently felt that it was to his POLITICAL advantage to pursue Microsoft.

We are non professional computer users. We have received several Microsoft items at no charge, or postage only, or full rebate. How bad is that? Monopoly?

I am a volunteer reader/tutor at a poor school in a tough neighborhood of Los Angeles. Microsoft's offer of computers and equipment to schools such as the one where I work would be a WONDERFUL tool in helping these deprived children to ''catch up'' with the rest of Los Angeles.

Most of the classrooms have ONE old computer for 20 to 30 students.

Norman Pawlan
June Pawlan
2222 Avenue of Stars
Los Angeles, CA. 90067–5655

MTC–00006557

From: Kit Welsch
To: Microsoft ATR
Date: 1/2/02 3:30pm
Subject: MICROSOFT SETTLEMENT

DOJ,

PLEASE STOP PROSECUTING MICROSOFT AND START PROSECUTING THE REAL MONOPOLISTS, OPEC.

WE SHOULD INITIATE THE FORMATION OF THE ORGANIZATION OF PETROLEUM IMPORTING STATES (OPIC) TO DENY GOODS TO OPEC COUNTRIES. THIS WOULD MAKE A BIGGER DIFFERENCE TO THE CONSUMER AND THE ECONOMY THAN PURSUING MICROSOFT.

I CREDIT MICROSOFT FOR MUCH OF THE BOOM TIMES OF THE 90'S BECAUSE THEY, MORE THAN ANYONE ELSE, CAUSED AN OVERALL INCREASE IN PRODUCTIVITY. OIL PRICE DECLINES ALSO CONTRIBUTED MUCH TO THE LOW INFLATION.

THE SAME COULD BE TRUE AGAIN IF WE COULD BUST UP OPEC, NOT MICROSOFT. LEAVE THEM ALONE AND THEY WILL DISCOVER NEW WAYS TO INCREASE OUR PRODUCTIVITY.

I, FOR ONE, BUY MICROSOFT PRODUCTS BECAUSE I KNOW THEY WILL WORK TOGETHER.

PLEASE DON'T BREAK THEM UP SO THEIR PRODUCTS WILL NO LONGER WORK TOGETHER.

SINCERELY,
HARRY W. WELSCH, JR.
(KIT WELSCH)
BOX 1820
ANNA MARIA, FL 34216
941–778–5230 VOICE
941–778–7229 FAX

MTC–00006558

From: Bob Deneen
To: Microsoft ATR
Date: 1/2/02 3:30pm
Subject: Quit and Fair Settlement
To: US Department of Justice
Re: Microsoft
Date: 1/02/02

This entire case has been a sham and a black eye on American justice, let alone the concept of free enterprise. When the courts attempt to solve business issues between competitors—without consideration of consumers—our country is in serious trouble.

I am a computer user since 1980—before Windows and PCs and before Microsoft solved the major obstacle to easier and user-friendly operation of personal computers. IBM was smart to incorporate it as a universal operating system. Microsoft later enhanced the value and benefits to users with Windows—and with Internet Explorer to mimic Windows. Why would a user not want these systems to be compatible and user-friendly?

If the Justice Department finds Microsoft guilty, will this mean that I can demand that Ford put a General Motors engine in my next car? Why can't I demand different raisins in my cereal? Yet, with Microsoft, the user always has the option to remove or change or ignore features or additions? I don't understand your reasoning?

Please explain to the public exactly what Microsoft did wrong. Other than enrage its competitors with its arrogant attitude, consumers have not been harmed. If arrogance is a crime, when will law suits be brought against attorneys, judges, and politicians?

No system has improved or challenged Windows or Internet Explorer as being better! Exactly how did Microsoft's harm consumers? Answer: Not at all

What prevented competitors from countering with better solutions? Answer: Nothing.

How did this evolve? Answer: Political influence and money.

Why are the state attorneys general making claims? Answer: Pure greed.

Historians will link this case to the start of the current recession. The ''terrorism'' within our justice system is a greater than any threat from outside of our nation. The only settlement that will do our country and consumers good is to throw this case out of court.

Sincerely,
Robert N. Deneen
Independent and private citizen, unaffiliated with any organization.
(I hope it is not now a crime to speak freely?)

MTC–00006559

From: heroldra@juno.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:32pm
Subject: Microsoft settlement

I strongly support the proposed settlement as is. Enough is enough. Too much money and resources have already been wasted on this ilconceived effort to stifle true competition in the marketplace. Litigation aids only trial attournies and seldom if ever benefits the buying public.

MTC–00006560

From: Joe Cerrato
To: Microsoft ATR
Date: 1/2/02 3:54pm
Subject: Microsoft Settlement

Alright already! Settle this case regarding Microsoft. Your efforts to prosecute this company for trying to do what business does, to wit: make money is getting ridiculous. Furthermore it has put a damper on the stock market. As Microsoft goes, so goes the market.

Joe Cerrato
Texarkana, Texas

MTC–00006561

From: Lewis Stepp
To: Microsoft ATR
Date: 1/2/02 3:29pm
Subject: Microsoft Settlement
2477 Fairgrove Court
Cincinnati, OH 45244
January 2, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse:

I am writing you to submit comments about the antitrust settlement against Microsoft (United States v. Microsoft Corp., Civil No. 98–1232) pursuant to the Tunney Act. I am a retired US citizen and a software user whose only links with Microsoft are 400 shares of stock in my IRA retirement account. Before retirement, I was an information technology consultant for Computer Sciences Corporation and Spherion Corporation.

I appreciate the excellent operating system and office software that Microsoft has created and how their products have contribution to jobs in the information technology sector and to increased efficiency throughout the business sector. Microsoft was not known as a monopolist when they introduced the Windows operating system. Indeed, they had some formidable competitors and they ''bet the company'' on development and marketing of an innovative new operating system and other office software. They won the market because they offered ''world class'' software at an affordable price with consumer benefits and features that no one else matched. For several years, I was a subscriber to the Microsoft Developer Network (MSDN) which, as a systems consultant, provided me with lower cost software and better training than was available from any other software vendor.

Microsoft customers and stockholders have been the beneficiaries of Microsoft's success. Microsoft competitors and some of their customers may have suffered, but that is the nature of our enterprise system. It is not something for which Microsoft should now be punished. Indeed, Microsoft is deserving of public respect for developing and providing a low cost ''standard'' operating system that has enabled large numbers of software developers to bring significant networking and productivity improvements to our lives and to our economy.

In a recent meeting of the Senate Judicial Committee, the court rulings were interpreted to say that Microsoft ''did in fact violate anti-trust laws and did hurt the market place''. It may be true that Microsoft was an ''overzealous competitor'' who, in a very competitive situation, did harm its competitors to an extent that violated some laws, but it is obvious to most software users

that they did not hurt the software market place. Indeed, Microsoft's development of an advanced and broadly accepted PC operating system brought swift changes to the software market and grew the market. The improvements that they brought to PC operating systems are remarkable compared to the much less friendly and text oriented PC operating systems previously introduced by IBM and others. As a result, almost everyone today is able to be a computer and software user.

Based on a misguided interpretation of the court rulings, a member of the Senate Judicial Committee stated that Microsoft actions resulted in the effective destruction of Netscape and Java. Yet Netscape was sold to AOL for billions of dollars and Java is still a popular programming language supported by many major vendors such as Borland and Sun. A version of the Netscape browser was always available for free. In its formation years, Netscape developed many competitors who also offered their products for free. Every operating system eventually included a free browser. It is reasonable for the court and public to question if there ever was a true browser market. The district judge in the Microsoft case said that there was no evidence that Java would be successful as an alternative ''platform'' to the Windows operating system. Indeed, time may prove that Java was a flawed concept. The prophecy of competitors should not be considered fact. The Judicial Committee questioned if the settlement was in the public interest. Certainly the public wants to see this case settled. The current district judge asked the parties to work night and day to reach a settlement. Mr. James, from the Justice department, has indicated that the settlement goes beyond the court rulings to include other restraints on Microsoft that would not prevail in a court decision since they were not considered in the trial. These include restraints on server operating systems for which Microsoft does not possess monopoly power. Only Microsoft competitors, not the public, want more.

The Justice Department and Microsoft have reached a fair settlement in this case. Microsoft needs to move forward and to continue serving its customers and stockholders. There is no justification for the courts to continue to investigate and punish Microsoft when there are other companies and market place problems that need greater attention in our legal system, such as the Enron debacle.

The court made a wise decision not to dismantle Microsoft. According to a recent Wall Street Journal article, the U.S. Postal Service revenues are more than those of Microsoft, McDonald's and Coca Cola combined. No one wants to dismantle the U.S. Postal Service simply because it operates as a monopoly or protects its monopoly. We need a universal standard operating system for our computers in much the same way that we need a universal standard mail service for our homes and business. I hope that this case can conclude without destruction of one of the most innovative and successful American companies. We only wish that the US Postal Service was equally innovative and efficient.

Sincerely,
Lewis Stepp
CC:senator—dewine_dewine.senate.gov@inetgw

MTC–00006562

From: Bgallusa@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:29pm
Subject: Microsoft Settlement

Dear Sirs:

In my opinion de current basically agreed settlement is already more harsh than Microsoft deserves. As a long term Microsoft customer I think that the computer industry would have been in a poor shape without their standardizing and market domination effort. All de main Microsoft competitors that lobbyed for this lawsuit had or have in their marketing strategy as the main goal to dominate the market. All have failed because of poor products, greed and poor marketing. Only Microsoft has delivered a good product for a rather low price and that's the main reason of their succes.

I like to request you to get this bad (for the development of the IT market) and painful (the enormous amounts for this legal case and the waste of time of all involved) situation resolved and to accept Microsoft's settlement.

Sincerely,
Ben Gall
900 Warrior Road
Malvern, PA 19355
tel. 610–889–0244

MTC–00006563

From: doczell@prodigy.net
To: microsoft.atr(a)usdoj.gov
Date: 1/2/02 3:32pm
Subject: Microsoft settlement

To: Department of Justice

Recommend that settlement be concluded with Microsoft Corp. in accordance with existing terms. This process has gone on long enough. Microsoft is one to the premier companies in the land and should be congratulated for their achievements rather that being condemned.It is in the public interest public interest to settle the litigation as soon as possible so that American can keep ''on rolling''.

MTC–00006564

From: TJohn66242@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:30pm
Subject: Settlemeant

The settlement is fair and prolonging it only helps trial lawyers and not the American people or U.S.A.

Sincerely,
John E. Traber

MTC–00006565

From: THIESENTO@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:32pm
Subject: Settlement

Gentlemen,

As a retired teacher I've been very interested in the progress of the trial and I believe the settlement which has been reached will benefit all the children of the United States. I hope that you agree and bring this trial to a speedy and equitable solution.

Sincerely,
Tom Thiesen

MTC–00006566

From: Glenord77@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:32pm
Subject: Microsoft Settlement

As a consumer of computers and computer softwear, I wish to comment on the Microsoft issue. I have never had any problem obtaining the computer or softwear that I wished to purchase. Regardless of brand name, I have had no problem buying the products that best serve my purposes in the computer field.

I suggest to anyone who does have difficulties in this area to shop around a bit and he/she will readily find the product needed to do the best job for them.

I strongly believe that 99.99% of the alledged problems with Microsoft is politically and financially motivated rather than a problem with the marketing of a product itself. Therefore, in my opinion, settlement hearing is unnecessary and the whole case should be dismissed so that everyone can get back to the business of making better things for us consumers to buy.

Stop wasting our money and enriching the lawyer hawks hovering about this issue.

Ed Arnold
2820 Boulder Ave.
Billings Mt 59102

MTC–00006567

From: James Scheil
To: Microsoft ATR
Date: 1/2/02 3:30pm
Subject: Settlement

Please settle the Microsoft case as is and as soon as possible.

Thank You,
Ken & Charline Scheil

MTC–00006568

From: ELCEL@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:30pm
Subject: (no subject)

I am in favor of Microsoft in the settlement. Why stand in the way of innovation and creativity. Other companies have the same opportunity as Microsoft—why should they be penalized?

MTC–00006569

From: rketover1@juno.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:30pm
Subject: Microsoft Settlement

I belive the settlement currently on the table is fair and reasonable to all parties. While no one will walk away ''pain free'', the settlement should be accepted by the the invovled litigants.

Richard Ketover
Boca Raton, FL

MTC–00006570

From: Jim Rejzek
To: Microsoft ATR
Date: 1/2/02 3:35pm
Subject: Microsoft Setlement

To whom it may concern,

It is time to close this litigation against Microsoft. The settlement reached appears

fair, although I have concerns as to why the government would even take on Microsoft to begin with, but that is now another story. The events of 9 11 should put this case into perspective as to where our interests (the peoples) and efforts should lay. Thank you.

J.G.Rejzek
San Antonio

MTC–00006571

From: Bob Ballard
To: Microsoft ATR
Date: 1/2/02 3:34pm
Subject: Microsoft Settlement

It's time to stop this constant pounding of Microsoft. This is my first appeal to the government to conclude it's participation in a troubling national debate about one of the most successful technologies we Americans lead the world with Microsoft, IBM and many other USA companies. I'm a Microsoft home user after retiring from forty years and many different companies in the computer industry. I never worked for Microsoft, but I've been a user of their software in business and at home for twenty years.

Sure it's been tough migrating Microsoft Operating Systems through the years, but it's been tough with IBM also. I was with a computer company which was a direct competitor of IBM in the 1960's. After all the complaining, litigations and negative national attention IBM came out on top. I never worked for IBM either, but they succeeded because they served their customers well with the best products and services money can buy and they are still the world leader. Good for us Americans. As far as us Microsoft's customers like me who just bought a new Dell PC and laptop with Microsoft's new XP Home OS preinstalled, we're on a ''roll'' with Microsoft and many other company products which came with my new PC purchases. Good for us Americans again.

Bob Ballard

MTC–00006572

From: Fred Boyd
To: Microsoft ATR
Date: 1/2/02 3:31pm
Subject: Microsoft Settlement

To Whom it May Concern:

I wish to express my support for the proposed settlement agreement in the Microsoft case. Prompt resolution of this case is in the best interest of the consumers of Microsoft products.

Fred Boyd

MTC–00006573

From: DOWGUY99@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:34pm
Subject: Microsoft Settlement

Dear Sir:

I think the Microsoft suit should be settled asap. It has gone on long enough. Fine the company for past actions and lets get this behind us. The current recession, war, and mass layoffs are clear indicators that the government needs to take every action possible to help get the economy moving again. A quick settlement would be good for the economy and the stock market.

CC:upham@us.ibm.com@inetgw

MTC–00006574

From: Mike Fisher
To: Microsoft ATR
Date: 1/2/02 3:34pm
Subject: Microsoft Settlement

To whom it may concern,

Just who has Microsoft harmed? Certainly not the personal computer using public. Microsoft is the guiding software operating system that enabled the affordable personal computer worldwide to even exist. I believe the Anti-trust case that was brought by the Justice Depart- ment during the Clinton Administration that was influenced by Microsoft competitors close to Bill Clinton who was repaying campaign contributors. And at the same time ''shaking down'' Microsoft for donations.

This should never happen in the United States.

Regards,
Mike Fisher
P.O. Box 216395
Sacramento, CA 95821

MTC–00006575

From: Gwd96@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:34pm
Subject: Mirosoft Settlement

I have been asked to voice my opinion on the above subject.....

I guess I don't understand why our government (the DOJ) wants to stick their nose into a company that is not only one of the most successful in the history of business but also a company whose products and services have changed the world—FOR THE BETTER!

Why doesn't the DOJ go out and locate all the drug dealers, murderers and other criminals in the US and stay out of the way of innovative companies like Mircosoft!

MTC–00006576

From: jim pauline
To: Microsoft ATR
Date: 1/2/02 2:41pm
Subject: Microsoft Settlement

Come on, enough is enough. The states think they can get another win fall like they did with tabaco, but let's face it, mMicrosoft has done more for the economy in the last 10 years than any other american company. Let's get the settlement over.

Thank You,
jim pauline

MTC–00006577

From: joseph bria
To: Microsoft ATR
Date: 1/2/02 3:34pm
Subject: microsoft settlement

Enough is Enough. I dont believe the Market would have held up the way it did if it not were for Microsolf. This settlement is more then fair and should be settled as soon as possible.

MTC–00006578

From: Turnbull
To: Microsoft ATR
Date: 1/2/02 3:33pm
Subject: Microsoft Settlement

Please settle this case! Further legal battles are helping only the attorneys and doing nothing for the consumer and costing the taxpayers money. SETTLE!!!

D. L. Turnbull

MTC–00006579

From: Don (038) Mary Felice
To: Microsoft ATR
Date: 1/2/02 3:35pm
Subject: Microsoft Settlement

I am a recently retired Software Engineer who has been in the computer industry since 1960. I am amazed at the fact that the government has continued with this suit against Microsoft. MS has not harmed users. Competitors have a problem with MS because they have not built ''a better mousetrap''. MS has introduced standards that make the user's life so much easier. Does anyone remember how difficult it was to install a product pre MS? MS came from behind with a Word Processor and then made better innovations so that they outstripped WordPerfect just as WordPerfect had outstripped Word Star previously. This is the American way. MS did not have the first Internet Browser but they built a better product. Why are they being penalized for that? Can you even begin to calculate how the economy has advanced because of MS? Can you even begin to calculate how many new jobs there in the entire computer industry because of MS. Would there be such a proliferation of PCs in homes and offices if MS had not been in the game.

The government's job is to protect consumers not competitors. Let Sun, AOL and they rest of them make a better product. Then they will not have to worry about MS. It should not be the government's job to help the competition.

Mary Felice
mrif44@peganet.com

MTC–00006580

From: WendReil@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:36pm
Subject: Microsoft Settlement

I wish to express my belief that the Justice Department should allow Microsoft to proceed with the settlement as currently arranged. Capitalism depends upon the government intervening as little as possible in the affairs of American business, it needs to protect workers, the environment and our nation. These are not the issues with the settlement. The settlement should proceed. American businesses should be encouraged to innovate.

I have no affiliation to Microsoft.

Thank you,
Wendy Reilly
wendreil@aol.com

MTC–00006581

From: Sean Butler-Lee
To: Microsoft ATR
Date: 1/2/02 3:36pm
Subject: Microsoft Settlement

Dear sir/madam,

I'm contacting you to express my opinion on the proposed settlement relating to the ongoing antitrust case against Microsoft.

I feel that the proposed settlement is both fair and just, and allows Microsoft to continue to drive the computing market forward into new technologies without

restricting OEM partners and suchlike to limiting and excessive licensing contracts. It also allows third-party developers the opportunity to create products with extensive interaction with the Windows operating system and the functionality of said, without having to work out for themselves the complex and confusing code structures of the protocols and standards employed by Windows. It also avoids forcing Microsoft into a situation where they are no longer able to develop products which integrate fully with Windows by giving the end user full control over what they install, together with allowing the end user to disable any functionality which they find unnecessary or excessive.

In all, I feel this settlement is fair to both parties concerned.

Yours faithfully,
Sean Butler-Lee

MTC–00006582

From: Ed Hepner
To: Microsoft ATR
Date: 1/2/02 3:37pm
Subject: Microsoft dragging on litigation

Please wind up this misidrected anti-trust lawsuit against Microsoft. The consumer has benefitted from Microsoft Innovation through lower prices and greater choices. I am one of them.

Ed Hepner,
Newport Beach, California

MTC–00006583

From: CAROL J. TODD
To: Microsoft ATR
Date: 1/2/02 3:35pm
Subject: Microsoft Troubles

Just get over it. Let Microsoft alone. The government has greater worries now.

Carol Todd
cjtodd@juno.com

MTC–00006584

From: Michel Laureano
To: Microsoft ATR
Date: 1/2/02 3:36pm
Subject: Microsoft Settlement

Yo he cre?do en la tecnolog?a de Microsoft, sus productos me han brindado trabajo, conocimientos, superaci?n profesional y personal; A mi familia y a mi sociedad le hacen falta compa??as como Microsoft, en todo el mundo es un ejemplo de alta calidad.

A nuestras escuelas, estudiantes y empresas las ha apoyado.

Es el momento de apoyar y ayudar para que Microsoft Corporation sea la Compa??a de todos en el mundo entero.

Si otras compa??as siguen el ejemplo de mi familia y mi sociedad que son apoyados por las tecnolog?as de Microsoft Corporation, entonces tendremos un mundo diferente e inteligente.

Gracias.
Atentamente,
Michel Hamlet Laureano Luna
Ciudad de Mĭ≤xico, Mĭ≤xico.
Tel. 52763819

MTC–00006585

From: Jack Ray
To: Microsoft ATR
Date: 1/2/02 3:33pm
Subject: Microsoft Settlement

Gentlemen and Ladies of Congress.

Enough is enough is enough.

The settlement that has been rendered between all parties, except for a few states, is fair and reasonable.

When the Justice Department got the Judicial System to impose penalties on Microsoft, it commenced the recession that the country is now experiencing. It provided and changed the ''wheels of justice'' to what has become a ''vindictive wheel of destruction''. This event coupled with the simultaneous actions of Mr. Greenspan raising the economies interest rates at the same time to head off an ''Imaginary Inflation Rate''. He said he was doing this so the country's economy will come in for a ''So Called Soft Landing'', however created the ''window of destruction'' for the economy, jobs for people, and havoc among Americans whose life savings disappeared and industries laying off hundreds of thousands of people.

What a Christmas present the American People got as the country moved into the CY2000, still continued into CY 2001, and it is still upon us in CY 2002. Partisan elected people of Congress are not affected but the lower and middle class of Americans are suffering while you are bickering. I recommend the punishment stop against Microsoft and be initiated against the oil companies who manage to control monopolize and control gas and diesel prices at the pumps every time a middle eastern country burps.

Now that is Monopolistic. Settle this case and let us get the country back on the road of innovation Freedom without corruption. The American People can make their choice at the ballot box or at the Cash Registers. Get people back to work or the economy is going to ''tank''.

Jack Ray
hawkmsl@earthlink.net
Huntsville Alabama

MTC–00006586

From: Michael Shaw
To: Microsoft ATR
Date: 1/2/02 3:35pm
Subject: Microsoft Settlement

To Whom it may concern:

When one hears politicians speak of 'public interest' one wonders whether or not we are speaking of the same 'public.' It seems that some regard the only public as those who reside in the government supplied housing within the beltways. Another view is that the 'interest' means the money paid on principal...or in the case of many in Congress, the money paid for 'principle.'

Regardless, the continued barrage of litigation directed toward Microsoft is an affront to me and anyone who has really thought this issue through. Microsoft has done more to propel the economy of the USA than any company in history. The fact that Mr. Gate, et al, have built a better mousetrap and that the PEOPLE of the USA buy their product as opposed to other products, is part of what we like to think is the 'Free Enterprise System.'

Please stop spending our tax dollars on a process penalizing a company for excellence and achievement.

By the way, I don't own any stock in Microsoft, I am not employed by Microsoft, nor have I ever received any monetary benefit from Microsoft. But like millions of people Worldwide, I have benefited from their products immeasurably and I am grateful for their continued dedication on the cutting edge of our collective futures. Keep up the great work Microsoft.

Respectfully
Michael Shaw
mshaw6@gte.net

MTC–00006587

From: Sandi Boston
To: Microsoft ATR
Date: 1/2/02 3:37pm
Subject: Settle with Microsoft

Please settle with Microsoft so we have no more litigation. I think the economy has been hurt enough by the DOJ's suit against Microsoft. Enough is enough....

Sandra M. Boston
A registered voter from Ohio

MTC–00006588

From: Buecheler, Eric
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 3:38pm
Subject: Microsoft Settlement

Enough is enough....Get on with the settlement—the last thing we at this time in our country's history is to prolong this case any longer. Get it over with and start focusing on all the other problems this country has since Sept 11.

Thank you
Eric Buecheler
Navigation Technologies
408–617–5059

MTC–00006589

From: JWongCCIM@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:37pm
Subject: Microsoft Settlement

Dear Sir:

The proposed settlement with Microsoft is fair and should be accepted. It is time for America and the software-tech industry to get back to business.

Thank you.
Jason Wong, CCIM
Crestline Properties, L.C.
3441 E. Speedway Blvd.
Tucson, AZ 85716
520–326–3151 Telephone
520–795–3411 Fax

MTC–00006590

From: Cole Rowland
To: Microsoft ATR
Date: 1/2/02 3:38pm
Subject: Microsoft settlement

I urge you approve the proposed settlement of the Microsoft case. I am an individual who uses Microsoft products and while they occasionally have a bug, I think that the company does a fine job. In this very uncertain economic time, it is very important to settle this case and allow one of the few strong companies in the computer industry to get on with its business.

Cole Rowland
711 Mariner
Austin, TX 78734

MTC–00006591

From: Earl Faylor
To: Microsoft ATR
Date: 1/2/02 3:38pm
Subject: Microsoft Settlement

It is my very strong opinion that the Microsoft case has had very little to do with the consumer. The consumer has enjoyed the wonderful accomplishments and innovations from Microsoft, and the computing world owes this company a great deal of thanks and praise. I want this to be settled now; I want this to end now; I want Microsoft to be free to continue developing all of its products because it is a great benefit to me, the consumer. I have not been harmed; I have benefitted greatly. Microsoft's competitors are the problem. They have cried and whined to every politician that would listen, and it is time for that to stop. Please leave this amazing company alone. Yes, place your curbs and restrictions on them, and then let them do what they do best. Get them out of court and back into the laboratory of research and development.

Competitors may have been harmed because they lost the competition for certain products. That is the nature of competition. Some win and some lose. The consumer has not been hurt by Microsoft; the consumer has been hurt by the anti-trust proceedings. Stop, stop, stop. I want to think about computing and the next steps that Microsoft will lead us to take for the best interests of computing. I do not want to think about the next sour grapes complaint by the competition. The sour grapes is because Microsoft is better at competing and producing great products. This is not to be regulated by the government. This is regulated by me the consumer that buys the better products. This is the regulation that governs business, and it works if everyone simply continues competing. I have been buying the better products, and that is what I will keep doing. I am the consumer, and I have not been hurt. Let me repeat this one final time: I am the consumer and I have not been hurt.

Yours truly,
Earl Faylor
4604 South 170th Street
SeaTac, WA 98188
206–248–8870

MTC–00006592

From: Paul Fieberg
To: Microsoft ATR
Date: 1/2/02 3:41pm
Subject: Microsoft Settlement

Please stop wasting our money and your credibility by continuing to attack a profitable company that provides jobs, useful technology and makes a meaningful difference in the way we live. Haven't you been listening to what the people want? Move on to the important things, please.

Continued Success,
Paul H. Fieberg

MTC–00006593

From: MOLITUO@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:40pm
Subject: Microsoft Settlement

Dear DOJ:

I want to say so much, perhaps too much! Instead I shall offer a number of sentences, keeping them as brief as possible:

(1) As a consumer, I want all manufacturers of the products I purchase to enjoy the freedom to make those products better for me, without the jeopardy of Big Brother Interference!

(2) As a reader of multiple articles on this endless government harassment of Microsoft, I have concluded simply that a number of companies [all of whom share some specific monopolistic piece of the pie] turned to Government Officials to hamper and hammer Microsoft when this cadre of companies decided they could not defeat Microsoft in a marketplace controlled by the long-standing principles of the American Economic System! Like a child who decides not to slug it out with his nasty classmate; but to go home to summon his ''big'' brother to do the fighting for him!

(3) As a past student of some psychology courses, I think that Jealousy has had too much to do with this legal pursuit of a premier company. The multibillionaires in control of the ''offended corporations'' are envious of the astounding success of the richest! Even the Federal and State Governments fall prey to the venom of jealousy seeing what a well-organized and truly innovative Corporation can achieve; while these governmental entities prove largely feckless to their tasks and reckless with taxpayers' money in the process!

(4) In view of Judge Jackson's relentless pursuit of Microsoft and his self-declared antagonism for its officers, it bedazzles me that the Court of Appeals would uphold his Findings as unprejudiced and valid! The fact that he may have declared his belligerence toward Microsoft only subsequent to Court Proceedings cannot distract a thoughtful individual from the fact that those belligerent statements revealed his mindset and opinion throughout the entire course of this legal saga!

(5) By upholding the Jackson Findings, the Court of Appeals covered the ''behind'' of the Judiciary System; but, in its attempt to protect the Honor of that System, it failed to do true Justice! Could the Judges not see -or did they see but pretend not to see- that hostile statements made by Judges against Principals in their Courts display for the world not a ''new prejudice'' against a defendant just now judged to be guilty? Simple chronology cannot be invoked to defend a long-standing, vindictive attitude and mindset that dishonor the very Judiciary System the Court of Appeals tried so hard to protect. Despite obvious partiality on the part of the Trial Judge -obvious at least to ordinary laypeople—virtually all his condemnatory Findings were upheld!

(6) The slap on Judge Jackson's hand did not achieve Justice! The Jackson Findings were mortally flawed through and through by the prejudices of a judge who is paid to be unprejudiced! The rejection of a split-up of Microsoft as a remedy was too obvious, really, even to have taken up the Appeal Court's time! Judge Jackson had wrongly escalated his proceedings far beyond the scope of the suit itself. As a matter of fact, the essence of the case against Microsoft, ie. the bundling, was found by the Court of Appeals in Microsoft's favor! How can a man accused of murder be declared guilty of murder if he is shown to be an adulterer? How can a company accused of illegal bundling -and the finding of illegal bundling is subsequently overruled- be required to pay damages because it had bad business manners?

(7) We are faced now with a New World of Commerce! Competition is no longer valued as the arbiter of corporate success or failure. Now Government and the Judiciary are to be given carte-blanche to police and to punish those corporations that have the temerity to be TOO SUCCESSFUL FOR THEIR COMPETITORS' LIKING!

Thank you.
Nicholas S. Molinari
31 Whitman Street
Brick, NJ 08724–2448
732–458–8485
molituo@aol.com

MTC–00006594

From: jpagency
To: Microsoft ATR
Date: 1/2/02 3:40pm
Subject: Microsoft Settlement

Enough is enough, accept the settlement and let us all get along with our jobs and businesses. Frankly, without Microsoft we could not run our business.

Thank you.
Joel Polin

MTC–00006595

From: AndyLolos1@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:40pm
Subject: (no subject)

I think that the settlement is more than enough, when really no harm was done to the consumers.

Andy Lolos

MTC–00006596

From: Pat Huber
To: Microsoft ATR
Date: 1/2/02 3:38pm
Subject: microsoft settlement

i believe we should resolve this debate by accepting this settlement and moving forward. too many people, including political leaders, are spending way too much time rehashing these issues. let's mvoe forward, and start trying to resolve more important issues, such as tax reduction stimulus package, finding bin laden and friends, and reviving the economy.

sincerely,
pat huber

MTC–00006597

From: GSta227586@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:42pm
Subject: Microsoft Settlement

Settle case now and stop the wasting of any more money....

Gordon Stanley

MTC–00006598

From: TERRY READER
To: Microsoft ATR
Date: 1/2/02 3:43pm
Subject: Stop the Lawyer's extortion Salary

DOJ,

It' time to put the Microsoft suit to bed. This is another one of the '' make Lawyers rich schemes'' with no real justification for punishing a solid company that produces a product that people want and competitors are not able to compete with technically or in the open market. Call a halt to this stupid suit. Save me money, I'm tired of seeing my hard earned tax money going to some greedy lawyer.

Charles T. Reader, Jr.
Scottsdale, Arizona
480–951–3267

MTC–00006599

From: SuKramer@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:42pm
Subject: Microsoft Settlement

I feel that it is vital that the Microsoft settlement is in the public interest and continued litigation is not only extravagant but only in the interest in some competitors. Microsoft has been instrumental in leading the world into the future. Let them continue to lead us there.

Delores S. Kramer

MTC–00006600

From: melvin johnson
To: Microsoft ATR
Date: 1/2/02 3:43pm
Subject: settlement

i think the settlement is fine. keep the gov. out of company affairs.

thank you
melvin

MTC–00006601

From: Mandy Aguilar
To: Microsoft ATR
Date: 1/2/02 3:33pm
Subject: Microsoft Settlement.

To whom it may concern:

I'm for the settlement.

Thanks,
Armando Aguilar

MTC–00006602

From: HalTwotubbs@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:43pm
Subject: microsoftsettlement

let them alone. msft has done more to simplify doing business on the pc than any other tech co. could ever dream possible. A lot of sore losermen here just looking to gore people to perhaps make the cliton adm. look like they did something worthwhile. damn i think i mispelled clinton. o well

MTC–00006603

From: Jim (038) Diana Brager
To: Microsoft ATR
Date: 1/2/02 3:44pm
Subject: Microsoft Settlement

DOJ:

The time has come to end the case against Microsoft. I have been using Microsoft products for years now, and for the life of me, I can not see one single area where I, as a consumer, have been injured by the practices undertaken by Microsoft over the many years. Your suit leaders say I have been, but you are WRONG! Microsoft has met the needs I have had when it comes to all of their products. From games to business software products.

Further more, it is so obvious that the national economy went into the tank at the exact time the DOJ undertook the case against Microsoft, on behalf of Microsoft's competitors. This economy must be allowed to go forward, and DOJ's repeated attempts to harm Microsoft must end.

DOJ's Clinton era antics of helping AOL, et al, should have ended when Clinton left office. Cease the case and let's get back to allowing the American people get back to what's important .... moving forward!

James Brager
6502 W Wahalla Ln
Glendale, AZ 85308

MTC–00006604

From: GStier@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:44pm
Subject: Microsoft Settlement

Dear DOJ:

I would like you to settle this lawsuit now. NO MORE ONGOING LITIGATION. Lets move on.

Gary S

MTC–00006605

From: TREAGE1@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:44pm
Subject: Microsoft Settlement

I support the settlement reached between the Fed. Government and Microsoft. We should not be subject to a group of competitors who haven't been able to come up with a better operating system, or we'd be using it. Tearing down the strong for improvement of the weak is not the right direction.

At the same time I support the settlement, I don't want to be denied the use of a superior software product to that of Microsoft. If that means a ruling, or law, requiring openness by Microsoft to their codes, so be it. If Microsoft, at some future date, has violated this openness, that is the time to put their feet to the fire, by order, after hearings and findings that don't drag out forever. We need to have the greatest flexibility in using our computers to enhance communications and knowledge.

Thomas R. Eggert

MTC–00006606

From: JHill47733@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:45pm
Subject: (no subject)

Please settle the Microsoft case now as agreed to. Thanks for your attention to this.

Jack Hill
phone 262–827–0206.

MTC–00006607

From: JCWJHW@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:46pm
Subject: Microsoft Settlement

Dear Justice Dept.,

This litigation with you and Microsoft has gone a way too long and it's time to settle and move on as our country suffers economically. You cannot allow a few GREEDY companies and some states to drag this case only to benefit them. I believe the settlement for Microsoft to help with our kids education is the best option. Please settle this and move on. I am tired of hearing this case and paying my tax dollars for it. Our country needs to move on!

Sincerely,
Joy Ward

MTC–00006608

From: Ntreonis@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:45pm
Subject: Microsoft settlement

A final settlement and putting and end to the ongoing litigation should be done as soon as possible.....

Nathalie Treonis

MTC–00006609

From: bleak
To: Microsoft ATR
Date: 1/2/02 3:45pm
Subject: microsoft settlement

Ok, enough is enough. I am retired off of MSFT stock not gvt. welfare. Lets get this state and federal suit over with. Look at what this has done to the economy.

Robert L. Bleakley

MTC–00006610

From: FAN1957
To: Microsoft ATR
Date: 1/2/02 3:44pm
Subject: Microsoft settlement

I am sending this email to voice my opinion concerning the lawsuit against the Microsoft company. I think that is high time that this suit be settled in a fair way. Certainly our Justice Dept and all the states which are climbing aboard this frivols lawsuit have a better way of spending their time. This is costing our Country way too much of the taxpayers money and should have been settled many months ago. Stop wasting more and more of my tax dollars. There are certainly more deserving criminals out there where you should be spending more of your time.

MTC–00006611

From: Ed Lehan
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 3:33pm
Subject: Microsoft Settlement

Dear Department of Justice,

I feel that it is important to get the Microsoft litigation behind us here in the USA. I for one want the proposed settlement to be accepted so that progress will not be stymied any longer. It is in our best interest to begin focusing on growth and not on the interests of a small group in penalizing success.

Thank you for your consideration of my opinion.

Sincerely,
Ed

Edward A. Lehan, Jr., CLU, ChFC
Executive Vice President and Profit Center Manager
Brown & Brown of Connecticut, Inc.
Tel. No. 860 665 8402
Fax. No. 860 667 6560
E-mail elehan@bbhartford.com

MTC–00006612

From: Galehnhard@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:45pm
Subject: microsoft settlement

I am in total agreement with the Microsoft Settlement I feel it is now time to accept things as they are and get down to business. Enough of the courts, lawyers and arguments.

George Lehnhard
galehnhard@aol.com

MTC–00006613

From: VETTE8693@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:45pm
Subject: Microsoft

Dear Sir's;

If it hadn't been for microsoft I wouldn't be a computer user.

John C. Meskimen
2221 University St.
Gautier Miss 39 39553

MTC–00006614

From: Paul W. Ogle
To: Microsoft ATR
Date: 1/2/02 3:46pm
Subject: Proposed Settlement

I wish to comment on the proposed Microsoft Settlement.

I have been involved in computer technology all my adult life. I wrote my first computer program in 1963, and subsequently started two successful computer ''OEM'' companies. Now I am retired, but I still maintain daily interest in the industry.

I believe strongly that the proposed settlement should be adopted by the court. It is a fair, balanced and forward-looking solution to the myriad of issues that have been explored by the lawsuits. Further, it seems clear to me that those who seek to obstruct this settlement have competitive or other special interests that drive their actions, and they do not, at all, seek the broad best interest.

The parties have agreed. I urge the Court to accept their agreement.

Sincerely,
Paul Ogle
13445 South Baird Road,
Conifer, CO 80433

MTC–00006615

From: Curtis E. Granberry
To: Microsoft ATR
Date: 1/2/02 3:46pm
Subject: Microsoft Settlement

It is time to settle this dispute and quit feeding the trial attorneys. Accept this settlement and get on with more important business.

MTC–00006616

From: Shiaw Su
To: Microsoft ATR
Date: 1/2/02 3:46pm
Subject: Microsoft Settlement

As a taxpayer and citizen, I want to express my strongest displeasure and disappointment of State government effort in trying to destroy the MOST SUCCESSFUL company in the world. Microsoft is the envy of the high-tech industry, especially in the software area, worldwide. The existence of Microsoft in the last 26 years is the reason that USA is able to maintain its superior competitive age in the high-tech industry of world market.

In any country, a company like Microsoft would be treated as national symbol that every citizen can be proud of. According to the public polls, majority of citizens like me, opposes the government action which is abusing the public trust and wasting the taxpayer money. I am very disturbed and puzzled by the actions taken by some State Attorney Generals. The only conclusion I can make is either those Attorney Generals are very naive and don't understand the latest fast-moving new technology at all, or they are simply pursuing a political solution for special interest groups. However, they should be reminded that their actions may be AGAINST OUR NATIONAL INTERESTS and only benefiting the special interest groups.

Please also pay a special attention to any potentially adverse impact to our overall national economy if their ill-advised plans are ever taken place. Thanks for your listening.

Sincerely yours,
Shiaw Y. Su

MTC–00006617

From: Mark Dale
To: Microsoft ATR
Date: 1/2/02 3:46pm
Subject: Re: Microsoft Litigation

To whom it may concern:

Leave Microsoft intact. The present economic conditions do not merit discipline at this time.

Warm Regards,
Mark

MTC–00006618

From: Dave Conger
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 3:47pm
Subject: Microsoft Settlement

I would like to voice my support for the decision to settle the Microsoft anti-trust case. To litigate the issue further, in my opinion, only benefits Microsoft's competitors...not the public as a whole. Further litigation will only add to the economic uncertainty of the technology sector and please the leadership of the companies that are lobbying so aggressively against the Microsoft settlement.

I have been amazed at the power that Microsoft's competitors seem to have over the state Attorney's General. I honestly believe this has been an abuse of our legal system by these companies that are simply trying to get a competitive edge over Microsoft. As a member of the information technology profession, I feel I have some credibility on the subject. While Microsoft certainly has some quirks and problems with some of their products, they have still done more for the growth of technology in our country than any other company, without question. The tools they provide to professionals like myself, for a fraction of the cost that is demanded by their competitors, help professionals to move their employers forward technologically. Microsoft provides many resources, tools, and libraries of technical information for free or at a minimal cost. For example, their database and email servers are priced lower than the competition, and under most circumstances outperform the competition's products. Microsoft has succeeded because they provide good products at prices the public can afford.

Please don't listen to the relentless efforts of Microsoft's competition to prolong litigation on the anti-trust case. They are simply out to destroy Microsoft to benefit themselves financially. If the DOJ wants to protect consumers, focus on correcting any wrongs Microsoft has made, and let the free market (not the court room) determine which company has the best products.

Regards,
Dave Conger
13720 117th Ave NE
Kirkland, WA 98034
425–821–3250

MTC–00006619

From: George C. Tunis III
To: Microsoft ATR
Date: 1/2/02 3:47pm
Subject: Microsoft case

This email is to communicate my opinion on the Microsoft case. I am a small business owner that, simply put, could not exist without the products Microsoft makes. I love the fact that the products are well integrated and all work together. I don't have a systems department, so I rely on the seamless integration of the Microsoft products to get me through.

I was appalled by the governments action to try to break up Microsoft. The products are great and getting better, and they work. For what you get, the idea that somehow you could get more for less is ridiculous. I buy plenty of non Microsoft software and what I have found is that the average price of a ''function'' is about $149. If you broke up Microsoft, and then made me buy all the functionality from other vendors....my cost would be like $2000 as compared to the low price for the integrated products from Microsoft. From my view point, all the government has done is to try to reduce what I get from Microsoft....which only hurts me.

Please just leave well enough alone. Our nation needs to pull together, stop the stupid bickering and get on with business. Please settle the case ASAP and get to more important matters. From My perspective Microsoft is doing a great job at a fair price....believe me when I feel ''harmed'' I will let you know.

George C. Tunis III
Tunis Works, LLC
5711 Waterside dr.
Berlin, MD 21811
voice (410) 641 1601
fax (410) 641 1983
tunisworks@msn.com

MTC–00006620

From: BUZZ WHITTLE
To: Microsoft ATR
Date: 1/2/02 3:47pm
Subject: Leave this alone.

Competition has removed the need for any more action against Microsoft. Everyone should get over it and move on. Any move at this time to ''change the world'' will only cause problems in the computer world. I

cannot imagine the world without a complete Microsoft

MTC–00006621

From: Lynn Lockler
To: Microsoft ATR
Date: 1/2/02 3:48pm
Subject: Microsoft Settlement

I am in favor of the proposed settlement. I also believe the remaining stated should accept the settlement agreed to by the US Department of Justice and the other states.

L. S. Lockler
4729 Redstart
Houston, TX 77035

MTC–00006622

From: John Dominick
To: Microsoft ATR
Date: 1/2/02 3:48pm
Subject: settlement

Settle this matter and let the economy start moving forward again.

MTC–00006623

From: Yosh Shimono
To: Microsoft ATR
Date: 1/2/02 3:49pm
Subject: Microsoft Settlement

To whom this may concern:

This is stupid! At a time when the nation has suffered the worst homeland attack of its existence; when the economy has seen the largest monetary decline in history; and when ALL Americans, including corporate America, should be thinking of how they can contribute to the mediation of this crisis; we find only the individual ''small citizen'' actually doing something positive in that regard. Corporate America, local government, including those who run them, and those who owe their wealth to the ''small citizen'', are thinking only of how to benefit themselves from this crisis regardless of the cost to the common citizenry. One such mercenary scavenging crime is in regards to the Microsoft Settlement. Let the settlement stand! Let us go forward with all diligence and put all our energies on recovery, and prove to the world that we are not the Great Ogre that seems to be the consensus in third world nations, but rather the best nation that humanity has ever produced!

Yosh Shimono
Small citizen

MTC–00006624

From: Avers, Christine E.
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 3:49pm
Subject: Microsoft Settlement.

Enough is enough! I want to see this over with. Microsoft has been a positive force not only in our economy but also in innovation and exploitation of computer usage and the internet. The company has given much to it's employees and this country. Let's not destroy that! Let's not destroy the potential for better things to come as a result of the settlement.

Chris Avers
Supply Planning Manager
Specialty Panels
(770) 221–2568
ceavers@gapac.com

MTC–00006625

From: HDubrow@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:49pm
Subject: States not agreeing with settlement

Don't like the result? Sue again. This seems to be the attitude of the states not willing to go along with the settlement accepted by the DOJ and the remainder of the states. I suspect that most of the public is just tired of hearing about this lawsuit and the way it has progressed. Let it be over and have microsoft contribute to the education of children in the computer age as agreed.

MTC–00006626

From: Doug Brown
To: Microsoft ATR
Date: 1/2/02 3:44pm
Subject: Microsoft Settlement

This has gone on long enough! Please get this settled for once and for all. It is time for all of us to get on with the rest of our lives. I believe that the agreed upon settlement is fair and just and should be implemented ASAP.

MTC–00006627

From: GEORGE PORZUC
To: Microsoft ATR
Date: 1/2/02 3:50pm
Subject: Microsoft Settlement comment

To whom it may concern,

The settlement with Microsoft is in the public interest. The American economy needs this settlement. (It should not have been brought in the first place) We do not need more litigation. This would only stifles innovation.

Please don???t let special interests defeat the public interest.

Sincerely,
George Porzuc
5951 Price Road
Milford, Ohio 45150
CC:MSFIN@Microsoft.com@inetgw

MTC–00006628

From: Doug Brown
To: Microsoft ATR
Date: 1/2/02 3:47pm
Subject: Microsoft Settlement

Settle it now! Lest get on with the rest of our lives.

MTC–00006629

From: John Fris
To: Microsoft ATR
Date: 1/2/02 3:50pm
Subject: Microsoft Settlement

My comments regarding the Microsoft settlement go against having had to settle anything to begin with. I still feel that this whole case was put forward by unhappy competitors who should have put their time and effort into coming out with new and improved products. If anyone looks at Microsoft's track record of innovation, it is hard to believe that there could be many gripes about pricing or unfair competition. In my business and virtually all others, innovation and pricing are what put companies on top. To limit this natural occurance would make no sense. Please don't give in to unhappy competitors in this or any other case and stop the American free enterprise system. Thank you.

John Fris
Fris Office Outfitters, Inc.
616–396–2341

MTC–00006630

From: Carnes Chapin P GS-13 AFOTEC/TSS
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 3:47pm
Subject: Microsoft Settlement

Settle the case now. Stop listening to the competitors who are unable to win in the market place and therefore want the government to protect them. No marketplace is as open as the software marketplace—as witnessed by the fact that the consumer is paying less every year for products that continually improve. Only a bureaucrat who has no concept of how business works would believe that Microsoft has a monopoly in the software marketplace.

Patrick Carnes
Software Consumer

MTC–00006631

From: BDAYCPA@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:52pm
Subject: Microsoft settlement

Dear Justice Department,

I highly recomend that you settle the Microsoft case as was propsed several months ago.

As the economy has changed, the technology field evolves, palm pilots and digital phones prices are very alluring, there is ample competititors to Palm Pilot.

Look no further than what happened to the Office Depot & Staples merger that the government said would reduce competition. Office Depot is only a portion of it's old self, Office Max is teetering on bankruptcy, and the market value of all three have decreased by billions of dollars!

Let the market determine who they prefer.

Please quickly settle this matter and let's move on.

Sincerely
Brian Day

MTC–00006632

From: wimlang
To: Microsoft ATR
Date: 1/2/02 3:52pm
Subject: Microsoft Settlement

Please settle the case as planned and do not allow AOL, Sun Microsystems and Oracle to throw up more dust. Fair is fair.

W.G Langenberg.

MTC–00006633

From: lekasper@att.net@inetgw
To: Microsoft ATR
Date: 1/2/02 3:52pm
Subject: MICROSOFT SETTLEMENT

Thank you for fielding feedback on the unfortunate MICROSOFT SETTLEMENT matter.

The contribution alone achieving the computerized advancements made possible by MSFT is self explanatory. We have better and quicker access to accomplishments from the performance this technology makes possible. Where is MSFT competition coming from when they try to stifle the industry that nurtured their existence? The cliche, ''one hand washes the other and they both wash the face'', is an understandable example of cooperative team-work led by a leader that has proven, continuous progress and

profitable accomplishments. The world has benefitted from the more advanced society that computerization has brought about. Why is competition interfereing with lawsuits, and costs that will slow future progress. The future volume cost benefits that will reduce prices for increased availability is the American Way.

Whining and crying is not the answer. When the going gets tough, persistence toward improvement should be applied to try to catch up with the leader. That's what competition is, the motivator to offer a better mouse trap.

This greed, envy or ego should be put away because it has already gone too far. This is a race which encourages the leader to try harder, and, should also encourage the lesser to work harder and smarter. Who else has made the investment MSFT continues to plow back into the industry? Please bring this interruption to a halt by settling the batteling waste of time and expense. It is long over-due this settlement be finalized and buried.

Thank you and good luck in bringing

MTC–00006634

From: Brad Newell
To: Microsoft ATR
Date: 1/2/02 3:52pm
Subject: settlement

Let's get on with life. Let the market place take care of itself. Seems to me that the big crunch in hi-tech started with the assinine assault by the US government on Microsoft. How much damage has been done to the various retirement funds in the country? Enough!!

Brad Newell
141 Jackson Lane
Port Ludlow, WA 98365
(360) 437–9151
wendigo@olympus.net

MTC–00006635

From: smouse
To: Microsoft ATR
Date: 1/2/02 3:53pm
Subject: microsoft settlement

To Whom It May Concern,

I believe that the settlement is fair and just and that there should not be any further litigation. Leave Microsoft alone and let the company and the industry get on with its business.

Sincerely,
Sandy Adler
Safram Sphynx
www.bestweb.net/smouse

MTC–00006636

From: Adda Gogoris
To: Microsoft ATR
Date: 1/2/02 3:52pm
Subject: (no subject)

pls let the settlement stand and let's go on with things that matter like killing America's enemies.

MTC–00006637

From: ALFAZUBER
To: Microsoft ATR
Date: 1/2/02 3:52pm
Subject: MICROSOFT SETTLEMENT

THIS WAS A REASONABLE COMPROMISE.THE MARKET SHOULD HANDLE THEIR OPPRESSIVE TACTICS. THE COMPETITORS SHOULD BE ABLE TO FIGHT THIS OUT WITHOUT THE GOVERNMENT HOLDING THEIR HANDS.

WF ZUBER M.D.

MTC–00006638

From: W A Fahrbach
To: Microsoft ATR
Date: 1/2/02 3:52pm
Subject: Microsoft Settlement

To me, the settlement appears fair and just. In todays technical environment why should the courts crush a leader?

William A. Fahrbach
P.O. Box 128
Troutville, VA 24175

MTC–00006639

From: Robert Holladay
To: Microsoft ATR
Date: 1/2/02 3:52pm
Subject: MICROSOFT SETTLEMENT STOP CATERING TO MICROSOFT'S COMPETITORS AND GET THIS CASE SETTLED !!!!!

DR. BOB HOLLADAY
NAPLES, FL 34108

MTC–00006640

From: HARRY A DINGWALL
To: Microsoft ATR
Date: 1/2/02 3:52pm
Subject: Microsoft Settlement

We feel that it is in the best interests of both our country and its economy for all parties involved to accept the terms which have been agreed upon by the majority of the complainants.

Donna E. and Harry A. Dingwall, D.V.M.

MTC–00006641

From: Pat Monahan
To: Microsoft ATR
Date: 1/2/02 3:53pm
Subject: Micrtosoft Settlement

I am not a Microsoft supporter but I find it utterly ridiculous that this case has gone on and on and on. Just when I think the DOJ already judged on the subject another month or years is added to the case. It seems to me that the Microsoft competitors are complaining the loudest and expect the government to help them out when they should be out there competing. The sooner this case is closed the better off we and the econmy will be. You must see that the competitors of MIcrosoft are trying to discredit your decesion. Don't let them do it. If you alter your decision, what will the american public think of the judicial system? If I were MIcrosoft, I'd move to Canada or some other country. They would more than welcome me.

MTC–00006643

From: SACKFAMILY@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:54pm
Subject: Microsoft settlement

I strongly support the settlement reached between the Justice Department and Microsort. It seems fair and allows both parties to get on to other more pressing business.The states that have not agreed with this settlement have very narrow vested interests and are motivated by interests other then fair play.Every time I see Attorney General Blumenthal I think he needs to be investigated for his interests in this matter. Do the right thing for this economy and move on.

MTC–00006644

From: MReese6232@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:54pm
Subject: Microsoft Settlement

Dear Sirs:

We find the terms of the settlement announced by the US Government and Microsoft to be just and fair. Whatever unjust policies were perpetuated by Microsoft in the past are well addressed in the settlement so as not to be repeated. We feel any further judicial proceedings against Microsoft will only cost the public as a whole in the long run.

Sincerely,
Mark and Barbara Reese

MTC–00006645

From: Robert Lee
To: Microsoft ATR
Date: 1/2/02 3:54pm
Subject: Microsoft Settlement

Settle this now as agreed to by Microsoft and DOJ. The hell with the individual states injecting their own agenda to drag this out. I'm still convinced that the public did not benefit in this anti trust case; just a bunch of lawyers screwing up the system to increase their billable hours.

Robert Lee

MTC–00006646

From: Carl Classen
To: Microsoft ATR
Date: 1/2/02 3:54pm
Subject: Microsoft Settlement

Dear Folks—

I hope that the Department of Justice and the States will settle the antitrust litigation with Microsoft. The lenght of this process, especilly after such a problematic trial with a judge who was proven to be less than fair, casts a pall over the potential economic rebound America needs and the software advantage we need to maintain. Linus is a good alternative to Microsoft and AOL Time Warner is certainly a worthy competitor in content and access.

Thank you for consdiering my comments.

Sincerely,
Carl Classen personal: carl—classen@hotmail.com
work: cclassen@ecamden.cc

MTC–00006647

From: Apollo12pe@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:54pm
Subject: Microsoft Settlement

This situation is, in my opinion, much to do about nothing except an attempt by a few to get the Government to help their business because they can't offer products that are in any way superior to those of Microsoft. The buying public is not stupid as the Justice Department would have us believe. If there are products out there that are superior to those of Microsoft, the buying public will respond by buying them. I chose to buy AOL because I like their product and have found

it soperior, in my opinion, to MSN. Yes, I have tried both.

Our progress and great economy of the past few years is much more due to Microsoft and their products than it is of any action of Government !!!!!!!!!!

Richaard L. Hanscom, Jr.
Lt. Col., USAF
239 Maravilla Drive
Riverside, CA 92507

MTC–00006648

From: Tom (038) Wilma Llewellyn
To: Microsoft ATR
Date: 1/2/02 3:46pm
Subject: Microsoft Settlement

I agree with proposed settlement of the Department of Justice vs. Microsoft Lawsuit.

Thomas D. Llewellyn
593 Vintage Dr.
Elkton, OR 97436

MTC–00006649

From: Jerry Gonzalez
To: Microsoft ATR
Date: 1/2/02 3:56pm
Subject: Microsoft settlement

MSFT has done plenty so.....
Get off their back!

MTC–00006650

From: Milo D. Smith
To: Microsoft ATR
Date: 1/2/02 3:54pm
Subject: Microsoft Settlement

It is time to end this litigation. It would appear that the antagonists that remain are competitors and not consumers. It also appears that the states within which the competitors reside are the remaining dissenters. I operate a small consulting business. My computers run the windows operating system; use Internet Explorer and Microsoft Office Professional. As a user, I am perfectly happy. My clients, across a broad spectrum of industry, all use the same software tools. In fact, most of the attorneys with whom I do business have gone from Word Perfect to Microsoft Office because it is necessary to better communicate and move documents across the Internet to clients.

In my view the remaining dissenters are millionaires, not Microsoft millionaires, who cannot stand the heat of competition. Any settlement greater than that proposed for Microsoft should be equally imposed upon the competition. Everyone will have the same code; innovation will disappear, but everyone will be equal. We will all lose, especially us consumers.

Thank you,
Milo D. Smith

Milo D. Smith, President—M. D. Smith & Associates, Inc.

18011 Third Avenue S. W., Normandy Park, WA 98166–3733

Telephone: 206.242.1932—Facsimile: 206.242.3172

Mobile: 206–972–6552

Email: Milo-MDSI@msn.com

MTC–00006651

From: Robert A. Weller
To: microsoft.atr@usdoj@inetgw
Date: 1/2/02 3:56pm
Subject: Microsoft Monopoly/Settlement

To the Department of Justice:

I believe that the Tunney Act of 1974 provides that citizens can comment on anti-trust cases.

As a technical professional, I assert that it is beyond any doubt that Microsoft wields effective monopoly control over several classes of computer software crucial to our country's economic security. It is equally evident that this is not in the public's or the government's best interest.

Everyone's interests, including those of Microsoft shareholders, will be best served in the long run if the government breaks this monopoly by subdividing Microsoft into companies that will have to compete in their respective markets on the basis of price and performance. The current settlement proposed by Microsoft is an arrogant act of defiance of the Court's finding that, if approved, will simply serve to extend the company's monopoly into one of the last market niches were its dominance is not total.

I urge you, for the good of all citizens and for the security of the country, to end the total dependence of our economy upon this one company, whose past performance leaves little doubt as to the likelihood of true reform from within.

Robert A. Weller
1008 Green Hill Cove
Brentwood, TN 37027
CC:attorney.general@po.state.ct.us@inetgw

MTC–00006652

From: RAHaley9@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:55pm
Subject: Microsoft Settlement

I've been a computer user since it first started. I took class on wiring the main board to do what you wanted it to do, with key punch cards. That's back in 1967,1968.

So I've been using computers for a while. Every since Windows 98 took over our computers it turned them into a piece of junk. All they do now is crash. When you buy a brand new computer and with in an hour of having it, it crashes something's wrong. I'd love to see other programmers build software. It has to run better than what he's doing. This is America and Bill Gates doesn't have the right to be the only one to sell the main software for our computers. They were in such a big hurry to get it on the market, Bill Gates and his company didn't care if it worked. He just wanted it out there by the first of the year. Trash or not. I say give every man who thinks they can a chance to build software for our computers and let us be the judge if we want to buy it. We deserve the right of choice.

Thank You
Roseann Haley from Indiana

MTC–00006653

From: Albert Silverberg
To: Microsoft ATR
Date: 1/2/02 3:56pm
Subject: Microsoft Settlement

It is my opinion that the settlement with Microsoft as is presently proposed is fair & equitable to all parties. Further litigation [by the 9 states] can only delay the recovery of our depressed economy & will be of no benefit to anyone

Albert H. Silverberg M.D.

MTC–00006654

From: Jrsantucci@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:57pm
Subject: Microsoft Settlement

I think this settlement should happen as soon as possible for the best interest of the public.

Joan Santucci

MTC–00006655

From: BHelling@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:56pm
Subject: Microsoft settlement

It is time to settle the Microsoft case. We are happy with Microsoft and all it offers. Please don't take that away from us.

Bonnie Helling
Bhelling@aol.com

MTC–00006657

From: BESPORT@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:57pm
Subject: MICROSOFT SETTLEMENT

To Whom It May Concern:

The ridiculous lawsuit against Microsoft is just another idiotic attack on America's free enterprise system and the sooner we drop it, the better. I thought once we got a real President again that our Department of Justice would become interested in justice again...not prosecuting honest law-abiding citizens.

Just look where we've gotten spending more money prosecuting Bill Gates than we have Osama bin Laden! (At least before 9/11). My advice to you is to stop this ascinine lawsuit and tell the high paid lawyers who are trying to destory the very free enterprise system that makes them—and the politicians—the highest paid in the world, to get a life. Leave Bill Gates and Microsoft alone and all the other businesses that make America work—cause if they don't—you won't be working either!

Sincerely,
Bill Edwards
Hacked-off American

MTC–00006658

From: Skipper50@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:56pm
Subject: Microsoft Settlement

Sirs and Madams:

Enough already of this assault on our economy and endless litigation. Ratify the proposed settlement agreement with Microsoft over the antitrust charges and get on with it.

Sincerely,
David Siegel
1704 Bohland
St. Paul, MN 55116

MTC–00006659

From: TWAGGX5@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:58pm
Subject: Microsoft Settlement

I believe it was a complete and total waste of our time and money to sue Microsoft. We are not socialists, or communist. When one

person starts a huge business and employs thousands of people, they should be respected and valued for their contributions to society. Instead, Bill Gates was hounded and chased. For what purpose? What did you accomplish? How much of my tax money did you spend on chasing an upstanding business man? It is ridiculous. Find something useful to do with your time and my money. Chase the real criminals!

Theresa Waggoner
Gulf Breeze, FL

MTC–00006660

From: Joel Brazil
To: Microsoft ATR
Date: 1/2/02 3:58pm
Subject: Microsoft Settlement

To whom it may concern,

It pains me to know that in these uncertain economic times a few special interests are attempting to derail the Microsoft settlement and prolong the litigation. The last thing America needs is more litigation that benefits only a few wealthy Microsoft competitors and stifles innovation.

Please resolve as soon as possible.

Joel Brazil

MTC–00006661

From: Independentlease@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 3:59pm
Subject: We all owe a debt of gratitude to Microsoft.

I have been following the anti-trust suit diligently since it first started. I think it is time for all Americans to stand up and PRAISE Microsoft for being the front runner in opening the World to everyone with their Windows operating system. I think of the Millions of Americans in my age group (50+) with no prior PC skills, and how Bill Gates has changed our lives forever. He made everything come alive for us and even the most stupid people on the planet can now operate a computer with very little difficulty. After watching all this company has endured with this frivolous lawsuit, if I were Bill Gates, I would pack up and take the company to a ''friendly nation'', and tell America to ''kiss my ass''. God Bless you Microsoft and I am singing your praises.

Rosanne Wilson
Beaverton, OR

MTC–00006662

From: Jack Sperry
To: Microsoft ATR
Date: 1/2/02 4:00pm
Subject: Microsoft Settlement

Microsoft and the Government's representatives have worked long and hard to reach an equitable settlement agreement that is fair and in the best interests of consumers and citizens. I want to see that settlement agreement stand and not be overturned, or redirected, to further the interests of Microsoft's competitors. Let's put this dispute to rest ASAP so everyone can move on.

Jack Sperry

MTC–00006663

From: Rik Temmink
To: Microsoft ATR
Date: 1/2/02 4:00pm
Subject: Microsoft Settlement

Dear Sir, Madam,

With this message, I would like to voice my support for the proposed settlement between the Department of Justice and several States and Microsoft Corporation.

Despite the concerns voiced by Microsoft's competitors and certain pressure groups, I believe the proposed settlement provides enough substance to correct Microsoft's anti-competitive behavior, while allowing all parties concerned to continue their regular activities.

I believe closure is critical to the success of the US economy, and would therefore like the Department of Justice to support the proposed settlement.

Rik Temmink
7045 34th Ave NE
Seattle, WA 98115

MTC–00006664

From: Russell Johnson
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 3:59pm
Subject: Microsoft Settlement

Lets settle this problem!! To continue is a Threat to the Private Enterprise System. The settlement is fair....and should not become Unfair!!

MTC–00006665

From: Vincil C. Bishop, Jr.
To: Microsoft ATR
Date: 1/2/02 4:01pm
Subject: Microsoft Settlement

Despite the aggressive lobbying efforts of a few of Microsoft's competitors, the federal government and nine states finally reached a comprehensive agreement with Microsoft to address the reduced liability found in the Court of Appeals ruling. This settlement is tough, but reasonable and fair to all parties involved. Consumers overwhelmingly agree that settlement is good for them, the industry and the American economy.

Unfortunately, a few special interests are attempting to use this review period to derail the settlement and prolong this litigation even in the midst of uncertain economic times. The last thing the American economy needs is more litigation that benefits only a few wealthy competitors and stifles innovation. Don't let these special interests defeat the public interests.

Sincerely,
Vincil C. Bishop, Jr

MTC–00006666

From: Debbie .
To: Microsoft ATR
Date: 1/2/02 4:01pm
Subject: Microsoft Settlement

To Whom It May Concern:

Please, please, please try to settle the Microsoft case ASAP! I firmly believe that once this case comes to a close, people will start to view things better, and the economy will start to improve. It may start small, with improvements in the stock market, or people buying computers, but it will get better. Just look at what happens when rumors circulate that a settlement is in the works!

This has gone on way too long!!! Please do your best to help everyone reach an agreement so we can put this behind us!

Thanks.

Debbie

MTC–00006667

From: David D. Miller
To: Microsoft ATR
Date: 1/2/02 4:01pm
Subject: Microsoft Settlement

Let us get beyond this. The Government as well as other parties involved have stated a willingness to settle this once and for all. This case has been in litigation to long and the country and the people have more pressing needs. Settle this case and move on.

David Doyt Miller
03029 Dowty Rd.
St. Marys, Ohio. 45885

MTC–00006668

From: Sean Callahan
To: Microsoft ATR
Date: 1/2/02 4:01pm
Subject: Microsoft Settlement

I believe it is in the best interest of the general public to just settle this court case. It is in no one's interest except the lawyers to continue to drag this case on. Can the Federal Government please decide on the appropriate punishment, implement it, and move on. This is just one man's view. Thank you for your time.

Sean Callahan
Gilbert, Arizona

MTC–00006669

From: WJLONE@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:02pm
Subject: MICROSOFT SETTLEMENT

Enough , Microsoft is responsible for grat progress in the Real World. Let us end this case the way the compromise specifies.

Cordially,
WJ Leeder

MTC–00006670

From: wmbryant@mindspring.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:02pm
Subject: Microsoft Settlement

I think the settlement will affect some changes within Microsoft, but the remedies are frankly too little too late. Had these same actions taken place 2–3 years ago I would whole-heartedly agree with them. Now, however, it does little good to force MS to allow someone to easily remove an MS-specific icon when practically the whole world is already using MS products. Who will remove those products now?

Sincerely,
Mike Bryant
mike—bryant@mindspring.com

MTC–00006671

From: SOBILL1933@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:01pm
Subject: Settlement

It appears to me that all charges should be dropped, Microsoft has agreed to do what is required, no further action should be taken. It also should be required that all states drop their charges. All the remaining states are after is the money!!!!! As usual the money grubbing lawyers see is more big money as in the tobacco settlements. No one has benefitted from that buy the lawyers.

Please consider the present settlement as final, eliminate further law suits by the federal government and all states.

C.W. O'Neal
10570 Meadow Glen Way East
Escondido, Ca 92026

MTC–00006672

From: Don Brown
To: Microsoft ATR
Date: 1/2/02 4:01pm
Subject: microsoft settlement

To Whom It May Concern:

I believe the case alleging that Microsoft is a monopoly and is harming consumers is without merit. I don't see any way at all that Microsoft has harmed anyone other than its competitors. Microsoft's competitors seem to be the ones who are complaining most loudly.

In fact, DOJ is ultimately harming consumers by penalizing Microsoft. DOJ's actions undermine the legitimate operation of a free economy by injecting personal politics into the market. This type of action ultimately will lead to cronyism which mars so many other nation's economies and truly does harm consumers.

Microsoft may have hurt its competitors using legal and illegal means. If there is some instance where its actions with regard to a specific competitor is illegal, then let them be punished for that if it can be proved.

Also, if Microsoft has in fact harmed consumers, then why aren't I getting remunerated? You can't have it both ways!

Sincerely,
Don R. Brown, Ph.D.
CEO, PartNET
www.part.net
don.brown@part.net 801–581–1118

MTC–00006673

From: Ken Larsen
To: Microsoft ATR
Date: 1/2/02 4:06pm
Subject: Microsoft Settlement

The Department of Justice should stop punishing Microsoft. They provide excellent products at a low cost and continually advance the state of the software art. Microsoft should not be punished for innovation and development of quality products.

Kenneth Larsen

MTC–00006674

From: Scott R. Springman
To: Microsoft ATR
Date: 1/2/02 4:01pm
Subject: Microsoft Settlement

DOJ:

I am a concerned, voting citizen who feels that the interests of the nation would be ill-served by any delay in settlement of the Microsoft issue. I have both Intel and Apple (Motorola) based computer systems. I believe that further litigation against Microsoft is fruitless, wasteful, and counterproductive. Please do not bow to political pressure from special interests. Please settle now.

Sincerely;
Scott R. Springman, MD
Professor of Anesthesiology and Surgery
University of Wisconsin Medical School
Anesthesiology Department
600 Highland Ave.
Madison, WI 53792
email: srspring@facstaff.wisc.edu
Phone: 608–262–2186
Fax: 608–263–0575
UW Anesthesiology Preoperative Clinic Web Site:
http://www.anesthesia.wisc.edu/Clinic/Index.htm

MTC–00006675

From: Jim Holden
To: Microsoft ATR
Date: 1/2/02 4:04pm
Subject: Microsoft Settlement

I feel very strongly that the settlement reached between the DOJ/states and Microsoft is fair to all parties involved and that further litigation is counter-productive for both the US economy and consumers. I am a retired IT professional having worked in both hardware and software design using Microsoft products and services. I have always found Microsoft to provide superior products and excellent support. As a consumer, I have never felt that I have been harmed in any way by their monopoly of the OS market.

Although I know that the DOJ has the best interests of the consumer in mind, I feel that they and the dissenting states are bending to pressure being brought by Microsoft's competitors. If you consider the number of hours of development and testing time that goes into the release of an operating system like any of the MS Windows versions, the selling price is ridiculously low. If they were really abusing their monopoly powers, they could be charging consumers much more. As for embedding features in the operating system, I think the consumer only benefits from this practice. I do not know of anyone who is complaining that their operating system has too many features!

In the interest of fair disclosure, I should point out that I have been a Microsoft stockholder for nearly ten years. However, I invested in Microsoft because I believe they are producing superior products and not because I would want them to take advantage of their OS monopoly in any way.

Please end the litigation and let the development community get on with the business of producing better and more innovative products for all consumers.

Sincerely,
James R. Holden
146 Brookhaven Ct
Sugar Grove, IL 60554
(630) 466–0895

MTC–00006676

From: rose sulistio
To: Microsoft ATR
Date: 1/2/02 4:04pm
Subject: Microsoft Settlement
308 College creek Drive
Denison,Texas 75020
January 2, 2001
Renata B. Hesse
Antiiitrust Division
US Deparmnt of Justice
601 D St., NW, suite 1200
Washington DC 20530–0001

Dear madam;

This is in reference to the settlement of Microsoft. The government has spent so much of the tax payer's dollars on this case and got no where. The only people making money on this case are big time lawyers.

Please put this case behind us and close it immediately. Let us move on our lives and encourage competition through better products which the public demands. it is without a doubt that Microsoft produces better products than it's competitors and the government should be happy for that.

Lastly, I asked for your consideration in acknowledging that we wasted so much money in pursuing this case when there are other important issues that the government have to give priority on.

Thank you.
Sincerely,
Rose Sulistio

MTC–00006677

From: Delmolino@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:03pm
Subject: microsoft settlement

GENTLEMEN

Why anyone would continue to pursue MIicrosoft's settlement any further is beyond me.Please stop wasting taxpayers money against a company that built too good a mousetrap. Please settle this negotiation as soon as possible.

A CONCERNED TAXPAYER
M.F.DELMOLINO

MTC–00006678

From: gigi broad
To: Microsoft ATR
Date: 1/2/02 4:04pm
Subject: Final Settlement

The matter before the courts is long over due to be settled and let Microsoft go forward in there business. It does no one any good to continue to hammmer at the company. Its time the country focuses on other things and puts this mattter behind us.

Yours Truly
Virginia Wallace [FIN]

MTC–00006679

From: GailPratt@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:04pm
Subject: Microsoft Settlement

January 2, 2002. To whom it may convern at the Department of Justice. From Evelyn Gail Pratt, 6155 Plumas Street, #160, Reno, NV 89509 USA, (775) 824–4551, a consumer of Microsoft products. ''I believe that the settlement found in the Court of Appeals ruling regarding Microsoft is reasonable and fair to all parties involved''. Please contact me if you have any questions.

Sincerely, (gailpratt@AOL.com)

MTC–00006680

From: Susan V. Barba
To: Microsoft ATR
Date: 1/2/02 4:05pm
Subject: Microsoft Settlement

This is to urge you to please settle the Microsoft case without further delay and litigation. As an American consumer, I believe the settlement is fair and is to the benefit of the American public. Thank you for your consideration of my request.

Sincerely,
Susan V. Barba

MTC–00006681

From: David Brandt
To: Microsoft ATR
Date: 1/2/02 4:04pm
Subject: Microsoft Settlement
Greetings,
I have not supported any of the actions against Microsoft Corporation. I work in the computer industry and see plenty opportunities for companies to compete with their own products if they decide to do so instead of competing through the courts. As for the settlement, I am in favor of it versus more actions being proposed by the 9 States and Microsoft's competitors (Sun Microsystems, AOL, Nokia, etc).
Thank you for listening.
David Brandt
5257 E. 130th Way
Thornton, CO 80241.

MTC–00006682

From: Carman B. Bahr, MD
To: Microsoft ATR
Date: 1/2/02 4:05pm
Subject: Microsoft Settlement
My personal opinion is that settlement of the Tunney Act is in the ''public interest''. I do believe that Microsoft has contributed much to making the personal computer both usable for the common people and business purposes. Prolonging the litigation is not in the best interest of the public.
Carman B. Bahr, MD,
Emeritus Professor of Medicine
cbb2@home.com

MTC–00006683

From: Fred Smith
To: Microsoft ATR
Date: 1/2/02 4:04pm
Subject: MICROSOFT SETTLEMENT
In a very few words!
Settle this mess!
The American consumer is not complaining here, competitors are! If their products were so good they wouldn?t be afraid to compete head to head with Microsoft. End this waste of time and money!
Fred
Fred Smith
Fax (805) 647–3439
fred@smithshome.com
sharon@smithshome.com
Sharon's Mary Kay website is www.marykay.com/ssmith6
Corys website is www.kruseman.com

MTC–00006684

From: RENATADE@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:06pm
Subject: Microsoft Settlement
Settlement is good for consumers and in the public's interest. While I don't necessarily agree with everything MS does, I don't believe further litigation against them is a necessary, or even a good thing for the American public, especially at this time.
Renata De Angelis

MTC–00006685

From: P Huff
To: Microsoft ATR
Date: 1/2/02 4:06pm
Subject: Microsoft Settlement
After many years of litigation against Microsoft on Antitrust charges, a reasonable settlement has been reached that shows that Microsoft is working hard to address the concerns of the department of justice and the many states that have filed suit against Microsoft. Please take this opportunity to settle—continuing the suit is bad for the US economy because it hurts the best performing NASDAQ stock of 2001 and many companies that rely on Microsoft to make their businesses operate, and it's expensive for the people of the United States to continue to pay for ongoing litigation. I beg you, please settle this matter.
Polita Huff
Kirkland, Wa

MTC–00006686

From: Johnaker@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:06pm
Subject: Microsoft settlement
It is hard for me to see why the settlement should be postponed. I think it is already too far against Microsoft. Let the markets compete for product ownership instead of making Microsoft pay extra for its product success.

MTC–00006687

From: BELLEVUMEL@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:07pm
Subject: MICROSOFT
SETTLEMENT IT IS TIME TO GET A SETLEMENT FOR MICROSOFT AND MOVE ON. THIS LAWSUIT HAS DRUG ON TOO LONG . THIS LAWSUIT AHS HURT MANY, MANY AMERICANS IN THEIR RETIREMENT PROGRAMS, INVESTMENTS AND HAS HANDCUFFED MICROSOFT WHILE THE DOJ WAS TRYING TO HELP ITS COMPETITORS TO NO AVAIL.
SETTLE AND GET IT OVER.
MELVIN R MELIN
56 158TH PL NE
BELLEVUE, WA 98008

MTC–00006688

From: Joe Krantz
To: Microsoft ATR
Date: 1/2/02 4:07pm
Subject: Microsoft Settlement
I believe it is in the best interests of the US Government, the consumer and the marketplace if the proposed settlement between the DOJ, the states and Microsoft is accepted. This matter has been under review for a very long time and it is time to move forward in the intersts of all.
Joe Krantz
7N085 Plymouth Court
St. Charles, IL 60175

MTC–00006689

From: Steve.Skinner@
mail.sprint.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:07pm
Subject: Microsoft Settlement
The federal government and nine states reached a comprehensive agreement with Microsoft to address the reduced liability found in the Court of Appeals ruling.
This settlement is tough, but reasonable and fair to all parties involved.
Thanks
Steve Skinner (Consumer)

MTC–00006690

From: Bernard Gouss
To: Microsoft ATR
Date: 1/2/02 4:07pm
Subject: MICROSOFT SETTLEMENT
DEPARTMENT OF JUSTICE
AS A HOME COMPUTER USER,I WAS VERY HAPPY TO SEE A REASONABLE SETTLEMENT MADE BETWEEN OUR JUSTICE DEPARTMENT AND MICROSOFT.LETS END IT NOW!!IF IT WAS GOOD ENOUGH FOR OUR GOVERMENT ,WHO REPRESENTS THE PEOPLE OF OUR GREAT COUNTRY,IT CERTAINLY SHOULD NOT BE DELAYED BY A FEW ''SPECIAL INTEREST GROUPS''.LETS END LITIGATION, AND START SENDING AMERICANS BACK TO WORK .
RESPECTFULLY
BERNARD GOUSS

MTC–00006691

From: LWydock@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:08pm
Subject: Microsoft Settlement
Dear DOJ Officials:
As a former and retired government employee, It behooves me that the proposed settlement with Microsoft has not been implemented. Languishing the implementation of the proposed settlement is impeding our economy and playing into the hands of those who want to destroy our great country's economy. Innovation is not a dirty word. Those State Attorney Generals who are dragging their feet are trying to make a name for themselves and spotlight themselves at the expense of those who are willing to arbitrate.
I appreciate the opportunity to comment on this issue.
Lawrence R. Wydock

MTC–00006692

From: LOroake@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:07pm
Subject: Microsoft Settlement.
In my opinion as a concerned citizen, the Microsoft case should be settled. I disagree with the aggressive lobbying efforts of a few of Microsoft's competitors.
The last thing the American economy needs is more litigation that benefits only a few wealthy competitors and stifles innovation. I personally feel that without Microsoft I would not be enjoying the many benefits that have come from that company. I am 72 years of age, and Microsoft, in my opinion, has given me the means by which I am enjoying my computer. Please do the right thing and end this litigation.
Sincerely,
Louise O'Roake, Private Citizen

MTC–00006693

From: Geoff Saunders
To: Microsoft ATR
Date: 1/2/02 4:08pm
Subject: Microsoft Settlement
I wish to voice my opinion of the Microsoft settlement during the public comment

period, as provided for under the Tunney Act.

I support the proposed settlement that the DOJ and Microsoft have negotiated—it is a tough but fair compromise by both parties, and it will achieve the government's aim of protecting software consumers.

After nearly four years this litigation should end with the settlement, as negotiated. The litigation has been disruptive to the industry, bad for the economy, expensive to taxpayers, damaging to investors, and it has hobbled one of America's—in fact, one of the world's—great companies.

It is very unfortunate that Microsoft's competitors are aggressively lobbying for sanctions against Microsoft that go beyond the settlement and are in the interests only of these competitors, not the general public. I urge the DOJ to dismiss this self-serving lobbying, and to ratify the settlement as it stands.

Thank you.
Geoff Saunders
Sammamish, WA 98074

MTC–00006694

From: Donald F. Moran
To: Microsoft ATR
Date: 1/2/02 4:09pm
Subject: Microsoft Settlement

Dear Sirs,

In the interest of fairness and consumer interests I think it would be in everyones benefit to go ahead with the agreement reached by Microsoft and the Department of Justice. I think it has gone on long enough and it is time to come to a conclusion.

Sincerely,
Donald F. Moran

MTC–00006695

From: gigi broad
To: Microsoft ATR
Date: 1/2/02 4:09pm
Subject: Microsoft settlement

The matter before the courts needs to be settled its long over due .Taking time from other important issues .Microsoft is a good company and it serves no one to continue hammering at this issue . I am glad Henry Ford did not have to face this or we would still be using horse and buggies.

thank you,
virgina wallace

MTC–00006696

From: Pctrojans@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:10pm
Subject: Microsoft Settlement

Microsoft needs the ability to innovate. It is not in our best interest to punish success. Please settle this quickly and fairly.

Billie Johnson

MTC–00006697

From: Bill Snell
To: Microsoft ATR
Date: 1/2/02 4:10pm
Subject: Microsoft Settlement

I am a small business owner who depends on the use software from Microsoft and other vendors for the efficient operation of my business. I support the proposed settlement currently pending before the District Court, which imposes tough conditions but is in the best interests of the consuming public and the economy.

MTC–00006699

From: TOM (038) SUE PONTIUS
To: Microsoft ATR
Date: 1/2/02 4:10pm
Subject: Microsoft Settlement

Please settle the Microsoft litigation NOW. prolonging this case is much too expensive and unfair. The consumer is being hurt each day it continues. Please.

Tom and Sue Pontius,
Mariemont, Ohio

MTC–00006700

From: Carolyn Waldo
To: Microsoft ATR
Date: 1/2/02 4:13pm
Subject: Microsoft Settlement

Let the innovators innovate! Let the cry babies whine all they want!

MTC–00006701

From: Nicholas Page
To: Microsoft ATR
Date: 1/2/02 4:11pm
Subject: Microsoft Settlement

To Whom It May Concern:

It's time to end this ridiculous witch hunt against Microsoft. Some states Attorneys General, and some state governments, will stop at nothing to make a name for themselves and fill their state coffers with undeserved money. While most states and the federal government are happy with the settlements, the aggressive lobbying efforts of a few of Microsofts competitors are also to blame for prolonging this unreasonable witch hunt. These competitors are trying to gain from additional damage inflicted upon Microsoft.

Let's end this debacle now, as the settlement is tough enough, while being reasonable and fair to all parties involved.

Thanks,
Nicholas Page
PO Box 76
Middleton, MA 01949

MTC–00006702

From: Sally Jacobsen
To: Microsoft ATR
Date: 1/2/02 4:11pm
Subject: Microsoft Settlement

Do not delay this litigation with Microsoft any longer. The settlement terms are fair. The only ones who will win with further litigation will be the lawyers . . . not the American people. Enough is enough!

Sarah E. ''Sally'' Jacobsen
sally@efn.com

MTC–00006703

From: Dean Stelow
To: Microsoft ATR
Date: 1/2/02 4:11pm
Subject: Microsoft Settlement

Hello,

I own a small software development company and have intimate knowledge of the software market. I believe the proposed settlement is MORE than adequate given the current state of the market. (In fact, I believe the settlement goes too far in trying to restrict software publishers from designing their products however they see fit). There are alternatives to Microsoft products and there always have been. If an alternative is not available, a new one can be created with NO physical investment (unlike a true monopoly like electricity/oil, in which case I can not go out and create new petroleum fields).

Please, let it end already. If you, or any of the other folks with sour grapes over Microsoft's success don't like Windows, load Linux, BSD, etc., etc. and don't use their products. Its as simple as that.

I won't get into all of the benefits computer users have seen over the last 10 years thanks to a Microsoft ''standard''. I can say this . . . if not for Windows, my parents and millions of other folks out there would not be computing today.

Thanks,
Dean Stelow
Nordev Inc.
dstelow@hotmail.com
920.490.0608

MTC–00006704

From: HenriPowel@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:12pm
Subject: Microsoft Settltment

To the Honorary Members of The Department of Justice,

We respectably submit to you our wholehearted support for the settlement reached in the Microsoft case. We feel it would harm our economy further by allowing this case to be extended any longer. In our opinion it is a fair, but firm decision by the Court.

Thank you.
Mr. and Mrs. Charles R. Powell
15631 Issaquah-Hobart Rd.
Issaquah, WA. 98027

MTC–00006705

From: Richard Hubbell
To: Microsoft ATR
Date: 1/2/02 4:12pm
Subject: Microsoft settlement

Those trying to oppose the proposed settlement are using the judicial system for political purpose. This is particularly true in the case of the attorney general of the Commonwealth of Massachusetts, Thomas Reilly. He is the worst attorney general we have had in the 47 years I have been able to vote. His record as a consumer advocate has been terrible. I find it disgraceful that he is arguing that the current settlement is not in the consumers best interests when his real purpose is raise campaign funds from Microsoft's competitors in Massachusetts such as IBM (Lotus). Reilly is notorious for his involvement in only high visibility cases which promote his political career. The best current evidence of this are the Microsoft settlement and the sale of the Boston Red Sox. He is appealing to local business interest who can contribute to his campaign for governor.

I am a Mac user who has been involved in the technology industry all my career. While Microsoft is aggressive in the marketplace, the consumer has benefitted from increased performance at lower prices whether a PC or Mac customer. Competitors such as IBM(Lotus) and AOL(Netscape) are not

suffering from competition but from poor management or governmental meddling. Hundreds of software companies have prospered as a result of Micosoft operating systems and applications. The original case was a personal vendetta by young lawyers in the DOJ trying to make a name for themselves, not public servants looking to protect the consumer. The best case in point is Klein. Do you think he ever would have gotten his current position with out the visibility of the Microsoft case.

Most antitrust cases brought by the DOJ have resulted in damage to the consumer and the industry. Just look at the IBM and ATT cases. IBM faltered as a result of energies drained by its prolonged battle with the DOJ with no winner and gross damage to stockholders and innovation in the industry. The ATT settlement was long held up as an example of how the government can successfully restructure an industry but not now. Within a very short period of time we have seen a long distance market in shambles with companies losing billions and a reconsolidation of the local business into a few, soon to be two, regional monopolies. Prices for service particularly in the local loop have sky rocketted and service has declined. So much for the example the DOJ has used for years.

It is time to move on. Industry is what makes the US economy grow not government and certainly not our judicial system. Most people are alarmed at how justice in the US has been bought. Don't let the lobbyists buy you through their support of nine politically motivated attorneys general. Leave the settlement as is and in 20 years it will be merely a footnote in the history books.

Thank you,
Richard L. Hubbell
P.O Box 759
East Dennis, MA 02641
508 385–8876
dhubbs@medione.net

MTC–00006706

From: Tpondel@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:13pm
Subject: Settle

I wish to make my opinion known that the DOJ and various states should settle the case NOW.

You've wasted enough of my tax money on a baseless case. Settle now. Move on.

Tony Pondel
729 Junior Terrace
Chicago, IL 60613

MTC–00006707

From: Wang, Bill
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 4:11pm
Subject: Microsoft Settlement

I feel that the Microsoft settlement is reasonable and justifiable. It is for the public interest.

B. Wang

MTC–00006708

From: Ncmediagoddess@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:11pm
Subject: Microsoft Settlement

I feel that what is being done to Microsoft is a travesty and that the government should ned this ASAP. I think that this case is responsible for the drop in technology stocks and the stock market as a whole.

Edwina Lee Lindsay

MTC–00006709

From: Calvin Drown
To: Microsoft ATR
Date: 1/2/02 4:14pm
Subject: Microsoft Settlement

No more Enough is enough. The states are looking to make a money grab like they did with Philip Morris.

Calvin Drown
cdrown@catskill.net

MTC–00006710

From: milo ness
To: Microsoft ATR
Date: 1/2/02 4:13pm
Subject: Microsoft Settlement

I am in favor of a settlement. I think it will help the economy to improve.

Milo D. Ness

MTC–00006711

From: Dick Wolff
To: Microsoft ATR
Date: 1/2/02 4:13pm
Subject: Microsoft settlement

Dear Friends,

In my view, we have spent enough time and money on the Microsoft issue. Let the market decide whether the company is good for us or not by where and how we spend our money. Settle this thing and let America's consumers get on with their business. If you feel the justice department has too much money, why not look into AOL and its predatory policies?

Truth is, just stay out of our business.

Sincerely yours,
Dick Wolff
922 W. Cedar St.
Sandpoint, Idaho 83864–1952

MTC–00006712

From: Wiitalaw@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:14pm
Subject: Microsoft Settlement

I feel Microsoft Settlement should take place immediately and ALL LITIGATION stopped immediately.

Sincerely,
Wilma J. Wiitala

MTC–00006713

From: Randall K. Wright
To: Microsoft ATR
Date: 1/2/02 4:14pm
Subject: Microsoft Settlement

Please complete these actions without any further damage to Microsoft. I am a retired business owner, all of my manufacturing businesses needed to be competitive not controlled. This is America home of free enterprise, we have to deal with the World on a global basis and please don't get into places not needing attention.

Government intervention has not worked in the past and won't work now. Let's remember the phone company, which now is rebuilding what was broken apart. My phone bills are three to four times as high as they were. What did we gain? Look at the Airline industry, even before 9,11 they were in financial trouble. Now the power company, after one year of meddling, my power bills are not understandable and up twenty percent.

You should be worrying about gas stations which raise their gas price $ .50 on news (Not facts) about OPEC raising prices that could not hit that pump for months.

How about some Tort reform?

If you need to control someone, how about the Lobbies?

How about insurance companies which only provide service to the high profit areas in States and let the rest of the State suffer?

In closing I think there is plenty of work for you folks to do that will really benefit The United States Of America and its people.

God Bless
Randy

MTC–00006714

From: Jim
To: Microsoft ATR
Date: 1/2/02 4:13pm
Subject: Microsoft Settlement

I believe the settlement with Microsoft is fair and is in the pubics best interest. Why prolong this issue? Let's get back to doing business. There are more important issues, not more litigation that will only benefit special interest.

MTC–00006715

From: Thomas Henn
To: Microsoft ATR
Date: 1/2/02 4:13pm
Subject: Microsoft Settlement.

Dear Sir,

I'd like voice my thoughts on the MS Settlement that now has been going on for sometime. I respect and appreciate what the various states have done to protect the public from MS. At the same time we as a nation need to move on from this. I believe MS has punished and the original settlement on the table is fair and just. As a tax payer, I'm not happy that we are wasting good tax dollars at this point. The only people benefiting are the legal personnel.

Cordially,
Thomas J. Henn
17365 Caribou Dr
Monument, CO 80132
CC:'Henn, Thomas'

MTC–00006716

From: Joe Guarraci
To: Microsoft ATR
Date: 1/2/02 4:14pm
Subject: Microsoft settlement

As a stockholder can we get a refund for legal costs by this unfair lawsuite from the government ??

Joe Guarraci

MTC–00006717

From: Tom Lakin
To: Microsoft ATR
Date: 1/2/02 4:14pm
Subject: microsoft settlement

Dear Sirs,

Just to let you know about how I feel about the DOJ settlement with Microsoft Corp. (MS).

First of all, I do not believe MS should have been sued. If they created a program that another software company could not get into, that's fine. Take a REAL CLOSE look at Intuit's Quickbooks programs. Now, there is a real rip-off of the public. MS provides programs that really help us at a fair price. Not Quickbooks!!!! Quickbooks has their system set-up so that people are forced to buy their upgrades every year, or sooner, at more than $300.00 EACH. I just purchased to MS equivalent MS Money upgrade for $79.00. GO AFTER INTUIT.

I do NOT believe MS was treated fairly. MS should not be required to give schools, or any else, free computers. Or anything else free. Although I can't see your computers, I am sure they have MS products loaded on them. MS set the industry standards for PC's. They should, in fact, be rewarded!!!!

Thank you,

Tom Lakin, EA, MBA

MTC–00006718

From: Jim Alekson
To: Microsoft ATR
Date: 1/2/02 4:15pm
Subject: Microsoft Settlement

I am in agreement with the terms of the proposed Microsoft Settlement.

As a consumer of computer hardware and software products, I applaud Microsoft for what they have done for the world wide computer industry throughout their growth. Without Microsoft, the world would not be nearly as progressively connected as it currently is. I look forward to continued growth in the industry and see Microsoft as a leader in that growth.

Jim Alekson
Vice President
Milliken Development Corporation
Telephone: (604) 925–2019
Fax Line: (604) 925–4283
Cellphone: (604) 603–8160
Email: jalekson@milliken developments.com

MTC–00006719

From: Pastorino, Ray
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 4:15pm
Subject: Tunney Act—Feedback on Settlement

The proposed settlement should be adopted and we should move on with our lives. The amount of waste that goes into the legal mechanations is incredible. If this were the oil industry we were talking about the Governments posture would I believe be different. It has amazed me for several years now how the price of oil can drop by 50% and the drop at the consumers pump drops by only 5%. There is a certain sort of selectivity here that the government might better attend to. Ray Pastorino This message is intended for the sole use of the individual to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the addressee you are hereby notified that you may not use, copy, disclose, or distribute to anyone the message or any information contained in the message. If you have received this message in error, please immediately advise the sender by reply email and delete this message.

MTC–00006720

From: Patrick Conlan
To: Microsoft ATR
Date: 1/2/02 4:15pm
Subject: Microsoft Settlement.

Hi, I wanted to take a couple of minutes to message you with my take on the DOJ/Microsoft settlement. Although I'm currently a Microsoft employee my opinions are my own and not those of my employer. Summary: I'm broadly in favor of the settlement, although I worry that it might be used by those who despise the value of home-grown intellectual capital to attack the assets of Microsoft, both to obtain information ''for free'' and to prevent future innovation.

Before joining Microsoft I worked in Europe for a large pharmaceutical company—we were large Microsoft customers as well as customers of Sun, Oracle, IBM, Hyperion & DEC. In my experience dealing with Microsoft was far far easier that dealing with these alternative vendors who seemed to regard any request for information as an opportunity to charge extortionate consulting fees, wheras Microsoft:

1/ Published all of its bug fixes & advice on an open and free web site

2/ Published detailed code samples & api documentation on an open and free web site

3/ Built a foodchain of cheaper consultancies and provided certification to help us choose quality suppliers

4/ Had extremely professional product support who did not try to sell us anything

5/ Gave us appropriate volume discounts making the price of their products compelling

It was for these resaons that we moved from IBM's OS/2, DEC's Pathworks and from Novell's Netware to the Microsoft platform—not any underhand behaviour, and not any forced technical decision—they were just an easier company to deal with, more professional and open than our other suppliers.

I think that this should be born in mind when considering the remedy to correct behaviour that existed for a short period in time around 1995....

Thank you for your consideration

Patrick Conlan
Microsoft SQL Server Development Team
Redmond, WA
+1(425)705 7817

MTC–00006721

From: Richard Yochum
To: Microsoft ATR
Date: 1/2/02 4:16pm
Subject: Microsoft Settlement

Based on all I have read about proposed actions relative to this case, it seems that the States that have not agreed to a settlement are being unduly influenced by Microsoft competitors.

I believe Microsoft has helped to keep prices at a reasonable level. It seems the States and competitors want to arrange for a ''playing field'' that favors their products.

The states should bow to the lead of the Federal gov't and make an effort to be profitable in their businesses without blaming their lack of success or difficulties on Microsoft. In today's competittive business world, success should be determined in the marketplace, not the courtroom!

MTC–00006722

From: Tom Doran
To: Microsoft ATR
Date: 1/2/02 4:15pm
Subject: law suit and settlement

The last time the government got into the picture and deregulated and broke up companies that were efficient and profitable the whole industry has gone to hell in a hand basket. The telephone break up turned into more dollars for the consumer to pay and LESS GOOD SERVICE received by the consumer. Plus now if you need service and repair you need a degree to find the correct number to call and hope that you will within a half days time get to the correct party that can be of any assistance. The telephone bill is 20 pages and you need to spend a hour to figure out who is doing or better yet NOT DOING WHAT. The airlines are in the red and costing taxpayers billions because of the government deregulation. The trucking industry has lost good reliable companies that went out of business after the government involvement and deregulation. The electric utilities are the next industry to get screwed up. Just look at what happened in California and God help everyone else if they keep deregulating the power companies. We will all be sitting in the dark and freezing our kesters off. IN CASE YOU HAVE NOT FIGURED IT OUT, THERE IS AN OLD SAYING IF IT AIN'T BROKE DON'T FIX IT. CAUSE EVERYTHING THE GOVERNMENT STARTS TO FIX THAT AIN'T BROKE ROYALLY GETS SCREWED UP. So my advice and sentiment about Microsoft. LEAVE THEM THE HELL ALONE. THEY AIN'T BROKE AND THEY DON'T NEED NO FIXING. The company has been innovative, a leader in its field and a good solid investment for those who so choose. They will have to deal with competition as every other company does in the market place. All I see from this whole exercise in futility is that a bunch of DAM LAWYERS have gotten rich on legal fees. And a bunch of idiot bureaucrats have spent a great deal of my hard earned tax dollars justifying their existence and job. The Government could save millions by getting rid of the whole bunch of paper pushers who have been involved in all this litigation. FOR THOSE WHO HAVE DIFFICULTY READING, THE SHORT MESSAGE IS DROP THE LAW SUIT AND LEAVE MICROSOFT ALONE. KAPISH.

MTC–00006723

From: William A Horan
To: Microsoft ATR
Date: 1/2/02 4:16pm
Subject: MICROSOFT Settlement

Dear Sirs,

I am a both an investor, and a career-long (30+ years) Information Systems Developer/Manager/Executive.

There is absolutely no question that the enormous contributions made by MICROSOFT to the area of PC operating systems and applications development have revolutionized the computer and information processing industries. No other company

could have (nor evidenced enough initiative to have) approached the significance of innovation produced through the persistence and singular efforts of Bill Gates and his crew.

As an investor, I can only applaud the tremendous stimulus Microsoft's growth record provided to the stock market boom of the nineties. Witness the dampening effects that commenced coincident with Reno's assanine assault on one of the true symbols of successful American capitalism. Sad to see that ''victim mentality'' has now gained such Federal sympathy in compromising America's competitive spirit.

I believe that the entire case was a liberal travesty, perpetrated to pull the plug on a booming investment climate, by a bunch of ne'er-do-well Clinton bureaucrats supporting Greenstein's compulsions to wreck the market... and a select few of America's business champions.

Drop the B.S. and let's get America back to the truly competitive style tyhat made us a once-great nation.

Sincerely,
William A. Horan
(former) President I.S.I./ MARS Inc.
Montville, NJ 07047

MTC–00006724

From: LuckyQuads8@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:16pm
Subject: microsoft settlement to whom it may concern,

i think it's a shame that the doj should have a say on how microsoft runs its business. they did nothing illegal. drop the case immediately. you should be putting all your time into protecting the innocent citizen from terrorist attacts, instead of trying to make a name for yourself.

look what you guys are doing to medicine by not allowing them to collectivly bargan.

Sincerely,
michael gentile

MTC–00006725

From: HaroldW174@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:16pm
Subject: microsoft

settle the law suit . it is fair and let people go back to work on new systems

HAROLD E.WAKE

MTC–00006726

From: Bshall@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:17pm
Subject: Microsoft Settlement

I think it's terrible that Microsoft was involved in this case in the first place. It's a free country, supposedly, and they were smart enough to take advantage of the freedoms we have. Why should they be penalized. The other companies would have done the same thing if they had been smart enough to do it.

Betty Hall
Temecula, CA

MTC–00006727

From: Robert Taylor
To: Microsoft ATR
Date: 1/2/02 4:18pm
Subject: Microsoft Settlement..

USGOV. DOJ:

Don't you think it is about time you settled this case once and for all? This case ''SHOULD NEVER HAVE STARTED'', but the politians in the Senate (in particular) insisted that you procede with this ''INJUSTICE to MICROSOFT'', and you caved in. Look it has gone on long enough, the economy is faltering due to mistrust and fear on part of the general public. Why don't you do the right thing and settle this so we can move on in America? The last settlement I heard sounded pretty good for everybody but Apple Computer (they did not want to lose their stranglehold on the education systems use of computors. The heck with them, ''Settle this oin the basis of the court last reccommendation, so we can start renewing our lives here in America.

Sincerely,
Robert M. Taylor
866 Geneva Ave.
Toledo OH. 43609–3038

MTC–00006728

From: Andy Elvey
To: Microsoft ATR
Date: 1/2/02 4:18pm
Subject: I also support the views put forward by Ganesh Prasad

Dear Sirs,

I would like to add my voice to that of Ganesh Prasad (whose submission you may have seen— if not, it is at this link— *http://www.linuxtoday.com/news—story.php3?ltsn=2002–01–02–002–20-OP-MS*

I believe that he has put forward a very good case for stronger remedies in the case of Department of Justice vs Microsoft. I am particularly frustrated with the so-called ''bootloader clause'' , in which Microsoft has had secret agreements with OEMs that prevent them from offering consumers the choice of which operating system to boot when they start up their computers. Now *that* sounds suspicious .....

I know that I am only one voice among millions, and I'm not an American citizen (though I —am— half-Canadian!) . I can only ask that the views put forward by Ganesh are treated with the seriousness that they deserve. I believe he has made a very eloquent and persuasive case for strong remedies.

Very many thanks for your time and consideration! (And have a good 2002!)

Andy

MTC–00006729

From: Pete Rodriguez
To: Microsoft ATR
Date: 1/2/02 4:18pm
Subject: Microsoft Settlement

Dear Sir/Madam,

I just want to express my opinion as to what I see as a needless persecution of Microsoft Corporation in the last 5 years. Most of the arguments in regards to Microsoft's browser integration with the operating system as Microsoft's way of closing the system to competition is incorrect. In light of the recent viruses and DDOS attacks, this integration and openess have actually allowed Microsoft's Windows and email system to be more vulnerable. There are enough documented APIs out there that more rogue software can be developed. In my opinion allowing unrestricted access to all source code will make Microsoft more vulnerable to future attacks on its Windows Operating System. As to JAVA and other middleware for the browser and server environment, they too are susceptible to these attacks. A new way needs to be develop to open up the Internet and develop applications difficult to hack and launch DDOS attacks. Narrowly focusing on the IE Browser and Windows as the way Microsoft will dominate the Internet is already proven more a liability to being hacked than a Microsoft advantage. Please let Microsoft improved and fixed their vulnerabilities unhampered with more litigation whose main argument have been proven false more than 5 years after this antitrust cases were filed. The argument that Browser and Internet integration gives Microsoft an upperhand against other application developers does not hold water. We now know its a double-edge sword. It actually created more jobs and companies whose main product is to prevent or contain these virus attacks. It gave Microsoft a black-eye because machines were going down because of IE and Outlook launched viruses. Please allow Microsoft freedom to innovate, fixed and improve its products.

Respectfully,
Pete Rodriguez
CC:MSFIN@Microsoft.com@inetgw

MTC–00006730

From: Stuart Powell
To: Microsoft ATR
Date: 1/2/02 4:18pm
Subject: Microsoft Settlement

Please settle the Microsoft case asap. And if this settlement does not include the holdout States, please encourage them to join in the settlement and let's put this behind us.

MTC–00006731

From: Peter A. Weller
To: Microsoft ATR
Date: 1/2/02 4:18pm
Subject: Microsoft Settlement

Please be informed that I firmly support the current settlement with Microsoft that has been proposed and agreed upon

Sincerely yours
Peter A. Weller
1398 Edgewood Dr.
Holland, MI 49424

MTC–00006732

From: SandyFane@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:18pm
Subject: microsoft settlement

Dear Sir,

Please settle the Microsoft case and move on. It has been long enough.

Thank you.
Sincerely,
Mrs. Fane

MTC–00006733

From: Thomas A Wade
To: Microsoft ATR
Date: 1/2/02 4:20pm
Subject: microsoft settlement

Dear Mr. Ashcroft

I do not beleive that our federal government should ever have brought an antitrust lawsuit against the Microsoft Company for controlling a large portion of the market because of their product superiority. It does not appear to me or anyone else I have talked to, to be a monoply. Where wood this country be in the hi-tech world without Microsoft. It seems really unfair to me to punish them for being so successful in their bussiness. Because of the down turn in the bussiness cycle, I also beleive, the sooner we can put this nonsense behind us and give credit where credit is do the better we all will be.

Thank You

Sincerely

Thomas A WadeGet

MTC–00006734

From: Jeff Erwin
To: Microsoft ATR
Date: 1/2/02 4:19pm
Subject: MICROSOFT SETTLEMENT

According to Tom Reilly, one of the 10 state attorneys general who have broken with the Justice Department to offer their own remedies in the antitrust case of the decade, their proposed fix is designed to ''end Microsoft's stranglehold on innovation and competition in the personal computer industry.''

If you actually read the proposals, though, a very different message comes through loud and clear: The state AGs want to turn Microsoft into a regulated public utility, with about as much freedom to innovate as the Minsk Post Office. Indeed, the proposal looks like something Oracle, Sun Microsystems and AOL Time Warner dreamed up to do to Microsoft—something none of them have managed in the marketplace. Thomas Penfield Jackson, the judge in the antitrust trial, was inclined to break up Microsoft and scatter the pieces to the wind. What Microsoft haters love to forget is that the federal appeals court reviewing the verdict came to very different conclusions. It jettisoned two out of three of Judge Jackson's findings of liability and trimmed the third substantially.

Justice Department litigators, anxious to hold as much turf as they could but realistic about the import of the unanimous appeals court decision, subsequently negotiated a settlement that addressed every element of liability—and then some.

But half the state AGs, who had piggybacked on the Justice Department case and grown fond of their self-appointed role as David to Bill Gates' Goliath, apparently saw no problem in pretending that Judge Jackson's verdict stood.

You think I'm exaggerating? Consider what the AGs have proposed. They want Microsoft to strip Windows down to its skivvies and then sell the operating system in every possible state of dress: with browser or without, with media player or without, with e-mail functionality or without, and so forth. And they want to set the prices Microsoft charges for this OS according to somebody's reckoning of how much the company spent to create each feature.

All this in spite of the fact that the appeals court explicitly stated that the burden of proof was on the government to show that the costs of integrating new features into the operating system, as measured by a reduction in competition, exceeded the benefits to consumers in terms of improved functionality.

The plan would effectively Balkanize Windows, making it impossible for independent software developers to use any of the newly optional features in the operating system without incurring the wrath of customers who inadvertently bought the wrong version of Windows. Remember Microsoft's dispute with Sun over the purity of Microsoft's version of Java? Microsoft settled a private suit with Sun in January 2001 by agreeing to stop the development of its own versions of Java. Yet the states would require Microsoft to include Java with every copy of Windows, effectively making it a common carrier for Sun on the order of a pipeline that must deliver other companies' oil.

Then there's the small matter of disclosing trade secrets. The antitrust case, of course, was about operating systems—Microsoft's applications software was barely mentioned. Yet the states are demanding that Microsoft license three other companies to produce versions of its Office applications suite for competing platforms. Microsoft would have to provide the Office source code to licensees, and much of the Windows source code as well, since Office needs Windows APIs.

Did I mention oversight? The Justice Department proposal would create a technical committee with authority to advise the court on enforcement issues. The states want to create a special master, who would effectively have veto power over Microsoft's design and marketing decisions.

The chances are excellent that the state AG's horror show will never make it to Broadway. The new judge in the case—Judge Jackson, you'll recall—was fired for ethical lapses.

But thanks to the states' initiative, the case will drag on, and the state AGs will earn more brownie points from Microsoft's competitors. Who, apart from consumers of software and believers in a prudent, consumer-oriented antitrust policy, could ask for anything more? Leonard Orland is a professor at the University of Connecticut Law School. This was an article he wrote on December 21st which succinctly addressed the real issues in this case.

Jeff Erwin
General Manager
Network Management Group
Management Business Group
Microsoft Corporation
(425) 705–9400

MTC–00006735

From: Margo Jenson
To: Microsoft ATR
Date: 1/2/02 4:19pm
Subject: Microsoft settlement

Once and for all leave the most important business in United States, Microsoft corportion alone. It is about time they can conduct their/our business that benefits the US as well as all the rest of the world without somone constantly trying to beat them down. WE AS CUSTOMERS HAVE HAD ENOUGH GET OFF THEIR CASE !!!!!!

Until somone can build a better mouse trap they better shut up!

Margo Jenson
Anacortes, WA

MTC–00006736

From: Robert S. (Bob) Duggan, Jr.
To: Microsoft ATR
Date: 1/2/02 4:20pm
Subject: Microsoft Settlement

Sirs:

Let's get past the Microsoft dialogue and finalize the settlement. Further delay is of no benefit to anyone, and it further delays the upturn in the national economy.

Yours for a better economy.

Robert S. (Bob) Duggan, Jr.
r.duggan@ieee.org
1112 Mason Woods Drive
Atlanta, GA 30329
[home page] http://pages.prodigy.net/r.duggan
[genealogy] http://freepages.genealogy.rootsweb.com/duggan

MTC–00006737

From: ClioKoutz@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:20pm
Subject: Microsoft Settlement

Dear Sirs,

Please settle with Microsoft and do not allow litigation to continue any longer. The consumer will be harmed if litigation continues. I would hate to see further delays of the shipping of free computers to the inner city schools.

Sincerely,

Clio Koutzoumis

MTC–00006738

From: ISavliwala@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:20pm
Subject: Microsoft Settlement

I believe for the good of the people and the economy, this matter should be settled without further ado.

I believe further prolongation would only hurt the economy. Microsoft has been instrumental in propelling our country forward and I don't think this is the time to reverse the trend.

Mustafa N. Savliwala

MTC–00006739

From: paul—schmidt@msn.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:21pm
Subject: Microsoft Settlement

Gentleman:

I strongly believe the government should do everything possible to settle with Microsoft. Microsoft's contribution to industry has been outstanding. To punish Microsoft is unthinkable. It's easy to compete with Microsoft. It's called superior technology. Anybody can do it. For sure it isn't the legal system.

Thank you for hearing my thoughts.

Paul Schmidt, Jr.
paul_schmidt@msn.com

MTC–00006740

From: Georgene Majors

To: Microsoft ATR
Date: 1/2/02 4:21pm
Subject: Microsoft Settlement

I think that the settlement agreed to by Microsoft and DOJ is more than fair to all parties. I would like to see us move on, it would benefit the end consumer and the industry and the economy to put this behind us. Further litigation, in my opinion, serves no useful purpose.

Respectfully
Georgene Majors

MTC–00006741

From: RYBARCZYKT@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:20pm
Subject: Microsoft Settlement

It is my feeling that the government has put Microsoft through a legal proceeding that has unfairly penalized them for acting properly in our capitalistic society. The main instigators of this proceeding were Microsoft's competitors. I guess they figured that if they could not beat Microsoft in the business arena maybe they could do it in court. It is now time to drop the litigation and accept the settlement offer that has been agreed to by both Microsoft and the Federal Government.

MTC–00006742

From: paul—mindrup@
standardandpoors.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:21pm
Subject: Microsoft Settlement

Attention: Department of Justice,

Regarding the recent Microsoft Settlement, I would like to state publicly that the settlement is fair and serves the public interest.

Considering all of the facts, this settlement is tough but is also reasonable and fair to all parties involved.

I beleive that this settlement is good for the consumer and that opposition to this settlement comes mainly from the competitors of Microsoft.

Sincerely,
Paul Mindrup

MTC–00006743

From: Poppy1230@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:21pm
Subject: Microsoft Settlement

Once and for all, I think it's time the governments, federal and state, get off the back of Microsoft and let them continue to do what they are best at doing and that is innovating and coming up with new products. I frankly don't see them as a threat to the consumers. It's not that they're the only show in town. There are too many cry babies in Silicon Valley.

Virgil Nerli,
Flushing, New York

MTC–00006744

From: MikeKirk1@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:22pm
Subject: Microsoft Settlement

I am against the settlement. Frankly, I don't think Microsoft should be punished. They have created a product which has enabled this computer/technology revolution to occur. For years we had microchips, computers etc. but it was not until Microsoft build their windows software and explorer software that everything was able to come together in one workable platform. Please don't kill the goose that laid the golden egg!!!!

Regards,
Michael Kirk
201–678–1941

MTC–00006745

From: Eldon Loewe
To: Microsoft ATR
Date: 1/2/02 4:21pm
Subject: Microsoft Settlement

Dear Sirs:

I urge you to settle the Microsoft case in its present form; no further litigation please.

Eldon Loewe
916 NW 115th Circle
Vancouver, WA 98685
nicpapa@teleport.com

MTC–00006746

From: EVERETT WILLIAMS
To: Microsoft ATR
Date: 1/2/02 4:22pm
Subject: Microsoft Settlement

I have had a computer since 1983 and like almost everyone else have used Microsoft windows. I have always had a choice of browsers, all I had to do was download whatever I wanted. I feel that the fact that Microsoft offered their browser as part of the windows operating system caused a far greater and rapid use of e-mail, everyone gained. Enough already.

E.H. Williams

MTC–00006747

From: Ernie Valenzuela
To: Microsoft ATR
Date: 1/2/02 4:22pm
Subject: microsoft settlement:

Re: settlement:

I still think the government should leave Microsoft alone,let you continue inovating new programs and systems.

All others can do the same on their own, I am tired of bickering and government interference. They should look into the failure of Congress to pass the very important bill, on relief for the economy before we go down like Japan.

The Stimullus package, should have been addressed , and not the microsoft affair. Is this a free country,? then let the other companies do their own research, I am happy with Microsoft as it is.

Stay Well
Ernesto Valenzuela, Captain USN Retired

MTC–00006748

From: Barry Kentrup
To: Microsoft ATR
Date: 1/2/02 4:23pm
Subject: microsoft settlement

Dear DOJ Representative,

The Microsoft settlement is needed for the American economy to return. This suit was a political action from the start and now is the time to correct this error. I recommend the following action:

1.) Throw the entire suit out!!!

2.) If #1 is not possible, make the decision as fast and soft as possible.

Microsoft is a company which has done wonders for our country, It is time to repay them with your confidence vote.

Barry Kentrup
Orange, CA

Disclaimer: I own no Microsoft stock and am in no other way affiliated with this company. I am an honest self-respecting law-abiding citizen who knows the difference between right and wrong.

MTC–00006749

From: Warren Uppling
To: Microsoft ATR
Date: 1/2/02 4:23pm
Subject: Microsoft Settlement

To whom it may concern:

The ''settlement'' seems to be the best for the consumer, whom I represent. I think it is time to get back to business. Thanks for your time and consideration.

jwu

MTC–00006750

From: Richard Latimer
To: Microsoft ATR
Date: 1/2/02 4:23pm
Subject: Microsoft settlement

Dear Sirs:

I am pleased with the tentative settlement reached with Microsoft corporation as stands. I would like to get this matter behind us as soon as possible so not to hinder future breakthroughs in the world of computer electronics.

Cordially,
Mr. Richard K. Latimer

MTC–00006751

From: Chuck Brouse
To: Microsoft ATR
Date: 1/2/02 4:16pm
Subject: MS Settlement

I am in favor of the Microsoft settlement. I for one, being a consumer and an IT professional, enjoy and benefit from using Microsoft products. This settlement isn't exactly timely, but nevertheless will end a disagreement between the government and Microsoft that I personally have seen as ridiculous and a waste of the tax payers money.

Chuck Brouse
CEB Information Systems, Inc.
9050 Iron Horse Lane, Suite 108
Baltimore, MD 21208
Bus: 410.580.9080
Fax: 410.580.9082
www.cebis.com
cbrouse@cebis.com

MTC–00006752

From: Jennie Jast
To: Microsoft ATR
Date: 1/2/02 4:22pm
Subject: Microsoft Settlement

Dear DOJ:

As a concerned citizen and a consumer, I strongly support the settlement of US. vs. Microsoft. Please stop special interests group from derailing the settlement and wasting taxpayers money. Settle the case NOW and tell the 9 state attorneys to stop putting their personal ambitions above the people of their states!

Let the free market decide Microsoft's fate.
Jennie Jastrzembski
Newport News, VA

MTC–00006753

From: Rices21@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:22pm
Subject: Microsoft Settlement

People under free economic systems prosper, people under government controlled systems struggle to survive. Government intervention in the market place serves corruption, not productivity. It is the tax supported government that is too powerful, not comsumer supported Microsoft. The entire government case against Microsoft should be dismissed.
Houston W. Rice
rices21@aol.com

MTC–00006754

From: Donald E. Olsby
To: Microsoft ATR
Date: 1/2/02 4:25pm
Subject: Microsoft Settlement

Why don't you get off there case ?? Give them some more time. Having to waste so much energy looking for UNCLE SAM and now the states has to be a drain on production. You must realize the longer it takes the more money they will have. They can't even come close to filling XBOX orders let alone the other software products that are in such demand. My son attends a local community college and he says without the help and gifts from Microsoft they would be up creek in the information tech side of the school and here they are gifting and UNCLE is undercutting. You make no sense you can't take their brains away—-THANK GOD !!// Don & Carol Olsby
Donald E.Olsby
CC:David Olsby

MTC–00006755

From: JWesley4X@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:24pm
Subject: Microsoft Settlement

Dear Sirs,

I am in favor of settling the case against Microsoft. The proposed settlement is fair to all parties concerned and should move forward.
Sincerely,
Jonathan Beck

MTC–00006756

From: florence howe
To: Microsoft ATR
Date: 1/2/02 4:24pm
Subject: Microsoft Settlement

Dear sirs,

Enough is enough, End This Legal Manovering and get on to somthing that will benifit the masses rather than just a few.
Glenn R Howe
5137 SE Oakland Ave
Milwaukie, OR 97267

MTC–00006757

From: Deb Dub
To: Microsoft ATR
Date: 1/2/02 4:25pm
Subject: Microsoft Settlement

Hello,

This case has drug on for WAY TOO LONG! Please make sure this reaches a settlement soon so we can all move on. And hopefully, the economy will be the better for it as well. (Have you noticed that things go better whenever a rumored settlement is being discussed?)

And remind the states on where personal computer technology would be if it wasn't for Microsoft. I've used Unix systems and would NEVER want something like that at home. It's not user friendly at all!!!

Thanks for getting this taken care of in a timely fashion.
Sincerely,
Debbie Wilcox

MTC–00006758

From: Art Paquette
To: Microsoft ATR
Date: 1/2/02 4:25pm

Please stop stifling the innovation which benefits our country's economy and serves only to dampen the recovery . . .

Settle this suit with Microsoft and let's get on with business . . .

A Concerned Citizen and Taxpayer . . .
Art Paquette

MTC–00006759

From: Gordon Knight
To: Microsoft ATR
Date: 1/2/02 4:26pm
Subject: Microsoft Settlement

Gentlemen:

As an entrepreneur I believe in the freedom to conduct business in a manner consistent with civilized practice and the laws of the State and Country.

I consider that Microsoft has done this, yes there may be some sour grapes from others not so smart or not so fast, their loss will encourage them to try harder and move faster in future that's free enterprise. Its very easy to get overly combative in the heat of battle maybe Microsoft is guilty of that but no more. Thanks to Microsoft products my business runs much more efficiently today than 10 years ago. I suggest that the Government busy themselves with criminals, tax evaders, terrorists and suchlike and leave entrepreneurs and business men to do what they are best at even if its highly competitive.
Sincerely
Gordon B. Knight

MTC–00006760

From: OBJECTIVE1@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:26pm
Subject: Microsoft Settlement

Settle with Microsoft. The DOJ was wrong in attacking Microsoft in the first place. Microsoft did not do anything wrong. They did not initiate force against others. They did not commit fraud. They were being pursued for offering a product (Internet Explorer) to their customers for free. Why is that a crime?

They were being pursued for negotiating with their customers a agreement whereby their software would be included on newly produced computers. Why is that a crime?

Bill Gates was targeted because he was too successful for Washington bureaucrats. Antitrust law is an abomination and should be abolished. It punishes innovation and success and makes the world less competitive not more. It makes products more expensive not less.

You should spend your time pursuing Bin Laden not Bill Gates!
Logan Darrow

MTC–00006761

From: Alan Goldberg
To: Microsoft ATR
Date: 1/2/02 4:25pm
Subject: It's time to settle and move on

I think it is time for all parties involved in the Microsoft case to accept the DOJ settlement and move on. The consumer has not been harmed and it is only the lawyers and weak competitors who stand to benefit from continuing this case. History has proven that the marketplace does more to correct these problems then the courts.
Alan Goldberg
Kings Point, NY

MTC–00006762

From: w—engstrom
To: Microsoft ATR
Date: 1/2/02 4:27pm
Subject: Microsoft Settlement

Dear Sirs, Instead of being harassed by the U. S. Government, Microsoft should be considered as a National Treasure. Its exported products help our economy and expand our capabilities. I think that the court case against Microsoft was totally unfounded. Whatever concessions that Microsoft makes are more than adequate, and in my opinion should not even be necessary. While there are those people (mainly Microsoft's competitors) who want to suppress Microsoft, we believe that Microsoft provides great products and follows up with great support for those products.

Microsoft's products are sometimes released with ''bugs.'' However, Microsoft readily provides fixes via the Internet as soon as they realize there is a problem. Their customer support is outstanding. As an engineer, I recognize that few products that hit the marketplace can be perfect, and that it is impossible to foresee everything that can go wrong, no matter how well you plan. In spite of this, Microsoft does a great job and has provided significant support to the technology and economic health of the industry and our country.
William Engstrom
3110 181 Avenue NE
Redmond, WA 98052–5934

PS, I haven't seen Janet Reno or Joel Klein producing any software or anything else of value to the country lately. Thank God they are no longer with the Government. The main thing that can be said of Joel Klein is that he successfully used the Microsoft suit as a stepping stone to a better-paying job. But he left a wake of destruction behind him.

MTC–00006763

From: Rich Wray
To: Microsoft ATR
Date: 1/2/02 4:27pm
Subject: Microsoft Settlement

I have a small real estate investment and management business in Southern California, and I have been a satisfied user of Microsoft products in my business since 1995. I also own a small amount of their stock. During the past several years I have followed closely

the anti-trust trial, and, frankly, I cannot understand the governments position against Microsoft, their products and their business practices. In my opinion, the only plausible explanation is politics. It is the ugly side of our system of government where competitors use political contributions to gain access to holders of public office and judges in order to gain an advantage against a business competitor. For me it is particularly disapointing that the primary example of this ugly part of politics is occuring in my home state, where Oracle and Sun Microsystems have teamed up with Attorney General Bill Lockler for their respective personal gain.

I know that Microsoft products have been greatly responsible for the increase in productivity of individuals and business, especially during the past seven years, because in my business we are able to accomplish with 3 people what required 6 or more people in the 1980's and early 1990's. The difference is profitability for myself and better pay for my employees. We are not technical people, so we would not be able to take advantage of computers and the internet without the software provided by Microsoft. Also, as Microsoft has incorporated more into their operating system, we have been able to take even greater advantage of technology. We now regularly use the internet in our business to communicate, purchase goods and services, and to access information, all without the need to know how it works. I for one do not want to revert to a world where these capabilities are available only to the technologically advantaged.

My son is an electrical engineer and, prior to his graduation from college, he was not a fan of Microsoft. Like most technology people, he prided himself in the ability to use linux and other software programs that a technically-challenged person such as myself could not use without a great deal of training. Now that he is in the business world, he appreciates Microsoft products because he now understands the necessity for all people to communicate on the internet and to use the power of computers, which non-tecnical people would not be able to do without Microsoft or similar software. Sun Micro, Oracle, AOL and others could have chosen to develop competing technologies to challenge Microsoft's growing dominance, but, instead they have chosen to use their vast resources to fund a political challenge instead.

My understanding of anti-trust law is limited, but I thought that the over-riding intent was to protect the consumer. How is the consumer protected by restricting his ability to access the internet and other technologies by limiting the extent to which such abilities can be incorporated into the operating system of their computer? Also, how has the consumer been harmed? Anyone who has purchased software knows that Microsoft products are not expensive, certainly not when compared to other operating systems and business software. As for Microsoft's business practices, most of what I have heard has centered on things like volume discounting and controlling ''shelf space'', that is access to the desk top. In my opinion, these are normal business practices.

If Microsoft has a monopoly in operating systems and even business applications, then it is a de-facto monopoly. The consumer has selected Microsoft products overwhelmingly for their performance, not for lack of alternatives. The same can be siad for AOL. What is the point of the never-ending legal onslaught against Microsoft other than for the personal gain of individuals in the Federal Justice Department (especially under Clinton), the State's Attorney Generals, the aforementioned Oracle, Sun Microsystems and AOL, and every class-action lawyer in the United States anxiously awaiting their turn to profit from this legal war on Microsoft. For the consumer, what might the award be, some discount coupon on their next Microsoft product? Obviously, this legal war on Microsoft is not about the consumer at all. Its about politics.

I do not believe that Microsoft owes anything to anyone for their success. However, if Microsoft gives software and re-conditioned computers to schools, the schools and the children are winners. Of course, Microsoft might also be a winner if this means that more schools in the future buy Microsoft instead of Apple, or more children and their families do the same. The only way to avoid this result is to deprive the schools and the children of the Microsoft products, or for Apple to improve upon their product. Let's bring this legal warfare to an end. Accept the Microsoft settlement. For those tates that choose not to do so, let them continue their battle on their own. Maybe the citizens of their states will become as disgusted with the costs and the process as am I.

Thank you.
Rich Wray

MTC–00006764

From: Kenneth Jennings
To: Microsoft ATR
Date: 1/2/02 4:27pm
Subject: Microsoft Settlement

To Whom It May Concern:

I feel strongly that Microsoft has not done damage to other companies. Microsoft has been innovative and should not be penalized for that. It is time to get this case settled which will also be a big help to the economy.

Sincerely, Verna Jean Jennings, consumer.

MTC–00006765

From: C.W. Schumacher
To: Microsoft ATR
Date: 1/2/02 4:28pm
Subject: Proposed Microsoft Settlement

Gentlemen:

I feel strongly that the proposed litigation settlement with Microsoft should be finalized as presented.

We've had enough litigation.
Respectfully,
Carl W. Schumacher
5655 Lynbrook
Houston, TX 77056
Email: cschumacher88@hotmail.com

MTC–00006766

From: Mrothberg@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:27pm
Subject: Microsoft Settlement

Let's get the show on the road and implement the settlement. MS is a pioneering entrepreneurial company that has only done great things for the Information Technology industry. Let's not play around anymore with those who want to penalize MS for their vision and and intelligence.

.....Remember the 11th of September.....
Michael Rothberg
APPLIED NETWORK SOLUTIONS INC
PO Box 6380
Somerset NJ 08875–6380
(Cell) (732) 208–7323
(V) (877) 247–0377
(V) (732) 247–0377
(F) (732) 247–0139
E-mail: Mrothberg@AOL.com

MTC–00006767

From: Jim STARNES
To: Microsoft ATR
Date: 1/2/02 4:27pm
Subject: Microsoft Settlement

To The Department of Justice Officials:

I feel that Microsoft Corporation has worked hard at reaching a fair settlement over the last year, and all parties should be commended on their efforts. However, when you deal in the type of businesses that Microsoft does, there are many competitors that may not have fairness in mind. I hope that the Department of Justice feels confident in the present settlement, and does not allow those with ''special interests'' to derail an agreement that is in the public's best interest.

Sincerely,
James W Starnes
jim_starnes@pgn.com

MTC–00006768

From: C Zellmer
To: Microsoft ATR
Date: 1/2/02 4:28pm
Subject: Micrsoft Settlement

Lets close the Microsoft case. It should be settled for the good of the country and the good of the Consumers. Thanks ,

C. Duane Zellmer
6061 Dundee Drive
Huntington Beach, Ca.
92647

MTC–00006769

From: Paul Sanusi
To: Microsoft ATR
Date: 1/2/02 4:22pm
Subject: Setle the Case with Microsoft Once and for all

I will like to see the problem with Microsoft resolved finally. This case is dragging the whole economy down. I will like to see Microsoft freed , because unnecessary time and energy is being wasted. Microsoft could have done more innovations where it not for this case. The nation needs better technological innovations . This can not be achieved by holding the gun at Microsoft's head. I am suprised that the state of California is not the other states willing to resolve this case. California is suppose to be an innovative state.

MTC–00006770

From: DrLehon@cs.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:29pm
Subject: (no subject)

I feel the settlement between the federal govenment and Microsoft is sufficient. I do not believe it is in the public interest for the

States to make additonal demands upon Microsoft.
Thank You
Lester Lehon

MTC–00006771

From: Charles Chambers Sr
To: Microsoft ATR
Date: 1/2/02 4:28pm
Subject: Microsoft Settlement
When will the government get out of the way of progress. I feel that the governments persuit of Microsoft has inhibited progress and has contributed to the economic decline in the technology area and the economy in general. Please move over and get out of the way.
Charles R. Chambers

MTC–00006772

From: daley advertising
To: Microsoft ATR
Date: 1/2/02 4:29pm
Subject: Microsoft Settlement
Gentlemen/Ladies,
Please do not throw any more monkey wrenches in this action. Lets get it settled as it stands.
Everyone seems to forget that this man (Gates) and the Microsoft company have been largely responsible for the development of a system that has benefited the world and business for the past 15 years. Before windows, it was impossible to get one piece of software to be compatible with another. With the developments of windows operating system, the WORLD has benefited greatly.
He has invented a better mouse trap and the cry babies that oppose him and his company will bring the entire industry back to the stone age if you allow them to screw up a good thing. Let the opposition be as creative and as inventive as Microsoft and let them compete that way.....not by having politicians getting involved in something they know nothing about.
Yours truly,
George F. Daley

MTC–00006773

From: SCZECINSKI@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:30pm
Subject: MICROSOFT SETTLEMENT
PLEASE LEAVE MICROSOFT ALONE—THEY HAVEN'T DONE ANYTHING WRONG.
PLEASE LET'S GET THIS OVER WITH.
SINCERELY,
MONIQUE SZCZECINSKI

MTC–00006774

From: Elaine Ehrhardt
To: Microsoft ATR
Date: 1/2/02 4:30pm
Subject: Microsoft Settlement
This comment is directed to the Department of Justice. This is to let you know that I feel that it is in the best interest of all concerned that the Department of Justice goes through with the settlement that it has reached with Microsoft.
Thank you for your taking the time to read this message.
Sincerely,
Elaine Mirone Ehrhardt

MTC–00006775

From: HENRY KIENZLE
To: Microsoft ATR
Date: 1/2/02 4:29pm
Subject: Microsoft Settlement
I believe that the Microsoft settlement should proceed as it now stands. Further litigation merely hampers progress in the computer industry, and allows more unscrupulous litigates to further enrich themselves at the expense of the public taxpayers.
This case has already dragged on far too long, and should be brought to a swift, fair conclusion.

MTC–00006776

From: Richard T Schroeder
To: Microsoft ATR
Date: 1/2/02 4:31pm
Subject: Microsoft Settlement
The Microsoft Settlement is fair and further litigation is a total waste of money. We taxpayers are sick and tired of the continued playing around and are appalled at how much money has been wasted in the past years on this activity. Kindly close the book and stop the waste. I for one have worked hard to earn my money and the Government throwing it away on this unnecessary pursuit is simply grandstanding. It is not the United States money that is being wasted, it is mine and the other millions of taxpayers. Stop this continued abuse!
R.T. Schroeder

MTC–00006777

From: Tom Collins
To: Microsoft ATR
Date: 1/2/02 4:38pm
Subject: Microsoft Settlement
Dear Sirs,
From the outset of the suit I have felt that the charges were more political than fact based and as a user of many of Microsoft's programs I have felt that the software and services were fairly priced and technical support was available when ever needed. As far as a competitor's viewpoint sour grapes appear to be obvious. I hope the settlement can go forward and allow the competitors to built a better mousetrap as opposed to destroying a well founded Capitalistic American company.
Sincerely,
Thomas F. Collins

MTC–00006778

From: eclaggett@tt-ec.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:33pm
Subject: Microsoft Settlement
United States of America
Department of Justice
To Whom It May Concern
I strongly believe that the comprehensive agreement reached between the federal government and nine states with Microsoft to address the reduced liability found in the Court of Appeals ruling is fair and equitable.
I strongly believe that the settlement is reasonable and fair to all parties involved, and once finalized could provide a small but much needed boost to the current economy.
I believe any further actions against Microsoft would simply be for punitive measures by Microsoft competitors.
The more quickly this can be settled, the better for all parties involved!
Eric Claggett
Vice President of Operations
Tinnerman Palnut Engineered Products M assillon, Ohio
Phone: 330.830.7521
Fax: 330.830.7505
E-Mail: eclaggett@tinnerman.com

MTC–00006779

From: Hank Flynn
To: Microsoft ATR
Date: 1/2/02 4:32pm
Subject: Microsoft Settlement
To whom it may concern:
As a longtime developer of software products for engineers I feel that the DOJ anti trust suits have harmed Microsoft and the marketplace. Let's end this countrproductive litigation and let the market place do what it does well, sort out winners from losers, without political interference.
Best Regards,
Hank Flynn

MTC–00006780

From: TESSTAUG@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:33pm
Subject: Microsoft Settlement
As a concerned consumer, I consider the Microsoft settlement fair and reasonable. It's time to bring this litigation to a close. Put a stop to the efforts of the special interest groups, who apparently are unable to compete effectively in the market place without government assistance, and the ego trips of the nine State Attorneys General who are trying to extend the litigation and waste more of the tax payer's money.
Travis Smith
66 Old Hickory Trail
Hendersonville, NC 28739

MTC–00006781

From: Steve(u)Lieberman
To: Microsoft ATR
Date: 1/2/02 4:32pm
Subject: Microsoft Settlement
Dear Sirs:
I am a proponent of the settlement reached between Microsoft and the DOJ. Please end this economically debilitating litigation. I firmly believe that to continue the litigation will unnecessarily punish Microsoft, provide unjustifiable benefits to Microsoft competitors and leave the consumer with less product choice priced more expensively. In short, I see no benefits to consumers like myself with any further litigation against Microsoft. Please settle immediately.
Steve Lieberman
Oceanside, CA

MTC–00006782

From: Jeff Stucky
To: Microsoft ATR
Date: 1/2/02 4:35pm
Subject: Microsoft Settlement
This antitrust suit was not started by consumers and it has done an untold amount of damage to our economy. The Microsoft settlement is more than fair and needs to be made final.
Thank You,
Jeff Stucky

MTC–00006783

From: Jon Houghton
To: Microsoft ATR
Date: 1/2/02 4:35pm
Subject: Microsoft settlement

The Microsoft settlement is both fair and just. Let's get on to more important issues. It's been tough enough for Microsoft to be as innovative as I know they can be with all the actions taken against them. DOJ, how about spending more time and money on wiping out the criminal drug traffic!

Jon Houghton
Pinecrest, FL

MTC–00006784

From: Ernie and Louise
To: Microsoft ATR
Date: 1/2/02 4:35pm
Subject: microsft judgement

Please leave the Microsoft settlement as is. It is fair.

Ernest M. Wallent

MTC–00006785

From: FSubjack@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:34pm
Subject: Be fair to America—the Microsoft settlement is more than fair

Let's have an end to the badgering of a successful Company. Yes, they are aggressive and successful but that is what America is about and that is exactly what makes us successful.

Respectfully submitted.
Frank Scott
Journeys End Lane
Princeton, NJ

MTC–00006786

From: Dale Wierman
To: Microsoft ATR
Date: 1/2/02 4:34pm
Subject: MICROSOFT SETTLEMENT

The politically motivated litigation against Microsoft was initially not appropriate in my personal judgment, but that is no longer the issue. Severe damage to the National economy, and to the investment portfolios of countless citizens, has been a direct consequence of this morass initiated by statutes not appropriate to the technology of this era.

Our National government has a very definitive role to combat terrorism, without continuing action to dismantle an industrial leader of the free world. The process and expense of the proposed settlement action is much more than appropriate, but should be approved to end the endless expenditure of both public and private time and effort. Further, it would be most appropriate to penalize any State that does not agree to the terms of settlement extended by DOJ and Microsoft, and attempts to continue the litigation. There are significant issues of National security that need the entire focus and effort of the free world without the USA dismantling our economic structure internally!

Thank you for considering our view.
Dale L. and Jane C. Wierman

MTC–00006787

From: jackbarr@postoffice.pacbell.net@inetgw
To: Microsoft ATR
Date: 1/2/02 4:35pm
Subject: settlement

I believe Microsoft has a responsibility to society to play fair and not intimidate its competitors and potential partners. Microsoft should have been divided into two companies. Their attitude has not changed and they will be even more powerful in the years to come.

John Barry

MTC–00006788

From: Neil Bergman
To: Microsoft ATR
Date: 1/2/02 4:29pm

The country has wasted enuff money on this matter. the only ones who may be hurt by this settlement are microsoft's competitors. get it done with. the settlement is fair.

MTC–00006789

From: KJGERWELL@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:34pm
Subject: (no subject)

Microsoft is an American treasure. Sure they are big, but I thought capitalism allowed for competition and not restrictions based on the fact that others are not as competetive or successful. Microsoft has given back an enormous amount to this country in technology, charity and good will, so I believe that they should be allowed to operate as they were. Creating restrictions will only hamper their development and research.

MTC–00006790

From: DBrandt881@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:35pm
Subject: microsoft settlement

settle...period...for msft users, msft investors, and other internet software users' well being....settle....

MTC–00006791

From: Bbkosty@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:35pm
Subject: Microsoft Settlement

Let it be. Let it be. There's no point in harassing the company that has been the most innovative in the computer industry. I am content with the settlement as are so many millions of Microsoft sympathizers. Since when is success a sin???

Yours truly,
Barbara Kosty
1133 Lagoon View Ct.
Cardiff, CA 92007

MTC–00006792

From: RBlum10036@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:36pm
Subject: Microsoft settlement

Stop those few from playing games! accept that just settlement, considered judgement and wisdom, from my generation that too often today is ignored.

History, sometimes doesn't get thru to the youngsters, until too late.

God Bless

Bob Blum

MTC–00006793

From: Thomas Thon
To: Microsoft ATR
Date: 1/2/02 4:35pm
Subject: MS LAWSUITS

Drop the case and move on..Japan would have given MS a medal of honor for accomplishing what they have...The microsoft action was politically motivated to get MS to start giving money to polliticians..Blackmail, pure and Simple..Now MS is giving money to politicians..

MTC–00006794

From: Ron Large
To: Microsoft ATR
Date: 1/2/02 4:36pm

Please settle the Microsoft suit under the terms agreed to by various attorneys general and Microsoft.

Microsoft's ''monopoly'' has enabled millions of CONSUMERS to exchange files, share data, etc. Plus, anyone who wants to can always buy a Mac and not use Microsoft products. Or they can use their existing PC but use Linux (free) and not even install Microsoft Windows or any other Microsoft product. I believe the suit was not in the consumers' interest at all. Big companies (not as big as Microsoft) wanted this suit. They couldn't win in the marketplace, but they devised a way to win in court.

I do not now nor have I ever worked for Microsoft or any software or computer company nor have I ever owned Microsoft stock. I simply use a computer several hours each day running my own small business.

Ronald J Large
Large Profits Fund Raising
400 Susana Avenue
Redondo Beach, CA 90277

MTC–00006795

From: TEX10101@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:35pm
Subject: Microsoft Settlement

The above company has the knowledge and ability to continue to impact the progress of communications in our country in the future as it has in the past and at this time, there should be concern of stifling our national progress thru inordinate restrictions that can act as a detriment to that development.

The public welfare extends to that future development more than the public welfare in either penalizing Microsoft too harshly in sharing information with competitors or in monetary penalties at this time. Overall the public has little support for harsh penalties and feel the major proponents are simply those companies who are in the ''me too'' welfare line to attempt to share in the profit of the research and development success of Microsoft. Forsightness on the impact of severe control Vs future US technology potential should be the true measurement of any legal decision

MTC–00006796

From: Dennis Aulenbacher
To: Microsoft ATR
Date: 1/2/02 4:39pm

Subject: Microsoft Settlement
Gentlemen,
I am in complete support of the settlement that has been reached between the US Government and Microsoft Corporation. All further actions should be completely disallowed. The settlement is FAIR.
Dennis Aulenbacher
cai@htc.net

MTC–00006797

From: UWISSHH@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:38pm
Subject: (no subject)
This is a fair settlement the goverment should move on , don t they have anything else to do ?????? They should move on . Stop picking on microsoft. !!!!!!

MTC–00006798

From: Robert Dunlap
To: Microsoft ATR
Date: 1/2/02 4:37pm
Subject: Microsoft Settelement
I encourage the Department of Justice to finalize its settlement agreement with Microsoft as expeditiously as possible. The failure to finalize the settlement has and will continue to hang over the market and will limit the innovation that is required to further expand the use of technology throughout the world's economy.
Sincerely,
Robert M. Dunlap
18655 West Bernardo Drive, #286
San Diego, CA 92127

MTC–00006799

From: George Tinker
To: Microsoft ATR
Date: 1/2/02 4:38pm
Subject: Microsoft Settlement
Dear Sir or Madam;
This lawsuit was a travesty of justice and a waste of our short taxpayer funds. Who is to gain by this? Certainly not software and computer users like me, who are looking for easier, faster, less troublesome connections.
Have I received more than I expected? Who are the small parties that have been injured, that small outfit that had an extra $1 BILLION in cash to give to the UN, AOL Time Warner (CNN, Netscape, etc.)? I'm sure they're laughing all the way to the bank (hey, we just got the Government, at Taxpayers' expense, to kill our largest competitor.)
This was a bad lawsuit, a clever way for AOL and Sun to kill a major competitor, it chews up precious resources, and has harmed consumers through stifling of creative thought. Drop or settle. There is no more excuse!
Regards,
George Tinker
georgewtinker@hotmail.com

MTC–00006800

From: Jacques Guenette
To: Microsoft ATR
Date: 1/2/02 4:35pm
Subject: Microsoft Settlement
Enough litigation !
Jacques (Jag) GuÏ≤nette
jacques.guenette@dlgl.com
jguen99@aol.com

MTC–00006801

From: Marty Christensen
To: Microsoft ATR
Date: 1/2/02 4:38pm
Subject: Microsoft Settlement
Please stop the litigation against Microsoft and leave them alone. There is no reason for the lawsuit to be extended in way, shape or manner. This should now be a dead issue. Too much governmental money has already been wasted on this and no more should be spent.
Marty Christensen
Listen, Inc.
312–277–4236
312–207–0102 (fax)

MTC–00006802

From: Grieve, Jim
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 4:38pm
Subject: Microsoft Settlement
U.S. Department of Justice:
Please add my name to the list of 200,000,000 or so United States citizens who are or should be tired of the unfair treatment which has been rendered against Microsoft. The company has led the way in ensuring that our great country is counted as the most technically advanced nation on the face of the earth. It may be true that they cut a few corners along the way, making it seem that they were not good corporate citizens. But whatever sins they committed pale in comparison with the benefits that have accrued to all of us. At this point, Microsoft is attempting to make honest restitution for those sins in terms of the proposed settlement. Since they are comfortable with the settlement, I suggest that it be ratified so they can get back to business.
Sincerely,
James W. Grieve
441 North Ashbury Avenue
Bolingbrook, Illinois 60440

MTC–00006804

From: Peter B. Moss
To: Microsoft ATR
Date: 1/2/02 4:40pm
Subject: Microsoft Settlement
The latest roadblock set up by these dissident states is just another money grab a la the tobacco settlement. These states would still be wallowing in 19th century technology,but for Mr. Gates & Co. As a consumer and taxpayer, I think the original settlement is fair and just. Lets move on and leave the whiny competitors and greedy Attorneys General to fight some other battle.
Sincerely,
Peter B. Moss

MTC–00006805

From: Sueysch30@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:41pm
Subject: MICROSOFT SETTLEMENT
I want to express my opinion that the REVISED PROPOSED SETTLEMENT with Microsoft should stand.

MTC–00006806

From: John Beasley
To: Microsoft ATR
Date: 1/2/02 4:42pm
Subject: Microsoft Settlement
It is more than fair. Resolve this matter now. The consumer needs this matter over.
John Beasley
1524 So. 51st Kansas City Ks 66106

MTC–00006807

From: louemma@juno.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:40pm
Subject: Settlement!
Don't you think it time to settle this agreement? There are so many of us, the older generation, who know, use and like Microsoft as it is; why change it to something that we cannot use?
It's time that we got this settled and settled in the best interest of the most of it's user's, not just a few dissidents! Let's leave it alone now as it is!
Louemma Jensen
louemma@juno.com

MTC–00006808

From: Bill Creighton
To: Microsoft ATR
Date: 1/2/02 4:41pm
Subject: Microsoft Settlement
Dear Sirs:
Microsoft has paid its penalties. It is no longer in my interest to furthur pursue this matter or indeed the public's.
Every business in America would like to suceed like Microsoft
Bill Creighton

MTC–00006809

From: Charles Treadwell
To: Microsoft ATR
Date: 1/2/02 4:41pm
Subject: Microsoft Settlement
Dear Sirs:
I believe the Microsoft/DOJ settlement is a fair one and feel the case should be completed.
Thank you,
Charles H. Treadwell, Jr
2057 Bordeaux Lane
Half Moon Bay, CA 94019–1432

MTC–00006810

From: Applestinx@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:41pm
Subject: come on!
Look at who's going after Microsoft! Apple, who's guilty of almost everything they accuse Microsoft of. If Apple or those companies busy designing the Linux operating system don't have the same market penetration as Microsoft, its because these other companies make stuff that the market doesn't like.
No one is stopping anyone from using products from Microsoft's competitors. Most people choose Microsoft for many reasons. Why should folks like Apple, who can't compete, now be subsidized by Microsoft, a company that still has original ideas? Why do all these second-rate companies think they should get a share of what Microsoft has innovated?
I paid $11.50 (w/ shipping) to get the Linux operating system. Its so clunky & lousy, I won't even use it. Did Microsoft cause this Linux OS to be crummy? NO. I can't even begin to tell you how horrible the Apple computer is. Apple makes their own

hardware & software, they have total control. Yet they make junk, & charge more than Microsoft does for new operating systems.

Let's have a level playing field. Let's investigate all the other hardware & software companies, too. Its politically correct to slam Microsoft. Apple, the dirtiest little company that ever was, points to Microsoft and cries foul. Let's take a good look at the whole industry before one company unfairly gets beaten up.

MTC–00006811

From: Andrew Amicon
To: Microsoft ATR
Date: 1/2/02 4:42pm
Subject: Microsoft Settlement

DOJ:

Isn't enough, enough. Get the states off of Microsoft's back and let them get back to running their business. The taxpayers and Microsoft have spent enormous amounts of money NOT TO MENTION MANAGMENT TIME in getting through this DOJ witch hunt. It's time to move on so Microsoft can innovate again and make the world more productive! Throw the 8 state cases out of court and force the settlement on them!

Sincerely,
Andrew R. Amicon
CEO
Medical Technology Resources, LLC

MTC–00006812

From: Jack Pike
To: Microsoft ATR
Date: 1/2/02 4:41pm
Subject: Microsoft Settlement

Sirs

Please get this thing settled, I am from California, but its obvious that the government authorities here are not listening except to those with money to donate to their campaigns. I have no connection with Microsoft except to be a long time user of their software. If it were not for Microsoft I would hate to think where we would be in the computing world. It would be as it was 15 years ago with those yuppies in the Silicon Valley in charge, every thing to expensive for the common man to afford. Settle as soon as possible and use your influence to get the states that are so hungry for money to settle also. They do not care about anything but money.

Jack H Pike

MTC–00006813

From: Jeanne and Joe
To: Microsoft ATR, Lawrence A. Julian
Date: 1/2/02 4:44pm
Subject: Microsoft Settlement

Greetings:

We feel that the Microsoft case has been in courts much more time than necessary. There are so many more important things to work on now. Basically it appears that the majority of the groups opposed to a settlement consists of business competitors who are jealous of Microsoft's success. They want to control Microsoft and be involved in any new procedures that Microsoft will be initiating. It is not in the best interest of the public to put such strict controls on any company Microsoft has produced many new and useful computer programs and it appears that their competitors are very jealous and are attempting to tie up the company and prevent normal honest competition.

Sincerely,
Joseph and Janette Giubbini

MTC–00006814

From: KKHR50A@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:44pm
Subject: Microsoft Settlement

Enough is enough, lets get on with other things. The settlement is adequate.

Ed Butler
4272 NW 54 St.
Coconut Creek FL 33073

MTC–00006815

From: Dave Janne
To: Microsoft ATR
Date: 1/2/02 4:49pm
Subject: Microsoft Settlement

Dear Sirs: I think the time has come to put this behind us, and move on. I think the proposed settlement with Microsoft is fair, and just.

Thank you
L. David Janne
President
Steuben Electronics Inc.

MTC–00006816

From: LDavis3770@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:44pm
Subject: Microsoft Settlement

Please move forward with the proposed settlement! The country needs this to come to an end!

MTC–00006817

From: Susan Steele
To: Microsoft ATR
Date: 1/2/02 4:43pm
Subject: Microsoft Settlement

I am writing to say that I am pleased with the settlement and find it fair for all. In my opinion, this long, and costly, litigation should never have happened to begin with.

I am very displeased to see that a few are still trying to derail this settlement. This is a terrible waste of time and money and could be a direct loss to consumers (who depend on Microsoft for the best) and can only result in more negativity that will help to cause a further decline of our United States economy. All of this, in my opinion, has resulted because of a few people/companies that have been jealous of a man who happened to be intelligent, innovative, successful and gave back to his country and the world with superior products AND donations of HUGE magnitude. And, who, by the way, has HELPED our economy. The public, I feel, has had far more than enough, the companies and ''complainers'' have had far more than their chance...it's time to move on!

Susan Steele
email:susannsteele@hotmail.com

MTC–00006818

From: John Farr
To: Microsoft ATR
Date: 1/2/02 4:43pm
Subject: Microsoft Settlement

Gentlepeople:

I urge you to wrap up and close this case with Microsoft. For many of us, they have been the engine that America has run on for the last decade. The individual states are just trying to make political hay and reap a windfall from a big company. This does not help the economy or the small business that is just trying to go about their business and survive.

I do not work for MS now or ever. I was in the insurance business for years and am now a newspaper columnist and community activist.

Thank you.
John D. Farr
J. D. Farr ''Johnbbq''
Box 490 525 Pinon Ridge
Ranchos de Taos, NM 87557
NEW E-MAIL ADDRESS:
Johnbbq@msn.com

MTC–00006819

From: rishimo@attglobal.net@inetgw
To: Microsoft ATR
Date: 1/2/02 4:43pm
Subject: Microsoft Settlement

Dear Sirs,

Finalize the settlement as soon as possible as my opnion is that the US govt should not have involved itself in this whole mess to begin with, just to satisfy. This does not look good on the image of a free enterprise oriented govt.

regards
a tax paying citizen

MTC–00006820

From: r(u)hodg Hodgson
To: Microsoft ATR
Date: 1/2/02 4:43pm
Subject: Microsoft Settlement

I have written to you before about the Microsoft Settlement. I said that I felt that it was a good offer and that I felt that the court should except it and put an end to this business. I will take this opportune moment to say-so again. We don't need people causing problems right now with the what is going on in this world right now.

Respectfully yours,
Robert Hodgson

MTC–00006821

From: Wendy Sullivan
To: Microsoft ATR
Date: 1/2/02 4:45pm
Subject: Microsoft Settlement

Greetings:

I am writing my opinion to request that the Microsoft case be settled without further litigation. This case has gone on long enough and I believe a fair resolution has already been reached by the Court of Appeals. The ruling is good for consumers and the sooner this settlement can be resolved the sooner companies can return to innovating rather than fighting in court. Our economy (which could use a boost) would benefit by new technology.

Sincerely,
Wendy J. Sullivan
5640 Timson Lane
Alpharetta, GA 30022

MTC–00006822

From: PvHSr@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:45pm
Subject: Microsoft Decisions

Leave Microsoft alone. We have gotten past bad Clinton politics except for a few Clinton (Democratic) followers like Connecticut's AG Blumenthal.

Paul W. von Hardenberg
Southbury, CT

MTC–00006823

From: rdm13d
To: Microsoft ATR
Date: 1/2/02 4:45pm
Subject: Settlement

Dear Sirs:

Please get off MSN's back. If you damage industry leaders you damage the USA.

Robert Mitchell

MTC–00006824

From: William Lenheim
To: Microsoft ATR
Date: 1/2/02 4:46pm
Subject: Microsoft Settlement

The DOJ, agreement with Microsoft although hard, should stand. Any additional changes to the settlement via States, DOJ, or other sources should be avoided at all cost. Microsoft may not be perfect, but they have great products and are on the cutting edge of Software development.

Microsoft is a widely held stock and further harm could be accrued by the smaller stock holders should the company be broken up or changed in any way. The best way to sum up the matter is ''Leave Microsoft Alone''!

By the way I would think that AOL/Time Warner, is more of a monopoly than Microsoft ever was.

Mr. William Lenheim
lenheimw@msn.com

MTC–00006825

From: Dr. Kathi Antolak
To: Microsoft ATR
Date: 1/2/02 4:45pm
Subject: Microsoft settlement

Dear Sir/Ms,

I have found Microsoft's products to be excellent over the years—and would favor allowing them to advance the field of computing without government interference. Please stop using my tax dollars against this company that has helped to change the world in a positive manner. Please cease and desist from further legal actions against Microsoft. I believe it has had a deletory effect not only on the computing world but also on our US economy.

You have my vote. Please get this settled and allow the company to continue it's innovations.

Sincerely,
Kathleen Antolak MD
2137 NW Cascade View Drive
Bend, OR 97701

MTC–00006826

From: DGuyton@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:46pm
Subject: Microsoft Settlement

Err... would you guys like get over it already, and leave Microsoft alone? I know they are the Dark Side, and a megalo-monopolistic bastard, but you know what? So are you! (i.e. the Fed Govt).

So, just leave them alone and let the public market sort things out. At least there is a choice in who's / what software people buy. Microsoft got to be big via the free market system. Let that system sort out their future, not legislation.

Thanks.
David Guyton
dguyton@aol.com

MTC–00006827

From: Padmaraju@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:45pm
Subject: Microsoft Settlement

Ladies and Gentlemen,

I like to add my voice to encourage you to proceed with the proposed Microsoft settlement, without further litigation. This will be in the interest of not just Microsoft but in the interest of the country as a whole, by reducing the cost of further litigation. There already is plenty of competition in the software industry. There are new companies being founded by smart people all the time.

As a not very sophisticated computer user, perhaps one of a large majority, I definitely like the idea of buying one product that will allow me to navigate seemlessly through multiple applications. A complete unbundling of the applications will be definitely challenging and expensive.

Thanks for reading.
Padma Raju, M.D.
Topeka, KS 60004

MTC–00006828

From: Susan Holden
To: Microsoft ATR
Date: 1/2/02 4:47pm
Subject: microsoft settlement

Dear Sir or Madam:

I have been following the Microsoft litigation for years and am delighted to hear that you are settling this case. I think the settlement sounds very fair. And now is not the time to drag our greatest American company through the mud. They need to get back to business.

Susan Holden
Executive Producer and Chief Financial Officer
Curious Pictures
http://www.curiouspictures.com

MTC–00006829

From: Steve Franke
To: Microsoft ATR
Date: 1/2/02 4:47pm
Subject: Microsoft

The continued litigation of Microsoft is ridiculous. The States Attorneys General who are not satisfied with the verdict in the case are nothing more than showboating, and trying to collect revenue for their states. Enough is enough !!

Steve Franke
s.franke@gte.net

MTC–00006830

From: FMeyer9254@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:47pm
Subject: Settlement

I taught English in Madagascar in Aug of 2000 and fielded many questions about the United States. One of the oddest series of questions that were asked pertained to whether Bill Gates was going to prison for what he had done at Microsoft.

It took awhile to explain the difference between civil and criminal law and I did my best.

To the people in Madagascar , if they know of the situation with Microsoft, the general belief is that he must be a criminal. While this may not be of great moment to the justice department I believe that it is unfortunate that the several state justice departments wish to prosecute one of America's great entrepreneurs and that the US Justice Dept. took up the case in the first place. It makes the US look vindictive and small.

Bill Gates is not a hero like we have seen in the last few months but he is someone whose influence has been of benefit for our country.

Fred Meyer
2101 E. Bethany Home Rd.
Phoenix, Az. 85016
fmeyer9254@aol.com

MTC–00006831

From: greg
To: Microsoft ATR
Date: 1/2/02 4:47pm
Subject: MICROSOFT SETTLEMENT

D.O.J

Let's get this settled and move on. The only people that prolonging this ordeal serves, are the politicians and the lawyers. The representatives of the nine states are not concerned about the consumer. If they deny this, then make them explain how I, the consumer, will benefit from any settlement. Competition and pricing are addressed daily . Faster, more efficient computers are sold each day at prices lower than the day before!

Where were these people that are so concerned for Joe Public, when Microsoft was perpetrating their only true offense, that being the sales and marketing of an inferior product that was able garner an approximate 96% share of the market ? NOW THAT'S AMERICAN INGENUITY AT ITS CORPORATE BEST!

Rein in Microsoft and make them play by the rules. But don't penalize them for innovation, or to satisfy the whining wishes of the Suns, Oracles, and AOL's .

Thank You,
Greg

MTC–00006832

From: Dean E. Lybyer
To: Microsoft ATR
Date: 1/2/02 4:48pm
Subject: Microsoft Settlement

Enough is enough. Microsoft is trying to adhere to all of the Government's stipulations, is it not time for all of these other states to stop whining and crying foul and accept a fair settlement. I think so.

Dean E. Lybyer
(lybyerdean@hotmail.com)

MTC–00006833

From: Effie Robbins
To: Microsoft ATR
Date: 1/2/02 4:48pm
Subject: Microsoft Settlement

This case has gone on long enough and must be settled now.

By the long delays and Judge Jackson discussing this settlement while still in litigation should have thrown the whole case out as it doesn't seem to me there was a case anyway. It is apparent to me that other companies wanted a free ride on the Microsoft programs instead of going out and building their own. There must be a fine line in defining the two words ''De-regulation and Antitrust''. We went through the de-regulation with two major companies Pacific Gas and Electric and American Telephone and Telegraph and life has been a complete hassle for the consumer ever since.

I think Microsoft should have the right to protect and build their own programs and they have done an exemplary job of building a simplified program that even we seniors can use. It is my opinion the Justice Department is concerned for the big money companies instead of we, the people. It seems to me that all you have accomplished is to destroy the peoples confidence in you and the entire stock market because we do not know who these suits will strike next. It is my hope this suit needs to be dropped now. Let the other companies build their own programs and, if it is better, I am sure the public will buy it.

I have written to the Honorable Bill Lockyer about this case and it seems apparent that he is not listening to the consumer. While the Department of Justice needs to represent other companies, they also need to listen to the consumer as he is the one who is purchasing these programs and wants the protection and security that has been provided by the Microsoft Corporation.

Sincerely,

Effie Robbins

MTC–00006834

From: Bob Day
To: Microsoft ATR
Date: 1/2/02 4:50pm
Subject: Microsoft Settlement

The Microsoft settlement is just fine, and my suggestion would be to impose it also on the nine states that have so far not accepted it.

1. Microsoft is guilty, at the most, of being a big company that was still acting like a small company.

2. Microsoft's competitors are guilty, at the least, of trying to accomplish in court what they could not accomplish by competition in the marketplace. They are, and always have been, totally free to develop their own operating systems, but have generally chosen not to because of the high cost of entry, and have instead chosen to ride on the back of Microsoft, and then complain when they didn't like the ride.

3. Microsoft did not harm consumers. Compaq's VMS operating system, for example, costs many times what Windows XP does. And, Microsoft by making its software development tools (Visual Basic, Visual C++ and so on) available to third party software developers at reasonable prices, has done more than any other company to encourage and promote development of software by third parties. On the other hand, Apple, for example, by limiting the availability of it's development tools and discouraging the manufacture of clones of its hardware, has done much to prevent development of Apple-compatible software by independent software development companies. Offhand, I would say that without Bill Gates and Microsoft, there's a good chance you (yes you, who is reading this email) would not have a computer on your desk—they would still be too expensive for the average person or the average worker.

Except as a happy user of Microsoft software, I have no association whatsoever with Microsoft.

Bob Day
Portsmouth, NH
bobday@mediaone.net

MTC–00006835

From: Dorothy Winick
To: Microsoft ATR
Date: 1/2/02 4:51pm
Subject: Microsoft Settlememnt

I think this settlement should be made for the good of the public.

Dorothy Winick

MTC–00006836

From: Don Cross
To: Microsoft ATR
Date: 1/2/02 4:50pm
Subject: Microsoft Settlement.

To Whom It May Concern:

While it is my strong opinion that Microsoft takes liberties that it would not have the luxury of taking in a completely competitive environment, it is also my opinion that competitors like Sun and Apple have had their chance and do nothing with it. Hence to do more than the proposed agreement to affect the Microsoft business model would hinder the interoperability of computers and their software and in my opinion create a more expensive business model for all consumers. So leave the settlement as agreed and go ask SUN and Apple why they don't ''get competitive''.

Donald D. Cross
6704 NW Monticello Terrace
Parkville, MO 64152

MTC–00006837

From: Lisa Matchette
To: Microsoft ATR
Date: 1/2/02 4:49pm
Subject: Microsoft Settlement

At this time when our country is struggling to recover from the events of September 11 and the current economic recession, it would be wise to get this case settled and move on toward regaining a strong economic footing. There is no doubt that Microsoft is a very important company in this country and that like many of our business and industry leaders, it plays a critical role in our economy's strength.

But that alone is no reason to turn a blind eye to any company's business practices. So, for the past several years the DOJ has raised issues that have made Microsoft acutely aware that its business dealings with OEMs and other vendors is under intense scrutiny. All of this, I believe, has not been taken lightly by Microsoft.

The proposed settlement appears to be reasonable and just. I believe that it serves the interests of the public, while still upholding the ideals of the free market upon which our capitalist system is based.

At some point, the government needs to bring a fair and measured end to this case, and I believe that point is now. The measures outlined in the proposed settlement will provide the necessary safeguards and guidelines to protect the public interests while allowing one of our country's most successful companies to continue contributing to the overall well-being of the economy. Allowing this case to drag on is hurting consumers far more than anything Microsoft could have done.

Thank you for considering my opinion.

MTC–00006838

From: Stephen Land
To: Microsoft ATR
Date: 1/2/02 4:53pm
Subject: Microsoft Settlement

Please record me as strongly supporting the Microsoft Settlement reached by the Company and the DOJ. The opposition of a few states and some members of Congress is politically driven by competitors of Microsoft.

Stephen Land
http://www.divorceland.com <http://www.divorceland.com/>

MTC–00006839

From: FourmileMan@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:51pm
Subject: Microsoft is still a preditor!

To the US Dept. of Justice,

Curiously, Microsoft asked me to contact you in it's settlement in the Tunney Act. I really think Microsoft is a predator and will use any and all a means to eliminate or dearly hurt any and all Competitors. They have done this for many years. I know.

I started using Computers in 1980 with Apple Computers. Then as the Companies I worked for opted for PC's and Microsoft S/W, I chose PC's and Microsoft Windows for my Home Computer so that the working S/W would be compatible. I soon found out that Netscape was much easier and better than Internet Explorer from Microsoft. However, having I.E and Netscape on my Computer caused problems and it was always due to the Software in Windows and I.E. that was deliberately causing problems on Netscape.

Now (2001 and 2002) Microsoft Windows XP is even more restrictive and eliminates many Software programs. It also requires that I register my Computers characteristics (identifies my hardware and some Software) as a way of preventing owners of Win XP from using it on other Computers that they own.

In the Past, most Software Manufactures would allow a customer to use their S/W on two computers if they were not used at the same time. Example: I have a Desktop and a Laptop which I want to be compatible, and which I do not use at the same time. The only other person in my home and Business (Consulting) is my Wife and she hates computers and will not use them. I use my laptop mostly while I am traveling. The exception to this is when I transfer data (not Software) via Laplink from my laptop to my Desktop for backup and storage reasons.

This latest Monopolistic and intrusive action by Microsoft once again proves their

intent to control their customers and to eliminate any other Software and Hardware that they do not control.

I think your committee should reconsider the Settlement with Government Controls on their behavior for at least five years.

Sincerely,

John R. Adams

A knowledgeable Microsoft User and Customer, and a Consultant in Electronic Equipment and Hardware.

JADA Consulting

E-mail: j.r.adams@ieee.org

MTC–00006840

From: Edward A. Morris
To: Microsoft ATR
Date: 1/2/02 4:51pm
Subject: Microsoft Settlement

It is my opinion that the Microsoft Corporation has not broken any laws by the design of any of their software and it appears that their competitors are the ones guilty of a crime. Please bring about a timely and fair judgement that will settle this suit once and for all.

Thank You,

Edward A. Morris

MTC–00006841

From: Milian, SCMD, SCSM, Rudolph E.
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 4:52pm
Subject: Microsoft Settlement

Ladies and Gentlemen:

In 1999 and last year I communicated to public officials about the Microsoft antitrust case and its negative impact on the advancement of technology that improves efficiency in our daily life. For the most part, I received a sympathetic response from them and I want to reiterate to you that the case should be settled and not further litigated. The settlement that has been agreed to by Microsoft, the Federal government and nine states is tough, but reasonable and fair to all parties involved. I agree that this settlement is good for consumers, the industry and the American economy.

This is my personal opinion and does not necessarily reflect the opinion of the company I work for but I am expediting communiqui to you through this e-mail to register my opinion.

Rudolph E. Milian, SCMD, SCSM

Woodcliff Lake, NJ

MTC–00006842

From: dewittclinton
To: Microsoft ATR
Date: 1/2/02 4:52pm
Subject: Microsoft Settlement

As a consumer I applaud the U.S. Court's proposed settlement of our goverment's case against Microsoft.

It seems to me to be fair to all. I expect the Department of Justice will so inform the District Court.

For the sake of consumers, business(world-wide) and our country I urge the District Court to recommend accepting this settlement.

Sincerely,

DeWitt Clinton Baker

MTC–00006843

From: andremalin
To: Microsoft ATR
Date: 1/2/02 4:53pm
Subject: Microsoft Settlement

To whom it may concern:

Please let Microsoft do what it does best: writing software.

The settlement is fair to all parties and should be finalized without further delay.

It is time to move on and for the ''poor'' competitors to do the same: work harder.

Thank you,

Andre Malin

MTC–00006844

From: Rick Day
To: Microsoft ATR
Date: 1/2/02 4:54pm
Subject: Microsoft Settlement

Prolonging the litigation further really only benefits the lawyers, as usual. Let market forces rule; Microsoft has done right by this country. Kenrick L. Day, High School Physics teacher in Fort Smith, AR

MTC–00006845

From: designdecor
To: Microsoft ATR
Date: 1/2/02 4:54pm
Subject: MICROSOFT SETTLEMENT

TO WHOM IT MAY CONCERN:

AS A CEO OF A MAJOR CORPORATION, I AND MANY OF MY EMPLOYEES HAVE BEEN WATCHING THE MICROSOFT ANTI-TRUST CASE UNFOLD. AS THIS JUNCTURE, I FEEL THAT IT IS IMPERATIVE TO BRING THE ENTIRE PROCEEDINGS TO A SWIFT AND SPEEDY CONCLUSION. HENCEFORTH, AS A CONCERNED CITIZEN AND BUSINESS PERSON, I WISH TO EXPRESS THE FACT THAT OUR ECONOMY AND ALL UNITED STATES INDUSTRIES NEED TO GET ON WITH GROWING. THE SETTLEMENT THAT HAS BEEN PROPOSED SHOULD BE EXECUTED WITH ABSOLUTELY NO FURTHER LITIGATION.

SINCERELY,

MARY JANE LUNDSGAARD

MTC–00006846

From: Eric Johnson
To: Microsoft ATR
Date: 1/2/02 4:54pm
Subject: Microsoft Settlement

Microsoft should never have been put through this legal ordeal in the first place, as they don't, and never have had, a ''monopoly'' in any real, economic sense of the term. However, a corrupt Department of Justice, in collusion with several special interests in the computer world, saw fit to punish Microsoft for the made-up crime of innovation.

Since it has come this far, and the only choice remaining is between settlement and further litigation, which would only cost Microsoft and the American economy greatly, it is clear that settlement is the lesser of the two evils.

Settle now, and end this legal travesty.

Eric Johnson

1825 W. Berteau Ave., #2

Chicago, IL 60613

MTC–00006847

From: John K. Mielke
To: Microsoft ATR
Date: 1/2/02 4:55pm
Subject: Microsoft Settlement

I would like to voice my opinion, and recommend that the DOJ accept the Microsoft settlement. In fact the whole action against Microsoft was a flagrant abuse of government action against a company that was and still is a positive force on the US economy. The agressive efforts by Microsoft competitors should tell you who started the action.

MTC–00006848

From: ROZJER
To: Microsoft ATR
Date: 1/2/02 4:55pm
Subject: microsoft settlement

IT IS VITAL THAT THE SETTLLEMENT ALREADY REACHED IS THE ONE TO ABIDE BY.

MTC–00006849

From: DSWHIH@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:56pm
Subject: Microsoft Settlement

The Microsoft settlement addresses any prevoius excesses in an equitable way.

It has been forged by adversaries over a long period of time. Any litigation to prevent implementation of this settlement will serve only to advance the interests of Microsoft's competitors in an unfair way.

The nation needs a strong software industry, including a strong Microsoft.

The settlement should be put into effect withut further delay.

Sincerely,

David S. Wachsman

MTC–00006850

From: Steve Patchen
To: Microsoft ATR
Date: 1/2/02 4:55pm
Subject: Microsoft Settlement

An immediate settlement in the publilc interest is absolutely valid in this prolonged and terribly unjust case brought against one of our strongest companies. We should be doing everything we can to support this innovating company, and its businesses around the world.

For whatever my comments are worth, you now have them. I hope they will be heeded.

Thank you.

Steve Patchen

1930 E. Las Tunas Rd.

Santa Barbara, CA 93103–1746

805.560.6004

MTC–00006851

From: Asluis@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:55pm
Subject: MS settlement

DOJ: For the good of our country and the economy please recognize all that the accomplishments of Microsoft have done for everyone who uses a computer.

It is past time that we recognize the decision of the courts and let Microsoft get back to the business of making our computers even more efficient. Don't let a few overzealous DA's use this case to feather their political nests.

ADAM SLUIS

asluis@AOL.com

MTC–00006852

From: PMConnaugh@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:56pm
Subject: Microsoft Settlement

I expect the settlement already agreed upon, will be adequate to make the point with MS, without further damaging the company and consequently the industry, which is so important to the recovery of our country's economic health. There is a direct correlation between the iniation of the Attorneys General (in not even the majority of the US)suit and the commencement of the sharp decline of the Stock Markets. And that includes the negative impacts on many more companies than just MS. Hence, the Recession...in a global scope.

For MS is Global.

I agree, if it were just MS that was impacted, I might see a slight merit in their claims. But in truth, MS has been the cataylst for tremendous growth in Productivity throughout the US and in many other parts of the world.

I, for one appreciate the ubiquity of the Windows capabilities and adaptabilities. So many use this as the standard for communication between clients and customers, as well as internally. The MS software automatically contained in the Operations Systems on most computers allows for ready use and training employees to be productive in having the time to create solutions to problems rather than spend so much time creating tons of paper and doing the many manipulations on incompatable software were it not for the ''magic'' of the MS-based software availability.

MS software is there, imbedded, but one doesn't have to use it if there is another OS that is determined to be more fitting to provide the necessary outputs/calculations. Linus, for example.MS is not preventing one from selecting other software for software OS optimization.

Then there's the fantastic waste of our tax dollars being expended by both sides to litigate this case. That is counter-productive. Only ones rewared with this litigation are the Lawyers.

Let's settle this equitably and now!

Phillip M.Connaught
1409 Chancellor Circle
Bensalem, PA 19020–3676
E-Mail—pmconnaugh@aol.com

MTC–00006853

From: Guy Avey
To: Microsoft ATR
Date: 1/2/02 4:57pm
Subject: Microsoft Settlement

Please! Lets get of this ridiculous waste of taxpayers money and let Microsoft get on with their ability to develop new products. All companies have the freedom to compete with MS if they have the products to compete. Being the best at what you do is not a crime!!!!!!!!

Lets Roll!

Guy R. Avey
110 Longcroft Road
Winchester, VA 22602–4438

MTC–00006854

From: KevinIP@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:56pm
Subject: Microsoft Settlement

I have been a longtime personal computer user, with experience with Apple and IBM-Compatable PC operating systems, and the Internet. As such, I've used Microsoft's products as well as products from many other software companies.

Without reservation, I can assure you that I have personally experienced no ill effects from purported anticompetitive behavior from Microsoft. Quite the contrary, I feel that the company's products have significantly improved my computing experience at a fair economic cost.

I also have been a longtime investor in technology companies and have seen several ''generations'' of computing technologies come and go. I have personally seen no ill effects from purported anticompetitive behavior from Microsoft on other technology companies. Again, to the contrary, I have seen a lot of evidence that Microsoft's technological innovation coupled with their customer focus have driven new technologies to the consumer—along the way, creating economic opportunities for many competitors of Microsoft.

Because the company's actions have always been driven more by good business sense, rather than just a focus on cool technology, many of the industry pundits have been long-critical that Microsoft stifles innovation. This is completely backwards: because the company chooses to deliver new products to the consumer only as fast as they can be consumed, the overall penetration of personal computing technology has been improved, not harmed.

Overall, I see the current settlement as a fair way for both side to get on with more productive matters and let the market place—consumers and businesses—drive competition in the technology industry.

Sincerely,
Kevin Patrick
Home:
1717 30th Avenue W.
Seattle, WA 98199
(206) 281–9113
kevinip@aol.com

This contact information should not be used for marketing purposes.

MTC–00006855

From: Joseph Mannix
To: Microsoft ATR
Date: 1/2/02 4:57pm
Subject: Microsoft Settlement

Dear sir,

I think the proposed settlement is in the best interest of all concerned parties.

It is time to stop bickering and move on!

Yours truly,
Joseph R. Mannix

MTC–00006856

From: GOPALLWAY@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:57pm
Subject: Microsoft Settlement

Dear Active Listeners:

This email is in support of Microsoft. Microsoft has been a fair and open competitor since the start. It has as many competitiors and struggles as every other company out there. COmpanies such as Sun Microsystems and Oracle are only looking for less competition to allow there companies to grow faster and further. Although I feel no agreement should have been made, due to the fact that Microsoft is completely innocent of any wrong dueings, I see that Microsoft Is being a fair company and at least willing to sacrafise alittle to end an unfair conflict upon them. I support Microsoft and say that this compromise should be allowed through, and if anything, Microsoft she be unchained and allowed to be free on the market again, not allowing the greedy competitiors to act like an Inquisition upon Microsoft.

Microsoft has helped out many companies not only to grow but has also helped many other companies to be started.

James Gusman
CEO/Owner Gettachat & Companies
www.gettachat.com

MTC–00006857

From: EJB2010@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:57pm
Subject: SETTLEMENT

IT IS EXTREMELY IMPORTANT THAT THIS LITIGATION IS SETTLED ASAP. OUR ENCONOMY IS DEPENDENT UPON IT. I THINK THE INTEREST THAT AGAINST IT ARE JUST AS MUCH AT FAULT AS BEN LADEN-THEY ARE TERRORIST. THEY ARE MORE CONCERNED ABOUT THEIR OWN INTERESTS. MAKE A BETTER MOUSE TRAP AND PEOPLE WILL BUY IT.

PLEASE SETTLE THIS ASAP. THANKING YOU AND BEST REGARDS.

EJB2010@AOL.COM

MTC–00006858

From: George W. Surline
To: Microsoft ATR
Date: 1/2/02 4:57pm
Subject: Microsoft Settlement

1–2–02

Gentlemen

I have reviewed the proposed settlement and am satisfied with it in it's present form.

I feel that any additional penalties or restrictions imposed on the Microsoft Corporation would be counter productive and not in the best interests of the consumers nor the stockholders at this time.

Very truly yours,
George W. Surline

MTC–00006859

From: Dick Koch
To: Microsoft ATR
Date: 1/2/02 4:58pm
Subject: Microsoft

It is an outrage what Microsoft has been put through the last 4 years. They make the best software and that is the bottom line. The special interest groups are just attempting to make up in litigation what they can not do via their products. It's a shame that it has cost so many so much. Why do the best get punished for being the best?

Dick Koch
Bank of America
Dir: 301 571 1480
Fax: 301 571 1490

MTC–00006860

From: Jack Keilson
To: Microsoft ATR
Date: 1/2/02 4:57pm
Subject: microsoft settlement

ladies and gentlemen, lets get on with our lives. settle this...

MTC–00006861

From: Ed Fitzgerald
To: Microsoft ATR
Date: 1/2/02 4:56pm
Subject: Microsoft Settlement

Sir:

I strongly support the current Microsoft settlement agreement. I do not think it is in the consumer's interest to further delay resolution of this case.

Edward M Fitzgerald
1357 Opal Street
San Diego CA 92109–1912
(858) 488–1187 voice
(858) 488–2336 fax
fitzgerald@msn.com

MTC–00006862

From: DotHilton@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:57pm
Subject: Microsoft Settlement

With the problems we have in this nation at this time for heaven sake we don't need more litigation where about the only true winners are the lawyers who charge large fees.

Please accept this settlement as fair to all parties and end this horrendously long case.

Thank you,
Dorothy Hilton
Springfield, Missouri

MTC–00006863

From: Brock Luno
To: Microsoft ATR
Date: 1/2/02 4:57pm
Subject: Microsoft settlement

Dear persons,

I do not think that an Operating System (O/S) needs to do anything other than run a computer and its sub-systems. All else is applications and should be marketed and installed as such. I believe that Microsoft has convinced the majortity that it must bundle its products. I do not agree.

I specifically wish that the O/S and all applications be seperated permanently. If tis requires a split in the Microsoft organization, so be it. I'm sick and tired of trying to fix fellow workers P/Cs with glitches caused by one Microsoft application (Outlook, Word, Excel, etc.) stepping on the O/S and crashing the machine(s). I can't get or load alternatives because the market has dried up and there are none to speak of. the best has not won my business, the biggest has—out of shear dominance on the street. I do not have viable choices.

B. Luno
CC:attorney.general@po.state.ct.us@inetgw

MTC–00006864

From: CutshawD@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:59pm
Subject: Microsoft Settlement.

I always believed that the government's lawsuit against Microsoft was politically motivated. There wasn't (could never be) any evidence that consumers were harmed, only competitors.

MS through its leadership (market share) actually set the standards for the industry. I have observed that excessive competition does not necessarily benefit the consumer. For example, the airline industry. I remember when service was courteous, on-time and a passenger didn't have to wonder if they got a fair price.

I think that the government should abandon its lawsuit entirely. It has been noticed that the attack on MS destroyed millions in wealth and was the beginning of the bear market.

In God we Trust, United We Stand!
Best Regards,
Dianne Cutshaw
Cutshaw Enterprises
PO Box 297
Florence, AL35631
Tel: 1 256 767–8483
Fax: 1 256 767–8482
Mobile: 1 256 412–1080
Email: CutshawD@aol.com

MTC–00006865

From: James H. Copenhaver
To: Microsoft ATR
Date: 1/2/02 4:57pm
Subject: Microsoft Settlement

As a computer professional, I am convinced that the sooner the case with Microsoft is resolved, the better it will be for all of us. I thought the basis for the case was weak to begin with and I am really convinced that the Clinton administration just couldn't stand to see anyone or anything be as successful as Microsoft was. They wanted a chunk of it's money and went after it. In a major way, I think that this case helped fuel the crash of the economy and it's severity in the high tech sector by introducing doubt in investor's minds.

I'm not going to say that Microsoft was in line, but I think that enough is enough. Prohibit the behaviors they were guilty of performing, fine them and get on with life. The DOJ needs to worry more about Insurance Fraud, Medicare/Medicaid Fraud, Government Corruption and a host of other things that have a more negative impact on our daily lives than this.

Thanks
Jim Copenhaver
4765 Banner Elk Drive
Stone Mountain, GA 30083

MTC–00006866

From: Louis Grossman
To: Microsoft ATR
Date: 1/2/02 4:59pm
Subject: The feelings of a Retiree, towards the unjust, incredibly stupid actions toward the Microsoft miracles...

At my age of 88 6/12's years—a 13 year World War 2 veteran volunteer—never having asked for any benefits, handouts, goodies—I resent very much what I consider unwise decisions of the Justice Department of the USA, and of the various States who are still blindly, and unjustly clamouring and seeking punishments to the Miracle-making-company MICROSOFT.

Looking at the progress of these, our glorious United States of America—without the genious, pioneering research and development of this company—which is ALSO the mostest of the mostest in giving of their wealth to humanity in the form of charitable funds—and to which we should be GRATEFUL , rather than CRITICAL, for the new forms of communicatioins and benefits that these miserably money-grubbing States Governments are USING and punishing.... how blind and ungrateul they are ! ! ! I for one, feel VERY GRATEFUL for all the communications benefits that we (unto my generation and beyond) have been given by this tremendously pioneering company, MICROSOFT—without whom we would still be in the ''DARKness'' of the era prior to my volunteering of the year 1940 for the security of our U.S.A.

I say—''DESIST this travesty of good sense and of shouldl-be-gratitude!

Let these backward STATE Governments go back to GOVERNING and minding their own jobs!

Let's be FAIR.''

Louis P. and Blanche Grossman

MTC–00006867

From: Fred Stacey
To: Microsoft ATR
Date: 1/2/02 4:59pm
Subject: Microsoft Settlement

It is a shame to continue the Clinton-Gore policy and punish a company for its work.

The federal goverment should investiagate Teddy Kennedy, Tommy Dashell (current ''leader'' against progress) in the Senate and the Democrat Party for all their activities—especially for killing babies.

Thank you,
Fred Stacey
Louisville, KY 40242
fs77@bellsouth.net

MTC–00006868

From: Joe Reardon
To: Microsoft ATR
Date: 1/2/02 4:58pm
Subject: Microsoft Settlement

It is time to bring this case to a close. The government and Microsoft have come to an agreement.

That agreement should prevail over all states that were a part of the initial class action suit. Individual states should not be allowed to disavow the settlement and relitigate.

Technological advances have left the initial actions and complaints so far behind as to render them totally irrelevant in today's environment. Furthermore, it becomes increasingly evident that those competitors who were never able to match Microsoft's capabilities, and therefore Microsoft's market domination, are continuing to use the government to aid them in obtaining market advantage against the company that earned it through innovation and marketing expertise. The CEO of Sun Microsystems best refocus his energies on his own company to save it before total collapse. He is responsible to the stockholders.

It is also obvious that competitors are using their state governments to proceed with further litigation. The connections are clear.

Finally, AOL is using the litigation to prevent Microsoft's increasing surge into the

internet market were they presently dominate their competition (and customers) more than Microsoft ever did.

I urge you to end all litigation, enact the agreed upon settlement, and cease providing Microsoft competitors with an unfair advantage in our free enterprise system.

Thank you.

Joe Reardon

MTC–00006869

From: Frank McDonald
To: Microsoft ATR
Date: 1/2/02 4:58pm
Subject: MSFT suit

Gentlemen:

To continue the law suit against Microsoft would be a travesty of justice. MSFT is a crown jewel, and most countries would love to have this firm's HQ. The US cannot afford to continue this law suit.

Please drop it at once.

Frank McDonald

MTC–00006870

From: JOSEPHW290@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 4:58pm
Subject: Microsoft Settlement

Gentlemen:

I believe the settlement was fair and that the states that want to carry this further in the court system should look back on what prompted the action in the first place—Microsoft was unjustly tried for being a monopoly when if I remember correctly , a monopoly was a firm that providing a service or product and was stopping all other firms from providing that product or service—in this case nowhere did I see where Microsoft was stopping anyone from producing a computer—or anything—as for the software, the other companies were not smart enough to design the same software and wanted to get in on the act without having to face the competition of men who had become design experts such as the Microsoft team. The only way the special interest group can compete with microsoft is to destroy the company by breaking it up. Let these other companies come up with software as good as that which is now being produced and the people who have computers will use that product.

MTC–00006871

From: herb cohen
To: Microsoft ATR
Date: 1/2/02 4:59pm
Subject: microsoft settlement

I have had the good fortune to be told how to let you know how I feel about the courts decision regarding Microsoft's competitive behaviour in the marketplace. It is my strong belief that lesser capable competitors have attempted to use the courts to cheat this great inovator of its rightly earned markets and customers. The decision of the court is more than fair and just to microsofts competitors. In my view the court has been too liberal and has punished microsoft for being too successful! This company with its investment in research has made computers and all that goes with this tool more useful and increasingly less expensive to the general public and is probably more responsible for the ''new economy'' than any other force in the marketplace. Huge numbers of jobs have been created because of this company's success nad to do further harm to it would not serve the public interest at al!

Sincerely yours,

Herbert L. Cohen

MTC–00006872

From: cgong@prodigy.net
To: microsoft.atr(a)usdoj.gov
Date: 1/2/02 4:59pm
Subject: Dear Officials,

Dear Officials,

Lets setttle the Microsoft case, so that we can go on with business. This is taking way too long and costing loads of $$$$$$. Also I do not believe that Microsoft should reveal their source code to competitors in that this should be protected under the patent law. However, I do see a need for companies to work together instead of compete with one another. This will be a big challenge...what do you think?

Carolyn Gong

MTC–00006873

From: Monica Laugee
To: Microsoft ATR
Date: 1/2/02 5:01pm
Subject: Microsoft Settlement

The settlement should stand. No more litigation.

Monica

MTC–00006874

From: Dale Mabe
To: Microsoft ATR
Date: 1/2/02 5:01pm
Subject: Microsoft Settlement

I would ask the settlement as recently handed down and be finalized rather than embarking on further litigation .Its in the best interest of consumers as well as the national economy to stop further litigation on the case.

Thank you
Dale Mabe
POB 1327
Montreat NC 28757

MTC–00006875

From: Yates6391@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 5:00pm
Subject: (no subject)

I think the government came up with a fair settlement for both the competitors and Microsoft. The States that don't want to settle: it is not the people it is only the attorneys that want to drag this on through the courts.

Our country is going through tough times, so lets settle this and get on with the important things, as we all know that Microsoft has helped the economy and many charities, throughout the life of the company. We need more people like Bill Gates.

Fred Yates
5526 Salish Road
Blaine Wa. 98230

MTC–00006876

From: Margaret Lindsey
To: Microsoft ATR
Date: 1/2/02 5:00pm
Subject: Microsoft Settlement

Yellow StationeryThis proposed settlement is more than fair. The public interest will best be served by ending the litigation now. I am an ordinary citizen and consumer, and Microsoft has my support.

Margie Lindsey
9176 Rocky Cannon Road
Cordova, Tennessee 38018

MTC–00006877

From: Stephen Wyman
To: Microsoft ATR
Date: 1/2/02 5:01pm
Subject: microsoft-tunney commentary

microsoft.atr@usdoj.gov

Renata B. Hesse,

Quick intro:

I've been a PC tech (desk side & Help Desk/telephone), PC installer & user since 1986. So, I've accumulated some technical expertise about PCs.

In 1998 I shopped around for a home PC. No PC OEM (Original Equipment Manufacturer) would sell me a PC without an Operating System (OS). No PC OEM would sell me a PC with the LINUX OS installed. The only OS that I could get installed on any new PC was one of the latest versions of Microsoft Windows (NT or 95). My wife and I both used Windows NT at work, so that was the option we chose.

My wife is a veteran of Microsoft's OSs and would not even consider buying an Apple computer using the MAC OS. I could not convince my wife that all the blood, sweat & tears she spent learning Microsoft's OSs wouldn't be wasted. She wouldn't even go down to KINKOs and lease the use of a MAC for an hour to see how easy an Apple computer was to own & operate (Summa Cum Laude from Rice University and an MBA from UT; she's quite astute normally).

Finally we selected Gateway as the OEM, and purchased a PC. The PC could only be ordered with Microsoft's Internet Explorer (IE) as the Web browser, so that's what we ordered. When the PC was installed at the house I used it to go to Gateway's web site and used the link (provided on Gateway's web site) to go to Netscape's web site for the purpose of downloading, then installing Netscape's web browser.

Successfully linked to Netscape's site and downloaded the browser, twice. Each time I installed the new browser PC system errors started to happen and escalated till finally the 'blue screen of death' appeared. I had to do a low level format (wipe out all the software installed on the PC's fixed disk drive), and reload all the PCs original software to recover the computer to operational status. I now access the World Wide Web via IE exclusively, because it isn't worth the hassle to do otherwise.

Recently my wife tried to get an upgrade to the OSs Service Pack, so that we could get the 128-bit encryption option used for PC banking via the Internet. Three times my wife ordered the software upgrade (prepaid by credit card each time), but the upgrade never came (it was never billed or shipped by Microsoft).

Microsoft was only a few months from shipping it's new OS (Windows XP) and couldn't be bothered to sell an upgrade to Windows NT 4.0's Service Pack. The first release of anything 'new' from Microsoft is always a technical nightmare of discovering

errors that should have been fixed before the software was brought to market. Therefore, we quickly went to a local retail outlet and purchased the Windows 2000 OS. '2000' had been on the market long enough to get most of the 'bugs' worked out, and had the 128-bit encryption we sought.

To sum things up:

(1) The Microsoft monopoly has been an enormous pain in the backside to this household of PC consumers.

(2) To have the Department of Justice, and some of the 19 state's Attorneys General, win their anti-trust case against Microsoft then just roll over and settle for no real punishment is disappointing and seriously aggravating!

(3) If excepted as proposed the Consent Decree almost guarantees the anti-trust suit will start again.

Sincerely,
Stephen Wyman
Network Specialist
TxDOT
swyman@dot.state.tx.us

MTC–00006878

From: BOBHURLEY2@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 5:00pm
Subject: MICROSOFT SETTLEMENT

Gentlemen:

I am familiar with settlement terms worked out between Microsoft, the Government, the nine states ratifying. I think the settlement terms are fair and in the public interest.

Thank You:
Robert B. Hurley
11 Chapin Circle
Myrtle Beach, SC 29572

MTC–00006879

From: ChemCraft@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 5:01pm
Subject: MICROSOFT SETTLEMENT

ALTHOUGH I WILL TRY TO RESPOND WITHIN THE FRAMEWORK OF THE SHERMAN ANTI TRUST ACT OF 1932—I FEAR THAT A SIGNIFICANT PART OF THE PROBLEM IS THAT EVERYTHING ORIGINATED IN 1932—THE YEAR OF MY BIRTH—IS AGING AND RUSTING LIKE ME AND NEEDS TO BE REFURBISHED. IN 1932 MUCH OF THE U.S. SENTIMENT WAS ISOLATIONIST AND BUSINESSES COULD EXPECT SOME PROTECTION FROM THE GOVERNMENT. IN THE FREE TRADE ECONOMY PROMOTED BY THE U.S.—OUR INDUSTRY MUST COMPETE WITH STATE SPONSORED INDUSTRIES OF OUR MAJOR ECONOMIC COMPETITORS. WHEN THE UNITED STATES GOVERNMENT SPENDS FORTUNES FEEDING THE EGOS OF U,S, COMPETITORS OF MICROSOFT—TO THE EXTENT THAT TWENTY GREED INSPIRED ATTORNIES GENERAL. SOUGHT TO PARTICIPATE IN A FRIVOLOUS LAWSUIT AND 9 HAVE REJECTED A PAINFULLY CONSTRUCTED SETTLEMENT—THEY ALSO SUPPLY AMMUNITIION TO FOREIGN COUNTRIES WITH TOTALLY SELF INTERESTED MOTIVES. IF THE SHERMAN ACT ANYWHERE DEFINES THE CONSUMER AS THE AVERAGE INDIVIDUAL USER—THE OWNER OF A PC OR THE EMPLOYEE WHO USES A P/C ON HIS/HER JOB—I DEFY ANYONE TO PROVE THAT MICROSOFT HURT THEM IN ANY WAY. IN FACT, I BELIEVE THE MONOPOLISTIC PRACTICES OF MICROSOFT WERE BENEFICIAL TO THE U.S.ECONOMY AND THE INDIVIDUAL USERS.

IF YOU READ THE COMMENTS ON INTERNET SITES, MICROSOFT CRITICS ARE COMPETITORS OR TECHNOCRATS WITH UNSATISFIED EGOS BECAUSE FOR REASONS CLEARLY STATED AS FACTS IN THE SUMMARY OF SETTLEMENT AGREEMENT—THROUGH MUCH OF THE WORLD WIDE GROWTH OF THE COMPUTER INDUSTRY ANY SERIOUS THREAT TO THE MICROSOFT FOUNDATIONAL MONOPOLY WOULD HAVE GREATLY CONSTRICTED INDUSTRY GROWTH BY INCREASING THE RISK OF PERIPHERAL DEVELOPMENT FOR AN UNCERTAIN MARKETPLACE.

IF YOU COULD ACCDURATELY MEASURE THE DOLLAR SIGNIFICANCE OF MICROSOFT'S MONOPOLISTIC LEADERSHIP N THE INDUSTRY—I QUESTION WHETHER ANY COMPETITOR ACTUALLY SUSTAINED ANY DAMAGE FROM MICROSOFT CONDUCT. WHAT I CLAIM IS THAT MICROSOFT MAXIMIZED THE GROWTH OF THE INDUSTRY TO THE POINT THAT ALMOST EVERY PARTICIPANT DID BETTER THAN THEY WOULD HAVE HAD MICROSOFT BEEN SLUGGING IT OUT WITH SUN AND NETSCAPE.

FRANKLY THE PACE OF DEVELOPMENT WAS LIMITED BY THE SKILL AND BUDGET OF USERS—NOT THE CHOICE AND INGENUITY OF OPPORTUNITIES OFFERED. HAD THERE BEEN A CORNOCOPIA OF CHOICES, A LARGE PART OF THE MARKETPLACE WOULD HAVE DRIED UP AND DISAPPEARED UE TO UNCERTAINTY ABOUT THE RELIABILITY OF ALTERNATIVES AND THE ABILITY OF PEOPLE TO ADJUST TO EXCESSIVE CHANGE.

IF THE WORLD HAD NOT STANDARDIZED ON DOS AND WINDOWS—THEN MICROSOFT OFFICE—THE ECONOMIC SIGNIFICANCE OF COMPUTERIZED OPERATIONS IN BUSINESS WOULD BE MUCH LESS THAN IT IS— AND DRAMATICALLY SO OUTSIDE THE U.S. IF THE NETSCAPE BATTLE WITH WINDOWS EXPLORER HAD CONTINUED—THE NUMBER OF INTERNET USERS WOULD BE DRAMATICALLY REDUCED TODAY AND EVERYONE INVOLVED IN E BUSINESS AND .COM WOUL;D HAVE MADE A LO5T LESS MONEY.

THE RULES OF FAIR PLAY CODIFIED IN 1932 SIMPLY DON'T PROTECT THE CONSUMER IN 2002—EITHER INDIVIDUALLY OR COLLECTIVELY. EVEN YOUR PROPOSED REMEDY COULD CAUSE A LOT OF TROUBLE AND TURMOIL. MILLIONS OF AMERICANS LEARN TO USE COMPUTERS IN THEIR JOBS AND THEN BUY ONE FOR THEIR HOME AND FAMILY CONVENIENCE. IF YOU FORCE MICROSOFT TO HELP MIDDLEWEAR DEVELOPERS—YOU MAKE IT POSSIBLE FOR EMPLOYEES TO ADD MIDDLEWEAR TO CORPORATE COMPUTERS THAT EVENTUALLY IF NOT IMMEDIATELY WILL BECOME SECURITY, OPERATIONAL AND LABOR PROBLEMS.

THINK ABOUT WHO WILL BE THE BIGGEST VICTIM—THE AMERICAN TAXPAYER FOOTING THE BILL FOR ALL THE PUBLIC EMPLOYEES CREATING CHAOS ON GOVERNMENT NETWORKS SPREADING COMPETITION ON PUBLIC PROPERTY.

SOME TECHNICAL AREAS ARE BECOMING SO COMPLEX THAT THEY ALMOST DEFY CONTROL AND DIRECTION FROM PEOPLE NOT SKILLED IN THE PARTICULAR SCIENCE.. I SUSPECT IT IS ALMOST IMPOSSIBLE TO GRANT THEM JUDGEMENT BY THEIR PEERS.

HOWEVER, IN THE CASE OF MICROSOFT, I SUSPECT THE REAL USER OF A PERSONAL COMPUITER AND THE AVERAGE SMALL BUSINESS USER CONSIDERS MICROSOFT A HERO AND HAS LITTLE OR NO INTEREST IN THE WHINING OF SUN OR NETSCAPE. AS LONG AS MICROSOFT HAS ACCEPTED THE SETTLEMENT AGREEMENT, I SEE NO VIRTUE OR REWARD IN REOPENING A CAN OF WORMS THE GOVERNMENT REALLY IS NOT EQUIPPED OR,CAPABLE OF RESOLVING. IF WHAT WAS GOOD FOR GENERAL MOTORS ,WAS EVER GOOD FOR THE NATION, THE SENTIMENT APPLIES IN SPADES TO BILL GATES AND MICROSOFT.

MTC–00006880

From: Fitzgerald, Dan
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/2/02 5:01pm
Subject: comments on trial

The nine states are asking for the correct remedy. MS has stalled enough (3 years) on this case and damaged enough businesses and consumers. Impose the remedies the states are currently asking for. Resources must be put in place to scrutinize the company's behaviour.

Daniel Fitzgerald
dan.fitzgerald@justice.gc.ca

MTC–00006882

From: Robert Neely
To: Microsoft ATR
Date: 1/2/02 5:02pm
Subject: Microsoft Settlement

I believe that the proposed settlement is more than adequate. I am unaware of ANY proof that even one consumer has been damaged by MS business practices. The entire charge is brought by jealous competitors who gained the attention of congressmen.

MTC–00006883

From: Bert Rathkamp
To: Microsoft ATR
Date: 1/2/02 5:03pm
Subject: Microsoft Settlement

I can not understand why in the first place the US government went after Microsoft. What has Microsoft done for the user and our country? Given us a good product that is upgradeable. Given us a good product at a reasonable price. Given us a product that has stability. Given us good support. Given us the leading role in computers world wide. Given

us a offset in world wide trade balance. Given us many new jobs for US citizens.

If some one really had a better product then everyone would use it. Seem funny the foreign cars makers with the help of the US government invaded our shores and sent lots of money back home with you blessing. Look what happened to the US automobile companies over the years under more federal laws and law suits. Yes, DOJ you are out to kill another industry to make sure the USA can finish second or worse.

Just leave Microsoft alone, you have done enough damage.

Henry Rathkamp
12 Hickory View Lane
Milford, Ohio 45150

MTC–00006884

From: Nedgam@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 5:03pm
Subject: Microsoft Settlement

Prolonging this litigation will be harmful to the economy, unfair to Microsoft, and boring to the public. Settle now!

MTC–00006885

From: Schlag8445@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 5:04pm
Subject: microsoft settlement

Being a small stock owner, we wish this suit to be settled immediately. The states that are still sueing should rethink what they are doing to the economy. It is not the time to be making more problems. Let the company do its job, and get on with business. This has been a wonderful company for the economy, and to its shareholders.

MTC–00006886

From: Iyaz Ahmed
To: Microsoft ATR
Date: 1/2/02 5:04pm
Subject: Microsoft Settlement

Hi

I just wanted to send my opnion in this case. I think its high time that all the states sign off on the deal struck between DOJ and MS. This is the time to bring our country back to its glory days and stop it from moving further down the recession road. I think the 9 other states are trying to settle more of their private squabbles with MS . I really doubt that they have any interest in the consumer who actually gain a lot from the deal with DOJ and MS.

Hope my voice would be heard. Thanks a lot.

iyaz

MTC–00006887

From: alan malnak
To: Microsoft ATR
Date: 1/2/02 5:03pm
Subject: Microsoft Settlement

To whom it may concern.

I have been following the litigation involving Microsoft since the inception of the legal action.

The Government and nine states have come to an agreement to resolve the case.

It is not difficult to see why several states object to the settlement. These states are acting on behalf of Microsoft competitors. It is ridiculous to assume that a Company would be forced to turn over to its competitors source material that could, in effect, emasculate the company. Would someone suggest that this happen to Coca Cola. If they gave out the recipe for its product they would have to go out of business.

It would not be appropriate to order a company that has spent millions of dollars to improve the entire computer industry to turn over to its competitors the information.

It is interesting to note that each time a legal action is taken against Microsoft the effect is felt on the entire stock market. The litigation has hurt many retired persons who have pensions that are invested in Microsoft stock to some degree.

Despite the fact that the Court found that Microsoft had been guilty of something, is the consumer complaining ? I have been using Microsoft programs for many years and I do not want any money. I feel that I have the advantage of a superior company providing me with superior products. I am old enough to remember when the cry was to break up the telephone company. I ask, has your telephone service gotten any better ? Has your telephone service gotten any cheaper.

The final thought that I have is that I read that Senator Lahey recently made the statement that he wanted to review the Microsoft settlement with the Judge. It seems to me that here is something called the separation of branches of the government. What right does a Senator have to interfere with a Court ? It would seem that the good Senator has forgotten the branch of government he participates in. But again, who knows what goes on in Washington.

MTC–00006888

From: Vernon Schulthes
To: Microsoft ATR
Date: 1/2/02 5:03pm
Subject: Microsoft Settlement

It is time to get this case settled as was proposed by the Justice Department recently. It would seem to me that the nine states who are opposed to the settlement should be told that the case must be settled.

The case has had a big impact on many companies and with the eventual settlement being implemented it would help stabilize the high tech market.

As a user of Microsoft products and many other computer software I would like to see this cased settled for the betterment of the United States markets.

Sincerely yours,
Vernon F. Schulthes
P.O. Box 3 Eureka, IL 61530–0003
Phone 309–467–4890
e-mail vern@mtco.com

MTC–00006889

From: Bill Michel
To: Microsoft ATR
Date: 1/2/02 5:04pm
Subject: Microsoft Settlement

To Whom it May Concern,

I am opposed to the proposed settlement of the Anti- Trust Suit against Microsoft. I don't believe it goes far enough, and I don't believe that it can be adequately enforced.

Microsoft is a tremendous monopoly, and its power, not only in the software arena, but in the media arena are immense. I don't think that Microsoft's track record lend it any credibility when it comes to believing that they will be faithful to the terms of the settlement. I believe that a structural solution, such as the separation of the operating system and application development components of Microsoft Corp. makes more sense.

Yours truly,
Bill Michel
131 Ortega Ave.
Mountain View, CA
94040
CC:bmichel@alum.pomona.edu@inetgw

MTC–00006890

From: FORMLETT@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 5:05pm
Subject: (no subject)

It would seem that the present presented judgement is fair and should be used to close this case. I donot agree with the laxity of judgements where attorneys continually attempt to further thei fees by prolonging a case.

W. E. Formwalt
One Jingle Shell Lane
Hilton Head Island, S.C. 29926–1958
843 681 2218

MTC–00006891

From: Bill Yerkes
To: Microsoft ATR
Date: 1/2/02 5:05pm
Subject: Microsoft Settlement

Dear Dept. of Justice,

I am an engineer, not a lawyer, but it seems to me that it is a great day, as a Microsoft product consumer, to finally see the GOVERNMENT settling this case. It is finally time to let the market players compete, and some will win and some will lose. I just did a count of my software, and I use Word Perfect instead of MS Word. However, I like the Microsoft browser better than my two others I have bought and used. I still use Lotus for my spread sheets although I have Excel and others. I do not agree with the idea that Microsoft eliminates other options. What you have here is a bunch of lawyers out to make big money like the OJ Simpson bunch. Time to stop.

Agree and get on with life.
Bill Yerkes
912 Olive St.
Santa Barbara, CA 93101
email: billy443@silcom.com

MTC–00006892

From: HARCONW@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 5:07pm
Subject: Microsoft Settlement.

We are at a critical time since September 11, 2001. We must go forward to show the world that we are about building our country up and not tearing it down. I fully agree with President Bush that the DOJ should settle with Microsoft. I understand that some competing company's would find it in their interests to punish Microsoft further than it has been punished, but I truely feel that this is a time for unity, and a time to settle and go forward.

Thank you,

Harold Weisberg
From the desk of Harold W.

MTC–00006893

From: Elliot Shell
To: Microsoft ATR
Date: 1/2/02 5:06pm
Subject: Microsoft Settlement

I want to go on record as strongly opposing severe sanctions against Microsoft. I believe, as do many of my colleagues and business associates, that most of Microsoft's problems stem from its success and creativity.

Microsoft's long history (more than two decades is a long time in the computer industry) of recruiting the best and the brightest has paid significant dividends. The inability of Microsoft's competitors to effectively compete in the marketplace largely resulted in the call for government help in the form of the antitrust actions.

While I do understand that Microsoft has undoubtedly been guilty of technical violation of certain antitrust rules, I believe that the proposed sanctions go far beyond what is fair and appropriate. Especially in these times of serious economic challenges, it would be unbecoming of the United States to unduly punish one of our most successful and innovative businesses.

I think we should instead be encouraging and applauding such attributes.

Elliot Shell

MTC–00006894

From: rod taber, Ph.D.
To: Microsoft ATR
Date: 1/2/02 5:07pm
Subject: Microsoft Settlement

Dear DOJ

My main concern re the Microsoft case is that Microsoft be prohibited from:

1. Installing dubious or extraneous software that is impossible or difficult to remove from a computer system. This includes medallions that advertise or entice the purchaser to buy or try subscriptions to services not wanted. It very irritating to spend hours removing third party entreaties to CNN, Disney, etc. If I want to subscribe to something I should make an active effort. NO PUSH ADVERTISING!

2. Microsoft should be prohibited from searching a user's computer for information, serial numbers, etc. What is on my machine is mine. Microsoft has no business combing my machine.

I request that if these provisions are not in the settlement that they be added. For example, the settlement should read: Microsoft agrees to place any entreaties not relevant to every user on an accessory CD so that a user can choose to install them or not to install them.

Microsoft also agrees to stop investigating user machines for information relevant to software installed on said machine.

Thank you for this opportunity to comment. These issues are of the utmost importance to keep Microsoft from determining every single aspect of our machines' usage.

best regards,
rod taber, Ph.D. (computer science)
la vale, md 301.722.0818

MTC–00006895

From: Edward P Fischer
To: Microsoft ATR
Date: 1/2/02 5:17pm
Subject: Microsoft Settlement

To Whom It May Concern:

As a concerned, tax paying, voting citizen I submit my recommendation that the settlement between the Department of Justice, the nine States and Microsoft be endorsed and the case brought to a conclusion.

I believe closure to be in the public interest, speaking as a student of history and a member of the 'public' .

Sincerely,
Edward Preston Fischer M.D.
900 Sunbrook Drive
Duncansville, PA 16635
email: acowboy@Charter.net

MTC–00006896

From: Benetta129@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 5:07pm
Subject: Microsoft settlement

Dear Sir or Madam

After having read as much as possible of the litigation reports in the newspapers and observing news reports on TV, it is my clear opinion that the settlement now proposed is fair, reasonable and should be confirmed by the Federal Court.

We are disappointed that the State of Kansas (our home state) has elected out of the settlement agreement, and feel that their actions are not in the best interest of the public. Microsoft has done an outstanding service in developing its various programs, and, because of their operating platform program for the computer, we all have computers that can talk to each other, and our work is mobile from one computer to another. For one who, as I am, basically ignorant of computer functions, but use a computer daily to perform work in my profession, Microsoft was the lifesaver and I will be forever grateful to them for having a product that allowed me to do my work, and be able to communicate and share work product with others in my profession. In the early days you could not do that with the systems then in operation, and I specifically refer to Apple computers where you had to buy only from them, and you could not comunicate with any other brand of computer. Talk about a monolopy! They had one, but lost it to Microsoft. Wonder why they are now complaining.

In any event, we believe that this litigation should be over. As a consumer, I feel my rights have been protected to the extreme in this instance. We hope the court approves the settlement, and urge you to support that position.

Thank you for the opportunity to express my thoughts.

Sincerely
Benjamin and Etta Farney
8597 Hauser Ct.
Lenexa, Kansas 66215

MTC–00006897

From: Loyd Corwin
To: Microsoft ATR
Date: 1/2/02 5:04pm
Subject: Microsoft Settlement

Dear Sirs:

In my opinion the pending Microsoft Settlement is fair and in the public interest.

Respectfully,
Loyd Corwin

MTC–00006898

From: Donna Mae Johnson
To: Microsoft ATR
Date: 1/2/02 5:07pm
Subject: microsoft settlemnent

Donna Mae Johnson
Maple Knoll Farm
340 County Road 19
Maple Plain, MN 55359–9654
(763)479–1727

Please let us small people be heard. settle the Microsoft suit now. No more delays and further court action. !!!!!!!

Donna Mae Johnson

MTC–00006899

From: Harry Summers
To: Microsoft ATR
Date: 1/2/02 5:08pm
Subject: Microsoft Settlement

Enough litigation! You have a settlement. Implement it.

MTC–00006900

From: John
To: Microsoft ATR
Date: 1/2/02 5:08pm
Subject: microsoft settlement

Look!! I see the score as 41–9. Even Daschle would put this to a vote in the Senate and end it. This fiasco needs to be put to bed and let the DOJ get on to more serious work. It's time to allow this great company to continue innovating and keep the U.S.A #1 in the world.

MTC–00006901

From: LelaOmta@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 5:08pm
Subject: My input

I think it is absolutely ridicules the Government & a few of the states are draging this out. They ought to be dealling with the war instead of handicapping ligament progress in the USA.

Lela Omta

MTC–00006902

From: Laurie Mitchell
To: Microsoft ATR
Date: 1/2/02 5:16pm
Subject: Accept the settlement

This has gone on long enough. I supported Microsoft in the hearing phase and I still do. It is not wrong to make a profit and to create software faster and better than the competition. Those that whine that life is not fair, need to put their energies to developing software that people actually care about. I as a taxpayer do not care to support their cry baby status another day. Perhaps the DOJ should sue all of us who have a unique product and actually make a profit doing a great service?

Laurie Mitchell, Director
EventForce, Inc.

MTC–00006903

From: RHReece@aol.com@inetgw

To: Microsoft ATR
Date: 1/2/02 5:10pm
Subject: Microsoft Settlement

It is time the US government and states close the suit now in progress. Our economy is taking a beating and our tax money can be better utilized than harasing a company that is doing a reasonable job. Richard Reece (rhreece@aol.com)

MTC–00006904

From: George C.Glasemann
To: Microsoft ATR
Date: 1/2/02 5:09pm
Subject: Microsoft Settlement!!!

I hope that the US Government has taken enough out of the hide of Microsoft. Without their years of research, I doubt I would be able to contact you in this method.

The settlement that I have read about seems to be ''enough already''. Lets put our Government's money and time into fighting FOREIGN terrorists and not our locally and publically owned companies.

Thank you for your attention.

George C Glasemann

MTC–00006905

From: Robert Lantz
To: Microsoft ATR
Date: 1/2/02 5:10pm
Subject: Microsoft Settlement

I am in favor of the settlement!

MTC–00006906

From: frank morello
To: Microsoft ATR,MSFN@microsoft.com@inetgw
Date: 1/2/02 5:09pm
Subject: Miocrosoft Settlement

As a Microsoft user and shareholder I feel that the proposed settlement should proceed without delay. You have attempted to derail a thriving business at a time in our countries history where we need more thriving businesses, not less. Sure Microsoft's competitors are going to want them punished..why?? Because they deliver quality products that are customer friendly at a very competitive price, and the competition cannot come close to matching them!!! So why not look at the companies that charge $500–2,000 for their programs and get off Microsoft's case!!!

Protect the consumer, not the competitors,

Frank Morello

MTC–00006907

From: Dan Kathan
To: Microsoft ATR
Date: 1/2/02 5:09pm
Subject: Microsoft Settlement

To Whom It May Concern:

I strongly urge a rapid settlement to this issue. I believe it is the best interest of the consumer and our economy.

Sincerely,

Dan kathan

MTC–00006908

From: Donna Longton
To: Microsoft ATR
Date: 1/2/02 5:11pm
Subject: Microsoft Settlement

Please end the travesty of the actions against Microsoft. The settlement that has been reached should be punitive enough for the most vindictive of Microsoft's competitors. This whole fiasco, from start to finish, has never been in the best interests of the industry, the economy, or the consumer. Rather, it has been about the best interests of the aforementioned competitors. They would like the Federal government to fight their battles for them, rather than compete on an even playing field.

MTC–00006909

From: Mudit Kumar
To: Microsoft ATR
Date: 1/2/02 5:11pm
Subject: Microsoft Settlement

Dear Sir/Madam

I have been in the technology field for over twenty years. If I look back, we have come a LONG way in terms of what I, as a consumer, am able to do and use the technology for. Microsoft has a big part in this success for our daily quality of life. I am sure other consumers feels the same.

It is my belief that technologies companies must be left alone, and this settlement with states provides proper coverage for any potential abuse. Let the market, the consumers and the quality of products developed by the companies be the real judge of true competition and the technology innovations.

Cheers!

Mudit Kumar
Phone: (972)221–6351 (Home)
Email: muditkumar@hotmail.com
Dallas, Texas

MTC–00006910

From: art bowles
To: Microsoft ATR
Date: 1/2/02 5:12pm
Subject: microsoft settlement

Please, lets appaud Microsoft for providing consumers with soft ware that made computer use easy for the average person using a computer. I believe that the settlement has extended to far away from the consumer and now we are trying to help the competitor. Let them(the competitors) design and make a better product and the consumer will reward them..

Pauline Bowles

MTC–00006911

From: BARONTROLL@cs.com@inetgw
To: Microsoft ATR
Date: 1/2/02 5:11pm
Subject: Microsoft Litigation

DOJ:

STOP THE LITIGATION, THE ''BUSINESS OF AMERICA IS BUSINESS''

MICHAEL WOLKOW

MTC–00006912

From: Barb Ekiss
To: Microsoft ATR
Date: 1/2/02 5:12pm
Subject: Microsoft settlement

Dear Sirs,

I am a consumer PC user. I have depended on Microsoft products for years. I urge you to bring this case to a close now. The additional remedies requested by the dissenting states represent a ''wish list'' put together by disgruntled and unsuccessful competitors of Microsoft. These companies represent their own special interests. They do not represent consumers loke me.

Thank you.

MTC–00006913

From: HARRYCROWS@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 5:12pm
Subject: MICROSOFT SETTLEMENT

GENTLEMEN:

MY OPINION IS TO LEAVE MICROSOFT ALONE. I THINK THIS TRIAL IS A WASTE OF TIME AND MONEY.

HARRY CROWS

MTC–00006914

From: bojr1
To: Microsoft ATR
Date: 1/2/02 5:10pm
Subject: Microsoft Settlement

DOJ:

Do not delay or change the settlement of the Micorsoft Case. Microsoft has had to put up with the likes of the original judge (Pennel?) and his antics. He was a discrace with his public outbursts against Microsoft—it was very obvious early on in the case that he should have been removed because of his public statements that were indicative of his prijudice. He was also a discrace to the judicial process as well to all other judges.

Let's not muck up the economy any more, now. Did anyone notice that the economy began declining with the chilling effect becoming more apparent in the Government's proscecution of Micorsoft? When the original judgement came down, the economy took a nosedive, worsened only by the events of September 11, 2001.

Let's put the Microsoft people back to work where they can continue to contribute to our tomorrow—a prosperous tomorrow led by Microsoft—and say 'to hell with you, Osam bin Laden'.

Sincerely,

george umbright, Jr.

MTC–00006915

From: JOANLOWELL@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 5:12pm
Subject: Microsoft Settlement

Settle the Microsoft case and stop penalizing an innovative company who personifies Capitalism and the inventive and creative genius and spirit that made, and continues to make, the United States a great nation.

MTC–00006916

From: Heimlinn@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 5:11pm
Subject: Microsoft Settlement

Why can't concerned interests leave good enough ALONE? Years ago, Microsoft had an idea. They invested money and time to make the idea work. It works so well that almost all computers use it. It is the standard of the industry. I'd rather pay the fee for the program than have a system that doesn't work.

It's no bargain if it's cheap but doesn't work.

The American economic and entiprenurel system works to reward hard work and innovation.

I do not think that Microsoft should be crippled any further. LEAVE IT ALONE!

Yours truly,

Ernst H. Linnemann

MTC–00006917

From: SCHIMKEA@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 5:13pm
Subject: MICROSOFT SETTLEMENT

MICROSOFT HAS PRESENTED TO A GROUP OF PEOPLE LIKE MYSELF THE OPPORTUNITY TO USE A COMPUTER WITHOUT A LOT OF EFFORT OR KNOWLEDGE OR VERY EXPENSIVE LESSONS THAT I FEEL THEIR COMPETITORS ARE INTERESTED IN PROMOTING. WHY WOULD YOU EVER WANT TO STOP THE QUALITY OF THEIR PRODUCTS & SERVICE? MICROSOFT MAKES A GOOD PRODUCT THAT A PERSON LIKE MY SELF (62 YEARS OLD) CAN TURN ON, AND OPERATE.

TRY DOING THAT WITH SOME OF THE OTHER COMPUTER PRODUCTS. PLEASE DO NOT DO ANYTHING TO CHANGE THE THINGS MICROSOFT MADE POSSIBLE. I DON'T CARE IF THEIRS PRODUCT CONTROLS THE MARKET. IT WORKS, IS CHEAP AND MAKES MY LIFE MUCH MORE SIMPLER. I REALLY WONDER HOW WE EVER GOT ALONG WITHOUT THEM.

WHY WOULD I USE ANYTHING ELSE? THEIR PRODUCTS ARE EASY TO UNDERSTAND AND THEY WORK RIGHT OUT OF THE BOX.

BEST REGARDS,
JAMES. F. SCHIMKE
SCHIMKEA@AOL.COM
206–546–4454

MTC–00006918

From: T. R. MADISON
To: Microsoft ATR
Date: 1/2/02 5:14pm
Subject: MICROSOFT SETTLEMENT

Wednesday, 2 January, 2002 @ 5:06PM EST

Dear Sir/Madam:

I wish to comment on the litigation now wending its way through the Department of Justice.

I agree that Microsoft might be considered a monopoly, but I believe they became such by having the best products and best customer service available. If it hadn't been for Microsoft, Microsoft Windows, and the Microsoft Internet Explorer browser, I doubt that I would have ever become a user of a computer nor have had access to the Internet.

When I got my first computer it came prepackaged with the Netscape browser and I found that just about impossible to master. I then learned that I could download Microsoft's Internet Explorer browser... which I did.

Finding it so much better than Netscape, I made Microsoft's IE my default browser. That was my choice; no one forced me to do so! When Windows 98 was released I upgraded to that system and was delighted to find that Microsoft's Internet Explorer was included. Had I wanted to have Netscape, I could have downloaded that of my own free will (I did not) and Windows 98 could operate with that as the default browser. Microsoft did not prevent me from using Netscape with their Windows 98 OS if I had so chosen.

As a retired person and one who is not to be considered wealthy, I do have an investment in Microsoft through the ownership of shares. To say I have been financially hurt by this litigation would be putting it mildly.

I sincerely hope that the Department of Justice will find for Microsoft and absolve them of wrongdoing. I don't see that they have done anything wrong; they are simply following the capitalist system....which I thought the United States espoused to the fullest.

I hope you will consider my thoughts as this litigation progresses. Thank you.

Sincerely,
Mr. Toby R. Madison
7502 NW 47th Way
Gainesville, Florida 32653–1176
Telephone: (352) 337–9460
Email: tobers@prodigy.net or tobers29@msn.com
CC:T R Madison

MTC–00006919

From: Tony Berejka
To: Microsoft ATR
Date: 1/2/02 5:14pm
Subject: Microsoft Settlement

To whom it may concern:

The extensive use of computer technology demands that all systems communicate with each other.

Having been around when all we had was Fortran and only corporate IBM 360's, Microsoft should have been praised for bringing forth a common computer language and systems that benefit the user, the consumer. Without Microsoft's efforts, there would have been no evolution into the widespread use of PC's and other small systems. The DOJ suit should have never been launched in the first place and is anti-technology and against the societal benefits of computer networking.

Tony Berejka

MTC–00006920

From: Cavalier Service
To: Microsoft ATR
Date: 1/2/02 5:14pm
Subject: Microsoft Settlement

To Whom It May Concern:

In my opinion, Microsoft has done no wrong. Microsoft is a successful, innovative and aggressive company. The liberal politics and policies of the Clinton Administration are gone. Our government needs to leave good, solid companies like Microsoft work their magic. The settlement is fair to the public and the company. Let Microsoft get back to the business they know best, and quit annoying them with unjustified legal proceedings.

Daniel C. Lesseg
General Manager
Cavalier Ford, Inc.

MTC–00006921

From: BPo9194728@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 5:14pm
Subject: Microsoft Setttlement

I feel the settlement already reached by the Justice Department is adequate.

Request your favorable considerations.

Billy Powell

MTC–00006922

From: Larry Moe
To: Microsoft ATR
Date: 1/2/02 5:14pm
Subject: microsoft settlement

I hope the law suit against microsoft will soon be settled. The economy will suffer more if it isnt. We have been punished enough through all of this, if you look back a couple of years ago the ecomomy started to go south the same time that the DOJ went after them. Lets get it over with and on with the recovery. thank you,

Larry Moe

MTC–00006923

From: Andrew Thompson
To: Microsoft ATR
Date: 1/2/02 5:15pm
Subject: Microsoft Settlement Mr./Ms. Representative of the Department of Justice;

I would like to see the Microsoft Corporation settle it's time in court close on the Tunney Act. My decision is not based on the fact that I am shareholder of MSFT, but because I have used computers for years. Both at home & at work. This is costing our economy & country time & money. Plus companies are afraid to update operating systems over irrelevent discussions.

Thank you
Andrew Paul Thompson
Chicago, Illinois

MTC–00006924

From: DulaCarol@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 5:15pm
Subject: Gates Settlement

It is about time this comes to an end. Bill Gates is doing the right thing in settling this dispute. Give the guy a break—those that are still trying to drag this on—I say to them—Get Real! They are just jealous—let them work their buns off like Gates and stop being crybabies! Thanks for listening.

MTC–00006925

From: Edward-Keller
To: Microsoft ATR
Date: 1/2/02 5:15pm
Subject: Microsoft Settlement

Recently a friend copied me on a memo he sent to you about how ''American'' and ''Right'' the Microsoft Corp. activities have been in the past. To help set the record straight, I was forced to deal with Microsoft while they were squelching all their competition in the software industry during my working years in the electronics industry. I found them to be arrogant totally insensitive to complaints regarding their products or practices.

Unfortunately, the fruits of their labors were more than evident at the last Comdex show in Las Vegas (whoops, excuse me... The Microsoft Show!). Only sw vendors developing products compatible with Microsoft were present... and others seeking to be bought out by Microsoft. It is unfortunate that the Justice Dept. and several states attorneys did not get them convicted of monopolistic practices sooner. American industry freedom is one thing...Microsoft activities are quite another... Consider this

email a vote in support of your continued pressure on this overzealous industry giant.
Ed Keller

MTC–00006926

From: ED NOSKOWSKI
To: Microsoft ATR
Date: 1/2/02 5:15pm
Subject: Microsoft Settlement
To whom it may concern:
It is time to settle the case against Microsoft. Enough Tax payer money has been wasted. Please bring accept the Tunney Act Agreement and settle this case finally.
Thank you,
Ed Noskowski

MTC–00006927

From: Pdj5123@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 5:18pm
Subject: Microsoft Settlement
Let's get this case settled and move on with more pressing issues at hand.
Thanks for your consideration
Phil de Jong

MTC–00006928

From: Al Hentges
To: Microsoft ATR
Date: 1/2/02 5:18pm
Subject: Microsoft Settlement
Please bring this matter to a conclusion without further delay and waste of taxpayer money. Enough is enough. This has gone on far too long and should never have been an anti trust issue in the first place. It is time to do the right thing, ignore Microsofts competetors, and think about the good of our country.
Al J. Hentges
A Fed up Taxpayer

MTC–00006929

From: Louis Grossman
To: Microsoft ATR
Date: 1/2/02 5:17pm
Subject: Microsoft Settlement
I, 88 6/12's years of age, 13 of which were spent volunteering in the world war 2 comflict, 1940–53—feel adamantly that the past and present injustice given to a tremendously great company, Microsoft, by the dept. of Justice, and presently by those few relentlessly ungrateful States—WHY? How could ANYONE feel other than GRATITUDE for the fine pioneering and creatful job done by Microsoft in this brand new field of Communications???? Would the harrassing officials now still seeking punishment to these ''Pioneers'' rather go back to the ERA w/out Internet, EMails that THEY gladly use, and would they rather go back to the 1940 days???
No, they are USING the benefits, and are ABUSING the creators. WHY?? I, my wife, all my friends (users gladly of the benefits from the computers and programs created by Microsoft,) feel that the Dept of Justice, and of the ''still suiing unsatisfied States Govts.'' should CEASE AND DESIST''—and let this fine company alone, and allow them to continue their pioneering and creating. I have NO personal connections to the company, except that I use, and enjoy, the fruits of their creativeness—the Internet is beyond my Aged Mental Capacity, but I do use and enjoy their EMAIL benefits. These oipinions of mine, my wife, and my friends are Sincerely and completely person.
Thank you
I hope you are listening????????
Louis P. and Blanche GROSSMAN

MTC–00006930

From: EES724@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 5:17pm
Subject: anti trust
after 5 years its time to stop this nonsense. a deal is done now lets get on with life.

MTC–00006931

From: Michael J. Schroeder
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 5:01pm
Subject: Microsoft Settlement
It would appear that some of the states, emboldened by their win over the tobacco industry and the huge cash this brought them, see Microsoft's $ 36 billion in cash reserves as a potentially similar windfall. The differences, of course, couldn't be more stark.
Micosoft and other technology companies should be viewed more like pharmaceutical companies, all of which spend billions on research and development of new cures, treatments, drugs and other products that neither individuals nor governments could or should develop on their own. The risks taken by the shareholders of these companies must be weighed fairly in relation to the benefits received by consumers as a whole. Technology companies, particularly those that are successful in developing new, widely applicable products, should not be penalized to the point of discouraging new R&D spending and creating fear that the benefits of that R&D will accrue, many times unfairly, to their competitors.
Antitrust laws should protect the consumer and not weak, poorly managed competitors. Moreover, such laws should never be used as a means for political shenanigans by intransigent state lawmakers and regulators.
It's time to move forward. Let's settle this once and for all, now.
Michael J. Schroeder
Microsoft Shareholder

MTC–00006932

From: Clyde and Jean
To: Microsoft ATR
Date: 1/2/02 5:17pm
In april of 2000 the talks between and MS and the government fell through and MS's stock price fell and kept on falling. The rest of the market went along and the economy followed. If further restrictions are placed on MS is doesn't take much imagination to predict what it will eventually do to the economy.
Something about this whole thing reminds me of the old story about the goose and the golden eggs.
Clyde Dahlin
dahlin+AEA-olynet.com

MTC–00006933

From: Doris J. Lafferty
To: Microsoft ATR
Date: 1/2/02 5:29pm
Subject: Microsoft Settlement
It is a fair settlement and time to get on with business.

MTC–00006934

From: John R. Newell
To: Microsoft ATR
Date: 1/2/02 5:12pm
Subject: Microsoft Settlement
I was happy to see the settlement reached. We don't need our ecomomy's engines under attact by the governments.
Because the settlement with Microsoft was reached between consenting parties, and the economy needs some certainty, please let the agreement stand and don't help the greedy state attornies general that want to derail it.
John Newell

MTC–00006935

From: Giuseppe Del Vecchio
To: Microsoft ATR
Date: 1/2/02 5:16pm
Subject: Microsoft
To whom it may concern:
Let it be known that Microsoft is not a trust. The company works in a way that is best for the innovation of science and technologies, as I understand it—it is not a male monopoly. Rather, the said company those all it can do to buoy innovation. This would constitute it being a valid scientific company.
Thank you for time and prudence in the laws relating to trusts.
Respectively yours,
Giuseppe Del Vecchio

MTC–00006936

From: jorge godoy
To: Microsoft ATR
Date: 1/2/02 5:19pm
Subject: Microsoft settlement
Dear Sir or Madam,
I'm writing to you in these critical times for all of us. Just a few days ago I sold my last fifty shares of a dot com company that I bought at more than $30.00 a share. (sold at $1.60).
I can complaint much; I have my health, my family and my job. But I failed to understand why a company that has done so much, not only for the American economy but, for individuals. Is being penalized for innovation and give us good products like Microsoft.
Please settle this case with Microsoft, and find something more productive to do with your time. America deserves it!
Jorge Godoy.

MTC–00006937

From: Eileen R McGuire
To: Microsoft ATR
Date: 1/2/02 5:18pm
Subject: Stop Harassing Microsoft
USA needs innovative businesses that make a difference to us regular citizens in a way that we can afford to be productive people.
Eileen McGuire

MTC–00006938

From: GOrn521735@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 5:20pm
Subject: Microsoft Settlement
To Whom It May Concern:

Microsoft should be left alone.

Microsoft should be able to recover its' economic damages that government officials have inflicted upon the corporation.

I am ashamed that our government has wasted taxpayer dollars to prosecute Microsoft.

Jerry Orn
North Canton, Ohio

MTC–00006939

From: SKIPDOCK@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 5:19pm
Subject: Microsoft Settlement

Dear Sirs:

Thank goodness the Microsoft case is settled. Please do not litigate any further.

I am pleased with settlement as a consumer.

Harriet G. Dockstader
328 West 77th St, Apt 4
New York, NY 10024–6833

MTC–00006940

From: Gracie Abraldes
To: Microsoft ATR
Date: 1/2/02 5:20pm
Subject: Settlement opinion

** Confidential **

The government should have never been involved in this lawsuit. It is shame that the government can be directed by individual interests. The United States Government is the only government in the world to penalize you for being successful.

This settlement is the best thing of a wrong situation. Since this lawsuit should have never brought forward, at least this settlement will end it all.

Do nothing else, this lawsuit should finish now.

Grace Abraldes
gracie@abraldes.com

PS: As a consumer I have never felt that Microsoft was taking advantage of me, they were very easy to deal when I call them and they always listen to what I wanted in the new programs. That is more than I can say about other companies of which the government is doing nothing about.

Have a wonderful day
Grace

MTC–00006942

From: R. Cannefax
To: Microsoft ATR
Date: 1/2/02 5:20pm
Subject: Microsoft Settlement

My understanding is that a agreement had been reached to between Microsoft the Federal Government and a number of individual States. It appears the settlement was a fair means to resolve a problem which I and many other still do not clearly understand. A big portion of the computer users throughout the world are Microsoft software users. Microsoft developed and continues to enhance and improve on the basic operating system used in PCs and in most laptops.

Why they have a competitive edge is tied to the risk they took at the very onset of their venture and further tied to continuous improvement of their product, exceptional marketing and arrangements with manufacturers to put their software on many new PCs. Has competition been stifled? I think not. Those who desire to compete can find ways to do so effectively. Those who don't should be allowed to quietly go out of business. As an operator of a small search engine, I could begin trying to make a case with my elected officials that AOL or Yahoo! had a competitive advantage and one of them may be operating as a monopoly, forcing me to not be able to compete effectively in an open market case. Sure, I could make that case as could a number of other smaller search engines, but I do not feel that such an issue is in the best interest of the general public. The AOL product is inferior and problem fraught, yet they have the majority of the Internet business in respect to search engines services, ISP services and e-mail.

All that said, I would like to make the point that I am opposed to the Microsoft case being reopened and drug through the courts. We are in a time of national, if not global financial unrest and I do not think such action is to the benefit of the general public. I believe the special interest groups need to take a back seat to the current economic conditions and let Microsoft move forward. Realistically, could we deal with another 500,000 or more layoffs? Could it be those who are pushing for reopening the Microsoft case are just trying to hang on to their positions in order to avoid what's taking place across the US and globally, a general reduction in force.

I propose we let Microsoft move forward, use their talented, highly paid staff to produce software solutions that will make computers even easier for my wife and her friends to use and lets keep the cost of this battle in check.

Please feel free to reply to this e-mail should you have any questions, concerns or comments.

Thank you,
Raymond Cannefax
President & COO
eCom Only, Inc.

MTC–00006943

From: lillian ingram
To: Microsoft ATR
Date: 1/2/02 5:21pm
Subject: Microsoft Settlement

Sincerely hope that this affair with Microsoft can be completed as pending. The whole thing amounts to the competition wanting Microsoft to share their Research and Development advances with Netscape, AOL and the rest of the Free Riders. Not surprising that we had more than enough sleazy lawyers ready to milk the cow.

Thanks for listening,
Ralph and Lillian Ingram,
E-mail leirmi@msn.com.

MTC–00006944

From: Light12ray@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 5:22pm
Subject: microsoft settlement

The states and individual competitors of Microsoft are wasting my taxpayer dollars looking out for their own special interests. Please go ahead with the settlement and stop the needless dollars being spent on attorney bills rehashing once again the interests of those individual companies and states surrporting those companies.

Ray Osman

MTC–00006945

From: Vic Shackelford
To: Microsoft ATR
Date: 1/2/02 5:22pm
Subject: microsoft setttlement

all bill gates did for me was to give me an operating system i could understand and afford. when one of his competitors comes along with a better mousetrap i'll buy it.till then leave americas number one entrepreneur alone. let his competitors shut him down not the us goverment.

vic shackelford

MTC–00006946

From: Zikria Syed
To: Microsoft ATR
Date: 1/2/02 5:23pm
Subject: Microsoft Settlement

Dear Attorney General,

Just wanted to share some thoughts on the proposed Microsoft Settlement between the company and the US Government. I believe that it is a great step in the right direction and attempts to put meaningful constraints on the company without attempting to destroy it. Your current policy is consistent with the principles of free economy and entrepreneur spirit of the United States. Microsoft is a source of pride and stregth for the US and a symbol of American leadership worldwide. It is one of the most successful companies of the current generation and has done an unbelievable amount of good to the american and global economy.

In conclusion, I fully sport the settlement effort between DOJ and Microsoft.

Best Regards,
Zikria Syed
999 S. Wisteria Dr.,
Malvern, PA 19355

MTC–00006947

From: Sumner Kibbe
To: Microsoft ATR
Date: 1/2/02 5:22pm
Subject: Microsoft Settlement

Dear Secretary Ashcroft,

As one who spent five decades working in American industry and now a retiree who was fortunate enough to settle on the coast of Maine, I urge your support of the agreement reached between the United States Government, a majority of the contesting States and Microsoft Corporation. Prolonging this silly and incredibly expensive litigation can only continue to harm our Country's economy and further suppress future Bill Gates from creating new jobs and a stronger economic climate. It is indeed time to turn our Government's priority to punishing our enemies and not those who practice free enterprise. Let's turn off the trial lawyers ''feeding frenzy''. I request that you forward my comments to the District Court considering this case.

Respectfully yours,
Sumner E. Kibbe
43 Horn Cove Road
Southport, Maine 04576

cc: Senator Susan M Collins Citizens for a Sound Economy
CC:CSE Capitol Connect website

MTC–00006948

From: Dick Humphrey
To: Microsoft ATR
Date: 1/2/02 5:24pm
Subject: Microsoft Settlement

Just wanted to express my concerns on special interest groups attempting to disrupt the settlement of the on-going law suit that Microsoft is going through. It is time to wrap this up and get on with it. Microsoft makes a very good product with lots of support services that are benefiting many personal and business lives to make efficiencies in our lives. They should not be stifled by preventing them from being creative and implementing new improvements into their software systems that will make things easier for the general public. Other companies bundle services, why should Microsoft be prevented from doing it.

I am asking for your support to get on with this law suit and get it settled so we can get some positive movement in the software/computer industry.

Dick Humphrey
Littleton, CO 80122

MTC–00006949

From: JOYCE GRAUMAN
To: Microsoft ATR
Date: 1/2/02 5:24pm
Subject: MICROSOFT SETTLEMENT

I would like, as a interested citizen to see this issue end. I think that Microsoft has made amends and will honor their agreement. The country cannot afford to waste time. Microsoft is the glue of the internet stocks on the market. It will hurt all of the market, as it already has, if it is allowed to continue. The Democrats are determined to hold back the economy to win elections and I am tired of lawyers trying to make a killing and dragging this thing out. Microsoft, when the lawsuit began, was not considered a monopoly. Since then, instead of destroying their good work these other states are going to have to get over it. They are trying for the deep pocket to balance their budgets. How many of the states going after Microsoft are Republicans.? I think Orin Hatch is disgusting. I have heard that he has a son who is a lawyer working in his state and is involved in making a name for himself as well. Orin Hatch needs to go. I have again said my piece. I vote to END the states beef! I vote independent, however this is a big issue to me and many people....I have been a Republican. I am pleased with George Bush and the Justice Dept. so far. We are Watching!!!!!!!!

Joyce Grauman

MTC–00006950

From: JEastin4@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 5:23pm
Subject: Microsoft settlement

I am not sure what is settlement is actually. I just know for sure it is an unfair charge made in the first place. The government is on the wrong track in trying to break up Microsoft. Ma Bell suffered under the same mentality and we know how bad that was. Microsoft is no more a monopoly that many of the large companies in this country today. It is a good company and they sell their products fair value. Leave them alone.

JEastin4@AOL.com

MTC–00006951

From: BunBunjr@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 5:24pm
Subject: Microsoft Settlement

Dear Sir:

Please stop the litigation and let the economy get on with itself.

Jim Landfield
Tel 703–734–0840
FAX 703–790–9049

MTC–00006952

From: wally rasmussen
To: Microsoft ATR
Date: 1/2/02 5:24pm
Subject: Microsoft Settlement

Let us end this prolonged litigation prompted by Micosoft's competitors and not in the best interest of the consumer NOW.....

Thank you,
Wally Rasmussen
14531 Cascade DR SE
Snohomish, WA 98296

MTC–00006953

From: Chris Hall
To: Microsoft ATR
Date: 1/2/02 5:25pm
Subject: Microsoft settlement

To Whom It May Concern,

I am sending this to make my opinions known regarding the antitrust settlement regarding Microsoft. I personally feel that the current settlement is just and fair to all parties. I also feel that the continuation of this only hurts not only the participants but the economy as a whole. When you have a trial of this magnitude unresolved it effects the economy by the fact that no decision is finally rendered. I personally agree taht there has been some wrong doing by Microsoft and that the current resolution is appropriate. To further delay this case and to prolong it will only add more uncertainty. My other comment is that if they had the marketshare and capacity to do so would they not have also bundled their respective web browsers in their software. In the free enterprise system I believe that the strong should survive and not be penalized for ingenuity and innovation. The free market should determine who can and will survive.

Thank you,
Mr. Chris R Hall
1310 Packerland Dr Apt A7
Green Bay, WI 54304

MTC–00006954

From: BeepaY@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 5:27pm
Subject: Microsoft Settlement

I am writing to let you know how I feel about the Microsoft antitrust case. Nine states have already negotiated a settlement with Microsoft and the Federal Government should follow suit. There is no need to continue spending money that could be better spent in getting our economy back in order. Put simply, letting Microsoft do their business will help the technology industry and the entire economy. Microsoft has done so much for our country and pursuing futher litigation will onlly punish their efforts.

I am retired and use computers very regularly. Like so many Americans, I would be lost without Microsoft. Their products are very easy to learn and use and they've brought technology into the hands of everyday people. Bill Gates created a virtually new industry back in the 1980's and today I think we owe it to him for making the technology industry what it is today. He and his company made some very smart business solutions and other companies are just jealous of their success. I urge you to please stop this charade and allow Microsoft to concentrate on their business. Please don't draw this suit out further by holding a Judiciary hearing to investigate. Let Microsoft get back to business and everyone else get on with their lives.

Sincerely
Russell C. Yannello

MTC–00006955

From: Lon Warneke
To: Microsoft ATR
Date: 1/2/02 6:24pm
Subject: Microsoft Settlement

Please accept my request to settle in this matter according to the Court of Appeals ruling. I trust you will determine it is extremely fair and thus in the ''public interest.'' The time is right for the consumer to realize benefit and begin to move forward.

Thank You.

MTC–00006956

From: Clayton B'Hymer
To: Microsoft ATR
Date: 1/2/02 3:30pm
Subject: Microsoft

Dear Sirs,

The litigation against the Microsoft company is unwarranted and an abuse of the United States legal system. Microsoft became the leading software manufacturer not because of monopolistic tendencies, but from offering a superior product and meeting the customers needs. If anyone wanted to use an alternative operating system for a personal computer, they could and can choose from Linux, IBM's ill conceived OS2, or Apple. Microsoft got to the point were they are because their operating system is superior, less prone to crashes and meets the needs of the consumer. The other products listed do not meet the higher standards of Microsoft. I am a computer contract worker; I have used the products listed above and Microsoft's Windows, although not perfect, is better. Microsoft's internet explorer was always more stable and rugged than Netscape's products.

I am angry that my tax dollars are being abused and wasted prosecuting a company that gained success in the market place from a superior product. I see this as nothing more than an extortion attempt by lawyers, and the state and federal government.

The settlement agreement, itself, is another disgrace of the abuse of the law. If Microsoft had truly been abusive to its customers, overcharged, or exhibited Monolopolistic behavior, then computer owner's suffered the lost. Instead, the state governments and the federal government is extorting Microsoft to provide computers and software to the public schools. This in nothing but socialism/

communism, not Justice! Since when did redistribution of wealth enter into compensation of a separate class of non-litigants.

That is my opinion. Thank you.

Sincerely,

Clayton B'Hymer

MTC–00006957

From: CataloniElectric@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 5:27pm
Subject: Microsoft

pleaser let microsoft alone this is a good company and need the free to work right and you people do not know how to run a company like Microsoft. way do you people wake up and see the real world . and the world that you think is right. it take money to do that . i do not think any for the people that are to bring microsoft down can not do it in the free marker so there want to do it with the law . i think you lawer are the lone one make money on this so the more in go on the more money you make. Microsoft is a good company and is the back bone for the new world and need to run right.

MTC–00006958

From: Peter (038) Dolly van Hengel
To: Microsoft ATR
Date: 1/2/02 5:27pm
Subject: microsoft settlement

I believe it is ludricous that we have to go thru all this litigation that will benefit no one other than some complainers. the economy requires quick action and settlement to do away with the uncertainty. Also the consumer wants to move on. there is not much choice anyway and so far nobody has been harmed.

pls move on and stop the litigation nonsence: it is costly and will bring no long term benefit.

peter van hengel

MTC–00006959

From: rabhill
To: Microsoft ATR
Date: 1/2/02 5:28pm
Subject: MSFT Settlement

RE: DOJ Settlement with Microsoft.

I, as a long term user(1980) of Apple and PC machines with all types of software, fully support the recent DOJ settlement.

During my latter part of career years from 1985 ish until 1995 my company favored the use of Apple and I used same for my personal computing. In 1998 I switched to PC's and windows. With this background I can emphatically say that the Windows systems (Software+Hardware) are vastly superior to Apple system in Cost, Reliability and general performance.

I categorically challenge anyone to show me where the world would be better off without Microsoft and their products. In the early 80's I recall what the world was like when there were 10 different Word processors, Database managers, and Spreadsheet software, and the difficulties with incompatible packages. The PC has thrived because of Microsoft not in spite of them. I was also an internet and AOL user in the early 90's and recall trying to get a decent browser. AOL did not and still does not provides a competitive service. As a taxpayer it would be in my interests to spend some DOJ time seriously

reviewing how AOL/Netscape attempt to prevent competition.

Respectfully,

Richard Hill
33601 Capstan Drive
Dana Point, CA 92629
949–443–2349
rabhill@earthlink.net

MTC–00006960

From: LSeib14844@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 5:28pm
Subject: get it over with now and move on to something else

leave microsoft alone and let them make our lives fast and easier when doing business and living our lives.

there must be something else the governement can be doing or do you guys like to send our money the wrong way

MTC–00006961

From: Wolf—Bock@emainc.com@inetgw
To: Microsoft ATR
Date: 1/2/02 5:29pm
Subject: MicroSoft Settlement

Sirs:

I think the settlement exonerating MicroSoft from wrongdoing was long overdue. In my opinion, the Department of Justice action was never more than a witch hunt instigated in collusion with MicroSoft competitors who also happened to be prominent contributors to the previous Clinton Administration (what a surprise). I am glad that the Bush Administration has recognized the impropriety of the previous regime's actions, and has decided to close this frivolous suit as rapidly as possible.

Sincerely yours,

Wolf Bock
22373 Enoch Road
Leonardtown, MD 20650

MTC–00006962

From: geaves
To: Microsoft ATR
Date: 1/2/02 5:28pm

It is past the time for those who brought this ill-considered suit to consider their folly and end it for once and for all. It is a judicial embarrassment, beginning with over-aggressive government prosecutors to a wholly biased judge. In these critical times for our country, the Microsoft case stands out as one of the most biased litigations in the 1990's. That was some decade—a President who flaunted the Constitution to Atty. Gen. Reno who lost her moorings (if, indeed, she ever had any).

J. Beales

MTC–00006963

From: Michael Allen
To: Microsoft ATR
Date: 1/2/02 5:29pm
Subject: Microsoft Settlement

I believe it is in the best interest of all concerned that the charges against Microsoft be dropped immeadiately.

MA

MTC–00006964

From: phylliska@juno.com@inetgw
To: Microsoft ATR
Date: 1/2/02 5:29pm
Subject: Microsoft Settlement

I respectfully suggest that it is time for the Government to settle the Microsoft Issue along the lines that have been outlined by the DOJ and accepted by Microsoft. This settlement provides much heretofor private Microsoft information to competitors and others while permitting continued innovation by Microsoft.

Microsoft's products allow all of us—whether technology-oriented or gray-haired grammies—to access the wonder provided by the company's technology made simple for public use. The fact that so many prefer Microsoft software means that we all are able to communicate with each other without having to have special connections, etc. This is a Benefit which all of us are able to enjoy.

I live in Microsoft country [not too far from its Redmond facilities]. The State of Washington is suffering one of the highest levels of unemployment in the United States. We need the stability of a healthy Microsoft. And our Counry and around the World, millions of ordinary citizens need the products Microsoft has developed so that we may enjoy instant communication, run our businesses from our homes and visit education and other sites on the internet.

We'd all like to be First and Best but always, there is someone or some company that is. Bringing down the First and Best doesn't provide any glory to those trying so hard to prove that they should have been first and best—but weren't and aren't. Let's get this long-running case finished so everyone can go back to getting our Country out of its malais. That takes every hand and every thinker and innovater wherever they may be in the United States.

Thank you for listening.

Phyllis Bergsman,
Kirkland, WA
CC:MSFIN@Microsoft.com@inetgw

MTC–00006965

From: jimsue199
To: Microsoft ATR
Date: 1/2/02 5:28pm
Subject: Microsoft settlement

We need Microsoft—request that DOJ play fair with the settlement—don't destroy Microsoft.

Thank you
JIM BENSON
CC:Microsoft ATR

MTC–00006966

From: Patricia Schlinkmann
To: Microsoft ATR
Date: 1/2/02 5:23pm
Subject: microsoft settlement

PLEASE SETTLE THE MICROSOFT DISPUTE IN FAVOR OF MICROSOFT. IT IS MY OPINION THEY BUILT A ''BETTER MOUSETRAP'' AND BECAUSE OF THAT SHOULD BE FREE TO MARKET AS THEY SEE FIT. THE GOVERNMENT SHOULD STAY OUT OF FREE ENTERPRISE. I SEE NO MONOPOLY.....

THANK YOU FOR YOUR CONSIDERATION.

PATRICIA H. SCHLINKMAN
3401 HIGHWAY 90 EAST,

SCHULENBURG, TX. 78956

MTC–00006967

From: Owen Paulus
To: Microsoft ATR
Date: 1/2/02 5:31pm
Subject: Microsoft Settlement

Please settle the Microsoft case. Continued litigation is not a benefit to the country in the current economic climate. The settlement appears to be fair, and should allow the company and its competitors to settle their differences in the marketplace—instead of the courts.

Thank you,
Owen Paulus

MTC–00006968

From: Michael Brothers
To: Microsoft ATR
Date: 1/2/02 5:30pm
Subject: Microsoft Settlement

I think that the time has come for the long litigation against Microsoft to end.

Companies that have delivered as much innovation as Microsoft are an asset to our country and our economy .

Thank you,
Mike Brothers
CC:mwbrothers@webtv.net@inetgw

MTC–00006969

From: FOXAERO@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 5:31pm
Subject: Goverment interfearance

Less government will fix almost anything.
Frank Fox, Wilton

MTC–00006970

From: Larry Weidner
To: Microsoft ATR
Date: 1/2/02 5:32pm

I think the Microsoft case should be settled without any further litigation.

L. Weidner, Consumer

MTC–00006971

From: hcmcdonald
To: Microsoft ATR
Date: 1/2/02 5:31pm
Subject: Microsoft Settlement

I am a 73 year old man, and my wife and I depend upon my computer to connect with the world—the whole world. I am in touch with my old workmates, my children and my grandchildren. Also, I can find out everything I want to know through MSN.com. I know there are lots of smart people that can do everything with computers, but if it weren't for Microsoft and Windows, I would just be lost and not in touch with anyone or anything. I feel empowered by my computer, and I don't feel that I paid too much for anything. I love the simple world of Microsoft. Everything works, and I don't have to experience the stress of installing a new program. If something would not work on install, I don't know what I would do, as I can't understand complicated instructions. I have many friends that feel the same way, although some of my friends have kids that can do everything on computers, but they are the luck ones.

Please, don't put Microsoft out of business, because some of the other companies are mad at them.

Regards, Henry

MTC–00006972

From: Jim Crofoot
To: Microsoft ATR
Date: 1/2/02 5:32pm
Subject: MicroSoft Settlement

I understand that you are taking public comments concerning this subject. The following are mine.

During the past fifteen years I have been closely involved with five different companies that were introducing technology to agriculture for the benefit of producers and the environment. Two of these companies were developing software for this market. Both our market surveys and the customer proved to us that in computer software you need to have a dominant operating system.

The consumer will chose the dominant system because it is dominant and means the best compatibility with those that they want to connect. Developers must choose the dominant system so that their product is compatible to the greatest possible market. In our opinion the rapid increase of technology during the late 80' and 90's would not have been achieved if during that time we had three or five companies with similar operating systems and market share as Windows.

As both a consumer, user and developer I appreciate the role of the Dept. of Justice. However I believe most markets unless completely regulated by government will be driven by the products and their value. Those completely regulated have shown little or no innovation. From what I have read about this case, it seems that MicroSoft requirement for hardware maufactures to install Windows for a better price may harmful but if this was done though the contract as a part of volume pricing I would say that it is beneficial.

My main comment is SETTLE THIS CASE. The industry, the US and the world are not being served by endless litigation.

As far as I can tell the only parties that have or will gain from this case have been the attorneys. Even MicroSoft competitors have been hurt by the uncertainty of this case and what the future holds. I have yet to hear how the states that are parties to this case have been damaged. I live to west of Iowa and work with producers in both IA and NE. I can't see that residents of IA have been damaged by MicroSoft. The motive for their action appears to be something other than advancing technology.

Thanks for your time, you know how to reach me if you wish.

MTC–00006973

From: Lois Bailey
To: Microsoft ATR
Date: 1/2/02 5:34pm
Subject: Microsoft Settlement

I believe the Microsoft settlement as agreed to is a good settlement.

No further litigation is necessary or needed. No need to prolong this any longer. This is good for the consumer and the company even though the company might want it better.

Thank you
L. Bailey

MTC–00006974

From: fran symms
To: Microsoft ATR
Date: 1/2/02 5:32pm
Subject: Microsoft Settlement

To follow freedom in America, please dismiss the case against Microsoft...Our government should NOT punish success.

Fran Symms

MTC–00006975

From: JAMES PHELAN
To: Microsoft ATR
Date: 1/2/02 5:34pm
Subject: Continued harrasment of Microsoft

I would stronly recommend that the civil actions suggested by the 9 holdout states be terminated and Microsoft Corporation be allowed to continue to inovate and add to our countries prosperity and defense.

The Federal actions taken to date against this company are a sufficient remedy for any past corporate transgressions.

James D. Phelan
3060 6th Ave. # 30
San Diego, Calif. 92103–5854

MTC–00006976

From: RichardLCa@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 5:33pm
Subject: Microsoft Settlement

Its such a shame that nine of the states and the Federal Government have reached an agreement on how to proceed but nine greedy states even want more. It's like looting a business after they have already been broken into.

Microsoft has done so much for the consumer. They have built the best product. It's called competition. If competition is unfair then we are nothing but a socialistic country.

Please advise the holdout states to compete with their products and back off attacking (looting) Microsoft.

Sincerely,
Richard L. Carlson

MTC–00006977

From: carefree-cowboy
To: Microsoft ATR
Date: 1/2/02 5:32pm
Subject: Microsoft Settlement

January 3, 2002

Dear Sirs:

The last thing our American economy needs is more litigation that benefits only a few wealthy competitors and stifles innovation. Don't let these special interests defeat the public interest and derail the settlement. The Microsoft case needs to be settled NOW!

Sincerely,
Dennis Thompson
P.O. Box 5135
Carefree, AZ 85377

MTC–00006978

From: Wfrank38
To: Microsoft ATR
Date: 1/2/02 5:34pm
Subject: Microsoft Affair

It is time to leave Microsoft alone. The settlement seems fair to me and many of my neighbors.

Thanks,
William M Franklin
124 Arrowhead
Comanche, TX. 76442
wfrank38@cctc.net

MTC–00006979

From: Edward J. Murphy
To: Microsoft ATR
Date: 1/2/02 5:34pm
Subject: Microsoft Settlement.

Why is it that the DOJ has agreed to the settlement but now certain states do not like it? Have those statescontributed money for the prosecution of the cases or was it all funded by the Federal Government. Iwould also guess that the states that are holding out have a large present of Microsoft competitorsin their states.In addition, the competitors appear to be looking for the states to make it easier for them to compete—what happened to the FREE MARKET?

Let's get this over with before we have another MA BELL fiasco!

Edward J. Murphy

MTC–00006980

From: Ronald Soussa
To: Microsoft ATR
Date: 1/2/02 5:36pm
Subject: Microsoft settlement

Please end the litigation and accept the settlement that the Federal Government has already reached with Microsoft.

Thank you.
Ronald S. Soussa, SIOR
Delaware Hudson Realty Group, Inc.
239 New Road, Building A
Parsippany, NJ 07054–4294
Phone (973) 575–6080, Fax (973) 575–4590
rsoussa@delawarehudson.com
www.delawarehudson.com

MTC–00006981

From: JENALO@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 5:35pm
Subject: Microsoft Suit

To My Elected Officials:

I favor the reasonable settlement of the DOJ and states lawsuits against the Microsoft Corporation that does not breakup the company, that allows them to continue their innovative ideas and production of software and does not restrict their marketing concepts.

Thank you for your favorable actions concerning this issue.

A Concerned Voting Citizen,
Lawrence Aloian

MTC–00006982

From: WIN B ENDERS
To: Microsoft ATR
Date: 1/2/02 5:35pm
Subject: Microsoft Settlement

The settlement is more than fair and should finally put this litigation to an end. Its about time that Microsoft competitors compete in the marketplace and not in the courtrooms.

win enders
seabeck, wa.

MTC–00006983

From: Roy Knecht
To: Microsoft ATR
Date: 1/2/02 5:36pm
Subject: Micrsoft Settlement

The settlement is overdue. Please proceed with it.

Roy Knecht
403 san Jose Drive
Winter Haven, Florida 33884

MTC–00006984

From: Martha.Schroeder@
TJGroup.com@inetgw
To: Microsoft ATR
Date: 1/2/02 5:36pm
Subject: Microsoft Settlement

To whom it may concern at the DOJ

Please settle the Microsoft suite quickly. We consumers do not need further litigation that stifles innovation.

It is no coincidence that the downward spiral to the technical stockmarket came in the wake of the decision to break up Microsoft. Thousands of retirees pension funds and charitable funds have suffered terrible losses due to this decision.

Settle quickly and let innovation and competition work freely.

Sincerely yours,
Martha Schroeder
TJ Group Americas, Inc.
15770 North Dallas Parkway Suite 403
Dallas, TX 75248
Phone: (972) 980–8032 x4474
Fax: (972) 980–-4574
martha.schroeder@tjgroup.com

MTC–00006985

From: FJAltomari@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 5:36pm
Subject: Microsoft Settlement

Dear Sirs:

I would like to express my opinion about the Department of Justice and Microsoft.

I feel that it is our government's job to see that innovative companies suchas Microsoft, which has done so much for our country and its people, be ableto continue its efforts and not be burdened by frivolous law suits.

Frank J. Altomari
5810 Spinnaker Loop
Lady Lake, FL 32159
352–750–1111

MTC–00006986

From: Jacquelyn A. Frink
To: Microsoft ATR
Date: 1/2/02 5:36pm
Subject: Microsoft Settlement

Brian & Jacquelyn Frink

Ladies and Gentlemen,

I am writing to voice my support of the Department of Justice settlement ofthe Microsoft matter. The settlement is fair and reasonable for allparties. As a consumer and taxpayer I applaud the settlement decision.

Jacquelyn A. Frink
16 Premier Ct.
Chico, CA 95928

MTC–00006987

From: Janet L. Grummitt
To: Microsoft ATR
Date: 1/2/02 5:38pm
Subject: Microsoft Settlement

To Who It May Concern:

Let this settlement stand. Let's get on with the business of making better computer products. Microsoft can help the US remain #1 in 2002.

Sincerely,
Janet and David Grummitt

MTC–00006988

From: Hoffman
To: Microsoft ATR
Date: 1/2/02 5:38pm
Subject: Settlement

Relaxed Mickey

Simply put, it was one of four policies of the Clinton administration that killed the spirit of free enterprise during a productove period.

Bill Hoffman

MTC–00006989

From: Keith Nealy
To: Microsoft ATR
Date: 1/2/02 5:37pm
Subject: Microsoft Settlement

The proposed settlement with Microsoft only furthers their monopoly by enabling them, as a ''punishment,'' to enter and dominate the educational market, which is pretty much the only one left that they don't control. This is a complete surrender to Microsoft and is far from the public interest. Their past behavior proves that without strict enforcement and breakup they will continue to bully and coerce competitors.

I can't imagine many alternatives that would be more favorable to Microsoft. Far from punishing them for their practices, it ensures their continuance.

I strongly object to it and consider the government to have failed in its regulatory responsibility in this matter.

Sincerely,
Keith Nealy
1540 Linden Street
Alameda, CA 94501–3264

MTC–00006990

From: chris tarr
To: Microsoft ATR
Date: 1/2/02 4:41pm
Subject: Microsoft Lawsuit

I feel that the nine State's currently suing Micrososft should abandone their case for the best interests of our country and free enterprise.

This lawsuit has been a setback for innovation and technology markets. I further believe it was one of the factors leading to us to the recession we are in now.

Do not penalize a business for being successful.

Chris Tarr
1111 Stone Church Rd
Waterloo, NY 13165

MTC–00006991

From: Sharon Solheim
To: Microsoft ATR
Date: 1/2/02 5:41pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am writing about the Microsoft Settlement.

Years ago, when Microsoft stole the Norton Speed Disk utility (renamed Defrag), and settled out of court I thought they got what they deserved. This settlement is another case where they'll be getting what they deserve.

Ironically I think Microsoft products, as a whole, are the foundation of business computing and I use them often. That does not mean that their business practices are best for everyone.

Sincerely,
Joe Regester
610 Wallis Ave.
Delavan WI 53115
262–728–0249

MTC–00006992

From: VEstaba@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 5:38pm
Subject: Microsoft Settlement

The settlement reached by the federal government and nine states regarding the long litigation with Microsoft is fair and will benefit not only Microsoft but The United States and the whole world . Any country would be proud with an industry which has elevated the name og the United States for the oustanding achievement on a field of primary importance for the progress of all industies probably without exception.

Respectfully,
Carmen Estaba and Victor Estaba, M.D.

MTC–00006993

From: terry benshoof
To: Microsoft ATR
Date: 1/2/02 5:36pm
Subject: <no subject>

TO MY GOVERNMENT, WHILE I APPRECIATE LOOKING OUT FOR MY BEST INTERESTS, I DO NOT LIKE OTHERS TO WASTE MY MONEY. MICROSOFT'S COMPETITORS HAVE NOT SHOWN THEIR ABILITY TO COMPETE ON A LARGER SCALE. THEY HAVE DO HAVE THE ABILITY TO USE OTHER PEOPLE'S MONEY FOR THEIR BENEFIT. BRING THIS TO A CONCLUSION.

TERRY BENSHOOF

MTC–00006994

From: Ed Litizzette
To: Microsoft ATR
Date: 1/2/02 5:37pm
Subject: Microsoft Settlement

To Whom it may concern:

We are sick and tired of the ongoing litigation between the Justice Department and Microsoft.

Forget about it!!!! Get over it!!! I think the taxpayers have shelled out enough of my tax money.

Ed and Sharon Litizzette
windamer@inreach.com
www.windamere.com

MTC–00006995

From: jaymedin Medin
To: Microsoft ATR
Date: 1/2/02 5:37pm
Subject: Microsoft Settlement

It is the American way to be the best you can be.This country has wasted enough money on this.If other companies can't compete because their products aren't as good then so be it.It's common business practice to surround yourself with the best people you can to do the job and this is what Microsoft has done.I think this country had best start paying more attention to what is really important like the whole country is on the brink of financial fallout and no one wants to admit it.Put this to rest and start taking care of the important issues.

Join the world's largest e-mail service with MSN Hotmail.
http://www.hotmail.com

MTC–00006996

From: Michael Schwartz
To: Microsoft ATR,bfoer@antitrustinstitute.org@inetgw
Date: 1/2/02 5:38pm
Subject: Microsoft Settlement

Hello Mr. Foer,

Please fwd this email to Mr. Hawker.

I just read an article at the following link:
http://www.eweek.com/article/0%2C3658%2Cs%253D701%2526a%253D20391%2C00.asp and noticed the following quote (in-line with paragraph) by Norman Hawker: From the perspective of tough-remedy advocates, however, restoring competition to the marketplace necessarily means examining the position of competitors. ''Right now, we have one single institution that's directing what will happen in the future, and that's Microsoft,'' AAI's Hawker said. ''Antitrust law is about protecting and promoting competition, and you cannot have competition without competitors.

That is an absolutely pathetic claim. This only drives a self-fulfilling prophecy that is aimed at ''settling on mediocrity.'' Hawker's statement does nothing but enstill a ''bandwagon type of fear (i.e., hysteria)'' into the average consumer. If his statement is true, why didn't the MS X-Box put Sony Playstation and Nintendo Game Cube out of business. The introduction of the X-Box will only make the other game companies strive to make better products. To claim that MS will stifle future, yet-to-be-developed technologies is so lame. Norman would say something like ''MS can't deploy a VOIP network because they might succeed at it and take away business from other companies doing the same thing.'' Norman seemingly advocates a perspective that my parents worked to enstill when raising my brother and I, namely ''Don't compare yourself with those who don't excel just so that you look better. Raise the bar and compare youself with the top students in your classes.'' Limiting Microsoft's future technology endeavors by some force of law will only remove the incentive for other companies to make high-quality products in the concerened technology.

If the AAI puts their money where their advocations lie, then: 1. AAI supporters never use any Windows OS. They only use Macs or Linux or Solaris or some other non-ubiquitous OS. 2. AAI supporters never use MSIE for surfing the web; rather they use Opera or Netscape Navigator (which is now junk since AOL took over; why don't you sue AOL for the crap they generate and the IE-based browser they deploy), 3. AAI supporters never use MS Office, rather they only use Lotus Suite, WordPerfect, or Star Office. 4. AAI supporters never use HotMail or MSN; I don't even dare list the endless ''other'' competing options available on free email and portal web sites. If any of the above (1,2, or 3) are ''false'' from an AAI perspective, then the AAI advocates are solely in the witch hunt against MS for personal gain, such as receiving AAI contributions from any number of plaintiff companies or states.

I am confident MS will prevail in the long run. Although some of thier software is buggy, at least the average consumer doesn't need a computer science degree to use it effectively and it usually always works as expected.

Regards,
Mike Schwartz

MTC–00006997

From: Paul Kapler
To: Microsoft ATR
Date: 1/2/02 5:39pm
Subject: Miceosoft Settlement

Please settle this action immediately.

Paul and Sharon Kapler

MTC–00006998

From: LConey5352@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 5:39pm
Subject: MICROSOFT SETTLEMENT

I, AS HUNDRED OF THOUSANDS OF AMERICANS ARE OUTRAGED AT THE CONDUCT OF THE CLINTON/DOJ CONDUCT ON THIS MSFT ISSUE. I AM A STOCK HOLDER OF MANY HIGH TECH STOCKS AND FEEL MSFT IS BEING UNDULY CHARGED AS A RESULT OF CLINTON ERA POLITICS. KEEP UP THE GOOD WORK BILL GATES AND CO. WE ARE BEHIND YOU.

LYNN S. CONEY
ARLINGTON, WA.

MTC–00006999

From: Bill Eaton
To: Microsoft ATR
Date: 1/2/02 5:39pm
Subject: Microsoft Settlement

To whom it may concern (and it should concern all of us): Please let the settlement agreed upon by the Justice Department and the nine states stand without further litigation. While Microsoft may have had some questionable practices, those have been recognized and dealt with. It concerns me greatly that competitors who have not been as innovative continue to try and use the judicial system to replace and/or augment their own marketing efforts. I have tremendous faith in the American free-enterprise system and it's ability to police itself on most matters. This is not the time in our history to be stifling creativity and innovation in the name of a ''level playing field''. Business rarely is that, and we cannot afford to suppress our strongest companies for the sake of a few. By the way, for the record, I hold stock in some of Microsoft's competitors, and still feel strongly that ''enough is enough''.

Thank you.
William L. Eaton

MTC–00007000

From: DmarkBill@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 5:39pm
Subject: Microsoft Settlement

I would like to see the Microsoft case settled.The proposed agreement seems fair enough....and we all have plenty of other

things to do these days.The people against the agreement seem to be vindictive... enough is enough.....

W.F. Highland

MTC–00007001

From: Frank Smith
To: Microsoft ATR
Date: 1/2/02 5:39pm
Subject: Microsoft Settlement

As a thirty-year veteran of the information technology industry I know how difficult it is produce great software with broad vision and scope that works well with the products of thousands of hardware and software vendors. Microsoft has done this far better than any other vendor. No one else is close. That is clearly terrific for consumers, and for thousands of other vendors, though perhaps not for Sun, Oracle, et al. It seems to me that the Justice Department settlement is tough but fair, and I am delighted as a citizen of Illinois that my Attorney General is for the settlement, just as I was pleased that he did not support the breakup. I am amazed that the attorneys general of the other states believe that their proposal will be a benefit to consumers. Confiscating Microsoft's intellectual property and disincenting it will in no way to lead to consumer benefit.

Frank Smith
770 Rosewood Avenue
Winnetka, IL 60093

MTC–00007002

From: WES HAGER
To: Microsoft ATR
Date: 1/2/02 5:41pm
Subject: Please leave Microsoft alone.

Please leave Microsoft alone.

MTC–00007003

From: LindaDNA@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 5:41pm
Subject: microsoft settlement

To Whom It May Concern:

I don't think it's in the public's interest to continue litigation of the lawsuit against Microsoft Corporation. Microsoft Corporation has been, and will continue to be an innovator in technology if it is allowed to continue its business without spending undo revenue in its defense from a few disgruntled competitors. The public's interest would be better served by allowing businesses to survive in the old free market fashion, i.e., innovation, development and marketing. The best product wins, remember?

Linda Wiley

MTC–00007004

From: DrNNat@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 5:42pm
Subject: Microsoft Settlement

It is time to bring the Microsoft settlement to an end. Finalize the settlement so users like myself can benefit from new software from Microsoft. They have created a user world where everyone can talk to each other and software can be used by all. My business can communicate with customers who use Microsoft spreadsheets and databases because of the compatibility Microsoft has provided.

Having spent 40 years in the computer industry I have been appalled at the actions taken by our government to impede the progress brought to that industry by Microsoft. Clearly directed by its arch enemies, the imposed policies are not intended to benefit the computer users but rather to enhance the fortunes of the few other very large software companies that have tried to compete with Microsoft and failed. Before Micrposoft the industry was a mixture of hardware and software with no interchangeability between either. Software from an IBM system didnt run on a machine made by Digital Equipment, and vice-versa. Microsoft brought software compatibility to the PC world and in doing so enabled muli-millions of users access to all PC's. This promoted an avalanche of applications which can run on any PC because of the Operating System flexibility provided by Microsoft.

Historically, Sun Microsystems destroyed its major competitor, Apollo Systems, with predatory pricing policies, so that HP had to rescue Apollo with a takeover. Now Mr. McNealy arrogantly uses our government as a surrogate to try to destroy Microsoft because he cant touch them in fair competition. The law suit has gone too far already. Finalize the settlement agreement and let the industry go forward so users like myself can get back to business and get the best benefit possible from Microsoft's ingenuity and determination.

I realize this is a long message, but one final thought. If Microsoft were located in California the suit would never had happened because the Silicon Valley $$ and political pressures would have killed it long ago. They are all jealous of Gates. They hate him because of his success, yes, and his drive to be the best and the richest. And thats what this country is supposed to be about. They just havent had his drive or his intelligence.

MTC–00007005

From: Dennis Vetica
To: Microsoft ATR
Date: 1/2/02 5:43pm
Subject: leave them alone

you guys spent more money trying get bill gates then bin laden. two guys start a company and do good things, create jobs, and make it so that even I can get on a computer. You know not that long ago, the computer industry started, and we were #1. Then Japan took over, and it looked pretty bad for us. Then some companies like intel, microsoft, came alive, and we are #1 again. I guess if you want to give up our computer business to foreign countries like almost every other industy, like cars, shoes, t.v.s, radios, stereos, dvd, vhs, cassette, hand tools, you can even find american flags that say, made in china.....sad, sad day you guys should be ashamed of yourselves. Leave our companies alone, if you would have spent that money on economic stimulus, instead of chasing bill gates, just think how much revenue would have been created.thanks, dennis vetica

MTC–00007006

From: earl vanderwalker
To: Microsoft ATR
Date: 1/2/02 5:43pm
Subject: Fair Settlement

Its time this has been put to rest. Only the greedy and self serving want to see this continue. Enough is enough!!!

MTC–00007007

From: Wayne Tanaka
To: Microsoft ATR
Date: 1/2/02 5:43pm
Subject: Microsoft settlement

Please settle immediately and let the free enterprise system dictate the economic systems and keep litigation to a minimum.

Wayne Tanaka
201 Merchant St. Suite 2200
Honolulu, Hawaii 96813–2929
808–537–4591 ext. 208
808–537–6696 (fax)
Registered representative of and securities offered through MML Investors Services, Inc.
Supervisory Office:
1414 Main St.
Springfield, MA 01144–1013.
(413) 737–8400

MTC–00007008

From: JAlotis@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 5:44pm
Subject: Microsoft Settlement

I belive that the settlement should ''stand'' and no further litigation be allowed. From what I have read, the settlement is a fair one and further litigation would only benefit the many lawyers in- volved fighting this settlement.

Barbara Brandeis Alotis
613 Fearrington Post
Pittsboro, NC 27312
jalotis@aol.co,

MTC–00007009

From: Fred Apperson
To: Microsoft ATR
Date: 1/2/02 5:44pm
Subject: Microsoft and Govt.

I have been using the Netscape browser until about a year ago. I still do not know why the trouble between whoever and Microsoft. Please why not get on with life and leave them alone. I had the choice of using what I wanted. For years I used Netscape. I chose someone else.

Thank You
Fred Apperson

MTC–00007010

From: 73543.2341
To: Microsoft ATR
Date: 1/2/02 5:44pm
Subject: Microsoft Settlement

Dear DOJ,

Please finalize the settlement you have reached with Microsoft. It's fair and good for consumers and the economy. Any additional litigation is a complete waste of $$ and resources and will not benefit consumers in any way.

Thanks very much for your consideration,
Scott Schneider

MTC–00007011

From: NexToNe000@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 5:45pm
Subject: Microsoft Settlement

Hi,

I just want to have my input in regard to the settlement between Microsoft Vs USDOJ. Sure Microsoft is a Monopoly but it is a good monopoly. They make computing easy and give us access to the Internet. The ones that are against Microsoft are companies that cannot compete with them. Every software on my computer is made by Microsoft. Why Microsoft? Because they offer software that are better than other companies. There are options that other consumers can choose. I use AOL for my Internet provider not MSN even though their icon is on the computer. I use Quickens instead of Microsoft Money, etc. Like I say there are other products that consumers can choose. If you really want to pick a fight, I think the US government should try a Monopoly case against the cable industry. There are no competition there and the rates are just getting to outrageous.

MTC–00007012

From: PIPEJOHN01@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 5:45pm
Subject: Microsoft Settlement

To whom it may concern

The original case was about browsers. Browsers have come and gone. In this fast moving world , it seems if you are wasting time and tax payer's money. Get this over with and quit looking for something that is not there.

John Harris
6234 Kingshire Rd
Grand Blanc, MI 48439
Pipejohn01@aol.com

MTC–00007013

From: Frostbayne@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 5:46pm
Subject: Microsoft Settlement

I dont consider Microsoft a monopoly. I am against the antitrust lawsuits.

This is just another example of a company jealous of the success of another.

William L Ross
Omaha, NE

MTC–00007014

From: Norm Swent
To: Microsoft ATR
Date: 1/2/02 5:46pm
Subject: MIROSOFT SETTLEMENT

lET'S ALL GET ON WITH IT! A SETTLEMENT HAS BEEN REACHED AND AGREED TO! THIS SUIT HAS COST THE AMERICAN PUBLIC MILLIONS OF DOLLARS, BOTH IN ACTUAL COSTS AND IN ITS NEGATIVE EFFECT ON THE AMERICAN ECONOMY. AS A TAXPAYER AND CONSUMER/USER OF COMPUTER SOFTWARE PRODUCTS, I AM OK WITH THE AGREEMENT. SIGN OFF ON IT AND MOVE ON!

NORM SWENT

MTC–00007015

From: Anthony C. Cherby
To: Microsoft ATR
Date: 1/2/02 5:46pm
Subject: Microsoft Settlement

Please end the insanity. Settle the Microsoft case. As an IT professional, and a taxpayer, it really aggravates me to think of all the money the Clinton Justice Department wasted. The moral of the story to my way of thinking is this: a world-class corporation would be wiser to locate in some other country.

State attorneys general are attorneys—soak the plaintiff regardless of the facts. Money talks, and makes the district safe for reelection.

Is Microsoft an innocent victim? Of course not. They merely are better at doing the business of America—business.

Save the moral nonsense. Certain governmental civil servants went after Microsoft in order to make the reputations of certain governmental civil servants—themselves—apparatchiks like Joel Klein. People like him are good at using other peoples' money to screw the general public. Add David Boies to the mixture and you have solved the mystery concerning why we have so many lawyer jokes. Of course, other cast members like Janet Reno and Judge Pinhead Jackson make the people at Microsoft look like geniuses and saints.

And then there's Netscape. Tell you what. Sit down at a computer and use both Netscape and Internet Explorer to complete the same tasks on the Internet. Then compare the results in terms of ease of use, speed, accuracy, etc., etc. Conclusion: Netscape is now and forever has been an inferior product. That is not Gates's fault. Yet the US Government took sides with Netscape and other minor players, and swallowed the nonsense that MS in some way harmed them. How about some old fashioned capitalism?

In my opinion, the settlement is unfair to Microsoft. They should merely have been fined heavily. Break them up? Sophomoric nonsense. So, please —- for the sake of all of us who know better —-

Settle now!

Anthony C. Cherby
Medford, New Jersey

MTC–00007016

From: Dominick Lembo
To: Microsoft ATR
Date: 1/2/02 5:45pm
Subject: MICROSOFT SETTLEMENT

THE MICROSOFT SETTLEMENT IS NOT ONLY FAIR BUT VERY GENEROUS OF MICROSOFT. THIS IS A COMPANY WHO HAS BEEN A VICTIM OF A CONSPIRACY AMONG SOME COMPETITORS WHO ALSO MADE GENEROUS CONTRIBUTIONS TO CERTAIN ELECTED OFFICE HOLDERS TO INFLUENCE THEIR THINKING AND ACTIONS. THIS TYPE OF BEHAVIOR IS WRONG AND MICROSOFT HAS BEEN A VICTIM OF A HORRIBLE CRIME.

I STRONGLY URGE THE JUSTICE DEPARTMENT TO DROP ALL CHARGES AGAINST MICROSOFT. IF THIS IS NOT POSSIBLE, THEN, AT THE VERY LEAST, THEY SHOULD PUSH STRONGLY TO GET THIS SETTLEMENT THROUGH THE COURTS. THE COURTS SHOULD ALSO BE EMBARRASSED BY A JUDGE WHO DISPLAYED SUCH OBVIOUS BIAS HE NORMALLY WOULD BE FIRED (IF HE WORKED IN THE PRIVATE SECTOR). ONCE AGAIN, THIS SETTLEMENT IS A VERY FAIR OFFER FROM MICROSOFT AND SHOULD BE ACCEPTED.

MTC–00007017

From: Sharrie Dyer
To: Microsoft ATR
Date: 1/2/02 5:47pm
Subject: Microsoft settlement

Please leave Microsoft alone. I am a senior citizen who needs a job and am worried about the economy; meanwhile, you seem consumed by harassing Microsoft. At my age I realize what matters and what doesn't. The economy matters—harassing Microsoft does not.

MTC–00007018

From: Paul Castle
To: Microsoft ATR
Date: 1/2/02 5:47pm
Subject: Microsoft settlement

Dear Sir or Madame:

I believe it in the best interests of the United States to finalize the Microsoft Settlement. I believe that the sanctions and costs placed upon Microsoft are fair and just. It appears that a few individuals or companies wish for the case to go on for purely selfish reasons that are not of benefit to Microsoft product users. Microsoft has developed products and fairly marketed them in my opinion for over 20 years. I have seem my own efficiency increase tremendously since using Microsoft software for business and personal purposes. The cost is affordable, and the the company is constantly striving to offer better products. Microsoft is in an incredibly competitive business. The company has tried entry into several areas where it just has not been successful because of stronger competition. I believe that much of this litigation is caused by companies that are afraid of competing with Microsoft, and cause harm to Microsoft product users by keeping the company distracted from product development that helps literally everybody in the United States.

MTC–00007019

From: JAMAW19@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 5:47pm
Subject: Microsoft settlement

Microsoft has been punished enough. I think it is time to ''move on''. Using one of my son's (a U.S. Marine) favorite lines—''Just Deal with it.''

John Weis

MTC–00007020

From: LMSUR@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 5:49pm
Subject: Microsoft Settlement.

Dear DOJ

I favor the current settlement with Microsoft and don't think the states that are still protesting should hold up the settlement. I like Microsoft's position. What a great way to help our children learn.

Larry Sur

MTC–00007021

From: Karen Wass
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/2/02 6:03pm
Subject: Microsoft

Re: The anti-trust case.....Please let the market determine the success or failure of Microsoft and it's competition.

We as a economic world do not have enough information on how all of this will shake out. The world of computer platform design systems and function are still in the R&D stage. Microsoft, or any other company, should not be restricted from developing or forced to compete with any other like company at this time

MTC–00007022

From: Wood79T@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 5:49pm
Subject: microsoft settlement

SETTLE THE MICROSOFT CASE NOW!!!! WHAT ARE YOU PEOPLE THINKING OF?

ANTHONY GUADAGNO
STATEN ISLAND NY

MTC–00007023

From: Michael Schwartz
To: Microsoft ATR,bfoer@antitrustinstitute.org@inetgw,...
Date: 1/2/02 5:49pm
Subject: Microsoft Settlement

Hello Mr. Foer of AAI, et. al.,

NOTE TO ALL: This is a repeat sending to for two reasons: (1) Added ''DOES NOT'' in the second paragraph. (2) Added the author of the article to the recipient list, (3) Added ''of AAI, et. al.'' in salutation. Please fwd this email to Mr. Hawker of AAI.

I just read an article at the following link: http://www.eweek.com/article/0%2C3658%2Cs%253D701%2526a%253D20391%2C00.asp and noticed the following quote (in-line with paragraph) by Norman Hawker: From the perspective of tough-remedy advocates, however, restoring competition to the marketplace necessarily means examining the position of competitors. ''Right now, we have one single institution that's directing what will happen in the future, and that's Microsoft,'' AAI's Hawker said. ''Antitrust law is about protecting and promoting competition, and you cannot have competition without competitors.

That is an absolutely pathetic claim. This only drives a self-fulfilling prophecy that is aimed at ''settling on mediocrity.'' Hawker's statement does nothing but enstill a ''bandwagon type of fear (i.e., hysteria)'' into the average consumer. If his statement is true, why didn't the MS X-Box put Sony Playstation and Nintendo Game Cube out of business. The introduction of the X-Box will only make the other game companies strive to make better products. To claim that MS will stifle future, yet-to-be-developed technologies is so lame. Norman would say something like ''MS can't deploy a VOIP network because they might succeed at it and take away business from other companies doing the same thing.'' Norman seemingly DOES NOT advocate a perspective that my parents worked to enstill when raising my brother and I, namely ''Don't compare yourself with those who don't excel just so that you look better. Raise the bar and compare youself with the top students in your classes.'' Limiting Microsoft's future technology endeavors by some force of law will only remove the incentive for other companies to make high-quality products in the concerened technology. If the AAI puts their money where their advocations lie, then: 1. AAI supporters never use any Windows OS. They only use Macs or Linux or Solaris or some other non-ubiquitous OS. 2. AAI supporters never use MSIE for surfing the web; rather they use Opera or Netscape Navigator (which is now junk since AOL took over; why don't you sue AOL for the crap they generate and the IE-based browser they deploy), 3. AAI supporters never use MS Office, rather they only use Lotus Suite, WordPerfect, or Star Office. 4. AAI supporters never use HotMail or MSN; I don't even dare list the endless ''other'' competing options available on free email and portal web sites. If any of the above (1,2, or 3) are ''false'' from an AAI perspective, then the AAI advocates are solely in the witch hunt against MS for personal gain, such as receiving AAI contributions from any number of plaintiff companies or states.

I am confident MS will prevail in the long run. Although some of thier software is buggy, at least the average consumer doesn't need a computer science degree to use it effectively and it usually always works as expected.

Regards,
Mike Schwartz

MTC–00007024

From: rockas
To: Microsoft ATR
Date: 1/2/02 5:49pm
Subject: Microsoft Settlement

I think the 9 states that are objecting to the settlement should accept what the justice department has proposed.

Thank you

MTC–00007025

From: William Hickey
To: Microsoft ATR
Date: 1/2/02 5:49pm
Subject: Microsoft settlement

In our opinion Microsoft has been pursued by the Clinton DOJ at the behest of AOL and Netscape, et al, and has suffered from restraint of legal trade. Enough is enough. The Tunney Act settlement now proposed should be implemented and Microsoft allowed to come out from under the legal cloud resume business.

The pros and cons of learned legal debate have been given, examined and considered to death and are no further interest to us. Get on with it, let Microsoft get on with it and let our country get on with it while we still have a business where we have a lead over the world.

William G. Hickey. Ph.D.
Joyce V. Hickey.

MTC–00007026

From: Nancy George
To: Microsoft ATR
Date: 1/2/02 5:49pm
Subject: Microsoft Settlement

DOJ:

I am a self-employed developer implementing IBM and Microsoft applications. I find the prospect of punishing Microsoft's success the chilling result of a politically motivated witch-hunt, spurred on by competitors who won't release their own products to open systems standards. Windows is not the only PC operating system. IBM used to offer OS2; it was not widely adopted because it was over-priced, IBM spent $0 introducing OS2 to developers, and consumers choose not to buy it. There is the MAC and Linux. And much of the new software being developed is WEB based.

Windows popularity is due to the fact that it is what people want. People choose Windows. To a great extent, the acceptance and implementation of computers and the resulting productivity gains our economy has enjoyed, are a direct result of Microsoft products. When the first PCs were introduced, IBM did not want them to compete with IBM business computers. So they priced PCs out of reach of the average person. Microsoft's vision was to make them affordable and drive down the cost of computing so everyone would have a PC. IBM is still 8 times the size of Microsoft and could have competed in the PC market. They choose not to.

Microsoft drives innovation. I remember a few years ago, my project was held-up for 18 months because IBM and other vendors wouldn't participate in open standards definition. Finally Microsoft got fed up, and released a standard with the understanding that if the broader community ever got their act together, Microsoft would rework Windows to conform to the open standard. The idea of not bundling new features into Windows is completely ridiculous. When I started my career, multiplication and division were SEPARATE PRODUCTS not included in the operating system. Applying the no bundling standard would mean the Windows operating system could not include multiplication and division because a third party offered the product. And what about graphics, e-mailing from Word, embedding or linking documents, launching a WEB page from a document ... the list could be pages long!

Instead of vilifying Microsoft for improving their products, why don't you charge Sun Microsystems for refusing to release Java to an open standards board? Why not go after AOL for refusing to allow access to their brand of messaging ... a condition of the merger with CNN? Why not recognize that the lawyers fighting Microsoft are provided by those very same competitors who want to over-price and under-develop their own offerings? Why not chastise IBM for spending 1/50th of what Microsoft budgets for developer training? Settle this matter with as little impact to Microsoft software as possible. The remedy should affect business practices only.

Regards
Nancy George

MTC–00007027

From: Tom Riley
To: Microsoft ATR
Date: 1/2/02 5:50pm
Subject: Microsoft Settlement

We are very much in favor of the settlement reached be finalized so that all parties can move on.

Tom Riley, Cindy Riley, Jeff Allen
16 Central Way
Kirkland, Wa 98033

MTC–00007028

From: L Kasden

To: Microsoft ATR
Date: 1/2/02 5:50pm
Subject: Microsoft Settlement

For God sake, please settle this case and move on. The economy stinks, we are at war, and nobody cares about this case except for Microsoft's competitors who could not beat them fair and square in the market. Please remember, the stock markets started crashing as soon as Judged Jackson announced his ill advised verdict.

Thank you.

Lowell Kasden

MTC–00007029

From: Flora Donivan
To: Microsoft ATR
Date: 1/2/02 5:50pm
Subject: Microsoft Settlement

I have never quite understood how Microsoft hurt consumers even before the DOJ brought suit against the company. No matter what programs were bundled with Windows consumers got a bargain. I have used Windows as long as the OS has been around and it has been an easy and dependable one. Windows and Microsoft programs have brough millions if not billions of dollars into the US to offset our balance of payments. When the decision was announced by the DOJ that the case was decided against Microsoft, the entire stock market crashed. That ought to be some sort of indicator of how important the computer industry and Microsoft are to our economy.

I urge settlement of this longstanding and disruptive lawsuit.

Flora L. Donivan

MTC–00007030

From: Dan Larkin
To: Microsoft ATR
Date: 1/2/02 5:51pm

I've tried to cancel this spam for several months. You indicate that you don't recognize my e-mail address, (funny !) it's the same one that you send the stuff on. Please cancal my subscription.

DAN LARKIN

MTC–00007031

From: RMBNielsen@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 5:50pm
Subject: Microsoft Settlement

It is long since time to put this travesty of justice behind us. This case is nothing more than a money grab by the government, the attorneys, and Microsoft's competitors! End it. Dismiss what's left, or throw out the whole case!

Richard K. Nielsen
4135 Meadow Wood Drive
El Dorado Hills, CA 95762

MTC–00007032

From: jolene
To: Microsoft ATR
Date: 1/2/02 5:51pm
Subject: Microsoft Settlement

I don't know the details of the settlement, but I do know that MS has a quality product that I have enjoyed using for years. Obviously I want to continue using this product at a fair consumer price. I have yet to find an example of how the government has helped the consumer with litigation. Please do not turn this into another mess like was created when AT&T was forced to break up. Our telephone system hasn't been the same since. Keep it simple and beneficial to the average person.

Thank You,

Jolene N. Cazzola

MTC–00007033

From: Greg McGuinness
To: Microsoft ATR
Date: 1/2/02 5:51pm
Subject: Microsoft Settlement.

Please put an end to the madness of this case. It is very clear to me that the Attorney Generals for the states that have not yet settled are doing so for political reasons. They are enjoying their time in the sun and are trying to get a ''tobacco'' settlement fee from Microsoft to justify to their constituents that they are working hard. It's also clear that they must not be spending much time in their own state since they're constantly on television from Washington, DC This is just a ploy by the State AG's to stay in the limelight long enough to get free publicity for their run for governor.

I've yet to hear any plausible or measurable way that consumers have been harmed except quotes from competitors (Oracle, Sun, AOL, and IBM) that things would have been so much better. Well, it seems better for the competitors, not consumers. Microsoft has done a great job bringing a quality product that consumers want at a reasonable price. Having worked in Information Technology for almost 20 years, I remember the days when IBM charged $495 for DOS, Lotus charged $495 for 1–2–3, and Word Perfect charged $495 for it's product. I can now get a great machine, preloaded with Windows, a Word Processor, some games, AOL, and a slew of other things from companies other than Microsoft, for under $1000. Please don't punish a company for giving consumers what they want and don't listen to the whiners who complain about Microsoft's tactics. They play fair and square and have negotiated a fair settlement for everyone.Get more from the Web. FREE MSN Explorer download : http://explorer.msn.com

MTC–00007034

From: Kevin N
To: Microsoft ATR
Date: 1/2/02 5:52pm
Subject: Microsoft settlement

I think the DOJ should settle and move as our nation has more serious problems (ie. Terrorism), the settlement is fair and should be implemented quickly.

thanks

Steve Chan

MTC–00007035

From: Henriette Goldstein
To: Microsoft ATR
Date: 1/2/02 5:51pm
Subject: Microsoft Settlement

I feel that the settlement agreed upon by the United States and Microsoft is a very fair settlement and we do not need more litigation. . It is a very good settlement for the United States and Microsoft and everyone involved. I am sure this settlement will help the economy and the consumers.

Sincerely,

Henriette Goldstein

MTC–00007036

From: John Knutson
To: Microsoft ATR
Date: 1/2/02 5:48pm
Subject: Microsoft Settlement

Regarding the current Microsoft settlement : This settlement is tough, but reasonable and fair to all parties involved. We agree that this settlement is good for us, the industry and the American economy.

Please allow this settlement to be inacted, unaltered, thus allowing business and consumers to resume building and buying America's great leading edge technology.

Sincerely,

John Knutson and Marcia Koehler
1895 N. Placita El Zacate
Tucson, AZ 85749

(We are consumers and stockholders of Microsoft and Sun Microsystems, among many other technologies)

CC:John R Knutson

MTC–00007037

From: nmmr
To: Microsoft ATR
Date: 1/2/02 5:52pm
Subject: Court

Please stop the harrassment and continued stupid suits against innovation...which the Microsoft case is. Let the unsuccessful businesses fail and let those with innovation and new things which benefit all of us continue. There are much more important issues to be worked on than that. It is getting to the place that if one is successful, they need to be punished. That is not how America has worked in the past.

N.M. Rademacher
nmmr@mymailstation.com

MTC–00007038

From: frank cobb
To: Microsoft ATR
Date: 1/2/02 5:45pm
Subject: Micosoft Settlement

This should not have ever gone to court. Micosoft, has done nothing wrong. If they had given money to Clintons run then he (Clinton) would not have gone after Bill Gates. Sorry state that hard working people like Bill Gates, has to go through this.....

Frank & Debbie Cobb

MTC–00007039

From: Swilson347@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 5:54pm
Subject: Microsoft Settlement

I firmly believe the time for settlement of this litigation is NOW. Agreement is fair and acceptable to MS and nine states. Finish this litigation and let innovation move on to bigger and more useful products at reasonable prices. Continued litigation only benefits the lawyers and is detrimental to consumers.

Scott Wilson
6227 Greeley Blvd
Springfield, VA 22152

MTC–00007040

From: Aaron Messing
To: Microsoft ATR
Date: 1/2/02 5:53pm
Subject: Microsoft litigation

To whom it may concern:

I believe the anti-trust actions against Microsoft are the most ill-advised, ill-conceived, waste of government resources. The litigation is against the best interests of the general public which have benefited from the products directly and indirectly from the contributions to efficiency of our economy brought about by the desktop computer.

Millions and millions of citizens have suffered great financial hardships directly and indirectly from the government attacks on Microsoft. Not only losses in the values of pension plans and other investments but in a great loss of momentum in our economy in the retardation of new products. For every single vendor that claims injury from Microsoft there are hundreds that owe a debt of gratitude for its open architecture and willingness to provide opportunities for other businesses to compliment Microsoft's products and run applications on their operating systems. Microsoft has been most successful because of its open architecture and the contrast with Apple and IBM who tried to keep it all for themselves is very startling.

The consumers of the world voted for Microsoft with their dollars spent purchasing the products. That is economic democracy. The litigation by the government is a reversal of that process.

Very truly yours,
Aaron Messing
West Orange, NJ

MTC–00007041

From: William R. Hahn
To: Microsoft ATR
Date: 1/2/02 5:54pm
Subject: Approve the settlement with Microsoft Gentlemen:

I fully approve the settlement between the Federal Government, the attorney generals of 9 states and Microsoft. Let's close this case once and for all. It has gone on long enough and there is nothing further to be gained by continued litigation.

Sincerely,
William R. Hahn
Ph. 310 442–9923
FAX 310 442–6422
Mobile 310 600–6239

MTC–00007042

From: JSondhi@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 5:54pm
Subject: Microsoft settlement

I am glad the DJ settled with Microsoft. Microsoft is a good, innovative company and needs to put this litigation behind it and march forward. I am disappointed that there are nine other states that have not yet settled.

Jay Sondhi

MTC–00007043

From: Robert Chrusciel
To: Microsoft ATR
Date: 1/2/02 5:54pm
Subject: Microsoft Settlement

I don't believe MSFT should have to pay any settlement. If the company (Msft) came up with the ideas & the knowhow, why should we penalize them for that. If another company came up with a similiar program than pure competition would handle any price problems. It is no different if I invented a substitute for oil & wanted to charge a high price. However, since a settlement has been reached, I think it is VERY FAIR.

R S Chrusciel
Retired Texaco Employee (37 yrs)
13618 Lesota Ct
Cypress Tx 77429–6396
281–655–5553

MTC–00007044

From: CFSchaffstall@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 5:54pm
Subject: microsoft settlement

please let microsoft use their resources to create more advancements which will aid the users to create more jobs.this is what the bureaucrates talk about but actually prevent the efficient use of resources.accept the settlement and ''lets roll''—thanks—charles schaffstall

MTC–00007045

From: PRice1396@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 5:54pm
Subject: Microsoft settlement

To Whom it May Concern,

I am writing as a concerned consumer who feels that once again the Government has gotten involved in something that has nothing to do with them. We hear of monopoly on the part of Microsoft,yet I am confused as to when it became monoploy instead of competition between like businesses. If other companies fail to compete on the same level as Microsoft because they don't have the funds or the management in place to do so it is not a monopoly.It is smart business! I use to own a heating company that was not the largest in the area and certainly was not the smallest however did it mean the companies who were larger had a monopoly over us and we over the smaller companies. I think this whole thing is ridiculous. Why don't you go after Qwest,after all they are the phone carrier for my area and I cannot choose anyone else to provide me service because of this.There service is horrible and I spend 2 or 3 days every other month without phone service because they just cannot seem to find a permanent repair to fix the problem. How about A T & T Broadband who provides my cable. They are the only company in my area therefore I am stuck with them because no one else is allowed to provide me coverage. That is my idea of a monopoly pure and simple.

It is time to settle this ridiculous lawsuit that the Clinton Administration started,stop wasting the tax payers money and be done with it. I recommend the Courts agree with the settlement that has been proposed.

Thank You
Patricia Rice
P.O. Box 70212
Bellevue, Wa. 98007

MTC–00007046

From: Harlene or Ernest Weiss
To: Microsoft ATR
Date: 1/2/02 5:56pm
Subject: MICROSOFT SETTLEMENT

I firmly believe that it is in the public interest to settle the Microsoft Case as it is presently structured. Any further delays would benefit neither the Government, States, or the general public.

Thank you for your kind attention.
Very truly yours,
Harlene R. Weiss
2616 Fairway Drive
York, PA 17402

MTC–00007047

From: jimc@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/2/02 5:56pm
Subject: Microsoft Settlement

It is imperative that the settlement of this case be one that actually benefits consumers. We have lived for so long with Microsft piously describing everything that benefits them as good for all of us, everything that damamges them as bad for us that many many people seem to equate Microsoft's success with America's. But they are not the same. I have heard many people say no one was harmed by Microsoft's anti-trust actions, and today's computers are wonderful, and many other glowing pro-MS comments. But how can we measure what might have been, but is not? How can we know what has never seen the light of day because one company has effectively squelched all competitors?

Well, we can know a little, or at least imagine and extrapolate. I am a user of WordPerfect. Have been and will continue to be until the company is finally and completely crushed by Microsoft. It is, in my opinion, a far more innovative, more useful, and more intelligently designed product. It has many loyal users, who revere its flexibility and its ''Reveal Codes''. I suspect there are currently other products like it all over, which can barely see the light of day because no one will use them, or other products that did once exist but do no more as they could not get out of Microsoft's illegal wrestling hold. It is impossible to know what history would have been like without the competition-strangling behaviors of Microsoft. But I can't help but believe we have lost a lot of innovation, a lot of unusual ideas, a lot of surprises. WordPerfect, a superior product, has been crushed by Microsoft's illegal behavior. But there is another issue as well....I have few WordPerfect resources available to me, e.g. training, user guides, etc. There is no market. I'd like more info, more tools, more options, but if I choose to use an alternate product, I'm on my own. AT&T was a monopoly, the owner of the finest phone system in the world. The monoloply withered, and there are hundreds of new products, prices unimaginable in 1983, and services AT&T would never have needed to offer. They are the perfect example of why monopolies—even apparently ''good'' ones—are not allowed. No one knew about the many products developed since divestiture, but who is sorry that AT&T was broken up? Not a single consumer...though they may pine for the easy days of one phone bill, they all love the cheaper rates and better services, the multiple choices, the array of options.

I write HTML for a living, and think about good pages that download quickly. I have seen a few lines of text and a few small images turned into a thirty MB HTML page

by Miscrosoft Word. 30 MB that must be stored on some server, shipped through the Internet, downloaded across a phone line and opened in my browser. But as Word is the standard HTML writing tool in many environments, I have been punished by pages that take 100 times as long as they should to download. This wastes everyone's time and resources. No matter how cheap storage, backup, and bandwidth become, they are not free. Nor is the extra time required to download these products.

The computer companies, bullied, coerced, threatened, and punished by Microsoft, ship mediocre tools and dare anyone to use anyting else. They will not help you if you attempt an unstandard installation. They will not help you if try a different OS. To get support, you stay with what they ship. And to do that, you forego alternatives and become hooked into the Microsoft talons. We have all suffered as those with different ideas have had no place to release them, it is as if the libraries were owned by one publisher. That is wrong in any system, and doubly wrong when that publisher has done their best, as documented in the record, to prevent anyone else from being allowed into the library. The PC may replace the library in some vital ways; do we really want to force all publishers to kowtow to one? That is in the interest of no citizen.

James C. Clark
14500 E 37 St
Independence, Mo 64055

MTC–00007048

From: Wstew1924@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 5:57pm
Subject: microsoft settlement

I really get tired of goofy law suits. I think it's time for all this to get settled and go on with business. How much do people and States want anyway?

MTC–00007049

From: Robert Bass
To: Microsoft ATR
Date: 1/2/02 5:59pm
Subject: Microsoft

DOJ,

As I watch all the crybabies and the dumb states that's out to make Microsoft a so called Monopoly. I would think you let the people of USA make a vote on this. I like Bill Gates, I love his software and 97% of us all used it, as I am useding it as I type this email, as you will receive this email with Microsoft help somewhere on somebody's mail server. I own a Chevrolet and nobody made me buy it, if I wanted a Ford, I have it. Same as Software, I want Microsoft and don't want Linux. The other day I was in a OfficeMax and did not see the first software add on for Linux.

If the DOJ would start paying people to write software for Linux for free, Microsoft will not make it, and look at all the Tax dollars that go out the Window for the Irs Take my Vote and leave Microsoft to US we the American People we will make then are brake them.

Thanks
Robert Bass

MTC–00007050

From: PSHSR@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 5:57pm
Subject: Microsoft Settlement

Please settle with Microsoft as soon as possible. It is my feeling that the Justice Dept should never have gone after Microsoft in the first place. I have always felt that Judge was wrong to find Micrsoft guilty of anything.

It's a hell of a note when superior brain power is persecuted and prosecuted by the US government.

Peter S Hanson

MTC–00007051

From: Tom Schifanella
To: Microsoft ATR
Date: 1/2/02 5:58pm
Subject: Microsoft Settlement

It is time the Microsoft issue be settled as per the recent agreement among all the parties. The country needs a healthy Microsoft but some of their more strident competitors would rather drag a settlement dispute out for as long as possible wanting the courts to solve problems of their own making. Please let us settle the issue so Microsoft can continue to give the public exciting new products.

Tom Schifanella

MTC–00007052

From: Samuel Lewis
To: Microsoft ATR
Date: 1/2/02 5:58pm
Subject: Microsoft Settlement

I feel very strongly that the Tunney Act is fair and in the public interest. It is my opinion that any more litigation on the Microsoft Settlement would be a waste of taxpayers' money and damaging to the spirit of free enterprise and innovation, which is vital to the health of the USA.

Samuel Lewis
lewissw@earthlink.net
EarthLink: It's your Internet.

MTC–00007053

From: rick
To: Microsoft ATR
Date: 1/2/02 5:58pm
Subject: Microsoft Antitrust Settlement

Janesville, WI January 2, 2002

Dear Sirs,

I am an American citizen with about 30 years in the computer industry. What happens in the US vs. Microsoft antitrust case affects me professionally as well as personally, since I am a fairly heavy user of computer software and technology. I would like to comment on the settlement jointly proposed by the Department of Justice and Microsoft. To be blunt, I believe the proposal is a dishonest one that sells out the public interest. I will explain why, and offer some guidelines for a fairer remedy. While the following comments were originally written and forwarded to you by Ganesh Prasad, an Australian citizen, I feel Mr. Prasad's views are so important that they should be heard. As an American citizen, I am asking you to hear them.

* 1. Microsoft's main crime (not bundling, but the /prevention/ of bundling) has had lasting anti-competitive effects that the settlement should address but doesn't *

The argument that has most often been used against Microsoft is the ''bundling'' one, the allegation that Microsoft bundled its browser (and now its media player and instant messaging software) with its operating system. By doing so, it leveraged its monopoly in operating systems to enter other markets. Though this is a classic antitrust argument, people who believe in a free market are not convinced because the remedy does not sound right from the standpoint of the consumer interest. Consumers enjoy greater convenience, not less, when extra software is bundled with the operating system they buy. That is why the harsher remedy proposed by some of the states is also wrong. Forcing Microsoft to unbundle such software needlessly inconveniences the consumer. It also takes away from Microsoft's legitimate right to decide what goes into its products and puts the courts in the avoidable position of having to define the scope of technologies such as operating systems when they are not technically qualified to do so. The only parties that are benefitted by such a remedy are competitors. Doesn't this add credibility to Microsoft's claim that its competitors are inefficient and require government intervention to survive?

However, the prosecution has failed from the start to argue this point with the right emphasis. What Microsoft did that seriously disadvantaged the consumer was not so much bundling /its own/ browser with its operating system, but preventing computer resellers (OEMs) from offering consumers a choice by bundling /competing/ browsers such as Netscape Navigator. Microsoft threatened OEMs such as Compaq with the withdrawal of their Windows 95 license if they dared to bundle Netscape Navigator with the PCs they sold. Given the overwhelming dominance of Windows 95 in the operating system market at that time, a withdrawal of that license could have bankrupted even an OEM as large as Compaq. The threat was credible and secured the compliance of all OEMs. So certainly, Microsoft did leverage its monopoly in operating systems to gain entry into the browser market, and it did so both through the relatively benign means of bundling its own browser, and by the decidedly illegal means of preventing consumers from sampling the wares of its competitors. Any free market advocate can readily see the consumer harm in this latter action of Microsoft's, but the prosecution has damaged its own case by not emphasising this enough.

Microsoft has also had secret agreements with OEMs that prevent them from offering consumers the choice of which operating system to boot when they start up their computers. This is often known as the ''bootloader clause'' Microsoft abused its monopoly in operating systems by threatening OEMs and blocking, /at the source/, the entry of other operating systems into the market. Consumers have had no opportunity to know about or sample competing operating systems. In other words, Microsoft abused its operating system monopoly to maintain that monopoly, which is another violation of antitrust law. The fact that no OEM except IBM dared to testify against Microsoft during the trial is itself

proof of Microsoft's terror tactics. Their silence speaks louder than any testimony.

Microsoft's history is full of such anti-competition and anti-consumer actions. Bristol Technology won a case against Microsoft (over Microsoft's sudden withdrawal of support for their Unix interoperation software Wind/U) but was awarded a laughably poor compensation of one dollar. Caldera had a strong case against Microsoft (over the illegal way in which Microsoft used Windows 3.1 to force consumers to buy MS-DOS rather than Caldera's DR-DOS) but its silence was bought through an out-of-court settlement. The consumer has been the ultimate loser in all these cases because Microsoft's actions removed competitive choice and interoperation options.

The DoJ's proposed settlement shows an awareness of these abuses and aims to prevent their recurrence, but it needs to be far stronger and bolder. The damage to the industry has been done systematically, over more than a decade, and significant /network externalities/ have been created that work to perpetuate the Microsoft monopoly. How can this damage be reversed by a mere forward-looking arrangement? Consumers and Microsoft's competitors now face nearly insurmountable /market/ hurdles to creating a viable alternative computing environment, even though /technically/ good alternatives are available. Even if Microsoft's abuses are halted, the structural and systemic forces they have created over the past decade will continue to work in their favour. At a time when consumers look to the government to right these historical wrongs, the settlement that the government proposes is inexplicably defeatist. It resigns consumers to the status quo! One would imagine that a prosecution that has had its argument upheld by two courts would have the momentum, confidence and real power to broker a deal that restores genuine choice to the consumer, not step lightly around an entrenched monopoly that was the problem to start with.

* 2. A criminal should not be allowed to keep his ill-gotten gains * Microsoft's monopoly profits are the direct result of these and other illegally anti-competitive tactics.

The antitrust case established that the absence of competition emboldened Microsoft into charging $89 for Windows instead of $49. In other words, consumers paid extra merely because of a monopoly that was being illegally maintained. Four eminent economists filed an /amicus curiae/ brief during the remedies phase of the trial in which they showed that Microsoft's rate of return on invested capital was 88%, while the average in other industries was about 13%! [See www.econ.yale.edu/nordhaus/homepage/Final%20microsoft%20brief.pdf <http://www.econ.yale.edu/%7Enordhaus/homepage/Final%20microsoft%20brief.pdf>] Microsoft could never have made such huge profits without its illegal maintenance and extension of its monopoly, and therefore a major part of its current wealth is /illegally earned/. There is absolutely nothing in the proposed settlement that addresses the issue of these ill-gotten gains, or how these will be reimbursed to the public from whose pockets they came. This simple omission easily amounts to billions of dollars, and by itself makes the settlement a sellout of the public interest, even without an assessment of its other shortcomings.

* 3. Ill-gotten gains should not be allowed to influence the outcome of this case * It is disturbing to read that many states are settling because they are running out of funds to pursue the case further as they would like to. Meanwhile, Microsoft, with its multi-billion dollar war chest, has no such constraints. They can outlast all their opponents. The world is learning the cynical lesson that the American justice system is a mere extension of the free market—you get as much justice as you can afford to pay for. What happened to the principle (so successfully applied in the A1 Capone case) that criminals should not be able to use their ill-gotten gains to pay for their legal defence? Wouldn't a scrupulous application of that principle prevent the distortion we see here? If a convicted abusive monopolist has more funds than its prosecutors,-and that fact is forcing them to settle, can't the monopolist's funds be frozen, or can it not be made to pay the legal costs of its prosecutors? A simple ruling along those lines might see Microsoft scrambling to agree to a fairer settlement, one that will better safeguard the freedom of the consumer.

* 4. There is no attempt at punishment for wrongdoing * Though it has been established that Microsoft has repeatedly broken the law, the settlement only defines mechanisms to prevent future wrongdoing. What about punishment for past wrongdoing? Are murderers let off scot free with mere provisions to prevent future murders? What kind of example does this set? And what confidence does this inspire in the American justice system? Any remedy must include appropriate punishment.

* 5. The economy is being used as a bogeyman to prevent punishment * It is being argued that in the current difficult economic climate, Microsoft should not be broken up or otherwise punished, because that will in turn affect the rest of the economy (through a fall in the stockmarket index, a delay in the recovery of hardware sales, more unemployment and hardship, etc.). On the contrary, the lessons of Economics are that monopolies are always bad. They reduce efficiency, innovation and economic activity. In other words, Microsoft's monopoly has /already/ affected the economy adversely. An end to the Microsoft monopoly may result in some churn, but that churn will be the ferment of genuine innovation from the rest of the industry. The impact on the stockmarket from a fall in Microsoft's share price will be more than offset by the rising stocks of independent software companies that can operate without fear of a monopolist's wrath. A decisive curbing of Microsoft's stifling influence will create more confidence in the rule of law, generate more jobs and help the economy. Therefore, it is dishonest and self-serving on the part of the DoJ to suggest that this settlement proposal is the best one from the viewpoint of the economy. Moreover, the state of the economy should not determine whether or not a crime should be punished. It takes a statesmanlike judge to see beyond the petty posturing and to do the right and wise thing.

* Guidelines for a fair remedy: *

Any remedy in a case that has been so clear-cut in its findings must be more assertive in its defence of consumer interests. Regardless of specifics, such a remedy must address the following:

1. *Recurrence:* Microsoft must not be able to continue to abuse its monopoly the way it has in the past.

2. *Reimbursement:* Microsoft has no right to retain the excess profits it has earned as a result of its illegal actions. This money should be repaid to the consumer.

3. *Reparations:* As Microsoft is responsible for the current uncompetitive market in operating systems and related applications, it must underwrite efforts to restore competition and consumer choice. The rest of the market should not have to pay to recover from Microsoft's abuses.

4. *Reference:* Microsoft must pay punitive damages over and above its reimbursement and reparations obligations, to serve as a warning to deter future monopolists. The remedy must in no case send out a signal that a large enough violator can get off lightly. Future tax dollars can be saved by discouraging abuses instead of having to prosecute them. The DoJ is supposed to be acting on behalf of the consumer, and they must pursue a remedy that addresses all the above issues.

For example, a remedy that required Microsoft, among other things, to only sell through channels that offer at least one other operating system, could address the reparations issue and break the structural forces perpetuating their monopoly (If an OEM requires training to support another operating system, Microsoft may be forced to subsidise such training). The proposed settlement goes partway towards addressing the issue of recurrence, but does so only half-heartedly because it creates significant exceptions and loopholes for Microsoft to take advantage of. It completely ignores the other three issues. An impression is created that the DoJ is more sensitive to Microsoft's interests than to the interests of consumers who have been systematically robbed of both their choices and their money. Therefore this proposed settlement must be rejected as not being in the public interest. * History will be the judge *

After the immediate tumult over this case dies down, there will be a dispassionate analysis of all aspects of the Microsoft phenomenon in the computer industry, and the roles of all players will be dissected. It seems fairly certain that the Department of Justice will be likened to a champion boxer who was paid to throw his fight. Judge Jackson will probably be faulted for his many indiscretions, but it may be remembered that his analysis was on the mark, and his verdict fearless. The appeals court will probably be remembered as being fair though it started with a reputation for being consistently lenient towards Microsoft. What will Judge Kollar-Kotelly be remembered for? Will she be known as the one who meekly accepted an agreement that sold out the public interest, because it was politically expedient to do so? Or will she be remembered as the

person who braved the prevailing political winds to do the right thing and restore balance to a corrupted system?

The world is watching to see what she will do.

Regards,

Richard H. Phillips rickphil@hotpop.com

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http://linuxtoday.com/news—story.php3?ltsn=2002–01–02–002–20-OP-MS by: Ganesh Prasad sashi@easy.com.au <mailto:sashi@easy.com.au>

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MTC–00007054

From: Paul Ermerins
To: Microsoft ATR
Date: 1/2/02 5:59pm
Subject: Microsoft Settlement

It is time to end this senseless court case against Microsoft. The nine dissenting states need to accept the agreement that Microsoft and the DOJ have hammered out. It is plain to see when reading news from a variety of sources that these states are being pushed on by Microsoft's competition. If this case is about how Microsoft has supposedly harmed the consumer, then Microsoft's competition has no place in this lawsuit. Please quickly end this mockery of court proceedings and allow the economy to rebound and Microsoft to do what they do best—produce software that has not only pushed the economy and technology-based business to prosperity, but has also given the consumer decent operating systems and applications.

Paul Ermerins
profpt@mindspring.com

MTC–00007055

From: jwwestlund
To: Microsoft ATR
Date: 1/2/02 6:00pm
Subject: Microsoft Settlement

To Whom it may concern:

I strongly oppose any further litigation of Microsoft. Please let the ruling stand as it is at present and do not pursue further litigation.

Thank you.
J. Westlund
Eureka, CA

MTC–00007056

From: Brad Borland
To: Microsoft ATR
Date: 1/2/02 6:01pm
Subject: Microsoft Settlement

Dear Sir or Madame,

I am strongly in support of the DOJ and states settlement with MSFT, and hope that it will be advanced with that conclusion in mind. This settlement will benefit every American, whether he be a consumer, investor or beneficiary of a profit sharing or pension plan. Lets move ahead on this one.

Brad Borland
Seattle

MTC–00007057

From: Richard Dekany
To: Microsoft ATR
Date: 1/2/02 6:04pm
Subject: Microsoft Settlement

To whom it may concern,

The proposed DOJ settlement of the antitrust case against Microsoft, Inc. is, in my opinion, not in the public interest. By allowing the fundamental tool of monopoly power to remain intact and under Microsoft's control, namely the ability to unfairly exchange privileged information between it's operating system and productivity software units, no real competition will be possible. I strongly suggest that the proposed DOJ settlement be dismissed and that Judge Kollar-Kotelly direct the DOJ to pursue more substantive remedy for the illegal monopolistist actions of Microsoft, Inc.

Sincerely,
Richard Dekany

Notice: The opinions expressed herein are entirely my own and do not necessarily reflect the opinions of my employer.

MTC–00007058

From: RBinzley@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 6:02pm
Subject: Microsoft Settlement

The punishment of microsoft for its alleged ''monopoly'' on certain softwear should NOT be further exercised and the governmental powers in charge of this so-called prosecution should turn about and proclaim microsoft absolved of any further blame or any further prosecution for alleged ''monopoly'' and an end to the entire incident should be proclaimed by the governmental agencies involved. Other firms who claim that their rights have been impinged on should proceed forward with their own attempts at computer softwear innovations and get on with their own lives. The American way is to innovate and compete. Having Big Brother intercede is no more than mere whining to what some consider to be authority and usurption of other peoples' work in the innovative area of computers.

MTC–00007059

From: AllenFromTN@webtv.net@inetgw
To: Microsoft ATR
Date: 1/2/02 6:02pm
Subject: MicroSoft Settlement

As a concerned citizen and consumer, interested in the current condition of our U. S. economy, I would like to see the proposed Microsoft Settlement be finalized at the up coming hearing as being in the best interest of our country. Then the USDOJ can get on with more important matters.

I also very much resent the fact that the recent Clinton Administration and the DOJ spent more of our US tax dollars on the pursuit of Bill Gates than they did on the pursuit of ben-Laden.

After all, what Mr. Gates and Microsoft did was add billions to our economy and millions of American jobs, while ben-Laden was blowing up American Embassies and US Ships.

Come on now, Justice Department, don't you have more important things to do? I urge you to make the settlement with Microsoft final now...

Regards,
Allen D. Rich
CC:LarRich12@aol.com@inetgw,allenfromtn@webtv.net@ine...

MTC–00007060

From: ECAANTIQUE@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 6:03pm
Subject: Microsoft.atr@usdoj.gov

Enough already with this antitrust movement. Bill Gates has put America back on top of race for power and given probably over 2 million jobs to people in this country, and all the come latelys are crying. This needs to end and the government needs to find other places to use the money toward the greater good not the enhancement of a few not so good men.

Thanks for the sound board.
Eleanor Agnelli

MTC–00007061

From: customer service
To: Microsoft ATR
Date: 1/2/02 6:03pm
Subject: Microsoft settlement

To Dept. of Justice,

I have read about the proposed settlement in the Microsoft case. I think it is fair and should be allowed to proceed. It would have an extremely deleterious effect on the economy to break up Microsoft or to otherwise penalize the firm. It is not coincidence that the collapse of the stock market started when the government started its ill-conceived case against Microsoft and that the stock market started to pick up when the DOJ announced a settlement. What has been really strange in the government's treatment of this case is that while claiming Microsoft is a monopoly, the government continued to use Windows and other Microsoft products in almost all government offices. There are alternatives and all the government would need to do to reduce Microsoft's part of the market is for all government offices to start using Apple operating systems or Lynux.

Thank you for finally ending the ill-conceived law suite against Microsoft.

Peter Christ
Crystal Records Inc.
28818 NE Hancock Rd
Camas, WA 98607
phone 360–834–7022, fax 360–834–9680
email: peter@crystalrecords.com

MTC–00007062

From: JYudin4487@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 6:03pm
Subject: (no subject)

I believe the government should close the lawsuit against Microsoft. I would like the government to tell me what company in these United States has done more for industry and the public then Microsoft. Any one with any brains knows that Microsoft's competition are nothing but cry babies. If the shoe was on the other foot they would be drowning in their own water. As a tax payer enough is enough.

Julian H. Yudin

MTC–00007063

From: Kenneth(Ken) Dean Parker
To: Microsoft ATR
Date: 1/2/02 6:03pm
Subject: MICROSOFT SETTLEMENT
I support this!
Kenneth Dean Parker, PROBE SCIENTIFIC,
2109 Pinehurst Court,
El Cerrito, CA 94530–1879
01/02/2002.

MTC–00007064

From: Bryan Hoots
To: Microsoft ATR
Date: 1/2/02 6:04pm
Subject: Microsoft Settlement
To whom it may concern:
I wish to voice my opinion that the final judgment shall stand in the anti-trust case against Microsoft. While I believe that this judgment crushes the principal of capitalism and deflates ones desire to innovate and achieve in business, its is easier to digest that many other settlements that have previously been offered.
Sincerely,
Bryan R. Hoots

MTC–00007065

From: Richard Stastny
To: Microsoft ATR
Date: 1/2/02 6:04pm
Subject: Microsoft Settlement
To Whom It May Concern:
I am of the opinion that the settlement between Microsoft Corp. and the DOJ is fair and just. I believe that it is the best interest of the consumer and industry to get on with business and put this issue to rest.
Respectfully,
Richard Stastny
7109 Colada Ct.
Dallas, TX 75248
972–233–6466
rstastny@swbell.net

MTC–00007066

From: Imaxxx@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 6:05pm
Subject: Microsoft Settlement
I have read that there is an uncertainty about the appropriateness of the terms of the settlement with Microsoft and that public feedback is desired. Although, I think the company misbehaved, I am fully satisfied that the settlement reached is an equitable one and I, for one, am hopeful that is now concluded and things can proceed accordingly.
I am not a Microsoft employee nor am I affiliated with the company in any way.

MTC–00007067

From: NORSKPOLE@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 6:05pm
Subject: Microsoft Settlement
The provisions that the hold-out states, including my own state of California, are not directed toward a fair and reasonable settlement of the case against Microsoft. Instead, they blatantly provide unfair advantages to software companies in their own states. A review of the provisions these states wants against the product offering of the companies they favor, will reveal that the bulk of the provisions have nothing to do with the Windows or Office programs which are the core for any statement that Microsoft has a monopoly which and that they have unfairly taken advantage of that monopoly.
I am not a stockholder nor am I an employee of Microsoft. My position against further punishment of Microsoft is that I firmly believe that the ability of business to communicate using standard programs has been a major contributor to the major growth that occurred during the 1980's and 1990's. Microsoft Office was chosen by most businesses as a standard, against a competition that was fragmented, with one company providing text programs, another providing spreadsheets, another providing presentations. Although the competitor's had very good products, they were not integrated. Microsoft had the vision to do the job right, but is now being punished. It is my view that the case against Microsoft has been for political gain, and that the merits of the case against Microsoft are weak. It has already been established that the initial case against Microsoft was highly prejudiced. Further prejudice against this great contributor to American business is not justified.
Bernard E. Nelson
1469 Blake St.
Orange, CA, 92867

MTC–00007068

From: Mike(u)Haucke
To: Microsoft ATR
Date: 1/2/02 6:11pm
Subject: Microsoft Settlement
To: Department of Justice
From: Michael J. Haucke
I am very pleased with the (proposed) settlement in the Microsoft lawsuit. I believe that the public interest is best served to finalize the settlement AS IS. We need to move on and let competitors compete for our business.
Sincerely,
Michael J. Haucke
7601 CTH O
Two Rivers WI 54241–9039
(920) 793–8809

MTC–00007069

From: DockHouse@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 6:06pm
Subject: Microsoft Settlement
Gentlemen and Ladies:
Not knowing who is in charge of all the particulars having to do with the Microsoft Settlement, I cannot direct this email to one particular person. I feel that I should state my feelings having to do with Microsoft and the settlement they have made with the justice department. It is a shame on the judicial system, that they would allow special interest groups to supersede what the government has already agreed to. What does the group want other then money, most of the suing companies, and states are in need of financial aid, due to the economy, and their own greed? They feel Microsoft has made to much money, and has profited by their products. As a Microsoft user, and stock holder, and American citizen, I am proud to be an owner of Microsoft.
They employ many people and they take care of their employees. Some employees are unhappy, so they are suing, did they not make good wage's when employed? How long will the government allow all these people to keep Microsoft in bondage of law suits? They have made proposals to settle, but to no avail. Our country has suffered a terrible blow to our citizens and to the economy, by settling with Microsoft and looking ahead, you can get on with the more important issues of the country. This has been going on long enough. With the lawyers being the only winners in this suit. Thanking you for allowing me to express my opinion.
Sincerely,
Carole Hudson

MTC–00007070

From: Dave Hoff
To: Microsoft ATR
Date: 1/2/02 6:06pm
Subject: Microsoft settlement
Settle as negotiated—Microsoft has been inappropriately penalized already—Don't reopen this thing!!!!!!!!!!
Dave Hoff, Owner
Hoffco Inc.
Wood Lake, MN.

MTC–00007071

From: William Northrup Jr.
To: Microsoft ATR
Date: 1/2/02 6:06pm
Subject: microsoft settlement
Please leave the current microsoft settlement in place. I don't believe any purpose is served by any further interference in private enterprise in this matter.
Thank you.
William H. Northrup Jr
120 Whitehall Road
Hooksett NH 03106
billnorthrupjr@mediaone.net
603 625–8621

MTC–00007072

From: murphyjf
To: Microsoft ATR
Date: 1/2/02 6:05pm
Subject: Microsoft Settlement
To: DOJ
A few ''special interests'' are attempting to use this review period to derail the settlement and prolong this litigation even in the midst of uncertain economic times. The last thing the American economy needs is more litigation that benefits only a ''few wealthy competitors'' and ''stifles'' innovation.
I as a consumer overwhelmingly agree that settlement is good for consumers, the industry and the American economy. Please get the Microsoft Settlement completed ASAP.
For your consideration.
John F. Murphy
2201 168th AVE. NE
Bellevue, WA 98008–2432

MTC–00007073

From: Ted Freeman
To: Microsoft ATR
Date: 1/2/02 6:07pm
Subject: Microsoft Settlement
Please do not stop innovation in America. I support the freedom to innovate!!!!

Ted Freeman

MTC–00007074

From: Dino Carubia
To: Microsoft ATR
Date: 1/2/02 6:06pm
Subject: Microsoft Settlement

To whom it may concern:

Microsoft has the moral and legal right to dispose of its property as it sees fit as long as it does not commit fraud or physically harm anyone. Absolutely nobody is forced to buy Microsoft products. People are free to also buy OS/2, Macintosh or even obtain a free operating system (Linux) if they wish. IBM had OS/2 as a multitasking operating system at least 1 year prior to the release of Windows95 and Windows NT. Microsoft should not be punished for IBM's incompetence in marketing OS/2 to the general public or to other businesses. Apple also had a competitive advantage in being first to market in the personal computer market in the late 70's and not only did they fail in their marketing they also charge much higher prices and insist that you must also buy their hardware as well as their software.

The anti-trust laws are IMMORAL because they are not objective. If the same standards inherent in anti-trust were to be applied to individuals (as opposed to corporations) we would effectively be living in a totalitarian society where anyone could be dragged into court for the crime of being successful.

Perhaps your time in the Justice Department would be better served catching terrorists and real criminals instead of harassing corporations that provide consumers with value and thousands of Americans with jobs.

Regards,
Dino Carubia
Regards,
Dino Carubia

MTC–00007075

From: Step Ol(00E9) Williamson
To: Microsoft ATR
Date: 1/2/02 6:08pm
Subject: microsoft settlement

Dear Citizens:

I am kept informed by Microsoft Company of the developments in their case. They tell me that a settlement, a fair if tough settlement could be imminent if the people of this Great Country voice their opinions in sufficient numbers. I have been benefiting for years from the great software this Company has invented. Some of it is timeless and all of it is innovative. I have many friends who use AOL. I personally use Lotus SmartSuite. But my all time boon has been The Microsoft Bookshelf. I still have and use the 1992 edition. Remarkable what they have done. Please! Let's get this settlement passed and working for concerned citizens. Yes I own stock in Microsoft. I am not writing for that reason alone. I want AOL and Lotus and Microsoft to prosper and for all of them to be able to innovate to the max. When Microsoft tells me the proposed settlement is fair, then I believe them for the same reason I believe the material in the various editions of the Microsoft Bookshelf—they (the people at Microsoft) are dedicated to the truth. Thank you for your ears and eyes and good luck with your decision.

Step Ol Williamson stepo@erols.com

MTC–00007076

From: Matthew M
To: Microsoft ATR
Date: 1/2/02 6:07pm
Subject: Microsoft Settlement

Hello,

I can only talk from my own experience of Microsoft software. I have found that in general it is of poor quality compared with the alternatives, yet the company insists on pushing through incompatible standards which the rest of the world is forced to adopt; this reduces variety and choice in the marketplace, and is certainly NOT in the interests of consumers. While I respect that Microsoft is a commercial entity, with the purpose of generating profit, it still seems to be harmful for consumers. A recent example is Microsoft disallowing foreign browsers from accessing their Hotmail web-based email service. Microsoft Windows fails to adhere to many standards, which tends to cause problems in real environments. And yet thier products are branded as ''Standard'', ''Stable'' and ''Secure''? Especially secure. Since a discovery of a fatal flaw in the security of thier ''Most Secure Windows Yet'' this should be taken with a pinch of salt. At very least, this is a trade description violation.

Regards,
Matthew MacLeod

MTC–00007078

From: siN.
To: Microsoft ATR
Date: 1/2/02 6:08pm
Subject: Microsoft Settlement

Dear Sirs,

I am not sure any pair of eyes will ever scan over this email, but I believe helping Microsoft in any way I can is imperative. I am 17 years of age, a senior in High School, and a computer user—a Windows user, an Intellieye User, an Xbox owner, Office User, Natural Keyboard owner, and sidewinder force feedback user. I am dialing up to the internet with MSN. It may seem like they dominate the market by my actually owning these products, yet I actually choose to use these products. I purchased all of the above, despite having 98 already installed on my computer I now use ME, yet my other system has XP installed. Without these innovative products being released to the general public there would be no change, or dynamics in the world of computing. You cannot rely on other manufacturers producing an operating system *half* as reliable or for lack of the use of the word—GOOD. Microsoft buyer for life here..keep 'em together! I am willing to testify at will, or at any account do most things to support Microsoft.

Contact Info is below:
Many Thanks, regards
Aidan Gray
27901 Altamont Circle
Los Altos Hills
CA, 94022
(650) 823–1294/(650) 559–9457

MTC–00007079

From: BOBDIXIEPEARCE@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 6:09pm
Subject: microsoft settlement

Dear Congressman

In the interest of a sounder economy PLEASE accept the newest terms to settle this case.

Sincerely,
Robert e Pearce
5404 Via Maria,
Yorba Linda Ca. 92886
Bobdixiepearce@aol.com

MTC–00007080

From: Haymaker59@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 6:09pm
Subject: Microsoft Settlement

Dear Sirs:

It is important that during this period of slow economic growth, that government focus its energy in a positive manner and stop spending tax payer money to continue its overzealous attack of Microsoft. The public watches congresses special interest treatment of professional baseball and fails to understand the legal monopoly that congress has continued to allow to thrive. Conversely, my family and friends, as well as many stock holders and Microsoft product users, view your treatment of Microsoft as an unjustly prejudiced and a targeted sham. Any validity of the original case has long since past, as Microsoft has updated and advanced its systems and software. Please take this opportunity to settle this case without any additional penalty or damage to Microsoft, the company is a true US success story.

Sincerely,
Stuart A. Hayman, MS
28 Macy Road
Briarcliff Manor, NY 10510
(914) 923–6119

MTC–00007081

From: PollKay85@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 6:09pm
Subject: Microsoft Settlement

To The Department of Justice:

Speaking for myself as a user of software provided by Microsoft, I am angry that time and money has been spent pursuing punishment of a company that has done so much for the advance of technology in this country. STOP spending time and money trying to allow competitors of MSFT to have an advantage. We would still be in the dark ages if we had waited on the people who want to punish MSFT to develop useable software. Let us send commendations for service to our country in sales in the USA and for the export dollars they bring to America. Allow MSFT to continue to grow wealth for our nation, and to make progress more easy for the rest of us.

Professionally,
Franklin J. Kay, PhD

MTC–00007082

From: Rick Lauder
To: Microsoft ATR
Date: 1/2/02 6:10pm
Subject: Microsoft Settlement.

Let Microsoft do it's business without intervention.

MTC–00007083

From: Suite805@aol.com@inetgw

To: Microsoft ATR
Date: 1/2/02 6:11pm
Subject: Microsoft Settlement

To whom it may concern:

I believe that the settlement the DOJ has reached with Microsoft is a fair one. My feelings are: enough is enough. Leave Microsoft alone now. The DOJ has more important things to be doing in light of the terrorism activities. I have not been hurt by Microsoft, and I don't think you would find a consumer who thinks they have been hurt. The only ones that feel hurt are the competitors. Let them make a better product and the consumers will flock to them, as they should.

Thank you for the opportunity to comment.

Sincerely,

Carol Cicero

MTC–00007084

From: Larry Guzik
To: Microsoft ATR
Date: 1/2/02 6:12pm
Subject: My opinion

I have been using Microsoft products for the last 20 years. At no time have ever felt that I was being ripped off by them. In fact if anything I have felt the opposite. Considering all the functionality you can get with a $100 investment in W2K (upgrade) for example anybody would be crazy not to buy it. The only people that are complaining are Microsoft competitors and people that have always gotten everything for free and do not want to pay for anything. I personally think that Microsoft has paid a heck of a lot in unnecessary legal expenses on this issue so far and they should not incur any more charges of any kind.

This is my opinion.

Thank you for reading this.

Larry Guzik

Spring, Texas 77379

MTC–00007085

From: Andre Gous
To: Microsoft ATR
Date: 1/2/02 6:22pm
Subject: Microsoft Settlement

This email is sent by a concerned citizen re the proposed settlement. I am in favor of it, but please read on. Without reading every word, I have reviewed the document at http://www.usdoj.gov/atr/cases/ms-settle.htm with special focus on the ominous phrases of ''Microsoft shall not retaliate against'' and ''Microsoft shall not enter into any agreement with:'' As a businessman, software developer, US citizen, and capitalist, I believe that we need a strong, limited government to protect the citizens' rights. Of course, a government can fail to do so by shirking its tasks, but (ironically) also by overstepping its bounds and being overzealous. It is my opinion, based on my observations and my political principles, as well as some excellent arguments which I've read in that regard, that the Antitrust portion of the DOJ has done exactly that, and then some ... inflicting injustice, in the name of justice, a.k.a. destroying capitalism in the name of capitalism. As such, I find it hard to support the proposed settlement, since I have a problem with it on principle .... but I will support it on the sole basis that Microsoft Corporation considers this to be preferable to more litigation yet. I gather that Microsoft is faced with a ''lesser of two evils'' option, and on that basis, I support them in their decision to go with the settlement. For that reason, I also urge you to go along with it.

The remainder of this email presumes that you're acting merely on behalf of US citizens which are pushing you to constrict Microsoft, and that you don't have a personal ax to grind. If the latter is the case, you're acting inappropriately. To the extent that you're faced with a complaint-driven democracy, please consider my email as one complaint-vote in the other direction, meaning I am pushing for a situation where people and companies are free to negotiate conditions for the sale of the products which they own (e.g., by having created them.) I understand that my objection strikes at the very root of your premises in the Microsoft case, and that is indeed my intent.

I concede that anti-trust has a legitimate function in government, but only to the extent that it seeks out and destroys inappropriate monopolies and unfair competition, where the definition of ''inappropriate'' is not based on a howl of complaints, but on non-socialistic economic theory, For example, I live in a county where there's a county-owned phone system. The county has instituted a public transportation system which I am taxed to fund, and which competes with private transportation businesses. I drive on a nationalized roads system. My wife is a travel agent who sees first-hand the complacency which comes from the welfare mentality generated by government funding for organizations like Amtrak.

If I saw you dismantling government-supported or government-mandated unfair competition, at the city, county, state and federal level, then I'd be cheering you on, and would consider you champions for justice, fairness and freedom, in an exact sense. Presumably, you chose this line of work because you thought you could make the world a better place. However, many of the worst injustices in history started with that intent. You have a grave responsibility to look far beyond the obvious, and to seek out valid principles of good government. (If you tell me the address to choose, I will mail you a complimentary copy of Ayn Rand's ''Capitalism—the unknown ideal''.) From every action I've seen you take, you're headed in the wrong direction. You're demonizing Microsoft, who should instead be left alone or commended for all the valuable products they've created.

I consider your direction as fundamentally misguided, and I look forward to the day when your charter limits you to dismantle only socialist constructs, and when the next group of ''I'm whining for conditions which I'm too lame to achieve in negotiation'' constituents knock on your door, I want you to be empowered enough to be able to tell them to get lost, to take responsibility for their position in the market, and to leave you alone, since you have more important things to do ... the greatest country in the history of mankind needs you. You should be protecting its core values, not dismantling them.

Sincerely,

Andre Gous

CC:msfin@microsoft.com@inetgw,Pat Newton,Sue Gous,bkk...

MTC–00007086

From: Allan B. Wilson
To: Microsoft ATR
Date: 1/2/02 6:12pm
Subject: Microsoft Settlement

I am in favor of the settlement as proposed.

Thanks

Allan B. Wilson

MTC–00007088

From: Linda Quick
To: Microsoft ATR
Date: 1/2/02 6:12pm
Subject: Microsoft settlement

Microsoft has done more for the United States economy and families in the last 20 years than any other company I know not to mention their goodwill endowments. I am in favor of a special recognition award for the company myself. Computers can ''talk'' to each other, the software makes it easy for end users and the company produces great products that are competitively priced. Hooray for Microsoft! I vote for no penalty.

Thank you.

Linda Quick, Connecticut

MTC–00007089

From: Woody Miraglia
To: Microsoft ATR
Date: 1/2/02 6:13pm
Subject: Microsoft settlement

Sir or Madam:

As an IT manager at a medium-sized company, I wanted to express my incredible unhappiness at the proposed settlement against Microsoft. It is amazing that my government's concern about economic recovery is allowed to take precedence over the obviously illegal actions of this arrogant organization. When I was growing up and made a mistake, my mom would give me a warning first before punishing me. If I made the same mistake again, then I would get grounded. Well, the United States has already given Microsoft more than its fair share of chances, and Microsoft has laughed them off then continued on its merry way. And why shouldn't they? How did they get the perpetual ''get-out-of-jail-free-card?'' Oh... that's right, it must be about money.

I am very disappointed in the Justice Department and the Attorneys General. I can only hold out hope that my state, California, won't capitulate too.

A disappointed citizen,

Woody Miraglia

San Francisco, CA.

MTC–00007090

From: Mary Jo Marrese
To: Microsoft ATR
Date: 1/2/02 6:14pm
Subject: MICROSOFT SETTLEMENT

THE MICROSOFT SETTLEMENT SHOULD BE PUT TO BED. ENOUGH IS ENOUGH. MICROSOFT IS CAPABLE OF BIGGER AND BETTER AND SHOULD BE ALLOWED TO MOVE FORWARD.

MJMARRESE

MTC–00007091

From: BSau712@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 6:14pm
Subject: Microsoft Settlement
1/02/02

Department of Justice:

Give Microsoft a break and get on to other business. We have heard enough and the settlement is more than adequate.

Bill Sautter
CC:BSau712@aol.com@inetgw

MTC–00007092

From: edward clucas
To: Microsoft ATR
Date: 1/2/02 6:14pm
Subject: microsoft settlement

Sirs: please do not further reduce my retirement funds by acting negativly towards microsoft in the coming decision. I remain a loyal american and am a firm believer in the fair market system .I am a college educated 53 year old that works in a boat yard as a mechanic , excuse me to be politicly correct a technition. I am very well read an am fully aware of the case before justice.I do belive that the effort expended on this case may have been utilized. I remain respectfully,

Edward W. Clucas

MTC–00007093

From: Roger Barbo
To: Microsoft ATR
Date: 1/2/02 6:13pm
Subject: Microsoft Settlement

Gentlemen,

I feel that the settlement for Microsoft is fair to all parties, and should settle this matter. I don't feel that after nearly four years in working toward a solution that further litigation is warranted. Additional court efforts would prove more costly, be adverse to the industry, and possibly have negative effects on the American economy. My feeling is to get this matter over with. I believe it is healthy to promote innovation by companies, which can result in advances that may not result otherwise. Microsoft has always been innovative, and has given us much to be thankful for in the tech industry. Unfortunately, others, including some of their competition do not agree.

Thank you for allowing my input.

Roger E. Barbo

MTC–00007094

From: BESTEDARO@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 6:13pm
Subject: MICROSOFT SETTLEMENT

I WISH TO GIVE MY COMPLETE SUPPORT TO THE PROPOSED MICROSOFT SETTLEMENT UNDER CONSIDERATION, AND BELIEVE THAT IT IS FAIR AND IN THE BEST INTEREST OF THE CONSUMER AND THE COUNTRY AS A WHOLE.

R. O. BESTEDA

MTC–00007095

From: Louise Stanley
To: Microsoft ATR
Date: 1/2/02 6:13pm
Subject: Microsoft Settlement

I believe the Microsoft settlement is in the ''public interest.'' Unfortunately, a few special interests are attempting to use this review period to derail the settlement and prolong this litigation even in the midst of uncertain economic times. The last thing the American economy needs is more litigation that benefits only a few wealthy competitors and stifles innovation.

Don't let these special interests defeat the public interest. The argument that says consumers need a choice is utterly without merit. For those few people who don't wish to use Microsoft products, they are free to remove them and install something else. The fact that I no longer need to be a 'mechanic' to assemble and use my computer means that I can do more and enjoy it...

Louise Stanley
5933 Pennyroyal Drive
Pollock Pines, CA 95726–9006
530–647–9047
lstanley@bottomlinechannel.com

MTC–00007096

From: Lenore Stamper
To: Microsoft ATR
Date: 1/2/02 6:14pm
Subject: Microsoft Settlement

I am an individual software consumer. I am disgusted by those who continue to hound Microsoft. I don't own any of their stock so I have no other interest than fairness. The settlement worked out is just fine.

To me states are trying to profit at MY EXPENSE.

Sincerely,
Lenore Stamper
10016 Regal Park Lane, #121
Dallas, TX 75230–5528

MTC–00007097

From: Elfiemon@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 6:15pm
Subject: Microsoft Settlement

I am in favor of the Microsoft settlement. It is time to bring this case to a close. The proposed settlement is fair.

Elfie Monroe,
735 N 94 th St,
Seattle WA 98103

MTC–00007098

From: Larry Butler
To: Microsoft ATR
Date: 1/2/02 6:16pm
Subject: Microsoft Settlement—Hang em High!

I have followed this public issue rather closely for a number of years, being an ''IT Professional'' for a Fortune 500 company. In my opinion, the settlement lets them off entirely too easily given the clearly established willful transgressions of law at the time.

Reply-To: ''Finflash1–2–02'' Finflash1–2–02.UM.A.1154.142@commpartners.unitymail.net ''MSFIN@ Microsoft.com'' MSFIN@Microsoft.com ''larrybutler@boatnerd.com'' larrybutler@boatnerd.com

DOJ wants to hear from you on MS settlement.

A FINFlash Alert: The DOJ wants to hear from YOU!

To cancel your subscription to this newsletter, read the directions at the bottom of this message.

For nearly four years, your voice has been instrumental in the debate over the freedom to innovate. Tens of thousands of concerned citizens have communicated to their public officials about whether the Microsoft case should be settled or further litigated. Despite the aggressive lobbying efforts of a few of Microsoft's competitors, the Federal government and nine states finally reached a comprehensive agreement with Microsoft to address the reduced liability found in the Court of Appeals ruling. This settlement is tough, but reasonable and fair to all parties involved. Consumers overwhelmingly agree that settlement is good for them, the industry and the American economy.

However, this settlement is not guaranteed, and your voice is more important than ever.

The law (officially called the Tunney Act) requires a public comment period between now and January 28th after which the District Court will determine whether the settlement is in the ''public interest.'' Unfortunately, a few special interests are attempting to use this review period to derail the settlement and prolong this litigation even in the midst of uncertain economic times. The last thing the American economy needs is more litigation that benefits only a few wealthy competitors and stifles innovation.

Don't let these special interests defeat the public interest.

Between now and January 28th, it is critical that the Department of Justice hears from you about the Microsoft settlement. The Department of Justice will then take all public comments and viewpoints and include them in the public record for the District Court to consider. Please send your comments directly to the Department of Justice via email or fax no later than January 28th. Whatever your view of the settlement, it is critical that the government hears directly from consumers. Please take action today to ensure your voice is heard.

Email: microsoft.atr@usdoj.gov . In the Subject line of the e-mail, type Microsoft Settlement.

Fax: 1–202–307–1454 or 1–202–616–9937

To find out more about the settlement and the Tunney Act comment period, go to the Department of Justice Website at: http://www.usdoj.gov/atr/cases/ms-settle.htm.

Thanks for taking the time to make a difference.

To cancel your subscription to this newsletter, please go to the following website: http://www.freetoinnovate.com/—utilities/unsubscribe.asp

MTC–00007099

From: Sam Ungle
To: Microsoft ATR
Date: 1/2/02 6:16pm
Subject: Microsoft Settlement

Please get off Microsoft's back. Theirs is the best, easiest to use and most competitively priced software on the market—so what's the problem? Why don't you focus on something that matters—like the war on terrorism or the economy.

MTC–00007100

From: Carlos Treyes

To: Microsoft ATR
Date: 1/2/02 6:16pm
Subject: micros0ft case

I think it should be settled once and for all since nine states have already agreed to improve the economy this new year.

carlos treyes
Shelton, WA

MTC–00007101

From: Henry M Watanabe
To: Microsoft ATR
Date: 1/2/02 6:18pm
Subject: Microsolft Settlement

This has gone on long enough. Please settle this case as you have indicated.

MTC–00007102

From: Ilze T.
To: Microsoft ATR
Date: 1/2/02 6:17pm
Subject: MICROSOFT SETTLEMENT

Comments on Microsoft Settlement:

The DOJ should leave Microsoft and other great innovative companies alone. Where would we be today if Bill Gates had not configured the Basic computer language. Only a small elite group would work with computers.

Why should Gates and other people/companies with brains, guts, and innovative ideas be punished just because their competition did not come up with the idea first. Microsoft has made it possible for me and my child to be computer literate at an affordable price. What has SunMicro done for me? I have no idea.

If the DOJ smashes Gates and company, why should anyone want to take a chance and create something innovative? (Look at Sweden) Let's keep the American free enterprise system just that—free.

Microsoft has not harmed the general public. Its competitors might have been harmed because they did not come up with (Microsoft's) idea first. This whole situation sounds like the competitors are sore losers looking for a way to get Microsoft's brain. Let the competitors create their own brain child, that the general public wants. If you make something the public wants, they will buy it. If SunMicro can't come up with new innovative products for the public, tough.

If Microsoft wants to give poor schools computers and software, go for it. How else will these kids get to be computer literate. I don't see SunMicro giving any schools anything.

Sincerely,
Ilze Tomsevics

MTC–00007103

From: Freddiwash@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 6:18pm
Subject: Microsoft Litigation

Please, no more litigation. Settle this case now. The people have had enough of this case. In view of what happened on September 11th, we Have ''Bigger Fish to Fry.'' Microsoft has been thru enough, and in actuality, these litigators and lobbyist are stopping the tech industry from moving forward.

Concerned Citizen

MTC–00007104

From: TPapandrea@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 6:20pm
Subject: Microsoft Settlement

I have read the stip.

Settle the case. The US Govt has WASTED enough time energy and money already. I would not like to think of what and how my computer would be without ''Windows''.

DOJ—go catch some criminals.

MTC–00007105

From: Jack Leary
To: Microsoft ATR
Date: 1/2/02 6:19pm
Subject: Microsoft Settlement

I think that the DOJ and Microsoft sat down and negotiated a settlement that was amenable to not only both sides of the lawsuit and that would also ensure that no harm would come to consumers, but that also appoints a neutral third party to monitor Microsoft's business practices. Now it is time to let Microsoft, the government, and the country get on with the rest of their business. It is irresponsible to drag this out any further than it already has. Let's close this chapter and get on with life.

MTC–00007106

From: ELIZABETH WIGGINS
To: Microsoft ATR
Date: 1/2/02 6:18pm
Subject: Microsoft Settlement

We should be thanking Microsoft, not punishing.

Elizabeth B. Wiggins, CPA/ABV (Beth)
BKD-Houston
1360 Post Oak Blvd, Suite 1900
Houston, TX 77056

MTC–00007107

From: ANNA BELLE AMBROSEN
To: Microsoft ATR
Date: 1/2/02 6:20pm
Subject: Microsoft settlement

I want to add my voice to the thousands who feel that the settlement reached with Microsoft should stand. I use their services on my home computer and the system I have access to at work, is Windows-based.

Microsoft has been singled out, in my opinion, for undue litigation. They are one of the reasons Americans are the most productive workers in the world. We should recognize the outstanding contribution they have made to our success in recent years.

Anna Belle Ambrosen
18102 Shiloh Church Road
Beaverdam, VA 23015
abambrosen@mindspring.com

MTC–00007108

From: Fred Benson
To: Microsoft ATR
Date: 1/2/02 6:23pm
Subject: Microsoft Settelment

Dear Sirs:

In my opinion the Tunney Act covering the Microsoft settlement is fair, equitable and in the public's best interest. I think this law should stand, all the litigators should go chase other fire engines and our country should get back to building up our economy instead of tearing it down.

We should not attack corporations based on the fact that they have been successful and others can't compete. We should let the best continue to innovate and, unshackled, push the frontiers of technology for the betterment of all people.

Thank you very much.
Sincerely yours,
Fred C. Benson

MTC–00007109

From: Gerald Mohlenbrok
To: Microsoft ATR
Date: 1/2/02 6:19pm
Subject: Microsaft Settlement

It is my understanding that the DOJ vs Microsoft case will soon be settled and finalized. I believe it to be a fair and equitable settlement and I urge you to take every measure to ensure that it is finalized in a timely fashion, and without any further delay tactics instigated by Microsoft competitors and their expensive legal teams. In these uncertain economic times, any further delay would be costly to the nation as a whole, and would certainly not benefit anyone other than a select few.

Thank you for considering my views.
Sincerely,
Gerald Mohlenbrok

MTC–00007110

From: James M. Brumley
To: Microsoft ATR
Date: 1/2/02 6:21pm
Subject: Microsoft Settlement

Dear Sirs,

Just wanted to make my two cents heard on the Microsoft case. It seems so un-American to attack an entity for being better than the competition and winning. I thought we were a nation of winners not whiners. The government has been bamboozled by special interest groups that I beleive have caused much of the recent Tech recession. Let's get on with life and get the economy running strong once again.

Thank you,
James Brumley,
Captain, Medical Service Corps
Commanding

MTC–00007111

From: ryan atchison
To: Microsoft ATR
Date: 1/2/02 6:21pm
Subject: Microsoft Settlement

Leave Microsoft alone. P.S. Microsoft is the best software maker. And that is why everyone buys it. That does not make them a monopoly.

MTC–00007112

From: Ray Paul
To: Microsoft ATR
Date: 1/2/02 6:21pm
Subject: DOJ Settlement

It is the opinion of this voting household that enough of the tax payer's money has been spent in litigation of the anti-trust suit against Microsoft Corp. We therefore urge you to accept the settlement of one of the most wasteful witchhunts of our time and let us get on to better times. Thank you for your consideration.

Sincerely,
Ray Paul

MTC–00007113

From: Elson Bettner
To: Microsoft ATR
Date: 1/2/02 6:22pm
Subject: Microsoft settlement

The settlement is good for all, fair for all. Let life move ahead. I believe this whole thing has been a waste of taxpayers' money from day one. Greed and jealousy have been the plaintiffs' motivators, they couldn't stand to see one man/company do so well doing what the USA was/is/will be built on: initiative, hard work, and FREEDOM TO SUCCEED.

Sincerely
Elson Bettner

MTC–00007114

From: Robert W Nelson
To: Microsoft ATR
Date: 1/2/02 6:22pm
Subject: Microsoft

Sirs:

I am an American veteran and served my country during early 60's. I wore the colors of my Country proudly. I am a life member of the VFW. I am presently retired from the Department of Defense. I am also employed as a School bus driver.

As I have observed the actions of our Federal Government over the past several months in the anti-trust suit against Microsoft many thoughts come to mind: Why not go after some real Monopolys such as the NEA and Federal school system, to name just one?

This action by our Justice Department leaves me with the feeling of ''Being very glad to be an American, but I'm not so proud of it.''

Microsoft has contributed more to our country's economy and well being than all the opponents put together. Why are we attacking them??

Sincerely,
Robert W. Nelson

MTC–00007115

From: studioelvis@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/2/02 6:22pm
Subject: Microsoft Judgment

It's too bad that in the United States of America someone in the government thinks that a private company has too much power and takes it upon themselves to quell the success of a forward moving inventive people helping companies such as Microsoft.

I am a 58 year old veteran, been married to the same lady for 35 years and my adult children love me as I do them. Life hasn't been all that good to me. I was a beaten battered unloved child, and everything comes very hard to me. I've been unemployed since August 01 and am a two time cancer survivor.

BUT. . . . If I were Bill Gates and some little person trying to show power tried to stop my company. I would have taken the billions of dollars, shut down the program and said ''You figure it out''!

One thing for certain. Success attracts whiners and people calling unfair and foul. If everyone in this country were given one million dollars, half of the people would complain about it. . . . Please let Microsoft continue doing what they do best. . Allowing people like myself to at least use a computer and keep up with the times.

Thank you,
Sincerely Cary A. Johnson
Federal Way, WA.

MTC–00007116

From: REBLOTT@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 6:23pm
Subject: Microsoft Settlement

Dear DOJ,

The Microsoft settlement is fair. I support its adoption.

Rich Blott

MTC–00007117

From: hlpowell
To: Microsoft ATR
Date: 1/2/02 6:24pm
Subject: Microsoft Settlement

The Microsoft Settlement in an excellent compromise in my opinion. I have been concerned for some time with the politics of what appears an attempt to punish success and reward both competitors and politicians by splitting the spoils of a broken Microsoft. I worked with a competitor of Microsoft for 30 years and was always impressed with their willingness and ability to consistently improve their products and invest in innovative development while my company and many others would bail out instead of competing with Microsoft products. I personally give Microsoft much of the credit for the affordable personal systems that exist today. I know for my 30 years in the industry, that the same competitors that want to punish Microsoft for making things functional and affordable, making them cuts their big markups to compete, are the greedy companies that would have kept the price of personal systems out of range for most of the consumers that have benefited from the aggressive development, investment and pricing that Microsoft brought to the industry.

Microsoft has provided a personal system that no other of the greedy companies who were mad because Microsoft was successful with using the leverage of volume to provide rich affordable personal systems that their competitors had to sacrifice some margins to compete with and many of them simple hold grudges for the challenges they did not meet well. I know that my employer was one of them. Without Microsoft we would still be using command oriented systems that the home market couldn?t use well or afford.

Please do not punish success through innovative, usable and affordable products brought to us by Microsoft.

Thanks,
Harry L. Powell

MTC–00007118

From: Robert Teisch
To: Microsoft ATR
Date: 1/2/02 6:29pm
Subject: microsoft settlement

i think that microsoft settlement was reasonable and proper and should be done-and-overwith and let the company go on without being badgered, as there progress is important to the economy and free enterprise (simply put)

Thank you,
Dr. Robert Teisch

MTC–00007119

From: Bob Holert
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/2/02 6:19pm
Subject: Microsoft Settlement

Gentlemen:

I would like to encourage you to finalize the Microsoft Settlement as agreed to by the nine states and the Federal government. Additonal time and expense seeking other remedies is not in the best interests of the public, the states involved, the Federal government or consumers. Those parties who seek to continue this litigation do not have any of the the aforementioned entities in mind but continue to seek remedies which are not fair to all parties.

This litigation has come at considerable expense to the government and the economy. The cost to US world-wide technology leadership continues to escalate, again not in the best interests of technology US based leaders, employees of those companies or our economy. Those states who choose to continue the fight should do so at their own risk and expense since most have business bias or politics as the basis for their battle, not economic fairness and reality. I hope you would agree this country has far more important issues to address.

I appreciate your consideration of the opinion I have voiced and implore you to finalize this settlement.

Best Wishes,
Bob Holert
President
Houser Martin Morris
110 110th Ave NE, Suite 503
Bellevue, WA 98004

MTC–00007120

From: RBRrat@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 6:24pm
Subject: MICROSOFT SETTLEMENT

To Whom It May Concern:

I am a veteran, patriot, taxpayer, and an American. My family all votes and is involved in caucus work and efforts to improve our homes, communities and our nation. I must recommend that you accept the Microsoft settlement as is.

Do it immediately. The settlement will be a benefit to the nation, it will place dollars where they help the most, in the hands of the people. In short it will result in people helping people. Our nation was doing great until those greedy companies decided to sue Microsoft. Why? Because they thought like communists or socialists of the past that Microsoft had too much money and they should be forced to give to those who had less. Those companies and the states that joined them in the lawsuits should have gotten nothing. If they want to earn more money, let them earn it the old fashioned way, work for it or invent a better mouse trap.

The companies and states that refused to accept the settlement offer should get nothing, the rest of America should refuse to patronize their states and they should be classed as un-American, not for trying to beg

for a buck but because of all the damage to the American economy this past year as their efforts resulted in devastation of the entire computer industry because of the apparent fear of what would happen to Microsoft.

Then when the companies and states had a chance to help America and settle, their greed would not let them settle. Now they want more time, more of our dollars paying legal costs, while the real America waits for a good pay check and a job like they had before the lawsuits in the first place.

Do your job, help America, enforce the settlement.

Thanks,
Richard B. Radke
12432 Juanita Dr
NE Kirkland, WA 98034
RBRrat@aol.com

MTC–00007121

From: Lizzardden@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 6:26pm
Subject: Microsoft Settlement

Dear Sirs: Enough is enough. The Microsoft case has drug on for over four years, and now nine states want to prolong matters. As a computer user, I have been helped by Microsoft's inovation and creation of a standard platform. It seems one of the few U.S. industries that is on top of its game and not in the hopper (must I remind you of the US auto industry, big steel, the railroads, Boeing, etc., etc., etc.). Let's get on with the settlement that DOJ and Microsoft agreed to and stop these idiot states from trying to remedy an issue that simply does not exist.

Yours truly,
David Hendricks
Lizzardden@AOL.com

MTC–00007122

From: Denoy, David
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 6:33pm
Subject: Let the Settlement Stand

As an IT professional who has willingly embraced the MS paradigm BECAUSE of the interoperability it affords me, I want this nightmare of persecution to end! It makes for a difficult planning/assessment and deployment of MS technology when we don't know if the products are going to be gutted and if we'll have to uninstall versions in order to appease a small bunch of unsuccessful competitors who wish to retain their high priced market shares (Sun and Oracle). In case no one has noticed, there are a number of market niches that MS has wisely stayed out of, allowing other technologies. If the world is so afflicted by the dominance of MS, why haven't there been massive shifts over to Linux, if cost is a consideration? O/S was touted as having several superior features and yet developers never produced the applications necessary to make that O/S a success. We select the products we need based on how they serve our needs, not by publisher. When I buy a book by a favorite author, I am not at all concerned with who the publisher is . . . I read the book because of the author!

MTC–00007123

From: PMounsey@markwest.com@inetgw
To: Microsoft ATR
Date: 1/2/02 6:27pm
Subject: comments on settlement

I am in favor of the settlement, and the court should approve it as presented.

While the Court has no authority to modify the setttlement, I am concerned that the Court may be attempting to do just that by suggesting that it will not approve it unless Microsoft agrees to pay the $1 billion education amount in cash. The $1 billion payment—in the form of computing materials provided to schools—will be a signficant leg up for many poorer schools across the country; thus, the settlement will benefit the ''public'' directly in a very real way I doubt that requiring the $1 billion to be paid in cash would end up having the same public interest benefit.

Settlement is also in the public interest because the Microsoft litigation has been a drag on the U.S. economy since the case was filed. Certainly there have been other factors at play since the litigation was filed, but the continuing litigation and the uncertainty that it has created throughout the technology sector have clearly been important factors in the country's continuing recession. It is important to ensure that Microsoft plays by the rules, but it is also important that the rules be written at some point in time, which is what this settlement does. Unfortunately, because some states have chosen to continue litigating against Microsoft, it is likely the drag of the Microsoft litigation on the economy will continue, although one would hope to a lesser extent.

Peter Mounsey,
Denver, CO

MTC–00007124

From: Jerry
To: Microsoft ATR
Date: 1/2/02 6:26pm
Subject: Microsoft settlement

Sirs:

Please LEAVE Microsoft Alone!. I have used their products for years, and I am totally satisfied with them, and the assistance they provide regarding their products when I ask for it. I truly appreciate you looking out for me as a consumer, but I must tell you that Microsoft has done nothing but good things for me, and I see no reason why another software company could not be competitive with them if they so choose to, other than the fact that they have been left in the dust!

Thank you,
Gerald T. Cox
Traverse City, MI

MTC–00007125

From: Ndsieg@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 6:26pm
Subject: Microsoft Settlement

Dear Sir,

Now that the Justice Department has spent untold millions of taxpayer dollars harassing Microsoft and has finally reached a settlement it is time to move on. It appears to me that the Justice Department would have better things to do with its time and money, like fighting terrorists who want to destroy America, than attempting to destroy an innovative company like Microsoft that has contributed mightily to the American economic engine over the past decade.

Sincerely,
Nolan Sieg
ndsieg@aol.com

MTC–00007126

From: Flo Bradley
To: Microsoft ATR
Date: 1/2/02 6:28pm
Subject: Microsoft Settlement

In regards to subject litigation, I have never agreed that Microsoft owed anybody anything. Microsoft does exactly what ever other software giant does. They try to get you to use their products. AOL does exactly that. They have such a monopoly on accessing the internet it is ridiculous. You can't even get to an internet site without having to go to an AOL site first. They put their software in vendors packages and when you install software, AOL gets installed whether you want it or not. This is true of many companies. It's called, marketing. I think whatever happens with this litigation against Microsoft that it is minor. They are what made tech America what it is today. From DOS to windows, it's the American Way.

Florence Bradley

MTC–00007127

From: Richard(038)Lois Chandler
To: Microsoft ATR
Date: 1/2/02 6:29pm
Subject: Microsoft Settlement

Justice Dept. With the world in a recession and the local economy here in the Seattle area tanked, the last thing we need is more lidigation against MS so the trial lawyers make a ton of money and a few states can hope to get some free money for their treasurers. Lets remember that the consumers have never had a problem with MS products. This legal suit was never about the publics complaint with MS. They have just been too sucsessfull for some of their compeditors. . . . Lets get it over and start to improve the tech sector now. . . .

R.A. Chandler
Admark1@msn.com

MTC–00007128

From: Hubert1834@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 6:29pm
Subject: Microsoft Settlement

Please go ahead with the goverment settlement as soon as possible.

MTC–00007130

From: JCofoid@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 6:29pm
Subject: Microsoft Settlement

Settle and let Microsoft get back to what it does best—stimulating the economy!

Jody Cofoid

MTC–00007131

From: Linda N. Chiappetta
To: Microsoft ATR
Date: 1/2/02 6:30pm
Subject: Microsoft settlement

I believe that the settlement should be done as soon as possible. I believe it would be good for the economy. I think it was no coincidence between the decline in the stock market and the DOJ battle last year. I think it would hurt the consumer not to settle. I

think Microsoft should have been praised for being one of the first software companies. Bill Gates is a genius in my eyes and deserves credit for his contribution.

L. Chiappetta
6629 Raleigh St.
Hollywood, FL 33024

MTC–00007132

From: Jrutter44@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 6:30pm
Subject: Microsoft Settlement.

I am happy with the settlement that has been reached with Microsoft. I think the public would be far worse off if there were too many operating systems. The choice of software would be too limited.

Thank you,
John Rutter
64 W Jeffrey Lane
Des Plaines, IL 60018

MTC–00007133

From: John Yuh-Chung Wang
To: Microsoft ATR
Date: 1/2/02 6:31pm
Subject: Microsoft Settlement

This settlement is really good for public. Microsoft can focus again to improve its products, which eventually benefit majority of the public. I also foresee Microsoft's Windows product will continue to dominant in the PC arena. It's good to put some monitoring systems in place that Microsoft will be reminded its obligations and responsibilities. This will greatly benefit the public. Overall, I support the settlement and appraise the steps taken by the department of justice.

Please note the new office phone number below

Tks ! JW
(425) 706–8556 (o)
(425) 785–8891 (c)
http://www.microsoft.com/MSpress

MTC–00007134

From: Ross Hunter
To: Microsoft ATR
Date: 1/2/02 6:30pm
Subject: Microsoft Settlement

I think the settlement is quite reasonable and the rest of the crazy states should get on board and stop beating up on an American icon.

Ross Hunter
8208 Overlake Drive W
Medina, WA 98039

MTC–00007135

From: Dan Dunaway
To: Microsoft ATR
Date: 1/2/02 6:31pm
Subject: Microsoft

Dear wealth re-distributors in the Department of Justice and in rogue states, I do not know the details of the decisions which have gone against MicroSoft. Nor do I understand why you and your ilk have attempted to punish the high-tech industry created by Microsoft with never-ending (and limitless) litigation (paid for by the tax payers) which destroys rather than builds.

I do not need to know those details to recognize criminal extortion by the Federal Government. It is shameful that an enterprise such as Microsoft and a businessman such as Bill Gates, et al are being punished for their hard work and vision, presumably so you can loot their coffers for the benefit of society's dregs and non-contributors. Do you think we can't see what you are doing?

You people should read Ayn Rand's novel ''Atlas Shrugged''. Your actions are merely a cheap replay of her brilliant scenario which truly depicts the brilliance of giants like Bill Gates and the mean-spirited thievery by government bureaucrats disguised as ''social justice.'' Your actions disgust me!

Sincerely,
Daniel H. Dunaway
St. Louis, Missouri 63146

MTC–00007136

From: Shirley Adams
To: Microsoft ATR
Date: 1/2/02 6:31pm
Subject: Litigation

Didn't understand whether to send this to you & you would forward to Rep. Kay Granger Texas or what. I do not have her email to info. Are they back in session? They take more time off than schools & should use time to help our USA hungry children than keep up the litigation time against You.

If they helped less fortunate Americans, like you do, it would benefit us all U.S. citizens.

If more info needed let me know. Thanks for your ear.

Sincerely,
Shirley Adams

MTC–00007137

From: Epbowman1@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 6:32pm
Subject: Microsoft

Please go ahead with the settlement. The government has spent far more money of this case than is reasonable. The other companies just want Microsoft broken up so they can have more of the pie. They don't deserve it. Spend the money on the security of this country and to help NYC get as far back to normal as they can.

MTC–00007138

From: William D. Peterson
To: Microsoft ATR
Date: 1/2/02 6:32pm
Subject: Microsoft settlement

As a home computer user, I was appalled when Microsoft was initially directed to split. Whatever the policies of Microwave were, they did not hurt the consumer. In a period of great inovative expansion, the competition was very intense. Many companies did well, some failed, but Microsoft continued to offer new solutions at afforadble prices. Isn't that what ''free enterprise is supposed to do?''

Therefore I was pleased to see a final settlement that required certain chages in the Microsoft Company poicies, but allowed the company to continue in a way that will provide new invations in the future.

William D. Peterson

MTC–00007139

From: CEJr48@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 6:34pm
Subject: (no subject)

This is a trivial issue since it only affects people who buy a computer once every 3 or 4 years. The largest monopoly in the history of our country that costs everyone in the US every day of every year is the health care business.

DO SOMETHING!

MTC–00007140

From: zigory@columbia.edu@inetgw
To: Microsoft ATR
Date: 1/2/02 6:35pm
Subject: Microsoft Settlement

Dear Sir:

I believe the Microsoft Settlement should be accepted. This company, which has enriched stockholders and raised the productive capacity of this country and the world, should not be punished for its success. Ideally the whole case should be dismissed, but at the very least I urge the acceptance of the settlement and dropping the harassment of a company that does so much good. Its competitors are seeking unfair advantage by having the government force their limitations on Microsoft, while Microsoft has never had any power to, nor tried to, forcibly keep its competitors from succeeding.

Sincerely,
Greg Zeigerson
216 Walnut Street
Garwood, NJ 07027
(908) 654–3496
CC:zigory@columbia.edu@inetgw

MTC–00007141

From: bernie
To: Microsoft ATR
Date: 1/2/02 6:24pm
Subject: Microsoft Settlement

I strongly the proposed mcrosoft settlement as it was made. The A. G's from the states that dont agree want a ''freebie'' like the anti-smokers. I've had and used Microsoft products for many years and believe that the competitors that want to smash it have no complaints because anything that they offered wasn't what the users wanted.

Sincerely yours
Bernard Borow @ bernie@quiknet.com

MTC–00007142

From: Richman, David
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 6:36pm
Subject: Microsoft

It is a shame that our Government wastes so much time, energy and money on such frivolous matters as this. Microsoft has created for our citizenry, both directly and through a trickle-down effect, a virtually immeasurable amount of wealth, productivity, employment and cause to pursue entrepreneurial aspirations. Limiting Microsoft's pursuit of providing shareholders—and for that matter the public at large, the full effect of the Company's best efforts is at best poor government. I feel that our society should remain one that is both Capitalistic and Democratic to its core. This means that sometimes the labors of some give them advantages over others. To take away Microsoft's ability to labor to its fullest muddles the core of our society. We will look back someday and realize it was a mistake.

Wouldn't it be wonderful if those that so vocally call upon the Constitution as justification for twisted action held those unbendable words in higher esteem?

David Richman
d.richman@verizon.net

MTC–00007143

From: Addison Hawley
To: Microsoft ATR
Date: 1/2/02 6:37pm
Subject: Microsoft Settlement

To Whom It May Concern,

I understand that comments on the proposed settlement of the Department of Justice vs Microsoft lawsuit are in order. This being the case—Please believe that those of us trying to get the best value out of our computers on a daily basis for both business and personal benefit are in wholeharted support of bring this legal action to a close. A solution is long over due abd even if the proposed settlement is not in the best interest of all (Meaning each individual) it certainly is a compromise that is in the best interest of the ''Total Community of Operating System Users''. Continued delay will only add to the untimate cost of the settlement which in the end result will then at some point be paid by the USERS. Enough is enough, let's get both the government (DOJ) and Microsoft back to work on productive activity aimed at the future.

Thank you for listening.

Sincerely,

Addison Hawley
arhawley@msn.com

MTC–00007144

From: gene schnelz
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/2/02 6:33pm
Subject: Microsoft Settlement

I heartily concur with the settlement as proposed. It is a must for our economy!

MTC–00007145

From: YANKRERE@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 6:36pm
Subject: (no subject)

I believe the settlement should be honored.

Yours Truly,

Jack Naparstek
yankrere@aol.com

MTC–00007146

From: LELAND C DAVIS, Jr.
To: Microsoft ATR
Date: 1/2/02 6:37pm
Subject: Settlement-Microsoft

To Whom it May Concern: I certainly hope that the agreement on the the above issue that has tentatively been agreed upon comes to fruition. As far as I'm concerned the matter has been debated in full and now must be finalized. The American public deserves and desires to end this confrontation.

LELAND ''LEE'' DAVIS. Jr.

MTC–00007147

From: ALEDTHEBO@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 6:39pm
Subject: MICROSOFT SETTLEMENT

The ''current'' Court of Appeals Ruling is reasonable and fair to all parties involved and should stand.

Edward & Alice Thebo
2 Fen Court
Savannah, GA 31411
CC:ALEDTHEBO@aol.com@inetgw

MTC–00007148

From: John Carter
To: Microsoft ATR
Date: 1/2/02 6:38pm
Subject: Microsoft Settlement

To further chastize the innovative goose[Microsoft] that has laid so many golden eggs,instigated and promulgated by a few worthy and not so worthy competitors and their lobbyists,legal and otherwise,would be,in my opinion, tantamount to a national disaster of our cherished environment of creativity.

John R. Carter,M.D.Get more from the Web. FREE MSN Explorer download : http://explorer.msn.com

MTC–00007149

From: DGabay1043@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 6:39pm
Subject: Microsoft Settlement

Hello.

I feel that it is time for the Government to patch things up with Microsoft. This problem that the Government created and then put the blame on Microsoft has done nothing but make my stocks go under the door mat. Please accept this settlement and lets move forward in 2002.

Joe Bowyer

MTC–00007150

From: Larry J.Schexnaydre
To: Microsoft ATR
Date: 1/2/02 6:38pm
Subject: Microsoft Settlement

I'm of firm belief that the settlement of the litigation against Microsoft was fair and equitable to all parties involved any more litigation would be very harmful to the economy and our Country .

Larry J. Schexnaydre
160 Murray Hill Dr.
Destrehan,La.70047

MTC–00007151

From: David Felske
To: Microsoft ATR
Date: 1/2/02 6:38pm
Subject: MS settlement

I agree that settlement now is best for consumers, industry and our economy. Please end this litigation.

Sincerely,

David E. Felske
22532 N Sonora Lane
Sun City West,AZ 85375

MTC–00007152

From: Richard Saul
To: Microsoft ATR
Date: 1/2/02 6:38pm
Subject: settle with Microsoft

MTC–00007153

From: Hazel (038) Mike
To: Microsoft ATR
Date: 1/2/02 6:38pm
Subject: microsoft settlement

Just a note to say that as taxpayers we hope that the suit against Microsoft can be settled quickly and expeditiously. It would help not only investor confidence in the markets, but would send a clear message that entrepreneurs should feel free to continue to take business risks in this country and not offshore.

Some states will hold out forever if it puts more $$ in their coffers. Please lets get this problem off our backs and get on with being free in America.

Mike and Hazel Pearce
Silverdale WA. 98383

MTC–00007154

From: Chris Schwarz
To: Microsoft ATR
Date: 1/2/02 6:38pm
Subject: Microsoft Settlement

I feel your should go very easy on Microsoft and settle this case. Any further litigation/punitive damages toward Microsoft would only slow down the technology growth sector and would further slow down the world as a whole. They have been instrumental in creating technology innovations and developing the use of the internet.

AOL would not be where it is today if Microsoft had not been around.

There would not be millions of computer users.

Libraries would not have internet resources.

We are at a turning point in history and only you can do the right thing. Chris

MTC–00007155

From: Wesley Lum
To: Microsoft ATR
Date: 1/2/02 6:38pm
Subject: Microsoft Settlement

To whom it may concern,

I think this issue has dragged on for too long. I hope that you are considering the current marketplace, and view practices of other companies such as AOL Time Warner, in the same light—in fact, I'm more worried about their domination of the Media industry than Microsoft. Please allow the settlement to go through, in today's EXTREMELY competetive marketplace, this trial has already hurt Microsoft a lot. Let's bring a close to events from 2001.

wesley c. lum
wlum@hawaii.edu
http://www2.hawaii.edu/wlum

MTC–00007156

From: Bruno Sartirana
To: Microsoft ATR
Date: 1/2/02 6:39pm
Subject: Microsoft Settlement

Dear Sir or Madam,

I found the Microsoft Settlement fair and in the best interest of both consumers and the computer industry. I hope that the States that have not agreed yet will settle on the same terms and stop wasting public money to the sole benefit of special interest groups. I speak as both a consumer and a service provider that appreciates the innovation and low prices only offered by Microsoft.

Thank you.

Sincerely,

Bruno Sartirana
President
Apogeo, Inc.
Software Consulting
19925 Stevens Creek Blvd.
Cupertino, CA 95014
Tel: 408–725–7504
Fax: 408–734–1657
Web: www.apogeo.com
Mail: info@apogeo.com

MTC–00007157

From: RMorris550@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 6:41pm
Subject: microsoft settlement

Dear Sirs,

I think the settlement agreed on by the justice department and nine of the states is fair . I also think it would be good to go ahead and settle this and move on.

Cebron R. Morris

MTC–00007158

From: JoeSapman@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 6:40pm
Subject: Microsoft Settlement

Dear Sirs/Madams;

Please note that I support Microsoft's position in the antitrust case.

Joseph Sapienza
Park Ridge, IL

MTC–00007159

From: William Storey
To: Microsoft ATR
Date: 1/2/02 6:40pm
Subject: The Microsoft Settlement

TWIMC:

Having watched this case for years, I thought you should know that I support the settlement, and oppose all efforts by the states, particularly the AG's from Connecticut and California (my home state), to levy additional penalties on Microsoft.

I think the case was a farce from the start, and nothing more than an attempt by Sun Microsystems and others to get the government to defeat a company they could not beat in the free market. The sooner this case is ended, the better.

Sincerely,
William L. Storey

MTC–00007160

From: Larry Pitts
To: Microsoft ATR
Date: 1/2/02 6:41pm
Subject: Microsoft Settlement

I want to cast my vote for the recommended settlement of the Microsoft company and I personally do recommend any further litigation. Forward March.

L Pitts

MTC–00007161

From: Bridgetb@bridgetb.com@inetgw
To: Microsoft ATR
Date: 1/2/02 6:42pm
Subject: Microsoft Settlement

Hello,

A reasonable settlement has finally been found. After all the time and money put towards this effort, I believe we are all at a place where we need to settle this case and start focusing on building a strong and safe America for the future.

I applaud the intense push for settlement. When pushed hard enough, it's amazing what both sides can do together.

Thank You,
Bridget Bakken

MTC–00007162

From: J. Cashwell
To: Microsoft ATR
Date: 1/2/02 6:40pm
Subject: Microsoft Settlement

To Whom this Concerns,

My personal opinion of the suit against Microsoft is that it should have never happened! As a consumer I have a choice to buy or not to buy a company's product. I have a lot of Microsoft software and until another company can prove to me that their software is superior to Microsoft's and easier to integrate and use, I will continue to use Microsoft products. Microsoft has an overwhelming following and thus market share because they produce and support a superior product. I have tried the ''competitions'' software and was not impressed when compared to Microsoft software. If a company wants a hefty chunk of the market and has to compete with an industry leader then they better make a product that is far superior and more affordable than the industry leader's product until they have unseated the leader and afterwards they had better keep the standards up. The ''bundled'' software did not force me to use anything I didn't want to use. I could install and run another companies software if I felt the need. If anything, the bundled software was more convenient to me as a consumer. I believe there are a few bottoms that need spanking for starting this mess to begin with and Microsoft is not one of them. It reminds me of the spoiled kid on the playground running to Mom crying because little Johnny is faster and smarter when playing tag. In this case, Mom (the government) should have never gotten involved and should have left it up to the kids (the companies) and their friends (the consumers) to work it out on the playground. This country was built to support free enterprise and now we have a major step towards the government having too much control where it doesn't belong. Give the consumer credit! If we don't like something, we aren't going to support/buy the company's products. I won't even get into the fact that there have been so many technological advancements since this suit started. I'm in favor of no action against Microsoft, but since that is an unrealistic expectation, I'm in favor of extreme leniency in terms of a settlement with Microsoft and therefore consider what is tabled to be the strongest action that should be exercised against Microsoft.

Respectfully,
Judy Cashwell

MTC–00007163

From: Malik Nash
To: Microsoft ATR
Date: 1/2/02 6:42pm
Subject: Microsoft Settlement

To Whom It May Concern:

The terms of the proposed settlement as they currently exist are far too lenient to provide an effective remedy to monopolistic practices by Microsoft. It completely fails to address the most egregious abuses committed by Microsoft. It leaves intact the most serious liabilities that competitors face when confronted with the Microsoft monopoly:

1. The inability of PC makers to fully customize the default appearance of the Windows ''desktop'' as well as the configuration of so-called ''middleware'' components.

2. The inability of independent software developers to obtain information on Microsoft APIs in a timely manner, and without entering into licensing agreements that would make it financially infeasible to develop products that are compatible with Windows.

3. The inability of small developers to feature their products on the Windows desktop. In sum, Microsoft has exercised monopoly power not through the configuration of its own operating system, but rather through the domination of distribution channels, by using a combination of licensing arrangements, pricing schemes and discounts that are explicitly designed to prevent competing products from coming to market. Now, the Justice Department proposes to become complicit in Microsoft's abusive practices and perpetuate the company's ability to obfuscate and evade the law, leaving consumers and businesses with no reasonable prospect of seeing choice restored to the marketplace. Acceptance of the proposed settlement would be an unconscionable capitulation to unrestrained greed. I urge the Justice Department to uphold it's trust, and create an effective solution that will restore fair competition.

Sincerely,
Otha M. Nash
Columbia, SC

MTC–00007164

From: Ruth Lorenz
To: Microsoft ATR
Date: 1/2/02 6:42pm
Subject: Microsoft Settlement

Gentlemen:

For the good of our country and the economy, I believe it is time to move forward and approve the settlement agreed upon by all parties. Let us not drag this on any longer in the courts. We need to concentrate on building up the economy and strengthening our country for the future of our children and grandchildren.

Sincerely,
R. Lorenz

MTC–00007165

From: Tony Sabbadini
To: Microsoft ATR
Date: 1/2/02 6:41pm
Subject: Microsoft Settlement

Dear United States Department of Justice,

Thank you for showing concern for the American consumer with regard to the Microsoft Anti-trust case. As a consumer, however, I feel that by opposing the recent settlement between Microsoft and the US DOJ, one lengthens an already costly trial and

casts more uncertainty over our economy. The settlement addresses the most important issue that originally brought about the anti-trust case: Microsoft's bullying of the original equipment manufacturers (OEMs). Under the proposed settlement, Microsoft can no longer punish (by raising prices) the OEMs for offering competing software vendors' products on the Windows Desktop. To make sure Microsoft acquiesces, three on-site compliance agents will monitor the company closely. These steps have a net effect of offering the consumer more choice. Thankfully, the settlement does not place any bundling restrictions on Microsoft. Although many criticize this Microsoft practice (primarily competitors...), bundling gives the software customer seamless integration and a lower total cost of ownership. If Microsoft has done anything to benefit the software customer, it has created a platform universally available across the world at a relatively low price. I urge the adoption of the settlement.

Thank you,
Tony Sabbadini
(650) 345–9551

MTC–00007166

From: David Sanders
To: Microsoft ATR
Date: 1/2/02 6:42pm
Subject: Microsoft Settlement

Gentlemen, The lawsuit was initiated far too early in the life of a new company-Microsoft. The company has grown rapidly and has gained substantial marketshare but at the same time it created vast numbers of job and enterprise opportunities for others. And competition was beginning to rise up against Microsoft. If the company had been left alone natural competitive forces probably arisen evened the playing field. In any event enough damage has now been done to Microsoft and to the economy. Lets put it behind us and wind up the affair.

David L. Samders
davidlsanders@msn.com

MTC–00007167

From: JELowell@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 6:43pm
Subject: Microsoft settlement
To Whom It May Concern:

I believe the Microsoft antitrust suit should be settled in its present form. We were told the break up of Microsoft would increase competition and improve the prospects of other companies in the tech area. It is interesting to note that, based on the stock market, it has had absolutely the opposite effect. Judge Jackson's decision, when announced, caused the market to go down not up. Let's conclude this matter now. It will help the economy recover.

Jim Lowell

MTC–00007168

From: Patrick Halstead
To: Microsoft ATR
Date: 1/2/02 6:43pm
Subject: Microsoft Settlement

I have reviewed the documents related to the settlement, and would like to comment that I strongly favor a settlement in the Microsoft case.

Sincerely,
Patrick Halstead
Kirkland, WA 98033
425 739 9447

MTC–00007169

From: Gregory Markow
To: Microsoft ATR
Date: 1/2/02 6:44pm
Subject: Microsoft Settlement

Gregory Markow
114 Giffords Lane
Staten Island, New York 10308
631–831–6438

To whom it may concern:

I have been employed in the Information Technology industry for just over two decades. Prior to Microsoft Windows and Office becoming popular, the industry was dominated by another company who delivered excellent products and services. It was a company that epitomized the ???Made in America??? slogan even before it became fashionable. That company was and still is a great company. It was also the subject of an antitrust suit before such suits were seen as sources of income and revenue by litigants and their representatives. That company is named IBM and it agreed to operate under a consent decree for its good and the good of America.

I am also a Microsoft shareholder. I am an expert in the industry and elected to purchase Microsoft shares because I saw in Microsoft a company that embodied the spirit of American innovation and business leadership. I admire the companies??? leadership and their commitment to constantly providing more product capabilities at a good value-for-dollar.

Microsoft???s products became predominant in the industry not because of an abuse of market share but because Microsoft provided the best products. I personally worked with almost all of the IBM mainframe operating systems and products. I also personally worked with almost all the various Unix and PC operating systems, development tools and desktop products. Microsoft consistently provided products that met or exceeded industry expectations.

I believe that the States are being motivated by the possibility of large settlements similar to those of the Tobacco industry. The Microsoft competitors who are trying to extract a harsher penalty are those who cannot compete in the market and therefore must resort to the government and the courts. I was a Unix systems programmer and I must tell you that Windows was always and is today far easier to work with and configure than any Sun configuration; take a look at the cost difference between Sun administrators and Windows 2000 administrators. You will find that everything in the Sun Solaris market space to be more expensive. I was also an Oracle database designer. We used to joke about Oracle. We said that Oracle ran on everything but did not run well on anything. Oracle gained market share because it had little competition in its market space. I would offer that the companies who are lobbying against a Microsoft settlement are all suffering from Gates envy. The CEO???s of Sun and Oracle disgust me by their petty words and actions; I am also an Oracle shareholder. Microsoft is a great company and it is also a monopoly. The DOJ should apply restrictions and monitor the company so that it cannot use its monopoly position to gain unfair advantage. Microsoft does have the right to compete aggressively. This is after all, America.

It is also interesting to note that because Microsoft is the current legal target of the aforementioned competitors that they and the DOJ are neglecting another monopoly company; IBM. IBM has no competition in the mainframe market space. Such competition ended with the demise of Amdahl. I would offer that both Sun and Oracle are beginning to take note of IBM because of the inroads that it is making into their market share. I would also suggest that they will shortly come crying to the DOJ and stating that IBM is competing unfairly.

Truthfully, these are all great American companies. It shames me to watch them fight like children and then call their parents, the Government, when they fairly loose.

Microsoft deserves this settlement. America deserves this settlement. We need to maintain our preeminent position in the Global marketplace.

Thank you all for your hard work and perseverance. You have made me proud, once again, to be an American!

Gregory Markow

MTC–00007170

From: Doug Tilden—MTC Corp
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 6:41pm
Subject: Microsoft Settlement

As user of Microsoft enterprise products, a shareholder in Microsoft and an American who is very concerned with the directions that this case has taken, I urge that the settlement of this case be accomplished.

MTC–00007171

From: Don Farrand
To: Microsoft ATR
Date: 1/2/02 6:47pm
Subject: Microsoft Settlement

Dear Sirs & Madams,

As a teacher trying to help others benefit from the use of the computer I was very frustrated in the 60s, 70s and 80s by the many different languages and programs. Each was useful in its own way—but it was extremely difficult to pass information from one language or program to another.

To compound the issue, each computer manufacturer tried to differentiate itself by issuing its own combination of default software. It was as if each private college tried to differentiate itself by teaching in it's own unique language. Each college could produce useful work within its own people but the useful work would not benefit many because of the difficulty sharing with those beyond a limited confine.

I am most impressed with Microsoft's attemps to provide a wide set of software that can pass information between its parts. I also understand how useful it is for Microsoft to impress on computer manufacturers a set of software standards if that manufacturer is going to include Microsoft software.

For the good of computer users I hope that the current antitrust case can be settled in

such a way that Microsoft can continue its work of making software and computers compatible.

Don Farrand DVFarrand@Prodigy.Net
CC:Don Farrand

MTC–00007172

From: Robert Irvine
To: Microsoft ATR
Date: 1/2/02 6:47pm
Subject: Microsoft Settlement

DOJ

I have been a customer of Microsoft products since 1995. If it were not for their software and help in that was given me, I could not have started and maintained my home business. It is time to settle this case and do something more productive.

Sincerely,
Robert H Irvine
1014 Centre School Way
West Chester, PA 19382–7659
Phone: 610–696–7486
E—mail: Robhirvine@aol.com

MTC–00007173

From: Ron Sargent
To: Microsoft ATR
Date: 1/2/02 6:47pm
Subject: Microsoft Settlement

Dear sirs,

Please settle this outrageous Microsoft lawsuit as soon as possible! Microsoft is one of the best companys that has ever been created in the history of the world and has been responsible for more wealth in the hands of the working man than any other. We in the Pacific Northwest love our company and want to see it proceed with new and innovative products without any more interference from Government! If government is so worried about monopolys dominating the Free Market Place then I suggest you take a closer look at the U.S. Post Office or the Department of Education and clean up their acts before you attack a successful company such as Microsoft. Long live Bill Gates! He is my hero!

Ron Sargent
sargent@techline.com
P.O. Box 1397
Elma, Wa. 98541–1397
1–360–482–6305

MTC–00007174

From: Robert Furry
To: Microsoft ATR
Date: 1/2/02 6:54pm
Subject: Microsoft Settlement

Gentlemen:

As a concerned citizen and head of a small company computerized Information System, I feel that a settlement with Microsoft would be in the best interests of the consumer. We use Microsoft products, as well as others, to handle our day-to-day operations. It seems that as long as the litigation stretches out, we are at a standstill for better and better software products.

It will cost us not only valuable time not spent on development, but also increased tax dollars to litigate as well as increased costs for future Microsoft products. We, as consumers, are in a no win situation faced with additional costs from both ends.

To a large extent, the federal government has standardized on Microsoft's Software as the choice for word processing, operating systems, spreadsheet applications, etc. used in conducting its business. The decisions formulated by government purchasing departments to buy Microsoft products were based on performance and price. Now, to say Microsoft has caused harm by providing better and cheaper products sounds more political than pragmatic. Thank you for considering my views.

Robert W. Furry
470 Leventry Road
Johnstown, PA 15904

MTC–00007175

From: Charles E. Rothera
To: Microsoft ATR
Date: 1/2/02 6:49pm
Subject: Microsoft Settlement

As a teacher, taxpayer and member of the USAR for 15+ years, I am not happy with the way the Microsoft suit has been handled. I also am sure this problem has had a negative effect on the value of our young daughter's stock in Microsoft. This court battle must end and it seems to me after reading many pages of the complaint, that a few jelous companies have been trying to destroy the innovative leader that Microsoft has been to the detriment of stockholders and consumers like us.

Thank you for your time,
Charles Rothera

MTC–00007176

From: jabien
To: Microsoft ATR
Date: 1/2/02 6:47pm
Subject: I appreciate the chance to voice my opinion on the Microsoft case.

My feeling is that we have come t I appreciate the chance to voice my opinion on the Microsoft case. My feeling is that we have come to a sad affair in this country when a few companies in California can influence congress and the justice department of Clinton administration. What that was all about anyway besides saying if you can not compete on your own merit go and collect flavors from local politicians. So here we are 3+years down the road, we are still going over the same old tired ground. The cartoon that showed the boys from California running to big government to solve they short coming, had it right. Personally I was never forced into using any part of a Microsoft product I did no want to used. I can down load any system from the net, that I please. I know enough about my computer that I can delete any object on it that I find objectable. I am certainly no computer expert. So if I can do it, anyone can. I also find it highly laughable that the AJ's in the remaining states are fighting for what they call the general public interest. It would certainly be interesting to see the tax payer bill that has been run up in the name of so called consumer interest. Personally I would like to see my taxes used in a more responsible why. I feel right now in this time of more important issues that seems to be a case of much to do about nothing other certain lawyers ego's and let justice turn a blind eye. Let 's get on with what important in the U.S. Let the Justice department agreement with Microsoft stand and put the tax payer dollar go towards more important issues.John A. Bien

MTC–00007177

From: David Gayvert
To: Microsoft ATR
Date: 1/2/02 6:50pm
Subject: Microsoft Settlement

Dear Sir/Ma'am:

I am writing to express my strong support for the proposed settlement of the alleged anti-trust case against Microsoft. It is clear that the public interest will be served by putting this most unjust lawsuit to to rest.

It is critical to note that the action against Microsoft was not initiated in response to any significant complaint by consumers at large, but by Microsoft competitors who seek to gain in the courts what they cannot in the marketplace. It is advanced by government officials who seek to enlarge their reputations, and in many cases to fatten their state treasuries at Microsoft's expense. This cynical approach to promoting ''competition'' in fact erodes consumer and investor confidence in free markets and those who excel in them. Microsoft may indeed employ aggressive business practises, but at the end of the day, they earned their dominance in the industry by providing what people want. No one held a gun to my head when I purchased Windows 98 or MS Office, nor have I been prevented from using Netscape as my default web browser in lieu of Explorer.

Real justice would require dropping completely the federal case against Microsoft and reimbursing it for the cost of defending itself against this most prejudiced of actions. As that is not a practical option, I reiterate my support for adoption of the proposed settlement of the case.

Sincerely,
David Gayvert
1775 Regents Park Road
Crofton, MD 21114

MTC–00007178

From: mark@webbiznz.net.nz@inetgw
To: Microsoft ATR
Date: 1/2/02 6:50pm
Subject: Microsoft Settlement

I feel that Microsoft Has done no more than what other companys do, Microsoft shouldn't be hasseled anyfuther. Without Microsoft where would computers be. I fear that if microsoft was broken down than this will cause a globel effect, Inculding slowing the growth of IT as it is today.

For any copyright laws that have been broken by MS than Yes fine them, but leave them alone for creating a good product. They need the money to make it work better...

Mark Dyer
ICQ#: 2964071
Current ICQ status:
<http://web.icq.com/whitepages/online?icq=2964071&img=21>
* Home Tel#: 03 5444322 Mobile Tel#: 027 4115426
* SMS: +27831422964071 / +64274115426

MTC–00007179

From: Charles E. Rothera
To: Microsoft ATR
Date: 1/2/02 6:49pm
Subject: Microsoft Settlement

As a teacher, taxpayer and member of the USAR for 15+ years, I am not happy with the

way the Microsoft suit has been handled. I also am sure this problem has had a negative effect on the value of our young daughter's stock in Microsoft. This court battle must end and it seems to me after reading many pages of the complaint, that a few jealous companies have been trying to destroy the innovative leader that Microsoft has been to the detriment of stockholders and consumers like us.

Thank you for your time,

Charles Rothera

MTC–00007180

From: Don737@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 6:50pm
Subject: Microsoft Settlement

Gentleman,

The subject of the DOJ and Microsoft settlement should be put to rest. It is in the best interest of the public to do so now and let us all get on with the business of rebuilding this country. As a consumer I feel it is in the best interest for all concerned to do so. It's time this countries justice departments should turn their interests towards fighting true evil and not self serving themselves with political bandwagon type of behavior. Get on with the businness of business and do it now.

Captain Don Sherwood, AWA ret.

MTC–00007181

From: MBaney1056@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 6:50pm
Subject: Mcrosoft Settlement

I hope that the settlement agreement being reached with Microsoft can be used as a way to correct an unfair antitrust ruling. I have always found Microsoft and it's products to be fairly priced and innovative. I have never felt compelled to use them due to lack of competition. I feel that Sun and others are using unfair lobbying in a sour grapes attempt to sway the DOJ. I believe in free and open markets whereby the strongest survive. Minimal goverment interference in business keeps innovation alive. Please keep this in mind during your negotiations so that the next guy inventing something in his garage can proceed without fear.

Michael J Baney

MTC–00007182

From: Z.G. Liang
To: Microsoft ATR
Date: 1/2/02 6:51pm
Subject: good settlement

MTC–00007183

From: Lou Incantalupo
To: Microsoft ATR
Date: 1/2/02 6:51pm
Subject: Microsoft Settlement

Please conclude the settlement of the Microsoft case ASAP to save taxpayers additional cost of litigation.

Thank you,

Louis Incantalupo

MTC–00007184

From: Genfam@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 6:52pm
Subject: microsoft settlement

dear sirs please, to more litigation of microsoft. i believe the government settlement is just and fair. enough is enough. phillip and barbara gendreau

MTC–00007185

From: DonBuesenSR@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 6:51pm
Subject: Microsoft settlement

This settlement is fair to all. PLEASE NO MORE LITIGATION ! Let us get on with our life. consumer: Don J. Buesen

MTC–00007186

From: amedeo60@juno.com@inetgw
To: Microsoft ATR
Date: 1/2/02 6:53pm
Subject: Microsoft Settlement

From A. Pozzuoli Clifton, NJ E mail, amedeo60@juno.com Message. I feel that the settlement is fair and balanced. Microsoft did do the engineering and research, therefore they should be entitiled to the rewards. Tell the competitors to do their own homework.

MTC–00007187

From: William Wassinger
To: Microsoft ATR
Date: 1/2/02 6:16pm
Subject: microsoft settlement

Please leave Microsoft alone.

I like the fact they bundle things in. It makes things very easy for me. It would be like buying a car then having to go find an engine then a transmission and so on.

Let them do there job and you go catch terrorists.

William R. Wassinger
Rt. 2 Box 2012
Wister, Ok 74966.

MTC–00007188

From: WRImpey@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 6:54pm
Subject: Microsoft Settlement

Dear Government Officials:

Please quickly settle the Microsoft government lawsuit and let Microsoft get back to their business of providing consumers, such as myself, with outstanding software products.

In my opinion, there never was an antitrust problem with Microsoft—beyond the politics of incompetence and total lack of understanding of the dynamics of business. Microsoft has provided consumers with outstanding products at a fair price. That is why their market share is high. That is also the basis of competition in a free market economy.

It is time to let Microsoft get back to their business of developing excellent software products—without government interference. Consumers have generally benefited by Microsoft's aggressive stance in the marketplace, and it time to finally resolve this issue. Microsoft's marketplace strength globally is in my opinion an asset to the US, which should not be aided by government, but neither should its progress be impeded through legalistic harassment.

William Impey

MTC–00007189

From: Z.G. Liang
To: Microsoft ATR
Date: 1/2/02 6:55pm
Subject: good settlement

DOJ:

The settlement of the case is good, I totally agree with the settlement. It is good for all cosumers and the economy in the USA.

Zhiguo Liang

MTC–00007190

From: Boingram@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 6:54pm
Subject: Microsoft Settlement

Please do not spend more of my tax dollars disrupting Microsoft. Settle this issue.

MTC–00007191

From: Louis Hapeshis
To: Microsoft ATR
Date: 1/2/02 6:55pm
Subject: Microsoft Settlement

I think the setttlement was fair. This country has much more to be concerned about than restricting the innovation of a comapany like Microsoft. Microsoft has totally changed our way of life for the better, and should be allowed to continue their innovation for the benefit of all.

Louis G. Hapeshis, III

MTC–00007192

From: Stephen Bubanovich
To: Microsoft ATR
Date: 1/2/02 6:54pm
Subject: Microsoft Settlement

Gentlemen:

I believe that the Microsoft case should be settled now without further litigation. Microsoft has sufficient penalties in the settlement and further litigation would not be helpful to the industry, the consumer or stockholders.

Sincerely,
Stephen P. Bubanovich
Home:
16052 Baywood Lane
Granger, IN 46530
Voice: 219–277–8304
Fax: 219–247–1241
Mobile: 219–286–5258
Email: steve@bubanovich.net

MTC–00007193

From: Sylvia Sur
To: Microsoft ATR
Date: 1/2/02 6:55pm
Subject: Microsoft Settlement

I hope that the Department of Justice is going to accept this settlement and move away from looking at Microsoft as the enemy to seeing Microsoft as the company that made computing affordable and accessible to all.

I have some anti Microsoft friends who complain about the prices of software from companies like Quark Express, or Adobe who own their market niches and where Microsoft has no competitive entry products. The competitive software sells for $600 on the average street price.

Whereas Microsoft sells the operating system and a whole host of applications for less than half that. Any one of these MS products could be sold for a lot more money.

In short, if the Microsoft haters got their dream and managed to destroy this company, we would all pay more for software.

And there are no usable competitive operating systems around. Have you looked at Linux, or BeOS or UNIX lately for ease of use? Most computers nowadays can be configured easily with more than one operating system. I do not see anyone doing this in spite of how easy it would be to have a machine that runs Windows and UNIX say. The other OS are really for computer experts to install and use. For most people, Windows is the easiest and most capable thing there is.

Please let us honor this settlement and end this ongoing battle with one of the great companies in the USA. We have all suffered a lot financial loss in our 401K plans with what happened to the stock price of MS. The supposed savings from this lawsuit will never come close to restoring 1% of that loss.

Sylvia Sur
2177 Kenilworth Ave
Los Angeles, CA 90039

MTC–00007194

From: terry clear
To: Microsoft ATR
Date: 1/2/02 6:55pm
Subject: Microsoft Settlement

The entire case against Microsoft should be dropped. Microsoft has not harmed any person or company or state. All are free to use Microsoft's products or those of their competitors. My employer uses Netscape Navigator as the company browser.

Any person or company is free to create and market superior products. Let them do so. No person, company, or state has been harmed by Microsoft. Drop the entire case.

MTC–00007195

From: Orie Kelm
To: Microsoft ATR
Date: 1/2/02 6:52pm
Subject: Microsoft Settlement

The Settlement between the US Government and Microsoft appears proper to me. There should be no further action taken against Microsoft. Microsoft has not harmed me (the consumer) in its marketing policies and I appreciate the development of an operating system and internet browser that works well together. I am old enough to remember the old CPM operating system and I do not want to go back to that wilderness where everyone had a different system and could not interchange information easily. Enough is enough and no further action should be taken.

The only people profiting from further action are the competitors who have pressured the politicians to harass Microsoft, rather than developing a better system. The Government has outlined the procedures Microsoft must follow and has installed a costly monitoring organization to keep watch. That is more than enough!!

Orie Kelm
216 Timberland Cir
Kingsport, Tn 37664

MTC–00007196

From: wendy willson
To: Microsoft ATR
Date: 1/2/02 6:56pm
Subject: Settlement, PLEASE!!!!

To Whom It May Concern @ the DOJ;

This settlement with Microsoft IS fair and just. Please put an end to this endless litigation and let the FREE market operate as it was meant to.

Sincerely,

Wendy L. Willson (a Microsoft shareholder and, probably like you, a Microsoft-products user!) P.S. Incidentally, with Windows XP, I have had no problem what-so-ever using Realnetworks' products nor Corel Wordperfect. I have seen no conflict or ''usurping of power'' at all. They fixed it (those problems with Windows 98) and I can configure my computer any way I like. Case closed!!

MTC–00007197

From: Lloydage1@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 6:56pm
Subject: Microsoft settlement

The government has alraedy done enough damage to Microsoft and other industries, in plain English, lay off!!! Go on sabbatical for @ 10 years and leave the populace alone with your greed for dollars at any cost. You're obtrusive enough with your par-tisan politics and disregard for the country as it stands now. Please, STOP!

MTC–00007198

From: Norman Leathers
To: Microsoft ATR
Date: 1/2/02 6:56pm
Subject: Microsoft

It is about time to get on with more important government business than dragging the law suite against Microsoft though the courts any longer at great expense to the people of this country for the benefit of lawyers and special interest groups. At least Microsoft has provided a standard of quality that other firms only dream of and the standards established by Microsoft have made the business of operating computers between computers much easier. If the government wants to spend some money they can start with all the hard things they never want to face up to: education, health care, retirement etc. Let Microsoft pay its fine as established and get on with it.

MTC–00007199

From: RThom59551@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 6:55pm
Subject: Microsoft Settlement

Gentlemen and Ladies,

Lets settle this once and for all. Its time to move on. The proposed settlement should be accepted by all parties just the way it is.

Respectfully,
Robert Thompson

MTC–00007200

From: Fletch (038) Jerry Burrus
To: Microsoft ATR
Date: 1/2/02 6:58pm
Subject: Microsoft settlement

In our opinion Microsoft, with it's magnificent innovative techniques, is responsible for the United States being the leader in the new technical age. Please do all you can to settle this painful excercise in industrial jealousy. We must somehow get this disgraceful matter behind us and laud new techniques and innovations rather than punish them.

Fletcher and Jerry Burrus
7332-B- Huntsmen Circle
Anchorage, Ak 99518
(907)344–5020

MTC–00007201

From: Cheridial@cs.com@inetgw
To: Microsoft ATR
Date: 1/2/02 6:57pm
Subject: Microsoft Settlement

Please let the settlement that has been ironed out go through. I think enough time has been wasted on this. Let settle and move on. We need to get back to fair competition and innovation.

Thank you,
Cheri Dial
Schaumburg, IL

MTC–00007202

From: robertmanning
To: Microsoft ATR
Date: 1/2/02 6:57pm
Subject: Microsoft Settlement

Wednesday, January 2, 2002

To Whom It May Concern:

I would like to say that it is time to settle the Microsoft affair. I believe that they have been unfairly hit upon and it is time to settle this affair and move on. I do think that the settlement as proposed is fair but the sad part is that this whole thing should never have happened. America cannot lose its creativity and innovation. We must not punish those that prosper just because they have prospered. I think that a bad thing has been done by this whole affair and hope it will not stop other smart people from acting on their own inventions and bright ideas.

Sincerely,
Betty Manning
Houston, Texas

MTC–00007203

From: Kim S. Frazho
To: Microsoft ATR
Date: 1/2/02 6:57pm
Subject: Microsoft Settlement

To Whom it May Concern,

The proposed settlement in the Microsoft case will lay to rest an issue that has been granted too much time and money already. It will better serve the public as well as industry if the case is closed and we move on to help get the country back on it feet again. With the events of 11 September still very fresh in our minds, let's move past this problem and start working on other more important issues facing our economy, industry and the nation. Further litigation will only pour good money (and energy) after bad.

Please settle the case and start fighting those who will bring down our society rather than one who has gone to great lengths to make it better.

Let's think of Microsoft as we do our country...It isn't perfect, but it's better than the rest.

Thank you for allowing me to express my opinions, I can only hope they will do some small good.

Kim Frazho
105 Michigan Ave.
Houghton Lake, MI 48629 989.366.6000

MTC–00007204

From: niewijk

To: Microsoft ATR
Date: 1/2/02 6:58pm
Subject: microsoft settlement

I would like the U.S. Department of justice to know my opinion on the the Microsoft case. I am a business owner myself, having run our family business for 43 years. I know what it is like for competitors to ''cry foul'' and spend their time chipping away at the integrity of my business rather than producing a ''better mousetrap''. Let's not let the same thing happen to the tech industry that happened to the U.S. automakers in the late seventies and early eighties. Let's let the ''mop flop'' where it will in this technology war.

PLEASE LET THE BEST COMPANIES COMPETE!!!

LEAVE MICROSOFT ALONE! IF THESE ''WHINERS'' CAN'T STAND THE HEAT, THEY NEED TO GET OUT OF THE KITCHEN. THANK YOU FOR THE OPPORTUNITY.

Sincerely, David Niewiek
PARIS MOTORS INC.
GRAND RAPIDS MI 49548
6162925008

MTC–00007205

From: PPallette@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 6:59pm
Subject: MICROSOFT SETTLEMENT

DOJ: In my opinion, it is time for us to get on with business. Microsoft should never have been indicted in the first place. Yes, they are tough, agressive competitors. But the witch hunt which was begun during the Clinton Administration was political, and was precipitated by a couple of cry babies named Larry Ellison and Scott McNealy. I am a share holder in Microsoft, Oracle, and Sun Microsystems. While Gates and Ballmer continue to innovate and look to the future, Ellison and McNealy wallow in self pity. One need only look at their annual reports and stock prices to see who's on the right track. Intense competition is the American way. Let the judgement stand, counsel the nine renegade states to get aboard with the rest of our country, and let's encourage the technology industry to do what they do best—innovate. It is an injustice to hold the world's economies hostage—to any degree—to this ill-found litigation which was based on feeble claims by Ellison and McNealy, and carried out—but never proven—by litigators influenced by personal agendas, and an industry vendetta. I encourage you to close the books on this case (no pun intended, as I believe Steve Case was the third proponent of this misdirected prosecution!). Thanks for your consideration. Peter C. Pallette, 01/02/02

CC:S.McNealy@www.sun.com@inetgw,L.Ellison@bigip-www.u...

MTC–00007206

From: ROBERT YOUNG
To: Microsoft ATR
Date: 1/2/02 7:00pm
Subject: Microsoft

As taxpayers we would like you to stop dragging this Microsoft legal action on and on.

Why can't you let a company in America be a success? All this back and forth in court all these years and it probably makes the difference of almost nothing to the consumer—they don't care about it—they just want to have Microsoft left alone.

Microsoft does so much good, keeps so many people employed and you just need to stop making their lives misery and everyone else around the company feel that their government wants to persecute people for their success. Find something else to do and let Microsoft go on doing what they do best—prove that America has the brightest brains and ideas and can lead the world.

Robert and Linda Young

MTC–00007207

From: Kristeph@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 7:01pm
Subject: microsoft settlement

As a taxpayer and consumer, i urge you to push for the agreed settlement with Microsoft and not let the 9 rogue states continue to waste the taxpayers money

sincerely,
Michael Smith

MTC–00007208

From: Scott Stadelhofer
To: Microsoft ATR
Date: 1/2/02 7:02pm
Subject: Microsoft Settlement

Please do everything possible to finish and resolve favorably for the shareholders of Microsoft the case against Microsoft. Too much is at stake in the U.S. economy to delay it any further.

Thank-you.
Scott R. Stadelhofer
sstadelhofer@maranatha.net
703–641–9177

MTC–00007209

From: Steve Cohen
To: Microsoft ATR
Date: 1/2/02 7:01pm
Subject: Microsoft judgement

To Whom it may Concern,

As a private citizen, and user of Microsoft products, I'd like to express my opinion regarding the Microsoft case. As a consumer, I believe that Micrsoft has not harmed me one bit. Quite the contrary, Microsoft has been extremely beneficial to me in my personal and professional life. To carry on bullying this national treasure would certainly be an injustice to the American people. The settlement is very fair, and this should be the end of it. Many of the companies that started this whole mess would not even have existed if it were not for the inovations provided by Microsoft. Microsoft both directly and indirectly are responisible for the fantastic increase in US technology and the jobs it has brought to millions.

During this time of economic uncertainty, we need to put this behind us (and allow Micrsooft to do the same) so we can concentrate on things that are more important.

Regards,
Steve Cohen
46 Oakridge Dr.
Williamsville, NY 14221
716–689–8270

MTC–00007210

From: ANNBILAN@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 7:02pm
Subject: Microsoft Settlement

I believe the Microsoft settlement should be finalized without further action, hearings, or anything else. In these trying times we need to get back to business.

Ann Bilan
P. O. Box 463
Lakewood, CA 90714

MTC–00007211

From: jsb
To: Microsoft ATR
Date: 1/2/02 7:03pm
Subject: microsoft settlement

To whom it may concern: It is time to settle the microsoft case in the interest of the country, the consumer, and the world. Microsoft is providing real and badly needed jobs to our citizens. Please settle this case now. Thank you.

MTC–00007213

From: Bebepgh@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 7:03pm
Subject: Microsoft settlement

Sir,

I am asking the Department of Justice to get the Microsoft issue settled as quickly as possible. This whole thing has taken way too long and is not only not good for Microsoft, but not good for the economy in general. The economy is slow enough right now and waiting for major cases to be settled only makes things worse.

Sincerely,
Barbara Felman
217 S. Lang Ave
Pittsburgh, PA 15208

MTC–00007214

From: Cost-Research
To: Microsoft ATR
Date: 1/2/02 7:05pm
Subject: Microsoft Settlement

Microsoft has done more for the world economy and the way we work than any other company in history, and now you want to punish them. This reminds me of the old kids game King of the Mountain. Once you see someone on top you try to knock them off it makes you popular, and that is what the DOJ is trying to do. These great lawyers are not doing this for the best of the people. They are doing this for very selfish reasons, they are doing this to:

1. Make a name for them self's so that later in private practice can say yes ''I took on Microsoft''.

2. Help a few cry baby companies that can't compete in the market place and don't amount to a hill of beans.

3. Make money for themselves now, and for the future.

4. Get their name publicized.

If Microsoft was as bad as some of the lawyers are trying to make them out to be, all the states would have joined the legal action. As it turned out some did not join because Microsoft is an OK company, others walked away in mid stream, others feel they have taken this as for as they should. How

can you not draw any other conclusion? What makes some state attorney generals think that their state is better than other states? The only reason they want to keep legal action going is to keep their name out there. They are not doing it for me or anyone I know.

It is too bad that a handful of lawyers can create this kind of mess under the protection of our legal system umbrella. A simple vote of all the United States attorney generals which would have represented all the people could have solved the problem. As it is now just a handful of lawyers can keep this thing going for their own benefit.

The small dollar price we all paid for being able to work under one world wide standard is nothing short of amazing. Anybody that feels they been over charged for the operating system is not in touch with reality. Before Microsoft became Microsoft they could have come the all the US citizens and said, for a donation of $200.00 we will write a universally compatible computer program and people would have donated to get this wonderful technology. When computers fist started we had a number of operating systems, none compatible with each other. You had to buy programs and operating systems to match, which was a nightmare.

We learned from the television industry which today has multiple systems, none compatible which each other. Try sending a video camera tape or VCR tape to Europe, it will not work. The same applies to other parts of the world. But today you can write and send a computer program or e-mail to any part of the world and it works. You can down load computer programs to and from any part of the world and it works and the DOJ is messing with this. Not even Netscape browser is compatible with many downloads. Many programmers will not even write websites to include Netscape because it quirky. Anyway I think we should leave Microsoft alone and let them invent new technologies rather than having to battle over what they can or cannot invent.

Cost Research Corporation
2608 Second Ave. #307
Seattle, WA 98121
Phone 425–313–0506
Fax 425–557–6431
Website: www.costresearch.com

MTC–00007215

From: Jim Laurel
To: Microsoft ATR
Date: 1/2/02 7:04pm
Subject: Microsoft Settlement

The settlement proposed by the DOJ is adequate, especially considering that the issues behind this case are ancient history by the standards of the technology industry. The industry has already self-corrected.

While desktop operating systems will always be important, they are no longer the only way to access computing resources, as users increasingly rely on PDAs, mobile phones and other devices to communicate.

In these uncertain economic times, it makes no sense at all to continue persecuting one of the great companies the US has ever produced. Windows is a world standard and let's not forget that it is also an AMERICAN standard.

Judge Kollar-Kotelly should discourage the dissenting States from pursuing the expansion of sanctions against Microsoft and put an end to this case as quickly as possible. We do not need the ongoing uncertainty in the tech sector.

Sincerely,
James P. Laurel
22600 NE 142nd Place
Woodinville, WA 98072

MTC–00007216

From: The Intimidator
To: Microsoft ATR
Date: 1/3/02 7:03pm
Subject: Enough

An agreement has been made and this should be put to rest. I still do not understand how the government is trying to punish a company for using good business strageies to furthur it's products. Put this to rest and use the money you are wasting to good use where it is needed.

MTC–00007217

From: Harvey I. Salwen
To: Microsoft ATR
Date: 1/2/02 7:05pm
Subject: Microsoft Settlement

Dear Sirs or Madams:

I have been using computers since 1980 and clearly remember the chaos that existed in those days. Every application required its own operating system.

At one time, I had seven operating systems.

Microsoft brought order, compatibility, and economy to PCs. It is time for you to respect the adequate settlement that has already been proposed and let Microsoft get back to its business plan. Any further protractions on your part will become a total waste of your time and my money.

Sincerely,
Harvey I. Salwen
817 Brushtown Road
Gwynedd Valley, PA 19437

MTC–00007218

From: JackMitch@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 7:05pm
Subject: Microsoft Settlement

I fully support the proposed settlement of the Microsoft suit. Frankly, as a consumer of computer software for 20 years, I have welcomed Microsoft's role in establishing standards for the industry and providing software products that work at prices that have been very reasonable. I do not feel that I have been harmed or damaged in any way by the way Microsoft has conducted its business.

In the early days of home computing, much of the software was shareware that was written and distributed by individuals or small companies. In most cases these programs could not be integrated with other computer applications. As a result, it was necessary to leave one program before entering another. Because of the absence of any standards, data often had to be entered multiple times to feed the various software applications. If the industry had remained in this condition, home computing would never have grown and developed into the major industry it is today. Thus, in my view, Microsoft's role has been far more beneficial than harmful. I believe it is vitally important to the computing industry and to the U. S. economy as a whole to bring this suit to a conclusion.

John ''Jack'' A. Mitchell III
1897 Beach Avenue
Atlantic Beach, Florida 32233
Telephone: 904–242–8264

MTC–00007219

From: DCBLC@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 7:05pm
Subject: Microsoft Settlement

Please stop wasting taxpayer money, time and effort weakening one of the strongest industries in the USA. The net result of this whole inquisition will be a lot of small investors and taxpayers paying a big legal bill with no measurable benefit to anyone except the law firms and attorneys pursuing the case. Please look at all the external, credible threats to this country and not focus on weakening one of our few strong companies.

MTC–00007220

From: Paul L. Hoon
To: Microsoft
Date: 1/2/02 7:05pm
Subject: Microsoft Settlement.

In regards to the Microsoft settlement, please take my opinion into consideration. I sincerely believe that this settlement is about as fair as it will ever get. I can guarantee that I personally will never purchase anything from those competitors that are causing all the '' stink''. I am also strictly against those States, (including my state of California) whose Attorneys General are helping to break up a company that has hired thousands upon thousands of employees, who help to operate Microsoft which is a great company with one of the best, if not THE best computer operating systems. Sincerely, Paul L. Hoon

MTC–00007221

From: johnnykelly@msn.com@inetgw
To: Microsoft ATR
Date: 1/2/02 7:07pm
Subject: Microsoft Settlement

Please leave Microsoft alone. Let's focus on getting America stronger..not weaker. Kindest regards, John

Kelly Minneapolis, MN

MTC–00007222

From: Lucian Robinson
To: Microsoft ATR
Date: 1/2/02 7:06pm
Subject: microsoft settlrmentt

Please settle this case soon as possiable.

—Lucian Robinson

—klinerkint@earthlink.net

—EarthLink: The #1 provider of the Real Internet.

MTC–00007223

From: Dad
To: 'microsoft.atr@usdoj.gov'
Date: 1/2/02 7:06pm
Subject: Microsoft Settlement

My Opinion,

After 35 years in the Hi-tech business I am getting real tired of ''want-a-be'' companies doing whatever is possible to destroy Microsoft and place themselves in a position to gain on Microsoft's losses.

The settlement should not be time-constrained. Most of Microsoft's objective's have been and continue to be in the best interest of the consumer. They are one of the most agressive, creative companies in the history of Hi-Tech. They could stand to improve their pricing and licensing policies and related costs but should be commended for their approach towards the integration of multiple applications on a common platform. This is good for the consumer.

Although Microsoft doesn't do everything according to the law, they have been enormous contributors to standardization. Those that oppose them should spend more time ''creating'' products that contribute towards their growth rather than spending money looking for a quick ''get-rich'' scheme.

How pathetic it is that when one needs someone to fail in order to allow them to succeed.

Jim Krug Jr

MTC–00007224

From: john breyer
To: Microsoft ATR
Date: 1/2/02 7:07pm
Subject: Microsoft Settlement

Mirosoft was the greatest driver for economic growth; it made computers available to everybody i the world helping the US and global economy. The big beneficiay has been the consumer while the competition tried and continues to try to derail such progress at the average people' expense. It is time to settle along the proposed terms so we can resume economic growth. It is not in the interest of the US and the average consumer to prolong this litigation. John Breyer, average consumer.

MTC–00007225

From: VSRood@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 7:08pm
Subject: Microsoft Settlement

Re: Settlement

I hope that you will let this settlement go through so that the issue is over. The economy needs resolution of the problem, so we can get on with business. This has gone on too long, and has probably had a lot to do with the economy downturn.

Virginia Rood

MTC–00007226

From: etasullivan
To: Microsoft ATR
Date: 1/2/02 7:09pm
Subject: microsoft settlement

Please settle the microsoft case. In this time of economic uncertainty, the last thing we want is for some states and companies to drag out this case ... The argument that these states and companies make that prices would be cheaper only for microsoft dominating the field is bogus. Microsoft has made windows easy to use for the non tech person like me ...

Margaret sullivan.

MTC–00007227

From: Dynator@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 7:10pm
Subject: Microsoft Complaint

DOJ—January 2, 2002

If you can recall, about the time you took Microsoft to court is when the stock market went to hell. You've had enough time to investigate their actions so now lets get into the penalty phase. Microsoft has erred, but it has helped the United States and the World get into the new computer world. Without Microsoft, it may have been another 20 years in finding somebody to get it started. That name might have been IBM!

Sincerely
Len Tralmer
CEO & President
Mastercraft Images

MTC–00007228

From: Frank Montuoro
To: Microsoft ATR
Date: 1/2/02 7:11pm
Subject: We like

Microsoft Settlement
Frank Montuoro

MTC–00007229

From: Randle
To: Microsoft ATR
Date: 1/2/02 7:11pm
Subject: Microsoft Settlement

To Whom It May Concern;

As a taxpayer, I am sick and tired of this MY government using taxpayer funds to harass innovative companies that offer a quality product to consumers. The Justice Department has spent more money over the past few years trying to destroy Bill Gates than they have trying to bring terrorists to justice.

Why does government always try to punish the businesses that work hard, create product, and become successful? Instead, maybe they should take a few pages from Mr. Gates policy manual and try being productive.

Gail Randle
Geronimo, Texas

MTC–00007230

From: Jo Berg
To: Microsoft ATR
Date: 1/2/02 7:12pm
Subject: Microsoft Settlement:

Please consider the consumer and get this monkey off the back of Microsoft.... they have been the recipient of unfair and biased influences from jealous competitors and greedy lawyers. The proposed settlement takes care of the situation. Please do not drag on and on.

Joan Hawkins Berg

a satisfied Microsoft cutomer who uses Netscape Navigator on Windows 98.

MTC–00007231

From: Skipnspud@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 7:12pm
Subject: Re: Vote

I very much agree that the litigation against Microsoft should be ended immediatly I feel that a lot of politics are involved and this should never of gone to litigation. We live within a few miles of Microsoft Headquarters and it has been a great boost to the economy. Not only here in the great Northwest but to the whole country.

I have been a holder of Microsoft stock since 2/25/88.

Please don't let this drag on any longer. We need strong companies in our country. Don't let jealousy rule!!!!!!!!

Signed
Martha and Edward Hammond

MTC–00007232

From: Morton M Vogel
To: Microsoft ATR
Date: 1/2/02 7:11pm
Subject: Microsoft settlement

It is ludicrous to me as average person that this litigation is still continuing. When the US government is satisfied that Microsoft will do and perform in the specified way in the future, why should a handful be allowed to continue to impede any finalization of this matter. Instead of pumping money and effort back in to the economy, the government will continue to expend dollars (really needed else where in the economy) as will Microsoft.

The only people who truly benefit by this continuous ad museum litigation are the lawyers. who deem this as their annuity. Perhaps if limits on legal costs were invoked, settlements will be arrived at a speedy rate. We also see certain states trying to exercise their muscle.

It seem to me that the last time states refused to follow the federal government—dire events followed—are we to relive 1861??? The time to finalize this entire matter is NOW. Our minds, efforts and money should be directed to getting the economy moving forward in both the public and private sectors.

MTC–00007233

From: c777leo@inetmail.att.net@inetgw
To: Microsoft ATR
Date: 1/2/02 7:14pm
Subject: Microsoft Settlement

01/02/02

Ignore the special interests, get on with the agreed settlement. I don't own any Microsoft stock or have any financial interest in the company or affiliated companies.

I'm tired of whiney special interests running this country. The nature of computers, internet and allied industries is such that Microsoft or any other ''big names'' may not be viable within ten years.

No one is served by prolonging this process.

Very Truly Yours,
Stephen A. Sevenich
1241 S. Webster Ave.
Green Bay, WI 54301–3008
(920)–433–0970

MTC–00007234

From: Jar22136@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 7:13pm
Subject: The Injustice of the Microsoft Case

To: The Department Of Justice

I want the government to know that I feel that the original case against microsoft is a major injustice. I feel that competative technology companies that are only interested in improveing their market share by any means possibe and government officials who will do anything to get their name in the news have taken advantage of Microsoft and the justice system for their own advantage. I believe that if all the facts were known, that instead of Microsoft being

dumped on, that these competative companies and the government should be paying penalities to Microsoft. I think that we all owe Microsoft a great deal for being innovative and provided a service which helps us all. I admire Microsoft for being willing to accept some penality just to close out a case which had little merit in the first place in my opinion.

Sincerely,

James Roberts

MTC–00007235

From: eric riss
To: Microsoft ATR
Date: 1/2/02 7:14pm
Subject: Microsoft Settelment

The Microsoft settlement should proceed and this long case should finally be settled. The last thing we need is more litigation.

Eric Riss, Ph.D.

MTC–00007236

From: Gordon (038) Dorothy Day
To: Microsoft ATR
Date: 1/2/02 7:16pm
Subject: microsoft setlement

I support Microsoft 100% and feel the government is complety wrong in trying to destrory the company.

Gordon H. Day, Lodi, Calif

MTC–00007237

From: Marge310 Lawlor
To: Microsoft ATR
Date: 1/2/02 7:15pm
Subject: Settlement of Case

I was happy to hear that finally, the Government and Microsoft had come to a decision to settle the case against Microsoft. I don't know what the reason is behind some of the states that feel that they should receive more than they are being offered.

I feel that this was a mischievous act by the previous administration to help Microsoft competitors. I never really felt that there was a case against Microsoft; since all the information I heard about it was untrue. Unless there was something more going on than the government or Microsoft would talk about. I just don't understand and I hope that this administration has come to a rational conclusion and finally will end this ridiculous lawsuit.

Thank you for your at least listening to an individual voter.

Margaret M. Lawlor
5617 South Homan Avenue
Chicago, IL 606029

MTC–00007238

From: SENGALG@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 7:15pm
Subject: MICROSOFT SETTLEMENT

I BELIEVE THAT THE GOVERNMENT SHOULD SETTLE THIS CASE AGAINST MICROSOFT, IT HAS GONE ON FAR TOO LONG, AND BELIEVE A SETTLEMENT IS NECESSARY FOR THE WELFARE OF THE COUNTRY AND THE CONSUMER..

THANK YOU
AGNES GILBERTI

MTC–00007239

From: Elaine Mintz
To: Microsoft ATR
Date: 1/2/02 7:15pm
Subject: Microsoft Settlement

Please let this settlement take place. It has dragged on for too long and we are sick of it. The problems with the dot coms all started after Microsoft was attacked and has spiraled downward since then. The dotcoms collapsed and too many people are now without work. The economy is in sad shape. Then September 11 happened and that made it worse. We the American people need to see this over with and let life go on. Microsoft has its faults but they are not guilty of all the accusations of which they have been and continue to be accused. The government needs a scapegoat and they have chosen them since they stand out like such a bright star.

Elaine Mintz

MTC–00007240

From: Charles Perrell
To: Microsoft ATR
Date: 1/2/02 7:16pm
Subject: Microsoft Settlement

Dear Government,

Please drop the case against Microsoft. And use your influence to get the states to drop their actions as well.

I have worked in high tech for 30 years. Microsoft is a great contributor to the user community and to the US economy. It is a terrible misuse of taxpayer money to pursue this case. This case was brought by jealous competitors, envious industry executives, gun-for-hire lawyers and ambitious, overzealous government politicos.

It is bad enough, the damage this case has already caused our economy and Microsoft, but every day of continuance nourishes European anti-American shakedown hacks, who, along with those certain American states, plot further extortion from Microsoft.

DOJ has cost consumers millions in this case to date. Microsoft would have used the money wasted defending itself to have delivered more products/features at lower prices.

I look forward to your earliest remedy by ending the case and admonishing publicly the hyped charges, demagoguery and witch-hunt misuse of the judiciary by Microsoft competitors (Sun, Netscape/AOL, Novell) and their willing state and federal accomplices (Boxer, Feinstein, Hatch, Boyes).

Thank you,
Charles Perrell
Los Altos, CA 94024

MTC–00007241

From: elisabeth evans
To: Microsoft ATR
Date: 1/2/02 7:17pm
Subject: microsoft settlement

Please lety the settlement stand and lets go on to newer and more inovations. Thanks, Elisabeth Evans

MTC–00007242

From: Dutchers
To: Microsoft ATR
Date: 1/2/02 7:16pm
Subject: Microsoft Settlement

Gentlemen and Ladies:

The time has come to settle the Microsoft Anti-trust case. Prolonging now will only bring more special interest groups out of the woodwork who apparently can't stand the thought of direct competition.

You and Microsoft have reached a settlement. Move on with it. Don't permit a continuing platform for a few State AGs to pontificate that they are Saviors of the poor competitors like little ol AOL and Netscape. Don't forget the consumer who will benefit from a quick settlement.

Don Franklin
Vaughn, Wash.

MTC–00007243

From: TobolskiJ@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 7:18pm
Subject: Microsoft settlement

Please stop the stupidity.... Let's get the settlement completed and get the show on the road. I have followed the proceedings for years and cannot believe you have allowed a few destroy what is good for so many. The only people left in the argument are those states that feel they have high tech companies they need to protect. Why should politics get involved with free enterprise?

MTC–00007244

From: lee roberts
To: Microsoft ATR
Date: 1/2/02 7:29pm
Subject: microsoft settllement

i wish thdeptartmant of justice would get off of bill gates' back. he puts out a fine product. why don't you go after guys like BILL CLINTON, now there IS a crook!@!!!!

thank you very much

MTC–00007245

From: Duc Le
To: Microsoft ATR
Date: 1/2/02 7:18pm
Subject: Microsoft Settlement

Dear Department of Justice,

I'd like to speak my opinion on the settlement. I share the views of Microsoft that a settlement is good for consumers, now more than ever before. This serves the public interests and consumers, and there is no need to prolong this litigation that benefits only a few wealthy competitors and stifles innovation.

The industry and the American economy wants a stable and healthy competition, not lawsuits. Thanks.

Sincerely,
Hai-Duc Le
21511 73rd Place W. #1
Edmonds, WA 98026

MTC–00007246

From: Sandy Woolf
To: Microsoft ATR
Date: 1/2/02 7:19pm
Subject: Microsoft Settlement

It is my opinion both as a consumer and a stockholder that it is not in the interest of the public and the economy that the Microsoft case should be further litigated. Special interests within these states still looking for more litigation have no reason not to accept the current settlement. It's time to move forward and consider the public good.

Sincerely yours,
Sandra Woolf
Spring Valley NY 10977

MTC–00007247

From: H. Benjamin Loseth, D.D.S.
To: Microsoft ATR
Date: 1/2/02 7:21pm
Subject: Microsoft Settlement

Microsoft and our court system has spent enough time, money and effort on this ill-gotten issue. Our economy needs companies that innovate and develop products and services, and the people employed by them. They support their families and pay taxes. Settle this case and move on to the important issues facing this country.

H. Benjamin Loseth, D.D.S.
Mt. Pleasant, MI 48858
benloseth@journey.com

MTC–00007248

From: Jim Baxter
To: Microsoft ATR
Date: 1/2/02 7:22pm
Subject: Microsoft Settlement

I am not a developer, nor an interested party. I am a systems administrator working with MS's products daily. I have watched this company's tactics worsen with each passing year.

Please do not let them off with just a slap on the wrists again. This is one company that has proven time and again their intention to do whatever they want in pursuit of total dominance of the industry. Please, break the OS away from the applications groups.

Leave IE with the OS if you have to, the problem isn't IE, the core problem is that Microsoft writes everything, the operating system, the development tools, and the office applications. They have a vertical monopoly that they abuse to stifle innovation, crush competition, and dominate every market, no mater how small.

If only you had broken the OS and development tools away from the applications division years ago when you had the chance.

Please, do something significant to them.

Jim Baxter

MTC–00007249

From: Frank Montuoro
To: Microsoft ATR
Date: 1/2/02 7:21pm
Subject: Frank Montuoro

We Like Microsoft Settlement

MTC–00007250

From: Rotruck, Allen R.
To: Microsoft ATR
Date: 1/2/02 7:23pm
Subject: Microsoft Settlement

I believe that the settlement reached by the Federal Government and nine states is more than adequate to address the ruling of the Court of Appeals. I feel that a few competitors have used the government to try to bring down their competition. Enough, please settle this and let Microsoft go on with their business, let the competition earn their position in the industry, don't let the government take away from one company and split it up with their competition. Thank you for your consideration.

Allen R. Rotruck, Director
Electronic Parts Co., Inc.
2620 Rhode Island St. NE
Albuquerque, NM 87110–4699
Phone 505–293–6161
FAX 505–299–3174
rotruck@electronicpartsco.com

MTC–00007251

From: Elahi, Bijan (RDM)
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 7:23pm
Subject: Microsoft Settlement

I am a US consumer and a user of Microsoft software. I believe Microsoft's innovations and good software has contributed greatly to the productivity of the USA and the world. I hope that the DOJ quickly concludes the Microsoft settlement and ends this nonsense drain on this company's resources.

Unfortunately, a few special interests are attempting to use this review period to derail the settlement and prolong this litigation even in the midst of uncertain economic times. The last thing the American economy needs is more litigation that benefits only a few wealthy competitors and stifles innovation.

Just get it done—fast.

Bijan Elahi
425–376–1317

MTC–00007252

From: Norman Chapman
To: Microsoft ATR
Date: 1/2/02 7:25pm
Subject: Microsoft/Justice Dept. Settlement

Gentlemen:

My family was very pleased that the Justice Dept. and Microsoft reached agreement on the issues which surrounded the suit against Microsoft more than three years ago. We are very distressed and disturbed that several of the competitive computer companies want to continue this lawsuit in order to extract every last drop of blood that they can out of Microsoft, and at the same time feather their own nests. They have encouraged nine of the states attornies general to continue this pursuit, and, unfortunately, some of these gentlemen, including Blumenthal of Connecticut and Miller of Iowa are not altogether altruistic in their desire to garner headlines for themselves.

We would urge you to do all in your power and with your authority to bring this suit against Microsoft to a successful conclusion so that both Microsoft and its competitors can return to the job of producing the quality of products and services that we Americans want and need.. This have been a major distraction which has had its price, and to allow this small group of disgruntled organizations to continue this outrageous pursuit is beyond reason. Especially Sun Products & Oracle have both suffered major losses in evaluation of their stock partially as a result of this continued stalemate, and bringing down Microsoft will not do a thing to improve their lot in life. Only they can do that by paying more attention to their own R & D, and less to what other companies are doing.

It has been said that ''Politics is the art of looking for trouble, finding it everywhere, diagnosing it incorrectly, and applying the wrong remedies.''

I am afraid that in this case this saying applies.

Respectfully,
Norman & Isabella Chapman
CC:Norman Chapman (E-mail)

MTC–00007253

From: LMELittle@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 7:25pm
Subject: (no subject)

We need an engine to pull us out of this recession. Don't impose sanctions that will cripple this excellent company. It appears that the government (Justice Depaartment) was acturlly an instrument of Microsoft's competitors. Even after the government settled, the states (instruments of Microsoft's competitors) wants to prolong this case. Lets move on

MTC–00007254

From: Alan R. Williams DVM
To: Microsoft ATR
Date: 1/2/02 7:25pm
Subject: Microsoft settlement

Dear Sirs:

I would like to ask that the Microsoft settlement be finished as soon as possible. Why is it necessary to drag this out? The time and money spent on addressing this issue is a total waste. Isn't there something more important to spend our tax dollar$ on than addressing an issue that is no longer relevant?

Please do us all a favor and settle this lawsuit ASAP. Let Microsoft get on with it's business and address some issues that have some real relevance.

Thank you alan
Alan R. Williams DVM
Mount Vernon, WA
Home of the Tulip Festival

MTC–00007255

From: Retlaw317@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 7:25pm
Subject: MICROSOFT SETTLEMENT

TO WHOM IT MAY CONCERN;

The settlement is tough, but reasonable and fair to all parties involved. Please let the settlement stand and stop all of this useless and unfair persecution and litigation by greedy and profit hungry companies who are and have been consumed by bitterness over Microsoft's success. Let the settlement stand!

Thank you for your attention to this E Mail.

Walter E Grauman

MTC–00007256

From: papapoet@att.net@inetgw
To: Microsoft ATR
Date: 1/2/02 7:26pm
Subject: Microsoft Settlement

To the DOJ—

Drop this case against MSFT, now! You people get something else to amuse yourself with. You and your State Attorneys General co-conspirators have dragged this silly case on long enough. There is a settlement. The lawyers have had their snout in the trough long enough. Now, go after some things that really matter, i.e., for starters, Enron and Arther Anderson and their White House oil, gas, and power plotters; Cheney and his secret oil executives cabal; the files of previous administrations buried by Executive

Order. That ought to keep you out of the weight room for a while.
G.D.Patterson

MTC–00007257

From: Beth Carter
To: Microsoft ATR
Date: 1/2/02 7:25pm
Subject: I feel that the DOJ has been unjust to Microsoft since the beginning of their investigation. There I feel that the DOJ has been unjust to Microsoft since the beginning of their investigation. There are options if people do not want to use Microsoft products. Bill Gates tried to give some type of standardization to an industry which desperately needed it and was persecuted because a few companies could not do what he did. My opinion is to leave him alone.

MTC–00007258

From: jbonin
To: Microsoft ATR
Date: 1/2/02 7:25pm
Subject: economy
the last thing america economy needs is more litigation

MTC–00007259

From: Tom Witte
To: Microsoft ATR
Date: 1/2/02 7:26pm
Subject: Microsoft Settlement
Please do not let Microsoft get away with their illegal actions. Please insure they are given TIMELY, appropriate punishment. Something that corrects the problem, not the recent 'let us take' education market for punishment.
Do something you can be proud of. Something that makes the US a better place.
Thanks
Tom Witte

MTC–00007260

From: Kim Peterson
To: Microsoft ATR
Date: 1/2/02 7:27pm
Subject: Microsoft Settlement December 2, 2002
To Department Of Justice.
I'm very satisfied with the settlement between Microsoft and US Department Of Justice. The following is the main reason. As a US citizen is my duty to try my best to provide any information that is good for our country.
I reviewed all documents related to the Microsoft and US DOJ case: Including ''Complaint (5/18/1998)'', ''Stipulation (11/06/2001)'', and ''Competitive Impact Statement (11/15/2001)''.
In the settlement package ''Stipulation''.
Page 4 III. Prohibited Conduct.
Page 10 IV . Compliance and Enforcement Procedures.
Page 17 V. Termination.
Page 18 VI. Definition.
Page 21 VII. Further Element.
VIII. Third Party Rights.
The Department Of Justice gave Microsoft a very strong order, more stronger than the competition complainted about. I'm very happy that Microsoft agrees to this final settlement.
Sincerely
KIM L PETERSON

MTC–00007261

From: Hans Huang
To: Microsoft ATR
Date: 1/2/02 7:28pm
Subject: MICROSOFT SETTLEMENT
DEAR DOJ: Please settle the Microsoft case and move forward,,,it is good for consumers, good for economy, good for innovatins.....The opposition companies such as Oracle, Sun Micro should spen their enery writing codes instead of law suit.... Hans Huang
EVERY DAY IS A GOOD DAY
Hans Huang, Executive QA Pgm Mgr, APQA
IBM APSC; 3–2–31 Roppongi, Tokyo, Japan;
Tel: 81–3–5572–2606; Fax: 81–3–5572–2448
Internet: hch@us.ibm.com or hhuang@jp.ibm.com

MTC–00007262

From: be(u)an
To: Microsoft ATR
Date: 1/2/02 7:27pm
Subject: Microsoft settlement
Dear Honorable Judges:
It appears after reading the documentation provided that the settlement is fair and reasonable to the consumer. It appears that Microsoft and non-Microsoft software products will be available to the consumers through various means when purchasing a computer.
I support the Settlement that has been proposed. Anita C. Young ,168 East 54th Street, Elmwood Park, NJ 07407

MTC–00007263

From: JBerg93591@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 7:29pm
Subject: Microsoft Settlement
To whom it may concern:
I have watched the proceedings against Microsoft now for nearly four years. All parties have had the chance to present evidence and have their say on how Microsoft has damaged them or helped them in terms of antitrust concerns. Despite the aggressive lobbying efforts of a few of Microsoft's competitors, the Government and nine states have finally reached a comprehensive agreement. The settlement is reasonable and fair to all parties. I, as a consumer, agree that the settlement is good for me and I believe the agreement is also good for the industry and the American economy. Let's wrap it up and move on!
Sincerely,
Jeffrey Berg
29333 SE 64th St
Issaquah, WA 98027

MTC–00007264

From: DPWPoot@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 7:30pm
Subject: Microsoft Settlement
Please leave Microsoft alone. Lets try and regulate the airlines instead

MTC–00007265

From: Zsmrtfred@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 7:30pm
Subject: Microsoft Settlement
Can't you just leave Microsoft alone. Try naming just one other company that has put out so much software that almost everyone can aford it. Now you are tring to stop themfrom giving us even more for our dollar.
Fred Sparrevohn

MTC–00007266

From: berkjen
To: Microsoft ATR
Date: 1/2/02 7:31pm
Subject: Microsoft Settlement
It is my express opinion that further punitive action toward Microsoft would not be of any benefit to our country's citizens and consumers. Microsoft and it's products have attributed greatly to the progress of technology, to our country's economy, to the way companies do business today, to the lifestyles of our citizens and the quality of education of our children and college students.
It is also my opinion that the lawsuit against Microsoft has actually harmed our economy. I believe further punitive measures could actually hold back the growth of technology and hinder the consumer in the long run.
I appreciate this opportunity to express my opinion on the Microsoft Settlement.
Inez M. Jensen

MTC–00007267

From: ROBERT BRUCE MASON
To: Microsoft ATR
Date: 1/2/02 7:32pm
Subject: Ongoing Case Against Microsoft
I am a holder of 500 shares of Microsoft, but I do not submit this letter as a disgruntled stockholder, but as a concerned citizen. To set the record straight I also own stock in 45 other companies some, such as Sun Microsystems and AOL Time Warner, are Microsoft competitors. To be a competitor is one thing, but to use our political system (read that as Federal and State Government's) to put down a competitor is surely a different matter. It has to be clear to everyone involved in this mockery of justice that states housing Microsoft competitors are being used (that is their Federal and State elected representatives) by these competitors to accomplish what they couldn't do to compete. I hate to see a very successful business being persecuted because of their success. The money being wasted on government and private lawyers is disgraceful and angers me both as a stockholder and a taxpayer. We should be more interested in having more companies pushing technological advances and creating employment for our citizens than tearing down a company that has and continues to do just that. Obviously the current Judge and half the states believe a just punishment has been determined, please put an end to having private industry using the government to accomplish what they can't do in head-to-head competition.
Please put this case to an end, I for one am tired of supporting lawyers.
Thank you for allowing us common citizens a chance to express our views on this matter. I expect that's one of the reasons I spent over 30 years with the Marine Corps.

Semper Fidelis,
Bob Mason (rmason@cox.rr.com)

MTC–00007268

From: lyonarch@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 7:32pm
Subject: Microsoft Settlement

Dear Attorney General,

The Administration's support of the free enterprise system is laudable. Please continue in that direction and support a good-spirited Microsoft settlement. The entire settlement options have come down to ego v ego. Use your enlightenment, Mr. AG, and direct your position away from bureaucratic character assasination. Mr. Ashcroft is a good guy, and Gates et al are also good guys. You all deserve credit for guiding America along a reasonable path.

Sincerely,
Lyon Hesse
US Citizen & Hi Tech Supporter

MTC–00007269

From: Jay Contorer
To: Microsoft ATR
Date: 1/2/02 7:30pm
Subject: settlement

Gentlemen:

My feeling is this litigation has gone far enough. No one has ever been hurt by Mircosoft. They have in fact done a great service to the computer industry and to the users by their standardization of operating systems, creating order from the chaos that existed in this important area of computer use. I think it might be possible that the litigation urged by its competitors started the recession we are now facing. Enough is enough. The settlement is fair and should be finalized asap in my view.

Sincerely,
Jay Contorer

MTC–00007270

From: Karen Lonergan
To: Microsoft ATR
Date: 1/2/02 7:31pm
Subject: Microsoft Settlement

To whom it may concern,

I wish to voice my thoughts on the pending Microsoft settlement with the DOJ. As someone who has used both Microsoft and it's competitor's software for years, I think the pending settlement is more than fair, and I encourage you to expedite this settlement as quickly as possible. As a consumer, I have always had a choice at which software products I could buy, and have frequently made that choice. I will also say, that after using many of the competitors software, I more frequently am choosing Microsoft, simply because they offer superior products for my needs. Their price is worth their weight in gold, and I find the pricing nominal compared to the increased productivity that is delivered to me.

Those points aside, please settle this case as quickly as possible. THere are much bigger and better uses of the DOJ's resources, than perpetuating this case.

Regards,
Karen Lonergan

MTC–00007271

From: Jotr2@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 7:32pm
Subject: Microsoft Settlement

This misguided suit has gone on way too long. The people supporting it are only whining and need to be shut down. There is no way that the internet and computing in general would ever have got off the ground if not for Microsoft. While Microsoft may not be everyone's favorite solution, let the computer elites come up with a better one that people will buy. In other words, let them build a better mouse trap or shut up!

MTC–00007272

From: LBASTASUKI@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 7:34pm
Subject: microsoft

Please stop the litigation and do not stifle innovation. Yours is only an exercise in futility. The lawyers are the only ones to profit. Remember we are at war and we need all the new technological advances that Microsoft can invent for us to lead into the future. thanks

MTC–00007273

From: RPatel2468@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 7:33pm
Subject: Settlement

Please keep the terms of the settlement and let us move on. To tie up our own tech giant in these times is nothing unamerican and a step back into disharmony.

Dr ravi Patel

MTC–00007274

From: Roger McVicker
To: Microsoft ATR
Date: 1/2/02 7:35pm
Subject: Microsoft Settlement

I believe that the settlement is in the best interest of the industry, the country and the citizens who have invested in not only Microsoft but in other companies of the Tech Sector which all have been effected by the protracted litigation. Approve the settlement and lets all get on with life and other more pressing issues. The Government has spent enough on this issue and there is a resolution in place. Roger McVicker

MTC–00007275

From: Jscully369@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 7:36pm
Subject: Microsoft Settlement

I thought this matter would have been settled months ago. Get off Microsoft's and the stock holders back unless you want it to go the way of Enron.

John C. Scully
2677 Park Brown Road
Harrington, DE., 19952
(302) 284–3785

MTC–00007276

From: Eric (038) Velena Jensen
To: Microsoft ATR
Date: 1/2/02 7:35pm
Subject: Microsoft Settlement

Please end this mess! We have a company-Microsoft- who represents what this country was built on. Innovation!!! They did good and now the government has to stomp them down. The consumer loves their products. Please settle this case post-haste and let American ingenuity live on.

A taxpaying voter-
Jon ''Eric'' Jensen
409 N. Edgewwod Dr.
Coffeyville, KS 67337
(620) 251–8766

MTC–00007277

From: Ruth Hartsook
To: Microsoft ATR
Date: 1/2/02 7:36pm
Subject: Microsoft Settlement

To Whom it May Concern:

I am emailing to state my thoughts and support regarding the Microsoft settlement. I support this settlement and am hoping that there will be no chance that this litigation will be prolonged in any way. The last thing the American economy needs is more litigation that stifles innovation or diminishes our chances for economic recovery. Please understand that we, as a society, are concerned with greater issues than the battle against a great American company such as Microsoft. In my work in education I see the many contributions Microsoft makes to our youth, and therefore to our nation's future and only hope. In these troubled times I believe most in our nation do not even recognize this settlement as an issue, and many are questioning whether it ever should have. Let us but this behind us.

Please let this settlement come to completion. Let us focus collectively on real issues for our nation's economic growth and genuine security.

Sincerely,
Ruth Moore Hartsook
Instructional Technology Specialist
Davidson County Schools
Lexington, NC

MTC–00007278

From: Michael Fu
To: Microsoft ATR
Date: 1/2/02 7:38pm
Subject: Microsoft Settlement.

Michael Fu
6 Shadowbrook Lane
Basking Ridge, NJ 07920

Dear Sir/Madame;

After reading through the related documents to the settlement, I'd like to share some of my thoughts. To begin, I am a Microsoft stock holder. I also hold shares of some other technology companies. I bought Microsoft because of its unqiue (monopoly like) position in its industry. However, I also bought Microsoft stocks because I like its products. There are some features which Microsoft pushed hard on its operating system which I would rather not have. But in general, comparing to the other services, AOL, AT&T, Cable, Utilities, I like the Microsoft products best.

Now, the main reason I am writing this letter. I am in agreement for most of the proposals except for ''Java'' and ''Netscape'' clauses. I am for Microsoft because I don't think these parts of the case were brought by the right group of people. They were not for consumer, but for the competitors of Microsoft. The major proponents of this case are Sun, Oracle, AOL, and former NetScape.

I have used all of their products extensively. Some of their products are very good, but definitely not cost effective for the majority. They lost their market share to Microsoft not because of Microsoft monopoly but because of their strategies were not accepted by the consumer. The consumer would not want to pay several times more for his computing systems. By the way, on one hand these competitors are suing Microsoft for its monopoly, on the other, they try very hard to be the next Microsoft! I believe strongly, Sun, Oracle and their accomplices are not for consumer in general. Consumers would be hurt even worse. Also, there is no such thing as impeding technology innovations. As we have seen, most of the tehnologies of late 90s were hype and doomed to fail. The few that remain will stand regardless of Microsoft or not. It's the nature of capitalistic market.

Thank you for your time.

Michael

MTC–00007279

From: Everett Snelson
To: Microsoft ATR
Date: 1/2/02 7:37pm
Subject: Microsoft Settlement

It is imperative that a settlement is made now. Do not hamper innovation. There is no evidence that the public has been hurt. Please settle now!

Everett Snelson

MTC–00007280

From: Raj Sharma
To: Microsoft ATR
Date: 1/2/02 7:38pm
Subject: Microsoft Settlement

Dear Sir/Madam

I have tried to follow the Microsoft court battle and am suprised it wasn't thrown out of court!

Microsoft stand accused of ''bundling'' software. However, I think that it was a great idea. As the owner of a technical support company, i appreicate the fact that the majority of users cannot install, configure or use a web browser. Micrsoft has helped the general public by provding this service. If Microsoft were ''bundling'' Netscape with Windows, I would be quite upset as my peers and I agree that Netscape is a far inferior product. Microsoft are giving me a pre-installed web browser which integrated into my operating system to provide me greater functionality.

I thought the law was there to protect my interests, obviously the Americal Judical System has decided to join the Micrsoft bashing campaign!

Best wishes to Microsoft

Raj Sharma

rajs@rajsharma.dyndns.org

MTC–00007281

From: john kuzminski
To: Microsoft ATR
Date: 1/2/02 7:38pm
Subject: re:settlement

I am in favor of microsoft settling their suit

dianne koehler

MTC–00007282

From: EAbercromb@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 7:39pm
Subject: Microsoft Settlement

I think enough damage has been done to Microsoft already. It is time to get this case over and let all parties concerned get on with other matters affecting our economy. Microsoft has developed products that are generally well liked by it's customers and should not be penalized for simply developing better products than it's competitors.

MTC–00007283

From: Dwight (038) Jan
To: Microsoft ATR
Date: 1/2/02 7:39pm
Subject: Fw: MICROSOFT SETTLEMENT

Original Message
From: Dwight & Jan
To: mocrosoft.atr@usdojgov
Sent: Wednesday, January 02, 2002 1:53 PM
Subject: Fw: MICROSOFT SETTLEMENT

Original Message
From: Dwight & Jan
To: department of justice
Sent: Wednesday, January 02, 2002 11:11 AM
Subject: MICROSOFT SETTLEMENT

I'm normally proud of my state of California in the way it used to handle its political affairs. But not anymore, with the present Governor and Attorney General dumb dumb Bill Lockyer, all they can think of is the next election, forget the taxpayers and normal way of doing business.

The settlement that was offered and accepted by the rest of the states, except those like California, should have been accepted and close that door once and for all. How can the government expect a business like Microsoft to survive if they have to divulge their secrets that keeps them ahead of their competition. That is not good common sense, let's get back to basics and put an end to all these political games.

The first step would be to not allow Microsoft competitors to voice their opinions,.since they are prejudiced. The second step would be to listen to the consumers since they are the ones most affected by your decision.

I sincerely hope you can make a difference and do the right thing. Any questions call me at (530)533–5954 or email me.

Yours truly,

Janet Lantsberger

MTC–00007284

From: Mike Goodejohn
To: Microsoft ATR
Date: 1/2/02 7:40pm
Subject: Microsoft Settlement

I am sending this e-mail as a concerned consumer in the Microsoft antitrust case. Even though I question why this case was ever brought against Microsoft in the first case, I believe that the government in its best interest must obtain some sort of concession from Microsoft and therefore think the settlement proposed is fair and will finally allow Microsoft to move forward.

As a consumer, I would like the government to explain how I have been hurt by Microsoft. I am an older individual and was not exposed to a computer until 1990. When I purchased my first computer and wanted to access the internet, I was told I needed to purchase a browser but later learned that it was included in the Windows operating system. An operating system which is a standard for the computer industry and makes it a more simple environment to operate in.

Look at who is funding and spearheading the attacks on Microsoft; Oracle and Sun Microsystems. Why do you think they have lobbied so much. If you can't beat them in a free economy then have the government go after them. If Larry Ellison and Scott McNeely would focus on their own businesses and provide products that consumers want at a reasonable cost, rather than looking to the government to penalize innovation, their companies would be much better off and in a better competitive position.

Where else in the world can I purchase an operating system for around $75–$100 with so many other programs and functions included. I think the consumer wins. If Microsoft didn't bundle other programs in it's Windows operating system, how much would the consumer have to pay for a comparable system.

If California and Iowa want to continue their litigation, maybe the government should suggest a settlement to them that would not allow Microsoft to sell any of its products in the those two states or to any of their residents. How long would it take for the residents of those two states to raise the roof on their Attorney General?

Michael L Goodejohn
20741 S.E. 3rd Way
Sammamish, WA 98074

MTC–00007285

From: Ken McSwain
To: Microsoft ATR
Date: 1/2/02 7:40pm
Subject: Microsoft Settlement

To whomever it may concern:

I strongly agree that the Microsoft Settlement is fair to all involved. I urge you to do all in your power to put this matter behind us and don't let special interest groups sabotage the agreement. I firmly believe that this suit was a major factor in the decline of the Stock Market beginning in March of 2000. The resulting loss of capital by all who hold stocks in retirement funds are the real losers in the entire matter and the settlement should be implemented with all deliberate speed.

Sincerely,
Kenneth McSwain
719 Kleewood Drive
FULTON MO 65251
(573) 642–0606

MTC–00007286

From: Ellsil@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 7:41pm
Subject: Microsoft Settlement

Dear DOJ:

The settlement that you negotoated with Microsoft is in the best interest of our country. The proof is that 9 of the states have signed off and the other 9 are only trying to make individual political gains for them selves. The AG'S as we all know are political animals and are just looking for votes in their states. Don't change the agreement.

Elliot Silverman

MTC–00007287

From: AntjeElske@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 7:41pm
Subject: Microsoft Settlement

To whom it may concern,

I am an ordinary stockholder of Microsoft and have been following the settlement efforts of the company. I believe that the settlement under review is reasonable and would like to add my support by writing this.

Best regards,
Antje E. Huck

MTC–00007288

From: Jjzipper@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 7:42pm
Subject: microsoft settlement

i believe that microsoft has done nothing wrong. i believe the special interests and competitors of microsoft have their own interest at heart and not the general public, who from what i can tell have gained from the products that microsoft produces.

NO fines should be levied against a great company and a great inovator like bill gates. lets spend more time and money on the terrorists and criminals.

jim zimmer
27823 184th Ct SE
KENT
WA 98042

MTC–00007289

From: Candace Brenneke
To: Microsoft ATR
Date: 1/2/02 7:42pm
Subject: Microsoft Settlement

Lawsuit needs to be settled a.s.a.p. futher delays are not necessary. This has lasted longer then it should have already. I see no advantage to continue for competition or microsoft. Government intervention only cost money and time for all parties.

Richard Brenneke

MTC–00007290

From: LAPTS@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 7:44pm
Subject: Microsoft Settlement

I believe the settlement in the Microsoft Case should be settled as it was set by the court.

Lois Smith
636 Lake Shore Drive
Pasadena, MD. 21122

MTC–00007291

From: Gary Louis
To: Microsoft ATR
Date: 1/2/02 7:45pm
Subject: Microsoft Settlement

I think the present settlement should stand, even though I think it was too punitive towards Microsoft. I think consumers have plenty of choices because of Microsoft and any further litigation is a waste of time and money and stifles creativity!

Gary Louis
Arcadia, CA 91006
garylouis@earthlink.net

MTC–00007292

From: JSerrantin@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 7:45pm
Subject: microsoft settlement

subject settlement is fair and should be accepted by all parties. Special interests are not concerned with consumers interests. End this matter now.

MTC–00007293

From: Jeffrey Barnes
To: Microsoft ATR
Date: 1/2/02 7:46pm
Subject: Microsoft Settlement

I believe enough time and resources have gone into the effort spent prosecuting Microsoft. This is the time to ratify the settlement. Those states that are protesting this agreement are just grandstanding for the sake of the companyies that compete with Microsoft. This proposed settlement is fair. Lets get it done!

MTC–00007294

From: Klaus Meyn
To: Microsoft ATR
Date: 1/2/02 7:43pm
Subject: Microsoft settlement

It is my expressed wish that the settlement between the government and 9 States on one hand and Microsoft be ratified. I view it as fair and it is about time that we put this case behind us. It is further my hope and wish that the other 9 States not part of the agreement join the government.

Although I am a resident of Redmond, where the Microsoft headquarters are, I am not an employee or otherwise connected with Microsoft. I have always failed to see how the consumers have been hurt by Microsoft's operation. They are a stellar corporation and an excellent corporate neighbor.

Sincerely,
Klaus and Nancy Meyn
6305–159th Place NE
Redmond, WA 98052

MTC–00007295

From: Martin Collins
To: Microsoft ATR
Date: 1/2/02 7:46pm
Subject: Comments on Microsoft settlement from Orlando

To the Department of Justice:

I have followed this action, and I feel that the nine sates that are mounting a separate settlement effort, are on an agenda to line their pockets with false hopes of income. It seems that dissent will always be a part of any settlement, and we must move forward to quickly finish this case, and move on.

Please implement the terms of the settlement, and minimize the expense of the on-going litigation from Florida.

Martin Collins

MTC–00007296

From: Joe
To: Microsoft ATR
Date: 1/2/02 7:45pm
Subject: Microsoft Settlement

To Whom It May Concern:

I was pleased to note that the Department of Justice had finally decided that there was no profit in persecuting Microsoft any further and has tentatively accepted a settlement that, while still not fair to Microsoft, will at least end the legal battles and allow them to continue to innovate the PC industry. I honestly feel that it is unfair that Microsoft will be forced to allow its competitors to see the code for their products. To me, that looks a bit like industrial espionage, you try to see what the competition is doing and find a way to use it and make it better. In fact, Microsoft got sued a few years ago by a little company called Stac for using a similar compression algorithm in a disk compression utility.

Thank you for finally showing some good sense and letting this thing die.

Sincerely,
Joseph Tait
Duvall, WA

MTC–00007297

From: Jack Heeger
To: Microsoft ATR
Date: 1/2/02 7:45pm
Subject: Microsoft Settlement

I am writing to urge the settlement of the Microsoft case. As a consumer, I still fail to see how I have been hurt by Microsoft. Instead, I do feel that as a consumer I have been hurt by the constant attacks on Microsoft during the past few years by a few competitors who apparently cannot compete in the marketplace but instead must rely on government to help them, and in doing so, have stifled innovation.

Please settle this case and allow us all to move on. Once this is settled, the high tech industry can begin to innovate again and a company can build a better product without fear of being sued and consumers will reap the benefits. The economy needs a boost. The settlement of this case will help give that boost.

Jack J. Heeger
15 Hall Court
Napa, CA 94558
e-mail: jheeger@pacbell.net

MTC–00007298

From: Sudeep Bharati
To: Microsoft ATR
Date: 1/2/02 7:48pm
Subject: Microsoft Settlement

Jan 2nd 2002

I fully support the US DOJ and Microsoft settlement of the anti-trust case. It is time to end this litigation. I don't believe the prolonged court proceedings will produce any thing drastically different than the current settlement. I think the current settlement is fair. It will let Microsoft innovate and also send a message to its competitors that even companies with dominant market share have right to improve and innovate their products.

I recently read the penalties that are being sought by the non-settling states and I just cannot understand most of their demands. These demands seem to imply that they won on all points in the appeals court which was not the case and they are not pursuing those aspects any longer. I just cannot imagine how that kind of relief can be won in the courts given the appeals court verdict.

Thanks for the opportunity to let me give my comments on this important subject matter.

Sudeep Bharati
3272 165th PL NE
Bellevue WA 98008

http://explorer.msn.com

MTC–00007299

From: RandyDlta@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 7:48pm
Subject: (no subject)

DOJ,

Haven't you got more legitimate cases to spend our taxpayers money on? Get off Microsoft's back. Bill Gates has done more for this country's economy, provided more technical innovation, and donated more to charity than all the democrats combined for the past 20 years.

Larry Herbst

MTC–00007300

From: Tutbone@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 7:47pm
Subject: Microsoft Settlement

Dear Sir:

I want to let you know that it is my opinion that the Microsoft Corporation should not be punished by the government.

Thank you,

Frank Nalbone

MTC–00007301

From: McLeanNJ@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 7:48pm
Subject: Microsoft Settlement

This entire process has been a waste of time and taxpayers money. America is (or is supposed to) be the land of opportunity. Microsoft made a better widget. Has always been innovative in product development, and doesn't deserve to be treated as it has been. Every time the government involves themselves in processes such as this, it is for the sole purpose of distraction from so many other, more critical situations existing today. Time spent on these would be much more appropriate. It wasn't too long ago that the Federal Government divided up the most dependable, successful telephone system. Look at that positive outcome!!. Mexico has a better telephone system than we do. Ours is fragmented at best. The fact that Microsoft Corporation has been able to maintain, and further enhance software and systems in a poor financial market as we are experiencing is to their credit. The Federal Government should settle this situation and get on with correcting problems and situations which threaten our very existence.

MTC–00007302

From: Bob Brandenburg
To: Microsoft ATR
Date: 1/2/02 7:49pm
Subject: Microsoft Settlement

Legal action against Microsoft has gone far enough. Further action is a waste of tax dollars and contrary to the best interests of the national and world economy. Only self serving parties with special interests want it to continue. Please confirm the settlement and let all parties concern themselves with more productive activities.

Bob Brandenburg
13115 Pleasant Place
Nurnsville, MN 55337

MTC–00007303

From: Paul D. Weatherford
To: Microsoft ATR
Date: 1/2/02 7:50pm
Subject: *Don't just slap the hands of a Monopolizer.''

If the judgment passed on Microsoft had contained an adequate penalty maybe you would not have so many states desiring to apply stricter standards than what were imposed.

Their software is intrusive on the average buyer. They control the software even after it has been sold to the customer who should have rights to implement for his use without checking for Microsoft's approval. I am forced to take much of their software because they control the manufacturers which include their software without a choice among the manufacturers. The manufacturers are blackmailed into accepting Microsoft software because of their monopoly of the operating system. There is a lot of other software out there I had rather have a choice of, but I am forced to accept what the manufacturer sends me because they are also coerced to follow Microsoft's demand or lose the operating system used on computers which they have monopolized in the market. There are elements in their operating system software that forces you to use because it is included. There are programs from other software manufacturers that just will not because they have been excluded from the possibility of competing with Microsoft. I have used Lotus SmartSuite for a number of years, but the advent of Windows XP prevents me from using my old software. So, I was forced to buy new Lotus SmartSuite which will work on the old Windows ME operating system. If you want the benefit of a better operating system, you are forced to buy new software.

I have Windows Office Professional which I received with my new computer in March 2001, but all of my documents are under Lotus SmartSuite. So, I had to partition my 60 Gig hard drive and put Windows XP on one drive and Windows ME on the other. Otherwise, Windows XP would have made a plethora of my software obsolete. Software is not cheap, as if Microsoft cared about the final customer. No judgment against Microsoft would be too harsh against such a selfish company.

Maybe you have heard of Microsofts' largess to our schools. They gave them old machines—not current technology. The schools have to do upgrades of these computers to enable them to work for the benefit of students in the classroom. What a farce. No doubt they are taking a big tax write-off for their charitable donation.

MTC–00007304

From: BOBMYRTA@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 7:49pm
Subject: Microsoft Settlement

We agree that the Microsoft Settlement should be final. Microsoft has accepted the settlement as tough but fair. Any more litigation is a waste of monies and only serves greedy lawyers and companies who want something for nothing.

Robert and Myrta Convery
1610 N Pine St
Post Falls, ID 83854

MTC–00007305

From: VLBMC@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 7:49pm
Subject: microsoft settlement

As a concerned citizen I have read many news stories about the proposed settlement with Microsoft. I think the settlement terms are very generous and this case should be settled. It serves no public interest to continue to drag this out. Enough is enough, settle and lets get on with far more important business.

Vikki mcIlwain

MTC–00007306

From: David Bernstein
To: Microsoft ATR
Date: 1/2/02 7:50pm
Subject: The Microsoft Settlement

Please, in the interests of our economy and justice let the current agreement between Microsoft, The Federal Government, and the nine states stand as final. The agreement is fine, and there need not be any further litigation on the Microsoft settlement.

David Bernstein
Mercer Island, Washington

MTC–00007307

From: Albstein@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 7:51pm
Subject: Microsoft Settlement

Please finalize the suit against Microsoft along the lines that was previously agreed to by most of the states and the Federal government. This has been going on too long. A final settlement could jump start the stock market and confidence.

Albert Steinhart—
Lake Worth, Florida
Albstein@aol.com

MTC–00007308

From: Lee Foropoulos
To: Microsoft ATR
Date: 1/2/02 7:51pm
Subject: You'll are some money wasting bufoons

I personally am glad you have finally settled your landmark antitrust case with Microsoft. Maybe now you'll can find something more important to waste our tax money on. Next time you take a software vender to court why don't you guys try and pick one that isn't responsible for PCs going mainstream. DOS was weak. Netscape sucks. And without windows you and the rest of your outdated colleges wouldn't even no where to begin to check your email. Tell you what next time you decide to attempt to prosecute a software vender go and take some programming classes and learn the ancient stuff people used in the past to code in. When your done go try out some of Microsofts software developement tools. Then go write a fully functioning application using something lam like Cobol or Fortran, without the win32 APIs and sell it (yeah right).

I would imagine a lot of consumers complain about Microsoft too. Unfortunatly the majority of these individuals went to

some wholesale club and bought what they thought was a good deal. In fact it resembled a computer and it had windows on it. Unfortunantly it was obsolete and barely had the power to run half the software preinstalled on it including Windows without locking up. So they blame Microsoft; and are tremedously at error in doing so. They should have bought a real computer.

If I was to state a negative claim against Microsoft it would be their new method of tech support $35 per incident. Thats their business though in my opinion. I would imagine they have people that don't know anything about PCs bugging them nonstop every day all day. I'm sure that for $35 an incident people are gonna be less prone to call Microsoft and say ''Hey Man!? I think I broke the internet!!!!''. The down side is that even well educated Windows pros are at some point going to find an annoying bug our have an incident that maybe not so much requires but would sure be nice to talk to the software manufacturer about. But for $35 per incident I'll back up my data format C:\ and start from scratch any day of the week over calling them.

I personally think the entire tech industry will feel your wrath tenfold anytime you toy with Microsoft. Without Microsoft there might as well be no tech industry. You guys should follow old wise proverbs like ''If It Aint Broke Don't Fix It.''

Lee Foropoulos
stavrose@greek-fire.com

MTC–00007309

From: David Wong
To: Microsoft ATR
Date: 1/2/02 7:53pm
Subject: Microsoft Settlement

Sirs:

I am here to voice my opinions about Microsoft. I've been in the IT (Information Technology) Industry for over 23 years. I am here to applaud the job Microsoft has done in standardizing the Industry. Prior to Microsoft, you had OS/2, Apple, and dozens of flavors of UNIX. The result was few application software and hardware verndors per flavor of operating system, resulting in very over inflated prices. (Note: apple and UNIX software and hardware is still much more expensive then comparable PC products.) With the advent of Windows, application software and related hardware prices came down significantly. Consumers benefited more then at any other time in the entire history of the industry. I say that Microsoft deserves anything it can reasonably get for accomplishing this feat.

To want to purposely break up the Windows standard is in my opinion: INSANE. It will mean higher prices for niche products that support non-standard, non-critical-mass operating systems (at least until a competitor creates another monopoly operating system). So my opinion is that anything you do to break the Windows standard is BAD for the CONSUMER and good for Microsoft competitors ONLY.

Thanks for reading my opinion ...

MTC–00007310

From: Ursula W. Foust
To: Microsoft ATR
Date: 1/2/02 7:53pm
Subject: Microsoft Settlement

Stop any further litigation. The settlement is fair and just for both parties.

Ursula Foust

MTC–00007311

From: JHerzf8892@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 7:53pm
Subject: Microsoft Settlement See attached.

MTC–00007311 0001

January 2, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to urge you to quickly finalize the settlement between Microsoft and the Department of Justice. The settlement has prevented Microsoft from focusing on technology for long enough, and it is time for the company to move on.

This settlement provides for reasonable restrictions on Microsoft and allows for proper government and industry oversight. Microsoft will share access to its software code, and provide documentation on the internal workings of the Windows operating system. Additionally, Microsoft will change its marketing and licensing practices to allow its competitors more of a chance in the market.

In the three years since this antitrust case began, Microsoft has been besieged by lawyers, preventing the company from performing its primary duty of producing quality software. Please see that this ceases to be the case; please finalize the settlement.

Sincerely,
John Herzfeld

MTC–00007311_0002

MTC–00007312

From: JEGBERT457@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 7:52pm
Subject: Microsoft Settlement

I feel that Microsoft should be left alone to conduct its business as it sees fit. This country is a free enterprise country and just because they are more successful, they should not be penalized for being so good. Had the Clinton Admn. not started picking on Microsoft because one of Clinton's best friends was a powerful figure in a competing company, none of this would have happened.

Millie Jones

MTC–00007313

From: Charles McDonald
To: Microsoft ATR
Date: 1/2/02 7:54pm
Subject: Microsoft Settlement

To DOJ:

This is a joke. Companies should have the freedom to do business as they see fit. The DOJ and all the plaintiffs need to get a life. If you want to compete with Microsoft, then get your ass off the couch and do your homework. Bill Gates built a company with hard work and innovations that have helped the American people and the economy. Not to mention all the money he has given to charities. Back off and direct your energy towards a company like Enron, who stole from millions of hard working people.

Sincerely,
Charles W. McDonald

MTC–00007314

From: DAVCOMPANY@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 7:54pm
Subject: Microsoft Settlement

We believe the settlement under the Tunney Act is a fair settlement. Please put our names on the approval list and I hope that the Attorneys General of the States, including ours, California, withdraw their objections. Most people in this nation want this matter behind us and we feel that the only people not in favor of the settlement are trying to bring person politics into it and their back pockets and not interested in what is good for the country.

Sincerely,
James R. and Eileen Davis
Diamond Bar, CA

MTC–00007315

From: Gary Harmatz
To: Microsoft ATR
Date: 1/2/02 7:54pm
Subject: Mircosoft Settlement

Dear Sirs,

It is my firm belief that the current settlement with Microsoft is fair and just. To peruse this any further will be a waste of time and tax payers' money.

In advance, thank for what you do and your kind attention.

Respectfully,
Gary Harmatz

MTC–00007316

From: Kaylie Utter
To: Microsoft ATR
Date: 1/2/02 7:48pm
Subject: It is very important to settle the Microsoft case in my opinion. This has dragged on far too long.

It is very important to settle the Microsoft case in my opinion. This has dragged on far too long. It seems that Microsoft has been under a unique attack against its creativity in bringing products and functionality to the American consumer.

If Microsoft is such a monopoly, please tell me what government granted it and how it has hurt the public. In the early days of computers, no two were alike. Custom programming was the norm. Microsoft opened a whole new world of communications and capabilities for small business to compete against both big and other small business because of the affordable and compatible computing power put on the desktop. Mainframes were no longer required and I hold Microsoft responsible as much as any other organization for that great boon to the planet. They should be allowed to continue to serve American and world consumers unshackled or at least out from under the burden of government intrusion. It's called competition. And that competition has brought the greatest new age of communication the world has ever known.

If the new definition of monopoly is being the market leader, then perhaps you should

consider pursuing Cisco Systems for controlling an estimated 95% of the software market running internet servers. Or what about AOL-Time Warner. Are they not the largest ISP by far. Heavens, where was the DOJ when that happened.

Please settle and let Microsoft get on with creativity in computing.

Kaylie Utter
Bozeman, Montana

MTC–00007317

From: patricia mcclain
To: Microsoft ATR
Date: 1/2/02 7:55pm
Subject: Microsoft Settlement

Dear Sir/Madam:

I feel that the action against Mircosoft should be finished. The issues have been corrected. Please settle this so everyone can benefit from the new products and ideas developed by free enterprise.

Thank you.
Patricia McClain

MTC–00007318

From: Don Kelley
To: Microsoft ATR
Date: 1/2/02 7:55pm
Subject: Microsoft Settlement

Department of Justice,

Please stop this unjust prosecution of one of America's finest companies (e.g. Microsoft). Accept the settlement offer.

Don

MTC–00007319

From: Chris H.
To: Microsoft ATR
Date: 1/2/02 7:55pm
Subject: Microsoft Settlement

To Whom it may concern,

I cannot stress enough the importance of keeping the Microsoft company intact and my disgust at their competitors for using the government as a weapon to tear apart the company at the expense of destroying the industry and the public faith. Any further action against Microsoft sets a bad precedence in the business community at large. The companies that have set this in motion are using the term ''Monopoly'' to describe Microsoft's success and blaming them for their own failures.

On a personal level this really hits home. I have been trying to start my career in the IT industry for a few months now. It's has been tough just trying to land an interview let alone trying to find a company that's hiring entry level programmers. Microsoft is at the top of their game and most, if not all schools, teach their students using Microsoft technologies. Why do they do this? Is it because of their so-called ''Monopoly'' power? I think not. It is because Microsoft has become the industry standard and the base of the IT industry. Most businesses use Microsoft technologies in their day to day business transactions. Why is this, a ''Monopoly'' again? The answer is no! Microsoft has consistently provided todays companies with quality and innovative products year after year. There are alternatives to using Microsoft products out there. Anyone in the IT business knows this and most chose not to use them. Is this choice based on the perceived, ''Monopoly''? No, it is because what Microsoft offers is a better product. What happens when you keep chipping away at the foundation or base of a building? Eventually the whole building comes crashing down! Do this to the base, foundation if you will, of the IT industry and so too would the whole IT industry and the American economy! Please do not let this happen!

Sincerely,
Chris Higgins
psyrus7@yahoo.com

MTC–00007320

From: Donakerley@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 7:55pm
Subject: (no subject)

To Whom It May Concern:

My Wife And I are in agreement with the settlement already worked out with Microsoft. We don't feel they were guilty of monopoly to begin with.

MTC–00007321

From: Joseph A Coyle
To: Microsoft ATR
Date: 1/2/02 7:56pm
Subject: Microsoft Settlement

The long awaited settlement of this case is within reach. Now is not the time to let it slip away. As a small user out here in the real world, and from that perspective, I see Microsoft as a benevolent dictatorship. Yes they dominate the industry but, every time they take on a new market, that market improves. And for me, that's a good thing. Like it or not, Microsoft is the engine that drives the industry. They are the push (and in all too many cases the pull). Their competitors are holding the industry back. Through lack of imagination and energy, they sit on ideas and innovations. Through complacency, they fail to hear the wakeup call until it's too late. No wonder they are frightened when they see Microsoft coming.

Joseph A Coyle
535 Franklin Circle
Harleysville, PA 19438–2362
E-mail: coyote@netreach.net

MTC–00007322

From: Harlan F. Hobbs
To: Microsoft ATR
Date: 1/2/02 7:56pm
Subject: Microsoft Settlement

Gentlemen. . . . .

I strongly urge the DOJ and the various State Attorneys General to settle the Microsoft case as soon as possible. A quick settlement will help the economy move forward.

Thank you;
Harlan F. Hobbs

MTC–00007323

From: Shelley Blumberg
To: Microsoft ATR
Date: 1/2/02 7:58pm
Subject: Microsoft Settlement

''844 Beechwood Drive, Havertown, Pennsylvania, 19083''

January 2, 2001

Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
washington, DC 20530

Dear Mr. Ashcroft:

I am pleased that a settlement has finally been reached in the Microsoft antitrust dispute. This legal battle has gone on long enough and has caused an increase in wasteful spending in state budgets and the misuse of American tax dollars.

Even though the settlement goes further than what Microsoft would have liked, it feels that settling the case now is the best thing to do to help the industry and economy move forward. The settlement is fair and reasonable, and was arrived at after extensive negotiations with a court appointed mediator.

We have spent enough time and financial resources on this legal battle. Microsoft needs to stop litigating and resume innovating. Thank you for helping to make this settlement happen.

Sincerely,
Shelley Blumberg
cc: Senator Rick Santorum

MTC–00007324

From: Bob Jennings
To: Microsoft ATR
Date: 1/2/02 7:58pm
Subject: Microsoft Settlement

At this critical time for our country, with all the political and economic uncertainty, I urge you to actively continue the settlement efforts in this litigation.

Thank You
Robert Jennings

MTC–00007325

From: Joseph Sirianni
To: Microsoft ATR
Date: 1/2/02 7:59pm
Subject: Microsoft

Let's please settle the Microsoft case and not subject them to further litigation.

Joe Sirianni

MTC–00007326

From: manhar nandani
To: Microsoft ATR
Date: 1/2/02 7:59pm
Subject: Microsoft Settlement

Dear Sir,

I have read the settlement between DOJ and Microsoft and I think its a great settlement for everybody. We should put this issue behind and get on with our life and let Microsoft be the most innovative company in the world so that everybody benefits from the greatest software at reasonble price without being a monopolist.

Thank you for the opportunity to express my views.

Manhar Nandani

MTC–00007327

From: Earle Burger
To: Microsoft ATR
Date: 1/2/02 7:59pm
Subject: SETTLE THE CASE

Let's settle the case and stop punishing a company for being entrepreneurial.

Earle Burger
HR Consultant

MTC–00007328

From: LHearshman@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 7:59pm

Subject: Microsoft Settlement

I am a long time stockholder of Microsoft and I think this whole case was a farce and a waste of time and money. I do not agree with the settlement situation; however, to get this whole thing ended I think it should be done as fast as possible. Let's get the US back on the road to productivity and OUT OF THE COURT SYSTEM. Stop this insanity now.

Lori Hearshman
PO Box 35834
Des Moines, IA 50315

MTC–00007329

From: Erik N. Funk
To: Microsoft ATR
Date: 1/2/02 8:00pm
Subject: MICROSOFT SETTLEMENT

Dear Department of Justice:

Please record this citizen's comment as one strongly in favor of rapid, reasonable settlement of the Microsoft saga. We've spent enough non-value adding energy on the case. Microsoft is ready to make a substantial donation to educational institutions. . . let's PLEASE move on.

Thanks for your attention and interest in better government that costs less.

Sincerely,
Erik Funk

MTC–00007330

From: Sanford Gruskin
To: Microsoft ATR
Date: 1/2/02 8:00pm
Subject: Microsoft Settlement

2 January 2002

United States Department of Justice,

In regards to the Microsoft settlement, I would like to express my views as consumer, senior citizen and most importantly as a U.S. citizen during a time demanding unity not diversity amoung our people.

I was raised in the midwestern states in a middle class family. I was brought up to believe in the American Way, namely built a good product, capture market share and be praised for success.

We seem to have developed into an environment where success is a forbidden word. Microsoft has developed a good product that is user friendly—much the same senerio as Henry Ford and the Model T. It is within the reach of the average American both in the skills required to use it and the cost of the product.

Lets get on with our tecnology, allow the case to be settled, and wait for the next best product to take over the helm. The last thing we need in our society at this time is more litigation.

Sanford Gruskin
726 Mill Walk NW
Atlanta, GA 30327

MTC–00007331

From: JHerzf8892@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 7:53pm
Subject: Microsoft Settlement

See attached.

January 2, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to urge you to quickly finalize the settlement between Microsoft and the Department of Justice. The settlement has prevented Microsoft from focusing on technology for long enough, and it is time for the company to move on.

This settlement provides for reasonable restrictions on Microsoft and allows for proper government and industry oversight. Microsoft will share access to its software code, and provide documentation on the internal workings of the Windows operating system. Additionally, Microsoft will change its marketing and licensing practices to allow its competitors more of a chance in the market.

In the three years since this antitrust case began, Microsoft has been besieged by lawyers, preventing the company from performing its primary duty of producing quality software. Please see that this ceases to be the case; please finalize the settlement.

Sincerely,
John Herzfeld

MTC–00007332

From: Donald
To: Microsoft ATR
Date: 1/2/02 8:01pm
Subject: Microsoft Settlement

I do not now nor have I ever been in favor of the government telling Microsoft how to run its business. I think you should drop the whole thing.

Microsoft has made a lot of money for itself and others. It continues to make money and has been directly responsible for untold thousands of jobs around the world.

If you just have a need to sue, try the US Government. They take from the public, waste huge amounts of cash and when they run out they just take more while giving themselves raises and the best benefit package in the world. All the while they don't make money, no, not even close, we're trillions in the hole. If anything you should ask Bill Gates for advice on turning our Country around.

Let me make one other thing clear. I do not now, nor have I ever owned Microsoft stock. I do however believe that our government that's supposed to be, ''by the people, for the people'' has turned ''on the very people who make this country great''. You people tried the same thing on IBM, then Bill Gates dropped out of school and proved your whole case to be a farce. We have even more choices today than we had then but you and other people like you still cry foul. Only when you can put your own house in order will I even start to listen.

I'm a registered voter who does not listen to what the politicians say, I watch what they do and I vote every chance I get.

Thank you for the opportunity to voice my opinion.

MTC–00007333

From: Michael Becker
To: Microsoft ATR
Date: 1/2/02 8:01pm
Subject:

I seriously disagree with the anti-trust agreement that you are I seriously disagree with the anti-trust agreement that you are making with Microsoft. I hope that you will reconsider. Everything that can be said about the problems with the debate has been said. It is your responsibility to ensure a competitive market.

Do your job, split up Microsoft. There is no reason to go easy on them. Microsoft only makes this country look bad.

Michael Becker
CTO Jumping Jack Web
ACM Member
Student Drexel University

MTC–00007334

From: Bruce Hoffman
To: Microsoft ATR
Date: 1/2/02 8:01pm
Subject: Microsoft Settlement

I received an e-mail note from Microsoft's MSFIN project soliciting any comment to the DOJ on the proposed settlement. This is the first time I have responded to their efforts to keep the using public informed of the issues facing them and the plaintiffs in this suit. My opinion is that there were some anti-competitive efforts made by Microsoft that bordered on using their virtual monopoly position in some software for their suppression of potential rivals. Nevertheless, I think their business, which is so very far removed from a commodity business (oil, foodstuffs, wood products, etc.), is so transitory in nature that innovation has to be respected and rewarded as rapidly as possible, since another better solution could emerge in such a short time that market share could mean nothing in the space of a few years. I also feel that the enactment of the settlement will bring an end to the chill on innovation that the prior administrations very zealous pursuit of this company has blown over the software industry while waiting for a resolution.

Thank you,
Bruce C. Hoffman
17 Grandin Terrace
Annandale, NJ 08801

MTC–00007335 11

From: Don Kelley
To: Microsoft ATR
Date: 1/2/02 8:02pm
Subject: Microsoft Settlement
8013 Hauser Drive
Lenexa, Kansas 66215
January 2, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Ashcroft:

Considering all the issues and problems the federal government is dealing with, I have wondered why so much of the government's attention has been directed towards Bill Gates and Microsoft. Why punish a man and a company that has been key in the technological revolution that benefits so many people? Microsoft will disclose information about certain internal interfaces in Windows, making it much easier for its competitors to compete. This disclosure will make it possible for competitors to remove certain Microsoft programs from the Windows system and replace them with software from a different source. Additionally, Microsoft will change

the coding in such a way that Windows will not suffer any reduction in performance when working with non-Microsoft programs.

The decision of the Department of Justice is fair to those parties who brought the lawsuit against Microsoft in the first place. I support the settlement.

Sincerely,
Jana Kelley

MTC–00007336

From: Mike Ernest
To: Microsoft ATR
Date: 1/2/02 8:03pm
Subject: Microsoft Settlement.

This private citizen wants the settlement over as quick as possible. I do agree with Apple contention that the proposed settlement by MS could upset what balance exists in the educational market. This should be watched very carefully.

Michael V. Ernest, Sr.
2014 Rockwell Avenue
Catonsville, Maryland 21228–4218
Tele: (410)–747–1437
e-mail: mveble@erols.com

MTC–00007337

From: Microchair@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 8:03pm
Subject: Microsoft Settlement

Dear Dept of Justice:

You should be ashamed of yourself using taxpayers money to persecute Microsoft! They, almost single handedly, are responsible for an unprecedented boost to the American economy in the 1990s. No one, including the government, came to their start-up and offered financial assistance; they did it on their own! Now, you wish to penalize them for their success, even though they took ALL the initial risks and weathered all of the growing pains of any start-up company. Have any of you calculated how well your retirement investments did in the 90s as a result of Microsoft's bold innovations? What about the quality enhancements to your workplace? Get this over with! Leave Microsoft alone! Let other companies use the same innovations to try to compete with Microsoft, just as Microsoft did to compete with the pre-existing giants (IBM, HP, and others).

Michael Norgard,
Plano, Texas

MTC–00007338

From: james arnstein
To: Microsoft ATR
Date: 1/2/02 8:03pm
Subject: Comments on the Microsoft Case

Dear Sir,

I think that after 4 years Microsoft has paid its dues and should return to ''business as usual.'' It seems the 9 states that have not agreed to settle their disputes with Microsoft will never be satisfied with any decision short of breaking up Microsoft in their own petty ways. To allow a ''stripped down'' version of Windows to be available, would be like buying a Mercedes with just the shell and the motor and allowing some other company to build the remaining components of the car. The nine states are acting in their own self interest and at the expense of the consumer and Microsoft. They need to get on with the ''lives.''

James Arnstein

MTC–00007339

From: McDonaldMoses@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 8:04pm
Subject: Microsoft Settlement

I fully agree that the agreement reached is fair. This litigation has gone on far too long. It is fair to all concerned and should be settled now.

Louis R. Mc Donald

MTC–00007340

From: Martin Runyan
To: Microsoft ATR
Date: 1/2/02 8:04pm
Subject: Microsoft Settlement

I am writing to support the settlement that has been reached between the DOJ and Microsoft. I believe it to be a balanced and fair solution to a difficult problem. I am also writing to encourage a speedy conclusion to this matter. I believe our economy will be seriously harmed if this issue continues to burden our technology sector with uncertainty and doubt.

Martin E. Runyan
Nokomis, Florida

MTC–00007342

From: DSmith9336@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 8:05pm
Subject: Microsoft Settlement

Dear DOJ folks,

I would like to express my opinion re the case against Microsoft and the settlement you and some states have reached. First of all, I do not think the case was justified in the first place. It doesn't seem to me that Microsoft is guilty of anything beyond trying to build better products that would most efficiently serve the vast bulk of computer users. The settlement you reached with Microsoft is far far better than your original weird ideas about breaking up the company.

I am not a lawyer but it seems very strange to me that state Attorneys General have anything to say about antitrust law. The nine non-conforming Attorney Generals should go back to dealing with state matters. The competitors of Microsoft who are asking for the government to make their life easier by punishing Microsoft should compete in the marketplace and not by lobbying you and Congress.

It is time to put this ill-advised venture behind us and move on.

Sincerely,
David A. Smith
20342 Ayoub Lane
Hagerstown, MD 21742

MTC–00007343

From: Karen Bradley
To: Microsoft ATR
Date: 1/2/02 8:05pm
Subject: Microsoft Settlement

For heavens sake, please settle this dispute with Microsoft and do not let special interest groups derail the settlement.

Microsoft has done nothing but help the consumer in every way. To hurt Microsoft any more is to hurt the consumer.

Please let the settlement stand that has been agreed to.

Sincerely
Karen Bradley

MTC–00007344

From: John M. Cantey
To: Microsoft ATR
Date: 1/2/02 8:06pm
Subject: Microsoft Settlement

SETTLE ALL CLAIMS NOW!

MTC–00007345

From: ROBERT WOLFE
To: Microsoft ATR
Date: 1/2/02 8:06pm
Subject: Microsoft Settlement

Microsoft should be allowed to do as it pleases.

MTC–00007346

From: g-mon
To: Microsoft ATR
Date: 1/2/02 8:07pm
Subject: Microsoft Settlement...

I feel a settlement to the DOJ's harrasment of Microsoft Corp. is long overdue. The nine states ''holding out'' on the agreement are blatantly trying to position themselves so they can extract more ''tribute'' from MS in the future.

MTC–00007347

From: Josef Wernli
To: Microsoft ATR
Date: 1/2/02 8:08pm
Subject: Microsoft Settlement

Enough is enough! There has been a time to voice grievances in court, there has been a time to reach a settlement and now there is time to move on. Litigation is not for giving competitors free entry and an edge in the market place which instead they should earn with a better mousetrap to the benefit of consumers.

I urge you to use your good judgement and powers to put a final end to this litigation and force competition to Microsoft to come up with better software.

Sincerely,
Josef Wernli
4825 Forest Avenue S.E.
Mercer Island, WA 98040

MTC–00007348

From: KPKELLY7@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 8:09pm
Subject: Microsoft

We have been shareholders of Microsoft for many years. The government has been unfair to Microsoft, which is the greatest company in America. We want you to settle the lawsuit and to have the Tunney Act to be enacted.

Kevin and Marjorie Kelly
1335 N. Astor Street, #3A
Chicago, IL 60610

MTC–00007349

From: Peggy Marvelle
To: Microsoft ATR
Date: 1/2/02 8:10pm
Subject: MICROSOFT SETTLEMENT

It is imperative that the government settle this issue....it is taking up our dollars and we have more important things to be concentrating on! I hate to think where we would be without the vision of Microsoft!!

Peggy & Jerry Marvelle

MTC–00007350

From: HML101@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 8:09pm
Subject: Microsoft Settlement...

To Whom it May Concern,

I have always thought that certain competitors of Microsoft were really trying to make life difficult and ''yes'' it is all about money. I also believe that it's time to stop this war and let Microsoft get back to doing the things it does best—or, I should say, better than anyone else. Some people have hoped to hurt Microsoft—it's time for them to get a life and let it be. I feel that some are jealous of the fact that Microsoft was able to bring so much to businesses and consumers, alike. Microsoft is really only responsible for the millions of computors now enjoyed by so many and their competitors only wish they could have done as well. Then there is also a huge amount of funds and software donated to many in need. Do we owe Bill Gates a humanitarian award—''YES''...

No Settlement Required
HML

MTC–00007351

From: COettinger@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 8:11pm
Subject: microsoft states suit

Dear Sirs;

I am mortified by the behavior of individual states suits, particularly the Attorney General of Connecticut. I saw an appearance he made on CNBC and was amazed at the blatant arrogance of this so called official. After the government settled the suit, how is it possible to continue legal harrassment of Microsoft? What is the motive? Greed? Notoriety? Both? The legal system is seriously flawed to permit such continued abuse of the system. No wonder lawyers have no respect.

Carl Oettinger M.D.

MTC–00007352

From: EST344@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 8:10pm
Subject: Microsoft settlement.

Not being a computer expert it is my understanding that Microsoft's software enables novices like me to easily access the information they desire via the computer and the Internet by making all the different systems work easily together. If the competitor had a better product I sincerely believe that the public would had demanded it through the power of the marketplace. There are a lot of large companies in the world and they are not able to stifle competition, if anything competition makes one more perceptive to the needs of their customers and bring about innovative ideas. This is the American way of doing business. The companies that are crying foul are not little upstarts but major competitors. If the public chose Microsoft's product over theirs they just have to go back to the drawing board. I am tired of lawyers making a fortune at the expense of J. Q. Public. I think this case should be settled and that the time to do so is NOW.

Esther Tolan

MTC–00007353

From: Cathy
To: Microsoft ATR
Date: 1/2/02 8:10pm
Subject: Microsoft Settlement

I feel the agreement should stand & this case should be closed...enough is enough...freedom to innovate is what this country is about & we need innovation now more than ever!

Cathy L. Mills
Pleasant Prairie, WI, USA

MTC–00007354

From: twickers
To: Microsoft ATR
Date: 1/2/02 8:10pm
Subject: Microsoft settlement

It is unnecessary to prolong this case against Microsoft. The settlement is fair and reasonable and it would be a waste of taxpayer funds to continue to litigate. Those who press to continue the litigation appear to be competitors seeking to use the federal government as a weapon to further their own ends. Justice has been done and has been seen to be done.

Patrick Harden,
Annandale, Virginia.

MTC–00007355

From: crbasswwtx@att.net@inetgw
To: Microsoft ATR
Date: 1/2/02 8:11pm
Subject: Settle Microsoft Suir Quickly.
From: crbasswwtx@att.net
To: microsoft.atr@usdj.gov
Date: Thu, 03 Jan 2002 01:00:05 +0000

Dear Sir: I am concerned about a quick settlement of the Microsoft Case. I feel this should never been entered into our Judicial System. I have bought and own some ''high tech'' stocks which have suffered because of this lawsuit. I feel the quicker this suit is settled our entire markets system will move in a positive way. Hope so anyway. I feel Bill Gates made a mistake when he bragged he didn't give to a PAC. Had he taken several million to Washington DC and passed it around among the politicians this suit would never been filed. Our entire country has suffered because of an attempt to strangle free enterprise and creative development by Microsoft.

Sincerely,
C. Edward Bass, Woodway,
TX

MTC–00007356

From: RHoover478@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 8:12pm
Subject: Microsoft Settlement

I support Microsoft in this settlement. Please complete it.

Richard S Hoover
15405 91st Ave SE
Snohomish, WA 98296

MTC–00007357

From: Steven H. Steinberg
To: Microsoft ATR
Date: 1/2/02 8:12pm
Subject: Microsoft case

It is time to settle this mess. The terms which have been worked out by the Justice Dept. and half of the States is fine. The other states can stop representing Microsoft's competition and settle. It is fair and just. Let's move on.

Steven H. Steinberg
10005 Ivybridge Circle
Louisville, KY 40241
Steven-h@home.com

MTC–00007358

From: Collins, Ned
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 8:12pm
Subject: Microsoft Settlement

The government should not kill successful companies, leave that to the marketplace. Settle this thing so companies can innovate, Microsoft and their competitors, without worry that the government will smash them if they are too successful.

Ned Collins,
tax payer

MTC–00007359

From: Garcand@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 8:13pm
Subject: Microsoft Settlement

Let's get this thing settled! Frankly I thought the suit was ridiculous in the first place. My opinion is that the states that brought suit were the ones who had companies within their boundaries that did not have the innovative ability to keep up with Microsoft so they compete by bringing law suits to slow down a company that does. With the economy the way it is this country doesn't need anything else to inhibit it. It is entirely possible that these suits brought by the Justice Department and the states played a big part in creating the recession we are now in. Microsoft has apparently agreed to the proposed settlement (which is unfair to Microsoft anyway) so lets settle it. Consumers have not been hurt by Microsoft's practices but I believe they have been hurt by this law suit.

Garnett Arcand

MTC–00007360

From: Jack Fenchel
To: Microsoft Monopoly, Attorney General
Date: 1/2/02 8:11pm
Subject: Microsoft

Constitution< Article > 1 >Section > 10, >1, The Constitution, is very clear and prohibits S.A.G's, from using certain powers by impairing Microsoft, Contracts. >Constitution of the United States.< >Section (10) 1, States Prohibited from exercise of certain Powers<

Hal Stratton, a former Attorney General, of New Mexico, says States, should think carefully before they branch out beyond their traditional functions. Could this be the reason Microsoft, wants a delay?

Thank you, God Bless America,
Jack Fenchel,
185 Friendship Rd.
Beaver Falls Pa. 15010

MTC–00007361

From: Marv Norman
To: Microsoft ATR
Date: 1/2/02 8:15pm

Subject: Microsoft Settlement

I believe it is the public's best interest to settle the DOJ/Microsoft lawsuit. A few politically motivated Attorney General's are pushing the case in their own interests and a few Microsoft competitors are trying to use the DOJ to help them compete in the market place. This case has gone on too long and should be settled as quickly as possible. The DOJ should not be involved in the open competitive market. Microsoft has developed very significant software and the cost to the individual consumer is very reasonable. I personally continue to be amazed at the power of the Windows software and the very low price we have to pay to obtain the product. I also have no interest in ''open'' software that anyone can change. I want to know that I can open letters and spreadsheets and rely upon the programs working correctly. I also have no interest in having the Windows operating system separated from my internet browser. I want them to work together and I want to be able to call one company if there is a problem.

Please ignore Microsoft's competitors in this issue and also please ignore the nine Attorney General's who are trying to promote themselves politically. This case has been decided on a legal basis and the remedies agreed upon should be implemented so that the involved people can apply their efforts to improving the current economic situation rather than continuing to ''waste'' time rehashing the same issues.

I am not a Microsoft shareholder so I have no economic bias. I believe in the capitalistic market place and the power of competition.

Best regards,

Marv Norman

MTC–00007362

From: Plastxdoc@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 8:14pm
Subject: Microsoft Settlement

To whom it may concern,

One can look at the stock market crash and time it from the beginning of the Justice Department's public attempt to dismantle Microsoft. By the time you are done torturing this company Aol/Time Warner will be a larger monopoly. The local environment will disappear with time. Please stop wasting taxpayer's money and allow the technology sector to flourish. Accept the settlement. Let's move on.

Richard J. Greco

MTC–00007363

From: JOHN (038) SUSAN DE WOLF
To: Microsoft ATR
Date: 1/2/02 8:15pm
Subject: Microsoft Settlement

Enough is Enough! Please settle this suit and let Microsoft get on with their business and their competitors get back to developing competitive software. The competition to Microsoft is spending too much time constraining Microsoft who has made computers widely used by a large portion of our population.

John T. DeWolf
StorrsDeWolf@worldnet.att.net

MTC–00007364

From: Jkearney19@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 8:16pm
Subject: re: microsoft settlement

To whom it may concern:

I am writing to express my strong desire to see the US government case against Microsoft settled as quickly as possible, and in accordance with the DOJ's most recent settlement. To allow the nine holdout states to inflict any more damage on what arguably has been the engine for the phenomenal growth of the high tech industry would be a travesty, and wholly unwarranted. The marketplace is unforgiving to undercapitalized or less innovative companies. Virtually every industry started out as somebody's idea, only to be improved upon and bettered by somebody else. This is true of Microsoft as well. As you can see I am using AOL to send this message. I, like many others used to use lotus 123 but discontinued as Microsoft excel surpassed it in functionality. I assure you that had lotus continued to improve as rapidly as Microsoft, they would be dominant. Moreover, I followed the case throughout and was amazed at the ignorance of the trial judge. A non user of high tech products cannot possibly determine how easy, or difficult it is to install other software, especially when that software is superior. As to monopoly, I can only imagine the chaos that would surround multiple operating systems. Eventually, the market would force one to be superior. Changing systems is not as easy as buying a different car.

For full disclosure, I own Microsoft stock but also have owned Oracle, Cisco and other high tech stocks, including some of the competitors that have fueled the drive to cripple Microsoft. Unfortunately, the overly ambitious attorney's generals of the holdout states (Iowa and my home state of Connecticut are the worst offenders) have viewed this as an opportunity to increase their own profiles for purely political reasons. I find it appalling that this case continues to drag on. Worse still is the naked grab by the European Union's Mario Monti to bring the same charges to further cripple this great company that has done so much good for the USA.

The precedents being set here will be felt, unfortunately, for years to come unless the DOJ, once and for all, ends this now. I urge you to let stand the current settlement offer to be put into effect and tolerate no further action against Microsoft.

Thank you very much for your consideration in allowing this citizen to express his views.

Sincerely,

Joseph W. Kearney

MTC–00007365

From: PoolQ@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 8:19pm
Subject: Microsoft suit

The last thing this country needs is more litigation by the govt. It seems like a personal vendatta. Let the best products prosper, and remember that there are a zillion software companies and start-ups.

J. Pool

MTC–00007366

From: Rosemary Brant
To: Microsoft ATR
Date: 1/2/02 8:19pm
Subject: settlement

Dear Sir,

I do believe the settlement already reached with microsoft, though tough ,is fair and reasonable. I see no further need to debate these issues. It is only punishing the consumer.

Sincerely,

Rosemary Brant
New Orleans, LA

MTC–00007367

From: George G. Morano, Jr.
To: Microsoft ATR
Date: 1/2/02 8:20pm
Subject: Microsoft Settlement

Please settle this case quickly. The last thing we need is more litigation to keep the lawyers ''fat'' especially in these uncertain economic times. Please get the economy rolling by ending this case.

Margie Morano
Cincinnati, OH

MTC–00007368

From: ONEFASTED@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 8:20pm
Subject: Settlement

I am very satisfied with the settlement offer made by Microsoft.

MTC–00007369

From: Keith Saville
To: Microsoft ATR
Date: 1/2/02 8:20pm
Subject: Settlement

To those concerned—Lets get out of Microsoft's hair. Just because they have worked hard made good money, donated a lot of money as well computer programs, some of you are still jealous of what they have done and want more out of them. Give the other states 30 days to accept or they will lose out altogether.

I am a small entrepreneur that went out and started a business back in 1985 and withstood all the laughs and people making fun of me. Now those same people are jealous and complain how I have it made. They did not see the 16hr days I put in for about 12yrs to get where I am.

I'm sure Bill did the same thing, and many business places snickered at him. Now they are upset and want a part of his prosperity for nothing. So let him go, he earned every penny he has made. He pays some nice taxes. He gives to a lot of places. He's not on drugs, so leave him alone.

Yours truly
Keith F. Saville
Grafton, ND 58237

MTC–00007370

From: DONALD ALLEN
To: Microsoft ATR
Date: 1/2/02 8:20pm
Subject: Microsoft Settlement

I followed this case closely, with a question in my mind at all times. I couldn't understand why a few States were taking the company with the greatest brilliant minds, all

with an innovative and understanding look into the future, to court! I know a little about monopolies, and how they do try to eliminate competition, but in the history of Microsoft, how many avenues of further research into new areas were created by their brilliance? Many new companies exist today, due to Microsoft.

The deciscion was as fair as the courts could allow without admitting they were wrong for allowing this case to begin!

Donald D. Allen

Oakdale Cal.

MTC–00007371

From: Jeanne Velie
To: Microsoft ATR
Date: 1/2/02 8:20pm
Subject: Microsoft Settlement

To whom it may concern:

I feel that the government is persecuting Microsoft. If the government has so much money to spend prosecuting Microsoft because they think it is a monopoly, why don't they go after the Power and Light Companies, Cable Companies and Municipal Water Plants in the Midwest also??? We have but one choice for either—and every year their costs go up—(if public, they call for a public hearing (of which no one shows up, because they know it won't matter)) they get a raise... Why don't they have to cut costs like everyone else? Why is it that these kind of companies can be the sole provider in the area and raise rates and the government doesn't intervene there, but spends millions going after a company like Microsoft???

I think if the Federal Government has that much extra money, they should send it down to the State and Local Governments to relieve the little person's tax burden and stop spending it going after Microsoft...

A concerned citizen

MTC–00007372

From: GDPUCK@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 8:22pm
Subject: Microsoft Settlement

I would like the chance to voice my opinion on the DOJ vs Microsoft case. I feel that this is a frivolous case. That the government could have spent their money wisely going after a real issue. I feel that Microsoft is being picked on just because they are the industry leaders. They should be free to innovate because that's supposed to be the American way. However, the federal government always seems to step on the toes of progress. Bill Gates and Microsoft are what makes computing easy for the everyday consumer...Windows is a wonderful thing....Just because they pack their browser and other features is irrelevant. The consumer can always opt to change to other software. The consumer knows what he is getting when he/she buys it...Stop picking on microsoft...As far as I am concerned, The judge that overheard the case should be removed from the bench for making such an ignorant decision and speaking out when he shouldn't have...Total incompetence....Let Microsoft be the innovator's that they are and the personal computing experience will always be great.

MTC–00007373

From: DSDuerson@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 8:23pm
Subject: Microsoft Settlement

There is absolutely no question that CA's continued attack on Microsoft is a political ploy which the politicians will persue hoping that it can be used in some way to distract the voters from the unbelievable fiscal mess they have gotten the State into. As a senior citizen who has paid his dues and has profound respect for those who ''bust their hump'' to develop something great. Because of their success they become the target of specious law suits by political hacks trying to make a name for themselves. I am better off and so is the Country because Microsoft had the initiative to forge ahead in the computer industry—maybe these protagonists would rather China or Japan had taken this leadership role. Please press forward with a settlement that is not a prejudicial judgement against American initiative.

D.S. Duerson

MTC–00007374

From: SCTWO@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 8:22pm
Subject: Microsoft Settlement

Please settle this case and allow Microsoft to continue its innovations in the computer software arena. We don't need more litigation!!! We believe this settlement is equitable to all parties.

Shelley Cohen

MTC–00007375

From: SUN65B@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 8:25pm
Subject: Microsoft Settlement

How about getting off Microsoft's back. Cant the Government stand people working hard to better us all. This type innovation is one of the things this country is all about. Microsoft has had to spend millions defending themselves for this useless legal action. This money could have been better spent in research, education etc.

Thanks

Bob Houdek

MTC–00007376

From: Victor Oekerman
To: Microsoft ATR
Date: 1/2/02 8:24pm
Subject: Microsoft Settlment

To Whom it May Concern:

As a small consumer, I feel that the settlement accepted by all parties of this date should be unanimously accepted by all jurisdictions and all States. If not, I feel that further prolonging by representatives of microsoft competitors with special intrests and representatives of other Federal Agencies with special interests will cost small consumer users too much money and will raise our operating costs too much.

Yours truly,

Victor E. Oekerman

MTC–00007377

From: GlowedCA@cs.com@inetgw
To: Microsoft ATR
Date: 1/2/02 8:25pm
Subject: MICROSOFT SETTLEMENT

It is my opinion that the proposed settlement be finalized quickly.

Gloria Rudetsky

MTC–00007378

From: William Crowder
To: Microsoft ATR
Date: 1/2/02 8:25pm
Subject: HEARINGS CONCERING MICROSOFT

I am writing to the Department of Justice asking that Microsoft settlement with the majority of the states be extended to the ones holding out for further penalties. There is nothing to be gained from penalizing Microsoft as the company has already agreed to a settlement which will be beneficial to a large segment of the country. Just because Microsoft has been innovative, successful, and has advanced the world of computers far beyond what one would have realized a decade ago, the company should not be punished.. It has been successful and should be allowed to continue to innovate without interference from the U.S. government. Microsoft and companies its size are a stimulus to the economy creating hundreds of jobs. I urge the Department of Justice to settle the case without further hearings and let a successful company continue to innovate. Signed: William W. Crowder, PH.D. 629 NORTH STREET, LAFAYETTE, IN 47901

MTC–00007379

From: JAMES KRALIK
To: Microsoft ATR
Date: 1/2/02 8:26pm
Subject: Microsoft settlement

To whom it may concern, sirs

I do not want the government interfering with private business period. Get off of Microsoft's back and do your job which is to protect us from foreign invasion NOT harass companies which employ thousands of people.

Please and Thank you

J.S. Kralik

MTC–00007380

From: Eugene Gordon
To: Microsoft ATR
Date: 1/2/02 8:26pm
Subject: Microsoft Settlement

I have been a user of Microsoft technology for 18 years in the development of military applications as well as for my own personal needs. As an extensive consumer of Microsoft products I have never once felt that the company's business practices were financially detrimental to me. As a consumer the DOJ settlement seems to me to be a fair disposition of the issues involved. Further penalizing Microsoft, as their competitors and the few remaining states wish to do, is neither in the interest of the U.S. economy nor the consumers.

Eugene S. Gordon

E-Mail Address: ggord@msn.com

MTC–00007381

From: joanne reiss
To: Microsoft ATR
Date: 1/2/02 8:25pm

Subject: Microsoft Settlement

Please put an end to this litigation by accepting the agreement reached by nine states and the Federal Government. I believe the settlement is fair and in the best interest of consumers like myself. Microsoft has done nothing but help the consumer by making computing more accessible and easier to use. Not only has this lawsuit hurt the economy but it in no way represents fairly the opinion of consumers. Tell the competitors to stop whining and get on with their business. Personally I feel that the start of this ridiculous lawsuit was the beginning of the spiral downward of our stock market and economy.

Joanne Reiss

MTC–00007382

From: MTEMosey@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 8:27pm
Subject: microsoft settlement

PLEASE..LET US SETTLE IT ALL UP WITH AND FOR MICROSOFT AND THE PUBLIC..THANK YOU MOZELLE SIMS

MTC–00007383

From: D (038) J Murdach
To: Microsoft ATR
Date: 1/2/02 8:28pm
Subject: Gentlemen: Please approve the proposed settlement with Microsoft . It is in the best interests of

Gentlemen: Please approve the proposed settlement with Microsoft . It is in the best interests of the country. David Murdach at dmarly@qwest.net

MTC–00007385

From: Craig Goddard
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/2/02 7:51pm
Subject: Microsoft Settlement

Like I said before, my business suffered the most when it looked like the DOJ was going to split Microsoft into two companies.

Since the lastest good news that the Federal Gov't was not going to break up Microsoft, has my company began to prosper.

I sincerely believe that my business will really take off after the nine states settle. Whatever it takes!!

Thank you

Craig Goddard Sr. Developer

Goddard Professional Software

Engaged in Designing and Developing Web, Distributed & Desktop Business Solutions

cgoddard@goddard01.com

http://www.goddard01.com <http://www.goddard01.com/>

<http://www.goddard01.com/>

MTC–00007386

From: BirdieGeo@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 8:28pm
Subject: Microsoft Settlement

We agree with the settlement

George and Burdena Pasenelli

13926 212th Dr. NE

Woodinville WA 98072

MTC–00007387

From: Linda Kluthe
To: Microsoft ATR
Date: 1/2/02 8:30pm
Subject: Microsoft Settlement

Dear Sir or Madam:

It is my opinion that the Microsoft Corporation has suffered enough from all the harrassment that the government has done for the past few years. In the meantime, its competitors have laughed and gone ahead to profit while Microsoft was diverting its energies into fighting the litigation. Please assist Microsoft to settle all lawsuits in the fastest way possible, and allow them to be free to develop new software and hardware that will continue to keep the United States superior in our computer technology.

Do not punish or fine Microsoft anymore. As a consumer, I am happy with the advanced Microsoft technology that I have available to me. I want more advancements from Microsoft—do not handicap them anymore.

Sincerely, Linda Kluthe, 351 4th St., Scotland, SD 57059

MTC–00007388

From: Randy De Graaf
To: Microsoft ATR
Date: 1/2/02 8:26pm
Subject: Microsoft Settlement

Get on with it and settle the case for the good of everyone. I love Their software and quit bowing to the pressures of the others in the industry that appartently only want BIG GOVERNMENT to intervene every time they can't compete because of their own inability.

Thanks

Randy

MTC–00007389

From: romeosumadi
To: Microsoft ATR
Date: 1/2/02 8:30pm
Subject: Microsoft Settlement

Dear Sir,

As a desk top software user, I am supportive of the DOJ's settlement with Microsoft. I am eager to purchase my new desktop computer but unsure if further litigation will render my purchase inadequate, when future software upgrades become necessary.

I am afraid also of the heavy handedness of the numerous governmental regulations that can spill over the entire software industry, thereby limiting innovations and my choice to purchase software that is compatible with my existing systems that I already use for my small private business. Just because few states can benefit few large corporations by their attempt to inhibit Microsoft, as is the case in my own state of Massachussetts, shamefully. We in the private sector should also be heard just as well. Our message is ''litigation enriches the few at the expense of small businesses'' .

Sincerely,

Samer Sumadi

Search Tech Inds.

MTC–00007390

From: William Greensides
To: Microsoft ATR
Date: 1/2/02 8:31pm
Subject: Microsoft Settlement

Hope that all goes well for you!!

Bill Greensides

MTC–00007391

From: Milton Mechlowitz
To: Microsoft ATR
Date: 1/2/02 8:31pm
Subject: Settle the case

It is about time that the case against MICROSOFT BE SETTLED ONCE AND FORALL so that Microsoft can go on with its bussiness.

Milton Mechlowitz

MTC–00007392

From: Donn Davis
To: Microsoft ATR
Date: 1/2/02 8:33pm
Subject: Microsoft Settlement

DOJ & Microsoft Settlement Judge, It will be appreciated if you will think more of our faltering U.S. economy instead of the nine states attorneys general who are running for political office by using the Microsoft Settlement as a means to obtain more media attention. Try to give these kinds of productive corporations, that are making positive contributions to our exports and balance of payments, a break, and let the politicians muddle along in their element.

Thank you,

Donn R Davis

MTC–00007393

From: Marc Lapsley
To: Microsoft ATR
Date: 1/2/02 8:33pm
Subject: Microsoft settlement

Concerned,

Microsoft has lead us to point of no return! With the tools given to us by microsoft, we have enhanced the way we live and communicate. ''Let freedom ring'' Innovation is what has taken us to the frontiers of our freedom. Why must we punish fore what we cherish?

Absolute power corrupts, I agree! How about giving me a choice in my phone and cable TV, before you bark at the dog that feeds you.

Marc Lapsley

Bellevue, Washington

MTC–00007394

From: BOCABD@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 8:33pm
Subject: MICROSOFT SETTLEMENT

Stop wasting time and settle as agreed with Microsoft; our safety and security require your complete undivided attention during these times that are lives are filled with fear from terrorism, not fear from antitrust interests.

John J. Imperial

140 S.E. Fifth Avenue

Boca Raton, Florida 33432

MTC–00007395

From: H0NDAXR600@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 8:35pm
Subject: MICROSOFT SETTLEMENT

To whom it may concern-

I feel the settlement for this case that is currently being made is fair and just for all parties. Please let the current ruling stand. It is time we put this case behind us and let businesses continue to innovate so that our

country can continue to be the great nation that it is.

Yours Truly
Jeff Conner

MTC–00007396

From: GrahamVarmint@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 8:36pm
Subject: Microsoft Settlement

Let's dispense with further litigation in this case, and get about the business of trying to recover from current recession. Thinking back, it was about the time of DOJ antitrust suit that economy showed signs of weakening. Enough is enough...and we've had enough. Thank you for consideration of my views. Tom M. Graham

5570 Starry Rd.
Bellingham WA 98226

MTC–00007397

From: MsGee@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 8:36pm
Subject: microsoft settlement

i am so tired of these companies who do not put their money or assets into R & D and instead , want a company who has done just that to ''give'' them their programs so that they can either sell more computers or sell more software that doesn't even compare to what microsoft produces. They don't want to pay out their profits in excellent salaries to gain the workers they need to design new programs so that they can compete in the marketplace. I am tired, as a taxpayer, of the government and our courts allowing this nonsense to go on and on and we are paying for it along with their salaries. Find the terrorists instead. How about that as a good job for the justice dept. or at least start to amass the people needed to prosecute them. Use our government funds to prosecute them instead of Bill Gates. Most consumers would agree with me. You all know that Bill Gates certainly does not want your job or that of the President or Vice President of the United States. I believe The Justice Dept. is afraid of Bill Gates. Can't imagine why~!!

He's not interested in the kind of power that the justice department thinks is the ultimate power. He's more interested in a power (ful) computer and software. AS A TOOL and his products have begun to change the way the humans on the planet work. Let this company continue to produce top quality products. Isn't that what American Business is all about? Stop these other states cold in their tracks. they are only being paid or favors returned from the companies that are wanting Bill Gates and his company's position in business. Maybe they ought to put their money where their mouth is. What have they done lately for humanity?

The court has already spoken. Who ARE these people to want more than what has already been given up.? Why don't these poor companies just close their doors. They're not doing much of anything else except whining and crying in order to gain the courts sympathy as well as some other company's sympathies.

They would be hard pressed to produce like Microsoft, since they don't really reinvest their moneys in research and development I am very firmly committed to seeing the Anti Trust laws changed. they are out of date, and not reasonable today. This whole case , unfortunately for microsoft to be put down, has been the impetus to cause this necessary change. why doesn't the justice dept. and those other whining states work on that and put some effort along with their dollars to see that the Anti-Trust laws are changed. Now that would really be something.....

MTC–00007398

From: TxGuy55@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 8:36pm
Subject: Microsoft Settlement

Dear Sirs:

Please drop all charges against Microsoft and allow them to continue to provide goods and services for the general public. The company has a long history on innovations in technology and their competitors should not be allowed to cry ''foul'' just because they can't keep up.

Sincerely,
Jay Ferguson
Dallas, Texas

MTC–00007399

From: MortMagic@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 8:37pm
Subject: MICROSOFT SETTLEMENT

I'm in favor of the settlement arranged by the Department of Justice and Microsoft. Furthermore, I feel the states that are holding out are mistaken and, in particular, that Mr. Blumenthal from CT. is serving his own political ambition for national notoriety.

Morton D,. Fisher
Fairfield CT

MTC–00007400

From: DHaug14491@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 8:37pm
Subject: Microsoft Settlement

I feel that the Microsoft Settlement as it now stands is fair to all parties & should be settled once and for all...no further hearings should be necessary.

Donald R Haug
2912 23 Ave So
Fargo ND 58103
drhaug14491@aol.com

MTC–00007401

From: JCH312@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 8:37pm
Subject: Microsoft Settlement

Dear DOJ, I think the settlement with Microsoft was unfair to Microsoft, but Microsoft agrees and you agree I strongly feel it should be accepted by all parties. I live in California and this is one state that the Atorney General will not go along with the settlement. It is well known that he has ties with the companies who started the complaints with Microsoft and now is paying a political debt. I personally feel that many people benefited from Microsofts practices. Many companies just started with the intention of being purchased by a large company like Microsoft. Is Microsoft really a bully, I do not think so. Is there any difference between Microsoft and the United States? I sincerely hope all states are forced by the DOJ to accept the settlement since you are supposed to be the speaker for the US. Lets get this mess over and not let politics continue this on and on and on.

Thank you

MTC–00007402

From: CAlderson@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 8:38pm
Subject: Microsoft

Settle the dispute. Leave Microsoft alone.
Cheryl L Alderson

MTC–00007403

From: JanieKemp@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 8:38pm
Subject: Microsoft Settlement

To whom it may concern: I have been employed in the technology business for over thirty years as a result I wish to express my disappointment in the governments continual pursuit of Microsoft. Please put an end to the legal action. Microsoft has been a model of innovation and creating technology that is affordable to so many people.

Thanks for this opportunity to express my opinion!

MTC–00007405

From: Jwclb@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 8:40pm
Subject: Microsoft Settlement

To Whom It May Concern:

It is hard for me to believe that some State Attorney Generals are still clinging to the hope of a BIG kill in the Microsoft Settlement. Every time I see them on TV, you immediately know by their voice and looks that they are after personal gratification and notoriety rather than for the good of the people. It is very clear that this United States of America does not need any more deterioration of our economy by these companies and individuals. I thought a settlement had been reached by the majority. The majority should rule.

Let these Attorney Generals go after the illegal immigrates that are still in this country and help out our Federal Government in getting rid of the people that have caused us great harm.

James W. Baker
543 Silver Pass
Ocala, Fl 34472

MTC–00007406

From: Walter Barzal
To: Microsoft ATR
Date: 1/2/02 8:45pm
Subject: Microsoft settlement

I've actively used a computer since 1989 and feel that Microsoft products have provided value over the years. I think I know when I'm being ripped-off, i.e. cable companies and the lack of competition and chose in that industry, and I just do not feel like I've been cheated by Microsoft.

MTC–00007407

From: Jklemm1@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 8:41pm

Subject: Microsoft Settlement
Sir,
I believe the current settlement with Microsoft is just and in the best interest of the public. It is time to put this case to rest. Microsoft should be allowed to continue its great work.
Best regards,
John D. Klemm

MTC–00007408

From: lucianr@bellatlantic.net@inetgw
To: Microsoft ATR
Date: 1/2/02 8:41pm
Subject: Microsoft Settlement
Dear Sir/Madam:
I have followed this suit with utter amazement. I have watched over the decades as companies with robust R&D programs have shrunk, withered away and died. Microsoft is not only an important company for our economy but an important aspect of our national security. I had thought that with the Berlin Wall down that government crypto Socialism would fade away but with this law suit it is live and well. Bell Labs is almost dead, Motorola in the tank, and Universities are being asked to do industrial R&D for free while basic science is ignored. Get off Microsoft's case. Settle up and tell the States to so too. Enough of this nonsense. We have a war against terrorism to fought and an economic war for survival after that.
Microsoft is a case of a bunch of 30-somethings being stupid. Treat it this way and let us get on with things.
Lucian Russell, Ph.D.
Harvard 1965
NYU 1969
Bell Labs
Former Chief Scientist of CSC's Virginia Technology Center
Former Director of Argonne National Labs Advanced Computer Applications Center.

MTC–00007409

From: W. Roger Gehman
To: Microsoft ATR
Date: 1/2/02 8:41pm
Subject: Microsoft Settlement
Sirs,
Let's bring this fiasco to a quick end. Microsoft has contributed so very much to the digital age we live in, and this court case was unjustified to begin with. There are certainly many more serious problems facing the US and its citizens, including the war on terrorism, and re-establishing the health of our economy. Companies provide jobs, but cannot operate sucessfully, when hounded by the federal government interfering in their day to day operations.
Warren R. Gehman
126 Park Avenue
Mount Joy, PA 17552

MTC–00007410

From: Les Speiler
To: Microsoft ATR
Date: 1/2/02 8:41pm
Subject: Settlement
The millions and millions of dollars that were wasted on this suit and the ''BLUE STAINED DRESS'' should have been spent on trying to prevent the events of 9/11, illness cure, etc.. There really isn't anything else to say except ''GOD BLESS AMERICA'' and learn from our mistakes.
Teresa D. Day

MTC–00007411

From: Steve Orr
To: Microsoft ATR
Date: 1/2/02 8:43pm
Subject: Microsoft Settlement
Let's get this issue settled Now!! To prolong the settlement is not in the best interests of the public. Some people are trying to sabotage a good company that builds products we like.
Thank you, Steve Orr

MTC–00007412

From: Richard S. Sternberg
To: Microsoft ATR
Date: 1/2/02 8:44pm
Subject: Microsoft Settlement
What unadulterated poppycock in the Microsoft-written ''alert'' below! I certainly hope the Court is aware that Microsoft is placing words in the mouths of their self-created support groups.
I have no clients who have retained me to represent them on this issue, and I am speaking only for myself as a citizen, but I am firmly of the view that the proposed settlement will have serious and permanent detrimental effects on computer innovation. After proving monopoly and predatory practices, the DOJ recognizes partisanship and concedes the day, seeking to give Court sanction to the most predatory example of monopolization in U.S. history. The record demonstrates a predatory product thief which takes advantage of the glacial pace of American justice to solidify its market seizures. Worst, the effect of involving the Courts in the process of monopolization will to create a technique that will exceed the imaginations of Rockefeller or the the other robber barons' brilliant greed. Even after the effect of this settlement becomes apparent with the elimination of competitors, divestiture may be blocked by res judicata. Sadly, Microsoft will be in a better position than if they had won the trial on monopolization or if DOJ had been disbanded before it wasted millions proving monopolization. In a mistaken moment of national unity inspired by a terrifying terrorist act, the DOJ seeks to end this dispute. This resolution will cost America far, far more than the cost of a couple of WTC towers. I truly hope that the Court will reject the settlement.
— Richard S. Sternberg, Esquire
Richard@MetroWashingtonLaw.com
Metropolitan Washington Law Consortium, PLLC
Managing Principal/CEO
http://MWLC.org/
A FINFlash Alert: The DOJ wants to hear from YOU!
For nearly four years, your voice has been instrumental in the debate over the freedom to innovate. Tens of thousands of concerned citizens have communicated to their public officials about whether the Microsoft case should be settled or further litigated. Despite the aggressive lobbying efforts of a few of Microsofts competitors, the federal government and nine states finally reached a comprehensive agreement with Microsoft to address the reduced liability found in the Court of Appeals ruling. This settlement is tough, but reasonable and fair to all parties involved. Consumers overwhelmingly agree that settlement is good for them, the industry and the American economy.
However, this settlement is not guaranteed, and your voice is more important than ever. The law (officially called the Tunney Act) requires a public comment period between now and January 28th after which the District Court will determine whether the settlement is in the public interest. Unfortunately, a few special interests are attempting to use this review period to derail the settlement and prolong this litigation even in the midst of uncertain economic times. The last thing the American economy needs is more litigation that benefits only a few wealthy competitors and stifles innovation.
Dont let these special interests defeat the public interest.
Between now and January 28th, it is critical that the Department of Justice hears from you about the Microsoft settlement. The Department of Justice will then take all public comments and viewpoints and include them in the public record for the District Court to consider. Please send your comments directly to the Department of Justice via email or fax no later than January 28th. Whatever your view of the settlement, it is critical that the government hears directly from consumers. Please take action today to ensure your voice is heard.
Email: microsoft.atr@usdoj.gov . In the Subject line of the e-mail, type Microsoft Settlement.
Fax: 1–202–307–1454 or 1–202–616–9937
To find out more about the settlement and the Tunney Act comment period, go to the Department of Justice Website at:
http://www.usdoj.gov/atr/cases/ms-settle.htm
Thanks for taking the time to make a difference.

MTC–00007413

From: Yvonne Bamford
To: Microsoft ATR
Date: 1/2/02 8:43pm
Subject: Microsoft Settlement
To whom it may concern; In these uncertain economic times, further litigation regarding the settlement with Microsoft will only make the lawyers wealthier & take down a very important & needed company! Do we need all these companies going out of business due to prolonged & unnecessary legal haggling???
I trust that you will act in a responsible manner & let the settlement stand!!
Thank you,
Yvonne R. Bamford

MTC–00007414

From: GMRands@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 8:45pm
Subject: Microsoft Settlment
Dear sirs,
This is a comment time for consumers to comment on the settlement of the Microsoft case. As a tax payers we resent the huge amounts of money being spent on this

settlement. I resent the time away from business in difficult economic times that it demands from Microsoft. I want it settled as soon as possible.

Consumers need Microsoft products. We use them and need them. Please put an end to this case as soon as possible. Of course competitors want to punish their competition. Let us not fall into that trap.

Sincerely,
Marilyn and Gary Rands
15523 S. E. 46th Way
Bellevue, WA 98006
gmrands@A0l.com

MTC–00007415

From: EAnder5119@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 8:44pm
Subject: Microsoft

Department of Justice

I just want to express my opinion re: States vs. Microsoft. Attorney of states suing are only wasting time and taxpayers money. Microsoft is entitled to innovate and profit from their skills. The economy demands that these frivolous lawsuits be finished. Many of us older folks are benefited from the ease of logging on with Microsoft. Let's get on with the show.

Erwin Anderson
Seattle

MTC–00007416

From: dave cannon
To: Microsoft ATR
Date: 1/2/02 8:45pm
Subject: DOJ

I want the DOJ to settle with Microsoft so that Msft can continue to innovate. This will also help to clear up a big cloud over our economy.

MTC–00007417

From: Lowell Jacobson
To: Microsoft ATR
Date: 1/2/02 8:45pm
Subject: Microsoft Settlement

CC: jacobsonlowe11@hotmail.com@inetgw

It is clear to me and to everyone I have talk with that the nine remaining states in the Settlement have personal vendettas against Microsoft. I have never seen such hatred from the likes of Larry Ellison and Scott McNealy and, to be honest, the Attorneys General remaining are only supporting companies such as Oracle and SunW, companies that cannot beat MSFT in the market place so they take it to the courts to do their dirtywork. What a shame. I strongly support MSFT in this case because I believe they are the greatest company in America and the world. They do a lot of good for our world and help us to make sense out of it. Furthermore, they provide great products at reasonable—cheap, really—prices. I guess that Scott and Larry are just poor losers. Is that what American enterprise is all about. No, I don't think so. All I can finally say is that if these remaining attorneys general are my spokespersons for fairness in the market place, we are all going to be in a lot of trouble. Get off your ''high horses'', guys. A vast proportion of Americans totally disagree with you.

Lowell Jacobson
Las Vegas, Nevada and Tokyo, Japan

MTC–00007418

From: Nick Corrado
To: Microsoft ATR
Date: 1/2/02 8:46pm
Subject: Microsoft Settlement

The federal government and nine states recently reached a comprehensive agreement with Microsoft to address the reduced liability found in the Court of Appeals ruling. This settlement is tough, but reasonable and fair to all parties involved. As a consumer, I feel that this settlement is good for me, the industry and the American economy. I urge you to abide by this settlement.

Nick Corrado

MTC–00007419

From: stephen errico
To: Microsoft ATR
Date: 1/2/02 8:46pm
Subject: microsoft settlement

this settlement is good. for the good of the country and the economy leave microsoft alone!

MTC–00007420

From: ezrider@famrc.org
To: microsoft.atr(a)usdoj.gov
Date: 1/2/02 8:48pm
Subject: microsoft settlement

I support the settlement and feel the goverment has better things to do,

MTC–00007421

From: JScrna@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 8:49pm
Subject: Microsoft Settlement

Dear DOJ,

As an American and knowledgeable computer user, I feel the suit against Microsoft unfounded and should be dismissed. This issue originally began due to MS competing with Netscape at a time when Netscpape had a 90+% monoply in the internet browser business and was changing $60 dollars for the Netscape and you had to pay a subcription. Began competing with Netscape and gave away its browser to the comsumer.The American consumer benefited by reducing prices and both Netscape and MS now give away their browsers to the consumer.

As for as MS forcing consumers to use Internet Explorer. Nothing could be farther from the trueth. I used Netscape prior to IE and used it after I obtained IE. I even paid Netscape for their software and subscriptions after obtaining the free IE. At no time has Windows or IE prevented me from using Netscape. In fact you can load both browsers on any IBM compatible computer and run them indepentent of eachother and run multiple windows of each simultaneously. If the computer consumer failed to realize this, its not MS's fault.

MS may be a shrewed competitor, but that is what America is about. If you look at the cost of computers, MS's software and computer software in general I cannot fathom how anyone can say MS has hurt business or the consumer. If you want to look into a monoply, check Apple out. Apple never opened their operating system to the public, where MS did.

Sincerely,

Jeffrey Smith

MTC–00007422

From: Hizosh@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 8:50pm
Subject: Microsoft Settlemant

I think that the settlement is fair. It is my belief that Microsoft is in no way harmeful to the consumer.

Thank You,
Joshua Michelman

MTC–00007423

From: Barry Stangl
To: Microsoft ATR
Date: 1/2/02 8:50pm
Subject: Microsoft Settlement

Please end this case with Microsoft. A settlement has been announced and we need to put it behind us. Do not let it drag on.

—- Barry Stangl
—- stangl@earthlink.net
—- EarthLink: It's your Internet.

MTC–00007424

From: NY...NY
To: Microsoft ATR
Date: 1/2/02 8:50pm
Subject: MICROSOFT SETTLEMENT

It is time to settle the anti-trust case against Microsoft. This pro-long legal procedure that certain competitors and state justice departments are implementing to this case has only helped to slow down the growth of technology innovation.

MTC–00007425

From: carson mitchell
To: Microsoft ATR
Date: 1/2/02 8:51pm
Subject: microsoft settlement

doj, the microsoft settlement needs to be approved by the judge as its more than fair for me a user of software products, all this cost and time in court is damaging to america as that time and money desperately needs to be invested in keeping the global business and software lead here in george washington's america so we can service our massive debt load and keep an angel eye on our trade deficit as it will be less likely we will sell off to much of our great country through our trade deficit if microsoft and the governments can get on to more productive work. otherwise we will lose america's global lead to euroupe and the euro. you've taken this to far already, thanks,carson mitchell-a very concerned american co-owner!

MTC–00007426

From: Roselma L. Quinn
To: Microsoft ATR
Date: 1/2/02 8:52pm
Subject: Microsoft settlement

Please end this case, I am so tired of hearing about it.... thank you so much,

Roselma Quinn

MTC–00007427

From: Kurt Erensoy
To: Microsoft ATR
Date: 1/2/02 8:53pm
Subject: Microsoft Settlement

Dear Sir,

In 1992, I was laid off from my job at Liberty Mutual Insurance Company. I had at

that time, on my own initative and spending many long hours at home after work hours, developed for Liberty Mutual several insurance rate-quotation applications which served Liberty Mutual's sales force very well in more than a dozen states. I lost my job at Liberty Mutual because my product was in direct competition with the IS Department's mainframe software, and it felt threatened by a PC product produced outside its realm. The full force of the power of the IS Department was brought to bear against me, and I was laid off 23 days before I was eligible for full retirement benefits—23 days before I reached age 55.

Having had my fill of corporate ingratitude, I started my own software company. At that time, Microsoft's Quick Basic was available to me at almost no cost to develop my applications, and during the last 10 years Microsoft has provided to me a number of programming tools, which gave me the chance to prosper as a small software developer. I owe much to Microsoft, as do my software users who do not have the slightest idea of the role Microsoft has played in providing sophisticated programming software at such a low cost to the developer.

To me, who has experienced the backlash of producing a successful product, there are some clear similarities between my losing my job and the type of punishment Microsoft's competitors would like to mete out to Microsoft. I was punished and Microsoft stands to be punished solely on account of our success. In my case, the price paid was limited to only me and Liberty Mutual's sale force. In the case of Microsoft, the whole community of PC users is at risk at paying a price, and a heavy one it will be.

Thank you,
Kurt Erensoy
kurt@ezrater.com
EZ-RATER Systems
http://www.ezrater.com

MTC–00007428

From: Dgkolls@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 8:53pm
Subject: Microsoft Settlement

Please get Government out of our free enterprise system and have Government focus on what it needs to do for America. Protect us from terrorism instead of trying to persecute one of America's finest companies.

Don Kollmansberger

MTC–00007429

From: JOHN R TKACH
To: Microsoft ATR
Date: 1/2/02 8:54pm
Subject: microsoft settlement

The microsoft settlement is good for everyone except the competitors that want something for nothing. Good work.

John R. Tkach

MTC–00007430

From: cagmp@att.net@inetgw
To: Microsoft ATR
Date: 1/2/02 8:54pm
Subject: Microsoft Settlement

Please settle the Microsoft case and move on to catching and prosecuting the real bad guys in this world.

Michelle Primm
Cascade Auto Group Ltd

MTC–00007431

From: Al Turner
To: Microsoft ATR
Date: 1/2/02 8:54pm
Subject: Microsoft Settlement

To whom it may concern.

I am a big fan of Microsoft products. I have found them to be of excellent quality and fairly priced. Even more important is their support. My experience with other software has been less than satisfactory. Microsoft, on the other hand, has been very helpful every time I have needed assistance. Their willingness to keep their products in use and up-to-date, often without additional cost is remarkable. Please do not penalize Microsoft for building a better mousetrap!

Respectfully,
Albert C. Turner
28101 SW Mohave Terrace
Wilsonville, Oregon 97070–9257
alturner@hevanet.com

MTC–00007432

From: CBlech@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 8:54pm
Subject: MICROSOFT SETTLEMENT

SETTLE NOW AS IT SERVES MANY PUBLIC INTERESTS. Litigation only serves the attorneys and special interests. Let us help and educate our youth with little cost to the taxpayers. Our federal dollars should be used for HOMELAND SECURITY !!! God bless America and capitalism.

Let competition and innovation be the driving forces and not special interests.

CC:MSFIN@microsoft.com@inetgw

MTC–00007434

From: lange-ho
To: Microsoft ATR
Date: 1/2/02 8:54pm
Subject: microsoft settlement

I strongly urge the Department of Justice to accept the settlement offered by Microsoft for the good of all consumers and for the good of the economy as a whole.

Sincerely, Gary C. Lange, a concerned citizen and consumer. 2903 N.E. 37th Place, Yarrow Point, Wa. 98004

MTC–00007435

From: Casey Ceponis
To: Microsoft ATR
Date: 1/2/02 8:57pm
Subject: Microsoft settlement

If Micrsoft gets away with this, and on the present course, it seems that way, the average citizen will not help but think he's been abandoned by the Megopolis of Microsoft and their 'apparent' influence over Government. I believe the average guy will apply the rule of what's reasonable from this and loose respect for the lawful settlement of such issues. this will be an irreversible trend and things such as piracy will mushroom. Don't reward them for clearly breaking the law!!

Casey Ceponis
240 Hampton Ct.
Palatine, IL 60067

MTC–00007436

From: Rex Bloom
To: Microsoft ATR
Date: 1/2/02 8:57pm
Subject: Microsoft Settlement

My comments on the Microsoft Case:

If Microsoft believes that they are not a Monopoly in the OS industry, then some investors (or microsoft themselves) should put up some money and invest in a new company to develop a competing OS. (like BEos tried to do). This new company would create a NEW Os and then we could determine if a monoply exists.

Rex (rex@rexbloom.net)

MTC–00007437

From: Joseph F Donahue
To: Microsoft ATR
Date: 1/2/02 8:57pm
Subject: Microsoft case

This case should have been settled years ago.

MTC–00007438

From: Barry McColeman
To: Microsoft ATR
Date: 1/2/02 8:58pm
Subject: microsoft settlement

Dear Sirs:

I appreciate the chance to let my voice be heard. I am very happy with the proposed settlement between the DOJ and Microsoft. I feel that this case never should have been brought but in the interests of both parties I feel that the proposed resolution is fair to both sides. Thank you again for letting me voice my opinion.

Barry McColeman

MTC–00007439

From: DANTE6249@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 8:58pm
Subject: Microsoft Settlement

This has been going on long enough. Settle the case now before you hurt our economy further. Microsoft and the country have been punished enough let's it get it over for the good of all.

MTC–00007440

From: Carmine Rizzo
To: Microsoft ATR
Date: 1/2/02 8:59pm
Subject: Microsoft Settlement

I believe that the settlement was unjust. Microsoft has been treated unfairly and innovation will be stopped if government activities continue. You broke up Ma-Bell and my phone bill increased 400%. Is this your help for Microsoft, going to give me the same justice if so, NO Thanks!

MTC–00007441

From: TheSiys@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 8:59pm
Subject: Litigation

As a concerned citizen of the on-going litigation, I say enough is enough. We are choking ourselves and our country's welfare by the trial lawyers, who to me are the ones benefiting from this litigation. It's just plain simple fact that we are killing our country's progress with numerous and unreasonable lawsuits. We wasted a lot of resources and energy to a point to being unproductive. This

is the last thing we need during this time of economic crisis.

MTC–00007442

From: E. R.James
To: Microsoft ATR
Date: 1/2/02 9:00pm
Subject: Microsoft Settlement

Dear Sir or Madam:

The following is a copy of an email that I sent to our California Attorney General. When I read in the paper that Oracle had given him $20,000 for his election I was quite bothered because I just don't agree with the states that are still out there trying to get more from MS then already agreed to by the DOJ. I'll quote a little from the San Diego Union dated 11/11/01. ''But Lockyer has a built-in bias against the software maker, which still remains one of America's five most-admired companies, according to Fortune magazine.''

Ernie James
erjames1@home.com

Sir:

I had no intention of writing this message, but, when I found out that you had a genuine conflict of interest in the Microsoft case and you are willing to spend up to and maybe more than $4,000,000 of our money to 'get' Microsoft, I was astounded. To think that Oracle has bought you for a mere $20,000 is a shock to say the least.

If the Federal Government could reasonably settle the matter, why won't Oracle and Sun Microsystems?

You owe the people of California an explanation of why you should not recuse yourself from further action in this legal matter.

E. R. James

MTC–00007443

From: Dennis Librandi
To: Microsoft ATR
Date: 1/2/02 9:00pm
Subject: Microsoft Settlement

Dear Sirs:

Microsoft built the better mouse trap and a few companies are crying because they did not. I have a choice of OS to use. Settle and move on to bigger fish like GE (GE Medical Systems holds a gun to the head of every hospital in the country when it comes to their service—now that is antitrust at its finest).

Dennis C. Librandi
3108 Blakeney Court
Clemmons, NC 27012
(336) 712–9331

MTC–00007444

From: Richard W Carr
To: Microsoft ATR
Date: 1/2/02 9:00pm
Subject: Microsoft Settlement

I think it's about time to stop spending the taxpayers money to satisfy a few whining competitors of Microsoft. If these people want to compete, let them write some better software or build some better hardware, then they too, can be sued by some of their competitors for doing a better job.....Enough is enough.....Richard W. Carr

MTC–00007445

From: GDBWTHU2@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 9:02pm
Subject: Microsoft settlement.

Department of Justice,

Please settle the Microsoft Antitrust Suit as soon as possible. I also would like you to put some Federal pressure on the states that are choosing not to be a part of the settlement. Their choice to pursue further litigation is not what our country and it's citizenry need. I work for the telecommunications industry and went through the AT&T breakup. The industry has been in chaos ever since. If the Microsoft settlement is not approved, then you can expect the choice of a Microsoft divestiture to create the same effect on the computer industry. I implore the Justice Department to vote for an immediate settlement and to encourage all the states to do the same.

Thank you for your time, and God bless America.

Kevin Smith
GdBWthU2@aol.com

MTC–00007446

From: BigFish63@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 9:02pm
Subject: Microsoft Settlement

I think the settlement is fair. We need to get on with business.

Mariann Fisher

MTC–00007447

From: Bob Bernard
To: Microsoft ATR
Date: 1/2/02 9:02pm
Subject: Microsoft settlement

We feel the settlement is fair and should stand !

Bob & Sally Bernard

MTC–00007448

From: JOEYWAS@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 9:03pm
Subject: Microsoft Settlement

To whom it may concern,

Let freedom ring and let's get our country back on track with more important things than shooting another corporation in the foot! May be they, you the Government, should go after the alcohol companies, they seem to kill a-lot of people every year!???

Sincerely,
Joseph John Fields

MTC–00007449

From: Ben Robinson
To: Microsoft ATR
Date: 1/2/02 9:04pm
Subject: microsoft settlement

I firmly agree that this case should be settled now. It's a disgrace that any company is penalized for being very innovative and progressive. If you can't compete, then get out of the game. In sports the #1 team always wins and this is never decided by a bunch of money hungry lawyers.

golfbum77

MTC–00007450

From: Amelia Blyden
To: Microsoft ATR
Date: 1/2/02 9:05pm
Subject: Microsoft Settlement
To: The Department of Justice

As an interested and concerned citizen, I am pleased that the federal government and nine states finally reached a comprehensive agreement with Microsoft to address the reduced liability found in the Court of Appeals ruling. This settlement is tough, but reasonable and fair to all parties involved. I agree that settlement is good for consumers, the industry and the American economy.

Amelia E. Blyden

MTC–00007451

From: Alk1942@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 9:05pm
Subject: Microsoft Settlement

Hello,

I believe it is in the best interest for our country and for all concerned parties that this settlement concludes at the earliest time possible. To continue litigation, would only serve a few select individuals and companies. It is not in the best interest for the american public or for business to continue this, as it has been decided by the courts and by several states to conclude this antitrust suit.

Thanks, Arthur Kindred Alk1942@aol.com

MTC–00007452

From: lange-ho
To: Microsoft ATR
Date: 1/2/02 9:06pm
Subject: Micresoft Settlement

I strongly urge the Department of Justice to accept Microsoft's proposal for the good of the consumer and for the good of the economy. sincerely, Gary C. Lange, a concerned citizen.

9210 N.E. 37th Place, Yarrow Point, Wa. 98004

MTC–00007453

From: Redmund Sum
To: Microsoft ATR
Date: 1/2/02 9:06pm
Subject: Microsoft Settlement

Gentlemen:

I am very pleased with the Department of Justice's change of stance on the Microsoft Antitrust case. The previous posture of the DOJ, prior to the Appeals Court ruling was blatantly anti-business and anti-consumer and merely served the interest of Microsofts competitors, and in my view, the resume of the federal prosecutors and state attorney generals and their lawyers.

Not a legal professional myself, I would think that the Governments job is to make sure that competition is possible, but not to guarantee that any competitor, or group of competitors, is successful, or even viable. Success and failure should be determined by the buying decisions of computing public.

Respectfully,
Redmund Sum

MTC–00007454

From: Jeff Williams
To: Microsoft ATR
Date: 1/2/02 9:06pm
Subject: Microsoft Settlement

I will be brief as I expect you have more than a little bit of correspondence to review.

Please accept the proposed settlement as being in the public interest. *Microsoft (and

its stockholders) have already been punished terribly. The 75% loss to shareholder value caused by the initial judgment preceded all of the dot com problems (perhaps even triggered them). This loss represents tens of billions of dollars- certainly more than any reasonable fine.

*It seems that the only states that didn't join in on the settlement are those that have significant potential upside if fines are levied against Microsoft (Utah and California are the most notable since Utah is the home of Novell and California is the home of Oracle, Sun and others). I believe it was Thomas Jefferson who stated that a democracy will fail as soon as its constituents realize they can vote money in to their individual pockets.

*The forced release of Microsoft's source code and other intellectual property would be nothing less than robbery. It seems extremely odd to me that any company would be expected to make a product that works with products from another company. I don't see Ford being forced to provide detailed specifications of the bolts they use to allow BMW to make replacement steering wheels for the Taurus.

*Netscape's success in the market place (as demonstrated by AOL's purchase of them for an amount in excess of a billion dollars as well as by number of downloads) clearly demonstrates that innovation is possible even when Microsoft is a dominant player in the market. AOL has over 100 million users, their Instant Messaging product has a considerably higher user count that Microsoft's product and yet these companies still cry foul.

*Sun's Scott McNealy has gone on record as saying he is happy to use the legal system for competitive advantage against Microsoft. To allow that is to suggest that the checks and balances we have in place are merely window dressing for corporate agenda's and other politicking.

*Windows XP demonstrates clear innovations in areas of usability (help messages in clear English, task oriented support, context sensitivity), stability, recoverability (system state restore, user migration, system file protection) as well as the innovations with middleware. It is on the whole of these merits—not on predatory practices—that Microsoft receives accolades on their product and solid market share.

Please let us move on from this- for the sake of the stockholders, the users in general and all of us who do not want to see the self-righteous, indignant few demonstrate that it is easier to litigate and lobby than to make a better product of their own and in so doing prevent a real innovator from continuing to provide quality product.

Thank you in advance for what I am certain will be a fair judgment based on all relevant facts.

Yours truly,

Jeffrey S. Williams, MBA/TM

MTC–00007455

From: Cittidad@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 9:07pm
Subject: MICRSOFT SETTLEMENT

Dear sirs.

In my opinion MS should not be found guilty of any crime. Without their enginuity this country would be years behind where we are now.

I feel the case should be settled without sanctions which upset the companies function,

Sincerely

John G Citti

MTC–00007456

From: Bmail123@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 9:07pm
Subject: Microsoft Settlement

The Microsoft case should be settled without further litigation. Our economy is suffering because of all of this.

MTC–00007457

From: Ruthanna Wolf
To: Microsoft ATR
Date: 1/2/02 9:07pm
Subject: Microsoft Settlement

I strongly think that the Microsoft settlement was harsher than it should have been ... but we will live with it. Please do all you can to ensure that M/S is able to continue their innovations in the future—as a computer professional since 1963 I am aware of the advantage that has been delivered to users through their developments.

Ruthanna Wolf

Whittier, CA

MTC–00007458

From: DALNNA@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 9:08pm
Subject: microsoft settlement

Please settle the Microsoft suit. It has gone on long enough. Thank you.

Dale Petty. Microsoft stockholder.

MTC–00007459

From: EPDeTray@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 9:08pm
Subject: Microsoft settlement

Please hurry this settlement along. As a small business owner for 40 years, and having to learn and try to work through numerous obsolete computers and programs, including an IBM system 32 and other languages that could only work on their own companies hardware, talk about tying and unfair business practices. Thank Bill Gates and friends for getting one language adopted so we could buy any machine and any program we wanted too, for work or at home.

Thank You

Paul DeTray.

MTC–00007460

From: Russ Strilowich
To: Microsoft ATR
Date: 1/2/02 9:09pm
Subject: Microsoft Settlement

It's time we all move on with this issue. The settlement reached between the government and Microsoft is more than fair and for the publics welfare. To prolong this matter any longer can only hurt all parties involved.

Russ Strilowich

MTC–00007461

From: Mark Blackham
To: Microsoft ATR
Date: 1/2/02 9:09pm
Subject: Microsoft Settlement

Please end this lawsuit by accepting the settlement with microsoft. this is a fair and equitable way to end the dispute. it also allows microsoft to continue to conduct its business. thanks.

Mark Blackham

MTC–00007462

From: Kim Newlin
To: Microsoft ATR
Date: 1/2/02 9:09pm
Subject: Microsoft Settlement

I believe this is a very fair settlement and now we can go on with our lives. I believe this has been a hindrance to our economy by holding back Microsoft. Thanks for a chance to comment.

Kim Newlin

MTC–00007463

From: Rodney M. Wren, II
To: Microsoft ATR
Date: 1/2/02 9:09pm
Subject: Microsoft Settlement

I believe enough is enough. The anti-Microsoft case has gone long enough and cost me enough money to try, both in taxes and money paid to Microsoft for their defense. The whole question is one of competence. No other company has come anywhere close to producing quality software that Microsoft has. I have tested other operating systems (Unix, Linux and OS2) none compare. I have used other office products (Lotus 1–2–3, Wordstar, Wordperfect and Star Office), again none compare. I have used other Web browsers (Netscape, Juno and AOL), a third time none compare.

I believe I have made my case.

Rodney M. Wren, II
17621 S.E. 30th Avenue
Summerfield, FL 34491–7519
Land: (352) 307–9616
Cell: (352) 207–5547
Fax: (352) 245–8278
rodney@rodrox-consultant.com
CC:MSFIN@microsoft.com@inetgw

MTC–00007464

From: Norman Meyer
To: Microsoft ATR
Date: 1/2/02 9:10pm
Subject: To anyone concerned:

To anyone concerned:

A number of us here in St. Cloud, Mn. feel Bill Gates is the Patron Saint of Computers. Before Windows, if you had a computer it was almost impossible to find someone to assist you with a computer problem. Now, with the majority of computer users using Windows, help is often just a question away, by phone or in person. And that Windows is priced today at inflation adjusted prices, less that when first introduced.

Those of us that help in the Computer Lab at the Senior Center, here in St. Cloud, often comment about life before Windows and how much easier it is now for us because Windows incorporates many applications and that those applications work well together. We say, ''many cheers for Microsoft.''

Regards,

Norm Meyer

MTC–00007465

From: Cindy Rotblat
To: Microsoft ATR
Date: 1/2/02 9:10pm
Subject: Microsoft Settlement.

Bravo! Finally a decision has been reached! The last thing the American economy needs is more litigation that benefits only a few wealthy competitors and stifles innovation. I support the the recent decision which was handed down to Microsoft.

Cindy Rotblat
Cindy Rotblat
NIE Coordinator
The Journal-Standard
P.O. 330
Freeport, Illinois 61032
(815) 232–0141
rotblat@worldnet.att.net

MTC–00007466

From: Marlin E. Parbs
To: Microsoft ATR
Date: 1/2/02 9:12pm
Subject: Microsoft Settlement.

I am writing to you in regards to whether the Microsoft case, should be settled, or further litigated. I think it should be settled and be done with! Despite the aggressive lobbying efforts of a few of Microsoft's competitors, the federal government and nine states finally reached a comprehensive agreement with Microsoft to address the reduced liability found in the Court of Appeals ruling. This settlement is tough, but reasonable and fair to all parties involved. Consumers overwhelmingly agree that settlement is good for them, the industry and the American economy.

Unfortunately, a few special interests are attempting to use this review period to derail the settlement and prolong this litigation even in the midst of uncertain economic times. The last thing the American economy needs is more litigation that benefits only a few wealthy competitors and/or lawyers, and stifles innovation. If someone out there thinks that there is or ought to be a better operating system or software, let them get off their duffs and write the code for it, instead of trying to ride the coat tails of a successful corporation.

Don't let these special interests defeat the public interest.

I would venture an opinion that the 9 states that are hanging out, are more jealous than anything else, or have other special interests, directing their actions to prolong the settlement. Let's get this over and let the economy start a recovery.

I don't remember as a consumer, contacting an attorney to represent me in this law suit and they are saying that they are protecting the consumer. I say ''HOG WASH''!! If we didn't like what Microsoft was doing, we would vote with our wallets, and not buy.

I think we all out to sue Ford for not letting us get Chevrolet equipment in our new car or vice versa. You can imagine all the law suits that could ensue, as they have a monopoly on what things go in our vehicles. What about cable internet? I have only one choice where I live, why not multiple choices.

Please do prove the ''age old adage'' of ''Common Sense isn't Common'' and settle the suit.

Thank you for listening!
Marlin E. Parbs

MTC–00007467

From: ElmorinPD@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 9:12pm
Subject: Microsoft Settlement

It is my opinion that Microsoft has done nothing wrong—only used smart business practices. I think the states are wrong to pursue the ''punishment:'' of Microsoft. I think consumers will benefit from what Microsoft is doing. The states are wasting our money by pusuing action against them. It is TIME to let go

Elaine Leib
37789 Medjool Ave]
Palm Desert, CA 92211

MTC–00007468

From: Robert Nelson
To: Microsoft ATR
Date: 1/2/02 9:08pm
Subject: Microsoft Settlement.

Greetings,

As a data processing professional who has been in the field for over 30 years, I maintain that these charges should have never been brought against Microsoft. Their success is due to the quality of their products, and companies who could not meet their excellence, such as Sun Microsystems, and especially Oracle, have spent great sums of money to harm Microsoft.

I dare say that if Oracle or Sun had their e-mail exposed the way that Microsoft did, the Microsoft ''evidence'' would look comparatively timid.

The only purpose that damages against Microsoft can possibly serve is to raise the prices of their excellent software, and their integration methods, which are much like those in use by IBM and Sun Microsystems.

Your actions could set our endeavors back, as well as every other company in the United States, and cost us a great deal of money over time.

Please do not harm Microsoft. Please do not punish them for being the best of breed.

Bob Nelson
Adventek, Inc.
Jacksonville, Florida 32207

MTC–00007469

From: SharonTomG@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 9:12pm
Subject: Microsoft Settlement

I would like the Microsoft Issue settled as soon as possible. I do not think it should be dragged on any longer. Finish it.

MTC–00007470

From: Mhm7nt@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 9:12pm
Subject: Microsoft Settlement

It is my belief that the Microsoft case should be settled with the federal government and all of the states involved. It is a tough, but good, settlement that is in the best interests of all concerned and especially beneficial to the consumer.

It is time to celebrate the survival of innovation and realize the benefits to everyone, especially future generations. Thank you for considering my opinion.

Sincerely,
Marilyn
H. Moore
mhm7nt@aol.com

MTC–00007471

From: R0004@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 9:12pm
Subject: Settlement

I am tired of the department of justice trying to ruin a great American company. You have reached a fair settlement—its time the attorney general tell the states to settle their further claims. Its bad for business and bad for America.

Richard Commerford
4744 NW 96 Drive
Coral Springs Fl 33076

MTC–00007472

From: Paul White
To: Microsoft ATR
Date: 1/2/02 9:14pm
Subject: Microsoft Settlement

I want to go on record as favoring the Microsoft Settlement as it now stands.

Paul D. White
8761 E Briarwood Blvd
Englewood, CO 80112
01/02/02

MTC–00007473

From: Jeff Dennison
To: Microsoft ATR
Date: 1/2/02 9:15pm
Subject: Microsoft Settlement

I believe that the current settlement in the Microsoft antitrust case is more than adequate and should be completed and closed as soon as possible.

Regards, Jeff Dennison

MTC–00007474

From: Gail Kroon
To: Microsoft ATR
Date: 1/2/02 9:14pm
Subject: Microsoft Settlement

Sirs: It is time that this judgment is settled for the good of the economy and the country. The settlement is a fair one.

Francis and Gail Kroon

MTC–00007475

From: Dr Whom
To: Microsoft ATR
Date: 1/2/02 9:14pm
Subject: Microsoft Settlement

Dear Sirs,

Please settle with Microsoft and go after some real criminals.

Thank you, Monty Johnson

MTC–00007476

From: A(038)H van Wyk
To: Microsoft ATR
Date: 1/2/02 9:15pm
Subject: Microsoft Settlement

Please ensure that this issue is settled swiftly. I do not think that prolonging matters will serve my well in my capacity as a consumer in these uncertain times. I urge you to implement the settlement as it stands as a fair and reasonable measure.

Thank you

Andre van Wyk
St. Pierre

MTC–00007477

From: Dale Caughey
To: Microsoft ATR
Date: 1/2/02 9:16pm
Subject: Microsoft Settlement

Dear Sirs:

Several Attorneys Generals are acting as agents for AOL and Sun Microsystems. They seek to establish an uneven field tilted their way.

Mr Ashcroft should crack his whip and exert his influence to disrail this effort. This is a federal matter, and states have no power in these matters, so it would seem.

I use AOL everyday, but, let's get on with it. If SUN and AOL are feeling the heat, have their AG tell them to make better products.

Dale Caughey

MTC–00007478

From: Arbo7407@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 9:16pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am writing in support of the settlement. I would appreciate ALL states and the Federal Government stop this harassment of an American Company. I do NOT understand why anyone would try to hinder Microsoft from adding free enhancements in their operating system. It seems as though the State and Federal Governments would rather have the consumer pay for everything. I can assure you that when a software designer creates a better operating system than Microsoft, I will be the first in line to purchase the product.

Allen Niesyto

MTC–00007479

From: tony corrado
To: Microsoft ATR
Date: 1/2/02 9:18pm
Subject: The continued persecution of Microsoft

Will you please end this wasting of public monies!!! enough is enough!!! Settle this and be done with it ... Spend your time more wisely, protecting the country from the Evil Doers, end their money laundering, Protect the country!!! Stop bothering Microsoft about this, It's gone on long enough!!! Tony

Corrado 74–19 260th st Glen Oaks, ny 11004

MTC–00007480

From: don sawhill
To: Microsoft ATR
Date: 1/2/02 9:18pm
Subject: microsoft settlement

Dear Sirs,

I believe it is important to settle the Microsoft case in order that the company may get back to business. If successful businesses are dragged into court by their less successful competitors simply because of envy, America's businesses will all suffer. Please let the greedy state attorneys general

Know that they must accept the federal decision and allow businesses to continue to provide the best products which we consumers will gladly purchase.

Thank you,

Sincerely,
Don Sawhill
dsawhill1@earthlink.net

MTC–00007481

From: Pat and Gene Keller
To: Microsoft ATR
Date: 1/2/02 9:18pm
Subject: Microsoft Settlement

Enough is enough. It is rediculous that this pursuit of Microsoft is still going on. It does nothing for anyone except lawyers and should be stopped now!

P.A. Keller

MTC–00007482

From: rcw
To: Microsoft ATR
Date: 1/2/02 9:15pm
Subject: Microsoft settlement

Please settle this now! The entire suit was crazy to begin with.!

MTC–00007484

From: ROBERT REMINGTON
To: Microsoft ATR,rremington@webtv.net@inetgw
Date: 1/2/02 9:20pm
Subject: The Merrimac Coup

The Merrimac Coup was described in a recent Bridge column in the Los Angeles Times. Basically designed as a way to prevent escape, the US Navy sunk one of their ships, the Merrimac, in a Spanish harbor, preventing Spanish ships from leaving.

The Merrimac telephone exchange was located in Chicago on the near North Side around Central and North Avenues. The White Cap Company, where my father was employed, had a main telephone number of ME–7–2000, before 3 digit area codes, digital ESS systems, and other telecommunications advancements were implemented.

The White Cap Company was acquired by Continental Can years ago, leaving most of the White Family management in place, providing Continental board member privileges to Robert White, president of White Cap. Stock & cash payments to the family may have been invested with others in land & other assets. I believe the Irish-American origin White family has been honored in the LA Times and parent Chicago Tribune Corporation via the Sports pages and others in coded messages for years.

Most recently, with the changing of the Irish football coaching guard at Notre Dame in South Bend, Indiana, and the preceding resume fiasco with Notre Dame's one week coach (former San Diego assistant coach), the Tribune / Times editors have been working overtime on creative writing endeavours. The coded messages in the Bridge column may provide a strategy for family / corporate assets interested in repositioning themselves. ''Sinking'' the Merrimac may be a quasi-governmental or PAC investment code, defining a ''scuttle'' of a disposable piece of the fleet in order to keep opposing forces at or in their ''bay'', preventing those opposing forces from attacking other areas.

The Irish roots of Microsoft's family and leader, Bill Gates, may also be related to the issues presented in this and previous communications.

MTC–00007485

From: Dave and Nancy Haverstock, PC
To: Microsoft ATR
Date: 1/2/02 9:22pm
Subject: Microsoft Settlement

Please understand that Microsoft is like the English Language. I expect any program valuable to my work to sync with my Microsoft products. I use the Microsoft operating system, Microsoft data base systems and other programs in my professional life. If other programs I use do not sync with Microsoft, they might as well be written in Greek.

Microsoft is not a monopoly or a bully. They are the inventors of a system that works for business in the USA. It is like living in a strange foreign country to think that they would be under scrutiny for their innovation and originality. Back off!!

''Mr. & Mrs. Real Estate''
The Haverstocks
RE/MAX Integrity
4710 Village Plaza Loop #200
541–342–1210 or 888–281–6344
Fax: 686–9297 Cell: 521–0211
Homes@DaveNancy.com
www.DaveNancy.com

MTC–00007486

From: Vivian R. Maines
To: Microsoft ATR
Date: 1/2/02 9:20pm
Subject: Microsoft Settlement Department of Justice RE: Microsoft Settlement

To Whom it May Concern:

The last thing the American economy needs is more litigation that benefits only a few wealthy competitors and stifles innovation. Leave things as is! NO MORE LITIGATION.

Plus, I'm all for freedom to innovate and without penalty! For out of such comes the happy consumer!!!

Vivian R. Maines
16919 S.E. 5th St.
Vancouver WA 98684
vrmaines@juno.com
CC:vrmaines@juno.com@inetgw

MTC–00007487

From: Tom Dupre
To: Microsoft ATR
Date: 1/2/02 9:20pm
Subject: Microsoft

1335 East 23rd Place
Yuma, Arizona 85365
January 2, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing this letter to express my satisfaction with the settlement that was reached in the antitrust dispute between Microsoft and the Department of Justice in early November. This settlement is a little harsh on Microsoft, but there is nothing that can be done about that now. Let us put this issue to rest and move on.

Microsoft has been responsible for many positive actions, and I see no need to punish a company that conducts itself in that way. They have created scholarships for college students, made computers all over the world

compatible with each other, and donated millions upon millions of dollars to various charities. Let us not forget that they have completely revolutionized the technology industry and have provided jobs to thousands and thousands of people across the globe. Let the settlement stand so Microsoft can continue helping people and the economy.

Thank you for your time and consideration, and again, please allow the Microsoft settlement to stand.

Sincerely,

Thomas Dupre

P.S. Thanks for standing strong on our second amendment rights as well. As a conservative Republican, I am proud of the job both you and the rest of President Bush's administration have done and will continue to do on behalf of our nation.

MTC–00007488

From: Verlene P. Cobb
To: Microsoft ATR
Date: 1/2/02 9:18pm
Subject: Microsoft Settlement

I am a long-time user of Microsoft products. I do not support any additional litigation and review involving the current case against Microsoft. In my viewpoint, Microsoft does not act as a monopoly and has not kept other entrants out of the field. I work at a college that requires that Netscape be used by all employees and faculty. I access other computers at libraries and other locations that also use Netscape. Additional time, review, and/or litigation does not serve the public interest. Let's put this behind us and move forward.

Verlene P. Cobb
4481 Gin Plantation Drive
Snellville, GA 30039
770–860–0161
vcobb@campiongroup.com

MTC–00007489

From: Belinda K Bailey
To: Microsoft ATR
Date: 1/2/02 9:24pm
Subject: Microsoft Settlement

Enough is enough ? and the current settlement is more than enough, so just end this now move on to deal issues that really need attention. We're tired of time, etc. being wasted because of the sour grape/jealous attitudes of all the other companies who wish they were Microsoft.

belinda k. bailey
pisgah forest, nc 28768

MTC–00007490

From: RMINTZES@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 9:24pm
Subject: Microsoft Settlement

It really is time to settle this thing. I personally have never felt wronged by microsoft. Every morning when I turn my computer on to check my schedule I am thankful that Microsoft software is there to get me organized. I think word is the best word processing software I have ever used and I have used a few.

Instead of persecuting one of Americas finest enterprises I think our geniuses in the Justice department should be awarding Microsoft a medal of honor for singlehandedly providing the software that keeps American business functioning efficiently.

Why is it that America always punishes its best and subsidizes its worst. If you are sucessful the IRS taxes you to death if you are stupid and get knocked up the government steps in and subsidizes your stupidity.

What are we thinking. I guess we're not and that's the problem.

All I can say is three cheers for Microsoft. If the justice dept can't do its thing in 4 years its time for them to fold the tent and go home and let honest business men tend their store.

Thank you, Microsoft

MTC–00007491

From: MIKE
To: Microsoft ATR
Date: 1/2/02 9:24pm
Subject: Microsoft Settlement

Just a short note to say I think the government has made a mess out of the Microsoft case. First, I think Microsoft has provided a valuable service to the consumer bringing together a line of products that work together. This certainly wasn't the case in the mid 1980's when there were vast incompatibilities between word processing, spreadsheet, and other software on the market. Microsoft's products work together very weel. I can import and export objects between files, and get things done. The consumer recognizes that and buys those products. Second, I don't think Microsoft did anything wrong, and certainly not anything that other companies have been doing for years trying to establish and keep their market. They are the premier business paradigm in the US—and we're trying to crush it. It doesn't make sense. Close the case.

MTC–00007492

From: ONSKIS@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 9:24pm
Subject: Microsoft Settlement

As an American citizen and business owner I have been appalled at the government's prosecution of this frivilous case. The average American has disagreed with the government, look at the AT&T break-up for an example of the potential long-term harm. It appears that this break-up could result in harm to the telecommunications industry after all.

I oppose further prosecution of the Microsoft case and urge settling this case. I have voiced my opinion also to Congressman Rick Boucher D–VA directly as well. As an interesting fact, at a Q and A session of our local chamber of commerce, I requested a message to Mr. Clinton be delivered. This was to have ''hands off Microsoft'' in the defense of innovation. The entire Chamber of Commerce (100+ businesses on hand) applauded the comment and urgerd the congressman to deliver the message.

Stacy Martin
Virginia

MTC–00007493

From: Estrohome@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 9:27pm
Subject: (no subject)

To whom it may concern:

The Microsoft settlement has taken place, let it be. Since when do we kill our best companies. Let the settlement stand and lets go on with life.

Ronald V. Strobel

MTC–00007494

From: charles lee
To: Microsoft ATR
Date: 1/2/02 9:28pm
Subject: MICROSOFT SETTLEMENT

WE HAVE HAD ENOUGH OF THE BICKERING AND IT IS TIME TO SETTLE THIS CASE WITHOUT FURTHER LAWYER WEALTH GATHERING.

CHARLES LEE
MASCOUTAH, IL 62258

MTC–00007496

From: JNDPROP@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 9:29pm
Subject: Response for Government

To who it may concern:

I regret that Microsoft has to settle with the government at all. Somehow our government has not figured out yet that Microsoft has lead America's productivity gains for the last 20 years. Most American companies are aggressive in order to compete. I as a consumer do not feel in the least bit that I somehow have been cheated or have paid unfair prices for the goods I have received. I understand that standardization is a critical element in computing and Microsoft has lead the way for developers and computer users around the world. I am totally satisfied and look forward to their future innovations and products.

What ever settlement the government feels it must reach sould be slight and sould not inhibit innovators for doing what they do best... create great products and jobs and massive commerce for this country. Please do not loose sight of all the benefits that this nation has enjoyed as a direct result of Microsoft innovations and efforts to date.

Anything other than this acknowledgement is irresponsible and dangerous to this country's future.

Joseph N. DeNardo
Small business Owner
M.S. Public Management and Policy

MTC–00007497

From: RICHARD LANGLOIS
To: Microsoft ATR
Date: 1/2/02 9:28pm
Subject: microsoft

I would like to say that Bill Gates is getting the short end of the situation here. Everyone says he monopolized Microsoft. It's not our fault or Mr. Gates fault that he invented his system and its better than anyone elses. I feel that everyone should look at the donations he has made over the years and congadulate him on the good he has done and what he has contributed to the technology industry instead of this so-called negative news about this genious. He's a human being like us and as far as I'm concerned he's a very good american citizen and the greatest inventor of technology. There's more important things going on in this world that need adressed beside this. Get everyones money back from

ENRON who got ripped off and get the men ivolved and put them in prison for life and concentrate on our WAR EFFORTS OVERSEA.

RICHARD G. LANGLOIS

MTC–00007498

From: Monte E. Rudd
To: Microsoft ATR
Date: 1/2/02 9:29pm
Subject: Microsoft Settlement

If it ain't broke don't fix it!!! Leave Microsoft alone!!! Microsoft has done more for the people of America, in 5 seconds, than all municipal, county, state, and federal government agencies have since the signing of the United States Constitution!!! So, BACK–OFF!!!

Monte & Barbara Rudd & Family
3685 W. 3650 S.
Hooper, Ut. 84315–9330

MTC–00007499

From: james.friar@idcchina.com@inetgw
To: Microsoft ATR
Date: 1/2/02 9:44pm
Subject: Microsoft Settlement

Dear Sirs,

I am in favor of ending any further litigation concerning the Microsoft case. The terms reached seem fair and equitable to the consumer and to Microsoft. I believe that it is my best interest to halt any further expenditure of tax payer money in pursuit of any other judgments against Microsoft.

Kind Regards
James and Ethel Friar

MTC–00007500

From: Tulita Owen
To: Microsoft ATR
Date: 1/2/02 9:29pm
Subject: Microsoft Settlement

Sir or Madam:

I would hope that by now the DOJ understands the nature of the suits brought against Micrsoft. They were designed to break a company not because of monopoly but because someone designed and brought to fruition an exceptional series of products. Those creations brought out jealousy.

America has always been about building a 'better mousetrap'. Please settle this nonsense so that Microsoft can continue to do the things it does well. For what it is worth, I use both Micrsoft and Apple operating systems; each has its merits, and, as a teacher, I'm grateful to have access to both.

Sincerely,
Tulita P. Owen
3677 Guernsey Avenue
Memphis, TN 38122

MTC–00007501

From: DELBERT BLACK
To: Microsoft ATR
Date: 1/2/02 9:28pm
Subject: Settlement, Microsoft

The settlement was probably fair, but I'm not sure that there should of been any charges to begin with.

This nation is so much better off with what Microsoft has done in the software area. We as a nation should not try and stop progress, and let a foreign nation get ahead of us. I feel that the only thing that should of happened was Microsoft be told to stop using certain tactics. The thought of breaking up the company was politically motivated, and a lack of concern for this nation.

Thanks for taking time to read this.

Del Black

P.S. A company that has hurt a lot of people and has a monopoly is Tyson Chicken they have broke a lot of chicken farmers. That is a company that should be broken up, they have done nothing to help this country.

MTC–00007502

From: Susan Levy
To: Microsoft ATR
Date: 1/2/02 9:30pm
Subject: Microsoft Settlement

settlement is a good option. Microsoft is a good company—they put customers #1. Through work I was in a PUP program and had previously purchased a Microsoft product at the normal retail price. The Office Package I ordered thru the pup was less than that price but included the software I had purchased. Microsoft refunded the product I had purschased retail saying'' our motto is to keep our customers happy''. Other companies should learn from Microsoft. Where would personal computers be today if not for the integration and ease of use Microsoft has provided.

MTC–00007503

From: Ray Stanke
To: Microsoft ATR
Date: 1/2/02 9:31pm
Subject: Microsoft Settlement

My concern is NOT having a proper standard to operate a computer properly. I believe the 9 diehard reps that want Microsoft's blood are dangerous people and vindictive. The settlement as proposed should stand as is.

I went through the period of non-standard computer accessories, as well as computers, and I, as a consumer, had a difficult time to decipher and follow what was good, what would work with what, and so on. We should not go back to that era. Microsoft product is some of the best available, and while there is some competition that may SEEM better, in fact, the product just doesn't come up to the same standard that MS does.

Go with the settlement!!

Thank you!

MTC–00007504

From: Girard F. Oberrender Jr
To: Microsoft ATR
Date: 1/2/02 9:32pm
Subject: MICROSOFT SETTLEMENT

Dear Sirs,

The present settlement is sufficiently severe and does not need to be adjusted. Further extension of this case, with its historic overtones of political interference by the federal administration on behalf of a few corporations against a competitor, will just exacerbate a faulty precedence in our successful free market system.

Our present recession can be timed with the initial decision in this case. The attack on our country on September 11, 2001 spotlights the necessity of focusing our energies and our production on more fundamental and urgent directions.

To potentially award the States choosing to continue their litigations would emphasize rewarding the greedy rather than the hurt. Such an award would encourage more Government action against successful corporations. These corporations have taken, within the last generation, the economic leadership from the socialist Germans and the state-run Japanese We must restrain the deadening hand of government from controlling our businesses.

Let the judgment stand and close the case.

Respectfully submitted.

Girard F. Oberrender Jr. retired engineer, business manager and veteran.

MTC–00007506

From: Jim Albright
To: Microsoft ATR
Date: 1/2/02 9:33pm
Subject: Microsoft Settlement

Please settle the Microsoft case per the last agreement. The government clearly does not understand how important it is to settle this case for the technology market as a whole and for all consumers. Standardization is mandatory for business to interact with each other.

Jim Albright
J Albright & Associates
Authorized NxTrend Mod Providers
Voice: (800) 349–0875
Fax: (303) 665–0843
E-mail: jim@jalbright-colorado.com
web site: www.jalbright-colorado.com

MTC–00007507

From: Howard Lucy Jew
To: Microsoft ATR
Date: 1/2/02 9:34pm
Subject: Microsoft Settlement

The recent terms of the DOJ-Microsoft settlement are fair and just. We need to attend to urgent matters like economic stimulus, fight against Terrorists, and tax relief for all taxpayers, not litigation and nonproductive pursuits. Howard & Lucy Jew, Houston, TX

MTC–00007509

From: KSchmitt@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 9:36pm
Subject: Microssoft Settlement

I want to express my support for the terms of the settlement reached between the DOJ and Microsoft. I have been continally concerned that Microsoft's competitors have engaged in anticompetitive acts continuously and have been consistently pursuing Microsoft through the DOJ in unjustified and anticompetitive ways. It is time for the DOJ to listen to the people and not to wealthy corporate terrorists that only pursue their own greedy aims. I personally use Microsoft products, want them to package increasing content and provide integration among their products. Their competitors would do better to focus their activities on creating better software products that I would feel comfortable buying.

Karl F. Schmitt
17310 Sylvester Rd SW
Burien, WA 98166

MTC–00007510

From: MjgLeo@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 9:37pm

Subject: (no subject)
IT'S ABOUT TIME,,THIS MATTER BE SETTLED,,,ONCE & FOR ALL,,,PEOPLE WANT TO MAKE TROUBLE,,FOR CO. THAT WORKS TO IMPROVE LIFE FOR ALL,,,,IF YOU DON'T PAY,,YOU DON'T PLAY,,& THATS THE WAY LIFE IS..SO PLEASE LET THIS GREAT CO, GO ON,,IF OTHERS CAN'T KEEP UP,,JOIN THEM....MJGLEO@AOL.COM

MTC–00007511

From: Bruce Griffin
To: Microsoft ATR
Date: 1/2/02 9:37pm
Subject: microsoft settltment settlement
YES YES YES SETTLEMENT TERMS ARE FAIR, PLEASE CONCLUDE THE MATTER.
BO GRIFFIN

MTC–00007512

From: DeaconOtt@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 9:36pm
Subject: Microsoft Settlement
Gentlemen,
I think it is time that we end this hassle. The litigation does not need to go on any longer.
We need to settle and get on with life. There has been enough of late to distract us from our every day lives.
sincerely
J.c. Otto

MTC–00007513

From: submarina
To: Microsoft ATR
Date: 1/2/02 9:37pm
Subject: microsoft settlement
stop messing around with microsoft, leave them alone. The problems we are having now with the stock-market and the last years is all your and clintons fault. let them go they are helping us

MTC–00007514

From: patrick
To: Microsoft ATR
Date: 1/2/02 9:38pm
Subject: Microsoft Settlement.
Hello
Please expedite this extravagant attorney parade to its inevitable conclusion ASAP.
Do you guys think for one moment our real competitors, the Japanese, the Chinese, the Europeans, would waste any time trying to destroy one of their most successful companies the way we let the parasitic lawyers trash American firms like Microsoft?
Please stop wasting our time and money with this show. Microsoft has helped the world become standardized and productiive.
Go chase real criminals, like the international drug syndicates ruining our childrens opportunities to even use Microsoft's products. Go chase the importers who are slowly destroying American productive manufacturing jobs. Do somthing that really helps the country, not just the attorneys.
The ''Justice'' department just makes me angry.
Yours Truly,
Patrick J. Driscoll P.E.

MTC–00007515

From: Paul Ondell
To: Microsoft ATR
Date: 1/2/02 9:38pm
Subject: Microsoft Settlement
To Department of Justice
I believe the Microsoft settlement should be accepted. It is more than what was needed and the States rejecting the offer are only doing so for there own Political benefit and not for the benefit of National Interest or in the best Interest of the National Economy.
Paul Ondell

MTC–00007516

From: rtalarczyk
To: Microsoft ATR
Date: 1/2/02 9:38pm
Subject: Microsoft ....
To whom it may concern,
In my opinion punishing Microsoft can only stymie other hitech companies in America from doing innovative work in the future. America should be proud of what Microsoft has contributed to the world. Microsoft has greatly helped America become the leader in computer technology.
Many other competitors are envious of this contribution both here and abroad. Lets not destroy in what we have created. Lets move forward , for the battle to be won will be, to keep America the Leader in advanced of technology.
Thank you,
Robert Talarczyk

MTC–00007517

From: Carol Leiby
To: Microsoft ATR
Date: 1/2/02 9:39pm
Subject: Microsoft Settlement
If it were not for the standards established by Microsoft the economy would not be thriving as much as it is today. The progress of our nation over the last decade is largely due to standards made possible by the common platform on computers. It is a waste of time and money for states to argue their isolated cases any further. I encourage you to bring all of these outstanding cases to a quick close.
Carol Leiby

MTC–00007518

From: NorCarIntl@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 9:40pm
Subject: (no subject)
In favor or the REDUCED liberty found in the Court of Appeals ruling. Lets not waste any more of our taxpayer Nonie,
NORM STORDAHL
F 1100 AVE
MARION IA 52302

MTC–00007519

From: Dale Daniels
To: Microsoft ATR
Date: 1/2/02 9:42pm
Subject: Microsoft Settlement
NO MORE LITIGATION!!!!!
PLEASE LET'S SETTLE THIS SUIT AND GET ON WITH OUR LIVES!! THE COMPANIES AGAINST MICROSOFT ARE P.O.'D BECAUSE MICROSOFT HAS A GREAT PRODUCT AND THEY WANT TO LATCH ON FOR A FREE RIDE. THE MAJORITY OF PEOPLE USING COMPUTERS AGREE!!!
I CERTAINLY WOULDN'T EVEN CONSIDER BUYING ANY PRODUCT FROM THE COMPANIES THAT ARE TRYING TO GET SOMETHING FOR NOTHING FROM MICROSOFT.
HMMM...''TRYING TO GET SOMETHING FOR NOTHING'', SOUNDS TO ME LIKE SOME KIND OF RADICAL LEFT WING SCHEME THAT IS JUST THE TIP OF THE ICEBERG.
I VOTE TO ''BUTT OUT AND LEAVE 'EM ALONE''.
DALE DANIELS
3911 WEST 36TH
KENNEWICK, WA. 99337

MTC–00007520

From: CoreyWest@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 9:41pm
Subject: my opinion
I think that there are far more important things than the gov't chasing after a corporation that has done more for the USA, and all people who use computers. I think that Microsoft is up there with edision....if not for the remarkable strides that it made in the past decade and more, most people would still be non computer user's.
And I feel that the offer that was made to give computers and software to schools was a great offer, and should be taken.
Corrado Petrella
6 cowdrey street
yonkers ny 10701

MTC–00007521

From: Mark Murphy
To: Microsoft ATR
Date: 1/2/02 9:41pm
Subject: Microsoft Settlement
The value to me, a consumer, of Microsoft Windows products is many fold the couple of hundred dollars cost to buy the product. It is nuts to want to break up this company. Please let them be.
Mark Murphy

MTC–00007522

From: Rickie Hopkins
To: Microsoft ATR
Date: 1/2/02 9:37pm
Subject: Microsoft Settlement
Personally I think the goverment's case is a load of bull!
If it wasn't for Microsoft, I, along with probably several thousand others, would not have even bought a PC. It's because of windows that I even bought my PC and still have it with several upgrades. While I may not fully understand what the whole deal may or not be involved, then I look at the fact that if the other software or hardware dosen't work well with Windows then I didn't need it to begin with.
While we're at it, how the US goverment isn't raising HELL with AOL????????? If you use AOL then you cannot use Internet Explorer or Outlook Express. Personally I have no use for AOL in any shape, form, or fashion. I may never figure out everything on my PC, But I will forever be A Microsoft supporter by buying and using products that are supported by Microsoft and Bill Gates.

Hang In There
rhopkins@midsouth.rr.com

MTC–00007523

From: ABrisolara@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 9:41pm
Subject: Microsoft case

It is very apparent that the efforts to dismantle and punish Microsoft was motivated by jealous political factors. Microsfot has been responsible for the spread of comput- er use through its innovative and cost-effective products.

We strongly support Mocrosoft, and urge that any punitive action be stopped. Have no idea what you hear in Washington, but down here, all I hear is how unjust it was to endeavor to curtail Microsfot.

Hope that the Justice Department will drop the case as is.

Sincerely,
A. Brisolara
P.O. Box 7321
Metairie, LA
70010–7321

MTC–00007524

From: Mert Urness
To: Microsoft ATR
Date: 1/2/02 9:42pm
Subject: Microsoft Settlement

We consider it to be in the best interests of all citizens of the U.S. that the current Microsoft judgements are totally sufficient. We furthur believe that no future litigation is necessary, nor should any such be undertaken.

Respectfully yours,
Merton L. Urness
Patricia A. Urness

MTC–00007525

From: KlondikeC@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 9:43pm
Subject: Microsoft Settlement

It is time this matter was settled and no more Gov money wasted. The settlement is a fair one even though it gouges Microsoft in my opinion. It is ludicrous that we spent more on this suit than we did on antiterrorist activities.

MTC–00007526

From: Jeffery R. Moser
To: Microsoft ATR
Date: 1/2/02 9:42pm
Subject: Microsoft Settlement

Dear Sir or Madame,

Please do whatever is necessary to settle the Microsoft Antitrust Case. This has gone on long enough.

Jeff Moser
403 Patriot Place
Hillsborough, NC 27278
(919)–956–4276

MTC–00007527

From: JJPORRET@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 9:44pm
Subject: Microsoft settlement

Why don't we get wise and stop feeding the lawyers, and start to move forward with innovation and new developments? That's the backbone of freedom, and freedom is America. Let's not be envious of a business which has developed some of the most advance technology in the history of the world, but instead lets us praise their ability and creativity. That's what is making America such a great country. Recent events prove that the rest of the world envy our ability to innovate and create. Microsoft, IBM, GE, INTEL, etc., are among others, some of the great innovators and creators of this world.

MTC–00007528

From: BZDZ2@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 9:44pm
Subject: Lay off

Lets look at the accomplishments that Microsoft has brought to this nation and their contribution to American business our people and the world.

LEAVE THEM ALONE. DONT PUNISH SUCCESS.

American Business Man of Fifty Three Years.

MTC–00007529

From: Harlas M Harris
To: Microsoft ATR
Date: 1/2/02 9:44pm
Subject: microsoft settlement

To whome it may concern

Im not real smart about the ins & outs of the legal ins & outs, but it seems to me that if you made something & put it on the market & people liked it, & you made a pile of money with it that should be good for everybody, but it seems to me some body else in the same kind of busness is tring to infringe on the other mans success becouse he could not make his product as good as the other. if Im right thinking that in a free market country it should be up to this other guy to try & upgrade his product, but it looks like all these folks are tring to put microsoft out of the running altogeather. it is my feelings that the courts have settled this should have ended the whole thing. I cannot see what claim any state could have against this company or any company unless the states are in the computer busness. thank you for reading this email. hopefully you will make a fair decision for all partys sincerly harlas m. harris

hharriswoodworker@juno.com

MTC–00007530

From: david blanks
To: Microsoft ATR
Date: 1/2/02 9:47pm
Subject: microsoft settlement

miscrosoft have done no wrong leave the company along they are only doing their job. king david

MTC–00007531

From: David Garner
To: Microsoft ATR
Date: 1/2/02 9:46pm
Subject: Microsoft Settlement

It is time to put this case to rest. How the U.S. Government could possibly pursue this case in the first place is beyond me. Think about what you are doing. Is this the reward for being a successful company? It is blatenly obvious that the states that have not signed on to this deal are the states where Microsoft's competitors are located. It is vital for the economy and the IT industry to get this case behind the country.

MTC–00007532

From: Cornelius H. Kafka
To: Microsoft ATR
Date: 1/2/02 9:46pm
Subject: Microsoft Settlement

Sir/Madam:

I wanted to simply go on record as supporting the Microsoft settlement. Bringing this to a closure was long overdue and I'm pleased that DOJ finally brought closure.

Sincerely,
Cornelius Kafka
83 Walbridge Hill Road
Tolland, CT 06084
Cornelius H. Kafka
ckafka@acm.org
+1 (860) 872 2310

MTC–00007533

From: John Leipprandt
To: Microsoft ATR
Date: 1/2/02 9:47pm
Subject: Time to settle with Microsoft

This settlement program has been going on for a long time, why not settle now? It looks like it is fair to all involved.

Johm Leipprandt
CC:jmleip@hotmail.com@inetgw

MTC–00007534

From: Greg Bryant
To: Microsoft ATR
Date: 1/2/02 9:50pm
Subject: Microsoft Settlement

Hope you guys get this Microsoft farce all settled with what you agreed to and leave well enough alone. It was a case only jealous Microsoft competitors and idealistic Justice Dept. lawyers wanted to pursue.

Enough is enough. Go with the agreed settlement.

Greg Bryant

MTC–00007535

From: Patm378@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 9:50pm
Subject: microsoft settlement

The Microsoft settlement should be accepted by the Dept.of Justice. Microsoft should be allowed to get back to inovating and producing soft wear without government harassment.

MTC–00007536

From: Jan Norman
To: Microsoft ATR
Date: 1/2/02 9:51pm
Subject: Microsoft settlement

Settle with Microsoft. This case has gone on too long and it's time to focus our energy on more pressing issues that matter.

Jan Norman

MTC–00007537

From: Chap Vail
To: Microsoft ATR
Date: 1/2/02 9:51pm
Subject: Settlement

Give it up. Where would this country be without Microsoft and the creative genius.

MTC–00007538

From: Butch Wulftange

To: Microsoft ATR
Date: 1/2/02 9:51pm
Subject: Settlement

I am 100% for the negoiated settlement between MSFT and the US Govt. as currently presented.

Any further changes should not be allowed. I believe in the free market system and believe that any amendments to the current settlement should benefit Microsoft.
William Wulftange
(775)853–8225

MTC–00007539

From: sue white
To: Microsoft ATR
Date: 1/2/02 9:53pm
Subject: microsoft settlement

To Whom it may concern:

What the Government is telling me is down with private enterprise. I am very disappointed in the decision of the Supreme Court. I feel they have overstepped their boundaries and the Constitution. In simple language, they are telling me as a business owner, be careful as big brother is watching you.

Sincerely,
Sue White

MTC–00007540

From: KANE0903@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 9:52pm
Subject: Re: DOJ wants to hear from you on MS settlement

As a shareholder and a consumer of Microsoft products, I feel that the matter should be put behind us and move on. All the good that Microsoft has done over the years in providing reasonably priced software has gone a long away in our having a strong economy for the past ten years. If we could get this matter behind us there is a good chance we could rebound from the present recession we are in. The settlement would be very good for everyone. The issue has been become mute due to the advancements in the industry. To continue the litigation is to only prolong the economic recovery. The tech stocks look to Microsoft's stock and respond accordingly. So let's just move on.

Thank You
Tom & Sandee Kane

MTC–00007541

From: PWBMalibu@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 9:54pm
Subject: Microsoft

Please stop this useless attack on Microsoft. It is time to move on and allow one of the greatest companies in the history of the world to go about its own buisiness. That buisiness is supplying computer users with the finest internet and computer related services IN THE WORLD.

Sincerely,
Phil Bailey

MTC–00007542

From: Johnrosset@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 9:55pm
Subject: Microsoft Settlement

It is my believe that Microsoft has paid it's fair share in this settlement, and that the Department of Justice should allow Microsoft to live by the rules of the agreement. I do not believe that Microsoft should be broken up into smaller companies. I do believe that Microsoft has put out a good product for a fair price, and they should continue to do so. So, please let the settlement stand as it is and lets get on with our business of making this a better country to live in. God Bless America

Respectfully Yours
John
J. Rossetti

MTC–00007543

From: xyzlogan@juno.com@inetgw
To: Microsoft ATR
Date: 1/2/02 9:55pm
Subject: Microsoft Settlement

To whom it may concern,

Please settle with microsoft as the settlement now stands. I think that pursuing this issue is a big waste of money for both the government and microsoft. Enough is enough.

Thanks
Lucy Logan
Tempe Arizona

MTC–00007544

From: Ispydox@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 9:55pm
Subject: Microsoft Settlement

Sirs:

I would like to express a few thoughts regarding the current action with the Microsoft Corporation. I live in the Northwest, about 25 miles from Microsoft, and have followed the action against Microsoft. I am bewildered that so much has been spent on this action. The time, effort and money could have been better used for real criminals. As stated, I am from the Northwest and we are experiencing a tragic response to the September 11th disaster in the form of Corporate Layoffs. I fear that if more pressure is put on Microsoft, it's employees will find themselves in the same situation as the Boeing and the Airline employees that are having to start over with a new career.

Inovation is still on of our nations greatest assets. Bill Gates may be the richest man in the world, but he is also one of the most creative. This creativity benefits the nation and the world. Lets not stiffle these opportunities. I am not very worldly, but do wonder how many other countries have a company that has done so much world wide, and is so well represented in product sales throughout the world. How many companies in other countries are there that are being subsidized such as Airbus? Microsoft probably contributes more than Airbus makes.

Microsoft has accepted the proposed settlement. Let them move on and continuce to benefit you and me.

Respectfully
Dennis R. McNamara

MTC–00007545

From: MMalo10677@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 9:56pm
Subject: Microsoft Settlement

We are satisfied with the settlement, and suggest it is time to move on.

The Maloney Family
58 Overlook Road
Hardy, Va 24101

MTC–00007546

From: Ron.Kasik
To: Microsoft ATR
Date: 1/2/02 9:56pm
Subject: Microsoft Settlement

Gentlemen:

I've observed this litigation long enough. With the passage of time, the initial ''technical arguments'' in the case are moot. Let's settle this case quickly. This is not the time to thwart innovation and put additional strangleholds on technology advancement. Here the US Government is involved in litigation, yet in nearly all of its RFPs, you require PC's that run Microsoft SW.

Ron Kasik
Rkasik@pdq.net
(281) 251–9283

MTC–00007547

From: john Davis
To: Microsoft ATR
Date: 1/2/02 9:58pm
Subject: I am a consumer and I think the Microsoft settlement is fair to the I am a consumer and I think the Microsoft settlement is fair to the consumer. enough said

John W Davis

MTC–00007548

From: Drica47 A. Rashid
To: Microsoft ATR
Date: 1/2/02 9:58pm
Subject: Support for the Settlement

When American industry is losing it's competitiveness in the world, America has in Microsoft the best export engine there is. Microsoft has the biggest market capitalisatiion in the world because of its merits and potential. The Government should encourage Microsoft's growth instead of putting obstacles in its way.

Bill Gates has shown to be unselfish and philanthropic with his fortune. He deserves better.

MTC–00007549

From: Jamie
To: Microsoft ATR
Date: 1/2/02 10:00pm
Subject: Microsoft settlement

With all that has happened this year it seems more important than ever to settle this inane case against Microsoft. The federal government and states should be spending their precious resources on helping the economy recover, aiding the working poor and unemployed and figuring out a way to provide health insurance to the millions of Americans who lack it.

Right now the state of Florida is cutting budgets for education and other important social needs while some fat cat lawyers and glory hound politicians are wasting the taxpayers money by trying to drag out this case.

MTC–00007550

From: Raymond Eveland
To: Microsoft ATR

Date: 1/2/02 9:59pm
Subject: Settlement

It is about time to resolve this issue. Microsoft has added more to this country's well-being than any company you can name. The technology that they initiated changed our lives for the better, The tactics that they allegedly perused should not be punishable by the political wishes of their cry baby competitors.

End this with the least additional cost to Microsoft and our economy.

MTC–00007551

From: Miladin Aleksic
To: Microsoft ATR
Date: 1/2/02 10:01pm
Subject: Microsoft Settlement

Gentlemen:

Simple logic tells us that the basic principle of Capitalizm, as we all know, is that the fittest survives. The comprehensive agreement reched between the federal government, nine states and Microsoft is reasonable and fair to all parties involved. I agree that settlement is good for consummers, the industry, and the American economy. Further litigation can create more damages and nothig else. Therefore, let Microsoft work as it did before.

A word to Microsoft competitors—American motto says: ''Shape up or ship out''. It is that simple.

Thank you

MTC–00007552

From: Fred Bushnell
To: Microsoft ATR
Date: 1/2/02 10:02pm
Subject: Microsoft Settlement

II feel our Department of Justice has done its duty in this Microsoft case. It is time to move on. Spend my money devising clever ways to combat terrorists—then implement them.

I have used Microsoft products since the 1980s and feel I have received fair value for money spent. That is a comment I cannot make about how our minions in Washington give away large sums to farmers as payment not to produce.

I am a physician, MD, and estimate at best I have been paid for two-thirds of my professional services but do not cry to our federal government to get involved. Do not get involved because some businesses are financially successful.

J. Fred Bushnell, MD
CC:Microsoft Outlook Express Team

MTC–00007553

From: BritDave@wmconnect.com@inetgw
To: Microsoft ATR
Date: 1/2/02 10:02pm
Subject: Microsoft Settlement

Sir:

After a great deal of legal expense, which in my opinion was totally unnecessary as these cases against Microsoft were patently without merit, a law has been enacted which mediates a settlement between Microsoft and the so-called agrieved parties.

As an interested party in this dispute, being a Microsoft user, I believe the new law is the best result that could be expected from this dispute—and I wish to record my vote in support of it.

David J Willson
Las Vegas NV 89122–7222
Tel. (702) 458 1574
CC:Grandpajoe6@aol.com@inetgw

MTC–00007554

From: min zhang
To: Microsoft ATR
Date: 1/2/02 10:03pm
Subject: Microsoft Settlement

Dear Sir/ Madam,

I hate to west my time when I speak to a unqualified Microsoft technical support personal on the phone. And I also do not like Microsoft unqualified WINDOW product which it often occurred as I am using it in my career.

But Microsoft as a industry leader from U.S., I would like to keep it to be stronger and more compatible. The legal penalty shall not be the mean to limit the development of the Microsoft to go forward. The law should provide the power to help any one who are willing to go forward by a reasonable mean for our technology. Otherwise our country will lose the technical leader and that will lead us a big slowdown on our path.

Regards,

MTC–00007555

From: Norman Meyer
To: Microsoft ATR
Date: 1/2/02 10:04pm
Subject: Microsoft settlement

Let the settlement proceed as planned. I don't believe Microsoft was in the wrong, anyway. Noone sued Ford for making its own parts to ensure the function of the car. Why can't Microsoft integrate the software to insure all parts run well? All that aside, get this over with.

Norman Meyer, Vero Beach, Fl.

MTC–00007556

From: Bill Block
To: Microsoft ATR
Date: 1/2/02 10:04pm
Subject: Microsoft Settlement

I believe no harm to consumers has occurred because of Microsoft's position in the computer industry. On the contrary, Microsoft is responsible for making personal computers widely available to consumers.

I would like to see the DOJ end this case as quickly as possible.

Bill Block
Phone: (281) 482–6849 Internet: http://www.wtblock.com/
Cell: (713) 899–2488 E-mail: bill@wtblock.com
NetMeeting Family Resume W. T. Block Historian

MTC–00007557

From: BEANS
To: Microsoft ATR
Date: 1/2/02 10:04pm
Subject: MICROSOFT

THE GOVERNMENTS LAWSUIT AGAINST MICROSOFT'S WAS A SHAM FROM THE VERY BEGINNING! WHEN COMPUTERS FIRST STARTED TO GET POPULAR EVERYONE SCREAMED FOR A STANDARD OPERATING SYSTEM. MICROSOFT CAME THROUGH! THE CLINTON ADMINISTRATION PUSHED THIS SUIT FOR THEIR HATE FOR ACHIEVEMENT. YOU ARE ONLY CREATING MORE HATE FOR THE GOVERNMENT. AVERAGE JOE COULD CARE LESS ABOUT MICROSOFT, IT WAS MICROSOFT'S COMPETITION THAT WAS PUSHING FOR THE LAWSUIT!

AS FOR THE SETTLEMENT I THINK IT'S IRONIC THAT THE COMPANY WILL BE GIVING AWAY COMPUTER SYSTEMS TO SCHOOLS AND CHARITIES NOW THEIR EVEN MORE ENTRENCHED IN THE SYSTEM!!! I LOVE IT FRANK ROSS RUSSEL 508 W. COBBS CREEK PKWY YEADON, PENNSYLVANIA 19018 610–622–6770

MTC–00007558

From: Jon C.
To: Microsoft ATR
Date: 1/2/02 10:05pm

The settlement is good for American, the industry and the American economy.

MTC–00007559

From: Harry Bridges
To: Microsoft ATR
Date: 1/2/02 10:06pm
Subject: Microsoft settlement

I believe the settlement of the Microsoft case as quickly as possible is in the best interests of consumers and the United States.

Harry T. Bridges
6718 New Hope Drive
Springfield, VA 22151

MTC–00007560

From: Clayton L. Christensen
To: Microsoft ATR
Date: 1/2/02 9:57pm
Subject: Settlement

Settlement should be accepted—No more litigation

Sincerely
Clayton Christense, 3010 Leona Drive
Storm Lake, IA 50588

MTC–00007561

From: Kneelly@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 10:06pm
Subject: Microsoft settlement

I believe the settlement is just and should proceed. Let's put this issue to bed.

Yours truly, Neal Bonelli

MTC–00007562

From: clifton l/jean smith
To: Microsoft ATR
Date: 1/2/02 10:07pm
Subject: Microsoft Settlement

I support the proposed DOJ settlement with Microsoft. It provides safeguards yet does not destroy creativity and initiative. It is time this action be put behind us in order that the public, Microsoft employees and investors may establish a basis for future actions with reasonable certainty. I applaud the terms of the proposal. Clifton L. Smith, 15 Fairway Drive, Englewood, FL 34223

MTC–00007563

From: KingBogus@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 10:08pm
Subject: Microsoft Settlement

Gentlemen,

Enough of the politics already!! This antitrust suit, which should never have been

brought in the first place, should be settled immediately. You have the settlement before you. Please unserstand that, in the interest of fairness to Microsoft, and allowing Microsoft to get on about it's business, I want you to accept the proposed settlement.

Other software companies are hoping you'll drag this thing out in court, thus detracting Microsoft from progressing with future software packages and operating system improvements. These other companies could not fairly compete with Microsoft because they do not have the innovation, foresite or expertise of Microsoft personnel. These other companies could only go to their homestate Attorneys General and have them file this, the most frivilous of lawsuits.

It is my wish that you get past this suit and get on to more meaningful cases that will truly protect the interests of US citizens. With everything that's going on in the world, you should focus on bringing REAL terrorists to justice and quit picking on companies that have innovation and expertise to carry out their business.

Sincerely,
Greg Ogden
Concerned and Angry Citizen

MTC–00007564

From: PATHBNA@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 10:09pm
Subject: Miscrosoft Settlement

I support the terms of the Microsoft Settlement versus continued litigation. Do the right thing and let's settle this and move on. These comments are in accordance with the Tunney Act.

Thank you.
Patricia W. Ross

MTC–00007565

From: JOHN A. MENART
To: Microsoft ATR
Date: 1/2/02 10:09pm
Subject: Microsft Settlement

Dear Sir;

I am not the least bit happy with the settlement as it stands. Bill Gates and his organization, need to made to answer to all customers, not just some schools. He should be made to provide funds in the way of U.S. currency, that should be made available for customers, or if too big of a logistical problem, to school districts, to be spent as they feel fit, so long as it directly benefits the students. It should not be given to the already overpaid teachers, using the excuse that higher wages or bonuses will enable them to teach better. The fine should also be increased, as with the amount it is now, Bill and his band of renegades, are laughing at the Judicial System, as if it is a joke. We had a very good monopoly in this country, that was destroyed, (Western Electric/Bell System) ever since the poor customers have been raped. Microsoft is a monopoly that should be destroyed for the good of the people, and the industry. You need to re-think this Microsoft Fiasco and hit Microsoft hard and fast. Less only will allow the cancer/monopoly to grow.

Respectfully,
John A. Menart

MTC–00007566

From: BERNARD MARGOLIUS
To: Microsoft ATR
Date: 1/2/02 10:10pm
Subject: microsoft settlement

We support the proposed settlement as is. The tech field should give a vote of confidence to msft. We believe that this company is directly responsible for the success of most of those who are opposing them. Success should not be penalized by less succesfull competitors.

MTC–00007567

From: Ken Shaner
To: Microsoft ATR
Date: 1/2/02 10:11pm
Subject: Microsoft Settlement

Gentlemen,

Cease this senseless litigation against Microsoft Corporation. It was totally unfounded to begin with. Private entrepreneur functions have been the backbone of our great country since its conception and, in spite of the typical liberal mindset, will continue to be. The cost to the American taxpayer of any further litigation should be the responsibility of Janet Reno and William J. Clinton. This could only be a plus to their legacies.

Shaner

MTC–00007568

From: EMail94105@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 10:11pm
Subject: Microsoft Settlement

To Whom It MayConcern:-

I think the courts settled the Microsoft case and we should get on with our lives. The states that want to delay to try to get more are preventing our economy from recovering. Bah to them.

Sincerely,
Eloyce C. Mailman

MTC–00007569

From: Kim Van Winkle
To: Microsoft ATR
Date: 1/2/02 10:12pm
Subject: Microsoft Settlement

Dear Dept. of Justice:

Thank you for your decision to settle the Microsoft case. I think this whole thing has been very hard for consumers who rely on Microsoft products. I am very happy this is the end of it. Thank you again.

Kim Van Winkle
19062 21st Ave NE
Lake Forest Park, WA 98155

MTC–00007570

From: JKoz1731@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 10:12pm
Subject: DOJ Settlement

Dear Sirs:

It has become very important for the DOJ and Microsoft to settle fairly and move on. I feel that the litagation has stiffled the advancement of the entire technological community. Let the best company win in the business arena. The public will buy the products that are the best on the market at the fairest prices.

Over the holiday I gave my wife a new printer/scanner/copier. After spending 20 hours trying to set it up, we returned the produce feeling that the item was defective. But the event reminded me how cumbersome it was to set up a computer system 15 years ago. Microsoft and windows have made using a computer a joy. Please don't stiffle the company any longer.

Sincerely, Jeffrey J. Kozy DDS

MTC–00007571

From: Miller3174@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 10:12pm
Subject: Waste of effort and money

If the politicians were spending their own money—instead of the taxpayers' —the attach on MSFT would have ended a long time ago. The only winners are lawyers. The only loosers are taxpayers.

Please stop beating up on MSFT and reallocate the same time and effort and money to the fight against terrorists!

The risk or threat or danger to our economy, job market, and culture is NOT Microsoft. So get wise—stop being so short-sighted—admit that it's over—and recognize that your succes fighting the war on terrorism is much more important to your careers and the welfare of those you are supposed to represent and a much more appropriate allocation of taxpayer dollars. From a taxpayer, citizen, computer user who knows he has never been damaged or inhibited by MSFT's products or dominance in the marketplace because the marketplace has always given him the right to choose.

MTC–00007572

From: jandjbrown3@ecoisp.com@inetgw
To: Microsoft ATR
Date: 1/2/02 10:13pm
Subject: settlement

I think the proposed settlement will fail to protect consumers from Microsoft's malicious business pracitices. There will likely be less choice available to consumers, and as a result innovation will lag behind the pace we have seen in recent years. The support for these assertions is demonstrated by the lack of freedom of major Computer Vendors (Compaq, IBM, HP, Dell, etc...) to modify Windows Operating system installations in any meaningful manner. For example, Java was clearly broken in Windows XP as a result of Microsoft business strategies to try to stifle this thriving area in innovation. By a) forcing Microsoft to fix their Java problem (i.e. including a J2EE compliant SDK in the OS) or b) Allowing major vendors to provide this fix on their own without potentially incurring punishments from Microsoft—this monopolistic attack on consumers could be somewhat mitigated. As the proposed settlement is currently written—the injustice is only strengthened. I don't imagine the Judge will read my comments, as I understand from Lawyers I know that most Judges seem to look at the Tunney act as an annoying formality, rather than an important requirement—but in the event that someone will read this and examine the issue in depth—I have taken the time to submit this comment.

Thanks,
John Brown

Computer Specialist
Washington, DC

MTC–00007573

From: Alice Mariano
To: Microsoft ATR
Date: 1/2/02 10:13pm
Subject: MICROSOFT SETTLEMENT

To whom it may concern,

This Microsoft litigation have dragged on for so long, we are so frustrated at the money being spent for this just because a few wealthy competitors would not give up until they see Microsoft fails. It has been settled by the DOJ, and that is the best news we got for so long, and now this 9 or so states wanted to prolong this case for more wasted money and at the same time stock market and the economy being affected. We think this is merely political and the sooner this gets settled the better for the market, the economy, and us the consumers.

Microsoft is a huge company that have done wonderful technological innovations that have benefited consumers, so why should they be punished for this? They have also been a big donors to many schools and many charities. It's just unfair. Microsoft is a great American company that have the respect and gratitude of the world. USA as a whole should be proud of this company instead of pushing them backwards by limiting their innovative ideas. There's no anti trust here, just anti Microsoft. It's about time that this government step into the right direction, which the last Clinton Administration failed to do. Settlement is a must for the sake of the failing economy, and the future of technology as a whole, and the continued US dominance of the world's greatest innovations and ideas.

We hope the DOJ will stay firm in their decision of this long awaited settlement. We can only hope this letter will be read and counted. Thank you!

Sincerely,
Ramon and Alice Mariano
6586 153rd Ave. S.E.
Bellevue, WA 98006

MTC–00007574

From: Hashim Salim
To: Microsoft ATR
Date: 1/2/02 10:13pm
Subject: Enough is enough. To whom it may concern.

Get it over with. Stop the dragging and the waste of time and money.

Enough is enough.
Hashim Salim

MTC–00007575

From: Richard Hillger
To: Microsoft ATR
Date: 1/2/02 10:13pm
Subject: microsoft settlement

The present settlement is fair. Prolonging the litigation only increases the costs which are eventually borne by the public either by higher taxes or increased prices. We never under any circumstances get anything back or enjoy any advantage.

Federal horsepower significantly outperforms state horsepower—-if the Feds are happy, the states posturing is just window dressing to impress a gullible constituency (and spend more money!).

I have been in the computer business for over 30 years and have never heard anyone complain that Microsoft has taken unfair advantage on a personal basis. And obviously, the benefits have been ''awesome'' as my kids would say.

On a technical basis, there might be better ways of skinning a cat—but who cares?—if they have merit, they will eventually surface, and in the meantime we are enjoying a rather marvelous electronic age. Keep the present settlement and lets get on with business.

Richard E Hillger

MTC–00007576

From: Erik Odegard
To: Microsoft ATR
Date: 1/2/02 10:14pm
Subject: In Favor of the Microsoft Settlement

Dear Ms Hesse,

I support Microsoft's right to innovate, and I would respectfully urge you to work towards a quick settlement of the US vs. Microsoft case.

Sincerely,
Erik Odegard
Eriko@dslnorthwest.net

MTC–00007577

From: TGerminojr@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 10:14pm
Subject: Microsoft Setellment

I believe it is time for the Justice Department to bring this case to a close. The country and the industry needs to get on with the business of developing commerce and putting the American people back to work.

Sincerely,
T.P. Germino, Jr.

MTC–00007578

From: jane ashbrenner
To: Microsoft ATR
Date: 1/2/02 10:15pm
Subject: Microsoft Settlement

I believe the proposed settlement is in the best interest of the public. Further litigation of this matter would only benefit the attorneys and not the public.

Jane Ashbrenner

MTC–00007579

From: SCMpar242@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 10:16pm
Subject: settle

please settle the case and go after enron.
scmpar242@AOL

MTC–00007580

From: Ken Andrews
To: Microsoft ATR
Date: 1/2/02 10:18pm
Subject: Microsoft is #1.....

Microsoft is #1.....

MTC–00007581

From: CBD1@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 10:18pm
Subject: Microsoft Settlement To Whom It May Concern:

The Microsoft settlement was a huge penalty to a company that has done more for the U. S. economy and for communication than any other in our great history. I do not understand why some people evidently think they should be punished more than what has already being done to Microsoft. Our economy started faltering when it was shown that the government was destroying the country's greatest asset. Please let this fair settlement stand which might let us come out of this recession.

Sincerely,
Cleve B Denny

MTC–00007582

From: kowalczyk
To: Microsoft ATR
Date: 1/2/02 10:18pm
Subject: Microsoft Settlement

Please end this case once and for all and let the brains in the most powerful company, that ever existed, go forward bringing new technologies and advances.

Thank you,
Elizabeth Kowalczyk

MTC–00007583

From: Arthur Thompson
To: Microsoft ATR
Date: 1/2/02 10:19pm
Subject: Microsoft Settlement

The proposed settlement against Microsoft is a truly transparent cash grab by a bunch of government lawyers, backed up by Microsoft's whining competitors, trying to make names for themselves. However, if this will settle the case once and for all and get the government out of the software business, get on with it.

Arthur Thompson
Shelton, WA

MTC–00007584

From: JHarby1071@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 10:20pm
Subject: Microsoft settlement

The settlement is ok and I hope it will stop there and not let some other issues arise due to envy of another Company ! Microsoft should not have to put with any more suits. They have proved their merit

Sincerely.
J Harby

MTC–00007585

From: RNorris164@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 10:20pm
Subject: Microsoft

Dear sirs, Why dont you let Microsoft get on with there business. I have a few shairs that I am a looser , money wise. I am not alone. Paid $115.00 to $160.a share Which makes me a looser on quite a few shares. Sold some for $60.& took the loss off my taxes. Thats no way to get out of the resession.

Lets move on with america.
Russ Norris
CC:RNORRIS@aol.com@inetgw

MTC–00007586

From: JGunn99@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 10:21pm
Subject: Microsoft Settlement

To use the phrase ''Enough Already.'' The total waste of money by the government, causing Microsoft to have to waste millions of their money has got to stop and now! What

happened to free enterprise and competition? This was a set back for free enterprise in the very tough field of technology. Who ever can build a better mouse trap deserves to win. Every kind of business is going to win sometime and lose sometime. So let it be with Microsoft.

James A. Gunn jgunn99@aol.con

MTC–00007587

From: Roscoe Jackson
To: Microsoft ATR
Date: 1/2/02 10:22pm
Subject: Microsoft settlement

I, as a consumer am upset that the Government even prosecuted Microsoft. Because everyone knows that the Government did the work that Microsoft's competitors couldn't do. Microsoft is a superior product and I refuse to use any other. But now they have to share their innovations with their competitors. Next the Government will be telling them that they have to share their profits, also.

MTC–00007588

From: Steve Windham
To: Microsoft ATR
Date: 1/2/02 10:23pm
Subject: Microsoft Settlement

I wanted to voice my opinion on the Microsoft Settlement.

I support Microsoft in this on-going debacle the U.S. government (and a few computer companies) has launched. Please finish this farce and let business go back to business...making money for investors and developing products for consumers.

MTC–00007589

From: John Murphy
To: Microsoft ATR
Date: 1/2/02 10:24pm
Subject: Microsoft Settlement

We believe the agreed upon settlement between Microsoft, the U.S. Government, and nine states is fair and in the public interest. Further litigation is too punitive and not necessary. We have had many choices in software over the past ten years, OS 2, Apple, Linux, and others. We have chosen Microsoft because we liked it the best and have been very satisfied.

John & Mary Ellen Murphy

MTC–00007590

From: RSSnodgrass@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 10:24pm
Subject: Re: DOJ wants to hear from you on MS settlement

To the Dept. of Justice,

I believe that it is in the best interest of the public, Microsoft, and the country to settle the case against Microsoft.

Robert Chapman
Nashville, TN.

MTC–00007591

From: MWHolcombe@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 10:24pm
Subject: Microsoft Settlement

Gentlemen:

I believe the settlement reached with Microsoft is fair to all parties. In fact, I think Netscape was given more than it deserved. If we stifle innovation in the electronic and high tech fields, the American public will be the real losers. I therefore urge the Department of Justice and the contesting states to settle this matter immediately. I think certain lawyers in the Justice Department held a personal bias against Bill Gates and this vendetta has greatly damaged our economy. We need a rapid settlement to boost our economy and get people in the high tech industry back to work.

Sincerely.
Betty M. Holcombe

MTC–00007592

From: BRETTYADEN@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 10:25pm
Subject: Please settle now

I have to say this case was wrong from the start. Now that the economy isn't doing that well, we really need to settle the Tunney Act. So, dear government please settle now, it will help the economy. Thank You.

MTC–00007593

From: Emil Mirsepasy
To: Microsoft ATR
Date: 1/2/02 10:26pm
Subject: Microsoft settlment

I am in favour of the DOJ' s settlement.

MTC–00007594

From: J Murray
To: Microsoft ATR
Date: 1/2/02 10:25pm
Subject: Microsoft Settlement

As an ordinary citizen, I'd like to express my views on the Microsoft Settlement. The issues which were raised and settled by the government have ended the need for more litigation or other remedies. With the economy in such a terrible state and with so many worse things going on, those 9 states that want to pursue Microsoft to a greater degree of punishment should find something else to do with their time and the taxpayers' money. The companies they are trying to protect should put more energy into producing something worthwhile and creating a better U.S. rather than destroying it by continuing litigation that simply reduces the economic vitality of Microsoft and the U.S.

It is truly a shame when a company that creates innovative products, like Microsoft, gets sued and pursued by everyone else who can't seem to do the same innovative things. Those other companies' inability to attract and keep the best and the brightest workforce is part of the problem. The sour grapes, whining, and continued attacks only continue to downgrade those companies like Microsoft who are successful. If those other companies had technology that could do the job as well, they'd have had no problem competing. They never listened to the needs of the consumer and now complain that we don't want to buy what they have to sell.

The public now has access to technology like never before and can communicate, work and pursue a quality of life because a company like Microsoft sought to bring better and better innovation into the marketplace. Moreover, Microsoft treats employees well and through its gifts to education creates jobs and better educated citizens. The Foundation that Bill Gate and his wife has created has done a great deal for education and children. It's too bad some of those special interests—companies that the 9 states are protecting couldn't do as much. It's time to end all this stuff and let the innovative companies innovate!!

After all, innovation is what has made the United States the great country that it is.

MTC–00007595

From: Brian West
To: Microsoft ATR
Date: 1/2/02 10:25pm
Subject: Microsoft Settlement.

I BELIVE THAT THE GOVERMENT SHOULD GET OFF THE BACK OF MICROSOFT! THEY ARE DOING NOTHING MORE THEN FOLLOWING THE AMERICAN DREAM!!! MICROSOFT HAS A GOOD PRODUCT AT A FAIR PRICE, AND I FOR ONE LIKE THERE SOFTWARE.

LET THE AMERICAN DREAM LIVE!
BRIAN WEST

MTC–00007596

From: etmusgrove
To: Microsoft ATR
Date: 1/2/02 10:26pm
Subject: MICROSOFT

The law suit against MS should be settled right now.

It has been going on for entirely to long , and should never have been brought in the first place.. If all of these other companies are/were being hurt, why didn't they bring the suit? and why wasn't it handled by a reasonable judge, not some clown doing someone elses dirty work.

Is this another case of the government doing what is best for the people, like with AT&T. All that did was make everyone in the country pay about 5 times as much for telephone service, and of course allow the gov't to collect alot more in taxes...Do what is really best for the consumer and get this thing settled.

Is there any single company or orgganization that has done as much for the american people and the economy of this country. Settle and lets get on with the prosparity of the country.

Earle T. Musgrove....

MTC–00007598

From: William Thompson
To: Microsoft ATR
Date: 1/2/02 10:29pm
Subject: Put an end to this

Dear Department of justice: Please let's end the litigation with Microsoft. Enough is enough. How long does this have to last? The lawyers are all making a lo t of money and we have certainly had enough of this.

MTC–00007599

From: Kristen Turner
To: Microsoft ATR
Date: 1/2/02 10:32pm
Subject: Settlement

While it is clear that some actions by Microsoft created diffficult conditions for competitors within the market, the evolution of competiing operating systems and internet based applications, as well as the remedies in the settlement serve the public interest. Further penalties that could weaken

Microsoft and provide openings for foreign competitors to exploit are unwarranted and unwise.

Regards

Greg Turner

MTC–00007601

From: Jean Fonner
To: Microsoft ATR
Date: 1/2/02 10:32pm
Subject: Gentlemen:

Gentlemen:

Please complete the Microsoft settlement and let this Company return to its work of developing and producing new ideas and electronics that will help both the government and the citizens of the world. Thank you.

Jean B. Fonner

MTC–00007602

From: Thomas Nielsen
To: Microsoft ATR
Date: 1/2/02 10:34pm
Subject: Microsoft Settlement

To The Department of Justice (microsoft.atr@usdoj.gov) I appreciate the chance to give feedback on the Microsoft/DOJ settlement.

I believe the settlement is as fair as it can be for both sides. The remedies in terms of financial 'punishment' is really unimportant—what is more important is the independent team of 'watch-dogs' that will look over Microsoft's shoulder to ensure fair business practices for the future.

Microsoft are creating products that we all benefit from (what would modern life be without computers, Windows, Word, Excel, etc.). Look at all the industries that has benefited from Microsoft's success (Hewlett-Packard—personal printers), AOL & Netscape was dependent on Windows' success, etc, etc.

It is important to the U.S. Economy that we look forward. Let's settle the case—put measures in place (the independent watch-dogs) to ensure that Microsoft complies with the rules & regulations of this country— and let Microsoft continue to create new products that can help the economy to recover instead of punishing one of the country's most successful companies.

I support the settlement that DOJ and Microsoft reached last year.

Thomas Nielsen
431 Kirkland Ave.
Kirkland, WA

MTC–00007603

From: ODMCH@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 10:35pm
Subject: Microsoft Decision

This whole Microsoft case is nothing but a witch hunt by the biggest witch—Reno. The whole thing should be thrown out and let businesses compete. Why should the courts eleminate competition for selected few in the computer software business when power companies, automobile, tobacco, liquor, drug, food, chicken and on and on have no restrictions on growth, competition, or advertising. Let the man run his company.

Sincerely,
Orlin D. Hall

MTC–00007604

From: Syjoan@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 10:36pm
Subject: settlement

The faster this situation is resolved, the better off the country and our economy will recover.

MTC–00007605

From: jeh
To: Microsoft ATR
Date: 1/2/02 10:37pm
Subject: Microsoft Settlement

From a consumer's viewpoint this lawsuit was the dumbest waste of time and money ever by the DOJ.

While I realize it was someone else at the helm, I don't see why it wasn't thrown out once Judge Jackson's bias was revealed. It's not that MS has never done anything unethical but bundling a free browser that happened to be better than its rival's was not unethical, and the crybabies who brought the suit forward do not do business any differently than MS.

If the schools are the beneficiary of this travesty, PLEASE tune out Apple's whining. Better than 75% of the businesses in this country use IBM-style machines, not Apple, and it's far better for kids to be learning software that businesses actually use.

Jessica E Harris
1020 S 21st Street
Mesa AZ 85204
480–926–8950

MTC–00007606

From: DKlega@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 10:37pm
Subject: SETTLEMENT

PLEASE, PLEASE SETTLE WITH MICROSOFT AS SOON AS POSSIBLE. I FEEL THEY ARE UNFAIRLY TARGETTED FOR THEIR INNOVATIVE APPROACH. THEY ARE FAR AHEAD OF EVERYONE ELSE, AND THAT IS WHY THIS WITCHHUNT IS BEING PURSUED BY THEIR COMPETITORS.

SINCERELY,
DORIS KLEGA

MTC–00007607

From: Chrys Steele
To: Microsoft ATR
Date: 1/2/02 10:38pm
Subject: Microsoft Settlement

Dear Justice Department Officials:

I understand that from now until January 28th, you have a public comment period concerning the settlement with Microsoft.

I, for one, think that the settlement is fair. Let it stand as is and don't drag this think on any further.

Personnally, I think the overall computer industry is being hurt by the inability to settle this thing in a timely and just manner.

Let the Tunney Act settle this once and for all, and let's get on with the business of this country.

Sincerely,
Crystal R. Steele
1563 Cedar Dale Ln
Lancaster, SC 29720
803.285.3483

MTC–00007608

From: Tim McCarthy
To: Microsoft ATR
Date: 1/2/02 10:40pm
Subject: Microsoft Settlement

In my judgment it is time to move on and bring the Microsoft legal battles to an end.

MTC–00007609

From: Doug Hayashi
To: Microsoft ATR
Date: 1/2/02 10:41pm
Subject: Microsoft Settlement

Most of my comments on this topic can be see at:

http://www.nsxfiles.com/pulp_letter_to_doj.htm

I wrote it a couple of years ago, but the arguments are the same. Remember.....companies have to add new features to their product, or else there is no reason for them to exist...

-Doug

MTC–00007610

From: Robert Angrisano
To: Microsoft ATR
Date: 1/2/02 10:42pm
Subject: Microsoft Settlement

I am a long-time user of Microsoft technology both at home and at work. I've never felt that Microsoft has ever done anything but helped grow the computer industry in a positive way.

Microsoft's technology allows my business to do thing we never could have done without their great products and services. I've never felt I was taken advantage of or that they used their dominate position in the market to prohibit the growth of the industry. I receive more benefit today at a lower price than I ever have in 27 years of business.

Please take the handcuffs off this great American company. Stop being influenced by a small group of well financed competitors crying ''foul''. They had the chance to win my business, but failed to do so due to high prices and poor functionality.

We need more companies like Microsoft Corporation.

Thanks
Robert Angrisano
President,
M.A.N. Resources Inc.
www.manresources.com

MTC–00007611

From: Michael A. Mehring
To: Microsoft ATR
Date: 1/2/02 10:42pm
Subject: Microsoft Settlement

To whom it may concern,

I am very concerned about the prolonged investigation of Microsoft and its impact on our economy. I a

m very concerned that Microsoft's is being unfairly litigated against by its competitors through our government. As a consumer, I am very concerned that increasing litigation with increase the cost of software. I am concerned that this is not a fair treatment of a very important company to our productivity and economy. I can't see how the consumer benefits by not allowing Microsoft to integrate features. The BIGGEST problem I have with software is lack of

integration. Prior to Microsoft, there was very little software integration. I am not happy with my tax dollars being used to litigate against one of America's great companies. As a tax payer, I am very unhappy that the government is using my money to litigate against a very great company. Thank

you for listening.

Concerned Citizen, Consumer, Tax Payer.

Michael A. Mehring

MTC–00007612

From: CMStillie@cs.com@inetgw
To: Microsoft ATR
Date: 1/2/02 10:44pm
Subject: Microsoft Settlement

I am very happy with the settlement. It would be a big mistake to break up Microsoft. The great technological advances and products offered by Microsoft are an asset to our national economy and should NOT be stifled by jealous or socialist critics.

Christopher Stillie

MTC–00007613

From: Alfonso Finocchiaro
To: Microsoft ATR
Date: 1/2/02 10:43pm
Subject: Microsoft Settlement

The Clinton Administration spent millions of taxpayers' dollars to go after one of the greatest companies of all times. It's about time that the settlement close this sad story once and for all.

Alfonso Finocchiaro

MTC–00007614

From: Chuck Cable
To: Microsoft ATR
Date: 1/2/02 10:44pm
Subject: Microsoft Settlement

Gentlemen: The remaining states should settle as has the DOJ and the other states including my home state Ohio..It is in the public interest. In a trust, the offender raises prices which is what Microsoft did not do....MS has superior products that are realistically priced and I feel that no one has been gouged....In fact without Windows, I don't think we'd have an internet and no one would be communicating and doing the multitude of things that we all do...AND the idea that Oracle, Sun Micro, etc. should be compensated is ridiculous. MS is not guilty but if it was, it would be consumers that would be compensated—-certainly not the sore loser companies that are crying for dollars that MS legitimately earned with superior products at reasonable prices...The District Court should immediately settle in favor of

Microsoft....

Charles V. Cable
19615 Tanbark Ln
Strongsville,
OH 44149–1431
440.238.3296

MTC–00007615

From: Jerry Stark
To: Microsoft ATR
Date: 1/2/02 10:43pm
Subject: Microsoft Settlement

My comments relating to the Tunney Act:

I speak the voice of a one person business operating in the black only because Microsoft products that work exceptionally well exist: I believe that much of the consideration afforded Microsoft was more a vendetta on the part of its competitors and perhaps a little jealousy. I fear a government that acts to stifle free enterprise.

I also am in the camp of believers that the American economy started SOUTH with the start of the Microsoft litigation.

I hope that the government would consider that the impediments placed on Microsoft should also be placed on the 20 competitors.

I wonder if this action will become another government fiasco like the one that exists as a result of the Telecommunications Act of 1996. The telecom sector in America is reeling. The government has a history of not fully understanding the implications of their actions.

Do you have any concept of the number of businesses large and small that depend on Microsoft? They depend on Microsoft because of good smart business practices, not because of unfair practices.

Will you enforce these rules to the absolute ruin of American Industry? I caution you to use great retraint. The American economy is continually looking for a competitor for Microsoft. It is the ultimate brass ring. Be careful not to interfere with that. Be careful not to interfere with Microsoft. Do NOT mortally wound Microsoft.

The reality is, as an end user, I have never felt put upon by Microsoft. I am sick of people who can't see that Mr. Gates and Microsoft have done more for the American economy than Bill Clinton and the Fed combined. Now the government stands to hurt that enterprise. Please be fair in your application of these judgments. Remember, America depends on Microsoft.

My livelihood depends on Microsoft!!!! I use their products everyday in my consulting business. So do my clients. So do their clients. I bet you do too!!

Jerry Stark
Owner
Stark TECHnology Presentation Services
Richardson, TX
jlstark@swbell.net

MTC–00007616

From: AMKELL4@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 10:44pm
Subject: Microsoft Settlement

It is time to end this litigation and let Microsoft proceed with creating jobs and technological advancement for the US economy. The US Justice Dept. has already wasted too much money and time on this issue. Let's support our American economy and put an end to the lawyers who want to prolong this litigation.

MTC–00007617

From: Dr. Robert Ingram. Powell
To: Microsoft ATR
Date: 1/2/02 10:45pm
Subject: microsoft.atr@usdoj.gov

U.S. DEPARTMENT OF JUSTICE

Stop the UADOJ/Anti-trust law terrorists from further acts of government institutionalized robbery of Microsoft Corporation.

The Antitrust laws—an unenforceable, uncompliable, unjudicable mess of contradictions—have for decades kept American businessmen under a silent, growing reign of terror. Yet these laws were created and, to this day are upheld by the ''conservatives,'' as a grim monument to their lack of political philosophy, of economic knowledge and of any concern with principles. Under the Antitrust laws, a man becomes a criminal from the momnent he goes into business, no matter what he does. For instance, if he charges prices which some bureaucrats judge too high,he can be prosecurted for monopoly or for a successful ''intent to monopolize'' if he charges prices lower then those of his competitors, he can be prosecuted for ''unfair competition'' or ''restraint of trade'' and if he charges the same prices as his competitors , he can be prosecuted for ''collusion'' or conspiracy.'' Ther is only one difference in the legal treatment accorded to a crominal or to a businessman: the criminal's rights are protected much more securely and objectively than the businessman's. The alleged purpose of the Antitrust laws was to protect competition; that purpose was based on the socialist fallacy that a free, unregulated market will inevitably lead to the establishment of coercive monopolies, But, in fact, no coercive monopoly has ever been or ever can be established by means of free trade on a free market.

Every coervice monopoly was created by government intervention into the economy: by special privilidges, such as franchises or subsidies, which closed the entry of competitors into a given field, by legislative action. (For a full demonstration of this fact, I refer you to the works of the best economists.). The Antitrust laws were the classic example of a moral inversion prevalent in the history of capitalism: an example of teh victims, the businessmen, takeing the blame for the evils caused by the government, and the government using its own guilt as justification for acquiring wider powers, on the prestext of ''correcting'' the evils.

[There is only one] meaning and purpose these laws could have, whether their authors intended it or not: the penalizing of ability for being ability, the penalizing of success for being success, and the sacrifice of productive genius to the demands of envious mediocrity. So said Ms. Ayn Rand and so say my wife and I.

Bill Gates and his team made it to the top using his genius and that of the brain team he put together. He should be viewed as a modern hero having made available software processes that have changed the way we live, accumulate and process knowledge.

The first step that should be take is to abolish/repeal the Antitrust laws in their entirety on the basis of being inimical to the very concept upon which our Constitution system of government is founded. Just because some mental midgets not up to Bill Gates standards are unable to compete in the international marketplace is no reason to cutoff the arms, legs and labotomize Bill Gates such that mediocrities and incompetents can steal a part of his company or their earnings ''sub pretexto juris'', ''sub calore juris''... i.e., those who cannot compete in a free market system should not be in that

business, and should seek other areas where they have the level of brainpower to make it on their own money and effort and not parasite off of the successful.

Antitrust laws delenda est!

ROBERT INGRAM POWELL
DR. ROBERT INGRAM POWELL, Ph.D.
WEUSA@EARTHLINK.NET
760–245–2355
P.O. Box 2371
Silver Lakes Community
Helendale, California
92342 USA

MTC–00007618

From: rmangum
To: Microsoft ATR
Date: 1/2/02 10:44pm
Subject: Microsoft Settelment

Does not the Department of Justice have anything better to do? Why waste taxpayer's money trying to destroy a tax paying business?

The Federal government tried for 13 years to put IBM out of business, and wound up loosing. There are plenty of real crooks out there to chase!

Roy W. Mangum
3650 Westcliff Dr
Hood River, OR 97031
rmangum@oregonvos.net

MTC–00007619

From: JIMI@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 10:46pm
Subject: Microsoft Settlement

To Whom It May Concern, Please stop wasting time & taxpayer money on this frivolous action that would only benefit the lawyers and the wealthy. The normal individual cictizen wants this settled and over with, so get it it done!

Thank You
James A. Georgakis

MTC–00007620

From: KLC3@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 10:47pm
Subject: Microsoft Settlement

To whom it may concern:

Please ratify the Microsoft settlement. The decision made by the Justice Department is fair and satisfactory. Any prolonged litigation will only benefit those special interests, who wish to punish Microsoft unfairly. Please feel free to contact me if you need any further comments.

Thanks,
Kelly Castleberry III

MTC–00007621

From: thomas clatterbuck
To: Microsoft ATR
Date: 1/2/02 10:48pm
Subject: Microsoft Settlement

I believe that the settlement with Microsoft should be completed promptly. I also believe that the charges of Judge Thomas P. Jackson were improperly charged and that many of our current economic problems were caused by his actions,

Prompt closure of the court will help return our economy to normal.

Thank you for your assistance.

Sincerely,
T. R. Clatterbuck

MTC–00007622

From: Tim Ambrose
To: Microsoft ATR
Date: 1/2/02 10:48pm
Subject: MICROSOFT SETTLEMENT

To whom it may concern,

We support Microsoft. Please end this for the good of the country and the world!

It is obvious that Microsoft is trying their hardest to stop this endless persuit against them.

Please be fair to them. I promise you the entire country is ready.

Very sincerely yours,
Tim Ambrose

MTC–00007623

From: Marinus Overwyk
To: Microsoft ATR
Date: 1/2/02 10:50pm
Subject: Microsoft Settlement

As a Microsoft user I find it abhorrent that you are using taxpayer dollars in this suit. I believe your energies and tax monies would be better utilized chasing terrorists, we are at WAR!.

Mr. M. Overwyk

MTC–00007624

From: RDHIII@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 10:52pm
Subject: Microsoft Settlement

Microsoft is not a monopoly and should not be judged as one. They are business people and risk takers. It took a tremendous amount of capital to develop Windows and other programs. If other software manufacturers feel captive, they are welcome to write and support their own operating systems. This case should be settled without further litigation.

Russel D. Hiller III, CCIM
R. D. Hiller Co.
P.O. Box 3621
Albuquerque, NM 87190–3621
Office 505.238.4168
Fax 505.265.1635
rdhiii@aol.com

MTC–00007625

From: Steven Ramirez
To: Microsoft ATR
Date: 1/2/02 10:53pm
Subject: Microsoft Settlement

Please stop the madness and let this case be SETTLED. I don't care if the California attorney general is trying to further his career at Microsoft's expense. Enough is enough—it's time to MOVE ON!

Steven Ramirez

MTC–00007626

From: The Petzall's
To: Microsoft ATR
Date: 1/2/02 10:53pm
Subject: MICROSOFT SETTLEMENT

I firmly believe that it is in the best interest of technology and therefore this country, as the leader of technological innovation, that the Microsoft case be settled. Microsoft should not be penalized because the competition suffered from tunnel vision and could not see the broader horizons available. The comoputer industry went through several generations of word processing programs: Wordstar, pfs, Word perfect and finally standardized the industry with Word. This greatly enhances the ability of everyone to integrate systems and reduce wasted efforts in trying to gain compatability. If you want to penalize someone, how about Exxon and their unsettled case in Alaska?

MTC–00007627

From: suncitian
To: Microsoft ATR
Date: 1/2/02 10:53pm
Subject: MICROSOFT SETTLEMENT

I believe the Microsoft case should be settled not prolonged. It is important for the consumer, the industry and the economy!!

Mrs. Joanne Casebere
11153 W. Palmeras Dr.
Sun City, AZ 85373
suncitian@msn.com

MTC–00007629

From: george corcoran
To: Microsoft ATR
Date: 1/2/02 10:55pm
Subject: Microsoft Settlement Should Be Enough

Ladies and Gentlemen:

Enough is enough.

Hopefully that familiar phase will catch on with the powers that be so that Microsoft can be left alone with this much too long court action finally coming to an end.

If it were just the economy that would suffer from more deliberation, that should be enough to call an end to Microsoft's trial. But it is more than that.

I look on it as similar to abortion where a life is snuffed out that might have been the person that would have grown up to find the cure for cancer or some other equally important cure or innovation.

When Microsoft is made to buckle under, excessively, and not allowed to continue to innovate and invent as they did before all this complaining started slowing them down, then what wonderful creative works might never be known? We do not need to know the answer to that. Thus, enough is enough. Give them some slack now. It's over.

Sincerely,
George J. Corcoran
Commander, USNR–RET

Federal Register

5–3–02 Friday
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Book 4 of 12 Books
Pages 24931–25568

Part II—Continued

Department of Justice

Antitrust Division

United States v. Microsoft Corporation; Public Comments; Notice

MTC–00007630

From: Rodney Haas
To: Microsoft ATR
Date: 1/2/02 10:56pm
Subject: Microsoft Settlement

To whom this may concern,

Frankly I cannot believe this lawsuit lasted this long. There is no question that an excessive and unfair settlement will further destroy the software business. Microsoft has been the driving force for bringing the price of both software and hardware down. Microsoft not only has not hurt the consumer, but has radically helped.

You only need to look @ apple as a comparison. Apple has indeed harmed the consumer with unreasonably high prices. Apple has clearly harmed innovation except for the chosen few. Microsoft has in fact had open and published interfaces to their software for years. I have used this interface many times to extend my vertical market applications. This has allowed me to add massive power to my applications without having to charge my clients.

In closing I would highly suggest that you focus your energy on something else. While some of Microsoft's competitors have been hurt, must are far to large to even qualify under the monopoly protections. Companies like Netscape were clearly not hurt selling for more than 4 billion dollars. Many other companies that have gone away, have done so because of bad UI, marketing and faulty feature sets.

Rodney Haas
rodneyhaas@hotmail.com
rhaas@directlink.net

MTC–00007631

From: Beckers
To: Microsoft ATR
Date: 1/2/02 10:56pm
Subject: Microsoft Settlement

Dear DOJ et al:

Please help stop the feeding frenzy at Microsoft and consumers' expense. Microsoft delivers fairly sophisticated products at reasonable prices, and do not manufacture hardware other than basic peripherals such as keyboards. We need them creating superior products to help balance our trade deficit. Instead, you might want to investigate ''proprietary'' software products by companies who really want to prevent the establishment of industry standards and protocols.

Rick Becker
California, USA

MTC–00007632

From: Richard Paietta
To: Microsoft ATR
Date: 1/2/02 10:57pm
Subject: The Settlement

Dear Sirs:

This suit should have never been undertaken in the first place. It was done by the previous administration for the benefit of Microsoft's competition. At no time was the public hurt or at issue in this case. This action has cost the taxpayers millions of dollars for the benefit of a few (e.g. AOL, Sun, Etc). Not only has this cost the American taxpayer in dollars that could have been spent elsewhere it has cause the present downturn in our economy. DOJ was right in settling the issue and the remaining 9 states that are home to Microsoft's competition should be forced to settle. This was a case of bad law and the legal system showing its worst side. There is no excuse for the Federal Government having to act as the protector of Microsoft's competition. The law was put on the books for the protection of the public. The market place in a free economy determines who stays in business and who does not. This suit has also cost many of us who have invested in Microsoft for their retirement. What do you intend to do to help, since this has cost many large sums of their retirement investments. Settle the case and ask to judge to force a resolution with the hold out states. It is time that DOJ corrected the mistakes of the past administration.

Richard L. Paietta
PaiettaR@msn.com

MTC–00007633

From: Babafar@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 10:57pm
Subject: Microsoft Settlement

Please settle with Microsoft and end this litigation. The settlement is fair and reasonable to all parties. It will be good for the economy. Thank you.

Marge Ferrari, 135 Westwood Drive, Novato, CA 94945

MTC–00007634

From: Maverick775@cs.com@inetgw
To: Microsoft ATR
Date: 1/2/02 10:58pm
Subject: microsoft settlement

Please settle this case ASAP. I am very tired of disgruntled companies who are not capable of competing on their own trying to use the courts to further their position in the world of tough competition. I thought capitalism is what made us a free enterprise nation, and competition is what enables the best of the best to help build this country on a world wide basis. I still do not understand why the previous administration wanted to punish a remarkable company like Microsoft. Let's get on with life, stop wasting taxpayers money and let the best companies win. That's what it is all about.

Michael D. Arndt

MTC–00007635

From: Jerome Montez
To: Microsoft ATR
Date: 1/2/02 10:59pm
Subject: Settlement

My opinon on this case is leave private enterprizes alone the goverment should stay out of it all they manage to do is drive up prices for the consumer

MTC–00007636

From: EthelGee@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 10:59pm
Subject: Microsoft Settlement

I think the Microsoft settlement is appropriate and should be enacted.

Ethel Gardner
175 e. 74 st.
New York, N.Y.

MTC–00007637

From: Marx Heller
To: Microsoft ATR
Date: 1/2/02 10:58pm
Subject: Microsoft Settlement

I would like to know who determined that the break up of Microsoft would be in the consumers best interest. I would bet it came from a disgruntled competitor like Netscape. Surely it could not have come from the same people that thought that breaking up AT&T was good for the consumer. I feel that to penalize Microsoft for continuing to develop new technology is wrong. It sends a message to others that may want to develop and market a product, that if they get too big or too popular and the competition can no longer provide an equal quality product for a competitive price, that someone well sue them and try to destroy what they have done. If I am successful, the government will take away that success. Enough is enough! Why is it that the courts have recommended a settlement and Microsoft has agreed to it, that their are still those that oppose that settlement. They seem intent on destroying Microsoft. How much do those people give back to the people responsible for their success? How much do they give to charity? How much? I feel that if Microsoft continues to come under assault, that the inevitable result will be less new innovation and new technology and higher prices to pay for it. I am sorry, but my idea of the American Way is not to Pay more for less!

Marx Heller
Williamstown NJ
heller@eticomm.net
I VOTE!!

MTC–00007638

From: Zelia Compton
To: Microsoft ATR
Date: 1/2/02 10:59pm
Subject: Microsoft Settlement

Please settle now.

MTC–00007639

From: Gus407@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 11:00pm
Subject: Settlement

In all of this litagation, I have never seen one consumer come forward and actually state that the packages that Microsoft bundled together hurt them. I for one am glad Microsoft put these programs together on my computer. If I would have had to go out and purchase these programs separately, I probably would not have a computer today.

Thank You;
Gus407@aol.com

MTC–00007640

From: Bruzer703@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 11:00pm
Subject: Microsoft Settlement

I am a middle class worker, saving for retirement...with a fair amount of Microsoft stock in my portfolio. Ever since the Reno/Clinton ''Justice'' Department abused Microsoft through the courts, I have had my retirement portfolio abused also. The settlement has been accepted by DOJ and Microsoft, our nation's economy has already

taken enough hits, let Microsoft and the American economy serve our interests by growth and innovation. We have gotten rid of Reno/Clinton, now let's get rid of the droppings they afflicted us with.

END THIS NOW!!

Sincerely,

Kevin Smith

MTC–00007641

From: Robert Heffner
To: Microsoft ATR
Date: 1/2/02 10:59pm
Subject: Microsoft Settlement

Dear DOJ:

I am writing to urge settlement of the Microsoft antitrust case now. I have personally benefited enormously in my work from the greater efficiency of Microsoft products, particularly the standardization of the PC platform. Although I am not a lawyer, I believe that this was a dubious case from the beginning, pushed by Microsoft competitors who had been soundly trounced in the marketplace.

Ending this case now, when our country is struggling to regain economic growth, is in the best interest of our nation's international competitive posture, and, hence, very much in the public interest.

Thank you.

Robert H. Heffner

MTC–00007642

From: WEckstine@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 11:01pm
Subject: Microsoft Settlement

It is time to stop harrassing US business. There is no harm to the public by completing the Microsoft settlement now. To the contrary there is more harm to consumers and America to keep up the battle to assist a few of the competors.

MTC–00007643

From: Bmnov20@cs.com@inetgw
To: Microsoft ATR
Date: 1/2/02 11:01pm
Subject: Microsoft settlement

PLEASE settle this lawsuit with Microsoft with no further litigation. It has gone on long enough for a company that I feel has follwed the path that the strength of this country was built on. They started from nothing and built it into a very successful company. If other companies can't compete then they shouldn't be crybabies, but find a different product or become better competitors without running to the fed gov to solve their problems. Bill Linker PS: this is the first time I have tried to make my voice heard but I feel strongly enough about this to respond.

MTC–00007644

From: TweedieRoy@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 11:02pm
Subject: MICROSOFT SETTLEMENT

DEPARTMENT OF JUSTICE,

I urge you to proceed and complete the Microsoft settlement during the first quarter of 2002. This long standing settlement need to be resolved NOW. I also urge you to accept Microsoft's offer to supply computer equipment to our school system and NOT cash. The use of additional cash in our schools will not improve the level of education of our children—computers will. I am suspicious of the motives of our administrators that the cash may be used for their own pet projects and wage increases. I don't trust the integrity of our school administrators. Throwing $$$ at the education system will not improved the education level of our children, it hasn't in the past i.e., lottery etc.

Regards,

Roy Tweedie

MTC–00007645

From: Brownbearman@cs.com@inetgw
To: Microsoft ATR
Date: 1/2/02 11:03pm
Subject: microsoft settlement

microsoft never did anything wrong...in business you deserve what you invent and earn from that invention!

MTC–00007646

From: larry novak
To: Microsoft ATR
Date: 1/2/02 11:03pm
Subject: Enough already, callit quits

Dear Sirs'

Enough of this wasting the tax payers money, so that a few lawyers can make a killing of a bigger settlement. The settlement is fair —-end it all.

Thank you

Lawrence Novak

MTC–00007647

From: Candace Hawthorne
To: Microsoft ATR
Date: 1/2/02 11:06pm
Subject: Microsoft Settlement

Dear Atty. General Ashcroft,

I am writing to commend the DOJ in it's wise settlement with Microsoft. I feel this needs to be wrapped up and completed and quickly as possible for the sake of the technology sector, our economy and Microsoft to restore the status quo. If it is at all possible for the DOJ to intervene with the nine states still pursuing further remedies of Microsoft that would also be supported. Without Microsoft we would not have as a tool in every home the PC, we never would have had the ease of use we have as well. I feel it is a HUGE mistake to a country to go after it's crown jewel. Happy New Year.

Sincerely,

Candace Hawthorne

Metairie, LA 70001

MTC–00007648

From: Rose Rothe
To: Microsoft ATR
Date: 1/2/02 10:58pm
Subject: Settlement

Enough is enough. Let this case be settled now. This company has done more for the American economy and for all us who are computer folks. If it were not for Microsoft, we would not be where we are now. It takes people who are innovative and visonaries to bring forth products as Microsoft has brought to the world. Again, please put an end to this case without damaging this inovative, visionary company.

Rose and Dietmar Rothe

Cardiff-by-the-Sea, CA

villatucan@sand.net

MTC–00007649

From: Lenk10@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 11:06pm
Subject: Microsoft Settlement

I firmly believe that the DOJ should put the Microsoft litigation behind us. Microsoft has continually produced an excellent product with each new release better than its previous software and generally at lower prices. Microsoft has done this while incurring substantial costs associated with litigation and settlements. As a user I have never been forced to use Microsoft software, I have always had available to me a multiplicity of software to choose from and have selected support software based upon capability and support.

I implore DOJ to let Microsoft get on with its primary business. From a user's point of view they have never been a monopoly as alternatives were always available to me, Microsoft was just a cause which the Janet Reno DOJ used to keep people from asking why some other more pertinent issues were not being investigated.

Sincerely

Dr. L. Kreuter

MTC–00007650

From: pernoid
To: Microsoft ATR
Date: 1/2/02 11:08pm
Subject: MICROSOFT SETTLEMENT

The Microsoft settlement reached by the Court Of Appeals should stand & be the final end of the Microsoft litigation. This will definitely be in the interest of consumers, the industry and the American economy.

Glory Perno

MTC–00007651

From: Borden Nettles
To: Microsoft ATR
Date: 1/2/02 11:09pm
Subject: Microsoft

Please move on to productive work and get out of Microsoft business. I have been ashamed of our government in this case because I believe the entire lawsuit was based on political motives rather than the law. I further believe the USDOJ action and the resulting media coverage in this case has in part been responsible for reduced confidence in the stock market. Thank you for recording my opinion. I am

Borden Nettles

Franklin, TN 37067

MTC–00007652

From: Charles H Caplan
To: Microsoft ATR
Date: 1/2/02 11:10pm
Subject: Microsoft settlement

Let's get this over with. Approve it as it stands and let's get on with business.

Charles H Caplan

Bellevue, WA

MTC–00007653

From: JCDMORT@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 11:10pm
Subject: Microsoft Case

I want to applaud the Federal Government's settlement of the Microsoft

case and hope that the agreement willbe accepted by the Fed and the States. Please use this as one vote to continue on the path that has been proposed and let Microsoft get on with business.

It is my opinion that the competitors of Microsoft have continued stir the pot and to encourage the remaining states that have not settled to ask for more limitations. The continued litigation that these remaining groups are attempting is causing confusion over Windows development for both third party developers and users of Windows. Wasn't the example of the IBM case where billions were wasted in trying to limit the size and power of a wealthy Corporation enough to show that the market place will do in time what will be done without Govt. Intervention?

It seems that this is a case of State Government attempting to squeeze a successful Corporation for funds because the source of their usual funding (Sales Tax) is drying up. What possible good can the States litigation do for the consumers?

The Clinton Administration's insistence of following through with this litigation has cost Technical stockholders a considerable amount in share prices over the life of the litigation. Additionally, the cost of the actual litigation has had to be a very costly drain on Federal Govt and Microsoft's resources. It would seem that this effort would be better spent getting bad guys rather than chasing one of our star Corporations in the Technical world. Now to have the States trying to squeeze more from Microsoft is only depressing the Tech market and innovation even more.

Please curb the Antitrust Division and stop these unnecessary probes of our successful Corporations such as IBM, Microsoft, Intel, AOL, Cisco and AT&T. Govt. should not be creating problems for our leading Tech Corporations that have put America in the leading position in the Information Processing Industry.

MTC–00007654

From: Greg Sprinkle
To: Microsoft ATR
Date: 1/2/02 11:11pm
Subject: Microsoft Settlement

Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Subject: Comments on the Proposed Settlement—Microsoft vs USA

For the public record:

As someone intimately familiar with computing in general and the computer industry as a whole, I have witnessed firsthand the adverse effects of Microsoft's monopolistic business practices and their devastating effects on consumers.

In the last year alone, the computing public has lost one of the most promising consumer orientated desktop operating systems to come along in the last ten years, namely BeOS. BeOS had technology that simplified the computing experience for the average consumer, while at the same time had technology that was vastly superior to what is available under the Windows operating systems. The single most reason that BeOS could not succeed in the market, is the absolute death grip Microsoft has on OEM's and total control of the boot loader process.

As a consumer of computer software and a concerned citizen of the United States, I have a real problem with the proposed settlement. I cannot see how the proposed settlement even pretends to remedy the antitrust violations for which Microsoft has been found guilty. The proposed settlement contains no penalties—monetarily or otherwise. None! It does not nothing to provide further competition or halt Microsoft's continuing maintenance of their monopoly of desktop operating systems. Perhaps the most disturbing part of the proposed settlement is the provision for Microsoft to determine who their competition actually is in regards to revealing API's and source code.

While I believe the initial pursuit to break up the company was the best course of action, I would be willing to accept the alternatives being put forth by the nine states who have refused to endorse the proposed settlement. To add, the barest minimum of remedies possible should include the following features:

* Any remedy seeking to prevent an extension of Microsoft's monopoly must place Microsoft products as extra-cost options in the purchase of new computers. [Consumers who do not wish to purchase Microsoft products are not forced to do so].

* Prices of Microsoft products through OEM's must mirror those same products in the retail channel so that products can compete on merit and not price alone. [Consumers must have a choice in competing office suite products at similar prices].

* In addition to opening the Windows application program interface [API's], the specifications of Microsoft's present and future document file formats must be made public, so that documents created in Microsoft applications may be read by programs from other makers, on Microsoft's or other operating systems. [No consumer or organization must choose Microsoft products based on proprietary file formats or falsely perceived standards].

* Any and all Microsoft networking protocols must be published in full and approved by an independent network protocol body. Furthermore, the controlling body should be a government agency such as the National Bureau of Standards and should apply to the industry as a whole. [All protocols must be available through an ''open source'' method of development with a small number of comitters to fix bugs and plug security leaks].

* Microsoft must be made to realize that other operating systems have the right to exist and they shall do nothing to erase any or all entries in the master boot record. [Microsoft operating systems shall include utility software to enable dual booting of other operating systems when detected on computer hard drives—not just their own].

The proposed settlement seems to have been made in haste and in light of of the attacks of September 11th with little or no thought for the long range implications—for the economy or national security. Many have accused the DOJ of a ''sellout'', but my opinion is that they are seeking a quick fix in order to revitalize economic growth.

In a study released a year ago by the highly respected Center for Strategic and International Studies, Microsoft's operating systems actually poses a national security risk. Open source advocates have made a compelling case that prove publicly available and open programs, protocols and file formats are much more secure. We are a nation of computers, networks and a vast dependence on technology and as such, are a prime target for cyber terrorism attacks of untold proportions.

I believe we, as a nation, are at a critical junction at the cross roads of the information technology age. In many respects, we are in the same position as that of the early days of the industrial revolution—where we had railroads of different scales, track widths, etc. In the case of the railroads, the problem was one of standardization and it caused loss of productivity and timely delivery. The computer industry desperately needs standardization in the same way; in protocols, file formats and programs. This, I believe, is the single most important part of this whole issue and the fact that Microsoft's sole business plan can be summed up as ''control the standard''.

In closing, all are surely in agreement that the resolution of this case is of great importance, not just now but for many years to come. This suggests a careful and deliberate penalty is far more important to the health of the nation than is a hasty one.

Respectfully Submitted,
Greg Sprinkle
3907 Lanyard Ct.
Chester, VA 23831–7379
email: hornsmoker@yahoo.com

MTC–00007655

From: Lavajup@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 11:12pm
Subject: microsoft settlement

sirs, this suit has been tried to death.the remaining states are arguing for microsfts competitors in their home states not for some imagined u.s. citizens who supposedly are being overcharged for microsoft products.these competitors should compete with their products against microsoft not with their lawyers.let us comlply with the decision already in place and get out on with moving business ahead.

sincerely,
george o. mills
lavallette,nj 08735

MTC–00007656

From: James Rhodes
To: Microsoft ATR
Date: 1/2/02 11:13pm
Subject: Microsoft Selltlement

It is my firm belief that any more litigation against Microsoft would once more plunge the tec. markets into another freefall just as two years ago when weak insecure corporations turned to the Clinton justice department for help. If the government wants to bring on another down cycle, just keep pounding away at the one company that truly

knows how to innovate and develop solutions to complex problems. Why is it that people who know how to get things done are always being attacked by those who can't? The more I see the law being applied in this country, the less respect I have for it. Lawyers, journalists, politicians—they build nothing yet suck the life out of everything.

MTC–00007657

From: Paul Monson
To: Microsoft ATR
Date: 1/2/02 11:13pm
Subject: Microsoft Settlement

Dear Sirs;

I have been a computer user for many years. I owned one of the first IBM-PC produced and have continually upgraded. I remember the days when competing Operating Systems were available and I am glad those days are gone. It was a nightmare having software that would work under one operating system but not another. I know monopolies in general are undesirable but in the case of computer operating systems they are much better than the alternative. I also do not have any problem with ''bundling'' of the internet browser. For many years I used Netscape as my preferred browser even when Internet Explorer was the default browser installed with the Microsoft operating system. I have now switched to Internet Explorer simply because it is now better than Netscape, but I would still be running Netscape if it were superior.

I think it is time to lay-off of Microsoft, I believe that most people feel as I do that in general we are much better off with Microsoft as is rather that broken-up or otherwise handicapped. I have found that most Microsoft products are superior to competing products> Why can the public not be able to use such superior products.

I am not a Microsoft employee but a individual public citizen.

Paul Monson

MTC–00007658

From: Michael Beers
To: Microsoft ATR
Date: 1/2/02 9:11pm
Subject: Microsoft settlement

Hello, my name is Michael Beers. I'm a hard-working friendly American male. I'll make it short. Settle the Microsoft case now. It is unfortunate in this country that success, when deemed ''excessive,'' is so despised that we have to attempt to destroy it, to make it small again, to make it average. Pay no attention to the 2 billion dollars Mr. Gates gave to charity this year, to the stimulus his company provides our economy, and to the fact that my computer running his software is one of the most important objects in my life. Leave Microsoft alone! Leave business alone! Let the market decide whose products to buy.

Keep your creepy, altruistic hands off.

Thank you. Did I make my point clear?

Michael Beers
Michael Beers
michaelbeers.com
mbeers@idir.net
785–749–3649

MTC–00007659

From: CHARLES E KESSLER
To: Microsoft ATR
Date: 1/2/02 11:14pm
Subject: Microsoft Settlement

Gentlemen,

My family nor I have never worked for or had any connection to the Microsoft Co. and I do not own any Microsoft stock. My only connection is that I have a personal computer that uses Microsoft software.

It has always been my opinion that to penalize Microsoft for improving its software for the benefit of its customers is crazy. The freedom to innovate and provide better software should be rewarded not penalized.

The only reason for these lawsuits is to benefit the attorneys and the politicians who support Microsoft's competitors.

Charles E. Kessler
3000 S. Graham St.
Seattle, WA 98108
206–725–3279

MTC–00007660

From: DEENLENUS@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 11:14pm
Subject: Microsoft Suit

Dear Sirs:

Please end this action and lets move on!

L.C. Foster
Tampa Fl.

MTC–00007661

From: Rick Salvo
To: Microsoft ATR
Date: 1/2/02 11:15pm
Subject: Microsoft Settlement

I really don't understand why the Government is trying to destroy one of the world's best achievements. You can buy a Microsoft product that is reliable and utilitarian for less than what most attorneys charge for 2 hours of their time. Where is the injustice here? Their products will last a lifetime (even though they will be improved upon constantly). This whole thing is a big waste of time and money. Just look at what breaking up the phone company did. We now pay about 5 times as much for less service and have 2 to 3 bills for what once came in one every month! Even if some companies are considered monopolies maybe that is the most efficient way to do some things. Leave Microsoft alone and see if all the lawyers involved can add some utility to the world in stead of profits in their pockets. Settle the suit and let's get on with life and look for things that need fixing.

Sincerely
Rick Salvo

MTC–00007662

From: TAURUS5164@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 11:16pm
Subject: microsoftsettlement

I am voting for the settlement as outlined.

MTC–00007663

From: Ruth A. Lucchesi
To: Microsoft ATR
Date: 1/2/02 11:20pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotelly:

I fear that Microsoft will emerge from the Justice Department and and State anti-trust lawsuits with little or no penalty.

Microsoft's offer to spend money to equip schools with their brand of software is certainly not a penalty for them...it is advertising cost. If they are permitted such an easy fate, all of the creative alternatives to the WINTEL platform will be effectively crushed. The Apple operating systems long used by schools will be drowned by the onslaught of Microsoft technology.

Monopoly power in Microsoft's hands is no different than it was in the hands of Rockefeller and Standard Oil nor Ma Bell. Absolute power (monopoly) corrupts absolutely.

Please consider the fate of other creative methods for computing and insist on a penalty for Microsoft that will break their monopoly. The company should be split into at least two separate and competing companies...one for software and one for an operating system. Judge Green's decision to split Ma Bell made possible the many innovations we have in telecommunications today: cell phones, pagers, portable phones etc. The next generation deserves the same opportunity to have similar computing technology at their disposal.

Please split up Microsoft.

Thank you for your time and attention.

Ruth A. Lucchesi
127 Riverside Drive
Northfield, IL 60093–3238

MTC–00007664

From: 4glh
To: Microsoft ATR
Date: 1/2/02 11:20pm
Subject: Microsoft Settlement

Hello,

I just wanted to voice my support of the Microsoft settlement. I do believe that they were unfairly targeted by the government in the first place, but since they agreed to this settlement it should be honored! Then the whiners and complainers form both the other software companies and the Government (who really deserve none of Microsoft's money.. they already pay their taxes) should get out of it and leave them alone. Hopefully they can still succeed even after their unfair and I believe unlawful persecution.

Let their settlement stand.

GL Holmlund

MTC–00007665

From: cliff bristow
To: Microsoft ATR
Date: 1/2/02 11:20pm
Subject: Microsoft Settlement

This is in reference to the Microsoft Settlement...I am sick and tired of the mess that special interest groups are creating and feel that the government could best serve the people of this great nation by dropping everything. Microsoft has consistently given me all that I have paid for and so much that I didn't pay for. If I need an update for a Microsoft product that I use, they have always given me that update at no charge. Yes, they do charge me if I want to upgrade (like to Windows XP), but, it is my choice whether to upgrade or not. Microsoft is not forcing me to do something that I do not want to do and I for one am tired of people trying to tell me they are. I am a strong supporter for Microsoft and believe that they are serving all of my needs.

Sincerely,
Cliff Bristow
Hebrews 11:1
Now faith is the substance of things hoped for, the evidence of things not seen.
Cliff

MTC–00007666

From: TMB999@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 11:21pm
Subject: Microsoft Settlement
Leave Microsoft alone. Just close out the settlement you already reached with Microsoft and move on. Microsoft is one of the world's greatest companies that has done more for benefiting mankind than almost any other company in the past 10 years. The whole technology revolution of the 1990's would never have happened without Microsoft. Microsoft bashers are just jealous of Bill Gate's success.
CC:TMB999@aol.com@inetgw

MTC–00007667

From: HTOPILOWMD@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 11:25pm
Subject: microsoft settlement
Please finally settle this case as per the terms negotiated by Microsoft and the DOJ and allow Microsoft to get back to work writing software and stimulating the economy rather than remaining an unending source of income for the plaintiff's bar. It's enough, get rid of this case. You are not there to defend Microsoft's competitors from competion.
Harvey W. Topilow, MD

MTC–00007668

From: John Petrocci
To: Microsoft ATR
Date: 1/2/02 11:24pm
Subject: Microsoft settlement
I think that the courts intrusion in the way a corporation manages it business is unwarranted. It became evident the courts were favoring the competitors. I liked the settlement. There are many other companies that could be prosecuted if judged in the same manner that Microsoft was scrutinized.

MTC–00007669

From: WTopper@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 11:26pm
Subject: Microsoft Settlement
I fully support the settlement as I fully support Microsoft's freedom to innovate.
William K. Topper
968 E. 125 S.
Ogden, Utah 84404–4006
WTopper@aol.com

MTC–00007670

From: Alan Hagerman
To: Microsoft ATR
Date: 1/2/02 11:26pm
Subject: My opposition to the DOJ Suit vs. Microsoft
Gentlemen....While I am by no means an expert, I do believe that Microsoft was not and is not now, a monopoly. I believe that companies who were competitors of Microsoft, got the government to take the lead to bring Microsoft down or at least, break it up.
I did obtain a Bachelor of Arts degree from Miami Univ, Oxford , Ohio and a CPCU Degree From the Insurance Institute. My major in college was economics. I feel that a great deal of Taxpayer money has been wasted and that the devastation of the stock holdings of Americans (particularly in the computer field) has been great. I am pleased that the US Govt Doj program is ending and I feel that the states who are still holding out should cease and desist their actions too.
I am a retiree, recently retired from the General Insurance business. I have never missed an opportunity to vote and I chair the Conservative Party of Ontario County, New York. Thank you for requesting my opinion.
Sincerely,
Alan Hagerman, Chairman

MTC–00007671

From: Paul Graeber
To: Microsoft ATR
Date: 1/2/02 11:26pm
Subject: Microsoft Settlement
Despite the aggressive lobbying efforts of a few of Microsoft's competitors, the federal government and nine states finally reached a comprehensive agreement with Microsoft to address the reduced liability found in the Court of Appeals ruling. This settlement is tough, but reasonable and fair to all parties involved. Consumers overwhelmingly agree that settlement is good for them, the industry and the American economy. The law (officially called the Tunney Act) requires a public comment period between now and January 28th after which the District Court will determine whether the settlement is in the ''public interest.''
Unfortunately, a few special interests are attempting to use this review period to derail the settlement and prolong this litigation even in the midst of uncertain economic times. The last thing the American economy needs is more litigation that benefits only a few wealthy competitors and stifles innovation.
Don't let these special interests defeat the public interest.
Paul Graeber
Paul and Sherri
paulg@ihot.com

MTC–00007672

From: DMKCPA6959@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 11:27pm
Subject: RE; microsoft settlement
I HAVE FOLLOWED THE PROCEEDINGS FOR THE PAST THREE YEARS AND I FIRMLY BELIEVE IT HAS FINALLY COME TO A SATISFACTORY AND ACCEPTABLE CONCLUSION. I REFER TO THE LONG AT&T CASE WHICH TOOK MANY YEARS AND RESULTED IN A HUGE EXPENSE TO THE GOVERNMENT AND SUBSTANTIALLY INCREASED TELEPHONE USAGE COSTS TO THE CONSUMER. WHAT MAKES IT EVEN MORE LUDICROUS IS THAT THE SPLIT COMPANIES HAVE MANAGED TO ALLY THEMSELVES WITH EACH OTHER. THOSE WHO DESIRE TO EXTEND THE CONTROVERSY ARE DOING IT FOR SELFISH PERSONAL GAIN. LET US AVOID ANOTHER AT&T DEBACLE.
VERY TRULY YOURS——
DAVID KAUFMAN

MTC–00007673

From: MyMomKas@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 11:27pm
Subject: Microsoft Settlement
Gentlemen:
Enough is enough, time for settling this matter once and for all. Put a stop to these delays so that MS can get back to business. They have provided a service for us consumers that has been extremely important in the advancement of computer science. So many Americans can now and do, have computers in their homes. I believe without MS this would not have happened.
Why do we want to punish a company that brought USA to the top of this industry?
Kathleen Laitila

MTC–00007674

From: Erol Fox
To: Microsoft ATR
Date: 1/2/02 11:29pm
Subject: please complete the settlement
We've used up enough taxpayer money (my money) to punish the one company that has done more for consumers and computing than any other. Let's put an end to the ''don't innovate, litigate'' credo of the lesser companies. If they'd higher great engineers to make great products, and get out of the courts, maybe they could compete.
As a registered voter, I'm adding my vote to complete the settlement and get America moving again towards innovation!

MTC–00007675

From: Patty
To: Microsoft ATR
Date: 1/2/02 11:29pm
Subject: Microsoft Settlement
To Whom It May Concern:
I believe the settlement reached in the Microsoft case is fair. Please make it final and let Microsoft and the American public get on with life.
Thank you.
P. Lea

MTC–00007676

From: Jimmy.Chan@Dictaphone.com@inetgw
To: Microsoft ATR
Date: 1/2/02 11:29pm
Subject: Microsoft Settlement
Dear DOJ,
I am writing this reguarding to the Microsoft Settlement Case as a consumer, my point of view is the case has been prolong enough. It is bad for the economy, derail innovation for new technology. Majorily of the public are aware they do have a choice to choose from all vendors of software makers and they are more acknowlegeable reguarding what they buy from a decade ago. Also, technology has been advanced so fast, even the laws can't keep up and I understand you want to protect the consumers.
So, let us decide what's best for the consumers and ends all litigation asap when there is a fair settlement presented on the table for all parties already. And get the economy moving on all cylinders again. Thanks for letting me voice my point of view. Good Luck!

Jimmy

MTC–00007677

From: PaulMons@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 11:30pm
Subject: Microsoft Settlement

Come on, lets get this show on the road and finalized. We have wasted far too much time and money for no real purpose. Let's step up to the plate and get it finalized. Microsoft is being more than fair—enought already. Make it happen.

Thanks for your consideration.

Paul E. Monson

MTC–00007678

From: Camerz5@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 11:31pm
Subject: Microsoft Settlement

To whom this may concern, The settlement accepted by Microsoft should be accepted by the Court and Microsoft should be afforded quiet enjoyment to innovate and pursue its business.

The entire case against Microsoft is study of abuse of government power against the private sector—Microsoft drove our high tech economy and dramatically increased productivity in America. We owe the success of the 90's to the catalyst ''Microsoft''. Bill Gates and his team are the new American heroes of our capitalist system, Microsoft brought low priced products to the service of all. Microsoft succeeded against all competitors world wide—they won the Olympic Gold of Business for America and the American government tried to punished them due to complaints from inefficient high price competitors with friends in Congress.

It is time to end this tragic mistaken case and move on. In addition to settlement the Federal government and especially the States should apologize to Microsoft and its shareholders.

God Bless a Free America
Carl A. Merz
President
Hartford Aviation Group, Inc.

MTC–00007679

From: Richard Lewis
To: Microsoft ATR
Date: 1/2/02 11:33pm
Subject: Microsoft settlement —- Richard Lewis —- rlewis0627@earthlink.net —- EarthLink: The #1 provider of the Real Internet.

I believe the Microsoft settlement was good and fair and that it should not be overturned by special interests. Litigation is a sorry method of resolving problems, especially since consumers have not suffered from Microsoft's actions.

Richard F. Lewis
22 Tollridge Ct.
San Mateo, CA 94402

MTC–00007680

From: John Buttel
To: Microsoft ATR
Date: 1/2/02 11:34pm
Subject: Microsoft Settlement

First of all I do not own any Microsoft stock at this time and am not now nor will I ever be employed by Microsoft. I do use the products created by the company and have never had a complaint or felt that I my choices were being limited in any way by monopolistic practices. Prices for Microsoft products are fair to me the consumer and services have been more than satisfactory. I have felt from the beginning of the legal action that my government was suing a company on behalf of other competing companies that could not do it on their own. I am not anything more than a casual computer user that has never found a time or place where I had to use a Microsoft product when I did not want to. Just because they were able to come up with the dominant operating system for the personal computer in the right place and the right time they should not be punished continually for it. Please let the market place decide what it wants and stop wasting my tax dollars on litigation against Microsoft. In the Bible God tells us not to sue one another.

Thank you, my name is John (jbtl@home.com)

MTC–00007681

From: TPCMD@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 11:34pm
Subject: settlement

I think the proposal to have Microsoft donate software to schools is excellent. Please lets get this terrible burden to our economy over with and settle this case. Sun, oracle and there states will never settle so please make them.

Tim Carey, MD

MTC–00007682

From: Purdue
To: Microsoft ATR
Date: 1/2/02 11:36pm
Subject: Microsoft Settlement

Dear Dept of Justice:

Please settle this case as soon as possible. I do not think that delaying the settlement will solve anything further. Personally, I see the nine states that are in a quandary as inhibiting and not expediting legal or just settlement of this case by any further prolongment.

Barbara Purdue
Citizen USA

MTC–00007683

From: charles bolton
To: Microsoft ATR
Date: 1/2/02 11:39pm
Subject: The action currently being pursued against Microsoft creates a Business

The action currently being pursued against Microsoft creates a Business climate of uncertainty that prevents them from continuing to innovate and develop new technology that will provide business opportunities and create additional jobs, investment opportunities and other revenue streams. Microsoft has been punished enough by this long drawn out court action, delays, missed opportunities and legal costs. Implement the settlement as decided by the Courts. Continuing to re-open the case on hearsay and speculation is a violation of the equal protection of the laws of the US Constitution and probably a violation of due process.

In these un-settled economic and chaotic world climate we need stability and a level playing field to allow us technology to stay in the lead. Do you think the Chinese and all the other techno wantabees are tying the hands of their premier technology companies. No! Keep it up and you will erode our global technological edge.

There are winners and losers in the market place all the time. I saw my company that had a good product and technology go down the tubes due to the dot.com melt down and we were not a dot.com company. So encourage competition and let people innovate and computer and stop listening to the cry babies.

Cordially
Charles Bolton
Charles@Bolton.Com

MTC–00007684

From: scott juetten
To: Microsoft ATR
Date: 1/2/02 11:31pm
Subject: MS Antitrust case that never ends!

To Whom it may Concern,

I strongly support the proposed settlement between the Justice Department and Microsoft. The settlement more than addresses the concerns brought up at the trial without unduly harming a company that has perhaps done more for the US Economy than any other. This settlement will allow Microsoft to keep innovating, while being sensitive to the needs of competitors and computer makers.

The dissenting states proposed alterations to the settlement are punitive in nature, and are primarily designed to help Microsoft competitors at the expense of Microsoft and Microsoft shareholders. They are designed to prevent Microsoft from innovating, and to make Microsoft hand over intellectual property to competitors. Microsoft has shown signs it is very determined to comply with the settlement, by internally appointing compliance officers. Therefore, I believe the states concerns are unfounded.

It is my opinion that if the settlement is approved, and this case is finally closed, that it will help to eliminate uncertainty in the tech sector of the equity markets. This can also help to spur economic recovery. Therefore, I do not feel it is in the best interest of consumers or the country to drag this on further.

Please accept the settlement of United States vs. Microsoft as submitted by the US Justice Department.

Respectfully,
Scott & Rochelle Juetten

MTC–00007685

From: ThereHugoAgain@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 11:41pm
Subject: Microsoft Settlement

It is respectfully submitted that the Microsoft litigation at bar represents a politically motivated abuse of the American judicial system. The conclusions and findings of the Court appear to be an overly simplistic, almost academic, approach that bears little relevancy to the real world of average consumers such as myself.

It is at best absurd that absolutely no consideration appears to have been given to

the fact that the explosion of the internet is almost exclusively the result of Microsoft's bundling which effectively gave consumers ''all'' they needed to permit them to wander through the internet. I'd call it one stop shopping-a convenience-not a punishment.

It is equally absurd that no consideration has been given the issue of whether any of the ''competitors'' who were ''excluded'' actually offered products that were truly innovative and competitive with Microsoft's products.

Finally, the penultimate absurdity of the litigation is the lack of any proof that consumers would have benefited financially or otherwise had circumstances been as the Court believed they should have been.

If Microsoft is willing to accept the proposed settlement, it should be approved. The Court and the State Attorneys should not do any further harm.

Respectfully yours,
William J. Breuer
22 Nassau Blvd
Garden City, N.Y.

MTC–00007686

From: Jrq007@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 11:43pm
Subject: Microsoft Case

I have been concerned about the Department of Justice lawsuit against Microsoft. I began using Microsoft products in 1981 when I bought my first IBM microcomputer. Nothing in my lifetime has increased my productivity and work enjoyment as much as the microcomputer and Microsoft software. Their creativity and entrepreneurship helped millions of other people and me. I have worked at four universities and most recently as Vice President for Finance and Administration at the University of Alabama in Huntsville. I recently retired but was thinking back to 1981 when I bought six microcomputers and established three residence hall computer labs at Central Michigan University. I think these were the very first residence hall computer labs in the country. Many students benefited from those labs and the Microsoft software we used. From that early beginning I certainly could not have predicted the full impact of either the software or the microcomputer. I have been forever grateful to Bill Gates and all the Microsoft people for providing such productivity enhancements. I am happy to hear that Attorney General John Ashcroft has ended the Department of Justice's three-year antitrust lawsuit against Microsoft with a settlement. I wholeheartedly agree with the Attorney General's decision to get it over with.

The complex agreement is full of provisions that will permanently change the software industry and I personally do not see a one that I would consider positive. Everything about the agreement seems to me to be aimed at reducing creative endeavor. The government even created an ongoing technical oversight committee to review Microsoft software codes, and to test Microsoft compliance to the agreement. Nevertheless, I am glad it is over. What disturbs me is that some government officials and Microsoft competitors aren't satisfied with the decision and want tighter screws on Microsoft. I ask, ''How far should the government go on these issues? Free enterprise needs a break!'' My hope is that Microsoft will produce even better software in the future that will help all of us. I am doing some consulting now and my son is a software developer who uses all of Microsoft's development software. I don't want to see anything standing in the way of improved software.

Our tax money should be used to deal with the urgent matters of the day. In my opinion, the federal government doesn't need to take any more action on this issue. Please end the Microsoft lawsuit permanently.

MTC–00007687

From: Barbara Gregory
To: Microsoft ATR
Date: 1/2/02 11:43pm
Subject: Microsoft Settlement

It's time to settle this mess, for the good of all. Why prolong it any longer. Prolonging the settlement hurts the economy and really hurts everyone. Those that don't want to settle are the ones that are really greedy. Let's get it over with.

MTC–00007688

From: Jim Gasparich
To: Microsoft ATR
Date: 1/2/02 11:45pm
Subject: microsoft settlement

To whom it may concern:

As an avid computer user I feel strongly that the settlement arrived at between Microsoft and the DOJ was fair and in the best interest of consumers like myself. Further litigation is a waste of taxpayer money and will not help consumers but rather competitors and the political careers of ambitious AG's. Please do the world a favor and end this.

Sincerely,
James P Gasparich, M.D.

MTC–00007689

From: Wendall Mayson
To: Microsoft ATR
Date: 1/2/02 11:46pm
Subject: Microsoft Settlement

Dear DoJ,

Please, it is time for this issue to be put to rest. The entire case revolves around the fact that Microsoft's competitors do not have the will or desire to get out and work hard to develop the technology to compete with Microsoft. They would rather cry and go running to the government. Why not, it is easier and cheaper for them. Microsoft pumps millions of dollars into the US economy. They have for many years and they can for many more if everyone will just leave them alone. In addition, Microsoft develops technology that not only makes the US stronger, but also makes it easier for the average consumer to do what they want to with their personal computer. In addition, Microsoft delivers this technology at a tremendous value.

Thank you!

MTC–00007690

From: SamuelWines
To: Microsoft ATR
Date: 1/2/02 11:45pm
Subject: Microsoft Settlement

I believe that enough resources have been expended to date and that it is time to move ahead. Microsoft is not perfect and certainly should be monitored but is it not time to move to more pressing issues?

Sam Wines

MTC–00007691

From: Perry
To: Microsoft ATR
Date: 1/2/02 11:48pm
Subject: MS Settlement

I think the Clinton Administration made a terrible mistake in using the Dept of Justice in trying to break-up Microsoft. MS is the with the recourses and talent to compete with foreign governments in the development of new and sophisticated software. The remaining states have no case and there has no damage to them, therefore, they should give up there in pursuit of MS.

Thank you for your kind attention to this matter—

Perry Du Long

MTC–00007692

From: Lovemycat@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 11:48pm
Subject: Microsoft Settlement

This has gone on way too long now. PLEASE settle this ridiculous case and lets move on. Microsoft is an incredible company and I can't believe I live in a country that penalizes it's citizen's for being innovative and successful. Its disgraceful the way our government has treated our own company that we should be proud of. I used to live in Mexico and down there the people couldn't believe what the USA was doing. It was really embarrassing to try and explain it.

SETTLE THE CASE!

MTC–00007693

From: Gcademator@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 11:48pm
Subject: Microsoft settlement

A reasonable and fair settlement has been reached. Lets stop seeking to damage the future of one of the few remaining American companies that is truly a leader in global business and quickly ratify the settlement.

K. Cadematori 1/2/02

MTC–00007694

From: Jim/Carol Renfrow
To: Microsoft ATR
Date: 1/2/02 11:49pm
Subject: Microsoft Settlement

DOJ—

Come on guys...it's settled. Let's get on with getting on. If this case is continued, you are starting to look foolish. Any further consideration by DOJ against Microsoft will further show how a few individuals in your department has a personal vendetta against Microsoft and Bill Gates.

Let American Capitalism and Democracy work....get out of the way.

Jim Renfrow
2400 Columbine Lane
Montrose, CO 81401–5646
renfrowjim@hotmail.com
(970)–249–6511

PS. I'm a 56 year old who has been a registered Democrat all my life and have never voted for a Republican Presidential Candidate.

MTC–00007695

From: Matias Moyano
To: Microsoft ATR
Date: 1/2/02 11:49pm
Subject: hello

i want to say, that i dont like the settlement that the DOJ has reached with microsoft, this is not helping the consumers, and of course, not helping the economy at all, microsoft allways had the winner track on all these computer business, i think that we are loosing the economy on the computer market with this settlement, the 9 of the 18 states started this because microsoft's MONOPOLIC tactics, they started this because the POWER AND THE MONEY that microsoft have win in this computer market is not ALLOWING other little companys to start or to reach a good market, because MICRO$OFT can buy the competitor... or add a ''new free feature'' to the next os, and the competitor will be down and dead, and microsoft will not spend more money again, this is not helping the AMERICAN ECONOMY, this is helping MICRO$OFT ECONOMY, i was wondering why? i can travel to USA proof that im good for the USA economy and the American Gov. will loan me money to start, so i can grow as a business in the USA, a country that i love, and i will like to live on, but what happens here? with this settlement the only thing that you, DOJ, 9 states of the 18 states are doing is destroying the chance of people like me or any other little company that wants to start something in the computer market, why should i do it? if i will loose against microsoft in one way or another? this settlement is not protecting the AMERICAN ECONOMY and that is the big mistake...

because in the way this is handle, 5 years of restricted stuff for microsoft? what is that? microsoft agreed in other settlement to pay 10 billons, that shows to you how much they care of that 5 years, in the 6th year they can recover all the money they loose, please, dont give them the chance to destroy the american economy, this cant be tolerated!!!! the american economy is not moved by microsoft, is moved by hundres or 1000! of people that wants to start something or a business in that great country! but in the way this is going, microsoft will be able to do whatever they want, that is bad!! very bad!

microsoft can loose 10 billons of dollars but they know that they can recover it once again when the 6th year is reached! or by going back to their tactics! the split of the company was the best to do!!! but if you cant make them do that then go for the proposed by the 9 REBEL STATES the open of the code of IE and other things they had in mind please! do it for ALL THE ECONOMY, not just MICRO$OFT ECONOMY this move, and the tactics that microsoft allways used is destroying the little and medium companys arround, and in some years, you will have nothing, and who can we blame about that?

MTC–00007696

From: Bob Windom
To: Microsoft ATR
Date: 1/2/02 11:49pm
Subject: My husband and I are owners of small businesses. I am a county commissioner as well.

We fully beli My husband and I are owners of small businesses. I am a county commissioner as well. We fully believe that the Microsoft settlement is just and fair. It serves us well as consumers both in private life, the small business sector, and local government. We, therefore, encourage you to move forward with the settlement.

Robert and Rita Windom
303 Voves Ave.
Libby, MT 59923
406–293–6764

MTC–00007697

From: Jbsailboat@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 11:51pm
Subject: Microsoft Settlement

Department of Justice, I am in favor of the proposed settlement in the Microsoft case. It is time to get this settled so the economy can move forward and recover. Thank you.

James H. Baker

MTC–00007698

From: RMccull955@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 11:54pm
Subject: Microsoft Settlement 1/2/02

In the interest of the public, I would like an agreement on the current settlement. A few sour grapes would like to prolong this for there own interest, in the long run this is going to cost us all money and won't accomplish anything. Not all Microsoft products are perfect, but they are generally better than whatever else is around!

Sincerely,
Robb McCullough

MTC–00007699

From: Leslie Veres
To: Microsoft ATR
Date: 1/2/02 11:54pm
Subject: Microsoft Settlement

I am in favor of the Microsoft settlement and see no reason to prolong this case one minute longer than necessary. Please complete the settlement process and apply the Department of Justice resources to more important needs.

Thank you very much.
Leslie L. Veres

MTC–00007700

From: Ann Whalen
To: Microsoft ATR
Date: 1/2/02 11:53pm
Subject: microsoft settlement

It is time to settle this case. I am a taxpayer and have paid for this case to go on and on. As a consumer, I have enjoyed an operating system that is innovative, creative and an American product. Let's spend time, money and energy on ''fighting'' cases that negatively affect the American public.

Thanks, Ann Whalen

MTC–00007701

From: LRobe58516@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 11:55pm
Subject: Microsoft Settlement

Dear Sirs or Madams:

I sincerely hope that the Microsoft Settlement, otherwise known as the Tunney Act, would be implemented as soon as possible. Any other course would constitute yet another blow to our struggling economy.

Sincerely,
C. Lawrence Roberts, M.D.
23720 S.E. 18th St.
Sammamish, Washington 98075–8109

MTC–00007702

From: David Hemler
To: Microsoft ATR
Date: 1/2/02 11:56pm
Subject: Microsoft Settlement

I believe that the proposed settlement between Microsoft and the Department of Justice is in the best interests of the country and consumers. I fully support the settlement and hope that you will enforce its terms.

David Hemler

MTC–00007703

From: THAKORTaru@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 11:56pm
Subject: (no subject)

Please settle the case as soon as possible w/o hurting economy and citizen of this country.

MTC–00007704

From: kearypk
To: Microsoft ATR
Date: 1/2/02 11:55pm
Subject: Microsoft Settlement.

I have been asked to comment on the settlement. I think that ANY settlement hurts both the consumer and our country's economy and ability to compete worldwide. However, I agree that this settlement is better that any more litigation and therefore agree with it

Keary Kunz
210 Jennings
Wenatchee, WA 98801

MTC–00007705

From: Scott Cuddihy
To: Microsoft ATR
Date: 1/2/02 11:57pm
Subject: Microsoft Settlement

I believe this whole effort is a shame. Large scale damage has been done to our economy by the USDOJ in the name of anti-trust. The consumer has not been harmed by Microsoft, the consumer enjoys more value for its money than any other time in history. This action only benefits AOL-Time Warner, Sun Microsystems and Oracle to name a few.

Please end this tragedy.
Thank you,
Scott Cuddihy

MTC–00007706

From: Timmessmer@aol.com@inetgw
To: Microsoft ATR
Date: 1/2/02 11:59pm
Subject: Microsoft settlement

TO whom it may concern:

As a consumer, I wish to voice my strong opinion that you settle this case with Microsoft as it is now. The Tunney act is fair and needs to be implemented without any further delay. To delay is to prolong the

stifling effect on development. Do what is right and settle now.

Timothy Messmer
Anacortes, WA

MTC–00007707

From: marvin thurmond
To: Microsoft ATR
Date: 1/3/02 12:00am
Subject: microsoft settlement
To: us doj

To whom it may concern: Please settle the Microsoft case without further litigation. I believe this to be in the interest of the people.

Thanks
marvin c. thurmond
44 camden way
dallas,ga. 30157

MTC–00007708

From: AHWELLNESS@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 12:02am
Subject: Microsoft Settlement

I wrote a letter to Microsoft some time ago supporting them in the legal actions. They provided me with this address to continue to show my support...I agree that the settlement seems to be in the consumer's best interests, and I would like the litagatin to cease.

Anne Hazelton MD

MTC–00007709

From: Ronald
To: Microsoft ATR
Date: 1/3/02 12:02am
Subject: Microsoft Settlement

I Agree with California an the other eight states, that Microsoft is the one stalling. I agree with California and the other eight states. Microsoft should split into two or three corporations. They are a bullies.

Ron Bush
End User
Ronald J. Bush
bushr1@home.com

MTC–00007710

From: SUE BONK
To: Microsoft ATR
Date: 1/3/02 12:04am
Subject: Dept. of Justice Put a sock in it!
Settle this NOW!

MTC–00007711

From: Jasha Levi
To: Microsoft ATR
Date: 1/3/02 12:05am
Subject: Microsoft settlement

It is high time to let Microsoft be and let their competitors compete in the marketplace instead of trying to have the courts do it for them.

Jasha Levi

MTC–00007713

From: David P. Schwartz
To: Microsoft ATR
Date: 1/3/02 12:05am
Subject: comments on DOJ v. Microsoft

Gentlemen,

I am a professional computer software developer, and I've been working with and around computers for as long as Bill Gates (we're a year apart in age). While I have not read the proposed settlement in detail, I have read many accounts in the technical press that seem to be in fair agreement, and I thought I'd register my comments. In a nutshell, I think the proposed settlement is off-point and will have virtually no impact in the market place or to any useful extent with either consumers or end users. It's an attempt to compensate for market forces that were in effect several years ago and that might not be relevant today.

For what it's worth, here's my opinion.

I agree that Microsoft has created a monopoly. The issue before the courts was focused on products and product bundling; however, this is not the culprit. The monopoly that Microsoft has so effectively created really lies in a distribution channel that reaches over 90% of all computer users in the North American hemisphere, and probably a majority of ALL users worldwide. The problem with that sort of monopoly is that the monopoly holder has the absolute right to say what goes into that channel. It's not that the products Microsoft chooses to bundle are good, bad, or indifferent. The problem is that the consumer is LOCKED OUT from EVER GETTING THE OPPORTUNITY TO CHOOSE ANY ALTERNATIVES!

Consider this: what if. . . 90% of telephone service was provided by Qwest? 90% of all grocery stores food distributors were owned by Safeway? 90% of all gasoline pipelines were owned by Mobil Oil? . . . And, the owners were also the produces of 100% of the products that were stocked and sold to their customers—meaning that all the services accessible by telephone (eg., long distance, voice mail, internet access, etc) were ALSO owned by Qwest; that 100% of the products found in a Safeway store were exclusively their in-house private label brands; that all the gasoline and oil available through Mobil gas stations was produced and owned by Mobil Oil. It's kind of scary to think about, isn't it? You'd go to the grocery store looking for Quaker Brand Oatmeal, and you have to settle with some gloppy in-house brand because . . . the price of the Quaker Oats product would be twice the cost of the in-house brand because the ''house'' would take a few tens of million dollars for the privledge of ''bundling'' it with their other products. (Look what they wanted to charge AOL just to advertise their internet service in Windows XP!) What other company, distributor, news source, publisher, government, or ANYBODY exists ANYWHERE that has that kind of market penetration AND CONTROL? I cannot think of a single one, other than possibly the US Post Office!

What is the impact on me as a software developer? Well, it's rather difficult for me to gain access to this distribution channel. In fact, it's practically impossible. AOL couldn't get into the XP distribution without practically selling their soul; what chance does a smaller company have? Z-E-R-O. That's the primary impact of this monopoly—when somebody buys a Compaq or Dell computer, the only products they get exposure to are from Microsoft (and a few other Fortune 50 companies that can afford the advertising costs). And that's mainly because of contracts between Microsoft and the OEM manufacturers. Even if those contract terms are relaxed a bit, there's no way that smaller vendors are going to get to bundle their multimedia players and text editors with those systems!

The first automobiles were available in ''any color you want, as long as it's black''. That's ok when you're talking about a product market place with a few thousand or tens of thousands of customers. But today tens of millions of computers are sold each year. Nonetheless, as in Ford's time, consumers can get them outfitted with ''any operating system you like, as long as it's from Microsoft''. That's NOT a choice!

One measure of the settlement should be this: how do consumers choices change as a result? Frankly, I fail to see how this situation will possibly change given the proposed remedies. Assuming the proposed settlement goes through, in a year or three, will the average consumer have any more choices to him as to what software gets bundled and/or installed on his computer? I really don't see how.

AT&T was broken into several smaller pieces in order to separate the local phone access from the long-distance networks. Now the so-called Baby Bells want to get back into long distance markets, and AT&T wants to get back into local access markets. What solution has been put into place? Local carriers can get into long distance when they've opened their local markets to some percentage of competing carriers, and AT&T can get into local markets when it can demonstrate that its opened it's markets to some percentage of competing carriers. That makes sense. The practical impact of that hasn't been very effective in the market place, but at least it's a start.

WHAT I'D LIKE TO SEE:

As part of the settlement agreement, Microsoft should be required to include installation-time access to third-party products with every release of their software. The qualifications should be that anybody can submit anything as long as it meets certain clearly defined and easily measured criteria. That means that if AOL thinks that users might want to get access to AOL at the time they install Windows XP, the only option Microsoft has is to say ''send us a link to your web site''.

One thing I believe is that Microsoft will claim that virtually ANYTHING is an ''integral part'' of the operating system if it suits their fancy. Rather than argue about it, I'd say ''the proof is in the pudding''. If Microsoft is including something in the release of one of their products, then they should allow third parties to submit similar products as well. In other words, if they want to claim that an Internet Browser is part of the OS, then they cannot say that other Browsers should not be include. Conversely, if somebody wants to bundle a word processor and Microsoft says that's not part of the OS, then they can refuse to include it. However, if someone wants to bundle something roughly equivalent to Notepad or Wordpad, which are acknowledged parts of the standard Windows operating environment, then Microsoft could not deny them trying to say that they compete with Word instead.

In order to facilitate this, I'd suggest the establishment of a web site that is used to

promote third-party products that compete with things that Microsoft bundles directly in their products, and require Microsoft to modify their installer so that it connects to this web site at installation time and allows users to select among different tools available on the web site at that time. Some folks might not want to load the Windows Media Player, and might choose to install the WinAmp Media Player instead. Why not? Or, they could choose to load Netscape rather than Internet Explorer as their browser. If Microsoft wants to play games with the API so competitors' products don't work well, then play the same game as the phone companies—they can update their browser as soon as at least one other browser has been tested to be ''compatible'' with the operating system. Put the onus on Microsoft to provide CLEAR CRITERIA to facilitate successful compatibility testing.

I'd also like to see something in the remedy that addresses the abysmal level of support that's currently available for Microsoft's products, primarily their 0EM products. Microsoft says that part of the reason they discount the licenses sold to OEMs is because their contracts require the OEMs to provide support. However, most don't provide any useful level of support, typically pushing it off on their retailers. Very few retailers ever hire the expertise needed to support Microsoft's products well. This is relevant to the monopolistic practices issue because it gives Microsoft a way to dis-own support needs for a very large percentage of its customers. If Microsoft was required to provide even a minimal level of support for their products, they would have to raise their OEM prices enough that the OEMs would in fact be in a position to make a viable choice among different bundling options. Today the OEMs are simply prostitutes for Microsoft products that they bundle with their hardware simply because nobody else can afford to offer them better deals. OEMs cannot afford to support the software that they bundle with their computers, and there's a tacit agreement that retailers and ''certified technicians'' will take up the slack. The truth is, they don't. But Microsoft gets the benefit of the doubt and is allowed to continue underpricing their products to OEMs using this fraudulant strategy. I think that requiring Microsoft to publish a single, uniform, OEM Price List that only offers volume purchase discounts and that imposes certain specific support requirements would go a long way towards solving this problem. (For example, an OEM can get an additional discount by providing the 800# for their phone support help desk. No support desk, no discount. Conversely, Microsoft would be required to provide the support for those OEMs, hence justifying the higher OEM price.)

Finally, I like the option that several of the States have proposed that forces Microsoft to publish the source code for the core Windows operating system and utilities and require them to license it more openly. This would allow third-parties and even OEMs to use it to compose different configurations, much the way that Linux distributions are really different compositions of mostly the same code bases. It would eliminate most of the issues that have been keeping the OEMs hamstrung in their abilities to modify the boot-up processes of their machines, or shipping alternative browsers. It would also have a beneficial side-effect in that the OEMs would REALLY be required to support their products!

Thank you for taking the time to read this.

David Schwartz
P.O. Box 34338
Phoenix, AZ 85067

MTC–00007714

From: Richard Tackett
To: Microsoft ATR
Date: 1/3/02 12:06am
Subject: what I think

waste of taxpayers money over nothing!!!!! I stand with Microsoft on this matter!!!!!!!

Rich Tackett
19811 Portal Plaza
Cupertino, Calif. 95014
408 253–7810

MTC–00007715

From: Carl
To: Microsoft ATR
Date: 1/3/02 12:06am
Subject: Microsoft Settlement

Sirs

I have been around the computer industry for 40 years and the one thing that stands out in the early days of the computer is that no companies were compatible with software or hardware. Now that one company got it all together and you can buy any hardware or software and be assured that it will run, the Government wants to shut this company down and change the whole industry and set it back to 1970. Microsoft has done it right and the only the disgruntled companies that can not compete want the Government to penalize Microsoft for being successful.

There are a lot of small business that rely on Microsoft and Windows to be the same always. If you do not know how important this is then you must be talking to lawyers and not Computer Developers and Users that were there when using a Computer was not this easy.

Carl Odiam
760 343 3759

MTC–00007716

From: helen bloomquist
To: Microsoft ATR
Date: 1/3/02 12:06am
Subject: Microsoft Litigation

I am in favor of the comprehensive agreement with Microsoft, and vote that the case be settled immediately, without further litigation.

Helen Bloomquist

MTC–00007717

From: Kurt A. Buechler
To: Microsoft ATR
Date: 1/3/02 12:08am
Subject: Microsoft Settlement

Greetings,

As a consumer, I am in support of the settlement of the DOJ lawsuit vs. Microsoft now on the table. In my opinion, the settlement is fair and should be enacted ASAP to assist the nation's economic recovery. I own no shares of Microsoft stock and share this opinion as a user of products and services of Apple, America Online, and Microsoft corporations. I am neither an employee nor beneficiary of Microsoft Corp.

Sincerely,
Kurt A. Buechler
127 Claiborne Cove
Ridgeland, MS 39157
U.S.A.
(601) 853–3638
Kurt A. Buechler
Ridgeland, Mississippi
U.S.A.

MTC–00007718

From: LBGARRISON@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 12:07am
Subject: Microsoft Settlement

Let the settlement stand as is and let's get this fiasco over with. I thought this country was about entrepreneurship and better mousetraps, etc, but it seems to be moving closer to mediocrity every day, the result of penalizing anyone who can do something better than others. End it.

MTC–00007719

From: Richard Tackett
To: Microsoft ATR
Date: 1/3/02 12:08am
Subject: microsoft is a great company and has done nothing wrong!!!!!!!!

microsoft is a great company and has done nothing wrong!!!!!!!!

Rich Tackett
19811 Portal Plaza
Cupertino, Calif. 95014 408 253–7810

MTC–00007720

From: Rev. Bill Mounce
To: Microsoft ATR
Date: 1/3/02 12:08am
Subject: Microsoft Judgement

Sirs,

I am an often frustrated but dedicated Windows' user. I have been since Windows 2.1. At times I hate it. But I DO NOT believe Microsoft should be prosecuted for anything. They have been successful because, while they are not perfect, NO ONE has anything better. I feel it is their competitors whining because they are incapable of building anything better that has caused this entire mess at the taxpayer's cost. It is utterly ridiculous. If the other programs were better. . . I would definitely use them. But alas they are not and yet they want Microsoft broken up to cripple the company. The impact on the PC world and business' everywhere would be catastrophic. Let's end this nonsense now and let Microsoft do what they do best. . . build programs for the struggling PC industry. And if anyone else can build a better ''mouse-trap'', we, the consumers will judge with out money. Thank you.

Bill & Shandy Mounce
Leesville, LA 71446

MTC–00007721

From: Andy West
To: Microsoft ATR
Date: 1/3/02 12:09am
Subject: Microsoft Settlement

Greetings:

I would like to comment on the proposed settlement to the Microsoft anti-trust case. I

have read that certain clauses in section III of the purposed settlement give Microsoft rights unusual for a guilty party. Section III (D), in which Microsoft must disclose information needed for the software of other companies to interoperate with Windows, specifies in its footnotes that only commercial businesses alone receive these disclosures. This in effect bars universities, research laboratories and agencies of the Federal government itself from such information.

Section III (J)(2) gives the right to determine what constitutes a business—for the purpose of licensing APIs, documentation, or protocols—not to the Department of Justice but to Microsoft. This gives Microsoft leave to shut out not just non-commercial entities such as open-source projects, but even federal agencies in the course of their own software projects.

These are the only two clauses I have read about, but these two alone give Microsoft too much power to determine how the keystone of its monopoly may be used. I would like to ask that the settlement be renegotiated on at least these two clauses, if not for the sake of the open-source movement, then for the sake of the agencies and projects of the Federal government itself.

Sincerely,
Mark Andrew West
202 East Washington Street
Fairmount, Indiana 46928
Tel: 765–747–2919 (work)
Email: dysme@dysmey.org

MTC–00007722

From: padam2
To: Microsoft ATR
Date: 1/3/02 12:09am
Subject: microsoft settlement

Please use taxdollars to do something usefull.Stop going after microsoft and use your intelect to stimulate the economy rather than forever piling up the fees paid to selfserving legal entrepeneurs.I am retired and will not visit any of the states that continue to oppose a microsoft settlement.

MTC–00007723

From: SCHWEENER@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 12:10am
Subject: Microsoft Settlement

I encourage you to get this settled. The economy won't start a full recovery until this is settled. Get it off the books!

Susan M. Swenson

MTC–00007724

From: CSand385@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 12:10am
Subject: settlement

it is time that the issue surrounding Microsoft be completed—if the Dept Of Justice has concluded thier tsettlement than the remaining states shoud follow suigt and stop wasting the taxpayers money—the iswsues of monoply may have some vaility to it—but the benenfit far outweighs the punishment.

Sincerly
Carl Sanders
200 Elm Street
San Mateo. Ca. 94401

MTC–00007725

From: Khozem Poonawala
To: Microsoft ATR
Date: 1/3/02 12:12am
Subject: MicroSoft Settlement

Microsoft, or any company for that matter, should have the freedom to innovate. The Microsoft case should be settled, now, once and for all. It is good for America and the american economy.

Khozem Poonawala

MTC–00007726

From: George Aubrey
To: Microsoft ATR
Date: 1/3/02 12:21am
Subject: about time

This settlement should go forward and not delay causing more problems for the consumer. This lawsuit has caused enough problems by not allowing Microsoft freely develop their software. When Microsoft begins to gouge the consumer with high prices of their software then lets get them, in the meantime let the consumer call the shots.

MTC–00007727

From: TWOROME@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 12:12am
Subject: Microsoft Settlement

Dear DOJ,

I believe that Microsoft deserves fair and unbiased treatment. I am a supporter of Windows and of Microsoft integrating features. When the computer companies started, I could not afford the great features of the Apple and had to stick with a Vic 20. While dating myself a bit, I found Microsoft to be the only company willing to bring computing down to a level I could afford and my family could understand.

Please stop the nonsense. There are bigger fish such as Credit Card Companies that need to be stopped and Oil and Car companies that should be providing better alternatives and more fuel efficient cars. If you have any questions, please feel free to email back.

Thank you,
Tworome@aol.com

MTC–00007728

From: BUCELATO@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 12:12am
Subject: Microsoft Settlement

I can accept the ruling of the court BUT I feel that in an open society we can only advance if we provide an environment that supports innovative business strategies. Microsoft started from the bottom and made many investors wealthy, companies successful and our nation a leader in the software development. We need to ask the WHY should we handicap the leadership of current and future companies like Microsoft and allow them to ride on the coat tails by taking legal action.

I, as an INFORMED consumer, knew what I had bought and what the consequences of my decision . . . I assume the responsibility and accountability of my decisions . . . AND others need to do the same. Microsoft would not have grown if through individual research their products were rejected as occurred in many areas of technology.

John Bucelato
301 Willards Way
Yorktown, VA 23693
CC:BUCELATO@aol.com@inetgw

MTC–00007729

From: David Watkins
To: Microsoft ATR
Date: 1/3/02 12:13am
Subject: <no subject>

Dear Sirs: I am anxious to see the case against Microsoft settled in a manner that is fair to all parties, and does not infringe upon Microsoft's freedom to innovate, to make creative use of a free market to aggressively market its widely used and superior products to the world. I feel that a quick and fair settlement to this case is in the best interest of the consumers and the economy of our country. Thank you for giving me this opportunity to express my opinion.

Sincerely,
David Watkins

MTC–00007730

From: Alex Melli
To: Microsoft ATR
Date: 1/3/02 12:15am
Subject: My Opinion

To who it may concern:

Regarding the Anti-Trust case against Microsoft Corp., and the pending penalty phase, I would like to register my opinion. I do not agree with the penalties being assessed. The proposed penalties I've heard, involving Microsoft contributing loads of computers and software to schools is not appropriate for several reasons:

—It is creating future users (i.e. customers) for Microsoft. It's like letting a drug company give a vitamin to schoolchildren, making them dependent on it and creating a future customer.
—This is actually a bonus for Microsoft, giving them more inroads to the education market!
—The penalty is a minor inconvenience at worst. For that corporation, it is the equivilent of a parking ticket.
—The were found GUILTY of a violation, so the price to pay should be a proactive move to repair their damage AND make sure it does not happer further.
—It is difficult to asses the value of any donated computers of software. Software should be assessed by physical cost of the product. So donating a single program does not count as $300, but the actual cost to the company, probably around $20.

If Microsoft is to be properly penalized, one factor *should* be an educational donation. The order of money should be in the hundreds of millions (this is supposed to be a penalty, after all), and it should be a flat out cash payment. It should be left to the recipient of the money what to do with it, not the party being ''penalized.'' And why should the guilty part have any say in what their penalty is in the first place? Iif I think that speeding ticket is too much, do I have any choice? NO. The law dictates my punishment, and I'm bound to that. Just because Microsoft is the biggest player in the game, they are still a player, not the referee.

BOTTOM LINE: Microsoft needs to be PENALIZED for being found GUILTY. And

on a final note, the arguement that breaking up Microsoft would have too big of an impact on the entire computer industry (and the economy) should be proof in itself that the company is a monopoly. . .

Sincerely,
Alex Melli
Laguna Beach, California

MTC–00007732

From: Gooddadone@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 12:16am
Subject: (no subject)

Microsoft is the Ford Motor Company of the computer business. It is a shale to penalize a company for being the forward looking and the brains of the industry. Shame on the justice department, our government penalizing a company for doing what is correct, for inventing their components for their use in order to better serve the public.

Ed Logue gooddadone@juno.com

MTC–00007734

From: A. Bairamian
To: Microsoft ATR
Date: 1/3/02 12:18am
Subject: Microsoft Settlement. I support DOJ decision to settle the Microsoft lawsuit.

This ill-advised lawsuit—instigated by jealous competitors and presided over by a biased judge—has caused great harm to Microsoft and the entire tech sector.

It is time to end this useless lawsuit, so Microsoft can go back to producing and innovating.

A. Bairamian
Glendale, CA.

MTC–00007735

From: David Demland
To: Microsoft ATR
Date: 1/3/02 12:17am
Subject: Microsoft Comments

Dear Mrs. Hesse,

Here are my comments about the Microsoft settlement.

David Demland
3506 E. Glenrosa
Phoenix, AZ 85018
(602) 955–3248
demland@home.com
Renata Hesse
Antitrust Division
U.S. Department of Justice
601 D Street, NW Suite 1200
Washington, DC 20530

Dear Mrs. Hesse,

I would like to introduce myself. My name is David Demland. I have been in software development for almost 15 years. I have work in all aspects of software development during my career. For the past three years I have been a Quality Assurance (QA) manager. I have spent most of my career centered on not only the software that is developed, but the way software is developed. I have worked hard to get developers to understand that we have to have a goal of ''no defects'', weather or not we can produce ''no defects''. I Have done everything from writing code to leading projects and development teams. I say all of this so that it may be clear that I am an expert in the area of software and software development. I wish that all the following comments are taken in that light. The following comments reflect my feelings about the U.S. Government and Microsoft settlement.

I wish to thank the U.S. Government and the Nine States that have settled this long awaited case for all their due diligence and hard work to finally settle this landmark case. All of us in this industry are in your debt for this work. If for no other reason than that we now know that if a hi-tech company can obtain a monopoly they may break the law all they want to remove competition and nothing will happen. Not long ago I had the hope that free competition and a fair business ethic might return to our industry leader, I now know that will never happen. In July of 1998 there was a great article in the Arizona Republic about John D. Rockefeller and Bill Gates. This article was about a new book called ''Titan'' by Ron Chernow. This book told about Rockefeller and the author of the article showed how much alike Bill Gates was in respect to business. The only difference is that Rockefeller was not as successful as Gates in getting the government to accept that a monopoly should be allow to do what it wants with no penalties. Did the author of this article know something at that time that the rest of us missed?

As I have read and followed just about everything that came out from the trial all the way down to this proposed settlement one thing has come to mind over and over again—everything being talked about seems to focus on how Microsoft has conducted it's business in the past and how to keep them from doing these practices again in the future. Yet everything points to how fast this industry changes. This leads to a simple question: How will restricting the way Microsoft conducted itself in the 90's apply to today's conduct when the business practices have already changed in the industry as a whole and Microsoft is doing the same thing but in different ways? As a guide I will use the Competitive Impact Statement that describes the way this proposal will work. On page 4 there are two bulleted points that came to my attention right a way, for reference they are the third and fourth bullet points. Both of these points are to ensure that third parties can work with Microsoft products. At this point there are no time lines mention, but the point is clear that this will be done so that third parties have time to get their products to work with Microsoft products. These missing time lines will need to be kept in mind, there will be times I will return to these points again.

I find it interesting that on page 14 it talks about the court findings that: Microsoft threatened to cancel development of its ''Office for Macintosh'' software, which, as Microsoft recognized, was critical to Apple's business. Microsoft required Apple to make Internet Explorer its default browser and restricted Apple's freedom to feature and promote non-Microsoft browsing software, in order to protect the applications barrier to entry. Yet the current provisions really do not address this behavior. Of course this would mean that Microsoft would have to have a monopoly on office suites was well. Since this has not been an issue in the court it needs to be looked at to understand the company culture. In the industry today, for the most part, it has been conceded that MS Office is a monopoly in the office suite arena 1. Will Microsoft use this tactic again? This will be certain.

1. Window XP / .NET Microsoft's Expanding Monopoly, http://www.consumerfed.org/WlNXP—anticompetitive—study.pdf A look at what has become known as the halloween documents will give a very detail insight about this issue 2. In the first halloween document Microsoft implies that a way to beat Unix in general would be ''Fold extended functionality into protocols / services and create new protocols''. This look shows that in the same matter that Microsoft blackmailed Apple they would blackmail the whole industry if they could. Many thought that Microsoft would never extend a recognize standard after the halloween documents were published, yet in Windows 2000, W2K, Microsoft did just that. A well known and accepted security standard was added to by Microsoft. This standard is called Kerberos. Once again the use of the Microsoft OS can be used by Microsoft to change the industry just by doing. Where does this behavior help the industry and the consumer except just to push Microsoft's dominance farther? In Wired magazine there was a comment about the change that Microsoft was going through at that time when Steve Ballmer was moved into Bill Gates position of presidency. James Wallace said: 2. These are internal Microsoft documents that was published on the internet. After these papers were published, Microsoft not only admitted that were real, but Microsoft went as far as to say this is the way they do normal business. These can be found at: http://www.opensource.org/halloween1.html, http://www.opensource.org/halloween12.html, and http://www.opensource.org/halloween3.html, Ballmer's promotion ''represents a fundamental shift away from workgroup computing into not only enterprise computing but internet computing, which requires a different sensitivity'' 3. 3. Why Bill Gates Quit His Job, by James Wallace, Wired December 1998 Could it be that James Wallace saw what Consumer Federation of America just reported in September 2001 1? Once again I ask: How can Microsoft be held accountable in a 2001 software industry using a 1990's industry model when the industry has changed so much? Are we saying that when an industry changes fast enough a business that breaks the law should be allowed to because they can change the industry before any sanctions are handed out to them?

1. Window XP / .NET Microsoft's Expanding Monopoly, http://www.consumerfed.org/WlNXP—anticompetitive—study.pdf At the top of page 18 there is a discussion about what Microsoft Middleware is. The way this has been defined it allows Microsoft to tell the industry what the middleware is, not what the market believes. To understand how this effects the industry as a whole I will relate a story of a problem I ran into that cost the business I worked for eight months of work and left many of our customers in a bind. Microsoft create the Microsoft Data Access

Component, MDAC, to allow Windows applications to use different ODBC drivers to access databases. When Office 2000 was released, Microsoft release a new version of MDAC. This version of MDAC was not compatible with previous version. There were many problems with Microsoft including a new service pack release that had the same problems. To make a long story short it took eight months to get the two fixes to allow both of our products to work with this new MDAC. This is a very high price for a small business. Does this sound like a business that is trying to work with well their customers? What does this story mean to this settlement? Well if Microsoft can say what is middleware by themselves, what are companies like the one I work for to do? Are we always going to be expected to keep rewriting our products to match what Microsoft tells us to do just because they have a monopoly on the OS and they do not have to care about us as small businesses?

1. Window XP / .NET Microsoft's Expanding Monopoly, http://www.consumerfed.org/WlNXP—anticompetitive—study.pdf

2. These are internal Microsoft documents that was published on the internet. After these papers were published, Microsoft not only admitted that were real, but Microsoft went as far as to say this is the way they do normal business. These can be found at: http://www.opensource.org/halloween1.html, http://www.opensource.org/halloween12.html, and http://www.opensource.org/halloween3.html,Wait a minute, this settlement dictates that this will not happen because middleware API's have to be disclosed. Take a moment at look closely at this case. Where in this story did anything deal with an API? In fact just after this Office release became a big enough deal to developers, Microsoft announced that MDAC would become part of OS 2. All these problems were backward compatibility issues and this is just one of the new tools Microsoft can use to control the industry in the new environment that has changed since the 1990's and this settlement does not even address these types of issues. Once again I ask, are hi-tech business allow to break any laws they wish and because the industry changes so fast there is nothing that can be done about it?

2. This was at Microsoft developer days here in Phoenix that later the next year. This problem of Microsoft doing what ever they want to control the industry appears on page 19 as well. In the last paragraph a Microsoft Middleware Product mentions the Microsoft's Java Virtual Machine. Did you know that this no longer exists? Microsoft, after losing to Sun on the Java Virtual Machine, JVM, issues has now created a new language and drop support for JVM. How is this going to effect the industry? Once again because Microsoft is using it's monopoly power to force business to rewrite all their products. It is now clear how Steve Ballmer has lead Microsoft into the internet age the same way as Bill Gates lead Microsoft into the 1990's. Their goal is to keep Microsoft the largest player no matter how it effects the consumer or other businesses. What do you think John D. Rockefeller would say today after seeing his business penalized and Microsoft left to doing it over and over again? What is the consumer to think? In all this there is another accomplice to the dirty deeds of Microsoft. This is the government. That's right. On page 20, the last three lines, the government has told the country do not start a business in an area that will compete with Microsoft Middleware it can not be allowed. Where do I get this from? It is simple, what was the last start-up company able to sell at least a million copies of their product from the start? I have yet to find one. So what this means is if there is a start-up in one of these areas do not worry Microsoft does not have to tell you anything. So just think, after spending a lot of money you will go out of business anyway. What a way to go. The government has said as long as the current competition can stay alive there will be competition, but once that competition is gone, O well. Once again thank you for looking out for the consumer. As it is stated on page 21 this ''is intended to avoid Microsoft's affirmative obligations... being triggered by minor, or even, nonexistent, products that have not established a competitive potential in the market''. This is a great thought, if there is no competition, how can you be a monopoly? How is no new competition good for the consumer? I find the commits on page 24 at the bottom of the page rather odd:

Thus, the key to the proper remedy in this case is to end Microsoft's restrictions on potentially threatening middleware, prevent it from hampering similar nascent threats in the future and restore the competitive conditions created by similar middleware threats. How is this going to be achieved if over a million copies are required on page 21? This seems to be a contradiction to me. Am I missing something? As if this has not been technical enough let's talk about how the dual boot is to be done on page 26. At the current time W2K was released with a small problem, it does not look at the BOIS for the hard disk information at boot up time. This basically renders tools like System Commander useless. So how is a consumer, or GEM, going to be able to use these tools if Microsoft bypasses common practices. Where is this address to ensure that there is no subversion to activating other partitions and making these tools and their manufactures useless. One argument is that this is an API that has to be disclosed, but if it takes months for this information to become available there is no way to have fixes in place for these companies that create these tools. This will be looked at close a little later.

On page 27 is one of the best examples of how the government failed to help support the free market competition. Here the industry has been told that if you are not one of the 20 largest OEMs, that Microsoft licenses to, you can be locked out of information. This is great, once again any small company has been told that they should not enter into this industry. Does this mean that the government supports only having large business? If not how will a small business be able to compete under this section? Even on page 20 and 28 the message seems to be clear the top 20 OEMs are the only ones that count.

On page 32 there are two issues. At the bottom of the page it talks about dual boot systems being allowed. As I have already talked about, how it this going to be handled if Microsoft continues to bypass standard practices on boot up? If tools like System Commander can be rendered useless what is going to keep Microsoft from allowing this same issues on a dual boot system to discourage OEMs from shipping these systems. Would it not have made more since to ensure that Microsoft uses the industry standards to ensure they do not subvert this issue? I think a very important issue has been missed in this area.

The best part of this page is at the end of the first paragraph. I would like to thank you for penalizing all of us in the industry for Microsoft abusing their monopoly power. I find it outrageous that is was agreed that OEMs must use software substitutions that act like the Microsoft software that it is being substituted for. Is it assumed that these OEMs write their own software? If so that is wrong. There are many companies, like the small ones I have worked for, that do this software and you have just told them if it cost tens of thousands of dollars to rewrite their software do it if they want an OEM use your software in place of Microsoft. What did these businesses do wrong to deserve this penalty?

On page 43 it talks about Microsoft putting information on their MSDN for APIs and other important information that has to be shared. I found this amusing because it does not say how this information should be handled on MSDN. In fact this has allowed Microsoft a great way to make more money off of developers. They can put this information on MSDN in a hidden place and when developers call to find it they can be charged to find out where it is. What a penalty for breaking the law.

Now we come to the timeline items. On page 35 the proposal for the releasing of the XP APIs is a great try, but it still gives Microsoft about a year lead time to get a head of all the other developers. I have created, and maintained, this type of documentation at two different businesses in my career and in every case I have had this type of documentation before we got to far into the early stages of testing. Microsoft should already have this as well. It should not take more than two or three months, at most, to polish these API documents to make them public. I find it hard to accept that the definition of this timeline, for documentation, is different for the middleware products. I have a real problem with timeline of the last major beta before release before the first release candidate for the middleware products. In most cases this will be only a couple of months before the final release. This will make it hard for other developers to make changes to work in a timely matter. Especially when there are multimillion lines of code in many products today. Please see above about the MDAC story. The standard that the industry tends to follow for a beta test is best put: The product has completed all of the major features content that has been planned for the final release... During the beta release, the product

will be tested for it functionality, specifically with regard to defects.

1. Michael E. Bays—Software Release Methodology 1999 Prentice-Hall This definition makes it clear that the industry believes that at the time of the beta test all functionality is complete, this means that the APIs are complete as well, otherwise it would be an alpha test and the product is still changing. Does this timeline not allow Microsoft to hold back information for middleware APIs until it is hard for competitors to be ready at the same time as Microsoft? How does this keep Microsoft from locking out software like Netscape? Please see page 12. Pages 36—38 deals with protocols but it misses the fundamental problem with Microsoft and how they can hurt the industry and the consumer. How can protocols be talked about without including industry standards? Microsoft has shown that it will do what ever it takes to keep their monopoly. This has been well proven in the trial court level and upheld in the appellate court level. Yet this fact seems to have been over looked when it comes to the use of industry standard protocols by Microsoft. Microsoft has had proposals internally placed on the table to extend common protocols to help lock out competitors 1.

1. Halloween documents http://www.opensource.org/halloween1.html, http://www.opensource.org/halloween12.html, and http://www.opensource.org/halloween3.html, This issue was thrust into the fore front when W2K was released with Kerberos. Microsoft had extended this common industry standard to try to lock out other Unix computers. Microsoft's extension to this industry standard is also a major part of the European case against Microsoft. It also shows how much power Microsoft has to destroy computer connectivity. Why is it that nothing has been said about Microsoft doing as so many of the smaller businesses, in this industry, must do have to have these standards changed? That is make Microsoft have to go before these bodies to get these standards changed instead of being able to dictate to the whole industry a new standard. If this issue is not addressed Microsoft will be able to use this ability to change standards to continue their predatory monopoly actions even in the new Internet age. Can one company be allowed to dictate to the whole world how business should be ran? Should not Microsoft be forced to use common standards so that all competitors will have a chance?

On page 39 the whole world has been told that Microsoft does not have to disclose protocols if these disclosures would compromise system security. Listed items are anti-piracy, anti-virus, software licensing, digital rights management, encryption and authentication features. First of all, Microsoft is not the only business that has had find ways to handle anti-piracy, antivirus, software licensing, and digital rights management. Every business that produces software has had these issues and all of them have found a way to make them work. The only difference is that all the other business have not always be able to have both the OS and the application under their control. So these businesses have turned to common industry standards, and practices, to find a solutions. Why should Microsoft be able to change these standards just because they are the largest software company and control the OS and office suites? As far as encryption and authentication, how does this section protect the industry and consumer from being blackmailed by Microsoft into lower or less secure standards?

How can this type of control and influence be bad for the consumer? Bill Gates once said to the German magazine (FOCUS) that bugs (defects) are unimportant 1. Also Microsoft, itself, has documented that there were 63,000 known defects in Windows 2000, W2K, when it shipped 2. If it is more important to Microsoft to get the product out than to get a properly running product out, how can Microsoft be trusted to do a protocol standard right without other industry leaders giving input?

1. FOCUS Oct 23, 1995—found on-line at http://www.cantrip.org/nobugs.html

2. Microsoft, Who Let the Bugs Out? osOpinion.com Oct 23, 2001—found on-line at http://www.osopinion.com/perl/story/14306.html Page 40 allows Microsoft to enter into a contract with a developer that limits that developer from promoting other competing software if such limitation are reasonably necessary. The problem here is what does this really mean. For example, if Microsoft is working on a contract with a business that has some existing file converters to bring in other word processing formats into Word for Windows, WinWord, can Microsoft restrict the contracting company from exporting from WinWord so that there is no way to convert out of the Microsoft product? How does this wording work in the internet business model?

On page 45 the second paragraph talks about removing middleware. How is this effected with help files? No matter what browser is installed on a Microsoft computer, when the HTML help system is invoked Internet Explorer, IE, is the only browser used to display the HTML files. This means that no matter what browser is used to surf the internet IE must be present for HTML help to work. How does this section handle this issue? Does this not allow Microsoft to continue this practice?

Also on this same page it is talked about the technical changes to W2K and XP, yet it only gives a timeline for the XP changes. What happens to W2K? There are many consumers that have privacy issues with XP so it is very important that W2K changes must be made and W2K must be maintained.

On page 48 it states that Microsoft can not prompt a user for OEM custom changes for 14 days. Does this mean that Microsoft can then prompt the user all the time until they get so feed up with the prompts they allow Microsoft to change the computer configuration? Why is this even in the document? Is Microsoft saying that if an OEM sets up a computer that users are to stupid to change the factory settings? Why not leave users alone altogether? I give you all a hand for the concept of the TC. This is a great way to ensure that Microsoft abides by the settlement without creating a whole new branch of the government to do the oversight. I have just one question: Who's stupid idea was it to add the section on page 58 that the TC information can not be used in any proceeding before the Court? Is this a ''get out of jail free card'' for Microsoft? Are you trying to make it cost the tax payer more money to make sure Microsoft plays by the rules? Is this a loophole that Microsoft can use later so that it can get off the hook after it has failed to follow this settlement? What am I missing? This is something to lead the public to believe that Microsoft is paying a price for breaking the law when it is doing nothing but rewarding Microsoft for do something that no other company has been able to do; break the law and get away with it? This whole section should be removed.

Again on page 60 it looks like there is another loophole that is good for Microsoft and not for the consumer. It says that after the initial five years of this settlement the Plaintiffs may ask for a two year extension. What happens if Microsoft still has problems in the two year extension, nothing? What is the public to think about this? If Microsoft puts up with the TO long enough that everything will go away not matter what? Is this fair for a company that broke the law? On page 62, where there is a list of relief that was looked at but not part of the settlement. In this list there were a couple of items that I find hard to believe were not part of this settlement. I find these two issues to hard to skip over with the weight of what this outcome has on the consumer and the industry as a whole. The first one not ensuring that Microsoft includes non-Microsoft middleware in its distribution of the Windows Operating System. The example here was the Java Virtual Machine, JVM. I go back to what I said before, are we to believe that only Microsoft knows where the direction of the industry should be going? Or should we take it that Microsoft should be allowed to find new ways to maintain it's monopoly at the expense of the consumer? What is it so hard to about Microsoft being require Microsoft follow industry standards like any other business? Is everyone afraid that Microsoft would have to compete with more competition if this is done? After all is it unreasonable for Microsoft to lower the barrier to entry since that was one of the key points of this whole case?

The other item in this list was requiring Microsoft to fully support industry standards. Was this dropped because to force this on Microsoft would also allow other competitors into the market place? Does this point to this whole settlement being nothing more than smoke and mirrors? These two items alone could have great impact on restoring competition to the market. How could these have been overlooked, or removed from the list? Now lets look at some of the other overlooked problems with this settlement. Right now Microsoft seems to have a lot of security problems. This may be misleading in some ways. What I mean is that Microsoft may not be any worst at security than any one else, but because there is no other real competition it makes Microsoft a perfect target

1. This would lead one to believe that for the public's best interest there needs to be a viable option to the Windows OS. This will

never happen as long as Microsoft continues down it current path of total monopolization of the PC OS. This is where this settlement fails the most. I would hope that this is not that hard to see and understand, am I wrong?

1. Good security administration is crucial by Madeline Bennett, IT Week Friday October 19, 2001. On Page 10 of Competitive Impact Statement there is a perfect commit that says that users want to know the OS will have the needed applications before investing in an OS. This is important observation. Where does this settlement help towards that goal? Or is it that this goal is to big of a price to be paid for hurting the consumer and destroying competition with predatory practices? How could the Declaration of Carl Shapiro be overlooked when he said that one of the reasons that Linux failed to be competition to Windows is because of the lack of popular applications like Microsoft Office 1. This alone would allow competition back into this industry. So why not have Microsoft port its office suite to Linux? Would this not help restore true competition without rewarding Microsoft for breaking the law? If Microsoft had to port this suite and was required to support it on the Linux platform for three years would not that do much better over all? Just think, if Microsoft had a product line on Linux, it would be less likely to ''expand'' industry protocols to lock out an OS that it would be trying to recover their expense for porting to. What would be wrong with this? Or are you saying that the industry and consumer are not important in this matter?

1. Declaration of Carl Shapiro page 3. These types of relief would go very far to really help innovation by allowing true competition back into the market place. This is what this industry, and the consumer, need. Overall the current settlement penalizes other business for Microsoft's conduct and it even rewards Microsoft for breaking the law. This is a shame. I hope that this is reject and a real settlement that benefits the industry and consumers is reached.

In the above commits it should also be clear that this settlement, as currently proposed, will do nothing in keeping Microsoft from using predatory practices with the way the current market is moving. We can not expect reliefs based off of the way the industry worked in the past to apply to the way it does business today when it is a different business world and the current settlement does not take that into account. This must not be overlooked if real relief is to be made for the consumer and for the industry as a whole. There are many ways that this settlement encourages Microsoft to continue its current goals for removing all competitors from the market and that means there was a lot of wasted money to get a court ruling that does not change anything. At what point will it finally be accepted that Microsoft will only learn a lesson if it required to give up some of its monopoly power? When will the industry and the consumer finally be defended?

Thank You,
David Demland

MTC–00007736

From: Robert Corkrum
To: Microsoft ATR
Date: 1/3/02 12:18am
Subject: microsoft settlement

Move on!!!!!!!!!!The few attorneys generals holding up this settlement need to understand that everyone but them has moved on.It's a new economy stupid! thanks Bob

MTC–00007737

From: ginih
To: Microsoft ATR
Date: 1/3/02 12:19am
Subject: Microsoft settlement

I disagree with the tearing apart of Microsoft. It seems if anyone in the U.S. comes up with a wonderful invention there is always someone who is jealous of them. They want a part of it & so they sue. Look at A.T.T. the little companys wanted a part of them. So they sued every time they started to go bankrupt. They also use the Bell Co. lines at very little cost. Do you think we could go into McDonalds & rent their grills for very little money? I don't think sooooo. It's time to tell the sue happy people to crawl back in their holes. If they can't come up with good ideas of their own, don't let them sue & steal from the Co.'s that are contributing to the economy. Let Microsoft alone, they are the creative Company.

MTC–00007738

From: Charlotte Kenworthy
To: Microsoft ATR
Date: 1/3/02 12:21am
Subject: Microsoft Settlement

Hello, It is my opioion that the Microsoft settlement is a fair and just settlement. It is time to move on and put this whole ordeal behind us. Competitors and special interest groups have carried this far enough...let's abide by given settlement. Charlotte Kenworthy

MTC–00007739

From: CANDA
To: Microsoft ATR
Date: 1/3/02 12:21am
Subject: Microsoft settlement

I think it is time for the government to leave Microsoft alone. Why not go after the drug manufacturers and their deals made with insurance companies. The under the counter deals are not in the best interest of the consumers and should be covered by anti trust laws. Microsoft is o.k. and even though I do not use their internet services, they continue to give me excellent service. I agree with Ted Kennedy when he said the case against Microsoft sounded like ''sour apples''.I will continue to use the products of Microsoft even if they are more expensive because their products are more user friendly. Thank you,

Carolyn
Hinton

MTC–00007740

From: Brent Kopp
To: Microsoft ATR
Date: 1/3/02 12:21am
Subject: Microsoft Settlement

The settlement as proposed should be accepted by both parties. True, MS is a tough and ruthless competitor. That will force anyone attempting to break their dominant position to develop a new software or computing method that will be a significant improvement in order to impress the using public. The ''market'' is a rough and tumble setting, the higher the reward the greater the energy and risk taking and the more likely chance of really better, as opposed to merely different, products that will benefit the using community.

Their are times when the MS programs drive me crazy with their uncorrected programming errors, syntax mistakes and just sloppy lines of code. But I trust the competitive market more than a government agency to bring me relief. Also, in my opinion the former lawyers in the anti trust division gave too much credence to the complainers(Netscape etc.,) who perhaps influenced this entire affair thru their campaign contributions and their political allies. It has been sordid from the start, so let's get it put to bed.

Brent Kopp
saguarospouting@earthlink.net
EarthLink: It's your Internet.

MTC–00007741

From: bevnels@juno.com@inetgw
To: Microsoft ATR
Date: 1/3/02 12:22am
Subject: Microsoft settlement

In my opinnion, government should get out of the way of free enterprise and let it do the job it does so well!! Microsoft has—and is—providing a good product at a fair price. Consumers are not unsatisfied!

The ones unsatisfied are those who don't have the ability to compete.

Nels

MTC–00007742

From: Clyde w. Butler
To: Microsoft ATR
Date: 1/3/02 12:25am
Subject: Microsoft Settlement

Hi ! I would like to see the Microsoft case settled and let them have the right to innovate ! Thank you !!!!

Clyed W. Butler
cwmjb@defnet.com

MTC–00007743

From: HDMcBRIDE@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 12:24am
Subject: Microsoft Settlement

the government should settle, Micorsoft has been great for the ecomomy of the Northwest and has enabled business that use computers more competative.

H.D. McBride

MTC–00007744

From: William C. Caccamise Sr. , M.D.
To: Microsoft ATR
Date: 1/3/02 12:24am
Subject: Microsoft Settlement

Microsoft has revolutionized the computer field and the practical use of the Internet by millions of people. It is the Jewel of the American capitalistic system. I have always felt that Mr. Gates should be given the highest civilian award offered by our government. The aggressive attack on Microsoft by the Clinton Administration was a disservice to the computer world and society itself.

I know that my entire family including my grandchildren, my children, my wife, and myself—all avid computer users—are indebted to Microsoft for making the computer world and The Informational Age available to us in such a practicable manner. We hope that the DOJ will allow Microsoft to proceed freely in its unending goal of ever improving our access to the world of computers, software, and the Internet.

Thank you Microsoft—and Mr.. Gates—for making the retirement years of this 78 year old physician years filled with excitement and learning.

Sincerely,
William Charles Caccamise Sr, MD
12 South Pittsford Hill Lane
Pittsford, New York
wccaccamise@hotmail.com
Telephone : 1–585–381–3855
FAX: 1–585–385–1355

MTC–00007745

From:
ann.reid@thomsonlearning.com@inetgw
To: Microsoft ATR
Date: 1/3/02 12:26am
Subject: Microsoft Settlement

I urge you to let the settlement regarding Microsoft go through for all states. It is of no benefit to anyone to delay this process any further. One of the many great American ideals is the free market economy in which the best companies can survive. Because a company is more innovative than its competitors is no reason to prevent it from continuing its business.

MTC–00007746

From: Supern1987@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 12:25am
Subject: (no subject)

Tell these renegade states to knock it off and get back to the nations business!

MTC–00007747

From: Muelgroup@cs.com@inetgw
To: Microsoft ATR
Date: 1/3/02 12:27am
Subject: Microsoft Settlement

As a computer user, I feel that the settlement is more than fair. Consumers world wide have been benefitted by innovation created by competition. I firmly believe that Microsoft competitors are misusing the court system to gain what they could not attain in the market place.

Edward J. Mueller
15000 Village Greem Drive # 40
Mill Creek, Wa 98012

MTC–00007748

From: BCStephenson@cs.com@inetgw
To: Microsoft ATR
Date: 1/3/02 12:30am
Subject: Microsoft Settlement

Please settle the Microsoft case as soon as possible: the proposed settlement is fair and reasonable.

Regards,
Brad Stephenson
San Marcos, CA

MTC–00007749

From: morales
To: Microsoft ATR
Date: 1/3/02 12:29am
Subject: Bill is God.

Microsoft rules! Resistance is futile. You will be assimilated.

morales
3024 west 25
cleveland, oh, 44113
morales@nccw.net

Victories are temporary, however failure is forever.

MTC–00007750

From: Bob Rasmussen
To: Microsoft ATR
Date: 1/3/02 12:33am
Subject: Microsoft Settlelment

May it please the court, I appreciate as a consumer, the opportunity, and right to comment on the settlement agreement between the Microsoft Corporation, and the United States Department of Justice. My comments come as a consumer, specific to the issues that relate to my purchase, use, and experience with the many software products available today, which include those developed and sold by Microsoft.

In the roughly three years that this case has been under trial, I have read much of the available information on the trial, as well as the many, many statements given by competitors of Microsoft, and their concern with Microsoft's behavior, both before and during the trial. Never in my recollection of watching the business world have I observed such a concerted effort by numerous companies to malign and destroy the image, perception, and products, of a successful company. And what amazes me even more is that to a large degree, these companies employ many of the very same tactics used by Microsoft yet without any apparent threat of reproof. America Online (heretofore referred to as AOL) is a company that for every intent and purpose, has today the vast majority of Internet users as customers for their service. Effectively, they are presently as we speak, a monopoly in that industry. Yet to read any news publication today, the most that fact will bring is a limp assertion that yes, AOL is the predominant Internet Service Provider (heretofore referred to as ISP), with roughly 30 million subscribers, and it is left at that. No one is investigating AOL, no Congressional Hearings are scheduled, and in fact, great care is taken to ensure that their product and service in this industry is insulated from competition.

During their recent merger with Time Warner, Inc., the Federal Communications Commission (FCC) had the opportunity in their review of the merger, to require AOL to make their instant messenger service compatible with other similar services. As a consumer, I can instantly relate to the importance and advantage of such a requirement. The FCC however did not capitalize on that opportunity, and as a result, the media giant continues to lock out users of other ISP services from communicating with AOL subscribers.

In comparison, when I review and observe the Microsoft case, as well as comments associated, I see that products where I as a consumer realize a benefit, are under constant scrutiny, not only from the government, but even more so from competitors. For example, the various versions of the Windows operating system have for years offered a form of a media player, which is presently under dispute by many competitors, as that application or device resides within the latest version of the Windows product, Windows XP. For years that was not a concern, but now another company exists, RealNetworks, which offers for free a download player called RealPlayer. Suddenly a benefit that I had as a consumer with the purchase of an operating system is threatened because another company wants to limit what is contained within the operating system. Regardless of the fact that any consumer can download for free the RealPlayer, RealNetworks Inc., for one, among others, protests the inclusion of Microsoft's Media Player within the operating system because it competes directly with what RealNetworks would like to give away for free. The bottom line? As a consumer, I see the potential of a very robust and ''application capable'' operating system, one that offers me great flexibility and performance, being required to reduce it's service and functionality to me so that others can improve their opportunity to compete. Yet the fact is, this product offered by RealNetworks is an easy download, and is often loaded onto machines alongside of Microsoft's Media Player anyway. Twenty years ago, there might have been a case to consider here. Consumers were still getting their feet wet in determining the right hardware and software to purchase, and many were easily confused, and possibly misled in the process. Today however consumers are quite prepared to make well informed decisions about their hardware and software purchases. With a plethora of information available, through various forms of communication (media, print, Internet, classes, service companies, etc) the consumer has more than enough information available to help them in their purchasing decisions. And frankly, that is supposed to be what all of this is about:

The consumer, and the protection of their purchasing power and decisions. In fact, everyone from Senator Orrin Hatch, to Ann Bingham (head of Antitrust Division, original investigation, 1995) to Judge Penfield Jackson has stated all along that the it was the consumer they were representing in their fight against Microsoft. However the ramifications of their actions has been anything but positive for consumers. I have today countless choices of software I can run on my PC, simply because of the operating system standard provided by Microsoft. I do not use Microsoft software exclusively, nor do any of the people I see regularly who work with computers. As a consumer, I feel I am quite well informed about what products exist in the marketplace, and I am quite confident I can make intelligent choices about the products I wish to purchase. However I believe that of ALL the interests represented in the courtroom, in the media, and in print, the consumer's interests have been the least heard or considered. Companies like Sun Microsystems, Oracle, AOL, Novell, Apple, & IBM are not nearly so interested in what works well for me as a consumer, as they are interested in gaining

market share for their own respective companies. If this settlement is derailed, through the lobbying of companies like this, it will prove once and for all that competition, and consumer choice in the marketplace, no longer determine or direct the outcome of products and services, as they have for the last several hundred years.

Market share, and competitive advantage cannot and should not be awarded in a courtroom. The measures within this settlement agreement are sufficient to ensure that Microsoft cannot take unfair advantage of, or punish any company in the future. At the same time however it preserves Microsoft's right and ability to continue to provide the best product possible, which is for me, the consumer, the best and only appropriate outcome.

The additional measures sought by the nine rouge states go well beyond what is necessary, and actually threaten the intellectual property of one of the country's most successful businesses (and this frankly, threatens us all). No other company in this country (or the world for that matter), has been required to dismantle it's showcase product, to it's own demise and destruction, simply to appease the wishes of less successful competitors. To do so now, would unfairly serve only those companies, and would destroy much of the gain realized by consumers through Microsoft's achievements in product integration. If this court truly values the purchasing power of millions of consumers, who are today quite savvy about what kinds of software they need and want, it will allow this settlement to stand, and repel the imperious demands of the nine states that remain as extreme and overreaching. Thank you for your time and attention to review my comments.

Sincerely,
Robert S. Rasmussen
rasm47@nidlink.com

MTC–00007751

From: Gary Sanford
To: Microsoft ATR
Date: 1/3/02 12:34am
Subject: Microsoft Settlement

Despite the aggressive lobbying efforts of a few of Microsoft's competitors, the federal government and nine states finally reached a comprehensive agreement with Microsoft to address the reduced liability found in the Court of Appeals ruling. This settlement is tough, but reasonable and fair to all parties involved. I overwhelmingly agree that the settlement is good for the industry and the American economy. I further believe prolonged litigation would only stifle inovation and just benefit a handful of well financed competitors. Sincerely,

Gary A. Sanford
17708 10th Ave N.E.
Shoreline, Wa 98155–3706

MTC–00007752

From: Alfred Holzheu
To: Microsoft ATR
Date: 1/3/02 12:35am
Subject: Microsoft Settlement

To whom it may concern,

Wake up and smell the coffee. We can buy the most incredible engineering marvel of our day (NT) or even Windows for the price of a video game. In what possible way has the public ever been harmed. This insanity (the whole government case against MS) could only be created and promulgated by entirely clueless lawyers, who have no conception of what it takes to create an operating systems or what life was like prior to MS. I doubt that they are angels, but no successful company ever is. The bottom line is what they have done to and for the general public and even mankind as a whole. I can't imagine any possible scenario that trivializes what MS has accomplished into something somehow detrimental to the public, the USA or mankind as a whole. Instead of taxing the public (and a tax it is, since MS must tack on the price of fighting the case to their products and we pay taxes to pay for the num-nuts who are prosecuting this case) with this ridiculous lawsuit, we should be cheering them on. About the only ''remedy'' that I can even possibly see is the requirement for MS to keep an open book regarding the various Window API's so that their well-earned and deserved defacto monopoly in the operating system area does not preclude others from creating useable and robust third party apps. Even this is a bit of a fool's errand, as the question as to exactly what an operating systems is, is in constant flux. I don't wish to pay lawyers forever chasing an accelerating train. There used to be a Hotel under construction in my town that we jokingly call the ''Old carpenters rest home'' because of the length of time it took to build it. I fear this lawsuit will become the same.

Whenever a lawyer in the government's employ runs out of meaningful work to do, they can bill a few hours to the ''Never ending case''. Lets give this up, and stop penalizing MS and ultimately us by this frivolous lawsuit.

Sincerely
Alfred Holzheu
alfred@syv.com

MTC–00007753

From: Don
To: Microsoft ATR
Date: 1/3/02 12:38am
Subject: Microsoft settlement.

I would not still be a Microsoft stock holder if I thought they were not a good American company . I think, the settlement should end as soon as possible.

MTC–00007754

From: Kimberly Helms
To: Microsoft ATR
Date: 1/3/02 12:38am
Subject: Microsoft Decision

To whom it may concern:

Please don't see my address and figure I'm an MS employee, so she doesn't count.

I am proud to be a Microsoft employee. I am a single mom who is able to send my child to private school and be involved in her school and activities. That's because Microsoft cares about people, and especially families and children. Last year, they donated hundred's of dollars, probably more than $1,000, worth of software to my daughter's school so they could learn on the latest, most innovative products. My daughter is 6, so her friends and she especially enjoy the Magic School Bus titles. I am very active in my community and church and let everyone know I work at Microsoft. As I said, I am very proud of that. Microsoft makes such a difference in our community, and the business world. We strive everyday to make someone's life better. We don't want to hurt others. We want to be the best. That's what I teach my daughter, to do the best she can at everything she does. What if her friends' parents started telling me to tell her to not work so hard, so they could catch up? Would that be fair to my daughter? No, and I imagine you would never tell that to your children.

That's what you would be teaching by holding Microsoft back from being the best. ''If the competition gets better than you, we'll just hold them back until you can catch up''. That's not the ideals this country was founded on. ''Be your best'' was told to me everyday by my Granny who helped raise me. The anti-trust and anti-competition laws were developed in times for businesses that had great, expensive barriers to entry. Partly due to Microsoft in some places, any person with a brain can go to a public library and learn to use a computer. Anyone could do what we do. Because we have passion for what we do, we do it well. So don't punish or hold us back because we have passion and drive. Let us continue to develop great software and great people, without having to wait on the competition to catch up.

Thank you,
Kimberly S. Helms

MTC–00007755

From: charles jenner
To: Microsoft ATR
Date: 1/3/02 12:39am
Subject: Microsoft settlement

Dear DOJ,

Having lived through the debacle of the AT&T trial and the IBM trial, it seems to me that the case against Microsoft is weak, fostered by competing firms whose products were not of equal value and whose sales and marketing personnel were weak. In short, the competition to Microsoft did not have what it takes to succeed. Were it not for Senator Orin Hatch, I doubt that the case would have been launched. I discussed the merits of the Microsoft case with an attorney employed by a dot com company. I reflected upon the fact that each allegation against Microsoft is something I experienced in 35 years of employment in financial services. His reply was ''Microsoft got big doing it, therefore the case. If Microsoft had not become successful, no case.'' That seems to me to be unequal protection or administration of the law.

The case should be closed promptly.

Sincerely yours,
Charles R. Jenner

MTC–00007756

From: DAVID DOLBEE
To: Microsoft ATR
Date: 1/3/02 12:39am
Subject: MICROSOFT SETTLEMENT

Enough already—this boondoggle should never have begun, it's long past time for it to END. For all the ''sins and crimes'' Microsoft has been accused of, not nearly

enough has been said and credited about their contribution to our society, our economy, and the future. If there's free time to investigate shady situations, start with ''representatives'' who give themselves a raise at midnight! In the context of the September 11th attack and all it's consequences, while ''normal life and activities'' need to continue, we have no time, money or energy to continue pouring into this PERsecution ... and had we been putting the time, energy, and money into coordinating with Gates/Microsoft in our defense, is it possible September 11th might have been avoided???

MTC–00007757

From: MooseK9@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 12:41am
Subject: microsoft settlement

Dear Justice Department, Please wrap up the current settlement with Microsoft. As a tax payer I request that you stop wasting the governments money on this lawsuit against one of this countries best companies. Only the attorneys , Microsoft's competitors, and a few liberal politicians are profiting from prolonging this suit. Thank You. Gordon J Kinzler

CC:dick@durbin.senate.gov@inetgw,RFC-822=SenatorFitzg...

MTC–00007758

From: OYZONE@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 12:43am
Subject: MICROSOFT SETTLEMENT

Gentlemen, I feel that further litigation in this case is uncalled for, and the settlement seems fair to all involved. The settlement will certainly help the schools train the students in the use of computers. The settlement also puts Microsoft in the position of giving many of their innovations to the use of their competitors, which may tend to stifle further innovations. Also the cost of further litigation will be a burden on the taxpayers and Microsoft. I further feel that Judge Penfield Jackson had his mind set against Microsoft from the beginning of the trial, and there should have been an unbiased Judge appointed to take over the case.

I am Clarence J. Muth, 125 N.55th Street, Mesa, AZ. 85205.

MTC–00007759

From: JRLowrance@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 12:43am
Subject: MicroSoft Settlement

To The Dept. of Justice.

I personally think that the settlement between The U.S. Govt. and Microsoft should go forward because it seems like a fair agreement. The rights of the software company to protect its intellectual property, and the protection from monopolies for consumers seems to be balanced. To break up the company would not be in the best interest of either parties.

Thank You
John R. Lowrance
8855 Whispering Oaks
Redding Calif. 96002

MTC–00007760

From: RRB5331@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 12:47am
Subject: Microsoft Settlement

This is the first time in 60 years as a citizen I have written to the government about an issue. I feel strongly enough about this one to write. Please settle the above case and stop trying to split this company up. You should have better issues to address than to ruin American Private companies. No wonder they go to foreign lands to do their business. The courts are the ruin of almost everything.

Roger Baird
Portland, Or.

MTC–00007761

From: SANEE TABASSI
To: Microsoft ATR
Date: 1/3/02 12:46am
Subject: Microsoft settlement

Hello:

I would like to express my opinion on the Microsoft settlement. First of all I think suing a comp that brought so much money and has created so many jobs for this country is totally out of line. You can not single hand out Microsoft for being the best in what they do, there are so many comp in this country that have monopoly (Las Vegas area could be a great example, casinos, convenient stores, shopping centers, all owned by one persons or one corporation). I believe Microsoft offer is great and the government should except that, and let them move forward in this really bad and unstable economy. Thank you so much for your time.

MTC–00007762

From: GLARP
To: Microsoft ATR
Date: 1/3/02 12:48am
Subject: Microsoft settlement

I am CEO of the Gay and Lesbian Association of Retiring Persons Inc. devoted to creating senior housing that is gay and lesbian (LGBT) friendly. As an individual I wholeheartedly endorse the Microsoft Settlement—we need to get on and build America, not waste time with more litigation. It is crucial that this settlement be endorsed and passed.

Veronica St.Claire, 310–478–2245, Los Angeles, CA

MTC–00007763

From: mary-johne hickman
To: Microsoft ATR
Date: 1/3/02 12:49am
Subject: MICROSOFT 01–03–2002

To Whom It May Concern:

LEAVE MICROSOFT ALONG—I'M SICK OF YOUR CONTINUAL HARRASSMENT OF THIS FINE COMPANY—SCOTT MCNEALY MAKES ME SICK ALSO. END THIS ENDLESS PURSUIT TO DESTROY WHAT AMERICA MEANS—FREEDOM TO INNOVATE-LEAVE MICROSOFT ALONE,

MARY-JOHNE HICKMAN

MTC–00007764

From: Ragnar de Sharengrad
To: Microsoft ATR
Date: 1/3/02 12:49am
Subject: Settlement

First, I don't own Microsoft stock and don't work at Microsoft or any other company for that matter, so I don't speak from a selfish motif. I find the US obsession with anti trust insane and is again going too far, all under the disguise of ''what is best for the consumer''. I remember the Government going after IBM in the ' 70s and vaguely remember a decade long fight. What were the big benefits to the consumer? It is easier to understand regulation of utilities as their products can be considered necessities in a modern society. Who is forced to use computers in first place and who is forced to choose Microsoft operating systems? Why don't they use UNIX or Linux or whatever is available instead? Why not use IBM's OS/2? If they can't compete whose fault is it?

To me it smacks of socialism the way the State Governors and the Clinton Government go after Microsoft. They should be happy that Microsoft doesn't pull up stakes and move to another country. My native country is Sweden, where socialistic labor laws went hand in hand with general jealousy and equal income through repressive taxation (and still do). The net result has been that many good companies have either been driven to bankruptcy or have moved abroad.

I think Microsoft's and the Bush Government's proposed settlement should be accepted and the company then shielded from new ridiculous law suits.

Ragnar de Sharengrad
18325 129th Ave NE
Bothell, WA 98011
Phone: 425–483–0862
ragnarde@sprynet.com

MTC–00007765

From: Jim Olson
To: Microsoft ATR
Date: 1/3/02 12:49am
Subject: Microsoft Settlement

Hasn't this gone on long enough?

Wouldn't it be in the best interest to get this behind us. I think that it would be a boost in the stock market and the economy to have this settled.

Settle Now for the best of all of us.
Sincerely,
James Olson

MTC–00007766

From: NTPOCKETS@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 12:53am
Subject: Microsoft settlement

Please bring this suit to a conclusion and let competition settle the score. I am pro Microsoft because I'm tired of buying products that aren't compatible, poorly configured, expensive and from companies attempting to be just as aggressive as MSFT has been accused of being but with a poor product line.

This lawsuit is stiffling the software industry, hurting me as a consumer as few companies are developing and innovating compatible products until a settlement is reached.

I made a choice in operating systems by rejecting Apple's offerings, Linux' offerings and I still use programs that aren't compatible with current MSFT programs because they work better for me! BUT,

Microsoft produces a product that evolves, improves and is affordable when it does change.

When other companies get their act together and make something better...guess who'll be curious enough to check it out...me again.

PLEASE, GOVERNMENT, LET ME MAKE MY OWN DECISIONS...IT'S MY MONEY AND I HAVE SPENT IT...AS HAVE OTHERS ON A BETTER PRODUCT AND MICROSOFT HAPPENS TO BE THE BENEFICIARY...ISN'T THAT WHAT IT'S SUPPOSED TO BE ABOUT?

Sincerely,
Staton Lorenz
President
Half Mile Cycle Race Corp

MTC–00007767

From: Wilson
To: Microsoft ATR
Date: 1/3/02 12:54am
Subject: Microsoft Selllement

Sirs:

I feel that this judgement or whatever has cost the tax payers enough and should be settled quickly.I believe that Microsoft has bowed over trying to settle this law suit for the benefit to the electronic industry and to the economy of our country.

MTC–00007768

From: ROB FLORY
To: Microsoft ATR
Date: 1/3/02 12:54am
Subject: Microsoft Settlement

Please accept this settlement. It is good for the consumer, and

OUR COUNTRY!!!

MTC–00007769

From: WILLIAM KLINE
To: Microsoft ATR
Date: 1/3/02 12:56am
Subject: Settlement

Let's stop punishng Microsoft and get this thing overwith. Think of all the good things Microsoft could do in the way of research to benefit all of us if they weren't having to spend all these millions of dollars fighting a few disgruntled businesses who are afraid of competition, which is after all the American way of capitalism.

Sincerely, William A. Kline

Klinehaven@webtv.net or wmakline@yahoo.com

MTC–00007770

From: ROD HALES
To: Microsoft ATR
Date: 1/3/02 12:57am
Subject: microsoft settlement

We are sick and tired of the crybabies who want the last pound of flesh from Microsoft.....the feds settled their case and so did several states...tell the last few states fall in line and lets get it done once and for all... over and out.. Thank you... Rod and Barbara Hales.. Sherwood, Oregon 97140

MTC–00007771

From: Benjamin12148@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 12:57am
Subject: Microsoft Settlement

To those in power:

The entire system of ''Antitrust'' law is an abomination, and should be repealed and eliminated forever. ''Antitrust'' amounts to nothing more than punishing production because it is production. If you want a detailed argument for this position, read Chairman Alan Greenspan's article, ''Antitrust'', in the book, —Capitalism: The Unknown Ideal—. (Rand, Ayn, editor. New York: The New American Library, Inc., 1967, p. 63–71.)

Because ''Antitrust'' is in principle a moral and economic equivalent of poison, we should have as little of it as possible. Microsoft has done nothing wrong, and is a paragon of production. So be as lenient on Bill Gates and his associates as you have the courage and integrity to be. If you have a choice between punishing Microsoft and losing your job, think of another line of work. It will be better for the world, for America, and for your own souls.

Sincerely,
Ben Steinhart, M.A.
8699 Kenberton Dr.
Oak Park, MI, 48237–1732
(248) 544–7245 home (248) 435–5353 work

MTC–00007772

From: EVLANDFJL@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 12:59am
Subject: Microsoft Settlement!

Sirs:

It is my belief that prolonging litigation is not in the ''best interest'' of our economy or concerned citizens. I will concur the agreement you reached tentatively is in the ''best interest'' of all consumers...so stop procrastinating and allowing these special interest groups to intervene. Get the show on the road and settle this case! This is absolutely ridiculous and very costly to everyone by allowing such utter nonsense to continue this long. Please allow Microsoft the freedom to innovate! Thank you for your time and consideration in allowing me the opportunity to voice my opinion regarding this settlement.

Sincerely,
Frances Leonardini

MTC–00007773

From: Jan Rhees
To: Microsoft ATR
Date: 1/3/02 12:59am
Subject: microsoft settlement

From all indications, this appears to be a fair, and adequate settlement, and I encourage you to validate the settlement decision and move on. Let this be the end of it.

Thank you,
Jan Rhees

MTC–00007774

From: Bob Powers
To: Microsoft ATR
Date: 1/3/02 1:00am
Subject: Microsoft Settlement

Dear Folks,

I've watched the onslaught against Microsoft for ''years'' now. Remember when Microsoft ''bundled'' Internet Explorer with windows??? At this same time Netscape was SELLING its Navigator Navigator for $50.00 to every individual who wanted to surf the internet. Now AOL (owns Netscape) YES, gives away FREE Netscape Navigator to anyone who wants to download it to their computer!!!!!! Has the U.S. Government ever figured out how many million $50.00 bills have been saved by ALL computer users. Yes, Microsoft inovated and forced COMPETITION and AOL was forced to give away the $50.00 Netscape Navigator for free. Hasn't the American consumer saved BILLIONS of American dollars as a result.

If the American consumer has suffered as some have suggested please tell me how much money I would have saved if both Microsoft and AOL charged me $50.00 for each new version of Netscape Navigator or Internet Explorer??????!

Let competition FORCE down prices and let a company like Microsoft (Large enough to compete internationally) bring revenues to the United States from around the world. Our deficit is already to large and Microsoft has NOT added ONE CENT to the United States excessive deficit spending! Why not show the American consumer how much money Microsoft cost them or saved them! Most people are not stupid and what ever you do REMEMBER politicians and government officials WILL be remembered at the polls...

From Just ONE concerned citizen
Robert H. Powers

MTC–00007775

From: kerryduwaldt
To: Microsoft ATR
Date: 1/3/02 1:02am
Subject: In Favor of settlement in the Microsoft case

Speaking as both a shareholder of Microsoft and as a long time user of many of their products, I am strongly in favor of a swift settlement in the Microsoft anti-trust case. I feel that competitors of this great company have brought this suit against Microsoft just because they have not been able to produce products that are as good as Microsoft's products. These disgruntled companies have been wasting their energy on trying to break up Microsoft when they should have been trying to improve their products in an effort to compete with Microsoft. I think it is very sad that so much time and money has been wasted in this no win case. This anti-trust suit is bad for consumers. Microsoft should be spending their time producing better and better products for us, the consumers and not spending their time in court because of a few mediocre companies.

MTC–00007776

From: Tim Sedlack
To: Microsoft ATR
Date: 1/3/02 1:05am
Subject: Microsoft Settlement

I'm very disappointed to see special intrest groups (read: Microsoft's chief competitors) having such influence on the court. I feel it's wrong to stifle competition, even for the industry leader. Microsoft is in the position it's in because it provides (usually) reasonably priced highly functional software that adheres to most standards. I critically evaluate software for purchase and choose based on price/functionality. Microsoft is a consistant winner, but not the only one. Why

are you letting thier competitors sway you? Can we expect to see the same rules applied to AOL—the largest software/service company in the world? Where are the lawsuits against them? After having recieved seeming thousands of offers ''Free hours'' on AOL, I can say that they are more of a thorn in my side than Microsoft.

Tim Sedlack
timsed@hotmail.com

MTC–00007777

From: G. S. Rana
To: Microsoft ATR
Date: 1/3/02 1:07am
Subject: Microsoft Settlement

I fully support the MS settlement reached by DOJ. The 3 member overseeing board makes the settlement tough, and frankly much more than I would have expected MS to face.

Thanks

MTC–00007778

From: coinman
To: Microsoft ATR
Date: 1/3/02 1:11am
Subject: Microsoft Settlement

I feel this has gone on long enough. I say let the settlement stand as it is now. Get it over with and lets move on.

Ray Harcourt Jr.
669 Stable Gate Ln
Florence, Ky. 41042

MTC–00007779

From: Patnich44@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 1:13am
Subject: Microsoft Settlement

To Whom it May Concern:

I believe that enough is enough. The Microsoft case has drug on for years now and it is time to settle it and be done with it. The settlement is fair to all sides. Lets not waste more money and time litigating this issue.

Sincerely,
Patricia Nicholoff
Edmonds, WA.

MTC–00007780

From: Ricky Loynd
To: Microsoft ATR
Date: 1/3/02 1:16am
Subject: Microsoft Settlement

I am strongly in favor of this settlement. It is more than sufficient to redress the affects of any of Microsoft's alleged anticompetitive behavior.

Ricky Loynd

MTC–00007781

From: Karl Van Blankenburg
To: Microsoft ATR
Date: 1/3/02 1:17am
Subject: Microsoft Settlement

Dear Department of Justice,

Please go forward with the settlement in the case with Microsoft. It would be beneficial for the public/consumers and be best for allowing the justice system to focus on other matters of more pressing nature.

Best Regards,
Karl Van Blankenburg

MTC–00007782

From: AlbertoCSerrano@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 1:18am
Subject: microsoft settlement

Dear Microsoft:

It is time to end this litigation that in my estimation does not benefit the consumers and helps mostly attorneys. God knows the US has more of them than most countries, a dubious honor in my estimation.

Prolonging this suit can only help line the pockets of litiginous lawyers, ultimately at the cost of consumers who suposedly should be the beneficiaries!

Hang in there!
Alberto C Serrano, MD

MTC–00007783

From: Evinrude2@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 1:19am
Subject: Microsoft Settlement

The last thing the American economy needs is more litigation that benefits only a few wealthy competitors and stifles innovation. The federal government and nine states have reached a comprehensive agreement with Microsoft to address the reduced liability found in the Court of Appeals ruling. This settlement is tough, but reasonable and fair to all parties involved. The end.

Jerry Harris
5059 Newmans-Cardington Road East
Cardington, Ohio 43315–9609

MTC–00007784

From: Donald Foster
To: Microsoft ATR
Date: 1/3/02 1:19am
Subject: Microsoft Settlement

I believe the settlement is in the best interest of the public. Microsoft should be allowed to continue their creative strategy and continue to produce effecetive products which gives pleasure to the public and empowers the average citizen to produce work efficiently.

Respectfully submitted.
Donald H. Foster
dfoster@socal.rr.com

MTC–00007785

From: BESTEFAR99@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 1:21am
Subject: Microsoft settlement

This suit was suspect to begin with, so lets get on with the business of developing better products and let the market place decide which is the best.

C. H. Schmoll

MTC–00007786

From: Jarim4@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 1:24am
Subject: Microsoft Settlement

I am writing this to voice my opinion. Please settlement the litigation as soon as possible. I believe that the Microsoft Corporation has offered a just settlement, we need the responsibility of our court system to take charge and dismiss any other suits by small interest groups as the majority have voiced its opinion for the good of the majority. Thank you.

Sincerely,

John Anthony Rim

MTC–00007787

From: Jim Beebe
To: Microsoft ATR
Date: 1/3/02 1:23am
Subject: Microsoft Case

Dear DOJ,

I just want to say that I think the work of Microsoft has been of great benefit to the economy of this country and they should not be penalized for making products that do well in the marketplace. If they had not continued to innovate and improve their products this computer would not be half as easy to use. I am starting to use their new operating system XP and it is a huge improvement. Imagine if all we had was the old DOS system. I am not and never have been an employee of MS, just a satisfied customer that wants to see them continue to do what they do so well.

Sincerely,
James L. Beebe
P.O. Box 65472
Port Ludlow, WA 98365

MTC–00007788

From: Needham, James P
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/3/02 12:49am
Subject: Time to Move On

As a observer of the Microsoft anti-trust litigation, I must tell you that as a consumer, I have never been harmed by Microsoft. The continuous actions of a few State AGs seems to be more about them getting good press to push their own personal political agenda that to look out for consumers. Our Country is in a recession, we need companies like Microsoft to innovate so we can increase productivity and the value of American products. I am certainly not an expert but it would seem to me that the current anti-trust laws were enacted to address the smoke stack industries in a non-global marketplace. What seems obvious to the average person on the stress apparent escapes the politicians and the high priced political appointees. If the Netscape's of the world cannot compete let them get the hell out of the way. It seems that the government and the some of the states want to decrease competition and innovation by restricting Microsoft. How stupid.

CC: Dennis Hastert (E-mail), Don Nichols (E-mail), Georg...

MTC–00007789

From: gtech
To: Microsoft ATR
Date: 1/3/02 1:29am
Subject: Microsoft Settlement

Please leave Microsoft alone and worry about your own problems, which there are many.

Craig

MTC–00007790

From: JHanker702@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 1:31am
Subject: Microsoft settlement

To Whom It May Concern:

I am writing to voice my APPROVAL for the proposed settlement with Microsoft. I believe it is good for consumers, good for the competition and good for our economy.

Further delays or additional litigation will damage both the technology industry and our free enterprise system.

Sincerely,
John Hankerson
2641 262nd Place SE
Sammamish, WA 98075

MTC–00007791

From: BOBJAZLOVR@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 1:31am
Subject: MICROSOFT SETTLEMENT

MICROSOFT became a ''monopoly'' by offering consumers a product that simply beat the pants off their competition(IBM, Apple, Sun , Linux to name a few) To this day none of these companies have ever developed a mass market operating software system to come close to MSFT. Microsoft then proceeded to improve its basic operating system to make it easier for the msft customer to access the internet and have the added capability of having the browser interact with its OP systems in a simple, easy manner to learn and operate. So far the consumer is not complaining, not about the bundling, not about the price, not about the fact that computer hardware mfrs and retailers have all this great stuff preloaded on their machines so all the consumer has to do is plug in the computer, follow a few simple instructions and they are off to do a lot of very productive, or non productive work, as they can choose to do! If you read the latest numbers, the number of people ordering merchandise of all sorts on the internet has been booming, recession or no recession. So far MSFT has offered a superior product, offers it at reasonable price, and has made it possible for people of all ages to learn to use the internet to satisfy new workplace requirements and support new internet businesses. So what's wrong with this picture? Consumers are not injured in any way. They are free to buy Apple computers, if they like, they can buy a machine and have linux loaded as the operating system, if they like, or java ,or unix or IBM's O/S, if they like, except that they don't!! MSFT doesnt make the computers, or any components, all they do is supply software that is designed to function as easily and smoothly as possible with the latest bells and whistles that the hardware makes possible. Their complaining competitors, some of which are much larger than MSFT, are free to do better, but they have'nt. Have you seen any new browser products being offered by these crybaby's to compete with Explorer...??? The MSFT software, a miniscule and continually declining % of the price of the newest computers, whose prices keep going south even as the capabilities of the machines are ten fold from a few years ago!

Having done all this, no harm except to non competitive competitors, seems evident to me and that is no different from the situation in any number of other industries.

Go to any department store and you will see the same brands featured in every major store. Why is that not being investigated? Tobacco companies offer discounts to gain shelf space, so do companies like P&G, How about those sales of coca cola and pepsi that never occur at the same time. One week Pepsi, next week Coke. Hello, does this look like normal competition? You don't see gas stations alternating promotions with the guy across the street, they match prices a dozen times a day!!

MSFT has not done anything any other company would not do to grow and survive competitive challenges. Are they hardnose? Yes! So what's new? I recall Netscape execss claiming they were going to develop a browser that would ''surround'' the MSFT operating system and make it subservient to the Netscape browser?? Sun has been screaming JAVA for years, but where's the Sun Java O/S to go head to head with MSFT? Same with Linux, where's the beef? So, let MSFT get on with what it does best...software that keeps adding ,improving without wasting our taxes chasing a great company that leads not only the US, but any company in the world in it's field!!! Are we upset we have one standard VCR format? Arent we trying to standardize digital?, broadband, telecom systems to broaden efficient use and make it easier for consumers? MSFT has done that with out any GOvt help. Tell the states to look for some other patsy to try and extort money from and leave MSFT alone. Do no harm to consumers is the litmus test for anti trust,,,there is none here. You want to protect choice? Consumers have already chosen ...with their pocket books...let it go!!

Thank you...a citizen who thinks the DOJ has better things to do with our taxes!!!

Robert Conti

MTC–00007792

From: LYN GILMER
To: Microsoft ATR
Date: 1/3/02 1:33am
Subject: Microsoft Settlement

My view is that the Microsoft Operating System provides a very large value to computer consumers. I have been using PC's since they appeared and ''microcomputers'' prior to that. Software was very expensive back then . Feature for feature, today's software is a real bargain. Consumers have not been harmed by Microsoft, instead have benefited from the many useful products given as part of the package. Also, remember the thousands of developers who can write software for a Microsoft Operating System knowing that tens of millions of people are their potential customers. They could not afford to develop code for many OS's only one. If they have a good product they will make money and pay taxes. I am a great fan of the Microsoft brand. They are an example of how great a company can grow in our free enterprise system.

Thanks!
Tom Gilmer

MTC–00007793

From: mstat
To: Microsoft ATR
Date: 1/3/02 1:33am
Subject: microsoft settlement

I just want to go on record as opposing this golddigging settlement attempt to fleece microsoft. I sit here at my Compaq computer with Windows XP, using my Microsoft Internet Explorer to access this website and type this response. To me, Microsoft is part of AmericTa...a great part. They are family to me. I am upset at the effort to discard competition, innovation, and the assumption of entreprenureal risk in my country, all for the unscrupulous receipt of ill-gotten monetary gains. LEAVE THEM ALONE! Microsoft is as American as apple pie and a great success story. They have (partially) shaped the way I live and communicate. This shameless attempt to extort money is dispicable.

Sincerely,
mstat
Mark D. Statler MD

MTC–00007794

From: Sharon Wood
To: Microsoft ATR
Date: 1/3/02 1:41am
Subject: Microsoft Settlement

I think the settlement is fair as it stands now. This has been going on long enough. End it and lets all get back to business.

Sincerely, Sharon Wood

MTC–00007795

From: KULINA@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 1:42am
Subject: Microsoft Settlement

Here is my opinion: the DOJ should discontinue wasting the government's(my taxes)monies on prosecuting or mediating a settlement. I, as a consumer of computer products, never felt harmed by Microsoft. The nine states not settling are fishing for money and the courts should dismiss any actions filed by them. I think the DOJ should be held in contempt for ''restraint of trade''. One man's opinion....

Marty Kulina
206. 972.9704

MTC–00007796

From: Bruce (038) Leslie
To: Microsoft ATR
Date: 1/3/02 1:30am
Subject: Microsoft Settlement

Dear Sir or Madam,

Enough is Enough... Settle the case!!... It is an embarrassment to the rest of the free world to continue to allow states whose interest/allegence/financial backing is with competitor companies like SUN, Oracle, etc—drag this court battle on further....

My wife and I are software engineers and we both feel that Microsoft software is the most user-friendly and supportable product line available... Unfortunately, companies like SUN didn't take the time/energy/funding to make the UNIX operating system easy to use for the common user... It is their own problem that they didn't have superior enough products to compete with Microsoft's products... Microsoft did not force people to use their products... People use them because they are good, easy to use, readily available, etc... And Microsoft products (operating system, applications, etc) are fairly priced...

It is unfortunate we have to hear from whiney company executives from SUN, Oracle, etc—keep droning on and on and on about Microsoft's unfair business practises... We need to put an end to this sorry part of US high-tech history, and let companies like Microsoft get on with their business...

regards,
Bruce and Leslie Pleshko

Aiea, Hawaii
808–484–5077

MTC–00007797

From: Joe Masters
To: Microsoft ATR
Date: 1/3/02 1:49am
Subject: Microsoft Settlement
Dear DOJ,
I support this settlement. Let's move on.
Joe Masters
434 Floral Way
Rohnert Park, CA 94928
joe.masters@techie.com

MTC–00007798

From: Alihatami@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 1:54am
Subject: Microsoft Settlement
Hi,
a quick settlement is the best for the consumer, industry , Microsoft and Microsoft competitors. If Microsoft competitors had spent half of the money and other resources (which they are spending to drag the case against Microsoft) to develope a new product, they would have possibly come up with a product to compete with Microsoft. please understand the situation and close the cae ASAP.
Ali Hatami

MTC–00007799

From: Stephen.Schaefer@emis-intl.com@inetgw
To: Microsoft ATR
Date: 1/3/02 1:56am
Subject: Microsoft Settlement
This settlement is a travesty. There is nothing here to prevent Microsoft's continued use of its monopoly position to destroy any software innovation they do not own. Microsoft must be deprived of the means to maintain that monopoly. A number of possible means to that end are possible, inlcuding: publishing all their source code; or making all their operating system interfaces and protocols public on the same basis that internet protocols are made public, i.e., with complete documentation and reference implementations made freely available, for any lawful use whatsoever, including, but not limited to, the construction of a competing operating system. A company that truly benefits the public with their systems will thrive in such a competitive environment, just as Cisco Systems does. Microsoft's egregious and perpetual contempt for the public welfare leaves them no claim to anything other than a competitive environment, if indeed they deserve to continue to exist as a public company.
Stephen P. Schaefer
Computer Systems Administrator
Masters of Science in Computer Science, UNC—Chapel Hill 1993

MTC–00007800

From: William HAYES
To: Microsoft ATR
Date: 1/3/02 1:58am
Subject: I have voted time and again for Microsoft by buying their software. The only people I know that are

I have voted time and again for Microsoft by buying their software. The only people I know that are objecting to the way Microsoft does business is people who want to pirate their software from me and the ones that think that they should be allowed open access to hack into it easier. As a result of the foresight and vision brought by Microsoft,the price of home computers has come down to the point that every household can afford them and every child can learn to program them and use them if they have the ability and want to use them. Many advancement have been recognized and supported by Microsoft by developing software to support it.
Microsoft is a major source of the balance of payments with other countries. Microsoft has given the US the a technological lead that should help keep the US on sound financial footing, but that financial lead could be overturned by an AT&T type of mistake that will only lead to higher costs and unsettling lack of leadership in home computers.
William C. Hayes

MTC–00007801

From: GDoman4603@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 1:59am
Subject: Microsoft Settlement
Department of Justice January 2, 2002
Dear Sirs/Madams,
I have the opinion that the Microsoft people were, and are, innocent anent the manufacture and propagation of their software-items which are, by very definition, not harmful.
Sincerely from Geoffrey Doman
13900 Cohasset Street
Van Nuys, CA
91405–2501

MTC–00007802

From: Philip R. Palumbo
To: Microsoft ATR
Date: 1/3/02 2:13am
Subject: Microsoft Settlement
To Whom It May Concern:
I believe the Tunney Act should be adopted for the parties involved. I think that given the circumstances, it is fair and equitable to both sides. It is more important than ever, for the litigation to stop and the productivity to move forward. Competition is good for everyone involved. Microsoft began as a startup company and had to endure all kinds of competition to get it where it is today. They provided a need for a product and consumers voted with their pocketbooks. They did not try to legally ''remove'' or render helpless their then competitors.
Please move forward with this issue.
Kindly,
Philip Palumbo
prp@palumboent.com

MTC–00007803

From: PILOTGGG@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 2:03am
Subject: Microsoft Settlement
Ladies & Gentlemen:
After a tough recession, with many people out of work, it is HIGH TIME to get this country moving again ! Expedite the fair settlement of the Microsoft case !
Pilot GGG@AOL.com (Gunter Gigas)

MTC–00007804

From: Steve (038) Robin Lee
To: Microsoft ATR
Date: 1/2/02 8:33pm
Subject: MICROSOFT SETTLEMENT
It's definitely time to settle the Microsoft case. I felt that the suit was frivolous to begin with and the fact that it has dragged on for so long trying to cripple a company that has done so much just completely angers me. I think the message this suit sends is 'that if you are great at what you do and make a product better than your competitor then we are going to make you pay.' I really hope everyone involved can settle this case and move forward.
Sincerely,
Robin L. Lee

MTC–00007805

From: bcathcart
To: Microsoft ATR
Date: 1/3/02 2:05am
Subject: Microsoft Settlement
Give it a rest already. Stop the litigation. Without Microsoft all of those pencil neck attorneys would still be writing their briefs on a legal pad.
Bill Cathcart

MTC–00007806

From: zeta54@juno.com@inetgw
To: Microsoft ATR
Date: 1/3/02 2:13am
Subject: Microsoft Settlement
Do America a favor-settle this case by terminating DOJ action against Microsoft! This litigation has destroyed huge valuations in the tech stock market, financially injuring lots of shareholders(direct and in mutual funds) and pension funds. It may also be responsible for terminating the great bull market and causing the start of the economic downturn, thanks to Billy Clinton and his juvenile delinquent administration.
No, I'm not a Microsoft employee or direct stockholder. I am a user of their products. Are they the best? Probably not. Are they the PC standard? Don't you know it!
Bill Drake
Bothell, WA

MTC–00007807

From: Fred B. McCarty
To: Microsoft ATR
Date: 1/3/02 2:14am
Subject: Microsoft Settlement.
Microsoft established the de facto standards for the software industry that caused the phenomenal growth and success that astounds the world and enriches our country. Microsoft is the goose that lays golden eggs. LET MICROSOFT ALONE! Microsoft continually strives to improve the quality and value of its products. The people who complain about Microsoft's leadership are whiners who seek to rely on politics and lawyers instead of technical excellence and fair prices. Most of the businesses that now oppose Microsoft would never have achieved their present status and success without the standardization established by Microsoft and its unrelenting pressure to improve software and explore new technology.

When our government tries to cripple a successful business, to punish technical innovation, to create chaos where there is order, to stifle legitimate competition, it is the beginning of the end of our prosperity! Don't meddle with a miracle! Go and sin no more!

Fred B. McCarty, P.E.

MTC–00007808

From: Chris Blount
To: Microsoft ATR
Date: 1/3/02 2:14am
Subject: Microsoft Settlement

U.S. Department of Justice

Dear Sirs,

I believe it is time to finish the anti-trust case against Microsoft. I believe the proposed settlement as accepted by Microsoft is fair and should thus terminate this matter once and for all.

I have yet to find even one person in Alaska who can honestly say he or she has been harmed by Microsoft; to the contrary Microsoft technologies have been extremely advantageous for bush Alaska.

D.O.J. should not let itself be degraded and used by inferior competitors or manipulated by Congressmen from competitor's districts and states to fight in the market place.

Please accept the settlement now and end this matter for good.

Sincerely yours,
Chris T. Blount
PO Box 503
Nome, AK 99762

MTC–00007809

From: Steve Black
To: Microsoft ATR
Date: 1/3/02 2:18am
Subject: Microsoft Settlement

Comments on proposed settlement for civil action No. 98–1232: Without doubt, I cannot agree more with the proposed settlement. Primarily for the following reasons:

1. In the civil action, numerous allegations are presented that are no more than unproven statements of marketing hype and propaganda. It's no surprise that the statements are one-sided and ignore Netscape's public comments regarding their planned demise of Microsoft's commercial viability, which are as meaningless as the civil action allegations. In the civil action complaints, the authors excel at presenting misleading information.

2. There is a near-monopoly in PC operating systems, however it, has been created by competitor incompetence, sloth and greed. PC OEM's are only interested in what earns them the most profit and America's millions of large and small businesses cannot afford the expense of maintaining, training, installing and resolving the compatibility issues of networking multiple PC operating systems. As it is, having to maintain separate server and desktop PC operating systems is more than enough headache and there are strong financial forces to compel the integration of these systems.

3. Microsoft failed at the outset to enhance Windows Explorer to have the capabilities of Internet Explorer. The Internet is simply one large array of networked hard drives. Every computer should be able to connect to these shared drives. There is no need for separate ''Explorers'' or ''Navigators''. However, there is nothing to prevent a competent product from being commercially successful if consumers and businesses identify ownership value. Unfortunately, there has never been a sizeable market for a separate ''browser''. Netscape's theft of the browser concept and attempt to create a marketable product is something they have every right to attempt, but this product concept is doomed from the beginning. Microsoft's Internet Explorer was offered to consumers who wanted to update their browsing capability, but did not want to update their operating system; otherwise there is no reason to make it a separate program since it is conceptually integral to an operating system and control of the directly attached and networked computer hardware.

4. Alternative operating systems have done poorly in the marketplace for reasons of commonality, cost of training and lack of return of investment for businesses. Consumers are an integral part of companies and gain most of their computer knowledge on the job and therefore share the same beliefs which they pass on to their lesser experienced friends. The Apple monopoly could have been wildly successful, except they chose to maintain high prices and monopolize their hardware designs. The only high business cost of operating system entry is hard work, investment and technical competence. Allegations that a Microsoft operating system monopoly makes it more difficult to market a competing operating system are nonsense. This is as absurd as saying that no new products of any kind can be invented because everything has already been invented. There are no barriers to marketing any other software products as thousands of large and small companies have done, provided they have a viable marketing concept and consumers consider the product to have value.

5. There is no browser threat to an operating system. This is a totally ludicrous statement and is not just my opinion, but the opinion of hundreds of PC experts that have published over and over again how totally void of technical knowledge such a statement is. Quoting Microsoft statements to the contrary is simply misuse of marketing propaganda, proves nothing, and has no basis in fact. Do you believe everything you hear in commercial TV advertisements?

6. Software that runs on multiple operating systems is no threat to Microsoft. JAVA, which is not a competitor to the Microsoft operating system, is being avoided more and more by many PC users because it is the language of choice of many hackers and PC terrorists. The success of JAVA is only dependent on its authors making it a safe and viable product. JAVA's technical competence and business acumen are on trial in the eyes of the market place. I know of no reason to run JAVA on my computer and simply avoid all web sites that try to load it on my machine. Microsoft does not force any PC user to install their operating system. But, like junk email, numerous web sites offer to install JAVA on Internet users computers on a daily basis. Linux, Unix, Beos and several other operating systems are available, but do not provide the features and benefits of Windows and will not even be considered by businesses for desktop computers for these reasons.

7. This civil action has never been in the interest of consumers. Netscape and Sun have used their political influence to leverage anti-trust concepts to a new level of distortion. Ambitious politicians like Bill Lockyer have been financially induced to support egregious legal actions by companies that have lost billions of hardware dollars to windows PCs. That is, thousands of small companies that could not afford $60,000 work stations with proprietary UNIX software, can now use $3,000 PCs to engineer products that consumers demand. Increased productivity in thousands of industries due to Microsoft innovation is the real benefit of a free market. This is why Sun is losing billions due to the demise of their hardware empire and why they are in such a panic to get revenge by destroying Microsoft. They are misusing the legal system to compensate for their business failings. I am not now, nor have I ever been a Microsoft employee or employed by any organization working for Microsoft. I am a mechanical engineer, consumer and computer hobbyist. For a few years, I did struggled with the issues of providing computer services to fellow engineers and I learned to dislike a number of large, arrogant, 3-letter-named computer/software companies. Their adversarial attitudes and ludicrous prices will remain etched in the minds of an entire generation that today prepare the budgets in many corporations.

Steven Black
1916 Camas Court SE
Renton, WA 98055

MTC–00007810

From: Don Holtzinger
To: Microsoft ATR
Date: 1/3/02 2:21am
Subject: Microsoft Settlement

Dear Department Of Justice.

I'm very proud of the way you and Microsoft have worked to find a solution to the Anti-Trust case, and I think the solution promotes competition while letting the industry move forward with standards that will ensure another 20 years of continued technology growth. This settlement is tough, but I believe it's reasonable and fair to all parties involved.

Please don't let this lawsuit get sidetracked by special interest groups or Attorney's Generals who are trying to keep their names in the public spotlight.

Thank you.
Sincerely,
Don Holtzinger
17605 NE 101st Court
Redmond, WA 98052

MTC–00007811

From: RGA
To: Microsoft ATR
Date: 1/3/02 2:22am
Subject: Microsoft Settlement

Department—

The settlement that you have negotiated with Microsoft is in the best interest of all

involved. I urge you to fulfill your promises in that settlement and defend it in Court, in Congress, and in the press.

It is obvious that the critics are either competitors who cannot compete in the market without outside assistance, or people like Sen. Hatch whose influential constituents are apparently those same competitors.

This is no place for the tainted political process to interfere with entrepreneurial success and risk-taking.

Gordon Appleman

MTC–00007812

From: Don Holt
To: Microsoft ATR
Date: 1/3/02 2:28am
Subject: Microsoft Settlement

Dear Department Of Justice:

I'm very proud of the way you and Microsoft have worked to find a solution to the Anti-Trust case, and I think the solution promotes competition while letting the industry move forward with standards that will ensure another 20 years of continued technology growth. This settlement is tough, but I believe it's reasonable and fair to all parties involved.

Please don't let this lawsuit get sidetracked by special interest groups or Attorney's Generals who are trying to keep their names in the public spotlight.

Thank you.

Sincerely,

Donnie Barren

MTC–00007813

From: Histone6@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 2:29am
Subject: Microsoft Settlement

Hello,

I think the entire persecution of Microsoft was unnecessary, uncalled for and a waste of tax payers money. The settlement is another form of government extortion. I do not feel one bit safer, one bit freer, one bit more capable of making purchasing decisions with the Federal government having filed this suit and all the attendant cost to us via taxes and the revenue lost to the government with Microsoft being able to deduct their legal expenses.

Do not waste another minute of time or expense on this issue. This entire issue was a display of blatant class envy. The foremost users of class envy where the communists. Are their any correlations here?

Allow Microsoft the ability to do charitable works with school systems they select.

Thank You,

HJH

MTC–00007814

From: Theresa Hancock
To: Microsoft ATR
Date: 1/3/02 2:30am
Subject: Microsoft Settlement

To Whom it may concern:

I would like to voice my opinion that the Microsoft case be settled without further litigation. I think further litigation is not in the best interest of the consumer, economy, or the industry. As a consumer, I do not feel damaged by Microsoft, but quite the opposite, and think that further litigation is only politically motivated and costly to the American taxpayer and economy.

Thank you,

Theresa Hancock
103 Patrick Ct.
Sunnyside, WA 98944
509–837–8550

MTC–00007815

From: Ken (038) Michelle Walters
To: Microsoft ATR
Date: 1/3/02 2:42am
Subject: Microsoft Settlement

Please complete the settlement on the Microsoft case. Please include my voice with those wanting you to accept the proposed settlement.

Thank you

Ken Walters
4506 226th ST SW
Mountlake Terrace, WA 98043

MTC–00007816

From: Brenda Wagner
To: Microsoft ATR
Date: 1/3/02 2:41am
Subject: Microsoft settlement

Please accept the Microsoft settlement. Our state and our country need to put this to rest and Microsoft has done everything to come to a fair agreement.

Thank you,

Brenda Wagner
4245 230th Way SE
Sammamish WA 98075

MTC–00007817

From: markthome
To: Microsoft ATR
Date: 1/3/02 2:43am
Subject: Microsoft Settlement

Dear Sir/Madam:

I hope that the settlement reached between Microsoft, the federal government and several states will be allowed to stand. Lets end this thing in one more effort to get the economy moving again! I am 77 years of age and do not remember a circumstance before where a few competitors of a company, along with a few quisle-like congressional representatives, have been able to derail our system of competition with so little basis. Please do whatever you can to ensure that deserving contributors get their due, and that those who want to compete by deriding the deserving get exactly what I feel they have earned. Nothing.

Sincerely,

Mark Thome, Bellevue, Washington

MTC–00007818

From: Cym98gz@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 2:45am
Subject: Microsoft Settlement

Dear Judge:

I feel Microsoft have done too much to settle this antitrust case. Their products are so good and easy to use. I think it is time to let the company continue to do their business.

Microsoft consumer
1–3–02

MTC–00007819

From: Daniel Wahl
To: Microsoft ATR
Date: 1/3/02 2:45am
Subject: Microsoft Settlement

I think the Department of Justice ought to be morally condemned for even charging Microsoft with the alleged crime of coercing its very satisfied customers (of which I am one out of many). I am writing this using my hotmail account, a free service given to everyone by Microsoft. I am on the internet via Explorer, thanks to Microsoft. Hell, I can even navigate myself around on the computer thanks to this company. Because of this (and more) are you actually asking me whether I think the punishment for Microsoft is too soft? Hell no it's not too soft! They shouldn't be punished at all. And, despite mumbling that the company's prosecution was a ''victory for consumers everywhere'' Janet Reno knew this. So does Ashcroft.

What they both know, but fail to admit, is that Microsoft has gained its market dominance, not by using fraud or force, but by consistenly offering better (more popular) services and products for a cheaper price than their competitors. Is it for their achievements that this company has been damned? If the new Department of —Justice— wants to prove it has a right to actually bear that name, it should ''ettle'' with Microsoft by first apologizing, then paying restitution for any money that the firm has lost as a result of this immoral trial.

—Daniel Wahl, Kannapolis, NC

MTC–00007820

From: Elizabeth R. Baecher
To: Microsoft ATR
Date: 1/3/02 2:47am
Subject: Settlement

Had government applied the same zeal regarding US security as they had harassing Microsoft, New York City undoubtedly would still have its skyline intact and thousands of lives would not have been uselessly lost.

Please feel free to pass these comments on.

Elizabeth R. Baecher
Mount Kisco, New York

MTC–00007821

From: John Grubb
To: Microsoft ATR
Date: 1/3/02 2:51am
Subject: Microsoft Settlement

The best thing that can happen for the whole country and the economy is to settle the case against Microsoft. The technology industry moves so quickly that the government should be more concerned about companies like AOL, than Microsoft. AOL is a perfect example of a company positioned to take control of the digital media business from end to end. Focus on the future, not the past! Many say it is a coincidence that the stock market dived sharply when it was announced the first time that negotiations between Microsoft and the plaintiffs had been broken off. I however think there was a direct correlation, and the longer this thing drags on, the worse it is for everyone.

The states that are not part of the current settlement happen to have major Microsoft competitors headquartered in their states, what a coincidence. These companies need to innovate and stop litigating. I find it hard to understand why everyone is up in arms

over Microsoft, when government backed monopolies like Airbus Industries in Europe exist to compete unfairly against Boeing. The US is not able to trade freely with many other nations on this planet, yet we waste our time attacking our own companies. I can only imagine how many countries would love to have a Microsoft. Yet, instead of enjoying such a successful company, our country seeks to destroy it. What a huge waste of resources.

Yes, my tax dollars and many other hard working American's tax dollars. Where does it stop? Please do not forget that Microsoft commoditized the personal computer industry. If we had three or four major PC OS vendors, then software would cost more, and do less. Having a common standard to write to is very good for the consumer. What if we had four different standards for electricity. A company who makes blenders would have to make four flavors to accommodate the different standards. Of course they would have to pass the cost of the extra tools to make the four flavors along to the consumer.

As for integrating into the OS useful tools and utilities like a browser or media player, I think it is good. Even though Netscape has failed to technically innovate in a long time, Microsoft's browser gets better and better even though it does not have to. When I bought my first PC I spent hundreds of dollars on utilities, that often did not work well with my DOS OS. When I called for support I was told it was an OS problem, call IBM. I would rather integrate than have to spend more money to buy the extras I need from a third party.

Some food for thought, a good spreadsheet, word processor and graphics package in the mid-1980's cost about $500 each, for a grand total of $1,500. None of them worked together and the menu systems were different on each. Sharing data between them was far from easy. Today you can buy the same three packages from Microsoft for about $500 for all three, and they work very well together. Sounds pretty good to me.

As a market leader, Microsoft does not have to innovate at the rate it does. That is what happened to so many other software vendors—they viewed success as a destination. Microsoft views success as a journey, one that they are always shooting for.

In closing I will admit Microsoft is no saint. They are a fierce competitor. Yet I believe an America with Microsoft is better than one without. If we are not careful the next Microsoft may end up being in a foreign country where we do not benefit nearly as much as having it in out own backyard.

Please get this issue behind us and move on. . .

Thank you for your time.
Regards,
John Grubb
8116 Pecan Ridge Drive
North Richland Hills, TX 76180

MTC–00007822

From: Susan Griffin
To: Microsoft ATR
Date: 1/3/02 2:55am
Subject: microsoft settlement

Regarding legal settlement Microsoft/DOJ

I believe that the lawsuit was very unecessary, considering other very large companies who have of late become conglomerates. Time Warner to name a high profile situation. Then we have the oil companies, and the supermarkets and the pharmaceutical companies, etc. There are others as well. I feel this was a rather selective law suit and I certainly feel Microsoft has been reasonable and responsive enough. For heavens sake settle this!. It is the American way to compete and create, therefore excell. I am astounded that this even has occured, and yes I am aware of the circumstances and this is my opinion. wonder what

DOJ would do to Henry Ford today??
Susan Griffin
19407 Turtle Ridge Lane
Northridge, CA. 91326

MTC–00007823

From: Terry Elder
To: Microsoft ATR
Date: 1/3/02 2:59am
Subject: Microsoft Settlement

I support the settlement between DOJ and Microsoft. I use Microsoft products because they are good. I chose them. I was not coerced in any way. When I began using a computer, I did not use Microsoft products, but after Windows 3.1 came out, I moved and gradually used more and more Microsoft products. I certainly don't want to see them broken up. As far as I am concerned, Microsoft is a great success story and should not be hounded. There are a few zealots who can't compete, so they use taxpayer money to try to destroy Microsoft with the law. Some of Microsoft's business practices probably do need to be modified, and so I agree with the settlement.

Franklin Terry Elder
8168 Erin Street
Juneau, AK 99801

MTC–00007824

From: Joe
To: Microsoft ATR
Date: 1/3/02 3:03am
Subject: Microsoft Settlement

Dear DOJ

In my opinion, and the opinion of everyone I know, Microsoft should have never been sued. They provide amazing software that has made my life immensely more successful and rich. Now that a settlement has been worked out, I feel it should be accepted as written and the matter should be put behind us.

Thanks,
Joseph M. Shikany, Seattle WA

MTC–00007825

From: BETTYBOBS@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 3:06am
Subject: Microsoft Settlement

Please do not prolong a settlement of the Microsoft case. It is in the best interests of Microsoft shareholders to end the case as soon as possible.

MTC–00007826

From: Mike Eddy
To: Microsoft ATR
Date: 1/3/02 3:11am
Subject: Microsoft Settlement

Microsoft has done good more for individuals and the US economy than any other company in this decade. Penalizing them will only hurt customers and benefit some select competitors. Leave Microsoft alone.

Mike Eddy

MTC–00007827

From: Vlad Mayzel
To: Microsoft ATR
Date: 1/3/02 3:20am
Subject: Microsoft Settlement

Hi there,

Leave them alone! They (Microsoft) do a great job and do much more good than harm to me, the consumer. Actually, what harm? Constantly pushing the industry to the progress? If other suckers can not do any better job, they manipulate the government forcing it to dig dirt pretending that it is on behalf of the consumers, but in reality to make the government to fight for them instead of improving their own technology. Of course it is easier and *free* but at taxpayer's and consumer's expense.

If government really wants to help the consumers—fine, HELP any of Microsoft's competitors to make their technology BETTER and help them RISE to the Microsoft's level, but do not DESTROY Microsoft's success forcing it to FALL to the competitor's level, otherwise you will get the same kind of results as communists used to get using the same approach!

Thank you for your time.
Best regards,
Vlad Mayzel.
Smart Technologies,
President.

MTC–00007828

From: Dbjroberts@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 3:34am
Subject: MICROSOFT SETTLEMENT

TO WHOM IT MAY CONCERN:

I AM 69 YEARS OLD AND I AM GREATFUL TO MICROSOFT FOR THEIR SOFTWARE. THEY HAVE MADE IT EASY TO USE AND LEARN ABOUT MY COMPUTOR. I HAVE OWNED A COMPUTOR FOR ONLY TWO YEARS. PLEASE SETTLE THE LAWSUIT SO MICROSOFT CAN GO AHEAD WITH NEW IDEAS. I WANT TO CONTINUE TO ENJOY MY COMPUTOR. DON'T MAKE IT DIFFICULT FOR US SENIORS.

THANK YOU FOR YOUR CONSIDERATION,
BETTY J. ROBERTS
DBJROBERTS@AOL.COM

MTC–00007829

From: Bob Long
To: Microsoft ATR
Date: 1/3/02 3:29am
Subject: Microsoft Settlement

Department of Justice:

I am completely in favor of the settlement reached with Microsoft. I believe that this Microsoft settlement is in the public interest. I do not support further litigation on the Microsoft Antitrust case.

STOP WASTING TAXPAYER MONEY.
Sincerely,

Robert Longariello
Taxpayer and Citizen
Laguna Niguel, California
blongari@home.com

MTC–00007831

From: John Johnston
To: Microsoft ATR
Date: 1/3/02 3:26am
Subject: Microsoft Settlement

Dear DOJ,

As a consumer I have used computers for sixteen years now. I have a computer network setup between my shop, my home, our patio area and another house on the property. I harbor no doubt that I am not the usual consumer in this respect. I have been very happy however to be able to do this networking without having to purchase additional software, or to have found the process technically intimidating. I have found the inclusion of such items as networking, CD playing, mpeg viewing, Internet browsing, e-mail, picture viewing and such to be innovation at its best. I have purchased programs written by others that allow greater graphics capabilities, engineering capabilities and so forth. Essentially these programs run flawlessly for me in the MS Windows environment.

I have in older versions of MS Windows purchased upgrades, one for instance was from Real Networks in Seattle, I think they are a part of this case also, they offered a free downloadable upgrade. What a dirty trick, as soon as I had it they wanted me to buy the full functional upgrade, and their newly installed software kept activating my firewall software with its attempts to report back to Real Networks what features I was making use of in their program without my knowledge. This is pretty much akin to planting a Trojan horse program and I think the practice stinks. I used their uninstall routine and it removed most but not all of their code, I still trap messages with it uninstalled trying to ''phone home.'' I have not had that problem with Microsoft; in fact Microsoft's collection of personal information is entirely upfront and with clear explanations.

Across the same years I worked for Diebold Inc. and spent a great deal of time using the IBM operating system OS2. In those years IBM clearly attempted to capture a larger portion of the desktop PC software marked and they had promotions to that end. Diebold used OS2 as the OS on many computer systems, and nearly all of their ATM machines. Diebold regarded me during my employment with them up until my retirement last year at age 51 as a Fast Track Engineer. I got to solve the problems our field technicians were stumped on. We had plenty of problems; Windows was not nearly as cumbersome, or intolerant as OS2. To amplify the difference further between OS2 and Windows, IBM and Diebold were business partners; we had special access to IBM engineers to resolve problems. During this time I purchased OS2 for a computer at home and attempted to install it, even with ''inside'' help, the IBM engineers could not make it operate on the hardware I wanted to install it on. I had in fact purchased a new 486 system just to play with OS2 on, finally they told me all we can recommend is that you buy some new hardware that is on our supported list. That was it, I still have a box full of OS2 sitting here, and anytime someone wines about Windows I offer it to him or her.

Clearly, most persons have never had to put up with anything like what I described above, but I want you to consider with the time and talent that IBM has, why couldn't they displace Microsoft. I will suggest that the market place chose the best software, and I will further suggest that in comparison to what is available the only choice for me will be Windows. Diebold Inc, was in the process of dropping OS2 for Windows at the time of my retirement. The reasons for this boiled down to IBM's failure to put innovations into their operating system fast enough for the market place. We were connecting ATMs into TCP/IP networks and VPNs, as a result of telnet sessions our customers are downloading streaming video and audio to our newer products. All of this is just a colossal pain because support for these advanced features is just too rudimentary in OS2, even though it comes from the granddad of computer giants.

The enormity of gain to productivity and to our economy during the nineties was clearly connected to the computer industry. It is also clearly evident that the axe that cut the juggler was the U.S. vs. Microsoft, assisted by Judge Jackson. I can't help but feel that more innuendo and misconceptions were furthered during that time than at any other.

Microsoft may have business practices that need attention, but if the government restricts them in writing software innovation will collapse. If the support utilities that are included in Windows currently had to be purchased separately and worse yet, from other companies, I would not have networked, I probably would not have bought at least three of the computers that I currently have, and a lot of other consumers would have held back as well. I get a lot for my money with Microsoft products and it sounds like to me the government would like to see that value stopped. Upgrading software over the years has often meant buying new programs. Microsoft up until now has retained backwards compatibility with software wrote twenty years ago. Apple Computer with most upgrades of their operating system trash any legacy software.

I would like to comment on Sun Microsystems, Scott McNeally has publicly stated he intends to litigate against Microsoft forever. I always thought threats belonged more to the terrorist than to a business, and might even be against the law. But you see, I can see why Scott gets so red faced all the time. With the improvements in Windows NT the electrical engineering software vendors were no longer locked into compiling their code for the Unix operating system. Scott built boxes that ran their own version of Unix up until this time (there are eight versions of Unix, not one is compatible with the other) and when the software tool people saw the possibilities in Windows NT and then Compaq and HP started selling NT boxes for $6,000 suddenly Scott's $30,000 Unix boxes were not in so much demand. Just imagine what that did for his blood pressure, its no wonder he gets so red faced when talking about Microsoft.

Then there is Oracle's Larry no doubt would like to keep Microsoft out of the data base arena as well. Microsoft in practice takes a product that is way to complex, and costly, and builds a version that anyone can use, without factory engineers help, and makes it immensely popular by turning it into a commodity product at Staples and Wal-Mart. Lastly as I mentioned just before, there are eight versions of Unix no less. Software transportability between them is close to zilch. If the Unix people can do that to consumers it seems strange that Microsoft should have to bear a burden in maintaining compatibility for all these other leaches.

Yours truly,
John H. Johnston
Drawer 149
Boulder, MT 59632
Fax 406–225–3946
Phone 406–225–9137

MTC–00007833

From: Didier Maignan
To: Microsoft ATR
Date: 1/3/02 4:01am
Subject: Microsoft Settlement

The uncertainty is no good for Technology. The settlement is fair. Please consider the impact on the Worldwide economy, and accept the agreement already accepted by the 9 states and the federal goverment.

Didier Maignan
Chairman of ''interprojet''
France

MTC–00007834

From: Thomas Arthur Sweeney
To: Microsoft ATR
Date: 1/3/02 4:01am
Subject: Microsoft Settlement

This case should have never been prosecuted to begin with. It is not the business of government tell a legally operating business what it can and cannot do. It is necessary for the Justice Department to get out of the way, tell the states that ''object'' to the settlement to get over it, because it is done. If these states have so much time on their hand, that they can afford this case, then perhaps they are meccas we all should move to, because they have no crime!!!!!!!!!!

www.geocities.com/thomasweeney/

MTC–00007835

From: Richard Poorman
To: Microsoft ATR
Date: 1/3/02 4:09am
Subject: Microsoft Settlement

DOJ: Give the public a break! Stop spending our tax money and settle this stupid extended legal action.

I have felt, from day one, that Microsoft have conducting some undesirable sale practices. But, where was our government watch dogs. I'll tell you, they were sleeping at the switch. The public used to be protected from product loss leaders which are used to get high profit items in front of the unsuspecting consumer. This is about all Microsoft was doing. When their competition was taking a licking, they complained to Big Uncle. Now, Big Uncle wants to show off his

power and destroy Microsoft. Get real, Microsoft is a fine company, has brought great prosperity to America. Give them a minor fine and get on down the road to a strong economy. Microsoft lead us in the past to great things and will again. I bought 300 shares of Microsoft in the middle of this mess because I had confidence that Big Uncle would do the right thing. Tell me you will. Give Microsoft a minor fine, turn they loose to doing great things for the consumer again. Please stop this crazy loss leader practice that is going full force today. The dumb public is getting kicked in the ass. Banks give away credit cards at low interest rates, just to hook the public later. Auto companies sell with zero interest just to hook us later when we pay for the over priced cars. My stores have these give away items to get me in the store so they can soak me on some items that are hard to check. There are laws again this practice but Big Uncle just lets it go on. Stop this practice of selling products at one price to some consumers and another price to others.

Get our economy going again!
Richard Poorman
2395 Pine Lake Trail
Arab, AL 35016

MTC–00007836

From: DonmesswithTX@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 4:10am
Subject: Microsoft Settlement

Dear Sirs:

In reference to Microsoft and the litigation, I feel that Microsoft has been very cooperative, not to mention that there is no other competitor that even comes close to the Microsoft products!

Any further litigation is unjust!
Sincerely,
Lindsey Ford
Southern Critters Sales and Marketing LLC

MTC–00007837

From: OCP2332@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 4:12am
Subject: lawsuit

i use microsoft and feel they have done nothing wrong. i can use any system and change at any time....to penalize a company for advancements is the wrong message to send to start ups.

MTC–00007838

From: Ray Vardon
To: Microsoft ATR
Date: 1/3/02 4:42am
Subject: Settle

Let Microsoft conduct its business fairly and without the federal govt. involvement!!

Happy Trails!! (:) Anne

MTC–00007839

From: Adam Gates
To: Microsoft ATR
Date: 1/3/02 4:49am
Subject: Microsoft Settlement

To anyone who anyone who may read this, There is an extremely gross misunderstanding as to how Microsoft works. It would be much more effective for a high level government official to DROP all legal action and just ask Microsoft to create a more competitive environment. This is the TRUTH!!! Simple and quick. A judgment like this would turn the economy around in a day. Microsoft would take the responisbilty seriously and would take a commanding role in turning things around. Microsoft WILL succeed in whatever direction they are pointed in so point them at the common good.

Adam Gates
972—742–5465
ahgates@hotmail.com or ahgates@yahoo.com

Please feel free to contact me with any questions on my comments.

MTC–00007840

From: Ricardo Villar
To: Microsoft ATR
Date: 1/3/02 5:02am
Subject: Microsoft Settlement

DOJ,

It's about time the government (DOJ) stops harassing Microsoft. Isn't it enough the harassment they have from their competition? It's a tough world out there, when you don't have the privileges of being a public servant. Microsoft is responsible for thousand of jobs in the States and worldwide. Microsoft made computing accessible to everyone, at a time when Motorola, Apple, Netscape and others were selling their products to a select group of people who could afford their prices and conditions. How can you criticize Microsoft for their policies, when the government policies are, some times, even dirtier and deadly?

Stop this case at once and dedicate all your efforts in protecting the States from the internal and external enemies, not from people who want to make America big.

Ricardo Villar

MTC–00007841

From: Stanley Shoeman
To: Microsoft ATR
Date: 1/3/02 4:58am
Subject: Microsoft settlement

Let's finally get this case behind us. The proposed terms are reasonable.

MTC–00007842

From: Risto Raitio
To: Microsoft ATR
Date: 1/3/02 5:02am
Subject: Justice and free market economy or Microsoft socialism (very briefly!)

Helsinki, January 3, 2002

Dear Justice Officer,

I am a (retired) theoretical physicist who has worked with computers for 30 years, the last ten years in an international software company. I've learned American way of life as a visiting scientist at Stanford University in 1974–76.

May I call your attention to the following points: first quoting Mr. Ganesh Prasad of Sidney, Australia

—''Microsoft has also had secret agreements with OEMs that prevent them from offering consumers the choice of which operating system to boot when they start up their computers.''

—''Microsoft's monopoly profits are the direct result of these and other illegally anti-competitive tactics.''

—''It is being argued that in the current difficult economic climate, Microsoft should not be broken up or otherwise punished, because that will in turn affect the rest of the economy (through a fall in the stockmarket index, a delay in the recovery of hardware sales, more unemployment and hardship, etc.). On the contrary, the lessons of Economics are that monopolies are always bad. They reduce efficiency, innovation and economic activity. In other words, Microsoft's monopoly has already affected the economy adversely.''

Microsoft speaks often of their innovations. Most educated people consider Microsoft rather an implementor of other companies' innovations. For example, the graphical user interface and the spreadsheet software Excel. Another example, Microsoft realised the importance of the Internet quite late. Microsoft's unstable operating systems (all of them before Windows 2000), proprietary software and binary file formats have caused high and unnecessary expenses for Microsoft software user organisations. Of course, Microsoft claims the opposite. But I'm not against Microsoft, I'm only against illegal business methods. In fact, a decent kind of Microsoft is needed! The bottom line is whether the United States Justice system wants to maintain the free market economy or open the door to centrally controlled sectors of economy, which are known to fail ultimately.

Sincerely,
Risto Raitio, PhD
Espoo, Finland

MTC–00007843

From: Larry Ownbey
To: Microsoft ATR
Date: 1/3/02 5:20am
Subject: Microsoft settlement

Hi, how are ya?

The simple fact is that free enterprise is what made USA the great nation that it is or should I say was? Let me ask a simple question; because Midas makes mufflers does that mean that Ford cannot make mufflers? Because Netscape makes a browser should Microsoft be disallowed? Smaller software companies have made a choice to make programs that rely on Microsoft's operating system. As far as I know there is no rule or law that says that they cannot develop their own operating system and programs to run under them.

Netscape chose to make a browser that runs under Microsoft's operating system. Why in the name of hell should that mean that Microsoft cannot include the browser that they make as a part of their operating system. Nowhere in that effort did Microsoft in any way do anything that would prevent anybody from getting and using any browser they choose. If the other guy wants to compete they need to ''make a better whistle''. If they cannot ''make a better whistle'' then maybe they should consider another line of work!

Microsoft has done some great things for this country and it's people, I really don't think they should be punished for it. If you ask me the whole litigation was just done to make a bunch of nearly worthless lawyers rich at the consumer's expense. For every

good thing that anybody find in what lawyers do I can guarantee there are at least 25 bad things. Their sole existence is based on the ill fate and sufferings of others. Lawyers will destroy this country.

Thank you,

Larry Ownbey

MTC–00007844

From: K Orum
To: Microsoft ATR
Date: 1/3/02 5:23am
Subject: Microsoft Settlement

January 3, 2002

United States Dept of Justice

To Whom It May Concern:

I am writing in behalf of Microsoft. I don't think there is any reason to break up a company that has supplied us with good products and good service since personal computing began. I have never felt ''victimized'' or limited by any of the Microsoft applications. I see AOL/Time Warner and your old friend AT&T as much bigger problems/threats to the public. I am a subscriber of both of these services and feel victimized by their underhanded billing methods and misrepresented services.

I am a shareholder of all three so I don't give this opinion carelessly or unfairly.

Sincerely,

Karen E. Orum

MTC–00007845

From: tom holzman
To: Microsoft ATR
Date: 1/3/02 5:34am
Subject: Microsoft Settlement

To Whom It May Concern:

I am quite pleased the case with Microsoft has been settled. In my opinion it should never have been brought to begin with. Microsoft's competitors in the marketplace were simply using government intervention as an attempt to block Microsoft's superior marketing skills and products. I am neither connected with Microsoft nor am I connected with any other software or hardware company. I use Microsoft operating system software on PC's as well as Apple operating system software on their machines. I am simply a home consumer who feels this whole episode is simply another example of politically motivated government waste excess. As a consumer I feel the whole prosecution of the government case against Microsoft has been a huge waste of time and money. The consumer has never had more inexpensive choices for home computing than under the current/previous market environment. Please go away and leave these people alone to innovate and develop new useful products for consumers! If you want to do something really useful for me as a consumer you should investigate why I can't get connected to the internet at high speeds because the last two miles of wire to my house is under monopoly control by Ameritech/SBC. This behemoth is clearly blocking other companies from selling me true high-speed DSL access.

This is corruption on a huge scale!

Regards,

holzmant@telocity.com

MTC–00007846

From: Ralph Baur
To: Microsoft ATR
Date: 1/3/02 5:41am
Subject: Microsoft Settlement

Dear Ladies and Gentlemen,

the proposed settlement is reasonable and fair. I totally agree that the settlement is good for the customers, the industry and morover it means an important signal to the worlds economy. In my opinion the settlement is of public interest and I respectfully ask the district court to honor this in its fourthcoming decision.

Best Regards,

R. Baur

MTC–00007847

From: Chris Boonham
To: Microsoft ATR
Date: 1/3/02 5:56am
Subject: Microsoft Settlement

I just wanted to take the opportunity to record my opinion.

I believe that the settlement between Microsoft and the federal government/nine states, is tough on Microsoft, but is fair to the Consumers and the IT industry as a whole. It is in the interests of the everyone, including the US economy, for this settlement to proceed swiftly to it's final conclusion.

Thank you.

Chris Boonham

MTC–00007848

From: DivaLibraE@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 6:08am
Subject: Microsoft Settlement

Please, do not this situation continue. I believe an end should be put to this, and that the present settlement agreement be let stand with a guarantee that this settlement stand. Continuing to prolong action against Microsoft will not be in the public/consumers insterest. This entire action has hurt our economy, industry and the American citizen. In my opinion, the continuation of this case over so many months was caused mainly by our pre-Bush government and politicians.

I think that when the public learns that Microsoft if no longer in litagation, the response of business and citizens will react with a positive response.

Thank you.....LillianEibert

MTC–00007849

From: JACK PURSER
To: Microsoft ATR
Date: 1/3/02 6:08am
Subject: Settlement

If you don't leave our corporations alone they will be forced out to overseas countries and more of our jobs will be sent over there, LEAVE THEM ALONE!

Jack E. Purser Sr.

A Voter

Jack Purser Sr.

MTC–00007850

From: MadRGO@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 6:11am
Subject: Microsoft Settlement

We believe strongly that it is time to settle the Microsoft lawsuit and move on. The country is in a recession and it is not prudent to stifle innovation on one of our home-grown businesses. Microsoft is a business that creates jobs and is a good citizen. The settlement is fair and the nine states should be made to accept that. Their interests are merely self-serving.

Madison McCall

Dorothy McCall, Charlottesville, Virginia

MTC–00007851

From: cauvel
To: Microsoft ATR
Date: 1/3/02 6:20am
Subject: Microsoft Settlement

I would just like to add my voice to the many people asking you to stop this useless waste of public money and resources. The continuation of this legal battle can have no benefit to anyone in the public sector. You are suing a company for bundling its products, and saying you are doing it for the benefit of the people. Can I please have someone explain to me how it is going to benefit me to have to pay for each seperate piece of my operating system for my computer? So, for one price I have recieved everything I need to operate my computer and to go online, it works perfectly together, I dont have conflicts to deal with in case I buy the wrong thing, and most importantly I GOT IT ALL FOR ONE PRICE! I think that this case to begin with was baseless harrassment from the government, and with everything I have read about it, I still believe that is true. I think that we need to go ahead and settle this and move on. And in closing, I would just like to mention... AOL/TIME WARNER. Lets apply the same rules to all corporations, regardless of who the major stockholders are.

MTC–00007852

From: RANDVIC@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 6:22am
Subject: MICROSOFT SETTLEMENT

End your legal attacks on Microsoft. Accept Microsoft's offer. The government legal attacks on Microsoft are simply yet again attempts to penelize those who are successful, while at the same time rewarding those who are not. That is backwards.

MTC–00007853

From: DEBROTA—DAVID—J@LILLY.COM@inetgw
To: Microsoft ATR
Date: 1/3/02 6:23am
Subject: Microsoft Settlement

Sirs—

I support the Tunney Act. I also support reducing the period of copyright protection of computer software (for everyone, not just Microsoft), with an option for extension if the copyright holder places source code into escrow. We simply must encourage both innovation and reuse.

David DeBrota

MTC–00007854

From: Ron Graves
To: Microsoft ATR
Date: 1/3/02 6:24am
Subject: microsoft case

To whom it may concern:

I strongly object to the protracted suits against Microsoft. As a user I feel that

Microsoft has given me the best possible platform on which to run my computer. All other solutions (Linux) appear like solutions looking around for a problem—try to install it as opposed to Windows. As a former computer programmer, I can appreciate the complexity and work that went in to Windows development. Finally, as a shareholder I feel that I and the other shareholders have been punished enough with the devaluation of the shares since this case first got major publicity. Enough is enough and the state Attorneys General should stop as well. Let's get on with the business of making Windows better and not having a company look over its shoulders all the time.

Ron Graves

MTC–00007855

From: Lois Tilles
To: Microsoft ATR
Date: 1/3/02 1:13am
Subject: Microsoft Settlement

Dear Dept. of Justice Representative,

I believe the settlement that has been proposed for Microsoft is fair and equitable. I support it going forward. Also, I think it would further endanger our weakened economy to spend precious time, energy and focus on reopening issues that have already been fairly settled.

Please let me know if you have any questions.

Lois Tilles
ltilles@pacbell.net

MTC–00007856

From: Dan Cannon
To: Microsoft ATR
Date: 1/3/02 6:33am
Subject: Microsoft Settlement

It is clear to me that Microsoft is a innovative company and the envy of most of their competitiors. Many of the entities opposed to the proposed settlement are either Microsoft competitors, have a financial stake in the outcome, or simply do not like any successful corporation. Our country has already spent way too many resources on this lawsuit which in my opinion is actually hurting the consumer and our nation's economy by stifling innovation. If Microsoft ever truly harms the consumer, the market will speak. I urge the DoJ to accept the proposed settlement and allow (and even encourage) technical innovation to once again flourish.

Dan Cannon
dtcannon@hotmail.com

MTC–00007857

From: Edward W. Hackett
To: Microsoft ATR
Date: 1/3/02 6:34am
Subject: Microsoft Settlement

Please set this case aside. The settlement reached with the government should be good enough. Left Microsoft get back to the business of writing computer computer programs.

MTC–00007858

From: Rex Plent
To: Microsoft ATR
Date: 1/3/02 6:42am
Subject: Microsoft settlement

I'm a Microsoft share holder and I belive that Microsoft has been good for this country and the world! I believe that the company was unfairly attacked and that this whole affair should be put to rest. Microsoft has been good to me and their products are great. Let's get on with it! The world has more important things to be concerned about.

redrex@msn.com

MTC–00007859

From: NicSca@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 6:52am
Subject: Microsoft Settlement

It's time to end this injustice perpetrated by a few competitors who simply cry foul because they can't defeat Microsoft on the playing field using the normal rules of the game. I am one American who truly believes that Microsoft did not violate any laws of this great country. Being a fiercely competitive and relentlessly intimidating player in the great economic arena of today's world is correct, necessary, and JUSTIFIED!

Microsoft broke no laws. Let us end this travesty now!

CC:NicSca@aol.com@inetgw

MTC–00007860

From: hterhoeve@gmstl.com@inetgw
To: Microsoft ATR
Date: 1/3/02 6:49am
Subject: Microsoft settlement

Comments regarding proposed settlement.

Proposed settlement is too severe to Microsoft.

MTC–00007861

From: Marge Seybert
To: Microsoft ATR
Date: 1/3/02 6:57am
Subject: Microsoft Settlement

Show me an American made television set.

Shanley J. Seybert

MTC–00007862

From: CTerry@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 7:00am
Subject: Microsoft Settlement

It is time for the gov't to move on and stop hindering the productivity and creativity of the software company that single-handedly stopped the maddness of the duplicity of operating systems (software companies had to re-write the old code just to make it available on the different systems instead of innovating), stopped the maddness of the duplicity of office software products that all worked differently, wouldn't talk to each other and made computers hard to work with and limited people to working effectively from product to product. Oh...by the way, do you remember the price of Lotus 123, which didn't have a new upgrade (1a to 2 and 2.1) for 3 years.... $395. We now get in MS Office Excel, Word, Powerpoint, Outlook and Access for less! Quit it. They have innovated, made the product available to everyone all for a significantly less price. Go chase some terrorists!

Charles W. Terry
13201 Dodie Dr.
Darnestown, MD 20878

MTC–00007863

From: vze27x6e@verizon.net@inetgw
To: Microsoft ATR
Date: 1/3/02 7:00am
Subject: Microsoft

Please settle this suit as soon as possible. It is an unjust suit to begin with. Microsofr is only guilty of being successful. The states attorneys general and the other companies that are suing are only being opportunistic. Micosoft is a great company and good for our nation.

MTC–00007864

From: Snowman
To: Microsoft ATR
Date: 1/3/02 7:07am
Subject: Microsoft Settlement

Sir/Madam

I beleave that Microsoft and the American public have and are tired of this action. I also beleave that Microsoft is one of the fue companys that has a direct influence on our economy, if this sort of action is continued the recovery of our economy will be delayed.

Thank you for your time in this grave acxt of misderected justice.

Glenn Eugene; Frantz

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(4) consents and agrees that said Financing Statement is a continuing financing statement, authorizing Secured Party's filing of any continuation statement necessary for maintaining Secured Party's perfected security interest in all of User's property and

rights in property pledged as collateral in the aforementioned Security Agreement, until User's contractual obligation theretofore incurred has been fully satisfied;

(5) authorizes the filing of the aforementioned UCC Financing Statement and Security Agreement in the UCC filing office by Secured Party;

(6) consents and agrees that any and all such filings referenced in paragraph ''(5□'' above are not, and may not be considered, bogus, and that User will not claim that any such filing is bogus; and

(7) waives all defenses.

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MTC–00007865

From: Bob Sammons
To: Microsoft ATR
Date: 1/3/02 7:09am
Subject: Microsoft Settlement

Dear Uncle Sam,

Please settle this Microsoft fiasco ASAP. September 11th has been a drop in the bucket compared to what this government debacle has done to the economy.

Thanks,
Bob Sammons
2000 Sammons Davis Ct
Arlington, Texas 76015

MTC–00007866

From: D. G. Cragar
To: Microsoft ATR
Date: 1/3/02 7:12am
Subject: Microsoft Settlement

Enough is enough. Get this settled without further litigation.

D. G. CRAGAR
P.O. BOX 142
ADONA, AR 72001–0142

MTC–00007867

From: Jamesjmorgan@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 7:16am
Subject: Microsoft Settlement

To DOJ:

It seems appropriate that the DOJ finalize the settlement agreement at this time.

I found it hard to comprehend the concept that Microsoft stifled competition when they actually were an incubator and catalyst for the most concentrated intellectual development in history. Sour grapes has cost all of us too much time and money. Get on with the settlement and let's get back to more important issues.

Sincerely,
James J. Morgan
Paradise Valley, AZ.

MTC–00007868

From: rufuswon
To: Microsoft ATR
Date: 1/3/02 7:21am
Subject: Microsoft Settlement

I approve of the proposed settlement and wish to see it implemented.

Jeff Ballard

MTC–00007869

From: James R. Wright Sr.
To: Microsoft ATR
Date: 1/3/02 7:22am
Subject: Microsoft Settlement

I strongly believe your proposed settlement of the Microsoft antitrust action is fair and equitable. Your propsal will continue to allow research and development of new products and technoligies by the best and brightest in the industry.

I also believe any further restrictions would significantly inhibit future advances in technical development areas if large vendors like Microsoft is restricted, just so it will be preceived ''fair'' for other developers to enter the market. Regardless of the software developers size if their products are actually good they will find a place in the market. After all didn't Microsoft succeed in a market dominated by IBM when it first started?

I don't remember the Justice Department going after IBM to level the playing field for Microsoft.

The unique thing about private enterprise is consumers do have brains and they will do what's best for themselves regardless of what is perceived a ''politically correct.''

I hope you will stick with your original decision and allow the consumers like me determine what is good and what is bad in the market place, not the courts. Let's put an end to this type of corporate harassments once and for all!

James R. Wright Sr.
313 East Appleby Avenue
Cambridge, Maryland 21613

MTC–00007870

From: Colleen Chapman
To: Microsoft ATR
Date: 1/3/02 7:28am
Subject: Memory !!!

Hello—

This whole damn thing with Microsoft is stupid ! Way back when computers were just getting started into home desktops Apple came out with their OS and wouldn't license or allow anyone to use their system. Monopoly ?? Several other systems were developed for the IBM clones, Microsofts DOS among them. Why did Microsoft become the system in use ?? For the reasons of 1 that it was reasonably user friendly and 2 mainly it was available to the whole market. In days gone by when a person developed something that the buying public wanted he could make a profit and build a business. Now that common sense has taken a back seat to Lawyerize if a person is successful he gets sued. Pure male bovine fecal material.

I'm a retired Los Angeles City fireman and have seen bureaucracy in action big time. The whole message of this deal and the other many ''do gooder'' issues will do nothing but stifle any incentive of the people that have ambitions other than being a happy hamburger flipper.

Cordially and sincerely. Howard L Chapman

MTC–00007871

From: BAADBBOY@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 7:31am
Subject: Tunney Act

To Whom It May Concern:

Please, enough already with hassling Microsoft and Bill Gates! Bill Gates has done a lot of good for our country with his company Microsoft! Stop the nonsense and leave the good company and Bill Gates along already! Just because a few of our government elected officials are against Microsoft and Bill Gates because of the brilliant man he is and because he has founded one of the best companies in the world gives our government NO right to continue to harass him!

I say to our government ENOUGH ALREADY! Spend our tax dollars on more important issues in this country, like coming up with a way STOP THE TERRORIST THAT THEY ALLOW INTO THE USA!

Sincerely,
Mary Chance
20515 East Country Club Drive
Apt. #2243
Aventura, Fla
33180
305–937–1507

MTC–00007872

From: Robert Brady
To: Microsoft ATR
Date: 1/3/02 7:37am
Subject: microsoft settlemant

i think it was crazy to go after microsoft in the first place. look at what the market has done because of it !. get off their back, please

MTC–00007873

From: STAN HELENIAK
To: Microsoft ATR
Date: 1/3/02 7:43am
Subject: pro-microsoft

i am a canadian doing extensive work in the states.i find too much critical emphasis as of late on microsoft by the nine states..it seems to me that sun,aol and others are lobbying still..l am very happy with my new XP operating system as well as the previous others..let the american dream persevere and let microsoft alone. stan h.

MTC–00007874

From: NaplesMac@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 7:45am
Subject: Subj: Microsoft settlement

To whom this email concerns;

I do believe that the settlement that has already been agreed upon between Microsoft and the US Government/States, I believe it to be fair for all parties concerned. Most of all this settlement is in the best interest of the American public and the country as a whole. I am in favor of the courts settling this case to allow our country to get on with the recovery that is so badly needed. I see no further litigation's needed. It is time that we as a country get this case behind us and to go on with the more important issues facing the nation and the economy.

Thank you so much for taking the time to read my comments dealing with the Microsoft lawsuit.

Mr. William MacKenzie

MTC–00007875

From: STAN HELENIAK
To: Microsoft ATR
Date: 1/3/02 7:47am
Subject: microsoft settlement
From: STAN HELENIAK
<hetstan@oxford.net>

To: <Microsoft.atr@usdoj.gov>
Sent: Thursday, January 03, 2002 7:43 AM
Subject: pro-microsoft

i am a canadian doing extensive work in the states.i find too much critical emphasis as of late on microsoft by the nine states..it seems to me that sun,aol and others are lobbying still..l am very happy with my new XP operating system as well as the previous others..let the american dream persevere and let microsoft alone. stan h.

p.s. BILL GATES,IN MY OPINION IS AN EXTRAORDINARY PHILANTHROPIST AND MODEL AMERICAN.

MTC–00007876

From: Pajoarnold@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 7:48am
Subject: Microsoft Settlement

Dear DOJ:

Get done with this! This is way too long and too expensive to continue. Had Microsoft been issuing product at an exorbitant rate then you have cause to worry. Microsoft is and has been attacked because they got there first! I thought that this was the way it worked in the US, at least it did for my forty years in business.

John Arnold
Little River, SC 29566

MTC–00007877

From: Alkay99@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 7:56am
Subject: Settlement

It's time to end this ridiculous lawsuit against one of America's finest corporations.

From what I read in the media, Microsoft's offer is more than fair. This corporation has made the U.S. the leader in computer sciences, has added to the security of the country, and has done nothing to be ashamed of.

Time to end this persecution of a fine corporation!

Al Kay, Orlando, Fl

MTC–00007878

From: Ed Schone
To: Microsoft ATR
Date: 1/3/02 7:58am
Subject: Microsoft Settlement

To Whom it May Concern,

I am a Microsoft consumer and I use both IBM compatible and Macintosh computers. I use Microsoft software on both types of computers. Why—because it provides the most advanced features at prices I can afford. Even on the Macintosh, where there is very little Microsoft software available compared to the IBM compatible world, when I had the choice, I've bought Microsoft (or downloaded free) over the other venders. You guys have done enough. Just let agreed decision carry on and let Microsoft continue to develop innovative software products.

Ed Schone
eschone@hotmail.com
704.573.4177

MTC–00007879

From: Harvey Waxman
To: Microsoft ATR
Date: 1/3/02 7:58am
Subject: Microsoft Settlement

What good does it do to protest? Microsoft owns the operating system world. Why else would a cumbersome, complex, frustrating and, generally acknowledged to be, inferior operating system prevail? Could it be that Mr. Gates had the vision to understand that once his DOS was installed on the vast majority of computers in homes, courtesy of his arrangement with IBM, he could do anything he wanted without the benefit of competition?

There is no competition because of stupid and naive decisions made by Apple computer. But the fact is that there is no competition.

Harvey Waxman D.M.D.
73 Wright Lane
Wickford, RI 02852–5846

MTC–00007880

From: JOHN BASHAM
To: Microsoft ATR
Date: 1/3/02 7:58am
Subject: Re: Settlement

I am writing to your to urge you to approve the settlement with Microsoft. I am a user of Microsoft products and have felt all through this court case that I have purchased a good product at a fair price. Jack Basham ''One of the penalties for refusing to participate in politics is that you end up being governed by your inferiors.''

Plato

MTC–00007881

From: James MacLaughlin
To: Microsoft ATR
Date: 1/3/02 8:01am
Subject: SETTLEMENT

Please do not punish Microsoft beyond the current negotiated settlement. Business is about competition which include strategies and tactics that may not seem fair to people who are not in business.

This entirely DEMOCRAT suit has damaged our economy. Don't make it any worse.

Thank you,
James A MacLaughlin
1633 Eton Way
Crofton, MD 21114

MTC–00007882

From: Vern Scoggins
To: Microsoft ATR
Date: 1/3/02 8:00am
Subject: Microsoft Settlement

I would like to thank you for settling with Microsoft. Please don't let all those whiney competitors dictate what they think is right for the consumer and the economy when they are really only concerned about themselves. Your settlement with Microsoft IS the right thing for consumers and the economy.

Sincerely,
Vernon A. Scoggins
13937 Dovehunt Place
Charlotte, NC 28273

MTC–00007883

From: Ruth Pennock
To: Microsoft ATR
Date: 1/3/02 8:02am
Subject: Microsoft Settlement

Please settle this case. Thank you.

MTC–00007884

From: BRIAN HOLLAND
To: Microsoft ATR
Date: 1/3/02 8:03am
Subject: MICROSOFT SETTLEMENT

Sirs,

After years of debate, argument, charge and counter charge, conflict, and inflammatory unsubstantiated claims of wrong doing, a settlement has been achieved between the government and Microsoft. It is my opinion that the energy and resources, both human and capital, that have been exhausted during this period went way beyond what was required to protect consumers from the abuses of market domination.

The settlement achieved is fair. The competitive model of commerce in the most advanced and admired economy in the world has been preserved. Free market competition incents innovation and growth, and ultimately advances the quality of life for all.

I urge you to accept this settlement and reaffirm the character of commerce in the U.S.

Sincerely,
L. Brian Holland
PO Box 353
13091 Kibler Road
Greensboro, MD 21639

MTC–00007885

From: bill shaw
To: Microsoft ATR
Date: 1/3/02 8:07am
Subject: Microsoft Settlement

Please settle this ridiculous case ASAP!!!!

MTC–00007886

From: Alice Allen
To: Microsoft ATR
Date: 1/3/02 8:06am
Subject: Microsoft Settlement

I feel that it is essential to our country and our economy that the Microsoft case be settled for once and all; I hope the most recent settlement will be quickly approved and initiated.

Alice Allen

MTC–00007887

From: KEN NELSON
To: Microsoft ATR
Date: 1/3/02 8:10am
Subject: Microsoft Settlement

Why punish a company that has competed fairly on a head to head basis?

Why punish a company that has kept prices ''LOW'' not high?

Why punish a company that has done so very much for the high tech industry, this country and the world?

Why punish a company for doing such a good job?

Doesn't punishing a company for doing well send the wrong message to our children, friends and family?

Thank you.
Ken Nelson

MTC–00007888

From: Robert P. Blaisdell
To: Microsoft ATR
Date: 1/3/02 8:12am
Subject: Microsoft Settlement

Dear Department of Justice (DOJ)
Representative, Marzen Group LLC is a small

business that integrates software and provides secure solutions for Department of Defense (DOD), as well as our commercial customers. Our Corporate headquarters is located in New Hampshire and we also have a location in Alabama. Our expertise includes supporting and securing both the Windows-based and UNIX platforms, software development, and providing turnkey hardware/software solutions to our various customers. Our customer's requirements are split on a platform basis as follows: 85% demand for Windows and 15% for UNIX/Linux.

(By the way, it has been our experience that the UNIX space within DOD is controlled by Sun Microsoft Systems Solaris at about 92%. Within our commercial UNIX space, it has been our experience that the market share for Sun Microsoft Systems appears to be the same. We have also seen that the DOD router space is controlled by CISCO to the tune of about 96%. If market share is the key indicator there are lots of other antitrust targets depending how you define the market space.)

We have followed the case against Microsoft and have reviewed the DOJ settlement. We agree with Microsoft that the settlement is fair and preserves the ability of our company to continue compete in the software integration and security marketplace, while preserving Microsoft's right to be innovative with their products. Since the case began, the software industry has continued to become more competitive place, and we believe this will continue especially during these economic down turn. The fact there are ten times more software developers choosing to use the Microsoft economic model and tools, should not be worrisome to DOJ. This means that many third party companies, like my company, are betting their futures using the development platform framework provided by Microsoft, will work correctly with that framework. It means many jobs for our citizens and it allows customers to obtain the best software solutions made in the world. If each software company had to develop our own framework, much like the current state of UNIX/Linux, the cost and time to market of products that are needed would be significantly higher. In some cases this would force us to scrap the project, thus leaving our customers with inferior solutions.

The United States is known for its innovative capabilities within the software arena. Microsoft is an important partner in this space as well as other companies like Oracle, Sun and Red Hat. Microsoft has significantly invested in Standards Groups, which benefits all software developers, regardless of their O/S affiliation. Microsoft's large scale support of the open standards committees (IETF, UPNP, W3, to name just a few) has helped them to become even a better corporate citizen within the software industry. The restrictions placed on Microsoft by your agreement will also allow us to move past the period of uncertainty which has plagued many companies for several years. As a company president, I can tell you that waiting for this legal case to be settled, has had a significantly impacted our strategic planning model for the past couple of years. With the case settled, it will allow companies like ours, to forge ahead with strategic plan, certain that we they are based on a development framework that is understood and will be stable for the foreseeable future.

The settlement DOJ proposed, and that was accepted by Microsoft, is fair and we believe it is in the best interest of the citizens of the US. I urge DOJ to stay the course with the settlement as proposed, to remove the cloud of uncertainty over software integration and third party development plans and to move forward. Let get on with the business of providing innovative solutions to our citizens!

Bob Blaisdell—President
M?rzen Group LLC
35 Pine Street Ext.
Millyard Technology Park
Nashua, NH 03060–3213
Corporate: 603.889.9522 Mobile: 603.860.8200
Fax 603.889.9567 rpb@marzen.com
www.marzen.com
CC:mailbox@gregg. senate.gov@inetgw, opinion@smith.sena. . .

MTC–00007889

From: Punto Info
To: Microsoft ATR
Date: 1/3/02 8:15am
Subject: Domini Prestigiosi

ACQUISTA un di questi 5 autorevoli domini:
AFFARI.INFO IMPRESA.INFO
SPONSOR.INFO SPOT.INFO
LESBO.INFO
E avrai da subito un grande numero di visitatori, senza contare il prestigio che la tua azienda ne trarrebbe.
Per informazioni: http://www.toprete.com/domain.htm

MTC–00007890

From: Jmmenoud@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 8:19am
Subject: Microsoft

The settlement reached with the 9 states is a big step in the right direction. I find it ridiculous that American companies fight each others while foreign companies competing in the same field try to fill the gap. Microsoft is a pioneer and it is a shame that other companies which could not catch up attempt to penalize Microsoft. Who are these people who do not accept the rules of free market ? and what are the benefits for US companies to continue this legal war ? Abroad people are laughing when they see the millions of dollars spent on this purely legal fees. ... What is the finality ? Certain CEO of losing companies should swallow their ego and accept the ruling. ...

I expect the DOJ do bring an end to this case against one of the biggest pride of the USA.

Jean-Michel Menoud

MTC–00007891

From: njcolonna
To: Microsoft ATR
Date: 1/3/02 8:20am
Subject: MICROSOFT SETTLEMENT

TIME TO PUT AN END TO THIS ISSUE. PLEASE STOP NOW AND LET'S MOVE ON TO BETTER THING TO DO. WE HAVE REVISITED THIS MANY TIMES BEFORE.

I AM CONFIDENT YOU RESPECTS THE VIEWS OF AMERICAN CITIZENS LIKE MYSELF WHO WISH FOR OUR JUSTICE SYSTEM TO ACT WITH CARE ! PLEASE CEASE ANY FURTHER ACTIONS WITH GOING FORTH WITH A CASE SETTLEMENT REVIEW.

SINCERELY, NORM COLONNA 440 237 4581

MTC–00007892

From: LotusInn
To: Microsoft ATR
Date: 1/3/02 8:28am
Subject: We support the efforts of Microsoft and its effect on our success as a company and personally. We t

We support the efforts of Microsoft and its effect on our success as a company and personally. We think that Microsoft has had a tremendous benefit on our nation by enhancing people's productivity.

This keeps inflation down. We see no need for this unnecessary litigation. We realize that Microsoft's software and innovation has made our life better.

MTC–00007893

From: philip.lindsey@na. biomerieux. com@inetgw
To: Microsoft ATR
Date: 1/3/02 8:30am
Subject: Microsoft Settlement

Dear Sirs:

Please let it be known as part of the Public Record that I am in favor of a full settlement of this case in favor of Microsoft. We have better things to do in this country than to penalize a successful organization that is a backbone of our economy. Please stop this madness.

Philip M. Lindsey, C.P.M.
bioM•rieux, Inc.
Hazelwood, MO

MTC–00007894

From: Mark E Fogg
To: Microsoft ATR
Date: 1/3/02 8:30am
Subject: Microsoft

Dear Sir:

It is now time to settle the Microsoft case. Microsoft is one of the leading companies in the tech field. You must realize that the companies fighting Microsoft have a vested interest in causing the company trouble. The states attorney generals still holding out are more interested in enhancing their political careers than anything else. Settlement of this case with the current solution is the best option.

Mark E. Fogg

MTC–00007895

From: Michele Acerra
To: Microsoft ATR
Date: 1/3/02 8:31am
Subject: MICROSOFT SETTLEMENT.

Ladies or Gentlemen.

I understand that the D.O.J. is accepting comments on the ''Microsoft proposed settlement''.

My opinion is that the proposed settlement is fair and that should be enforced. I believe that all the States should accept it and in fact

I believe that they should not have entered in the litigation since this was, if any, a federal offense and was already prosecuted by the D.O.J. Although undoubtedly there were abuses by Microsoft of their technological and commercial position, I believe that it is time to move on and that freedom of innovation has to be respected and protected.

Sincerely,
Michele Acerra

MTC–00007896

From: Robert Dreyer
To: Microsoft ATR
Date: 1/3/02 8:22am
Subject: Microsoft.

It seems that so called lidigation into the Microsoft law suit has become no more than an extortion on the part of a bunch of greedy people who use the excuse of ''were only thinking about whats best for the people''. I don't think any of the Attorney generals whether they be Federal of state have any other reason for the suit except its a place to shake a Co. down for the money All these law suits are just for the money be it greedy lawyers or state and federal offices. Get off microsofts back and let them go on about there business. It seems if a Co. has some smart people and is innovative we can't have that, we have to bring them down to our level. Thats the way people in government work any body with brain doesn't stand a chance there is no room in government for a thinker.

Sam Spade

MTC–00007897

From: Joseph Maccaro
To: Microsoft ATR
Date: 1/3/02 8:35am
Subject: complete the agreement

Sirs:

We urge the DOJ to end the Microsoft case and implement the recent government-Microsoft agreement. It is time to direct DOJ energy to other critical matters.

Mr & Mrs J. Maccaro
154–61 22 Ave
Whitestone NY 11357

MTC–00007898

From: Kenney, George
To: Microsoft ATR
Date: 1/3/02 8:38am
Subject: Opposition to Microsoft Settlement

I strongly oppose the Microsoft settlement because the parties harmed by the business practices are not compensated by the proposed settlement.

1) Low income school district are not the customers who purchased Microsoft products. The proposal to only provide relief to low-income schools, as opposed to all schools is a Robin Hood feel good approach to the problem. As a consumer who has been required to purchase Microsoft products, both stand alone and pre-loaded by the manufacturers of the PC's I have purchased, my children do not go to low income schools and therefore will derive no benefit from the settlement.

2) Competitors of Microsoft will be further harmed by being excluded from selling products to the schools which will be flooded with Microsoft products as a result of the settlement. The damage to these competitors will actually increase as a result of this settlement.

I would like to see this settlement be rejected for the reasons mentioned above.

sincerely,
George Kenney
1304 Sequoia Rd
Naperville, IL 60540
Phone: + 630 541 8628
Fax: + 630 541 8204
george.kenney@ca.com
<mailto:george.kenney@ca.com>

MTC–00007899

From: Donna (038) Gary
To: Microsoft ATR
Date: 1/3/02 8:41am
Subject: microsoft settlement

To the DOJ. It is my opinion that you should end the battle with Microsoft and go forward with the settlement.

Personally I believe the suit was wrong from the get go. We need more innovative companies like Microsoft. They make a good product,market it well, and make money doing it. This gives people jobs that provide the income to help stimulate the economy. When Microsoft raises their prices to help pay the settlement who gets hurt? Us the people your ''protecting'' that's who. Open and free competition is what drives a market, not the courts.

Thank you for taking the time to read my views.

Gary Chierici

MTC–00007900

From: Daviduk, Matthew
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/3/02 8:41am
Subject: Comment

If not for Microsoft, where would we be today? The settlement is fair. For the goodness of the technology world and the consumers out there, let it be settled.

Is there going to be the same lawsuits against companies like AOL?

The software industry would self-destruct if Microsoft goes away. . . . But if I were Bill Gates, I would say ''Fine, you don't appreciate my contributions . . . then Good Bye''

MTC–00007901

From: Julsxm@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 8:42am
Subject: Settlement

I think that it is a bunch of c——— for a company having to share with others who have been sitting on their duff what they have achieved with their efforts. If I were Bill Gates I'd tell them to go U know where.

MTC–00007902

From: Arnold(u)Agre
To: Microsoft ATR
Date: 1/3/02 8:41am
Subject: Microsoft Settlement

To whom it may concern:

I as Microsoft investor and user have been concerned about antitrust suit against Microsoft for some time. While Microsoft has become more or less the standard for their operating system and personal computer software, they earned it by providing innovative products. I believe I as a consumer have benefited from what Microsoft has done over the years.

The Department of Justice has spent millions of tax payer dollars over the years prosecuting a case that I as a consumer feel was unnecessary to begin with. Microsoft has spent millions of dollars defending themselves. This money could have been used for more R&D or made Microsoft more profitable which would have enhanced the value of the stock in my portfolio. I think it ridiculous to punish a company because they have been successful.

The uncertainty caused my this litigation needs to stop. Microsoft has agreed to a settlement that I think goes far beyond what was required. I think it is in the public interest that the case be settled with the terms that have been agreed to by the DOJ and Microsoft.

Arnold Agre
8762 Gray Fox Dr.
Evergreen, Co 80439

MTC–00007903

From: Daphanie M. Mullins
To: Microsoft ATR
Date: 1/3/02 8:44am
Subject: Microsoft Settlement
From: Chu4021748@aol.com
To: piu@doj.ca.gov ;
attorney.general@po.state.ct.us ;
ag@oag.state.fl.us ;
consumer@ag.state.ia.us ;
GENERAL@ksag.org ;
webmaster@ago.state.ma.us ;
attorney.general@state.mn.us ;
uag@att.state.ut.us ; consumer@wvnet.edu ;
timb001@attglobal.net
Sent: Monday, December 17, 2001 3:11 PM
Subject: Don't Settle with Microsoft

Watching MS behavior for years I do not favor a settlement as they have destro yed what once was a very competitive marketplace. The unethical behavior t hey have shown should not be rewarded with a slap on the wrist.

Charlie May

MTC–00007904

From: Daphanie M. Mullins
To: Microsoft ATR
Date: 1/3/02 8:45am
Subject: Microsoft Settlement
From: ''Dan Van Fleet''
<danvanf@erinet.com>
To: <piu@doj.ca.gov>;
<attorney.general@po.state.ct.us>;
<ag@oag.state.fl.us>;
<consumer@ag.state.ia.us>;
<GENERAL@ksag.org>;
<webmaster@ago.state.ma.us>;
<attorney.general@state.mn.us>;
<uag@att.state.ut.us>;
<consumer@wvnet.edu>;
<timb001@attglobal.net> Sent:
Wednesday, December 19, 2001 11:01
AM
Subject: Don't Settle with Microsoft

Hi,

I'm from Ohio, one of the states that wimped out on the Microsoft case. I stand and applaud you all for not stopping without a real fix. I use OS/2, Linux. Of course I'm forced to use Microsoft products in many

instances. I have noted that not only is OS/2 superior to all versions of Windows including XP, I believe that Microsoft used unfair monopolistic tactics to quash OS/2. (The psudo 32 bit extensions that Word required, which broke OS/2 in the early 90's would be one of them)

I was very happy with Judge Jackson's understanding of the industry, it was the FIRST time in history that I thought a Judge had a clue about the IT industry. Depressingly, he let Microsoft get the best of him, (his temper had to have been raised due to the lies MS told in his court, which were proven to be lies in his court) and he spouted of when he shouldn't have.

Anyway, Keep up the good work, stand your ground. BTW, I've also contacted Betty Montgomery (AG-Ohio) to express my displeasure with their actions.

Dan Van Fleet
Springfield, Ohio
danvanf@erinet.com

Standard disclaimer: My E-mail address is for communications for and between myself and the address list of this original e-mail only. It is not for sale, rent, trade, barter, or any other purpose. You have not right to give, sell, trade, or otherwise transmit it, without my consent.

MTC–00007905

From: David Storm
To: Microsoft ATR
Date: 1/3/02 8:44am
Subject: Microsoft Settlement

I believe it is crime to continue to let the Microsoft competitors that can't compete in the marketplace to continue to hound Microsoft in the courts. What has started as an argument over whether Microsoft could enhance their product by incorporating a browser, has degenerated into ''we don't like them because they are so successful, or so competitive, and therefore we must hamstring them''.

I think it is fairly clear that Microsoft has sparked the current technological revolution. Remember it was just 8–10 years ago that we felt our technological economy would be surpassed by the Japanese. What has happened?. Obviously, without government inference in the marketplace, good old American ingenuity came through again. I believe I am getting a better product for less money because of Microsoft.

Settle the case without killing Microsoft. As a consumer I don't want to have another ATT-like breakup.

David Storm

MTC–00007906

From: Daphanie M. Mullins
To: Microsoft ATR
Date: 1/3/02 8:47am
Subject: Microsoft Settlement
From: ''John Losse'' <jn—jdlosse@juno.com>
To: <consumer@mail.wvnet.edu>
Sent: Monday, December 24, 2001 5:43 PM
Subject: Fw: Microsoft Settlement
Subject: Microsoft Settlement

I believe that the settlement is not strict enough and does not limit Microsoft business practices. I believe that they should be split up and the soft ware and operating programs should be separate companies.

John Losse
668 Wakefield Rd.
Goleta, CA 93117

MTC–00007907

From: RFWeg@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 8:46am
Subject: Microsoft Settlement

PLEASE settle the Microsoft litigation as negotiated. This has gone on long enough. It is time to put this behind us and move on. Thank you for your attention in this matter.

MTC–00007908

From: david schofield
To: Microsoft ATR
Date: 1/3/02 8:53am
Subject: microsoft settlement

Dear Sir:

I urge you to go through with and approve the settlement approved by the DOJ and Microsoft.

The operating system is so inexpensive relative to what you get, it is hard for me to relate to the statement that Microsoft charged too much.

Please end this nonsense.
David Schofield
7675 Classic Way
Atlanta, Georgia 30350
CC:dscho@mindspring.com@inetgw

MTC–00007909

From: Richard A. Beers, MD
To: Microsoft ATR
Date: 1/3/02 8:54am
Subject: Microsoft settlement

Dear US Department of Justice Representative:

I find the Microsoft settlement to be a good one that is fair to all concerned parties. I would urge the DOJ to proceed with the settlement and NOT to pursue further litigation. Thank you for considering my views.

Sincerely,
Rich Beers
Richard A. Beers, MD
Associate Professor, Department of Anesthesiology
SUNY Upstate Medical University
Syracuse, NY 13210
phone 315–464–4720
email <beersr@mail.upstate.edu>

MTC–00007910

From: Larry Rehg
To: Microsoft ATR
Date: 1/3/02 8:54am
Subject: Microsoft Settlement

It's time to stop the litigation against Microsoft and get on with the important things in our country, like getting rid of those forces that want to topple our way of life and government. It's obvious to me that those who want to prolong this debacle are just looking for a big ''pay check'' and don't give a darn about the rest of the citizens.

We know you're powerful, so you don't need to prove it by continuing this maddening attack on private industry.

Larry M. Rehg
Plano, Texas

MTC–00007911

From: Balloonz2u@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 8:56am
Subject: Microsoft Settlement

When we had nothing better to do, it was fashionable to blame Microsoft for the world's ills. We have lived through Sept.11th, so with thanks to G-d, let's get on with living and once again smile when we read the rising stock market prices. Settle the damn case!!!

MTC–00007912

From: Gale
To: Microsoft ATR
Date: 1/3/02 8:58am
Subject: Microsoft Settlement

Dear Sir/Madam—

I am writing you to let you know my opinion about the Microsoft pending settlement. The courts need to do whatever possible to see that this settlement goes through. Microsoft has done some things that may have hurt competition, but the consumers have done nothing but benefit from their products and practices. Consumers are being hurt so much more by all the litigation that is going on. What Microsoft has done for the consumer is force all software companies to make their products compatible with each other, make them easier to use and offer more features. The monopolistic practices may have hurt competition in the long run, but us consumers are much better off right now. The only people really standing to benefit from further litigation and/or a more stringent ruling against Microsoft is Microsoft's competitors. If this is truly a case to protect consumers, then protect us by allowing this settlement to go through and forcing other states not signing it to settle quickly. If competitors' products are as good as what Microsoft produces, let the capitalistic marketplace benefit these companies. Having the government assist them in gaining market share will not benefit consumers.

Thank you,
Gale Dahlager
Co-Owner (and bookkeeper) of Razor Rock Racing
(bicycle component manufacturer)

MTC–00007913

From: George Dziuk Jr.
To: Microsoft ATR
Date: 1/3/02 8:58am
Subject: Microsoft Settlement

To Whom it may concern:

I would strongly urge you to settle this matter on terms favorable to Microsoft. Without companies like MS, the future of this country's ability to compete and lead in important economic areas will be severely restricted.

I grant anyone the argument that there are warts all over Microsoft but they pale in comparison to the great good that MS brought to the computer industry years ago when a standard operating system didn't exist and those, like myself, who were into the infant personal computer craze wondered how anyone outside a big company could ever use one? It was too hard to buy a CPM based machine like I did then watch things go over to DOS and then wonder if Apple was going to really be ''it'' after all.

DOS did make it and the rest is history. Without Bill Gates imposing the industry standards, regardless of whether anyone agrees with how he did it, this country would still be doing things with pen and paper on ledger sheets.

George L. Dziuk Jr.

MTC–00007914

From: Cdsau@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 8:59am
Subject: Microsoft Settlement

I do not belive in more litigation. The settlement is good and fair for all. Thanks,

Carlos Diaz

MTC–00007915

From: John Kerr
To: Microsoft ATR
Date: 1/3/02 9:01am
Subject: Microsoft Settlement

It appears that the settlement allows for benefits to organizations that would not normally recieve benefits. Additionally the heightened awareness of the issue should preclude these actions in the future there by putting the issue to rest. Now is not the time to further weaken our economy by adapting the rules to favor a few.

I think the Government would be better served by applying its resources to areas where help is truly needed such as airport and border security and the rights of individuals trying to access our Country.

Regards,

John Kerr

MTC–00007916

From: JFAshbaugh@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 9:01am
Subject: Microsoft Settlement

It is time to complete this settlement and get on with other business. In my mind most of the allegations were unfounded to begin with, and the government was overzealous in it's pursuit of Microsoft.

James F. Ashbaugh

MTC–00007917

From: Raymond Le Blanc
To: Microsoft ATR
Date: 1/3/02 9:03am
Subject: Settlement

I want to suggest that the DOJ accept the settlement terms as proposed by Microsoft as being fair and equitable to the consumer public.

With warmest regards,

Ray Le Blanc

MTC–00007918

From: RSaliba@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 9:03am
Subject: Microsoft Settlement

Dear Sir/Madam:

Can we please put this matter behind all of us so we can get on with better things?

As a consumer, Microsoft has revolutionizd my personal and business life. I never felt they cheated me on the prices of their products. Moreover, it appears these anti-trust actions were brought not for the benefit of the consumer but for the benefit of the competititors and a bunch of attorneys who wanted to advance their careers.

Even the class-action suit is a sham. How can an agreement to drop the suit in exchange for the company making a contribution to charities be of benefit to the class of plaintiffs the suit was originally designed to benefit? As a stockholder of many years, the Company has been very good to me, and I have no apologies. That's what our enterprise system is all about.

Robert G. Saliba

MTC–00007919

From: jack engel
To: Microsoft ATR
Date: 1/3/02 9:07am
Subject: settlement

Dear DOJ,

The settlement with Microsoft is more than fair to the public. Please don't let the special interest groups and wanna-be Microsoft competitors get in the way of progress, and innovation. Microsoft has done far more good for this country than any opther firm I can think of.

John A. Engel, Jr.
Susan C. Engel
small shareholders
Jack Engel
82 South Avenue
New Canaan, CT 06840
203 966–7576

MTC–00007920

From: lee.morrow@att.net@inetgw
To: Microsoft ATR
Date: 1/3/02 9:08am
Subject: Microsoft Settlement

May I add my voice as you consider the settlement of the Microsoft case. The suite brought against Microsoft and subsequent judgment was the beginning of the recession we find ourselves in at present. Please settle this matter as presented by Microsoft so it serves to lead us out of the recession and on the road to recovery. Our Congress is dragging it's feet. The Department of Justice can make a major contribution in moving our economy forward by rendering a timely decision.

Lee Morrow

MTC–00007921

From: vera reitmeier
To: Microsoft ATR
Date: 1/3/02 9:17am
Subject: MICROSOFT SETTLEMENT

WILL YOU PLEASE SETTLE THIS CASE ASAP!! IT IS COSTING US MONEY AND THE ECONOMY NEEDS A BOOST!!

SINCERELY, V. REITMEIER

MTC–00007922

From: AHenrijr@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 9:11am
Subject: I like my Microsoft Stuff

I see no problem with Microsoft and its operations. It is easy, quick and convienient.

Don't mess with Microsaoft !!!

Axel Henri

MTC–00007923

From: Tom Collison
To: Microsoft ATR
Date: 1/3/02 9:11am
Subject: Microsoft Settlement

I feel that the judgement imposed on Microsoft as it now stands, is fair. In my opinion, futher litigation delays implementation of the present agreement. Microsoft is an aggressive but innovative company whose developments have driven the entire industry rapidly forward.

Thank You,

Tom Collison.

MTC–00007924

From: Loumak@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 9:11am
Subject: (no subject)

i feel that microsoft has done nothing wrong and this whole affair is a sham.

MTC–00007925

From: anthony vorias
To: Microsoft ATR
Date: 1/3/02 9:13am
Subject: Settlement

Dear Sirs

I'm In favor of settling the Microsoft case as soon as possible for the following reasons:

1. What we have is a solid American company that should continue to do world wide business and not be ham-strung by spending millions on non productive defense of their case. Put that revenue and effort to positive future use.

2. The products provided are productive and are at a fair price.

3. Settlement was to provide computers & software to schools. Lets do it but modify the deal. 50% of the settlement products will be Microsoft's and the other 50% in Dollar value will be paid of by Microsoft for other manufacturers products and software. i.e. they can buy Microsoft, Apple, Linus etc, etc. etc WHATEVER THE SCHOOLS CHOOSE!!![Microsoft will pay up to 50% of the settlement fee] Let's get these kids working with the technology of the future!! T. Vorias

MTC–00007926

From: Robert Sori
To: Microsoft ATR
Date: 1/3/02 9:14am
Subject: Microsoft Settlement

I would like to comment on the proposed settlement with Microsoft. I use Windows, and several of the other products that have abused the legal process to try to defeat Microsoft in the courtroom.

Windows is a great operating program that comes with several basic programs, The ability to surf the net, write a note, listen to an music file.

Do you really think the consumer benefits from getting nothing in the package, and having to buy add-ons from day one.

If I use my computer for graphics, the included ''Paint'' program is inadequate. But it's inclusion is just fine if my kids want to play with it. The same is true for ''notepad'' it is simple a basic way to type a note, not some conspiracy to destroy Wordperfect. And as for ''Internet Explorer'' has anyone installed Netscape, why can Netscape assume after installation that it is the default program for surfing the internet, and that is fine. Isn't this an unfair practice?

You can not include every program that exists in the Windows package, and

excluding one over another is bound to effect the company not selected.

The Government should not be in the business of siding with one company over another. And like the supposed cigarette settlement, This trial will only enrich some small group of lawyers. I have several checks for .75 or .60 cents, my portion of a multi million dollar credit card company trial, The Lawyer who though up the lawsuit gets 20 to 30 percent of the total, while the supposedly injured parties get literally pennies. This is your great profession at work, this is how your efforts help the injured.

But I doubt any effort will be made to insure that settlement money is fairly distributed, and Lawyers don't walk away with millions while the litigants get pennies.

What's next?

Why don't you DOJ people starts to look at the buggy whip conspiracy, how Detroit industrialist, worked to create the automobile, and destroyed the leather industry giants. Or how electricity destroyed the candles makers, get real people, move on.

Robert Sori
7716 Robinglen Ave.
Las Vegas, NV 89131

MTC–00007927

From: Garron (038) Anita Riechers
To: Microsoft ATR
Date: 1/3/02 8:57am
Subject: Microsoft settlement

Enough is enough. The settlement reached is equitable for all parties. As a consumer, I am satisfied. Call it a done deal and move on to something meaningful.

Garron Riechers DDS

MTC–00007928

From: Jim/Carol Renfrow
To: Microsoft ATR
Date: 1/3/02 9:21am
Subject: Fw: Microsoft Settlement
From: Jim/Carol Renfrow
Sent: Wednesday, January 02, 2002 9:23 PM
To: Microsoft.atr@usdoj.gov
Subject: Microsoft Settlement

DOJ—

Come on guys...it's settled. Let's get on with getting on. If this case is continued, you are starting to look foolish. Any further consideration by DOJ against Microsoft will further show how a few individuals in your department has a personal vendetta against Microsoft and Bill Gates.

Let American Capitalism and Democracy work....get out of the way.

Jim Renfrow
2400 Columbine Lane
Montrose, CO 81401–5646
renfrowjim@hotmail.com
(970)–249–6511

PS. I'm a 56 year old who has been a registered Democrat all my life and have never voted for a Republican Presidential Candidate.

MTC–00007929

From: Moondog123@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 9:27am
Subject: Comment on Microsoft settlement

Believe that it is the public and the government's best interest that the above be expedited ASAP with minimal restrictions on Microsoft's ability to compete in marketplace. DOJ should remember and learn from similar efforts in the eighties to restrict IBM which came close to wiping out that company. Legal efforts at restricting operations in this area are usually doomed to failure because of its nature.

J. Kahn
Redding, CT

MTC–00007930

From: John Koval
To: Microsoft ATR
Date: 1/3/02 9:27am
Subject: Microsoft

The government needs to get out of the free business environment. Microsoft is what every American is working for, the American dream! Stop the wining competitors of Microsoft and tell them to put their wasted efforts into their business and compete in the free business world. The handcuffs should be taken off Microsoft. Stop wasting the tax payers money. Tell Sun, Oracle and the rest of them to compete on the business platform or choose another business to pursue. I have strong competitors in my business field and I am wondering if the DOJ is going to fight my battles. Shame on the politicians using this issue for additional press time for their own personal gains. It is time to put an end to this nonsense!

John Koval

MTC–00007931

From: Cyril Paciullo
To: Microsoft ATR
Date: 1/3/02 9:29am
Subject: Microsoft Settlement

I personally think that Microsoft do excellent software and competitors should be ashamed to give so much efforts in the destruction of this company. Without Windows, most of these competitors wouldn't even exist. I agree that Microsoft, due to businesss reasons, made some hard choices in some of its designs but companies such as Netscape chosed to take their time to anoy Microsoft and not to try to improve their software.

Cyril Paciullo.

MTC–00007932

From: Marjorie M. Ford
To: Microsoft ATR
Date: 1/3/02 9:30am
Subject: Microsoft Settlement

Microsoft very well maybe a powerful company and top in computer stuff, but let me tell you what happened in my home some years ago. My son was having trouble with his microsoft windows program and wanted to change so we went to a local computer store and bought OS (I don't remember what version it was) he wiped the computer clean, reformmated the hard drive and install OS— What a mess we ended up with, the computer kept freezing up and when it didn't there wasn't anything you could do that was compatible with anything else, so OS got the boot and Microsoft windows was reinstalled, there isn't enough competition out there that is useable for the computer dummies like me to use anything but Microsoft Windows. I realize there are those that say if there was anything else available they wouldn't use Microsoft, seems to me like those that want to cut down Microsoft just are not thinking beyond the end of their nose, they want to make demands that could very well be unreasonable, and they do have the money to go with another system so why don't they just do it and in so doing would help build a network of competition for Microsoft, why should us commoners have to suffer at some nerds expense? I just don't understand why if someone doesn't like a product instead of saying one company is all wrong they just don't find another brand to use and keep their big fat mouths shut! Why don't they go buy Macs' and use that system? Personally I don't like Navigator, I found it to be not! user friendly like windows is and it got uninstalled from my computer in nothing flat!

The settlement that the DOJ agreed to should be the final thing and these other AG's should be told to deal with it and quit acting like they are ''God's gift to the earth and know what everyone wants'' they don't! they just want money to spend on some pet project that won't get financed without the Microsoft money.

Thanks for listening to me vent.

luckyme3990@hotmail.com

MTC–00007933

From: Gerald Weston
To: Microsoft ATR
Date: 1/3/02 9:32am
Subject: MicroSoft Settlement

Its time that this thing was ended. It should never have started. This is nothing more than an example of how ''bought and paid for'' senators (i.e. Orin Hatch) are brought into the competitive arena to give a competitive advantage to companies that cannot succeed on their own. Market forces will find the proper balance if everybody leaves them alone. Microsoft does not have any sort of the competitive edge that IBM did with the mag-card typewriter.

MTC–00007934

From: MSINGEBORG@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 9:31am
Subject: Microsoft Settlement

IT IS TIME TO SETTLE THIS ANTITRUST CASE AND THE SETTLEMENT SEEMS FAIR. IT IS IN THE PUBLIC INTEREST TO END THIS CASE AND MOVE FORWARD INTO A POSITIVE BUSINESS ENVIRONMENT.

INGEBORG TESSNER

MTC–00007935

From: Joseph Wages
To: DOJ Microsoft
Date: 1/3/02 9:33am
Subject: Microsoft Settlement

The Tunney settlement brings this matter to a close as fairly as can be expected after all the effort that went into the trial Anti-trust laws are for the benefit of the consumer not competitors. This settlement should be approved so we can get on with the business of technology.

Joseph E. Wages
1813 Cliffside Drive
Pfafftown NC 27040

MTC–00007936

From: William Oneil
To: Microsoft ATR
Date: 1/3/02 9:33am
Subject: Microsoft Settlement

Sir: I'm glad you settled the Microsoft case. Its been a major drag on the economy, in my opinion one of the main causes of the recession we're in. I'm also glad you did not require Microsoft to leave a lot of programs out of windows. Its already hard enough to use, without having a bunch of restrictions on including programs that will make users lives easier.

Bill ONeil
bill711@home.com

MTC–00007937

From: VJCapece4@cs.com@inetgw
To: Microsoft ATR
Date: 1/3/02 9:35am
Subject: Microsoft Settlement

I feel Microsoft as a company has gone through enough. Now it is time for the Government and States to settle this case and let Bill Gates get back to business. 911 proved to the world that as a people we can come together regardless of our differences and get the job done, now is the time to do so in this case. Lets think of all the contributions Microsoft has made to the economy and the computing industry and let these guys and gals get back to work and make the USA even stronger.

MTC–00007938

From: visionmt@ mail.msy.bell south.net@ inetgw
To: Microsoft ATR
Date: 1/3/02 9:36am
Subject: microsoft settlement

TO THE DEPARTMENT OF JUSTICE:

It is time for the Microsoft vs. DOJ litigation to end. In the best interest of our free enterprise system, and therefore America, the settlement in the Microsoft case must be accepted. What if Microsoft existed in another country? How dissimilar would our economic independance be if we were in a position in software capabilities as we are in our energy situation to the ''Oil Cartel?'' How much of a joke would it be if we tried to ''rein in'' a ''software cartel'' from another country?

It's time to end this silliness!

Cordially yours,
Kenneth R. Parker

MTC–00007939

From: Wagner, Joyce, CIV, 164 CEGS, DE
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/3/02 9:37am
Subject: Microsoft Settlement

What a shame the government has spent so much time and money to go after a company that has an operating system that just ''can't be beat''. If there is a better option from any other company, let ''them'' come up with a marketing strategy and present it to the public just as Microsoft has done.

Bill Gates started this company with nothing—free enterprise at it's finest! Let all the other Bill Gates comes forward if they have something better to offer—until then, the government needs to get out of the business of running Microsoft's business and wasting taxpayers money.

I wonder how many of these people who are so against Microsoft have uninstalled the Windows system from their computer and installed another operating system—

Joyce B. Wagner
thewagnerclan@aol.com

MTC–00007940

From: R Thomsen
To: Microsoft ATR
Date: 1/3/02 9:39am
Subject: microsoft settlement

PLEASE be done with this stupid and harrassing suit against Microsoft. This country is based on initiative and free enterprise. Because one firm is able to supply what the public wants is no excuse for the competition to run to the Govt. and cry unfair. Let them instead improve their products and compete. A settlement has been reached, let it be so.

Roy A. Thomsen

MTC–00007941

From: Dorothy MacDonald
To: Microsoft ATR
Date: 1/3/02 9:40am
Subject: Microsoft Settlement

It is time to setle this. I am for the settlement aggreement.

Dorothy MacDonald

MTC–00007942

From: Joe Giunta
To: Microsoft ATR
Date: 1/3/02 9:39am
Subject: Microsoft Settlement

An agreement has been reached that exceeds what the Appellate court had mandated. It is time for the federal and state governments to resolve this conflict that has actually harmed many more people than it ever intended to help.

MTC–00007943

From: JCOCKMAN12@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 9:40am
Subject: (no subject)

I am in favor of the settlement.

MTC–00007944

From: liles
To: Microsoft ATR
Date: 1/3/02 9:43am
Subject: Microsoft settlement

Dear Sirs:

I would certainly support the earliest settlement of the case against Microsoft. In the light of current economic conditions the advantages that Microsoft had in the past have largely evaporated. Let's get back to business!! Microsoft is a very valuable asset in our economy and the continued uncertainty in the markets need a settlement very important.

Jerry B Liles
1009 East Sixth
Alice, Texas 78332

MTC–00007945

From: Marcia3838@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 9:45am
Subject: Microsoft Settlement

Gentlemen: I am completely in agreement with a swift and immediate settlement of this case. Marcia Lichti

MTC–00007946

From: dan heines
To: Microsoft ATR
Date: 1/3/02 9:45am

Dear DOJ—I understand that you are interested in comment from the public re Microsoft. I say, enough is enough. Let them go back providing great products. You and the various States get off their back. I hope you have more important and productive things to do.

Yours truly,
Dan K. Heines

MTC–00007947

From: BDS4530@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 9:47am
Subject: Mocrosoft Settlement

Absolutely this settlement should be made!!! It should never have even been brought in the first place. This country is great because of innovative people like Bill Gates. I can't believe that our justice system allowed it to go on this long. When we attack our own is it any wonder that fools like Ben Laden and his followers think they can?

MTC–00007948

From: Henry Harriss
To: Microsoft ATR
Date: 1/3/02 9:46am
Subject: microsoft settlement

All charges and suits against Microsoft should be immediately dropped. Such a fragrant and evil interference with the free economic system and against free enterprise is having terrible consequences for Microsoft, the consumers, the industry, the shareholders and this country. Let the market rule. Otherwise, our country suffers except for a few greedy lawyers and state attorney generals.

H. Harriss

MTC–00007949

From: Jonas Poblador
To: Microsoft ATR
Date: 1/3/02 9:47am
Subject: Microsoft Settlement

As a software developer and consumer, I strongly agree that the currently settlement is fair. The CONTRACTS issue has been resolved and I with that, it would be nice if the same rule will apply to every other industry and sector.

The right to innovate and add new features in product is an all American right. This bundling or packaging marketing scheme is currently well and alive across all sectors of American business. The bundling of CD/ stereos & air-conditioning in the car industry worked well for everybody. I also do not believe that the govt should protect companies like SUN, ORACLE and AOL. These companies are big enough to compete. They should come up with new ideas inorder to survive. SUN, ORACLE and AOL has been the leader in thier respective market for a number of years—they should be inovative to stay ahead. They should also be more realistic in thier pricing to keep thier leadership. The Govt should just let the market dectate thier faith. We should avoid the protectionism mentally that is adopted by our EUROPEAN freinds because they only

work in the short term. I feel that the current DOJ team is fair and more up to date on current issues that the previous team.

regards,

Jonas Poblador

MTC–00007950

From: Jerry C. Johnson
To: Microsoft ATR
Date: 1/3/02 9:48am
Subject: Microsoft Settlement 1/2/02

Dear Sir:

I have recently purchased a home computer with Microsoft Windows XP Home Edition operating system preinstalled.

First, I found that as part of the user's agreement, I had to agree to allow Microsoft to upgrade the operating system and install supplemental software while I worked on the internet. By using this approach to maintaining the operating system, I will not be able to apply fixes and upgrades myself if I decide not to use the internet. In addition, I do not want Microsoft determining how I use the internet. Finally, no one has been able to explain what types of supplemental software Microsoft plans to install.

Secondly, I found that other Microsoft programs that came pre-installed on this computer also set up communication links with other remote computers, which I can only assume are Microsoft computers. I have no idea what types of information is being transmitted while these links are open.

Thirdly, I found that I was not provided with an original copy of the operating system on a CD for me to use to restore the system if I have problems or to restore files if they become corrupted. Instead I am required to provide space on my hard drive for a backup copy of the operating system that they can use to restore my operating system if I have any problems. This is a poor strategy to system recovery, because I cannot do normal system maintenance myself. And, if I have a hard drive failure, I have to buy a new hard drive with an operating system already installed, where I should have the option of replacing the hard drive myself and using the CD to restore the operating system.

I believe that Microsoft is using unfair business practices by depriving me of my right to maintain my own computer if I so desire, and by transmitting information from my computer where I have no idea what the information is. I also believe that Microsoft is infringing on my right to use the internet and my computer as I wish..

Thank you.

Sincerely,

Jerry Johnson

MTC–00007951

From: KSHAH36633@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 9:47am
Subject: Microsoft settlement

I do not understand all ligality about this subject. This case is going on for more than 4 years. I am sure by this time our justice dept. must have heard from both side all sorts of argument & evidence, and collected lots of evidence of their own. Enough is enough. It is time to stop appeals after appeals & make final decision once & for all, but fare to all parties.

MTC–00007952

From: Gary Masterson
To: Microsoft ATR
Date: 1/3/02 9:51am
Subject: Microsoft Settlement

Dear Sir or Madame:

I have been working in the computing industry since my graduation from college in 1972, practically 30 years. From my vantage point, Microsoft Corporation has been a primary player in revolutionizing the way computing is done. They have been the catalyst for producing less costly operating systems and software so that today virtually any home owner can own and operate a computer. This would have been financially impossible not too many years ago.

For the community of users who have come to rely on Microsoft, the case that the justice department has brought against them is a true misuse of justice. Microsoft has made things better for the business community, better for the home owner, improved the quality of programs available, provided software and support at reasonable prices (unheard of low prices compared to where the industry was 20 years ago), and spawned many, many other businesses. It is an outrage that the US Government would use our tax dollars to prosecute a company that has done so much. I urge that this case be settled in the most expeditious manner possible. Thank you.

Gary Masterson
Director of Marine Simulation
Buffalo Computer Graphics
3741 Lake Shore Road
Blasdell, NY 14219
Phone: 716–822–8668
Fax: 716–822–2730
email:
gmasterson@buffalocomputergraphics.com

MTC–00007953

From: Ventura, Albert Arthur (Al)
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/3/02 9:50am
Subject: Microsoft Settlement.

To Whom it may concern

Please be advised that I feel as do many of my co workers do that the suit against Microsoft should be finished by forcing the remaining 9 States that have not settled to come to some type of agreement with Microsoft. The US taxpayer has had enough time wasted on this suit and wants it over with. Also it is my opinion that the US Judicial System should show more restraint of actions against Microsoft in the future because its certainly starting to look like their singling out one corporation even though that corporation has done so much to provide increased productivity applications not only for the United States Corporations but for Corporations around the World.

Thank You
Albert Ventura
Lucent Technologies
Technical Support Services
3G-UMTS Data Provisioning

MTC–00007954

From: Kris Ruckman
To: Microsoft ATR
Date: 1/3/02 9:54am
Subject: Microsoft Settlement

I would like to offer my thoughts on the microsoft settlement. I work for one of the big 5 consulting firms where I help my clients utilize many of microsoft's products as well as products of their competitors (sun microsystems, oracle, etc.). My experience with microsoft's product suite is that they develop world class software. Their software is consistently well developed and integrated and offers my clients a very good solution.

Their products have increased in functionality and usability while consistently being competitively priced, a compelling combination for any business. Microsoft has consistently beaten the competition in delivering software that is useful, price competitive and well integrated. Sun, Oracle and others have good products, but their claim Microsoft that has some monopoly on the market or somehow forces companies to use their products is completely wrong. My clients choose Microsoft products because they routinely beat the competition in functionality, integration and price. In the ultra-competitive software industry, a monopoly simply does not exist.

While I do not agree with the majority of the rulings in the settlement, namely that microsoft operated as a monopoly and stifled competition, it is now time to settle this case. Microsoft needs to get back to the business of developing world-class software that meets the needs of companies. I encourage everyone to settle this quickly and fairly so we can all get back to business.

Regards,

Kris Ruckman

MTC–00007955

From: Yomamasana@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 9:54am
Subject: Microsoft settlement

As an American citizen and registered voter, I beg you to accept the settlement against Microsoft. For the benefit of our economy and our future, let's move forward as a nation healing it's wounds. Thank you.

Ana Crafton
701 Garlyn Ct
Saint Louis, MO 63123

MTC–00007956

From: J. Drew Dials
To: Microsoft ATR
Date: 1/3/02 9:56am
Subject: Microsoft Settlement

Hello,

As a technology professional, I've been following the Microsoft/DOJ case from the beginning. It is my opinion that these remaining unsettled states do not have the consumers best interest in mind at all. These states are being influenced by the companies within them that are unable to compete with Microsoft solely on a product comparison basis. As a software developer, I have enjoyed the benefits that Microsoft has built into their developement platforms and technologies for a few years now. These technologies and accompanying support, documentation, user communities, etc. are what make Microsoft stand above the rest. These features are what enable Microsoft to win business on many fronts. These features are what draws the consumer to the

Microsoft platform. And these features are what these other ''unsettled'' companies refuse to compete with. Now, instead of making a comparable product or even better product that the consumer would readily embrace, they are attempting to use government to fight their battles for them. If these companies were making these high quality products to compete with the Microsoft platform, then this case would not even exist and we would not have spent millions of taxpayers dollars in an attempt to stunt Microsoft's growth. And this is for the consumer? I think it would be a crime and a shame for this government to play favorites to a few companies because they can't compete in this highly competitive economy and I hope the DOJ feels the same.

Thank you,
Jon Drew Dials

MTC–00007957

From: mppanter@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/3/02 9:57am
Subject: Microsoft Settlement

I believe it is time for this to be over! The tax payers have spent enough chasing a vendetta type lawsuit with the chance to put some money in your pockets. Admit it States Attorneys!

Bill Gates simply has a superior product and is much smarter than you!

M.P.Panter

MTC–00007958

From: Tim Schuele
To: Microsoft ATR
Date: 1/3/02 9:59am
Subject: Microsoft Settlement

The US Government has wasted enough time and money pursuing Microsoft. I wholey support the settlement. This matter should be put to rest as soon as possible.

Thank you
Tim Schuele

MTC–00007959

From: MKuechmann@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 9:57am
Subject: Microsoft Settlement

In my opinion Microsoft is being punished for its innovations and vision for the future. I am not a computer genius. I only perform simple tasks on the computer by using Windows and Microsoft Word and Excell. That is it. Vey simplistic tasks.

So, Justice Department give these people compliments. Their competitors have not been able to develop software as easy to use as Microsoft.

Regards,
Maria Kuechmann

MTC–00007960

From: loiso@mindspring.com@inetgw
To: Microsoft ATR
Date: 1/3/02 9:58am
Subject: Microsoft Settlement

RE: Tunney Act

I believe that the settlement reached between Microsoft and the government to be a fair settlement for all concerned. Please settle this action quickly to allow Microsoft to continue doing its job with its greatest creativity for its users and profit to its shareholders.

Thank you for your consideration, Lois Ogburn, Microsoft shareholder

MTC–00007961

From: neh—teh
To: Microsoft ATR
Date: 1/3/02 9:58am
Subject: Microsoft Settlement

The microsoft case shold be settled with no further litigation. The settlement is more than fair to all parties involved. Continued litigation will only benefit an extremely few wealthy corporations. Let this great American economy get on with innovation which can only benefit the economies of the world.

MTC–00007962

From: Robert Krance
To: Microsoft ATR
Date: 1/3/02 10:05am
Subject: Microsoft Settlement

Regarding the Dept of Justice settlement and the appeal put forth by a number of states to further punish and limit the company, I wish to say that these efforts to control Microsoft will nothing to help the individual end user.

I have been using computers to perform my occupation and personal responsibilities for the past 20 years. I am not literate in computer technology but consider myself reasonably competent in using software for word-processing, spreadsheet, and database applications. I remember beginning with DOS and working with WordPerfect, Lotus, Quattro, etc. Attempting to integrate operating systems and software, no matter whose, was always a frustrating and non-productive process. I never want to return to that situation again.

Frankly, I still spend too much of my time trying to make hardware, software and operating systems compliant with each other. Innovation is a dirty concept when it means frustration, wasted time, and in the end a soup of diverse components that don't work together on my machine much less work with other users. This is what we face if the states persist in their attempt to punish and ultimately limit Microsoft. I would mush prefer seeing Microsoft being held accountable for compatibility issues with their operating system and the multiple software and hardware applications that require it.

It seems to me that in real dollars the cost of computing has come down exponentially in the twenty years I have been doing this. We must owe something to Microsoft, Intel, IBM and a number of others. Left to its own elitist approach (disguised as an advocate for the common man, remember the Ridley Scott commercial during the Super Bowl), Macintosh would cost thousands of dollars more today. In my first attempts at computing, I bought DOS and an IBM-based system, simply because it cost half as much as Macintosh. Back then DOS and the Intel-IBM configuration were not equal to Macintosh, but the cost of the latter was prohibitive for many of us.

Oracle and Sun are doing just fine, thank you. They've never approached the individual end user to provide a product. If allowed to foul up the current computing environment, these companies will price millions of us out of computing, just as Macintosh did. The Internet would remain a perk for academics and industry. Please don't kill the goose. Make MIcrosoft even more responsive to end users.

Robert Krance
13 Clear Springs Court
Sugar Land, TX
77479
rkrance@airmail.net

MTC–00007963

From: Mustangdrv@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 10:04am
Subject: Microsoft Settlement

We support the settlement as set forth by the government and other states. Further litigation will not have a positive effect on the general public; it will merely fatten the purses of the attorneys involved.

The fact is that the majority of folks who purchase new computers (including ourselves) prefer the Microsoft operating system. If Microsoft 98 had not been preloaded on our computer, we would have purchased and installed it.

Let the settlement stand.
Connie & Roger Larson
PO Box 648
Auburn, WA 98071

MTC–00007964

From: James E Bauer, MD
To: Microsoft ATR
Date: 1/3/02 8:07am
Subject: Microsoft Settlement

I believe the suggested settlement is fair to all parties, and I also believe that our country has suffered and will continue to suffer until the settlement is effected. Let us not punish success in the marketplace.

Microsoft has led the way in making America the technology capital of the world. Let's get on with the future!

MTC–00007965

From: John Folino
To: Microsoft ATR
Date: 1/3/02 10:06am
Subject: MICROSOFT SETTLEMENT

I HAVE USED MICROSOFT PRODUCTS FOR YEARS AND AM VERY HAPPY WITH THEM. I PAID A PRICE THAT WAS SATISFACTORY TO ME AND HAVE SAVED THOUSAND OF MAN HOURS FOR MY BUSINESS.

I AM A HAPPY CAMPER.
SINCERELY,
JOHN F. FOLINO
CEO AMERICAN TRANSMISSIONS, INC.

MTC–00007966

From: johnny sterneker
To: Microsoft ATR
Date: 1/3/02 10:05am
Subject: Microsoft Settlement

It is time to close the case against Microsoft. In my opinion, the whole power and majesty of the U.S. Government was brought to bear against an American Corporation in very questionable cicumstances!

Get it overwith, NOW!

MTC–00007968

From: RMondillo@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 10:08am
Subject: Microsoft Settlement

Dear Sirs,

Enough with these continuing litigation talks! I cannot see how this helps the American consumer at all. Microsoft has been chastened, and I assume there are now ''firewalls'' in place to prevent abuse in the future. We tout a free enterprise system in this country, so long as certain 'special interests' are not offended, and so long as one innovator does not become too successful. Tell me, how does the innovator stop him/herself from innovating? That is what built and continues to build our country.

I believe that Microsoft like them or not, has been more a benefit to the consumer than a hinderance. In our system, if there were a better, more efficient product available, people would flock to it. So, now that Microsoft has been exposed (as the greatest innovator) and slowed down, where are all these other great products from the competitors, which are going to better all of our lives?

Continuing litigation smacks of a few more hangers on (states) attempting to draw freely from an entity they had nothing to do with creating, and most certainly have benefited from on an ongoing basis (taxes on many Microsoft sales for example).

The settlement is tough and fair! Let's all get on with our lives. I for one hope that Microsoft continues to find the incentive to innovate.

Ron Mondillo

MTC–00007969

From: CB32X4@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 10:07am
Subject: RE: MICROSOFT SETTLEMENT

I wish to state my views on the Microwave settlement and they will be short but they fairly represent my position on this matter. I am a small business owner that works from my home as a home builder in North Carolina with 30 years of building experience. I graduated with a degree in Chemistry from Elon College (now Elon University) and started my building career before the computer revolution began. Slide rules, ledger paper, and hand written checks were the order of the day.

I recognized that the computer revolution was going to leave me behind if I did not get on board. So I computerized my business in 1983 and immediately found that I could multiply my efforts with technology in lieu of manpower. As a self taught computer person I cannot continue compete in the building business without the benefits of quality and compressively designed software and compatible hardware. The Microsoft windows software and similar programs are essential to the success of my business and to so many more of the baby boomers trying to compete with the more computer literate recent graduates of today.

I worry that this litigation would reduce the gains of Microsoft technology to another VHS/BETA war that some win and some will loose out and who is looking out for the loosers. Please allow this great innovative company to settle the litigation and let the rest of us continue to operate our businesses with the best available choices that we can find. If Microsoft's product did not work they would not be selling them the way that they are. This country cannot continue bust up good companies for the sake of a chance on new upstarts that may or may not workout.

The past histories of the breakup of AT&T and the cell service divisions within cities is all of the proof that our Justice Department should stay out of Corporate America. The Justice Department must have better things to do that screw up hard work of so many small business people.

Thanks for reading my views and lets get on with the business of being cooperative Americans, we all have much to celebrate and with which to be proud.

Sincerely,
Chester W. Burgess
Burgess Construction Co.

MTC–00007970

From: Chirrip@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 10:10am
Subject: Microsoft Settlement

It is past time for this settlement, which is fair to all, to be accepted and finalized !!!! Let's now put it to bed. George Chironis, of Melville, NY, 11747

MTC–00007971

From: Melvin C. Phillips
To: Microsoft ATR
Date: 1/3/02 10:10am
Subject: Microsoft Settlement

Dear Sir,

I believe the settlement between the US Dept of Justice and Microsoft is fair and should be finalized. I feel the United States is fortunate to have Microsoft as a company. I trust Microsoft 100% more than any of the media or politicians.

Mel

Melvin C. & Lillian H. Phillips [757–566–4578]

7277 Osprey Drive, Lanexa, VA 23089–9410

E-Mail: mel.va@home.com or mel.va@netzero.net

MTC–00007972

From: Anthony Kozojed
To: Microsoft ATR
Date: 1/3/02 10:08am
Subject: Microsoft Litigation

My husband and I have used microsoft along with Netscape Navigator and AOL since 1994. We are both over 60 and have time to use the computer at home. We can see no possible reason to sue Microsoft when we purchased our computer, we added Microsoft Windows 95 by our choice and since we live in far Northern Minnesota there was no internet service available except through Netscape Navigator from Radio Shack, since then a local phone company and cable company have started internet service. We use the ''E'' symbol from Microsoft to connect to the ebay site, the light house from Netscape for our family history site, and man from AOL to talk to family and friend and email. WHAT IS THE PROBLEM?

Sharon @ Anthony Kozojed

MTC–00007973

From: Ted Staplin
To: Microsoft ATR
Date: 1/3/02 10:10am
Subject: Microsoft Settlement

To whom it may concern:

I believe that the settlement agreed to by Microsoft, the government and participating states should be enacted.

I am most concerned about spending tax payers dollars pursuing legal action that is not in the taxpayers best interest.

I have worked in the computer business my entire career (37 years),

I have never worked for Microsoft and in fact have worked for their competitors.

It is my belief that they have made a significant contribution to the USA economy and in particular to advancing Computer technology. The consumer has directly benefited from this in being able to buy computer technology that has advanced significantly during my career, at a fraction of the cost.

Sincerely
Ted Staplin
104 Garrison Road
Chelmsford, MA 01824

MTC–00007974

From: J Houston
To: Microsoft ATR
Date: 1/3/02 10:11am
Subject: MICROSOFT SETTLEMENT

Get off Microsoft's back. Without its so called monopoly we still be figuring change at the cashier line.

Jesse Houston

MTC–00007975

From:
John.Shaver@fairfaxcounty.gov@inetgw
To: Microsoft ATR
Date: 1/3/02 10:11am
Subject: Microsoft Settlement

Dear Sir or Madam:

The Microsoft settlement case should be settled without further litigation. I see little need to prolong this case. The current provisions are fair for all parties. The interests of the American people are better served with less litigation and more innovation.

MTC–00007976

From: Curt Mackie
To: Microsoft ATR
Date: 1/3/02 10:17am
Subject: Microsoft Settlement

To Whom It May Concern:

I am a resident of the State of Iowa. I am very disappointed that our Attorney General continues on what I believe to be a ''witch hunt'' with regards to Microsoft and its business practices. I have owned personal computers since 1983. I have had many opportunities in the past and currently to purchase other software, both operating systems and application programs. I have elected to run Microsoft Windows and Office as my major production package after trying several others that I have purchased and currently still own. (Red Hat Linux, IBM OS2, and BEOS are examples of the operation systems currently available to anyone who wants them. Also there are too many

application programs available to list them all, however I will mention Lotus 123. I can remember when it was the only spreadsheet available and it cost several hundreds of dollars. And, it was copy protected to boot. So heaven help you if you lost or damaged your disk! I am very happy that Microsoft makes available the products that they do. I am free to chose to purchase them or not. When something better comes down the road I will make that decision also.

I think we should put this mess behind us. Let Microsoft do business. Let its competitors come up with better products and we will purchase them. I am a home user. Thank you for listening.

Curt Mackie
curtmackie@hotmail.com
515–981–0720 cell 515–779–1300

MTC–00007977

From: Win Bartsch
To: Microsoft ATR
Date: 1/3/02 10:17am
Subject: Microsoft Settlement

I am writing to inform you that I am in favor of the proposed settlement with Microsoft Corporation. Since I never agreed with any part of the governments case, I am in favor of ending the issue as quickly as possible.

Mr. Win Bartsch
1850 Beans Bight Rd. NE
Bainbridge Island, WA
98110

MTC–00007978

From: Iceducks@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 10:17am
Subject: SETTLEMENT WITH MICROSOFT

DEAR SIR,

I WILL MAKE THE COMMENT BRIEF AND TO THE POINT. I FEEL, IT WOULD BE THE BEST INTEREST OF THE COUNTRY TO CLOSE THE ISSUE WITH MICROSOFT AND MOVE FORWARD. I SEEMS THAT ALL ISSUES HAVE BEEN DISCUSSED & NOW IT IS TIME TO FOCUS ON THE FUTURE. KEEP THE INNOVATIVE MICROSOFT AS IT WAS PRIOR TO THE LAWSUITS & DO NOT BREAK UP THE COMPANY! THIS ENTIRE PROCESS HAS BEEN A NEGITIVE FOR OUR ECONOMY! PLEASE SETTLE THIS ISSUE NOW!

JOHN MAJOR

MTC–00007979

From: Lovelace Rucker
To: Microsoft ATR
Date: 1/3/02 10:19am
Subject: Microsoft Settlement

This is to advise that as a consumer I am satisfied with the Microsoft Settlement as it now stands. We are tired of always trying to satisfy the jealous public interest people. We are for free enterprise and capitalism. The size of the company makes no difference as the cream always rises to the top. Our government needs to get on with their own business and let ALL the cream risers keep supplying consumers with their tremendous products and new innovations. Micro- soft is a wonderful example of USA spirit in capitalism and the freedom to be successful in the Land Of The Free.

MTC–00007980

From: DCarpenter
To: Microsoft ATR
Date: 1/3/02 10:15am
Subject: Microsoft Settlement

Congrats doj the settlement is OK for me

Love Dave

MTC–00007981

From: paul stout
To: Microsoft ATR
Date: 1/3/02 10:21am
Subject: Good Morning,

Good Morning,

As a consumer using Windows, I have never been injured from its use. I find the software to be very productive. The government is wasting tax payer money pursing this matter. The original issue is mute by the march of technology.

Sincerely,
Paul K. Stout
Training Coordinator
ASTD Member
info@PaulKStout.com

MTC–00007982

From: bilehnert@att.net@inetgw
To: Microsoft ATR
Date: 1/3/02 10:23am
Subject: Microsoft Settlement

DOJ:

I have continued to believe that the case against Microsoft has been carried too far. It is important not to stifle innovation. I have been retired for 11 years and my former company still benefits from the 17 years of protection that has been provided for the patents under my name.

One of the issues in the Microsoft case revolves around the browser. I have always had Netscape as my browser and in the 4.5 and 6.2 versions they are just as all consuming as Micosoft in their service.

It seems to me that no one has gained in this litigation, especially because it has been dragged out so long. Let's put this thing to rest once and for all. It was my understanding that a settlement had been worked out but some States have continued to keep the case going. I have already expressed disappointment that my home state of Florida is one of the procrastinators. I have also been been disturbed at the way the DOJ has handled the case. The fairest and most sensible thing for all concerned is to end it once and for all. Charles W. Lehnert, retiree and consultant.

MTC–00007983

From: Tyler, Joanna
To: Microsoft ATR
Date: 1/3/02 10:26am

I believe that the Microsoft settlement is in the public interest. I believe that Microsoft has not engaged in monopolistic practices; that the company should have never been sued; and now a settlement should occur—closing this case forever.

Joanna Tyler, Ph.D., M.B.A.
Research Director
Northrop Grumman Information Technology Health Solutions and Services
1700 Reseach Blvd., Suite 400
Rockville, MD 20850
301–294–5643
301–294–5401
jtyler@hq.row.com

MTC–00007984

From: leathers@nwlink.com@inetgw
To: Microsoft ATR
Date: 1/3/02 10:24am
Subject: Microsoft Settlement

I have read and followed the case on and off through the months. I have not read the entire proposed settlement but I will give you my two thoughts on the matter for starters.

- I believe that it is a good thing for our lives, to keep microsoft together, one company, doing the many things that they do best. And that dividing the company in any degree, would be a solution that just pleases certain people, but does not solve anything and probably makes it worse.

- However, I agree with Apple computer spokespeople 100%, that microsoft should not be allowed to pay fees to the court, by flooding the education market ''schools, libraries, etc.'', with ''free'' computers, in essence, doing something they have not been able to do through sales, which is to infringe on that market. Allowing them to do so, would tie schools into using their software, their upgrades, for decades, and would further empower them as a monopoly, taking away from the market power of competitive hardware and software companies, like Apple, and Sun.

MTC–00007985

From: Gary H. Minar
To: Microsoft ATR
Date: 1/3/02 10:29am
Subject: Microsoft Settlement

Let's be serious about what is happening. MS Corp. has created more beneficial products that have made the world become better 'connected, enhanced how we commuicate, improved business productivity, improved Gov't efficiency, among others. Why is MS being punished for such never-before seen creativity? It is UNJUST. MS should be applauded at every opportunity. They have done more for human kind thru computer technology than anyone else I know.

05) 688–7957, FAX: 693–8618, Solvang, CA

MTC–00007986

From: Ann Keefe
To: Microsoft ATR
Date: 1/3/02 10:30am
Subject: Microsoft Settlement

Please settle this suit with Microsoft so the country can move ahead. I believe the uncertainty about the outcome has played a tremendous roll in the stock markets inability to sustain a major rally. The country needs some good news right now, especially with our service men & women overseas and others here still cleaning up ground zero.

Thank you,
Ann Keefe, Concerned Citizen

MTC–00007987

From: Stewart.Menking@relian cenational.com@inetgw
To: Microsoft ATR
Date: 1/3/02 10:22am
Subject: Microsoft Settlement

Microsoft created an industry that revolutionized how we work and play. The cost of their products goes down as their products improve. And when they gave something away for free, a few big companies started to scream. I have yet to understand how this has hurt me or any other consumer.

This case should be put into the history books as soon as possible.

MTC–00007988

From: Davis, Suzanne
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/3/02 10:30am
Subject: Microsoft Settlement

It's time to put this issue to rest and proceed with the agreed upon settlement. As a business user and a personal user I have always believed that all end users would not be where we are today without the efforts and uniqueness of Microsoft development. I'm not a lawyer so it is possible that Microsoft did go over the legal line with regards to marketing and sales efforts, but competition certainly did not have these same tools to offer. I don't believe that this suit was fair in the first place and it was a ''marketing tool'' used by competitors to save their businesses and ''award'' them for not being able to fairly compete with Microsoft. Do not waste my tax money on any more proceedings that do not result in this settlement being completed. The lawyers have had a chance to earn their fees. Our economy and international business communities need to get back on track.

Thank you for allowing me to express my feelings.

Sincerely,
Suzanne Davis
Information Manager

MTC–00007989

From: JRobin1001@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 10:31am
Subject: Microsoft Settlement

Gentlemen

It is my view that the Microsoft Settlement is fair and reasonable and should be concluded without further litigation or delay

John G. Robinson
49 Bay Shore Drive
Plymouth, MA 02360

MTC–00007990

From: linnco .
To: Microsoft ATR
Date: 1/3/02 10:32am
Subject: Microsoft Settlement

I am writing to express my strong opinion that this case be settled once and for all. Please do not allow business competitors to derail the settlement for their own gain. SETTLE THIS CASE! The economy needs this to be finalized.

MTC–00007991

From: PopPopOne@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 10:32am
Subject: microsoft setlement

The settlement the government has reached with Microsoft is more than fair for the Government. I happen to believe that this suit should not have been brought in the first place. Settle it and get it over.

Jerry Simmons

MTC–00007992

From: Mike Gnadt
To: Microsoft ATR
Date: 1/3/02 10:33am
Subject: Microsoft Settlement

To Whom it may concern/DOJ:

I am the owner of a small business that has been using Microsoft products for over a decade. During this period, I have found the pricing, after-sales support and user friendliness to be superior to other products that we have tried.

In addition, the availability of an extensive variety of different products and business tools that are designed to run on the Windows operating system has enabled me to be more productive at a cost that is affordable. Consequently, I have been able to reduce the cost of doing business and pass some of savings on to my employees in the form of higher salaries.

I have had a significant share of my own personal retirement funds invested in stocks like Microsoft and other related companies that rely on the business generated by Microsoft. Since the DOJ initiated the litigation with Microsoft, I have watched my retirement funds retreat to lower valuations. It is my sincere belief that this litigation, while being extremely expensive and unproductive, it is not in the best interests of the American consumer. Additionally, the cost to the economy in general is too much to sacrifice for a litigation with such little merit. Basically, I do not believe that the Government has demonstrated that Microsoft has damaged the consumer; and, therefore, Microsoft should not be forced to divert any more financial and intellectual resources to its defense.

Very sincerely,
Myron A. Gnadt

MTC–00007993

From: WenParrish@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 10:33am
Subject: Re: Microsoft Settlement

Department of Justice:

I'm very much in favor of the Microsoft Settlement, and believe it's in the best interest of the Country to get this settled now. The economy will suffer if this settlement is not honored.

WenParrish@AOL.com.

MTC–00007994

From: El Sawy
To: Microsoft ATR
Date: 1/3/02 10:34am
Subject: Common Sense

Can good common sense please prevail? Our portfolios have been devastated ever since the Department of Justice started taking creative US technology to court.

Soraya El Sawy

MTC–00007995

From: David G Marek
To: Microsoft ATR
Date: 1/3/02 10:35am
Subject: Microsoft Settlement

I am not one accustomed to writing letters to the DOJ. However, I believe it is time that we put the entire Microsoft fiasco behind us. I look at what Microsoft has given us in terms of Operating System, Word Processing, Spreadsheets, Presentation Software, Database, etc. and am amazed of the seamless interfaces between these products. I am tired of special interest groups trying to manupulate government for their own interests. It is time to move on. As a government, with terrorism, recession, etc. facing us, we have much better places to spend our time and money. The only thing this continued case is doing is putting a lot of lawyers to work.

david g marek

MTC–00007996

From: Betty Thompson
To: Microsoft ATR
Date: 1/3/02 10:35am
Subject: Microsoft settlement

Further litigation is unnecessary, you should settle now ! It is in the best economic interest of all concerned, especially the consumers. SETTLE!!!!!!

Betty Z. Thompson

MTC–00007997

From: Blondin, John Q (SEATTLE SE/TE/ZQ 335)
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/3/02 10:38am
Subject: microsoft settlement

Dear DOJ:

This suit has drained this country for far too long both financially and mentally. It is time to wrap up and move on. Microsoft has created the standard for computer usage in the world. It has become much like the English language, the common language of business and air traffic and tourism. It enables the world to function much better than it would with many computer languages. It has created a platform from which many others can build and sell products further enabling us all to communicate and do business. The US Govt is wasting its time and taxpayer dollars trying to hamstring a national treasure at the request of its competitors. I thought this country was about competition.

The US Govt should spend even a fraction of this effort on doing something about airport screening. Since 9/11 almost nothing has been done. Nationalize the job and get QUALIFIED US CITIZENS to work there. Stop just talking.

John Q. Blondin; Seattle, WA., 98136

MTC–00007998

From: Jumana Scoggins
To: Microsoft ATR
Date: 1/3/02 10:41am
Subject: Microsoft Settlement

I am in favor of the settlement with Microsoft. Do not let Microsoft's competitors dictate what will only benefit them in this settlement. The consumers and the economy need this settlement.

Sincerely,
Jumana S. Scoggins

MTC–00007999

From: Joe Taylor
To: Microsoft ATR
Date: 1/3/02 10:41am
Subject: Microsoft Settlement

Ladies and Gentlemen,

I am writing to voice my support for the settlement with Microsoft. I think this lawsuit has been a travesty of justice from the beginning. The lawsuit does not stem from consumer harm but from the mindless ambition of the Clinton administration and the corruptness of Janet Reno. The state attorney generals have proven to be nothing but greedy opportunists who have no regard for the well being of their citizens, many of whom are Microsoft or other technology stock investors. The supposed ''harm'' that Microsoft has caused has only been noted by one group, the competitors of Microsoft. The lawsuit against Microsoft, on the other hand, has created real harm to our entire country. The stock market has been decimated, wrecking retirement accounts, college savings accounts and all other investment vehicles. The snowball effect of the stock market decline has brought our entire economy to its knees, and is the true reason our country is in a recession today. It is time to put this entire affair behind us by settling this lawsuit.

Sincerely,
Joe W. Taylor, II
160 Willow Bend Court
Bowling Green, KY 42104

MTC–00008000

From: CTJ592@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 10:41am
Subject: Microsoft Settlement

Tell the government to go after bin Ladin, Kadafi and all the other government terrorist that are right here in the U.S. with the same zeal that they are going after Microsoft and maybe we wouldn't be in the predicament that we???re in now.

MTC–00008001

From: e baxter lemmond
To: Microsoft ATR
Date: 1/3/02 10:44am
Subject: microsoft settlement

APPRVE THE SETTLEMENT! END THE LITIGATION!

E. BAXTER LEMMOND
2711 BROOKWOOD ROAD
RICHMOND; VIRGINIA, 23235

MTC–00008002

From: bdkittley
To: Microsoft ATR
Date: 1/3/02 10:47am
Subject: Observations about case & Microsoft business practices

I think that the original motives of DOJ in bringing the lawsuit were misplaced. Fear it was punishment, because Microsoft no longer wanted to ''cooperate'' with other US agencies demands for access to systems. Microsoft writes good software, but some of the things that the systems ''enable'' are regularly abused by third party software. This is why the OS is always locking up.

Financially punitive remedys will solve nothing. This said, ''It would be a mistake to allow Microsoft to continue to extend the standards to insure incompatibility with all other OS's''. This practice cost the government and consumers far too much, and contributes little new value. Please, bias this settlement to focus open standards and on building a better mouse trap, not another marketing scam.

Settle this thing, and get on with business.

Dave Kittley
P.O. Box 203
Rule, TX 79547
bdkittley@westex.net

MTC–00008003

From: Pierre PAPA DOC Legrand
To: Microsoft ATR
Date: 1/3/02 10:44am
Subject: Stop attacking one of the engines of our Growth...

Sheesh will you people find something more constructive to do..? Like maybe find the people responsible for killing so many of us...? That might be a bit more useful than going around extorting money from AMERICAN corps. Im embarrassed that I have to say that to adults who are supposedly smart.

STOP ALL ACTION AGAINST MICROSOFT NOW. Allow the market place to work...its impossible for anyone except the government to break the way the marketplace works.

Pierre Legrand
4137 Broussard Street
Baton Rouge, La. 70808
225–924–6661

MTC–00008004

From: Motelman2@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 10:44am
Subject: Microsoft settlement

The proposed Microsoft settlement is tough, fair and just. The vast majority of the people in the nation believe the antitrust case should be settled now and we should move on!

Special interests should NOT be allowed to drag this thing out. Technology is our strong suit from a business and innovation viewpoint. It drives our economy. It should not be hampered by undue preoccupation with fighting a case that has already been fairly decided.

MTC–00008005

From: Lauren Friedman
To: Microsoft ATR
Date: 1/3/02 10:45am
Subject: Microsoft Settlement

To Whom it May Concern,

I strongly support settling the Microsoft case. Too much time and effort has been wasted on this already. It is time to let a company that has brought good products to the American public get on with business. By the way, I have no relationship with Microsoft other than a small investment in their stock.

Lauren Friedman

MTC–00008006

From: Origger@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 10:46am
Subject: Microsoft settlement

The nine states that have refused the federal goxernment's settlement with Microsoft are trying to make Microsoft share holders pay for theirfoolish spending.

MTC–00008007

From: Pierre PAPA DOC Legrand
To: Microsoft ATR
Date: 1/3/02 10:46am
Subject: Microsoft Settlement ——- Original Message ——-
From: ''Pierre PAPA DOC Legrand'' <plegrand@home.com>
To: <Microsoft.atr@usdoj.gov> Sent: Thursday, January 03, 2002 9:48 AM
Subject: Stop attacking one of the engines of our Growth...

Sheesh will you people find something more constructive to do..? Like maybe find the people responsible for killing so many of us...? That might be a bit more useful than going around extorting money from AMERICAN corps. Im embarrassed that I have to say that to adults who are supposedly smart.

STOP ALL ACTION AGAINST MICROSOFT NOW. Allow the market place to work...its impossible for anyone except the government to break the way the marketplace works.

Pierre Legrand
4137 Broussard Street
Baton Rouge, La. 70808 225–924–6661

MTC–00008008

From: McCauley, John Joseph Jr. (091)AMSTA-AR-WEA(093)
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/3/02 10:48am
Subject: Microsoft Settlement

To Whom it May Concern,

Settle the Damn Case, for the life of me I still can't figure out how it got to Court in the first place. Stop wasting money and time on this situation. It is a shame that with Real Estate Rip Off's, Insurance Rip Off's, Health Care Rip Off's and yes the Attorney Fee rip Off's the Government has the time and the money to waste to continue with this.

John McCauley
4123 Conashaugh Lakes
Milford, Pa.18337

MTC–00008009

From: Robert MacCallum
To: Microsoft ATR
Date: 1/3/02 10:48am
Subject: Microsoft settlement

Please bring this settlement to a close. It is my personal opinion that the stock market drop had its beginnings in the Microsoft case brought by the DOJ. Whether it really did, or not, it seems that dragging out this settlement can do nothing to help the economy get going again.

Your truly, Robert W. MacCallum
Travelers Rest, SC.

MTC–00008010

From: Mike and Judy
To: Microsoft ATR
Date: 1/3/02 10:50am
Subject: This is to submit my comments on the Microsoft anti-trust settlement:

This is to submit my comments on the Microsoft anti-trust settlement:

1. It is encouraging that the justice department was able to save the tax payers money by allowing Netscape to write/dictate the complaint. They didn't charge us for that, did they?

2. I was much encouraged that the word monopoly was used so frequently in the complaint. I am sure that by using the word so frequently it must be true.

3. Now that you have used millions of our tax-payer dollars to prosecute this case, I am sure the reasonable prices previously experienced by the American software users will be greatly enhanced. This, I am sure will offset the great expense.

Conclusion: If you haven't determined from my remarks, I feel this entire proceeding is a miscarriage of justice. However, since justice is not the business of the American court system, I hope at least the lawyers who profited had a good time.

I believe it is in the best interest of the American people to complete this case now, with the settlement that is on the table.

Mike Frye

MTC–00008011

From: Diane Crawford
To: Microsoft ATR
Date: 1/3/02 10:53am
Subject: MICROSOFT SETTLEMENT

I HAVE NEVER QUITE UNDERSTOOD EXACTLY AT WHAT POINT FREE ENTERPRISE BECOMES MONOPOLY BUT I THINK THIS SUIT AGAINST MICROSOFT HAS GONE ON LONG ENOUGHT. THERE WILL PROBABLY ALWAYS BE SOMEONE WHO IS NOT HAPPY WITH THE RESULTS BUT IT IS TIME FOR BUSINESS TO CONTINUE AS USUAL. MICROSOFT HAS DONE SO MUCH FOR THE SEATTLE AREA AND WASHINGTON AND THE COUNTRY. PLEASE END THIS SITUATION AS SOON AS POSSIBLE.

THANK YOU

DIANE CRAWFORD

MTC–00008012

From: Keith D. Olinger
To: Microsoft ATR
Date: 1/3/02 10:53am
Subject: Microsoft Settlement

I strongly urge the Court and the remaining nine states to accept the settlement reached between Microsoft, the DOJ and nine states. It is long past time to put this very politically motivated piece of our history behind us, and let the economy begin to heal. It is truly a sad time in our history when good American companies are put through this type of punishment for being innovative and relentless in their pursuit of helping the world advance. End this pathetic madness now! As a person that deploys massive numbers of computer desktops, laptops and servers, I can tell you that the benefits of having a common desktop, massive resources for development and deployment, and literally thousands and thousands of applications that work on that platform are a tremendous time and money saver for me.

Take a trip though history to find out why Windows has the largest market share. It is because they provided a great, open operating environment at a reasonable price that runs on commodity hardware, and ironically, opened up the operating system to developers through vehicles like MSDN and developer API's and tools. That is precisely why OS/2 faltered, and the Mac never lived up to its potential. Mac has still not opened up the developers! If Scott McNealy, Larry Ellison and Steve Jobs would spend half of the time they spend bashing Microsoft in developing and marketing their own product line, they would be have much better companies. Have you ever heard these guys?! It is amazing!

Again, I STRONGLEY urge you to end this now by accepting the proposed settlement. This suit does not, in any way, reflect on capitalism and a free market society. Actually, it reflects quite the opposite.

Thanks

Keith Olinger

MTC–00008013

From: LHSig@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 10:54am
Subject: Microsoft settlement

I wish to voice my opinion that the Microsoft settlement should be concluded with no further litigation.

Bill Clinton spent more time and money investigating and prosecuting Bill Gates than he did Osama Bin Laden!!!!!!!!!! Look where he got us. Consider all the millions of PC users who have benefited from Microsoft's products.

Sincerely,
Linda Hood Sigmon
5805 Woebegone Trail
Maiden, N. C. 28650–9038
704–483–5159

MTC–00008014

From: Dennis Santoro
To: Microsoft ATR,attorney.general@po.state.ct.us@inet...
Date: 1/3/02 10:55am
Subject: Comments regarding the 2 proposed settlements in the Microsoft cases

To the Department of Justice and the States Attorneys General,

I am writing in submission of comment regarding your proposed settlements in the 2 cases regarding Microsoft corp. I beleive I am entitled to submit comments as per the Tunney act of 1974 and wish you to consider the below as public comment on the cases.

With regard to the proposed settlement in the antitrust case, unless the remedy actually adresses a consumer's ability to buy any computer from any manufacturer with a choice of any OS (Linux, Unix, Windows) preconfigured on the machine and MS is prohibibited from using its market position to make that difficult or to impose penalties on manufactures who wish to do so, MS's position and behavior will not be changed. No remedy that fails to address this issue will be successful. Further, similar measures should be enacted to address bundling of productivity software (office suites) to allow competition form Corel, Star Office, IBM (Lotus) and others. The fact that purchasers have only the MS office suite as a choice in most cases (as per terms usually included in the Windows OEM license) means that most other suite vendors are precluded from much business de facto.

The bundling issue should also be addressed but, in my opinion, with the exception of the browser and e-mail client choices, most of the rest is a non issue. But MS should not be allowed to further bundle IE and Outlook unless other choices are also provided and the APIs are sufficeintly published and documented so that other competitors can easily offer seamless integration.

All remedies should be monitored and enforced by a group actually capable of doing so. MS has proved by past behavior that they are untrustworthy in terms of following the letter or spirit of agreements they enter into. Penalties should be clear, easy to exercise and easy to trigger. The proposed settlement does none of that. Nor will simply requiring MS to provide a stripped down version of Windows. Furhter, MS's attempt to become the arbitor of identity on the internet (Passport) should be precluded so that MS cna not extend their monopoly to the internet itself using the strength of their current monopoly. As for the consumer suit, while the fund amount and it's distribution to schools is quite appropriate, these funds should be given without restriction. MS should have no input into the spending of these funds. Schools should be able to use these funds for infrastructure (wiring, PCs) software from ANY vendor, OSs from Apple, Linux vendors, Sun, or MS, etc. These funds should be placed in the hands of a group that can not, and will not, be connected to nor influenced by MS. MS should not have any representatives on the board responsible for the funds. It should be made up of credible education professionals and computer professionals unaffiliated with vendors and manufacturers. The charge to the board should be to help schools meet the needs the schools believe they have in the best way possible for the school in question. It should NOT be for the purpose of promoting MS products in the schools.

Thank you for your attention and feel free to contact me if you have any questions.

Denn Santoro
President
Resource Development Associates
http://www.RDAWorldWide.Com
Offices in the United States and Germany
Providing solutions to health care, business, governments and non-profits since 1982

MTC–00008015

From: Henry Cimetta
To: Microsoft ATR
Date: 1/3/02 10:54am
Subject: Microsoft Settlement

The settlement is good for everyone, but most important to the US economy and financial markets.

MTC–00008016

From: gjohnson@ground.fedex.com@inetgw
To: Microsoft ATR
Date: 1/3/02 10:49am
Subject: Microsoft Settlement

Dear Government,

Please spend your time and my money hunting terrorists rather than Microsoft.

Thank you,
Gary

MTC–00008017

From: Kevin Edwards
To: Microsoft ATR
Date: 1/3/02 10:58am
Subject: Microsoft Settlement

To Whom It May Concern:

I am writing to you, in accordance with the Tunney Act, to let you know my comments and feelings regarding the Microsoft Settlement.

I strongly feel that this case has gone too far, has lost the interest of the nation, has caused quite enough economic and legislative disturbance, and feel it is time for it to come to an end.

As a consumer, I feel Microsoft did nothing wrong. In fact, I shudder to think what position we might all be in today had Microsoft not risen to the challenges in this ''information age''. They are visionary and we are all fortunate that they have hired the best and brightest minds to help keep America at the helm of this burgeoning, new world. In fact, I believe they helped create this new world. Punishing them for it is senseless, useless and harmful.

The suit again Microsoft has caused harm to our economy beyond calculation. A company as large as Microsoft can change the whole climate of the economy when it falters. And it has faltered over the past two years not due to quality of product or due to quality of service or due to inability to continue to innovate. It has faltered due to this useless lawsuit.

It is time for it to be over. After the events of September 11th, this country has greater things to worry about than this lawsuit. Also, the economy is suffering and needs the shot in the arm that an unencumbered Microsoft could provide.

Let's finish this thing. Let's get on with the business of being Americans and with the business of innovation, creation and design. The world suffers while we ponder and clog the courts with this useless matter.

As a consumer, as a stockholder, as an American, I want this thing to end.

Thank you very much for your time and for hearing my thoughts.

Kevin D. Edwards
302 West Sixth Street
Benton, IL 62812

MTC–00008018

From: jay@comter.com@inetgw
To: Microsoft ATR
Date: 1/3/02 10:59am
Subject: Microsoft Settlement

We are a small consulting company in the Fairfax, VA area managed by a group of very enterpreneur US citizens—Comter Systems Inc. We also do have issues with the bigger players in the field but I have to say salutations to them for getting there. I feel the same for Microsoft. They started out like everyone else and had worked their way to the top and I cannot believe a bunch of jealous competitors can create this level of aggravation and insult to them.

Hope you settle with Microsoft ASAP and thus they can move forward and take us to the next generation of Technology and keep US, the leader in Technology like they did last time.

Thank you

MTC–00008019

From: dale janus
To: Microsoft ATR
Date: 1/3/02 11:01am
Subject: microsoft settlement

January 2, 2002

Dear Justice Department:

I would like to add my comments to the proposed settlement of the microsoft antitrust case.

I feel the DOJ has not done enough to end microsoft's monopoly position. The remedys in the settlement will not change the way microsoft does business. The DOJ has already been down this road with microsoft before and the remedys imposed in the past have done nothing to change their business practices.

I feel the settlement should be thrown out or at least re-negotiated so that microsoft changes their business habits.

The penalty that has been imposed and is going to be paid to school districts is so overtly designed to gain sympathy for microsoft that I question the skill of your negotiating team. Every person with school age children in the country are going to clamor for their share of the penalty pot. Microsoft has used their vast fortune to create allies among the general public by paying their fine to schools instead of the DOJ.

The current settlement is not enough. The microsoft monopoly will continue.

Dale Janus
dalejanus@compuserve.com

MTC–00008020

From: robert e tolleson
To: Microsoft ATR
Date: 1/3/02 11:01am
Subject: Microsoft Settlement

I am a citizen in Nashville, Tennessee, who is tired of this continuous dragging out of the Microsoft case. From the beginning I have felt that proving the consumer has been harmed by Microsoft over the past 10 years was hard to comprehend. Today a consumer can own a computer for less than $1000 with an operating system of software under $100 that ten years ago cost thousands of dollars and only corporations could afford them. Also by Microsoft pioneering this home computer industry many other companies have emerged and grown tremendously on the surge of this new industry. If competitors have been harmed, I am not sure they would have been in business if not for the early innovations of Microsoft. That brings us to today and a few states funded by special interest groups who will benefit at Microsofts demise are continuing to pressure the politicians in thier states to refuse to accept a seettlement hashed out by the Federal Government and other states. We are at war as a country, and I feel that to prolong this case is embarrassing and rediculous in the scope of priorities for our country now.

Please use whatever means legally to discourage these states who do not represent the average consumer by continuing this case. IT IS TIME TO STOP.

MTC–00008021

From: Tina Johnson
To: Microsoft ATR
Date: 1/3/02 11:04am
Subject: MICROSOFT SETTLEMENT

To Whom It May Concern:

I would like to let you know my feelings on this proposed settlement. I believe it is a tough but fair settlement and should be approved. It is not in the best interests of consumers or our economy to prolong this litigation further. To do so would stifle further innovation.

Sincerely,
Dan R. Johnson

MTC–00008022

From: rbonine@millermartin.com@inetgw
To: Microsoft ATR,attorney.general@po.
state.ct.us@inet...
Date: 1/3/02 11:05am
Subject: Comment on Microsoft settlement

This e-mail is sent in accordance with the Tunney Act of 1974. It is my personal opinion as a 17-year veteran of the IT industry that the proposed Justice Department settlement is completely useless, and it will not hinder Microsoft's attempts at monopoly in any way. Microsoft's monopolistic actions since the settlement proposal have only intensified; witness the early relase of Windows XP to try to avoid an injunction, and the continual push toward usage of Microsoft Passport, which has potentially serious consequences to not only software companies, but to all e-commerce. For the long-term health of the IT industry in specific and the American economy in general, I strongly urge that the DoJ settlement be completely rejected and that much harsher measures be put into place. I would like to further suggest that the original judgement (the breakup of Microsoft into seperate companies) be upheld.

Thank you.

Roger L. Bonine
Information Technology Manager
Miller & Martin LLP
Chattanooga, TN
(423) 785–8393

MTC–00008023

From: ROBERT STROHL
To: Microsoft ATR
Date: 1/3/02 11:06am
Subject: Microsoft Settlement

AS A concerned citizen I uge the DOJ to end the political persecution of Microsoft and do all things necessary to make the propossed settlement become reality.

A George BUSH Supporter
Robert D Strohl

MTC–00008024

From: The SHADOW know
To: Microsoft ATR
Date: 1/3/02 11:12am
Subject: Microsoft Settlement

Dear Sir or Madam:

The public perception is that more money was spent by the previous administration fighting Microsoft than was spent fighting terrorism. True or not, perception is everything, so it is time that the Microsoft settlement be approved. We need to put this behind us so that we can concentrate on America's real enemy—international terrorism.

Thanks,
Dr. Ray A. Gaskins
Hampden-Sydney College
Hampden-Sydney, Va
rayg@hsc.edu
Ray Gaskins

''The world's a little poorer for a soldier died today. We'll hear his tales no longer for he has passed away. He was just a simple soldier who was sworn to defend his home, his kin, his country, and would fight until the end.'' Anonymous

MTC–00008025

From: Harry LeBlanc
To: Microsoft ATR
Date: 1/3/02 11:06am
Subject: Microsoft settlement

I am a professional software developer with 13 years experience, and have used both Microsoft and non-Microsoft operating systems, middleware, development tools, and applications. I am deeply disturbed by the proposed settlement, both for what is included and what is left out. I exhort Judge Kollar-Kotelly to remedy these flaws.

What is included:

1. A five-year limit. Given that Microsoft is riding the wave of ill-gotten profits accrued over a decade of illegal monopolistic practices, five years isn't enough to restore a marketplace of normal competition, even if the settlement didn't provide mechanisms (noted below) for Microsoft to hamper the function of the implementors of the proposed settlement. It seems to me that the enforcement period should be at least twice the duration of Microsoft's criminal past, and perhaps certain structural elements of a sound settlement should be enforced in perpetuity.

2. Microsoft's voice in the technical committee. Since when does a criminal choose its guards? Given the pervasive influence of Microsoft in the market, and their persistent monopolistic behavior, it is dubious at best that their chosen representative, and the representative who can be vetoed by that person, will fully have the interests of the public at heart. Watchdogs chosen by Microsoft, on the Microsoft payroll, and working fulltime in secrecy on the Microsoft campus, do not meet any reasonable criteria for impartiality.

3. Moreover, crafting in a feature that allows Microsoft to dispute costs gives Microsoft a handy built-in mechanism for sandbagging. I quote: ''Microsoft may, on application to the Court, object to the reasonableness of any such fees or other expenses. On any such application: (a) the burden shall be on Microsoft to demonstrate unreasonableness; and (b) the TC member(s) shall be entitled to recover all costs incurred on such application (including reasonable attorneys? fees and costs), regardless of the Court's disposition of such application, unless the Court shall expressly find that the TC's opposition to the application was without substantial justification.''

Given the vast wealth Microsoft has illegally obtained from the public through its monopolism, setting enforcement expenses as ''reasonable'', and giving Microsoft a mechanism for subpoenaing their watchdogs (thus distracting them from their true duty) is asking for trouble. Microsoft's bearing of the ''expenses'' of such activity will be trivial, and more than compensated by the implicit protection of any future monopolistic behavior concealed from the technical committee—not to mention that it lets Microsoft run out the clock at a very cheap cost. The technical committee should have a free hand, and an unlimited budget underwritten by Microsoft.

4. Microsoft has implicit control over who is permitted to be their competitor. Again, I quote: ''(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business...'' Why does Microsoft get to apply the litmus test of the ''authenticity and viability'' of who is permitted to see their API's?

Another quote: ''Microsoft shall disclose to ISVs, IHVs, IAPs, ICPs, and OEMs, for the sole purpose of interoperating with a Windows Operating System Product, via the Microsoft Developer Network (''MSDN'') or similar mechanisms, the APIs and related Documentation that are used by Microsoft Middleware to interoperate with a Windows Operating System Product. ''

Doesn't Microsoft have control over who participates in their proprietary MSDN program, and don't they set criteria of participation (eg, nondisclosure, etc)? This is one of the very mechanisms by which Microsoft has implemented their monopolistic strategy. Such APIs should be *freely distrubuted* to the *public*, not sold to the few acceptable competitors that Microsoft designates, on terms of their own setting. Allowing Microsoft to use their MSDN mechanism and decide which business is authentic and viable is too weak. It specifically gives Microsoft a mechanism to exclude open source developers, academics, etc.

What is left out:

5. Recompense. Microsoft has illegally profited for years from their monopolistic practices. That money rightfully belongs to the public, and should be returned to the public. It should be fairly straightforward to measure the average profitability of their nearest competitors vs. Microsoft's illegally enhanced profit margins, thus determining how much Microsoft illegally profited. Perhaps this money could be funneled into educational grants for computer hardware and (completely non-Microsoft) software for elementary, secondary, and college tuition. These funds should easily cover the expense of putting (for example) a Linux computer on the desktop of every student in public schools, state universities, etc.

6. Punitive damages. Over and above returning the ill-gotten gains to the public, Microsoft should be penalized for their illegal activities.

7. Document formats. Microsoft enforces its monopoly by keeping their file formats proprietary. Since Microsoft chooses which competing operating systems to support with their applications, companies who have been monopolistically pressured into buying Microsoft applications (eg, MS Office) are trapped on the Microsoft platform by their inability to migrate their (proprietary and copyrighted) corporate data to other operating systems. This is key. Microsoft applications compel users to stick with Microsoft operating systems, this perpetuating their monopoly. The only remedy would be to open up their file formats (or possibly to require them to provide fully and publicly documented import/export features that allowed users to migrate *all their data* (including ''objects'' such as forms, reports, etc.) to competing products, and to likewise recreate data from compliant import files (even if created by competing products). In other words, the public deserves a way to get all their data out of Microsoft products, and Microsoft should pay for providing such a mechanism.

I've heard the rationale that punishing Microsoft would be bad for the economy. First of all, that's no excuse for failing in the duty to enforce justice. Secondly, the leverage Microsoft has in the economy was acquired through their crimes, and the judgment should not perpetuate the consequences of their crimes for fear of rocking the boat. Third, monopolists have always been bad for the economy, the contrary arguments of monopolists notwithstanding. And finally, the amount of money from recompense and punitive damages, pumped back into the economy in such a way as to stimulate competition in the computer software field, should provide an enormous economic boost.

American citizens are counting on Judge Kollar-Kotelly to faithfully perform her solemn duty to uphold justice by preventing this weak and flawed proposed settlement from being implemented, and properly addressing the true interests of the United States of America by returning the ill-gotten wealth from Microsoft to the public from whom they stole it, further penalizing Microsoft financially, and crafting structural remedies to prevent Microsoft from ever being able to commit the same crimes again.

All America is counting on you, Judge. Do your duty.

Sincerely,
Harold C. LeBlanc
1300 Powderhorn Terrace
Apt. 11
Minneapolis, MN 55407–1669
(612–729–9670)
hleblanc@bitstream.net

They that can give up essential liberty to obtain a little temporary safety, deserve neither liberty nor safety. —Benjamin Franklin

MTC–00008026

From: alton.g.declaire@gm.com@inetgw
To: Microsoft ATR
Date: 1/3/02 11:06am
Subject: Microsoft Settlement

Dear Sirs,

I think the goverment has spent enough money and time to litigate the Microsofr Settlement and should close this case.

Despite the aggressive lobbying efforts of a few of Microsoft

MTC–00008027

From: Robert Cahall
To: Microsoft ATR
Date: 1/3/02 11:08am
Subject: Microsot settlement

The court should accept the settlement and put this matter behind us for the best interests of all of us

Bob Cahall
drquaackk@fuse.net

MTC–00008028

From: Retha Bennett
To: Microsoft ATR
Date: 1/3/02 11:10am
Subject: Microsoft Settlement

I do believe this is a settlement that does benefit the consumer. Microsoft has always built a better mouse trap and the market place has reflected it. It is time to get this behind us and get the economy moving again and Microsoft is a key player in that process. We do not need a few to benefit we need many to benefit if we are going to move forward and this settlement certainly helps.

Sincerely
Retha Bennett

MTC–00008029

From: Vance L. Ray
To: Microsoft ATR
Date: 1/3/02 11:13am
Subject: Microsoft Settlement

To whom it may concern,

I disagree with the Final Judgment against Microsoft, it is much too harsh.

Microsoft does not have a monopoly.

- Vance L. Ray

MTC–00008030

From: MMRHART@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 11:13am
Subject: Micrsoft Settlement

Please accept the settlement as it presently stands. There has been to much intervention by others in the developments made by Microsoft. Where would America be today, if it were not for Microsoft and its wiliness to bare the cost of development? Inventions should be encouraged, not discouraged by law suits, etc.

Joseph W. Hart
Naples FL

MTC–00008031

From: Bill Colburn and Susan Marcolina, M.D.
To: Microsoft ATR
Date: 1/3/02 11:12am
Subject: Microsoft Settlement

I am completely in favor of the Microsoft settlement that has been reached between the DOJ, several states and Microsoft, and I urge the Judge in this case to accept those terms, reject the outrageous claims of the states who have refused to settle and close the case in it's entirety.

Please stop your horrendous waste of our tax dollars in harassing and prosecuting one of the most admired companies in America, one that will be a key to getting our economy out of the dumps, and get back to the serious business of pursuing terrorists, murderers, gangsters and others of their ilk. Get back to the real work of serving the people of the United States instead of continuing to waste the taxpayers' money on private vendettas driven by failed competitors of Microsoft and a few Attorneys General who think a tough position on high profile case will help them get national name recognition and either re-election when their terms expire or a nice spot on a national party ticket in the next presidential election.

Thank you.
William Colburn
420 Datewood Court NW
Issaquah, WA 98027

MTC–00008032

From: Sheldon Katz
To: Microsoft ATR
Date: 1/3/02 11:14am
Subject: microsoft settlement

it seems outrageous to me that the government has spent so much time and money prosecuting microsoft when there are other problems that are so much more deserving of the money and effort.

you spent years chasing ibm amd accomplished nothing but making lawyers rich.

you broke apart at&t so that we all pay more money for less phone service and cannot identify which vendor is at fault when things 'do not work'. while microsoft is not perfect, they do producr a consistant predicable product that fully integrated those option in the pc operating system that i care to use.

i do not look forward to the govenment getting me somethig better that i will end up paying more for and spneding hours installing it.

it ain't broke—why do you have to fix it.

let sun and oracle fight their own battles.

the american consumer has been well served by microsoft- better than the doj serves us in this case

spend your time on terrorists and organized crime—do something useful

sheldon katz

MTC–00008033

From: Cecily Wood
To: Microsoft ATR
Date: 1/3/02 11:11am
Subject: MS Monopoly comment

I was appalled at the settlement for the regular suit, and for the settlement for those states that held out for more. The remedy is little more that a slap of Ann Lander's proverbial wet noodle. And, as Apple has rightly pointed out, the schools provision puts the fox solidly within the hen house. Microsoft engages in monopolistic practices. So we hand them a great opportunity to take over one of the few markets of its alternative in operating systems? I don't need a doctorate in electrical engineering or jurisprudence to see this lacks any common sense, nor does the punishment fit the crime.

Microsoft's disdain for any government remedy for its monopolistic tendencies was revealed at about the same time as the regular settlement was anounced. They knocked all users except those using Microsoft browsers and email programs off their MSN.com internet provider service - which is generally paid for by users. A free subscription to the MSN ISP is often given for a limited time with new Windows machines, but after that free period, people have to pay to get the use.

Of course there was a great uproar and they were forced to back down, but the very fact that they'd pull such a egregious stunt at the very time they were to learn of their court penalties shows that they MUST be closely monitored.

Their new operating system doesn't show much of an improvement in the monopolistic tendencies although it's made some grudging hooks so different web browsers can be used. And it has grudgingly allowed PC makers the option to sell machines on which the Windows operating system is not installed.

And they say they will offer open systems? And they say they will follow/allow existing standards? That must be why the cell phone standards are being set by all except Microsoft which is offering its own? Unhunh, and I have a bridge to sell you.

Cecily Wood,
Technology Planning and Support
(Although my views are part and parcel of my job, they may not represent the school system's.)

MTC–00008034

From: M. G. Fred Kick
To: Microsoft ATR
Date: 1/3/02 11:18am
Subject: Microsoft Settlement

I feel it is long overdue for the settlement, prolonging this action to please special interests especially AOL (the most consumer unfriendliest ISP and the most expensive)will only hurt the consuming public and cost the taxpayer an other fortune. Let Microsoft get on with it's service to the consumers worldwide, it will help our exports, provide jobs, and help our ailin economy.

M.G. Fred Kick

MTC–00008035

From: HPotler@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 11:18am
Subject: Settlement

Please settle this matter as quickly as possible.

Harold Potler

MTC–00008036

From: Jpricecpa@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 11:19am
Subject: MICROSOFT SETTLEMENT

TO WHOM IT CONCERNS,

I AM NOT A PERSON THAT TYPICALLY WRITES THESE LETTERS.....JUST TOO BUSY.

HOWEVER, I FEEL STRONGLY THAT IT IS TIME TO CLOSE THIS CASE AGAINST MICROSOFT.

THE INDUSTRY AND THE PUBLIC HAS GREATLY BENEFITED FROM THE STANDARDIZATION BROUGHT BY THEIR STRONG MARKET POSITIONS. WE SHOULD STOP PUNISHING THEM.

ALSO, OUR ECONOMY NEEDS US TO LET THIS GO AND FOCUS IN OTHER AREAS.

Judy L. Price
Judy L. Price, CPA, Inc.
jpricecpa@aol.com
REDDING OFFICE:
1616 West Street
Redding, CA 96001
530–246–4114
530–246–4115 fax
COTTONWOOD OFFICE:
3861 Country Estates Drive
Cottonwood, CA 96022
530–347–1726
530–347–4558 fax

MTC–00008037

From: Jack Burleigh
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/3/02 11:21am
Subject: Microsoft Settlement

Dear Sir:

I've read about the Microsoft settlement on the Department website. The settlement seems entirely fair and reasonable to me and I urge the Department to finalize the settlement. In my humble opinion, it is time for this litigation to end.

Sincerely,
Jack Burleigh

MTC–00008038

From: Nbpcman@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 11:22am
Subject: Microsoft Settlement

The settlement should stand in its current form. Those who desire to reject it and force the breakup of Microsoft do not understand economics. If Microsoft truly does not serve the public market because of security flaws in its products or other factors, then innovation on the part of competitors will bring about desired changes. It may take a little longer than a government lawsuit, but ultimately the free market will be served and government intervention will not be needed. Microsoft became as large as it is because its products were innovative and made computers easier to use by the general public. They may have gone in a direction that discouraged competition, but I personally have not found many products that can compete — and I have looked. Linux may be the catalyst that causes the corporate shakeup the Clinton Administration looked for in the original lawsuit. We do not need the expense or use of DOJ resources for additional action against Microsoft.

Abbott Barclay
Richmond, Virginia

MTC–00008039

From: Rudolf Forster
To: Microsoft ATR
Date: 1/3/02 11:22am
Subject: Microsoft settlement

I believe that the settlement accepted by the DOJ is fair and reasonable and should be the end of the litigation. We have spent far too much already on this vendetta of a few competitors and it is time to end it.

Stop this fruitless litigation and let Microsoft and the US get on with life. The very people (the public)that the litigation was supposed to have been protecting have NOT been complaining so who is this really about?

Rudolf Forster
rforster@alltech-inc.com

MTC–00008040

From: Betty H meng
To: Microsoft ATR
Date: 1/3/02 11:23am
Subject: Microsoft settlement

Sun and Oracle need to compete fairly with Microsoft in the market place not in the courts—anti-trust doesn't apply when there is no way to put a price tag on createtivity and entrepreneurship—

Let the customers be the jusdge and the jury—We know how to make our decision—

These 9 states should not be granted a license to sue—Let them all create competively and we be the judge and jury and decide—

Mrs Betty B Meng (78 years old and experienced)

MTC–00008041

From: Dewire
To: Microsoft ATR
Date: 1/3/02 11:23am
Subject: Microsoft Settlement

It is hard for me to understand my government's instance on trying to punish an American company that has become a world wide standard for excellence. How does it help consumers to prevent a company from giving away features with their product? True, it hurts their competition because their competition did not think of it first.

I as one American Tax Payer, am tired of the government wasting my money going after a tax paying American Company.

Foreign government encourage and support their industries...only in America do we try to tear down what our citizens create and develop...under the banner of being too big and powerful. Other countries laugh at our Justice Department for doing their work for them in trying to eliminate our own American powerhouses.

In Japan Bill Gates would be declared a Living National Treasure...In Great Briton he would be knighted....here you are doing everything you can to destroy him!

Come to your common senses and enjoy and hail what Microsoft has accomplished.

Robert and Carol Dewire
3640 Bal Harbor Blvd. # 511
Punta Gorda, Florida
33950

MTC–00008042

From: RKlein8198@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 11:22am
Subject: microsoft settlement

can you imagin the mess the computer industry would be in if microsoft had not set a standard that every could follow. boot the politicians out out of the process.

MTC–00008043

From: Dixie DeRoshia
To: Microsoft ATR
Date: 1/3/02 11:23am
Subject: Microsoft Settlement

I support Microsoft's right to innovate and feel the Federal Government has overstepped it's duty to protect and it has in fact, harrassed a private concern unnecessarily.

Dixie Coster-DeRoshia

MTC–00008044

From: William Wertz
To: Microsoft ATR
Date: 1/3/02 11:24am
Subject: Microsoft Settlement
CC:tellupton@mail.house.gov@inetgw

MTC–00008045

From: Bob Blake
To: Microsoft ATR
Date: 1/3/02 11:25am
Subject: MICROSOFT SETTLEMENT

I concur in the agreement in the Microsoft Case

Robert Blake Jr
13 Ethel Avenue
Peabody, MA 01960–530813

MTC–00008046

From: RPPVLP@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 11:25am
Subject: Microsoft Settlement

There needs to be a prompt resolution of the cases involving Microsoft. I am a substantial user of various interrelated Microsoft products which I use to conduct my daily business. Those products currently meet my needs very well. I cannot afford to have their interdependency shatttered!

MTC–00008047

From: JANE WALKER
To: Microsoft ATR
Date: 1/3/02 11:27am
Subject: Case settlement

This case needs to be settled as soon as possible. With the state of the economy, another company does not need to be damaged by the interference of the government and people who are not dependent on this company for their living. We should not punish people for being brilliant and having innovative ideas.

Martha Jane Walker
3663 Briar Creek
Beaumont, TX 77706

MTC–00008048

From: richard tighe
To: Microsoft ATR
Date: 1/3/02 11:29am
Subject: Microsoft Settlement

Please- Let us settle the Microsoft case, and not continue to litigate!

MTC–00008049

From: Fred Benson
To: Microsoft ATR
Date: 1/3/02 11:31am
Subject: Microsoft Settlement

Dear Sirs:

In my opinion the Tunney Act covering the Microsoft Settlement is fair, equitable and in the public's interest. I think that this law should stand, all the litigators should go chase other fire engines and our country should get back to building our economy instead of tearing it down. We should not attack corporations based on the fact that they have been successful. If a company can't compete it can't make it up by litigation. We should let the best continue to innovate and, unshackled, push the frontiers of technology for the betterment of all people.

Thank you very much.
Sincerely yours,
Fred C. Benson

MTC–00008050

From: Leroy E Gardner
To: Microsoft ATR
Date: 1/3/02 11:29am
Subject: Microsoft Settlement

I urge you to complete the settlement as proposed. It is fair and balanced and removes futher uncertainty over an entire industry. This should be beneficial to the stock market and to business generally. Leroy E. Gardner

MTC–00008051

From: Rick Deno

To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/3/02 11:30am
Subject: Microsoft Settlement

Please put this litigation behind us and let the economy finally take a step forward. Microsoft's customers made Microsoft a monopoly, NOT Microsoft. If we chose some other alternative, I want to be the one doing the choosing, not the Government.

MTC–00008052

From: Hrenforth@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 11:32am
Subject: Microsoft Settlement

The DOJ wants to hear from YOU!

For nearly four years, my voice has been instrumental in the debate over the freedom to innovate. Tens of thousands of concerned citizens have communicated to their public officials about whether the Microsoft case should be settled or further litigated. Despite the aggressive lobbying efforts of a few of Microsoft???s competitors, the federal government and nine states finally reached a comprehensive agreement with Microsoft to address the reduced liability found in the Court of Appeals ruling. This settlement is tough, but reasonable and fair to all parties involved. Consumers overwhelmingly agree that settlement is good for them, the industry and the American economy.

However, this settlement is not guaranteed, and my voice is more important than ever.

The law (officially called the Tunney Act) requires a public comment period between now and January 28th after which the District Court will determine whether the settlement is in the ???public interest.??? Unfortunately, a few special interests are attempting to use this review period to derail the settlement and prolong this litigation even in the midst of uncertain economic times. The last thing the American economy needs is more litigation that benefits only a few wealthy competitors and stifles innovation.

Don???t let these special interests defeat the public interest.

The Department of Justice will then take all public comments and viewpoints and include them in the public record for the District Court to consider.

Please send your comments directly to the Department of Justice via email or fax no later than January 28th. Whatever your view of the settlement, it is critical that the government hears directly from consumers. Please take action today to ensure your voice is heard.

I AM IN FAVOR OF TAKING THE SETTLEMENT THAT HAS BEEN APPROVED AND LETTING THIS MATTER BE SETTLED ONCE AND FOR ALL. ANY FURTHER LITIGATION WILL DO NOTHING BUT MAKE A LOT OF LITIGATORS WEALTHY AND THAT IS NOT NEEDED AT THIS TIME IN OUR LIVES.

THANKS FOR TAKING THE TIME TO LISTEN TO MY COMMENTS.

HOWARD F. RENFORTH
144 CROSSTIDE CIRCLE
PONTE VEDRA BEACH FL 32082

MTC–00008053

From: Clark, Nick
To: Microsoft ATR
Date: 1/3/02 11:33am
Subject: Microsoft Settlement

It is good to see that some of the states are finally getting on with settling their dispute with Microsoft. Although I've never felt indebted to Microsoft for the career I'm currently in I do however feel that it was their foresight and technology that pushed a technology market so far that eight years ago I finally found what I wanted to do for the rest of my life. I love working with their product! If it weren't for all the dumbass hackers making it harder on consumers Microsoft would probably be an even bigger company.

It's a shame for the states that are still in dispute over the current settlement agreement but you can never please everyone all of the time. I know alot of the issues that are still being mulled over are purely political and it's sad that nobody will remember the idiots still attacking Microsoft come the next election. Microsoft got to where they are because of their innovative ways. Yes, business deals have been made and they do need to play nice with their desktop and server operating systems. As for the market that either competes or works with Microsoft, they too need to develop better technology. If they didn't get behind in the first place we probably wouldn't even be going through this right now. Thank you for your time.

Nick Clark
IT Manager/Consultant
<http://www.kebcpa.com/html/information—technology.html>
Kerber, Eck & Braeckel LLP <http://www.kebcpa.com/>
Springfield, IL 62701

MTC–00008054

From: Katy Ainsworth
To: Microsoft ATR
Date: 1/3/02 11:37am
Subject: MICROSOFT SETTLEMENT

To Whom it May Concern:

Please note that I am a voting citizen of the United States of America. I am writing this letter in response to the settlement agreement with Microsoft. I feel this settlement to be in the best interest of consumers, the country, and especially the economy. With the downturn of the economy of the United States since the 9–11 I feel it to be of utmost importance to get this mess behind us and keep the economy stable. America is a capitalist country and we should do all we can to keep it this way.

Thank you.
Katy Robertson

MTC–00008055

From: LNLEVERETT@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 11:37am
Subject: Microsoft settlement

This suit by the federal government against Microsoft has not been in the public interest. Microsoft has plenty of competition and prices on all things electronic continue to drop. Please settle this case so Microsoft and the country can get on with it.

F. Lynn Leverett
7604 SW 178 Terrace
Miami, Florida 33157

MTC–00008056

From: rewone.nineoh@verizon.net@inetgw
To: Microsoft ATR
Date: 1/3/02 11:39am
Subject: Micosoft Settlement

You must force Microsoft to place a warning sticker on any software that requires the user to first install the Microsoft Internet Explorer browser before the said software can be installed. I use the Netscape browser and they wanted me to install MS IE before I could make greeting cards! I declined and asked for a refund.

William Kenney
Jamaica, NY

MTC–00008057

From: levinej@att.net@inetgw
To: Microsoft ATR
Date: 1/3/02 11:41am
Subject: microsoft settlement

I am in favor of the Microsoft settlement. I believe it works in my favor as a customer.

Joann levine—

MTC–00008058

From: Mary Selvick
To: Microsoft ATR
Date: 1/3/02 11:40am
Subject: settlement

I hope you can forward this to the senators; I have had it with the government sticking its nose into ''honest'' companies! Leave Microsoft alone! The settlement was fair!

What I would like to see is a committee come together to investigate the ''Pork'' that all the senators push through and the tax payers have to foot the bill!

I am for term limits and get those damn bloodsuckers out!

MTC–00008059

From: MVL240Z@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 11:46am
Subject: Microsoft Settlement

Bill Gates did not force me to buy his products. I evaluated his products and am glad I do not have to hire a consultant to make various software programs work seemlessly together. My productivity has increased because I do not have to waste time figuring out various software programs. Clearly, Gates and Balmer have been agressive and at times arrogant (Balmer).

Give them a fine, tell them not to do it again but let them get on with business and offering new products. Microsoft may not be the most innovative but they certainly make things work better. Do you use Word and PowerPoint? I am considering switching from Quicken to Microsoft becasue Quicken constantly crashes and according to reviews has been surpassed by Microsoft Money. Netscaape and AOL's internet browser are inferior to Microsoft Explorer.

Give Microsoft credit for turning on a dime and realizing that the internet would change our lives. Do not be dictated by competitors who think a lawsuit is the only way of ''beating'' Microsoft.

Stop wasting more time and money and let's move on. America should concentrate on being an economic superpower that will further globalization to help wipe out individuals or groups like the Taliban and bin Laden.

MTC–00008060

From: MSullivanMaram@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 11:46am
Subject: Microsoft Settlement

TO: Dept. Of Justice
FROM: Mary Ann Sullivan 65 Park Ave. Williston Park, NY 11596

I am pleased with the DOJ ruling on Microsoft. I do not believe that it would be in the best interest of the American economy to break up Microsoft. If other states want to go ahead and and sue Microsoft, I wish them luck! They won't succeed. We need a company like Microsoft to keep the American economy strong and progressive.

There are idiots today who hate Microsoft and don't even know how to use a computer!

CC:MSullivanMaram@aol.com@inetgw

MTC–00008061

From: CpiCfo@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 11:46am
Subject: Microsoft Settlement

The attack on Microsoft because they built a better mousetrap is unwarranted and outrageous.

I have been a computer user and analyst since my entry into the workforce some thirty years ago. In 1966, I was first introduced to programming (FORTRAN) as an engineering student. I can tell you I had no interest following this experience in being a computer geek! I left school and served in the USAF, with Viet Nam service. I returned to school on the GI Bill and obtained my BA and MBA. In this process, I was exposed to GPSS, Wang calculators and other cutting edge (at that time) computer models. They still left me with wanting someone else to do my modeling.

Graduating with my MBA, I then became a systems and financial analyst for a Bank holding company designing major banking systems (we were the first to install ACH in Florida and mini-computers in the bank branches) and using timeshare models. As computers moved away from the ''big box'' towards the ultimate ''personal computers'' I became more of a hands on user.

I became a CPA working for a major firm and then as the #3 financial spot with a fortune 500 which became a LBO and then liquidated. After the liquidation, I went into the work force as a consultant/CPA with my only staff being a PC under DOS. Without my computer background, it would have been extremely difficult for me to grasp what was going on in the PC—DOS environment-with seperate, unintegrated Lotus, WordPerfect, database and other applications. It was only several years later that I finally migrated to Windows which I initially resisted because I did not want to retrain myself.

When I found what Windows and the integrated applications could do—I never looked back. AND THE TOTALLY INTEGRATED PACKAGES I PURCHASED WERE FAR CHEAPER, MORE EFFICIENT AND BETTER than the more expensive packages that I had perviously been working with. Because of the systems created by Bill Gates—I have less office staff, am more efficient at what I do, am willing to do my own modeling and correspondence, email, internet access, etc. etc. etc.

I am at a loss as to what you think Bill Gates and Microsoft have done to harm me—the consumer! As I understand it, the major issue against microsoft revolves around their internet access system (MSN) which I do not use. I am an AOL user. And while I have found some conflicts which are an irritant—I do not consider them actionable. I still use AOL (my kids would not let me move) and have figured out how to defeat whatever conflict (perceived or real) existed. Note: AOL Instant messenger is another example of an innovative creation which for the life of me I do not understand why someone who creates and builds a better mousetrap (and is the only one who has and everyone wants it) needs to be punished for doing so! If you want someone to attack—why don't you look at some of the tax software firms—Why do I have to pay so much for software from them? Their fees are excessive in my opinion. SETTLE THIS ACTION AGAINST MICROSOFT AND MOVE ON!!!!!!!!!!!!!!!!!!!

MTC–00008062

From: Ralph Askam
To: Microsoft ATR
Date: 1/3/02 11:50am
Subject: Microsoft settlement

I am in favor of settleing the microsoft case as has been proposed in the final sttlement agreement.

I think enough time and money has been wasted on this matter and that every one would be better off withit's settlement.

Thank you
Ralph F. Askam M.D.
4120 Nobhill Dr.
Muskegon.Mi. 49441 231 780 2252

MTC–00008063

From: Robert Hess
To: Microsoft ATR
Date: 1/3/02 11:47am
Subject: Microsoft Settlement

Dear Sirs,

I'm writing to you in regards to the proposed settlement of the anti-trust suit against Microsoft.

I have several points of view on this matter.

As a (minor) shareholder, I feel too much time and money has already been spent by the company and the taxpayers on this matter. The company has agreed to abide by the proposed settlement to which the federal government and nine states have also agreed.

As a long-time personal computer user, I have never been forced to utilize Microsoft products. Over the years, I use, and have used, different operating systems, internet browsers, word processing software, spreadsheet programs, etc. In some cases, the Microsoft product was the best choice for me, in other cases, it was not...but I have a choice.

As an American taxpayer, I'm tired of the taxes I pay being wasted on a handful of lawyers making their careers on long, drawn out bureaucracies such as this.

It is time for this matter to be settled.

Respectfully,
Robert Hess
Wyomissing, PA

MTC–00008064

From: Ted Michael
To: Microsoft ATR
Date: 1/3/02 11:50am
Subject: Microsoft Settlement.

I think that Microsoft should be able to conduct business as it sees fit. Microsoft has announced its plans all along to the competition who thought that their grip was enough to see it through. When reality struck they called foul. When they had Microsoft on the ropes and tied up in Federal court they forged alliances themselves trying to become the ruler of the computer/on-line worlds. To what avail? Allow Microsoft to continue to move ahead in its product development and desktop integration. Don't punish them for their innovation but rather allow the market place to dictate the direction of the marketplace and may the best companies win!

Ted Michael
248–877–5772
CC:MSFIN@Microsoft.com@inetgw

MTC–00008065

From: JRKRAWIEC@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 11:50am
Subject: Microsoft Settlement

I wish to make my voice heard regarding the Microsoft suit. The suit against Microsoft was a huge mistake from the beginning. Since when is our government in the business of suing successful businesses, because the competition says it is unfair.

I believe that the settlement which has been reached is fair to all parties. The government has never made a case showing where consumers were harmed by Microsoft. In fact, the exact opposite is true. Microsoft has made it possible for more and more consumers to benefit from use of computers and the internet.

Please end this costly suit at once and move forward with the settlement already agreed upon.. If Microsoft had an unfair advantage, shouldn't the competitors have been benefitting from the tough times of Microsoft this past few years (due to this litigation)? The opposite has occurred. We have all seen our stocks in all of the internet companies go down the tube. Look at the numbers. This decline began almost in direct correlation with the Lawsuit. Now consumers truly have been harmed, but not by Microsoft, but by our own Government which will not leave the free market free.

Please do the right thing now.. Thank you for your time...Joyce Krawiec

MTC–00008066

From: Hjbaron@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 11:51am
Subject: Microsoft Settlement

Leave Microsoft alone-The settlement is reasonable to all parties-Stop wasting money on more litigation pushed by wealthy special interest groups.!!!!

Julie Baron

MTC–00008067

From: MEIJERA@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 11:56am
Subject: Microsoft Settlement

Dear US Department of Justice,

As we all know, our economy is suffering and we are now in a recession. If the case against Microsoft is resolved soon, I think our American public will gain the confidence it needs to begin investing in our great economy again.

Because Microsoft has brought so much to this world in software technology, they should be applauded and not obnoxiously criticized for their efforts. Sure, they should operate accordingly and be punished accordingly, but enough is enough. Let's get on with it and start this economy rolling again.

AMM

MTC–00008068

From: Edgar Lambert
To: Microsoft ATR
Date: 1/3/02 11:56am
Subject: Microsoft Settlement

It appears to me the states are only interested in getting revenue out of this law suit similar to the tobacco lawsuit. I don't believe the public interest has anything to do with it. Microsoft should be free to continue to innovate as they've done in the past which has made vast changes in our lives as well as helped the economy to grow.

Ed Lambert

MTC–00008069

From: Margaret Murdock
To: Microsoft ATR
Date: 1/3/02 11:55am
Subject: Microsoft Settlement

Dear Sirs:

I think you should accept the Microsoft settlement that has been reached by the DOJ and the various 9 states who wanted something different than the original DOJ agreement. Microsoft has paid enough for being a successful company. As far as I am concerned the whole thing has been a miscarriage of justice.

You learned all your computer use/knowledge at tax payer expense and with an Information Specialist standing by to get your computer straightened out from any screwups you did. We tax payers have not had that luxury.

When I bought my first computer, for my son to use at college, it cost more than I was able to save in one year, and then when I got it home, I had to figure out how to put DOS 3.3 (for which I had to pay extra) on it. Then I had to pay another $150 for a word processor, which I had to install on it, in the hopes that it would all work together. AND, I did not have the luxury of any one to help me if it didn't all work OK. And if I broke it—to bad.

Microsoft has made the purchase of a computer to use a pleasure, not the nightmare it use to be. All the software that you need to do the things that you want your new computer to do—is on it, and runs correctly!! More than any other company, Microsoft has made computers able to be used by anyone in the world. It is no longer only for the computer savvy few. Even you would not be able to use your computer if it were not for Microsoft making it easy enough that you can simply point and click your way around different windows.

Don't let the special interest groups stop the settlement.

Margaret Murdock

MTC–00008070

From: Joe Johnson
To: Microsoft ATR
Date: 1/3/02 11:58am
Subject: Microsoft Settlement

To Whom It May Concern:

I believe that the lawsuits brought against Microsoft are for the most part politically (self interest) motivated. Obviously Microsoft has been very successful and, as a result, has become very big. However, it is still important that the software industry be allowed to have a definite leader in a free market. I think that other companies should be guaranteed the right to compete with Microsoft, but they should not be guaranteed success! In general, I believe that the current proposed settlement with Microsoft by the DOJ is more than fair to the parties which have filed charges against Microsoft.

Sincerely,
Joe E. Johnson

MTC–00008071

From: Jim Applebaum
To: Microsoft ATR
Date: 1/3/02 11:57am
Subject: Microsoft Settlement.

Dear Sir or Ms.,

I believe the settlement of the DOJ suit against Microsoft should be approved as soon as possible.

Thank you,
Jim A.

MTC–00008072

From: DnBMcKee@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 11:58am
Subject: Micro Soft Settlement

My wife Billie and I both believe that the whole Microsoft trial has been unamerican and a total travisty. We grow up being taught that as Americans the sky is the limit. We are told that hard work, original thinking and attaining goals are the keys to success. Apparently not so if we take the example of the Microsoft affair as an indication of how it works. There isn't a single company in the U.S. that has done more for the American Image than Microsoft, and it is a world-wide perception. They should be rewarde, not punished!!!!!

Billie & Don McKee

MTC–00008073

From: Lyle McDermed
To: Microsoft ATR
Date: 1/3/02 12:02pm
Subject: Microsoft Settlement

It is my opinion that Microsoft is being punished for being successful. There seem to be several Microsoft wannabees that have an inferior product that want to see Microsoft pay through the nose for good business practices that the wannabees do not have! Since capitolisim allows for and encourges success, I fail to see why the federal Justice Department and the different States are trying to destroy Microsoft. Success should breed additional success and not PUNISHMENT!

Lyle K. McDermed

MTC–00008074

From: Ken (038) Audrey Smith
To: Microsoft ATR
Date: 1/3/02 12:01pm
Subject: Microsoft Settlement

We feel the settlement is fair and should apply to all the states involved.

We are not sure why the states should get anything, Microsoft has given all states computers and training.

Sincerely,
Audrey Smith

MTC–00008075

From: DICKBEAN
To: Microsoft ATR
Date: 1/3/02 12:02pm
Subject: End The Legal Obstructions

Senator Hatch and Microsoft's Utah competitors should get a life. The court has ruled and we should all be moving on.

Richard C Bean

MTC–00008076

From: GERALD HARTZ
To: Microsoft ATR
Date: 1/3/02 12:03pm
Subject: Microsoft Settlement

Ladies and Gentlemen,

I think this foolishness has gone far enough, too far in fact. If you can't see that these lingering nine states are in ''it'' strictly for the money than I have a bridge I want to sell you after this foolishness is concluded. We cannot control the success of one company, i.e. Microsoft, and the failures of others by taking money from the successful one and giving it to the slackers in an attempt to even the playing field. This is absolutely stupid, and My Government must act more intelligently than that. This entire ''suit'' thing (designed by the previous Clinton Administration who when faced with what to do and had no intelligent way to turn, sued) makes me sick. Wake up Justice Department!!!!!!!

This email comes to you from US Citizen:
Gerald Hartz
19 Diller Line Road
Chesterville, ME 04938

MTC–00008077

From: Frank (038) Debbie
To: Microsoft ATR
Date: 1/3/02 12:03pm
Subject: Microsoft Settlement

Please finalize the settlement. Stop further frivolous litigation and let the computer industry get back to business.

Thank you,
Frank Hobin
409 S. Beech St.
Winnsboro, Tx 75494
(903) 342–9222

MTC–00008078

From: Thelma Stevens
To: Microsoft ATR
Date: 1/3/02 12:04pm
Subject: No subject was specified.

Re. the Microsoft Settlement:

With regards to the new Microsoft settlement, we would like to add our thoughts to what so much of the American public thinks. We agree with the settlement and find it a tough but beneficial settlement for all concerned. We believe that the interests of all the parties are well served by this proposal and we urge you to finalize this

settlement as soon as possible. As a consumer, we think the terms are fair to us as well as to the aggrieved parties. Please do not delay this proposal, Let's get this behind us, and keep the American economy moving!

Thank you.

Sincerely,

Thelma and Nelson Stevens

Barrington, IL.

MTC–00008079

From: Luiz De Lima
To: Microsoft ATR
Date: 1/3/02 12:05pm
Subject: Microsoft settlement

The litigation against Microsoft has already damaged the economy perhaps more than terrorist acts. I think it is time to settle the case and move forward to resume growth.

MTC–00008080

From: Allan Kalar
To: Microsoft ATR
Date: 1/3/02 12:08pm
Subject: MS Settlement

Yes, Microsoft has some problems, but delaying the settlement is not the way to solve them.

Microsoft's biggest problem is that their operating systems aren't reliable. No amount of legislation or court action is going to fix that. The marketplace will. Linux is currently replacing Windows as the system of choice for web sites because it's more robust and cheaper per node. Hardly the scene you'd associate with a monopoly situation. Don't let the special interests whine their way into the procedings. Settle this thing now so the world can get on to something important.

Allan Kalar

Viking Waters (not connected with Microsoft)

800–838–5958

alkalar@attglobal.net

PO Box 1975

Elma, WA 98541—

Don't put a question mark where God put a period.

MTC–00008082

From: Arden Warner
To: Microsoft ATR
Date: 1/3/02 12:10pm
Subject: Microsoft Settlement

Get off of Microsoft's back.

Please end your never-ending, apparently obsessive, interest in the Microsoft case. You've done enough. Send your people after someone—or something—of consequence. Prosecuting a business, simply because the business is successful, provides a large group of—otherwise (possibly/probably) unemployable—attorneys with ample, overpaid, employment and on-the-job training. But it serves very little, if any, meaningful purpose. Microsoft does more good for the United States of America, by sheer accident—in one week, than your organization does, with hundreds of overpaid bureaucrats, working around the clock, in 20 years.

Buy your staff some pool tables and foosball machines, and keep them busy with those interests and activities. By giving them anything else to do—you are taking the risk of doing much harm. I am proud of what Microsoft has done for society—and for the entire world. I am not at all proud of what you people do—either for a living or as a potential benefit to society. In fact, what you do for a living is kind of embarrassing. Try looking for some honest—and meaningful and productive—work. There must be something that you can do.

Arden Warner

11038 Quail Run

Dallas, TX 75238–3712

214–341–8174

MTC–00008083

From: Larry Cox
To: Microsoft ATR
Date: 1/3/02 12:10pm

I work in the travel industry. We're struggling to stay in business and it will be a tough year in the best of scenarios.

In the interest of our nation and economy, I ask that the case against Microsoft be closed.

Thanks,

Larry Cox

MTC–00008084

From: Marty McCafferty
To: Microsoft ATR
Date: 1/3/02 12:11pm
Subject: Microsoft Settlement

I am very disappointed with the settlement. It seems to just bandage the problems with Microsoft's monopoly powers. Microsoft can easily use the delays in court to damage competitors.

Microsoft's illegal advantages have striped the computer industry of real innovation. A simple look at the computer related technology growth in the 80's compared to the 90's to present Microsoft era shows we are stagnate. Microsoft has choked off innovation so only the monetary strong can attempt to compete. This severely limits innovation.

For instance, In the 80's a $300 Commodore 64 could play music and simple voice recognition and used the latest technology and most people could afford it. An Amiga computer was about $600 could 32-bit multi tasking operating system, play digital music, speech synthesis, video capture and has hundred of affordable graphic and sound programs and was capable of hi speed modem access. The PC controlled by Microsoft has just recently been able to offer these abilities mostly because of the cost to do business with Microsoft and the ability of Microsoft to starve a small innovator out of the market using there illegal monopolistic power.

The only way to really help the consumer is to break Microsoft's up into competing Microsoft companies. The vacuum left behind would be filled with lots of innovative competitors keeping prices down and new ideas and technologies affordable. We would see the computer growth of the 80's of a scale of todays PC market.

Microsoft's biggest market strength is they can ''include'' products in there OS that a person would not purchase but may keep someone from purchasing a competitors product. Netscape is one big example, Explorer was an inferior product and few would download it, so Microsoft included it in the OS. Now a user could use the inferior product because it was included and they may be less likely to download the competitive product. Microsoft's recent Media Play 8 is following the same game plan. There are better products out there but users are less likely to download them because they have a ''similar'' product included with the OS.

Why invest in competing with Microsoft with their ability to force new computers to have there competing products ''integrated''?

The computer industry could really used more competition in the OS and application fields to bring down the cost of good products.

Regards, Marty

Marty McCafferty

Network Administrator

Nissei Sangyo America, Ltd.

Phone: (847) 273–4327 Fax: (847) 273–4127

E-mail: marty.mccafferty@nissei.com

mailto:marty.mccafferty@nissei.com

MTC–00008085

From: LRoddis@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 12:12pm
Subject: Microsoft Settlement

To whom it may concern: Without Microsoft products, I would be unable to have my business and help my daughter with school. Microsoft made products that work for the private person and are affordable. The case against this innovative company is ridiculous and is hurting our economy. I wish to express my disappointment in the governments continual pursuit of Microsoft. Please put an end to the legal action. Microsoft has been a model in creating technology that is affordable to so many people.

Thanks for providing a means for me to express my opinion

Linda Roddis

St. Paul, MN

MTC–00008086

From: maryasara
To: Microsoft ATR
Date: 1/3/02 12:22pm
Subject: Microsoft Settlement

This was never really a DOJ case. If there was a problem with Microsoft's competition, they should have spent their own money and brought a civil case. How about a DOJ case against the competion for collusion.

MTC–00008087

From: James Morss
To: Microsoft ATR
Date: 1/3/02 12:22pm
Subject: Microsoft settlement

Hello,

It's time to settle and get on with business. We need companies like Microsoft to stay healthy and competitive. Microsoft has given the US a big competitive edge in the tech market and we need to help them not punish them further. Let's move on.

Jim Morss

206 174th Pl. NE

Bellevue, WA 98008

MTC–00008088

From: Annegstout@aol.com@inetgw
To: Microsoft ATR

Date: 1/3/02 12:23pm
Subject: MICROSOFT SETTLMENT

To the Department of Justice:

I am writing to let you know that I am in favor of the settlement of the Microsoft dispute. I believe that it will be for the good of our economy and our sense of fairness and freedom to accept the settlement and get on with the growth of our technological businesses.

Sincerely,
Anne G. Stout

MTC–00008089

From: CHASTU@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 12:21pm
Subject: Microsoft Settlement

Continued interference by government in the free market is unwanted and not what we are electing politicians to do. They are only hurting economic recovery. Get off the back of business.

C.S. Griffith, Ponte Vedra, Florida

MTC–00008090

From: John, Christine, Cailyn and Jared Cattell
To: Microsoft ATR
Date: 1/3/02 12:15pm
Subject: Microsoft Settlement

Please complete the proposed settlement as soon as possible. I strongly believe this is in the best interests of our country's freedom to innovate and to help our economy pull out of recession. I believe these lawsuits were motivated by Microsoft's competitors who are trying to ''rob'' Microsoft of their rewards for producing outstanding products that have propelled our technology growth over the last decade.

Again, please do not stand in the way of an economic recovery and freedom to innovate with new products. Complete the proposed settlement now and let's move on.

Thank you,
John Cattell

MTC–00008091

From: Bill Williams
To: Microsoft ATR
Date: 1/3/02 12:22pm
Subject: Microsoft Settlement

My thougts on the subject case.

I am glad the subject case is coming to a close. I understand litigation of this magnitude takes time, however, in this case you took way to long in reaching a final decision.

By not coming to a quicker decision it affected the economic well being of many developers waiting in the wings for a decision. Small to mid-size organizations are still the backbone of our economy and you under-cut their ability to act and/or react. Most organizations do not have the cash that a Microsoft has, therefore, quicker decisions are necessary. I agree Microsoft should not have been broken up.

I am disappointed that you are allowing them a long-term free hand in entering the education market. The long-term effects will favor Microsoft and put competition at a disadvantage. Other remedies would have been more realistic and would have encouraged long-term competition.

Punishment was in order and you fell short.

Bill Williams
wgw21@hotmail.com

MTC–00008092

From: LAPUNE@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 12:23pm
Subject: settlement of governmebt lawsuit

Come on!! Lets get this thing behind us and encourage the lawyers to work on something that really is worthwhile.

Microsoft has been a boon to world economy. They shouldn't be punished! Microsoft deserves to be #1.

Microsoft's competitors should spend their money $$$ on improving their businesses, not on lawyers.

Al Boden

MTC–00008093

From: Vince Yelmini
To: Microsoft ATR
Date: 1/3/02 12:24pm
Subject: Microsoft Settlement

In the midst of these uncertain economic times, the last thing the American economy needs is more litigation that benefits only a few wealthy competitors and stifles innovation.

This settlement is in the public's interest: it is tough, but reasonable and fair to all parties involved. It is good for consumers, the industry and the American economy.

Please settle this and clear the court system!

Sincerely, V.A.Yelmini

MTC–00008094

From: Fred Clarke
To: Microsoft ATR
Date: 1/3/02 12:25pm
Subject: Microsoft settlement

It is time to settle. The DOJ had a poor excuse to start with and hammered the tech sector with the threat of breakup. Settle as agreed.

MTC–00008095

From: Catherine Ansbro
To: Microsoft ATR
Date: 1/3/02 12:28pm
Subject: comments

I am concerned about the proposed ''penalties'' on Microsoft. These so-called penalties do not really punish this company for its monopolistic activity over many years. In fact, they make it possible for Microsoft to continue its monopolistic activities in the years to come. This is simply not acceptable.

Microsoft has attempted to maintain a monopoly on the Internet Web Browser market. This is more apparent to a software developer who works within Microsoft operating systems. The technical aspects involved in the operating system itself, specifically, development with the Microsoft Foundation Classes and use of '.Net' technology marries the software developer (happily or unhappily so) to Internet Explorer, and the operating system. The newer versions of Windows have the Internet technologies wrapped in them. This is an obvious attempt to maintain a monopoly on the Internet Browser market. Whether or not they supposedly did it 'on purpose', the result is the same: a monopoly.

Specific training programs such as MCSE (Microsoft Certified Software Engineer) and MCSD (Microsoft Certified Solution Developer) are geared towards maintaining the internet browser market by gearing Microsoft Certified individuals (who must pay for courses and tests, and so become personally invested) to use only Microsoft Products.

One could argue that nobody else has attempted these things on the level that Microsoft Inc. has. Of course not, because they didn't have the chance to because of Microsoft's illegal monopoly and its unfair treatment of would-be competitors. This lack of competition is still hurting us all, at the level of individual users who do not experience freedom of choice in the products that are made available to us, and at the level of businesses who could have made different and better products and considerable profits during these years that Microsoft was an illegal monopoly.

Hardware manufacturers is hiding the price of the operating system on new computer systems. And they are not permitted to sell the hardware separately from the software. This is fundamentally wrong.

The legal resolution to this matter should include the following demands on Microsoft:

(1) Microsoft products—or products of any software manufacturer—must be sold as separate items by computer vendors. Users can then make a CONSCIOUS choice, and other software manufacturers will have a chance to compete. Installation of software selected by the user can remain free. For example, I prefer to be able to buy a linux operating system installed on a new computer. Why should I have to also pay for a Microsoft OS that I do not want or need? And why is the price of the Microsoft OS & Software not published?

(2) All Microsoft networking protocols must be published in full and approved by an independent network protocol body. This would prevent Microsoft from seizing de facto control of the Internet.

(3) The specifications of Microsoft's past, present and future document and network formats must be made public, so that documents created in Microsoft applications may be read by programs from other makers, on Microsoft's and other operating systems. This is in addition to opening the Windows Application Program Interface ('Windows API', the set of ''hooks'' that allow other parties to write applications for Windows operating systems), which is already part of the proposed settlement.

(4) The level Microsoft is certified by the Software Engineering Institute must be made public to the consumer, as well as insight into their development process for Operating Systems. SEI level 3 is required by the United States Government for software companies that supply software to it (or that was coming in 1999). This certification was created to protect the government from software manufacturers that had no software development process. This same certification should protect the average consumer, AND insight into the Software Development

Process for creation of their operating systems would give software manufacturers a chance to keep up with Microsoft.

(5) Device Driver information for new operating systems MUST be made public prior to the release of the operating system by a minimum of 6 months. This is VERY important when dealing with future web enabled embedded devices. It also helps the average consumer because they get a better product. Judgment in this case needs to be fair to the consumer, because future cases will look toward this as a precedent. Please take these steps to ensure that Microsoft is truly penalized from its years of monopoly activities—including harsh financial penalties that will resound throughout the computer industry—and include the recommended steps above to ensure that Microsoft is never able to do this again.

Catherine Ansbro
236 Pawnee
West Lafayette,
Indiana 47906

MTC–00008096

From: Fdcdyc@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 12:28pm
Subject: (no subject)

I think the Microsoft settlement is fair. Lets get this over with. There must be more important things to spend our tax dollars on. FDCartwright.

MTC–00008097

From: branden—
hoopes@peoplesoft.com@inetgw
To: Microsoft ATR
Date: 1/3/02 12:27pm
Subject: Microsoft Settlement

To whom it may concern:

I have no business affiliation with Microsoft. I am simply a very happy consumer of their products. I have used Microsoft and competing products for years and I firmly believe that Microsoft's dominance in the market is the result of a superior product. Computer software has never been so easy to use and has never been so integrated.

On the other hand, I am not blind to the mistakes Microsoft has made. However, I believe the remedies agreed to by Microsoft and the Department of Justice are more than adequate. The states that have chosen to not accept the agreement between nine states, Microsoft, and the Department of Justice are states in which Microsoft's largest competitors are based. These states are rejecting the settlement because large corporations in there districts want Microsoft removed as a competitor, NOT because there is a public outcry by consumers over how they have been mistreated and overcharged by Microsoft.

Please accept the proposed agreement and let Microsoft survive. The alternative remedy proposed by the other nine states would cripple Microsoft, demoralize their employees, and ruin any incentive the company has for continued innovation of their products. It would be a mistake far bigger than the collapse of Enron.

Branden Hoopes
A happy Microsoft consumer

MTC–00008098

From: Harry E. B. Sullivan
To: Microsoft ATR
Date: 1/3/02 12:13pm
Subject: Microsoft Settlement

I believe there should be no governmental action of any kind against Microsoft. I have used a wide variety of Microsoft software and hardware since 1992. For the moderate amounts of money these items cost, I have received immense value. These products have made computing and use of the internet much more efficient and enjoyable. Instead of penalizing Microsoft, the U.S. Government and the American people should praise Microsoft for its many innovations, which have greatly improved American productivity and provided thousands of good high-tech jobs for Americans.

The anti-trust case against Microsoft is ludicrous—to prove an anti-trust violation, the government must prove harm to consumers, and it has failed to do so. From personal experience, I know of no such harm. Besides, anyone who does not like Microsoft has always been free to buy Apple products. Thank you for your attention to my views.

Sincerely,
Harry E. B. Sullivan

MTC–00008099

From: JEBenecki@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 12:29pm
Subject: Microsoft Settlement

First I offer my relevant credentials. My wife and I are retired residents of South Carolina, owners of 400 shares of Microsoft and users of Microsoft products in our home computer and previously in our careers.

I am very grateful for the productivity gains Microsoft has given all sectors of our economy through the products it has made available to the consumers at what I believe have been reasonable prices. Microsoft was also a leader in providing products and systems that are both compatible and integrated for ease of use by the consumer.

On the other hand, Microsoft was overzealous in pursuing market position in the past and the public has a right to expect some adjustment in Microsoft's behavior.

I believe the settlement agreed to by nine states is fair and sufficient to control Microsoft's business directions in the coming years. I encourage the Justice Department to use its influence and power to bring the other nine states into agreement with the settlement as well.

Thank you for your attention to my views.

John E. Benecki

MTC–00008100

From: Connie Hutchison
To: Microsoft ATR
Date: 1/3/02 12:29pm
Subject: Microsoft Settlement

I am a school board member of the McFarland School District. We are a small school district in Wisconsin and face a difficult time continuing to provide a world-class education because of climbing costs and a limited tax base. Funding for computers, hardware and internet access must be balanced with the other basic educational and staffing needs in our district.

However, in order to help prepare our students for the jobs, businesses and the everyday world they will face after graduation, our district's ability to provide current technological equipment and training is essential. The proposed Microsoft settlement will help small schools districts like McFarland provide the technology our students need to meet the challenges they will face in the coming years. The settlement not only provides the technology, but also provides the training so teachers can effectively use the computers in the classrooms.

Please support the proposed settlement which establishes an independent foundation to distribute technology funds, computers and software to those districts in the most need of these essential resources.

Thank you for your consideration,
Connie Hutchison
5608 Chestnut Lane
McFarland, WI 53558
(608) 838–3728

MTC–00008101

From: Francesco Gallo
To: Microsoft ATR
Date: 1/3/02 12:30pm
Subject: Microsoft proposed settlement
From: Francesco P. Gallo
216 Hitching Post Dr.
Wilmington, DE 19803
To: CHARLES A. JAMES
Assistant Attorney General
Antitrust Division
United States Department of Justice

I would like to express my gratitude, as a small consumer of PC products, to the US Attorney Office that in few months has put the basis for an end to a saga that has attempted to destroy an industry leader for so many years, and certainly not favoring the consumers and the economy.

Although I'm not a technician, I have perused the documentation on the Antitrust Case, and I'm very happy to express as consumer few comments for the Tunney Act.

It seems appropriate that the remedies invoked by the Proposed Final Judgment and the Competition Impact Statement are a reasonable solution to this long war, giving competitors an opportunity to integrate products and forcing Microsoft to reveal its source code, without stopping Innovation. In addition, Microsoft would be under federal monitoring until 2008. It is time for the few States opposing this settlement to dedicate more of their resources to support the economy and the innovation that will enhance the productivity.

Respectfully.
Francesco P. Gallo
CC:Francesco Gallo

MTC–00008102

From: BOB52545@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 12:29pm
Subject: Microsoft Settlement

Dear Sir/Madam:

I am writing in support of the proposed settlement of antitrust claims against Microsoft Corporation. As a retired lawyer, I believe that settlement of these claims is in the best interest of the taxpayers and the

American consumer. Far too much money has already been spent prosecuting questionable claims (although I suppose Judge Jackson's Order, to the extent upheld by the Court of Appeals, has laid to rest the questionability of these claims).

I don't believe that the consumer was ever really damaged by any monopoly power wielded by Microsoft, nor do I believe that any competitors were seriously harmed by ''monopolistic practices'', if any, of Microsoft. Having a superior product is not against the law nor should it be. I seriously doubt that any true unregulated monopoly exists in the US today, nor has one existed here for a long time.

It is time to move on to something that will truly make a difference in the lives of Americans and leave successful businesses alone.

Robert G Currin, Jr,
225 Springlake Rd,
Columbia, SC 29206

MTC–00008103

From: Harold (038) Dorothy Clinesmith
To: Microsoft ATR
Date: 1/3/02 12:22pm
Subject: Microsoft Settlement

Dear Sirs: I feel that it is high time to settle this litigation and get on with business. It serves no purpose to keep chipping away at a company that has had such good success at innovations that make the computer easier to us by the average person. Why keep punishing a company that has done such a good job just because other companies didn't have the ability to do the same if they had had the expertise to do the same first. Lets get on with the business of being a country that rewards companies and people for doing things that helps the economy of this free country. Please end this as soon as possible.

Sincerely,
Dorothy Clinesmith

MTC–00008104

From: tbrown@orionconsulting.com@inetgw
To: Microsoft ATR
Date: 1/3/02 12:33pm
Subject: Microsoft Settlement

To Whom It May Concern,

I am writing to express my support of Microsoft and request a swift and fair completion to their litigation. I am both a consumer of Microsoft (MSFT) software and in a business that relies in part on MSFT's success. As a technology professional, I am keenly aware of the importance of fair competition in our field. Unfair competition or monopolistic behavior is very damaging to us as it slows the development and adoption process of new and better technologies. To this end, I support the prosecution of MSFT and the success the DOJ has had in getting MSFT to stop their unfair practices.

On the other hand, there is an overwhelming danger to our industry if this settlement is drawn out or if the punishment is too severe. MSFT has created some of the best software products on the market today. They create millions of jobs and drive billions of dollars in the U.S. economy. My company and thousands of others are working with MSFT everyday to expand the technological lead the U.S. enjoys over other countries. I rely on them to be successful in selling their software so I can sell consulting services and make my own company profitable. Punishing them unfairly will hurt many innocent people, like myself and my employees.

The settlement with MSFT should be focused on assuring they adhere to open standards for their software and open commercial arrangements for potential resellers or licensees of their technology. The technology industry in the U.S. has tried in vain for years to create a sanctioning organization that everyone subscribes to—fairly. If there is a single greatest opportunity for the DOJ to provide a legacy out this huge prosecutorial effort, it would be in the mandate for the creation of a technology standards council.

Companies like MSFT, AOL, Oracle, SAP, HP, Sun, etc would all be required to be involved in and fund this organization. This would allow the technology industry to police itself with oversight by the government. Our economy has been hurt enough by recent events. Our industry is in its worst slump in 10 years. Please do what you can to reverse this decline, not make it worse.

Sincerely,
Thomas J. Brown
Chicago, IL

MTC–00008105

From: William Browning
To: Microsoft ATR
Date: 1/3/02 12:33pm
Subject: Microsoft Settlement

I am a shareholder of Microsoft as you might have guessed. I favor the settlement, of course.

There is, however, another aspect which I find particularly disturbing. That is the transmission by the Senate Judiciary Committee to Judge Kotar-Kelly of the results of their hearings favoring modification. If ever there was inappropriate interference by the legislative with the judicial branch this is it. The threat that the Judge will not get a promotion to higher judicial office unless she follows their recommendation is palpable. I really hope you can do something about that.

Bill Browning.

MTC–00008106

From: Ross, Joyce
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/3/02 12:22pm
Subject: MSFT

Dear Sirs ... I feel that the proposed settlement with Microsoft is both reasonable and fair. We need to allow for innovative research and expect that the best will rise to the top.

jross

MTC–00008107

From: RCllnd@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 12:35pm
Subject: Microsoft Settlement

I believe that the Clinton Administration's going after Microsoft was not a good thing to do. Microsoft is a very good company and has made many people successful in their business. Leave it alone. Let the settlement that has been agreed upon stand.

Sincerely yours,
Rosemary Cleland
Bishop, Ca 93514

MTC–00008108

From: JR LONGMEIER
To: Microsoft ATR
Date: 1/3/02 12:37pm
Subject: SETTLEMENT

THE SETTLEMENT WITH MICROSOFT NEEDS COMPLETED AS SOON ASS POSSIBLE AND GET ON WITH BUSINESS. IF THE PREVIOUS A.G. HAD SPENT AS MUCH TIME HARASSING BIN LADEN AS IT IT DID BILL GATES, I THINK WE WOULD HAVE A BETTER WORLD TODAY.

MTC–00008109

From: JBWeed@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 12:38pm
Subject: Microsoft Settlement
To: DOJ
Subject: Microsoft Settlement

I would like to register my support for the proposed Microsoft Settlement. I think it represents an acceptable way to resolve the issues.

Jeff Weed
11320 Grenelefe Ave. N.
White Bear Lake, MN 55110

MTC–00008110

From: Theodore Nelson
To: Microsoft ATR
Date: 1/3/02 12:38pm
Subject: Microsoft

The DOJ and majority of states have reached an agreement with regard to Microsoft. I believe this settlement was in the best interest of consumers and American business. We as Americans must be concerned about our global competitiveness and further litigation of this case will further increase the risk of damaging the competitive edge we have in computer software. Therefore, I strongly recommend proceeding with this settlement agreement.

Theodore W Nelson
2812 Shamrock Drive
Allison Park, PA 15101

MTC–00008111

From: Jim Dowling
To: Microsoft ATR
Date: 1/3/02 12:38pm
Subject: Enough is truly ENOUGH !! Let's move on and quit wasting

Enough is truly ENOUGH !! Let's move on and quit wasting my tax dollars as well as the tax dollars of other tax payers

Sincerely,
Jim Dowling

MTC–00008112

From: Danoe38111@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 12:39pm
Subject: Microsoft/ Settlement in the Courts under the Turney Act; The Contribution that Microsoft has made to the Computer Industry over the Years, has been phenomenal. Todays Computer expertise by millions would not have happened if there had not been a system that had

some continuity to it, and kept it as simple as possible.

Therefore. I hope that the powers to be will accept the present settlement that is being offered, and get on with teaching more people to utilize the computer and its many many advantages. Please settle now, this has gone on for 4 years too many.

Thank you for listening.

D Noe.

MTC–00008113

From: Eddie Bunn
To: Microsoft ATR
Date: 1/3/02 12:37pm
Subject: Microsoft Settlement

The previous Clinton administration seemed to attack big business as bad for us private citizens when a lot of folks either work for those type of companies or related industries. They went after tobacco, they went after the firearms, and they went after Microsoft to name a few. They said they were doing it for us, but most Americans saw through this ruse and realized it was a way the politicians could bring in more money, through fines, to support their spending habits. It wasn't about us, it was about money, money, money for our government. Ultimately, it had a very real and negative effect on our economy... Enough is enough. When Microsoft was attacked, it seemed to mark the beginning of our economic downturn. I thought it then and I believe it now. Why? I'm not sure, but it falls under weakening consumer confidence. I don't work for a big company. I'm a small independent businessman. But my feeling is that the economy is trying to turn around and if this Microsoft case doesn't continue to drag on, and is settled soon, it will be a big boost to the American psyche which in turn will help consumer confidence. We sure could use that right now.

W.E. Bunn

MTC–00008114

From: Jim Stout
To: Microsoft ATR
Date: 1/3/02 12:41pm
Subject: Microsoft Settlement

I just wanted to voice my opinion regarding the settlement. I think the settlement is tough but fair. I'm glad to see that this matter can be settled and that we can all just get back to the business of making this country a leader in the world. Get on with it and let the economy recover!

MTC–00008115

From: Barbara Winter
To: Microsoft ATR
Date: 1/3/02 12:43pm
Subject: Microsoft Settlement

To: Department of Justice

Re: Review period for Microsoft Antitrust case

As a consumer of Computer software for 20 years, I wish to express my dismay that special interest groups-primarily Microsoft competitors-are attempting to derail the Court of Appeals settlement agreed upon in November of 2001. This settlement is tough, but reasonable and fair to all parties involved. Consumers overwhelmingly agree that settlement is good for them, the industry and the American economy. Unfortunately, a few special interests are attempting to use this review period to derail the settlement and prolong this litigation even in the midst of uncertain economic times. The last thing the American economy needs is more litigation that benefits only a few wealthy competitors and stifles innovation.

Don't let these special interests defeat the public interest.

In the settlement, Microsoft has agreed to provide software developers the necessary access to the code that enables them to create programs that interact with Microsoft platforms. The new .NET platform has raised more excitement in world-wide software developer communities than any previous operating system, in large part because Microsoft is encouraging developers to innovate, and supporting them in that effort regardless of their allegiance or affiliations. This freedom to innovate is essential to American values. It's good for competition, good for consumers.

Please take a balanced and fair look at how the proposed final settlement will affect CONSUMERS. That is the group anti-trust laws were meant to protect.

Thank you,
Barbara Winter
13872 NE 60th Way
Redmond, WA 98052
425–895–8836

MTC–00008116

From: Mail
To: Microsoft ATR
Date: 1/3/02 12:44pm

MTC–00008117

From: Chris Mayhall
To: Microsoft ATR
Date: 1/3/02 12:43pm
Subject: Microsoft Settlement

The last thing this country needs at this point in time is a prolonged randomizing conclusion to the Microsoft anti-trust case—let's finish it with the proposed settlement as it stands.

After seeing how decisively the American public reacted to the horrific acts of September 11, do you (the DOJ) really think that the people of this nation would support Microsoft or any other company if we actually thought that their products were designed and built to our detriment? This must be a time of rebuilding, economically as well as spiritually, to show the terrorist community that they have not succeeded in their efforts. Further litigation against Microsoft would very likely lead to even more stagnation in the economic markets, and this would surely be viewed by some as a direct effect of the recent terrorist acts.

Certainly people everywhere, and in particular in the United States, have become more productive through the use of Windows, the Internet, and software applications that run on the Windows operating system. To overlook this economic trend of the past decade, is a significant oversight.

And finally, to anyone who has not developed software it is unthinkable that a manufacturer would release a new product, such as an operating system, that ''didn't work well'' in the marketplace—it is an economically-driven decision with sharp competitors (such as AOL and Sun Microsystems in this case) doing all that they can to take that marketshare. The number of hours and test cases examined in order to be sure that Windows works well with all of the popular software products is staggering. Integrating software such as an internet browser with the operating system, as in this case, is done in order to raise the quality of the software. This occurs because common code that is shared between the two software applications only has to be written once, tested once, documented once, manufactured once, and sold once. If these same two applications were not integrated, all of these production facets are doubled. Eventually support costs double and the price of the software increases. It is hard to imagine how this latter approach is ultimately to the benefit of the American public.

Sincerely,
Chris Mayhall, Applied Digital Photography, LLC

MTC–00008118

From: Bill Gish
To: Microsoft ATR
Date: 1/3/02 12:52pm
Subject: Microsoft Settlement

Department of Justice

With the job losses, Income losses for most citizens, Stock market down; it is time that when a settlement is reached, for it to be honored and the individuals who profit, who already have more income and assets than the average person stop prolonging the final settlement to enrich their pockets, get votes in their states, to hold offices that they are unable work and reach agreements with other government departments. Any system that can't reach an agreement is shorter time than this should refund their pay for ineffectiveness. People are losing faith in the over all government. The auto industry doesn't have compatible parts for interchanging with other autos, neither the appliance industry, or for that matter the human body. Every company tries to increase their market, look what your organization has allowed the Super Stores to do the small business person. Stop this delay now.

William D. Gish

MTC–00008119

From: Gregory Slayton
To: Microsoft ATR
Date: 1/3/02 12:48pm
Subject: Microsoft—Settlement

THE PFJ IS RIDICULOUS. WHY LET THEM GET AWAY WITH PAST ABUSES AND GIVE THEM A DEFACTO GOVT APPROVED MONOPOLY GOING FORWARD???

GWS

MTC–00008120

From: Phillip Young
To: Microsoft ATR
Date: 1/3/02 12:51pm
Subject: Microsoft Settlement

Dear DOJ, Complete the Microsoft Settlement. Please settle with Microsoft to allow Microsoft and the whole electronics industry get on building their industry. Let the market place decide the winners and loser—NOT THE GOVERNMENT.

Thanks,
Phil Young
San Diego, CA 92109

MTC–00008121

From: Alexandra Stocker
To: Microsoft ATR
Date: 1/3/02 12:50pm
Subject: Microsoft Settlement
To The Justice Department:
Please end the litigation against Microsoft once and for all. As a taxpayer, consumer, and small business owner, I object to our government intervening in the free market and persecuting a company such as Microsoft, one of America's great success stories, whose only crime was to be too successful.
Sincerely,
Alexandra Stocker
Alexandra Sanderson Stocker
Principal
Sanderson & Stocker, Inc.(R) (formerly Sanderson Capital)
2333 N. Triphammer Rd. #201
Ithaca, NY 14850
(607) 257–5117

MTC–00008122

From: JD Loden
To: Microsoft ATR
Date: 1/3/02 12:52pm
Subject: Resolution
Microsoft has made the technology industry more competitive, and has demanded that it's competitors achieve excellence. When the automobile was invented, could we've prevented car makers from designing cars with four wheels similar to the first car?
Obviously we need a platform, and from this platform competitive products and services will surface.
J.
D. Comprehensive Business & Personal Financial Planning Services
Naples, FL 941–430–0104, FAX 941–403–9987 EMAIL jd@gulfaccess.net
Investments offered through Jefferson Pilot Securities Corporation-Concord, NH

MTC–00008124

From: Judy Sawyer
To: Microsoft ATR
Date: 1/3/02 12:19pm
Subject: Microsoft Antitrust suit
I feel this litigation has taken up valuable time and money and should have been over a long time ago.
Microsoft have been a wonderful intivator. I do not see any gain for anyone in pursuing this case 1 day further.
Judy Sawyer
Sawyer@wilmington.net

MTC–00008125

From: NKozimor@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 12:56pm
Subject: Microsoft settlement
I want to commend our government on finally putting this settlement behind us! I thing that Judge Jackson was way out of line with his decisions and I applaud the new judge who is showing some semblance of common sense!
Nick Kozimor
Mansfield, Ohio

MTC–00008126

From: DBC1998@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 12:56pm
Subject: msft settlement
I think this settlement is fair & i congratulate doj for it.

MTC–00008127

From: Richard Beckert
To: Microsoft ATR
Date: 1/3/02 12:56pm
Subject: Microsoft settlement
Hi, I am writting to express my support for the Microsoft antitrust settlement. I believe it is in the public interest, it addresses the monopoly maintenance charge upheld by the appelate court and it is fair and reasonable. While addressing the anti-competitive behavior, the settlement still allows Microsoft to innovate and compete with other companies.
In these tough economic times, this is one uncertainty that can be put behind us. Imposing tougher restrictions on Microsoft could cost more jobs and cause more uncertainty in the high tech industry. I believe this settlement is in the best interest of the consumers and the public. I only wish that all States could have been on board as oppose to holding out for their own self centered political gain!!
Sincerely,
Richard D. Beckert
11620 127th. Ave. N.E.
Lake Stevens, WA 98258
(360)653–5464

MTC–00008128

From: Normakorn@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 12:57pm
Subject: Microsoft
I would hope that Microsoft be allowed to pursue their efforts in developing cyberspace. Thay have done so much, and success should not deter them from marching forward in their plans to better this computer age.
Sincerely,
normakorn@aol.com Norma Korn

MTC–00008129

From: Charles A Schuster
To: Microsoft ATR
Date: 1/3/02 12:58pm
Subject: microsoft settlement

MTC–00008130

From: JTDDDS@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 12:58pm
Subject: Microsoft Settlement
Dear Sir:
I am writing to encourage the that all litigating states be required to accept the DOJ settlement with Microsoft.
This case has drug on entirely too long and now is only hurting the economy. The states who are not accepting the settlement are politically motivated by Microsoft competitors in their respective states and are not considering the national interest.
Sincerely,
John T. Darling, DDS

MTC–00008131

From: BETH KEMMER
To: Microsoft ATR
Date: 1/3/02 12:58pm
Subject: settlement
We should leave them alone!

MTC–00008132

From: Clyde Serda, CC
To: Microsoft ATR
Date: 1/3/02 1:03pm
Subject: Microsoft Settelment
Why is the goverment ordering Microsoft to do just what they sued them for? Giving away software with each computer or giving away software to public schools. I still leaves out the consumer who purchased the software. if you can't get it right just drop it....Clyde Serda

MTC–00008133

From: Reve Carberry
To: Microsoft ATR
Date: 1/3/02 1:04pm
Subject: Microsoft Settlement
To The Department of Justice,
I believe it is in the interest of the public and the economy for the case against Microsoft to be settled as proposed in the agreement crafted with Microsoft by the federal government and nine states.
Reve Carberry
Reve@CarberryGroup.com
www.carberrygroup.com
914–277–1103

MTC–00008134

From: Douglas Hale
To: Microsoft ATR
Date: 1/3/02 1:04pm
Subject: Microsoft Settlement
I think your judgment was fair and just for all!

MTC–00008135

From: LEJ254@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 1:04pm
Subject: MICROSOFT SETTELMENT
THE STATES AND THE FEDERAL GOVERNMENT SHOULD GET OFF MICROSOFTS BACK AND GET BACK TO GETTING THE ECONOMY BACK ON TRACK. THE STATES SAY THEY ARE DOING IT FOR THE CONSUMER,WELL I AM A CONSUMER AND I DON'T THINK THAT MICROSOFT HAS DONE ANYONE HARM. THEY ARE TRYING TO GET THE BEST PRODUCT TO THE PUBLIC BUT THE GOVERNMENT AND THE STATES WANT TO TIE THEIR HANDS.
SETTLE THE CASE AND LET GET ON WITH BUSINESS.
L. E. JACOBS,....CONSUMER

MTC–00008136

From: Jim Greene
To: Microsoft ATR
Date: 1/3/02 1:08pm
Subject: Microsoft Settlement
<bold>It's time to settle this case and move on to something more important !</bold>

MTC–00008137

From: Elizabeth Grandy
To: Microsoft ATR
Date: 1/3/02 1:08pm

Subject: Microsoft Settlement
January 3, 2001
I think it is about time this ridiculous lawsuit against Microsoft is settled once and for all. As far as the public is concerned Microsoft did not do anything detrimental to the public. The crybaby companies that cannot compete are just trying to get money from the best software company ever built. Companies like Microsoft should be free to make their product anyway they see fit. If the public want to buy the product they will and if not they won't. The only reason Microsoft has a monopoly is because they are the best and everyone wants their products (including the US Government!). This whole suit should have just been thrown out of court instead of costing Microsoft thousands of dollars in attorney fees and court cost and the taxpayer also. Please settle this with as little harm to Microsoft as possible. The suing states and companies should be the ones paying not Microsoft!
Sincerely,
Gary and Elizabeth Grandy

MTC–00008138

From: John Carey
To: Microsoft ATR
Date: 1/3/02 1:10pm
Subject: Microsof Settlement
John L. & Patricia A. Carey
4072 Penshurst Park, Sarasota, FL 34235
941–378–8666 careysrq@home.com
January 3, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:
This letter concerns the settlement that was reached earlier this fall in the Microsoft case. We think that it was a mistake for the case to have been brought about in the first place and, at this point, the settlement should be accepted, and the matter put to rest. No company should be penalized for creative thinking.
This settlement punishes Microsoft more than enough. Microsoft will be forced to disclose information about the internal working of Windows, making it easier for computer companies to remove Microsoft programs and install similar programs from other software vendors. Microsoft will also be forced to streamline Windows so that other programs will run as well as their own in the operating system.
Additionally, Microsoft will be obligated not to seek retribution on any of the firms that originally sued it.
Finally, Microsoft will submit to oversight by a government committee to ensure that it complies with the terms of the settlement.
Microsoft has agreed to all of these terms in order to shift its resources away from legal strategy. We hope that the settlement will be swiftly finalized and implemented.
Thank you.
Sincerely,
John & Pat Carey

MTC–00008139

From: NIK9@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 1:12pm
Subject: MICROSOFT LAWSUIT
To Whom it may concern:
I believe it is wrong for the government to attack private business. I also believe the Microsoft finding in mar/Apr of 2000 is directly responsible for the recession we are in now.
Please quit pursuing this company. They have done nothing but be a great company, responsible for untold jobs in this country.
Very Truly Yours
Greg Loomer

MTC–00008140

From: Edwin(038)phyllis Evans
To: Microsoft ATR
Date: 1/3/02 1:17pm
Subject: microsoft settlement
I think the government and microsoft should accept the terms of the settlement. if microsoft is indeed a monoply , we need more like it. where else can i get a product that me and my family enjoy and use at work and home every day, that last for years, and costs less than a hundred dollars.
edwin evans
631 ne washington
lewistown,mt 59457

MTC–00008141

From: Mike Springer
To: Microsoft ATR
Date: 1/3/02 1:12pm
Subject: Microsoft Settlement
Dear Honorable Sirs:
I have been an independent systems consultant for the last 20 + years. I have seen IBM screw its customers with predatory activities and with providing Products did not work very well at all. Yet they were left unscathed.
Now you have an entrepreneurial company, Microsoft, that has attempted to make A product that is easy for the relatively unsophisticated end user that will provide him with all the tools to use his computer effectively. (That's more than IBM ever thought of).
Yet, for their ability to meet the market effectively, you have persecuted them in the name of the people. Your track record is less than stellar in protecting the people. Would you like to revisit MCI and ATT. The courts broke up ATT and now we have very little logic In our phone systems. I can call someone from a pay phone and pay $7 or $8 for a two minute call.
That is working in the best interests of the consumer? I suggest NOT. Of should we talk about the tobacco settlement fiasco? Ask the people in your office over 50 years of age what the slang was for cigarettes. May be we called them ?cancer sticks? or even ?coffin nails?!
That was over 50 years ago when I was a teenager. I knew they were deadly then. Let Microsoft due what they can to make end user use of computers more effective. Ultimately, That will benefit our society more than a bunch of restrictions and penalties will. Just get the government out of this mess without spending a ton more in our tax dollars. It would be far more beneficial for our tax dollars to go for paying our military, or replenishing our arms inventory.
Respectfully,
Michael Springer
630–202–2921
1800 East Denison Road
Naperville, Illinois 60565

MTC–00008142

From: dinshah
To: Microsoft ATR
Date: 1/3/02 1:13pm
Subject: microsoft settlement
Dear SIr,
As the Federal Government and the state governments except nine states have agreed the settlement, the case should be decided on this settlement basis. To me it is not prudent to waste our resources at the time of the severe recession in US economy and World economy with unstable political climate.
Thank You,
Dinesh Shah

MTC–00008143

From: john tabar
To: Microsoft ATR
Date: 1/3/02 1:14pm

MTC–00008144

From: Bill Wallace
To: Microsoft ATR
Date: 1/3/02 1:18pm
Subject: Microsoft
Please drop all of the lawsuits against Microsoft immediately. This has all been a bogus witchhunt from the start. Let us get on with trying to make money instead of spending time and money defending lawsuits that are already totally outdated by the speed of progress in the technology business.
Bill Wallace
Box 10354 Midland, Tx 79702

MTC–00008145

From: Thomas W. Culbertson
To: Microsoft ATR
Date: 1/3/02 1:15pm
Subject: Microsoft Settlement
I want doj to leave Microsoft alone.

MTC–00008146

From: larry schaffel
To: Microsoft ATR
Date: 1/3/02 1:18pm
Subject: Microsoft Settlement
As a proud American and Microsoft shareholder of long standing, I am highly distressed by the continuing effort by a small, self-interested group of companies—of which, incidentally, I am also a shareholder, to continue harassing the efforts of Microsoft to continue innovating and providing a great service to the public and the economy as well as its shareholders. I urge those responsible to accept the recent settlement reached with the justice department and many states so that we can get the economy and technology industry back into a growth mode in 2002.

MTC–00008147

From: Irv Alpert
To: Microsoft ATR
Date: 1/3/02 1:20pm
Subject: Microsoft Settlement
To whom it may concern:
To quote Mark Da Cunha, is Microsoft a ''predator'' as the Department of Justice insinuates? A predator is someone like Adolph Hitler who kills people in

concentration camps, or a member of the mafia who hunts down a neighborhood businessman for not obeying his wishes. A predator is someone who initiates the use of physical force. Microsoft has pointed a gun at no one. Clearly, a far stronger case for predatory acts can be made against the Department of Justice-who seeks to violate Microsoft's rights by taking control over its property—than for the make-believe ''predatory'' acts Microsoft is accused of.

Is Microsoft a ''monopoly''? Not in the proper, derogatory, traditional sense of the term. Unlike the old AT&T Bell monopoly, or today's U.S Post Office monopoly, Microsoft did not gain its market share by having the government outlaw its competitors: Microsoft earned its position in the free-market. All real monopolies are the result of the government giving a business a ''monopoly''—exclusive control of a given market by outlawing the entry of competitors. Free competition is not some Marxist, egalitarian, ''perfect'' ideal where all competitors end up with an equal market share of a given industry. Whether in sports, or in business, the whole point of competition is to beat your competitors-even to the point of having them going out of business. Bigness should not be confused with monopolistic; size is not a criterion of wrongdoing; success is not a crime.

Did Microsoft halt ''innovation''? Innovation is the process of discovering a better way to do things. No private business can stop other companies from innovating except by out-innovating them, or by buying them out (in the which case the buyer would want the acquired company to innovate even more). The only way to halt innovation is by the threat of physical force, which is a legal power that only governments possess.

Did Microsoft ''twist the arms'' of its competitors? This sloppy metaphor is a vicious lie. Only the government has the legal power to twist-and even break-arms. The only ''twisting'' Microsoft engaged in was the legitimate practice of setting the terms of sale for its property. By what stretch of the imagination, does the Department of Justice conflate ''arm-twisting'' with Microsoft's refusal to license its products to vendors who do not accept its terms? This is not coercion because if a vendor refuses Microsoft's offer and walks away (and he is free to), the vendor will be no worse off then if he did not deal with Microsoft in the first place. For a real example of ''arm-twisting'' see what happens when you refuse to hand over half your income to the IRS next April.

Did Microsoft ''hurt'' competitors like Netscape by giving away a free Internet browser with its Windows operating system (when Netscape wanted to charge you $30)? No more so, then when McDonald's bundles its meat patties with a McDonald's bun does it hurt all the bread makers. Such actions may frustrate their competitors wishes, but their rights are left untouched.

Did Microsoft violate the rules of competition? It is the application of the political principle of individual rights to the economic realm of production and trade that gives rise to the rules of free-competition. To determine whether Microsoft violated the rules of competition; therefore, one has to determine whether Microsoft violated anyone's rights. Clearly, Microsoft did not violate the rights (life, liberty, and property) of anyone.

Yet, in the name of ''protecting'' competition, it is these inalienable rights that the antitrust process ignores in favor of such subjective considerations as the ''public interest'' (which fails to include the interests of the millions of members of the public who do not side with the Department of Justice), the ''consumer interest'' (which the Department of Justice has awarded itself the title of official spokesperson for), and ''relevant markets'' (the government defines the relevant market small enough so that Microsoft becomes a monopoly, even though Microsoft comprises less then 4% of the computer industry). Such ''protection'' is tantamount to helping a man to see by thrusting burning coals into his eyes.

By allowing judges to sidestep the issue of rights in favor of considerations, such as the ''public interest,'' the antitrust laws effectively grant government the power to violate Microsoft's rights, i.e. the power to take over and control Microsoft's property against use it against Microsoft's interests. Thanks to the antitrust laws once a judge has arbitrarily classified a business as a ''monopoly'', the government is given free rein to: plunder of vast sums of money from Microsoft's bank account (through triple fines for so-called ''damages''); replace Bill Gates with a government ''overseer'' who will make the important strategic decisions at Microsoft; force Microsoft to advertise and distribute its competitor's products; compel Microsoft to give up its ''trade secrets'' and intellectual property to those who condemn it.

From start to finish the entire antitrust process is no more than a process of sacrificing successful American businesses-such as Microsoft, ALCOA, US Steel, Standard Oil—on the guillotine of egalitarianism to appease envious competitors. Or, to quote Alan Greenspan, who upon a complete examination of the theory and history of the antitrust laws wrote that ''. . .the effective purpose, the hidden intent, and the actual practice of the antitrust laws in the United States have led to the condemnation of the productive and efficient members of our society because they are productive and efficient.''

The truth of the matter is that Microsoft is not the predator; Microsoft is the victim. The real predators are the bureaucrats in the Department of Justice when acting according to the antitrust laws, second-rate competitors-like Sun, Novell, and Netscape—who seek to profit from the government's actions (what do they think will happen when the government under the antitrust laws deems them ''too successful'' in their ''relevant market''?), and the anti-capitalist intellectuals who support them. Businessmen like Bill Gates are the one group of minorities that best symbolize the American way of life: that of a free, moral, rational, capitalist society.

Irv
Irvine Alpert
Founder, OnviaGuides
Executive Vice President
Onvia, Inc. (www.onvia.com)
1260 Mercer Street
Seattle, WA 98109
(206) 373–9541 direct
(206) 890–9471 mobile
ialpert@onvia.com

MTC–00008148

From: Old3putter@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 1:19pm
Subject: Microsoft settlement

Only the public will be hurt by imposing harsh penalties on Microsoft. Microsoft has enabled users (individuals) to get the most out of their computers. The various states Attorney Generals are not thinking of computer users. Microsoft developed the software should not be penalized. It is a proprietary. Any other software manufacturer had this opportunity and, they still have the opportunities, to develop their own software. Hurting Microsoft will certainly not be in the best interests of the individual users.

MTC–00008149

From: raymondw
To: Microsoft ATR
Date: 1/3/02 1:21pm
Subject: Microsoft Settlement

Dear Department of Justice,

Please do all you can to settle the Microsoft settlement as quickly as possible. In these trouble times we need to do what we can to move forward, and not tie up our resources in court battles. For the records, I do own Microsoft stock, but I use an Apple computer. Thanks Raymond Wolf

MTC–00008150

From: Troceen
To: Microsoft ATR
Date: 1/3/02 1:22pm
Subject: Microsoft Settlement

I am in favor of the Microsoft settlement, and support this action being completed expeditiously.

Dan Troceen

MTC–00008151

From: Augenstein, Rob
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/3/02 1:28pm
Subject: Microsoft Settlement

I have been following the anti-trust case against Microsoft for almost four years now and believe that Microsoft did nothing wrong. The bottom line is that consumers were not harmed. As a user of Microsoft products, and previously of Netscape Navigator, I actually benefited. When I was using Navigator, Netscape improved and expanded the product due to the competitive pressure from Microsoft. To make a switch in Internet browser compelling, Microsoft had to make their own improvements. Now that I've switched to Microsoft, I wouldn't go back to Netscape. What no one involved in this case seems to see is that people like me benefited because we had choices and the products available to us were improving at a rapid pace.

It is not necessarily a bad thing if a company has monopoly power and then tries to use it. It is most certainly a good thing in fact if a broad base of consumers will benefit. Unfortunately, Judge Jackson did not see that people like me benefited from Microsoft's

actions. In fact, I have actually been harmed since the ruling by Judge Jackson. With Microsoft on the defensive, the pace at which significant new products have come to market has been slow. I think the browser was the latest new product genre—and that was 5 years ago. So I haven't had as much new software to play with as I did before. More importantly, the ruling initiated a long slide in the stock market that still continues. Since my investments in the stock market have declined in value, I have not made further investments in things for my family like a new car, house or computer. And since I believe that I am not the only one who has had this happen, I attribute our country's economic slowdown to the ruling by Judge Jackson against Microsoft.

I am interested in seeing the economy get back off the ground and firmly believe that letting Microsoft pursue its free enterprise strategy of innovating with new products is in our country's economic interests, both domestically and internationally. I am hoping you will see things similarly and will move aggressively to stop the legal challenges aimed at Microsoft.

Sincerely,
Rob Augenstein, CPA
Lighthouse Group http://www.lighthousegroup.com
<http://www.lighthousegroup.com/>
800.385.2511
770.512.8990, extension 1015
770.512.8991 fax

MTC–00008152

From: Blake Buzzini
To: Microsoft ATR
Date: 1/3/02 1:23pm
Subject: Microsoft Settlement

I am writing to express strong support for the proposed settlement between Microsoft and the Department of Justice. The proposed settlement is reasonable and fair and addresses the issues found by the Court of Appeals. I also urge you to dismiss the vocal minority of Microsoft competitors who seek to hobble the company permanently.

MTC–00008153

From: James Buzzanco
To: Microsoft ATR
Date: 1/3/02 1:24pm
Subject: Microsoft Settlement

Enough! Microsoft is one of us. Bill Gates is not Osama Bin Laden! Microsoft is the philanthropic industrialist of our time. Our Country and world is better off because of it. Microsoft is the Einstein of our time. Enough already. Let's get on with life and progress in the United States as it should be. Don't stifle the progress of American Citizens. Microsoft is not just one of us, it is us. Enough!

Sincerely,
James P Buzzanco

MTC–00008154

From: Bill Williams
To: Microsoft ATR
Date: 1/3/02 1:24pm
Subject: Microsoft Settlement

This country was built upon the ability to spend time and effort to invent and develop new products and ideas. If this is not the case, we would not have patents, copyrights, etc. I believe we have provided enough time, effort and lawyers salaries , in developing the present settlement. This can drag out forever, as the breakup of Bell Telephone did in the last century. We do not need to duplicate that mistake in this century.

Bill Williams

MTC–00008155

From: LJ Sweet
To: Microsoft ATR
Date: 1/3/02 1:25pm
Subject: Microsoft

Mircorsoft made the computer work for the commom person at a price we could afford they should not be punishied for this ''Stop the political blackmail'' LJSweet Taxpayer

MTC–00008156

From: LJSJD19012@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 1:27pm
Subject: Microsoft Litigation

Doesn't the govt. have enough to do to protect the air travelling public and its office workers from airplanes used as bombs than frustrate one of the most dynamic companies in the world?? It appears to be a question of mixed priorities. The politicians grandstand at the public expense to ensure their own continuity. All that posturing on C-span is ludicrous.

MTC–00008157

From: Ooott@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 1:27pm
Subject: microsoft settlement

I am in favor of the settlement agreement reached in the Microsoft lawsuit. Please allow free enterprise to continue. No further litigation should be pursued.

thank you. . . . . .sharon doyle
las palmas way
sarasota, florida

MTC–00008158

From: nateandsandra
To: Microsoft ATR
Date: 1/3/02 1:27pm
Subject: Microsoft Settlement

We believe that it is definitely in the best interest of the consumer for the case to be settled. We also feel that Microsoft has more than demonstrated a reasonable attitude and made every effort to settle this case, in the consumer's best interest. We are very tired of hearing all the complaints from Microsoft competitors and their special interest groups and in-turn the Attorney Generals from some states that seem to feel that it is their job to side with Microsoft competitors. We feel that the Microsoft competitors have the same opportunity in the USA as all businesses. They need to work a little harder, hire bright, and innovative employees and stop whining all the time.

Let's get on with getting the economy back on track. Stop punishing companies for hard work, brains, and innovation.

Thank you,
Nate and Sandra Ribelin

MTC–00008159

From: ALTRU1@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 1:28pm
Subject: MICROSOFT SETTLEMENT

DEAR SIR,

CAN THE NATION AFFORD TO ''FIDDLE WHILE ROME BURNS'' IN THE MICROSOFT CASE? SURE, COMPETITORS SHOULD GET A SHOT AT THE BRASS RING, BUT SHOULD GOVERNMENT BE CHOOSING WINNERS AND LOSERS AS TELECOMMUNICATIONS EVOLVE?

THE RACE TO THE NEXT LEVEL WILL BE ''TEMPORARILY'' HELD BY THE COMPANY OR INDIVIDUAL WITH THE MOST AGGRESSIVE MARKETING METHODS AND THE MOST INNOVATIVE PRODUCT, AND THAT POSITION WILL BE HELD SECURELY ONLY AS LONG AS IT APPEALS TO CONSUMERS POCKET BOOKS AND COMMON SENSE.

MICROSOFT WENT ONE STEP FURTHER. THE FOUNDERS OF MICROSOFT IDENTIFIED THE ONE THING MISSING FROM EARLY PERSONAL COMPUTERS. A ''STANDARD OPERATING SYSTEM'' THAT COULD BE USED AS A PLATFORM FOR FUTURE GROWTH WAS A ''MUST HAVE'' ITEM. MICROSOFT EXPLOITED THE IDEA OF A STANDARD OPERATING SYSTEM. EVOLUTION AND ADDITIONS WOULD APPEAL TO CONSUMERS WHO WANTED A COMPUTER TO DO THINGS FOR THEM EASIER THAN THE WAY THEY DID THE TASK AT PRESENT. THUS, THE MASS APPEAL FOR THE PC WAS CREATED, ALONG WITH AN ENTIRE INDUSTRY TO SERVE THE DEMAND FOR MORE AND MORE FEATURES AND FASTER AND FASTER SPEEDS.

A WHOLE INDUSTRY DEPENDS ON THE STANDARDS. CONSUMERS SIGHED WITH RELIEF! AT LAST THE COMPUTER COULD BE UPGRADED EASILY. ACTUAL WORK COULD BE DONE. HOW MARVELOUS! MICROSOFT RESPONDED TO THE DEMAND BY LOOKING THE OTHER WAY WHEN BOOTLEG COPIES WERE ADDED TO OTHER MACHINES. CREATING A STANDARD WAS THE KEY TO FUTURE SUCCESS. LET THE BOOTLEGGING CONTINUE. ALONG THE WAY MORE FEATURES WERE ADDED AS PART OF THE PACKAGE (BUNDLING), AND CONSUMERS LOVED IT. WALMART DOES THE SAME THING AND CONSUMERS LOVE IT!

WHY DO THEY LOVE IT? SIMPLE, IT'S CHEAPER!! MARKETS WORK THAT WAY. SO WHY MUCK IT UP?

MTC–00008160

From: Sue Shannon-Biddiscombe
To: Microsoft ATR
Date: 1/3/02 1:29pm
Subject: MICROSOFT SETTLEMENT

I want to see this case settled immediately and with as little disruption to Microsoft as possible. Microsoft has not taken advantage of consumers; on the contrary, Microsoft has always provided the best products and progressively lower prices. Frankly, if I turn on a computer and do not see the Microsoft logo, I will be very concerned about what I am getting myself into. It only makes sense to have a standard software so computers can communicate. The last thing this country (and World) needs is several different platforms. Deregulation is not working to consumer advantage in telecommunications or utilities. Sometimes it makes sense to have uniform service.

Sincerely,

MTC–00008161

From: jryan@nmsu.edu@inetgw
To: Microsoft ATR
Date: 1/3/02 1:30pm
Subject: Microsoft Settlement

—I am a firm beleiver in free enterprise system. The goverment has a right to watch the adventures of large compnaies to insure our competiveness. I do not want the goverment to take over the running of the system as a whole.We need companies that are adventureses. The system of private entrepnreship is the best for the United States. Ask any one in the goverment run venture.

Thank you
Jim Ryan.
James Ryan Email: jryan@nmsu.edu
New Mexico State Univ. Voice: 505–646–1641
Box 30001, MSC 3545 Fax: 505–646–1253
Las Cruces, NM 88003

MTC–00008162

From: Richard H. Miller
To: Microsoft ATR
Date: 1/3/02 1:31pm
Subject: Microsoft Settlement

Hello: I am a Microsoft user of many products. Specifically, WindowsXP, WindowsME, OfficeXP . I have been a Microsoft software user since I started using a PC—back in 1991.

I feel that my use of a computer has been greatly enhanced by the Microsoft Operating Systems and other compatible software. I think that it is competitively priced and think that my computing experience would be greatly LESSENED if there was not a company such as Microsoft that offered excellent functionality and compatibility.

The number of software offerings that DO NOT talk to each other (compatibility) would have seriously damaged the business workplace and greatly increased costs.

Microsoft, for all of its faults, which are few in comparison to other large companies—provides Industry Standards so critical to anyone using a PC.

I would like to know what remedies AOL is under in not making their Email and Instant messaging software compatible with the majority of the industry? AOL clearly has the market share in the Online Subscriber area—Where are the ''government encouragements'' for AOL to join in an industry standard?

The tremendous cost of litigation for Microsoft, The Federal Government, The States should indicate that it is time to close this chapter soon. It is hard to see how the consumer has been harmed by the invention of integrated WORKING software that is very competently supported (technically).

Lets get on with productive endeavors—the introduction of new products and the encouragement of innovation and not hamper one of the most successful and profitable AMERICAN companies.

Thank you

MTC–00008163

From: Richard A. Arrett
To: Microsoft ATR
Date: 1/3/02 1:33pm
Subject: Microsoft Settlement

I am a patent attorney and a Microsoft product user. I am glad that the Federal Government finally settled with Microsoft. I think that the settlement should go through and we should let Microsoft get back to improving their products and making the competition improve theirs.

Richard A. Arrett, Esq.
Vidas, Arrett & Steinkraus, P.A.
6109 Blue Circle Drive
Suite 2000
Minnetonka, MN 55343^{9185} USA
Phone: (952) 563–3000
Facsimile: (952) 563^{3001} E-Mail: rarrett@vaslaw.com

MTC–00008164

From: avenger999@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/3/02 1:32pm
Subject: On Microsoft..

Attn: USDOJ

As a taxpaying citizen I would like to say I'm dissapointed that all this effort is being placed to investigate an honest company such as Microsoft. It has broken no laws. Microsoft's competitors are only upset that they have been beaten in the business market. They can't compete against Microsoft so now they want the US to control Microsoft in order to level the playing field. The playing field was already fair, and they lost.

Please allow Microsoft to continue running the company as it has done, without violating any laws, which ultimately benefits the people.

Don't allow this to continue.
Thank You,
Sam Torres

MTC–00008165

From: Brett and Angela Wharton
To: Microsoft ATR
Date: 1/3/02 1:34pm
Subject: Microsoft Settlement

DOJ representitive,

I would like to voice my opinion as an ''average consumer'' concerning the antitrust stettlement with Microsoft. I work in the computer industry developing new servers and PCs for a major computer manufacturer, and I have been using computers for over 12 years (ever since the days of 9600 baud modems and BBS's). Obviously I have seen a lot of changes over the years in our industry.

Having said that I will make my observations concerning Microsoft and the antitrust case. Microsoft has put out some great software over the years, but it is painfully obvious that their focus has shifted from designing great software for the industry to designing software that garners more money, power, and influence over the industry. I remember the days when the software industry flourished with creativity and unique ideas from many different companies. I was always excited about the newest titles and ideas that were being put forth year to year. Microsoft was at their best in this environment, and it would be unfair to say that they did not contribute to the boom of the PC industry around the world.

Unfortunately Microsoft's business practices have also done a severe injustice to both America and the computer industry at large: Their unchecked monopoly power has stifled the creativity and competitive environment that they thrived in. Their continued bundling of Microsoft only software is no longer helpful to the consumer, but in fact it serves to limit choice and crush competition before it even starts.

As an example, when CNET recently reviewed browsers on their website (www.cnet.com), they graded Opera, Netscape, and Internet Explorer on several fronts: ease of installation, feature set, usability, etc.. Internet Explorer won the comparision, but what is interesting is that CNET concluded that it was basically a tie except for 2 facets: Internet Explorer comes preloaded on PCs so the installation was therefore easiest and cleanest, and its integration with the OS made it much more stable. I say that is unfair. Microsoft's mantra is that ''integration is innovation and is good for the consumer''. If that is the case, then why don't they integrate MS Office, since that is the most useful feature set for the user outside of the OS itself? I'll tell you why, because they would loose $300 per license on the Office Suite.

So why is it ok to integrate Internet Explorer, Messenger, Passport, Media Player? Because they have direct competition in these areas (i.e. Netscape, AOL Messenger-ICQ-Yahoo Messenger, and Real Media Player to name the obvious ones). Microsoft must not be allowed to use their OS platform monopoly to undercut their competition like that!

It is my strong opinion that Microsoft neither regrets, nor intends to change, their business tactics or their corporate behavior. It is also my opinion that the proposed settlement plays right into Microsoft's hand—that they will be able to skate around the words and ambiguities in the agreement to maintain their status quo, and therefore their monopoly. I am sad to see that the possibility exists that they will get off ''scott free''. For what its worth, I think they should be held to the carpet and made to see the error of their practices. I propose Microsoft be required to do the following:

1) Offer a stripped down version of Windows at a much cheaper price, and allow OEM computer makers to bundle whatever they want with the OS at the Factory Level.

2) Be required to share APIs and protocols that a competitor would need to know in order to develop a stable competitive product. Microsoft should also not be allowed to ''tweak'' their OS in such a way that it ''accidentally'' breaks competing software titles.

3) They need to be publicly convicted of their behavior! Examples are VERY necessary, and if we don't punish Microsoft's behavior then other industry players will follow their ''example'' of success.

Do we really want that?

In conclusion, I respectfully ask that we please uphold the law and punish them for the violations that they have committed. Only then will creativity flourish again in our industry.

Thank you for your time,
Brett Wharton.

MTC–00008166

From: Sean Flynn
To: Microsoft ATR
Date: 1/3/02 1:33pm
Subject: United States v. Microsoft Settlement

To whom it may concern regarding the matter of United States v. Microsoft Settlement,

In general I believe the terms of the agreement are fair and just. It should be noted that NO other company in this industry provides the levels of access to source code and API's as defined in this agreement. This includes the Java platform which unfairly has been described as a ''community'' of vendors. The Java platform is a significant competitor to Microsoft and is a proprietary implementation that falls under the sole discretion of Sun Microsystems in how it is used and by whom it is disclosed to.

Two significant factors should be examined when considering the fairness of this agreement: the merits of the original case made to the courts and the current climate of competitiveness. On the first point the main case against Microsoft was concerning the anticompetitive actions against Netscape. Upon examining the history of Netscape one can easily see that it was purchased by a significant competitor of Microsoft, AOL, and then purposely dismantled the company to prevent it from effectively competing. It should be noted that Netscape, after the purchase by AOL, did not release a major version of their browser until just a few months ago after the Microsoft verdict was overturned on appeal. Obviously it was in AOL's best interest to show that Netscape was harmed by Microsoft so they purposely prevent the product from moving forward. On the second point the computer operating systems marketplace is extremely competitive. Depending on how you distort the figures you can make them say anything you want them to. The normal statistic quoted it that 95% of the operating systems run on Intel PC processors is Microsoft. If you broaden this to say what operating system do most end users interact with: IBM mainframe OS's. If you look at what operating system most transactions are processed on: IBM mainframe OS's. If you look at what most Internet sites and applications run on: UNIX. When you look at the whole computer field you can easily see that the it is a very competitive environment.

Thank you for considering my comments.

Sincerely,

Sean Flynn

MTC–00008167

From: Earl Helbig
To: Microsoft ATR
Date: 1/3/02 1:36pm
Subject: Microsoft Settlement

With all the important matters facing our nation, it is time we act on a Microsoft settlement that favors innovation and protects competition. Dragging out this settlement is not in the national interest. Let us have closure at once.

Sincerely,

Earl G. and Ruth E. Helbig

MTC–00008168

From: PEDAMNER@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 1:35pm
Subject: microsoft

the agreement between microsoft and the doj should let stand. the country is in a rfecession now and perhaps the agreed settlement could hel0p to allow everybody to get back to work and the doj to tackle more meaningful cases. i knows a lot of people and all with computers and i have never heard,not one, complain that windows software was too high. i don't know where that came from.

yours very truly,

philip damner.

MTC–00008169

From: Paul F. Poelker
To: Microsoft ATR
Date: 1/3/02 1:38pm
Subject: Microsoft Settlement

The agreement reached between Microsoft, the nine states involved, and the Federal Government addressed in the Court of Appeals ruling should be ACCEPTED.

It is time to stop any further litigation in this case and finalize the above mentioned agreement.

Paul F. Poelker

Dallas, TX

MTC–00008170

From: Linda Welshons
To: Microsoft ATR
Date: 1/3/02 1:41pm
Subject: Microsoft Settlement

Please end this destructive and unjustified lawsuit now. Microsoft has done nothing to harm customers. They enjoy popularity because their products work and are inexpensive. Their competitors want to charge high prices and are fighting to protect them. This suit does not serve the American people. It is a waste of our tax dollars and it is destructive to the economy.

Linda Welshons

MTC–00008171

From: Valda Redfern
To: Microsoft ATR
Date: 1/3/02 1:44pm
Subject: Microsoft settlement

Sir,

Microsoft has done nothing wrong. It has EARNED its ''monopoly''. Nobody has ever been forced to buy Microsoft products; every single one of Microsoft's millions of customers chose to buy them. You can get computers that don't come bundled with MS—I used to use them all the time in my work. If most people prefer computers that do come bundled with MS, that's because Microsoft offers them a value.

If the government of its own country, the freest in the world, continues to victimise it, what hope will Microsoft have in Europe?

Yours truly,

Valda Redfern

17 St Laurence Road

Bradford on Avon UK BA15 1JQ

MTC–00008174

From: Espey, John
To: Microsoft ATR
Date: 1/3/02 1:33pm
Subject: Microsoft Settlement

I do not believe that ANY settlement against Microsoft is just. In fact, I believe if anything the US government owes reparations to Microsoft for the damage that was caused over the past year and a half. Bill Gates should be revered as our greatest man, not spit on and insulted at the behest of jealous and less wealthy billionaires (Larry Ellison, Steve Case, Scott McNealy, et al).

Thank you for your time and consideration

John Espey

MTC–00008175

From: Matthew Ballin
To: Microsoft ATR
Date: 1/3/02 1:45pm
Subject: Microsoft Settlement

Please defend the free market by not persecuting Microsoft for being more successful than its competitors. America has risen to greatness by leaving the talented and productive alone to do what they do best; an attack against Microsoft is an attack against our founding principles.

Regards,

Matthew Ballin

MTC–00008176

From: Norm Thomas
To: Microsoft ATR
Date: 1/3/02 1:46pm
Subject: Microsoft Settlement

I write in support of the current settlement agreement between the US DOJ and Microsoft. Please defend it assiduously against further corrosion by the judge(s) and/or the remaining states attorneys general.

MTC–00008177

From: Auren Hoffman (BridgePath)
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/3/02 1:44pm
Subject: Microsoft Settlement

Dear Judge,

Though I am a huge believer in free markets, I do not believe the Proposed Final Judgment (PFJ) is a the best solution. Microsoft is a wonderful company staffed by wonderful people, but they are guilty of some very grave anti-competitive violations. Moreover, the PFJ does not provide an effective enforcement mechanism for its remedies.

Best,

Auren Hoffman CEO, BridgePath Corporation

Auren Hoffman BridgePath

<http://www.bridgepath.com/>

463 Bryant Street, 2nd Floor, San Francisco, CA 94107

dir: 415–946–6019

The BridgePath Exchange enables staffing firms to monetize unfilled job orders and unplaced candidates

CC:'microsoftcomments(a)doj.ca.gov'

MTC–00008178

From: John Arnold
To: Microsoft ATR
Date: 1/3/02 1:49pm
Subject: Microsoft Settlement

The attached article I wrote to illustrate my concern for the Microsoft suit. Please read it and include it in the record of the public comments.

Thanks
John E. Arnold
John E. Arnold
2521 SW Pepperwood Ct Topeka, KS 66614

Mr. Walter Mossberg WSJ via email: mossberg@wsj.com. Re: The Microsoft Case I read your column regularly and usually enjoy what you offer. I wrote this piece a bit ago on the Microsoft Case as my perspective. I'm moved to send it to you after your piece today on Microsoft costing consumers. I don't think so.

The U.S. Justice Department in its zeal to protect the anti-trust laws has destroyed about two trillion dollars worth of the nation's economy. It has done more damage than Castro, Saddam Hussein, global warming, and the last five hurricanes. Defenders of the Justice Department will say, ''Yeah, right. Those stocks were over priced.'' Those need to recall that the Great Depression was caused, historians and economists uniquely agree, by the actions of the U.S. regulators misjudging their actions' impacts. The Justice Department is wrong and wrong-headed on the issue. Microsoft has, arguably more than any other firm, made the so-called New Economy, and brought unparalleled economic health to the country. Moreover it has made the use of the computer seamless.

Contrast Microsoft with the AT&T breakup. I had the joy of starting a new agency in 1986, just after the breakup of AT&T and the creation of all the entities necessary to get phone service. Where before that you called ''the phone company'' and ordered ''phones and phone service and maintenance,'' afterwards you called the phone company and could get only local service. When you asked for long distance, they said you have to call someone else. Surprised, you asked who to call, who was out there? You were told, ''I can't tell you that.'' When you asked about phones, you were told you had to go somewhere else. But again, they couldn't tell you where. Maintenance of the lines? Somewhere else.

So while before we had a seamless, wonderfully efficient phone system, all bundled together, afterwards we had to become knowledgeable about phones, knowledgeable about long distance, knowledgeable about maintenance of lines, knowledgeable about all the disparate pieces. It no longer was easy and quick. It will be worse with an unbundled Microsoft.

Think of the complexity if Microsoft had not bundled operating system with software with Internet connections. I had an early microcomputer. Not all the software was compatible with it. I had to become knowledgeable of arcane details I wasn't interested in learning, and this was a simple machine. I wanted to spend my time using the machine, as a productivity tool. As the PC has progressed and the seamlessness has progress—largely through Microsoft's efforts—I am more and more able to use my time the way I want—in applications. I don't want to have to go to one store for my computer, another for my operating system, another for my software—which may not work with other software—and another for the Internet connection.

That's a wrong-headed approach, a step backward from productivity. In fact, I think no judge, attorney, or justice working on the case should be allowed to do so unless they are the systems operator of the computer of their family or office, and routinely add software, software upgrades, and computer enhancements. No one who doesn't know firsthand the complexity of determining which component of the mix of hardware, middleware, and software is the incompatible one can say that forced unbundling is a good idea.

Incredibly, I heard Judge Jackson interviewed on NPR and he said he didn't know what kind of operating system his computer at home had. He said it wasn't a Mac. The interviewer was incredulous and so was I that the man we allowed to make the most critical judgment on the integrated operating system and the industry had so little knowledge.

In fact, most attorneys in my experience do not even do their own keyboarding. They rely on dictation or hand written legal pads. None who do business that way are sufficiently grounded in the technology to be involved in the case.

Many have written articles offering evidence that the Justice Department is on the wrong track. The evidence of pricing: a monopoly would have raised the prices, and the evidence is clear the prices of software and of operating systems and of computers have declined. That early computer I bought cost me $2,000. It had less power than today's Hewlett Packard calculator. Today we can buy a personal computer with power of a 1975 Cray machine (which the U.S. government prohibited from being sold to a foreign nation as an issue of national security) for less than $1,000, some less than $500. That's not the workings of a monopoly and the Justice Department and the Judge must not be seeing clearly as theses impacts are relevant.

Byte editor Jerry Pournelle recounted the competitive wars and the bad business decisions made by the competitors of Microsoft, when they were strong and Microsoft was weak, allowing the Microsoft innovations to make inroads into markets others had sewn up, the better product beating out the inferior. That's what innovation and creativity in an atmosphere of freedom is supposed to do. Microsoft was inconsequential to IBM and to Apple and they didn't surpass either by monopoly tactics but by building products that served consumers. Pournelle pointed out several products that commanded the market and failed to take advantage of it, while Microsoft built a better one. VisiCalc was the spreadsheet lead (it was on the first computer I bought), then Lotus 1–2–3 had the lead and let it slip, and now Excel is dominant, as is Word, having innovated beyond Word Pro, WordStar, Wordperfect and others.

Attacking Microsoft for its successes as excesses of power is just plain factually wrong. And it's wrong-headed. I hope you find that of some use.

Sincerely,
John Arnold

MTC–00008179

From: OKUBOHB@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 1:49pm
Subject: Microsoft Settlement

Dear Sir:

It is about time that the federal government reached an agreement with Microsoft. American economy need to move forward, continued lawsuit against Microsoft is counterproductive to the economy.

Sincerely,
Hikaru Okubo, PE

MTC–00008180

From: HeleneTr@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 1:50pm
Subject: Microsoft Settlement

Let's roll. Settle the Microsoft Court litigation. I agree with the law as stated in the Tunney Act.

Barbara Reinoehl

MTC–00008181

From: Beverlysky@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 1:48pm
Subject: Microsoft Settlement

Leave Microsoft Alone! Lets put our energies into creating not destroying. Lets get to work on helping everyone in the world get connected. There are universes of technology waiting to be discovered.

Beverly Sky
http://www.beverlysky.com

MTC–00008182

From: Mildred Weiner
To: Microsoft ATR
Date: 1/3/02 1:51pm
Subject: Netscape Litigation

Good Luck!
VTY MMW

MTC–00008183

From: John Ritchie
To: Microsoft ATR
Date: 1/3/02 1:52pm
Subject: microsoft settlement

Microsoft got its start in inovation and is contionous in these veins to build a strong company. Why must costly and unnessary leagal actions persist, even after bush administration and fedral government has endorsed the completion of this juducial wrangaling. Please for the world, nation, states, company, and mostly for the high cost that consumers will pay stop this wastful investigation! This matter will only give money to a handful of lawyers and hope to further the careers of some prosicutors who hope to use this as a platform from which to aide their political ambitions. It has grown time to resolve and rebuild not wound and drive at the very heart of U.S. economic strienght, where market influence can and will over time reduce this to a non-issue. Please urge all states to have a hands off approch to this matter. In hopes that these comments can help you decide.

John B. Ritchie
Carlisle, MA. 01741

MTC–00008184

From: Jeff Hatfield
To: Microsoft ATR
Date: 1/3/02 l:52pm
Subject: Microsoft Settlement

Greetings,

I wish to express my view that the Microsoft Corporation is right and the U.S. government is wrong in its Antitrust case.

It is my opinion that the U.S. government should stop wasting my tax dollars to persecute Microsoft's alleged ''Antitrust'' violation. Antitrust is just a means for envious politicians to cut down successful businesses that supply the public with goods that are in popular demand. Antitrust is a throwback to a fabian socialistic era that sacrificed the demands of the consumers to the demands of the politicians. Any settlement terms are a compromise of the right to the wrong. That is if you believe that a free market is right... If I were Bill Gates, I would ''settle'' this case by offering to close down Microsoft, instead of prostrating myself to the incompetent.

Sincerely,
Jeff Hatfield
P.O. Box 2151
Windermere, Florida 34786

MTC–00008185

From: Quinn Woodworth
To: Microsoft ATR
Date: 1/3/02 1:56pm
Subject: Mocrosoft Settlement

The anti-trust assault on Microsoft is immoral and anti-American. The government is attempting to punish Microsoft for the same moral values that have helped make America the beacon of the world: hard work, creativity, achievement. Unlike kings of the past and governments of the present, Microsoft has acquired its wealth—not by confiscation—but by production, by creating products that people want to buy. Politicians have been bought by Microsoft's competitions to bring suit against Microsoft. Since they are unable to compete fairly then they resort to gaining political pull. Then government pawns can cripple their opponent for them. That's what this anti-trust suit against Microsoft is all about. It has nothing to do with serving the public. If the government truly was interested in the public good, it would leave Microsoft alone and the government would stop interfering by ''regulating'' business. All the government does is cripple some business so their competitors can take over.

The anti-trust suit should be abolished.

Microsoft should be left alone.

Quinn Woodworth

MTC–00008186

From: FitzS1801@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 1:52pm
Subject: Microsoft Settlement

We are sick and tired of Senator Hatch and his Utah competitors of Microsoft make Microsoft and the government spend so much time on this issue. After all microsoft has done all the work to bring this computer business to so many millions of people around the world that to let these politicians keep this issue alive is a travisty. Only the nasty lawyers get anything out of it. And our government looks stupid!

Very truly yours,
Mr. Richard FitzSimmons

MTC–00008187

From: vince duschean
To: Microsoft ATR
Date: 1/3/02 1:52pm
Subject: micrsoft settlement

To whom it may concern at the justice department. Please settle the suit you have with microsoft as you have outlined. The only advantage continuing this or other suits against Microsoft goes to other non-performers in the software business like SUN-Micro systems and Oracle who have not delivered and continue to blame others for their failures.

MTC–00008188

From: Munari@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 1:52pm
Subject: Settlement

I firmly believe that this whole Microsoft thing has gone on too long. Since the government and nine states have come to a settlement, I see no reason to drag this whole thing on.

Our country has bigger problems that trying to crucify one corporation. Let the government's decision stand and put this matter to rest.

Jo Ann Feikes
Las Vegas, NV

MTC–00008189

From: Dick Jensen
To: Microsoft ATR
Date: 1/3/02 12:13pm
Subject: microsoft settlement

I am in agreement with the microsoft settlement. Let's not waste any more government money on this matter.

R.F.Jensen

MTC–00008190

From: Ricky Morris
To: Microsoft ATR
Date: 1/3/02 1:55pm
Subject: Microsoft Settlement

Speaking as a private citizen on the proposed Microsoft Settlement, I strongly support the DOJ's proposed settlement and urge all concerned to accept it as the final arbitration of the dispute in question.

Ricky Morris, MCSE Microsoft Small Business Server Support,
Las Colinas, TX
* 469–775–7290 (Direct Line)
Email: rickym@microsoft.com

MTC–00008191

From: Bruce Rogovin
To: Microsoft ATR
Date: 1/3/02 1:58pm
Subject: Microsoft

Dear Sir,

I am writing regarding the proposed settlement between Microsoft and The US Dept. Of Justice.

I find it totally unacceptable to not put Microsoft in a position where it is unable to pursue the immoral and unethical business practices that it has shown itself prone to. I read the findings of fact that were released by the judge months ago, and was dumbfounded that any company could get away with the actions that Microsoft took. Anyone involved with the case should re-read these statements of fact that show Microsoft as a monopolistic predator with almost unlimited power. A viewing of the video taped depositions of Bill Gates would convince anyone of the 100% sleaze of Gates and Microsoft. They will do anything to increase their power if left unchecked.

Please take the appropriate measures to remedy the situation. Microsoft should be broken into smaller companies that do not have a death grip on the tech market. If this is too drastic, at least do something that makes a difference and restores competition.

Sincerely,
brogovin@fuse.net
Dr. Bruce Rogovin
8686 Winton Rd.
Cincinnati, Ohio 45231

MTC–00008192

From: PROWLON99@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 1:58pm
Subject: MICROSOFT SETTLEMENT

TO WHOM IT MAY CONCERN, BILL GATES WAS ABLE TO PROVIDE A VERY USEFUL COMMUNICATIONS TOOL TO VERY LARGE NUMBERS OF PEOPLE WORLD WIDE. THE SAYING IS SOMEONE ELSE WOULD HAVE DONE IT, BUT WE HAVEN'T SEEN THAT HAPPEN IN PAST YEARS.

I'M VERY THANKFUL TO BILL. I'M NOT AN EXPERT ON THE COMPUTER BUT MANAGE TO GET AROUND WITH THE BASICS. THE COMPUTER HAS PROVIDED ME MANY HOURS OF USEFUL KNOWLEDGE.

THE FEDERAL GOVERNMENT HAS A TOUGH TIME MANAGING ITS SELF, SO IT SHOULDN'T TAKE ON OTHER COMPANIES. ENOUGH TAXPAYERS' MONEY HAS BEEN SPENT ON THIS CASE MAKING ATTORNEYS SUPER RICH. HOW ABOUT WE FEED AND CLOTH THE POOR?

THANK YOU,
DRUE

MTC–00008193

From: Otto Dieffenbach
To: Microsoft ATR
Date: 1/3/02 1:43pm
Subject: Microsoft Settlement

Seems about right. Now lets get on with the economy!

MTC–00008194

From: Melinda York
To: Microsoft ATR
Date: 1/3/02 2:00pm

Settlement is good do it now. Enough time and money has been wasted on all this needless litigation. Imagine in the one country in the world where creativity and imagination can lead the way to tremendous development of new technology and creation of jobs for people, where the government is going after and murdering and stifling one of the largest and most successful companies of its kind. Leave Microsoft alone so it can continue to create jobs and new technology in the world and especially in the US where we need it now. Get off their back and let us recover this weak and sad economy. YOU the government are using my money for the wrong things.

Thank you.

MTC–00008196

From: David Berry
To: Microsoft ATR
Date: 1/3/02 2:01pm
Subject: Microsoft Settlement

Dear DOJ,

As a concerned citizen, I wish to use the public comment period regarding the Microsoft Settlement to comment as follows.

1/Discharge AOL Complaints: With reference to the 1995 case of AOL vs Microsoft regarding bundling of the MSN on-line service with Windows 95, AOL claimed that this bundling would make it difficult for AOL to succeed in the on-line market, and so it was anti-competitive. The case was overturned. Since 1995, AOL has achieved approximately 80% market share, and built profits that enabled them to acquire Netscape and Time-Warner (one of the largest mergers of all time). Therefore, it's clear that bundling MSN with Windows 95 was not anti-competitive.

AOL's role as an injured party in the current Microsoft case is disingenuous. In fact, history shows that after MSN was bundled with Windows 95, on-line services became more pervasive, companies like AOL boomed, and consumers obtained services more easily because connectivity infrastructure was included with Windows. The pervasive nature of this infrastructure in Windows made it possible for a generation to participate in the ?internet revolution?, which yielded significantly greater consumer benefits than the closed nature of (for example) AOL, MSN, and CompuServe, as these existed in 1995.

2/Discharge Netscape Complaints: I understand that the current case against Microsoft is based on a complaint that Netscape's browser market was damaged by the bundling of Internet Explorer with Windows, and that this was not in the public interest.

In fact, Netscape's browser (Navigator) was free (like Internet Explorer), so the business that may have been damaged was non-existent. If Netscape chose to base their market on a zero-price commodity, that's bad management on their part, not Microsoft's fault. AOL now bundles Netscape Navigator as part of their service, which is clearly in consumers? interests, just as the bundling of IE with Windows.

If such bundling had not taken place, it's believable that the ?internet revolution? may have been delayed, as people would have been required to purchase separate pieces of software, and figure out significant technical complexities in order to go on line. Not having a browser in the internet age is like having a car without an engine ? the Internet would be useless. Therefore, it's unthinkable that a software company with vision and leadership would NOT bundle a browser as a fundamental base technology. Obviously Microsoft's actions benefited consumers, and did not damage any then-existing revenue stream for other companies. On the contrary, Microsoft made a contribution to the entire US economy by helping to drive connectivity and Internet browsing as base functionality available to all consumers.

3/Discharge ?Monopolistic behavior? complaints: In 1991 I worked for Chevron (oil company) and attended a forum for the top customers of the Lotus Corporation (spreadsheet software vendor). At the time, Microsoft Excel and Word had negligible share in a market dominated by Lotus 123 and WordPerfect, and Microsoft was trying to encourage all software vendors to produce applications with a graphical user interface (GUI), to make it easier for consumers to use their software.

At this 1991 forum, Mr Manzi, then Lotus CEO, gave a keynote speech in which he spent 45 minutes explaining why users did not need a GUI, and why Lotus would not have a Windows version of their spreadsheet. He was followed by Mr Peterson, then CEO of WordPerfect Corporation, who presented almost the same speech about why WordPerfect users did not need a GUI.

Obviously, both these companies were wrong about what their consumers required. The fact that Microsoft Excel and Word have replaced Lotus and WordPerfect as market leaders is a result of bad business management, and wrong strategic decisions by Microsoft's competitors. It is not due to monopolistic behavior, as Microsoft did not have a monopoly in spreadsheets or wordprocessors. The success of Excel and Word is became these are superior products, not because of behavior that makes Microsoft a threat to the public interest.

Conclusion: While it's true that Microsoft is an aggressive company, I cannot understand why their vision, commitment, and resulting success should be held against them. Windows has approximately 80% of the operating system market. Logically, this means that Windows should get credit for 80% of the success in making computers pervasive, and the resulting benefits to consumers and the US economy. The only entities that could benefit if the Microsoft Settlement is overturned are a small number of companies that compete with Microsoft. I am convinced that these companies have their own management to blame for any perceived lack of success, and in many cases (like AOL/Netscape), they are actually more successful as a result of Microsoft's market position.

Please resist the self interests of the companies that complain against Microsoft, and consider the enormous progress that has been made in consumer-oriented computing in the past few years while Microsoft has been providing vision, leadership, and superior software.

Dave Berry

MTC–00008197

From: Lynne Garvie
To: Microsoft ATR
Date: 1/3/02 2:02pm
Subject: Microsoft Settlement.

I would like the Microsoft case to be settled and have no further litigation.

Thank you,
Lynne Garvie

MTC–00008198

From: Albert Howard
To: Microsoft ATR
Date: 1/3/02 2:01pm
Subject: Microsoft Settlement

Dear Madam/Sir:

I cannot accept without writing the settlement agreed to by the Department of Justice.

The usual expectation is that when a property crime is committed, the perpetrator is required to restore the ill-gotten gain. And, after that, the perpetrator is punished.

The proposed settlement does not begin to approach restoration of a cometitive environment for computer operating systems. Nor for computer applications. The breakup of Microsoft looked like a reasonable start to me. While hardly the total punishment deserved, it certainly was the proper starting point.

I hope you will refuse to accept the DOJ agreement with Microsoft. We deserve better service from our system of justice.

Yours truly,
Albert O. Howard

MTC–00008199

From: Mike Zyskowski
To: Microsoft ATR
Date: 1/3/02 2:05pm
Subject: Microsoft Settlement

I believe the settlement proposed by Microsoft should be agreed to and accepted by the Federal Government.

Michael K. Zyskowski

MTC–00008200

From: Ron and Lucy Flenner
To: Microsoft ATR
Date: 1/3/02 2:04pm
Subject: Microsoft Settlement

We are sending you this e-mail to ask that the Justice Dept accept and approve of the settlement that has been made with Microsoft recently. We believe that the settlement is kinda tough, but fair and reasonable to all sides. To delay the instrumentation of this settlement would only serve to delay final justice.

Sincerley,
Ron and Lucy Flenner
Louisville, IL 62858

MTC–00008201

From: Jearl R. Waddell
To: Microsoft ATR
Date: 1/3/02 2:07pm
Subject: Microsoft

Please insure that the Microsoft settlement is carried out and not derailed. The settlement is good for the consumer and the country.

Thank You,
Jearl R. Waddell
115 Lauderdale Road
Woodbury, NJ 08096

MTC–00008202

From: Sparky Sanford
To: Microsoft ATR
Date: 1/3/02 2:03pm
Subject: Microsoft Settlement

After observing this case for four year, it's time to settle, and let America and Microsoft return to work. This case has gone on long enough. The proposed settlement properly restricts Microsoft's business practices without the extreme penalties being asked for by some.

Byrne Sanford
Sammamish, Washington
Sparky Sanford

PI
425 889–1615

MTC–00008203

From: Tempel
To: Microsoft ATR
Date: 1/3/02 2:10pm
Subject: Microsoft settlement

Dear Sirs,

Please accept the Microsoft settlement as is. My family believes that this is a tought but fair settlement. And any more delays to getting this behind us is going to be bad for our economy and bad for our belief in the fairness of our justice system!

Bob Tempel
Sherman, IL

MTC–00008204

From: web blank
To: Microsoft ATR
Date: 1/3/02 2:11pm
Subject: Microsoft settlement

''((hey associate top boxes))'' ''9job code; NO5rc-en)'' ''99hey pay per view channels cable net microsoft at&t time warner comcast puget sound technology microsoft what is the innovation I.D. code dismissed or ignored or brushed off it is mine govt))''

(((signed, RICHARD JOHN FRANK 1–4–2002)))

MTC–00008205

From: Lou F
To: Microsoft ATR
Date: 1/3/02 11:13am
Subject: Microsoft Settlement.

I feel that Microsoft has done everything right, he has worked on this project form many, many years, There should not have been any settlement on this company at all. As for how much, 1.00 US dollar should be more then enough. Leave this man alone, and let him bring us into the furture. That is all I have to say.

MTC–00008206

From: Jean Thompson
To: Microsoft ATR
Date: 1/3/02 2:14pm
Subject: Litigation, submitted 1–3–2002

To Whom It May Concern:

It is my belief from the information I have read That this has been going on too long. The freedom of progress has been slowed, and the publicity has been mostly adverse. It is time to close this matter and get on with regular daily business for the sake of promoting our economy. Microsoft is one of the most generous business firms in the world, and should be a promotion business to follow.

Sincerely submitted,
M. Jean Thompson,
2034 E. No Crescent,
Spokane, Wa 99207
The greatest of these is LOVE!

MTC–00008207

From: Susan Barba
To: Microsoft ATR
Date: 1/3/02 2:14pm
Subject: Microsoft settlement

This is to urge you to please settle the Microsoft case without further delay and litigation. As an American consumer, I believe the settlement is fair and is to the benefit of the American public. Thank you for your consideration of my request.

Sincerely,
Susan Elizabeth Barba

MTC–00008208

From: David Eckman
To: microsoft.atr(a)usdoj.gov
Date: 1/3/02 2:15pm
Subject: Microsoft Settlement

Please submit the following comments to the Judge hearing this matter: I urge you NOT to approve the settlement terms with Microsoft that the federal government has negotiated. Following are several reasons and suggested order terms, based on my extensive use of personal computers in my law practice since 1983–84 and my knowledge of and experience with many operating systems and a wide variety of computer software, as well as in developing software:

I and millions of other OS/2 users have been damaged by Microsoft's illegal use of tying agreements and other illegal conduct to gain a monopoly and its retaliatory and predatory use of its monopoly power against OS/2 (and other operating systems). Based on my experience and knowledge of the industry, what I believe will punish Microsoft most effectively while also stimulating competition would be an order directing Microsoft as follows for at least 20 years:

(1) Require Microsoft to LICENSE AT NO COST to the licensee ALL CODE necessary (a) to allow all other operating systems to run 32-bit (and eventually higher level) programs written for Windows and every other operating system developed by Microsoft, and (b) to allow other developers' software to run as effectively under Windows and such other operating systems as Microsoft's own programs. That code should be made available to developers of operating system enhancements and plugins as well as the operating system developers themselves and should be made available as soon as it is being incorporated into any Microsoft product. The only limitation on such a requirement should be that the licensee be a U.S. citizen or company.

(2) Prohibit Microsoft from any arrangement by which its software would be included in new computers. Microsoft's past use of its monopoly power and its use of tying agreements and other illegal arrangements to discourage computer manufacturers from offering non-Microsoft operating systems and other software on their computers has seriously harmed competition, and those still willing to compete need many years without Microsoft's predatory conduct to catch up.

(3) Prohibit Microsoft from any alterations, modifications or additions to Java and other other open software except those approved and adopted by the consortiums developing the open software for everyone's use. Microsoft has used its monopoly power to write its own version of Java, which was offered by Sun as open software. There are presently sites that my version of Netscape cannot access because they use a Microsoft version of Java. Java developers have felt the stinging impact of Microsoft's illegal behavior. Its consequences in the future may be even more severe if the federal government's weak legal precedent is established.

With the order components set forth above, what Microsoft does with Explorer would be irrelevant since other operating systems could include other web browsers, yet all operating systems could run Windows (and other Microsoft operating system) programs, which has become the standard for most software being developed today because of Microsoft's past illegal conduct. Imposing the restrictions for a minimum of 20 years would allow other operating systems to strengthen and grow in usage to the point where software program developers would find it profitable to produce native versions of their software for such systems. The history of OS/2 shows that this would work:

While Windows was a 16-bit system and its 16-bit code was included in OS/2, sales and use of OS/2 grew, and native applications were being developed. But when Windows became a 32-bit program and Microsoft's 32-bit Windows code was not included in OS/2, OS/2's market position and its growing acceptance were seriously hurt. That was exacerbated by Microsoft's illegal tying and other agreements that kept manufacturers from including OS/2 on their new computers. While OS/2 has remained alive despite Microsoft's illegal conduct (because of OS/2's superiority as an operating system over everything Microsoft has produced thus far) it cannot return to marketing success without the ability to run applications that most users want. In fact, IBM has been forced to scale back further work on OS/2, and it has almost given up on it because of Microsoft's pressure on it and the difficulty of dealing with Microsoft's illegal use of its monopoly power. OS/2 could return to effective competition with licenses of Microsoft's operating system code, at no cost to IBM and/or those who might want to enhance the system if IBM chooses not to do it. Finally, I understand that Microsoft has violated with impunity consent decrees of the past. It should be ordered to pay a substantial fine. It should also be ordered to pay all costs of monitoring its compliance in the future. This should continue for at least 20 years.

IBM was severely punished over 20 years ago for its antitrust behavior. It then managed to behave in a responsible manner and has continued to do so. There is no reason why Microsoft should not be similarly punished now, so that it and Bill Gates can learn to behave as responsible corporate citizens. The economic consequences to Microsoft, however severe, would be entirely appropriate to its outrageous and illegal conduct. And I have no doubt that it could survive as a healthy company.

[J:] David Eckman
Law Offices of David W. Eckman
davide@eckman-law.com
http://www.eckman-law.com
3730 Kirby Dr., Suite 1200
Houston, Texas 77098–3927
713–661–2065

MTC–00008209

From: Frank Angrisano
To: Microsoft ATR

Date: 1/3/02 2:14pm
Subject: Microsoft Settlement.

As a Microsoft product user I want the Justice Department to accept the agreement that has been mutually agreed upon. The hold out states should be ignored, as they seem to have an ulterior motive for not agreeing with the present settlement. As a product user I have never felt that Microsoft has taken advantage of me or that I have paid an excessive price for any of their products.

Sincerely,
Frank Angrisano
78 Rancho Del Sol
Camino, CA. 95709
e-mail: franking@cwnet.com

MTC–00008210

From: H.Barr
To: Microsoft ATR
Date: 1/3/02 2:14pm
Subject: Microsoft Settlement

Gentlemen:

I feel that the settlement process should go forward with haste. The public and Microsoft have paid a huge price to get to this point and to continue to waste taxpayer dollars is wrong. Microsoft has been an innovator in the tech industry for a long time and they should have the opportunity to continue to do so for the good of the country and its consumers. Please see that this reaches a conclusion soon

Sincerely,
Herbert A Barr
309 Willow Drive
Enterprise, Alabama 36330

MTC–00008211

From: IVLABONNE@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 2:21pm
Subject: Microsoft Settlement

Please settle this matter. We do not need any more litigation. This does NOT serve the public purpose of the anti-trust act.

Microsoft has been punished enough.....probably more than it should.

Irene M. LaBonne

MTC–00008212

From: Narendra Parekh
To: Microsoft ATR
Date: 1/3/02 2:22pm
Subject: Microsoft Settlement

I am IN FAVOR of the settlement that DOJ and states have reached on Microsoft issue.

Thanks!
- Narendra Parekh
- Amishi Parekh
- Saheli Parekh

Address: 5341 FORTE LANE, CONCORD, CA 94521

MTC–00008213

From: ford658
To: Microsoft ATR
Date: 1/3/02 2:24pm
Subject: Microsoft Settlement

Dear Justices,

Is Microsoft a ''monopoly''? Not in the proper, derogatory, traditional sense of the term. Unlike the old AT&T Bell monopoly, or today's U.S Post Office monopoly, Microsoft did not gain its market share by having the government outlaw its competitors: Microsoft earned its position in the free-market. I like all consumers vote with my pocketbook. Since Microsoft is the champion in innovation, products, and business acumen, I buy their products. I also avoid the products of those who seek the power of the government to compete.

The problem is not with Microsoft, it is with the anti-trust law—it should be rescinded.

Frederick Ford

MTC–00008214

From: avawter1
To: Microsoft ATR
Date: 1/3/02 2:25pm
Subject: Microsoft Settlement

Public Comment Attorneys
Department of Justice

As a member of the public using products in the field covered by the recent & lengthy litigation of this case, I urge you to finalize the settlement reached last year. It was evident that much hard work and ''give'' took place on both sides of the dispute and this is appreciated. It was also evident that this anti-trust case had a severe impact on the technological economy and on product innovation that affects consumers. Please, let's lift this burden with a swift conclusion to the matter in accord with the terms of the settlement.

Antoinette W. Vawter
Pismo Beach, CA

MTC–00008215

From: tom dobbin
To: Microsoft ATR
Date: 1/3/02 2:54pm
Subject: Microsoft Settlement

Dear Sirs;

I would like to take this opportunity to encourage you to accept the settlement that is now before the courts. It seems to me that we as taxpayers and shareholders have suffered enough at the hands of those who want to return to the protection of the ''buggy whip'' industry. The antagonists in the Microsoft case are woefully out of touch with reality. In this age of technological advances which look more like a tidal wave, anyone who tries to hold to the status quo of yesteryear is dreaming. For the benefit of us all, let the proposed settlement go forward as written.

Thank you.
Sincerely,
Thomas D. Dobbin
422 Island View So.
Mattawa, WA 99349

MTC–00008216

From: Debbie Purdie
To: Microsoft ATR
Date: 1/3/02 2:30pm
Subject: Microsoft Settlement

I think it is high time the government (Feds and State) and Microsoft put an end to this case. We have learned over the years that when both sides are not happy with it, then it is probably as good a deal as one could ask for. We hear the complaints from both sides which tells us it really is time to put this thing to bed. We strongly urge the Justice Department to accept the settlement!!!!!!

I have informed my Senator that I am not in favor of anymore political posturing via hearings, and that the dissenting states Attorney's General should stop the political barking (which is just to appease the big software and Internet companies that want to destroy their competitors). Competition is good for the computer industry and this settlement seems to assure fair and honest competition will take place.

Respectfully,
Scott and Debbie Purdie

PS We are stockholders of BOTH AOL and Microsoft and actually have a greater stake in AOL than Microsoft. We think AOL's lobbying against this settlement is little more than sour grapes (and we have communicated with them our feelings as expressed above).

—- Debbie Purdie
—- purdies@earthlink.net

MTC–00008217

From: Kurt Wiseman
To: Microsoft ATR
Date: 1/3/02 2:31pm
Subject: Microsoft Settlement

I believe that settlement in the DOJ case against Microsoft is in the best interest of the U.S. and the American people.

Sincerely,
Kurt Wiseman

MTC–00008218

From: jhministry
To: Microsoft ATR
Date: 1/3/02 2:31pm
Subject: Microsoft Settlement

I think that the dept of Justice has done enough to Microsoft. It has made its case and levied its verdict.

It is time to move on. And allowing the other companies to continue to drag Microsoft down after your verdict has been given is a shame. Every business would love the opportunity to squash its competition to fill its own pocket and that is what you are allowing the other 9 states to do lead by the Microsoft competitors. When will it stop???????????????

Rev Johnie Hinson
109 Flinton Dr
Hampton, VA 23666

MTC–00008219

From: Jack (038) Dot O'Hara
To: Microsoft ATR
Date: 1/3/02 2:33pm
Subject: Microsoft Settlement

Our Comment on the subject ,as provided by the Tunney Act, is that the settlement is the best available result in a case that should never have been prosecuted by the U. S. DoJ or the Attorney Generals of the States involved, because there has been no damage to the purchasers or to the users of computers that were sold with Microsoft software installed. On the contrary, the public, the computer manufacturers and the economy of the nation were, and continue to be, greatly benefited by Microsoft products and marketing practices.

We have studied the bases advanced by the USDoJ and the States as justification for their prosecution and have found them to be wholly without merit. On the contrary, our study has convinced us that the prosecution was politically motivated and has resulted in a gross injustice to Microsoft and has done irreparable damage to the credibility and the

reputation for trustworthiness of the Attorney Generals of the US and of the States concerned and of the Federal Judiciary.

Respectfully submitted
John A. O'Hara, Jr. and Dorothy M. O'Hara
81 Highpoint Lane
Chelan WA 98816

MTC–00008220

From: Jim
To: Microsoft ATR
Date: 1/3/02 2:34pm
Subject: Microsoft Settlement

I respectfully submit these comments and observations. I am a technologist who has been in this industry since 1985. I currently work for a brand building corporation that uses both Windows and Macintosh systems. In a prior career I worked for Ameritech (now SBC) for 30 years, five of which were in the IT organization.

I am writing this letter because I strongly believe the proposed settlement between the Department of Justice and Microsoft fails to achieve the necessary goals of a proper remedy: halting the illegal conduct, promoting competition in this industry, and depriving Microsoft of its illegal gains. It appears that Microsoft has again accomplished its objectives and will continue now on its campaign of total dominance of anything it chooses. I fail to understand why our US Justice representatives, would once again offer a simple slap on the wrist to a company that has ignored a similar punishment in the past. Clearly, this approach has not and will not work. Microsoft has so many ways to interpret this proposed agreement that it is a total waste of paper. Were they not convicted of being an illegal monopoly? Did they not destroy competition in as many ruthless and illegal ways as they desired? Will this agreement, increase competition? Is this agreement good for our future? I believe, along with many others, that the answer to all these questions is a resounding NO.

I strongly encourage you to persist in your efforts to vigorously bring this case to justice. A justice that will encourage competition and send a clear message to Microsoft and any others who operate outside the law. Microsoft's aggressive and illegal behavior should be curbed once and for all. I believe it is harmful to our future IT economy to allow this evil doer to continue in its illegal pursuits.

Respectfully submitted,
James R. Felbab
Technologist,
Hanson, Dodge Design
jfelbab@hanson-dodge.com

MTC–00008221

From: Catherine
To: Microsoft ATR
Date: 1/3/02 2:34pm
Subject: Microsoft settlement

I think it is high time this come to an end. Dragging this (ridiculous) lawsuit on any further is helping no one. I wish I were more eloquent— but I just want to be heard that some of us are sick and tired of this and ready for it to come to an end. Personally, I think it should never have happened in the first place.

Catherine North
Federal Way, WA

MTC–00008222

From: SandybyC@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 2:34pm
Subject: Microsoft Settlement

As a consumer of Microsoft products, and one who was supposed to have been ''damaged'' by the business practices of Microsoft, alleged by their competitors, I must tell you that this action has dragged on for much too long. It seems to me that the Settlement reached and agreed to by all parties should be the end of it. The economy cannot stand any more of the never-ending litigation which has been the real cause of damage to me as a consumer and stockholder of Microsoft.

Sandra L. Pratt
Carmel, CA

MTC–00008223

From: mark@wt6.usdoj.gov@inetgw
To: Microsoft ATR,Michael.McLagan@ Linux.Org@ inetgw, joh...
Date: 1/3/02 2:33pm
Subject: Microsoft Settlement

Government Anti Trust litigation has achieved 2 things to date.

1) Bringing the Linux and Open Source communities (as the only credible competition that Microsoft faces) to the attention of Venture capitalists, the stock market, etc too soon, resulting in the destruction of many good companies who were not ready for the ruinous competition from the rise of companies that had no business being in business... the ones that survived will be stronger, and new ones will spring up.. but that does not set aside that fact that this entire industry was set back a several years by capitalist greed out of control. From the very beginning I'd prefer that this case against Microsoft had never happened.... eventually the bully gets turned on by everyone else. The effectiveness and Return on Investment of Open Source technologies are so stunning that Microsoft has been looking for an effective way to battle it, discredit it, whatever works and this brings about the second point

2) Assuring Microsoft that they can beat anyone, and don't need to fear even the government, so now they are free to continue as they always have, with impunity. The many blatant lies they told in court make this clear. Why isn't this a good thing? Because it deprives real innovators of the fruits of their innovations, and as a result removes the incentive to people to keep our nation in the lead technologically. It also reinforces many people's worship of the ends despite the means being inappropriate, and this undercuts our entire society. Winning is not everything, it is just part of life. But isn't Microsoft an innovator? A marketing truism is that if you say something often enough and loud enough people will believe it. And people don't care enough to find the truth. For any innovation that Microsoft has made, it can also be shown who they busted in the chops to take it away from them, generally with strong arm tactics, and no thought of ethics. This goes all the way back to their original product, Microsoft Basic. They've left many a good company and organization shattered in their destructive wake. People break laws, not companies... and I think they should face penalties appropriate to their situations. That certainly has not happened in this case. The public interest is not served by encouraging mafia like tactics in the name of economic recovery, the very greed and business tactics that lead to the recession in the first place.

The next Einstein will probably be a kid from a third world country that had access to a cheap castoff PC, the source code for Linux, and the internet. With clubs formed by these kids, that country, and other countries that actually allow and encourage continued innovation, will then have a new technological revolution. It can only happen outside the sphere of Microsoft's control. Linux is only the beginning.. and companies that spring up around new technologies need the opportunity to succeed.

Microsoft has 2 strengths, and they have been there from the beginning. 1) Convincing sales, marketing & PR, and 2) a willingness to be totally ruthless and as unethical as they have to be to get what they want the way they want it. And then claim credit for it.

When have you seen someone who fights clean in the schoolyard beaten a dirty fighter? Only if they are much, much better trained, especially if smaller. Aren't trust, ethics and morals the fabric of our society, especially assumptions behind our legal system? So wouldn't the biggest winners be those actually able to get around the rules, above the law so to speak?

If ethics don't stand then our society falls into anarchy. How often have you heard ''It's not personal, It's business'' used as a justification? But don't people who act this way deprive themselves and their organizations of future benefits that might be gained from those whom they are cheating? Isn't this counter productive?

Most people won't believe this, but Microsoft not only has NOT invented the computer industry and the internet, but rather they hijacked it, and in the process actually slowed it down... and the slowdown continues. Now we are paying the price of what they have sown. As The founders of our great country knew, freedom requires responsibility, and when we abdicate responsibility in great enough numbers, we will also lose our freedom in time.

Microsoft is about making money, selling whatever they can push, always creating a new need, a new desire... remind you of anything? How about the drug pusher at the schoolyard? Ever wonder why computer people are called ''users''? Think of it, an entire economy held hostage by one company and what Microsoft chooses to do or not do. Thinking that daily or hourly reboots are the way computers ''are'', and putting up with the unnecessary loss of productivity, the continual and often unneeded upgrades. Microsoft is not concerned beyond getting your money, and what they sell you being just ''good enough'' that they get to keep it that money. What is more, as Microsoft slowly takes over the internet, and everyone's computers, as they get everyone's data on their servers at MSN, or have access to it

through hidden back doors concealed in proprietary source code on your system. These hidden doors could only be found by legions of programmers looking at the source. What do you mean that Microsoft wouldn't do this? Check your history, they have already been caught doing exactly this at least twice. What is next for this organization? Where will they stop? When will it get to the point that even the US government will not be able to face down this entity already capable of buying Nukes should they choose to do so?

There is a word in Russian ''Pravda'', and it is usually translated to english as ''truth'', but it in fact means not ''truth'', but rather ''what best serves the state''. Read Robert Heinlein's extensive essay on the subject ... This is how Microsoft defines truth as used in their various articles and whitepapers, not to mention what they say in their business dealings and the courtroom. This is an opponent the like of which the world has rarely seen, and never with as much terrible power and influence as is within their grasp within a very short time to come if the government does not act appropriately towards them now that the battle has been engaged. When will we all wake up?

Attached to this message is an earlier message I wrote regarding what I consider to be equitable remedies, and also a follow up message by Jon ''maddog'' Hall, Executive Director of Linux International, which has since been published.

Mark Bolzern

Mark@Bolzern.Org

http://www.Bolzern.Org Phone: 303–690–2806 Fax: 303–693–6064

MTC–00008224

From: skip@steuart.com@inetgw
To: Microsoft ATR
Date: 1/3/02 2:36pm
Subject: Microsoft Settlement

I have been told that this is where opinions on the Microsoft settlement should be sent. Please correct me is I am misteaken.

As I understand the current state of the Microsoft (MS) antitrust case, MS has been found guilty of abusing its monopoly position. The proposed settlement is that MS will be subject to government oversight for 5 to 7 years. As a 42 year old MIS veteran with Math and Computer Science degrees and over 15 years experience designing and managing computer systems for companies with up to 1,500 users I would like to offer a simple vision of what ''conduct'' the government should insist that MS follow.

MS has used its dominance of their Operating Systems (OS) to achieve dominance of the Applications that run on top of the OS. The object of the government oversight should be to break MS's lock on the link between the OS and the Applications. The only way to do this is to FORCE MS to publish the documented (and undocumented) Application Program Interfaces (APIs) in the OS necessary to load and run MS Windows Applications. MS will scream bloody murder, and try to spin this as un-American, but running an abusive monopoly is un-American too. Publishing ALL of the necessary APIs should enable other OS vendors to modify their OSs so that they can run industry standard Windows Applications (including Microsoft Office). I have emulated other OSs like Windows on top of OSs like Macintosh and UNIX. so I have seen it work to varying degrees. Unfortunately these emulated MS OSs have been problematic because they had to be reverse engineered without MS's support. Not only doesn't MS support OS emulation, they have been proven in court to sabotage these efforts (DRDOS). If the government FORCED MS to cooperate then the other OSs could be enhanced to run MS programs natively.

Compliance would be EASY to monitor. If MS were forced to release their OS APIs, then I predict a stampede in the LINUX world (and probably the UNIX and Mac world) to support the APIs in order to run native Windows Applications. The LINUX community already has a global and public means of development and review for projects, and I am sure that a Windows port would become a high priority multi-year project. LINUX should be used to verify compliance because it is the ONLY transparent OS allowing anybody in the world to view the source code of the OS. If MS complies then the LINUX world will be able to make a workable clone of the MS OS. This OS clone would run on top of LINUX and be able to run all MS Applications. If MS ''forgets'' to mention some of the APIs, the LINUX crowd with its global review system will identify what is missing. If a clone MS OS can be built and it runs MS Applications, then MS compliance will have been achieved. Microsoft Excel, Word, Media Player, Internet Explorer, and Power Point and any other MS Applications that the US government uses could be the applications used to verify compliance.

Even though MS would cry bloody murder, they shouldn't worry unless they are afraid that their OS is so weak that a LINUX based clone could outperform the MS OS. Either way the consumer benefits. If the MS OS is superior, then the consumer has two choices: buy the MS OS or use the slower but free LINUX clone. If the free LINUX version of the MS OS ends up being superior then the consumer is allowed to use a higher quality lower priced (free) product. Either way the MS monopoly on the OS and the abuses that have resulted from the monopoly will be fixed.

By eliminating MS's monopoly on the OS, I predict a new golden age in software development. There should be NO time limit on the publication of the APIs, as long as MS makes OSs they should be forced to publish the APIs.

Skip Steuart

Steuart Investment Company

Chevy Chase, Maryland

phone:301/951–2744

MTC–00008225

From: Bud Graham
To: Microsoft ATR
Date: 1/3/02 2:38pm
Subject: Settlement

The Microsoft settlement proposed by the JUstice Dept is a gfair and just dicision for all parties Emewrson H graham

MTC–00008226

From: RCB1938@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 2:40pm
Subject: MS Settlement

Dear Sirs:

I really wish our US Government would accept decisions as they stand instead of dragging suits out years and years and millions and millions of dollars being wasted. A decision was reached.....let's get on with it! The Federal Government and 9 states agreed. Let Microsoft ''pay'' its reduced liability and let's get on with life! Having been a senior officer in a publically traded company for 20 years, I personally know that a company can't plan anything until it truly knows where it stands. Think of the inefficiencies not to mention the cost! When is our legal system going to get into the 21st Century and quit practicing ''Guilty until proven innocent''!!!!!!!!

Bob Burress.

MTC–00008227

From: AlirezaR@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 2:42pm
Subject: Microsoft Settlement, 1/3/02

Thank you for the e-mail and providing me the info.

I believe we live in the ''Free Enterprise Systems''. My vote is for the Microsoft Executive, Bill Gate. I believe that the court should support Bill Gate and let him do the job to run the technology in our country.

Ali

MTC–00008228

From: Tom Lane
To: Microsoft ATR
Date: 1/3/02 2:46pm
Subject: MICROSOFT SETTLEMENT
To: DOJ

The current ruling is in the best interest of the industry, consumer and our countries economy.

The on going objections originate from competitors who want the government to cripple Microsoft, there by giving them an unfair advantage over Microsoft. Please throw out the petitions filled against Microsoft.

Tom Lane

MTC–00008229

From: David Freitag
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/3/02 2:46pm
Subject: Microsoft Settlement

The economy has suffered terribly from the overzealous pursuit of punitive damages against Microsoft which one of the main foundations of the USA economy. Please expedite the current agreement and do not allow expansion of the suit as sought by the states and competitors of Microsoft. The sooner this litigation is completed, the better.

This e-mail and attachments, if any, may contain confidential and/or proprietary information. Please be advised that the unauthorized use or disclosure of the information is strictly prohibited. If you are not the intended recipient, please notify the sender immediately by reply e-mail and delete all copies of this message and attachments. Thank you.

MTC–00008230

From: Westover, Michael (US–LIHI)
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/3/02 2:46pm
Subject: Microsoft Settlement

Hello,

I just wanted to let you know that I believe the proposed Microsoft Settlement is fair and it's time to stop all of the Microsoft bashing.

Michael D. Westover
Liberty International, e-Commerce
michael.westover@libertyinternational.com
(617) 574–5765
CC:'attorney.general(a)po.state.ct.us'

MTC–00008231

From: Bud Graham
To: Microsoft ATR
Date: 1/3/02 2:47pm
Subject: Microsoft Settlement

The microsoft settlement as submitted by the Justice Dept is fair and equitable for all Parties involved.

Submitted by Emerson H. Graham

MTC–00008232

From: TNSig@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 2:50pm
Subject: Microsoft settlement

Leave Microsoft and Bill Gates alone. Their success is earned. Allow this settlement to take place.

MTC–00008233

From: Bob LeVitus
To: Microsoft ATR
Date: 1/3/02 2:52pm
Subject: Microsoft Settlement

Dear Department of Justice,

I've just read the news on the proposed one billion dollar settlement with Microsoft.

As I understand the deal, this seems to me to be very much in favor of Microsoft. In addition to few to no changes to their behavior, a portion of the punishment is, in fact, a real benefit to them. The resolution including the dissemination of their software and compatible hardware, training to use their products, and loads of their often bundled software, seems to fly in the face of the very point of the trial.

They have been declared a monopoly for illegal tactics that were specifically meant to increase their market share, for bundling products for free to get market share, and for illegally blocking other's products to gain market share, and now, a good portion of the settlement specifically increases their market share of both the OS and their bundled products.

I believe this settlement should be declined. It does nothing to address their behavior and will not change it in the future, allowing them to continue to bilk the public.

Please don't let them get away with it.

Regards,
Bob

Bob LeVitus
Writer and raconteur
boblevitus@boblevitus.com
http://www.boblevitus.com

MTC–00008234

From: m.martwick@att.net@inetgw
To: Microsoft ATR
Date: 1/3/02 2:53pm
Subject: Microsoft Lawsuit Settlement

To whom it my concern:

I am in complete support of the current settlement between Microsoft & the DOJ. I think to continue to pursue Microsoft and seek additional penalties will in the long term damage the American Computer Industry.

MTC–00008235

From: Jerry Blackwill
To: Microsoft ATR
Date: 1/3/02 2:55pm
Subject: Microsoft Settlement

I want to support the justice department in the terms of the Microsoft settlement. By taking this action, the justice department has put the US on a better economic footing.

Jerry Blackwill

MTC–00008236

From: FPCANDEGC@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 2:56pm
Subject: Microsoft Settlement

Please conclude your current agreement with Microsoft and ignore their competitors

Thank You
Frank P.
Cyrill Jr.

MTC–00008237

From: RWBurg@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 2:57pm
Subject: Microsoft Settlement

Dear Sirs:

I hope that the government soon stops its harrassment of Microsoft. I realize that Microsoft has a virtual monopoly on operating systems for the personal computers, but that seems to be a more reasonable approach than having to deal with multiple operating systems. If software developers had to write software for multiple operating systems, everything would become more complex and more expensive.

Sincerely yours,
Richard W. Burg

MTC–00008238

From: Utemills@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 3:00pm
Subject: Microsoft Settlement

Complete the Microsoft settlement NOW! It is time we put this matter behind us and allow Microsoft an opportunity to get back to running its business. Why should our own government keep trying to undermine this great American company? Leave Microsoft alone.

M. Mills
1/03/02

MTC–00008239

From: tonymi
To: Microsoft ATR
Date: 1/3/02 2:57pm
Subject: Microsoft Settlement

I believe that the settlement proposed by the DOJ is fair and adequate, and I would like to see it accepted by the court. I believe the demands of the nine holdout states, including my own home state of Kansas, have greatly exceeded the scope of any remedies needed. As I understand it, antitrust settlements aren't supposed to rob the plaintiff of intellectual property, and two of the terms proposed by the holdouts do just that, namely the requirements that Microsoft provide source code for Internet Explorer and license Office for other operating systems.

I also object to the request that Microsoft provide a stripped-down version of Windows. I'm a retired software engineer with 30 years of experience, and I know this idea is just impractical. Features that the holdouts want removed work much more effectively if they are integrated into the operating system, not slapped on as an afterthought. It's analogous to air conditioning on an automobile; factory air always works better than an add-on unit. Smart customers would avoid the product, and customers who did buy it would regret it, so what's the point of forcing Microsoft to produce it? It also runs counter to industry trends; every modern operating system now includes these added features, and customers expect them. If Microsoft is burdened with this requirement, they should be allowed to affix a prominent label saying ''This product was designed for you by the Attorneys General of Kansas, California, etc. ... Please forward all complaints to them.''

I believe that the AGs of the holdout states only want to prolong the case for political reasons (to placate Microsoft's rivals) or for greed, hoping to somehow milk a windfall from Microsoft. I don't think they are the least bit interested in justice, only in benefiting themselves. Prolonging the case is holding back the high-tech industry, and therefore the entire economy. I request the court to accept the settlement as a fair one, move on, and help our country recuperate.

Thank you,
Tony Miller
316 Lawrence Avenue
Lawrence, KS 66049
785/331–4592
tonymi@msn.com

MTC–00008240

From: JennetteWilson@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 3:02pm
Subject: (no subject)

SETTLE

MTC–00008241

From: Joseph F. Buchanan
To: Microsoft ATR
Date: 1/3/02 3:00pm
Subject: Microsoft Settlement

I would like to express my dismay at the settlement concerning Microsoft Corporation. Because of Microsoft's tactics in forcing their products (Windows OS and Microsoft Internet Explorer, especially) and forcing out competition, we have to deal the problems that come with not having alternatives to their systems. I work at the University of Utah and deal with a lot of computer users. Because of the monopolistic actions of Microsoft, alternatives to their email systems are not common among our users. Microsoft Outlook, Windows OS and Internet Explorer form together a serious security threat that has caused much expense to our support systems. Because of their overwhelming

market, they are slow to respond to the problems they cause and slow to address quality issues in their products. People have grown to accept what they provide, regardless of inferior quality, security problems or even cost.

I feel that the current settlement has let Microsoft off the hook and allows them to conduct business as usual. This should not be the case. Please seriously consider the states' petitions against Microsoft.

Thank you for your consideration,
Joseph F. Buchanan
(801) 566–1083
joseph.buchanan@utah.edu
Joseph F. Buchanan—
Internet: Joseph.Buchanan@utah.edu
University of Utah
http://www.cc.utah.edu/joseph/
TACC—Marriott Library—295 S. 1500 East
—(really ML2751C)
Salt Lake City, UT 84112–0860
— (801) 581–8814
X-Pgp-Url: http://www.cc.utah.edu/joseph/pgpkey

MTC–00008242

From: Aqualyst
To: Microsoft ATR
Date: 1/3/02 3:01pm
Subject: Microsoft Settlement

To the DOJ:

Although I may disagree with some of the ways in which the Microsoft Corporation conducts its business strategy, Microsoft is no more harmful to me than the US Post Office, the local cable TV company, or any other of a myriad of companies that, unlike Microsoft, are monopolies in the true sense of the word.

These companies are granted monopolies by government force, against which I have no recourse except to do without. Conversely, regarding Microsoft products, I can always cast my vote against them by purchasing other products. I can think of no area in which Microsoft actually holds a true monopoly; neither in operating systems nor in any other software currently in the marketplace. I can use an open-source operating system such as Linux on my PC, or I can purchase a computer from Apple that requires me to adjust to, and buy software compatible with, their proprietary operating system. I can use Netscape, and often do, to browse the Internet from my PC with Windows installed.

I can purchase excellent word processing software from Corel, instead of using Microsoft Word. I can even purchase a complete, integrated Office Suite without spending one cent on Microsoft products. The list goes on and on.

Here's what I can't do...

I can't subscribe to a competitive cable TV provider, who may offer better service at a lower price... I must use the one granted a monopoly in my neighborhood. I can't use a telephone company that may offer more value and trouble-free service in my neighborhood...I must use the government-granted monopoly in my calling area. I can't change my provider for electrical service... I must use the power company with a government-enforced monopoly in my area.

I'm sure you get my point here. The Department of Justice (if you're truly seeking justice) should be striving to eliminate all of the government-enforced monopolies in this country that do untold damage to the economy. If you question the damage that government intervention in the marketplace can cause, I would refer you to the situation in California regarding power generation. Microsoft has earned its market position. It deserves to hold its dominance over the competition because it continues to provide me with ever-improving software and hardware, which enriches my life and makes me individually more productive. The best thing the DOJ could do would be to repeal the Sherman Antitrust Act and get out of the marketplace. The term ''laissez faire'' is not just a cute phrase. It is a caveat, and a marketplace axiom, that the DOJ, and the rest of the government, should observe. There is not now, nor has there ever been, a justification for government manipulation of business. The marketplace will ultimately take care of itself through the profit motive. The Sherman Act, itself, is an atrocity which was enacted to resolve a situation caused by government intervention. One doesn't cure an illness by administering more of the poison which caused it.

Sincerely,
Robert E. Mehan 1151 Carrollton Ave.
Metairie, LA 70005

MTC–00008243

From: Joan Clarke
To: Microsoft ATR
Date: 1/3/02 3:02pm
Subject: Microsoft Settlement

I am all for the comprehensive agreement that the Federal Goverment and nine states reached with Microsoft. Enough is enough.

Sincerely,
Joan T. Clarke Fairview N. C. 28730

MTC–00008244

From: Kbobbi@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 3:05pm
Subject: Microsoft Settlement

RE: the Tunney Act

For the sake of the public at large please be assured that this settlement is in the public interest and to continue more litigation against Microsoft will only hurt the American economy and benefit a few special interests. Please do NOT continue more litigation against Microsoft and continue to hurt the economy.

The attack on Microsoft has already done damage to the stock market. Just go back to when it emerged during the last administration and see the effect on the market every time a new announcement came out about punishing Microsoft. Its not Microsoft that gets punished its the American Public and Freedom that suffers.

George Korey
060 Marcus Ct
Pinole CA 94564

MTC–00008245

From: Peter Kain
To: Microsoft ATR
Date: 1/3/02 3:10pm
Subject: Microsoft Settlement

To Whom It May Concern:

Please stop wasting taxpayers money litigating against Microsoft. It is an inefficient use of the taxpayers money. I buy and use many of the products they sell and do so willingly. Why? They are great products. They are reliable. Most importantly, they allow me to communicate with others who also use Microsoft products.

Enough is enough. Let's move on. There is a time and place for pursuing justice, and that time has passed. The horse was dead a long time ago.

Let's not beat it any more.
Sincerely,
Peter J. Kain
Peter Kain Lighting Accessories Inc.
petek@madpark.com

MTC–00008246

From: Bob Beaudoin
To: Microsoft ATR
Date: 1/3/02 3:09pm
Subject: Microsoft Settlement

The Utah Attorney General is pursuing harsher punishment for Microsoft along with 8 other states (California, Connecticut, Florida, Iowa, Kansas, Massachusetts, Minnesota, and West Virginia).

The Attorney Generals' of these states are correct in pursuing Harsher penalities. The DOJ settlement is not a deterent on what Microsoft has done to many other companies. The DOJ needs to support the case of these states against Microsoft.

Bob Beaudoin
5435 Riley Lane
Murray, UT 84107
Bob Beaudoin
Computer Support
Plant Operations
University of Utah
801 585–5919

MTC–00008247

From: Patrick McCarthy
To: Microsoft ATR
Date: 1/3/02 3:12pm
Subject: Microssoft Settlement

To Whom it May Concern—

I would like to urge the DOJ to back off Microsoft and allow this settlement to go forward.

Very truly yours,
Al Maiolo President
Al J. Maiolo
President
Aero Hardware & Parts Company, Inc.
130 Business Park Dr.
Armonk, NY 10504
E-mail: ajm@aerohardwareparts.com
Fax: (914) 273–8550
Phone: (914) 273–8612

MTC–00008248

From: FAY243@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 3:12pm
Subject: (no subject)

I THINK AS THE NEW YEAR IS HERE, WE SHOULD ALL TRY AND GET BACK TO OUR NORMAL LIFE STYLE. I THINK MICROSOFT AND THE SETTLEMENT IS VERY FAIR. I DON'T THINK THE OTHER STATES ARE BEING FAIR WITH MICROSOFT OR THE ECONOMY. MICROSOFT WILL HELP STIMULATE THE ECONOMY, IF THE OTHER STATES WILL GET OFF OF THEIR BACK.

THANK YOU

BERTIE F. SMITH
243 CR. 2446
SALTILLO, MS 38866

MTC–00008249

From: Henry G Absher
To: Microsoft ATR
Date: 1/3/02 3:14pm
Subject: Microsoft Settlement
January 3, 2002
Attorney General Ashcroft
US Department of Justice
950 Pennsylvania Avenue
Washington, DC 20530–0001
Dear Mr. Ashcroft:

I write you in support of the recent settlement between the Department of Justice and Microsoft. After three long years of court battles and round-the-clock negotiations, a fair and reasonable settlement was reached, and then we find out that there are some who feel it needs further examination. What about spending our dollars and time on examining our current economic status or our nation's security? These might be more pressing issues at the moment.

This settlement was not only well thought out, but was formulated with all parties in mind. Not only did Microsoft give up a great deal to allow the competitive market to flourish, but also they agreed to allow these companies to sue them if, in fact, they weren't complying. The settlement addresses everything from pricing agreements to code disclosure, and this should be considered a real coup for competitors. Microsoft has bowed down to dozens of demands, and now we need to let the technology industry get back to business.

The American economy could use some boosting at the moment, and holding up the IT sector and their competitive growth can only harm things. I urge you to support this settlement by helping to see that it no longer gets challenged from those in the federal government who would compromise it. Thank you for your time and effort on this issue.

Sincerely,
Henry Absher

MTC–00008250

From: alfred mizner
To: Microsoft ATR
Date: 1/3/02 3:15pm
Subject: Microsoft Settlement

I've worked in the technology industry for over 10 years and I have been mystified by the governments apparent attempt(through obvious competitor funding) destroy Microsoft. It is because of their leadership and support for building a common PC platform that we are not still working on disparate and disjoint systems and software platforms. My comment on the settlement is that it goes well beyond what I think is necessary or appropriate. Therefore I would request that this be the end of this odyssey and start putting money and focus in a more appropriate place.

Regards
Al

MTC–00008251

From: GrumpyWes@cs.com@inetgw
To: Microsoft ATR
Date: 1/3/02 3:14pm
Subject: Settlement

Please get off Bill's back.!!!!!!!!!! All he and Mrs. Gates do is good for the people and kids. Not to mention what he has done for the Kids. We are in a lot of bad times now , and mostly in Seattle.

Thank You
Wes Boyd.

MTC–00008252

From: Sumit Pal
To: Microsoft ATR
Date: 1/3/02 3:17pm
Subject: Microsoft Settlement

Hi

The settlement is certainly a positive one for the industry and the American people at large.

Cheers,
Sumit

MTC–00008253

From: mryan@telebyte.com@inetgw
To: Microsoft ATR
Date: 1/3/02 3:14pm
Subject: Microsoft Settlement

I think it's time to move on and get off Microsoft's back. This market is moving too rapidly for anyone to maintain an edge too long.

Matt Ryan, CLU
9080 Illahee Rd NE
Bremerton, WA 98311

MTC–00008254

From: Mitch Millar
To: Microsoft ATR
Date: 1/3/02 3:18pm
Subject: Microsoft Settlement.

This case has been going on too long and has especially added detrimentally to all Technology stock losses in the last two years.

Microsoft is highly competitive, all successful companies are. If they are not breaking the law, get over it!!

Special interest factions are trying to skim the cream off of Microsoft's success because they cannot or are unwilling to compete. Leave Microsoft alone!!

The technology Microsoft provides make the market for the rest of us out there in the software world.

Mitch
mitch@tetradigital.com

MTC–00008255

From: Cathryn22@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 3:19pm
Subject: microsoft settlement

To Whom it May Concern,

I am a public school teacher in Wisconsin and am writing on behalf of the proposed settlement in the Microsoft case. I support the goals that are set forth in this settlement to establish an independent foundation comprised of educators to distribute technology funds, computers and software to the nation's poorest schools.

As a public school teacher, I am made aware of the importance of technology on a daily basis. I am also well aware of the huge technology gap that exists between wealthy and poor communities. This settlement would make a big difference in Wisconsin in that we are below the national average when it comes to computer availability for students. These funds could also help provide teachers with sufficient technology training, another area in which we are behind in Wisconsin.

Technology can be a powerful teaching tool and if we are going to fully prepare today's students for tomorrow's world, we have to stay current and we have to make technology available to everyone. In my school district we are just beginning to see the impact that technology can have. We recently passed a referendum that enabled the district to purchase one computer per teacher, and is slowly striving to have one computer for every 6 students. While that still is sorely behind what we see in the business world, it has already made a big difference. A settlement such as this could assist other districts, as well as my own, in obtaining the technology necessary for education in the 21st century.

Thank you for your consideration,
Cathy Atkinson
Social Studies Teacher
Waukesha, WI.

MTC–00008256

From: TRENTWOLF@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 3:22pm
Subject: Microsoft settlement

To Whom it may concern,

I believe that the US Government would find it's self better occupied paying more attention to the terrorist problem, the airplane security problem than bothering with Microsoft. This company only does good, helps our nations civilian and military, with the latest in technology and contributes computers to the nations libraries, provides jobs and pays its taxes to support the Government.

G. C. TRENTANOVE

MTC–00008257

From: DADavis22@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 3:24pm
Subject: MICROSOFT SETTELMENT

PLEASE, LET IT BE KNOWN THAT I DUANE A. DAVIS AGREE TO THE SETTELMENT, WE NEED MORE JOBS, NOT SPECIAL INTERESTS WHERE THE TRIAL LAWYERS RAKE IN ALL THE MONEY

THANKS
DADVIS22@AOL.COM

MTC–00008258

From: Joseph F. Buchanan
To: Microsoft ATR
Date: 1/3/02 3:24pm
Subject: Microsoft Settlement (added my address)

(This is the same message sent before, but I forgot to add my mailing address) I would like to express my dismay at the settlement concerning Microsoft Corporation. Because of Microsoft's tactics in forcing their products (Windows OS and Microsoft Internet Explorer, especially) and forcing out competition, we have to deal the problems that come with not having alternatives to their systems. I work at the University of Utah and deal with a lot of computer users. Because of the monopolistic actions of Microsoft, alternatives to their email systems are not common among our users. Microsoft

Outlook, Windows OS and Internet Explorer form together a serious security threat that has caused much expense to our support systems. Because of their overwhelming market, they are slow to respond to the problems they cause and slow to address quality issues in their products. People have grown to accept what they provide, regardless of inferior quality, security problems or even cost.

I feel that the current settlement has let Microsoft off the hook and allows them to conduct business as usual. This should not be the case. Please seriously consider the states' petitions against Microsoft.

Thank you for your consideration,
Joseph F. Buchanan
7472 Silver Circle
West Jordan, UT 84084–3946
(801) 566–1083
joseph.buchanan@utah.edu
Joseph F. Buchanan
—Internet: Joseph.Buchanan@utah.edu
University of Utah
—http://www.cc.utah.edu/~joseph/
TACC—Marriott Library—295 S. 1500 East
—(really ML2751C)
Salt Lake City, UT 84112–0860
—(801) 581–8814
X-Pgp-Url: http://www.cc.utah.edu/~joseph/pgpkey

MTC–00008259

From: Konrad M.Kempfe
To: Microsoft ATR
Date: 1/3/02 3:26pm
Subject: Microsoft settlement:

This is to express my disapproval of prolonged litigation in the Microsoft case. The settlement reached is fair and should be accepted.

It is definitely not in the interest of the public or the US economy to continue court proceedings.

Respectfully
Konrad M.Kempfe, MD
715 Bogar Drive
Selinsgrove, PA 17870

MTC–00008260

From: Kevin McDaniel
To: Microsoft ATR
Date: 1/3/02 3:26pm
Subject: Microsoft Settlement

I think it is imperative that any settlement should be in the form of CASH only It should NOT be in the form of additional gifts or sales of Microsoft product to schools and others.

I would like to see this case brought to a swift conclusion, but not at the expense of other firms marketing competing products.

Kevin McDaniel

MTC–00008261

From: rick
To: Microsoft ATR
Date: 1/3/02 3:27pm
Subject: My 2 cents

This case against Microsoft has been poorly executed by the government, companies and handful of states taking part. It is also quite hypocritical of those companies because they simply do not have the products to available to replace the Microsoft software. I could see their point if they actually had something to sell me but they don't. Have you ever tried writing a letter, doing a spreadsheet, made a greeting card, edited a photograph on a UNIX machine? I didn't think so. All these companies have a perfect right to manufacture competing products, but they dont, even for their own die hard users.

In addition I as a consumer feel that the deal Microsoft gives me is a tremendous value. Where else can I get a state of the art operating system, with many applications for under $200? There is no case here.

Microsoft software has done more for our economy, military strength, and business productivity than any single company in history.

Let them keep it up. Or invite them to leave the US and become a corporation of lets say, India. I know the country of India would welcome them with open arms, unlike our own government which scorns them.

MTC–00008262

From: William J. Crittenden
To: Microsoft ATR
Date: 1/3/02 3:28pm
Subject: Microsoft

There are basically three types of people who have opinions on the U.S. v. Microsoft case:

(1) People who have no idea what the law says or what Microsoft has actually done. (These people should be ignored)

(2) People who have some vested interest in supporting Microsoft or some ideological axe to grind such that they support Microsoft for reasons that have nothing to do with the case, Microsoft's obvious and unrepentant guilt, or appropriate remedies.

(3) (Myself included) People who are absolutely outraged by Microsoft's pattern of deliberate illegal conduct and its total disregard for the law. READ THE DAMN COURT OF APPEALS OPINION!!! IT SPEAKS FOR ITSELF!! Bill Gates is a crook and a liar, and he has created, illegally maintained and repeatedly abused a monopoly in computer operating systems. The harm to consumers is staggering.

Windows is an overpriced and unreliable pile of crap, but most people have no real choice (Apple is an expensive alternative, and there are no other widely used consumer operating systems). In some cases, more than half of the cost of a new computer is the preloaded Microsoft software (which costs Microsoft almost nothing to make). Many non-Microsoft software products perform poorly because Microsoft is constantly fiddling with Windows and refuses to release the source code that developers need to write for.

Windows XP includes many new bundled features which clearly should be sold as separate applications and not as part of the operating system. This practice is clearly illegal and destroys innovation and competition. If this practice is not stopped, Microsoft will soon have a monopoly in virtually the entire personal computer software industry.

TERMINATE THE ILLEGAL MONOPOLY! STOP THE BUNDLING! STOP WINDOWS XP!

PROTECT REAL JAVA FROM MICROSOFT'S ILLEGAL ATTEMPT TO DESTROY COMPETITION! BREAK UP MICROSOFT!

AND THROW GATES AND BALMER IN JAIL!!!!!!

William J. Crittenden
Law Office
1325 Fourth Avenue, #1730
Seattle, WA 98101
(206) 729–0259
wjcrittenden@attbi.com

MTC–00008263

From: DYMOND Christopher S
To: Microsoft ATR
Date: 1/3/02 3:29pm
Subject: Microsoft Settlement

Dear Sir,

I am shocked at what appears to be a disregard for anti-trust laws and the lack of timeliness of enforcing them.

I ask that you please issue a punishment for Microsoft's violations that is both sufficiently punitive to dissuade future companies from behaving as Microsoft has and that it is done quickly.

Christopher Dymond
Salem, Oregon

MTC–00008264

From: David Ayala
To: Microsoft ATR
Date: 1/3/02 3:31pm
Subject: Microsoft Settlement

Gentlemen: Please accept this message as my support for the proposed settlement. As a result, I believe Microsoft has learned to act and behave in a manner that promotes fair trade and competitiveness in the business world. Thank you.

D. Ayala, Jr.
West Hills, California

MTC–00008265

From: John McIntosh
To: Microsoft ATR
Date: 1/3/02 3:33pm
Subject: microsoft settlement Please lay off Microsoft. I have no financial interest in the company.

John

MTC–00008266

From: SHerman999@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 3:34pm
Subject: microsoft case

please leave microsoft alone. the consumers like me are not complaining, only competitors who aren't as inovative, nor as consumer oriented. microsoft has done an excellent job for the publi worldwide. it's time the justice dept focused on somebody committing a crime that hurts the public. leave them alone and allow them to get back to the business of making a major contribution to the public and business world.

MTC–00008267

From: paul kelly
To: Microsoft ATR
Date: 1/3/02 3:32pm
Subject: RE; Microsoft settlement.

Dear DOJ:

I have followed the MSFT ''case'' and want to add my voice to those of many others. The 18 States continuing efforts to force MSFT to divest is a poor use of valuable time and seems to be largely politically motivated at

this time. My vote is to move on quickly to more pressing issues, such as Enron and collusion between accountancy and business today that are costing consumers and shareholders Billions.

Thank you.

P Kelly, MD

MTC–00008269

From: Sandy Armsrtong
To: Microsoft ATR
Date: 1/3/02 3:35pm
Subject: Microsoft Settlement

In early 2000, I had made investments, mostly with money inherited from my mother's lifetime savings, on the advise of my investment counselors, for myself and my children. I had about one fourth of what I needed to retire and my children had about enough for college educations and a future down payment on a house. My children were set for a good start in life and I had a start toward financial security for my future. Then, disaster came, in the form of a suit against Microsoft. In my opinion, this suit was the catalyst of the tremendous downfall in the stock market. This occurrence has left me and my children with only 40% of the money we had in early 2000. I never felt that Microsoft was at fault in the first place. What has happened to Americans who have budgeted and saved all of their lives to make their and their children's futures secure in order to improve profits of a few disgruntled corporations who were not able to compete with the innovations of Microsoft is very wrong.

Nothing can be done to compensate for the devastation caused to the American people by those who brought the suit against Microsoft, but the best that can be done is to finalize the Microsoft settlement which has been agreed upon by nine states as well as the federal government. It is time to put an end to this suit. It is my hope that such an decision will act as another catalyst to bring the stock market once more to more favorable gains and that my children and I may recoup some of our tremendous losses.

PLEASE, rule in favor of the present Microsoft agreement

Thank you,

Sandra M. Armstrong

Santa Cruz, California

MTC–00008270

From: LuLuFin@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 3:35pm
Subject: Final Determination of this case

This has gone on far too long. I think it is too strong against Microsoft. It requires that Microsoft disclose all the interface and related technical information for the middleware use and much more I don't think is fair. If Microsoft is smart enough to have figured it all out why do they have to give it away. Let the competitors come up with another way to get their middleware to be compatible. It seems to me you are punishing someone, who has been creative, because the other party can't come up with a better idea and product. If Microsoft agreed then let's get it over with and move on.

Lucille Finamore

MTC–00008271

From: Brown, Terry
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/3/02 3:39pm
Subject: Microsoft Settlement

I consider the entire pursuit of Microsoft for antitrust violations a witch hunt against a company that is guilty of nothing more than engaging in production and free trade in what, upon my last reading of the constitution, was a free and capitalistic society. Based on the evidence and judgments I have reviewed to date, I oppose any form of punishment or sanction against Microsoft. Let the free market reign.

Terry S. Brown

Vice President, Manufacturing and Process Industry Practice

Balanced Scorecard Collaborative, Inc.

55 Old Bedford Road Lincoln, MA 01773

Tel. 781.402.1183

Fax 703.991.7542

Cell 781.929.2713 tbrown@bscol.com

Join Balanced Scorecard Online Free at http://www.bscol.com

MTC–00008272

From: Daphanie M. Mullins
To: Microsoft ATR
Date: 1/3/02 3:41pm
Subject: Microsoft Settlement
From: <madodel@ptdprolog.net>
To: <piu@doj.ca.gov>; <attorney.general@po.state.ct.us>; <ag@oag.state.fl.us>; <consumer@ag.state.ia.us>; <GENERAL@ksag.org>; <webmaster@ago.state.ma.us>; <attorney.general@state.mn.us>; <uag@att.state.ut.us>; <consumer@wvnet.edu>; <timb001@attglobal.net>; <Microsoft.atr@usdoj.gov> Sent: Wednesday, December 26, 2001 3:27 PM
Subject: Microsoft settlement

I'm writing to ask you to consider removing all preload contract terms that require only Microsoft operating systems as well as requiring Microsoft to release all information regarding their proprietary file formats and APIs to be as part of any real settlement of their predatory monopoly finding. As it stands now the proposed settlement is worthless and a complete sellout by the USDOJ and does absolutely nothing other then validate their monopoly status and treat it as if it is a natural outcome. Microsoft has developed and expanded their monopoly by forcing hardware manufacturers to only pre-install

Microsoft operating systems on personal computers for years. It is a disgrace that IBM will not pre-load its own superior computer operating system (OS/2) on its own personal computers. Last year during the trial, several major manufacturers had declared they would offer the Linux operating system as a pre-load option. Then it was only to be available on a few models, then only on one or two models, now, after the farce of a settlement outcome of the trial, try and find more then a handful if any among all the major manufacturers. Microsoft can only continue its monopoly by coersion, requiring only its own software on every PC and charging a Microsoft tax on those of us who purchase these systems, but don't want and will not use their products. The only real solution is to make the operating system an option and all systems must be allowed to be sold without an operating system, or with a choice including but not necessarily limited to, OS/2, eComStation Linux, FreeBSD, and Microsoft's current version of WIndows.

Currently on my chosen platform, IBM's OS/2 and Serenity System's eComStation (an OEM version of OS/2), I can get some interchange of documents with Microsoft Word and Excel using Lotus SmartSuite or Star Office, but other formats like PowerPoint and Microsoft Media Player are completely inaccessible. Open formats and APIs can be ported over to non-Microsoft platforms and break Microsoft's stranglehold on the world's information. Making all their proprietary formats and APIs open and freely available will allow those of us who don't use Microsoft products to not be locked out of electronic discourse and electronic media features.

Please stand firm and refuse to give in to the monopolist Microsoft organization.

Mark Dodel —

From the OS/2 Desktop of: Mark Dodel

''The liberty of a democracy is not safe if the people tolerate the growth of p rivate power to a point where it becomes stronger than their democratic State it self. That in it's essence, is Fascism—ownership of government by an individ ual, by a group or by any controlling private power.'' Franklin Delano Roosevelt, Message proposing the Monopoly Investigation, 1938

MTC–00008273

From: Daphanie M. Mullins
To: Microsoft ATR
Date: 1/3/02 3:38pm
Subject: Microsoft Settlement
From: ''sbskinner'' <sskinner@helicon.net>
To: <consumer@wvnet.edu> Sent: Sunday, December 16, 2001 6:45 PM
Subject: Microsoft Antitrust Settlement

Dear Ms. Mills,

I am delighted that you continue to reject the administration's settlement of the Microsoft antitrust case. Although the below experience I had this morning is trivial, I thought you might like to view it from a very basic consumer standpoint. I am sending this also to the AGs of Massachusetts, California, West Virginia, Minnesota and to the District of Columbia (I haven't at this time located the remaining AGs rejecting the settlement).

Thank you again, and happy holidays.

Suzanne B. Skinner

To: Microsoft Customer Service

Dated December 15, 2001

''For the last week or more, every time Ia fter I signed into hotmail, whether via Netscape Communicator 4.78 or from IE 6, the home page either didn't load at all, OR I had to keep refreshing the page to make it load.

Then, next, while trying to access my inbox/junk mail boxes, the same thing occurred. Finally, this very morning and as I speak, when I logged on via IE, half the home page appeared on the screen AND the other half of the screen had that disgusting white page that said to ''Detect network settings,'' etc, because my browser could not

support nahda nahda nahda... Also my IE often a/or continually rebuffs my ability to access even the most innocent of sites: e.g. last night to get to Google I had to perform the most herculean efforts and even then, most of the links (e.g. such real horrors as perhaps symantec, ancestry.com, also came up with the white ''network ... page and I was unable to get through. Fully exasperated, I then disabled cookies entirely (usually I keep them to return to sender), and the same tragic story was repeated. Netscape, while giving me the very same Hotmail issues, does allow me, even with cookies returned to sender, access to these above-mentioned wild sites without problem.

WHAT IS HAPPENING?

Suzanne B. Skinner

P.S. Speaking of bugs, at least three or four times over the each of the last five or six weeks, that ''do you wish to debug now'' error pops up. I would be glad to debug, if only the process didn't seem to occupy a vast amount of time, thereby leaving me too exhausted to finish up the rest of what I have to do online.

sbs

P.P. S. NOW: I am unable to send this email to you because, even though THERE IS NOT TOPIC TO BE SELECTED IN THE TOPIC AREA DROP-DOWN MENU, I CANNOT SEND THIS TO YOU BECAUSE I HAVE NOT SELECTED A TOPIC! THIS IS REALLY BAD, GUYS. I have to cut and paste this complaint into a word document to save it so I can send it via some other route. What a disaster.

P.P.S.S. NEXT NEXT: I have tried to follow your rotten process to get to tech support, and low nothing I can do can get me there. I am only trying to report a problem with Hotmail; I have been sent all you're your 900 sites and get stuck back where I started. This is a really asinine ''computer lack of support'' program. I could get Bill Gates or the Pentagon more easily than getting through to you.no wonder every one I know is hoping that Linux is us and running lots of stuff in the near future. Just now, immediately before I was retuned to the ''get help from a Microsoft support (the operative word) professional, I was given a full screen announcement that LO there was a run time error. Are you guys talking with each other? Where the heck is the ability to reach customer service? I am planning to send a copy of this notice to the justice departments anti-monopoly unit, as well as to the attorneys general of every state and—if I have to—every European Community nation that refuses to settle the anti-trust suit against you.

Now I have to find another way to reach Customer Disservice, without going through this painful and futile process.''

As an afternote, once again, you might be interested to know that when I went to the WV AGs website just a few minutes earlier, and tried to send this email to that office, the above-mentioned ''can't be displayed: detect network settings, etc'' came up and prevented my emailing Mr. McGraw. Very small potatoes, but very big irritation—plus two more requests from Microsoft for runtime error and another two requests to debug. Just keeps us chuckling, doesn't it?

Thank you again.

MTC–00008274

From: Allan Tingey
To: Microsoft ATR
Date: 1/3/02 3:42pm
Subject: Microsoft Settlment

To whom it may concern,

I am a computer scientist working in human genetics research at the University of Utah and I just wanted to pass along my feelings about the Microsoft settlement. I can tell you, without question, that the Microsoft monopoly has made our work more difficult and wasted considerable tax dollars. Because there is no viable alternative, we are forced to purchase Windows systems for each workers desk so that the usual desktop applications are available. The Microsoft operating systems, however, are not adequate for our research so additional UNIX systems must be purchased. The incompatibility of the systems creates many problems and the extra hardware and training needed to operate both systems is very wasteful.

''Multi-user'' operating systems like UNIX, Linux, and now Mac-OS, are able to handle the work of many people if only the application software were available. The ''single-user'' operating systems from Microsoft require the purchase of a personal computer and software licenses for every user and it is incredibly wasteful. Because of the Microsoft monopoly, tax dollars are purchasing 50 to 100 times as many computers as are really needed with similar inefficiencies in software licensing.

As a computer scientist and a tax payer, I hope to see the Microsoft monopoly completely dismantled so a more efficient method of computing can be adopted.

Allan Tingey
University of Utah
20 South 2030
East Salt Lake City, UT 84112
810–581–4157
al@genetics.utah.edu

MTC–00008275

From: Diane (038) Roland Freeman
To: Microsoft ATR
Date: 1/3/02 3:41pm
Subject: Microsoft

Dear Sirs,

I believe that Microsoft has done no wrong and should not be punished for their actions. Was Ford guilty in the early 1900's, when he dominated the auto industry? The courts said no. I see a remarkable similarity to the Microsoft suit, and the Ford suit. Those who can't compete, have a ''sour grapes'' attitude. I worked on top secret programs that the government and the vendor both used Microsoft programs to exchange data via the internet, because the ''system'' worked. This saved the government and the taxpayer lots of money.

Microsoft has done the world a favor by developing what amounts to be a ''standard'' that the world can use to advance all parties. To punish them for this great accomplishment, would be wrong. All government, should stay out of business that does no one harm. If you want to get involved in bad business practices, look into Enron. How about when oil companies ''conspire'' to raise prices ($3.00/gal) for no reason?

Thank you for your time and efforts.

H.R. Freeman
dinro@pacbell.net

MTC–00008276

From: Daphanie M. Mullins
To: Microsoft ATR
Date: 1/3/02 3:42pm
Subject: Microsoft Settlement
From: ''Robert Lyday'' <rhl43@oakhurst.net>
To: <consumer@wvnet.edu> Sent: Wednesday, December 26, 2001 11:03 PM
Subject: Don't Settle with Microsoft

The government's proposed settlement is a disaster. Please do not settle according to these standards! Hold out for a settlement that will really hold MS' feet to the fire! The government's settlement will do almost nothing at all to stop MS' illegal behavior, which has almost destroyed computing. MS must be stopped for the sake of the industry and businesses and consumers all over the world! Bob

Hiroshima '45, Chernobyl '86, Windows '95.

MTC–00008277

From: Dan Broughton
To: Microsoft ATR
Date: 1/3/02 3:45pm
Subject: Microsoft settlement

I wish to express my opinion that this litigation has gone on long enough! Without Microsoft where would PC users be? Would the ''information superhighway'' be all that it has become without the innovative software produced by Microsoft? The answer to both these questions is no! It's beyond me why the FEDS deem success a criminal act.

SETTLE THE DAMN THING, ALREADY—I AM SICK OF HEARING ABOUT IT!!!

Dan

MTC–00008278

From: Caltax1@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 3:46pm
Subject: Microsoft Settlement

DOJ: As taxpayers and citizens of the US, we are frustrated by the ongoing legal battle waged by your department against Microsoft. It is time to move on. The proposed remedies are enough! Let's move on and spend our energies and resources on rebuilding our damaged nation, not on tearing down one of our most innovative companies. Let's use our resources, enriched by Microsoft and other technology-related companies, to take our country to the next level.

Accept the proposed settlement and encourage the hold-out states to do the same.

Thank you,
Callene Lumbard
Callene Lumbard
4600 177 Ave SE
Bellevue, WA 98006
425–641–3688
caltax1@aol.com

MTC–00008279

From: Scuta101@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 3:46pm
Subject: Microsoft Settlement

Please add my name to the list of those who strongly oppose the proposed settlement agreement. The proposed settlement does nothing to curb the competitive tactics of a proven monopolistic predator and Microsoft continues to violate provisions of the Sherman Act (i.e., break the law) even as I type this e-mail. Surely our legal system can do more to ensure justice than the politically inspired ''sell out'' agreement offered by the Justice Department.

Mike Perkins

MTC–00008280

From: Michael Brunskill
To: Microsoft ATR
Date: 1/3/02 3:49pm
Subject: Public Comment Period

Dear Sirs,

As a computer user who has participated in the evolution of computer systems from the old teletype terminals of the Dartmouth Timesharing System on which I learned to program in Basic in 1973 to the incredible PC technology that exists today, I can say emphatically that Microsoft has done more to improve and enhance computing than any other single entity.

To say that Microsoft has stiffled competition is ludicrous. The cost of software, absolute and relative, has plunged dramatically because of the WORLD's acceptance Microsoft's Windows operating system. The very fact that the closest competitor, LINUX, is FREE to consumers proves this point. Another competing product to Microsoft's Office product line, Star Office, is also FREE, and like all others that want to have any chance of acceptance, the files are fully exchangeable with Microsoft systems. I well remember the days of several competing word processing systems, none of which were interchangeable, which truly hampered commerce. Microsoft, though it's innovation and superior products, has set the standard WORLDWIDE for consumer software interoperability far better than any government organization ever could. This in turn has lead to sustained increases in worker productivity, which have been a major factor in the economic boom of the 90's.

One of the largest detractors of Microsoft is America OnLine. While Microsoft has opened up it's operating system to any competent software developer, AOL software is proprietary and closed. They do not use industry standards for such basic services as email and news services, requiring the use of their unique software for this purpose. Please consider the source in evaluating the objections to this settlement, which is still punative to Microsoft in my opinion and entirely uneccessary.

Best Regards
Mike Brunskill
76 Cranbury Neck Road
Cranbury, NJ 08512
michael.brunskill@realiscorp.com

MTC–00008281

From: J MALLOY
To: Microsoft ATR
Date: 1/3/02 3:49pm
Subject: Microsoft Settlement

Microsoft has built the best mousetrap. Let them sell it.

Why should my cost include the wages of half of the lawyers in Washington. Please draw this to a close.

MTC–00008282

From: Bertram Kundert
To: Microsoft ATR
Date: 1/3/02 3:48pm
Subject: Re: Microsoft Settlement

As an IT professional of 11 years standing, I have little confidence that the stated remedies will do much to restrain Microsoft from past anti-competitive practices. More safe guards and clear punishment for transgressions need to be in place. As long as they can claim that adding programs to the operating system is ''innovation'' they can use their monopoly power to squeeze out any new concept that appears, and claim it for themselves. This is how they have consistently acted in the past and there seems no reason to believe that they will change in the future.

Bertram Kundert
University of Utah
101 Wasatch Drive
Eccles Broadcast Center
Salt Lake City,
Utah 84112
801–581–5698
Bertram@media.utah.edu

MTC–00008283

From: BobJ8806@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 3:49pm
Subject: Microsoft Settlement

To Whom it May Concern, I feel strongly that the current settlement that was reached by Microsoft and the Justice Department is fair and equitable. It makes no sense to continue the current law suit being made by several states. If half of the current law suit particpants agreed to the settlement, then why are the half trying to prolong the process. The longer the case continues, the more it going to cost the tax payers. Microsoft has been a pillar for the High Tech industry and without them and their contributions, I don't believe the many industries that exists today could have existed. Microsoft is a business that has been very successful and because they have been successful, others in the same field are just jealous of their accomplishements. How many companies in the world have not done ''things'' that would increase their assets, even if it were a little not according to Anti-Monopoly rules.

I am glad that the current judge in this case is taking the appropriate actions to end this ridicules time consuming case against a respectable company that has been and will continue to be successful. Their projects and service to the customers is great and to say that they are monopolizing the software market, and that consumers do not have a choice, is really stupid. Let the company be and stop wasting tax payers money for a few companies that can't stand the competition.

MTC–00008284

From: Linda Johnson
To: Microsoft ATR
Date: 1/3/02 3:50pm
Subject: Microsoft Settlement

I give thanks that a settlement can be reached and am anxious for this great company to be able to get back to work on what they do best without fear of government intervention.

Linda Johnson, 308 Seventh Street
Fort Madison, Iowa 52627

MTC–00008285

From: Jim McKinney
To: Microsoft ATR
Date: 1/3/02 3:52pm
Subject: microsoft settlement

I think the government should be happy with any settlement from Microsoft. In my opinion, the government should leave Microsoft alone to do whatever is necessary for it (and the rest of the tech industry) to survive.

Jim McKinney
14691 Bueno Drive
Chino Hills, CA 91709
Professor, Mathematics; Calif. State Polytechnic Univ., Pomona

MTC–00008286

From: herb1000
To: Microsoft ATR
Date: 1/3/02 3:52pm
Subject: Microsoft Settlement

It is high time the DOJ put this mess to rest. We do not approve of our tax dollars being used to help certain competitors compete with Microsoft. This is supposed to be a free market. If IBM's OS2, Linux and Unix cannot compete with Windows, it is not the Goverments problem. You are in danger of unfairly destroying the only competition the huge AOL-Time Warner conglomorate has.

This has never been about protecting consumers.....it IS about helping certain competitors who made some poor business decisions.

Herb & Loretta DeVaan
1749 Tanner Circle Henderson NV 89012
herb1000@email.msn.com

MTC–00008287

From: FarhnerB@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 3:54pm
Subject: MS Opinion

We need a technologist and entrepreneur like Bill Gates. Let's settle this thing and move on, hopefully without disabling the software and costing the consumer more money.

Having lived in the silicon valley for some 20+years, I have confidence that technology will always be competitive.

MTC–00008288

From: EDWARD W REID
To: Microsoft ATR
Date: 1/3/02 3:54pm
Subject: Microsoft Settlement

Department of Justice: For years the competitors of Microsoft have been trying to force it to permit them to use its successful technology, a technology which they themselves could not develop, and in the process tried to viciously destroy Microsoft. Microsoft quite naturally resisted these efforts, but finally an agreement has been reached by most of those involved. However, a small remaining greedy cadre of states and competitors are hanging on for the ''kill''.

The judge should recognize the motivations of this cadre and end this process with the Agreement for the good of the country

MTC–00008289

From: Vulich@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 3:56pm
Subject: Settlement

I cannot understand why this case is still going on because of a few states who apparently are not tending their own affairs and are cheating their constituents while they are squandering their time and their state's money while they are away from the real work they should be doing and wallowing in their 5 minutes of fame.

Microsoft has done more for more people throughout the world than any other company in history. Thanks to Bill Gates and Microsoft, and the wise decision I made years ago to buy their stock, I am assured of a decent retirement. I am sick and tired of seeing success being punished in our country and as soon as someone has it the leeches come out of the woodwork to bleed them dry with idiotic lawsuits, etc. PLEASE, let's get over it and let Microsoft progress and continue to do so much good for so many.

Malena Preston
Bothell, WA.

MTC–00008290

From: Bplshrine@cs.com@inetgw
To: Microsoft ATR
Date: 1/3/02 4:00pm
Subject: Microsoft Settlement

Isn't it about time to let go and let the settlement go forward.

Billy P. Langfeldt, 3115 25th Street, Boulder, CO 80304–2842 eMail—BPLSHRINE@CS.COM. Let it GO!!

MTC–00008291

From: Oscar Myre
To: Microsoft ATR
Date: 1/3/02 3:59pm
Subject: Microsoft Settlement

Hello, I find the proposed Microsoft settlement to be unacceptable.

It fails to achieve the necessary goals of a proper remedy: halting the illegal conduct, promoting competition in this industry, and depriving Microsoft of its illegal gains.

Please don't except the settlement. Thank you.

God Bless,
Oscar Myre
http://omoriginals.com
360.575.9839 (office)
305.422.8285 (fax)

MTC–00008292

From: Fred Fiechter
To: Microsoft ATR
Date: 1/3/02 4:03pm
Subject: Microsoft Settlement

Gentlemen: Let the Microsoft settlement stand and keep the few special interests with their large lobying budgets out of the resolution process. Our system of justice and our nation are ready to move on in the interest of fairness and the American economic system. Enough is enough!

Frederick C. Fiechter III
162 Stone Block Row
Wilm., DE 19807
(302)656–6643

MTC–00008293

From: Nick Trikouros
To: Microsoft ATR
Date: 1/3/02 4:04pm
Subject: Microsoft Settlement

In my opinion this has been a plot by Microsoft's competitors to derail the company. ''We can't compete with them so lets get together and sue.'' What went on in the Jackson court was a travesty. That he is still a sitting judge is a joke. I also believe that this case has harmed our economy by giving the EC an excuse to follow through with their version. I can't prove this, but I feel that they (EC) were emboldened to stop the GE/Honeywell merger. This situation with the states not excepting the compromise is nothing but politics by the (would be Governors/Senators) State Attorney Generals. For the sake of the industry and our economy, this should end now.

Sincerely,
Nicholas M. Trikouros

MTC–00008294

From: Atlas Int'l
To: Microsoft ATR
Date: 1/3/02 4:07pm
Subject: Microsoft Settlement

Dear Sir or Madam,

I believe the DOJ has buckled to the very thugs it purports to protect U.S. citizens from. Microsoft has done nothing but bully its way to the top of the technology heap by infiltrating one segment of tech business sector after the other, infecting each with its own brand of assimilation or destruction.

In 'punishing' Microsoft by literally forcing it into a market in which it is yet have a stranglehold (the education market) you are in effect bowing to the power of the 'almighty' MS. This disease of a company needs to be broken up, disbanded or otherwise prohibited from entering and dominating other markets—not forced into ones they've yet to conquer.

Please know that I could easily write volumes on topics ranging from free competition, business ethics, the bastardization of corporate America right down to basic criminal acts and corporate responsibility. But, as you are no doubt busy weeding through hundreds of thousands of such letters, let me just cast my vote of disapproval at the job being done by the government.

Boo!
Bob Holkan
8109 Otium Way
Antelope, CA
95843 (916) 725–4055

MTC–00008295

From: tlcarhart@att.net@inetgw
To: Microsoft ATR
Date: 1/3/02 4:07pm
Subject: Microsoft Settlement

Please consider immediate settlement of the Microsoft antitrust case. Only competitors of MS and the various attorneys benefit from dragging it on and on.

Regards,
Tom and Betty Carhart, Houston, Texas

MTC–00008296

From: FRKFRANKK3@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 4:08pm
Subject: Microsoft Settlement

I think this litigation should stop right now. The settlement is fair, and any delay can only prolong the recession.

Frank Keeshan

MTC–00008297

From: Spilger Philip G (Phil) PSNS
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/3/02 4:11pm
Subject: Microsoft Settlement

To The Department of Justice,

As a consumer, I want to see this lawsuit against Microsoft settled. My own personal opinion is we consumers have only benefited from the Microsoft Corporation's innovations. The accusations against Microsoft are ludicrous. Unfortunately, a few special interests are attempting to use this review period to derail the settlement and prolong this litigation even in the midst of uncertain economic times. The last thing the American economy needs is more litigation that benefits only a few wealthy competitors and stifles innovation.

Phil Spilger, 10838 Evergreen Terrace SW, Lakewood, WA. 98498

MTC–00008298

From: Crlawren34@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 4:13pm
Subject: Microsoft settlement

This has dragged on long enough. The settlement agreed upon by the U.S. Gov't and the nine states involved is fair and settling this now is certainly in the best interest of the public. We do not need more prolonged litigation.

Settle!
Carol R. Lawrence

MTC–00008299

From: davidhenryart
To: Microsoft ATR
Date: 1/3/02 4:14pm
Subject: Microsoft Settlement

I support a prompt settlement to the Microsoft suit.

David Henry

MTC–00008300

From: rfkilmer@att.net@inetgw
To: Microsoft ATR
Date: 1/3/02 4:15pm
Subject: Microsoft Settlement

To Whom it may concern,

I am writing this e-mail to let you know what I think of your attack on Microsoft.

It seems to me that the DOJ misunderstands basic economics. In a free society the market will set prices and standards that they are willing to pay. And, if a company tries to charge to much for their product competition will bring them back to a rational price or in to bankruptcy. Competition is what moves us forward, without it their would be no need to advance because their would be no incentive. Competition is what weeds out the companies that don't have the insight to move forward. But this is not a bad thing. A

company is trying to get a piece of the market share. They do this by getting the best product for the best price to the customer. If a company cannot do this it is not their competitors fault. The market will always weed out those companies that don't make the most out of their resources. More govt controls are not what is needed. If you look into your history books you will see what that has done over and over again. It has and will crush progress every time. So I hope that America can become the first country to recognize it before it crushes us.

In conclusion I would like to state that each individual knows or should know their economic priorities. Man is not born with the right to have a computer or a certain software system. Microsoft nor any other company owes them anything. If they like the product and have the economic means to purchase it they should, if not so be it. It is not up to the government to decide which company we put our money into.

Thank you for your time
Ray Kilmer

MTC–00008301

From: Dan Warrensford
To: Microsoft ATR
Date: 1/3/02 4:15pm
Subject: Microsoft Settlement

Ladies/gentlemen:

Reject the arguments of the neo-Fascists who are still attempting to crucify Microsoft—for doing what Capitalists are supposed to do: Use creativity to make our lives better. No one has ever forced anyone else to use Internet Explorer, or any other Microsoft product. All of Microsoft's ''competitors'' have been free to develop better, more attractive products; none of the ''competitors'' should be allowed to use DoJ or U.S. Taxpayers' money to attack Microsoft.

Tell each who wishes to use the U.S. Government as a club to ''get a life.''

Thanks/regards,
Dan Warrensford
40 Uranus Ave. Merritt Island FL 32953–3158 (321) 453–2217; warrensd@gte.net

MTC–00008302

From: Douglas Mayne
To: Microsoft ATR
Date: 1/3/02 4:15pm
Subject: Microsoft Settlement

To the Honorable Judge Kollar-Kotelly:

Here are my comments regarding the proposed settlement in the Microsoft Anti-trust Case.

1. The difference between Judge Jackson's proposed breakup and the proposed settlement is much too great. This gives the perception that a company can win if it can just outlast those pursuing it. The judiciary should be more stable than the executive, and not appear to flow with changes in administration.

2. While Judge Jackson's behavior outside the court was stupid and a poor example to set as the court's representative, it should not have bearing on the finding of fact. However, if his behaviour is deemed too egregious, then start over from the beginning.

3. Microsoft's behaviour at trial was outrageous and contemptible. Here is a specific instance which stands out: the infamous Internet Explorer video with James Allchin on the stand. This video was requested by the court and was willfully manipulated to show an untruth. The video was a mockery, and Allchin and others responsible should be held accountable. It should not be just ''another product demo'' when presenting evidence in a U.S. court proceeding. Also, Gates statements about Microsoft keeping the companies overall financial records using paper and pencil were outrageous lies, considering his statements in ''The Road Ahead.''

4. Microsoft's agenda is to make money. They have been successful in capturing market share in every segment of the software industry where they chosen to compete. It has been noted that Microsoft's cash reserves can be used to out spend any rival in product advertising and governmental lobbying.

5. Microsoft's business agenda does not complement the nation's desire to secure its computer infrastructure. Microsoft's software vulnerabilities have led to exploitation and business interruption. Any settlement, short of the breakup, needs to address how Microsoft will work with the software community to address this serious problem. The ''code red'' virus has shown a few infected systems connected to a high speed network can do great damage.

6. Microsoft's business agenda forces an ''upgrade path'' upon end users to ensure a continuing revenue stream. This is not necessary or rational, especially now that the PC has matured and works well enough for everyday business use. Software should be treated the same as a ''consumer durable good,'' much like a washing machine. Case in point: the comparable prices for Office XP and a Maytag washer. Microsoft's approach is to simply declare software obsolete, and unsupported after a specified date. This is not the best choice for business, as new versions always contain bugs and vulnerabilities. The maturity of Windows NT at Service Pack 6 provides a stable base to build a business on, and appears to have advantages over later, more complex software such as Windows 2000 or Windows XP.

Because Microsoft holds the copyright to their software, they can choose to market it how they please, or withdraw it from the market entirely. This limits consumer choice and is unfair.

In the breakup scenario, I envisioned the ''children'' competing against one another to distiguish their product. A product offering the most stable and secure platform would have had appeal to business users, and would have been worth supporting through continuing fees for bug and security fixes. Without the breakup, this is an unlikely outcome as Microsoft sees there is much more profit in entirely new versions.

7. Without a major remedy, Microsoft's egregious behaviour will continue. Consumers will have less choice and be forced to pay the monopolist's price. This is the continuing harm to consumers which was a finding of fact.

Thank You,
Douglas D. Mayne
Salt Lake City, Utah

MTC–00008303

From: Malcolm C King
To: Microsoft ATR
Date: 1/3/02 4:15pm
Subject: the good it has done..

Without Windows from Microsoft, I wouldn't have a computer, know what the Internet was nor have a lot of contact with the world of 2002. I am stunned by what the DofJ thinks is wrong with Microsoft. As usual, no one in the real world (non-government) is offended, hurt nor angry with someone who has done a good thing for the majority of of Americans. Show me the millions of people that complained about ''M'' then go after them with all your might. Until then chase the millions of truly bad people there are in Americe, like the FBI office in Boston.

MTC–00008304

From: laverne(u)jim
To: Microsoft ATR
Date: 1/3/02 4:15pm
Subject: Microsoft settlement

The Tunney Act should be accepted as law, and the oppressive law suite against Microsoft ended. The court of appeals ruling seems to be fair to all parties. I do not think that further action against Microsoft is in the public's best interest.

MTC–00008305

From: Rrmontesi@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 4:19pm
Subject: Microsoft Settlement

To whom it may concern:

I believe the Microsoft settlement is reasonable and fair and that it is time to put an end to all litigation regarding this matter. Please add my name to the list of those in favor of the settlement and make my opinion known to the District Court.

God Bless America,
Rosemary Montesi
15 Westway Road
Wayland, MA 01778

MTC–00008306

From: Alys Hinkle
To: Microsoft ATR
Date: 1/3/02 4:43pm
Subject: Microsoft Settlement

My personal opinion is that Microsoft is the only software company that provided the public with the tools necessary to use the internet. Originally all of the software programs written for the computer; with the exception of Apple and the only programs that were written for Apple had to be used on a Apple computer, therefore if you owned anyother brand of computer Apple software was not compatible; were individual programs, the public had to be a computer wizard or guru to make them fit together, the only way business's could operate was to take individual reports from each software company and put them together by hand, none of the programs integrated. Microsoft's generosity gave the public the tools it needed to use the computer for all aspects of a business operation, from writing letters, to posting reminders on payments due, to business reports that allowed consolidated financial information available for day to day operations of their business.

At the time Microsoft put together the consolidated computer program that a

layman could understand and use, the other computer companies offered only spread sheets, letter writing programs, etc. that an individual had to have the training to put that information together with another report before the information was usable.

I believe Microsoft was a public servant, they refined the reports and programs so that the individual could use them in the manner in which the bookkeeping world had recorded it's information from the beginning. Microsoft allowed the small business man to gain information perternant to his business with the same speed and accuracy that big business had been able to do, allowing the middle man to operate more competitively.

If the companies bringing the lawsuits against Microsoft had been as wise as Microsoft and offered their reports and information to the public that was usable by the public, before Microsoft they would have gained the same amount of public esteem and been as fortunate as Microsoft.

I feel the suit against Microsoft should be settled, without added penalties, I feel Microsoft has given the people a tool that no one else could deliver, and with their help the economy has benefitted as well as Microsoft.

Alys Hinkle, 290 Adams Street, Lander, WY 82520

307–332–3756

MTC–00008307

From: Elaine Sipes
To: Microsoft ATR
Date: 1/3/02 4:20pm
Subject:

It is time that the govenrment get off of Microsoft's back. I think that It is time that the govenrment get off of Microsoft's back. I think that the states still trying to battle this issue are just trying to get a free hand out of cash. Thank God for Bill Gates, and the jobs that he has brought to the Pacific Northwest. It is time for the money grabbers in government to BACK OFF.

Elaine Sipes

MTC–00008308

From: Kupfer, Ellen
To: Microsoft ATR
Date: 1/3/02 4:24pm
Subject: microsoft settlement

To whom it may concern,

I am writing in support of the proposed settlement. As research shows there is a significant gap along economic lines in availability of technology. 82% of the classrooms in richer communities are connected to the Internet while only 60%of the classroons in lower income classrooms have access. Funds are tight in Wisconsin due to our revenue control law which limits the amount a school district can raise to fund education.In addition we have a huge budget deficit. Education is one area that is being talked aboaut as a source of money to help balance the budget. Many schools need computers and Internet for their students. This would help them tremendously. Life is not a level playing field for many of our students. Their families cannot afford computers at home so school is the one place that they may have access to them and the help they bring. There is a huge world out there that many would never know without the Internet.

Educators must be trained to use the technology so they can comfortably implement it in the classroom. It is the teacher in the classroom that most influences the student mastery and use of new knowledge. The component of teacher training is critical.

I hope that the court will support the goals as set forth in the settlement. If we truly are to leave no child behind we must give them all the tools they need to be successful.

Thank you for your time,
Ellen Kupfer
KEA, President
CC:weac.org

MTC–00008309

From: kirsten matson
To: Microsoft ATR
Date: 1/3/02 4:24pm
Subject: MICROSOFT SETTELMENT

PLEASE SETTLE THIS CASE!

ONLY IN AMERICA WOULD OUR JUSTICE DEPARTMENT GO AFTER THE ONE COMPANY WHO HAS DONE THE MOST TO DRIVE THE ECONOMY.

SHOW ME ANOTHER COMPANY WHO HAS CONTRIBUTED TO THE WORLD AS MUCH AS MICROSOFT.

I CAN'T BELIEVE HOW MANY YEARS THIS HAS BEEN ON GOING!

SINCERELY,
KIRSTEN
MATSON

MTC–00008311

From: Bill Brent
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/3/02 4:26pm
Subject: Microsoft Settlement

I urge the United States Government and the Justice Department to refrain from punishing Microsoft any further. Their actions do not warrant prosecution by the Justice Department under the antitrust laws. They have not coerced anyone. They are being punished simply for being better than their competitors.

Bill Brent
Writer
Portland, Oregon

MTC–00008312

From: Gloria Gottiaux
To: Microsoft ATR
Date: 1/3/02 4:30pm
Subject: Microsoft Settlement

The Microsoft case should now be settled once and for all.

Gloria Gottiaux

MTC–00008313

From: GriffinF@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 4:30pm
Subject: Microsoft Settlement

To Whom it may concern:

I am writing to express my extreme displeasure at the he proposed Microsoft Settlement. It is FAR TOO LENIENT!

Among the settlements obvious flaws are:

NO punishment for past behavior.

NO attempt to make them lose the spoils of their crimes

NOT leveling the competitive playing field enough Without stronger government intervention Microsoft will control the Instant Messaging and Media Player markets using same tactics they used in the Browser markets—UNFAIR BUNDLING.

Read the popular press! EVERY JOURNALIST FROM JUST ABOUT EVERY PUBLICATION AGREES THE SETTLEMENT DOES NOT GO FAR ENOUGH.

Sincerely
Michael A Fitzgerald
Alexandria, VA

MTC–00008314

From: Ralph Weil
To: Microsoft ATR
Date: 1/3/02 4:31pm
Subject: Microsoft

Please settle this problem with Microsoft and let us get back to the business of growing America stronger.

Ralph Weil

MTC–00008315

From: Jack C Moore
To: Microsoft ATR
Date: 1/3/02 4:32pm
Subject: Microsoft Lawsuit

I feel that the justice system is entirely wrong in allowing the legal action against Microsoft to continue. Not only has it taken money from taxpayers and shuffled it into the pockets of the attorneys but the public is suffering as a result of Microsoft not being able to develop new generation products.

PLEASE, stop this insanity and let the many schools profit from the receipt of the free computer systems that Microsoft has agreed to provide!

Jack C. Moore
330 Hollipat Center Drive, #18
Santa Barbara, California, 93111

MTC–00008316

From: Dixon Teter
To: Microsoft ATR
Date: 1/3/02 4:30pm
Subject: Microsoft settlement

Dear Sirs: As a U. S. citizen and as a consumer I am served extremely well by a free market. Your continued persecution of businesses and of Microsoft in particular is both economically and morally wrong. Without Mr. Gates brilliant creation: Microsoft, we all would be computing 20 years in the past. They compete by bring us ever more powerful computing tools and at ever less expensive prices. To viciously attack such a company—attacks begun and continued primarily out of petty jealousy, the inability to compete, and partisan politics—has cost the consumer dearly because Microsoft has been forced to waste incredible assets that could have been used to develop even more great products.

Your unwarranted attacks on Microsoft have cost hundreds of billions of dollars in wealth as the result of their causing the Stock Market to lose a tremendous amount of equity—in short you have contributed to the enormous slide in the entire sector of businesses that includes Microsoft.

Do the right thing and just drop it. Do our country and the economy a huge favor. Kindly desist.

Drop the suit without prejudice. This has a precedence in the past with the wrongful IBM suit. Be bold.

Sincerely,

Dixon Teter, Ph.D.

MTC–00008317

From: CRichner@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 4:37pm
Subject: (no subject)

I would like to write a letter saying Leave Microsoft alone, but please advise.

Carol Richner

A Fan of Bill Gates

MTC–00008318

From: Robert Lantz
To: Microsoft ATR
Date: 1/3/02 4:42pm
Subject: Microsoft Settlement

I am in favor of the Microsoft settlement

Robert J. Lantz

MTC–00008319

From: Joelle Thompson
To: Microsoft ATR
Date: 1/3/02 4:42pm
Subject: Microsoft Settlement

For nearly four years, this lawsuit has been dragging on. I believe that this settlement is absolutely a good thing and is in the public interest. It's tough on Microsoft, but reasonable and fair to all parties involved. As a consumer, I overwhelmingly agree that settlement is good for me, the industry and the American economy. Let's not prolong this litigation in the midst of uncertain economic times. The last thing this country needs is more litigation that benefits only a few wealthy competitors and stifles innovation. Microsoft has never harmed consumers, all they've done is make great software and be a strong competitor. Microsoft's competitors are trying to waste our tax dollars by competing with Microsoft through the court systems, instead of having the courage to do it in the marketplace. I SUPPORT THIS SETTLEMENT! Let's move on, put an end to this case and spend my tax dollars on more worthy causes. Like ending terrorism!!! Thank you for giving me an opportunity to express my opinion.

Sincerely,

Joelle S. Thompson

San Clemente, CA

MTC–00008320

From: Poppopbax@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 4:42pm
Subject: microsoft settlement

To whom it may concern:

Further litigation is wasteful—let all parties involved except the current Judge's decision.

MTC–00008321

From: belob@juno.com@inetgw
To: Microsoft ATR
Date: 1/3/02 4:42pm
Subject: Microsoft Settlement

We believe the settlement made with Sicrosoft was fair & equitable. In our opinion, Microsoft has been instrumental in the advancement the use of technology which has led to our long bear market. Let things stand as agreed, and encourage the other 9 states to drop the matter.

MTC–00008323

From: Kitkhan@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 4:45pm
Subject: Microsoft settlement

Will you people please do whatever it takes to settle the Microsoft litigation so that technology can continue to march forward in the 21st century. Four years ago I paid $79.00 for Windows. Today I bought my 4th copy of Turbotax by Quicken—Total cost in 4 years = $160.00. I consider Windows a huge consumer advantage when I can perform multiple tasks vs. Turbotax, double the money, for a limited capability. I do not believe you should open a case on Quicken, but any idiot who says Microsoft has not been consumer friendly is simply misinformed.

Walter Strain

MTC–00008324

From: Nolan Lameka
To: Microsoft ATR
Date: 1/3/02 4:46pm
Subject: Microsoft Settlement

Sirs:

I believe that the current settlement is fair for all parties. The dissident states seem to have political motives behind them rather than economic.

Nolan A Lameka

MTC–00008325

From: jimturke@juno.com@inetgw
To: Microsoft ATR
Date: 1/3/02 4:45pm
Subject: Microsoft Settlement

Settle it for drying-out-loud. The only reason the few want to drag it on is the ''lawyers'' want more case money—they don't give a hoot otherwise.

JKT

MTC–00008326

From: AlSirkin@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 4:53pm
Subject: microsoft

I wish the government would just get this thing over with so Microsoft can keep delivering new products to us computer users and my shares will increase again. Fight terrorists not our best companies.

Alan Sirkin

MTC–00008327

From: d-dmiller(a)shaw.ca
To: Microsoft ATR
Date: 1/3/02 4:58pm
Subject: Justice

I wish to request that the court consider the liberty that has been provided by the US Constitution and reach the only rational conclusion in the Microsoft judgement which is to accept that company's complete innocence. At this critical juncture of history, America must uphold liberty even more vigilantly. To judge against Microsoft would send another chill through business and entrepreneurial spirit in America. Do not eat the goose that lays the golden egg.

Dennis R. Miller

3938 Elsey Lane

Victoria BC V8X 5K1

MTC–00008328

From: MIPRESS@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 4:57pm
Subject: Microsoft Settlement

As a writer and constant user of computer programs, I am ever so grateful to innovative companies such as Microsoft that have made my life so much easier, to say nothing of how much it has improved my work and that of millions of others. I am appalled at the attempt to tear down a company that has given the whole world so many better ways to operate and to communicate. Give me a break! If you have to spend your time in litigation of American companies, why not pick on the phony sleezeball outfits that target innocent citizens with get-rich and other bogus schemes. I applaud Microsoft and the rest of the world does too, or at least the rest of the ''thinking'' and hard-working world.

Judith Welsh,

Independent Journalist,

Miami, Florida

MTC–00008329

From: BALAR53@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 5:00pm
Subject: Microsoft Settlement

It is past time that the DOJ acted in the BEST interest of the USA and its citizens. The settlement signed off on is more than enough punishment for a case never should have been brought. No other country in this world is destructive to the inventions and intellectual property successes of its corporations. But for the grace of God, the USA has survived the misjudgments (like this one) by its government—that goes for antitrust as well as how we the people have been protected from enemies who would (and did) kill us. Let us not kill our own brilliant ideas anymore.

MTC–00008330

From: BRTSTAR1@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 5:03pm
Subject: settlement

Dear Sirs:

I feel Microsoft should not be penalized for creating a great network that has benefited so many.

Many of his competitors are greedy and want his fame. Let Bill Gates and Microsoft go and let then invent many wonderful things to make life easy and safe.

Sincerely,

Valerie Rogers,

Louisville, KY

MTC–00008331

From: McCarthy, Kathleen
To: Microsoft ATR
Date: 1/3/02 4:59pm
Subject: Microsoft Settlement

I live in Utah. I was told you were looking for opinions as Utah wants to pursue harsher punishment against Microsoft. My opinion is that my state should not try to pursue harsher punishment. I think they should just go with the current settlement and be done with it.

Spend my tax dollars on pursuing things like violent crimes.

Kathleen McCarthy
Citrix/Client Support
Admin Computing Services
University of Utah

MTC–00008332

From: marv matson
To: Microsoft ATR
Date: 1/3/02 5:06pm
Subject: MICROSOFT SETTELMENT

PLEASE APPROVE THE MICROSOFT SETTELMENT AND LET THIS OUTSTANDING COMPANY LEAD US OUT OF THE DEPRESSION. EIGHT YEARS OF LITIGATION HAS COST EVERY AMERICAN WHO HAS A RETIREMENT PLAN TENS OF THOUSAND OF DOLLARS. ANY COUNTRY WOULD WELCOME MICROSOFT MOVING TO THEIR COUNTRY. LETS STOP THE LITIGATION AND LET MICROSOFT CONTINUE THE INNOVATION THAT DRIVES THE ECONOMY.

M.L.MATSON
TACOMA,WA

MTC–00008334

From: John Robert Hooten
To: Microsoft ATR
Date: 1/3/02 5:09pm
Subject: Microsoft settlement

January 2, 2002

TO WHOM IT MAY CONCERN;

Please register my support for the proposed settlement of the Microsoft litigation. While I support the proposed settlement, I thought the entire litigation was absurd and a situation where certain competitors were successful in convincing the government that the government should try to even the playing field when the competition could not win by competition. The litigation should not have been commenced in the first place.

Like so many other so-called ''senior citizens'' (those over 65, I guess) before the Microsoft Windows program came out, I had no idea how to operate a computer or to even turn it on. After Windows came out, I found that operating a computer was easy for one who knows virtually nothing about computers.

Because of the ease of operating the computer brought about by Microsoft for the general public, the company should be given credit for helping the public rather than attempting to punish Microsoft for becoming successful and bringing the world of computers to people like me.

Do not let anyone convince you that Microsoft has done anything bad for the public because that is not true. The opposite is true. Now that the government and most states have agreed to settle the litigation, the settlement should be approved. The government should go about performing governmental functions and the competition should go about trying to make a better product for the public.

John Robert Hooten
P.O. Box 452
Oriental, N.C. 28571
Tel # 252–249–2015
cell # 252–526–1111

MTC–00008335

From: tomld@msn.com@inetgw
To: Microsoft ATR
Date: 1/3/02 5:10pm
Subject: Microsoft Settlement

The damage that is being done to the US technical world postion by the the lawsuit is terrible. Only the lawyers are making out. I can't believe the greed of the states and companies for not going along with the settlement.

Microsoft has done more for this country than any other technical company in the last 15 years. They should be rewarded for their contributions to the country and world. Please stop and consider how Microsoft software know -how has impacted every area of our lives. Where would we be today in the fields of medicine, engineering, economics, military and many others without the Microsoft. Also, please don't forget the the contributions Mr. Gates has made through his trust funds to various charitable organizations.

Sincerely,
Tom Dougherty

MTC–00008336

From: Lee Moulds
To: Microsoft ATR
Date: 1/3/02 6:15pm
Subject: Microsoft Settlement

Dear Sir:

I am disappointed to learn that the Microsoft Settlement may not go through. It has taken four years to reach this settlement, which appears to be fair to all parties concerned. Please do whatever is necessary to bring this matter to a conclusion so that ''business'' can move forward.

Thank you,
Mildred Lee Moulds,
Phoenix, MD

MTC–00008337

From: james newcomb
To: Microsoft ATR
Date: 1/3/02 5:11pm
Subject: Microsoft Settlement

Settle it Now!! Enough already. Too much even!! Let's got on with free enterprise, the American way,

Etc. Quit wasting Tax dollars.. Thanks.
FED UP

MTC–00008338

From: dave rose
To: Microsoft ATR
Date: 1/3/02 5:13pm
Subject: Microsoft Settlement

Is Microsoft a monopoly? Not in the proper, derogatory, traditional sense of the term. Unlike the old AT&T Bell monopoly, or today's U.S Post Office monopoly, Microsoft did not gain its market share by having the government outlaw its competitors: Microsoft earned its position in the free-market. Give businessmen a break. It is the only way our country will progress. Why don't you attack the trial lawyers with the vigor you attack business?

David rose
5 ellen rd
Marblehead, MA

MTC–00008339

From: J Tanne
To: Microsoft ATR
Date: 1/3/02 5:13pm
Subject: Rejection of Microsoft Settlement

Honorable Attorney General, Members of the Department of Justice: I, my family, and many of my friends and business associates are extremely concerned over the lack of fortitude in the offer drawn between the Department of Justice and Microsoft Corporation. The proposed settlement does NOTHING to make repair to the damages done through years and years of unrestrained illegal behavior by Microsoft and its executives and will do NOTHING to level the playing field and bring competition to what was once a thriving industry. Even now as civil suits are being settled, Microsoft is walking away unscathed and in some instances planting the seeds for future market domination. Somehow the mistakes of the 1995 consent decree are dangerously close to being repeated. Please reconsider this settlement and reconstruct it to offer a REAL remedy to the Microsoft situation. Until a remedy which TRULY protects consumers and encourages competition can be reached keep, please the case alive and in pursuit of a suitable and practical remedy.

Regards,
James Tanne
190 N 980 E
Lindon, UT
84042

MTC–00008340

From: Tony Palumbo
To: Microsoft ATR
Date: 1/3/02 5:16pm
Subject: One additional Comment

As I've been reading through the proposed Microsoft settlement, I have yet to see (what I feel) is one of the most troubling issues. I refer to the fact that many web sites use Microsoft specific technology that allow only Windows users to access features on their sites.

On Yahoo, there are various stories that are available on Yahoos ON24 service. If you're an Apple (or Linux) user, you're told that only the windows operating system is supported. The other day I was at an auto shopping site and clicked a button to price a car. Once again I received a message saying ''Your operating system is not supported by this site'' If this type of behavior represented isolated instances, it wouldn't bother me, but it is becoming more prevalent on the internet. As an Apple user, I find this very annoying as well as highly discriminatory.

Basically I'm being told to get rid of my Apple and buy a PC if I want access. The whole concept of the internet is freedom. Microsoft has taken that from many of us I think any settlement should address these issues, by forcing companies (Microsoft specifically) to produce software that allows all internet users (regardless of operating system) to be granted the same access to all websites. I further believe that large corporations such as Yahoo, AOL and others be prevented from offering Widows only services. Only when specific services are available to all, should they be allowed to offer them.

I feel this will go a long way to putting a dent in Microsoft's monopolistic behavior

Thank you for your time
Sincerely,

Anthony J Palumbo
80 Ridge Road
Hackettstown, NJ

MTC–00008341

From: Bob Harper
To: Microsoft ATR
Date: 1/3/02 5:14pm
Subject: MICROSOFT SETTLEMENT

I think that the issue with Microsoft has gone on for long enough and that the government needs to bring the matter to an end.

I have been working in the technology arena for the past 15 years. There are many instances where innovative companies such as Microsoft have appeared to stiffle competition. In fact, the nature and functionality of the product has been the determining factor for success or failure of companies.

I would urge that the United States Government highly suggest to all states to find a settlement with Microsoft so that no more money is wasted.

Respectively,
Robert C. Harper

MTC–00008342

From: Greg Schroer
To: Microsoft ATR
Date: 1/3/02 5:20pm
Subject: Dear Department of Justice:

Dear Department of Justice:

I request that the DOJ settle the Microsoft lawsuit as it is now proposed. Contrary to what others may say, Micorsoft has done wonders for my ability, and many others, to create and maintain a small business.

Without their quality, integrated software I would not be able to manage my business, and it also would have created problems in most other businesses. Microsoft products are excellent and that company should not be critized for doing a good job at innovating effective software that benefits most of the world. Please settle this case as soon as possible.

Greg Schroer
4308 106th PL NE
Kirkland, WA 98033
425/828–3858 (Fax:425/828–3543)

MTC–00008343

From: Cleopateras@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 5:20pm
Subject: Microsoft settlement

I think enough time and money has been spent on this suit. As a taxpayer I have certainly not received any benefit from it. On the other hand, as a consumer, Microsoft has been of great benefit to me and to my elderly Dad. After my Mother died he was pretty lost, but having a computer and being able to access so easily so many things—he shops on line—and can e-mail family and friends out of state, has made a big difference in his life and in his children' and grandchildren's. The settlement has been reached and I think that the various states attorneys general still whining, like the one from Massachusetts, are just making political hay.Microsoft has been a boon to a great many people. If we are going to start chasing successfull businesses because they have deep pockets, then I think the role of the government is being perverted. Let the settlement stand. Enough already.

Diane Parry

MTC–00008344

From: Kittyrobinfarms@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 5:20pm
Subject: Microsoft Settlement

Dear Mr. Ashcroft,

It has come to my attention that the Federal Gov. is still pursuing the Microsoft case.

As a consumer, I have no particular interest in the Microsoft Company, but I do use their products. I have been around long enough to watch what happened to the telephone company and disaster that continue to spawn out of that mess that us consumers have to pay for in time, money, and inconvenience.

The government has an agreement with Microsoft, why do you need to continue to look for ways to interfere with their quality products and service to us consumers?

In other words, please stop your hounding of this company and divert your efforts and money to more important dangers such as the safety of our country.

Thank you,
Elizabeth Morris
kittyrobinfarms@aol.com

MTC–00008345

From: Gary Anderson
To: Microsoft ATR
Date: 1/3/02 5:21pm
Subject: Microsoft Settlement

Enough already. I vote to settle this case, and move on.

Netscape/AOL, Sun, Real Player are poor players. I have and use them all. How about getting these players to improve their products.

So far, they're almost loosers.

Gary Anderson,
Florida.

MTC–00008346

From: Valerie R. Hummel
To: Microsoft ATR
Date: 1/3/02 5:23pm
Subject: Microsoft Settlement

Dear DOJ,

It is time to settle and let Microsoft and the American economy get back to business... the Business of Innovation, which makes us a great Nation!

I held stock in Microsoft and lost thousands of dollars, just like many others in this country. I no longer have the stock, so your decision will not directly affect me, but it affects all of us indirectly when the economy is hurt by this special interest lawsuit!!!!!!!!!!!!!

All companies do business the way Microsoft does. They try to be the best and beat there competitors full stop!! In this case several of Microsoft's competitors had friends in our government.

This lawsuit was not for the Consumer!!! Don't make the mistake of thinking that the American public see our government as protecting them from the big bad Microsoft...they don't!!!!!!!!! They see powerful government officials using their influence to help their powerful friends (competitors of Microsoft)!!! They see you hurting their stock portfolio and the economy as a whole!!!!!!!!!!!!! !!!!!!!!!! !!!!!!!!!!!!!!! !!!!!!!!!!!! !!!!!!!!!!!!!!!

Valerie R. Hummel MCSE
1430 Hwy 87 East
Billings, MT 59101
(406)867–7685
vhummel@beallcorp.com

MTC–00008347

From: KathRips@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 5:26pm
Subject: Microsoft Settlement
Date: January 3, 2002
To: The Department of Justice

I urge you to settle the Microsoft case now. Don't let the aggressive lobbying efforts of a few of Microsoft's competitors derail the settlement reached by the federal government and nine states. The settlement is tough, but reasonable and fair to all parties involved. I overwhelmingly agree that the settlement is in the best interests of consumers, the industry and the American economy.

Sincerely,
Kathleen Rips
2049 Milan Ave.
South Pasadena, CA 91030
CC:RFC–822=Finflash1–2–02.UM.A.1154.142@commpartners....

MTC–00008348

From: Lee Larson
To: Microsoft ATR
Date: 1/3/02 5:25pm
Subject: Microsoft Settlement

I oppose the proposed settlement between the DoJ and Microsoft for the following reasons.

(1) There is no punishment within it. Microsoft was found guilty, and that finding should have some consequences. Donating software and a bit of hardware costs them nothing.

(2) It encourages them to strongly enter one of the few markets in which they still have competition—the education market—and does so in a manner that allows their competitors little voice. Indeed, this strategy of giving away software to establish market dominance is one they've used several times before. It was one of the bases of the browser lawsuit.

(3) There is little in the agreement to keep Microsoft from using its ill-gotten monopolies to stifle future competition. Tthe Windows Media Player versus Real Player and QuickTime competition is already showing Microsoft to be up to its old tricks in the most recent releases of Windows.

Lee Larson,
Department of Mathematics,
University of Louisville
Phone: 502–852–6826 Fax: 502–852–7132
E-mail: LLarson@Louisville.edu

MTC–00008349

From: Bill Weirich
To: Microsoft ATR
Date: 1/2/02 6:11pm
Subject: Microsoft Settlement

As a consumer, I am still trying to determine how I was ''harmed'' by Microsoft. Their products have helped improve the efficiency of Americans and, as a taxpayer, I have resented the government's efforts to

prosecute one of the most successful and innovative corporations in the US! I therefore feel that the proposed settlement is more than fair and that the US government should find better witches to hunt.

Bill Weirich
Matrix Capital Markets Group, Inc.
11 South 12th Street
Richmond, VA 23219
Phone: (804) 780–0060
Fax: (804) 780–0158
E-mail:
bweirich@matrixcapitalmarkets.com
Web Site: www.matrixcapitalmarkets.com

MTC–00008350

From: BOLENDERJ@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 5:30pm
Subject: Microsoft settement

Let's get back to innovating and producing by accepting the compromise settlement agreement. Lawyers are the only ones to gain by continuing to yak and yak.

James H. Bolender

MTC–00008351

From: Jim Furlong
To: Microsoft ATR
Date: 1/3/02 5:32pm
Subject: Microsoft Settlement

Can't we get on with things and settle. It's obvious to me that the States holding out for a bigger settlement all have business interests in seeing Microsoft hurt further (ie Utah,Oracle). Tell those states I wouldn't buy any of their winey products, just because they can't compete without a tilted playing field.

Please urge them to settle or you will throw them back to ground zero and dismiss all gains agreed to by the other states.
jimfurlong@hotmail.com

MTC–00008352

From: Steve Lussier
To: Microsoft ATR
Date: 1/3/02 5:29pm
Subject: Microsoft Settlement

Dear Sirs,

I beleive that the current Microsoft settlement is fair. Further action by the Federal Government as well as the 9 states who continue to fight Micrsoft only serves to weaken an industry already battered by foriegn competitors using unfair trade practices, an economic recession, major downturn in capital spending as well as other factors. Let's not turn the US's future competitive advantage in software and all-into todays electronics market dominated by Asian COUNTRIES and manufacturers. I'm the owner of a small business and the less Government interaction / intervention- in business (Federal-State-Local) the better off EVERYONE is.

Steve Lussier
President
Technico Inc
Warren Ohio

MTC–00008353

From: Alfred Petermann
To: Microsoft ATR
Date: 1/3/02 5:31pm
Subject: Microsoft Settlement

It's about time that this matter is put to rest. For almost four years, DOJ has danced with industry advocates that are trying to succeed in the court of law because they fail daily in the enterprise markets. The people vote with their wallets and they support Microsoft products. Just imagine if the government were to improve its products annually, increase its service and features and then charge less every year for it. Will never happen, that's why government proponents are so desperate to derail Microsoft. How much damage can you guy do to our economy?

Alfred R. Petermann
SpiritMed

MTC–00008354

From: ronnie harris
To: Microsoft ATR
Date: 1/3/02 5:36pm
Subject: microsoft settlement

microsoft settlement should be labeled ''microsoft witch hunt''... microsoft has done nothing out of the ordinary for modern business practices...if microsoft is to be the goat for modern business procedures then every other big and middle sized businesses should be closed down...if this is what the witch hunters really want-then they are a bigger danger to our country than all the ''outsider''...stop picking on the engines of our economy and let them compete with each other without government intervention...

thank you.

MTC–00008355

From: Sam Brown
To: Microsoft ATR
Date: 1/3/02 5:39pm
Subject: just leave micro soft alone

THIS THING THAT THE GOVERMENT HAS BEEN DOING TO MICRO SOFT IS A DISGRACE TO THE FOUNDING FATHERS OF THIS COUNTRY. I RECOMMEND THAT YOU PEOPLE JUST LEAVE THEM ALONE AND DROP ALL THE THINGS THAT ARE BUGGING YOU

EVERETT BROWN
MIAMI OK. 74354

MTC–00008356

From: AlexZakson@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 5:39pm
Subject: Microsoft Settlement

Computing technology changes very rapidly. (I know I have been in computiong for 40 years.) Dominant companies that do not keep up, or drop the ball find themselves in oblivion. You cannot blame the demise of DEC, Digital, Univac, NCR, and others on Microsoft.

Please Let Microsoft innovate. It's very important to computing. If others cannot keep up, penalizing Microsoft will not give them an advantage; it'll just hold the whole industry back.

Sincerely,
Alex Zakson

MTC–00008357

From: Foxisland3@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 5:41pm
Subject: RE: Microsoft Settlement

I am in total favor of the government settling its claim against Microsoft. In my opinion, I feel it was a bogus, costly, unjustifiable law suit. It would behoove the government to spend taxpayer money on more critical issues than going against a successful company that has done nothing but bring prosperity to this country. Someone in Washington, DC got greedy and a little sidetracked with special interest groups in its pursuit of Microsoft. It's time the Democrats worked for the good of this country and got off the political merry-go-round it so intently works to nourish.

Cheri Landers

MTC–00008358

From: David Stanley
To: Microsoft ATR
Date: 1/3/02 5:40pm
Subject: Microsoft Settlement

I understand the need to finish this case and move on, but should we do it without resolving anything? How many times does a company need to be taken to court for the same type of actions and each time be told to stop doing it? You're like the parents who say ''No'', but never back it up. No one learns from someone telling them, ''Stop, and if you do it again, we're going to tell you to stop again!''

With Windows XP and the .NET strategy, it should be fairly obvious that Microsoft does NOT intend to stop anti-competitive practices. The .NET strategy alone is a complete step toward total domination on the internet. I can't imagine a world where Microsoft rules the net. This company can't even protect it's on servers from hackers and we're going to let them control commerce on the net?

If Microsoft had climbed into the position of being the dominant one because of better products or better business practices, that would be one thing. But, from the start, this company relied on lies and bullying to get where it is, and we just tell them to quit. Over and over again. As the world becomes even more dependent on the computer, we are only allowing Microsoft to completely monopolize the situation.

When you control 90% of the world's computers, you control competition. I don't care how competitive the tech world is, you can't compete with them.

When Microsoft integrates products into their operating systems, only Microsoft wins. Most users, and this is their own fault, see that program there and use it because it's already there for them. Why go out and get competitors products if you can get it free from Microsoft, even if it is an inferior product? It's like NBC trying to run ads on CBS, it's not going to happen and Microsoft knows this.

The problem also is that Microsoft knows that the government will not do anything about it. Why stop what got you to the top, if there are no consequences?

Thanks for your time,
David Stanley

MTC–00008359

From: Joanne Murray
To: Microsoft ATR
Date: 1/3/02 5:42pm

Subject: microsoft settlement
We believe the settlement is fair and timely. With the present economic situation in the US, it is time to settle and get on with other issues that are more important right now, like homeland security and national defense against terrorism.
Sincerely,
Joanne & Jay Murray

MTC–00008360

From: dan dengel,m.d.
To: Microsoft ATR
Date: 1/3/02 5:48pm
Subject: Microsoft Settlement
The lawsuit against Microsoft should be settled via the Tunney Act. Let's get on with our economy. There's been enough damaging litigation which is NOT helping the consumer!
Daniel M. Dengel M.D.

MTC–00008361

From: rdour
To: Microsoft ATR
Date: 1/3/02 5:44pm
Subject: Microsoft Settlement
The Microsoft suit should be settled as quickly as possible with little damage to the Company. Microsoft has made a major contribution to American industry's productivity, and provided the home user with valuable tools.
The suit should never have been brought against the company.
Robert Dourian
9215 Shoshone Ave.
Northridge, Ca., 91325

MTC–00008362

From: Fergers@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 5:46pm
Subject: Microsoft Settlement
To Whom it may concern. As a strong supporter of Microsoft and the free Market system of the United States of America,I can't believe that in the year 2002, we still have 9 states still going after Microsoft. Don't these Attorney Generals have any thing else to do with there time. Maybe they should try getting a life instead of making a career going after Microsoft. If I were the governor of the 9 Attorney Generals I would fire all of them for wasting the peoples money. Maybe they should do there Job and go after real criminals instead of protecting Microsofts competitors like Sun Microsystems and that idiot larry elison from oricle who everytime you see him on TV bashes microsoft. I would love to know maybe 5 or 10 years from now when these Attorneys leave office who the ex Attorney Generals work for or represent in there practices.Would it be a surprise or not to see them hook with one of these Companies.Only time will tell.Maybe someone should watch them as hard as Microsofts Competitors watch Microsoft when they leave office.
Sincerely
John Redgrave

MTC–00008363

From: SUE HAMILTON
To: Microsoft ATR
Date: 1/3/02 5:47pm
Subject: microsoft settlement
To whom It may Concern
Please leave Microsoft alone. They have done wonders for our country. Do not stifle their new innovative spirit! How can this be a monopoly, when Bill Gates and company have done everything from square one. The did not buy out or take over any other company; as the oil companies are doing. Please let them alone and let them go about their business of making our lives easier.
Sue Hamilton

MTC–00008364

From: Sam Brown
To: Microsoft ATR
Date: 1/3/02 5:47pm
Subject: just leave micro soft alone
THIS THING THAT THE GOVERMENT HAS BEEN DOING TO MICRO SOFT IS A DISGRACE TO THE FOUNDING FATHERS OF THIS COUNTRY. I RECOMMEND THAT YOU PEOPLE JUST LEAVE THEM ALONE AND DROP ALL THE THINGS THAT ARE BUGGING YOU PEOPLE. I RELIVE THAT WITHOUT PRIVATE ENTERPRISE THIS COUNTRY IS GOING TO GO DOWN THE TUBES.
SO GET OUT THE BUSINESS OF TRYING TO RUN EVERYONES BUSINESS. START TO FIX THE HIGHWAYS OF THIS GREAT COUNTRY AND GET OUT OF THE BUSINESS WORLD BUSINESS.

MTC–00008365

From: Gary Herbert
To: Microsoft ATR
Date: 1/3/02 5:50pm
Subject: MICROSOFT SETTLEMENT
Further litigation by either the Justice Dept. or by the states is like a dog chasing cars. There is nothing to be gained! The settlement is fair to all parties. The competitors have had their day in court and now it's time to move on.
The consumer is having it's say by continuing to purchase Microsoft products.
Gary Herbert
herbert@madnet.net

MTC–00008366

From: Rossulus@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 5:51pm
Subject: (no subject)
Enough hassle has been given to Microsoft. The ruling was fair and for all concerned this legal nonsense should cease.
Jane Ross

MTC–00008367

From: Mumsy37@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 5:53pm
Subject: MICROSOFT SETTLEMENT
Department of Justice:
Please let Microsoft get on with their company business. Enough is enough. I feel all of us need to get on with the business of this country. I am hopeful that Microsoft and others may develop systems to help us ferret out the evil people who are trying to kill us and destroy our country. They can't do this while fighting for their very being, let alone the cost of lawsuits. I hope you will do whatever is necessary to encourage the states still trying for more punishment to cease actions.
God Bless America. She needs everyone to join the fight and not be fighting each other. Thank you.
Janet Munson
Corpus Christi, TX

MTC–00008368

From: Joseph McCallion
To: Microsoft ATR
Date: 1/3/02 5:53pm
Subject: Microsoft Settlement
Gentlepeople,
I HOPE IN THE INTEREST OF ALL CONCERNED THAT THIS WHOLE ISSUE WILL BE PUT TO REST. I FEEL THAT THE ATTORNEYS GENERAL OF THE VARIOUS STATES WHO WANT TO FURTHER THIS CASE SHOULD BE REPRIMANDED. IT IS TIME TO END THIS TRAVESTY OF JUSTICE AND MOVE ON. MICROSOFT HAS BEEN AN INNOVATIVE COMPANY AND SHOULD NOT BE PUNISHED FOR ITS SUCCESS. I OWN A SMALL AMOUNT OF MICROSOFT STOCK AND HAVE BEEN HURT BY THIS SUIT BECAUSE THIS ACTION HAS DRIVEN DOWN THE PRICE OF THE STOCK. ENOUGH IS ENOUGH.
SINCERELY,
JOSEPH McCALLION

MTC–00008369

From: triallawyer@juno.com@inetgw
To: Microsoft ATR
Date: 1/3/02 5:56pm
Subject: Microsoft Settlement
Dear Sirs,
I support the Microsoft Settlement with the Federal Government. This costly litigation should end with this fair settlement. The cost is to the America People as well as to Microsoft.
Sincerely yours,
Jonathan M. Murdoch-Kitt
3217 Chamberlayne Avenue
Richmond, Virginia 23227–4806

MTC–00008370

From: coolcraw@att.net@inetgw
To: Microsoft ATR
Date: 1/3/02 5:57pm
Subject: DOJ:
DOJ:
Why aren't these State attorney generals at the airport?? These are the real criminals. If you want to take on a monopoly, take on OPEC.
C> Kapikian

MTC–00008371

From: Jeane Harkins
To: Microsoft ATR
Date: 1/3/02 5:59pm
Subject: Microsoft Settlement
Please settle this now the way it has been proposed. The current proposal seems very fair to all parties concerned. At this time we should be concerned with other problems on the home front not this one.
Thank you for your consideration.
Jeane

MTC–00008372

From: Dennyno1@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 5:59pm
Subject: Microsoft settlement
Gentlemen:

Free enterprise was attacked by the Clinton Democrats when they filed charges against Microsoft. A company that has done more to encourage the economy than any other organization in our lifetime.

If there had to be a settlement, giving to schools, equipment needed to advance the knowledge of young folks, is terrific. Mr. Gates is truly a giver and this just adds to his consideration of others.

Denny DeVries

MTC–00008373

From: DearKata@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 6:01pm
Subject: MICROSOFT SETTLEMENT

I'm totally IN FAVOR of Mr. Gates & Microsoft & its innovative & creative products to help better our lives. LEAVE MICROSOFT ALONE to use its time to continue to do this.

Please do not waste their time in court in the name of ''justice'' ... it is NOT justice to stifle the minds of brilliant people working for a brilliant company producing goods which we all buy to enhance our endeavors. This IS a free Country ... so let them be free to continue to innovate.

Thanks,
Kata Patton

MTC–00008374

From: MARK JADEED
To: Microsoft ATR
Date: 1/3/02 6:03pm
Subject: microsofy

To whom it may concern, We feel that the current settlement between Microsoft and DOJ is fair. We hope that this would end the dispute and would give a chance for our high tech economy to recover and lead the world the way it was before litigation.

sincerely,
mark jadeed

MTC–00008375

From: Janet Tashima
To: Microsoft ATR
Date: 1/3/02 6:05pm
Subject: msft settlement

I live in silicon valley. I feel a lot of the companies who have made this action against microsoft have just had inferior technology and they want to use their political position to have the government help them be competitive. I do not think that is the role of government. The companies that have the best tech will win, and that is the best thing for customers in the long run.

I also own a lot of other tech stocks and I feel that the justice dept action against Microsoft started the downturn in the tech econ and the stock market. All one has to do is view the charts of the tech stocks. I think companies such as Oracle and Sun are so blinded by their jealousy of Gates, that they are willing to let the whole tech econ suffer. They seem to not even care if their own companies have taken a major hit. I guess why should they care, they are not just a worker in their company and they are billionaires even if the stock takes a tumble. They do not want to acknowledge that a multi million dollar action against one tech company is harmful to tech in general. It is time to move on and get rid of the excesses of the past administration.

Yours,
Janet Tashima 408–243–8424

MTC–00008376

From: LTP3801@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 6:04pm
Subject: Microsoft Settlement

As a citizen grateful for innovative and useful products bringing tax revenue at home and abroad, I hope the settlement tentatively arrived at regarding Microsoft will be upheld and the matter finally brought to conclusion so that the time, energy and resources of Microsoft AND the government can b e more usefully employed.

There are competitive forces working in the economy and the time has come for them to be the determinants.

Very truly yours,
Lydia T. Pfund
Highland Beach, Florida

MTC–00008377

From: NMorgan296@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 6:05pm
Subject: Mircrosoft Settlement

To whom it may concern:

I urge that steps be taken to ensure that the negotiated settlement with Microsoft proceed to conclusion without undue delay. The settlement is the best resolution of the litigation and any steps to derail the settlement should be strongly resisted.

Neil and Debbie Morgan

MTC–00008378

From: Carole Joy
To: Microsoft ATR
Date: 1/3/02 5:38pm
Subject: Lawsuit

I am 100% in favor of microsoft being able to make and keep control of their own products. I think Microsoft invented it and should make the profit for it and be able to retain it as their own product. .... Other companies can make their own products.

Carole Joy

MTC–00008379

From: geno284@juno.com@inetgw
To: Microsoft ATR
Date: 1/3/02 6:08pm
Subject: Microsoft

I AM 100% BEHIND THE MICROSOFT SETTLEMENT AND WANT THE GOVERNMENT TO PASS THE LAW AND STOP HARASSING A COMPANY THAT IS THE VERY BEST AT WHAT IT DOES!

EUGENE T. YOUNG
23 CHAPEL HILL DRIVE
ROCHESTER, NY 14617

MTC–00008380

From: Heidar E-Mail
To: Microsoft ATR
Date: 1/3/02 5:58pm
Subject: microsoft litigation

Dear Sirs.

I would like to register my opinion and frustration that there continues to be delays in reaching a full settlement in the Microsoft case. It is long overdue that we put this matter behind us and move on.

Continuous harassment of this company only serves to impede its progress in giving us better technology and this acts as a drag on the U.S. economy. So, settle and move on. We have better things to do than this.

Helgi Heidar

MTC–00008381

From: Keith Steensma
To: Microsoft ATR
Date: 1/3/02 6:10pm
Subject: Microsoft Anti-Trust

I am a shareholder of both Microsoft and Compaq stock. And as such, I should be very interested in seeing Microsoft operate (and make profits) un-hindered by any barriers. The fact is the what is good for Microsoft (and the other companies, like Compaq, that rely on Microsoft) is good for the nation.

The is definitely not how I feel. I was a small businessman during the late 1980's and all of 1990's and felt the impact that (the infamous) WalMart had in our community. What was good for WalMart was not good for me. Eventually, we closed the store because we couldn't compete. My business was impacted by WalMart, but it was also impacted by the actions of Microsoft. Our business had supported Atari, Netscape, and IBM, and depended on the 'alternatives' that these companies offered. Needless to say, as these companies failed in there quest to be an alternative, our business suffered. I believe that Microsoft has acted improperly. I have read all of the documents (concerning this case) that have bee released by the courts. I was stunned to read some of the actions that were taken (by Microsoft) to 'make sure' a certain company or product failed. I believe that Microsoft needs to change the way they do business. And I don't believe that this will happen unless the company is severely sanctioned and regulated. I believe that the agreement that the government has reached with Microsoft is a joke and is an insult to my belief in my government. Please look at all the aspects of this case and arrive at a more 'real' settlement of this case.

Keith Steensma
Jacksonville, Arkansas

MTC–00008382

From: warren
To: Microsoft ATR
Date: 1/3/02 6:11pm
Subject: Microsoft Settlement

Hi. I am writing to express my displeasure at the proposed ''settlement'' between the Dept of Justice and Microsoft. Not only does it NOT halt the illegal, anti-trust activities of Microsoft, but in some cases actually promotes Microsoft (ie. allowing them to flood the schools with free software).

Hopefully the unfairness of this proposed settlement will be recognized and dealt with accordingly by the courts.

Thank you for the opportunity to express my point of view.

—Warren Friedman
Fairfax, California

MTC–00008383

From: miburt
To: Microsoft ATR
Date: 1/3/02 6:10pm
Subject: Microsoft Settlement

Get off of Microsoft's back. You have already spent too much of the taxpayer's money in trying a bum cause. Quit wasting our money and let Microsoft continue to give us better products for less money as they have in the past. Find some more important things to do.

Doris & Burt Shearer

MTC–00008384

From: Michael E. Warren
To: Microsoft ATR
Date: 1/3/02 6:12pm
Subject: Microsoft Settlement

I believe the Microsoft settlement is reasonable and that continued litigation serves no purpose except to increase legal fees and burnish the reputation of political office seekers.

Indeed, although Microsoft may effectively have a monopoly on certain software products, they have gained this by producing quality products at a reasonable price to the great benefit of the general public. I have made it a point to use the software of many competing companies before migrating to Microsoft products, and unfortunately found them to be lacking in effectiveness.

Microsoft has succeeded largely because they built a better mouse. I hate to see competition stifled, but I also hate to see the government stifle innovation.

Where were all the DoJ lawyers when Kenneth Lay and his team were taking the public on a very expensive ride with Enron? Maybe if Bill Gates and company had been as effusive with political donations as they have been with charitable donations, Microsoft might not have had to face this purgatory.

Mike Warren
Gainesville, FL

MTC–00008385

From: Joanie Garborg
To: Microsoft ATR
Date: 1/3/02 6:14pm
Subject: Microsoft Settlement

I urge the court to accept the settlement reached between Microsoft, the federal government and nine states. I believe that the settlement is just and fair. This case has dragged on too long already and this is the best way to resolve it.

Joanie Garborg

MTC–00008386

From: Park31825@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 6:14pm
Subject: Microsoft Settlement

Gentlemen:

I strongly believe the settlement against Micrsoft recently is just and fair. Let all accept it and get on with our lives

Mr.I.E.Park
2417 Vining St.
Bellingham, Wa.98226
360–734–1589

MTC–00008387

From: Eric Lanser
To: Microsoft ATR
Date: 1/3/02 6:15pm
Subject: Microsoft Settlement

The anti-trust laws are of dubious constitutionality. They are more a-kin to a ''government of men'' than to the stated American ideal of a ''government of laws.'' They do NOT treat all equally before the law (i.e. the successful). Finally, the laws violate the rights of the successful in favor of any mistaken and short-sighted voice of the ''consumer interest.'' The anti-trust laws' dubious constitutionality is one of the primary reasons why they ultimately hurt consumers more than help them.

Ignoring the question of the rights to dispose of one's property in any way one wishes, another issue is at stake as well. The very existence of Microsoft and would-be corporations like it is greatly hindered by the presence and enforcement of the anti-trust laws. If Bill Gates had not ever existed, the world today would literally be a very different place. I'm not speaking of any sort of ''It's a Wonderful Life'' scenario here, but one of even greater importance. One where a single man has affected billions of people in a greatly positive way. Bill Gates provided the world with a vastly more efficient and effective platform than any other in existence. American people, and American corporations responded by purchasing it in vast numbers. Without Windows, the computer age would have, at best, been delayed a number of years. Although alternative platforms do exist, nearly every major company in the United States (and the world) uses some version of Windows on its machines. An office-place without computers would seem a strange site today, but it would be much more common without Bill Gates' actions.

Among the many successes of Windows is its integration of multiple applications smoothly and effectively. Incorporating Internet Explorer into windows served as a terrific convenience to purchasers of windows. It saved consumers not only the money to buy the program but also the shipping time of some alternative browser to their house, school, or business.

The entire reason Microsoft is being victimized by the anti-trust laws is because its business practices have been so successful, it products so vital, and its impact on America and the world so great. Microsoft should be held up as a model to emulate and Bill Gates as a hero and innovator of our times. By punishing the successful precisely because they have done what they have done in the most efficient, innovative, and profitable ways is beyond impractical; it is immoral.

The direct implications of penalizing Microsoft would mean one of a number of things (or some combination thereof): a. Layoffs at Microsoft; b. Higher prices for Windows and other software; c. Fewer innovations in the software field. Any voice of the ''public'' or ''consumer interest'' should not overlook the simple fact that a hefty fine on Microsoft will NOT come out of Bill

Gates pockets (nor should it), but ultimately out of the pockets of the ''public'' or consumers themselves. Even if no fine is involved, losses in profit (not to mention the costs to Microsoft for defending itself at trial) will have the same affects on prices/labor/innovation. In the long run, if Microsoft is penalized for its successful business practices, it will forever be an example to future would-be innovators. Without Bill Gates and his would-be equals, no stimulus package in the world would be able to propel this economy or any other at the rate it has been growing since the early nineties. Without innovation in the computer field, or any other, the standard of living of the United States would stagnate, productivity would cease to rise, and every human being in the United States would suffer the consequences—from the highest paid CEO (who would see his portfolio crumble and his own business stagnate) to every factory worker (who would cease to have increases in pay do to rises in productivity).

Most of all the consumers would suffer. They would have far fewer quality products coming to market. The new products that would, against all odds, come to market would be at higher prices and/or of lower quality than they would otherwise be. Once again, I urge any speaker for ''the public good'' or the ''consumer interest'' to take a look at the ultimate (and even immediate) consequences of penalizing the successful for doing exactly what they do best, providing the public with innovations, improvements, and quality products at low prices. The whole spirit of the United States was that of a nation in which great minds and average minds alike could live and think as they pleased—a symbol to the world of what the human mind and human self-interest could do for man and the world if he were left free.

MTC–00008388

From: keithgarborg@cs.com@inetgw
To: Microsoft ATR
Date: 1/3/02 6:15pm
Subject: Microsoft settlement

I urge the court to accept the settlement reached between Microsoft, the federal government and nine states. I believe that the settlement is just and fair. This case has dragged on too long already and this is the best way to resolve it.

Keith Garborg

MTC–00008389

From: Patricia Andrews
To: Microsoft ATR
Date: 1/3/02 6:16pm
Subject: Microsoft Settlement

It seems to me that the case against Microsoft has gone on long enough and that it would in the nation's best interest to finalize the settlement. With everything that is going on in the world, why don't we free up the bright minds of our country to focus on improving all of our lives as I feel Microsoft has done and continues to do. If the competitors of Microsoft spent as much time and money on their ideas and products as they are spending on this long, drawn-out litigation, they would probably be more successful in the business world.

Pat Andrews
145 Scottsdale Square
Winter Park, FL 32792
Phone: 407–718–5184
Fax: 407–644–9951
E-mail: patandrews38@hotmail.com

MTC–00008390

From: Judy Tallman
To: Microsoft ATR

Date: 1/3/02 6:18pm
Subject: Microsoft Settlement

Dear Folks,

I strongly believe that the proposed settlement is fair and just to all parties. I highly recommend that the settlement be approved. It is time for us to allow Microsoft get back to the business of developing software. The first judge could not have been computer literate or he would not have made some of the comments if what was printed was indeed what was stated. For anyone like myself who has been using computers since mainframes and 300 baud modems were state of the art, many of the charges against MS are totally ridiculous.

I have nothing but admiration for Mr. Gates both in his business practices and in his personal life. I checked the charities that MS support and they are very thoughtful and oriented towards helping children and schools especially. To me, this whole fuss seems to be all about lawyers trying to get more MS money for themselves.

Let's please let MS supply the kids with computers and get on with business.

Happy Trails,
Judy Tallman
Dancing Horses, Inc.
www.dancinghorses.com

MTC–00008391

From: Bryan DeBois
To: Microsoft ATR
Date: 1/3/02 6:20pm
Subject: Microsoft Settlement

To whom it may concern: Please allow Microsoft to settle with the United States!! This judicial farce has gone on long enough, and wasted far too much of the tax-payers' money. It is high time that the Department of Justice give a vote of confidence for the consumers and their ability to think for themselves, instead of allowing large Microsoft competitors to whisper in justices' ears. We are on the brink of a new year, under a new administration, it is time to let it go.

Sincerely,
Bryan DeBois
debois@uakron.edu
Senior, Computer Science Major
The University of Akron

MTC–00008392

From: Melvin Henderson-Rubio
To: Microsoft ATR
Date: 1/3/02 6:20pm
Subject: Microsoft Settlement

For the record, I need to state that I am a long-term Microsoft employee (over 15 yrs). Obviously, I have been aware of the current case filed by the DOJ and number of states as well as the settlement reached with DOJ and several states.

It goes without saying that I have never fully grasped the justification for the case nor similar cases filed earlier along the same grounds. I am well aware that our competitors have been and will continue to use the legal system and public option to try and accomplish what they have failed to in the marketplace, develop and market some of the best software in the industry.

As taxpayer, not only in my residing state of Washington (which I'm glad to see our Attorney General opted not to join in on the case) and as a US tax payer, I fail to understand what the DOJ and states see as the benefit to consumers and the use tax dollars to fund such investigation, beyond a reasonable review. What did and what do these states really think they are doing to assist their citizens? As a consumer, if I do not want Microsoft products pre-installed on my system, I can remove them and replace with other products. Similar to what happens when I purchase a car. If I do not like the radio I pay purchase one after market and the same goes for wheels or tries. There is a huge after-market for these items. Similarly there are options in the high-tech industry, but the vast majority of consumers are okay with an ''industry standard.'' Currently it's Microsoft, in the early days of the pc, it was Apple, and someday it will be someone else. If you look at history, first it was the Chinese, Greeks and Egyptians, then French, Dutch, Spanish and British who ruled the world. In recent times, the Russians and now the US. History takes care of things.

As a consumer and watching the growth of the pc industry for more than 15 years, Microsoft along with industry partners such as: Intel and major pc companies (including Apple to some degree) have done more to stimulate the pc industry and economy overall than any other sequence of innovations in US or for that matter, contemporary world economy. I equate that Microsoft (along with Intel) has done for the pc and high tech industry what McDonald's has and continues to do for the ''fast-food'' industry; Disney for the concept of amusements and family entrainment; Starbucks for the coffee industry and CNN for 24 Hour News.

Yes, Microsoft has been extremely aggressive when it comes to getting it's product into the marketplace, but not any more than a sports franchise looking to win the Super Bowl or NBA Title. Just image had the DOJ and states outside of Illinois and/or Texas and California opted to oppose the Bulls, Cowboys or 49'ers from winning as many world titles as they have.

It should not be the role of the government to pick and choose winners and losers, nor overly support the lobbying efforts by competitors to try and level the marketplace. Over the years Microsoft has seen numerous opportunities and markets to pursue and set clear-cut objectives to enter those markets. I do not recall Microsoft asking the DOJ or various states Attorney Generals to keep displace or slow-down the efforts of: Lotus (1–2–3) or Word-Perfect or other industry leaders. Microsoft has not always been successful, there was Microsoft Bob and the failed merge with Quicken. Numerous current Microsoft and industry standards took several attempts, such as: MS-DOS; Microsoft Windows to become industry standards; the Microsoft Mouse was major undertaking and the Microsoft Office Suite took years to become the standard.

As a consumer, I can go into any store and with Microsoft Windows being the world-wide standard; I have 10's of thousands of applications, games and accessorories to choose from. Prior to Microsoft becoming the standard (pre-Ms-DOS days), there were no where near the selection. Each app or game had a few choices, because developers and distributors did not know or what to risk developing and distributing for an operating system that might not be well received. Microsoft has without a doubt created and huge high-tech industry (again, long with key partners such as Intel) and stimulated the US economy more than any other company in US history.

It is somewhat ironic that a number, if not most of our competitors usually solely develop and support their applications to the Microsoft Windows standard. The vast majority of their developers use the Microsoft Windows standard, so do their techs support folks and sales and marketing forces. Without such a dominate operating system, our competitors would have to decided and divide their resources into 2–3 different focus areas. The same applies and more so related to the development of independent applications and services.

Not agreeing in the first place the lawsuit has merit, I am in agreement with the proposed settlement. Students and teachers, especially in lower-income areas will need to make sure they are prepared and able to compete in the marketplace as well as various careers. For the foreseeable future, Microsoft products and services will remain the world-wide industry standard (that is not to say that some other company will not displace Microsoft).

CC:Melvin Henderson-Rubio

MTC–00008393

From: Johnson, Daniel 1.
To: Microsoft ATR
Date: 1/3/02 6:11pm
Subject: Microsoft Settlement

I recommend that the Court require in its remedy, in addition to the stipulations already provided (located at http://www.usdoj.gov/atr/cases/f9400/9495.htm and http://www.usdoj.gov/atr/cases/f9500/9549.htm), that: Microsoft be required to include compliance with relevant industry-standard, publicly available interconnectivity protocols and file formats in all software products, and provide these as the installed defaults. This does not forbid Microsoft from offering enhanced protocols as well, as options, but to foster competition, Microsoft must be required to make publicly available all technical details of ''enhanced'' or customized formats and protocols so that competitors can ensure interconnectivity.

Microsoft be required to demonstrate compatibility of OS and software with these standards. Microsoft must not ''extend'' any independent formats, protocols or standards unilaterally. Microsoft be not permitted to engage in deceptive marketing practices misrepresenting the strengths of MS software and OS's and the weakness of competitors'.

Industry groups exist for many standards; these tend to be dominated by leading vendors. With regard to this Action, it is important that Microsoft and its client firms not be permitted to dominate standards groups' membership for a period of years. Microsoft should be required, for a period of several years, to seek extensions of these standards only as part of industry consortia and that it and its client firms are forbidden dominate numerically.

I understand that these may seem to be too broad; it is not, for all ''connectivity technology is ''middleware.'' Details and rationale for why this action is appropriate to this case follow below. This recommendation is essentially an enhancement of Section III. E.

Respondent:
Daniel L. Johnson, MD
Red Cedar Clinic, Ltd.
Mayo Health System
Menomonie, WI 54751
johnson.danl@mayo.edu

Respondent's background:

Profession: general internal medicine since 1978 Experience relative to this case: I've been a user of microcomputers since 1980; an ''occasional'' amateur software developer of word processing software 1982–1988; I have monitored the microcomputer and medical software arenas, as a consumer and an interested spectator, since 1983. I have experience with Apple computers and IBM PC's, and have used all versions of MS–DOS or PC–DOS through PC–DOS 7.0, Windows 3.10 through Windows XP, and Linux OS from Red Hat 5.0 through 7.2 (the current version). I am a knowledgeable non-professional with no vocational stake in software or operating systems.

Limitations:

I do not have the time to document the factual basis for the observations and conclusions I offer below, due to the demanding time constraints of my job as a physician and due to other personal commitments. I regret this, and would simply point out that this factual basis has been well documented within industry publications (often indirectly, however) and on the internet. None of my judgments are based on private information except perhaps some of my knowledge about excess costs to the health care industry due to the effects of Microsoft's monopoly on desktop operating systems and software.

Reason for responding:

I am concerned about the continued non-competitive situation in the microcomputer software industry because I have observed that Microsoft has used its market and public relations power destructively: to stifle competitive innovation, to indirectly hinder production and sales of needed custom-built software, to destroy, in several ways, many small companies whose expertise and software tools have not been replaced; the result has been to place inefficiency burdens on consumer businesses generally.

It places inefficiency burdens on consumer businesses in two ways: First, the severe security flaws in Windows operating systems and Microsoft's Outlook and Word software (which also have monopoly strength in the their markets) have slowed operation of the Internet, cause repeated system crashes that harm companies' businesses, and expose confidential personal data via software cracking.

Second, Microsoft is using its monopoly position to raise license fees and restrict license terms in ways that create harmful fiscal burdens on companies dependent on their OS and applications, burdens that would not exist if there were actually competition. This is creating financial inefficiency in the business sector generally, and in health care in particular—because we are finding that software vendors, whose software has run well on non Microsoft platforms, are wholesale porting this software to Windows out of fear of being left outside the monopoly, resulting in uncontrollable increases in license fees and in hardware costs to users. It is useful to contrast Microsoft's use of its monopoly markets and Intel's. Intel also enjoys monopoly power, but it has not been able prevent competition: first Cyrix and now AMID have been able to provide satisfactory alternatives to Intel (although some would argue that Intel as done its best to destroy both competitors, with significant although incomplete success).

The COMPETITIVE IMPACT STATEMENT says: ''On May 18, 1998, the United States filed a civil antitrust Complaint alleging that Microsoft Corporation (''Microsoft''), the world's largest supplier of computer software for personal computers, restrained competition in violation of Sections 1 and 2 of the Sherman Act, 15 U.S.C. ?? 1–2..... The United States District Court for the District of Columbia, which found that Microsoft violated both Sections 1 and 2 of the Sherman Act .... The Proposed Final Judgment will provide a prompt, certain and effective remedy for consumers by imposing injunctive relief to halt continuance and prevent recurrence of the violations of the Sherman Act by Microsoft that were upheld by the Court of Appeals and restore competitive conditions to the market.'' I am convinced, based on my extended observation of the computer industry in this country, that the proposed Final Judgment will NOT provide a remedy that is effective, certain or prompt in restoring competition to the markets in which Microsoft has a monopoly position because it does not adequately take into account the manifold and pervasive means that have been used by Microsoft to achieve and maintain its monopoly position.

Rationale:

First, the remedies only address middleware (because the Complaint addresses middleware). Unfortunately for prospect of a remedy that is either ''certain'' or ''effective'' in restoring competition to the desktop computer industry, middleware is only a small though important factor. It will not be possible to restore competition by addressing middleware alone. Microsoft has successfully created for itself monopoly positions in operating systems for pc's email programs word processing programs spreadsheet programs browsers (''middleware'') other less ''significant'' market areas By ''monopoly position'' I mean that potential competitors can survive only by offering software that mimics the operations and functionality of Microsoft software; Microsoft continually changes their software's specifications and file formats to prevent this, and to make their own earlier versions incompatible with files created by new versions, forcing users to abandon the software both of competitors and of Microsoft in order to be able to interchange documents efficiently.

Microsoft does not have monopoly positions in server operating systems database software programming languages mail service internet protocols file/directory management customized software This does not obviate Microsoft's monopoly position in all the other software areas that it already dominates.

Microsoft understands that the most important key to complete dominance of the software industry is by controlling ''connectivity''—sharing of documents, images, email, data, and directories. I will not expand this response with details; I will simply say that Microsoft is attempting to gain control of every area that it does not now dominate; the only area that seems relatively safe from monopolistic control right now is large databases. In every other area Microsoft has in place either technological programs or marketing programs that have some reasonable likelihood of controlling markets or technology or both.

As I have observed the evolution of the desktop-computer market during the last 21 years, it has been rare for Microsoft to gain competitive advantage by itself producing a functionally or technically superior product. MS–DOS was a badly designed operating system that happened to enjoy the imprimatur of IBM and the advantage of open computer architecture. Microsoft purchased the leading email software vendor; it waited for the word processing market to mature, then imitated the best of what was available from multiple competitors, and made Word the ''best'' by preventing competitors from learning how to make their own software work well with upcoming versions of Microsoft operating systems until Microsoft had completed its own work on Word, guaranteeing that the competition would always be ''behind'' on the dominant OS. It did the same thing with Excel, its spreadsheet program.

It was not able to do this with Netscape, and so it behaved in a variety of destructive ways that are well documented in the trial proceedings. In general, I can identify four ways in which Microsoft has stifled competition: by purchasing its competition by inviting its competition to consider being purchased, examining their software technically, and then duplicating their software engineering while abandoning the proposed acquisition on one or another technicality. through a consistent pattern, since about 1990, of false and misleading advertising that inflates falsely the strengths of Microsoft software and denying its faults or limitations while falsely slandering the strengths of competitive versions and emphasizing their faults and limitations. By claiming to adopt industry standards when offering software for which ''connectivity'' is important, but actually departing from those standards in the implementation, meaning that the output of these programs is not actually ''portable'' or exchangeable. (By ''actually'' I mean that it is not feasible within pragmatic limitations of time, effort, and money, not that it is conceptually impossible.)

I may be argued that these actions of Microsoft have not always been successful, but these instances of failure do not imply that Microsoft has failed to leverage their

monopoly position; moreover, it has attempted to do so in every conceivable way. The effects of this monopoly, as I've noted above, are financial inefficiency and operational inefficiency. Microsoft is now using its monopoly position to squeeze its business licensees (users) financially by raising license fees, requiring software upgrades, limiting user rights and otherwise restricting licenses.

In general, it is true that Microsoft operating systems, in comparison to other operating systems (Unix versions, Linux, 0S/2, Macintosh, BeOS) are more prone to crashes, are more susceptible to security breakdowns and breaches, and do not run as efficiently on hardware (computers), entailing financial inefficiency for users who must purchase additional servers and spend more money on energy. My understanding is that in general, Microsoft operating systems require about twice the expenditure for electricity and for computers as alternatives. In addition, software vendors are burdened with the inefficiency of having to convert software to Windows because of the real threat to their businesses from not having Windows versions.

Microsoft will argue that to restrain its practices is to stifle technological improvement. It will point to specific instances in which its software performs better than other choices. But the existence of such specific instances of superiority does not imply that its software is generally superior in performance or in design; furthermore, even if this were true, Microsoft's practices effectively destroy competition and enhance its monopoly powers; this defect is more important to efficient commerce than the relatively small technical superiorities it points to. Restoration of competition.

In my judgment it will not be possible, by any fiat a court is capable of issuing, to ''promptly'' restore competition to the market, as the Competitive Impact Statement proposes. At most, the court may be able to hinder Microsoft's destructive practices sufficiently to permit genuine competition to emerge by establishing a competitive environment. Because the future of computing lies in interconnectivity of machines and exchange of data and communications, the only way to free our commercial society from monopolistic domination by Microsoft or any similar entity is to mandate that in all its operating systems and software applications, Microsoft supply, as defaults, file formats, directory handling, encryption methods, data-handling protocols, and other technology important in interconnectivity that are publicly available and conform to consensus industry standards.

Conclusion (reprise): Thus I am recommending that the court require, in its remedy, that: Microsoft be required to include compliance with relevant industry-standard, publicly available interconnectivity protocols and file formats with all software, and provide these as the installed defaults. This does not forbid Microsoft from offering enhanced protocols as well, as options, but to foster competition, Microsoft must be required to make publicly available all technical details of ''enhanced'' or customized formats and protocols so that competitors can ensure interconnectivity.

Microsoft be required to demonstrate compatibility of OS and software with these standards.

Microsoft be not permitted to ''extend'' any independent formats, protocols or standards unilaterally. Microsoft be not permitted to engage in deceptive marketing practices misrepresenting the strengths of MS software and OS's and the weakness of competitors' Industry groups exist for many standards; these tend to be dominated by leading vendors. With regard to this Action, it is important that Microsoft and its client firms not be permitted to dominate standards groups' membership for a period of years. Microsoft be required, for a period of several years, to seek extensions of these standards only as part of industry consortia and that it and its client firms are forbidden dominate numerically.

MTC–00008394

From: Warmenup@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 6:20pm
Subject: MICROSOFT SETTLEMENT

As a consumer please note that i agree that a settlement in the Microsoft case is good for both the consumer, the industry and the American economy.

Please get on with it.

Thank you

Meredith St Pierre

Boca Raton, Fl

MTC–00008396

From: Billie R Cox
To: Microsoft ATR
Date: 1/3/02 6:27pm
Subject:

It is beyond my understanding why the government wants to waste the money It is beyond my understanding why the government wants to waste the money of the tax payer to try to destroy Microsoft through senseless litigation when Microsoft has done so much for the economy of the United States by creating jobs.

Billie Cox

MTC–00008397

From: Stefan
To: Microsoft ATR
Date: 1/3/02 6:29pm
Subject: Thoughts on MS settlement

Dear sir or madam:

I am a U.S. Citizen, a long-time computer user and am appalled by the Department of Justice1s proposal to give Microsoft a monopoly in education by allowing them to donate Windows-based computers, the bane of computing, to poorly-funded schools in the country. This proposal is a shame and travesty of justice. Microsoft has acted illegally time and again, thus, it clearly is not just nor in the public1s best interest to reward their illegal and predatory behavior with such a largess. While I am not an Apple Computer stock holder, I favor the counter proposal submitted to the Department of Justice by Apple's CEO Mr. Steven Jobs.

Sincerely,

Stefan Ingannamorte

Apopka, FL

MTC–00008398

From: JNWGOLF@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 6:31pm
Subject: Microsoft Settlement

Please be advised that I believe that the settlement agreed to between the Department of Justice and Microsoft is fair and reasonable to the consumer and is in the public interest.

It is time for everyone involved to get on with being concerned about innovation, creativity, and doing constructive things to help stimulate the economy. It is necessary for this matter to be resolved for the benefit of the consumer, Microsoft's stockholders, and for all the companies that do business with Microsoft Needless to say, I encourage the Court to approve the settlement agreed to between Microsoft, the nine states, and the Department of Justice.

Jerome N. Weinberg

MTC–00008399

From: Max Burford
To: Microsoft ATR
Date: 1/3/02 6:31pm
Subject: Microsoft case

It's my feeling that the Microsoft case ruling by the court of appeals should be final.

Quite dragging it out.

Max O. Burford

burford@ccountry.net

MTC–00008400

From: Geo and Steven Mayes
To: Microsoft ATR
Date: 1/3/02 6:33pm
Subject: Microsoft settlement

The government should have stayed out of this in the first place. Microsoft should be able to do business without being manacled by the government.

George Mayes

Lamay@quixnet.net

MTC–00008401

From: Rees31@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 6:34pm
Subject: Microsoft Settlement

I am in favor of the proposed government settlement with Microsoft which I think is fair to all concerned. Microsoft is a significant investment in my personal retirement fund which I will need to supplement social security when I retire in

March, 2003.

Rees Himes

31 Sylvan Road North

Westport, CT 06880

MTC–00008402

From: Steve (038) Pam Lock
To: Microsoft ATR
Date: 1/3/02 6:34pm
Subject: Microsoft Settlement

Ladies/Gentlemen:

We are extremely hopeful and pleased that the Microsoft case may finally be settled. We feel very strongly that it is in the best interest of both the economy and the country—especially in light of recent events—that this settlement proceed to completion.

In this critical time we feel the DOJ should turn its attention and spend its taxpayer funds on the security of this country. We feel

spending any more of tax payers money or DOJ time and energy on this case would not bring any further benefit to us the consumer or to our country.

Thank you for your time in reading this and we continue to be hopeful that this matter will finally come to a close.

Sincerely,
Steven and Pamela Lock
1580 SE Pioneer Way
Oak Harbor, WA 98277

MTC–00008403

From: Ying, Xingren
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/3/02 6:37pm
Subject: Microsoft Settlement

Please settle the case! U.S. economy and HiTech cannot afford this endless lawsuit. Let's compete in the market not in the court. Even Microsoft competitors can kill MS in the court. But the consumer will be the loser also. We will pay the higher price to buy the software and the leadership of software industry will transfer to other country.

So, please settle. We just want Microsoft behave better, not to kill it.

Xingren

MTC–00008404

From: Chance Yohman
To: Microsoft ATR
Date: 1/3/02 6:37pm
Subject: Microsoft Settlement

Is it unjust for a company to share a large sector of a market? This is one of the questions before the United States Department of Justice right now concerning Microsoft and the software market. If Microsoft does a good job at what it does, then undoubtedly it will gain a large share of the market just like it has. Its time to end this attack fueled by petty jealousies of other software competitors and our federal government's fear of letting individuals do their own business. Let Microsoft be and let the market dictate who comes out on top. One of the many citizens who this country belongs to rightfully,

Chance E. Yohman
East Waterboro, Maine
THE GEEK SHALL INHERIT THE EARTH

MTC–00008405

From: james k davies
To: Microsoft ATR
Date: 1/3/02 6:41pm
Subject: Microsoft settlement

To all those concerned:

It is my hope that the settlement, which has been reached in the issue of the Department of Justice (and some state suits) and Microsoft, will be found by the District Court to be fair, complete and comprehensive. From my perspective, that of a consumer who is dependent on the trouble free, low maintenance, smooth cross-application performance of my operating system (Windows) for a business software function free of problems, it is not realistic to deny Windows users this settlement and move on in the world of software development and innovation. Please do not be put off by my use of the word ''innovation.'' It is the most descriptive and exciting word in the world of technological development.

I am weary of the denial of the existence of other software operating systems, systems which have developed contemporaneously with Windows, with varying levels of success—DOS (which IBM decided they didn't want), IBM's OS2 (a dreadful, cumbersome, and generally non-performing system), Apple's MacIntosh (priced out of my market—by Apple, not Microsoft), Unix (too expensive and too technical as it was developed for the scientific and engineering markets of which most of us are not members) and Linux (until very recently not performing in the cross-application market (through no fault of Microsoft's) most users require and still not 'up to snuff' for this user.

Until there is something better than Microsoft's Windows—and it's browser—I suggest we stop punishing Microsoft for being the best.

Elizabeth B. Davies

MTC–00008406

From: DwightNancy James
To: Microsoft ATR
Date: 1/3/02 6:45pm
Subject: Microsoft Settlement

Dear Sirs,

We want you to complete the Microsoft Settlement. The agreement is too stringent in our view, but the US Govt has spent entirely too much time and money on this inquisition already. There are many more pressing matters needing our tax dollars. Please do not allow the opponents of the settlement drag this out any longer.

We have always felt that Microsoft has served our needs properly and have never felt used or abused.

Thank you.
Dwight and Nancy James
10124 Sharon Spring Dr
Fredericksburg, VA 22408
(540) 371–4625
cc: Congressman Frank Wolf
Senators John Warner and George Allen

MTC–00008407

From: Chris Aveni
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/3/02 6:41pm
Subject: Microsoft Settlement

To whom it may concern:

It is of my opinion, and many other Americans of sound mind that Microsoft has suffered ridiculous penalties as a result of over zealous attorneys and sour competitors. Please name me one other company in this country that exports as much as Microsoft in which keeps our trade deficit from soaring. Without Microsoft in our economy, we would not only have a much more devastating trade deficit, but an economy that would be much worse off than it is today. Also keep in mind that Microsoft has brought technology allot further than any other company has over the years. Microsoft did try to stifle competition, and they should be prevented from doing so in the future, but it is know time to get off their backs and all get back to business. The proposed settlement is overly far to the competition.

Christopher J. Aveni
Technical Analyst
AremisSoft Corporation, Manufacturing Division
E-mail: chris.aveni@aremissoft.com
Internet: http://www.aremissoft.com/

MTC–00008408

From: CACUSN@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 6:47pm
Subject: Microsoft Settlement

Sir—

Just a quick note to let you hear my opinion on the subject settlement (Tunney Act). I would really like to see littigation ended immediately. I believe the settlement is fair as is and further fighting in the courts will do nothing for me as consumer and everything to further fatten the pockets of lawyers and a few wealthy plaintiffs. I do not wish to see my tax dollars wasted in further litigation against Microsoft and request that DOJ move to accept the settlement as it stands. Thank you.

Chris Carbott
11508 Boathouse CT
Bowie, MD 20720
301–805–6987

MTC–00008409

From: ANTIQUESFM@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 6:48pm
Subject: Microsoft Settlement

As a consumer and a stock owner, I am satisfied with the settlement which has been reached.

MTC–00008410

From: Larry Steinbecker
To: Microsoft ATR
Date: 1/3/02 6:51pm
Subject: Microsoft Settlement

To whom it may concern:

I would like to take this opportunity to speak forcefully in favor of Microsoft regarding the DOJ's legal actions against them. Unlike the monopoly previously held by AT & T, and currently held by the U.S. Post Office, Microsoft did not gain their dominant position by outlawing competitors; they outperformed them, thus *earning* a dominant position.

I speak directly from experience as the owner of a computer software firm when I say that Microsoft has done this country a great service in delivering a single dominant operating system. Since my company only has to write software for a single environment, it is able to deliver higher quality products and offer lower prices than if it had to write software for numerous, incompatible environments. Our 2,000+ customers are the direct beneficiaries of this fact to the tune of tens if not hundreds of thousands of dollars. This same fact holds true for every producer of software that runs on Microsoft platforms, multiplied by each of their respective customer bases.

Further, every one of Microsoft's customers, by having free access to a web browser, was measurably and positively impacted by the fact they did not have to spend an additional $30—$100 in order to browse the web. True, Netscape was hurt by this action, but the benefit to the country as a whole was immense. Every Microsoft customer saved $30 to $100 by not having to purchase a separate browser. Each of these millions of users were then able to save that

money, or use it to purchase other goods or services that they would not have otherwise bought.

Remarkably, Microsoft has been painted as the ''bad guy'' for making business more difficult for their competitors. Never mind the fact that every action taken by every business in every field is done precisely to benefit their own company at the expense of their competitors. Every advertisement, feature, and service provided by a company negatively affects their competitors' ability to compete with them. And yet we are to believe that Microsoft is evil and conniving for not wishing to bestow bounty upon its competitors, nor make life easy for them.

The DOJ's actions thus far have further cost the economy untold billions. It is not a coincidence that the stock market plunge began precisely on the day that the judgment was announced against Microsoft. Since that time, the stock market has lost nearly $1 trillion in value as investors became worried that the tech sector, our most productive market segment, was going to come under persecution and micromanagement by U.S. Government. The DOJ's actions have not just eviscerated Microsoft's value, but the retirement and savings accounts of countless citizens who gladly owned Microsoft and other tech stocks.

It should be obvious to anyone of even limited intellectual resources that Microsoft, while having a dominant position, can only do so if they continue to outperform their competitors. Microsoft has stumbled in particular areas, such as personal finance software, on-line services and even server operating systems. In every case the market has gone to their competitors (Quicken, American On-Line and Linux) quickly, efficiently, and without government intervention. This same migration will happen if Microsoft ceases to offer the best operating system at the best price.

Microsoft's envious competitors are largely driving this case. They are seeking to gain in court that which they could not achieve in the marketplace. But it is time for the DOJ to stop acting as the special-interest arm of the government for these competitors; instead the DOJ should act in the interest of the countless citizens benefited directly and indirectly by use of Microsoft's products and ownership of Microsoft's stock. I strongly urge you to settle this case with the least possible damage to Microsoft, and to let America's most productive company alone in the future, to benefit of our country.

Sincerely,
Larry Steinbecker

MTC–00008411

From: James F. Miller
To: Microsoft ATR
Date: 1/3/02 6:53pm
Subject: Microsoft Settlement

The proposed settlement is good for the consumer, the American economy and the public interest. I urge you to settle this case immediately and not let a few dissidents continue to block a reasonable settlement.

Sincerely
James F. Miller

MTC–00008412

From: Abe Shapiro
To: Microsoft ATR
Date: 1/3/02 7:58pm
Subject: Microsoft Settlement

Dear Sir:

We are in favor of the present settlement. We think continuing the ligitation should be stopped.

Abe Shapiro

MTC–00008413

From: Robert Feeney
To: Microsoft ATR
Date: 1/3/02 10:05pm
Subject: Settlement Suit

Dear DOJ,

Microsoft Corporation like yourselves and and me are still evolving. This evolving in a harsh and competitive electronic universe has shown us the best and the worst of Microsoft. Still, I believe it is in our best interest to leave MSFT intact and not break up the company.

Sincerely,
Robert Feeney
707–863–8898
707–863–8899 fax
707–491–0737 pager
rfeeney@interx.net .... rfeeney@interx.net

MTC–00008414

From: Lonnie Malaska MIS CD(038)C
To: Microsoft ATR
Date: 1/3/02 6:58pm
Subject: Microsoft Settlement

With respect to a document,

re: ''Utah Attorney General is pursuing harsher punishment...''

And, a following response,

re:''The Judge in the Microsoft case ... will decide whether additional (or different) remedies are appropriate...''

As an Systems Administrator working with microsoft products has been both, positive and negative. But, the Antitrust Case needs to be resolved. I have personally noted that Microsoft is taking over other software vendors ideas and thus their product, due to the 'ownership of the only viable computer OS on the market to-day'.

Other vendors can't possibly compete with such a giant, I think our

Fore Fathers addressed this issue.
Lonnie Malaska
1795 E. South campus Dr.
Salt Lake City, ut 84112Lonnie Malaska
Campus Design
University of Utah
lmalaska@campplan.utah.edu
ph: 801–581–3136
fax: 581 6081

MTC–00008415

From: Warren Hoffman
To: Microsoft ATR
Date: 1/3/02 6:59pm
Subject: Microsoft settlement

As a citizen, a Microsoft shareholder and a retired engineer of AT&T, I hope you can come to a positive solution for Microsoft in the ongoing litigation. I think that Microsoft has been the most progressive software provider, a leading worldwide organization. I feel that we will see great progress for the United States computer and communication fields that will surpass whatever we have seen up to now. Please keep Microsoft's software leadership intact.

Warren L. Hoffman

MTC–00008416

From: Virgsal@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 6:58pm
Subject: Microsoft Settlement

Although I think Microsoft does have dirty hands in this affair, the settlement they have proposed seems fair to all parties concerned. It is in the interest of our economy to finalize this mess and get on with business. This is a very fast changing industry and their competitors who are spending so much to fight them would do better by putting their money where it could be used to innovate! There are still many open avenues to explore!

Thank you for your time!
Sally McQueen

MTC–00008417

From: k7rdn@juno.com@inetgw
To: Microsoft ATR
Date: 1/3/02 6:57pm
Subject: Microsoft Settlement

I think the settlement is fair & some of the States involved also agree, it seems foolish for States that don't want to settle to hold out. It's been a couple of years already-enough is enough!!!

I think M/S did great things for the average Joe with home computers & really don't see how they forced anything on people that didn't want various programs.

I am 79 yrs. old, always thought I was of average intelligence until I got a computer about 6 yrs. ago (I never cursed or talked to myself before that). I just wish I was 70 yrs. younger as my grand-kids (all under 18) really catch on compared to people my age.

Thanks for letting me spout off.
Fred Murrell
K7RDN (HAM RADIO CALL)

MTC–00008419

From: Sid Ghosh
To: Microsoft ATR
Date: 1/3/02 7:01pm
Subject: Microsoft Settlement

In my opinion, Justice Dept. lawsuit against ha very little merit. Microsoft indulged in the same business practice as any other reputable viable business enterprise would do. Just that Microsoft became successful- may be very successful.

I think DOJ should reach a legal settlement with Microsoft and move ahead, without further punishing a very innovative US Corporation.

Sid Ghosh

MTC–00008420

From: Auguste Schwab
To: Microsoft ATR
Date: 1/3/02 7:02pm
Subject: Microsoft Settlement Gentlemen/ Mesdames.....

I believe that the proposed settlement in the Microsoft case is fair and should be approved.

It is important to realize how much Microsoft has done for the technology sector not to mention what they have done for the average American citizen. Without them, we would be years behind and prices for hardware and software would be far higher than they are today. Microsoft has made us

the world leaders in the field. Everyone else had the opportunity—but Microsoft did it. Were they aggressive? Yes, but it served us all well. A shrinking violet in this industry does not do us any good.

A billion dollars worth of hardware and software for children would be a godsend and would provide them with knowledge they can put to good use in their adult years. It will help the economy and the reputation of the United States immensely in the long run.

Do not be misled by special interest groups which object to this settlement for their own benefit.

Sincerely,
Auguste Schwab
6281 Evian Place
Boynton Beach FL 33437

MTC–00008421

From: (00B0)(FFFF)
To: Microsoft ATR
Date: 1/3/02 7:04pm
Subject: Microsoft Settlement

Gentlemen/Madam

Let us not derail an already fragile economy. History does repeat itself as

George Bush Sr. found out abruptly-ITS ALL ABOUT THE ECONOMY, stupid! See, I softened my stance at the end of the statement..Keep those middle class jobs fluorishing and good things will happen...

Dave Mckay

MTC–00008422

From: Paul DeMar
To: Microsoft ATR
Date: 1/3/02 7:12pm
Subject: Microsoft settlement

I think the proposed settlement would be fair to all parties involved. Its time to settle the case and move on.

Sincerely
Paul DeMar

MTC–00008423

From: c.g.kazinsky@juno.com@inetgw
To: Microsoft ATR
Date: 1/3/02 7:14pm
Subject: Microsoft settlement

This settlement is tough, but reasonable and fair to all parties involved. Consumers overwhelmingly agree that settlement is good for them, the industry and the American economy.

MTC–00008424

From: Joe Doyle
To: Microsoft ATR
Date: 1/3/02 7:18pm
Subject: Settlement

I am all for the Microsoft settlement.

Joseph J. Doyle

MTC–00008425

From: LELAND ERICKSON
To: Microsoft ATR
Date: 1/3/02 7:17pm
Subject: microsoft settlement

Just settle this case now as is———-don't waste any more time and money'

MTC–00008426

From: JAMES .F. OVERSTREET
To: Microsoft ATR
Date: 1/3/02 7:18pm
Subject: MICROSOFT SETTLEMENT

I THINK THE PROPOSED SETTLEMENT WITH MICROSOFT IS A FAIR SETTLEMENT AND IS CERTAINLY IN THE PUBLIC'S INTEREST AND IS CERTAINLY IN MY INTEREST. WHILE I AM A CITIZEN OF THE STATE OF CALIFORNIA THE STATE'S ATTORNEY GENERAL DOES SPEAK FOR ME, BUT FOR SOME SPECIAL INTERESTS, WHICH ARE INTERESTED IN HAVING THE GOVERNMENT DO FOR THEM WHAT THE MARKET HAS NOT.

ESPECIALLY IN THESE TROUBLED ECONOMIC TIMES IT IS TIME TO REMOVE THE SCHAKLES THAT HAVE SLOWED MICROSOFT DOWN. GET THIS THING SETTLED ALREADY!!!

SINCERELY:
JAMES F. OVERSTREET

MTC–00008427

From: Paul Allen
To: Microsoft ATR
Date: 1/3/02 7:24pm
Subject: Microsoft Settlement

Dear Sirs:

As a concerned citizen, I would like to express my opinion that the settlement reached between the DOJ/9 States and Microsoft is fair and should be accepted.

This entire Microsoft litigation is a terrible waste of taxpayers money. It should come to a end as soon a possible. There are a lot more pressing issues we have today.

Thank you for accepting my opinion in this matter.

Paul J. Allen
17000 Red Bird Road
Winter Garden, FL 34787
407–656–0934
redbird@mpinet.net

MTC–00008428

From: Norman Martinusen
To: Microsoft ATR
Date: 1/3/02 7:27pm
Subject: Microsoft Settlement

This matter should be settled promptly. The settlement others accepted was tough but fair to all concerned; and should be accepted by the other parties which have not yet settled.

N.J. Martinusen

MTC–00008430

From: Daniel Bontz
To: Microsoft ATR
Date: 1/3/02 7:29pm
Subject: Microsoft Settlement

I think it is time to settle this issue and stop spending the tax payer's money. I am currently living in Florida and do not understand what Florida is not agreeing to the Government offer.

I believe it the offer is a good offer and the matter should be settled now.

Thank you for considering my opinion.

Daniel L. Bontz

MTC–00008431

From: John Moore
To: microsoft.atr(a)usdoj.gov
Date: 1/3/02 7:33pm
Subject: Microsoft Settlement

I would like to comment upon the proposed settlement between the United States Department of Justice and Microsoft. Since the company has been found both to be a monopoly and to be misusing the power inherent in that position, it would seem that any final result of the public's money and effort spent reaching this point should accomplish three things at a minimum: halting the illegal conduct of the company, promoting and restoring competition in the industry, and depriving the company of the gains it has accrued through its illegal conduct.

The proposed settlement fails to accomplish any one of these three goals. In addition, the Court is aware that the original suit arises because of a difference of opinion regarding the effect of an earlier consent order. The wording of the proposed settlement appears vague to this software engineer. Even one unschooled in the law can spot huge holes which would permit Microsoft to evade the apparent intent of the document. From past behavior, this would likely lead to continued illegal activity. As an example, the proposed settlement allows Microsoft to define the ''Windows Operating System.'' This means that it will be unfettered from employing the method of ''bundling'' additional functionality into the OS to attack future competition, just as it has attacked Netscape, Real Media, Apple Computers' QuickTime, and a near-endless list of others.

There is no economic incentive for a software company to expend the research and development time necessary to create a new application if its functionality can be bundled into Microsoft's definition of the ''Windows Operating System.'' At the trial, Microsoft did not contest that it could define the operating system to include a ham sandwich if it desired. This is not appropriate and needs remedy.

The government's proposed agreement does provide that Microsoft cannot penalize some manufacturers if they offer to sell the application of a competitor. Unfortunately, it does permit Microsoft to offer inducements to a manufacturer to exclude competitors' products. It seems that under the proposed settlement, it would be illegal for Microsoft to—as an example—sell Windows to a manufacturer for $30 per PC if it didn't use competing software, but charge $100 if the manufacturer included competitors' products. On the other hand, nothing in the proposed agreement would seem to stop Microsoft from charging everyone $100 for Windows, but offering a $70 inducement if no competitor's products were used by the manufacturer. To someone who is not a legal scholar, this appears to be the same thing. It would undoubtedly have the same result—and would not restore competition.

A just settlement would not only prohibit penalties imposed by Microsoft to stop others' pro-competitive activities, but also prohibit it from offering any inducements which lead to the same result: exclusion of competition from other software companies. As a professional software engineer, I can assure you that no settlement will truly promote competition unless it fully addresses what are known in the field as Application Programming Interfaces (most frequently abbreviated ''API's''). In the past, Microsoft has used its control over operating system

API's to extend its monopoly. These APIs are not engraved in stone; they change. In the past, they have been deliberately changed by Microsoft to hamper other companies. Some of them were not even disclosed publicly until experts found that Microsoft applications were using ''secret'' OS calls to accomplish results that were otherwise impossible.

Likewise, I see nothing in the proposed settlement which will limit Microsoft's typical philosophy of ''embrace and extend.'' This exercise of power, only possible to a monopoly, allows Microsoft to ''embrace'' an open and publicly-defined internet protocol and ''extend'' it—adding functionality that makes it work properly only with Windows clients. To allow for competition to exist, a Monopolist Microsoft should have to fully disclose all protocols and protocol changes to foster interoperability.

The proposed settlement will accomplish nearly nothing with regard to API's and protocols. Full disclosure is not mandated, and Microsoft will see any vagueness in a light that serves the company's interest. This is a highly technical area, but a solution is available and workable. No API is placed into the Windows Operating System without a purpose. There are documents inside Microsoft that detail what the API is supposed to do, and how it is to be used by programmers. To achieve full disclosure, all that need be done is to publish this information publicly—perhaps on the internet. API disclosure should not be limited to the Windows Operating System, but should also include Microsoft Office. Although this suite enjoys over ninety-five percent market share, it has not been addressed in the proposed settlement. This will allow Microsoft to evade the settlement's rules by simply moving functionality from Windows to Office, or offering special terms for Office that would not be allowed with Windows.

If an API should change during the development process, all the company should have to do is post the details of the change within a reasonable number of days. It would be possible to completely automate the process so that when details of the changes are placed in the proper electronic ''folder'' for internal sharing among developers those changes would instantly disseminate to the Web. This will not require any access to any part of the Windows source code, but it will level the development ''playing field.''

Another element of the proposed settlement is allowing Microsoft to retain the gains it has obtained through its browser monopolization. As a warning against future misconduct, I feel a just settlement would require full source-code disclosure of Internet Explorer. Since the PC interface seems to be migrating from the desktop to the Web browser, failure to do this will simply allow Microsoft to continue to do with Internet Explorer what it cannot do with Windows itself.

I will close by bringing up a point which worries me greatly. The original decree contained a prohibition against Microsoft from taking knowing action to disable or adversely affect the operation of competing application products. This seems to have totally vanished from the proposed settlement. Microsoft has done this sort of thing many times in the past. Unless this anti-competitive behavior is addressed by the Court, I fear this business practice will continue. Indeed, having gone to trial and been convicted, I feel that the proposed final settlement is nothing less than an invitation to continue ''business as usual.'' It fails to provide even a meaningful penalty for failure to comply. The only penalty I see is an extension of the term for two more years.

Lacking any further penalties, why would Microsoft even care whether it chose to ignore these so-called ''restrictions'' for five years or seven?

I urge the Court to reject the proposed final settlement.

John Moore
1970 Fisher Trail, NE
Atlanta, GA 30345

MTC–00008432

From: JANH1999@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 7:33pm
Subject: microsoft settlement.

As a consumer I feel that Microsoft's products have made my life easier. I have felt from the beginning that this suit is an attempt by Microsoft's competitors to use the DOJ to ''get back'' at Microsoft. The DOJ under Janet Reno, allowed itself to be manipulated into prosecuting this case. Thankfully, the DOJ under Mr. Ashcroft is not buying into this farce. The States Attorneys Generals who continue to block a settlement seem to be doing so to grab headlines. If I lived in one of these states I'd make it a point to vote them out.

MTC–00008433

From: Raymond Browning
To: Microsoft ATR
Date: 1/3/02 7:19pm
Subject: Microsoft Settlement

I am in support of Microsoft.

Those people trying to block the settlement are just after the money, PLAIN and SIMPLE. Its not about the consumer, its about money.

Raymond Browning

MTC–00008434

From: JPiscioner@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 7:41pm
Subject: Microsoft Settlement

As a Consumer, Taxpayer and Shareholder I am opposed to any further litigation regarding Microsoft, it seems to me that we are penalizing a company who has developed the competitive edge in its industry and the competition is crying wolf. I would think that enough resources have been spent on both sides to move this litigation alone to closure, for the benefit of the consumer and the taxpayer.

MTC–00008435

From: Aila M. Horan
To: Microsoft ATR
Date: 1/3/02 7:42pm
Subject: Microsoft Settlement

Dear DOJ:

It's time to get this whole politically inspired, Clinton-initiated Microsoft travesty over with. Take the settlement and get busy on more important matters.

Richard F. Horan
9442 Clocktower Lane
Columbia, MD 21046–1817

MTC–00008436

From: jrod(a)mindsping.com
To: Microsoft ATR
Date: 1/3/02 7:44pm
Subject: Microsoft Settlement

Dear Mam/Sir,

As a graphics designer, I make my living using computers. Therefore the issue before us affects me in a uniquely personal way. The recent decision by the U.S. Department of Justice to allow Microsoft to remain intact even after a Federal judge ruled that they were indeed a monopoly and guilty of anti-competitive practices boggles my mind. This decision confirms to Microsoft that they are totally free and able to take up the whole personal and business computer market without anyone even lifting a finger in opposition. First it was Netscape and other smaller computer companies/makers. Who is going to be next? Are they going to destroy LINUX and the GNU free software movement because it's such a thorn in their side? Current memos floating around Microsoft that I have read confirm that Microsoft is getting ready to wage war on LINUX. Does everybody have to be running Microsoft products and pay them accordingly for that company to be satisfied? It seems that is so.

Frankly, enough is enough. I refuse to stand by and allow a large conglomerate of a corporation like Microsoft to exclusively engulf the computer market and destroy the freedom of choice that I have today. The freedom I have to buy and purchase my own software (Microsoft's .NET strategy is trying to change all that with web based ''subscription'' fees). The freedom I have to switch out components of my machine without having to report them to big brother (the new windows activation features in XP become void if I change a certain number of hardware components). Microsoft does not care about my freedoms as a computer user. They only care about my pocket book. If we just stand by and watch, they will take over every gate to the internet and computing world, and then set up a toll booth and charge us fees for use.

So I emplore you to please not back down to the Redmond giant in a feeble settlement. To Microsoft, money is nothing. Charging them with a fine for their corrupt practices and nothing more allows them to continue in their march toward total domination of the computing world without any resistance. Stand by your decision to not approve the DOJ's decision, and please fight for a win that would allow us as citizens and computer users to remain free in our choice of what we can and choose to do with our computers. Thank you for your time.

Jason Rodriguez
Graphics Artist/Designer
797 Whitehurst Landing
Virginia Beach, VA 23464

MTC–00008437

From: bgates
To: Microsoft ATR

Date: 1/3/02 7:46pm
Subject: MICROSOFT SETTLEMENT
TO THE JUSTICE DEPARTMENT

We never felt there was any crime committed by Microsoft in the first place! What did they not want to do? They didn't want to share their system & their knowledge with their competitors???? That was the big criminal conspiracy??? Yes, they are an extremely large company; yes, all of their systems intermingle & co-mingle beautifully. Should Microsoft have stopped innovating & subsequently stopped growing?

The other companies which try to keep Microsoft in the courts all the time would be better off if they spent their time trying to develop some new & innovative systems & playing the game fairly. We have never heard of any company that gives other companies the secrets of their business practices & allows them access to their innovative methods which (sad to say) earn money for THEM, and lessen the profits of their competitors, HAVE YOU? AND—We still don't understand how the states got involved and were even given monetary settlements for their supposed abuse at the hands of Microsoft. We hope the settlement with the 9 states ends this case. There has been an exorbitant amount of money spent on this case & the time expended by high paid, valuable employees of the Justice Department could be better spent bringing to justice REAL CRIMINALS such as terrorists, murderers, rapists, gangsters, robbers, etc, etc, etc. PLEASE CLOSE THE CASE!!!

BILLY & ELIZABETH GATES

MTC–00008438

From: Ron Sadler
To: Microsoft ATR
Date: 1/3/02 7:49pm
Subject: Microsoft settlement

Its enough!! Lets get our economy moving again. This has had a very negative impact on all technology issues.

Ron Sadler

MTC–00008439

From: Sandy (038) Jeff Melin
To: Microsoft ATR
Date: 1/3/02 7:48pm
Subject: Microsoft Settlement

Gentlemen,

May it please the Court: that I, as a non-techie computer user both at home and work for the last 12 years, recognize the benefits of Microsoft's products as superior in delivering utility and function to both the average and advanced business user. I also recognize the superiority of other vendors products in casual at home, the arts, and design applications.

As a senior citizen, and lifelong student of business and economics; I find it abhorent that an innovator, the likes of which have been penalized before for similar achievement and creativity—would again be brought to its knees by the least common denominator of our society—success! What has happened to the American Dream? Do we really want to squash the incentive to excel and achieve?

Jeffrey N. Melin
Carmel, IN

MTC–00008440

From: Carol Sandt
To: Microsoft ATR
Date: 1/3/02 7:54pm
Subject: Microsoft Settlement

To the Department of Justice:

I am writing to register my opinion that the Microsoft case should be settled as soon as possible and not be further litigated. I base my opinion on the fact that the federal government and nine states have already reached a comprehensive agreement with Microsoft to address the reduced liability found in the Court of Appeals ruling. I believe that this settlement is tough, but reasonable and fair to all parties involved. I also believe that this settlement is good for consumers, industry and the American economy.

Carol H. Sandt
382 River Road
Pequea, PA 17565 USA
717–284–2881
csandt@psu.edu

MTC–00008441

From: Kevin Kendrick
To: Microsoft ATR
Date: 1/3/02 7:54pm
Subject: Microsoft Settlement

While I commend the US government and most of the states in reaching a settlement agreement with Microsoft, I believe that the process and the costs are out of line with the value the citizen/consumers have received. This is not where we should be spending our valuable resources.

I do not see how this ''U.S. settlement'' helps me and definitely do not see how the ''holdout states'' settlement is significantly better and worth the wait and expense of getting it. It is the job of the government to protect the consumer (not the competitors) against harmful practices. I am hard pressed to believe that consumers like me need the help of the government in deciding if we are getting the value out the product for the price. We vote with our checkbooks and companies respond by adding more features or reducing the price in line with the value they are delivering. As for the response of the competitors, they should be responding in the marketplace and not in the courtroom.

I am a user of Microsoft products and have enjoyed all of the additional features they are constantly adding to make the product easier and better to use. I call these improvements and am well qualified to determine if I should purchase the product that offers the improvements. Microsoft remains diligent in providing what the customer demands and is spending what it takes to deliver the technology to the customer at a great prices.

Let's get on with it and settle the case. It's dragged on too long. Let's spend government resources where they are needed, in helping people that need help.

Quit wasting our money and SETTLE.

Sincerely,
Kevin Kendrick
Kevin Kendrick
1305 Lombard Street #6
San Francisco, CA 94109
t: (415) 922–3078
m: (415) 572–4447
f: (419) 793–7306
e: <mailto:k-j-k@pacbell.net> k-j-k@pacbell.net

MTC–00008443

From: Texpop@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 7:58pm
Subject: Microsoft AntiTrust Settlement

Dear Sir/Madam,

This AntiTrust Action by the government has gone on too long already; let's close this action and carry on with progress. I am disturbed that some litigants in this case want to prolong the legal process.

Microsoft did indeed overstep the bounds of fair competition in some of their agreements with hardware suppliers, but the solution to that problem could have been resolved many years ago by addressing the unfair practices and stopping them. Instead the competitors enlisted the government to resolve their grievances at no cost to them. These competitors had legal recourse of their own in the court system if they wanted to pursue it. The complaint about bundling software was and remains specious and against the benefits to the consumer. For example, Netscape's programs could run on Windows. How is that possible? It is because Microsoft gave them all the information needed to program their software to run on Windows. That is not the action of a company trying to deny use of their system. I have yet to hear anyone complain about the cost of Windows and other Microsoft products, so where has the consumer been hurt? The bundling of software is one of the profound advances in system operating systems. This is one of the profound improvements in computer software developments.

Note that Microsoft has been very helpful financially and technically to one of its arch rivals, Apple. Microsoft has maintained Word and Excel software on Macintosh, even though they probably have not made much money for their effort.

I do not understand what the States (and their lawyers) have to gain by rejecting this settlement. Are they more interested in a large financial settlement or a resumption of the economic growth of the technical industry?

I think it is the former!

James R. Lloyd
514 Whitewing Lane
Houston, TX 77079
texpop@aol.com

MTC–00008444

From: Arlene A DiRocco
To: Microsoft ATR
Date: 1/3/02 7:59pm
Subject: Microsoft Settlement

Enough is enough. Special interest groups and politicians who want some free publicity are attempting to derail the settlement agreement. September 11 is what we should be focusing on and the security of our nation and its people. Please finalize this and get it over with.

Arlene A. DiRocco
10 Old Colony Road
Burlington, MA 01803

MTC–00008445

From: KBOOM62@aol.com@inetgw

To: Microsoft ATR
Date: 1/3/02 8:01pm
Subject: Microsoft Settlement

Let Microsoft alone ..... the only reason they were persecuted is that Microsoft was a big target for Fed employees who didn't have anything to do. God Bless Bill Gates & Microsoft & Windows ..... did you ever have to navigate a computer using keystrokes?

Dan Keith

MTC–00008446

From: GYPSYB2@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 8:01pm
Subject: Microsoft Settlement

In full support of the recently reached Microsoft settlement, I wish to express my opinion. This is a reasonable and fair agreement and will be to the advantage of all concerned and most especially, the public. I am a voice of many seniors and am most grateful that this settlement has been reached, though I have no personal reason other than the enjoyment of the Microsoft programs.

Sincerely,
B. Eaton Rhea

MTC–00008447

From: HAROLD WEISSENBURG
To: Microsoft ATR
Date: 1/3/02 8:02pm
Subject: MICROSOFT SETTLEMENT

Please settle. Just like the VCR, we need a standard and Microsoft has nearly provided that.

Now lets get
Apple to merge!
Harold W. Weissenburg
(halw83@msn.com)

MTC–00008448

From: Nationgate@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 8:06pm
Subject: Microsoft Settlement

Hello,

As a citizen of the United States, I believe that our gov't. has already wasted millions in their worthless pursuit of a company that has done more for technology and the economy than one could imagine. Any ''settlement'' should avoid any and all types of financial punishment.

MTC–00008449

From: Robert Carlson
To: Microsoft ATR
Date: 1/3/02 8:03pm
Subject: Microsoft settlement

Please lets get this thing behind us. Microsoft has done wonderful things for this country. Let the litigation end and force the lawyers to go find other work. BnB.

CC:VRBush5056@aol.com@inetgw

MTC–00008450

From: Barb (038) Chuck
To: Microsoft ATR
Date: 1/3/02 8:12pm
Subject: class action law suit against microsoft

It is my opinion that the U.S.G. is spending a lot of time trying to find a dead horse. The several states that are pushing to get a verdict friendly to them are just plain greedy. They (the states) hopped on a band wagon to get ''free dollars''. The thing that one must do at this point of time is say that they will suffer no more expenses,fire their lawyers and say that is enough. Not being a lawyer it is apparent that the USG has recovered many dollars through income tax and other methods.

thank you.

MTC–00008451

From: Paula Hettler
To: Microsoft ATR
Date: 1/3/02 8:12pm
Subject: Microsoft Settlement

Please bring about the end to this lawsuit as soon as possible. I believe it is best for all involved.

Paula Hettler
1208 Nyssa
McAllen, TX 78501

MTC–00008452

From: Marion Dye
To: Microsoft ATR
Date: 1/3/02 8:22pm
Subject: Microsoft Settlement

I have never been so upset in my life over the wanton waste of money for this whole lawsuit.

Why should anyone be penalized for being intelligent and industrious, and making things happen. It's a shame that someone has to sue because they came a 'day late and a dollar short' to compete. Where was this 'person'(s) in the beginning?? They could have started this whole thing too. They had every opportunity.

But no, they would rather whine & moan that they can't compete—go figure? For the service provided, and being a consumer, I don't feel that Microsoft has been unfair to us. We revel in the 'new' world they have provided for us.

I would hope that this 'rubbish' is over—let the competitors compete for a piece of the pie. . . . . .not sue!

I thank you for the opportunity to add my voice to the 'outcry'.

Sincerely,
Marion Dye

MTC–00008453

From: JIMRUNTOM@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 8:18pm
Subject: microsoft settlement

Just dropping you a line asking for the government to stop attacking Microsoft and use our general tax revenues toward more productive purposes. Get politics out of free enterprise.

thank you,
JIM Thomas

MTC–00008454

From: RRodg43063@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 8:19pm
Subject: Microsoft Settlement

Dear DOJ,

I have never written to the government about anything in my 49 years. However I felt compelled to send a brief email message about the Microsoft settlement. Considering the other crisis this country has been hit with in recent times. I feel the government has spent enough of our tax dollars on a witch hunt. The time has come to finally settle this matter and move onto more pressing National concerns! Please put me in the column of the Microsoft suit be settled, final answer.

Yours,
Robert Rodgers

MTC–00008455

From: Regchuck
To: Microsoft ATR
Date: 1/3/02 8:20pm

As a deeply concerned and productive citizen I urge the court to accept the settlement proposed in the Microsoft case. The advances made by our country by virtue of computer technology has allowed enhanced prosperity across the nation. Competition put us there, and it must not be curtailed simply because others feel threatened. Every business feels threatened by competition, and that leads to enhanced creativity and well serves our public interest. One look at the marketplace leaves the undeniable impression that any person or company with the guts to get out there and compete, is allowed to do just that. Witness the number of computer oriented companies that existed when Microsoft came about, versus the staggering number successfully competing today. That would not be the case if the field were anything but level. The proof, is looking us in the eye. I consider this case to be fairly considered, but unrealistically brought to court when viewed in the bright light of cold truth. The expense to the taxpayer has been great enough, and the settlement remedy fair.

Charles M. Asbury
Attorney at Law
Sacramento, California

MTC–00008456

From: Walt Haas (www.xmission.com/haas)
To: Microsoft ATR
Date: 1/3/02 8:38pm
Subject: Microsoft Settlement

Sirs:

I oppose the settlement negotiated by DoJ in the Microsoft case. I support stronger protections against continued criminal conduct by Microsoft as requested by the nine dissenting states, including my own State of Utah.

Walter O. Haas
717 Ninth Avenue
Salt Lake City UT 84103

''Linux is a cancer''—Steve Ballmer

''First they ignore you. Then they laugh at you.

Then they fight you. Then you win.''—Gandhi

MTC–00008457

From: Frakestate@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 8:22pm
Subject: the settlement

Bill Gates and his Companies have advanced computer technologies beyond anyone's imagination. Leave him run his companies his way and we'll all profit.

Victor S. Frake
frakestate@aol.com

MTC–00008458

From: Larry Greene

To: Microsoft ATR
Date: 1/3/02 8:25pm
Subject: Microsoft lawsuit

Attorney General Ashcroft:

Please drop all anti-trust suits against Microsoft. Microsoft has done nothing wrong. Micorsoft is simply popular and deserving of success. Bill Gates is an American hero. Anti-trust laws are anti-business and should be abolished. If monopoly busting is a goal of the Department of Justice, then go after the true culprits: Amtrak, the U.S. Postal Service, public education, and Indian casinos to name but a few.

Larry Greene
127 Rt. 2A
Preston, CT 06365
860–887–5350

MTC–00008459

From: Suresh C. Rastogi, Ph.D.
To: Microsoft ATR
Date: 1/3/02 8:26pm
Subject: Microsoft Settlement

As a consumer, I strongly agree with the Microsoft Settlement. This is in the interest of progress and freedom to bring to the consumers the best products at the reasonable prices.

Suresh C. Rastogi, Ph.D.

MTC–00008460

From: Wes Farmer
To: Microsoft ATR
Date: 1/3/02 8:23pm
Subject: Microsoft Settlement.

I strongly support the proposed settlement with Microsoft. I believe we, as a people, have many more important things to do than stifle innovation.

MTC–00008461

From: Russell Yuma
To: Microsoft ATR
Date: 1/3/02 8:36pm
Subject: Microsoft Settlement

Dear Sir,

I was not in favor of litigation against Microsoft in the first place. Now that a settlement has been proposed I believe any further litigation should be terminated. The States against settlement are wrong in asking for further restrictions on Microsoft and are extreme in their thinking. They do not understand competitive business and are in fact hurting the consumers they say they want to protect.

There should be no more consideration for further litigation. All this will do is damage the economy and not help consumers in any way.

Do you hear consumers complaining? I think not and believe consumers are satisfied. So, let's put an end to all this action against Microsoft.

Russell Yuma
PO Box 165
Oakland, OR 97462

MTC–00008462

From: Meredith Raney
To: Microsoft ATR
Date: 1/3/02 8:33pm
Subject: Microsoft Settlement

1/3/02

Dear DOJ Sirs,

It is my understanding that the purpose of the anti-trust laws is to protect the consumer and only the consumer. As far as I can tell, the only entities even alleged to be damaged in the Microsoft case are a few whining competitors of Microsoft.

I have seen no evidence presented that any consumer has been damaged by Microsoft, so leave Microsoft alone.

Please, just do your job and enforce the law as written to protect the consumer and don't worry about a few companies who can't run with the big dogs.

If the consumer starts getting hurt, we'll be the first to let you know. Then, and only then, should you jump in and enforce the law.

Sincerely yours,
Meredith Raney
2488 Burns Ave.
Melbourne, FL 32935 Phone (321) 254–5481

MTC–00008463

From: ThrumHall@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 8:36pm
Subject: microsoft settlement

To whom it may concern,

I think the DOJ settlement concerning the Microsoft settlement is fair. Keeping the company intact is in the interests of all. However oversight needs to be taken for a period of time collecting any instances of not following the points of the settlement.These should be documented and any serious non-compliance of this matter should cancel the settlement. Microsoft has been given a chance to work out this matter and should take advantage of the settlement and work fairly in the marketplace.

Ted Maligranda
82 David st
South River
NJ 08882

MTC–00008464

From: Dayna Nichols
To: Microsoft ATR
Date: 1/3/02 8:37pm
Subject: Microsoft Settlement

I am in favor or the Department of Justice stopping any actions it is pursuing against Microsoft. The stock has plummited and numerous investors like myself have lost a lot. I feel if the government had not pursued Microsoft, the stock market, technology stocks, would not be in the condition it is in. We can thank Bill Clinton.

If Microsoft has done something so terribly wrong, then why is it every government agency and business uses Microsoft products to run their computer systems? I am a Federal employee and everything we use at our agency is a Microsoft product. All laptops, desktops and shared workstations are run by Microsoft.

I'll bet if some took a look around the Department of Justice your computer systems are all Microsoft based. How about email? How about work processing programs? How about calendar systems? How about spread sheet programs? Should I continue? What about companies like Intel? What about their processors? What other companies use their processors in as many computers?

Drop what you are doing, let them get back to business. Microsoft is producing the best computer software in the world. Let them continue.

MTC–00008465

From: Hollis Scarbrough
To: Microsoft ATR
Date: 1/3/02 8:36pm
Subject: Microsoft Settlement

I urge the Department of Justice to discontinue all litigation against Microsoft. I was totally opposed to the government's role in the action taken against Microsoft. Microsoft should not be penalized for being a success.

MTC–00008466

From: Randy Hackney
To: Microsoft ATR
Date: 1/3/02 8:39pm
Subject: Microsoft Settlement

RE: Public comment period for the Tunney Act. Leave Microsoft alone; let the settlement agreement stand without further litigation being allowed. The last thing the American economy needs is more litigation that benefits only a few wealthy competitors and stifles innovation.

Don't let the lawyer lobby keep this alive for their benefits in fees; nor allow the competitors who want to use Microsoft to defeat the public interest in encouraging innovation.

Judy Hackney
Voter, District 1 of GA

MTC–00008467

From: TESTA558@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 8:41pm
Subject: Microsoft settlement

I found the settlement being by far in the interest of all us consumers and the entire economy.In settling the case forthright we will be able to focus on a much higher priorities:security,waging this war and restore our economic growth. At time like this,I repeat;The Nation at war and with a collapsing economy, this settlement will be definetly in the interest of all America .

Sincerely,
Anthony Testa

MTC–00008468

From: Stuart Holden
To: Microsoft ATR
Date: 1/3/02 8:41pm
Subject: Microsoft Settlement

I was pleased to hear that the Microsoft Antitrust case had settled in Federal Court, but then disappointed to hear that the states (including my own—Connecticut) were continuing their own cases. In my 25 year career I have used many software products from a variety of vendors—Borland, Symantec,

Oracle, Microsoft, Lotus, IBM, Sterling Commerce, MicroPro (WordStar), Red Hat, Aldus, to name a few. I have found Microsoft software to be the most intuitive and easy to use software; the commonality across it's products has saved countless training dollars.

While Microsoft could be viewed as a monopoly, it can also be viewed as a provider of products which work together in a consistent fashion. Doesn't anyone

remember ''IBM Compatible'' which ''meant buy it, see if it works and doesn't stop anything else from working''.

The courts should get out of the marketplace and let consumers decide with their wallets.

Stuart Holden
Shelton, Connecticut

MTC–00008469

From: Nancy T. von Hohenleiten
To: Microsoft ATR
Date: 1/3/02 8:47pm
Subject: Microsoft settlement

MTC–00008470

From: Larry (038) Sandy Bancroft
To: Microsoft ATR
Date: 1/3/02 8:50pm
Subject: overzelous greed!?

All we heard for years is how Microsoft created unfair competition. Now, we seem to have governments that aren't happy with the results. Maybe we need to check out what is driving them. It seems to me that the states & the federal government can't get enough corporate dollars that consumers pay for.

The Tobacco & Microsoft settlement for instance, has shown state governments that if they tie-up corporate America in the courts long enough they will get free dollars. In Illinois the state in 2000 sent out refund checks to tax payers from the tobacco settlement. Small as they were, the state said not to worry we have plenty more dollars coming from the settlement. Of course the money was spent faster than it was coming in now we have budget short falls. Yes not all of our budget blunders could have been foreseen but the point is that money was for smoking related illness that the state will be stuck with in the years to come.

But then again who pays corporate America? No the consumer. Now is the time to say to all states & the usdoj. sign on to the Microsoft settlement are be left out in the cold without a dime. Microsoft has offered a fair settlement to all but some never seem happy. Don't get me wrong it's just not the states that aren't happy many inefficiently run companies are just as unhappy. They want more in the way of free handouts too. America was built on hard work by both cooperate & labor. The freedom to take an idea make it work & be so revolutionary in a industry is the American dream. Take the settlement with all the perks just let Microsoft have the ability to continue innovate. For that matter let all companies have the right to innovate.

Sincerely
Larry Bancroft
Shareholder

MTC–00008471

From: Bill Richardsn
To: Microsoft ATR
Date: 1/3/02 8:49pm
Subject: Microsoft Settlement

As usual the Hatch justice system and the DOJ allegations are misguided and inappropriate. Would you also defile the sanctity of all Intellectual property as monopolistic and predatory? How in a world with freedom to innovate can you be so blatantly non-objective? Would you also expose the formula for Coca-Cola and Colonel Sanders 11 Secret Herbs and Spices? If so what freedom to innovate would I as an Internet software developer have to protect my interests? Because I find a market and take advantage of it am I predatory? Is the effervescent struggle between Coca-Cola and Pepsi the next target for your insane jealousies and obvious favoritism for Sen. Orin Hatch ?s and Time Warner's Quest for more dollars and favoritism because their product is without Office applications and without a viable desktop graphical operating system? Coca-Cola and Pepsi came out of their rift better companies because of a system we treasure here in this United States ''free enterprise''. Would you make Ford put in Chevy engines because Ford in using it's own engines is predatory and unfair. Is any thing called a ''free enterprise system'' fair? No it is predatory and unfair. That is the basis of capitalism. If the shoe were on the other foot for Hatch he would be gloating and all puffed up like the banty rooster he resembles Concerning Microsoft and Netscape, Ford and Chevy had the same problems as did Coke and Pepsi, Where Coke had a 90% market Pepsi had none in comparison, they remarketed and repackaged their products and bought some other popular come latelys Mountain Dew and so forth to enhance their market base to compete, then Coke had to do the same thing. Ford and Chevy continually made different styles of automobiles to appeal to different strata of the market. You must be blind to the times when competition was paramount and the devising of new strategies be came what stuff men and women were made of, competition proved the playing field and then leveled it, due to those fresh ideas and innovations of those individuals. (Harley in the Chevy design of the 50?s that gave Ford it's impetus to innovate, in example)

You people need a reality check.
William ''Bill'' Richardson
Cheif Operating Officer
Richcorp, Inc. <http://www.richcorp.net/>

MTC–00008472

From: SusanHobbs
To: Microsoft ATR
Date: 1/3/02 8:51pm
Subject: Please add my support to the settlement that the Justice Department has now

Please add my support to the settlement that the Justice Department has now offered Microsoft. I believe it is in the interest of the American economy and in the interest of innovative freedom to support this settlement.

Sincerely,
Dr. Susan A. Hobbs

MTC–00008473

From: richardlaughlin@webtv.net@inetgw
To: Microsoft ATR
Date: 1/3/02 8:50pm
Subject: America Punishes Success

Dear DOJ,

Individuals and businesses continue the struggle against Federal Government. The economy does not grow; rates of return are down to low single digits; and the high tech industry is on ts back.

The punishing tax rates in the USA and the abuse of the legal system by greedy lawyers just holds America back.

I enjoy Microsoft products. For what little I pay for them, I receive tremendous value. Why Oh why do you let Microsoft's competitors—with their greedy lawyers—abuse the legal system to try to punish Microsoft for being successful? We consumers are not complaining about Microsoft's products or prices!!!

Please please stop punishing Microsoft and lets get the economy rolling again.

Very truly yours,
Richard Stouts
P.O. Box 4378
Pahrump, Nv. 89041–4378

MTC–00008474

From: Yemm (038) Hart Ltd
To: Microsoft ATR
Date: 1/3/02 8:51pm
Subject: Settlement Comments

Hello DOJ:

We are a small 2 person business, selling special building products in the US and Europe. We could not have had the success we have had without the benefit of integrated software from Microsoft. Business is difficult enough, and we have little time to invest into the workings of our computers or software too, however we must. We have found that there is more of a chance for integration errors when there is more than one type of software. So we appreciate the Microsoft Windows, Explorer and Office software all working together, almost seamlessly.

We have followed the case hoping Microsoft's advisories would not prevail. The settlement as we understand it is fair and will benefit many young people who otherwise may not get the chance to learn and interact with such an essential tool as a computer and good software. I would hope that the DOJ could divert its assets devoted to this case towards seeking out foreign and domestic terrorists because that is the most serious issue we in the civilized world face today.

Sincerely,
Stephen W Yemm, Yemm & Hart Ltd

MTC–00008475

From: Roentman@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 8:52pm
Subject: Microsoft Settlement

Because of their dominant position in the computer operating system market I the consumer can walk into any office or home and do some constructive work immediately. If the market consisted of plethora of competing OS's that would be nearly impossible. My life is better, easier and much more productive with the essential standardization that has happened largely due to market conditions. I have owned computers with different operating systems and while theirs is far from perfect, the fact that it is the same whether at work or in a cyber cafe in UlanBator, Mongolia has improved my computing life not harmed it.

Christopher Stahler
Wenatchee, WA

MTC–00008476

From: Hite, Peggy A.

To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/3/02 8:52pm
Subject: Microsoft Settlement

RE: My opinion regarding Microsoft's Antitrust Lawsuit Although Microsoft's domination of the market could be perceived/interpreted as undue control in the market, the packaging made the end product far easier for users like me who want one easy, complete unit (software and all) ready to be used. If I had to make more decisions up front about issues such as whether to use internet explorer or netscape, I would not have known what to use. By virtue of choosing a windows product, I wanted a compact, streamlined, ready to use package of software—without having to spend hours deciding which of this and which of that, when I wouldn't have understood the choices anyway.

Because of Microsoft, we are all more savvy than we would have been without their readily available packages to get us started. They should not be punished for making an entire system more user friendly.

Peggy Hite, CPA, Ph.D.
2304 Linden Hill Rd
Bloomington, IN 47401

MTC–00008477

From: Mplgf2000@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 8:54pm
Subject: Microsoft Settlement

Please to all conmcverned: settle tjis matter and let's get onto positive matters and stope wasting money.

Good luck.
Robert Gregoire
Rumney New Happshire

MTC–00008478

From: John S. Hartley
To: Microsoft ATR
Date: 1/3/02 8:54pm
Subject: Stupid Clinton

CC: RFC-822=Finflash 1–2–02.UM.A. 1154.142@commpartners....

Dear DOJ,

You people can and do screw up more things than you take care of or at least it seems. I believe it was really the Clit-tongue administration. Leave people alone, Microsoft does more good that we benifit from directly as consummers than any other company, when it comes to computers. I dislike the government enough without you people messing around with my computer and software at home. Say hello to Mr Ashcroft for me, I have trust in him.

Regards, God Bless America &
George Bush
John
(jhartley3@msn.com)

MTC–00008479

From: Elvinscow@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 8:56pm
Subject: Microsoft settlement

Early settlement is in the consumer's interest and it should be implemented as soon as possible. Microsoft has done more for the technology and consumer than any other company. This litigation non-sense should be finished once and for all.

CC:Elvinscow@aol.com@inetgw

MTC–00008480

From: crussell4
To: microsoft.atr(a)usdoj.gov
Date: 1/3/02 9:01pm
Subject: Microsoft Settlement

I believe that the current remedies are totally inadequate to protect the consumer.

I have thought for years that the monopolistic and predatory business practices of Microsoft required the splitting of the company into an OS company and an applications company. In that way, all application developers are on an equal footing...Microsoft vs independents. As we found out in 1983 with the break-up of AT&T, the development of telecommunications technology flourished. Further remedies may be appropriate in this age of the internet and other future possibilities.

Above all, Microsoft must not be allowed to flood schools with software as part of this settlement. It would be tantamount to the government promoting the MS monopoly.

Chuck Russell in Great Neck

MTC–00008481

From: R. C. Dobson
To: Microsoft ATR
Date: 1/3/02 9:01pm
Subject: Microsoft Settlement

I cannot believe that we/our government is still chasing after Microsoft's dollars-and that is what this witch hunt is about more than just ''justice''.

Why didn't we look into the anti-trust area regarding Cargill taking over Continental Grain? At least we don't have to use computers and we could always buy an ''Apple''. I'll bet virtually every meal eaten in the U.S. has a food directly or produced from grain that Cargill/Continental Grain has touched.

Leave Microsoft alone and call off the 9 + or—states individually pursuing their own agenda. Microsoft may have bent the rules, but Sun or many others would have likely done the same if they could have. I remember when you were never sure of the compatability of programs. Microsoft has done a great service in standardizing many applications. (Now if Windows always operated just as it is supposed to, but I digress.)

Thank you,
R. C. Dobson, Ph.D.
R. C. Dobson, Ph.D.
215 Starbright Court
Wellington, CO 80549
cell: 970–215–7173 res:970–568–3991
e-mail: robert—c—dobson@yahoo.com or largeanimalconsulting.com
fax: 970.568.3992

MTC–00008482

From: JCapFox@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 9:03pm
Subject: Microsoft Settlement

We believe that the proposed settlement is just and fair. It is good for consumers and industry.

Dr. and Mrs Joseph Fox

MTC–00008483

From: E. H. John Johnson
To: Microsoft ATR
Date: 1/3/02 9:04pm
Subject: Microsoft Settlement

Ladies and Gentlemen:

I believe that consumers should have equal access to application system providers other than Microsoft. If this is accomplished, then I believe the judgment should be accepted so that all the uncertainties that are affecting Microsoft will be eliminated and the company can go forward for the benefit of consumers and, also, its stockholders.

E. H. John Johnson

MTC–00008484

From: MJS4835665@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 9:06pm
Subject: Microsoft Settlement

Re: Tunney Act

Dear Court of Appeals:

I very much support the Tunney Act as currently written (1/02/02). As a Professor of Management at the University of Nebraska-Lincoln, I have long felt that Microsoft has been unfairly attacked in their business practices.

Since they are willing to accept the current conditions under the Tunney Act let's bring this situation to a quick resolution.

For the record I do not own stock in Microsoft or have anything to do with the company.

Best wishes,
Marc Schniederjans
5901 S. 72nd Street
Lincoln, NE 68516
E-mail: MJS4835665@aol.com

MTC–00008485

From: TXExperiment@cs.com@inetgw
To: Microsoft ATR
Date: 1/3/02 9:08pm
Subject: Microsoft Settlement

I am an a middle aged female of average intelligence who has been watching the Justice Department go after Microsoft for what it considers 'unfair and predatory practices' for several years now. I have heard both sides speak and I must say that while I believe that Microsoft did use practices that some may consider questionable, (There are also many who believe that WalMart, Intel and several others have done the same thing.) they were also improving the lives of many average Americans who would not be able to sit at their computers today and point and click to go wherever they want.

Before the Windows operating system became the industry standard, the average person, was not able to use a computer at all. Therefore Microsoft has helped bolster not only itself but also all the hardware and software manufacturers out there, including those who have come out publicly against them. I have heard more than one CEO of a large company make the claim that without Microsoft's innovation their job of running their company would have been made more difficult. Most of us don't even remember that this whole lawsuit began with a disgruntled company wanting to charge a premium price for what Microsoft wanted to give away free. (Netscape) Somehow this takes most of the meat out of the claim that Microsoft's practices are bad for the

consumer. It may not be too healthy for the companies wanting to make money, but such is our wonderful free enterprise system. Only the strong will survive and Microsoft's very survival over the last years certainly is testimony to their strength amoung consumers. Yes, it may seem unfair that computer manufacturers have to pay extra to Microsoft to install Windows, but so would the consumers. They would probably rather see the consumer pay the extra money for Windows, which most will gladly spend. Windows is a licensed product and therefore it should cost manufacturers to install it. They should also keep in mind that computers would not be in as widespread of use and therefore bolstering computer company profits, if it weren't for their ease of use with the Windows operating system.

The Government also employs monopolistic practices in many of it's daily operations. I pay many taxes for things that I don't even know about and yet the Justice Department has not once suggested that the current systems be examined.

I recently had an unpleasant experience that convinced me even more that Microsoft has done only good for the average computer user. (I'm saying average now, not educated.) Our home computer was the victim of a virus which totally wiped out Windows. We were trying to use MSDOS to save important files and found it too frustrating and ended up reformatting our hard drive just so we could reinstall Windows. I am only one consumer, but I know that I speak for many when I say to the Justice Department, ''LEAVE MICROSOFT ALONE AND LET THEM CONTINUE TO DEVELOP PRODUCTS WHICH MAKE

ALL OF OUR LIVES (INCLUDING YOURS!) EASIER.''

Thank You for giving me the opportunity to voice my opinion. I love being an American...GOD BLESS AMERICA!!

MTC–00008486

From: Stan0613@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 9:08pm
Subject: Microsoft Settlement

Dear Sirs,

I've followed the US Department of Justice litigation against Microsoft for several years. It is my opinion that the US Department of Justice should not pursue further litigation against Microsoft.

Microsoft is a large benefit to the United States and the world today. They are innovators and market creators, and they have created more jobs than any other corporation in today's economy. The corporation has allowed small investors to become financially independent by creating individual investment opportunities for them.

More importantly; Microsoft has pioneered, developed, and led the market in a very successful technology that has allowed the United States to lead the world in data processing and machine communications.

How can the US Department of Justice think this is preventing competition? Microsoft has created opportunity for competition. This corporation has standardized the industry and fostered growth through excellence in design engineering. Competing corporations would have fractured industry standards which would have raised prices to the consumer and stifled growth.

If competing corporations had a better idea, a better mouse trap so to speak, and had been able to succeed in the market place, in real market place competition, they would have been the first to stifle competition. That seems to be the problem. Competing corporations were not able to compete in the market place and have resorted to influencing government litigation to stifle Microsoft.

This is my opinion and I thank you for allowing me to express myself.

Stan Foster
211 Robin Lane
Panama City Beach, FL 32407
850–249–2110
stan061336@aol.com

MTC–00008487

From: Paul J Richards
To: Microsoft ATR
Date: 1/3/02 9:10pm
Subject: Microsoft Settlement q

Please tally my vote in favor of not imposing any penalties on Microsoft or its creator, Bill Gates. An American hero who has the talent and ability and drive to create a better mousetrap should be rewarded, not punished. Our present day technological capabilities with personal computers couldn't exist without the products developed and marketed by Microsoft. Whatever rewards Mr. Gates has garnered from his contributions to our way of life are well earned. On his way to improving our lives, he has created untold wealth for untold thousands of others including the very individuals who are actively trying to promote the suppression of Microsoft and it's superior products. Our nation has no business trying to downgrade the production of capable companies for the benefit of competitors who don't have the talent to do equally well. We need every bit of forward progress that people of ability can provide. Punishing Microsoft and Bill Gates is the equivalent of jailing Columbus, gagging Newton and Copernicus, burning Galileo's books or prohibiting Einstein from publishing and teaching. This country is great because of people like Bill Gates and our reaction should encourage more like him and not grind them down. Should we prohibit Microsoft from tying Internet Explorer into Windows? Should we prohibit a furniture maker from putting a fourth leg on a chair because his competitors don't know how to make a good fourth leg? Let Microsoft go; turn it loose and America will be better for it. When the competitors develop truly advanced innovations, Microsoft will not be able to hold them back unless our own government contributes to their suppression. Thank you.

MTC–00008488

From: David Clarke
To: Microsoft ATR
Date: 1/3/02 9:10pm
Subject: Microsoft Settlement

To whom it may concern:

It is my belief that a settlement should be made between Microsoft and our State and Federal Governments. Innovation is good for all concerned and Microsoft has been instrumental in providing this not only in our country, but throughout the world. It is my opinion that we put this behind us and move forward instead of backwards.

Sincerely,
David Clarke

MTC–00008489

From: EdandReva@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 9:14pm
Subject: Microsoft Settlement

We agree with the settlement and hope that it will be executed.

Ed and Reva Potter

MTC–00008491

From: Ian Joyner
To: Microsoft ATR
Date: 1/3/02 9:17pm
Subject: Microsoft Settlement

Microsoft is guilty deserving suitable punishment. The current settlement with them is not suitable punishment.

Ian Joyner

Expert shortcut tip: Dump Windows; get OS X; fire MCSE certified time

wasters. XP—eXtremely Pathetic!

i.joyner@acm.orghttp://homepages.tig.com.au/ijoyner

MTC–00008492

From: Norfly@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 9:17pm
Subject: MSFT settlement

I feel a settlement should be made as soon as possible. Included should be a clause disallowing further litigation whatsoever in the future. This settlement would also help get the economy going again since all the effort being expended to destroy MSFT can be directed to the common good.

NF

MTC–00008493

From: Chetan Desai
To: Microsoft ATR
Date: 1/3/02 9:18pm
Subject: Microsoft Settlement

I would like to appalaud the Department of Justice in dealing with Microsoft anti-trust violations and reaching a fair settlement. I understand that most of 9 states that continue to pursue additional penalties are politically motivated and driven by Microsoft competitors and/or greed in trying sue a big corporation with deep pockets. If there is a legal way to do this, I would urge you to separate yourself from the nine states that will not settle for anything less then destruction of Microsoft. BTW, I am software engineer and truly understand the areas where Microsoft has been wrong and where Microsoft has been an aggressive competitor who went a little too far into the illegal. However, the remedy (several proposed are downright un-American and crazy) sought by some of states are equivalent to a death sentence for stealing an item from a retail store. Best Wishes to the Justice Department and keep up the good work!!

Chetan Desai

2042 Pinecrest Drive
Morgantown, WV 26505
(304)292–0683

MTC–00008494

From: Robert Kossman
To: Microsoft ATR
Date: 1/3/02 9:18pm
Subject: Microsoft Settlement

Stop the frivolous lawsuits and get on with life.

MTC–00008495

From: Ted Keesee
To: Microsoft ATR
Date: 1/3/02 9:19pm
Subject: Microsoft Settlement

It is time to stop punishing American Corporations for being successful. Microsoft products have been reasonably priced and of exceptional quality. I am very disappointed that the government is wasting time and money pursuing this matter. There are much bigger problems to solve in this world than trying to figure out how to punish people for providing products consumers want and are happy with. It is time to get over it!

Sincerely
Ted Keesee
500 Forestdale Drive
Atlanta, GA 30342

MTC–00008496

From: MLMoehle@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 9:23pm
Subject: Microsoft settlement

It is in the best interest of the public at large to proceed with the settlement that has been agreed to by Microsoft and the DOJ. It would be a mistake to prolong the litigation when there is an opportunity to reach a settlement now. The opposition has had their day in court—-now it's time to move on with the settlement at hand.

Melvin O. Moehle

MTC–00008497

From: JERRYTCFO@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 9:26pm
Subject: MICROSOFT SETTLEMENT

I FEEL THE SETTLEMENT IS FAIR AND I SUPPORT THE COMPANY FOR THEIR MANY INOVATIONS WHICH HAS REDUCED THE COST OF COMPUTER THROUGHPUT.

SINCERELY
JEROME L. SOBEL

MTC–00008498

From: warren stewart
To: Microsoft ATR
Date: 1/4/02 1:29pm

Subject: As a free person of the world I implore you to keep As a free person of the world I implore you to keep the world free. People do not have to but the product of any company if they choose not to. Microsoft may have bought some companies but the owners did not have to sell them to Microsoft.

Do not split up Microsoft as it might stop ALL new inventions becoming worldwide and only the very privileged might get them. I reiterate. Please do not split companies up. If a company does wrong, the other companies in that field do not work with them or the public boycotts them.

Keep microsoft the way it is.

Thank You
Warren stewart Perth

MTC–00008499

From: larry@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/3/02 9:35pm
Subject: Comment on Microsoft Settlement

According to Microsoft, their number one competitor is Linux and other open source software. Most people agree. The proposed DOJ settlement is supposed to make API's and protocols available to other developers. However, the current proposed settlement has a loophole that would deny to Linux access to Microsoft proprietary protocols and file formats. An agreement which which excludes Microsoft's main competitor is almost completely empty.

File formats and network protocols should require approval of an independent review committee such as the IETF and be made available to open source developers. Open protocols and data interchange formats are an essential part of the Department of Defense's Joint Technical Architecture (JTA—see http://www-jta.itsi.disa.mil/). Proprietary protocols are at odds with the both the JTA and the need to have competitive sources available for military communications equipment.

Larry Doyle
Software Architect—Small Unit Operations Situation Awareness System (SUOSAS) A program of the Defense Advanced Research Project Agency (DARPA) program
ITT Industries
Home address:
314 Stone Rd
Hazlet
NJ 07730

The opinions expressed are my own and are not necessarily endorsed by ITT Industries, DARPA or the DoD.

MTC–00008500

From: Bob Giese
To: Microsoft ATR
Date: 1/3/02 9:36pm
Subject: Microsoft settlement

Please leave Microsoft alone. Only the lawyers are getting rich. Where would the P.C. be without Microsoft?

Robert Giese

MTC–00008501

From: R Patrcik Scanlon
To: Microsoft ATR
Date: 1/3/02 9:42pm
Subject: Microsoft Settlement

Ladies and Gentlemen:

Can you folks please get this thing settled. I think that what is on the table is fine. I have no interest in this other than it is time to move on. I think that Microsoft's competitors are trying to derail.

R. Patrick Scanlon

MTC–00008502

From: The Washingtons
To: Microsoft ATR
Date: 1/3/02 9:45pm
Subject: Microsoft Settlement

I strongly urge you to impose a harsher penalty on Micro$oft for their illegal activities. I don't believe they take seriously the findings of the court and are not acting in a manner consistent with halting their illegal conduct and promoting competition in the industry. The court should be insistent on depriving Microsoft of its illegal gains, not extending their monopoly into the education field.

Craig Washington
Happy New Year

MTC–00008503

From: Bill Rice
To: billg@microsoft.com@inetgw
Date: 1/3/02 9:48pm
Subject: windows xp

Dear Mr. Gates

I am a long time Microsoft supporter . . . have bought almost every upgrade version of Windows, Office, FrontPage.etc !!!! . . . I work on as laptop and have a desktop for home, a laptop for my wife, and two desktops for my 2 children. I recently purchased the latest version of everything available.spending over $750 before the holidays. I have been buying Microsoft products for years . . .

I am ABSOLUTELY APPALLED that the XP operating system requires that I purchase an additional license, for hundreds of dollars, for every PC in my house . . . (this is not obvious on the purchased product, from the retail salesperson, on the Microsoft website, or in any advertisement.I looked! I didn't have my bi-focals and couldn't read the VERY SMALLEST PRINT) I have always supported Microsoft.and have not supported the federal and state lawsuits . . .

BUT . . . I FEEL ROBBED.no salesman warned me that, unlike all previous versions . . . I would have to buy separate, EXPENSIVE licenses for each computer in my home.(I buy a VCR tape.and use it in all my VCRs.) . . . so I am sad to say that tonight I am writing to Judge Kollar-Kotally as well as to all of the states attorneys general . . . To convey my personal experience.that Microsoft is not playing fair with its market advantage . . . UNTIL TONIGHT, I WAS AN ARDENT MICROSOFT SUPPORTER . . . THERE IS NO CLEAR INDICATION ON THE XP BOX THAT THE UPGRADE WILL ONLY WORK ON ONE COMPUTER . . . I feel misled and disappointed . . . my children use XP at school and I wanted to use the same operating system at home for projects and homework.but to put the operating system on their PCs costs over $500 and there is no alternative operating system platform. . . .

I think the uniformity of platform created by a broadly successful Microsoft has helped propel significant increases in our national productivity. I now believe that Microsoft is taking advantage of the ''little guy,'' and that this pricing scheme may reflect a portion of what others in the technology industry have been complaining about. I didn't understand or appreciate the problem until tonight.

Thanks for taking the time to review these comments.

Bill Rice
CC:Microsoft ATR,microsoftcomments@doj.ca.gov@inetgw, . . .

MTC–00008504

From: Clif Ars
To: Microsoft ATR
Date: 1/3/02 9:52pm
Subject: Microsoft Settlement

I feel strongly that it would be in the best interest of the public and the economy for the ''Tunney Act'' to go through. I have little doubt that many view Microsoft's domination within the technology sector as a monopoly, but to define a true monopoly the public's benefit and interest must be harmed. As a consumer, I cannot see where I or the consumer base at large has been hurt by Microsoft. We as a nation should realize the part that this company played in the strongest economy growth in history. The jobs, the taxable revenue, and the products that have put this country on the map in the I.T. World. Please take a look at some of these companies at the forefront of this costly litigation and ask yourself, ''Is it the consumer that they are trying to help, or themselves?'' Is this the cost of doing business in America?

What company is going to be targeted next?

Thank you

MTC–00008505

From: Rick Becker
To: Microsoft ATR
Date: 1/3/02 9:58pm
Subject: Microsoft Settlement

I support the DOJ settlement with Microsoft. I wish my Attorney General could look past his campaign contributions from Silicon Valley and support it also.

Richard Becker
El Cajon, CA

MTC–00008506

From: Ross Fontenot
To: Microsoft ATR
Date: 1/3/02 9:57pm
Subject: Microsoft Settlement

I think that you should either accept the agreement by microsoft and the states or drop all charges. If you try to screw Microsoft they will screw you out of millions of tax dollars by taking the offer made to them by British Columbia. Microsoft was just as big as a monopoly as Walmart but no one ever brought charges against them even though charges should be brought against them because they squash their competitors especially in small cities like I live in. That is why I buy everything on the net because I will not support Walmart but I will support Microsoft because they care about their consumers and try to be the best while offering great products. DO NOT stop this by limiting their innovation. If you want to screw someone scew Walmart.

MTC–00008507

From: Keith Beavers
To: Microsoft ATR
Date: 1/3/02 10:02pm
Subject: Microsoft settlement.

I sincerely urge acceptance. Lets move on.

MTC–00008508

From: chojnack@swbell.net@inetgw
To: Microsoft ATR
attorney.general@po.state.ct.us@inet...
Date: 1/3/02 10:02pm
Subject: MS Anti-trust and Tunney Act of 1974

Good Folk—

In accordance with the Tunney Act of 1974 I'm offering my public comment on the MicroSoft Anti-trust case now in it's 60-day public comment period that started on Nov. 28. I hav worked with computers and computer software in a wide variety of jobs for the past 35 years.

I do not think that the current settlement is in the best interest of the American people. Microsoft's arguements that browser (et al) functionality is part of the operating system is specious and without any technically provable merit whatsoever. Further, their dominance of the computing field today parallels IBM's over 30 years ago; even the argumentative stance of the corporate legal staff is vaguely familiar to me. And, of course, both companies, at the times of their litigation, made and delivered nororiously shoddy software products.

Please contact me if you have any questions or need more information ...

Leon S. Chojnacki CBCP

MTC–00008509

From: jerry bergeron
To: Microsoft ATR
Date: 1/3/02 10:04pm
Subject: Microsoft Settlement

I feel this lawsuit has consumed way too much time and expense on both sides...

Leave the settlement as is...

MTC–00008510

From: RMinott@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 10:04pm
Subject: Microsoft settlement

I have followed this case from the very start. As an educator, parent and computer user. I think the current proposed settlement offer is more than fair. It is outrageous to consider complaints that: A) the computers offered are out of date or reconditioned. ALL computers are out of date within 6 months to a year! If these computers are networked in a school, they are simply work stations. 1. By supplying windows systems, MS is being self serving. If anyone else had offered windows, they would have loved it! NO other company in the history of our country has EVER been asked to supply a product other than their own as part of a settlement! Has the government asked General Motors to supply Chrysler products as a remedy? and Firestone? NEVER! It has always been, fix, repair, REPLACE, supply or refund. The precedent this would create is to ridiculous to consider!

I support an immediate settlement...as proposed by Microsoft.

Bob Minott

MTC–00008511

From: Joy Staveley
To: Microsoft ATR
Date: 1/3/02 10:05pm
Subject: Microsoft Settlement

Dear Justices,

I am a Mac Computer (Apple) User, but I also use Microsoft software. I believe the recent settlement proposal fo the Microsoft lawsuit is fair and in the best interest of the end user—people like me.Microsoft has made a huge positive difference in the personal and business computer world. Their user friendly, practical applications have advanced the technology of computers faster than one could imagine! It's time to put this lawsuit behind us, and move forward. It has taken a long time to get to this point. Careful review and decision has been made. I would urge the court to follow through and confirm the decision.

Sincerely,
Joy Iris Staveley, Vice President
Canyoneers, Inc.
<joy@canyoneers.com>
PO Box 2997
Flagstaff, AZ 86003

MTC–00008512

From: William
To: Microsoft ATR
Date: 1/3/02 10:08pm
Subject: Please read this letter

Judge,

I am very concerned about the direction that this case is turning into and its like other case brought before MS. Now its time for MS to wiggle out of this like they have so many other times. MS proposes that they give a billion dollars of there products and services to schools. I am shocked that anyone that knows anything about the software industries can even call this a penalty. This is like putting the fox in charge of the chicken coop (I am sorry for using this old phrase). This penalty is a reward to MS. In years to come they have more buyers of there product and they get to dominate a market that they have battle for many years with Apple.

I propose:

First a billion dollars is a slap on the hands (which is what they want) for MS. You need to get really tough with this people or they are back to doing this again (I my opinion they already are doing this with Windows XP). It needs to really hurt this company and 20 billion is much better. Second have them put some of this money into a trust fund for schools to choose which computer system and software they believe is better. Last and most important if they have wronged other companies they need to pay these companies big dollars or what good does this whole process accomplish? Netscape was my web browser of choice for many years but now its MS explorer. Not because MS did better but Netscape could not compete under the unfair market that existed at the time and ended up selling off to AOL. These people have been robbed of there hard work. MS needs to pay the wrong to these people!

I also believe that MS needs to be broken into many smaller companies but this is now a thing of the past.

Thanks for your time.
William Davis
232 So. Washington
New Bremen Ohio 45869
william@nktelco.net

MTC–00008513

From: John Manning
To: Microsoft ATR
Date: 1/3/02 10:15pm
Subject: End Law Suit

MTC–00008514

From: Cagakiss@aol.com@inetgw

To: Microsoft ATR
Date: 1/3/02 10:23pm
Subject: Microsoft Settlement
Anti Trust Division
Department of Justice
I am interested in saying YES to the recent microsoft settlement. I have reviewed many of the documents in this case and think it a good fair settlement for all parties. Our country and its citizens have been through enough, let it stand. The settlement as it stands would be good for our economy and we can all move on.
Sincerely,
camille mangakis

MTC–00008515

From: RDL300619@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 10:23pm
Subject: Microsoft Settlement
Please settle the Microsoft case. Do not let a few disgruntled staes and competitors prlong this case. For the good of the worldwide economy, settle the case as agreed upon with the government. With any decision there will always be a certain segment of the population that will not agree, but the good of the country should prevail.

MTC–00008516

From: Audrey Klein
To: Microsoft ATR
Date: 1/3/02 10:25pm
Subject: Microsoft Settlement
Please hear my voice..This is America..We have the freedom to Innovate..We are a proud capitalistic society. Don't take away our Freedom.

MTC–00008518

From: DANDLP@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 10:32pm
Subject: Microsoft Settlement
I would like to have my comments in this e-mail considered when making the final judgement in the Microsoft settlement. If you want to consider damages, my goverments' actions against Microsoft have damaged many consumers much more than Microsoft's alleged monoply could ever have. The plunge the stock market took can be related, in many respects, to the governments lawsuit against Microsoft. Millions of stock holders suffered damages when stocks they held plunged in value because of the perceived threat to the technology sector of the stock market. It wasn't just Microsoft stock holders either, many technology stocks were affected by this lawsuit.
Microsoft operates in one of the most competitive and dog-eat-dog businesses ever know to man. It has to constantly be inventing and researching and developing new and innovative ways to help consumers. The fact that Windows was put in many computers was a plus to help standardize a new , and to many people, baffling industry that changed the way the world goes about its everyday tasks. It made the learning field much more level and less confusing, there by familizing many millions of people with a brand new industry.
The public will not be served by prolonging this lawsuit. It stiffles the positive energy of this nation that can be used in much more productive ways.
Please for the good of all concerned, let's get this settled and move on.
Thank you,
Linda Pershall
PO Box 1922
Wenatchee, WA 98807

MTC–00008519

From: Rick Fontana
To: Microsoft ATR
Date: 1/3/02 10:32pm
Subject: Microsoft settlement
Lets get our economy moving again I support Microsoft and theie ability to create new jobs and opportunity through their technology.

MTC–00008520

From: JaneM112@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 10:37pm
Subject: Microsoft Settlement
I hope that the government allows Microsoft the additional four months to prepare their case. As a computer instructor, I think Microsoft has given the consumer the easiest way to use a computer with Windows. My students who use Windows become self-sufficient much more quickly than those who use other programs. The bundled features and products which all work the same way, make learning simple and quick. The legal arguments from other companies are self-serving, ignoring the good of the consumer.
Jane Mason

MTC–00008521

From: Tim Semple
To: Microsoft ATR
Date: 1/3/02 10:39pm
Subject: Microsoft Settlement
You know where the real monopoly resides? At the American Bar Association, with its legions of parasitic, bloodsucking lawyers ensuring that the taxpayer-funded legal system is responsive to their self-centered whims. Why don't you Dept. of Justice people go after monopolists like that piece of trash David Boie (or whatever his name is - i.e. the shithead who did Al Gore's dirty work in Florida, and who a dim bulb in the DOJ decided would be the perfect lead counsel to unfairly slander and malign Microsoft while being paid with my tax dollars). The courts have been subverted so that the Spences, Baileys, Cochrans etc. etc. can plunder filthy lucre from people who actually work for an honest living.
But all the lawyers in the Justice Dept. are blinded by their allegiance to the American Bar Association (monkey see—monkey do) and walk in lockstep to its every whim. The ABA—now that's a monopoly that is screwing over the American public and someone ought to do something about.
Did you know that the post office stopped issuing stamps with lawyers on them? No one could figure out which side they should spit on. Sincerely yours, someone who is disgusted with the DOJ's meddling in the internal affairs of that American success story known as Microsoft,
Tim Semple
North Pomfret, Vt.

MTC–00008522

From: JIMW2348@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 10:41pm
Subject: Microsoft Settlement
Enough !! It's past time to put this issue to rest. It appears that big money is buying AG's from some states. There can't be any satisfaction in the justice system being a part to their game. A decision was made and accepted by the majority. Majority rules, declare the Microsoft case closed.
Thank You,
Jim Worsham

MTC–00008523

From: Bill (038) Lou
To: Microsoft ATR
Date: 1/3/02 10:36pm
Subject: Microsoft Settlement
Ystueta Construction
106 Patrick Henry Lane
Madison, Alabama 35758
January 3, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:
I write this letter to show my support for the settlement that was reached between Microsoft and the Department of Justice. The antitrust dispute lasted for three years, and it is now finally over. America can move on to improving its economy.
The settlement is offers a fair resolution to the settlement that will benefit all parties involved. The terms not only call for Microsoft to restructure certain aspects of their licensing and marketing, but call for them to disclose information about certain Windows interfaces. This not only allows other computer manufacturers access to various Windows features, but also makes it easier for them to install non-Microsoft software. This agreement can only help promote the competitive market, and can only help our IT Sector grow as a whole.
Microsoft has been distracted from its mission by litigation for long enough. I support the settlement, and I support letting Microsoft get back to being the IT industry leader that it can be.
Sincerely,
William Ystueta

MTC–00008524

From: PEGGY
To: Microsoft ATR
Date: 1/3/02 10:41pm
Subject: Microsoft Settlement
The last thing the American economy needs is more litigation that benefits only a few wealthy competitors and stifles innovation.
Leave Microsoft alone, Please!!!!

MTC–00008525

From: cheryllreed
To: Microsoft ATR
Date: 1/3/02 10:44pm
Subject: Microsoft Settlement
As a life-long resident, registered and regular voter, taxpayer, and business owner in the state of Ohio, one of the plaintiffs in this case, I strongly urge that the proposed

settlement be made final and that this lawsuit is brought to a long overdue end. I have communicated my strong objection to this suit to Betty Montgomery, Ohio's Attorney General, numerous times since this all began. In my opinion, this lawsuit was NEVER in the public interest. I believe the recession we are now in was directly caused by our government's intrusion in intellectual property rights and an industry for which they have no understanding.

As a small business owner, I have watched as other businesses in my community have either been driven out of business completely or seen their businesses severely damaged by this economic situation. To do anything less than settle this case by making the proposed agreement official is nothing less than economic treason.

Microsoft software has revolutionized the way we do business and established the United States as the world leader in technology. It's time to let them go back to doing what they do best.

Cheryll Reed
1231 Richland St.
Maumee, Oh 43537

MTC–00008526

From: Bobbie Bamford
To: Microsoft ATR
Date: 1/3/02 10:45pm
Subject: Microsoft Settlement

As an American citizen and taxpayer, I would like to have you settle immediately with Microsoft. NO MORE LITIGATION IS NECESSARY...Please quit spending my hard earned tax dollars on this and get your priorities straight. Like: terrorists, drug smuggling and users who are making our country weak as they have blown their brains on drugs, murderers and rapists.

This is supposed to be the Land of Opportunity. I feel Bill Gates is only exercising his rights.

Sincerely,
Bobbie Bamford
Shelton, WA

MTC–00008527

From: Campbell McCarthy
To: Microsoft ATR
Date: 1/3/02 10:45pm
Subject: MICROSOFT SETTLEMENT
To: Those Concerned

This is just my personal opinion, but I find it upsetting that the states and the Federal Government's Justice Division can sue a company for being successful. To win, to succeed, to have a good product, to overcome competition, and to make money is what business is all about. By very definition of the word ''business'' this means a group of people joined together to present a product or service for the intention of making money. Placing restrictions on Microsoft operations is anti business and unamerican.

Campbell J. McCarthy
2199 Astor St. (Apt.# 202)
Orange Park, FL. 32073–5601
tel. (904) 541–0060

MTC–00008528

From: Ruth Seelye
To: Microsoft ATR
Date: 1/3/02 10:51pm
Subject: MICROSOFT SETTLEMENT

I have found other companies, similar to Microsoft, to be as competitive as they. In fact, my new computer was installed with Netscape, which I did not want, and it crowded out everything else.

Finally,

I found a way to delete it Microsoft has been innovative in a way which our country must encourage to stay ahead in this changing world. This litigation saps funds and restricts on-going research and development. Please, let this case be settled, so that Microsoft can get back to doing what they do best—creating, innovating, and enriching our lives.

Sincerely,
res@olypen.com

MTC–00008529

From: NOSLEGOF@aol.com@inetgw
To: Microsoft ATR
Date: 1/3/02 11:04pm
Subject: MICROSOFT SETTLEMENT

Msdmes/Gentlemen:

As a retired local judge I find the vandetta waged against Microsoft, essentially by competitors unable to effectively compete in the marketplace, a terribly sad commentary on contemporary business and social standards. Our Founding Fathers would be aghast at the persistent energy-consuming intrusion into a firm which while certainly has been ''raking it in'' has also contributed mightily to the welfare of consumers and our country generally. The Microsoft saga has not been a Teddy Roosevelt Trust-Busting replication. Instead it has been an incidious mischevious intrusion by a well-meaning, democratic government into trying to poison the incentives for creativity.....the very thing that has made this wonderful country so great. Ask yourselves.....''Would not other countries be overjoyed to have a Microsoft in their midst?''

I urge you, please, to terminate this foolishness practiced against Microsoft and direct your energies in areas that will truly will afford benefit to our citizens.

Thank you.

Robert G. Fogelson, Taylortown Road, Montville, NJ 07045 973–334–4427
CC:MSFIN@microsoft.com@inetgw

MTC–00008530

From: S.A. Hepps
To: Microsoft ATR
Date: 1/3/02 11:07pm
Subject: Enough already! Stop the continuing greedy legal babble. The American people

Enough already! Stop the continuing greedy legal babble. The American people are sick and tired of this stupid lawsuit!

MTC–00008531

From: dino
To: Microsoft ATR
Date: 1/3/02 11:14pm
Subject: On the settlement

MTC–00008532

From: Richard H Freel
To: Microsoft ATR
Date: 1/3/02 11:18pm
Subject: MICROSOFT Settlement

Four years is long enough! Too long in fact!! All the suits against MicroSoft should be thrown out. MS has done more for the computer revolution and the national economy than anyone who is complaining about them.

Let them get back to business!

MTC–00008533

From: Jeanette
To: Microsoft ATR
Date: 1/3/02 11:19pm
Subject: microsoft settlement

why can't this be over & done with so microsoft can get on with the business at hand i think it's gone on long enough & let microsoft do what it does very well 'that is create bigger & better programs.

Have a great day or night !!!!!!!

MTC–00008534

From: Kelly V.B.
To: Microsoft ATR
Date: 1/3/02 11:20pm
Subject: Microsoft Settlement

I am writing to express my concern for the consumers, businesses and for Microsoft. I feel that it is high time for this persecution of Microsoft to come to a resolution. I feel that Microsoft is an outstanding example of what an entrepreneur can achieve in these United States of America. Microsoft has help to move this country into a wonderful new era.

I am pleased to hear that a fair resolution is on the negotiation table. For the sake of the consumers and for others who would like to improve our way of life, allow Microsoft the freedom to keep pushing ahead without further fear of persecution.

Thank you,
Kelly Van Blokland
1362 NW Front Avenue
Portland, Oregon 97204

MTC–00008535

From: Herbert Hurd
To: Microsoft ATR
Date: 1/3/02 11:22pm
Subject: MICROSOFT SETTELMENT

I WISH I COULD BUILD A BETTER MOUSE TRAP. SO DOES THE OPPOSITION!

MTC–00008536

From: Ann Jackson
To: Microsoft ATR
Date: 1/3/02 11:27pm
Subject: Microsoft Settlement

I don't know what we'd do without Microsoft products.Please stop the litigation and leave them free to innovate. I think the government is making a huge mistake and the court should stop for several reasons, one being unemployment. Let the people get back to work. Mr. Gates has given millions to education and other causes. Why break Microsoft up?

Sincerely,
Annie Jackson

MTC–00008538

From: Kathleen Johnson
To: Microsoft ATR
Date: 1/3/02 11:47pm
Subject: Microsoft Settlement

Lets get this settled with Microsoft. It is important to consumers and to our economy. I find it hard to believe this was ever about protecting the consumer. This consumer has

been hurt and the economy of our nation has been hurt. Microsoft should be applauded for it's economic growth of the American economy.

Sincerely,
Kathleen E. Johnson

MTC–00008539

From: MARCENE HENDRICKSON
To: Microsoft ATR
Date: 1/3/02 11:48pm
Subject: Microsoft Settlement

As a consumer and user of Microsoft I am satisfied with the settlement made with the Justice Department.

Please do not pursue any further.

MTC–00008540

From: Anna Jeannet
To: Microsoft ATR
Date: 1/3/02 11:51pm
Subject: SETTLE !!!

To Whom this May Concern,

I personally think the WHOLE attack on Microsoft has been unfair and unjust. They are an excellent company, have excellent products——and they certainly do not force anyone to be their customers. After all, isn't opportunity what our country all about? Should excellence be allowed to be destroyed by the jealous and reduced to mediocrity?

This whole ridiculous situation has gone on too long. And the attorneys have probably made out like bandits as usual.

SETTLE WITHOUT FURTHER DELAY——-and turn yourselves to important worldly issues. Further, I feel that Microsoft should be re-imbursed its legal fees by its attackers.

Sincerely,
Anna Jeannet

MTC–00008541

From: Domingues, Tony
To: Microsoft ATR
Date: 1/3/02 11:53pm
Subject: Microsoft Settlement

To Whom It May Concern:

The recent decisions have been fair, though I believe that it shouldn't have started in the first place.

I have seen Microsoft improve the quality of the operation System and offering what the consumer wants. This problem with other companies like Sun and other companies should try and make better software.

So what if Microsoft makes Internet Explorer as part of the operation System, at least they are offering it in the package and not making the user having to search for a downloadable copy of it. Like Netscape's version 6 browser which was outright Pathetic and slow, but Microsoft produced Internet explorer version 5.5 and 6 that followed and it was great as a standard browser. With XP for example they offered the ability to watch DVD's, in the past you would have to purchase some software just to watch DVD movies. In the End we have to face it, it is their operation System; they should be able to do what they want with it, people should be concentrating in Improving and competing instead of whining when their product is already a failure.

Other companies should take example of Intel and AMD, years ago everyone also thought the Intel was the evil Monopoly Empire, AMD and other companies also whinged, but look today, Intel is no longer the main Stream. What happened in this example was the AMD competed and also produced a superior product going against Intel's chain.

I think that it should all end now and everyone should just move on and concentrate on the real problems facing the country, instead of Bitching on small issues. Remember that Microsoft is pumping Money into the American Economy, which currently almost faced a recession. I just hop at the end of the day everyone could just move on instead of whinging.

Regards
Tony Domingues

MTC–00008542

From: craig butler
To: Microsoft ATR
Date: 1/3/02 11:58pm
Subject: microsoft settlement

It is time for the federal government to step aside and allow one of our country's most dynamic companies of the 20th/21st century to get back on track and move forward. Too much time and money has been wasted over the past few years. I am hopeful the settlment is finalized.

Thank you.
Craig Butler
Danville, KY

MTC–00008543

From: The Shaw's
To: Microsoft ATR
Date: 1/4/02 12:01am
Subject: Microsoft Settlement

DOJ,

Please don't spend any more of my money (Tax dollars) on litigation aginst microsoft. Take the deal and lets get the economy moving again.

Jason Shaw

MTC–00008544

From: Richard Cote
To: Microsoft ATR
Date: 1/4/02 12:05am
Subject: Microsoft Settlement

It is my judgment that the whole Microsoft fiasco has gone on for far too long. While the proposed settlement may not be satisfactory to everyone, it has one distinct advantage. It will put an end to this ill advised litigation which I believe has played a large role in the downtrend in our markets, and especially in the technology sector. What is it about hard fought competition that seems to grate on certain members of the community?

While Microsoft may be far from perfect, as I know from experience with all of the various iterations of Windows, it has opened the world of computing to the world, and always at what I would consider to be a reasonable price. It's time to get this behind us and let the world of business and industry get back on track. Please end this litigation and accept the proposed settlement. Anything less will be an invitation to a further deterioration of our economy, and more possible damage to Microsoft, one of the bulwarks of our technological superiority in the world.

I write this as a retired lawyer and business executive who has never been involved with Microsoft except as a customer and stock holder. But then, I own more stock in Sun Microsystems, so I am not prejudiced in either direction, except to say that as a result of this ill advised adventure, I'm on the losing end of both stocks.

Sincerely yours,
Richard P. Cote
2008 Calle Candela
Fullerton, CA 92833
714–871–3841

MTC–00008545

From: mark
To: Microsoft ATR
Date: 1/4/02 12:15am
Subject: Microsoft Settlement Case

Summary: Microsoft is not the predator. It has used violence against no one. It is the victim. Leave the peaceful Microsoft Corporation alone and apply your smears and name-calling to some one who deserves it: those damn terrorists who brought down the WTC. This would truly be a historic act of justice. ***

Here are my views on the Microsoft case: Some years ago in 1999, I turned on my television to witness the frightening spectacle of one of Janet Reno's henchman giggling like a terrorist who had just blown up an American embassy. The source of his pleasure-and my displeasure-was his apparent ''victory'' against a giant ''predator'' that had ''hurt'' competitors and ''exploited'' consumers. Who was this ''predator''?

An anarchist who tried to overthrow the Puerto Rican government? A ''pro-lifer'' who firebombed an abortion clinic? A ''murderer'' wanted in sixteen states?

No, the so-called ''predator'' was American businessman Bill Gates and the Microsoft Corporation, creator of the world's best-selling personal computer operating system: Microsoft Windows.

Is Microsoft a ''predator'' as the Department of Justice insinuates? A predator is someone like Adolph Hitler who kills people in concentration camps, or a member of the mafia who hunts down a neighborhood businessman for not obeying his wishes. A predator is someone who *initiates* the use of physical force. Microsoft has pointed a gun at no one. Clearly, a far stronger case for predatory acts can be made against the Department of Justice—who seeks to violate Microsoft's rights by taking control over its property—than for the make-believe ''predatory'' acts Microsoft is accused of.

Is Microsoft a ''monopoly''? Not in the proper, derogatory, traditional sense of the term. Unlike the old AT&T Bell monopoly, or today's U.S Post Office monopoly, Microsoft did not gain its market share by having the government outlaw its competitors: Microsoft earned its position in the free-market. All real monopolies are the result of the government giving a business a ''monopoly''—exclusive control of a given market by outlawing the entry of competitors. Free competition is not some

Marxist, egalitarian, ''perfect'' ideal where all competitors end up with an equal market share of a given industry. Whether in sports, or in business, the whole point of competition is to beat your competitors-even to the point of having them going out of business. Bigness should not be confused

with monopolistic; size is not a criterion of wrongdoing; success is not a crime.

Did Microsoft halt ''innovation''? Innovation is the process of discovering a better way to do things. No private business can stop other companies from innovating except by out-innovating them, or by buying them out (in the which case the buyer would want the acquired company to innovate even more). The only way to halt innovation is by the threat of physical force, which is a legal power that only governments possess.

Did Microsoft ''twist the arms'' of its competitors? This sloppy metaphor is a vicious lie. Only the government has the legal power to twist-and even break-arms. The only ''twisting'' Microsoft engaged in was the legitimate practice of setting the terms of sale for its property. By what stretch of the imagination, does the Department of Justice conflate ''arm-twisting'' with Microsoft's refusal to license its products to vendors who do not accept its terms? This is not coercion because if a vendor refuses Microsoft's offer and walks away (and he is free to), the vendor will be no worse off then if he did not deal with Microsoft in the first place. For a real example of ''arm-twisting'' see what happens when you refuse to hand over half your income to the IRS this April.

Did Microsoft ''hurt'' competitors like Netscape by giving away a free Internet browser with its Windows operating system (when Netscape wanted to charge you $30)? No more so, then when McDonald's bundles its meat patties with a McDonald's bun does it hurt all the bread makers. Such actions may frustrate their competitors wishes, but their rights are left untouched.

Did Microsoft violate the rules of competition? It is the application of the political principle of individual rights to the economic realm of production and trade that gives rise to the rules of free-competition. To determine whether Microsoft violated the rules of competition; therefore, one has to determine whether Microsoft violated anyone's rights. Clearly, Microsoft did not violate the rights (life, liberty, and property) of anyone.

Yet, in the name of ''protecting'' competition, it is these inalienable rights that the antitrust process ignores in favor of such subjective considerations as the ''public interest'' (which fails to include the interests of the millions of members of the public who do not side with the Department of Justice), the ''consumer interest'' (which the Department of Justice has awarded itself the title of official spokesperson for), and ''relevant markets'' (the government defines the relevant market small enough so that Microsoft becomes a monopoly, even though Microsoft comprises less then 4% of the computer industry). Such ''protection'' is tantamount to helping a man to see by thrusting burning coals into his eyes.

By allowing judges to sidestep the issue of rights in favor of considerations, such as the ''public interest,'' the antitrust laws effectively grant government the power to violate Microsoft's rights, i.e. the power to take over and control Microsoft's property against use it against Microsoft's interests. Thanks to the antitrust laws once a judge has arbitrarily classified a business as a ''monopoly'', the government is given free rein to: plunder of vast sums of money from Microsoft's bank account (through triple fines for so-called ''damages''); replace Bill Gates with a government ''overseer'' who will make the important strategic decisions at Microsoft; force Microsoft to advertise and distribute its competitor's products; compel Microsoft to give up its ''trade secrets'' and intellectual property to those who condemn it. From start to finish the entire antitrust process is no more than a process of sacrificing successful American businesses-such as Microsoft, ALCOA, US Steel, Standard Oil—on the guillotine of egalitarianism to appease envious competitors. Or, to quote Alan Greenspan, who upon a complete examination of the theory and history of the antitrust laws wrote that ''.the effective purpose, the hidden intent, and the actual practice of the antitrust laws in the United States have led to the condemnation of the productive and efficient members of our society because they are productive and efficient.''

The truth of the matter is that Microsoft is not the predator; Microsoft is the victim. The real predators are the bureaucrats in the Department of Justice when acting according to the antitrust laws, second-rate competitors-like Sun, Novell, and Netscape—who seek to profit from the government's actions (what do they think will happen when the government under the antitrust laws deems them ''too successful'' in their ''relevant market''?), and the anti-capitalist intellectuals who support them. Businessmen like Bill Gates are the one group of minorities that best symbolize the American way of life: that of a free, rational, moral society.

Leave the peaceful Microsoft Corporation alone and apply your smears and name-calling to some one who deserves it: those damn terrorists who brought down the WTC. This would truly be a historic act of justice

Regards,
Mark Da Cunha
Publisher
http://www.CapitalismMagazine.com/

MTC–00008546

From: DEasyone@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 12:13am
Subject: Microsoft Settlement

Dear Sirs:

I am amore than a little tired of the antics that have been going on regarding the Microsoft litigation. I doubt the suit brought against them has saved me a dime on software. I know it has cost me about $70,000 in the price of my Microsoft stock. I am 72 yeas old and I do not need that kind of help. I have been using computers since the TI 44A was considered the latest deck top PC for the home. I have never had to buy anything I did not wish to nor been stopped from buying what I wanted because of Microsoft's marketing. I have tried other operating systems and found them lacking in what I wanted to do. I have since come back to Microsoft because for me they have a better system. Never because I was forced.

I use AOL as a Internet because I have liked it. If I change it will be because I try something else and like it better.

As I see it the people who brought the suit, did it for there own monitory gain and not for the benefit of the public consumer.

It is about time this suit is brought to a close so that things can get back to normal.

Of course the lawyers would like to drag it on for ever. That is how they get there pockets full.

David J.Eason
225 Newport Drive
Palm Springs California
92264

MTC–00008547

From: Susan Smith
To: Microsoft ATR
Date: 1/3/02 9:13pm
Subject: Microsoft Settlement

I don't see how Microsoft can possibly be called a monopoly. Anyone can use any software they choose.

Microsoft just built the best that is available. I used to use Netscape.....I don't any more but no one twisted my arm. I think this entire scheme is ridiculous and a slam for the entrepreneurial spirit. Why don't you go after the post office, cable company, garbage companies or phone companies? The post office is obviously a monopoly (government operated) and each of the other companies has their own territory in which to operate.....no one else is allowed.

Susan Smith

MTC–00008549

From: EJBrofka@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 12:18am
Subject: Microsoft Settlement

Regarding the proposed settlement in this case, I feel very strongly that it should go forward as is.

The reasons that this suit was initially filed were poor from the onset. There was a lot of political influence exerted by the previous administration in bowing to some major contributors who just happened to be in competition with Microsoft. Now, after a more enlightened review by the current administration of the previous legal processes that took place, a settlement has been proposed and accepted by Microsoft DOJ. There remains, however, an intense degree of partisan political pressure by Attorneys General of certain states to try to get into Microsoft's pockets. This, in my humble opinion, is the true reason why those states are not agreeing with the settlement. I would like to go on record as stating that I think that Microsoft has been the single most effective driving force in the ''computer revolution'' of late twentieth century. It, by virtue of its programs and technology, has put the power of personal computing into the hands of the people in a simple, straightforward and eminently usable fashion. Microsoft products, most importantly Windows and Internet Explorer, have enabled the general populace to partake in and to become part of the greatest information flow that this world had ever seen.

I have, from the very inception of the DOJ suit, felt that the suit was unfair, that it was ill-conceived, and that it was totally unnecessary. Microsoft has done nothing

wrong in its actions. They are a good business and have acted aggressively to sell, to enhance and to protect their excellent products. Microsoft has been successful because of those efforts and its products. No one has been or even now is forced to use them. I think that the proprietary information that has been developed by Microsoft for its operation systems should remain just that: proprietary. Those competitors who have ''suffered'' have done so because of the inadequacies of their competing systems and programs. The truth of the matter is that they need to give the consumer/PC user a better product if they wish to succeed. That's the basis of business success in this country.

On the other hand, the greatest business foibles have occurred wherever and whenever the government has gotten involved in business, productivity and efficiency, areas in which it has no history of proficiency. One just needs to look at some of the government regulations that have been imposed upon business under the mistaken guise of ''helping the consumer.'' A good (and appropriate) example is the ''new and improved'' water-saving toilet promulgated and forced into use by the previous administration———you know, the ones that use one-third less water, but that you have to flush three times to have them work properly. Amazing! Al Gore and Ms. Browner have earned a very special place in history for that one.

Let this settlement go forward as agreed and approved. Enough is enough. I am a consumer who has NOT been hurt in any way by Microsoft. As a matter of fact, I have been helped to an immense degree, and I personally feel that Microsoft should be honored, not sued.

Edward J. Brofka
2103 Norman Road
Marion, IL 62959

MTC–00008550

From: swingingclub
To: Microsoft ATR
Date: 1/4/02 12:20am
Subject: Microsoft settlement is just and fair

Dear Counsel:

I am please to hear that Microsoft, Inc. has agreed to reach a settlement with the US Justice Department. I do not feel it is in either parties interest to have protracted litigation in this anti-trust lawsuit. As we all know full well that litigation means time and expense of resources for all parties involved and no one wins and hard feelings are the end product.

At the beginning, and it is still my belief that Microsoft did not violate any anti-trust laws. Microsoft is a highly competitive company in its industry similar to Wal-mart. There is no law that prohibits a company from being competitive. When the matter is evaluated on the basis of economic of scales, the dynamics does favor Microsoft because of its unlimited intellectual resources to create and develop new technologies into the foreseeable future.

Microsoft should not be hindered by other companies who do not have the means to compete. Further, it has been wrongfully argued that Microsoft has prohibited other entities from competing in the computer industry by anti-competitive tactics. Most of the arguments are based on hypothesis which do not take into consideration the dynamics of economics. It can be safely argued that the companies who object to the settlement are less competitive than Microsoft. Those companies do not and will not ever have the resources that Microsoft has obtained through its creative skills.

Factually, each company that has opposed the settlement (Gateway, Inc.) is functioning on a less than favorable financial tread. Gateway has erroneously argued that the settlement will cause harm to the organization because the donation of computers to schools will cut into their business profits. Factually, Gateway financial problems started long before this proposed settlement was conceived.

Someone need to review Gateway's financial sheet. In the financial community, Gateway has not met its profit projections of the last three quarters of last year. Its biggest rival is Dell Computer which is the reason why Gateway is having financial difficulty.

The US Department of Justice should look at the economic impact that a lawsuit against Microsoft will have on the US economy. It will not be favorable. The nine or so state attorney generals that oppose the settlement should also take note of the fact that a lawsuit against Microsoft will most certainly impact the US economy negatively. I will argue that to oppose the proposed settlement is nothing less than a self-serving posture which amounts to greed. It appears that those states are seeking specific money compensation. This suit is unlike a tobacco law suits where human life was taken because of a defective product.

Microsoft has agreed in principle to stop practices which would cause other companies harm in competition. In addition, Microsoft has agreed to assist other organizations in competition. The states that opposed the settlement have not taken into consideration the good will and philanthropic generosity of the Gates Foundation which has given millions of dollars in charitable donations. I would propose that in the event those states who continue to pursue the course of opposing the fair and just settlement of Microsoft has agreed to enter into with the US Justice Department should be cut off from any form of grants or philanthropic gifts by the Gates Foundation and Microsoft.

I would suggest to the Honorable Court to accept the settlement agreement that the US Justice Department and Microsoft, Inc. have entered into on the basis that the settlement is fair and just for America. Protracted litigation should be avoided by any means necessary because it will be a waste of valuable resources.

Respectfully submitted,
Thomas P. Johnson, III

MTC–00008551

From: Gary Dawson
To: Microsoft ATR
Date: 1/4/02 12:21am
Subject: Microsoft Settlement

Please let Microsoft alone. The special interest groups are served enough. Let Microsoft continue to give us a good product at a fair price. The marketplace can decide if the Microsoft is doing the right thing.

GDawson

MTC–00008552

From: Paul Kessler
To: Microsoft ATR
Date: 1/4/02 12:22am
Subject: Microsoft Settlement

The settlement, as now agreed to between Microsoft and the Justice Department, should be approved. Microsoft has been persecuted by its competitors. Microsoft's conduct has been beneficial to the consumer. It's products are superior to those of it's competitors and they are using every means at their disposal to hurt Microsoft.

Paul T. Kessler, Jr.
11651 Hidden Valley Rd.
Carmel Valley, CA 93924

MTC–00008553

From: Roy Schweiker
To: Microsoft ATR,attorney. general@po.state.ct. us@inet...
Date: 1/4/02 12:25am
Subject: proposed Microsoft $1 billion payment

Gentlemen:

I am distressed that the government is prepared to accept Microsoft's offer to supply $1 billion in kind to poor schools as partial settlement. By guaranteeing Microsoft $1 billion in business at whatever price it sets, you are perpetuating exactly the sort of monopoly you are trying to end.

Instead, make Microsoft give the schools $1 billion in cash and require that they issue vendor-neutral proposals for bids, which would probably allow the schools to acquire double the computing power. Alternatively, require Microsoft to provide $1 billion in products valued at actual manufacturing cost, such as $6 for a pack of CD-ROMs and $1 for a site license. That way every school and every household in the country would get a free site license with media for Windows and Office. Maybe that is a fair settlement after all. Ro

y Schweiker, Concord NH
roy.schweiker@juno.com

CC:roy.schweiker@
juno.com@inetgw,aweber @cmp.com@inetg...

MTC–00008554

From: Lucio DiGiovanni
To: Microsoft ATR
Date: 1/4/02 12:29am
Subject: Microsoft Settlement

I cannot understand why Microsoft is getting most of what it wanted out of this settlement. It seems as though Microsoft is getting off easy, since George W Bush has taken office, From reading the final judgement, How can this judgement be considered fair when Apple Computer and Netscape Communications, Inc have both been adversely affected by the actions of Microsoft. What corrective action can be made after more than 10 years of destructive monopolistic activity?

I believe that consumers have been hurt by not being allowed to decide what browser they could use. I am affected EVERY DAY because I cannot use Netscape at work because my Company has 'standardized' on IE. I have two browsers loaded on my

computer (Netscape and IE) at work because there are certain internal websites that have specifically been modified to work with IE only.

What kind of standard is in IE if it has web content that allows a user to access a URL such as ''I:\directory\file''. This works OK with IE but does not work on Netscape because it IS NOT A URL by HTML standards approved by the Internet Engineering Task Force (IETF). Netscape complains about this error but since most people (Because they were forced to use IE) have no problem with this 'URL' access, it is not considered a problem and people are then confused about what a URL is and continue to make non standard changes to web sites that only work with a NON-Standard IE.

Sincerely frustrated,
Lucio DiGiovanni

MTC–00008555

From: DMiller909@aol. com@inetgw
To: Microsoft ATR
Date: 1/4/02 12:28am
Subject: (no subject)

During the past several years I have followed the government/Microsoft case.The competitors of Microsoft applied their pressure and, in my opinion, the situation turned from legal to a political situation.

The Attorney Generals, representing their respective states and constituents (competitors of Microsoft) have set forth the claim that the consumer has been hurt by the activities of Microsoft. Yet, I, as a consumer, would love to know what damage has been caused to me so that I would be able to compare it to the financial damage caused by the shadows this case has cast over the financial market The AG's pursue their ultimate desire which, in my opinion, would ultimately satisfy the companies they have in their respective States while the investors and the market continue being the victim. Moreover, the economy of our nation has diminished in proportion to the overall effect that the market has suffered.

My wife and I have made investments in Microsoft, Aol, Sun, Cisco etc.,hoping to build a future financial support for our Great-grand-children when it would be needed for their college education. There is no doubt in my mind that numerous other parents and grand-parents have invested with the same thought in mind. And, as long as the uncertainty overshadows the market the multitude of persons invested in the technology stocks will continue suffering the financial loss that the case continues to create by causing ongoing legal demands , by the AG's ,that surpass the final determination of the federal government. The federal government and several States have reached a comprehensive agreement with Microsoft. Why therefor should the marketplace and the consumers be held hostage to the will of competitors and the remaining attorney generals who insist upon additional legal demands. Neither the consumers nor the overall economy needs further uncertainty It is time to put this matter to rest.

Very truly yours,
Daniel Miller

MTC–00008556

From: RShelton5@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 12:31am
Subject: Microsoft Settlement

Dear Justice Department:

Leave Mr. Gates and his company alone. He has committed no crime; he deserves our praise and gratitude for his work. He has a moral right to his work and his money. Antitrust laws are immoral and design to crush the creative and honest. Cease your attacks on him and his company.

Sincerely,
Ray Shelton
Glendale, CA

MTC–00008557

From: Jack Carroll
To: Microsoft ATR
Date: 1/4/02 12:34 am
Subject: Microsoft settlement

Public Comment by John A. Carroll

This comment is on the proposed settlement in U.S. vs. Microsoft, and on the Remedial

Proposals by State of New York et al vs. Microsoft.

THE OPEN SOURCE SOFTWARE INTEREST My interest in the outcome of this case is a consequence of my participation in the open source software community. I'm a long-time user and advocate of the Linux/GNU family of operating systems and related open source applications; also, I'm a stockholder in Red Hat, Inc., a commercial distributor of open source software. Antitrust legislation and litigation concerns not only the direct parties in the case, but the public interest as well. Obviously, the interests of the open source community form a subset of the public interest, because that community is part of the public. However, open source software and its development are related to the interests of the general public in a much closer way. Open source programming is fundamentally about freedom. This body of software is developed largely by end users, for the benefit of end users. Most open source projects encourage anyone to contribute improvements. Also, anyone is at liberty to start a new project and build on the existing body of open software. The most common licenses encourage wide distribution of the fruits of this open-ended collaboration. The nature of the open source community makes it a powerful force against monopolism. It is possibly the only body today able to offer the public serious alternatives to Microsoft operating systems and office productivity applications, and thus effectively counteract Microsoft's unrelenting campaign to preserve and extend its monopoly. In certain parts of the world a growing user base has already begun to abandon Microsoft products in favor of open source replacements. Because of the diversity of this community, it can have no single representative able to speak for all. It is not a business, though it includes businesses. It's not a private club, though it includes a great number of local users' groups. Its most productive components, the ''projects'', usually don't have even that amount of organization; they're geographically dispersed teams of volunteer programmers sharing source code over the internet, who prefer to give their attention to the programs they have a need for, rather than and unwanted apparatus of officers and treasuries. University research programs and undergraduate programming classes are involved, and many of the customs and practices derive from the open traditions of academic research. A great deal has been accomplished by unaffiliated individuals. Thus, different members of this community will contribute different perspectives to this public issue. DEFECTS OF THE PROPOSED SETTLEMENT AND REMEDIAL PROPOSALS The remedies in the proposed settlement are written around ''ISVs, IHVs, IAPs, ICPs, and OEMs''—all business entities (section I). Developers and suppliers of open source software are neither mentioned nor contemplated. Indeed, section J paragraph 2 speaks of ''reasonable business needs'' and ''authenticity and viability of its business''.

''ISV'' is counter-intuitively defined to be a supplier of a software product that runs on a Windows Operating System product -thereby excluding a supplier of a software product that runs on a non-Microsoft operating system, or a supplier of a non-Microsoft operating system. The information to be disclosed to non-Microsoft entities includes APIs, protocols, and documentation for middleware (section D). It does not include user data file formats used by applications. The language of section I could reasonably be interpreted to assert intellectual property rights to any information which is not specifically required to be disclosed; that could be used to restrict the analysis and documentation by outsiders of an application's external behavior, or the use of information they have already compiled by behavioral analysis. That would have profound implications; in effect, it would manipulate the Court into restoring and strengthening an application monopoly which the open source community has already broken. These are not accidental oversights. These provisions are carefully crafted to exclude open source software developers from access to the technical information necessary to make their creations interoperable with Microsoft systems and application software.

Several open source operating systems have fully demonstrated their readiness for the most demanding commercial service. Open source office productivity applications have matured to a point where their relative merits compared to Microsoft equivalents are as much a matter of opinion and taste as objective fact. Star Office / Open Office, in particular, has achieved a high degree of interoperability with Microsoft Office file formats.

Now the struggle between Microsoft and the open source community is converging on offering end users the freedom to migrate their existing document and data files from proprietary Microsoft formats to next-generation open-standard replacements. This migration process relies heavily on ''filters'', which are utility programs that convert one file format to another. Historically, open source projects have analyzed sample document files to deduce their formatting, so that filters can be written. Once these filters exist, end users can migrate to a different

application package at will without losing their investment in their data. Equally, users of non-Microsoft applications can put their work into formats that Microsoft applications can read and edit. Microsoft's most important weapon to obstruct end-user defection and prevent the emergence of a level playing field is the obscurity of the file formats used by its office applications. If they can continually change their file formats to break compatibility, then deny access to the revised format information by a combination of secrecy and legal measures, they can erect high barriers against migration to non-Microsoft applications, or exchanging document files with users of non-Microsoft applications and operating systems. This is a powerful anticompetitive tactic.

Why agree to share information with certain businesses, but not with open source developers? Because Microsoft has a long history of success in buying out or smothering commercial suppliers of any product that endangers its monopoly position—it has every reason to be confident of its ability to continue the same proven strategy. Those methods don't work against open source developers. These developers aren't carrying the weight of a business, so they don't need revenue—therefore there's no way to cut off their resources. Legal harassment is impractical, because they're scattered through hundreds of jurisdictions with radically different legal systems, some of which are promoting open source software as a matter of national security policy. Their code is released under licenses that make monopolization virtually impossible. Their distribution costs are negligible. Their archives are duplicated and backed up all around the world. And because anybody with a computer and a modem can participate at will, their numbers, productivity, and code quality are far beyond any business's ability to match.

Section B applies only to ''Covered OEMs'', which are defined to be only the 20 largest-volume OEMs. This leaves Microsoft considerable room to impose discriminatory terms and rates on all its other customers, and thus penalize any behavior it wants to discourage. Smaller OEMs are the ones most likely to respond to end users' requirements and preferences -such as offering customers a choice of Microsoft, non-Microsoft, dual-boot, or no pre-installed software. Section C says nothing about adjusting royalties when Microsoft middleware is replaced by non-Microsoft middleware, or simply deleted.

New York et al's Remedial Proposals offer important improvements. Their section B paragraph 2-ii contains the important phrase ''actual volume of total shipments of the licensed products'', meaning that Microsoft is paid only for Microsoft products shipped, and not the total number of computers shipped by the OEM including those on which Microsoft products are not installed. This is a critical issue to the open source community, since it removes an economic barrier to offering a choice of software to the OEM's customers—and to offering machines without software to those who prefer to do their own installations or boot from the local network. They do not, however, propose to provide open source developers with the same external interface information as business entities, nor do they include application file formats among the information to be disclosed except indirectly by interpretation of a definition (section C paragraph 4). Also, in their provisions for interoperability, they discuss middleware but not applications; this effectively protects only suppliers of software that runs on Microsoft operating systems.

They do propose to force Microsoft to open-source Internet Explorer. Other open source users and developers may disagree with me about this, but I don't believe that would be useful at this late date. Open source versions of Netscape and its successor Mozilla are already the dominant browsers on open source operating systems. Nearly four years of work have been invested in bringing the original commercial source code up to the standards of open source projects, so that substantive progress can now be made. Most of the commercially-produced Netscape code had to be discarded and rewritten from scratch. It's unlikely that a development team could be assembled that would be willing to undertake similar remedial work on Internet Explorer. In general, open source developers would have little interest in looking at Microsoft source code. It's the external behavior that's important for interoperability, not the internal design.

They propose to make the porting of Microsoft Office to some non-Microsoft operating systems mandatory. This is interesting, in that it could become a stepping stone for Microsoft users to abandon Windows first and Office later, rather than attempting both changes at once. Several years ago most of the open source community would have been interested in porting Office, but the work on replacements is far advanced now. It's of interest that the latest version of the only non-Microsoft OS which runs Office now is Mac-OS X, which is actually a commercial Unix operating system underneath the Macintosh user interface. Thus, this version of Office uses Unix APIs. Most non-Microsoft operating systems with any significant popularity today are derived from Unix (FreeBSD, OpenBSD, Solaris, HP-UX, AIX, Linux, GNU Hurd, SCO Unix); thus, it would be relatively easy to write the Mac-OS source code according to recognized Unix portability standards, so that it would compile on any Unix platform. However, the language of the proposal is so vague on what the target operating systems would be, that Microsoft could choose BeOS, OS/2, and Plan 9, thus frustrating the intent.

Section L of the Remedial Proposals is of great importance to open source software. Open source software achieves much of the interoperability among its components and applications by adherence to published formal standards. Interoperability between Microsoft and non-Microsoft systems and applications is essential to creating a level playing field. Thus, requiring Microsoft to be truthful in its claims to standards compliance promotes competition and user choice. It is also important that definitions of ''standard'' and ''de facto standard'' are provided, since Microsoft has a history of misusing these terms for deceptive marketing purposes.

PROPOSED REMEDIES

1. In section D, ''shall disclose to...'' should be changed to ''shall publish''. This would place all software developers on an equal footing, and make crucial interoperability information available to open-source developers working without the financial support of a business. In the same section ''APIs and related Documentation'' should read ''APIs, file formats, communication protocols, and related Documentation''; and ''or Microsoft applications to store and communicate user data'' should added following ''Microsoft Middleware to interoperate with a Windoww Operating Systems Product''. This makes explicit the requirement to publish application file formats and network protocols. From the view-point of the open source community, enforcing these two requirements is the central issue of the whole case, and the key to breaking the monopoly once and for all. The requirement to disclose application file formats is implied in the Remedial Proposals' definition of ''API'', but leaving it less than airtight invites tactical litigation and delay. The burden of any such litigation would probably fall on the State Attorneys-General, because nobody in the open source community has the financial resources to take on Microsoft in court.

2. The Remedial Proposals forbid Microsoft from using agreements or retaliation to discourage OEMs from installing non-Microsoft operating systems alongside Windows and allowing the user to control which system is booted. Microsoft should also be prohibited from taking technical measures against multi-booting. It wouldn't be difficult to modify Windows to malfunction in the presence of a non-Microsoft boot loader, intentionally corrupt or overwrite the boot loader, or fail after partition re-sizing.

REFERENCES

On the history and nature of open source software: ''The Cathedral and the Bazaar'' by Eric S. Raymond, http://www.tuxedo.org/esr/writings/cathedral-bazaar On the licensing of free and open source software: the General Public License (''GPL'') by Richard M. Stallman, http://www.fsf.org/licenses/licenses..html#TOCGPL On the place of business within the open source community, ''Under the Radar'' by Robert Young and Wendy Rohm, http://www.redhat.com/radar.html

John A. Carroll
77 Musket Dr.
Nashua, N.H. 03062–1442

MTC–00008558

From: Margaret Baecker
To: Microsoft ATR
Date: 1/4/02 12:39am
Subject: Microsoft Settlement

Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 120
Washington, DC 20530–0001

Dear Ms. Hesse:

I am writing in support of the proposed settlement agreement with Microsoft that would provide technology funds, computers

and software to schools in low-income communities. The State of Wisconsin would benefit from the technology funds. Our state falls below the national average in the percentage of 4th-8th grade students in schools that have computers available in all classrooms. In addition, about one half of Wisconsin Education Association Council members feel that they have adequate training to operate computers and software in their schools. Less than half of these teachers feel that they get technology training, provided by their schools, to integrate technology into curriculum. The additional funding for teacher training in technology would be beneficial for smaller school districts, such as mine, which are feeling the effects of decreased state funding to meet operating expenses. In many cases, there is only limited revenue to provide technology training. Needless to say, computer and telecommunication technologies are important educational tools in our schools. Computer literacy is an educational goal in our schools, providing students with technology skills that are needed to meet the learning requirements for future jobs. No student or teacher should be denied the opportunity to become computer-literate. The proposed Microsoft Settlement is most positive, and certainly would benefit students, teachers, and schools that need technology funding the most.

Thank you.

Sincerely,

Margaret Baecker

Independence Public School

23786 Indee Blvd.

Independence, WI 54747

MTC–00008559

From: jim.puckett@idcchina.com@inetgw
To: Microsoft ATR
Date: 1/4/02 12:55am
Subject: Microsoft Settlement

Ladies, Gentlemen:

I am writing to support the settlement of the Microsoft case as it stands today. While I cannot even agree with the pursuit of the case in the first case, regardless, it has occurred. First and foremost, Microsoft is not a monopoly.

Microsoft has created the ability for the average person to use the personal computer. Prior to Microsoft's comprehensive programs for work, together with their operating systems, the use of the personal computer was a perilous and cumbersome time.

I have been a user of the personal computer from the early 1980's. At that time, with DOS as the standard, loading a new program was an arduous task not to mention the ''risk'' you had in merely turning off your computer incorrectly. Missteps in either of these operations could have easily rendered your PC hopelessly ''crashed''. At that time, an expensive ''consultant'' was the only resolution to recovery of your PC tool.

Microsoft changed that through its integrated systems. Apple did not do it. Oracle did not do it. IBM did not do it. Microsoft did it. There system is not perfect. There ''capture'' of the market is not perfect. However, they have done nothing that any other visionary company could not have done. This witch hunt of a legal proceeding is an atrocity and a fierce challenge to the way America has become what it is—the place where innovation is rewarded, and a better mousetrap universally purchased and used by the average citizen. The expert mouse catcher, such as my cat George, will never be interested in the tool that is available to us average users.

Finish this proceeding at the earliest time. Settle this case now. Let Microsoft and the American inventor and visionary proceed with the next great idea that will fuel the American and world economy to new and greater heights.

Thank you.

James E. Puckett

707 Alondra NW

Albuquerque, NM 87114

puckettje@aol.com

505 897 1040

MTC–00008560

From: Alan Grose
To: Microsoft ATR
Date: 1/4/02 12:46am
Subject: Microsoft Settlement

I think the settlement that has been reached is fair and equitable and should be appoved.

MTC–00008561

From: Robert H. Fleck
To: Microsoft ATR
Date: 1/4/02 12:47am
Subject: Microsoft Settlement

Ladies and Gentlemen.....

Please settle with Microsoft. The proposed settlement is fair. This whole case has been going on for far too long. The industry has changed so much since the case was brought to trial that it is no longer important.

Settle and be done with it.....

MTC–00008562

From: Susan Fuller
To: Microsoft ATR
Date: 1/4/02 12:59am
Subject: settlement

I am glad the suits were filed. Microsoft was getting out of line. They should not be allowed to dictate how other companies run their business. I feel the settlement was enough to ask Microsoft to pay, and that unless they get way out of line again, they should be left to do their thing, without further penalty. Microsoft is very important to the US economy, and is trying to be a better corporate citizen, as I see it. I believe they have ''learned their lesson''. Their products are truly getting better, and I buy them happily now, not begrudgingly, like I did in the past, because there was no choice.

MTC–00008563

From: Evangeline Burtch-Farrell
To: Microsoft ATR
Date: 1/4/02 12:58am
Subject: Microsoft settlement

Will You PLEASE leave Microsoft alone to do what it does best (innovate and create for all of us) and move on to some REAL issues of injustice. Enough already.

E. Burtch-Farrell

MTC–00008564

From: N. Hagan
To: Microsoft ATR
Date: 1/4/02 1:13am
Subject: Microsoft Settlement

Please settle the Microsoft case, as soon as possible. It is an ugly remnant of the last (corrupt) DoJ and one that need not continue. The states who oppose it need to be overruled. There is no value to the market, to the economy or to Microsoft's erstwhile competitors in continuing. Microsoft's so-called competitors (and the real impetus behind this suit) will fail no matter how many advantages they are given. Don't use anti-trust law to reward inferior companies with overpriced products that the consumer has long ago rejected, of their own accord.

Innovation is alive and well in this industry. Open Source projects, IBM, Apple, Netscape all are still here and they prosper. Microsoft never stifled innovation, it stopped inferior overpriced companies (Like SUNW) from preying on less sophisticated consumers. How? By giving them *choice. End the insanity now.

MTC–00008565

From: Dave Steele
To: Microsoft ATR
Date: 1/4/02 1:20am
Subject: Microsoft Settlement

It is my opinion that the Tunney Act, and resulting Microsoft Settlement, should be completed as soon as possible. It has always been my view that Microsoft has been persecuted for the heinous crime of being ahead of it's time—nothing more. Their ability to outthink and move faster than the competition, and the resulting financial gains, are all they're guilty of. Microsoft has generously agreed to settle, so let's settle and be done with this dirty business.

Dave Steele

P.O. Box 103

Tryon, OK 74875

918 374–2682

MTC–00008566

From: PGMUCCI@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 1:21am
Subject: SETTLEMENT

COMPANIES THAT STRIVE TO BECOME SUCCESSFUL IN SUPPLYING A PRODUCT THAT PEOPLE WANT SHOULD BE REWARDED AND NOT DRAGGED THROUGH COURT BECAUSE THE COMPETITION CANNOT KEEP UP.

PGMUCCI@AOL.COM

MTC–00008567

From: ddp2000@tds.net
To: microsoft.atr(a)usdoj.gov
Date: 1/4/02 1:26am
Subject: Microsoft Settlement

Please end the lawsuits against MSFT. Everyone benefits from the great software innovations made at low cost to the consumer. All great businesses have high barriers to entry by competition... that is good not bad.

MTC–00008568

From: Donsmckee@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 1:27am
Subject: Microsoft Settlement

All charges against Microsoft should be dropped. They have provided goods and

services which consumers have voluntarily purchased. No monopoly can exist in a voluntary, free market.

Don McKee
3165 Sierra Dust Court
Sparks, NV. 89436

MTC–00008569

From: Bill Lesnjak
To: Microsoft ATR
Date: 1/4/02 1:37am
Subject: Microsoft Settlement

Dear Friends,

The proposed settlement is appropriate, fair, and beneficial to all concerned, particularly to the American public of which I write as a member of.

Microsoft's contributions to our society have dwarfed many of others; please, let's settle this matter and go on to the future!

Will Lesnjak,
S–4067 Chicken Hollow Rd.,
Hillsboro,WI 54634
billlesnjak@yahoo.com

MTC–00008570

From: Marc Alexander Toppel
To: Microsoft ATR
Date: 1/4/02 1:38am
Subject: Microsoft Settlement

Dear Reader,

I do not know who is reading this, but I hope you to be a rational, freedom loving person—someone who's main goal in life is too retain justice in a world that has become devoid of it. It is with this said that I must describe the reasons why the Microsoft Antitrust Case is nothing but wrong for various reasons.

I know the main purpose of antitrust laws. They are pragmatic at best. They hope to make things better for the whole society. However, we live in a country that was founded on principles of justice, blind of how it might affect others. If habeus corpus was stricken from our constitution, I'm sure the judicial system would be alot more streamlined, but would it be just? If we took away people's inborn right to speek freely, the government would no longer have to deal with opposing viewpoints and more things could be accomplished, but is it right? A dictator could come in and implement a system with which every aspect of our lives were managed for the good of society, yet dosen't that vanquish our right to make our own decisions in life, bad or good? For everything that you do, think not of what the practical implications may be, please think of what is right.

With that knowledge in mind, I must proclaim to you that anti-trust actions fall short of practical. I myself do not have the economics no-how to explain this to you, but I have come across countless essays documenting the benefits of a laissez-faire world. I will leave such things to the more qualified experts. I do, however, stand with the faculties to defend Microsoft morally. They created their products. Consumers decided they liked them. Companies began to recognize this so THEY DECIDED to enter contracts with Microsoft to use their products. Competitors volunteered to compete against Microsoft, yet some failed either because they created inferior products or they lacked the long term planning necessary to establish brand recognition and relability. If you'll notice, everything here was done VOLUNTARILY. No one forced anyone to do anything. Customers were free to buy or not buy products. Companies were free to sign or not sign contracts. Competitiors were free to create better or worse products.

Do not mess up this free society and force Microsoft to adhere to your beliefs, for if you do, we become one step closer to a totalitarian regime. However, If you drop the case and subsequently remove antitrust laws from the books, we stay that much closer to the place that our fore fathers envisioned so long ago.

Thank you for your time,
Marc Toppel, age 18
mtoppel@mail.utexas.edu
936–441–6575
10 Baron's Place
Conroe, Texas 77304

MTC–00008571

From: Orrilla Blanpied
To: Microsoft ATR
Date: 1/4/02 1:38am
Subject: Microsoft Settlement

Sirs, we wish to preserve the rights of Microsoft to innovate, continue research and development and protect their rights to the development of their original ideas.

Microsoft has contributed revolutionary technology for the huge growth and developemnt of our country !! Protect it !!

O.Blanpied oblanpie@netzero.net

MTC–00008572

From: Dick (038) Bev
To: Microsoft ATR
Date: 1/4/02 1:47am
Subject: Microsoft settlement

I believe this has gone on long enough and most of the lawyers can retire now with this prolonged lawsuit. It is my opinion that the lawsuit be settled once and for all and let the innovative spirit of this product continue. Our economy in the pacific northwest needs this company and the jobs they provide and this country needs more Bill Gates and less lawsuits that have tied up this country long enough.

Beverly Davidson, Taxpayer.

MTC–00008573

From: JBPsyD333@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 1:47am
Subject: microsoft settlement

I fully support the settlement as reached and believe it to be in everyone's best interests, as both a stockholder and a user of microsoft products.

Dr. Judi Bloom Hauswirth and Dennis Hauswirth

MTC–00008574

From: Joe Testerman
To: Microsoft ATR
Date: 1/4/02 2:20 am
Subject: Microsoft Settlement

The settlement offer proposed in the DOJ v. Microsoft case is more than reasonable and this litigation should finally be brought to a conclusion. I am very concerned that special interest groups continue their agenda of pushing for the break-up of one of America's largest companies. I find this type of agenda unacceptable and way beyond reason.

Please accept the current settlement proposal and put a stop to this long overrun issue. It's time for America to get back to business and to continue our focus of competing in the new global economy. Thank you for your time and courtesy in this regard.

Sincerely,
Joseph L. Testerman, II
13208 Myford Road #343
Tustin, CA 92782
(714) 832–5851

MTC–00008575

From: Sophie Fox
To: Microsoft ATR
Date: 1/4/02 2:24am
Subject: Microsoft Settlement

The Microsoft Settlement has now been decided and must be allowed to go forward.

The States, especially California, which have chosen to proceed with their suits are just grandstanding. The money they propose to use in this pursuit could be better used to help house and feed the homeless, provide better mental health services, repair roads, etc., rather than being thrown down a rat hole.

It is time that our public officials stop their waste of our money—give up the vendetta against Microsoft—and be prepared to be accountable!

S. Fox

MTC–00008576

From: Halle Doucoupolis
To: Microsoft ATR
Date: 1/4/02 2:31am
Subject: microsoft settlement

This is to let you DOJ folks know that as one of the general public I think your behavior towards microsoft is just shameful. The great american dream has absolutely no meaning anymore if you people keep this farce of a lawsuit going. Where in the world does it say a person can't realize their dream, become the richest person in the whole wide world and still be happy? What makes you people think that you are right by trying to tell this person he can't keep the secrets of his success SECRET? That he HAS to remake HIS company to suit someone else just because that other company wants to dig around in his company business. It's not fair, right or American. If this is the way you people treat success it's no wonder the majority of the third world hates our guts. It's no wonder the little guy (like me) can never get ahead. After all what do we have to look forward to?

Maryalice Anderson, A.A.S,; paralegal; LPN
Halle Doucopolis,A.A.S.; paralegal; LPN
Amanda Gates
Ameenah Rasheed
DBA:
4Black Women With Voices/Point Inc.

MTC–00008577

From: (u)nasturtium
To: Microsoft ATR
Date: 1/4/02 5:32pm
Subject: Microsoft Settlement

To Whom It May Concern,

I strongly believe that it would not be in the public interest to pursue the current anti trust case against Microsoft Corporation any further, but rather accept the Revised Final Judgement (dated 6th November 2001). I believe it is a waste of public funds, especially in light of the September 11 tragedy, to spend more on this already tough yet fair judgement.

The Revised Final Judgement, Section IVa, 2a states ''Access during normal office hours to inspect any and all source code, books, ledgers, accounts, correspondence, memoranda and other documents and records in the possession, custody, or control of Microsoft, which may have counsel present, regarding any matters contained in this Final Judgment.'' These powers will inevitably be misused in ways to benefit competitors eg disclosure of source code of Windows Platform software, product direction etc. I dutifully suggest this clause be removed in the public interest. Section III, ''Prohibited Conduct'', extensively covers actions Microsoft may not take against OEMs (defined as ''an original equipment manufacturer of Personal Computers that is a licensee of a Windows Operating System Product''). This, I believe is an unnecessary and unfair power. OEM software is sold at a lower price to OEMs, and ultimately consumers. OEM software is released at the discretion of Microsoft (in line with academic and other subsidised versions) and Microsoft should be able to choose it's condition of sale, as it will be of economic benefit to consumers. Therefore, it is clear that Microsoft is already bound sufficiently and further actions will result in negative effects for purchasers of OEM software.

Thankyou for your time and consideration.

Please direct any comments to —nasturtium@bigpond.com

MTC–00008578

From: Vincent Avona
To: Microsoft ATR
Date: 1/4/02 2:36am
Subject: Microsoft settlement

I am pleased to see that a fair settlement has been reached between the Federal and State governments. I trust we will no longer have to continue waste our tax money and government time on further litigation. It should have never started to begin with. Good luck Microsoft. ''Let's Roll''

PS How about putting on the market more software compatible with Mac OS!

MTC–00008579

From: MortEfron@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 2:38am
Subject: Microsoft Settlement

Enough already. The government has spent millions of taxpayer's money on a ridiculous case against Microsoft and caused the company to spend millions more to defend, which ultimately will cost the consumer in higher prices to cover this litigation cost! Somehow, over the years, the prices of computers have come down due to competition and are now affordable by almost everyone. I don't see how any consumer is being hurt.

Stop this silly witch hunt which is simply costing all of us in the long run. Consumers are actually being harmed more by the cost of the litigation than by anything done by Microsoft. I believe the government is stifling progress. It is time to stop.

Morton L. Efron

MTC–00008580

From: E.J. Eiteljorge
To: Microsoft ATR
Date: 1/4/02 2:39am
Subject: Microsoft Settlement

To Whom it May Concern:

I'd like to take just a moment to express my opinion on the Microsoft persecution. I absolutely, 100%, completely, thoroughly believe that the DOJ's pursuit of Microsoft is totally responsible for the ''tech stock meltdown'' of the last roughly two years. The amount of wealth lost by the average American investor, of which I am one, dwarfs even that of Mr Gates, the intended target.

As such, I believe that a hasty settlement coupled with a sincere apology directed to Microsoft, its stockholders and to the average American investor is certainly in order.

Terrance J. Eiteljorge
Heidelberg Hospital
CMR 442, Box 990
APO AE 09042

MTC–00008581

From: David Winarsky
To: Microsoft ATR
Date: 1/4/02 2:49am
Subject: Microsoft settlement

To whom it may concern:

This lawsuit against a great American company is ridiculous. The first lawsuit against the Bells did have merit, but in the end the gov broke up the bells and now you have bad service.

I work for a Major retailer in the U.S. and sell both Microsoft products and product from their competition, and I have to say that the Microsoft Corp. goes all out and improves peoples lives, by making their technology easy and affordable to use.

These lawsuits need to cease and we, as a nation need to come together and pull this nation together.

Thank you,
David Winarsky
david3668@hotmail.com
Boca Raton, Florida

MTC–00008582

From: Steve S. Scherping
To: Microsoft ATR
Date: 1/4/02 2:57am
Subject: Microsoft Settlement

To Whom It May Concern:

I am writing you because I am extremely concerned about the current state of the settlement concerning the Federal Government1s case against Microsoft1s antitrust practices. I feel that harsher penalties should take place. Take as an example, the recent offering by Microsoft as a settlement for the private antitrust cases brought against them. Not only do I believe this offer allows them to continue their monopoly since they will be imposing more of the software, operating systems, and hardware onto users, it also is quite meager since the potential value is $1.1 billion, when they readily have $36 is readily available capital. In this case, being a monopoly, Microsoft also controls the value of its products so again it is able to shorthand those involved in the settlement. I understand that this does not directly relate to your case, but it is deeply troubling that a company that is supposed to be punished, in the end will probably come out the winner again. I am not a rogue citizen that has a vendetta against Microsoft. Rather, I am an experienced system administrator that utilizes Microsoft products on a daily basis. In a university setting we are forced into pricing schemes and meager product offerings from Microsoft since our students are not capable of using other offerings since they consistently use proprietary technology and also force developers and manufacturers into sole platform support scenarios. Microsoft continues to test its corporate boundaries by attempting to force users into using their products. They also continue to alter known standards into their own proprietary technology. Please continue your efforts to halt the illegal business practices of Microsoft.

Sincerely,
Steve S. Scherping
Steve S. Scherping
Business: U of MN
Communications Technician
CLA Language Center
51 Folwell Hall
9 Pleasant St SE
Minneapolis, MN 55455
Ph. 612–626–0013
Gen. Ph. 612–624–6811
Email: scher037@umn.edu
Home: 810 Thornton St. SE, Apt. 1004
Minneapolis, MN 55414
scher037@umn.edu
http://umn.edu/home/scher037
http://www.ssstech.net
Steve's PGP Public Key may be found at
http://www.umn.edu/lookup?SET—INSTITUTION=UMNTC&UID=scher037&show—pgp=1

MTC–00008583

From: Vagabonds2@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 3:06am
Subject: Microsoft Settlement

To the Department of Justice,

The Federal Government and nine states along with Microsoft Corporation have agreed to terms of a settlement. Shouldn't we honor that? With the current turmoil in our country, let us ask, ''What serves our nation best, both socially and economically?'' It seems to me that upholding the proposed and agreed upon settlement is in the best interest of our country and people. What is really to be gained by dragging this case on for months or years. So if you value any input from thoughts of an ordinary citizen of our country, ''Let's move on!'' Nine states and The Department of Justice and Microsoft have agreed to this proposed settlement. As a teacher, our students know that in a democracy, the majority of votes makes the decision. Aren't we still going by those rules? Let's move on!

Thank you for taking the time to read my letter,

Gary Fine

MTC–00008584

From: SSTARJUDY@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 3:07am
Subject: Microsoft Settlement.

3056 Rue D'Orleans
Apartment #138
San Diego, California 92110
January 2, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW.,
Washington, DC 20530
Dear Mr. Ashcroft:

I wanted to take this opportunity to thank you for the settlement that you and your colleagues at the Department of Justice have worked so hard to negotiate in the Microsoft antitrust dispute.

The settlement is good for the technology industry and good for the economy, both of which have taken a serious beating as a result of this unfortunate three-year long legal battle between the two parties. Anytime a settlement is reached, and extremely costly and distracting litigation can be avoided, it is a good thing.

It seems that politics is the motivating factor behind this case and that Microsoft's adversaries will stop at nothing to derail and destroy Microsoft. These groups and individuals do not seem to realize or care that they are hurting the entire U.S. economy in the process.

The settlement ends Microsoft's status as a ''monopoly''. Since this was the goal of the government in the first place and it has clearly been met, Microsoft should be left alone and allowed to move forward. It is time that our premier software company gets back to innovating rather than litigating. Thank you for the work that you have done on this settlement and for ensuring that no further legal action will be taken against this American company.

Sincerely,
Judy Ames

MTC–00008585

From: CWest51134@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 3:29am
Subject: Microsoft Settlement

MICROSOFT ATR@USDOJ.GOV,

The government should be more informed about the whole Microsoft spectrum and not let politics interfere with any decisions it makes to improve the existence of Microsoft in the entire community of the computer world. Microsoft has a wonderful product in all the versions of Windows and other products in provides to it's customers but there is definitely a cloud of greed hovering over the company's operation. One would think that the sales of their products would produce enough revenue that the tech support would be provided to it's clientele at no charge as many other very successful companies do. Actually for Microsoft to charge for tech support could be interpreted as monopolistic. Once the user goes into Microsoft products it's very difficult to drop Windows and seek a replacement elsewhere.

The exit option is not readily provided to leave a program whenever one wants to. Then there is all the subliminal advertising that is annoying. The criticism could go on and on but there definitely should be some oversight by some honest, fully knowledgeable and not political authority to give guidance to all computer industry related companies.

Not tell a man how to run his company but when you create so many billionaires off the backs of your customers who actually support you with their sweat and blood is unconscionable. The revenue is not apportioned properly in Microsoft so the blame is at the top, the authority of the company. It is my hope as a long time Microsoft user that the above remarks be seriously taken when it comes time to finalize the settlement.

Sincerely,
Charles West
cwest51134@aol.com
CC:kazdwa@webtv.net@inetgw

MTC–00008586

From: Dorothy G Randrup
To: Microsoft ATR
Date: 1/4/02 4:04am
Subject: Microsoft Settlement

Gentlemen: Please close this case, as a settlement has been agreed upon. It is my strong desire to have Microsoft proceed with the great work they have begun in the past few years.

Hoping for your cooperation, Sincerely,
Dorothy G. Randrup 3728 E. Balch Ave.
Fresno, CA 93702–2804

MTC–00008587

From: Steve Glass
To: Microsoft ATR
Date: 1/4/02 4:05am
Subject: gov. bogus lawsuit

TO WHOM IT MAY CONCERN:

The justice dept. had no business trying to corner the Microsoft Corp. in an illegal, totally bogus, politically motivated class action lawsuit. Because Bill Gates has more brains than any of his competitors is certainly no reason for his competitors to stage a legal frenzy against him. This lawsuit shows the ignorance (and jealousy) of many democratic politicians and Clinton. Heres the best advice you're going to get from the AMERICAN PEOPLE : Drop the lawsuit, apologize to Bill Gates, pay him back for all expenses and then, GROW UP.

Stephen R. Glaze
Box 1196, Clearlake Oaks, Ca. 95423

MTC–00008588

From: ROBERT REMINGTON
To: Microsoft
ATR,rremington@webtv.net@inetgw
Date: 1/4/02 4:25am
Subject: USPS' Heidi Game

NBC preempted an Oakland Raiders / NY Jets game years ago during a close contest for the network televised family classic, Heidi. The sports world has never quite forgiven NBC for this gaffe, reminding the football fans of the network's ''gatekeeper'' decision at the time. Heidi French, Wells Fargo's Orange County based HR manager hired me and was responsible for my work assignments during my career at Wells Fargo.

Several times I attempted to relocate back to the Bay Area or Los Angeles with Wells Fargo, due to the continuing family attacks and corporate hazings / assaults in Irvine. I was constantly denied a transfer, due to political and Norwest Financial / Wells Fargo merger consolidations, and the fact that Wells Fargo wanted all of my family's money and one of their selections as my ''mate''.

Apparently, the written request for my postal delivery hold at the Aliso Viejo / Laguna Niguel, California Post Office is once again creatively ignored. I have received three pieces of mail today after repeated requests for postal service hold, due to mail tampering. My mail was delivered to my home for two weeks after my written request was presented to the Laguna Niguel Post Office after I discovered mail tampering with my State Of California checks. I time the check delivery through California's automated system that details the date the check was mailed to me.

For one week, my mail was held for pickup at the Aliso Viejo Postal Center (a carrier's processing facility and not a full service post office). After one week, my mail delivery was resumed without my permission, along with other family mail to 62 Trofello in Aliso Viejo, CA.

On Wednesday, January 2, 2002, I contacted a carrier supervisor at the AV Postal Center who found the California check and held it for my pickup later in the day. The supervisor confirmed my request for mail hold yesterday. Today, 01/03/02, I received three pieces of red / pink color coded mail ... the first, a pink envelope from Geico insurance services, the second, an unsolicited Seasons Greetings from an unknown Japanese company named Strawberry Corporation that went public in Japan in October 2001, and an unsolicited red / white colored promotion for Homes And Gardens Magazines courtesy of Spiegel Corporation.

Obviously someone is spending big bucks to pay off government workers and others during the big money struggles of the Microsoft Anti-Trust trial and related royalty issues I have detailed in previous memos. The

USPS can hold my mail just like anyone else! Several additional PAC comics yesterday and today detail the conspiracies. The ''Crankshaft'' comic spins around a fictional Ohio family and a school bus driving ''grandfather' character, Crankshaft, a parody on my father. In the late 1960s my father spearheaded a school bus program in suburban Illinois with major opposition from church/school members. Crankshaft yelled at his daughter for having a cold (she was sneezing in the comic) and running around in ''socking'' feet. The abuse of the English language is a feature of ''Crankshaft''. Today the blond haired kid was featured in a jazz band with Crankshaft and family in the audience.

''Crankshaft'', the grouchy one, complained about the ''Tune''! Knowing my father's agenda and drive to place me in another music performance role (which will never occur) these Ohio crazed authors drew a foreplanned comic thinking I would go back to NBC Burbank and the Tonight Show again this week after the New Year's Eve live show. Actually, after the intentional anthrax?/flu/ viral/bacterial poisoning on New Year's Day

(I could feel the immediate effects of the bio attack during my workout at the Sporting Club on Tuesday evening) I decided to ''set up'' the perpetrators once again, to flush out the game for the ''kill''.

Several times at Tonight Show tapings during December 2001 I was seated near the keyboard artist and jazz guitar bandleader, Kevin Eubanks. I enjoy any seat in NBC studio 3, and I am especially pleased to hear the music up close & personal. This band is first class! I visited three Nike retail stores, two corporate owned showcases, and ran 5 miles with the Beverly Hills NikeTown Running Club on Thursday 01/03/02, finishing my workout at 24 Fitness Sporting Club Irvine. I am still about eight pounds of accumulated fat away from my previous dimensions.

This addition of weight was NOT, I repeat, NOT from overeating ... intentional family food poisoning / university hushed experiments / subversive governmental people using my tuned athletic body as a platform for their Nazi-like human experiments! Just when my weight returns to about 160#, the ''ideal weight for me'' and the weight I maintained for years in the Bay Area & San Diego, others spike my food with poisons that block digestion & normal waste passage, causing fat deposits. I have overheard and read several features that explain the invasive and totally non consenting experiments as protein / carcinoma related, as my father's and mother's family has a history of cancers.

My intentions are not to secure a performing musical opportunity at the Tonight Show or other venue at this time. As I have stated in a previous memo to the DOJ, I have attended the Tonight Show and others at NBC Burbank for professional, Los Angeles based public relations. I wanted the Hollywood and Burbank media troops, everyday workers like myself, as well as Hollywood's ''moguls'' and my competitors to see me in person, not as the Family Ties ''Alex'' in the blue sportcoat, but as a human that was subjected to some of the most sadistic plots, who triumphed over adversity, government subversion, and millions of dollars of negative PR.

I have been pleased to have worked successfully with over four unique security forces in front and inside NBC Burbank, as well as many of the private and governmental security staff at the Crystal Cathedral, Chicago Stadium, and Qualcomm (Jack Murphy) Stadium in San Diego. Folks, we have to have immediate closure on this long overdue royalty issue, it's really in the billions of dollars, and all of the other related issues from Family Ties, Stephen Spielberg's SKG team, Universal, McDonald's Corporation, Jack-In-The-Box, Nissan, Disney / Touchstone Pictures, IBM, Microsoft, and others. The issue can be resolved real easily, and by authorities through government directed wire transfers and seizures of fraudulently acquired assets.

Transfer my CASH to me NOW! LET ME KNOW THAT I HAVE MY ASSETS AND THEIR LOCATIONS. I will decide how to invest these assets with the guidance of professional investment firms. I do not sponsor anyone's investment of my assets without my consent.

THIS IS MY MONEY!

Thank you for your consideration.

Robert Remington

MTC–00008589

From: Ron Garton
To: Microsoft ATR
Date: 1/4/02 4:32am
Subject: May it Please the Court

Renata—

The settlement outlined is wholly inadequate. It stipulates behavioral remedies going forward, but addresses no punitive damages whatsoever for Microsoft's continuing illegal actions since the 1995 consent decree. Why? In addition, the terminology 'middleware' is used in such a vague manner, as to render the agreement virtually unenforceable. Microsoft's clear violation(s) of the Sherman Anti-trust law are no less significant than the Teapot Dome scandal of the 1800's in U.S. history.

Clearly, there can be no question as to Microsoft's guilt, and the government's desire to 'close the book' on this action; based in part on publicized statements that indicated it was 'in the best interest of the country and the technology sector', is nothing more than partisan politics. Frankly, to use the events of 9/11 and other current events occurring around the world as a substantive 'reason' to end this action makes me ill to my stomach.

I wonder, if the government compiled a list of 'industry standards' bodies that have been formed over the last 20 years, and analyzed Microsoft's commitment to those, what they would find? As a contributing member to several of those organizations, I can speak from experience, Microsoft only contributed to Standards Bodies (that would've produced cheaper, more compatible software that would run on any operating system, regardless of hardware ...) when it saw an opportunity to influence peddle it's proprietary view of software and operating systems. IN ALMOST EVERY CASE WHERE A STANDARDS BODY MOVED TO CREATE A TRULY MULTI-NATIONAL, MULTI-PLATFORM INTEROPERABLE SET OF SOFTWARE DEVELOPMENT STANDARDS, EITHER MICROSOFT VOWED TO CREATE THEIR OWN STANDARD OR DETERMINED WAYS IN WHICH THEY COULD USE THEIR ''FUD'' STRATEGY (Fear, Uncertainty and Doubt) to undermine the effort. In essence, their actions, as noted in the Consent decree of 1995, were in direct violation of the Sherman Anti-trust Law. How then, do we determine as a country, through our 'duly' elected officials, that those activities haven't harmed consumers, sufficient to warrant some form of punitive damages? While the rest of the technology industry was attempting to create the '110V' standard connectivity for software, Microsoft was publicly proclaiming that it ALONE had the power to dictate what standard the rest of the country (and the world) would use for connecting software between computers, operating systems and all manner of digital devices?

Did this fact escape the DOJ in their reasoning process? In my view, the ONLY recourse is to :

1. Break the company into (2) or more distinct operating companies, and require that all Microsoft Office tools source code be auctioned to a top 20 international s/w company, for the express purpose of porting it to alternate operating systems.

2. In addition, all source code for the Internet Explorer Browser needs to go the same route.

3. All Microsoft Operating System interfaces (API's) and source code must be placed in the public domain.

4. Future Operating System enhancements must pass muster with an Industry Consortium, comprised of a cross-section of senior leaders in the IT industry, not just so-called 'Microsoft enemies'

5. Marketing/Sales activities should be monitored by a 'DOJ' oversight committee, similar in concept to the proposed ''governance'' body.

6. Microsoft should not be allowed to 'buy' or 'invest' in early stage technology companies until a pre-determined 'moratorium' period has expired, based on the execution date of the amended agreement.

The basic principles of these sanctions will yield significant benefits immediately in 'stimulating' innovation in the technology sector, by forcing more competition and providing investors, consumers and early stage startup companies COMPLETE confidence that the technology that they build/buy, will ultimately be compatible with ANY Web Browser and/or operating system. Companies can then be FREE to compete on the basis of WHO they sell to, WHAT clearly distinguishes their product from the competition with the confidence that they won't suffer repercussions from MS.

Has it gone without notice that the rest of the computing world (specifically, Europe and Asia) have similar views of Microsoft's exclusionary practices?

If Mr. Gates wants to run his business in this country, and remain a citizen of this country, perhaps he should consider the protection he receives from our laws ... laws that he has knowingly violated. If he can't manage his company by those laws, then we should gladly hand him his pink slip, and send him, his company and anyone who works for him, on their merry way to whatever country would like their tax dollars. My sense of it is, this country is much bigger than just Microsoft, and aspires to a higher level of ethics and standards, than those practiced by Mr. Gate's staff. We will do just fine as a country and/or an industry with or without Microsoft and their tax dollars and jobs.

I've been following this case, and this company, for many years. I'm a 25 year veteran of the Computer industry, and I thinks it time that we as a country (and as a Justice Department), finally stood up to Microsoft and deliver the judgment that has been long overdue. A concerned, informed Technology citizen.

MTC–00008590

From: Robin Mockett
To: Microsoft ATR
Date: 1/4/02 5:08am
Subject: Microsoft Settlement

To whom it may concern:

I am informed that I can comment on the Microsoft settlement by sending an e-mail to your address.

My comment is that the lesser 'punishments' now being imposed on Microsoft are less unjust than the previously-attempted split-up of the company. However, they are still unjust because Microsoft has done nothing wrong and does not deserve any punishment whatsoever.

I am not a Microsoft employee or even very knowledgeable about computers, beyond being able to send e-mail messages (for which I am grateful to Bill Gates and inventors like him), but if I knew more I could probably offer specific technical reasons why punishing his company will hurt the economy and slow the rate of increase in everyone's living standards.

Instead, I will make a simple moral claim that antitrust laws as such are inherently unjust, as explained by Alan Greenspan in essays in Ayn Rand's book, —Capitalism: The Unknown Ideal—. Antitrust laws in any form constitute a tyrannical element within the government, because (1) they impose punishment on people simply for being productive, and (2) they impose punishment in a manner which cannot be predicted in advance, or which depends on subjective interpretations by judges or government prosecutors. Consequently, the decisions of productive businessmen are controlled by the personal opinions of government agents, rather than objectively written statutes. This makes some of the businessmen produce less because their decisions are blocked, others because they are afraid of unanticipated penalties, and others because they choose to make less effort in such a climate. More importantly, it demeans leaders who deserve gratitude from the rest of us.

Yours sincerely,

Robin Mockett, Ph.D.

MTC–00008591

From: Dexter Anderson
To: Microsoft ATR
Date: 1/4/02 5:34am
Subject: Fw: Microsoft Settlement

2002–01–04

I am repeating this message in order to ensure you have it for inclusion in the public record.

Dexter Anderson

From: Dexter Anderson
To: Microsoft.atr@usdoj.gov
Cc: Anderson, Dexter
Sent: 2001–12–12 12:25
Subject: Microsoft Settlement

2001–12–12

Comments on the Microsoft Settlement

1. The action against Microsoft should never have been launched during the last Administration, and the sooner it is wound up, without damage to this quintessentially American company, the better.

2. We sometimes seem to have a death wish. As in the AT&T dismemberment of 1983/1984, we have in Microsoft a company that is admired throughout the world, yet some seem to derive a perverse satisfaction from seeing whether they can smash it up.

3. It is one thing to go after a company on antitrust grounds if it threatens to corner the market on a physical resource such as oil or silver. But intellectual property is infinitely expandable. If Microsoft does not keep investing better intellectual mousetraps, or if the buying public believes it is overcharging, it will quickly lose ground to competitors. The competitive system is self-correcting. There is no need for government to step in. There is need for government not to step in.

4. Microsoft's competitors should fight it in the marketplace, not in the courtroom. It's shameful enough for the CEO of a competing company to come whining to the Department of Justice when he fails to obtain the results he desires in the marketplace; it is downright disgusting to see him crossing the ocean to denounce his countrymen from Microsoft before officials of the European Communities.

5. The bundling charge took first place for absurdity. One may as well tell a car manufacturer not to include tires, or a radio, with his product.

6. The States should have no role in in the Microsoft matter or in similar matters involving companies that are clearly national in character.. The Constitution gives the regulation of interstate commerce to the U.S. Congress. The threat to companies of hostile action (sometimes, as in this case, politically motivated) by regulatory authorities of 50 states unnecessarily raises the cost of goods and services and harms U.S. competitiveness.

Thank you for considering my views.

Dexter Anderson
29 Sherwood Drive
Westerly, Rhode Island 02891–3701
andersondexter@home.com

MTC–00008592

From: Jcarnick@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 6:13am
Subject: Microsoft Settlement

Dear Dept. of Justice,

The Clinton Administration's Justice Dept. started an attack on Microsoft and continued it largely because Microsoft failed to pay off the Democratic Party. The Democratic Party is 1,000 x more corrupt and dangerous than Microsoft.

Drop the persecution of Bill Gates. Look into former Clinton Administration and current Democratic operatives.

John Carnick

MTC–00008593

From: Neil H. Kennedy
To: Microsoft ATR
Date: 1/4/02 6:24am
Subject: Microsoft Settlement

This settlement is too much punishment for Microsoft. This is a world of competition, and because of it we have the software and hardware that we do today.

Perhaps Microsoft has used some less than perfect marketing methods, but what is clear is that they do provide reasonably priced excellent software. To make them split their software applications would hurt the consumer.

I urge you to complete the agreed upon settlement and don't deter Microsoft from continuing to produce the software we all use every day.

MTC–00008595

From: zevy yanovich
To: Microsoft ATR
Date: 1/4/02 6:44am
Subject: Settlement

As a tax payer I believe the attack on Microsoft was instigated by competitors like Sun, Oracle, AOL, and IBM and not by consumers like me. We have enjoyed the benefit of great software products and innovations for our PCs that would have never been possible with multiple operating system standards.

I truly believe the settlement agreed upon the DOJ and Microsoft is a fair one and will let Microsoft to continue to innovate in a way that benefits consumers in the US and worldwide.

MTC–00008596

From: Mark Clifton
To: Microsoft ATR
Date: 1/4/02 6:49am
Subject: Microsoft Settlement

I wanted to send you my thoughts and comments regarding the Microsoft settlement. I think it is fair and reasonable and should stand as is...it is time to move on and get this economy back on track. Continuing to focus on this case has no value and just creates more uncertainty and unrest. It1s time for politics to move aside and let1s get this country going again.

MTC–00008597

From: Lee Sherrell
To: Microsoft ATR
Date: 1/4/02 7:01 am

To whom this may concern:

Or to whomever may really give a shit about what the little guy thinks.

Over the past year or so that this trial has been going on. I have been periodically watching just what was going on. In some cases, I would have to catch up on certain issues. After reviewing most of the events that have been forced upon the American public throughout the whole trial process. I have analyzed many of the things that have been changing throughout the US and it has put me into a state of fear. Not fear for my life or bodily harm, instead it is a fear of the little guys financial futures. Let's face it! The computer age is here to stay, and in order for the people of this country are to ever move forward in their lives, in a financial capacity, we are no, we must have computer abilities and be to move forward in the world of computing.

Before this thing with OUR government suing Microsoft for being unfair in some of their practices of doing business. The god damned, selfish, greedy, son-a-bitches that were approached by and paid off by the other competitors and some that were not competitors just the heads of billion-dollar corporations that disliked the way that Bill Gates made his fortune. The ones who did not work to make their fortunes, rather inherited them. The elite ''Good-Ol'-Boys'' club. Now I know what I am saying from this point on will be looked at as though I am a nut! All I have to say about that is, PROVE ME WRONG!!

Most intelligent people know of, or have heard of, or personally know of the very thing that I am speaking of. Most the elite ''Good-Ol'-Boys'' club either know or sat

down and figured out a plan to demolish the DOT COMS of America. They knew that most of them were on shaky ground with means to their financial stability. Knowing full well that all they had to do was shake the ground under the DOT COMS and they would crumble. Hell I could see that. Several years ago, I had even mentioned to a friend of mine that was in charge of operations within a DOT COM company that his company had better stick a little more of their money into the more stable investments out there or they were going to collapse. I told him that ''you can't balance a bowling ball on a stick forever, something has to go.

This is only the first part a very large puzzle. Now you take and put that part of the large puzzle down and no one sees a picture. So, you move on to the other parts of the picture. The part of the picture is a large part, but not the main part. The main part is in a simple question. WHY? Why did the US government's so called ''Justice Department'' go after a relatively medium size company (In the eyes of the multi-billion dollar companies.) instead of the other larger multi-billion dollar companies out there that are doing exactly what the ''Justice Department'' is claiming that Microsoft was in the middle of? There are quite a huge number of them out there. Take for instance the oil companies, any one of them will do. Price gouging the consumers, creating a FALSE oil crisis in order to generate overly abundant profits for a product that is technically given to them by the government. The property that is acquired by the oil companies are sold to the companies for a very, very ridiculously low price. (I know for a fact, because I tried, that the government will not sell me or my friends large government-owned tracts of land for the price that the oil companies paid!) One fine note of interest is that most of these purchases and ''gifts'' of properties (land) were released to the oil companies during Republican Administrations. Stop and think whom was in office when our ''so-called'' oil shortage happened in the '70's. Look and see that in the 80's all of the land that changed hands and the countries that were developed by the US tax dollars. Check out just what companies did then and do now either control or have controlling interest in most of the oil rich countries. Take a look at just what is happening now with our present admin in charge. There has been a fight for decades to keep the oil companies out of the Alaskan Wilderness. The oil companies had a relatively small parcel of land up there, but during the Regan and Bush (The older Bush) admins the oil companies kept on building their huge damned pipeline.

Now this Bush admin suddenly came up with the statement that it's for a stronger America and said that he does not care what is thought about it, that the agencies that have been fighting legally to keep the oil companies out of the pristine wilderness areas are all wrong. Then had congress quickly pass a bill allowing the oil companies in there, knowing that it will take years to fight it in the courts. By then it will be too late. The oil up there WILL be produced! I guess it's no big surprise, after all he's an oil man from an oil state as well as his dad. It makes you wonder why the huge oil companies are not being looked at very close. Hhmmm I wonder?

Another group of huge multi-billion dollar (in some cases multi-trillion dollar) companies that have not been looked at are the Pharmaceutical companies. They have clearly and absolutely done all of the things that Microsoft is charged with and then some. Stopping research on non-chemical oriented drugs such as plants that they could not control the patents on or keep other companies from developing. Buying off the FDA to keep other smaller Pharmaceutical companies from developing drugs that would and did work but could not get the FDA to pass the drugs for consumer use until the larger companies could buy off the smaller companies and control the patent. They would then take those newly patented drugs and shelf them until exorbitant profits could be pulled out of the products.

They have developed drugs that are bad for the consumers and promoted them as safe and developing other drugs to compensate for the damage the other drugs had created, when the whole time they had shelved or thrown out drugs that were more effective and safer for the consumer but were more costly to make or the products used to make the drugs can not be controlled by the Pharmaceutical companies. A very good example of this is in the cancer medicines. One in particular, the medicine used in Chemotherapy, RAT POISIN! There is several medicines outside the US which have been developed and has been tested and has been working on thousands of patients for years with tremendous results. In most of the cases the results are far, far better. These medicines will not be let into the US to help save the American consumers from the other medicines out there because the Pharmaceutically controlled FDA will not let them pass the ''so called'' stringent testing the FDA requires and thus keeping them out of the country. If that can not be seen as restricting trade and stifling competition and controlling the marketplace then the English language had better get a new dictionary started, 'cause we are going to have to learn a brand new language.

I have not even been able to hit the Iceberg let alone see what's underneath it! This trumped up, half-baked, jerk-off charges that out fucking government representatives have thrown out to the American public and have expelled millions of dollars of our hard earned tax dollars, given to a bunch of has-been over-the-hill pretend lawyers whom if you were to ask them directly if they even had a mild clue of just what the American public really wanted or needed, you know the answer would be ''Duh!''

They need to take a long, hard look at the other companies out there that are doing the complaining against Microsoft. Oh my god what do you think they would find! Most of those companies are really into the bad stuff that they are accusing Microsoft of. But that will never happen, as we all know. IBM is one of the accusers. If the truth could ever be known they are just trying to get back at Gates for making them look like a bunch of dopes. Gates is not considered one of the ''Good Ol' Boys'', IBM is.

The government needs to stop all of the bullshit they are doing to Microsoft. Just finish with the ''hand-slap'' and move onto the other companies out there that are REALLY working against the American consumer, that are REALLY grossly committing consumer trade issues, that are REALLY and truly not doing the American consumer and the country as a whole. If you were to put all of the charges that are brought up against Microsoft and multiply them by fifty that figure would only be a portion of the charges that could be brought against the other companies that I have previously spoke of.

If the government is going to really work for the American consumers then they need to drop the crap with Microsoft and look at those other companies. They would be doing such an extreme service for American that it would take decades after it was all over to actually figure out just what was done and find out just how great of a country the US had become. Well I think that it will turn out to be just a pipe dream. The people in charge of this whole mess are Republicans and when they listen they can not heard words, they only hear the shuffling sound that money makes. The thought of actual justice will never come about. With everyone that is in the majority in our government has a new phrase written above the scratched out version that was on the United States Constitution. It now read, ''By the people for the people, as long as they are rich ... etc. etc.''

Written by

MTC–00008598

From: Wetherhold,Kent W.
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/4/02 7:07am
Subject: Microsoft Settlement

This fraudulent antitrust lawsuit against Microsoft must come to a close immediately. This is nothing more than a leftover Clinton administration attack upon one of America's greatest entrepreneurs. Please do what is right and put an end this atrocity.

Sincerely,
Kent Wetherhold +

MTC–00008599

From: Randy Neal
To: Microsoft ATR
Date: 1/4/02 7:08am
Subject: Microsoft Settlement

I want this settled and put behind us. Microsoft is a good company and what you have done has hurt our country's economy!

I agree that a monopoly is bad but you haven't proven where any consumer has been hurt. I think this whole action was dictated by companies who can't compete on their own product's merit.

Thanks,
Randy Neal

MTC–00008600

From: LuigiShort@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 7:17am
Subject: Microsoft Lawsuit

Dept. of Justice:

Dear Sirs:

I would like to voice my opinion on the current ongoing case against Microsoft. It seems that the case goes on and on, driven by companies and their lobbyists that are

more interested in deriving an income from the suit rather than buckling down, working hard and becoming a true competitor. Also some States see a ruling against Microsoft as a cash cow and help keep the case ongoing to try and reap benefits for themselves with no concern for the effect it has on both the U.S. economy and the State of Washington. The people who keep this case going never seem to bring up all the good that Microsoft, Gates and many employees do for education and charitable needs in this country plus the tax revenues derived for the U.S. and Washington.

WOULD YOU PLEASE BRING THIS TO AN END!!!!

THANKYOU.

Al Short

Bainbridge Is. WA

MTC–00008601

From: Ralph C. Whaley
To: Microsoft ATR
Date: 1/4/02 7:44am
Subject: US vs. Microsoft

The right to property is an inalienable right. Microsoft Corporation including it's owners, the shareholders, have the absolute right to the property created in the context of the company. The right to property includes the absolute right to determine the conditions of sale and use of that property. Property rights include setting any price for any product at any time to any prospective buyer with any conditions of use of the product the seller sets. The prospective buyer is free to accept or reject the terms of sale and suffers no violations of his own rights when confronted with the seller's conditions.

The anti-trust laws impose rules of use and sale of property under threat of government force. The government's responsibility is the protection of rights not their violation. These laws are violations of property rights and should be repealed.

Ralph C. Whaley MD
460 S. 5th St.
Barron, WI 54812–1509
Phone: 715–537–3614

MTC–00008602

From: Tom.DaSilva@gidi.it@inetgw
To: Microsoft ATR
Date: 1/4/02 7:49am
Subject: Microsoft settlement

Gentlemen,

For inclusion in the public record: Microsoft has gained its position through free trade but, the competition has resorted to government intervention. All that the government does it does by force. All the government has it has taken by force. ''The simpering rotter who whines that he sees no difference between the power of the dollar and the power of the whip ought to learn the difference on his hide''—Ayn Rand. Antitrust creates not a level playing field but a crime scene. The department of Justice owes Microsoft a conspicuous apology post haste.

Respectfully,

Thomas da Silva

MTC–00008603

From: hglee@hglee.com@inetgw
To: Microsoft ATR
Date: 1/4/02 7:53am
Subject: Microsoft Settlement

I am of the opinion that the so-called ''trial'' of Microsoft is an abomination in a country that represents itself to be founded on the principles of individual rights. Microsoft has done more to advance the personal computer age than any other ten companies combined. The premise that Microsoft achieved these great heights through ''coercion'' is farcical. Take a look around the market today, and you will find that the majority of products are designed for the Microsoft platform because the company is successful, not because they were complled to at the point of a gun—only the imperial federal government possesses that particular methodology.

If you are truly concerned with public comment and the ''public interest,'' then as a member of the public I emplore you to leave well enough alone. There is no calculating the harm that you have already done this company (and how much this has ''cost the American consumer''). Back off now, and let Microsoft's productive genius go unmolested unless and until it commits a bona fide crime of some sort.

Please keep in mind that the only legitimate function for a government is to protect its citizens from force or fraud; Microsoft has committed neither. If you want to truly pursue a prosecution that will be a ''victory for consumers everywhere,'' then close this matter and let Microsoft continue to improve the lives of countless individuals—programmers, stockholders, innovators, businessmen, and especially consumers.

If the DoJ is truly interested in ''settling'' this case properly, I submit that the only proper way to do that is to quit the prosecution, to apologize profusely and publicly, and to pay restitution for the unnecessary for waste of this company's time over the last two years. Only then can the DoJ begin to earn the title of ''Department of Justice.''

H.G. Lee,

Atlanta, GA

MTC–00008604

From: Jeffrey C. Graber
To: Microsoft ATR
Date: 1/4/02 7:57am
Subject: Microsoft Settlement

DOJ: I feel very strongly that the DOJ should settle the Microsoft case as it's currently proposes. It is fair for both sides.

Jeff Graber

MTC–00008605

From: JESSIE AURON
To: Microsoft ATR
Date: 1/4/02 8:06am
Subject: Microsoft settlement

I believe that the settlement is fair to all parties concerned and that the dragging out of this case must be considered unfair to the majority of parties concerned. Microsoft has acted in an honorable manner. Please act quickly to end this.

What is a weed? A plant whose virtues have not yet been discovered.

MTC–00008606

From: Drlik, Scott
To: 'Microsoft.atr@usdoj.gov'
Date: 1/4/02 8:11am
Subject: Microsoft Settlement

It is time to implement the settlement reached in the Microsoft case. Further litigation would be counterproductive. Already, millions of dollars have been spent to reach a decision that has been deemed acceptable by millions of individuals.

As a user of the technology being judged, I was readily able to choose between providers. In fact, I am of the opinion that the lawsuit lacked initial merit. Those millions of dollars spent on this case could very well have been allocated to more needy causes; e.g., education, homelessness, poverty.

Respectfully submitted,

Francis Scott Drlik

MTC–00008607

From: Andrew Sisolak
To: Microsoft ATR
Date: 1/3/02 2:44pm
Subject: MICROSOFT SETTLEMENT

IT IS EXTREMELY IMPORTANT THAT ALL OF THE LITIGATION AGAINST MICROSOFT RE MONOPOLY/UNFAIR TRADE ISSUES BE TERMINATED IMMEDIATELY. THE ENTIRE PURSUIT OF MICROSOFT WAS A MASSIVE WASTE OF TAXPAYER MONEY, BENEFITTING ONLY ITS COMPETITORS AND THOSE INDIVIDUALS TRYING TO MAKE A NAME FOR THEMSELVES. THE MOTIVES OF ANYONE WHO WANTS TO CONTINUE THIS ABUSE OF THE COURT SYSTEM IS BEYOND SUSPECT.

I HOPE THAT THE VOTING PUBLIC REMEMBERS THOSE INDIVIDUALS ADVOCATING THIS LITIGATION AND KEEPS THEM FROM ANY ELECTED OFFICE.

MTC–00008608

From: Rollin45@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 8:16am
Subject: Microsoft Settlement

As a long time PC user, and resident of Utah (one of the states whining about the settlement) I would just like to say that Novell at one time dominated the networking/desktop environment. The main reason they lost this position is their lack of focus and concentration , not some alleged ''unfair'' tactics on the part of Microsoft.

The local politicians and power structure see this trial as a way to show their ''dedication'' in defending their constituents. The fact that the local ''bull got gored'' does not constitute unfair business practice. If Novell had paid attention to the market place, and made their core product better it would still be number one in terms of market share. Microsoft is a relentless competitor, and one must pay attention to the game if one wishes to win.

best regards

steve mackelprang

west jordan, utah

MTC–00008609

From: Steven Henderson
To: Microsoft ATR
Date: 1/4/02 8:22am
Subject: Microsoft Settlement

I think that the gov't (Justice Department) should leave Microsoft alone. The employees of Microsoft should be free to innovate and

sell their innovations on the free market. It is a basic requirement of man that he needs to be free. I don't see how the gov't should treat the individuals that make up Microsoft any different than anybody else. The Justice Department should try cracking down on computer piracy. That is the gov't should be going after the criminals those that initiate the use of physical force in it's different forms. The bottom line is that Microsoft has a right to earn as big of a profit as it can. Microsoft should be set free.

Steven Henderson
Van Buren, Michigan

MTC–00008610

From: Gary Olson
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/4/02 8:30am
Subject: Microsoft Settlement

I personally feel the Microsoft settlement is fair. I think the States that are not agreeing to it are looking for some easy money and are not really interested in fair competition. I think that other companies could and will invent software that is better than Microsoft's and when they do there will be a market for it. People will use the software that is best for their home or business situation.

Thank You.
Gary Olson
S78 W26750 Hillview Drive
Mukwonago, WI 53149

MTC–00008611

From: Seven
To: Microsoft ATR
Date: 1/4/02 8:51am
Subject: Microsoft settlement

Please keep me informed. I am very concerned about the health of the software industry should an inappropriate settlement with Microsoft be reached.

Morley Chalmers
for the 7 Office team
Seven@7Office.com
416/926–9296

MTC–00008612

From: David E Provencher
To: Microsoft ATR
Date: 1/4/02 9:09am
Subject: Microsoft Settlement

Gentlemen:

It is my opinion that the settlement that was agreed upon should be accepted, and this case closed. This has gone on long enough.....

David E Provencher

MTC–00008613

From: PABrittain@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 9:11am
Subject: Re: Attorney General John Ashcroft Letter

To whom it may concern,

You may forward the letter to Microsoft that has my name on it. I agree strongly with your letter.

Pat Brittain

MTC–00008614

From: N. Kydonieus
To: Microsoft ATR
Date: 1/4/02 9:33am
Subject: Microsoft Settlement

I think that this is another instance of the US government penalizing the best in men to prop up the lesser men that cannot compete effectively. To do this the US government has to initiate force which is a destructive activity. The American and the global economy has been paying for this travesty of injustice. In order to leave the caves of barbarism and enter civilized existence, we have to ban the initiation of force, not institutionalize it.

MTC–00008615

From: Ron Unangst
To: Microsoft ATR
Date: 1/4/02 9:33am
Subject: Microsoft Settlement

I have been a user of Microsoft products for years and have always been satisfied with their products. I urge you to settle this and let the this country get on with the business at hand. Overall I am very upset with the governments handling of the Microsoft case in the first place. Look around, what about the merger with Warner and AOL? Microsoft and Intel have done more to take this country forward with the PC than anyone. Enough is enough. Settle and move onward. The only ones complaining now are MS competitors.....

Tunney Act
Roland Z. Unangst

MTC–00008616

From: Macktsplace@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 9:37am
Subject: Microsoft Settlement

Gentlemen:

It appears to us that the Justice Department is coming very near to destroying one of our greatest American companies. Microsoft should be left entirely free to invent and innovate to the limits of their capabilities. They should not be forced to share their proprietary information with their competitors. Our recession started with the opening of the ''Let's get Microsoft.'' governmental mind set and action. In athletics we do not force the lead runner or team to slow down or score less for their competitor's benefit!

For your information, we own Microsoft, Sun Microsystems, Dell, Oracle, Texas Instruments, AOL and Gateway stock. We urge you to discontinue and put an end to this lawsuit in a timely fashion for the sake not only of most American consumers, but for the economic welfare of our country as well.

Sincerely,
Alexander M. Thomson and
Florence W. Thomson (Mrs. Alexander M. Thomson)

MTC–00008617

From: Creech, Robert
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/4/02 9:46am
Subject: Microsoft Settlement

For years now various envious business leaders have been trying to convice government that Microsoft and Bill Gates are deamons. I know that Scott McNealy and Larry Ellison and Steve Case are more charismatic and come across as nice guys but, in my opinion, they are simply vary hard nosed and egotistical business men. The reason that Microsoft has cornered the market on operatong systems has to do with great marketing more than it does nasty business practices. Everyone knows that Apple had a better system so why didn't they prevail? I'll tell you why—lousy marketing. The same exact thing happened when the VHS standard beat out the Beta standard for VCR's. Beta was much better but they lost out. And the other key reason that Microsoft has done so well is because they established sorely needed STANDARDS.

Any company that establishes needed standards will have an advantage. Even though IBM had a very competitive operating system, nobody was interested. Why? Partly because IBM was out of style at that time. But also because tha last thing we need in business is another complicated piece of software to integrate—who needs it?

How can you hammer away at Microsoft when any number of other companies enjoy a huge market share in their product line? Please, let's move on to things that are really important to people. I would love to see the AG in Massachusetts spend his efforts making sure that the executives at Polaroid do not squander my pension fund—something that thousands of us desparately need to stay healthy. This AG is really using his office to run for Governor—just like the previous AG did. Microsoft has done the country and the world a huge service and should not be raked over the coals for being better at the software business and their rivals.

Bob Creech
Applications Systems Manager
TAC Worldwide Companies
(617) 969–3100 x294
rcreech@1tac.com

MTC–00008618

From: EVERGPH@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 9:43am
Subject: microsoft

I don't think further litigation is necessary. I didn't feel the government should have gotten involved in this situation to begin with. The only ones benefiting from all this litigation are the attorneys as usual.

j roth

MTC–00008619

From: Paula Rabel
To: Microsoft ATR
Date: 1/4/02 9:46am
Subject: Microsoft Settlement

Microsoft Settlement

Please just settle this case. We have never agreed with it to begin with and would like the litigation to be settled now.

Sincerely,
Bob & Paula Rabel

MTC–00008620

From: jereeves
To: Microsoft ATR
Date: 1/4/02 9:48am
Subject: Microsoft Settlement

We believe Microsoft's benefits to consumers far outweigh any costs. We urge you to please settle this case as soon as possible.

Jerry & Corinne Reeves

12277 Arrow Point Drive NE
Bainbridge Island WA 98110
jereeves@msn.com

MTC–00008621

From: geekfest
To: Microsoft ATR
Date: 1/4/02 9:53am
Subject: Microsoft Settlement

It's unbelievable that after Microsoft has been found guilty in two courts the Department of Justice would accept a settlement agreement that was earlier presented and rejected. This case sets a terrible precedent. Microsoft has been convicted and the Department of Justice has decided to let Microsoft determine its own punishment. I'm not aware of any other case in which the guilty party was permitted to write its own settlement agreement.

This approach to resolution generates more problems than it solves. Where is the incentive to obey the law? Microsoft gets to keep its illegally acquired gains. Its competitor's position in the market has been destroyed. It has been found guilty in two courts and will now walk away in better business position than it was before it broke the law. Based on this pattern will Microsoft choose to break the law in the future? Will other corporations do the same? The precedent established by this settlement agreement will not only reward Microsoft for deciding to break the law, it will penalize those companies that choose to obey it, and encourage other companies faced with similar competitive problems to ignore the law in the formulation of their solutions. The consumer will be harmed in the future simply because the threat of future litigation by the government will be meaningless. Microsoft has already been through litigation, been found guilty, and has been allowed to keep everything they acquired by violating the law.

Without punitive damages that make violation of the law an ineffective approach to solving business competitive problems corporations will use illegal methods. The laws intended to protect the market and consumers will get pushed aside by illegally maintained monopolies. Any settlement at the least must have punitive monetary damages that remove any monetary gain achieved by choosing to violate the law. In addition any settlement of a corporation convicted of illegally maintaining its monopoly must include either structural changes in the corporation that prohibit future violations, or a consent agreement that has significant predetermined fines and penalties that can be applied by government regulators (or in this case the oversight committee). The fines and penalties must be large enough to effectively stop illegal behavior before the behavior can damage the marketplace and consumers and they must be applied quickly enough to stop damage to the marketplace and consumers. If Microsoft feels the committee assessment is inappropriate let it go to court to get its money back. Since Microsoft is a repeat offender (they violated their original consent agreement and have been convicted of illegally maintaining their monopoly) it's not unreasonable to defend against the possibility that they may continue to exhibit illegal behavior in the future.

Since any agreement will have different possible interpretations the only effective agreement will be one in which the oversight committee has enforcement powers. It will force Microsoft to either argue their interpretation of the agreement with the committee chosen to represent the public interest or return to court for a formal determination. The proposed consent agreement does nothing to discourage illegal behavior by Microsoft and sets a precedent that will harm consumers and the market in the future. I urge the court to reject this proposed settlement as inadequate protection for consumers and force a more punitive settlement or conclusion to this case that will send a clear message that laws that prevent the illegal maintenance of a monopoly will be strictly enforced. If the court fails to send this message then the laws may as well be repealed for all the good they will do.

Thank you for reviewing this comment.

Sincerely,
John K. Stevens
P.O. Box 634
Bath, OH
(330) 701–6458

MTC–00008622

From: ABCOB7@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 10:00am
Subject: Microsoft Settlement

This is to express my views on the subject settlement.

Go with the Court of Appeals ruling. This case should not be dragged out any longer.

Arthur W. Jacob
7860 Palmer Rd.
Reynoldsburg, Ohio 43068

MTC–00008624

From: Leslie Ishimi
To: Microsoft ATR
Date: 1/4/02 10:03am
Subject: Thanks for asking.

Haven't been following the settlement closely. But Thanks for asking. Haven't been following the settlement closely. But generally I think Bill, Microsoft, and the American public got screwed by somebody who doesn't get the big picture. What you've done has changed the world, daily, for the better, for the last how-many years. Somebody ought to be sucking your toe cheese and saying thank you minute-by-minute. Sorry for the setbacks. They are inevitable when you do something well. And with even a small understanding of reality I have come to accept that even if you're able to clear one don't-get-it person out of the way, there's always another right behind. So tread undaunted as best you can—you are STILL performing an incredibly valuable service to the planet as you chart an extremely difficult journey for all of us. The way we earn a living will continue to change which affects the global economy which, unfortunately, still runs the world. I'm sure as the world shakes out the wrinkles we will all face more circumstances we don't know what to do with at first, but we made it before and we'll just keep working our way through the development of our minds and instincts. Oh, and remember the words on Henry Miller's tombstone: I outlasted the bastards! lol

MTC–00008625

From: Frank and Miriam Brown
To: Microsoft ATR
Date: 1/4/02 10:03am
Subject: Microsoft Settlement

Gentlemen:

I feel it is in the public interest, considering the aftermath of September 11th, to reach a speedy conclusion to the Microsoft case. Prolonged litigation would only benefit the lawyers, a few wealthy competitors and special interest groups, and serve to stifle innovation.

Sincerely,
Frank J. Brown

MTC–00008626

From: Presswalla@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 10:05am
Subject: Microsoft Settlement

It is my strong view that the current settlement be accepted so that the industry can go forward without being ensnared further in litigation.

Hoshang Presswalla, P.E., S.E.
President
P.E., Inc.

MTC–00008627

From: batson
To: Microsoft ATR
Date: 1/4/02 10:13am
Subject: Microsoft Antitrust 'Comment'

Greetings:

What is the closing date to file a COMMENT?

Regarde,
Marguarite
CC:batson@ris.net@inetgw

MTC–00008628

From: Mho8@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 10:11am
Subject: Microsoft Settlement

Dear Sir:

Please settle this matter soon so the economy can move forward.

Michael Ho
mho8@aol.com

MTC–00008629

From: Frank and Miriam Brown
To: Microsoft ATR
Date: 1/4/02 10:12am
Subject: Microsoft Settlement

To whom it may concern:

I feel that settlement of the Microsoft case is in the public interest. Prolonging this litigation, particularly in the midst of uncertain economic times, would benefit only lawyers and a few wealthy competitors, and serve to stifle innovation. This case has dragged out long enough.

Yours truly,
Miriam E. Brown

MTC–00008630

From: Cindy(038)Keith Hansen
To: Microsoft ATR
Date: 1/4/02 10:15am
Subject: Microsoft Settlement.

I am writing to express my support of the proposed Microsoft settlement. I think the case never should have been brought in the first place, and in has gone on for too long. Microsoft has made many concessions in this proposed settlement that I believe are very fair and address the concerns brought during the court battle.

Please don't let Microsoft's competitors continue to use the U.S. government in their battle to destroy Microsoft.

Thanks for your attention.

Cynthia A. Hansen
P.O. Box 146
Snohomish, WA 98291
CC:keithcindy

MTC–00008632

From: Mike Ward
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/4/02 10:20am
Subject: Microsoft Settlement

I represent a computer technology training company, and it is our business to remain on the leading edge of information technology (IT) to provide necessary IT education to America's corporations. Part of my job is to stay abreast of the rapid changes that take place in the IT industry every day, so that we can be assured we're offering instruction in the latest and most widely-used software packages.

By any measure, Microsoft is a leader in the software industry. But from my experience with Microsoft as a company, they earn that leadership position every day as fierce competitors and extremely good innovators that constantly seek out the needs and feedback of their customers. Their research and development budget is nearly $8 billion per year, and I believe, second to none. That investment alone shows their commitment to technical innovations that benefit us all.

As I mentioned, I come across industry information on a daily basis that confirms that competition is alive and well for Microsoft products. Two obvious examples are the proliferation of open-source Linux and Sun's consideration to freely distribute their StarOffice suite. And yet, consumers continue to pay for Microsoft's products because they are superior at meeting the needs of the market majority.

Please put an end to the litigation, and let the software industry seek its own level of healthy competition.

Mike Ward
VP, Technology Services
ONLINE CONSULTING, INC.—
LEADING EDUCATION TO IT SKILLS
wILMINGTON & PHILADELPHIA
Phone: (302) 658–3018, ext.134
Web : <http://www.onlc.com/> http://www.onlc.com
Email : <mailto:mike@onlc.com> mike@onlc.com

MTC–00008633

From: James Ashberry
To: Microsoft ATR
Date: 1/4/02 10:21am
Subject: Microsoft Settlement

The Microsoft settlement does nothing except expand Microsft's monopoly into the education market where Apple and others still have significant claim. By allowing Microsoft to infiltrate these markets through donations, whilst seeming on the surface to be a good will gesture, is nothing but a mass infestation of Windows based machines into the eduation sector.

In addition, the figure Microsoft have claimed it will spend will be greatly smaller, as software's retail value is far higher than the actual financial impact it will have on Microsoft. Microsoft should be made to donate the cash to the education agencies within the United States, and the cash should be used at the discretion of the schools and areas involved. This way schools will benefit, have freedom of choice, and Microsoft is made to pay. Allowing Microsoft's proposed settlement to go through is not only folly, but will make a mockery of the US and the US justice system.

James Ashberry
Internet Developer
United Kingdom
jdashberry@mac.com

MTC–00008634

From: jfeege@valdeseweavers.com@inetgw
To: Microsoft ATR
Date: 1/4/02 10:11am
Subject: Microsoft Settlement
To: Dept. of Justice

We would like to express our viewpoint on the Microsoft case. We believe that the settlement reached with the Federal Government and the nine states was a reasonable settlement and that it is not in the best interest of the Unites States economy to prolong the litigation. The settlement reached is in the best interest of all concerned and should be imposed on the remaining states that did not accept the settlement. In short—lets put an end to the endless and counterproductive litigation and allow the free enterprise market to function.

Sincerely,
Joe Feege
154 S. Center St.
Hickory, NC 28602

MTC–00008635

From: JACK ROWE
To: Microsoft ATR
Date: 1/4/02 10:19am
Subject: Microsoft settlement

I believe that the suit against Microsoft was harmful to the US economy in far greater proportion to any benefit to the public (as opposed to Microsofts competitors) that was realized. That's not even considering the taxpayer funds spent. It's time to end it and get on to other things. Get the settlement completed now, and see that all parties, and potential parties are included.

Dr. Jack D. Rowe

MTC–00008636

From: GDPESQ@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 10:27am
Subject: Microsoft settlement

The difficulties associated with young or nascent but exploding businesses, particularly in the field of communications where there continues an ever changing, expanding marketplace of interrelated products and services such that no ''snapshot'' of a ''market'' can sustain the test of short duration, cannot be over-estimated. And attempting to put a noose of control around a growth that will not be contained, even in a constructive way, may be more of a restraint of trade than a protection of the consumer, even competition. We need to enable the establishment of a stable market, before we seek so drastically to control its abuse, something only the marketplace can do, assisted by the normal policing for fraud and the like. For, if we don't, we will only short-circuit the progress in progress as evidenced by the growing pains brought on by new discovery and development. Desk-top operating platforms have been outgrown by the introduction and proliferation of wireless and digital technologies which now enable a portion of the desktop to be carried with an individual, no matter what his or her interest is, thereby making the market for desk-tops something hardly exclusive, which says a great deal about operating systems, the only apparent monopoly Microsoft had, and certainly, by developments since, no longer has. Look at what happened to Compact in view of the Dell approach. Given the path of technology, if its progress is not squeezed by regulatory cut off, the Microsoft advantage will be lost if it does not continue to address innovation and improvement of which its competitors are quick to take advantage. Any solution harming Microsoft's ability to provide better products and services to the communicative consumer, even at the expense of the competition, is no foul so long as the market remains as diverse as it is with the players as plentiful as they are at numerous levels which prevents the monopoly of only a segment, if indeed even that can be defined right now.

Be careful that you don't short-circuit our prosperity in your endeavor to protect a ''competition'' which may have already succumbed to technological innovation. If the settlement can be read to agree with the foregoing, we think it a good agreement.

A victim of the abuse of competition

MTC–00008638

From: Dwayne Jennings
To: Microsoft ATR
Date: 1/4/02 10:36am
Subject: Microsoft Settlement

To Whom it May Concern:

My perception is that the settlement between the United States Department of Justice and nine states is in the public interest. The settlement seems reasonable and fair to all parties. More litigation to satisfy some of Microsoft's wealthy competitors is not in the public interest.

Sincerely,
Dwayne Jennings
5105 Briarwood Cove
Milan, TN 38358

MTC–00008639

From: GRADY Tim
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/4/02 10:33am
Subject: Microsoft Settlement

To Whom It May Concern,

After reading on the proposed legal settlement with Microsoft, I believe the proposed settlement fails to achieve the necessary goals of a proper remedy: halting

the illegal conduct, promoting competition in this industry, and depriving Microsoft of its illegal gains.

Microsoft was proven to have broken the law, which makes them criminals. They should be treated as such. My career is in information technology and I have witnessed first hand what damage a company like Microsoft, allowed to perform business as it had, can do to stifle innovation and creativity that benefit us all.

I would like to suggest creating remedies that will be clear, lasting and permanent. Microsoft should not be given wormholes to get past any actions taken against them and I don't believe that Microsoft giving away billions of dollars in software to underprivileged schools is a good idea as that reinforces some of it's tactics that are practiced today.

Respectfully,
Timothy M. Grady

MTC–00008640

From: Rons
To: Microsoft ATR
Date: 1/4/02 10:43am
Subject: Microsoft Settlement

Your Honor,

If Ma Bell was still the only phone company, would we have phone innovations like caller ID or cellular and pay only 5 cents a minute? If Microsoft was just another software company, think what innovations in software we might be using today.

Microsoft does not innovate they dictate. Microsoft is a tyrannical monopoly that runs roughshod over the computer industry. Microsoft has shown contempt towards potential competitors and disregard for the rulings of the US Department of Justice.

Microsoft needs a timeout until they learn to play well with others.

Ron Schultz ? President
Space Port User Group
408 Sundown Ave.
Alamogordo, NM 88310

MTC–00008641

From: Harvey J Chiat
To: Microsoft ATR
Date: 1/4/02 10:54am
Subject: Microsoft Settlement

Please make every effort to settle the Microsoft case per the comprehensive agreement reached between Microsoft and federal government. It is in the best interest of the internet users that the reduced liability found in the Court of Appeals ruling should stand and the case should be closed. I am in complete disagreement with the stand taken by the Minnesota Attorney General and the Attorneys General of the eight other states that oppose the settlement reached.

Harvey Chiat
3812 Drew Ave S
Minneapolis MN 55410
h.chiat@juno.com

MTC–00008642

From: ROBERT FELSBERG
To: Microsoft ATR
Date: 1/4/02 11:02am
Subject: microsoft settlement

Let's settle with micosoft and stop wasting time.

MTC–00008643

From: Wayne Brady
To: Microsoft ATR
Date: 1/4/02 11:05am
Subject: I feel like microsoft has more than paid the price . I wish the USA would settle it !

I feel like microsoft has more than paid the price . I wish the USA would settle it !

MTC–00008644

From: Jay Davis
To: Microsoft ATR
Date: 1/4/02 11:07am
Subject: Lawsuit

I am a Professional Engineer and I use the full slate of Microsoft products at work and at home. I enjoy using their products and I used Internet Explorer. I like the ability to use products that work well together. I have been using PC's since 1984 and know how ''lock ups'' cause problems by conflicts. I have never had problems with Microsoft products, just other applications that typically caused the conflicts.

I do not believe in the US government suing Microsoft. The problems with our stock market began with the announcement of the first suit. I would prefer that the states and the government drop the lawsuits.

The average person in the lawsuit gets nothing back, the attorneys get all the money. Please drop the action against Microsoft.

Jay Davis
210 E. Weber Circle
Lake Charles, LA 70611
hkhunter@msn.com

MTC–00008645

From: Jereza
To: Microsoft ATR
Date: 1/4/02 11:08am
Subject: Microsoft Settlement

I would like to register my comments in favor of the proposed settlement. I have read through terms of the settlement and feel it is fair resolution of the dispute, and provides sufficient ongoing monitoring of Microsoft practices in the future. I realize that there are competitive interests to whom no settlement would ever be satisfactory, as long Microsoft continues to be in business at all, and we must take this into account when listening to these opposition voices. I ask that the settlement be accepted, because it is in the best public interest to do so.

Thank you,
Sincerely,
Julie Kirk

MTC–00008646

From: David Hicks
To: Microsoft ATR
Date: 1/4/02 11:10am
Subject: Microsoft Settlement

The government's case against Microsoft, well-intentioned as it may have been, has been hurting the American economy for far too long. The issues the case intended to address are already moot. (Laws intended to prevent excesses a century or more ago are not working in the current economic environment.)

While Microsoft may have gone too far in trying to protect its interests, the market itself is self-correcting. It is also too self-interested to allow Mr. Gates and company to impose his will on millions of users who may or may not choose to use Microsoft's products.

The only way Microsoft can stay ahead in this highly competitive environment is by developing excellent products. At this point the government is impeding Microsoft in this effort by draining so much of Microsoft's resources to fighting the legal battle. In this case, if the government would just allow the market to function, everybody would benefit.

Sincerely,
David Hicks

MTC–00008647

From: Glenda Hill
To: Microsoft ATR
Date: 1/4/02 11:19am
Subject: Microsoft Settlement

Dear Sirs and Madams:

I feel as little as possible damage should be done to Microsoft. I work at a software company and we program for Windows. Our developers are able to product top quality software because they are working in this one venue rather than for multiple operating systems. We need fewer tools for development and are able to offer great affordability because of our ability to focus on Windows.

Microsoft has been portrayed as the ''bad guy'' when they simply were more effective than their competitors in a free market system. I can't begin to estimate the money that has been saved by the American consumer as a result of Microsoft's success.

Please do not punish this remarkable company and it's shareholders any more than has already been done.

Their competitors hope only to accomplish using the courts what they could not in the free market.

Thank you for your consideration.
Glenda K. Hill
Greeley, CO

MTC–00008648

From: Deanna Wells
To: Microsoft ATR
Date: 1/4/02 11:24am
Subject: Microsoft Settlement

I wish to pass along my comments on the proposed settlement with Microsoft Inc. I have worked with one computer system or another for the past 20+ years and have found Microsoft to be user friendly and first class in product quality. To continue legal action beyond the current settlement proposal is an abuse of the judicial system by parties wishing to inflict major damage to a capital enterprise. History has shown the damage inflicted to IBM seriously curtailed their ability to bring new and innovative products to the marketplace during the years of litigation by the government. IBM too was a first class and quality product prior to and after the long term litigation by DOJ. I realize the circumstances are different, and today is not the same business environment as the 60s and 70s. But once a decision is rendered and settlement fair and equitable, resolution in a speedy and decisive manner is best for everyone involved.

Let's finish the job and go one with other business. Beating a dead horse wastes tax payers money and abuses our judicial

system. MS was caught wrongdoing. Come to a settlement that can be found agreeable for all parties and let life continue on.

MTC–00008649

From: R J Burns
To: Microsoft ATR
Date: 1/4/02 11:32am
Subject: Microsoft Settlement

I would hope that this is the end to this antitrust suit for all parties concerned.I feel that a lot of time and a lot of the taxpayers money has been spent unwisely supporting this antitrust suit to begin with.I also feel that the Clinton Administration brought this suit only to repay favors to other corporations since their products didn't measure up to what we the public want,so this was their way of trying slow Microsoft Corporation so they could regain some market share.

I also feel the Clinton Administration has hurt not only Microsoft Corporation but the public at large for the tax revenues lost just to bring this suit,and anyone that has a 401k account has been affected.

In closing I would like to comment on the nine states in this suit.I don't see that they should be even considered in this antisuit.

Sincerely yours
Robert Burns

MTC–00008650

From: Eldon Erickson
To: Microsoft ATR
Date: 1/4/02 11:33am
Subject: court settlement

Microsoft has kept its products at a reasonable price from the very beginning. Their products have been very useful to the home user. As usual the court system drags things out endlessly. Leave them alone to do their thing.

Eldon Erickson
650 SW Lookout Drive
Corvallis, OR 97333

MTC–00008651

From: Duncan D McGregor
To: Microsoft ATR
Date: 1/4/02 11:39am
Subject: Microsoft Settlement

It seems to me that this case has been settled in court. Microsoft has been penalized and that should be enough. This company has made the use of computers available to almost anyone for a very reasonable software cost. I strongly recommend that this case be settled on the basis of the courts findings.

Duncan D. McGregor
313 Curtis Road
Chesterfield, SC 29709

MTC–00008652

From: Rjdar12@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 11:43am
Subject: Continued law suits

Lets continue with the free enterprise system in our USA. Finish up with this agreed on settlement with Microsoft.

Ralph Darnell,
1013 Sudan Dr.,
Corpus Cristi, TX.

MTC–00008653

From: charles stengel
To: Microsoft ATR
Date: 1/4/02 11:43am
Subject: microsoft settlement

Isn't it about time you settle with microsoft on the basis established by the courts. lawyers keep coming up with new ways to make a buck for themselves.

C.A. Stengel.

MTC–00008654

From: messmedia@loop.com@inetgw
To: Microsoft ATR
Date: 1/4/02 11:51am
Subject: MIcrosoft Settlement

Microsoft should be left alone. Microsoft has not forced anyone to do anything. Microsoft offers a product. One may buy it or not buy it. If not, other computers (Apple, for example) and operating systems (OSX and Linux, among others) are available. Even if one buys Microsoft, one can install browsers other than IE, such as Opera, iCab, and Mozilla.

There is no problem from Microsoft. The problem is envy. Those who would deny Microsoft its success, should examine their own premises.

The principle is: Are force, threats of force, or fraud being used by Microsoft? These are the only means available to violate our rights against our wills. I see no evidence of tort or crime.

Get over it.

MTC–00008655

From: SMOJEV@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 11:54am
Subject: Microsoft Settlement

Dear DOJ Officials:

Please settle the lawsuit as negotiated with Microsoft. We, the people, are tired of all the litigation that goes on in this country. The DOJ and the Attorneys General in the various states should set an example —- and not a ''litigious'' example. Enough all ready, you made a point and now lets get on with what makes this country great = free enterprise! We need to move more quickly into the tech age and continuous litigation against or within the tech industry is counter productive to a strong, vibrant economy.

Yours truly, John E. Vallance
PO Box 1100
Santa Monica, CA 90406–1100

MTC–00008656

From: Jim Crumley
To: Microsoft ATR
Date: 1/4/02 11:54am
Subject: M.S. SUIT

The DOJ suit against Microsoft triggered a multi-trillion dollar meltdown of our economy. Doing far more damage than bin Laden. DROP THIS SUIT NOW AND HELP RESTORE AMERICA

Jim Crumley
610–558–5811

MTC–00008657

From: CLAASSEN@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 11:57am
Subject: Microsoft settlement

I understand that the federal government and nine states finally reached a comprehensive agreement with Microsoft to address the reduced liability found in the Court of Appeals ruling. I believe that the settlement is reasonable and fair to all parties involved.

Ben Claassen
SCGI
504 486–2317

MTC–00008658

From: RLifsey357
To: Microsoft ATR
Date: 1/4/02 11:59am
Subject: Lawsuit

Dear DOJ:

This lawsuit was ludicrous from the start, essentially a money grab by Microsoft want-to-be companies, and trial attorneys. I have experienced and can never foresee any hardship caused by Microsoft by being a pioneer in the technology field. Hence, the adage, ''No good deed in this country goes unpunished''.

I furthermore consider the settlement under consideration more than generous from the accused parties.

Thank you for consideration.
Sincerely,
Richard Lifsey
Metairie, LA

MTC–00008659

From: Les Troy
To: Microsoft ATR
Date: 1/4/02 12:03pm
Subject: settlement

The ''settlement'' is unfair to Microsoft, but I am a practical man and I don't think Microsoft is likely to get a fair deal. Any further litigation can only hurt the consumer, the economy, our free enterprise system and thousands of microsoft shareholders. The only ones who can gain are the billionaire executives of companies who don't want to compete in the marketplace on the basis of merit and service to the consumer.

MTC–00008660

From: james.good
To: Microsoft ATR
Date: 1/4/02 12:09pm
Subject: Micorsoft Settlement

To Whom it may concern:

I was asked to voice my opinion of this fool hardy law suit of Microsoft. I think my first sentence tells you. Companies should be allowed to compete in the market place, and not be tied by zealous lawyers and government officials who have no business interfering. The main cause of this suit to my understanding was the bundling of Microsoft Internet Explorer. Well, I have 2 systems with Windows 95 and 98, and both have Explorer on them. I loaded Netscape on both because I like it's operations better. So, where did Microsoft force me to purchase and use their product over Netscape? To me, both were free and in one system part of my package when purchased.

I think that the settlement should be finished, Microsoft should be left to provide the products and services they are known for and the lawyers and government should remain out of the business loop unless true illegal business practices are used.

Regards,
Jim Good
Colchester, CT
Microsoft Share Holder

MTC–00008661

From: Mona Chicks
To: Microsoft ATR
Date: 1/4/02 12:09pm
Subject: Microsoft Settlement

I believe the settlement between Microsoft and the DOJ and several states is fair, not only to the parties involved but to the consumers who should be given the ability to choose the best software to fit their individual needs.

Mona Chicks
davenmona@msn.com
14015 NE 87th Street, Redmond, WA 98052
(425) 702–9695

MTC–00008662

From: Judibird1@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 12:24pm
Subject: Microsoft Settlement

Please get this over with. The Clinton and Gore Era started this. I am a Consumer and on the Internet ONLY BECAUSE OF MICROSOFT. No one has done more for the technology and our country plus the consumers than Microsoft. Our Stock Market needs MSFT stability. Please get off our only good Stock that make the world turn. Tell Microsoft you are sorry and pay his Lawyer Bills. The Courts should beg forgiveness and the States Attorney Generals that went against our only Gross National Product. I hope every State that continues to try and get money from Microsoft gets paid back. Remember the golden Rule.

MTC–00008663

From: Jon M. Griffith, Assistant Principal
To: Microsoft ATR
Date: 1/4/02 12:24pm
Subject: Microsoft Settlement

Hi,

I am writing in regards to the Microsoft Settlement. It has come to my attention that you are considering where to focus the funds from the settlement. I would like to briefly explain where I would hope you would direct some of the settlement.

Currently, I am the Assistant Principal/Transportation Director/Athletic Director but before this recent job change I was District Computer Coordinator. With that job, I can honestly say the funding for technology was scarce. The School District of Spooner is a medium size school district in rural Northwest Wisconsin. The majority of the supporting community is either retired or around the poverty level. Unlike larger communities such as Madison or Milwaukee, Spooner and the surrounding smaller towns are not able to tap into our local industries for help. Most of the businesses are geared towards tourism (such as bars, restaurants and small grocery stores).

In fact the 3rd largest employer in Spooner is our local grocery store. With this background, I would hope that any aid that you could funnel towards rural areas would greatly be appreciated. To compete with schools from larger communities we need to have similar resources. Grants and scholarships are basically our only option. Asking our voters for help is very depressing (we failed our last 5 referendums these past 10 years). The funding would help us upgrade, build infrastructure and maintain the technology that we do have.

I can give you many examples, but my point is to ask for you to support technology funding for rural areas such as Spooner, Wisconsin. Any support would greatly be appreciated.

Thank You!
Jon Griffith

MTC–00008664

From: Dean and Urs Ratti
To: Microsoft ATR
Date: 1/4/02 12:31pm
Subject: MICROSOFT SETTLEMENT

As long-time consumers of Microsoft products, our desire is to see the Microsoft lawsuit settled NOW. It appears that those entities which are delaying the settlement are doing so for political reasons only, to the detriment of the consuming public and in turn, the overall economy. As harsh as the Court of Appeals ruling is, let it stand, and let us be done with the continual litigation.

Dean and Ursula Ratti

MTC–00008665

From: Jim Cornwell
To: Microsoft ATR
Date: 1/4/02 12:08pm
Subject: MICROSOFT SETTLEMENT

BEING A BUSINESS OWNER I WAS APPALLED WHEN THE FEDERAL GOVERNMENT, SPURRED ON BY THE COMPANY'S COMPETITORS, ATTACKED ONE OF THE MOST SUCCESSFUL BUSINESSES THAT HAS GROWN IN OUR COUNTRY IN RECENT YEARS. IT WAS A RELIEF WHEN THE POLITICAL LANDSCAPE CHANGED IN THE WHITE HOUSE AND THIS WITCH HUNT WAS BROUGHT TO AN ABRUPT CONCLUSION. REGARDLESS OF WHAT THE ''SETTLEMENT'' TERMS ARE, THE IMPORTANT POINT IS THAT THE FEDERAL GOVERNMENT HAS STEPPED ASIDE IN ORDER TO LET AMERICA'S CAPITALIST FREE MARKET WORK. DO NOT LET THESE SPECIAL INTERESTS DELAY THE IMPLEMENTATION OF THE SETTLEMENT.

THANK YOU FOR RESOLVING THIS MESS AS SOON AS CLINTON WAS DEPOSED.

YOURS,
JAMES CORNWELL

MTC–00008666

From: John Phillips
To: Microsoft ATR
Date: 1/4/02 11:51am
Subject: Microsoft Settlement

This settlement is tough, but reasonable and fair to all parties involved. I agree that settlement is good for the industry and the American economy.

Thank-You
John Phillips

MTC–00008667

From: donescher
To: Microsoft ATR
Date: 1/4/02 12:38pm
Subject: microsoft settlement

Further prolonging the Microsoft litigation is a drag on the U.S. economy and on American industry in general. We believe the proposed settlement is fair to the parties and just as importantly, the American comsumer. A continuation would appear to be counter productive in these dangerous economic times.

Shirley & Don Escher

MTC–00008668

From: WaltJoy212@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 12:40pm
Subject: Microsoft Settlement

Enough already. The non agreeing states case must be dismissed so that we can go on with the rebuilding of the economy of New York and the Country. The issue is greed and how the government can try to ruin the greatest sucess story in the history of mankind. By delaying the settlement of the contribution of massive computer help to the schools that need help the most, we delay the help to another year of students.

I hope that we can count on the Federal Government to do the right thing and end this mess.

Walter Steckman
2 Tudor City Place 10HS
New York, New York 10017
Waltjoy212@aol.com

MTC–00008669

From: is
To: Microsoft ATR
Date: 1/4/02 12:45pm
Subject: Microsoft Settlement

I am happy with this settlement.

Thanks,
Igor Spivak

MTC–00008670

From: Tony Palumbo
To: Microsoft ATR
Date: 1/4/02 12:50 pm
Subject: Excellent Comments

[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]

I'm forwarding this article (and it's link) as I feel it portrays the Microsoft settlement for what it really is (nothing more than a cleverly disguised scam)

Yes, the article is long, but should still be read

http://www.macobserver.com/news/2002/20020103/kheit—msantitrust.shtml

Microsoft: Of Kids & Con Men by John Kheit

Of Kids and Con Men

Microsoft seems to be trying to use kids and education to lull everyone into believing them. The hope seems to be that maybe no one will question that Microsoft's proposed settlement allows it to extend its monopoly product leverage into the educational market. It also seems that Microsoft would like everyone to believe that promising to be good monopolists under an honor system is a reasonable solution to anticompetitive practices. Perhaps next they'll suggest convicted drug dealers should be allowed to pay their debts to society by giving free crack to our kids, assuming of course they promise to not run other dealers out of the market. Give me a break.

Microsoft Settlement Jibber Jabber

The laudable goal of helping our kids with a proposed settlement that Microsoft wants to direct at schools may well be a cue that we're being suckered. Recently, Steve Jobs, the ever effervescent technology leader and CEO of both Apple and Pixar, chimed in with a chorus of other commentators to pooh-pooh on Microsoft's scandalous proposal to settle for its crime of being a naughty monopoly. Microsoft's proposal to settle a class-action, civil, antitrust lawsuit with various states and private parties could have it paying $1.6 billion to schools, mostly by way of Microsoft software, as a settlement for its past misdeeds. Mr. Jobs claimed to be ''baffled'' by the proposal.

Some legislators have this nasty habit of packaging together nonsensical laws for rhetorical and/or other less-than-righteous reasons. It's interesting to note that our government doesn't see any hypocrisy in its normal operations employing tying and other trust-like activities for leveraging power to force the acceptance of questionable laws while not allowing industry to do the same with products. I expect that one day soon a bright legislator will draft a bill that declares his home address to be tax free zone, provides himself with billions in disaster relief, declares himself emperor of the world, and adds a law saying ''you should be nice to kids.'' This bright legislator will do this for the same reason others have done it, to mask his true intentions. The hope in this sort of scheme seems to be that everyone will be too ashamed to vote down a bill that says ''you should be nice to kids'' for fear of rhetorical backlash. The fear of being criticized for voting against a bill that says ''you should be nice to kids'' can make people and legislators alike do stupid things like adopt laws that are otherwise illegitimate.

So why am I harping on the flimflam tactics of con men, terrorists and politicians alike (please, I know I'm being redundant) in an article about Microsoft? Because a scam may be afoot. The reason for Mr. Jobs' and others' apparent consternation is if Microsoft gives its software to schools, it will incur no real penalty. Commentators state that approximately $840 million of the settlement will come by way of Microsoft software, which would actually cost Microsoft approximately a paltry $1 million. That's because making copies of its own software is essentially free for Microsoft. Furthermore, Apple and others fear that dumping that much Microsoft software into schools will shore up Microsoft's market position in the educational sector, where up until this point Microsoft has not managed to clearly dominate. Many commentators and Mr. Jobs have suggested Microsoft give the schools the entire settlement in cash. Of course, there is some degree of jibber jabber over the amount of cash that Microsoft should give to the educational sector, however, it seems that no one dares question the choice of market itself. That's crazy.

Only Microsoft Is Paying Attention to Relevant Markets

The fact that Microsoft chose the educational market, alone, should be a red flag to any practicing antitrust attorney. Most antitrust attorneys know that market definition at trial is largely determinative of the outcome. ''Because market power is often inferred from market share, market definition generally determines the result of the case.'' Eastman Kodak Co. v. Image Technical Services, Inc., 504 U.S. 451, 469 n.15 (1992) (citing Robert Pitofsky, New Definitions of Relevant Market and the Assault on Antitrust, 90 Colum. L. Rev. 1805, 1806–13 (1990)). For example, if Microsoft's marketplace were considered to be all software made anywhere for any processor, it would only hold a small percentage of that market. That's because most of the world's software is not made by Microsoft. For example, there is a lot of software in calculators, microwaves, cars, airplanes, missiles, telephones, mainframes, televisions, etc. Thus, if a court decided that the relevant market was all software, then it would have been very likely that Microsoft would not have been found to be a monopoly. On the other hand, if the relevant market was said to be Intel compatible personal computers, then Microsoft easily would be deemed a monopoly. You've probably heard this before, but it is important to note that it is not illegal, per se, to be a monopoly. However, once you are found to be a monopoly, it is illegal to abuse your monopoly power in anticompetitive ways. 15 U.S.C.A. Sect. 2; U. S. v. Grinnell Corp., 86 S.Ct. 1698 (1966); Intergraph Corp. v. Intel Corp., 195 F.3d 1346, 1353 (Fed. Cir. 1999). Regardless, depending on how the market is defined, one can pretty much predict if an accused company will be found to be a monopoly.

Microsoft's Solution Ignores the Victims

With this background, it is interesting that Microsoft would focus on a market where it is not currently dominant rather than giving the damages to parties that have been more directly injured by its anticompetitive practices. Its main victims, supposedly, were other software companies stunted or driven out of business (anyone remember Stacker?) and consumers that have been overcharged.

Consumers Overcharged

Some analysts posit that Microsoft overcharged individual consumers by as much as $150 on products over the years. Many consumers were fleeced and forced to pay Microsoft a license fee for Windows when buying a computer even when they didn't want to run Windows or even when they already had a valid license for Windows. Microsoft evinced its recompense to the consumer by raising prices on Windows XP significantly.

Obvious Solutions Ignored

Certainly, there seem to be easy remedies that actually address and would affect Microsoft's monopoly power while providing compensation to both groups of victims. With regard to consumers, potential solutions may include: offering money to those that can show they were forced to buy unwanted Windows licenses, giving money back to OEMs (so they can lower prices on their non-Microsoft products), or giving cash to consumer groups to monitor any heavy handed tactics in the future. With regard to the software industry, individual companies that can show damages should be compensated, e.g., Netscape, or at the very least settlement money should go to the Small Business Administration (or non-government analogues) for them to help software start-ups, which would promote more competition.

The most obvious places to send any settlement money would be to these victims. Otherwise the injured parties will have no redress for the damages wrought by Microsoft. Microsoft's current proposal is a little bit like offering to give money to a for-profit orphanage run by Microsoft as a punishment for having robbed a bank. Sure, some orphans may benefit (and probably will be trained to be future bank tellers), but Microsoft still keeps most of the money and the bank gets nothing. Of course, paying damages to the software industry would likely result in greater competition by infusing capital into a sector that certainly can use it. Furthermore, paying money to an independent watchdog consumer group would tend to prevent Microsoft from freely using its monopoly power in anticompetitive ways. I'm sure Microsoft had very conscious reasons for choosing the particular market of education and ignoring the two groups most directly affected by its anticompetitive actions, and I leave it to the reader to decide for themselves what those reasons were.

Counterproposals Make for Bad Law and Will Further Reduce Competition That's why it's so fascinating to me that with market determination being so central and critical in the world of antitrust that no one is questioning the choice of market for the settlement. I don't know of any parents that wouldn't at least question a proposed punishment for their children's wrong doings, if they were even liberal enough to allow their children to propose their own punishments in the first place. Regardless, the main counterproposals from commentators seem merely to concentrate on Microsoft settling with a full cash payment instead of supplementing the settlement with Microsoft software. The states' proposal basically would force Microsoft to license its source code and keep producing Microsoft Office for the Apple Macintosh and maybe Linux. Such suggestions seem to take one step forward and two steps back.

The step in the right direction is that Microsoft pay damages in cash. Last time I checked, this was still the United States of America and the official currency was a green-back and not a license for Windows. The step backward is that the state governments are considering requesting that Microsoft actually widen its Monopoly by having Microsoft enter new markets, either itself or through licensing, that it currently does not dominate, e.g., Linux. The states basically want Microsoft to open up its source code in return for licensing fees. Great! Now the states are basically making Microsoft's code essential. We've seen that even with supposedly open standards such as Java, HTML, etc. that individual companies are capable of steering and using those systems to proprietary effect.

One unpropitious scenario that may result from such a forced licensing system is that

Microsoft technology would now become even more dominant. A significant collection of software developers on the Linux platform could be adversely affected by Microsoft bull dozing in with its Office suite; this would allow Microsoft to use Office as leverage to subvert the platform as it has often been accused of doing with the Macintosh platform. Where do you think most people (or at least most corporations) will buy their version of Office, Microsoft or some secondary licensee? And even if you buy from a secondary licensee, Microsoft still makes money on licensing fees as per the states' proposal because Microsoft would be entitled to receive a reasonable royalty for its intellectual property. It's as if the states are trying to help Microsoft spread its wares even further with this solution.

I cannot recall any settlement in antitrust history where a solution to a monopoly was to further expand existing and/or potential markets with the monopolist's products. The law seems to require quite the contrary. 15 U.S.C.A. Sect. 2. Yet at every turn, counterproposals seem to actually expand the adoption and/or reach of Microsoft's products. Microsoft suggests donating software, which would further saturate the educational market. The states suggest entry into alternative markets from which Microsoft will benefit by way of increased licensing revenues. Even merely giving cash to schools for purchasing software (as suggested by some commentators) will tend only to strengthen Microsoft because it will continue to benefit from its monopoly position. Buying Market Share Witness its Xbox game console. Microsoft's Xbox retails for $299, but it is rumored to lose about $125 on every unit it sells. So, perhaps, it is not surprising that Microsoft is willing to spend money on capturing more of the education market.

Microsoft Gets Everything It Gives

For example, even if Microsoft gives cash to the schools, Apple, likely, still will get screwed. Assuming Microsoft gives the schools $1 billion for computers and software, Microsoft will still win market share and its actual costs will remain low. Why? The schools will hand most of Microsoft's money right back to it to buy software, and the government will also end up kicking some money back to Microsoft. Even if half the schools buy Macintosh computers (which is roughly Apple's market share in the educational market), the schools will still buy Microsoft Office. Microsoft Office costs a lot more than a license for plain old Windows. And let's face it, if Microsoft ever kills Office on the Macintosh, it will have terrible consequences for the platform; and if someone were to speculate what a nasty monopolist would do when given a chance, then one might speculate that such a nasty monopolist would kill Mac office, which would force the remaining 4% of the computing world over to Windows. The point being, one way or the other, a large portion of any cash settlement will come back to Microsoft by way of software purchases, and Microsoft will still be able to leverage its products unfairly across markets. Furthermore, Microsoft will be able to write off the $1 billion settlement as a loss and recoup from around one third from the government. I.R.C. Sect. 162(g); Tax Reg. Sect. 1.162–22. In the end, a cash settlement still will cost Microsoft relatively little while at the same time it still will increase its market dominance, and the reason why remains the same. They are a monopoly.

Just Because You Used To, Doesn't Mean You Still Can

A little example may be in order. If you are Acme Inc. with 1% of the PC market and wish to bundle your screen saver with your PCs, no problem. The government might even hold you up as a ''go getter'' in the sense that you are trying to compete to win market share. However, if Acme starts to win more and more market share and later owns 99% of the market, then giving its screen saver away for free might be considered to be dumping, tying, predatory pricing, and/or the like illegal activity because it is now a monopoly. So there are some things, i.e., the very kinds of things, that are encouraged in a competitive and open market that become illegal once you attain the status of a monopoly. Wolfson v. Artisans Say. Bank, 428 F.Supp. 1315, 1321 (D.Del. 1977).

Nothing the government is currently proposing is designed to change that fundamental reality. Apparently the only arguments that proponents of the proposed settlement provide is that at least a cash settlement would cause Microsoft to lose some money. However, that seems to miss a great irony of why Microsoft is supposedly being punished in the first place. As any M.B.A. will tell you, Microsoft, as with any other corporation, wants to own every market to maximize returns for its investors. Owning the education market would help Microsoft shore up its current dominance by getting young people ''hooked'' on its products. By getting kids hooked early, they are less likely to try other systems because the cost of learning a new system is not insubstantial. Furthermore, Microsoft certainly shows it is willing to invest money to gain market share.

Thus, such a settlement, arguably, can be viewed as just a cost of doing business to garner market share. The irony is that a monopolist is not allowed to give products away or sell them at a loss.

Xbox Errata

With the government practically abetting a convicted monopolist in anticompetitive practices on its core products, there seems little likelihood that there will be an investigation into Microsoft's Xbox pricing and other tactics used to enter and buy out the gaming market; tactics that arguably may violate other antitrust laws. Of course that didn't stop me from buying one as it is the most incredible gaming platform I've ever seen (particularly with Halo, the formally independent producers of which have been bought out by Microsoft), but I digress.

Such predatory pricing and/or dumping tactics are normally illegal for a convicted monopolist. U.S.v. Columbia Steel Co., 334 U.S. 495, 530 (1948); Western Concrete Structures Co., Inc. v. Mitsui & Co. (U.S.A.), Inc., 760 F.2d 1013, 1018 (9th Cir. 1985). Thus, it is currently illegal for Microsoft to give its software to the educational market for free or at a price below its costs because they have been found to be a monopoly. However, if the government agrees to Microsoft's proposed settlement with the states, then the government will at the very least be providing Microsoft with an exception to this rule, or at worst be a collaborator in illegal predatory pricing and dumping. It is not even clear if DoJ may allow the states to settle with Microsoft when the settlement terms, arguably, further require breaking the antitrust laws. Setting up an end-game as beautiful as this certainly deserves adulation in the annals of business history. The lawyers at Microsoft must be dancing jigs of joy all day long at the thought that the government may actually require the company to increase its software penetration in various markets and in some cases be allowed to use tactics that otherwise would be illegal.

Microsoft's proposed settlement, which is ostensibly a punishment for anticompetitive monopolistic practices, is refreshing in its outright obnoxiousness. They deserve kudos for selling their proposal without anyone questioning the fundamentals. Microsoft has managed to frame the settlement so that people are not questioning how, where, and/or why it should be punished, but boiled things down to only a question of how much it should pay.

Kids Are Irrelevant

I suppose people are afraid to question giving money and resources to the schools ''for the kids.'' And don't get me wrong, I'm all for improving education in the United States. In this case, however, the kids simply don't deserve this money. That is because the greatest harm befell the public at large and countless innovative software companies (their creditors, employees, investors, etc.), which were driven out of business, stunted from pursuing markets for fear of oblivion, and/or never materialized because Microsoft's presence and practices were too ominous an obstacle. Those are the people that were primarily smashed and/or pushed around by Microsoft as mentioned throughout its antitrust trial. If any one industry was wronged and deserves recompense, it is the software industry as a whole (excluding Microsoft of course). Yet no one is even considering directing damages to the software industry when it was the clear victim. This is shameful; the kids are not more deserving here. And if you think I'm being a big meany, please refrain from being a big ole hypocrite and don't bitch if (heaven forbid) your home is burned down, and then the arsonist decides it would be better to give money for rebuilding your home ''to the kids.'' Regardless of where the money should ultimately go, it's amazing the choice of where it should go has not been the subject of much, if any, debate or dispute.

Government Bargain

The government, save for a few states, certainly doesn't seem to have questioned anything all that much. The DoJ's perspective seems to be ''we've told Bill he's been naughty, and he promised he'd be good.'' Microsoft has promised to be a good monopoly, however, Microsoft's outright cheap (offering to expend a few million in actual costs while claiming it's worth $1.6 billion while knowing the states are likely to

collect over $14+ billion if the case goes through trial is at the very least thrifty) and duplicitous proposed settlement, its structure, and the chosen market should be evidence itself as to how solemnly it regards its obligation to be a good monopoly. Generally, it is questionable if it is even possible to be a good monopoly. Supposedly a good monopoly is one that doesn't engage in ''anticompetitive'' practices (IP right holders and their government sanctioned monopolies withstanding, which is a topic for another day). Wolfson, 428 F.Supp. 1321; Intel, 195 F.3d 1346. That seems to imply that Microsoft should then engage in competitive practices. Yet, that's what Microsoft has been doing all along, i.e., competing like crazy, and why it's in trouble now. Or perhaps the government would like Microsoft not to be competitive so that the rest of the industry will be able to compete with an artificially handicapped monopoly? Neither solution seems to result in a truly competitive market. The only solution proposed, so far, that would result in a situation where Microsoft and the rest of the industry could all truly compete is where Microsoft's hold over the industry is broken.

Break-up Complimentary

Microsoft's brilliant business practices have made it a dominant force. Bill Gates and company truly deserve a great deal of praise for demonstrating incredible business and political acumen. I'm not trying to be sarcastic and my praise is genuine when I say that Bill Gates is the best businessman ever to walk the earth. Truly the highest compliment the government and President Bush could pay Mr. Gates would be to regard him as one of the greatest American success stories of all time. Mr. Gates should be in an elite cadre of moguls who won at playing the American dream. Just like J.D. Rockefeller's Standard Oil, Bill Gate's Microsoft needs to be broken up. Yet the DoJ, after winning the antitrust case against Microsoft, has gone from promoting a break-up as a remedy to shunning it for a settlement with the apparently coincidental arrival of the Bush administration. Why settle a case on poor terms now? To be sure, there are reasons to settle after winning a case, but these usually revolve around the strength and cost of an appeal. The government claims it has a solid case on appeal, and the cost of an appeal is irrelevant (relative to the ramifications of a poor settlement) to both Microsoft and the DoJ. So, once again, why settle a case on such unfavorable terms after winning on the merits!?

You don't have to be much of a conspiracy theorist to surmise that the Bush administration's inexplicably chummy perception of Microsoft has influenced the DoJ's about-face and acceptance of a Microsoft settlement. Certainly, the DoJ seems to have some interesting interpretations of what a just punishment is for a convicted monopoly that has driven away and/or killed off some of the world's most creative competitors by means other than merit.

Leveraging Honor Unwise with Monopolists

The break-up solution at least addresses the unfair leverage Microsoft uses across markets by exploiting its Internet browser (Internet Explorer), operating system (Windows) and application suite (Office) line of products. The proposed settlement of giving money to schools will do nothing to reduce the inter-market leverage that Microsoft enjoys. In fact, giving the schools money for software and training will likely only increase the dependency those schools have on Microsoft's products. Furthermore, the DoJ settlement relies on Microsoft being ''good'' and somehow tempering its extremely competitive nature. Perhaps the DoJ should spread this new punishment policy to convicted serial murderers and set them free assuring us that they promised to be good in the future. No real argument seems to have been given as to why anyone can expect Microsoft to suddenly become and remain a good monopoly when it has thus far been incapable. However, history provides an argument to the contrary. Moguls are competitive. Successful companies are competitive. The very nature and manner of competing that was at one time legal, encouraged and the cause of their successes (e.g., lowering prices, building market share, driving lesser competitors out of business) have (in many instances) become illegal practices once they were found to be monopolies. Standard Oil Co. of New Jersey v. U.S., 221 U.S. 1 (1911); Wolfson, 428 F.Supp. 1321; Intel, 195 F.3d 1346. As such, moguls and their successful companies are more likely to continue their practices simply from inertia. Certainly, Microsoft's latest acts seem indicative of anticompetitive recidivism: dropping Java from Windows XP will not help SUN; selling Xboxes at a loss seems to leverage its financial power derived from one market to move into another; disabling non-Microsoft web browsers from accessing MSN demonstrates that even if Microsoft makes its proprietary source code variations to HTML open, it still likely will induce users to stick with Microsoft branded browsers rather than being hassled and jostled from services during the lag time it will take for licensees to implement any new proprietary ''features'' to obtain parity with the official Microsoft version; and using heavy handed licensing tactics in its Software Assurance Program (SAP—make up your own jokes) has garnered wide criticism for forcing a licensing strategy to make users upgrade more frequently than desired.

If history serves as any lesson, a competitive mogul like Bill Gates will not become less competitive until he's declared an official winner and has no choice but to stop competing. There seems to be only one way to be declared a winner in the U.S. and that's through break-up as enjoyed by J.D. Rockefeller and Standard Oil. Standard Oil, 221 U.S. 1. There is no reason to believe that Bill Gates and Microsoft will stop employing anticompetitive tactics until they are forced to stop competing with the full force of monopoly power. Anything less than a forced break-up will leave Bill Gates and Microsoft with the status of being mere contenders not important, successful, or dangerous enough to warrant a government break-up. It's doubtful Bill Gates could be satisfied with such a runners-up title. Thus, the government should provide Mr. Gates and Microsoft with the closure they deserve and declare them winners officially. In a certain sense, I believe Mr. Gates would be able to enjoy his victory having fought the good fight. If not, he can try to become the first person in the U.S. to have two of his companies broken up by the government.

I will not rehash why Microsoft's proposal for (please place tongue in cheek) ''justice'' (please release tongue now—thank you) is akin to sentencing a serial murderer to work as an executioner at a prison and trying to pass it off as a ''community service.'' As long as Microsoft is allowed to exist as a monopoly, it will be nearly impossible to punish it in any meaningful way so as to provide disincentive from abusing its power.

MTC–00008671

From: JP0555@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 12:50pm
Subject: Microsoft Settlement

The Department of Justice is not acting in the best interest of this country to pursue an antitrust accusation against the Microsoft Corporation. Microsoft is not a monopoly. They are an independent competitive corporation that has provided innovative and beneficial products and services to the businesses and consumers of American and the world.

Why does the DOJ think profit means corruption? Microsoft is simply our American system of business working in its finest form.

For the DOJ to listed to a handful of Microsoft competitors and their claim that they have been restricted from operation in a free marketplace is just irresponsible. We have a free marketplace and it is the responsibility of the DOJ to keep it that way, by allowing Microsoft, and other corporations like it to continue operating and exploring and creating new and exciting products and services, without interference or restriction from the Department of Justice.

Keep America Free! Keep our way of life and our way of American commerce unencumbered by useless and destructive litigation. Don't let the whining complaints of the few hurt the productivity and opportunity of the many.

Jay Mathews
10418 Sedgebrook Dr.
Riverview, FL 33569

MTC–00008672

From: DONALD WRAY
To: Microsoft ATR
Date: 1/4/02 12:53pm
Subject: MICROSOFT SETTLEMENT

I AM NOT AN ARDENT MICROSOFT FAN * * * BUT LET'S GET THIS THING SETTLED. IT SEEMS TO ME THAT THE PROPOSED SETTLEMENT IS REASONABLE. WHY SHOULD THE STATES ATTEMPT TO HOLD THIS UP. IT SEEMS TO ME THAT THE COMPETITORS OF MICROSOFT THAT WERE SO OPPOSED TO MICROSOFT HAVE DONE VERY WELL FOR THEMSELVES...SUCH AS AOL. THE ECONOMY, ESPECIALLY THE TECH STOCKS HAVE ALREADY TAKEN A BEATING. LETS MOVE AHEAD INSTEAD OF STILL TRYING TO KILL THE GOOSE

THAT LAID THE GOLDEN EGG. IN SPITE OF EVERYTHING, MICROSOFT OF THE PAST YEARS, HAS DONE MORE FOR THE TECH ECEONOMY THAN ANY OTHER COMPANY. SETTLE NOW.

Donald W. Wray
450 Treasure Island Cswy. Apt #207
Treasure Island, Florida 33706
dwwrayti@msn.com

MTC–00008673

From: Barbara J Cline
To: Microsoft ATR
Date: 1/4/02 12:54pm
Subject: Microsoft Settlement

3621 Oakwood Drive
Bettendorf, IA 52722
January 4, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I would like to offer my views on the antitrust lawsuit that has been going on between Microsoft and the federal government. I have been reading about this case in the Wall Street Journal, and it is one that I have never understood or agreed with. I support your decision to settle.

The case has had no positive effects, and the negative effects have been many. Schools are being hurt, the stock market has been affected, and the economy has dwindled as a result of the technology industry being hindered during the past three years while this case has gone on. In addition, the whole idea of the case is wrong in that it is stepping on the development of ideas, and this is a poor message for the government to be sending. Our economy is really struggling at the moment, and the government should be trying to find ways to stimulate it rather than ways to keep it down. Settling with Microsoft was a step in the right direction.

Thank you for your support.
Sincerely,
Charles Cline
cc: Sen. Charles Grassley

MTC–00008674

From: DUANE
To: Microsoft ATR
Date: 1/4/02 12:54pm
Subject: Microsoft Settlement

I understand that a decision will be made in the near future regarding penalties that will be assessed against Microsoft. During my working career I spent 30 years in engineering and management at Boeing.

We used IBM and Microsoft software to run our computers for all kinds of design, analysis and marketing acivities. I am convinced that Microsoft provided the best software for many of our applications but we did use software from other companies for specific applications.

I urge you not to break up the company or force them to release code to other companies. If they are required to release source code it would be no different than Boeing being required to release the software they use to design their airplanes and spacecraft. Microsoft has invested a large share of their profits to develop new software and expand the capabilities of existing software programs. They do not pay dividends to their stockholders, they put it back into research and development. It would not be fair to give companies software code that they could have developed themselves were they inclined to invest their profits in research and development. Microsoft did not become the largest software company by taking advantage of other companies, they became the largest because they had a great management team with a strong vision of what people wanted to do with personal computers.

I sincerely hope that your decision will take into consideration the millions of personal computer users who have benefitted from the investments Microsoft has made in their software programs. Software for our computers will become much more expensive and less robust if Microsoft is required to release source code for Windows and other software programs.

Anyone can make a difference,
Everyone should try !!
Duane Edmonds
duanee@wavecom.net
307–754–9396

MTC–00008675

From: Winslade, Winston
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/4/02 12:54pm
Subject: MS Settlement

I would like to express that this case should be settled today so that MS can move forward in providing low cost innovative solutions to the public. An engineer by schooling and involved in an industry that produced computer systems for mission critical control in the process industry, I know the pain suffered by users that were stuck (necessarily so because of no standards) with proprietary operating systems. It was not until MS introduce a more robust OS that could be used for industry that this industry started to move towards standards. This at a cost in the multi-millions of dollars to industrial users.

The point is, without MS consumers would have experienced this same costly dilemma. That fact we have plug and play and an unlimited selection of application software that can be installed by even the novice user, is attributed to MS's leadership in the industry.

Quite frankly, the consumer has never been hurt by any of MS practices. In fact, the consumers has low cost software and OS' because of MS. This case should never have been heard in the first place.

The opinions expressed here are that of the writer and do not necessarily reflect the opinion of my employer.

MTC–00008676

From: HIROLLERIG@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 12:54pm
Subject: Microsoft settlement

Why does the Government always try to brake down a company for getting big and making a profit. Isn't that the American Wau. LEAVE Microsoft alone.

MTC–00008677

From: elizabeth jones
To: Microsoft ATR
Date: 1/4/02 12:56pm
Subject: microsoft settlement

Leave Microsoft alone! Hurray for Bill Gates.

E. Jones, MD

MTC–00008678

From: Cris Von Wald
To: Microsoft ATR
Date: 1/4/02 1:00pm
Subject: Microsoft Settlement

My view is that I fully support the proposed DOJ settlement. It is time to move on and does no one any good to continue to draw this process out.

cvonwald

MTC–00008679

From: andy greenwood
To: Microsoft ATR
Date: 1/4/02 1:00pm
Subject: Microsoft Settlement

Please finalize the agreement with Microsoft as it stands and let's get on with business. It's a competitive world, let's let it stay that way. Microsoft is one of the world's great innovators. Let their competitors ''compete'' with new and better products if they don't like the way things are.

Andy Greenwood

MTC–00008680

From: Dr. Manton Gibbs
To: Microsoft ATR
Date: 1/4/02 1:03pm
Subject: Microsoft Legal Settlement

The settlement between the US Justice Department and nine states seems fair and just. Given the downturn in the economy, there is a pressing need to settle the litigation. Customers and taxpayers should and will benefit. Global competition should keep all players on their best in providing low cost and quality service and products. This settlement does not mean the end of monitoring. Global competitors, customers and government can bring complaints at any time and place.

Manton C. Gibbs, Ph.D.
Associate Director of the American Society for Competitiveness.

MTC–00008681

From: Andy or Gail Hatle
To: Microsoft ATR
Date: 1/4/02 1:08pm
Subject: microsoft settlement

It is damn well time to get off the back of Microsoft. If we, the consumers aren't happy with it, we can stop using it. We are not slaves to Bill Gates. How much have we wasted on useless persecution of a software producer, and how much had we spent going after bin Laden before Sept. 11, 2001? Let's get our priorities straight and consider the good of the country instead of following the path of Bill Clinton trying to repay his campaign contributors. We need real leadership instead of playing stupid political games.

Sincerely,
Andy Hatle
hatle@earthlink.net

MTC–00008682

From: Dave Tomesch
To: Microsoft ATR

Date: 1/4/02 1:07pm
Subject: RE: Microsoft Settlement

Dear To Whom it May Concern;

I have been using Microsoft Software for several years with great enthusiasm. I like their software and the support I get from buying their products. I do not feel they have a Monopoly in any way compared to Bell or Hydro or Oil Or Gas or the Lumber Industry. I am certain that there are many Hackers, Malicious programmers that are Jealous of Microsofts Success and therefore only a monitary discount on products or services is required to settle any further waste of TAXPAYERS money on this CASE! PS I have used Atari products in the Past with 1000's spent on them with little or no help from the company! They definetly had a monopoly on their products in the 70's and 80's along with Apple and you did not see any lawsuits then!!!. If you really wanna know what most consumers think, they think Unix and Internet programming companies are jealous of Microsofts successes and several Democrates took advantage of Taxpayers dollars to push a Insufficient evidence case against microsoft compared to reality. Reality is Oracle has or had a monopoly on Internet Servers (WHERE's THEIR MONOPOLY CASE???, You can use their own commercials on TV against them(we have 100% of the Marketplace on servers was their slogan!) The list could go on and on so I hope the Justice Department ends this case soon, give Microsoft a slap on the wrist along with Oracle, Sun Microsystems etc and get on with Consumer Products from all the US and Canadian Companies. Setup a department for Monopolies in any field of US. Commerce) Because in Reality Microsoft could move to Canada and what CASE would you have then? US. Laws do not work in Canada or we wouldn't have BELL CANADA or PetroCan ETC, and their are many more real big monopolies around the WORLD! (GOLD Companies ETC So putting the computer Industry in perspective!!!!!! if the key, I owned an atari 400, 800, xl800, 1200, Atari ST, Atari STE, Apple, IBM Computers etc. etc. You can see Microsoft came out on top but maybe the future some other company might do better so let the industry continue and Maybe those new Tablet PCs made by other companes might be the next big thing who knows!!!.

Sorry for the long PS but the Justice department should really be looking into why Oracle shares went from 25 dollars to 130 while Clinton was in office and back down again! There is a real monopoly of servers there and get with reality. I dont own a microsoft Monitor(its a clone) I don't own a Microsoft printer its from HP, I dont own a Miscrosft scanner its from IBM, I don't own a Microsoft Hard drive its from Western Digitial, all my software is 80% owned by other companies, Disney, 3D0, etc, 15% is microsoft Kids games or Operating systems, SO IN REALITY there is NO MONOPOLY HERE!!!!

SO WHERE IS THE MONOPOLY CASE IN MY HOUSE????? NO WHERE!! ITS NON EXISTENT!!!

Dave Tomesch

(You can quote me if you like!)

MTC–00008683

From: Dave Rice
To: Microsoft ATR
Date: 1/4/02 1:07pm
Subject: DOJ:

DOJ:

Please stop the witch hunt of Microsoft being orchestrated by its competitors and their agent polititions. The whole issue revolves around the preposterous definition of the ''relevant market''.

David L. Rice

MTC–00008684

From: RC Fullerton
To: Microsoft ATR
Date: 1/4/02 1:10pm
Subject: Microsoft Settlement

Department of Justice

This lawsuit with Microsoft as defendent has gone on too long and now that there is a chance for a settlement, the action for settlement should be taken by the Court. RC Fullerton Canyon Lake, Texas

MTC–00008685

From: BKhynes@cs.com@inetgw
To: Microsoft ATR
Date: 1/4/02 1:09pm
Subject: Microsoft Settlement

Civil Servants,

The agreed upon Microsoft Settlement is just and the government needs to move on. This lawsuit has done nothing to help consumers from day one (Microsoft's products have always been fairly priced) and was initiated to protect competitors that could not compete with Microsoft. Agreed, Microsoft is a tough competitor but the reasons that it has succeeded are not do to monopolistic activities but to a new business vision on how to survive in a fast moving technology world. They pour more profits back into research and have the lowest paid management team in the industry. They operate the company like a graduate school where the rewards are stock options versus degrees. Their workers are highly motivated.

Sincerely yours,

Robert J. Hynes

MTC–00008686

From: Frank Danaher
To: Microsoft ATR
Date: 1/4/02 1:18pm
Subject: Microsoft settlement

Dear sir

Please be advised that I think the settlement agreement with Microsoft is fair and the litigation should be ended as soon as possible.

We have seen how the asbestos, tobacco, cigarette, breast implant and pharaceutical litigations have caused the demise of many fine companies. For the sake of the country we do not need excessive and oppressive litigation that will serve to protract the recession and bring about the demise of many fine companies.

Would like to suggest that you take proactive measures to discourage lawsuits at all levels. Finalizing the MicroSoft Settlement would be a fine start.

Thank you

Frank Danaher

MTC–00008687

From: john j boyle
To: Microsoft ATR
Date: 1/4/02 1:22pm
Subject: Microsoft Settlement

Please do not delay the settlement further. It is not in the best interest of the nation or consumers to drag this on any longer.

Sincerely,

Marsha E. Boyle

Florida

MTC–00008688

From: Scott Brooks
To: Microsoft ATR
Date: 1/4/02 1:25pm
Subject: Microsoft Settlement

To Whom It May Concern:

As a satisfied customer of Microsoft for over a decade, and as a dis-interested third party, I'd like to comment that the entire DOJ action against Microsoft disgusts me. Microsoft has, in the past, done much more public good than evil, at least from my viewpoint. Before Microsoft, interactivity between software applications was practically non-existent, and competitive products couldn't use each other's data. With Microsoft's so-called monopoly, my productivity has increased dramatically because I can now integrate one application's data into another application very easily. As far as I'm concerned, Microsoft should be allowed to continue operating as they have been until they actually cause harm to me or the American public. The only entities they've hurt are their competitors, and that's the way capitalism is supposed to work

* * *

Regards,

Scott Brooks

1519 Chardonnay Dr.

Harker Heights, TX 76548

MTC–00008689

From: Jim Baskin
To: Microsoft ATR
Date: 1/4/02 1:28pm
Subject: Microsoft Settlement

I have not seen consumers hurt by Microsoft's action, and I have not seen it proven in court. It has been disappointing to have our government fight against what I think is a great company, seemingly expressing the views of Microsoft competitors in court (not consumer views). As a citizen and taxpayer I ask that you end this litigation as soon as possible. The current Microsoft offer is a HUGE benefit to the nation.

Thanks,

Jim Baskin

Senior Consultant—MCS Microsoft Telecom Practice

Phone (425) 705–3749 Pager 800–895–6003

''You can stomp the grapes twice as fast, but that doesn't create a 20 year Tawny Port in 10 years.''

MTC–00008690

From: Saddiq, Tareq
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/4/02 1:33pm
Subject: Microsoft Settlement

Dear Mr. Ashcroft,

I am writing this letter to lend my support to the settlement reached between Microsoft

and the Department of Justice. This lawsuit is just a way for competitors of Microsoft to feel good about their lack of success and block any further achievements of Microsoft. Even though I believe this suit should not have been brought about, it is better to resolve this issue and move ahead, rather than spending another three years in court.

Microsoft has earned its success along the way. It has provided its consumers with quality care and service, which has tremendously helped in its worldwide accomplishments. Microsoft opponents have suggested terms that appear to stifle trade, such as uniform licensing price agreements. Even so, Microsoft has acknowledged the terms so that it can move on. This waste of American tax dollars is pointless. To stop this from continuing any further, all action that is taking place at the federal level be brought to an end.

Sincerely,
Tareq Saddiq,
Senior Network Architect, Phone: (608) 278–7888 or (608) 225–8741
CC: 'Tammy.Baldwin(a)mail.house.gov'

MTC–00008691

From: Steve Miller
To: Microsoft ATR
Date: 1/4/02 1:34 pm
Subject: Microsoft Settlement

Steve Miller (sw miller@hotmail.com)

From the outset I disagreed with the Government's prosecution of Microsoft. The success of any operating system platform is determined by those of use who write software for it. For years nearly eight million developers have written software for the Windows platform. Since so many developers have chosen to write for Windows the consumer had more applications from which to choose. Allowing the consumer to pick what they felt was fight for them.

Microsoft Windows has been far more open and allowed consumers more choice than other operating systems. Other operating system vendors give you what they think you should have rather than listening to the consumer and providing the features important to the consumer. Since, the settlement is in place I think it should stand. While I continue to think that it is unnecessary it is better than the attempts to break up Microsoft. I think the break up attempt was a contributing factor to the soft economic conditions we are now in since our economy is technology driven. Any further attempts to limit Microsoft will only hurt the economy more and punish those eight million developers who have chosen to make their living using Microsoft technologies.

Thank you,
Steve Miller
425 Kemper Drive North
Madison, TN 37115
(615) 612–1919
sw miller@hotmail.com
Steve Miller (sw miller@hotmail.com)

MTC–00008692

From: PacHome@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 1:36pm
Subject: Microsoft Settlement January 4, 2002

I believe that the Department of Justice should settle the Microsoft case. The agreement reached by the federal government and nine states with Microsoft addresses the reduced liability found in the Court of Appeals ruling.

Further litigation is unnecessary, and harmful for the American spirit.

Sincerely,
Valerie Hines
PacHome@aol.com

MTC–00008693

From: Mehran Behdjat
To: Microsoft ATR
Date: 1/4/02 1:39pm
Subject: Microsoft settlement

DOJ

I believe that the most recent settlement between DOJ and Microsoft is fair and equitable and no more letigation is necessary. Continuation of letigation against Microsoft is detremental to the fragile U.S. economy and will hurt the technology and innovation as a whole.

Sincerely,
Mehran Behdjat

MTC–00008694

From: david faibish
To: Microsoft ATR
Date: 1/4/02 1:40pm
Subject: Microsoft Settlement—CASH ONLY!

The penalty paid by microsoft should NOT be an in-kind contribution (of software, hardware, or services).

Recipients should be free to choose who and what they buy with the proceeds of any settlement.

Especially in the education marketplace which is one of the few where microsoft faces real competition (ie Apple); a ''forced'' gift that is platform-specific _undermines_ not enhances the very competition which is the goal of the penalty in the first place!

regards:dlf

MTC–00008695

From: Chris Cleary
To: Microsoft ATR
Date: 1/4/02 1:40pm
Subject: Microsoft Settlement

People are envious of the success of large companies and individuals such as Microsoft and Bill Gates, respectively. This should not cloud the vision of the Department of Justice. Do not break up Microsoft.

Leave the company alone, solve real crime, and go about you business.

Breaking up any company that has been made large and prosperous from people voting with their wallets is socialism. There are no barriers that Microsoft competitors have to surmount that have not been surmounted before. They need more creativity as they lack ideas. Microsoft's competition has not been outlawed as with the U.S. Postal Service and First Class mail; it is merely uncreative.

Leave Microsoft alone and go after the real criminals.

Chris Cleary
Fairfield, Ohio

MTC–00008696

From: DENNIS BROWN
To: Microsoft ATR
Date: 1/4/02 1:44pm
Subject: Microsoft Settlement

To whom it may concern,

Microsoft continues to abuse its' customers, the general public, and the laws of commerce in our great nation. Their arrogance is most apparent in the way in which they have launched the latest version of their operating system and its' integrated software. Microsoft has flaunted the very settlement and suggestions of the DOJ and the prior trial judge. The new version of the operating system is even more anti-competitive! Please reconsider, on behalf of the American people, your settlement offer.

Dennis Brown
dbrown@Kaneland.org
Kaneland High School
Maple Park, IL

MTC–00008697

From: James T. Murphy
To: Microsoft ATR
Date: 1/4/02 1:44pm
Subject: microsoft settlement

Please approve the settlement and let all parties move on with business.

J.murphy

MTC–00008698

From: Kirk
To: Microsoft ATR
Date: 1/4/02 1:44pm
Subject: Microsoft Settlement

Department of Justice, With the settlement of the Microsoft case nearing the point where the District Court will rule whether or not this settlement is in the best interest of the consumer public, I wish to urge that it is.

The proposed settlement with the DOJ and 9 states is tough, fair and appropriate. As a consumer, I have never felt that I was harmed in any way by Microsoft's business tactics. I believe that standardization is actually the consumer's best friend, assuming that the quality of the standard is upheld. I believe that Microsoft works very hard and invests millions, or even billions of dollars to ensure that their products are the best.

As an investor, I have lost significant amounts of personal wealth in the past 18+ months, partly due to the economic downturn, but also in large part because of the case against Microsoft, which drove the price of Microsoft stock, and the stock of nearly every other company down. I have always maintained that the pressure on Microsoft stock, which is so widely held in private accounts as well as institutional funds, has had a large role in eroding our economy during the past couple of years.

As a taxpayer, I feel that more than enough has been spent on this case. In the interest of the taxpaying public, I think it is time this case were settled and put to rest for good. I wish the other 9 states attorney generals who have not agreed to this settlement would also put aside political aspirations and act on behalf of the public as well, and join in this settlement agreement. Private interest groups who oppose this settlement do not have the majority of public interest at heart- for them it is a personal vendetta.

Suffice it to say that as a consumer, and investor, a taxpayer and as an American, I feel this settlement is appropriate and necessary so that we all might get on with our lives and with the business of

strengthening the American economy. In order to do this, one key step is to put this case to rest. Please include my sentiments as part of the public record for the District Court to review.

God Bless America.

Sincerely,

Kirk Werner

Duvall, Washington

MTC–00008699

From: Maiale@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 1:46pm
Subject: Microsoft Settlement

One thing more: a lot of this complaint by Microsoft competitors to the Government is beause they cannot compete in price and performance. Therefore we believe Microsoft has been punished for being efficient. The country does not need this sort of action by the Government. It stifles business innovation and loses jobs. Mr. and Mrs. Anthony J. Maiale 941–597–5864. 672 92nd Avenue, North, Naples FL 34108

MTC–00008700

From: Pete Detskey (ELN)
To: Microsoft ATR
Date: 1/4/02 1:47pm
Subject: Microsoft Settlement

I am writing to oppose the anti-trust settlement that has been proposed with Microsoft. I write as both a small business owner and as a consumer of Microsoft software products.

Capitalism works only when competition exists. Justice must be served in regards to the anti-competitive behavior of Microsoft. The proposed settlement does not guarantee competition for new companies; it does not promote benefits to consumers.

One flaw with the proposed settlement is that it leaves open too many loopholes on what code is not required to be made open to other business seeking to develop new products. It also seems to have a sunset provision on when the oversight committee will disband in several years. We need a permanent solution to the Microsoft monopoly problem.

The nine states that did not sign on to the agreement have a better plan on promoting competition. For example, they require that Microsoft Office products be ported to rival operating systems.

For consumers, consider the recent warning that the FBI issued regarding the security holes in the Win XP operating system. I think it is awful that the FBI has to issue consumer warnings—at taxpayer expense—because of Microsoft negligence. In a competitive environment, no company would release a software product with serious flaws; that action would risk going out of business. But in a monopoly, Microsoft has no fears and will bully everyone around as it sees fit.

Justice must be served on the anti-competitive behavior of Microsoft. The current settlement offer does not safeguard competition in the marketplace. It provides no benefits to consumers with flawed software products.

Justice is NOT served in the proposed settlement. I urge that an alternative settlement be proposed.

Sincerely,

Peter Z. Detskey

Tucson, Arizona

(520) 297–7289

MTC–00008701

From: Magnus Hammar Borsch
To: Microsoft ATR
Date: 1/4/02 1:42pm
Subject: Microsoft Settlement

Well, maybe this is totaly unimportant for you. But I wanted to make myself heard. Since I am not an american citizen, I do not have any constitutional rights to express myself in this matter.

But this is as important to me as it is for any american. Microsoft is not an ''american'' corporation, it is an international corporation and most people working for Microsoft are NOT americans (some are as me, swede's. Not to mention all programers from India * * *).

Maybe you as americans, for once, should ask other nations what they think about Microsoft? And just maybe you should try to addept to others, instead of trying to change those who think different from you? Sooner or later your pride might be your fall, and that would truly be a sad end for a beutifull nation as yours.

Magnus Hammar

MTC–00008702

From: David G. Odom
To: Microsoft ATR
Date: 1/4/02 1:52pm
Subject: Microsoft Settlement

Dear Judge in the above settlement case:

I am a user of the OS/2 operating system from IBM. I have found this to be a technologically superior product over the operating systems offered by Microsoft, including their latest version, Windows XP. Unfortunately, OS/2 has been in decline for a number of years from what I believe to be unfair monopolistic marketing tactics of Microsoft. As a result, vendors of OS/2 related products have also diminished over the years. Contrary to arguments by Microsoft that their products encourage competition, I believe the opposite is true; that Microsoft's marketing practices actually discourages competition and stunts technological growth. To believe that Microsoft is anything BUT a monopoly in the micro-computer market, is nonsense. Looking at anyone's PCs or any companies micro-servers will tell you otherwise and the truth.

Consequently, I do not believe the Federal Government's proposed settlement with Microsoft, in its current form, is inadequate and that stricter measures be imposed on the company to prohibit such tactics from being used in the future. I believe the proposed settlement fails to achieve the necessary goals of a proper remedy: halting Microsoft's illegal conduct, promoting competition in the industry, and depriving Microsoft of its illegal gains.

I would be happy to discuss those controls if you need input from the ''regular public'' that has to suffer through the Microsoft monopoly environment.

Sincerely,

David G. Odom

Tucson, AZ

MTC–00008703

From: JHWallis
To: Microsoft ATR
Date: 1/4/02 1:52pm
Subject: Microsoft Settlement

Continue the trend away from the anti-business/anti-capitalist tenor left behind by the previous administration. The settlement is sufficient.

MTC–00008704

From: Nathan Vick
To: Microsoft ATR
Date: 1/4/02 2:04pm
Subject: Microsoft Settlement

Dear DOJ,

I would like to add my voice in favour of breaking Microsoft into an Operating System business and an Applications business. I think that is the only effective way to get Microsoft make windows more extensible for third parties, more standards-compliant (without embrace-and-extend) and more thoroughly documented. I think breaking them up is the only effective way to accomplish these goals because it is the only way that produces and fast-acting economic incentive.

Nathan

nvick@capcollege.bc.ca

Nathan Vick

Programmer/Analyst

Capilano College

MTC–00008705

From: PCCorral
To: Microsoft ATR
Date: 1/4/02 2:06pm
Subject: Microsoft Settlement

For many of us who are in the PC industry we have know all along that this lawsuit was motivated, funded and perpetuated by Sun Microsystems, Oracle, the Sansoni legal eagles and other Microsoft competitors. Though there was some merit to the complaints about Microsoft's OEM pricing policies, those practices have been discontinued and remedied.

The one who is really being hurt by the continuation of this case is the consumer. Microsoft's competitors don't want Microsoft to be able to add free new features to its software. But it's the consumer who would be hurt by this. It is time for this case to be settled. Do ever consumer out there a favor and settle it!

MTC–00008706

From: RGoodwill@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 2:05pm
Subject: (no subject)

Drop the suit. It is a waste of money

REGoodwill Jr

MTC–00008707

From: ETZZY@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 2:10pm
Subject: microsoft settlement

Department of justices I am writing to you concerning the Microsoft settlement. I think the settlement is fair to all, and any future litigation will only hurt the consumer. I am disabled and on a limited income, (in some ways we all are, on limited income that is)

and Microsoft has help me buy some products I might not otherwise be able to afford. I do own some Microsoft stock, which if the company was left alone the little bit I have invested will help my income someday. thank you for this opportunity to share with you.

Ed etzwiler

MTC–00008708

From: MILLWOOD@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 2:12pm
Subject: Microsoft Settlement

I am in favor of the current proposed DOJ settlement. Let's not get tangled in further litigation. Thanks

MTC–00008709

From: Brooks, Steve
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/4/02 2:17pm
Subject: Microsoft Settlement

The Microsoft Settlement is reasonable and fair to all parties involved.

Steven J. Brooks
Senior Systems Analyst, D.B.A.
ADP COBRA Services, Inc
wk. (770)-619–7200 ext. 1342
cell. (770)-367–1759

MTC–00008710

From: jack timmons
To: Microsoft ATR
Date: 1/4/02 2:19pm
Subject: Microsoft Settlement

As a computer professional for over 20 years, I'm shocked that the US government is still trying to sue Microsoft. Microsoft has contributed more to this country than all the other computer companies combined. Instead of a well deserved award, you are punishing them, obviously on behalf of their competitors in Utah (Novell), California (Sun/Oracle) and New York (IBM/AOL).

Stop trying to kill the goose that continues to lay golden eggs!

Shame on you for supporting their competitors in such a painfully biased and unfair way!!! It's incredibly obvious what a hack job this is.

Jack Timmons
Seattle, Washington

MTC–00008711

From: Mister Thorne
To: Microsoft ATR
Date: 1/4/02 2:20pm
Subject: Microsoft Settlement

Dear Sirs:

Could you please advise as to the deadline for the public to submit comments on the Proposed Final Judgement? Is it Sunday, 6 Jan 2002 which is 60 days after the 6 Nov 2001 posting of the Judgement? Is it Tuesday, 15 Jan 2002 which is 60 days after the 15 Nov 2001 posting of the Competitive Impact Statment?

Thank you.

Mister Thorne

MTC–00008713

From: Robert Westerberg
To: Microsoft ATR
Date: 1/4/02 2:23pm
Subject: Microsoft Settlement

Let's stop wasting taxpayers' money and making life difficult for one of the great companies of the technological age whose continued existence is of paramount importance for the economy of the United States and the progress of global freedom. Bill and Paul took a chance way back when, in the true spirit of American entrepreurship, when computers were the toys of academia. Now Microsoft is being punished because they have been successful beyond anyone's dreams or imagination.

Yes, I have a vested interest in Microsoft. It is the heart of our retirement plan. Stop jerking Mr. Gates around just because some whiners didn't take risks when the Internet Age was in its infancy. That is the real reason there is only one truly capable operating system for computers in the world today.

Affirmative action is of the past—be it for people or corporations. Countless millions have been spent for lawyers in this matter so far. This should not become another AT & T attorney welfare scam.

Hands off Microsoft!

Robert Westerberg, faithful shareholder since 1998.

MTC–00008714

From: Dillon Dale Civ OC–ALC/LGPA
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/4/02 2:30pm
Subject: Comment on settlement

Dear sir or madam

Please be advised that I do not agree with the current settlement as proposed by the Dept of Justice.

In summary, what I see is this, Microsoft owns the only trainstation, that is the OS. It knows where it layed the tracks and how the tracks operate, (internal workings of OS) this gives them a HUGE advantage on software development. No one else knows this as well as Microsoft and it protects and uses this knowledge to it's sole advantage.

I am by trade an accountant. I have dabbled in computer systems for years, learning to program in various programming languages. I can remember Microsofts first set of side products that had direct impact on me.

QuickBasic was the applications name, it was a wonderful product and it was all due to competition with Borland and the great programs that they had. (Borland lost a lot of ground when Microsoft switched from DOS to Windows version 95. Borland no longer makes a Basic programming language.)

I can remember the big switch when Microsoft introduced it's Windows operating system and it's suite of Office products. Suddenly the things that I knew the most lotus, peachcal, supercal etc... spreadsheets disappeared from the store shelfs. Everyone had to learn a new interface, you couldn't share spreadsheets because of all the things Microsoft did to make it hard to switch from their product to other products. (This was no doubt by design and still is by design.) Microsoft now totally dominates the market when it comes to spreadsheets, but they still lag behind some of the original spreadsheets ability.

Where our office went from lotus and supercal we acquired more work, not less, MS Excel created more keystrokes for us and a decrease in productivity. The macro ability was greatly reduced and it created for us a very large problem, we had to basically carry two spreadsheets. One DOS based from ages ago and the other Windows related (MS Excel). In short we still have not upgraded the majority of our spreadsheets because Excel does not do as good of job.

In our office we use programs that where written in Basic or GWbasic many years ago. This ability and language was provided by Microsoft or IBM with the purchase of an OS many years ago. Microsoft no longer provides this type of program with the purchase of the OS, I admit I do find it strange that they will add an internet browser for free, but won't keep a language that was a standard feature of the OS for years and years. I am currently writing Java based programs to replace the programs written in Basic or GWbasic many years ago. If Microsoft is allowed to drive Java out of business or goes to big lengths to make sure it does not work with it's system then nothing I can do will replace those programs that we do business with now. I do not have the money to buy the solution from Microsoft. If you pay close attention to the Government you will find that a lot of Government facilities are now stuck with the older version of Internet Explorer (version 5.5 service pack 2), because a lot of Government pages are written to work with Java. The newer version of IE (version 6) will not work with Java. Why would Microsoft do this? Is it now the most efficient product when viewing the web? How much will the Government have to spend to correct these problems? Or will the Government be stuck using Windows 5.5 with service pack 2 until MS decides it won't want to support it any longer? If they give it away as part of the OS package, then it shouldn't be a tool used to destroy the business of others. It should be made to work with other things out there.

To me it is just like buying an OS for a computer that says it is designed for use in any IBM compatible PC, but it won't work with Seagate Hard Drives because our company owns Western Digital. BTW it's about the only OS available as it has driven every other OS out of the market, used it's OS to capture market share it does not deserve, because of unfair competition and it's insider knowledge on the OS. How does it benefit the public? We have seen that the courts ruled it was a monopoly.

Now it's up to you the DOJ to fix the tracks so that other trains can run in and out of that trainstation without being derailed, your settlement leaves a lot to be desired and actually rewards Microsoft, does not force them to retreat from the practices that have hurt so many in the past and cripples innovation.

Dale Dillon

MTC–00008715

From: Michael
To: Microsoft ATR
Date: 1/4/02 2:39pm
Subject: Microsoft Settlement

Dear Sirs and Madams:

It has come to my attention that nine misdirected states are attempting to thwart the Department of Justice's proposed settlement with Microsoft. After reading the proposed remedies, I have concluded that

these are fair and beneficial to the consumer in the long run. In the short run, it will serve to employ hundreds of lawyers to determine what courses of action are acceptable for the company to pursue.

When the nine states continue to whine about these remedies not being enough, they are truly letting their ignorance, lack of understanding of the market, and greed show through. As an example: Apple makes the only ''crash proof'' desktop computer on the market. Apple has a 100% market share for that market. Apple refuses to allow other vendors to manufacture compatible ''crash proof'' hardware. This Apple monopoly locks out any and all competitors, raises the market price of Apple hardware, reduces the market share of ''crash proof'' systems, and hence due to that minimal market size, discourages developers from creating competing products for the Apple platform. Each of these steps TRULY harms consumers. Were it not for these foolish policies, Apple would be a true competitor to Microsoft compatible computers today.

In the days of the USSR (command & control) where only the government made automobiles, were they the best buys in the country for a good reason? Yes, it was due to their being the only automobile available to the few that could afford them. If the dissenting states were truly worried about consumers and competition, they would be working through the DOJ to force Apple to open their market. The fact they are not simply demonstrates their ulterior motives.

The last 2 large anti-trust cases in U.S. history (AT & T, and IBM) had the unintended and ugly effect of turning these two symbols of American technology into bumbling giants void of any current serious innovation. Please look at the meaningless shell that is now AT & T before you decide to drag this case on further.

Best regards,
Michael Patrick Chaffey, OCP, CPA
17516 NE 138th St.
Redmond, WA 98052

DISCLOSURE NOTE: I own less than 1000 shares of Microsoft stock, and have used the company's software products for over 10 years.

MTC–00008717

From: john himes
To: Microsoft ATR
Date: 1/4/02 2:46pm
Subject: microsoft

Please let the micrsoft settlement stand and let our economy recover. This recession started the day Judge Jackson tried to break up micrsoft. It was a stupid move then and remains the same today.

Thank you
John E. Himes
102 Melvin Ave.
Catonsville Md.
21228

MTC–00008718

From: Lynn B. Boman Jr.
To: Microsoft ATR
Date: 1/4/02 2:50pm
Subject: Microsoft Settlement

Dear United States Department of Justice,

I am writing you today to express my feelings in regards to the settlement reached between Microsoft and the Department of Justice on November 2nd. I am anxious to see this dispute resolved, so I oppose further action against Microsoft. This settlement is fair, contains provisions that foster competition, and is good for the technology industry. Microsoft has pledged to share more information with other companies and give consumers more choices. Under this agreement, Microsoft must design future versions of Windows to make it easier to install non- Microsoft software and must disclose information about certain internal interfaces in Windows.

The last thing the American economy needs is more litigation that benefits only a few wealthy competitors and stifles innovation.

Thank you for your time,
Lynn B Boman Jr.

MTC–00008719

From: Chris Long
To: Microsoft ATR
Date: 1/4/02 2:57pm
Subject: microsoft problem

hi there:

I was told that I could send an email to you, offering up my 2 cents worth on the microsoft fiasco—I believe that this company's business practices are beyond irresponsible—I would go so far as to say that their pure greed has put them in a position wherein one of their biggest goals is to squash any and all competition—which I think is a sorry state of affairs at best. with the situation as it stands now we have a STUPIDLY HUGE percentage of the computer software being controlled by one company: microsoft. apple remains the only real competition. the LOSERS are consumers like myself—who KNOWS where we might be today if microsoft had acted legally over these past years?

Since microsoft has already been found guilty of multiple antitrust law violations, my opinion is that they should receive an extremely harsh penalty indeed; as severe as possible within the limits of the law. what I've read of the current situation (a fair bit) only shows the government willing to settle for a light 'slap on the wrist'.

Let's have some JUSTICE!!!

Thanks for listening,
Chris long

MTC–00008720

From: DallasFlwr@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 3:00pm
Subject: MICROSOFT SETTLEMENT

TO DOJ,

IT IS TIME TO SETTLE THE MICROSOFT CASE. THE PROPOSED SETTLEMENT BROUGHT FORTH BY THE DOJ AND NINE STATES SEEMS MORE THAN ENOUGH. I HAVE HAD A HARD TIME UNDERSTANDING HOW THE CONSUMER HAS BEEN HARMED. DID WE PAY TOO MUCH FOR MICROSOFT PRODUCTS? REPORTS IN THE MEDIA STATE WE MAY HAVE OVERPAID 20 TO 30 DOLLARS FOR WINDOWS. IF IT'S AN ISSUE OF THIS AMOUNT, PERHAPS THE INDIVIDUAL HAS MORE PROBLEMS THAN OWNING A COMPUTER. THE CONSUMER IS ME. THIS LITIGATION WILL NOT HELP ME IN ANY WAY. I DID NOT ASK FOR IT AND I DON'T WANT IT.

LET'S BE HONEST, THIS IS ABOUT MICROSOFT'S COMPETITION ALWAYS LAGGING BEHIND THE CURVE. ALL THEY NEED TO DO IS BUILD A BETTER MOUSE TRAP. THIS CASE HAS HURT OUR ECONOMY AND INVESTORS. IF IT DOESN'T END NOW, I'M GOING TO BLAME SOME PEOPLE AND NOT BUY THEIR PRODUCTS...NOT VOTE FOR THEM ETC. WHO'S GOVERNMENT IS THIS ANYWAY? IF WE DON'T STOP THIS CASE NOW, PERHAPS THE DOOR WILL OPEN FURTHER FOR AN OVERSEAS COMPETITOR..THINK AIRBUS !

GIL HODGES , REGISTERED VOTER.

MTC–00008721

From: Robert Steffy
To: Microsoft ATR
Date: 1/4/02 3:12pm
Subject: Microsoft Settlement

Dears Sirs:

I support the comprehensive agreement reached with the U.S. Government and Microsoft Corp.. I think the agreement is fair and will finally end this costly and non-productive litigation. Please consider my opinion as you make your decision on this matter.

Sincerely;
Robert M. Steffy,
Holtwood, Pa

MTC–00008722

From: Dan Van Fleet
To: Microsoft ATR
Date: 1/4/02 3:14pm
Subject: Microsoft Settlement

I've been involved in the computer industry from before Microsoft became a widely known company. I remember the 640K capability of DOS, being what seemed like more than we would ever need, I admired and respected Microsoft at that point. My how times have changed.

Today, I find Microsoft's actions to be horrid. I feel much like a young child in Chicago when he finds out that nice man down the street is actually a mob boss. The child asks his mother, ''That man, he kills people?'', his mother responds yes he does. The child, afraid, still smiles when the man says hi, he takes a bit of candy when offered, so to not upset the boss. Microsoft is that boss, ISV's and users are the children.

Through my daily dealings with Microsoft software, I've felt Microsoft was unfairly using it's power to force it's products on the public. That has now been proven in court, the proposed settlement is not a solution. Microsoft has already ignored a similar solution, and lied about it through demonstrations in court. Don't let them do it again.

Further, please do not let the actions of 9/11 cause you to go easy on Microsoft, that would be a travesty of justice. Microsoft is currently using those events to attain their goals, don't let them do it. It is a pity that Judge Jackson, so horrified by the testimony, spoke out of turn, don't let Microsoft take advantage of his mistake.

Sincerely,

Dan Van Fleet
IT Director
Dayton, Ohio

MTC–00008723

From: Hanaleisrf@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 3:14pm
Subject: Stop the idiocy of litigating against innovation

Please stop spending my tax dollars to litigate against Microsoft.

MTC–00008724

From: Philip Robbins
To: Microsoft ATR
Date: 1/4/02 3:15pm
Subject: Microsoft Settlement

Department of Justice:

Please settle the Microsoft case with all states and let us, as the President said, get on with our lives. We, at this critical time in our country, do not need one more thing to drag down our economy.

Thank you for considering my comments.
Philip J, Robbins
36 Rock Hill Lane
Fort Thomas, KY 41075

MTC–00008725

From: Dkmar1@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 3:20pm
Subject: Settlement

The Microsoft case should be settled as soon as possible.

D.K. Martin
dkmar@aol.com

MTC–00008726

From: DavidatEH@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 3:20pm
Subject: Microsoft Settlement

Sirs,

This letter is written in support of the Microsoft Settlement with the hope that the already negotiated agreement will be finalized so that all parties will be bound by it and therefore complete the agreement forthwith. It is important that Microsoft competitors and some misguided states attorneys general are forced to comply with the already negotiated settlement and finish this protracted bloodletting at once.

Respectfully,
David C. Mactye, M.D.,
PO Box 50, West Bloomfield, NY 14618
716–370–0361

MTC–00008727

From: Dennis Gignac
To: Microsoft ATR
Date: 1/4/02 3:24pm
Subject: Microsoft Settlement

To whom it may concern:

I would like to let you know that I have been following this case since the very beginning and have written to the Wisconsin State DOJ a number of times expressing my opinion on the subject. I find it very satisfying that now that there appears to be an end to this mess it is very close to my original opinion. Anyway, I am completely in favor of the current settlement arrangement and I feel strongly that Microsoft has not harmed me in anyway with their actions in the past. I will agree that Microsoft has taken a hard line with computer companies and although I see no real anti-trust I will concede that the USDOJ most likely knows that laws much better than I do. I will say that my opinion is that Microsoft has done more to protect the software industry and end users with the stance they have taken then damage they may have done to competitors.

Anyway. I am strongly in favor of the settlement and it is time allow Microsoft to get on with their work of adding more features into their operating systems at will.

Thank you
Dennis Gignac
Brookfield, WI

MTC–00008728

From: TwoVirgos@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 3:27pm
Subject: Opinion

We are in favor of the settlement worked out with Microsoft.

Marlene & Alan Feinstein

MTC–00008729

From: Rollie Schmidt
To: Microsoft ATR
Date: 1/4/02 3:30pm
Subject: Microsoft Settlement

To whom it may concern at U.S. Dept. Of Justice,

I have worked in the computer industry for nearly 28 years. I have seen many things come and go since the early-to-mid 70's. One of the most ridiculous things I have witnessed it this incessant hounding of Microsoft. Why? They are successful. Get over it. Why are they successful? They build good products for which the public willingly exchanges value in the form of legal tender. Again, gladly is the manner in which they (the public and businesses) do so.

Have you ever gone to an Office Depot or Staples or whatever store and seen anyone pushing people into the aisle with MSFT products? Any in hammer locks being forced to buy MSFT products while the Apple side of the aisle (or usually completely different aisle for Apple since there needs to be a whole aisle just for MSFT binaries) is nearly vacant? So you have choice, you have a free market, you have people voting by the millions with their checkbooks for MSFT products. I have used Sun Microsystems machines, which I consider better than most Intel-based machines for many tasks. I can and will use them when needed. The Sun Solaris operating system is excellent. In many cases better than Windows2000 or any other OS. There are a number of great applications. If there were not why would SUNW be a multi-billion dollar commercial success? I have Linux at my disposal on my Intel-based systems as well. I can run that and have. It's good for a lot of things. It has applications too. People run them. In many cases they are even free. You get what you pay for. That's why I have CHOSEN to buy Microsoft products for all my family's home needs. It's why I use them on my business laptop as well. They work and they work very well.

Why not consider this and stop wasting my and other taxpayers' money by hounding MSFT any further? Jealously of their success is just some warped commercial form of class envy. Let someone else step up and do a better job than Microsoft and they market will take care of itself. Please get closure on this Microsoft litigation and free them to focus on doing their fair share, which they likely are more than willing to do, and channel their valuable resources into helping to get the economy into high gear again. Hounding Microsoft any further is wasteful of taxpayer resources, wasteful of Microsoft and Microsoft shareholder resources and just generally bad for everyone.

Thanks much,
Roland Schmidt
Auburn, CA 95602

MTC–00008730

From: Aaron Freed
To: Microsoft ATR
Date: 1/4/02 3:34pm
Subject: Microsoft

I am a systems administrator and have been for 15 years. I have held an MCSE since 1999.

I have been working with Microsoft products since Dos 2.11, and since Windows 3.0. I have worked with all versions of Windows NT starting with version 3.50 and up through the current verison of Windows XP.

I have spent many, many hours with Microsoft products, learning them, supporting them, trouble-shooting them.

I have been involved with Linux (RedHat) on a serious level since Version 7.1 (on a less serious level, since Version 6.2).

With Microsoft, when there is a problem, I find that the solution is about 70% trying to figure out what the right menu option or button is to select to elicit a dialog that allows me to change the desired settings. 20% of the time is spent trying to find away around Microsoft's attempts to prevent me from ''doing something dangerous, that might harm my software''. And 10% of the time, I am actually resolving the problem.

The key to troubleshooting Microsoft problems seems to be in rote memorization of menu-options, dialogs and buttons needed to change a desired setting.

The key, with Linux, is usually a matter of editing a script or possibly recoding some software or component, which generally requires not only an understanding of why the problem happened, but also how the ''fix'' for it works—or at least knowing that you have access to the source code and other documentation that will help you to understand how the fix works, why it works, and how the program being fixed works.

In short, it is something like the difference between knowing how to go to the store and purchase a loaf of cake, versus knowing how to actually make a cake from scratch (with documented and usually fairly clearly explained instructions).

Microsoft is a closed system, a ''black box'', if you will. You generally put in your data and you get a result, but you really don't know how that result is generated. And when that result is not what is expected or desired, your recourses for figuring out why are quite limited, because you aren't allowed inside the ''black box''.

Linux, on the other hand, is an open system. Like Microsoft, you put in your data and get a result out. However, if the result is not what is desired, or expected, you have the option of taking apart the ''black box'' and tinkering with its internal workings to make it work the way you want it to.

Microsoft charges you for the privilege of using their software—their marketing effort focused primarily on emphasizing the claim that MS is easy to use and that ''if you know one program, you pretty much know them all.''

Linux makes no such claim. Nor are you ever charged for it. However, with a little know-how and a willingness to learn and try to understand, what you give up in a generic, standardized interface, you more than make up for in terms of control of your system and your data. And, surprisingly, it is not very difficult to customize your system to make it just as 'generically easy to use' as Windows. (Frequently even more so.)

Now, Microsoft wants to offer us the ''.Net'' option, where we completely surrender control of our system to them in the form of paying a monthly or yearly subscription fee to ''rent'' their software. Ostensibly, this alleviates the need for upgrades, maintenance, and troubleshooting on the part of the end-user. In truth, in removes the ''ownership'' of the user's data from him, because, should the user decide not to renew this ''subscription'' to Microsoft's ''.Net'', service, they will find that they can no longer access their data because it is stored in formats understood only by Microsoft.Net programs.

Not only are we being asked to surrender control of our computers to Microsoft, we are being asked to surrender control of our personal data. And, on top of that, we are being required to pay Microsoft a montly fee for the priviledge!

Slavery is one thing. Asking the slaves to pay for the priviledge of being enthralled to a master who hardly has their best interests at heart is just plain stupid.

I choose not to be part of this.

I choose an operating system that does not require daily reboots just to keep running properly.

I choose not to spend hours of my time trying to navigate through installation routines that have been made Byzantine in their complexity—in order to protect Microsoft's software license.

I choose not to use an operating system and software applications that were designed with the assumption that I not only don't know what I am doing, but also that I am too stupid to learn.

I choose not to be required to call Microsoft and inform them of every significant change I make to my hardware.

I choose not to be an unwitting ''beta test site'' for products that have not been properly quality controlled because it was deamed more important to rush the product out the door in order to make a few extra sales.

I choose Linux.

I choose FREEDOM.

With Linux, when there is a problem, I find

Aaron Freedcyclopes@mediaone.net

netadmin-voicesignal.comafreed@voicesignal.com

''The truth is out there... But I have no idea who left it there, nor why.''

MTC–00008731

From: ereomsncom
To: Microsoft ATR
Date: 1/4/02 3:37pm
Subject: Dear Sir,

Dear Sir,

It is very important that the case is settled once and for all. I don't think Microsoft did anything wrong. This Country was build on free enterprize and the freedom to inovate products and to have a patent on the products they they invent. No one can just come along and try to get in on the product to make money..

That is wrong.

Liz Reo
506 S. Owen
Mt. Prospect, Illinois 60056
ereomsncom@email.msn.com
847 398 6151

MTC–00008732

From: dgsfox@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 3:44pm
Subject: Microsoft Settlement

The is a bought prosecution...And a shame to our country.

MTC–00008733

From: Flipboggs@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 3:46pm
Subject: Microsoft Settlement

I believe the Microsoft settlement is fair. That company is a national treasure. There is no question that without the technology that they delivered to us, I and many others would not be as computer capable as we are now.

Phil Boggs

MTC–00008734

From: Roger Reece
To: Microsoft ATR
Date: 1/4/02 3:46pm
Subject: Microsoft Settlement

I am writing to express my support of the November 2, 2001 settlement between the US Department of Justice and Microsoft. The last thing the country needs is our benevolent government spending additional time and resources pursuing Microsoft that ultimately benefits competitors who are using the legal system in stead of superior products to defeat Microsoft in the market place. There are more important issues for the government to address. Our economy is on a down slope, unemployment is on the rise, public health and related legacy environmental issues need to be acted on, and money laundering is requiting greater amounts of manpower with its increasing threat as food for ciminal endeavors.

The US should stay focused on the events of the recent past and wake up to the fact that petty legal means to chip away at Microsoft's hard-won success benefits none but a few. Common knowledge is that international criminals have us in their crosshairs; what rights have Microsoft so violated to deserve such scrutiny? Microsoft, if anything, is at the forefront helping individuals and the country realize our potential through leading edge technology, philanthropy and enterprise also benefiting Microsoft's employees, vendors and end-users that span the country and the globe.

Under the terms of the settlement, Microsoft has accepted to undergo major changes in the way they conduct business. It includes the following: Granting new rights to computer manufactures to configure their systems to access various Windows features as they see fit.

Microsoft must design future versions of Windows to make it easier to install non-Microsoft software.

The DOJ will create an ongoing technical oversight committee. It will have access to various Microsoft trade secrets and intellectual property—a painful right to ownership for any company to give up.

Finally, the settlement negates the rights of no one as competitors can still sue Microsoft if they feel Microsoft isn't complying with these terms. Please settle these legal actions under the current agreed terms and redirect your energies to the slim that is out to distroy America.

MTC–00008735

From: John Peter
To: Microsoft ATR
Date: 1/4/02 3:50pm
Subject: Microsoft Settlement

Friends:

I am writing to support the Microsoft settlement. I am a 4th grade teacher and a building computer contact in our district. Our school, along with others would welcome any and all help for our technology program. Because of budget cuts, our entire computer budget relies solely on our state TEACH grant which amounts to about $40,000. The inservice portion of our budget is gone, and almost no training takes place. Hardware and software budgets are about one fourth of 3 years ago. Please settle this agreement and help us and other schools.

Thank you for your consideration.

Have a GREAT DAY!

John Peter
Spooner Elementary School
1821 Scribner
Spooner, WI 54801
(715) 635–2174 ext. 1227
(715) 635–7984 FAX
Every Child Deserves a GREAT School!
CC:BarthL@WEAC.org@inetgw

MTC–00008736

From: tnjb123
To: Microsoft ATR
Date: 1/4/02 4:01pm
Subject: Microsoft Settlement

Enough is enough! Let's get on with the Microsoft settlement. In the interest of the economy and all parties concerned, pandering to crybaby competitors and special interest groups needs to stop. It is in all citizen's interest to stop the litigation.

Respectfully,

Thomas J. Barbercheck
321 Mary Drive
New Albany, IN 47150

MTC–00008737

From: Lawto@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 4:03pm

Subject: Microsoft Settlement
I think you all would be well advised to drop this case forthwith.
Larry Townsend

MTC–00008738

From: PontoR@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 4:10pm
Subject: Microsoft Settlement
Dear Sirs:
We understand that the District Court is accepting public comment regarding the Microsoft Settlement. It is in this regard that we submit the following. We strongly believe that the settlement is tough, but reasonable and fair to all parties involved. We further believe that this entire action over nearly four years, has been motivated and sustained not by consumer interest or demand, but has been due to the aggressive efforts of a few special interests, primarily Microsoft's competitors. The spinoff effect of this activity has negatively impacted the American economy and has not been of benefit to consumers.
We urge that the District Court accepts this settlement. The last thing the American economy needs is more litigation on this matter, that may benefit only a few competitors, while further damaging consumers.
Sincerely,
Mr. & Mrs. Roger W. Ponto
8611 NE 26th Place
Bellevue WA 98004
Phone: 452.453.1979
Fax: 425.453.2595
E-mail: pontor@aol.com

MTC–00008739

From: Tony Domit
To: Microsoft ATR
Date: 1/4/02 4:16pm
Subject: Microsoft Settlement
As a consumer and engineer who has worked in the computer industry for over 35 years, I support and encourage Microsoft to continue innovating in the world of high tech. As a consumer, I am delighted with the price, performance, and ease of use they provide with their software. This is particularly the case when comparing their current offerings to those available ten years ago and earlier.
My understanding is that DOJ's antitrust responsibilities are to protect the consumer. I, and nearly every user of Microsoft products I have ever spoken with are delighted with their products. I don?t believe it is DOJ's responsibilities to level the competitive playing field nor do I buy the allegations that Microsoft's practices have stifled competition at the expense of the consumer.
I believe the DOJ's current proposed remedies are more than adequate to punish Microsoft for their intense competitive practices and would like to see an end put to all the ?lawyering? particularly by many of the state attorney generals.
Sincerely,
Tony Domit

MTC–00008740

From: Mohammad Nawaz
To: Microsoft ATR
Date: 1/4/02 4:17pm
Subject: Microsoft Settlement
The DOJ settlement with Microsoft is in the right direction. I do agree with the settlement and hope to get this thing over soon.
Regards,
Mohammad Nawaz
779 Wood Ave
Edison, NJ—08820

MTC–00008741

From: Mike Thibodeau
To: Microsoft ATR
Date: 1/4/02 4:23pm
Subject: Microsoft Settlement
Our economy is always thriving in proportion to how Free it is. Please keep your Hands Off!! Microsoft has improved the standard of living for everyone in the US, more than anyone ever cares to acknowledge. But more important is the principle—this is supposed to be a Free Market!
Thanks,
Mike Thibodeau
Derry NH 03038
603–234–7411
Mike Thibodeau
mthibodeau@mediaone.net
http://people.ne.mediaone.net/mthibodeau

MTC–00008742

From: Perry
To: Microsoft ATR
Date: 1/4/02 4:31pm
Subject: Microsoft Settlement
Attn: Dept. of Justice
The Tunney settlement of the Microsoft debacle is fair and equitable. It doesn't destroy any one or any business. It evens the playing field as far as laws are concerned. Let the detractors create their own platform. Lets get on with the economy and business. By the way, if you want to stifle someones business do it to the Chinese. Fair Trade Status for them is a joke.
Perry Arnold
Chandler, AZ

MTC–00008743

From: Dwdiet@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 4:39pm
Subject: Settle with Microsoft
Close out this case in favor of Microsoft 100%. Let the market place prevail. Let free enterprise ring.

MTC–00008745

From: Jane D. Alley
To: Microsoft ATR
Date: 1/4/02 4:55pm
Subject: Microsoft Settlement
Please settle this case as soon as possible without further litigation.

MTC–00008746

From: Ken Landon
To: Microsoft ATR
Date: 1/4/02 5:02pm
Subject: Microsoft Settlement
Ladies and Gentlemen:
As a consumer of Microsoft's and other companies' software products, I would like to comment on the proposed Microsoft settlement.
I was saddened and dismayed that the Department of Justice chose to prosecute Microsoft in the first place. I find Microsoft's products to be extremely valuable in both my career and my home use. The company has earned its dominant position in the market. It is every American's right—including the people who own and operate Microsoft—to be left free to ''sink or swim'' in the marketplace. And it is my right as a citizen of the United States to be allowed to patronize Microsoft without the interference of court-imposed antitrust restrictions on the company.
I respectfully urge the Department of Justice to drop all charges against Microsoft. Microsoft is a great American company that should be left free to operate without any antitrust restrictions.
Sincerely,
Kenneth Landon
200 Clinton Street
Brooklyn, NY 11201
718–694–0226

MTC–00008747

From: VINCENT PENZO
To: Microsoft ATR
Date: 1/4/02 5:04pm
Subject: Microsoft Settlement
Dear DOJ,
My only comment on the settlement is—there shouldn't be any. In fact, there shouldn't have been any prosecution to begin with. The government was created to protect people's rights, not tell productive businessmen how to run their companies. Bill Gates has every right to produce and sell his products on his own terms—with those who wish to do business with him. Anyone who doesn't like it can try to build a better mouse-trap. Enough whining from lesser-able competitors! As for consumers—remember when PC's cost $10,000? Leave Bill alone!
The DOJ should have spent those millions of dollars all through '90s on something important— like tracking down the Islamic fundamentalist's money laundering schemes.
Let's put the 'Justice' back in the 'DOJ'!
Sincerely,
Vincent Penzo
Everett, MA
vpenzo@rcn.com

MTC–00008748

From: GARFOOT, ROGER D
To: Microsoft ATR
Date: 1/4/02 5:06pm
Subject: Opposition to Microsoft Anti-trust Settlement
I do not believe the DOJ negotiated settlement will protect any group (consumer, manufacturer, software developer) from Microsoft's ability to extend their existing monopolies in desktop operating systems and office productivity suites into new areas such as server operating systems, internet infrastructure and middleware. Microsoft's control of the API's for the monopoly supported operating system (OS) allows them to tie new products (middleware, frameworks, etc.) into the OS in ways that other developers can not match. Once its in the OS, competing products don't stand much chance. It is far from a level competitive playing field when developing software products that compete with Microsoft. A prime example is Microsoft's lack of support for Java in Windows XP.

Microsoft found room to include all their language runtimes, middleware, partner applications, etc. in Windows XP but claims including a Java JVM would make the OS to large. Come on, as delivered by Microsoft Windows XP is already approximately 1.5 GB. The Java JVM is only about 5 MB.

Microsoft also made it much more difficult to add plug-ins into Windows XP and Internet Explorer (IE) which discourages use of competing technologies. Java has always been a threat to requiring everyone to run Windows OS and has been attacked by Microsoft in much the same way as Microsoft attacked Netscape. When Microsoft could not embrace, extend and extinguish Java, they blocked improvements and developed their own Java clone.

Microsoft is an abusive monopolist in the same way in which Standard Oil was an abusive monopolist. The proposal by the nine states not agreeing to this settlement is much more likely to prevent additional abuses.

As an IT professional, I know that the biggest reasons Microsoft is able to maintain their monopoly in corporate desktop OS's is the integration of desktop Windows and Windows servers, Microsoft Outlook integration with Exchange and the lack of availability of Microsoft Office on platforms such as Linux and UNIX. The proposed DOJ settlement will do nothing to rectify this situation and allow increased consumer/corporate choice in desktop OS's

Roger D. Garfoot
Computer Applications Engineer
T&D Computing—Application Development
Omaha Public Power District
444 S. 16th St. Mall
(Mailstop: 6W/EP3)
Omaha, NE 68102–2247
Phone: (402) 636–3175
Fax: (402) 636–3947
Email: rgarfoot@oppd.com

MTC–00008751

From: william scott
To: Microsoft ATR
Date: 1/4/02 5:13pm
Subject: Microsoft Settlement

Dear Sirs,

It seems to me that the Microsoft settlement is sufficent and adequate. Plus enough tax money has been expended trying to stifle a successful company.

Sincerely,
W.I. Scott

MTC–00008752

From: Bob Coleman
To: Microsoft ATR
Date: 1/4/02 5:21pm
Subject: Microsoft Settlement

Gentlemen:

I applaud your efforts to settle the Microsoft issue. My opinion on the entire matter is that failed competitors used the US justice system to enhance their business position to the detriment of consumers and to the detriment of the information industry.

We needed a cheap, stable, common system which Microsoft provided. The initial suit was unwarranted. The proposed settlement by the DOJ and MS is much more punitive to MS than what I consider fair, but if it brings this issure to closure, I can see its merits.

MTC–00008753

From: FRANK MACK
To: Microsoft ATR
Date: 1/4/02 5:27pm
Subject: Microsoft Settlement

This matter has dragged on far too long and I urge the settlement go forward with no further delay.

MTC–00008754

From: arnebBronton
To: Microsoft ATR
Date: 1/4/02 5:30pm
Subject: Microsoft Settlement.

Dear General Aschcroft:

Freedom comes in many forms, freedom of speech, freedom of worship, however, this great Country used to have freedom to innovate, create and develop processes that benefited all of mankind, the developer as well as the general public worldwide. Unfortunately, the Justice Department, under former President Clinton, attacked Microsoft, a company that revolutionized the industrial world. What used to take days can now be accomplished in minutes. Such innovation of course, also enhanced the company's share value which benefited all of it's shareholders, those visible and those not so visible in 401K's, IRA's, pension plans, etc. Unfortunately, when the Government continues it's attacks on companies such as Microsoft and the like, the desire to create and invest becomes stifled. Just look to Europe when governments controlled development.

I know we have a now have a President who looks to the future and wants to encourage further development. I am sorry to say that I feel we still have a number of narrow minded people in the Justice Department and with nine State's Attorneys who have the mind set of if I have 6 they are entitled to 3 whether they have invested in risk, market, innovation or not. This type of thinking should have been abolished with the fall of the Berlin Wall as it has no longer a place in a free society.

I respectfully solicit your assistance in ridding our Country of these frivolous lawsuits that is harming companies, and millions of hardworking taxpayers, investors and retirees.

Sincerely,
Anre Bronton
4724 Oak Leaf Drive
Naples, FL 34119
CC:fin@mobilizationoffice.com@inetgw

MTC–00008755

From: John R. Simmons
To: Microsoft ATR
Date: 1/4/02 5:35pm
Subject: Microsoft Settlement

To those having challenges:

How long must this go on? As an private user of Microsoft operating systems since DOS originated, for me 1975?? Microsoft has been most cooperative in solving any challenges that I have had. Just because they have been successful in developing good systems and continuing to do so, why must government keep anyone from doing so?

This computer is my 4th computer with each having Microsoft's operating systems. Currently have Windows XP. It is about time we stop interfering in the lives of corporations and individuals who are intuitive to getting ahead of the crowds.

Deacon John

MTC–00008756

From: William Stone
To: Microsoft ATR
Date: 1/4/02 5:44pm
Subject: Microsoft Settlement

I was pleased with the Nov 2nd settlement agreement in the Microsoft antitrust suit . . . the settlement seems reasonable and well thought-out . . . it requires significant changes in how Microsoft develops and markets its products.

I believe that revisiting the settlement and/or further litigation will have a negative impact on our economy, slowing its recovery and is basically a last ditch effort by Microsoft's competitors to further curtail the company's operations.....with the troubled condition of our economy and budgets, it does not make sense to spend more time and money on a settled lawsuit.

William Stone
82 River Dr.
Appleton, WI 54915

MTC–00008757

From: Pat Tormey
To: Microsoft ATR
Date: 1/4/02 5:45pm
Subject: Microsoft Settlement

I'm a software developer who's small business depends heavily on Microsoft products.

I would like the DOJ to settle this matter as quickly as possible.

In a capitalist economy the people ''vote'' with their wallets and the people have already voted in favor of Microsoft. We Like them! They are good for business. Small businesses depend on the affordable tools provided by Microsoft. If we didn't, then we would buy our tools from the other guy.

The DOJ is not protecting the consumer they are only shielding other large businesses from the free market.

Thanks to the DOJ's efforts to ''help'', we now have serious instability in the economy. The DOJ's efforts have severely damaged millions of retirement plans and pushed thousands of small businesses out of existence. AND STILL Sun Micro Systems reports ''Net loss for the first quarter was $158 million'' and Netscape can't even GIVE AWAY its Internet browser. Let's face it, these guys cannot compete even with the DOJs thumb on the scales of justice.

DOJ, please settle this action as soon as you can. Your efforts to ''help'' the consumer are killing us off.

Pat Tormey PE
www.FourSquare.com

MTC–00008758

From: Ron Rouse
To: Microsoft ATR
Date: 1/4/02 5:36pm
Subject: Microsoft settlement

No more litigation, enough is enough.

MTC–00008759

From: joseph a santillo
To: Microsoft ATR
Date: 1/4/02 5:48pm
Subject: Micrsoft Settlement

I would like to applaud the settlement which was reached. As a consumer, I believe that the settlement will provide benefits to me. Further, I think that the economy in general will benefit.

Sincerely,
Joe Santillo,
Gouldsboro, PA.

MTC–00008760

From: Judy Ponto
To: Microsoft ATR
Date: 1/4/02 5:57pm
Subject: freedom

Our freedom in the USA does guarantee our right to free speech and to enterprise. This should also include innovation and mfst has strived for innovation through their products.

Judy Ponto
jodbob@nwinfo.net

MTC–00008761

From: Judy Ponto
To: Microsoft ATR
Date: 1/4/02 6:01pm
Subject: Micosoft Settlement

Americans have always had a freedom of speech. Msft has used innovation to the nth degree for their customers. Please listen to our plea for contined innovation without government control.

Judy Ponto
judbob@nwinfo.net

MTC–00008762

From: tjok@pocketmail.com@inetgw
To: Microsoft ATR
Date: 1/4/02 5:57pm
Subject: Microsoft Settlement

As a private citizen and a small investor, I believe that Microsoft has already paid a high price for alledged wrong doing. I believe that Microsoft is only being victimized by its success in the marketplace.

Any further action against Microsoft is totally unfair.

MTC–00008763

From: Emfman@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 6:03pm
Subject: microsoft settlement

please leave microsoft alone!!!! they produce a product that millons use at a bargian price. this attact has hurt the economy and dirupted thier pursiut of future products.

guy e estes
stockholder
thank you. . . . .

MTC–00008764

From: jwhsm@juno.com@inetgw
To: Microsoft ATR
Date: 1/4/02 6:06pm
Subject: microsoft settlement

I belive that the settlement is fair and good for the U.S.A. Lets get on with the other important issues in our country.

j.w. moore
6967 gates rd
gates mills, ohio 44040

MTC–00008765

From: USER9679@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 6:12pm
Subject: MICROSOFT SETTLEMENT

I am against any prosecution against Microsoft. The PC as it is today is the result of this company. All the inovations have been made by them and I for one am very glad to be a part of this company. Think again

MTC–00008766

From: Pat (038) Jim Ferguson
To: Microsoft ATR
Date: 1/4/02 6:14pm
Subject: Microsoft Settlement

Please settle this settlement once and for all. The government will only be acting in the people's interest if this problem is stopped. Can't lawyers find something better to do with their time?

Pat Ferguson

MTC–00008767

From: Hugh Roberts
To: Microsoft ATR
Date: 1/4/02 6:13pm
Subject: Microsoft Settlement

To all Anti-Trust, Anti-Microsoft supporters:

What you are doing to Microsoft is worse than what bin Laden did to the Twin Towers. Your target is obviously the same as his: US Capitalism. Drop all further action against Microsoft and go back into your AntiTrust caves. Rejoice in the totally evil and irrational damage you've already inflicted on the US economy and Microsoft. You and the Taliban can celebrate together.

Hugh Roberts
3636 New Karleen Road
Hephzibah, GA 30815

MTC–00008768

From: Gary P. Beck
To: Microsoft ATR
Date: 1/4/02 6:17pm
Subject: Microsoft settlement

Please back off this company. They are operating in a free market society.

Thank you.
Gary Beck

MTC–00008769

From: Fred Oberkamp
To: Microsoft ATR
Date: 1/4/02 6:29pm
Subject: Microsoft Settlement??

To Whom it May Concern:

After review of the alleged ''Microsoft Settlement'', I am simply amazed. I have been in management and management consulting in the Information Technologies industry for over 25 years and this settlement is about as close to a whitewash as anything I have ever seen.

Microsoft has been ''licking its chops'' for the education market for years and you are willing to give it to them with this settlement. Schools are the training ground for young minds. What our children learn in school will be carried out into the business world with them. You are giving Microsoft the absolute and undisputed authority to monopolize this market with their ''free'' give away. I cannot wait to see Microsoft's advertising campaign in about a year when they can legitimately claim that they have been ''selected'' by 100% of the schools in the country as their Operating System of choice, thanks to your settlement. This does not even consider that most of the refurbished equipment that Microsoft has proposed to give to the schools will probably not be compatible with its newer Operating Systems. Schools being as tight with budgets as they are known to be will probably spend a fortune upgrading the equipment rather than just get rid of it like they should.

You are also opening up all of our schools to hackers with this settlement. This is due to the well-documented (and possibly as of yet unfound) security ''holes'' in the current Microsoft Operating Systems. Just what this country needs is to have our school systems spending millions of dollars to fight electronic invasions. Has anyone considered how devastating that could be to this country?

Furthermore, Microsoft continues to gobble up small software companies that would have been their competition. At this time, that can only be blamed on the greed of the owners of those companies and Microsoft's total disregard for any previous agreement they may have had to cease their predatory practices with the Department of Justice.

It is my personal opinion and that of many others I have spoken with, that we, the American taxpayers and citizens, have been sold down the river with this proposed settlement. If this process is allowed to continue, this settlement will only serve to make it appear to the normal citizen that enough money can buy its own justice. That may seem like a rather harsh statement, but companies like AT&T have gone through far more serious penalties than this proposed settlement even comes close to and they have survived quite well.

Thank you for your time,
F.J. Oberkamp

MTC–00008770

From:
john.rosengarten@pacebus.com@inetgw
To: Microsoft ATR
Date: 1/4/02 6:31pm
Subject: Microsoft Settlement Public Comment

May it please the court:

I am a systems professional and actually install, configure, maintain and support the products made by Microsoft and other software publishers. I work for a transit agency and am not a supporter of either side in this case (Microsoft or its rivals: Sun-AOL/Netscape-Oracle-Linux-Apple.) My mission is to keep real users working productively, to manage change and maximize my agency's investments in technology so as to give the taxpayers the best results for every dollar spent on computers and software. I have worked in help desk, LAN security and now Internet Administration for my agency. I have no personal interest in this case and am not affiliated with either camp (MS vs ABM, where ABM=Anyone But Microsoft.)

In short, I understand the delicate balance between software design and real-world

usability. While those in the legal profession are increasingly knowledgeable about computer systems, there are some details that must seem capricious and arbitrary. Also, some of the arguments between Microsoft and those in the computer industry who oppose Microsoft have distorted some of the real facts about:

1. the relationship between the operating system and bundled applications

2. availability of API entry points and usage information in the operating system that can be used by programs

3. the benefit of providing internal source code from Microsoft's products

4. the use of monopoly power by Microsoft to stifle its competitors Let me offer some observations about these four issues (I will keep it short, but will gladly provide additional information if asked by the court.)

1. It benefits the consumer when a free application is included. This should be encouraged and Microsoft should not be seen as predatory by bundling Internet Explorer, Messenger, Media Player, Movie Maker or any other software. However, Microsoft should make it easier for users to NOT use their software, or to change their minds. Creating software that is deliberately unstable to make a competitor look bad by making their applications fail is predatory and should be discouraged. These two aspects are connected: if they want to give you a free web browser, fine, but they should allow you to uninstall it, use another product and never sabotage a user's work to gain competitive advantage.

2. An Operating System must have clearly defined entry and exit points for all supported services: connectivity, fax, applications, chat, sound, video, interprocess communication and transparent error messages all rely on system calls and other API resources. To withhold any known API information is anti-competitive. If the systems division writes a ''special'' interface to optimize an application division program, that is anti-competitive. Any API information available to Microsoft's programmers should be documented publicly (and well!) to benefit the public.

3. Computers that crash can cause loss and even harm. Allowing programming errors (bugs) to remain, or withholding information about the underlying operating system idiosyncrasies from the general public should be penalized. Computers are increasingly used to maintain and monitor critical processes. Someday, even life support systems might rely on Windows internals for stability and correct processing. Opening the source code to all major components would allow peer review and improvement of the whole system.

4. Microsoft's business practices are consistent with American industry, however because of the sheer power that one sole vendor possesses in this market, Microsoft's dictating terms to manufacturers (no discount means a manufacturer suffers a disadvantage that usually puts them out of business) is very bad for consumers. All licenses should be full licenses, no product should be abandoned so Microsoft can sell a newer version. There should be Home and Professional versions, and all Home licenses should be very cheaply (<$20) upgradeable to the current version. Professional versions should be about $50 to upgrade to the current version. Microsoft should not place limitations, stipulations or other coercive mechanisms to force users to buy a new version. If Microsoft is making a free version of an application available to users of the latest OS version, there should also be a comparable program for older systems at the same cost.

Proposed Remedy: The present monopoly can only be remedied by having two companies like Microsoft. One for home, one for business. Microsoft Home: Windows XP Home, MSN, MSNBC, Microsoft games, The Zone, Works, Money, Educational and Entertainment software. Also all hardware mice, game devices, keyboard, etc. Microsoft Business Windows XP Pro, XP Server, Advanced Server, IlS, SQL, Languages, Office Applications (Word, Excel, Powerpoint, Access, Publisher), embedded applications, handheld PCs.

Both companies should offer a one-time upgrade to any user surrendering a Windows license, users must provide name and address and perform some product activation to connect the upgrade to the user. The license should be transferable to new systems owned by the same user. The upgrades should cover the costs to Microsoft but not become a profit center. This remedies the millions of Americans who paid for a working operating system and are still waiting. Both companies would have to specify and coordinate the future of Windows API and services, this information would be public to encourage competitors to Windows. If ever Windows fell to less than 50 percent of market share of new computer sales, this provision would be removed for every subsequent year that Windows constituted less than 50 percent of the market for operating systems.

Both companies would be enjoined from and penalized for anti-competitive behavior, including limiting user rights to compare and publicize any Microsoft product, manipulating manufacturers' rights to install or not install any software, and to sell systems with no operating system at all if they choose. Also, Microsoft must refrain from blatantly lying about competitors as they recently did to Novell. ''Fear, Uncertainty and Doubt'' are bad for the consumer, bad for the marketplace and ultimately bad for America.

All Operating System API's, including handling of multimedia, files, data and/or network connections must be publicly documented. Sufficient penalty should exist to insure conformance. No Microsoft product should be designed to fail if not used with Microsoft products or products from Microsoft's business panners, present or future. In other words, all programs should have an equal chance of operating properly, and deliberate interference with programs or connections not provided by Microsoft or its partners should constitute a punishable offense.

In summary, let me say that while the law may seem to make this a case between Microsoft and the Department of Justice, it must be remembered that the whole purpose of antimonopoly law is to protect the consumer and the American marketplace. Any solution that leaves Microsoft richer for its use of manipulative licensing, unscrupulous practices, outright rigging of product comparisons or other blatant falsehoods to prevent marketplace competition is unacceptable. Microsoft charged home users to buy Windows 3.0, then again for 3.1, then again for 95 and 98 and 98 SE, then again for ME. I paid for ''Windows'' six times (eight if you consider that I also bought Windows 386 and Windows for Workgroups.) I paid each time like I was buying a perfected product but never got an OS that did not crash. This is like buying a TV that does not work, waiting for a fix and being told you have to pay for the SAME TV all over again . . . six, seven, eight times!

Business users have also been taken to the cleaners by Microsoft's marketing muscles. I am sure others have noted that Microsoft's EULA promises nothing from Microsoft other than media that is readable, yet requires you to give up all kinds of unrelated rights (like the stipulation that you can not use Windows to compile a list of Windows bugs, mistakes, criticisms of the product or performance comparisons!)

Thank you for this opportunity to offer my opinion,

John Rosengarten
Internet Administrator
MIS Internet Services
Pace Suburban Bus Service
desk 847 228–2348
fax 847 228–3596
john.rosengarten@pacebus.corn

MTC–00008771

From: Brian Ward
To: Microsoft ATR
Date: 1/4/02 6:34pm
Subject: Microsoft Settlement

Dear Sirs:

I believe it's time to end the litigation in this matter. A settlement is on the table. For the sake of the economy put this matter to rest.

Brian Ward

MTC–00008772

From: Roberto A.Perez—CARGAMERICAS
To: Microsoft ATR
Date: 1/4/02 6:35pm
Subject: MICROSOFT SETTLEMENT

I THINK THE DEPARTMENT OF JUSTICE SHOULD LEAVE MICROSOFT ALONE AND LET THEM GROW EVEN FURTHER SO THAT NOT ONLY USA BUT THE WHOLE WORLD CAN TAKE ADVANTAGE OF THEIR PROGRESS. I CAN NOT UNDERSTAND THAT BEING GOOD AND SUCCESSFUL SHOULD BE PENALIZED BUT INSTEAD REWARDED SINCE WITHOUT THE MICROSOFT WINDOWS SYSTEM WE ALL WOULD BE YEARS BEHIND IN TECHNOLOGY.

I DO NOT RECEIVE ANY MONEY FROM MICROSOFT BUT I AM A BUSINESSMAN AND I HATE TO SEE MY POSSIBILITIES CUT BECAUSE I HAVE BEEN WORKING HARD AND THEREFORE MY SUCCESS SHOULD BE LIMITED TO THE GOVERNMENT DECISIONS. OF COURSE

THERE ARE OTHER COMPANIES THAT WANT MICROSOFT PENALIZED SIMPLY BECAUSE THEY HAVE NOT HAD THE TECHNOLOGY OR THE KNOW HOW TO DO WHAT MICROSOFT DID. MY ANSWER TO THAT IS: TOUGH LUCK FOR THEM AND THEY SHOULD STRIVE TO BE EVEN BETTER THAN MICROSOFT RATHER THAN LOOKING FOR THE GOVERNMENT TO DO THEIR JOB IN CUTTING THEIR SUCCESS.

VERY TRULY YOURS,
ROBERTO A. PEREZ
10106 S.W. 93RD. PLACE
MIAMI, FLA. 33176

MTC–00008773

From: John Travitzky
To: Microsoft ATR
Date: 1/4/02 6:35pm
Subject: <no subject>

From: John James Travitzky
59727 Drexel Road
Yucca Valley, CA 92284
To: Renata Hesse, Trial Attorney,
Suite 1200, Antitrust Division,
Department of Justice,
601 D Street NW,
Washington, DC 20530
Dear Ms. Hesse;

I am writing this letter in protest of the proposed Microsoft vs. U.S. settlement. I believe that allowing Microsoft to ''donate'' software/hardware at retail cost is giving them an unfair advantage in the Educational fields. The outcome would most likely be that Microsoft writes off full retail values on any ''donations'', therefore inflating value of the collection of debt from them. This would be a disservice to both the public, and the government.

The point of ''free technical support'' is the same as above in reasoning. The ''cost'' of Microsoft technical support is almost exclusively a maintenance issue, rather than a support issue. What I mean is, When using Windows machines, you almost always have to rely on others to keep your machine running. I have personally done many ''repairs'' that were nothing more than transferring a couple of letters mistyped in commands, or, in other cases, downloading a driver from an internet source. Other computers historically have needed far less maintenance, tech support, or repairs. The hourly wage charged by Microsoft for ''tech support'' or repairs could be inflated, therefore giving them another ''out'' in having to pay the full penalty.

I am extremely concerned with the proposal1s ''patriotic'' overtones... that they (Microsoft) have utilized in the settlement. Microsoft is one of the worlds1 largest companies, and they are now ''offering'' to supply our poorest and most undereducated schools with their computers, software, and tech support. While this, in light of our immense needs in the educational fields is a great thing, it is not really an offer, but simply a way to ''write off'' expenditures that are grossly inflated, pay off the penalty of this crime, and make the company look more humanitarian than they really are. They have been building libraries, offering ''free software'', and hardware within the educational community since their inception, and still, they are not a leader in this highly competitive market. This brings on my next point.

By allowing Microsoft to ''donate'' to the educational community in lieu of payment for their crime, you are in essence, forgiving their debt, and allowing them to further their grasp in a field that has been held by their long time business competitor, Apple Computer, Inc. As a 17 year user of both Window based and MacOS based computers, I find it hard to believe this proposed settlement is plausible or legal.

It negates the penalty of the convicted, allows them a further reach into the pockets of their competitor, and, does so at the consumers1 expense.

By accepting the Microsoft proposal, you would take revenues from one of the most innovative companies in the computer industry. Apple Computers, Inc. They are known and respected in both the educational and business fields as a forerunner... one to look at, and emulate. Windows itself is an emulation, or, to be more precise, a copy of the Mac Graphic user interface. The reason Apple is known as forerunners is because they ''look beyond the box''. Apple is known for going to great expense for their research and development. Many competitors in the Windows community openly (and proudly) copy the applications, interface design, or characteristics unique to Apple or Mac Computers. . Apple will not be able to continue its innovative and respected history without sales, and, as you know, Apple sells large amounts of computers in the educational market. they are number one in sales for 16 of 17 years in this field. By allowing Microsoft a 1 billion dollar foothold into this field, you are announcing the downfall of a great computer company.

Thank you for allowing me to share my personal feelings on this matter. Please do NOT allow Microsoft to flood our educational market with outdated systems. Do not allow them to ''pay'' the public back by granting overcharged tech support. Do not allow them to take highly needed sales from their competitors in lieu of debt repayment. Do not grant them leadership in a field that has never been theirs in computing history, at the public1s expense. Lastly, and most importantly, do not insult Justice by saying that granting Microsoft these unfair advantages, that they will have paid for their crime.

Respectfully,
John James Travitzky

MTC–00008774

From: HOWMAR
To: Microsoft ATR
Date: 1/4/02 6:44pm
Subject: Microsoft Settlement

I am concerned about the Tunney Act which is before the District Court for settlement. It appears to me that the settlement agreed to by Microsoft is adequate. It is beyond me why lawyers and weak competitors have so much influence as to affect how a great company, that has done so much to advance the computor and internet, operates. If you will notice the current economic situation and the attack on Microsoft corresponds. The settlement should be completed and this should be put behind us so the economy will move forward.

I live in one of the states that has not signed on to the settlement and I can tell you that this is only because of the idiot that serves as our Attorney General and does not reflect the opinion of the people of West Virginia.

Thanks for your consideration
Howard Mays
103 Riverview Lane
Beckley, WV 25801
howmar@inetone.net

MTC–00008775

From: David J. Loomis
To: Microsoft ATR
Date: 1/4/02 6:47pm
Subject: USAGLoomis—David—1023—0102

46 Cranberry Road
North Attleboro, Massachusetts 02760
January 4, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Attorney General Ashcroft:

I am writing to let you know that I was pleased with the actions of your department in reaching a settlement agreement that the states can accept. The settlement is fair and reasonable. Through the agreement, Microsoft will be a more responsible industry leader and can maintain its competitive ability.

I am an avid user of Microsoft products and services, and feel that its innovation has allowed our country to take a lead in the world technology market. I agree that the competition should be protected, but this does not change the fact that Microsoft has achieved success because of the dependability and usefulness of its products. Microsoft will share critical information about the internal workings of Windows; that is enough protection of the competition.

The agreement is mutually beneficial for Microsoft and the competition. As far as I am concerned, I feel it was an overall success. Thank you for your efforts, and taking the time to read this letter.

Sincerely,
David Loomis

MTC–00008776

From: b—c—dahlberg@msn.com@inetgw
To: Microsoft ATR
Date: 1/4/02 6:53pm
Subject: Microsoft Settlement

To whom it may concern:

In my opinion, the entire Microsoft issue is about money and another way for the law profession to ''feather their nest''. It has nothing to do with antitrust, monopolies or protecting the ''John Q Public''. Microsoft does NOT have monopoly on anything. There are several other operating system options available for which the end user can use the browser he or she prefers. As a matter of fact, he or she can use the browser of choice with Windows!

I use Microsoft products on a regular basis. It is my choice to use these products because, as a developer, my customer base also uses Microsoft products and in order for my

products to function on my customers equipment, I must produce software that will work on their equipment. If the customer base used Unix, Apple, or O/S 2, I would probably go that route.

Every dollar Microsoft spends to protect itself from frivolous litigation means that I am going to have to spend more for products I use. As with taxes, corporations do not pay for the cost of litigation— their customers do! The only winners going this route are those folks with ''Esquire'' after their names.

Please end this as soon as possible. ''Trickle Down Economics'' goes both ways, you know!

Sincerely,
Robert L. Dahlberg
Carol E. Dahlberg
145 W Midway Blvd
Broomfield, CO 80020

MTC–00008777

From: BOBTULL@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 6:54pm
Subject: Microsoft Settlement

Dear Sirs & Ladies:

I feel that Microsoft has been unduly charged in this matter. It is my best interest and the USA's that they be allowed to do business as they have in the past. I am Window's user and think that my economic well being is at stake if you punish them to aid others. They must all compete for us consumers, just like all businesses do, let them do just that. Bob Tull

Robert E. Tull
214 Hollow Road
LINCOLNTON, NC 28092 , USA
email: bobtull@aol.com

MTC–00008778

From: Wynne Garlow
To: Microsoft ATR
Date: 1/4/02 6:59pm
Subject: ... and justice for all

Since when is justice served by punishing the person/company who can do it better? This ''lowering of the bar'' makes as much sense as flying in an airplane let out to the lowest bidder. If all those self-serving competitors of Microsoft want more business let them invent it, develop it, prove it, manufacture it, and provide it to the market. Right now, the multitude is so pleased with Microsoft's efforts that they wait in line to buy and mark their calendars with proposed release dates for the latest ''good stuff'' from Microsoft.

Get with the program!!!
—Wynne Garlow
—dimsum2000@earthlink.net

MTC–00008779

From: Nellanana@ao1.com@inetgw
To: Microsoft ATR
Date: 1/4/02 6:58pm
Subject: Microsoft Settlement

Microsoft is marked for destruction. over the last 225 years our government has progressively become more of a destroyer than a protector of rights.

Whether the issue involves a whole industry, a single company, or a single individual, the fundamental principle is the same. Either people possess the right to their own life (which includes the right to trade freely with other men) or, they do not. Increasingly, the government's answer has been that they do not.

The Justice Department's apologists claim that the assault on Microsoft (and on hundreds of other companies now facing antitrust suits) is necessary to encourage innovation. But how can achievement in any field be fostered by attacking and penalizing the achievers? Would anyone accept the principles behind the antitrust laws as the best rule for running one's own company? The principle that one should fire or demote the most successful workers in order to make room for the undistinguished ones?

Would anyone want this to be the standard used by his employer when it comes to judging his own work?

Most people would respond to such a plan with outrage. They would recognize it as a destructive injustice, as an assault on ability and achievement. Because Microsoft has been more successful than its competitors, prosecutors are seeking to impose special restrictions on the production and marketing of its products. Microsoft's competitors won't face these restrictions.

Microsoft must be FORCED (in the words of competitor Jim Barksdale) to ''play by a different set of rules.'' It is likely that these restrictions will be administered by a federal judge, who will have the authority to block Bill Gates's future business decisions if he decrees that they are ''anti-competitive.'' Finally, many of Microsoft's competitors have argued that, because Microsoft's Windows operating system is used by so many people, it is an ''essential'' product and must be handed over to a separate, government-regulated company that will administer it for the ''public good.'' In other words, because Microsoft has been too successful, it must be hobbled, regulated, and... expropriated.

Is Microsoft a ''monopoly'' Not in the proper, derogatory, traditional sense of the term.

Unlike the old AT&T Bell monopoly, or today's U.S Post Office monopoly, Microsoft did not gain its market share by having the government outlaw its competitors: Microsoft earned its position in the free-market. By being so efficient, Microsoft has earned a dominant spot in the market, but this does not mean the company has ''monopoly power.'' Did Microsoft ''twist the arms'' of its competitors? This sloppy metaphor is a vicious lie. Only the government has the legal power to twist (and even break) arms. The only ''twisting'' Microsoft engaged in was the legitimate practice of setting the terms of sale for its property. Today the world's wealthiest man, Bill Gates was once an unknown college drop-out with big talent, a big ego, and big ideas, but a fairly small bankroll: the Geek David facing the Goliath IBM.

But in time, the capitol markets recognized the talent and potential in Gates (in his ideas, his products, and his company). The capital markets are a crucial means by which new entrants with good ideas and products grow bigger. Creators like Gates are the fountainheads of human achievement, but they can not and do not create in a vacuum. Workers, suppliers and customers may not match their talents, but they're important to their commercial success.

Has it been forgotten that Microsoft created the products that made the market in question possible? Has it been forgotten that Microsoft owns the goods it produces? The right to private property means the right to hold it, to alter it, to exchange it, that is, to control it. Is a firm guilty of controlling its own property? It is under antitrust. To prosecute a firm for the right to its own property is to obliterate the right to property as such. If laggards like (disgruntled rival) Netscape truly had a superior, commercially viable array of products, capital would have rushed to its door. That capital did not is no fault of Microsoft and no sign of coercion.

Capitalist competition, despite all the derisive descriptions given it by critics (such as ''vicious/cut-throat''), is in fact voluntary and peaceful.

Indeed, it entails a significant degree of cooperation and coordination (among producers, suppliers -and- customers). This does not mean self-sacrifice; capitalist competition is certainly vigorous. It is no tea party; nor should it be. It's a competition of wits and abilities, not a battle of fists or weapons.

By what stretch of the imagination does the Department of Justice conflate ''arm-twisting'' with Microsoft's refusal to license its products to vendors who do not accept its terms? This is not coercion because:

If a vendor refuses Microsoft's offer and walks away (as he is free to do), the vendor will be no worse off then if he did not deal with Microsoft in the first place. Did Microsoft ''hurt'' competitors like Netscape by giving away a free Internet browser with its Windows operating system (when Netscape wanted to charge you $30)? No more so, then when McDonald's bundles its meat patties with a McDonald's bun does it hurt all the bread makers. Such actions may frustrate their competitors' wishes, but their rights are left untouched.

Did Microsoft violate the rules of competition? It is the application of the political principle of individual Rights-to-the-Economic-Realm of production (and trade) that gives rise to the rules of free-competition. To determine whether Microsoft violated the rules of competition; therefore, one has to determine whether Microsoft violated anyone's rights. Clearly, Microsoft did not violate the rights (life, liberty, and property) of anyone.

By allowing judges to sidestep the issue of rights in favor of considerations, such as the ''public interest'', the antitrust laws effectively grant government the power to violate Microsoft's rights, i.e. the power to take over and control Microsoft's property and use it against Microsoft's interests.

Thanks to the antitrust laws once a judge has arbitrarily classified a business as a ''monopoly'', the government is given free rein to:

—PLUNDER of vast sums of money from Microsoft's bank account (through triple fines for so-called ''damages'');

—REPLACE Bill Gates with a government ''overseer'' who will make the important strategic decisions at Microsoft;

—FORCE Microsoft to advertise and distribute its competitor's products;

—COMPEL Microsoft to give up its ''trade secrets'' and intellectual property to those who condemn it.

From start to finish, the entire antitrust process is no more than a process of sacrificing and cannibalizing successful American businesses (such as Microsoft, ALCOA, US Steel, Standard Oil) on the guillotine of egalitarianism to appease envious competitors. Or, to quote Alan Greenspan, who (upon a complete examination of the theory and history of the antitrust laws) wrote: ''the effective purpose, the hidden intent, -and- the actual practice of the antitrust laws in the United States have led to the condemnation of the productive and efficient members of our society BECAUSE they are productive and efficient.''

KEY ISSUE

Key issue in Microsoft antitrust case is not ''consumer welfare'' or ''innovation'' but individual rights. The growing economy has been the result of the simple fact that until now, the government has stayed out of the way of high tech. The creators recognize that wealth is created, not seized.

Did Microsoft halt ''innovation''? (the process of discovering a better way to do things)? No private business can stop other companies from innovating except by out-innovating them. Harm to consumers has nothing to do with the purpose of antitrust. One of the government's main complaints was that Microsoft was providing free copies of its Internet browser. (Only someone working for the government could conclude that free products are bad for consumers). Antitrust case law is replete with examples of companies being punished (not for any alleged harm) but simply for having the acumen to remain successful in their industries. The antitrust laws are intended only to punish ''power''. But since economic power is earned on the free market, this means that the purpose of antitrust is to punish successful business practices. Given this legal context, Microsoft was doomed before it even set foot in the courtroom. Applying the underlying anti-success principle of antitrust, the ruling against Microsoft was... without finding ANY harm at all!

The reason that Microsoft is an extremely successful company? Gates is a unique combination of technological genius and businessman, reminiscent of earlier American giants like Thomas Edison. Thus, it was irrelevant how hard Microsoft's attorneys worked, or how much intellectual vigor they brought to their legal briefs and courtroom arguments.

These things were irrelevant because NO army of lawyers could hide a single, essential fact (the only fact necessary for applying the antitrust laws): Microsoft succeeds at what it does. The punishment doled out for success is paralysis. Judge Jackson's absurd conclusion? Microsoft must not be permitted to capitalize upon its well-earned success. Because it has created values, it must now... relinquish them. The Microsoft case is (at its heart) an attempt to impose socialist central planning on the computer industry. And worse, to do so in an anarchic, ad-hoc manner, one federal court ruling at a time. Contrary to the statist theories of the demand-side Keynesian economists (who are quoted daily by the media), it is corporate investment that strengthens America (through the creation of jobs and wealth), NOT spending by the government.

Production drives consumption, not vice versa.

Yet corporate America is derided as ''big business'' or ''the wealthiest 1%'', (make that: the most productive 1%). And some members of Congress would rather fund their ''entitlements'' on the backs of the most productive group in our nation. It is immoral to penalize corporations -and- the wealthy (the productive) with higher taxes and then redistribute their property (which they earned and others did not) to those who didn't create it just because ''the wealthy' can afford it'' (and, therefore, are less equal inder the law. Economic power is the power to create and produce. Political power is the power to coerce and punish. Economic power entails intellectual achievement. Political power entails physical aggrandizement.

Economic power involves voluntary trade to mutual advantage, trade with whomever you choose to deal and with whoever chooses to deal with you. Unlike political power, which entails fear and punishment, economic power means the offering of incentives and rewards. Economic power is the power of a dollar (how many you earn and how many you can spend determines the extent of your ''power''). Political power involves involuntary subjugation to the state, which has sole discretion over the use of force.

In a free society, government may ONLY use its power in retaliation against those who initiate force or fraud.

Unless it seeks tyranny, no government may use such power to itself initiate force or fraud against innocent parties. To the extent it does, it acts as a robber or a gang. But far worse: a robber or gang with no higher, legal authority above, controlling it. Economic power is wholly innocent of any hint of the initiation of force (or even of retaliatory force). Productive giants such as Carnegie, Ford and Gates don't just have less power than politicians or pose less danger than tyrants. They have NO political power at all and present no danger whatsoever.

Political power, at root, is the power of a gun, of the police, the military, the taxman, and the jailer. If you flout the law (whether a just law or an anti-trust law) you must submit. But no one ''must'' submit to a business proposition.

Not even from... Bill Gates.

Capitalism (the social system based on the principle of individual rights), is not merely the 'practical', but the only moral system in history.

No politico-economic system has ever proved its value so eloquently or has benefitted mankind so greatly. And none has ever been attacked so savagely, viciously, and blindly. The flood of misinformation, misrepresentation, distortion, and outright falsehood is a terrible injustice. If they want to break Microsoft, let THEM come in with the guns and do it themselves; let THEM figure out how to do it.

The Microsoft antitrust suit is a case of politicians destroying one of America's most successful companies just to satisfy the demands of its rivals. What an obscene travesty! Microsoft, a leading producer using voluntary cooperation is derided as a coercive thug.

Meanwhile its puny rivals (puny because they couldn't sell their inferior products) are permitted to wield actual coercive power, with the full backing of the world's most powerful government, worse, from that government's ''Justice'' Department.

N. White

MTC–00008781

From: Bob Lindinger
To: Microsoft ATR
Date: 1/4/02 7:07pm
Subject: Microsoft Settlement
To: Department of Justice
re. United States v. Microsoft Settlement

On November 6, 2001, the United States and Microsoft tentatively agreed to the entry of a revised proposed Final Judgment to resolve the United States' civil antitrust case against Microsoft. Per my rights under the Tunney Act, I am writing to express my opinion that the Microsoft antitrust case should be settled as quickly as possible, rather than litigated further. I am very pleased with the proposed settlement; it is tough, but reasonable and fair to all parties involved.

I am a consumer that uses many Microsoft products, including their Windows operating system. I have never felt ?harmed? by Microsoft, on the contrary, I believe that their business practice is based on a virtuous, positive feed-back, business cycle based on very low price points leading to very high sales volume. This business model ideally suits the consumer who benefits from low prices.

Microsoft has always designed software for mass consumption. Bill Gates realized early on, that if he could design software suitable for a mass market, he could sell it at very low prices and make profits based on large unit sales. Excess profits could be reinvested in innovation and R&D to improve the software and make it more attractive to consumers and businesses. Hence, the positive feedback cycle.

That is why Windows has been such a huge success. Windows is excellent software priced very reasonably. Each version becomes more user-friendly and powerful, with new features to make it easier to browse the Internet, work with digital photographs, digital music, etc.

I believe there can be no monopoly in software. If Microsoft fails to continually improve Windows, a competitor will eventually emerge that offers a better operating system at a lower price. Already we are seeing the emergence of an alternative operating system offered for ''free'' by Linux. This is gaining wide acceptance in some business circles and, if Microsoft were to stop improving Windows, it would only be a matter of time before Linux or some other alternative from Sun, IBM, Apple, Sony, Computer Associates, SAP (the German software giant),or many other competitors, would start taking market share from Microsoft.

I do not dispute that Microsoft, right now, has a ?monopoly? for desktop personal

computer operating systems. However, Microsoft earned it by constantly innovating and keeping prices low. Other competitors have demonstrated that they can compete with Microsoft. Netscape was not inhibited from developing its browser, that threatened Microsoft's position. Sun Microsystems has developed its Java language and is promoting it aggressively.

I believe the saying that high tech is a contact sport that should only be played in the marketplace, not in the courts. Microsoft's competitors are the one's pushing for further litigation, not consumers or businesses that use Microsoft products.

The competitors would have us believe that no one can compete with the mighty Microsoft. I guess they don't remember all those prime-time TV commercials a few years ago for OS/2, that dandy little operating system from a wee little start-up called International Business Machines (IBM). But guess what? Nobody bought OS/2, because it was expensive and not as good as Windows.

Lindows.com is preparing to launch early next year an operating system that can run both Linux and Windows applications on a PC, or run as a second operating system on a Windows machine. The point: to offer an alternative to Windows, to eliminate the frustrations that Lindows.com's CEO, Robertson, says accompany installation and use of the Linux operating system, and to let Windows users run Linux programs without having to jettison Windows. If that's not different enough, he'll sell the Lindows operating system for just $99, primarily in digital format, and with flexible licensing.

Clearly, Microsoft must continuously innovate to fend off competition. Those labeling Microsoft a monopolist just do not understand how quickly a ''monopoly'' can vanish in the world of high technology. Our country would be served well if the antitrust case against Microsoft is settled as quickly as possible. It will be good for our high tech industry, and be in the best interest of consumers'supposedly the intended beneficiaries of any antitrust litigation.

Finally, on a personal note, I think Scott McNealy is the biggest crybaby the business world has ever seen. I also think Larry Ellison should get a life and stop worrying about his relative net worth compared to that of Bill Gates. Neither of these high tech CEOs have Bill Gate's vision for providing software to empower the masses and they both are trying to use the courts to gain a competitive advantage. In the words of our President, George W. Bush, let's innovate, not litigate.

Sincerely,
Robert J. Lindinger
Schenectady, NY
CC:Halpy,Big Al,Anne,BamBam,Barry,Big Ed,Damian Thoma...

MTC–00008782

From: Cre8ivNov8@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 7:06pm
Subject: Microsoft Settlement

Enough is enough. I agree with Microsoft and it's platform users. If the system works and I bought it by choice over all of the other platforms out there why is this settlement still up in the air. I am entitled to buy the best I can find and it is in my power to use or not to use all of the functions in this system. Settle this and stop throwing my money at the lawyers.

John R. Cox

MTC–00008783

From: Patricia Duchene
To: Microsoft ATR
Date: 1/4/02 7:09pm
Subject: Microsoft settlement

I think its time we moved on the settlement identified by the Justice department is more than fair for the Federal Government and the States. I resent a few states holding large companies hostage because of their own interests and at the expense of the remaing States and American people. Its your responsibility to see that a minority group does not gain advantage at the expense of the majority. Make them settle or walk away with what they really deserve nothing.

Have a great day
P Duchene

MTC–00008784

From: Margaret Rosser Durso
To: Microsoft ATR
Date: 1/4/02 7:27pm
Subject: Microsoft Settlement

USDOJ:

The proposed settlement with Microsoft is very fair and I am outraged that the 9 states are continuing legal action. This is a wonderful company that has made a major contribution to this country and to all consumers.

Please do all possible to settle with Microsoft as recently proposed. This will be good for the economy, the stock market and for all consumers...

Respectfully,
Margaret Durso

MTC–00008785

From: robert garner
To: Microsoft ATR
Date: 1/4/02 7:28pm
Subject: Microsoft settlement

It's time to settle this matter. Futher action is detrimental to the economy and the consumer. An all out effort is needed to get the economy growing again.

Thanks,
R.E. Garner

MTC–00008786

From: Uncle Dimi
To: Microsoft ATR
Date: 1/4/02 7:47pm
Subject: Re: Microsoft Settlement

Dear DOJ,

I reside in San Diego and I primarily use my computer for personal home use. I just wanted to send this e-mail to express my opinion that it is time to let this suit against Microsoft come to an end. If indeed this proceeding was begun on the behalf of consumers like me, then consider this CA consumer satisfied. The settlement may not be perfect, but assuming enforcement authorities remain vigilant, I think it's worth taking the risk that Microsoft will behave.

I recently purchased a new Dell laptop and couldn't help but notice the preinstalled shortcuts on my desktop that directed me to Dell associated programs and services. If Dell can do this, then why is it wrong for Microsoft to incorporate programs and services in their operating system? I'm an average consumer, but I understand that whenever I enter a store or a desktop environment I will be subjected to promotional displays and crossmarketing efforts. Sometimes I may be seduced by these efforts, other times I will ignore them and search for a more satisfactory product or service. The choice is ultimately mine, and regardless of Microsoft's or other tech companies' efforts to direct my choices, the internet still provides unfettered access to an amazingly large and varied ''department store'' so to speak.

So, I'll wind it up by saying that if this settlement is sufficient to keep Microsoft feeling like the spotlight is always on them, which I think it is, then let's move on. Frankly, I'm getting tired of hearing about this suit. In the overall scheme of things, I may feel annoyed by some of Microsoft's activities and products, but I definitely do not feel gouged or ripped off by them. When it comes down to it, I most likely would not have adopted the use of a computer years ago if Windows had not made it so easy by unifying or monopolizing, if you will, the software world.

Do I want more choice? Probably. Do I want interoperability? Most definitely yes. Do I think I will suddenly get these things by continued efforts to deliver Microsoft's head on a platter. Not really. So I respectfully request that you make this settlement work and let's move on.

Thank you,
Dimitri C. Demopoulos

MTC–00008787

From: root@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/4/02 7:49pm
Subject: Microsoft Settlement

Gentlemen,

I have been a computer programmer for most of my adult life, and I have seen many operating systems come and go; but I have never seen an environment so restrictive for innovation and competition as the one currently created my Microsoft. It is true that most of the work that I do is based on Windows systems of one kind or another, but it is equally true that most of my clients would benefit greatly if other avenues were available to them on a non-restrictive basis. Please notice that I do not say on a non-competetive basis. Microsoft has managed to negotiate contracts with hardware manufacturers and software developers alike which tend to suppress competetive products—and in many cases more able and far less expensive products.

I encourage you, as a part if this settlement, to not allow Microsoft to strongarm developers so that their products are preferentially available only to Windows users. If a developer has good economic reasons to develop only for Windows, that is one thing, but if the same developer refuses or is not allowed to develop for other environments purely because of financial or public relations threats from Microsoft, it is quite another thing , indeed.

Please pay attention to the evidence presented by the prosecutors in this trial and

equitable and effective controls on the most clear monopoly of our time.

Larry S. Cadle

MTC–00008788

From: Santos, Charles
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/4/02 7:50 pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the Microsoft Settlement's inadequacy in improving the competitive environment in the software industry. Some serious shortcomings relate to:

1) Middleware

The current language in Section H.3 states ''Microsoft Middleware Product would be invoked solely for use in interoperating with a server maintained by Microsoft (outside the context of general Web browsing)'' does nothing to limit the company's ability to tie customers and restrict competition in non Web-based networked services under .NET, as they fall ''outside the context of general Web browsing''. Microsoft has already begun abusing its desktop monopoly to tie customers int .NET revenue streams and set up a new monopoly over the network.

Part 2 of the same section states ''that designated Non-Microsoft Middleware Product fails to implement a reasonable technical requirement...'' essentially gives Microsoft a veto over any competitor's product. They can simply claim it doesn't meet their ''technical requirements.''

2) Interoperability

Under the definition of terms, '''Communications Protocol' means the set of rules for information exchange to accomplish predefined tasks between a Windows Operating System Product on a client computer and Windows 2000 Server or products marketed as its successors running on a server computer and connected via a local area network or a wide area network.'' This definition explicitly excludes the SMB/CIFS (Samba) protocol and all of the Microsoft RPC calls needed by any SMB/CIFS server to adequately interoperate with Windows 2000. Microsoft could claim these protocols are used by Windows 2000 server for remote administration and as such would not be required to be disclosed. The Samba team have written this up explicitly here: <http://linuxtoday.com/news—story.php3?ltsn=2001–11–06–005–20-OP-MS> ''>http://linuxtoday.com/news—story.php3?ltsn=2001–11–06–005–20-OP-MS

3) General veto on interoperability

In section J., the document specifically protects Microsoft from having to ''document, disclose or license to third parties: (a) portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria'' Since the .NET architecture being bundled into Windows essentially builds ''anti-piracy, anti-virus, software licensing, digital rights management, and authentication systems'' into all levels of the operating system, ANY API, documentation, or communication layer can fall into this category. This means that Microsoft never has to disclose any API by claiming it's part of a security or authorization system, giving them a complete veto over ALL disclosure.

4) Veto against Open Source

Substantial amounts of the software that runs the Internet is ''Open Source'', which means it's developed on a non-commercial basis by nonprofit groups and volunteers. Examples include Apache, GNU/Linux, Samba, etc. Under section J.2.c., Microsoft does not need to make ANY API available to groups that fail to meet ''reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business.'' This explicitly gives them a veto over sharing any information with open source development projects as they are usually undertaken on a not-for-profit basis (and therefore would not be considered authentic, or viable businesses).

These concerns can be met in the following ways:

1) Middleware: Extend middleware interoperability with a Microsoft server to ALL contexts (both within general Web browsing as well as other networked services such as are those being included under .NET).

2) Interoperability: Require full disclosure of ALL protocols between client and Microsoft server (including remote administration calls)

3) General veto on interoperability: Require Microsoft to disclose APIs relating to ''anti-piracy, anti-virus, software licensing, digital rights management, encryption, or authentication systems'' to all.

4) Veto against Open Source: Forbid Microsoft from discriminating between for-profit and nonprofit groups in API disclosure.

Sincerely,
Charles Santos

MTC–00008789

From: ANGLMARIAH@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 7:53 pm
Subject: Microsoft Settlement.

Get this class action out of the courts. Clinton is gone, why carry on with this. Now we have to contend with all these terrorists being tried in Federal Courts. Make way for them, Leave Bill Gates alone. Get on with your life

MTC–00008790

From: craiggua
To: Microsoft ATR
Date: 1/4/02 8:02 pm
Subject: Microsoft Settlement.

I read through the Revised Proposed Final Judgement and Competitive Impact Statement.

In the the Revised Proposed Final Judgement, Section III ''Prohibited Conduct'' should thoroughly prohibit Microsoft from engaging in these business practices. Also, the ''Compliance and Enforcement Procedures'' which includes the Technical Committee, should provide enough insight into Microsoft's compliance to the final judgement.

The Revised Proposed Final Judgement also seems to provide a reasonable balance. Consumers receive a widely used operating system platform (i.e: Windows) that an OEM can freely include any number of Microsoft and non-Microsoft applications. It will also allow Microsoft to continue to provide consumers with an innovative operating system and applications in the future.

I encourage you to accept the Revised Proposed Final Judgement.

Thank you,
Craig Guarraci

MTC–00008791

From: Doc
To: Microsoft ATR
Date: 1/4/02 8:13p m
Subject: It's called...

It is called capitalism. And in it's purest form there is a demand, Microsoft meets it and in return: money, power, etc. I am sorry for the competition being behind the curve to the point of helplessness. So be it!

That is life. And many people experience that in far more painful ways everyday. Now, attempting to somehow mangle Microsoft's position via government ''intervention'' suggest we live in some Orwellian home of the free, land of the brave. So in this beautiful Republic (that we call Democratic) land of existence I leave the following: It is so very pleasant to see the ''perceived'' economic elite get porked and pissed (without so much as a...hug) by someone of higher economic status than they! Uncle Sammy, please help poor pitiful pampered me!! Ah, those beautiful sounds of children playing; they only squeal when life, on those rare occasions, doesn't go there way.

Take care (and don't forget to write),
Preston Alan Rouse
Citizen

MTC–00008792

From: Christie Sharpe
To: Microsoft ATR
Date: 1/4/02 8:13 pm
Subject: Microsoft Settlement

It is my opinion as a computer user that this settlement is a good and necessary end to this case. Schools will benefit which is never a bad thing. Please consider all the positives of bringing this case to an end.

MTC–00008793

From: BGFG57@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 8:27 pm
Subject: Microsoft Settlement

To whom it may concern,

A just and viable settlement has been reached. Enough with this supreme waste of resources litigating this matter. Expend the gov't time and our money on real violations.

Brian Grimm

MTC–00008794

From: Don Conrard
To: Microsoft ATR
Date: 1/4/02 8:34 pm

Subject: Microsoft Settlement
Dear Madam or Sir
I would like to add my voice to those urging the court to accept the proposed settlement between Microsoft and the Federal goverment in the anti-trust case. With the U.S. under attack by terrorists and our economy in a downturn, a settlement would help to restore confidence in the technology sector when it is needed most. I am concerned that the continuation of this case and the uncertainty it generates will have a very negative effect on any economic recovery. It is time to end this case, which was largely brought by failed competitors of Microsoft. It would be good for the country, good for the economy, good for consumers and benefit the Seattle area. Don Conrard 12021 N.E. 67th. St. Kirkland, WA 98033

MTC–00008795

From: DarStwrt@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 8:37 pm
Subject: Microsoft Settlement
We support the Microsoft Settlement and want to just move on.
The Stewart Family

MTC–00008796

From: Cheryl A. Shapiro
To: Microsoft ATR
Date: 1/4/02 8:45 pm
In my opinion, this settlement is fair an equitable to all parties involved.
Sincerely,
Cheryl A. Shapiro

MTC–00008797

From: Rachel LeVasseur
To: Microsoft ATR
Date: 1/4/02 8:47 pm
Subject: Microsoft
— Rachel LeVasseur
— rachel11@earthlink.net
The time is past due to settle the Microsoft case. This ongoing case is not good for the economy, and we don't need the government interfering with private business because a few private interest are jealous!!!!

MTC–00008798

From: Jamie Rife
To: Microsoft ATR
Date: 1/4/02 8:49 pm
Subject: MICROSOFT SETTLEMENT
The settlement is fair. It should not have dragged on this long. To say one company has a monopoly in this highly technical world is impossible.

MTC–00008799

From: MButler621@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 9:03 pm
Subject: Microsoft Settlement
I feel that the Justice proposal regarding Microsoft is fair and just. I encourage you to accept it as the final solution. R. M.
Butler, M.D.

MTC–00008800

From: William Cook
To: Microsoft ATR
Date: 1/4/02 9:08 pm
Subject: Microsoft Settlement
Dear Justices
As a Consumer I have been using Microsoft's systems for what seems like forever and have never been forced into purchasing, accepting or being stuck with anything that I did not want, there were always alternative programs and systems available to me as a free consumer if I so chose to do so. As a Small Business Owner and user of Microsoft products and systems that have been made available to me, I found these programs and systems to be less expensive and more user friendly than other non Microsoft programs and systems. My business relies heavily on the cost savings that the Microsoft systems have afforded me and don't understand why Myself and thousands of other small business owners should be penalized to satisfy the desires of a Microsoft Competitor. I feel that it is time to accept the terms set and get on with the job of building the economy back to a point that produces jobs and revenue for the country.
Thank You for Your Time
Bill Cook
Cook Consulting

MTC–00008801

From: Seth Alford
To: Microsoft ATR
Date: 1/4/02 9:24 pm
Subject: microsoft settlement insufficient
The proposed DOJ settlement with Microsoft is insufficient. It doesn't punish Microsoft for its past mis-deeds, and in some ways allows them to extend their monopoly further, by allowing them to give their software to poorer schools across the nation.
The proposal by the remaining 9 states who are opposed to the DOJ settlement, written by Sullivan and Kuney of Williams & Connolly LLP, Greene of the California's AG office, and Davis of the West Virginia's AG office, addresses Microsoft's anti-trust violations and offers appropriate remedies.
I read this proposal at http://www.naag.org/features/microsoft/ms-remedy—filing.pdf The Sullivan et al. proposed remedy should be applied to Microsoft. That remedy will result in better competition and benefit for consumers.
Sincerely,
Seth D. Alford
sethal@yahoo.com
—Seth Alford
sethal@yahoo.com
CC:sethal@yahoo.com@inetgw

MTC–00008802

From: Raymond Vath
To: Microsoft ATR
Date: 1/4/02 9:30 pm
Subject: microsoft settlement
It has been four years since Microsoft's competitors (not customers) began the attack on Microsoft. It is clear we customers have benefited from the excellence of Microsoft's products and at very low prices. If the competitors could come up with superior products, we would beat a path to their door. The Department of Justice has negotiated an agreement with Microsoft that should be accepted. If others want to continue to harass the company, let them do it in their own trial, with their own funds, not my tax money.
Raymond E. Vath, MD

MTC–00008803

From: Judy & Marko
To: Microsoft ATR
Date: 1/4/02 9:34 pm
Subject: Microsoft Settlement
To whom it may concern,
It is about time that the case against Microsoft be closed and settled. Our economic recovery requires that innovative and prosperous companies be allowed to function without unnecessary litigation.
Sincerely,
Mark Monette

MTC–00008804

From: Diana Burton
To: Microsoft ATR
Date: 1/4/02 9:35 pm
Subject: Microsoft Settlement
We feel that subject settlement is fair and that should not be further litigated.
Jack Burton
Granbury TX
Diana Burton
Granbury TX

MTC–00008805

From: C. gus St. John
To: Microsoft ATR
Date: 1/4/02 9:42 pm
Subject: Microsoft Settlement
Is it concidence that the current downturn in the economy began when the Clinton/Reno ''Justice'' Dept began the attack on Microsoft? I have no particular love for Microsoft or Bill Gates, but what is the alternative for Windows? Windows is a God-awful kludge but the alternative, which is a managable kludge, is used on only about five percent of the worlds computers. Apple is better but the changeover would cost more than Bill Gates has.
Regards,
C. Gus St. John
6449 Elmer Hill Road
Rome, NY 13440
cgsinjin@borg.com

MTC–00008806

From: CReylek@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 9:49 pm
Subject: Microsoft Settlement
to the Dept of Justice; this will define my position on the Microsoft settlement.
I believe that Microsoft is being unfairly punished for acting in the best interest of the business, its shareholders and the public. The accusations of monopolistic business practices have largely come from it's competitors and those with business interests who would best be served if Microsoft were much less sucessful, as well as those whose political interests would be served by damaging the corporation. There is also a segment of the US population who are opposed to the capitalistic ethic and those who are very sucessful. The very existence of Microsoft's operating system has created the potential for our economy and the world to finally benefit from the power of computing.
Prior to the Microsoft operating system and ancilliary software related to it, there was NO compatibility among hardware, software, peripheral equipment, and communication

systems. IBM, Unisys, NCR, le Machines Bull, RCA, ATT, ITT, and the entire universe of others world-wide, demanded that their own parochial architecture be maintained. By Microsoft creating this ''de facto'' standard the entire world information arena has been opened to a universal ability to share, communicate, compute, and manipulate information in a way that prior to this standard would have been impossible.

I am astounded that the minds of this political system fail to recognize the subterfuge planned by the anti-microsoft proponents to return us to the neanderthal stoneage of incompatibility. The entire computing user universe must have compatibility to continue to exist in our current environment. To require Microsoft to provide interfaceability standards to the user/competitor population is reasonable. To force them to reveal corporate trade secrets is to participate in criminal homicide of sucessful capitalism by government. What's next, nationalization of our strongest, healthiest corporate entities?

Microsoft is one of the only technology companies which has survived the recent recession. It is because of the inherent value of it's products and services. Please do not commit economic suicide for all of us with unreasonable punishment for crimes not comitted, but cast up by those in the market place who are unable to compete sucessfully in that market.

Chip Reylek
421 Criswell Drive
Boiling Springs, PA 17007, USA
717.258.5378

MTC–00008807

From: Walabea@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 9:51 pm
Subject: Microfsoft settlement

I am very much opposed to the government attempting to destroy a wonderful company like Microsoft. It sees as though every time a company manages to grow large on it's own, our government feels it has a duty to destroy it. Take for instance the ''Bell System Telephone Company.'' It was one of the most admired company on the face of the earth, and then our government got in the act and ever since it has become a disaster. There is a saying to which I subscribe. ''I love my country, it's the government that I am afraid of.'' Nothing could be more truthful.

I say ''LEAVE MICROSOFT ALONE!''

Richard Morgan
Federal Way, Washington

MTC–00008809

From: sandra d shimkus
To: Microsoft ATR
Date: 1/4/02 10:00 pm
Subject: Microsoft Settlement

Dear Sirs:

I as a concerned citizen would hope that the settlement between the DOJ and Microsoft will finally be settled. Enough time and money has been spent on this subject.

Thank You.

Stanley J. Shimkus
27031–59th. AV. NE.
Arlington, WA. 98223
shimsand@juno.com

MTC–00008810

From: Al Wedekind
To: Microsoft ATR
Date: 1/4/02 9:54 pm
Subject: Microsoft settlement

Litigation of the subject has gone on long enough. In fact I think it should never have started!

MTC–00008811

From: JSReisman@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 10:07 pm
Subject: Microsoft Settlement.

Gentlemen, my wife and I believe that the proposed settlement if fair and just to not only to Microsoft, but to this Country. Microsoft has been a pillar of this economy over the past years, let this company help us out now.

Marcia & Joseph Reisman,
Brooklyn, NY

MTC–00008812

From: Tcarpentie@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 10:10 pm
Subject: Microsoft Settlement To the Department of Justice:

I am in full agreement that the proposed settlement between Microsoft and the Dept. Of Justice and nine states be ratified and settled. This litigation must be settled, so that both Microsoft and consumers can go forward.

Theresa C. Gernhard

MTC–00008813

From: Jsldhl@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 10:12 pm
Subject: MICROSOFT SETTLEMENT

We think the present settlement should not be further litigated by the nine disgruntled states. If Ford puts a better generator in its cars, General Motors has no right to call ''foul'' and go to court. The reduced liability found in the Court of Appeals ruling should be the end of the line.

Joseph and Doris
Levine

MTC–00008814

From: avedisusa@att.net@inetgw
To: Microsoft ATR
Date: 1/4/02 10:19 pm
Subject: Please accept the settlement and let us move forward

Please accept the settlement and let us move forward with life!

MTC–00008815

From: Krinka1@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 10:21 pm
Subject: microsoft settlement

I say congratulations to the Court and to Microsoft for settling this. I think free enterprise must continue.

Krinka1@aol.com

MTC–00008816

From: Steven Gniazdowski
To: Microsoft ATR
Date: 1/4/02 10:21 pm
Subject: Microsoft

Hello. My name is Steven Gniazdowski. I am a college student majoring in Computer Systems Engineering. I have used, and will continue to use Microsoft and non-Microsoft products.

Microsoft does put out a quality product. However, just due to the fact that they happen to be the software giant they are does not mean they are allowed to break anti-trust laws. Settling with Microsoft is only surrendering.

Microsoft has committed a crime and should be prosecuted to the full extent of the law. I feel that the Department of Justice should continue to prosecute Microsoft. Thank you for your time.

Steven Gniazdowski

MTC–00008817

From: bill conlen
To: Microsoft ATR
Date: 1/4/02 10:22 pm

DOJ,

I will be happy to see the MS antitrust case end with the approval of the negotiated settlement. I think the settlement, if enforced, will correct the abuses of MS. The case represents a drag on the economy and on technological inovation. It is time to conclude it.

Bill Conlen
Tacoma WA

MTC–00008818

From: Kenneth McGarvey
To: Microsoft ATR
Date: 1/4/02 10:23pm
Subject: Microsoft Settlement

If the certain far eastern countries computer industry had succeeded in their attempts at setting the standard in not only computer language/software and also the computers themselves, in the mid 1980s, then the price we all would have to pay for computers and the ancillary equipment would be much higher.

Also the effects on the U.S.A. balance of payments would have been catastrophic. I am speaking with no particular interest to pursue, in that I am a British subject and as such am speaking out for what I believe is the benefit of most of the computer using public. If the proposed break up of Microsoft goes ahead, it will mean higher charges for all of us that use computers, it is only because of the scale of the Microsoft operation that prices can be held so low and that the company can offer what is genuine free software.

Microsoft are not a monopoly and in fact there are many other competing software companies in the market place all offering varying products compatible to and some times superior to Microsoft's. What few in the courts realize is in the mid 1980s around six or seven of the far eastern electronic companies banded together to try and formulate a standard system that as stated above, would then have dominated the whole of the worlds computer industry. If they had succeeded then IBM, Apple, Sun Systems, Java and all the other great US and none Pacific Rim computer makers and software houses would not be in existence today, or if they where they would be mere fractions of the companies they are. So please think on

these points when making your decision on the future of Microsoft. I state once again that it is only by being good at what they do, added to the scale of their enterprise, that enables Microsoft to offer reasonable products at prices the general public can afford. We would all be a lot less comfortable in technical terms if Microsoft had not gained an early lead in computer technology. Again I ask you to bear in mind the fact that Microsoft has earned Billions of dollars for you country, do not kill the hen that has laid the golden eggs for yourselves if you do you risk the threat of all previous great civilizations.

Think of the Greeks, Romans and even ancient Egyptians do not kill what is good not always right but am sure Microsoft does attempt to get it right most times. So should your legislature and rule for the keeping of Microsoft intact as it is. And long my it go from strength to strength.

Ken McGarvey 04.01.02

My phone number 44 1642550833

MTC–00008819

From: Pat Fox
To: Microsoft ATR
Date: 1/4/02 10:25pm
Subject: Microsoft Settlement

As an American consumer, I would like to encourage all parties involved to ACCEPT the proposed settlement between the DOJ, the 9 states, and Microsoft. The settlement seems to be a FAIR COMPROMISE, and it is important for the country and the economy to get this case behind us. Furthermore, I would encourage the judge in the case to compel the non-settling states to join the agreed upon settlement as well.

Sincerely,
Patrick J. Fox
7808 79th Ave SE
Mercer Island, WA 98040

MTC–00008820

From: Avedis Garavanian
To: Microsoft ATR
Date: 1/4/02 10:25pm
Subject: Please settle and keep innovation ALIVE!

Please settle and keep innovation ALIVE!

MTC–00008821

From: Spbucj@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 10:31pm
Subject: (no subject)

I think that just because Microsoft is big and successful it has become a target. This company has done more to develop the computer industry than anyone else. Other companies, Sun Microsystems, Oracle, Enron, Lucent, Apple, etc. etc. have been able to compete and be successful too. Leave Microsoft alone and let it put money into research and development, not lawyers pockets. Instead of being jealous and resentful of Microsoft, try buying some stock in it. (I did) I'm a little guy and this lawsuit would be hurting me too. I don't know all the details, but my vote is to please leave this company alone. Enough is enough.

MTC–00008822

From: Bill Eckerich
To: Microsoft ATR
Date: 1/4/02 10:36pm
Subject: Microsoft Settlement

As ordinary citizens, we feel the current settlement terms are fair, just and send the right message to Microsoft.

Unfortunately, a few people and corporations , for various reasons, are seeking to prolong the proceedings under the guise that the settlement is not fair. We see their reasons much differently. As for the various Attorneys General, we see only a political motive designed toward re-election or a hunger for higher office.

As for the competitors, they found themselves unable to compete and are trying to make up for their lack of ability in this way.

We are particularly chagrined over the stance taken by Senator Hatch. Although he is taking this position to try to gain advantage for one of his constituents, he should be mindful of the economic loss created by the delay and costs for the total economy,as well as the fairness.

Thank you for your consideration of our position.

William and Joyce Eckerich

MTC–00008823

From: LMD1418@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 10:37pm
Subject: Microsoft Settlement

Leave Microsoft alone already! They have made concessions to the cry babies both to their competitors and with the state legislators. Let's grow up and stop crying sour grapes that Microsoft and Bill Gates have produced better software than their peers and that the consume wins. Were it not for Microsoft, this would be typed on an old electric typewriter on onion skin paper and stuffed in an envelope sent postage paid through the mail and probably given the US Post office would never be delivered anyway thus stopping the consumers, public, and voters by the way from expressing their opinions under the first amendment, which by the way you can find using Microsoft explorer the defamed browser. Thanks again Bill (Gates not Clinton) for all the great work. Keep it up and keep the US moving forward!

MTC–00008824

From: Bo Yates
To: Microsoft ATR
Date: 1/4/02 10:41pm
Subject: Microsoft Settlement

It is about time that this circus comes to an end. We now have more urgent problems as a nation. Get it over with already!!!!!

MTC–00008825

From: Shirley Sidis
To: Microsoft ATR
Date: 1/4/02 10:46pm
Subject: Microsoft Settlement:

Dear DOJ,

In regard to the Microsoft Litigation which has been going on for almost four years, both my wife and I feel that its about time that both sides settle this case and get on with our daily lives. This case has really hurt the economy, for the sake of our country and the economy it should be settled now.

Sincerely,
Sam and Shirley Sidis

MTC–00008826

From: Larry Putnam
To: Microsoft ATR
Date: 1/4/02 10:42pm
Subject: Microsoft Settlement

As a consumer, I just want to let you know that I feel that it is imperative that the action taken to settle the suit against Microsoft be adhered to as has been put down by the District Court of Appeals. This needs to come to a close so that Microsoft can get back to the business of doing what they do best and the Justice Department can spend its time on more important matters to our country.

Sincerely,
Larry D. Putnam
Chattanooga, Tn 37412

MTC–00008827

From: Robert(u)Jann
To: Microsoft ATR
Date: 1/4/02 10:46pm
Subject: Microsoft Settlement

As a consumer I am concerned that the remedy for the Microsoft anti-trust case will be worse than any harm Microsoft may have caused.

Specifically, I think we all had better phone service before the break-up of AT&T. Now I am diluged with phone companies offering low rates and then once I have changed carriers jacking up the price. I preferred to have my phone service lumped into one seamless bundle, because in the end it is more efficient than the mess we have right now.

I am afraid the same thing will happen with the remedy for Microsoft. I prefer a software package that includes features by one software company because INTEGRATION is do important to software. The more chefs there are the greater the probability for soup bugs and finger pointing.

I think Microsoft is offering a valuable service to the public by offering integrated software solutions.

SYs
Robert—Jann@msn

MTC–00008828

From: david milton
To: Microsoft ATR
Date: 1/4/02 10:52pm
Subject: Microsoft Settlement

I think the settlement is good for everyone. lets get this over so we can make the next big leap in tech and pull this country out of this recession.

Thanks
David Milton,
5728 meadowhaven Dr,
Plano, TX 75093

MTC–00008829

From: HJDennis@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 11:00pm
Subject: (no subject)

As a private citizen, I would like to urge the DOJ to quit working against private business and let free enterprise seek it's own level.

Hal Dennis

MTC–00008830

From: MSpalding@aol.com@inetgw

To: Microsoft ATR
Date: 1/4/02 11:03pm
Subject: Microsoft Settlement

Good Morning,

Please consider dropping all further action against Microsoft. The free market produced the computer revolution and the tremendous gains to the standard of living of most Americans. Please do nothing to interfere with the free working of the market. And especially stay out of computers and software.

Thanks for your consideration,
Mike Spalding

MTC–00008831

From: Bob Boysen
To: Microsoft ATR
Date: 1/4/02 11:19pm
Subject: Microsoft Education Market Settlement

As a Microsoft Windows XP user and a Macintosh OS X user, and although I enjoy running both operating systems, I think it is a mistake to allow an anti-trust settlement against Microsoft Corp with the result being additional free Windows based computers in our nation's schools. This certainly is a slap in the face of Apple Computer Co who has for years worked tirelessly with the schools to provide educational equipment. If the one of the main concerns in the suit against Microsoft was due to a ''perceived'' monopolistic endeavor on their part, the solution, in my opinion, is not to provide them with an even greater field of play for their product. This would certainly stifle competition which I believe is the Department's exact opposite position in this matter. If the schools choose PCs with the Windows operating system— so be it.

If they prefer Apple Computer's operating system—so be it. Let the United States Government NOT be a party against open market competition.

Thank you.
Bob Boysen
Las Vegas, Nevada

MTC–00008832

From: Wilsh@aol.com@inetgw
To: Microsoft ATR
Date: 1/4/02 11:30pm
Subject: Microsoft Settlement

To whom it may concern:

I wish to express my opinion on the DOJ s trial and settlement. The settlement reached by Microsoft and the DOJ appear to me to be the best compromise to a case that has not hurt the consumer but has hurt ''the completion''. For the nine States to continue to use the Courts to extend the case beyond the limits prescribed by the Appeals court is in my opinion a grave waste of the taxpayers hard earned money. And a waste of the court's time and energy for the private gains of the companies located in or adjacent to the States not happy with the DoJ Settlement. Please do everything you can to Stop the Litigation of Microsoft and allow them and America to get on with innovations for the next generation of products that revolutionize the USA and the World.

Wilson S Hamilton
Pres.
L and W SERVICES
ISSAQUAH, WA
wilsh@att.net
CC:ptclean@yahoo.com@inetgw

MTC–00008833

From: Joel Davis
To: Microsoft ATR
Date: 1/4/02 11:46pm
Subject: Microsoft Settlement

As a computer professional and avid computer user it is obvious to me that Microsoft has been a blessing for many years. The overall quality and consistency of their products make my professional and personal life much easier. The LAST thing in the world I need is lot's of operating systems and web browsers and communications protocols to have to investigate, learn and then choose between. It is my opinion that Microsoft has become as important to the market place as they have, in essence, because they make good products that everyone is basically satisfied using.

The proposal to break Microsoft apart terrified me. What effects would that have had on my business and my personal affairs? It was frightening to consider!

The revised settlement is, in my opinion, still unwarranted but, in the spirit of ''getting on'' with things I would support executing the current settlement without further delay.

Joel E. Davis
PO Box 6118
Hillsborough, NJ 08844

MTC–00008834

From: Wilbur Goodwin
To: Microsoft ATR
Date: 1/4/02 11:45pm
Subject: MICROSOFT SETTLEMENT

To: The US Department of Justice

I am writing to you today to express my opinions in regard to the Microsoft debate in accordance with US law, i.e., the Tunney Act, which requires a public comment period that expires on January 28, 2002. I fully support Microsoft and am anxious to see this protracted three-year dispute between Microsoft and the US Federal Government resolved once and for all. Despite the aggressive lobbying efforts of a few of Microsoft's competitors, the US Federal Government and nine states finally reached a comprehensive agreement with Microsoft to address the reduced liability found in the US Court of Appeals ruling. I support the settlement that was reached on November 2, 2001, and sincerely hope that there will be no further action taken against Microsoft at the Federal level.

This settlement is tough, but reasonable, equitable and fair to all parties involved. It has been reached after extensive negotiations, and it allows Microsoft to continue designing and marketing its innovative software, while benefiting the technology industry as a whole. Under this agreement, Microsoft must disclose information about certain internal interfaces in Windows to competing companies. Microsoft has pledged to carry out all provisions of this agreement, and the government has created a technical oversight committee to insure Microsoft compliance. While I personally am strongly opposed to any company being legally forced to disclose its company sensitive or proprietary information, I firmly believe that consumers overwhelmingly agree that this settlement is the best alternative for them, the industry and the American economy, under the circumstances.

Unfortunately, a few ''special interests'' are attempting to use this review period to derail the proposed settlement and prolong this litigation even in the midst of uncertain economic times. The last thing the American economy needs is more litigation that benefits only a few wealthy competitors and stifles innovation. In my opinion, If Microsoft's competitors had expended more time, energy and financial resources in acquiring, nurturing and maintaining a strong technical base of innovative skills, and less on litigation, they wouldn't have had to resort to such costly legal tactics in the first place. If they can't compete on their own volition, then maybe they shouldn't be in the business!

In closing, I want to reiterate that I strongly believe that this settlement, as opposed to more needless and costly litigation, is in the best interest of, and will benefit, the consumers, the industry and the American economy. Furthermore, I urge you to get on with the process at hand by upholding this agreement, so that Microsoft can prudently devote its invaluable resources to continued innovation rather than further protracted litigation. I will anxiously await your decision. I have the utmost confidence that you will make the only decision that is in the best interest of everyone concerned.

Sincerely,
Wilbur Goodwin (Retired)
Columbia, SC

TC–00008835

From: ChloeCKM@aol.com@inetgw
To: Microsoft ATR
Date: 1/5/02 12:30am
Subject: court settlement

the settlement reducing the amount of liability in the court of appeals ruling is reasonable to all parties involved including Microsoft and the American economy. please stop special interests from derailing this settlement. thank you for your attention,

Sincerely
Chloe Murdock

MTC–00008836

From: tom sheller
To: Microsoft ATR
Date: 1/5/02 12:33am
Subject: Microsoft settlement

Dear Sirs: I am communicating to support the current proposed settlement with Microsoft, I firmly believe that the evidence supports the freedom of enterprise, and I firmly believe that no good would come from any sanctions on the part of Microsoft the concessions that they have agreed too are fair and beneficial to the general populace. Please do not allow special interest groups to degrade the just decision that has already been proposed by the dept. of justice.

Thank you,
Tom Sheller

MTC–00008837

From: DCBosworth@aol.com@inetgw
To: Microsoft ATR
Date: 1/5/02 12:46am

Subject: Microsoft Settlement
Done, mailed 1/5/02.
Dave Bosworth

MTC–00008838

From: mardi
To: Microsoft ATR
Date: 1/5/02 1:02am
Subject: Microsoft Settlement
mb (765)973–8376Let the settlement go forward so we all can move on with our work and the fine minds can be creative instead of wasting time on this matter.

MTC–00008839

From: Thayne Erickson
To: Microsoft ATR
Date: 1/5/02 1:03am
Subject: For Microsoft
I posted this in the Apple Discussion forum after another user post a link to this e-mail address urging everyone to write you against Microsoft: I think the one Jaun posted was a waste of time. How is hurting MS going to help me? I'm against this whole going after MS on principle. It's just wrong. Who's next? Apple? Sun? Last time I checked Sun OS only runs on Sun hardware, sure they put Netscape on it but who cares? What have they done that is so wrong???? Bundle their software on their OS? Big deal. I never wanted Netscape anyway and if I did I could easily download and install it.
Let it be decided by the consumer. If you don't like it don't buy it. We're proof they don't have a monopoly on the market, aren't we? This is no place for the government, they need to be concerned about protecting us from criminals and terrorists, not Bill Gates!!!
Thayne Erickson
Mac User

MTC–00008840

From: modulan
To: Microsoft ATR
Date: 1/5/02 1:20am
Subject: Microsoft Settlement
Please close this case as fast as possible since: There are zillions of real problems confronting our country which demand better use of taxpayer bucks— and believe me I am paying a bunch—hopefully not squandered on a showcase for high profile lawyers.
Regarding legal rationale, I excerpt from the published text:
Precedent requires that: the balancing of competing social and political interests affected by a proposed antitrust consent decree must be left, in the first instance, to the discretion of the Attorney General. The court's role in protecting the public interest is one of insuring that the government has not breached its duty to the public in consenting to the decree. The court is required to determine not whether a particular decree is the one that will best serve society, but whether the settlement is ''within the reaches of the public interest.''
I think enough time has passed for the DOJ to conclude the case. One would have to be an imbecile to believe that Microsoft's competitors haven't pushed the case for their stockholders not the public's benefit—the whole case is leaving a bad taste for the fairness of the American legal system. Quite simply, how much of the Microsoft cash can I get by gambling with lawyers in court.
As for Microsoft's mistakes, the proposed settlement gives a lot more than anyone would have envisioned would really arise based on the original complaints.
Folks, the DOJ and its facilities should not be a set for this expensive soap opera—for heaven's sake, someone—just someone just pound down the gavel and stop the legal opera of the century.
On the humorous side, if you folks can't close it out, just send the case to Judge Judy!
John D O'Meara Sr.

MTC–00008841

From: RLoveless@fwenc.com@inetgw
To: Microsoft ATR
Date: 1/5/02 1:29am
Subject: Microsoft Settlement
Microsoft has been found guilty of using illegal tactics to maintain a monopoly. This is a very serious offense, especially when put into the context of intentionally violating not its first, but its second consent decree. Further evidence that they have not and will not reform their behavior is the fact that they not once, but twice presented fraudulent testimony in Federal Court.
The citizens of the US (and the world) deserve protection from further illegal Microsoft activities. I do not believe the current settlement is sufficient deterrence. I propose:
That Microsoft be REQUIRED to disseminate 95% of its current cash reserves to its stock holders.
This reserve is estimated to be in excess of $20 Billion. There are approximately 1 Billion shares, so this is $20/share. No stockholder is harmed by this; it may, in fact, stimulate the economy which would be useful at this time.
This will leave Microsoft with no debt and $1 Billion in cash reserves. Certainly this is still a strong financial position for any company. The effect with regard to Microsoft tactics will be to reduce (but not eliminate) the ability of Microsoft to purchase (or threaten to purchase) companies that are competing against it. This Microsoft method has been well documented in the various journal and newspapers in the technology field.
Thank you for your consideration.
CC:attorney.general@po.state.ct.us@inetgw

MTC–00008842

From: Frank Disparted
To: Microsoft ATR
Date: 1/5/02 1:48am
Subject: MS SETTLEMENT
Microsoft is a great company and should be left alone, so it can direct its energies to making new and better products. I think the issue with Microsoft is like shooting your self in the foot. This is one company that has brought prosperity to our country. As a user of MS products, they are great, work well, and are dependable. That's more than I can say of our government.

MTC–00008843

From: Stephen Jacob
To: Microsoft ATR
Date: 1/5/02 1:52am
Subject: Microsoft Settlement.
Greetings!
Please settle this now!
We, the people want to go on without more litigation, lawyers fees and constraints!
Our economy has taken enough of a beating and Microsoft has been a whipping post! Let's drop it and move on, please! Thanks for your time and interest.
Sincerely,
Stephen
Stephen Jacob
email: svj@stephenjacob.com

MTC–00008844

From: Maya Opavska
To: Microsoft ATR
Date: 1/5/02 2:01am
Subject: Microsoft Settlement
Dear Justice Department,
I'm a long-time computer user and a concerned citizen writing to express my concern over the prolonged case against Microsoft. The comprehensive agreement that the federal government and the nine states reached with Microsoft is reasonable and fair to all parties involved. This settlement is good for consumers, it's good for the industry, and it's good for the American economy. Please add my voice to the choir of people asking to finally put an end to this matter in the interest of all of us!
Sincerely,
Maya Opavska (mayao@earthlink.net)

MTC–00008845

From: SAMUEL MEDRANO
To: Microsoft ATR,lew@mises.org@inetgw
Date: 1/5/02 2:12am
Persuant to the Tunney Act the following is my opinion as a concerned member of the public in reference to United States vs. Microsoft and its proposed settlement. This lawsuit should never have seen the light of day nor given the attention it had received. It's just consideration should have been as a public example of nuisance lawsuits brought about by inefficient and unworthy, but powerful economic interests as well as sanctimonious politicians seeking greater political power.
Serious study of economics would have revealed that true monopolies exist only where the intruments of political power are used to insulate and protect an area of industry from the brutal and fickle forces of a free market whose only sovereign is the consuming public. A clear example of a true and lasting is the first class delivery monopoly granted to the US Postal Service. (Mises and Rothbard)
Microsoft holds a majority of the market share of operating systems not by state edict but by that brutal and fickle sovereign's choice know as the public. Politicians love speaking out against business ''monoplies'' but never bring to the discussion the state's monopolies or their personal monopoly in their respective office. They see it as a sign of praise and ''a mandate'' whenever they manage to gather more than a majority in election polls or public opinion polls.
By including the Internet Explorer with new PCs Microsoft was employing a legitimate business decision calculation by offering more and more for its consumers. Microsoft is as eager to capture a majority

marketshare for internet browers as its competitors. That is the nature of the free market and the American way. May the fair winner in this never ending struggle be praised. We the sovereign will determine how long we will let this or that supplier will be a majority marketshare winner.

It is unfortunate that our current political and legal system has brought this justly favored company to the point that it has and in the process interfered with the sovereign's task of making rational economic calculations as to the company that serves us better with the most desirable products and services.

While unnecessary it is better for the public's interest that the current lawsuit be brought to a rapid settlement as has been proposed rather than follow the ludicrous and unjust actions sought by the competing and powerful politicoeconomic interests that seek to so call protect us from ourselves or those that serve us by our own encouragement.

Respectfully,

Samuel Medrano. MD

Bibliography:

Mises, Ludwig von—Human Action 1949

Rothbard, Murray N.—Man, Economy and the State

For more on economics in general the Ludwig von Mises Institution is literally the best place on earth to begin and maintain a serious study on the subject.

MTC–00008846

From: WFSSTEVENS@aol.com@inetgw
To: Microsoft ATR
Date: 1/5/02 2:48am
Subject: Microsoft Settlement

It is time for big government—at the federal level or the state level—to get out of the business of holding back the Microsoft Corporation from providing competitive products at an attractive pricing level.

Hence, I request the settlement under review be approved and all legation of any sort be stopped.

William F Stevens

wfsstevens@aol.com

MTC–00008847

From: Joel Bramlitt
To: Microsoft ATR
Date: 1/5/02 2:49am
Subject: Microsoft Settlement

To whom it may concern:

I'd like to express my opinion regarding the Microsoft antitrust lawsuit. I am a citizen who makes his living by supporting Microsoft products. I was very alarmed when I first heard about this lawsuit, because I feared it could possibly affect my livelihood. I have followed it very closely, and was very relieved when I heard a settlement had finally been reached. Now, I am concerned again. The nine states that did not agree with the settlement are jeopardizing the whole deal for what appear to be less than honorable reasons.

The way I understand it, the heart of the antitrust laws are intended to protect the consumer. From what I've read and heard, Microsoft's competitors seem to be the true beneficiaries of the proposed ''alternate settlement''. Is it a coincidence that they are mostly headquartered in the holdout states? I think not. To me this clearly political maneuvering on the part of the aforementioned competitors. They are angry at Microsoft, and instead of creating superior products to compete in the marketplace, they want to cripple Microsoft in the courts. The way I see it, if the nine other states and especially the U.S. Government agree on a remedy, that's what it should be. The holdout states obviously have agendas that have nothing to do with what's best for the consumer.

I, along with everyone I talk to feel this has gone on long enough. Our country is in a very different type of crisis right now. One that vastly overshadows this particular case. I hope the court will consider this, and put an end to the vengeful tactics of Microsoft's competitors. We cannot continue to punish success, and reward mediocrity.

Thank you for your time.

Joel Stephen Bramlitt

MTC–00008848

From: K Dyer
To: Microsoft ATR
Date: 1/5/02 3:07am
Subject: Microsoft Settlement

Gentlemen:

My government spent more money prosecuting Microsoft during the Clinton presidency than it spent on anti-terror programs. It spent more on prosecuting Microsoft than it spent equipping our military to conduct a two theater operation. It spent more prosecuting Microsoft than it did on increased research for an AIDS solution.

My counsel to you is simple: STOP IT! I'm mad at you and I vote. And I'll vote against anyone who does not support and vote for an immediate end and settlement to this foolishness.

Don't forget about me, it's my money that pays the bills and I'm not going to forget about you.

William K. Dyer

cxturbo@juno.com

MTC–00008849

From: John Preston
To: Microsoft ATR
Date: 1/5/02 4:23am
Subject: DOJ wants to hear from you on MS settlement

I feel that the government should settle in favor of Microsoft. Actually I think the matter should have never come to court. All this crap about the browser being packaged with the OS is nonsense. I use Windows 98 on my home computer and have both Internet Explorer and NetScape on the same computer.

I can choose to use either one. Its up to me. I have said this before. Try to buy a new car from any car dealer with an engine or other parts from a different dealer and see what you get. Its going to be a big nothing that's what. Why? Because business is not done that way. Try to buy a new car without an engine.

They will probably sell it to you but guess what? It will cost a lot more money because of all the special handling that will be required to get it to you.

This whole thing is just the result of some people who weren't in the right place at the right time or didn't make the right decision.

Throw it out of court. Stop wasting my tax dollars on it and lets get on with life.

John Preston

MTC–00008850

From: Alan Feldman
To: Microsoft ATR
Date: 1/5/02 5:10am
Subject: Microsoft Settlement

Let this lawsuit go! Let the settlement stand. It is a tough settlement, but fair, and Microsoft is already implementing parts of it.

I, as a consumer and industry partner (software developer for a 3rd party), was very upset to see this lawsuit at all. Right from the get-go it only seemed to help competitors not consumers. Microsoft has continually improved their software and kept prices fair. They have created an industry that I am proud to be a part of. Leave Microsoft alone!

With this settlement Microsoft is already giving in to things they would've never agreed to (and shouldn't), but they have agreed, and are implementing it. And Microsoft's competitor's should be happy about that.

But from now on they should compete in the MARKET PLACE not the courts. And let the CONSUMER decide what is best. They are not so stupid as this lawsuit has made them out to be... they can spot good software when they see it.

Thank you.

Alan Feldman

753 Bellows Way, Apt.# 204

Newport News, VA 23602

757–833–3470

MTC–00008851

From: Leon van Schie
To: Microsoft ATR
Date: 1/5/02 6:39am
Subject: Microsoft Settlement

To whom it may concern,

I am shocked by the recent news regarding the Microsoft settlement. Instead of punishing Microsoft for their monopoly strategy you are giving them a green light to basically kick Apple Computer out of the education market by donating an astronomical amount of money in Microsoft products to this industry, thus giving Microsoft a go ahead to continue to do business as usual. I1m sorry but this goes beyond my comprehension. You are playing Microsoft1s cards by making them an offer like this.

To my humble opinion they should be punished not by putting more of their product into the market, especially such a sensitive market like education, but by giving them a punishment that1s appropriate. If you want Microsoft to donate zillions of dollars, let them do that to a neutral institution like food for 3rd world countries or something in that order.

What impression do you give Microsoft (and others like them) here? If you monopolize the market by unfair means of business we will reward you by allowing you to do more business and even kill some competition on the way?! By putting more Microsoft products out there you are giving

companies like Apple Computer absolutely no chance what so ever to sell their product in the education industry, hence they start to monopolize that industry as well.

A concerned Dutch citizen.
With kind regards,
Leon van Schie.
Bervoetsbos 189
2134 PP Hoofddorp
The Netherlands

MTC–00008852

From: Jay Greenfield
To: Microsoft ATR
Date: 1/5/02 6:51am
Subject: Microsoft Settlement

The states contesting the settlement are working at the behest of AOL, Oracle and Sun. They want to constrain Microsoft not because it will help the consumer but because it will help their bottom lines.

Microsoft has not always been an engine of innovation. And its business practices have been too aggressive. Nevertheless, today Microsoft with its .NET initiative and the uses it is putting XML to in the service of this initiative has become a real engine of innovation driving Oracle towards XML, Sun into an embrace of web services and making AOL uneasy. This is a good competitive situation. Weakening Microsoft significantly would strengthen AOL. AOL is not an engine of innovation. Imagine no Microsoft and just an alliance between Sun, Oracle and AOL. One doesn't have to be a genius to put together a website using Visual Basic and a Windows 2000 Server. Java programming and Oracle administration are much more demanding and expensive.

We need a strong Microsoft to compete with the AOL/Oracle/Sun alliance.

MTC–00008853

From: CKest@aol.com@inetgw
To: Microsoft ATR
Date: 1/5/02 9:05am
Subject: Microsoft Settlement

Lets move on and financially rape some other evil corporation with deep pockets. What shows the attackers of Microsoft for what they are, despicable whoring thieves, when Microsoft said that they would in essence, give up their code (the original request) by providing FREE software/ computers to schools,it still was not enough—nothing will ever be enough. Have some political balls, now that that embarrassment—Reno is gone, and move and do something important for once in a decade.

Yours truly,
Russell Kestler

MTC–00008854

From: LBritt2314@aol.com@inetgw
To: Microsoft ATR
Date: 1/5/02 9:09am
Subject: MICROSOFT SETTLEMENT

THIS CASE NEEDS TO BE SETTLED WITHOUT ANY FURTHER LITIGATION. I HAVE TALKED WITH A NUMBER OF PEOPLE AND I HAVE YET TO FIND ONE INDUVIDUAL THAT BELIEVE THAT THIS CASE SHOULD BE CONTINUED. WE BELIEVE THAT A SETTLEMENT WILL BE GOOD FOR THE CONSUMERS. I AM INVOLVED IN COMPUTERS, I WANT TO SEE THIS CASE SETTLED ASAP. WE ARE INVLOVED IN SOME VERY DIFFICULT TIMES AT THIS DATE AND WE DON'T NEED TO FURTHER DESTROY OUR ECONOMY BY FURTHER CONTINUING THIS CASE.

I HOPE THAT SOMEONE TAKE THE TIME TO READ THIS E-MAIL.

LARRY L. BRITTAIN,
CPA,CFP,CLU,ChFC,CCIM

MTC–00008855

From: Jeff Oberst
To: Microsoft ATR
Date: 1/5/02 9:17am
Subject: Microsoft Settlement

Dear U.S. Dept. of Justice,

I think the proposed settlement with Microsoft Corp. is fair for customers of Microsoft, its competitors and the general public. I believe this case has dragged on too long it should be promptly brought to a close.

Sincerely,
Jeff Oberst

MTC–00008856

From: MUNNEKE3@aol.com@inetgw
To: Microsoft ATR
Date: 1/5/02 7:15am
Subject: MICROSOFT SETTLEMENT

I want to go on record as one who believes that settlement of the Microsoft case is paramount to healing much of the economic trevails that we face as a nation and indeed, the world. No more litigation, please, to serve the selfish interests of competitors and stifle innovation within the industry. This freedom is still what makes America a great and shining beacon to the rest of the world.

This entire trumped up charade should have never happened in the first place. Now that we are back to reality with the current administration, let us not belabor a moot point. Let us move forward and support a thriving desire to innovate, putting people to work, assisting the public interest in attaining useful tools for the tech world that moves us forward. Let go of Microsoft and stop the strangulation! Now!

MTC–00008857

From: DParr1@aol.com@inetgw
To: Microsoft ATR
Date: 1/5/02 9:42am
Subject: Microsoft Settlement

Enough money and time has been spent on this. The government needs to conclude this case with the settlement agreed upon by both parties. Further prolonging this case is not in the best interests of the consumer. Finish it...

MTC–00008858

From: Bill Fulmer
To: Microsoft ATR
Date: 1/5/02 9:51am
Subject: Microsoft Settlement

I think the Microsoft settlement is fair and equitable for all concerned.

MTC–00008859

From: Llanddr@cs.com@inetgw
To: Microsoft ATR
Date: 1/5/02 9:56am
Subject: Microsoft Settlement

Dear Justice Department,

Not all Americans regard Microsoft as an ''evil empire.'' Many citizens appreciate the initiative, brilliance and hard work of Mr. Gates and company. Further, they do not regard Microsoft as a criminal enterprise, but rather as a heroic one. It is not my intention to change your mind on the specific charges you have leveled at Microsoft, although it would be great if you did reconsider. Anti-trust law is notoriously vague and non-objective. My intention is to ask you, please, as a citizen, voter and tax payer to leave the case as is, and to not support any worse sanctions against this company. Further, if there is any opportunity to reduce current sanctions or proposed sanctions against Microsoft, I urge you to take these opportunities. In essence, I believe Microsoft has been punished enough. Thank you for the opportunity to comment.

Sincerely,
Joseph McHugh
Malden, Massachusetts

MTC–00008860

From: John Sweeney
To: Microsoft ATR
Date: 1/5/02 10:02am
Subject: Microsoft Settlement

I am in favor of the proposed Microsoft settlement.

John Sweeney
Lansdale PA

MTC–00008861

From: FRED SIMMONS
To: Microsoft ATR
Date: 1/5/02 10:08am
Subject: MICROSOFT SETTLEMENT

MICROSOFT HAS DONE MORE FOR THE TECHNOLOGY INDUSTRY AND OUR ECONOMY THAN ANY OTHER. THEY ARE AN INDUSTRY LEADER AND HAVE CREATED MORE OPPORTUNITY FOR MORE PEOPLE THAN MANY BEFORE THEM. IT AMAZES ME THAT MY GOVERNMENT HAS TAKEN ISSUE WITH MICROSOFT. WHO IS REALLY BENEFITING FROM CONTINUED LITIGATION? MAYBE IT IS TIME FOR INDIVIDUALS LIKE MYSELF TO BEGIN ASKING WHO AND WHY? I HAVE SENT COMMUNICATIONS TO MY STATE REPRESENTATIVES AND SENATORS. I WILL EXERCISE MY RIGHT TO JUDGE THEIR ACTIONS COME NEXT ELECTION DAY!

IT IS TIME TO STOP THIS LITIGATION. I REQUEST MY VOICE BE COUNTED IN F AVOR OF SETTLEMENT. NOW!

REGARDS,
FRED SIMMONS
293 WILSON BUTTE ROAD
GREAT FALLS, MONTANA 59405

MTC–00008862

From: E.L. Pietrowski
To: Microsoft ATR
Date: 1/5/02 10:18am
Subject: Mircosoft Settlement

As the usual cry by the Clinton gang was ''s Time to move on'' that time has been reached in the Mircosoft case.

No one will become a winner if this settlement continues to drag on and on. As I see the settlement before the court neither side is really happy with the settlement. To me that indicates the settlement is as fair as it will get. It is time to turn our efforts to something constructive and stop wasting tax

payer money on something that does not have a right answer.

E.L. Pietrowski

MTC–00008863

From: Herb Cilley
To: Microsoft ATR
Date: 1/5/02 10:24am
Subject: MICROSOFT SETTLEMENT

Dear People,

since 1933 I have been in business, one way or another. I believe Microsoft has developed the system of E-mail and should be allowed to profit from it.... It is my hope that You will rule in favor of them, for what it is worth. Drug companies and others patent their discoveries or inventions, and profit from it for a period of time. Thanks for reading this.

Herbert L. Cilley
60 Middle Road—#319–B
Dover, NH 03820–4146
nhloonranger@yahoo.com
(603) 749–5904

MTC–00008864

From: Brett McDonald
To: Microsoft ATR
Date: 12/31/01 10:55pm
Subject: Microsoft Settlement

I support the settlement.

Brett McDonald
38602 Lancaster Drive
Farmington Hills, MI 48331
Owner
BFM Software

MTC–00008865

From: SFoxRun1@aol.com@inetgw
To: Microsoft ATR
Date: 1/5/02 10:32am
Subject: Microsoft Settlement

I want to add my voice to the comments the Court may consider in reviewing the proposed settlement between the Justice Department and several of the State plaintiffs and Microsoft. First, it should be clear that consumers have overwhelmingly selected Microsoft products over others. It is disdainful of the public to assume that this preference is not knowing or intended. Second, it should be equally clear from the public whining that many of Microsoft's competitors (and their are many, a testiment to the strong competitive environment in this industry), that this litigation has been used as a substitute for competition by the providers of less desirable products (the many published interviews with Scott McNealy of Sun Microsystems, for example, are a testiment to this, as is the relative performance of the competotors in the stock market). Third, it is transparent that the unreasonable and intransigent position taken by the nonsettling parties, Connecticut Attorney General Blumenthal being a prime example, as reported in the national press in various out of court statements by Mr. Blumenthal and others, is primarily motivated by politics, not economics or law. This case has been used to bash the success and innovation of Microsoft (a fat target because of its superiority) by those seeking a populist platform for their political ambitions. I urge the Court not to allow those whose motives have nothing to do with fair and open competition to hold back American technological competitiveness in the world market (note that when the shoe is on the other foot, as in the case of opponent America Online, no interference with its own instant messaging system is allowed).

The notion of natural monoploy due to superior insight and innovation should not be frustrated by ''wannabees'' who are merely jealous of Microsoft's success or by politicians playing the fundraising and campaign rhetoritc games—Mr. Blumenthal can set national antitrust policy if he is ever the Attorney General of the United States (or President). This case has done its public service in reaching a just and fair settlement which the Justice Department and a significant portion of the complaining States have freely negotiated for the benefit of the consuming public. It is time to get on with the next generation of technology and leave this case for the historical landmark it is. There can be no doubt that by the time the trial court has finished with this matter the entire context of the technology which it addresses will have changed without regard to legal principles as is only natural, for, to quote Abraham Lincoln, ''. . . we have added the fuel of interest to the fire of genius.'' I urge the Court to sustain the settlement, as proposed.

Steven A. Diaz,
3022 Fox Den Lane,
Oakton, VA 22124.

MTC–00008866

From: Avperrella@aol.com@inetgw
To: Microsoft ATR
Date: 1/5/02 10:40am
Subject: Microsoft Settlement

I think settlement still too hard on Microsoft! Government should get off the backs of companies that get a lions share of the market because they are good at what they do—go after the real law breakers!

MTC–00008867

From: Delpha Wagner
To: Microsoft ATR
Date: 1/5/02 10:50am
Subject: Microsoft

313 N Mississippi Street
Blue Grass, IA 52726–9731
January 5, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

I am writing you to express my feelings on the Microsoft settlement issue. I believe the settlement that was reached with Microsoft is thorough and sufficient. Please continue to support it.

I am a strong supporter of Microsoft, and I think that it has done quite a bit to help our economy. I want this case to be settled so that the people at the company may continue going on about their business and inventing superior products that will continue to improve the industry. My hope is that once this case is over the benefits that Microsoft, its competitors, and consumers will see will help improve our economy in these hard times. After all, Microsoft has bent over backwards to accommodate the millions of fans of Netscape, AOL, and other software-related companies, including non-retaliatory agreements against software companies that develop products that compete with Microsoft.

This settlement is a step in the right direction. Thank you for settling with Microsoft.

Sincerely,
Delpha Wagner

MTC–00008868

From: Leslie Duncan
To: Microsoft ATR
Date: 1/5/02 10:52am
Subject: settlement

1414 Arlene Street,
Redlands ,CA92374.
January 5, 2002,

Dear Department of Justice, Senate, Congress and The States of Our Union,

This letter confirms my total agreement to settle the lawsuits against Microsoft. As a U.S Citizen and consumer who regularly purchases numerous Microsoft products, I can attest that Microsoft has dealt fairly with me by their pricing and business practices. I have never been forced to purchase their products through any kind of illegal business practices. As a result I find that any and all accusations made against this company on my behalf as a consumer very frivolous and false. Therefore I humbly request that the Justice Department and the United States Senate, Congress and the States of our union, proceed with all speed in the interest of our economy and Constitution to settle any and all lawsuits that arise from the alleged false accusations.

Sincerely,
Leslie A.I. Duncan

MTC–00008869

From: PHIL BASHAM
To: Microsoft ATR
Date: 1/5/02 10:53am
Subject: Microsoft Settlement

Gentlemen:

It is past time to end the pursuit of Microsoft. A settlement must be reached quickly. This was a lawsuit that never should have happened. Microsoft has served its customers well and in the process has brought computer use technology to the present high state. I for one have no inclination to use other products and find the software offered by Microsoft to fit my needs exactly.

Thank you,
Phil Basham
9787 Cypress Point Cir
Lone Tree, CO 80124–3105
303 799–1074
303 799–0613 data
303 885–9809 cell
pnzbash@msn.com

MTC–00008870

From: Bettyhu
To: Microsoft ATR
Date: 1/5/02 10:57am
Subject: Microsoft Settlement

We were so pleased when the first settlement was made. It is hard to imagine how the States could have been hurt. It seems to us they are just being greedy.

Our country needs Microsoft to be able to continue to improve its products. Please reject the States suits.

MTC–00008871

From: WynLsk@aol.com@inetgw
To: Microsoft ATR
Date: 1/5/02 11:02am
Subject: Microsoft Settlement

I think the settlement was fair, and it's time to leave them alone.My tax dollars can be spent on something better, like investigating Janet Reno. She is a crook, and has got away with a lot. She spent eight years covering up for Bill Clinton.I waited eight years for justice and i don't see it yet.Do you ever plan on looking into her obstruction of the truth.

Wayne
CC:WynLsk@aol.com@inetgw

MTC–00008872

From: Dick H.
To: Microsoft ATR
Date: 1/5/02 11:10am
Subject: microsoft settlement

please recognize that it is everyone's best interest to get this settled now. let's do it !!

MTC–00008873

From: Ralph Rebandt Sr
To: Microsoft ATR
Date: 1/5/02 11:29am
Subject: SETTLE QUICKLY

The longer it takes to settle this—it will continue to hurt the economy. Microsoft is in the right.

Ralph Rebandt

MTC–00008874

From: Marion Behlert
To: Microsoft ATR
Date: 1/5/02 11:32am
Subject: Microsoft Settlement

Wind up the Microsoft case! The lawyers are the only ones winning. Get it finished! If Ashcroft has something to do w/it, I'm sure it will be fair.

Marion Behlert
5926 Price Rd.
Milford, OH 45150

MTC–00008875

From: Jiri Bures
To: Microsoft ATR
Date: 1/5/02 11:41am
Subject: Microsoft Settlement

As a concerned consumer and citizen I overwhelmingly agree that a settlement in the Microsoft case is good and fair to all parties involved including the industry and American economy.

From: George Bures, geobu@mymail.cz

MTC–00008876

From: Jay Burch
To: Microsoft ATR
Date: 1/5/02 12:12pm
Subject: Microsoft Settlement

I believe that the DOJ has not represented the interests of the American consumer in the DOJ's pursuit of Microsoft. Therefore, any agreement that Microsoft finds acceptable is fine with me. The motivation of the DOJ is what needs to be questioned here; not the practices of Microsoft.

Jay Burch

MTC–00008877

From: Lelachance@aol.com@inetgw
To: Microsoft ATR
Date: 1/5/02 12:14pm
Subject: MICROSOFT SETTLEMENT

Dear Sirs,

As a concerned citizen I stronly beleive this case has dragged on long enough and should be settled immediately. The settlement accepted by other States is just and fair and should be acceptable to all! Time to stop messing around and move on!!!!

Leo and Joan LaChance

MTC–00008878

From: Charlotte Venner
To: Microsoft ATR
Date: 1/5/02 12:15pm
Subject: Microsoft Settlement.

This is a good settlement. It is not in the public interest to deay this any further. We need certainty in the marketplace. Also, I believe tat technolgy has moved beyond the issues in the case. It needs to be closed.

Thank you, Charlotte Venner
Charlotte M. Venner, Esq.
VENNERADR
MEDIATION AND ARBITRATION
One Sansome St., 20th Floor
San Francisco, CA 94104
Phone: (415) 733–7858
Fax: (415) 388–1036
E-Mail: venneradr@msn.com
Web Site: www.venneradr.com

MTC–00008879

From: Allen L Plitt
To: Microsoft ATR
Date: 1/5/02 12:20pm
Subject: Microsoft Settlement

Dear Sirs, Please put a quick end to this case. I think a lot of people are sick and tired of hearing the competitors of Microsoft dictate to our government what to do to hurt this corporation just so they may more quickly gain more of the pie. If they cannot beat Microsoft with a better product, then they should not be allowed to beat Microsoft(period). How next will it be possible to get subsidization from our government.

MTC–00008880

From: Dan Rohr
To: Microsoft ATR
Date: 1/5/02 12:26pm
Subject: Mirosoft Settlement

Hello Department of Justice,

It is my understanding that the DoJ is accepting public comment on the case against Micro-Soft. I have, for years, been annoyed about the injustice that MS has had to bear:

* They create products that have been used by the public and government to attack them—people use Word to write documents used in court to prosecute MS, people use MSs versions of email and Internet Explorer to send messages promoting the destruction of MS; Im sure you can think of more examples.

* They are largely instrumental in the proliferation of cheaper and cheaper, yet more powerful home/business computers. And yet, they are attacked for harming the public.

As the fictional Howard Roark pointed out in his defense, in Ayn Rands The Fountain Head, long ago, someone discovered fire, and he was probably burned at the steak by his contemporaries that benefited from that very discovery. We havent come very far, sacrificing great men for the satisfaction of the mob; or have we?

The corrupt Clinton administration devoted, and diverted, great resources toward the torture and destruction of the popular boogie-man, Bill Gates, while ignoring the paramount responsibility of defending the country from violent attack. I have been encouraged by the Bush administrations apparent change in course against MS. I urge you to open the jaws and let them free. The Wests greatest country, with its technology and her heroes that create it, have enough enemies (foreign and internal) without the DoJ going after it too.

Best regards,
Dan Rohr
2304 Gross Point Lane
Wildwood, MO 63011

MTC–00008881

From: Jim Engler
To: Microsoft ATR
Date: 1/5/02 12:27pm
Subject: MICROSOFT Settlement

I wanted to take a moment to tell you that as a 3 year employee of Microsoft's Federal division and 24 year officer and tactical jet pilot in the United States Navy, that I understand integrity very well, and have seen Microsoft always act with integrity and always go well beyond what's expected of a company always trying to do the right thing for it's customers.

Please seriously consider ending this political abuse of arguably one of the most important companies in the United States. Microsoft can significantly help lead this country out of recession if it's given the chance. Thank you! Jim

James Engler
Federal Defense Agencies Manager (DOD/USAF)
Wk: (980) 776–9809
Cell: (704) 277–5758
''You have not only the right to be an individual, you have an obligation to be one''—Eleanor Roosevelt
CC:Jim Engler

MTC–00008882

From: Lawrence MacDonald
To: Microsoft ATR
Date: 1/5/02 12:43pm
Subject: Microsoft Litagation

It is time to settle this case on a federal & statewide basis.The proposed settlement seems fair & should be implemented.

The nation has more important things to do than to continue this contentious litigation.

Lawrence E. MacDonald
Crossville,TN.

MTC–00008883

From: Jim Oliver
To: Microsoft ATR
Date: 1/5/02 12:52pm
Subject: Microsoft Settlement

Dear Sir or Madam,

I am concerned about the lengthy court battles of the government vs. Microsoft. I

believe it is in the best interest of the economy and the future of technology that this be settled immediately.

Our economy is still very fragile and we need a boost. An immediate settlement of the Microsoft case would be that boost. Microsoft, as a company, has done more for technology in the last 15 years than any other company. Let's put the company back to work, take this distraction away from them, and see what they can do for us over the next 15 years. Thank you for your attention.

Jim Oliver
Colby, KS

MTC–00008884

From: William Bennett
To: Microsoft ATR
Date: 1/5/02 12:53pm
Subject: Microsoft settlement

To Whom It May Concern:

Many thanks for the fair Microsoft settlement. It is good to have closure so that the country can go forward to solve the present economic downturn without the distraction of the politics associated with the Microsoft settlement. Hopefully the interests who wish to keep this settlement open interminably will be tharwted and the country move ahead economically.

Yours sincerely,
William B. Bennett

MTC–00008885

From: Don Rahl
To: Microsoft ATR
Date: 1/5/02 12:59pm
Subject: Microsoft Settlement

Please complete this settlement as outlined in the present proposal. I believe it is time to get on with business. It seems to me that Microsoft is a vital part of our national economy and should continue to add it's part to our national product totals. Let's wind up the settlement and stop the sidetracking of Government resources at Justice so they can concentrate on more important activities.

Sincerely,
Don Rahl
107 Blencowe Court
Folsom CA 95630

MTC–00008886

From: Mike Shreve
To: Microsoft ATR
Date: 1/5/02 1:04pm
Subject: Microsoft Settlement

Please proceed with the settlement of the Microsoft case. Despite the hype, ALL software prices have decreased where Microsoft products are offered.

As far as being a monopoly, Apple, Sun, and Oracle have monopolies in their fields, AND charge higher prices.

Microsofts only real impropriety has been controling manufacturer and distributor sales of their product. They've agreed to stop doing that. END OF STORY.

Mike Shreve
727–539–6498

MTC–00008887

From: John H. Gardner
To: Microsoft ATR
Date: 1/5/02 1:06pm
Subject: Microsoft Antitrust Settlement

Dear Sirs;

I am writing in support of the Microsoft Settlement agreement the Federal Government and nine states have endorsed. I believe this settlement is in the public interest. It is time to put this litigation to rest and move on. It is certainly important for technology companies to have the freedom to inovate.

Thank you.
John H. Gardner
560 S. Belvedere Blvd.
Memphis, TN 38104

MTC–00008888

From: web blank
To: Microsoft ATR
Date: 1/5/02 1:16pm
Subject: e-atm integer mint budget case 01245

the money is mine not microsoft the worlds and i have the freedom of my business and govt to by the banking titles and copyright title to do such the monetary decree and desision i want is that it is mine for the first offer and the year 2002.

signed RICHARD JOHN FRANK AND I HAVE NOT POBOX AND NO ADDRESS EXCEPT THE GENERAL DELIVERY OLYMPIA WA 98501 RESPOND IF NECESSARY

THANK YOU ..

MTC–00008889

From: sparky
To: Microsoft ATR
Date: 1/5/02 1:38pm
Subject: Microsoft Settlement.

Dear Sir;

Please stop the ongoing litigation and bring closure for the sake of our public and country.

I personally admire the direction of Microsoft and it's innovations which enhances our growth in the technology and software leadership. Our country needs to unite in these times to move ahead and continue to show the world of our advancement to society as a whole.

Sam Green
West Bloomfield, Mi

MTC–00008890

From: AANDJMARVAN
To: Microsoft ATR
Date: 1/5/02 1:25pm
Subject: Microsoft Settlement

As a consumer, I have always felt that I had the freedom to choose whatever I wanted, whenever I wanted it, and, to a certain extent, however I wanted it. I strongly believe that Microsoft is a victim of it's own success. Some people, the majority of them being Microsoft's competitor's, complain that Microsoft's success was a result of foul play. That is totally untrue. Microsoft is a leader in it's field because of a vision, hard work to implement the vision, and innovation to remain a competitive force.

These are not acts of crime or foul play, these are acts of the American dream. Let's not penalize successful, hard working people, let us simply allow them to thrive. Government intervention, in order to level the playing field, has almost always historically resulted in hurting the people the government was trying to protect, the consumer. Do we so quickly forget how Microsoft has contributed to the explosion of the computer industry, and do we also forget how many jobs they have created not only at Microsoft but also at a plethora of other companies that started up as a result of their success? This whole case is a big let down and a real slap in the face to Microsoft and aspiring Americans who want to live out the American dream to it's full potential. Don't forget, Microsoft isn't just Bill Gates, it's a corporation with many employees and many business owners in the form of shareholders. Please be very careful and very wise in considering this settlement. People are being hurt because this case is costing a great deal of money in tax revenue and in company revenue. Who is really winning here if tax paying consumers are dumping money into this case over many years? The obvious answer is that no one is. All of us are losing money in one form or another. Please resolve this matter as soon as possible so everyone can get on with business and put this senseless debate behind us. I appreciate your attention to my concerns.

Have a great new year.
Anthony F. Marvan

MTC–00008891

From: Kenneth Hopping
To: Microsoft ATR
Date: 1/5/02 1:33pm
Subject: Comment on Proposed Settlement

The proposed settlement does not impose any substantive penalty on Microsoft for its past monopolistic behavior. It also does not implement any real corrective actions other than promises by Microsoft to be less evil in the future. The entire package has the appearance of a political buyout with DoJ becoming little more than employees of Microsoft. I urge the rejection of this travesty of justice. The public is in no way served by the anemic measures proposed and in fact will be irreparably harmed by what is, in effect, a government certification of Microsoft as a legal monopoly.

Kenneth Hopping
4117 145th Ave. NE
Bellevue, WA. 98007

MTC–00008892

From: Marvin Francis
To: Microsoft ATR
Date: 1/5/02 1:33pm
Subject: microsoft settlement

I believe that Microsoft has been harrassed enough. For the good of the economy, please let the present settlement stand. Any further litigation will only hurt the company and have an adverse effect on the hopefully recovering economy.

Sincerely
Marvin H. Francis.

MTC–00008893

From: JINTAG@aol.com@inetgw
To: Microsoft ATR
Date: 1/5/02 1:34pm
Subject: Microsoft settlement

Dear Sirs,

I believe it is about time that this case is finaly put to rest. The public interest is being served with the appelate courts decision.

Thank you for your attention in this matter.
Sincerly,
John Intagliata

MTC–00008894

From: Jean Valleroy
To: Microsoft ATR
Date: 1/5/02 1:29pm
Subject: Microsoft Settlement

Please do delay this settlement. Everyone has worked very hard and diligently for a long time. There will never be a time when everyone is content. The DOJ can use its time and energy more effectively for other concerns of Americans. Get on with it!

MTC–00008895

From: Matthias Schonder
To: Microsoft ATR
Date: 1/5/02 1:45pm
Subject: Microsoft Settlemen

Ladies and Gentlemen, some friends informed me, that you are ''listening to the voices of non-Microsoft users'' which makes me very happy as it shows that you really care about users.

My friends showed me a sample of a good writting to you and I think it is so good that I just copied and pasted it. This is not because I'm lazy or something it is very close to my statement and as my english is poor it think this is the best way.

But I also want you to know, that Microsoft ''one-OS-boot''-license is one of the factors why Be, Inc. failed and is now history.

Thank you very much for taking time reading this.

I am part of a worldwide network that is working on getting the BeOS or equivalent back into the market place, but there is no hope of success if the following issues aren't addressed: MS Office needs to be opened, so that developers interested in porting it or understanding the document formats can do so either in form of a source code licence or an allowance to see it, check it and ''clone libraries'', so that applications on non-Windows OSs can read and write MS Office formats for flawless interaction with Windows users.

The Win32 API needs to be made available (incl. undocumented APIs) so that WINE can be successfully ported not only to BeOS but other OS too.

The file system needs to be opened, so that BeOS users can continue to access files on non-BFS partitions.

BeHappy
Matthias ''LoCal'' Schonder
BeDev#: E–18032
http://www.schonder.com/matthias.schonder

MTC–00008896

From: Dave C. Hill
To: Microsoft ATR
Date: 1/5/02 1:50pm
Subject: Microsoft Settlement

Here's another copy of a recent internal e-mail, Good OP Monopolistic/Anti-Trust Violating Microsoft, sent out to it's people urging them to, again, use whatever means they can think of to ''Crush'' the competition.

The U.S. Government has the ''Obligation'' to properly punish this company because of it's court conviction on ''Anti-Trust'' violations. Don't let these people off! They've already driven many companies with great products and ideas out of business. They've already stolen many technologies invented by other companies, changed them to be ''Proprietary'' to Microsoft, and marketed them as their own ideas to further their economic/technological stranglehold on the world.

Prosecute them, don't strike deals!
From: Brian Valentine
Sent: Wed 12/26/2001 7:14 PM
To: WW Sales, Marketing & Services Group
Subject: Me again—Linux updates

Microsoft Confidential—Do not print, copy or forward this email and do not share this email with anyone outside the company. For internal use only!

Now that the whole world knows we are taking Linux seriously based on the leak of my last email... Wait—stop there -since when did they think we weren't taking them serious?!? Did they think we are not going to build the best products possible? Did they think we were going to just be fat, dumb and happy and not continue to win business? Did they think we were going to forget about taking care of our customers??? NO!

Who do they think we are? We have the best d*mn sales force in the world backed by the best engineers in the world—of course we will take any non-Windows OS serious. The thing about the leak that made me mad was not that we would legitimize Linux, etc. it's good in some places, we are better, and it's not very good in other places and we are much better, but they are a competitor and we will compete. What made me mad was that my friends—some of you and some of our customer's names where in that email and then available for all to see on the web.

That made me mad. I want you selling and supporting our products—not having to take random calls, emails, etc from the press and others and I know what out customers share with us is in confidence that we will keep it internal. I have no problem any random Linux person sending me hate mail, junk mail, adding my email address to every list server out there, you name it—that comes with the job, but I don't want my friends to have to deal with the same junk.

Ok, Ok, enough of that. On to some new things we are doing for you around Linux. Linux is out there in some of your accounts and you may not know it. The ground up nature of how Linux is introduced into our accounts means that we need to modify our traditional approaches of finding out about Linux in our customer base. We have to be more hands on and dig deeper in your accounts!

Many Linux projects in CAS and Depth accounts happen below the IT Manager/BDM level. It's crucial that you get out there with your TSP/SE/MCS folks and do actual walkthroughs in your accounts. Ask open ended questions; find out what they're evaluating for both key projects as well as smaller, more tactical projects. Ask about the 'connector' pieces—you'll potentially find Linux in these areas. This is a great way to not only find out about Linux, but also other IT projects that may include Novell, Sun, Oracle, and other competitors! If you are struggling with how to do this, then do the simple exercise of walking through you accounts data centers and when you see a Sun or IBM machine, ask what it's used for, if you see some strange servers you don't what they are doing—ask what is running on them and take notes. I would like to challenge each of you to have these conversations with your customer as soon as you can. Oh—and you can bet anyplace IBM is talking to your accounts, they are saying Linux and switching to higher end non-pc systems. With the current economic times we are living in, just about every customer is looking into how they can get rid of those over-priced, legacy Unix systems and ride the PC economics wave. We need to be there when they are making these decisions and prove to them the Windows platform is the best platform for them across any aspect of their business. I want you to know just how seriously we're taking Linux here in Redmond. We're investing major efforts in creating easier processes and resources for you.

I. To start, we have expanded the in-field Linux Competitive Champ program and renamed it ''Linux Insiders'' Like the other TSP Champs programs, it has been changed to use the new TSP role-based database and will be ready to roll out with its new name at the Envision event in January. It is up to each regional TSP manager to select or assign each member; therefore, anyone wishing to become an Insider should see their manager to be signed up. Much like the support ''communities'' that define the Linux experience, the FCS team will strive to build a community to cooperate in winning business against Linux. By building a virtual team of field staff and corporate resources, we will enable the field to have one place to go for communication and competitive information. The Linux Insiders will have access to a centralized web site where personnel can request help, route issues, and share best practices that the entire field can leverage. This site, a restricted sub-set of the http://infoweb/linux site, will be accessible by all ''Insiders,'' for items such as SLT reviews, web-casts, notes from conference calls and other sensitive information. If you have questions about the Insiders program, please email Kelly File of the FCS team at mailto: kellyfi.

II. Second, I'd like to announce the new Linux/UNIX escalation process that is being headed up by IMS Enterprise & Partner Group VPJ Charles Stevens' organization. Here's how it works: a. First, make sure you check out the latest additions to the Web sites: http://infoweb/linux and http://infoweb/sundown.

b. If you can't find what you need there, involve your local expert: the district Linux or Sun Insider (TSPs with Linux and/or Sun competitive responsibilities). These Insiders have the expertise and the resources to help you win. You can find your local Insider on the web sites.

c. If you still need help for Global, Strategic and Major accounts, the Linux/Sun Insiders (or your GM) can escalate the issue to the new corporate Linux/Unix Escalation Team. Let me emphasize that you need to work with your local Insider or your GM because they have direct access to this escalation team. The team is committed to provide an initial response within one working day. These guys have in-depth UNIX industry backgrounds and have been winning against UNIX and

Linux. The product development organization will be working closely with this team to make sure you have all the resources you need.

III. Finally, we're working hard to debunk the myths around Linux. We're approaching this in waves.

a. The first wave will attack the perception that Linux is free. To that effect, we'll have an independent analysis commissioned by DH Brown looking at a very popular topic these days—server consolidation. If you're not seeing this yet, you probably will. IBM is proposing to use Mainframes running many virtual instances of Linux as a low cost server consolidation scenario for file and print, messaging, and database activities. The DH Brown report will be customer ready and will help your customer understand just how competitive Microsoft is in this arena.

b. The second wave will be a full blown cost analysis comparison case study between Linux and Windows in a variety of usage scenarios (web, file and print, etc.) done independently by the analysts for us. ETA for this tool is in May and it will be a great tool to help you sell the value of Windows solutions over Linux. If you have any questions on this study, please email the mailto: ??nxteam alias.

You can expect us to turn up the volume on winning against Linux, as well as IBM. There is some great cross team work between PMG, SMG, and CMG marketing groups to ensure we're addressing your needs and believe me, that feedback goes directly to me and the senior leadership team so we can build better products to help you win against Linux!

Thanks,

Brian

Microsoft Confidential—Do not print, copy or forward this email and do not share this email with anyone out side the company. For internal use only!

PS: I used to run Exchange—so if you think I am not tracking this message, think again. Don't forward it! And if you have forward rules that have forwarded this message, then perhaps you should think again about forwarding internal email with those rules. I want to give you folks all the information I can in a very open way. If we continue to have bad apples or careless people out there, I will not be able to help you by sending this kind of information!

''Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and the success of liberty.''

.... John Fitzgerald Kennedy—1/20/61

Dave Hill <dchilll@qwest.net>:–)

MTC–00008897

From: Bonnie L. Irwin
To: Microsoft ATR
Date: 1/5/02 2:05pm
Subject: Opinion on Agreement

Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The Department of Justice and Microsoft recently reached an agreement after a long battle over antitrust practices. This agreement was equitable; both sides getting something each wanted. I was relieved to see the final chapter of a case that had costs millions of dollars and untold hours.

Now it appears Microsoft will have to share coding information with its competitors, and allow companies to promote its competitors' products unhindered. It is time to move on. We have spent enough time and money on this case. Microsoft is a solid, profitable, well-managed company, unlike some airline companies I know. As a grateful long-time user of Microsoft products, I find it ironic that those who seek to hinder innovation are often those folks whose secretaries have to print out their email.

Why is it that Congress bails out ill-managed companies, but yet goes after well-managed companies?

We need to let the terms of the settlement take hold and allow our IT sector to move forward.

Sincerely,

Bonnie Irwin
Bonnie L. Irwin
IRWIN MANUFACTURING
266 Highway 128
Wilson, WI 54027
phone: (715) 772–3120
e-mail: bonnie@irwinman.com
CC:fin@mobilizationoffice.com@inetgw

MTC–00008898

From: cynthia
To: Microsoft ATR
Date: 1/5/02 2:10pm
Subject: MICROSOFT SETTLEMENT

TO whom it may concern, I sincerly hope the microsoft settlement is final and we can get on with business.

Let innovation continue.

CYNTHIA THOMAS
ATLANTA GEORGIA

MTC–00008899

From: Curtis Rey
To: Microsoft ATR
Date: 1/5/02 2:16pm
Subject: Competitive Impact Statement

I am writing to your team to voice some concerns I have about the proposed settlement in the Microsoft v D.O.J. case. I understand that you have, more than likely, recieved countless communiques regarding this issue. However, I feel compelled to write to you in regards to possible, if not probable, negative outcomes of the present state of the proposed settlement.

Mr. Cringley did an interesting analysis of the MS Settlement that I thought of particular interest to the Open Source community, and to the Department of Justice' team. But his opinions are not pertainant to just the Open Source community, but also relate to commercial and public interest regarding the competitive business and market arena.

''The remedies in the Proposed Final Judgement specifically protect companies in commerce—organizations in business for profit. On the surface, that makes sense because Microsoft was found guilty of monopolistic activities against ''competing'' commercial software vendors like Netscape, and other commercial vendors—computer vendors like Compaq, for example . . .But Microsoft's greatest single threat on the operating system front comes from Linux—a non-commercial product—and it faces a growing threat on the applications front from Open Source and freeware applications. . . .Section III(J)(2) contains some very strong language against not-for-profits.

Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...'' So much for SAMBA and other Open Source projects that use Microsoft calls'' (as in protocal and API calls). ''The settlement gives Microsoft the right to effectively kill these products. Section III(D) takes this disturbing trend even further. It deals with disclosure of information regarding the APIs for incorporating non-Microsoft ''middleware.'' . . .. Yet, when we look in the footnotes at the legal definitions for these outfits, we find the definitions specify commercial concerns only. ''

''The biggest competitor to Microsoft Internet Information Server is Apache, which comes from the Apache Foundation, a not-for-profit. Apache practically rules the Net, along with Sendmail, and Perl, both of which also come from non-profits. Yet not-for-profit organizations have no rights at all under the proposed settlement. It is as though they don't even exist.''

My concerns, and the conerns of many others are that ''..the government is shut out, too. NASA, the national laboratories, the military, the National Institute of Standards and Technology—even the Department of Justice itself—have no rights.''

To be specific. Such companies as Sun, Oracle, not to mention IBM stand to loss greetly. I would like to remind the ATR-team that IBM alone has invested over $1 billion in open source developments and products. Granted it is not the function of the D.O.J. to secure the profitability of private industry. However, correct me please if I am mistaken, but the purpose of the case was to curtail the illegitimate business practices of Microsoft and to afford a more level and competitive environment for private industry and business. Also, the cases underlaying function was to further provide an equitable market place for the comsumer.

I fail to see how it is expected that Microsoft will ''meet reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...'' I believe a independent standard should be the criteria under which Microsoft may ''certifying the authenticity and viability of its business [products and services].'' This is because, having been found unanimously guilty of being a monopoly and all the aspects of the aformentioned, it is incumbant upon Microsoft to continue, in part or in whole, to conduct its' business as it did prior to any ajudication of guilt, penality, or constraints.

Micosoft products, such as ''Office'', have become a quasi-standard simply by its'

ubiquity in the market place. And furthermore, Microsofts ubiquity in the market place has been deemed to have been established by leveraging its' monopoly position in combination with unfair, and now deemed by ''fact of law'', illegal business practices. Hence, if such products and their underlaying technology (in the form of source code, API's, protocols, etc..) has become the aformentioned ''quasi-standard'' does it not seem reasonable and prudent to formalize said standard and allow governance of this standard to be done by a consortium of independant agencies. And that the underlaying technology involved in this standard be made open, insofar as to afford competing business and developers (comercial or research based) the opportunities to provide the consumers and businesses relying on these product with greater choice, stablility, ''security'' and flexiblity of products to choose from and impliment.

I strongly urge the ATR-team handling the Microsoft case and settlement to redirect their efforts in refining the conditions, stipulations, and mandates of the aggrement in order to provide a more suitable framework for the use and development of informantion technology and computing products and markets. I fear that in its' present form the proposed settlement will only further entrench Microsofts position in the market place. And it will lead to further and costly litigation in the future.

Thank You.

Respectfully,

Curtis Rey R.N. B.S.N.

MTC–00008900

From: FABEYBABY@aol.com@inetgw
To: Microsoft ATR
Date: 1/5/02 2:11pm
Subject: Microsoft Settlement

To Whom It May Concern

I would like it known that I feel this issue should be settled as soon as possible. I believe that it is hurting the economy greatly and is a waste of tax payer dollars. Money that could be used in many other places where it is greatly needed. This is and has been one of the biggest scandals in the history of business. For the good of all people in the United States of America please settle this so Microsoft can get on with business. Business that helps our Nation stay on top.

Sincerely,

Shirley J. Fabian

MTC–00008901

From: Thomas Grayson
To: Microsoft ATR
Date: 1/5/02 2:15pm
Subject: Microsolft Settlement

Dear Sirs,

Despite the aggressive lobbying efforts of a few of Microsoft's competitors, the federal government and nine states finally reached a comprehensive agreement with Microsoft to address the reduced liability found in the Court of Appeals ruling. This settlement is tough, but reasonable and fair to all parties involved. Consumers overwhelmingly agree that settlement is good for them, the industry and the American economy.

Please send the special interest parties back to where they came from, accept the settlement, and let Microsoft's competitors compete in the marketplace instead of the courtroom.

Sincerely,

Tom Grayson

MTC–00008902

From: Gadient2PB@aol.com@inetgw
To: Microsoft ATR
Date: 1/5/02 2:17pm
Subject: Microsoft Settlement

2165 W George Washington Boulevard
Davenport, Iowa 52804
January 5, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I have never agreed with the government's decision to sue Microsoft, and that is why I support the government's decision to settle this case. I am relieved to see this three- year-long dispute resolved.

Microsoft needs to be allowed to go back to its own business without having to worry about court costs, and strategies to keep the products that they themselves invented. The company has already agreed to share information and help other companies compete, and this is more than enough to warrant the government ending litigation. By settling we can now see positive effects on our economy and technology industry. If other companies are concerned about Microsoft obeying the settlement, a technical review committee will make sure that Microsoft does.

Thank you for settling with Microsoft and allowing this company to devote its resources to more productive activities instead of litigation. Thank you for your support.

Sincerely,

Patrick Gadient

CC:Gadient2PB@aol.com@inetgw

MTC–00008903

From: Donald A McMahon
To: Microsoft ATR
Date: 1/5/02 2:31pm
Subject: Microsoft Settlement

To Whom it May Concern:

I believe the current settlement agreement between Microsoft and the U.S. Justice Dept. is fair and just for the American consumer and Microsoft Company. I believe one of the main objectives of the U.S. Justice Dept. is to review policy of any company or persons doing business in the United States with the purpose to protect the American consumer against unfair trade or fraud. The current settlement with its required set conditions for the Microsoft Company meets the above objectives. Any revision as requested by those States and/or Company not in agreement would send the balance of the scale to one side, thus causing an unfair condition to the American consumer.

Sincerely,

Donald A. McMahon

MTC–00008904

From: Merlin DuVall
To: Microsoft ATR
Date: 1/5/02 2:40pm
Subject: microsoft settlement

Dear Sir/Ms,

This message is probably one that would be agreed with by the majority of business owners world wide.

The user ability of a computer and software is all important in the daily survival of small and large businesses.

The compatibility of the programs in MS Office is all important, and is not duplicated elsewhere although they are getting better. That is competition at it's best.

The problem of hackers and viruses today would be magnified greatly is the windows information was made available for industry use.

Although the legal process is primarily concerned with domestic monopolies I would like to make the point that the world market is getting smaller fast, and even the events September 11th illustrate how we cannot help but look beyond the boundaries of the USA when considering what the ramifications are decision made here.

Foreign computer hard ware and soft ware manufactures are going to benefit most by any information that is made non proprietary by the court decisions.

Keeping technology in this country should be the primary concern. The settlement must take these points into consideration and not just the complaints of computer companies in this country that have put their ladders against the wrong wall as far as illustrating that they cannot operate their businesses without gaining ms proprietary information. Thank you in advance for considering my opinion.

Merlin D. DuVall CEO

The MERLIN Process

MTC–00008905

From: Mike Ervin
To: Microsoft ATR
Date: 1/5/02 2:48pm
Subject: Microsoft Settlement

In reguards to the settlement I am unsure if this is supposed to be a letter of aggreement to the settlement or a forum to coplain about the way microsoft has integrated its software. But from my point of view I would like to air a complaint about the way microsoft has integrated its mail client ''Outlook'' with its instant messanger product. The Instant messager is launched everytime I launch Outlook and I consider this to be a possible security problem and a resource hog. I have written to microsoft and they have informed me that thier is no way to seperate them.

Please let me know if other avenues are avaliable or if I have done this properly, thank you

Mike Ervin

MTC–00008906

From: Eric Rodriguez
To: Microsoft ATR
Date: 1/5/02 2:46pm
Subject: Microsoft Settlement

Usually I take a passive approach, but recent MICROSOFT ACTIONS ARE OUT OF ETHICAL LINES. I'm not sure if you've heard but MS is now advertising that you better have MS licenses or face steep fines and/or jail time. I'm not pro-SUN or pro-MS. I am for individuals and business to be rewarded fairly for intellectual and business properties, but I think all of these companies have scum

bag business practices. In fact because I work as a net admin in a Cisco/Sun/MS shop and have been working on upgrades I've recently had to deal with Sun no prime no vaseline fu$% − Ng. In the Sun case the company went in search of needed upgrades. What MS is basically doing is saying that they are going to come to your place of business and force you to upgrade to their latest software platforms. Of course MS are not directly saying that. Their taking the moral stance of appointing themselves as the software Gestapo who claims every company is using MS software illegally. The company I currently work for is a software company and believes highly that all software developed for business initiatives should be paid for. If they didn't they wouldn't be in business. I've been working in the technology field for over ten years with the last six directly involved in information systems. I have worked for many companies within that period of time and I have yet to work for one company that did not make it top priority to have software licenses for all software in use by the company. What MS is doing is wrong and even though it is NOT in the publics best interest it is supported by our government.

Should we allow one company to force their software on the entire computing community? The government thinks so because they have sponsored Microsoft's business practices, which have made it so other companies can not compete with Microsoft desktop office and Internet software, which in turn will make these forced Microsoft upgrades policies possible. Maybe the government should allow every company in the world to come to your home or place of business to force you to show them receipts for every item that you have in your possession. If you don't have a receipt for the item in your possession than the manufacturing company can confiscate any and all items and can willfully impose a fine unless you buy the companies latest product. Looks like the government loves this idea...

CC:microsoftcomments@doj.ca.gov@inetgw

MTC–00008907

From: Ty Vore
To: Microsoft ATR
Date: 1/5/02 3:19pm
Subject: I am part of a worldwide network that is working on getting the BeOS or equivalent back into the mar

I am part of a worldwide network that is working on getting the BeOS or equivalent back into the market place, but there is no hope of success if the following issues aren't addressed: MS Office needs to be opened, so that developers interested in porting it or understanding the document formats can do so either in form of a source code licence or an allowance to see it, check it and ''clone libraries'', so that applications on non-Windows OSs can read and write MS Office formats for flawless interaction with Windows users.

The Win32 API needs to be made available (incl. undocumented APIs) so that WINE can be successfully ported not only to BeOS but other OS too.

The file system needs to be opened, so that BeOS users can continue to access files on non-BFS partitions.

The ruling must include a ''must-carry'' rule, so that any OEM Microsoft is supplying Windows with HAS to ''dual- boot'' an alternative operating system, in this case BeOS, in order to remedy the damage MS has done to BeOS in the past.

It has to carry a competitive impact statement, explaining how MS damaged Be and the BeOS with its tactics. It should also say that the current ''remedy'' the DOJ is suggesting is far too weak and that it doesn't carry all areas.

I truely belive that competition in computer operating systems is a good thing. Watching the number of computers contantly being attacked by hackers makes me believe that more diversity means more security.

Ty S. Vore

MTC–00008908

From: jim (sparky)
To: Microsoft ATR
Date: 1/5/02 3:01pm
Subject: Microsoft Settlement

James E. Cliff Jr.
11808 Liming-Van Thompson Road
Hamersville, Ohio 45130
January 5, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Attorney General Ashcroft:

The settlement offered by the Department of Justice, and accepted by Microsoft, to settle the antitrust case seems to be about all that can be hoped for in today's political climate.

My personal preference would have been for the government to stay out of the mix altogether. After three plus years and untold millions it is time to end this case.

I have a great deal of trepidation anytime I see government mixing in subjects that can only cause technological stagnation and higher costs in the long term.

I am in support of the decision of the Department of Justice to settle this case. Please, end this case now.

Sincerely,
James E. Cliff Jr.

MTC–00008909

From: Bigtalk02@aol.com@inetgw
To: Microsoft ATR
Date: 1/5/02 3:08pm
Subject: Microscope Settlement

To the U.S.Gov't:

Please ''get off the back of Bill Gates''. Because of Bill Gates and the ''Windows'' operating system, he has made available to the common man and senior citizens in particular, the wonders of the internet and computers in generals. He has provided many jobs for many people and is blessing to America. That is what America is—most anybody can succeed is they work hard and have a little sense.

Those who are complaining don't really care about the rest of us—they only care that someone else is making more money than them and are jealous they didn't create windows first.

Thank you.

MTC–00008910

From: Virginia Vietz
To: Microsoft ATR
Date: 1/5/02 7:11am
Subject: Microsoft Settlement

In my opinion a settlement between all parties would be in the best interest of everyone, Microsoft, the DOJ and most of all the consumers. Please don't drag this out any longer.

Virginia Vietz
4680 Wornath Rd.
Missoula, MT 59804

MTC–00008911

From: lcueroni(a)gate.net
To: Microsoft ATR
Date: 1/5/02 3:10pm
Subject: Microsoft Settlement

Dear Sirs: As a computer user, and a concerned US citizen, I am delighted that the Microsoft case is near settlement. In my opinion a final settlement in favor of Microsoft is overdue. A favorable settlement would allow Microsoft to return fully to the business of developing more beneficial software and operating systems in the computer industry, and would certainly have a positive and stimulating effect on the US economy. I am fairly familiar with the nearly four year litigation against Microsoft, and at no time have I felt that there was a viable anti-trust case against them. Discussions with my computer literate, and non computer literate friends, overwhelmingly agree that a settlement is good for them, the industry, and the US economy. Thank you for your time and consideration.

Respectfully,
Lee A. Cueroni,
Commander, USN (ret.) God Bless America.
CC:lee cueroni,MSFIN@Microsoft.com@inetgw

MTC–00008912

From: yergan john
To: Microsoft ATR
Date: 1/5/02 3:20pm
Subject: Microsoft Settlement

I wish to express my opinion concerning the pending microsoft case. The proposed settlement between microsoft and doj is more than fair to consumers. The best thing for consumers is to let microsoft move on, providing consumers worldwide with the kind of software it has been producing for years.

Microsoft competitors need to compete on their own, not with the aid of even more government intervention.

Microsoft is the best thing that has happened to the US economy in the last quarter century. It is time for everyone to move on. The already proposed remedies are more than sufficient. People like Larry Ellison and Scott McNeely have no interest in fairness. All they care about is winning. The state attorney generals who are not accepting of the doj settlement are responding to biased interests.

John Yergan

MTC–00008913

From: Rodger Small
To: Microsoft ATR
Date: 1/5/02 3:23pm
Subject: Microsoft Settlement

I believe that Microsoft is displaying monopolisticly in the marketplace. The fact there is no alternative PC operating system widely used is simple recognition of that behavior. Another indication of monopolistic behavior is no price competition in the marketplace. Win98se has been around $90 retail even with the advent of two successive operating systems and one year later.

Microsoft has removed all competitors and has no need to be price competitive. I feel a fine of $10 billion would not be excessive. The fact that Microsoft has four times that much short term cash available means something is lacking on the competitive side of things, and also on the DOJ side of things watching the marketplace too.

Microsoft makes good products, but they are too proud of their products.

Thanks.

Rodger Small

MTC–00008914

From: Linda Mattox
To: Microsoft ATR
Date: 1/5/02 3:26pm
Subject: Microsoft Settlement

To whom it may concern:

As a longtime user of Microsoft products, I am very disturbed by the intransigence of special interests in resisting the proposed settlement. The continued unwillingness of some to accept a reasonable settlement is a drain on resources that could well be spent on other matters. The seemingly endless churning of matters is only good for the attorneys and the super-egos who can't seem to let go. It is time to move on.

Linda Mattox
2591 Perkins Lane West
Seattle, WA 98199
(206)283–9216

MTC–00008915

From: ARone10171@aol.com@inetgw
To: Microsoft ATR
Date: 1/5/02 3:26pm
Subject: Microsoft Settlement

To whom it may concern,

In accordance with the recently passed Tunney Act, this e-mail is a public comment on the Microsoft settlement. As an American citizen, I believe that prolonging the litigation against the Microsoft Corporation is not conducive to our country's economic wellbeing. I would like to see a settlement reached quickly and decisively. Such a speedy resolution is in the best interests of the public. Thank you for your time and consideration of public opinion.

Sincerely,

Allison K. Rone

MTC–00008916

From: tupler
To: Microsoft ATR
Date: 1/5/02 3:40pm
Subject: Microsoft settlement

Enough is enough!

Get off the back of MSFT and get back protecting the country. This whole suit was a pathetic attempt by the liberal, intrusive, Clinton-ites to stifle business and free markets. MSFT is NOT a monopoly, has NOT hurt consumers, and HAS wasted enough $$ (along with the DOJ wasting enough of MY tax dollars). If you dont like MSFT products, dont use them!! There really are other alternatives!!

MY DEMANDS AS A US CITIZEN AND TAX PAYER: PLEASE END THIS NONSENSE NOW!!!

Regards,

Marc Tupler

Santa Fe, NM

MTC–00008917

From: Charles Karney
To: Microsoft ATR
Date: 1/5/02 3:53pm
Subject: Microsoft Settlement

From: Charles Karney
702 Prospect Ave.
Princeton, NJ 08540–4037
E-mail: charles@karney.com (not for publication)

To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
E-mail: microsoft.atr@usdoj.gov

Date: January 5, 2002

Re: Proposed Settlement in United States vs Microsoft

I have used computers professionally for the past 30 years. Currently I am employed by Sarnoff Corporation, Princeton, NJ. In this position, I have, for the past two years, coordinated the research computing needs of a start-up company, Locus Discovery, Inc. Locus Discovery uses novel computational techniques to design small-molecule drugs, and at the core of this method is software running on a 2000-processor computer cluster running the Linux operating system.

Linux has provided a incredible opportunities to deploy massive computing resources in an extremely cost-effective manner. This has resulted in great opportunities for America's small companies to realize innovative technologies.

In this context, I find that the proposed settlement in the United Status vs Microsoft to be too narrowly drawn and to allow Microsoft too many opportunities to interpret the settlement to its advantage and to the detriment of the consumer.

The proposed settlement governs the market in desktop PCs running the Windows operating system. In most companies, this computing environment coexists with other platforms: Windows and non-Windows servers, desktop systems running other operating systems, handheld computing devices, etc. With the settlement of this case, the U.S. has an opportunity to foster as wide a range of choice as possible in all these areas of computing and to prevent Microsoft from extending its illegally maintained monopoly. This will allow U.S. companies choose the best tools for a particular job enhancing the overall competitiveness of the U.S. economy.

I believe that there is a straightforward way for the U.S. to ensure this while allowing Microsoft the continued ''freedom to innovate'':

Microsoft should be required to publish technical specifications for all its network protocols, all its data formats, and all its application programming interfaces. The specifications should be sufficiently detailed to allow others to offer competing implementations and Microsoft should explicitly allow such implementations, providing, if necessary, royalty-free licenses to permit this.

Let me provide two examples:

(1) Microsoft should publish the specifications of the file formats using by its ''Microsoft Office'' suite. This will enable other office suites to read and write files in a compatible way. These office suites will likely be available on non-Windows platforms, and this will mean that consumer will not be forced to purchase a Windows platform merely because of the need to read documents produced by Microsoft Office. A consumer may still choose to use Microsoft Office (because he perceives that it provides to the best way to produce his documents) and he may choose to use Windows because of his perception of its benefits. However, he will now have a choice. This will be at no cost to Microsoft's flexibility to create good software. On the contrary, it will offer an incentive to Microsoft to improve the implementation of its office suite since it will now need to compete against comparable compatible products.

(2) Microsoft created a protocol called ''Server Message Block'' to permit files and printers to be shared between Windows systems. There is a free implementation of this protocol called Samba which allows the sharing to take place between Windows and non-Windows platform. This offers a clear benefit to consumers. Unfortunately, the Samba implementation is hampered by the need to ''reverse engineer'' the details of the protocol. Microsoft should remove this impediment by publishing the protocol and specifications of additional protocols, e.g., for user authentication.

Some of the restrictions in the proposed settlement are overly restrictive and should be removed. Two such examples are: (1) The proposed settlement limits the provision of information to companies which Microsoft considers to be bona fide businesses. This restriction would exclude the ''Open Source'' community which is responsible for Samba and Linux. Microsoft should make the information available to all, e.g., by publishing it on a publicly available web site, and the needed royalty-free licenses should permit implementations by anyone.

(2) The proposed settlement also allows Microsoft to avoid disclosure of information which would ''compromise security''. Unfortunately, this provision is open to abuse by Microsoft. Good security protocols can be (and are) published in full without compromising their security. This provision creates a perverse incentive to Microsoft to craft poor security protocols which rely on ''security through obscurity'', a rightly derided mechanism for computer security. By requiring the publication this information, the U.S. would be stimulating innovation in the entire computer industry. The situation would be similar to two other periods where the establishment of computing standards lead to explosive growth: the creation of the PC market by the publication of the hardware standards for PCs, and the creation of the world wide web by the publication of standards for HTML and the underlying networking protocols.

I urge the U.S. to reject the proposed settlement and to create one which will have a clear benefit to the consumer.

MTC–00008918

From: Anonymous
To: Microsoft ATR
Date: 1/5/02 3:56pm
Subject: Microsoft Settlement

I have read through the settlement and agree. It seems fair without being destructive to Microsoft and outlines fair business practices and treatment of competetors, OEM's, etc. I would not have agreed with splitting the company or forcing it to release it's code, which would be unfairly advantageous to Microsoft's competitors.

I also think the settlement will help Microsoft's products and other software products to work better together, enabling computer software technology to advance at a faster pace, which, of course, is advantageous to consumers.

MTC–00008919

From: Repairman Jack
To: Microsoft ATR
Date: 1/5/02 4:06pm
Subject: Microsoft Settlement

Greetings,

The current Microsft settlement is inadequate punishment for a company that leverage bute force and illegal tactics to gain control of 95% of the computer market with an inferior product. The notion that making microsoft give away computers does nothing to punish them, it only allows them to market their products to an ever younger and impressionable consumers. Such a settlement only rewards this company and gives it free marketing rights inside schools.

I am part of a worldwide network of computer users that is working on getting and alternative operating system into the market place. Free competition is the backbone of the American way of life. Having a choice of what I will purchase and what I will use is my right as an american. By leveraging their market dominance against hardware manufacturers and other computer software makers, Microsoft controls the computer market. This much is known. There is no question of Microsoft's guilt. Now that they have been found guilty, they want to settle and get off with a slap on the wrist, even a reward for their crimes.

Microsoft should pay for what they have done, and the damage they have inflicted on computer users and companies that have suffered as a result of microsofts crimes. The DOJ should FORCE Microsoft to ''play flairly'' with other companies. A fair and just ruling against microsoft should address the following issues:

*MS Office needs to be opened, so that developers and other software makers interested in porting it or understanding the document formats can do so either in form of a source code licence or an allowance to see it, check it and ''clone libraries'', so that applications on non-Windows OSs can read and write MS Office formats for flawless interaction with Windows users. The control MS has exerted it akin to forcing everyone to use their brand of pen and paper, and making it incompatable with ever other type of pen and paper available. This puts our private information into a box that can only be opened with a MS-brand key.

*The Win32 API needs to be made available (incl. undocumented APIs) so that programs like WINE can be successfully ported to other OS. Almost ever computer program written now can ony be run on MS windows. Microsoft controls our data.

*The MS file system needs to be opened, so that users of programs other than Windows can access their data.

*The ruling must include a ''must-carry'' rule, so that any OEM Microsoft is supplying Windows with HAS to allow the option of a loading and/or booting an alternative operating system.

*This ruling must carry a competitive impact statement, explaining how MS damaged Be Inc. and other companies with its tactics. It should also say that the current ''remedy'' the DOJ is suggesting is far too weak and that it doesn't carry all areas.

Only by addressing this issues will Microsoft be trully held accountable for their actions.

Microsoft must be made to understand that they must run their business in a manner consitsent with the laws of our country, and that if they want to continue to do business here, they must respect the right of consumers to NOT use MS products if they so choose.

Thank you for your time,
Nathan Babcook
St. Louis, MO

MTC–00008920

From: Tom Kirk
To: Microsoft ATR
Date: 1/5/02 4:08pm
Subject: Microsoft Settlement and Free Trade

I agree with the settlement reached to allow Microsoft the 'right of freedom to innovate' and not have their hands tied in markets due to interest groups and government interference. It is the right decision for an open and free market and for consumers world wide.

On another note, I want to comment on the US government's sanctions (through countervail and anti-dumping actions) on Canadian softwood lumber industry. Rich interest groups in the US (with the US government support) are trying to place ARTIFICIAL economic barriers on Canadian softwood lumber entering the US. Lumber that is required for the housing in the US. This practice raises the cost of housing in the US and keeps Americans out of the housing market.

If the US truly believes in free and open markets (a comment that Americans make all the time), then interest groups should not be able to put barriers on products needed by the US. The US and Canada are the largest traders in the world and the sanctions imposed on the Canadian softwood industry is a slap in the face of a country that supports the United States of America. In my mind, the softwood lumber issue should be settled once and for all—a product that is part of the free and open market between Canada and the US.

Tom Kirk
CC:MSFIN@Microsoft.com@inetgw

MTC–00008921

From: Pokey
To: Microsoft ATR
Date: 1/5/02 4:09pm
Subject: Microsoft Settlement

In my opinion the Dept. of Justice case was a case where Microsoft's competition and the greedy lawyers used the tort system in an unwarranted attack on Microsoft. The only thing they accomplished was to temporarily destroy the technology industry and thus help precipitate the recession which this country is still in.

I believe the Justice Dept. case settlement was fair and that the 9 states still proceeding against Microsoft are just more of the same legal greed for money and fame, and that the sooner their case is dropped, the sooner this country and the economy will benefit.

MTC–00008922

From: Pokey
To: Microsoft ATR
Date: 1/5/02 4:11pm
Subject: Microsoft Settlement

In my opinion the Dept. of Justice case was a case where Microsoft's competition and the greedy lawyers used the tort system in an unwarranted attack on Microsoft. The only thing they accomplished was to temporarily destroy the technology industry and thus help precipitate the recession which this country is still in.

I believe the Justice Dept. case settlement was fair and that the 9 states still proceeding against Microsoft are just more of the same legal greed for money and fame, and that the sooner their case is dropped, the sooner this country and the economy will benefit.

Marvin Weisbard
Tucson, AZ

MTC–00008923

From: W2EARS@aol.com@inetgw
To: Microsoft ATR
Date: 1/5/02 4:14pm
Subject: Micrsoft suit

Please accept the government settlement and do not involve anything further with the states.

Thank You
Roger E. Wehrs M.D.

MTC–00008924

From: RosemaryL@aol.com@inetgw
To: Microsoft ATR
Date: 1/5/02 4:15pm
Subject: Microsoft Settlement

I believe the proposed settlement is fair to all concerned and should be ratified. The Tunney Act should be passed. The economy does not need the government fighting one of our most successful corporations. I urge you to settle with Microsoft, and let all companies compete and continue the innovations which propelled our economy for so long.

Thank you,
Rosemary Loven
Bishop, CA

MTC–00008925

From: Doug Singer
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/5/02 4:06pm
Subject: Microsoft Settlement

It is time to put this behind us, the citizens do not need government prosecuting companies because a few competitors feel they are unable to compete in the marketplace. Most of the states still pushing for a court date are doing so because they have a vested interest in one of the competitors of Microsoft. I as a consumer feel Microsoft has offered to me the products I want and need, at a competitive price. I would like to see my tax dollars at work helping to rebuild the economy, not trying to tear down a strong part of the economy. Enough is enough, please settle this now so we can move on!

Douglas C. Singer, MBA CIC
Hall-Conway-Jackson,Inc.
Insurance Brokers
206–527–2444

MTC–00008926

From: Jim Bode
To: Microsoft ATR
Date: 1/5/02 4:18pm
Subject: Microsoft Settlement

In regards to the proposed settlement, I am for it. Please do not give in to Microsoft's competitors and end up drawing this frivolous lawsuit out any longer. It is in the best interest of the consumer and the United States of America in general for this lawsuit to be settled.

Sincerely,
James J. Bode

MTC–00008927

From: Judy (038) Kevin
To: Microsoft ATR
Date: 1/5/02 4:19pm
Subject: Microsoft Settlement

My husband and I wholeheartly support the settlement toward Microsoft. Too many companies in our country have been derailed because of deregulation. Microsoft is an inovative, agressive leader in the world of cyber technology. Continue to let this company blossum and create ways for all citizens to benefit from the headway that is already in place. Do not take the wind from beneath its sails!!!

MTC–00008928

From: Burd, Noreen (ING)
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/5/02 4:25pm
Subject: Microsoft Settlement

January 7, 2002
Renata Hesse
Trial Attorney
Antitrust Division, Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Subject:Microsoft Settlement
VIA EMAIL
Dear Attorney Hesse:

It is my understanding that the Department of Justice is now accepting public comment on the Microsoft settlement. I write in support of the proposal.

As our nation's economy continues to slow, many consumers are out of work and businesses must do more with less. I am concerned that if we continue to pursue the government's case against Microsoft, further tying the hands of technology, we will make it less and less attractive for investment in this industry. We cannot afford to have this happen. We need to encourage investment in order to spur an upturn in the economy.

I believe it is time for the government to stop spending taxpayer's dollars on this case and allow both the judicial system and Microsoft to get back to work on more pressing matters. During this time of recession and national insecurity, the government's efforts could be better spent prosecuting criminals that truly endanger the American people and their economy rather than Microsoft.

I am certain that the regulations put forth in the decision will ease the government's concerns about a Microsoft monopoly and should allow Microsoft' s competitors and consumers themselves some additional benefits. However further regulations and/or restrictions may result in inferior, expensive products and complicated internet access.

Continued litigation against Microsoft at this time would be unnecessary and ultimately harmful to the American people.

Sincerely,
Noreen Burd
39 Blackwater Road
Penacook, NH 03303

MTC–00008929

From: Wagner Investments
To: Microsoft ATR
Date: 1/5/02 4:27pm
Subject: Microsoft Settlement

Please be advised that I agree with the proposed settlement. The case has nothing to do with protecting the consumer, and is strictly driven by competitors who can or could not compete. In the age of a global economy the US need as many powerful and large companies as possible. Look at the mess telecom is in due to the break up of AT&T.

Ronald E Wagner
Barbara F. Wagner

MTC–00008930

From: Trg129@aol.com@inetgw
To: Microsoft ATR
Date: 1/5/02 4:36pm
Subject: Microsoft Settlement

Dear DOJ,

My vote goes to settle the Microsoft case as proposed. Further litigation is costly, time consuming, anti-big business, and does not represent our democratic society.

Thank you.
Terry R. Glass

MTC–00008931

From: YBHW@aol.com@inetgw
To: Microsoft ATR
Date: 1/5/02 4:46pm
Subject: Microsoft Settlement

For gosh sakes, get off Microsoft's back. Microsoft's competitors are and have been trying to use antitrust to do what they couldn't do in the market place. Maybe Microsoft does dominate the operating system market. But how did they get there—by having the best product. Does the government penalize free enterprise? Looks that way.

Approve the settlement and let Microsoft get on with their business.

Boyd Wilkes
13911 Aspen Cove Drive
Houston, Texas 77077–1521

MTC–00008932

From: Paul Tholfsen
To: Microsoft ATR
Date: 1/5/02 4:46pm
Subject: Microsoft Settlement

I'd like to see this suit settled as quickly as possible. I don't understand the entire logic behind it. I have repeatedly read that the purpose of anti-trust legislation is to protect the consumer public. Yet all the objections to the settlement proposal seem to be based on protecting the competitors of Microsoft, at the expense of the consumer.

I've been a CPA for thirty years. During this time our firm has gone through the entire range of business software, beginning with Wordstar word processor, Visicalc spreadsheet, DBase-2 database, as well as the CPM and Apple operating systems. We made a number of costly migrations along the way, including Wordperfect, Lotus 123, R-Base, and Harvard Graphics. Eventually, and for the past six years, we have settled on all Microsoft software: Word, Excel, Access, PowerPoint and Windows operating system.

The point is that we did this for three very good reasons, and without any coercion:

1.. The MS products, while initially inferior to their predecessor rivals, gradually improved and overcame them.

2.. As more and more of our clients and other people with whom we do business apparently made the same choices, it became easier and easier for us to share files, send e-mail, etc.. It's hard to imagine how we made it in the days when there were at least half a dozen different and incompatible word processors, spreadsheets and databases available. In fact, the one relevant area which MS doesn't dominate is accounting software. Here, we're still faced with having to deal with over a dozen different packages, to the detriment of our clients.

3.. The cost of the software is negligible when measured against the utility and ability to improve our own efficiency.

Some of the demands I see being made by the plaintiffs and their witnesses seem absurd. The compatibility benefits resulting from Microsoft's dominance in office software is an obvious advantage to all users. To return to the relative chaos of multiple operating systems, and word processing and other office software in the hope of creating what some university economists see as a theoretically beneficial competitive environment, makes as much sense as requiring each telephone company to use its own incompatible communication system, or each railroad to select its own rail gauge.

This case should be settled as expeditiously as possible. If the US and Microsoft have come to an agreeable settlement, the Court should accept it and not prolong this case any further.

Paul Tholfsen
2626 South Park Drive
Bellingham, WA 98225–2524
360–734–9343
ptholfsen@netos.com

MTC–00008933

From: James Bach
To: Microsoft ATR
Date: 1/5/02 4:43pm
Subject: Microsoft Settlement

In my humble opinion, the settlement with Microsoft is fair and equitible. Give it a rest, and let MS get back to supplying the products that people want to buy and use!

Of course, I don't think the DOJ should have been picking-on Microsoft in the first place it is just another example of the sore loosers of the country (Netscape, Lotus, Oracle, etc.) whining and complaining about not being able to compete and needing the government to come-in an ''level the playing field'' like affirmative action. Again, another case of someone having a dream, working hard, making a product (or products) that people want to buy/use, and then being punished because they were TOO successful. Certainly a lesson (to NOT work hard for fear of being persecuted by those who don't/can't) I do NOT want to teach my kids.

Did Microsoft strong-arm OEM suppliers to install his operating system and web-browser on their newly-sold systems? Yes. Did he FORCE them to do it? No. They DID have options and alternatives. They could have offered other operating systems, or even NO operating system. They could have charged a bit more per system to sell it with JUST Windows and NOT Internet Explorer. There was nothing that Microsoft did that prevented computer makers from selling systems configured how they (or the buying public) wanted them. There is nothing in Windows that prevents users from installing other office suite or web-browsers. I've been using Netscape for years and years. Netscape and IE both co-exist quite nicely.

I've built my own systems from scratch, and I could (and did) put ANY operating system, office suite, and/or browser on them that I wanted. I chose Windows because it is easy to use, and ALL of the software in the world (that I want to use) runs on Windows. I chose Internet Explorer for web-browsing because of some of it's better features/capabilities. I chose Netscape for e-mail because of some of it's better features/capabilities (and because there are fewer viruses and hacks against it), instead of MS Outlook. Yes, I use MS Office (Word and Excel) at home, but I could have bought Lotus or WordPerfect. I chose Office because that's what I use at work, and I do NOT want to learn two different packages. But, that was MY choice. Nobody put a gun against my head. I could have installed LINUX or OS2, but then I'd only be able to run about 5% of software I desire.

The computing world is better-off because of Microsoft, precisely BECAUSE of the benefits that a centralized, core, standards-based OpSys can provide. At work I'm forced to use a UNIX workstation.

Unfortunately, UNIX is not UNIX is not UNIX; it is different from platform (machine) to machine. In the UNIX workstation world you are FORCED to use the UNIX (and the related ''Window Manager'') that is shipped by the hardware maker. I have an HP machine, so I have to use Hewlett Packards' (gag me with a fork!) version of UNIX and ''Desktop Environment''. The software engineer who sits across from me uses a Sun workstation, and has to use Solaris (luck him!). Because there is no ''core'' or ''standards setting'' entity in the UNIX world, UNIX applications suck when it comes to consistent look/feel, modus opperandi, and data-exchange between applications. Copy and Paste of formatted data??? What is THAT?? Doesn't exist on UNIX. All you can copy/paste is raw ASCII text. Jeez, thanx. Because Microsoft dictates how the Windows environment works, on ALL platforms that run it, the vast majority of PC applications look/feel/act/behave the same (or VERY similar). Because Microsoft dictates how the Windows environment works, virtually ALL applications can copy/paste formatted text and tabular or image data back/forth between themselves. I hate the ''Tower of Babel'' that exists in UNIXland so much (as do my fellow engineers in my company) that we've been pushing our IT folks for years to throw-away UNIX in favor of WindowsNT. Our dream is starting to come true.

Engineering management, who PAYS for the computers in our department, finally told the IT folks to buy Windows2000 machines, and to exchange our UNIX software licenses for NT licenses. UNIX has been around longer than Microsoft, and UNIX IS more stable (crash-proof) than Windows .–.–. however, because there is no centralized core of ''standards setters'', it has never, and never will, become as user-friendly and easy-to-use as Windows. I don't mind having to reboot my system every once in a while if while I'm using it I'm much more productive than the rock-solid, stable system!

James C. (Jim) Bach
Westfield, IN
Ham Radio: WY9F

MTC–00008934

From: Joyce
To: Microsoft ATR
Date: 1/5/02 4:51pm
Subject: Microsoft Settlement

Please DO NOT let a few special interest people create more problems for Microsoft AND the American consumer. We DO NOT need more litigation in this case. Let the settlement take affect as stated. This country has enough economic problems. We do not need to cater to special interest people who care only about themselves and not America as a whole.

Thank You.
Sincerely,
Joyce P. Johnson
5031 Regalo Dr.
Pensacols, FL 32526–1602

MTC–00008935

From: GaardeGang@aol.com@inetgw
To: Microsoft ATR
Date: 1/5/02 4:59pm
Subject: Microsoft Settlement

Leave Microsoft alone. They have a great product, great customer support, and have done wrong. They are good business people, and deserve whatever fortune they have gained.

Gaardegang@aol.com

MTC–00008936

From: The Dews
To: Microsoft ATR
Date: 1/5/02 5:00pm
Subject: Microsoft Settlement

Robert Dew
5564 Ribbon Rose Drive
Jacksonville, Florida 32258

January 5, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

Competition is the driving force behind a free market capitalist society. Without competition the entire system is unworkable. I believe that the antitrust lawsuit filed against Microsoft almost seriously threatened to hinder competition within the information technology market. I was relieved when a settlement was finally reached in November.

The agreement drafted in November is quite positive. Some of the beneficial terms in the settlement are; the settlement provides for the increase in competition among software companies by prohibiting Microsoft from entering into any agreements with third parties that would restrict the third party to distributing exclusively Microsoft software, the settlement further lends to an increase in competition by requiring Microsoft to share interface capabilities with other competitor software companies.

Clearly, this settlement promotes competition, and competition is good. By not overly restricting Microsoft or the information technology market, this settlement is going to be beneficial for the economy. No changes need to be made. I urge you to keep the settlement in its current form.

Sincerely,
Robert Dew
CC:fin@mobilizationoffice.com@inetgw

MTC–00008937

From: Mauijpn@aol.com@inetgw
To: Microsoft ATR
Date: 1/5/02 5:04pm
Subject: Microsoft Settlement

Settle the case as now the court has ruled. Microsoft has been subject to too much hassle from competitors and their representatives.James P. Nieukirk.

Email at <mauijpn@aol.com

MTC–00008939

From: DanRoloff@aol.com@inetgw
To: Microsoft ATR
Date: 1/5/02 5:12pm
Subject: Microsoft settlement

To Justice Dept.,

I want to encourage the government to settle the lawsuit with Microsoft as soon as possible. Please except the Tunney agreement. Thank You.

Dan Roloff
945 Hillandale Dr. E.
Port Orchard, WA 98366
Danroloff@AOL.com

MTC–00008940

From: PAUL KIRTON
To: Microsoft ATR
Date: 1/5/02 5:11pm
Subject: Microsoft case pending

Microsoft has done more good that harm. Ease up on them and allow a great company to operate as they have agreed too.

Paul A. Kirton
Managing Director
Kirton & Associates

MTC–00008941

From: Jcdomingue@aol.com@inetgw
To: Microsoft ATR
Date: 1/5/02 5:26pm
Subject: Microsoft Settlement

First let me state that the trial which led to a requirement to break Microsot into some number of companies to be an absolute travesty of Justice. I do not see Microsoft to be amy more of a monopoly then IBM was in the late 1960's and 1970's as regards to mainframes. Were any actions ever taken against IBM? Whatever happened to UNIVAC , XEROX, and a myriad of other mainframe builders? I consider myself a data processing professional, and not only do I agree with the proposed settlement, but I would be in favosr of dropping all charges against Microsoft. If you believe Microsoft is a monopoly how do you explain the successes of Apple OS and LINUX.

Jules C. Domingue

MTC–00008942

From: DEELEN123@aol.com@inetgw
To: Microsoft ATR
Date: 1/5/02 5:31pm
Subject: Microsoft Settlement

I know of nothing Microsoft has done wrong. Please just leave them alone and get on with the next case. I hate your waste of our tax money like this. How can our next innovator stand a chance in such an atmosphere?

Len Rutledge

MTC–00008943

From: FlyingNuts
To: Microsoft ATR
Date: 1/5/02 5:43pm
Subject: Microsoft Settlement

To Whom it may concern,

I have watched the wonderful things Microsoft has done for our Industry, our Government and our lives over the last 20 years. Were it not for Microsoft's inovative products we would still be in the dark ages in home and business computing.

The objective of any business is to beat their competitors. However you overlook the merger of Netscape and AOL, and the merger of Time Warner and AOL. You let the oil companies merge and monopolyse our resources.

Stop the insanity and leave microsoft alone. You have cost the Country ''billions'', and bankrupted the small investors in your ''take down of the microsoft and tech companies.''

It's time to set aside this case and let wounds heal. Let Microsoft advance us into the new century!

Douglas Harper

MTC–00008944

From: JOY BROWN
To: Microsoft ATR
Date: 1/5/02 5:51pm
Subject: Microsoft Settlement

Department of Justice,

We feel the proposed settlement for Microsoft and the states is as just as can be expected and would like to see it proceed to a conclusion. To try to make the settlement tougher or prolong it more would not be in the best interest of the economy or the consumers. Sincerely,

Joy R. Brown
Lila M. Brown
1526 Thomas St. SW
Olympia, WA 98502

MTC–00008945

From: GEORGE PORZUC
To: Microsoft ATR
Date: 1/5/02 6:03pm
Subject: Microsoft Settlement

5951 Price Road
Milford, Ohio 45150
January 5, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Ashcroft:

I am writing to express my opinion and to thank you for settling the Microsoft suit. It is a step in the right direction. I believe that the settlement is more than adequate. It forces Microsoft to share proprietary information that will allow other companies the more easily implant their software on the Windows operating system. The settlement will also create a technical oversight committee that will ensure Microsoft behaves properly for the duration of the settlement. The government should take no further action on this matter.

This suit has had a very negative impact on the marketplace and me personally. We are in midst of a recession—in my case a depression. Now is the time to rebuild our economy by supporting American businesses. We should reward those who contribute to our economy. After all, our nation was built on principles of free enterprise, and since I have been out of work since July. I want to get back to being a contributing member of society.

Thank you for resolving this issue. I appreciate the opportunity to speak on this matter.

Sincerely,
George A. Porzuc

MTC–00008946

From: Alan Simkatis
To: Microsoft ATR
Date: 1/5/02 6:06pm
Subject: Settlement

To whom it may concern,

My husband and I both feel strongly that this suit against Microsoft has been going on long enough. It is not in the good of the country for us to be hanging our own out to dry. It is time to settle this suit, and see if we can't help ourselves to help our economy, in the process. Please, settle now!

Sincerely,
Anne & Alan Simkatis

MTC–00008947

From: Joseph Wang
To: Microsoft ATR
Date: 1/5/02 6:24pm
Subject: Settlement for microsoft

Dear Person:

I do think it is for the everage amercian citizens interest to settle the case with Microsoft inc. God bless American

Joseph Wang

MTC–00008948

From: Martin Caron
To: Microsoft ATR
Date: 1/5/02 6:21pm
Subject: Microsoft Settlement

I am part of a worldwide network that is working on getting the BeOS or equivalent back into the market place, but there is no hope of success if the following issues aren't addressed:

1.. MS Office needs to be opened, so that developers interested in porting it or understanding the document formats can do so either in form of a source code licence or an allowance to see it, check it and ''clone libraries'', so that applications on non-Windows OSs can read and write MS Office formats for flawless interaction with Windows users.

2.. The Win32 API needs to be made available (incl. undocumented APIs) so that WINE can be successfully ported not only to BeOS but other OS too.

3.. The file system needs to be opened, so that BeOS users can continue to access files on non-BFS partitions.

4.. The ruling must include a ''must-carry'' rule, so that any OEM Microsoft is supplying Windows with

HAS to ''dual-boot'' an alternative operating system, in this case BeOS, in order to remedy the damage MS has done to BeOS in the past.

In other word, i want microsoft to have right only ''inside'' their software but allow all API, audi/video codec, file format etc... to be public. They can keep the source to themself i don't care (i don't want their buggy software anyway) but all programming hook and protocol should be public and available under a NDA if it pose security problems.

Martin Caron, hurted: shareholder, consumer, hobbyist, programmer, student by Microsoft practice.

MTC–00008949

From: JBareuther@aol.com@inetgw
To: Microsoft ATR
Date: 1/5/02 6:23pm
Subject: MICROSOFT SETTLEMENT

I'm totally against any further legal action against Microsoft. This action has been perpetrated by lawyers and liberals that want to destroy our vibrant market economy.

This action will not benefit the consumer nor the economy. I strongly urge the court to bring to a close this damaging and wasteful fraud on our legal and economic systems.

MTC–00008950

From: Herb Himmelfarb
To: Microsoft ATR
Date: 1/5/02 6:23pm
Subject: Microsoft Settlement Sirs,

Mrs. Himmelfarb and I believe the proposed settlement fails to achieve the necessary goals of a proper remedy: halting the illegal conduct of Microsoft, promoting competition in this industry, and depriving Microsoft of its illegal gains. Perhaps we are just whistling in the dark, what with there being a Republican, therefore business oriented, administration in the White House. However, we do believe that Justice should triumph over naked greed.

In a case of this magnitude, what is best for our country as a whole should prevail over what has become convenient. It is our hope that Justice will succeed.

Cynthia P. Himmelfarb
Herbert S. Himmelfarb
615 19th Street NE
Salem, OR 97301–2713
(503) 375–2934
himby@open.org

MTC–00008951

From: OWENSJOWENS@aol.com@inetgw
To: Microsoft ATR
Date: 1/5/02 6:26pm
Subject: microsoft settlement

I agree with the settlement.
Joyce Owens

MTC–00008952

From: kathy baker
To: Microsoft ATR
Date: 1/5/02 6:26pm
Subject: Microsoft settelment

PLEASE END THIS CASE WITH THE SETTLEMENT IN FAVOR OF MICROSOFT!!!
PLEASE!!!!
Thank You,
Kathy Baker

MTC–00008954

From: Jerry Kreps
To: Microsoft ATR
Date: 1/5/02 6:31pm
Subject: Respect for law will disappear

One outstanding result of this sham settlement will be that it will legalize Microsoft's illegal behavior, which will lead common citizens to conclude that the law is merely an inconvenience that can be ignored, if not circumvented.

Even after the conviction was upheld in circuit court, the DOJ seems bent on grasping defeat from the jaws of victory by agreeing to this sham settlement.

Will Microsoft be punished for their previous crimes or the crimes cited in this conviction? NO!

No punishment is proposed. Microsoft gets to keep their ill gotten gain, while lessor criminals pay grievously in fines, penalties and prison time. This is injustice defined! Apparently wealth now puts one above the law. All it takes is enough cash to buy high powered attorneys and grease politicians.

Will Microsoft be restrained from continuing their illegal behavior? NO!

In fact, this sham settlement LEGITIMIZES Microsoft's anti— competitive behavior toward the only segment of the software market that has been even slightly successful competing against it, the Open Source segment. The sham settlement give Microsoft the right to determine, by its own definitions, what is a business and what it not. No superior intelligence is required to realize what Microsoft will do with that power. Why would the DOJ agree to such a stipulation? The whole purpose of the litigation was to break the monopolistic business practices and level the playing field for ALL players. Now the DOJ is helping Microsoft to jack up Microsoft's end of the field to unreachable heights, ensuring their illegal dominance. It is as if the Feds began brewing beer to GIVE to Al Capone's speak easyies, and destroy his competition, as punishment for Capone's illegal manufacture and distribution of alcohol. Or, as if the Feds not only gave the Mafia a free pass on extortion, racketeering, prostitution, and the numbers, but gave a blind eye and tacit approval to 'hits' on their competition.

Does the settlement contain any power of restraint or enforcement? NO! Microsoft gets to pick one monitor and have a say in the second. That effectively splits the monitors decision process and renders them powerless to make critical support decisions. How effective would the war in Afghanistan be if half of President's War Council were Taliban? The 'teeth' merely extends the toothless settlement two more years. Two more years of nothing is still nothing. This one condition alone proves that the settlement is a ''FIX'', as sham.

The net result of the phoney settlement is that the American Citizens will no longer support the law in jury rooms across the country. Why should they convict lesser criminals when the bigger ones walk free with DOJ HELP? They will see the DOJ not as helpers of the helpless, but as aiding and abetting lawlessness. This settlement. if upheld, will prove to the American people that the DOJ is really DOJ Inc. and it reduce the American legal system to the status of 3rd world kangaroo courts run by and for corporations and politicians for their own greedy purposes. Recent political payoffs, such as the DMCA, and court decisions which make Microsoft's EULA a one-way document (they can sue the consumer, but the consumer can sue them for breach of contract) have already disgraced the judicial branch.

The forced resolution toward this sham settlement to aliviate the grief and economic woes of the nation is laughable. Microsoft has already pillaged our economy for billions and billions of profits made possible only by illegal monopolistic behavior. This settlement will merely put the country at the mercy of even more outragious economic extortions. Even now Microsoft is proposing unbelievable licensing fee structures that would be impossible if the consumer had access to an alternate choice. But, since the OEM agreements with Microsoft, along with their secret side agreements, pevents the OEMs from even putting alternate operating system on their PCs in dual boot mode, or even putting icons to other software on their Windows desktops, other browsers, operating systems and software have no easy access to public markets.

So, how does it feel to be a pawn? Maybe Watts will give you and idea of what happens to a country when a citizenry looses respect for the law because it offers no redress for grievances. Or even worse, Argentina. The most favorable reason for supporting this agreement would be if one held stocks, options and retirement funds mainly in Microsoft. But then, this would be a conflict of interest wouldn't it?

For your even suggesting such a despicable settlement I am not so respectfully,

Jerry Kreps
521 West Garber Avenue
Lincoln, NE 68521

MTC–00008955

From: Daniel C King
To: Microsoft ATR
Date: 1/5/02 6:47pm
Subject: Microsoft Settlement

Daniel C. King
5531 Burnham Court
Fort Myers, Florida 33903
January 5, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

My name is Daniel King and the purpose of this letter is to express my concern about the Microsoft Antitrust lawsuit. I understand that a settlement on this case has been reached and that public opinion is being taken into account in the final decision. I hope to see this settlement reach a conclusion as three years of legal action is quite adequate.

In this case, it seems difficult not to mention the AT&T issue. Like AT&T, Microsoft is a very successful business and it is disconcerting to see that these days, success is punished rather than rewarded. I would like to see this case settled in a timely fashion. Microsoft has agreed to respect the terms of the settlement as well as fair competition and has even already taken action to release a new version of Windows that will be more amenable to working with other companies? software.

It is obvious that Microsoft is more than willing to abide by the rules of fair competition and I believe that this settlement is in the best interest of the public. I appreciate your interest in the public opinion.

Sincerely,
Daniel King
CC:fin@mobilizationoffice.com@inetgw

MTC–00008956

From: RFC-822=Derek—Stevens/Intalco/Primary@intalco.com@inetgw
To: Microsoft ATR
Date: 1/5/02 7:22pm
Subject: MICROSOFT CASE

DEAR SIRS:
WE ARE WRITING ON BEHALF OF THE MICROSOFT CORP. WE BELIEVE IT IS HIGH TIME THIS THING GOT SETTLED AND PUT BEHIND US. WE THINK OUR ECONOMY AND OUR COUNTRY HAS SUFFERED ENOUGH THROUGH THE LAST 3–4 YEARS, NOT TO MENTION THE PLAINTIFFS. WE THINK THE SETTLEMENT IS A FAIR ONE FOR ALL INVOLVED, THANK YOU FOR YOUR TIME.
SINCERELY,
DEREK G. & LATRICIA J. STEVENS

MTC–00008957

From: William Upham
To: Microsoft ATR
Date: 1/2/02 1:18pm
Subject: Microsoft Settlement

Dear Sirs:

I believe the proposed settlement agreement between the Department of Justice and Microsoft is in best interest of both the public and the high-tech industry.

This lawsuit has dragged on far too long and needs to be settled soon before still further damage is caused to the U.S. economy and consumers.

With the country now on a war footing, the last thing it needs is the ongoing uncertainty

regarding the outcome of this lawsuit. It is in everyone's best interest to settle this case and settle it soon.

Bill Upham
Americas Channel Communications
T/L 542–1205, (972) 280–1205
FAX: 542–1980, (972) 280–1980
upham@us.ibm.com

MTC–00008958

From: John Renk
To: Microsoft ATR
Date: 1/5/02 7:50pm
Subject: Leave Microsoft alone and let the economy be on with it. Microsoft never let

Leave Microsoft alone and let the economy be on with it. Microsoft never let me down and gives me updates when I need them. You will never get that from another software company.

The government went after Microsoft because they did not donate enough to the Democratic Party.

johner@att.net

MTC–00008959

From: Francesca Ball
To: Microsoft ATR
Date: 1/5/02 7:55pm
Subject: Microsoft Settlement

To whom it may concern:

In a world where there is the AOL/Time-Warner monstrosity, it is quite beyond me how someone like Microsoft could be considered to practice unfair business practices. I have worked with Netscape on my computer, and frankly, it takes over, worse than Explorer ever did. My ex-husband downloaded AOL for his computer. Just AOL... And got in the deal the automatic usage of Netscape. It took several clicks of a mouse and a couple of deep searches just to turn off Netscape. Frankly, it's quite easy to switch 'off' Explorer. And, Microsoft doesn't monopolize the 'instant messaging' craze. It disturbed me greatly when AOL purchased ICQ... And barely even announced it to the world.

In this world, the United States... Microsoft is playing as fair a ball as the AOL/Netscape/Sun group of companies that made the attempt to gang up on the best programs on the planet.

Just my two cents
A concerned US Military Member
Francesca Ball
Misawa AB, Japan

MTC–00008960

From: Orlene McCarthy
To: Microsoft ATR
Date: 1/5/02 7:57pm
Subject: Microsoft Settlement

Please Please for the good of the country settle this dispute once and forever This is the best company in the world and you are trying to destroy it WHY? The economy started downward the minute this happened it is so sad what has happened. They have created more jobs and made the technical industry.

What are the younger generation thinking work hard and if you do well the govt. gets involved and try's to destroy you. You should be backing them in any way possible not trying to destroy them.

Live, Love, Laugh

MTC–00008961

From: Allan Corrin
To: Microsoft ATR
Date: 1/5/02 8:01pm
Subject: d.o.j. settlement

TO THE D.O.J.

THE SETTLETMENT OF THE MICROSOFT CASE WITH THE DOJ NEEDS TO BE FINALIZED . THOSE STATES THAT ARE KEEPING

THIS CASE OPEN ARE NOT ACTING FOR THE PEOPLES INTREST. I REQUEST IT BE FINLIZED

ALLAN A. CORRIN REEDLEY CA.

MTC–00008962

From: Ken Dacey
To: Microsoft ATR
Date: 1/5/02 8:08pm
Subject: Microsoft Settlement

Dear Sirs,

I believe the Microsoft settlement is fair and in the best interests of all parties involved. Taxpayer money should not be spent in any further proceedings. Allow the remedies to set in and the market and consumers will do the rest. It's time to stop catering to Microsoft's competitors.

Thank you,
Ken Dacey

MTC–00008963

From: gope mirchandani
To: Microsoft ATR
Date: 1/5/02 8:12pm
Subject: microsoft settlement

The very fact DOJ has setteled the case putting the necessary and fair penallities,my views may appear superfluous.However reiteration by general public should only convince the authorties that any further changes will delay the settlement,adversely affecting the sinking economy and interests of pubic at large.

In the free economy, local, state and fedral governments must do what benifits the mijority.

gope mirchandani

MTC–00008964

From: MatrixDLJ@aol.com@inetgw
To: Microsoft ATR
Date: 1/5/02 8:16pm
Subject: Microsoft Settlement

The proposed settlement of the Microsoft litigation is O.K., albeit unneccesary in the first place. We urge approval; avoid wasting resources on further litigation.

Doug & Jan Jonas

MTC–00008965

From: Mabarreiro@aol.com@inetgw
To: Microsoft ATR
Date: 1/5/02 8:25pm
Subject: MICROSOFT SETTLEMENT

DEAR SIRS:

I AM NOT A STOCKHOLDER OF MS I AM AN INMIGRANT-ENTERPRENEUR PLEASE LEAVE MS ALONE AND LET THE MARKET RULE MAKE MONEY OUT OF MICROSOFT THROUGH THEIR EVER-INCREASING PAYROLL TAX, OR PROFIT-TAXES, NOT THROUGH BACKWARD UN-AMERICAN PENALTIES.

MARCELO BARREIRO

MTC–00008966

From: Barrm644@aol.com@inetgw
To: Microsoft ATR
Date: 1/5/02 8:29pm
Subject: Microsoft Settlement

I am in favor of the microsoft settlement and allow them to continue with their good products and let the economy florish. Microsoft is a great company and have done wonderful thing for the technology industry.

MTC–00008967

From: Felicity Marsh
To: Microsoft ATR
Date: 1/5/02 8:34pm
Subject: Microsoft Settlement

The settlement is in the interest of the general public for several reasons:

1. The whole dispute has been about political interference at the behest of companies who needed to use politics when they failed in the market place.

2. Much of this dispute is an effort to prevent Microsoft's best product coming to market as competitors know the significance of what is taking place and fear they cannot keep up.

3. The public is feeling the consequences of this maneuvering of the market and is certainly not benefiting.

4. Microsoft has not used its supposed monopoly to hike prices and has kept its products reasonably priced.

5. microsoft works with most companies to get their products working well together , it is generally in Microsoft's interest to have many products working well together as that inevitably means more users total.

6. Microsoft has given access to education and information and communications that would be out of reach of the vast majority of the public worldwide. It may not have invented all the current technology but it has brought it to market and given the public access at a very reasonable price.

7. to have a multi layer system with different companies trying to destroy competitors by preventing the intermixing of products would cause confusion with less savvy computer users, a waste of much money by people buying products that are quickly obsolete, or do not work with some other products, so interrupting the flow of information.

8. The economy is in no shape to continue with a dispute which holds up the range of new products which depend on Microsoft's operating system to be of use, the sale of which will help rev up the economy.

9. The Microsoft products are aimed at making life easy for the consumer. It is to the consumers benefit to have features added to the operating system which are easy to access without 'having' to go out and seek other products. More experienced users have plenty of scope for using other products on the operating system, and those other companies are themselves vigorous competitors, some of whom endeavor to cause difficulty in using Microsoft products

10. Microsoft products will obviously fit well together as they are designed to, and this is good for the many consumers who are not so computer savvy and able to seek other options.

11. Other products such as Real Networks music and video products are easily

downloadable and work well for anyone who chooses to use that in preference to Microsoft's products, In fact many sites including Britain's BBC front page and news uses Real networks as its default media and I have not been able to choose to use Microsoft's media to view BBC videos, so much for choice for the consumer, I see no objection raised to this and similar bias against Microsoft.

12. America generally has gained from Microsoft's vision. it would behoove the economy to not interrupt that vision. it has not seen much of a challenge from within the states and the last thing you want is a foreign challenger taking the lead, as this economy could then lose its world lead as others have in the past when they became complacent or squabbled among themselves!

member of the public
felicity marsh

MTC–00008968

From: R.C.
To: Microsoft ATR,piu@doj.ca.gov @inetgw,attorney.gener...
Date: 1/5/02 8:36pm
Subject: Re: Microsoft Monopoly

I have been using personal computers for 14 years and have seen Microsoft outmaneuver its opponents in the marketplace. I have seen the use of Fear, Uncertainty and Doubt by Microsoft to excellent advantage. The finding of the court in the settlement were common knowledge 6/7 years ago and much commented on in the computer magazines, at least until Microsoft got control.

I urge you all to hold firm against the bully from Redmond and to pursue the monopoly until it is no more.

Thank you.
R.C. Johnston
7674 Rotherton Way
Sacramento CA 95823

MTC–00008969

From: Tom Salvador
To: Microsoft ATR
Date: 1/5/02 8:44pm
Subject: Microsoft Settlement

Gentlemen,

I am not a legal authority. I cannot say what is and what is not a monopoly. What I do know, however, is that Microsoft purchased the legal rights to the ''wheel.'' This is not their fault.

A lot of businesses went along for the ride and profited. Some businesses did not and they are the ones who believe Microsoft is wrong.

The public of which I am a member, also profited. Because of Microsoft, we could easily exchange data.

We did not have five different operating systems. We all spoke the same language. As DOS was upgraded and later Windows, the charges were minimal. Twenty dollars, thirty dollars at the most, sometimes less. Windows a little more, but not out of the range of the buyer. Did the competition want them to give out the upgrades at no charge? Their products were certainly not free!

Did Microsoft violate any laws or did they practice tough business procedures? I don't know.

Did they cross over the line and hurt the public. I don't think so. It is my understanding that our system of justice is to protect the citizens and not to help one business over the other.

MTC–00008970

From: Arlene Marie Levy
To: Microsoft ATR
Date: 1/5/02 8:46pm
Subject: Microsoft Settlement

The Tunny Act settlement is tough, but reasonable and fair to all parties involved.

A few special interests are attempting to use this review period to derail the settlement and prolong this litigation even in the midst of uncertain economic times. The last thing the American economy needs is more litigation that benefits only a few wealthy competitors and stifles innovation.

Don't let these special interests defeat the public interest. Stick with the settlement.

MTC–00008971

From: Peter357@aol.com@inetgw
To: Microsoft ATR
Date: 1/5/02 8:53pm
Subject: Microsoft Settlement

stop wasting time negotiating and start litigating!

MTC–00008972

From: Ralph Hahn
To: Microsoft ATR
Date: 1/5/02 9:04pm
Subject: Microsoft Settlement

After reading and reviewing the proposed settlement of the Microsoft case, I feel that sufficient hearing have been held.

Those organizations that are pursuing further litigations are greedy and have no just cause for purposed injuries.

I feel the comprehensive agreement reached by the Federal Government and the nine States is fair and should be settled and concluded on that bases.

Ralph and Estella Hahn

MTC–00008974

From: Del
To: Microsoft ATR
Date: 1/5/02 9:26pm
Subject: Microsoft Settlement.

I would like to say it is time to stop flogging the dead horse.

End this disruption of free enterprise, don't continue to pacify the whiners.

Enough is enough!
D. M. Townley

MTC–00008975

From: bleimeister
To: Microsoft ATR
Date: 1/5/02 9:33pm
Subject: Microsoft

Enough is enough, as an American Tax Payer its high time to settle with Microsoft ! Microsoft products have helped more individual citizens, small businesses and developers of new businesses than any other software company.

With Microsoft's ''User Friendly'' software [the best available] countless millions of Americans enjoy and personally benefit from the resources available from their computers and their corresponding access to the internet.

Microsoft has brought a ''new world'' to a vast number of Americans. We must allow them to continue to invent and bring new beneficial products to market.

Our Country is now at war and we can no longer afford to seek frivolous, politically induced, judicial remedies for manufacturers of inferior products. Let the disgruntled competitors produce something better—and let the market place [the everyday buyers and users] make the ultimate decision as to which product will help them the most.

Thank you,
W.C. Bleimeister
Hilton Head Island
South Carolina

MTC–00008976

From: Kyle Waters
To: Microsoft ATR
Date: 1/5/02 9:38pm
Subject: Microsoft Settlement

The current settlement is too little too late. Please make Mircosoft open up their proprietary formats for their office suits and hold them responsible to past and current rulings by putting in place observers who can comment directly to the public and the press not just a federal judge or committee. It is us the citizens of this country who brought the lawsuit against Microsoft through our state governments. The observer should report to us.

Kyle Waters
Utah

MTC–00008977

From: Joseph Alcott
To: Microsoft ATR
Date: 1/5/02 9:43pm
Subject: govt protection?

This is always a way of generating political capital to finance campaigns and to line legal pockets of legal lobbyists.

May your blessings be eternal.
Joseph (Senior) Alcott

MTC–00008978

From: Michael Graham
To: Microsoft ATR
Date: 1/5/02 9:58pm
Subject: microsoft settlement

Please end the litigation against Microsoft—the settlement that has been agreed to is in the public interest.

Michael Graham, Ph.D.
235 Pinetree Lane
Richland, WA 99352

MTC–00008979

From: Willis S Lemmon
To: Microsoft ATR
Date: 1/5/02 9:59pm
Subject: prolonged litigation

Prolonged litigation is a nice word for the lawyers involved. I doubt that it will help any taxpayers who eventually pay their fees. Microsoft is an innovator supplying US with benefits much too valuable for chastisements by ''government employees''.

MTC–00008980

From: Robert Daniel Smith
To: Microsoft ATR
Date: 1/5/02 10:00pm
Subject: MS Settlement Issue—PLEASE resolve and settle as soon as possible!

Greetings,

In accordance with the pending DOJ litigation matters under review, please be advised that I wholeheartedly feel that it is in the best interest of the general public, the US economy (including the world economy as well), and private industry also that the US DOJ expedite a swift and effective settlement of this current litigation with Microsoft as soon as possible.

In fact, I feel that this lingering cloud that the DOJ has had over this matter has had one very detrimental effect on our economy, and should be resolved a.s.a.p.

Your consideration of this appeal is very appreciated.

Sincerely,

R. Daniel Smith,

rsmith47@hotmail.com

MTC–00008981

From: Dennis Myers
To: Microsoft ATR
Date: 1/5/02 10:17pm
Subject: Judgement of Microsoft

I am writing this e-mail due to a sense of duty and alarm. I feel it is my duty as an American and internet user to express my grave concern that the DOJ has given up in a battle that was needed to be fought to the maximum. I express my alarm that a company such as Microsoft could be allowed to continue to operate a damaging monopoly under the guise of ''just being competitive''. I will make two points in this comment: 1. Microsoft is a monopoly in the most damning sense. 2. They must be brought under control.

Microsoft has been in a position to place their internet browser on every desk top computer sold with windows OS. No choice it's there. They have also obviously required that if a Computer manufacturer or reseller places Windows OS on the computer then no other operating system can be on that computer at the time of sale. I have no proof of this as in a copy of a contract but the DOJ should if they have done their homework. This requirement would lead to a breach of contract if broken and most small computer makers would not have the resources or energy to fight MS.

Microsoft professes to embrace the XML open source protocol, and yet they embed it in HTML so that only a Microsoft browser can properly read it? Microsoft must be brought under control to allow the internet, computing in general and the world to progress as it should without being shackled by a proprietary system that only the ''corporate programmers'' are allowed access to and the privilege of improvement. Their are other systems out there, UNIX, Linux, OS/2, and MacIntosh systems that are just as good but don't even stand a chance of competing if MS is allowed to continue with their practices.

I am obviously not a lawyer nor in a computer related field, but I am very concerned that the U.S. will not reign in the MS Monopoly as has been done to other monopolies in the past. Please do not let the slap on the wrist , that it appears Microsoft will get, stand.

Respectfully,

Dennis Myers

Citizen of the United States of America

MTC–00008982

From: Gerald Adcock
To: Microsoft ATR
Date: 1/5/02 10:48pm
Subject: Microsoft Settlement

In the interests of all concerned and the American economy this lawsuit should be settled now. Special interest groups AND the justice department have cost the American economy enough. Through the years Microsoft has risen from a fledgling company to a dominant force in our economy. This has been accomplished through good old American free market competition and Microsoft has put out a product that left the competition behind. To punish a company and long with it the economy and small and large investors alike is un-American.

Jerry Adcock,

Orange Park, FL

Full Moon

MTC–00008983

From: Oberkosten@aol.com@inetgw
To: Microsoft ATR
Date: 1/5/02 11:01pm
Subject: Microsoft Settlement

As a former Seattle resident and admirer and mother of a former Microsoft intern and mother in law of a Microsoft worker, I am very concerned about the government involvement in a successful company. If it is the competitors that are unhappy with the legal settlement, why is this not finished with?

Competitors are always trying to get ahead of the game and are envious of success. The government got involved in the telephone company and look where they are now. Let Microsoft be innovative and don't ''cramp their style''.

Julia Peterson

MTC–00008984

From: JLCORTESE@aol.com@inetgw
To: Microsoft ATR
Date: 1/5/02 11:16pm
Subject: Microsoft Settlement

To Whom It May Concern, I have reviewed the planned settlement of the Microsoft case and find it reasonable and fair. I speak in favor of continuing as planned.

Thank you.

Dr. Jack Cortese.

Corpus Christi, TX.

MTC–00008985

From: AToll1211@aol.com@inetgw
To: Microsoft ATR
Date: 1/5/02 11:27pm
Subject: RE: MICROSOFT

LEAVE THEM ALONE. GET OUT OF THEIR WAY. THIS IS AMERICA'S GREATEST COMPANY WHAT IS THE GOVERNMENT DOING TO IT'S BEST AND MOST PRODUCTIVE? SENDING A MESSAGE THAT IF YOU GET TOO GOOD WE'LL PUNISH YOU. IT'S ANTI-AMERICAN.

AGAIN LEAVE THIS COMPANY ALONE! AND FOR THAT MATTER—ALL COMPANIES.

MTC–00008986

From: RLopez9153@aol.com@inetgw
To: Microsoft ATR
Date: 1/5/02 11:28pm
Subject: Microsoft Settlement

Please do not delay any more on settling this case. It is too costly to the economy.

Thanks

MTC–00008987

From: Mike and Sandy Wenberg
To: Microsoft ATR
Date: 1/5/02 11:41pm
Subject: Microsoft Settlement

To Whom It May Concern:

I just wanted to express my satisfaction with the settlement that the DOJ has worked out with the Microsoft Corporation. I think the remedies are fair and do an equitable job of penalizing the company without tilting the scale too much in favor of its competitors. Frankly, I've been concerned that the DOJ has been acting too much on the behalf of Microsoft competitors, who through mistakes of their own, found themselves at a competitive disadvantage, and not the American consumer. The settlement that has been worked out has alleviated that concern. Now it's time to settle this and let these companies get back to competing.

Sincerely yours,

Michael C. Wenberg

1160 Magnolia Dr.

Walla Walla, WA 99360

MTC–00008988

From: Eric A Nordin
To: Microsoft ATR
Date: 1/5/02 11:51pm
Subject: United States v Microsoft

The problem here is that a universal operating system is not necessarily a bad thing. Government interference in the market place is not necessarily a good thing either. It is not uncommon for the heavy hand of governmental power to actually bring about an undesirable outcome, though good was intended. If the Windows operating system is so bad, then why does the government express no confidence in the ability of the market place to spawn a remedy? Linux is an alternative to Windows and enjoys growing acceptance as well as ongoing development. The government also seems to ignore the fact that personal computers can be set up to use multiple operating systems. So what is the problem? The charge against Microsoft which characterizes the integral nature of Internet Explorer as somehow illegal completely fails to recognize an important fact; every time a browser is launched a user chooses to click on an icon. My computer has icons for three different internet browsers and I am free to select whichever one I choose. To say Microsoft has a monopoly because their browser cannot be removed is simply ridiculous.

Another absurdity in these proceedings is that nowhere does the government explore the benefits consumers reap from an integral browser. This case is a total waste of taxpayer money and should be dropped altogether. It is an embarrassment to our country to have conducted this trial in the first place. Such a suit is yet another hallmark of a truly misguided and ignorant administration. The current administration would do well to get as much distance as possible from the

prosecution of this case. It is not something to be bragged about or pointed to as an example of responsible discharge of public duty.

Eric Nordin
17191 Langford Blvd.
Prior Lake, MN 55372
952–447–2785

MTC–00008989

From: Nina Snyder
To: Microsoft ATR
Date: 1/5/02 11:59pm
Subject: Microsoft settlement

I understand that the Department of Justice is receiving comments from the public about the Microsoft settlement. I believe that the settlement, though hard on Microsoft, is more than fair to their opponents. Finally putting an end to this issue will be good for consumers like myself who greatly benefit from the creative design of Microsoft's products. I also believe it would be injurious to our national economy if legal action were to resume against Microsoft. Hopefully, this will not happen.

Sincerely,
Agatha N. Snyder
435 Crossbeam Circle E.
Casselberry, FL 32707
nina@cfl.rr.com <mailto:nina@cfl.rr.com>

MTC–00008990

From: Dariusz Jarzynski
To: Microsoft ATR
Date: 1/6/02 12:03am
Subject: Microsoft Settlement

As a Microsoft software user, and a citizen of this great country, I support the US government and Microsoft efforts to settle the current lawsuit to the benefit of the consumer. I strongly support this settlement which allows the best and most innovative corporations to continue to develop the best software programs as a result of their creativity, their consumer-oriented research and their willingness to contribute to develop a more efficient work environment.

Darek Jarzynski
Issaquah, WA

MTC–00008991

From: Rick Girdner
To: Microsoft ATR
Date: 1/6/02 12:06am
Subject: Microsoft Settlement

Dear Mr. Ashcroft,

Please do whatever is necessary to end this Microsoft fiasco. The time and energy could well be spent in other areas.

Thank you,
Rick Girdner

MTC–00008992

From: Charles Coon
To: Microsoft ATR
Date: 1/6/02 12:09am
Subject: An End to the Microsoft Case

It is time to end the seemingly never-ending legal actions against Microsoft. The initial legal action by the Department of Justice accelerated the technology downturn, eventually resulting in our current recession. The settlement in place now is more than adequate, and the economic recovery depends on a quick termination of the unjustified continuing actions by some states.

Thanks,
Charles Coon

MTC–00008993

From: Susan Sheridan
To: Microsoft ATR
Date: 1/6/02 1:12am
Subject: Microsoft Settlement

I don't believe that anti-trust laws are constitutional. The government should not be involved in economics. Please repeal the Sherman Antitrust laws.

Susan Sheridan

MTC–00008994

From: ACORNK@aol.com@inetgw
To: Microsoft ATR
Date: 1/6/02 1:21am
Subject: Please Allow Microsoft to Operate Without Penalties

Capitalist America is supposed to boost Capitalism, not destroy it. Many of us profit when Microsoft profits. Employees, customers, investors all benefit. This action should not have been taken to advance the competitors who instigated it. Settle it now and let Microsoft and its beneficiaries get on with their business.

Pat and Fred Carlson,
766 Calle Pecos,
Thousand Oaks, ca 91360.
acornk@aol.com

MTC–00008995

From: Fabiano Moya
To: Microsoft ATR
Date: 1/6/02 1:24am
Subject: Microsoft Settlement

Att. To Whom it May Concern

As many others Alternative Operational Systems that have been hurt by the monopolistic policies of MicroSoft. We received the request from the headers of various projects to manifest ourselves and let our minds be known, so here it is, agreeing to the last ii and jj to the requests being made by many users all over the world.

I am part of a worldwide network that is working on getting the BeOS back into the market place, but there is no hope of success if the following issues aren't addressed:

*MS Office needs to be opened, so that developers interested in porting it or understanding the document formats can do so either in form of a source code license or an allowance to see it, check it and ''clone libraries'', so that applications on non-Windows OSs can read and write MS Office formats for flawless interaction with Windows users.

*The Win32 API needs to be made available (incl. undocumented APIs) so that WINE can be successfully ported not only to BeOS but other OS too.

*The file system needs to be opened, so that BeOS users can continue to access files on non-BFS partitions.

*The ruling must include a ''must-carry'' rule, so that any OEM Microsoft is supplying Windows with HAS to ''dual-boot'' an alternative operating system, in this case BeOS, in order to remedy the damage MS has done to BeOS in the past.

MTC–00008996

From: Stu Adler
To: Microsoft ATR
Date: 1/6/02 1:26am
Subject: Microsoft Settlement

Enough is enough! Microsoft provides excellent product support at no charge, while their competitors don't even know what the term means. Microsoft has EARNED their position by savvy marketing, customer support and reasonable prices. The agreement with the DOJ was fair. What the states want is the destruction of Microsoft so that their home town losers can form a new monopoly of high priced products with lousy service. This is NOT in the best interest of the community of users!

Stu Adler
14914 Mayall St.
Mission Hills, CA 91345

MTC–00008997

From: Jack O'Leery
To: Microsoft ATR
Date: 1/6/02 1:45am
Subject: settlement

B.Gates, et al:

MSFT uber alles!! Don't give up the ship. The whole US is sick and tired of the DOJ hammering MSFT with no real objective other than to inflate the egos of its zealot lawyers. All the best, and happy new year!!

OPHTH1, an admirer.

MTC–00008998

From: Ben
To: Microsoft ATR
Date: 1/6/02 2:15am
Subject: Microsoft Settlement

I am a Microsoft ''Consumer'', as well as a Microsoft shareholder in my IRA. I am retired and a Social Security recipient. And I guess that this is my only opportunity to say what I think re the DOJ vs. Microsoft settlement. So here it is.

If Netscape, Sun Microsystems, et al, think that they have been ''screwed'', how about me? As I recall, Netscape joined with AOL in a deal that paid Netscape appx. four billion dollars. Now isn't that a sad story! But I had Microsoft stock in my IRA for my retirement days (I am now 73 years of age), and I lost 50% of my retirement fund within days of the time that Judge Jackson, extremely biased against Microsoft by anybody's standards,decided to rule that the company that has done more for the U.S. economy than any other in recent history should be split apart. My retirement funds, along with those of thousands of others, were lost apparently because Microsoft's competitors opted to pressure Congress (Orrin Hatch, for one) and the Department of Justice to make their businesses successful, rather than to achieve comparable success through their own brain power and effort.

I owned my own small business and no Attorney General, lawyers or courts helped me. My company provided good products and good service. And when I installed a Microsoft system (that makes me a ''Consumer'') I did not feel cheated. I was happy with the product I purchased and am still happy with the equipment I still use at home in my retirement years. But my retirement prospects are not nearly such a pretty sight due to this litigation that is going on and on and on and on.

The proposed settlement appears to be a good one for all concerned. My

congratulations to both the Department of Justice and Microsoft for that. But what right do those still opposing the settlement have to harm me further for their own selfish interests? Let them get to work, just as I did (on a smaller basis, of course), and make it on their own merits instead of sponging off of someone else's intelligence and hard work.

In this time of national stress this country and all of us need all of the incentive our economy and our stock market can get. Our President is right! Our economy needs a stimulus—and it won't come by cow-towing to limited selfish interests by such as those refusing to accept the proposed settlement and vowing to pursue further litigation. Let's get on with what's best for our country, our elderly (myself and my wife included), and all others with retirement programs of all ages, our military men and women, and those who are just plain happy with their Microsoft products.

Enough of this particular hassling and litigation. Bill and Melinda Gates have set an outstanding example by donating over a billion dollars of their personal income (undoubtedly mostly from Microsoft profits) to very worthy charities throughout the world. How rewarding it would be if some of these litigation-happy competitors would do likewise with even a small fraction of the big bucks they are contributing to big-name trial lawyers!!

God Bless America.

Respectfully Submitted,

S. Ben Riva

Bellevue, Washington .

MTC–00008999

From: COLLINSF3@aol.com@inetgw
To: Microsoft ATR
Date: 1/6/02 2:19am
Subject: Microsoft Settlement

I would just like to say that Microsoft should not be broken up by any means. It's not the jurisdiction of our government do define competition as total equality. It would be punishing people who have worked hard to create a product that people like and buy. The government does not have the right to say who prospers or define one's earnings. Now that Explorer is free it forces Netscape to be original, provide the consumer with something new that Explorer does not allow. It forces other people to create, to strive. You do not punish Gates for being successful. Apple computer still has a wonderful product which they sell. The government suppressing individuals ability to create is everything the framers of our constitution would go against. Gates has the right to his property. This is the equivalent of if I owned large amounts of land so I could sell it at lower prices hurting real estate companies, so the government took my land. That says that my property is not mine, but rather everything I own is up to the discretion of the state to take. We do not live in a socialist government, and I fear that this decision would be another attempt for the government to define our lives as a collective regime to help one another. Look the government cannot violate ones property rights. If this decision goes through then that says that says the government can control ones property which is strait communist no doubt.

There's no violation of the law unless Microsoft hurts the rights of another. The constitution says we as individuals have the right in the pursuit of happiness. That does not mean happiness is guaranteed to the individual. Neither does it mean the state has the right to define the level of happiness we're allowed. Please please please do not break up Microsoft.

MTC–00009000

From: The Talleys
To: Microsoft ATR
Date: 1/6/02 2:52am
Subject: microsoft settlement

I agree with the terms of the settlement.

MTC–00009001

From: fred@seahawk.localdomain@inetgw
To: Microsoft ATR
Date: 1/6/02 3:30am
Subject: Comment on proposed settlement

Microsoft continues to misbehave. I have become aware of additional problems with the company that were not even addressed in the initial complaint. Specifically I have become employed in Korea and it seems that the Korean keyboards are designed to only switch to Korean if used under the Windows operating system. Such behavior is proof that the company will do anything it feels it can get away with while others are not looking.

Please open your eyes to reality! Do you really want Microsoft software running on your systems? You'll permit them to sabotage the government through their own software and operating systems if you don't watch out! It seems also that somehow the hidden hand of Microsoft is at work with various sites on the web, getting them to switch from Real Player which is cross-platform compatible to Windows media player for streaming media files which require the user to connect through Windows, despite the fact that numerous Unix web browsers exist.

You've got to force them to reveal source code to ALL who require it to create applications to work with Microsoft-generated files (WMA, AVI, etc), and not just to companies that operate for profit but open-source developers as well, many of whom do what they do in order to build up credentials to be hired as experienced programmers. (Or do you want to continue to inport H1–Bs?)

Sincerely,

Frederick L Artiss

MTC–00009002

From: Jwelsh
To: Microsoft ATR
Date: 1/6/02 4:04am
Subject: Microsoft Settlement

You're wasting time and money. Microsoft has advanced civilization and the ''sharks'' are looking for a pay day. You're attempting to punish genius and reward those who refuse or can't recognize it.

JWelsh

CC:'Microsoft'

MTC–00009003

From: Linda Paul
To: Microsoft ATR
Date: 1/6/02 4:21am
Subject: Microsoft Settlement

To Whom It May Concern:

Please, please for the good of this country and our economy, let's accept the Microsoft settlement and stop further litigation. This should have never happened in the first place. Our economy needs a strong microsoft. This settlement is in the best interest of us all. NO MORE LITIGATION.

THANK YOU,

Linda Paul

P.S. I am not even a PC user—I prefer Macs. See, we all do have free choice. No one twists anyone's arm to buy or use just one companies goods.

MTC–00009004

From: ARTISTLSH@aol.com@inetgw
To: Microsoft ATR
Date: 1/6/02 5:09am
Subject: Microsoft Settlement

Lets settle this case as decided and move on!! Laurie Snow Hein

MTC–00009005

From: Michael Korbekian
To: Microsoft ATR
Date: 1/5/02 1:56pm
Subject: Microsoft Settlement

It is time to settle the Microsoft case an move on with business. Microsoft has been innovative in providing consumers with the products they desire. A few non competitive companies want to hold Microsoft responsible for giving consumers what they want. In light of the tragic events and the slowdown in the U.S. economy, its time to settle this case and move on to more important things.

MTC–00009006

From: scottmc
To: Microsoft ATR
Date: 1/6/02 6:34am
Subject: Microsoft Settlement

I feel the current settlement will not go far enough. There needs to be made a lavel playing field where other Operating Systems will get a fair chance at being preloaded on PCs from the OEMs. I worked for Zenith Data Systems from 1989 to 1996 when they shut the plant down. I saw Microsoft Products being installed on almost every PC going through the factory. I was told that even WHEN we installed another OS such as Novell on servers, that Zenith was having to pay Microsoft a fee based on the number of PCs sold with or WITHOUT Microsoft software on them!! What BS! Now here is a good chance to make Microsoft and the OEMs out there for that matter, allow PCs to be preloaded with BeOS (perhaps from Palm Inc or BeUnited's group), Linux, Novell, or one of the many others who could step up. Gobe has released an office suite which is very comparable to Microsoft's Office product, but I fear that it won't get a chance due to Microsoft power to control the OEMs and the PC world in general. Please do something to change all this.

Scottmc

Scott McCreary

2389 McBride Lane Apt 82

Santa Rosa CA 95403

MTC–00009007

From: CaptainHealey@aol.com@inetgw
To: Microsoft ATR
Date: 1/6/02 7:20am

Subject: TUNNEY ACT

IT IS TIME FOR THE GOVERNMENT TO STOP PERSECUTING MICROSOFT. WHY DOES THE GOVERNMENT WANT TO STOP INOVATION AND INGENUITY? BILL GATES AND HIS ASSOCIATES HAVE CONTRIBUTED MORE TO THE WELFARE THAN ALL OF CONGRESS PUT TOGETHER. THERE IS NO MONOPOLY—JUST GOOD BUSINESS DONE IN THE AMERICAN WAY. I RESENT HAVING MY TAX MONEY SPENT IN THIS MANNER. GET OFF MICROSOFT'S CASE. CONGRESS SHOULD BE INVESTIGATED FOR GIVING 1.6 MILLION DOLLARS TO PEOPLE IN NEW YORK WHO LOST SOMEONE IN THE ATTACK ON 9/11. STOP THE PERSECUTION OF MICROSOFT NOW. LET IT GO NO FURTHER. MARTIN L. HEALEY

MTC–00009008

From: jody yanovich
To: Microsoft ATR
Date: 1/6/02 7:50am
Subject: MS vs DOJ Settlement

I beleive the settlement that you have reached with Microsoft is fair and the courts should accept it as the best option for all parties involved including the 9 state AG that are still holding out. There is no question that the remaining 9 state AGs are continuing this litagation for the best interest of Microsoft's competitors and not to benefit consumers. Please ask the court to accept your settlement as the best option for consumers like myself, the economy, and the company.

Thanks

MTC–00009009

From: Bill Dunn
To: Microsoft ATR
Date: 1/6/02 7:53am
Subject: Microsoft settlement 5 Bayberry Drive Amherst, NH 03031–2513 January 2, 2002 Attorney General John Ashcroft US Department of Justice, 950 Pennsylvania Avenue, NW Washington, DC 20530–0001

Dear Mr. Ashcroft, I am writing you this brief letter to urge you, the Justice Department, and the federal government as a whole to suspend any further deliberations on the Microsoft antitrust case, adopt the proposed settlement and lay this long suffering to rest. The settlement fairly addresses the major complaints of Microsoft's competitors. Computer manufacturers will have rights to configure Windows in order to promote non- Microsoft software programs. The company will design future Windows versions in a manner to make it easy for software developers to promote use of non-Microsoft software. These and many accommodations will surely open up the IT field to greater competition and innovation.

I simply think it's time to allow Microsoft to get back to work. Please continue to support your department's settlement plan, and don't let the special interests sway you toward another round of selfish negotiation and opportunistic exploitation of a large company.

Sincerely,
William Dunn
wdunn@xtdl.com
CC:fin@mobilizationoffice.com@inetgw

MTC–00009010

From: Tomkare@aol.com@inetgw
To: Microsoft ATR
Date: 1/6/02 7:59am
Subject: Microsoft Settlement

The settlement reached with Microsoft, while it represents an unnecessary and dangerous incursion into the marketplace, is much more fair than the actions that could have been taken. I use Microsoft's products and respect that company's competence in its field. Therefore, my wife and I are very much in favor of the current settlement (the Tunney Act) and wish to see it completed and gotten out of the way so this company and others like it can get on with business.

Thomas D. and Karen K. Gensler
412 Sunset Bay Rd
Hot Springs, AR 71913

MTC–00009011

From: Randy Marcoline
To: Microsoft ATR
Date: 1/6/02 8:08am
Subject: The Microsoft Settlement Is EGREGIOUS and GISGRACEFUL to the Citizens of America!!!!!!!!

You all should hang your heads in disgrace. You are a DISGRACE to the justice system!!! on you!!!!!!!

Signed,
A Law Abiding American Businessman.

MTC–00009012

From: LBIFAN@aol.com@inetgw
To: Microsoft ATR
Date: 1/6/02 8:10am
Subject: (no subject)

enough already.....you are hurting the economy with this ..... consumers are not hurt....just lousy companies that don't make better products.microsoft has made the computer Easier to use. enough already

MTC–00009013

From: Rob Judd
To: Microsoft ATR
Date: 1/6/02 8:42am
Subject: Microsoft Settlement

I'll keep this brief, since I'm sure you're getting lots of mail. Microsoft's handling of competing products has destroyed my business, which was developing software for BeOS (the Be Operating System). Be, Inc found they could no longer market their product in the opressive environment set up by the monolith of the industry and turned up its toes last year. While many of us are trying to revive the BeOS, our real projects fall further behind.

If Bill Gates and his cohorts manage to weasel their way out of this case, I'll be very disappointed. All right, there's no point having power unless one can abuse it to some degree, but this has gone too far, too long and hurt too many. I should note that both myself and an associate in another electronics business have also been hurt by Microsoft's voracious acquisition of high-tech hardware companies, including those in the chip manufacturing and audio areas.

Rob Judd
Judd Electronics
Melbourne, Australia

MTC–00009014

From: Rich Riffle
To: Microsoft ATR
Date: 1/6/02 8:47am
Subject: Microsoft Settlement

Please do what you can to ensure that the Microsoft litigation settlement continues on schedule. Now that there is an agreement in place, let it be finalized. Further delays won't benefit consumers like me.

Thanks.
Rich Riffle

MTC–00009015

From: Jim Hassan
To: Microsoft ATR
Date: 1/6/02 8:53am
Subject: Microsoft Settlement

I feel that the time has come to end all of the litigation. An end-user such as myself is not benefiting at all from this suit! The only winners in all of this are the lawyers who will reap millions. Why is the DOJ wasting our taxpayer money on something as ridiculous as this? All of this has absolutely no impact or benefit to end users! So end it now and start doing something of importance.

MTC–00009016

From: C. Gamester
To: Microsoft ATR
Date: 1/6/02 9:12am
Subject: Microsoft Settlement

Gentlemen:

The following briefly summarizes my opinions and conclusions concerning the Microsoft anti-trust case(s), from my perspective as a consumer, shareholder and patriotic American. I believe they are shared by many others like me. It is time to end the the legal war on Microsoft for the following reasons:

1. The attack on Microsoft by the Reno/Klein DOJ was misguided from the start. American anti-trust laws are meant to protect consumers, not businesses losing in open market competition. Consumers benefit when business seek to ''level their competitors'' not when governments seek to ''level the playing-field.'' Protect the businesses and you get Europe.

2. I believe the attack on Microsoft was motivated to a significant degree by issues of political contributions and personal career aspirations. Microsoft failed to lobby government entities on the same scale as its competitors. Some politicians collaborated with Microsoft's competitors, who they considered constituents. I believe others saw Microsoft's balance sheet as a ''giant honey pot'' and wanted to ''wet their beak.'' I believe some State Attorneys General sought to further their personal careers via the publicity that came with pursuing a lawsuit against Microsoft.

3. The results to date have been profoundly damaging to the U.S. economy and millions of savers and investors. The financial losses in the retirement accounts of millions of workers and retirees, while incalcuable, must far, far outweigh any possible benefits to consumers in general. How have consumers benefited at all?

Just stop it!
Charles Gamester

Mesa, Arizona

MTC–00009017

From: lee innocenti
To: Microsoft ATR
Date: 1/6/02 9:47am
Subject: Microsoft Settlement

I am definately in favor of the settlement. It is a fair one and we need to get on with the business of rebuilding our economy, of which Microsoft is a big part.

Sincerely,
Lee Innocenti
Suffern, New York

MTC–00009018

From: Bob Olsen
To: Microsoft ATR
Date: 1/6/02 10:09am
Subject: Microsoft Settlement

TWIMC,

It is my opinion that the Microsoft Settlement should be settled as proposed by the DOJ. Further litigation by special interests, that only weight the competitive discussions in the favor of those entities that have inferior products, must be stopped. Let us, the users of these products be the judge (in the free market) of which products best suit our needs and pocketbook. DO NOT PROLONG litigation any further and stop the stifling of innovation.

Martin R. Olsen
Heavy Computer User
49 Stratford Place
New City, NY 10956–4666

MTC–00009019

From: Albert Lowe
To: Microsoft ATR
Date: 1/6/02 10:14am
Subject: Microsoft Settlement To Whom it may Concern at the US Dept. of Justice: Re: Microsoft Settlement

While I think the final judgement is fair, I also think that this lawsuit should have NEVER been brought against Microsoft in the first place. Especially considering the bias of the prosecuting attorney and the presiding judge in the original case.

It was quite obvious that the prosecutor was out to get Microsoft from the very beginning. That is not the job of a prosecutor. His job is to seek justice, whether criminal or civil. The type of justice the original prosecutor was seeking was criminal in HIS intent. His intent was obviously to destroy Microsoft.

While I'm sure that something needed to be done so that Microsoft did not unfairly punish OEM's, I think it could have been worked out in a less expensive manner to U.S. Taxpayers. This lawsuit will ultimately cost the consumer in increased prices for Microsoft product to cover the expense of the trial, and to US taxpayers for the government's cost. As a US taxpayer, I am upset, angry and appalled at the U.S. Government's total disregard for my fiscal well being. But I guess I should be used to it by now. For at least 80 years, the Federal government doesn't really care about the individual Citizen, only the country as a whole.

But when you diminish me, as an individual, do you not diminish the whole? Settle the case as is, and find different ways to attack my wallet. And For Your Information, I am not now, nor have I ever been an employee of Microsoft.

Sincerely,
Albert Lowe (Out of work PC Tech)
4400 Edgar Rd. Trlr 29
Leslie, MI 49251
517–589–6962

MTC–00009020

From: Lyle F Neff
To: Microsoft ATR
Date: 1/6/02 10:23am
Subject: Microsoft Settlement

It is time to move on and put this Microsoft litigation behind us. The self serving States Attorney General have spent enough taxpayers money for their own glorification. Accept the settlement, end the litigation, and let us return the business of business. This litigation, started by the Clinton administration, has been a disaster to the economy of the country.

Thank you for your consideration.
Lyle F. Neff

MTC–00009021

From: Bobby Schulman
To: Microsoft ATR
Date: 1/6/02 10:31am
Subject: Comment on the Settlement with Microsoft

I have followed the government action against the Microsoft Corporation since it began. When the settlement was finally reached, I was surprised and quite pleased with the method by which the matter was concluded.

This settlement which benefits school children is a wonderful idea. Further, I believe it's a thoughtful and very positive way to penalize an offender. We Americans recognize that there are very few priorities more important that our children's future. The penalty while costly to Microsoft, becomes a very rich blessing for the children ... wrapped inside of a valuable lesson about our laws. I salute those of you in the Department of Justice who helped to craft this settlement. Please continue your fine and creative work.

Robert Schulman
4425 NW 65th Ave.
Lauderhill, FL 33319

MTC–00009022

From: M. Cassidy
To: Microsoft ATR
Date: 1/6/02 10:51am
Subject: Microsoft settlement

To Whom It May Concern: We believe the Microsoft settlement is fair and should not be further drawn out with more litigation by the Government and special interest groups at the expense of American

Taxpayers.
J and M Cassidy
Marilyn Cassidy
780 Brentwood Point
Naples, Florida 34110–7910

MTC–00009023

From: Jerry Kreps
To: Microsoft ATR
Date: 1/6/02 10:53am
Subject: Internet will become Microsoft's pesonal property

An additional comment:

The Internet became practical when a CERN researcher developed the HTTP protocol and put it into the public domain. Had he patented it instead, the HTTP protocol would have joined the numerous other networking protocols that languished. The others were languishing because they were controlled by patents. Folks were not interested in paying a fee to be able to use a network that they already owned by virtue of the taxes they paid which allowed our government to develop the precursor to the internet.

HOWEVER, THE INTERNET IS STILL NOT SAFE FROM CAPTURE by greedy corporations that have no repsect for the law, i.e., Microsoft. Protecting a protocol, so-called 'intellectual property', as apposed to a tangible invention, with patents will absolutely kill it dead, as the numerous but unused networking protocols prove. A patented protocol gives the holder of the protocol absolute power of monopoly over the users/adopters of that protocol backed by the law. The patent holder can charge whatever he likes and can blackmail or put anybody using it out business if he likes—you can't reverse engineer it and you can't code around it. Very few companies will willingly choose such an option.

It was this patenting madness, motivated by greed, which stifled the development of the Unix operating system, and it's desktop, the CDE. These events allowed a new software company, which relied heavily on OPEN SOURCE software made available to the public domain by the Regents of the University of California, to take advantage of the greed gridlock and develop a product called 'Windows'. Even today, Microsoft borrows heavily from the Open Source community, without returning anything of value, to extend the functionality of its software at little expense to itself. With clever marketing, aided by illegal contracts and business practices, Microsoft was able to develop something the Unix companies couldn't, a monopoly. In the early days, purchasers of Windows could move their copy of Windows from an old machine, which they were selling or discarding, to their new machine. Or, if they had two machines they could use a single copy of Windows on both machines. Or, they could sell the PC and the WIndows on it, to another person. Or, they could give the PC and Windows to a charity. When Microsoft became secure in its monoply position it changed the lease to FORCE users to purchase a NEW copy of Windows if they bought a new machine. or purchased a used one.

They forced OEM's to sell a copy of Windows with each PC they sold, EVEN IF THE CUSTOMER DIDN'T WANT IT, a blatent violation of the Sherman—Clayton Anti-Trust act, and one so obvious it is amazing that the DOJ never bothered to enforce the Act against Microsoft, but chose a lame 'bundling' issue instead. HAD THE DOJ DONE ITS JOB the monopoly would not have existed and consumers would have had other Operating System options which would have allowed them to avoid the ''Microsoft Tax''.

The only company that can benefit from software patents is one which already has a monopoly eg. Microsoft. In this case a protocol such as .Net can be forced onto users, developers and deployers by virtue of Microsoft's desktop monopoly, and this monopoly can be extended to servers and Internet by using software patents to exercise monopoly control over everyone who talks to any desktop, include Linux KDE desktops, all servers and the Internet itself. This is Microsoft's big plan for the future.

This sham settlement will assure the success of Bill Gate's 'dream', which will become our nightmare. The Internet will be divided into two camps, one controlled by Microsoft, and the other controlled by tyrannical governments. The hard part will be trying to tell the difference. Doubt this? Then consider that in a blatant attempt to control and/or manipulate the poltical climate Microsoft has unilaterally removed certain politically incorrect words from the Microsoft Office Dictionary. Or, consider that Microsoft released an upgrade' to Internet Explorer (their browser) which automatically rewrote web pages on the fly, inserting Microsoft URLs and ad banners, without the permission of the site creators. You are a third party and have a site selling a software application that competes with one of Microsoft's software products. When visitors display your website ads for Microsoft's product appear on/over your own product on your own site. Such is the power of a monoply. What's next? Releasing an 'upgrade' to Microsoft Money that certain stocks from being be added to a portfolio? Controlling online poltical discussions or contents of emails?

Communist governments control their citizens directly by decree. Fascist governments control the cartels which control the citizens. The difference is cosmetic. Your sham settlement will allow an uncontrolled cartel, Microsoft, to control public discouse and commerce on the Internet by giving ownership of the Internet to Microsoft, lock, stock and barrel, via its ''.NET'' protocols.

Jerry Kreps

MTC–00009024

From: H Tavassolie
To: Microsoft ATR
Date: 1/6/02 11:01am
Subject: Microsoft settlement.

As an American citizen I would like to settle this prolong and somewhat unfair litigation that has been proven of harming the public interest. Microsoft innovations has created enormous public benefit, and facilitated our life. I give you an example, I purchased Microsoft word, but my computer didn't have enough memory, after a month,I had a chance to return it, the store said ''We usually do not accept this late soft weir return, but because of Microsoft policy we will accept it''. The price was near $400.00.

Therefore,I urge you and ask you to please settle this unfair to public litigation as soon as possible.

Sincerely.

MTC–00009025

From: GFoye@aol.com@inetgw
To: Microsoft ATR
Date: 1/6/02 11:05am
Subject: microsoft settlement-from citizen

Issue of microsoft/government lawsuit: 01–05–02

As a tax paying citizen I feel the time is overdue to settle the microsoft vs government lawsuit issue. I cannot comprehend the reality of the suit regarding so-called microsoft monopoly when monopolies of far greater caliber are being perpetrated by giant industries that will have a far more significant and sinister impact on people of the world. What about the creation of monopolies formed by union of various components of the medical system, pharmaceutical and petroleum giants and energy companies? What efforts are being made to control them?

Personally, if I never had a computer I could live without it. My life would not be affected! But, my life is being effected right now, and more so in the near future by cost and availability of pretroleum products, energy sources and worst of all, horrific increase in cost of medical services and medications. These industries, through costly lobbying, control the political system of the U.S. which is not in the best interest of people like me—the people who pay the bills.

Gerald Foye
9857 Old Ridge Road
Spring Valley, CA 91977
GFoye@AOL.com
619–465–2094

MTC–00009026

From: Steve Robinson
To: Microsoft ATR
Date: 1/6/02 11:13am
Subject: Microsoft Settlement

Dear Department of Justice,

I feel that the settlement with Microsoft is a very fair one. There will be many individuals and companies that will write to the contrary but I think that there are many things influencing them other than what is fair. Microsoft has been a major force in our economy in the past and if given the chance may contribute in pulling us out of this down turn.

Thank you,
Steve Robinson
srrobi1@pacbell.net
4958 Monaco Drive
Pleasanton, CA 94566

MTC–00009027

From: Russell Caldwell
To: Microsoft ATR
Date: 1/6/02 11:17am
Subject: Microsoft settlement

To whom it may concern:

I'm not happy with the settlement you made with Microsoft. It seems like you are allowing them to do the same business practices that brought on the litigation in the first place. Please do not allow them to squash the competition the way they have in the past.

Thanks.

Russel Caldwell

MTC–00009028

From: Ted Leeuwesteijn
To: Microsoft ATR
Date: 1/6/02 11:17am
Subject: Microsoft Settlement

Dear DOJ,

''I am part of a worldwide network of business that is working on getting the BeOS or equivalent back into the market place, but there is no hope of success if the following issues aren't addressed: MS Office needs to be opened, so that developers interested in porting it or understanding the document formats can do so either in form of a source code license or an allowance to see it, check it and ''clone libraries'', so that applications on non-Windows OSs can read and write MS Office formats for flawless interaction with Windows users.

The Win32 API needs to be made available (incl. undocumented APIs) so that WINE can be successfully ported not only to BeOS but other OS too. The file system needs to be opened, so that BeOS users can continue to access files on non-BFS partitions. The ruling must include a ''must-carry'' rule, so that any OEM Microsoft is supplying Windows with HAS to ''dual-boot'' an alternative operating system, in this case BeOS, in order to remedy the damage MS has done to BeOS and lots of others in the past.

Personally to my business MS has endorsed to get me to be a OEM dealer providing i won't sell other or at least load up other OSes onto my systems. So theorecly i would not be able to serve my clients wishes to the fullest just because MS won't allow me to. Well in my opinion it's up to the client to decide which services and tools they like to use and not the ones MS want me to upload on a PC. There are severall cases known about simulair issues, i name a few Hitachi has encountered it as wel as compaq.

Now if i buy a car at a certen dealer, the manufacturer may advize in the brand and type of fuel i will be charging it but in the end it's certenly my choice which one to choose from as long as the fuel complies to their recommendations and technological specs.

And then not to mention that they are distributing unsafe and unstable software and so to speak a less superior prodact than many others o know and have used. They knowingly abuse this so called features to rule the world on a certen market.

If a car company do such a thing(GoodYear) they get the largest trouble at their adress but it seems that MS can get away with anything in that area. I like to refer to a few articles which may have escaped your attention and i like you to study them.

http://www.byte.com/documents/s=1115/byt20010824s0001/

http://usvms.gpo.gov/findfact.html

http://www.theregister.co.uk/content/4/22670.html

http://www.theregister.co.uk/content/archive/21410.html

http://www.theregister.co.uk/content/4/21347.html

http://www.kuro5hin.org/story/2001/10/23/13219/110 and some information about beos

http://www.gcn.com/vol19—no23/reviews/2637–1.html

With the kindest regards and respect,

Ted Leeuwesteijn

managing director
BeOS oem dealer for the Netherlands & Europe.

MTC–00009029

From: Owie Jaggi
To: Microsoft ATR
Date: 1/6/02 11:19am
Subject: microsoft

If microsoft is charged then so should AOL

I believe microsoft has been unduly charged. I have tried to use aol programs while subscribed to microsoft; they either would not work or they screwed up my MSprograms. I believe this was intentional on the part of aol. On the other hand MS has given away more free software programs to the public than any other provider;especialy aol. People who have a little knowledge of cp,s choose MS because they know it is a much better product with with better service; while aol has a clientel of mostly people who have very little or no knowledge of computers. But then it pays to advertise (which aol does a lot of) which MS does little of ;like on public tv. When aol users gain a little knowledge aboutCP,s they usually switch to MICROSOFT. I for one wished there was some way to keep aol products completley off of my CP; but for some reason aol seems to show up in my software every now and then and I have to delete it.

MTC–00009030

From: CAROCK2@aol.com@inetgw
To: Microsoft ATR
Date: 1/6/02 11:36am
Subject: Microsoft Settlement

No further litigation is necessary. Settle the case. Settlement is the best thing for American consumers

Respectfully
An American voter and taxpayer
C.A. Rockefeller

MTC–00009031

From: Frank Byrd
To: Microsoft ATR
Date: 1/6/02 11:47am
Subject: Microsoft Settlement

To Whom It May Concern:

Please support an expeditious close to the folly of the Microsoft case, which has made a mockery of the spirit and proper application of US anti-trust laws.

It is harmful enough that competitors who are losing their battles in the free market are increasingly attempting to manipulate the DOJ to their advantage. Now state politicos, who have such obvious agendas, have made this an even more ludicrous circus. The DOJ serves so many noble purposes in this country. Artificially ''managing'' our economy should not be one of them.

Respectfully,
Frank Byrd, CFA
212–697–2886
Midtown Capital Partners
565 5th Avenue, 11th Floor
New York, NY 10017

MTC–00009033

From: WILENSD@aol.com@inetgw
To: Microsoft ATR
Date: 1/6/02 12:04pm
Subject: Public interest

LEAVE MICROSOFT ALONE. THEY DIDN'T DO ANYTHING WRONG. THE ANTITRUST LAWS ARE NON-OBJECTIVE. ALL THEY'RE FOR IS GIVING ENVIOUS COMPETITORS TRUMPED UP GROUNDS TO GO AFTER THE BEST AND BRIGHTEST. IF YOU DON'T COLLABORATE WITH YOUR COMPETITION UNDER ANTI-TRUST, YOU'RE ''GUILTY'' OF ''CUTTHROAT COMPETITION''. IF YOU DO COLLABORATE WITH YOUR COMPETITION UNDER ANTI-TRUST, YOU'RE ''GUILTY'' OF ''PRICE-FIXING''. THE ANTITRUST LAWS GET YOU COMING AND GOING AND ARE A FRAUD!!! REPEAL ANTITRUST!!!!!!

MTC–00009034

From: luckinh nguyen
To: Microsoft ATR
Date: 1/6/02 12:05pm
Subject: Microsoft setlement

Please leave Microsoft alone to do its business. The U.S.A. and the whole world need a leader in software business. We sure don't want to have to learn 100 different ways to use our computer just because U.S.J.D wants to have 100 strong companies.

Without Microsoft and Intel companies, the U.S. which has been way behind the Japanese in the 80%, would never have a chance to go back to be the world leader again since the 90's. I don't understand why we want to weaken our own strength to give the Europeans and the Japaneses a new chance to get ahead (example Boeing vs Airbus in airplane business, and the Toyota vs Ford in car business).

My opinion is if the U.S. government will not support Microsoft (or any of the industry leader), it should not constrain it either. The United States of America is strong and will be a strong country because its citizens and corporates are allowed to have the freedom to think and to act. GOD BLESS AMERICA FOREVER. An Immigrant from Vietnam Ken Nguyen e-mail address: Luckinhn@hotmail.com

MTC–00009035

From: htd1
To: Microsoft ATR
Date: 1/6/02 12:08pm
Subject: Microsof Settlement

Gentlemen:

Please proceed with finalizing settlement agreed upon between DOJ, States and Microsoft.

George Gundersen

MTC–00009036

From: Timemach55@aol.com@inetgw
To: Microsoft ATR
Date: 1/6/02 12:16pm
Subject: Microsoft Settlement

As a consumer, I use windows-98, AOL for Internet access and the yahoo search engine. That combo works for me. I own a lot of tech stocks and like the freedom we have to get out and make the next ''widget.'' I support the Microsoft settlement, and look forward to the next innovation in technology wherever it comes from.

Let all of us get back to the business of living our lives and paying to many taxes.

Christina Staib
Carmel, CA

MTC–00009037

From: LW
To: Microsoft ATR
Date: 1/6/02 12:22pm
Subject: Microsoft settlement

Gentlemen:

I believe the Microsoft settlement should be finalized as presented to the Dept. Of Justice. The case has gone on too long, it is not clear to me that the company has done anything criminal, and it is time to end the costly litigation.

Sincerely,
Les Weinberg

MTC–00009038

From: Insurwhiz@aol.com@inetgw
To: Microsoft ATR
Date: 1/6/02 12:28pm
Subject: Microsoft Settlement

I applaud all parties to the litigation for settling the Microsoft case. It is best for the Country, for our economy and for the technology sector of our economy. I am happy that the Department of Justice, Microsoft and the States have arrived at this settlement. It gives me a great deal of confidence for our economy in 2000 and the years beyond.

George Staib

MTC–00009039

From: WoodRuss@aol.com@inetgw
To: Microsoft ATR
Date: 1/6/02 12:31pm
Subject: Microsoft Settlement

The Microsoft case has gone on far too long and needs to be settled soon without negatively impacting Microsoft. Breaking up the company is a bad idea and should not be pursued nor should protracted legal action. Get this behind us with a process to insure review and monitoring of their actions so that they don't take undue advantage of their past success.

You have spent far too much of my money (tax dollars) on this case and I hope you go after the real bad guys.

Sincerely,
Russ Wood
1211 224th PL NE
Samammish, WA 98074
425–868–7200

MTC–00009040

From: TACBOYER@aol.com@inetgw
To: Microsoft ATR
Date: 1/6/02 12:35pm
Subject: Microsoft Settlement

Ref: Public Input

Lets settle the issue now! It has gone on long enough, the point has been made and we need to move on to more critical things.

The settlement is one of the lowest items on my personal radar and we have things to attend to that are so much more critical that I consider any further delay of this settlement to be malfeasance of office on the part of the DOJ.

Signed,
Thomas Boyer
TACBOYER@AOL.com

MTC–00009041

From: Joe K
To: Microsoft ATR

Date: 1/6/02 12:39pm
Subject: Microsoft Settlement.

Microsoft never had any monopoly in the market for personal computer. One would only believe this is they were computer illiterate. Being in the Information Technology business for 20 years I saw how Microsoft made quality products for personal and business use. There have always been choices for which operating system to use, if you didn't realize this then it is very obvious that you made the right decision without even knowing it. Besides why would Microsoft create application software for a competitor's operating system (example Macintosh) if they wanted a monopoly? Weren't they actually helping this competitor by giving both businesses and consumers more reasons to buy Mac?

I know that there is much more meat to this and I am being very brief, but I just wanted to get a sentence in without spending all day on this. Microsoft has done a great job throughout the years on bringing quality products to the consumer in a highly competitive market. Nobody every forced me to buy Microsoft, it was my choice. Give Microsoft the freedom to innovate so that we can have better products to work with and our children will have better tools to learn with.

Thanks for Listening.

Joe Karas

MTC–00009042

From: John Webster
To: Microsoft ATR
Date: 1/6/02 12:42pm
Subject: Microsoft Settlement

As a computer user since 1978 I want to emphasize the great good accomplished by Microsoft in integrating services and making high quality software. My family strongly supports settling this lawsuit quickly and fairly to allow Microsoft to focus on what they do very well, the production of fairly priced and extraordinarily good software.

J.S. Webster, MD

San Diego, CA

MTC–00009043

From: Robkwhitt@cs.com@inetgw
To: Microsoft ATR
Date: 1/6/02 12:50pm
Subject: (no subject)

The settlement appears to be a raw deal for the public and for the USA, but a windfall for Microsoft (and I am a Microsoft shareholder). Bill Gates can make billions for himself and his shareholders if he concentrates on it. He needs to take his lumps on this one and move on so he can concentrate on what is important. Microsoft contributed thousands if not millions in the last election and have probably promised much more. The Judge is not an idiot. He was the first Judge appointed by Pres. Reagan, is an anti-trust specialist and cannot be labeled a liberal. Microsoft clearly tried to eliminate competition and the Judge found that it was illegal. This settlement appears to be a ''handslap'', at best, if not a favor for the political support given in 2000 and that promised in the future.

Robert K. Whitt

915–686–2000

MTC–00009044

From: Robin McCain
To: Microsoft ATR
Date: 1/6/02 1:13pm
Subject: Present Microsoft settlement terms—OPPOSE

I urge you to oppose the currently proposed terms of the settlement of the Microsoft anti-trust action for the following reasons:

Currently, it is possible to build a perfectly usable PC with Linux and freeware office products for very little money—Microsoft sees this as the biggest threat to their chances for a total monopoly. If Microsoft is allowed to give ANY software to public schools in lieu of a cash settlement, it will most likely result in Microsoft soon being able to COMPLETELY DOMINATE the software market and result in the demise of alternative operating systems and software.

Acceptance of the settlement as it is now proposed will go further towards the creation of a Microsoft monopoly than any other action their marketing department could possible take, and totally negates the spirit of the anti-trust action. So, I ask the U.S. Attorney's legal team to reject any settlement involving ''software products'', and to propose that the cash equivalent be given to the schools in the form of non-brand specific vouchers, which could also be used for alternative software (ie. not just for operating systems, office products, and the like, but the vouchers could also be used for learning software, consulting services, test preparation aids, and other software tools). This would allow the schools to be able to choose which brands of software they wanted to use and teach. ''Software products'' cost Microsoft NOTHING... All the distribution of these Microsoft software products would do is to encourage children to BUY MORE Microsoft... ...and thus increase Microsoft market share.

If the schools had these non-brand specific vouchers, they could use them to endorse whichever software vendors they chose on an individual basis, which would encourage and benefit the entire software community, not just Microsoft—and would be much closer to a truly fair remedy.

P.S. Why didn't the government seek injunctions to:

1. delay the release of any new Microsoft operating system involving the technologies in question until the case had been resolved?

2. deny Microsoft the ability to give away large numbers of free copies of their new development system tools in the academic environment. (This results in exactly the same problems the medical community has had for years with the free pharmaceutical samples from their manufacturers—an incentive for unfair advantage at the expense of the public) The current situation has simply resulted in a ''business as usual'' continuation of the original anti-competitive behavior.

CC:attorney.general@po.state.ct.us@inetgw

MTC–00009045

From: eduardo chin
To: Microsoft ATR
Date: 1/6/02 1:14pm
Subject: TO THE US DEPT. OF JUSTICE and all States oppossed to the arrived TO THE US DEPT. OF JUSTICE and all States oppossed to the arrived settlement:

Let the business of running a good business be left to the good enterprenuers of our industries. It is time to let Microsoft to get back to what the public wants it to provide them: good products and good service at prices public will want to pay for. Stop running the competition using the courts legal system. This country needs more enterprising companies that will do good for our economy and provide more jobs to our citizenry. Stop wasting our tax dollars and microsoft resources in courts.

e.chin

MTC–00009046

From: Cmgradick@aol.com@inetgw
To: Microsoft ATR
Date: 1/6/02 1:15pm
Subject: Microsoft Settlement

As a microsoft purchaser of software and as a follower of government actions, I strongly object to the government's actions to penalize Microsoft. It is past time for the government to pursue entities that are a danger. Microsoft is not the enemy.

Craig Gradick

cmgradick@aol.com

MTC–00009047

From: Houseman40@aol.com@inetgw
To: Microsoft ATR
Date: 1/6/02 1:15pm
Subject: Microsoft Settlement

I am writing to you to express my disdain over the continued attempts to frustrate the settlement of the Microsoft case, by what is certainly a minority of computer users in this country, fueled by competitors of Microsoft and politicians who are NOT familiar with PC software (let alone PCs).

I wrote many of these same words to Senator Charles Schumer of New York because of his anti-Microsoft involvement and obvious lack of knowledge on the subject of their software packages. What he was doing was nothing short of impeding progress. Of course, as I suspected would be the case, I never received a reply from his office.

I am 46 years old, I have been in the business world my entire career, and I am proficient in the use of personal computers. My use of computers has developed over the years as a natural extension of my career (Financial Officer) as well as my personal interest in them.

I have used PCs prior to Microsoft products such as Windows, Office, and Internet Explorer, and extensively since the Microsoft Windows inception. I've used Lotus, and WordPerfect (they are NOT Microsoft products). And without a doubt, Microsoft products are superior to anything else out there. As for the completely baseless worry that some of our politicians seem to have over the choice of other products, or inability to use other products that aren't built into Microsoft Windows—this simply shows that they do not know what they are talking about.

Let me give you some analogies that should ring close to home... Microsoft Windows

(older versions OR the new XP version released last Fall) offers more flexibility, choice of using other products with it, etc., than any of the following that I use:

1. My utilities. ANY of them.
2. My healthcare benefits, including choice of a physician.
3. My America Online account (a member for six years).
4. My local and long distance telephone carrier.

And consider this: I can add products to my PC, made by someone other than Microsoft, and do it easily, ONLY because Microsoft has brought standardization to the industry. They brought the concept of ''Plug and Play'' to the PC world, which means: Buy someone else's products and Microsoft software actually assists your computer to make sure it works, by identifying the drivers needed and making all the interconnections necessary to connect it to your monitor, printer, scanner or other peripherals!

Do that with any of the items listed above. Try to ''plug and play'' a different electricity company this month because you are tired of using the one you currently have. And then plug another one in if that one doesn't suit you after a day of using it. Or try that with your health plan. Or the physician you just used, and wish to use another one for your visit next week. Good luck trying.

The point is, their software is theirs and in the opinion of most PC-literate people out there, they have already gone out of their way to accommodate other companies by allowing virtually any software to be used in conjunction with it.

So the next argument is that even though it is possible to do, it might be too difficult to use another software product with it? Well let me tell you this...if you have just basic PC skills, it is not that hard to substitute another product for the ones that come with the Microsoft software packages. But let's just assume that it takes a little effort to figure out how to do it... If you had the option to do that with your health plan or your utilities would you take the time to learn how to do it? You can bet your bottom dollar that you would.

Now consider this: Millions of PC-literate people out there DO know how to do this switch in products, but like me, they do not. Because they don't want to.

That brings me back to my original comment: once you experiment with the other products out there, you come back to the Microsoft ones because they are the best. Why do you think their products are used by virtually everyone out there? Because they were FORCED to use them? Heaven knows that I have every capability of purchasing the Lotus/WordPerfect suite of office software for work or at home, but I wouldn't because I like the Microsoft Office package better. And I could change my browser today to be Netscape's... but I won't because I like the Internet Explorer.

It is time that the politicians quit making issues where there aren't issues.

The focus on trying to find problems with Microsoft should be left in the past with the inept administration that started it. We should be thankful that this country is being led today by people with true honor and dignity, who are bringing us together, united in the quest for Freedom. And that means the freedom to choose the Microsoft products, because they are superior to others, even if every single PC owner in the world does so and the Microsoft products become synonymous with ''Kleenex'' or ''Xerox.'' After all, those companies MADE the markets that they still compete in. Perhaps through other informed PC users out there, we can tell the Senator Schumers and the lawyers representing Microsoft's competitors to get with it and leave Microsoft alone. Microsoft has done more good for this country, by bringing productivity enhancements to the business world, and more information via PCs/PC software advancements to people in their homes, than most of our politicians could ever hope to do in their lifetime.

Sincerely,
Alan House
4858 Dublin Drive
North Royalton, OH 44133
CC:Houseman40@aol.com@inetgw

MTC–00009048

From: Mary L. Snyder
To: Microsoft ATR
Date: 1/6/02 1:20pm
Subject: Microsoft—Settlement?

Sirs:

ANY indictment of Microsoft under such an abomination as ''The Anti-Trust Law'' is a criminal act, as much as imposed on colonial America by the British which precipatated the American Revolution. As there should be NO INDICTMENT, there can then be NO SETTLEMENT, therefore it should be a NON-ISSUE. To REPEAL ''The Anti-Trust Law'' is the only action to be taken at this time. Any so-called ''Settlement'' toward Microsoft by our United States government is punishing the GOOD for BEING the GOOD!

Because a business is more profitable in its field than any other is because it earned it. No government can call itself JUST by intrusing on this business! Because other businesses cry like the babies they are, the government should pay them NO attention. Let them compete as they can through their own intelligence with their own new ideas. NOone is telling them not to do this. ''The Anti-Trust Law'' it's hurting consumers by inhibiting progress in designing BETTER products—yes, BETTER even than Microsoft. Bill Gates has said that he has to keep updating, inventing new products etc., as he knows that at any time he could be topped by someone else, and THAT'S the ONLY RIGHT anyone else has.

THINK your best premises, and quit badgering those who make life better for each and every one of us—Microsoft competitors included!

Mary Lou Snyder
mlobjst@sprintmail.com

MTC–00009049

From: douglasleifeste
To: Microsoft ATR
Date: 1/6/02 1:29pm
Subject: microsoft settlement

To Whom U.S Goverment,

GET OFF THE BACK OFMICROSOFT CORP. YOU HAVE DONE ENOUGH TO HURT ALL THE SMALL INVESTERS, AND STIFFLE FREE ENTERPRISE IN THIS FINE COUNTRY.

DOUGLAS LEIFESTE
1214 VINE AVE
SUNNYSIDE WASH

MTC–00009050

From: hairdoc
To: Microsoft ATR
Date: 1/6/02 1:31pm
Subject: Settlement with Microsoft Computer should be accepted.

I do now and always have felt that the DOJ's and various state attorneys suits against Microsoft Corp. are the result of the prejudiced views of elected officials from states where Microsoft's competition reside. This constitutes what I and everyone I speak to considers an injustice perpetrated against Microsoft Corp. As you know millions of our tax dollars have already been wasted in an attempt to wrongfully punish this company. I and most Americans who used P.C's. before the advent of Windows hold Microsoft in the highest regard. I am proud of it's performance in dominating it's field because in doing so it took us out of the realm of cryptic DOS code and into the future of computing. Lets face it, the driving force behind any great advancement has always been profit. By punishing Microsoft for doing exactly what any other large corporation or small businessman would do in it's place sends a bad signal to those of us who have the nerve to gamble in the high stakes world of business. By the way what would the trade deficit have been last quarter if Microsoft did not sell software worldwide?

Please stop this nonsense and accept this settlement that is already much larger then the so-called (but in my mind fabricated) harm done to the ?public? Let this great American company thrive and grow.

Thank you for considering my position.
Stephen F. Dasaro

MTC–00009051

From: LAWRENCE SHER
To: Microsoft ATR
Date: 1/6/02 1:32pm
Subject: Microsoft Settlement

There is no need to prolong the litigation against the Microsoft Corporation. It was an ill-conceived action to begin with and sends the wrong message to highly innovative companies that advance technology and our economy and provide continued world leadership for the United States. The DOJ needs to be able to sort out the whining of Microsoft's competitors vs. real potential damage from one of the most successful technology innovators the country has seen. Let's get on with it.

Lawrence Sher
14028 wind mountain Rd
Albuquerque NM 87112

MTC–00009052

From: Douglas Lipton
To: Microsoft ATR
Date: 1/6/02 1:45pm
Subject: Microsoft

Gentlemen:Right now in January 2002 the last thing the American economy needs is more litigation that benefits only a few wealthy competitors of Microsoft and stifles

the enormous potential for innovation that Microsoft has always led the way on.

Douglas Lipton
douglipton@earthlink.net

MTC–00009053

From: JDinsfrien@aol.com@inetgw
To: Microsoft ATR
Date: 1/6/02 2:16pm
Subject: microsoft settlement

Enough already. Let the settlement proceed. It may not be perfect, but it's adequate. Close the deal and let's move on.

Jack Dinsfriend

MTC–00009054

From: DBen341144@aol.com@inetgw
To: Microsoft ATR
Date: 1/6/02 2:29pm
Subject: Microsoft Settlement

I believe the entire matter has been a witch hunt and that Microsoft has been unfairly targeted because it did it's job better than it's competition. As a consumer, I never minded that Interent Explorer has come loaded in all of my computers... and guess what? I've never used it! The governments meddling in private industry has cost millions and millions of dollars, and saddled Microsoft with a tremendous burden that will ultimately be passed on to consumers. How has the public interest really been served?

The reduced liability settlement is as fair as can be expected after so much time and resources spent. As a citizen and consumer, I believe enough is enough. If Microsoft has actually commited a violation of anti-trust statutes, they have well paid a sufficient penalty. I urge all parties to this matter to act quickly to bring this unfortunate experience to a close.

MTC–00009055

From: mahria day
To: Microsoft ATR
Date: 1/6/02 2:29pm
Subject: Microsoft Settlement

Dear Sirs or Madam,

I am writing to let the judge know of my views regarding the Department of Justice's settlement regarding the Microsoft case. I have submitted several emails to various Attorney Generals regarding the Microsoft case. I am glad that some Attorney Generals have decided not to join the settlement reached between the U.S. Department of Justice and Microsoft. And I also concur that the proposed settlement fails to achieve the necessary goals of a proper remedy: halting the illegal conduct, promoting competition, and depriving Microsoft of its illegal gains. I am writing to let the judge to know of my views regarding the Department of Justice's settlement.

Sincerely,
Mahria Day

MTC–00009056

From: NEWISLER@att.net@inetgw
To: Microsoft ATR
Date: 1/6/02 2:31pm
Subject: Microsoft Settlement

Dear Secretary Ashcroft:

I firmly believe the Microsoft case should be closed without further hardship or penalty to Microsoft. Microsoft is only guilty of being an aggressive competitor and a successful business organization. Aggressive competition is nothing new. I face it everyday in my business. Aggressive competition is quite American. It is encouraged in schools, sports, games and, yes, in business. Success comes only through hard work, creativity, innovation and market acceptance. Market acceptance is key and the federal government should not punish businesses with products that are accepted by consumers. I am hopeful the Microsoft Settlement will come to a rapid disposition with no further penalty to Microsoft.

Thank you.
Sincerely,
Norman E. Wisler

MTC–00009057

From: B. Hanford
To: Microsoft ATR
Date: 1/6/02 3:10pm
Subject: Microsoft Settlement.

I have purchased and used every version of Microsoft Windows. I currently own and use Microsoft Office and several other lesser Microsoft programs. I have never felt that I was charged too much for any of these products. To the contrary, I feel I'm being charged far too much by the government's continued prosecution of the Microsoft Anti-Trust case. I never felt there was a valid case to begin with, but be that as it may, I now feel you have reached the a point of diminishing returns. Please accept the current settlement and stop waisting my tax money.

BH...

MTC–00009058

From: Matthew Harding, P.E
To: Microsoft ATR
Date: 1/6/02 3:01 pm
Subject: Microsoft Settlement Mr. Ascroft, thank you for your consideration. Matt Harding Matthew L. Harding 1428 S, Lindenwood Drive Olathe, Kansas 66062 January 5, 2002 Attorney General John Ashcroft US Department of Justice 950 Pennsylvania Avenue, NW Washington, DC 20530

Dear Attorney General Ashcroft:

I am writing you today, to express my support for the recent antitrust settlement between the Department of Justice and Microsoft. I feel the stipulations of the recent settlement are sufficient and that no further actions be taken against Microsoft. Currently, Microsoft has agreed to many stipulations some of which I feel to be too drastic. However, due to the fact that Microsoft agreed to comply is reason enough to let this matter stand where it is. This settlement was reached after extensive negotiations with a court appointed mediator. Microsoft has agreed to compromise much more than I would have if I were in their shoes. The sharing of codes and more software information will be given to competitors, thus creating more opportunities for other companies and providing the consumer with even more choices.

After three long years of court battles, Microsoft and the Government have settled the antitrust suit. Now more than ever our economy needs to allow this settlement to end here. Money and other resources need to be spent on more important issues currently facing our nation. Please, let's allow Microsoft to focus on innovation, rather than litigation.

Sincerely,
Matthew Harding

MTC–00009059

From: Ronald M. North
To: Microsoft ATR
Date: 1/6/02 3:05pm
Subject: For years I have supported Microsoft as a user and as a believer in the

For years I have supported Microsoft as a user and as a believer in the integrity of the private sector. After December 3rd, 2001, when Microsoft forced me to adopt their ''Hotmail'' and ''Passport'' garbage in order to get email I have been using for decades I have changed my outlook. This change was a disaster for me and many others whose Microsoft loaded computers crashed, were unable to access any internet service and were insulted by Microsoft's incompetent technicians (so incompetent they all refused to give their names ''for security''). I now and for a long time in the future urge the Justice Department to prosecute Microsoft to the limits and them some until they realize their responsibilties to their customers and to the larger good of the economy. Their irresponsible behavior in putting out and forcing all customers to adopt this disastrous ''downgrade'' in MSN service, which for me resulted in 3 weeks of no service, $800 to fix my crashed computer, a large business loss due to Microsoft management's arrogance and incompetence should not go unresolved. Even today I and others I know are unable to efficiently use non-microsoft utilities to conduct our business.

Thanks.
S Ronald M. North,
165 Rocky Branch Road,
Athens GA 30605.
(706)548–2675

MTC–00009060

From: Michael O'Flaherty
To: Microsoft ATR
Date: 1/6/02 3:05pm
Subject: Microsoft Settlement

Dear Mr. Ashcroft,

As an independent software developer in the software industry who utilizes both Microsoft software as well as software from other competitors of Microsoft's, I wanted to send you a message telling you that I feel that your handling of the Microsoft Antitrust case and the settlement you and your department arrived at is very good. I am alarmed that there are 9 states that appear to be holding out for a more severe punishment, and I can tell you I feel any further delay or change to this settlement can only hurt the economy at this point. The business climate is already fragile (though improving), and it is vital that a company such as Microsoft's be allowed to move on. We need stability in this field at this point—allowing this case to go further can only hurt this economy.

I encourage you to end this if possible, and focus your attention where we really need it—the fight on terrorism (where I feel you are doing a superb job!)

God bless you!

Michael O'Flaherty
eInvasion, Inc.
8580 Deer Meadow Blvd.
Streetsboro, OH 44241

MTC–00009061

From: William Franklin
To: Microsoft ATR,Jim Bunning,Mitch McConnel,president...
Date: 1/6/02 1:06pm
Subject: Microsoft Settlement

After careful review of the proposed settlement I judge it to be fair to all parties and especially the public.

Bill Franklin,
4 Westview Drive,
Madisonville, KY 42431
(270) 825–8719

MTC–00009062

From: GEAUXLDEN@aol.com@inetgw
To: Microsoft ATR
Date: 1/6/02 3:23pm
Subject: Microsoft settlement

Gentlemen:

It is time to end the prosecution (persecution) of MICROSOFT CORPORATION. Is the next step to require MCDONALDS to sell WENDY'S french fries? Get real, the cost of computers has come down ... computer literacy is at an all time high, the computer you are receiving this message on probably has a MICROSOFT operating system. What it boils down to is that while Washington spends it's every waking hour figuring out how to keep things status quo— MICROSOFT has become successful by giving the average citizen a tool to change his or her life—at a reasonable cost.

We should be thankful for the contributions of this great company instead of trying to find ways to penalize them for their success. You owe Bill Gates and Company a big public apology for the harassment.

Mike Winski
103 Sundance Pass
Lafayette, LA 70508

MTC–00009063

From: Joel Krist
To: Microsoft ATR
Date: 1/6/02 3:38pm
Subject: Microsoft Settlement

To the Department of Justice,

Please uphold the proposed settlement agreed to by the federal government, Microsoft, and the nine states. The proposed settlement is in the best interest of consumers. The states who continue to oppose the settlement are doing so simply to protect the interests of the businesses located within their borders. They are not truly concerned with what's in the ''public interest, as the Tunney Act requires. Microsoft's competitors claim that Microsoft's business practices have stifled innovation and reduced choices for consumers yet they have failed to show that consumers have been harmed. While it's true that the technology agendas offered by Microsoft's competitors face a fierce challenge, sometimes leading to their failure, it's important to remember that the failure of a technology or platform by itself does not necessarily mean consumers lose. Not all technologies or platforms should succeed and it is the marketplace and the consumer who should decide the winners and losers. The proposed settlement offers tough, reasonable remedies while at the same time it avoids destroying the freedom of Microsoft, and its competitors, to innovate.

Sincerely,
Joel Krist

MTC–00009064

From: Dorscarjon@aol.com@inetgw
To: Microsoft ATR
Date: 1/6/02 3:51pm
Subject: Microsoft Settment

My wife, Carole G. Dorsey, and I (John W. Dorsey) would like to voice our support for the provisions of the Tuney Act during the public comment period. We feel that this setltlement is tough but reasonable and fair to all parties involved.

MTC–00009065

From: Jack Gardner
To: Microsoft ATR
Date: 1/6/02 5:16pm
Subject: Microsoft is right!

Microsoft is wholy in the right, and the Justice Department is wholy in the wrong. Microsoft benefits the nation, the government regulations of business harm the nation. But that is not the justification for Microsoft's right to exercise its own judgement in producing and marketing its products. The justification is the same as for my right to live my own life by my judgement. Them that don't like me can leave me alone. Success in a free market legal system is not an act of aggression—it is a badge of honor.

Jack Gardner
11212 Hidden Bluff Dr.
Austin, TX 78754

MTC–00009066

From: Edward B. Riggio
To: Microsoft ATR
Date: 1/6/02 4:38pm
Subject: Microsoft Settlement
To: US DOJ

It is time to finalize the Microsoft Settlement. Lets not prolong this expensive Microsoft settlement any further. The actions agreed to by Microsoft, Justice Department and nine states including New York where I live, are fair and good for consumers. The other plaintiffs are just trying to gain a competitive edge by delaying the settlement. We need to get on with strengthening the economy and one way to do this is to finalize the Microsoft Settlement by February 1, 2002.

Respectively,
Ed Riggio
Woodstock, NY 12498

MTC–00009067

From: Joan and Dick Hinman
To: Microsoft ATR
Date: 1/6/02 4:42pm
Subject: Microsoft Settlement

Settle Now. Do not drag this on any longer as it should have never been done in the first place.

J. Hinman

MTC–00009068

From: Michael J. Hutchinson
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/7/02 4:44pm
Subject: Microsoft settlement

Please approve the settlement.

MTC–00009069

From: Surge02@aol.com@inetgw
To: Microsoft ATR
Date: 1/6/02 4:54pm
Subject: Microsoft Settlement
Bennett Fisher
Johns Hopkins University
1/6/02
Microsoft Settlement

Bill Gates is one of the greatest business leaders in the history of our capitalist country. He helped Microsoft gain monopolistic power by using great business tactics and had the power to use anticompetitive acts to preserve it. In United States v. Microsoft, remedies are needed in order to lessen Microsoft's control and increase competition. The remedies that the government proposed are solid, but still allow Microsoft to act anticompetitively. Noticing this lack of enforcement, Microsoft jumped on the government's proposal. They even offered to donate equipment and programs to needy schools in order to cover up their excitement and show some remorse. The only effective solution in this case is to have Microsoft license their technology to competitors. This will avoid further problems and make consumers better off.

By producing a Windows operating system that is cheaper, more prevalent, and has more capabilities and potential than any other operating system yet developed, Microsoft was able to capture an incredible amount of the market share. More specifically, Microsoft controlled an impressive 95% of the market. The court hearings and proceedings stemmed not from the fact that they had this power, but from their actions taken in order to maintain and preserve it. More important than the anticompetitive acts themselves is the realization that this type of market structure alone produces power in that it creates natural barriers of entry. These natural barriers result from the preferences of developers to work for an operating system with a strong consumer base.

It is well known that Microsoft is a monopoly and controls enough market power to effectively be considered one. Therefore, that is not an issue that needs to be discussed. The reason it is mentioned is that the more of the market that Microsoft controls, the more power they have to dictate prices or exclude competition. In other words, the have the ability to engage in anticompetitive acts in order to maintain their power. As a direct result, the government's main objective in proposing remedies was to lessen Microsoft's control over the market and allow other software makers to compete. More specifically, they wanted to discourage Microsoft from developing software that other companies had already developed for the Windows operating system and they wanted to stop Microsoft from forcing dealings through exclusionary acts. The remedies proposed by the government were not done so in order to knock Microsoft completely out of the market. With the hope of giving all software developers a fair chance, the government's proposal has good core ideas, but lacks

execution. One of the proposals assures that competitor manufacturers and software vendors remain free to offer and support non-Microsoft software without the fear of punishment by Microsoft. In other words, they can bundle Netscape and other non-associated explorers to the Windows operating system. By giving competitors the freedom to choose which software is built in, they control how the technology evolves. The government's proposal also states that Microsoft is not permitted to retaliate against software or hardware vendors that are developing, using, distributing, permitting, or supporting any software that competes with Microsoft. But, because of the wording in these proposals, Microsoft can bypass this. For example, they can retaliate against developers or vendors that are not competitors. In addition, what constitutes retaliation? If Microsoft produces a program for windows that has already been designed to work with windows, is that considered retaliation?

Even the three person technical committee established to prevent these problems is useless here because the power is based on their personal interpretation of the decree. As a result, the decree does nothing to establish a more efficient or direct way to control Microsoft. It appears to almost rely on the good faith of Bill Gates and Microsoft; the same brilliant and cunning CEO that helped his company become the powerhouse in the industry and will do anything to ensure that it stays there.

The government was correct in its intentions, but the language in which the proposal was written does nothing to alleviate Microsoft's grasp of market. In fact, this slap on the wrist by the government and the generous donations by Microsoft to needy education systems only help make its future more promising. The supposedly altruistic donations by Microsoft are in response to consumer class-action lawsuits. But, by donating refurbished equipment to poor school systems, Microsoft will enhance its competitive advantage in schools while doing little to meet their true extensive needs. Apple further argued that this would extend Microsoft's monopoly power, the problem that prompted the lawsuits in the first place.

Because of the nature of the subject, technology, control over the industry has a history of changing hands. Microsoft was an exception. They were able to maintain their power through natural barriers of entry and exclusionary acts. Although they have already been found guilty of this and their future actions will be watched closely, the damage is already done. Software companies prefer to produce programs for an operating system like Windows that is already established. Gate's timing was impeccable and as a result Microsoft will reap the benefits far into the future. As it is commonplace in this industry for any one company to have the majority of control at any given time, why not just let Microsoft enjoy its time at the top? First off and most importantly, the actions by Microsoft made consumers worse off. Secondly, there is a utilitarian way to handle this situation that will make everyone better off. Finally, the way in which they maintained this power is illegal.

Because of the government's inability to enforce the remedies, harsher remedies are needed in order to restore competition. A mandatory licensing of Microsoft's operating system technology would prove an ideal solution to this problem. More specifically, competitors such as Novel or IBM can bid and obtain a license from Microsoft. Using Microsoft's technology, they could add to and create a completely new system. For example, IBM could market Windows XP under their own trade name by obtaining a license and paying maybe 5% to Microsoft. This license fee needs to be set ahead of time so that there are no allegations of discriminatory actions. By doing this, Microsoft could remain at the top, but it now gives other companies a chance to survive and compete. As companies use Microsoft's technology they will gain support and Microsoft's market share will decrease. Since control over the market is directly related to the ability to control prices or exclude competition, Microsoft will not be able to engage in anticompetitive acts. As Microsoft's power over the market decreases, they will gain the additional license fee for the use of it's operating system. The natural barriers of entry will subside as other companies begin to gain popularity and consumers and producers spread out.

This idea has a few very beneficial effects. First, it avoids a potential breakup by Microsoft. There is no need to break up the company's assets and destroy the very thing that makes Microsoft so unique. Although the proposed breakup of Microsoft would allow for more competition, a licensing agreement has the same effects without the disruptions. In other words, it levels the playing field without the costs. Second, Microsoft's software producers and engineers are not restricted from continuing to make new programs. Therefore, as Microsoft continues to develop new systems, other companies will use this to develop their own and both will excel. Overall, everyone is better off and consumers will see an increase in the quality of products available.

So why is this a better idea than the one proposed by the government? First, it addresses and eliminates the main problem, Microsoft's hold on the market for all Intel-compatible PC operating systems. In addition, there is no vague language in which Mr. Gates could cleverly bypass. Finally, there is no need for a committee or donations or any of the other things that make this case more complicated than it needs to be.

The only issue that could be brought against this idea is the possibility that another company could design a more productive operating system. Companies would then compete fiercely for that top spot. This is analogous to the video game industry in which every couple of years Nintendo, Sony, and few other major manufacturers release their respective systems within a couple of weeks of each other. This competition pushes them to produce better products and therefore enhances the well being of the consumers. This is exactly the goal of the licensing agreement with Microsoft.

While Microsoft has already settled this case with the Justice Department, its problems are not over. Or are they? Microsoft is still under investigation by the European Commission for failing to disclose information to its competitors concerning operating systems for personal computers and servers and that it engaged in the discriminatory licensing of its technology. All of these problems would be taken care of if the government would adopt an overall licensing agreement. This would allow all information to be available for a fee and charge the same prices to everyone. As has been shown, the current remedies proposed for Microsoft are not efficient and will not end the long-standing problem. If the government considers the possibility of a licensing agreement they would realize that this is a much better solution.

MTC–00009070

From: George J Jorgenson
To: Microsoft ATR
Date: 1/6/02 4:57pm
Subject: Microsoft Anti-Trust Comments

Dear US Justice Department,

I do not believe the remedies reported in the news are going to have the slightest impact on Microsoft's predatory marketing practices, and subsequent illegal abuse of monopoly power. Take, for one small example, the case that started it all: internet browsers. Since the time the case started, Microsoft bundled their browser for free, and essentially drove all other browsers out of the market. They claim they have a right to do this, and that they are only serving consumer needs.

But their most recent versions—including ALL browsers shipped with the new Windows XP—have made a significant change: they no longer support industry-standard third-party browser plug-ins for presenting specialized content, such as movies, sound, animation, and virtual reality. This means that third-party content providers, such as Real Audio, Macromedia Flash, Adobe PDF, and Apple QuickTime—just to name a few of the larger players—no longer function under Microsoft's browsers using the standard installation procedure. Instead, they must provide special installations that go through an additional layer of software—Active X—that Microsoft's own content provisioning software does not go through. This means that ordinary consumers will have to struggle needlessly to install third-party content provisioning software, but perhaps more importantly, if they do actually get through that struggle, the third-party plug-ins will run more slowly and with less capability than will Microsoft's own content provisioning software.

This also means that some 90% of new computers sold cannot properly access my web site, which has Apple QuickTime content, whereas 90% of pre-Windows XP computers could. With this move, done right under your collective noses while you negotiated a cushy ''hand slap'' settlement, Microsoft not only successfully extended their operating system monopoly into the internet browser market, but now they have extended their browser monopoly into the content provider marketplace! They have

broken the law once, and while being penalized, have broken it again.

Take heed of my prediction: now that Microsoft controls content provisioning, content will come next. Within three years, the average consumer with an ''out of the box'' computer will be unable to view any content that Microsoft has not provided. With all due respect, the Ashcroft Justice Department is asleep at the wheel on this one. Quit meddling with ''states' rights'' Oregon and California, and concentrate on appropriately punishing large, multi-national companies who are already convicted of breaking laws.

Sincerely,
George Jorgenson
A Concerned Citizen

MTC–00009071

From: Bob Harkness
To: Microsoft ATR
Date: 1/6/02 5:01pm
Subject: Microsoft Settlement

Dear Sir:

Please include this in public comment regarding the Microsoft antitrust settlement. I have worked developing software for 30 years so I have seen monopolistic pricing at work in the information technology industry. From a consumer's point of view, Microsoft provides a good value and definitely is not practicing monopolistic pricing. Oracle is a good comparison because they have been one of the loudest complainers about Microsoft, and their database product is directly comparable to Microsoft's SQL Server. The total cost of ownership on a per seat basis is much less for the Microsoft product. Oracle's database caters to the mid to high-end market. Microsoft's SQL Server will work effectively for small to upper mid market applications. Consumers have been well served by the competition.

On the other hand, Microsoft is an overly aggressive competitor. I consider some of their business practices unethical at best and obviously illegal is some cases. I don't want to see Microsoft run everyone else out of the business. But, I don't want the government to kill the goose that lays the golden eggs. Bottom line: I think the agreement that the federal government and Microsoft has reached is as good as we can expect. The sooner this is resolved the better it will be for the economy.

Bob Harkness
9221 NE 24th St.
Bellevue, WA 98004
425–450–9340

MTC–00009072

From: Eileen J. Palumbo
To: Microsoft ATR
Date: 1/6/02 5:04pm
Subject: MICROSOFT SETTLEMENT

ENOUGH WITH THIS WAR ON MICROSOFT! I FEEL THIS MICROSOFT HAS DONE A GREAT SERVICE TO OUR COUNTRY AND DOESN'T DESERVE THE TREATMENT IT IS GETTING FROM OUR JUSTICE DEPARTMENT. OUR COURTS SHOULD NOT BE MANIPULATED BY JEALOUS COMPETITORS.

THIS COUNTRY HAS A LOT MORE TO WORRY ABOUT AT THIS TIME. OUR JUSTICE DEPARTMENT SHOULD BE CONCENTRATING ALL THEIR EFFORTS ON CATCHING AND PROSECUTING TERRORISTS INSTEAD OF TEARING APART ONE OF OUR MOST PRESTIGIOUS COMPANYS.

EILEEN AND ARTHUR PALUMBO
159 NORTH GRANT AVENUE
COLONIA, NJ 07067

MTC–00009073

From: Sean OToole
To: Microsoft ATR
Date: 1/6/02 5:14pm
Subject: Microsoft Settlement
TO: US Dept of Justice.

As a concerned citizen and tax payer I urge you to put the Microsoft case to rest. It may have been a nice idea for the Federal Government and State Governments to sue Microsoft when the economy was soaring and the states saw dollar signs....those days are gone. I understand that a few high level government officials are looking for private sector jobs and like to make a name for themselves while they have the unlimited budget of the taxpayer. If we continue to allow a few lawyers seek name recognition at the expense of the corporation we will destroy our free economy. The governments job should be to protect the greater public interest and allow Americans to pursue their own happiness. It has been made very clear in this case that Microsoft has not damaged the consumer or the public's interest. I appreciate all our government does. Americans truly are fortunate to live here and I am grateful for the Department of Justice and the people who serve there.

In this matter I think we should let the free market solve the competitive issues.

Thank you.
SEAN OTOOLE

MTC–00009074

From: rushspedden@att.net@inetgw
To: Microsoft ATR
Date: 1/6/02 5:20pm
Subject: Microsoft Settlement

Please do not delay the implementation of the Microsoft settlement which is in the best interests of our economy. Also I urge the federal officials to use whatever efforts they can muster to convince the remaining rouge states to accept the settlement.

H. Rush Spedden

MTC–00009075

From: Mary E Jouver
To: Microsoft ATR
Date: 1/6/02 5:39pm
Subject: We have more important issues at hand.

Leave Microsoft the way it is and We have more important issues at hand. Leave Microsoft the way it is and let us get on to rebuild our country. Microsoft has done a tremendous job of helping to built the technological ability of the USA and it continues to do so.

Mary Jouver
17821 90th Ave E.
Puyallup WA 98375

MTC–00009076

From: CHARYL L PEFFER
To: Microsoft ATR
Date: 1/6/02 5:40pm
Subject: Microsoft Settlement

The settlement is fair, lets get on with improving our country and quiet fighting between each other, we all need to work together, all companys, not just Microsoft..
CHARYL PEFFER

MTC–00009077

From: SHED
To: Microsoft ATR
Date: 1/6/02 5:52pm
Subject: Microsoft Vs. DOJ
To: microsoft.atr@usdoj.gov
From: Shed@accesscomm.ca

I am part of the BeOS community trying to get the Be√OS or equivalent back into the market place, but there is no hope of success if the following issues aren't addressed:

—(a) No penalty for OEM's retailing computers with non-Microsoft operating systems
—(b) Possible incentives provided by Microsoft or government subsidies paid from the Microsoft settlement to software publishers (with proof to claims of damage from the unfair business practices used by Microsoft) developing for small or ''Alternative'' operating systems or the furthering of small or ''Alternative'' operating systems hindered by the unfair business tactics used by Microsoft
—(C) The Microsoft Software development division made to develop for all relevant ''Alternative'' operating systems. I.E. Games, Productive suits, Internet browsers & other core Microsoft services & software brought to the ''Alternative'' market
—(d) Specific awareness campaign for small or ''Alternative'' operating systems damaged by the unfair business practices used by Microsoft funded from monetary fines from the Microsoft vs. DOJ settlement As in points (b) & (d) there must be an awareness raised in the public eye that there are alternatives in this market & a message to software publishers & developers that there are other platforms with viable profit capabilities if they bring their product to market on these small or ''Alternative'' operating systems I thank you for your time & would greatly appreciate recognition for the damage done by unfair business practices used by Microsoft & in restoring a level playing field for growth & prosperity in the computer operating system & software market.

SHED
(BeOS community member)

MTC–00009078

From: a(u)bfrench
To: Microsoft ATR
Date: 1/6/02 6:16pm
Subject: comment on MS settlement

I think the case has gone on long enough and should be settled. As an ordinary average citizen and novice computer user, I have to wonder if this case was more about using the courts to help Microsoft competitors put Microsft out of business than of justice. If it weren't for Microsoft products designed the way they are, I would not be able to use a computer. Microsoft is a great American company which contributes to the economic health of the USA.

Arlene French

MTC–00009079

From: arthur anderson
To: Microsoft ATR
Date: 1/6/02 6:25pm
Subject: Microsoft Litigation

Dear Mr. Ashcroft:

I am writing you today to express my opinion in regards to the Microsoft settlement issue. I feel this settlement is fair and reasonable, and I am pleased to see it resolved. The settlement they came up with was arrived at after extensive negotiations with a court-appointed mediator. It hands out new rights to computer manufacturers to configure systems with access to various Windows features. It also requires Windows to make it easier to install non-Microsoft software, and to disclose information about certain internal interfaces in Windows. This settlement is a step towards improving our economy. Thank you for making the right decision.

Sincerely,
Arthur W. Anderson
30 NE Sunrise Drive
Waukee, IA 50263
andersaw@msn.com

MTC–00009080

From: Rhonda Christensen
To: Microsoft ATR
Date: 1/6/02 6:45pm
Subject: U.S. vs Microsoft

As a university educator and researcher I have, over the past few years, been more than annoyed by the persistence of Microsoft to force the use of Internet Explorer. Even files that were not created in a browser suddenly ''become'' Explorer files when emailed to colleagues and will only open in Explorer. A great deal of my time has been wasted due to their unethical methods of forcing people to use their products.

I ask that you consider the future of the use of the Internet which is becoming ubiquitous. We should be able to choose the browser we prefer to use rather than being forced to use one that Microsoft has selected. I teach on both the Mac and Windows platform. Most of my headaches come from the Windows network. If I have a choice, I always choose Mac. Don't take away our choices.

Rhonda Christensen
Rhonda W. Christensen, Ph.D.
University of North Texas
Email: rhondac@tenet.edu
http://courseweb.tac.unt.edu/rhondac
CC:rhondac@usdoj.gov@inetgw

MTC–00009081

From: Greg Heuer
To: Microsoft ATR
Date: 1/6/02 6:49pm
Subject: Fair Consideration of the Microsoft Offer

Ladies and Gentlemen,

Having operated computers since the 1980s, and having experienced the benefits first hand, I urge you to give serious consideration to the self serving remedy proposed by MS, i.e. the wholesale distribution of MS hardware and software to our nation's youth. The national trade association for which I work is a prime example of advantages of an **open shop** approach to computer and office automation solutions.

We operate BOTH MS and Macintosh platforms side-by-side without difficulty. This empowers our creative team to use the platform best suited to the task, most usually Macintosh. I strongly recommend an even handed and equitable remedy which serves as a REAL penalty to the MS way of doing business while offering the benefits of computer learning to our youth. The Macintosh is the computer of choice for the future.

Greg Heuer, Director
Member Services AWI
Architectural Woodwork Institute
PO Box 291
Nellysford, Virginia 22958
gheuer@awinet.org
http://www.awinet.org

MTC–00009082

From: RFLYGUY@aol.com@inetgw
To: Microsoft ATR
Date: 1/6/02 6:54pm
Subject: MICROSOFT SETTLEMENT

Why is it that at social gatherings that don't have employees from MS competitors, one never really hears people talking about how badly MS is screwing us? Why aren't people of computer age rioting in the streets as they've done at WTO meetings complaining of the screwing and overpricing they're suffering from MS? You hear more complaints about what the telephone companies are doing than what MS has done.

Isn't the US a democracy? There are a few companies without the skills of MS who are dictating Govt. Policy towards the Tech Industry as well as 9 AG's from states housing MS competitors who are making mountains out of specs of dust. Without MS's contribution to the computer industry how would the Govt. and private industry and the Armed Forces function? Like perhaps Bolivia? If taken to a vote, how many people would really want govt. aid in fighting such a tyrant? One-tenth of a tenth of 1% the population? Is MS an angel, hell no! Is GE, EXXON, GM, Boeing or the Post Office? Try breaking them up and living without them.

Stop this silliness and also job security for the AG's of the remaining Nine ''holdout'' States and settle this waste of tax payers dollars right now in MS's favor. Innovation has been put on hold and billions of dollars lost due to this law suit. Stop this law suit now and accept MS's settlement offers and find some other area to fight.....like the medical industry and their competitive pricing policies. Big discounts to the insurance companies and none to the person without insurance. (I'm thankful for the discounts but it doesn't add up). This law suit is about on the same level as the impeachment proceedings against Clinton. They were/are both a joke, and I'm a Republican.

Robin Poole
18998 Marine View Circle
Seattle, Washington
aka rflyguy@aol.com

MTC–00009083

From: E Miller
To: Microsoft ATR
Date: 1/6/02 6:55pm
Subject: Microsoft Settlement

In all honesty I'm sorry this whole situation transpired to begin with. The leaps and bounds that Microsoft has made for the entire computer industry I don't believe would of happened without them. The windows OS changed the world.

I believe the settlement is too severe and I hope they can still operate at just leap and bounds under it.

Ellen Miller

MTC–00009084

From: ANTHONY J DURAN
To: Microsoft ATR
Date: 1/6/02 6:59pm
Subject: Microsoft Settlement

Prosecute and punish lawbreakers to the fullest extent of the law. How is it giving the Micrsoft corporation inroads into the only market they do not totally dominate is to be construed somehow as punishment? Renegotiate this JOKE of a settlement.

It's that simple. Microsoft has, will, and plans to in the future continue crossing the legal limits of acceptable behavior and activity with respect to laws controlling business and commerce. Please add my names to the list of those who feel the USDOJ settlement is completely unsatisfactory and inadequate in relation to the crimes committed by Microsoft.

Feel free to contact me about these matters and or confirm/authenticate this e-mail.

Yours truly,
Anthony J. Duran
214 e dayton
fresno,ca 93704

MTC–00009085

From: Andrew Bachmann
To: Microsoft ATR
Date: 1/6/02 6:54pm
Subject: Microsoft Settlement

Dear Sir or Madam,

I'm writing in regards to the Microsoft Settlement. I have been watching the case over the years. As a computer consumer it has been sad to watch Microsoft continue to use it's influence to force hardware sellers to bundle their products with new computers. In particular, their use of the bootloader clause to force out other alternatives for me, such as the BeOS operating system.

As you may or may not be aware, recently Be, Inc., has been in process of dissolving after selling their intellectual property to Palm, Inc. The constraints that Microsoft has placed on the hardware sellers such as Dell, Compaq, etc. made it so that I couldn't buy a new computer with BeOS installed. Instead I could only buy a machine with Windows on it.

Now that Palm owns the BeOS there are many of us trying to encourage them to keep providing it and developing it. However, as Be, Inc., was effectively shutdown by Microsoft's tactics, it is not very appealing for Palm to try to continue with the BeOS under the present conditions. So, when I get my new machine I will not be able to get a new version of BeOS for it. Also because of this the software makers who have made software for BeOS in the past are no longer continuing. So I have no software choice for my operating system.

I have heard that Microsoft is trying to make a settlement where they provide computers to schools. All these computers are to be installed with Microsoft software. It seems to me that this is not a penalty at all, but rather a way for Microsoft to insinuate usage of Microsoft into the youth. Because the students would only be exposed to Microsoft software they would not have knowledge of alternatives that might exist, and those alternatives would die away.

I think a more appropriate remedy would be for Microsoft to pay reparations to Be, Inc., and Be, Inc., shareholders. Also if they provide computers to schools, these computers should not be installed with Microsoft software. They should be provided with BeOS or some other operating system installed. And of course they have to allow for computer manufacturers to provide these options to consumers like myself. Then when I buy a computer I can have the choice of another operating system, which can be more stable and faster than Windows. Since the beginning of this case I have been glad to see the Justice Department acting in the interests of the computing consumers. Please continue to press for a just remedy to Microsoft's crimes against the consumer.

Thanks for your time.

Andrew Bachmann

MTC–00009086

From: DAVCARL@aol.com@inetgw
To: Microsoft ATR
Date: 1/6/02 7:11pm
Subject: MS Settlement

Let get on with our lives. I would encourage all states to settle their cases with Microsoft and quit spending taxpayer money on their own ''t more for the consumer.'' The consumer will not see any of the money directly anyway, so who cares. If they don't want to settle, take their current Microsoft OS away from them and let them find some other operating system instead. I don not under stand their thinking, whom do they think they are helping? The public or themselves?

Thanks for listening.

Carld

MTC–00009087

From: MrrAloha@aol.com@inetgw
To: Microsoft ATR
Date: 1/6/02 7:13pm
Subject: Microsoft settlement

I feel the decision regarding this settlement is fair and just. It is about time we move on and stop wasting taxpayers monies.

Ilia Patlidzanov

MTC–00009088

From: Jim (038) Wanda Dahl
To: Microsoft ATR
Date: 1/6/02 7:18pm
Subject: Microsoft Settlement
Department of Justice
Washington, DC

Dear Sirs:

We are writing in support of the proposed settlement of the Microsoft legal case. We are aware that the appellate court has deemed Microsoft to be a monopoly. It seems to us that if this is true, it is because their competitors were unable to compete in the marketplace as the Microsoft products were superior, so that they dropped out of the competition, leaving Microsoft ''only man left standing'', ergo, a ''monopoly''.

It is also our understanding that a monopolist should be punished if it has harmed consumers. We have purchased many of Microsoft's software products, and have been delighted and amazed by the features they contain, and certainly do not feel we have been overcharged for any of them. We recently purchased a new computer, in part because we wanted to upgrade to the new Windows XP product, which has indeed been a major improvement over our previous Windows 98 software.

Rather than being prosecuted in the courts, to some considerable extent on the behest of their bested competitors, we feel Microsoft should be acclaimed for its contribution to the facilitation of the development of the worldwide net by developing products which by their wide acceptance have provided a common ''language'' for use between computer users, rather than a ''babel-like'' situation which could have evolved if many competing ''languages'' were equally prevalent. Perhaps Microsoft should receive a Nobel prize in some category. In any event, we feel Microsoft should be punished as little as possible.

Sincerely,

James R. Dahl

Wanda K. Dahl

MTC–00009089

From: Joseph Pellitteri
To: Microsoft ATR
Date: 1/6/02 7:19pm
Subject: Resolve this settlement

Resolve the Microsoft situation NOW. Four years is to long even for the Federal Gov. Lets get on with life.The economy needs a jump start.

Talk to you later.

Joe

MTC–00009091

From: Manfred Smith
To: Microsoft ATR
Date: 1/6/02 7:25pm
Subject: Hands Off

I respectfully submit that the real injustice is the persecution of business under the Anti-trust ''laws'' that are so convoluted that no business man is safe from their use by any petty government official that has a political agenda or statist ideology.

Hands off Microsoft! Hands off Business!

Manfred Smith

The Learning Community ? TLCN.org

Maryland Home Education Assn. ? MHEA.com

Columbia, MD 21045

410–730–0073

''There is no safety for honest men except by believing all possible evil of evil men.''

Edmund Burke

Remember September 11 !

MTC–00009092

From: PenDensham@aol.com@inetgw
To: Microsoft ATR
Date: 1/6/02 7:26pm
Subject: Microsoft Settlement

Dear Sirs:

I work in the entertainment industry as both an employer and a creator. I and my partners have been responsible for producing the Television Anthology Science Fiction series, ''The Outer Limits'' for seven seasons. Therefore, I have lived full time as a ''Futurist'', creating and delivering morality tales frequently using technology and human nature. On both sides of the camera.

It is quite clear to me that mankind is involved in the most extraordinary tsunami of change. Technology, in almost every field of life and commerce, is evolving faster than any individual can knowledgeably fathom... It is rather unnerving to consider that none of us can know where man is going. We can clone, compute, bio-change, write with atoms... slow down the speed of light and soon assemble the very building blocks of matter to make new atomic forms. What does this have to do with Microsoft?

The one unswerving guide to our survival as a specie has to be morality. A human compass in a vast storm of change. Only morality... justice, the balance of ethics above greed and power will navigate us through the unknown in years to come. Simply put... when we allow one law breaker who has assembled a massive technological power grip on the global market through illegal and immoral means to get away with a less than equal punishment. (Which, as a follower of computer technology, I feel the DOJ settlement does.) You may open Pandora's box.

We say to those that follow in new technologies... prey on us. We don't have the will to stand up to you. Microsoft has transgressed. Make them pay the price... do not send a signal that mankind no longer values itself, and is fair game to any who amass power through technology. As they surely will in the future and the consequences may be far more awful.

Very sincerely, very concerned.

Pen Densham

Father, Husband... Human.

CC:wklein.atmain@atg.state.ut.us@inetgw

MTC–00009093

From: Peggy Fitzgerald
To: Microsoft ATR
Date: 1/6/02 7:33pm
Subject: Microsoft case

Hello—I think the Microsoft judgement was fair, and I do not believe it is in the best interests of the American public to spend more time trying this case. The landscape of the computing industry moves too quickly and the issues surrounding the original case are no longer valid.

MTC–00009094

From: Bobby Sadin
To: Microsoft ATR
Date: 1/6/02 7:43pm
Subject: Microsoft Settlement

An open letter to the Department of Justice regarding the ongoing Microsoft anti-trust case:

To Whom It May Concern,

I have followed the Microsoft vs. the US Government anti-trust case since it's inception, and hope you will do everything in your power to bring it to a swift conclusion. The value of Microsoft to this country cannot simply be viewed as one did the steel or telephony industries in the past. They were local engines for growth in the US

economy. Today Microsoft, along with IBM, Intel, and a small handful of other technology companies, have become the centers for a uniquely global intellectual economy which leads the world in everything from personal computing, to satellite communications. They are the global engines of the information economy. And they are the envy of the world.

Crippling any of these companies, as the DOJ, and several State's Attorneys Generals have tried to do on behalf of Microsoft's most vocal competitors, is the moral equivalent of shutting down the most successful US steel producer at the height of WWII. With the events of September 11th, a faltering economy (yes, we're in a recession!), and soaring unemployment in this country, the US Government needs to ensure the best and brightest companies are able to grow and flourish, not attack them.

In the face of an uncertain future for all of us due to international terrorism, we need to encourage growth in our technology infrastructure, and our economy—which means ending the prosecution of what is arguably the most successful technology provider in the world, Microsoft.

In a rapidly changing world where the US economy is increasingly challenged by Europe's and Asia's in areas like airline building, telephony, steel, and in growing measure, compute software, I ask you, members of our government—my government—to resolve the Microsoft case so they can back to what they do best, creating great software that people love to use.

Thank you for your attention, and God Bless America!

Sincerely,
Robert G. Sadin
15923 Manion Way NE
Duvall, WA 98019

MTC–00009095

From: Aubrey Brewster
To: Microsoft ATR
Date: 1/6/02 7:48pm
Subject: (no subject)

I think the microsoft settlement is Fair let it stand.

Thanks Aubrey Brewster

MTC–00009096

From: Satchmoz
To: Microsoft ATR
Date: 1/6/02 7:44pm
Subject: Microsoft Settlement

I am part of a worldwide network that is working on getting the BeOS or equivalent back into the market place, but there is no hope of success as long as microsoft continues its monopoly. Microsoft contually only supports their standards opting not to use any existing standards within the PC industry, instead they push their own formats as the only option on the Windows OS. They literally sell and inferior product compard to many other OS, but can destroy there competetion through sheer business power, due to the size of their monopoly. BeOS is just one of many casulties. IBM was hurt many years ago when they tried to create an operating system to compete with windows known as OS/2. All of their business practices are designed to elliminate competition. The proposed ''penalty'' on microsoft is nowhere near strong enough. Nor will breaking up the company help. Most people in the technical world i have spoken to agree that many things need to be done to stop the damage microsoft is causing to free enterprise. This includes but is not limited to:

open Office file formats
open Win32 APIs
make dual-booting other OS's (such as BeOS) mandatory on OEM licenses.

MTC–00009097

From: Joe
To: Microsoft ATR
Date: 1/6/02 8:03pm
Subject: Microsoft Settlement

Hi,

I am an avid Be OS* user. I have also used every version of Microsoft Windows starting with version 3.0. I would like to offer some suggestions as to what should be done with Microsoft.

First, it is important that Microsoft be forced to release all of their APIs, such as DirectX, so that compatible system can be made that will allow Windows-based games and programs to run on other platforms.

Second, I believe it would be in the best interest of everyone if restrictions were extended for more than 5 measly years. Five years will not be long enough to allow comparable competing operating systems to develop and reach market.

Third, disallowing Microsoft to enter any mergers for the next 5 to 10 years would prevent them from hiding their monopolistic nature behind seemingly innocent agreements.

Finally, Microsoft must not be allowed to integrate ANY application with any of their operating system products. It is denying the consumer freedom of choice while using their computers, because they are unable to easily remove the integrated software. Also,, a point that must be made is that integrated software just adds more code that will add more bugs and degrade the value of the product, regardless of how helpfull Microsoft will put it off to be.

In conclusion, I hope that y'all will find my suggestions helpfull. Being a computer technician and avid alt-OS (non MS operating systems) user, I feel that I should do all that I can to aid the legal actions against Microsoft.

* Be OS was created by the soon-to-be defunct Be, INC. Their destruction is obviously at the hands of Microsoft. Be, INC had deals in the works with various computer makers to ship Be OS in a dual-boot setup with all/most/some of their machines. Microsoft's previous agreements with these companies forbade them from allowing anything other than Windows to boot the machine, meaning that not even a boot-menu would be allowed. *

-Joseph D. Groover, JR
looncraz@hotmail.com

MTC–00009098

From: DonnaY1069@aol.com@inetgw
To: Microsoft ATR
Date: 1/6/02 8:04pm
Subject: Microsoft punishment?

Dear Sirs:

I am a retired educator and do not feel that having Microsoft give copies of its software to schools is a punishment. Since they have been found guilty, they should suffer not profit from their wrongdoing. Please listen to the public before making a final ruling.

Donna Yarborough
340 N. Suber Rd.
Greer, SC 29651
864–877–9362

MTC–00009099

From: michael(u)14110
To: Microsoft ATR
Date: 1/6/02 8:06pm
Subject: partasan mess

A herd of lawers making a bundle of money at the expense of our countrys future. The Clinton era is over, lets get real folks. Back off, and let our businesses be successful. We don't have many left in this country.

I am beyond disgust.
Michael F Clark
Washington State

MTC–00009100

From: Brian McDevitt
To: Microsoft ATR
Date: 1/6/02 8:16pm
Subject: Microsoft Settlement

To whom it may concern,

I was unable to find information on the penalties, so I am relying on newspaper articles that I have written in the past.

I am happy that the DOJ and Microsoft are settling the case and moving on. As a user, I expect easy to use and reliable software; software that works together. Breaking up Microsoft or imposing other draconian measures would just help competitors, not users.

As part of the penalty phase, do not allow Microsoft to give out free or reduced cost software to the education market or any other market that another OS has a strong market share. I can't think of a penalty that would benefit Microsoft greater. Require Microsoft to discount upgrade products to ''current'' users, not a market that Apple or another company competes in nicely.

I use a MS OS, MS applications, and am a small Microsoft stockholder.

Sincerely,
Brian T. McDevitt
brian.mcdevitt@mindspring.com
1846 Bangor Lane
Elk Grove Village, IL 60007

MTC–00009101

From: Robert Ardill
To: Microsoft ATR
Date: 1/6/02 8:29pm
Subject: Microsoft maintaining monopoly position

I would like to add comment to the Microsoft case . Microsoft's settlement proposal of free distribution of computers and software to schools etc, is an obvious situation of further maintaining the monopoly, which is the direct opposite effect to the original decision.

I understand that Microsoft Corporation was found guilty at trial of having maintained an illegal operating system monopoly and of having illegally tied its

Internet Explorer to its monopoly operating system. When Microsoft appealed, the appellate court threw out the guilty verdict as pertains to the browser but said yes, Microsoft did in fact illegally maintain an operating system monopoly. (The word ''maintain'' is critical here. It is not illegal to have an operating system monopoly, but it is illegal to do anything to keep that monopoly—to maintain it.)

This proposed settlement, would grant Microsoft its operating system monopoly—indeed, contains wording such that it would no longer be illegal for Microsoft to maintain that monopoly—while saying that if Microsoft wants to, it can make it easier for people to write Windows applications, but it's by no means required to do so. In short, the settlement is ill-advised and does not maintain the law at all. To truly enhance competition in the US and in the world markets, (that other computer operating systems marketers including Microsoft export to), the comments following are helpful.

''The most successful competitors in recent years in product markets in which Microsoft holds a true or de facto monopoly (eg. personal computer operating systems, Internet browsers, and office productivity software) have arisen from the open source software community, and it is of extreme importance that any settlement protect and enhance this community's ability to produce products that provide end-users with viable choices.

In addition, I believe that maintaining the monopoly of one main operating system, like Microsoft,(US and worldwide) will make it easier for terrorist activity, rather than a diversified market of operating systems worldwide.

Cheers
Robert
Robert Ardill

MTC–00009102

From: Tim O'Hare
To: Microsoft ATR
Date: 1/6/02 8:50pm
Subject: Microsoft Settlement

Hi,

Even though I reside in Australia I am deeply concerned about the effects of the Microsoft settlement currently taking place.

I am concerned that our choice is been severely limited by Microsoft and it's anti-competitive behaviour. Two examples of this are the current X-Box product being sold by Microsoft and the current .Net proposition being put forward by Microsoft. They have the ability to throw massive resources at whatever stands in their way, as shown by when they were threatened by Netscape and the Navigator Browser. It is becoming clear that they will have a major impact in the gamming console market and if their dream comes true, all online commerce will be effected by .Net. I can only see this path developing and evolving—will we all be driving cars made by Microsoft in the future?

I am not an anti-Microsoft zealot, the company has unified the computer industry over the last two decades and provided a means for many people to access a computer who could not have done so otherwise. I use their products everyday.

I just wish for some regulation to provide efficient and stimulating competition.

Instead of braking the company up (I think this isn't going to happen now?) or some other method of paring Microsoft down, my suggestions would be to make the external interfaces of their software open and allow anyone to write software which can connect to Microsoft software. This is analogous to a third party muffler manufacturer having the dimensions so that they can connect their muffler to a Ford engine. This way Microsoft can still make the Office suite and if it is still the best product available, they will make profits from it but if another product is better then this means Microsoft cannot cut them out of the market by changing the format of the files.

Some of the things I would like to see be made open and documented are their file system, the Office suite file layout and API and the Win32 API.

The other thing I see necessary is to make sure OEM's can pre-configure computers to have a dual boot option or to load any operating system without significant penalty. This makes sure that Microsoft allows OEM's to put other operating systems on computers besides Windows.

If Microsoft continues to make the best product and the one most closely aligned to what the user wants, then they should have nothing to fear.

Regards,
Tim O'Hare
Software Engineer
timo@platypus.net
Platypus Technology Australia Pty Ltd
Level 4, 1 Atchison Street
St Leonards NSW 2065
Ph: +61 2 8436 8500
Direct: +61 2 8436 8517
Fax: +61 2 8436 8501
www.platypus.net

MTC–00009103

From: jim kuska
To: Microsoft ATR
Date: 1/6/02 9:19pm
Subject: microsoft settlement

I believe the settlement that has been agreed to by a number of the states is what should be followed by all the states still trying to modify the settlement. It is time to put a stop to more litigation. To continue to litigate just wastes time and money fof all concerned parties.

Lets put this case behind us and let us move forward.

James J. Kuska
1096 Randall Flat Road
Moscow, Idaho 83843

MTC–00009104

From: FalcD@aol.com@inetgw
To: Microsoft ATR
Date: 1/6/02 9:20pm
Subject: Leave Microsoft alone already!

Hello,

I think its time the Government moves onto other issues of much greater importance. Leave Microsoft alone. Its a great company. They run a great business and the cost of software has never been so inexpensive not to mention as powerful.

History has shown that every time the government breaks up a great company it falls apart. The railroads in this country are mess. Try to get a proposal to move freight it takes weeks and even longer once the freight moves. Breaking up AT&T. What a mess.

I now get multiple phone bills and the cost has never been higher and in the near future, its a shame to say that there probably won't be an AT&T. Please don't do us anymore favors. Let Microsoft continue as the Microsoft it is.

If our Justice Department needs work maybe they should be looking into Enron and what effect they had on manipulating the market and driving up prices a year ago. Also, investigate why the management of the company was selling their stock while being on TV contending the stock was undervalued.

Microsoft is only helping and protecting the consumers and all their shareholder.

Sincerely,
D.J.F.

MTC–00009105

From: C Eguia
To: Microsoft ATR
Date: 1/6/02 9:18pm
Subject: Continued Microsoft violations?

It appears that Microsoft is continuing to ignore the spirit of the ruling by the judicial branch.

Isn't the Microsoft XP operating system just another rush to get business & private customers more dependant on MS with their Passport & .Net technology that is already making private information available to local crackers and those abroad due to the numerous bugs in the MS software*. Users would also be required to checkin with MS systematically when hardware devices are added or changed on a computer? (It is expected that it would also be needed whenever a person had to reformat their harddrive.) This continual interaction with the monopoly would also provide the company with hardware (and software) data without the user's knowledge and this information could be made available to advertisers for a price as well.

It appears that the DOJ is providing Microsoft with the capability to extend it monopoly by not adding their recent inroads into the audio, video & photography player software market by including their own software in their operating system and making them the default players. Also, by not providing the code to competitors, Microsoft makes it more difficult for them to provide more compatible and secure software. Even with this handicap, competing software is typically better and more bug-proof than Microsoft's.

Is Microsoft still being allowed to change the various standards on the internet with Internet Explorer (XML) functions so they can further extend their monopoly? Is MS being allowed to make their internet portal the default in Internet Explorer thus allowing them to make more money on advertising?

I have read that the proposed ruling, as a *punishment*, allows Microsoft to provide their software (and their OLD hardware) to the schools and facilitates them to extend their monopoly in the educational market. Is this true? If so, doesn't that make our

government a party to the monopolistic practices that MS continues to practice? Would requiring them to provide the money for software (and new hardware without an operating system) to the schools be a better solution and punishment?

The next thing to review is the contracts Microsoft has with PC vendors. I've tried to buy a computer with various companies without a MS operating system (OS) and they refuse to reduce the cost of the software from the price of the PC or to even send the PC without an OS. It has been rumored that MS would refund the money if the OS software was returned with the shrinkwrap intact but that refunds seldom occurred.

Thank you, Candelario Eguia

Palmdale, CA 93551

Reference: ''*Microsoft's direct connection to the customer*

Once, the software group's MSN was a news and information website. Now it is much more than that, writes Fiona Harvey

Published: December 30 2001 17:54 √ Last Updated: December 30 2001 22:03

MTC–00009106

From: DrShelleyG@aol.com@inetgw
To: Microsoft ATR
Date: 1/6/02 9:29pm
Subject: Microsoft Settlement

Please allow Microsoft the maximum opportunity to innovate new products without hinderance. Don't kill the goose that laid the golden egg for the US economy in the 1990s. Do you think we need two Enron's? The US government could use Microsoft's help on many fronts. Work together as a team. Do us (US) proud.

MTC–00009107

From: Jerry Martin
To: Microsoft ATR
Date: 1/6/02 9:29pm
Subject: i have faxed this letter to ashcroft and thurmond and to msft

21 Edgewater Alley
Isle of Palms, South Carolina 29451
January 5, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I am writing to voice my opinion concerning the Microsoft antitrust case that was recently settled with a strong and binding settlement. I urge you to please stop any further Federal government intervention beyond this settlement. There have already been settlements reached between various states and Microsoft, all of which involved mediators and a great deal of negotiation. The settlement forces Microsoft to document and disclose for use by its competitors various interfaces that are internal to Windows' operating system products—a first in an antitrust settlement. Microsoft has agreed not to retaliate against software or hardware developers who develop or promote software that competes with Windows or that runs on software that competes with Windows.

I am retired, but have previously been involved in ''big business.'' I see the hardships Microsoft is facing on the side of a businessman and an everyday computer user. It seems to me that this drawn-out lawsuit has become a victim of politics and money lust. Microsoft has contributed much to this country, creating jobs, bringing technology and donating a great deal of products to schools and other charities.

Don't allow our economy to drift further into recession. Please allow Microsoft to get back on their feet again.

Sincerely,
Jerry Martin
cc: Senator Strom Thurmond

MTC–00009108

From: RGrub@aol.com@inetgw
To: Microsoft ATR
Date: 1/6/02 9:36pm
Subject: settlement

as a user of microsoft products I am in agreement that the settlement should be approved so that we can put this episode behind us and go forward with normal business.

RGrub@aol.com (R.Grubin)

MTC–00009109

From: Mahlon Tate
To: Microsoft ATR
Date: 1/6/02 9:51pm
Subject: Comment on Microsoft settlement

As a person who works in a school district, i resent the implication that Microsoft's ''volunteering'' to donate equipment and software to needy schools is a step toward resolving the suit against Microsoft. Schools are so desperate for any kind of technology in many cases that they would be happy to have the workstations and software; however, the point is slowing down a monster of a company's monopoly, not helping schools. The very act of donating the equipment and software further entrenches Microsoft technology in schools, as well as helping to build a future consumer base. It isn't too big a reach to liken this to the tobacco industry's shameless attempts to addict as many young people to cigarettes as possible.

Not that it matters, but as a Mac user, this has gone on so long that I am sick of it. Big money wins every time. To say otherwise, unless you break this company up and force it to open source it's code, as the Mac has done with system X, is to ask for a monopoly to grow rather than to reduce it. People want a choice, rather than being forced to use a product that is bug prone, security weak, and over priced.

Mahlon Tate
Instructional Technology Specialist
3150 McCart, Suite 16
Fort Worth, TX 76110
Office phone: 817–207–6796
Fax: 817–922–6967
Email: mtate@ftworth.isd.tenet.edu

MTC–00009110

From: Sylvia J Trepp
To: Microsoft ATR
Date: 1/6/02 10:01pm
Subject: Microsoft Settlement

I believe that the settlement for Microsoft is in the public interest. Please consider this in your decision. Special interests should not be alowed to derail the settlement and prolong the litigation.

Sincerely, Sylvia Trepp
515 Lake St. S., # 301
Kirkland, WA 98033

MTC–00009111

From: Tony
To: Microsoft ATR
Date: 1/6/02 10:29pm
Subject: Microsoft Settlement

Request that the lawsuit against Microsoft be ended without delay. In view of the facts that anti-trust law is non-objective and is used against business men and women in a gangster type environment, we request that this activity end now. We do not want government dictating what we can not include in our software. We want the free economy to decide.

Anthony A. Nelson
25862 Jasper Rd. Suite 43
Barstow, CA 92311–7204
PayPal: avidavenue@earthlink.net

MTC–00009112

From: Paul J Denuel
To: Microsoft ATR
Date: 1/6/02 10:37pm
Subject: misomes

We need to continue the direction mandated by the courts to save free enterprise. pjd

MTC–00009113

From: Jenny (038) Andy Firth
To: Microsoft ATR
Date: 1/6/02 10:38pm
Subject: Microsoft Settlement

I think the proposed Microsoft settlement is good for me & the industry.

Regards,
Jenny Firth

MTC–00009114

From: CHERYLBUR@aol.com@inetgw
To: Microsoft ATR
Date: 1/6/02 10:39pm
Subject: Microsoft settlement

I think that it should be put to rest. This should be settled once and for all. I also don't think that Microsoft should be broken up. I am a stockholder and wish the company to remain successful in the years to come and I think we should be focusing on more important things right now; like national security.

MTC–00009115

From: RICHARD BEDOLLA
To: Microsoft ATR
Date: 1/6/02 10:55pm
Subject: Microsoft Settlement

I fully support the subject matter. Let's support the general public by showing the true colors of our leadership. God Bless America.

Richard Bedolla

MTC–00009117

From: D. Sauntry
To: Microsoft ATR
Date: 1/6/02 11:18pm
Subject: Microsoft Settlement

Hello.

I'm writing to express my approval for the Microsoft Settlement. I understand that I am within the public comment period, and I would like to register my view that the settlement is within the public interest. Microsoft has worked hard to reduce the

price of software. Years ago, single applications would cost hundreds of dollars. Windows now includes some of that functionality for free in the Operating System, in a way that makes it much easier to use. The competition, such as Oracle, Sun, and Apple, continue to sell competing solutions at much higher prices. They would very much like to see Microsoft artificially held back in order to benefit their ill-conceived marketing strategies.

The settlement provides significant relief for the behavior that Microsoft has been found guilty. It should be approved. Any further action would go beyond the findings and work to significantly disadvantage Microsoft in the future market—and obviously advantage the above competitors. I fear that the end result of any further action will be higher prices paid by consumers.

In short, the settlement is in the public interest.

Thank you,

David Sauntry

MTC–00009118

From: CTHMAH@aol.com@inetgw
To: Microsoft ATR
Date: 1/6/02 11:23pm
Subject: Microsoft Settlement

As a taxpayer and citizen, I strongly urge you to bring the Microsoft case to closure and implement the proposed settlement as quickly as possible. All parties have looked at the facts in excruciating detail, and fair minds agree that the settlement is reasonable. Further expenditure of time and money is pointless, and can only result in jockeying for position, not in better understanding and decision making.

Sincerely, Curtis T. Hill

MTC–00009119

From: Jim Burke
To: Microsoft ATR
Date: 1/6/02 11:28pm
Subject: Microsoft Settlement

To the DOJ

Please stop rewarding the few special interests in the category of Apple Computer, Sun, Time Warner, Oracle, (Netscape and AOL). I am not a fan of Microsoft but they do provide a system that can benefit us all and keep prices low. There are too many financial reasons against the issue continuing the lawsuit against Microsoft. I realize that many Americans have jobs with MSFT and they cannot be laid off in this economic time. Also may I mention THE HUGE INTERNATIONAL TRADE that MSFT does in other countries—that would be lost and therefore the balance of trade would further go away from OUR favor.

Stop helping our enemies. No NAPHTHA (that benefits Cuba) No DOJ suit (that helps lose jobs that are needed now. STOP special interest—if they have a BETTER PRODUCT line than MSFT let them show it and sell it—the market always drifts to the best product.

MTC–00009120

From: Julie Casso
To: Microsoft ATR
Date: 1/6/02 11:41pm
Subject: DOJ/Microsoft Settlement

As taxpayer in Great Falls, Virginia, I would like to forward some comments about the Microsoft settlement that your Department is now working on. My view is the case needs to be promptly settled. The U.S. government taking on a major successful company and an economic engine of the past decade did little but send technology stocks into a fearful spiral downward. Laissez Faire is the approach the government should take, unless their is a true monopoly (i.e. no other companies providing the product or service), which does not exist in this case. My opinion: settle the case and spend the time on issues with more merit.

Sincerely submitted,

Julie Casso

MTC–00009121

From: mtman
To: Microsoft ATR
Date: 1/6/02 11:53pm
Subject: Microsoft settlement

It is this families opinion that this entire fiasco is out of line. It is to the great detriment to even remotely consider any further action other than the basic settlement. MS is the industry standard and those companies like AOL are a pack of cry babies that can not or do not wish to compete. We feel that Microsoft has given us the very best product that our money can buy. We implore the department to settle right now and end this nonsense!

Mr. & Mrs. Richard F. Hill

MTC–00009122

From: Jeffery Budzynski
To: Microsoft ATR
Date: 1/6/02 11:57pm
Subject: Microsoft Settlement

Dear sirs,

I am a member of the BeOS Operating System community. This Operating System can very well survive in the computer market place, if we, as users of a global computer network enviroment, can have a mandatory dual-boot option, along with open file formats that Microsoft has been controlling.

Thank you,

Jeff Budzynski

MTC–00009123

From: Joseph Roni
To: Microsoft ATR
Date: 1/7/02 12:04am
Subject: Microsoft Settlement

Department of Justice:

We understand that a few special interest groups are attempting to use this review period to derail the settlement of the Microsoft case and to prolong the litigation even in the midst of these uncertain economic times. As a private citizen my wife and I object to continuing this litigation. The last thing the American economy needs is more litigation which benefits only a few wealthy competitors who cannot compete with their own innovation.

Please don't let these special interest groups defeat the public interest.

My wife and I are retired and our invested retirement worth has declined significantly since this litigation was initiated and it seemed to us that it was one of the leading causes for the rapid decline of the NASDAQ stocks and the stock market in general.

Let's settle this thing now for the good of the consumer, the industry and the American economy.

Regards,

Joseph and Virginia Roni

Federal Way, Washington

MTC–00009124

From: george kajda
To: Microsoft ATR
Date: 1/7/02 12:06am
Subject: Microsoft Settlement

Please settle with Microsoft. It's in the public best interest.

george kajda

707 westwood north dr.

magnolia, tx 77354

MTC–00009125

From: Scott Barton
To: Microsoft ATR
Date: 1/7/02 12:20am
Subject: Microsoft Settlement

Leave Microsoft alone! The whole antitrust trial is nothing more than the ''losers'' in the market using legal tactics instead of innovation, and does NOTHING to help consumers. How can the inclusion of a free Web browser be harmful to consumers? After all, they're free to replace it should they decide to.

I see all of this as a waste of my taxes, and I strongly resent it. There should be no settlement at all, but if there has to be one then let it be the current one proposed to by the DOJ and agreed to by Microsoft. Let's get on with it... I haven't been harmed at all. If not for Microsoft, I doubt that personal computing would be nearly affordable as it is today.

Scott Barton

Redmond, Washington.

MTC–00009126

From: Mike McCune
To: Microsoft ATR
Date: 1/6/02 11:07pm
Subject: Microsoft Settlement.

I've waited until late so that I can fully digest and understand the settlement. I work in the computer field, so getting a settlement that allows competition without harming the computer industry is very important to me. I won't rehash the current settlement proposal since that has been done endlessly by now. I will only say that it has so many exceptions and exclusions that is would be unenforceable. We must not make the same mistake we made with the 1995 consent decree. The final settlement must be both simple and enforceable.

There only needs to be two simple conditions that need to be enforced:

1) Microsoft must give everyone full and timely access to all interfaces, data formats, protocols and APIs. Full and timely is defined by the oversite committee, not Microsoft.

2) Microsoft must give the exact same licensing terms to all customers. It must also disclose the terms publically. This will prevent Microsoft from using its monopoly to reward or punish customers and vendors. There must be real and enforceable punishment if Microsoft breaks these terms. If they break the first condition, let everyone have access the the offending programs

source code. That would allows others to figure out the interfaces, data formats, protocols and APIs for themselves. Breaking the second condition would result in a fine. The fine would need to be big enough to be a deterant. Microsoft has a large cash reserve and it the fine it too small, they may decide to pay rather than obey.

Please let me know how I can view all the public comments and how I can find out the final terms of the settlement.

Sincerely,
Mike McCune
Chicago, Illinois

MTC–00009128

From: Michael S. Scherotter
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/7/02 12:15am
Subject: Microsoft Settlement

To whom it may concern:

I am writing to voice my concern with proposed remidies to the Microsoft antitrust decision. One of the ways in which Microsoft has prevented other OS companies from establishing any marketshare is by prohibiting multi-boot configurations on OEM machines. Companies like HP, Compaq, Sony, Micron, or any other manufacturer cannot install a Microsoft OS along with a non-Microsoft OS because it will void their contract with Microsoft. A user must installing a boot loader which will allow other operating systems to boot instead of their Microsoft OS. BeOS and Linux are operating systems that requires a user-installed boot loader. One of the reasons that they cannot compete successfully with Microsoft is that the hardware manufacturer cannot install the boot loader and the alternative operating systems even if the user is willing to pay for it.

These alternative operating systems provide a market that is not being addressed by Microsoft:

BeOS is a robust multimedia platform

Linux is an open-source platform

As a remedy for Microsoft's antitrust behavior, I suggest that Microsoft should not be allowed to make any contracts prohibiting alternative boot loaders and operating systems installed by OEMs. In addition I suggest that the settlement prohibit Microsoft to make agreements with hardware manufacturers that insures that hardware will only work on Microsoft Operating Systems.

Michael S. Scherotter
mss@tartus.com
407 Scenic Avenue
San Anselmo, CA 94960

MTC–00009129

From: Mike Zadar
To: Microsoft ATR
Date: 1/7/02 12:25am
Subject: Microsoft Settlement

Dear Madams and Sirs,

I have used the Be Operating System (BeOS) for several years now and am abhorred by my government. BeOS users and the general public have struggled for years and every step of the way for an alternative to Microsoft.

Their monopoly has been unhealthy to computer industry and to technology in general. BeOS is an innovative robust operating system squelched by Microsoft through their exclusive boot loader agreements with all the large computer manufacturers. Why my government has allowed this monopolist tactic to continue is a disgrace.

Microsoft record speaks volumes, and now BeOS was forced to sell all it's assets to Palm to pay it creditors. Is this truly in the best interest of the American Public. Should our government allow another JP Morgan or is Mr. Gates made another back room deal with the Department of Justice?

Be Inc. and all the user of BeOS deserve justice. I have read the Settlement agreement from beginning to end, it an insult and a travesty. I don't want my children to learn about computers through the eyes of Mr. Gates and his twisted Windows. It make me sick to think our government agreed to that nonsense. Please reconsider the best interest of the American Public, Microsoft is clearly not in the picture. The computer industry needs access to or open Office file formats, Win32 APIs, and make dual-boot options mandatory.

If not for this generation think of our kids, please.

Respectfully,

MTC–00009130

From: Ethan P. Wieting
To: Microsoft ATR
Date: 1/7/02 12:38am
Subject: Microsoft

I believe that what has been accomplished is fair and equitable. The only people standing for futher ligiation are Microsoft's competetors.

Ethan P Wieting

MTC–00009131

From: Jim Sexton
To: Microsoft ATR
Date: 1/7/02 12:39am
Subject: Microsoft Settlement

Dear Sirs:

It is time to move on!!! It is a very good thing to have this settlement behind us, well almost. Let us not loose sight of the fact that if there had not been a Microsoft to set the technology standards in this country, we would not be the leader in technology for the world. Technology people always think their mousetrap is better than the other guy's. Well, so what, if Microsoft had not forced the standards that exist today, we wouldn't be able to buy a computer for $900 that is more powerful than Big Blue's mainframes in the 80's. Think about it, would be able to do the thinks we take for granted today, without the PC. We should just standup and thank Microsoft for being a company in the United States of America and not somewhere overseas.

A very pleased consumer. Let's tell all the whiners to shut up and get to work. If they don't like what Microsoft has done for the consumer, why don't they invent a better mousetrap that I will buy, instead of Microsoft's. So far, they haven't done anything but whine and cry.

Jim Sexton

MTC–00009132

From: Dan D.
To: Microsoft ATR
Date: 1/7/02 12:45am
Subject: Microsoft Settlement

Lets get on with this settlement, any more legal action is going to benefit very few people, and certainly not the majority of the American people.

Thanks for listening to me.

Sincerely,
Dan Darling

MTC–00009133

From: Mike Inman
To: Microsoft ATR
Date: 1/7/02 12:54am
Subject: Microsoft Settlement

I strongly support settling this case.

Microsoft has been on its heels for too long. It is hurting the whole tech sector of our economy.

MTC–00009134

From: RKLeichner@aol.com@inetgw
To: Microsoft ATR
Date: 1/7/02 12:54am
Subject: Microsoft Settlement

I seldom become involved in matters that do not directly affect me, but believe this antitrust case deserves me to do so. Let's settle and get this issue put to bed. The case should never have reached this point, so now that a settlement has been agreed upon, let's get it done. Don't let a few states or competitors located within those states drag this case before more courts.

Thanks.
Richard K. Leichner
1377 Loch Haven Drive
Hayden Lake, Idaho 83835

MTC–00009135

From: Jane BrightPreffered Customer
To: Microsoft ATR
Date: 1/7/02 1:44am
Subject: MICROSOFT SETTLEMENT

GET OFF OF MICROSOFTS BACK
KEITH & JANE BRIGHT

MTC–00009136

From: darenw
To: Microsoft ATR
Date: 1/7/02 1:46am
Subject: Microsoft Settlement

I am aware that the DOJ is seeking input from the public regarding the Microsoft Settlement. About two months ago I bought a new notebook computer. It came with Windows XP. I asked the salesman if it could run BeOS or Linux, which I strongly prefer. Especially, I asked him if the manufacturer's or retailer's warranties and service plans would remain in full force, or if changing operating systems would void part or all of these warranties. I had the impression that the salesman didn't know anything about these ''alternative'' operating systems, or what effect they'd have on the warranties offered.

I bought the machine anyway, because I did my homework already, and knew it could run Linux. Luckily, it also runs BeOS just fine as long as one special setting is made upon bootup. It runs faster than similar computers that have Windows XP loaded, and is very close in speed to Linux, given the same hardware.

Everywhere I go, everyone know about windows, and everyone complains about windows. The few people who are not technical experts and have seen BeOS like it, and wonder why it isn't better known. The fact the Be Inc. has closed does not reduce my preference for it, or slow down the production of software from those who also prefer it.

What I'd like to see as a result of the Microsoft Settlement is that I can walk into a retailer that carries computers, and see BeOS running demo software, or to walk into a cyber-cafe and see that their computers are running Linux or FreeBSD to offer web surfing and other services. People should no longer think Computer = Windows = unreliable, but know that there are choices and be free from the effects of FUD (Fear Uncertainty and Doubt) planted in the public forum by Microsoft and its allies. Also, no manufacturer, VAR or retailer should feel any pressure to offer only Windows, or have any constraints however indirect from Microsoft, as to what operating system may be pre -installed or user-installed.

Thank you for your attention.

Daren Scot Wilson
darenw@pipeline.com
(970) 226–2276

MTC–00009137

From: Joy muzhuthettu
To: Microsoft ATR
Date: 1/7/02 1:52am
Subject: Microsoft settlement

The Justice Dept. must take initiative to resolve the Case immediately.The Dept. must go with the majority of the States decision. Not with the 9 states vested interests.

The majority of the American consumers want to settle the problem .This is good for the ecconomy.It is more effective than further interest rates cuts.

Joy
A U.S.citizen.

MTC–00009138

From: Steve Barnes
To: Microsoft ATR
Date: 1/7/02 2:50am
Subject: Public Comment

I have watched Microsoft for years and they are anticompetitive and monopolistic. Unregulated capitalism is not always in the public interest. The proposed remedy is insufficient.

Steve Barnes
75682 Wicks Road
Dorena, OR 97434

MTC–00009139

From: SlateInc@aol.com@inetgw
To: Microsoft ATR
Date: 1/7/02 2:54am
Subject: Microsoft Settlement

Dear DOJ,

I believe that it's in the best interest of American consumers (and indeed of the US economy) for the DOJ to quickly resolve it's issues with Microsoft. I think that there never really was a case against Microsoft that warranted any kind of major penalties.

Thank you.

Larry Delaney
Consumer and small business owner

MTC–00009140

From: Matamata22@aol.com@inetgw
To: Microsoft ATR
Date: 1/7/02 3:41am
Subject: Microsoft Settlement

As a consumer, I urge you to speedily conclude this case so Microsoft can move forward and apply their resources to technology. I would rather see my taxpayer $ spent on more productive pursuits.

Amy Liu

MTC–00009141

From: Krishna Murty M S
To: Microsoft ATR
Date: 1/7/02 6:12am
Subject: Microsoft Settlement

Respected Sir/Madam,

I sincere feel that the row between DOJ and Microsoft has taken a long time. In this mean time, MS (Microsoft) has undergone enormous strain both from the industry and internally. They have applied themselves for what ever they have promised for. They will do the same with the sanctions or settlement terms mentioned by the DOJ and 9 states. I wish the court respects the settlement and puts an end to this rather long and tiresome battle of MS and DOJ. I would also request the concerned to take initiative into persuading/obliging the 9 other states into respecting the settlement.

This legal battle against the so-called monopoly has long taken the shape of grudge and vengence. With due respect to the concerns of everyone involved, I firmly believe that MS is in its grounds when it does not give its source code to public. I wish to state an analogy. Though you respect your neighbours and are very friendly with them, you do not end up giving lock and keys of your house to them. Unless of course you are absolutely confident of their friendship. Now, appling the same analogy, any of the self proclaimed sufferers of the monopolistic behaviour of MS are far from being friendly. I wouldnt give my keys to any of them. Microsoft respects the legal verdict and the jurisdiction and has taken/started to take steps in doing so. I only wish the legal battle ends here. Its good for the concerned parties and good for American and world economy.

Regards,
Krishna Murty M S
India.

MTC–00009142

From: Schurbert@aol.com@inetgw
To: Microsoft ATR
Date: 1/7/02 7:38am
Subject: Microsoft Settlement

Dear Justice Department Representative:

I am writing to voice my support to the settlement of the litigation against Microsoft. The software industry (despite the allegations against Microsoft) is amongst the most fluid and competitive in the world. The application of dated antitrust law to this competitive marketplace is a dangerous government intervention into a functioning market.

Thank you for your consideration.

Sincerely,
Steve Albert
Partner, Grant Thornton, LLP
Cincinnati, Ohio

MTC–00009143

From: Victor Lengquist
To: Microsoft ATR
Date: 1/7/02 7:43am
Subject: Microsoft Settlement

I am part of a worldwide network that is working on getting the BeOS or equivalent back into the market place, but there is no hope of success if the following issues as these aren't addressed: open Office file formats, Win32 APIs, make dual-boot options mandatory, etc...''

MTC–00009144

From: Joseph Boykin
To: Microsoft ATR
Date: 1/7/02 7:49am
Subject: Microsoft Settlement

I am writing as a citizen of Massachusetts and the United States of America in regards to the proposed settlement with Microsoft. A number of states have already decided not to join the proposed settlement between the Department of Justice and Microsoft. I believe theirs is a wise move as the proposed settlement is grossly unfair to the American public.

As a ''computer professional'' I am very familiar with the industry and Microsoft and firmly believe that the proposed settlement is unfair to numerous corporations that have attempted to develop competing products, consumers who have used or even those that have *not* used Microsoft products. The settlement does nothing to stop these actions and worse, give Microsoft a wedge to drive itself into the one market, education, that it has been unsuccessful at winning against Apple Computer.

I hope that a more fair and equitable agreement can be reached in regards to this matter. I urge you to reconsider this settlement proposal.

Yours truly,
Joseph Boykin
7 Hampton Road
Natick, MA 01760

MTC–00009145

From: Chuck Donovan
To: Microsoft ATR
Date: 1/7/02 8:08am
Subject: Microsoft Settlement

Dear sirs:

As a longtime computer user and as a consumer of Microsoft and other computer software products I ask that you stop all action against Microsoft and allow them to get back to work unimpeded by the government.

Charles E. Donovan

MTC–00009146

From: Bill Fisk
To: Microsoft ATR
Date: 1/7/02 8:25am
Subject: microsoft settlement

An example of the current 'problem' of Microsoft's monopoly in the OS and office productivity software markets is the ubiquitous '.doc' file. This one proprietary file format I believe is one of the cornerstones of Microsoft's OS/productivity suite monopoly. Many people I know in the academic and business communities regularly purchase updated versions of

Microsoft Windows and Microsoft Office for the sole reason that their correspondents send them .doc files as e-mail attachments. The options for importing these files into 3rd party applications are many; however, having personally tried a number of such programs, I can say that many work well some of the time, none work well all of the time. The continuing cycle of forced upgrades to maintain compatibility with correspondents lies at the heart of Microsoft's monopoly.

As a solution to this kind of problem, I believe that Microsoft should be compelled to disclose the specifications of the file formats used by its products to anyone who sends or receives files in such formats and requests the information.

Bill Fisk, Ph.D., Professor
Educational Foundations Coordinator
Co-Director of PT3 Project Jericho
http://itcenter2.clemson.edu/jericho
404-B Tillman Hall
Clemson University
Clemson, SC 29634–0715
864–656–5119 (fax 864–656–1322)

MTC–00009147

From: EddieELR@aol.com@inetgw
To: Microsoft ATR
Date: 1/7/02 8:35am
Subject: (no subject)

I feel that a fair settlement should be reached within a justifyable period and avoid the prolongation by further litigation which hampers an actrive productive pace.

MTC–00009148

From: Fortdale@aol.com@inetgw
To: Microsoft ATR
Date: 1/7/02 8:37am
Subject: (no subject)

To whom it may concern, re: Microsoft Settlement Please accept Microsofts terms and conclude this case. We should have used our resources to pursue the foreign countries that pirate our software, games, music, movies and technology in general. We are fortunate that MS has not relocated his business to another country as I would have done if I were

Mr. Gates.

We have lost our manufacturing sector. Protect the ''information society'' assets we have left. We should have allocated our E Business and personal computer technologies worldwide as OPEC does oil. Dale Flanigan 440–975–1111

MTC–00009149

From: Raymond Deschenes
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/7/02 8:46am
Subject: Microsoft settlement

This whole thing has dragged on long enough. I am sure it had substantial impact on the whole stock market last year. The proposed settlement seems more than fair to me. I think Microsoft has bent over backward on this. Let them get back to business, PLEASE!

Ray Deschenes
Marvin & Palmer Associates, Inc.
1201 N. Market Street—Suite 2300
Wilmington, DE 19801
(302) 573–3570

MTC–00009150

From: howardnancy Adelman
To: Microsoft ATR
Date: 1/7/02 8:53am
Subject: Microsoft ''Offenses''

Microsoft may have a ''monopoly'' on their DOS, but I do not at all feel that they have exerted this ''monopoly'' to the detriment of consumers by high prices and other ''crimes'' they are accused of. Rather, they have brought standardization and fair prices for excellent software. I feel that the lawsuit against them is bogus and brought on by their competitors (some monopoly!) who cannot compete against them in the marketplace.

Howard Adelman, M.D.

MTC–00009151

From: Kurt Grimm
To: Microsoft ATR
Date: 1/7/02 8:53am
Subject: Microsoft Settlement

Make a settlement now. Put this to rest. Get on with life.

/*Kurt Hermann Grimm
/*Systems Analyst II
/*Yale University, School of Medicine
/*Pathology—BB50
/*T:203.785.5154
/*P:203.766.9687
/*F:203.785.2403
/*e:Kurt.Grimm@Yale.Edu

MTC–00009152

From: Bill Robinson
To: Microsoft ATR
Date: 1/7/02 9:08am
Subject: Microsoft Settlement!

Greetings Judge Kollar-Kotally,

There comes a time at least once in everyone's life when a monumental decision is thrust upon them. A ''moment of truth,'' if you will. A decision between right and wrong ... truth and justice or dishonesty and injustice. You, Judge, have the burden of such a decision right now. I can only imagine what it must be like to have your ''moment of truth'' involve so many economic, political, technological and human implications. I pray that you make the wise and honorable decision that all ethical business people hope you will make: That is, to reject the Proposed Final Judgment (PFJ) that Microsoft is so eagerly and greedily seeking and do what you can to force the right remedies to be exacted upon Microsoft, so as to level the playing field.

Having written columns for major technology, business and investment magazines for the last two years, while appearing on CNN, SKY News, PBS and Bloomberg TV, I speak with a tad more authority than most casual observers. Microsoft violated, and continues to violate, every reasonable and ethical business value and concept ... there is literally nothing to which they will not stoop. A few examples:

**It is pretty well known that Microsoft's internal strategy has always been the ''Three E's.'' One might hope that this scheme is some warm and fuzzy, people-oriented plan for business success, perhaps Ethics, Empathy and Employees ... and one would be dead wrong! The three E's stand for: Embrace, Extend and Extinguish. The way Microsoft has employed this devious strategy time and time again is: First, Microsoft embraces a much smaller competitor in whose technology they see some potential, or threat to one of their myriad of businesses; second, Microsoft extends the competing technology to work best with their Window proprietary platform; and, finally, Microsoft extinguishes the competitor. This is precisely the sequence of events Microsoft used against Netscape a few years ago. Just ask Jim Barksdale. In my estimation, there is absolutely no place in business for this kind of evil intention or dastardly operational scheming.

**I personally know tech CEOs who have received the now infamous phone nastigrams from Microsoft CEO Steve Ballmer. During these calls, Ballmer threatens the CEO's business, employees, income and subsequently, families, if they won't do whatever it is in particular that he wants them to do. The only parallel I can draw between this kind of behavior is one of how organized crime operates when they try to enter an industry through threats, extortion and protection rackets. I hope Rudy Guliani becomes the US Attorney General someday, as he knows how to prosecute these types of criminals very effectively and he would find it amazingly easy, I believe, to bring Ballmer, et. al. up on serious RICO charges.

**The ways that Microsoft deals with its partners is nefarious. Only interested in the benefit any particular relationship brings to themselves, they have made a consistent habit of pressuring smaller partners, who of course want to work closely with Microsoft, into unreasonable concessions, ill advised contributions and poor decisions with regard to affording Microsoft an unfair competitive advantage. If you dig a bit, you will find that even Microsoft's closest henchmen such as Compaq, Dell and others, internally despise Microsoft and wish for it to get its comeuppance.

**Microsoft has gotten a lot of mileage out of the fallacious claim that they are innovators of technology, or that in some silly way they stimulate innovation and competition in the marketplace. This could not be further from the truth. From the very inception of Microsoft, where Bill Gates paid $80,000 to a small Washington state software company to obtain what would eventually become the MS-DOS, or Windows operating system and allow Microsoft to completely and unfairly dominate the software business, Microsoft has not innovated much of anything. Let's see, they bought their monopoly from the company who innovated the operating system, stole the ''look and feel'' from Apple Computer and forced it down the throats of IBM and virtually every other computer OEM (Original Equipment Manufacturer) and that of business, consumer and personal users worldwide. Nice. Nice way to build a business. Then, they either stole or bought virtually every application they then used to bludgeon other software and application developers into oblivion. Ask any non-Microsoft software or application developer (this should be easy, as the vast majority of these technology people are not employed by Microsoft, and hence are anti-Microsoft), whether their innovative work has been slowed, hampered or stymied

by Microsoft in one way or another, and the answer will always be ''yes.''

The sheer temerity that it takes for Microsoft to claim that somehow innovation in technology will suffer if they are held accountable for their crimes is absurd and astonishing. Fact is, I cannot think of, and Microsoft cannot with a straight face proffer anything of real substance that it has directly and completely invented. Innovation, would not as Microsoft says, suffer, but explode with unleashed energy which until then was suppressed by Microsoft's total domination of the software industry along with their unfair and anti-competitive business practices.

In summation, as I aggressively stated in a CNN interview some five years ago, ''Microsoft undeniably violates every anti-trust law every written. There can be no argument made that Microsoft should be left intact and allowed to bully, harass and control other software and technology companies, given the US Supreme Court's decisions to break up Standard Oil in 1911, severely limit IBM in 1954 and break up AT&T in 1973. It is just not possible. Microsoft dominates their business sector to a greater extent than John D. Rockefeller or AT&T ever did. If the US government saw fit to split these businesses, then Microsoft should receive this treatment and more. More aggressive penalties will have to be created so that the damaged parties can be recompensed, so that future competition and innovation will be secured and so that Gates and Ballmer will never again resort to these kinds of business operations which even Machievelli would have found distasteful.'' Please make the right decision, Judge ... during this, your ''moment of truth.'' God Bless America!

All the Best, Bill
William R. Robinson
Chief Marketing Strategist
Relentless Marketing
''Relentlessly Getting Results''
UK Tel.: +44 (0) 1608 664–200 Fax: 664–400
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*Columnist for Upside Magazine (www.upside.com), Marketing Magazine
(www.marketing.haymarket.com), Business 2.0 (www.business2.com),
Fortune Small Business (www.fsb.com), Cisco System's iQ Magazine
(www.cisco.com), Tornado-Insider (www.tornado-insider.com) and
United Airline's Hemispheres Magazine (www.hemispheresmagazine.com)

MTC–00009153

From: Richard M. Salsman
To: Microsoft ATR
Date: 1/7/02 9:12am
Subject: Drop the case

My ''public comment:''

The case against Microsoft should be dropped, because it's an assault on the firm's property rights. Indeed, the antitrust laws themselves should be abolished, as an unjust taking under the Fifth Amendment to the U.S. Constitution.

For more, see attached.
Richard M. Salsman, CFA
President & Chief Market Strategist
InterMarket Forecasting, Inc.
162 Sidney Street
Cambridge, MA 02139
Phone: 617–252–3483
Fax: 617–252–7461
Web site: www.intermarketforecasting.com

InterMarket Forecasting, Inc. is an investment research and forecasting firm that quantifies market price indicators to guide the asset allocation decisions and trading strategies of pension plans, asset managers, financial institutions and hedge funds.

MTC–00009154

From: Josh Sparks
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/7/02 9:26am
Subject: Microsoft Settlement

To Whom it May Concern,

I would like to briefly express my opinion in favoring an end to the litigation against Microsoft and in having a settlement finally reached. Doing this will help ensure a quick end to the devastating blow this lawsuit has inflicted upon on our economy and the citizens of the United States.

Respectfully,
Josh Sparks, MSS
NewData Strategies www.newdata.com
Consulting* Hosting* Education*
Ph# (972)735–0001x149
Ph# 1–800–258–6628
Fax (972)735–8008
Email jsparks@newdata.com

MTC–00009155

From: swiftyprinting@mac.com@inetgw
To: Microsoft ATR
Date: 1/7/02 9:44am
Subject: Microsoft Settlement

I do not think this settlement is fair. Forcing Microsoft to ''give away'' its software as punishment is not punishment at all. The actual cost to Microsoft is minimimal. However the benefits are fantastic, they get a leg up on the competition by getting their product in front of the public and children. Children are then taught to use Microsoft products and they are now their customer. A great deal for Microsoft. The punishment should be for a cash settlement or force Microsoft to purchase competitors products for the schools.

Charles Pappas
20 grand View Road
Arlington, MA 02476
781–643–3253

MTC–00009156

From: James W. Bushee
To: Microsoft ATR
Date: 1/7/02 9:53am
Subject: Microsoft Settlement

Gentlemen:

I was pleased by the announcement of the proposed Microsoft settlement. I credit that to the wisdom of the leadership at the Department of Justice and know that it took a lot of thought and extensive work. Although the proposed settlement wasn't as permissive as Microsoft would have liked, it wasn't as onerous as sought by Microsoft's competitors. I congratulate you and truly believe it was in the best interest of the public.

I want to go on record in support of the settlement. I just hope we, as a Nation/our government, can move on now to address real-time problems. It is unfortunate Microsoft's competitors are so intent on making lawyers rich by seeking to continue litigating.

J. W. Bushee

MTC–00009157

From: Stan
To: Microsoft ATR
Date: 1/7/02 9:52am
Subject: Microsoft

Stanley Kneppar
8109 Hibiscus Circle
Tamarac, FL 33321
January 7, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

This letter is to express my support for the settlement in the Microsoft case. This is a balanced agreement, painstakingly negotiated with a court appointed mediator. Microsoft will have to make some critical concessions, while being allowed to use the technology that has made it the gold standard for computer innovation.

I am convinced that Microsoft's success comes from the simplicity and superiority of its product. I briefly used the Netscape Navigator before switching to the Microsoft Internet Explorer, and I found the latter to be very preferable. The company does not deserve to be punished with litigation just for being a success. I anticipate that as Microsoft is forced to open up its codes for Windows to improve interoperability, we will see the competition and Microsoft improve such soft ware as browsers and media players. In turn, that is good for consumers.

I sincerely hope the District Court Judge deems the settlement to be in the public's best interest.

Sincerely,
Stanley Kneppar
cc: Representative Robert Wexler

MTC–00009158

From: Connie and Tom Forster
To: Microsoft ATR
Date: 1/7/02 10:02am
Subject: Microsoft Settlement

To Whom It May Concern:January 7, 2002

The Microsoft litigation has gone on long enough. The people at Microsoft are not saints, but neither are their competitors.

*Most of the states that are still pursuing the litigation have budget problems of their own, so their motives are mixed to say the least.

*Many of the class action trial lawyers feel that getting money and software products to some schools is a better idea than spending it covering legal fees. I've bought Microsoft products for years. How large a check am I likely to get in the mail if a class action lawsuit were to prevail?

*Finally a word about Microsoft's theme about being free to innovate. I recently upgraded to Windows XP, and have been

quite pleased at the number of new and improved features that this operating system contains, everything from a good web browser, to an improved backup and a firewall that really works. Plus literally dozens of additional features. Certainly most consumers don't want to have to buy each of these features separately, and then keep them updated. Microsoft does ensure that its office products work well with it its operating system. But the settlement which it reached with the Justice Department will make it very difficult to Microsoft to interfere with the development and marketing of good competitive products.

I hope that in when the District Court decides this issue, it will accept the proposed settlement. What I fear most is not Microsoft, but rather excessive regulation of the software and technology industries.

Sincerely,

Tom Forster

MTC–00009159

From: Dallas Lawrence
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/7/02 9:59am
Subject: Microsoft Settlement

Judge Kollar-Kotally,

I write to respectfully file my personal objections to the proposed settlement now laid before the Court in Microsoft v. US. As a native of California's ''Silicon Valley'' I have had the opportunity to witness the many negative results of Microsoft's monopolistic and predatory practices first hand and am greatly concerned with what now appears to be a complete abandonment of the previous Court findings in this case. After years of legal wrangling, millions of tax dollars spent and unanimous findings of the U.S. Court of Appeals, it would no doubt now be a travesty of justice for the Court to mete out anything but a balanced judgment against Microsoft, seeking full redress for the findings of the Court of Appeals.

I am quite confident that Your Honor will receive thousands of letters expressing the many technical flaws of the proposed settlement, in far better language than I could possibly hope to offer in this brief appeal. Therefore, I will focus this letter on one overriding concern not adequately addressed in the proposed settlement:

The proposed final judgment does not appear to provide for an effective enforcement mechanism for the minimal restrictions it does provide for. If there is one thing we have learned from dozens of previously failed ''watchdog'' programs, both home and abroad, it is that, if there is no adequate and independent enforcement mechanism in place to enforce the agreement, there is no incentive for the penalized party to abide by the findings. Providing for an inspection panel with a 2/3rds majority, either directly appointed or approved of by the party under inspection, opens the entire process to severe criticism at the least and complete ineffectiveness at the worst.

If the Court is to agree with the unanimous findings of the U.S. Court of Appeals, Microsoft's guilt is no longer a matter for debate. The Court must now decide that the United States Government is both serious in meting out punishment for past illegal practices and equally dedicated to curbing future abuses under the law.

I respectfully submit to the Court that the proposed final judgment does neither.

Respectfully,
Dallas B. Lawrence
1601 Argonne Place, NW #517
Washington, DC 20009

MTC–00009160

From: James Doc Greene
To: Microsoft ATR
Date: 1/7/02 10:03am
Subject: microsoft settlement

Please accept the microsoft settlement. This lawsuit has already destroyed the retirement income of thousands of people. It should have never been brought in the first place. Pleae do not continue to harm the american public with this lawsuit.

Doc

MTC–00009161

From: steve skinner
To: Microsoft ATR
Date: 1/7/02 9:06am
Subject: Microsoft Settlement.

The companies that should be facing criticism are Sun and Oracle. Oracle has done everything they can to become a monopoly and since Informix has been bought they no longer face competing with superior technology. Sun is much worst. They are the ultimate hypocrites. They claim JAVA as the open standard and don't give it to standards. Sun also is the group that stopped the OSF initiative for a Unix standard.

Why hasn't Oracle been sued as a monopolistic company? Why is Sun allowed to castigate Microsoft for practices that it strives to achieve?

MTC–00009162

From: Jonathan Tarbox
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/7/02 10:10am
Subject: Microsoft Settlement

Dear Sirs;

I was deeply involved with the BeOS operating system at one time and would greatly love to get back into the swing of things with it. However, since Be, Inc. is no more and Palm is hesitant about licensing out the BeOS source code to the BeUnited project (www.beunited.org), I thought I'd voice my opinion.

The main thing that prevented BeOS, or any non-Microsoft operating system, from being shipped on any mainstream OEM computers was the MS licensing preventing OEM companies from being able to install other operating system. There should be no bonus or penalty to an OEM for not installing or installing another operating system on a shipping PC. From what I knew of the deal, an OEM company would loose out on bonuses that Microsoft would award thier OEM purchasers if they installed other operating systems on thier shipping PCs.

And because of the lack of OEM support, hardware manufacturers would often not write drivers for thier hardware for the BeOS. This greatly hurt the momentem of the BeOS to a point that the owners of Be, Inc. had to shift focus to Internet Appliance devices instead of PCs. This also didn't pan out and the IP of Be, Inc. was sold to Palm recently. Personally, I believe the settlement should prevent MS from using licensing or monetary bonuses to sway OEMs into using only MS products on thier PCs. It should also remove limitation of not allowing any other operating system to dual boot with any MS operating system.

Thanks,
Jonathan Tarbox

MTC–00009163

From: Larryhlcl@cs.com@inetgw
To: Microsoft ATR
Date: 1/7/02 10:27am
Subject: Microsoft Settlement

Dear Sir:

When this Midrosoft mess began, I could not believe our Government was prosecuting an American Company which has done so much to advance our society (both personal and business). Now that the initial phase of the Salem process (prosecution) has been completed and we no longer have an administration which requires constant diversions, I believe it is time to stop this procecution and address other issues in which the DOJ is so effective. e.g. crime (dirty and white), Enron insider trading which is affecting literally millions, illigal drug trafficing, etc.

The Microsoft case has, no doubt, financially enhanced the ''legal'' segment economy and the economies of some states which are desperate for revenues. I only hope that the revenues (benefits) generated for these entities is as beneficial and far reaching as those which would have affected the shareholders of Microsoft and the business community as a whole. I believe this entire process of prosecuting Microsoft is unfair to the general public and business alike. However, if Microsoft is willing to accept a settlement as negotiated with the DOJ, I believe it is in the best interest of all to close this matter and get on with more significant national interest. I like our most recent governmental attitude, Lets Roll.

Thank you for the opportunity to comment on this matter.

Larry Clark
15903 Redwood Pl
Houston, TX 77079

MTC–00009164

From: Comly, Jr, A. R.
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/7/02 10:31am
Subject: Microsoft Settlement

Gentlemen;

It is time to close this litigation and move on. I respectfully encourage that all parties accept the settlement proposed by the Tunney Act.

Sincerely;
Albert R. Comly

MTC–00009165

From: John Limmer
To: Microsoft ATR
Date: 1/7/02 10:33am
Subject: Antitrust settlement

Dept. of Justice;

As a computer technology person in an independent school, I cannot accept the wisdom of allowing Microsoft to provide free

software as compensation for their antitrust transgressions. This would simply allow Microsoft to invade an area they do not currently dominate. Once started down the Microsoft road, schools will not be able to change course, it would simply be more and more Microsoft products. Assess a financial penalty, then if you wish to help schools, give then money, not Microsoft products.

John Limmer
Newark Academy
91 South Orange Ave.
Livingston, New Jersey 07039

MTC–00009166

From: DTSORR@aol.com@inetgw
To: Microsoft ATR
Date: 1/7/02 10:36am
Subject: Microsoft settlement

I am writing to you as a comsumer interested in computers and software and the innovation that provides better products for us. My husband and I are both in favor of the settlement the goverment has made with Microsoft. Please put an end to this ligation.

MTC–00009167

From: FISHERLT@aol.com@inetgw
To: Microsoft ATR
Date: 1/7/02 10:41am
Subject: Microsoft Settlement

Please let this settlement be done and over with. The US Government has spent so much of our taxpayers dollars to go after a company who is being penalized for being successful and it's competitors are crying the blues because they are behind the 8-ball. They are putting money into the pockets of Liberals to battle Microsoft in the courtroom and not on the consumer product field and it hasn't worked. Microsoft has continued to bring out new products and prosper financially despite the Antitrust lawsuit against them showing their resilience. If the Department of Justice wants a true monopoly to go after, look back to proposed legislation from the fall of 1999 from Senator Tim Johnson from South Dakota, I think, about companies in the meat processing business owning livestock. Some states have adopted laws to try to slow down companies like Smithfield Foods. They continue to destroy a segment of the food chain and this Government does nothing about it. They are the largest pork processor in the US and the largest pork producer in the US. They continue to grow by buying up the competition in their market and totally control the market price of pork in this nation. They also continue to grow by acquiring producer farms through a practice they used during the market lows of the late 1990s of ledger buying. They took over Murphy Farms that way, and they were the single largest pork producer in this country.

Microsoft having market superiority does not hurt consumers, ask consumers of their products what they think about them bringing new products to the market, and if their bring competitive products, who benefits? The consumer! If Smithfield Foods continues to roll like an avalanche over the pork production business without any regard period, who loses? The consumer just for starters! Pork producers as well, the meat processing business, and the government. Please take a look at this Goliath company and it's business practices. I live in North Carolina and in the last 10 years have seen this company single-handedly destroy the pork production business in the states of North and South Carolina and Georgia. There are NO competitive packers in the areas and every time there has been any rumors of some other company coming to the Southeast, Smithfield Foods immediately jumps on the situation with both feet and squelches any possibility of competition in this area. They bought every competitor in the area as well as some in the Midwest and have shut them down. This situation is worthy of a look if any person within the Department of Justice is truly concerned for the well being of the citizens of the United States of America. Thank you! Robert A. Fisher

MTC–00009168

From: Kirk Nason
To: Microsoft ATR
Date: 1/7/02 10'55am
Subject: Microsoft Settlement

It's time to move on, please don't waste my tax dollars by tying up technology in the legal system. Let the software companies compete on their capabilities, not through lawyers. Microsoft has done more for computing than any another software company. When my 6 year old can be productive for homework on Windows and Office, this is a testimate to the abilities MS brings to society.

My family has not been ''harmed'' by pricing by Microsoft. I continue to derive greater and great value from the integration MS has achieved in their software products. There are more important things for you to be concentrating on, like terrorism, security, education and how bad our immigration and power problems are. This is where we are getting ripped off. Even though I achieved the 20% discount for power all summer (do to conservation, buying florescent lighting, etc), my bill is radically higher than a year ago.

Fix the real problems ....
Regards,
Kirk J. Nason
714/842–8051
kirk nason@hotmail.com

MTC–0009169

From: Pete Kline
To: Microsoft ATR
Date: 1/7/02 11:02am
Subject: Microsoft Settlement

I am very much in favor of the Microsoft Settlement. This case has been a witch hunt, pursuing a company that has done more to drive consumer pricing down than any government agency ever thought of.

Lets get it over with and behind us.
J. Peter Kline
214–378–4823

MTC–0009170

From: Sid Sidner
To: Microsoft ATR
Date: 1/7/02 11:12am

7 December 2002
Renata Hesse, Trial Attorney
Suite 1200, Antitrust Division
Department of Justice
601 D Street NW
Washington, DC 20530

Dear Ms. Hesse:

I wish to comment on the proposed penalties in the Microsoft vs. Department of Justice case. I have been a computer software engineer for over 30 years. I use all of Microsofts products and have developed sophisticated banking and electronic payment applications that are sold worldwide, designed to using Microsoft Windows server operating system and associated database and Web software. I also have extensive experience with Unix and IBM mainframes. I lived through the era of the IBM monopoly on computer systems, when I watched innovation in hardware, software, and systems grind to nearly a standstill. I have watched with dismay the same process starting to occur again, courtesy of Microsoft. Microsoft has been found to maintain monopolistic practices. What is at issue is what remediation can be obtained for this past practice and what can be done to prevent damage in the future.

The very future of computer technology is at stake here. The United States is the world leader in computer technology and much of our prosperity of the last ten years is based on this. Even in the area of biology and medical research, computers are becoming critical to further advances in genomics and diagnostic equipment. Based on my technology and business experience, the following three remedies seem simple, practical and effective:

The bundling of Microsoft software with personal computers should be terminated, and replaced with realistic pricing of this software as an extra-cost option, allowing third-party operating systems (like Linux) and applications (like Lotus SmartSuite) to compete; Microsoft must publish the file formats used by its software with each release of the software, similar to the way they publish application programming interfaces (APIs), allowing third-party applications the ability to interoperate with Microsoft applications; Likewise, computer-to-computer networking protocols must be published when software is released, again to allow non-Microsoft systems to interact with Microsoft systems.

None of these remedies are burdensome or expensive to Microsoft.

Please reconsider the proposed settlement to include these remedies.

Thank you,
Sid Sidner
PO Box 335, Fort Calhoun, NE 68023–0335
ssidner@yahoo.com (402) 850–7092

MTC–0009171

From: HerbGraves@aol.com@inetgw
To: Microsoft ATR
Date: 1/7/02 11:13am
Subject: Microsoft Settlement

Please add my voice to those strongly supporting the final settlement of the Microsoft case. The world is better off today, by far, as a result of the genius and freedom to innovate of Microsoft employees and management.

H.C. Graves

MTC–0009172

From: Walter Brown
To: Microsoft ATR

Date: 1/7/02 11:05am
Subject: MICROSOFT SETTLEMENT

The attached letter expresses my concerns regarding further action against Microsoft. Thank you for your consideration.

John W. Brown
3082 Greenwood Road
Rock Hill, South Carolina 29730
January 5, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

The purpose of this letter is to implore you to agree to the terms of the settlement that was reached between the Department of Justice and Microsoft. The settlement was reached after three years of extensive litigation and negotiations. To press this issue any further would be a complete waste of time and money. The agreement calls for Microsoft to grant computer makers broad new rights to configure its operating system. They will then be able to promote non-Microsoft software programs that compete with the Microsoft programs included within Windows. Computer makers will now be free to remove the means by which consumers access various features of Windows, and can replace access to those features with access to non-Microsoft software.

I have worked in the communications industry all my life, and have seen first-hand how innovative products have a positive effect on everyone. It is the same in the Information Technology industry, and I feel that if there is someone smart enough to provide a product that is far better than any other product, there is absolutely no reason why we should make them share the intricate design information with competitors. The government needs to keep their hands off private businesses, thereby allowing businesses to prosper and create more jobs. This will help our economy get out of its recession

Please agree to the terms of the settlement that was reached between Microsoft and the Department of Justice, and do not take any further action against Microsoft at the federal level.

Sincerely,
John Brown
cc: Senator Strom Thurmond

MTC–0009173

From: Richard McIntosh
To: Microsoft ATR
Date: 1/7/02 11:25am
Subject: SETTLEMENT

DEAR DOJ,

PLEASE JUST LEAVE MICROSOFT ALONE. THEY ARE THE INVENTORS AND CREATORS THAT GOT US THIS FAR IN TECHNOLOGY. I USED TO BE A ''MAC'' FAN, ADVOCATE UNTIL I LEARNED WHAT A PC WAS, I WOULD NEVER GO BACK TO A MAC. STIFLING THEIR R AND D WILL ONLY HOLD BACK TECHNOLOGY. YOU SHOULD BE ENCOURAGING THEM NOT ALLOWING OTHERS, (COMPANY'S) TO BENEFIT FROM THEIR TIME, ENERGY, AND CREATIVITY.

IF OTHER COMPANIES WANT CERTAIN TYPES OF DESKTOPS OR SOFTWARE, LET MICROSOFT LOAD IT AT THE FACTORY SO THAT PURCHASER FEELS IMPORTANT. MICROSOFT DIDN'T START OUT AS A MONOPOLY, NEITHER DID FORD, CHEVROLET, CHRYSLER ETC. THEY ALL HAVE CERTAIN RADIOS, AND ENGINES AND WHEELS (FIRESTONE). ANYBODY HEARD OF THEM? IF ANYONE DOES NOT LIKE MICROSOFT WARE, BUY A MAC. A CRASH (COMPUTER CRASH) A WEEK WILL KEEP THEM BUSY.

THANKS FOR READING,
MAC
TEACHER, CREEKSIDE H.S.

MTC–00009174

From: Eric Candell
To: Microsoft ATR
Date: 1/7/02 11:22am
Subject: Microsoft Settlement

I wanted to submit my approval of your recent action to settle with Microsoft on their anti-trust case. In reading through the settlement, it appears that you have gotten some significant concessions that ought to help to ensure that you can continue to protect consumers. At the same time, you have come to a conclusion that will finally cease the costly litigation that makes no sense to me and other taxpayers.

I have never felt that Microsoft has tried to profit from me without providing me an excellent set of products in which they continue to innovate (Windows XP shows this quite clearly). They produce the most reliable products of any I install on my computer. And, they stand behind their products in a way that makes the user feel like an important part of their equation for the decisions they make.

With your proposed settlement, I have confidence that they will not get out of control but can still continue to do the things that I'm so grateful they can do.

Thanks for looking out for us-both in questioning Microsoft and in seeking closure in this case.

Eric Candell

MTC–00009175

From: Coqui2468@aol.com@inetgw
To: Microsoft ATR
Date: 1/7/02 11:26am
Subject: Microsoft Settlement

2743 Moorsfield Lane
Jacksonville, FL 32225
January 7, 2002
Attorney General John Ashcroft
USDOJ, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

I am writing this letter today to make you aware of my feelings about the settlement that was reached between Microsoft and the Department of Justice. After three protracted years of trials, both sides came to an agreement on the antitrust suit, and I fully support the settlement.

The time has come for the United States to put that mess behind us, and turn our attention to more pressing issues. Microsoft had more restrictions than they deserved, such as disclosure of intellectual property concerning the Windows operating system, but the settlement is fair enough to both sides, and the government will create an independent review committee to make sure that Microsoft is holding up its end of the bargain. Microsoft has done so many good things for the technology industry, has provided jobs to thousands of individuals, and donated millions of dollars to charities and schools. Why punish a company that has been so beneficial to America?

I appreciate your time in accepting my opinion, and wish you the best.

Sincerely,
Patricia Cappiello

MTC–00009176

From: Randy Black
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/7/02 11:26am
Subject: Get off Microsoft's case

Please stop this unnecessary litigation against Microsoft. You are wasting taxpayer dollars, your time and are attempting to bankrupt a great company.

Sincerely,
Randy Black

MTC–00009177

From: Emesser1@cs.com@inetgw
To: Microsoft ATR
Date: 1/7/02 11:28am
Subject: Microsoft Settlement

The government needs to settle this suit against Microsoft and allow Bill Gates to concentrate on his business instead of fighting off the government. It is a disgrace when a man builds his business and then is penalized and persecuted by his government for doing a good job and this is what has been done to Bill Gates. He should just be left alone to handle his company.

MTC–00009178

From: TShreve333@aol.com@inetgw
To: Microsoft ATR
Date: 1/7/02 11:33am
Subject: Microsoft Settlement

Please accept the settlement and move on. Why help Microsoft competitors. The country needs a settlement. Don't make a few lawyers rich.

Ted Shreve

MTC–00009179

From: Curtis, Iva, 127WG, 6180
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/7/02 11:39am
Subject: Microsoft

In regards to Microsoft's suit. I honestly feel that Microsoft did nothing wrong, nor did they try to Monoplyze PC's by placing their Browser on Desktop's. I just think that if someone comes up with an idea first, that they should be allowed to go with it. If Microsoft is smart and quick enough to beat others at doing this, why should they be punished.

Well, this has been going on for such a long time and now comes the time to deal out the punishment and Microsoft has to pay up. The current settlement given is, I think, fair and Microsoft should be left alone to go forward in the name of technology.

This is my opinion.

Curtis

MTC–00009180

From: reulrich@juno.com@inetgw
To: Microsoft ATR

Date: 1/7/02 11:36am
Subject: upcoming court action

Hello,

As a technology professional retired...I think we should get off Microsoft and be thankful we have them in the USA. I have been in the computer business since before Microsoft had the operating system of choice. They can get a bit heavy at times and we should keep a watch on them to police the industry but a vendetta on behalf of their competition should not be an option.

Bob Ulrich . . . retired University of California, Davis

MTC–00009181

From: Mitch Malouf
To: Microsoft ATR
Date: 1/7/02 11:34am
Subject: Law suit

It seems that Microsoft is trying to be fair in this case but the government, federal and state, want to punish Microsoft for innovation. I some of the anti trust arguments, but government should stay out of business. Allow the free market to work, otherwise it will get political and destroy any business climate we now have in place.

The lawyers are the only people benefitting from this case. The consumer will pay eventually.

MTC–00009182

From: John Giovannini
To: Microsoft ATR
Date: 1/7/02 11:39am
Subject: Microsoft Settlement

ENOUGH ALREADY!!!!!

Focus you attention on terrorists, both the kind that do physical harm and the kind that do cyber harm with their e-mailed viruses that disrupt work just because they can.

John Giovannini

MTC–00009183

From: SK8MANDAN@aol.com@inetgw
To: Microsoft ATR
Date: 1/7/02 11:53am
Subject: Microsoft Settlement

To whom it may concern,

As a software developer and consultant who has worked for an anti-Microsoft company, I seriously believe that Microsoft's competitors will stop at nothing to defeat the company. The proposed settlement is a step in the right direction and the only thing holding back the last nine states is a powerful lobby that has been unable to defeat Microsoft in the marketplace. If Microsoft products were really that bad, no one would buy them. There are several documented pieces of software where Microsoft has filed (MS Bob for example) and no level of marketing or dominance will let a bad product win the marketplace. The question that must be applied is—''Is this good for consumers?'' and I have to tell you to open your eyes and see that consumers like convenience features like having a calculator or simple word processor bundled with an operating system. I don't think Microsoft is without flaws, but don't tie there hands at the expense of my benefit.

Please urge the nine states to settle, for consumers, for developers, for the industry and for our country.

Thank you

Daniel Fernandez
sk8mandan@aol.com

MTC–00009184

From: Dolan, Aline
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/7/02 11:54am
Subject: It's the Law! Under DoD you can ONLY buy Microsoft. We've mandated their monopoly!

I'm scared of Microsoft as a company. I'm not scared of many things in life, but they scare me. Maybe it's irrational, but I don't think so. I have watched over the years as they've misrepresented one thing and another. I told a friend, who is a Microsoft Certified Engineer, that I used Linux for my home desktop system, not being able to afford Microsoft, and he was amazed that I could use a 'command line interface' as ''You're not a programmer!'' It turns out he was told in his MS certification class that Linux was a command line OS understandable only by programmers. FOAD, which equates to Fear, Uncertainty, and Doubt is the program that Microsoft has launched against any competitor, without an iota of truth, but what can a little guy do against them?

Now they have .Net, and I see a future where no one but Microsoft customers will be able to access the Internet in the US. Right now, I often have to come to work to view a web site as it's been written in MS FrontPage. Many web sites written with FrontPage 4.0 are unviewable to any browser not running on a Microsoft Platform, as FrontPage does not follow the W3C standards when creating a web site. Why should they bother to write a web page composer program which runs in any other browser? That defeats their purpose.

MS was bundling FrontPage with their office suites, which means their customers won't look for another web composer. Since these people are not web designers, they don't understand the reason FrontPage is a damaged product. It looks fine in their Internet Explorer, so it must be a great page right? I try to do research for a paper for my class, and I can't read 25% of the web sites I hit. When .Net becomes the norm, I'll have to learn French or German in order to surf the web anymore. For an example of what Microsoft has done to the world as a whole, just look around your offices. The Department of Defense will allow no other operating system to be used, because they're stuck in the proprietary upgrade loop. Many other Government offices have the same mandate. The US Government puts millions of dollars per year into MS's pocket, because they were conned early on and now they *think* they're stuck. The decision makers are getting advice from NT engineers who are desperate to save their jobs, and tell lies like 'Linux is a command line interface users won't be able to understand.' Or maybe, like my friend, they just don't know they're lying.

I work as an NT admin for the Navy. In just the last six months, my command has spent over $20,000 for products which are available without additional cost under Red Hat's Linux distribution. To date, the software on servers and machines at this tiny dental command has cost close to $65,000. Under RedHat Linux, it would have been under $10,000 for everything (or you cold just by pass RedHat and download it all for free). It's nuts that we're forced to do this.

I wish I had time to make this more compelling, but I'm on my lunch break at work now. Ironically, the web site where I found your address is a mess in my browser at home, as it was written in FrontPage. I'm sure it's out there on a page I could read, but I'm too busy to go looking. As a side note, I can read less than one half of the Government web sites on the web, as most of them were created in Frontpage, or deliberately written to work only in Internet Explorer. I work for the Naval Dental Center, but at home I can't access my eMail or get updates or notices, because I don't use Microsoft at home, and I don't think it's right that I should have to pay over $5,000 to replace all of my current software with Microsoft software. I'm a taxpayer too. Don't I have the right to view pages made with tax dollars? Oh well, that's another rant altogether.

Aline (Ali) Dolan
Naval Dental Center Southeast
Box 74
Jacksonville, FL 32212–0074
(904) 542–3546 ext 176
DSN Prefix 942
http://ndcse.med.navy.mil

MTC–00009186

From: chester c fong
To: Microsoft ATR
Date: 1/7/02 12:08pm
Subject: Microsoft Settlement

To Department. of Justice
Re: Microsoft Settlement

As a private citizen, this case should be closed and left as is. It has cost quite a bit of money to work on this case both from the government (representing the people), the taxpayers who pay the government to perform, and the Microsoft Co. who are the defendants of this case.

The settlement brought forth by the lower courts is a fair one. It costs Microsoft Company to pay for its transgressions of the law and the Plaintiffs should be happy. The public (taxpayers) are sick and tired of this case dragging over the past two years.

This case has been deemed fair by the courts, let it be. In the interests of justice for everyone concerned it is closed.

Private Citizen, Chester fong
801 Franklin St.
Oakland, Ca 94607

MTC–00009187

From: RICHARD AMBROW
To: Microsoft ATR
Date: 1/7/02 12:09pm
Subject: Microsoft should be given the freedom to innovate.

Dear DOJ,

I support Microsoft and their freedom to innovate. I believe the Microsoft case should be settled. The settlement will be good for the American people and the American economy.

thanks. . . . .
Richard Ambrow

MTC–00009189

From: Robert I. Parker

To: Microsoft ATR
Date: 1/7/02 12:15pm
Subject: SETTLEMENT
please add my voice & vote for the finalization of the agreed to settlement.
Robert I Parker

MTC–00009190

From: david owens
To: Microsoft ATR
Date: 1/7/02 12:15pm
Subject: trial
we have wasted enough resources of the taxpayers on this farce of a trial. There has not been any proof that I have been harmed by Microsoft. This is a scam by the liberal dicksuckers from the clinton administration-Janet Reno (gag)- to placate
Sun and Oracle, big donators to clinton and other appeasers. Enough already. Get a life and rip Enron a new asshole.

MTC–00009191

From: Jack Frew
To: Microsoft ATR
Date: 1/7/02 12:19pm
Subject: Microsoft Settlement
I believe the settlement under consideration is in the public interest

MTC–00009192

From: Washburn, Nelson (GEAE)
To: 'microsoft.atr@usdoj.gov'
Date: 1/7/02 12:28pm
Subject: microsoft case
SOUNDS LIKE SOUR GRAPES FROM THE COMPETITION. LEAD, FOLLOW OR GET OUT OF THE WAY.
NELSON

MTC–00009193

From: bweidler
To: Microsoft ATR
Date: 1/7/02 12:33pm
Subject: anti trust action
end federal suit. it should never have been filed!!!!!

MTC–00009194

From: DLYNNGOSNELL@aol.com@inetgw
To: Microsoft ATR
Date: 1/7/02 12:40pm
Subject: MS SETTLEMENT
RE: THE MS / DOJ SUIT SHOULD BE ENDED ASAP. THIS , I BELIEVE WAS THE MAJOR CAUSE OF THE DOWN TURN IN THE STOCK MKTS AND ILL CONCIEVED BY THE CLINTON ADM. THE SOONER THIS DARK CLOUD IS REMOVED FROM OVER THE THE TECH INDUSTRIES THE SOONER THE MKTS WILL RETURN TO A STABLE AND PROFITABLE BASES. COME ON LETS END THIS WITCH HUNT AND MOVE FWD. TRYING TO SAVE FACE IS COSTING THIS COUNTRY TRILLIONS IN REV AND HUNDREDS OF THOUSANDS OF JOBS. REGARDS: D GOSNELL PRESIDENT DLG FIANCIAL INC.

MTC–00009195

From: Wayne (038) Mabel Rives
To: Microsoft ATR
Date: 1/7/02 12:40pm
Subject: Microsoft Settlement
In December 1996, I purchased my first computer, monitor and printer at a cost of $1350. In November 2001, I purchase a new computer, monitor, printer and premium speaker system for $750. I realize we are in a recession, however, prices have been steadily going down during this period. I fail to see how anyone can say that Microsoft has hurt the consumer. Next, the Justice Department and 45 states have accepted the Microsoft settlement as fair and reasonable. I do not understand how the seven states could possibly think that the consumer or the states have been hurt and therefore should be rewarded in a suit against Microsoft. I believe the suit against Microsoft should be dismissed. Business needs to get on without this cloud of uncertainty. Wayne W. Rives

MTC–00009196

From: JEAN NEAL
To: Microsoft ATR
Date: 1/7/02 12:41pm
Subject: To Whom It May Concern:
To Whom It May Concern:
I want to stress how important this settlement with Microsoft means to me as a consumer and as a Tax Payer. I want to continue to benefit from Microsoft's innnovations. I do not want any more of my tax dollars spent to fight the competitors inability to be as creative. Micrsoft has agreed to modify future business practices. Do not penalize a company who has the comsumers best interests at heart. Do not reward competitors who have grown bigger and better because of the competition. Do not force us to keep spending our hard earned money litigating.
Sincerely yours
Jean Y. Neal

MTC–00009197

From: Lois
To: Microsoft ATR
Date: 1/7/02 12:47pm
Subject: Answer to Request
Yes, Yes—The Government should have thrown that stuff away and quit torching Microsoft .

MTC–00009198

From: J.C. Bowman
To: Microsoft ATR
Date: 1/7/02 12:48pm
Subject: Comments on Microsoft Case/Letter
January 7, 2002
Department of Justice:
In today's economically down-turned climate, I encourage you to conclude the erroneous case against Microsoft. I also ask that you make this letter part of the official court record. Congressional analysts are predicting an expected $11.3 billion shortfall in state education budgets in fiscal year 2002. Private gifts could be vital in this dilemma. But indiscriminate acceptance of contributions could have catastrophic consequences, and some philanthropic efforts may actually be wasted or cause inadvertently harm. As a result of more than 100 class action lawsuits alleging Microsoft overcharged consumers,
Microsoft has proposed a 5–year program and education settlement. This agreement with private class action attorneys in which Microsoft will direct over $1 billion in software, computer equipment, technology training and support to thousands of schools serving America's most disadvantaged children. It can be correctly argued that lack of technology is not the major problem faced by disadvantaged children. Chester Finn appropriately maintains that the most successful schools that succeed with low-income pupils generally do not surround them with electronics. Instead, he writes in the Wall Street Journal: ''they engage knowledgeable and committed teachers to deliver a powerful, coherent, curriculum built on high standards of skills and knowledge.'' It is true disadvantaged children may not necessary benefit. I would certainly suggest that both public and private schools be considered in this agreement. I would also advocate that low-income, high performing schools be given greater priority in this proposal. However, the settlement agreement could be a shift with tremendous potential for low-income and minority children.
Technology in the wrong hands could divert children from academic pursuits. However, technology in the right hands could easily narrow the achievement gap. Therefore the risks clearly outweigh the potential for harm. By targeting disadvantaged children, Microsoft's investment could transform the cycle of poverty, as well as empower many of these children.
Two innovative private urban schools in our state: Inner-City Academy and Bethlehem Academy for Boys in Chattanooga are using technology effectively to raise student achievement. Technology is a key ingredient in their successful program, but no more than excellent instruction, excellent textbooks and supplementary library books. The Bethlehem Academy for Boys has successfully incorporated parent involvement in their school using computer training. Will Microsoft raise its market share in schools and deepen their dependency on their products? Possibly. Yet nothing prevents other Silicon Valley billionaires injecting their vast fortunes into the equation. Apple, AOL Time Warner, Linux, Netscape, Oracle and Sun Micosystems are free to make contributions anytime. In my estimation any donation helps the tech industry in general, and is vital to our economic future. Governmental activism put us in this position; do we want more governmental activism to prevent this potential assistance? The answer is a resounding no. Conventional liberalism of the past must grasp an understanding of civil society and its inherent freedom, as well as seek to rejuvenate admiration for limited government and free-market economy. The values of entrepreneurial capitalism grease the wheels of democracy and we must attach importance to the social and cultural norms that make it possible. As my dad used to say ''no dream comes true until you get up and go to work.'' Many students are motivated and enjoy using technology in their education experience. Microsoft has enriched the education experience for many children and our work environments are now more productive. It is also plausible that acceptance of this agreement will allow schools to focus on other areas of need without taking resources away from other academic programs. Granted donations must be considered in coordination with the overall strategic plan

and academic needs of individual schools. Partnering with a company such as Microsoft and use of technology certainly has the potential to enhance student performance. Microsoft has a history of corporate philanthropy both in America and Internationally. Their generosity and technology has helped schools and other organizations improve effectiveness and save needed capital, in fact well over $6 billion in charitable or corporate contributions were used here in Tennessee for FY 2000. This court case needs immediate closure so we can begin to make dreams come true for children and teachers in the state of Tennessee.

Respectfully Submitted,
J. C. Bowman, Ph.D
Tennessee Institute for Public Policy
1808 West End Avenue, Suite 1214
Nashville, TN 37203
Telephone: 615–327–3120
FAX: 615–327–3126
http://www.TNPolicy.org
Bowman@TNPolicy.org

MTC–00009199

From: Mark Ratto
To: Microsoft ATR
Date: 1/7/02 12:53pm
Subject: They just keep lying...

To whom it may concern,

If you want to find out more lies that Microsoft keeps spinning you can look at the following site. You would think that they would have learned their lesson, but no. They just can't try and make a superior product. They want to own everything in the Computer Technology. They want to have all of the Networking business so bad that they lie about out product, which they know is much better than theirs.

www.whytheylie.com
Thanks,
Mark
Thank You!

MTC–00009200

From: hcg11426@webtv.net@inetgw
To: Microsoft ATR
Date: 1/7/02 12:53pm
Subject: Innovation

Everytime litigation is mentioned the stock market and the economy is affected. The comprehensive agreement, already agreed upon, is really a rough one. If further penalties are agreed upon, I can't imagine what will happen to the economy, which I think is coming back. The government gives large amounts of money to big business and to Columbia [which get into the hands of the wrong people] Let Microsoft have the freedom to innovate and not let the special interest groups defeat us

Make us proud of you,
Helen Gildea

MTC–00009201

From: anndean
To: Microsoft ATR
Date: 1/7/02 12:55pm
Subject: Microsoft

I feel this is unjust if all these states are against Microsoft he should have more time. I feel the whole case is unjust a monopoly?? Why Wal-Mart's sell food. drugs and now internet service! His product is the best.

Case closed.
Ann Reed
10 Dover Lane
Hendersonville, NC 28739

MTC–00009202

From: Shane Fausett
To: Microsoft ATR
Date: 1/7/02 12:51pm
Subject: Microsoft Settlement

I am a computer user that hates using windows. However I feel that I am forced to do so. Because of Microsofts market position alternative operating systems don't stand a chance. I feel that the biggest abuse that Microsoft has been guilty of is that they restrict the boot loader on OEM computers. Making it next to impossible to buy a non-windows PC.

Thank you
Shane Fausett

MTC–00009203

From: David C. Crandall
To: Microsoft ATR
Date: 1/7/02 12:42pm
Subject: Microsoft

Dear Sirs,

As a computer consultant, I have watched a large portion of the anti-trust case. In my opinion, the original suit did not go nearly far enough in exposing the depths of the anti-trust violations. The issue of collusion with hardware manufacturers in making hardware that was usable only with Microsoft products should have been extensively pursued.

Also, the issue of Microsoft's 'cooperation' with standards committee's for establishing standards for internet browsers, java (Sun Microsystems copyright, yet public domain), networking protocol committees, e-mail standards committees and so forth should have been prosecuted. The participation with Microsoft in these committees is not for the general public good, but is with the express intention and effect of turning 'public standards' into proprietary standards whereby Microsoft further locks out competition.

A split of Microsoft Corporation into at least two entities is a minimal remedy. Their continued monopoly in both the software and operating system arenas is not healthy for even the short term. Microsoft has become so large, that competition with them in either arena is a farce.

Sincerely,
David C. Crandall
481 Rose Garden
McKinney, Texas 75070
972–346–2249
dcc@topher.net

MTC–00009204

From: Meyers, Rich
To: Microsoft ATR
Date: 1/7/02 1:06pm

Microsoft is the most arrogant company in America. They monopolize and crush any competition unfairly. They need to be broken into three parts.

MTC–00009205

From: ROSE BUTKOVICH
To: Microsoft ATR
Date: 1/7/02 1:07pm
Subject: Microsoft Settlement

PLEASE ACCEPT COURT OF APPEALS RULING!

MTC–00009206

From: avs
To: Microsoft ATR
Date: 1/7/02 1:10pm
Subject: Microsoft settlement

Dear Sirs,

I am glad that the DOJ is trying to resolve the Microsoft case. I believe that the uncertainty surrounding Microsoft has and continues to hurt the economy. I believe the quicker this is settled and business can go back to ''business'', the better for all.

Thank you for your consideration.
Alan Spigelman

MTC–00009207

From: Matt Verran
To: Microsoft ATR
Date: 1/7/02 1:09pm
Subject: Microsoft Settlement

Dear US DOJ,

I am part of a worldwide network that is working on getting the BeOS or equivalent back into the market place, but there is no hope of success if the following issues aren't addressed, especially since Microsoft declared BeOS as a competing Operating System:

1) MS Office needs to be opened, so that developers interested in porting it or understanding the document formats can do so either in form of a source code license or an allowance to see it, check it and ''clone libraries'', so that applications on non-Windows OSs can read and write MS Office formats for flawless interaction with Windows users.

2) The Win32 API needs to be made available (incl. undocumented APIs) so that WINE can be successfully ported not only to BeOS but other OS too.

3) The file system needs to be opened, so that BeOS users can continue to access files on non-BFS partitions.

4) The ruling must include a ''must-carry'' rule, so that any OEM Microsoft is supplying Windows with HAS to ''dual-boot'' an alternative operating system, in this case BeOS, in order to remedy the damage MS has done to BeOS in the past.

I would suggest that this is the minimun settlement, as financial settlement will merely be paying to maintain the status unfairly achieved so far. The damage to Be Inc, and their new owners Palm Inc, has been substantial to the point of inability to operate and compete effectively.

Regards,
Matt Verran

MTC–00009208

From: Curt Sahakian
To: Microsoft ATR, attorney. general@ state.ct.us @ inet ...
Date: 1/7/02 1:15pm
Subject: Microsoft Settlement

The proposed settlement will not accomplished any valid correction or even punishment of Microsoft.

The proposed contirbution of software product to schools is a benefit.... it further's MS's Monopoly power by getting an early commitment from children to their operating system.

Please accept the RedHat proposal to distribute their software for free and instead require MS to contribute hardware not software. The rest of the settlement is such a disgusting sellout by the DOJ to Microsoft its hard for me to even comment on it. Please demand more of Microsoft.

Thanks

Curt Sahakian

847/676–2774

MTC–00009209

From: Thepommo@aol.com@inetgw
To: Microsoft ATR
Date: 1/7/02 1:15pm
Subject: microsoft settlement

gentlemen: i am not an antitrust lawyer, i know nothing about antitrust laws and i only followed the legal proceedings in general terms. on the other hand, i don't consider myself stupid either. despite the judge's findings, i find it difficult to understand what microsoft did wrong—they negotiated hard. what is wrong with that—i don't under-stand why hard negotiating is illegal. the main evidence against microsoft was from their competitors— what do you expect the competitors to say?? the bottom line is now that the court has rendered its decision, and doj appears interested in settlement, lets end this litigation as fast as possible. in this era of business difficulties, microsoft appears to be one of the few that is not laying off employees—they are making a profit—they are paying their taxes. its time to end this as fast as possible. the federal government has proposed a fair settlement the ''holdouts'' have no credibility—i suspect they all have ulterior motives beyond the best interests of the consumer—like competitors being located in those states, etc.. incidentally, was there ever any proof (other than speculation from competitors) that the consumer was hurt by anything microsoft did. it looks like the consumer got the best product for the cheapest possible price. what's wrong with that?? isn't the government supposed to take care of the consumers most importantly rather than the interests of the competitors?? Incidentally and in the interest of full disclosure, I own 800 shares of microsoft.- thank you—rvp

MTC–00009211

From: DUTCHMAN79@aol.com@inetgw
To: Microsoft ATR
Date: 1/7/02 1:22pm
Subject: Microsoft settlement

Dear Sir or Madam,

Please record my opinion to not punish Microsoft for its success. It seems to me that some states are trying to help their revenue shortfalls by going after a company that has a strong financial sheet in the name of fairness. Let Microsoft do what it does best and allow it to serve as an example for the way a business should be.

Thank you for your consideration.

Sincerely,

Peter Brown

MTC–00009212

From: Josef Lowder
To: Microsoft ATR
Date: 1/7/02 1:24pm
Subject: The Microsoft bully

The Microsoft problem can be summed up in one simple statement:

Microsoft should be allowed to run their business any way they want to ... as long as they allow others to run their businesses any way they want to. The problem with Microsoft is that they force themselves on the world to a ridiculous extent. They bully their way along in everything they do. They are predatory toward anything that is in any way competitive or potentially competitive toward them. Computers and their operation are so crucially important to virtually everyone today that it is a crime for anyone to try to dominate how things have to be done on computers. That is what Microsoft does. They do everything possible to force users into using Microsoft products. Even though I am ''forced'' to use a Microsoft operating system on two of my four computers, I do everything that I possibly can to try to minimize the extent to which I have to use anything Microsoft. But it is frustrating when Microsoft intentionally designs their basic operating system so that only Microsoft-based and Microsoft-dependent applications will run on their operating system and will run only on their operating system. Others are making a valiant effort to try to find ways around the problem, but Microsoft continues to bully their way along so that those without comparable resources can never adequately overcome all of the intrusiveness that Microsoft imposes upon the world. It is a travesty of incomprehensible proportions, and we can only hope and pray that the anti-trust suit will bring some relief to this untenable intrusion into our freedoms.

Joe Lowder

7514 E. Lompoc Avenue

Mesa, Arizona 85208

joe@actionline.com

480–325–5055

MTC–00009213

From: Bill Reilly
To: Microsoft ATR
Date: 1/7/02 1:24pm

Please know there are plenty of us out here, who believe the government should be out of this case as soon as possible.

Thanks

Bill Reilly

MTC–00009214

From: Ian C. Crooks
To: Microsoft ATR
Date: 1/7/02 1:33pm
Subject: Microsoft Settlement

Please protect the consumers from the Microsoft tyranny. BeOS was squashed because of Microsoft's heavy handed OEM contracts, forcing PC makers from bundling others OS's with the PC.

Allow consumers to make the choice of what they want to use as an OS not Microsoft.

Ian C. Crooks, E.I.T.

Operations Engineer

Pennsylvania-American Water Company

114 E. Lincoln Highway

Coatesville, PA 19320

610–384–4405 ext:112

610–380–8532 fax

IanCrooks@pawc.com

MTC–00009215

From: Bob Hannah
To: Microsoft ATR
Date: 1/7/02 1:34pm
Subject: Microsoft case

I would like to thank you for pursuing the Microsoft case. I for one, find it difficult being a webmaster, never mind a software developer, with Microsoft having the power to set standards by just ''reinventing the wheel'' without any thought to industry as a whole. Please consider additional remedies.

Bob Hannah

MTC–00009216

From: Kirchofer, Richard A
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/7/02 1:40pm

Dear Sirs:

Sour grapes, Microsoft has done more to make computers useful to the common man than all the other companies put together. The trial is over, let's move forward on important issues like getting broadband into every home and business. I don't use all Microsoft products I do have a choice. However I do not have a choice for the phone lines coming to my house. Bellsouth is a monopoly in my neighborhood with no intension of providing hardware capable of supporting DSL or even a 56K modem. We live in a dynamic world; let's focus on the issues that limit our progress and productivity and that hasn't been Microsoft for a long time!

Sincerely

Richard Kirchofer

MTC–00009217

From: Rocky C. Burrous
To: Microsoft ATR
Date: 1/7/02 1:54pm
Subject: Microsoft Settlement

Attorney General John Ashcroft

U.S. Department of Justice

950 Pennsylvania Avenue, NW

Washington, DC 20530–0001

Dear Mr. Ashcroft:

The treatment that Microsoft has received from the government is undeserved, and it is time that it ends. Luckily, a resolution has been reached; with its adoption, the years of litigation can once and for all be resolved. The resolution to which I refer is the one reached in November after years of hard fought legal battles. The terms of this settlement are ones that are beneficial to all the people involved and still keep competition within this market. The terms include a groundbreaking provision that requires Microsoft to disclose crucial interfacing information to computer manufacturers. It further stipulates that Microsoft cannot retaliate against computer makers who do not promote their software or promote a competitor's software instead. This is a resolution that preserves the spirit of a free market and still offers protection for the little guy. Well, folks, it doesn't get any better than this. More litigation could only complicate the issue, and it could only waste more time and resources. Therefore, the last thing we need is more litigation. I implore you to let the current agreement be the end of this situation. The resolution truly is the best that can be done.

Sincerely,
Rocky Burrous

MTC–00009218

From: RRP52@aol.com@inetgw
To: Microsoft ATR
Date: 1/7/02 1:59pm
Subject: MICROSOFT

I think it is a waste of our (taxpayers) money what is going on it is just the states trying to make money. let the people decide if they want to use Microsoft or not not a bunch of crybabies (competitors) who can't do it on their own Rufus Richey

MTC–00009219

From: Janet Leih
To: Microsoft ATR
Date: 1/7/02 2:02pm
Subject: Microsoft Settlement

I have never understood why the government was going after Microsoft in the first place. Because I have been in computer programming for and operations for 45 years, it seems idiot to me. It was the only stupid thing Janet Reno did while attorney general (I wish I could say I had only done one stupid thing in my life). Before Microsoft wrote it's Windows system and MS DOS, IBM was basically the only show in town. There were a few other computer manufacturers, but IBM had the lion's share of the market.

The way Microsoft wrote the Windows system, they let any company wrote software that runs under Windows, and may have been responsible for the greatest economic surge in our history. What did Apple do? Everything that runs on an Apple Computer is propriatory. Nobody but Apple can write programs for their system. Thousands, if not hundreds of thousands of small companies owe their existance to Microsoft's decision to allow anyone run their software under Windows. If Bill Gate gets wealthy by being inclusive rather than exclusive, that just proves that democracy works to everyone's benefit.

Before Windows, computers were huge, expensive, and were only owned by large businesses and wealthy people. After Windows, computers became small, inexpensive and everyone from millionaires to school kids own them.

Microsoft has ''bundled'' many programs with its system previously. I have ''notepad'', ''wordpad'', ''paintbrush'' and ''games'' and a ''sound recorder'' to mention a few ''accessories'' bundled with my system. Internet Explorer was just another accessory that Microsoft was giving with its system to enhance the product for the consumer. The fact that it was being given free makes it hard for me to understand why the government is saying that this is bad for the consumer.

I think it was bad for Netscape. Maybe it was bad for some other businesses. But the consumer certainly wasn't in any danger of being scammed because they were being given something free. That is frankly a bunch of crap.

Janet Leih
P. O. Box 164
Canton, SD 57013–0164
(605) 987–5070

MTC–00009220

From: Jason Withrow
To: Microsoft ATR
Date: 1/7/02 2:02pm
Subject: Microsoft Settlement

Microsoft has done a great deal for this country. It has propelled us to the forefront of the technological age. It has stiffened the economy by creating many well paying jobs, which are a by-product of the great many technological innovations they have introduced, and it has created a standard for which the internet was able to flourish. Before Microsoft, networks could barely speak to each other, with every subnet running it's own proprietary network kernel. Now, we have a TCP/IP standard, introduced and largely developed by Microsoft.

Let's stop and think where this country would be if it hadn't been for the endeavors of Microsoft. If you think we would be in a better place; history says you are mistaken.

The computing industry has had roughly 20 years to build a better user-friendly, operating system. UNIX, BSD, AIX, and Linux all have been around longer than Windows and have all failed to achieve the success that Windows has.

Not because of anti-competitive practices, but because Microsoft has a better product that is easy for people to use. How have they hurt the consumer? I can remember paying $500 for a copy of Lotus' Office suite and a similar price for Corel's before Microsoft introduced MS Office.

Linux, which has less than a sixth of the features of Windows, sells for only $20 less.

This is a Capitalistic Republic; the objective of a business is to over-come your competition, not to help them.

An anti-Microsoft decision in this case will be devastating to the economy and to the U.S.'s role of technological innovations. The only one's that would benefit from an anti-MS decision is Microsoft competitors and state governments that are always looking for a way to collect more money.

As a consultant that has worked on projects for the state of Massachusetts, I find it hard to believe that the government of this commonwealth knows what is good for the industry. Also, in correspondence with my state Attorney General Reilly, he certainly has had some very unprofessional replies, which seems to imply that he has taken this effort personally. The letter I received from his office in reply to an inquiry I sent about the MS case was nothing more than an angry juvenile rant that reeked of cynicism and offered no legitimate arguments other than hearsay.

An Anti-MS Judgment will set a very bad precedence; it will send the message that competitors are policing the market, not consumers. And that the company that spends the most money lobbying the government will come out the winner in the end. Instead of the company that spends the most time and effort on developing a quality product. None of the Microsoft competitors in this case have a product that even comes close to the features and ease of use of Microsoft products. In closing I would just like to say that during these times of uncertainty, we should be standing strong behind our ideals and the tools and vehicles of them. Microsoft is one of the best examples of this Republic's Capitalism, and it should be an encouragement of hope and Patriotism for all American's.

Sincerely,
Jason J. Withrow
D8 Al Pace Drive
North Attleboro, MA 02760
508–643–0316
jwithrow@mediaone.net

MTC–00009221

From: Tom and/or Susan Moore
To: Microsoft ATR
Date: 1/7/02 2:06pm
Subject: Microsoft Settlement

My message to the Attorney Generals of the nine hold-out states concerns their winning of a major victory against Microsoft and their refusal to let go when the fighting should stop.

There comes a time after many years of argument that settlement should be made, not only as common sense, but as a matter of business. Our economic concerns are not merely local, but national, and more importantly, global. Our position concerning the freedom to innovate involves national and international prestige, and it is in our ''public interest'' to remain the foremost nation on earth. Hampering one company can stifle innovation among all our computer companies, and at any time we must remain unified in our effort to provide the best that there is.

Sincerely,
Susan Church Moore

MTC–00009222

From: Dr. Hartmut Reh
To: Microsoft ATR
Date: 1/7/02 2:09pm
Subject: Microsoft Settlement

Dear Sirs,

I think that it is necessary to remedy the situation that has been brought on BeOS due to MS's strongarm tactics . I am part of a worldwide network that is working on getting the BeOS or equivalent back into the market place, but there is no hope of success if the following issues aren't addressed, for example: open Office file formats, Win32 APIs, make dual-boot options mandatory. Furtheron it must be possible to sell PCs with pre-installed BeOS.

Best regards
Dr. Hartmut Reh

MTC–00009223

From: kevin murphy
To: Microsoft ATR
Date: 1/7/02 2:09pm
Subject: Microsoft Settlement

Dear Sir/Madame:

I think it is time to settle and move on. Microsoft is willing to make the necessary changes to keep the industry competative. The other nine states are looking for the next tobacco type settlement and this case just isn't the same. That would be exsessive and unwarrented. (It smells of politicial agendas.) Unlike the Antitrust of Standard Oil early in the last century, we don't have to keep buying Microsoft products. With Gasoline we have to buy it every week and an anti-trust settlement of Standard Oil was warranted to protect us from price gouging. I don't feel

that Microsoft could gouge us since I never have to buy another Microsoft product as long as I live if I don't want to.

Let's wrap this one up and spend money on something else. I feel protected from Microsoft already.

MTC–00009224

From:
mgiblin@providentmutual.com@inetgw
To: Microsoft ATR
Date: 1/7/02 2:08pm
Subject: Let it rest

I think you have wasted enough time and money on this case. Fine Bill and Microsoft heavily and move on. Our country is built on the strong surviving and not hand holding the companies that can't play in the big leagues. Maybe Netscape should have just looked at their business model and watched the finances closer. I do not think the Netscape guy did bad for himself since AOL purchased them. AOL is another company that is a monopoly who put Comuserve and Protogy basically out of business. Why don't we look into that case? What about ComCast purchasing AT&T broadband to be the largest ISP provider. Do you think that is in my favor? Lets focus on real issues like economy, homelessness and joblessness. Let Microsoft make the money they want because they provide jobs to more people than the government can understand.

MTC–00009225

From: MEDIAPEDIA@aol.com@inetgw
To: Microsoft ATR
Date: 1/7/02 2:19pm
Subject: microsoft settlement

Dear USDOJ and Judge Kollar-Kotelly

I AM AGAINST THE SETTLEMENT AGREEMENT . IT IS AN INEFFECTIVE SLAP ON THE WRIST! I expect to see the USDOJ attorneys who drafted this sellout of the USA, working for Microsoft or it's law firms in the future.

This is a shameful scandal that will take its place in our govenment 's history along with the Teapot Dome Scandal and the Watergate coverup.

I am a citizen of the USA. I have a degree in Film and Television from NYU and a Masters Degree in Interactive Technology in Education from Harvard. I also am President of a multimedia company.

MICROSOFT IS ALREADY WORKING TO LEVERAGE IT'S MONOPOLY IN OPERATING SYSTEMS AND EXTEND IT'S ANTICOMPETITIVE, PREDATORY TACTICS AND CREATE FURTHER MONOPOLIES IN COMPUTER SOFTWARE AND GAMES, INTERNET ACCESS AND CONTENT, VIDEOGAME SOFTWARE AND HARDWARE, COPY PROTECTION TECHNOLOGY AND UNDISCLOSED FUTURE TECHNOLOGIES

As a consumer, a technology professional and a small business owner: I HAVE PERSONALLY EXPERIENCED THAT MICROSOFT IS A THREAT TO THE SPIRIT, FREEDOM AND ECONOMIC FUTURE OF THE UNITED STATES OF AMERICA; IF IT'S CONSISTENTLY(COURT PROVEN) MONOPOLISTIC,ILLEGAL, IMMORAL, ANTICOMPETITIVE, PREDATORY TACTICS AND ACTS ARE NOT STOPPED!

To add insult to injury, Microsoft exhibited it's arrogant disregard and disrespect for the citizen consumers, laws and courts of the USA by lying in depositions and court testimony and fraudulently misrepresenting facts in courtroom demonstrations in the recent trial.

Clearly the citizens and governments of Seven States have the courage to hold out for Justice. DO THE RIGHT THING, AMERICA IS WATCHING!

THANK YOU,
William J. Roberts
34 Byron Rd, Natick, MA
1–508–650–0015
mediapedia@aol.com

MTC–00009226

From: Jason Bennett
To: Microsoft ATR
Date: 1/7/02 2:19pm
Subject: Public Commentary

Dear Sirs,

This letter is to express my support for the comments made in a previous email sent by:

Ganesh Prasad
sashi@easy.com.au
Dated January 1st, 2002.

You can find a copy of this letter/email on the web, here: http://linuxtoday.com/news—story.php3?ltsn=2002–01–02–002–20-OP-MS I am an experienced Network Engineer (MCSE) specializing in Network Security. Ganesh Prasad's statements in his letter to the DOJ reflects my own feelings about what needs to be done for justice to be adequatly satisfied. If you have not already done so, please take the time to read Ganesh's letter to the DOJ.

Jason Bennett—Network Engineer
Rural/Metro Corporation—Network Services
Office: (480) 606–3490

MTC–00009228

From: JREW600891@aol.com@inetgw
To: Microsoft ATR
Date: 1/7/02 2:28pm
Subject: drop the case this is ridicuolus

there are going to be other problems the case is destined to thrown out

MTC–00009229

From: Mbstab@aol.com@inetgw
To: Microsoft ATR
Date: 1/7/02 2:28pm
Subject: Microsoft Settlement

Please bring an end to this ordeal. The settlement appears fair, although I believe Microsoft has been treated unfairly from the start. But I'll let that pass for the sake of this settlement.

Sincerely,
Mark Bodenstab
West Chester, PA

MTC–00009230

From: Randy
To: Microsoft ATR
Date: 1/7/02 2:31pm
Subject: DEAR SIRS,

DEAR SIRS,

AS I CONTINUE TO READ ABOUT THE ONGOING '' ANTI-TRUST '' CASE AGAINST MICROSOFT I FIND MYSELF WONDERING THE SAME OLD QUESTION,'' WHO ACUALLY COMPLAINED '' ????.

I DO NOT NOW, NOR HAVE I EVER BELIEVED THAT IT WAS THE ''CONSUMER '', THAT FILED THESE COMPLAINTS. IS'NT IT THE CONSUMER THAT YOU CLAIM TO BE PROTECTING ???? AFTERALL,IF WE WERE NOT COMPLETELY SATISFIED WITH MICROSOFT PRODUCTS I DONT IMAGINE THAT WE WOULD PURCHASE SAID PRODUCTS. SO NOW TELL ME,WHO IS IT AGAIN,,,THAT IS BEING HURT..

RANDY WHITE
IDAHO FALLS,IDAHO

MTC–00009231

From: Mike Pritchard
To: Microsoft ATR
Date: 1/7/02 2:32pm
Subject: Microsoft Settlement

In my opinion... the DOJ should back off a little. I think the DOJ investigation is being driven by competitors of Microsoft. I also think Microsoft's competitors are jealous because they have been unable to duplicate Microsoft's success.

Do you remember what it was like to work with computers in the 70's and 80's??? Proprietary computers running proprietary software. Hardware and software costs were outrageous and maintenance cost weren't much better. Software programs were not standardized and they didn't always play nice with each other. The philosophy of big computer companies seemed to be, ''Do it our way or don't do it''. Trying to get different computer to work together was very frustrating (if not impossible).

Microsoft could have played by the same rules as everybody else (in the computer industry). Instead, today we have standards and tightly integrated tools for developing and running software.

I do not think Microsoft is a Monopoly. They do not own the hardware and software (unlike Apple and IBM), and there are many operating systems to choose from. You can run several types of UNIX, Macintosh, OS2, etc... Most people choose MSWindows. It is quite nice to have many tools integrated into the MS operating system.

Because of its size it may be a good idea to keep an eye on Microsoft, but in my opinion they should get a commendation for what they have accomplished. Microsoft has made my job easier and more productive.

Michael A Pritchard
Access Development
Director of IS, CIO
SLC, Ut

MTC–00009232

From: paul e jensen
To: Microsoft ATR
Date: 1/7/02 2:39pm
Subject: Microsoft Settlement

I believe that the Microsoft case should be settled in accordance with the reduced liability finding of the Court of Appeals. As a consumer, I agree that the settlement is good for all of us and the Government should not spend any more money with further litigation. If you wish to receive any more detailed comments from me, send your request to my email address.

Paul Jensen
CC:MSFIN@Microsoft.com@inetgw

MTC–00009233

From: Clay Bullwinkel
To: Microsoft ATR
Date: 1/7/02 2:42pm
Subject: Microsoft Settlement

United States Department of Justice

Dear Madams and Sirs:

Thank you for conducting and managing this call for input. No doubt you receive thousands of emails and letters with little or no new input, and in some cases crank content. Yet you must sift through all of them. I myself have encouraged and led on-line debate in the information technology industry on the Microsoft case. I hope here to offer you a few information points which probably will be unique and useful. I have an M.B.A. degree from Stanford and have held executive positions in the information technology industry with Hewlett Packard, 3Com, and now my own company E.W. Bridge LLC.

In a nutshell, Microsoft has broken the law with their overzealous channel control tactics. You folks can forcefully and effectively can deal with that. It should stop there. To have considered anything further in their activities as subject to legal scrutiny has been the concoction of their competitors, and, most frighteningly, outsiders in government, media and others who wish to seize influence and control in the PC industry. As you should be already aware, the overwhelming majority of software engineers favor a quick end to the Microsoft case with minimal intrusion of the federal government into Microsoft's affairs. If you look at any on line forum for the general programmer community, e.g. not specifically Apple or Palm people, you will find this to be the case. They especially do not want government dictating what should or should not be in a software product. Generally speaking, these people are the most knowledgeable about their industry. Their voice has to carry weight. They understand the benefits and threats from Microsoft better than any general businessman or politician. They, as well as myself, understand that the failure of Microsoft's competitors—Sun, Netscape (AOL), IBM, Apple, Palm, Borland, Novell, WordPerfect, Corel, etc. etc.- has been primarily due to mismanagement in these companies, and in some cases Microsoft's economies of scale, and not to illegal behavior by Microsoft. All of these companies have been plagued by lazy management lacking care and diligence for their future. Most executives, such as myself, understand that ruthless distribution tactics sometimes exhibited by Microsoft are part of every Business 101 course and practiced by all corporations in all industries, including by the companies named above. Please remember to monitor and utilize on-line forums for software engineers as a good source of input. Regarding the ''outsiders'' mentioned above, I could hardly be more alarmed.

If Mr. Gore had won the election, his DOJ would have continued to try to take control of Microsoft and allocate its pieces to cronies. The media largely avoided mentioning that the written remedy by Mr. Jackson included installation of on-site overseers (commissars) within the pieces of Microsoft, without restriction on their authority. Mr. Gates would have been prevented from founding a new company with employees from Microsoft. This was a necessary measure because most of Microsoft's software engineers would seek to work for him. I have done business for 18 years in the formerly communist countries of Europe and the old U.S.S.R., and I am well read on their history. It does not take a rocket scientist to see that those in and outside the Department of Justice who were driving the excessive prosecution in the Microsoft case had Bolshevist intent, with courts replacing guns. I would bet that if you looked into their backgrounds, for example, Mr. Klein, you would find parents or grandparents with Soviet sympathies. In terms of threat to American society and culture, Al-Qaida is but a drop compared to that kind of bucket of trouble. In the mid-90's I met a DOJ attorney who questioned me about a company with which I dealt which had fairly obviously set prices with a competitor causing a few billion dollars in overcharges to customers. I said yes, I knew about it, and was even present when one of their key executives bragged about it. He told me a few days later to tell me to forget about what he asked me and not to repeat what I had said. I asked him why. He said that his bosses told him that the company was not to be a target, that it had untouchable status. So these are the people and methods which brought us the Microsoft case. I wish your Mr. Charles James well in his current ''housecleaning'' of personnel and procedures. May it last beyond the current administration, and be resistant to political tendencies of whatever party is in the White House.

Sincerely,
Clay A. Bullwinkel
President
E.W. Bridge LLC
70 Bear Gulch Drive
Portola Valley, California 94028 USA
tel. (650) 851–7421 fax (650) 851–0956
clay@ewbridge.com
<mailto:clay@ewbridge.com>

MTC–00009234

From: BIIJII@aol.com@inetgw
To: Microsoft ATR
Date: 1/7/02 2:46pm
Subject: Microsoft settlement

Please settle the Microsoft case. It is good for me, the industry, and the American economy.

Ann Bobrow

MTC–00009235

From: Xavier Gu(00E9)rin
To: Microsoft ATR
Date: 1/7/02 2:46pm
Subject: Microsoft Settlement

Hi!

I'm a french BeOS developper, and I've decided to write this e-mail in trying to be the most honnest I could never be. Micro$oft used to have some commercial technics punished by the antitrust law. It's not a fable, but those technics are so hided that they could appears like fables. M$ have encouraged the piracy (not in a visible manner, but I'll never believe that an entreprise able to develop an OS couldn't do better software protection), and in this way M$ killed his enemies. In fact, around 90's, someone who would buy an office suite was able to buy many different kind of suite (like lotus, corel ....). The question was althought : ''Hmmm, MS Office is really expensive.... I prefer buy Lotus Note''. Now, this question is totally different! ''Hmmm, MS Office is too expensive... No matter! I will burn it''. You follow?

It's with this sort of technics that Microsoft win the OS and Offices suite market, and it's whith this sort of technics that Micro$oft killed our beloved BeOS.

Thank you for your attention, and do the justice like the USA is knowed pretend to do it : in the better way.

Friendly,
Xavier Guirin.

MTC–00009236

From: Rick Connell
To: Microsoft ATR
Date: 1/7/02 2:50pm

I am an average citizen. Not affiliated with Microsoft in any way. I feel that this whole anti-trust lawsuit is stupid. In our efforts to have a level playing field we have doomed those that would excel. Is it accurate that in our country it is alright to try and to succeed mildly, but not to compete? We as a nation have taken a thought or a notion and, as usual, distorted and perverted it to an embarrassing degree in order to perpetuate what we at one time thought was right. So now this noble notion is a bloody sledgehammer robbing from us what is truly rare. A company that can operate dept free. That contributes to our economy, instead of drains it...how sad.

Rick Connell
San Angelo, Texas

MTC–00009237

From: Doug Gorman
To: Microsoft ATR
Date: 1/7/02 2:53pm
Subject: Microsoft Settlement

...a few special interests are attempting to use this review period to derail the settlement and prolong this litigation even in the midst of uncertain economic times. The last thing the American economy needs is more litigation that benefits only a few wealthy competitors and stifles innovation.

dg

MTC–00009238

From: Sharon Corboy
To: Microsoft ATR
Date: 1/7/02 2:58pm
Subject: microsoft settlement

I find it difficult for state attorney generals carrying on a political war against Microsoft. this case should be settled and now. each one of these a.g. have a political motive. to further there on futures. if they want to carry on they should do so at there on expense. please get on with the job of a quick settlement Thomas corboy 3921 forest beach n.w. gig harbor wash.

MTC–00009239

From: Cameron Taylor
To: Microsoft ATR
Date: 1/7/02 3:04pm
Subject: Help

Microsoft has done more good for the nations economy than all government employees and officers combined. Microsoft should be praised not published or investigated for it accomplishments and valuable products it has created for consumers.

Cameron Taylor
Executive Director
NFTPAP
1–800–375–2453
1–801–374–1287 fax
2230 N. University Pkwy Bldg 5
Provo, UT 84604

MTC–00009240

From: John Weis
To: Microsoft ATR
Date: 1/7/02 3:08pm
Subject: Microsoft settlement

It's about time to get this settled and stop interfering with the capitalistic version of voting with your feet.

If Microsoft were not the consumers choice they would not be the success that they are. Stop harrassment now let the consumer decide.

MTC–00009241

From: MizDotty@aol.com@inetgw
To: Microsoft ATR
Date: 1/7/02 3:12pm
Subject: Settlement is called for

Gentlemen:

It is important to the economy to get this thing settled. I feel that Microsoft has been harrassed enough and only because some people are jealous of its huge success. I do not see how marketing one's product can be unfair in the first place. I am sure no one had a gun held to their head! But prolonging this very unfair affair hurts everyone from the consumer to the employees, not only of Microsoft, but other companies as well. I feel personally, that this case should never have happened in the first place.

Dorothy A. O'Flaherty
Enumclaw, Wa.

MTC–00009242

From: Humphrey, Robert J
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/7/02 3:10pm
Subject: Another MA Bell

Seems like every time someone builds a better mouse trap the government steps in to take it away or makes them re-design it. Bill Gates simply built a product that became so good that no one wanted what the other guys were offering. And the other guys started crying.

Bill Gates has returned far more to society than he every took away.

MTC–00009243

From: Max
To: Microsoft ATR
Date: 1/7/02 3:17pm
Subject: Microsoft

Dear DOJ:

A dilute remedy to the case (as initially proposed) goes beyond erosion of our justice system. Microsoft is imparting a continuous flow of damage on Information Technology—damage that has already impacted individuals like you and me.

Their history shows clearly that any ''Go Forth and Sin No More'' resolution will be laughed at within the Company. Moreover, any resolution that requires a new Federal Agency to monitor their behavior will place a new burden on the Taxpayer.

Is the Taxpayer the rightful bearer of this burden ?

Max Gratzl
Engineer

MTC–00009244

From: Pierce, Ben
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/7/02 3:22pm
Subject: Microsoft Settlement

Dear sirs/madams,

I have been following the Microsoft case for some time now. It has come to my attention that the Department of Justice has reached a settlement with Microsoft. After reading excerpts of this settlement I have come to the conclusion that this settlement is severely insufficient As was found by the Courts, and upheld in the appellate court, Microsoft is guilty of illegally maintaining a monopoly. A guilty verdict suggests that there would be a punishment for Microsoft that would try to curb its ability to commit this crime in the future. The settlement that was proposed does not do this. In fact, this settlement may encourage Microsoft to commit further illegal actions in order to create a more profitable corporation.

Microsoft has a history of unethical business practices. I find it absurd that I am unable to purchase a PC from most mainstream manufacturer's without purchasing Microsoft Software. Not only is it impossible to purchase a computer without Microsoft Windows, but most computers are required to come with several other programs whose genre Microsoft has used it's monopoly to push it's way into as well, including: Microsoft Office, Microsoft Internet Explorer, Microsoft Net meeting, and Microsoft Media Player.

It is clear to see that in spite of the ruling of illegality, Microsoft is unwilling to curb it's appetite for using it's operating system to gain footing in many other facets of the software industry. In closing, I ask this court to throw out the settlement reached by Microsoft and the Department of Justice. I also ask the Court to let the Department of Justice know that any settlement that does not let Microsoft know that it will no longer be acceptable to maintain it's illegal and unethical practices will be unacceptable.

Thank you for your time and attention,
Benjamin Pierce

MTC–00009245

From: Dewey W. Taylor
To: Microsoft ATR
Date: 1/7/02 3:24pm
Subject: American Company

One truly American Company with roots of building the computer industry and providing a standard for the world should not be discredited by those who feel they were cheated a part of the pie. The truth is they did not have the products to compete.

Dt

MTC–00009246

From: Heidi Blumenthal
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/7/02 3:23pm
Subject: Microsoft Settlement

<<microsoft doj comments lthd.doc>>

January 7, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Subject: Microsoft Settlement

Dear Ms. Hesse:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry.

It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

I work closely with economic leaders and grassroots taxpayer activists across this nation and I must point out that these free-market activists and leaders are virtually unanimous in their criticism of this trial.

Conservatives do not believe the government should be writing software, or picking the winners and losers in this industry. They understand that this effort to regulate the software industry is bad for the economy and the free market. These tactics are an anathema to business executives who understand free and fair competition is what drives companies to create better products and keeps America in the forefront of the digital economy.

Thank you for this opportunity to share my views, and those of over 60,000 taxpaying activists.

Onward,
Grover G. Norquist

MTC–00009247

From: alexandw@tklaw.com@inetgw
To: Microsoft ATR
Date: 1/7/02 3:31pm
Subject: Microsoft Settlement

The settlement is a good for everyone except those seeking to obtain more benefit for themselves than for consumers at large.

Since you are asking for opinions, I believe Microsoft is largely a victim of overzealous prosecution and a biased trial Judge. The only ones hurt by the settlement are the few state attorney generals who have not settled

for personal reasons (political gain) and Microsoft's competitors who, incidentally, conduct themselves the same as Microsoft.

The Appeals Court should have given Microsoft a new trial. As a citizen the whole case shocked and troubled me. If I owned or operated a company and was accused of wrongdoing, I would expect, at a minimum, a fair and impartial trial and opportunity to prepare my case. Microsoft was given less than 6 months to prepare for trial, limited in its witnesses (although the trial judge said he would ''consider'' any reasonable request) and was the victim of some seriously questionable evidentiary and procedural rulings at trial. Even car accident defendants get a more equitable trial and more opportunity to prepare in a state court action than Microsoft received in this Federal Court action involving billions of dollars and thousands of people. Why the trial Judge was biased against Microsoft will forever be a mystery but from his statements in and out of court the bias was obvious.

Any wrongdoings (if any) by Microsoft are adequately addressed by settlement.

The country and its consumers will benefit from this settlement. I urge the parties and the court to pursue settlement of the remaining claims on similar terms.

MTC–00009248

From: Louella
To: Microsoft ATR
Date: 1/7/02 3:35pm
Subject: RE: TUNNEY ACT

My personal feelings in regards to the Microsoft settlement, is that enough is enough!! The settlement that has been made is agreeable to most and that should be sufficient.

I, for one, am sick and tired of my tax dollars being squandered on merry little trifles while people in the U.S. are homeless & hungry. We pay taxes & then are supposed to help these causes with our donations!! Leave well enough alone!! Put our tax dollars to work for us constructively & STOP spending your time & our money trying to tear down!!!!!

Just remember, we not only pay taxes.....WE VOTE!! With the new awareness in America today, the goverment better hold on tight when it comes time for the next election!!!! You have spent millions so far getting to the settlement you now have w/ Microsoft, leave it alone.....it should be a done deal!!

Sincerely,
LouElla B. Williams

MTC–00009250

From: james arnstein
To: Microsoft ATR
Date: 1/7/02 3:40pm
Subject: 9 States vs Microsoft AntiTrust Case

Dear Sir,

I think the demands that the 9 states are attempting to place on Microsoft as punishment for their ''anti trust'' practices are ludicrous. The hidden corporate motives of various Microsoft competitors, all trying to disrupt and destroy Microsoft's market positions, are the real culprits. Let the consumer dictate what they want in the market place and not the attorney generals from the 9 states trying to break up the business practices of Microsoft.

Thank you,
James Arnstein

MTC–00009251

From: Kinsella, Mary
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/7/02 3:53pm
Subject: Microsoft

Gentlemen: Bill Gates and his Microsoft team have revolutionized computer use. This is no small thing. Nothing in our world is the same thanks to the ease of use of the Microsoft products. I'm not saying there weren't any other important players because there were, however, in my view Microsoft was the absolute catalyst for it all, the information highway, the information age, the whole ball of wax. Rather than penalizing them over nitpicky stuff, we should really be giving Gates and his cohorts some kind of award. Bill Gates and Microsoft have changed the way we work, the way we live. Another plus which hasn't yet been acknowledged or reached fruition is that there are innumerable people who previously couldn't even type, didn't know a keyboard from a calculator, who are now clicking away, traveling the information highway, finding useful information, planning their life events, and without intending to becoming proficient at keyboarding and absorbing way more information than they realize. Their life skills and possibly job skills are improving due to the prolific distribution and reasonable pricing of Microsoft products, not to mention the 'free' added in products like Microsoft Internet Explorer and Microsoft Photo Editor. I've never heard one real (from the horses mouth) story about Microsoft people being coercive in fact I've heard just the opposite. It's my humble opinion that the law and the DOJ is being manipulated by Microsoft's enemies who will use you as a cat's paw to destroy the man, Bill Gates, who may be the greatest mind of our time. Many years ago a poet said he had seen the best minds of his generation destroyed by madness. I'd have to say I see the best mind of my generation being destroyed by jealousy and concerted legal malice. Please note that this is my personal opinion only, and not necessarily the opinion of my employer. May God's own wisdom aid you in making your decisions in this matter.

Sincerely,
Mary T. Kinsella
22 Rockhill Street
Foxboro, MA 02035

MTC–00009252

From: Robert Pretlow, M.D.
To: Microsoft ATR
Date: 1/7/02 3:53pm
Subject: Microsoft Settlement

Dear Sir/Madam:

I am a pediatrician, and I manage two humanitarian health websites for children, one for bedwetting at http://www.wetbusters.com, and one for overweight children at http://www.blubberbusters.com. Approximately 60,000 children per month use the two sites. There are an estimated 7 million children with bedwetting in the U.S. and 15 million overweight children. These websites allow children affected with bedwetting or obesity to learn about their problem and to anonymously interact, via chat rooms, with other children affected with the same problem. There are social stigmas attached to these conditions, and chat rooms allow the children to interact in a way not possible in face-to-face life.

Both of these sites use Java software (Sun Microsystems) for educational applications and for chat rooms. Again, chat rooms are highly valued by children with socially stigmatized conditions because of the anonymity of chat rooms. There is no other chat room software comparable to Java. Java also allows monitoring of the chat rooms to insure child safety. Previous versions of Microsoft Windows have included Java, but Microsoft Corporation has now decided to no longer include Java with their new version, Windows XP. Therefore, to use our chat rooms and educational areas, children with Windows XP computers must now first download Java, a process that is complicated and time consuming (15–20 minutes with a 56K modem). Moreover, with typical 56K dialup access, the connection may be interrupted before the download is completed.

Below is an email from a 12-year-old boy with bedwetting (who uses the wetbusters site):

Subject: hi
Date: Thu, 1 Nov 2001 20:08:30 EST
From: RobThGmHHH@aol.com
To: chatrooms@wetbusters.com

i have the new windows XP and i can't get in the room it say i don't have a java browser. what do i do.

Tony

Subsequent emails from this child indicate that neither he nor his family is unable to understand how to download Java:

no i did not down loda it because it did not ask me if i want to down load the java browser.

Tony

mom and dad had to get a computer guy to put a java browser on my computer. the computer guy loaded netscape so i could have a java browser on my windows XP.

Tony

Children using America Online with Windows XP do not receive a screen message that they must download Java. Moreover, if they are able to download Java, they are no longer able to use Java applications in AOL's browser environment. They must now use Microsoft Internet Explorer or install Netscape Navigator.

I have also been in the process of creating an interactive website for children with asthma, of whom there are 20 million children in the U.S., and who have the same social isolation issues as children with obesity and bedwetting. I have, however, currently abandoned the children's asthma site because of the Windows XP Java issue. I feel that Microsoft's decision to no longer include Java in the Windows operating system constitutes a significant hardship for thousands of users. Even though I have been a substantial Microsoft stockholder since its initial public offering, I feel that the lack of Java inclusion in Windows XP places an

unfair barrier for users of chat rooms and other Java applications.

Because Microsoft is allowed to have a monopoly on the PC operating system, I feel that Microsoft has a responsibility to not abandon consumers. Microsoft should therefore be required to include Java with the Windows operating system.

Thank you for your time and consideration of the above matter.

Yours truly,
Robert A. Pretlow, MD, FAAP
eHealth International, Inc.
5406–K Lake Washington Blvd. N.E.
Kirkland, WA 98033
phone: 425–827–3719

MTC–00009253

From: Henry Sharp
To: Microsoft ATR
Date: 1/7/02 3:55pm
Subject: proposed settlement

I am disappointed that our government has not proceeded with serious action against Microsoft's anti-trust suit. Microsoft continues to flout the government and run their monopolistic practices and the justice department is doing nothing to stop them.

Harriet Sharp
1165 Harbor Hills Drive
Santa Barbara, CA 93109

MTC–00009254

From: Sr.
To: Microsoft ATR
Date: 1/7/02 3:55pm
Subject: Microsoft Settlement

I have designed industrial intruments and other products since 1970. As an independent consultant, it is necessary for my work to be installed and read by my customers' systems. So, I struggle to stay in business because I cannot afford the continual drain on my time and physical energy that results from Microsoft's periodic Operating Systems woes and planned product obsolescense. At the same time, I cannot provide reports and data to my clients unless I continue to remain up to date with my Microsoft software.

For the record, I started using Microsoft when it was Windows 3.1. I have changed to the next version reluctantly, and only at the point in time when Microsoft refused to continue its support of the prior product. That migration path wound through Windows 3.10, 3.10a, Windows 95, NT3.51, and NT4.0. I stare into the near future with dread: Windows XP is not for me, but I don't know what else I may be able to do. At each change, Microsoft collects more money. With each version, I spend no less than 100 hours getting my equipment to work again, sometimes finding that a printer (or other decvice) is no longer ''supported'' by Microsoft's latest product and must be replaced.

Mr. Gates is a pioneer. His company has found a method by which he can deliver a product that isn't finished yet, charge more for it than it will ever be worth, and have his quality assurance testing conducted by paying customers. The only partial success I have enjoyed is that I have avoided using Internet Explorer or Microsoft Outlook. Even without all those security problems (read, design defects), other Microsoft products have consumed far too much of my time and patience.

The existing settlement seems to me a bald faced sellout. I would like to see my government (Federal as well as State) do more than cower uncertainly before such a large potlitical contributor . . . who also happens to have been guilty of breaking the law. I would sincerely hope that we may find a restored balance in our priorities: it is an old principle of law that one who abuses the law should not benefit from that abuse. I would love to see that attitude regain its earlier vitality.

David E. Myer, Sr.
Vice President
Crow Feather Ent., Inc.
Innovation & Intellectual Property

MTC–00009255

From: Mader, John
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/7/02 3:55pm
Subject: Anti-Trust Settlement

To whom it may concern

I feel that if the present settlement is allowed to stand (Microsoft allowed to continue shipping their applications bundled with their operating system) the consumer will have to pay the cost of mitigation. With the clout that the operating system gives Microsoft they will be able to move into any lucrative software market after other firms develop those markets. This pattern is very evident (i.e. Java, Palm, Sun). Eventually most of the other players will be pushed out of the market, and Microsoft will be successful in creating a barrier to the software market. This loss of competition will not serve the interest of the American people. I ask the court to break Microsoft into 2 or more companies.

John Mader
10228 Gatemont Circle
Elk Grove Ca. 95624

MTC–00009256

From: john was
To: Microsoft ATR
Date: 1/7/02 4:02pm
Subject: stop it already

Please stop this travisty of justice. Enough is enough of this capitalism hating antitrust law suit. I my self am not wealthy and probably wont ever be but I dont begrudge someone who has the where with all to achieve what microsoft has done. Show some common scence and put and end to this garbage once and for all.

MTC–00009257

From: PollyPops9@aol.com@inetgw
To: Microsoft ATR
Date: 1/7/02 4:01pm
Subject: MICROSOFT SETTLEMENT

LET'S SETTLE THIS STUPID ATTACK ON MICROSOFT NOW.

MTC–00009258

From: Bill Turner
To: Microsoft ATR
Date: 1/7/02 4:02pm
Subject: comments on microsoft judgement

[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]

CC: Dennis Powell, Steve Coe,Tony Charoen,Laurence Hunt...

Gentlemen:

First, I'd like to thank you for allowing this period of ''public comment'' on the Microsoft Anti-Trust Settlement. I have taken the liberty of cc'ing a few of my closest friends scattered ''hither and yon'' around the globe as well as a ''Linux Columnist'' because I think this really is an International, as well as very important, issue that should not be restricted to the views of a few people, or to ''Americans Only.'' I suppose an appropriate beginning would be to talk a bit about my qualifications. First and foremost I am not an attorney. I am a ''computer professional'' with over 20 years of experience of all kinds in the ''computer industry'' and have worked on equipment ranging from mainframe computers (using punched cards as input and output) to stand-alone and networked PC's. I have a BBA in Computer Information Systems (Cum Laude) from National University in San Diego, CA from 1985. And an AS in Data Processing from San Diego City College. Since the fall of 1980 when I began classes at San Diego City College I have worked on many different types of hardware, and used many different Operating Systems. Back in the early 80's the world of the PC was still a ''wild and wooly'' kind of place. Many OS's and computer hardware philosophies existed to provide an environment where the end user had an incredible amount of choice. I have, as a computer professional, essentially ''grown up'' along with the PC. I have watched the hardware side of things advance rapidly from the ''turbo'' PC XT clone of my first system (10 MHz!), 640KB RAM (which according to Bill Gates at the time 'should be enough for anybody') and no hard drive at all to the situation today where a 1 GHz processor and 128MB of RAM (and a 20GB hard drive) is considered routine. I have watched as the business world embraced PC technology with open arms. To make them ''more productive'' and to cut costs (as compared to mainframes). I have watched while the PC was ''standardized'' to be a ''Microsoft-Only'' machine in so far as the OS and most applications suites are concerned. I have seen, for more than two decades now, the kind of company Microsoft is, and the kind of business practices that they consider to be ''acceptable'' I find to be so abhorrent I will do almost anything to avoid putting money into their pockets. Unfortunately, as a ''computer professional,'' I find myself, more often than I'd like to think about, in the situation of having to recomend and then support Microsoft products because of the almost universal perception that ''the Microsoft Way is the Only Way'' and most companies will not even consider anything else. Even now.

There have been ''alternatives'' to Microsoft products all along. Back in the days of MS DOS there were products such as CP/M, 4DOS, and DR–DOS. But one thing Microsoft has always been a master at. Marketing.

They managed to convince the PC makers to include the MS DOS OS with every new system sold. Once PC's started being sold with hard drives installed it was even easier

to do this as Microsoft went to the companies (politely at first, the strong-arm stuff came later) and managed to get them to sign ''exclusive'' agreements with Microsoft.

These ''exclusive'' agreements meant that NO competitors OS software (or applications software for that matter) could be installed on any system sold. And of course, you could not sell a PC with NO OS installed.

According to Microsoft this was to ''stop piracy'' but in reality it was a ploy to make Microsoft, Bill Gates, Paul Allen, and all the rest of them so filthy RICH that it is more than obscene. How ''powerful'' is Microsoft? Consider the case of OS/2 and IBM for an answer to that. IBM is hardly what one could consider a ''small company'' and easily pushed around by anybody. According to documents published already from the DOJ's Microsoft Anti-Trust Trial even a company the size of IBM was ''forced'' to sign ''exclusive agreements'' with Microsoft to include a copy of Windows 95 with every PC sold, or not have a ''license'' to sell Windows 95 at all. If a company the size of IBM has ''no choice'' then the rest of the software and computer industry is pretty well screwed isn't it?

Today, Microsoft has a lot of very real competition. This is as it should be. For server and other ''back office'' applications Linux is ''kicking tail'' and that's only going to improve. However, if the U.S. Government ''gives in'' to Microsoft on this Anti-Trust Settlement, and you need to understand that the view ''from the street'' is that you are doing EXACTLY that very thing, then Microsoft is going to go on, just as before, and absolutely NOTHING will have been gained from the long, and expensive, anti-trust trial.

Red Hat Linux <http://www.redhat.com> has offered to take the proposal that Microsoft provide it's OS and apps software to the ''14,000 poorest U.S. School Districts'' one better. They have offered to take the money that would have been spent for the Microsoft OS and apps software, and use that to invest in more hardware for the schools instead.

The money can be used to provide a rather substantial increase in the number of computers provided to the school districts. Red Hat has agreed to ''provide Open Source solutions'' which include Red Hat Linux and any applications needed (perhaps the Star Office suite—a ''worthy replacement'' for MS Office in every way) and this will be something that is not going to require going back in a few years to ''upgrade'' all of those systems because the OS and applications software licenses will have expired.

Open Source is about Freedom. Freedom of Choice in just about everything. Linux is an excellent and probably the best known example of this. The Linux Kernel is ''hacked'' (coded) by people all over the world. It all flows through a small group of people (including Linus Torvalds, the creator) who ensure that there is ''control'' over what gets put in, what doesn't, and to ensure a central place to keep track of what bugs yet need squashing.

With Linux, you can run at the command line, or under X Windows (a graphical environment or GUI). If you run X Windows you then have a plethora of ''environments'' to choose from and run. GNOME or KDE (both quite legitimate competitors to the MS Windows environment) or perhaps a ''light weight'' Window Manager such as IceWM (my personal favorite) or the well-regarded Enlightenment Window Manager.

The point is that with Linux, and with Open Source, you get a tremendous amount of choice ''built-in'' and it has always been there. With Microsoft the only ''choice'' you get is to open your wallet, when they tell you to, and to pay them what they tell you to, or to not use their products. If everyone else is using their products this can be ''a bit of a problem'' to put it politely. There are other issues as well. One of the things keeping Linux from being even more widely accepted than it already is has to do with the fact that when the consumer goes to buy a PC it is REQUIRED—still—to have a Microsoft OS on it. The consumer is not told how much of the cost of the system is due to the OS. The consumer is not told that they have any choice in the matter at all.

This needs to be changed, dramatically. Ideally when a consumer walks into a computer store he would be shown ''that system in the window'' advertized for $499 and then it would go something like this:

Salesman: OK sir, we need to discuss how you'd like your system setup. What OS would you like?

Customer: What do you have available? What's the cost? What's included?

Salesman: We have Windows XP, Red Hat Linux, or you can get the system with no OS at all and install whatever you'd like when you get home.

If you want Windows XP that would add $150 to the price for the ''home'' version, and $250 for the ''professional'' version. We can install it for you free. You won't get a CD. And that includes no ''office'' or ''development'' software. If you want to add that we can discuss your needs so I help you with that. Also, you will have to go to Microsoft to get your OS ''activated'' after it's installed. You have 30 days to do that or it stops working.

If you want Red Hat Linux (the Deluxe Boxed set) it will add about $80 to the price. Red Hat Linux comes with 6 CD's containg the OS, the Source Code for that, and a host of applications software of all types. We can also install that for you for free.

Also, you need to know that, by default, the system has a ''win-modem'' installed. What that means is that it will only work with a version of the Windows OS. If you want a ''real'' modem that will work with any OS then we have an internal 56K modem for $50 and an external for $120.

Customer: I never realized before how expensive it was to have Windows! What's the deal with this modem that won't work with anything else? That doesn't sound right to me. How hard is it to use Linux? Do you have classes for that?

Salesman: Yes sir, it can be kind of expensive to run Windows. The ''win-modem'' is a cheap modem that uses ''software'' to do part of the job ''hardware'' used to do routinely. It uses about 15% of the system resources to do that on average. It is much cheaper though at only $25 instead of $50 for the internal modem.

Linux can be kind of difficult to learn at first. But yes sir, we do have classes in Linux. We can also discuss what your needs are going to be and we can do all the installation and almost all the setup of it here in the store for you. Just like Windows.

Once it's installed and properly configured Linux is really no more difficult to run than Windows is. I think you'll find many things to like about Linux once you give it a try.

So what would you like to do sir?

Customer: I think I'll take the Red Hat Linux, installed, and the external modem as well. And I'd like to talk about getting some of those classes you mentioned.

Salesman: Yes Sir! I think you'll be happy with the choice you've made. Let's talk about getting you scheduled for some of those Linux user classes. Would evening or on the weekend better suit your schedule?

In an ideal world, this is what would happen. I've used Red Hat Linux as an example only. Could just as well be SuSE, Debian, Slackware or Mandrake Linux. Or something from another OS maker. BeOS. FreeBSD. or a host of others.

I think that if Microsoft is ''punished'' by putting their OS and applications software into the 14,000 poorest school districts in America then they are not actually being punished at all. The school districts are now pawns in a ploy to get Microsoft on every school desktop in America. If Red Hat Linux is taken up on their offer to substitute Open Source applications and OS software there is going to be, of necessity, an absolutely vital long-term benefit to this nation, and the world, that no one seems to realize. The students are going to be exposed at an early age to the ''Open Source Attitude'' and that is something worthwhile in my opinion.

Also, if you go to Linuxdot.Org <http://www.linuxdot.org> you'll find a couple of columns I've written. One of them, on ''OS Arrogance'' I think it is, has a link to an article where a description of the School System of Mexico choosing to use ''Open Source'' and how that has gone so far. Personally, I think that if ''Open Source'' and Linux is ''good enough'' for the schools in Mexico then it is surely ''good enough'' for the Public Schools in the United States as well. In a world where ''the 'net'' is almost everywhere, it is important that this ''punishment'' of Microsoft be seen in the larger context that it is actually a part of. The World Community. Not just the United States. For something of this magnitude ''national borders'' are irrelevant. Left unsaid until now is the absolutely horrific ''security'' aspects of just about any Microsoft OS or application you'd care to name. To call the quality of Microsoft's products ''shoddy'' is about as accurate as describing ''gang rape'' as ''an amusing Saturday evening diversion''. Microsoft released Windows 2000 to the world with a list of ''known bugs'' that totaled over 67,000. This is what they ''knew about'' and released anyway. Microsoft doesn't really care about security. All they care about is money.

Want proof? Do like I did. Subscribe to a few internet mailing lists on security issues (like the one from CERT) and you will find again and again ''exploits'' against Microsoft products. Microsoft products keep the ''anti-virus'' makers in business all by themselves.

Microsoft, even when someone takes the time and trouble to describe to them EXACTLY what the exploit is, how to use it, and (in many cases) how to ''plug the hole'' simply can not be bothered to even respond to the person letting them know. Let alone actually taking the time and trouble to work on making ''security'' holes disappear in their products. In the Linux world of course things are different. Linux, like any other OS or application, has it's own set of problems. Linux though, since it's ''Open Source'' has a huge advantage. Anyone that wishes to can take the source, fix a bug they found, and submitt that back to the ''Linux Community'' at large almost instantly.

In practical terms this means that when an ''exploit'' is discovered in Linux there is a ''fix'' available for it in a matter of only a couple of days. Many times, it's available in a matter of hours. Word is put out on where to get it, and how to install it. Almost before most people even knew that there was ''a problem'' it has already been fixed.

Microsoft, on the other hand, quite routinely takes weeks or months to ''fix'' whatever security hole we are talking about. If they do so at all. Many of the people that write virsuses to ''attack'' Windows do so because Microsoft has quite routinely ignored these problems in the past. If you have a ''known exploit'' that has been around for months and you know that Microsoft is not about to take one minute of their time, or spend one dollar of their money, fixing something like that then it becomes ridiculously easy to have something like the ''Melissa'' Virus spreading like wildfire all over the world.

If Microsoft is forced to compete on an equal basis with everyone else then Microsoft is going down the tubes, in a hurry, because Microsoft has never in it's life tried to compete on an equal footing with anyone and wouldn't have the slighest idea how to go about doing that. ''Freedom of Choice'' is one of the Open Source Credo's. Unspoken or not. Let's make it the ''rule of law'' so far as Microsoft is concerned as well please. I'd like to close with a short bit about ''standards.'' Both the ''real'' and the ''Microsoft'' variety. ''Real'' standards of course are just that. Standards that a majority of knowledgeable people from around the world have agreed on ''yes, this is how this will work'' and everyone knows that this is how things will work.

''Microsoft'' standards are standards because Microsoft says so. Microsoft is an ''old pro'' at taking ''real'' standards, like XML, and ''improving'' it. Microsoft's idea of an ''improvement'' however usually is along the lines of ''it only works with Microsoft products'' now. I recently read a bit of news where the Opera web browser was not able to connect to a portion of the MSN.com site unless it was configured to tell the server it was ''Internet Explorer.'' Opera allows you to ''tweak'' many things. Including how to present itself to the web server. So long as ''I.E.'' was selected Opera users could access anyplace on the site. When it was telling the server that it was, in fact, Opera, a cryptic message about ''upgrading your browser'' and quite specifically mentioning I.E. was displayed instead.

Microsoft claims that it was ''an accident'' and it was soon enough fixed. But it does much to show what the thinking of Microsoft is as regards the Internet, and standards for the Internet. I believe that Microsoft should be forced to adhere to standards that are really standards. I also believe that they should be forced to not only document their Windows API calls, but also to document their file formats. In particular their ''*.doc'' format. This is something that changes all the time. Also, Microsoft should be forced to document all the ''improvements'' they've made to ''standards'' such as XML, and other Internet related ''standards'' that they have ''improved.'' As a company Microsoft wouldn't know ''innovation'' if it came up and bit them. All they know is how to take ideas someone else had, put it in a pretty wrapper, declare it to be the result of ''years of research and development work'' and then expect people to pay whatever they decide to charge.

We need to put a stop to this. If not for Microsoft and their decidedly ''anti-competitive'' nature the computing industry could be years ahead of where we are now. You have the power, and the opportunity, to make historic changes that will not only affect us, but indeed will affect most of the world in one fashion or another.

Please do not ''roll over'' for Microsoft. No matter how much money, or how many lawyers they throw at you. Let's see ''justice'' actually be just that for a change.

Thank you.

MTC–00009259

From: Don Bogart
To: Microsoft ATR
Date: 1/7/02 3:50pm
Subject: MICROSOFT SETTLEMENT

Software Marketing Center, LLC
4149 Winfield Road
Columbus, Ohio 43220
January 7, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Attorney General Ashcroft:

I believe that it was a tremendously important and beneficial decision for the Department of Justice to have settled the case against Microsoft. Having spent the past twenty years in the software business, I can attest to the positive impact that Microsoft and other innovative companies have had in contributing to the remarkable productivity gains which helped to generate a robust national economy for many years. Without this leadership and technological advantage, our country would be far less able to succeed in an increasingly competitive global marketplace.

I think that the current settlement is fair to both sides. I was happy to learn that The State of Ohio is ready to settle the case. Further litigation and congressional hearings would benefit no one but Microsoft's competitors. I support the settlement, and hope to see it finalized soon.

Sincerely,
Donald Bogart
President
Software Marketing Center, LLC

MTC–00009260

From: Eberhard Hafermalz
To: Microsoft ATR
Date: 1/7/02 9:05pm
Subject: Settlement with MicroSoft

Dear Sir/Madam

Following a request by Helmar Rudolph who is part of the BeUnited Team and with whom a DOJ person has talked on January 4, 2002, I would like to submit my views on what is necessary to remedy the damage done to the market for PC operating systems (OS) by MicroSoft.

I am not a developer but a user of the BeOS, an alternative operating system widely acclaimed for its potential as a desktop OS. I would like to stress that the BeOS never has taken off as a widely used OS on the PC market. Not because it does not have the potential; there is publicly available numerous evidence to the contrary. The BeOS has died because computer makers were not allowed to pre-install this OS on their systems instead of or even alongside a MicroSoft OS, thus precluding a broad distribution. It is a known fact that computer makers declined the offer of Be, Inc., the maker of BeOS, to ship their machines with the BeOS pre-installed because this would invoke the respective punitive clauses in the licensing agreement they had with MicroSoft.

Further, when installing a MicroSoft OS onto a computer already equipped with the BeOS (or any other OS), the MicroSoft OS wipes the so-called bootblock, resulting in the computer only booting into the MicroSoft OS afterwards. As is well known, MicroSoft OSs are prone to get unusable after a short period of time, requiring extensive maintenance which more often than not is easiest done by re-installing the whole system. This obviously invokes the bootblock problem every time a re-install is conducted.

These two issues alone make it almost impossible for the average computer user to (a) acquire a non-MicroSoft OS running computer, and (b) maintain a dual-boot system where one of the OSs is a MicroSoft one. The remedy for issue (a) would be to disallow MicroSoft in clear terms the use of any contractual clauses in their licensing agreements that restrict the decision of the computer maker on what OS, if any, to ship with the computer they manufacture.

The remedy for issue (b) is to disallow MicroSoft the overwriting of the bootblock when Windows (or another MicroSoftware) is installed. This is technically possible by giving the user the choice which systems to boot into. Resolving issue (b) is in fact complementary to issue (a) for the reasons explained above; otherwise MicroSoft would be allowed to abuse their dominant market position by simply accomplishing at a later point in time what they have been denied at the manufacturer's stage: killing the competing OS on the same computer.

In light of the MicroSoft strategy of the past, the above is not the only remedy I think necessary because it would only create a level playing field. MicroSoft would be allowed to maintain the fruit of their previous unfair competition practice. Thus it appears justified to require MicroSoft to cede proprietary information in areas where it has acquired a de-facto monopoly by way of

utilizing advantages from their unfair competitive behavior. Most importantly, this includes the ''office'' part of the company's business. MicroSoft Office is the standard because Office was pressed onto the consumer as ''part of Windows'', which—as well as the Internet Explorer—it is not. MicroSoft thus utilized the practice described above to eliminate any competitor in this software segment.

In order for rival makers of office software to compete they need the information required to create translators, software add-ons (''plug-ins'' in Windows-speak) that allow the competing software to import from and export files to MicroSoft Office (and other) formats. I would like to point out that in order to accomplish this it is not required that MicroSoft open their source code of Windows, MicroSoft Office, or any other software.

Moreover, I would like to bring to your attention that it is not only Windows, and MicroSoftware running on Windows, that needs to be included in a settlement. MicroSoft is already showing the same patterns of behavior as before in the market for handheld computers. Also they are obviously trying to delay any remedial action against the Windows monopoly in the desktop computer market until Windows is no longer their main productline. Any settlement that is to create and ensure a level playing field in the longer term not only needs to remove the Windows monopoly but at the same time include any future OS or, indeed, software MicroSoft might sell, be it ''.Net'' software, Windows CE/Stinger, or any other product.

Finally, please revise your stance on the issue of MicroSoft's ''giving away freely'' computers, software, and service for these to schools. This is no remedy but an opportunity. It will create a new market for the company. These days MicroSoft's power to abuse their position stems from the very fact that for most people the term ''computer'' automatically means ''Windows'', i.e. MicroSoft. Letting MicroSoft ''make good'' for their abusive behavior by opening one of the few places where competing OS maker Apple still holds a better than insignificant market share would mean, as we say in Germany, to try to expel the devil with the Beelzebub.

The fate of innovation is at stake. Innovation cannot come from a company that has been holding the monopoly for almost ten years now. There is much better, much more innovative software out there than MicroSoft one but it will never have a chance.

Unless MicroSoft is forced to give it that chance.

Thank you for your attention.

Faithfully yours

Eberhard Hafermalz

MTC–00009261

From: Accounting
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/7/02 4:03pm
Subject: Microsoft

I support the microsoft settlement

MTC–00009262

From: Accounting
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/7/02 4:06pm
Subject: Microsoft Settlement

I support the Microsoft Settlement. Stop wasting taxpayers money. Microsoft has done more for computer technology than any other company in the world. Leave them alone.

MTC–00009263

From: Sara Peters
To: Microsoft ATR
Date: 1/7/02 4:11pm
Subject: Microsoft Settlement

I think it is time to settle the Microsoft case and let them get on with their business. This has gone on too long. I hope to read where a settlement has been reached and then that will be the end of this case.

Sincerely,

Sara Peters

MTC–00009264

From: Jason W Stiles
To: Microsoft ATR
Date: 1/7/02 4:12pm
Subject: Microsoft Settlement

To whom it may concern:

I am currently participating in worldwide network, orchestrated through beunited.org, that is working toward bringing BeOS or the equivilant back into the market place. There is however little hope for success of any alternative operating systems making headway on x86 (Intel) architecture if the following issues are not addressed:

Open Office Suite file formats

Win32 APIs

Boot sector control through restrictive licensing

Dual boot availability with predominant platforms

It is commonly accepted among Operating System enthusiasts that BeOS was one of the most advanced, most promising, and at the same time most doomed operating system because of the inability to work with vendors to get the product to market. This was truely the demise of BeOS. Any settlement that allows any company to restrict what OS'es may or may not be installed by 3rd party hardware vendors and computer manufacturers would be simply forcing the fate of Be Inc and BeOS onto the next company that attempts to innovate in the OS marketplace. Further more, I think appropriate punishment of Microsoft should not come in the form of donations of hardware and software to schools, but rather it should include funding of Operating System research and development in the educational sector and no profit organizations. By taking advantage of and empowering the bright young minds our in country's high education instutions you would be fostering the same scenarios that led to the creation of Mosaic and the Netscape Browser and we all recognize how that changed the world.

Thank you,

Jason Stiles
Associate Consultant
CRM Alliance Services
stilesja@us.ibm.com
cell phone # 270–303–8322
home phone # 270–563–2403 v-mail # 804–327–4854

MTC–00009265

From: RYDER385@aol.com@inetgw
To: Microsoft ATR
Date: 1/7/02 4:15pm
Subject: microsoft settlement

Further litigation should be denied for the following: —The Dept.of Justice reached a verdict and compensation agreed to by the party majorities. —To allow further litigation one has to only question the motives and rationale of the remaning few.—To pursue further litigation casts serious doubts on the credibility of the Dept.of Justice process and abilities of its hard working personel.

MTC–00009266

From: Muller, Thomas
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/7/02 4:34pm
Subject: Penalties

I can't believe that you caved to the Microsoft monopoly and are allowing them to continue to rip the people off. They are overcharging the consumer for their operating system. They are subjecting us to operating systems that are full of defects, security flaws, and they are not being ''innovative'' as they claim to be. I hope the states that defected from your settlement are successful in braking the company up into at least two separate companies.

Thomas P. Muller—Project Engineer
TMuller@acfindustries.com
636.940.5281

MTC–00009267

From: Wweinzierl@aol.com@inetgw
To: Microsoft ATR
Date: 1/7/02 4:25pm
Subject: (no subject)

Gentlemen,

As a business leader I personally feel we have taken up enough of the public time and capital in pursuing MS to the ends of the earth. The remaining state attorneys general must feel a need for job preservation (i.e. re-election) by endeavoring to keep this case in the public domain unendingly. Please in the interest of all concerned, particularily the consumer, put this to rest asap.

Sincerely,

Bill Weinzierl

MTC–00009268

From: Berger
To: Microsoft ATR
Date: 1/7/02 4:31pm
Subject: change is needed

I think it is time to end Bill Clinton era anti-trust law abuse. Let's get on so the free enterprise system can produce jobs and financial assistance to the American people.

MTC–00009269

From: Kevin Brown
To: Microsoft ATR
Date: 1/7/02 4:33pm
Subject: Microsoft Settlement

BlankThe purpose of this email is to communicate my complete dissatisfaction with the ongoing anti-trust case against Microsoft. While I have my complaints against Microsoft and its products, it seems inconceivable to me that the company would be litigated against for being a monopoly. This is simply ludicrous, in my opinion. In

fact, I believe this case has done tremendous harm to those in our community who take the risks and innovate. The outcome of this case applies to everyone, not just Microsoft.

I don't know whether Bill Gates contributed to Bill Clinton's campaign or not, but it seems clear to me that this misuse of governmental power is abusive and harmful to the public and it is my strongest position that the case should be ended now with an apology issued to Microsoft for all the harm it has caused and another apology to the public for the waste of taxpayer dollars used to litigate this case. This applies to the states that continue to litigate as well.

Kevin Brown

MTC–00009270

From: Fran (038) Gene
To: Microsoft ATR
Date: 1/7/02 4:36pm
Subject: MICROSOFT LAWSUIT ?

I think you should let them off at this point—just look at all the good they have done —- I couldn't have a computer if it wasn't for Microsoft ??

Virginia
Ralph Anderson
rea@preferred.com

MTC–00009271

From: Scott McLaughlin
To: Microsoft ATR
Date: 1/7/02 4:43pm
Subject: Microsoft Anti-Trust

You have failed to prove your case. Drop it and stop wasting our money.

Success is not a crime.
Scott McLaughlin
President
MultiMedia Dental Systems, Inc.
www.multimediadental.org
877–770–8514

MTC–00009272

From: Guthrie Chamberlain
To: Microsoft ATR
Date: 1/7/02 4:46pm
Subject: Microsoft Antitrust case

I am writing today to voice my opinion on the Microsoft Antitrust case. As an owner of a business that is part of the IT industry I feel this case has been dragging on for too long and it has hurt not only Microsoft, but also the entire IT industry. The government has no rights meddling in the affairs of independent business unless it is truly hurting consumers through unfair practices. This is certainly not the case with Microsoft who has facilitated computing technology to benefit the majority of the world's population. Productivity and creativity has been stifled and it is now showing in the marketplace. Our economy has grown so much in the past two decades, due mainly to Microsoft and other key companies providing innovative products to the general consumer.

I have firsthand experience dealing with Microsoft, as I work as a Systems Integrator, creating and installing networks. Their products have made our business run, as well as the majority of our clients. As Microsoft experienced problems due to these lawsuits, so have we and it has affected the entire economy. I feel part of the recession that we are now experiencing is due to these lawsuits. I ask that you please take the public's concern into consideration and help put an end to the lawsuits. Additionally, I hope that remaining nine states can come to quick settlements, without further scrutiny from the government.

Sincerely,
H. Guthrie Chamberlain, III
501 Chamberlain Drive
Marietta, OH 45750
Guthrie Chamberlain
President
Eagle Technologies Group, Inc.
guthrie.chamberlain@eagletgi.com
www.eagletgi.com
740.373.9729 x101

MTC–00009273

From: DBHepp@aol.com@inetgw
To: Microsoft ATR
Date: 1/7/02 4:50pm
Subject: Microsoft Settlement

To Whom It May Concern,

The settlement is tough, but reasonable and fair to all parties involved. Consumers overwhelmingly agree that settlement is good for them, the industry and the American economy.

Please don't let special interests groups defeat the public interest.

Best regards,
Don Hepperle
Phone: 541–548–3354
Mailto: dbhepp@aol.com

MTC–00009274

From: MAXF4T@aol.com@inetgw
To: Microsoft ATR
Date: 1/7/02 4:59pm
Subject: public comments on MS case

Dear Justice Department,

I have been following the government's misguided lawsuit against Microsoft. I have been a Microsoft user ever since I started using computers and I don't like the way the government has been attacking them.

In the first place, I like the way Microsoft bundles software. I think it's a big headache to purchase everything separately and then try to figure out what will work with what. Microsoft already does that for me; they perform all of the compatibility computations and work out most of the bugs before the product ever gets to me. I call that ''good service.'' That's why I purchase Microsoft products.

In the second place, I have rarely (if ever) had a problem adding programs to my Microsoft operating system. I realize that there is a learning curve with new software and it may take me a while to figure it out; but that is not Microsoft's problem, nor is it the government's problem. Using Microsoft's operating system has NOT prevented me from using competitor's products. As I observe this case, I feel that any remedy that the Federal government proposes will probably cause me a big headache. It is not the government's job to work against the best interests of its citizens ... including me. This case should have been dropped a long time ago. In reality, it was nothing more that a witch-hunt proposed by President Clinton when he discovered that he couldn't shake-down Bill Gates for campaign contributions. In conclusion, I strongly urge you to drop this case totally.

God Bless America.

Respectfully submitted,
Max Effort
21609 Cedar, St. Clair Shores, MI 48081
Phone: 586–779–2028
email: maxf4t@aol.com

MTC–00009275

From: Alhstorz@aol.com@inetgw
To: Microsoft ATR
Date: 1/7/02 5:00pm
Subject: Lawsuit

Gentlemen:

I want to take this opportunity to say that I support Microsoft in this lawsuit brought by the federal government. This is in direct conflict to everything Americans hold dear. Our freedoms have been encroached upon too long and it is time for this nonsense to end.

Thank you very much.
Hilma Storz
739 Edgebrook
Houston, TX 77034
alhstorz@aol.com

MTC–00009276

From: Eleanor McCabe
To: Microsoft ATR
Date: 1/7/02 5:04pm
Subject: Stop the antitrust suit

It is time to stop the waste in continuing the antitrust suit against Microsoft. It is not needed with all the more important cases for the Justice Department to bring to trial.

MTC–00009277

From: Glenn and Wanda Trapp
To: Microsoft ATR
Date: 1/7/02 5:04pm
Subject: Microsoft

I want to end the Clinton-era Anti-trust.

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and was a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Sincerely,
Wanda Trapp
Rt. 4, Box 327
McAlester, Ok 74501
gandwtrapp@myexcel.com

MTC–00009278

From: Michael P Parker
To: Microsoft ATR
Date: 1/7/02 5:05pm
Subject: Federal Gov't Settlement..

The settlement is a fair one and all States should accept it as being a reasonable solution to a very complex problem... We

ought to squash further litigation and get on with the job of growing American Technology...Let Microsoft get back to work!!!!!!!!!!!!!!!

Michael P Parker
Retired IBM Exec
Avid user of PC software

MTC–00009279

From: bobhague
To: Microsoft ATR
Date: 1/7/02 5:08pm
Subject: Microsoft fiasco

Sirs/Ms:

It's time to end this travesty of justice. Bill Gates has done more for this country and the economy than William Jefferson did to it, yet Honest Bill got off scot free while you waste time and money persecuting a true American. It's time to go after the real criminals, Clinton-Clinton, Gore and Reno.

Get on with it!
Sincerely,
Robert E. Hague
261 Lafayette Drive
Roseville, Ca.

MTC–00009280

From: Larry Reich
To: Microsoft ATR
Date: 1/7/02 4:59pm
Subject: Microsoft Settlement

I urge that this be done and over with, I support the Microsoft Settlement , Lawrence A. Reich 2445 Airport Rd. Eastman Ga. 31023

MTC–00009281

From: annie m. lane
To: Microsoft ATR
Date: 1/7/02 5:07pm
Subject: microsoft

i don't like bill gates, he is a dem. but i don't know what he did to them but LEAVE THEM ALONE. this has all been politacol. so drop it, annie lane, carthage, ms. 39051

MTC–00009282

From: theholdings@mindspring.com@inetgw
To: Microsoft ATR
Date: 1/7/02 5:08pm
Subject: RE; MICROSOFT

I AM WRITING TO ASK YOU TO PLEASE END THE CLINTON-era ANTI-TRUST LAW ABUSE AGAINST MICROSOFT. ENOUGH IS ENOUGH ABUSE OF THIS FINE COMPANY THAT THAT SHOULD NOT HAVE HAD THIS ACTION BROUGHT IN THE FIRST PLACE.

SINCERELY,
HARRY HOLDING

MTC–00009283

From: gmewborn
To: Microsoft ATR
Date: 1/7/02 5:10pm

the govt and states and crying competitors need to get off this kick that microsoft is killing them. if they want to develop their own software operating system then go to it . everyone is jealous. microsoft should not stop others from doing there thing. I think a company can do whatever it wants to develop new products. you can buy or not buy. g.m.

MTC–00009284

From: Conley, David
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/7/02 5:14pm
Subject: Microsoft case...

Gentlemen....

I think settling with Microsoft is a big mistake! They are, in fact, a monopoly...and should be divided into a systems company, an applications company...and an Internet company.

When I can't buy a new computer without having Microsoft's operating systems installed on it... thats NO choice!

Say NO to settlement!
David F. Conley
Citizens Communications
5600 Headquarters Dr., #A2O14
Plano, Tx 75024
469–365–3467

MTC–00009285

From: Bud (038) Lyn
To: Microsoft ATR
Date: 1/7/02 5:19pm
Subject: Microsoft Settlement

Ms. Hesse:

After perusing information provided the public regarding the Microsoft Settlement, and not being a ''Wall Street Attorney'', I wish to encourage the Court to be equitable and fair in its ultimate decision regarding the Microsoft case.

The Pacific Northwest, after September 11, has been feeling a domino effect from the tragedy that occurred in New York City. Our local NYSE and NSDQ stocks have suffered great losses, from which many will never recover. Granted, we are all in the same situation, but the State of Washington, on a daily basis, is losing high tech companies—just folding up, or consolidating out of state. Our unemployment rates are climbing rapidly with the loss of Boeing jobs, and frankly, the future for the State of Washington looks bleak.

A blow to Microsoft would simply add to the recession our state and country is finding itself in. As a citizen of the United States, I do not wish to see more businesses punished to the point of extinction. Mr. Gates has done, and will do wonderful things for education, world peace, and the welfare of children, worldwide, if given the opportunity under our free enterprise system. He has stepped down from a very lofty and important position in his company to cooperate in this matter. My greatest fear is that he will lose interest in the company he started, and not have an interest in promoting new and innovative ideas that will benefit everyone, worldwide. The states involved in this lawsuit are stamping their feet like children, refusing to be reasonable for the sake of everyone, to prove that they are mightier than Microsoft, its management, and Mr. Gates. These states and the rest of our United States will end up the losers. We all need to cooperate to reinstate a healthy economy, where business can thrive, thus allowing us to deal with important issues facing us in the future.

That future is now in jeopardy, and I wish to urge those who are charged with the decision in the Microsoft case, to take more than just the law into account. Real human beings, with families, mortgages to pay, children to educate, retirement to plan for, and a job to take pride in, is at stake.

This is not a chess game, but real life, and I pray that you will do what is right for all, not just a few

Thank you for listening to a citizen's opinion.

Best Regards,
Lyn Wessman
lyngwes@earthlink.net

MTC–00009286

From: John McClaughry
To: Microsoft ATR
Date: 1/7/02 5:21pm
Subject: Microsoft Settlement

The Microsoft case is a long running embarrassment for Justice and damaging to the economy. The pending settlement is a reasonable conclusion. Please accept it, and tell the nine grandstanding AGs complaining about it to go chase some real criminals.

John McClaughry, Ethan Allen Institute, Concord VT

(I have no connection to Microsoft.).

MTC–00009287

From: Maher Saba
To: Microsoft ATR
Date: 1/7/02 5:31pm
Subject: Microsoft Settlement

Congratulations on signing the settlement with Microsoft. I hope all the states will follow suite. I am writting to offer my support and hope that the judge approves the settlement as soon as possible.

Thanks, Maher

MTC–00009288

From: Jean Galburt
To: Microsoft ATR
Date: 1/7/02 5:31pm
Subject: Microsoft Settlement

Please end the Clinton-era Anti-trust law abuse of Microsoft. Where would be all be technically if it were not for Bill Gates, his collogues and his company. His programs & operating system's are wonderful.

Paula Jean Galburt

MTC–00009289

From: Frank Bankenbush
To: Microsoft ATR
Date: 1/7/02 5:54pm
Subject: Micro-Soft settlement

Please end this foolishness.
Let the marketplace adjust itself.
Franklyn J. Bankenbush
11409 Washington Ave. #10,
Sturtevant, WI 53177
262–886–9249

MTC–00009290

From: Steve Wersan
To: Microsoft ATR
Date: 1/7/02 5:35pm
Subject: Microsoft Settlement

The proposed Microsoft Settlement, whichever way it turns out, will be a legal and business history landmark that will be pointed to by legal historians and business, academic, and government leaders for years to come.

Antitrust laws were drafted precisely for the purpose of curbing and punishing the not-alleged-but-proven sorts of misbehavior committed by Microsoft. If the proposed, slap-on-the-wrist settlement is adopted, the conventional wisdom of the future will say

that this decision amounted to a judicial repeal of the antitrust laws, and initiated an era in which antitrust enforcement became a lapdog for egregiously monopolistic and avaricious businesses.

Conversely, if the court rejects this pussycat settlement and moves toward the only logical and just consequence of these misbehaviors by ordering the breakup of Microsoft, it will be saying that this is still a country whose laws are fairly enforced and enforced all the time. It will also be said that this decision initiated an era in which the full power of the computer and the internet were liberated from the self-seeking domination of one company's restricted vision. ''Once to every man and nation comes the moment to decide ...''

Dr. Stephen J. Wersan
Ridgecrest, CA

MTC–00009291

From: pmckelvey
To: Microsoft ATR
Date: 1/7/02 5:36pm
Subject: String'em Up

Yesterday, I read in USA TODAY, that a VP at Microsoft had said that LUNIX was the next target. Microsoft keeps their code secret, I guess security by obscurity. LUNIX is out there for anyone to work on and improve. Even the National Security Agency has published code examples as ways to make a ''LUNIX'' system more secure. I expect Bill Gates to include the ''Universal Plug and Play'' in LUNIX, thus opening it up to the hackers. But the code will be proprietary so no one will know.

Of great concern to me is the requirement that to do any kind of business with Microsoft, you have to have a Microsoft ''passport''. As I have read in the papers, Microsoft had to shut the passport system down for 24 hours because it had been hacked into.

With the ''I Love you'' virus following the rising sun around the earth and catching people before they were expecting anything is not surprising. If there is one direct progenitor of something that is everywhere, such a spread can and will occur. We need different operating systems. How bad can it get.

The Irish potato famine was caused by a bight. All the potatoes in Ireland were descended from one potato plant of very good qualities. But when the bight hit, there were no natural barriers to stop the blight. According to the accounts of the times, people were actually dying in the streets as the blight did it's work on what was genetically one plant. Potato Soup?

Patrick C. McKelvey PE
pmckelvey@zoomtown.com
3315 Ashwood Dr.
Cincinnati, OH 45213–2437
(o) 513–631–3486
(h) 513–631–1221
RA 11651752

P.S. Probably 20 years ago, AT&T's Bell Labs had a auto license plate created. White background with green lettering reading ''UNIX—Live Free or Die''.

MTC–00009292

From: Robert (q)Bob(q) Rood
To: Microsoft ATR
Date: 1/7/02 5:38pm
Subject: Microsoft Settlement

Department of Justice.

I have followed the litigation and settlement issues with Microsoft over the last few years. To begin with, I have been quite upset over the handling of the case by the previous justice, and was extremely pleased that he was basically replaced. I am equally pleased that you apparently have arrived at a settlement with Microsoft. I believe this settlement to be in the best interest of the consumer. I still believe that as a consumer I was never hurt to begin with. I also believe that it is too bad that our justice system allows self serving companies and States to drag this matter on. Many of the concerns are from a few with products that were inferior to begin with. To allow this to drag on will hurt the consumer and product innovation.

Please enter my request to end this case with the settlement between the DOJ and Microsoft.

Thank you.

Robert J. Rood, 907 346 1563

MTC–00009293

From: Mark Palmer
To: Microsoft ATR
Date: 1/7/02 5:39pm
Subject: Anti-trust Case

To whom it may concern,

I realize that many of you in the Bush administration are holdovers from the most corrupt administration to hold the office of President. I also realize that their probably remains a number of corrupt individuals who believe that all businesses should be sending large donations to the Democratic Party. (In addition to the foreign entities that bought legislation from Clinton) But, I request that you return the country to normalcy (ie Government not suing legal businesses because you want more cash to redistribute to the non-producers) That request includes any lawsuits against Microsoft, Gun Manufacturers, Tobacco Companies, Automobile Manufacturers.... All of this should cease immediately.

Mark Palmer&
Mark D. Palmer
CC Dickson CO
456 Lakeshore Parkway
Rock Hill, SC 29730
(803) 980–8000 Ext. 264

MTC–00009294

From: Bill Sherman
To: Microsoft ATR
Date: 1/7/02 5:38pm
Subject: Settlement is Fair

Sirs,

This settlement is fair to both parties. As usual the only people who made out were the attorneys. Thanks for your consideration,

Bill Sherman
Spill 911, Inc
800–474–5911
www.spill911.com
billsherman@spill911.com

MTC–00009295

From: ray—dubcak@tx.acer.com@inetgw
To: Microsoft ATR
Date: 1/7/02 5:44pm
Subject: Microsoft Settlement

Leave Microsoft and our free enterprise system alone!

Let the consumers decide in the marketplace which companies are the winners and which ones are the losers. I resent your interference in thinking you know better than us who have been in the information technology business for years.

We are talking about a $99 operating system that nobody is forced to buy if they don't want it (the IRS takes much more than that away from me by the use of force and coercion and I don't get anything back in return). Consumers can always use the free operating system called Linux along with its free web browser. Any new features Microsoft puts into their operating system is purely for their own survival. Live and let live!

I thank Microsoft for driving down prices so that the common person can understand and afford technology. If you punish them, then you are no better than a communist dictatorship which desires to own and control all business! The shame of it all is that Microsoft's competitors refused to offer better products at lower prices and instead resorted to government coercion and force. What a sad day for American liberty!

If you are truly looking out for the consumers as you say you are then leave Microsoft alone! Answer this question—how many complaints have you heard from the consumers themselves (the very persons you claim to be protecting)?

MTC–00009296

From: Ben Allen
To: Microsoft ATR
Date: 1/7/02 5:43pm
Subject: Microsoft Settlement

To whom it may concern:

I am a computer user of both a Microsoft Operating System and a non-microsoft operating system that is trying to market itself as an alternative to the Windows line. So far, the operating system I favor (the BeOS) and others like it have had major roadblocks thrown in our facees due to Microsoft practices. The OS's I speak of run well with their own software, or with each other's software, , but have had a very difficult, if not impossible task of working with the Microsoft systems, which the majority of computer users use.

If these other businesses are to be given the equal right to develop a product, Microsoft must be properly dealt with in this case. Microsoft's Office file formats cannot be used by non-microsoft software and the Windows installer will not let me boot into my non-Windows OS, so I cannot try to develop software for the Operating System of my own choice. Many other hinderances placed by Microsoft prevent legitimate software developers from writing! software that people can use. Thank you for your efforts to rectify the issues at hand. I am not alone, users world-wide share my appreciation for your efforts.

Sincerely,
Ben Allen
ben_allen@bemail.org

MTC–00009298

From: Syd (038) Ron Corbett

To: Microsoft ATR
Date: 1/7/02 5:45pm
Subject: Microsoft

I think we should be more concerned with stimulating the economy and encouraging innovation in business than with shackling creativity and entrepreneurism. Penalizing achievement will simply drive our businesses and economy down. Leave Microsoft alone—that way it can add to the economy with jobs.

Sydney B. Corbett
231 SE 45th Terrace
Ocala, FL 34471

MTC–00009299

From: John T. Weisel
To: Microsoft ATR
Date: 1/7/02 5:45pm
Subject: Microsoft settlement

Let's put this one to rest, you've beat up on MS enough now, and we all got the message. Let's lay off now.

John T. Weisel
Sunriver, OR 97707
Voice: 541–593–8201
Fax: 541–593–7318
(jtweisel@teleport.com)
Mail: 20 High Oak Drive, Medford OR 97504

MTC–00009300

From: Brad Smith
To: Microsoft ATR
Date: 1/7/02 5:50pm
Subject: Microsoft Case

To whom it may concern at the Justice Department,

I support the Microsoft settlement as been proposed.

This case needs to be put to rest and get on with more important issues.

Sincerely,
Brad Smith
bradvs@preferred.com
423.743.5765

MTC–00009301

From: Marc H. Berblinger
To: Microsoft ATR
Date: 1/7/02 5:49pm
Subject: Microsoft

Stop wasting your time & our tax money on the Microsoft case.

Marc Berblinger
Registered voter
San Diego, CA.

MTC–00009302

From: Del / Sue Chase
To: Microsoft ATR
Date: 1/7/02 6:00pm
Subject: Microsoft Anti-trust.

Get it over with!! It's questionable it should have been an issue anyway.

MTC–00009303

From: Dick H.
To: Microsoft ATR
Date: 1/7/02 6:01pm
Subject: End the Clinton-Era Anti-Trust law abuse.

Enough is enough! We need to protect our brilliant entrepreneurs, not penalize them. Without these persons our employment opportunities go by the wayside.

It is time to end the Clinton-era abuses!

RJH

MTC–00009304

From: Gary Roush
To: Microsoft ATR
Date: 1/7/02 6:03pm
Subject: anti-trust law abuse opinion

I want to state that I do NOT approve of what is going on with the States accusing Microsoft. Microsoft is merely trying to survive among the many rivalries and have already given a lot to the demands, more so than should be required. The rivalries and competitors as you can see are playing around with no ropes tied to them taking advantage of the opportunities to win unrighteously and unfairly, while Microsoft, of all the good they have done, have way too many ropes tied and this is unjust. Why penalize a company for being too good or for being too helpful? I want the Clinton-era Anti-trust law abuse to end and it should end now! Our tax money is being wasted by this type of trial.

Gary Roush
12712 7th Ave NW
Seattle, WA 98177

MTC–00009305

From: volner
To: Microsoft ATR
Date: 1/7/02 6:05pm
Subject: Anti-Trust

I think it time to end the Clinton-era Anti-trust law abuse against Microsoft. As a user of Windows I applaud Microsoft. There product are top of the line and I use them daily.

Billy Volner
3615 Pennsylvania Ave
Mims, Fl 32754

MTC–00009306

From: Ethel Feyertag
To: Microsoft ATR
Date: 1/7/02 6:06pm
Subject: Microsoft

Please stop this Microsoft case...how ridiculous. With all the real crime which took place in and around the White House, 1992–00 [never prosecuted], and that among some senators/congressmen, how can they keep this up. I do not want our tax money spent going after Microsoft, and further, I think they deserve an apology.

E. Feyertag

MTC–00009307

From: Joseph Shields
To: Microsoft ATR
Date: 1/7/02 6:09pm
Subject: Microsoft Settlement

A few ywars ago now, i remember getting a CD free with an issue of PC Plus with a bootable demo of BeOS 4.5 on it. I instantly fell in love with the system, getting used to all the advantages it held over Windows, bemoaning only the lack of support for my (considerable) collection of Windows-only software and hardware.

I proceeded to buy BeOS 5 Professional about a year later, to help do my bit to support a fantastic piece of software.

However, I was most distressed to read online that the BeOS was officially dead. This is an extremely unfortunate state of affairs, and is solely down to strong-arm tactics carried out by the Microsoft Operating System monopoly.

There is a large community at work, all of whom would like to see a viable update or evolution of the BeOS back in the marketplace. However, there are a number of factors which place Microsoft in a position which simply cannot be challenged now that their monopoly is in place.

The Windows system itself is a closely guarded secret, and as it is unfair to expect software manufacturers to re-write a version of their software for every Operating System under the sun, the only alternative is for an Operating System to have built-in support for another. In this case, BeOS (or any one of a hundred other systems) could sensibly compete with the Windows monopoly if the core components of the source of Windows, the API-related functions (especiallythe DirectX API, the workhorse of Windows as a platform for playing videogames), were made availible. Lack of competition is bad for the consumer and bad for the economy. And leads to expensive anti-trust cases against monopoly-holders. Nobody wins.

There is a small list of other potential issues:

The leading office suite software, Microsoft Office, is, without a doubt, currently the best on the market. This cannot be disputed. However, there is no sensible way for companies to try to make a shot at trying to better Office, as the specifications for the Office files (.doc, .xls, .ppt etcetera) are ANOTHER guarded secret, and a business cannot afford to use software which cannot read or write files compatible with what the company down the road uses. I have personally experienced issues caused already by Microsoft's unneccessary changing of the specifications so that anybody who uses a recent version of the Office software must go to great lengths (losing much formatting information in the process) to be able to send documents to people with older versions. If you have Office 97 and really want to exchange with colleagues, then you're looking at a 250 upgrade for the privilege. Take this scenario, and it gets a thousand times worse when files created in Word XP with any advanced formatting cannot be opened in a suite for a non-Microsoft-endorsed system such as Gobe Productive under BeOS. The file specifications for most formats (HTML for web pages, JPEG and GIF for images, ZIP for compressed files) have been open to everybody for years, and the buisinesses behind them have NOT suffered as a result. Making the Office formats mandatory is more than a good idea, it's a required action.

The final suggested action is not rooted in Microsoft's monopoly, it's rooted in them being bastads and wanting to take advantage of their monopoly: When a new PC is shipped, Microsoft lisencing states that the reseller's lisence is void if the system isn't a ''clean'' Windows system. i.e. if the Reseller installed on it, say Windows 2000 Professional AND Mandrake Linux 8.1, the company loses its right to sell Microsoft-equipped machines and Microsoft will never speak to them again. Much as I've ranted, Windows is currently a requirement of a system you intend to use around the home.

Windows has been designed, hopwever, to stamp out any other operating systems it finds on your computer, If you have a working BeOS computer and install Windows XP, then it will remove your ability to run BeOS. The same applies for Linux, and any REALLY alternative system you could name— Windows changes the Master Boot Record to disallow the running of other Operating Systems. Every other non-Microsoft operating system in creation provides a ''boot loader'', which provides a list of the Operating Systems availible on a computer when you switch it on, and all the systems in the list will co-exist happily. If you install a non-Microsoft system AFTER Windows, then it will put Windows in its list and the system will still work just as well. However, Microsoft simply do not ALLOW systems to include a dual-boot facility, which could threaten Windows as the user's operating sstem of choice. I'm pretty sure this lisence still covers the installation of any Internet Browser software other than Microsoft Internet Explorer (such as Netscape), as again that could pose a risk to Microsoft.

Dual-booting is NOT hard to program. Only obstinance prevents it from existing (and being permitted) in Windows as default. This is a crucial issue which on its own could make Linux much more marketable (if not help BeOS if implemented in isolation).

Thank you for (hopefully) reading through my $0.02, and I hope the comments are helpful and are taken into account. I am NOT one of the pure anti-Microsoft fanatics you find. I'm a fan of superior products. I use my Microsoft mouse and Joypad as they're the best availible. However, the strong arm tactics used by Microsoft for their Operating System and Office software is simply unfair.

Yours sincerely.

—Jo ''directhex'' Shields

MTC–00009308

From: Colleen Dunham
To: Microsoft ATR
Date: 1/7/02 6:13pm
Subject: Microsoft settlement and 15 U.S.C. 16

Dear Madam or Sir:

I have just returned from a long Christmas holiday. While I was away, family, friends, and other people engaged me in conversation about the Microsoft case. My conversations were with people from many walks of life in many parts of the country. I was surprised that so many people wanted to talk about the case and surprised that people outside of Microsoft have such strong feelings about the issues. All expressed some degree of approval of the Microsoft settlement for themselves, for the hi-tech industry, and for the American economy. None wanted to see additional litigation or further delay.

Please consider my observation as the United States determines whether to settle this antitrust suit.

Yours,

Colleen Dunham

MTC–00009309

From: Tom Arlin Dean
To: Microsoft ATR
Date: 1/7/02 6:13pm
Subject: re: STOP

The Microsoft trial has squandered millions of taxpayers' dollars, was a nuisance to consumers, and was a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

I believe this single act of heresy perpetrated by Bill Clinton and his lacky, Janet Reno, may well have been the catalyst for the recession we have experienced since and are still experiencing now.

Tom Arlin Dean
22204 Pepper Road
Athens, AL 35613

MTC–00009310

From: enbcpa2
To: Microsoft ATR
Date: 1/7/02 6:19pm
Subject: Microsoft case

Dear Sir or Madam at the Justice Dept.:

Microsoft has been a blessing bestowed to America, because that company's technology gave this country a great deal of productivity. The technological advances have been great and have been made available to everyone at a very low cost.

I think that the American people would be well served by ending the Clinton-era Anti-trust law abuses.

Microsoft is good to our economy. These law suits are only good to the lawyers.

Edgar N. Baquero, CPA
1428 Heights Blvd.
Houston, TX 77008
Tel. (713) 869–5332
Fax. (713) 869–8385

MTC–00009311

From: Daniel Berger
To: Microsoft ATR
Date: 1/7/02 6:19pm
Subject: Microsoft Settlement

To whom it may concern:

I am part of a worldwide network that is working on getting the BeOS operating system back into the market place, but there is no hope of success if the following issues aren't addressed:

1) open MS Office file formats
2) open Win32 APIs
3) mandatory dual-boot options (i.e. multiple operating systems per computer)

In addition, it is clear that Microsoft should be split into two parts—one for the operating system itself, and one for software (and any other non-operating system components). This will help reduce the advantage it's own software has on the MS Windows platform.

On top of that, a huge fine for it's illegal and unethical strongarm tactics.

Sincerely,
Daniel Berger
Plymouth, MN

MTC–00009312

From: Rick Dassow
To: Microsoft ATR
Date: 1/7/02 6:19pm
Subject: Microsoft Anti Trust Case

Dear Justice Department,

As a consumer of software products, I would like to petition the Justice Department to break up Microsoft. I believe that Microsoft's monopolistic practices have severely limited the choices available to the end users. Additionally, I firmly believe that by tying the operating system and its software products together, Microsoft has not only limited consumer choice, but has also perpetuated the use of inferior software products in the marketplace. Without choices, the consumer is limited to using inferior software products, and does not benefit by natural innovation that comes about by companies competing in the marketplace. I would conservatively estimate that Microsoft has set the software development industry back 7–10 years.

I hope that when the final decision is made, consideration is given to not only Microsoft's competitors, but also to how this large monopoly has effectively stagnated the advancement of the industry as a whole.

Rick Dassow
Senior Vice President FOUR SEASONS SERVICE GROUP
303–367–1332

MTC–00009313

From: Dana Norton
To: Microsoft ATR
Date: 1/7/02 6:29pm
Subject: User opinion

Gentlemen:

As a user of the only available operating system, I am highly insulted by Microsoft's attitude. Windows is a monopoly because the software required for my appraisal business is simply not available for Apple or Linux. Not because Windows is a better environment, but because of Microsoft's predatory practices. I was employed by IBM in 1961, thus am familiar with the Consent Decree signed by that monopoly. While I was loyal to the company, I was also familiar with the heavy-handed tactics employed which artificially maintained that monopoly.

I see the same techniques employed by Microsoft. Every time a sucessful competing product appears,

Microsoft does one of four things:

1. Re-write the OS so that the offending program won't run, or;

2. Buys the offending company, generally killing it, or;

3. ''Sells'' a competing program at little or no cost, or;

4. Pressures it's large customer's (manufacturers) into not offering the offending program by predatory pricing or threats of actions which would put the manufacturer out of business.

If Justice had not acted forcefully with IBM, a personal computer today, including software would probably cost in the neighborhood of $35,000. Microsoft must be broken up into, at a minimum, an operating system company and an application software company. Additionally, the heavy-handed tactics employed by Microsoft, outlined above, should be vigorously punished.

Sincerely,
Dana L. Norton, IFA

MTC–00009314

From: John Hughes

To: Microsoft ATR
Date: 1/7/02 6:25pm
Subject: Microsoft Settlement

It's time to end the Clinton-era Anti-trust law abuse against Microsoft!

John Hughes
20811–D Bear Valley Road
Apple Valley, CA 92308

MTC–00009315

From: Kathy K.
To: Microsoft ATR
Date: 1/7/02 6:25pm
Subject: We Support Microsoft!

MTC–00009316

From: Robert Moran
To: Microsoft ATR
Date: 1/7/02 6:28pm
Subject: Microsoft Trial

I support ending the Microsoft Trial. This a waste of tax payers (my money) money. This is about special interest groups and nothing more. The consumer is going to be the victim in anything but an ending of the Trial.

Robert Moran
9624 Kini Place
Diamondhead, Ms 39525

MTC–00009317

From: Jim Lasch
To: Microsoft ATR
Date: 1/7/02 6:36pm
Subject: Microsoft settlement

The government has no business trying to break up Microsoft. It's time that we got over the idea that if a company is big and successful it must be bad. Those Democratic Party ideas are no longer in power. Just get out of that business and let Microsoft alone. They got where they are through hard work and a lot of effort. The government should not penalize that.

James H. Lasch

MTC–00009318

From: SANFORD SHIFRIN
To: Microsoft ATR
Date: 1/7/02 6:30pm
Subject: United States vs Microsoft

We have spent more time pursuing Microsoft than pursuing Osama Bin Laden. It is time to stop pursecuting Microsoft and drop this case against a truly great American Company. They have done more to advance our economy than any other american company.

Sanford Shifrin
P.O. Box 5013,
Scottsdale, Az. 85261–5013
480–948–4676

MTC–00009319

From: Edward Middleton
To: Microsoft ATR
Date: 1/7/02 6:33pm
Subject: Anti-trust law abuse

MTC–00009320

From: Sean Klope
To: Microsoft ATR
Date: 1/7/02 6:37pm
Subject: Microsoft Settlement

You?ve wasted enough of my taxes on this outrageous trial. Please approve this settlement and save us further loss of precious dollars. You wouldn?t even be receiving this email if it hadn?t been for Bill Gates. He has saved so many people, companies and government agencies so much money by increasing their productivity with Personal Computer's and you have the audacity to cite him for poor business practice. Talk about biting the hand that feeds you!

Sincerely,
Sean L. Klope
Director of CIS Operations
Manufacturing Company in El Cajon, CA

MTC–00009321

From: rossenter
To: Microsoft ATR
Date: 1/7/02 6:40pm
Subject: Microsoft

Let us put this to bed, enough money has been wasted, all for nothing. I am almost 78 years old, computers are a great thing in my life, without Microsoft, I would have never learned how to use them. Bill Gates has done more for the nations around the world than any company I can think of plus all of the people that have jobs. Let this all go away and they will have more resources to develope new products for the USA and the world. Clinton is gone, so should the phony charges against Microsoft.

L H Ross
Tucson Az

MTC–00009322

From: CZackim
To: Microsoft ATR
Date: 1/7/02 6:44pm
Subject: Let's make an end to the Anti-Trust Case

To whom it may concern:

Few company's have created the type of wealth that Microsoft has helped their employees accomplish. In addition they have provided ways for all types of people to earn income more easily then ever in the past. Let's make an end to all this nonsense and allow Microsoft to work without interference.

Sincerely,
Carole Zackim
River Vale, NJ

MTC–00009323

From: GARY STOLP
To: Microsoft ATR
Date: 1/7/02 6:47pm

Please end this persecution of a successful industry that has done more to inform the world and this country than all the television and newspapers combined.

Sincerely,
Gary C Stolp
1218 Boston Street
Muskogee OK 74401

MTC–00009324

From: ROBERT REMINGTON
To: Microsoft ATR,rremington@webv.net@inetgw
Date: 1/7/02 6:50pm
Subject: ''Red Letter Day'' Review

During the slo-motion chess moves of the Microsoft Anti-Trust Trial it is interesting to note a few of the ''extraordinary events'' in Orange County since the New Year, in order to gain an overall perspective of the ''big board''.

An LA Times chess column after New Years hinted at the ''greatest, largest real estate chess game'', beginning right now. Certainly COX Communications, Orange and San Diego counties are involved with major pension funds and investments behind the chessboard.

On a smaller scale, my sister & her husband, Bonnie & A1 Rex have placed their home for sale with a realtor and friend. My feelings are that their home, my brother Barry's home, and perhaps my cousin Robert Miller's home in suburban Chicago were purchased with funds illegally appropriated from me, using a variety of underhanded methods. My parents' visits to the IRS confirming sales of these homes leads me to believe that a court order has finally been enforced. My Friday ''Knight'' move, motoring the silver Celica chariot to Kinko's Irvine center signaled additional documents for the US v Microsoft litigation for those who followed. The subsequent road trip to LA's Westwood FBI office and a visit to the Los Angeles Federal Building were closely monitored by others loyal to Disney, Oracle, Apple Computer, and multinational affiliates. Castrol GTX was even kind enough to award me with a print ad in AOL/Time Warner's Sports Illustrated later on Friday evening, confirming it's OK to drive your car ''hard'', as long as you use their oil. The wonders of today's electronic/print advertising at lightspeed! My Wilshire 5-speed legal Celica sprint from the FBI offices in Westwood to the Federal Building in downtown LA in under 40 minutes during Friday's rush hour was definitely noteworthy.

Tony Tavares, President of Disney's Anaheim Sports knew he was finished at Disney/Anaheim Sports, resigning on Friday, about the time my documents were printed. Some of my recent writings had references to the PAC funding from Arrowhead Water Company & Disney, stalling my employment search & documents regarding antics at the Crystal Cathedral's concourse elevator, where I provide volunteer service on Sunday mornings. The Crystal Cathedral's music & creative teams use Macintosh computers for music scoring & multimedia creations. This team recently received new IMACs and other Macintosh computers, perhaps as part of a ''grant''. Some of the administration uses PCs running versions of Microsoft Windows. Email can be sent across the platform at the Garden Grove campus.

The volunteer security service I provide on Sunday's has really evolved into a political position. Most of the choir members meet at this area when forming for each procession (usually two each morning), musical and pulpit guests are escorted on the concourse level via the elevator nearby. As I have mentioned in an earlier memo, I have purchased a small 13'' Sony TV in order to view the telecasts downstairs, and coordinate the security efforts with others. Each week at this service brings new challenges, mostly social skills answering guests questions, and providing friendly service to the staff. That's no problem. Other times, a few of the Crystal Cathedral's family members scheme a few events targeted to challenge me. Most events are harmless pranks, I just roll with the humor.

Yesterday, however, I believe additional pollen was placed in suspension on a table, perhaps through oil in a perfume, or sprayed on the Sony TV, exasperating my bronchitis/upper respiratory infection, challenging and overwhelming double 24 Hour Sudafed medication ingested before I arrived. My sinus and face could hardly stop from running, after the previous bronchitis had mostly cleared up. I know from educated biofeedback when an accelerant or another ''piggyback'' attack would occur from experience. Fortunately, my experience as a professional and athlete (just as the Crystal Cathedral members are) allows me to perform even with a fever & cold, as I never missed a live Blackhawks Hockey game during the three seasons I performed at the Chicago Stadium.

The Orange County Register had their Show section cover page with the title ''Blackhawk Down'', a double meaning for the editors. Fortunately, my conditioning allowed me to run 12 miles at Newport Beach the day before the Crystal Cathedral security gig. President George Bush and his family were vacationers in California and Oregon this weekend. ''W'' visited a predominantly Hispanic group of supporters in Ontario on Saturday morning. We had heard rumors that the Presidential family may visit the Crystal Cathedral, however their afternoon trip to Portland, Oregon on Saturday signaled a different agenda, perhaps to visit with some of the of the Nike, HP & Intel Beaverton Bunch, and to show support for this heavily Republican area.

Sony Pictures' ''Blackhawk Down'', like several of Hollywood's recent titles, ''The Rat Race'', ''Ocean's Eleven, 12/07/01 'Are You In?' '' and others have had a subliminal theme regarding foreplanned activities for me. While I was training for the LA Marathon with the Roadrunners in Venice Beach last August & September, ''The Rat Race'' began to appear on billboards throughout Hollywood, beginning in late September/October. One of the best ''Amway'' motivational tapes I heard was, ''When You Know Why, You Can Endure How!'' This philosophy is truly inspirational, with a success story from one of the hard working members of the INA group. A lot of people criticize the methods that ''Amway'' people use, in the media especially, however their perseverance is incredible, using group training as one key for success!

The Hollywood movie ''moguls'' continue to spend millions of dollars on schemes in order to stall my financial settlement. Most of these companies had been fuelling the subversion against me for years, for unknown reasons other that the Wirtz/Blackhawk connection I had many years ago. I have detailed some of the ''forced labor'' in the multi-decade plot to ''clone'' the replacement hockey musician, and the multinational million dollar plot to cover it up afterward. In 1977, the first edition of an advertising book for cable and broadcast television authored by San Diego State University Telecommunications Professor, Elizabeth Heighton, was released. The second edition, dedicated to ''Bob & Dorothy, again!'' was re-released in 1985–86, the years I attended SDSU's Telecommunications program. In other words, an eight year ''overtime'' forced labor period occurred because I first refused the Stadium opportunity in 1977. I received my BA from Northeastern Illinois University in 1979, and continued to perform live music and represent information technology products in the Chicago area until 1985.

Closing, with a few words about last week's ''Red Letter Day'' courtesy of local Aliso viejo USPS workers and several large companies. Geico insurance, Speigel Catalog, and I'm certain, the investment side of Wells Fargo in Orange County, CA conspired to send their ''red letters'' at one time, distributed by the Aliso Viejo USPS for delivery last week. That takes quite a bit of coordination folks, almost as much as a ''grassy knoll/textbook depository'' conspiracy.

I have appreciated the USDOJ confirmation that some Crest toothpaste has been spiked with a sedative in my parents home, stored in their bathroom. I used one of the new tubes a few months after my mother had purchased these ''especially for me'' for one application, wondering why the tubes had never been used. I could feel the sedative reaction to my day's performance. The Crest tubes have a ''gold leaf'' shape on the box, and a similar printing on the tube. I have never used the toothpaste after the first trial, knowing the ''Muenchausen's Proxy Syndrome'' and previous food packaging/intentional poisoning experience my family has. This Blackhawk was never downed by the anthrax attack. I only had a few easy days after the new year running at Newport Beach, Niketown & shopping visits in LA shopping & USDOJ document processing in between! My father had called one of his Chicago area sisters on Saturday. I overheard a part of the conversation that stated, ''It's like the flu, when you're down for a few days!'' My father hasn't been sick for over a month, and this conversation was most probably a confirmation of the anthrax or bio attack on me.

Thank you for listening,
Robert Remington

MTC–00009325

From: Dave Bowling
To: Microsoft ATR
Date: 1/7/02 6:52pm
Subject: Microsoft Settlement

To whom it may concern,

I think that it is time to end the action against Microsoft. The settlement that is currently on the table is more than fair. I feel this entire process was a poor use of taxpayers dollars not unlike the waste involved with the impeachment of President Clinton. It is time to end an era of Anti-trust abuse. Please remove the deterrent to investors in the high-tech arena so that we can get the economy moving again.

Thank you,
David Bowling
212 Orlando Avenue
Normal, ILLinois 61761
dave.bowling@gte.net

MTC–00009326

From: Pat (038) Jim Dougherty
To: Microsoft ATR
Date: 1/7/02 6:53pm
Subject: End the persecution

Please do what you can to end this fiasco. It has cost everyone enough and it is time to aid our economic recovery.

Thank You.
Jim A. Dougherty

MTC–00009327

From: Don Blume
To: Microsoft ATR
Date: 1/7/02 6:52pm
Subject: Microsoft

Please drop the case. This was a vicious Clinton/Reno attack because Gates is successful. Don't frighten would-be entrepreneurs out of their dreams, and further damage our great Country.

Thanks,
Don Blume

MTC–00009328

From: Rose
To: Microsoft ATR
Date: 1/7/02 6:54pm
Subject: anti-trust case

Leave Microsoft alone! Without them, people like me would not be able to do so much with our computers. Clinton created the decline in tech stocks with his assault on Microsoft. Only his buddy at Oracle did ok. I hope you listen to the many voices like mine and settle once and for all!

Rose Hutchinson

MTC–00009329

From: Frederick D Eggert
To: Microsoft ATR
Date: 1/7/02 6:54pm
Subject: Microsoft Settlement

I wish it known that we support the subject settlement!

MTC–00009330

From: Pat (038) Jim Dougherty
To: Microsoft ATR
Date: 1/7/02 6:56pm
Subject: End the persecution

Please end the persecution of this company and lets get to work ending our recession.

Thank you.
Jim A. Dougherty

MTC–00009331

From: Bob Curtis
To: Microsoft ATR
Date: 1/7/02 7:00pm
Subject: Microsoft Settlement

Gentlemen:

I am writing in support of the settlement reached between the Federal Government and nine states in the Microsoft case. I believe the settlement is in the public interest, and I am distressed that Microsoft's competitors and other special interest groups are continuing their efforts to prolong this litigation. I am a consumer and I use Microsoft products extensively. They are the main reason that I can use a computer in my personal life and business. Their products are reasonably priced and are superior to most of the others I have tried. During the comment period, I urge you to look at the benefits that Microsoft has brought to the industry and to our nation. Let the special interest groups turn to their own devices and spend their time and efforts on improving their products, the way that Microsoft has improved theirs

over the years through innovation and dedication to their ideals in a highly competitive industry.

MTC–00009332

From: Keith Godfrey
To: Microsoft ATR
Date: 1/7/02 7:01pm
Subject: acknowledgement

Greetings,

I submitted a public comment last week and did not receive any confirmation. Should I expect something of the sort? Also, what is the deadline for filing comments relating to the case?

Thank you,
Keith Godfrey
Senior Software Engineer
Wolfetech Corporation

MTC–00009333

From: Mr. Don
To: Microsoft ATR
Date: 1/7/02 7:10pm

Why are Microsoft's competitors allowed to influence the outcome of a court case? No matter what the outcome, they would say it's not enough (of course they would!). $1 Billion in computers to low income schools is bad? Apple isn't happy because that's their market—OK, then have Apple supply those schools with computers and software.

Has anyone looked at AOL/Time Warner lately—how about instant messaging, isn't this an FCC issue, yet I hear nothing about it. All I ever hear from AOL, Sun, Oracle, etc. is bad mouthing of Microsoft. If their product(s) were better we would be using them—period. And please don't tell me they can't compete, these guys OWNED the server market, but Microsoft built software to COMPETE with them. They didn't cry, they created & innovated. Don't tell me $100 Billion dollar Corporations can't compete.

Linux, Palm, and a myriad of other OS's exist, but I'm not going to use them if they don't do what I need and I need business ready applications. Windows is extremely rich in what it provides, and Office does everything anyone could possibly need. Word Perfect and Lotus didn't evolve fast enough, so how is that Microsoft's fault?

I would have had a problem if Microsoft stood still and didn't improve their products, but every one of their releases takes huge leaps forward. They hire some of the brightest minds in our country, and their ''ex'' employees have gone on to create untold numbers of jobs by starting other technology companies.

Microsoft continues to provide leadership and direction to an entire industry, and believe me not everyone hates this company, in fact many of us are big fans.

MTC–00009334

From: Patricia Birren-Wilsey
To: Microsoft ATR
Date: 1/7/02 7:13pm
Subject: Shameful Abuse of Microsoft

As a discriminating consumer, I would like to see an end to the Anti-Trust abuse in which Microsoft has so long been ensnared. We should applaud, rather than condemn, Microsoft, who has so steadfastly provided handsome compensation to so many, as a result of superb design, marketing and distribution. I say, leave Microsoft alone, so it more continue, without distraction of chastisement and penalty, to represent itself as a glowing illustration of American Capitalism!

Patricia Birren-Wilsey
Winnetka, California 91306
818–718–6390
CC:Jerome Birren,Kerry Penn,Daniel Licon

MTC–00009335

From: Emmet Rixford
To: Microsoft ATR
Date: 1/7/02 7:16pm
Subject: MICROSOFT SETTLEMENT
JUSTICE DEPT.

Please stop wasting my tax dollars on the Microsoft Case and interfering with Business & Investment.

Accept the settlement!
Emmet Rixford

MTC–00009336

From: Brenda Pope
To: Microsoft ATR
Date: 1/7/02 7:34pm
Subject: No more Microsoft abuse!!!!!!!

Hello,

Please leave Microsoft alone. Don't continue the Clinton-era meddling where you don't belong. This is a country where you are supposed to have the freedom to succeed without government intervention!!!!

Thanks,
B. Pope

MTC–00009337

From: RichHarold@aol.com@inetgw
To: Microsoft ATR
Date: 1/7/02 7:17pm
Subject: Law Abuse

We urge you to end the Clinton-era Anti-Trust law abuse.

Richard and Phyllis T Harold
205 E Florence Ave
Glenwood, IA 51534–1107

MTC–00009338

From: Allen Bossa
To: Microsoft ATR
Date: 1/7/02 7:15pm
Subject: Microsoft

It's time for the government to quit harassing Microsoft. That company has done more to make computer use easy for everyone to master than anyone else. Stop wasting our tax money.

Allen Bossa
Brigham City, UT

MTC–00009339

From: Bill Mann
To: Microsoft ATR
Date: 1/7/02 7:19pm
Subject: Microsoft settlement

Hello, I wish you and yours could settle the microsoft settlement as soon as able. Much good and saving of money will come of it!

Thank you,
William R. Mann Jr.
942 Viscaya Blvd
St. Augustine Fl. 32086

MTC–00009340

From: Dr. Chuka Okafor
To: Microsoft ATR
Date: 1/7/02 7:21pm
Subject: Confidential Business Proposal

From the desk of:
DR. Lawrence Ubah,
Tel No: Your Intl. Access Code + 873–762–692484
Fax No: Your Intl. Access Code + 873–762–692485
Email: Lubahbt_01@eudoramail.com
Lagos, Nigeria.
ATTN: MANAGING DIRECTOR/CEO.
REQUEST FOR AN URGENT CONFIDENTIAL BUSINESS RELATIONSHIP

After due deliberation with my colleagues, We have decided to forward to you this business proposal. We want a reliable person who could assist us in the transfer the sum of Twenty Million, Five Hundred Thousand United States Dollars ($20,500,000) to your account. This fund resulted from an over-invoiced bill from contracts awarded by us under the budget allocation to our Ministry. This bill has been approved for payment by the other concerned Ministries. The contract has since been executed, commissioned and the contractor was paid the actual cost of the contract. We are left with the balance US$20.5M as part of the over-invoiced amount which we have deliberated over estimated for our own use. But under our protocol division, we as civil servants are forbidden to operate or own foreign accounts. This is why we are soliciting your assistance in this manner and regard. As you may want to know, I am the Chief Accountant/Internal Auditor of the Contract Award Committee (CAC) of the Nigerian National Petroleum Corporation (NNPC). This transaction is very much free from all sorts of RISKS and TROUBLE from my Government. We the N.N.P.C. Officials involved in this deal have put in many years in service to this Ministry. We have been exercising patience for this opportunity for so long and to most of us this is a life time opportunity we cannot afford to miss. You need not to worry about the responsibilities of transferring this fund into your account, because all the administrative step needed for the transfer of this fund into your designated bank account will be done by us. We have agreed to COMPENSATE you duly if agreement is reached by both of us and I and one of my colleagues involved in this deal will come to your country to arrange for our share, upon the confirmation from you that the money has been credited into your nominated bank account. Consequent upon your acceptance of this proposal, kindly confirm your interest by Telephone to me, through my Direct Tel No: 234–1–775–5558 and Fax No: 234–1–759–7416. Your indication by revert Telephone to me of your sincere and serious interest will enable me send you or brief you of the PROCEDURES FOR THIS TRANSACTION. If my line is busy, please be persistent enough and you will surely get through.

NOTE: In the event of your inability to handle this transaction please inform us so that we can look for another reliable person who can assist in this respect. It might surprise you why we choose you and trusted you for this transaction. Yes, we believe that good friends can be discovered and business like this can not be realized without mutual trust. This is why we have decided to trust

you for this transaction. Be further informed that everyone's interest and security had been considered before you were contacted, so be rest assured and feel free to go into this transaction with us. But let Honesty, Trust and Confidentiality be our watchword throughout this transaction and your prompt reply will be highly appreciated. Thank you, and God bless.

Best Regards,

Dr. Chuka Okafor.

MTC–00009341

From: Mary Rasmussen
To: Microsoft ATR
Date: 1/7/02 7:22pm
Subject: Justice Dept. Suit

MTC–00009342

From: Peter Olsen
To: Microsoft ATR
Date: 1/7/02 7:24pm
Subject: Comments on the Microsoft Settlement

I believe that the proposed settlement is fundamentally flawed. I think that the settlement as now written will further entrench Microsoft's monopoly position and will not be in the public interest. I believe that Microsoft's exercise of its monopoly power has harmed me both personally and professionally. I believe that I am still being harmed.

1. I believe that Microsoft has used its monopoly power to charge me predatory prices. In particular, I believe Microsoft has used its monopoly power to implement business practices designed to drive competing products (such as DRDOS, among others) from the market so that it can set prices unilaterally.

2. I believe that Microsoft has supplemented these monopoly business practices with technical measures designed to reduce or eliminate my ability to use alternative products. In particular, I believe that Microsoft has used its monopoly in operating systems to prevent competition in its Office applications.

3. I believe that Microsoft has designed its products to make it difficult or impossible to recover my own data for my own use in any form other than that designed for use by its own products. In particular, Microsoft has refused to release the file formats in which my data is stored by its applications, thus preventing me from using other programs, even ones I design and build myself, to further process the data.

I do not believe that this settlement does anything to remedy the injuries Microsoft has done to me personally. I do not believe that the proposed settlement addresses my injuries in any way. I believe that any solution involving the provision of software or hardware to the public schools should:

1. allow local school authorities to purchase software and hardware from any source whatsoever, and

2. as a condition for the use of any Microsoft software, require Microsoft to publish without restriction the full technical specifications of any software it provides, including, but not limited to, all application programming interfaces and file formats.

I believe that this latter point is particularly important for any plan aimed at improving the public education. True education requires understanding. The goal of education is to prepare students to understand and cope with new circumstances. To do this, students must come to know the fundamental principles underlying software design and implementation, not just how to manipulate screen images. This type of knowledge is best imparted by providing students with actual examples of working programs and then allowing them to extend or expand them.

If Microsoft truly wishes to improve education, then Microsoft will provide the information about its application programming interfaces and file formats to make that improvement possible. If Microsoft does not do so, then I believe that it should exercise no control over how the money is to be spent. In particular, schools should be free to spend all of it on hardware and then choose free software, such as RedHat Linux, if they wish. I believe that this will be a much better solution.

Peter Olsen

MTC–00009344

From: George Skezas
To: Microsoft ATR
Date: 1/7/02 7:27pm
Subject: MICROSOFT SETTLEMENT

Dear Sir:

I strongly support the Microsoft settlement. I believe in strong competition and the waste of taxpayers money on this case is unacceptable. Please continue to pressue the states who have continued this battle against one our greatest companies.

Thank you for your support.

Sincerely,

George Skezas

MTC–00009345

From: jagelk469@att.net@inetgw
To: Microsoft ATR
Date: 1/7/02 7:31pm
Subject: Microsoft

It's time that our government stop playing the Clinton Era Corporation Bashing and shakedowns. It's also time for our Justice Department to stop wasting taxpayers money on pursuing Microsoft on behalf of their competitors.

Drop the Microsoft case.

Sincerely,

Two overtaxed taxpayers,

Mary and Jim Gede.

MTC–00009346

From: Geoff Miller
To: Microsoft ATR
Date: 1/7/02 7:33pm
Subject: Stop

Enough is enough. Its time to end the Bill Clinton shakedown of Microsoft.

Geoff Miller

MTC–00009347

From: Andrejus Stavickis
To: Microsoft ATR
Date: 1/7/02 7:37pm
Subject: Microsoft Settlement.

Dear Sir/Madam,

This message in response of the message from Microsoft, dated Wed 1/2/2002 12:20 PM, Subject: DOJ wants to hear from you on MS settlement.

I'd like to make a few short statements. From one point of view, it's looks like the MS must be punished for their monopoly, but from the other point of view, there are NO any harm to end-users. Looks like this is a battle just between gigants. And nothing more, except lobystic movements, are found in that case.

The monopoly can be reached in a few ways, one is when the government gives the monopoly rights to a company, another one when users just use only that service—this can be done in a 2 ways—there are just no competitors, the monopolist's product is so cheap, that there are no other competitors.

As far, as I know there are always a choice for users to install or not an operating system when they receive a new/OEM computer. And when I bought a computer they always asking me do I want Windows or Linux, or you can deal with the manufacturer what to install—even, if they have an agreement with MS, that—may—prevent them to install Linux on their system.

Last, but not least: The harm to American economy (and the Global economy itself) whould be much more higher, than meaning results archieved with the more strict settlement. Just imagine—Microsoft will bancrupt within 6 months after settlement—how we will work on our pc's? Even Your pc will be left without any support. The whole state will loose a job, American Government will loose hundreds of billions in taxes. Or just imagine—The Microsoft will transfer it's main office to another country—it's excellent solution for destination, but for United States it's whould be a long and really deep recession. Microsoft even whould be able to just ''buy'' a small country.

Conclusion: I think, that there should be some limitations for Microsoft, but just keep in mind, that the ''stick always has a two ends'', if you will ''bend the stick too much'' the stick will broke—then there will be no way back. I believe, that you will come to right and fair settlement.

God, bless America.

MTC–00009348

From: Randall Jarrell
To: Microsoft ATR
Date: 1/7/02 7:38pm
Subject: Microsoft Settlement

MTC–00009349

From: The Dixon's
To: Microsoft ATR
Date: 1/7/02 7:40pm
Subject: Antitrust Case

I switched to Windows ME this year from MAC OS. The ME OS product is riddled with problems. I had hoped that the Win ME platform was as stable as Win 98 rel 2. It is not. Windows XP does not hold much promise either. PC World Magazine has had several articles concerning the bugs in XP. If any other manufacturer sold a product with as many defects as Microsoft, the would be sued out of existence or run out of the market place by poor sales. Internet Explorer 6.0 is full of security bugs.

There is little choice in certain business applications when it comes to an OS. The strong tie between Microsoft OS and networking and applications lends itself to

monopolistic practices. For example—Where can I get MS Office XP for a Linux platform? Where can I get a MAC version of AutoCAD? There is not a strong effort for compatibility across OS platforms. Ask Jobs what it took to get a current MS Office Suite for MAC OSX.

Microsoft has a major PR problem. If my ME system worked well I would not be as upset. Microsoft dictates upgrades through compatibility and support issues. At work, we have 2 years on the Win 2000 OS before support ends and we are forced to upgrade. My 5 year old MAC did not give me as much trouble in five years as this system (ME) did in the first 5 minutes. If MS products worked I would have less complaints. The image of Microsoft is upgrade and it will resolve itself. I have a new computer with a half baked operating system. To fix it is time consuming as well as full of conflicting options on how to resolve it. I started with a DOS 2.1 PC. I am not a first timer. I went MAC to find a stable platform. When the system works it can be good.

Follow the release bugs on the systems and applications. Not impressive. Also not competitive.

Chuck Dixon
Parkville, MO 64152
email:sdixion@kc.rr.com

MTC–00009350

From: Patrick R. Lizot
To: Microsoft.atr(a)usdoj.gov
Date: 1/7/02 7:43pm
Subject: MICROSOFT SETTLEMENT

Please settle the Microsoft's case! We have to admit that they are the Best of the Best all around the world!

USA should be proud to have such a ''computer-firm''! a hand-user.

Patrick R. Lizot
Senior Procurement Specialist
Central Operations Services
Ext 5746

MTC–00009351

From: Angelo Campanella
To: Microsoft ATR
Date: 1/7/02 7:43pm
Subject: Microsoft Posture in the software reatik market.

I use software as a means to an end; engineering consulting. I used DOS (pre Windows) most successfully from 1985 to 1995, because it offered the widest choice of software to do a wide variety of important engineering support services.

These days, the widest variety of useful software (for engineering) is written for Windows. I don't mind this directly, but indirectly it is a HUGE nuisance because, unlike DOS, Windows is huge, taking up astronomical amounts of memory, and often very much slower for relatively the same tasks. The slowness truly comes from huge embellishments that few of us ever asked for such as multi-color, imagery (pictures and artwork not related to my work product), security, conversion of other software, etc.

The Internet has made this scene even more complicated. Microsoft, instead of continuing the philosophy of DOS (of being compatible and simple to use, has made extremely complex enhancements), and at the same time made it difficult to use other software items.

Microsoft, instead of making compatibility its theme, has instead promulgated exclusivity. To me this act is tantamount to causing a monopoly. If there were wide choices in the marketplace, Microsoft's attempts at such exclusivity (like pushing their ''Explorer'' in our face at every turn) would be avoided by we users, by simply not using Microsoft products.

But we cannot do that because of the breadth of the use of Windows systems. It borders on being a public utility. I can communicate with colleagues around he world, and exchange Windows documents easily. I know that that last statement flies in the face of my Microsoft Truculence theme, but in reality, both are true, and I should want also both of them to be right; not one right (worldwide commonality) and one wrong (domestic exclusivity and failure to enhance ease-of-use).

One thing that Microsoft MUST be FORCED to do is to offer on-the-telephone assistance to any and all of we software users 24 hours a day and seven days a week including holidays for a period of not less than FIVE years. Never mind trying to squeeze money out of Microsoft. Just get them to operate a large multiplicity of 800-lines ''free'' (in lieu of your settlement dollars) so that they really help us as a public service while they also ''feel our pain'' in using their software. This will be turn out to be a win-win situation, in my opinion.

This service is easy for your agents to police since any one of them and of their family members can call anytime during the year period to poll the ongoing utility proffered.

Angelo Campanella

''I have simply studied carefully whatever I've undertaken, and tried to hold a reserve that would carry me through.''—Charles A. Lindbergh.

MTC–00009352

From: Michael J. Masquith
To: microsoft.atr(a)usdoj.gov
Date: 1/7/02 7:45pm
Subject: Microsoft Settlement

Hello,

I am part of a global network that is focused on getting the BeOS (or an equivalent, possibly open-source) back into the market place, but there is little hope of success if the following issues regarding Microsoft aren't addressed:

Open Office file formats. MS Office file formats are unfortunately simultaneously ubiquitous and proprietary. Because there is realistically no chance of them being superceded by any open standard, they need to made non-proprietary, (probably by court order).

Win32 APIs must be documented and made available.

Dual-boot options should become mandatory. The single most damaging thing that MS has done was largely ignored (except by those whose businesses were destroyed). Their ability to force the major OEMs to only install Windows precluded any competition whatsoever in the Operating Systems market, precisely where BeOS attempted to compete. Not even the most microscopic vestige of these onerous strong-arm 'agreements' with the OEMs should be allowed to remain. Enormous, crippling penalties should be swiftly and irrevocably levied if it recurs.

Anti-trust measures must break down and stomp completely flat all barriers the monopolist erected against competition. BeOS, even in it's current weak condition could at least attempt to compete if the playing field were set level again.

Thank you.
Michael J. Masquith
Barkin' Beaver Studio,
Herndon, VA

MTC–00009353

From: Ken Howe
To: Microsoft ATR
Date: 1/7/02 7:48pm
Subject: Justice

Dear Sirs;

It is my belief that we have had enough of Clintons slime and it is now time to get on with it.

As part of getting on with it, it seems to me that we should discontinue the perssecution of a successful effort named microsoft and start fignting our way back to what America was founded on, Freedom to do, Freedom to be and Freedom to have.

Please stop using tax dollars pursuing someone who is good at what they do.

Sincerely
Ken Howe

MTC–00009354

From: Philip Casey
To: Microsoft ATR
Date: 1/7/02 7:49pm
Subject: Antitrust Case

Please end this case against Microsoft. This has been a waste of tax dollars and has kept more important matters from being heard in court. This country is based on capitalism and until this case, it has not been against the law to produce a product and sell it.

Thank you very much.
Sincerely,
Philip L. Casey

MTC–00009356

From: Gilles Desaulniers
To: Microsoft ATR
Date: 1/7/02 7:56pm
Subject: microsoft settlement

Having been around since the beginning of the ''micro computer industry'' since I bought my first radio shack computer in 1977, I can comment that Micrososft controls everything and we now have no more choices.

The industry is dominated by them. the enthusiasm that created this industry is now gone and hopelessly forever linked to Microsoft tentacles that we can't shed no matter what we do. Their software needs upgrading every couple of years that demands more money from the consumer. They integrate every new innovation into their operating system and destroy the incentive to create new stuff.

Their bullying of the JAVA language the Sun Computers invented is a perfect example of hijacking innovation.

The zest and fervor surrounding the industy is slowly dying. I used to look forward to programming and trying new things and being part of an ever expanding

industry. Now we sit on the sidelines and watch ''Microsoft do their thing''. Punishment should be very severe. A compnay like Microsoft that has endless resources also has numbers of tricks up it's sleeves. The idea that they will just sit and behave is ludicrous.

The wealth accumulated by this company is drectly related to it's forceful actions. Some of it needs to be taken away.

I slimmed down version of windows would be very usefull and any patenets they hold with the operating system should be invalidated becuase of their actions.

I suspect that they will only continue to corner the industry and hold many companies hostage to their petty demands because they can. If only in suttle tones it is enough to make and small innovator capitulate to a giant like Microsoft that has unlimited legal help and dollars. No company would every think of taking them on Excpet manybe IBM and SUN. Everyone else is lost.

As I write this text on my WINDOWS computer and you receive it on your windows computer. . . . think about the choices we really have. NONE NONE. . . .

HELP us the reinvigorate this industry again and allow the genius that every single one of us can perhaps bring to this industry and let them benefit from the ideas and share in the wealth.

Thanks
Gilles Desaulniers
San Francisco
415–637–6415

MTC–00009357

From: MRW
To: Microsoft ATR
Date: 1/7/02 7:53pm
Subject: settlement

Let Microsoft alone and let them continue to provide jobs for a lot of people.

Merle Weinman

MTC–00009358

From: Bill s.
To: Microsoft ATR
Date: 1/7/02 7:55pm
Subject: Microsoft

Dear Sir,

It is about time that you allow Bill Gates to do what he does best and that is to use the American System of Free Enterprise.

Bill Gates did not do anything wrong. 1) He came up with a product that is superior to anything else on the market; 2) Most of the intelligent manufacturers decided to use his products; and 3) people became adept at using his products and, regardless of what they say, are desirous of maintaining compatibility in their systems and continue to purchase Microsoft software.

Bill gates did it the correct way. It is about time that the U.S. Government gets off of his back and allows him to continue to provide the American public with the products (software) that the want.

How about the Justice Department really going after the ''BAD GUYS'' in our society and letting Bill Gates and Microsoft alone.

Thank you very much,
William J. Staskel
Janet Staskel
14 First Avenue
Central Islip, NY 11722–3010
(631) 234–6628

MTC–00009359

From: george mezori
To: Microsoft ATR
Date: 1/7/02 7:58pm
Subject: more

Dear sir; Please stop this mud slinging on Microsoft. We are having enough problems with the stock market currently.

Stop the trials.

G. Mezori

MTC–00009360

From: Bob Patterson
To: Microsoft ATR
Date: 1/7/02 7:54pm
Subject: End

Please end the Clinton-era anti-trust law abuse. I support the Microsoft settlement.

Bob & Judy Patterson

MTC–00009361

From: Giles Constant
To: Microsoft ATR
Date: 1/7/02 8:02pm
Subject: A small comment about Microsoft

Dear sir/madam,

It is impossible to buy a laptop computer in the UK without giving money to Microsoft. Really—I've tried. Even if I intend to use Linux on the machine, due to the OEM licensing restrictions (which the DOJ settlement has failed to effectively address), licensees are not allowed to provide me with the hardware without Windows. The EULA has a clause which says if you do not use the software, you can take it back to the vendor for a refund, but unfortunately, this is only applicable for the price of the entire laptop. This is (in my opinion) the most definitive example of the term ''monopoly'' I can possibly imagine. Although I speak from the UK, where the problem is likely to be addressed by the EU, I would hope that after the considerable expense involved in finding Microsoft guilty in this dispute, the USDOJ is capable of dishing out a *resolution* to the problem of Microsofts continuous attempts to gain control of every single aspect of computing from hardware to software to networking, at the expense of the people who actually work to make computers better for everyone.

If Microsoft's software were superior to (say) BeOS, which failed to survive as a consumer operating system due to the very licensing restrictions I object to, then I would be happy to use their software, but unfortunately, I only ever find myself FORCED to use it against my will, due to the viral nature of the company and its software.

Very disappointed.

Giles Constant

MTC–00009362

From: george mezori
To: Microsoft ATR
Date: 1/7/02 8:02pm
Subject: support

We support the current Microsoft settlement. Please,please discontinue the court proceedings.

G. Mezori

MTC–00009363

From: Frank Meyers
To: Microsoft ATR
Date: 1/7/02 8:02pm
Subject: Microsoft settlement

Sirs/Madams

I support the Microsoft settlement. Please add my comment to the public record.

Thank you
Frank Meyers Jr.

MTC–00009364

From: Dale Malott
To: Microsoft ATR
Date: 1/7/02 8:06pm
Subject: Microsoft—Clinton Anti-Trust Law Abuse

Gentlemen: It is time to end yet another attempt by left wing liberals to fleece an American Company as Clinton's pay back to the lawyers for their contribution to his two disastrous administrations. Microsoft was built by imitative and hard work. If the companies that run to the Justice Department to complain about Microsoft had exhibited the talent and hard work, they would be in a position to compete.

Please end this Anti-trust Law Abuse now.

Thank you,
Dale Malott

MTC–00009365

From: Annette
To: Microsoft ATR
Date: 1/7/02 8:10pm

Leave Microsoft alone PLEASE! Don't wreck it like AT&T was wrecked! Look at our phone system now!!!!!

Annette Crane
Keystone Heights, Fla.

MTC–00009366

From: JAMES B. LINTON
To: Microsoft ATR
Date: 1/7/02 8:11pm
Subject: Microsoft

Dear Sirs:

I think it is about time that we get on with business and leave microsoft alone. Bill Clinton is out of the White House now so we don't need any of his anti trust laws.

Thanks,
James B. Linton
204 S. Wise St.
Samson, Al 36477–1510

MTC–00009367

From: barbara ball
To: Microsoft ATR
Date: 1/7/02 8:11pm
Subject: Anti-trust abuse

Will you please stop all this nonsense about Microsoft. The only people who have been hurt are those who put their money in for retirement and education for their children etc.

Please stop hurting myself and others who trust you to have common sense.

Do you not realize that the economic problems all started when Clinton decided again to hurt the people he was to protect? All our economic problems right now can be traced right back to that law suite.

Barbara Ball
La Crosse, WI 54603

MTC–00009368

From: The Galli's
To: Microsoft ATR
Date: 1/7/02 8:13pm
Subject: The ''Case''

The nine States and the Dist. of Colombia would be much better off starting to tend to their own increasing economic woes and stop Beating the ''Help the Consumer Drum'' for a cause whish was dubious from the onset.

Don't we have enough Economic Behemoths'' gasping for air without putting another to the test? If I was Bill Gates I would move my Corporate Headquarters off shore in a show of Disgust''

A concerned citizen-consumer

MTC–00009369

From: barbara ball
To: Microsoft ATR
Date: 1/7/02 8:17pm
Subject: Microsoft settlement

This is supposed to be a free country, free enterprise, etc. This is an outrage companies should be allowed to do what they want and the people will decide whether or not they wish to support said company. The government has to get over the idea that we are children and need them to tell us how to spend our money and that we can and do make decisions all the time.

Barbara Ball
La Crosse, WI 54603

MTC–00009370

From: David Hebert
To: Microsoft ATR
Date: 1/7/02 8:19pm
Subject: Please end the abuse!

To Whom it may concern,

It's time to move on and end the ridiculous law suit against Microsoft one and for all. Bill Gates has done great things for the Personal Computer world and the liberal elite can't stand it. It's time to quit spend taxpayer dollars in an attempt to ruin a company that has been key in economic growth in America.

Please stop the litigation's now.

David Hebert
Psalm 119:9–11

MTC–00009371

From: Frank Jett
To: Microsoft ATR
Date: 1/7/02 8:23pm
Subject: Microsoft Settlement

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and was a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over.

I Support the Microsoft settlement.

Sincerely
Frank Q. Jett

MTC–00009372

From: Gorman Blanton
To: Microsoft ATR
Date: 1/7/02 8:17pm
Subject: Re: Antitrust Microsoft

Dear Sirs:

We have had enough of the Clinton era Anti trust aginst Microsoft. Please end this fiasco aginst the only American Company left in the United Sates. Stop all The Chinese Products that are flooding USA. there is the reason our economy has bottemed out and the reason is Bill Clinton SOLD OUT THE USA TO THE CHINESE!!!!!!

Gorman T Blanton

MTC–00009373

From: Seth Held
To: Microsoft ATR
Date: 1/7/02 8:17pm
Subject: Microsoft Antitrust Case

If Microsoft has broken the law, fine them and moniter them but don't make the consumer suffer by doing what you did to AT&T. Please . . . seth held

MTC–00009374

From: Judith Gersting
To: Microsoft ATR
Date: 1/7/02 8:23pm
Subject: Microsoft Settlement

It is my belief that the Microsoft settlement should go forward so that this company can get back to its main business of developing software and that its competitors can also move forward and develop their own products. Too much time and money has been spent on this process, diverting energies and funds from a more useful purpose.

Dr. Judith Gersting,
Chair Computer Science Department
University of Hawaii at Hilo
200 W. Kawili St.
Hilo, HI 96720

MTC–00009375

From: Maurice Knudsen
To: Microsoft ATR
Date: 1/7/02 8:27pm
Subject: Microsoft Settlement

Dear Sirs:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and was a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Despite the aggressive lobbying efforts of a few of Microsoft's competitors, the federal government and nine states finally reached a comprehensive agreement with Microsoft to address the reduced liability found in the Court of Appeals ruling. This settlement is tough, but reasonable and fair to all parties involved. Consumers overwhelmingly agree that settlement is good for them, the industry and the American economy.

Please help to end this Clinton-era Anti-trust abuse!

Thanking you sincerely, I am
Maurice J. Knudsen
4428 Main Street
Elk Horn, IA 51531–2000

MTC–00009376

From: Richard Elfers
To: Microsoft ATR
Date: 1/7/02 8:30pm
Subject: microsoft settlement

Dear Sirs:

This message regards the Tunney Act. We urge settlement of the Microsoft case, with no further litigation.

Sincerely yours,
Richard and Priscilla Elfers
6823 Ripley Lane
Renton, Wa. 98056

MTC–00009377

From: Patricia Burke
To: Microsoft ATR
Date: 1/7/02 8:33pm

Please put an end to the anti-trust litigation against Microsoft. Why do we punish a company that comes up with working and workable ideas and puts its competition to shame?

Patricia J. Burke
1427—100th St. S. W., Sp. 156
Everett, WA 98204–1107
(425) 355–5800

MTC–00009378

From: Jane Calvert
To: Microsoft ATR
Date: 1/7/02 8:34pm
Subject: Microsoft settlement

Would you please end this ''going after Microsoft'' fiasco. No one forces anyone to do business with Microsoft or like their inventions. They obviously have many talented people in their organization that comes up with technology that people want to spend their money on and I can not see where they are putting anyone else out of business by underhanded schemes. Just save the taxpayers a lot of money and settle this thing once and for all. Let the young and inventive people of this country know that it is okay to go out on a limb and invent and invest in their own ideas.

Mr. and Mrs. Earnest L. Calvert
Rt. 1 Box 699
Camdenton, Mo. 65020
janie@advertisnet.com

MTC–00009379

From: SMax283@aol.com@inetgw
To: Microsoft ATR
Date: 1/7/02 8:35pm
Subject: microsoft settlement

Departmet of Justice:

It is time to bring this most unfortunate chapter, the lawsuit against Microsoft, of our nations history to a close. I wholeheartedly support the settlement as drafted between the nine states and the Federal Government; and only wish to include the suggestion that time is a wasting!

John S. Hoke
1146 Fairways
Lebanon, TN 37087
615–443–3633 (H)
615–405–2954 (Cell)

MTC–00009380

From: Hunt4Him@aol.com@inetgw
To: Microsoft ATR
Date: 1/7/02 8:35pm

Subject: End Government attack on Microsoft
To whom it may concern:
The Clinton Administration has past. Hopefully the multiple abuses of the Justice Department has past with them. Please end this travesty of justice against Microsoft. Being successful should not be a crime.
Steve Hunt
6429 Colchester RD
Fairfax Station, VA 22039

MTC–00009381

From: Mike (038) Sandra Bottorff
To: Microsoft ATR
Date: 1/7/02 8:43pm
Subject: PLEASE!
PLEASE!
It is time to leave Microsoft and Bill Gates alone!
Stop the Clinton-ista type persecution!
Sandra Bottorff
12750 170th Avenue
LeRoy, Michigan 49655

MTC–00009382

From: Bruce Sparks
To: Microsoft ATR
Date: 1/7/02 8:46pm
Subject: Microsoft
Drop the stupid persecution of a company that has excelled. It has become fashionable in America to penalize those that have done well, and reward those that can't make it on their own. Miocrosoft has done more that any other company to advance technology in America. No, I don't have any interest in Microsoft, (wish I had bought their stock years ago) other than a belief that excellence should be rewarded, not penalized.

MTC–00009383

From: William R Mattingly
To: Microsoft ATR
Date: 1/7/02 8:53pm
Subject: End Anti-Trust Law Abuse
OK! Finally, the Clinton era is over (Thank GOD!) and now it's past time to end the unlawful disruption of business at Microsoft. Clinton and his anti business, anti-American antics have cost the taxpayer millions of dollars. Money which would have been better spent tracking these cowardly terrorists such as bin laden. Let's get back to better business please and end the charade.

MTC–00009384

From: Lou Placette
To: Microsoft ATR
Date: 1/7/02 8:49pm
Subject: Microsoft anti-trust suit
I am appalled at the flagrant disregard Microsoft has for the laws of the U.S. The only benevolent monopoly that has been in the 20th century was AT&T which provided very low cost phone service to the nation. It was broken up and phone service has been less than adequate since.
Microsoft, on the other hand, forces inferior software on buyers of computers and willfully suppresses other providers from competing in a free market society. The cost is maintained at a high level because no competition is allowed.
The fact that no punishment or dissolution of the company has occurred so far, feeds the idea that judges can be bought off by Bill Gates because he has the billions necessary to find anyone's price.
I urge you to uphold the welfare of the nation and dissolve the Microsoft monopoly so that other companies can compete in a fair market allowing consumers to have choices for their spending which stimulates the economy and provides jobs in technology.
Thank you for hearing my concerns,
Elsie B. Placette

MTC–00009385

From: RickValusek@webtv.net@inetgw
To: Microsoft ATR
Date: 1/7/02 8:53pm
Subject: Microsoft Settement
I hope the settlement as proposed can be accepted soon. I have never felt comfortable about this entire mess, but I believe the settlement is at least fair to most parties involved. I thank Microsoft every day for my access to the internet through the Microsoft network that powers WebTV. I want Microsoft to be able to get back to business doing what they do best, i.e. make competetive products, and let the free market decide who's product they want. I thank you for your time.
Sincerely yours,
Rick Valusek

MTC–00009386

From: William Bethel
To: Microsoft ATR
Date: 1/7/02 8:52pm
Subject: (no subject)
The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and was a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.
William Bethel

MTC–00009387

From: F M Byford
To: Microsoft ATR
Date: 1/7/02 8:50pm
Subject: Support
I support the Microsoft settlement. Let's get it over with.

MTC–00009388

From: Pat2946@aol.com@inetgw
To: Microsoft ATR
Date: 1/7/02 8:56pm
Subject: Microsoft settlement
Sirs:
The US court has come to an agreement with Microsoft. Please accept this agreement and let Microsoft get on with its business.
Murray Paterson
pat2946@aol.com

MTC–00009389

From: Cathleen Wedlake
To: Microsoft ATR
Date: 1/7/02 8:57pm
Subject: RE: Message
Dear Microsoft
I want to end Clinton-era Anti-trust law abuse.
Thank You!
Sincerely,
Cathleen Wedlake

MTC–00009391

From: Cheryl Caraglior
To: Microsoft ATR
Date: 1/7/02 9:12pm
Subject: Rediculus lawsuit
It is time to end a rediculus witch hunt of Microsoft which Clinton began. Too much taxpayer monies have been wasted on this as is. Let consumers decide what is in their own best interest. Microsoft may have bundled its browser on Windows systems, but nothing prevented the public from installing whatever browser they chose to.
Sincerely,
Cheryl Caraglior

MTC–00009392

From: Kim Peterson
To: Microsoft ATR
Date: 1/7/02 9:02pm
Subject: Microsoft Settlement Date : Jan 7, 2002 To : Department Of Justice From : William G Peterson Subject : Microsoft Settlement
I'm very satisfied with the settlement between Microsoft and US Department Of Justice. The following is the main reason. As a US citizen is my duty to try my best to provide any information that is good for our country.
I have read extensively material and document on this case and settlement including : ''Complaint(5/18/1998)'', ''Stipulation(11/06/2001)'', and ''Competitive Impact Statement(11/15/2001)''. Its a good thing you folks and JANET RENO weren't arount at the turn of the last century. If you were I wouldn't be driving my FORD.
The Departmment Of Justice gave Microsoft very strong order, stronger than the compitition complaint about. I'm very happy that Microsoft agreea to this final settlement.
Sincerely
William G Peterson

MTC–00009393

From: Lester Hopper Jr.
To: Microsoft ATR
Date: 1/7/02 8:57pm
Subject: Microsoft Case
To The Justice Dpartment,
I purchased windows95 with the IE4.0 together several years ago and did not mind a bit. Should a Jury have any say so about this, the Law or laws used to incriminate this Nations leading contributor to our economy would be nullified. I am aware of Mr. Gates and what he did but many othe free downloads are available and were then. It is also fact that some of Microsofts competitors held contracts with the US and installed faulty servers and software. Clinton in my opinion is who we should be prosecuting for his treasonous acts of selling some of our most Secret Information to China while prosecuting Mr. Gates.
These facts could only be denied by LIARS!!!!!!!!
Lester Hopper
6294 Southlake Drive
Hickory NC 28601

MTC–00009394

From: JJHeilman@aol.com@inetgw

To: Microsoft ATR
Date: 1/7/02 9:04pm
Subject: Settlement

This lawsuit has done enought damage to the economy of this country. More than enough consideration has been given to the issues. Let's accept the judgement and move on.

Virginia Heilman

MTC–00009397

From: Ross Nooney
To: Microsoft ATR
Date: 1/7/02 9:12pm
Subject: MICROSOFT TRIAL

When are we going to give up on prosecuting Microsoft for being such a good company. I own no stock, but hate to see my tax dollars being wasted. Oracle, Sun Systems, etc. . . . need to get on with their business. Prosecute terrorists, organized crime etc. . . ., but be done with Microsoft already!

MTC–00009398

From: andrew
To: Microsoft ATR
Date: 1/7/02 9:15pm
Subject: Microsoft settlement

Dear sirs,

I, Joel Mann, support the Microsoft settlement.

MTC–00009399

From: Rudolph Hensley
To: Microsoft ATR
Date: 1/7/02 9:09pm
Subject: Microsoft Settlement (ENOUGH IS ENOUGH)

I support the Justice Department Microsoft settlement, as a consumer and taxpayer. Stop the financial waste of this legal maneuvers. Consider the roots of Microsoft, etc., etc., and the detriment to free enterprise.

Rudolph Hensley
912–876–6398
401 Club Drive
Hinesville, GA 31313

MTC–00009400

From: donna faye
To: Microsoft ATR
Date: 1/7/02 9:14pm
Subject: Ending the Clinton-era

Please end the Clinton-era of Anti-trust.

Thanks

MTC–00009401

From: Norm
To: Microsoft ATR
Date: 1/7/02 9:16pm
Subject: microsoft

I would like to see the action against Microsoft dropped. No punishment necessary.

MTC–00009402

From: Carol Wilkins
To: Microsoft ATR
Date: 1/7/02 9:07pm
Subject: Clinton-era Anti-trust law

The Clinton-era Anti-trust law abuse was wrong, and I want to see it ended.

Sincerely,
Carol Wilkins

MTC–00009403

From: ROBERT MOELLER
To: Microsoft ATR
Date: 1/7/02 9:21pm
Subject: Justice Department,

Justice Department,

It is my opinion that it is in the best interest of the United States to end Clinton-era Anti-trust law abuse.

Microsoft got to where they are by hard work and American free enterprise. They should not be penalized for being an over achiever. They have a line of great products that greatly enhances American business and personal use of computers. For example: if a cow produces more milk the farmer does not reduce its amount of feed. No; he gives it more grain thus encourages it to produce more milk!

By penalizing Microsoft you are telling other businesses not to over produce least they face the same consequences thereby limiting economic growth.

Robert Moeller
4350 E. River Rd.
Mt. Pleasant, Mi. 48858
bmoeller@quixnet.net

MTC–00009404

From: bradley c francis
To: Microsoft ATR
Date: 1/7/02 9:29pm
Subject: microsoft

Leave Gates and his company alone, he has no more a monopoly then the power company, postal service, water company , This is free enterprise, suppy and demand and if he supplies better so be it . . . just like the power co, the postal service and everyones water companies so I say leave him and his company alone and focus on real hurtful things like child abusers and predators.

MTC–00009405

From: Nicole Demas
To: Microsoft ATR
Date: 1/7/02 9:32pm
Subject: Enough's enough

Microsoft has spent millions defending itself. When I think of the software applications that kind of money could have gone toward I find it insane. Let them do what they do best. The DOJ should concentrate on terrorists, organised crime families and all the undesirable elements who belong behind bars for life, not a company that can make our lives better, richer and more enjoyable.

MTC–00009406

From: Harold Cantley
To: Microsoft ATR
Date: 1/7/02 9:36pm
Subject: settlement

I think you should leave Microsoft along, they have provided great service to the American Public. All the litigation cost lack business tax is passed on to the consumer, so the longer you keep them in court the more it coasts we the people so let stop.

Thanks
Harold Cantley

MTC–00009407

From: Service Plus—Jason Kozdra
To: Microsoft ATR
Date: 1/7/02 9:34pm
Subject: Microsoft Settlement

I am part of a worldwide network that is working on getting the BeOS or equivalent back into the market place, but there is no hope of success if the following issues aren't addressed:

I believe, with many others, that Microsoft has made agreements with hardware vendors, to develop their products so that they will not operate on ''alternative operating systems'', especially those that are Open-Source, such as Linux, and some which are not Open Source, but which are given away at no charge, such as BeOS's Personal Edition. It is nearly impossible to purchase a PC in the United States without some version of Microsoft Windows being included on it (OEM). The cost for this operating system is passed along to the end user, whether he or she uses Windows or not, even if that person purchases that PC with the intent to install an alternative operating system on it.

Many of these users, due to the aforementioned lack of support for alternative operating systems by hardware vendors, are forced to switch back to a Windows operating system, just so that their PC hardware will work.

There are plenty of developers out there who would develop drivers that would make vendor's hardware work in the alternative operating systems. It is not a lack of diligence that keeps these developers from creating drivers for the alternative operating system if they want to, it is the alleged agreements made between Microsoft and hardware vendors not to release the necessary information to these developers. This forces millions of users to ''conform'' to the Microsoft operating systems, strengthening the Microsoft Monopoly.

I do not believe that settlement discussion should proceed any further until any alleged agreements between Microsoft and hardware vendors is investigated.

Thank you,
Jason Daniel Kozdra
5893 Pine Top Road
Blairsville, GA 30512

MTC–00009408

From: Marc Treppler (038) Angela Grupas
To: Microsoft ATR
Date: 1/7/02 9:34pm
Subject: Microsoft Settlement.

I think it is time to leave well enough alone. Microsoft is doing a great job for everyone concerned.

Without them we will have chaos with no clear standard and no usable interconnection between systems.

It is wonderful that they have the operating system and the applications that work together to provide true benefit for the user. Prior to MS back before DOS, PC's where little more than toys for nurds.

Everyone had a program that did very little and didn't work with anything else. Users had to learn every program from scratch. Even the most basic things like saving a file had to be re-learned because there was no standardization. LET Microsoft alone and QUITE SPENDING MY TAX DOLLARS ON A NON-ISSUE. If MS is so bad don't buy it. There are other choices—you can use Lenex, Apple, Sun, etc.

Use whatever you like. Buy whatever you like. MS is not monopolizing the industry they are just doing the best job for the consumer.

Marc Treppler PE

MTC–00009409

From: Duffy, Bob W Mr USAMISSA
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/7/02 9:29pm
Subject: Microsoft Settlement.

CC: Duffy, Bob W Mr USAMISSA

To the DOJ:

1. I have always been opposed to the DOJ anti-trust case against Microsoft. Reference my pervious comments in my letter to President Bush (below).

2. I have always been opposed to the actions of the 9 states that are seeking remedies above those which the majority of the states and the Federal Government agreed to in the initial settlement agreement.

3. I am adamantly opposed to any further escalation in the remedies imposed upon Microsoft via any means.

4. With respect to the 9 states that did not agree to the initial settlement: they represent a MINORITY faction considering . . . only 19 of 50 states joined the DOJ suite (Texas dropped out)—38% of the 50 states sued—62% of the states did NOT sue—only 9 states opposed the settlement . . . 18% of the 50 states—47% of the 19 states that remained a party to the DOJ suite—82% of the states either did not sue or were in agreement with the settlement. Conclusion: The DOJ and 82% of the 50 states favored the settlement . . . 18% of the states did not.

My position on this matter: The court should approve the settlement that the DOJ and 10 states have agreed to.

Sincerely,

Robert W. Duffy

7811 Pinebrook Dr

San Antonio, TX 78230–4810

My letter to President Bush:

Dear President Bush:

I am becoming increasingly displeased with the prolonged attack by the state and federal governments on the behalf of Microsoft competitors via the misguided antitrust suite initiated by the Clinton Administration. Not satisfied to remain within the scope of the current bogus allegations, the states are once again attempting to muddy the waters with complaints and allegations antitrust violation claims directed against the next generation of innovative products that are beneficial to the consumer . . . Windows XP and .net.

The only reason the antitrust case got past the district court level was because David Boise was able to befuddle a senile, computer illiterate district court judge who placed more emphasis on his personal biases than the hard facts relating to a rapidly changing technological revolution. His biggest complaint against Microsoft was the belligerent attitudes of the MS executives—they were justified in being belligerent solely on the basis that their valuable time was being wasted in court defending themselves against the Govt bullies and their state cronies and competitors (the same competitors who had to resort to Govt subsidized competition because they had already lost the battle in the open market place).

I have personally experienced the technology evolution. By profession I am classified as a computer specialist. My background includes programming and systems analysis and development—beginning in 1971. I have lived the transition from the mainframe to the desktop PC to the networked PC to the WEB/.com explosion. Anyone with similar experience can attest to the incompatibility nightmares of the early transition from centralized processing on the mainframe to the total chaos of incompatible hardware and software on the desktop linked by only the ''sneaker net'' of hand carried (or snail mailed) 360 KB 5¼ in floppy disks. There was no interoperability, compatibility or common operating standards. There were no standard networking environments, this is another story but one that has a good ending at least the Govt didn't try to legislate the innovation out of it as it is attempting to do to Microsoft.

Microsoft observed this inefficiency in the market place and listened to the anguish of the early PC users and developed a strategy that made things easier for the end user, the computer novice—the average consumer that did not want to have to become a techno guru to get something done. Microsoft transformed the PC into a tool that provided value to the consumer by enabling the consumer to be more productive via a user friendly environment—Hardware, Operating system and an interoperable suite of productivity oriented software. This constant focus on integration for the betterment of the end user experience is why Microsoft has evolved to being the 800 pound gorilla of the desktop, because the consumers did not want the ''best mousetrap ever built''—they wanted one that was easy to set and could actually catch mice.

In my own personal evolution I have been exposed to almost all of Microsoft's competitors' products . . . Word Perfect, Lotus 123, notes, ccmail . . . Sun Solaris, Unix . . . Novell, Apple, IBM PC DOS, 0S/2 . . . Harvard Graphics . . . Correll Draw . . . All good products but one almost had to become a PC techno-nerd-geek to get something done and God help you if you had to get one product to read something from a different product that had been sent to you via an email attachment, provided your email was compatible with the sender's email. These were the days when you had to have that young pimple faced smart aleck ''go to guy'' that knew the option, or setting, or the right format conversion, and what was most irritating is the fact he got the fix or the Utility program some somewhere that only the true nerd-geeks-who-didn't-have-life-outside-of-his (always a ''he''—never a ''she'')-pc knew about. In short, Microsoft's competitors were 100% focused on the best whiz banged techno solutions and products in a market that was evolving into a consumer commodity world—the consumer wanted something that was easy to use, did something of value, something that could be done again (repetitive) without taking notes, and something that did not break (reliable)—Microsoft listen to and satisfied the needs of the people who were out there, the consumers. Their competitors lost sight of this and have suffered the fate of many who, in the past, did not see the handwriting on the wall, how many buggy whip companies are left??? what about those Beta formatted VCR tapes, how many 8-Track tapes are there?

When Microsoft got the PC and the Work Stations hitting on all cylinders with Windows 3.x . . . Windows95 . . . they ported the same user-friendly operating system with the same GUI and ''point and click'' behavior to the Server platform . . . What a concept??? take something that everyone is already familiar with on the PC and stick with it . . . don't reinvent the wheel, don't try to razzle-dazzle people with new whiz bang OS, directory systems, commands and super cool behavior . . . stick with the KISS approach . . . Keep It Simple Stupid! This approach is why Microsoft is the dominant computer Software, internet and networking solutions provider in the world—it has nothing to do with anti-competitive behavior. As some who has professionally evolved along with Microsoft I'd like to share with you some interesting personal observations, early in the game when Microsoft was coming out with their 1st generation products intentionally designed to be simple and easy to use—these same competitors (and a few that aren't around any more) actually snickered and ridiculed Microsoft's feeble attempts at trying to compete with their hot shot best of class leading edge (bleeding edge??) technology . . . I have had sales reps tell me personally that Microsoft could not compete with their products, where did all the IBM OS/2 PCs go??? Has UNIX vi replaced MS editors, where did Netware go??? All of these products failed . . . not because they were inferior but because they did not focus on the needs of their markets, the changes in the market place—and most importantly, because of their hatred for Microsoft they purposely omitted Microsoft friendly interoperability features, at their peril.

Today we observe the US Justice department still engaged in a punitive action against a company that has succeeded in a market place seething with competitors who's primary objective was to crush Microsoft . . . all one has to find out who they were is read the list of the companies who testified on behalf of the Justice department. Most of the states involved are the home states of these same MS competitors. There is not a single individual, private company, local, state or Federal Govt agency that does not reap the benefits of Microsoft's innovative technology on a daily basis.

Now that we are in this WAR on Terrorism, I ask of my elected officials to observe just how similar the behavior of those against Microsoft is to that of the terrorists is to the global symbol of freedom, it seems that any one, any company, any nation that attains the pinnacle of success and become an icon of something good and successful becomes a target to those who have failed. I find it very disturbing that the Bush administration has not put a stop to the persecution of Microsoft that seemed to be the ''Jihad'' of the Clinton Justice department.

Given the situation we are in, the government should be appreciative of the fact that Microsoft has evolved as the PC and networking standard—one that the Govt can embrace and turn to for the propose of securing America's information highway . . . Microsoft has the technology and because it has become the de fecto ''standard'' security strategies can easily be designed around this technology, rather than wasting valuable Microsoft resources in a protracted ill-advised anti-trust battle, the federal and state leadership should embrace Microsoft as a valued partner in the ''War on Terrorism''.

Sincerely,
Robert Duffy
7811 Pinebrook Dr
San Antonio, TX 78230–4810

MTC–00009410

From: R. G. Montgomery
To: Microsoft ATR
Date: 1/7/02 9:40pm
Subject: Don't penalize sucess.

It is the view of the left, i.e., former President Clinton and former Atny Gen Reno, that sucess is wrong. Such is the basis of the case against Microsoft.

Bill Gates, et al, built a ''better mousetrap'' and made money due to their superior product. This shouldn't be actionable. Whatever ''monopolizing'' was done, if it were in violation of law, is a minor matter. Deal with it as a minor matter. Shut out the individual states who are now trying to turn a profit from Microsoft's misfortune.

Please un-socialize and de-politicize the Justice Department.

Thank you very much,
R. G. Montgomery

MTC–00009411

From: trina hollander
To: Microsoft ATR
Date: 1/7/02 9:42pm
Subject: comment

We support the Microsoft settlement. We want to see an end to the Clinton era anti-trust law abuse.

Sincerely,
Trina & John Hollander
Calhoun, KY

MTC–00009412

From: Brenda Ann
To: Microsoft ATR
Date: 1/7/02 9:43pm
Subject: Re: Anti-trustlaw abuse

To Whom it May Concern,

Please end this Clinton-era Anti-trust law abuse with the Microsoft case! It's such a waste of money, time and talent that could be spent on something that is truly illegal. In my view, this is a case of, class envy, and liberals promoting socialism. Very dangerous business.

Thank you,
Brenda Shumate
Marysville, Ca.

MTC–00009413

From: Patrick Lawrence
To: Microsoft ATR
Date: 1/7/02 9:46pm
Subject: Microsoft Settlement

Hi just wanted to write a quick email to voice my concern that something is done about Microsoft and there tactics so that we can have real choices for our operating system. I would at the very least like to see duel-boot options mandatory on all new computers so that other operating systems like Linux and BeOS have a chance in the future.

Thanks
Patrick Lawrence

MTC–00009414

From: MaryFK@aol.com@inetgw
To: Microsoft ATR
Date: 1/7/02 9:53pm
Subject: Microsoft Settlement

As a concerned citizen I wish to express my frustration with the government's continuous pursuit of the Anti-Trust Case against Microsoft. I believe that the case should be settled and finalized. Too much money has already been spent trying this case. I would have rather seen the money spent on education.

It it my belief that Microsoft has enabled the general public to be able to use Personal Computers and has enhanced the industry with it's innovation. Stop spending our tax dollars on this case and spend it instead on bettering our education system.

Thank you for reading my comments.
Mary F. Kush

MTC–00009415

From: Gabriel Georgeff
To: Microsoft ATR
Date: 1/7/02 9:55pm
Subject: Microsoft Law suit

Dear justice Department: Microsoft has stole,pirated, and crumbled companies with their literally stealing the work of many software developers. It also has a strangle hold on a large part of the hardware companies that threaten Microsoft. The Microsoft system is a drag on many users, due to the unreliability of Microsoft Windows crashing, hard to recover your computer to open, and run after multiple crashes. Having to call for help, that you are charged $34.00 per hour for over the phone assistance to get your lousy Microsoft Windows back up and running from their technicians. It is a said situation the way Microsoft has a strangle hold on computer users. Please free computer users to have a open source operating system (example Lynux), and open Microsoft's hold by having the coding all of their software. Their software to where you have no choice but to be in a stangle hold of MICROSOFT. It is a situation computer users deserve better in these United States of America.

SET US FREE, Please SET US FREE.
Gabriel T. Georgeff
1217 SW Morningside Drive
Blue Springs, MO 64015–4905

MTC–00009416

From: s(038)s
To: Microsoft ATR
Date: 1/7/02 9:56pm
Subject: leave microsoft alone

MTC–00009417

From: Beri Bek
To: Microsoft ATR
Date: 1/7/02 9:56pm
Subject: Microsoft Antitrust

I wish the government would just leave Microsoft alone. A monopoly does not exist. It would really help the economy if this case was dropped.

Beri B. Bek
Kentwood, MI
49508–6556

MTC–00009418

From: Pamela Schmidt
To: Microsoft ATR
Date: 1/7/02 9:56pm
Subject: Ending Clinton Anti-trust abuse

To whom it may concern:

You have my full support to do what is just and lawful to correct any abuses allowed through the Clinton years. I know that you will know just what to do.

Sincerely yours,
Pamela J. Schmidt

MTC–00009419

From: Vivek Velso
To: Microsoft ATR
Date: 1/7/02 9:56pm
Subject: Microsoft Settlement

A FINFlash Alert: The DOJ wants to hear from YOUDear DoJ Rep; I have observed the ongoing economic trend for the past years, and, I would like to offer my suggestions for sustaining growth in the high-speed digital age.

It gives me immense pleasure to write about Microsoft's approach in the industry, which is based on central theme of Rapid Innovation.

The full credit goes to key strategies played by Microsoft and the Leadership demostrated in bringing the great innovations to life, encouraging people, engaging customers with their feedback on products which can change the future in a ''boundaryless'' fashion. I appreciate Microsoft's customer centric policies, and I am fully confident that very soon, the new image of Microsoft's Innovation will take the responsibility for upholding and rolling out a new Digital Age never experienced before.

Today, the freedom to innovate and to keep America rolling is only possible after removing the bureaucratic hurdles from the society, and encourage key players like Microsoft to keep innovating at speed of thought.

There are many aspects currectly worked upon by Microsoft which need your utmost support for the freedom to innovate— Digital Signatures which can also benefit FAA, Wireless with .NET Infrastructure for security, Education Telecommunication policies e.Business Customer Trust and Privacy

We, as the end consumers and residents are trying our level best to suppport Microsoft with all means like providing inputs for next generation of Internet Protocol, .NET, beta testing, product evaluation, to name a few.

I have also urged Microsoft to publish Bumper Stickers, and dynamic NewsFlashs for encouraging their spirit of innovation.

Microsoft has always respected small emerging companies and entrepreneurs worldwide, not only in Ohio, who are working hard and committed to innovation by sharing technology ideas and creating

value added partnerships for enabling win-win solutions.

Only the hurdles of few arrogant CEO and open minded gurus have misled the path towards innovation and creating Economic value add. This will only add towards the worst scenarios of global recession in a cascading fashion, thereby impacting every vertical industry.

I appreciate your valuable time and hope that my views will go in a long way to establish a valuable communication link for sustaining ever expanding growth in the Digital Economy, which is only possible by the FREEDOM TO INNOVATE...

Thank you.

Sincerely,

Vivek Velso

2216 Albemarle Dr Apt#102

Fairfield, OH 45014–4343

From: MSFIN@Microsoft.com

To: vivek.velso@poboxes.com

Sent: Wednesday, January 02, 2002 12:20 PM

Subject: DOJ wants to hear from you on MS settlement

A FINFlash Alert: The DOJ wants to hear from YOU!

To cancel your subscription to this newsletter, read the directions at the bottom of this message.

For nearly four years, your voice has been instrumental in the debate over the freedom to innovate. Tens of thousands of concerned citizens have communicated to their public officials about whether the Microsoft case should be settled or further litigated. Despite the aggressive lobbying efforts of a few of Microsoft's competitors, the federal government and nine states finally reached a comprehensive agreement with Microsoft to address the reduced liability found in the Court of Appeals ruling.

This settlement is tough, but reasonable and fair to all parties involved. Consumers overwhelmingly agree that settlement is good for them, the industry and the American economy.

However, this settlement is not guaranteed, and your voice is more important than ever.

The law (officially called the Tunney Act) requires a public comment period between now and January 28th after which the District Court will determine whether the settlement is in the ''public interest.'' Unfortunately, a few special interests are attempting to use this review period to derail the settlement and prolong this litigation even in the midst of uncertain economic times. The last thing the American economy needs is more litigation that benefits only a few wealthy competitors and stifles innovation.

Don't let these special interests defeat the public interest.

Between now and January 28th, it is critical that the Department of Justice hears from you about the Microsoft settlement. The Department of Justice will then take all public comments and viewpoints and include them in the public record for the District Court to consider. Please send your comments directly to the Department of Justice via email or fax no later than January 28th. Whatever your view of the settlement, it is critical that the government hears directly from consumers. Please take action today to ensure your voice is heard.

Email: microsoft.atr@usdoj.gov . In the Subject line of the e-mail, type Microsoft Settlement.

Fax: 1–202–307–1454 or 1–202–616–9937

To find out more about the settlement and the Tunney Act comment period, go to the Department of Justice Website at: http://www.usdoj.gov/atr/cases/ms-settle.htm.

Thanks for taking the time to make a difference.

To cancel your subscription to this newsletter, please go to the following website:

http://www.freetoinnovate.com/—utilities/unsubscribe.asp

MTC–00009420

From: AEKLHL@aol.com@inetgw

To: Microsoft ATR

Date: 1/7/02 9:57pm

Subject: Microsoft Settlement

The Microsoft case should be settled now. There should be no further litigation.

Audrey K. Leeser

723 Southmeadow Circle

Cincinnati, Ohio 45231

MTC–00009421

From: BGABRAB@aol.com@inetgw

To: Microsoft ATR

Date: 1/7/02 9:57pm

Subject: (no subject)

regarding your e-mail on microsoft court case i do believe that consideration should be given to a lower settlement figure and bring this case to an end.

MTC–00009422

From: Daryl D.Lettie

To: Microsoft ATR

Date: 1/7/02 10:02pm

Subject:

DROP IT DROP IT

MTC–00009423

From: Drew D. Read

To: Microsoft ATR

Date: 1/7/02 10:14pm

Subject: Stop Wasting Our Money

Stop spending my tax dollars on battling Microsoft anti trust lawsuits.

It's a free market economy and if other companies can't compete against Microsoft, they should go out of business.

If you need to find a good cause to spend our tax dollars fighting, try reverse discrimination with Affirmative Action. They mandate lesser qualified ethnic minorities just to meet the lawful quota. I see this happen first hand in the state university system in PA. If I were a parent with a college student and I knew they weren't getting the most qualified professor for the money, I would be furious. Yet this is exactly what's going on today in our education system. It's happening in other areas also. People should be hired on qualifications, not skin color or ethnic backgrounds in order to meet quotas.

Have a great day.

Drew D. Read

MTC–00009424

From: Frank Allegretta

To: Microsoft ATR

Date: 1/7/02 10:19pm

Subject: Microsoft Settlement

Hello,

I am interested in taking part of worldwide network that is working on getting the BeOS or equivalent back into the market place, but there is no hope of success if the following issues aren't addressed: examples: open Office file formats, Win32 APIs, make dual-boot options mandatory, etc...''

Best regards,

Frank Allegretta

mailto:jean11@sccoast.net

MTC–00009425

From: Pat Riley

To: Microsoft ATR

Date: 1/7/02 10:20pm

Subject: Microsoft settlement

Dear USDOJ,

Please settle the Microsoft case soon and let the country get to work using this standard.

The private sector can not afford to create custom programs like the federal government.

The MS windows, explorer and family of products work with great success and dependability.

Patrick and Alexis Riley

262–15–6722, 527–11–3644

El Cajon, CA 92021

MTC–00009426

From: cattmail@mac.com@inetgw

To: Microsoft ATR

Date: 1/7/02 10:20pm

Subject: Microsoft Settlement

Department Of Justice,

I am part of a worldwide network that is working on getting the BeOS or equivalent back into the market place, but there is no hope of success if the following issues aren't addressed:

1. MS Office needs to be opened, so that developers interested in porting it or understanding the document formats can do so either in form of a source code licence or an allowance to see it, check it and ''clone libraries'', so that applications on non-Windows OSs can read and write MS Office formats for flawless interaction with Windows users.

2. The Win32 API needs to be made available (incl. undocumented APIs) so that WINE can be successfully ported not only to BeOS but other OS too.

3. The file system needs to be opened, so that BeOS users can continue to access files on non-BFS partitions.

4. The ruling must include a ''must-carry'' rule, so that any OEM Microsoft is supplying Windows with HAS to ''dual-boot'' an alternative operating system, in this case BeOS, in order to remedy the damage MS has done to BeOS in the past.

The above facts and opinions have been drawn up by a non-profit group who's goal is to shed some light on things that have become apparent in the consumer market concerning the way Microsoft has acted with its monopoly power. The consumer and its freedom of choice has been heavily damaged by such misconduct from Microsoft. As you and I know, the consumer reality has been tarnished into thinking that Microsoft and its products are the only choice or alternative to solutions that not too many years ago had

flourished with products and solutions from a wide range and it is understandable that some products and/or solutions would and will disappear.

You and I usually assume (by natural occurrence) now that there are no alternatives for products and/or solutions in the computing world when it comes to the PC market other than Microsoft and Windows... yeah sure there are alternatives, but most of the consumer market is blind to these alternatives due to Microsoft's strangle hold on the OEMs with its strict licensing issues. Is Microsoft totally at fault over this?... NO! I think that the OEMs should be also held accountable for irresponsibility to the consumer market by forcing a product and/or solution in giving the consumers no freedom of choice and blinding them from the alternatives and staging such a market as if Microsoft and Windows is the only choice by default.

I do not wish for Microsoft to be split as a company, in my opinion that would only hurt the consumer market even more and hide the fact that Microsoft is still Microsoft. I also believe the latest settlement offer is only going to make Micrsoft's monopoly more powerful with forcing Microsoft to donate Billions of dollars worth of products and/or solutions (which would cost only pennies for Microsoft) to the educational sector in need of such is only going to worsen the blow to the rest of the competitors affected by Microsoft's anti-competitive practices already. I am in no way undermining your decision or proposal of settlement, but I think that Microsoft would have another advantage over the rest of the industry in the education market by planting Microsoft's reach in the way of the back door so to speak. The schools in need should be given donations of a cash amount and let the schools decide on what is needed for their children, not Microsoft!

I as a consumer feel that Microsoft has heavily damaged the freedom of the consumer in a way that has almost damaged the economy of the US and the economies around the world. I have much faith in you, the Department Of Justice and I feel that you will resolve and bring to justice that is rightly deserved to the consumer world and hopefully protect us (as you always have) from such dangers to our way of life and our freedom of choice as our ancestors fought so hard to establish in America. I believe you will do the right thing. I thank you very much for your time and patience in reading this letter and good luck to you.

Best Regards...

Dennis

MTC–00009427

From: Carma Woodward
To: Microsoft ATR
Date: 1/7/02 10:25pm
Subject: I want to end the Clinton era.

I want to end the Clinton era.

Carma Woodward

MTC–00009428

From: Hans Schieder
To: Microsoft ATR
Date: 1/7/02 10:29pm
Subject: Microsoft case

Gentlemen:

Please cease your foolish and wasteful trial against Microsoft.

An American company should not be penalized for having been successful. Let others who would like to make money in that field also be as creative as Microsoft was to earn their share of the market rather than crying to the courts.

Sincerely,

Hans Schieder

MTC–00009429

From: Bruce Faling
To: Microsoft ATR
Date: 1/7/02 10:34pm
Subject: Microsoft Settlement

Dear Sirs:

I understand that the US Department of Justice is seeking opinions of concerned citizens over the proposed settlement between Microsoft Corporation and the US Department of Justice. My opinions on said settlement appear below: Contrary to popular belief, Microsoft Corporation wields no power over their customers, potential customers, computer manufacturers, competitors, or the population at large.

As a private company, Microsoft relies upon voluntary transactions with its customers in order to continue to do business. Customers, potential customers, and computer manufacturers alike are under no obligation to accept Microsoft Corporation's terms before buying and using its products. They are free to accept, decline, or ask to amend the terms, but they cannot be ''made'' to do anything as such. That Microsoft has sold millions of copies of its broad offerings is evidence that people have accepted their terms voluntarily in large numbers, and thus any claims of harm perpetrated against consumers is baseless.

In short, Microsoft has done no wrong. That being the case, any proposed ''settlement'' cannot sensibly be construed as ''fair,'' to either the shareholders of Microsoft or their customers. Being how this settlement, by its very nature, must force Microsoft to operate in ways it did not see fit to do voluntarily, I must condemn the settlement for what it most apparently is: An attempt to limit the competitiveness of Microsoft for the benefit of its rivals. The marketplace of software products has clearly —and freely— chosen Microsoft.

That last statement is significant. The ignorance of many people of the difference between high market share and true power astounds. However, the difference is real. Where Microsoft relies upon voluntary exchange with its customers for its very existence; true coercive agencies, such as the US Department of Justice, require no such consent from *its* ''customers.'' Funded by monies expropriated from productive persons, their function is to force people, and associations of people, to comply with written law.

Granted, such force is not always employed, but the threat and ability to employ it is always present. Consent cannot rightly be said to be given under such circumstances. This is true power. It is clearly demonstrable that it is by no means the equivalent to attaining a high market share. Having said that, I can only recommend dropping the proposed settlement out of hand as well as the very suit it was meant to settle in the first place.

Sincerely,

Bruce Faling

MTC–00009430

From: George Polycrates
To: Microsoft ATR
Date: 1/7/02 10:35pm
Subject: MICROSOFT

Ladies & Gentlemen,

I am a Civil Engineer. I remember how intimidating was at the beginning to use computers even though I had experience from my schooling. I still see people that they are afraid to get involved with the computers. I have bought computer from GATEWAY, DELL, COMPAQUE, PACKARD, HP AND

MTC–00009431

From: Lou Cori
To: Microsoft ATR
Date: 1/7/02 10:36pm
Subject: Get Though

Bill Gates has been crapping on the competition and the buying public from the word ''GO''. He doesn't leave a choice to anyone. I resented the way that he screwed Netscape and then tried to force people to use his Internet program without any choice. This scum ball has destroyed more companies than you could possibly name. Even the computer manufacturer's have little choice in how they place software on their products. He has also forced the software magazine's to use his product article descriptions to the determent of any competitor. Don't let up on him.

MTC–00009432

From: Danny Brown
To: Microsoft ATR
Date: 1/7/02 10:38pm
Subject: Hidden Microsoft Training Sham

Please restrict the Microsoft training scam they are perpetrating on people like myself. Microsoft is conspiring with a group of approved training centers, book publishers, and testing centers to fraudulently take our money in a training program scam.

At age 53, I was ''downsized'' by my former employer. To enhance my ability to find work, I spent $8,000 of my savings and 200-plus hours of classroom time in a ''Microsoft approved'' training school, using ''Microsoft approved'' textbooks, taking a series of 6 ''Microsoft approved'' exams at a ''Microsoft approved'' test center (at $100 per pop) to obtain my Microsoft Certified Systems Engineer certification (MCSE)... only to be notified by Microsoft that they have decided to make all MCSE's retake their exams over mostly the same material to remain certified. NONE of the students who paid their thousands of dollars in fees were ever told that the certifications could be cancelled at the whim of Microsoft in order to keep their relationships with their training centers, text publishers, and testing centers secure and very profitable.

These Microsoft approved training centers, text book publishers, and testing centers MUST have a constant flow of students to keep profitable and in business. In addition,

Microsoft gets a cut of the action at each level.

I know improvements are made in the software over time, and have I have no problem taking one or even two exams over the software improvements to keep current. However, to make us take all (now SEVEN) exams over 75% of the same material has only one purpose—to keep the grist in the Microsoft training mills and keep their approved training partners, approved text publishers, and approved test centers busy and profitable.

I pointed out to Microsoft that CPAs, Attornys, and MDs attend classes and seminars to keep current on changes in their profession, but they do not have to retake all the exams of the CPA exam, bar exam, or medical boards every time rules, laws or procedures change.

Microsoft, as a monopoly, has said ''too bad'', you must retake exams over the same material at our approved test centers, anyway. Please insist that they can put together tests covering changes to their software and make us take them, but that they cannot insist that we be forced to retake exams over already tested material to remain current.

To do otherwise gives Microsoft permission to use its monopoly power to force us to spend many thousands of dollars in courses and testing that no other profession is compelled to do. Microsoft can do for one reason only—they are a monopoly and if we don't like it, tough!

Thank you.
Danny Brown
15818 Knoll Lake Drive
Houston, Texas 77095
Tel. 281–859–5174
dannybrown@mail.com

MTC–00009433

From: Chris Chauvin
To: Microsoft ATR
Date: 1/7/02 10:49pm
Subject: Microsoft—Justice Dept. Settlement

Dear Sirs:

I am just an average citizen, but I would like to express my opinion on the Microsoft settlement.

It seems to me that all that would be accomplished by not settling would be to punish Microsoft for becoming a great company that the U.S. can be proud to call our own. All this so that the competition who would and does do the same marketing practices when they are given the chance can be satisfied.

Our country was not founded on condeming free enterprise.

Christine Chauvin
Billings, Montana

MTC–00009434

From: Mntman45@aol.com@inetgw
To: Microsoft ATR
Date: 1/7/02 10:55pm
Subject: Microsoft Settlement

NANCY MOREHEAD
638 Heidi Lane
Mansfield, OH 44904
January 7, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

I am writing to request that there be no more litigation in the Microsoft Antitrust case, and that the federal investigation be brought to a close with the agreed settlement that you reached with Microsoft. A balanced, equitable settlement has been negotiated between Microsoft and the Justice Department, and this document should put the matter to rest.

The agreement will require Microsoft to share information, and to change some of its marketing and licensing practices, provisions for those who felt they weren't getting a fair shot at the market. The settlement you developed includes definite, realistic provisions, which will create more openness throughout the I.T. industry. This settlement will be beneficial because it will improve the software field, and—perhaps most importantly end this case once and for all.

I hope you will be able to work towards bringing this case to conclusion. Please continue your fantastic work supporting the settlement from the Department of Justice and Microsoft.

Sincerely,
Nancy Morehead

MTC–00009435

From: Greg Peck
To: Microsoft ATR
Date: 1/7/02 10:54pm
Subject: Microsoft Settlement

Dear Sirs: I would strongly support the settlement of the Microsoft case. It is in the best interests of the industry and the economy in general. There has been enough time and money spent on this case.

Microsoft has gone out of its way in meeting the conditions of the settlement. I would like to see Microsoft turn its creative energies into new technology and struggling with this case.

Greg Peck

MTC–00009436

From: Tim Coy
To: Microsoft ATR
Date: 1/7/02 11:00pm
Subject: Microsoft did not get there by creating poor software!

The American dream is to be able to become a Microsoft by having a great product and great timing. Its seems as time passes those that are the failures now use the court system to attach those who make it. The fallacy is that Microsoft is where it is because it a Monopoly, this is a joke. I can remember when Windows was a joke and Mac OS was the way to go. As Mac laughed at Windows, Microsoft always went to consumer and asked how can we make or software better. The result is that Microsoft did build a much better OS than Mac. This a true example of the ''tortoise and hair''. I wish you would quit trying to destroy success. Jealousy in the power of the courts system is scary.

Tim Coy

MTC–00009437

From: Jim Illback
To: Microsoft ATR
Date: 1/7/02 11:03pm
Subject: Re: Microsoft Case

I believe that the Microsoft Anti-trust settlement case's proposed settlement is in the 60-day comment period which started 11/28. Here are my comments.

I am absolutely appalled that the settlement has not rectified the basic issue which is monopolistic control over PC suppliers. When I go to the Dell Computer web page, there is ONLY Microsoft Operating Systems available to my on the portable PC that I desire. That is the problem. I don't want to be FORCED into choosing a Microsoft OS, especially not XP. Please get this problem fixed with your settlement, not just let go. The DOJ has been at this since before Janet Reno and their ''victories'' have been so benign that it has only re-empowered Microsoft to higher bullying tactics. FIX THE PROBLEM— DIVIDE THE COMPANY ALREADY. Hold them accountable for their illegal actions, so consumers like me will have a choice of Operating Systems on Dell (or any other) computer. Do your job already!

Jim Illback
PO Box 627
Ravensdale, WA 98051
425 965–6871
CC:attorney.general@po.state.ct.us@inetgw

MTC–00009438

From: Larry Burkett
To: Microsoft ATR
Date: 1/7/02 11:18pm
Subject: Microsoft Settlement

The law requires a public comment period between now and January 28th after which the District Court will determine whether the Microsoft settlement is in the ''public interest.''

My comment is in support of the Microsoft settlement. In my opinion, Microsoft, while not perfect, has done more to advance computer usage by the general public than any other single company.

sincerely,
Lawrence L. Burkett,
30 Ebersohl Cir,
Whitehouse Station, NJ 08889
(lburkett@rcn.com)

MTC–00009440

From: J. Thomas Broyles
To: Microsoft ATR
Date: 1/7/02 11:19pm
Subject: Clinton-era anti-trust law abuse

I think the Justice Department needs to move on and away from the pursuit of Microsoft. I believe Clinton and Reno's pursuit of this fine company precipitated the decline in the economy triggered by the major drop in the stock market.

J. Thomas Broyles M.D. and victim of the Clinton follies

MTC–00009441

From: Mary Jo Reddick
To: Microsoft ATR
Date: 1/7/02 11:24pm
Subject: Microsoft Settlement.

We think it is a tough but fair settlement—for all parties involved. Stop wasting the tax payers money— competition is wonderful for consumers like our family. We are an average working family who appreciate good quality products at fair prices that Microsoft has made available to us. We don't appreciate our

hard earned tax money being wasted on frivolous, vengeful lawsuits. Enough already.

Donald and Mary Jo Reddick
Lancaster, CA

MTC–00009442

From: Blain Hamon
To: Microsoft ATR
Date: 1/7/02 11:30pm
Subject: Microsoft Settlement.

There seems to be a lack of listed courses of action to take if and when the defendant fails to meet the criteria of the final judgement. I do not have any law training, and as such do not know if such a provision is possible. However, I write this with Microsoft's previous actions in mind.

* This settlement is because Microsoft broke a previous antitrust agreement.

* During the 5 years of this battle, MS has continued with its practices.

* In the court, Microsoft was caught committing perjury a full three times.

* Microsoft has been lobbying to lower the DOJ's funding in order to reduce its effectiveness.

* Microsoft delayed, agreeing to a settlement only when a full ultimatum was issued and failure was outlined.

Microsoft has continued to do acts which can be construed as attempts to monopolize a high-competition market, such as Windows XP's built-in advertising of MSN (In order to take over the ISP market) and Windows Media Player disabling high-quality playback of MP3s, for no other reason than to push Microsoft's own sound file standard. And I fear Microsoft will not comply to the agreement unless a sword of Damocles is fully hanging overhead. They have the funds and the lawyers to continue to break agreements, delaying in court the actions to be taken as punishment, and finally sign a new agreement where the cycle continues.

I feel there needs to be a provision that spells out the possible punative actions that the TC can and will do if Microsoft refuses to comply, including drastic measures such as the proposed alternatives, even such things as restricting Microsoft's assets, or confiscating payments to Microsoft, in the same way the IRS is entitled to garnish wages of those who fail to pay taxes.

It appears that also missing in this agreement is any form of public interaction over the long term. I do not see any course a citizen of the United States, can 1) alert the TC of practices that I feel should be looked at as possible violations, and 2) obtain reports, records, or any other documents the TC creates in order to aid making an informed opinion and alerting others to possible concerns.

This information is of public interest, and it is mentioned, ''Plaintiffs may use information obtained from the TC as the basis for commencing a compliance inquiry or investigation,'' (Competitive impact statement, IV B 2 b) I feel that future plaintiffs wanting to commence an inquiry should also be given access to this information. In short, as much nonsensitive documents as possible should be public information, under the rules of the Freedom of Information Act.

It is because of these reasons that I would like to see amendments added that grant the TC powers of enforcement as well as to give the general public an ability to aid in ensuring that Microsoft does not break its settlements again.

Thank you.

MTC–00009443

From: Robert S. Kirkwood
To: Microsoft ATR
Date: 1/7/02 11:33pm
Subject: Stop the Prosecution of a legitimate, competitive business.

Stop the Prosecution of a legitimate, competitive business.

Robert S. Kirkwood
PO Box 2078
LaBelle, FL 33975
BobKirkwood@bigfoot.com

MTC–00009444

From: Keith Fouts
To: Microsoft ATR
Date: 1/7/02 11:37pm
Subject: Let's end the Microsoft lawsuit.

Please end the suit on Microsoft.

Sincerely,
Keith A. Fouts
108 N Parkview
Coffeyville, KS 67337–1237
kfouts@kscable.com

MTC–00009445

From: barneydoogan
To: Microsoft ATR
Date: 1/7/02 11:38pm
Subject: Microsoft fiasco

Let's end the nonsense and put this sad chapter of anti-business crusading behind us. In these trying times, my government resources can be better utilized combating the terrorism and fanaticism that threatens my children and the generations that follow us.

Sincerely,
Thomas J. Fay
9 Greenhurst Road
West Hartford, CT 06107

MTC–00009446

From: John Tegen
To: Microsoft ATR
Date: 1/7/02 11:41pm
Subject: Microsoft Settlement

Greetings:

I started a company to provide applications for Be Inc. operating system— the BeOS. The company is OmicronSoft (www.omicronsoft.com). I started it in 1996 so that I could provide better quality applications found on other Operating System, including Windows and Apple. Due to the unlawful practices of Microsoft, they were successfully able to prevent Be Inc. to enter the market place by restricting OEM vendors like Hitachi, Dell, and Compaq to provide alternative operating systems to the consumer. This crushed Be Inc. as well as software providers like ourselves. Microsoft's actions prevented us to earn a living and prevented the consumer to choose an alternative and better solution for their computing needs.

It is our opinion that the current settlement with the DOJ is far too weak to be harmful to Microsoft. If similar actions were enforced during anti-trust litigation earlier last century, we would have one oil company, one railroad company, and one telephone company. In some regards, it has allowed them to unfairly to penetrate markets that they have been trying to enter (e.g. Education). The longer Microsoft is allowed to continue in their normal fashion, the longer they have to make billions of dollars, eliminate competition, and provide the US consumer and Government poor quality products. As the DOJ is fully aware of, anti-trust behavior is economically and physically harmful to the general consumer and business community.

We are looking for the DOJ to enforce the anti-trust to include:

1) Full application document format disclosure and POSIX sample to read and write to and from those documents. This include Word, Excel, Power Point, Visio, Outlook/Exchange email, Outlook/Exchange contacts, Outlook/Exchange events, and MS proprietary audio and video formats.

2) Full disclosure of Win32 API calls. Those not officially supported should be noted as such.

3) To allow OEM manufacturers the full ability to provide alternative OS's to the consumer in both single and dual boot configurations. To prevent them to hide alternative operating systems.

4) To natively support open multi-media formats including MP3. It is uncertain that these remedies will counter-act the damage that has already occurred to software manufactures like Be and ourselves. Even if the BeOS had 1% of the consumer market, it would have been a multi-million dollar business to ourselves. If we had a few million dollars, we would probably take legal action against MS for punitive damages. I would suggest that Microsoft should pay damages to companies like ourselves and pay a company to license the BeOS from Palm, plus $500M to allow the BeOS be offered to the consumer public.

Please contact me with any questions you may have regarding this.

Regards,
John Tegen
OmicronSoft
President
(858) 695–0088

MTC–00009447

From: Robert L. Duerler
To: Microsoft ATR
Date: 1/7/02 11:42pm
Subject: Microsoft Settlement

Dear Sirs;

We support the Microsoft Settlement.

This settlement is tough, but reasonable and fair to all parties involved. Consumers overwhelmingly agree that settlement is good for them, the industry and the American economy.

Yours truly,
Robert L. Duerler
Cathy C. Duerler
Cincinnati, Ohio

MTC–00009448

From: Wade
To: Microsoft ATR
Date: 1/7/02 11:43pm
Subject: MicroSoft

You know I hope that the federal government doesnt make it a policy to shut

down all successful businesses because the unsuccessful ones dont like it!

Spare MicroSoft!

Wade Bush, a user for 20 years,

US Army Retired

MTC–00009449

From: Eworksart@aol.com@inetgw
To: Microsoft ATR
Date: 1/7/02 11:42pm
Subject: Microsoft Settlement

We can't afford to let this go on. Settle now it is important to the citizens of this country.

Respectfully submitted:

Cynthia Hoskins

MTC–00009450

From: hampreal@lanset.com@inetgw
To: Microsoft ATR
Date: 1/7/02 11:48pm
Subject: Microsoft settlement

Microsoft has provided a user friendly enviornment for computer users, I fail to understand why the government must intervene in any business that is successful. America was supposed to be a Republic, a free enterprise. However, with the Socialist attitude of many, those that do succeed are frowned upon. Microsoft should be allowed to carry on their business as a business without unnecessary government intervention. Microsoft has paid a price for the success they have. Let them continue. Others can have success but they do have to pay a price and a lot of work to get there. I feel Microsoft has paid their dues and should be allowed to continue. The states that want more should not be allowed to proceed with their arguments.

MTC–00009451

From: Dwriter01@aol.com@inetgw
To: Microsoft ATR
Date: 1/7/02 11:56pm
Subject: Microsoft Settlement

Just settle the darn thing! Let's get on with life. How wonderful to think a company can be penalized for being successful!

Diana Bress

MTC–00009452

From: F Leonard
To: Microsoft ATR
Date: 1/7/02 11:59pm
Subject: Leave Microsoft alone.

Leave Microsoft alone and go after America's Biggest Criminals—the Clintons!!!!!!!!!!!!!!!!

fjl

MTC–00009453

From: Doris (038) John White
To: Microsoft ATR
Date: 1/8/02 12:01am
Subject: Anti-Trust Suit Against Microsoft

We feel quite strongly about the government filing suit against Microsoft. We have always felt that the Clinton Administration envied Bill Gates for his financial standing.

We would like to see this suit dropped. Micrsoft has been very good to its employees. It has also done a great deal of philanthropic work. Lets end this legal fiasco by dropping this suit and letting them get back to doing what they do so well. Let them help the economy by creating jobs.

John and Doris White
1195 Christopher Drive Apt. 1
Neenah, WI 54956–6349

MTC–00009454

From: Sbuff64@aol.com@inetgw
To: Microsoft ATR
Date: 1/8/02 12:14am
Subject: Microsoft Settlement

To whom it may concern:

I am not quite sure this e-mail will be heard, but I would just like to share my opinion on this matter.

When did it become fashionable in this country to punish a company for being successful? When was Capitalism replaced with Socialism, where Big Government determines what's best for everyone? Microsoft, as a company, basically carried the world into the computer age. They used their expertise, innovative products, and relentless marketing to ''sell'' mankind to the fact that everyone needs a computer.

So they benefited from this, is it a crime? Was Henry Ford persecuted for changing modern industrialism? No, but you didn't hear GM and Chrysler whine like small children that Ford was unfair. They just went out and did the best job they could, and caught up (and surpassed Ford in GM's case). Why is it that the brakes must be put on technology moving forward so a few misguided companies can catch up?

In addition to this, as you destroy Microsoft's stock value, did anyone take into account how many ''normal'' people's 401K and retirement funds have stock in this? To save a few dollars in software costs, people's retirement savings are being decimated. Somehow, I cannot believe this is a better solution. I would certainly hope that everyone would come to their senses and follow the Federal government's lead to just settle this case and move on to the business of getting our economy in gear.

Sincerely,

Steven Buffamonte

MTC–00009455

From: Chaim Klein
To: Microsoft ATR
Date: 1/8/02 12:25am
Subject: microsoft

Its time to settle—the faster you reach a deal and let microsoft get back to doing what it does best making software. this country needs is dynamic corporations especially in the high tech field to focus on innovation and not law suits.

thank you,

Chaim Klein

President & CEO

IglooSunset, L.L.C.

http://www.igloosunset.com

MTC–00009456

From: Dick Haring
To: Microsoft ATR
Date: 1/8/02 12:37am
Subject: Microsoft anti trust suit

This ridiculous suit should be dropped immediately. Thanks to stupid government bureaucrats, the economy took a major hit when this bogus suit was brought. It impacted the stock market, significantly, and started the tremendous decline that we are just now turning around. This is government at it's worst, unproductive trouble makers doing nothing but getting in the way of productive job providing Americans. As might be expected it was formulated and pushed along by a leftist administration headed by people who really don't like capitalism very much.

It should be sent back to where it belongs, limbo.

RW Haring

MTC–00009457

From: James THOMPSON
To: Microsoft ATR
Date: 1/8/02 12:39am
Subject: Microsoft case

Throw the book at Bill Gates. He has destroyed one little computer company after another. He and Microsoft need to be punished in the worst way possible. Breaking Microsoft up into two companies is not enough. Make Microsoft pay and pay dearly. Even if it means a complete shake up or near confusion in the computer industry.

MTC–00009459

From: William A Guy
To: Microsoft ATR
Date: 1/8/02 12:44am
Subject: Microsoft is a monopoly. As a monopoly, Microsoft has crippled the

Microsoft is a monopoly. As a monopoly, Microsoft has crippled the computer industry as a whole by styfilling inovation and compitition in that industry. Microsoft needs to be broken into three companies, one, operating system, two, programs and three, internet. As a microsoft customer, if I had a real choise, I would never use a Microsoft product again. If you investigate the new features of the new Microsoft XP operating system, this software is a violation of fair business practices and should not be allowed to be marketed. This is Microsoft's way of tumbing its nose at the judical system.

Rod Guy

MTC–00009460

From: Curtis Porter
To: Microsoft ATR
Date: 1/8/02 12:45am
Subject: Anti-trust abuse against Microsoft.

Dear Sirs:

Please end the Clinton era's persecution of Microsoft. This company has blessed and benefited all of us who use computers. They should be able to enjoy their success and rewards for doing so. Other companies want to take advantage of Microsoft's success, and not have to develop their own. Do not allow this.

Thank you.

Curtis T. Porter

Kansas City, Missouri metropolitan area
816–525–5277

MTC–00009461

From: Tom and Nancy
To: Microsoft ATR
Date: 1/8/02 1:10am
Subject: STOP THE MADNESS!

Stop wasting taxpayer money on the Microsoft Case!

MTC–00009462

From: John Bronger
To: Microsoft ATR

Date: 1/8/02 1:28am
Subject: Microsoft Settlement

The anti-business climate of the U.S. Goveernment, Department of Justice, is misguided effort and uses Public funding. In my opinion the government should spend more time working toward borders, language and cultural matters-enforcing the constitution and using English as a standard language as is used for aircraft control. Microsoft is an enabler not an impediment to furthering U.S.A. D.O.J. should be focused on threats to people instead of focusing on the people and firms competing. Eliminate the anti-business approach in the D.O.J.

MTC–00009463

From: atkins
To: Microsoft ATR
Date: 1/8/02 1:30am
Subject: Microsoft Settlement

Dear Sir or Madam:

I am writing in regards to an article involving the US v. Microsoft Corporation anti-trust case, posted at < http://www.beunited.org >. The article pertains to the fateful demise of Be, Incorporated—a California-based software company that began developing the Be Operating System (BeOS)—and calls me to join a world-wide network of my fellow BeOS companions in making a request of the Department of Justice.

It is very unfortunate that Be, Inc. was unable to obtain the success projected several years ago by myself and many of my computer-savvy colleagues, as well as several well-known critics and analysts of the computer sector. As a user of BeOS, I was able to experience first-hand the numerous superior features of the operating system over any of Microsoft's Windows family of operating systems.

BeOS breathed much more life into my computer than Windows NT or 2000 ever did—it was much faster, more stable, more reliable, and just as user-friendly. After becoming familiar with lightening-fast application launches and superior access to files in BeOS, I was disappointed when I was forced to boot into Windows 2000 to correctly view a webpage in Internet Explorer or open an email attachment with Microsoft Word.

The fact of the matter is that BeOS was predicted to be a major success and somewhat a competitor to Microsoft Windows. It was believed that the operating system would weave itself into the mainstream of the computer market—machines would dual-boot a Microsoft OS and BeOS and the user, depending on his or her needs, would choose which one to boot from a start-up menu. But Microsoft managed to keep that situation from ever happening by using their strong-arm tactics against OEMs that attempted this, as is defined in Section III paragraph 49 of the Findings of Fact—United States of America v. Microsoft Corporation, ''when these dual-loaded PC systems are turned on, Windows automatically boots; the user must then take affirmative steps to invoke the BeOS.''

To cut to the chase of the matter, Microsoft used its monopoly power to crush Be, Incorporated and halt the development of BeOS. For this, Microsoft should be punished and stripped of its monopoly powers. As is the case in BeOS, Linux, and many other operating systems, services are extended to the user that allow for better application programming, better access to operating system functions, and more cross-platform ''open'' standards. In BeOS and Linux, I can access the files on my Windows hard-drive partitions; in Windows, when I attempt to access a non-Windows partition, it prompts me to totally wipe the disk so that Windows can recognize the file system. Microsoft uses its monopoly extensively, and therefore it should be forced to adopt more open, universal, cross-platform and operating system independent standards. It should also be punished, as is seen fit, by a stern and unforgiving judge.

I fully trust that you, representing the Department of Justice, will use all of the resources at your disposal to make correct the situation that Microsoft has created using its anti-competitive and monopolistic grip over the computer industry.

Most sincerely,
William Dee Atkins
atkins@ptsi.net

MTC–00009464

From: Nelsons
To: Microsoft ATR
Date: 1/8/02 1:43am
Subject: It will be very good for the US economy if this case was settled

It will be very good for the US economy if this case was settled prior to the March hearings. The nine states that are holding out are obviously trying to protect their companies in their own state. e.g. Oracle, AOL, Sun Microsystems etc. They are putting themselves above the consumer by delaying the settlement. All they want is their pound of flesh, nothing more. It is getting so obvious that hopefully the judge will see through it. It was a good thing the DOJ made the effort to settle with Microsoft. The sooner it is over, the better it will be for the stock market and the consuming public.

Thank you for the opportunity to voice my opinion.

Charles D Nelson
nelsons@altavista.com

MTC–00009465

From: Richard Isley
To: Microsoft ATR
Date: 1/8/02 1:44am
Subject: Microsoft

So Microsoft did it bigger & BETTER than the other guys and made it to the top of the mountain. That's the American Way folks. Let's stop beating up our winners and start rewarding them instead. It's time to lay off Microsoft folks and get on with some important things.

MTC–00009466

From: larry hall
To: Microsoft ATR
Date: 1/8/02 l:52am

As a Microsoft software consumer and stockholder, I feel that the settlement is fair. To be honest, I have not followed every aspect of the case and must rely on the wisdom of our judicial system. I feel that a company should not have to spend as much time and money to fight court cases as Microsoft. American businesses and consumers appear to be jealous of business success. Microsoft was always the best game in town in my opinion, because its products fit together and are easy to use.

Connectivity and easy-of-use appeals to me as a consumer.

MTC–00009467

From: david@look4m.com@inetgw
To: Microsoft ATR
Date: 1/8/02 1:55am
Subject: Think

Dear Justice Department,

Pls forget about Microsoft case. They have done something for this country that could not be forgotten in the history of this entire world. They have brought enough money to feed millions of Americans. I believe that's enough. In any free world people just want to sue people for fun or nothing or to satisfy themselves by taking the shadow of the law. Just kick these people out so Microsoft can do some other job and shake the World. Please.

Thanks
David John

MTC–00009468

From: Felipe Contreras
To: Microsoft ATR
Date: 1/8/02 1:57am
Subject: My opinion

I'm not a technology profesional, nor an important member of any relevant organization, I'm just a young Linux user from Mexico. Anyway, I heard that even my opinion could be important for this matters so here it is.

I started with computers about 10 years ago, I in that moment there was no option for an OS, only Microsoft's DOS, or Windows 3.1. I was influened by videogames and I was very entusiast about doing the mine one, unfortunatedly the best development tool I had was Microsoft's QBasic, and I had not any help to develop a game.

As the time went on I learned more and more, until one day I finally tryied the new operating system for experienced computer users, Linux. Since then I learned a lot of the UNIX systems, and the OpenSource movement. This was a complete new world for me, and withouth knowing it endless posibilites for development were at my hands. I became aware that best of the best in the computer world was in the linux world, and the best, they were working by will in doing this world better, working for giving people like me the posibilities for developing whatever they want.

In my humble opinion comercial companies are just that, as the name says they exist to make money. Also, as far as I know it's much easier to make money doing bad things, inversely proportional. Microsoft, being a company with so much money, I can't think that their main concern is anything else than money, and that they gathered so much that they must have been some things not very good, at least not ethical.

When I became concerned of such thigs, I saw the workings of the world different. If one gets involucred with the Linux world it

becomes obvious that Microsoft is evil, and Linux is good. Nobody is perfect, but the intentions of the OpenSource movement are good, while the ones of the Microsoft Corporation, are bad, making money. The OpenSource movement consists of scatered efforts withouth one main organization, at the contrary of Microsoft which is very organized and doesn't live any matter untouched, even with the great power they have, Linux, a hobbie work of some people done at their free time, is getting each time bigger ''market''. Obviously this means competence to Microsoft and it will not stand with arms crossed, if the resoultion of the DOJ let's them, they'll try to make clear to everyone that Microsoft is better (win over Linux), and their strategies obviously work.

Althought I think that everyone with enought intelect to analize the implications of OpenSource, or at least with tasting the power of it will never return to the propertary and closed environment of the Microsoft's realm, if Microsoft win, some people (like me) might never try Linux.

Felipe Contreras

MTC–00009469

From: gleeam
To: Microsoft ATR
Date: 1/8/02 2:16am
Subject: Microsoft

It's time to stop this unwarranted assault on American businesses.

Stop the Microsoft war started by that criminal Clinton.

Why is the government punishing achievement, instead of rewarding it?

Gary & Mary Martin
4148 Meade Lake Road
Millington. TN 38053

MTC–00009470

From: John Shea
To: Microsoft ATR
Date: 1/8/02 2:50am
Subject: Clinton's Anti-trust Abuses

Please end this crapola now, today! Microsoft has been kind to individuals and businesses and does not deserve the beating it continues to receive from the Justice Department and individual states. Microsoft has done a lot of good for America and the world. Bill Gates is a champion and should be treated as such..

Thanks for listening.

John Shea
1673 Springbrook Road
Lafayette, CA 94549

MTC–00009471

From: Sandra Dillard
To: Microsoft ATR
Date: 1/8/02 3:13am
Subject: Microsoft lawsuit

Please bring sanity back to government and stop the Clinton-Reno antitrust suit. I don't believe there was any real basis for the suit. It was all politics to attack big business. I even suspect it was because Bill Gates wouldn't be black mailed into a large contribution to the Democratic party. This is very important to our economic recovery and the stock markets recovery too. Thank you for listening and good luck on cleaning out the Clinton messes.

Mrs. Sandra A. Dillard
P. O. Box 39
N. Bonneville, WA 98639
SandraFromWA@webtv.net

MTC–00009472

From: Jinny Dorner
To: Microsoft ATR
Date: 1/8/02 3:24am
Subject: Lawsuits

Please get off the back of Bill Gates and Microsoft. When did it become a crime to be successful in this country? Any of us can compete if we want to and have a better product.

regards,
Jinny Dorner

MTC–00009473

From: David Brosnan
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/8/02 4:02am
Subject: Right or wrong?

To whom it concerns,

It is well documented that Mr. Gates and Mr. Allen ''stole'' the ideas that gave them the foundation to build their fortune on. Now they have the money and the power to buy up anything that looks like potential competition, re-jig it to their ethos and call it a Microsoft product. Their list of failures after they took over good potential products makes for quiet interesting reading, if you take the time, and their answer is to bring out the ''latest'' version (i.e. patch up the mistakes and see does it work). There is no come back for ''down time'' for users. If it was any other industry, you could sue their butt off to recover lost time and profits, but because they monopolise the market, there is no alternative worth having. They give the consumer the ''middle finger'' and know that they can do so without worrying about repercussions. Mr. Gates now gives a lot of money to good causes and that is commendable. But Mr. Gates only did it when he had more money than he or his heirs could ever spend, and it would seem, when the writing was on the wall that the industry was getting fed up with being told what the future would be according to Microsoft, that becoming a great philantophist would fool the public into believing that a nice man like him could not possibly be an ogre. Competition begets corruption and in this case megomania, but it also fosters new ideas and inovation. Mr. Gates by his actions would like to control the market and dictate what we will have in ''the future according to Gates''. God better look out if Mr. Gates ever ''gets religion''. You as a nation do not put your fate in the hands of your President alone, you have your fail safe procedures. Please do not allow this man to be above all others. He does not need the money anymore so why should he object to his company being divided up into smaller parts and creating healthy competition, unless it is his ego he sees as being tampered with. You are our fail safe net, don't be deterred it what you believe is the right thing to do.

Rgds

<http://www.dbcomp.ie/> anim.gif (59787 bytes) <http://www.dbcomp.ie/>

David Brosnan * Managing Director * DB Computer Solutions
Limerick Business Complex * Raheen Business Park* Limerick—Ireland
Phone: +353–61–480–980 Fax: +353–61–225–131
<mailto:David.Brosnan@dbcomp.ie> David Brosnan@dbcomp.ie *
<http://www.dbcomp.ie/> http://www.dbcomp.ie/

MTC–00009474

From: Kathy West Woodward
To: Microsoft ATR
Date: 1/8/02 4:18am

I wish to thank you for your continuing pursuit of a fair settlement for the people and corporations of this country that have, for years, been covertly violated by Bill Gates and Microsoft. His mafia-like tactics, and proclaiming of innocence, as well as his propensity for getting away with most of it, are legendary within the computer industry and obvious to the educated consumer.

Both Mr. Gates and our previous President have had the opportunity to lie, cheat and spiritually mess with this country... maybe there ought to be a ''reality show'' competition between them to see which one more deserves the ''Slick Willie'' moniker. :)

Please dont let Microsoft continue their illegal and uncapitalistic practices. Fair competition, without fear of reprisals or blackmail, is what our phenomenal capitalistic system should be based on. Those who don't respect that premise, regardless of how many pockets they line, should be held strongly and surely accountable for thier actions.

Kathy Woodward
dreamskate1107@yahoo.com

MTC–00009475

From: olivier serrano
To: Microsoft ATR
Date: 1/8/02 4:38am
Subject: Microsoft Settlement

sir,

the beos operating system was a serious alternative to microsoft. in my opinion, it could be even better. I think the position that has been brought to beos was due to microsoft's monopol. i would like the beos project to come back on worldwide network place of operating systems to bring people possibility to choose between several products. and different ways to use computers.

sincerly
olivier serrano

MTC–00009477

From: Biggy Boy Toddy
To: Microsoft ATR
Date: 1/8/02 5:07am
Subject: Microsoft Settlement

Microsoft is clearly a monopoly, and clearly at fault if not directly then indirectly (thru its intimidation) for BeOS and the BeIA failure in the marketplace. I'm for a decision to make Microsoft pay a penalty, not with software or with hardware (used and worthless) but with hard cash, cash as in American dollars. A fund should be set up for the billions it should pay, and that fund should immediately be used to educate the public that users of computer hardware have alternatives. Education to the users is important, and then the funds be distributed

to the schools in question who have been educated they have an alternative to choose. Bottomline is this, Microsoft is a monopoly, and it has clearly abused its monopolistic position in the past 10+ years to make substandard software, which has caused billions in damages and made more than enough folks that know better about technology pull their hair out knowing such technology is being lost forever and not marketed because folks are flat out afraid of the Microsoft you folks seem to love (by giving them a settlement that is beyond comprehension, you folks at the DOJ should either be fired, or slapped around with a wet trout).

Best wishes

MTC–00009478

From: Don Bowler
To: Microsoft ATR
Date: 1/8/02 6:24am
Subject: Give it a break

Out here in the real world the public considers the entire government case against Microsoft to be a sham.

It's time to stop. Go find some real criminals and stop wasting my money.

Don
Donald E Bowler
1090 Forbes Street
Fredericksburg, Va. 22405
Don@Bowler-Va.com

MTC–00009479

From: Rick Friedman
To: Microsoft ATR
Date: 1/8/02 6:43am
Subject: Microsoft Case

Justice Department

Stop the Clinton-era Anti-trust law abuse.

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and was a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Despite the aggressive lobbying efforts of a few of Microsoft's competitors, the federal government and nine states finally reached a comprehensive agreement with Microsoft to address the reduced liability found in the Court of Appeals ruling. This settlement is tough, but reasonable and fair to all parties involved. Consumers overwhelmingly agree that settlement is good for them, the industry and the American economy.

Rick Friedman
104 Charlemagne Circle
Harvest, AL 35749

MTC–00009480

From: Tony Davis
To: Microsoft ATR
Date: 1/8/02 6:44am
Subject: Comment

Good morning

I am chief geek of my enterprise. As system administrator I have considerable freedom to do what I wish but the requirement to relate to Microsoft using clients, who produce for example .doc files, means that we have to own use Microsoft products. I have asked for information about file structures but am told it is proprietary information.

For some of my clients, we go to considerable lengths to allow them to reproduce material in non Microsoft format. Why? The suggestion is that Microsoft will move to annual licensing. Should they do that and, for whatever reason, my client choose not to continue to purchase these licences all their intellectual property held in Microsoft proprietary file formats will become inaccessible to them. Please require Microsoft to release the structure of their data forms so that users of other software may import their files.

Please insist that Microsoft take no action which will deny any user of their software continuing free access to that user's intellectual property.

Tony Davis
DAVIS INTERNET CONSULTING

MTC–00009481

From: Sam Sheterom
To: Microsoft ATR
Date: 1/8/02 6:49am
Subject: Microsoft

It is time for the Justice Department to end this witch hunt against Microsoft. Free Enterprise works if the government will let it. Former president Clinton was against Free Enterprise and therefore sent his lap dog Janet Reno to attack Microsoft. Why? Because they were successful? Because they were innovative? No because they were the number one in software. The competitors whined and cried to Clinton and he said ''Oh, how awful, you're not the best so I'll attack the best and break them up. that way the not so goods can be bigger.'' (Not an exact quote).

It's time to stop! To put everything to bed and leave well enough alone. Let free enterprise work the way it's supposed to. The cream always floats to the top.

Respectfully
Samuel G. Sheterom, Jr.

MTC–00009482

From: Velma
To: Microsoft ATR
Date: 1/8/02 6:54am
Subject: Microsoft Lawsuit

I believe the government should keep it's hands out of the Microsoft situation. If other companies don't like the way Microsoft is selling so well in the market place, they should invent another system that is better. . . isn't that the American way??? The government should drop any and all lawsuits against Microsoft.

Velma A. Moore

MTC–00009483

From: rkeller3@csc.com@inetgw
To: Microsoft ATR
Date: 1/8/02 6:56am
Subject: Microsoft Case

You need to get off the back of Microsoft. Microsoft has provided us with standardization which has increased the productivity in application writing, as well as, the use off OS and office components. Every corp., including the government has benefited.

Besides, I observe prejudice. Why are you not equally concerned about the harmful internet, media monopoloies ie. AOL and COMSAT? In my opinion, they exist only to be damaging.

MTC–00009484

From: Alex Burkhart
To: Microsoft ATR
Date: 1/8/02 6:58am
Subject: Microsoft Settlement

Alex H. Burkhart
6607 Northshore Dr.
Knoxville, TN 37919
January 7, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

The intention of this letter is for me to go on record as being a supporter of the settlement that brought an end to the antitrust lawsuit between the Department of Justice and the Microsoft Corporation. The lawsuit dragged on for three years, and now that it is over, the economy has a chance to get back to where it used to be.

The economic downturn actually started when the suit against Microsoft was announced, and now the United States is in a recession. I cannot understand how the government missed the fact that the suit against Microsoft was actually detrimental to the economy. However, all of that is behind us now, and we must focus on getting back to where we used to be. The settlement is good for competition and the economy, and we must push forward.

Thank you for your time, and again, I am going on record as supporting the settlement between Microsoft and the Department of Justice.

Sincerely,
Alex Burkhart

MTC–00009485

From: Milo—Valencic@fpl.com@inetgw
To: Microsoft ATR
Date: 1/8/02 7:05am
Subject: Microsoft Settlement

Let's get on with the real world and finish this waste of taxpayers—mine—dollars.

Complete this phony anti trust farse.

Milo valencic

MTC–00009486

From: joel lewis
To: Microsoft ATR
Date: 1/8/02 7:19am
Subject: Microsoft Settlement

As a taxpayer and a citizen of this great nation, I urge you to agree to the settlement with Microsoft and end this abuse of the Anti-Trust Act by the Justice Department.

Sincerely,
Joel Lewis

MTC–00009487

From: Ingo Stainer
To: Microsoft ATR
Date: 1/8/02 7:25am
Subject: Microsoft Settlement

To the Anti Trust Division of the Department of Justice

Let me just mention a statement from the settlement itself: ''Following a 7-day trial in late 1998 and early 1999, the United States District Court found that Microsoft had violated both sections 1 and 2 of the Sherman Act. On appeal, the United States Court of Appeals for the District of Columbia unanimously affirmed portions of the district court's finding and conclusion that Microsoft illegally maintained its operating system monopoly in violation of section 2 of the Sherman Act, but reversed and remanded other portions of the district court's determinations. Specifically, the court of appeals reversed the district court's determination that Microsoft violated section 2 by illegally attempting to monopolize the Internet browser market and remanded the district court's determination that Microsoft violated section 1 of the Sherman Act by unlawfully tying its browser to its operating system.''

That means Microsoft found guilty in illegally maintaining its monopoly. With the settlement agreement Microsoft would be allowed to further on maintain this monopoly.

That would bind the whole Operating System and Internet development to Microsoft.

And that would result into the well known development speed of selling a release, releasing some bug fixes, selling a new version (with some new features and even more bugs), releasing bug fixes again and then starting all over again.

Microsoft is not interested in putting more effort to improve its product but in selling more software at high prices with low reliability. And the reason why they can do that is that they have the OS monopoly. Probably you are wondering why I say so and still use Microsoft. The reason is that our company sells solutions of third party software developers who only provide support for Microsoft Operating Systems due to the monopoly they have.

I am trying to avoid Microsoft Software in many cases because of its low reliability and incalculability. Being a System Administrator for Windows and Unix I know what I am talking about.

Agreeing to this settlement would be a big win for Microsoft and its lawyers but would mean great loss for all Computer users. This is my personal statement and does in no way reflect any company opinion.

Best regards
Ingo Stainer
Jambou
(+49 (89) 410 738—82, mobile: ++49 (0) 179 510 38 99
mailto:ingo.stainer@jambou.com Visit our WebSite: http://www.jambou.com

MTC–00009488

From: The Dour Celt
To: Microsoft ATR
Date: 1/8/02 7:38am
Subject: Microsoft Anti-trust Case

Let's drop the charade perpetuated by Bill Clinton and Janet Reno that successful businesses must be engaging in unfair business practices. Microsoft has no more a monopoly in software than IBM had in desktop computers. When someone comes along with something better, the consumer will buy it.

Arthur McGinley
mcginley@chartertn.net

MTC–00009489

From: Barbara Tomek
To: Microsoft ATR
Date: 1/8/02 7:34am
Subject: Microsoft

I think it is time to end the abuses of the Clinton administration and time to quit wasting the taxpayers money on Microsoft. It does not make sense to punish a company for being good and being able to capture most of the market.

Thank you, Barbara Tomek

MTC–00009490

From: Duane Erlandson
To: Microsoft ATR
Date: 1/8/02 7:57am
Subject: Settlement

I support the Microsoft settlement that has been proposed—please do not waste any more time and money going after a company that is not causing harm.

Thank you.

MTC–00009491

From: adinardi
To: Microsoft ATR
Date: 1/8/02 8:04am
Subject: please wake up

Get off the stick and let the company that had more to do with advancing technology do business their own way. If you had some sense you would tell would be entrepreneurs to follow Microsoft's lead. Truly this is what America can offer you if you develop a product so good that people DO NOT want anything less. Yet you stifle the best to prove some juvenile point.

A DiNardi
East Haddam CT

MTC–00009492

From: Hasenbein George-G14197
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/8/02 8:22am
Subject: Microsoft Settlement

Please end the Clinton-era misuse of the Anti-Trust laws. Let real competition settle the issue.

Sincerely,
George H. Hasenbein

MTC–00009493

From: Eric Kassan
To: Microsoft ATR
Date: 1/8/02 8:24am
Subject: Microsoft Settlement To whom it may concern,

I believe the proposed federal settlement is excessive and I am more than appalled that my state, California, claims more damages are in order. My state's attorney general and the Department of Justice to a lesser extent are NOT acting on my behalf or in my best interest or the interest of the citizens of the United States by attacking the company most responsible for the solid economy of the 1990s. It is not a coincidence that the economic downturn and the initial judgment occurred near the same time.

Thank you.
Eric Kassan
Woodland Hills, CA

MTC–00009494

From: Brandyrd@aol.com@inetgw
To: Microsoft ATR
Date: 1/8/02 8:28am
Subject: trial

BILL GATES SHOULD BE GIVEN A TRIAL DELAY!

MTC–00009495

From: KGRRS@aol.com@inetgw
To: Microsoft ATR
Date: 1/8/02 8:30am
Subject: Microsoft Settlement

I am a consumer of computer hardware and software products, both as aretail home user, and as owner and operator of an $18,000,000 per year information technology services consulting company. My viewpoint encompasses both personal and business aspects, and it is that my government should settle this lawsuit immediately, without further harassment of Microsoft, on these grounds.

1. I remember when there was no real market leader in this area and there was rampant, costly, unproductive competition. Companies and consumers wasted much money on products that were incompatible, inefficient, poorly produced and all too often short lived. Microsoft's technical and market leadership has produced an orderly market, where users of this technology can invest with the certainty that the product and vendor will be there tomorrow, and that this investment will not be wasted. Yet there is still room for true invention, as new products are still produced, even today. LINUX software is an example.

2. This entire litigation has roots in the political process. In the pre-'96 national election process, Bill Clinton went to Silicon Valley to raise funds for the his reelection and his Democratic party. The largest contributors were the Barksdales and Ellisons (Netscape and Oracle) of the technology world, the biggest complainers about and competitors to Microsoft. Lo and behold, shortly after he raised millions of dollars from them, the United States Department of Justice initiated this lawsuit.

3. At a personal level, I see the United States government using my tax dollars to cripple one of the most successful companies, and entrepreneurs, of our modern times, for very dubious reasons and non-existant benefits to anyone but the trial lawyers and the Silicon Valley moguls. And as an entrepreneur in my own right, albeit a lesser scale than Bill Gates, I see my government's efforts here as a disgusting bullying by lawyers who produce nothing against people who actually produce goods, services and jobs for society.

Kenneth Podd = KGRRS@aol.com

MTC–00009496

From: John Paoloemilio
To: Microsoft ATR

Date: 1/8/02 8:31am
Subject: Please stop the govt. intrusion on microsoft and any Please stop the govt. intrusion on microsoft and any other co. in the US,,let the free market determine the outcome of microsoft.
Thank you
John Paoloemilio

MTC–00009497

From: FRANK MEGOW SR.
To: Microsoft ATR
Date: 1/8/02 8:33am
Subject: microsoft farce
Get off microsoft's back the only reason this has gone this far is Bill Gates wouldn't lay down and play dead to the democrats demand for money.
Sgt Frank J. Megow Sr. (retired USA)

MTC–00009498

From: Josephine Cunningham
To: Microsoft ATR
Date: 1/8/02 8:35am
Subject: Picking on Gates
Why doesn't the justice department go after the big monopoly of our goverment instead of picking on Gates who has done more to keep our economy growing than any fat politician in Washington? Michael Gates has earned every cent that he has. I thought there was some-thing called ''Free Enterprise'' in this country. I do not begrudge anyone the fruit of their own labor. The goverment should not be allowed to take anything from any individual (or his corporation) and distribute it to another. By squashing those we deem more successful than ourselves we stifle our own quest for excellence. Let's learn from Gates instead of destroying him.

MTC–00009499

From: MFave64687@aol.com@inetgw
To: Microsoft ATR
Date: 1/8/02 8:40am
Subject: Microsoft Settlement
Gentlemen.
I don't often write to voice my opinion, I guess that I'm just part of the so called ''silent majority.'' But in this case, I'm very happy to report that you, my government did the right thing by settling the Microsoft case. It's not often that I can say this with conviction. Now we can all go back to doing more important things, like finding Osoma Bin Laden and finding what really happened with the ''Rich'' payoff to President Clinton.
Sincerely,
M. V. Favetti
6445 State Rd.
Parma, OH 44134

MTC–00009500

From: tim1holtz@keyconn.net@inetgw
To: Microsoft ATR
Date: 1/8/02 8:48am
Subject: get it over with
I am commenting on the Microsoft anti-trust case. Please accept the settlement on the table and end the witchhunt. I can't believe that in America if you build a better product and proceed to whip everybody's butt in the marketplace that you end up in court over it. What kind of message is this sending to would be entrepeneurs in the greatest country in the world? We are not (yet) a socialist country and freedom to make the best products and the most profits must be preserved. End it now. Thank you for accepting my comments.
Sincerely,
Timothy J. Holtz
Altoona, PA

MTC–00009501

From: Bruce H. Uhl
To: Microsoft ATR
Date: 1/8/02 8:50am
Subject: Microsoft Settlement
To: Justice Department
I am writing to let you know that I support the Microsoft agreement.
It is time to end Clinton-era Anti-trust law abuse. The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and was a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.
Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.
The Microsoft settlement is tough, but reasonable and fair to all parties involved. Consumers overwhelmingly agree that settlement is good for them, the industry and the American economy.
Sincerely,
Bruce Uhl
bhuhl@rcn.com

MTC–00009502

From: gary n. hays
To: Microsoft ATR
Date: 1/8/02 8:50am
Subject: microsoft settlement
i support the microsoft settlement. it is time to let the companies and consumers decide on what is best by using the market place rather than the courtroom.
gary n. hays

MTC–00009503

From: Carol—
Madsen@ReadersDigest.com@inetgw
To: Microsoft ATR
Date: 1/8/02 8:51am
It is time to end the Clinton-era anti-trust law abuse—I support the It is time to end the Clinton-era anti-trust law abuse—I support the Microsoft settlement. The trial squandered taxpayers' money, was a nuisance to consumers and a serious deterent to investors in the high-tech industry. It is time to end this trial and the wasteful spending accompanying it so the industry and the economy can get back on its feet again. A settlement will be good for consumers, the industry and the economy.
Thank you.

MTC–00009504

From: DON CAMPBELL
To: Microsoft ATR
Date: 1/8/02 8:54am
Subject: MICROSOFT
Can you imagine the price of computer software had Microsoft not had the innovative touch. Did they have a monopoly, probably yes, only after they provided the innovativeness to succeed in product development. They cannot be nearly as bad as big oil after all their mergers. U.S. broke this up once, do they have to again.
Hit Microsoft with a reasonable penalty, get the states' dollar hungry lawyers of their backs and let them do business in a revised way.
DON CAMPBELL

MTC–00009505

From: Schulze, Bob
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/8/02 9:02am
Subject: one company for OS-another for apps
The answer is: the company that creates the operating system MUST be seperate from those that make the applications for it. Otherwise, the OS can keep changing/shifting on the competitors (making their apps not work as dependably) while catering/designing to the nuances and changes of their own applications.
This has been happening for years and it's only getting worse. AND.....whatever you do, DON'T PUNISH?.. MS BY LETTING THEM FLOOD THE EDUCATION DEPT WITH THEIR OS AND APPS.....to put it politely, that is the complete opposite direction and effect.
Thanks,
Bob
Bob Schulze
Network CAD Specialist
Elcom Services Group
ph: 215–826–6134
fx: 419–793–3814

MTC–00009506

From: Creedy, Rosemary
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/8/02 9:02am
Subject: Microsoft judgment
EXCELLENCE AND SECURITY
Excellence and security are what is needed within the IT industry. Microsoft should be restricted because they are not the BEST in all areas. We need to allow free IT growth in a competitive market or we shall all be worse off. Example: There are useful little cars but it would not encourage excellence if they were automatically ''included'' with a road tax/licence for a vehicle. This would reduce the market share for specialist excellent cars at the top of the range.
Please uphold the court judgment against Microsoft in a manner that will truly stop Microsoft products being forced onto consumers. ''Punishing'' Microsoft by ''allowing'' them to donate hundreds of PCs to schools is hardly a way of reducing their encroachment. This method of fining Microsoft should not be allowed. Once their stranglehold is complete they will be free to increase licence fees every year and the world will be held to ransom.

Microsoft has already invaded US government departments and is fast taking over all IT implementations in the UK government. A commercial corporation should not be placed in a position where it can make demands on the governments of countries. There should be a ruling that forces Microsoft to make available the basic code that would allow all docs produced in Microsoft to be used by other software packages. Also Microsoft should not be allowed to build in ''planned obsolescence'' which forces users into an endless cycle of having to upgrade their software in order to be able to read email attachments from the latest Microsoft product.

What would the motor industry be like if we were forced to upgrade all the electronic components in the car every year in order to be able to continue to use certain major highways?

It could even be said the Microsoft does not sell the goods that it purports to sell as it does not notify the buyer that the full functionality of the product will begin to decrease after about 6 months as it becomes less and less compatible with the newer releases of Microsoft software. If Microsoft did not hold this unacceptable monopoly it would be possible to send older second-hand PC's and software to third world countries for their use. This is not practical when the software becomes obsolete simply because it is no longer compatible with the latest Microsoft offering.

Microsoft is so intent on increasing their market share that they are exposing us to enormous risks from hackers and viruses. Please free us form the tyranny of Microsoft and encourage them to use their considerable resources and expertise to pursue excellence and security. If they are as good as they think they are they should be able to cope with excellent competition and this should serve to spur them on to greater things. Microsoft were found GUILTY —- please allow the judgment to be EFFECTIVE in RESTRICTING their monopoly and unacceptable domination of the IT industry.

Rosemary Creedy
Website Administration Officer
Education Department
4th floor
New Town Hall
Wandsworth Borough Council
Wandsworth High Street
London
SW18 2PU
tel. 020 8871–8012
rcreedy@wandsworth.gov.uk

MTC–00009507

From: Kumarjit Ray
To: Microsoft ATR
Date: 1/8/02 9:04am
Subject: Microsoft Settlement

Dear Sir(s), it is great to know that the DoJ has agreed upon a settlement with Microsoft. I am not only a law student, but have been using Microsoft MSDOS since 1986 on an IBM 8088 PC. i know that all the products are not perfect but Microsoft does come up with excellent programs such as Word 97 and Win 95. it would indeed be an overkill to see the company broken up simply because their OS outsold those of others. My fullest support for Microsoft!!

Kumarjit Ray
Calcutta, India

MTC–00009508

From: DeLoy Denning
To: Microsoft ATR
Date: 1/8/02 9:06am
Subject: End Clinton Witch Hunt

With all due respect, I would like to see the matter with Microsoft setteled without further court action.

I am a microsoft customer and I find the cries of unfair are not justified. I do not use all of the products supplied with Microsoft and feel that choice to use or not use is up to me, not the courts. Other companies package other programs with their packages, do we go after them next.

I am sure that I do not understand all the parts of this lawsuit, but I know that putting business down does not enhance our ecconomy.

Sincerely,
DeLoy Denning

MTC–00009509

From: Alan Jorgensen
To: Microsoft ATR
Date: 1/8/02 8:59am
Subject: Give Microsoft hell

I think the consumer will be better served if Microsoft is broken up and Bill Gates goes to jail. Filing an anti-trust law suit against Microsoft is probably the only good thing the Clinton administration did. Of course they fouled that up also. Bill Gates and Microsoft are the same kind of obstacle to progress and free enterprise that Bell telephone was. Maybe worse. Liberty and the consumer are not served when one person or company is able to thwart the development of new technologies that would be good for the consumer. Microsoft is a blatant obstacle to competition and free enterprise. On this issue I strongly disagree with USDOJ.

AWJ
Alan W. Jorgensen
MHTN Architects, Inc.
420 East South Temple, Suite 100
Salt Lake City, Utah 84111
Phone: (801) 595–6700 Fax: (801) 595–6717
www.mhtn.com
alanj@mhtn.com

MTC–00009510

From: barbara hatch
To: Microsoft ATR
Date: 1/8/02 9:08am
Subject: suit

The next thing will be complete Socialism by liberals in that they will redistribute all the wealth in the country because ''it's not fair''. Well, life's not fair, so get a grip and get on with it. You either survive and thrive, or snooze and loose!!! Leave Microsoft alone! Common sense is not so common.

Voltaire

MTC–00009511

From: Clifton Patrick
To: Microsoft ATR
Date: 1/8/02 9:09am
Subject: Microsoft Antitrust Settlement comments

Sirs:

Please review the findings of fact from this case and I believe therefor that the proposed Microsoft Antitrust Settlement as reported in the media is inadequate!

Microsoft has clearly behaved in a anti-consume and predatory manner. Microsoft has inhibited innovative competition by intimidation and acquisition. Microsoft has a poor historical record on the use of personal information in violation of its own published privacy policies. Microsoft has, by its predatory practices, discouraged investment capital in tech industry.

Microsoft has, by its restrictive oem licensing practices, has intimidated the oems from offering non-Microsoft products preinstalled on new computers. Microsoft has a clear history of co-oping open standards into their proprietary standards. Such as instant messaging, JAVA, XML, etc. I am sure that there are many more examples, but as a layman and not a computer expert, these are the ones that I am aware of. Microsoft has decreased entrepreneurs in tech industry because of their ruthless suppression of competing technologies or businesses that they perceive as a threat.

Microsoft has used subterfuge in the guise of technical hype instead of real unbiased technical merit to attack alternative products. Microsoft has so restricted access to their software details as to make it extremely difficult for non-Microsoft products to interact correctly with Microsoft products. As an example of this, they often change the file format of their programs so that third party products can not read data files of these newer versions, thus compelling consumers to buy more Microsoft's software instead of alternates.

The Microsoft offer to supply products to schools further expands their monopoly in the marketplace. It would be more in the spirit of antitrust to give these schools the cash to spend on the products of their chose without the interference of Microsoft!

Microsoft has not complied with the word and spirit of earlier settlements and this should therefor demand the most strict controls in this settlement to enforce compliance!

Respectfully,
Clifton Patrick
Property & Casualty Insurance
119 Brookside Ave.
Route 17M
Chester, NY 10918
Voice and fax 845–469–7645

MTC–00009512

From: Billie Burns
To: Microsoft ATR
Date: 1/8/02 9:09am
Subject: Microsoft investigation

It's time to end the Microsoft investigation. What a waste of taxpayers' money.

Billie Burns
Williams Brothers Construction Co., Inc.
713–522–9821
fax: 713–520–5247

MTC–00009513

From: Bailey S Kurtz
To: Microsoft ATR
Date: 1/8/02 9:13am
Subject: Lawsuit

Please end this insane lawsuit against Microsoft. Thank God the Clinton's years are over.

Bailey Kurtz
Lexington, KY

MTC–00009514

From: armen.meguerditchian@us.pwcglobal.com@inetgw
To: Microsoft ATR
Date: 1/8/02 9:22am
Subject: Microsoft Settlement

Dear Sir:

I am writing in support of further resistance to the proposed national settlement. As part of an organization which implements large software packages to corporate desktops, I find we are often in the situation where Microsoft's divergent support of industry standards (or clear refusal, as in the case of Java) cause us to create functional work-arounds to be able to implement software to the clients.

The impact of this is measured in soft dollars, as it entails hundreds of additional man hours to make these products work together. Armen Meguerditchian

Principal Consultant

Note that these are my own views and not necessarily representative of the entire firm.

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MTC–00009516

From: Terry Price
To: Microsoft ATR
Date: 1/8/02 9:21am
Subject: Time to Let it Go

Give up on this. Time to let it go. Few have done as much for this country than has Bill Gates. Stop the pandering to those Clilnton era attorneys and dump it.

Terry Price
Reading, Pennsylvania

MTC–00009517

From: jdca@capital. net@inetgw
To: Microsoft ATR
Date: 1/8/02 9:21am
Subject: Feedback on Microsoft Anti-Trust Case <Microsoft.atr@usdoj.gov>

To whom it may concern:

First of all let me say I'm glad to see that the DOJ has backed off somewhat on the severity of the penalty phase of this ant-trut trial. However, there are many in the software industry that will complain and raise issues no matter what the outcome. In particular I am talking about the Sun's and Oracles of the world. They are, in my opinion, a bunch of whiners. Consumers have a choice in what OS and what apps they put on their desktop. It just so happens that Sun and Oracle are not preferred products for most home users and many businesses. The suite of applications for hte Windows environment is much, much larger than any of the other OS's because it's the most popular. There is a market in the Windows environment for software developers to create products. Microsoft should not be penalized for this. In addtion, as a software developer, Microsoft in no way controls the software development environment for Internet applications. In fact, they are a step behind the Sun's, Oracle's and Unix flavors of the world. One could just as easily build an enterprise on Solaris, Apache and Oracle DBMS applications as it could on Microsoft. A fact that MS realizes ala .NET.

Now that the desktop OS is moving in the direction of just an Internet browser, the playing field is definitely level. If there is to be any punitive damages directed toward Microsoft the focus must be narrowed down to a clear anti-trust issue and not directed at the company as a whole by breaking it up. Breaking the company up is a gross exageration of the intent of the anti-trust laws. The anti-trust laws are outdated when it comes to technology and technology companies. What could be considered a monopoly one day may not even exist the next. Just look at Xerox, Apple (as it related to the Apple II), Texas Instruments. All were leaders in their respective industries at one time but are now just minor players in the global industry.

Thanks for taking this feedback.

Sincerely,
Jeff Yates
Albany, NY

MTC–00009518

From: Robert M. Taylor Sr MD
To: Microsoft ATR
Date: 1/8/02 9:24am
Subject: Microsoft lawsuit

It appears to be in everyone's interest to settle the Microsoft law suit as quickly as possible. The proposed agreement seems equitable.

MTC–00009519

From: Andrew C. Bairnsfather
To: Microsoft ATR
Date: 1/8/02 9:25am
Subject: Conflict of Interest

Conflict of Interest

I don't think you are stupid. On the contrary, but I am still going to try to step through this logically and hopefully not confusingly or insultingly, although I do take a cynical and plodding tone from time to time, please don't take it personally. Thanks. First, a short quote from Steve Ballmer.

From <http://www.zdnet.com/zdnn/stories/news/0,4586,5100151,00.html?chkpt=zdnnpltp01>:

''We went and said, 'Hey, we have some ideas for an all-purpose box, kind of a PC, kind of a video game machine, kind of a set-top box.' You know what they said? They said, 'Get outta Dodge, we're not going to write software for that thing,'" Ballmer said. I believe I know one of the most significant reasons as to why they said that to Mr. Ballmer's face.

CONFLICT OF INTEREST.

Microsoft already writes the operating system. AND they also have grown increasingly in control of many software application markets: word processors, spread sheets, presentation applications, databases, web browsers, and continue to threaten the availability, and usability of many ''3rd party'' software applications.

Microsoft's control would be nearly total. Third party vendors can write software to Microsoft's X Box API and if they do a good job they can even re-sell some of the code they've written for their own games to other companies to use. This is nothing new I believe. But the problem is when Microsoft takes other people's code and includes it in their system. I don't remember how many years ago it was, but MS did incorporate software for disk compression in their operating system, disk compression software that wasn't theirs. They lost in court, had to pay damages I believe, and had to recall many copies of MS DOS 6 something—I think it was during that version of MS DOS.

Apple also took them to court for stealing parts of QuickTime. Fortunately for Apple, unlike the disk compression incident, the pirated QuickTime code was only in beta copies of the Microsoft software; Microsoft was distributing it, but only to individuals/organizations writing code (or otherwise joined to them as a developer) for Microsoft's operating systems.

There are three main layers you can think of when dealing with a computer. Even four, but the fourth is created by you.

1. Hardware. Akin to the engine, it's the physical part.

2. Operating System. Provides basic (and advanced ;-) functionality to the applications (windows, menus, buttons, etc...), provides a means to control the hardware (volume, monitor brightness/contrast).

3. Applications. You run these to create and manipulate data.

4. Data you create and/or push around. Since Microsoft has so many operating systems it seems perfectly logical to divide them up in to two companies to divide their conflict of interest: a system software company, and an application vendor. They also have hardware offerings, but I know very little about it. So I don't know what to do with their hardware offerings at this point, to have them go to the OS company or the application company, or have them be their own company if they want. Oh, I left out the part where they also want to own the cable companies that install, and tend the wires to the house from the distribution points. Hmm...I think they already do own a number. And I also shouldn't leave out the part about how they own a broadcasting company it seems, MSNBC. Do I really think I'm going to see objective and continuously fair news items, TV shows, etc.., on a station that's owned by Microsoft? No. The content will be influenced. (On a side note I don't believe media outlets should be owned by product vendors.) So let's see, they already own a broadcasting company, they own some cable companies that bring it to your door, they attempted to make a box the cable will connect to, and they write the operating system for the box, and they also write games for the box.

I think even their developers recognized a bad thing when they saw it. Here is the next paragraph of the article where Steve says the XBox is just the start. ''We came back a year later and we said OK, we're going to start by

doing the world's greatest video game machine, and they said OK, let's talk,'' Ballmer said.

The last paragraph:

''We know we have to succeed, but there is a broader concept there that we will pursue at some point,'' Ballmer said. ''You can say, is it the end of the road or is there a bigger play? And the answer is yeah, there's a bigger play we hope to get over time.'' Proverbs 20:5, ''The purposes of a man's heart are deep waters .....'' (Disclaimer: Am I saying Apple should be immune to being ''broken up''? No, at some point it could become necessary to divide Apple along the aforementioned logical parts (hardware, operating system, applications) but Apple is hardly an economic threat to the same number of companies that Microsoft is now.

I saw a commercial when I lived in Alabama. It was a commercial for Microsoft in general, not a product spot light, but just a ''warm fuzzy'' commercial touting their good deeds in education and such. However they, didn't show many, if any at all, computers running any of their operating systems. They showed Apple hardware and the Macintosh operating system. The advertisement even focused in on children using the computer and interacting with a panoramic photograph of a scene, using QuickTime. They were already caught once stealing actual lines of code from QuickTime and here they are confusing the audience in to believing the panorama was being viewed on a Microsoft operating system. The irony is that you *can* view a QuickTime panorama on Microsoft operating systems, but that's thanks to Apple writing that software, not thanks to Microsoft as the advertisement incorrectly displays.)

I believe my small business in Alabama where I tried to establish myself taking panoramic photographs was impacted negatively by Microsoft. Fortunately for me I now work for a company where I can take panoramic photographs. But I am upset at the thought of Microsoft using its monopoly in operating systems and applications to intimidate and influence hardware manufacturers to perpetuate Microsoft's operating system AND application monopolies. In other words Microsoft can influence hardware vendors not to include QuickTime on the hardware they ship. Apple is not going to go so low as to write software that intentionally crashes, slows down, or wreaks other havoc on the system (MS Word 6 ahem). I guess I'm tired of ranting now. But I still continue to be amazed at the number of people who don't see that there is a huge conflict of interest in the places Microsoft has extended its reaches, and their self-avowed eagerness to pursue it even more.

MTC–00009520

From: Kevin Ramos-Glew
To: Microsoft ATR
Date: 1/8/02 9:31am
Subject: Microsoft

MICROSOFT is great

Leave them alone! It's survival of the fittest.

Bill Gates is helping to bring technology to inner-city classrooms.

Find another cause.

Kevin

MTC–00009521

From: Christian Klein
To: Microsoft ATR
Date: 1/8/02 9:33am
Subject: Microsoft Settlement

I have been unable to locate information regarding the actual penalties Microsoft is being levied. I have heard through the media, that Microsoft will ''pay'' a penalty by donating software and equipment to schools. Assuming this is the case, this would not actually penalize Microsoft, but would allow them to create a market for their products where one does not currently exist. This market has been one of Apple's few competitive arenas with Microsoft. When updates to ''donated'' products become available, Microsoft will easily recoup any expenses incurred. Since their initial donation cost will be significantly lower than the sale price of the products, their actual penalty would be lower, allowing them to move into a new market and make a profit in quick time, while appearing to be either coming clean or even generous.

Again, assuming this is the case, I would encourage the DOJ to consider a penalty that would actually penalize the company. Microsoft could be required to provide equipment specified by the school, without regard to the manufacturer. Alternately, Microsoft could be required to provide free software and updates for all products to schools in perpetuity. I don't want to see the DOJ softening and letting Microsoft dictate the terms of their own penalty.

I have been appalled at Microsoft's conduct, and I ask that they be held accountable.

Sincerely,
Christian Klein

MTC–00009522

From: Delores Stafford
To: Microsoft ATR
Date: 1/8/02 9:33am
Subject: Microsoft

I respectfully ask that an end be put to the Clinton-era Anti-trust law abuse on the Microsoft case.

Delores S. Stafford

MTC–00009523

From: David Cooper
To: Microsoft ATR
Date: 1/8/02 9:33am
Subject: Microsoft settlement

Sirs: I am in favor of approval of the Microsoft settlement.

David Cooper
Mullica Hill, NJ

MTC–00009524

From: Jeffrey Houchins
To: Microsoft ATR
Date: 1/8/02 9:33am
Subject: Microsoft Antitrust

Greetings,

While admittedly I am no great fan of Microsoft, I believe a free market economy depends on government staying out of the picture as much as possible. As a consumer I believe Microsoft has the right to bundle their products however they see fit. Let the market decide these matters. This situation reminds me a bit of Wal-Mart going into a rural community and putting all the Ma and Pa stores out of business. There are both good and bad effects to this, but a free market economy depends on freedom. Ultimately, me the consumer decides where to spend my money.

Here is my tale of Microsoft bundling causing me to change from Netscape Navigator to Windows Internet Explorer (IE). My first computer had Navigator on it and I loved it and resisted switching to IE simply because I was used to Netscape and had no reason to change. That is until I bought a microsoft game that required Windows to be the default browser if I wanted to play the game over the internet.

Although I went kicking and screaming, I had no choice but to switch over to Windows IE. Now that I am used to Windows IE I like it just fine. Netscape never made any games, or contributed in any other way to my internet usage. Microsoft has, and I believe that gives them the right to flex their free market muscles from time to time.

Netscape is a fine product, but if they plan on competing with the big boys they will have to depend on innovation and imagination, rather than turning to sniveling and whining to big brother to fight their battles for them. Govenment interference should be kept to a minimum, not only in this matter, but in all matters. Freedom depends on it.

Jeffrey J Houchins
MPLS MN

MTC–00009525

From: Chris Reade
To: 'microsoft.atr(a)usdoj.gov ','attorney.general(a)po...
Date: 1/8/02 9:33am
Subject: Microsoft Settlement

To Whom It May Concern:

As a partner in a technology consulting firm I work with the Microsoft products every day. And as a professional in the field I must urge you do more in this settlement. I beleive that Microsoft is a mean-spirited company whose only interest in the consumer's welfare is how much money can be extracted from them.

Given that Microsoft made a mockery of their previous consent decree and is likely to do the same with any conduct remedy I would like to register my support for the following settlement: Force the company to reveal the entire source-code for every release of the operating system. This may sound like a weak penalty, but I think you would find that it is the harsest penalty short of breaking the company up.

Although the company makes a great deal of money from Office and other products, Windows is the core that makes it all tick. It is my belief (and I am in no sense alone here) that Microsoft has code inside of Windows that favors the company's products and enables its programmers to leverage the system to the company's benefit. Further, I beleive that many other trust infractions would be uncovered if the operating system was released open-source. Additionally, it would truly make it possible for third parties to write future software on parity with the company's own software.

Given that conduct remedies are not likely to succeed and that breakup is not on the table, I beleive that licensing the source code would have the greatest effect.

Sincerely,
Christopher Reade
Partner
Carrollton Technology Parters
New Orleans—New York—Washington DC
creade@ctpllc.com
<mailto:creade@ctpllc.com>
office: 504–897–3429 cell: 504–616–5589
www.ctpllc.com <http://www.ctpllc.com/>

MTC–00009526

From: Frank Lawrence
To: Microsoft ATR
Date: 1/8/02 9:40am
Subject: J. RENO'S BLUNDER

Let's stop using taxpayers money on stupid deals like this, get back within the constitution, and go after criminals, not businesses trying to make a living for its employees, and a profit for its shareholders. Drop this suit, and get on with good gov't business.

signed by antique frank—they don't make them this good anymore!

MTC–00009527

From: ALSBERG4@aol.com@inetgw
To: Microsoft ATR
Date: 1/8/02 9:40am
Subject: Microsoft Settlement

I don't believe Microsoft has significantly hurt consumers and support the settlement that the DOJ has reached to resolve the litigation.

Sincerely
Eric Alsberg
1430 Voltz Road
Northbrook, Illinois

MTC–00009528

From: Jane Pehl
To: Microsoft ATR
Date: 1/8/02 9:47am
Subject: Microsoft

It is time to end the tyranny of the Clinton years! Get out of the life of American business and taxpayers!! Why are you not prosecuting true criminals like the Clintons and their accomplices during their eight year crimes spree?

Jane Pehl
San Antonio, Texas

MTC–00009529

From: Glenda Bowen
To: Microsoft ATR
Date: 1/8/02 9:42am
Subject: Microsoft Settlement

I support an end to the Microsoft Settlement.It is (in my opinion) an extreme waste of our tax dollars. I firmly believe that there is enough competition in the marketplace . People use Microsoft because it is their choice.

Thank you,
Glenda Bowen
198 Fanning Bridge Road
Fletcher, NC 28732
d.bowen@mindspring.com

MTC–00009530

From: PorterM@gtlaw.com@inetgw
To: Microsoft ATR
Date: 1/8/02 9:43am

I want to end Clinton-era Anti-trust law abuse

MTC–00009531

From: MClay70545@aol.com@inetgw
To: Microsoft ATR
Date: 1/8/02 9:46am
Subject: anti-trust

Gentelmen, Good morning from Dayton Ohio. I am writing with regard to Bill Clintons anti trust laws he so valiantly defended on good conservitive busniness like Bill Gate at Micro soft. The Liberal Democrates seem to dislike any one or any corporate successes they dont like any one or any bussinesses being successful and getting ahead In life unless Its them. Leave the good companies alone let them function under the free enterprize of our great country, dont let the sociolist Democrates keep ruining our lives. Thank you for you time. Merrill Clay a concerned American afraid of what Liberal Democrates are doing. Only you people can stop them

MTC–00009532

From: Joan Dambra
To: Microsoft ATR
Date: 1/8/02 9:46am
Subject: MICROSOFT

DEAR GOVERNMENT.

PLEASE*********Just leave this wondeful company ALONE.

JOAN DAMBRA....

MTC–00009533

From: Michael Frawley
To: Microsoft ATR
Date: 1/8/02 9:49am
Subject: Microsoft Settlement

To whom it may concern:

Please know that I am very dissapointed with the settlement the US Government has reached with Microsoft. As far as I'm concerned, the corporate structure (Bundled OS & Applications) that allowed Microsoft to stifle and eliminate competition is still in place. Where is Netscape these days anyway? Do you see anyone using that browser anymore? Their attorneys must be laughing a slapping backs over this one. If you had any MBA compare the remedies that are to be imposed versus continued monopolistic behavior, I can assure you that the latter is the better financial alternative.

We are talking about a company that currently sits on over $35 billion in cash. Compare that to your remedies. Any small company that wishes to provide PC software applications that compete in anyway with a Microsoft product had better think again. As a casual observer with no ties to the high tech or software industry, I have been alarmed at the predatory practices of Microsoft. It continues to this day. Just try to use a competing application on your PC. You should check out Windows XP and see the contempt they have for you. As a capitalist I admire Microsoft's aggressive and competitive tactics. As an entrepenuer, I am disheartened at the closed opportunities that will lead to the absence of software innovation.

I hope the nine states that are standing firm can help you remember the reasons why the suit was brought in the first place.

Regards,
Michael Frawley

MTC–00009534

From: Tony B
To: Microsoft ATR
Date: 1/8/02 9:51am
Subject: Microsoft Settlement

I support the settlement worked out between Microsoft, the Federal Government and the states aligned with the government in the anti trust suit. The settlement is good for consumers and the economy and should be approved as written. Moreover, the judge in the case, should pressure the remaining states to accept the settlement terms since the terms maintain competition in the marketplace, encourage innovation, and provide consumers with software choices at some of the most competitive (cheap) prices in the history of our nation. Moreover, the handful of states that are still pressing the anti-trust case are needlessly wasting taxpayer dollars and are engaged in a politically motivated vendata that has no benefit for consumers—their actions only benefit a handful of disgruntled Microsoft competitors who have not been able to effectively compete in the marketplace because of their poor strategies and inferior, overpriced products.

Thank you for listening to a happy consumer!

Sincerely.
Tony Bray

MTC–00009535

From: Michael Ubaldi
To: Microsoft ATR
Date: 1/8/02 9:56am
Subject: A Lesson in Laissez-Faire

Having received notice that the DOJ is accepting public comments regarding the Microsoft antitrust situation, I decided to pass along an op-ed I recently ran in a local newsletter.

Impatient creatures we are, we?re best off remembering that faith in time-honored institutions will straighten out even the most undesirable situations. Take the free market and personal computing, for instance. There are those of us who use Macintosh. There are those of us who use PC's with a Microsoft Windows operating system (OS). And then there are those of us who use Windows and are not satisfied.

Few PC-based alternatives exist, however, as Microsoft controls over 90% of the PC OS market. The major obstacle preventing a serious challenger to Windows is compatibility. Here's the tidy little paradox: nearly all applications for PC's are coded for Windows; users are unwilling to sacrifice their tools for another OS and decide to stay with Windows; vendors, unable to waste precious capital, cannot design for an OS that no one will use; alternate OS's are left with no programs with which to compete. So nearly all applications (and PC users) stick with Windows. The Clinton Justice Department saw in this an antitrust violation and resolved to gouge a rent in Microsoft for ?competition? to enter. Up went the circus

tents, in paraded the subpoenas and the biased rulings?thankfully, the Bush administration put an end to this nonsense. Down went the circus tents.

Last October, news media were alerted to a new PC operating system called LindowsOS. Unlike any other alternative OS, it will attempt to be compatible with all Windows programs. Appealing to small businesses, it hopes to capitalize on Windows dissatisfaction. A prototype will be marketed to the public by the second quarter of 2002 (http://www.lindows.com). As any other enterprise in a free market, Microsoft is vulnerable to perceived negligence; LindowsOS and other spoilers like it will either win PC users over with superior services or else give Microsoft good reasons to reach out to consumers. All this without Washington, D. C.?s meddling. It's overdue vindication for those who know that the best way to solve a simple market problem is to leave the darn thing alone.

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Michael Ubaldi

MTC–00009536

From: David Graham
To: Microsoft ATR
Date: 1/8/02 10:03am
Subject: Microsoft Suit

Dear overpaid Nazi bureaucrats:

Time to lay off Microsoft and go after the real criminals: Hillary, Bill and all of their theiving, traitorous ilk that started this unnecessary lawsuit in the first place. While you're at it, it is time to scrap the ''P.A.T.R.I.O.T.'' assault on our civil rights. Your disregard of the Bill of Rights is far more of a threat to America than all the terrorists in the world. You can also tell Attorney General Ashcroft I'm sorry I ever supported him. It's a pity his Senate opponent died and he survived.

A most dissatisfied customer,
David Graham
1625 Walnut Ave.
Grand Junction, CO 81501

MTC–00009537

From: Mark Leary
To: Microsoft ATR
Date: 1/8/02 9:58am
Subject: MS settlement

Please settle this matter, further litigation is just a waste of taxpayers money and besides is this not what we as Americans is all about FREEDOM to innovate.

Leave Microsoft alone! They have done so much good for the industry.

Mark J. Leary

MTC–00009538

From: Joyce Nymeyer
To: Microsoft ATR
Date: 1/8/02 10:04am
Subject: Microsoft Settlement

I support the Microsoft Settlement.

I want to end the Clinton-era Anti-trust law abuse.

Marlene Nymeyer
25508 South Klemme
Crete, Illinois 60417
joyce@nymeyer.com

MTC–00009539

From: Damstar1@aol.com@inetgw
To: Microsoft ATR
Date: 1/8/02 10:08am
Subject: Microsoft Settlement

It is high time for this trial, and the wasteful spending accompanying it, to be over. The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and was a serious deterrent to investors in the high-tech industry. I as a consumer have the right to choose what I want to buy. And I will choose Micrsoft products every time. They are superior to their competitors. These competitors should quite their belly aching about Bill Gates and his products. They should get off their dead butts and invent a better product if they want their share of the money. That is the American way. Not crying to government to bring a company down to their inferior level. Thank God that didn't happen with Thomas Edison, Henry Ford, Dodge brothers and all the other great entrepreneurs of America or we would be no better than the third world countries.

Sincerely,
Denise Morningstar
1019 S Division St
Whitehall, MI 49461–1701
email Damstar1@aol.com

MTC–00009540

From: Dorothy Wagner
To: Microsoft ATR
Date: 1/8/02 10:11am
Subject: Microsoft Settlement

Dear Sir or Madam:

I want to register my support for the Microsoft settlement. I believe it is in the best interest of me, the industry and the American economy.

Thank you,
Dorothy Wagner
465 Beach 133rd St.
Belle Harbor, NY 11694

MTC–00009541

From: Arnold Davis
To: Microsoft ATR
Date: 1/8/02 10:18am
Subject: Microsoft

Gentlemen, can we please stop this anti-business, anti-entrepreneurship, anti-anybody getting too far ahead of the masses in this country? It seems to me that our country has been on the slippery slope toward socialism for too long now. It's time to reaffirm that ours is a country of opportunity for all those who are willing to work to reap the benefits of our freedom. Let's stop discouraging Americans to excell by punishing them by taking from their hard-earned gains and redistributing to those with less initiative and drive. Microsoft is an American company providing thousands of good jobs and contributing greatly to our nation's economy. Sure they are competitive. They continue to improve and expand their product line and do it in a way that serves their customers well and favors the wider use of their product line. Why is this a no-no? Can't their competitors do the same? Who's holding them back? Customers have a choice. Microsoft is not shutting others out of the business. I am tired of the whining competitors who seek the governments' help in their attempts to limit Microsoft's marketing initiatives. If they can't win share from Microsoft on their own, then don't we have the best company with the best products and service out front?

Isn't that the way it's supposed to be in the land of opportunity?

Arnold Davis
Louisville, TN 37777

MTC–00009542

From: Charles Wood
To: Microsoft ATR
Date: 1/8/02 10:33am
Subject: Microsoft Case

Please end this trial and the wasteful spending of our tax dollars. This company did nothing but follow the rules set up by our government and it is being penalized for it. Get the government out of the way of companies that make this country work. Bureaucrats and the courts have no business in this case. Let the competitive nature of this business be the determining facture whether they succeed or fail.

Sincerely,
Charles Wood
2886 Ravenwood Drive
Snellville, GA 30078
770–972–2048
chckwd@bellsouth.net

MTC–00009543

From: JennFrankD@aol.com@inetgw
To: Microsoft ATR
Date: 1/8/02 10:38am
Subject: Microsoft Settlement

Your Honor,

As a computer user and lover of technology since the early eighties, I feel compelled to weigh in regarding the recent 'settlement' between Microsoft and the DOJ.

I've used computers since the firs Xerox Star, Apple Lisa, and DOS based PC's (before Windows). I also worked for New England Telephone/NYNEX/Bell Altantic/Verizon until July of this year in our Technology Center in Framingham, MA. This allowed me to see almost every kind of consumer computer available. I was and I am an avid reader of technology magazines and websites. I can distinctly remember in the early nineties, reading about Microsoft's tactics in establishing their monopoly. I wondered even then, how they were getting away with 'borrowing' Apple's look and feel and making exclusionary contracts with OEM's. Through the years, as I read about how they sabotaged DR–DOS, lied to customers about the ability of their software, produced false evidence in their trials, etc. I began to actually hate Microsoft and its executive board.

Since I was in charge of the Macintosh LAN at work, I was able to see firsthand how the Macs were never in need of consistent software patches or prone to the multitude ofproblems my PC counterpart encountered. It once took 3 technicians and four days of telephone support from Microsoft to get one PC to print properly. I just couldn't believe how any company got anything done using PC computers!!

Because of MS' thumbing of their nose at our free market economy and antitrust laws, we have become a country of billions of

dollars of lost production due to their software which is so unsecure and virus supporting that even the F.B.I. has to investigate it. This is ludicrous when one realizes that there are other options. Unfortunately, even after Windows XP was shown to be the most unsecure OS ever built, MS' stock went up. Why? Because they are such an entrenched monopoly that no company can afford to even think of using an alternative.

MS has so much money they were able to back two bidders in the auction for AT&T's cable business. No company should have that kind of power. I beg of you to stop Microsoft. They should have been broken up into three pieces; one that makes the OS, one that makes the applications like Office, and a browser company. The applications company would have definitely kept making Office for the Macintosh and would've loved to make a version for LINUX. (today, we have the AG's trying to force Microsoft to do what any other competitive company would normally do).

The browser company would have to compete with Netscape for business. The OS company would be forced to build better quality in their OS or else the app developers would build their apps for the most stable platform, which is UNIX based platforms like Mac and LINUX. Read the message forums at ZDnet.com. Even Wintel users are wary of Microsoft's power and this whole PASSPORT, HAILSTORM, .NET initiative that will let Microsoft put their tentacles into every single aspect of our daily lives.

You have the power to literally change and save the world of computing. I beg of you, please dish out the punishment a convicted, predatory, monopolist deserves. Break them up and let other, truly innovative companies rise to the top. You will be doing a great service to people like me who for ten years has seen the world of computing, which I love, languish and be held captive to the beast from Redmond.

Thank you for taking the time to read this letter.

Sincerely,
Frank D'Angeli
57 Pinkert Street
Medford, MA 02155
781 396–5815
Jennfrankd@aol.com

MTC–00009544

From: Gerry De Cave
To: Microsoft ATR
Date: 1/8/02 10:37am
Subject: Clinton-era anti-trust law abuse

Please stop squandering taxpayer's money in your pursuit of Microsoft. Competition means creating better goods and offering superior services to the consumer. The government should not be stifling progress and tying the hands of corporations. With the reins off the high-tech industry, more entrepeneurs will be encouraged to create new and competitive products.

Disgustedly,
Gerry De Cave

MTC–00009545

From: Breton, Mark
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/8/02 10:47am
Subject: I would like to see the case against Microsoft dropped, and for someone to I would like to see the case against Microsoft dropped, and for someone to put a stop to all the money being wasted in that proceeding.

Mark Breton
204 Hillcrest dr
Gallatin TN 37066

MTC–00009546

From: Pearson, Conrad
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/8/02 10:50am
Subject: Microsoft Settlement

As both a consumer and an IT Professional I have been against the antitrust action against Microsoft from the beginning. In the years that I have been using Microsoft operating systems, starting with MS–DOS 1.1, I have seen the cost of the software come down while the functionality has been greatly enhanced. There is another important consideration as well: standardization. Had I chosen to write this using MS-Word and send it to you as an attachment there is an 86% chance that you would be able to merely open it and read it. This was not the case 10 years ago, and it is because of Microsoft's clout in the industry that this wonderful standardization has taken place.

As a consumer, and as an IT Professional, I have alternative choices in the operating system and application software that I use and/or deploy and I have, in some cases, chosen the alternatives. For the most part, the Microsoft solutions are the best value. The antitrust action against Microsoft is not, in my opinion, in the interest of the consumer, is not in the interest of business in general, and is not in the interest of the computer industry. Perhaps from a standpoint of technical merit Microsoft is guilty, but if you consider the original purpose of existing antitrust laws I do not believe in Microsoft's guilt.

I believe that the role of the DOJ should be to insure that competition remains, but in doing so Microsoft should remain intact and it's history of innovation should not be constrained in any manner.

Conrad Pearson
Manager, Information Systems
Excellon Automation
phone: +1–310–534–6436
fax: +1–310–534–6777

MTC–00009547

From: Debbie Davis
To: Microsoft ATR
Date: 1/8/02 10:53am
Subject: Microsoft Lawsuit

The only thing accomplished by the lawsuit brought against Microsoft, is the hurting of the tech industry. The only reason 9 states are continuing the lawsuit is because the 9 states are in financial trouble, and I look at the lawsuits as blackmail. Please stop this. Noone is bringing these lawsuits in my name or to help me. All it has done is make me sure that I will NEVER buy anything from the companies that helped bring the lawsuits.

Debbie Davis
Dixon, CA

MTC–00009548

From: Ronald Stone
To: Microsoft ATR
Date: 1/8/02 10:53am
Subject: microsoft settlement

Please leave Microsoft alone and let the free market prevail.

Mr. and Mrs. R. W. Stone
N12356 Copenhaver Avenue
Stanley, Wisconsin 54768

MTC–00009549

From: ChuckHIehl@aol.com@inetgw
To: Microsoft ATR
Date: 1/8/02 10:58am
Subject: microsoft settlement

I think that the Microsoft settlement is fair and just,

MTC–00009550

From: Gerald Rosenberg
To: Microsoft ATR
Date: 1/8/02 10:59am
Subject: USAGRosenberg—Gerald—1035—0103

Gerald Rosenberg
3530 Mystic Pointe Drive, # 2115
Aventura, FL 33180–4541
January 7, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

I am writing you to voice my opinion in regards to the Microsoft settlement issue. I support the settlement that was reached on November 6th. I feel that this settlement is fair and reasonable, and I am relieved that this issue is resolved.

Due to this settlement, Microsoft has pledged to share more information with other information tech companies, Microsoft will follow procedures to make it easier to install non-Microsoft software and will disclose information about software codes in order to do this, and a Technical Committee (TC) will enforce the provisions at Microsoft's expense.

This settlement will make it easier to compete with Microsoft. I have been a user of Windows since the inception. From a personal standpoint, I want to say that no supplier of software to the computer gives better support to their customers. If you read the on line responses from users around the country you would see that the vast majority of negative comment about Microsoft only comes from their competition. Any one that offers a better program will capture the market. Let me enjoy my computer in peace and let Microsoft be there for me and others.

Sincerely,
Gerald Rosenberg

MTC–00009551

From: Jim Horn
To: Microsoft ATR
Date: 1/8/02 10:57am
Subject: Microsoft Settlement

We support the expeditious settlement of the Microsoft case. It is time to STOP the Clinton ERA anti-trust process that stifles fair competition.

James and Christina Horn
jfhorn@innernet.net

MTC–00009552

From: Ted Burgess
To: Microsoft ATR

Date: 1/8/02 10:59am
Subject: Microsoft settlement

I think it is time to end this Clinton era bashing. Lets stop this effort to hurt successful business enterprises.

Ted Burgess

MTC–00009554

From: Rose Marie Lavelle
To: Microsoft ATR
Date: 1/8/02 11:07am
Subject: for all the people, not the few

Let us move on with the things of today and not the pass, end it now!

ROBERT M.LAVELLE
122 WHISPERING PINE DR.
PALM COAST FL. 32164

MTC–00009555

From: Mary Smith
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/8/02 11:10am
Subject: Microsoft settlement...

I just wanted to ask for a speedy resolution to this settlement. I think that the agreeable compromise that Microsoft is willing to uphold and embraced by 9 states needs to be put through.

I believe in free enterprise, I am discouraged that those who are less innovative are able to take from those freely who are innovative and wise in business...

Get big government out of free enterprise.... Free enterprise works... We the people love Microsoft (#1 software) in the world... why??? Because of Microsoft's strong arm tactics? NO, but because it's user friendly, excellent products, what the world is using, excellent technical support and excellent interface capabilities.... It's too bad that we live in a nation where those who don't want to work so hard and aren't as visionary are able to whine and complain and hinder the work of those really great inventors who do work hard and come up with great ideas, great products, great results. It's time to tell the whiners to get a life... If they can't cut the mustard, get out of the kitchen... They and our Government are directly responsible for the downturn that the economy has seen in the technology industry.... It really makes one want to jump right in and invent something wonderful when those who are mediocre can jump in and tear down the best that there is... Shame on you!

MTC–00009556

From: russell—ivey@att.net@inetgw
To: Microsoft ATR
Date: 1/8/02 11:13am
Subject: Microsoft Settlement

I am an electrical and computer systems engineer who would like to comment on the ruling against Microsoft. I believe it is in the best interest of the consumer and the computer industry if Microsoft be prohibited from retaliating against an OEM if that OEM provides software on their machine which competes against Microsoft, or if the OEM provides a dual boot system.

I should like to mention a specific case as an example. The BeOS, created by former Apple employees among others, represents a substantial leap in OS technology, but has been unsuccessful in the commercial market, largely due to the lack of machines offered with BeOS as a native OS or dual boot alternative. BeOS is currently used in computers which are not personal computers, but commercial systems which allow editing of audio and video, and in many cases is the choice of professionals for multimedia work, choosing to write their own software for BeOS rather than use existing software and Microsoft Windows. BeOS has been bought by Palm, Inc. and dissolved, due to it's lack of market success, which I feel is directly related to the policies of Microsoft which kept BeOS from being offered side by side with Windows on PC's.

Please take into consideration the effect of Microsoft on BeOS in your decision. Thank you for your thoughtful diligence in this case.

Russell Ivey

MTC–00009557

From: Cabins519@cs.com@inetgw
To: Microsoft ATR
Date: 1/8/02 11:13am
Subject: Settlement

Quit the politics and let all of us move on with life, liberty and a bit of business sense.

MTC–00009558

From: noel harris
To: Microsoft ATR
Date: 1/8/02 1l:17am

Please leave Microsoft alone and go after real criminals, the worst of which are elected officials and their underlings.

Noel Harris

MTC–00009559

From: Scald Master
To: Microsoft ATR
Date: 1/8/02 11:16am
Subject: Microsoft Settlement

I am part of a worldwide network that is working on getting the BeOS or equivalent back into the market place, but there is no hope of success if the following issues aren't addressed:

1) MS Office needs to be opened, so that developers interested in porting it or understanding the document formats can do so either in form of a source code licence or an allowance to see it, check it and ''clone libraries'', so that applications on non-Windows OSs can read and write MS Office formats for flawless interaction with Windows users.

2) The Win32 API needs to be available so that BeWine can be successfully ported not only to BeOS but other OS too.

3) The file system needs to be opened, so that BeOS users can continue to access files on non-BFS partitions.

4) The ruling must include a ''must-carry'' rule, so that any OEM Microsoft is supplying Windows with HAS to ''dual-boot'' an alternative operating system, in this case BeOS, in order to remedy the damage MS has done to BeOS in the past.

''God is real, unless declared integer.''

Eu apoio a candidatura de Cthulhu a presidencia! Junte-se a campanha! http://www.cthulhu.org Parkinson's Fourth Law:

The number of people in any working group tends to increase regardless of the amount of work to be done.

MTC–00009560

From: Gen LaGreca
To: Microsoft ATR
Date: 1/8/02 11:25am
Subject: Microsoft Settlement

I believe that the anti-trust laws are non-objective and unconstitutional. Only coercion can cause a monopoly to form, which means only firms that are run and/or supported by the government can forcibly restrict competition from entering a field and be monopolies (e.g., the US Postal Service, the medallion cabs in New York City). We would not even have a computer industry if it weren't for Microsoft. The government has no means to give us a computer industry, but it thinks it has the power to suppress firms in it at will. I say laissez-faire, leave it alone! Leave Microsoft alone and stop persecuting big business.

Businessmen have a right to life, liberty and property, too, without being regulated out of existence by ''Big Brother.''

Genevieve LaGreca
405 North Wabash Ave., # 714
Chicago, IL 60611

MTC–00009561

From: Dickie Horn
To: Microsoft ATR
Date: 1/8/02 11:28am
Subject: Microsoft Anti Trust Suit

Dear Sir or Madam:

Lets end this Clinton era fandangle and let Microsoft alone.

Dickie Horn
Bartlesville, Ok

MTC–00009562

From: Keith Fette
To: Microsoft ATR
Date: 1/8/02 11:33am
Subject: Microsoft

2716 Bentley Court
Cincinnati, Ohio 45244
January 7, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to you today to ask for your support in the effort to bring the Microsoft antitrust case to an end. The best way you can do this is to show firm backing of the settlement you have reached with the Microsoft Corporation.

Certain anti-Microsoft special interests may try to derail this settlement or have it withdrawn. That is why this settlement needs your firm backing. These interests would have the public falsely believe that this settlement is too soft on Microsoft but this is not the case. This settlement discloses Microsoft's internal interfaces, a major concession and something that has never been done by a software firm before. This will allow competing firms to create better software to compete with Microsoft. This is just one of the major changes that Microsoft has made to make the IT industry more competitive. Any further continuation of this case will just be a waste of time and resources. A settlement is in the best interests of both parties and the American people.

Microsoft has done immeasurable good for the United States and does not deserve to be harassed in this manner, especially in light of the current depressed state of the

economy. The success of the economy is dependent upon the success of companies such as Microsoft who directly or indirectly employee countless Americans with very good jobs throughout every state of the union.

Sincerely,
Keith Fette

MTC–00009563

From: Tennisscormem@aol.com@inetgw
To: Microsoft ATR
Date: 1/8/02 11:36am
Subject: Microsoft Settlement

January 7, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I support the settlement reached by the Department of Justice and Microsoft several months ago. This decision was reached after a long, hard three year court battle. The settlement imposed a broad series of restrictions and obligations on Microsoft, even extending to products and technologies that were not at issue in the lawsuit. Further, a ''Technical Committee'' has been established whereby any third party will be free to lodge a complaint. I think Microsoft has more than paid for its success. Bill Gates was simply better, quicker, faster to put his product on the market, incorporating his software into computer technology. Such success breeds jealousy. However, it is over and done. It is time to move on. We need now to concentrate on our economy and one way to do this is to quit rehashing decisions that were made several months ago. Microsoft has contributed mightily to this country's economy, and the world's, and I think Bill Gates should now be allowed to go forward with his business and not be hampered by those who are not as good as Mr. Gates. I might add that Bill gates has done more for the TYPEWRITER than anyone age 40 or over could ever in their wildest dreams have imagined. I was a Business Education teacher for 20 years, and taught typing, including erasures, corrections, set-up, tabulation, letter preparation, filing, financial statements, and all of those things made so simple by our Bill Gates. Yes, life is more beautiful because of Bill, and I support the settlement. Thank You.

Sincerely
Donald Erskine

MTC–00009564

From: Nick Sayer
To: Microsoft ATR
Date: 1/8/02 11:32am
Subject: Reply comments to proposed settlement

Nicholas W. Sayer
2351 Sutter Ave #2
Santa Clara, CA 95050–6640
nsayer@freebsd.org

This is my response to the proposed settlement of US v. Microsoft as called for under the Tunney Act.

The proposed settlement is at the least inadequate and at most actually rewards Microsoft and punishes its competitors for its past behavior. It must not be forgotten that Microsoft has been found guilty of anticompetitive behavior. Any settlement must take into account what has been (it can now be said) proven in a court of law. If one wanted to be charitable and keep the major components of the settlement, one would have to demand that the section that talks about Microsoft being required to open its protocol specifications to certain well-heeled competitors be recrafted to require opening those specifications to everyone. The settlement ratifies Microsoft's monopoly on the desktop and seeks to insure a level playing field elsewhere. The position of open-source operating systems and software would be damaged beyond any possible repair if they were not allowed to participate as equal partners sharing in the same information as commercial entities. Disclosure of such information would not in any way harm Microsoft (we're not talking about Microsoft's unpublished source code. We're merely talking about specification documentation), and would certainly benefit consumers indirectly by giving them more choices for their backend servers, which would spur Microsoft to insure that their implementations were competitive both in price and quality. But the real pity is that all of the above presumes, as the settlement already does, that Microsoft's monopoly on the desktop is sacrosanct. It should not be. A much better settlement would address the root of the problem—the OEM agreements between Microsoft and major PC manufacturers, for it is the fact that OEMs are actually prevented by Microsoft from providing alternative platforms to consumers that makes alternative platforms unattractive. Such unattractiveness is the fount from which pour like a flood all advantages Microsoft has in the desktop marketplace. The following steps are necessary to address this:

1. OEMs should be required to list the cost of any and all Microsoft software supplied preinstalled on the computer at purchase-time as a separate line item. Customers should be allowed to purchase computers either without any such software at all (should they wish to purchase or otherwise obtain it elsewhere) or by choosing from alternatives offered by the OEMs. Microsoft argues that this would merely encourage piracy of their products. Such an argument completely ignores any possibility that suitable software could be found elsewhere (which clearly is the case despite Microsoft's monopoly). The status quo allows Microsoft to effectively levy a tax on all pre-built computer systems regardless of whether the user intends to actually use the supplied Microsoft software or not. Users who wish to run an alternative operating system are thus required to pay for two of them, one of which they will never use.

2. OEMs should be allowed to offer machines configured with multiple operating systems if they (and the customers) choose. Currently OEMs are barred from doing so by Microsoft. It is possible (indeed, it is a frequent occurrence) for one computer to allow the user to select at boot time from a number of alternative operating systems, giving the user the choice to select the one desired for the task at hand. Requiring the user to repartition the hard disk (throwing away the preinstalled software provided by the OEM at purchase time) in order to make room for alternative operating systems is a significant hurdle that solidifies Microsoft's death-grip on the desktop marketplace. If the settlement did nothing more than these two things, I believe it would be sufficient to reignite competition in the desktop operating system marketplace. Microsoft would not be punished beyond merely forcing them to be on a level playing field with everyone else. Isn't that the outcome that everyone wants?

Signed,
Nicholas W. Sayer

MTC–00009565

From: Holly Kirchofer
To: Microsoft ATR
Date: 1/8/02 11:39am
Subject: Microsoft Settlement

To Whom It May Concern:

I am a software engineer and I remember well what it was like before Microsoft came along. Computers were very expensive and very difficult to use. Every piece of software required it's own set of cryptic commands, none of it worked very well together, and it was very expensive. Microsoft standardized the PC and made it practical and affordable to own a PC. Some of the things that the Microsoft competitors are whining about are the very innovations that I appreciated from Microsoft. It is so nice to have everything integrated into the operating system; it makes life easier. From a consumer's perspective, Microsoft has had a very positive impact on this industry and has done more to benefit the consumer than all of the other companies put together. It's time to settle this case and let Microsoft once again focus on what they do best. I do use software from other companies beside Microsoft; I have this choice. However, if we want to talk about monopolies, let's talk about Bellsouth. I do not have a choice in the phone line coming into my house and it is a constant source of frustration when using the computer. Bellsouth does not provide hardware capable of supporting DSL or even a 56K modem in my neighborhood.

Sincerely,
Holly Kirchofer
kci4@worldnet.att.net
3105 N. Indian River Dr.
Cocoa, Fl. 32922

MTC–00009566

From: Nancy J. Tate
To: Microsoft ATR
Date: 1/8/02 11:42am
Subject: Microsoft Settlement
To: Department of Justice

RE: Pending Microsoft Settlement

I would like to give you a few comments on why I believe this case needs to be settled as quickly as possible.

1. In the current economic situation, we, the Country, do not need the uncertainty that this case is causing.

2. Many of the claims that have been made are not relative in today's environment. For example, I have the option to use whatever software I choose to on my computer. I am not bound by what is installed when I purchased it (example—I much prefer

Netscape to Internet Explorer.) (Another demonstration of being able to choose although not related to Microsoft—even though AOL comes loaded on my computer, I have the free choice not to use it).

3. Finally, rather than punish Microsoft, we should be thanking them for bringing us into the computer world. Prior to Microsoft, computer software could not talk to each, computers were not compatible with one another, and the list goes on and on. I remember very well when computers were as foreign to the average person as speaking Latin. Today even Grandma and Grandpa are using computers to stay in touch with family. And don't you believe for a second that a lot of this progress wasn't directly due to the work Micros did.

Nancy J Tate

MTC–00009567

From: Ken D'Ambrosio
To: Microsoft ATR
Date: 1/8/02 11:36am
Subject: Remedies for Microsoft antitrust suit.

Being as it currently appears that no settlement will occur, I felt it in my, and my industry's, best interests to express my feelings with regards to Microsoft, their actions, and some potential remedies. First and foremost, let me explain that I have been a system administrator for close to 20 years, and have had in-depth experience with most every operating system that Microsoft has released, since and including DOS 2.0 and Windows 1.0. In all that time, I have seen relatively little of the much-vaunted ''innovation'' that Microsoft claims. For example, it was only when Digital Research's DR-DOS had clearly surpassed DOS 3.x's capabilities (partition size, full-screen editor, etc.) that Microsoft enhanced their own version of DOS (4.01 and 5.0 addressed the two above issues, respectively). It was also during the beta phase of Windows 3.1, however, that they caused DR-DOS' own operating system to crash when attempting to run Windows (1).

While I certainly can't criticize a company for attempting to make money, I can when I believe they are hurting the consumers they purport to help. I have seen Microsoft attempt this, time and again, when Microsoft intentionally obfuscates file formats(2), communications protocols, and API interactions, not to mention the explicit desire to sabotage competition with said practices(3).

Finally, some of their latest legal shenanigans include a case against Lindows (www.lindows.com), a Linux/Windows hybrid. It contends that Lindows infringes on Microsoft's trademark of ''Windows''(4). I, personally, find it abhorrent that Windows, a descriptive name if ever I heard one, was able to be trademarked in the first place, and certainly find nothing wrong with combining the first half of the word ''Linux'' with the second half of the word ''Windows'': I find it unlikely in the extreme that anyone would become confused in any way about this—certainly no moreso than Windows, itself, would become confused with the previously trademarked windowing system for Unix, X Windows(5). So, given a history of consistent, persistent abuses—many more of which I have failed to discuss (eg. Stac Software vs. Microsoft), but would willingly do so upon request—I humbly submit that only pervasive, unarguable remedies will cause Microsoft to alter its behavior.

—In order for alternative operating systems (eg., Linux, or the now defunct BeOS) to be viable from a price perspective, new computer purchases should have the operating system cost be seperated out from the cost of the system as a whole. That way, the consumer is aware of what he is paying for, and what alternatives would truly cost, instead of merely purchasing a bundled system, and having no idea how much money is being spent on software.

—Microsoft uses much that is proprietary in their system, which can then, in turn, lock out competitors from creating competing programs. (The fact that Microsoft has the best-selling operating system, an embedded web browser, and the best-selling office software suite, gives them an almost airtight stranglehold on what is essentially a self-contained system.) Therefore, I recommend that all proprietary formats, protocols, etc., be opened: the API, itself, file formats for all (non-licensed) applications, communications protocols, and anything else that would hinder competitors from being on a level playing field when writing applications for the Windows platform. Being that I am (obviously) a lay person, please forgive my relative ignorance of pertinent law and/or guidelines for submission, but I felt it important that I take the time to comment, and give some background.

Thank you for your time,
Ken D'Ambrosio
Sr. System Administrator,
Xanoptix, Inc. 1) See Caldera vs. Microsoft (http://www.maxframe.com/DR/Info/lineo1—10—00.html), which was settled out of court, but which was documented quite well by the respected industry journal ''Dr. Dobbs Magazine'', as well as ''Red Herring'' (http://www.tbtf.com/archive/0159.html#s02). 2) http://kt.zork.net/kernel-traffic/kt20001225—99.html#5, look for paragraph starting ''Elsewhere, Jeff V. M. added...'' 3) http://winnetou.lcd.lu/halloween1.html#—Toc427495714 4) http://slashdot.org/article.pl'sid=01/12/20/237217&mode=thread 5) http://www.x.org/terms.htm, bottom of page.

MTC–00009568

From: Barker, Philip
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/8/02 11:47am
Subject: Microsoft and litigation

As a computer reseller in metropolitan Detroit, the actions taken by your government organization against Microsoft has had profound changes in the perception of the computer industry with our commercial customers. Prior to the economic declines in August 2000, many companies held off on implementing technology in the workplace that would improve productivity based on the actions of Justice Department actions against Microsoft. These Justice Department actions created an aura of uncertainty in the minds of our commercial customers and postponed any decision on technology implementations—thus slowing everything down. You really put a stick in the spokes of progress.

I believe these Justice Department actions have jammed up the American economy, jobs and economic livelihood of millions of people and tens of thousands of viable technology companies.

We have been reselling PC computer products since the early 1980's and I can tell you that the wild west frontier of the early 1980 in selling computer products was truly a 'snake oil' environment. Rife with deceptive advertising, 'vaporware' products, products that did not work as advertised, multiple bugs and the list of horrors goes on.

What Microsoft did in the 1980's was develop a 'standardized' platform whereby programmers and computer component manufacturer companies could develop and market products with a relative confidence that the products would work.

Upon this standardized platform, the market for PC computer technology was born along with millions of jobs and taxpaying companies—all working together to move the technology of America forward—increase our standards of living and our place on earth. My firm belief is that the actions of the Justice Department will deal a blow to the concept of 'standardized' platforms—a return the wild west days of 'snake oil' computer solutions full of bugs and a return to vaporware and a disjointed technology industry—a scrambled mess. I recommend the following:

(1) Make your decision soon so America can return to forward momentum

(2) Take into account that Microsoft has developed a Technology industry in America that has created millions of jobs and taxpaying companies

(3) A return to the anarchy and awkward technology business practices of the early 1980's benefits no-one and will drain American productivity

(4) Be fair to the American public and the technology companies that employ them

Sincerely,
Philip T. Barker
Vice President
Web Site: <http://www.electrosonics.net/>
E-mail: pbarker@electrosonics.net
Electrosonics, Inc.
17150 15 Mile Road
Fraser, Michigan 48026–3442
Telephone Number: (586) 415–5555
Fax Number: (586) 415–0770
Cell Phone: (586) 764—4718
Business Hours: 8:15am-5pm EST—Monday—Friday

MTC–00009569

From: Bar-Jac Bar-Jac
To: Microsoft ATR
Date: 1/8/02 11:47am
Subject: Microsoft Setlement

This trial has cost taxpayers dollars that could have been more wisely spent on defense of our country.

Competition has made our country the Great Country that it is today and our government should take a ''hands off'' policy where business is concerned.

I strongly support the microsoft settlement. Please settle this matter and let's start over,

encouraging business growth and entrepreneurism. Thank you for listening to my opinion.
Sincerely,
Barbara Strickland

MTC–00009570

From: Irving Kaufman
To: Microsoft ATR
Date: 1/8/02 11:52am
Subject: Microsoft Settlement
''1200 Shoreview Drive Lima Ohio 45805''
January 8, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:
I am certainly among the group of people who approve of the Microsoft antitrust case settlement. I believe that the federal government has had more than enough input into this matter and it's time to let Microsoft and the rest of the industry re-focus on business as usual.
The proposed settlement amply satisfies the concerns of Microsoft's competitors. Microsoft will now share information about the internal workings of Windows with its competitors, allowing them to more easily install their own software on Windows-based systems. Also, Microsoft has agreed not to retaliate against vendors that use or sell non-Microsoft products. All of these terms will be enforced by a technical review committee, created by the settlement, to ensure that Microsoft adheres to the terms of its agreement with the Department of Justice. Further sanctions and restrictions would be unnecessary and counterproductive.
This antitrust case has dragged on for far too long, and the settlement is the best available option to bring it to a swift end. I fully support the settlement, and wish to go on record as doing so.
Sincerely,
Irving Kaufman

MTC–00009571

From: Jerry (038) Jodene
To: Microsoft ATR
Date: 1/8/02 12:00pm
End the Clinton-era Anti-trust law abuse

MTC–00009572

From: Marie Miller
To: Microsoft ATR
Date: 1/8/02 12:03pm
Subject: Lawsuit
It's time to let this irresponsible suit go. I believe this suit was the cause of the fall of the stock market and the recession. Clinton believed in punishing people for their achievements, but I don't. Please drop this lawsuit.
Marie Miller
Cedar City, UT

MTC–00009573

From: Drewski
To: Microsoft ATR,attorney.general@po.state.ct.us@inet...
Date: 1/8/02 12:06pm
Subject: Microsoft and Anti-Trust
Without real punishment, Microsoft will never change its ways. You only have to look to Windows XP to see this. This lawsuit never should have been about integrating ONE product into another, but the entire PRACTICE of integration. MS needs to be broken up into three companies—OS, User Applications, Server Applications. Sooner is better than later.
—Drew

MTC–00009574

From: charles schneider
To: Microsoft ATR
Date: 1/8/02 12:14pm
Subject: Microsoft Settelment
I support the agreement as fair and in the best interests of America.
Charles Schneider

MTC–00009575

From: Carole
To: Microsoft ATR
Date: 1/8/02 12:13pm
Subject: Microsoft Settlement
Dear Sirs:
I think the Microsoft settlement is good for consumers like me and also that it is in the best interest of the American economy and the computer industry. Any further litigation will not serve the public interest and will only deter from innovation in the industry. I just wanted my voice to be heard on this matter.
Thank you
Carole Lynch Memphis TN

MTC–00009576

From: Steve Sawyer
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/8/02 12:19pm
Subject: Microsoft anti-trust case
Greetings,
I have been involved in the IT industry since 1981. I watched Microsoft, Apple and others work their way up the corporate ladder with innovative ideas and hard work. They deserve much of the fruits of their labor.
However, in Microsoft's case, they have been doing much more harm than good to the consumer over the past several years. As a graduate of the University of Oregon School of Business Administration, I have watched with fascination the methods with which Microsoft has eliminated competition and coerced vendors into doing business Microsoft's way. All of this while their own products continue to slide, in terms of quality and technical advancement. The result is a two-edged sword. They spend time and resources wiping out competitive ideas leaving little reason or incentive to improve their own. Then the
Government and the courts comes along and 'endorses' this approach by mandating toothless laws with little or no enforcement. Microsoft is trying to do this with Linux as well as others. Microsoft is a great company. Bill Gates and crew should be applauded for what they have done for technology. However, Microsoft has become a textbook example of why we have rules governing monopolistic practices in this country. When Billy Graham gets caught speeding he receives a ticket for speeding and he pays the fine. Microsoft got caught and it is time to pay the fine.
Do America and Microsoft a favor and put a stop to the dark side of Microsoft.
Thank you...
Steve
Steve Sawyer
Director of Internet Development
Market America, Inc.
steves@morebv.com

MTC–00009577

From: ETBAG1@cs.com@inetgw
To: Microsoft ATR
Date: 1/8/02 12:25pm
Subject: Microsoft Settlement
Dear Sirs:
It is my humble opinion that this is a fair settlement and should go forward. I have never had a problem with Microsoft and believe they have moved us along in the computer age and they have done so with hard work and debticsation.
Sincerely yours,
Eric T Baggett

MTC–00009578

From: Burkhard Daniel
To: Microsoft ATR
Date: 1/8/02 12:30pm
Subject: Microsoft Anti-Trust case
I do not think it's in the best interest of the public to settle the case out of court.
From my point of view, the suggestion made by Microsoft to set up a funds that sponsors schools in the purchase of software is a ''back-door'' approach.
Microsoft has nothing to lose from that but a lot to gain. Most schools benefiting from such a funds would (out of gratitude, or simply because Microsoft software is so widespread) purchase Microsoft software. Schools that had no software before now have Microsoft software, which only helps intensify Microsoft' almost-monpoly on software to a new (and promising) market.
It also seems that the change in the political climate (i.e. the election of President Bush) has had some impact on the devotion put behind the case by the DoJ, i.e. that was the one thing that made an out-of-court settlement an option at all (or so it seems to me). Once started, I think political considerations should not be allowed to influence judicial decisions, and that's another reason why I think the case should be tried in court to its conclusion.
Burkhard Dnaie.
Burkhard Daniel * mail@burkhard.net * http://www.burkhard.net
Our lives are poems sung against the wind, with nothing but our voices to make a difference.

MTC–00009579

From: rquack65@att.net@inetgw
To: Microsoft ATR
Date: 1/8/02 12:35pm
Subject: Dear Sirs:
I want to let you know that I support the
Dear Sirs: I want to let you know that I support the Microsoft settlement as it is.
Robert Quackenbos

MTC–00009580

From: Bert Wood
To: Microsoft ATR
Date: 1/8/02 12:36pm
Subject: Microsoft settlement

I am a consumer using MS products, and I don't feel the case against MS is for my protection.

I feel the action is because MS is successful and has a lot of money, that companies that were less successful, could benefit through the legal system. Also different States including Florida want some of MS's money. A form of legal extortion.

As in the tobacco suits, the States got a lot of money,and the tobacco companies raised their prices. This is supposed to protect the end user the same way it will when MS has to raise their prices to pay for this litigation.

Times have changed, since the original suit was filed. Most of the companies that claimed they had been hurt, no longer exist They have been bought-out or merged with other enities and are doing quite well. AOL is a good example.

Enough is enough, stop any further litigation, that only benefits the legal profession and does nothing for the economy or the consumer.

Respectfully submitted,
Bert J Wood
P.O. Box 15658
Clearwater FL 33766
bwood4@tampabay.rr.com

MTC–00009581

From: howard stein
To: Microsoft ATR
Date: 1/8/02 12:40pm
Subject: Microsoft Settlement

I wish to inform you of my opinion that the action of the United States Government against Microsoft is unfair and destructive. Microsoft is not anticompetitive; it is the US Government that is anticompetitive.

We can live with Microsoft and live well; the question is whether or not we can live with you.

MTC–00009582

From: Douglas R. White
To: Microsoft ATR
Date: 1/8/02 12:40pm
Subject: microsoft settlement

My comments on the settlement are simple. The Justice Department should have never brought this suit to begin with. In my opinion the antitrust laws were established in an era that could have never envisioned dealing with companies in a dynamic technology market under which Microsoft and many others flourished.

I think this action help precipitate the decline of all technology companies.

Please allow this settlement to stand for the good of the country's economy.

Douglas R. White
545 Watergate Ct
Roswell, GA 30076
dwhite55@mindspring.com

MTC–00009583

From: Tom Gordon
To: Microsoft ATR
Date: 1/8/02 12:47pm
Subject: Microsoft Settlement

If you cannot open this document, I'll be happy to send it in any format that you need.

Thanks
Tom Gordon
January 8, 2001
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Re: Microsoft Settlement

I have been following the Microsoft case for the last number of years, and the proposed settlement disturbs me. Not in the matter that it's to easy on Microsoft, but that it is way too harsh. I have been sickened at the gross waste of money and court time in the proceedings in this case.

I have developed software using Microsoft technology since the early 80's. Their technologies have matured and improved over those years not by strong arm tactics, but by the intelligent application of technology by smart people. The current proposed settlement puts a ball and chain on the operations of that company, which will likely diminish its ability to improve and develop new technologies, ultimately reducing or preventing new, innovative technologies from reaching consumers.

1. Regarding Section III items D and E of the settlement

For one to even hint that Microsoft hides secret technologies from competitors in order to make their applications more efficient is merely competitive jealousy. Of course competitors are not going to say nice things about their chief rival. When I was actively developing software, Microsoft was more than helpful in showing how to make it more efficient and effective. Their staff and support people worked directly with me and my staff to help make our systems better. They continue to openly and frequently train outside developers at multi-day knowledge transfer events all over the world. They reveal the low level intricacies of how their systems function, and how to capitalize on them. Microsoft trains all comers on how to write software to work with their systems! This is done in order to help people write better, more innovative software. Who ultimately defines middleware? Are the government and the courts now in the business of software and operating systems design? Are we going to allow the government to micro-manage the development of products in our economy? This is not what capitalism is about Why does Microsoft develop such good software? The answer is simple. Their staff has been writing Windows applications for many years. Experience counts when writing complex software. When Windows 3.0 was released, I asked my WordPerfect sales rep if they were going upgrade their word processing system from DOS so it would work on the new operating system (OS). They indicated they would wait to see if the Windows 3.0 would work out, and that it would only take 6 months to convert their word processor to work on it. Several years later, when the conversion was completed, their word processor was slow, clumsy and a miserable failure (in my opinion). I tried it, erased it, and went back to the old DOS version. When Microsoft came out with Word for Windows, it worked well, and I left it on my machine. As an experienced Windows developer, I knew WordPerfect' s problem was in the architecture and design of the product. It was impossible to efficiently change their product from DOS to Windows without a significant architectural modification. Microsoft's software engineers knew Windows, since they had been writing Windows application code for years. WordPerfect's engineers had not, and faced a steep learning curve.

It takes 2–3 years of writing Windows code to become truly proficient. Tailoring applications to work with modern operating systems is an extremely complex task. The problem is not in what Microsoft tells other developers, it is in the level of experience of their development staff. The concept that Microsoft should reveal 'secret' application interfaces to their operating systems (OS) to help competitors write more efficient code is technically dangerous. I shudder at the thought of any operating system or 'middleware' manufacturer having to reveal the internal systems calls to developers. The result is that when the next version of the OS is released, the internal call might have changed by the OS vendor in order to implement new features, and any application code dependent upon that function call would likely fail. Some will say that the internal OS function calls should not be changed since it would be detrimental to the applications using it, but that's a fallacy, since ALL operating systems have internal function calls that may need to change as the operating system matures and grows. Microsoft has published, and continues to publish huge volumes of internal technical documentation on how to write systems to interact with their software. The books used to be small, but now can't even be contained on one CDROM! Their systems also have 'undocumented' calls, many of which are documented in external publications by other authors, but not condoned by Microsoft. These 'undocumented' calls are for internal operating system use, and can change from version to version of their systems out of necessity. These undocumented calls are used by developers at their own risk. Some choose to use them, but others study how they work and figure ways to leverage what they learned. For Microsoft to officially publish undocumented calls is fraught with risk. Such a publication of the 'undocumented' interfaces ties the hands of Microsoft, making it almost impossible to evolve their operating systems. They will not be able to change them since competitors will be dependent upon them for their systems. When the operating system cannot evolve, technology cannot evolve, and the ultimate consumer loses.

Revelation of internal system calls also creates a severe testing and stability problem of software platforms. If you cannot depend on applications and 'middleware' software (written using the internal OS interfaces) to run from one version to the next of an operating system, the testing burden on industry (those using the software in a commercial environment) and consumers becomes huge. Such testing is necessary to insure stable migration from one version of a system to the next. Without it, corporate information networks could fail, and security could be compromised. With an increased testing burden, new products won't be

implemented rapidly (or at all), and industry as a whole suffers. Developers will not write software to run on platforms that haven't been implemented by their clients.

Many competitors of Microsoft would love to see the internal system function calls documented, since it would ultimately stop the evolution of Windows. Would this be in the best interest of the consumer?

I am not convinced that the language of the agreement is adequate to prevent some software developers from tying the hands of Microsoft, preventing it from improving the operating system due to some specific function call that needs to change. This would be an unnecessary and onerous form of punishment—preventing any evolution of the operating system.

2. Regarding Section III C

One of the amazing things about the Windows platform, from a development perspective, is that you can depend on certain services and, what appears to be called 'middleware', being available for you applications to run. If OEM's and others are allowed to remove portions of Windows in order to customize it to their liking, this will make development of software much more difficult, as one will not be able to depend upon the consistency of the platform. Although there is apparently some language in the agreement to help alleviate this problem, from the development standpoint, the potential instability is disconcerting. Applications will have to be written to the lowest common denominator of technology, making them less attractive to consumers, and less useful.

3. Oversight (Section IV B and C)

In the settlement, there is a section regarding oversight of Microsoft's operations by a group of individuals (The 'TC'), and a Compliance Officer.

Isn't this almost the same thing that just about killed IBM? Economies are no longer national, they are global. To use a group of people to oversee the functions of Microsoft will stifle their ability to develop new systems, ultimately limiting technologies to the consumer. We are in a world economy. Many nations would love to see the demise of Microsoft, so they could take over technical leadership in software. If this is the case, it's not unforeseeable that the United States will ultimately be importing billions of dollars of software from other countries, instead of exporting it.

4. Other issues discussed by individuals (and States) objecting to the settlement:

Monopoly Profits: I find it very difficult, if not impossible, to find where, in any law, it's illegal to optimize profit. It has been taught in business schools from coast to coast for ages. For Microsoft to be admonished for making a profit digs at the heart of capitalism, that is, if the United States still works on a capitalistic economy. Microsoft 'bet the company' on Windows in the 80's and early 90's, and now some say they should be prevented from making a profit. How is this appropriate, fair or even legal? What precedent does this set? If you are innovative, should you move to another country that will let you make a profit? If you make a large financial gamble, you cannot receive gain commensurate with the risk involved?

Microsoft not only competed with other operating systems, but with their own previous versions of Windows and 'free' operating systems software. If Windows was priced too high, people would not adopt it. Customers chose to buy new versions due to a wealth of new features. Restricting those features would kill the market for operating systems.

Microsoft as an 'illegal, abusive monopoly': I realize this has been argued and 'decided' by the courts (and the politicians and the press). It's quite apparent that if define a market narrowly enough, you can create a monopoly out of thin air. In a dynamic, well defined market, there is absolutely no such thing as a monopoly. In the case of the personal computer, if one company is making 'monopoly profits' (in the economic sense, price above the equilibrium price) selling the devices, another company will figure a way to do the same thing, with another type of device, better start making 'monopoly profits' of their own. This is the heart of capitalism. All companies that make a profit make 'monopoly profits.' A competing product may not physically resemble the original, but it meets the same consumer need. The personal computer has just about evolved into a commodity product, and may be relegated to the basement junk yard in 10 years. This occurs as new technologies take over the tasks older technologies have been handling. The market is too dynamic to define a small piece of the pie, and declare it as a monopoly marketplace. The environment and the market are constantly changing.

The only people who complain about a monopoly are the competitors. If there are competitors, then where is the monopoly? If the competitors have a better technology, then they will ultimately win, even if a market dominant firm tries to prevent it. This was appropriately demonstrated when Microsoft achieved a significant market position in small computer operating systems over the likes of IBM, DEC, Wang, Sun, Univac and others. The best and most cost effective system won many of those battles.

Release Microsoft Office On Other Platforms: Some individuals have proposed that to make a 'level playing field', Microsoft should publish their Office software for other operating systems. If this were economically viable, wouldn't someone have already created software that does this? Changing code to run on another operating system is not in the slightest manner a simple task. It may be impossible. It is very much like trying to attach wings to an automobile and calling it an airplane. The fundamental structural concepts between operating systems are usually significantly different, and interchanging applications between them is not a quick, or an easy task. When a feature cannot be implemented on another operating system due to some architectural differences, how do you resolve this?

Release a Stripped Down Version of Windows: Some have proposed Microsoft develop a 'stripped down' version of Windows that others could enhance. Although interesting from a technical and academic standpoint, this would potentially perpetuate multiple non-compatible systems that could kill the applications software industry. Back when the IBM PC was young, there 3 or 4 different operating systems available (UCSD P-System, CPM-86, MSDOS/PCDOS and a few others.) They were anything but compatible. Once the MSDOS/PCDOS system became prevalent, the industry flourished. Before that, developers had to pick their target operating system, and ignore the others, as they worked differently. This severely hampered the growth of the PC industry.

Releasing the Windows Source Code: Giving away what Microsoft has spent many billions to develop would be tantamount to capital punishment and confiscation. Competitors would love the confiscation of others' private property, but the precedent in our economy would be devastating. No company would ever again be safe from the government taking private property without just compensation, plus the government would be in the situation of picking winners. If another company created something better, and started to obtain a large market share, would the government be obligated to clip their wings to favor the pre-determined winner?

Requiring Microsoft to include competitor's products in Windows: Who would decide what products to be included in Windows? Would the government now be involved with Operating System design? Wouldn't this open a Pandora's Box where everybody would want their software included on the Windows Disk (ultimately, becoming multiple disks)? If the other companies put their software on the Windows disks, who would be responsible for testing and support? Shouldn't Microsoft be compensated for including and distributing the wares of others? What happens when the additional code doesn't pass the necessary tests to be included? Microsoft has 2 testers for every 1 developer in the operating systems group, and that still doesn't produce code that is 100% bug free. Will other companies insure their code is tested to that level? Adding more pieces to the equation increases the testing load exponentially. Insure Microsoft continues to fully support 'industry standards': Who defines the 'industry standards?' Again, are the government and the courts going to become involved with operating system design? Are we to have 'official' operating system standards and a government agency that makes certain standards official? What does that do to competition and consumer choice?

Final Comments: Yes, there were likely some individuals at Microsoft that may have become over-zealous in their marketing areas. That's part of the drive for success within individual product groups. The technology industry is a fierce competitive environment; one has to fight for market share and consumer dollars. To severely punish the entire company for some minor infractions, to ultimately reduce future consumer choice and to confiscate the property of shareholders is tantamount to sentencing a parking offender to capital punishment. Thanks for bearing with my comments.

I'm not a lawyer (which is obvious), but one who has worked in the personal

computer industry since its inception, and one who is very concerned about the long term implications of this case on the technology market, and the economy.

Tom Gordon
President, Framework Deliveries, LLC
2070 Linkside Dr
Alpharetta, GA 30005
tgerdon@mindspring.com

MTC–00009584

From: RMyers007@aol.com@inetgw
To: Microsoft ATR
Date: 1/8/02 12:47pm
Subject: Microsoft Settlement

On the matters of Bill Gates and Microsoft corporation,It seems to be a sad day for the United States of America,when the U.S. Government penalizes Microsoft for being enterprising and innovative.Is this not the land of the free?Where you are supposed to have certain rights,including intellectual ones!What Microsoft has done is not illegal,and there only goal was to make the world a smarter and easier place to live and learn in a new way never thought of before.Kudos to Bill Gates and Microsoft!!! Please ''Think'' before you Judge! Thanks,

Mr.Roy William Myers,Jr.
Winston-Salem,N.C.
RMyers007@aol.com

MTC–00009585

From: philip tuniman
To: Microsoft ATR
Date: 1/8/02 12:50pm
Subject: microsoft settlement

I am disgusted that a bunch of politicians trying to become the governor or senator from Iowa or Connecticut, Massachusettts, California, or the other five states, are costing many retirement funds millions of dollars in lost Microsoft value, while they pretend to be helping the poor. Of course, they are not the only ones feathering their nest at the stock holders expense—-the DOJ is pretty good at that too. I recall Anne Bingington (?) who went on to bigger and better things after winning a decision against Microsoft. Then there was her sucessor, the unlamented Mr. Klein, who was off to a big job (probably in Silicon Valley) before Judge Jackson had given his first interview.

This great country was built by people who were innovators, not by whiners like Oracle's Ellinson, Sun Micro's McNeally, or Steve Case of the biggest monopoly in the country, AOL Time Warner.

The DOJ tried for years to break up IBM before they finally called it off. I grew up hearing the cry, ''Break up the Yankees.'' People who can't cut it, are always trying to knock down the successful ones. Microsoft was responsible for the Technology boom. All of these losers who crying to the Government to breakup Microsoft, should get down on their knees and thank God for Bill Gates. He opened up the field for them.

The Government's settlement was a good deal for everyone—-Stop already!!

MTC–00009586

From: Jeffrey Bevelacqua
To: Microsoft ATR
Date: 1/8/02 12:54pm
Subject: Microsoft Settlement

607 Somerset Drive
Green Bay, WI 54301
January 7, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The Justice Department has kept Microsoft in court for more than three years, but thankfully now there is a settlement in this case. I am writing to express concern that this settlement may be in jeopardy, I hope you will support the defend you reached with Microsoft and an end to this case.

Microsoft has worked hard to become a world leader in the software industry. The DOJ suit was meant to allay concerns about the power of Microsoft. This settlement does that by forcing Microsoft to disclose internal interfaces. This allows Microsoft competitors unprecedented access to Microsofts code and operating systems. Lets now end this case and allow Microsoft to get back to doing what it does best, not litigation, but software development and job creation. Your office can make this happen by ensuring the settlement is completed.

Please fight against those that wish to derail this settlement. The faster this case is settled the better off the American information technology sector will perform in this tough economy, and the more time your office will have to dedicate to other priorities.

Sincerely,
Jeffrey Bevelacqua
cc: Representative Mark Green

MTC–00009587

From: Richard Rubin
To: Microsoft ATR
Date: 1/8/02 12:58pm
Subject: One captive users comments re: Microsoft

ONCE AGAIN I must purchase the OVERPRICED Full Install of a Microsoft Windows product (XP) because my previous OEM install of Windows (Me, with ''free upgrade to Xp'' offered by Compaq, but not yet received) has DEGRADED, despite my cautious grooming and care, to become a WORLD OF MALFUNCTIONS and CRASHES. To ''Upgrade'', even ''for free'' would be to import your broken soft-machinery from the past. And the corporate claim is, once again that Xp is more stable than YOUR OWN OLD PRODUCT, which therefore, I infer, had a stability problem? And you have strong-armed your Compaq OEM contract to provide no relief on your DEFECTIVE PRODUCT. Little-Me will let my thoughts be known to appropriate ears in the penalty decisions pending for your creative, but overaggressive and undergenerous corporation.

Richard Rubin
10407 McClemont Avenue
Tujunga, CA 91042
818–951–0255

MTC–00009588

From: Mars Cheung
To: Microsoft ATR
Date: 1/8/02 1:00pm
Subject: Microsoft Settlement

Please leave Microsoft alone and move on. The country will benefit from it. Thanks.

MTC–00009589

From: Robert E. Trice, Sr.
To: Microsoft ATR
Date: 1/8/02 1:11pm
Subject: Microsoft Suit

I FOR ONE THINK ITS TIME TO END THIS CASE. ITS STILL A FREE COUNTRY AND I AM A SUPPORTER OF BILL GATES, HE HAS A BETTER MOUSE TRAP AND IF SOMEONE WANTS TO BUY IT, FINE, AND BETTER STILL IF HE WANTS TO ALSO GIVE YOU SOMETHING FREE WITH IT, BETTER STILL. GET OFF HIS BACK AND ON TO SOMETHING WORTHWHILE FOR A CHANGE. QUIT SPENDING TAX PAYERS MONEY ON A DISHONEST ACCUSER ANYHOW. THANK YOU

MTC–00009590

From: Eric Dennis
To: Microsoft ATR
Date: 1/8/02 1:02pm
Subject: Microsoft Antitrust case

Isn't it time to get over the misguided suit against Microsoft? there are far more important situations that cost taxpayers and consumers much more than software. The energy and tax dollars spent to pursue a competitive company has been a debacle. Self serving competitors and their legislators have made a mockery of our capitalist system.

Put this to bed and work on things that matter-energy prices, like automotive gasoline for example- talk about collaborative price levels! There you have a monopoly of many, all propping up prices- definitely not supply and demand driven. I don't work for Microsoft nor do any of my relatives.

Eric Dennis
Bothell, WA

MTC–00009591

From: Joe Hegenbart
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/8/02 1:05pm
Subject: Microsoft Settlement

To Whom It May Concern:

Please accept this e-mail as evidence of my strongest support for the ''Settlement'' that the DOJ has been able to reach with Microsoft. I have the greatest admiration for the Microsoft Corporation, its employees and its products (which are most innovative, practical and moat reasonably priced). I could never understand the DOJ's justification for, or their decision to litigate; however, I applaud the Settlement. Please move on to more important matters. Note also, I am so displeased that the Commonwealth of Massachusetts has not accepted the settlement. I consider this to be a single issue in the next election.

MTC–00009592

From: Rob Lund
To: Microsoft ATR
Date: 1/8/02 1:09pm
Subject: Microsoft Settlement

Dear Sirs:

First let me say that I am a committed user of BeOS for several reasons unique to the BeOS platform—usability, performance, elegance, etc. Most of these are personal preferences. Due to the tactics of Microsoft over the years though, I am even more of a

BeOS enthusiast. I am continually frustrated by Microsoft's strongarm tactics and feel they have pushed smaller companies like Be, Inc. out of the market unfairly. Therefore, I am part of a worldwide network that is working on getting the BeOS or equivalent back into the market place. However, there is no hope of success if the following issues aren't addressed, such as open Office file formats, Win32 APIs, making dual-boot options mandatory, etc. Thank you for your committment to seeing a fair and just resolution to the antitrust case against Microsoft. As a BeOS user, I feel it is my right as a consumer to use the operating system of my own choice, and I know that the DOJ's pursuit of a fair market will ensure the BeOS's existence in the future.

Regards,
Rob

MTC–00009593

From: Frank and Hettie Helder
To: Microsoft ATR
Date: 1/8/02 1:10pm
Subject: End Clinton Eara anti Trust actions.

It is unfortunate that so much interference with the free market has occurred and wasted so much time, effort and money. Please do the right thing and bring it to an immediate end.

Frank E. Heidler Sr.

MTC–00009594

From: Don (038) Barb Palmer
To: Microsoft ATR
Date: 1/8/02 1:02pm
Subject: Anti- trust effort of Clinton Admin.

Dear Justice Dept. of the USA:

I would like the federal government to not continue persecuting our finest businesses such as Microsoft. They do a wonderful job of producing products that make us proud to be an American. We already have terrific trade deficits in competing with companies abroad in the technical areas so lets support our efforts on this side of the oceans...the USA! Thank you for your consideration of this view.

Barbara R. Palmer

MTC–00009595

From: Slotscraps@aol.com@inetgw
To: Microsoft ATR
Date: 1/8/02 1:08pm
Subject: Microsoft Settlement

Enough is enough, drop the whole suit and stop wasting gov. money. Can't understand this whole lawsuit, what happened to free enterprise?

MTC–00009596

From: Eric Benedict
To: Microsoft ATR
Date: 1/8/02 2:32pm
Subject: Microsoft Settlement

Dear Ms. Hesse,

This letter is concerning the proposed DOJ vs. Microsoft settlement. I am an electrical engineer with over 15 years of computer usage and experience including MS-DOS, Windows and UNIX/Linux platforms. This experience includes usage, development and system adminstration tasks.

I am greatly concerned and troubled about details of the proposed settlement. In particular, I am troubled by the large and numerous loopholes which are present in the settlement. In particular, Section III, Part J, Paragraph 2 greatly concerns me. This paragraph clearly allows Microsoft to set up several barriers to prevent a third party from obtaining the information which Microsoft is supposed to make available as part of the settlement. Microsoft only has to release the information if Microsoft determines that the third party ''meets reasonable, objective standards established by Microsoft of certifying the authenticity and viability of its business''. It is quite simple to establish reasonable, objective standards which will exclude virtually any third party which Microsoft doesn't wish to disclose the settlement stipulated information to. Further, should such a third party exist, Microsoft can further impede this party by requiring that the party submit their code ''at its own expense ... to third party verification, approved by Microsoft''. Thus, should someone make it through the gauntlet of conditions stipulated by Microsoft to have a legitimate need, Microsoft can require that they release their code to a Microsoft approved tester. The are no controls over this third party tester, their relationship with Microsoft, etc. Microsoft can quite easily influence the 'testing fee' to be sufficiently out of the reach of all but the wealthiest entities. It also isn't clear that Microsoft won't be given access to the submitted code information which also would assist Microsoft by allowing them to review their competitor's source code.

Furthermore, I am also troubled that third party middleware can be excluded from invocation if a Microsoft determined functionality is not present. The way the current settlement agreement reads to me, Microsoft can evaluate a third party program, determine a functionality which this program does not provide, arbitrarily decide that this functionality ''X'' is now ''required'' and then ship the Microsoft OS version which doesn't allow the third party's program to be launched. The third party then has to ask Microsoft why, Microsoft then responds that they were missing this newly required functionality ''X'' and that they need to provide it in order to be compatible. Meanwhile the third party has already ''missed the boat'' and must wait until the next Microsoft release. Of course for the next release, Microsoft can ''innovate'' some more and determine a new functionality ''Y'' is now required (amazingly missing from the third party's program) and so yet again, the third party is effectively shut out from being included. This can continue for as long as Microsoft wishes (or until the third party is bankrupt) and so Microsoft can effectively determine what software is allowed and prevent any undesired competition.

These (and the numerous other loop holes which are present) effectively allow Microsoft to continue business as usual, but now *legally*! This will effectively insulate Microsoft from future anti-trust action since they can point to the fact that this agreement allowed them to do those actions! Very good for Microsoft, but not for the consumer!

I am also concerned that the settlement also only provides (nearly non-existant) remedies on future behavior and does not appear to contain any punishment for prior inappropriate actions. This appears to me akin to allowing a successful but convicted criminal (drug dealer, bank robber, inside trader) to keep all of their ill gotten gains and then telling them to try to be good in the future. Microsoft was determined to be guilty of breaking the law. Where is the punishment?

In an ideal world, I would like to see some punitive measures incorporated into the settlement; however, the world isn't ideal. At the minimum, I would like to see some real restrictions (with out loopholes) on Microsoft's future conduct. Anything less makes me have real strong suspicions of a sell out to Microsoft and that our system of justice is a joke or at least bought and paid for by the highest bidder.

Thank you.
Eric Benedict
175 Lakewood Gardens Lane
Madison, WI 53704
benedict@cae.wisc.edu
eben@zephyr.ece.wisc.edu
CC:benedict@cae.wisc.edu@inetgw

MTC–00009597

From: RG Helms
To: Microsoft ATR
Date: 1/8/02 1:19pm
Subject: Microsoft Settlement
THERASTAT DATA CORPORATION
7512 EAST INDEPENDENCE BOULEVARD, SUITE 103
CHARLOTTE, NORTH CAROLINA 28227–9412
Phone: (704) 567–4228 ? Fax: (704) 567–8699
January 8, 2002
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

After three long years of litigation Microsoft and the Department of Justice have reached a settlement regarding the antitrust suit. I believe that this settlement will be both beneficial and fair not only to the industry as a whole, but also to Microsoft and the federal and state governments. However, for this settlement to be beneficial, it is necessary that it is actually implemented. After the comment period, I urge you to quickly enact the settlement for greater benefit of the slowing economy.

This settlement is fair and reasonable and was arrived at after extensive negotiations with a court-appointed mediator. Not only that, but a settlement such as this will ensure that the industry continues to deliver advanced technology to the market by fostering competition, which in turn fosters new ideas.

This has gone on long enough. All of this action at the federal level must be stopped, so that Microsoft can go to product development, rather than going back to court. Thank you, and best wishes for the New Year.

Sincerely,
R.G. Helms
Senior Developer/Programmer

MTC–00009598

From: Ours, Susanne

To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/8/02 1:26pm
Subject: Microsoft Settlement

I wanted to voice my opinion on this subject. I believe it is time to end this pursuit of Microsoft and end this silly law suit against them. Take the settlement and let Microsoft get back to doing what it is good at...making software. The government should leave businesses alone and stop trying to tinker with them. The business world works much better when government stays out.

Thanks,
Sue
Susanne Ours
Divisional Programmer
Student Affairs/Taylor University
ssours@tayloru.edu

MTC–00009599

From: Utpizz@aol.com@inetgw
To: Microsoft ATR
Date: 1/8/02 1:38pm
Subject: Microsoft anti-trust settlement
104 Whispering Brooke Drive
Newtown Square, PA 19073
January 8, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

My hope is that this note will help convince you and your department to promote the acceptance of the Microsoft anti-trust settlement proposal. I realize that yousupport the settlement, but I want to emphasize the necessity of its promptenactment.

I believe that the proposal is a workable compromise between the needs and desires of the parties involved. Microsoft will retain itscorporate integrity and continue to operate as it has before. The company will now have to open itself upto other companies??? software, and Microsoft will need to provide companies with mechanisms to promote non-Microsoft programs. Non-Microsoft software will be utilized in the Windows systems. New Windows systems will be specifically designed to accommodate others' software. In short, it???s a compromise that will benefit all parties in the long term.

Please support this settlement.

Sincerely,
Arthur Pizzirani

MTC–00009600

From: Paula Benner
To: Microsoft ATR
Date: 1/8/02 l:37pm

I want to end Clinton-era Anti-trust law abuse!

MTC–00009601

From: R Hansen
To: Microsoft ATR
Date: 1/8/02 1:48pm
Subject: Microsoft Settlement

Consumers worldwide have benefited from Microsoft. It is in the best interest of consumers, such as myself, to end this case and proceed with settlement.

MTC–00009602

From: susan pizzi
To: Microsoft ATR
Date: 1/8/02 1:52pm

Shut down the case and let America's tech industry get gack to work.

MTC–00009603

From: Keith Hix
To: Microsoft ATR
Date: 1/8/02 1:50pm
Subject: Microsoft Settlement

I think the settlement is more than fair on the DOJ's side. Only problem is the additional nine (9) states holding out.

Thank you.
Keith Hix
Annex Systems Inc.
308B West Millbrook Road
Raleigh, NC 27609
Phone 919–846–5406 Fax 919–870–9335
E-Mail keith.hix@annexsystems.net

MTC–00009604

From: jim(092)va7gpd(092)n7gpd
To: Microsoft ATR
Date: 1/8/02 1:57pm
Subject: punnisment

microsoft will keep on doing what they have always done unless it is made unprofitable for them to crush and kill off any one that treathens them

just look at the auto map pro program they bought out the company that produced and kill the program off because it was going to be a better product than what they were going to sell and it was cheaper and that is the way that they do business

MTC–00009605

From: Gary Keener
To: Microsoft ATR
Date: 1/8/02 1:59pm
Subject: Anti-trust Law Abuse

We support ending the Clinton-era anti-trust law abuse!

Julia & Gary Keener
Tucson, AZ

MTC–00009606

From: Tom Cooper
To: Microsoft ATR
Date: 1/8/02 1:59pm
Subject: Microsoft settlement—a thoughtful, non-profane comment

Sirs,

I have been a customer and user of Microsoft's products for more than 16 years. During that time, I have observed them on many occasions do those things for which they have been found guilty. I am thrilled that the court has recognized the Microsoft abuses.

I voted for president Bush and have the highest respect for Attorney General Ashcroft and his integrity, but since the Bush administration entered the picture it appears that the government has backed down on punishing Microsoft for its abuses.

Evidence that Microsoft believes that this is the case can be seen in that they released WindowsXP with many many utilities bundled in the product. This is precisely the sort of thing for which they are being taken to task! Their bundling of Internet Explorer with the OS was clearly for the purpose of killing their competition, and it worked! Netscape has been ineffective for years. It is a non-issue for Microsoft today, as is Novell.

How many more companies have died as a result of Microsoft's predatory tactics? For Microsoft, winning is not the objective. Killing their competition is their objective. Without sever punishment, how many other companies will die? Microsoft's predatory tactics have done in dozens of ''partners'' and technology suppliers. Microsoft has a long history of: Intentionally writing incompatibilities between their products and those of competitors (DR DOS and Windows 3.1):

Acquiring their competitors, (Visio)

Re-writing their competitors' tools, (Netscape)

Stealing their competitors' tools, (Stac)

Directly attacking the competition with incompatibility, FUD, and in some cases explicitly dishonest advertising. (Novell)

Time does not permit me to list all of the quantitative abuses that Microsoft has undertaken, and the full scope of their destruction can probably never be known. They have become one of the most successful companies in the world by use of these tactics. In spite of the verdict of abuse of monopoly power, Microsoft shows no remorse for their actions and continues to this day to abuse their power. They are flaunting their capability to

bundle products and attack competitors even while this decision is being considered!

The only way that Microsoft can be convinced to change its ways is by radical intervention both in terms of its business practices and punitive measures. I am pleased that the terms of the agreement spell out that Microsoft must no longer abuse their customers, but the decision must go deeper, or the consumers will continue to suffer. To be sure, Microsoft has offered much to the US economy, and has shaped the consumer marketplace in huge ways. Computing today is far more advanced than it was, but are we better off with Microsoft than if it had never come into being? Microsoft's tactics are not innovative, but rather suppress innovation.

In order to provide as equitable a result as possible, Microsoft must at a minimum be forced to split into multiple companies, and must pay substantive penalties for their abuses. They cannot restore Netscape to it's former position, but unless real penalties are assessed, (and I mean in terms of billions of dollars in CASH, not products) they will continue to harm the consumer and the economy.

Talk of a punitive measure of $1B largely comprised of MS products is frightening. That would serve to further MS hegemony in the PC marketplace, and to suppress alternative technologies. This would occur while actually costing Microsoft very little.

I make my living largely through implementation of Microsoft products. I would prefer not to, but since they own the vast majority of the marketplace, I have little choice. In spite of the fact that MS product implementation provides most of my income, I believe that Microsoft must be punished. Please do not settle for a mere slap on the wrist! Finding suitable punitive measures would allow for more innovation in the marketplace and will be beneficial in the long term for the US and our economy.

Thank you for taking the time to read this message.

Sincerely,
Thomas R. Cooper
106 Rawlings Road
Gaithersburg, MD 20877
(301)869–6499

MTC–00009607

From: Jeff Powers
To: Microsoft ATR
Date: 1/8/02 2:06pm
Subject: Microsoft

I believe that the government has spent enough tax payers money and has caused enough money to be lost by owners of technology stocks and mutual funds to end this nonsense abuse of power. Microsoft was wrong in how they conducted business, but people knew it and have always had a choice of software to use. It may be preloaded, but you don't have to use it. This witch hunt for Microsoft is worst. What is the next business that conducts business in the US will get to big so the government will step in and break it up? The government is to big, break it up instead. Stop and let Microsoft resume business, capitalism to remain, and confidence in technology sector of our economy to resume.

Jeffrey L Powers

MTC–00009608

From: Daphanie M. Mullins
To: Microsoft ATR
Date: 1/8/02 2:20pm
Subject: Fw: keep fighting Microsoft
Original Message
From: ''Henry Sharp'' <hsharp@rain.org>
To: <consumer@mail.wvnet.edu>
Sent: Monday, January 07, 2002 3:48 PM
Subject: keep fighting Microsoft

Thanks you for not agreeing to the US proposed Microsoft settlement. Our government has let us down by caving in to Microsoft.

I applaud your action to not accept the agreement and to fight on for strong penalties.

Harriet Sharp
1165 Harbor Hills Drive
Santa Barbara, CA 93109
805/966–7280

MTC–00009609

From: Jessie Conner
To: Microsoft ATR
Date: 1/8/02 2:18pm
Subject: Microsoft Settlement

I believe it is time for the Federal and State Government to settle the Microsoft case. I believe the current agreement is reasonable and fair given the results of the trial. This agreement will provide reasonable protection for the industry and still permit Microsoft to continue to improve it's products to benefit millions of America consumers.

However, I believe key aspects of the government's case are flat-out wrong, such as the contention that Microsoft holds a monopoly over desktop operating systems. That ignores the resurgent Apple Macintosh and the emergence of new Unix-based competitors, like Linux. Americans can purchase an operating system that cost over a billion dollars to develop for $89, or they can get a less capable Linux OS free, or buy a MAC. There is no evidence of consumer harm and none was provide in the trial. I see the case being driven significantly by politics. More specifically political use of the DOJ for special interest (Microsoft's competitors).

Consider Microsoft's competition, Mirosoft must conveince consumers that it's product at $89 dollars is better then it's competitor (Linux) at the cost of $0 (zero). How can Microsoft be considered a monoploy when it has this level of competition? Will the government be happy when a Chinese version of Linux dominates the desktop and tax revenue from hightech industries are lost. Please review this issue carefully as it affects the ability of our nation to compete in the world economy. Please don't undermind the freemarket and hard work of millions of American who invest in Microsoft and other great companies.

Concerned American
Jessie L Conner
6550 Point Comfort Lane
Charlotte, NC 28226

MTC–00009610

From: Michael Farnham, R.
To: Microsoft ATR
Date: 1/8/02 2:22pm
Subject: Microsoft Settlement

Microsoft is a huge organization and a de-facto monopoly. However in the technology business this is somewhat meaningless and they have traditionally produced some fantastic pieces of software. I work for an organization that sells and supports Microsoft products. One of our biggest vendors (Great Plains) was purchased by Microsoft. Since that has happened they have raised our fees and cut our margins. They have begun to charge for services that had been free. I think the real issue with Microsoft is their predatory business practices. I do not feel that the settlement will keep them from engaging in practices that stifle competition or innovation. The settlement appears to be a temporary fix that actually reinforces their hegemony and has no real staying power to enforce compliance.

It appears that they have purchased the right amount of political influence and that the Department of Justice has sold us all out. Hope you all got a lot of money.

R. Michael Farnham
Business Microvar, Inc.
Direct: (651) 746–1494
Fax: (651)746–1495
Cell: (612) 325–1993

MTC–00009611

From: Larry Streger
To: Microsoft ATR
Date: 1/8/02 2:34pm
Subject: Microsoft Settlement

WE SUPPORT THE MICROSOFT SETTLEMENT!!!

Anne & Larry Streger
1405 Kings Row
Plainview, Texas 79072–9244
#806–291–8601

MTC–00009612

From: Ruth Lykins
To: Microsoft ATR
Date: 1/8/02 2:39pm
Subject: Microsoft Settlement
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530l

Dear Attorney General Ashcroft

I wish to express my support for the proposed agreement between the Department of Justice and Microsoft. Microsoft has agreed to allow access to various Windows features to computer manufacturers and has agreed to design future versions of Windows easier to install on non-Microsoft software. The government has established an oversight committee to ensure Microsoft compliance in the future. I believe this is more than enough for any firm.

Bill Gates has worked long and hard to make Microsoft successful. A person should not be penalized for being successful. It is time to settle this matter and I believe this has been accomplished through the proposed agreement.

I hope to see the settlement finalized soon and no more action taken against Microsoft. Thank you.

Sincerely,
Ruth Lykins
2425 Main Street
Ashland, Ky 41102

MTC–00009613

From: Christine Keller
To: Microsoft ATR
Date: 1/8/02 2:41pm
Subject: I SUPPORT THE MICROSOFT SETTLEMENT

AS A TAXPAYING CITIZEN OF THE GREAT UNITED STATES OF AMERICA, I SUPPORT THE JUSTICE DEPARTMENT'S SETTLEMENT OF THE MICROSOFT LAWSUIT. LET'S PUT AN END TO THE CLINTON ERA FORM OF ABUSE IN THE FREE MARKET PLACE.

MTC–00009614

From: BBB200@aol.com@inetgw
To: Microsoft ATR
Date: 1/8/02 2:50pm
Subject: Microsoft Settlement

Dear Taxpayer Employee,

I would like to make you aware of my strong feelings on the Microsoft case. I think it is a case that should be resolved quickly and fairly. I noticed that the stock market decline began about the time of the case, and I know Microsoft is a very important part of the US economy, especially in the area of future growth. I know that Microsoft has helped, not hurt, consumers, and has provided great stimulus to our national economy. As a taxpayer, citizen, and voter, I would like to see this matter resolved so that we can get our economy rolling again, which would help all Americans.

Thanks for considering this. [I have no affiliation with Microsoft].

Bert Brumett
Shoreline, WA

MTC–00009615

From: Terry Scanlon
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/8/02 2:53pm
Subject: Microsoft Settlement
Renata B. Hesse
Trial Attorney
Antitrust Division
U.S. Department of Justice
601 D Street NW

Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse:

Microsoft Corporation has accepted the U.S. government's finding that it engaged in anti-competitive practices in violation of the Sherman Anti-Trust Act. By accepting the terms of the ''Proposed Final Judgment'' the corporation signals its intent to end the litigation and settle this issue as quickly as possible. It is a mark of Microsoft's statesmanship and good sense that it has accepted the judgment and will abide by the law. The Court has made its decision and all must accept it.

Incredibly, the states opposing this settlement want the Court to define future standards for engineering software in a competitive marketplace.

They want Microsoft to give its source code to competing software developers so that competitors can write new applications that will work off Microsoft's operating system.

They also want Microsoft to rewrite its operating system so that computer manufacturers can put onto Microsoft's system the programs of other companies, such as the Java program produced by Sun Microsystems. In other words, the states invite the Court to anticipate and remedy future and unproven anti-competitive actions by Microsoft even though the development and future uses of software cannot be predicted. The states' remedy-to force additional disclosures beyond those in the Proposed Final Judgment, which the federal government has determined are sufficient to curb the company's anti-competitive practices-confuses aiding the process of competition with aiding specific competitors.

The technology of the information age is rapidly evolving. It is foolhardy for courts or policymakers to attempt to direct the future course of software applications. It is particularly inappropriate for courts to do this on the assumption that one company will act in bad faith and undertake anti-competitive practices in the future. This in effect is what the states advise the Court to do.

Sincerely,
Terrence Scanlon
Chairman, Capital Research Center
and
Former Chairman, U.S. Consumer Product Safety Commission

MTC–00009616

From: Rafiki
To: Microsoft ATR
Date: 1/8/02 2:52pm

Please end clinton era dealings, that draft dodger has hurt the entire country..

MTC–00009617

From: Barbara Uhrig
To: Microsoft ATR
Date: 1/8/02 2:53pm
Subject: Let Microsoft alone

I was thrilled to find an address I could use to let you know that the Microsoft case is the silliest thing I have ever seen. In high school, we studied about breaking up monopolies, and I believed the line that monopolies stifle the market. This may be true in steel production, but not in the idea arena. It seems that all that happened is that Microsoft spent millions defending itself against the government which spent millions trying to break up the company. The Bell Telephone company was broken up. Friends had to move away after their jobs vanished. Now service (repairs) is not very good and even Ameritech has put on (twice) packages of services that I never ordered. I don't think that breaking up the telephone company facilitated the development of telephones, and I don't think that breaking up Microsoft will facilitate the improvement of computers.

Sincerely,
Barbara L. Uhrig
8718 Jamaica Court
Indianapolis, IN 46219–2505

MTC–00009618

From: TobeyTwo@aol.com@inetgw
To: Microsoft ATR
Date: 1/8/02 2:58pm
Subject: Microsoft Settlement

I am writing this e-mail to encourage the court to settle the Microsoft suit. I do not believe the public has been damaged by Microsoft's practices. Not being an attorney, I do not understand all the nuisances of the case, but being a private citizen it does seem to me this case is being fueled by Microsoft's competitors. I also will add I am writing this e-mail on an Apple computer. My concern the reason Microsoft is being singled out is because they have not played the political game as well as they might have. I find that a sad commentary on our justice system. In closing I would think it would behoove the justice system to investigate Enron where many have been seriously financially damaged.

Thank you for reading my comments.
Mary Bush

MTC–00009619

From: STEPHEN J BANNON
To: Microsoft ATR
Date: 1/8/02 3:04pm
Subject: Microsoft Settlement

I totally disagree with the government. Microsoft did not do anything wrong and the law itself should be erased from the books on moral grounds. This is the best example of non-objective law that we have on the books today. In a free country you are free to do anything as long as you don't infringe on anyone rights which Bill Gates didn't do. Capitalism is not based on free competition, it is base on freedom i.e. the freedom to think of any idea and see if the market will buy it Therefore the Justice Department should be doing what it should have been doing all along protecting the rights of its citizens from the likes of bin laden not going after a true American like Bill Gates The justice Department should drop all charges and praise him from his sprit The people around the hate us for this sprit and they want to kill us for our ideas. Govverment just wants to muffle and hurt its citazens with this unjust law. It is a shame that in a country that upholds freedom as its basic tenet that a man can not do business as he pleases.

Stephen Bannon
Garden Grove Ca.

MTC–00009620

From: VicForrest@aol.com@inetgw
To: Microsoft ATR
Date: 1/8/02 3:05pm
Subject: Fwd: Microsoft Settement
VICTORIA M. FORREST
P.O. Box 222
Botsford, Connecticut 06404
January 8, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

As a 16-year employee in the technology field and user of Microsoft products and services, I am happy to see that Microsoft will not be broken up by the recent antitrust settlement with the Department of Justice. In fact, I believe that the case never should have been brought against them in the first place.

Over the last decade, Microsoft has done much for the IT industry and the American economy as a whole. They have created jobs, raised performance standards, and led innovation into the 21st century. While Microsoft should have been more open with some of its technology and systems, lawmakers and politicians have no right to penalize them for being the best. if anything, Microsoft should be applauded and given a degree of freedom to innovate.

During our current economic crisis, I believe politicians and lawmakers should be looking out for the best interest of American public by facilitating growth and development in business and not hindering it. They need to put aside their political differences and allow Microsoft and the IT industry to focus on business. I sincerely hope that no further litigation is brought against Microsoft in the future.

Thank you for your time.
Victoria Forrest

MTC–00009622

From: ke4zex@juno.com@inetgw
To: Microsoft ATR
Date: 1/8/02 3:31pm
Subject: To Whom It May Concern:

To Whom It May Concern:

I think the ruling of the Court Of Appeals is a fair and just ruling and should STAND for the benefit of every person in our Country. Please lets end this thing.

Sincerely,
William H. Hopkins
22113 Soliel Circle West
Boca Raton, Fl. 33433

MTC–00009623

From: donaldjordan
To: Microsoft ATR
Date: 1/8/02 3:35pm
Subject: microsoft lawsuit

Why doesnt the goverment drop these charges against this company, seems there are more important issues that needs to be adressed at this time.

Thank you.
D. Jordan

MTC–00009624

From: Xia You
To: Microsoft ATR
Date: 1/8/02 3:38pm
Subject: Microsoft Settlement

I think this settlement between Microsoft and DOJ is very good for both the consumer and the national economy.

Regards.

MTC–00009625

From: Bowen, James W
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/8/02 3:42pm
Subject: Microsoft Settlement
80 Candlelight Drive
Glastonbury, CT 06033
January 8, 2002
Attorney General John Ashcroft
U.S. Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

I am writing to express my support of the recent settlement between the federal government and Microsoft. The terms of the settlement seem fair and reasonable, and further litigation on the federal level must be ended to allow business to resume.

Considering the terms of the agreement, Microsoft must make several significant changes in the way they handle business. The company must now allow its competitors to use interfaces from Windows products to develop more accessible and efficient applications, and cannot face retribution from Microsoft for doing so. A ''Technical Committee'' will ensure that this happens. This would appear to resolve the concerns raised by the litigants. With the many terms of the agreement, seeking further litigation will be a waste of time and money for not only the taxpayers but the government as well.

Sincerely,
James W. Bowen

MTC–00009626

From: James Robison
To: Microsoft ATR
Date: 1/8/02 3:47pm
Subject: Get off Microsoft

Right after the Clinton JD went after Microsoft, stock prices began to go down the tubes. The reason was that investors could see that the federal government was playing favorites. And, if the JD could go after Microsoft to help out Sun, et al, who would be next? Lets get back to equal justice for all: drop the case entirely!

James C. Robison
Edenton, NC

MTC–00009627

From: James L. Niemann, Sr.
To: Microsoft ATR
Date: 1/8/02 3:50pm
Subject: End Clinton-era Anti-trust law abuse now!

I think it is high time to end Clinton-era Anti-trust law abuse. I consider the Microsoft case simply a witch hunt by a bunch of computer illiterate government representatives. Computers are so much easier to use thanks to Bill Gates and Microsoft and anyone who does not want to use Microsoft products does not have to. You only have a monopoly when their are no options available, such as the United Sates Postal Service.

Signed:
James and Ruth Ann Niemann
573 Huntleigh Ct.
Farmington, MO 63640–2036
(573) 701–0135

MTC–00009628

From: Pap, Victor III
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/8/02 3:54pm
Subject: Microsoft Settlement

I write to publicly express my opinion that Microsoft Corp. a.) did not have a monopoly but b.) that in the event it did have a monopoly, then the monopoly could only be an actual benefit to consumers. Finally, I strongly believe the legal actions of both the states and the companies are more harmful economically and against the notion of the free market, a principle on which this country is founded.

If there was anything more I could do to support Microsoft, I would.

Victor Pap III
Press Secretary/Legislative Aide
Representative George N. Peterson, Jr.
House Minority Whip
State House, Room 124
Boston, MA 02133
Tel. 617.722.2100

MTC–00009629

From: Pap, Victor III
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/8/02 3:57pm
Subject: Microsoft Settlement II

I also forgot to mention that I honestly believe the economic boom of the 90's had more to do with a universal windows platform on which technologies could build and compete with products than either the President or Congress, Democrats or Republicans. The government's suit on Microsoft may have also had a minor effect on the already declining profitability of tech companies' (I'm sure it didn't cause it, but it certainly did not help).

Victor Pap III
Press Secretary/Legislative Aide
Representative George N. Peterson, Jr.
House Minority Whip
State House, Room 124
Boston, MA 02133
Tel. 617.722.2100

MTC–00009630

From: Festival Books
To: Microsoft ATR
Date: 1/8/02 3:59pm
Subject: Microsoft Settlement

The proposed Microsoft settlement should NOT be approved. Microsoft obstructed and prevented fair and legal competition. The proposed settlement fails to achieve the necessary goal of a proper remedy. It fails to halt illegal conduct. It fails to promote competition in the industy. It fails to deprive Microsoft of its illegal gains.

Dr. O.F. Rothchild

MTC–00009631

From: ROBERT REMINGTON
To: Microsoft ATR,rremington@webtv.net@inetgw
Date: 1/8/02 4:01pm
Subject: Too Many Chefs . . . Play Action

Recently, a narrowcast cable commercial aired last evening on Monday Night Football featuring a young man picking up his early morning newspaper while a neighbor was also retrieving his. (I am usually up very early in my neighborhood, retrieving the newspaper before 6 AM in most cases.)

The commercial has a deja vu theme to it as the event is presented twice during the 30 second spot. This commercial first aired after Sunday January 6, 2002. The young man first says, ''Hmm, . . . Sunday . . . going to be a good day'', as he looks at the cover of the large Sunday edition. The neighbor yells out, ''Too many chefs!'' The scene is repeated with the comments, ''Play Action!'', for the neighbor's line.

The message is an explanation/reinforcement of the multiple ''chefs'', ''so called leaders'', and others who are directing the multinational million dollar publicity campaign. Of course, as the sage adage goes, ''too many cooks spoil the broth''. The original recipe for Quaker Instant Stadium Organist called for this action (similar to the cloning techniques seen in the film ''The Boys From Brazil'':

Scenario . . .

Secret Government Plan—Dateline 1955 . . . height of the atomic cold war with the Soviet Union . . . Eisenhower/Nixon administration . . . Duck & Cover mentality . . . Fallout Shelters in shopping malls & churches . . . Walt Disney opens DisneyLand—Anaheim . . . can social engineering create replacements for our film and music stars?

CAST

Mother: Tennessee Virgin who stops running

Father: Navy veteran who's hard work and blue collar Chicago connections help him climb social and economic ladders.

Mother's unmarried spinster Aunt: Confined to her musical world spinning tunes from her Hammond Organ Novachord. Lives with mother and father in 1950s with extended family. Aunt is about 10 years older than mother, and a favorite friend.

def. Tennessee Virgin . . . sister who can outrun her brother

Take first born male child and move child through many homes, neighborhoods, & school districts including private schools. Use television social programming through broadcast advertising to entice parents to ''move up'' during the 1960s to larger homes in suburban Chicago. Keep father traveling majority of time in order to continue music preparations for family.

Force oldest child to learn keyboard music via electronic organs & recorded music. Deny college eligible youth to attend college of his choice and educational level. Acquiesce local to community college education. Channel youth to entertain A.C. Nielsen executives in Northbrook, Illinois restaurant, designed to launch replacement for Chicago Blackhawks Hockey Team Stadium Pipe Organist upon retirement. Use private Germanic musical teacher to provide initial instruction and ''reference'' for A.C. Nielsen / Grove Inn first professional musical performance.

Original Stadium musician performed from about 1930—1972 before first protege became a permanent replacement from 1972–1982. Finally promote best of all of the performing organist youth from the Chicago area to Blackhawk Stadium Organist, firing first

protege in 1982. There were probably 10 restaurants or night clubs developing talent for the Chicago Stadium, like minor league ball clubs & college sports programs. Now . . . I have already documented this in various ways . . . and it's really a weird recipe, but it's true!

The chefs in Washington DC, Texas, California, Chicago, & Redmond, WA have been stalling & salting this recipe without providing me any interesting work, or rights to invest my money in areas of my interest . . . aviation, space technology, and personal fitness. This ''recipe'' has provided no performing musician interested in performing, and has only stalled justice.

The ''creative'' Marino neighborhood was designed by one of the Aliso Viejo or Redmond chefs who wanted Buy.com to grow, forcing me into a hostile area. After choosing financial services with a competitor to the Bank of America and fighting an B of A executive decision to intentionally ruin my credit, I fought back.

Later, the local chefs tried to spin a musical performance with the Crystal Cathedral and the Mighty Ducks Hockey Team . . . failing on both attempts, but causing me additional attacks, and assaults by those involved with the nefarious schemes. My recent PR campaign at NBC-Burbank once again brought international chefs who screwed with the recipe . . . fortunately I was in the studio audience when Jay Leno, Wolfgang Puck, & Tim Allen tried to make pizza together!

In between all of the years of performances & musical instruction I have received an education in marketing, finance, aviation & space technology, electronic and digital circuit design, healthcare, legal, and fitness through my own personal interests. Millions of people have benefitted from my innovations, and thousands have personally purchased their computers, and information technology from me!

The TD Waterhouse print and broadcast advertising commercials feature a retired executive relinquishing the ''decisions'' to their clients via the TD Waterhouse website with a comment, ''It's your investment choice''. To this very day, in 2002, other family members are ''controlling'' my earned assets to channel me once again to a musical performance, denying me my rights and earned income through royalties and investments illegally stolen from me. They have schemed with the Crystal Cathedral, Arrowhead Pond, Disney, and the Tonight Show . . . holding me back from a career I have enjoyed and contributed to from 1977 to 2002 in personal electronics, business and network computing systems, and advanced telecommunications.

The assets are in the billions and some of the ''bigshots'' controlling them have ties to the US Government with bonds, notes, and business transactions. They just don't want to give up this control . . . but, people are replaced everyday . . . for instance . . . The ABC television network replaces their veteran executive, Stu Bloomberg with Susan Lyne and AOL Time Warner adjusts the ''goodwill'' of the 2001 approved merger by $60,000,000,000. That's sixty billion dollars, folks . . . that's a sum that could probably purchase all of Irvine, California and parts of Newport Beach!

Thanks for listening! Please help me obtain control of my assets in order for all of us to improve our Nation and other area of the world.

Robert Remington

MTC–00009632

From: Bob Jackson
To: Microsoft ATR
Date: 1/8/02 10:59am
Subject: input on Microsoft

To Whom It May Concern,

I would like to see the unjust action aganist Microsoft stoped!! Computer users have benefited from the Microsoft Windows. Bill Gates has helped the whole computer using world. The other companies were not looking to improve the computing invironment and create user-friendly programs and got left behind with their approach the their operating systems and programs. If the Justice Department continues their unfouded attack on Mirosoft the computer users will be the loosers.

Thanks for reading my opinion.

Bob Jackson
Irving, Texas

MTC–00009633

From: Barry Stephens
To: Microsoft ATR
Date: 1/8/02 4:12pm
Subject: Microsoft Settlement

I would like to voice my support for a settlement of the Microsoft Antitrust case. Before we continue to squander more taxpayer dollars, please be done with this process. I never believed the process, and still am angry at the use of countless government resources to hobble an American company involved in the high tech industry. Anti-trust protection is a valid responsibility of the DOJ, and yet it seems that the competitors were directing the case. Any reasonably astute American must know that in the environment in which Microsoft operates, a new and better OS, Browser, or other competitive softwear could be introduced tomorrow which will render Windows obsolete. As a taxpayer I would prefer that not one more dollar be spent on this waste of money.

Barry D. Stephens
37 Gray Lodge Road,
Kittery, Maine, USA

MTC–00009634

From: Joyce Kerze
To: Microsoft ATR
Date: 1/8/02 4:13pm
Subject:

Joyce R. Kerze
4899 Golf Village Drive
Powell, Ohio 43065
January 5, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Ashcroft:

As an avid user of Microsoft products, I would like to express my opinion that legal action against Microsoft should stop. I think you have offered Microsoft a good settlement. I believe that the current settlement will suffice to allow computer manufacturers new rights to configure systems with access to Windows features.

I urge you to continue on the course of the present settlement, and not get distracted by the critics trying get this settlement withdrawn. Thissettlement is fair, and will create more competition in the IT industry. This settlement requires Microsoft to open up its code to competitors, so that they will be able to create better software. Furthermore under this agreement a technical committee that includes a government official will watch over Microsoft full time. Your support of this settlement is necessary to bring it to fruition, and that is needed to bring this three-year-old case to an end.

Once again I would like to urge you to put your full support behind the finalization of the settlement you have offered to the Microsoft Corporation. Don't let the anti Microsoft peanut gallery win the day.

Sincerely,
Joyce Kerze

MTC–00009635

From: R. Michael Kasperzak, Jr.
To: Microsoft ATR
Date: 1/8/02 4:36pm
Subject: Microsoft Settlement

I am writing to voice my support for the settlement between Microsoft and the United States.

As a former attorney and professional mediator, I have faith in the mediation process and believe that the negotiators for the United States made the best deal they felt they could in light of continuing litigation. I do not believe it is in the public interest for the Judicial branch to second guess the the Executive Branch with respect to the terms of the settlement, and therefore encourage the court to approve the pending settlement.

Very Truly Yours,
R. Michael Kasperzak, Jr.
Dispute Resolution Specialists

MTC–00009636

From: WMickel191@aol.com@inetgw
To: Microsoft ATR
Date: 1/8/02 4:46pm
Subject: MICROSOFT SETTLEMENT

Dear Sirs:

I understand that this is the time for public comment on the Microsoft settlement. My feeling is that a settlement is long overdue and should be in favor of Microsoft. Our whole economy is dependent on free enterprise. Ever since this all began our economy has been in decline. It is time to get this over with and get back to the business of business. It is almost impossible to use a computer and not use a Microsoft product. This case has hurt my economic well being. Time to settle.

Thank you,
William N Mickelson

MTC–00009637

From: david tiry
To: Microsoft ATR
Date: 1/8/02 4:53pm
Subject: Sirs:

Sirs:

I would like to see an end to Clinton era anti trust abuses!!!!

TODAY!!!!!!!!!!

Thanks,
David Tiry

MTC–00009638

From: Sally Detloff
To: Microsoft ATR
Date: 1/8/02 4:55pm
Subject: MICROSOFT SETTLEMENT

WOOD APPRECIATE A SWIFT END TO THE JUSTICE DEPT. ACTIONS AGAINST MICROSOFT. kEEP IN MIND THAT THE JUSTICE DEPTS ACTIONS, SINCE THE BEGINNING, HAVE BEEN DIRECTED TOWARDS THE WELFARE OF A GROUP OF COMPANIES, RATHER THAN FOR THE WELFARE OF THE CONSUMER.

SINCERELY,
GERALD F. DETLOFF
apataki6@earthlink.net

MTC–00009639

From: CA Cobb
To: Microsoft ATR
Date: 1/8/02 5:00pm

Subject: I am a citizen who requests an end to the Anti-trust law abuse directed at Microsoft.

There have been many jobs and much money generated by the works of the Microsoft Company and it is time to ''get back to business'' and quit the ''harping'' that began in the Clinton-era and persists now. Please stop it and move forward for the good of the Country and the economy.

Sincerely,
Betty J. Cobb
Waco, Texas

MTC–00009640

From: Chuck DeSario
To: Microsoft ATR
Date: 1/8/02 5:04pm
Subject: Clinton-era Anti-trust law abuse

To whom this may concern,

As an American tax payer, and business man. I would greatly appreciate the Justice Dept. ending this anti-trust suit with Microsoft. Simply put and in my opinion the action that the D.O.J. took against Microsoft during the Clinton administration has been counter productive, not only has this issue cost the American tax paying public, millions, if not billions of dollars in lost income and corporate and personal income tax it has virtually destroyed our electronics industry single handily.

Please know that I am not pro monopoly, but I am a realist. Microsoft for all it's faults helps create a great economic base for this country. How you might ask does Microsoft contribute to the economy, simple.

1. They employ a large number of employee's who earn incomes which are distributed locally and nationally. Taxes are extruded from their pay checks, which in-turn contribute to the needs of both state and federal governments.

2. Microsoft's software programs are so cluttered with garbage, that the average computer requires huge amounts of memory, (XP, as an example requires your computer to have at least 128mb of memory on board), just to install the program, i.e.: R & D, employees, income, income and corporate taxes, etc. from memory companies.

3. Microsoft's programs also require larger capacity Hard Drives, which in-turn is great for our Hard Drive industry, (Maxtor, Seagate, Quantum, IBM.) i.e.: R & D, employees, income, income and corporate taxes, etc. Taxes are generated from both corporate, individual earnings, as well as taxes generated from the sale of the items at the retail level.

4. Processors, Intel Processors. Microsoft's programs are so cluttered you have to have a faster processor just to wade through all the garbage, otherwise you'll be sitting for hours just waiting for your computer to pull up the smallest of projects. i.e.: R & D, employees, income, income and corporate federal and state taxes, etc.

Bottom line, destroy, revamp, breakup Microsoft, and you destroy our computer industry. Yes, Microsoft may be a monopoly, WHO CARES! Millions, Billions of dollars, both income and tax dollars are being lost everyday you persist with this Anti—Trust law suit. Enough is Enough, lets get our economy back on track. Microsoft in it's own weird way has contributed to our economy for the last 10yrs. Please for the sake of the nation, cease in the pursuit of all law suites against Microsoft.

Sincerely
Chuck DeSario
Louisville, CO

MTC–00009641

From: Porter Cragin
To: Microsoft ATR
Date: 1/8/02 5:05pm
Subject: Microsoft Settlement
12224 Northeast 130th Way
Kirkland, Washington 98034
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I would like to express my opinion on the recent Microsoft antitrust case. After three years it is obvious that the settlement had a great deal of care put into it.

Microsoft has been dealing with this issue for three years and the litigation appears to have stymied business throughout the computer industry. Pursuing further litigation could possibly bring an entire industry to its knees. This company has put out some outstanding products, and now stands to be punished for their innovative thinking. The dedication and efforts shown are what build this country. Do we really want to penalize them for doing a great job in there chosen field of endeavor?

Let's not be the ones to slow down our own progress.

Sincerely,
Porter Cragin
12224 NE 130th Way
Kirkland, WA 98034
portcragin@pcragin.com
CC:fin@mobilizationoffice.com@inetgw

MTC–00009642

From: Nikil M
To: Microsoft ATR
Date: 1/8/02 5:06pm
Subject: Microsoft Settlement

Hello I am a member of the community that suuports BeOS. I feel that Microsoft's tactics limited BeOS from competing in the market despite a product that was very competitive. As a rememdy I suggest that Microsoft immediately allow dual or triple boot options for computers from the large computer manufacturers like Dell and Compaq without any penalties. There should also be much more documentation on the win32 API so if a developer wishes to create a compatible yet superior product they may. Finally Microsoft should pay I think between 50 and 100 million dollars to either Be Inc or Palm for the damages their tactics cost to the companies. Nikil Mulakken

MTC–00009643

From: Phil Hall
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/8/02 5:07pm
Subject: Microsoft Settlement

As an Information Technology professional with several years of experience, I watched and read the news about the Microsoft trial with great anxiety. I know full well that if handled improperly the situation would destroy an existent company (Microsoft) for no reason, while at the same time elevating competitors for no reason as well.

Microsoft is like no other company in the history of the world. To liken it to pre-antitrust AT&T, Standard Oil, Alcoa, etc. is a gross underestimation of Microsoft's importance and would do great injustice.

I will freely admit that some actions taken by Microsoft have been potentially anticompetitive; however, if you examine the track records of the competition you will find them in a more stable environment now than the time before Microsoft's improper activities. Without exception, all the competition has benefited from the current situation, and the topic of harm to the consumer is nothing more than a smoke-screen.

Look at what Microsoft has done with the Windows Operating System. It has brought the Internet to the masses in an easily understandable form, it has ''leveled the playing field'' for software developers and the home user, it has brought into play an entire industry that was non-existent prior to Windows 95 being made available for sale.

Certainly, Microsoft has benefited, as is to be expected. But to claim that the consumer has been unduly harmed is foolish and outright wrong. If Microsoft is to be punished, let the punishment fit the crime. Dissolution is inappropriate, only a fine would be sufficient. A monetary penalty is the only correct solution. This coupled with a probationary oversight on business practices would definitely hinder Microsoft's alleged illegal business practices and would allow the US to recoup any losses from the investigation and would allow for a fostering of the market system to flourish.

I would remind you that Windows is dominant in the marketplace, and to damage that would create undue chaos. It is safer, and wiser, for Microsoft to remain a single unit and to be penalized via monetary fine rather than to take action that in less than 5 years would be inconsequential. The field of Information Technology grows and changes at such a rate that any decision made now would seem foolhardy within 5 years.

Make certain to understand that to promote competition for the mere sake of competition

can be detrimental to what is actually in the best interest of the people. The Law doesn't make that distinction.

Thank you,
Phil Hall
1230 Dundee Avenue
Waterloo, IA 50701

MTC–00009644

From: Ben Hughes
To: Microsoft ATR
Date: 1/8/02 5:11pm
Subject: Clinton Era

I would like to see the end of the Clinton era abuse of anti-trust legislation and court action.

Microsoft has provided jobs to multitudes of people and made millionaires of another group who started out as workers.

Thank you,
Sue & Ben Hughes
Lindale, Texas

MTC–00009645

From: Shayned@aol.com@inetgw
To: Microsoft ATR
Date: 1/8/02 5:18pm
Subject: Microsoft Settlement

DOJ: I am alarmed that the Microsoft case may be reopened. It seems to me that the litigation simply punished a company that innovated, created jobs and wealth, and was successful. I was happy to see the case settled and would not want that settlement derailed. I notice that since the DOJ began litigation against Microsoft, its stock price has declined. Is that what you call ''the public interest?'' My retirement mutual funds probably own Microsoft.

Sincerely,
Shayna Alterman

MTC–00009646

From: vera feingold
To: Microsoft ATR
Date: 1/8/02 5:16pm
CC: hlfein@juno.com@inetgw

To Bill Gates

No good deed should go unpunished.

If you and your Company would have failed, you would been entitled to tax breaks and other assistance from the government. Since you do not need any assistance from the Government, the government seeks revenge. Hell hath no fury like a bureaucrat scorned.

As a volunteer teacher for SeniorNet, I want to thank you for yoour generous on-ging contributions of software for the centers and for the teachers.

Vera Feingold

MTC–00009647

From: zxxx xxx
To: Microsoft ATR
Date: 1/8/02 5:26pm
Subject: Microsoft Settlement

I am part of a worldwide network that is working on getting the BeOS back into the market place, but there is no hope of success if the following issues aren't addressed:
—open Office file formats,
—Win32 APIs,
— make dual-boot options mandatory.

P.S. Sorry for my english. I'm writing from Greece

Regards

Lambros S.

MTC–00009648

From: Paul Moncznik
To: Microsoft ATR
Date: 1/8/02 5:30pm
Subject: Microsoft Settlement

I think it is important for both the industry and the economy that this settlement quickly get passed. This a tough settlement, and a fair one for Microsoft, its competitors, and for consumers. And besides, how could anyone be against a settlement which provides computers for thousands of the country's neediest schools?

MTC–00009649

From: Ivory M Bassett-Bishop
To: Microsoft ATR
Date: 1/8/02 5:32pm

To Whom It May Concern:

I am extremely happy that this issue with Microsoft is being resolved. I was very pleased when the suit came about because of personal experiences trying to use other browsers, i.e. Netscape as well as IE.

The MS os would shut down and I would have to manually shut down my pc. This was not only damaging my hard drive but was causing great frustration. I was investigating all potential OS (operating systems) but everyone of them lacked. I felt trapped unless I chose Apple. Which I did for my then college daughter. Nevertheless, she soon found it too cumbersome to convert and download the materials she needed for her studies and by her junior year in nursing she brought a unit that came with a Microsoft OS. I always felt trapped in the MS no-alternative bag. In fact I just purchased a new computer last Sept. 2001, it came with ME already loaded and I would receive an automatic XP upgrade when it came out in Oct. Without knowing anything about the XP I began to investigate its attributes and pits. I found out it literally has the potential to see who is using their software, who is sharing it (I personally believe when I buy something its mine and I should be able to do with it whatever I please—that includes giving it to whomever I please, using it as I please—I PAID FOR THAT PRIVILEGE.)and if need be shutting down your system. They have since sent me the software with no info on these ramifications only mildly informing ME, the consumer, of the enhancements. If I really want to get more out of it I guess I could by one of Microsofts XP learning books or software packages. I am still in a quandary as to whether or not to install this product.

Anyway I am glad this issue has been bought out and has been resolved to some degree. I hope the consumers can now be given the opportunity to have a choice of products. As you can see Microsoft has given me one benefit I hold dear, that is HOTMAIL.

Thank You
Ivory Bishop

MTC–00009650

From: Graham—d
To: Microsoft ATR
Date: 1/8/02 5:36pm
Subject: Microsoft Settlement

Sirs

I am what I think is a 'standard user' meaning I use Microsoft products for my work and at home. I work in a bank which has standardized on Microsoft products and from a user's perspective they work, they talk to each other and we rely on Microsoft to sort out problems of compatibility.

Breaking up the company or charging massive fines is simply not right and will have a negative impact on a company that helps keep America ahead of the world. Can you imagine the French doing this? I think that sometimes we do not realize what we have here. The settlement in my view is totally fair and I question the motives of those seeking to overturn it.

Apart from being a user of their products I have no involvement in the company and do not own any shares or have any financial interest in the ultimate decision.

Graham Doubtfire
graham—d@msn.com

MTC–00009651

From: B.L. Doern
To: Microsoft ATR
Date: 1/8/02 5:40pm
Subject: Drop it already!

Microsoft is a big player in our economy. Please finish this case as soon as possible so that we can get it behind us and move on to economic recovery.

BettyLou Doern
Modesto, California

MTC–00009652

From: Becky Smith
To: Microsoft ATR
Date: 1/8/02 6:02pm
Subject: Microsoft Anti-trust law

MTC–00009653

From: Helene (038) Ken Hickey
To: Microsoft ATR
Date: 1/8/02 6:02pm
Subject: Microsoft Settlement

As provided in the Tunney Act, I wish to indicate my full support for the proposed settlement with Microsoft.

I have reviewed the documents relating to this settlement

Kenneth T. Hickey
58 Longmeadows Road
Wilton, CT 068971–101

MTC–00009654

From: LPeterson2@aol.com@inetgw
To: Microsoft ATR
Date: 1/8/02 6:01pm
Subject: Microsoft Settlement

In my opinion, the proposed settlement is adequate. Please put this issue to rest so that we can move forward on other more pressing issues and matters confronting our nation. Microsoft is not the enemy! Thank you.

MTC–00009655

From: econrad@juno.com@inetgw
To: Microsoft ATR
Date: 1/8/02 6:13pm
Subject: Microsoft Settlement

Microsoft has decent products at reasonable prices, that is why they are the largest software vendor. However they are not the only one. I can think of three other operating systems and a couple other office suites just off hand and I am not in the computer industry, there could easily be more that I am un aware of. Very often I can

find share ware or even free ware that does the job for me and use these types of programs all the time.

I think it is a mistake to try to disassemble Microsoft. The goal of intergrating programs to work better together is the way we should be headed not tearing them down.

E S Conrad, Jr.
1400 Talisman Circle
Virginia Beach, Va. 23464

MTC–00009656

From: Lawrence York
To: Microsoft ATR
Date: 1/8/02 6:25pm
Subject: Regarding the MSFT Settlement

I am a Microsoft Business user, Portfolio Manager and Consumer. I strongly feel that it is time to get the Microsoft case settled and I believe the terms and conditions reached by the Federal Government are fair and reasonable. I believe that the hold-out states are politically motivated due to their tech constituencies who seek more to distract a successful competitor than than to see justice served.

I think it is a disservice to the public to spend additional taxpayer money on this case and I think reaching a settlement will greatly improve the prospects for the tech sector. This in turn should benefit the government by helping the industry recover from its deep recession eventually returning it to profitability.

A lot of time has elapsed. Microsoft and the Government have reached a settlement that strikes a balance for the public good. Please now, lets focus on rebuilding and growth not political agenda and distruction. America needs this now more than ever.

Lawrence York
Portfolio Manager,
The WWW Funds

MTC–00009657

From: Jean Saylor
To: Microsoft ATR
Date: 1/8/02 6:29pm
Subject: Microsoft Settlement

To whom it may concern:

I believe that the Microsoft Settlement is fair and just, and would urge you to ensure that it is not changed. I believe it is crucial for the future of the industry that Microsoft be allowed to continue their innovative work. I feel that it is particularly important for additional features to be integrated into the existing operating system. Any computer user can attest to the extensive compatibility problems which exist when trying to integrate software from various manufacturers. For many users, just the thought of having to install various pieces of software, whether or not from multiple manufacturers, is deterrent enough to prevent them from getting the most out of their computers, or even from attempting to use a computer. If computers are ever going to be useful to those of us in the general population who do not have extensive technical backgrounds, then simpler, integrated solutions are necessary. I believe Microsoft is one of the best at providing this. I would certainly like to see more companies also attempting to provide a fully-integrated solution, but prohibiting our leading company from participating is ludicrous. And certainly, your role should not be to punish success.

Thank you for your consideration to this point of view.

Jean Saylor

MTC–00009658

From: G. B.
To: Microsoft ATR
Date: 1/8/02 6:39pm
Subject: comment

Dear Sr. or Madam:

I am an electrical engineer and It is my opinion that in the US best interest Microsoft has to remaine strong and united but in the other hand I think the US Government has to regulate Microsoft activities because they really take advantage of there monopoly position and a good example is my last experience: I bought a new computer with Windows XP home edition and I connected it to my home LAN only to find out that this new version has no privacy, I can not put a password to any file, resource or carpet so I can not have my information available in any computer of my house and at the same time prevent my kids of seeing that information in other computer of the LAN.

In previews versions of Windows (95, 98 and Millenium) this was possible so Microsoft took out some functions and now if you want those functions you have to buy the XP professional version (at a higher price, of course). To make things worst, if you assume that the new home version will have at least all the functions that the last one had (a good assumption because this is the case with manufacturers in a normal market and not in a monopoly) and buy it there is no upgrade to the professional version paying only the difference so if I want my privacy in my LAN I need to buy a XP professional as if I did not have the XP home edition.

This is just one example of the kind of abuses that Microsoft Monopoly make and that is why I think that the US Government has to regulate Microsoft in a way that this kind of practices will be avoided.

Many thanks for your attention.

Gregorio Beitman

MTC–00009659

From: Ralph Sickinger (R2)
To: Microsoft ATR
Date: 1/8/02 6:51pm
Subject: Proposal for Resolution to United States v. Microsoft Settlement

Dear Sir(s) or Madam(s):

I respectfully submit the following proposal as a possible penalty against Microsoft: My proposal is quite simple: Microsoft should be compelled to release the complete source code for Windows 98 to the public domain. This proposal has the following benefits:

(1) It is simple and inexpensive to implement. It would be far less ''traumatic'' or difficult to implement than (for example) splitting up the company.

(2) It would benefit the public: one of the most significant injuries to the consumer as a result of Microsoft's actions is the lack of stability in the Windows OS. By comparison, Linux, which is open source, is VERY stable, because there is a large developer community that works at fixing bugs that appear. The Windows community could benefit greatly from having an open-source version of the Windows OS available.

(3) It would be reasonable: Windows 98 is now 3 year-old technology; it is significantly behind Windows 2000 and Windows XP in terms of it's development. Also, it is a major iteration behind Windows 2000/XP; as a result, any competitor desiring to compete against Microsoft, would not be able to compete directly against Windows without some significant effort. At the same time, Windows 98 is still (just barely) current enough to not be worthless to the public.

Microsoft has not had to focus on the consumer, or be responsive to the consumer, since it does not face any significant competition in the OS segment. A public domain version of Windows 98 (or a variation of the OS further developed by a corporation) would provide consumers with another choice for an operating system that could still run the current generation of Windows software packages.

Thank you for your consideration.

Respectfully,
Ralph P. Sickinger
15735 Erwin Ct
Bowie, MD 20716
ralph@sickinger.net

MTC–00009660

From: Randall
To: Microsoft ATR
Date: 1/8/02 6:56pm
Subject: I want to end Clinton era Anti trust law abuse against Microsoft!

The whole thing with Microsoft has been insane. Leave Microsoft alone, and get on with the business of running the country. If people want to compete with Microsoft, then they need to get their brains in gear!!! We want the handful of people who have pursued this to get on with life.

Thanks
Tracey Sigle
Lincoln, NE

MTC–00009661

From: root@wt6.usdoj.gov@inetgw
To: Microsoft ATR,antitrust@ftc.gov@inetgw,Ralph@essen...
Date: 1/8/02 7:00pm
Subject: 21st Century Civilization
CC:letters@latimes.com@inetgw,letters@sjmercury.com@i...

MTC–00009662

From: Eduard and Carol Prets
To: Microsoft ATR
Date: 1/8/02 7:05pm
Subject: Get off your ass and leave Microsoft alone

At a time like this when everything is going to hell, why are you wasting your time and money chasing after a company like Microsoft. Microsoft's secret is not illegal. They have a product that works—it's that simple. Other companies products either don't work, or they are not easy to use.

So, suck it up. Take a loss. You've wasted enough of our money. Tell all the other internet companies that are paying you that they need to get a life.

Sincerely,
A Tax Paying Citizen of Washington State

MTC–00009663

From: David Larman
To: Microsoft ATR
Date: 1/8/02 7:06pm
Subject: Microsoft Settlement

To whom it may concern,

I am part of a worldwide network that is working on getting the BeOS or equivalent back into the market place, but there is no hope of success if the following issues aren't addressed: examples: open Office file formats, Win32 APIs and make dual-boot options mandatory.

Regards,
David Larman

MTC–00009664

From: MOLITUO@aol.com@inetgw
To: Microsoft ATR
Date: 1/8/02 7:14pm
Subject: Wal-Mart vs Kmart

Dear DOJ:

Rather than allow this endless pursuit of Microsoft whose products do NOT harm consumers, how about getting on Walmart's back for a change? Walmart has put hundreds of thousands of small vendors out of business, in addition to large chains like Caldor, Bradlee's, Jamesway, etc.! It looks like Kmart may be next!

I recently visited our local Kmart; and I found more cashiers on duty than there were customers in the store! Today, I made a purchase of one item at our local Walmart; and I had to wait about 20 minutes in a cashier's line because there were a multitude of customers and only about 5 cashiers on duty! The trick for Walmart seems to be this: After opening a new store, spoil your customers at first; then when they have been trained to frequent Walmart, lighten up on customer service! As a monopoly, you don't have to be good to your customers anymore! After all, the competition has for the most part gone out of business!

I'm being forced more and more to shop at Walmart, as their competitors ''fade away!'' DOJ should send a few agents incognito to some of their stores; and verify or disprove my complaint.

An intriguing observation: ''How May I Help You?'' is imprinted on the back of Walmart's employees' workjackets. Why on the back, I always wondered. I often find myself hurrying after one or another Walmart employee for help, as the ''How May I Help You?'' logo recedes rapidly into the distance, like a Doppler Effect! Racing after the offer of help, so to speak!

I wish something can be done to protect the few competitors that still survive!

Thank you,
Nicholas S. Molinari
31 Whitman Street
Brick, NJ 08724–2448
732–458–8485

MTC–00009665

From: William Stella
To: Microsoft ATR
Date: 1/8/02 7:16pm
Subject: Microsoft Settlement

Dear United States Department of Justice and U.S. District Court Judge Colleen Kollar-Kotelly: I am just a simple carpenter, (who also happens to be very close in age to Judge Kollar-Kotelly—I will be 58 soon and our world-perspective is likely to be fundamentally somewhat similar), but I have some very real concerns regarding the Microsoft lawsuits from both the federal DOJ and state AGs. Basically, I think that none of you are acting in the best interests of the vast majority of Americans. My deep feelings of patriotism—and this is a very real patriotism issue—come from having served in the 7th Special Forces Group and the 82nd Airborne Division from 1961 through 1964, AND my consequent understanding that ''all that is necessary for the forces of evil to prevail in the world is for enough good people to do nothing''. I actually suspect—especially in the situation regarding the various state AGs gathering together and 'joining' in this legal action—that there are very strong questions about the constitutionality of said activity. Representatives from a number of states began to conspire and try to force the federal government to take certain kinds of actions in the past. A notable example was eventually thwarted by a guy—a President, if you will—named Abe Lincoln. I wrote a rather blunt letter to Judge Stanley Sporkin several years ago about the same basic issues involved with the DOJ, et al. Some of the cast-culprits from the competition have changed or been added, but their motives and behavior are just as scum-bag-greedy as ever! Here it is below, for your edification, entertainment and hopeful enlightenment:

(Note: I no longer live at the address shown in the letter. My current address is: 14424 North Creek Drive %1126 Mill Creek, Washington 98012)

March 2,1995
U.S. District Court Judge Stanley Sporkin
The District Court for the District of Columbia
United States Court House
333 Constitution Avenue, NW
Washington, DC 20001

Dear Judge Sporkin:

I am just a simple carpenter.

Perhaps you will help renew my faith in humanity and find it in your heart to take a little time to pay attention to a nobody like me. After all, you probably spend most of your day listening to lawyers—and I'll bet that my views are much more honest and fun. (I must admit that, thirty-some years ago, I gave only slightly more than a passing fancy to the notion that I might want to go to law school myself.) (I looked around at the company I'd be keeping and realized—your honor excepted, of course—that I might soon feel like Diogenes of Sinope—but picture him standing stark-naked on a miniscule ice floe floating in the Arctic Ocean in mid-December and having had F. Lee Bailey skip blithely across the water and r-r-r-r-r-r-r-rip his lantern from his hand, then trying to cover the faint flicker of his tiny now-substituting candle flame in the midst of an horrendous, howling, horrible, hailing, raging, ravaging, roaring, fierce, ferocious, furious, snowing, sleeting, multifyingly savage storm!—rather than living his ideal, natural life of sitting in a tub and occasionally venturing-out, searching the daylight.) Whew! Dat be de long sentence. It's with considerable interest that I've been reading a great deal about your recent involvement in the Microsoft anti-trust maybe/maybe not settlement. In addition to actually working for a living—I eagerly await a brief lay-off ending work-call from my union, Carpenters' Local 131, at this very moment—I've used microcomputers, at home and in several workplace situations, since the early Eighties.

And, I'm writing to you, Judge Sporkin, because I simply cannot believe that virtually all the press reports I've read have misquoted you and misunderstood you. (It is kinda nifty to read our local press folks. I am a Seattle Times subscriber and get exposed to excellent reporting from the likes of Steve Dunphy and Paul Andrews, fairly good reporting from Michele Matassa Flores—plus awful, inane, and inept garbage from our very own version of what can best be described as ''Clueless in Seattle'', O. Casey Corr. This nincompoop has just got to be the publisher's nephew or something!)

I read Hard Drive back when it was hot off the presses. Most of the personal and business behavior described in the Wallace/Erickson book seems nasty. It also seems pretty typical. The authors indicate that Bill Gates does not possess even the most basic or fundamental sense of ethics—whether it's having sex ''with the wife of one of Osborne Computer's overseas executives'' or stealing trade secrets from guileless prospective acquisition partners who've told Gates, or his confederates, too much. It may be that some of those stories are actually true hey, stranger things have happened! It may be that, at worst, Bill Gates is essentially amoral. Or, at best, he may be brash, arrogant, slick, sneaky, heavy-handed, and business-brutal. So fucking what? (Remember, I'm an unsophisticated tradesman. You will please excuse my lack of knowledge regarding proper judge-letter decorum. Throughout, I intend no disrespect to you or your institution.) (I must admit here that I would direct my personal admiration toward the likes of Arthur Ashe—I hope you've read his last book—rather than Bill Gates. And, perhaps, someday Gates will develop Ashe-like aspirations? Hope springs . . .)

What's the point of all this corporation meddling/oversight? Whimpy-assed also-rans and potential once-weres from their own silly ignorance and stupidity? Is it to protect some What IS Microsoft's competition doing? You know, Judge, it's almost as though all these wonderful, mega-bucks, ersatz business 'giants'—the CEOs at Apple, IBM, Motorola, Borland, Novell, and now, today, America Online, CompuServe, and Prodigy, decided to get together in a big circle and created some weird new-age ritual wherein they watched each other cut off their own balls! What a bunch of prissy little twits! Take a look at the marketplace. Really take a look. I mean, never mind those whining little suck-butts who have poor market savvy. Let me give you my own anecdotal example—it's pretty straight-forward:

1. I recently ordered, on February 17th, a Micron P100PCI Millennia PC. Micron, also an exceptionally talented company, has some sort of an agreement with Microsoft which provides Micron with Microsoft Office Professional 4.3/Microsoft Bookshelf on CD-ROM to bundle with its high-end PCs. I like that. (I would be quite surprised to learn that

Micron is a Reback silent partner—quite surprised, indeed.) IMPORTANT NOTE: Please understand, that if I choose, I may completely ignore ALL the software on my new computer, write all my own code using a wide variety of computer languages and operating systems on different sectors of my one-gigabyte hard drive, and develop any utility or application programs I dream up. My machine is fundamentally nothing more than a mass of potentially incredibly well-coordinated electronic impulses, just chomping at the bit, waiting for me to provide it with lucid instructions. This machine makes no demands on me, but offers me the tacit agreement that it will dance all over itself with zero/one delightfulness once I give it the proper zeros and ones. Hence, GIGO. (And this garbage-in-garbage-out concept could apply to lawsuits too—ya know what I mean, Verne?) We could get real anthropomorphic about it, but, it is just a fancy box of wires and wafers. So, what's left for me to do is to look around for some entity to take the aforementioned potential, and direct it better than I. N'est pas?

2. If you'd followed the development of PC software and hardware more closely, you would understand that this is a company, Microsoft, which produces excellent products—at a very reasonable price, with exceptional features which enable users to make very efficient use of their time and energy. (You'll notice that I didn't say ''perfect'' products, or even the ''best'' products. We have yet to see those—and it may not be Microsoft providing them!

3. Suppose I decide that I want to switch to Novell's PerfectOffice Professional software. I would run out to Egghead Software and buy it for $550. That's a lot of money. But, when you look at most businesses—even quite small home businesses—that amount of money isn't going to make or break you. And, now you'd own both sets of office software! (You could do the same thing with Lotus SmartSuite for $460.)

4. You could buy an Apple computer with an entirely different operating system, along with its own pretty handy software. Millions have. Why haven't millions more?

5. The number of software companies is growing remarkably fast, NOT SHRINKING—to a great extent because of Microsoft's enormous success and its continuing efforts to generate greater interest and involvement with personal computers. The old ''bandwagon effect:''

6. Is the world rushing to IBM and their operating system, O/S 2 Warp? Why not? Could you, Judge Stanley Sporkin, decide to write your very own operating system, market it, and make tons of moolah? You, if you really know what you're doing, bet your sweet behind you could! SO, WHERE'S THE MONOPOLY? WHAT'S THE BIG DEAL?

And all this crap about ''vaporware'' and the ''smoking gun''. Gimme a break. Microsoft lawyers lied to you? Do lawyers lie? Do bears dump ordure in the woods? You see, it isn't just the knowledge that ALL software companies—and most hardware companies, like maybe IBM, (surely, in my humble opinion, one of lawyer Reback's clients), have been doing this ''vapor'' stuff for forty years or more. By the way, so have the car makers, appliance companies, chemical companies, etc.

This is a very complex and challenging world into which you've fallen. The players inventors, developers, publishers, manufacturers, and customers—form a group unlike any you've ever imagined. The level of sophistication may be higher, especially that of the customers, than any other single societal element. And this fact is very important—even critical to you and your task. My hope is that you have some sort of ''warp-speed'' learning curve, since I don't believe, frankly, that you really know what's happening here. You have got to be damned sure that you are looking at victims.

Hey, help me out here. Is it possible that you may be thinking about putting some Rehnquist-like gold bands around your robes or something? I mean, I've picked-up this thing and perused it for years, from inside and out, top and bottom, at every imagined angle. I've squinted at it with a tilt, a lilt, and felt its temperature in all sorts of weather—and, mixing metaphors with complete abandon, you still look like a wild-ass bull in a fragile china shop to me.

Historically, the real damage done to society and our environments—both natural and competitive—has been visited upon us when large businesses or governmental agencies have colluded, not faced-off. (Oil companies, meat packers, railroads, the literally criminal behavior of General Motors and Standard Oil as they conspired to eliminate the trolley-car system in L.A., the Bay of Pigs fiasco, the Vietnam War, (I served in the 7th Special Forces Group and the 82d Abn. Div. from '61—'64, and have some first-hand knowledge of how and what our government did secretly—like Special Forces psych-warfare and sabotage teams operating, clandestinely, in North Vietnam during the late '50s and early '60s and the subsequent huge increase in manpower allocations following President Kennedy's visit to Fort Bragg and his viewing of our razzle-dazzle ''sneaky pete'' demonstrations—jet-pack-flying-soldiers bullshit and all. From your experience with the C.I.A. and the S.E.C., you understand the fundamental differences between groups-which-do-battle-amongst-themselves and groups-which-secretly-manipulate,-collude,-and-cooperate-whilst-publicly-portraying-themselves-as-rivals. The former may be rough all 'round as they behave in classic Darwinian fashion—providing more fit survivors. The latter gouges and rapes citizens and consumers. And denies all of us access to the better and best which life has to offer.

I'm convinced that you are having much trouble in gaining a clear picture of the issues involved in this case. (Yeah, I know that sounds rather smart-ass of me. But just try to consider some of what I have to say, in an open-minded manner, then worry about tone later.) Part of your difficulty lies in your lack of exposure to, and genuine familiarity with, the use and history of PCs and their software. Hard Drive presents only a small portion of that history, and it has a very narrow view to boot. Sources are all around you.

Scientific American has followed computers for many years now. The September '94 issue has an excellent article, ''Software's Chronic Crisis'', you will find quite valuable. In fact, Scientific American has computer-related articles in nearly every issue, including the current March, '95 and many of them deal with business and software together.

And maybe give some thought to having a talk with people like George Fisher—who had a totally different approach to some of these same technology competition issues while he was the CEO at Motorola several years ago—and former Congressman, Secretary of Defense, White House Chief of Staff, and an accomplished businessman, Don Rumsfeld. They are just a couple of the sources available to you to get a realistic sense of the actual market forces at work.

Lastly, I want to mention, in general, some of the global market factors involved. As you know, millions of dollars are stolen from many U.S. software companies every year. Software developers are using more and more foreign sources for their work all the time. You run the risk of, once again, killing another American golden-egg-laying goose. If you want to drive all of Microsoft's operations, not just some of them, to India, Bulgaria, and who knows where—keep pounding away. A zippy little reality check shows that Gates could run his corporation from just about anywhere—all Microsoft facilities could be re-located to Halmahera, Jabalpur, or even Kumbukkan, whilst he and his gang of top bananas stroll the halls of their Puget Sound mansions, occasionally tapping a few keys in Microsoft Office Professional 4.3 to check-up on things.

What's happened to the American television and electronics industry? Autos? Book publishing? The point is, if you try to gain power and fame by bludgeoning world-class American corporations like Microsoft—in the misguided belief that they have a monopoly—you may actually provide even more opportunities for far less competent, ethical, and competitive software providers—and end-up destroying the enormous good side of our business environment for American companies. Frankly, foreign companies love the way our courts stomp on our businesses. (I'm not talking about real concerns like health and safety rules—I mean the very methods you seem so upset about. The exclusive license agreements which build powerful ties between Microsoft and its partners, and even other trade so-called 'questionable' practices.) Let the companies who complain and try to coerce the Justice Department, move their cause to civil courts with actual violations of law. Let 'em make their case with better products and prices in the marketplace. Let 'em go door-to-door, if necessary, with excellent products.

A year ago today, I turned fifty. I read Mr. Ashe's book and felt terrific for it. Today, on my fifty-first birthday, you, you lucky dog, are the recipient of my efforts at trying to make a small, positive difference. It may surprise you to learn that I don't own Microsoft stock, but I know several carpenters who do—they've done well and acted wisely. I hope you will too.

Sincerely,

William S. Stella

8615 238th Street, S.W., G302

Edmonds, Washington 98026
(206) 775–0550

P.S. Rest assured that I would certainly enjoy having the opportunity to meet you or talk with you at any time. If you ever visit the Seattle area, please give me a call and I'll treat you to Harry Nagamatsu's Atlantic Street Pizza—''Garlic Gulch'' for sure. Maybe Willy Windows will join us, and then you can really pummel him.

P.P.S. Obviously, this is a personal letter. I don't represent anyone—not my union, Microsoft, the late and great Arthur Ashe—except simple ol' me.

C.C. Stephen H. Dunphy—Seattle Times Business Columnist Bill Gates—Microsoft Corporation

MTC–00009666

From: TBurTREE@aol.com@inetgw
To: Microsoft ATR
Date: 1/8/02 7:16pm
Subject: Microsoft Settlement

I support the Microsoft Settlement. Glad to see an end to the Clinton era of anti trust lawsuits.

Sincerely, Terry Burnett
Phx, AZ.
CC:tburtree@earthlink.net@inetgw

MTC–00009667

From: Bob (038) Caryl Horstmeier
To: Microsoft ATR
Date: 1/8/02 7:17pm
Subject: GOVT. SHAKEDOWN OF MICROSOFT

DEAR WHO EVER AT JUSTICE DEPT;

I BELIEVE THAT MICRO SOFT DOES NOT RATE A SHAKE DOWN BY THE GOVT. JUST BECAUSE MICROSOFT DID NOT CONTRIBUTE TO SLICK WILLY. THE REST OF THE WORLD IS WONDERING WHY WE SHAKE DOWN OUR BEST ACHIEVERS.

ROBERT HORSTMEIER, 112 STANTON STREET, DAVIS ILLINOIS, 61019–0183
randchorst@stateline-isp.com

MTC–00009668

From: brede
To: Microsoft ATR
Date: 1/8/02 7:21pm
Subject: Microsoft Settlement

I think the States and the Justice Dept should leave Microsoft alone. What a bunch of envious second rate people you've become. Hatred of the good for being good is not an American ideal an longer.

Eternal Vigilance,
Lorelei Brede

MTC–00009669

From: Thomas LaRusso
To: Microsoft ATR
Date: 1/8/02 7:38pm
Subject: MICROSOFT SETTLEMENT

THE REMEDY THE GOVERNMENT PROPOSED SHOULD BE SETTLED ON. NO FURTHER STATE ACTION SHOULD BE CONSIDERED.

TOM LARUSSO

MTC–00009670

From: Dale Fester
To: Microsoft ATR
Date: 1/8/02 7:51pm
Subject: Microsoft Settlement

DOJ: I support the settlement, even though I feel it is unfair to Microsoft. I feel that Microsoft has never been a problem for consumers. It is my belief that they have been tough competitors, but that is what free enterprise is all about. The Justice Department should never have taken the side of the losing competitors. I believe it was the DOJ, Sun Microsystems, Netscape, and the predudicial judge who were responsible for starting the economy into its downturn. I certainly don't thank you for that! The complaining states should be sent packing. All they are interested in is trying to get money from Microsoft, who has in no way hurt consumers. I thank Microsoft for an excellent product that they market for a fair price. If it hadn't been for Microsoft developing a universal software for us computer users, we would be in a lot of trouble trying to link across an innumberable variety of computer operating systems. Leave them alone. When I worked for a large aerospace company, we were always trying to beat the others and we had no love or compassion for them. That's the definition of free enterprise, which is based on survival of the best competitors.

Dale Fester
2916 South Fenton St.
Denver, Colorado 80227
Tel: 303–985–5678

MTC–00009671

From: Carol Adams
To: Microsoft ATR
Date: 1/8/02 7:50pm
Subject: microsoft anti-trust suit
TO: US Dept of Justice
From: Carol C. Adams
Atlanta, GA

Please close the case against Microsoft and therefore end the abuse of our anti trust laws. Microsoft is a fine competative company that is successful and should be a model for other emerging companies.

Yours truly,
Carol Adams

MTC–00009672

From: cphatcher
To: Microsoft ATR
Date: 1/8/02 7:52pm
Subject: Microsoft Settlement

The Microsoft trial has squandered taxpayers' dollars. It is high time for this trial, and the wasteful spending accompanying it, to be over. Competition should be in the marketplace not the courtroom. Competition means creating better goods and offering superior services to consumers. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies. This whole mess is the result of the aggressive lobbying efforts of a few of Microsoft's competitors.

Now that the federal government and nine states have finally reached a comprehensive agreement with Microsoft to address the reduced liability found in the Court of Appeals ruling. It's time to put this to rest.

This settlement is tough, but seems reasonable and fair to all parties involved. I agree this settlement is good for them, the industry and the American economy. I support the Microsoft settlement.

Clarence Hatcher
3268 F 3/10 Road
Clifton, CO 81520

MTC–00009673

From: Clark Cox
To: Microsoft ATR
Date: 1/8/02 7:52pm
Subject: Anti-Trust Case

There is no way DOJ can prove consumers are worse off due to Microsoft's actions. Maybe their competitors are worse off, but that is the nature of business. Personal computer use soared in this country due to standardization, and that standardization is due to the success of Microsoft's products. Please stop wasting our tax dollars with the pursuit of Microsoft, there are much better uses of these dollars than frivolous litigation.

MTC–00009674

From: Wanda
To: Microsoft ATR
Date: 1/8/02 7:57pm
Subject: Microsoft settlement

I support settling the Microsoft case. I think it would be in the best interests of the public to do so. I do think, however, that Bill Gates abused his company's position by creating software that requires everything to be built on it's base and holding smaller companies hostage by requiring them to use Microsoft's products in order to market their own.

Wanda Simonson

MTC–00009675

From: rosalie mcGhie
To: Microsoft ATR
Date: 1/8/02 7:58pm
Subject: microsoft comment

MTC–00009676

From: Merle Steffenson
To: Microsoft ATR
Date: 1/8/02 8:07pm
Subject: Microsoft Settlement

I'm sure getting tired of reading and hearing about this! Let's quit wasting my tax money and dispose of this case. It looks like you're running interference for Microsoft's competitors (who, in many cases, probably wouldn't even exist if it weren't for Microsoft). Get it settled and get the holdout states in line. I'm from Iowa and I'm ashamed to see the AG trying to get into Microsoft's pockets. Get more from the Web. ′

MTC–00009677

From: Harry Crowell
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/8/02 8:21pm
Subject: Microsoft settlement

I believe the U S economy has suffered enough with this wasteful and foolish witchunt of a series of expensive lawsuits. Please stop harming our fragile economy. All this lawsuit mess is doing is creating a lot of wealth for a bunch of lawyers and for sure it is not reducing the cost of computing.

MTC–00009678

From: The Fosters
To: Microsoft ATR
Date: 1/8/02 8:13pm
Subject: GIVE UP ON microsoft

The settlements already given are enough. Please DUMP the case as this is only left over

from Clinton years. Lets get back to helping industry.

Gifford Foster

MTC–00009679

From: Walter B. Mills
To: Microsoft ATR
Date: 1/8/02 8:14pm
Subject: Microsoft Settlement

Dear Members of the Department of Justice:

If Microsoft is satisfied with the present government judgement agreed to by nine state attorney generals, then I recommend ending future litigations. My personal view of this court case against Microsoft is: ''it never should have happened''! Microsoft ''Windows'' isn't a finished product. The competitors who sought government protection are simply not competitive.

The American Public is extremely fortunate that Microsoft invented ''Windows'' before a foreign nation developed it. Billions of dollars have flowed to America that otherwise could have been lost. Consumers of Microsoft products have excellent products at affordable prices thanks to competition the American way. I certainly do not wish to see Bill Gates and his company penalized for producing better products (a better mouse trap as the old saying goes).

As a consumer of Microsoft products, I have not been overcharged as might happen with a monopoly. However, I have lost financially when Microsoft stock prices dropped severely due to this court case.

Do not penalize Microsoft for success. Encourage the competition to do better! The government must not dictate to Microsoft how to design computer software. That would be a disaster and America would lose it's inventive edge!

Respectfully,
Walter B. Mills
20070 Park Ridge Lane
Sedro Woolley, WA 98284–7601
Email: ettabert@cnw.com

MTC–00009680

From: Douglas Matheson
To: Microsoft ATR
Date: 1/8/02 8:20pm
Subject: judgement

I happen to use Microsoft products for the Macintosh. I like them, but I can't stand the grassroots propaganda the MS uses to get their way. They were wrong in the way they conducted business for the last 15 years (at least). Don't let them give software, make them give real dollars and let the receivers decide where to spend it.

Douglas W. Matheson Ph.D
Dept. of Psychology
University of the Pacific
Stockton, CA USA

MTC–00009681

From: Billy Colwell
To: Microsoft ATR
Date: 1/8/02 8:29pm
Subject: Microsoft Settlement
P.O. Box 35
Roxton, Texas 75477
January 8, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing this letter to you today to express to you my sincere delight at the resolution of the long drawn out antitrust lawsuit filed against Microsoft. The resolution that was reached is a long overdue end to this debacle. Terms of this settlement are quite extensive and cover every parties needs, I believe. For the competitor software companies, there are provisions that give them access to the interface information so that their software can work more smoothly in Microsoft's Windows operating system. For the computer manufacturers, there are provisions that would prevent Microsoft from retaliating against them should they promote software from Microsoft's competitors. For the consumers, there are provisions that stimulate competition, which subsequently keeps prices down. There is no part that this settlement does not cover; it truly is all encompassing. There is no reason to litigate this further. A settlement has been reached, and its time to let this issue rest. I hope you will hear the opinion of people like me and agree to the settlement that was reached. I thank you for your time today.

Sincerely,
Billy Colwell

MTC–00009682

From: Richard Gillmann
To: Microsoft ATR
Date: 1/8/02 8:33pm
Subject: Microsoft Settlement

The terms proposed are tough but fair. It's time to settle this case and let American business get back to doing what it does best—making the best products in the world.

Richard Gillmann
4150—187th Ave SE
Issaquah, WA 98027 (USA)
(425)641–5136
http://www.nwlink.com/rxg/
richard@folkradio.org
-or-
rxg@nwlink.com

MTC–00009683

From: H. Hoffman
To: Microsoft ATR
Date: 1/8/02 8:43pm
Subject: Justice Department Members: I believe that it is past time to end the Clinton era Anti-trust law

Justice Department Members: I believe that it is past time to end the Clinton era Anti-trust law abuse. It is a sad state of affairs when men and women aren't allowed to achieve what they are able to achieve legally because someone who isn't able to achieve as much yells''foul''. I'm tired of all these petty lawsuits that make lawyers wealthy and naturally competitive persons want to give up on the American dream of making wealth through hard work and ingenuity. This is the kind of thing that will bring America down if allowed to continue. PLEASE, PUT A STOP TO IT!

Helen Hoffman
4805 Serena Court.
Carmichael, Ca. 95608–4240

MTC–00009684

From: JewisonP@aol.com@inetgw
To: Microsoft ATR
Date: 1/8/02 8:58pm
Subject: Microsoft Settlement

Attorney General John Ashcroft
United States Department of Justice

Let me first note that I am a longtime Microsoft (MS) product user. I started with Apple, played with Unix and LINUX and naturally gravitated to the MS platform due to business needs and productivity.

I preface this so as you know that when I am writing you today to voice my support for the settlement that was reached on November 6, 2001, between MS and the government, you represent, my request and opinion is based not on pure emotion but on experience.

Productivity is the issue. MS provides it. You (the court, politicians, special interests and unsuccessful competitors) have conspired to come against MS, each for your own reasons. If the competitors had as good a product as MS, they would be where MS is and not seeking to steal their profits or destroy MS by use of greedy and unethical lawyers. Netscape Navigator is a perfect example of this. If it wasn't prone to crashing, I would probably still be using Netscape today. I discontinued using it several years ago due to its unreliability factor.

Lest you think me bias, may I acknowlege that I have and am still using several third party products (both software and hardware) on top of the MS platform without conflict or bugs. So, again, where is the problem? Where is this monopoly that MS is supposed to have? As an American consumer I can still pick and choose to acquire the software that I desire. Yes, I may have to initiate contact or search for a separate vender to acquire something made by MS but doesn't have the features that I desire, but you and I do that every day when we buy groceries or other products. One store may not have the cookies I like, so although they may have several different types of cookies on hand, I will make my purchases there and on the way home stop off at another store that has the cookies I like. And if the first store is giving away their cookies free with, say, the purchase of milk, fine, but I'm not prevented from going to the other store on my way home and buying the cookies I like. It just means that I now have two cookies. One I will eat and the other thrown away or given to the dog.

I like many in America do not understand your ''Monopoly'' issue. It doesn't exist as far as I can see. What exists is political greed and lack of moral character. The politicians found that they could gain some extra cash (it would be called extortion or racketeering if it were done by the common man) and votes by pretending to support the little guy. It always looks good when you have stand up for the little guy and slap down the ''rich'' capitalist. It's the mentality we suffer with these days because the government has taught us all to be victims. How better to succeed, by everybody having nothing. We all share the same misery. It's killing America, not only business but also the social structure and fabric of this great country. The courts/lawyers jumped into the fray, because that's what vultures do. They prey on the vulnerable. Mr. Gates and MS were going about their business. Clinton and

his cronies were not getting political kick backs from this ingrate. Seagate was a friend and made huge contributions. They, however, were being beaten up in the marketplace by someone who was producing a better product and marketing it better. Clinton was having his own problems and saw an opportunity to deflect a little heat and pay back a political debt. And, Viola! Enter the courts.

Besides who stands to profit. Look at the huge sums that are being collected by both the prosecution and defense attorneys. In the end, its the litigation attorneys who will walk away from this with their pockets full. The consumer will again suffer the disadvantage by paying more for less. MS will have to put the breaks on innovation, which in their industry may be the death knell.

This case was political from the beginning. It's time to settle this thing. The offers have been made and accepted, except by a few greedy State Attorneys. Let them go back to their casinos and constituent for their State's needs. Leave Microsoft alone. They and we the consumer do not owe them a thing. Because they have increased their state's spending by 63% (according to America Legislative Exchange Council) over the decade of the 90's is not Microsoft's fault. These local politicians need to either cut spending or seek the deficiencies from their own constituencies. They should not seek to balance their budgets upon the back of MS. MS sells a good product. Do not punish them further with this injustice.

You have exacted the penalty. Microsoft is willing to suffer the ''penalty''. Let them get back to what they do. Making a quality product that puts productivity in American business which has put us ahead of the world. To further delay or seek greater damages is only to deter and prolong the injustice. The US court was out to find a scapegoat for a previous administration. That administration is now gone. The court is supposed to be a separate branch of the government, not a Brown Shirt for the Executive Branch. This case should have never come before the courts. Accept this settlement as is and clear your calendar for real crimes and criminals. Thank you for suffering through this diatribe, but may I state for the record that I support this settlement and believe it will have a broad positive impact on the state of our economy at the present time.

Sincerely,
Patric J. Jewison
a registered voter from Billings, Montana

MTC–00009685

From: Nancylfp@aol.com@inetgw
To: Microsoft ATR
Date: 1/8/02 9:04pm
Subject: microsoft settlement

I believe microsoft has done nothing wrong to warrant punishment by DOJ. They have simply been fierce competitors in a business where there are many options for those using computers in areas where microsoft leads. They could lose their lead at any time. DOJ would do well to focus on real problems in this country and Bill Gates is not one of them.

Nancy Prestopino

MTC–00009686

From: Cosmo S
To: Microsoft ATR
Date: 1/8/02 9:07pm
Subject: Microsoft

I urge you to end Clinton-era Anti-trust law abuse aimed at Microsoft.

Sincerely,
Cosmo Stallone

MTC–00009687

From: PHarris711@aol.com@inetgw
To: Microsoft ATR
Date: 1/8/02 9:31pm
Subject: Microsoft Settlement

To whom it may concern:

Please settle the Microsoft case. It is in the public interest to do so!!! If this continues only the lawyers will win.

Grace Harris
234 East Rocks Road
Norwalk, CT 06851

MTC–00009688

From: John (038) Marty Trueblood
To: Microsoft ATR
Date: 1/8/02 9:34pm
Subject: Micro-soft Settlement

I believe that the Anti-Trust Suit against Micro-soft should end now, today. Competition is necessary and should be the challenge, not the call to punish a successful company. It is time for all to let go of this unfair law suit and to let the other Companies get on with their business, develop better products and compete in the open market.

John A. Trueblood
8916 196 th. Street
McAlpin, Florida 32062
(386) 364–5316

MTC–00009689

From: Sandi Wilke
To: Microsoft ATR
Date: 1/8/02 9:36pm

Please end the trial against Microsoft. The settlement is good. Let's get on with America and free enterprise. Let Americans spend their money the way they feel is best for them.

Thank you.
sandiw@turbonet.com

MTC–00009690

From: tomkeplar
To: Microsoft ATR
Date: 1/8/02 7:50pm
Subject: Drop the Microsoft case

I believe the Justice Dept. should make the Microsoft case disappear. We are all free to choose our computer items. Let it be a thing of the past. There is so many terrible things that are going on, so look to the future. For one, the environmental groups, Sierra, Friends, Greens, etc are all trying to take over the plant, it is time to investigate their expensive offices and things they use their money for. I sort of believe they are UN-American.

MTC–00009692

From: Lynn Handy
To: Microsoft ATR
Date: 1/8/02 10:27pm
Subject: Microsoft Settlement

Do not remove Java from Windows—there are many valuable websites that depend on this programming to provide their services. One such site is wetbusters.com, which provides a valuable source of support and info to children and adults with enuresis—I know of now other such site available, and as a health care provider, I need to be sure my patients can have ongoing access to this superb support site.

Thank you.
Lynn Handy, ARNP

MTC–00009693

From: Benjam(00ED)n Mu(00F1)oz Mateu
To: Microsoft ATR
Date: 1/8/02 10:37pm
Subject: Microsoft Settlement

MTC–00009694

From: Lyn Monahan
To: Microsoft ATR
Date: 1/8/02 10:48pm
Subject: Microsoft Settlement

MTC–00009695

From: Charles Lyons
To: Microsoft ATR
Date: 1/8/02 10:48pm
Subject: Anti-trust NO!

The time has come for DOJ to put a merciful end to the Clinton-era attack on one of the most successful companies in the long history of the United States. In America's fight for survival of a free system of government against a system of terrorism, we need strong and innovative organizations dedicated to communicating the message of freedom to peoples around the world.

Charles E. Lyons

MTC–00009696

From: slclark
To: Microsoft ATR
Date: 1/8/02 10:59pm
Subject: Microsoft Anti-trust Issue

Good Morning—

Please in the interests of the citizens of our great country drop the case against Microsoft. It has been dragging on for the last several years and is costing the tax payer many millions of dollars and really making a mess of the economy while making the lawyers very rich.

Have a good day,
(Mr & Mrs) Sharon L & Joyce M Clark
CC:slclark

MTC–00009697

From: slclark
To: Microsoft ATR
Date: 1/8/02 10:59pm
Subject: Microsoft Anti-trust Issue

Good Morning—

Please in the interests of the citizens of our great country drop the case against Microsoft. It has been dragging on for the last several years and is costing the tax payer many millions of dollars and really making a mess of the economy while making the lawyers very rich.

Have a good day,
(Mr & Mrs) Sharon L & Joyce M Clark
CC:slclark

MTC–00009698

From: Francois Vincent

To: Microsoft ATR
Date: 1/8/02 11:03pm
Subject: Microsoft Settlement

Hi,

I am part of a worldwide network that is working on getting the BeOS or equivalent back into the market place, but there is no hope of success if the following issues aren't addressed:

1–MS Office needs to be opened, so that developers interested in porting it or understanding the document formats can do so either in form of a source code licence or an allowance to see it, check it and ''clone libraries'', so that applications on non-Windows OSs can read and write MS Office formats for flawless interaction with Windows users.

2—The Win32 API needs to be made available (incl. undocumented APIs) so that WINE can be successfully ported not only to BeOS but other OS too.

3—The file system needs to be opened, so that BeOS users can continue to access files on non-BFS partitions.

4—The ruling must include a ''must-carry'' rule, so that any OEM Microsoft is supplying Windows with HAS to ''dual-boot'' an alternative operating system, in this case BeOS, in order to remedy the damage MS has done to BeOS in the past.

What Microsoft did and still does doesn't respect at all the freedom of expression that USA defends. People have the right to know that exists other Operating System than Windows and to choose which one is better.

Thank you very much and I hope that justice will be made.

Francois Vincent
www.bug-mg.org

MTC–00009699

From: Sandy Alto
To: Microsoft ATR
Date: 1/8/02 11:23pm
Subject: PLEASE GET OFF MICROSOFT'S BACK!

It's utterly insane that a bunch of state governments are allowed to play politics in this economy with technology companies. Microsoft is not a monopoly, creates outstanding products that have made my life incredibly better and easier, AND WILDLY ECONOMICAL.

Technology advances must be made for our economy to grow. We need to leave Microsoft alone and let them compete in the marketplace as they have in the past. The best company that offers the best service will win, but with so many needs that have to be met, it's unlikely that one company will ever be able to be all things to all consumers.

Stop trying to regulate this industry by penalizing Microsoft. Let the marketplace drive demand, service, and quality.

Thank you,
Sandra Alto
19012 90th Pl. N.E.
Bothell, WA 98011

MTC–00009700

From: Tom (038) Carolyn Burke
To: US Dept of Justice-Microsoft anti-trust comments
Date: 1/8/02 11:24pm
Subject: Microsoft Anti-Settlement

This is not punishment for breaking a law it is a reward. This ''settlement'' is a terrible, terrible dis-service to the American people. This settlement allows microsoft to further their monopolistic ways in a most insidious way by allowing them greater access to our most valuable assets, our children. Further, it shows our children that breaking laws will be rewarded, rather than punished, by our highest courts. How can this be justice? How will our children be able to determine right from wrong when the wrong-doers are rewarded and not truly punished? This is one of the worlds greatest travesties of justice of all times! Please there must be some way to control this great corporation that will show them that they too are subject to the rules and regulations of our great country.

Carolyn Burke,
tburke1@qwest.net

MTC–00009701

From: Marion Parker
To: Microsoft ATR
Date: 1/8/02 11:26pm
Subject: stop abuse

Please stop abusing a hard-working enterpreneur for his success!

Marlene Parker
1901 N. Thompson St.
Conroe TX 77301–1241
mk_parker@bigfoot.com
936–441–7503

MTC–00009702

From: Tom O'Hern
To: Microsoft ATR
Date: 1/8/02 11:35pm
Subject: A slap on the hand is not enough

To whom it may concern,

As a resident of Seattle I find my self very close to the root of the problem with the case of Microsoft. I am very involved in the computer industry and have for the last 15 years spent a good deal of time watching Microsoft. I have watched first hand in the industry how Microsoft has gained the upper hand not by producing a superior product but by buying out competitors and using the legal system to drain their rivals.

In the computer industry there are many competing products. I have found though, that preferential treatment is given to Microsoft products. Why? Even though IT managers know that other products are superior/compatible/cheaper it would be insane to go any other route because Microsoft will put an end to that copetition sooner or later and anyone who has built a business on those other products will have to pay absurd amounts of money to switch over their entire division.

You might think Microsoft would do well to incorporate those ideas in to their own products but they rarely do. They know what power they have and the corporation has become an entity of its own. It answers to stock holders and board members (who usually have their hands in MS's pockets more than the stockholders), not to ethical practices.

I could go on but I am sure there are many others that will in my place. Many people are speaking out but with out *their* governments backing no justice will be served. Free trade must be established. A simple slap on Microsoft's hand will not achieve anything. At the least the company must be broken up. Please.

Tom O'Hern
tom@ohern.net
3415 NW 71st St.
Seattle, WA 98117
206–782–2820

MTC–00009703

From: Jon Fulfer
To: Microsoft ATR
Date: 1/9/02 12:04am
Subject: Microsoft Settlement

Jon Fulfer
24 Indian Trail
Lake Dallas, Texas 75065
January 8, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I am absolutely opposed to having the Microsoft Corporation broken up, and I am worried that if the litigation against them is carried any further, that is exactly what may happen. As you know, a resolution was finally reached last fall in regards to this issue. It was a resolution that should please all parties, and there is no reason to pursue this issue any further. The provisions within this settlement provide the smaller software companies with protection from Microsoft. They have pricing guarantees, retaliation protection, contractual restrictions, and the list goes on. The resolution as it now stands is as restrictive as can be without preventing competition, which is basic to our economy.

The next step in further litigation can only be the breakup of one of the pioneers in the information technology era. This would absolutely devastating, and I do not want to see it happen. Do not alter the settlement; leave it as is.

Sincerely,
Jon Fulfer
cc: Representative Richard Armey
CC:fin@mobilizationoffice.com@inetgw

MTC–00009704

From: Carlos Santellanes
To: Microsoft ATR
Date: 1/9/02 12:01am
Subject: Justice please

In late 1998 and early 1999, the United States District Court found that Microsoft had violated both sections 1 and 2 of the Sherman Act. Any remedy seeking to prevent an extension of Microsoft's monopoly must place Microsoft products as extra-cost options in the purchase of new computers, so that the user who does not wish to purchase them is not forced to do so. This means that for the price differential between a new computer with Microsoft software and one without, a computer seller must offer the software without the computer (which would prevent computer makers from saying that the difference in price is only a few dollars). Only then could competition come to exist in a meaningful way. The specifications of Microsoft's present and future document file formats must be made public, so that documents created in Microsoft applications may be read by programs from other makers,

on Microsoft's or other operating systems. This is in addition to opening the Windows application program interface (API, the set of ''hooks'' that allow other parties to write applications for Windows operating systems), which is already part of the proposed settlement.

Any Microsoft networking protocols must be published in full and approved by an independent network protocol body. This would prevent Microsoft from seizing de facto control of the Internet. It is crucial that Microsoft's operating system monopoly not be extended, and in this I quote the study released a year ago by the highly respected Center for Strategic and International Studies, which pointed out that the use of Microsoft software actually poses a national security risk. In closing, I say that all are surely in agreement that the resolution of this case is of great importance, not just now but for many years to come. This suggests a careful and deliberate penalty is far more important to the health of the nation than is a hasty one.

End Note:

The recent attempt by Microsoft to Hijack the penalty phase of this court proceedings shouldn't be allowed to stand a minute of contemplation, the remedy must be fair and blind to partisanship. By giving into the Microsoft remedy you would be basically giving the 'Hen house to the wolves'. By Flooding the educational market with 'FREE' Microsoft products would only serve to fatten an already fat giant. I beg you to please impose REAL punishment onto the REAL criminals of this case. Anything else would be punishing the unprotected and innocent buying public.

Sincerely,
Carlos Santellanes
Los Angeles, California
nrique@earthlink.net

MTC–00009705

From: Anatoly Volynets
To: Microsoft ATR
Date: 1/9/02 1:00am
Subject: Monopoly hearts!
To:
Renata Hesse, Trial Attorney
Suite 1200, Antitrust Division, Department of Justice
601 D Street NW
Washington, DC 20530;
From: Anatoly Volynets
1121 Village Dr. #9
Belmont, CA 94002

Dear Renata Hesse:

I would like to make some comments on Microsoft case.

1. I came in US from the former USSR. It is my understanding that communist country is that one of absolute monopoly in all areas of our life: culture, industry, media, education, etc. I feel ''by skin'' all humiliative impact of monopoly on ''small'' people. I also understand how monopoly slows down any progress in a society, how badly it affects science, technology, education, health care, everything. That is why US antitrust laws make me personally happy. It may sound funny, but I do feel this way. So my opinion in general is following: any monopoly must be fought and limited AS MUCH AS POSSIBLE for people, society and country sake.

2. One may say that some monopolists do not behave badly, do not really harm public, are honest in their attitude toward people and state, produce goods and services of high quality, keep fair prices, create jobs, represent economic power of the country, etc. Maybe such monopolists do exist, but this is not about Microsoft Corporation. Whatever I know about their products and conduct is of the worst quality and impact possible. They always were the same as they are exposed in the movie ''Pirates of Silicon Valley''. Consider just one issue: security holes in Windows OS and Windows based applications caused and entirely responsible for the ''crackerism'' as such. All world wide spread viruses exploit Windows weak points.

3. I cannot understand how the proposed settlement may solve problems caused by Microsoft activities. So I came out with my own proposition.

4. I am not a lawyer so my propositions may not be 100% legitimate, but I developed them based on my general knowledge. Once again, people, society and country always benefit from competition and suffer from monopoly. This is true in general terms and nothing tells us against this in particular Microsoft case.

5. So I believe, the only considerable results in the case may be achieved by breaking Microsoft. I do not thing it will work if we break it in 2. OS developing company has no reason to compete with Application developing company. I thing it must be divided at least by 12:

2 OS developers,
2 Office application developers,
2 Internet application developers
2 Media application developers
2 ISP providers
2 ASP providers, so that the least competition occurred within each pair.

I do not know if such action be enough regarding financial means accumulated by Microsoft so far.

5. Looking into situation on market I think it would be necessary to apply additional taxation on all Windows related products and services, including education. Additional taxes should be used to create public funds to support competition, especially Free Software development.

6. Addressing low quality of MS products and dangerous security issues, their products and services must be treated the same way as tobacco ones: No advertisement allowed; Each product and service must be labeled accordingly by independent experts, to let people know what they pay for.

7. Addressing Microsoft's past monopoly power abuses, there must be heavy financial penalties applied, and collected funds to be used to support Free Software development.

Sincerely,
Anatoly Volynets

MTC–00009706

From: Charles Preacher
To: Microsoft ATR
Date: 1/9/02 1:17am
Subject: Microsoft Settlement

The suit should be settled. It should not have been filed in the first place. Bill Gates might be a nerd, but he is a genius nerd. The technological developments ue has masterminded are among the most significant the world has ever seen. Leave him and Microsoft alone.

Charles B. Preacher

MTC–00009707

From: Doug Siebert
To: Microsoft ATR
Date: 1/9/02 2:39am
Subject: Microsoft Settlement

I would like to submit my comments on the proposed settlement between the US DOJ and Microsoft. My name is Douglas Siebert, I am an independant consultant who does enterprise computing work, and have been a professional in the field for ten years. I hold a Masters in Computer Science in addition to an MBA from the University of Iowa. I feel that I have a much greater understanding of these matters than most people from a technical perspective, and have been in the field for a long enough time that I know the history behind all the various aspects of the case.

I have followed the case with great interest as I have become more and more concerned over the years about Microsoft's domination of the industry, and its negative effects. The explosive growth of the industry and its resultant effect on the economy has allowed Microsoft's abuses to go on for far too long. I think a lot of people had a ''if it ain't broke don't fix it'' attitude about this. While I can understand that, I think the industry would even more strong, creative and dynamic if Microsoft did not hold such a totally dominant position over such a large and ever increasing portion of it.

I feel the proposed settlement is totally inadequate. It does not punish Microsoft at all for its past abuses, nor is there any real change put into force to either prevent them from future abuses or make it more attractive financially or legally to avoid these abuses on its own. The US Court of Appeals ruled unanimously that Microsoft is a monopoly, and has stated the remedy for their illegal conduct in maintaining this monopoly must ''seek to 'unfetter (the) market from anticompetitive conduct,' ... to 'terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future.'" As it does none of these things, it must be scrapped, and unless a far stronger deal can be struck, I feel the Court must direct the proceedings to continue.

The DOJ has entered into deals with Microsoft before, and the result was a larger and stronger monopoly, with monopoly profits accorded to its top officers as a reward for their illegal and unethical behavior. This remedy will be equally ineffective, with loopholes to strengthen Microsoft's position riddling the terms. As a simple example, the requirement for Microsoft to disclose its APIs allows them an out for anything relating to security (in today's Internet, nearly anything can be determined to be security critical, and if not it can be altered so that it is) It also allows Microsoft to only disclose these APIs to companies whom Microsoft deems as having a ''viable business plan''. Nevermind

possible abuses of this in connection with for-profit companies having financial difficulties, it is an out for them in connection with their only real competition in the operating system market today, so-called ''open source'' systems such as Linux. Since their works are essentially in the public domain, Microsoft obviously crafted this requirement as a way to prevent giving the critical API information to what they feel is the biggest threat to their current monopoly.

The nine states (including my home state of Iowa) who have intelligently declined to be a part of this one-sided settlement have proposed a somewhat modified version. While better, that version is still missing some key aspects of the picture. The requirement to make source code for Microsoft's Internet Explorer browser will obviously be a deal killer from Microsoft's perspective. The taking of their intellectual property is something the Court is likely to be loathe to do as well. But the worst thing about this is that it wouldn't really do anything substantial as far as changing the competitive landscape. It would certainly be more than a slap on the wrist to Microsoft, and something that may give them pause before they continue on to future abuses of their monopoly, but it is not particulary constructive.

However, I do not wish to simply criticize the settlement. I do have some suggestions for a remedy I'd like to see considered in whole or in part. I have noted my reasoning behind these points as well.

1) Disallow Microsoft from the purchase of or investment in any new companies. Microsoft has historically used its monopoly profits as a way of extending its monopoly by buying out the competition to kill it or integrate it into their product portfolios. They have lately been using strategic investments with their huge cash reserve to take equity positions in other companies, as a way to push their technology onto these companies when they otherwise would not have freely chosen it.

2) Disallow Microsoft from entering into any new exclusive licensing deals with any companies or individuals for any of their products or intellectual property. This would prevent them from one of their favorite avenues for further abuses, since anything Microsoft licensed would still be available to others to license as well and use to compete fairly with Microsoft in the marketplace.

3) Make all deals, contracts, etc. Microsoft enters into a matter of public record. In addition, any existing deals would have to be entered into the public record within a reasonable period of time after the final judgement is made. This would give Microsoft (or those who have entered into deals or contracts with them) an opportunity to extricate themselves from any deals they would rather not have publicly disclosed for any reason.

4) Require Microsoft to disclose all APIs, network protocols, file formats, etc. for all its software in any market where they have more than 50% share. This would extend to any new markets where they currently don't have 50% share if they achieve it during the lifetime of the settlement's terms. These APIs would be made freely available in the public domain with no restriction on their use. All required information must be available before any product using them is available for retail sale or for preinstallation by its OEM partners. In addition, any changes to these APIs caused by changes to its software due to patches, fixes, service packs and such would also need to be disclosed prior to the release of said fixes. The only exception would be for critical security fixes, due to the timeliness requirement for these fixes, that Microsoft be allowed two weeks after the release of these fixes before disclosure is required. This is the biggest change as far as potentially restoring competition to the marketplace. Armed with the ability to interoperate with Microsoft software in a 100% compatible way, competition would spring up in many places, both from commercial competitors as well as ''open source'' freely available programs. The marketplace could freely choose based on features, price, support, etc. without the current worries that Microsoft will make changes that will render the software inoperable with Microsoft's overnight. Microsoft's huge size and vast army of employees would still give them a sizeable advantage, but if nothing else, having to compete fairly would cause Microsoft to put its resources back towards giving consumers what they want, rather than what Microsoft requires in order to insure the continuation of its monopoly.

This solution would be far superior to the nine states' solution of forcing Microsoft to put their intellectual property in the public domain (in the form of the source code to their Internet Explorer browser) since it would create competition across the board (end user operating systems, server operating systems, Office suite, Internet browser) rather than possibly only in a narrowly targeted area. It would also avoid setting a precedent the Court would probably rather not set. Microsoft would have a much harder time arguing against the unfairness of a solution that merely puts its competition on the same footing as them versus the taking of their property.

Finally, I would like to suggest that the proposed settlement's terms for the ''compliance committee'' are woefully inadequate. I do not believe that Microsoft should have any say in the membership of this committee. Instead, Microsoft should be required to provide some of the staffing for this committee so they can expedite the process of locating and securing necessary documents, information, and access to Microsoft personnel. The committee will have their hands full monitoring Microsoft's compliance, even if they are not deliberately obstructed along the way. Having one committee member coming from Microsoft and another that Microsoft would have to agree on almost guarantees attempted abuses by Microsoft with attempts to obstruct the committee's ability to function effectively in its role.

I want to thank you for allowing me the opportunity to contribute my thoughts on this, and I hope my comments do receive serious consideration. I realize that you will probably receive many thousands of comments on this proposed settlement, and even after discarding those that are incoherent, profane, or obviously cut-and-pasted from prepared propaganda from one side or the other you will still have a large number to read and comprehend. I hope that the time I have taken in investigating this case and collecting and writing my thoughts will be rewarded.

Douglas Siebert
712 Rundell St
Iowa City, IA 52240
Douglas Siebert douglas-siebert@uiowa.edu

MTC–00009708

From: Ralph Kemperdick
To: Microsoft ATR
Date: 1/9/02 2:53am
Subject: Microsoft settelment

MTC–00009709

From: Yaka St.Aise
To: Microsoft ATR
Date: 1/9/02 3:15am
Subject: Microsoft Settlement

Hello, as a longtime IT professional, I had many opportunities to witness and/or be affected by Microsoft peculiar business practices. It seems of the utmost importance to many players in the IT industry, as well as for the public interest, that whatever settlement is offered to Microsoft by the DoJ and the government strongly emphasizes on remedies to what is the worst effect of Microsoft strong-arm methods, based on its monopoly, namely: preventing competition and creativity.

Be Inc. is one of the better examples of how companies that offer any innovative products on markets under Microsoft influence are both vulnerable and actively endangered and often put out of business.

BeOS is a good example of the danger Microsoft presents for competition and innovation, for it was one of the few commercial attempts on the ground of Microsoft flagship product, and was led as well as could be.

Microsoft monopoly is not a question anymore, since the DoJ established it, and it would be cause for no alarm if Microsoft owed said monopoly to its hability to offer better, cheaper products to the market.

But the fact is, it isn't the case, MS products are of lesser value than many competing products, and the company also leverages its dominant position to overprice its products. Furthermore, MS practices tend to harm innovation and competition by spending more time and money at hampering competitors than actually develop new/better products and technologies. Every new technology from other companies that blips on MS radar is either outright bought (often with the sole intent of preventing its success, and no plans to ever bring it to the market) or actively discouraged to exist out of MS influence.

So what is needed now, is to acknowledge the fact that while one of free market's bigger strength is to foster progress and innovation through competition, Microsoft has become so powerful that it now has the weight to negate this strength, and can stop free market top play its role in the consumer electronics industry.

Since Microsoft has the power to force its rules to apply to the industry as a whole, there is little choice but acknowledge it and turn a de-facto standard into a standard : make Microsoft products public!

—Microsoft can retain the property of the Windows code and technology, but it should be made so that third-party companies can create products Microsoft compatible with or without Microsoft approval.

—License agreements between Microsoft and users, Microsoft and resellers or manufacturers should be revised and controlled in the perspective of fairness.

—Public standards and generally non Microsoft-owned standards Microsoft claims to be compliant with should be enforced.

—De-facto standards, like Microsoft Office file formats should be documented and published.

—In the same fashion, source code for dominant technologies from Microsoft should be published and documented (it doesn't prevent Microsoft from retaining property of said source code), so to ensure third party manufacturers and developers can design compatible products without depending on Microsoft ''goodwill''. This would also help smaller company to gain rights on ''borrowed'' software...

—All Windows APIs and low-level subsystems should be documented as well as technologies such as DirectX. The best way to ensure such documentation is kept full and up to date would be to separate some software divisions of Microsoft from the core company, as spinoffs, and have them gain knowledge of the documentation via a third party organization (funded by Microsoft on a congress-sized allocation?), comprizing industry actors as well as government experts.

—Give the highest attention to Microsoft business practices in the future and realistically adapt fines and financial penalties to the profits of Microsoft (at some point in the Netscape case, penalties applied to Microsoft where of one million dollars when profits for the same period wre of eleven million, which led one Microsoft executive to state Microsoft can afford it.)

Below is an example relation of how the OEM license and other common business practices of Microsoft can in fact hamper innovation and competition.

Be Inc is the maker of BeOS, a desktop operating system that runs on the same personal computers that Windows does.

Be Inc. is going out of business just now, because of Microsoft ''innovation-fostering'' business practices.

There is an initiative led by BeOS users to bring back the BeOS to the market, as a non-profit software, which tells enough about the quality of the product.

Yet, this initiative has no hope of success if Microsoft is left free to conduce anti-competitive business practices as it did up to this point.

Let me summarize how Microsoft did prevent BeOS from gaining foot on the market and eventually drove out of business a company whose products were of undisputed great value. BeOS, like BSD or Linux can be installed on a given computer alongside with others operating systems, giving the user the ability to decide what system to run at the time it starts his/her machine.

Since Microsoft doesn't built said computers, one would assume that it's out of MS hands to prevent any reseller or OEM to sell computers ready to run with more than one system installed. The fact is, Microsoft can do just that, and took the necessary steps to make sure nothing like BeOS can actually reach the mainstream user.

Microsoft licensing model for its software prevents computers manufacturers and resellers from installing a non Microsoft boot manager on computers shipping with an OEM licensed copy of Windows. The boot manager is the piece of software that allows the user to select his/her operating system of choice among those installed on the computer at startup type. MS boot manager is obviously not designed to accommodate non-MS operating systems...

With margins on personal computers averaging in the 6–12% range, a difference of a couple hundred dollars on pricing can be the difference between selling for a profit and selling at loss, which makes the OEM license mandatory if one wants to sell computers including Windows. The OEM license allows manufacturers to get any version of Windows for next-to-nothing compared to the cost of a stand alone copy of the same software (even at bulk rates). By virtues of a market dominance reaching to monopoly, not including Microsoft Windows in your computers is not an option for most manufacturers.

Furthermore, while the OEM licenses are supposed to be granted on a per-product basis, it is an established fact that Microsoft threatened some manufacturers to refuse this license unless they do ship Windows on every of their machines. That leaves the manufacturer/reseller with little options. Either go the Windows-only way, or sell at loss or non-competitive prices. Simple as that.

Since BeOS, contrary to Linux or BSD is the product of a private company, it depends on the company revenues to exist. Those revenues, in turn, are based on sales of the operating system and deals with hardware manufacturers.

For an operating system to gain momentum, it has to be able to accommodate hardware and applications. Here again, Microsoft proved able to discourage some software and hardware manufacturers to support BeOS, less they lose the ''goodwill'' of Microsoft. In the end, there is no point in developing software or hardware for an operating system only a few use, unless this platform can gain momentum and you grow with it, in the hope of becoming a big player.

And only a few, those who were willing and able to install another system on their computers by themselves, in a market where every element of the food chain is led to believe and forced to act as if nothing could exist unless endorsed by Microsoft, did actually experience how a better, cheaper product may look and feel like.

Best viewed with your glasses.

MTC–00009710

From: Ed A.
To: Microsoft ATR
Date: 1/9/02 3:44am
Subject: Microsoft Settlement

I have been a computer consultant and programmer for well over ten years. In that time, I have seen Microsoft become increasingly more arrogant and unconcerned for the benefit of its customer base, including consumers and developers.

Instead of competing fairly with its competition, Microsoft has attempted to use its dominance to force other companies out of business. An example being Netscape Corporation. While Netscape was an early innovator in the graphical web browser, Microsoft decided that it needed to dominate the web browser market. Netscape sold their Navigator browser for a nominal fee while Microsoft developed Internet Explorer much after Netscape became the most popular choice in browsers. Instead of fairly competing with Netscape pricing, Microsoft gave away their Internet Explorer browser free of charge with the apparent intention of destroying its competitor's paying customer base, thus causing serious financial difficulty for Netscape. This had a detrimental effect for both the consumer and developer. The consumer was left with no viable choices in a web browser. Microsoft's intention was to eventually control the Internet and its related services first by making Internet Explorer the primary way and only way of accessing the World Wide Web. Developers experienced problems with Microsoft's non-adherence to the World Wide Web Consortium (W3C) standards. Creating web pages was now becoming a frustrating effort, since much of the standard coding was not compatible with Microsoft's browser. This was also a detriment to the consumer, since it made it difficult or impossible to access certain web sites. As the dominance of Internet Explorer increased, many developers started creating web pages based on Microsoft's non-standard. The result being that anyone using a browser other than Microsoft's Internet Explorer was not able to even access certain web sites.

A related situation is currently occurring with the new Microsoft XBox game system. I have read that Microsoft looses approximately $100 for each XBox system they sell. They are essentially selling at a lose to establish a dominance in this field with the intention of eventually driving out their competition.

I've seen instances where Microsoft has attempted to discredit a competitor's existing product with the intention of replacing that product with their own not yet developed or perfected inferior alternative. An example being Sun Microsystem's Java programming language. Microsoft saw that Java had the emerging capability to become an important language for developing the next generation of Internet and consumer electronic software applications. Their response to this was their ActiveX development environment. Due to blatant security oversights and security problems with ActiveX, Java became the more popular choice and ActiveX faded away. Microsoft then attempted to subvert the Java language by creating their own non-

standard or unauthorized extensions to the Java language. Their intention was to ''splinter'' the Java language into many non compatible versions and essentially dilute its effectiveness as defacto standard. Since Microsoft now has a dominance with their browser, the idea was to get the developer to use the Microsoft unauthorized version of Java for web applications in an attempt to subvert the Sun Microsystem's version. Even though Microsoft had no alternative to Java at the time, they attempted to destroy its usefulness and future potential to the consumer. Microsoft is currently attempting to promote their new .NET development environment as an alternative to the Java based applications and related Sun Microsystems solutions. Their .NET however, is not yet past the beta or testing stages, but Microsoft has been promoting it for well over a year. Again, their intention is to use their market dominance to convince corporate customers to adopt their nonexistent ''solution'' over a competitor's mature alternative. This has the effect of creating a ''let's wait for Microsoft'' mentality in those responsible for corporate IT spending. The result hurts both Microsoft's competition and the consumer because innovative solutions and projects are postponed. An even more serious problem is occurring regarding Microsoft's lack of quality control and security within their server, email and browser products. There have been numerous reports in the press of very serious security problems in Microsoft products that could easily allow a computer system using these products to be accessed by unauthorized individuals that can destroy corporate, government and military data and even take total control of a computer system remotely. Microsoft's desire to increase profits by releasing potentially dangerous software that is not ready for public use, has obvious negative consequences to our economy and public safety.

It is my opinion that Microsoft needs to be kept from controlling the industry, and appropriate remedies must be imposed by the court to prevent these anti-competitive and illegal activities from occurring in the future.

Edward M. Arszyla
Manager
NECOM, LLC
CC:steven.rutstein@po.state.ct.us@inetgw

MTC–00009711

From: Anthony D. Minkoff
To: Microsoft ATR
Date: 1/9/02 3:50am
Subject: Microsoft Settlement

INTRODUCTION

My name is Anthony D. Minkoff. I am a professional software engineer. I am not a direct party to this lawsuit, nor do I have any business relationships with any party to this lawsuit, except as a customer. I do use Microsoft software in my home and in my work, and my job consists of developing application software that runs on Microsoft's ''Windows'' family of operating systems. I am a citizen of the United States of America.

I claim no expertise in relevant legal or economic issues. My only claims to expertise in relevant technical issues are those that are described above? that I am a professional developer of software applications for Microsoft operating systems and a user of Microsoft products. My interest in the case follows from the same considerations, and from the fact that I am a citizen of the United States of America. I'll briefly describe my personal opinion of the proposed settlement, and then offer a proposal of my own for consideration.

COMMENTS ON PROPOSED SETTLEMENT

DUBIOUS EFFECTIVENESS

One concern that I have is that the proposed settlement would be ineffectual in curbing future monopolistic behavior by Microsoft. This concern has been expressed by others who are undoubtedly more knowledgeable and eloquent than I, so I recommend that the reader refer to other available comments and briefs for detailed analysis of this point. I mention it merely to convey that I share the concern.

LACK OF PUNITIVE PROVISIONS

Another concern I have is the apparent lack of any punitive provisions in the settlement. As I have stated, I am not knowledgeable of the legal issues, and don't know whether the law calls for punitive remedies, but as a consumer and a citizen I am concerned about their absence. It seems to me that, when laws have been violated, it is essential that the remedies do not leave the violator better off for having committed the violation. The remedy must either prevent the violator enjoying the benefits of the transgressions already committed, or impose punishments that exceed the benefits.

In this case, it has been found that Microsoft's current monopoly power is at least partly a result of past monopolistic abuses. So, even assuming that the proposed settlement would successfully prevent future monopolistic abuses by Microsoft, it seems insufficient. I think it's also necessary that Microsoft be punished for, or denied the benefits of, the abuses that it has already committed.

A PROPOSAL

The proposal that I am about to describe would, I believe, protect the interests of consumers and competitors, while at the same time protecting Microsoft's rights to innovate, to compete, to profit according to the value of its production, and even to continue to dominate the industry. I will describe the proposal, and then describe why I believe it would be beneficial to consumers and competitors while protecting for Microsoft the legitimate benefits of its production. Despite my expressed concerns about the lack of punitive provisions in the existing settlement, this proposal is not punitive in intent. The harm to Microsoft would be moderate, and would consist essentially of fostering competition where Microsoft has historically enjoyed a lack of competition. I would like the parties to consider the ideas contained in this proposal, and consider incorporating them into a revised settlement. I would like the court to consider the ideas contained in this proposal when fashioning court-ordered remedies.

DESCRIPTION OF THE PROPOSAL

The proposal is that, in areas in which Microsoft has been found to have abused monopoly power, its software come under a ''Delayed Open Source License'' (''DOSL'') . The relevant areas certainly include operating systems, internet browsers, and Microsoft's ''Office'' software, and possibly others as well.

In a DOSL, software would become open source four years from its date of publication. [1] For example, ''Windows NT 4, ... Windows 98,'' and earlier versions of Windows would become open source immediately; ''Windows 2000'' some time in late 2003 or early 2004; ''Windows Millennium Edition'' in 2004; ''Windows XP'' in 2005; and future versions of Windows four years from the dates of their initial publication.

When a product becomes open source under this rule, its source code (including internal documentation, test plans, etc.) would be made available to the public for free or for nominal cost. [2] Under the terms of the DOSL, other parties would be permitted to create and publish derivative works; any such derivative works would also fall under DOSL? that is, four years from the publication of the derivative work, the derivative work becomes open source, etc.

HOW CUSTOMERS AND COMPETITORS BENEFIT FROM THE PROPOSAL

Microsoft currently enjoys barriers to competition that can be conservatively described as enormous, and fairly described as insurmountable.

There is a vast library of software available that runs on Windows operating systems. (I have participated in the development of a number of such applications myself.) Many web sites are compatible only with Microsoft's ''Internet Explorer'' browser, and many are compatible only with browsers running on Windows.

A similar phenomenon affects ''wetware''. Millions of technicians have expertise in diagnosing, maintaining, and repairing systems running Windows or other Microsoft software. Developers have experience developing software to run on Microsoft's operating systems and developing web sites to work well with Microsoft's browsers. Hundreds of millions of users worldwide have experience using Microsoft software.

Only Microsoft is in any position to take advantage of all the software and expertise that has been created around Microsoft's products. This is the ''positive feedback loop'' that is partly described in the Findings of Fact.

As part of a remedy for the monopolistic behavior, therefore, we want to give potential competitors a chance to enter that loop. The ability to base development on older versions of Windows (or Internet Explorer, Office, etc.) creates that possibility. It will make it possible to develop software that can take advantage of third-party products that work with Microsoft products, of technicians' expertise with Microsoft products, and of users' experience with Microsoft products.

When other parties have an opportunity to enter the loop, Microsoft will be unable to wield its exclusive position as a weapon. For example, one of the abuses found in this case is Microsoft's threat to devastate Apple by refusing to continue to develop Office for Apple's ''Mac OS'' operating system. Under this proposal, Apple would be able to

respond to such a threat by continuing to develop Office itself, basing its own development on the source code of ''Office 98'' [3]. The existence of this viable alternative for Apple would prevent Microsoft from exacting draconian terms as a condition of the continued development of Office for Mac OS. It would also protect Apple in the event that Microsoft's continued development of Office for Mac OS is of poor quality.

Customers would benefit directly from this increased competition, since competing offerings would increase customer choice. Furthermore, if a third party develops a competing version of a Microsoft product with features that prove popular, Microsoft will have an opportunity to incorporate similar features into future versions of its own offerings, potentially leading to better quality products from Microsoft.

Other customer benefits of open source software have been extensively discussed, and I refer the reader to http://www.opensource.org for papers on this topic.

HOW THE PROPOSAL PROTECTS MICROSOFT'S RIGHT TO PROFIT FROM ITS PRODUCTION

An important quality of any remedy is fairness to Microsoft, and this proposal is fair. Consider, as an example, Windows XP, which Microsoft advertises as a dramatic improvement over earlier versions of Windows. For the sake of this discussion, we assume that Microsoft's claim in this regard is accurate.

Since Windows XP is a dramatic improvement over earlier versions of Windows, demand for it should withstand the open source release of Windows NT 4 and Windows 98. A free copy of Windows NT 4 or Windows 98 is not an effective substitute for Windows XP. A third-party developer may be able to use the Windows NT 4 source code as a basis from which to develop its own operating system to compete with Windows XP, or may wait for Windows 2000 to be become open source and use that as the basis for development. However, it took Microsoft two years to develop Windows XP from Windows 2000, despite employing the very individuals who had created Windows 2000 in the first place and who therefore understood its source code and architecture better than anyone. (Starting from Windows NT 4, it took more than five years to develop Windows XP.) Presumably, a competing developer, beginning at a similar starting point after the publication of Windows 2000's source code, would require a similar amount of time to develop a product capable of competing in the market against Windows XP. By that time, given the historical rate of development of operating systems, Microsoft will have released a successor to Windows XP, and perhaps even a second successor. If the successor is a significant improvement over Windows XP, then the successor should enjoy success in the marketplace against a competing product that has only just become able to compete with XP. As another example, consider the possibility, as described above, of Apple creating its own version of Office based on the source code from Office 98. Apple's offering in this regard would be four years behind what Microsoft is able to develop, so it Would clearly be in Apple's interests to negotiate for continued development of the software by Microsoft. Apple would resort to developing its own version only if (1) it is unable to negotiate fair terms with Microsoft, (2) Microsoft fails to demonstrate a commitment to quality in continued development of Office, or (3) Apple simply feels that it can do a much better job than Microsoft despite Microsoft's four-year head start. In any case, so long as Microsoft continues to develop and sell Office for Mac OS; so long as it continues to add value to the product, Apple's competing version shouldn't be much of a threat to Microsoft's version.

This same line of reasoning applies to all of the product areas under consideration. As long as Microsoft continues to add value to its products, it will be able to continue selling current products, even while old versions of the products are available for free. As long as it continues to develop these improvements with reasonable efficiency, a four-year developmental head start will ensure Microsoft's ability to stay ahead of competing developers and to continue to dominate the industry.

However, a remedy incorporating the ideas of this proposal would weaken Microsoft's ability to dominate the industry simply by virtue of exclusive compatibility with the technology and knowledge that others have built around Microsoft software. That is, Microsoft won't be able to depend on its monopolistic position to lock out competition altogether. While Microsoft would undoubtedly feel harmed by this, it is clearly not undue harm. It is fair, and consistent with the intent of the antitrust laws.

MTC–00009712

From: Ed A.
To: Microsoft ATR
Date: 1/9/02 3:56am
Subject: Microsoft Settlement
CC:steven.rutstein@po.state.ct.us@inetgw

MTC–00009713

From: ARTHUR HUPP
To: Microsoft ATR
Date: 1/9/02 5:17am
Subject: E-Mail Settlement

Enough is Enough!!!!! Let's let Mircosoft get on with being a successful company and quit wasting the taxpayers money!!!!

Art Hupp

MTC–00009714

From: Randy Williams 10
To: Microsoft ATR
Date: 1/9/02 6:08am
Subject: Microsoft settlement

Dept. of Justice:

I find it strange that the dept. of Justice is asking for public opinion to consider the Microsoft settlement. I thought the law was the law, not mob rule. Microsoft has done this world more good than any other business that comes to mind. The Liberal attacks against there success was uncalled for,and I expect better from this administration.

An American Patriot.
Randy Williams
521 Sandal Ct.
Altamonte Springs
Fl. 32714

MTC–00009715

From: sue ryan
To: Microsoft ATR
Date: 1/9/02 7:23am
Subject: END CLINTON ERA ABUSE

END THE ABUSE CLINTON ERA CREATED. LET AMERICA AND AMERICAN COMPANIES DO THEIR THING. STAY OUT OF WHERE WE DON'T BELONG. GATES HAS DONE MANY WONDERFUL THINGS FOR AMERICA. SPEND YOUR TIME AND EFFORT GOING AFTER THE REAL LAW BREAKERS.. STOP CLINTON ABUSE.

THANKS
SUE RYAN

MTC–00009716

From: Sherry Roberts
To: Microsoft ATR
Date: 1/9/02 7:42am
Subject: end anti-trust law abuse

Briefly—and to the point—end the anti-trust law abuse that began during Clinton's ''reign''. It's a new era, let's remove the taint of past mistakes and start over.

PS91,
Sherry Roberts

MTC–00009717

From: DeBois Family
To: Microsoft ATR
Date: 1/9/02 7:54am
Subject: Microsoft Settlement

Good Morning,

I am writing you concerning the Microsoft Settlement and the law (officially called the Tunney Act) requires a public comment period between now and January 28th. I say it's high time that this ridiculous litigation nonsense by nine dissenting states be stopped. The settlement that was reached between the USDOJ and nine states clearly is fair to all parties concerned. I think it's high time to close these issues against Microsoft and move on.

If you need further information from me, please feel free to e-mail me.

Thank you,
Dean DeBois

MTC–00009718

From: Michael Kuncaitis Sr.
To: Microsoft ATR
Date: 1/9/02 8:02am
Subject: microsoft setlement

I say hurray for free enterprise. Yes, there are problems—no matter what you do. It is time we considered also the good people and companies do, not just the bad.

I AM SO SICK OF JEALOUS, GET YOUR OWN COMPANY, PEOPLE WHO CANNOT STAND TO SEE OTHERS WIN AND SUCCEED.

BILL GATES IS VERY RICH AND I THINK HE DID GREAT (AND DID SOME WRONG MISTAKES). I WOULD VOTE FOR HIM NO MATTER WHAT OFFICE HE RAN FOR—BECAUSE HE CAN GET THE JOB DONE AND DONE!

GIVE HIM A PARADE AND LEAVE HIM ALONE. COMPETITION IS GREAT..

Thanks,
Mike K.

MTC–00009719

From: Charles Stout
To: Microsoft ATR
Date: 1/9/02 8:10am
Subject: Microsoft Settlement

I hope that the nine renagade states are not able to unduly influence the Federal Settlement with Microsoft. Microsoft is a great company that tries to serve its customers. Microsoft should obey antitrust law where it is reasonably interpreted. I believe Microsoft helps its customers, including me, and gives them products that are a good value.

Thank You
Charles Stout

MTC–00009720

From: Dane Vertefay
To: Microsoft ATR
Date: 1/9/02 8:18am
Subject: Microsoft Settlement

Department of Justice Representative,

The short opinion— Yes, I feel that the settlement is in the best interest of the American people and that it is fair. Please finalize this issue by the current terms. Further—I believe that bringing closure to this issue through reasonable terms is the right thing for the consumers and our economy, and I am happy to see an end to this dispute. It is understandable that some of the large corporate competitors will push their states to continue this issue, but I feel that finalizing this issue under the terms set forth is the best for the consumers and businesses as well.

I believe that the standardization of my computer desktop programs has helped my company communicate internally with our four offices and even more importantly with my customers and suppliers as well. The fact that a standard platform for the desktop happened through the 1980's & '90's and has significantly contributed to the growth of many industries is the primary benefit, the fact that that company is called ''Microsoft'' is by the consumers choice from the products available at the time those decisions were originally made.

Note—I have used computers since 1981(Apple) switched to IBM Compatible with Microsoft in the early '90's (24 Gateway PC's currently) and feel that I understand the issue very well, although I did not see all the case evidence presented by either side.

Thank you for taking the time to ''hear'' my opinion.

Sincerely,
Dane Vertefeuille
Raleigh, NC

MTC–00009721

From: Pybus, Keith
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/9/02 8:31am
Subject: Microsoft Settlement
18 Brookside Lane
Vernon Rockville, Connecticut 06066
January 8, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

This letter is to express my opinion and to also go on record about the proposed settlement to the antitrust suit between Microsoft and the Department of Justice. I am pleased that a settlement has been reached, and I am glad that both sides made out well.

The settlement is fair and reasonable to all parties involved, even though some of the restrictions are too harsh on Microsoft. In fact, some restrictions have been applied to technologies and products that were not even an issue in the lawsuit.

However, the time has come to put this messy issue behind us and move on. In my profession I provide desktop instruction to employees at the world's largest casino, and Microsoft has made what I do much easier. The integration that Microsoft has provided makes everyone more efficient at what they do.

I am in favor of the settlement between Microsoft and the Department of Justice, and hope to see the conclusion of this saga soon.

Sincerely,
Keith E. Pybus
Mashantucket Pequot Academy
Phone:ext. 21021 (860–312–1021)
Fax:ext. 20133 (860–312–1033)

MTC–00009722

From: Ivan Ivanov
To: Microsoft ATR
Date: 1/9/02 8:43am
Subject: Microsoft Settlement

Dear DOJ,

This email is my modest attempt to support Microsoft in the case.

As an IT professional I would like to express bitter disapointment from the damage this case has caused the IT companies and the whole IT industry.

Hope DOJ will find reasonable settlement for the case which so far was only a backup for for Microsoft arogant competitors.

Best Regards,
Ivan Ivanov
Software Engineer

MTC–00009723

From: Alex Hulse
To: Microsoft ATR
Date: 1/9/02 8:44am
Subject: Microsoft Settlement

Dear Sir/Madam

I am a user of a wide variety of OSes on my PCs, which I use for business and pleasure. I have used the full range of Microsoft Windows OSes and several 'alternative' OSes including Linux distributions, BeOS 5 and QNX.

I have been informed that you seek out the views of people as to what they feel is important in the final settlement in the case against Microsoft. My feeling is that the field has to be levelled regarding dual booting. Microsoft forbids the option to boot any other OS other than Windows on their OEM's machines. This is unfair. Microsoft should allow their competitors equal rights to the machine, to allow OEMs to choose the OS that suits the machine best, or allow their customers to make that decision themselves. Even if Windows is still required, it allows the user to see that there is an option of another OS, and that in some ways they can be better at different jobs; BeOS's media skills jump immediately to mind.

I hope that you find my thoughts useful and that they can help towards making the OEM PC industry a fairer place for companies others than Microsoft.

Yours Faithfully
Alexander Hulse

MTC–00009724

From: Bill Schmidt
To: Microsoft ATR
Date: 1/9/02 9:14am
Subject: Tunney Act proposed Microsoft settlement comment

Gentlemen:

Per the provisions of the Tunney Act of 1974, I'd like to register my dismay and strong disagreement to the proposed settlement of the Microsoft anti-trust case. It is a clear triumph of politics over law and makes a travesty of the legal process.

Microsoft was found guilty of abuse of its monopoly powers and that decision was affirmed on appeal. The proposed settlement is a slap on the wrist for a company whose predatory practices and continue to this day. Microsoft's defence appears to be based on the fact that to punish it would stifle innovation yet the bulk of its products, going back to the original MSDOS, were lifted from the work of others. If the Department of Justice were truly interested in upholding the law it would be seeking effective remedies such as the release of the Windows source code and/or the breakup of the company. For shame!

Bill Schmidt
billsch@ix.netcom.com
CC:attorney.general@po.state.ct.us@inetgw

MTC–00009725

From: Gary Pigg
To: Microsoft ATR
Date: 1/9/02 9:24am
Subject: End the attack on Microsoft.

MTC–00009726

From: Ed (038) Cathy Sweeney
To: Microsoft ATR
Date: 1/9/02 9:25am
Subject: Let go of the Microsoft debacle!

It is time to put this case to an end once and for all! In a country where Free Enterprise is a cornerstone to our history, and our current culture, why is the Justice Department continuing to pursue this ridiculous persecution of a company whose only crime is being the first to come up with the idea of contracting with computer manufacturers, and making a better product? If Microsoft does not have a better product the public will discover it and the better product will survive!

Edward Sweeney

MTC–00009727

From: Freddy (038) Dana Yates
To: Microsoft ATR
Date: 1/9/02 9:30am
Subject: Clinton-era anti-trust abuse

Drop the microsoft case and quit prosecuting Clinton era anti-trust cases. We have more important issues to prosecute. Corporations make jobs and we need this right now. Bill Clinton done more against the justice system than Microsoft ever did.

Thank you.
Joseph F. Yates
4411 Beechland Rd
Springfield, Ky 40069

MTC–00009728

From: NaHess120@aol.com@inetgw
To: Microsoft ATR
Date: 1/9/02 9:41am
Subject: Microsoft Settlement

I believe that the Microsoft Settlement should be upheld and that all should get on with work as usual ASAP. I do not understand the whole thing as this is the United States of America where free enterprise is supposed to be encouraged. If one has a superior product, his competitors must come up with something better. If you can't stand the heat, get out of the kitchen—as the saying goes.

MTC–00009729

From: John P. Williams
To: Microsoft ATR
Date: 1/9/02 10:11am
Subject: Microsoft antitrust

I am an extremely busy person but I thought it sufficiently important to stop all my meetings this morning to allow myself time to comment on the task before the justice department.

Microsoft has since it inception co-opted, coerced and colluded with various manufacturers, both software and hardware, to not only dominate but decimate the marketplace. This is seen most clearly in the case of my operating system of choice, the Macintosh but applies equally well to Sun, Unix, Linux and others.

Without the Mac none of you today would use a mouse, a graphical user interface (GUI) or even be discussing this topic because it would not exist. Microsoft quite clearly stole the OS design from Apple and although their lawyers were better than Apple1s in defending their case, nothing can change the fact that Windows in any flavor did NOT exist prior to the Macintosh. Since that time, Microsoft has gone on to co-opt every area that is available starting of course with business world. To be sure when this process started there was no apriori reason to believe that Microsoft would prevail and had they not procured the GUI, their market dominance would never be what it is today.

I must say that I find it interesting that we speak in this country of diversity and how each of us needs to look for and nourish diversity wherever and whenever we can find it. Indeed the very basis of this country is diversity, EXCEPT where it comes to computer OS1s it seems. There we must cherish uniformity, mediocrity and domination. How does this jive with the constitutional basis of our nation? How does one justify basically telling me what system I will or will not use in my home? Oh, I am sure you will say that this does not happen but it does! Our school is a classic example. By using market dominance in business, Microsoft has coerced the University to become a Windows only shop. Now if I want to access certain information from home I must use a Windows computer or I cannot do my job. Is this what our country really wants? To be tied permanently and completely to one system? Especially if that system is riddled with security flaws and holes? I hope not. Why is this relevant to the current recommendation? As you can see, the ability of Microsoft to compel users to them is governed in a major way by how they can distribute their product. If you act to make that distribution easier, you doom all of us to a certain future in the hands of one, not so responsive, company. We as a nation would not tolerate one electric company, one public water company, one public sewer, trash, etc, why will we tolerate this?

Further, when do we decide that my decision to use Linux or Unix or the Mac is any different than my choice of religion. Oh I can hear you, this is ridiculous as an analogy, but it actually works quite well. Religions are faith based, certainly in this case you are putting your work, your life in a very real sense, in the hands of the computer company with which you do business. If that religion or OS fails you, that is probably the end of your relationship; unless of course there is no other religion to choose . . . Religions are also chosen, most commonly by prior association but also quite commonly by the individual making a conscious decision to select the religion that most closely matches their world view. We consider religion to be a sacrosanct virtue in this country and protect and guard it closely. Should it be any different for our OS choice? Is it really in our country1s best interest to decrease the number of choices for religions? They tried that in Afghanistan . . .

One might well ask how the current proposal will effect these changes? By making it very easy for Microsoft to enter into an arena where they have not traditionally dominated, education, one knocks down the last barrier to choice left in this country. The Apple proposal is wholly more sensible. Allowing schools to use the money donated by Microsoft in any manner that they see fit, allows true choice to continue and preserves the multi-ethnic character of our computer world.

Indeed one could easily take the stand that to truly preserve the multi-ethinicity of our computer world we need affirmative action. That is we need to actually insist that some businesses be given special incentives to use OTHER computer OS1s in order to cause this multi-ethnicity to flourish. How can it be that we seek to do good in one area of our country while doing harm in another?

In closing I would make one other analogy, this one quite close to home. There are many reasons why diversity is valued in a culture but it is also valued in nature. Indeed the very essence of nature is diversity. I do not think it is too much of a stretch to imagine what happens when one seeks to shrink the gene pool. There are numerous examples of how treacherous that coastline is...we need only think back on the 20th century to see what can happen when this type of thought process is allowed to roam free.

More importantly, what would happen to group of people that were closely related and interbred when a new disease enters that group. If the group is sensitive to the infective organism, their culture is decimated. Look at what happened to the native Americans or islanders soon after the arrival of Europeans. With no natural immunity to smallpox, they were eradicated just as surely as if that had been a conscious and willful act. Do we really wish to place ourselves in this same position with our computers, our knowledge, our lives . . .

I urge you to reject the current proposal for Microsoft at all costs. It is a dangerous and crumbling cornice on which we do not need to stand. Thank you so much for the opportunity to speak.

Sincerely yours
John P Williams, MD
Interim Chair
UPP Dept. of Anesthesiology
A–1305 Scaife Hall
3550 Terrace St.
Pittsburgh, PA 15261
Voice 412–648–9624
FAX412–648–1887

MTC–00009730

From: Mary Powell
To: Microsoft ATR
Date: 1/9/02 10:17am
Subject: Microsoft Settlement

This is getting ridiculous. Will you please stop wasting the taxpayers money already? The public has always had a right to chose what they want. If I go to the store I have choices. They may not be a lot of choices but then again, I haven't seen any other products out there that are as efficient and user-friendly. All these companies need to stop complaining and come out with a good, reliable product that consumer would want. If they had worked as hard as they are fighting against Microsoft they would have a good product by now!

What kind of country have we become when we go after people that are only trying to improve our technology and benefit the world? Instead of wasting your time with this ludicrous pursuit you should all be looking for Bin Laden and his people and stop harassing valued and outstanding citizens like Mr. Gates and his employees.

Sincerely,
Satisfied Microsoft Consumer

MTC–00009731

From: Rep.Jensen
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/9/02 10:22am
Subject: Attn: Renata Hesse

MTC–00009732

From: David Brookes
To: Microsoft ATR
Date: 1/9/02 10:32am
Subject: USG vs. MSFT
Dave Brookes
2220 Montgomery Avenue
Cardiff, CA 92007
January 8, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

During this time of economic strain, it is sad to see the government holding back on issues that would obviously be beneficial to our economy. The recent Microsoft settlement was reached after three years of well thought out negotiations, and with the benefit of our entire IT sector in mind.

Well, now that it is ready to move forward and get things rolling, there still seems to be those who want to drag it through the mud. Not only has Microsoft agreed to reconfigure licensing and marketing terms, but also it has agreed to redesign various formats of

Windows in order to facilitate easier use of non-Microsoft software. These concessions, along with many others have been agreed upon in order to get the IT sector to move forward in this global market. Now that all parties are ready to move, why can't we get back to business?

Please help support this settlement, and all of the well thought out concessions that have been made. Let us not be the ones to hold back our economy.

Is it not time for Washington to do something for the people? Have we not paid for all the mistake Washington makes? Why are we always fighting for ourselves? Why does Washington contiune to harm it's tax paying, voting citizen?

Sincerely,
Dave Brookes

MTC–00009733

From: Cameron Purdy
To: Microsoft ATR
Date: 1/9/02 10:31am
Subject: Proposed Settlement
To: Renata Hesse, Trial Attorney I am submitting my comments as per the instructions in the Federal Register in regards to the pending case brought by states and the US Department of Justice against Microsoft.

1. I have read the findings of fact from the case, as penned by Judge Penfield Jackson, I have read the Final Judgment, as proposed by the United States and Microsoft, and I have read the proposed remedies from the nine states that rejected the United States/ Microsoft proposed Final Judgment.

2. I concur that the proposed Final Judgment could potentially limit certain actions that Microsoft has historically employed against computer OEMs.

3. I find no other relationship between the known and accepted transgressions of Microsoft against antitrust law as presented and proved at trial, and the proposed Final Judgment.

It is my opinion that the proposed Final Judgment does not address most of Microsoft's illegal behaviors that were clearly documented at trial: It does not submit that such behaviors have taken place; it does not attempt to correct the past wrongs; it does not include any punitive measures; and lastly it does not attempt to prevent future transgressions.

On the other hand, the nine states' proposals are based on the conclusion that Microsoft has transgressed, that there must be actions taken to correct those transgressions, that punitive measures may be appropriate for those transgressions, and that it is necessary to provide a means to prevent or address future transgressions. While arguably flawed, the proposals are at least based on the known and proven transgressions, and at least attempt to respond to those transgressions. How could it be that the proposed Final Judgment negotiated by the US Department of Justice does not take the same approach? One must question where the proposed Final Judgment originated, since it certainly cannot have originated from the findings of the trial known as the United States of America v. Microsoft Corporation that many of us have so closely watched.

I submit that it would be far better for the United States to altogether drop the proposed Final Judgment and request dismissal of the case than to enter such a flawed and pointless document as a final judgment. The proposed Final Judgment does not provide any sense or form of justice; rather it represents an absolute mockery of our government's will to enforce the law and lends credence to the growing chorus of voices that lament the influence of money and politics over those appointed to protect the interests of the people of the United States of America.

Respectfully submitted,
Cameron Purdy, President
Tangosol Inc.
402A Highland Ave
Somerville MA 02144 USA

MTC–00009734

From: Craig Madsen
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/9/02 10:32am
Subject: FW: Microsoft Antitrust Case
From: Craig Madsen
Sent: Monday, January 07, 2002 4:42 PM
To: 'attorney.general@po.state.ct.us'
Subject: Microsoft Antitrust Case

Dear DOJ, etc.,

I am writing to put my 2 cents worth about the antitrust case against Microsoft Corp.

I feel like Microsoft is using their OS dominance to stifle every bit of competition possible. I totally agree with the 9 states that are fighting this thing to the bitter end. I also don't agree with the current settlement at all. For Microsoft to spend a bunch of money for the schools does absolutely nothing to stop them from continuing to do what they have been doing for years—except try to catch up with Apple, Inc. in the school battles!! I also don't mind spending my tax dollars to do whatever is necessary to make them pay for what they have already done.

We watched them 'give away' a browser and all but kill a competitor(s). Tomorrow they start giving away databases, and before long, who knows? If there was a competitor to the government, they would buy them, reduce the price on whatever they were selling to nothing and kill them off too. Once dead, they can raise the price back to whatever they need to.

Do I want Microsoft dead? Probably not, however, I want them to have to use the same playing field as the rest of the businesses in america that don't control 90% of the operating system business. Break them up. Make them give out their source code to anyone, so we could all make products as quickly as them!

p.s. I was trying to send this to: microsoft.atr@usdoj as well, but my e-mail package didn't like this. Do you know how I can get a copy of this to them?

Thanks,
Craig Madsen
(801)-961–3045
155 North 400 West
Salt Lake City, UT 84103–1111

MTC–00009735

From: Donald Bosshart
To: Microsoft ATR
Date: 1/9/02 10:42am
Subject: Microsoft Settlement

I have been using computers since 1966, have read the proposed settlement and think that it is very fair. MS has made computing simple and very very productive. I use MS products to operate my business.

While some would like to distroy MS, they are motivated by greed and anger. The punishment should fit the crime and the current settlement goes way beyond the crime. Let us move beyond this case and move forward to new innovations. Settle it now!

Donald A. Bosshart, Ed. D.
315 Elmwood Drive
Kent OH 44240

MTC–00009736

From: Richard Buckley
To: Microsoft ATR
Date: 1/9/02 10:52am
Subject: For cryin out loud.

The Clinton era bashed these For cryin out loud. The Clinton era bashed these people to no end. This has gone on long enough. I am from the old school ''if you build a better mouse trap they will come.'' All these competitors and Attorney Generals who are crying over Microsoft's success is just sour grapes.

They have created more jobs and more entrepreneours, (sic), in this country than any single company in existence. Why bash them about their success? I do not own any Microsoft stock nor have I ever owned any but I can tell when jealous come into play and that is all this is. If you want to beat them in the marketplace then make a better product. I will buy it. It is that simple.

MTC–00009737

From: steve parsons
To: Microsoft ATR
Date: 1/9/02 10:54am
Subject: Microsoft Settlement

There is no settlement of any kind that can be considered fair for Microsoft. All aspects of the DOJ case against Microsoft are so unjust that I could sit here and generate a book, rather than a simple email message (I'll save the book for a later time). Instead, I would rather express what I believe is one of the key reasons why any settlement of any kind is unjust for Microsoft Corp.

AOL, which has been a key Internet Service Provider (ISP) for years, has held the largest market share within the industry, more than any other ISP, including MSN (the Microsoft Network). Yet AOL went whining to the government that they were being monopolized by Microsoft, and now Microsoft is having unjust legalities imposed upon them, not because they are a monopoly, but because there is the ?potential? that one day they ?may become? a monopoly.

Several years ago, I was a CompuServe user. Then (before AOL ever went running to the government) I switched to AOL. I installed their product on my computer and used AOL as my ISP for just over a month. They frequently advertised about being the most user-friendly ISP around. A month is all I could stand. They were awful. Their software always blew up on my computer and their tech support service was nearly incompetent. For example, 3 of their techs

said the problem was my computer, not their software. So I bought another computer and installed the AOL software again. The same problems. After trying NetZero and AT&T, I eventually found MSN to be superior to them all.

Microsoft is a serious company and a serious competitor. As the old saying goes, ?if you can?t stand the heat, get out of the kitchen?. But apparently, today's new saying is, ?if you can?t stand the heat, go running to the government?. AOL whining is what brought this situation to where it is today. Microsoft faces these settlements, not because it was being an unfair competitor, but because they are a competitor in the truest sense. Hopefully the government won?t eventually ?break the back? of one of the greatest technology corporations this world has every seen, cause if they do, then we might get stuck with crap like AOL.

MTC–00009738

From: Jason of Sedona
To: Microsoft ATR
Date: 1/9/02 11:00am
Subject: Microsoft Settlement

As a computer consultant I believe I have a fair understanding of the case and it's impact on the industry. I understand the role of Microsoft, the participating State A.G.s and the role that Netscape and the competition plays. Considering that the case has gone this far, it is my belief that the case needs to be settled as quickly and fairly as possible.

For eighteen years I have been working with Microsoft products. I have been hoping to build a successful company and create a niche in the market myself. If I were lead to believe that this travesty of justice could happen to me upon becoming successful then I would be less likely to even try. To have the Justice Department and the Attorney Generals be against me because my competition is jealous of my success and has lobbied to slow my success is appalling. There is no question in my mind. Microsoft has moved this industry and this great country into a computing era that allows ALL of us to succeed. Netscape, AOL, and Yahoo who, if NOT for Microsoft, would not be here to complain about how much is their share of the market. Please settle this in Microsoft's favor because that in turn will benefit me, and my business, and my customers, and my Country.

Thank you.
Jason Tamm
Jason Tamm Consulting
Sedona, AZ 86351

MTC–00009739

From: larsue2@juno.com@inetgw
To: Microsoft ATR
Date: 1/9/02 11:16am
Subject: Microsoft Settlement

I have followed this law suit for some time now and want to express my opinion on the matter. I would ask that the settlement with Microsoft be accepted and let's get on with the business of rebuilding our country's economy. This has gone on long enough and needs to be settled and placed behind us as we are attempting to accomplish more important things.

Lawrence L. Pomeroy

MTC–00009740

From: jem@hpesjem.fc.hp.com@inetgw
To: Microsoft ATR,jem@fc.hp.com@inetgw
Date: 1/9/02 11:20am
Subject: Proposed Microsoft Settlement

To whom it may concern: I work in the tech industry designing CPU's. I have been extensively involved in the use and design of computer hardware and software for years. It is probably also worth noting that I do not work for a company that competes with Microsoft.

I would like to state my strong oposition to the proposed Microsoft settlement based on the following grounds:

(1) The proposed settlement does not forceably correct the problem of illegal anti-competitive behavior which the courts ruled Microsoft has engaged in.

(2) The proposed settlement does not even give Microsoft much of an incentive to correct the illegal anti-competitive behavior.

(3) This anti-competitive behavior has caused and continues to cause enormous harm to consumers and the economy.

The proposed settlement does not forceably correct the problem of illegal anti-competitive behavior which the courts ruled Microsoft has engaged in. The settlement only asks for some very limited behavior modification and does very little to ensure that even these limited behavior modifications can be enforced. Microsoft's history clearly demonstrates it's ability to be creative in it's anti-competitive behavior. Microsoft's history further demonstrates it's willingness to break laws and violate agreements if it thinks it can get away with it. This case, which is about violation of a previous consent decree and of our nations anti-trust laws, clearly demonstrates this. Any successful remedy must be enforceable and comprehensive.

The proposed settlement does not even give Microsoft much of an incentive to correct the illegal anti-competitive behavior. Take Microsoft's anti-competitive behavior in the browser market, for example. Microsoft behaved in an illegal, anti-competitive manner because it was concerned that the browser platform could threaten or replace it's business and consumer desktop software platform monopoly. It's behavior made sure that this threat was eliminated. The proposed settlement would slap Microsoft with a few minor unenforceable behavior restrictions. If you set aside ethics and morality, that looks like a pretty good return on investment. This is not lost on Microsoft.

The anti-competitive behavior has caused and continues to cause enormous harm to consumers and the economy. This is one of the least understood and most important aspects of this case. Clearly, the government wants to protect the economy. Protecting the economy is a noble goal, but they are misguided in trying to do so by protecting Microsoft. The fundamental driving force of capitalism is competition. Microsoft would argue that it is only being punished for being a ruthless competitor. However, throughout the history of our country, there have been many examples of monopolistic, anti-competitive behavior causing harm to the economy. Many times and in many ways, the goverment has stepped in with rules which provide a level competitive playing field on which competition may flurish. There are rules against cornering commodities markets. There are accounting rules. There are truth in advertising rules. There are rules against fraud. There are rules against selling defective products.—And, there are rules against leveraging a monopoly to eliminate competition. Breaking any of these rules could be portrayed as just being a ruthless competitor, but our economy will not function very well at all if these rules are not enforced. I could go on and on giving examples of how Microsoft's illegal anti-competitive behavior has harmed the competition, but any and all examples can be disputed (because we can't replay history) if one does not believe that leveraging a monopoly to thwart competition fundamentally harms consumers and the economy. If one does believe this, then examples are not hard to come by. (Although understanding the examples usually requires a fair amount of technical competence and understanding of the industry—always a difficult aspect of this case.)

Sincerely,
James McCormick
james_mccormick@yahoo.com

P.S. The opinions expressed in this letter are mine alone. They do not in any way represent any positions taken by my employer.

MTC–00009741

From: Mike Hall
To: Microsoft ATR
Date: 1/9/02 11:22am
Subject: The let em oof free deal

I wish to express my concerns for the reported deal between Microsoft and States and Gov. It is the type of deal that lawyers such as those of microsoft hire can work around on a daily basis without even a hitch in their daily operations as they intended them to be anyway. This deal does nothing to remedy the fact they have stolen from the public in many ways including monetary and products that could have been, but were squashed by this unruly giant.

On the subject of fines, I certainly think a very large fine would make sense, considering their finacial status which is also coming under eyes.

I certainly hope that the gov. would rejoin the nine states that have held out and put some controls on this runaway, unruly, money hungry, corporation.

Mike Hall

MTC–00009742

From: Trish Mercer
To: Microsoft ATR
Date: 1/9/02 11:22am
Subject: Please End This Travisty

I have been shocked at this lawsuit from the very beginning. It only continues to HURT out economy and citizens savings plans. PLEASE end this outrage! I have yet to see any good coming from this.

Trish Mercer
PO Box 8825
Columbus, GA 31908

MTC–00009743

From: Theodore Saari
To: Microsoft ATR
Date: 1/9/02 11:24am
Subject: Microsoft Settlement

I received an mass-mailing email from Microsoft that requested we send our views on the proposed settlement to you ''Whatever your view of the settlement.'' Just before this ''unbiased'' request for comments, Microsoft said: ''Unfortunately, a few special interests are attempting to use this review period to derail the settlement and prolong this litigation even in the midst of uncertain economic times. The last thing the American economy needs is more litigation that benefits only a few wealthy competitors and stifles innovation. Don't let these special interests defeat the public interest.''

I have received NO solicitations from any person or group in any form that asked me to voice my opinion on this settlement. It appears to me that Microsoft is the one waging a campaign to get public response to the proposed settlement. The wording of their request clearly suggests the type of response they desire.

Microsoft's claim that ''only a few wealthy competitors'' will benefit from prolonged litigation is amazing. Microsoft is one of the wealthiest companies in the world. Bill Gates is reported to be the wealthiest person in the world. Many of Microsoft's executives are extremely wealthy. Microsoft and its executives are the ones who will benefit most from a quick settlement, especially one where they have dictated the terms of it. The wealth acquired by Microsoft, Bill Gates, and the executives is the result of a monopolistic and coercive business environment. Microsoft's restrictions on competitors and their use of proprietary ''undocumented features'' of their operating systems has handicapped any competition for years. Their restrictions and bullying of OEMs has made the MS operating systems the de facto standard for many years. There are virtually no competitors to their operating systems.

Microsoft's proposal as part of the settlement to ''donate'' $1 billion in hardware and software to the poorest public schools is one of the best (and cheapest) advertising gimmicks they could get from this settlement. Not only will the schools be teaching and supporting MS products, Microsoft will be able to take a tax deduction on this advertising. They will reap extreme benefits from this punishment.

I support the nine states that have not accepted this proposed settlement and urge the US Government to reject it.

Theodore C Saari
7917 Orchard Ave N
Brooklyn Park, MN 55443–2414
763–585–6578

MTC–00009744

From: MRaddie@aol.com@inetgw
To: Microsoft ATR
Date: 1/9/02 11:26am
Subject: Microsoft

Let us settle this matter as propsed and get it behind us. The case was origially tainted with the bias of the Clinton Administration and wealthy competitors who tried to profit from Microsoft's litigation LET US STOP THIS TYPE OF EXTORTION.

Microsoft has contributed mightily to the American economy and has suffered enough.

M. Raddie

MTC–00009745

From: Connie Gipson
To: Microsoft ATR
Date: 1/9/02 11:26am
Subject: STOP THE ABUSE

Leave Microsoft alone, they have helped millions of people.

Sincerely,
Connie Gipson

MTC–00009746

From: Elvin Kever
To: Microsoft ATR
Date: 1/9/02 2:36pm
Subject: M$

Do not let them get away with it!!!

MTC–00009747

From: Crumpdd@aol.com@inetgw
To: Microsoft ATR
Date: 1/9/02 11:39am
Subject: microsoft settlement

Attn. DOJ:

Please accept this comment as a citizen request to let the Tunney Act become the final prosecution of Microsoft. I encourage you not to yield to special interests who would continue to bring lawsuit after lawsuit of Microsoft into the courts.

Dick Crump
(crumpdd@aol.com)

MTC–00009748

From: Bill Thomson
To: Microsoft ATR
Date: 1/9/02 11:45am
Subject: Microsoft Settlement

To whom it may concern:

I am writing in support of the current proposed settlement of the Microsoft antitrust law suite.

I have been involved with building computer based information systems since the early 1970's one of the most notable being the Lexis/Nexis information system used by Lawyers and Business professionals. I have been involved with personal computers since the introduction of the IBM PC in the early 1980's and have not always been in agreement with Microsoft's Windows based strategies in that in the early years they pushed the limits of the desktop hardware systems they ran on making the development of telecommunication applications more difficult. The introduction of Windows 95 with the integration of the TCP/IP protocol within the operating system changed that perspective completely.

It is clear to me as one who has experienced it—that Microsoft has been driven by a vision of what personal computers could be in terms of knowledge access and manipulation tools. The result of that vision is that my grandchildren can now routinely sit down at a $1,500 PC system equipped with a Word Processor that came with the system and perform activity that was not possible to do in any manner on a $12 million dollar computer in 1975. On that same computer with the Internet Explorer software suite that came with it and a $19.99 a month subscription to the internet my grandchildren in the United States and my grandchildren in Brussels Belgium routinely have video conferences to share what is going on their lives use a free service at the Microsoft Network web site.

Microsoft could have at many times during the past 20 years chosen to take an easier path to profits but instead it has consistently invested in innovations that have made the things I listed above a reality that almost all Americans can access if they choose to regardless of their economic status.

It is my sense that this entire law suite was based upon claims made by companies who wanted to take that easy route or bet on the fact that Microsoft would not be able to deliver their vision and lost. Everyone of them has had the opportunity to deliver the products they now criticize Microsoft for producing and chose a different path. Many in a sense had the monopoly and chose to use it rather than spend on the product development costs create what the market wanted.

I hope this matter can be settled as proposed in a timely manner.

Sincerely Yours,
William K. Thomson
4425 Lac Lamen Drive
Centerville, OH 45458–5403
wkthomson@att.net

MTC–00009749

From: trebor iksrazal
To: Microsoft ATR
Date: 1/9/02 11:48am
Subject: In short, why I am against the settlement

Competition is the key to open, productive markets. It has been ruled that Microsoft has used its monopoly in several sectors to wipe out competition in others. I have been a computer programmer for six years, my first four of which were exclusively on Microsoft operating systems. I have been programming in Java for the last two years on Windows, linux, and Sun Solaris. I think that the file formats to Office, Visual Studio, Windows Media Player, and numerous others should be submitted to standards committes such as ANSI.

The proposal suggested by California and eight other states to reveal the source code behind Microsoft Internet Explorer browser and include support for Sun Microsystems' Java in Windows is also good. As it stands, my professional livelyhood is threatened by Microsoft, due to proprietary lock-in to its products. Simply put, Microsoft has tried to destroy Java and is in an open war with Linux.

I am constantly sent proprietary Microsoft files while I am programming on non-Microsoft products. How will the proposed settlement address these grievances? Clearly to me, they were not intended to. I would like Microsoft to win me over to their products, not eliminate the competition as it has largley done to Netscape.

It is clear that Microsoft is at war with end user self-determinization.

Look now how Microsoft is using Windows Media Player to destroy Realplayer, look now how Internet Explorer insists on using Microsoft's propietary Visual Basic Scripting engine while viewing web pages that do not use it.

Look now how Microsoft is manipulating this case to actually increase its dominance by getting itself into schools.

In short, Microsoft products only work with other Microsoft products. There is a need to open up their file formats to standards commitees. there is a need to open the source code to Internet Explorer so it is possible to view the entire web without a Microsoft Operating System.

Thanks for your time.

Sincerely,

Robert Lazarski

8193 Centrebridge

Niwot, Colorado 80503

MTC–00009750

From: GRANPA71TX@aol.com@inetgw
To: Microsoft ATR
Date: 1/9/02 11:51am
Subject: RE:MICROSOFT SETTLEMENT

Seymour Beitscher
41 Cypress Point
Abilene, Texas 79606
915–692–1561 [Fax:915–692–1561]
January 9, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I take this opportunity to express my views regarding your wise decision to end the government's antitrust litigation against Microsoft. I, too, am a buisness owner and, as such, have always tried to stay ahead of my competition by utilizing new and unique methods. Some of those methods met with severe criticisms from my competitors, no matter how innoculous to fair and equitable business procedures they were. Competitors always cry 'foul' when they are surpassed by the competition. In essence, that is what I think occurred in this matter.

However, I do believe the giant [Microsoft] did flex its muscle a bit to much. Microsoft did not get out of this delemna easy. Microsoft has agreed to make available information regarding its internal structure of Windows, which now allows its competitors to compete. I do not understand this reasoning since I would not supply my competitors with any procedure I deem propriatory and beneficial to me.

In conclusion, I think that if the government moves against Microsoft again it will be nothing more than harrassment. Who is to say the severe decline in the ''tech'' section of the economy was not precipitated by the government's legal stance against Microsoft? Our economy now, more than ever, needs stability.

The economy, and the administration, needs to keep Microsoft out of the muck and mire it has been stuck in these past three years. Helping Microsoft weather this storm will be successful in stimulating the economy over a broad span in the future.

Sincerely,

Seymour Beitscher

MTC–00009751

From: Duane Tackett
To: Microsoft ATR
Date: 1/9/02 11:49am
Subject: Opposition to the proposed Microsoft Settlement

To Whom it may Concern:

I would like to take the opportunity to voice my opposition to the comparatively weak settlement offered by the DOJ against Microsoft. I feel that more should be done to prevent Microsoft from extending it's monopoly, including opening up it's software so that consomate professionals can review it and fix the numberous security flaws that are inherit in its code. If MS is allowe dto proceed with ''business as usual'' then the result will be more bug ridden software with higher prices.

Please, help restore competition by making Microsoft more accountable to the people who use their software every day. Thank you in advance for considering this tract.

Duane Tackett
Network Administrator
Linux Enthusiast

MTC–00009752

From: Bob Agnew
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/9/02 11:53am
Subject: MICROSOFT SETTLEMENT

The vast majority of the national news media, let alone the American citizenry, has not understood the ramifications of the anti-trust case against Microsoft, let alone the ''settlement'' offered therefrom.

We are rapidly moving to a position, as a nation, where the vast majority of major large corporations as well as small businesses are becoming dependent on Microsoft and the Windows operating system and associated products (Office, Internet Explorer).

This is not merely the old ''ta vs. VHS'' argument, but the complete obviating of all corporate responsibility to Microsoft. Microsoft has shown complete contempt for the U.S. Government and people of the United States. Witness the latest changes to the cost of licensing Microsoft products. Once they've got all the operating system and desktop application business in their court, they'll be able to make any changes to the software and/or pricing they so desire—completely relieving corporate America of any fiduciary responsibility to shareholders, employees or customers.

Microsoft didn't ''invent'' Windows or the use of the mouse as a graphic-input device, yet it has a defacto monopoly of the desktop operating system. We've seen how, in the absence of innovation by Microsoft, they purchase companies that actually do innovate—then proceed to bastardize the acquired product/company until the end-user no longer remembers when a product used to be good. (The Windows XP operating system is a good example: it now includes a rudimentary raster image processing/editing tool for the digital photographer, which will naturally prevent the sales of better software by highly specialized companies—since XP is including the barely passable version for free.)

Inevitably, Microsoft will be able to monitor the desktops of corporate America and perhaps even use ''push'' technology to advance its own agenda. In other words, Microsoft will eventually control our economy and the majority of our lifestyle based on the whims of Mr. Gates & Co. I don't wish to sound alarmist, but even in its heyday, IBM couldn't be blamed for trying to control as much of the American economy and lifestyle as Microsoft eventually will.

The settlement of having Microsoft provide software and hardware to school districts actually plays right into the hands of Microsoft—at the expense of Apple, which has done a much better job of courting the school-age computer users. What better way to encourage the uninterrupted continuation of the Microsoft monopoly than by getting them ''hooked'' at a young age in the schools? I am neither a proponent nor an opponent of the PC or the Mac. I just wish someone, somewhere would realize what all the fuss was about in the first place: Microsoft stifles competition and innovation. That's the truth. And just 'cause Microsoft sells Windows, Word, Access, Internet Explorer—doesn't mean those are the best products. They're just the cheapest and the easiest for the vast majority of average Americans to operate. Henry Ford performed a similar ''service'' with the automobile in the early years of that industry—but he didn't stifle competition and buy out competitors just to put them out of business. The American Public wouldn't have stood for that.

Robert M. Agnew
Sr. GIS Analyst—Administrator
City of Las Vegas
(702) 229–6049

MTC–00009753

From: kouryab
To: Microsoft ATR
Date: 1/9/02 11:56am
Subject: Anti-trust settlement

I think the so-called settlement with Microsoft will do nothing except insure that they will increase their monopoly. If they are allowed to give schools old computers and software to run them all this will do is make sure that these schools will have to update their systems with Microsoft software. Most old computers will not run anything new as far as current operating systems. What should be done is to make Microsoft pay the settlement amout in cash and then allow the schools to buy what they need and not be restricted to old and out dated equiptment and operating sustems.

Al Koury

MTC–00009754

From: Exers30x@aol.com@inetgw
To: Microsoft ATR
Date: 1/9/02 12:03pm
Subject: Microsoft Settlement

I want it be said I do not agree with prolonging this settlement. It is meant only to benifit a few and try to stop great invoation on Microsofts part. Microsoft is responsible for making home and office computer accessable to all and with out it we would be up a creek. I say enough is enough get off of Microsofts back and get on with improving our lives like Micrsoft has done so well.

Nancy Simpson
Indianapolis

MTC–00009755

From: Dr. Arthur C. Sucsy
To: Microsoft ATR
Date: 1/9/02 12:04pm
Subject: Microsoft Antitrust Case

Dear Attorney General Ashcroft,

More than a year and a half ago I wrote the following e-mail to Texas Federal Senators. It basically gives a layman's point-of-view on the Federal Antitrust Prosecution of Microsoft at that time. You may wish only to scan the contents at this time.

''Dear Senators,

My understanding of the Federal Anti-trust Laws is that they were intended to protect the general public from any economic or physical harm, which may be caused by collusion among individuals and companies on product price or product availability.

When Judge Thomas Jackson ruled last November that Microsoft violated Federal Antitrust Laws, he gave no indication that Microsoft had in any way harmed the public. This seems to me to have missed the first test on application of the law. In fact, there are many of us (public) who believe that Microsoft has made a tremendous contribution to the public through the process of establishing a workable system of communication through the Internet. There is no doubt that Microsoft has harmed its competitors through the competitors' inability to compete strongly. But this is a clear indication that the purpose of the Anti-trust Laws is functioning; i.e, fierce competition.

If Microsoft had driven its competitors out of business and then raised prices beyond reasonable limits or limited product availability, that would be a different matter. But, they have not done that. If I were a Microsoft competitor, I would be much tempted to be in court claiming ''foul'', because that is the easiest way to gain an advantage. I don't know what motivated Judge Jackson to his conclusion, but if he was influenced by competitors' claims of pain, he should have had one more reason to recognize that no anti-trust violation existed.

We might also consider the matter of ''bundling'', which has been a ''red herring'' in this whole situation. I recently bought a Cadillac Deville and wanted the Convenience Package. However, the ''bundle'' included a compass, which I didn't want. Was I hurt, when I took the ''bundle''? Yes. Did I have an option to not take the ''bundle''? Yes. Can I expect that the Federal Justice Department will soon be suing General Motors for infringement of Anti-trust Laws? You may want to answer that one.

Some have said that present Anti-trust Laws are out-moded and need to be brought up to date. I do not believe that is so. Violation of the present law is a serious matter. As in most categories of civil or criminal violation, a violation is committed by an individual or a group of individuals, who have seriously damaged the public. The retribution for such damage is jail time, with the ancillary advantage of discouraging future potential violators from similar action. Have Bill Gates and perhaps other members of Microsoft violated Federal Antitrust Laws? If so, they should get jail time. If jail time seems inappropriate, one should then re-ask whether there has been a violation.

Human beings tend to enjoy positions of power and authority, and Federal Prosecutors are no exception. What better way is there for a Federal Prosecutor to obtain recognition than to prosecute one of the largest corporations in the world? If we can't get Bill Gates directly, we'll get him indirectly, even if we can't prove our case to the extent to give him jail time.

Such action by the Justice Department is not prosecution. It is persecution and should not be permitted. We have already seen the difficulties caused by the Spanish Inquisition. The purpose of government is to establish and maintain a reasonably fair playing field. When there is a winner, it is not government's role to take away the prize because other contenders did not have the capability to compete. If government does that, it is meddling.

We now have 19 states and others, for a total of 28 organizations, also suing Microsoft for anti-trust violations. One must ask whether these are legitimate suits or whether because of our litigious society these appendages are using the previous good reputation of the Federal Government to obtain windfalls in damage settlements.

Dear Senators, I have earlier said that I believe the present Anti-trust Laws are satisfactory for today's society. However, with subsequent sociological changes in our society since the establishment of those laws, it is probably appropriate for Congress in general and the Senate in particular to more specifically define these laws in order to avoid persecution by aggressive career seekers in the Justice Department.

Through Justice Department persecution, Microsoft is being seriously hurt financially and in their ability to concentrate on continued innovation to further develop the Internet and related communication devices. This is a disadvantage to the general public, and you may want to consider some form of specific intervention to bring this matter to a quick conclusion. The law enforcement people are obviously confused, and I humbly suggest that it is up to Congress to show leadership.

Dr. Arthur C. Sucsy
4203 96th Street
Lubbock, TX 79423
Ph: 806–794–1381
4203 96th Street
Lubbock, Texas 79423''

I recently had a phone call from a Microsoft employee. He had a hazy knowledge concerning the above e-mail. While Microsoft was not copied, and I do not know how that e-mail came to his attention, it was not private. The Microsoft employee advised me that part of the recent agreement between Microsoft and the Federal Department of Justice required a time period for the public to comment. The Microsoft employee indirectly asked me to comment to you on their behalf. In fact, he had drafted a letter for my approval and signature, and which I chose not to use.

I am pleased that this case is being concluded. In retrospect, I believe a Justice Department investigation should have been initiated, but a case should not have been filed.

My experience with commercial matters has led me to conclude that Microsoft was aggressive in their business practices but not illegal and in no way damaged the public.

I have been advised that Microsoft will design future versions of Windows to provide a mechanism to make it easy for computer makers, consumers and software developers (competitors) to promote non-Microsoft software within Windows. The mechanism will make it easy to add or remove access to features built into Windows or into non-Microsoft software. Consumers will have the freedom to choose to change their configuration at any time.

Such concession on the part of Microsoft goes well beyond what I consider a reasonable settlement. Consumers have always had the option to use non-Microsoft software. They have used Microsoft, because it is better than competitive offerings.

Let's finish up the Agreement, close down the case, let Microsoft take its unjust penalties, and get on with our business of building a better country.

For those who may suspect that I have an ulterior motive in writing this e-mail, let me say that I receive no special benefit from Microsoft, have never worked for the Company, have no friends or family that have ever worked for the Company, and that less than 2% of my stock portfolio is in Microsoft stock.

Respectfully yours,
Arthur C. Sucsy
4203 96th Street
Lubbock, TX 79423
806–794–1381
CC:Sucsy D & P,Sucsy Dr. Robert W.,Woodward Karen,Suc...

MTC–00009756

From: Greg Mader
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/9/02 12:04pm
Subject: I disagree with the proposed microsoft anti-trust settlement

Dear DOJ,

I respectfully disagree with the proposed settlement with Microsoft, as it allows them to continue to ''embrace and extend'' open protocols with their own proprietary extensions, and, eventually, stomp out competition. Notice the pattern of RTF for word processing, PPTP for Virtual Private Networks, and Kerberos for authentication. In all of these cases, Microsoft, while claiming to embrace an open standard, remove access and interoperability features, and refuse to release their changes. I recommend that they be allowed to continue as a company, but make manditory disclosers, or ''Open Source'' their technology, supervised by a review board. Please do not punish users of other operating systems by allowing Microsoft to push them into oblivion. Instead, encourage Microsoft to release specifications or source code necessary to interoperate with their software.

Thank You,
Greg Mader
Chicago, IL

MTC–00009758

From: DICKROSS5@aol.com@inetgw
To: Microsoft ATR
Date: 1/9/02 12:20pm
Subject: Microsoft Settlement

Letter was sent to Attorney General Ashcroft and Sen. Rick Santorum

Richard Ross

MTC–00009759

From: John Heuerman
To: Microsoft ATR
Date: 1/9/02 12:20pm
Subject: Microsoft Settlement
18419 79th Place West
Edmonds, Washington 98026
January 5, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I wanted to express my support for the settlement that was reached between Microsoft and the Department of Justice. I feel that this suit needs to come to an end and that this settlement is a fair way to do so. The three-year process was not only well thought out and well monitored, but it had all parties in mind.

This settlement will be good for the technology industry, as well as the U.S. economy, not to mention the American consumer. The IT sector has floundered without the innovative leadership of Microsoft for the last three years, we will not see a turn around in the field until we can put this litigation behind us.

I trust that you will strive to implement this settlement. It is imperative that this suit ends, and that we can move on and focus on more vitally important issues affecting our nation.

Sincerely,
John Heuerman

MTC–00009760

From: Walter Dominguez
To: Microsoft ATR
Date: 1/9/02 12:24pm
Subject: Microsoft AntiTrust

Why can't you just leave sucessful buisness alone. This company has done more for consumers and the world in General than any of you bias'd self asserting politicians have in Centuries!!! Get over it, should they be punished for being sucessful and their competitors just could not handle getting beat in the market place?? come on!!

MTC–00009761

From: SupplyCJI@aol.com@inetgw
To: Microsoft ATR
Date: 1/9/02 12:26pm
Subject: Microsoft Settlement

Isn't it time we stopped this fruitless battle in which only the lawyers win and the consumers lose. We have far greater problems in our country than pursuing and trying to reduce one of the greatest companies ever established. Let's stop the whining by the prosecutors and settle this case once and for all. Allow Microsoft to innovate and implement the new technologies we as consumers are waiting for.

Enough is enough!
C.J. Roum

MTC–00009762

From: James (038) Pearl Tank
To: Microsoft ATR
Date: 1/9/02 1:03pm
Subject: Microsoft Settlement

To the Justice Department:

Communism is almost dead. One of its principles was that people had to have a lid on how much money and/or things they could possess; the excess had to be dispersed to the multitudes. This did not lead to much ambition on the part of the people.

Bill Gates has had an entrepreneurial spirit and worked hard to get his company going successfully. He has earned everything he has and our country has benefited in many ways from his work. Let us not put a cap on his or any else's ambition by taking away their just deserts. Let us not revive the communistic way, but let it die in disgrace. Let us end the wasteful spending being conducted in this case and get on with the business of America.

Thank you for all your work.
James Tank
215 Mack Ct.
Brillion, WI 54110–1330
920–756–3474
jptank@quixnet.net

MTC–00009763

From: Nick Maier
To: Microsoft ATR
Date: 1/9/02 1:04pm
Subject: Microsoft Settlement

Judge Kollar-Kotally:

Please allow me to comment on the proposed Microsoft Settlement. Microsoft has clearly and repeatedly demonstrated anti-competitive and criminal activity. They have both threatened and recriminated against competitors that have elected not to collude with them in anti-competitive activity.

The most effective way to prevent Microsoft's executives, its employees, and it's Board of Directors from behaving in this way is to levy a very large fine against the company. I would recommend a fine in the amount of $1.0 Billion dollars. A fine of this amount will serve as a major ''wake-up call'' to the company, it's attorney's, it's employees, it's shareholders and it's Board of Directors. This is the only way to change the anti-competitive philosophy that is deeply ingrained in the Company.

I urge you to act forcefully to change this behavior, now. There will be no second chances.

nm
Nicholas Maier—President
NewZing.com, Inc.
2465 East Bayshore Drive, Suite 400
Palo Alto, CA 94303
nmaier@newzing.com
(650) 255–7403
CC:microsoftcomments@doj.ca.gov@inetgw

MTC–00009764

From: Les Brunswick
To: Microsoft ATR
Date: 1/9/02 1:11pm
Subject: Microsoft Settlement

I would like to point out one way in which the settlement that the Department of Justice agreed to is deeply flawed. By breaking the anti-trust laws Microsoft made enormous ilegal gains in terms of profits and market share. Yet under the agreement it is not forced to turn back any of these, but instead gets to keep them. The lesson that Microsoft learns from the agreement is that it is to its own advantage to break the law. The predictable consequence is that Microsoft will continue to break the law in the future, in old ways or new ones. It would not be hard to make Microsoft give up its near monopoly in the internet browser market. It gained it by forcing original equipment manufacturers to install Internet Explorer (which was subsidized by its monopoly-level profits from Windows) and not carry Netscape Navigator. The remedy could be for Internet Explorer to be unbundled from Windows, for OEM's to be forbidden for several years to install Internet Explorer and required to install another web browser, and for Microsoft to be required to distribute Internet Explorer only by selling it at a price that represents its cost of development. Do this for two or three years and we would have real competition restored to the browser market.

The first Microsoft anti-trust trial failed to halt the company from continuing after the trial to abuse and expand its monopolies, and the second trial will have the same outcome if the present agreement is upheld.

Sincerely,
Les Brunswick

MTC–00009765

From: John Girt
To: Microsoft ATR
Date: 1/9/02 1:29pm
Subject: Microsoft

To whom it may concern:

I have been a significant user of Microsoft products for years. The existence of a single entity that can use unrestricted power to get its way is not in the best interest of our economy. I am a software developer myself, but couldn't even attempt to compete with Microsoft. I develop custom systems and use development tools from various vendors. My issue is my inability to convince many clients that non-Microsoft tools are better in many areas. Because of this, these innovative products do not get a chance in the market place. I truly believe that the best thing for consumers and Microsoft Shareholders, is it's immediate split-up. The original split-up suggestions are heard were way too soft. I recommend that it be split as follows.

1.. Operating System and Networking software (including internet tools such as Internet Explorer.)

2.. Development tools and databases (Visual Basic, compilers and SQL/Server)

3.. Workgroup Tools (Exchange, Application Servers(.NET), Schedule Plus)

4.. Desk-top applications (The Office Suite of productivity tools, games, etc.) Without fair competition innovation is stifled. As individual companies each would be able to flourish in their own realm. And after at least two years, they could be allowed to develop competing products. This would give them a better idea of the effort required to compete against one of there own existing products and would most likely result in better products for consumers.

I have seen the quality of Microsoft products deteriorate due to the lack of competition. You can't even get help anymore with out talking to a staple. XP was supposed to be the best operating system ever yet they had a security hole in it that you could drive a truck through.

AT&T share holders who held all of there original AT&T stock when it split have

increased their portfolio several fold. I think the same would happen with Microsoft stock. My wife and I hold several hundred shares of Microsoft stock and believe that it would help its value.

Thank You
John Girt
John Girt & Associate
(206)399–4977
John@Girt.NET

MTC–00009766

From: REYES,RAFAEL (HP-PaloAlto,ex1)
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/9/02 1:43pm
Subject: MS settlement contrary to public interest

Hello,

I am a long time IT professional. I use Microsoft products very extensively and have done so through my career. I respect their products and feel they have done many things well.

However, Microsoft's monopolistic practices are blatant, longstanding, and highly damaging. I still recall the false bug MS introduced in Windows 3.1 to cripple the superior DR DOS. Microsoft's behavior has not changed. Their bundling of products into their Windows operating system, where they have near complete control in the market, marches on unabated—squashing products should have the choice to use. Internet Explorer's dominance in the market over Netscape is a very recent case where their practices are blatant and now with Windows XP they continue their monopoly exercise with the bundling of their multi-media software (attacking RealPlayer), Passport, and Hailstorm. An operating system is an infrastructure distinct from the applications and it is long standing good programming practice that such components be ''loosely coupled'' to reduce unwanted interdependencies (and MS practiced this despite the baldfaced lie that Internet Explorer could not be removed from Windows).

It is as if General Motors owned the highways and decided suddently to change the lane size, and not coincidentally, they are the only ones that sell cars that fit.

The settlement does nothing to address these very serious issues. In fact all it does is incentivize the company to extend its monopoly into education - one of the few places which Microsoft has not yet taken over. As an IT professional and member of the general public I find the DOJ's settlement to be a grave disservice to the public.

Rafael K Reyes
Senior Systems Developer
Content & Knowledge Management
Hewlett-Packard
650–960–5133
CC:'attorney.general(a)po.state.ct.us'

MTC–00009767

From: Richard C. Wharton
To: Microsoft ATR
Date: 1/9/02 1:47pm
Subject: Proposed penalties

Hello,

I urge you to inflict severe penalties upon Microsoft for their past illegal activities. Merley stopping them from future crimes is insufficient. Criminals must not be allowed to keep their profits from past crimes.

Please keep us computer users in mind. It is we who have been saddled with a Microsoft ''tax'' for the past 10 years.

Respectfully,
Richard C. Wharton
Ibex Manufacturing, Inc.

MTC–00009768

From: David R. Freeman
To: Microsoft ATR
Date: 1/9/02 1:45pm
Subject: Microsoft Settlement

Greetings:

The proposed settlement of the antitrust action against Microsoft is unacceptable. This settlement could be compared to citing Hitler for not having his apparatus for killing people up to the current safety code—no safety valves for the pilots on the oven burners.

David R. Freeman

MTC–00009769

From: Doug Bostrom
To: Microsoft ATR
Date: 1/9/02 1:57pm
Subject: U.S. vs Microsoft

Greetings,

I'd like to respectfully register my opposition to the Justice Department's proposed settlement of the U.S. vs. Microsoft case now in Judge Kollar-Kotelly's court. Microsoft has been found guilty of abuse of monopoly privileges, and Microsoft has amply demonstrated in the past that it is organically incapable of properly absorbing and implementing external guidance from judicial authority. The proposed settlement does little to mitigate the former circumstance, and in the latter is insufficiently informed by the prior experience of the Courts and Justice Department in their dealings with Microsoft.

Microsoft will not look upon the settlement as a benchmark upon which to anchor their ethical roots. On the contrary, the settlement terms will be used as the sine qua non of ethics that can be expected of their company as identifiable under the terms of the settlement, which also fails to properly address compliance monitoring. Microsoft has a fundamentally different view of acceptable civic behavior, as evinced yet again by today's (Jan. 9, 2002) disclosure that the corporation appears to have been systematically rigging user preference polls in a major information technology journal (http://news.zdnet.co.uk/story/0,,t269-s2102244,00.html).

Having done a superlative job in the trials phase of this enormously expensive proceeding, it is imperative that the Department of Justice bring a firm and historically aware proposal for remedy to the table. The proposed settlement does not fulfill this mandate.

Respectully yours,
Douglas K. Bostrom
CTO Amaroq Systems, Inc.
www.amaroqsystems.com

MTC–00009770

From: Ray Kraft
To: Microsoft ATR
Date: 1/9/02 2:07pm
Subject: Opinion: microsoft settlement does not address problem sufficiently

I would like to voice my concern over the proposed settlement between Microsoft and the DOJ. Given that Microsoft has been found *guilty* of violating antitrust law and abusing its power in the computer operating system market, I feel that the measures outlined in the settlement will do little to redress this problem. In fact, I believe that some proposed ''corrective'' measures (i.e. those addressed at schools) will in fact have just the opposite effect, and will serve to strengthen Microsoft's monopoly position.

I would like to ask that more effective measures be proposed to bring about the changes required to prevent Microsoft from continuing to abuse its monopoly position.

Thank you.
Sincerely,
Raymond H. Kraft, Ph.D.
Raymond Kraft, Ph.D. rkraft@api.com
Associate Technical Fellow 425–657–1348
Applied Precision, Inc.
Issaquah Washington, USA
GnuPG Public Key Available: http://www.keyserver.net/en

MTC–00009771

From: Chris
To: Microsoft ATR
Date: 1/9/02 2:08pm
Subject: Wrestling the 800-pound gorilla from Redmond

Good Afternoon,

As a person working in the technology field, it is practically impossible to go a day without hearing something about the battle currently raging in DC. Before today I resigned myself to be a casual observer. That was until I felt the time was approaching when you would have to weigh in with a decision. I would like to commend you on a valiant effort. Microsoft, I'm sure, was a surprise. They didn't appear to be as cunning or underhanded as the Bells, but certainly held their own. Mostly because our government was not ready to deal with a monopoly in such a new industry. An industry which is still growing. Next, let me say that public opinion is not good right now. Had the 9 states not protested, there would certainly have been a backlash. Which brings me to my point. I cannot even begin to imagine the amount of information you have to sift through on a daily basis, so I thought I would summarize what the tech community sees as the issues, and what it ignores:

First, The Browser War is Dead!...and has been for some time. We have all moved on. I realize that it was at the core of the anti-trust suit, but it does not need to be part of the settlement. I, like many others have been running alternative browsers on Windows for years. In fact, this letter is being written in Opera, which easily matches if not surpasses IE in all respects.

Second, OEM is where we should be focusing. Microsoft has such a strangle hold on consumers because PC manufacturers are forced to build either Windows only machines, or Windows free machines. A move to curtail their OEM agreement would be a big step in the right direction.

Finally, Who has really been hurt? The public?....sure, but more than that, the

competition. Why not repay them. Strip some cash from Microsoft and distribute it to the three major Linux Distributions, to Netscape, to Opera, to Apple, to anyone who can prove they have felt a negative impact in business. Provide money for advertising new, non-Microsoft technology. Whatever you do....DO NOT allow them to donate Windows PCs to schools. I'm sure you also see this as a win/win for Microsoft as well as we do. Cash, however, would be great. Keep in mind that most Linux users are running the OS on machines 5 years or older. The OS is free, and the machines to run it can be collected for pennies at local charities. A much better deal for all concerned.

All we want is a level playing field. As much as Microsoft threatens the stifling of innovation, you must stand firm. Everyone knows their products have flaws, major ones, in some cases. Yet they remain in power. Ask yourselves what measures can we put in place that would put Microsoft back under the control of the market rather than vise versa.

The public must regain it's will to choose. Treat this like the tobacco settlement. The public is certainly addicted to a product that causes harm.

I hope this helps.

Thanks for your time,

Chris Gregan

Portland, OR

MTC–00009772

From: Robin McMullen
To: Microsoft ATR
Date: 1/9/02 2:09pm
Subject: Microsoft Settlement

This settlement does not address the pivotal issue, which is that Microsoft has routinely indulged in unfair competitive practices, and has clearly signaled its intention to continue doing so in the future. It is difficult not to conclude that the court is either afraid of Microsoft for some reason, or expects to benefit directly from its own vapid decision.

MTC–00009773

From: Jim Kostrava
To: Microsoft ATR
Date: 1/9/02 2:22pm
Subject: Settlement of Microsoft Case
To: United States Department of Justice,

The purpose of this email is to encourage you to settle for once and for all the Microsoft Case.

The Foundation for Economic Education (FEE) is the oldest free-market educational organization in the world, founded by Leonard E. Read in 1946. FEEA is monthly magazine, Ideas on Liberty, is the longest continuously published magazine dedicated to individual liberty in the United States. FEE is a nonprofit organization dedicated to free markets, private property, self-reliance, limited government, and the rule of law.

Since 1946 our organization has been supported entirely by private voluntary contributions. We receive no money from the government, nor would we accept money if offered. On behalf of our 4,500 supporters and the tens of thousands of people who have supported us over the past 55 years that are passionate about individual liberty, I urge you to settle this particular case. I also encourage you to limit the intrusion of government in business in general. Barriers to initiative and endless litigation are the anchors on the economy and are the greatest threat to the prosperity of all U.S. citizens.

In liberty,

James E. Kostrava, CAE

Vice President for External Relations

Foundation for Economic Education

30 South Broadway

Irvington-on-Hudson, New York 10533

(914) 591–7230, ext. 330

Email- jkostrava@fee.org
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FEE Web sites:

www.fee.org <http://www.fee.org>

www.cliches.org <http://www.cliches.org>

www.freespeaker.org <http://www.freespeaker.org>

www.feenationalconvention.org <http://www.feenational convention.org>

www.laissezfairebooks.com <http://www.laissezfairebooks.com>

MTC–00009774

From: Resom1@aol.com@inetgw
To: Microsoft ATR
Date: 1/9/02 2:32pm
Subject: Microsoft settlement

Please settle the Microsoft case without any further litigation. I believe this lawsuit has been harmful to consumers and the American economy. The very day it was announced the stock market went down and every time there is a negative statement about Microsoft it goes down again.

It is obvious that those wealthy competitors of Microsoft who oppose the settlement don't care about the economy and welfare of our country as they oppose Microsoft giving the poor schools and children computers so they have the same opportunity as children in more well do do schools to learn and prepare themselves for their futures. Please put a stop to all litigations of this case.

Thank you,

Evelyn Moser

MTC–00009775

From: PETER CAPPOLA
To: Microsoft ATR
Date: 1/9/02 2:39pm
Subject: Microsoft Settlement !

Settle this Case!

I believe this case should never have gotten this far. It should be thrown out of court.

Let Microsoft Innovate and Grow this Industry. Consumers and the Our Country Benifit!

The software industry is probably the strongest industry in this country. Instead of promoting it, its being torn apart by jeleous competitors of Microsoft. Microsoft is the leading cause of the gains in technology this industry has had. Its speculation to say other businesses or competition would have emerged if Microsoft wasn't agressive in their innovative goals. The Industry could just as well be ten years behind if they didn't persue their innovative goals. Bundling is a good thing. I worked for 17+ years for a computer Mfg Co. and know the negative results of having to get different software products to work together and having to install software patches. This case is not in the CONSUMERS BEST INTEREST, its the competitors who want to stop Microsoft from being succesful. What company every went in business to be Number Two!! Whats wrong with chairing for your own team to be the best!

Why is Microsoft to be expected to have to write software to its competitions advantage and product and not specific to their own, Apple Computer has been doing that for years.

Let Microsoft Innovate and Grow this Industry. Consumers and the Our Country Benifit!

MTC–00009776

From: Jim Smilanich
To: Microsoft ATR
Date: 1/9/02 2:42pm
Subject: I oppose the current settlement deal

Sirs;

I have worked for US Bank for 6 years in the Network department as a network architect. Before that, I worked for Merrill Corporation for 7 years as the lead network designer and network management specialist. During most of that period I have supported and used Microsoft products in a wide variety of ways. I have also had the opportunity to compare and contrast them to Microsoft's competition.

I regard myself as about as hardcore a free market advocate as there can be. I believe, however, that a free market works only when all involved in it do so from an ethical viewpoint that embraces fair play. It is my contention that Microsoft's management has no conception of anything that even remotely resembles an ethical viewpoint. During my entire career in IT, I've watched with dismay as Microsoft eliminated one competitor after another in one market segment after another. In my experience, the finding of fact barely scratched the surface of the damage that Microsoft has done to the computer industry over the years. They did not do this by the quality of their product or by competing head to head. As the trial demonstrated quite clearly, they did so by arm twisting PC vendors, buying up the competition, predatory pricing tactics, and on and on and on.

Microsoft has almost gleefully gone back to their old ways since the proposed settlement was announced. Brian Valentine's leaked emails (http://www.theregister.co.uk/content/4/23518.html) urging his sales force to spy on their customer base, their manipulation of a ZDNet Java vs. .Net poll (http://news.zdnet.co.uk/story/0,,t269–s2102244,00.html), Microsoft's announced pricing and licensing changes, and other stories all point to a monopolist company with absolutely no fear of the Federal government. None of the news that I have read since the original finding of fact shows any remorse over their actions. None of it even demonstrates an awareness that the company has been convicted of a crime!

Please, take the high road. Find a punishment that fits the crime. The wholesale destruction of dozens of companies and market segments deserves a harsh and swift response.

Thank you for your time,
Jim Smilanich

MTC–00009777

From: Kevin Bischoff
To: Microsoft ATR
Date: 1/9/02 2:43pm
Subject: Microsoft Company Settlement

Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Ave, NW
Washington, DC 20530–0001
Attorney General John Ashcroft

The Microsoft Company has been in battle with its competitors in the marketplace and unfortunately with the federal government for too long. It is good news to the industry and to the nation's economy to know we are on the cusp of closure to at least the federal lawsuit.

During this open public comment period I want to take the opportunity to support your Department in the fine job that you have done to find the compromise and reasonable end to this long drawn out million dollar experience. Please consider the settlement sufficient and close the federal government's role in this competitive war. I support your settlement proposal.

Sincerely,
Terry R. Spencer
Utah State Senator
District 22

MTC–00009778

From: PLewis521@aol.com@inetgw
To: Microsoft ATR
Date: 1/9/02 2:43pm
Subject: Microsoft settlement

The Microsoft settlement was reasonable,fair and good for the consumer. HOWEVER the special interests are attempting to derail this settlement and prolong the litigation simply to benefit the few wealthy competitors of Microsoft. This is political posturing by the few States Attorney Generals who refused to sign on to the settlement. The only beneficiaries are the attorneys involved. The continuance of this case is NOT in the interests of the consumers for whom this law was originally crafted. The current settlement IS in the public interest. Please close the case.

Margaret M. Lewis

MTC–00009779

From: Stephen Grossman
To: Microsoft ATR
Date: 1/9/02 3:01pm
Subject: Microsoft Settlement

Sirs:

The anti-trust laws are a Marxist, pseudo-scientific danger to life, liberty and the pursuit of happiness. Their standard of competition is equality, an economically destructive situation in which the most productive people will be destroyed for the alleged sake of the least productive. It is a nihilist attack on production and human life. Inequality is an economic good. Economics should benefit the individual as an individual, not equality, society or power-lust.

Stephen Grossman

MTC–00009780

From: mjh48060
To: Microsoft ATR
Date: 1/9/02 3:04pm
Subject: Regarding the Microsoft settlement

After reading the details of the settlement I reached the opinion that a lot more must be done in order to insure that Microsoft doesn't abuse it's monopoly on the desktop operating system market. I've made an opinion regarding Windows XP Home Edition to friends and family and after discovering the e-mail address to the Department of Justice, I thought the comments I made to friends and family might be relevant here as well.

If you're looking for a recommendation from me about Windows XP Home Edition, you won't see one from me. After playing around with it for a while I found a lot of issues....

1. Internet Explorer is as unstable in XP as it is in Me / 98.

2. Older DOS games either don't run well or don't run at all.

3. Some Windows games don't run well or at all. (Including both 32 bit and those older Win3.1 16 bit stuff)

4. Printing is slower if you're doing anything else besides.

5. Intermittant connection problems with the modem.

6. Losing modem settings (Big Issue!)

7. Recovery tools are either rudimentary or nonexistant. (Worse than Windows Millenium Edition)

8. Still crashes from time to time—Microsoft says 'Bad Hardware' I say ''Software Bugs''

—* XP Home Edition still can't make it to a day. Linux has so far made it to 1 day, and 17 hours and is still going. Nothing wrong with the hardware I say. ;-)

9. It's claims of being the most secure operating system are a total lie! Network listening ports are open and unclosable—For example: Remote Procedure Call and Universal Plug and Play. Firewall is now mandatory for safety reasons I'm also noting the Universal Plug and Play security hole found just before Christmas. Interestingly it didn't show up on the Windows Update website until three weeks later.

10. XP complains about deleting files in use when they're clearly —not— in use! (Time to reboot.)

11. That 8 second shift lock accessory feature that totally messes up the CAPS LOCK function. (Enabled by default.)

12. XP sometimes refuses to read the CD–ROM (Time to reboot.)

13. Microsoft compressed folders are a joke. Doesn't open on some zip files. Complains about file corruption that just isn't true.

14. The new Windows look is nothing really special nor really customizable. Unix based operating systems were doing it better first.

15. Opening a pictures folder shows a link under Folder tasks called: Order Prints Online. (Bad, bad form, Microsoft! Unlike some people, I order *— NOTHING—* online if it involves a credit card. Surely online credit card theft still happens.)

16. Product Activation. My issue with it is having to call Microsoft to ask for an activation code everytime I upgrade or have to reinstall XP. I feel that I simply don't need to ask permission to use something that I've paid for.

17. Desktop screen disappears spontaneously and randomly when opening folders. ($80 billion dollars in their pocket and they still can't create a decent GUI shell since Windows 95? Whatever excuse it is I don't want to hear it! I want to drag and drop. Not cut, paste and pray! What's the problem with that?)

18. Plug and Play is still problematic.

19. That general stupid AOL feeling I get. However I like my face and name on top of the Start Menu. However the user interface is far too dumbed down for my taste. I can still use the classic interface and remove that AOL feeling but I lose my face, too.

20. XP Home Full version is overpriced. Upgrade version could be more reasonable, too.

21. Upgrading over 98 / Me causes lots and lots of problems with breaking programs already installed beforehand. Every program broken has to be reinstalled. Best idea for this problem is to repartition and install XP on a new partition and leave the old 98 / Me intact. (Dual booting gives a lot of flexibility with new and old stuff but it's also a hard drive hog not to mention a huge waste of time to set up!)

22. EZ CD Creator 4 screws up XP. Roxio's recommended upgrade is way overpriced! And you —still— have to download a patch! I was never even told about the issue nor was I able to find out about the issue with the Microsoft web site until after the damage was done. (Smells like a dirty marketing trick to me.)

23. Product support is given but on the condition that you have to sign up for a .NET Passport first. (Which is absolutely rediculous! It —NEVER— said that on the packaging!)

24. The recovery console is useless in a real problem.

25. I cannot remove Internet Explorer, Outlook Express, Windows Messenger, Windows Media Player, and a lot of other Microsoft programs that are installed by default as well as the loss of hard disk space incurred from the use or lack of use of those programs.

26. I want to choose what kind of operating system I want on my computer when I buy a computer. So far the only way I can buy a computer and have a choice of operating system is to buy the components necessary to put together a computer from different sources so I don't have to purchase a Microsoft operating system. For example, I may want Linux or FreeBSD or BeOS or whatever may be available but if I buy components to assemble a computer from one source. I'm told that I need to purchase a Microsoft operating system. I simply do not have to accept that in my opinion. Simply put, I feel that as a customer I was misled, lied to, and ultimately swindled out of money when I installed XP Home Edition. I also feel that Microsoft's business practices are completely horrible and warrant punitive measures to keep the company in check up to and including splitting the company as necessary to bring real innovation to computer technology as a whole.

Sincerely yours,
Michael Hickey

MTC–00009781

From: Donna Ulrich
To: Microsoft ATR
Date: 1/9/02 3:06pm
Subject: Get off the case

Dear Friends,

We've got more important things to do. I'm sure Microsoft is not perfect but then neither is the government. Let's build our families. Let's reduce poverty, feed the hungry—around the world.

Let's focus on more important things.

Donna Ulrich
10770 S. Voyles Road
Borden, IN 47106–7615

MTC–00009782

From: Mark Nielsen
To: Microsoft ATR
Date: 1/9/02 3:06pm
Subject: The current settlement with MicroSoft is bad for competition and for the nation

Hello!

MicroSoft is evil. That is a given. Given all the lies they have said in court over the years, you cannot trust anythng they say. Thus, how can you trust the settlement?

MicroSoft was probably going to give 1 billion dollars to schools anyways. Then the settlement says they have to, which doesn't make any sense, because they were probably going to do it anyways. MicroSoft has always tried to grab the educational institutions, because when people graduate from high school or college, they will stick with the software they know.

Thus:

1. They were already going to do it anyways.

2. It inteferes with Apple's ability to compete in the education market. MicroSoft is entirely evil and I would prefer, be destroyed. I would like to see it get destroyed under a competitive market, rather than physcial force. I like to win my battles fairly. Given the current republican administration, please do what makes the most sense for a competitive market, which you should understand since you are republican, and just don't so stuff that benefits the rich fat republicans/corporations who have no regard for our nation, just their pocketbook. I want business to thrive for those who deserve it, not those who are able to bribe/lie/cheat/steal their way into power because they have a lot fo money.

Thanks!
Mark

MTC–00009783

From: JOHN T MUDGE
To: Microsoft ATR
Date: 1/9/02 2:43pm
Subject: Comment re: Microsoft DOJ Settlement

Microsoft is clearly guilty of illegal conduct—that has been decided in court. I, personally, do not like either Windows or Explorer. Even so, their products define the standard. That battle is over (I use a Mac). Nonetheless, the Court should dismiss State objections. The State AG's are clearly protecting in-state businesses or, in at least one case, purely vindictive. I am amazed they even have standing! If the noose is tightened even more, it sets a poor precedent to harass even more businesses.

Unfortunately, this country is coming closer to getting all the government for which we are paying!

Glad to get this off my chest.
John T. Mudge
Chehalis, WA 98532

MTC–00009784

From: Brent Smith
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/9/02 2:10pm
Subject: Opposition of Settlement

Hello,

I am writing today to express my personal displeasure with the settlement terms between the Department of Justice and Microsoft corporation. I have been a user of Microsoft products since 1985 and I'm even have status of a Microsoft Certified Professional using Windows NT. Over the years as consultant and a long time user of these products I honestly have to admit that I make a living trying to find workarounds to make products work for my customers with the windows operating system. For this I thank Microsoft for having a product that isn't as stable as let say UNIX or the Mac OS9.

If we look at history—look at what happened after the DOJ split up IBM. IBM is still a very large company, but because of competition (thanks to the DOJ) much of our products are developed better today. I feel that there is continued motivation to compete and have a quality product when competition is present.

Thank you.
Brent Smith
Client Manager
RMRS–ECHO
www.rmrs.com—website
brent@rmrs.com—email

MTC–00009785

From: Bobporsh@ao1.com@inetgw
To: Microsoft ATR
Date: 1/9/02 3:18pm
Subject: Fwd: Microsoft Settlement

I want to register my concurrance with the DOJ's recent Settlement action. Based on the information provided via the press the terms seem fair and reasonable. I think it is important to finalize the settlement to allow everyone involved to move forward with some predicability. Additionally, the software/internet service playing field is and has evolved so quickly and constantly, I am confident that with the system checks to be put in place, the free markets will allow businesses and consumers to choose the most appropriate technologies and providers for the future.

Furthermore, I think it is very important that Microsoft not be singled out as being anti-competitive. All its' competitors are likewise working to gain any and all advantages. To do so will risk constraining innovation here in the U.S., and might help a business, particularly a non-homegrown business gain a competitive advantage they did not deserve or earn.

Bob Nelson Geneva, IL

MTC–00009786

From: David Benander
To: Microsoft ATR
Date: 1/9/02 3:20pm
Subject: Microsoft Settlement

Dear DOJ:

I want you people to understand that you must LEAVE MICROSOFT ALONE!!! You must not punish companies and creators like Bill Gates for being more successful than their competitors. That's why it's called competition! Someone wins and someone loses. And in so winning, Gates and his team have helped make PC use so inexpensive that we, the consumers, can all use them. Microsoft is PRIVATE PROPERTY, it has a RIGHT to its profits, and you have NO right to confiscate them.

David Benander
194 Bay Lane
Centerville, MA 02632

MTC–00009787

From: jeremy
To: Microsoft ATR
Date: 1/9/02 3:22pm
Subject: public comment on Microsoft anti-trust case

Ms. Renata Hesse—

As a citizen of the United States I'm very disturbed by the settlement proposal of the Microsoft antitrust case. Given the verdicts of a federal judge and federal appeals court judges affirming the basic guilt of Microsoft as a monopoly, I think the proposed DOJ settlement does NOT go far enough to remedy the situation. As a consumer I believe my choices have been limited by the monopoly and am disappointed the settlement does little to change that fact. Moreover, I'm concerned by a weak enforcement mechanism to assure the enforcement of the provisions, ineffective as they are. Even rigidly enforced, I have grave doubts the provisions would accomplish anything positive.

I suspect the Bush administration is concerned about expending taxpayer money in litigation. At this point, if this settlement were approved, I would think it a bigger waste of money; to have come so far and proved so much only to opt for a weak settlement that does not prevent Microsoft from leveraging its monopoly in the future is futile and non-sensical. To make the investment worthwhile, as a US citizen, I think a new settlement should be put in play that is designed to prevent Microsoft from leveraging its monopoly to the detriment of competition. At this point, only a new, tougher remedy proposal would make the litigation worthwhile and useful to me as a citizen of the United States, a consumer, and personal computer user. Additionally, my concern is that given the present economic situation, the Bush administration is concerned that by pursuing a tough remedy that it would hurt a big, successful company and therefore do more damage to a fragile economy. Personally, I believe that by breaking up Microsoft it would unlock more shareholder value. The sum of all shares in the new companies would be worth more than the present value of one Microsoft. Additionally, I believe it would create more jobs in a hurting tech sector as more

programming and administrative staff are hired by the new companies. I also think it would envigorate the tech sector as more small companies find an atmosphere where they can compete and introduce new products and technologies that have a better chance at success. In short, please pursue a tougher remedy that will prevent Microsoft from leveraging its monopoly and create more competition and consumer choice. Please reconsider your position and advocate a stronger remedy that will truly bring the technology industry to a new level of innovation and competition.

Sincerely,

Jeremy Wilmarth

MTC–00009788

From: Tim Bryce
To: microsoft.atr(a)usdoj.gov
Date: 1/9/02 3:41pm
Subject: Not in Favor of Settling with Microsoft
Renata B. Hesse

I am a user of the OS/2 operating system from IBM. I have found this to be a technologically superior product over the operating systems offered by Microsoft, including their latest version, Windows XP. Unfortunately, OS/2 has been in decline for a number of years from what I believe to be unfair monopolistic marketing tactics of Microsoft. As a result, vendors of OS/2 related products have also diminished over the years. Contrary to arguments by Microsoft that their products encourage competition, I believe the opposite is true; that Microsoft's marketing practices actually discourages competition and stunts technological growth.

Consequently, I do not believe the Federal Government's proposed settlement with Microsoft, in its current form, is adequate and that stricter measures be imposed on the company to prohibit such tactics from being used in the future. In other words, I applaud the efforts of the various State Attorney Generals to seek stricter measures.

Sincerely,

Tim Bryce
Editor, OS/2 CONNECT
http://www.os2ss.com/connect/
timb001@attglobal.net
Palm Harbor, FL, USA

MTC–00009789

From: Richard M. DeLio
To: Microsoft Settlement
Date: 1/9/02 3:43pm
Subject: Microsoft Settlement

Dear Sirs:

Re. the Microsoft settlement, please convey my views to the court as follows:

As an Information Systems Consultant and a heavy user of Microsoft and non-Microsoft PC products, as well as software on other platforms, I can honestly say that Microsoft has brought much more positive progress to the information systems user community than any other computer hardware or software company. With regard to many of the points brought out in trial, I would offer the following comments:

1. Monopoly is a matter of frame of reference. If you ask if Microsoft has a monopoly in the operating system business for Intel-based computers, they do. If you base the definition on the absolute number of computers, irrespective of size, Microsoft may still have a monopoly. I believe both of these definitions to be incorrect. I would propose that for a monopoly to exist, it should be based on total computing utilization throughout the US or the world. Yes, Microsoft has a large number of installed operating systems, and some are installed on computers with relatively high raw computing power. But many of these computers are used for a short period of time each day or few days and then often just to send e-mail or surf the Internet, clearly not ''computing.'' If one were to compare the operating systems installed against the utilized computing power, I would doubt any monopoly exists. On PC's doing very little computing there are a very large number of Windows installations, but on much larger, heavily used machines you would find IBM, Sun and Hewlett-Packard installations. Simply put, Microsoft does not have a monopoly based on the total utilization of computing power. This is a very important difference.

2. Microsoft competitors have argued that Windows pricing is higher than it should be. I would counter that most people pay far less, through OEM installation of MS Windows, than the suggested retail price, or even the ''street'' retail upgrade price. However, on pricing, I believe we need to place things in perspective. For anywhere from $40–100, based on the version of Windows installed, the consumer receives a technically advanced product which will be used on average 4–5 years before a new computer is purchased. In comparison, a pair of brand-name sneakers cost more than Windows and will likely be wreaked within 1 year. There is not a single consumer product of any type on the market today that provides the functionality of Windows in comparison with its cost over the life of the product.

In addition, Microsoft, unlike any other computer industry company in the last year, increased its research and development budget to provide even greater benefit to the consumer in the future. The money spent by consumers on Microsoft products provided both immediate benefits to the consumers, greater in value than any other computer product, and an investment in future benefits.

3. Much has been said of Microsoft's supposedly predatory practices re. Netscape Communications. Nothing has been said of Netscape's actions during this period. Prior to Microsoft's release of Internet Explorer (MS IE), Netscape had been giving away its Navigator Internet browser. When it effectively had a monopoly in the browser arena, just prior to the release of MS IE, Netscape announced that they would be charging for this product in the future. Essentially, they created a monopoly and then attempted predatory pricing. And, the price they wanted to charge was approximately what most people were paying at that time for all of Microsoft Windows, a product with far great functionality, and therefore value, for the money. I should also add that the Netscape personnel did not develop their product from scratch. They had been working on an Internet browser in a college environment, and simply left, formed a company, made a few changes and released it under the Netscape name.

4. Microsoft did not initially try to compete with Netscape. In fact, Microsoft competes in a very small number of computer software product areas, choosing instead to offer Windows as an open base on which thousands of products can operate. Netscape personnel, however, announced at trade show after trade show that they would ''destroy'' Microsoft Windows as a platform. The Internet would be the new platform—actually a ridiculous idea, like saying if mass transit had great schedules we would all get rid of our cars. Microsoft attempted to work with Netscape and when that went nowhere, it decided to offer a better product and cut off the Netscape attempt at predatory pricing.

5. Microsoft competitors have argued that Internet Explorer was a standalone application and should never have been put into the Windows operating system. I believe this is wrong. I believe there is a very simple test for what is appropriate in an operating system and what is not. If a program creates or manipulates data, like a word processor or spreadsheet program it is an application and should not be added to an operating system. If a program simply displays information or manipulates data at the file level, e.g. copying or moving an entire file, it should be included in an operating system. In fact, the only times Microsoft has violated this approach was when they provided a very rudimentary word processor in Windows as a convenience to users, but not to replace a complete word processor, and a simple e-mail program (which still needed an Internet Service Provider (ISP) to be usable).

Regardless of this, anyone who wished to have Netscape Navigator as their default Internet browser could do so, simply by specifying that within the program of their Internet Service Provider or, even more simply, by placing the Navigator program on the Start-Programs list as he/she would do with any other program—word processor, spreadsheet, photo editing, etc.—and then having Navigator telephone the ISP.

6. But at the heart of this litigation from the beginning has been the hypocrisy and manipulation by Microsoft's competitors combined with a bluntly terrible defense by Microsoft. The competition has used the government to try to compete against Microsoft rather than relying on an open marketplace. And, the dissenting nine states are still being used by Microsoft's competitors. I would ask the current judge to ask one simple question regarding these nine states: Would they be suing Microsoft it Microsoft were based in their states. I strongly doubt that. They don't care one iota for their consumers; they only care about the MS competitors who are based in their states and exercise political influence.

Competitors like AOL, Oracle, Sun and IBM have long complained that Microsoft has produced mediocre products and did not deserve its success. Yet, with the exception of Oracle, Microsoft's products often exceeded the functionality and value of those provided by the competition. The consumer is not stupid. Offered a better product, with better pricing, the consumer will go with the

better product. Often the consumer will go with the better product even without better pricing, since we are not talking about large sums of money for these products (tens of dollars to hundreds, not thousands).

Competitors have complained that Windows is a closed system and source code should be opened for all to see or modify. The truth is that Windows is the most open operating system ever produced. If it were not, there would not be literally thousands of non-Microsoft products operating very successfully under Windows today.

7. The bottom line of all of this, however, is that Microsoft has been successful because they have provided a good, reasonably priced product, which is an open environment on which thousands of computer programs are available. In addition, Microsoft has provided a platform with integration of subsystems which should be in an operating system, yet, not eliminating the ability of the user to run alternative products.

I urge the court to find in favor of Microsoft and the settlement with the Department of Justice, a settlement which, I believe, is even more burdensome on Microsoft than it should be.

Thank you.
Richard M. DeLio
31 Manor Drive
Ramsey, NJ 07446
201–825–8098

MTC–00009790

From: Scott Bicknell
To: Microsoft ATR
Date: 1/9/02 3:47pm
Subject: Microsoft Settlement

There is much chatter about this case—most of it saying that the DOJ is caving-in to Microsoft. I have to agree. And while there should be a penalty, I also realise that this wish is a pipe dream.

This case is moving toward dismissal. I understand Microsoft has already been convicted, but it seems after the conviction was handed down that the court said, ''Oops, that's not what we meant to do. Now you boys go out back and find a way to fix this mistake. We use too much Microsoft software around here to deal with breaking up a company we do so much business with.''

And that is the crux of the matter, whether the courts, the DOJ, Microsoft, or anyone else wants to admit it. As long as major pieces of judicial infrastructure (the software used to administer the judicial system) comes from one company, Microsoft, then the courts will never have the guts to do their job honestly. They will continue to pretend to themselves and the world that they are immune to bias.

Scott Bicknell
815 Creek Dr.
San Jose, CA 95125
(408) 266–9692

MTC–00009791

From: Del Gardner
To: Microsoft ATR
Date: 1/9/02 3:49pm
Subject: end clinton's

Please end clinton's anti-trust law abuse. Microsoft has done more for computing than any other company—leave them alone. No more law suits against them.

Sincerely,
(Mrs.) Del W. Gardner
Medford NJ

MTC–00009792

From: AVCS
To: Microsoft ATR
Date: 1/9/02 3:50pm
Subject: Anti-trust law abuse

TO WHOM IT MAY CONCERN:

Let us end the Clinton-era Anti-trust law abuse.

MTC–00009793

From: tatro
To: Microsoft ATR
Date: 1/9/02 3:50pm
Subject: Microsoft Settlement

End the Clinton-era Anti-trust Law abuse, please. It was a waste of time and money.

Elwood & Ellen Tetrault,
907 S 19 St.,
Grand Forks, N.D. 58201

MTC–00009794

From: Bryan W. Headley
To: Microsoft ATR
Date: 1/9/02 4:08pm
Subject: Microsoft Settlement Comments

Dear Sirs,

From what I understand, the bulk of the Microsoft punishment involves the donation of computers and software to school districts. As someone who lives in a school district that's teetering on consolidation (e.g., bankrupcy), let me tell you that giving school districts computers is not a beneficial act. With more computers, classrooms either have to be built or expanded to handle the extra equipment. More teachers have to be hired, and this is money we do not have. To be honest with you, we don't have the money to do extracurricular activities (e.g., football, basketball, etc.)

This is like other well-intentioned attempts to help schools: in Illinois, we have the state lottery benefitting schools by helping on infrastructure costs. The Americans with Disabilities act hurt, as the costs of making the existing plants accessible wasn't covered by this. And so, I ask you: what good are plants (buildings) when you cannot afford the headcount? When you cannot afford the materials? A lot of people do not understand how taxation works, in regards to municipal governments. Looking at my area, you'd assume there's a sufficient tax base. Not so: we have densly-populated residential, with little industry. So, where's the tax base for that school district? The base for students is evident.

So, the act of public service is not beneficial. Unless we're talking about schools that are well-financed, but for some reason do not have computer education. I cannot imagine schools operating in such a vacuum. Having mentioned industries, let's expound on the behaviour Microsoft has been accused (and found guilty of.) By engaging in predatory tactics, Microsoft weaken many of their competitors. Consider WordPerfect, once of Orem, UT. They used to have a successful product; their employees and they were in a position where they can contribute to the economic health of their neighborhoods. Now gone, who has stepped up to take their place in filling the tax coffers?

Now, let's go into what I'm certain a lot of writers have pointed out to you: allowing Microsoft to pay off their debt to society in Microsoft software. This is more effective in establishing brand identity with the next generation of software users than any advertising I know of. What's the cost of the software? Are they writing this software off at full retail cost? Do you know how much it costs to mass produce CDs in quantity? Pennies.

I'm trying to think of something as distasteful as this settlement. This is not an exact simile, but I have to think of a dope pusher being forced to give free illicit drugs to children. What? You think those children WON'T want more dope? And, heh! This pusher gets to write off the expense, having been directed to performing this community service by judge.

If you are of a mind to go for a financial settlement, do like you did with the tobacco companies: make the company settle in cash. How the states opt to use the cash is something we can work on ourselves. I might never see any of that money appear in my school district, but we might get better roads and be able to attract/retain industries. By the way, regards to these computers: where are they coming from? China, Taiwan, Indonesia? That hardly helps out American manufacturing firms who make computers. And you know, the healthier these industries are, the better able they are to contribute to our local economy. As it stands now, we'd be better served if you forced the Microsoft board of directors to personally take roadside cleaning responsibilities for a 1/2 mile off of an interstate in Seattle.

Thank you for you time and consideration,
Bryan W. Headley
bheadley@interaccess.com

MTC–00009795

From: gandamartin
To: Microsoft ATR
Date: 1/9/02 4:08pm
Subject: Microsoft Settlement

As two tax-paying citizens, we believe that the resources of the Justice Dept can be put to better use than pursuing Microsoft.

Thank you,
Mr & Mrs Gene Martin

MTC–00009796

From: Ian Nowland
To: Microsoft ATR
Date: 1/9/02 4:27pm
Subject: microsoft settlement

Hello!

I am a computer programmer. I (and all my programming friends and coworkers) have to work several times harder to get anything done because Microsoft's products are usually much more shoddy than any other software out there, since they know they can rum out such products because they have such a huge market domination. Please break up Microsoft so that they are forced to be competitive and thus try and meet competition standards.

Ian Nowland

MTC–00009797

From: Andrew Davis

To: Microsoft ATR
Date: 1/9/02 4:27pm
Subject: Microsoft settlement with federal government

6308 Woodcreek Trail
Fort Worth, Texas 76179
January 9, 2002

Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my support of the recent settlement between the federal government and Microsoft. It is with sincere hope that there will be no further litigation at the federal level. Taking into account the terms of the agreement, Microsoft did not get off with a slap on the wrist. In fact, Microsoft is left to make several significant changes to the ways that they now handle business. For example, Microsoft has agreed to design future versions of Windows, beginning with an interim release of Windows XP, to provide a mechanism to make it easy for computer makers, consumers, and software developers to promote non-Microsoft software within Windows. The mechanism will make it easy to add or remove access to features built in to Windows or to non-Microsoft software. Consumers will have the freedom to choose to change their configuration at any time.

With the many terms of the agreement, it is time to put this case to rest. The settlement offers a strong resolution to this suit, and I look forward to seeing the settlement implemented.

Sincerely,
Andrew Davis

MTC–00009798

From: pankavichjm
To: Microsoft ATR
Date: 1/9/02 4:28pm
Subject: Microsoft Settlement

I believe that the it is in the public interest to settle with the Microsoft litigation. Personally, I find it hard to see how they were in violation at all. As far as I am concerned I always had the choice of using them or not.

However, I do believe that AOL is in some kind of violation in this respect. Whenever I load a program that also offers AOL I refuse the AOL but no matter I still get their program on my screen and it does start to load. I also think that they are in violation when they include free programs in cereals, etc. and send them through the mail. They are bordering on being a nuisance.

Joan M. Pankavich

MTC–00009800

From: HUNOLD38@aol.com@inetgw
To: Microsoft ATR
Date: 1/9/02 4:30pm
Subject: Microsoft settlement

Ladies and Gentlemen,

It is time to go on with more important business than litigation in this case. The Dept. Of Justice proposed settlement is fair for consumers and the company. This case has been detrimental to Microsoft and its employees. The vagaries have caused many employees to quit and as shareholders we do not see the drive to innovate the company was famous for. If the various State Atty. who object the settlement proposed by DoJ like to see a second rate company survive I believe we should have recourse for such stupid behavior. I, a small consumer, am perfectly happy with the product developed by Microsoft.

Respectfully submitted
Axel Hunold

MTC–00009801

From: Ruth Zdanowicz
To: Microsoft ATR
Date: 1/9/02 4:36pm
Subject: Microsoft Settlement

To the Department of Justice:

We think that the prolonged, ongoing litigation against Microsoft, by a few special interest groups with biased agendas to promote their own products, needs to come to an end.

The economy has suffered enough with stock market blows to the ''tech'' industry. Get on with business.

A settlement was offered; we think it is extremely generous. Get on with business and life! The states that will not compromise continue to mire the entire industry, which affects all of the U.S. economy and attitude.

Our capitalistic society depends upon survival of the best product (i.e. fittest) to increase competition and innovation. Fault sits in the laps of those who have not produced a good product—or at least one a consumer majority is motivated to purchase.

It is essential in a democratic/capitalistic society that we all work hard to succeed and be innovative. The continued ''whining'' by those who refuse to settle reminds us of a sport team that complains about everybody else when they lose. A team either makes the right number of baskets or leave the basketball court. Is our nation's justice department going to support a business welfare system where the stronger companies have to ''pay'' lackluster companies (or the states that house them) in order to subsidize them?

If Microsoft's competitors spent half as much time and money on innovation and subsequently better products, as they do hiring attorneys to whine for them, they might actually become successful. It is time to stop supporting the so-called ''victims'' who want easy buck$$.

PLEASE: Stop this muckraking!

Sincerely,

Consumers and small business owners who appreciate quality, manufacturing responsibility, and accountability,

Jim & Ruth Zdanowicz

MTC–00009802

From: Bruce F McKenzie
To: Microsoft ATR
Date: 1/9/02 4:36pm
Subject: Micorsoft Settlement

As a Senior Vice President of a large financial institution, I am greatly concerned about the Proposed Final Settlement for Microsoft with the Dept. of Justice. My primary concern, as far as I understand the agreement, is that it does not end Microsoft's existing monopoly or punish sufficiently past violations of antitrust laws (as the courts have affirmed), does not adequately address anticompetitive behavior identified by the appeals court and does not have sufficient provisions for enforcement of the agreement. Overall, it's hard for me to see how this is in the public's interest.

Sincerely,
Bruce F. McKenzie
Northern Trust Company

MTC–00009803

From: Bob and Ruth Ferguson
To: Microsoft ATR
Date: 1/9/02 4:44pm
Subject: Microsoft Settlement

As a U. S. citizen, I am strongly opposed to a continuation of the lawsuit against Microsoft Corp., one of the finest Corporations in this Country.

I am particularly critical of our Justice system which permits a four year lawsuit to continue, particularly since the Federal Government seemed to arrive at a satisfactory settlement, which then permits the 'States'' to continue this process.

The Federal Government and Microsoft agreed to permit oversight of their operations, and this should be sufficient. The cost to all parties must be astronomical, and to continue this suit is certainly detrimental and costly. The Federal Government should rein in the ''States'', and finalize this once and for all.

Robert A. Ferguson

MTC–00009804

From: rketover1@juno.com@inetgw
To: Microsoft ATR
Date: 1/9/02 4:44pm
Subject: Microsoft Settlement

The proposed settlement is fair and equitable and in the best interests of the consumer. It is time for this litigation to be ended.

Richard Ketover
Boca Raton, FL

MTC–00009805

From: Dennis Ertzbischoff
To: Microsoft ATR
Date: 1/9/02 4:55pm
Subject: MICROSOFT SETTLEMENT

Dear Sirs:

For what's it's worth, here is my 2 cents about the proposed breakup. . .DON'T!!!

In the 1930's and 40's, the U.S. Government prohibited Motorola from entering the land-line based communications industry by connecting to it with its radio-based systems, thus protecting AT&T. Think, where would all of our technology be today if the government had not interfered and had let the Free Market work its magic?

Today, we have the most successful software provider in the world facing a government action. When will bureaucrats learn that they cannot make proper decisions when it comes to market forces—no matter if they, the bureaucrats, are pro-competition or pro-monopoly? Stay out of business and market decisions. . .LAISSEZ-FAIRE.

Technology, especially, moves extremely quickly and no one, repeat, no one can stop that from happening.

Let's get on with the business of ADVANCING civilization, not retarding it.

Hey, get out there and read WEALTH OF NATIONS, ATLAS SHRUGGED, and WIZARD: THE STORY OF NICHOLA TESLA.

Then, let your mind work and see how narrow the viewpoints of bureaucrats generally are and how those viewpoints have damaged mankind's creativity.

As for Mr. Gates. . .GO, BILL, GO!!!

Sincerely;

Dennis Ertzbischoff

Detroit

MTC–00009806

From: Tricia (038) Ambrose Treacy
To: Microsoft ATR
Date: 1/9/02 4:54pm
Subject: Microsoft Settlement

Stop the insanity. Microsoft has been open to a fair settlement in this case. The prolonged wranglings of a few special interest groups, and/or a few companies that are anti-Microsoft is costing the taxpayers too much money—AND IT ONLY STIFLES CREATIVITY, INNOVATION and COMPETITION. Please put an end to further litigation and get on with the resolution.

Tricia Treacy

MTC–00009807

From: lbaska@fabri-quilt.com@inetgw
To: Microsoft ATR
Date: 1/9/02 5:01pm

Please end this ridiculous lawsuit against Microsoft. Microsoft has made us better and we go after them.

Let's just stick with finding Osoma Bin Ladan. He's only interested in making us worse.

Thanks, Lezlie Baska

MTC–00009808

From: Ed Harman
To: Microsoft ATR
Date: 1/9/02 5:01pm
Subject: Microsoft Settlement

My letter is attached . . . thank you.

CC: fin@mobilizationoffice.com@inetgw,Ed HotMail

Edward Harman 14 Pinewood Avenue
Ephrata, PA 17522
January 8, 2002

Attorney General Mr. John Ashcroft
Department of Justice, 950 Pennsylvania Avenue
Washington, DC 20530

Dear Mr. Ashcroft:

The recent lawsuit in the antitrust case between Microsoft and the U.S. Department of Justice, which finally came to an end in November, reflected personal vendettas from competitors and politicians alike. I strongly believe litigation never should have begun in the first place, but I am happy to see that Microsoft will not be broken up. It does, however, trouble me to see that this settlement is mired in procedural sludge. I ask you to enact this coherent and important settlement as soon as possible.

Microsoft has been a leader in innovation and technology in the industry and has set the standards for fast paced growth. Microsoft continually delivers new products and services that are unmatched by its peers. Being the hardest working and most creative company in the technology sector should not be a negative mark against the Microsoft name.

I look forward to no further litigation against Microsoft and urge the US Justice Department to convince the nine states withholding to discontinue their efforts against Microsoft.

Sincerely,

Edward Harman

CC: Sen. Rick Santorum

MTC–00009809

From: Derek Mason
To: Microsoft ATR
Date: 1/9/02 5:05pm
Subject: Microsoft's Windows XP & privacy

Our state AG's office encouraged me to forward my complaints to you regarding MS Windows XP. my complaint isn't about the current issues with MS, but with their new Windows XP product. I believe their activation policy and procedure is an unwarrented intrusion into my privacy, and my right to control my own computer as I see fit. When XP is installed, it takes an inventory of your computer's hardware, and then sends this information to MS, which then activates your copy of XP.

They say no personally identifying information is sent.

That's troubling because if you register your copy with MS, they can easily match activation codes with personal information contained in a registration data base. Given MS's behavior over the last two decades, it is not unreasonable to be dubious that MS will not attempt to so. There is no assurance , except their word, that they will not do it.

Another problem comes when you change hardware in your computer. If I put in a new cpu, memory modules or motherboard, XP deactivates itself until you call MS and get a re-activation number.

My complaint is that once I've activated XP, MS doesn't have a right to know what I do with the hardware on my computer. Their attitude about it is incredible. About a month ago, I put in new memory chips, and had to re-activate XP. When I called MS, their agent said, ''So what are we doing today?'' Almost as if I need their permission to do something to my computer. It is extremely intrusive, and goes far beyond what's necessary to protect against software piracy.

I'm not the only one complaining about this. There are thousands across the country who voice concern and dissent over MS's procedure here, but must rely on the DOJ to advocate for their fundamental rights.

Obviously, the DOJ has misjudged MS. The current settlement that was reached with them has done nothing to cause the company to act with restraint. The proof of the inadequacy of the settlement is that with Windows XP they show a blanant disregard the right to privacy, believing that they are entitled to know what you do with your personal computer. Clearly, MS is showing us where it is they intend to take us: complete control over your personal computer. They have just purchased QWest's internet system, and will be able to leverage internet access as well. I guarantee that their next step will be to force people to buy MSN in order to use Windows, all the while claiming that MSN is part of the operating system.

It's a sad commentary federal and state governments are allowing MS to get away with such behavior. Big Brother has arrived, but it's not the government, it's Microsoft.

I appreciate your time.

Thank you,

Derek Mason

Smithfield, UT

MTC–00009810

From: Harvey I. Salwen
To: Microsoft ATR
Date: 1/9/02 5:1lpm
Subject: Microsoft settlement

Harvey and Jean Salwen PO Box 363 817 Brushtown Road Gwynedd Valley, PA 19437
January 9, 2002

Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I have been a computer user since 1980 and clearly remember having 7 operating systems for my computer. There was one for each application. Microsoft eliminated the agony and chaos. Please honor the in-place agreement that will allow you, Microsoft, and the rest of the country get back to work. There are more important things to do. cc: Senator Rick Santorum

Sincerely,

Harvey Salwen

MTC–00009811

From: charlie e guest
To: Microsoft ATR
Date: 1/9/02 5:11pm
Subject: Microsoft Settlement

Dear Sirs;

I believe the time has come to settle the Microsoft case. I have no earthly way of knowing all the facts in this. I do know that some of the states have agreed to settle and I think the Department should do just that. See to it that they all agree and you gentlemen and ladies get back to your business. This has gone on long enough. It has taken a toll on the taxpayer. I am not even sure they did anything wrong, but you are in a better position to determine that.

Thank you for your time. Have a good new year.

Charles Guest

guestfam1@juno.com

MTC–00009812

From: Joseph Heck
To: Microsoft ATR
Date: 1/9/02 5:16pm
Subject: Microsoft Settlement

To the Antitrust Division, US Department of Justice.

While I applaud the Department of Justice's efforts to settle the suit with Microsoft in a fashion that won't require eternal oversight by the courts, I am deeply concerned with some of the articles in the proposed final settlement.

In particular I believe there should be swifter and harsh penalties for Microsoft if there is any complaint from a member of the Technical Committee.

Microsoft has clearly shown in the past that it has little regard for the court's directives, which has directly led to this case, and that it's familiar with all legal standings to stall the courts of the United States in such

a manner as to accomplish it's desired effects, even at some later pain to itself. Because of it's monopoly status, it can withstand significantly more derailing than many middle-ware application companies, and it could easily drive competitors in this space out of business before the courts could muster themselves to act.

It would be exceptionally worthwhile to define in the proposed remedies wether or not Internet Explorer was a part of the Operating system, simply for the purpose to defining if it is considered ''microsoft middleware'', and hence removable, or to have API's with which developers can communicate and interoperate.

In addition, I believe there should be some explicit mention of other middleware programs currently being subtly integrated into Microsoft's product offering: Microsoft Messenger, Windows Media Player—and which match past microsoft actions to integrate what I consider middleware technologies into the operating system. Again, the purpose would be to define wether or not these should be able to be explicitly removed or API's provided to developers for interaction.

Finally, there was some significant press regarding a punative action against microsoft involving the court-ordered disbursement of software & hardware to support education in the United States. I believe firmly that if this action is deemed nessecary that the courts will modify the specifications of the demand such that Microsoft is required to fund the needs of educational institutions without any control over what technologgies they may choose to utilitze and/or deploy. I viewed the initial reports of this disbursement with significant trepidation, as it honestly appeared to be an action which would effectively be a government sanctioned extension of the Microsoft desktop monopoly.

Thank you for reviewing my comments and taking them into consideration.

Sincerely,
Joseph Heck
302 Garfield St.
Seattle, WA 98109
joe@mu.org

MTC–00009813

From: Griffis, Tom
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/9/02 5:17pm
Subject: Microsoft 'settlement'

Dear Sir or Madam,

Since the Supreme Court has affirmed the lower courts decision that found that Microsoft was guilty of violating our anti-trust laws, I feel that Microsoft should be punished in accordance with the laws and precedents concerning same.

The proposed 'settlement' currently before the court is a sham, that does little more than slap the wrist of Microsoft. Bill Gates and company are dancing in the halls with glee and visions of owning the world, as it relates to desktop computers and software.

Since the illegal practices utilized by Microsoft caused grievous damage to the Netscape corporation and others, any remedy should 'unfetter a market from anticompetitive conduct,' Ford Motor Co., 405 U.S. at 577, and 'terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future,' United States v. United Shoe Mach. Corp., 391 U.S. 244, 250 (1968).

The only way that this can be accomplished is to split Microsoft into multiple companies! One company that deals only in operating systems that, by definition, are vehicles upon which application software packages ride and do not provide direct application functionality. The rest of Microsoft could then be divided into software utilities, productivity suites, games, etc., company(s).

As a 30 year computer software engineer on IBM mainframes, military computers, and desktop computers, I do have knowledge in this area, which greatly exceeds the knowledge of the general populace. I already have a hard time finding desirable software that I can run on my personal and work computers that is not made by Microsoft. All of the really good stuff is already gone, swallowed by the behemoth of software, Microsoft. The few remaining companies tremble in fear that mighty MS may soon decide to cut them off from the information necessary to compete, if not actually force them out of business! And, all of this is killing my wallet! As long as Microsoft can continue to raise the price of their operating systems by integrating more and more application software, our economy will continue to suffer! The price of Personal Computers has dropped to one-third of their original price, while the price of Windows has increased in the same time period. And, as MS drives competition out of the market, the price on MS application software continues to rise.

The time to punish Microsoft is now, before it is too late!

Sincerely,
Thomas Griffis
SunGard AMS
104 Inverness Center Place
Suite 325
Birmingham, AL 35242
(205) 437–7622
Home office:
11535 McMeans Blvd.
Tanner, AL 35671
(256) 216–5683
Tom.Griffis@sungard.com
<mailto:Tom.Griffis@sungard.com>

MTC–00009814

From: Abigail Ochs
To: Microsoft ATR
Date: 1/9/02 5:17pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally,

After reading about the Microsoft antitrust case, I feel as though the Justice Department has ignored the majority of the court findings that Microsoft has aggressively abused its monopoly position for its own competitive advantage. Additionally, I feel that the final proposition to not penalize MS for its long-standing antitrust abuses is actually granting it a de-facto monopoly in the industry going forward. This failure on the part of the Justice Department could enable Microsoft's predatory patterns to eclipse emerging software companies or even dissuade the creation of new companies. For this reason, I would strongly urge that you reconsider the proposed final judgment.

Thank you for your time.

Sincerely,
Abigail Ochs

MTC–00009815

From: Lindeman, Andrew
To: Microsoft ATR
Date: 1/9/02 5:19pm
Subject: Microsoft needs a bigger penelty

To whom it concerns,

I believe that the previous agreement that was made by Microsoft and a few of the states involved is a mere (or less than) a slap on the wrist. Microsoft has no viable competition (at the time) and because of this, they have already been determined to be an illegal monopoly.

Competition is a good thing. Competition provides good prices and quality products. Are Microsoft products low priced and good quality? NO! They are way overpriced—XP full version HOME EDITION is $200; 2000 Adv. Server can get in to the thousands and ten-thousands by the time all of the licenses are paid for. They are also not quality products either; There is a major Microsoft bug at least every 3–4 weeks, and many smaller to medium priority bugs almost every day! Microsoft would like to keep it this way, and they can't be allowed to be.

Microsoft needs something more than a slap on the wrist, they need to be punished for what they did, and they deserve more than what the current agreement allows.

Thank you,
Andrew Lindeman
118 Brookdel Drive
Madison, AL 35758

MTC–00009816

From: Mail
To: Microsoft ATR
Date: 1/9/02 5:28pm
Subject: Microsoft Settlement

I agree strongly with Richard Blumenthal regarding the remedies which should be imposed in any Microsoft settlement. These should include remedies (1) to prohibit the illegal conduct and similar conduct in the future, (2) to spark competition in this industry; and (3) to deprive Microsoft of its illegal gains.

Please also consider the items listed in my previous correspondence as means to this end. As a computer professional, I am willing to help in this matter in any way I can.

Thank you.

Regards,
Michael Kitchen, CEO Front Row Computer

MTC–00009817

From: Salim Furth
To: Microsoft ATR
Date: 1/9/02 5:32pm
Subject: Microsoft Settlement

Honorable Judge Kollar-Kotelly,

To be quite brief, I urge you to reject the U.S. Justice Department's agreement with the Microsoft Corporation. As a computer-dependent student and webmaster, I experience firsthand the MS software and OS

monopoly firsthand, and find it distinctly unAmerican. The inability of other operating systems and software providers to be competitive in the American market effectively outsources innovation overseas, which will catch up with the U.S. software industry in a few years if Microsoft is not stopped.

Thank you for entertaining input from citizens, as one such citizen I greatly appreciate this service.

Sincerely,
Salim Furth
Milton, Massachusetts
s2000chops@yahoo.com

MTC–00009818

From: Jeff Monks
To: Microsoft ATR
Date: 1/9/02 5:29pm
Subject: Microsoft Settlement

Renata Hesse
U.S. Department of Justice
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

As an information technology professional, I consider myself someone who is heavily impacted by Microsoft's influence in the industry. I also believe I am well-informed of the issues involved, and have a clear understanding of the case. That is why I am extremely dismayed at the settlement proposed by the Department of Justice. While it provides a possible starting place for a fair settlement, it is almost worthless as regards protecting the industry from Microsoft's illegal monopolistic practices.

Judge Jackson's findings that Microsoft's past actions constituted illegal maintenance of a monopoly are nearly unaddressed: where is Microsoft being punished under the proposed settlement? The settlement merely outlines a few guidelines for future business practices, without levying any sort of punitive action for past actions. It is important to remember that we are talking about a corporation that has been found guilty of breaking United States law, and under the proposed settlement will not even be subject to a fine.

I would propose at least two additional requirements for the settlement:

1. Require Microsoft to publish complete documentation of all interfaces between software components, all communications protocols, and all file formats. One of the most powerful tools for Microsoft to maintain its monopoly influence and control competitors is the use of its market share to force users to use Microsoft software in order to interoperate with other users. Open file formats and communications protocols would enable competitors to enter the market with substantially reduced barriers to acceptance, allowing them to compete with Microsoft on a ''level playing field''.

2. Require Microsoft to use its software patents for defense only (patents in other fields are not necessarily relevant here, and can be exempted). It does little good to force publication of specification to an interface, if elements of that interface are patented and Microsoft refuses to license the patent to competitors. Requiring Microsoft to offer open licensing for any patents that would interfere with the requirement for open specifications is a must.

Further, I must stress that I feel it is a grave disservice to the people who have been hurt by Microsoft's practices to allow Microsoft to enter into any settlement without paying some sort of appropriate penalty for its past actions. To do any less would deprive the American public of any real justice in this case.

Yours sincerely,
Jeffrey L. Monks
7103 Rock Springs Cove
Austin, TX 78729

MTC–00009819

From: bredeweg@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/9/02 5:35pm
Subject: A comment

I am sorry, but I do not see how a slap on the wrist is going to improve things in the future. If the anti-trust case is anything more than a joke then the penalty MUST be commensurate with the massive amount of damage that they have illegally (Microsoft was found guilty of anti competitive business practices) wrecked upon other computer technology companies probably since the beginning. An inconsequential penalty will not give pause to the continuation of these unethical and, in my humble opinion un-American business practices. If Microsoft is allowed to continue unchecked the result will likely be the decline of the American tech sector as a whole with possibly unpleasant repercussions to our entire economy. Thank you.

MTC–00009820

From: Arthur McIntyre
To: Microsoft ATR
Date: 1/9/02 5:43pm
Subject: Microsoft Settlement

I think that Microsoft should not be punished for the Windows product. The Apple computer only has 1 OS allowed on it and that is a monopoly for Apple Computers in that respect. If I wanted Linux, BeOs or Unix I would have it. None of these OS's offer what I need or want. I do not run a network system at home only a desk top system. I am not looking to be a hacker or such that I need these systems. If I wanted them I would use them. These are the company's that are pressuring everyone to do something about Microsoft. If they want to be on my desk top maybe they should offer something I want. But they do not. If I wanted to use Netscape as my browser I could. At one time I used Netscape as my only browser then I started to use both of them depending on what web site I was going to use. I stopped using Netscape because they did not keep up with IE in innovation and offering what I wanted. If they came up with a new browser I would use it. It is all about what have you done for me lately and they have done nothing. I think AOL is trying to become a monopoly in its own way. They bought Netscape but still offer IE and the browser that is AOL's is terrible. If you have AOL you have to use all of what they want. I do not see any other internet provider doing that. I have used at least 6 different Internet providers for the time I have been on the net but the only one I have not tried and used is AOL and I would not ever. It is like be a mindless slave.

They only thing that should be required of Microsoft is that they allow computer manufacturers to set-up Windows how they want but if they do then that manufacture has to have help support or pay for the support from Microsoft for their systems if they change the set-up. They should also be allowed to add other company's stuff to Window's. But the consumer has to be thought about here.

If I buy someone's computer instead of building my own I should not have to be forced to have what that company says should be on it just because they have signed a marketing contract with them. If they are going to offer only AOL for me to sign on to the internet with then that is wrong is does not allow me freedom of choice. I think all computers should have the same windows on them then a extra disc is used and the consumer gets to pick what they want after that. All providers could put their stuff on this disc and then the consumer can choose what they want to install and it should work without a problem. Why should Microsoft be punished for something that everyone wants. For the people who bash Microsoft it goes to the same thing as TV and Radio, If you don't like the channel change it. Nobody is making you listen to them. It is all about freedom and this is now being walked on since other company's do not have something I want.

Thank You,
Arthur & Viva McIntyre

MTC–00009821

From: Jim Brents
To: Microsoft ATR
Date: 1/9/02 5:37pm
Subject: Microsoft Settlement

Stop the harassment of Bill gates and let him get on with doing what he does better than all his competitors; supplying the American consumer with the best products money can buy.

Jim Brents
Bay City, TX

MTC–00009822

From: Robert Talbott
To: Microsoft ATR
Date: 1/9/02 5:56pm
Subject: Microsoft

This case has drug on too long. They have paid the publicity price and Clinton doesn't need it any more.

Let's finish and be done with it.
Bob Talbott

MTC–00009823

From: Jeremy Brown
To: Microsoft ATR
Date: 1/9/02 6:01pm
Subject: US vs Microsoft Jeremy Brown

January 9, 2002 The Honorable Sen. Edward M. Kennedy 315 Russell Senate Office Building Washington, DC 20510

Dear Sen. Kennedy:

I am writing you in regards to the proposed settlement in the case of US vs. Microsoft. I am a professional in the IT field and have to deal with Microsoft products on a regular basis. In my opinion, this settlement is not good for the people of the United States or

its competitors. Microsoft has bullied its way to the top, and continues to use its considerable clout to keep its position.

In my every day dealings with Microsoft products, I have seen examples of limited choice, poor functionality and inferior workmanship. Some examples:

* In Windows Millennium Edition and Windows XP, many programs cannot be uninstalled or disabled, wasting space and resources. Examples include Microsoft Passport registration, Windows Media Player, Windows Movie Maker and Windows System Restore. Even if I wished to install another piece of software that would perform the same task more efficiently or with more features, these programs remain.

* The newest version of the Microsoft Corporate License Program requires any corporate subscriber to upgrade their software on Microsoft's timetable instead of their own. Microsoft states that the cost of software will be lower, but fails to mention that the Total cost of ownership will be higher. The demands that newer Microsoft's software puts on equipment rises in each iteration of the software. Corporations will have to invest in more powerful computers, staff training, and IT management. Reference: www.idg.net <http://www.idg.net/ic—784747—1794—9–10000.html>

* Microsoft has taken deliberate steps in order to force companies to upgrade to its newer software products. They have announced that it will discontinue support of all previous versions of Windows before Windows 2000 and XP as of the end of 2002. Windows 98 and NT 4.0 are still viable solutions in many companies, and will continue to be for several years to come and without regular updates to these programs from MS, many companies will have to spend more time and effort in maintaining corporate systems. MS has also pulled functionality updates, specifically Windows NT 4.0 service pack 7, which would have allowed companies to maintain their existing servers with newer Windows 2000 based servers and its newer network directory format. When MS introduced Office 97, they changed the format that files were saved making them unreadable for earlier versions of Office. All of these issues relate back to my second point.

* Time after time, MS has released products that are full of security holes that can endanger the safety of corporate networks, information and business. The latest Internet Explorer 6 security hole alarmed the FBI to the point that the agency issued a press release aimed at the general public and corporations that pointed out the severe danger level the error posed to computers and networks. In a study recently released by the National Academy of Sciences has called for legislation regulating this issue. Reference: www.theinquirer.net <http://www.theinquirer.net/22120101.htm>

* Microsoft has been proven to take international recognized standards and alter them so that they will work more efficiently with its own products and poorly or not at all with other companies? products. The most famous and egregious is the now-famous Sun Java fiasco, but others have included changes to the Kerberos security protocol and Quality of Service (QoS) protocols.

* In a recently leaked memo MS is said that it will intend to launch a full-fledged Fear, Uncertainty & Doubt (FUD) against Linux, its most capable opponent in the server field. Reference: www.theinquirer.net <http://www.theinquirer.net/>

* Microsoft grossly inflates the price for various versions of its operating systems based on how many processors it can use in a computer, while Linux and most other server operating systems do not. This has lead to issues with Intel's newest Pentium chip, which uses a technology called Hyper-Threading and will appear as multiple CPUs to the operating system. To properly use this function at home, minimally you would have to purchase Windows XP or 2000 Professional, at a 33% increase in price over Windows XP Home. The cost for server versions of Windows 2000 would more than double between each version. EG, Windows 2000 Server with 5 licenses costs approximately $850+ $50 for each additional license and supports up to four processors, but to properly use a four processor equipped server with the Intel Pentium 4 Xeon processor that supports Hyper-Threading, you would have to purchase Windows 2000 Advanced Server with 25 licenses (minimum amount of licenses available for this product) that would cost approximately $3400. Reference: www.theinquirer.net <http://www.theinquirer.net/30120102.htm> , www.pcmall.com <http://www.pcmall.com/> .

* As seen in the previous point, Microsoft charges you to access their server products that are installed on a server. If you have a small company that only needs 5 Client Access Licenses, you are set. But if you were to hire a temporary employee, you are required to purchase a new license for the temp. Failing to do so could bring about litigation that could cost thousands. No other server operating system does this.

I have listed just eight points that just begin to scratch the surface of the abuse Microsoft commits, and there are hundreds if not thousands of issues that I do not deal with on a regular basis thus cannot address. I hope that you and other members of the Senate Committee on the Judiciary will address these points in regards to the poor settlement worked out by the Department of Justice with Microsoft.

Sincerely,
Jeremy Brown
Network Systems Engineer
4 Montgomery Dr,
Framingham, Ma, 01701–3962
Phone: 508–877–2307
Fax: 508–877–0131

MTC–00009825

From: Barclay Thomas M
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/9/02 6:11pm
Subject: Real penalties and permanent oversight for Microsoft, please

222 Park Avenue
Long Beach,
CA 90803
9 January 2002
Ms. Renata Hesse, Esq. Trial Attorney
Suite 1200
Antitrust Division
Department of Justice
601 D Street NW,
Washington, DC 20530
Dear Ms. Hesse;

I am a citizen of the United States. I work in the information technology industry. I believe that it would be disastrous for me should all the tools of my livelihood be owned by a single corporate entity, no matter how well intentioned. This is what Microsoft intends. The evidence revealed in court which led to their antitrust conviction indicates that Microsoft is not well intentioned. I am profoundly concerned that, in the matter of US vs. Microsoft, the penalty phase of the trial is being managed by the convicted defendant in such ways as to increase their monopoly over today's information technology and, even more importantly, that of tomorrow. The far-reaching consequences of this de facto reversal of the anti-trust trial verdict would be difficult to overestimate. It is no exaggeration to say that this is a matter that will impact every life on this planet for many lifetimes to come.

Because of the importance of this issue (in my view), I will also fax this letter to you at 202/616–9937.

It is critically important that real, far-reaching and controlling penalties be assessed against Microsoft. Their very settlement proposal shows that the corporation's unbridled ambitions include actual control of every possible future application of information technology. The tendrils of this plan reach deeply into matters of the defense of this country and its economic health, in ways so insidious that they can be nothing but another Microsoft plan for market dominance.

This time, Microsoft is clearly thinking of the big picture. They are thinking of the entire nation and its governance. They are thinking of the entire global economy. They want it all. Their proposed settlement is another covert, gift-wrapped mechanism to achieve ambitious and self-serving ends.

Microsoft is not sorry that it has performed monopolistically. They are ceaselessly, incurably, rapaciously ambitious. They have been found guilty; the punishment you help to assign must somehow enforce a curb upon their avarice and ability to infiltrate the fabric of our entire lives. Serious penalties are called for. Constant oversight is called for. The proposed settlement includes neither of these elements.

I could synthesize my own arguments for your consideration, but others, better informed and more knowledgeable, have already done so. I will quote them extensively, and hope you will consider the wisdom of their words.

From Dennis E. Powell of LinuxPlanet:

''The ... proposed settlement ... would grant Microsoft its operating system monopoly—indeed, contains wording such that it would no longer be illegal for Microsoft to maintain that monopoly—while saying that if Microsoft wants to, it can make it easier for people to write Windows applications, but it's by no means required to do so. In short, the settlement is a travesty, an ill-advised

embarrassment that flings down and dances upon the law and upon all but the most twisted notion of justice.

''I cannot see how the settlement that is proposed even pretends to remedy the antitrust violations for which Microsoft has been found culpable* The company has, I remind the judge, already been found in violation, and this is the penalty phase of the case, but the settlement contains no penalties and actually advances Microsoft's operating system monopoly. A just penalty ... would at barest minimum include three additional features:

* Any remedy seeking to prevent an extension of Microsoft's monopoly must place Microsoft products as extra-cost options in the purchase of new computers, so that the user who does not wish to purchase them is not forced to do so. This means that for the price differential between a new computer with Microsoft software and one without, a computer seller must offer the software without the computer (which would prevent computer makers from saying that the difference in price is only a few dollars). Only then could competition come to exist in a meaningful way.

* The specifications of Microsoft's present and future document file formats must be made public, so that documents created in Microsoft applications may be read by programs from other makers, on Microsoft's or other operating systems* This is in addition to opening the Windows application program interface (API, the set of ''hooks'' that allow other parties to write applications for Windows operating systems), which is already part of the proposed settlement.

* Any Microsoft networking protocols must be published in full and approved by an independent network protocol body. This would prevent Microsoft from seizing de facto control of the Internet.

''I ... point out that if the national interest is at issue ... and as the judge has suggested... it is crucial that Microsoft's operating system monopoly not be extended ... I quote the study released a year ago by the highly respected Center for Strategic and International Studies, which pointed out that the use of Microsoft software actually poses a national security risk. In closing, I say that all are surely in agreement that the resolution of this case is of great importance, not just now but for many years to come. This suggests a careful and deliberate penalty is far more important to the health of the nation than is a hasty one.''

''A settlement more along the lines of the one I propose above would greatly benefit Windows users as well, because competition would force Microsoft to improve the quality of its products in areas including but not limited to reliability and security. The settlement before the judge would benefit only Microsoft; a sterner settlement would benefit everybody. I ask the judge to consider that the proposed settlement hurts each and every one of us in this nation in real, tangible ways. The proposed settlement should be rejected as ineffectual and again a tool of monopoly for Microsoft.

Here are the words of a California system administrator, with which I whole-heartedly agree: ''As the Network Administrator ... it is my responsibility oversee the deployment of new technologies to our company. My position gives me ample freedom to implement whatever software or hardware I see necessary to keep the company network running smoothly and to satisfy user requests. Unfortunately, though my position may give me that freedom, the current software economy cannot....

''I would dearly love to replace all Microsoft technology in my office with Open Source software, and if the software economy give me as much freedom as my job did, I would do just that. However, the most defeating problem is what Microsoft chooses to keep secret—it's network protocols, the layout of its Office files, and the precise technology needed to migrate from their email server.... I am asking the court to force Microsoft to publish these protocols in detail. ''I am also urging to court to act on future technologies as well. Microsoft is now planning to add vast pieces of the Internet to its web of interdependencies. With its initiative .Net, whole portions of the web would be cut off from non-Microsoft technologies. We have seen a glimpse of the monopolist's vision of the future with the UK and MSN portal, designed by Microsoft and accessible only with Microsoft technology. . . .''

From a Canadian university (a nation whose economic fortunes are inextricably tied to those of the United States) comes a very specific analysis with which there can be no cogent argument, because it raises the issue of the user's right to his or her own data: ''Because the most successful competitors in recent years in product markets in which Microsoft holds a true or de facto monopoly (e.g. personal computer operating systems, Internet browsers, and office productivity software) have arisen from the open source software community, I believe it is of extreme importance that any settlement protect and enhance this community's ability to produce products that provide end-users with viable choices.

''In my reading of the proposed settlement, such protection is not provided. On the contrary, the settlement will serve to allow Microsoft to continue to hinder the open source software community's efforts.

''The proposed settlement speaks of disclosure of APIs and licensing of intellectual property. I fear that any information disclosed by Microsoft will only be licensed to vendors or developers under conditions of a non-disclosure agreement, thus preventing the implementation of such protocols in an open source project or product.

''This settlement, if implemented as proposed, will serve to entrench Microsoft's monopolies further, by allowing it to exclude the open source software community from any future technologies and APIs it develops. As this community is currently one of Microsoft's most serious competitors, it seems unbelievable that the proposed settlement will aid Microsoft in eliminating this 'threat' to their monopolies.

''As an example of the current problem' of Microsoft's monopoly in the OS and office productivity software markets, I point to the ubiquitous '.doc' file. This one proprietary file format I believe is one of the cornerstones of Microsoft's OS/productivity suite monopoly. Many people I know in the academic and business communities regularly purchase updated versions of Microsoft Windows and Microsoft Office for the sole reason that their correspondents send them .doc files as e-mail attachments. The options for importing these files into 3rd party applications are many; however, having personally tried a large number of such programs, both free and commercial,

I can safely say that many work well some of the time, none work well all of the time. The continuing cycle of forced upgrades to maintain compatibility with correspondents lies at the heart of Microsoft's monopoly.

''As a solution to this kind of problem, I believe that Microsoft should be compelled to disclose the specifications of the file formats used by its products to anyone who sends or receives files in such formats and requests the information.

''Left unsolved, this problem is bound to be more severe in the future. It has been widely reported recently that Microsoft is considering moving to a yearly licensing-fee system for its OS and Office software. In this case, files created with licensed software and saved in proprietary formats may be permanently unavailable to the creator or owner of the data in the file if a user or company chooses to terminate its license. I may own the copyright of the work I create, but that is of little value if the only copy of the work in existence is one saved in a format to which I do not have access.

''Of course the .doc file format is not the only proprietary file format Microsoft products use, and the arguments above apply equally well to other products and file formats. The .doc format is likely the most important however, because text-based documents appear to be the most commonly shared and transmitted.

''A second cornerstone of Microsoft's monopoly is the fact that many computer manufacturers will not sell computer hardware without a Microsoft OS. I understand that the proposed settlement will prevent Microsoft from entering into exclusive arrangements with vendors, but I believe that stronger protections are required.

''If Microsoft's agreements with computer vendors forced the vendor to disclose to the computer purchaser the price of the Microsoft products included, it would help consumers choose products and vendors that were appropriate to their needs. As an example, I point to Dell which will, as far as I can tell, not sell a computer without a Microsoft OS and office productivity suite. If purchasers knew that without these products they could save some number of dollars, that now often amounts to a sizable percentage of the computer package purchase price, they could apply pressure to the vendor to provide alternative (likely less expensive) products. Microsoft has stated concerns that selling computers without operating systems equates to software piracy. This assertion is absurd, and has become irrelevant with Microsoft's newest release of Windows XP, which requires license activation.

''Having consumers and end-users with more information is clearly in the public

interest. All of what is suggested here concerns supplying information that enables computer users to make informed decisions, and to access their own work on their own computer.

''In summary, I believe the proposed settlement is seriously lacking, and will, if implemented as proposed, aid Microsoft in its efforts to hinder its most viable competitors. Any successful settlement must protect the rights of computer users to choose the products they desire to access their data.''

If much of the legal profession is about finding loopholes (it is), then accountancy is about closing them. So it's not surprising that a certified public accountant found a glaring and terrible loophole in the proposed settlement and argued that it should be eliminated:

''Another issue I have with the proposed settlement is the restrictions that are placed on the entities with which Microsoft must share their API's. In the explanations I have seen of the proposed settlement these entities are restricted to 'commercial' ventures, implying for-profit status. This is simply wrong and way too restrictive. I believe that to be truly effective the parties with whom Microsoft should share their API's and the like should be broadly defined, maybe something like 'any party or entity that could potentially benefit from such information' In other words this information should essentially be in the public domain.''

Many of us are simply and plainly harmed by Microsoft's business practices. From Microsoft's own back yard, Seattle, a commentator considers the specifics of the proposed settlement. She provides a compelling illustration of how she is personally damaged by the Microsoft monopoly: ''Microsoft has been determined guilty of violating anti-trust laws and the penalty phase just seems to miss the mark. I am hearing comments on the street that the U.S. Government is now a wholly owned subsidiary of Microsoft. I will admit that I find the 'penalties' somewhat perplexing in that they certainly seem to miss the mark rather completely.

''I personally think that is probably a little radical, but then I see demo copies of Microsoft's XP operating system on all the workbenches of my local post offices and I do wonder what is going on here. I do not see any other vendors' product demos available there. (Doesn't) this seem to indicate implicit approval of Microsoft products and no other by a government entity?

''The following are the flaws that I see in the 'penalties' that essentially seem to leave Microsoft better off than they were before the trial.

''. . . there is no separation of integrated software that harms and stifles competition to the Microsoft operating system. Further I see no provisions for computer manufacturers to be able to offer other and more viable operating systems in a fair and price competitive atmosphere— essentially nothing has changed (under the terms of the proposed settlement). ''I do not see that the proprietary protocols for the operating system, networking and other elements are to be made public in order that others may have equal opportunity to develop applications in a spirit of healthy competition and to encourage innovation. Microsoft appears to be allowed to maintain the closed, proprietary and monopolistic systems that started this process. Again it appears that nothing has changed and it will be business as usual for Microsoft. ''In Washington State, Microsoft continues with its obnoxious and heavy handed practices, only now in a new area. Their handling of their Internet Service Provider (ISP) business seems to be following the same basic marketing strategy that they used with their operating systems. This has even been noted in the Seattle Times newspaper, in a city where normally Microsoft can do no wrong: http://seattletimes.nwsource.com/html/localnews/134378212—qwest14m0.html ''Again, it appears to be business as usual for Microsoft.

''Thus I am perplexed at the current 'penalties' being 'imposed' on Microsoft. They seem to be more of an encouragement for Microsoft to continue in the same ways it has been and those are the very same ones that brought this issue to the DOJ in the first place. If these are implemented as currently stated, then fair business practices, innovation and competition are DEAD in the computer field.

''I do use Microsoft products; a very few are reasonably decent but I am forced to use others because the only option I have for them is other Microsoft products. Because of this, my time is considerably less efficiently used in repairing and working to keep the systems going rather than accomplishing work that I need to do. If one does not expect much from the computers running Microsoft products then they are not the absolute worst products on the planet. If you expect much from them and / or use them heavily then you are going to rather constantly ... have them fail (with resulting) loss of time, effort and money. On days when I am working hard it is common to have to reboot my machine to recover my working ability at least several times. As time goes on from the initial (or subsequent complete re-install of the operating system) the situation grows steadily worse. The overall cost of running Microsoft products is incredibly high and far higher than it ever should be were Microsoft concerned with more than creating a market for the next version of its products. Bluntly, quality is not job one.

''In order that Microsoft be brought into line and with any hope of curbing their horrid business practices, it will take REAL penalties and serious oversight. With the obscene amounts of money that Microsoft has managed to accumulate through its less-than-fair business practices ... there is some doubt as to whether that can actually be accomplished. It has become quite obvious to anyone working in the field that there is no honor or integrity in Microsoft, only the search for more money in complete disregard for the good of the industry, the users ... at this point in time it becomes rather blatantly obvious that national security is at risk due to the poor quality and serious lack of attention to security that is (an) epidemic in their products. That alternatives are few is a direct result of the issues that DOJ is supposed to be addressing in this matter.

''I've been told that I am wasting my time here, in that Microsoft can pay people to submit positive comments for this business enhancing solution that has been proposed as a 'punishment'.

They have done the same things in the past; that is pretty much common knowledge. I can only hope that DOJ will prove wise, not be bought out by Microsoft and free the industry for the good of the consumer and the country.''

A computer professional who has a long list of certifications—including some from Microsoft— makes the point that competition is the only assurance of high quality:

''Microsoft products, by virtue of being (created by) a monopoly, have been designed without concern for security or reliability. I can prove that the design of Microsoft products leads to the spread of countless virii in the computer industry. They (Microsoft products) are the perfect products to use to send damaging virus from many groups like the terrorists from Afghanistan, Israel, Palestine, Egypt .... And do not imagine that these places have not already done damage. ''And it is not only because Microsoft products are in such wide use, but the real problem is that the products have been very poorly designed. It seems Microsoft has enough money to do the job right, so the remaining reasons why the products are so poorly written is that there is currently no need to be 'best of breed' when you are the only option.

''It will not be long till they (the terrorists) discover that they can inflict hundreds of billions of dollars in damage. All this because Microsoft has a virtual monopoly, and instead of actually writing well-designed programs, they spend all the energy they have to simply maintain that monopoly.

''Often I give speeches to information technology groups that state, 'Without Microsoft in the industry, we would be at least 10 years ahead of where we are today'. But because of the constrictive designs and monopolizing practices of Microsoft, no possible competitive products have been able to get a start.

''As just one example: IBM wrote a fine operating system called 0S/2 in 1992. Only today, some 9 years later, is Windows XP beginning to catch up to the technical capability of 0S/2. In fact it still has a long way to go to catch up to 0S/2 in security and reliability. What happened? IBM could not get any hardware vendors to carry the software because Microsoft had tied up all manufacturers of computers to include with each and every computer, a copy of Windows. This in spite of the fact that many wanted to use OS/2 instead of Windows. What happened to anyone who decided to use OS/2 was (that) they also paid (for) and received a copy of Windows that they did not desire.

''The only way to get the marketplace back in order is to separate the computer hardware from the operating system. When you go to a store to buy a computer, you should be able to buy any computer available without having to also purchase an operating system. That choice should be made at the time of purchase rather than (be forced through software) included in the cost of the computer ....

''(This situation) is much akin to buying a car, and with that car purchase also comes a coupon for gasoline from the Microsoft Gasoline Company. We agree that the car uses gasoline, and we all buy gasoline, but what if we prefer to buy gasoline from Shell rather than prepay for gasoline from the Microsoft Gasoline Company? Should we not have the option of not prepaying for fuel from the Microsoft Gas Company? ...''

From Rick Hohensee of the cLIeNUX distribution comes a substitute remedy proposal: ''(It would be best if) the Court declares Microsoft operating system products 'criminally compromised intellectual property'. This is a special state of copyright protection vacancy, under which Microsoft operating system products lose their patent and copyright protections exactly five years after their release dates .... ''First off, it has (the) one essential characteristic of anything that will be effective upon Microsoft, simplicity. They feed on loopholes. There are none in the above. There's nothing they can do about the Fed not protecting the copyrights their existence depends upon.

''There is nothing for them to cooperate with.

''This doesn't require any cooperation or good faith from Microsoft, which is also crucial. (They may actually favor this remedy, however.)

''It does actually partially break their monopoly. The AOLs and Oracles and Rick Hohensees of the world can produce their own alternatives to Windows, based on older versions of Windows. (I personally have to be very well paid to look at a Windows desktop, but distastes vary. I use Linux.)

The focus is on the software others are dependent on, (the) operating systems. This leaves Microsoft untouched as to application products such as Office....

''What goes in an OS, where they expend their energies, all product design decisions and so on remain with Microsoft. Federal micromanagement of Microsoft is avoided, to everyone's benefit .... ''

Another correspondent, from England, makes comments that must be seen in the Federal Register. They neatly address further Microsoft plans to manage national and world trade through monopolistic practices identical to those for which Microsoft was convicted. ''MS is desperate to stop Linux from competing in the client /server market by enforcing an MS client/MS server strategy. An example of this is the recent non-standard extensions to Kerberos so that if companies have MS clients they will find the encryption protocols may only work properly when they're talking to MS servers. This is to be expected from the company that continuously muddied the waters on SMB.

''.NET is really an extension of the same principle, though the spinmeisters at Redmond make sickening paeans to Open Standards with their 'XML Foundations' nonsense. ''Let me give you an example of Microsoft's commitment to XML as an open standard for data exchange—taken from the December 2001 issue of Linux User in an interview with OperaSoft's Haakon Lie:

''MS office claims to support XML but it writes the XML tags inside HTML comments so that they can not be found (by non-MS software). Even if the software then knew how to find the XML tags it would not know how to interpret them as the format used for the tags is proprietary! ''I think this tells you all you need to know about Microsoft's conversion to XML.

''What about those of us who do not live in the US? Microsoft's policies affect the entire world— how do the rest of us try and have a say in this? I speak as someone who lives in a country whose government has decided to hive off the public sector IT infrastructure lock, stock and barrel to Microsoft, and whose leader, Tony Blair, goes weak-kneed in the presence of Bill Gates. Britain is about to become the first reference site in the world for .Net, if Gates gets approval from the government to roll out a multi-billion dollar 100% MS solution for the tax authorities. In the last month it has been announced that the National Health Service and the Ministry of Defence have signed deals to put *all* of their desktops under one MS licensing contract. In three years time, if they want to carry on using the software, they will have to pay whatever amount MS demands (the joys of software rental). The lion's share of government contracts (in pound sterling terms) have gone to EDS, a company which makes no secret of the fact that it is little more than a value added reseller for Microsoft (all of EDS's costly 'solutions' are 100% MS).''

Please consider that the U.S. government has made much of globalization. It is a good idea for the government to understand that in cases such as this one, which have a global impact, this means responsibility for corporate behavior within the boundaries of the United States. Additionally, parties injured by the actions of American companies, which actions took place in the U.S., have standing by every standard I can find.

Finally, I will quote another wise man, a Floridian with more intensive software industry experience than mine, who speaks to the point of freedom of choice for the consumer: ''I am a Software Developer who has worked in the industry for almost 10 years. I have used many Microsoft products, and have enjoyed the increasing abilities of software systems developed by Microsoft. I also enjoy using other operating systems, but as a software developer, I have to follow market trends to keep myself fed—regardless of the market trends. ''However, it is apparent to any casual software user that Microsoft has attempted to maintain a monopoly on the Internet Web Browser market. It is more apparent to a software developer who works within Microsoft operating systems. The technical aspects involved in the operating system itself (specifically, development with the Microsoft Foundation Classes and use of '.Net' technology) marries the software developer (happily or unhappily so) to Internet Explorer, and the operating system.

''Furthermore, specific training programs such as MCSE (Microsoft Certified Software Engineer) and MCSD (Microsoft Certified Solution Developer) are geared towards maintaining the Internet Browser market by way of gearing Microsoft Certified individuals (who pay for courses and tests! to use only Microsoft Products.

''Operating Systems. ''Software. ''Software Development. ''In an Internet enabled world, these are the tools for maintaining a monopoly on the Internet Browser Market.

''One could argue that nobody else has attempted these things on the level that Microsoft Inc. has. Yet that is my point. Nobody should. Freedom of Choice. ''The newer versions of Windows have the Internet technologies wrapped in them. This IS an obvious attempt to maintain a monopoly on the Internet Browser market. They may be able to prove that they did not do it 'on purpose', but they have done it. If I run over a man with my car, and I broke a traffic law while doing so, the offense is manslaughter. It I planned to do it (premeditated), it's Murder 1. The fact remains that a man would be dead.

''Odds are that when this is read, it will be read on a Windows NT 4.0 machine. Why? Because the U.S. Government has certified Windows NT 4.0 as a secure operating system. Furthermore, this mail message will probably be read through another one of Microsoft's applications. ''The U.S. Government, for lack of any other 'secure' operating system, has gone with the highest bidder. Neil Armstrong quipped about going to the moon on everything built by the lowest bidder, and here the United States states that we'll go with the ONLY software manufacturer that creates an operating system. This seems counterintuitive. Freedom of Choice. If you need more proof than the software that the reader of this document is using, and my ability to predict that, I'm at a loss.

''These two points highlight the fact that the average American consumer is paying more than once for the same software—first as consumers, then as taxpayers. When banks charge twice for ATM withdrawals, we cringe and say that it may be legal, but it is obviously immoral. Given, the hardware manufacturer is hiding the price of the operating system on new computer systems, the fact remains the same.

''This is a sticky situation, but legal recourse in the interest of the people of the United States (and the rest of the world!) should contain the following items:

''(1) Microsoft products—or products of any software manufacturer—must be sold as separate items by computer vendors. Users can then make a CONSCIOUS choice. Other software manufacturers then also have a chance to compete. Installation of the USER SELECTED software can remain free.

''(2) Any Microsoft networking protocols must be published in full and approved by an independent network protocol body. This would prevent Microsoft from seizing de facto control of the Internet.

''(3) The specifications of Microsoft's past, present and future document and network formats must be made public, so that documents created in Microsoft applications may be read by programs from other makers, on Microsoft's AND other operating systems. This is in addition to opening the Windows Application Program Interface ('Windows API', the set of ''hooks'' that allow other parties to write applications for Windows operating systems), which is already part of the proposed settlement.

''(4) The level Microsoft is certified by the Software Engineering Institute must be made public to the consumer, as well as insight into their development process for Operating Systems. SEI level 3 is required by the United States Government for software companies that supply software to it (or that was coming in 1999). This certification was created to protect the government from software manufacturers that had no software development process. This same certification should protect the average consumer, AND insight into the Software Development Process for creation of their operating systems would give software manufacturers a chance to keep up with Microsoft.

''(5) Device Driver information for new operating systems MUST be made public prior to the release of the operating system by a minimum of 6 months. This is VERY important when dealing with future web enabled embedded devices. This is also very important to the average consumer—they get a better product!

''This judgment is not only of import to the United States, where it is a national issue. It is in fact an INTERNATIONAL issue, since the monopoly itself extends to all corners of the world. Judgment in this case MUST be fair to the consumer, because future cases along these lines will look toward this precedent. And, in future, it may not be as domestic an issue. ''Furthermore, if Microsoft Inc. were a foreign company, this would be seen as a security issue. It should be seen this way despite the fact that Microsoft is a domestic software manufacturer, (and) for the SAME reasons.

''Please realize that the implications in an Internet based society reach further than the next few years. They affect society ad infinitum.''

Please do not allow this travesty of a negotiated settlement to warp this nation's future. Please do not allow the tools of production to remain in a single pair of grasping corporate hands. Thank you for your consideration. Please help the judge to make careful and considered choices. The task before you now is to rein in this corporate megalith and constrain its future behavior into conformity with the letter and spirit of the law. The richest must not be allowed to legislate for all of us, with no end other than their further enrichment. That isn't justice.

Thomas M. Barclay

MTC–00009826

From: Steve Oualline
To: Microsoft ATR
Date: 1/9/02 6:15pm
Subject: Problems with the Microsoft Settlement

I am extremely concerned about the proposed settlement with Microsoft.

Microsoft for a long time has been able to use their monopoly power to keep other products off the market. This has allowed them to overcharge for both their operating system and office suite.

The settlement does nothing to punish this past behavior. Itstead it rewards Microsoft by letting it keep all the money it stole from consumers through overchargin.

The other problem is that it does not prohibit future problems. There is nothing to prevent Microsoft from using its monopoly in operating systems from using that monoply to leverage itself into the E-commerce market. Microsoft has long wanted to place a ''Microsoft Tax'' on every web based transaction and this settlement will let them go ahead. If the settlement stands I can easily see a day when Microsoft forces everyone who uses Windows to use Microsoft Passport (or some other Microsoft technology) when buying on line.

Finally, the settlement forces Microsoft to expose it's API's so that other people can write applications for the Microsoft Operating system. However, Microsoft has added a clause that excludes Open Source Projects. Since these are the principal compentation for Microsoft's products I find that provision extremely troubling.

What Microsoft has done is said it will let anyone who wants to get a copy of the API's except for anyone who might be really able to use it. Is that a settlement or a gift to Microsoft?

In short this settlement gives almost everything to Microsoft that Microsoft wanted. What we need is a settlement that contains real penalitites and provides for solutions that foster real compentation.

Steve Oualline
11259 Paul Barwick Ct.
San Diego, CA 92126
858–695–2637

MTC–00009827

From: Derek Su
To: Microsoft ATR
Date: 1/9/02 6:14pm
Subject: microsoft settlement

As a taxpayer and citizen, I want to express my strongest displeasure and disappointment of State government efforts in trying to destroy the MOST SUCCESSFUL company in the world. Microsoft is the envy of the high-tech industry, especially in the software area, worldwide. The existence of Microsoft in the last 26 years is the reason that USA is able to maintain its superior competitive age in the high-tech industry of world market.

In any country, a company like Microsoft would be treated as national symbol that every citizen can be proud of. According to the public polls, majority of citizens like me, opposes the government action which is abusing the public trust and wasting the taxpayer money. I am very disturbed and puzzled by the actions taken by some State Attorney Generals. The only conclusion I can make is either those Attorney Generals are very naive and don't understand the latest fast-moving new technology at all, or they are simply pursuing a political solution for special interest groups. However, they should be reminded that their actions may be AGAINST OUR NATIONAL INTERESTS and only benefiting the special interest groups.

Please also pay a special attention to any potentially adverse impact to our overall national economy if their ill-advised plans are ever taken place. Thanks for your time.

Sincerely yours,
Derek Su
id5solutions
512.342.0500 x14

MTC–00009828

From: Matthew Dunn
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/9/02 6:27pm
Subject: Microsoft Settlement

Microsoft needs to be punished for their crimes. Punish them in a way that will help the IT industry. Make them share their API's. As far as the making them give schools software...thanks now they can take over a new market that they are not in.

Matt Dunn
Tech Manager
Microsoft product user

MTC–00009829

From: Jim Brents
To: Microsoft ATR
Date: 1/9/02 6:25pm
Subject: Microsoft Settlement

I think it was totally unfair to persecute Bill Gates for doing a superb job of supplying the consumer with computer services. If the settlement will end the persecution & let he and his company get back to business, it should be accepted ASAP.

Sincerely,
Sandi Brents,
Bay City, TX

MTC–00009830

From: Randy
To: Microsoft ATR
Date: 1/9/02 6:35pm
Subject: hands off

The government should keep their hands off Microsoft! This intrusion is a threat to ALL businesses in this country! How dare they think they can just come in and take over! Are we still living in the United States, or what?!

Jennifer Davidson
Petaluma, CA

MTC–00009831

From: Francie521@aol.com@inetgw
To: Microsoft ATR
Date: 1/9/02 6:49pm
Subject: (no subject)

I support the Microsoft settlement

MTC–00009833

From: Frapazoid 1.4
To: Microsoft ATR
Date: 1/9/02 7:23pm
Subject: My opinion of the Microsoft settlement

Microsoft's preposed settlement of buying their own software for schools is absolutely insane, for many reasons.

1) If Microsoft buys their own software with the money, at full price, how are they being punished? Let's say they ''spend'' 100k dollars on WindowsXP. At 200$ per copy, they are really only paying for the 3$ manufactur cost, and the rest just goes back to them. So they are really only spening a 1.5% fraction of it. This applies to just about all of their software.

2) Buying Microsoft's own software only strengthens their monopoly by training millions of kids at schools in the use of Microsoft software. So when they someday decide to buy their own computers, they will get what they are used to; Microsoft software.

3) The simple fact that it's Microsoft who suggested this settlement should be very suspicious. Obviously a company will try to

come up with a punishment that doesn't really work but seems bad.

4) A well known tactic of Microsoft is to pay people to send supportive EMails and mock flame-mails from fake Linux users. Anyone who claims to use Linux and is sending really moronic messages to this address is probably really a Microsoft supporter. Check their Email headers and you will see they are using Windows.

Here is my preposed solution. Microsoft should spend 1$ dollars on installing and support of competitor's software.

That means Linux, StarOffice, possibly Macintosh, etc. The rule should be that whoever they buy software from must not be an ally; They must be a competitor.

Also, Netscape is a must, in place of Internet Explorer. This would work better for the following reasons:

1) The money doesn't just go back to Microsoft. They actually have to do some spending, instead of just faking it.

2) It hurts the monopoly buy training people to use competitor's software and hardware rather than their own.

3) WindowsXP has high system requirements, so a good portion of the money will be spent on hardware. As a result, a smaller number of machines will be able to be updated, because of the higher cost. However, if something like Linux is used, hardware will not require as much improvement. Less upgrade cost means more computers to be upgraded.

4) Linux is far cheaper than Windows XP, which also means more systems will be upgraded. Even with support, RedHat Linux would only cost 60$ per copy, where WindowsXP would be significantly more. Without the support, it would be about 5$ per school for OS software.

5) This would be very supportive of Microsoft's competitors, thus causing much damage to their monopoly. Also, if Microsoft opposes this type of settlement, that means it will work as a punishment. After all, if the criminal is okay with the punishment, it's not a good one.

6) Most of Microsoft's competitors may be willing to give price cuts to help their reputation, which would allow even more systems to be updated with the billion dollars.

If you read this, please reply. You don't even need to say anything, just hit reply and send without typing anything. I would just like to be aware of wether these messages are being read or not.

MTC–00009834

From: Barry Tucker
To: Microsoft ATR
Date: 1/9/02 7:27pm
Subject: Microsoft Settlement

Good Sir: i am glad that the DOJ and numerous states have reached a settlement with Microsoft.

It is my sincerest hope that the remainder of the states be brought ''into line'' with the settlement, so that the entire computer industry, including Microsoft, can get back to what it does best.

Thank you,
Barry Tucker
PowerPro Systems Group, Inc.
Microsoft Certified Solution Developer (programmer)
Microsoft Certified Solution Provider
CPA
www.ppsg.com barryt@ppsg.com
520 742–9929

MTC–00009835

From: Ricevuto
To: Microsoft ATR
Date: 1/9/02 7:28pm
Subject: Web page not being updated...

To whom it may concern,

Will the web page (http://www.usdoj.gov/atr/cases/ms—index.htm) be updated with any of the recent court activities (e.g. Microsoft not being able to extend the deadline for the hearing)? It seems that there has been no activity on it for a while.

Please let me know.
Thanks for your time.
Sincerely,
Pat Ricevuto
email: cmprice@gte.net

MTC–00009836

From: Elmer Laudinsky
To: Microsoft ATR
Date: 1/9/02 7:34pm
Subject: Microsoft Settlement

Gentlemen: It is time to get on with business. The settlement agreement, while still unfair to Microsoft, is most agreeable to all those it affects. It is time for forget those special interests, those that are complaining because they cannot compete at a fair price with a good product. Microsoft has made available to the public programs that are the best on the market at a price that anyone can afford.

Let's get on with it and finalize this settlement.

—Elmer Laudinsky
—designtwo@earthlink.net

MTC–00009837

From: Will Pearson
To: Microsoft ATR
Date: 1/9/02 12:40pm
Subject: Microsoft Proposed Settlement Rebuttal

Hello,

I'm writing to help inform those who are deciding the fate of the known world. The settlement with Microsoft as it currently stands is little more than a pat-on-the-back for a proven Monopoly.

When Standard Oil was accused of being a monopoly Rockafeller beleived that the government didn't have the authority to dismantle his monopoly. When the government threatened to send in the military, Rockafeller backed down, thus we have the several oil companies we have today.

Today we have Microsoft, a company with a reprehensible past. A company which has not innovated a single thing in it's history, and yet Microsoft gets rewarded for it's carpetbagging.

I work in the Education business. I take care of Networks and computers for a School District. For proof of Microsoft's monopoly just walk down to your local school and look at the software that is being taught. I'd bet my computer certifications that 90% of them say ''Microsoft'' upon start up.

Here we are, teaching our children that it's good to play unfair. That it's right to break the law because you'll be rewarded for it. Just look at how the proposed settlement will effect other companies. For instance, it gives Microsoft the authority as to who can use their protocols. Now in the computer world, things work good if protocols are standardized. Just look at the Internet running TCP/IP, it works only because of that free and public standardization.

Now look at Linux, the free operating system originally created by Linus Torvalds, in the words of Microsoft Officer Brian Valentine, ''It is the longterm threat.'' Lets look at that sentence, notice he said 'the' not 'a' or even 'possibly', he lept straight to the big 'ol 'THE'. Microsoft believes that there isn't a single operating system in the world that possibly poses a threat to it's monopoly, except Linux. And here we have under the proposed settlement authority given to Microsoft to say who it can share it's protocols with. How, because it gives Microsoft the ability to discern what it beleives is a legitimate business. Since Linux is free, it is non-profit. And therefore, not a legitimate business. Nobody has made any money selling it.

Furthermore, the settlement will have a devestating effect on the outcome of the various state lawsuits with Microsoft. Also the lawsuits involving the European Union. Why, it sets a precedent.

You have a job to do, you have a job of punishing the bully in the playground for not playing nice and breaking other kids legs. Do your job and do the right thing.

William Pearson
Desk# 505–954–2583
Pager# 505–820–8488
Technology Resource Center

''The tree of liberty must be refreshed Santa Fe Public Schools from time to time with the blood of Patriots & Tyrants''—Thomas Jefferson ''They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety.'' —Benjamin Franklin ''I know not with what weapons World War III will be fought, but World War IV will be fought with sticks and stones.''—Albert Einstein ''The purpose of war is to decide who has justice on his side, the looser is the guilty one''—Lucan

MTC–00009838

From: Doug Spittler
To: Microsoft ATR
Date: 1/9/02 7:52pm
Subject: Justice???

To Whom It May Concern:

It seems difficult to believe that the U.S. Government is STILL persecuting the company and the man who have brought about a revolution at least as great as the Industrial Revolution.

This same government would be INOPERABLE if Bill Gates and Microsoft didn't exist.

If another operating system of superior value were ''out there,'' the market place would surely have discovered it by now. Frankly, if I were Mr. Gates, I'd simply shut down Microsoft and let you folks stew in your own juice.

Sincerely,

Doug Spittler
Kalama, WA

MTC–00009839

From: Dorothy St. Onge
To: Microsoft ATR
Date: 1/9/02 7:54pm
Subject: Microsoft Settlement

I believe it is time to settle this anti trust case in favor of Microsoft who should be free to innovate so that we can move into the furture. I don't believe Microsoft has hurt anyone who purchased software to use for business or pleasure. A computer today is considered old at 3 years and this case has gone on far longer than that and is costing the public a great deal of money. Money is what it is all about as far as the states and Microsoft competitors are concerned. They not only want Microsoft's money they want the tax payers to pay the court costs for as long as possible. Wrap up this case and let us get on with our lives and the right to innovate.

Dorothy St. Onge
e-mail: stonge@waypt.com

MTC–00009840

From: robert begley
To: Microsoft ATR
Date: 1/9/02 7:55pm
Subject: Drop to Case Against Microsoft

To Whom This Concerns,

I am writing to say that Bill Gates, not Bill Clinton, is responsible for the boom in the economy we enjoyed during the 1990s. If you follow the NASDAQ since the AntiTrust trial against Microsoft heightened, you will see that it has spiralled downward dramatically. The Anti Trust laws are non objective and should be repealed immediately.

Sincerely,
Robert Begley

MTC–00009841

From: Deborah Levinger
To: Microsoft ATR
Date: 1/9/02 8:08pm
Subject: Microsoft Settlement

I just wanted to write to tell you I hope you well do everything to settle this case quickly and once and for all and do everything in to get the last states to agree to the settlement that was agreed by the government and Microsoft. It is time to move forward from this case and move forward with our economy and letting Microsoft build great products.

Thank you.
D Levinger

MTC–00009842

From: Keith Frederick
To: Microsoft ATR
Date: 1/9/02 8:21pm
Subject: Microsoft Settlement

I am a supporter of BeOS, an operating system that has recently—more or less—died with the sale of its parent company, Be, Inc. to Palm. I have noticed that many BeOS users are lobbying to extract gains from Microsoft or to increase punitive damages. However, unlike other BeOS supporters I do NOT support the anti-trust case against Microsoft and hope that the Department of Justice does not seek to come up with new penalties or excessive penalties against Microsoft as it would be counter-productive.

The truth about BeOS is that it failed due to poor management. Originally, BeOS was provided for a PARTICULAR COMPUTER SYSTEM—just like the Macintosh Operating system is provided for a particular computer system. Originally, BeOS was NOT DESIGNED to work on multi-boot systems. That is, BeOS was designed for computers that COULD NOT run MS-Windows just like the Macintosh Operating system is on computer systems that can not run MS-Windows.

The Be product was designed to compete for media developers who were currently using the Macintosh—so, originally Be's competition was the Macintosh. In fact, Be, Inc., at one time had hoped that Apple would purchase Be — instead Apple purchased NeXT and based their future operating system on NeXT's technology rather than Be's technology.

When Be failed to make headway with its own proprietary computer system; and when Be failed to win against NeXT; Be, Inc. then decided to compete in the general operating system market—against Linux, FreeBSD and Microsoft—all systems that run on low-cost Intel hardware. Be CHANGED their operating system to run on these new Intel systems. There was very little software for BeOS compared to Windows and Linux—that's why BeOS failed.

Unlike Linux which gained headway and had tens of thousands of developers; the constant failures of Be turned-off developers and little software was every produced for BeOS systems. Microsoft's tactics had little to do with the failure of BeOS. BeOS was competing in the same market as the Macintosh originally (proprietary non-Intel systems) and failed; then BeOS went for the low-cost Intel market and failed; and then Be, Inc. once again tried a new strategy of forgetting about the desktop and concentrating on devices with their BeIA—then they ran out of money and sold themselves. Be had more ideas than money in the bank to support their goals.

The history of Be is one of poor management. Be did not take the time to slowly build market share. Be, Inc. could NOT even erode Apple's market share when it competed against Apple. To think they had a good chance in the even more competitive Intel market is a laugh—Be was selling a proprietary closed operating system with little software—and virtually ZERO marketing. That combination against Linux (free with LOTS of publicity) and Windows (costly but with LOTS of software) was doomed to initial failure— however, if Be had the money they might have carved out a niche —- they didn't have the money and thus no time to build a niche. That's not Microsoft's fault.

Please end the whole Microsoft affair quickly and please don't allow people to put their failures at MS's doorstep. The story of Be has to do with poor management. Be lasted 10 years trying to be the next APPLE—only in the last few years did they compete in the Microsoft realm—their failure has nothing to do with Microsoft.

Sincerely,
Keith Frederick,
Seattle, WA
CC:msfin@microsoft.com@inetgw

MTC–00009843

From: Alan Hensel
To: Microsoft ATR
Date: 1/9/02 8:26pm
Subject: think about the future

People tend to forget this Law of Nature: Nature does not favor the mundane, nor does it favor the fantastic. Nature favors that which is probable.

Keeping this in mind, consider these 4 facts:

1) E-commerce is already a big thing, and will be even bigger in the future.

2) Microsoft has a history of pulling the rug out from under competitors' feet.

3) Microsoft wants to be the sole platform of future e-commerce.

4) Microsoft wants to be able to helpfully auto-update their software instantly over your broadband connection.

Alan Hensel
108-G Shadowood Dr.
Chapel Hill, NC 27514
alanh@mindspring.com

MTC–00009844

From: Jim Poulton
To: Microsoft ATR
Date: 1/9/02 8:38pm
Subject: Retired USAF SWBell union memeber & MS Stockholder

Is our government stupid?

Quit screwing with the brightest light in our economy.

If any other nation in the world had Microsoft in their country they would back them to the limit. Only because our country allows foreign lobbyists and because we have so many other multi-national companies bribing our officials do we have this problem. Support the USA and our workers and KNOCK IT OFF!

James Poulton
USAF (retired) MSgt
214–902–8996

MTC–00009845

From: Richard Wray
To: Microsoft ATR
Date: 1/9/02 8:40pm
Subject: Microsoft

We love Microsoft hardware, but if their competitors come up with something better, we'll try it. We don't think the Government should force the market. Microsoft hasn't used force; they have used contracts that both sides have agreed to.

Leave Microsoft and the high-tech market alone. You'll only destroy the market by interjecting government force.

Dick and Vivi Wray
Palo Alto, CA

MTC–00009846

From: Kelly
To: Microsoft ATR
Date: 1/9/02 9:00pm
Subject: Proposed settlement ICO U.S. v. Microsoft

Dear Sir or Ma'am,

The proposed settlement, in my view, does not punish Microsoft. Indeed it strengthens them. Please allow me to illustrate this:

(a) The proposed settlement provides Microsoft with the sole legal license to determine who shall be considered a business. This does not at all bode well for organizations who write programs under the Gnu public license. As no actual financial instrument changes hands, Microsoft could state that a business/organization which operates under the Gnu public license is, according to Microsoft, not a business at all. As such, Microsoft is not required to provide technical details of their middle ware, etc.

(b) As the settlement is to, at least purportedly, punish Microsoft for their—proven—monopolistic practices, nowhere in the proposed settlement is the requirement to, if you will, force the consumer during installation of the operating system to make certain choices. Choices pertaining to which web browser to have installed. Which e- mail program to have installed and on and on. And, even if there were, there is no requirement that there be no default settings. That would be counter to the intent and purpose of the settlement.

(c) Since there is very little competition against Microsoft, how can there be as Microsoft has a proven monopoly, the products which Microsoft ships are by any reasonable standard quite poor. Security holes and patches that don't work are just two examples of many. This traditional shipping of poor products has cost consumers and businesses alike—billions—of dollars annually. Without competition there is no reason to improve a company's product line. Yet I can not find within the proposed settlement any protection for consumers or businesses which are using Microsoft products. There is no change to the current ''End User License Agreement'' which would provide businesses and consumers alike with a legal remedy (standing) should their system(s) be attacked by a virus, worm, cracker, etc. Furthermore, there is no legal remedy (standing) should a Microsoft product—cause—a business or consumer injury to their computer or files.

An example of this is upgrading from Windows 98 to Windows 98SE and Windows 98SE fails to shut down properly due to Microsoft's willful—failure—to maintain device driver databases from previous editions of Windows. Consequently, a business or consumer either has to upgrade hardware or have their computer(s) crash on a daily basis. In short, there needs to be remedy for the consumer and business users of Microsoft products.

(d) Consumers should have the—choice—of operating systems when purchasing a new computer. Consumers should not be stuck with ''comes with Windows [pick a flavor].'' Hence, Microsoft should be forced to pull their operating systems from manufacturers. This would give consumers a choice in the matter.

Thank you for your time.

/s/Mr. Kelly Prince

MTC–00009847

From: Eric MacKnight
To: Microsoft ATR
Date: 1/9/02 8:59pm
Subject: Microsoft Settlement

To whom it may concern:

I am appalled at the Justice Department's proposed settlement with Microsoft, which is nothing more than a disguised capitulation. Microsoft's business practices are unrepentingly rapacious. Bill Gates will do anything to win, and his ambition to control is insatiable. Just today I found another small ''incident'' illustrating Microsoft's lack of ethics, in this story of how Microsoft employees attempted to rig the results of a website poll in Microsoft's favour: http://news.zdnet.co.uk/story/0,,t269-s2102244,00.html Clearly, half-measures will have no effect whatsoever in restraining Microsoft's illegal and unethical business practices. I urge you to take the strongest possible measures against this company. My own preference would be to require that the corporation be split in two, with the operating system business in one company, and the application software in another. This solution would remove the incentive to monopolize, remove most of the company's means to bully competitors, and promote innovation by allowing smaller companies a chance to compete in the marketplace.

Sincerely,
Eric MacKnight
ericmacknight@shaw.ca
CANADA

Don't do Windows, and don't let Windows do you.

Boycott Microsoft!
http://www.procompetition.org/
http://www.breakupmicrosoft.org/

MTC–00009848

From: M. Andrews
To: Microsoft ATR
Date: 1/9/02 9:14pm
Subject: Microsoft Settlement

Hello—

I'd just like to express my opinion regarding the Microsoft Settlement.

About the 1 Billion in refurbished equipment and software. I really don't think that this is a punitive move. My reasons are as follows.

1) While Microsoft is the default standard in nearly every market it is less a leader in the educational market. This now dictates that Microsoft has a federally mandated responsibility to pursue market dominance in education and in fact cannot be refused.

2) Apple Computer, while a healthy company, is not the giant that Microsoft is and to have the Federal government instruct Microsoft to aggressively pursue market dominance will place undue and unnecessary strain on Apple Computer's abilities to effectively market products to this segment of Apple Computer's business.

3) While the donation idea seems to be a decent and thoughtful move on the surface it in no way accomplishes the goals of the court case as I understand them, ''...the remedial goals set by the U.S. Court of Appeals:

(1) to prohibit the illegal conduct and similar conduct in the future,

(2) to spark competition in this industry; and

(3) to deprive Microsoft of its illegal gains.''

I have owned stock in both companies. I have sold my stake in Microsoft this year. I have read the issues with Microsoft's corporate behavior and have decided not to be associated with a company that appears to have no ethical or moral underpinnings regarding their corporate methods. The latest developments with Microsoft's browser only underscore the fact that even though the company has judgments against it, it has failed to amend it's business practices to conform to generally accepted methods.

Please pursue a better solution to the Microsoft Anti-Trust case, one that enforces the U.S. Court of Appeals goals.

Thank you for your time,
Mark Andrews
109 Chestnut St.
Branford, CT 06405

MTC–00009849

From: GAMatthews03@aol.com@inetgw
To: Microsoft ATR
Date: 1/9/02 9:20pm
Subject: Microsoft Settlement

I, along with the vast majority of the masses, are getting sick and tired of the Dept of (Justice?) continuing to spend taxpayers money to punish Microsoft because some of it's competitors want a ''level playing field'' so that they can gain on Microsoft without any development on their own. Why should a company (MS) give out all its source code (that took years to develope) to the world? This whole thing started with some silly browser (hah!) AOL now has both IE and netscape, so now where is the argument? The government has no business in this suit that it will never comprehend the damage they are doing to the country and to the many consumers. If you want to attack someone, go get AOL...who continues to push and push a BAD product after they have locked in millions of customers. They are MUCH more monopolistic than MS. If the government would leave this area up to the industry, they would resolve it by themselves. The DOH HAS NO IDEA of the many agreements and the damage this is doing to the millions of consumers and customers....it is not just punishing Microsoft.

These last states attorney generals are just blowing smoke for some special competitors....this is not about abuse of the public and MS customers.

MTC–00009850

From: john l denny
To: Microsoft ATR
Date: 1/9/02 9:21pm
Subject: Microsoft Settlement

I believe that further litigation in the Microsoft case is undesirable.

John L Denny
4445 Catalina Place
Tucson AZ 85718

Prof. of Mathematics, Prof. of Radiology, Emeritus, University of Arizona

MTC–00009851

From: web blank
To: Microsoft ATR
Date: 1/9/02 9:26pm
Subject: ELIOT SPITZER AND DOJ NY NY WADC

YOU HAVE TO HAVE THE LETTER AS IT IS MORE IMPORTANT THAN YOU ME AND THE WWW GOPHER. REPLY O.K.

SIGNED RICHARD JOHN FRANK 1–9–2002

MTC–00009852

From: Erwin Brown
To: Microsoft ATR
Date: 1/9/02 9:40pm
Subject: Microsoft Settlement

I believe the justice department should notify the renegade states that a settlement has been agreed upon and either join in or go home and sulk. Those States I refer to are backing companies in competition with Microsoft. The market is open to all who want to compete for it, if they are not competitive, they have only themselves to blame.

Please put this issue to bed now.

Erwin D. Brown

MTC–00009853

From: Jean (038) Gene Millsaps
To: Microsoft ATR
Date: 1/9/02 9:45pm
Subject: Microsoft Settlement
Honorable Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

To the Honorable Court:

As an interested software user and occasional application developer (novice), I write to protest the proposed settlement in United States Department of Justice vs. Microsoft.

Microsoft's monopolistic practices have apparently crippled software publishers Corel (office suite) and Netscape (web browser), and perhaps others of which I am not aware, yet no remedy is proposed to compensate the damage to their stockholders or successors. In my opinion, a true remedy would restore these damaged firm's products to a market-equal position and let the firms duel fairly in the marketplace.

Thank you for your consideration.

Gene Millsaps
131 Sport Court
Mooresville, NC 28117–5506

MTC–00009854

From: Don Granston
To: Microsoft ATR
Date: 1/9/02 9:57pm
Subject: Microsoft Settlement

I think it's past time for us to get this behind us.

We have reviewed the settlement and think that it would be in the best interest of all parties to settle this NOW!!! Don't we have more important thing to do then to find unreasonable fault with one of our countries for thinkers?

You are always going to find a small minority that is out for their best interest, and not for the betterment of everyone. Microsoft has helped us little people get connected, and without their work for many people today wouldn't be on the internet. It's our choice who we use and Microsoft doesn't dictate as many people think.

Let's settle now!!!

Don Granston

MTC–00009855

From: Jason R Lee
To: Microsoft ATR
Date: 1/9/02 10:14pm
Subject: I oppose the Microsoft settlement as it currently stands

Hello, I am a computer professional that works out of San Francisco. I would just like to say that when Microsoft was found to be a monopoly, I was very happy. I grew up using Microsoft and Apple products—starting when I was 12 years old. From that time though, I have seen Microsoft transform from just just ''another'' software vendor, to a company that rolls over anyone they see fit.

I was there when were being investigated by the government during the DOS times. I was there during the ''Office wars''—which Microsoft clearly came out ahead (I mean, if you owned the code to the operating system, how can't you come out ahead). It didn't suprise me to hear that other Office developers were getting API (Application Programming Interface) documentation (and *not* getting undocumented APIs at all—unlike the Microsoft teams) late. And the list goes on and on and on.

So, naturally, even though I grew up with Microsoft in the computer industry, I was naturally happy to hear they were finally ruled a monopoly. They are. Plain and simple. I cannot buy a big vendor computer without having to pay the 'Microsoft tax'—every machine comes bundled with some sort of Windows Operating System.

This year, instead of buying a PC, I bought a Mac, in direct response to the Microsoft tax. Unfortunately, my Mac does not do the same things as my PC does, so I'm finding certain hard to accomplish, so I have to work on my work machines that do have a Microsoft OS on them.

For me, a computer professional, I can handle other Operating Systems and computers. But for someone like my sister or mother and father, that's a different story. They have no choice. They have no recourse. They have to take what's given to them to communicate and participate in the 'digital age'. If they had a choice, I would feel much better.

WindowsXP: B-A-D! Another area that really raises flags that the ruling does not cover is Microsoft's push into digital media. If they get their way, just like in the computer industry, then I'm sure I'll see more ''Microsoft Powered'' devices on the horizon. Limiting my choice of audio and video codecs; image compression algorithms; services that support these. Plus, Microsoft requires that in order to use XP, I have to have a Passport account. This is really scary. 2001 has been such a debacle from Microsoft in the security arena. Yet, very few seem to be raising the issue of one company owning a database (and their track record shows that they are lousy at security—even their own severs) of my information. If I buy XP, then I should own it. I should not be *required* to register for an online ID to activate it.

For me, a computer professional, I can get around many Microsoft issues. Over the past few years, I've watched the web start as a platform independent medium, to a heavily Microsoft controlled one. Another way for them to own the desktop. It is sad because if you ask anyone who has used the web from the beginning, they will acknowledge just how dependent it is on Microsoft Internet Explorer. There used to be a choice, however.

Now the justice department has set, in my opinon, the wheels in motion to let Microsoft continue on their path of, basically, domination of the PC and media industries. There are judges that are not qualified to make decisions on behalf of the American public regarding this matter. They do not understand the implications of this ruling nor the technologies involved. I for one feel that I must voice my opinion, as a computer professional and someone who has used countless Microsoft products over the years, and say that this ruling is inadequate and does not do what it was intended to do.

Microsoft has been ruled as a monopoly. This is fact and cannot be changed. They should be now dealt with accordingly just like other landmark cases—AT&T, Standard Oil—were. This will NOT hurt the industry. In fact, competition is what drives our great economy. Let's have more of it. The American people deserve it. We demand it!

Thank you.

Jason Lee
Associate Senior Software Engineer
Novo Interactive
San Francisco, CA
CC:jrlee@novcorp.com@inetgw

MTC–00009856

From: wayne tynes
To: Microsoft ATR
Date: 1/9/02 10:18pm
Subject: Dear Sirs,

Dear Sirs,

I'm writing to you as a concerned citizen. The Microsoft trial has been going on too long. As a taxpayer, I'm pained to see the government used as tool of Microsoft's competitors. How can you honestly tell people that there is a software monopoly?

Will we run out of software? Can't people write their own software? Aren't there other operating systems to choose from that are free? Give us a break.

Please stop spending my money this way.

Regards,

Wayne Tynes
email: waynetynes@hotmail.com

MTC–00009857

From: Jahorlick@cs.com@inetgw
To: Microsoft ATR
Date: 1/9/02 10:33pm
Subject: Microsoft Settlement

To whom it may concern.

I generally do not write E-mails on the behalf of big business. But I find this whole Microsoft saga disturbing. I do not agree with the idea that Microsoft should be punished or broken up. I think that Microsoft is an industry leader, in part because of its aggressive and forward thinking business practices, vital for competition in a very competitive market. I for one am thankful for what Microsoft has done. I think that the tremendous advances in computer technology can be attributed to Microsoft.

I can assure you that if another company comes out with a product that I read about or try and find it that I like it better than Microsoft's version, I would certainly buy the product that I liked.

If Microsoft feels that this latest judgment is fair, then I would have to agree.

Thank you for your time.

John Horlick

MTC–00009858

From: Chris
To: Microsoft ATR
Date: 1/9/02 10:33pm
Subject: Microsoft Decision

Please realize that allowing Microsoft to continue its business practices (current and past) is extremely dangerous and unfair. I have been involved with computers for over 18 years, and I have observed Microsoft's business practices. Although it may seem that Microsoft's innovation is the main reason for their dominance, but there is little that Microsoft has innovated. The company has used its size and deep pockets to overpower smaller companies. By protecting Microsoft, there is a risk that the industry will become stagnant. The prospect of putting all the eggs in one basket in the computer industry is extremely dangerous, especially with the security track record that Microsoft has. Even the use of a single OS in an organization can spell disaster should there be a major casualty. Due to the advances in cross platform compatibility, heterogeneous systems should be used to exploit each platforms strengths.

Please consider the consequences of your actions by letting Microsoft off the hook. The computer industry understands real well the dangers of giving too much leeway to Microsoft. The full impact should be considered before Microsoft is allowed to continue unchecked.

Sincerely
Christopher R Susalis
Yorktown Virginia

MTC–00009859

From: Steve Sparrow
To: Microsoft ATR
Date: 1/9/02 10:58pm
Subject: Microsoft Settlement

It is high time this case be settled. The government, as well as Microsoft, continue to pay legal fees, which are ultimately paid for by consumers. Cut the costs and get the case settled.

By the way, I don't believe consumers are complaining about monopolistic practices of Microsoft. The complaints are coming from businesses. I thought legal remedies for monopolies only applied, when the public sector screams for action. Don't kill the goose that lays the golden eggs. Microsoft is a great business that contributes favorably to the balance of trade and is a great tax paying corporation. Also, Microsoft's innovations have contributed heavily to the productivity of everyone in the world.

I look forward to a prompt settlement that allows Microsoft to stay in tack and continue to offer innovation that produces greater productivity. Certainly, Microsoft should be required to treat corporations and individuals fairly. As for the past, I am all for a smack on the wrist, and let's get going. The economy could use a shot in the arm, and I am sure Microsoft could help more, if they were involved in this long drawn out case.

Sincerely,
Steve Sparrow
3408 Forestway Court
Arlington, TX 76001–4849
Family Phone: 817–561–1277
Personal Phone: 817–561–1323
Fax: 817–561–1339

MTC–00009860

From: Whittington, Tim
To: Microsoft ATR
Date: 1/9/02 11:17pm
Subject: Microsoft Settlement

Dear United States Dept. of Justice,

Under the Tunney Act, I would like to provide my comments regarding the Microsoft settlement.

As a US citizen and a tax payer, I'm very concerned and quite frankly disappointed about the continued efforts of my government to pursue a company that continues to innovate. Here is a company that started with nothing, developed quality software at very competitive prices, became successful and now the government wants to punish them. Microsoft's software continues to deliver more features, integrate additional applications, increase performance, all at lower prices. As a consumer, I'm not sure how I'm harmed.

I disagree with the appeals court ruling against Microsoft, but respect there decision. I feel the recent settlement reached is tough, but reasonable and fair to all parties involved. I, along with many others consumers overwhelmingly agree that settlement is good for them, the industry and the American economy. I hope you reach the same conclusion.

Sincerely,
Tim Whittington
VP, Premier Call Center Accounts
Intecom, an EADS Telecom Company
Bus: 972–855–8012
Fax: 972–855–8006
Pager: 800–421–8870
E mail : TWhittington@Intecom.com
Web : www.Intecom.com

MTC–00009861

From: Robert E. Brode
To: Microsoft ATR
Date: 1/9/02 11:19pm
Subject: Public comment

To whom it may concern,

While I believe the Justice Department has done a heroic job in the legal struggle against Microsoft, it would appear to me that, once again, money talks and Corporate America will have succeeded in screwing the little person again.

Only a brain dead person who has no clue as to the reality of life would think that innocent little Microsoft has been put upon by the big bad Justice Department.

Over the years, Microsoft has made every effort possible to destroy the competition, maximize profits and force consumers to accept faulty, less than adequate operating systems and bloated and overpriced software. Microsoft has made very effort to become a monopoly and has finally succeeded. There is no competitor anywhere close to Microsoft's market share except possibly Apple (a far better and more efficient operating system and computer) but they?re so busy looking in the mirror admiring themselves, that they have lost the marketing advantage they had years ago. They simply pissed it away.

If Microsoft walks away with this we can look forward to another 20 years of non productive software, operating systems that crash at drop of a hat and no real innovative thinking. As I recall, Bill Gates didn?t actually design the DOS operating system. He bought it for $50,000. No innovation there. Windows is a ?not as well done? copy of the Apple graphic users interface. No innovation there. In fact, wasn?t it Bill Gates who told people that ?command line processing? was here to stay and no body would really use a mouse? No innovation there.

Robert Brode

MTC–00009862

From: Patrick Auth
To: Microsoft ATR
Date: 1/9/02 11:37pm
Subject: Drop the Microsoft case.

Bill Clinton's administration was good for nothing other than slowing big buisness down. I believe it's call communism !! I think the justice department needs to find who killed Vince Foster. they should'nt have to go far, just ask Bill. I bet he knows !

MTC–00009863

From: drummond@bethe.physics.uq.edu.au@inetgw
To: Microsoft ATR
Date: 1/10/02 12:47am
Subject: Microsoft Settlement

Department of Justice,
Washington,
USA.

RE: Microsoft settlement

Dear Sir/Madam,

I would like to make a submission with regard to the Microsoft settlement.

First of all, this settlement has international and global repercussions, and I hope that you can accept a submission from someone who is not a US citizen—from the viewpoint that monopoly is a global problem.

When there is a monopoly in software—as already ruled by the courts—the international nature of the software market means that the monopoly is far more extensive than the US, and causes damage internationally.

From my point of view as a consumer, I have never had a software product sold by Microsoft work acceptably. In every case, there were bugs that caused data loss or worse, which Microsoft did not fix.

So, these products do not suit me, yet I find myself continually being forced to purchase them because of the monopolistic types of business methods used by Microsoft in Australia and elsewhere.

These methods include especially the bundling of software with PC's, which I find highly objectionable. Why should I have to pay for an OS and software that I never use? Yet I have no choice in this!

The use of proprietary and nonstandard file formats is another weapon used by Microsoft, which forces email and internet users to adopt Microsoft software. This is objectionable, and surely illegal. To settle with Microsoft, I suggest that Microsoft at least should be forced to to refund the cost of unwanted software to consumers—both for past and future purchases—in order to discourage this monopolistic practise.

In addition I suggest that file formats be published, and MS be enjoined to support at

least one internationally approved format—preferably standardised through the W3C—in each of its high market share programs.

The idea of Microsoft donating software in settlement is out of the question. How can a legal settlement that tends to increase the impact of illegal activity be accepted? As a consumer, I prefer a cash refund!

Peter Drummond. —

Physics Department, University of Queensland, St Lucia 4072, Queensland, Australia. Tel:+61–7–3365–3404 Fax:+61–7–3365–1242

drummond@physics.uq.edu.au; www.physics.uq.edu.au/people/drummond

MTC–00009864

From: Janemanni@aol.com@inetgw
To: Microsoft ATR
Date: 1/10/02 1:46am
Subject: MICROSOFT SETTLEMENT

I THINK THE GOVERNMENT SHOULD LET THE PEOPLE DECIDE WHAT THEY WANT TO BUY AFTER ALL WE THE PEOPLE; BUY WHAT WE WANT AND THAT IS MICROSOFT, AFTER ALL THEY HAVE THE BEST PRODUCTS AND THE GREATER HELP NETWORK. I FEAL THAT YOU SHOULD LEAVE THEM ALONE TO DO WHAT THEY DO FOR ALL OF US.

MTC–00009865

From: Harald—Jensas@Dell.com@inetgw
To: Microsoft ATR
Date: 1/10/02 2:05am
Subject: Microsoft Settlement

I am part of a worldwide network that is working on getting the BeOS or equivalent back into the market place, but there is no hope of success if the following issues aren't addressed: examples: open Office file formats, Win32 APIs, make dual-boot options mandatory. Especially this dual boot options must be addressed. You can find more info here: http://www.byte.com/documents/s=1115/byt20010824s0001/0827—hacker.html .

Mvh

Harals Jens's

MTC–00009866

From: Graeme Gott
To: Microsoft ATR
Date: 1/10/02 4:00am
Subject: The proposed settlement is the worst thing yet

I am forced to deal with Microsoft and their monopolistic ways on a daily basis. I cheered when it appeared that the DOJ would finally do something about the monopoly. And then you sold out to Microsoft. Make no mistake, if you go through with this settlement, the computer industry will get even worse... and the economy with tank even more. Please reconsider your settlement. It gives Microsoft even more loopholes without doing anything about their anti-competive practices.

Thank you for your time.

Sincerely,

Graeme Gott

MTC–00009867

From: mercury@crossroadz.com.au@inetgw
To: Microsoft ATR
Date: 1/10/02 4:10am
Subject: Microsoft Settlement

The proposed settlement of the M$ anti trust action represents a complete failure of the current laws to protect consumers & ensure a level playing field for competition.

Microsoft failed to abide by the origonal judgement against them, has clearly continued their anti competitive behaviour and has now taken that behaviour to even higher levels with the release of Windows XP.

The issues with XP are far wider & more serious than any previous behaviour & this behaviour is apparently now being condoned by this settlement which provides M$ with a platform to further promote their products over any alternatives.

Within Australia the pricing issues alone are beyond belief. US Court evidence indicated 50% overcharging of consumers, with exchange rates taken into account the overcharging in Australia has been 200% and now with XP, the removal of Domain login from the basic/home version of the operating system, small business will be forced to move from a $A400 operating system to an $A660 operating system. Some 80% of small business is affected & the cost worldwide will run into $USBillions. The pricing of the M$ component of any PC price has risen in a market of dramatically increasing volumes, the opposite of normal market behaviour where shipment volumes increase.

This has been possible due to the monopoly position. In some cases the M$ component is now 50% of PC manufacturing Price.

There is also an element of using US PC manufacturers to engage in product dumping into the international market to the detriment of international PC assemblers. The court evidence indicates some US manufacturers purchased NT4 Operating System at $US20 where local manufaturers in Australia were being charged $A320 ($US160)

The schools concerned could utilise free open source software rather than waste money on M$ software & thus free up resources for additional hardware or teaching resources.

Throughout the current case M$ has been clearly in contempt of the courts in their actions which have been designed to ensure that it was not possible to recall or change products in the field with the browser (as distinct from the HTML rendering engine & communications utilities) embedded in the Operating Systems. The W98SE & Windows ME releases along with various Browser updates have been dubbed ''The DOJ releases'' with good reason.

This case has been a classic example of how a Corporation can use delaying tactics in the courts to their advantage & profit from those tactics. This proposal for settlement should be withdrawn and a regime which ensures an open standards interface approach is adopted with full disclosure of all API's for application services & network services put in it's place. Penalties which reflect the magnitude of the crime and recover the revenue improperly gained by M$ during the case should also be put in place

In addition to the above a public list of areas in which people believe M$ has/is acting improperly should be initiated. There are numerous areas in which this has been the case & the current case has only brushed the surface. A public list/discussion board is the only way in which the technical details of how M$ has acted anticompetitively will ever be fully disclosed or determined.

Competition law will not be treated with any respect by Corporations unless this settlement is revised

Wayne Carruthers

MTC–00009868

From: Thomas Fuller
To: Microsoft ATR, attorney.general@po.state.ct.us@inet...
Date: 1/10/02 5:52am
Subject: Concerning the Microsoft Antitrust Case

To whom it may concern,

The antitrust case against Microsoft is of huge importance to the public, and I believe that the public should be made aware of the findings against Microsoft, along with the details of the case.

I believe that Microsoft's consistent and aggressive business tactics have hurt the competitors and consumers in many ways.

I'd be happy to expand on my statement, however I am certain you receive many emails, and probably know much more than I do in this area anyways.

Thanks for your time,

Thomas P. Fuller Jr.

3425 West 83rd Street

Chicago, IL

USA

MTC–00009869

From: Double 'S'
To: Microsoft ATR
Date: 1/10/02 6:39am
Subject: Microsoft Settlement

I am part of the Spanish Speaking BeOS Community.

I have been promoting BeOS among friends and small companies for 2 years now, and are now helping to bring BeOS (now from PALM) back again to the community.

But to get people really using BeOS or to get more people or small companies trying out BeOS, some changes are needed in Microsoft policies.

One drawback for novice computer users to try out BeOS or any other OS is the lack of easy of coexistence with Microsoft Operating Systems, aggravated in the new releases which deliberately kick out of the computer during install any bootmanager other than Microsoft. In Windows Me the BeOS Windows Compatible Loader does strangely ''not work anymore''.

The other main problem is the license policy of Microsoft Proprietary File Formats. Since MS Office Suite has a huge market share, it's almost impossible for Small Offices to work in team with other companies if they are not able to open (and save to) Microsoft file formats. This is also the case for the many Microsoft Proprietary Media File Formats used on the Internet.

While Microsoft often license their File Formats or Technology to companies that endorse MS Windows, they deliberately do not to companies that endorse other Operating Systems.

It will be almost impossible under these Microsoft practices for BeOS to gain market again if:

- Microsoft does not use a more flexible Licensing of their File Formats (Office and Media / Internet)
- Microsoft don't stop bringing competing new file formats and implementing them by brute force to compete with already good multiplatform file formats of other companies
- Microsoft Windows Installer and Bootmanagers keep deleting other Bootmanagers and Loaders.

I do respect the effort and market gain of Microsoft, but many tactics have forced better solutions of competing companies out of the market, and they seem not to endorse any Technology that improves quality of computing for all users worldwide if this technology is not in their very best economical interest.

Double 'S' a.k.a. Mr. Sanchez
ssdouble@hotmail.com
619370538@correo.movistar.net
MSN Messenger ssdouble@hotmail.com
ICQ—95140266

MTC–00009870

From: belonlord@juno.com@inetgw
To: Microsoft ATR
Date: 1/10/02 7:22am
Subject: Microsoft penalty

Dear Sirs,

It is ludicrous to believe for one moment that allowing Microsoft (MS) to donate its old stockpiles of outdated computer hardware and software to ''underprivileged schools'' is an appropriate penalty for a decade long multi billion dollar monopoly that to this very minute is still exercising its dominating influence around the world in every arena of the computer field. From component manufacturers to OEM's to distributors the computer industry is wrapped around microsoft's little finger. The latest release of windows xp is excellent example of the continuing violations of its unethical and unfair behavior. Windows XP purposely was designed so that AOL's internet browser would not function or even appear on the windows startup screen. AOL was forced to create a new revision that would work with WinXP and then had to try to bargain with OEM's to include it as a option on their preloaded retail computers. Please look beyond the short sightedness of the nine states agreeing to this paltry ''fine'' and take action to enforce a real penalty that removes MS ability to continue in such a dominating manner. Ten to fifteen year old computers and softwares will do nothing to increase the education of disadvantaged children primarily because none of it is compatible with anything that MS current produces. Such an education in nothing is a waste of childrens valuable learning time and an insult to intelligent parents everywhere.

Benjamin R Buhanan
Police Officer
Surprise, Az

MTC–00009871

From: BOBNVI@aol.com@inetgw
To: Microsoft ATR
Date: 1/10/02 7:40am
Subject: Microsoft Settlement

Hi,

Both Fax's sent as requested.

Bob

MTC–00009872

From: JGlenn1518@aol.com@inetgw
To: Microsoft ATR
Date: 1/10/02 8:03am
Subject: Microsoft Settlement

I am a long time consumer of Microsoft product software who thinks that your DOJ settlement of the antitrust case was fair and proper. I do not feel that I have paid excessively for Microsoft's products, and have always had sufficient choice in tailoring my software to my own needs. I do not understand the 9 states, including my own, Florida, who want to punish Microsoft further for its past successes. None of those power-hungry attorney generals really has the end-user's interests in mind. Enough is enough.

One fact is sure. Microsoft will include the lawyer fees they have paid in this law suit in pricing their future products. Please just stop all of this lawyer-profiteering at the expense of consumers like me—NOW! Tell the 9 states to cease and desist. By doing so, you are looking after MY interests!

James Glenn
Daily Home Computer User

MTC–00009873

From: John.Styles@med.va.gov@inetgw
To: Microsoft ATR
Date: 1/10/02 8:13am
Subject: Public coverage of M$ trail

Please fight for the right for the American people to observe the testimony of any and all phases of the Microsoft trials. The people deserve the right to see how this monopolistic behemoth has abused them. I personally want to hear what Sun Microsystems has to say at this hearing. Thank you for protecting the American Citizens rights in this matter.

MTC–00009874

From: Mariekraem@aol.com@inetgw
To: Microsoft ATR
Date: 1/10/02 8:19am
Subject: Microsoft settlement

We firmly believe that this settlement as proposed is good for the company, for the country, and especially good for those of us who have come to depend on Microsoft as a leader and innovator. No company should be punished for being heads and shoulders above its competitors. This country was founded on free enterprise and competition. If Microsoft is able to give us wonderful new tools with which to communicate, then they should be allowed to do that without obstruction. If their competitors want a piece of the action, they should get smarter, not look for handouts from the Government. We buy Microsoft products because they are the best, and we have never been disadvantaged by Microsoft's marketing or management.

Please leave them alone to create new and even better products for us.

Marie and Fred Kraemer
mariekraem@aol.com

MTC–00009875

From: DR(u)Ammer
To: Microsoft ATR
Date: 1/10/02 8:19am
Subject: Microsoft Settlement.

1263 Monticello Avenue
Hermitage, PA 16148
January 8, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

After three years of litigation, I am pleased that Microsoft and the government have finally decided to settle the antitrust suit. It will benefit the entire IT industry in the long run, and will give a great breath of fresh air to the economic doldrums we are currently experiencing.

Tort reform is needed in all areas of our legal system. It is becoming impossible to function from medicine,dentistry and even in non profit situations.It's the money not the (joke) statement.

Under the agreement, computer manufacturers are granted new opportunities to configure systems with access to various Windows features, such as those accessed by Windows Messenger and Windows Media Player. These programs can now be easily replaced with competing products.

Also, Microsoft is allowing computer makers to make it easier to install non-Microsoft software, and to disclose information about certain internal interfaces in Windows. Finally, a ''Technical Committee'' will guarantee that all this actually happens.

This agreement is both fair and reasonable. My tax dollars should be used to tackle the more important issues affecting the country. I trust that the Justice Department will not seek another round of action against Microsoft on the federal level.

Sincerely,
Raymond Ammer
cc: Senator Rick Santorum

MTC–00009876

From: Rich King
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/10/02 8:21am
Subject: Microsoft settlement

why do you what to brake up the one true American success of the last twenty five years!

MTC–00009877

From: Kevin McCormick
To: Microsoft ATR
Date: 1/10/02 8:20am
Subject: microsoft anti-trust settlement

I am writing to register my opposition to the proposed settlement. I object most strongly to the continuation of the ''Microsoft Tax'' or the fees to Microsoft that are part of the purchase price of many, if not all, personal computer systems sold in the United States. Basically, the ''settlement'' is a sham since it does not absolutely prohibit the ''percentage of sales'' licensing schemes that Microsoft has used to force its software onto the public. PC hardware vendors such as Compaq, Dell, and Gateway should be required to offer a ''no pre-installed software'' option which completely avoids any costs for Microsoft licenses. However, I believe the (In)Justice Department currently is little more than an arm of giant corporations and right-wing extremists, so, in

a way, it is fittingly ironic that the corruption of Justice results in the imposition of inferior software at inflated costs. In politics you get what you pay for, but in PC's you pay for what you get.

Thank you,

Kevin McCormick

MTC–00009878

From: James Urie
To: Microsoft ATR
Date: 1/10/02 8:52am
Subject: Antitrust settlement.

You guys and girls should be ashamed of yourselves. The best analogy that I can give to what Microsoft is doing to the marketplace and the consumer is: what their lawyers have done to you. You couldn't win and neither can we.

Funny thing is is that by all respects you could have done the right thing in this case, we have no choice.

MTC–00009879

From: William R. Cwynar
To: Microsoft ATR
Date: 1/10/02 8:57am
Subject: Microsoft Settlement

To whom it may concern:

The time has come to move forward and settle this matter. If we were to take a serious look, as to when our economy began to falter, it would probably fall very close to the time when the government initiated these actions against Microsoft. And, because of it the entire technology field has suffered. Please settle this case once and for all. Everyone likes to criticize and attack winners, and the majority of them are followers not leaders (as is Microsoft).

I stand with Microsoft and its Chairman Bill Gates and urge the government to put and end to this unjustified act.

Respectfully,

William R. Cwynar

MTC–00009880

FROM: Ken Sherman
TO: MS ATR
DATE: 1/10/02 9:21am
SUBJECT: MS Settlement
Guy Carpenter
Guy Carpenter & Company of Pennsylvania
Two Logan Square Telephone (215)864–3600
Philadelphia, Pennsylvania 19103
Facsimile (215)636–9929
January 10, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I am writing concerning the settlement negotiated between Microsoft and the Justice Department. After three long years of litigation, this settlement represents an opportunity to more forward. The entire IT sector is ready to move on and get back to business, but it seems that there are those who still want to hold up the process.

This settlement is very strong and requires Microsoft to make many changes. For example, Microsoft will be required to disclose information concerning certain internal interfaces in Windows. Microsoft's competitors will also be free to sue Microsoft if they feel the company is not complying with the agreement. Beyond that, Microsoft has agreed to be monitored throughout the entire process to ensure that they are following proper procedure.

The concessions that Microsoft has made speak volumes to the fact that they want to help the IT sector get back to business. Let us help support the agreement by letting the terms speak for themselves. let us help not only our technology industry, but all industries which utilize technology such as insurance and finance, move forward and help get our economy back on track.

Sincerely,

Kenneth Sherman, CPCU, ARe
Senior Vice President
cc: Senator Rick Santorum

MTC–00009881

From: someonedead@gods-heaven.com@inetgw
To: Microsoft ATR
Date: 1/10/02 9:24am
Subject: My thoughts regarding the Microsoft Settlement

the anti-trust campagne of microsoft is a damn shit.it is unbelivabel why microsoft think the people would trust a company whose company-politic is only spying, lying and changing results of studies. with their anti-trust campagne they make it only more worst.

ps: what the fuck do u think should mean: ''americans for technology leadership''!? the usa-flag is not the symbol for every country on america! the people who live in mexiko, kanada, peru, brasil, etc. are also americans!

MTC–00009882

From: Tim(038)Sharon Daniels
To: Microsoft ATR
Date: 1/10/02 9:28am
Subject: response to tunney act

To whom this may concern, my comment is simple.microsoft has been declared a monopoly.With out adequate competition the consumer has been harmed in at least two distinct ways.

1: lack of choice. 2: lack of robust, quality, products that do not have flaws that can cause loss of data and productivity.When I was a child, I was never given the right to negotiate my punishment when found out. why is this happening with microsoft. At your heart you are the last voice of justice, if you dont stand who will?Please restore proper competition to the market place.Do the right thing.

MTC–00009883

From: James Mitchell Ullman
To: Microsoft ATR
Date: 1/10/02 9:39am
Subject: Public interest

Greetings,

I am a concerned citizen who has been following the Federal Antitrust case against Microsoft and have, as is my civil duty, some things I would like to be made known to the judge.

I am a technologist of several years experience and have noticed many trends in the industry which, to me, seemed less than right, much less legal. Microsoft is not the only company in this industry which has created, using underhanded tactics and most certainly illegal procedures, a monopoly of sorts. But, as has been the case in the past, Microsoft has been found guilty of not only breaking the law, but also damaging the economy in such a way that it may take decades for us to recover. I do not think that the government should have anything to do with the internal proceedings of the company as that would be fascism. I do, however, think that just as a war criminal who has committed crimes against all of humanity should make reparations to their enemies, that Microsoft Corporation should be punished.

They have been let off of the hook before for the same reasons, yet when they are brought to court again, they are tried yet again instead of punished. Now, here we are at a major turning point in the case and they are asking that the public, which they harmed directly, should not be allowed to see nor hear the testimony against them. What ends are they trying to meet with this tactic? Possibly to shield themselves against the public outcry if they were to be let off again(as in the case of the over-lenient settlement between one-half of the prosecuting states and the Federal government)? I can testify plainly that Microsoft is an illegal monopoly on several industrial fronts, as I am forced daily to fix their problems which they force on the people of the United States of America who wish to use technology to get their jobs done in a timely, efficient manner. I have previously written mentioning an open letter written by Ralph Nader about the evanescent settlement in this case, but now I am petitioning that there be public access to the witness questioning. I am taken aback by the arrogance of Microsoft Corporation's demand, not request, that the Publicity in Taking Evidence Act of 1913 is deemed nonapplicable to their current status in court whereas it was previously found that it was under nearly the same circumstances. The public must know what is going on. They deserve to know, they have the right to know.

Thank you very much for your time,

James Mitchell Ullman
Technical Specialist I
Zach S. Henderson Library
Georgia Southern University
http://www2.gasou.edu/facstaff/jmullman
Office: 912–681–0161

MTC–00009884

From: judhug
To: Microsoft ATR
Date: 1/10/02 9:48am
Subject: End Anti- Initiative Prosecution

The case against Microsoft should immediately be concluded.

It gives the nation an idea that initiative and success is going to be punished.

Hugh W Pagett
681 Hawkins School Hs Rd
Xenia, Ohio 45385

MTC–00009885

From: Aaron Alberg
To: Microsoft ATR
Date: 1/10/02 9:53am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division

U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

''The Proposed Final Judgment will provide a prompt, certain and effective remedy for consumers....'' To Whom It May Concern:

I fully support the settlement that Microsoft has agreed to. Prompt, certain and effective remedy for comsumers will only be the direct result of a final judgement to which Microsoft agrees or that is in Microsoft's favor. Please finish this lawsuit quickly so that Microsoft can go on satisfying their customers, like me, by producing top quality software. Microsoft should not have to waste money on frivolous lawsuits like these. Having thoroughly studied the economics of competitive advantage, it is clear that the case against Microsoft is based on shoddy economics at best. Stop prosecuting successful corporations and get tough on criminals.

Sincerely,
Aaron Alberg
9027 W. Shorewood Dr.
Apt. 603
Mercer Island, WA 98040

MTC–00009886

From: Louis Ferreira
To: Microsoft ATR
Date: 1/10/02 9:52am
Subject: Microsoft Settlement

Though the majority of Linux lovers are posting this E-mail address in order to stop Microsoft's Settlement, I am all for it. Many people do not understand how important Microsoft is to today's high-tech world. Though I do not agree with there practices it is due to your poor judgment that the problem has become this big. If something was done years ago when apple had a good share of the market then maybe some good would have came from it, but as of today no good can come of punishing Microsoft. The reason I believe this is because Microsoft has established the standard and that is what is needed for computers to grow. The reason why other OS' can't compete against them now is because of this issue. Microsoft was never the best software and neither is Linux or Mac OS, but it is all that we have now. The hopes of other OS' like BEOS are nothing more then a dream now. Companies like this that seek to innovate must maintain reverse compatibility and yet they can not because any emulation of Windows that they try usually ends up much slower then windows. Probably the best thing you can do to Microsoft is make them release the code needed for other OS' to use windows applications, that way the best OS will win no matter what Microsoft does about it.

Just My 2 Cents
Louis W Ferreira III

MTC–00009887

From: Frank D'Angeli
To: Microsoft ATR
Date: 1/10/02 10:00am
Subject: Microsft public deposition

Your Honor,

Since MS declares that they are so important to the US and the economy and that they are such innovators, blah, blah, blah, I would like my right as a US citizen and computer user enforced which allows me to hear the depositon of MS executives.

It was Bill Gates deposition which allowed the public to see the depth of Microsoft's soul and we should be allowed to see what the company that wants to control every aspect of our life is trying to hide from us. Please allow every fact about MS' predatory, monopolistic behavior be known to all that were hurt by them.

Respectfully,
Frank D'Angeli
57 Pinkert Street
Medford,MA 02155
781.396.5815

MTC–00009888

From: TJimKay@cs.com@ inetgw
To: Microsoft ATR
Date: 1/10/02 10:10am
Subject: Microsoft Settlement

James J. Trageser
181 Sheldon Avenue
Pittsburgh, PA 15220
January 10, 2002
Attorney General John Ashcroft
Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Ashcroft,

The intention of this letter is so that I may go on record as being a supporter of the proposed settlement that the Microsoft Corporation and the Department of Justice arrived at last November. The settlement brings an end to the three-year-old antitrust dispute that was costing both Microsoft and the federal government millions of dollars in court costs. I'm sure that Microsoft actually had to concede more than they would have liked in the settlement. In fact, the settlement places restrictions and obligations on technologies and products of Microsoft that were not even mentioned in the lawsuit at the beginning. I wouldn't be surprised if some of the technology mentioned in the settlement hadn't even existed when the lawsuit was started! However, the IT industry will benefit from this settlement and so will the economy. It will generate competition by letting Microsoft's competitors in on trade secrets such as software codes that help programs run better on Windows, making their software run more effectively. I am pleased to see that the federal government and Microsoft could agree to terms, and I support the settlement that was reached. Thank you.

Sincerely,
James J. Trageser
CC: Senator Rick Santorum
Guy Carpenter & Company of Pennsylvania
Two Logan Square
Telephone (215) 864–3600
Philadelphia, Pennsylvania 19103
Facsimile (215) 636–9929
January 10, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing concerning the settlement negotiated between Microsoft and the Justice Department. After three long years of litigation, this settlement represents an opportunity to move forward.

The entire IT sector is ready to move on and get back to business, but it seems that there are those who still want to hold up the process.

This settlement is very strong and requires Microsoft to make many changes. For example, Microsoft will be required to disclose information concerning certain internal interfaces in Windows. Microsoft's competitors will also be free to sue Microsoft if they feel the company is not complying with the agreement. Beyond that, Microsoft has agreed to be monitored throughout the entire process to ensure that they are following proper procedure. The concessions that Microsoft has made speak volumes to the fact that they want to help the IT sector get back to business. Let us help support the agreement by letting the terms speak for themselves.

Let us help not only our technology industry, but all industries which utilize technology such as insurance and finance, move forward and help get our economy back on track.

Sincerely,
Kenneth Sherman, CPCU, ARe
Senior Vice President
cc: Senator Rick Santorum

MTC–00009889

From: shaun arral
To: Microsoft ATR
Date: 1/10/02 10:17am
Subject: They are making fools of you

Lied in court.
falsify evidence.
bought your opinion (the settlement papaers).

''The sun, the moon, the stars
Is that what you're thinking that you are
As I'll disintegrate over time
If I expect my body to try and keep up with my mind
Today everything's mine'', Blind Melon

MTC–00009890

From: Jack L. Levy
To: Microsoft ATR
Date: 1/10/02 10:19am
Subject: Microsoft Settlement

Jack L. Levy
972 Cypress Drive
Delray Beach, Florida 33483
(561) 279–9099 jacklevy@telocity.com
January 10, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to voice my thoughts on the proposed settlement between Microsoft and the Justice Department. I believe that this litigation should not have been brought forth by the Justice Department, in the first place. There are many Americans who seriously question whether Microsoft has in fact broken any laws that would warrant a suit that has lasted for three years, all the while causing substantial financial hardship to the corporation and its many investors. The federal government should leave Microsoft

alone, and pursue more important matters that are affecting our nation currently. Although this company may have made mistakes during it's rapid growth, no one can question the substantial contribution that Microsoft has made to the computer industry. There are many people who believe that the operating systems created by Microsoft may very well be the chief reason for the viability of one of our largest and most successful industries.

I believe that the settlement that has been reached is both fair and reasonable to everyone involved. Microsoft will be making numerous changes with its software and business practices. For example, some of the changes include but are not limited to the following: better relations with computer makers and software developers, internal interface disclosure, and a three-person technical committee to oversee Microsoft's compliance with the settlement. The recession has had a devastating effect on both government and industry. Many private investors have suffered non-recoverable losses, especially those who have invested in the technology sector. It is extremely important that the technology industry be allowed to concentrate on improving business, and not defending what many feel to be frivolous lawsuits. It is in the best interests of everyone involved to see this settlement enacted as soon as possible.

Sincerely,
Jack L. Levy

MTC–00009891

From: Heins, Jill
To: 'Microsoft.atr (a) usdoj.gov'
Date: 1/10/02 10:20am
Subject: Microsoft Settlement

Please end the Clinton-era Anti-trust legal abuse. The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and was a serious deterrent to investors in the high-tech industry. Consumers would rather see competition encouraged. The investors who propel our economy can finally breathe a sigh of relief.

Consumers overwhelmingly agree that settlement is good for them, the industry, and the American economy. I support the Microsoft settlement.

Sincerely,
Jill M. Heins
7833 Garnett
Lenexa, KS 66214
jill.heins@vetmedpub. com

MTC–00009892

From: Joe Amoroso
To: Microsoft ATR
Date: 1/10/02 10:26am
Subject: Microsoft settlement

As a citizen, I find it very disheartening that so many states seem to see this suit as a means of generating revenue. The facade of protecting the ''public interest'' when really acting to put $$ in the State's Treasury is in itself a fraud against the public interest.

This is not the only instance of such behavior by the several states and I would ask the Justice system to recognize this transparent money-grab and deal fairly, openly and honestly with the issue at hand—i.e. what damage has been caused to the citizens—this is the essence of ''public'' interest; State Treasuries and their viability, although, are a ''public interest'' issue, robbery of private corporations to maintain such Treasuries is not.

joseph amoroso
pobox 22421
baltimore, md 21203
410–659–0097

MTC–00009893

From: David W. Hill
To: Microsoft ATR
Date: 1/10/02 11:03am
Subject: Microsoft Settlement

Honorable Judge Kollar-Kotelly,

I am a student at Boston University, and I am upset about the recent settlement between the Justice Department and Microsoft (PFJ).

First, the PFJ does nothing to stop Microsoft from operating as a monopoly through the use of its operating system. Second, the settlement does not punish Microsoft for clearly violating anti-trust laws in the past. It would be a terrible standard to set by letting Microsoft get away with its retaliation tactics, bolting schemes, and attacks on Java. All these tactics lower competition in a suppossedly free market and also limit softward standards. Finally, the PFJ does not provide an effective enforcement mechanism for the weak restrictions it does implement.

To sum up, I'm deeply concerned the recent settlement does not regulate Microsoft enough in the future allowing Microsoft to continue its monopolistic tactics. In addition, Microsoft is not even being punished for laws it clearly broke in the past. This sets a terrible standard. I would request that you do your best to overturn this settlement.

Sincerely,
David W. Hill
Brighton, Massachusetts

MTC–00009894

From: Delmonte, Tom
To: Microsoft ATR
Date: 1/10/02 11:18am

First of all thank you for allowing us to voice our concerns.

My main focus is the pattern that Microsoft has exhibited over the 15 years that I have been involved in the IT arena.

The first negative experience was one which happened with a company called Stacker, in which it was proved that Microsoft had illegally used their file compression scheme, by the time the issue was settled the company no longer was viable and in fact is no longer in existence.

The next example is the competition between Microsoft and Netscape and how in a variety of actions which I am sure you are familiar made the company loose most of it's relevance in the PC arena, it still has a presence in the Linux arena, but that may change as well depending on how Microsoft handles that or is allowed to handle that arena in the future.

The main problem I see is one of ethical behavior, they do push the limits and go beyond as in the Stacker case in every area that they see is important, and one may think that this is how business is done, the stronger survive. But when it is at the cost of innovation by individuals or small concerns, which Microsoft is eliminating more and more due to it's size and influence, I think that the American public and entrepreneurs have lost incredible opportunities due to what I consider predatory behavior.

The level of excitement due to opportunities available to individuals in the 1980's was palpable across the whole Silicon Valley in which I worked at the time, as the 1990's approached this level of entrepreneurship decreased steadily.

Some of it is due to the maturing of the industry, some of it due to standardization all of which are good. But much of it has to do with Microsoft getting involved in so many areas of the personal computer arena that it left less and less space for the smaller less financially endowed institutions to contribute to the progress of a field that still has wonderful opportunities if this level of entrepreneurship is allowed to flourish again.

Unfortunately much of this has been squelched in the US, but with the arrival of Linux and what it can contribute and has contributed from many areas across the globe there is some activity in this entrepreneur-friendly environment that has received a lot of focus in the last couple of years.

I would suggest that the American technologists would be much more interested in putting an effort again into the IT arena if a more favorable environment was fostered by curtailing some of the more obvious actions that Microsoft has taken, and I am sure that that venture capitalists would support this effort since the rewards are still very high.

What I would suggest is to split the company into separate entities in all senses, applications and operating systems are two of the ones that have been suggested.

And if Microsoft wants to enter a new arena in the computer industry (and that has to be based on a well-defined criteria) then the amount of money they can put in that concern cannot be more than the best financed institution that is already present in that arena. If none are in existence a criteria for that has to be established as well, so that other can compete on equal footing.

Once that concern is established Microsoft cannot contribute any further funds, otherwise it would perpetually be competing in an arena even it's efforts were not successful, creating an artificial concern and hampering competitiveness.

If the company failed they should not be permitted to enter that arena for a pre-specified amount of time, to allow those who had good ideas to flourish without the annoyance of having another company artificially affecting the competitive environment to that specific arena.

I understand that this may have a short-term (1–2 years) effect on the economy, but the long-term effects would be a healthy, creative, growing and dominating industry for the US.

Tom Delmonte
WorldCom—Revenue & Segment Reporting
E-mail: tom.delmonte@wcom.com
Voice: (719) 535–1562
vnet: 622–1562

MTC–00009895

From: Olie Echevarria

To: Microsoft ATR
Date: 1/10/02 11:26am
Subject: Microsoft pre-trial hearing motion

To whom it may concern,

In light of the Microsoft motion to bar the public from pre-trial hearings, I humbly ask that court deny the motion. Here is why I believe that the motion should denied.

In my opinion, as a citizen of the United States of America, obedient and tax paying citizen, it is my right to know what is going in the American judicial system. We are a society of information that is readily available to anyone. Microsoft wants to deny the citizens of this nation information that it would deem a public relations nightmare because of the current anti-trust proceedings that are occurring against it. This information, the pre-trial hearings, is not a privilige but a right to all citizens of this country since this will show their american tax dollars at work.

The Attorney Generals and judge doing their job. I urge you deny this motion without question. Thank you,

Your obedient citizen,
Orlando Echevarria
Orlando Echevarria
Webmaster
E-Mail: echevarr@snet.net

MTC–00009896

From: Doris Lippincott
To: Microsoft ATR
Date: 1/10/02 11:29am
Subject: Microsoft Settlement

To Whom It May Concern:

I am writing to you regarding the proposed settlement of the Microsoft case. I am writing to you from a Windows platform and through Hotmail. Although I do not consider myself a computer expert I think that it is a long stretch to consider me a victim of Microsoft. I appreciate what I have gotten from Microsoft and wish that you would settle this case. In my mind, since you have the extraordinary power of the federal government behind you, it is incumbant on you to be extraordinarily careful not to misuse this power for personal aggrandizement or to back those who feel the heat from Microsoft's innovation.

Robert H. Lippincott, Jr.

MTC–00009897

From: pobox.com
To: Microsoft ATR
Date: 1/10/02 11:52am
Subject: Civil Action No. 98–1232 (CKK)

The proposed settlement in this case is a good beginning but it does not go far enough. While providing greater freedom to the resellers of Microsoft Windows and systems that run Microsoft Windows, it does nothing to insure future abuses do not occur. Due to this, I strongly encourage the court to amend this agreement with more stringent requirements.

Best Regards,
Tim Malloroy

MTC–00009898

From: Joshua Adam Ginsberg
To: Microsoft ATR
Date: 1/10/02 11:56am
Subject: Microsoft Settlement

Greetings—

I'm sending you a copy of an email that I send to the Attorneys General of the states that did not agree to the proposed settlement with Microsoft. Richard Blumenthal, Attorney General of Connecticut, who in my opinion is serving his constituents in the finest of fashions, suggested that I copy you on that email. It is below. Thank you for your time, and best of luck to you.

Sincerely,
Joshua Adam Ginsberg

Attorneys General—

First I would like to commend you and your respective states to refusing to back down to Microsoft in light of its blatant violation of consumer rights and anti-trust laws. You do your constituents a great service.

As a member of the technology community, I'd like to provide you with some input regarding your proposals to the court that might help you better understand some of the interests of those most affected by your proposals.

I think it's a safe thing to say that it would be counterproductive towards punishing monopolistic practices by extending a monopoly. The rumors that you will propose that Microsoft be required to continue developing MS Office for the MacOS seem to suggest you agree.

In this light, let me point you to http://www.redhat.com/about/presscenter/2001/press—usschools.html

To summarize this article's contents, RedHat Linux Systems has proposed an alternative to the settlement the DOJ and other states have accepted. Instead of extending the Microsoft monopoly by letting them install more copies of Windows across our nation's poorest schools, RedHat proposes that the money that would have been spent on purchasing more copies of Windows and more support for them be used to purchase more hardware, and RedHat will donate copies of Linux and provide support at no cost. Students would be exposed to a cutting edge desktop operating system and be enlightened to the software world outside the Microsoft monopoly.

And even requiring MS to develop Office for Linux (as it's been reported you seek) would be fruitless, because Linux users have available to them complete Office suites for free with as much functionality as the Microsoft suites. Examples are the GNOME Office Suite (http://www.gnome.org/gnome-office) the KOffice Suite (http://www.koffice.org) and most notably Sun's StarOffice (http://www.sun.com/staroffice).

Again I commend your resolve to find the right solution as opposed to the easy solution. I appreciate your openness to suggestion. Thank you for your time.

Sincerely,
Joshua Ginsberg

MTC–00009899

From: DR Basso
To: Microsoft ATR
Date: 1/10/02 12:14pm
Subject: microsoft settlement proposal

The proposed Microsoft settlement is a fraud on the consumers of this country. It does not adequately address the practices the company undertook to draw public scrutiny in the first place and it rewards the monopoly with a backdoor entrance into one of the major areas of technology where it lags behind its competitors ? the education market. Far from reigning in a conglomerate that used its market position to terrorize competitors, this settlement gives Microsoft an even larger market share in education.

The software proposed is almost entirely for Windows computers. The offer provides only a very limited selection for competing operating systems such as Mac OS.

Public school officials, under the gun to get the most ''stuff'' they can get for as little money, will have little choice bu to take up this offer ? thereby expanding the company's reach and dealing a severe blow to firms such as Apple.

Besides Apple, however, there are other firms that make software that compete with the items Microsoft proposes to offer schools. Why should those firms be injured in the form of fewer sales by a settlement that is meant to punish Microsoft? It makes no sense to try and increase competition by injuring the competitors you seek to aid.

Also, why should schools have to settle for refurbished and outdated computers. If Microsoft really plans to offer computers to schools, it should be ordered to purchase new machines that will have a long shelf life (in the relative world of computers). Refurbished machines probably already are near the end of their useful life in regards to what new programs they may be able to run.

Finally, I believe the total value of the settlement is far below the actual damage done to competitors. The value should be increased, perhaps even doubled.

Daniel R. Basso

MTC–00009900

From: Kayler
To: Microsoft ATR
Date: 1/10/02 12:15pm
Subject: Microsoft settlement

I am in favor of the settlement. I would like to see the litigation ended. I think it's been bad for the economy. I wish the whole thing had never been started in the first place.

Kayler

''A proper concept of government is a voluntary one.''

''The only true revolution is Capitalism—the Liberal Revolution.''—Andrew J. Galambos

Join the discussion of Freedom at http://groups.yahoo.com/group/volitional—science

Check out true freedom at:
http://www.bridgetofreedom.com

The importance of gratitude:
http://www.e-gratitude.com/home/index.cfm'sourcegid=100100129

MTC–00009901

From: marty (038) janet
To: Microsoft ATR
Date: 1/10/02 12:25pm
Subject: Microsoft Settlement

Didn't the Government also cause us to have all these ''Baby Bell Telephone Company's'' by breaking up AT&T. The Quality of services went down and prices went up. My mail now takes two to three times longer to get to me than when a stamp cost .10 cents. And it never got lost back then

either. Now they want another price increase for slower, incompetent service. The Government needs butt out of Microsoft's pocket, and business and allow business to flourish. It's good for our economy.

Marty Turner

MTC–00009902

From: F P
To: Microsoft ATR
Date: 1/10/02 12:32pm
Subject: Final Judgment

I do not believe that the proposed Final Judgement (http://www.microsoft.com/presspass/trial/nov01/11–02settlement.asp) serves the public interest. Section J.1. is of particular concern, since it could be used to limit the usefulness of non-Microsoft middleware, applications, or even other computers trying to interact with these sections of API or Communications Protocols, and help ensure that Microsoft can continue to extend its monopoly on such products by keeping this information secret. Since none of the listed items benefit significantly from secrecy (good security is difficult to break even with full disclosure), I believe that these should be made available to allow fair competition in the future, with the single exception of individual keys for Microsoft Middleware for the purpose of protecting their identity.

I also note a distinct lack of any penalty for Microsoft's past actions that made them an illegal monopoly.

I believe that some form of remedy should be used, to reduce the chance that Microsoft or another corporation attempts to use simular practices in the future. As a split of the company has been rejected, I'd recommend a monetary remedy.

Frederick H. Page
1305 Kathy Drive
Yardley, PA 19067

MTC–00009903

From: Glen DeGarmo
To: Microsoft ATR
Date: 1/10/02 12:26pm
Subject: Microsoft Settlement

First, a personal comment from a long-time computer user: I think the proposed settlement is little more than political window dressing given Microsoft's well documented illegal activities as the 9,000 pound gorilla monopoly of computer operating systems. Microsoft's practice of bundling applications with its Windows OSs has as its ultimate goal eliminating competitors and establishing Microsoft as the sole provider of software for desktop computers. Microsoft's use of the term ''innovations'' to justify this practice is sheer nonsense...there is no innovation worthy of the term. The proposed settlement does nothing to correct Microsoft's illegal operations which effect tens of millions of consumers.

Second, proposed additional remedies:

(1) Require Microsoft market and make readily available to all consumers ''clean'' versions of its desktop operating systems with NO bundled applications. By ''clean'' I mean OSs that have been completely stripped of all non-OS applications (e.g., browser, cd burner, multimedia applications, etc., etc.). Do not permit, under the definition of the term ''clean,'' any application not absolutely required for the core OS to operate properly or any application that later can be removed without effecting the core operation of the OS if the consumer chooses. Microsoft's attorneys will find loopholes if the definition is not explicit. By clean, I mean CLEAN.

(2) Require Microsoft to make public all the ''hooks'' to all its currently supported, and future, OSs to permit other software developers to design applications that work seamlessly with all currently supported and future Microsoft, desktop OSs. That requirement should mandate information about ''hooks'' be made readily available to all non Microsoft designers of applications during the earliest design of beta versions of any new desktop OS, and mandate that updates be made immediately available as a new OS proceeds through development and testing. The requirement must include information about ALL the hooks that Microsoft's designers of applications use to make Microsoft's own, or sponsored, applications work seamlessly with its desktop OSs...NO EXCEPTIONS!!

Thank you for the opportunity to comment.

Glen DeGarmo, Ph.D.
732 Madison St. NE
Albuquerque, NM 87110
(505) 266–6472

MTC–00009904

To: Microsoft ATR
Date: 1/10/02 12:33pm
Subject: Microsoft Settlement.

AG Ashcroft,

It is time that this dog is laid to rest, it will just not hunt anymore. Microsoft has been an innovator in technology and it is not required that they be punished. Let this competitor driven attempt die, it is time to move on.

Please let it be heard that I am one of many Americans whom support the Bush Administration and Microsoft in their desire to settle this lawsuit

Respectfully,
Bruce Mann
CANAC
(281) 588–3160 (phone)
(281) 588–3041 (fax)
bruce.mann@us.sasol.com
bmann@canac.com
http://www.canac.com

''Leadership is the art of accomplishing more than the science of managements says is possible.''

General Colin Powell

MTC–00009905

From: H. Leslie Priday
To: Microsoft ATR
Date: 1/10/02 12:35pm
Subject: I want to end Clinton-era Anti-trust

I want to end Clinton-era Anti-trust law abuse

MTC–00009906

From: Ralph crosswhite
To: Microsoft.atr(a)usdoj.gov
Date: 1/10/02 12:38pm
Subject: Microsoft Settlement

I believe that the Federal Government can be more responsive to the claimants in this ''Settlement'', and void the ''Settlement'' as it is at this time. Microsoft needs to be made aware of how serious their Anti-Trust actions have affected their competitors, and the Voting Public.

The penalities imposed are not severe enough, nor do they change the business practices of Microsoft to a more ethical standard.

Breaking up the company may be too severe, however large monetary fines, and the restriction from engaging in any outside enterprise that is now competitive, should be included.

Ralph Crosswhite

MTC–00009907

From: Ben /Joyce Loving
To: Microsoft ATR
Date: 1/10/02 12:45pm
Subject: Microsoft Settlement

I urge you to stop persecuting Bill Gates and Microsoft for being smart and able, and doing things to help all the world. It is ridiculous to spend taxpayer money to prosecute this company for antitrust activities. I use their software and also use software of competing companies which is fully compatible with Microsoft products.

Stop the mindset of punishing the smart people who do good. They do not owe anything to the less smart and less energetic. Everyone has choices—it is up to each one of us to exercise these choices in the best and most productive manner for us.

Make a choice NOW!
joyce@doublegun.com

MTC–00009908

From: Mike Lindley
To: Microsoft ATR
Date: 1/10/02 12:47pm
Subject: Do they own you, too?

HI,

If this gets read, I appreciate your time. Microsoft Corporation has been abusing its position for years and years, this case just happen to be brought forth.

They were found guilty in the Apple-threat part of the original case and that alone is evidence of their monopolistic practices.

Compaq, Dell, Gateway, e-Machines, Hewlett-Packard,etc. All must do the bidding of Microsoft because without the OS, they can't sell their computers.

PLEASE PLEASE PLEASE do not let this company live by their own rules simply because they were clever enough to figure out how to control the market.

The fact that they have managed to eak Apple out of the school market and the graphics market is evidence enough NOT of the quality they put out but because of the THEIR ABILITY TO THREATEN THE MARKETPLACE. They were even found guilty of libel when they put an ad campaign out against Novell when Novell took over Cambridge Technology Partners.

It should be obvious enough: They have 96.4% of the WORLD MARKET SHARE in operating systems. Even AT&T never had it that good.

STOP THEM OR THEY WILL OWN US ALL. They only want to rule the world and if not stopped, they will.

Thanks,
Mike Lindley

MTC–00009909

From: dlantz@armorholdings.com@inetgw
To: Microsoft ATR
Date: 1/10/02 12:53pm
Subject: settlement

Hello, this email is to share my opinion that the proposed settlement with microsoft is NOT in the public interest. The settlement does very little to detour microsoft from further illegal operations, and does not adequately punish microsoft for it's past actions.

Thank you,
David Lantz
CAD/CAM/MIS
Protech Armored Products
158 Hubbard Ave
Pittsfield, MA, 01201
413.684.3104 (phone)
413.684.4166

MTC–00009910

From: LOIS AMACHER
To: Microsoft ATR
Date: 1/10/02 12:53pm
Subject: Microsoft Settlement

1–10–2002

As a consumer, I would like to express my hopes that this antitrust lawsuit be settled as soon as possible.

President Bush and Microsoft will settle if not interfered with.

I support this settlement.
Lois Amacher
Carmichael, CA

MTC–00009911

From: Roger Bowser
To: Microsoft ATR
Date: 1/10/02 12:54pm
Subject: microsoft settlement

sir—

i have been heavily involved in computers since 1983. i like the windws operating system much more than any other system.

please stop this worthless prosecution started by a president with other things on his mind. we need windows.

MTC–00009912

From: Robert G Kraatz
To: Microsoft ATR
Date: 1/10/02 12:54pm
Subject: Microsoft Settlement

Mr. Ashcroft:

Get the government (State and Federal) off the back of Microsoft! Bill Gates and Microsoft have done more positive things for this country than all of posturing people in our Senate combined.

We need to tell our power hungry politicians to get out of the way since only President Bush and Mr. Rumsfield seem to be both willing and able to lead in a positive direction. You have great promise but it is time to get out front and lead.

Robert G. Kraatz
24321 Dry Canyon Cold Creek Road
Calabasas, CA 91302

MTC–00009913

From: Kopecki, Ron
To: Microsoft ATR
Date: 1/10/02 12:55pm
Subject: Microsoft Settlement

Clearly this settlement should be accomplished. Enough already of the competitive ''whiners'' trying to weaken Microsoft. In a free market the fit find a way to survive and prosper. The Microsoft technology has done more good than bad for this country. Tradeoffs exist in all facets of the business environment. Darwinism occurs. Microsoft should be viewed for their positive contributions to our country and society and should not be ''punished'' excessively because they did not always in the best interest of their competition.

Ronald J. Kopecki
Corporate Vice President, Sales
Intecom, an EADS Telecom Company
972.855.8340 (O)
email: rkopecki@intecom.com

MTC–00009915

From: Sam Heath
To: Microsoft ATR
Date: 1/10/02 12:58pm
Subject: Microsoft settlement

It is definitely time to put a stop to this nonsense about Microsoft!

Sam Heath
dheath@lightspeed.net

MTC–00009916

From: thomas l easton
To: Microsoft ATR
Date: 1/10/02 1:01pm
Subject: Microsoft Settlement:

Please end this ridiculous persecution of a company just because it is successful. We have funded this prosecution long enough. The only thing Microsoft is guilty of is making smart business decisions.

Thank You.
Thomas l. Easton
835w. lusher ave.
Elkhart, In. 4617
219–293–2495

MTC–00009917

From: Tony Dalton
To: Microsoft ATR
Date: 1/10/02 1:06pm
Subject: Microsoft Settlement

Dear Attorney General Ashcroft,

I request you to settle the lawsuit with MS because they are NOT a monopoly. I am a consumer and have the option of NOT using windows if I chose.

Please stop this unnecessary case and use the money to prosecute real criminals.

Sincerely,
Tony Dalton

MTC–00009918

From: Duke Gersema
To: Microsoft ATR
Date: 1/10/02 1:02pm
Subject: Microsoft Settlement.

To whom it may concern:

Re: Acceptance of the Microsoft settlement.

First, let me say that I am not particularly a fan of Microsoft. They charge too much for their products, they are restrictive and arrogant. That said, I think the whole suit against Microsoft should never have happened and should be dismissed outright, immediately. The current proposed settlement goes too far but should be agreed to if it is the best resolution that can be made at this late date.

Here are my reasons:

The Justice Department has far better things to do,

This lawsuit has drained too much time and money from the taxpayers,

Microsoft is already systematically ''shooting itself in the foot'' and will not retain its market dominance.

Though arrogant, Microsoft has increased the productivity of businesses exponentially and brought capabilities to people that they did not even dream of two decades ago.

This lawsuit is supposed to ''protect the consumers'' but the existence of Microsoft has benefited the consumer and this lawsuit will add no protection to the American consumer.

Please accept this settlement and move on to something productive.

Thank you for allowing my comments.
Douglas W. Gersema
dgersema@employersresource.com

MTC–00009919

From: John Mcdonald
To: Microsoft ATR
Date: 1/10/02 1:06pm
Subject: ms case

The sooner the trial is over the better for everyone. At the same time I really don't see any problem with breaking MS into different parts. If their code is so good and developed the way they like to claim that it is, then there shouldn't be any problem with a separate company developing Office to run on Windows for example. That is unless they have something to hide, and I personally suspect they have plenty. Why is it that everything has to be incorporated into the system. Why can't they simply develop Windows and then programs and or applications can then be installed separately at a later time. MS could certainly sell these other products, people could purchase them if they want and install them at their leisure. I'll tell you why I think they are doing it the way they are: they are greedy bastards that only care about the bottom line.

They haven't innovated anything they've only incorporated ideas they either borrowed or bought from someone else.

They crank out one OS after another all the while adding things that somehow cut the competition.

Their software is so full of holes it's laughable. Patch after patch after patch. Things that could have been prevented had they taken the time to do it right instead of forcing it sooner to make more money. They already have most of the PC market right? Why push out the new stuff so fast? It's all about getting our money, why else would they be now trying to tell us that we should pay them monthly or whatever for a service. What exactly are they going to offer that doesn't already exist. Nothing, they'll resole an old shoe and push it as something new. What a joke. That said thing is I really liked 95 when it came out, but that's all changed.

MTC–00009920

From: John Townsend
To: Microsoft ATR
Date: 1/10/02 1:09pm
Subject: Microsoft Settlement

If the Government is so against you (and us), have them remove all Microsoft products

from all of their computers. See how they like that!

MTC–00009921

From: mavis caracostas
To: Microsoft ATR
Date: 1/10/02 1:11pm
Subject: Microsoft

To continue this vindictive assault on Microsoft is insane! The case is against superiority of one company over others, and has led to the recession we are now suffering. It was ill-advised from the inception, and I would like to see it ended ASAP.

Mavis M. Caracostas
Colorado Springs, Co.
80904

MTC–00009922

From: Joseph G. Grochowski
To: Microsoft ATR
Date: 1/10/02 1:12pm
Subject: Microsoft Settlement

John Ashcroft:

Stop the government action against Microsoft immediately. This has done nothing but hurt the consumer. Continuing this action begun by a disreputable administration only further erodes the public confidence. And stop State Attorneys General from continuing their harmfull actions.

Joseph Grochowski
724 Ardmore Ave
Redlands CA 92374
(909)793–3495

MTC–00009923

From: Hart Slater
To: Microsoft ATR
Date: 1/10/02 1:14pm
Subject: Microsoft settlement

If the purpose of the legal assault against Microsoft is protection of the consumer , please explain how this ''consumer ''/ taxpayer is protected ? I lost much of my retirement nest egg because of the stockmarket response to the DOJ action ; and, further, I would like to know how much this suit has cost the taxpayers, both in government costs as well as legal costs Microsoft has had to pass on to consumers. Very costly ''protection'' !!!!

Hart Slater,
835 Shenandoah Road,
Lexington, Virginia
hart slater <hartbon@rockbridge.net>

MTC–00009924

From: Paul Greatbatch
To: Microsoft ATR
Date: 1/10/02 1:14pm
Subject: ...and it just keeps going on until YOU do something about it!!

Microsoft apparently tried to rig a ZDNet UK online poll, according to the news outlet:

''By 21 December, more than two-thirds of the respondents (69.5 percent), said they planned to deliver some applications by Web services by the end of 2002, with a large majority of those (nearly half the total sample) planning to use Java. Only 21.5 percent said they planned to use Microsoft .Net— less than the figure (23.5 percent) planning to use neither.

But by the time the poll closed, on 5 January, the position had dramatically changed, with three quarters of voters claiming to be implementing .Net. This apparent sudden change of heart over the Christmas period appears to be the result of a concerted campaign within Microsoft.

ZDNet UK logs reveal rather obvious vote rigging, and prove that it originated from within Microsoft [...]''

Best Regards,
Paul

MTC–00009925

From: Oropeza, Jenny
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/10/02 1:14pm
Subject: Microsoft Settlement

JENNY OROPEZA (D)
Assemblymember, 55th District
Long Beach, California
916/319–2055
916/319–2155 (fax)

MTC–00009925 0001

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO. CA 94249–0055
(916) 319–2055
FAX (916) 319.2155
DISTRICT OFFICE
ONE CIVIC PLAZA, SUITE 320
CARSON. CA 90745
(310) 518–3324
FAX (310) 518–35,08
COMMITTEES:
AGRICULTURE
BUDGET
ELECTIONS. REAPPORTIONMENT AND CONSTITUTIONAL AMENDMENTS
JOBS, ECONOMIC DEVELOPMENT AND THE ECONOMY
TRANSPORTATION
SUBCOMMITTEES:
CHAIR. INTERNATIONAL TRADE
BUDGET SUB 5, TRANSPORTATION AND INFORMATION TECHNOLOGY
SELECT COMMITTEES:
CHAIR, LOS ANGELES METROPOLITAN TRANSPORTATION AUTHORITY
AGRICULTURAL IMPORTS AND EXPORTS
CALIFORNIA. MEXICO AFFAIRS
CALIFORNIA PORTS
January 10, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Re: Comments on the Microsoft Proposed Settlement Agreement

Dear Ms. Hesse:

Microsoft is a company that has long provided good products to consumers and businesses, as well as providing opportunities for other software companies to develop programs for the Windows platform. The provisions of the proposed settlement, worked out with one of the nation's top mediators, will be good for consumers, businesses, the tech sector and the economy as a whole.

The proposed settlement is fair. It proposes significant changes in the way Microsoft handles its software, in addition to preventing Microsoft from abusing the strength that it derives from its operating system. However, the proposed settlement also allows the company to continue innovating in all areas of software development. I fully support the Department of Justice and the nine Attorney Generals for their efforts to finally put an end to this case and agree to a settlement that is in our nation's best interest.

Sincerely,
JENNY OROPEZA
Assemblymember 55th District (D—Long Beach, California)

MTC–00009925—0002

MTC–00009926

From: Mary Silva
To: Microsoft ATR
Date: 1/10/02 1:19pm
Subject: Microsoft Settlement

Attorney General Ashcroft,
Department of Justice:

I am sending this email to urge you to settle the Microsoft case. The government has ostensibly pursued this case on behalf of consumers; however, the very consumers it has sought to protect are being harmed by the detrimental impact the case has had on the technology market and the entire national economy.

This case should never have been brought by the DOJ during the Clinton administration. I have always believed that Microsoft is a very fierce competitor in a rapidly changing technology world, and that Microsoft has done far more good than harm to consumers. In fact, it appears that the only ones whining and crying are those that lost a share of the computer business due to their own ineffectiveness, and not because Microsoft took it from them. There is no monopoly on progressive thinking as Microsoft has done and continues to do, and it certainly should not be a crime. Those that cannot compete should get out of the business.

Respectfully,
Mary J. Silva
3429 Maywood Drive
Richmond, CA 94803
CC:BillGates@microsoft.com@inetgw

MTC–00009927

From: Matthew Jones
To: Microsoft ATR
Date: 1/10/02 1:19pm
Subject: Microsoft Settlement

Dear Sir,

I am writing to ask that the Microsoft Antitrust battle be put to an end as soon as possible. In my opinion (as well as the majority of the public), this suit has been a witch hunt driven by Microsoft's industry competitors from the start. Illegal monopolistic action can not be assumed simply because of a high market share. There was no proof of anti-competitive action, unless you believe striving to be #1 in an industry is necessarilly anti-competitive. The only organization in this country that has been thwarting competition is the federal government. Please take action to discontinue this charade immediately.

Sincerely,
Matt Jones

MTC–00009928

From: Bret Nelson

To: Microsoft ATR
Date: 1/10/02 1:22pm
Subject: Microsoft Settlement Glacier

Atty Gen Ashcroft,

I want to thank you for your hard work for our nation under difficult circumstances and unwarranted scrutiny.

I am writing in support to some sort of end to this expensive ringer that Microsoft is being put through. I would say that if, indeed, Microsoft is guilty of a crime that I would be happy to see the perpetrators brought to justice, even if the process is costly. However, it also seems to me that in-as-much as Microsoft has competitors, the overall case is unjustifiable on the surface. It appears to me that the case is a remnant of the Clinton administration that needs to be brought to a close (we all need closure from that administration).

I wonder how those bend on Microsoft's demise would feel if the government had decided that rather than spending $1,000,000 on litigation they would award $500,000 to Mircosoft's number one competitor to develop a more competitive operating system to assure that Microsoft hadn't such an advantage in the market place. This of course would cut tax-payers expenditures in half. Of course, this notion is cockeyed, but it would have shown more responsibility with the taxpayer's purse than Janet Reno was want to do when this whole thing started.

Once again, thank you for all your efforts. I'm glad that you were confirmed and I feel confident that you bring a positive chord to the new Bush chorus which is serving the country well in this time of crisis.

As a final note, I pray that your office is concerned with expediting the process of finding and punishing our citizen, two-bit, homegrown terrorists. I feel very confident that we can handle every foreign threat if only we can eliminate the threats from the Timothy McVie's of our homeland. I'm much more concerned about threats from within from Uni-bombers than from long-range bombers and I fear the wrongs committed by power-hungry politicians elected at home than from foreign regimes who exercise authority over cactus and rocks. Most of all I fear the judgments of God more than man and I hope that your office can hand back to the people the right to worship God according to the dictates of their conscience wherever they be—home, class, court or elsewhere. I believe the less we fear man, the more apt we become to fear God again, an guiding light this country needs—personal responsibility based on Judeo-Christian values so that strict laws and punishments become less needed and hense, considerably less costly to enforce.

Sincerely
NAI Capital Commercial Real Estate
Bret
Bret D. Nelson
Vice President
1712 19th Street, Suite 220
Bakersfield, California 93301
661–864–1000—phone
661–864–1011—fax
661–201–9855—mobile
bnelson@naicapital.com
www.naicapital.com
www.naidirect.com

MTC–00009929

From: john r. emra
To: Microsoft ATR
Date: 1/10/02 1:23pm
Subject: Microsoft Settlement

Enough is enough. Stop this constant bickering and settle this case.

John R.Emra
3529 SE Doubleton Drive
Stuart Fl.34997–5627

MTC–00009930

From: Jane Smith
To: Microsoft ATR
Date: 1/10/02 1:23pm
Subject: Microsoft Settlement

Attorney General Ashcroft,

I urge you to support the proposed settlement between the Department of Justice and Microsoft along with the 9 states who have reached agreement.

Enough taxpayer money has been spent to harass Microsoft and this gives us the opportunity to end it.

Sincerely,
Jane M. Smith
2104 Chestnut Hill Drive
Cinnaminson, NJ. 08077

MTC–00009931

From: Bryan Fandrich
To: Microsoft ATR
Date: 1/10/02 1:27pm
Subject: Microsoft Settlement.

Re: Microsoft Settlement.

The U.S. Government lawsuit didn't solve a problem.

The U.S. Government is the problem.

The Sherman Act is a relic and should be repealed posthaste. The whole procedure was a costly waste of time except for the lawyers involved.

Settle it as leniently and expeditiously as possible to discourage future pointless government interference.

Sincerely.
B.Fandrich.

MTC–00009932

From: Stan Dickison
To: Microsoft ATR
Date: 1/10/02 1:28pm
Subject: Microsoft Settlement

With all due respect, it's time to move on. The settlement reached by the Justice Department is perfectly fine. There are many more important issues in which the Justice Department needs to be involved.

Stan Dickison

MTC–00009933

From: Palmarin Merges
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/10/02 1:28pm
Subject: Microsoft Settlement

Dear US Dept. of Justice,

Leave Microsoft alone.

Stop penalizing commercial success.

If I want to buy Microsoft products, let me decide. If other competitors want to compete they can create a better product. FREE ENTERPRISE. LET THE CONSUMER DRIVE THE MARKET NOT THE GOVERNMENT or whiny competitors. Stop wasting my money on this decade-long competitor-driven persecution of Microsoft.

''The government has ostensibly pursued this case on behalf of consumers; however, the very consumers it has sought to protect are being harmed by the detrimental impact the case has had on the technology market and the entire national economy.'' (from an ACU article)

Do not divert any more government funds from investigating harmful antitrust violations and illegitimate monopolies. Leave Microsoft alone.

''The proposed settlement encourages consumer product-choice, promotes product innovation, and provides non-Microsoft related computer and software manufacturers with confidence in marketing their own products. It also frees up Department of Justice resources to pursue antitrust violations that currently harm the public.'' (from an ACU article) DO NOT continue this litigation.

I support the Bush Administration and Microsoft in their desire to settle this lawsuit.

Sincerely,
Palmarin P. Merges

MTC–00009934

From: Kevin Kahley
To: Microsoft ATR
Date: 1/10/02 1:27pm
Subject: Reasons for Change

Hello,

I would like to discuss my concerns for Microsoft's continuing monopoly and the effects upon the education of computer experts in the future. I have a bachelors degree in computer engineering and am currently working on a masters in computer science. During my junior high and high school years the only machines that I used ran Microsoft Windows. Having only used Windows until college placed a rather large learning curve in front of me as I entered the serious computer science arena. I am not saying that Windows is useless, my parents happily and productivly use it. However, choices in computer operating systems need to be widely avaliable to our younger children so their education will not be sheltered until they reach college. Having more choices in operating systems will widen the schools of thought in computer science and lead to a better world for all.

Thank you.

MTC–00009935

From: evanness@rice.edu@inetgw
To: Microsoft ATR
Date: 1/10/02 1:30pm
Subject: Microsoft settlement

The federal government should back off the case against Microsoft. Microsoft has successfully standardized the industry for operating systems which has allowed the unparalleled growth in technology.

I remember when Macintosh was competing with Windows. Though Macintosh was a better product (and I'm a 10 share Microsoft shareholder), Windows won. That was probably the best thing to happen to the computer industry.

Microsoft may have made some minor mistakes, but nothing that would justify a large settlement of such a magnitude.

Evan Van Ness

MTC–00009936

From: James Wobser
To: Microsoft ATR
Date: 1/10/02 1:30pm
Subject: US Government vs. Microsoft Corp.

Dear Sirs-

Please end all legal action against the Microsoft Corp and let the market determine the outcome.

Thank you,
James Wobser

MTC–00009937

From: Thomas E. Strickland
To: Microsoft ATR
Date: 1/10/02 1:30pm
Subject: Microsoft Settlement

Putting this Reno farce behind us is long overdue.

MTC–00009938

From: Merle J VanDyke
To: Microsoft ATR
Date: 1/10/02 1:31pm
Subject: Microsoft Settlement

Dear Senator Ashcroft Please settle (curtail) this legal action of the last 9 states now.

Merle VanDyke

MTC–00009939

From: kanninen@juno.com@inetgw
To: Microsoft ATR
Date: 1/10/02 1:33pm
Subject: Microsoft Settlement

Mr. Attorney General:

I believe that it is a vital interest for our country that when the Justice Department settles a case with a litigant, in Antitrust or any other part of the department, that it ensures that it has settled the case. It is unconscionable that the economic security of our country be endangered by the political desires of any one of the 50 state Attorneys General. Please do your best to ensure that the judiciary accepts the terms of your department's settlement of the Microsoft case, and see that it is applied nationwide.

Thank you for all of your good work in this dangerous time for our country.

Cordially,
William R. Kanninen
457 Spring Lane
Ocala, FL 34472
352–687–0123
352–895–7528 (cell)
801–409–6494 (Fax)
bill@kanninen.com

MTC–00009940

From: Steven M Stallings
To: Microsoft ATR
Date: 1/10/02 1:36pm
Subject: Microsoft Settlement

Mr. Attorney General,

Please stop spending taxpayer money on the competitor-driven suit against Microsoft. I have been a professional software developer for over thirty years and have used many software products from many different vendors in addition to Microsoft. The Information Industry is now at a difficult point where we cannot afford to hamper its ability to contribute to the economy and to enhance every aspect of government, business and personal life. Microsoft's competitors are trying to take advantage of a few misdeeds of this corporate giant and those competitors are no less guilty of such misdeeds themselves. The current settlement is fair and sufficiently addresses the past problems and provides a just path for the future of Microsoft, its competitors and the public.

It's time that the U.S. Department of Justice and the States Departments of Justice to move forward to other more pressing matters.

Thanks for the service that the DOJ has provided in this lengthy matter.

Sincerely,
Steven M Stallings

MTC–00009941

From: Jud Cox
To: Microsoft ATR
Date: 1/10/02 1:37pm
Subject: settlement

I support the proposed settlement between Microsoft and the Gov. I urge you to support it, and encourage you to pass these sentiments along to the Federal judge. Thank you, and keep up the good work you have been doing. You have the trust of the American people. Keep in mind that we often are the silent majority.

Jud Cox
152 Hilltop Way
Blowing Rock, NC 28605
conservativejud@yahoo.com

MTC–00009942

From: Joel Carlson
To: Microsoft ATR
Date: 1/10/02 1:38pm
Subject: Microsoft antitrust must be enforced

Dear US Department of Justice:

If we don't stop Microsoft now, we will have no choice or innovation in the future. Microsoft has apparently bought off the Bush Administration but we must not let that happen. Microsoft, like robbers barons of the past, will stop at nothing to eliminate the competition if given the chance. For example, see http://vb.channelsupersearch.com/news/crn/32424.asp

Sincerely,
Joel Carlson,
622 6th Ave,
Fox Island, WA 98333

MTC–00009943

From: Willard Bass
To: Microsoft ATR
Date: 1/10/02 1:39pm
Subject: Microsoft Settlement

To Whom It May Concern;

As a life-long professional in the field of computers, I wish to register my support for the proposed settlement with Microsoft. I believe that it encourages consumer product-choice, allows for continued product innovation by Microsoft and other software companies, and provides adequate safeguards to give software manufacturers other-than-Microsoft confidence in marketing their own products. Further, a settlement at this time is definitely in the public interest, in that it will free Department of Justice resources to pursue other anti-trust issues.

I support the Bush Administration and Microsoft in their stated desire to settle this lawsuit.

Sincerely,
Willard C. Bass

MTC–00009944

From: Alexander Martinez
To: Microsoft ATR
Date: 1/10/02 1:42pm
Subject: against proposed settlement vs. Microsoft

Dear Sirs,

As you may have noticed: I'm no US citizen, but I'm concerned about the proposed settlement involving that Microsoft is going to supply US schools with software and equipment to settle some court cases against them. I'm against this because Microsoft will be able to further spread their software and, by this, gain greater market share than it already has. This is one step further towards a Microsoft software monopoly and this is definitively the worst thing that I can imagine for IT firms and home users. Some competition is good for Microsoft (and the entire software industry) because then they are forced to produce better software.

Yours sincerely,
Alexander Martinez
Student of Computer Science
Independant programmer
78120 Furtwangen
Germany

MTC–00009945

From: T. Aaron Metz
To: Microsoft ATR
Date: 1/10/02 1:12pm
Subject: Microsoft Settlement

To whom it may concern: I am a 26-year-old college student at West Virginia University. I'm an active member of the community in Morgantown, WV and I believe that I represent a good majority of people my age with my student's lifestyle. I ask you to please end this persecution of Microsoft. There is absolutely no wrong in being the leader of an industry because you are the smartest and the fastest. But, for some reason, the individuals who are fighting against Microsoft believe that success and leadership is breaking the law. It's not Microsoft's fault that their competitors cannot keep up.

Because of this lawsuit, the public as a whole has suffered. Look at the good Microsoft has done for society-Windows, easier access to information, and better hardware to work with, to name a few. You're probably reading this message on a Windows-run machine. Does that mean that Microsoft has a Monopoly or just the best product? I choose the latter and I believe that society has chosen the latter, as well. Microsoft has the capability to drive us through the 21st century with a fury, but this lawsuit has given them a Model T to drive us there. LET THEM BE!

Need I mention the millions of taxpayers' dollars that have been wasted on this lawsuit? We need to end this mess and let Microsoft go on being successful, making money, and bettering society.

Thank you for listening to my opinion.

Sincerely,
T. Aaron Metz

MTC–00009946

From: JOHN F BRISENDINE

To: Microsoft ATR
Date: 1/10/02 1:42pm
Subject: Microsoft Settlement

I support the settlement arrangment negotiated by the Bush Administration and Microsoft. Please make every effort to end this litigation immediately. We have much more important priorities for our legal system to handle.

John Frederick Brisendine
Charlotte, North Carolina
jfbrisendine@prodigy.net

MTC–00009947

From: scott gould
To: Microsoft ATR
Date: 1/10/02 1:45pm
Subject: Microsoft Settlement

To whom it may concern:

I just wanted to comment on the proposed Microsoft Settlement. I think that we/the United States and Local Governments should settle this lawsuit ASAP and let Microsoft go back to doing what they do best. In my opinion the high-tech industry and the nation in general would certainly be better off expending their energy, time and money on new software products rather that dragging out this legal action.

Sincerely,
Scott Gould

MTC–00009948

From: robert sirignano
To: Microsoft ATR
Date: 1/10/02 1:46pm
Subject: Microsoft

Dear Mr. Ashcroft,

I support the position that the US courts are wasting much money in there attempt to prosecute Microsoft. I do not believe it is a good use of tax payer monies. I further believe it has a negative effect on the computer software industry, and the US economy. I think that competition could create, and has the ability to create alternative software and platforms, and are not bound to Microsoft in any way. With the growing popularity of other platforms such as Linux, I believe that this lawsuit is a mute cause.

Please help end this wasteful use of tax monies any way you are able. Thank you and your staff for your time and concern in reading my opinion.

I am very happy to have you in DC, and know you are the best choice Our President could have made.

Sincerely,
Robert Sirignano

MTC–00009949

From: Morgan Philpot
To: Microsoft ATR
Date: 1/10/02 1:50pm
Subject: Attorney General Ashcroft,

Attorney General Ashcroft,

The last few years have been most difficult for the technology industry. The Microsoft lawsuit that the Department of Justice has been engaged in has cost the industry and has taken millions of dollars away from matters of urgency that would make this country better. The original suit was persuaded by Microsoft competitors and unfortunately they used taxpayer dollars to push their competitive edge in the market.

The settlement agreed upon by the Department of Justice and the Microsoft Company is at this time reasonable. It allows the entire technology industry to move forward and start the innovations rolling again. Our economy is ready for a new idea. Please accept the settlement and close the books on the matter.

Sincerely,
Rep. J. Morgan Philpot
Utah House of Representatives

MTC–00009950

From: Brock N. Cordeiro
To: Microsoft ATR
Date: 1/10/02 1:53pm
Subject: Microsoft Settlement.

It's time to stop penalizing commercial success. It's time for the states to stop persecuting Microsoft. The proposed settlement is in the public's interest. I support the Bush Administration and Microsoft in their desire to settle this lawsuit.

The government has ostensibly pursued this case on behalf of consumers; however, the very consumers it has sought to protect are being harmed by the detrimental impact the case has had on the technology market and the entire national economy.

Furthermore, America's taxpayers have had to fund this prosecution, diverting government funds from investigating harmful antitrust violations and illegitimate monopolies. The proposed settlement encourages consumer product-choice, promotes product innovation, and provides non-Microsoft related computer and software manufacturers with confidence in marketing their own products. It also frees up Department of Justice resources to pursue antitrust violations that currently harm the public.

Sincerely,
Brock N. Cordeiro
15 Sagamore Drive
Dartmouth, MA USA
02748–1261
508–979–8930—Phone
508–996–4622—Fax
BNCordeiro@Mediaone.net

MTC–00009952

From: Sanford Kenyon
To: Microsoft ATR
Date: 1/10/02 1:54pm
Subject: Trials

PLEASE STOP DAMAGING OUR ECONOMY WITH THE LAWSUITS AGAINST MICROSOFT.

ALSO STOP WASTING OUR TAX DOLLARS

SANFORD KENYON
P.O. BOX 212
WEST POINT, CA. 95255
email skyk@volcano.net

MTC–00009953

From: David.M.Talmadge@mail.sprint.com@inetgw
To: Microsoft ATR
Date: 1/10/02 1:56pm
Subject: Microsoft Settlement

I support this proposed settlement.

Thank you.

David Talmadge
6708 East 132nd St.
Grandview, MO 64030
David.M.Talmadge@mail.sprint.com

MTC–00009954

From: Harland W Cashman
To: Microsoft ATR
Date: 1/10/02 1:59pm
Subject: Microsoft Settlement

Please settle this suit and go forward with real needed litigation.

Thank you
H.W. Cashman Plainview, NY

MTC–00009955

From: Ed or Anna McNeill
To: Microsoft ATR
Date: 1/10/02 2:05pm
Subject: Microsoft Settlement

Stop the anti-trust suit. In today's environment, the customers have spoken by an overwhelming preference for purchasing Microsoft products. This is not because Microsoft products are the only ones available. It is because the customers prefer them.

Harole E. McNeill
201 Calle Del Juego
San Clemente, CA 92672

MTC–00009956

From: Connie D. Husley
To: Microsoft ATR
Date: 1/10/02 2:10pm
Subject: Microsoft Settlement

This is to advise that I support the Bush Administration and Microsoft in the settlement of this lawsuit.

Let me add a few of my own thoughts and comments: A former partner of mine walked out on our business a year and a half ago and started her own business.

She proceeded to call and send letters to our clients leading many of them to believe that she would be ''taking over'' their cases when no such agreement had been made. She continuously smears our reputations with clients as she has done to her previous employers in the past. We lost more than 1/2 of our client base to these unethical actions. She attempted (and is still doing so) to take all of them in any way she could. Fortunately, my reputation in the field is good enough and her slander is not with the other 1/2. This, along with many other actions she practiced and continues to practice, is a violation of anti-trust laws; not what Microsoft has done.

I am tired of the government constantly attempting to divert the money and success that honest, hardworking individuals have obtained to 'provide to the less fortunate' individuals. I do not make much money; in fact, I am a single parent of two teenagers and make less than $50,000 a year. There have been times that I have made $15,000 a year and I have never felt that the so called rich people owe me something. Because of my intent to provide for myself and my family, I have done whatever I could to make sure my success was a priority. I have admired the ambition of people such as Bill Gates who have built themselves an ''empire'' on their own intelligence and abilities. It is ironic to me that the ones that feel that the ''poor'' people need to get more of the government's (American's) money than the ones that have actually paid the taxes into the government are Hollywood elite who make millions of

dollars a year and wouldn't give a penny up without plenty of media coverage to make sure they become noted for their alleged wonderful contributions. If the ''poor'' people would quit laying on the legs of honest, hardworking Americans, they may be able to actually make it on their own. President Bush's tax cut and the refunds was the best thing in the world and I think if the majority of it went to the ''richest of the rich'', then they were deserving of it since they were the main contributors. While I don't agree with salaries paid to CEO's, etc. that are non-owners of businesses, I cannot agree with penalizing them because they may have been diligent enough to get where they are.

I could continue with my point of view but feel that this should get my point across in regard to the Microsoft case.

Thank you for your consideration of my interest in this matter.

Sincerely,
Connie D. Husley
6911 Rosebank Dr.
Metairie, LA 70003
504–456–0905

MTC–00009957

From: mail.televar.com
To: Microsoft ATR
Date: 1/10/02 2:09pm
Subject: microsoft settlement

Let this matter get settled and stop the hold up on new products Microsoft has been penalized far too long for being too good at what they are good at doing. This is supposed to be a free market country. If the other manufactures can't swim with the big fish too BAD.

Richard H. Baumann

MTC–00009958

From: Francis Johnson
To: Microsoft ATR
Date: 1/10/02 2:11pm
Subject: Microsoft settlement

I have tried to follow the Microsoft case as much as possible and I am appalled with the DoJ for settling that easily. the law states that Microsoft broke the law, why does the punishment not fit the crime. As an individual on the street I start drawing my own conclusions. Did Microsoft pay off somebody etc? When IBM was found guilty of monopoly, they were dealt with accordingly and they could not profit from their business.

When Southwestern Bell (I forget what it was called) was a monopoly, it was dealt with too Why is the DoJ afraid of dealing with Microsoft. Wrong is wrong.

The proposed settlement is an insult to the ''poor under privileged schools.'' I could understand if Microsoft offered to make all these schools top of the art with new technology/hardware etc. But to offer outdated hardware/software!, all they are doing is using the schools as trash cans, because they have nowhere to put their junk. ''give it to them under privileged schools, they should be grateful'', and the worst part the DoJ accepted this. This is the United States for pete's sake. we are supposed to offer justice for all. Stop this atrocious settlement.

I use Windows software on my pc and I appreciate the software, it is good and to most extent reliable and easy to use (if you know what you are doing). But I do not think that should get Microsoft special favors/treatment. DoJ act like a department of Justice and not like somebody's lacky.

You read almost everyday that Microsoft is doing something bad here or there. This will continue until someone says ''The Buck Stops Here Microsoft, enough is enough''. A good example is a simple poll. They tried to rig a poll so that it looks like people want Microsoft, having people voting multiple times, how low can a company go to wipe out competition. Microsft cannot stand that people like something else other than Microsoft, they are now like dictator governments ''Its our way or noones''.

DoJ clean up your act and do the right thing.

THANK YOU
FRANCIS

MTC–00009959

From: evilpaul13
To: Microsoft ATR
Date: 1/10/02 2:13pm
Subject: Microsoft Settlement

Honorable Members of the US Senate Judiciary Committee,

I have been following the Microsoft case reasonably closely. Based on what I've read from the testimony before the committee, I do not believe that the proposed punishment is fitting or effective. Because Microsoft has acted unfairly against competition, and price gouged consumers I believe the proposed remedy should reciprocate. Microsoft's competition should receive a indirect boon, and consumers should be repaid in some way.

So, I propose that Microsoft pay 20 billion back to consumers split two ways. First, 8 billion should be put into Social Security. Many of the consumers Microsoft gouged will one day hope to collect SS, and every little bit helps. 12 billion should be put into education and schools. I propose that it be distributed by state according to population. In the individual states, 80% of the money should be given to the bottom 33% of schools and 20% to the 17% above the bottom third. With the condition, that not a penny of that money be spent on Microsoft products.

This is how Microsoft will compensate its competitor's for its unfair business practices. By not using Microsoft products, schools will use its competitors. I attended public schools, and based on my experience with their systems, there is little to nothing that is done on their computers that a competing product does not do just as well as its more expenisve Microsoft version.

Linux is a operating system that could easily replace Windows on school servers. And on desktops too. Contrary to what Microsoft might have you believe there is no shortage of quality software available FREE OF CHARGE. Two of the most popular and easy to use are Redhat Linux (their CEO testified if I recall correctly) and Mandrake Linux. Mandrake is as easy to install as Windows 98.

Sun Microsystem's Star Office is a FREE full featured office software suite, with nearly identical menus and identical functionality to Microsoft Office. Netscape has a web browser that works as well as Internet Explorer. All Linux distributions have several to choose from including Mozilla (what Netscape is based on), the KDE project's Konqueror, and Galeon. All three are high performance and stable web browsers.

There is a graphics manipulation and creation program called ''The Gimp'' also available free of charge with most Linux distributions. Adobe Software also offers world class graphics software used by professionals everyday. This is also a place where schools could consider Apple iMacs which are known for their strength in graphics.

It is very important to remember that while Microsoft's proponents will claim that while free Linux has a higher total cost of ownership, this is simply a falsehood. Schools will need a ''computer guy'' no matter what type of systems they run. Additionally, ''Windows was built for the Internet'' while UNIX-like operating systems such as Linux ''Built the Internet.'' So, networking is very much a part of Linux systems and they are more easily (and without expensive addons) administered to remotely.

A default installation of Linux is also far more secure than a default installation of Windows. Having used Windows in school, I can attest to the amount of downtime computers had caused by their frequent infection by Windows viruses and by malicious hacker-wannabes. Under Linux, a person logged on cannot delete critical files which would crash the computer or change settings that would crash the computer. Windows viruses like Code Red, Sircam, Nimda, and every other of the dozens of Windows viruses that make the headlines every year simply will not work on Linux.

I hope the committee will read and consider my proposal, as I whole heartedly believe it will be a more effective punishment for past transgressions, and send the message that future abuse will not be tolerated.

Sincerely,
Paul Dougherty IV
Resident of Media, Pennsylvania
Computer Science Student

MTC–00009960

From: kherzog
To: Microsoft ATR
Date: 1/10/02 2:14pm
Subject: Microsoft Message Attorney General Ashcroft:

Please consider the fact that Microsoft has become successful because it has developed and marketed the software most users of computers want to and are willing to buy. Those who are attacking Microsoft can only be described as losers. They can't compete in the game so they want to change the rules.

Please use your authority stop the penalization of success and restore the competitive software market.

That is the American way to do business.

Keith Herzog
kherzog@msn.com

MTC–00009961

From: Phil Cunningham
To: Microsoft ATR
Date: 1/10/02 2:18pm
Subject: Microsoft

Why does the Government punish success? Look at Ma Bell and see the chaos the government produced,higher rates for all.(not to mention the competitive resistant Post office)

MTC–00009962

From: kadojohnson@juno.com@inetgw
To: Microsoft ATR
Date: 1/10/02 2:19pm
Subject: Microsoft Settlement

Attorney General Ashcroft Department of Justice Dear Sir: We support the Bush Administration and Microsoft in their desire to settle this lawsuit.

Sincerely,
Mr. & Mrs. Donald Johnson
2154 East Dallas Drive Terre Haute, Indiana 47802–5133

MTC–00009963

From: BJ Trahan
To: Microsoft ATR
Date: 1/10/02 2:23pm
Subject: Microsoft Settlement

Dear Sir,

Please settle this now. This is hurting the ultimate people it was suppose to help. It is hurting the economy and wasting a lot of time and money.

Mr. B. J. Trahan
324 Orgeron Drive
Lafayette, La. 70506–6846
Email: bjtpop@netzero.net

MTC–00009964

From: Susan Whitaker
To: Microsoft ATR
Date: 1/10/02 2:35pm
Subject: MICROSOFT LAW SUITE OVERALL

I have no idea what Clinton's motivation was in initiating a law suit against Microsoft and really do not care. But, you judges, government lawyers, and other bureaucrats involved should be ashamed of yourselves! Gates was not born with a silver spoon and privileged, he had an idea and kept after it until today we see Microsoft. It is too bad that others either cannot or will not spend the time to do what Gates did, some ''real'' competition would be okay too. But, Microsoft is not a monopoly. There are hundreds of domestic and foreign companies competing but none who apparently want to take the time, and borrow or spend the money to do what Microsoft has done.

Shame on the lot of you!! Gates actually did what people, Americans are told, who have the ingenuity and drive can do in this Country. But apparently there is a P.S. at the bottom of the American dream—and that is, if you achieve it and are successful without the Government, you will be punished by that Government.

Shame on the lot of you!!!

This NEVER should have happened and there should be NO judgment. The government sues a private individual, with taxpayers money using a judge and court full of government people, and guess what—the government won. Isn't that a surprise.

This entire matter is disgusting and so are those involved, beginning with the most immoral and treacherous president this Country has ever had. I suppose this will be deleted and never see the light of day but unlike the antitrust suit against Southwestern Bell a number of years ago when there simply were no competitors at all, this law suit was not about antitrust, this was about something else, something far more scary—Federal Government power.

Thank you for your time.
Susan Whitaker
Kansas City MO

MTC–00009965

From: Wendy Bolding
To: Microsoft ATR
Date: 1/10/02 2:27pm
Subject: Microsoft Settlement

Wendy Bolding
258 Freeport Road
North East, PA 16428
January 9, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft,

It has come to my attention that there may be further delays in the recent settlement between Microsoft and the Justice Department. I really don't think this is necessary. Considering the fact that Microsoft has gone above and beyond the call of duty to help our IT sector move forward, it is ridiculous to further delay the process.

It is beyond me as to why some parties feel they need to delay this matter any further. Not only has Microsoft has agreed to reconfigure marketing and licensing agreements, but has agreed to design future versions of Windows to promote installation of non-Microsoft software. Beyond this, they have agreed to be reviewed by a committee that will make sure that they follow procedure. All of this was done in the interest of our entire technology industry. Microsoft, as well as most other IT companies, wants to move forward and get back to business.

The settlement is very fair and should be finalized as soon as possible. Microsoft's opponents should not be allowed to derail it; it is my sincere hope that you will not do anything to hang it up.

Sincerely,
Wendy Bolding
cc: Senator Rick Santorum

MTC–00009966

From: Frank Haman
To: Microsoft ATR
Date: 1/10/02 2:31pm
Subject: MICROSOFT SETTLEMENT

Stop penalizing US businesses for doing their job.Stop the prosecution of MICROSOFT and get on with more important things that the government should care about, like the economy !!

Sincerely,
Frank Haman, a concerned citizen.

MTC–00009967

From: Chuck Hall
To: Microsoft ATR
Date: 1/10/02 2:29pm
Subject: microsoft settlement

It is time to let the free market do what it does best. Produce men like Bill Gates. Stop tyranny now, reward the businessmen who can help our economy. Stop the lawyers from taking what isn't theirs. Tort reform is needed.

Gen Hall
Orinda, CA

MTC–00009968

From: Don Babo
To: Microsoft ATR
Date: 1/10/02 2:32pm
Subject: MSFT settlement

I urge you, the DOJ to settle and be done the this Microsoft letigation case. It has been going on for fours years now and two presidents. I think the government and the DOJ has more inportant things to do. With the way things are in the world today I think your resources could be put to better use for the american peapole. Do not let a minoriety stand in the way of what the majoity wants. Put the case to rest!

MTC–00009969

From: Bazil Ghani
To: Microsoft ATR
Date: 1/10/02 2:17pm
Subject: Microsoft Settlement

Please let the market forces decide the fate of Microsoft and the competitors. I assure you, us consumers don't purchase software because Microsoft places it in front of our face. We make educated decisions. If Sun and the rest of the industry want to use the government to sell their software, it is indeed a sad situation for them. I don't think we as consumers are harmed with Microsoft. The best case one can make is that Microsoft is guilty of annoying some consumers. But their competitors are often far more annoying. (example: Real Networks, Netscape, AOL, and Sun's Office)

I hope you'll decide to settle and let the us, the consumers decide whether we'll let Microsoft tell us what software to use.

Regards,
Bazil Ghani
Vice President of Business Development
Italia Bella Inc.
8647 Hayden Place.
Culver City, CA 90232
310 204 0200

MTC–00009971

From: Becky Bardon
To: Microsoft ATR
Date: 1/10/02 2:36pm
Subject: Microsoft Settlement

Dear Attorney General Ashcroft,

I would like to let the Federal District Court know that I support the Bush Administration and Microsoft in their desire to settle this lawsuit. I believe that the proposed settlement is in the public's interest. Please do not continue this litigation any longer.

Sincerely,
Rebekah Bardon
3926 S. 2500 E.
Vernal, UT 84078

MTC–00009972

From: Joshua Barney
To: Microsoft ATR

Date: 1/10/02 2:36pm
Subject: Microsoft needs competition!

I felt compelled to write in because of the current state and possible future of the internet and computing in general.

If Microsoft continues to have its way, no data on the internet will be safe, and our economy will likewise suffer. Microsoft's policy of ''If it's broke, why fix it?'' is startling to say the least, but understandable when they are in such a position of power. They don't have to worry so much about people fleeing from their services. For those that would wish to flee, there are licensing restrictions or bosses that are entirely focused on using nothing but Microsoft products to help keep them in the fold.

Microsoft thinks they are helping companies by making the computing world a Microsoft one. They are wrong. Truth is they're hurting companies by taking such a lax stance on security and quality. When there's no competition around there is no reason to improve.

They aren't quite king of the server arena yet, but even now they act like they own that market. They do not use the quality of technology to coerce companies into using their products, but very carefully orchestrated marketing and trickery. They mislead consumers into thinking that Windows is the fastest, most reliable and most secure OS. They try to make consumers think that ''everybody else is doing it'', the most recent evidence being a rigged ZDNet poll asking whether consumers would use Microsoft's .NET or Java-based web services.

While I do acknowledge that Microsoft has made some marginal strides in useablility and stability in their operating systems, their security is still bar-none the worst in the industry.

They don't care about other companies. They only care about themselves. Now in today's cutthroat business world that doesn't mean much, and I wouldn't expect anything less from a capitalistic society, but you would think that a company as ubiquitous as Microsoft would at least take pride in its work, and at least consider other's problems of stability and security into account. If those servers aren't running, from any reason from instability to security breaches, companies are losing a very large amount of money. I'm no economy expert but I can only assume that does hurt the economy visibly. The current state of our economy isn't too great either, so do we really need any additional danger to it by poorly-engineered software?

Microsoft /needs/ competition in order to get better. Not only to help companies and to help Microsoft, but to help the end user as well. So far I have been focusing on the server market, but the home user market is also affected by these decisions. Microsoft leaves open very serious security holes in even its software meant for home users (oddly enough, they call some of these holes ''features''). When using a Microsoft OS at home, you can never be completely sure that your data is completely safe.

So there needs to be competition in the home desktop user market, as well. A variety of operating systems can easly take over what average Joe User wants to do at home, but Microsoft, intent on securing its perch, has made certain that support for the latest hardware and software is a Windows-only deal. This is the ONLY reason I see that operating systems like BeOS and Linux aren't more prevalent in the user's home.

If support was there from hardware and software vendors, even an operating system as ''difficult'' to use as Linux would be a piece of cake to use, and in fact to a large degree it already is easy to use thanks to the huge strides and hard work of millions of collaborating programmers across the globe, and companies that have decided to be sympathetic to those that want something other than Windows. Hell, I'm just an animator. I have no interest in my computer beyond getting the best hardware and the best software, and in getting the job done. Linux does this for me nearly flawlessly. I can do almost everything a home Windows user can do, save being able to play a few games and use some hardware. I've based my entire studio under Linux, using freely available software to craft artwork and animation.

Despite this I still have to be careful about what hardware I get because Linux support is still a bit spotty. I shouldn't have to worry about that as a home user, though. Companies, likewise, shoudln't have to worry about having Microsoft breathing down their necks when they want to support an alternative platform.

I think I've said enough for now, and I hope my words, along with the words of everyone else, are heard. Swifter and stricter action must be taken against Microsoft to ensure that tomorrow's world will be a good one for everybody. Even Microsoft.

Joshua Barney

Founder and Lead Animator, Arctic Winds Animation

''You can't have bread and loaf.''

MTC–00009973

From: Randy (038) Shirlee Wadlow
To: Microsoft ATR
Date: 1/10/02 2:38pm
Subject: Microsoft Settlement

Dear Attorney General Ashcroft,

Please forward my comments to the Federal Judge in the Microsoft antitrust matter. I am IN FAVOR of the settlement agreement that has been reached among Microsoft, the D.O.J., and the 18 states on the suit.

(1) I, for one, am just the ordinary consumer who is, as I see it, going to pay double for this litigation. My belief is that it is our tax money funding the litigation, and afterwords my money that pays for the additional software costs as brought about by any settlement reached. (i.e. tobacco though I'm a non-smoker) Therefore, any further litigation would just be a detriment to me, and millions like me, as the so called ''benefits'' are negligible from my perspective.

(2) I am not a computer ''guru'' and I put the Microsoft program packaging in the same category as buying a car. I don't want to purchase a basic car and then have to go somewhere else to purchase all the options I want. Not only would that be too time consuming, but it would also be cost prohibitive.

Thank you for the oportunity to express my views in this matter.

Sincerely,
Randy L. Wadlow
5318 Glenwood Ln.
Lakeside, Arizona 85929–5135
928–532–0470

MTC–00009974

From: tanerf2@webtv.net@inetgw
To: Microsoft ATR
Date: 1/10/02 2:47pm
Subject: Microsoft settlement

I support the speedy settlement of this case. Our tax money can be spent more wisely than continuing this lawsuit.

MTC–00009975

From: Ovenbirds@aol.com@inetgw
To: Microsoft ATR
Date: 1/10/02 2:49pm
Subject: Microsoft Settlement

Dear Judge Hesse:

We are concerned about the proposed settlement with Microsoft. We feel that they will eventually become such a monopoly that we will have NO choices when we buy software.

Please stop this company from limiting our choices by taking a strong position against them.

Sincerely,
Gerald & Judith Arnold
418 Aiken Road
Shelbyville, KY 40065

MTC–00009976

From: Mark Virkler
To: Microsoft ATR
Date: 1/10/02 2:50pm
Subject: Microsoft settlement

Attorney General Ashcroft

Please bring to an end the governments attack against Microsoft.

Blessings,
Mark Virkler
President of Christian Leadership University
1–800–466–6961 or Mark@cluonline.com
www.cluonline.com

MTC–00009977

From: Ronald Tognetti
To: Microsoft ATR
Date: 1/10/02 2:51pm
Subject: Microsoft Settlement

Attorney General John Ashcroft
Dear Sir,

I'm writing you a quick note to support you and the Bush Administration as it seeks to end the litigation against Microsoft. Pursuing this action any further will further justify a bad precedent—the notion that the Federal government can enclose itself in the pursuit of 'Consumer Protection' when in fact it yields the opposite effect—creating uncertainty for businesses which produce goods in a competitive environment, which itself yields stagnation, fewer competitors and less innovation. Microsoft appears to have acknowledged wrong doing, and if the penalties outlined in the settlement are enforced to the letter, that will be a fair outcome.

I appreciate the opportunity to comment directly to you, and wish you well in the pursuit of truer justice for consumers.

Sincerely,
R. Tognetti
Littelton, CO

MTC–00009978

From: Moore, Kevin
To: Microsoft ATR
Date: 1/10/02 3:01pm
Subject: Microsoft Settlement

Dear DOJ,

As a technology professional I use all types of computer software daily. I support the tempting to make gain Bush Administration and Microsoft in their desire to settle this lawsuit. I feel that further prosecution is based solely on competitors or politicians attempting to gain points or a tax payer funded advantage.

I hope that this settlement goes further in stopping States from wasting taxpayer money on frivolous suits.

Kevin Moore

MTC–00009979

From: RocksaltandNails@aol.com@inetgw
To: Microsoft ATR
Date: 1/10/02 3:15pm
Subject: Microsaoft Settlement

PLEASE; Let's settle this matter now and get on with other important matters!
Thanking you in advance,
Allie Simpson

MTC–00009980

From: Mike Donovan
To: Microsoft ATR
Date: 1/10/02 3:18pm
Subject: Microsoft Settlement

Mr. Ashcroft, It is time to move toward as much financial stability as possible. End the Microsoft litigation. Perhaps Microsoft took advantage of their proprietary system by providing the users with more value for their money. So, what else is new. If IBM hadn't foolishly allowed Microsoft to keep the rights to DOS it would be IBM who would be under the gun. If Apple had grown to #1 with their proprietary system, they would be under fire. It has already cost Microsoft, stockholders, related industries and the American people more that is deserved.

Mike Donovan,
11038 N. River Lane,
Cornell, MI. 49818

MTC–00009981

From: John Zehnder
To: Microsoft ATR
Date: 1/10/02 3:24pm
Subject: Microsoft Settlement

Dear AG John Ashcroft,

This fiasco of a suit against Microsoft initiated by the Clinton Justice Department has had a very detrimental effect on the high tech portion of our economy. ! urge you to cease and desist any and all actions against Microsoft and use the taxpayers' money to pursue the actual criminals in our country.

Sincerely,
John Zehnder
—John Zehnder
—jzehnder33@earthlink.net

MTC–00009982

From: EVAN LEE
To: microsoft.atr
Date: 1/10/02 3:13pm
Subject: Microsoft Settlement

DOJ Anti-Trust Division:

I am deeply troubled by the recent DOJ decision to settle the anti-trust case against Microsoft. Guilty or not, Microsoft is the most dominating presence in the operating system and the software market today. For years they have bought out or pushed out competition not by superioriety of the software, but by money and lawyers. Microsoft does not promote fair competetion, their goal seem to be eliminate all competetion. Every new technology or company comes up with new and cheaper ways that benefits customers have been targed by Microsoft as enemies. I do not believe behaviors such as this will be curbed by this settlement, if anything else this gives Microsoft more confidence to destroy their competitors, because what's the worst that will happen? a slap on the hand to microsoft.

what will this settlment accomplish? by making microsoft providing computers to poor schools in the country? How will this punish microsoft? All they have to do is buy in mass quantity refurbished computers which manufactures are gladly to get rid of. The software of course will be windows. This will not punish microsoft, instead it helps them breaking in to previously Mac dominated education market share. This settlement is not punishing Microsoft, it is helping them gaining publicity and market share.

It is amazing to me that this cased started hard and heavy in the late 90s when microsoft had no presence in washington. but it ended with less of a whimper after microsoft dumped millions if not billions of dollars in to washington's political arena. I believe this is the wrong decision by the DOJ to settle with Microsoft, and their monopoly will only get worse. . . I fear the day that Microsoft conquers all.

Evan Lee
Disturbed Computer User

MTC–00009983

From: Alfred M Selgas
To: Microsoft ATR
Date: 1/10/02 3:29pm
Subject: Microsoft Settlement Affect on Americans with Disability Renata B. Hesse Antitrust Division U.S. Department of Justice 601 D Street NW Suite 1200 Washington, DC 20530–0001

Dear Madam,

Richard Blumenthal replied today to correspondence which I recently sent to him:

''Dear Mr. Selgas:

Thank you for your recent thoughtful correspondence concerning the Microsoft antitrust case.''

''You may also express your opinion to the judge of the federal trial court considering this settlement by filing written comments with the United States Department of Justice by January 28, 2002.

Please keep me informed of your opinions on the case.

Thank you again for contacting me.

Sincerely,
Richard Blumenthal
Attorney General''

Thus, I am providing you with opinions that may help you obtain an equitable settlement for all Americans, especially those who are not always included.

My email to Richard Blumenthal, Attorney General, follows:

Subject: Accessibility and Unbundled Version of Windows
Date: Fri, 07 Dec 2001 18:38:03 -0500
From: Alfred M Selgas <selgasa@erols.com>
To: attorney.general@po.state.ct.us CC: mail@oag.state.va.us, askdoj@usdoj.gov

Dear Sir:

I have just read the below referenced article in today's NYTimes:

''States Ask Judge for Unbundled Version of Windows

By REUTERS Copyright 2001 Reuters Ltd December 7, 2001''

In your efforts to secure an open marketplace, please consider the circumstances of Americans with Disabilities in particular

Accessibility has varied definitions:

1: providing access

2 a: capable of being reached ; also : being within reach b : easy to speak or deal with

3: capable of being influenced : OPEN

4: capable of being used or seen : AVAILABLE

5: capable of being understood or appreciated

All of these definitions are pertinent to the able bodied and even more so to those of us who need all of the capabilities of personal computing, internet, world wide web, e-mail and more to not just exist but to function effectively in the current and evolving world. These capabilities are not truly accessible if we are locked into one company's version of accessibility.

I see Microsoft embracing ''accessibility'' only if one uses their version. The concept of Open Systems is not that of one company's version of the appropriate pieces of computer resources and their architecture. It is the concept of all widely available commercial computer resources being able to be selected and used as required by the consumer in an architecture of his or her choosing. This is especially true to provide equitable treatment of those with disability.

I applaud your efforts; and I appreciate your attention.

Yours truly,
Alfred M. Selgas
4606 Herend Place
Fairfax, VA 22032–1714
703–425–1519
selgasa@erols.com

Please satisfy these concerns in any federal settlement with Microsoft.

Thank you for your efforts and attention.

Yours truly,
Alfred M. Selgas
4606 Herend Place
Fairfax, VA 22032–1714
703–425–1519
selgasa@erols.com
CC:attorney.general@po.state.ct.us@inetgw

MTC–00009984

From: RLB
To: Microsoft ATR
Date: 1/10/02 3:28pm
Subject: the trial

It would be in the public interest to keep the proceedings open to the public, including the pre-hearing questioning of witnesses.

Richard L. Berger
1223 Amherst Ave.,
Los Angeles 90025

MTC–00009985

From: Spike Forbes
To: Microsoft ATR
Date: 1/10/02 3:33pm
Subject: Microsoft antitrust settlement proposal

Dear Sirs: The proposed remedies in the settlement of your antitrust suit against Microsoft are an absolute and complete travesty. You are totally denying justice to the millions upon millions of citizens and computer users you supposedly represent. Microsoft has continually, repeatedly and flagrantly used improper and illegal techniques not only to maintain its monopoly status but far more seriously, to deny computer users access to far better technologies. It has created an environment where no competitor has had even a remote chance of successfully competing in the marketplace, independent of both quality issues and pricing issues. Your settlement would effectively allow Microsoft to continue its abhorrent practices without material modification.

One can go back to significant antitrust cases in the past, with IBM and AT & T recently coming immediately to mind. Before them, most monopolistic practices were of the price-fixing variety. But no company in the U.S. of the last sixty years has ever operated to such material detriment of the public interest as Microsoft. Sadly, most consumers are not even aware of what they have lost out on because few have seriously investigated (or, thanks to Microsoft, even been able to investigate) alternatives.

IBM was predatory in its pricing and packaging, and maintained its monopoly for years because of the service and comfort it offered. With all its flaws, it remains to this day a research-oriented company which has brought to the market incredible innovation. The marketplace eventually removed it from monopoly status, in about the same time frame as the antitrust case, if continued, would have done. While IBM's practices were contemptible and slowed the introduction of such things as personal computers for close to a decade, it never operated to force an environment where competitors simply could not survive (as Microsoft has overtly and illegally done).

At & T was never predatory in either its pricing or its packaging, probably because it always operated as a monopoly with government blessing, for the most part in quite a ''benevolent'' manner. The break-up probably served to actually hurt most customers for quite a long time since competition was not created in the one market that matters most to most consumers, local telephone service. Certain of the ''Baby Bells'' (Qwest is the one I am most familiar with) have been quite successful in maintaining their monopoly status, to the on-going detriment of consumers. Eventually, after many years of absolute turmoil in the long-distance market, consumers have clearly realized the benefits of a competitive market. The greatest loss to consumers has probably been from the effective demise of what was by far the highest quality research branch in the world, Bell Labs.

Microsoft has done no research of its own; it has created no quality products; it is not an innovator under any definition of the word; and it has implemented standards which have kept computers error-prone and horrendous to use for at least a dozen years longer than would have happened absent its monopoly. And it has done all of this, not by technology or by packaging or by pricing but by the totally abusive power of controlling the marketplace through illegal agreements, intimidation and outright fraud. Yes, it has also taken advantage of its established monopoly to apply predatory pricing and packaging, but that is not the damage it has done to the industry and to the consumer.

It is true that eventually the marketplace will remove Microsoft from its perch, but the DOJ would do consumers a huge favor, and would speed up the process by perhaps ten years, if it would adopt effective measures making Microsoft cease and desist. Placing billions of dollars in penalties on the company for a failure to amend its ways, not to mention breaking it into at least three pieces, is the only conceivable way to give any justice for the billions of dollars in both profit and in lost opportunities that it has bilked from consumers over the years. It is far too late to salvage the lost years, but positive change can still happen at a far greater rate than it otherwise will.

I have been one of the few who has insisted on using some of the alternative products which have existed over the last twenty years, just as, back in the 1970's I was one who insisted on using some of the alternatives to IBM products. I have also continually used Microsoft products, just as I also continually used IBM products at that time. So I feel very qualified to speak to the quality and the usability of a wide variety of alternatives. Microsoft has done computer users absolutely no favors, ever since the very early days of its operating system control. It has held the entire computer industry hostage for far too long.

It is not just the browser, but rather a whole range of practices; I could have gone through software product after product to show specifically how Microsoft implemented changes both to make that product no longer work (if it was clearly a better product) and to make it impossible for the developers of the product to keep up. In a nutshell, there are two primary practices (both on-going as far as I can tell): as the designer of the operating system, it provided the rules to others, while its own developers have been continually allowed to use capabilities known only to itself. And second, if its own products violated its own rules (which they frequently did and still do), it either changed the rules for the future or, more likely, it created new de facto standards outside the rules which other developers would have to modify their own products to meet. The headaches created by these two practices have meant two things: if a developer, sell your product to Microsoft if it is any good; you won't be able to issue new releases fast enough to keep up, and they'll actually target you if you really have a quality product that competes with one of their own. If a consumer, buy Microsoft because they're the only ones who can keep their products working on their operating systems (in other words, even though another's product followed all the rules, if it worked anything less than perfectly, Microsoft uniformly said that the fault lay in the product; in fact, the fault most often lay in either the operating system itself or in the public version of what Microsoft said the operating system rules were).

Please do us all a favor, in a case you have already won, by coming up with truly rational and effective remedies, not the absurdities you are currently proposing.

Waldo E. Forbes
37 Beckton Drive
Sheridan, WY 82801
307–674–6095
CC:attorney.general@po.state.ct.us@inetgw

MTC–00009986

From: David Carson
To: Microsoft ATR
Date: 1/10/02 3:35pm
Subject: Microsoft Settlement

Firstly, I do not believe that Microsoft would have ever lost if the trial had been conducted by a truly impartial judge or by a jury. However, given what the current state of the case is, I believe that the proposed settlement by Microsoft and the DOJ is acceptable. Of course, I think that the states that have decided to go out on their own case is absolute folly and they should be strongly encouraged by the DOJ to drop their suits and let Microsoft get on with competing in the markets in which they choose to participate.

I know that Clinton's pursuit of Microsoft has caused me great personal losses in my Microsoft and related investments for which I will never forgive him. This stalling economy needs closure to this ridiculous case and let the high-tech sector get on with the business of making products that satisfy consumer and business needs. It's time for everyone to move on from the nightmare of the Clinton Administration which includes the pathetic pursuit of one of America's truly great enterprises (Microsoft).

Thanks very much for taking the time to consider input from public.

David Carson (former Microsoft employee and current shareholder)
16318 NE 50th Way
Redmond, Washington
425–869–2279

MTC–00009987

From: Jean Pickett
To: Microsoft ATR
Date: 1/10/02 3:40pm
Subject: Microsoft

I have followed this suit over the years and am thoroughly disappointed that the DOJ could take its precious time and the taxpayers' money to continue this farse. We live in a land of freedom, freedom to create and to innovate. Of course, some who haven't taken the time or made the effort could become jealous of a terrific product. How can you 'limit' a product because a competitor is jealous of it? It seems unconstitutional at best! The consumer will suffer, not Microsoft or its jealous competitors. Where do you think the money comes from to pay the

claim? From the consumers! Who do you think suffers from the less than optimum software? The consumers! It's amazing to me that a company can be held accountable because they are presenting a product to the public. Nobody forces the consumer to make the purchase! So why make the rest of us suffer because a few want to disrupt and destroy? And, in the name of justice? Why don't you people spend your time with the electric monopolies, or the oil monopolies, or the American Medical Association monopolies. These people legally force their products on the innocent! And, when have they been taken into question for it? Leave Microsoft alone so the people who choose to purchase its products can have the best combination possible without all of the added inconveniences you people claim to provide as 'benefits'.

MTC–00009988

From: DON BLASINGAME
To: Microsoft ATR
Date: 1/10/02 3:36pm
Subject: Microsoft Settlement

It is time to stop this farce of a lawsuit that ostensibly was ''in the best interest of the public'', when I fact it was driven by the best interest of Microsoft competitors. Stop the harassment, let Bill Gates get on with producing the worlds best computer operating system. He produced a better mouse trap, stop standing in the way of the pathway to his door.

Don Blasingame
Tyler, Texas
<donblas@tyler.net<

MTC–00009989

From: KT/MT
To: Microsoft ATR
Date: 1/10/02 3:39pm
Subject: To all at the Justice Department

To all at the Justice Department

Leave Microsoft alone—the company has done so much for the world with their computer programs, creating jobs and putting people to work and keeping them employed, it is just a shame what the Clinton era has done with it's abuse of the law, the things this past administration has done is appalling —and the two biggest offenders of the law are still out running loose and now charging the American people for the rent of their house that houses the secret service, that is guarding them, and isn't it ironic it just happens to be the mortgage payment for their Million dollar home they live in—both of the Clintons should be ashamed of there past and some day they will finally get what they deserve, some jail time.

Thank you for your time,
Keith Tuma
Brainerd Mn. 56401

MTC–00009990

From: dawn grey
To: Microsoft ATR
Date: 1/10/02 3:45pm
Subject: microsoft settlement

I find it hypocritical to allow one world banking takeovers by the bank, electric, phone and water and then give microsoft trouble for helping the people out. Microsoft should never have been taken to court in the first place so I do not think they should suffer in any way. Stop the other distructive take overs of individuals and business by government mandates etc. Leave Microsoft alone!!!!!

Diana Rey
in care of
Dawn Grey' s email address of
heandme3@yahoo.com

MTC–00009991

From: Alexandre
To: Microsoft ATR
Date: 1/10/02 3:45pm
Subject: Microsoft settlement

I don't know how helpful this E-mail will be but I wanted to be sure that you knew an open source company has proposed to offer free software (much like windows and office, but from another company) for the hardware (the computers) Microsoft would provide to the poorer schools of the country. That means that Microsoft will really help, and won't extend its monopoly by supplying its own software to the schools it wants to help. Also, if another company takes care of the software, maybe Microsoft can offer more Hardware. The company is Red Hat. You can get their press release here and maybe write to them for more info.

http://biz.yahoo.com/bw/011120/202744—1.html

I feel its wrong for a company that was found guilty of abusing of its monopoly to extend its monopoly by providing old, free computers and its own software to kids who are eager to learn. They unhonestly steal marketplaces for other companies, namely Apple, their biggest competitor in the education market, who is leader in that market, and eventually trying to be paid by saying that in 5 years their contract will be over and the schools will have to pay for upgrades.

Open source software is completely free, and just as useful and easy to use. It is as easy for children to learn a computer system not used as wide as windows because they haven't yet had contact with windows, and it is better for them to get a wide grasp at what computers are, and not just the Microsoft point of view.

If Red Hat doesn't suit the education market, you should consider other alternatives, like Linux, Apple, and other competitors. Microsoft should just provide money and hardware, not their software. —

I was advised by Richard Blumenthal, Attorney General to send you this E-mail I had sent to him earlier.

Thank you.
Alexandre Ackermans
Kythorn@mac.com

MTC–00009992

From: David Fisher
To: Microsoft ATR
Date: 1/10/02 3:48pm
Subject: Dear Attorney General Ashcroft,

Dear Attorney General Ashcroft,

I want to first thank you most sincerely for bringing Christian dignity and honor to your held post for you have thus brought blessing to this nation. I also wish to support your efforts to end the Microsoft attack. Clinton's elitist government set out hell bent to destroy American private, free enterprise and did so in one account by attacking Microsoft. His attack resulted in the collapse of the stock market causing me to loose all my retirement and investment savings, complete 100% loss. I know many others who lost severely as well. It is high time to stop elitist government, anti-American government policies and actions and to return America to free enterprise, return soverienty to states and Constitutional rights to United States citizens. End the Microsoft fiasco now!

Respectfully,
Dr. David C. Fisher, OD, MPH
12921 Dale Street, #82
Garden Grove, CA. 92841

MTC–00009993

From: Virginia Jensen
To: Microsoft ATR
Date: 1/10/02 3:48pm
Subject: Microsoft Settlement

I am in favor of moving ahead with the proposed settlement as outlined by the Bush Administration. Enough is enough!

Virginia R. Jensen
1111 W. Placita Alvina
Green Valley, AZ. 85614

MTC–00009994

From: Dr. David A. Zatz
To: Microsoft ATR
Date: 1/10/02 3:47pm
Subject: Microsoft settlement

Microsoft has been found to have broken the law. If I broke that many laws, I'd be penalized for it, not politely requested to stop breaking laws.

What amazes me is how flagrantly Microsoft is still abusing their monopoly status. The latest appears to be a change to their file system to prevent open source software from interfacing with Microsoft networks. No surprise if all the punishment is an advisory board.

I strongly recommend that you attempt to provide some restitution to the companies damaged by Microsoft's illegal activities, and try to even out the playing field. I like the idea of making Windows APIs open. . .of requiring versions of Office—FULL versions, including Access and VisualBasic—for other leading platforms, and of having a REAL oversight panel with actual power.

We've already learned that agreements with Microsoft are meaningless. Once fooled, your fault; twice fooled, my fault. We've already been fooled once.

MTC–00009995

From: H. Jack (038) Carin Morgan
To: Microsoft ATR
Date: 1/10/02 3:50pm
Subject: FREEDOM

DEAR SIRS,

AS A CITIZEN OF THE UNITED STATES, I IMPLORE YOU TO CEASE AND DESIST, RE: THE ATTACK ON MICROSOFT. PUNISHING SUCCESS IS THE ROAD SIGN DIRECTING OUR COUNTRY TO RUIN. THE TRANSPARENT MOTIVE OF THIS LEGAL ATTACK ON MICROSOFT BY GREEDY POLITICIANS AND SLEAZY COMPETITORS MUST BE DEFEATED, AND FOREVER PUT TO REST IF OUR FREE SOCIETY IS TO SURVIVE.

IT IS NO COINCIDENCE THAT THE PRESENT RECESSION COMMENCED WITH

THE EMERGENCE OF THIS ASSAULT ON MICROSOFT. I URGE YOU TO IMMEDIATELY TAKE ANY AND ALL NECESSARY STEPS TO REMEDY THIS WRONG AGAINST THIS VERY IMPORTANT COMPANY.

SINCERELY,

H. JACK MORGAN

MTC–00009996

From: jba@auditorymodels.org@inetgw
To: Microsoft ATR
Date: 1/10/02 3:59pm
Subject: Microsoft Settlement.
TO: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001 FROM: Jont Allen

It is critical, in my view, that MS be dealt with severely. They have broken the law. This is not the right time to ''get soft'' on them with a lame excuse that it is good for the US economy. What would be good for the economy is to open up the software industry to competition. Having a single source for all PC software is like having a virus. We need competition in the software industry. MS is a double monopoly. They own the desktop OS AND the applications. Breaking them up may create two single monopolies, but this improvement would lead to a much stronger software industry over the next few years. The US economy would be one of the big winners in such a breakup.

The above is my personal view. I use Linux software. I have never had a computer virus. I would like others to see the advantages of Linux. If MS has its way, Linux will be squashed like a bug. If MS is broken in two, the applications half will start producing Office for Linux, in short order. If not, they wont. This would greatly increase competition in the computer industry. I am guessing that Judge Jackson saw this clearly, and that is why he decided they should be broken up. In my view, this is the only rational solution to a very serious problem. It is hard to abandon the feeling that the unfamiliar is absurd and illogical.''

—G.A. Miller, p. 5 of his book 'Language and communication'

Jont B. Allen,
973/360–8545 voice,
775/796–9844 (fax),
908/789–9575 (home fax)
Technology Leader Speech Processing Software and Technology Research
http://www.research.att.com/jba; http://auditorymodels.org/jba
Room E161, AT&T Labs-Research, Shannon Laboratory
180 Park Ave., Florham Park NJ, 07932–0971
CC:Richard Blumenthal

MTC–00009997

From: matt
To: Microsoft ATR
Date: 1/10/02 3:52pm
Subject: Microsoft Settlement

Dear Mr. Attorney General,

As a technician in a large data center outside Washington DC I have an opportunity to work with a variety of software other than Microsoft's. Most of the servers we house use some form of Linux or Apache or FreeBSD or Solaris. Granted, our internal network uses NT 4.0 on the desktop and NT Server 4 on the netserv I do believe that choice was more a function of the Adminstrator's skillset other than lack of variety in the marketplace. Point is, I don't see where Microsoft has ANY monopoly on ANYTHING. Their product just works pretty good and so far no one has come up with anything better, competitors' marketing hype aside.

While perhaps out of the mainstream I have 8 versions of Netscape and InternetExplorer on my home system—EACH—in addition to a selection of lesser known browsers also. No better way to test how your webpages load than on the browser in question. I know browsers. Aint one better than the other at the primary task of going and getting webpages and since they are all pretty much FREE, qualify as something less than a commodity. Like dirt.

I am deeply disappointed in the amount of time and money spent on this suit and hope the judge sees fit to end it very, very soon.

Sincerely,
Matt Tracey
908 Grant Street
Herndon, VA 20170

MTC–00009998

From: Rick Wintheiser
To: Microsoft ATR
Date: 1/10/02 3:58pm
Subject: Microsoft Trial

I am an American citizen living in Europe. It is my opinion, and that of many others that Microsoft has been given a ''pass'' on the issue of Monopoly. I cannot comment on legal grounds but as a user, maker and creator of software I find their current status stifling in the market. When they ID an area they can simply buy their way in (see XBOX) or using FUD stop development. It was clearly documented in the trial, it is clearly documented in emails and letters, it is clearly documented in the way they behave. Please stand up to them and make sure that Microsoft is broken up or at least strictly controlled.

Best Regards,
Rick D. Wintheiser
R. Prof. Mota Pinto, 247 ? 1 Esq
4100–356 Porto Portugal

MTC–00009999

From: Mark Beecroft
To: Microsoft ATR
Date: 1/10/02 4:00pm
Subject: Please break Microsoft into competitive parts

Dear sir/madam,

My personal view is that the only way to ensure an effective climate for competition is to break Microsoft into parts based on product groups. For years I, as many others, have had to endure poor quality software simply because no other company has had a real opportunity to convince the market of the benefits of its corresponding product(s). A prime example of Microsoft's poor software is the Windows operating system(s). Not only is this product more costly and far less stable than many of its competitors, it is full of security defects which make it an easy target for hackers. In addition, it is a poorly designed and less powerful than other operating systems. Every one knows there are better products (such as Red Hat's Linux) which deserve to be able to compete on equal terms. Lack of competition is holding back progress.

Yours faithfully,
Mark Beecroft

MTC–00010000

From: Paul Benson
To: Microsoft ATR
Date: 1/10/02 4:23pm
Subject: U.S. vs. MICROSOFT:

Judge Kollar-Kotelly,

I recently received an email concerning U.S. vs. MICROSOFT:, It was entitled FIVE FUNDAMENTAL FLAWS IN THE PROPOSED AGREEMENT BETWEEN THE U.S. DEPARTMENT OF JUSTICE AND MICROSOFT— AND WHAT YOU CAN DO ABOUT IT.

As it urged me to email your office and join in the chorus of lament against Microsoft, I felt the need to voice an opinion that is contrary to theirs. I am not saying that I support all of Microsoft actions and don't think that safe guards should not be in place, I just question as to what would be appropriate action and what would simply ''whiny little children'' getting their way!!

The biggest problem the industry faces from Microsoft is also the the greatest benefit that Microsoft has brought to the software industry. That is its success in marketing its DOS and now its Windows platforms. It has made it difficult for other operating system platforms to get established , yet compete. At the same success has brought stability to the software marketplace. A software applictaion development company does not have to worry about having to write for a multitude of platforms. It can simply put out a good product for Windows that fills a need, and be assured that he has a large marketplace. The only risk here is that Microsoft could develop a competing product, after it has seen the financial success of the pioneering company, and leverage its marketing skill, deep pockect, and built in user list to out compete the pioneer. Yet Microsoft's past experience has shown that what is usually done is that Microsoft will offer the original company an offer that they cannot refuse (i.e., lots of money, a position within the company, and unlimited ability to develop new products).

Over the past years it seems to me that those that scream the loudest are those who have made poor business decisions, lost market share, and would rather blame Microsoft than accept their own mistakes! Many of the claims within the email that was forwarded to me are conflicting and to cross purposes. The would be backers of this document want Microsoft to not compete with them and to include items that they deem to be useful. How would the industry be if every one could dictate to every one else what they could and could not do.

I may not agree with many of Microsoft's business practices (its bundling agreements for instance) but find that documents such as

this are why nothing practical gets done. They whine so loudly about Microsoft being a successful business, that the real problems go on solved. It sort of like one sibling yelling about his/her sibling so loudly that they become the problem and the sibling gets ignored.

Considering the inherent problems with Java, it is perhaps best if it is not included with Windows, after all Microsoft would be prohibited from fixing it and making it work with windows. Or perhaps Microsoft should be forced to include Visual Basic, Visual C++, Tcl, Python, Eiffel, Pike, Perl, Ruby, and the other languages which are ubiquitous and omnipresent within the development and internet community as part of the Windows distribution. Perhaps they should be forced to make ''asp'' and ''.net'' technologies available for Linux, Sun, and Mac platforms. A collegue wrote and had the following observations:

My experience with Anti-Trust and Nintendo certainly influence my feelings about Microsoft's situation. I am sure that Sun or Oracle, in Microsoft's position would act in exactly the same manner. I don't want Microsoft to be replaced by Sun or Oracle as the reigning monopoly. I like Microsoft products and work with people who absolutely ''hate'' Microsoft.

At our firm, we were always panicked that Microsoft would eliminate the need for our software by baking it's capabilities into the operating system. We were very cautious with Microsoft ''evangelists'' and tried to keep low key.

I personally would like to see Microsoft punished more severely than what seems to be happening but I do not want them destroyed.

The formost concern from software developers is being squashed by the Microsoft the behemoth. The possibility of Microsoft replicating a proven proprietary software application or trade secret and including it as a ''feature'' of it's Windows operating system or as a Microsoft application. This practice goes on in most industries and is the formost reason for the demise of small, inovating manufactures. They develop a proprietary product, which may be a trade secret but is not patented. A larger more established company in the field duplicates the product, introduces it into it's established distribution system, and locks the smaller company out of the market by its sheer presence. Often distributors will not buy initially from the smaller firm because they are new and the distributor is not sure of its stability. after all they don't want to invest in the development of a market for a new product if they may not be able to get the prpduct in enough quantity to statisfy the demand. Yet when the more established company duplicates the product, they immediately pick it up from them. Denying the original, innovative company the market, growth profit, and assuring the failure of the smller company. Sort of a self fulling prophecy.

However, as can be seen by the numerous suggestions as to how Microsoft should be punished. No one has a clear idea of how to solve this problem. It does not seem to lie within the ''evil'' nature of microsoft, but to be more a symptom of a ''systemic'' problem with the innovtive process and the established, entrenched, monied market place. It would appear that the Eighteenth Century concept of patent does not serve its original intention of protecting the developer of an idea very well. The original mission of a patent was to encourge the development of new ideas by protecting them for a period of time. Now the costs of acquiring and protecting a patent are so high that many small innovators are frozen out of the process. And in an area where change is so rapid, several months to a couple of years, the patent review time which may be several years negates any effective protection which may be afforded. By the time a patent is awarded it may already have been superceded.

The real solution may be legislative in nature, leading to the adoption of an interim patent that prevents duplication of an existing product for a short period of time, (2–3 years max). That would allow the developers of the product sufficient time to establish the product and be granted a patent, and yet prevent vulture firms from stealing their ideas. With out this, innovation will be stiffled, and research will be left to institutions and large corporations.

The PC and software industry owes its success history and growth to the fact that at its inception the giants of the computing industry had no faith in the establishment of a ''Personal Computer'' industry. Otherwise IBM, Rand, DEC and other Giants would have owned the industry and it would have been Microsoft crying about IBM's dominance that you would be reviewing (after all the first monopoly suit in the computer industry was against IBM).

I would like to thank you for taking the time to read this email and would hope that you would find it informative and useful. This is a complicated issue. My sympathies go out to you

Sincerely
Paul A. Benson
CC:richardf@clickaction.com@inetgw

MTC–00010001

From: Kevin Smith
To: Microsoft ATR
Date: 1/10/02 4:05pm
Subject: Settlement?

Dear Sirs,

I am writing this letter today on a Macintosh computer, manufactured by Apple Computer Inc. I have used the Apple brand for many years now and have found it to be a superior product to the compatible PC's on the market today. Having said that, To settle with Microsoft Corporation would be an injustice. They have ran over competitors for many years now in an attempt to monopolize the tech industry. The company was allowed to ''borrow '' GUI technology from company such as Apple. The steam-roller attitude was formed in those days and now they are so rich and so powerful that they feel as if they can do as they please, rules, ethics, or no. These people should be punished and with the full extent of the law!

Ask companies such as Apple, Netscape, or any other up and coming company that should cross the path of Mr. Gates Inc. Ask yourself a few hard questions:

A. How did this company get to be so rich and powerful? Was it that they produced a superior product? Compared to whom?

B. Why do they control over 95% of the desktop systems in the U.S.? Ford and GM both build automobiles but neither has ever enjoyed that type of market share. If GM or Ford couldn't do it how did Microsoft?

C. Has Microsoft evolved into another AT&T, capable of domination through high prices and limits on choice?

D.Would the market be served to allow increased competition in the technology sector?

E. Isn't it somewhat dangerous to allow mega-corporations to dictate policy to the people?

Do not settle with these people, they would not settle with you.

Respectfully,
Kevin Smith
386 Store Road
Easley, S.C. 29640
864–859–8191
Republican

MTC–00010002

From: Byron Major
To: Microsoft ATR
Date: 1/10/02 4:08pm
Subject: Microsoft

Attorney General John Ashcroft,

I support the settlement of the Microsoft Suit. As a person who works in the computer industry, I would encourage this settlement.

V/R Byron K. Major

MTC–00010003

From: Phoenix Silver
To: Microsoft ATR
Date: 1/10/02 4:09pm
Subject: Fwd: FW: Attn: attorney general's Microsoft case

Hello there

My name is Tushar Patel and I'm only 26 years old but I've been using computers for a very long time and have been exposed to Microsoft for years and years. I know you're busy so I'll make this as short as possible.

Licensing Office will NOT help out consumers, this fight that you've been fight for so hard should not go to waste. Office is a great product but it won't help out there monopoly. There isn't much of a market for office products compared to what can be developed on a platform. As long as Microsoft has control of the platform doesn't matter what products you license of theirs.

Window's should be the product that is licensed, just as linux is. This way other companies can integrate any products of there's into a base OS, and competition will really begin. Microsoft will of course be allowed royalties and have control over the kernel.

Take a look at the Linux model there is a lot of versions out there controlled by one guy, ''Linus Torvals'' and each company that produces a version packages and bundles alot of their own software and services within their version. If windows was made to follow this model then companies such as Netscape, Corel would be able to create their own version of Windows and bundle everything from Browser's to application servers to office products if they wanted. This would

also allow for a more advancement in the windows technology.

All these points are strengthening other companies chance of competition more so than that of a licensed Office would. PC makers will also get a choice of who to purchase their OS from and be able to create deals. This in mine and alot of other consumers is a solution that helps US OUT. The only remedy that you would have to do would be to license windows, nothing else would need to be done. If no other companies want to develop or create an integrated OS at least the source-code is available to create applications for the OS.

If you would like a more detailed report or any further clarification please let me know. I will do anything that you request. On another up side this could also kick start the tech industry with alot of start-ups. I love Microsoft and I like some of there products but as consumers this is the best solution for us and other companies to compete.

MTC–00010005

From: Randy Keith
To: Microsoft ATR
Date: 1/10/02 4:16pm
Subject: Microsoft Settlement

To whom it may concern,

Enough already. Get off of Bill Gates' and Microsoft's case. Let's get back to supply and demand. Quit punishing success. Let the consumer decide. If a computer company gets too much out of hand Americans will quit buying. We don't need a Big Brother holding our hand as we navigate the Internet etc.

I feel like you have punished me as much as Microsoft and Bill Gates. He has done more to advance the use of computers in the home than anyone else in the world. It's time to free up Department of Justice resources to pursue antitrust violations that currently harm the public.

Randy Keith
1146 Millers Mill Road
Stockbridge, Georgia 30281

MTC–00010006

From: Susan Findley
To: Microsoft ATR
Date: 1/10/02 4:14pm
Subject: Microsoft Suit Attorney General

John Ashcroft—

I wish to express my support of the settlement of the Microsoft suit. The settlement offer is fair for competitors, fair for the American taxpayer, fair for the industry and fair for Microsoft. I know you are very busy and I appreciate your attention to this matter.

Spencer Stokes
Stokes Strategies

MTC–00010007

From: Frank Frable
To: Microsoft ATR
Date: 1/10/02 4:14pm
Subject: microsoft settlement

Stop this irrational harassment of Microsoft. Let the free marketplace reign untethered by government intervention or unfair marketplace tactics, monopoly etc. Those that pursue the present course of undermining Microsoft's innovations and aggressive marketing are not leveling the playing field but merely tilting it in their favor at the expense of the consumer. Let those that are the best rise to the top so that this country will maintain its vaunted position as the industrial power of the world. Let those that fall behind develop their niche' and their drive to be more competitive by hard work and innovation. The states that refuse to settle merely want a cut of the pie to cover their budgetary short fall. Profit is not a bad word. Neither is success, innovation or hard work.

Bottom line, Microsoft has not distorted the system. The consumer has benefited while the naysayers are merely suffering from self righteous astigmatism.

Frank L. Frable

MTC–00010008

From: Jane Pehl
To: Microsoft ATR
Date: 1/10/02 4:22pm
Subject: Microsoft settlement

Stop punishing company and personal success!!! It is time for liberals to get over the fact that ALL the money people make is not for THEM or their POLITICAL PROGRAMS! It belongs to those who earn it. GO GET THE CRIMINALS IN THE U.S. and leave working people alone!

Jane Pehl
San Antonio, Texas

MTC–00010009

From: auralia cimenski
To: Microsoft ATR
Date: 1/10/02 4:19pm
Subject: Microsoft settlement

Settle this case now and let the attorney General get on to more important matters. Quit picking on a productive company.

MTC–00010010

From: James Keane
To: Microsoft ATR
Date: 1/10/02 4:18pm
Subject: Microsoft settlement

Dear Sirs,

Below please find the text of a letter that I recently sent to the Att'y Gen of Connecticut. Please know that I am not the only tech. oriented professional who feels this way. Those of us who have watched the evolution of the computer for the last two decades have been alarmed & disgusted by the conduct of this corporation & the stifling effect it has had on innovation in the computer world.

James Keane, YALE LAPAROSCOPY

MTC–00010010–0001

?? piece of software they produce, they have the nerve to talk about ''Innovation'' !In a hundred ways daily, despite lawsuits civil & crimminal, they sabotage rivals, deny acess or produce obstacles to su

Thank You,
James Keane Yale Laparoscopy
James Keane, YALE LAPAROSCOPY J.

MTC–00010010–0002

MTC–00010011

From: Christopher Joseph Kurecka
To: Microsoft ATR
Date: 1/10/02 4:22pm
Subject: Microsoft Settlement

I am a college student and starter of a small computer consulting business. I have in many ways more knowledge of computers than most adults, and in all my experience with Microsoft, they have only done what is needed to sell a product.

Their technical support, though better than some other computer companies, is still simply horrid. They even charge for technical support on products that they sell at virtually 100% profit. I know that they put great amounts of research into some of their technical developments, but in many cases their alleged efforts don't result in gains for the consumer.

Microsoft makes bloated, slow software, simply because faster computers are out and they need a circular system of slowing down the CPU to demand faster CPUs to keep the market going. The cost of Microsoft products is far too high—especially when one considers that Windows itself, along with Office and other applications, are quite unstable and error-prone. If Windows cost $30, then I might not care. But they have been steadily raising the price of Windows over the years, and I believe that if left unchecked they will continue to raise prices indefinitely.

Microsoft's plan for subscription service for Windows also frightens me. Their strategy of charging by the month or year for Windows is outrageous—it will increase the cost of Windows even more, because you pay for it whether you want to upgrade to new features or not. It will also lessen the motivation on Microsoft's part to innovate, once they have a more reliable, consistent money flow. As things stand today, people could all switch to Linux, and Microsoft would go bankrupt (not that such a thing would likely happen, but it's possible). In the subscription service, Microsoft is ensured a greater sum of money in a more consistent fashion that could cause me—or anyone else—to pay money even if they don't want Windows anymore. A good example: I like my computer to be in a dual-boot setup. I can use Linux for fun, and Windows when I need to use Office or something that I couldn't otherwise run in Linux. However, with this plan, I can keep updating Linux for free, and never upgrade Windows. With the subscription model, I would have to pay for Windows, even if it is only used as a secondary operating system.

I think that Microsoft should be forced to produce Office and their other flagship products for other platforms, such as Linux and Unix. I also think that they should be forced to restrict their pricing system, and be forbidden to ever go to a subscription payment model. Making Windows open source or something to that effect would definitely be a siginificant boon to the tech industry, but it would also be a crushing blow to Microsoft that I think at present their actions do not warrant (though they may at some time in the future). Thank you very much for your time to read this message, and for pursuing this antitrust investigation. Microsoft's anticompetitive behavior is definitely hurting the industry, and they don't innovate nearly as much as they like to make people think they do.

Christopher J. Kurecka

MTC–00010012

From: Bobby Hill
To: Microsoft ATR
Date: 1/10/02 4:30pm
Subject: Fair Justice for Microsoft

Nothing in the agreement with the justice department and microsoft terminate the illegal monopoly and denies microsoft the fruits of its statutory violation as is required under the Tunney Act. Microsoft has done more damage to the computer industry more over the last 20 years than any company has hurt any market in the history of the world. Their greed knows know bounds and they will do anything to maintain the monopoly they got by illegal means. They lied to the Justice department before which was the reason for the antitrust case in the first place. Microsoft doesn't have enough billions of illegal gotten profits, they intend to convert all they're customers whether the customer likes it or not to a rental model of software which will only work if microsoft has an illegal monopoly. This will allow profits skyrocket and allow a reduction in research and improvement of their software. Microsoft idea of security is for their customers is to stop information about security holes in its software to be shared. I'm surprise that they haven't claim a copyright violation whenever someone finds a security problem, but given time I think they will claim this. Microsoft has never been about the customer. They have been about milking the consumer for all the money from they're now adjudged illegal monopoly for all they can and maintaining they're monopoly at all costs.

Bobby E Hill Jr.

MTC–00010013

From: Robert L. Matthews
To: Microsoft ATR
Date: 1/10/02 4:32pm
Subject: MICROSOFT SETTLEMENT

Attorney General Aschroft,

The proposed Microsoft settlement should be adopted immediately and the litigation closed.

I am a small business owner. Information systems and Microsoft software are essential business tools. The integration of the Microsoft operating system and the suite of applications is a major factor in the financial health of my business. I cannot afford the time, expense and business risk of integration of various products from an array of vendors to run my business. Therefore, in my view the cessation of the litigation is strongly in the public interest.

Sincerely,
Robert L. Matthews, CEO
Elm Hill Enterprises, Inc.
Elm Hill Box 303
Far Hills, NJ 07931

MTC–00010014

From: Thomas Wills
To: Microsoft Settlement
Date: 1/10/02 3:45am
Subject: Microsoft Settlement

Thomas Wills
6925 East Kingston Drive
Tucson, AZ 85710–2214
January 10, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

I know you've been swamped with messages telling you to support the Microsoft settlement. I disagree!

I have to spend thens of thousands of taxpayer dollars to buy software, generally by Microsoft that shouldn't have to be spent. The reasons are:

1) There is no real competition and if there is, Microsoft buys them out.

2) Because there is no competition, we are forced to buy things like Microsoft Office at obscene prices ($12000 just to buy 100 Exchange licenses!).

Being a monopoly, Microsoft can exploit its position in the marketplace, and it does.

Don't settle for this slap on the wrist settlement. Give the consumer some real relief from the Microsoft monopoly!

Sincerely,
Thomas A. Wills
Information Systems Coordinator
Pima County Wastewater Management
Treatment Division
Tucson, AZ 85743

MTC–00010015

From: Vince Bowler
To: Microsoft ATR
Date: 1/10/02 4:57pm
Subject: Microsoft Settlement

To Whom it May Concern,

I believe this grossly misdirected persecution/prosecution of Microsoft is a very large waste of taxpayers money. For each ounce of good there has been a pound of BAD. It was a bad idea when it was started and has only become worse each day since. It has caused much uncertainty in the market and is responsible the loss of many billions of stockholder value. Had MSFT's competitors been successful it would have caused us consumers many billions of dollars and fragmented the desktop operating systems market and cast the whole software industry into spending, greatly unnecessary billons of dollars. What an insult to the whole country.

Vincent F. Bowler,
Farmington Hills, MI
vfb@wwnet.net

MTC–00010016

From: Judy Hurd
To: Microsoft Settlement
Date: 1/9/02 4:57pm
Subject: Microsoft Settlement
Judy Hurd
334 Primrose
Kyle, TX 78640
January 9, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Judy Hurd

MTC–00010017

From: Lannie Abernathy
To: Microsoft Settlement
Date: 1/10/02 8:31am
Subject: Microsoft Settlement
Lannie Abernathy
883 Hawthorne St.
Memphis, TN 38107–4510
January 10, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Lannie Abernathy

MTC–00010018

From: Ulice Macias
To: Microsoft Settlement
Date: 1/9/02 9:08pm
Subject: Microsoft Settlement

Ulice Macias
10112 Brandywine Dr.
Huntsville, AL 35803–1628
January 9, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
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Thank you for this opportunity to share my views.

Sincerely,
Ulice J. Macias

MTC–00010019

From: Debra Habbel
To: Microsoft Settlement
Date: 1/10/02 2:10pm
Subject: Microsoft Settlement
Debra Habbel
8426 E. LaJunta
Scottsdale, AZ 85255
January 10, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

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Sincerely,
Debra Habbel

MTC–00010020

From: John Bixler
To: Microsoft Settlement
Date: 1/10/02 2:04am
Subject: Microsoft Settlement
John Bixler
12700 7thAve.
Victorville, CA 92392–9577
January 10, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
John Bixler

MTC–00010021

From: Alex Vert
To: Microsoft Settlement
Date: 1/9/02 11:51pm
Subject: Microsoft Settlement
Alex Vert
1104 Minneapolis St.
Sault Ste. Marie, MI 49783–3124
January 9, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Alex R. Vert

MTC–00010022

From: Theodore Howard
To: Microsoft Settlement
Date: 1/10/02 12:16am
Subject: Microsoft Settlement
Theodore Howard
25 Coles Ave
Cherry Hill, NJ 08002
January 10, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Theodore Howard

MTC–00010023

From: LJ Bishop
To: Microsoft Settlement
Date: 1/9/02 7:29pm
Subject: Microsoft Settlement
LJ Bishop
703 Desnoyer Street
Kaukauna, WI 54130
January 9, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Linda Bishop

MTC–00010024

From: Richard Crum
To: Microsoft Settlement
Date: 1/9/02 6:13pm
Subject: Microsoft Settlement
Richard Crum
15518 Cobre Valley
Houston, TX 77062
January 9, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Richard Crum

MTC–00010025

From: Marcia Sparks
To: Microsoft Settlement
Date: 1/10/02 10:03am
Subject: Microsoft Settlement
Marcia Sparks
4593 Main St.
Hemlock, NY 14466
January 10, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Mrs. Marcia Sparks

MTC–00010026

From: David W. Kralik
To: Microsoft Settlement
Date: 1/10/02 2:56pm
Subject: Microsoft Settlement
David W. Kralik
1920 L. Street, NW Suite 200
Washington, DC 20036
January 10, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
David W. Kralik

MTC–00010027

From: Edmund Tanner
To: Microsoft Settlement
Date: 1/9/02 5:34pm
Subject: Microsoft Settlement
Edmund Tanner
1209 Sims Bridge Rd.
Kittrell, NC 27544–9125
January 9, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Edmund Tanner

MTC–00010028

From: Gloria Solomon
To: Microsoft Settlement
Date: 1/10/02 1:46pm
Subject: Microsoft Settlement
Gloria Solomon
1910 NE 49th St.
Kansas City, MO 64118
January 10, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Gloria Solomon

MTC–00010029

From: Jeffery Berg
To: Microsoft Settlement
Date: 1/9/02 6:07pm
Subject: Microsoft Settlement
Jeffery Berg
400 Crisfield Drive
Abingdon, MD 21009
January 9, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Jeff Berg

MTC–00010030

From: Makinzi Mock
To: Microsoft Settlement
Date: 1/10/02 10:00am
Subject: Microsoft Settlement
Makinzi Mock
44 Buck Point Road
Bluffton, SC 29910
January 10, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Makinzi Mock

MTC–00010031

From: Greg Proch
To: Microsoft Settlement
Date: 1/10/02 8:20am
Subject: Microsoft Settlement
Greg Proch
16081 SW 156 Ave
Miami, Fl 33187
January 10, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Greg Proch

MTC–00010032

From: Alphild Setzer
To: Microsoft Settlement
Date: 1/10/02 1:14pm
Subject: Microsoft Settlement
Alphild Setzer
15565 St. Therese Blv.
Brookfield, WI 53005
January 10, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Alphild Setzer

MTC–00010033

From: Wayne Capurro
To: Microsoft Settlement
Date: 1/9/02 7:16pm
Subject: Microsoft Settlement
Wayne Capurro
10451 Gateway Dr.
City, NV 89511
January 9, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Wayne Capurro

MTC–00010034

From: Becky Elliott
To: Microsoft Settlement
Date: 1/10/02 10:38am
Subject: Microsoft Settlement
Becky Elliott
Rt 3 hwy 946
Coldspring, tx 77331
January 10, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Becky Elliott

MTC–00010035

From: Kerry Pfeifer
To: Microsoft Settlement
Date: 1/9/02 10:38pm
Subject: Microsoft Settlement
Kerry Pfeifer
500 VZ CR 4601
Ben Wheeler, TX 75754
January 9, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Kerry Pfeifer

MTC–00010036

From: Lou Chavez
To: Microsoft Settlement
Date: 1/9/02 7:22pm
Subject: Microsoft Settlement
Lou Chavez
15150 W. Ajo #2
Tucson, AZ 85735–2029
January 9, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Lou R. Chavez

MTC–00010037

From: kim fiocco
To: Microsoft Settlement
Date: 1/10/02 12:17pm
Subject: Microsoft Settlement
Kim Fiocco
7203 st johns way
university park, fl 34201
January 10, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
kim fiocco

MTC–00010038

From: Don Brigham, Jr.
To: Microsoft Settlement
Date: 1/9/02 11:21pm
Subject: Microsoft Settlement
Don Brigham, Jr.
1002 E. Gallatin Ave.
Belgrade, MT 59714
January 9, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Don and Ann Brigham

MTC–00010039

From: Mark Maughan
To: Microsoft Settlement
Date: 1/9/02 10:09pm
Subject: Microsoft Settlement
Mark Maughan
4266 James Madison Parkway
King George, VA 22485
January 9, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Mark Maughan

MTC–00010040

From: Ella Rinaldi
To: Microsoft Settlement
Date: 1/9/02 10:51pm
Subject: Microsoft Settlement
Ella Rinaldi
1565 S. Meadow Lane
Bolivar, MO 15613
January 9, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Ella Rinaldi

MTC–00010041

From: Raymond Ravert
To: Microsoft Settlement
Date: 1/10/02 9:29am
Subject: Microsoft Settlement
Raymond Ravert
329 Hepburn St.
Milton, Pa 17847–2413
January 10, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Raymond R.Ravert

MTC–00010042

From: George Paradela
To: Microsoft Settlement
Date: 1/9/02 8:37pm
Subject: Microsoft Settlement
George Paradela
723 Second Street
Rodeo, Ca 94572–1206
January 9, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

George Paradela

MTC–00010043

From: Albion W. Frazier
To: Microsoft Settlement
Date: 1/9/02 7:08pm
Subject: Microsoft Settlement
Albion W. Frazier
12227 Brompton Rd.
Carmel, In 46033–3366
January 9, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Albion W. Frazier

MTC–00010044

From: Kathryn Hrusovsky
To: Microsoft Settlement
Date: 1/9/02 7:02pm
Subject: Microsoft Settlement
Kathryn Hrusovsky
33850 Gilbert Ct.
North Ridgeville, OH 44039
January 9, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Kathryn Hrusovsky

MTC–00010045

From: Jasper Fortenberry
To: Microsoft Settlement
Date: 1/9/02 10:50pm
Subject: Microsoft Settlement
Jasper Fortenberry
4507 Silver Wing Court
Castle Rock, CO 80104
January 9, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Jasper Fortenberry

MTC–00010046

From: W.Lawrence Kimber
To: Microsoft Settlement
Date: 1/9/02 5:09pm
Subject: Microsoft Settlement
W. Lawrence Kimber
106 Elmwood Ave.
East Aurora, NY 14052–2612
January 9, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

W. Lawrence Kimber

MTC–00010047

From: Ray Fleet and Mrs. Ruby Fleet
To: Microsoft Settlement
Date: 1/10/02 12:10am
Subject: Microsoft Settlement
Ray Fleet and Mrs. Ruby Fleet
3606 Bon Park Ct
Dallas, TX 75228–1936
January 10, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a

serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Ray and Ruby Fleet

MTC–00010048

From: Ann Porter
To: Microsoft Settlement
Date: 1/9/02 5:56pm
Subject: Microsoft Settlement
Ann Porter
100 Sunset Dr.
Monroeville, PA 15146
January 9, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies. The Microsoft suit can be blamed for a large part of the stock market avalanche since July of 2000.

Thank you for this opportunity to share my views.

Sincerely,

Ann K. Porter

MTC–00010049

From: Linda Boone
To: Microsoft Settlement
Date: 1/10/02 8:45am
Subject: Microsoft Settlement
Linda Boone
721 Taylor Ave.
Godfrey, IL 62035–2530
January 10, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

We also feel that what has been done to Microsoft could be viewed as a punishment for being innovative and creative in using one's talents to create something that can benefit many people.

Thank you for this opportunity to share my views.

Sincerely,

Enoch and Linda Boone, Godfrey, Illinois

MTC–00010050

From: David Anthony
To: Microsoft ATR
Date: 1/10/02 4:52pm
Subject: Microsoft Settlement

Dear Dr. Ashcroft:

Although I don't really know the detailed particulars of this case, I do know that it is questionable that David Boies was the attorney for Al Gore and for this Settlement case. There is a common suspicion among us conspiracy theorists....

To me I understood that Clinton-Gore were somehow part owners of CBS, CNN, ViaCom and Time-Warner. If that is true, it seems like the much-publicized merge of AOL & Time-Warner might mean that the hidden agenda is to bring Microsoft down so that AOL&Time-Warner would be the Internet's major contender!!!! This would then be GREED as the motive for this lawsuit. I am hoping and praying that the truth here is revealed, and that true justice is served. I am so proud of you and all the work you have done, and this is just one more positive in this new administration. Thank you!

Sincerely

Patty Anthony
7311 Glen Haven Drive
San Antonio, TX 78239
email care of: danthony@satx.rr.com

MTC–00010051

From: KKJones2@aol.com@inetgw
To: Microsoft ATR
Date: 1/10/02 4:52pm
Subject: Microsoft Settlement

Dear Sir or Madam:

I was a very early user of personal computers before Microsoft developed (took over from another company) an operating system. It was chaos with multiple, competing operating systems in those first years. It was far more expensive in two ways: (1) when a new computer was purchased, it either had to be the same brand or it required the purchase of a different operating system and (2) individual programs were more expensive and often not available for your brand of computer. The standardization of an operating system accepted by most users has led to reduced costs and ease of using programs, which range from technical through taxes to games. When monopolies lead to higher costs or less accessibility, then we, the public, need to be protected. In this case, we do not need to be protected. In fact, the effort against Microsoft has left us in jeopardy. Before retiring, I owned a small computerized accounting firm. I did not expect the government to break up Arthur Anderson and others in order to make it easier for me to compete. In a similar way, I do not expect the government to be a ''partner'' with firms trying to compete with Microsoft. I urge you to settle the Microsoft case, leaving the standards that Microsoft has created, which are a benefit to almost the entire public. Other systems are available, if one chooses them. All most of us want is to have left untouched the order from chaos that Microsoft has brought to the computing world.

Thank you for your consideration.

King K. Jones

MTC–00010052

From: Thom (038) Adele Donnelly
To: Microsoft ATR
Date: 1/10/02 4:52pm
Subject: Microsoft settlement

Gentlemen:

It is time to let go of Microsoft. It was an ill-advised suit in the first instance, initiated by a group of Anti Big Business Haters in the Clinton Administration. Also call off the dogs in the States that are looking to extort from microsoft in the same manner that was employed in the Tobacco Case—an abuse of Federal Power that is unlike anything this country has ever seen, and I hope we never see again!

Thank You.

Thom Donnelly
Ft. Valley, VA

MTC–00010053

From: Rex Stubblefield

To: Microsoft ATR
Date: 1/10/02 5:00pm
Subject: Microsoft Settlement

In my opinion, we have spend more than enough tax dollars trying to prove that our capitalistic system of government doesn't work. I live in a rural South Western Missouri community and have been working with our computer system since before UNIVAC. Thanks to our competitive business our planet and our USA is far ahead of our forefathers of only fifty years ago!

Thanks for listening.

Rex D. Stubblefield
205 S. College Ave
Marionville, MO 65705
417–258–2967
http://www.gbgm-umc.org/1umc-marionville/

MTC–00010054

From: s-com
To: Microsoft ATR
Date: 1/10/02 5:00pm
Subject: Microsoft Settlement

Breaking up Micro$oft will not stop any of their practises. Forcing them to give software to schools and organizations just furthers the anti-competition, since any software given prevents the purchase of any thing else and encourages the use of only that software. This is what they want now. Why help them. In my opinion, faulty software is ''profitable''. That is, if the product does not work as advertised, the consumer is encouraged to replace the product. This requires the spending of more money for the ''fix''. If the so-called ''Lemon Laws'' applied to software then the faulty product could be recalled. This would remove the ''profitability'' factor and force the release of good products in the first place.

Thanks for letting me give my opinion.

MTC–00010055

From: jamie.jansen@pfpc.com@inetgw
To: Microsoft ATR
Date: 1/10/02 5:04pm
Subject: Why Microsoft must be punished.

First of all I am a MCSE in NT 4.0. This means I have passed enough of the Microsoft exams to become a Microsoft Certified Systems Engineer. I am now required 2 years later to become a MCSE in 2000 which I have to study hard for, pay for, and ultimately loose more hair for because 2 years from now I will be doing it again. Anyway here is my issues:

(1) Security is terrible. Microsoft continually releases products which they claim is more secure then ever. I haven't seen proof of that at all yet. In the hacker community Microsoft is the target for practice. Just about any idiot can break into there default load (this is where their argument kicks in). They will tell you that their system is secure just not by default. That's like selling a security door and claiming it is secure but yet it doesn't have a lock and there is a big hole in the middle that you might have to fix first. Administrators in the IT industry are pretty fed up with the fact that almost every week we are working longer and longer hours to keep our systems patched (can only be done on nights and weekends away from our families). Then on top of it all we have our own government letting in foreigners on a H1B visa take away our jobs and driving down our wages (we work as many hours as just about any Lawyer, we cancel vacations, are paged in the middle of the night and make $65000 annually without over time says salary studies (I personally make 20,000 less then that). We the IT industry are fed up with our companies telling us we can't afford new server hardware cause it is going to cost us a small fortune to upgrade our desktop hardware to support the next release of Windows (Somehow I think Intel is involved in this whole crime as well). I shouldn't even tell you this but did you know you can use your screen saver to get Domain Admin permission on a NT box? Sorry went off on a right angle with that one.

(2) Not Stable. Explain to me why our number one answer given on our helpdesk is reboot. Then tell me why that normally fixes just about every problem. I have a Linux machine running at home that I haven't rebooted in months. The NT servers at my site gets rebooted quarterly. The other day our DHCP service stopped on one of our machines which prevented the first floor from getting on the Network. I bet if I asked Microsoft what we should do to prevent this from happening again there answer would be ''upgrade to Windows 2000'' (cha-ching), I can here the money moving towards them now. Personally I never really complained that much about Microsoft. If everything was always 100 percent stable I wouldn't have a reason to be employed where I work. However they imply time and time again that there Operating System gets better and better with every release.

(3) They will not change. Did you know as I write this email they are putting plans together to crush Linux. 1 year ago they were saying that Linux wasn't a threat. Guess what? They were wrong. Linux is rapidly catching up to them in the Server market but they are training sales people to find the Linux machines within companies and supply a lot of bogus facts about how windows is superior to Linux (most of which not true). I wish a judge could walk into the court room and have a Windows NT (2000) server sitting there on a network with a Linux machine. Get ourselves a good (doesn't need to be great) hacker and prove to the judge that the quality of the software is terrible. Did you know that at one time NT used to claim that they were C2 certified. It's true. NT is C2 certified as long as it is not on a network (what good is it if it isn't on a network?).

Well I guess these are some of my biggest beefs.

Please don't settle with them supplying free software to education. This will only make things worse.

Good luck

Jamie Jansen, MCSE
Sr. LAN Administrator
(952) 703–1779

CC:rep.jim.abeler@ house.leg.state.mn.us@ inetgw,rep.ro...

MTC–00010056

From: DavidBowlin
To: Microsoft ATR
Date: 1/10/02 5:11pm
Subject: Opinion on how to handle Microsoft Proposed Settlement

Gentlemen,

I suggest that the Justice Department suggest to California and the other 9 states that elected to not settle—to not carry Microsoft products within their states. Maybe if California and the others realize that if Microsoft were not available, their economies would severely suffer, there would be some room for compromise.

David Bowlin
Sammamish, WA

MTC–00010057

From: Thomas J. Klinect
To: Microsoft ATR, fin@mobilization office.com@inetgw
Date: 1/10/02 5:11pm
Subject: Microsoft Settlement

Attached is the letter we have drafted for you based on your comments. Please review it and make changes to anything that does not represent what you think. If you received this letter by fax, you can photocopy it onto your business letterhead; if the letter was emailed, just print it out on your letterhead. Then sign and fax it to the Attorney General. We believe that it is essential to let our Attorney General know how important this issue is to their constituents, important this issue is to their constituents.

When you send out the letter, please do one of the following:

—Fax a signed copy of your letter to us at 1–800–641–2255;
—Email us at fin@mobilizationoffice.com to confirm that you took action.

If you have any questions, please give us a call at 1–800–965–4376. Thank you for your help in this matter.

The Attorney General's fax and email are noted below.

Fax: 1–202–307–1454 or 1–202–616–9937
Email: microsoft.atr@usdoj.gov

In the Subject line of the e-mail, type Microsoft Settlement.

For more information, please visit these websites:

www.microsoft.com/freedomtoinnovate/
www.usdoj.gov/atr/cases/ms-settle.htm

Thomas J. Klinect
TPI Inc.
619–303–3292
TPI, INCORTORATED
2650 JAMACHA ROAD # 147, PMB 13
EL CAJON, CA 92019
FAX: 619–670–6157
January 7, 2002
Attorney General John Ashcroft, U.S.
Department of Justice
950 Pennsylvania Avenue
Washington, DC 20530

Dear Mr. Ashcroft,

I am writing to express my concerns regarding the Justice Department lawsuit against Microsoft. If this lawsuit had succeeded to the extent envisioned by government lawyers, Microsoft's competitors, and some on the federal bench, the real penalty would have devolved to the entire IT industry, and thus to the American economy and people.

Just because Microsoft's competitors have been unable to develop products that are comparable with Microsoft's products in

value to the consumer, it does not follow that the government should step in and. in effect, ''dumb down'' Microsoft in an effort make those less innovative companies more competitive with Microsoft. We have sect this principle tried with regard to our national educational policies, and it simply does: work.

It is good for a company like Microsoft to stand on a principle of unapologetic excellence. If its products and innovations are better than anyone else's, then that is its reward for its work ethic, perseverance, and technical excellence. No laws are violated when a company develops superior products.

Similarly, if Microsoft's products and innovations slip into second, or third place then that is where Microsoft deserves to be. That is the essence of the competitive marketplace. To have the government attempt to subvert the role of these competitive forces can serve only to upset the natural dynamic of the marketplace.

The settlement now in place, one in which Microsoft has agreed to an equal pricing structure for licensing preinstalled software to hardware makers, provides a reasonable basis for closure of this matter, and I urge the Department of Justice to seek acceptance by all parties. I believe that this will best serve the interests of all of the parties, but more important, it will best serve the interests of the American people.

Sincerely,

MTC–00010058

From: RTPaeschke@aol.com@inetgw
To: Microsoft ATR
Date: 1/10/02 5:13pm
Subject: Microsoft Settlement

I don't believe the public is served when judicial oversite or legislation is made to stiffle companies that create technology to the degree that Microsoft has. The main reason we have this predicament in my opinion, is that ''weakened'' competitors like AOL, SUN Micro, et.al., and their legal teams purposly sought remedy through the courts as a viable competitive marketing tactic. Unfortunately for the consumer, these ''do-gooders'' have influenced the justice system to prosecute Microsoft for being successful. The band-wagon effect in this is huge with lobyists, lawyers and those ''weakened'' competitors all reaping employment and huge sums of money. And then there is Microsoft, trying to exist by selling what we all agree are a great series of products addressing consumer preferences and providing what the market demands, and being punished for being successful at it. RTP.

MTC–00010059

From: Bryan A. Woodruff
To: Microsoft ATR
Date: 1/10/02 5:14pm
Subject: Microsoft Settlement

To whom it may concern:

This email is to express our opinion on the Microsoft settlement. My wife and I approve of the settlement with Microsoft and believe that it is in the public's best interest to complete the process and avoid continued litigation. We also encourage the remaining 9 states to join the Federal government and the other states to agree to these settlement terms.

Bryan and Lisa Woodruff,
Redmond, WA

MTC–00010060

From: Jim Miller
To: Microsoft ATR
Date: 1/10/02 5:18pm
Subject: Microsoft Settlement

The proposed settlement is a giveaway that will barely hurt Microsoft. The terms are a disgrace. I hope that the abstaining Attorneys Generals hang in there and get what's right.

James G. Miller
1100 Irvine Blvd # 491
Tustin, CA 92780–3534

MTC–00010061

From: CAD/Pacific
To: Microsoft ATR
Date: 1/10/02 5:17pm
Subject: Microsoft Settlement

Dear Sirs,

I truly wish that the federal government would simply just drop this whole case against Microsoft. To be sure Microsoft probably does not have entirely clean hands. But let the free-market kill Microsoft. Linux is an up & coming operating system. Apple Computer is making a come-back. Let Microsoft kill themselves. If the government continues it's involvement, then all those persons supporting Microsoft will forever blame the government for Microsoft's failures. But if the government drops its case and allows the free-market to regulate Microsoft, then Microsoft will either change its ways or drown itself and have no one to blame but them selves.

Bill Goode
Small Business Owner in Los Angeles

MTC–00010062

From: John Wagner
To: Microsoft ATR
Date: 1/10/02 5:23pm
Subject: Microsoft Settlement

Attorney General Ashcroft,

I would like to see an end to the Microsoft suit. I think this issue is hurting not only Microsoft, but the whole computer industry. We need to put it behind us. It does not help the economy to continue this case any longer. I also feel that Microsoft is being persecuted because of the fact that they are big. They make better products than most of their competition.

John L. Wagner
780 Norfolk Drive
Carson City, NV 89703

MTC–00010063

From: ward j. burkholder
To: Microsoft ATR
Date: 1/10/02 5:26pm
Subject: Microsoft Settlement

Please settle this case and move on to more important cases.

Ward J. Burkholder
230 Pleasant View Dr.
Kerrville, Texas 78028
wjaybee@ktc.com

MTC–00010064

From: K (038) J Butler
To: Microsoft ATR
Date: 1/10/02 5:28pm
Subject: Proposed settlement is fair

Dear Justice Department,

I believe that the proposed settlement between the US and Microsoft is fair and should be implemented. Further, I think the nine States should stop their independent efforts to seek further remedies, and join with the US to settle.

It is interesting that most of the opposition to settlement comes from Microsoft's competitors and their employees. Our laws were designed to make sure consumers are treated fairly, not to permit companies to gang up on a company they don't like.

Yours sincerely,
Jeremy Butler
57 Wildwood Lane, Friday Harbor, WA 98250
(360) 378–7969

MTC–00010065

From: Jim Tate
To: Microsoft ATR
Date: 1/10/02 5:28pm
Subject: Microsoft Settlement

Its time to stop wasting our tax payers money on this type litigation. This country was built on FREE ENTERPRISE! If someone builds a ''better mouse trap'' let us be the judge out here in the market place.

JP Tate
Chairman of the Board
Culligan of Charlotte

MTC–00010066

From: Robert C. Phillips
To: Microsoft ATR
Date: 1/10/02 5:31pm
Subject: Microsoft Settlement

Dear Sirs: The government has ostensibly pursued Microsoft case on behalf of consumers, however, the very consumers it has sought to protect are being harmed by the detrimental impact the case has had on the technology market and the entire national economy. The proposed settlement, agreed to in 9 states, encourages consumer product choice, promotes product innovation & provides non-Microsoft related computer & software manufacturers with confidence in marketing their own products. It also frees up the Department of Justice resources to pursue antitrust violations that currently harm the public.

We think the State Attorneys General should discontinue this litigation!!

Sincerely,
Bob & Carolyn Phillips
122 Raintree Blvd.
Niceville, Fl 32578–3908

MTC–00010067

From: David Ure
To: Microsoft ATR
Date: 1/10/02 5:38pm
Subject: Microsoft lawsuit

Dear Attorney General Ashcroft:

Congratulations on achieving the long awaited settlement on the Microsoft anti-trust lawsuit. Your efforts and desire to find the compromise and balance for the technology industry is greatly appreciated. The lawsuit should never have happened and the economy and innovations can now begin to progress again.

As a legislator I am always concerned with economic opportunities. Utah is a technology state and we need to start generating interest again in creating new products and ideas. Resolution of concerns for the Microsoft competitors is needed. It appears that AOL, Oracle and Apple have all had their concerns addressed. I hightly support the settlement and hope that you will bring this issue to a close.

Sincerely,
David Ure

MTC–00010068

From: Chris Williams
To: Microsoft ATR
Date: 1/10/02 5:40pm
Subject: Re: PLEASE DO NOT SETTLE (fwd)

Thank you for your thoughtful correspondence concerning the Microsoft antitrust case. We value hearing from citizens on matters of public interest and appreciate your taking the time to express your concerns. As you know, on November 6, 2001, the United States Department of Justice and Microsoft filed a proposed settlement. California did not join in that settlement because the settlement would not accomplish the goals we set when we initially filed the case. Nor would it accomplish the remedial goals set by the U.S. Court of Appeals: (1) to prohibit the illegal conduct and similar conduct in the future; (2) to spark competition; and (3) to deprive Microsoft of its illegal gains. The judge of the federal trial court currently is considering the settlement. You may express your opinion to the court by filing written comments with the U.S. Department of Justice by January 28, 2002, at the following email address: microsoft.atr@usdoj.gov Please type ''Microsoft Comments'' in the subject line. You may also fax comments to 202–307–1454, or mail comments to Renata B. Hesse, Antitrust Division, U.S. Department of Justice, 601 D Street, NW, Suite 1200, Washington, DC 20530–0001.

Again, thank you for sharing your views in this case.

Chris Williams
<maxphunk@ecst.csuchico.edu>

I am a concerned citizen, student, and IT worker. Under the currently propesed settlement, Microsoft will loose nothing and it's monopoly will remain intact. They have promised $1.1 billion to school, $900 million of which is Microsoft software, ''at cost.'' Tis means Microsoft pays $0.14 to burn the cds and writes the cost down as $300, or whatever the wholesale price is for the specific product. DO NOT SETTLE FOR ANYTHING ELSE THAN A BREAKUP OF THE COMPANY! Period.

MTC–00010069

From: Phillip David Mosher
To: Microsoft ATR
Date: 1/10/02 5:41pm
Subject: Microsoft case

Sirs:

Since DOS ver. 3, I have used products produced by Microsoft. They have been quality products, designed to make our lives easier. Microsoft has beaten their competition in the market place. I now use Windows 2000 and Office XP. I am very pleased with these products.

I do not feel that the Justice Dept. has been fair in their pursuit of Microsoft. I do not feel that the Justice Dept. and the states involved have the best interest of me, the end user, in view in this case. This case has communicated one thing quite clearly—If you have good products, can beat your competitions and produce exceptional growth, the government will surely treat you very badly. Microsoft has helped our nation. Microsoft has changed the way we do things, making life easier. Why are we punishing a good thing?

I remember when the government took Kodak to task over film patents because Kodak had done too well in building good products. Kodak was forced to release some of those patents. Today Japan controls the film market. Is that what the Justice Dept. wants to do to Microsoft?

Sincerely,
Phillip D. Mosher
706—84th ST NW
Bradenton, FL 34209
prmosher@tampabay.rr.com

MTC–00010070

From: Robert H. Hacke
To: Microsoft ATR
Date: 1/10/02 5:41pm
Subject: Microsoft Settlement

Dear Sir,

Please stop wasting our money on the prosecution of Microsoft!!! Our markets and the entire economy are being affected in a negative way by this ongoing farce. It would seem that when a person or a company succeeds in this country, the government interferes to put a stop to that success. This is harming our country more than helping it.

The proposed settlement should be immediately accepted and the litigation completed!

Sincerely,
Robert & Joanne Hacke
10215 White Mt. Rd.
Sun City, AZ 85351

MTC–00010071

From: Louise Kennedy
To: Microsoft ATR
Date: 1/10/02 5:46pm
Subject: microsoft settlement

Dear Sirs-

I support the Bush administration's position on the Microsoft settlement.

Sincerely,
Louise Kennedy

MTC–00010072

From: carol williamson
To: Microsoft ATR
Date: 1/10/02 5:50pm
Subject: MICROSFT SETTLEMENT

I SUPPORT THIS SETTLEMENT AND THINK WE NEED TO BE DONE WITH IT ALREADY..DON'T WE HAVE ENOUGH BIGGER THINGS TO WORRY ABOUT....SUPPORT PRESIDENT BUSH AND BE DONE WITH THIS ALREADY!!!!!!!!!!!!!

MTC–00010073

From: Kathy Mohnkern
To: Microsoft ATR
Date: 1/10/02 5:50pm
Subject: my complaint

The only thing I want to say is I bought a computer three years ago. It got damaged and when I went to buy another one I had to buy it with the same microsoft programs I already had. So I had to spend my hard earned money one the same thing. I think microsoft should have to pay all customers back for their forced double purchases.

Thanks
Kathy Mohnkern

MTC–00010075

From: tiger2
To: Microsoft ATR
Date: 1/10/02 5:54pm
Subject: MICROSOFT

I believe it is time to move along and let the American spirit of free enterprise continue. I support the Microsoft Corp. and believe the Federal and State & Local Governments should cease and desist from any further persecution of Microsoft.

Ed Hart
84–35 64th Road
Middle Village, NY 11379

MTC–00010076

From: J.C. Bowman
To: Microsoft ATR
Date: 1/10/02 5:49pm
Subject: Microsoft Settlement
1808 West End Avenue Suite 1214
Post Office Box 23348
Nashville, TN 37202–3348
(615) 327–3120 Voice
(615) 327–3126 Fax
Email: TIPP@TNPolicy.org
January 10, 2002
Antitrust Division
U.S. Department of Justice
601 ''D'' Street, NW
Suite 1200
Washington, DC, 20530
Attn: Renata B. Hesse
Subject: Comment on Proposed Final Judgment

Dear Ms. Hesse

The Tennessee Institute for Public Policy joins with our fellow members of the State Policy Network, and encourages you to accept the proposed settlement in the anti-trust case involving Microsoft. We are a state-based, non-partisan policy research group dedicated to promoting free markets and open competition.

This settlement reflects a triumph of the rule of law. It is a perfect map of remedies laid alongside the areas where the Appeals Court found against Microsoft. Certain Microsoft competitors and other critics of the proposed settlement make the core of their objections a call for more stringent restrictions, ranging from prohibition on what they call ''product tying'' to a breakup of the company. More extreme critics complain that the remedies do not address products that were not even part of the case.

These objections ignore the decision of the Appeals Court that reversed much of Judge Jackson's original findings. The Appeals Court threw out findings on many fronts related to Microsoft's anti-monopolistic behavior. One key area rejected was the basis used for claiming that integrating Internet Explorer and Windows represented monopoly abuse. The court went further to

state that any new burden of proof for ''tying'' would be immense. The court also rejected the breakup order and made it clear such an order moving forward would be difficult to sustain given the court ''drastically altered [i.e., reduced] the scope of Microsoft's liability.''

One final objection raised by critics is that Microsoft has a past history of consent decree violation so the company cannot be trusted to adhere to a new decree. This is a patently false assertion. The Appeals Court in June of 1998 rejected the very claim that sent the parties into litigation—the Department of Justice claim that Microsoft had violated an earlier consent decree. Furthermore, this settlement takes the extraordinary step of creating an onsite oversight body. There are, therefore, no legitimate grounds for an assertion that a consent decree will not constrain Microsoft's behavior in the ways the court intends.

Rather, the proposed settlement directly and concretely addresses each and every key finding upheld by the Appeals Court, and does so with an undeniably stringent remedy. The areas of violation addressed include requiring OEMs to preserve visible access to Internet Explorer, to preserve the original boot sequence, to preserve all Microsoft-supplied desktop icons; entering into exclusive contracts with Internet Access Providers; threatening companies over support for other middleware technologies; and every other key area identified by the Appeals Court.

In our view, there can be no valid objection to this settlement because every major finding of the Appeals Court is stringently addressed with a targeted remedy that specifically prohibits and prevents the behavior in question.

Acceptance of the proposed settlement will send a signal throughout American industry and the country as a whole that in the United States rule of law is alive and well—that defendants face remedies only for those findings against them. Anything beyond this settlement would represent a victory for those who do not seek remedy but rather also unwarranted punishment, and this would be a serious blow to the smooth functioning of free markets and the law that protects them. Participants in the American economy would forever be forced to fear whether the laws they rely upon to safely conduct business will be applied fairly.

As leaders in advancing free market competition in our respective states we believe this settlement serves the best interests of the American public. It fairly resolves a complex and burdensome anti-trust case that is having severe impacts far beyond one company, a case that is acting as a drag on one of the most vibrant sectors of our economy. Settlement of this case will free the high-technology industry to put its fullest efforts into innovation and creativity, and will spur competition in a way that will directly benefit consumers.

Thank you for your consideration. Please include in official records and court transcripts.

Signed,

John C. Bowman

Director of Education Policy

(Electronic Signature)

MTC–00010077

From: Barbara Seels
To: Microsoft ATR,shir@pitt.edu@inetgw
Date: 1/10/02 5:59pm
Subject: microsoft proposal

As a professional educator, I want to speak against the microsoft proposal to give equipment to schools. This is another marketing ploy without the potential to cause substantive change except to drive other vendors out of the market. Microsoft will probably do this irregardless of this decree. Equipment without a context or constraints on what is given is probably going to make little difference. The schools are best when they represent the diversity in the market also.

MTC–00010079

From: Sue Fuessel
To: Microsoft Settlement
Date: 1/10/02 4:56pm
Subject: Microsoft Settlement
Sue Fuessel
4077 Commissioners Lane
San Angelo, Tx 76905–7557
January 10, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers'; dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Odis and Sue Fuessel

MTC–00010080

From: Jonathan Wright
To: Microsoft Settlement
Date: 1/10/02 5:22pm
Subject: Microsoft Settlement
Jonathan Wright
576 Shady Grove Drive
Montgomery, AL 36109
January 10, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Jonathan Wright

MTC–00010081

From: Don Wilkinson
To: Microsoft Settlement
Date: 1/10/02 5:36pm
Subject: Microsoft Settlement
Don Wilkinson 6631 Apache Run
Theodore, Al 36582
January 10, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
don wilkinson

MTC–00010082

From: Robert Adams
To: Microsoft Settlement
Date: 1/10/02 5:41pm
Subject: Microsoft Settlement
Robert Adams
10512 School House Ln.
Austin, TX 78750
January 10, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Robert Adams

MTC–00010083

From: Debbie G Turner
To: Microsoft ATR
Date: 1/10/02 6:02pm
Subject: Microsoft Settlement

I would like my voice to be heard where the Microsoft Settlement is concerned. I believe the agreement reached between Microsoft, the nine states and the federal government is very reasonable and fair to all parties involved! I do not wish to have the litigation prolonged.

The last thing the American economy needs is more litigation that benefits only a few and stifles innovation.

I say, SIGN THE SETTLEMENT ''as is'' and move on to more important things.

Concerned US Citizen
Debbie Turner
2690 Throatlatch Lane
Marietta, Georgia 30064

MTC–00010084

From: The Shaws
To: Microsoft ATR
Date: 1/10/02 6:02pm
Subject: Microsoft Settlement

I am 63 years old. I use my computer a lot in community and church related volunteer activities. I am pleased with my Microsoft software. I believe it is time to get this litigation settled once and for all.

Robert H. Shaw, Jr.

MTC–00010085

From: John Baitinger, Sr.
To: Microsoft Settlement
Date: 1/10/02 5:46pm
Subject: Microsoft Settlement
John Baitinger, Sr.
P.O.Box 171
Alloway, NJ 08001–0171
January 10, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
John S. Baitinger, Sr.

MTC–00010086

From: Bill (038) Ann Hauckes
To: Microsoft ATR
Date: 1/10/02 6:05pm
Subject: Microsoft Settlement

Leave Microsoft alone! They are the reason why so many people have computers in the first place. Can you imagine if everybody's computer ran a different operating system and different software? It's bad enough that we have the ''Microsoft people'' and the ''MAC people'' (and the 3 people who use Linux) not being able to communicate! So what if Bill Gates is the richest man in the world? He deserves it. More power to him! Why don't you do something about AOL/Time-Warner or the drug companies or the insurance companies or the tobacco companies???

MTC–00010087

From: Hoffman (038) Hoffman
To: Microsoft ATR
Date: 1/10/02 6:04pm
Subject: Microsoft Settlement

Attorney General Ashcroft,

Please complete the settlement of the Microsoft case and let the market place determine the winners and losers, not government.

Marcus Hoffman
P.S. I am not a Microsoft employee.

MTC–00010088

From: Sharon Herron
To: Microsoft ATR
Date: 1/10/02 10:17am
Subject: Microsoft Settlement

Please accept the current proposed settlement!!!!!!!!!!!!

MTC–00010089

From: Tom Stephenson
To: Microsoft ATR
Date: 1/10/02 6:25pm
Subject: Microsoft Litigation

Enough already. Any further litigation is not in the consumers interest. This is about bashing success AND money. Letting Time-Warner-AOL, Sun Microsystems and Oracle use the Justice Department to fight their market battles is ridiculous. State AG's in particular are doing a consumers a disservice. All they want is money and political recognition. Let the free market work. If MS fails the consumer they will fail without this total waste of time and resources.

Thanks,
Tom Stephenson
Surprise, Arizona

MTC–00010090

From: Joe Goodson
To: Microsoft ATR
Date: 1/10/02 6:25pm
Subject: Litigation

Personally, I think that the states are just trying to pull a Bill Clinton and try to snooker Microsoft out of money like they did the cigarette makers. They need to STOP litigation NOW!!

MTC–00010091

From: Aaron Johnson
To: Microsoft ATR
Date: 1/10/02 6:27pm
Subject: stop attacking Microsoft

The Clinton Administration started attacking Microsoft which led to the current bear market we are currently struggling to get out of. It's a crock of ca-ca that the Reno Justice Department used Microsoft products as a tool to attack Microsoft. Why, because Microsoft is a leading innovator. Lead, follow or get out of the way as Lee Iacocaa said of Chrysler. I have personally enjoyed and profitted from Microsoft products and I stand behind the company all the way. Microsoft is what the American dream is all about. Make a product people need/want, market it, and advance an industry, a nation. Bill Gates did for computers what Henry Ford did for

the car. Innovation must be allowed to reign free.

Release Microsoft from the anti-trust suit and let free competition rule!

Aaron B. Johnson
9824 Manor
Allen Park, MI 48101

MTC–00010092

From: Larry Woldt
To: Microsoft ATR
Date: 1/10/02 6:28pm
Subject: Private Depositions

That is my court room and my prosecutors and, one of the remaining nine states suing Microsoft is Minnesota where I live.

I do not believe in ''sealed'' settlements that allow companies to hide what they did by paying off someone and I certainly don't believe that a publicly traded company in a federal court has the right to hid sworn testimony.

There are a few million Americans out here who pay for two-thirds of the people involved (the judge and the prosecutor) and we pay for the courts themselves. I want to know what Microsoft is ''swearing'' to and believe that I have every right to have access to that testimony.

Thank You,
Larry Woldt
lwoldt@mediaone.net

MTC–00010093

From: ALWMSN528@aol.com@inetgw
To: Microsoft ATR
Date: 1/10/02 6:28pm
Subject: microsoft settlement

I am a computer user who always felt I was able to purchase any software program I wanted. I have not felt that Microsoft has prevented me from doing this in any way. In my opinion the lawsuits are just screwing up the consumer by doling out multi dollars to the States. They are not interested in the consumer, they are looking for all the cash-cows they can find so the politions and the lawyers can benefit. Don' hurt us consumers any more by awarding any more funds that Microsoft has to pay to the States. Enough is enough.

A. E. Williamson

MTC–00010094

From: gary blunt
To: Microsoft ATR
Date: 1/10/02 6:32pm
Subject: MICROSOFT SETTLEMENT

Please do not allow consumers to be hurt anymore.There has been a waste of tax payers money on this and a waste of time for the department of justice. Please do the right thing.

Gary

MTC–00010095

From: Dave Jones
To: Microsoft ATR
Date: 1/10/02 6:40pm

Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice

I have written today to comment on the settlement between the Department of Justice and Microsoft Corporation. While I understand the honorable intentions of the judge and court in settling the case in order to prompt the economic recovery of the nation's largest company and thereby, in theory, to prompt economic recovery of the nation, I deplore the toothless settlement that has been accepted by the Department of Justice prosecutors.

There are three things I feel must be included in a settlement that would enact real change in the operating system market and allow for true competition:

1. Any remedy seeking to prevent an extension of Microsoft's monopoly must place Microsoft products as extra-cost options in the purchase of new computers, so that the user who does not wish to purchase them is not forced to do so. This means that for the price differential between a new computer with Microsoft software and one without, a computer seller must offer the software without the computer (which would prevent computer makers from saying that the difference in price is only a few dollars). Only then could competition come to exist in a meaningful way.

2. The specifications of Microsoft's present and future document file formats must be made public, so that documents created in Microsoft applications may be read by programs from other makers, on Microsoft's or other operating systems. This is in addition to opening the Windows application program interface (API, the set of ''hooks'' that allow other parties to write applications for Windows operating systems), which is already part of the proposed settlement.

3. Microsoft's success, while due in some part to internal innovation, relies heavily on technologies developed by the public sector. The Internet and much of the networking and software technology essential for Microsoft Windows have been fostered by federal grants and Department of Defense research money. As such, any Microsoft networking protocols which build or modify these publicly developed standards must be published in full and approved by an independent network protocol body. This will prevent Microsoft from using their market position to seize de facto control of the Internet.

I trust that you will attempt to enact real and meaningful change in the operating system market. This is a true national security issue. Microsoft may be important to the nation's economy in the short term, but long term economic security can only come from a free and efficient market for operating systems and networking technologies.

I care about these issues and I vote.
David M. Jones
1142 Key St.
Houston, Texas 77009
713–880–4233
CC: Senator Gramm, Senator Hutchison

MTC–00010096

From: VBoomer1@cs.com@inetgw
To: Microsoft ATR
Date: 1/10/02 6:47pm
Subject: Microsoft settlement

Dear Sir

It is my opinion that much too much time, money, and resources are being spent pursuing a company that has every right to coduct its business as it sees fit. The robust economy we have had for the last ten years is a direct result of this company, a company some anti-capitolists would like to see destroyed to feed their socialist egos. Business is what made this country of mine great, and ruining businessess is what will destroy it. I urge you to dismiss the suit against this great company and use my money, time, and resources on cases worthy of prosecution.

Sincerely,
Ronald Vandenboom
524 124th St
Franksville, WI 53126
CC: VBoomer1@cs.com@inetgw,acu—list@capwiz.mailmanager...

MTC–00010097

From: Sherry
To: Microsoft ATR
Date: 1/10/02 6:51pm
Subject: stop wasting taxpayers' money on the persecution of Microsoft.

Stop wasting taxpayers' money on the decade-long competitor-driven persecution of Microsoft. America's taxpayers have had to fund this prosecution, diverting government funds from investigating harmful antitrust violations and illegitimate monopolies.

The proposed settlement encourages consumer product-choice, promotes product innovation, and provides non-Microsoft related computer and software manufacturers with confidence in marketing their own products. It also frees up Department of Justice resources to pursue antitrust violations that currently harm the public.

Some of the State Attorneys General want to continue this litigation: Don't let them! I support the Bush Administration and Microsoft in their desire to settle this lawsuit.

Sherry A Jones
9021 N Swan Rd Unit B
Milwaukee Wi 53224
414.371.2305

MTC–00010098

From: Jan (038) Dick
To: Microsoft ATR
Date: 1/10/02 7:19pm
Subject: Microsoft Settlement

Dear Attorney General Ashcroft,

We feel that enough tax money has been spent trying to ruin Microsoft. The competitors who initiated the action are jealous of Microsoft's ability to produce software which is good for the consumer and have tried to get ''a piece of the action.'' The Clinton DOJ was more than willing to pursue a successful company in order to cater to the contributors to their party.

We feel that Microsoft should never have been prosecuted in the first place and thus should be left alone now. The sooner, the better.

Thank you for your consideration.
Jan & Dick Rees
816 Woodbine St.
Willard, OH 44890

P.S. Keep up the good work. We support you all the way. God Bless you and God Bless America.

MTC–00010099

From: james jenkins
To: Microsoft ATR
Date: 1/10/02 6:59pm

Subject: Microsoft Settlement

The proposed settlement is a transparent sellout of the public interest and a travesty of justice. It sends the message that crime is OK, as long as the perpetrator is big enough.

The settlement has so many loopholes designed to allow the perpetrator to continue the activity that the case was all about, that it is a legal nullity.

Indeed, the perpetrator right now is, in full public view, continuing this activity, while daring the States that are continuing to pursue the case to encompass its current activity, to exploit such pursuit as a ground for further delay.

Microsoft has to date almost successfully demonstrated that infinite delay is a valid legal strategy, and that bribery of King George's DOJ is an accomplished fact.

Yours Truly,

Dr James L Jenkins

MTC–00010100

From: Paul M League
To: Microsoft ATR
Date: 1/10/02 7:09pm
Subject: Microsoft Settlement

January 10, 2002

Attorney General Ashcroft

Department of Justice

Dear Attorney General Ashcroft,

The proposed Justice Department settlement with Microsoft encourages consumer product-choice, promotes product innovation, and provides non-Microsoft related computer and software manufacturers with confidence in marketing their own products. It also frees up Department of Justice resources to pursue antitrust violations that currently do actually harm the public, as well as the more pressing anti-terror efforts.

I support the Bush Administration and Microsoft in their desire to settle this lawsuit, and ask that you, the various State Attorneys, and the Court of Jurisdiction also do the same.

Sincerely,

Paul M. League

PO Box 7007

Beverly Hills, CA 90212

1.310.277.3244

MTC–00010101

From: Chad Bennion
To: Microsoft ATR
Date: 1/10/02 7:14pm
Subject: Microsoft Lawsuit

Attorney General John Ashcroft;

I am sending you this email in support of the Microsoft/Department of Justice settlement offer. The Lawsuit should never have been pursued by our federal government and should have been left to the Microsoft competitors to resolve. This mired issue should be brought to an end. I strongly urge your acceptance of the settlement.

Sincerely;

Chad E. Bennion

Utah House of Representatives

District 44

MTC–00010102

From: THOMAS PHILLIPS
To: Microsoft ATR
Date: 1/10/02 7:15pm
Subject: Microsoft settlement

Microsoft is being punished for being successful. This is not the American way. Let Microsoft again lead the way. We will all gain and grow with thier success.

Thomas Phillips

2525 Ocean Blvd. # H5

Corona del Mar, CA 92625

MTC–00010103

From: Minda Stillion
To: Microsoft ATR
Date: 1/10/02 7:17pm
Subject: Microsoft Settlement

I have personally felt my family very affected by this long process, both in our pursuit of the American Dream, and finacially. I long for settlement to take place, so we can see the positive effect in the stock market and job markets, so that eventually confidence in innovative freedom will heal and return.

Sincerely,

Mirinda Stillion

MTC–00010104

From: Ruth Silveira
To: Microsoft ATR
Date: 1/10/02 7:24pm
Subject: Microsoft settlement

Its time to knock off the witch hunt for and against Microsoft and Bill Gates!! Can't the Federal Gov't. find someone else to harass? This whole thing has been very costly and try as you might you didn't succeed at driving Microsoft out of business and breaking up the company that has made computers accessible to all of us. LEAVE them alone. Go after the people in our government that have shady dealings.

Ruth Silveira

MTC–00010105

From: David Tucker
To: Microsoft ATR
Date: 1/10/02 7:25pm
Subject: Microsoft Settlement

Sirs:

I completely support the settlement with Microsoft, Inc.; but would have liked to see Microsoft completely exonerated without having to pay out one cent in the settlement. Market forces, not the Judicial System should be the sole determiner of what products are put on the market place; and the Democrats' consistent attempts to compromise this system is as Communistic as Marx or Lenin themselves. If ever another enterpreneur can make a better product than Microsoft then let that product come to the forefront, and we will purchase it.

Thank You,

David Tucker

Tellico Plains, TN

MTC–00010106

From: Ron
To: Microsoft ATR
Date: 1/10/02 7:28pm
Subject: Microsoft Settlement

As a computor consumer, I believe that the action brought against Microsoft is an abomination. I use many of their products because they are the best for my use, not because I was forced.

When I got my first modem, my provider gave me Netscape software as a default when I installed the program. They are not being sued for anti-trust.

There are several products and systems that do the same thing. Is it okay for them but not Microsoft.

My installation disk for Microsoft Windows 98, also has a folderful of other internet providers that I can opt for if I so desire. Is that anti-trust? I equate this action with those who want to take our language away and create chaos by having more than one official language.

I use Microsoft products because I like them and consider them best for my needs. I have never felt obligated or forced to use any of their products. If a computor manufacturer feels that Microsoft is being unfair in any way, they should choose a different OS for their product, and let us choose our own. Better yet, have them install the OS that the customer wants at the time of purchase.

MTC–00010107

From: Jeff
To: Microsoft ATR
Date: 1/10/02 7:30pm
Subject: Microsoft Settlement

Dear Sirs:

Just a quick comment on the Microsoft case-I am glad it is over. Considering the fact that the DOJ failed to provide any evidence that MS is a monopoly or restricted competition. All the case did was to further prove that any successful company can have its jealous competitors have the government do to it that they could not do in an open marketplace.

It is a good thing that the MS case will be settled at the federal level. I just hope that all of the state attorneys-general stop this extortion as well.

Sincerely,

Jeff Mills

jmills3596@mindspring.com

CC: Jeff Mills

MTC–00010108

From: Kelly Casaday
To: Microsoft ATR
Date: 1/10/02 7:33pm
Subject: Microsoft Settlement

I'm a former aide to former Congressman Merrill Cook and support the proposed settlement with Microsft.

Kelly Casaday

MTC–00010109

From: Spencer Stokes
To: Microsoft ATR
Date: 1/10/02 7:36pm
Subject: Microsoft Settlement

Attorney General John Ashcroft

I am writing to urge you to settle the Microsoft law suit. I believe that the federal government should not be involved in free enterprise system. As a conservative I believe that the markets should dictate commerce and not the federal government.

Please do your duty and work for the settlement.

Spencer Stokes

Former Executive Director of the Utah Republican Party.

MTC–00010110

From: Jason Frankenfield

To: Microsoft ATR
Date: 1/10/02 7:41pm
Subject: Dear Judge:

Dear Judge:

I urge you to end the trial against Microsoft without taking an adverse action against Microsoft or imposing any form of sanctions on it. As a consumer, I do not believe that Microsoft's conduct has been harmful. In fact, Microsoft has brought incredible products to consumers at reasonable prices. Microsoft should be allowed the liberty to design and market its products as it likes, and to conduct its business operation without government interference.

Please dismiss the actions against Microsoft with prejudice. Please do not impose sanctions against Microsoft.

Respectfully,
Jason Frankenfield

MTC–00010111

From: Gerald E Vinella Jr
To: Microsoft ATR
Date: 1/10/02 7:43pm
Subject: Microsoft Settlement

I support the Busch Administration and Microsoft to settle this lawsuit. It is not healthy for this country to allow this to continue.

Sincerely,
Gerald E. Vinella Jr.

MTC–00010112

From: Mr. SJB
To: Microsoft ATR
Date: 1/10/02 7:46pm
Subject: Microsoft Settlement

Greetings!

I fully and unequivocally support the DOJ's attempt to settle the lawsuit against Bill Gate's Microsoft Corp. I am aware, like other Americans, that 9 states have chosen not to sign onto this plan, but I believe that, truly, ''enough is enough'' and its time to move on, and leave this sordid affair in the past, where it belongs.

High technology, as exemplied by companies like Microsoft, Oracle, Intel, & many, many others, cannot have its ideas, innovations, and such be stifled by ''red tape'', bureaucracy, lawsuits, and other wasteful government intrusions such as what was begun by the Clinton Administration. Please use this golden opportunity to end this charade once and for all, and while Microsoft does not escape unscathed, their punishment has already been delivered, and unfortunately, the national economy, the technology industry, and the consumer have all suffered along with them, both directly and indirectly.

Thank you for your time & attention to this note.

God Bless America
9.11.01

MTC–00010113

From: GARY PORTER
To: Microsoft ATR
Date: 1/10/02 7:53pm

It is my hope that the court will accept the settlement agreed to by the DOJ and some of the states. It seems a fair and reasonable response to the anti-trust case.

MTC–00010114

From: Dale Langford
To: Microsoft Settlement
Date: 1/10/02 7:38pm
Subject: Microsoft Settlement

Dale Langford
2001 Christine
Pampa, TX 79065
January 10, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Dale Langford

MTC–00010115

From: kingsland
To: Microsoft ATR
Date: 1/10/02 8:03pm
Subject: Microsoft Settlement

I have used Microsoft Products for years and have been very satisfied in most cases. I use Netscape and do not feel that Microsoft has ruined Netscape. In fact, competition has probably made their (both) browsers more user friendly and reliable.

P.G. King, Electrical Engineer (Retired)

MTC–00010116

From: Steve Berryman
To: Microsoft Settlement
Date: 1/10/02 7:27pm
Subject: Microsoft Settlement

Steve Berryman
101 Mohican Trail
Lake Kiowa, TX 76240
January 10, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Steve Berryman

MTC–00010117

From: JobeSims@aol.com@inetgw
To: Microsoft ATR
Date: 1/10/02 8:04pm
Subject: Microsoft Settlement

Dear Sir,

I have followed the developments of the Microsoft settlement for the past couple of years, and I am still amazed that this corporation has been dragged through so much persecution.

I am a middle school teacher in Denver, Colorado and not a computer whiz, but I feel that Microsoft has done nothing but help me. Three years ago when I purchased my first computer, I purchased a Hewlett Packard that came with the Microsoft operating system and browser. If I had had to buy all these things separately I wouldn't have know what to buy and, too, it probably would have cost me more. I was very grateful that Mr. Gates had had the foresight to guide me in this process Since that time I have become quite proficient with the computer. I'm on the Internet now(AOL), and I'm accomplishing great things. Not only am I buying and selling stocks on line just last week a light switch went out in my kitchen and I logged on to ''Ask Jeeves'' and found out how to replace it myself.

If you restrict Microsoft's ability to create and innovate then you restrict the genius of mankind. They have done good things for the consumer and good things for our country. If the Department of Justice had spent the time and money pursuing terrorism and Bin Laden, the tragedy in New York could have been adverted. Instead you have been pursuing Bill Gates who has contributes a lot money to better the world and help people.

The majority of people unhappy about Microsoft are his competitors. They are distraught because they could not do what Microsoft has already done.

A Colorado Consumer,
Judy J. Simmons

MTC–00010118

From: lucy zarate
To: Microsoft ATR
Date: 1/10/02 8:06pm
Subject: Microsoft Settlement

Dear Sirs:

For the last four years I have been following the debate over the freedom to innovate. During this time my only hope has been that this Microsoft case should be settled as soon as possible. This settlement will certainly help our economy, especially in these difficult times, and it will benefit us the consumers and the software industry.

Thank you in advance for helping expedite this case.

Lucy Z. Breton

MTC–00010119

From: SCOT WOODROOF
To: Microsoft ATR
Date: 1/10/02 8:09pm
Subject: Microsoft settlement

I would like to take this opportunity to state emphatically about how I feel about the settlement with Microsoft. This was another case of blatant assault on private industry by a so called president, and Justice Department that only served to spend more tax payer money. I applaud the manner in which John Ashcroft and the current Justice Department handled this situation to restore the tech industry and the confidence of it's investors. The down turn in the Nasdaq, and specifically the tech industry can be traced to the beginnings of this ridiculous lawsuit. Please keep this settlement in place, or we can only look forward to more of the same in the capital markets. I would like to take this opportunity to also tell you what a wonderful job our real Justice Department is doing for this great United States!! Thank You!

Scot Woodroof

MTC–00010120

From: Rev. Samuel M. Smith
To: Microsoft ATR,acu—
list@capwiz.mailmanager.net@inet...
Date: 1/10/02 8:12pm
Subject: Microsoft Settlement

Although I am a staunch Constitutional Conservative, I STRENUOUSLY disagree with the ACU on this point. Please DO NOT settle with Microsoft. They have done everything they could to stomp anyone and everyone who stands in their way. I would like to see Bill Gates even imprisoned for his callous and unbending attitudes.

Rev. Samuel M. Smith
Travel Advisor
Affordable World Travel & Tours
Editor, Publisher Up Way Publications
Bible Instructor Followers of Jesus Christ Fellowship

MTC–00010121

From: dvraun@msn.com@inetgw
To: Microsoft ATR
Date: 1/10/02 8:11pm
Subject: Government Waste

It's time to drop the suit against Microsoft , stop wasting taxpayer money, and let them get on with their legitimate business of making money. Sometimes it seems that we tend to punish success and reward failure.

David Raun,
Westerville, OH

MTC–00010122

From: Brent Lattin
To: Microsoft ATR
Date: 1/10/02 8:13pm
Subject: Microsoft Settlement

To Whom It May Concern:

I want to voice my support for the Microsoft settlement. The issues involved grow older and less relevant by the hour and the shape of the competitive landscape and economic conditions as a whole make it imperative that this case end sooner rather than later.

Sincerely,
Brent Lattin

MTC–00010123

From: CCaweaver@cs.com@inetgw
To: Microsoft ATR
Date: 1/10/02 8:21pm
Subject: Microsoft Settlement

I think this case should be settled. I have found it ridiculous in the first place. Had it not been for Microsoft most people would never have learned how to use a computer. They were innovative in getting a good program out there for the lay person. One that could be used by everyone. I have worked on DOS platforms, Windows and UNIX and know that Windows is the best. I know lots of senior citizens (I am 59) have gone online because of the ease through windows.

I have never had a problem using any Internet access I wanted through Windows. In fact I do not use Microsoft's Internet access I am on CompuServe. I find this whole legal action silly and a waste of taxpayers money and government time. We have more important things to worry about in the economy to not settle this case and get it done with.

I have been using Windows since 1988.

Yours,
Carolyn Weaver

MTC–00010124

From: zebidiah(a)attbi.com
To: Microsoft ATR
Date: 1/10/02 8:22pm
Subject: Microsoft

Please end this foolishness. Microsoft is not the enemy.

Thank you,
Gary P. Beck

MTC–00010125

From: Howard H. Hatton
To: Microsoft ATR
Date: 1/10/02 8:30pm
Subject: Microsoft Settlement

Drop all litagation against Micrtosoft. This company is doing a good job in the market and is much more valuable to the, economy, balance of payments, competition world wide and the people of the US than all their competetors combined. This litagation is only benefiting the trial lawyers and other special interest groups that stand to gain from this futhermore the judges in this case are not have the expertise to properly judge this. Remember that Microsoft is not only in competition with American companies but are in competition world wide.

Howard Hatton
hatton@mcsi.net

MTC–00010126

From: Tom Hemmer
To: Microsoft ATR
Date: 1/10/02 8:30pm
Subject: microsoft settlement

Dave Wilson of The LA Times writes about Apple's pre-show hype and the associated let-down at the keynote, concluding ''But the company has no real model for growth. Microsoft's monopoly power precludes any massive shift away from Windows, so how can Apple sell more boxes? The best thing Apple can do is to make computers that seamlessly integrate into a Windows network.'' See, even brain challenged reporters know about microsoft. And you want to give them, what amounts to a subsidy in education? I bet that between all of you, you would be hard pressed to come up with two gonads.

MTC–00010127

From: Martin C. Ritter
To: Microsoft ATR
Date: 1/10/02 8:38pm
Subject: Microsoft Settlement

Please do not let Microsoft off the hook. A slap on the wrist will only embolden them. Competition as we have traditionally known it in America has already been dealt a body blow by this company which has turned lying, cheating, and stealing into ''business as usual.''

MTC–00010128

From: Vicki Corona
To: Microsoft ATR
Date: 1/10/02 8:38pm
Subject: Microsoft suit

Dear Attorney Ashcroft: First, thank you for being the wonderful AG you are! We're so thrilled you were confirmed! We love the entire Bush administration. I think most citizens knew that God couldn't possibly allow any more slime in the White House. Second, I just received an email concerning the Microsoft ''trials'' and would like to add my voice to the others. Without Microsoft, I don't think any of us ''ordinary folk'' would EVER have been able to learn how to manipulate a computer. If anything, Bill Gates should be thanked, not sued. Jealousy always raises it's ugly, evil head when any entrepreneur is successful. He created something fabulous, useful, and easy for the masses . . . . Gates should be rewarded, not penalized! Let's stop wasting taxpayer money and leave him alone to create something else we can all enjoy. Thank you and God bless you richly.

Vicki Corona

MTC–00010129

From: John Sturrock
To: Microsoft ATR
Date: 1/10/02 8:38pm
Subject: Microsoft

I am a washington state resident. antitrust action against mircosoft should cease because it is is the only comany that can compete with time warner-aol which was allowed to go thru.

John Sturrock
2308 E 9th st

Vancouver, WA 98661

MTC–00010130

From: OSCAR WENTZEL
To: Microsoft ATR
Date: 1/10/02 8:45pm
Subject: Microsoft Settlement

Mr. Ashcroft,

I simply can't understand why the government continues to spend thousands of dollars to get Bill Gates. This country is supposed to be free enterprise. You work extra hard building a company, make a lot of money and then you are penalized for being greedy. Let the other software companies work as hard as Bill Gates has and they will do just fine. Just because he has instituted smart business practices, he shouldn't be penalized. If these other companies had a better product, they would be in the driver's seats.

Tough luck if they aren't as smart as Gates. Stop wasting our money. Thank you.

Mrs. Kathy Wentzel age 67
Bedford, Tx.

MTC–00010131

From: Scott Rarden
To: Microsoft ATR
Date: 1/10/02 8:47pm
Subject: Microsoft Settlement Comments

I would like to respectfully give my comments on the settlement process in the Microsoft monopoly decision.

Microsoft is trying to turn this decision from something that is a punishment into something that is a gift. With as large as the cash reserves of this company are, especially in these troubled economic times, it would have no problem paying the complete fine in cash. Instead it has offered to provide free software to the educational system.

This accomplishes three things for Microsoft. The first is that it, even if the product was only valued at cost rather than full retail, allows the company to avoid the full cost of the settlement. Given the choice between parting with cash or offering to provide copies of something they have already produced—they would have to be insane to pick the cash. The second thing is that it allows them to grasp more of the education desktop market...the only remaining desktop market that they do not have monopoly power in. This settlement would 'punish' their abuse of monopoly power by giving them the opportunity to increase their monopoly. The third thing is that it allows them to look noble for offering to 'help' the poorer schools in the nation—when it obviously is a cynical attempt to avoid taking responsibility for breaking the law while at the same time expanding the very power that led them to break the law in the first place.

I plead with you to not approve the settlement plan that Microsoft has offered. It would be against reason and justice, and would only encourage them to maintain the same practices that they have been found guilty of.

Thank you for your time, and the IT community awaits your decision for good or ill.

MTC–00010132

From: Congdon, Brad
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/10/02 8:52pm
Subject: Please accept the proposed settle in the Microsoft case

Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 ''D'' Street, NW, Suite 1200
Washington, DC 20530

Dear Antitrust Division,

Please accept the proposed settlement in the anti-trust case involving Microsoft.

I am a US citizen living in Washington State, and I work in the high-tech industry (not at Microsoft). The opportunity to settle this case with Microsoft is an opportunity to respect the rule of law, to restore citizen's confidence in their justice system, and to begin the process of allowing the high-tech sector of the US economy to recover and prosper once again. In my view, there can be no valid objection to this settlement because every major finding of the Appeals Court is addressed with a targeted remedy that specifically prohibits and prevents the behavior in question. Acceptance of the proposed settlement will send a signal that the rule of law prevails, not the rule of special interests; that defendants face remedies only for those findings against them. Anything beyond this settlement would be a serious blow to the smooth functioning of free markets and the rule of law that protects them. For business to thrive in America, it must know that our government uses its power to enforce the law, not to randomly punish successful companies.

This settlement serves the best interests of American business and the American public. It fairly resolves a burdensome anti-trust case that is having severe impacts far beyond Microsoft, a case that is acting as a drag on an entire sector of our economy. Settlement of this case will free the high-technology industry to innovate and create, and will spur competition in a way that will directly benefit the entire economy.

Thank you for your consideration.

Brad Congdon
8242 61st Ave NE
Olympia, WA 98516

MTC–00010133

From: Bruce Truax
To: Microsoft ATR
Date: 1/10/02 8:56pm
Subject: Microsoft Settlement

Hon. Renata B. Hesse,

I am very disappointed in the Federal Government's remedy for the Microsoft Antitrust suit. Although I am a conservative and I normally do not like to see the government interfering in private business, this is one case where I think intervention is justified and necessary. I am a long time Apple Macintosh user and as the world slowly migrates to almost 100% Microsoft I find that I have less choice with regards to software and hardware options for my computer. Much of the problem is related to the method which Microsoft has used to increase the integration of their software. I must admit that this increased integration has improved the ease of use and functionality of the personal computer for users of Windows but the method by which this is done slowly but steadily forces competitors out of the market. From my vantage point it appears that when Microsoft wants to add functionality to their operating system they tend to chose a proprietary solution rather than an already existing standard. This has happened numerous times with Java as a prime example. As these functions become proprietary, users of other operating systems suffer. For example, there are now numerous web sites which cannot be viewed by users of Linux or Macintosh computers because the site designer has chosen a Microsoft Proprietary technology for certain web site functions. As it becomes more difficult for other operating systems to obtain access to internet content, hardware and software, even the last few holdouts will be forced to migrate to Microsoft windows until they have 100% of the market.

An additional problem is related to the security of our internet infrastructure. As the operating systems on the internet become more homogenous, the opportunity for a well written, malicious virus to seriously affect the infrastructure of he internet is increasing. A more diverse population of computers and operating systems on the internet would make it less vulnerable to malicious attack.

Although I do not know what the proper remedy is for this problem, it is obvious to me that the Federal settlement is not sufficient.

Sincerely,
Bruce E. Truax
Optical Engineering Consultant
Diffraction Limited Design LLC
388 Wedgewood Road
Southington, CT 06489
http://www.dld-llc.com
email: btruax@dld-llc.com
voice: 860–276–0450
fax: 860–620–9026

MTC–00010134

From: Bonnie
To: Microsoft ATR
Date: 1/10/02 8:55pm
Subject: Justice?

Stop persecuting success! We need many, many more people like Bill Gates. Please stop taking away the incentive for people to work hard and succeed. The government's interfering with Microsoft has not helped the people, Microsoft or the government. Microsoft has been doing a fantastic job for its customers. Stop trying to ''fix it'' when in fact you are really trying to break it.

Sincerely,
Bonnie J. Brown
1503 Reaves St.
West Plains, MO 65775

MTC–00010135

From: Ingrid Hill
To: Microsoft ATR
Date: 1/10/02 9:15pm
Subject: Microsoft settlement

To Judge Colleen Kollar Kotelly:

I am writing to ask you to overturn the Proposed Final Judgment which, I believe is the term for the current settlement in the Microsoft case. Though not a lawyer or a computer expert, it seems to me that the anti-trust laws of our country have been violated,

and yet no significant penalty has been given nor future deterrent set in place. As a home-schooling mother, I have studied along with the children, the emergence of the anti-trust laws in our nation, and see them as important safeguards of the freedom of enterprise and opportunity that we are blessed with as Americans. At this point in history, the smaller software and computer companies need the protection of these already established laws. I am hoping you will overturn the settlement and break up the Microsoft monopoly.

Thank you for your time and attention.

Ingrid A. Hill

Brighton, MA

CC:stopmicrosoft@yahoo.com@inetgw

MTC–00010136

From: Price Rose
To: Microsoft ATR
Date: 1/10/02 9:14pm
Subject: Microsoft Settlement

Please get this suit settled without further delay and litigation, if possible! From the beginning I have been against the government's suit against Microsoft. It is a sad commentary that a successful business in this country has to defend itself against our own government, in addition to meeting the competition. It is also insane! There are plenty of greedy lawyers out here to file suit to ''protect us consumers'', if there is any reason— check the number of rich lawyers resulting from ''Class Action Law Suits'' that got the ''consumers'' little or nothing, and quite often put a company out of business.

The Justice Department suit has hurt me, a consumer, not helped me. The suit has hurt me, an investor, not helped me! The suit has hurt me, a taxpayer, not helped me! And, the suit has hurt me, a voter, not helped me. The suit has hurt employees, not just of Microsoft, but many other companies as well. The suit had the unexpected result that it hurt the competitors who were pushing for the government to sue. (I wouldn't feel bad about that, except it also hurt our entire economy!).

I am really mad that we consumers/investors/taxpayers/voters/employees/competitors, who have been hurt, also have to pay the bill for all this litigation. As usual, it is only the lawyers/law firms (and maybe some politicians) that benefit.

Those who thought this suit was a good idea to start with, and those that want to continue the ligation probably think they are very smart. I think they prove themselves either greedy, or ingnorant— maybe both!

By all means, SETTLE!

Price Rose

Route 2, Box 1758,

Eastland, TX 76448

(254) 647–1473

pdrose@eastland.net

CC:acu—list@capwiz.mailmanager.net@inetgw,ADF,david—k...

MTC–00010137

From: Rosanne Coxe
To: Microsoft ATR
Date: 1/10/02 9:24pm
Subject: Microsoft Settlement

I am writing to tell you that I support the Bush Administration and Microsoft in their desire to settle this lawsuit. It has gone on way too long, isn't legitimate anyway, and is diverting Federal funds and wasting time as well as harming the technology market and consumers as well.

Sincerely,

Rosanne Partee

California

MTC–00010138

From: jerome kavaney
To: Microsoft ATR
Date: 1/10/02 9:38pm
Subject: The Micro-Soft litagation.

Nuf Already;

I support the President and Micro Softs desire to end this Lawsuit As a conservative taxpayer I want it ended.

Jerome Kavaney

MTC–00010139

From: Thomas Weir
To: Microsoft ATR
Date: 1/10/02 9:41pm
Subject: tunney act

Please support the Tunney Act. Nobody but the last administration wanted to sue Microsoft, the average person could care less. Out economy started going down hill when Microsoft was sued.!!

Thomas Weir

weirsaved@earthlink.net

MTC–00010140

From: Barbara Smith
To: Microsoft ATR
Date: 1/10/02 9:40pm
Subject: Microsoft settlement

Enough is enough! I support the Bush administration & Microsoft in finally settling the ridiculous claims that have been put upon Bill Gates. What a waste of taxpayers money, to go after a law abiding, charity giving, altruistic, all American success story, who has EARNED every dollar he has made & given away.

Since when do we live in a country where entreprenuarship is punished?

Let's call the competitors ''cry babies'' & move on to the Federal Courts spending their time & money on someone or something that is truly harmful (rather than helpful) to this country!

MTC–00010141

From: Sara Scheele
To: Microsoft ATR
Date: 1/10/02 9:43pm
Subject: Microsoft Settlement

This is to state that I wholeheartedly support the Bush Administration' efforts, along with Microsoft's efforts, to go ahead and settle this long-stretched out, expensive court case. Let's stop spending anymore of the taxpayers' (my) money, and settle this! The very people that are supposed to be protected by this case are now the ones being hurt due to the falling markets and bad press re. Microsoft. Thanks.

Sara Scheele

MTC–00010142

From: gary miller
To: Microsoft ATR
Date: 1/10/02 9:52pm
Subject: Microsoft Settlement Dear Dept of Justice:

Even though I am a Microsoft shareholder, I would like to express my alarm at the weakness of the proposed antitrust settlement the Dept of Justice has reached with Microsoft. The proposed settlement does nothing to prevent further monopolistic practices by Microsoft, has a glaring gap that will allow Microsoft to deny access to Windows APIs to open source software developers (e.g., Linux), and does nothing to curb monopolistic expansion into newer technologies by Microsoft, just as it did in the browser marketplace.

Microsoft's continued march to subsume new technologies (instant messaging, media players, e-commerce, etc) into Windows XP, its retention of the right to revert all OEM alternative desktop settings to Microsoft's own 14 days after purchase, and its continued refusal to admit any past misbehavior whatsoever all demonstrate that much stronger remedies are needed, and sooner rather than later.

I am particularly concerned over the provision in the federal government's settlement agreement that requires Microsoft to divulge Windows APIs only to competitors that Microsoft determines have a ''valid business plan''. Whether intended or not, one effect of this provision is to handicap the ''open source'' movement in ever inventing a rival technology that could work well enough with Windows to threaten Microsoft's own monopoly. Open source has hatched such technologies as the Linux OS and the latest incarnations of Netscape. Yet in their earliest stages, open source technologies rarely have a profitable business plan, so the settlement would not require Microsoft to share the APIs that would tell them how to make their applications run to best advantage on a Windows machine. Small wonder future Netscapes will appear clumsier than Explorer. Without API disclosure, Microsoft's technologies, whether inferior or not, come out of the gate with a prejudicial ability to integrate more smoothly with the Windows OS, and users will be discouraged from even trying alternative technologies. This element in the federal settlement nips any open source future rival in the bud.

At the very minimum, a settlement should require that:

(1) Microsoft sell an ''unbundled'' or bare-bones version of Windows, without bundled applications not essential to the operation of the computer, as requested by the nine states' attorneys general in their ongoing settlement hearing;

(2) Microsoft reveal ALL Windows API so that competing developers can interact with the operation system efficiently, so that third parties could write an analog to, for example, the Passport technology that could work as well with Windows as Microsoft's version;

(3) Internet Explorer source code should be made public;

(4) Barring (3), Internet Explorer should conform to public standards in HTML, XML, Java, etc. Currently Microsoft has attempted to effectively proprietize public standards by incorporating its own nonstandard extension of them into the Windows OS and Internet Explorer, in effect mandating use of Internet Explorer to, e.g., decipher Microsoft nonstandard Java pages on the Web. If

Microsoft wishes to add its own extensions to public standards, it should do so as a browser plug-in only, and its extensions should also be provided as a plug-in for Netscape and other browsers as well, or else published.

Even though I personally own Microsoft stock, I personally find Microsoft's past behavior so egregious—and so much unchanged even after the upheld findings of monopoly practices—that I am ashamed. I hope you will join the other state attorneys general in pursuing substantial damages, and, especially, injunctions NOW against any future such behavior by Microsoft. Surely without suitable injunctions, while the settlement process drags on, Microsoft will only further entrench its current monopoly.

I only regret that Microsoft carries such influence in my own state (Washington) that my own attorney general has not joined the other states' case.

Sincerely,
Gary Miller
1707 W 9th Ave
Spokane WA 99204

PS. I would normally write a ''real'' letter in hopes of carrying more weight, but understand that public safety concerns make email more reliable.

''The greatest obstacle to communication is the presumption it has already occurred.''

MTC–00010143

From: Bernard R. Blais MD
To: Microsoft ATR
Date: 1/10/02 9:42pm
Subject: microsoft Settlement

I strongly recommend that the settlement be accepted. To much time and money has been spent in this legal battle which was not in the best interest of the public.

Dr Bernard R Blais

MTC–00010144

From: Jason Rainbows
To: Microsoft ATR
Date: 1/10/02 9:53pm
Subject: Microsoft Settlement.

Renata B. Hess,

Please reconsider the Microsoft settlement. I believe that the current settlement is actually IN FAVOR of Microsoft, and will encourage that company to continue their monopolistic practices by handing them yet another market niche held by their competitors and it will irreversibly affect the education industry and other computer software developers.

It will cost Microsoft a small percent of the settlement figure to supply their second-rate products to schools. And then, in six months the schools will have to PAY for the upgrades from Microsoft, and again every time a new upgrade is developed. It's money in the bank for them, to coin a phrase.

This will place a huge monetary burden on our already destitute education industry. Not to mention the millions that schools will have to pay for support and repairs—a staple of all Microsoft programs. And it will essentially take away a market niche just barely held onto by their competitors due to Microsoft's brutal competitive habits.

Microsoft develops poorly written programs that are easy for ANY 12 year old computer user to hack into, and cause trouble in the form of Virus, Worms, Trojan Horses, etc. The Windows program is the most bug filled, virus infected program ever written. Costs to avoid or fix these problems will cost schools millions, and force our children to use software that simply doesn't do what it is made for, even in its most ideal configurations. The only ones to benefit from this is Microsoft. This trial has been used by Microsoft's lawyers to further its monopolistic positions. I don't know how they managed to turn this into their reward, but it seems that they've done it. If this settlement is allowed to happen in its current form, there will be no stopping Microsoft's monopoly and it will actually encourage their ominous business practices in the future.

Thank you for your time and consideration in this matter.

Jason Rainbows
jasonrainbows@mind spring.com
http://www.mind spring.com/jasonrainbows

''littera scripta manet—non omnis moriar''

MTC–00010145

From: karsten koepcke
To: Microsoft ATR
Date: 1/10/02 9:54pm
Subject: Microsoft Settlement

This was a complete sell out. How could let them get away with their blatantly illegal behavior. Any you wonder why the people are cynical

Karsten Koepcke

MTC–00010146

From: trish murray
To: Microsoft ATR
Date: 1/10/02 9:55pm
Subject: Dear Judge,

Dear Judge,

I support the Bush Administration and Microsoft to settle this case as soon as possible; it is in publics' best interest as we will be far better served by settlement than ongoing litgation at a much higher cost. The consumer is always the one who suffers and in this case it is a double whammy; we must pay through taxes for the governments work then we pay more for the product because the company passes the cost on to the consumer by raising their prices to cover the litgation and it discourages other business ventures because they don't want the risk, maybe that's a triple whammy. Please settle it. Thank you.

Tricia Murray

MTC–00010147

From: Carole Staebler
To: Microsoft ATR
Date: 1/10/02 10:12pm
Subject: Microsoft Settlement

We support the Bush Administration and Microsoft in their desire to settle this lawsuit.

Howard & Carole Staebler
915 Park Rim Cir.
Anaheim, CA 92807

MTC–00010148

From: Frances Ellison
To: Microsoft ATR
Date: 1/10/02 10:24pm
Subject: microsoft settlement

Dear Sir:

I support President Bush and Microsoft in their desire to settle this lawsuit.

Sincerely,
Fran Ellison
178 Palisades Dr
Four Seasons, Mo 65049

MTC–00010149

From: Craig Riley
To: Microsoft ATR
Date: 1/10/02 10:28pm
Subject: Accept Ruling

As a Washington State citizen and as a small business owner I request that you accept the ruling on the Microsoft case. This case has done irreparable harm to our economy both here in Washington and nation wide. The anti trust attack upon this innovative industry and against this innovative company is inappropriate. The target is moving so fast in the technology sector that old views and perspectives regarding antitrust do not apply.

Please accept this ruling compromise so that we as a state and a nation can get back to business.

Thank you,
Craig Riley

MTC–00010150

From: Leonard (038) Agnes Tillerson
To: Microsoft ATR
Date: 1/10/02 10:30pm
Subject: Microsoft Settlement

Dear Attorney General Ashcroft,

This is to inform you that we are in total agreement with the settlement reached regarding the Microsoft litigation.In our opinion, this litigation should have never occurred! Our economy has suffered as a result of this litigation and our technology market has been negatively impacted. In addition to the latter, we, the taxpayers have had to fund this prosecution diverting funds from investigating truly harmful antitrust violations and illegitimate monopolies. We ask and plead that the Federal District Court determine that the proposed settlement is in our, the public's, best interest.We applaud and support the Bush Administration and Microsoft in their desire to settle this lawsuit.

We respectfully request that you consider our remarks when making a final decision on this lawsuit.

Sincerely,
Agnes and Leonard Tillerson
244 Osprey Circle
St. Marys, Ga. 31558

MTC–00010151

From: John Olthoff
To: Microsoft ATR
Date: 1/10/02 10:33pm
Subject: Microsoft

I feel that I should have some voice. I think that the settlement with Microsoft is useless and needs to be much stricter. In some ways, as it is, it actually benefits the company.

The company itself should be broken up and have restrictions placed on its monopoly. They inhibit progress and competition in technology.

MTC–00010152

From: Anne Ball
To: Microsoft ATR

Date: 1/10/02 10:33pm
Subject: Microsoft settlement
To Whom it May Concern:
As a citizen of Washington state, I encourage you to accept the proposed settlement in the anti-trust case involving Microsoft. Please get the foot of government off the neck of private business so they can focus on moving this economy forward.
Thank you,
Anne Ball

MTC–00010153

From: BISHOPS558@aol.com@inetgw
To: Microsoft ATR
Date: 1/10/02 10:38pm
Subject: Bill Gates
I don't fully understand why the antitrust suit was served to begin with. I've worked with computers for 20 years. Bill Gates is just a genius. Just because he and his company can create the BEST systems and software in the world, does not mean he has to be punished. I agree that it would help competition for software if the Windows Operating System was not limited to what can run on it. Also, I agree that he should not have ''forced'' those outside entities to only do business with Microsoft products. However, I have seen what running different software packages on a Windows OS can do to the system. It can limit functionability of the entire system and can cause system errors and shutdowns. I believe some changes need to be made in the market, but putting all the blame on Bill Gates for being the genius he is is not the answer.
Thank you,
Sheryl Bishop
Louisiana

MTC–00010154

From: Jan Marler
To: Microsoft ATR
Date: 1/10/02 10:52pm
Subject: Microsoft Settlement
January 5, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:
I want to take a moment to express my support for the settlement reached in November between Microsoft and the Justice Department. I believe this settlement is in the public interest and will allow everyone to move forward. In my opinion, this case should have never been started in the first place. But since that is water under the bridge, this settlement is the best result that can occur at this time. It requires significant changes and concessions from Microsoft, including changes in how the company designs future versions of its Windows operating system. And an oversight committee will be formed to assure compliance. Microsoft has been a good company for personal consumers like myself who have used their products for years. After this entire affair is finally completed, Microsoft will be able to focus all their resources to producing the products that consumers and businesses have come to expect for years. Thank you for this opportunity to give my opinion and I hope that no further action will be taken at the federal level on this matter.
Sincerely,
Jan Nolte Marler
jmarler@cfi.net
2806 Hogan Lane
Crestview, Florida 32539
cc: Representative Joe Scarborough

MTC–00010155

From: John Malin
To: Microsoft ATR
Date: 1/10/02 10:45pm
Subject: Microsoft Settlement
Dear Attorney General Ashcroft:
It's time to stop penalizing commercial success. The government has ostensibly pursued this case on behalf of consumers; however, the very consumers it has sought to protect are being harmed by the detrimental impact the case has had on the technology market and the entire national economy.
Furthermore, America's taxpayers have had to fund this prosecution, diverting government funds from investigating harmful antitrust violations and illegitimate monopolies. The proposed settlement encourages consumer product-choice, promotes product innovation, and provides non-Microsoft related computer and software manufacturers with confidence in marketing their own products. It also frees up Department of Justice resources to pursue antitrust violations that currently harm the public. Some of the State Attorneys General want to continue this litigation: Don't let them! Let the case be settled as proposed and accepted by 9 of the 18 State Attorneys General. I chose to only use some of the Microsoft products available plus products by other manufacturers and did it all with out a court hearing or judgement. I'm sure there are more pressing things to be handled by the court system, especially since we have so many vacancies on the Federal Benches.
Sincerely,
John Malin
2242 Arabian Ln
York, SC 29745
803–684–9909
bootskofcagent@earthlink.net

MTC–00010156

From: Frank J. Martin
To: Microsoft ATR
Date: 1/10/02 10:59pm
Accept this settlement and let this great corporation get back to what they do best.
Frank Martin
Allentown, PA

MTC–00010157

From: George von Wurmb
To: Microsoft ATR
Date: 1/10/02 11:02pm
Subject: Microsoft Settlement
I like to state that I support the proposed settlement.It is time to settle this and move on.
George von Wurmb,
Tampa

MTC–00010158

From: TUPAI35@aol.com@inetgw
To: Microsoft ATR
Date: 1/10/02 11:02pm
Subject: Microsoft settlement.
All companys should have the FREEDOM TO INNOVATE. And that includes Microsoft. I really appreciate innovation regardless of who has the intelligence or the ability to do it.
Karen E. Small.
tupai35@aol.com

MTC–00010159

From: Bob McDermott
To: Microsoft ATR
Date: 1/10/02 11:09pm
Subject: Microsoft settlement
Please get the government off Microsoft's back, & go catch the terrorists instead

MTC–00010160

From: Jacob J Barkman
To: Microsoft ATR
Date: 1/10/02 11:10pm
Subject: Microsoft Settlement
Greetings from Elkhart, Kansas. We are much in Prayer for you DAILY, that you will continually know how to deal with the multitude of decisions that continually come before you.
Regarding the Microsoft Settlement issue, I support the current proposed settlement of the consumer product choice that promotes product innovation.
May you and your staff have the Wisdom, Discernment, and Insight to make the best, ultimate decision.
Sincerely,
Jacob J. Barkman
P. O. Box 193
Elkhart, Kansas 67950

MTC–00010161

From: Bruce Molay
To: Microsoft ATR
Date: 1/10/02 11:21pm
Subject: Microsoft Settlement
To: Judge for Microsoft Case
From: Bruce Molay, US Citizen
Re: Regarding Microsoft Settlement/Case
My Background: I am writing as a user of computer systems, a professional programmer, and an instructor in computer science. I began writing computer programs in 1968, I began writing programs professionally in 1983, and have been teaching computer science since 1976. I have seen the changes in computer technology and in the computer industry for three decades. I have also experienced firsthand Microsoft's deceptive business practices.
Regarding a Settlement: Microsoft walked all over the intention of the earlier consent decree, Microsoft has stomped on competitors and stabbed 'partners' in the back. Evidence at the trial showed many times a blatant disregard for truth. The doctored video tape had to be a form of perjury. Given the company's history, there is reason to believe Microsoft would ever follow the terms of another agreement.
In fact, as professional coders, they would take as a challenge the project of figuring out a clever way to work within the letter of the agreement while utterly violating the spirit of the agreement. Clever programmers take binary codes designed to do one thing and play with the rules to get computers to do something else. Legal agreements are just another game for Bill Gates to hack.

Finally, a settlement saves the company from having to accept or admit guilt. A settlement ignores the fact that a federal judge and the appeals court were unanimous, in detailed, unambiguous, direct rulings, about the clear violations of anti-trust law. A settlement allows Microsoft to pretend it was all a misunderstanding, something that can be settled amicably between parties trying to compromise.

Convicted Criminals Deserve Punishment: Microsoft has demonstrably damaged competition and free enterprise. Microsoft has benefitted enormously from lack of competition. In short, they killed the competition and stole money from consumers. Even if they promise never to kill competition and never to steal again, they ought not to keep of their ill-gotten gains.

I am not a lawyer, but it seems to me that if a bank robber is convicted of a robbery, and then promises to stop robbing banks, and gets no jail time, we at least expect him to give the money back. Or maybe pay out as a fine.

Convicted Criminals and Weapons: I think we require background checks when people try to buy guns. People convicted of using guns to hurt people and property should not be trusted to carry them around, or at least deserve some real supervision.

Microsoft used their desktop monopoly and their proprietary file formats and APIs to prevent and destroy competition in many areas. As we speak, they are adding APIs and changing file formats and using the desktop monopoly to attack Real Networks, Kodak, and even universal email protocols that make the Internet so useful to millions. Microsoft still possesses these weapons and is still using them.

Take away their weapons. Force MS to publish all file formats and windows APIs. They do not have to publish their source code; most of us in the industry do not want to look at Microsoft's 'crown jewels', there is too large a risk of intellectual property lawsuits. Impose hefty fines and the threat of a break up if they violate the rules. Arrange to pay bounties to people who find undocumented or incorrectly formats and APIs. Pay those bounties, upon review by a truly independent board, directly from MS to that coder. Doing so will make MS think twice about the cost of each violation. Doing so will create a staff of highly skilled inspectors, something the federal government can ill afford to fund in these economic times. Offering rewards for information about a crime is has a long tradition in our legal system.

Summary: No Settlement They have broken laws, hurt people, businesses, and stayed the invisible hand of the market. Fine them, don't trust them, and please take away their guns.

MTC–00010162

From: Frank Martin
To: Microsoft ATR
Date: 1/10/02 11:06pm
Subject: Settlement with Microsoft

I think the agreement that the Department of Justice, several states, and Microsoft is in the public interest and that the matter should be settled.

Frank Martin
P.O. Box 8586
Horseshoe Bay, TX 78657
830–598–6823

MTC–00010163

From: rlm357@juno.com@inetgw
To: Microsoft ATR
Date: 1/10/02 11:26pm
Subject: OBJECTION TO THE PERSECUTION OF BILL GATES

DROP THE PERSECUTION NOW.

MTC–00010164

From: Shawn Jarrett
To: Microsoft ATR
Date: 1/10/02 11:39pm
Subject: Microsoft Settlement

I believe key aspects of the government's case are wrong.

In my opinion Microsoft does not hold an ''illegal'' monopoly over desktop operating systems. That ignores the resurgent of Apple Macintosh and the emergence of powerful Unix-based competitors, like Linux. Consumers can purchase any operating system they want, but they choose Microsoft because it is a better product.

There is no evidence of consumer harm and none was provide in the trial and Microsoft, according to the law, is not a Monopoly. Instead we, the consumer, had a judge that made up laws as he pleased.

After reading into the definition of a Monopoly, this is my understanding what it is: A monopoly is a firm that's restricts output in order to raise profits and prices, which harm consumers. Microsoft stands accused of doing the exact opposite; it lowers its price to zero and tries to expand its market.

The more one knows about this industry, the more one will realize it was the disgruntled competitors bringing the charge that Microsoft is a monopoly.

All this, is a legal sideshow. Sun, IBM, AOL, and Oracle are touting it as the central issue, but they don't give a damn about the consumers. With Windows 2000/XP Microsoft is invading their turf on the corporate side with better products at lower prices. They want the government to make the software design decisions for Microsoft, knowing that will stop Microsoft from innovating. This will be bad for consumers, the economy and the national security if we fall behind in computer technology due to government meddling.

There is no possible way any action against Microsoft by the Justice Department and more importantly the unsettled states will help consumers. The competition and innovation in the computer and software industries are the most intense in the history of the world.

Overall, the message being sent by the trial is ''If you are a dominant producer in your market, be careful how aggressively you compete. Be mindful that your rivals can haul you into court if your product is better than theirs''.

To be perfectly clear, the DOJ and the Attorney Generals of the suing states do not represent my interest and the interest of millions of consumers who have and will continue to benefit from Microsoft products.

Sincerely from a concerned consumer,
T. Shawn Jarrett
704–393–9828
cltsjarrett@carolina.rr.com

MTC–00010165

From: Mino
To: Microsoft ATR
Date: 1/10/02 11:40pm
Subject: Law Suits Against Microsoft:

Dear Attorney General Ashcroft,

The Department of Justice, Microsoft and nine of eighteen states have reached an agreement that will stop wasting taxpayers' money on the decade-long competitor-driven persecution of Microsoft. The government has ostensibly pursued this case on behalf of consumers; however, the very consumers it has sought to protect are being harmed by the detrimental impact the case has had on the technology market and the entire national economy.

Furthermore, America's taxpayers have had to fund this prosecution, diverting government funds from investigating harmful antitrust violations and illegitimate monopolies.

The proposed settlement encourages consumer product-choice, promotes product innovation, and provides non-Microsoft related computer and software manufacturers with confidence in marketing their own products. It also frees up Department of Justice resources to pursue antitrust violations that currently harm the public.

Some of the State Attorneys General want to continue this litigation:

Don't let them!

The Federal District Court must determine that the proposed settlement is in the public's interest. Let the Court know that you support the Bush Administration and Microsoft in their desire to settle this lawsuit.

Thank You for taking the time to read my email to you. May God Almighty Bless You with Wisdom and Discernement in all that you deal with as

Attorney General.

Sincerely Yours,
Ronald Shimono
Issaquah, WA 98027

MTC–00010166

From: Lucille Patrick
To: Microsoft ATR
Date: 1/10/02 11:42pm
Subject: Microsoft Settlement

I support the Bush Administration and Microsoft in their desire to settle this lawsuit now.

Thank You
(Mrs.) Lucille C. Patrick

MTC–00010167

From: Eric Knirk
To: Microsoft ATR
Date: 1/10/02 11:55pm
Subject: microsoft settlement

leave microsoft alone. go after eron, or better yet loral aerospace for transfering protected technology to china.

MTC–00010168

From: Eric Knirk
To: Microsoft ATR
Date: 1/10/02 11:57pm
Subject: microsoft settlement

leave microsoft alone. go after ERON or better yet LORAL for transfering technology to to CHINA.

MTC–00010169

From: Carol Radford
To: Microsoft Settlement
Date: 1/10/02 10:45pm
Subject: Microsoft Settlement
Carol Radford
PO Box 471
Blomington, CA 92316
January 10, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Carol Radford

MTC–00010170

From: Ron C Gunn
To: Microsoft ATR
Date: 1/11/02 12:01am
Subject: Microsoft Settlement

My little company has been harmed by Microsoft, but I can only imagine one entity that can make a worse mess of the delicate job of providing software necessary for our best chance of technological and social progress, and that is any of the arms of the U.S. Federal Government.

Microsoft is by far the least harmful entity in this fight over Governmental or Business control of this sensitive area, and attempts to make this situation better through governmental control, because of its dynamic nature, is doomed to the most dismal failure.

Ron Gunn;
Ron Gunn Enterprises;
358 Albatross Ave;
Livermore CA 94550

MTC–00010171

From: Dave C. Hill
To: Microsoft ATR,antitrust@usdoj.gov,senator—leahy@le...
Date: 1/11/02 12:05am
Subject: Isn't this ''Extra Special'' ????

How much more are you going to allow/ ''Look-The-Other-Way'' before you deal with Microsoft like Judge Thomas Penfield Jackson correctly wanted to and order to split up of Microsoft ?? This company continues to make a mockery of the Justice system and anti-trust laws of this country!

Every time they get a chance, they're taking unfair advantage or ''Muscling'' some company or the Justice Department itself !!!

Prosecute these clowns and quit screwing around with them !!!

Microsoft failed to disclose meetings with lawmakers

WASHINGTON (AP) ? Microsoft communicated with members of Congress and their aides about its antitrust case and did not disclose the contacts to the trial judge who requested information about the company's lobbying in the case. Microsoft said this week it decided to disclose only contacts with executive branch officials in the required court filings, following the example of AT&T when it settled its landmark antitrust case in the 1980s.

The company reported to the court that its lone contacts with federal employees included Justice lawyers and two federal mediators hired to help assist settlement talks.

Legal experts, however, questioned whether the omission of congressional contacts violated federal law.

''If you specifically talk about the proposed settlement, that would seem to fall under the requirements of the plain language of the statute,'' said lawyer Dana Hayter with the firm of Howard Rice in San Francisco.

Both Microsoft and a congressional aide who witnessed the contacts acknowledge Microsoft officials briefed aides of the Senate Judiciary Committee on terms of the settlement just before a December congressional hearing on the case.

The Tunney Act requires defendants in antitrust cases such as Microsoft's to disclose ''any and all written or oral communications'' with ''any officer or employee of the United States'' related to the settlement.

In other cases not involving antitrust, judges have ruled that a legislator or congressional staff member counts as a U.S. employee.

Before the law named after him was passed, former Sen. John Tunney, D-Calif., said its requirements ''apply equally to contact with any branch of government, including the Congress.''

In its twice-a-year reports to Congress on lobbying activities, Microsoft reported spending $300,000 on lobbying in the first half of 2001 related to the antitrust case.

Several aides of lawmakers acknowledged discussing the settlement negotiations with Microsoft representatives.

An aide to Rep. Jennifer Dunn, R-Wash., talked with Microsoft officials in September, as settlement discussions renewed.

During the same month, Dunn organized over a hundred lawmakers to sign a letter to the Justice Department and Microsoft Chief Executive Officer Steve Ballmer urging a settlement.

The lawmaker's staff called company executives for advice about appearing on a television show focusing on the case. ''We just had to call Microsoft so we could understand better what the issue was,'' spokeswoman Jen Burita said.

Also in September, after federal prosecutors decided to abandon their effort to break Microsoft into two companies, Dunn talked to Attorney General John Ashcroft and urged an ''expedient resolution that will benefit consumers.''

Microsoft lobbyist Jack Quinn last year wrote to Senate Judiciary Committee Chairman Patrick Leahy, D-Vt., seeking to persuade him to scuttle the December hearing because the company was concerned that they would ''promote the biases'' of Microsoft competitors.

Legal experts said congressional contacts about the settlement should have been mentioned in Microsoft's disclosure and that Microsoft could risk its credibility by interpreting the law too narrowly.

''Once a side loses credibility, then you start to question everything they say,'' said Bob Lande, a law professor at the University of Baltimore.

Lande said the trial judge could force Microsoft to resubmit its disclosure if she doesn't believe it is complete.

Other experts said the law was designed to widely include contacts so the public could best decide whether companies tried to improperly exert influence to win an antitrust settlement.

''The reason to have the broad language is making sure the disclosure errs on the side of inclusiveness,'' said Andy Gavil, an antitrust expert at Howard University. ''It's for the court and the public to decide whether there was improper influence, and not for Microsoft.''

In its disclosure to the court, Microsoft acknowledged speaking only with U.S. government lawyers, lawyers for the states suing the company, and two court-appointed mediators.

Microsoft spokesman Vivek Varma said the company's disclosure was modeled on AT&T's antitrust suit that resulted in a 1984 breakup of the telephone giant.

''That filing was limited to communications with the executive branch,'' Varma said.

The Justice Department and 18 states sued Microsoft four years ago, alleging it violated antitrust laws and illegally thwarted competition.

The original trial judge ruled Microsoft did, in fact, operate as an illegal monopoly and should be broken into two companies as punishment.

Microsoft appealed.

A federal appeals court upheld most of the findings but reversed the breakup and ordered that a new judge impose a new penalty.

Microsoft late last year reached a settlement with the Justice Department and nine of the states. Nine other states are proceeding with the case and plan to go to trial on the penalty issue.

''Let every nation know, whether it wishes us well

or ill, that we shall pay any price, bear any burden,

meet any hardship, support any friend, oppose any foe

to assure the survival and the success of liberty.''

....John Fitzgerald Kennedy—1/20/61

Dave Hill <dchill1@qwest.net> :-)

MTC–00010172

From: METALIZE@aol.com@inetgw
To: Microsoft ATR
Date: 1/11/02 12:09am
Subject: microsoft

To Whom it May Concern:

As a citizen of Washington state, I encourage you to accept the proposed settlement in the anti-trust case involving Microsoft. This settlement is appropriate and reflects a triumph of the rule of law. Certain Microsoft competitors and other critics of the proposed settlement make the core of their objections a call for more stringent restrictions, ranging from prohibition of what they call ''product tying'' to breakup of the company. More extreme critics complain that the remedies do not address products that were not even part of the case.

These objections ignore the decision of the Appeals Court that reversed much of Judge Jackson's original findings. The Appeals Court threw out findings on many fronts related to Microsoft's anti-monopolistic behavior. One key area rejected was the basis used for claiming that integrating Internet Explorer and Windows represented monopoly abuse. The court went further to state that any new burden of proof for ''tying'' would be immense. The court also rejected the breakup order and made it clear such an order moving forward would be difficult to sustain given the court ''drastically altered [i.e., reduced] the scope of Microsoft's liability.''

One final objection raised by critics is that Microsoft has a past history of consent decree violation so the company cannot be trusted to adhere to a new decree. This is a patently false assertion. The Appeals Court in June of 1998 rejected the very claim that sent the parties into litigation—the Department of Justice claim that Microsoft had violated an earlier consent decree. Furthermore, this settlement takes the extraordinary step of creating an onsite oversight body. There are, therefore, no legitimate grounds for an assertion that a consent decree will not constrain Microsoft's behavior in the ways the court intends.

Rather, the proposed settlement directly and concretely addresses each and every key finding upheld by the Appeals Court, and does so with an undeniably stringent remedy. The areas of violation addressed include requiring OEMs to preserve visible access to Internet Explorer, to preserve the original boot sequence, to preserve all Microsoft-supplied desktop icons; entering into exclusive contracts with Internet Access Providers; threatening companies over support for other middleware technologies; and every other key area identified by the Appeals Court.

In my view, there can be no valid objection to this settlement because every major finding of the Appeals Court is stringently addressed with a targeted remedy that specifically prohibits and prevents the behavior in question.

Acceptance of the proposed settlement will send a signal throughout American industry and the country as a whole that in the United States rule of law is alive and well—that defendants face remedies only for those findings against them. Anything beyond this settlement would represent a victory for those who do not seek remedy but rather also unwarranted punishment, and this would be a serious blow to the smooth functioning of free markets and the law that protects them. Participants in the American economy would forever be forced to fear whether the laws they rely upon to safely conduct business will be applied fairly.

I believe in advancing free market competition and this settlement serves the best interests of the American public. It fairly resolves a complex and burdensome anti-trust case that is having severe impacts far beyond one company, a case that is acting as a drag on one of the most vibrant sectors of our economy. Settlement of this case will free the high-technology industry to put its fullest efforts into innovation and creativity, and will spur competition in a way that will directly benefit consumers.

Thank you for your consideration.

Signed,

Mahlon and Doreen Wixson

PO Box 3098

Silverdale, WA 98383

MTC–00010173

From: Schmidt, Jeff
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/11/02 12:10am
Subject: Sentencing of Microsoft

To Whom It May Concern,

I would like to make a few comments regarding the possible sentence being brought about against Microsoft. This possible sentence is letting Microsoft off with barely a slap on the wrist. In doing so, you are sending a signal to Microsoft that monopolies are fine as long as you're big enough. This is enabling them to keep their strangle-hold on the computer users of the world and stifling the competition in the computer operating system market. This lack of competition has yeilded low quality, over prices products on the part of Microsoft. Their Windows operating system has deteriorated over the years to being a poorly ''slapped together'' product.

The number of security leaks has increased dramatically. This is making the lives of people more vulnerable to criminals. How are we to feel safe shopping online. What about our personal information, and the safety of our families. I don't know who may be seeing my personal information. I don't know who may be talking to my family members. All of this is because of Microsoft's ''get it out there, and we'll fix the problems when they arise'' attitude. And where does this attitude come from? From the fact that they know that they don't have to worry about the competition of other operating systems. I realize that Linux has grasped a decent, although still less respectable, peice of the server market, but that still doesn't cover the home user and their information. If Microsoft is let off with a light sentence, they will continue to release poorly put together, unsecure operating systems. And because of their current market share, they are able to drag the public down any road, safe or unsafe, they want. Please, do not let Microsoft continue to be incontrol of the lives of computer users. They seem to have proven they are not trust worthy to make a quality, secure product. Thank you.

Jeff Schmidt

Former Windows user, recently switched to Linux.

MTC–00010174

From: Vincent Adeszko
To: Microsoft ATR
Date: 1/11/02 12:16am
Subject: Microsoft Settlement

It's time to stop wasting taxpayer money and inhibiting successful entrepreneurs. If it wasn't for Microsoft, I and thousands of others would still be frightened of computers. When will the government and the courts recognize the huge benefits to worker productivity and consumer satisfaction that Microsoft has given to the world and to its stockholders. It has been one of the best, if not the best, innovator in technology. Settle these ridiculous lawsuits and allow business to continue to expand worker opportunities in this country and all over the world.

Vincent Adeszko

144 Canyon RIm Drive

Folsom, CA 95630

MTC–00010175

From: Jim Kneuper
To: Microsoft ATR
Date: 1/11/02 12:41am
Subject: Concerned Linux user

Hello! I'm writing to you because I believe the proposed settlement is a slap on the wrist for Microsoft and a kick in the face to everyone else. Even now, they are still doing the things there were dragged into court for. Notice MSN Messanger in Windows XP? Or the Passport buggings?

I use Linux as my primary operating system. I actually do have a small (3 gigs of a 60 gig hard drive) Windows partition for the game EverQuest, which refuses to support Linux. That's the only problem... no companies have any compelling reason to support any operating system other than Windows. Untill support comes around, nobody is going to move to Linux or any other operating system.

Microsoft is doing everything it can to stop that. Take for instance the lack of Java support in Windows XP. They want web pages to use their own language, ''ActiveX'', because they are the only ones who are able to write support for it. No browser can interperate ActiveX other than Internet Explorer. And Internet Explorer only happends on Windows (and maybe Mac, not sure). If web pages want to work with Windows XP, they have no choice but to break compatibility with other OSs.

Microsoft has contenued to show that it cannot be trusted, again and again. It gives this great nation a bad name, and that is the truly sad part. Please, do not let the war on Terrorism be Microsoft's ''get out of jail free'' card... because, arguably, the war on Terrorism should include Microsoft.

Thank you for your time

Jim Kneuper

MTC–00010176

From: Charlie
To: Microsoft ATR
Date: 1/11/02 12:20am
Subject: MICROSOFT SETTLEMENT

It is time to settle this thing once and for all. I think the taxpayer has spent enough on this somewhat frivolous lawsuit. Everyone has been kept in suspense long enough, and it is not good for the country at this point in time.

Sincerely,
Charles W. Powers
Cape Girardeau, Mo 63703
charlee@ldd.net.

MTC–00010177

From: Dave Winchell
To: Microsoft ATR
Date: 1/11/02 12:42am
Subject: Microsoft Settlement

Dear Attorney General Ashcroft:

I believe Microsoft has been persecuted enough by the anti-trust prosecution of recent years. The settlement agreement reached by Microsoft, the U.S. Department of Justice, and 9 of the 18 states participating on the suit seems to be in the public interest, and should be approved by the court. The prosecution of Microsoft was driven by competitors envious of Microsoft's commercial success, and by overzealous U.S. attorneys. It has been a waste of taxpayers' money and has diverted DOJ resources away from other important issues. The case should be closed to stop the waste of public and commercial money and resources. The nine participating states that have not yet agreed to the settlement should not be allowed to impede the settlement and thus perpetuate the wasteful activity to the detriment of Microsoft's continuing commercial achievements and the public good. Please pass my support of the proposed settlement of the lawsuit to the court for its consideration.

Very truly yours,
David G. Winchell
8871 W. Etcheverry Drive
Tracy, California 95304

MTC–00010178

From: John Bowen
To: Microsoft ATR
Date: 1/11/02 12:42am
Subject: Bunch of Crooks

This has gone far enough! This is nothing but a bunch of Pirates who knew about computers before the government did and used their advantage to take the money and stifle software development!

They sell buggy software and provide no refund if it will not work and no customer service! I have their Millennium Edition and it has never worked. I'm sure I could spend about 20 hours and get it to work but why should I have to work on something I bought on good faith that it would work. If you want to understand how this company operates Look into Millennium edition. They put this OS out just for a payday to keep the stock from crashing and to hell with whoever bought it!!!!

MTC–00010179

From: Paul Geohegan
To: Microsoft ATR
Date: 1/11/02 12:52am
Subject: Microsoft Settlemet

Enough already!

MTC–00010180

From: Stephen Langford
To: Microsoft ATR
Date: 1/11/02 12:52am
Subject: Microsoft Judgement

I am writing to express my opinion that the proposed federal penalties against the Microsoft corporation are too lenient and set a bad precedent.

I find it incredible that the court, the prosecution, and the guilty party must negotiate as equals to define a settlement agreeable to all parties in this case. Microsoft was found guilty of breaking an important law. They have significantly hurt millions of Americans. How many other guilty parties get to negotiate their punishment? It sure seems like Microsoft is not being treated equally under the law. Some aspects of the penalty are not penalties at all. Forcing Microsoft to buy software and computers for schools gives them an advantage in the educational market, where competitors (e.g., Apple Computer and the suppliers of compatible software) have long had a substantial fraction of the market. The one market where Microsoft has faced significant competition is being made less competitive. Is this a penalty for anti-competitive behavior?

Microsoft has a well-earned reputation for lying, including orchestrating public support for its products in dishonest ways. A ZDNET pole over Christmas is only the most recent example. http://news.zdnet.co.uk/story/0,,t269-s2102244,00.html Microsoft consistently engages in questionable behavior and is not entitled to leniency on the ground of any honorable track record. If they are not punished, we will have to endure years more of the same or worse. The worst they have to fear is another long trial, with minor penalties even if they are found guilty!

Stephen C. Langford
160 NW Stadium Way, Apt. 4
Pullman, WA 99163–2461
Phone: (509) 332–5844
e-mail: langford@wsu.edu

MTC–00010181

From: Rich
To: Microsoft ATR
Date: 1/11/02 1:14am
Subject: microsoftsettlement

please support the settlement for the sake of all concerned

MTC–00010183

From: Bradley Curtis
To: Microsoft ATR
Date: 1/11/02 1:31am
Subject: Microsoft Settlement

Settle it and get off the stick
B. L. Curtis

MTC–00010184

From: Tom and Karin Thomas
To: Microsoft ATR
Date: 1/11/02 1:53am
Subject: Microsoft Settlement

Here we are dealing with a recession that started in 2000, and the government tortures a company that has created industry, jobs, wealth, and progress. And they have done it because they have good ideas and know how to make them into products. Now does it make any sense at all to punish them for being successful? Stop wasting our time and money on this vendetta and end this case. Do not fall victim to the anti-business forces that drag success to the ground.

Tom and Karin Thomas
12711 Via Perfecto
San Antonio, TX 78233
(210)655–6855

MTC–00010185

From: Diane Kirk
To: Microsoft Settlement
Date: 1/11/02 1:38am
Subject: Microsoft Settlement

Diane Kirk
2350 Pinon Rd.
Rescue, CA 95672–9651
January 11, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Diane Kirk

MTC–00010186

From: Steve
To: Microsoft ATR
Date: 1/11/02 2:09am
Subject: Why should MS get a slap on the wrist???

Thank you for reading this.

Please do not let MS off the hook, we need to force them to better their product by promoting competition. The have an unfair and in my opinion an illegal monopoly.

Wasn't the phone company dismantled because of unfair business practice due to it's monopoly? Of course it was.

The other thing that has really changed my views on MS was when I purchased WinXP... I had some trouble installing this software to

''MY'' satisfaction. I did not realize that each time I installed the software (which I paid for) I had to send off to MS an electronic registration with an electronic profile of ''MY'' machine. Well fine I did it (reluctantly), but what else am I going to use... So I install this OS, and registerd it 3 times. I was still unhappy with something about the install, and after much work decided I would erase my system one last time, and reinstall this OS. So after I am done I try to register to Mr. Bill, and I get a message telling me that the software I paid for has been installed too many times. To make a long story short, I had to call MS to ask permission to use it and get a special code to activate something I paid for!!! Keep in mind I had done the activation prior, but that wasn't good enough.

Now correct my if I am out of line here, but if you bought software... Do you think that you should have to ask the companies permission, and further have to supply them with a reason as to why I am installing it so many times? Didn't I buy it for my personal use? It was from the same machine because they had my hard profile...

Please sanction this company in a way that will make it hurt. PLEASE!! don't give in to these thugs. They are no worse than the Mafia.

Thank you,

Steve DeDominic

MTC–00010187

From: lscross
To: Microsoft ATR
Date: 1/11/02 3:59am
Subject: Microsoft Settlement

To the Justice Department: Stop wasting taxpayers' money on the decade-long competitor-driven persecution of Microsoft.

This settlement is not in the public interest.

The government has ostensibly pursued this case on behalf of consumers; however, the very consumers it has sought to protect are being harmed by the detrimental impact the case has had on the technology market and the entire national economy.

Furthermore, America's taxpayers have had to fund this prosecution, diverting government funds from investigating harmful antitrust violations and illegitimate monopolies.

The proposed settlement encourages consumer product-choice, promotes product innovation, and provides non-Microsoft related computer and software manufacturers with confidence in marketing their own products. It also frees up Department of Justice resources to pursue antitrust violations that currently harm the public. Stop this litigation!

I support the Bush Administration and Microsoft in their desire to settle this lawsuit.

Luci Cross

Olympia, WA 98513

MTC–00010188

From: Dave Jacobs
To: Microsoft ATR
Date: 1/11/02 4:03am
Subject: Microsoft Settlement

Greetings:

In reading over the final settlement with Microsoft, maybe I am not seeing something, but what I see allows for something that I find happening to allow Microsoft to continue with an almost akin to an absolute control of the internet. Ever since Microsoft lost their battle in Court, they have been making some changes which tend to further their path to discouraging people enough that they gain more control and thereby a monopoly by a type of intimidation. I have watched them in their influence over the net by any users who are not using their products when on the web. An example of this is that every site they own or control or every company or OEM with which they have some previous agreement can't be simply accessed by one who is not using their product. I see nothing in the final judgement which prohibits them from intimidation by making it almost impossible for anyone who does not use their IE to easily access mail or sites. Since there is not and since they have acquired more online, they have now been able to exercise much more in the way of 'convincing' people to use only them. This effectively shuts out most of the stipulations of the final judgement. The giving up of fighting with a system which is so restrictive and demanding without violating any of the provisions of the judgement will merely cause the individuals to chose to not fight it and add much more to a total control monopoly on the internet.

One only has to understand that the Microsoft Windows OS is the one in use in the majority of all OS systems used in the world to realize that the internet is being used to force a control so that a true free choice is not given to the individual users. The complaints which caused this suit were not from individual users. They were from competitors in the business. No where is the issue addressed which prevents Microsoft from using the widespread use of their OS along with their own internet sites and agreements with others to cause considerable pressure to continue with a forced monopoly. With what I see in the judgement, even more a path is allowed for them to continue to accomplish an almost total internet controled monopoly with their OS and products.

The users of an Operating System do not always run out and pay such an expense just to buy new systems when they are introduced. Many will continue to use what they have until they find a real need due to some obsolecesence. With all the Windows programs since Windows 95 to date, there is no way to avoid the requirement of wasting space on the system by keeping the Microsoft Internet Explorer (IE). It must be in the system and will always be doing something itself and including popping up at times when you are not wanting to use it.

In any site owned, controlled or where there exists an agreement for the use of their products, a user of any other system or browser has difficulty in accessing the site. In mail that is sent which has been set up by Microsoft for many companies, that mail may not even open in any browser other than IE. I have had many such examples here recently which did not exist before your suit. This would tend to indicate a path Microsoft has found to allow for a continuation of what the suit was charging, only from a different perspective; the use.

Where I prefer the Windows system, I do not prefer all that Microsoft has for use and see no need to have it waste space on my hard drive when I have other products which I would chose to use. I do not think that Microsoft should be allowed to have the type of control worldwide they have over the internet to force this situation and I do not think that they should be allowed to provide their IE as a component of the Windows OS. This should be kept out of the system and a user then has the free choice of which they wish to download or purchase and use. Any online company or site, network or ISP should be additionally required to fully support any of the available browser systems available to the individual user by the choice of the user.

Take a look back at how the Windows sysetem was prior to Windows 95. You will find a system which did allow free choice. The IE could be used or eliminated at the discretion of the user. Now, the Windows Operating System is so embedded with instructions and directions so as to disallow any free choice in any product which Microsoft owns or controls. You must keep all of theirs and then have to fight with sites and anything which on the web is under the direction, control or ownership of Microsoft if you are not using their products. It has become common now for people to even state that if you aren't using IE or Microsoft that you aren't going to be able to enter the site, gain access to some mail or view anything produced on the internet by Microsoft. This is quite a bad sign.

I know that is is rather a far fetched idea, but I feel the urge to remind all of a movie that was shown on television a couple years back and can now be found in video stores. It is fiction. It isn't real. But, I see a tremendous similarity to it and what I see happening now. A bit more advanced and overboard situation in the movie, but is it? ''Net Force'' Watch it and you be the judge.

Sincerely,

Dave Jacobs

MTC–00010189

From: bill mccauley
To: Microsoft ATR
Date: 1/11/02 4:12am
Subject: microsoft settlement

I Thought the feds covered interstate commerce.

tell them money grubing states to back off

Bill McCauley

Plano, Texas

MTC–00010190

From: Ira
To: Microsoft ATR
Date: 1/11/02 4:27am
Subject: Microsoft Settlement

As a user of the Windows Operating System I want to support Microsoft(MS) for the products they have developed. I have no interest in the marketing aspects or the policies of any company but rather the benefits of the software. If politicians who are not even aware of the real benefits of the software are allowed to continue to disrupt the development of such software future development will cease. How can people who are not technically aware of the real

technical problems that are involved in development be allowed to decide to dictate the future of the industry. The government ''Experts'' are bureaucrats with a vested interest in controlling private industry and not really capable of making true technical contributions to software products. Why don't the courts look to individuals like myself—not employees of MS or the government but users of the products. The industry would not have grown and flourished if not for MS so stop trying to stifle it. Poodle.25722@home.com ''Your living proof that God works in strange and wondrous ways'' SuzieQ,Little Bit and Ira

MTC–00010191

From: Wayne Petersen
To: Microsoft ATR
Date: 1/11/02 4:48am
Subject: Microsoft Settlement January 10, 2002 Attorney General John Ashcroft 950 Pennsylvania Avenue, NW US Department of Justice Washington, DC 20530–0001

Dear Mr. Ashcroft,

I would like to take a moment to give my views on the settlement reached between Microsoft and the Justice Department in November. At this point, the settlement agreement is the best development and would be good for all litigants and consumers in general.

I, like countless others, have Microsoft stock as a significant part of my retirement savings. The impact of the suit on me personally has been dramatic. The impact on the entire economy is noteworthy, too. In fact, I think one can trace the Clinton recession almost directly to the date of the original judgment.

Despite my belief that this whole case should have never been brought in the first place, I understand Microsoft's desire to wrap this suit up. Now I am hoping that with the federal government's lead and continued support for the settlement, the states that have not joined the settlement (such as Minnesota) will reconsider their position. It would be extremely important for all this legal uncertainty to be put to rest for good. The settlement justly leaves Microsoft intact, while obligating the company to change its anticompetitive practices of software bundling and the way it licensed Windows.

I commend your office and the entire administration on the push to settle this case. It is good for the economy and for the government, who can now utilize scarce resources to programs that are more important in our current political environment.

Sincerely,
Wayne Petersen

MTC–00010192

From: bernita colthorp
To: Microsoft ATR
Date: 1/11/02 6:01am
Subject: Litigation with microsoft.

Sirs:

It is in the best interest of the United States economy to close this case against Microsoft, and allow them and the rest of the country to get on with business, and stop wasting money and time on making life miserable for producers of the means to keep our country strong—the courts could better use their time and money on other matters—online porn, money laundering by fringe groups.

Sincerely,
Bernita Colthorp

MTC–00010193

From: Jerry (038) Mary Fields
To: Microsoft ATR
Date: 1/11/02 6:30am
Subject: Microsoft settlement

I believe that the government should settle with Microsoft quickly and then leave it alone. Please don't cripple the industry or spend any more of our tax money by prolonging this suit, nor by starting other similar ones. Many people in this field are out of jobs. The computer/technological industry needs stimulation and tax breaks to put Americans back to work.

Thank you for considering my opinion.
Mary Fields
820 Carter Rd
Mineral Wells, TX 76067

MTC–00010194

From: root@cycling.stures.iastate.edu@inetgw
To: Microsoft ATR
Date: 1/11/02 6:32am
Subject: Please listen to the public

I am going to try and keep this as short as I can, it may be hard because this is a issue that I am very passionate about.

I am a computer science student at Iowa State University, I have developed software for many years now on a variety of platforms including, Windows and many different types of Unix and Linux operating systems. I have also had the pleasure of maintaining these systems. My knowledge and experience is nothing special, I am just like hundreds of thousands of people that work on keeping our systems as secure as we can.

I could write you many pages about problems with the current state of the computer industry and how that relates to the Microsoft Corporation. But I am not going to do that. I am going to tell you about some of the issues that I think are prevalent to not only system administrators but to every computer user.

With the increasing amount of sensitive information that is on computers today security is a major issue. Some people, including some of my closest friends, are unable to see this. This is probably one of the biggest problems that we face as a computer dependent society. They are uneducated about the risks they take every time they use a computer. Most people would probably just try and say that I am paranoid, however the truth is that my education and experiences is what makes me look paranoid but the risks I talk about are real.

So what does this have to do with Microsoft. The answer to that question is very long, there are more security holes in Microsoft's software than I can keep track of, which is why I will only focus on those that affect the most users.

I know of these holes not because I am a hacker of any kind but because I have to fix them in order to maintain the least bit of security.

This nation spends millions of dollars every year on Microsoft's software, to then turn around and spend millions more to fix the damage incurred because of a virus that it spread. Everyone is familiar with email viruses, most people have received one and have been infected by it, if they haven't just keep using Outlook and wait a while. This method of putting viruses in emails costs this nation more every year than anyone wants to think about. I don't know the numbers and I don't think anyone truly does know them, because fixing the problem costs a lot of time and money but so does trying to prevent the problem.

In how many other industries can a company get away with selling a product that puts the buyer in danger without informing them about it. When you purchase Microsoft software do they tell you about all the security holes in it and how what damage they can do? Of course they can't predict what tools a hacker will use but once a problem is found a solution needs to be found. This is something that Microsoft is not very diligent at doing. But who can blame them for not wanting to publish this information, after all if they did how many people do you think would spend $300 for the upgrade version of there next software, which fixed some problems but made just as many new ones. Well I will tell you who can blame them, everyone, starting with yourself. If I had a car and the manufacture knew that it could explode if someone kicked and they didn't tell me about it, they would be sued to no end. Many people say that this comparison is outrageous, but it is not, this is just how unsafe there software is. The reason people believe this is because that is what Microsoft wants you to believe and what they sell you in every ad that they have. Really, a company that big can sell the general public anything it wants.

But now for some proof.

The computer industry had its ways of making standards just like every other industry. Most of the time those standards are set by a non-profit organization, like IEEE. But because Microsoft is so huge and controls most of the market they don't feel like they have to follow the rules. Right now they can create whatever standard they want and because they sell so many systems it becomes a standard. But the problem is that there is nothing standard about it. Standards are published and available to the public, something that Microsoft also does not do. Take the HTML standard, or HyperText Markup Language. There browser, Internet Explorer has its own standards that if follows, sure it follows all of the real standards but it has included other things are are not standard, I do not know what they are because they will not tell me. But what I do know is that the computer I am currently sitting at right now has a problem with it. I am using a Silicon Graphics Indigo 2 R10000 machine running a version of Unix and using Netscape Navigator as my browser. When trying to view pages on Microsoft's own web site it will not display the content. But when I go to my Windows machine it does not have a problem at all. But the problem is not me, the problem is the site, I am convinced that it will not display the content when using Netscape.

Microsoft will call this a coincidence or a problem with Netscape, but the problem is

with Microsoft and that they have enough power to make it the truth!

This is a situation that needs to stop and this is the time to do it. We have an opportunity here to stop something that should have been stooped long ago. I don't care what Microsoft says is best for our nation. It boils down to what is best for Microsoft, if you think they care about what is best for this nation you should consider yourself one of there victims. A company does not get as large as they are by caring about anyone but themselves.

Freedom of information is a wonderful thing, and that is what makes the internet one of the most powerful tools today. I should not have to remind you of what freedom is, but I will say this, the longer Microsoft pushes on its current path the less free the internet will become. A judge would say that is speculation but I don't care, I want it to me motivation, motivation to do the right thing and just think about where we will be in ten years. Microsoft will never own the internet, at least I hope not, but if we are not careful they will control it.

Think of it as a kind of conspiracy, the amount of information you have is almost nothing when you know the truth. I can not prove that is the case here but there are millions of us out here that can feel it. I thank you very much for your time, I did not accomplish my goal of a short letter and if you have made it this far I know that you will do the right thing and put and end to this situation and open up a new and better door to the future.

I leave you with this. Microsoft is huge but programers around the world is much bigger. The progress of open source software has grown so much in the last few years and I believe me that it is just the tip of the iceberg. The future of computing lies in our hands and not Microsoft, but if we are not careful that can change.

Thanks again,
Ryan Grimm
1232 Hawthron Court
Iowa State University
Ames IA, 50010

MTC–00010195

From: ANDERSON,MIKE (HP–USA,ex1)
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/11/02 6:34am
Subject: Microsoft Settlement

Dear Attorney General Ashcroft:

I strongly support the Bush Administration and Microsoft in their desire to settle this lawsuit. Close this case and get the states off Microsoft's back.

I believe that the Govt has totally missed their target in this case. By having a standard Operating System, innovation as been significantly increased and software costs decreased. E.G. if every auto manufacturer's vehicles ran on a different fuel source, the cost of fuel would be much higher. Same principal for software. Without Microsofts innovations, our countries technological lead would not exist...in my opinion.

Regards :-)
Mike Anderson / IT Technical Staff
Field Support Tools/Integration & Development
HP Services North America Information Technology
Phone: 770/T–795–6488 (urgent voice msg pages)
After 3 rings, home office & cell phone ring simultaneously.
Email: Mike—Anderson@hp.com
The doorstep of the temple of wisdom is the knowledge of your own ignorance.

MTC–00010196

From: Jeff Clayton
To: Microsoft ATR
Date: 1/11/02 6:40am
Subject: Against Proposed Anti-Trust Settlement with Microsoft

To Whom It May Concern:

Regarding the proposal to settle the Microsoft anti-trust action through donations to the public schools: this ''solution'' scandalously rewards and abets the anti-competetive practices it pretends to penalize.

It is true that there would be significant benefit to the schools. However, the big winner in this affair would be Microsoft itself. Consumers, competitors, and the industry that Microsoft has so damaged by abusing its monopoly position, are in no way compensated.

* Microsoft escapes an overwhelming finding of fault with the least of penalties—it gives away product, at small cost to itself, to a market in which sales are hard-won.

* This is tantamount to a marketing seed program. The tobacco industry must wonder how it failed to be directed to make amends to injured smokers by donating tobacco products to schools.

There has not been a penalty proposed which would fail its purpose so utterly, since Brer Rabbit was consigned to the briar patch in the Uncle Remus fable.

I urge any party to this proposal, who has the will and the ability to resist it, to refuse such an ineffective, cynical and outrageous settlement.

Thank you for your attention.
Sincerely,
Jeffrey T. Clayton
143 Kathryn Drive
Pleasant Hill, California 94523
swivet@earthlink.net

MTC–00010197

From: Raymond Mercier
To: Microsoft ATR
Date: 1/11/02 6:53am
Subject: Microsoft Settlement

Dear Department of Justice, Antitrust Division,

I do not believe the proposed settlement with Microsoft will remedy the harm already caused by Microsoft's past restriction of trade practices. Further, I do not see in the settlement any protection for ''Open Source'' software providers, specifically Linux and Apache which make up a large part of the Internet's infrastructure. Far from protecting the public from Microsoft's predatory behavior, this agreement seems to simply spell out the rules under which Microsoft may continue to dominate markets and exclude competitors. The Microsoft Antitrust Settlement fails to protect and serve the American people, who deserve better.

Sincerely,
Raymond Mercier, Jr.
3 Bear Hill Road, Apartment 7
Hillsboro, NH 03244
Phone # 603–464–4934
E-mail mercierr@gsinet.net

MTC–00010198

From: Wesley Watters
To: Microsoft ATR
Date: 1/11/02 6:58am
Subject: What I think.

Hello,

I think that as long as Microsoft continues in it's present form that there is NO competition in any software market that Microsoft enters. This is against all of our values as Americans. I think it is your duty to save us from this convicted criminal enterprise, and restore competitive balance. I also think an investigation shoud be started into Ashcrofts blatent selling out of America's interests in this case.

Do as Judge Jackson said. BREAK UP MICROSOFT!!!!

Thank You,
Wesley Watters
wesinpgh@nb.net

MTC–00010199

From: John J. Urbaniak
To: Microsoft ATR,jjurban@attglobal.net@inetgw
Date: 1/11/02 8:18am
Subject: Microsoft Settlement
To: U.S. Department of Justice

(I wish to have your Department submit this letter to Judge Colleen Kollar-Kotelly regarding the proposed Microsoft Antitrust Trial settlement. I have sent a similar letter to the State's Attorneys General who are in opposition to the settlement. Thank you.)

I am the President and founder of Aviar, Inc., a software development company specializing in Computerized Maintenance Management Systems (CMMS). I have been in the computer field since 1966.

Aviar was founded in September, 1983. We developed and marketed a DOS CMMS program called ''Ounce of Prevention System.'' This system was very successful: We had more than 550 users worldwide, and in 1990 we were judged ''Best Overall'' in a user-satisfaction survey sponsored by A. T. Kearney Associates. The survey results were published in ''Industry Week'' Magazine, February 5, 1990.

Personally, I have written several articles on CMMS techniques and requirements which were published in major magazines such as ''Maintenance Technology.'' I have also been invited to speak at Maintenance-oriented trade shows and meetings.

As of 1994, our company had 13 employees and annual revenues approaching $500,000. Our growth rate was approximately 22% per year.

At that time, the PC industry was changing from the DOS character-based mode of operating to the Graphical User Interface mode, based on the mouse and graphical screens. Aviar decided to develop a new version of our successful DOS program.

We did extensive research to evaluate software platforms. We studied Microsoft Windows and IBM's OS/2 Operating Systems. It was my professional judgement at that time that OS/2 was a far superior operating platform than Windows for the

specific requirements of a CMMS product. OS/2 was more stable; less prone to system crashes and loss of data; more resistant to viruses; more efficient and made better use of system resources.

It is my judgement, as of the present time, that OS/2 is still a superior operating environment for the needs of Maintenance Management software. OS/2 is still more stable, less prone to crashes and loss of data, more resistant to viruses and more efficient than any version of Windows.

So, based on this judgement, my company developed a new version of our CMMS product, called ''Oz of Prevention System'' for the OS/2 platform. Little did I know that while we were working hard to produce an excellent advanced version of our well-received DOS system, Microsoft was acting illegally to prevent our product from ever reaching our potential customers.

We didn't realize that Microsoft was threatening companies such as Hewlett-Packard to prevent them from offering PC's with OS/2 pre-loaded. We didn't realize that Microsoft threatened even IBM to prevent them from offering and supporting computers loaded with their own OS/2! But these activities came out in the trial.

As of this writing, Aviar has shrunk to two full-time employees and one part-timer. Our revenues have dropped by 80%. I personally have not received any meaningful salary in several years.

It was NOT a simple mis-judgement on my part which caused this. It was Microsoft's illegal maintenance of its monopoly, combined with IBM's [forced?] retreat from the PC Operating System market.

In order for us to sell our OS/2-based system, we must also supply computers along with the software. This is because it is impossible to obtain PCs with OS/2 pre-loaded on the open market. We have to assemble machines and package them along with our software. This adds significantly to our costs, and puts us at a competitive disadvantage, even though we believe our product is superior. If we buy a machine, say from IBM, we still have to pay them for Windows, which we don't want and which we immediately remove. This is not right, not in the America which I thought I lived in.

I believe the following:

1. My company has a right to exist, to succeed or fail on our own, without being prevented access to our market by Microsoft.

2. We have the right to innovate on our own, without being forced to develop software on Microsoft's terms and conditions.

3. We have the right to grow our own markets without being prevented and hindered by the Microsoft monopoly.

4. We have the responsibility to offer our customers the very best product we can.

In my judgement, the very best product for a CMMS application will not be based on Windows, it will be based on a superior Operating System such the OS/2 platform for the reasons stated above. It is simply wrong either to

1. Force us out of business, or

2. Force us to develop for Windows, which we believe is inferior.

I believe, therefore, that the DoJ proposed settlement with Microsoft does absolutely NOTHING to prevent Microsoft from using its monopoly to continue to restrict our customers from acquiring OS/2 computers, and thus to restrict us from competing in a free and open market. In fact, the proposed settlement actually strengthens Microsoft's stranglehold on the PC Operating System market, in spite of their illegally judged behavior.

My company will continue to suffer and my customers will continue to be denied access to what I believe is a superior product on a superior operating environment.

All we want is a chance to innovate and compete fairly. The proposed settlement does not facilitate this. I ask that the settlement be rejected and stronger remedies be enacted which allow my small company to compete honestly without being forced out of existence by the illegal actions of Microsoft.

I assume that there is enormous lobbying pressure and media hype generated by powerful pro-Microsoft entities. I am just a small businessperson trying to be moderately successful offering a superior product to my customers. I haven't done anything illegal as Microsoft has done. I pray that American Justice applies to my small business just as well as it applies to giant corporations.

Sincerely,
John J. Urbaniak, Ph.D.
President
Aviar, Inc.
Ounce of Prevention Software
1120 Perry Highway
Pittsburgh, PA 15237
(412) 488–9730 Voice
(412) 488–0190 Fax
jjurban@attglobal.net

MTC–00010200

From: john@research.att.com@inetgw
To: Microsoft ATR
Date: 1/11/02 8:42am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Ms. Hesse,

I have been working in the software and technology sector for over twenty years. I experienced programming before there was a Microsoft, I experienced e-mail, the internet and web browsing before Microsoft entered the arena, I experienced Java (TM) technology before Microsoft took interest in it. In all these cases, I can assure you that there was more competition, *both* intellectual and economic, before Microsoft lumbered into the picture. I also experienced AT&T when it was a monopoly and afterwards. As a monopoly, it was undeniably a better place to work because of all the non-work related comforts available and the job security, but the productivity of AT&T improved and its creativity did not suffer after its monopoly was ended.

Too many excellent technologies are struggling or have struggled (and lost) against Microsoft while Microsoft continues to produce buggy, bloated, insecure products that lack creativity. Most of the Microsoft ''innovations''—if examined closely—are inferior variations of the creations of its struggling competitors. For example, while Apple worked hard to merge the best operating system (UNIX and its variants) with a creative re-working of the best OS user interface (Apple's own) to produce OS X, Microsoft follows a year later with XP, which took the high resolution, large-icon look and feel of the Apple product (and even stole the ''X'' from the name) and grafted it onto its old, buggy NT operating system . . . the result, not surprisingly was a buggy OS with major security flaws. Yet, XP will crush OS X not because it is better or more innovative, but because Microsoft has such an enormous installed base and because—to paraphrase the old expression regarding IBM—nobody ever got fired for choosing Microsoft.

In addition to the installed base, the greatest factor that assures the continuance of the Microsoft monopoly is their adherence to closed, proprietary data formats that constantly change in minor, unimportant ways so as to frustrate competitors that attempt to interface with them. The Office Suite, with its Word, Excel, PowerPoint and other data formats, maintains its control of the office productivity tool market by making sure it is difficult for other tools to read those formats and almost impossible to write them. If a split of Microsoft along OS and application lines is completely off the table, then any other remedy should, at a minimum, require Microsoft to openly and freely publish up-to-date specifications of its data formats. Without the ability of competitors—and especially innovative, small-operation competitors—to easily read AND write Microsoft formats, real competition can never occur. Microsoft Office document formats are the lingua franca of the business world and any tools that plan to compete MUST speak that language fluently. Naturally, the views expressed here are entirely my own and should not in any way be construed to reflect the opinions of AT&T, its management, its employees or its shareholders.

Best of luck with your endeavors in pursuit of Justice in this matter,

John Mocenigo, PhD
John MocenigoE-Mail: john@research.att.com
Research @ AT&T LabsVoice: 1–973–360–8639
180 Park Av / Bldg 103 / Rm D–225Fax: 1–973–360–8055
Florham Park, NJ 07932–0971

MTC–00010201

From: Ken Cobler
To: Microsoft ATR
Date: 1/11/02 9:49am
Subject: Microsoft Anti-trust settlement

MTC–00010202

From: Anthony W. Youngman
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/11/02 8:57am
Subject: Comments on the antitrust suit

Please find attached a document with my comments on the suit, as per the Tunney act. You may notice I'm a UK citizen, but as this case has international repercussions and my competition authorities are likely to get involved when the DoJ decides it's closed the case, I trust my input may have some merit.

Yours,
Anthony Youngman
CC: 'dennispowell(a)earthlink.net'

Critique on the Microsoft Settlement

Reading the Proposed Final Judgment and the Competitive Impact Statement, I am somewhat disturbed at what appears to be contained therein in places.

CIS II (Overview of Relief) looks pretty impressive. However, on reading the Judgement, those ''strong enforcement provisions'' boil down to the one line in IV.A.4 of ''The Plaintiffs shall have the authority to seek such orders as are necessary from the Court to enforce this Final Judgement . . .''. Given the problems enforcing the 1995 Consent Decree I expect that these strong provisions will prove very weak. Don't forget, again with the 1995 decree, that Judge Sporkin refused to sign the decree, and it was signed by Judge Jackson instead. Judge Jackson's obvious frustration at Microsoft during the current case probably stems at least in part from the realisation of how easily Microsoft skated round and bypassed the 1995 decree. Isn't the current case dealing with exactly the consequences that the 1995 case was intended to prevent?

It also concerns me that Microsoft has been convicted of breaking the law. Yet there is no attempt whatsoever at punishment. It is wealth that gives Microsoft its power. That wealth has been gained at least in part illegally. That wealth can be used to ensure that Microsoft survives the five years of the judgement reasonably intact, at which point it can resume all the destructive tactics it has employed in the past. This fear of Microsoft surviving the remedy phase moderately unscathed will be more than sufficient to permit Microsoft to threaten OEMs during the remedy phase—''When it's all over we'll come back and get you!''. And while I can't offhand think of any examples, I have come across many examples of Microsoft continuing to behave in a reprehensible and probably illegal manner even during and after the trial. I am sure others will have provided you with examples. It is all a matter of trust and many, myself included, believe that Microsoft is a psychopathic corporation constitutionally incapable of behaving itself.

However, let's tackle my concerns over the remedy.

III. Prohibited Conduct.

A.

''Microsoft shall have no obligation to provide such a termination notice . . . that has received two or more such notices . . .''. Justified, unjustified, questionable notices? On a simplistic reading, Microsoft is likely to make a point of quibbling at every possible opportunity. Past performance leads me to expect Microsoft to pick fights with any OEM it expects to have difficulty with, specifically to get itself in a position where it can invoke this clause. This needs to be tightened up severely.

B.

I fail to see how this protects the consumer and prevents the illegal practice of ''per processor'' licensing. One of most telling and effective ways that the IBM monopoly was broken was when they were forced to price hardware and software separately. Given that Windows is now supplied for the most part as a ''recovery disk'' which restores the hard disk to ''factory fresh'' condition, it should be a condition that OEMs are charged only for copies of Windows supplied to consenting customers. How hard is it for a consumer to switch on a bare pc, put the recovery CD in the CD drive, and watch the computer ''recover'' itself to a ''factory fresh install state''? I have no problems with Microsoft obliging OEMs to ship their PCs with an Operating System included as part of the package, just as long as this includes the obligation to offer a non-Microsoft alternative. After all, what is marginal cost of throwing in a Debian CD?

C.

''Microsoft shall not restrict by agreement any OEM licensee . . .''. Why is this section so much weaker than the wording at I]I.A.? You need to add wording forbidding technical or other measures as well! Bear in mind Microsoft has already used technical measures to destroy the ability of PCs to dual-boot, any repetition of this needs to be nipped in the bud. When you install NT4, it nags you to be allowed to write a ''signature'' to the start of the disk. If you let it, this will destroy older versions of lilo, the default linux boot manager. The cynical amongst us might assume that this was deliberate . . . It is thought Microsoft is planning similar tactics for when PCs migrate to the IA64 architecture (Intel's x86 replacement), and with its current recovery disk practice it has already implemented something similar. If you are forced to reinstall Windows (a not uncommon occurrence) a ''recovery'' will wipe any changes you have made to your system, including any third-party Operating System you may have installed. The sheer hassle of reinstalling linux every time Windows breaks is enough to put a lot of people off. And Microsoft has already introduced a new disk format which (intentionally?) prevents any other Operating System from sharing the disk. It is suspected that this will be the only format acceptable with the new IA64 generation of CPUs.

If Microsoft does that, the provisions granted to OEMs in section 4 will be worthless, because it will be technically impossible despite the fact that it is contractually possible. You need to add wording similar to the following:

''Both when being installed/restored and in normal/abnormal usage, Windows must restrict itself to the portion of disk allocated to it by the user. It may not assume that that portion is the entire disk unless it has positively detected the absence of any third-party boot loader or Operating System. It must also provide a mechanism whereby any third party can invoke the Windows loader similar to the existing boot mechanism where a loader loads and executes the first 512 bytes at the start of the disk or partition.''

E.

''Microsoft shall make available . . . for the sole purpose of interoperating with a Windows Operating System Product, on reasonable and non-discriminatory terms . . .''. In other words, Microsoft are free to discriminate against their sole surviving real competition, Open Source. By definition, any ''for cost'' licencing scheme discriminates against Open Source.

This section should be rewritten to say something along the lines of ''Microsoft shall publish and make freely available a formal description of any protocol used by a Windows Client to communicate with a Windows server. Microsoft are free to forbid the use of their Intellectual Property to be used to enable two non-Windows systems to communicate, or to forbid the use of their Intellectual Property without the appropriate CAL (Client Access Licence). Any such CAL must be Operating System agnostic, and be supplied and charged separately from the Windows Client.''

After all, to permit otherwise is surely the equivalent of allowing the English Language to be patented? And isn't it, actually, also illegal under US Federal law? I thought it was illegal to word ''requests for procurement'' in such a manner as only one company's goods fitted the bill. Without a clause such as thin, any requirement of Microsoft compatibility would effectively require the use of Microsoft software and as such would be illegal.

As I've worded it, there is no restriction on competitors making their software speak the same ''language'' (as indeed there should not be), but it is perfectly possible for Microsoft to charge a fair fee for the use of any of their Intellectual Property. Very similar, in fact, to Hewlett-Packard's Open Source printer drivers which declare prominently ''For use with HP printers only. Usage with any other make of printer may infringe third-party Copyright and/or Licence agreements''. By placing the obligation on the user to have a valid usage licence (eg a CAL) we can sidestep any argument over what is ''reasonable and non-discriminatory''.

I notice also that the Competitive Impact Statement mentions Kerberos in this section. Interestingly enough, Microsoft has already attempted to subvert Kerberos once yet this section would have minimal effect on the tactic used. Windows 2000 client authenticated perfectly to a Unix Kerberos server, yet when the Windows 2000 client was granted authorisation, it threw it away because the server wasn't a Windows 2000 server. And again, if developers are licenced, who is going to pay for a licence to distribute MS-Kerberos for linux? More reason to say the specification must be openly published and the licence fee charged to the user. Interestingly enough, Microsoft didn't use the patent/copyright trick to attempt to prevent reverse-engineering of their extensions. They wrapped the document with a licence agreement that said ''if you wish to read the spec, you must agree not to implement a non-Microsoft implementation''. If enforced, it would have had the effect of making non-MS servers incompatible because the client would refuse to use them, and there would have been nothing the server software authors could have done about it.

H.

1. ''Enable or remove access to each Microsoft Middleware Product''. Taken in conjunction with the (implied) requirements of section D, that Microsoft Middleware should not have an unfair advantage, these two requirements are mutually incompatible!

Large chunks of Microsoft Middleware are implemented as part of the OS for a reason—

they are loaded in RAM when the computer starts up, and they stay there. This means that, for example, Internet Explorer will always appear to load faster than Netscape Navigator, because large chunks of it are already loaded.

Microsoft are also permitted to use their own middleware to launch, for example as mentioned by the Competitive Impact Statement, ActiveX (should the user's chosen alternative not include that capability). But what if I the user chose that alternative precisely because it did not include the capability? Should Microsoft have the right to demand that I have the capability to execute ActiveX, even if I wish to delete it on security grounds?

This section should demand that users are allowed to de-install and delete Microsoft Middleware. It may not be advisable, and it may result in large chunks of functionality disappearing, but if the user does not want that functionality they should be allowed to get rid of it. Completely. Totally. Utterly. To allow otherwise is to allow Microsoft to continue its current practice of forcing unwanted software onto non-consenting consumers, and if that software has major security holes (like ActiveX, for example) then this is a serious issue.

And as has been suggested in various places by other people, it should be possible to get and install a ''Windows Lite'' which is cheaper and comes without middleware.

J. No provision of this final Judgement shall:

THIS SECTION IS EXTREMELY WORRISOME!!!

Firstly, secrecy and security are mutually exclusive. If Microsoft needs to invoke this section then it is a pretty sure-fire conclusion that the ''security'' implemented by the relevant APIs is shoddy and easy to break. In which case, this section should not cover it.

Given Microsoft's extremely shoddy security in the past, it should in fact be a requirement that all security protocols, interfaces and APIs are published and disseminated widely almost from the moment Microsoft start developing them.

One only needs to look at the current DMCA/FBI/ElcomSoft case to see how secrecy is incompatible with security. Some unknown Adobe programmer took a well-known security algorithm. It had several traits in common with Enigma which could easily have defeated ''kiddie'' cryptographers. And don't forget, Enigma was strong enough to frustrate the most powerful computers available in the early 1940s—they typically broke only 75% of messages. Okay, Adobe's method wasn't quite as strong as Enigma . . .

But this unknown programmer thought he'd be clever and add a few tweaks . . ., and succeeded in converting this technique into a Caesar cipher. This is so weak a kid can break it using pen and paper alone in half an hour—I should know—I've done exactly that and I wasn't even a teenager at the time.

This section should not permit Microsoft to use security as a pretence for secrecy in any shape or form whatsoever.

To my mind, this judgement is almost too prescriptive, allowing too much interference in Microsoft's internal affairs. It also does little to assist competition on its merits. I personally would like to see a simple remedy along the following lines:

To restore competition generally:

Microsoft is forbidden from entering into any OEM contracts whatsoever. It must publish a price list and stick to it, but that price list may include reasonable volume discounts to take into account the economies of volume where an OEM buys a lot of copies. The price of bundled middleware and applications should also be reasonably comparable with the price of the same software as a stand-alone or upgrade purchase.

The problem with having ''Covered OEMs'' is that Microsoft can to some extent control who is in which group. By having a noticeable differential between the two covered groups and ''the small guys'' Microsoft can make it very difficult for any individual OEM to move into a more favourable category. This way, if a small OEM makes good PCs, they can grow and at the same time provide the OS of the customer's choice without fear that the system is susceptible to being rigged. If customers want Windows, they can buy it from the OEM, or as seems more and more to be the case, they can enter into a direct licencing agreement with Microsoft themselves. We need a means whereby small OEMs with no affinity to Microsoft can seriously threaten the Dells and Compaqs. Without this, the fear of future retaliation keeps the big OEMs in line, while preferential treatment of large OEMs by Microsoft keeps the small boys from getting bigger. And at the end of the decree, we will still have the problem where OEMs say ''how high'' when asked by Microsoft to jump.

Microsoft may establish OEM programs where entry is open at reasonable and nondiscriminatory terms to anyone who wishes to ensure their hardware works successfully with Windows Operating Systems. Such programs may not require any degree of control by Microsoft over the hardware vendor's Intellectual Property, and in particular may not seek to hide hardware specifications by way of Non-Disclosure-Agreements.

At the moment, linux in particular is hamstrung by the difficulty of getting information from manufacturers. Hewlett-Packard is a case in point, where it has been (officially?) quoted that for certain HP printers, HP was contractually prevented from telling customers how they worked. So if something changed on your computer and the printer stopped working, all you were suddenly left with was an expensive doorstop despite the fact there was no problem with the printer itself. Microsoft Operating Systems must not assume or demand sole control of the computer systems on which they run, or interfere with third-party software installed elsewhere on the system. As mentioned above. If Microsoft software assumes sole ownership of the computer it is free wilfully to destroy anything else the user may have installed. This is just plain unacceptable.

Microsoft must publish all APIs, protocols, interfaces and file formats that they provide or use in other words, the ''language'' of Microsoft computing. By definition, writing an alternative implementation is not a breach of copyright. By definition, if it is encumbered by patents it cannot be an Open Standard suitable for implementation by Government. And if there are any intellectual property issues, these should be addressed by the sale of user licences, which must be priced independently of the operating system on which the software runs. Bearing in mind I thought Federal Procurement Regulations required open standards, I would have thought Microsoft should already be complying with this requirement if they wish their software to be used for Federal Government Business.

It should be a mandatory requirement that all protocols used by Microsoft Software to communicate between computers must be clearly and publically documented such that a competitor can implement a compatible equivalent. Please note that it says by implication ''all software'' so that communication between databases, between mail client and server, etc is all caught.

It should also be a mandatory requirement that all file formats used for transferring information between users must be clearly and publically documented such that a competitor cart implement a compatible equivalent. Here we may have a patent problem, but I would have thought any attempt to obstruct compatibility was a clear breach of competition law, and possibly a breach of the censtitutional justification for patents.

I'm less sure of requiring Microsoft to document internal formats such as the NTFS file system, the internal layout of their SQL-Server database, or their Exchange database. There are very good technical reasons to say they should, but I'm not sure that there are good competitive anti-trust reasons to do so.

Any such documentation must be released at least six months before the Software in question is Released To Manufacturing (RTM), and also no later than the date Microsoft start shipping the software to testers outside of Microsoft or OEM employees. RTM is defined as no later than the date Microsoft permit OEMs to ship the software to customers, or the date on which Microsoft implement a pricing regime that covers more than the cost of pressing and shipping the distribution media. The documentation must be included with the software without NDAs or restrictive licences.

Enforcement should be open to anyone. If Microsoft releases software in contravention of the decree, then anybody can act as plaintiff and seek a Federal restraining order barring distribution of the software. Upon production of sufficiently compelling evidence, then the Federal court will grant the order.

This remedy is actually pretty similar to the one applied to IBM. Effectively, it requires products to be unbundled, and specifications to be produced to enable competitors to have a level(ler) playing field. It should be a requirement that competition is restored before the order is lifted. At present all Microsoft need do is bide their time, and they have plenty of cash in the bank with which to do so.

These comments have been submitted by Anthony Youngman, a Programmer/Analyst and Database Administrator/Programmer based in London, England. Contact details:

Anthony Youngman
9 Shaw House
Victoria Street
Upper Belvedere
Kent DA17 5NA
United Kingdom
Office tel: +44 20 7351 5000
Office fax: +44 20 7351 9396

MTC–00010203

From: iiel@juno.com@inetgw
To: Microsoft ATR
Date: 1/11/02 8:59am

Dear D.O.J.:

If it is in the public interest that you hold these hearings then the public should know. The public has a need to know.

Please televise and broadcast in every way possible the proceedings of this and other public interest cases.

Very truly yours,
Solomon Katz

Who art thou that thou should be considered above a grain of sand?

MTC–00010204

From: Johanna Stephens
To: Microsoft ATR
Date: 1/11/02 9:00am
Subject: Microsoft Settlement

I support the Bush Administration and Microsoft in their desire to settle this lawsuit. I also feel that the harassment of Microsoft has gone on too long.

Sincerely,
J.M.Stephens
Tucson, AZ

MTC–00010206

From: ANTHONY SHUMBER
To: Microsoft ATR
Date: 1/11/02 9:13am
Subject: Microsoft Case

To Whom it may Concern

Get off the back of Microsoft and go chase ENRON they actually hurt people.

Tony

MTC–00010207

From: Ivan Prado
To: Microsoft ATR
Date: 1/11/02 9:16am
Subject: Hello

HI, Just to say:

I have been using computer for many years now. I want to tell to that this past's years I have never seen a bigger monopoly than Microsoft is in the coputer world. Their domain is far reaching than just the operating system, for with that they can decide the technology for video cards, sound, digital cameras, and many other multimedia applications (no wonder they keep adding multimedia 'features') because their software other than allowing other programs to work (like a OS used to be) now adds many standars (direct X) that eliminate the posibility of independent improvements, for that and many other practices Microsoft and thier softwares are very dangerous, and they can in fact continue to expand their power and continue to force the computer industry at their will (more or less) because the costumer base is so huge.

Their sheer strengh of the number of computers running on their programs is enough reason itselft to do something, for it is too dangerous, anything considered above the law that MS did, thats just a bonus and a good excuse to use against them; this dangerous corporation.

A good decision would be one that defines whats an OS, and so make that OS what it originaly was: just a program that turned on the computer and put is together, the other software companies can run their software, and every program should be a single application apart from the rest, the OS apart from all applications even if they are from MS. Device standars (like video card drivers and api) should be decided by the card manufacturer (two big players right now) and so software companies decide what products to support, or to support both. Some compatibility would be lost, but that a very little price to pay for the freedom of the computer industry. Im sure once the industry is free we would see much more imrpovements in multiple directions, not just a few like it is right now (like direct X)

Could you please tell me what happens to this e-mail?

MTC–00010208

From: Burton Cohen
To: Microsoft ATR
Date: 1/11/02 9:18am
Subject: Microsoft Settlement Hearings

U.S. District Court Judge J. Frederick Motz

I implore you to rule that the settlement proposed by Microsoft's lawyers does not impose the remedy that would address their misdeeds. They are giving away product that will cost them less than $400 Million dollars but not give the schools the $1 Billion they claim is the settlement.

Two previous courts have ruled that Microsoft has broken the antitrust laws. Their proposed settlement does not hold them accountable in any meaningful way and actually advances their illegal gains. Schools will receive product that will further Microsoft products at the expense of Apple Computer and free choice. The nine remaining states are right to reject this settlement and you should send the message that monopolists must but brought to justice just as any other convicted felon.

Here in Connecticut, our attorney general, has been one of the lead attorneys in the case against Microsoft and for free choice in the marketplace. I trust his judgment in rejecting the proposed Microsoft settlement. He has steadfastly stood up and spoken out on my behalf to ensure that individuals, companies and governments are given the right to chose the solution that best suits their needs and not one dictated by a convicted monopolist.

Your decision will affect lives for many years to come. It is a heavy burden. You must decide and demonstrate that laws and the judiciary decide on a just penalty, not a self serving industrial bully.

I look forward to seeing how you decide.

Sincerely,
Burton Cohen
TBI Computer, LLC
bcohen@tbicomputer.com
(203) 222–1878 Telephone
(203) 858–4728 Cell Phone

MTC–00010209

From: lsmith
To: Microsoft ATR
Date: 1/11/02 9:24am
Subject: Microsoft Case

Dear Sir,

Attached please find my concerns and suggestions regarding Microsoft. Regards,

Larry Smith
LAWRENCE G. SMITH, JR.
179 Old Orchard Lane Wayside NJ 07712
(732) 493–3299
January 10, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing you to urge you and your Department and the federal government to end the political squabbling and endorse the proposed settlement in the Microsoft case. This settlement will essentially force Microsoft not only to abandon its former so-called anticompetitive practices, but will also obligate the company to share its systems and its technology with its competitors. Windows will be designed now to accept non-Microsoft software. Microsoft has agreed to license its Windows systems products to other computer makers for uniform terms and conditions. Microsoft cannot retaliate against its competitors. Most importantly this settlement will allow Microsoft to continue to exist as a corporate entity in the form that has made it a national and international technological giant. We need this company solid, solvent and at work. I hope to see the settlement in place soon.

Sincerely,
Lawrence G. Smith, Jr.

MTC–00010210

From: BLDDonW@cs.com@inetgw
To: Microsoft ATR
Date: 1/11/02 9:30am
Subject: Microsoft Settlement

Donald and Elizabeth Wanderer
1033 Tilghman Court
Wayne, PA 19087–5879
January 10, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW

Dear Mr. Ashcroft:

After a three-year long court battle, I was pleased to hear that a settlement was finally reached between the Department of Justice and Microsoft. I sincerely hope that this is the end of this nonsense and that no further legal action is being taken at the federal level.

Taking into account the terms of the agreement, Microsoft did not get off lightly. In fact, Microsoft has to now make several substantial changes to the way that they handle their business. For example, Microsoft has agreed to grant computer makers broad new rights to configure Windows to promote non-Microsoft software programs that compete with programs included within Windows. Computer makers will now be free to remove the means by which consumers access various features of

Windows. Computer makers can replace access to those features with access to non-Microsoft software. This is more than fair.

With the many terms of the agreement, there should be no reason for the government to pursue further litigation on any level. Not only would it be redundant, but a serious waste of time and money all over again.

Sincerely,

Donald and Elizabeth Wanderer

cc: Senator Rick Santorum

MTC–00010211

From: RUFUS WILSON
To: Microsoft ATR
Date: 1/11/02 9:40am
Subject: Stop Created a problem where none exist!!!

microsoft.atr@usdoj.gov. I support The Bush and Mirosoft settlement, Stop weasting tax payer Money and creating problems where none exist.

Rufus John Wilson mrkeyman@flash.net 1–11–2002

MTC–00010212

From: Cheryl Dively
To: Microsoft ATR
Date: 1/11/02 9:42am
Subject: Microsoft Settlement

This email is to let you know I support the Bush Administration and Microsoft in their desire to settle this lawsuit. I believe the proposed settlement is in the public's best interest.

Cheryl Dively

MacKenzie Commercial/ONCOR International

Direct Dial: 410–494–6659

cdively@mackenziecommercial.com or visit our web site at: http://www.mackenziecommercial.com

MTC–00010214

From: Seamus J. Wilson
To: Microsoft ATR
Date: 1/11/02 9:50am
Subject: microsoft

A great American success story. Leave them alone.

Seamus J. Wilson

MTC–00010215

From: Ronald Snyder
To: Microsoft ATR
Date: 1/11/02 10:56am
Subject: microsoft

leave it go.....

If it was not for Microsoft and windows ,I would not have a computer .I thank Gates for his products

Why don't they go after AOL

MTC–00010216

From: John M. Sours
To: Microsoft ATR
Date: 1/11/02 10:03am
Subject: An Appeal for Microsoft.

Renata B. Hesse

Anti Trust Division

Department of Justice

I would like to encourage the acceptance of the proposed settlement of this lengthy action against Microsoft. I firmly believe that the economy needs the reassurance that the government is now free of this sort of damaging mentality. The state of Washington desperately needs all the economic boost it can possible get, and Microsoft is the best hope we have for a turn around. We are one of the leading states in unemployment, and a new wave of pink slips are in the mill for several of our other major employers.

There is no doubt that Microsoft is an aggressive innovative company. It's history is an outline of the American dream, and a role model for all those other high technology startup businesses that hope to also flourish. I have heard Mr. Gates say that he is constantly looking back over his shoulder to see which one of them is going to be the one that closes in on him. This should be the function of a free and open market, not micro management review by big government. This action needs to be terminated once and for all for the good of the entire economy.

Please bring us some good news.

Thank you.

John M. Sours

Spokane, WA

MTC–00010217

From: Alayo, Sandra
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/11/02 10:06am
Subject: Microsoft settlement

I would like to offer my opinion that the settlement be accepted. It is time to let the company devote it's resources to innovate instead of litigate.

Sandra

Phone: 212–852–6567

Fax: 212–852–6510

email: <<mailto:salayo@girlscouts.org>>

MTC–00010218

From: Mary.Wollenhaupt@ago.state.ma.us@inetgw
To: Microsoft ATR
Date: 1/11/02 10:05am

Microsoft settlement

MTC–00010219

From: peter woods
To: Microsoft ATR
Date: 1/11/02 10:07am
Subject: microsoft settlement

Really, enough is enough. I am disgusted that my money, taxpayer money, was used to fund this frontal assault on a company whose only sin was that it was more successful than its competitors. That last time I checked, it was legal for competitors to try to destroy each other in the marketplace (see Coca Cola vs. Pepsi; Hertz vs. Avis, etc.). This, in case Janet Reno wasn't aware, is called captitalism; it benefits consumers.

If the Injustice Dept under Bill Clinton were truly interested in dismantling monopolies that injure consumers, they might have gone after the recording industry cartel that has colluded for years to keep the prices of records and cds artificially high. But no, the entertainment industry new how to play the Washington game and so has never felt the brunt of our do-gooders. It's bad enough that Micosoft must settle at all; but, for God's sake, let's end this idiocy and move on.

Peter Woods

peterwoods35@yahoo.com

MTC–00010220

From: Lynn Withrow
To: Microsoft ATR
Date: 1/11/02 10:05am
Subject: To whom it may concern:

To whom it may concern:

Regarding the Microsoft request to keep the content of any future depositions from being released to the news media: This is a bad idea, and would only let Microsoft continue to get away with lying and evasion.

Since this case has ramifications for the entire computer and software industry, and for the millions of us who use computers each and every day both at work and at home, I truly believe that we, the general public, have a right to be informed of what both sides in this case are saying.

Thank you.

Respectfully,

Lynn Withrow

Belpre, OH

Computer Systems Specialist for Bosley Rental & Supply, Inc. (Parkersburg, WV)

MTC–00010221

From: ralyea
To: Microsoft ATR,fin@mobilizationoffice.com@inetgw
Date: 1/11/02 10:10am

MTC–00010221 0001

Freehold, NJ 07728–1630

January 10, 2002

Attorney General John Ashcroft

US Department of Justice, 950 Pennsylvania Avenue,

Washington, DC 20530–0001

Dear Mr. Ashcroft:

The purpose of this letter is so that i may go on record as being a staunch supporter of the settlement which was reached between Microsoft, the Department of Justice, and nine states, with the assistance of a mediator. The settlement, reached in ear November, 2001, after extensive negotiations among all parties, extends to terms beyond the issues in the original lawsuit.

Microsoft agreed to many terms that will help the entire Information Technology industry, Microsoft will disclose the intellectual property of the various internal interface used in Windows operating system products. Microsoft will grant computer makers broa?? new rights to configure Windows to promote even non-Microsoft softly e programs tha?? compete with programs included within Windows. Beginning with Windows XP, Microsoft will make it easy to choose and promote non-Microsoft software within Windows itself.

The Department of Justice and Microsoft have spent millions of dollars baffling each other in the antitrust suit. Any additional money that may be spent will be a comple waste. The government has too many other issues to worry about right now, and cannot afford to pour money down the drain. Our nation's economy is in trouble. A healthy Microsoft will help provide the shot in the arm that it needs.

Thank you for allowing me m express my views m support of the Microsoft settlement.

Sincerely, ??

MTC–00010221–0002

MTC–00010222

From: Joe Meldrich
To: Microsoft ATR

Date: 1/11/02 10:11am
Subject: Microsoft Settlement
8314 Cricket Lake Drive Charlotte, NC 28277–9842 Phone (704)541–8062
Fax (704)541–5895
Softex, Inc.
Friday, January 11, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

Special interests may try to undo the recent settlement reached in the Microsoft antitrust case with the Justice Department. The reason I am contacting you is to show my firm support for this settlement.

Microsoft and the Justice Department reached a settlement after three long and expensive years in court. Both Microsoft and the DOJ spent millions on this case, and thankfully a settlement would bring an end to this flow of resources. If the special interests prevail Microsoft and the Justice Department will end up in court for another three years and spend even more resources on this case. The settlement is reasonable; there is no reason for a renewal of this case. Under the settlement Microsoft will share more information with competitors than any software company has ever shared before. A revival of this case would simply waste time and money, and benefit only special interests and those with animosity toward Microsoft.

The settlement that was reached is more than fair, and I stand behind it.

Sincerely,
Joseph Meldrich
President
Your Converting Software Solution

MTC–00010223

From: BFSTK@aol.com@inetgw
To: Microsoft ATR
Date: 1/11/02 10:12am
Subject: Microsoft Settlement

The Tunney Legislation should be allowed to stand, it is a fair settlement. Let the special interest groups that oppose it compete in the market place instead of in court.

MTC–00010224

From: Chuck Greene
To: Microsoft ATR
Date: 1/11/02 10:34am
Subject: Microsoft

I find it rather amusing that Microsoft wants to block the public from knowing what their executives or whomever testifies for them. I believe most likely their motion will be denied. Microsoft with their track record with distorting the truth is probably well known, so I will assume the judge is aware of this.

Secondly, if Microsoft believes they did nothing wrong, that they are the true innovators of the industry, the same people who allowed ''the open source movement to exist,'' what are they afraid of? Why enter a motion to deny the public to information they're entitled to?

Remember Bill Gates' deposition? That was a joke! The guy was lying through his teeth the whole time and when the public viewed his deposition, it was a joke!

I'm surprised they haven't found Bill Gates with contempt of court.

Again, this shows if it were you (John Q. Citizen) or me, we would have had the book (the law) thrown at us and the judge would have had a field day with us.

MTC–00010225

From: Tim Carlson
To: Microsoft ATR
Date: 1/11/02 10:36am
Subject: DOJ VS Microsoft

To Whom it may concern,

The action against Microsoft needs to be settled immediately. In these uncertain economic times it is irresponsible to be trying to damage one of the companies that is fueling our economy to such a great extent.

As a tax payer I am outraged by this. It is obvious that there is more interest by some Government officials in enhancing their careers or catering to their constituents than there is in doing the country a service.

Sincerely Yours
Tim R. Carlson
Snohomish, WA
360–668–4047

MTC–00010226

From: Dick Uguccioni
To: Microsoft ATR
Date: 1/11/02 10:37am
Subject: microsoft case

end it—this country is weird—never heard of a government, except this one, that would penalize a world leading enterprise in its own country

did i hear right— 41 states have signed off ??

MTC–00010227

From: Wes Mitchell
To: 'microsoft.atr@usdoj.gov'
Date: 1/11/02 10:38am
Subject: Microsoft Anti-trust case
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 ''D'' Street, NW, Suite 1200
Washington, DC 20530
email: microsoft.atr@usdoj.gov
Fax: (202) 307–1454 —OR— (202) 616–9937

To Whom it May Concern:

As a citizen of Washington state, I encourage you to accept the proposed settlement in the anti-trust case involving Microsoft.

This settlement is appropriate and reflects a triumph of the rule of law. Certain Microsoft competitors and other critics of the proposed settlement make the core of their objections a call for more stringent restrictions, ranging from prohibition of what they call ''product tying'' to breakup of the company. More extreme critics complain that the remedies do not address products that were not even part of the case.

These objections ignore the decision of the Appeals Court that reversed much of Judge Jackson's original findings. The Appeals Court threw out findings on many fronts related to Microsoft's anti-monopolistic behavior. One key area rejected was the basis used for claiming that integrating Internet Explorer and Windows represented monopoly abuse. The court went further to state that any new burden of proof for ''tying'' would be immense. The court also rejected the breakup order and made it clear such an order moving forward would be difficult to sustain given the court ''drastically altered [i.e., reduced] the scope of Microsoft's liability.''

One final objection raised by critics is that Microsoft has a past history of consent decree violation so the company cannot be trusted to adhere to a new decree. This is a patently false assertion. The Appeals Court in June of 1998 rejected the very claim that sent the parties into litigation—the Department of Justice claim that Microsoft had violated an earlier consent decree. Furthermore, this settlement takes the extraordinary step of creating an onsite oversight body. There are, therefore, no legitimate grounds for an assertion that a consent decree will not constrain Microsoft's behavior in the ways the court intends.

Rather, the proposed settlement directly and concretely addresses each and every key finding upheld by the Appeals Court, and does so with an undeniably stringent remedy. The areas of violation addressed include requiring OEMs to preserve visible access to Internet Explorer, to preserve the original boot sequence, to preserve all Microsoft-supplied desktop icons; entering into exclusive contracts with Internet Access Providers; threatening companies over support for other middleware technologies; and every other key area identified by the Appeals Court.

In my view, there can be no valid objection to this settlement because every major finding of the Appeals Court is stringently addressed with a targeted remedy that specifically prohibits and prevents the behavior in question. Acceptance of the proposed settlement will send a signal throughout American industry and the country as a whole that in the United States rule of law is alive and well—that defendants face remedies only for those findings against them. Anything beyond this settlement would represent a victory for those who do not seek remedy but rather also unwarranted punishment, and this would be a serious blow to the smooth functioning of free markets and the law that protects them. Participants in the American economy would forever be forced to fear whether the laws they rely upon to safely conduct business will be applied fairly.

I believe in advancing free market competition and this settlement serves the best interests of the American public. It fairly resolves a complex and burdensome anti-trust case that is having severe impacts far beyond one company, a case that is acting as a drag on one of the most vibrant sectors of our economy. Settlement of this case will free the high-technology industry to put its fullest efforts into innovation and creativity, and will spur competition in a way that will directly benefit consumers.

Thank you for your consideration,
J. Wesley Mitchell
L & M Services, Inc.
1600 132nd Ave. NE
Bellevue, WA 98005
425–637–9770
425–637–9769 FAX
CC:'effwa@effwa.org'

MTC–00010228

From: Melody Berkheiser
To: Microsoft ATR
Date: 1/11/02 10:53am
Subject: microsoft settlement

Go with the Bush and Microsoft settlement. It is reasonable. It is in the best interest of the public. It is best for every one all around, including, but not limited to our economy.

Melody Berkheiser

MTC–00010229

From: Robert Cornell
To: Microsoft Settlement
Date: 1/11/02 10:00am
Subject: Microsoft Settlement

Robert Cornell
307 Joe Cornell Rd.
Oneonta, NY 13820
January 11, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Robert Cornell

MTC–00010230

From: Mark Williams
To: Microsoft Settlement
Date: 1/11/02 10:49am
Subject: Microsoft Settlement

Mark Williams
3957 Shadowhill Drive
Santa Rosa, Ca 95404
January 11, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Mark A. Williams

MTC–00010231

From: Jack Ensley
To: Microsoft ATR
Date: 1/11/02 11:14am
Subject: Microsoft

1/11/02
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 ''D'' Street, NW, Suite 1200
Washington, DC 20530
To Whom it May Concern,

As a citizen of Washington State, I encourage you to accept the proposed settlement in the anti-trust case involving Microsoft.

I won't go into detail, but I think the proposed settlement is fair and it is time to put this quagmire behind us. In the effort to protect us, the government sometimes does more harm than good. I think this has been a case of that kind. It certainly is time to bring it to a close and this settlement seems to be a way to do it.

Thank you for letting me say my piece.
Jack Ensley
624 Shawnee Rd.
Colfax, WA. 99111
509 397 3327

MTC–00010232

From: Joe Alonzi
To: Microsoft ATR
Date: 1/11/02 11:33am
Subject: Microsoft Settlement

Department of Justice
re: Microsoft settlement

Over the last several years the on going suit against the Microsoft Corporation has cost us the taxpayers many, many dollars. I can see no further reason to delay this ongoing issue any longer. The agreed settlement sometime ago seems too have been accepted by both parties and now its ugly head has reared up again and I would like to see this end and get on with making our economy run and become strong again.

Free enterprise has built this nation and it will continue to grow without the courts telling them how to run their business.

Respectfully.
Joseph A. Alonzi
Concerned Citizen

MTC–00010233

From: Lynda Newell
To: Microsoft ATR
Date: 1/11/02 11:49am
Subject: Microsoft Settlement

Having been an active consumer of Microsoft as well as competitive products for many years, I feel strongly that the case should be settled according to the agreement reached. Having discussed this case with others, who like me, are either users at home or at their business, not one person has expressed any thought or feeling that they have been taken advantage of by Microsoft, or have paid too much for the benefits and services Microsoft has provided. While I do not agree with the governments findings, and believe the states not agreeing to the settlement are simply pursuing additional funding for their state budgets, it would certainly be best for all—the consumer, the PC and software industry, and the economy, for this settlement to be concluded, and for the remaining states to join the settlement.

Lynda Newell

MTC–00010234

From: Gregory Slayton
To: Microsoft ATR
Date: 1/11/02 11:55am
Subject: stop MS

Judge KK;

the proposed settlement doesn't even begin to address the predatory practices of Microsoft...and will not reign them in going forward. please use your good efforts to make them play by the rules.

thanks.
Gregory Winston
CC:microsoftsettlemnt@yahoo.com@inetgw

MTC–00010235

From: BillMiglino@aol.com@inetgw
To: Microsoft ATR
Date: 1/11/02 12:03pm
Subject: (no subject)

To Whom it May Concern:

As a citizen of Washington state, I encourage you to accept the proposed settlement in the anti-trust case involving Microsoft.

This settlement is appropriate and reflects a triumph of the rule of law. Certain Microsoft competitors and other critics of the proposed settlement make the core of their objections a call for more stringent restrictions, ranging from prohibition of what they call ''product tying'' to breakup of the company. More extreme critics complain that the remedies do not address products that were not even part of the case.

These objections ignore the decision of the Appeals Court that reversed much of Judge Jackson's original findings. The Appeals Court threw out findings on many fronts related to Microsoft's anti-monopolistic behavior. One key area rejected was the basis used for claiming that integrating Internet Explorer and Windows represented monopoly abuse. The court went further to

state that any new burden of proof for ''tying'' would be immense. The court also rejected the breakup order and made it clear such an order moving forward would be difficult to sustain given the court ''drastically altered [i.e., reduced] the scope of Microsoft's liability.''

One final objection raised by critics is that Microsoft has a past history of consent decree violation so the company cannot be trusted to adhere to a new decree. This is a patently false assertion. The Appeals Court in June of 1998 rejected the very claim that sent the parties into litigation—the Department of Justice claim that Microsoft had violated an earlier consent decree. Furthermore, this settlement takes the extraordinary step of creating an onsite oversight body. There are, therefore, no legitimate grounds for an assertion that a consent decree will not constrain Microsoft's behavior in the ways the court intends.

Rather, the proposed settlement directly and concretely addresses each and every key finding upheld by the Appeals Court, and does so with an undeniably stringent remedy. The areas of violation addressed include requiring OEMs to preserve visible access to Internet Explorer, to preserve the original boot sequence, to preserve all Microsoft-supplied desktop icons; entering into exclusive contracts with Internet Access Providers; threatening companies over support for other middleware technologies; and every other key area identified by the Appeals Court.

In my view, there can be no valid objection to this settlement because every major finding of the Appeals Court is stringently addressed with a targeted remedy that specifically prohibits and prevents the behavior in question.

Acceptance of the proposed settlement will send a signal throughout American industry and the country as a whole that in the United States rule of law is alive and well—that defendants face remedies only for those findings against them. Anything beyond this settlement would represent a victory for those who do not seek remedy but rather also unwarranted punishment, and this would be a serious blow to the smooth functioning of free markets and the law that protects them. Participants in the American economy would forever be forced to fear whether the laws they rely upon to safely conduct business will be applied fairly.

I believe in advancing free market competition and this settlement serves the best interests of the American public. It fairly resolves a complex and burdensome anti-trust case that is having severe impacts far beyond one company, a case that is acting as a drag on one of the most vibrant sectors of our economy. Settlement of this case will free the high-technology industry to put its fullest efforts into innovation and creativity, and will spur competition in a way that will directly benefit consumers.

Thank you for your consideration.

Signed,

William G. Miglino

MTC–00010236

From: Jean Gumm
To: Microsoft Settlement
Date: 1/11/02 11:00am
Subject: Microsoft Settlement

Jean Gumm
1122 Ross Avenue
Hamilton, Oh 45013
January 11, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Jean Gumm

MTC–00010237

From: David Carlson
To: Microsoft ATR
Date: 1/11/02 12:06pm
Subject: Tax settlement

I support the microsoft tax settlement, and want the government to lay off and quit harrasing microsoft.

Thank you.

David & Janice Carlson,
Liberty, Mo.

MTC–00010238

From: Peter Kulda
To: Microsoft ATR
Date: 1/11/02 12:07pm
Subject: Microsoft Settlement January 11, 2002

Renata B. Hesse
Antitrust Division
U.S. Department of Justice

I think the proposed Microsoft settlement fails to achieve the necessary goals of a proper remedy: halting the illegal conduct, promoting competition in this industry, and depriving Microsoft of its illegal gains.

The United States can only maintain its competitive edge in the global software industry if open and fair competition is promoted in our country, which won't occur until Microsoft is stopped from stifling its competition. I agree with the concern that if they are not dealt a very sever penalty that is stringently enforced, Microsoft will continue with its monopolistic practices. And if it does, I fear that the USA will eventually fall behind in software innovations which will lead to foreign nations taking much of the market share, similar to how Japan to took much of the auto industry market in the 1970's.

Thank you for hearing my opinion, and thank you for your work on this important case.

Peter Kulda
Salt Lake City, Utah

MTC–00010239

From: Tom Swan
To: Microsoft ATR
Date: 1/11/02 12:14pm
Subject: Microsoft Settlement

It's time to stop penalizing commercial success. Let's get the high technology sector back into the economic engine. I agree with President Bush. Settle the Bill Gates Microsoft lawsuit and quit wasting taxpayer money.

MTC–00010240

From: John Horvatic
To: Microsoft ATR
Date: 1/11/02 12:14pm
Subject: PUNISH MICROSOFT DON'T GIVE THEM MORE BUSINESS!

To whom it may concern,

Microsoft needs to be punished, and from what I have read so far is that has not happened yet! There should be a huge fine and I'm not talking millions I'm talking BILLIONS!!! Put them down for the count not just for the round. What you have aggreed to do is give them a slap on the hand and tell Microsoft to go ahead and do it all over again and we promise not to bother you anymore. What kind of punishment is this? Why don't you throw some of the executive team in prison. I thought that's what you do with criminals isn't it?

Please be more aggressive with this case and don't let them get away with what they have done and continue to do. I find the settlement very unfair to Apple Computers Inc. To let Microsoft put there own products in schools and force all schools to change out there equipment will not help anyone except Microsoft spread more of there crap out into the world.

Who profits from this? MICROSOFT!

Sincerely,

John Horvatic

MTC–00010241

From: walter roubik
To: Microsoft ATR
Date: 1/11/02 12:23pm
Subject: DOJ—Microsoft settlement

I want to email DOJ on the settlement, but on DOJ@usdoj.gov I can't find any opening for comments. Fo you have any suggestion?

MTC–00010242

From: DONALD L STEELE
To: Microsoft ATR
Date: 1/11/02 12:23pm
Subject: Microsoft Settlement

Get off Microsofts back. This action was only taken because competitors were upset.

Donald L:. Steele

MTC–00010243

From: dmath
To: Microsoft ATR
Date: 1/11/02 12:24pm
Subject: Microsoft Settlement

ENOUGH IS ENOUGH!

We are at war as a country why do we have to have war within against an ali and a contributor to our country. Microsoft is a great company that provided we the consumer with an excellent product. Due to a few whiners/ competitors you the government took up a law suit that has benefited none. Settle this case and stop the stupidity!

Lynette Matheson

MTC–00010244

From: Phil Bassett
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/11/02 12:31 pm
Subject: Settle Microsoft case <<January11 .doc>> Philip H. Bassett January 11, 2002 Renata B. Hesse Antitrust Division U.S. Department of Justice 601 ''D'' Street, NW, Suite 1200 Washington, DC 20530

Dear MS. Hesse:

As a citizen of Washington State, I encourage you to accept the proposed settlement in the antitrust case involving Microsoft.

This settlement is appropriate and reflects a triumph of the rule of law. Certain Microsoft competitors and other critics of the proposed settlement make the core of their objections a call for more stringent restrictions, ranging from prohibition of what they call ''product tying'' to breakup of the company. More extreme critics complain that the remedies do not address products that were not even part of the case.

These objections ignore the decision of the Appeals Court that reversed much of Judge Jackson's original findings. The Appeals Court threw out findings on many fronts related to Microsoft's anti-monopolistic behavior. One key area rejected was the basis used for claiming that integrating Internet Explorer and Windows represented monopoly abuse. The court went further to state that any new burden of proof for ''tying'' would be immense. The court also rejected the breakup order and made it clear such an order moving forward would be difficult to sustain given the court ''drastically altered [i.e., reduced] the scope of Microsoft's liability.''

One final objection raised by critics is that Microsoft has a history of consent decree violation so the company cannot be trusted to adhere to a new decree. This is a patently false assertion. The Appeals Court in June of 1998 rejected the very claim that sent the parties into litigation—the Department of Justice claim that Microsoft had violated an earlier consent decree. Furthermore, this settlement takes the extraordinary step of creating an onsite oversight body. There are, therefore, no legitimate grounds for an assertion that a consent decree will not constrain Microsoft's behavior in the ways the court intends.

Rather, the proposed settlement directly and concretely addresses each and every key finding upheld by the Appeals Court, and does so with an undeniably stringent remedy. The areas of violation addressed include requiring OEMs to preserve visible access to Internet Explorer, to preserve the original boot sequence, to preserve all Microsoft-supplied desktop icons; entering into exclusive contracts with Internet Access Providers; threatening companies over support for other middleware technologies; and every other key area identified by the Appeals Court. In my view, there can be no valid objection to this settlement because every major finding of the Appeals Court is stringently addressed with a targeted remedy that specifically prohibits and prevents the behavior in question.

Acceptance of the proposed settlement will send a signal throughout American industry and the country as a whole that in the United States rule of law is alive and well—that defendants face remedies only for those findings against them. Anything beyond this settlement would represent a victory for those who do not seek remedy but rather also unwarranted punishment, and this would be a serious blow to the smooth functioning of free markets and the law that protects them. Participants in the American economy would forever be forced to fear whether the laws they rely upon to safely conduct business would be applied fairly.

I believe in advancing free market competition and this settlement serves the best interests of the American public. It fairly resolves a complex and burdensome anti-trust case that is having severe impacts far beyond one company, a case that is acting as a drag on one of the most vibrant sectors of our economy. Settlement of this case will free the high-technology industry to put its fullest efforts into innovation and creativity, and will spur competition in a way that will directly benefit consumers.

Thank you for your consideration.

Philip H. Bassett

MTC–00010245

From: George Wagner
To: Microsoft ATR
Date: 1/11/02 12:40pm
Subject: Microsoft Settlement

Please proceed carefully with regard to the Microsoft settlement. The past has shown that Microsoft will not follow guidelines that have no enforcement, and will also exploit any limitations or loopholes that are present. Please ensure that competition is restored to the computer industry. Consumers need to be able to choose the best product for their needs, not the only product available.

Our country has been based upon fair play and equal opportunity. Let's not give up those values now.

Thank you for your time,

George Wagner
Computers, Support, & Consulting
6015 Glenbeigh Drive
Sylvania, OH 43560
(419) 882–0472
FAX (419) 882–0253

MTC–00010246

From: Jeffrey Doyle
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/11/02 12:52pm
Subject: Microsoft Settlement

Dear Attorney General,

I strongly oppose Massachusetts' involvement in trying to alter the proposed Microsoft settlement.

Stop listening to competitors who are avoiding the truth.

Jeff Doyle
Sonexis
70 Franklin Street
Boston, MA 02110
(p) 617.531.8072
(f) 617.897.7898
jdoyle@sonexis.com
www.sonexis.com

MTC–00010247

From: VictorWBolie@aol.com@inetgw
To: Microsoft ATR
Date: 1/11/02 1:02pm
Subject: Microsoft Settlement

The Honorable Renata B. Hesse,

Antitrust Division, U.S. Department of Justice,

601 D Street NW, Suite 1200,

Washington, DC 20530–0001

The Attorney General of the State of Iowa, Thomas Miller, JD, has suggested that I forward to your office my thoughts on the above case with respect to the DOJ objective (2), i.e. ''to spark competition in this industry''.

I am a recently retired engineering professor, with earlier experience in computers & electronics at Collins Radio Company, Cedar Rapids, IA and as Chairman of the Electrical & Computer Engineering Department at the University of New Mexico—and listed in Who's Who in America. With respect to the pending Microsoft antitrust case, I would like to offer my support for long-needed competition in the design of better and more open computer operating systems.

Forty-five years ago with the help of a well qualified engineering team I developed, with approval and cooperation from the Cedar Rapids IBM office, a computer operating system specialized to handle the mathematical equations routinely used by scientists and engineers like those at Collins. The key to its long string of successes was IBM's permission to study the detailed ''innards'' of their business machine processor & storage hardware, to enable the development of an optimized (and easy to use) set of simple links to the outside world. In all of the years elapsed since then, I have not seen an operating system of comparable capability and simplicity—even with the subsequent major improvements in hardware speed, memory, printers, telelinks, and mouse-controlled displays. A few software companies, under Microsoft Windows restrictions, have tried to produce mathematically adequate programs for equation computations, graphical plotting, and scientific text composition—but in my view they all lack user flexibility and are clumsy to use.

For example, for years in Windows, to even shut OFF the machine you have to press START, press SHUT DOWN, press OK. And you cannot even delete the ''MSN Internet Access'' icon advertising Microsoft. I have been unable to find any mathematical capability above the level of simple (and

clumsy) arithmetic. The add-on called Visual Basic is totally inadequate in my judgment. Also, real privacy and security on the internet are fictional. Cookies and unapproved sales of your interest profile should be outlawed—no one should be able to load anything into your machine without your specific approval of the text in advance every time. Almost any software specialist could quickly remedy these and other defects if he or she could have open access to the programming code at the fundamental chip level.

In order to foster the commercial competition necessary for the evolution of new ideas in operating system software, I believe that any settlement with Microsoft should require a COMPLETELY stripped down operating system that makes it easy for anyone to develop his or her own way of handling equations, data, text, graphs, pictures, sound, and interfaces to lab bench equipment. This would quickly clear out the impediments to the development of new economic growth in the computer hardware and software markets. For example, if linked to a simplified ''open book'' Windows operating system, an improved-and-flexibilized version of the True Basic compute & plot system developed years ago at Dartmouth would in my opinion result in rapidly expanding markets in science, engineering, and education.

Thank you for considering my rather elementary contribution. After all these years I am still hoping for a remedy that does more than simply resolving the current internet-access problem.

Victor W. Bolie, PhD
4440 Morris Street NE # 334
Albuquerque NM 87111

MTC–00010248

From: Golden, Steve
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/11/02 1:02pm
Subject: Microsoft Settlement 7026 Via Ostiones Carlsbad, CA 92009–6614 January 11, 2002 Attorney General John Ashcroft US Department of Justice, 950 Pennsylvania Avenue, NW Washington, DC 20530–0001

Dear Mr. Ashcroft:

The antitrust lawsuit leveled against Microsoft by the Federal Government was completely unfounded and totally unjustified. However, since a settlement was reached between the parties, it should be accepted and finalized by the courts as soon as the public comment period ends.

I personally feel the main tenets of the settlement go too far, are not fair to Microsoft and hurt the ideals of free enterprise and capitalism. Microsoft could easily go on fighting this thing out in the courts for years. However, Microsoft has very nobly agreed to accept and abide by the terms of the settlement instead of wasting millions of taxpayer dollars in round after round of court battle with the Federal Government.

For all intents and purposes the Federal Government won this case and should be very pleased with the outcome. The fact that Microsoft will now be forced to grant computer makers broad new rights to configure Windows so as to promote non-Microsoft software programs that compete with programs included in Windows is proof that the Federal Government has met its objective. Additionally, Microsoft will be forced to document and disclose its various interfaces that are internal to Windows' operating system products—a first in an antitrust settlement.

Furthermore, Microsoft must make available to its competitors any protocols implemented in Windows' operating system products that are used to interoperate natively with any Microsoft server operating system. Finally, Microsoft has agreed to a three-person Technical Committee that will monitor Microsoft's compliance with the settlement and assist with dispute resolution. The government did the same thing to Bell Telephone Company back in the late 1970%. The results were tragic and I fear that the government did not take into account the future impact and this too will have a tragic effect on technology and the entire world. It appears that the Federal Government, at taxpayer's expense, won't stand for progress and will do everything it can to penalize or destroy the guy ''out front,'' such is the case with Microsoft. Microsoft has transformed the face of the planet for the better and should be left alone once and for all. Please finalize this settlement as soon as possible. Thank you.

Sincerely,
Steven Golden

MTC–00010249

From: Rich and Bonnie DiBlasi
To: Microsoft ATR
Date: 1/11/02 1:07pm
Subject: abuse

stop the foolishness already . . . leave micro.alone to go about the business of making the econ. strong again. . . .

rich d.

MTC–00010250

From: randy ellis
To: Microsoft ATR
Date: 1/11/02 1:17pm
Subject: Microsoft settlement

To whom it concerns

I feel as a consumer that I May be able to purchase a product such as a computer, that I should be able to have certain choices of what is loaded onto my computer, application or operating system. It's bad business when I Buy a car, that I do not have a choice of interior or exterior colors, Options like A/C, P/W, P/L, sunroof, etc. I do have a choice to goto another manafacturer. but when there is shadey dealings going on that a manufactuer cannot offer dual boot operating systems or a choice, that the consumers get left out, as well hurt small business such as (Be inc.) Which I think was greatly harmed by microsoft, and Be's Operating System being a breakthrough before Microsoft's and Apple's recent released Operating Systems. I currently use it now, and have been using it for a couple of years. I think it is absolutely the best Operating System avaliable and will never stop using it. However I do have to use my Windows98SE for somethings due to limited drivers, largely due to Microsoft's monolpoly, (because the company's fail to write the driver's because they know Microsoft rules the market). I would like to see the BeOS or equivalent back into the market place, but there is no hope of success if the following issues aren't addressed: examples: open Office file formats, Win32 APIs, make dual-boot options mandatory, etc . . . ''

Thankyou
Randy

MTC–00010251

From: gclemen
To: Microsoft ATR
Date: 1/11/02 1:21pm
Subject: Microsoft Settlement

Approval of the Microsoft Settlement will clear the way for continued growth in an industry that has completely stalled out over the past 3 years. It should be obvious to you by now that Microsoft's innovations in software drive the rest of the industry to produce more and better hardware and software products. Without that drive, the entire industry languishes for lack of direction, which is where we have all been lately.

The release of Windows XP is a good start toward recovery. I am using the product and have to say that Microsoft has some work to do to get it into the mainstream market. Nevertheless, any new operating system creates opportunities for other innovative products which either address the new problems caused by the new Microsoft product or take advantage of the new capabilities offered by the new Microsoft product. In all cases, the release will spur competitors to develop new products. Notice that while the case was ongoing and no great innovative MS products hit the market, no other competitors emerged from the background to take the lead. The entire industry just sat on the sidelines.

I say Lets Get On With It! Approve the Settlement and let the market do what it is going to do. There are plenty of discerning software users who will give Microsoft a hard time about their products without the government involved.

Margaret Felts

MTC–00010252

From: imagsmi@juno.com@inetgw
To: Microsoft ATR
Date: 1/11/02 1:21pm
Subject: Microsoft Settlement

Please drop this case and let this company continue to serve the people. It has a good business record, and just because it is a rich company should not be prosecuted according to the desires of others. Let them make their millions, and serve the computer age.

Wilda I. Dixon
Rockledge, Florida 32955

MTC–00010253

From: Laurence Lewitt
To: Microsoft ATR
Date: 1/11/02 1:27pm
Subject: Microsoft Attorney General John Ashcroft US Department of Justice 950 Pennsylvania Ave. NW Washington, DC 20530

Dear Mr. Ashcroft,

I am writing to urge you and your office to allow the recent court settlement with Microsoft to stand on its own merits. I

strongly believe that the original antitrust litigation was a total farce and completely unnecessary. It appears that the government is persecuting successful corporations at the behest of the company's competitors. That is WRONG.

The settlement is a fair one and was reasonably negotiated over an over extended period of time. The agreement contains provisions that maintain Microsoft's accountability to the industry and, unfortunately, the to government as well. Microsoft will share information about the internal interfaces of Windows with its competitors, enabling them to more easily place their own software on the operating system.

In addition to the state support for the settlement, there are too many important national priorities that need your attention, beyond the continued review of a successful business entity. With the ongoing war, a destabilized national economy and a faltering international political environment, I would hope you would allow this settlement to move forward and concentrate on the bigger more important picture.

Very truly yours,
Laurence G. Lewitt,
69 The Circle,
Glen Head, N.Y. 11545

MTC–00010254

From: Dave Hedger
To: Microsoft ATR
Date: 1/11/02 1:31pm
Subject: Microsoft antitrust case

I, like most people who use computers, feel like the antitrust lawsuit against Microsoft was not well-founded from the start. Consumers have in fact benefited greatly from Microsoft and their Windows software. The lawsuit was initiated by disgruntled and jealous competitors, and joined by states who, like sharks, smelled blood in the water. The whole fiasco was a great perturbation in the economy, and contributed significantly to the bursting of the technology bubble and bear market that followed. Now it's time to admit the mistake and move on. Continuing the lawsuit is only prolonging the recovery, as investors nationwide await the result. My advice is to consummate the negotiated settlement hammered out between Microsoft and the DOJ. Do the USA a favor: let's move on.

Dave Hedger

MTC–00010255

From: Rob Steinbach
To: Microsoft ATR
Date: 1/11/02 1:37pm
Subject: About the proposed barring deposition disclosure for Microsoft

Dear Sirs:

If Microsoft was to get their way, allowing pretrial depositions to be prevented from public disclosure, then I think it would be a disservice to the entire justice system.

I was taught in childhood that nearly the entire American justice process was supposed to be open, with some notable exceptions, not secret courts that effectively prevent defense, or prosecution, of the defendant.

I don't believe that Microsoft's pretrial depositions fall into one of these exceptions. Since very little of the depositions will deal with actual trade secrets, then I don't see how Microsoft could reasonably expect the judge to uphold their requests.

I urge that the judge consider the nature of the request and keep in mind the need for the most open trial she can have, as permitted by law and common sense.

Sincerely,
Rob Steinbach
Programmer/Analyst
Ideal Chemical and Supply, Co.
4025 Air Park Street
Memphis, TN 38118

MTC–00010256

From: Paul Nendick
To: Microsoft ATR
Date: 1/11/02 1:37pm
Subject: Microsoft Settlement

Hello,

I'm a computer software engineering professional and am concerned by Microsoft's monopoly in my field of business. Their business practices, corporate ethos and products all threaten the Freedom of Speech.

The lynchpin for this is the popular Microsoft Word file format. Word (and other Microsoft Office) files trap each and every thought expressed in them by storing them in a proprietary, binary file format.

Only Microsoft products can correctly and consistently decipher these and no other software products can or ever will be able to do this. Microsoft has gone to great lengths to obscure and incorrectly document these file formats. Each word and thought expressed in these formats is a prisoner to Microsoft's future whimsy. Today these file formats cost no money to view, but will they in the future? Can we take this sort of risk?

I have personally investigated these issues as have hundreds of other programmers and we have all come to the same conclusion—Microsoft Office is and always will be the only software that can use these files.

There is a good discussion of this matter found here: http://www.newsforge.com/article.pl

To illustrate the importance of open standard formats for information exchange in binary formats such as these, one need look no further than the Internet for a shining example. I can use a Macintosh to view a webpage servered on a Sun server written by a Linux user. All this communication occurs flawlessly over a myriad different vendors' hardware. If Microsoft had understood the Internet better in it's formative stages, I'm certain we would not enjoy the remarkable open forum for ideas that the Internet is today.

A possible solution to this matter is to require Microsoft to fully support open, standard file formats for each of it's products. These formats can readily be designed in the same environment that forged the standards that hold the Internet together (IEEE) or the formats designed by the open source OpenOffice using the open XML specifications could be chosen: http://xml.openoffice.org/

In addition to making Microsoft support such a format(s), I believe it would be beneficial for the Justice department to recommend that the version of file format decided upon be the standard format used by the US government for its electronic document publishing.

If you like me to elaborate on these or any related issues, please contact me at this email address or at my home:

Paul Nendick
1420 West Fulton #2
Chicago, IL 60607
Sincerely,
Paul Nendick

MTC–00010257

From: Jeffrey Liang
To: Microsoft ATR
Date: 1/11/02 1:41pm
Subject: Microsoft Settlement

I applaud you for your settlement with Microsoft. The settlement is fair and in the consumers' best interests.

Microsoft may dominate the desktop market, but the PC is no longer the paradigm for computing. Thus, the anti-trust case has become almost a moot point. Government intervention would have undoubtedly shaken the software industry. In a time of economic uncertainty, drastic remedies may not be the best medicine.

As a software engineer, I may not like Microsoft. But I approve of your settlement nonetheless. Thank you for you efforts.

Sincerely,
Jeffrey Liang
203 E 31st St Apt 306
Austin, TX 78705

MTC–00010258

From: Myles J. Swift
To: Microsoft ATR
Date: 1/11/02 1:45pm
Subject: Microsoft settlement

Dear DOJ,

I want to put in my two cents on the Microsoft case. We are a small software developer. Never has any company other than Microsoft provided so much help to an industry. When CD players were new and very expensive, Microsoft sold thousands of them to developers at a loss to start the CD market. When voice systems started to come in they did the same thing. They practically gave away what were $500 to $600 boards to get people started on voice programming.

Before Microsoft every computer manufacturer had a unique format. Floppy disks would only play in one brand of machine. Differing operating systems meant that we had to customize the program for each brand of hardware. Our software retailed for $3,995 in 1982. A better product sells today for $1,000.

With the cost of living changes the price differential is at least 8 to 1. Microsoft enabled the average end user of our products to save $7,000 on the price of a program compared to what it would cost without standards. This makes a case for how much Microsoft has helped consumers.

If Microsoft made computers and did the complete bundle I could see the merits of the case.

Right now Sun, Apple and IBM produce and sell these items direct: operating systems, hardware, networking components and applications. Microsoft sells operating

systems and applications. Microsoft products are less expensive after distributor and retailer markup than the products sold direct by the other companies.

If their products did not have a good price/performance ratio, they would not succeed. I can see some merits in the case for how they worked with large hardware manufacturers. I cannot see any case for the public having been harmed. Please contact me if you have any questions.

Sincerely,
Myles J. Swift
Computer Assistance Inc.
Creswell, OR 97426
auto/truck repair management
software since 1977
voice 541–895–3347

MTC–00010259

From: John R. Munn
To: Microsoft ATR
Date: 1/11/02 1:55pm
Subject: Microsoft settlement

Dear Sir/Madam;

I strongly oppose the DoJ proposed settlement with MicroSoft as it does not address the core issues of marketing misconduct and anti competitiveness. It will not result in a more competitive industry nor even in a better product from MicroSoft.

As a 30+ year programmer and a user of MicroSoft products for 13+ years I know what I am talking about technically. MicroSoft products are pretty and incorporate many innovative ideas (some great in practice and some disastrous). However, the performance and stability is such that if I had produced them and did not correct the problems in short order I would, justifiably, be replaced. With no significant market share competition, MicroSoft has no compelling reason to improve their products beyond keeping them pretty for the sales department with a new looking version periodically (without ever fixing the underlying problems).

If I as a private citizen continually violated agreements with the Justice Department (or any government agency) I would be jailed. If there were a small business which violated the laws to the extent that MicroSoft has it would be shut down and possibly have its principals jailed. What would not happen is having an agreement drawn up based on ''what can you say that you will do that will sound like some action has been taken?''.

While I do not advocate the destruction of MicroSoft and am ambivalent on it's breakup. I do know that effective (underlined) action must be taken to 1) restrict future unlawful action on MicroSoft's part, 2) some punitive steps for past misdeeds, and 3) provide a competitive environment for the entire industry. The current proposal addresses none of the foregoing effectively, if at all.

Thank you for your attention.

Sincerely,
John R. Munn
Miami, FL 33157

MTC–00010260

From: Bud Levinger
To: Microsoft ATR
Date: 1/11/02 2:03pm
Subject: Microsoft Settlement

I understand that the Justice Dept. is taking public comments reguarding the proposed settlement of the Microsoft monopoly case.

It is my opinion that the proposed settlement is probably about as fair as it is going to get. I further feel it is in the intrerest of our Country and of the consumers of Microsoft products to have this controversy settled now—rather than to drag on for an indefinite period.

So I am in favor of the Justice Dept. accepting the settlement as it now stands.

Thank you for carefully considering my opinion.

Harold Levinger
1235 Yale Place
Minneapolis, MN 55403

MTC–00010261

From: Raymond Pettitt
To: Microsoft Settlement
Date: 1/11/02 1:16pm
Subject: Microsoft Settlement

Raymond Pettitt
808 Kennedy Ave.
Va. Beach, Va 23451–1142
January 11, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Raymond C. Pettitt

MTC–00010262

From: Alan Bargmeyer
To: Microsoft ATR
Date: 1/11/02 2:11pm
Subject: Microsoft Settlement

We are a retired couple and use our computer daily. We don't know of anyone that feels they have been harmed or cheated by Microsoft. Their products are fairly priced and extremely well designed. We were not brought up using a computer and are thankful to Microsoft for making things so simple for us to learn and use. Their customer service is provided without charge and is available 24/7 to swiftly help us with any problems that may occur. We are not interested in having the DOJ support Microsoft competitors so they can provide ''innovations'' that the market doesn't want or need. Please support the current settlement and let Microsoft get on with producing the fine products we need.

While we do not believe Microsoft is cheating consumers, we do feel the oil companies are using their power to keep prices unreasonable high and the DOJ could help consumers by investigating their practices.

Sincerely,
Alan & Janet Bargmeyer

MTC–00010263

From: Steve Miller
To: Microsoft ATR
Date: 1/11/02 2:26pm
Subject: Microsoft Settlement 9199 S. Fox Fire Way Highlands Ranch, Colorado 80126 January 11, 2002 Attorney General John Ashcroft US Department of Justice 950 Pennsylvania Avenue, NW Washington, DC 20530

Dear Mr. Ashcroft:

I am writing first to congratulate you on reaching a settlement in the Microsoft anti-trust case. I would like to see you make sure this settlement is completed.

The settlement that was reached will create more competitiveness in the IT industry. This settlement requires Microsoft to share both internal interfaces and formerly secret code with competing software firms. This means that the competitors will have unprecedented access to Microsoft code and be able to compete as never before. Those that claim this settlement is weak are simply wrong.

Full implementation of this settlement should be a priority for your people.

I appreciate you taking time to consider my views on this issue.

Sincerely,
Steve Miller

MTC–00010264

From: Cottrill, Carole
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/11/02 2:37pm
Subject: MIcrosoft Antitrust Case January 11, 2002 Attorney General John Ashcroft US Department of Justice 950 Pennsylvania Avenue, NW Washington, DC 20530

Dear Mr. Ashcroft:

I am a great believer in the American dream—working hard, believing in yourself, pursuing something that is yours alone—and the rewards that will result from these principles. Bill Gates, through Microsoft, followed his dream and achieved more than anyone, even probably him, believed possible. He has since been punished for this by having to spend more than three years in court. Your office too has faced hardship and expense in this case.

The Department of Justice brought an antitrust case against Microsoft three years ago, charging monopolistic practices; i.e. his products were too good; hence, people

bought too many, ignoring other firms' products. The case was eventually settled, with Microsoft acquiescing to the Department of Justice's demands, and satisfying many of Microsoft's competitors' desires.

Microsoft will, for example, share software information with its competitors and allow them to place their software on the Windows operating system. Microsoft and the Department of Justice have made an equitable settlement. The American people want to move on. I want to see an end to federal action in this case, and the settlement is the best option to end it.

Sincerely,

C. Cottrill

MTC–00010265

From: Terry Cornelisse
To: Microsoft ATR
Date: 1/11/02 2:44pm
Subject: Microsoft Settlement

Enough! Take this settlement and move on!!!

Jim & Terry cornelisse

MTC–00010266

From: ComdoreGeo@ao1.com@inetgw
To: Microsoft ATR
Date: 1/11/02 2:48pm
Subject: Microsoft Settlement

In the name of Justice, U.S. principals, and to stop wasting our tax dollars please accept the settlement now,

George J. Deutsch,
5060 Key Largo Circle,
Punta Gorda, FL,33955
Dennis Whittaker 34
Jeweff Hill, Berkshire, NY 13736
January 14, 2002

Attorney General John Ashcroft,
Department of Justice
950 Penna. Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

I am writing in support of the settlement with Microsoft. The changes it requires will restore fair competition and prevent future antitrust violations.

Microsoft has agreed to release the interfaces that make Windows work with software applications to competitors, meaning that other companies can figure out how to better write programs for Windows. Naturally, Microsoft has agreed not to retaliate against software or hardware developers who develop or promote software that take advantage of this new information. Plus, Microsoft has agreed not to enter into any agreements that force third parties to distribute any Windows technology exclusively. Clearly, these restrictions will benefit the consumers as well as the technology sector as a whole.

This settlement is in the best interests of the State of New York, The U.S., and the economy because it will stop any anticompetitive behavior before it starts. Continued litigation against Microsoft will put millions of dollars into a case that has already seen a fair and reasonable end.

Let the IT industry concentrate on business as soon as possible.

Sincerely,

Dennis Whittaker

MTC–00010267

From: Adam Shostack
To: Microsoft ATR
Date: 1/11/02 2:50pm
Subject: Microsoft Settlement

To the Department of Justice:

Doubtless you will get a large number of long, complex comments regarding this case. I'll keep this to the point.

I have read through the many documents in the US vs Microsoft case, and I am disappointed and concerned about the weakness of the proposed remedies. Microsoft has violated the spirit and the letter of the law. The proposed settlement does not sufficiently penalize them, control or limit their behavior, or deter them from future anti-competitive acts. Please ensure that the case results in a substantiative penalty, and imposes strong controls on Microsoft's future activity.

Yours,

Adam Shostack

MTC–00010268

From: JonKai@aol.com@inetgw
To: Microsoft ATR
Date: 1/11/02 2:55pm
Subject: Microsoft Settlement

this article below shows that MSFT has peddled for favors from President Bush on down to congressmen, and Attorney General Ashcroft..... if you approve this settlement, you will be flying in the face of the Tunney ACT..... please consider what you are doing, this settlement does nothing to keep MSFT from violating the law.... it doesn't even address all eight of the findings of the appeals court..... please use your power to stop this blight on justice.....

Microsoft Fails To Disclose Congressional Lobbying

By Robyn Weisman, www.NewsFactor.com

According to several legal experts mentioned in news reports, Microsoft (Nasdaq: MSFT—news) failed to inform federal judge Colleen Kollar-Kotelly that it lobbied members of Congress in relation to its ongoing antitrust case. Court filings reveal only that Microsoft contacted members of the executive branch of the federal government, not anyone in Congress, despite reports to Congress that the company spent US$300,000 on lobbying in the first half of 2001 alone.

AT&T Didn't; Why Should We?

Defending itself against the allegations, Microsoft contended that AT&T, when it was embroiled in its own antitrust case in the early 1980s, also failed to inform its federal judge of its lobbying actions toward Congress, despite a 1974 statute that requires companies to do so.

That statute, known as the Tunney Act, was designed to prevent companies like Microsoft and the old AT&T from peddling favors to government employees in exchange for more leniency.

jon.

MTC–00010269

From: Billie Love
To: Microsoft ATR
Date: 1/11/02 2:56pm
Subject: Microsoft Settlement

Dear Justices:

The people of the United States have had to fund this prosecution against Microsoft. I think the settlement that has been reached is in the best interest of the people. Please don't let any of the State Attorney Genereals continue this litigation. I support the Bush Administration and Microsoft in their desire to settle this litigation.

Billie Love
8665 Springhill School Rd.
Belgrade, Mt. 59714

MTC–00010270

From: Allen Wiesen
To: Microsoft ATR
Date: 1/11/02 2:56pm
Subject: Microsoft settlement

The settlement between Microsoft and the Justice Department and nine states reflects a reasoned approach to remediation of market inequities. We fully support the settlement, and are disappointed that the remaining nine states have not yet seen the obvious merits of the agreement.

Dr. and Mrs. Allen E. Wiesen,
Sarasota, FL

MTC–00010271

From: Rodger Sorenson
To: Microsoft ATR
Date: 1/11/02 3:01pm
Subject: Microsoft Settlement

The purpose of this message is to let you know that I support an immediate settlement of the Microsoft case without any further delays and/or litigation. This issue has dragged out too long to the benefit of nobody except the lawyers and it needs to be closed as soon as possible. This is America-lets treat our innovative companies like Microsoft like we appreciate what they have done for our country.

Thank you,
Rodger D. Sorenson,
5370 W. Flying Circle,
Tucson, AZ 85713.

MTC–00010272

From: Dwight A. Ernest
To: Microsoft ATR
Date: 1/11/02 3:02pm
Subject: Comments in Microsoft v. US Gov

To whom it may concern,

Here are my comments in the matter of Microsoft v. US Government:

The proposed settlement does not sufficiently penalize Microsoft, nor does it sufficiently control or limit their behavior, nor deter them from future anti-competitive acts. Please ensure that the case results in a substantive penalty, and imposes strong controls on Microsoft's future activity.

Yours most sincerely,
—Dwight A. Ernest
Internet Engineering Manager
551 Main Street
Boylston MA 01505–1313
dwight@significant.com
Phone: 508.826.7335

MTC–00010273

From: William G. Wizner
To: Microsoft Settlement
Date: 1/11/02 2:04pm
Subject: Microsoft Settlement

William G. Wizner
8544 Stone Harbor Ave.
Las Vegas, NV 89145–5707
January 11, 2002

Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
William G. Wizner
January 14, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to voice my concern on the recent events behind the Microsoft Antitrust case. I am against any further government action. What I do not understand is the punishing of Microsoft for producing a quality product. Under our system of free enterprise, we are free to purchase and use any computer products we wish. It just so happens that Microsoft has created far better products than other competing companies have been able to.

Can you imagine that use of the Internet by ordinary citizens would have been possible without a common platform for communications? In addition to the superior software Microsoft has created, the company has created a niche in the marketplace that in the past decade has brought a huge amount of growth to our economy, not to mention the standardization of computer software programs that have allowed computerization to become part of everyday life.

As an investment portfolio manager, I represent clients who have invested hard-earned savings into American companies like Microsoft whose financial success benefited ordinary Americans willing to invest in these companies. The additional litigation risk to shareholders has risen dramatically in this country as tort lawyers, including state Attorneys General, seek deep corporate pockets. It is no coincidence that the peak in our financial markets coincided with the Justice Department's announcement in March 3000 that it would seek to break up Microsoft.

Microsoft has agreed to grant computer makers broad new rights to configure Windows to promote non-Microsoft software programs. Microsoft has agreed to design future versions of Windows to make it easier for non-Microsoft software to be installed within Windows, and Microsoft has even agreed to a technical committee to monitor future compliance. I doubt if other firms would do as much. It is shameful that companies like Microsoft should be punished for their success-whatever happened to the American dream? I urge you to support this settlement.

Sincerely,
Renee Smith

MTC–00010274

From: Donald Phillippi
To: Microsoft Settlement
Date: 1/11/02 2:16pm
Subject: Microsoft Settlement
Donald Phillippi
4 Sand Island Acc. Road #40
Honolulu, Hi 96819–4355
January 11, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies. Thank you for this opportunity to share my views.

Sincerely,
Donald L. Phillippi

MTC–00010275

From: bdouglas@hamakua.
Central.Sun.COM@inetgw
To: Microsoft ATR
Date: 1/11/02 3:02pm
Subject: Paragraph 24 -27

To whom it may concern,

Reference paragraphs 24—27 I would like to comment. Three years ago I tried to buy a PC from Dell and did not want windows. I went to their web site and found what I wanted. So I called up Dell and asked if I could buy the PC without Windows and at first they said no but then agreed to. I then inquired about the price without Windows and it was the same as with Windows. It was explained to me by one of the sales persons that Dell was forced by Microsoft to sell a Windows license with every PC, regardless if the OS was every installed or used. So not only do they tie I.E. and other applications to the PC but the OS as well.

Bob Douglas
303 475–2769

MTC–00010276

From: peter@matrix.net@inetgw
To: Microsoft ATR,peter@matrix.net@inetgw
Date: 1/11/02 3:10pm
Subject: Microsoft Settlement

Ms Hesse:

I would like to express my opposition to the proposed settlement in the Microsoft Antitrust case. I believe that the offense against the American version of doing business and against the American people is far to great for the DoJ to treat it in this fashion. I believe that the points raised by the Attorneys General of the various dissenting states are far more pertinent than those of the DoJ. While the Court of Appeals vacated a portion of the original judgment, they retained all the conclusions relating to Microsoft's exclusionary and anti-competitive acts. I believe the proposed settlement treats these acts too lightly.

Sincerely,
Peter H. Salus, Ph.D.

MTC–00010277

From: Marla Araki
To: Microsoft ATR
Date: 1/11/02 3:08pm
Subject: Microsoft settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 ''D'' Street, NW, Suite 1200
Washington, DC 20530
email: microsoft.atr@usdoj.gov
<mailto:microsoft.atr@usdoj.gov>
Fax: (202) 307–1454 —OR— (202) 616–9937

To Whom it May Concern:

As a citizen of Washington state, I encourage you to accept the proposed settlement in the anti-trust case involving Microsoft. This settlement is appropriate and reflects a triumph of the rule of law. Certain Microsoft competitors and other critics of the proposed settlement make the core of their objections a call for more stringent restrictions, ranging from prohibition of what they call ''product tying'' to breakup of the company. More extreme critics complain that the remedies do not address products that were not even part of the case.

These objections ignore the decision of the Appeals Court that reversed much of Judge Jackson's original findings. The Appeals Court threw out findings on many fronts related to Microsoft's anti-monopolistic behavior. One key area rejected was the basis used for claiming that integrating Internet Explorer and Windows represented monopoly abuse. The court went further to

state that any new burden of proof for ''tying'' would be immense. The court also rejected the breakup order and made it clear such an order moving forward would be difficult to sustain given the court ''drastically altered [i.e., reduced] the scope of Microsoft's liability.''

One final objection raised by critics is that Microsoft has a past history of consent decree violation so the company cannot be trusted to adhere to a new decree. This is a patently false assertion. The Appeals Court in June of 1998 rejected the very claim that sent the parties into litigation—the Department of Justice claim that Microsoft had violated an earlier consent decree. Furthermore, this settlement takes the extraordinary step of creating an onsite oversight body. There are, therefore, no legitimate grounds for an assertion that a consent decree will not constrain Microsoft's behavior in the ways the court intends. Rather, the proposed settlement directly and concretely addresses each and every key finding upheld by the Appeals Court, and does so with an undeniably stringent remedy. The areas of violation addressed include requiring OEMs to preserve visible access to Internet Explorer, to preserve the original boot sequence, to preserve all Microsoft-supplied desktop icons; entering into exclusive contracts with Internet Access Providers; threatening companies over support for other middleware technologies; and every other key area identified by the Appeals Court.

In my view, there can be no valid objection to this settlement because every major finding of the Appeals Court is stringently addressed with a targeted remedy that specifically prohibits and prevents the behavior in question. Acceptance of the proposed settlement will send a signal throughout American industry and the country as a whole that in the United States rule of law is alive and well—that defendants face remedies only for those findings against them. Anything beyond this settlement would represent a victory for those who do not seek remedy but rather also unwarranted punishment, and this would be a serious blow to the smooth functioning of free markets and the law that protects them. Participants in the American economy would forever be forced to fear whether the laws they rely upon to safely conduct business will be applied fairly.

I believe in advancing free market competition and this settlement serves the best interests of the American public. It fairly resolves a complex and burdensome anti-trust case that is having severe impacts far beyond one company, a case that is acting as a drag on one of the most vibrant sectors of our economy. Settlement of this case will free the high-technology industry to put its fullest efforts into innovation and creativity, and will spur competition in a way that will directly benefit consumers.

Thank you for your consideration.

Marla Araki

John Priebe

MTC–00010278

From: jordan pollack
To: Microsoft ATR
Date: 1/11/02 3:14pm
Subject: ms settlement

I am opposed to the settlement. Your agreement helps Dell, Compaq, IBM, HP, Gateway, etc, the sellers of computers who have had to deal with Microsoft's favoritism and capriciousness in pricing over the years, and it perhaps helps application vendors who want to preserve interoperation across microsoft's upgrades (like wordperfect (dead), Lotus (dead) Netscape (dead) Real (almost dead) Palm (almost dead).

But I believe that as long as Microsoft can dictate when and how much an upgrade costs for what has become a public standard like the electric or telephone socket, the nation will continue to be fleeced. Your settlement does nothing here.

If it were simply made illegal for the vendor or a proven monopoly product to charge for an upgrade, the vendor could not profit from bundle in clones of competitive products like outlook, explorer, mediaplayer etc, expecting to get their fee from forced upgrades and market capture. They would have to compete more fairly against unbundled goods. And, instead of monopoly in every area of software through competitive upgrades, secret formats for files, we would arrive through evolution of competition at public standards for fle formats (like word and html and poperpoint) and oligarchies on user interface (like wordstar, wordperfect, and word, all working on the same files, or Powerpoint, Freelance, and Persuasion, working on the same presentation format!) Finally, the old licenses on junked computers (with appropriate certification) would become valuable in trade instead of worthless.

If you do fail to close this agreement, please read http://jordanpollack.com/softwaremarket for a free market solution.

Professor Jordan B. Pollack
Dynamic & Evolution Machine Org
Computer Science Department
FaxPhone/Lab: 781–736–2713/3366
MS018, Brandeis University
http://www.demo.cs.brandeis.edu
Waltham Massachusetts 02454
e-mail: pollack@cs.brandeis.edu

MTC–00010279

From: John.Borger@sun.com@inetgw
To: Microsoft ATR
Date: 1/11/02 3:21pm
Subject: A monopoly by any other name...

Hello,

I'd like to voice my dissatisfaction over the United States v. Microsoft Settlement. I do not feel that the proposed actions will do anything to stop Microsoft from wielding their monopoly power. Every time there is a new release of the product, you see companies crushed.

Unless Microsoft is broken into separate companies (OS, Browser, Word Processing, Spreadsheet) they will continue use Company A's technology in one release, stifle them, and then do what they wish in the next release (like the Kodak issue going on in XP).

I think what was agreed upon is less than a slap on their wrist and more of a slap in the face of the consumer. Through monopoly power and extortion (which is still against the law, isn't it?) , they nearly crushed Netscape. Have you ever wondered what happened to the Lotus Suite? It wasn't an inferior product that succumbed to superior product.

Furthermore, why should I be FORCED to pay an additional $99 for a computer that has MS Windows loaded on it? I want to run Linux. I should not be forced into paying for something that I do not want.

Thank you,

John Borger

MTC–00010280

From: Roger Rush
To: Microsoft ATR
Date: 1/11/02 3:22pm
Subject: Microsoft Settlement

Attorney General

Please see my comments regarding the Microsoft Settlement

Sincerely,

Roger Rush

Network Source One

January 10, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

I am very glad about Microsoft not being split up by the federal government. As president of a network service provider company that depends on standardization, continuity, and reliability, I believe if Microsoft had been broken up requiring me to utilize 3 to 5 different companies for my needs, doing business would be very difficult. This is because things would no longer be one hundred percent compatible.

Microsoft's operating system is a seamless product and is very easy to work with, which allows my company to operate smoothly. To suddenly be forced by the government to alter this system would, quite simply, be extremely strenuous.

I understand some of Microsoft's original adversaries are against the settlement and are trying very hard to disrupt it before the court can finalize it. I suppose this is due to the fact that the government did not break up Microsoft. These entities will not be satisfied and probably will not give up their relentless pursuit until it is. This is unfortunate, because the settlement is totally fair. For example, Microsoft will change its licensing agreements with companies, and redesign Windows operating systems to make non-Microsoft features more accessible. I only hope it is finalized as soon as possible and that you do everything within your power to see that it is. Thank you.

Sincerely,

Roger Rush

President

MTC–00010281

From: Geudner, Michael A (Michael)
To: Microsoft ATR
Date: 1/11/02 3:34pm
Subject: WAY TO GO- MICROSOFT IS A MONOPOLY THAT SHOULD BE BROKEN UP!

MTC–00010282

From: Harry Bardal
To: Microsoft ATR
Date: 1/11/02 3:35pm
Subject: Microsoft Settlement

Dear Madam

I have watched the Micrsosoft antitrust trial with great interest. As a Canadian citizen I have been somewhat frustrated at my governments reluctance to act on what I believe to be Microsoft's anticompetitive practices. The ball seems to be in the court of the American justice system and my hope is that a fair remedy is found. I have used Microsoft's products and continue to, many are useful business tools. I do feel however that their business practices have been predatory and unfair to smaller businesses trying to compete in an already cutthroat industry. Although Microsoft succeeds in establishing standards that channel and consolidate computer usage and facilitate communication, the standards always proprietary and always seem to be vertically integrated with other Microsoft products. Perhaps more regrettably, these standards are often substandard. A phrase heard often in my area of business is ''Microsoft Lock-in'' It refers to the inability to use third party software in concert with Microsoft products. This combined with real virus problems and rather egregious security flaws makes many Microsoft products a necessary evil for many people even in the face of superior competing products.

I have seen some intelligent, well designed software try to compete with the Microsoft dominance and fail. Microsoft has expressed it needs to be allowed to innovate. Few Microsoft are truly innovative or remarkable and yet Microsoft's practices have quelled or absorbed other companies that have innovated. The technology sector has been a driving force in the American economy and by extension the Canadian economy and it deserves some scrutiny.

I believe that personal computers are the single most important tool of our age. They are the first example of true multi-use and not single-use technology. Many companies will have something to offer as the industry matures. I hope these companies might dare to innovate, compete and contribute to the Microsoft line of operating systems as well as Linux, Mac OS, Unix and dozens of other variants. I hope that this is is allowed to flourish in a atmosphere of fair competition.

Regards

Harry Bardal

Vancouver, BC

MTC–00010283

From: Bill York
To: Microsoft ATR
Date: 1/11/02 3:37pm
Subject: Microsoft Settlement

To whom it may concern,

Upon hearing about the solutions for the settlement in the Microsoft case I was appalled to hear that a company that has committed so many grievous acts against other smaller corporations would be handed so light a sentence.

Perhaps the one part of the settlement that disturbs me the most is the fact that Microsoft donate $1 billion in refurbished computers and software to schools to use. While at first glance this may seem like a very noble cause in truth this settlement enables Microsoft to leverage their monopoly even more.

What will happen is that the refurbished computers will consist of PC's and the software will be Microsoft based software.

Now being a software engineer myself I'm very well acquainted with the business model when it comes to producing software. There is an initial large cost up front for the design, development, and testing of the software. But once this cost has been fulfilled and the software developed the costs associated with mass producing the software, often involving copying the software code to a CD, printing of any manuals, and then the boxing and shipping of the product are relatively inexpensive. Using this cycle it is fairly easy for Microsoft to refurbish the cost of the initial investment. But because of this methodology they can easily produce a billion dollars worth of software and yet barely have their bottom line impacted because of the cheap costs associated with producing the CD, manuals, and packaging.

If you truly want to penalize Microsoft then make them pay $1 billion dollars to be distributed to the school systems so they can spend the money how they see fit. These individual school districts can then go out and purchase a non-PC devices and software produced by other companies than Microsoft. This is in turn will help foster competition and will come much closer to realizing the goals of this antitrust lawsuit in the first place.

Thank you for reading,

William York

P.S. The comments sent to the Dept of Justice does NOT reflect my employer's opinion and is solely my own opinion.

William York
1254 Bluebird St.
Brighton, CO 80601

MTC–00010284

From: mmikowsk@demai05.mw.mediaone.net@inetgw
To: Microsoft ATR
Date: 1/11/02 3:41pm
Subject: Microsoft Settlement

To Whom it May Concern:

As I have not received a validation from my prior posting, I again respectfully submit this proposal:

I am currently an owner of an Information Systems and software development firm. Based my firm's experience in this field, I propose the following adjustments to the Microsoft settlement:

1. PROPOSAL A

a. OVERVIEW

The US Government (and other governments) should embrace open standards for file formats for commodity applications such as Word Processing, Spreadsheets, Database, Graphics, and Mail.

b. PROPOSED ACTIONS

* A national or international standards committee be formed to oversee commodity file formats, much like the W3C.

* Formats be developed for Word processing, Spreadsheets, Database, Graphics, and Mail.

* These formats should be based on open, published standards that can only be extended through the committee.

* The US government adopt these standards as required for governmental correspondence.

* Software producers must show their tools are compatible with these standards before government agencies employ them.

* Software producers should be encouraged to publish their compliance to these standards.

c. REASONING

Microsoft's monopoly on the business desktop is not derived from its innate value of its operating systems, but by its anti-competative use of its monopoly to control proprietary formats used in commodity applications.

Microsoft Word, Excel, Outlook, and others employ proprietary formats controlled, and changed at will, by the company. Any attempt to use other tools to access or edit this data are hamstrung Microsofts propensity to change these formats at its whim. This is the core of its anti-competative practices.

Microsoft has shown a pattern of first embracing competing formats (such as WordPerfect, and Lotus 1–2–3) and, once market dominance has been ensured, have emphasized their own proprietary formats. This is a trend they have continued to this day. One only need to look at how their ''extensions'' of HTML standards are currently being used to block access from any other platform besides their own. In the past, we wrote on paper. There are hundreds of producers of pens and paper. Today, we often write in word processors and spreadsheets. Should only one company in the world control the access to the intellectual property we create? d. IMPLEMENTATION The technology and software already exists to move this proposal to a reality in a very short time period. The US Government could change to open file formats with little pain by employing Star Office while saving untold millions in licensing costs. It can require all html document meet the W3C guidelines for HTML. The government would provide the impetus from moving its data, and that of the people, out from under the control of a private interest, and into open formats where we the people can access our own data without being required to purchase a Microsoft product to do so. e. REFERENCES Open File Formats: http://www.computerworld.com/cwi/community/story/0,3201,NAV65–1797—STO64689,00.html Star Office, which employs open, XML formats with excellent capabilities: http://www.sun.com/staroffice/6.0beta/;$sessionid$ROHKZK4E1MJ0RAMTA1FU3NQ The W3C group has provided standards which has allowed dozens of competing web browsers to be successfully developed:

http://www.w3.org

Anyware Office, which employs XML-like file formats in a product which works extremely well

Anyware Office: http://www.vistasource.com/products/anyware/office/

f. DISCLAIMER We own Microsoft Office Professional. We manage dozens of Microsoft OS's and Office products. We have tested (and are impressed) with Star Office. We also use Anywhere Office in an office of 5 individuals. We have no other connection

with the companies or software presented above.

2. PROPOSAL B

a. OVERVIEW

The proposed settlement for providing Microsoft access to our children's and educators' minds is counter-productive to the good of the people and the government.

b. PROPOSED ACTIONS

* Require any software provided to US schools to be compliant with the requirements as set forth in Proposal A of this comment.

* Adjust the settlement so that Microsoft is responsible for providing hardware and funding only.

* Provide an independent body for determining the software and training employed by the schools.

c. REASONING

The proposed settlement to provide Microsoft software and training only further benefits the company, while displacing other firms such as Apple and RedHat. By taking the proposed value and applying it to hardware and funding only, the public is ensured to receive the value offered by Microsoft.

d. IMPLEMENTATION

I have no additional recommendations for implementation of this remedy at this time.

e. REFERENCES

The RedHat Counter Offer:

http://www.redhat.com/about/presscenter/2001/press—usschools.html

f. DISCLOSURE

We own Microsoft Windows 2000 and Mandrake Linux. We use RedHat Linux as our OS for web service development.

These are fair adjustments to the proposed settlement. They will provide innovative competition the like of which the industry has never seen.

I am available for discussion of these remedies at any time.

Respectfully Submitted
26 November 2001
Michael S. Mikowski
Managing Director, Uniphied Thought LLC
Dearborn, MI 48126
Tel 313–441–2579
Mobile 313–550–8406
CC:mdlug@radiusnet.net

MTC–00010285

From: MCMICHAEL, Ron (AAS)
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/11/02 3:42pm
Subject: LET THE SCHOOLS HAVE THEIR COMPUTERS

MTC–00010286

From: carrol townsend
To: Microsoft ATR
Date: 1/11/02 3:58pm
Subject: MY OPINION

IT'S UNFORTUNATE THAT THE US GOVERNMENT THINKS THAT THE PRICE OF PRODUCT SUCH AS DELIVERED BY MICROSOFT WOULD BE LESS EXPENSIVE IF BETTER

CONTROLLED BY THE FEDS. IT SEEMS TO HAVE BEEN THE SAME ARGUMENT WITH THE BREAKUP OF THE BELL SYSTEM.

THE US GOVERNMENT NEEDS TO PICK A BETTER FIGHT, ONE THAT COULD HELP RATHER THAN HINDER.

MTC–00010287

From: Ulstad, Gary
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/11/02 3:59pm
Subject: Stop beating them up.

It is nice to have them providing jobs and paying income tax in the United States. I do not know about you but, I like US companies leading the world.

Gary Ulstad

MTC–00010288

From: thejokis@juno.com@inetgw
To: Microsoft ATR
Date: 1/11/02 3:58pm
Subject: Microsoft and the State of Washington

To Whom it May Concern:

As a citizen of Washington state, I encourage you to accept the proposed settlement in the anti-trust case involving Microsoft. This settlement is appropriate and reflects a triumph of the rule of law.

Certain Microsoft competitors and other critics of the proposed settlement make the core of their objections a call for more stringent restrictions, ranging from prohibition of what they call ''product tying'' to breakup of the company. More extreme critics complain that the remedies do not address products that were not even part of the case. These objections ignore the decision of the Appeals Court that reversed much of Judge Jackson's original findings. The Appeals Court threw out findings on many fronts related to Microsoft's anti-monopolistic behavior. One key area rejected was the basis used for claiming that integrating Internet Explorer and Windows represented monopoly abuse. The court went further to state that any new burden of proof for ''tying'' would be immense. The court also rejected the breakup order and made it clear such an order moving forward would be difficult to sustain given the court ''drastically altered [i.e., reduced] the scope of Microsoft's liability.''

One final objection raised by critics is that Microsoft has a past history of consent decree violation so the company cannot be trusted to adhere to a new decree. This is a patently false assertion. The Appeals Court in June of 1998 rejected the very claim that sent the parties into litigation—the Department of Justice claim that Microsoft had violated an earlier consent decree. Furthermore, this settlement takes the extraordinary step of creating an onsite oversight body. There are, therefore, no legitimate grounds for an assertion that a consent decree will not constrain Microsoft's behavior in the ways the court intends. Rather, the proposed settlement directly and concretely addresses each and every key finding upheld by the Appeals Court, and does so with an undeniably stringent remedy. The areas of violation addressed include requiring OEMs to preserve visible access to Internet Explorer, to preserve the original boot sequence, to preserve all Microsoft-supplied desktop icons; entering into exclusive contracts with Internet Access Providers; threatening companies over support for other middleware technologies; and every other key area identified by the Appeals Court.

In my view, there can be no valid objection to this settlement because every major finding of the Appeals Court is stringently addressed with a targeted remedy that specifically prohibits and prevents the behavior in question.

Acceptance of the proposed settlement will send a signal throughout American industry and the country as a whole that in the United States rule of law is alive and well—that defendants face remedies only for those findings against them. Anything beyond this settlement would represent a victory for those who do not seek remedy but rather also unwarranted punishment, and this would be a serious blow to the smooth functioning of free markets and the law that protects them. Participants in the American economy would forever be forced to fear whether the laws they rely upon to safely conduct business will be applied fairly.

I believe in advancing free market competition and this settlement serves the best interests of the American public. It fairly resolves a complex and burdensome anti-trust case that is having severe impacts far beyond one company, a case that is acting as a drag on one of the most vibrant sectors of our economy. Settlement of this case will free the high-technology industry to put its fullest efforts into innovation and creativity, and will spur competition in a way that will directly benefit consumers.

Thank you for your consideration.

Mr. & Mrs. Thomas A. Joki,
Mill Creek, WA

MTC–00010289

From: Chuck Burr
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/11/02 3:55pm
Subject: Microsoft settlement

I think that this entire law suit is only because a few companies did not want competition and got in bed with the last administration. That aside, the Justice Department worked out a settlement that would help many children in this country. To give millions of people a few dollars is not an impact and by the time that money would get to the same poor schools it would be ten cents on the dollar. We need to move forward in this country and it is things like this Judge's ruling that will put this country into a real depression. I say move forward. This decision disapoints me, I know the Justice spent millions of our tax money to get here and now will spend even more if it has to go forward in a different direction....

Chuck Burr
Franchise Principal
Accountants Inc. Reno, NV
''Focused on Accounting and Financial Talent''
www.accountantsinc.com

MTC–00010290

From: Joseph Gregory
To: Microsoft Settlement
Date: 1/11/02 3:46pm
Subject: Microsoft Settlement

Joseph Gregory
11 Valley, Lane

Wilkes-Barre, PA 18707–1735
January 11, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Joseph Gregory

MTC–00010291

From: Justin Long
To: Microsoft ATR
Date: 1/11/02 4:07pm

Personally, I think that all of this bullshit against Microsoft is ridiculously absurd. The only reason that the company is getting sued is because other incompetent people or businesses can't compete with the best in the business. Fuck all of you, jealousy is a sin, Bill Gates started Microsoft with no believers and now he's on top of the world and everyone wants a slice of his pie....yea, more money, more problems for Mr. Gates. Leave the man and his company alone, they have done wonders for the world of technology and just because he has what everyone else doesn't assholes wanna take it away from him....Pardon the swearing, but it's just another thing that is corrupted in this whole fucked up world that isn't run by leaders, or the people, but by the necessary evil called money. It's also good that all of the matters are being handled by the ongoing joke called the justice system...you won't beat Bill Gates, he's just gonna laugh at all of you stupid fucks from his position that, no matter how much you sue him, you will never attain. Have a great day.

MTC–00010292

From: hord, george
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/11/02 4:10pm
Subject: Microsoft the Giant with the Battle Axe

To Whom it Concerns;

My primary thoughts are:

1) Microsoft has some allies because Microsoft helped them become rich by proving coat tails for the loyal or obedient.

2) Microsoft has CRUSHED or rendered non existent any will to compete because of their marketing practices.

3) There has never been a question about ability to innovate—Microsoft has never been or wanted to be the innovator, just the crusher. Let someone else lead and then CRUSH. Microsoft has ALWAYS copied technology or bought it, never innovated.

4) Microsoft should be given absolute guidelines/mandate on what is operating system software what is internet software and what is application software. If USDOJ cannot do that then set up an independent panel that makes the decisions.

George Hord

MTC–00010293

From: Wesley Harrell
To: Microsoft ATR
Date: 1/11/02 4:13pm
Subject: Microsoft Settlement.

To whom it may concern,

I wish to register my opinion regarding the proposed Microsoft settlement. In short, I disagree with the provisions of the settlement, and I believe the current proposal lacks any real punishment to a company that has been found guilty in the past, as well as in the present case, and if unchecked will act in a similar manner in the future. A just settlement would include, but are not limited to, some of the items I list below.

1. Any remedy seeking to prevent an extension of Microsoft's monopoly must place Microsoft products as extra-cost options in the purchase of new computers, so that the user who does not wish to purchase them is not forced to do so. This means that for the price differential between a new computer with Microsoft software and one without, a computer seller must offer the software without the computer. Only then could competition come to exist in a meaningful way.

2. The specifications of Microsoft's present and future document file formats must be made public, so that documents created in Microsoft applications may be read by programs from other makers, on Microsoft's or other operating systems. This is in addition to opening the Windows application program interface, which is already part of the proposed settlement.

3. Any Microsoft networking protocols must be published in full and approved by an independent network protocol body. This would prevent Microsoft from seizing de facto control of the Internet.

4. No settlement should include free Microsoft software to schools, or other needy organizations. This does nothing to decrease Microsoft's control over the computer market, and in fact increases their market share.

Regards,
Wesley Harrell
232 NW 4th Ave
Gainesville, FL 32601

MTC–00010294

From: Peter Lewandowski
To: Microsoft ATR
Date: 1/11/02 4:16pm
Subject: I thought this was a monopoly investigation?

If Microsoft is a monopoly the main task should be to stop Microsoft from being a monopoly, if they are not then just leave them alone. If you go to McDonalds are they not allowed to sell Pepsi products, or Taco Bell sell Coke? Even if it's a franchise most are required by the agreement to sell one or the other product not both. Now I?m not a big Microsoft fan nor do I like Bill Gates, but if Bill made America believe that they have the only operating system good for him. I personally need to use it in business and it's a corporate directive. I would rather use something like LINUX but unfortunately there is little useful business software for it and we do not have the staff to support both LINUX and Microsoft.

I have an idea that the Justice Department seemed to overlook. Don't break Microsoft up but rather make them liable for security violations that ''known issues'' and the cost related to businesses that have a violation. Have a ''Lemon Law'' for bad software. Currently if a software company has a known bug that disrupts business, or forces a business to pay a fine, they don't get charged for that. Think about it this way, if you bought a car and the brakes didn't work wouldn't you sue the manufacturer for a defective product? Why don't software companies get held to that level of liability? If Microsoft had to reimburse companies for each worker's hours who had to restart their computer because Microsoft's software was written so badly they would be a very, very small software company fast and have a very small user installed base.

My two cents,
Pete
Atlanta, GA

MTC–00010295

From: Rush, Brad
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/11/02 4:17pm
Subject: Settle Now

Get it over with. Your actions are giving them justification to charge even more for their software. Let free enterprise work.

Brad Rush, CMA, CFM, CBM—
CNL Retirement Corp.
Office: (407) 650–1010
Fax: (407) 650–1022
Cell: (407) 421–1003
E-Mail: Office <mailto:brush@cnlonline.com>
Personal <mailto:brad@bradrush.com>

MTC–00010296

From: Ania Lewkowicz
To: Microsoft ATR
Date: 1/11/02 4:18pm
Subject: Microsoft Settlement.
To:
Renata B. Hesse
Antitrust Division
U.S. Department of Justice

I was very saddened by the Microsoft settlement and how it seemed that all the evidence in the world could not break through that steel wall of a monoploy. I cringe to liken this case to the O.J. Simpson

trial, where the evidence was overwhelmingly in favor of his guilt, yet it seems as though the jury was somehow ''jaded'' to believe his story when the rest of the world thought of it as an open and shut case of spousal murder. In a way, this MS case is no different. How is it possible to see the plethora of proven instances of monopolistic behavior, yet to let them go with no more than a slap on the hand? I truly believe that Microsoft got off VERY easy, and as a consumer, I am frustrated by my inability to determine for myself the design and configuration of the initial screens displayed on the PC's being sold today. My choice is limited to either Windows or virtually nothing. And if that's not a monopoly, then I'm interested to hear another definition explaining what exactly that is.

Sincerely,
Ania Lewkowicz

MTC–00010297

From: Pouya Yadegar
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/11/02 4:12pm
Subject: Microsoft Case.

The premise that a company that makes money did it by cheating, lying and stealing and did it at the detrement of ''people'' is exactly the opposite of what happens. Anybody that makes money is HELPING and more importantly has the right to pursue their goals.

Your counter to that is that ''what if they do it by cheating''? The answer is that the people get to vote with their $$, not the government by some chaotic mystical measurement that changes from day to day. If you want further clarification of this concept please review the results of communism/socialism countries like Russia and their results vs. (for the most part) democratic countries like the U.S.

The only ''monopoly'' that exists anywhere is one started by the government, subsidized by the government (See Fannie Mae, Freddie Mac and the USPS.) Microsoft had no government help and they need to be honored for their contribution to society. The entire country and even the WORLD needs to have a yearly celebration thanking Microsoft instead of Breaking their balls. If everybody pursued and achieved what Microsoft has done the world would be such a utopian place that is not even imaginable compared to our society today.

MTC–00010298

From: Kris Brinkerhoff
To: Microsoft ATR
Date: 1/11/02 4:28pm
Subject: DOJ vs Microsoft anti-trust case

To whom it may concern:

I believe that Microsoft needs to be punished just like any other company found guilty of practicing a monopoly. The industry usually has to conform to what they say they are going to support or not support in their operating system. To have your hardware item listed as being ''made for Windows'' gives you an edge over the competition.

As for their trying to appease the government by providing PCs to lower income students and schools, they should actually provide Macintosh computers or cash otherwise they are again undercutting competition and widening their customer base and dependence/influence upon them once again.

Also if they have a piece of software on CD they can just duplicate the software on the CD. It is pretty much like being able to print their own money. They can copy as many as they want and call it 500 million in software because they are selling the license to use the software.

The damages should be paid in monetary figures not in software which can be produced once and published an infinite number of times.

Thank you for your time.
Kris
California: microsoftcomments@doj.ca.gov
Connecticut:
attorney.general@po.state.ct.us
Florida: ag@oag.state.fl.us
Iowa: webteam@ag.state.ia.us
Kansas: GENERAL@ksag.org
Massachusetts: tom.reilly@ago.state.ma.us
Minnesota: attorney.general@state.mn.us
Utah: uag@att.state.ut.us
West Virginia: consumer@mail.wvnet.edu
US Dept of Justice-Microsoft anti-trust comments:
Microsoft.atr@usdoj.gov
US Dept of Justice-other sites worldwide:
http://www.usdoj.gov/atr/contact/otheratr.htm
Kris Brinkerhoff
—ITS Help Desk Analyst
—California State University, Fresno

MTC–00010299

From: Fritzly
To: Microsoft ATR
Date: 1/11/02 4:31pm
Subject: Microsoft Settlement.

In my opinion it is time to close this unfortunate episode that only brought to the surface the many contradictions of our system. First we had a Judge so anti MS oriented that the trial reminded me the ones in Beria's time. In spite of that I still don't see what damage was caused to the consumers by MS behavior. I am a customer, I bought in 1995 Netscape Navigator and I paid it more or less $35 when IE by MS was already free, why? Because it was a better product! After that Netscape failed to improve their software and I switch to IE because it became a better product. The most serious issue here is that tax payer money has been and it is being used to satisfy the request of MS competitors, who unable to create a better product are lobbying to harm the competition with me paying the bill to do this! This is a real scandal and must stop. Do you really believe that people are so stupid to believe that when MS competitors speak out they do it to protect consumers? Nobody who is awakens and active in our society believe it. The same fact that the only way to bring MS in court was to use a law more than eighty years old, a law created specifically to hit a certain company, a law involving the right to use natural resources and not, as MS case, to commercialize intellectual properties. Be very careful targeting the same idea of success, being smarter is not a sin as it is not being a mediocrity, the real sin is pretend that as you are a mediocrity everybody else must stick at your same level. History books are full of examples of what I mean.

Best regards
Stefano Colasanti

MTC–00010300

From: Jon Thompson
To: Microsoft ATR
Date: 1/11/02 4:37pm
Subject: Microsoft settlement

Hello,

My name is Jon Thompson, and I am a resident of Iowa (706 South Main, Woodward.)

I've recently read that the National Department of Justice has settled with Microsoft on a punishment. In my opinion, this settlement is much too light, and it will not restrict Microsoft's existing illegal practices.

The remedy should require Microsoft to:

1. Use open standards.

Microsoft has shown that they repeatedly use a technique of ''embracing and extinguishing.'' Microsoft will embrace an open technology, then make changes that only Microsoft products can understand. The web is an example of this. Microsoft has implemented new, subtle, additions to HTML (the web's language) that only Microsoft browsers can read.

2. Make all applications available to alternate Operating Systems. Microsoft has kept other systems (Linux and Mac OS) out of buinesses by limiting the available Microsoft software for those platforms. If MS was required to make—all—software available to at least two operating systems besides Windows, it would minimize that lock of their Monopoly.

Also, this would limit the pressure that Microsoft could impose on other companies. It is well known that Microsoft threatened to drop Mac OS support for Office unless Apple used Internet Explorer as the default browser. If MS was required to support two other operating systems for all applications, they wouldn't have this power.

I hope that Iowa is not one of the states that supports the current settlement, as it is not nearly hard enouch.

Jon Thompson
706 South Main
Woodward, Iowa 50276

''They that give up essential liberty to obtain temporary safety, deserve neither liberty nor safety.''—Benjamin Franklin

MTC–00010301

From: Jeff Powell
To: Microsoft ATR
Date: 1/11/02 4:36pm
Subject: microsoft settlement case

Its to bad that the judge of the microsoft settlement case regards capitalism as more important than education. What is this world coming to?

Aaron

MTC–00010302

From: Curt Johnson
To: Microsoft ATR
Date: 1/11/02 4:40pm
Subject: Microsoft settlement.

I support the settlement proposed by the Bush administration.

AL GORE may have invented the internet, but Bill Gates is the one who made it possible for all of us to use it.

Quit spending tax payer moneys on the pursuit of more litigation.

Curtis Johnson
2511 M-140
Niles, MI
49120
curtis.johnson@mindspring.com

MTC–00010303

From: Robert C. Marshall
To: Microsoft ATR
Date: 1/11/02 4:41pm
Subject: The Microsoft Ruling

Thank goodness—the judge that ruled against the Microsoft settlement can see the some of the anticompetitive effects that would result.

The original ruling is right: MS should be split up.

When IBM was in trouble in the 1960s and 1970s, they were not treated the same way MS would be treated should they be allowed to distribute PCs to schools. In those days, the law seemed aware enough to realize that capturing dominant market share at the level of the public schools would strengthen a company's competitive stranglehold on the computer industry considerably. It would also enable them to influence the market mindset of future generations in their favor. Why would it be any different, now?

Also, what about Apple? Shouldn't they be allowed to exist and to attempt to compete?

You should take a look at a number of MS's practices. Nestscape has suffered. Clearly, MS's next targets are Sun Microsystems (Java), and any commercial Linux offering that might threaten their market share in the future.

MTC–00010304

From: Biondo, Ted HS-SNS
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/11/02 4:42pm
Subject: Microsoft case comments

US Department of Justice,

A far greater threat to our country's free enterprise system, than any adjudicated monopolistic tendencies of Microsoft, is the precedent being set by members of Congress and State Attorneys General who have placed the financial goals of Microsoft's competitors, residing in their respective states, ahead of the American consumers! These ''defenders'' of competition are using the powers of their office, and the courts to intimidate and dictate restrictions on businesses in order to level what should remain a competitive playing field.

Microsoft created standard operating systems and application software that has decreased the price of consumer hardware and software, not increased it. Microsoft developed software processes that have brought computers to the masses using visual format, while creating millions of jobs in associated peripheral hardware equipment by simplifying those peripheral interfaces for nontechnical users. This is bad for the consumer?

Finally, in the global arena, foreign nations have created government financed monopolies, and now a common currency, to compete with American corporations. To remain competitive, our manufacturing industries have been consolidating and outsourcing processes for years to those very same nations, resulting in the loss of American jobs and purchasing power. One of the few remaining successfully competitive businesses the USA holds in world commerce is the software service industry. Since this software monopoly ''witch hunt'' was begun by those who cannot compete in our free market without using their government officials to stifle competition, our overall ability to compete in the global market will be reduced and will inevitably drive the software service industry down the same road as its manufacturing counterparts.

Investors will not risk their capital in a marketplace controlled by political whim versus business scrutiny!

Terrorists from without will never damage our free enterprise system as much as the self-serving powers from within under the guise consumer protection! The Justice Department settlement of restrictions, the ban on exclusive contracts and disclosure of APIs goes far enough. Please end this charade. Thank you for the opportunity to comment on this most important case,

Ted Biondo
(815) 226–5958

MTC–00010305

From: Joe Vislocky
To: Microsoft ATR
Date: 1/11/02 4:46pm
Subject: Microsoft's rejected settlement

I believe the judge was acting in a well considered manner. It seems to me that to punish a company whose practices have been deemed anti-competitive by giving them the means by which to further their monopolistic strategies was ill concieved in the first place. I know in my mind and many of my colleague's, it appeared that certain parties in the government had switched sides and were in fact in collusion with Microsoft.

Joseph S. Vislocky
IT Director
Wilmac Corporation
jvislocky@mcwil.com

MTC–00010306

From: Roger Lathrop
To: Microsoft ATR
Date: 1/11/02 4:43pm
Subject: Microsoft suit

Yet another Federal Judge has misunderstood the Microsaft situation. I have owned apples and IBM compatibles. I've worked with dos, Windows, & Linux. Microsaft simply has a superior product. I was very happy to have a free browser included. In point of fact, I prefer Netscape, so I downloaded that with Microsoft's free browser and was in business in a few minutes.

My state (Iowa) has made a bad decision based on politics and not on fact. The settlement should be approved because the suit is ill founded and harmful to our economy. If anyone cares what this one individual thinks, there it is.

Roger Lathrop
Davenport, Iowa

MTC–00010307

From: GDingoian4972035@aol.com@inetgw
To: Microsoft ATR
Date: 1/11/02 4:51pm
Subject: WHEN WILL QUIT WASTE TAXPAYERS MONEY AND END THIS GAME

i do not owne any stock in miscrosoft but i feel this legal drag on microsoft has gone enough with no one benefiting at all only remedy is money so why not agree to number and wrap this hell we are sick and tired of it and i will still use microsoft so what is gained from something old like this case microsoft has agreeded to admit some fault and will pay for it what else can you get nothing but waste alot of tax payers money you can't brake it up for appeal court said this already i just find it strange that we are a real bad recession and you are going after the engine in the car without microsoft there is no recovery and you will see real defiects we can not afford another 2001 but unless this is not settled and quicly then we will

mr. bush has already said he wanted closed quickly now please end this game we have enough problems then the ego game by 9 district attorneys who are only looking for policial gains only

thank you
george g. dingoian
gdingoian4972035@aol.com

MTC–00010308

From: Bob and/or Jan Thune
To: Microsoft ATR
Date: 1/11/02 4:53pm
Subject: Microsoft

Get off of Microsoft' case. Once again government is wrecking a vibrant US industry, just like they did the Automobile Industry (where I made my living).

This is NOT about protecting the consumer. Even the DUMBEST person knows that you are not abusing the customer by giving something away something for free. It just can't happen.

This case is about ''wanna be's'' spreading money around Washington, and Washington sucking it up just like they always do.

Somewhere this has to end..... End It !!!!!!!!!!!!

I hope Gates moves his business to Canada just to show you idiots !!!!!!!!!!!!

Robert and Jan Thune, Lecanto, Fl.

MTC–00010309

From: Dan Jerry
To: Microsoft ATR
Date: 1/11/02 4:52pm
Subject: Recently, a friend of mine asked what I thought of the Microsoft case.

Recently, a friend of mine asked what I thought of the Microsoft case.

Me: ''Do you think the maffia is profitable?''

Him: ''Sure''.

Me: ''If you could invest in stock in the maffia, that would pay dividends, might you do it?''

Him: ''Sure!!''

Me: ''Suppose you did that; you put most of your investment cash into maffia stock; and it paid handsomely.''

Him: ''Yeah!''

Me: ''The maffia is reputed to give a lot of money to churches, little old widows, and

help neighborhood families in need. That's a good thing, right?''

Him: ''Right''.

Me: ''Do you think the maffia, -over all, is a good thing for society?''

Him: ''Well, no...''

Me: ''Well, considering you invested a lot of money in the maffia stock, where now do your loyalties lie? Do you think the Justice Department should leave the maffia alone, because they give a lot of money to churches, etc., and pay you a healthy dividend? Or should the Justice Department do what is necessary to prevent the maffia from doing harm?''

In case you don't understand my alegory:

Sure, Microsoft gives away millions to schools; -for a fantastic tax deduction no doubt. Microsoft, it has finally been officially determined, also stiffles competition, strong-arms vendors, and generally, -acts like the maffia! Break them up!

Dan Jerry

Actively envolved with the ''micro computer'' since 1978, and an avid industry historian and intentional observer.

553 Beartown Road

West Chazy, NY 12992

MTC–00010311

From: Daniel A. Myerson
To: Microsoft ATR
Date: 1/11/02 4:55pm
Subject: Settlement

The attack by the justice department was unjust. How could any settlement be called unjust in those circumtances? Dan Myerson

MTC–00010312

From: Mark Overholser
To: Microsoft ATR
Date: 1/11/02 5:01pm
Subject: Get off their case!

I'm sick of you jack-booted courtroom thugs at the Department of Justice pursuing this poppycock at a time when there should be PLENTY of legitimate bad guys out there for you to spend OUR money chasing.

Get off Microsoft's case. That company may not be the friendliest ''neighbor'' in the corporate 'hood, but they put many thousands of people to work and pay their corporate taxes on time...and if people don't like the company, they don't have to buy its products.

Clinton's gone now, it's okay for you to stop wasting OUR money on YOUR ideologically-driven left wing witch hunts again.

MTC–00010313

From: Rglandiel@aol.com@inetgw
To: Microsoft ATR
Date: 1/11/02 5:02pm
Subject: Microsoft

I am a supporter of Microsoft. This alligation has gone on too long. Microsoft has made sufficient changes to there software and operating procedures. Do you want the last ounce of blood?

Robert

MTC–00010314

From: Andrew Warren
To: Microsoft Settlement
Date: 1/11/02 4:13pm
Subject: Microsoft Settlement

Andrew Warren
POB 476
New Tripoli, Pa 18066
January 11, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

A J Warren

MTC–00010315

From: Richard L. Joslin
To: Microsoft ATR
Date: 1/11/02 5:04pm
Subject: Short sighted vision relative to Microsoft fiasco

It appears to me that the United States Justice Department has been very short sighted in what the Microsoft Corporation has done for the ''home user'' and to the overall balance of payments to the US Treasury. Go ahead and kill them off and create a reason for them to leave the U. S. and you will be responsible for more of a problem than settling the case now. The Clinton administration created the mess to cover up for the presidents wrong doings and get the ''heat off'' him and now you are just proliferating a non problem. Where else could a small time user like me get a desk top software setup so cheaply and made in the USA? You guys are not solving the problem, just adding to it in my opinion.

You are all alike. Kill any one who makes a dollar and at the same time take away the little guys software while pretending to represent him.

Richard L. Joslin
18416 SE 280th St.
Kent Washington,
98042
Registered Republican voter

MTC–00010316

From: Thomas Hill
To: Microsoft ATR
Date: 1/11/02 5:05pm
Subject: settlement

I believe that a dollar amount from Microsoft should be reached for the schools and let the teachers decide which computer systems (Microsoft or Apple) to use. It is imperative that money be provided to the ''poor schools''. These kids from low income families are falling further and further behind the rest of the nation relative to technology knowledge and many of these kids are intelligent and deserve an opportunity to compete at a higher level.

Although I am not an owner of Microsoft stock, I am the CEO of a company that spends over $100,000 annually on software (most of which are Microsoft products) and hardware. I would not approve the purchase of any other office software other than Microsoft's. I believe the current settlement with the Justice department is satisfactory while nine (I think) States are trying to hinder Microsoft so that competitive companies in each State will have a better chance at survival. I think the Justice department should ban these States from further litigation against Microsoft. Let software companies compete against each other and the best products will win. This is the way our economy is setup to work!

Thomas W. Hill
<twhill@ugaalum.uga.edu>

MTC–00010317

From: Kent, Mike
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/11/02 5:07pm
Subject: Microsoft Settlement

As a computer professional and computer software and hardware professor, I am concerned that the proposed settlement will amount to little more that a slap on the wrist to Microsoft. In fact, the proposed settlement may well allow Microsoft to strengthen its hold in the education market. Microsoft is a monopoly. It has used its dominate position to stop its completion.

The remedy must be to break up the company or destroy its ability to crush its competition in illegal and monopolistic ways. There is fledgling and growing competition to Microsoft. In the past Microsoft has been able to crush its completion by intimidation or illegal ways.

Please act. The future of innovation and diversity in the computer industry may well depend on it.

Thank you for your consideration in these matters.

Mike Kent
Department Chair
Computer Information Systems
San Jacinto College, Central Campus
mkent@sjcd.cc.tx.us

MTC–00010318

From: Carl Friedberg
To: Microsoft ATR
Date: 1/11/02 5:15pm
Subject: Proposed settlement

Renata Hesse
Trial Attorney
Antitrust Division
U.S. Department of Justice
601 D Street, NW, Suite 1200

Washington, DC 20530
Facsimile: (202)616–9937 or (202) 307–1454
Email: microsoft.atr@usdoj.gov
Dear Renata Hesse,

I am a physicist who has worked with computers, computer operating systems, and applications, since 1961. I am not a legal specialist. I have read carefully the proposed settlement between some of the states and the US, and Microsoft.

I am astounded that, although found guilty of violating the Anti-Trust statutes, there is no direct provision for any punishment of Microsoft.

The only recourse I have is to initiate civil litigation against Microsoft in the hope of recovering treble damages. Because of the difficulty and expense of such litigation, this recourse is of little use or value to any user who has suffer damage from Microsoft's Windows monopoly, and the resulting lack of choice in the desktop marketplace.

We, the users of desktop computer operating systems, deserve better from our government. Where is Microsoft being punished for willful, illegal actions? Forcing them to open up certain Windows and Middleware APIs is not punishment; it is merely an attempt to slow them down from increasing their 95% dominance in the marketplace to 100% dominance.

I hope the Honorable Judge of the US Court will take into account the concerns of those states which are not parties to the proposed settlement, and punish the guilty party here. Microsoft deserves significant punishment; there is none, that I can see, in the proposed settlement.

Restraining future monopolistic activities is essential, because Microsoft is a huge force in this marketplace, and has reaped enormous improper gains.

Just look at the amount of cash Microsoft has accumulated, which can be used at will to thwart legitimate competitors. Even a casual reading of the US tax code suggests that the amount of cash amassed by Microsoft exceeds a reasonable number, and should instead be distributed as dividends to shareholders (and taxed). This solution, while perhaps a bit stretched in legal terms, could certainly be held over Microsoft's head as a stick—and they could agree to declare some dividend (perhaps only $10 or 20 billion dollars per year) as a token of punishment for their illegal behavior. What a punishment!

I hope you will consider some appropriate form of punishment, in addition to the proposed restraints.

Thank you.
Carl E. Friedberg, PhD
President & CEO
Comet & Company
New York NY
www.comets.com

MTC–00010319

From: FDissen@aol.com@inetgw
To: Microsoft ATR
Date: 1/11/02 5:15pm
Subject: Microsoft Decision

I agree with the Court's decision.
Period!
Fred H. Dissen
6208 Clearbrook Drive
Flowery Branch, GA 30542

MTC–00010320

From: Mary Salaja
To: Microsoft ATR
Date: 1/11/02 5:23pm
Subject: microsoft case

What are you thinking. Since when does the criminal get to decide and possibly profit from committing a crime. You need to look past the fact that MS is a corporation and focus on the fact that it has been convicted of a crime. Therefore, the PUNISHMENT should make certain that it is not in a postion to continue its CRIMINAL activities. Besides, isn't competition suppose to be the American way.

J. Salaja

MTC–00010321

From: Jim (038) Widget Webert
To: Microsoft ATR
Date: 1/11/02 5:24pm
Subject: MSFT settlement

Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 ''D'' Street, NW, Suite 1200
Washington, DC 20530
email: microsoft.atr@usdoj.gov
Fax: (202) 307–1454 —OR— (202) 616–9937

To Whom it May Concern:

As a citizen of Washington state, I encourage you to accept the proposed settlement in the anti-trust case involving Microsoft.

This settlement is appropriate and reflects a triumph of the rule of law. Certain Microsoft competitors and other critics of the proposed settlement make the core of their objections a call for more stringent restrictions, ranging from prohibition of what they call ''product tying'' to breakup of the company. More extreme critics complain that the remedies do not address products that were not even part of the case.

These objections ignore the decision of the Appeals Court that reversed much of Judge Jackson's original findings. The Appeals Court threw out findings on many fronts related to Microsoft's anti-monopolistic behavior. One key area rejected was the basis used for claiming that integrating Internet Explorer and Windows represented monopoly abuse. The court went further to state that any new burden of proof for ''tying'' would be immense. The court also rejected the breakup order and made it clear such an order moving forward would be difficult to sustain given the court ''drastically altered [i.e., reduced] the scope of Microsoft's liability.''

One final objection raised by critics is that Microsoft has a past history of consent decree violation so the company cannot be trusted to adhere to a new decree. This is a patently false assertion. The Appeals Court in June of 1998 rejected the very claim that sent the parties into litigation—the Department of Justice claim that Microsoft had violated an earlier consent decree. Furthermore, this settlement takes the extraordinary step of creating an onsite oversight body. There are, therefore, no legitimate grounds for an assertion that a consent decree will not constrain Microsoft's behavior in the ways the court intends.

Rather, the proposed settlement directly and concretely addresses each and every key finding upheld by the Appeals Court, and does so with an undeniably stringent remedy. The areas of violation addressed include requiring OEMs to preserve visible access to Internet Explorer, to preserve the original boot sequence, to preserve all Microsoft-supplied desktop icons; entering into exclusive contracts with Internet Access Providers; threatening companies over support for other middleware technologies; and every other key area identified by the Appeals Court.

In my view, there can be no valid objection to this settlement because every major finding of the Appeals Court is stringently addressed with a targeted remedy that specifically prohibits and prevents the behavior in question. Acceptance of the proposed settlement will send a signal throughout American industry and the country as a whole that in the United States rule of law is alive and well—that defendants face remedies only for those findings against them. Anything beyond this settlement would represent a victory for those who do not seek remedy but rather also unwarranted punishment, and this would be a serious blow to the smooth functioning of free markets and the law that protects them. Participants in the American economy would forever be forced to fear whether the laws they rely upon to safely conduct business will be applied fairly. I believe in advancing free market competition and this settlement serves the best interests of the American public. It fairly resolves a complex and burdensome anti-trust case that is having severe impacts far beyond one company, a case that is acting as a drag on one of the most vibrant sectors of our economy. Settlement of this case will free the high-technology industry to put its fullest efforts into innovation and creativity, and will spur competition in a way that will directly benefit consumers.

Thank you for your consideration.
Signed,
James Webert
POB 2776
Friday Harbor, WA 98250

MTC–00010322

From: dorothy smith
To: Microsoft ATR
Date: 1/11/02 5:29pm
Subject: MICROSOFT SETTLEMENT

A SWIFT SETTLEMENT IS IN THE BEST INTEREST OF OUR COUNTRY. MICROSOFT CUSTOMERS AND THE AMERICAN TAXPAYER. PLEASE END IT. KINDEST REGARDS.

God Bless You!
Dorothy C. Smith
dorothycsmith—2000@yahoo.com

MTC–00010323

From: Gene Williams
To: Microsoft ATR
Date: 1/11/02 5:35pm
Subject: My experience with Microsoft

11 January, 2002

Ref: My experience with Microsoft

Dear Justice Department,

I use Microsoft's word, excel and access software programs and Microsoft's OUTLOOK 2000 email program. I use these every working day and also at home. My job is to support agents in 75 countries.

I urge you to take a stong hand with Microsoft and force them to be more compatible with competing software companies and to cease the practice of forcing upgrades to their software products. Their marketing practice of designing their products so that upgrades are forced on their customers is, very often, unnecessary, expensive, causes delay and increases the cost of doing business.

A specific example is Internet Explorer 98 which I have on my home computer. It will not access secure websites (I cannot use it to order goods and services online). I have to use NETSCAPE to place orders online. I cannot upgrade Explorer 98—Microsoft will not let me. Two computer repair services have advised me that I must wipe my computer clean and then reinstall Explorer 98 or install a later version.

Another example is the practice of upgrading Microsoft word in such a way that attachments to email sent to recipients who have a lower version of Word cannot open the attacment; they must purchase a word attachment for their computer in order to open the documents in your new version of word. These practices are petty, demeaning and are low level marketing tactics unbecoming of a major US company.

Best Regards,
Gene Williams
Marketing Director
GLOBALTEL
1801 North Military Trail, Suite 203
Boca Raton, Florida 33431–1811 USA
Tel: (561) 999–9116, Extension 112
Tel: (800) 219–9545, Extension 112
Fax: (561) 999–0518
E-mail: Gene@GlobalTel.com
Website: www.GlobalTel.com

MTC–00010324

From: james arnstein
To: Microsoft ATR
Date: 1/11/02 5:43pm
Subject: Microsoft Antitrust Settlement

Dear Sir,

I think the DOJ and the 9 states entered into the anti trust settlement is obsessed to see how far they can carry out this case. Microsoft has had sufficient penalties levied against it. It seems to me that we all need to get on with our ''business at hand,''. Everything that continues to go on now, seems like a ''cheap shot'' at Microsoft as long as it is forced to ''tippy toe'' around until the settlement is completed.

James Arnstein

MTC–00010325

From: Majkmushrm@aol.com@inetgw
To: Microsoft ATR
Date: 1/11/02 5:48pm
Subject: Microsoft's punishment

Gentlemen.

I find it remarkable that the government thinks that an appropriate punishment for a convicted monopolist is to effectively increase their sales by a billion dollars and give them free access to markets they had previously been unable to force their way into. If the government isn't going to break the company up and is considering a $1B fine, I would offer the following suggestion.

1. The $1B has to be all cash, not one single microsoft product. The money should all be spent buying Apples, Suns, and tech support for non-Microsoft operating systems (getting rid of those microsoft worm, virus, and crash prone IIS machines would probably do the net a world of good). This would give Apple (where microsoft stole most of their really good ideas) a boost. Getting the schools out of the cost cycle associated with microsoft's monoply inflated prices and into Linux would give them a more virus resistant system and help them in the long run (Linux is about $75, Windows about $400—go figure).

2. Microsoft should be required to make a version of all their software (i.e. MS Office, etc) for all operating systems i.e. Apple , Linux, Unix, Sun OS etc. Most application providers provide versions of their products for various different operating systems but not microsoft. This would force them to make less tightly interlinked software (and would actually improve it's performance) as well as help break the vertical monoply they currently enjoy.

3. The government is a major purchaser of microsoft operating systems and software. Under normal circumstances, the government will not purchase things that do not conform to standards (IEEE, ANSI, ISO, etc). I cannot think of a single microsoft product that does not violate one standard or another. Indeed, one of their monopolistic stratagies has been to make extentions, i.e. modifications to standards, to make them unique to microsoft and, therefore, incompatible with products that do meet the standards. This was the basis of a lawsuit from Sun over Java. Microsoft's response was to eliminate Java from their latest operating application, doubtless figuring that they had adequate muscle to ignore all the applications that use Java. When it comes to microsoft, the government is ignoring their own rules regarding standards compliance. The government should stop doing this. They should tell microsoft that they will not purchase a single MS product that violates a widely accepted standard. I doubt that microsoft could afford to lose the government's business and it would break that monopolistic practice.

Jeffrey P. Harrison
900 South Third St.
St. Charles, Mo. 63301–2402

MTC–00010326

From: hawk eye
To: Microsoft ATR
Date: 1/11/02 5:50pm

comw on get it over msn gives away services to the talking about giving away comptures to education, seems like the goverment neds to worrie about what is not working with inside its self I know i work for the goverment fix what is not working right ,clean it up, the ppl of the US are tired of the goverment going after something that is working right,did u all think that msn might just laying off ppl if u hit them hard come on go after real crime, what about polution from big companys ,wish the goverment spend as much time going after that than msn get real ppl let msn give education free comtures and tell then what not to do

MTC–00010327

From: Rich Faltisco
To: Microsoft ATR
Date: 1/11/02 5:50pm
Subject: Keep Going After Microsoft

Dear Friends,

The latest version of Microsoft Windows—XP—points out all that is wrong with Microsoft.

First, the price keeps going up and up for the operating system. Now literally priced fixed at one hundred dollars, what real alternative does the home user have to XP? And certainly privacy has been thrown out the proverbial window. I really don't like big brother Bill Gates ready to gather all kinds of information on my computer if i load up XP. Thirdly, Windows is a programming nighmare. I don't believe anyone but Microsoft knows all the hooks to the code.

Stability—IBM's OS/2 was a stable operating years ago. I believe Microsoft could have done this with Windows years ago, and not now with XP. Several years ago i loaded up IBM's Os/2 Warp in parallel to Windows. As i did so, I got a message from Microsoft asking if i really wanted to do this. Pretty bizarre and pretty small, i would say. And i think that is the attitude still indicative to Microsoft today.

Thank you for your time,
Rich Faltisco

MTC–00010328

From: hydet@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/11/02 5:46pm
Subject: Microsoft Settlement

I have spent some time looking at the Settlement between the DOJ/State AGs and Microsoft. While i have serious doubts about the wisdom of bringing this lawsuit in the first place and whereas i have some reservations about the strength and precendent of the remedies I certainly want this whole nightmare behind us. It s time for those of us in the high-tech industry to get back to work. Thanks. I know it took a lot of sweat and long hours to produce. Americans are grateful for that. Tim

MTC–00010330

From: ricardo—wenger@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/11/02 5:46pm
Subject: Microsoft Settlement

I believe that the Microsoft/Justice Department settlement is a great things for consumers worldwide. I congratulate both Microsoft and the DOJ for finally being flexible enough to get there. It is important that the balance of innovation and customer benefit as well as openness of Windows is there. Congratulations again on the settlement.

MTC–00010331

From: arlanbarber@juno.com@inetgw
To: Microsoft ATR
Date: 1/11/02 5:47pm

Subject: Microsoft Settlement
Please let the ruling between Microsoft and the settlement of November 2001 be the end of all litagation proceedings.

MTC–00010332

From: jdunik@simplexgroup.com@inetgw
To: Microsoft ATR
Date: 1/11/02 5:47pm
Subject: Microsoft Settlement
I feel that the entire antitrust suit should be dropped. However as this is obviously not going to happen I fully support the quick resoulution of this case and the proposed settlement. Any additional punishment of Microsoft would be a crime in my view simply because I feel that they did no wrong. Additionally I feel that this entire antitrust fiasco was an entirely anti-competitive move by both the DOJ and Microsofts comptitors such as AOL and Sun. Additionally I feel that this case was one of the primary causes of the current enconomic downturn. Thank you for your time.

MTC–00010333

From: signerector@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/11/02 5:47pm
Subject: Microsoft Settlement
THIS SETTLEMENT SHOULD BE ACCEPTED BY ALL PARTIES INCLUDING THE VARIOUS STATES. THE SETTLEMENT IS MORE THAN FAIR TO COMSUMERS AND MICROSOFT S COMPETITION.

MTC–00010334

From: ray@rcjsoftware.com@inetgw
To: Microsoft ATR
Date: 1/11/02 5:47pm
Subject: Microsoft Settlement
Leave Microsoft and our free enterprise system alone! This case should have never been in the first place. Let the consumers decide in the marketplace which companies are the winners and which ones are the losers. I resent government interference in thinking they know better than us who have been in the information technology business for years. We are talking about a $99 operating system that nobody is forced to buy if they don t want it (the IRS takes much more than that away from us by the use of force and coercion and we don t get anything back in return). Consumers can always use the free operating system called Linux along with its free web browser. Any new features Microsoft puts into their operating system is purely for their own survival. Live and let live! I thank Microsoft for driving down prices so that the common person can understand and afford technology. If you punish them then our government is no better than a communist dictatorship which desires to own and control all business! The shame of it all is that Microsoft s competitors refused to offer better products at lower prices and instead resorted to government coercion and force. What a sad day for American liberty! If government is truly looking out for the consumers as they say they are then leave Microsoft alone! Answer this question—how many complaints have you heard from the consumers themselves (the very persons government claims to be protecting)?

MTC–00010335

From: starflt@sat.net@inetgw
To: Microsoft ATR
Date: 1/11/02 5:47pm
Subject: Microsoft Settlement
Microsoft s competitors seek more litigation for obvious reasons. Their products simply don t stack up to those of Microsoft. So they use this method to attempt to weaken one of the best of United States companies. Consumers around the world are better off because of Microsoft. The settlement is fair and equitable. Let s end this ridiculous and costly litigation.

MTC–00010336

From: dhughes@admin1.umaryland.edu@inetgw
To: Microsoft ATR
Date: 1/11/02 5:47pm
Subject: Microsoft Settlement
A fair and reasonable settlement.

MTC–00010337

From: gtotoday@aol.com@inetgw
To: Microsoft ATR
Date: 1/11/02 5:47pm
Subject: Microsoft Settlement
it is in my beleaf that Microsoft is being as fair as possible. I DO NOT THINK ITS RIGHT THAT OTHER BUSINESS TAKE ADVANTAGE OF mICROSOFTS HARD EARNT ADVANCEMENT IN TECHNOLIGIES. IF THESE OTHER COMPANYS WANT TO HAVE SUCCESFUL BUSINESS THEN LET THEM ESTABLISH THERE OWN TEAM OF TECHNICIANS AND CREATE THERE OWN TECHNOLIGIES INSTEAD OF CRYING FOUL AND WANTING SOMEONE ELSES ALREADY FORMED TECHNOLIGIES.YES ITS TRUE MICROSOFT HAS MANY ADVANCEMENTS BUT THEY EARNT THEM THE HARD WAY THEY WORKED FOR THEM. I THINK ITS WRONG FOR THE GOVERNMENT TO WANT TO BREAK A BUSINESS UP BECAUSE A CERTAIN INDIVIDUAL HAS A PERSONNEL AGENDA AGAINST MICROSOFT. I WATCHED AT&T BROKE UP BY GOVERNMENT AND LOOK ITS COSTING EVERYONE MORE MONEY. WHICH I BELEIVE IS WHAT THIS IS ALL ABOUT. OTHER BUSINESS AND GOVERNMENT WANTING A PIECE OF SOMEONES HARD EARNT MONIES.Is it Bill Gates fault that he is sucessful? yes it is!! he and his company worked hard for there achevements. so thats my story and let it be said that if other business and people want to make microsofts profits then let them earn them the old fashion way! work for them themselves and not try to have government step in when it is really not of concern to goverment unless they too found a way to make free money from others .
respectible
Robert A Werner

MTC–00010338

From: alneffsr@juno.com@inetgw
To: Microsoft ATR
Date: 1/11/02 5:47pm
Subject: Microsoft Settlement
We don t want to go back wards with technology. Leave Microsoft alone and let them go ahead with new software technology. It s not microsoft s fault that they have better program s. If I wanted to go backwards I could go with the other programs anytime. Thank You Al Neff Sr.

MTC–00010339

From: chris—crabtree@shoneys. com@inetgw
To: Microsoft ATR
Date: 1/11/02 5:47pm
Subject: Microsoft Settlement
To whom it may concern: The times and the technology have moved on. You should too. Let s stop listening to those companies who have trouble competing on an even playing field and have done with this. Thanks!

MTC–00010340

From: bobschor@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/11/02 5:47pm
Subject: Microsoft Settlement
I would like to voice my support for the Microsoft-Department of Justice settlement. I believe the settlement is fair and provides a reasonable end to curbing antitrust behavior of Microsoft while allowing them to continue to innovate in a very competitive and sometimes cutthroat arena of the computer software business. I applaud the DOJ s willingness to settle this case during our current economic recession and move on. It is clear that the dissenting states have prevented the previous attempt to settle this case out of court. I feel the settlement is fair. Thank you for your consideration. Robert A. Schor M.D.

MTC–00010341

From: bradley—bobbs@xontech. com@inetgw
To: Microsoft ATR
Date: 1/11/02 5:47pm
Subject: Microsoft Settlement
Please put an end to the ridiculous harrassment of Microsoft already and go bother someone instead who is actually doing something wrong! Thank you.

MTC–00010342

From: dolores@freunds.com@inetgw
To: Microsoft ATR
Date: 1/11/02 5:47pm
Subject: Microsoft Settlement
Stop trying to CRIPPLE Microsoft. The software innovations by this incredible company have added fuel to our economy creating jobs and allowing workers to be more productive. Workers like myself who use Microsoft software everyday and appreciate the beauty with which its applications work together. Sincerely Dolores Freund

MTC–00010343

From: rsd@electronink.com@inetgw
To: Microsoft ATR
Date: 1/11/02 5:47pm
Subject: Microsoft Settlement
The settlement is too easy for Microsoft to disregard and continue monopolizing our lives. Microsoft needs to be puinished for destroying the consumers right to freedom. Make Microsoft feel some of the pain they have leveraged on others for so many years.

MTC–00010344

From: rudzinsk@innercite.com@inetgw

To: Microsoft ATR
Date: 1/11/02 5:47pm
Subject: Microsoft Settlement
Bring this case to an end and don t permit state DA s to go off on their own anti-Microsoft crusade.

MTC–00010345

From: bemlmorrow@erols.com@inetgw
To: Microsoft ATR
Date: 1/11/02 5:47pm
Subject: Microsoft Settlement
The settlement is fair if anything it is unfair to Microsoft. I think it is a darn shame when a young boy can make the American dream come true and the vulchers of other companies(competitors)can use our legal system to try to eleminate the competition. As a matter of fact the legal system should penalize the competitors and the lawyers that are bringing the suit against Microsoft however I realize that Judges are lawyers so we know that the fair thing will never be done. The only way it will ever be fair is to get the money grubbing lawyers out of it and let a non-lawyer good American citizen make the ruling.

MTC–00010346

From: david@amazonherb.com@inetgw
To: Microsoft ATR
Date: 1/11/02 5:47pm
Subject: Microsoft Settlement
America is the land of oppertunity in which your future lays in your hands. Granted Microsoft has engauged in vary tough marketing practices in a vary cut throat business. Welcome to America where the best are the best and second place is second place. The competitors of Microsoft are tring to use the Justice Department to restrict the leader to gain marketshare. If the actions that Microsoft s competitors are taken then a precedent will be set that will lead to other outragous lawsuites clogging the courts and harming the free market. Their is nothing stopping anyone from developing and deploying a better software thatn Microsoft. It is just no one have developed a better software. When that is done and history leads us to beleive it will be done then America will have a new #1 software company. Stick to what Microsoft has done wrong and apply constraints to Microsoft to prevent just those areas of opperation are not repeated.

MTC–00010347

From: ctgreg1@juno.com@inetgw
To: Microsoft ATR
Date: 1/11/02 5:47pm
Subject: Microsoft Settlement
please for the sake of fairness and economics settlethis suit now cg.

MTC–00010348

From: fwcourington@foxinternet.net@inetgw
To: Microsoft ATR
Date: 1/11/02 5:47pm
Subject: Microsoft Settlement
The plaintiffs clearly have no concept of ethics they are not interested in fairness justice or the well being of their fellow citizens or of the economy. They are crude gold-diggers out for a quick buck. Surely the buck stops here.

MTC–00010349

From: pasqualini@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/11/02 5:47pm
Subject: Microsoft Settlement
I support the settlement with Microsoft and hope this matter can be brought to an end without Microsoft s competitors being able to sabotage the proceedings as they have been doing. For the good our our country and technological innovation let s move ahead and put this behind us.

MTC–00010350

From: bob@arnoldsmithins.com@inetgw
To: Microsoft ATR
Date: 1/11/02 5:47pm
Subject: Microsoft Settlement
I think it is in the best interest of this country to get this case settled with all parties concerned and move on. The case never should have been brought.

MTC–00010351

From: Monfieth@rushmore.com@inetgw
To: Microsoft ATR
Date: 1/11/02 6:54pm
Subject: Microsoft settlement
Dear Sirs, I am opposed to any settlement with MS that does not allow full access by the customer to software of his choice, this would be like telling a person what brand of trailer he could tow on the end of his truck, and what kind of hitch he had to use. I also use plug in drives for differant accounts, and do not what to have to repeatedly contact MS for reactivation. Also the open software movement, would be where Alexander Graham Bell, Thomas Edison, and Bejamin Franklen would be today.
Respectfully Lee Dambrosky
Rapid City, SD

MTC–00010352

From: scott@chiefindustries.com@inetgw
To: Microsoft ATR
Date: 1/11/02 5:47pm
Subject: Microsoft Settlement
In our opinion this whole charade has been an enormous waste of taxpayers capital deployed in a misguided effort to protect a few companies like Sun Microsystems AOL-Time Warner and Oracle Corp.
Please end this waste. Thank you Scott Cuddihy

MTC–00010353

From: marc@africagems.com@inetgw
To: Microsoft ATR
Date: 1/11/02 5:47pm
Subject: Microsoft Settlement
Settle-this thing has gone on long enough and it offends me that my taxpayer money is going to support this riduculous case

MTC–00010354

From: cshank5585@aol.com@inetgw
To: Microsoft ATR
Date: 1/11/02 5:47pm
Subject: Microsoft Settlement
Get off Microsoft s back. Settle now. Settlement is fair.

MTC–00010355

From: grlatham@msn.com@inetgw
To: Microsoft ATR
Date: 1/11/02 5:48pm
Subject: Microsoft Settlement
I feel any more litagation against Microsoft should be dropped totally and forever. We now know that Janet Reno was more interested in going after MSFT than bin Laden. The whiners in Silicon Valley need to be told to build a better mousetrap if they want to compete. The consumer (me) is the only one who will be harmed by any further litigation. Meanwhile the attorneys are the only people who win.

MTC–00010356

From: drwhom@valleyalley.com@inetgw
To: Microsoft ATR
Date: 1/11/02 5:48pm
Subject: Microsoft Settlement
Please let Microsoft alone. Together we can fight political corruption throughout our government.
Thank you

MTC–00010357

From: clfhif@juno.com@inetgw
To: Microsoft ATR
Date: 1/11/02 5:48pm
Subject: Microsoft Settlement
11 Jan 2002 The settlement agreements are fair and equitable. Now let s approve them and get back to business.

MTC–00010358

From: davidlsiegel@aol.com@inetgw
To: Microsoft ATR
Date: 1/11/02 5:48pm
Subject: Microsoft Settlement
Please settle the Microsoft antitrust litigation as soon as possible. The drain on your resources and the world economy is immeasurable. Let s get it over with and move on.

MTC–00010359

From: fighterpilot1@home.com@inetgw
To: Microsoft ATR
Date: 1/11/02 5:48pm
Subject: Microsoft Settlement
In my opinion it is time to drop all complaints against Microsoft. The Microsoft Company has done more to increase productivity and efficiency in the American workforce than any other single entity in the entire history of the United States. The entire case against Microsoft by a group of mis-guided Attorneys General and cometitors who lacked quality products signifies one very important fact to me: if you can t beat the competition find a lawyer who will do his darndest to sue. I don t think that is the American way. Our world dominance in computer software is due to the excellent foresight and long term strategic planning of Microsoft. Any and all legal action against the Microsoft Corp. should be immediately terminated.

MTC–00010360

From: concetta2882@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/11/02 5:48pm
Subject: Microsoft Settlement
I AM WRITING THIS AS I BELIEVE IN WHAT EVERYONE CALLS THE AMERICAN WAY . WE HAVE ALWAYS BEEN THE PROMOTERS OF FREE ENTERPRISE AND INITIATIVE. MICROSOFT AND BILL GATES TOOK THIS ENTREPRENEUAL TACT AND

HAVE NOW BEEN PUNISHED FOR IT. I DO UNDERSTAND THE ANTI-TRUST LAWS BUT FEEL THAT THESE LAWS WERE MADE AT A TIME THEY WERE NEEDED. A LOT OF LAWS BECOME OUTDATED. I BELIEVE SOME OF THESE ANTI-TURST LAWS HAVE DONE JUST THAT. THE LAW IS THE LAW HOWEVER SO JUSTICE WAS SERVED AND SENTENCE PRONOUNCED. LET THIS REST. THE COMPETITERS ARE JUST SORRY THAT THEY WERE NOT THE ONES WITH THE IDEAS. ALL THESE ANTI-TRUST LAWSUITS HAVE DONE NOTHING BUT HURT THE CONSUMER AND THE ECONOMY. THE DEREGULATION DUE TO ANT-TURST LAWS HAS COST THE CONSUMER AND COUNTRY TREMEMDOUSLY IN GAS ELECTRIC COMMUNICATIONS AND NOW TECHNOLOGY. WHEN WILL IT END. I PERSONALLY THINK ONLY WHEN THE JUSTICE DEPARTMENT OF OUR COUNTRY DEEMS THESE ANTIQUATED ANTI-TRUST LAWS NULL AND VOID AND WHEN THE LEGISLATIVE DEPARTMENT OF OUR COUNTRY MAKES LAWS THAT PREVENT FRIVILOUS LAWSUITS. THANK YOU FOR ASKING FOR THE EVERYDAY CONSUMER S OPINION.

MTC–00010361

From: w—baron@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/11/02 5:47pm
Subject: Microsoft Settlement

I wholeheartedly support the settlement as currently negotiated with the DOJ. I believe that both parties have made concessions and the settlement appropriately reflects the substantially narrowed ruling as handed down by the unanimous Appeals Court. It is time to move on. The hold-out states are simply acting in the interests of Microsoft competitors based in their states and are not acting on the behalf of the consumer. It is in the interest of consumers to have this case settled and behind us all. Let innovation and competition flourish again in the tech industry without the heavy hand of government interference. Werner Baron

MTC–00010362

From: ronsp@gte.net@inetgw
To: Microsoft ATR
Date: 1/11/02 5:48pm
Subject: Microsoft Settlement

I believe that the settlement approved by the Department of Justice and 9 state attorneys general should be approved. While I think the settlement is burdonsome and harsh on Microsoft I think it is best to close this case and concentrate our regulation efforts on things that REALLY matter to consumers—such as home energy prices gasoline prices in the northwest United States monopolies in the cable television industry etc.—rather than trying to punish a successful company for being successful. I would sincerely hope that in the future federal anti-trust statutes are used to protect consumers rather than to help failed competitors compete.

MTC–00010363

From: jason.langdon@haverstick consulting.com@inetgw
To: Microsoft ATR
Date: 1/11/02 5:48pm
Subject: Microsoft Settlement

Thank you for taking the time to hear my opinion. Let me begin by mentioning that I have worked in the online design industry for over five years. In my opinion Microsoft has been an extremely productive and dynamic company determined to deliver solutions to the largest and smallest problems alike. I know the value of their innovations firsthand. That is why I feel it is important that the case against Microsoft be closed as soon as possible. We are at a point as a country and a global community that we need the innovations that companies like Microsoft offer now more than ever. The agreement addresses all of the valid concerns that initiated the action against Microsoft. Let s please move on and let Microsoft get back to strengthening the economy.

MTC–00010364

From: JAMES GRAVIS
To: Microsoft ATR
Date: 1/11/02 5:58pm
Subject: Microsoft Settlement

I support the Microsoft settlement that was reached. Thank you.

James C. Gravis,
15707 Echo Canyon Dr.
Houston, Tx., 77084–3116

MTC–00010365

From: George
To: Microsoft ATR
Date: 1/11/02 6:02pm
Subject: M$

I agree with U.S. District Judge J. Frederick Motz statements—and he is absolutely correct when he states Microsoft overcharges for it's products. It is gross anti-competive behavior. There are many excellent software companies who are unable to compete until the playing field is level.

George Cochrane
Tooele, Utah

MTC–00010366

From: George S. Forde, Jr.
To: Microsoft ATR
Date: 1/11/02 6:04pm
Subject: Microsoft Settlement

Please see attached letter
CC: Microsoft's Freedom To Innovate Network
8401 Seminole Street
PHILADELPHIA, PA 19118–3725
[215] 242–8332 (voice)
georgetorde@HOME.com
[215] 242–1475 (facsimile) PA Atty. ID # 02820
[2151 284–1739 (cellular)
Sunday, 27 January, 2002
FACSIMILIE & E-Mail 1

Honorable John Ashcroft
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear General Ashcroft,

Public opinion regarding the settlement of the antitrust case between Microsoft and the US Department of Justice has been solicited. I offer this opinion as one who has been an interested user of computers for personal and business purposes since 1978 (before there was a Microsoft). This has made me a bit of a student of industry and, eventually, an investor in technology. So, I must admit to significant [for me] holding in MSFT—as well as in companies that might be considered to be its antagonists in this matter. Still, I am not an apologist for Microsoft and believe that, on balance, I must agree with the presentation of this settlement made to the Judiciary Committee by Mr. James of your office on 12 December.

Microsoft is a monopoly. Paradoxically, I believe it got there, in part, with the help of competitors like Apple, 2 IBM 3 and others who just failed to properly market sometimes superior product. Contrary to its claims, 4 the company is not particularly innovative, and its first offerings of its [E.g., MultiPlan, DOS, Windows, Excel, Explorer, and so on] have been acquired and, at first, poorly implemented compared to others [Such as VisiCalc, Lotus, or Resolve; CP/M and MacOS; Netscape...].

However, Microsoft rather than being anti-competitive is hyper-competitive. It learns from its mistakes and is increasingly better at execution of the ideas, whatever the source, and it continually improves on them. It delivers what the consumer demands [eventually] at a [hopefully] reasonable cost. For it own good, Microsoft cannot afford to have the rivals all go away, though many have. Neither the Department nor the defendant got all the marbles at end of this case. That's the nature of a legal settlement. What has been crafted seems, to me, to serve the best interests of the public and the industry.

* Note: Due to the Excite@Home bankruptcy, this address will be inoperative after 2/28/02; from 3/1/02 forward (possibly earlier), please use georgeforde@Comcast.NET.

1 Signed original available on request

2 Which bundled the MS spreadsheet ''MultiPlan'' with the first Macs.

3 Which opened the PC Jr to DOS.

4 But do really like Mr. Gates, based on a couple of brief encounters at a local users' group and more distant observation over the years. He and Microsoft have done a great deal for all computer users.

One thing to remember is that, while the focus of the case has been the ''Wintel World,'' and allegations of maintenance of the OS monopoly; however, the market is much larger than that. For example, while I use both Widows and MacOS, I very much prefer the latter, but I use the same Microsoft applications [I.E. and Office] on both platforms.

I am concerned, therefore, that a separate settlement by the non-joining states—if it follows the path offered to them by Microsoft—would actually weaken the effect of this settlement by making those states accomplices in plan to cannibalize the Apple [and other] share of the education market. No need to spell out the obvious here, but, if the states want compensation, it should be paid outright or in the form of grants to technological projects and spending not defined by the defendant. If possible, those states should not be allowed to make a separate peace that would undermine this one.

Sincerely,
George S. Forde, Jr.
cc: Senator Rick Santorum
(facsimile only)
Microsoft's Freedom to Innovate Network
(facsimile only)

MTC–00010367

From: berlinmc@juno.com@inetgw
To: Microsoft ATR
Date: 1/11/02 5:58pm
Subject: Microsoft Settlement

I urge you to approve the settlement. I believe this lawsuit was more about milking political support than about protecting the consumer. GET IT DONE for the sake of us all!!

MTC–00010369

From: lotojarich@juno.com@inetgw
To: Microsoft ATR
Date: 1/11/02 5:58pm
Subject: Microsoft Settlement

It is my strong belief that this settlement is in the best interest of everyone—the technology industry the economy and especially consumers. Since the settlement newspaper editorials from across the nation and across the ideological spectrum have endorsed the settlement. Please don t let a few special interest groups prevent this settlement from going though. Sincerely Rich Otterstrom

MTC–00010370

From: jeffat@carolina.rr.com@inetgw
To: Microsoft ATR
Date: 1/11/02 5:58pm
Subject: Microsoft Settlement

The Governments settlement is fair and no further action should be taken. It seems everyone wants to make a name for themselves as a giant killer. Its sad. I believe in our Justice System and the ruling should stand and no further actions should be taken. Thank you for reading my opinion.

MTC–00010371

From: the—immortal—cthulhu@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/11/02 5:58pm
Subject: Microsoft Settlement

I whole heartedly support this settlement. I do not believe that Microsoft illegally leveraged its dominance in the software industry to harm competitors but I steadfastly believe that the education system could use the one billion. If they want to invest in the future of America yet again I m behind it.

Don

MTC–00010372

From: knstreck@pionet.net@inetgw
To: Microsoft ATR
Date: 1/11/02 5:58pm
Subject: Microsoft Settlement

It is time to end this lawsuit with Microsoft and let them get back to providing jobs and opportunities for its workers. Without companies like Microsoft we wouldn t have good jobs for people. Let the free enterprise system work. Thank you.

MTC–00010373

From: mefoley@in-touch.net@inetgw
To: Microsoft ATR
Date: 1/11/02 5:58pm
Subject: Microsoft Settlement

I have followed this case fairly closely and I am still unable to determine just who was damaged! From the beginning it has appeared that Microsoft s competitors have used the courts to provide a competitive advantage for themselves. My earliest involvement with microcomputers was with an Imsi 8080 which I built from a kit back in 1977. The very best software available for that machine was Microsoft Basic. The name Microsoft has always provided me with quality products at what I considered very reasonable prices. In fact I believe that it was Microsoft s vision of Windows that enabled the microcomputer revolution in this country and the rest of the world. It was a point and click interface that could be made to run on just about any IBM generic computer. Apple had a similar (some may say superior) interface but it was only available on Apple s pricy equipment. Microsoft s hard work brought computing to the masses by putting Windows on the desktop. I am a happy consumer. I have always used Microsoft Internet Explorer and I have never been overcharged by Microsoft or damaged by using it. That s the point!! Who has been damaged? Microsoft s competitors? If that is the case will the Federal Courts go to bat for me when I have to bid against one of the Big Five accounting firms for auditing work? I doubt it and I would not expect it. This whole case appears to be another case of the state pigs feeding at the trough of private profits. It sickens me!

MTC–00010374

From: jkwassociates@aol.com@inetgw
To: Microsoft ATR
Date: 1/11/02 5:58pm
Subject: Microsoft Settlement

I support the Microsoft settlement as published on the web. The settlement is fair and adequately addresses plaintiffs original complaints.

MTC–00010375

From: mainseq@thevine.net@inetgw
To: Microsoft ATR
Date: 1/11/02 5:58pm
Subject: Microsoft Settlement

The government s case against Microsoft has never had more than marginal merit. The case has now been brought to a reasonable and fair conclusion and should not be pursued further except as specifically dictated by the settlement.

MTC–00010376

From: bill.reilly3@gte.net@inetgw
To: Microsoft ATR
Date: 1/11/02 5:58pm
Subject: Microsoft Settlement

Let's get government out of our economies greatest opportunity for growth and advancement so that capitalism can thrive.

MTC–00010377

From: ddanh2000@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/11/02 5:58pm
Subject: Microsoft Settlement

The only thing this lawsuit is doing is impeading the progress of the technology sector it is only a matter of time before other countrys are leading the way and dominating what we are taking for granted.We should always go forward and never go back.

MTC–00010378

From: benrwhick@juno.com@inetgw
To: Microsoft ATR
Date: 1/11/02 5:58pm
Subject: Microsoft Settlement

It seems to me that this litigation has been going on long enough and been a great detriment to our economy. It is time to bring it to a close.

MTC–00010379

From: jmd@cybermesa.com@inetgw
To: Microsoft ATR
Date: 1/11/02 5:58pm
Subject: Microsoft Settlement

I absolutely believe that Microsoft has been a positive contributor to the American economy and certainly affected my work in a most positive way. I am getting tired of Microsoft competitors drawing out settlement of a case that never should have been brought in the first place. The objections of Microsoft s competitors are completely self-serving and never related to the matter at hand.

MTC–00010380

From: tom.moore@iname.com@inetgw
To: Microsoft ATR
Date: 1/11/02 5:58pm
Subject: Microsoft Settlement

The US economy has been on hold too long already. Please approve the settlement so everyone can move on to more important things.

MTC–00010381

From: guyc@concentric.net@inetgw
To: Microsoft ATR
Date: 1/11/02 5:58pm
Subject: Microsoft Settlement

The settlement is more than fair. Settle this thing NOW!

MTC–00010382

From: bpeterson@hopconsulting.com@inetgw
To: Microsoft ATR
Date: 1/11/02 5:58pm
Subject: Microsoft Settlement

I agree with the settlement the Justice Department negotiated with Microsoft. The computer industry business community and consumers need this issue settled today. Please do what you can to lay this matter to rest. Thank you Bedford Peterson HOPCONSULTING.COM

MTC–00010383

From: edaveforeman@aol.com@inetgw
To: Microsoft ATR
Date: 1/11/02 5:58pm
Subject: Microsoft Settlement

I am strongly supportive of the settlement the government and Microsoft reached.It is time to bring an end to this litigation.

MTC–00010384

From: paul sidler
To: Microsoft ATR
Date: 1/11/02 6:06pm
Subject: Microsoft settlement

Sirs: We support the proposed settlement of the Microsoft case. Please stop wasting taxpayers' money and stop penalizing success. Thank you,

Paul & Mary Sidler

MTC–00010385

From: kevinrmcd@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/11/02 5:58pm
Subject: Microsoft Settlement

Microsoft has proven to be a great innovator. A settlement has been reached. Go with it. The sooner that the cloud hanging over this great company is handled the sooner our national economy can start moving again. The economy of the country has been downhill ever since the Clinton/Reno Injustice Dept. began its attack against Microsoft. It s time to put that abuse of power to rest.

MTC–00010386

From: hn94306@sbcglobal.net@inetgw
To: Microsoft ATR
Date: 1/11/02 5:58pm
Subject: Microsoft Settlement

As consumer I benefit greatly from the cheaper and cheaper PC and software prices from Microsoft. Let the competition take care of itself in the market place. Microsoft competitors should compete on merit and not use political influence to prop them up. I am so sick and tired of seeing a great company being damaged by the misguided previous Justice Department.

Sincerely.

MTC–00010387

From: rrshouse@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/11/02 5:58pm
Subject: Microsoft Settlement

I favor the Microsoft Settlement. Please proceed.

MTC–00010388

From: moonlitstars@prodigy.net@inetgw
To: Microsoft ATR
Date: 1/11/02 5:58pm
Subject: Microsoft Settlement

As a consumer I believe it is time to end the litigation against Microsoft. I believe that the settlement currently agreed upon is enough. The marketplace is changing and I believe it s time for Microsoft's competitors to compete instead of litigating against them.

Thank You

MTC–00010389

From: kentbraun@home.com@inetgw
To: Microsoft ATR
Date: 1/11/02 5:58pm
Subject: Microsoft Settlement

Quit wasting tax payer funds fighting about ways to impeed business and start working together on ways to improve it.

MTC–00010390

From: joseph@errico-associates.com@inetgw
To: Microsoft ATR
Date: 1/11/02 5:58pm
Subject: Microsoft Settlement

It is an odd time that we live in where companies that fall short in innovation and marketing skills attempt and often succeed by having the DOJ do their dirty work. I feel that any delays in this action and/or further punative action towards Microsoft will have a harmful effect on me the consumer. Microsoft has always in my opinion offered me affordable and good quality products. And the marketplace is always the best judge. If in fact consumers did not believe this OS/2 WordPerfect AmiPro Lotus etc. would all be the market leaders. Linux may in time actually succeed at this.

MTC–00010391

From: mikeziegler@arrowfastener.com@inetgw
To: Microsoft ATR
Date: 1/11/02 5:58pm
Subject: Microsoft Settlement

I applaud the long overdue settlement and completely agree with it. The suit has hurt the ecomony in many ways and should have been settled years ago.

MTC–00010392

From: pmills@mc3inc.com@inetgw
To: Microsoft ATR
Date: 1/11/02 5:58pm
Subject: Microsoft Settlement

I believe that the current settlement proposal is more than reasonable. It has never been shown that the consumer was in any way harmed by Microsoft s actions. Certainly they are a tough competitor but it is clear to me that the consumer has been enormously well served by Microsoft.

MTC–00010393

From: R.Austin@computer.org@inetgw
To: Microsoft ATR
Date: 1/11/02 5:58pm
Subject: Microsoft Settlement

I strongly beleive that the settlement aggreement reached in the antitrust case against Microsoft is both a reasonable and fair solution to the matter and urge you to support it rather than continuing the litigation process.

Best regards.

MTC–00010394

From: rotruck@electronicpartsco.com@inetgw
To: Microsoft ATR
Date: 1/11/02 5:58pm
Subject: Microsoft Settlement

A settlement that is very tough on Microsoft has been reached but the competition of Microsoft will not stop. The only reason for all of this was brought by Competitors of Microsoft who could not overtake Microsoft in regular business methods so they got the government to cost Microsoft a lot of money and to stop them from doing research and development. They had to stop regular business and just defend themselves from the government who is acting on behalf of Microsoft competitors. Enough is enough. Put a stop to this and let one of our major resources go back to developing and manufacturing.

Thanks.

MTC–00010395

From: intcon@harbornet.com@inetgw
To: Microsoft ATR
Date: 1/11/02 5:58pm
Subject: Microsoft Settlement

The Microsoft law suits should all be settled basis the Nov. 4 2001 settlement proposal or the actions of the nine remaining states be thrown out of court as they actually represent the efforts of competitors to harm Microsoft.

MTC–00010396

From: Yochanon@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/11/02 5:58pm
Subject: Microsoft Settlement

Dear sirs and ma ams I m not a high educated man. I m not a rich man. I don t begrudge any of this against anyone. I m happy where I am and don t need anything more but the decision brought against M$ is in my opinion far too lenient almost to the point of it being ludicrous. I just can t see any punishment being done to a company who *KNEW* it is/was doing wrong by letting them advertise their software OS in millions of schools. And this is exactly what I see it to be. A slap on the wrist and a way for them to take over even more areas so that if this problem was to pop up again down the road it would be even harder for the DOJ to fight. Why is it that an honest working man if he were found doing what M$ has done and because he doesn't have anything near the money to protect himself like M$ does would be darn near burned at the stake and ruined for the rest of his life? I see the government falling to its knees in just plain weariment and letting M$ just go about its business as long as they behave themselves from now on . This scares me and it should scare all peoples of this country. Why not just make *more* new laws saying they can't do that and if they do it again we'll slap em on the wrist again (this was some of my sarcasm). I know my word don't mean much but this is *my* country I have to live with the ridiculousness of the decision so far and have to suffer for it all because someone with a lot of money can get away with whatever they want. I'm sorry if this seemed like a rant...maybe it was a little but I didn't mean for it to offend no one. I just wanted to be heard and for the average Joe to be heard once again since it is us Joes who make up the majority of this country. Thank you for hearing me out. Take care and be well. John Berger

MTC–00010397

From: lake@mediaone.net@inetgw
To: Microsoft ATR
Date: 1/11/02 5:58pm
Subject: Microsoft Settlement

Before Microsoft made my life easy with its fine products I would be tearing my hair out with competing products that never worked. I get great support and service from Microsoft and am happy as can be with the company the way it is. I understand the case and the government's reasons for prosecuting it but I hope with all my heart that brave little Microsoft will not be broken up. It will be no favor to me and my small business to have more confusion in the marketplace. Regards Peter Lake

MTC–00010398

From: csina@juno.com@inetgw
To: Microsoft ATR
Date: 1/11/02 5:58pm
Subject: Microsoft Settlement

I believe the gov't settled the controversary and with the economy as it is I believe it will

be more beneficial for the country to proceed with other pressing issues. thank you

MTC–00010399

From: jleffelaar@guate.net@inetgw
To: Microsoft ATR
Date: 1/11/02 5:58pm
Subject: Microsoft Settlement
100% in favour of the settlement

MTC–00010400

From: leatherneckdi@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/11/02 5:58pm
Subject: Microsoft Settlement
One administration goes after Microsoft with a zeal. The next one comes in and says NO we don't have enough. Why would the Gov't be interested in a private corporation in the first place. Screw Clinton and his legal team of Janet and thier zeal to attack Microsoft. And to the Attorney General of California wait till election and see how loud I scream over your actions against Microsoft.....

MTC–00010401

From: greeko@capital.net@inetgw
To: Microsoft ATR
Date: 1/11/02 5:58pm
Subject: Microsoft Settlement
Envy and greed although basic to ceratain human beings should not be the determining factor for MICRSOFT by tring to stymie it s creativity.Time for government regulators to use common sense as we go head on with international competition that would certainly be jumping for joy if they landed MSFT to bolster their economy and work force. By the downsizing of industry with its job creating opportunities we are witnessing layoffs that will be impacting our tax base which sustains all the services that everyone thinks they are entitled to. Paying lawyers to practice their trade is what is compounding our problems with their skillful tactics manipulating the system and adding their costs to companies that pass the costs on to us consumers and taxpayers

MTC–00010402

From: Mary Crockett
To: Microsoft ATR
Date: 1/11/02 6:07pm
Subject: microsoft settlement
I am oposed to the government doing any more to prevent Microsoft from continuing to provide superior products to us the consumers. The government has spent more than enough money harrassing Microsoft. It is time for them to leave Microsoft alone.
Thank you
Chuck Crockett

MTC–00010403

From: LLHubbard@aol.com@inetgw
To: Microsoft ATR
Date: 1/11/02 5:58pm
Subject: Microsoft Settlement
Since when is it against the law for a company to make money? Please leave Microsoft alone as it was doing just fine. Example of a problem incurred by the above settlement: I just recently purchased a new computer with XP Home edition and it is missing some of the utilities that Microsoft included in their other editions and is still in XP Pro. This utility is not on the market by other suppliers and therefore I am unable to purchase and install it on my XP Home edition computer.
Thank you

MTC–00010404

From: SIMONE MALONEY
To: Microsoft ATR
Date: 1/11/02 6:10pm
Subject: Microsoft Settlement
The arguments that I've heard on this case, that Microsoft prevents competition, seem unfounded to me. When I purchased my computer about 4 years ago, I was asked what system I wanted. Having experienced Microsoft windows on the original Apple computer, I could not refuse to have windows installed on my computer. I don't know much about other systems except for DOS but I know I wanted the system that I was most familiar with. Had I learned about other systems, my selection might have been different but it's rather unlikely. I believe Microsoft built ''a better mouse trap''. Let the competition deal with Microsoft. Save my tax dollars.
Simone Maloney
171 Russell St.
Manchester, NH 03104

MTC–00010405

From: KV1030
To: Microsoft ATR
Date: 1/11/02 5:21pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
To the judge of the federal trial court hearing the Microsoft Corp. case, I am writing to express my views on the proposed settlement with Microsoft Corp. The current settlement which is being pursued by the U.S. Department of Justice and some of the participating states does not in my opinion offer the protections required of such a settlement for either consumers or competing companies. I believe much stronger remedies are called for to prevent further abuses by Microsoft Corp., correct ongoing anti-competitive behavior by this company, and deprive Microsoft Corp. of its illegal gains. I believe the states which are dissenting from the current settlement have reasonable concerns regarding the current proposal. I am in favor of more stringent remedies to control Microsoft Corp.
Sincerely,
Mark Hartelt
Cedar Rapids, Iowa

MTC–00010406

From: Jacques Dupuis
To: Microsoft ATR
Date: 1/11/02 6:16pm
Subject: Microsoft case
To Whom It May Concern:
As a consumer I am curious to know just how many consumers have you had testified at the Microsoft trial. Speaking for myself, I remember having to pay $500 to $700 dollars for DOS software like Word Perfect or Word Star. With Microsoft you can buy an entire suite of software for much less than that, Microsoft Office. Where did the consumer is getting hurt here? Please do me a favor and resolve your Wars on Drug and go after ''real'' Criminals to really protect your taxpayers (consumers). Some States don't even have enough money to have all the prosecutors needed to prosecute our criminals and now you are looking to make criminals of anyone that is successful and who is keeping its customers (consumers) happy. I just wish our own government could do as good of a job as Microsoft does. By the way, why don't you turn all of your attorneys and prosecute government violations of our Great Constitution that have been violated by agencies of the government. The free marketplace has always and always will do a much better job than any Government can ever hope to achieve. Give it up!!!
Jacques Dupuis ''I would rather have a mind opened by fact than one closed by belief.

MTC–00010407

From: James M. Tarpley
To: Microsoft ATR
Date: 1/11/02 6:16pm
Subject: Microsoft
I agree whole heartedly with your recent decision regarding Microsoft's absurdly self serving settlement offer.
James M. Tarpley
216 Sea Isle Point
Atlantic Beach NC 28512–5936
voice: (252) 247–7813
eFax: (425) 984–8843

MTC–00010408

From: Craig Juel
To: Microsoft ATR
Date: 1/11/02 6:21pm
Subject: Microsoft Settlement
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Attorney General Ashcroft:
I believe the whole antitrust case against Microsoft over the last three years has been a colossal waste of time and money. The central issues of the case are no longer of consequence. I do not support the breakup of Microsoft am in support of the settlement because this needs to end as soon as possible for our IT sector to return to normal. Under the terms of the settlement I am glad to see that Microsoft will be increasing its relations with computer makers and software developers for the sake of stopping the ''muscling out'' strategy, which might have occurred in the past. I am also happy to see that a three person technical committee will be formed to monitor Microsoft's compliance with the settlement and assist with dispute resolution. The nine states that still oppose should be urged to drop the suit. The best interest of the public will be served when free enterprise is allowed to be on its way and jumpstart our economy out of recession. Thank you.
Sincerely,
Craig Juel

MTC–00010409

From: Massoud Javadi
To: Microsoft ATR,Senator Gramm,Senator

Hutchison,Rep....
Date: 1/11/02 6:23pm
Subject: Oppose Microsoft Settlement
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice

I have written today to comment on the settlement between the Department of Justice and Microsoft Corporation. While I understand the honorable intentions of the judge and court in settling the case in order to prompt the economic recovery of the nation's largest company and thereby, in theory, to prompt economic recovery of the nation, I deplore the toothless settlement that has been accepted by the Department of Justice prosecutors. There are three things I feel must be included in a settlement that would enact real change in the operating system market and allow for true competition:

1. Any remedy seeking to prevent an extension of Microsoft's monopoly must place Microsoft products as extra-cost options in the purchase of new computers, so that the user who does not wish to purchase them is not forced to do so. This means that for the price differential between a new computer with Microsoft software and one without, a computer seller must offer the software without the computer (which would prevent computer makers from saying that the difference in price is only a few dollars). Only then could competition come to exist in a meaningful way.

2. The specifications of Microsoft's present and future document file formats must be made public, so that documents created in Microsoft applications may be read by programs from other makers, on Microsoft's or other operating systems. This is in addition to opening the Windows application program interface (API, the set of ''hooks'' that allow other parties to write applications for Windows operating systems), which is already part of the proposed settlement.

3. Microsoft's success, while due in some part to internal innovation, relies heavily on technologies developed by the public sector. The Internet and much of the networking and software technology essential for Microsoft Windows have been fostered by federal grants and Department of Defense research money. As such, any Microsoft networking protocols which build or modify these publicly developed standards must be published in full and approved by an independent network protocol body. This will prevent Microsoft from using their market position to seize de facto control of the Internet.

I trust that you will attempt to enact real and meaningful change in the operating system market. This is a true national security issue. Microsoft may be important to the nation's economy in the short term, but long term economic security can only come from a free and efficient market for operating systems and networking technologies.

I care about these issues and I vote.
Massoud Javadi
806 Oakley
Houston, TX 77006
CC:president@whitehouse.gov@inetgw

MTC–00010410

From: Fernando Cerda
To: Microsoft ATR
Date: 1/11/02 6:24pm
Subject: Microsoft

Please, leave Microsoft alone!!!! You have been too harsh on them already. Bill Gates has changed how the world works!!! Are you punishing him because he has built an empire on his brain power?

Loriann Cerda-Donoso

MTC–00010412

From: PMoraff@aol.com@inetgw
To: Microsoft ATR
Date: 1/11/02 6:26pm
Subject: (no subject)

Dear Sirs:

I am contacting you to express my desire that the action against Microsoft go no further. Besides the fact that it is unfair to Microsoft and it's shareholders, it cannot be the best thing for the US economy. Enough already!

Best regards,
Paul Moraff
4 haynes Avenue
West Islip, NY 11795

MTC–00010413

From: nemesis enforcer
To: Microsoft ATR
Date: 1/11/02 6:32pm

Isn't it obvious what's going on? They aren't trying to monopolize, they are conquering the world. While this anti trust suit goes to shambles, its a distraction as the big 'M' buys up other companies to gain world domination in the computer industry. I cant believe my tax dollars actually pay some of your salaries. Look at the headaches from the at@t break up, the dereg of CATV etc. Is it really creating competition? Didn't you read the article about a $250 a month cable TV bill from aol? Penalize the company...they should be forced to refund every registered windows product to its owner in full. Did you know that not only Microsoft Csr really sucks, the phone call is paid for by the consumer, and they keep you on hold for an hour before they say hello.

MTC–00010414

From: pierce@westernfinancial group.com@inetgw
To: Microsoft ATR
Date: 1/11/02 6:26pm
Subject: Microsoft Settlement

Enough is enough. The Microsoft settlement is fair and will help the nation s technology and economy to move forward. The government s legal action against Microsoft has been dragging on for years and at last a fair settlement is at hand. Please stop the endless cycle of litigation now.

Respectfully submitted
Lawrence W. Pierce

MTC–00010416

From: charles@reinstatler.com@inetgw
To: Microsoft ATR
Date: 1/11/02 6:26pm
Subject: Microsoft Settlement

Please end this legal assault on Microsoft as the Justice Department and most of the States want to do. Do not allow a handful of MS competitors to use their intrastate political influence to undermine the best interests of the rest of American consumers.

MTC–00010418

From: fredlawyer@prodigy.net@inetgw
To: Microsoft ATR
Date: 1/11/02 6:26pm
Subject: Microsoft Settlement

The settlement reached is eminently better than ongoing litigation and uncertainty. Judge Posner correctly realized that resolution of this dispute is far more important than undue condescension to the collateral demands of bit players and special interests. Please approve and adopt the settlement achieved.

MTC–00010419

From: sue@peeco.com@inetgw
To: Microsoft ATR
Date: 1/11/02 6:26pm
Subject: Microsoft Settlement

I would like the Microsoft suit completed. Microsoft has done a great deal for this country and the pending agreement should be accepted. thank you

MTC–00010420

From: mgb—bas@mediaone.net@inetgw
To: Microsoft ATR
Date: 1/11/02 6:26pm
Subject: Microsoft Settlement

Cut out the nonsense and allow this settlement to go to finality. Yjr settlement should be approved totally and completely.

MTC–00010421

From: casamarina@juno.com@inetgw
To: Microsoft ATR
Date: 1/11/02 6:26pm
Subject: Microsoft Settlement

Settle this issue & let us move on.

MTC–00010422

From: mrappeal@cwnet.com@inetgw
To: Microsoft ATR
Date: 1/11/02 6:26pm
Subject: Microsoft Settlement

It is time to get this matter settled. Consumers have been helped by Microsoft technology not hurt. I write a column on computer technology for a legal newspaper and have seen the tremendous advantages of Microsoft software for lawyers as well as all consumers. The lawsuit is based on a faulty premise that consumers have been injured. We should put this whole matter to rest and let the computer world get on with producing better and better products.

MTC–00010423

From: dac@magiccablepc.com@inetgw
To: Microsoft ATR
Date: 1/11/02 6:26pm
Subject: Microsoft Settlement

Please let our courts put this case to closure. Only the companies that are not as advanced as Microsoft want to keep it open and active. It is at the stage it is a shear waste of the courts time and the taxpayers money.

Cordially
Dick A. Campbell

MTC–00010424

From: dalehanks@juno.com@inetgw
To: Microsoft ATR

Date: 1/11/02 6:26pm
Subject: Microsoft Settlement
This is another example of Microsoft s illegal and unethical tactics. The justice department really fell down on their job in this case. Microsoft has gotten away with murder and has been hindering innovation unless it is done Microsoft s way and fills Microsoft/s pockets. Now is the time to stop this monolopy find a way to let the innovation and technical leadership of others be successful.

MTC–00010425

From: karen1108@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/11/02 6:26pm
Subject: Microsoft Settlement
Unlike a company such as Enron Microsoft contributes to the quality of living of individuals around the globe. They are a company whose very existance pivots on constantly evolving technology. Leave them alone. Unless obvious blatant violations of monopoly laws take place allow them to explore new fields without interferance from jealous competitors.

MTC–00010426

From: Scoobedo13@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/11/02 6:26pm
Subject: Microsoft Settlement
Consumer choices not government management of innovation are the best marketplace regulators. New regulations and unnecessary lawsuits against technology companies will stifle innovation and result in consumers paying higher prices. I am in favor of ending the Microsoft matter as soon as possible and getting on with business.

MTC–00010427

From: aldell@juno.com@inetgw
To: Microsoft ATR
Date: 1/11/02 6:26pm
Subject: Microsoft Settlement
Tell the cry babies to go home and create something. Enough is Enough!

MTC–00010428

From: fj568@juno.com@inetgw
To: Microsoft ATR
Date: 1/11/02 6:26pm
Subject: Microsoft Settlement
I THINK THE GOVERNMENT IS JUST TRYING TO GET SOME OF THE MONEY FROM MICRO-SOFT THE GOVERNMENT IS LOOKING FOR A GOLDEN CALF.

MTC–00010429

From: jgolden28@msn.com@inetgw
To: Microsoft ATR
Date: 1/11/02 6:26pm
Subject: Microsoft Settlement
Stop wasting money and causing consumers problems. Drop your hounding of Microsoft. Start investigating Emromgate.

MTC–00010430

From: aub-barb@juno.com@inetgw
To: Microsoft ATR
Date: 1/11/02 6:26pm
Subject: Microsoft Settlement
please go ahead with the agreed settlement. Further action is not needed

MTC–00010431

From: arnobob@juno.com@inetgw
To: Microsoft ATR
Date: 1/11/02 6:26pm
Subject: Microsoft Settlement
Let a fair impartial court make a fair judgment on this big problem nwith out any out side influence.

MTC–00010432

From: lona50@Juno.com@inetgw
To: Microsoft ATR
Date: 1/11/02 6:26pm
Subject: Microsoft Settlement
I think it is time this suit against Microsoft is settled so that they can get on with the good work they have done for so long. It seems to me that if their competitors build a better mouse trap then they won t have to worry about what Microsoft does. What ever happened to free enterprise?

MTC–00010433

From: cortath@juno.com@inetgw
To: Microsoft ATR
Date: 1/11/02 6:26pm
Subject: Microsoft Settlement
I believe that the settlement with Microsoft is more than fair. If a company invents and developes a product I do not thikn that the competition should have the right to capitalize on someone elses hard work. I think that Microsoft should now be left alone by those jealous want-to-be cometitors and government agencies.

MTC–00010434

From: darccc@Juno.com@inetgw
To: Microsoft ATR
Date: 1/11/02 6:26pm
Subject: Microsoft Settlement
A decision of the court has been rendered....MOVE ON! Why is it that the vocal minority do not accept rulings that do not favor their agendas? If our goverment continues to involve itself to the extent of involvement in the Microsoft case we can expect to see bright minds discouraged from creating the future. Is this what our goverment wants? I m tired of listening to the goverment and the power hungry who continue this fight. To them I say Get a life!

MTC–00010435

From: Weltonhouse@msn.com@inetgw
To: Microsoft ATR
Date: 1/11/02 6:26pm
Subject: Microsoft Settlement
I support the settlement that has been offered. As a former teacher who had to use MacIntosh products I know that the advent of Windows based software was a financial boon to the classroom. The same products in the Mac format were many times higher priced. Windows brought software to the teacher and consumer in varieties which were affordable. At home we were lucky to have word processing and a spread sheet. The array of affordable products brought with the coming of Windows gives lie to the charge that Microsoft has hurt the consumer. The states that have not settled have business interests that hope to flourish by hurting Microsoft rather than by competing through the marketplace.

MTC–00010436

From: AlitoRAF@juno.com@inetgw
To: Microsoft ATR
Date: 1/11/02 6:26pm
Subject: Microsoft Settlement
The settlement was more than fair. It is unfortunate that because Microsoft and Gates did not make the required contributions to Clinton and Company s campaign coffers that the Justice Department initiated this action in the first place. It is time to stop this nonsense now. Enough is enough.

MTC–00010437

From: cbstaz@juno.com@inetgw
To: Microsoft ATR
Date: 1/11/02 6:26pm
Subject: Microsoft Settlement
Accept the settlemnt in the Microsoft case to allow the country to continue to recover from slow recession.

MTC–00010438

From: bobruss@airmail.net@inetgw
To: Microsoft ATR
Date: 1/11/02 6:26pm
Subject: Microsoft Settlement
Enough taxpayer money has been spent already to benefit the opponents of Microsoft. The proposed settlement is more than fair in support of a flawed judgement. The California AG should be prosecuted for his irresponsible pursuit of this judgement while being paid off by MS competitors.
Bob Russell

MTC–00010439

From: blayman3@juno.com@inetgw
To: Microsoft ATR
Date: 1/11/02 6:26pm
Subject: Microsoft Settlement
I believe the Microsoft settlement is fair as it is. Please keep it from being changed.

MTC–00010440

From: JWebb71561@aol.com@inetgw
To: Microsoft ATR
Date: 1/11/02 6:26pm
Subject: Microsoft Settlement
End this case now ! Americas strength is free enterprise. Competition ! Winners and losers ! The govn t(bureaucrat)can t tolerate competition !!!!

MTC–00010441

From: boblemon@juno.com@inetgw
To: Microsoft ATR
Date: 1/11/02 6:26pm
Subject: Microsoft Settlement
Proceed with the settlement. This seams to be the best for every one concerned.

MTC–00010442

From: llwurst1@juno.com@inetgw
To: Microsoft ATR
Date: 1/11/02 6:26pm
Subject: Microsoft Settlement
Let the decision stand!

MTC–00010443

From: vandewater@infowest.com@inetgw
To: Microsoft ATR
Date: 1/11/02 6:26pm
Subject: Microsoft Settlement
Having no personal risk in this case I do have some considerable interest. I have been using computers for years. When the PC

started to become popular the biggest complaint was cost limited software availability and compatibility. When Windows was introduced the average user embraced it because it opened away to eliminate many of the above concerns. I recently purchased my 3rd Pentium Series Machine. The first was a 100Mhz Pentium with all of the major available bells and whistles. Six years ago that machine cost over $3 000. This November I bought a 1.9Ghz Pentium 4 with bells and whistles that would reduce my original Pentium to nothing more than a bad door stop. The cost was in the low $2000 range. 19+ times the computing power 6 times the memory 80 sized the hard drive capacity 16 times more video storage and the list goes on and a state of the art Microsoft Operating System XP. The point of the story is that as a consumer I have not been hurt at all quite the contrary. I have a choice of software that staggers the imagination and all of it is cheaper faster and better than what was available even 6 years ago. I have no doubt that Microsoft took advantage of its position of prominence and power. Does everyone at some time. Usually! Let s check out the White House for some recent examples. To me the settlement on the table should be approved and we should all move on to more interesting innovations and concerns. Justice will be and has been served. It is time to get out of the media s glare and just move on!

MTC–00010444

From: bbeckman@gdinet.com@inetgw
To: Microsoft ATR
Date: 1/11/02 6:26pm
Subject: Microsoft Settlement

Please settle this soon. The agreement seems to have been hashed out and is merely waiting for the final nod. Microsoft has been an asset to the industrial world. Let s get on with it please. I am very happy this did not happen when the automobile was first invented. Th threat to the buggy whip manufacturers would have had all of the caves in Kentucky full of buggy whips because of the unfair competition to their industry.

Thank you.

MTC–00010445

From: Buddy578@Juno.com@inetgw
To: Microsoft ATR
Date: 1/11/02 6:26pm
Subject: Microsoft Settlement

I think the Justice Dept is wrong and Microsoft should be broken up.

MTC–00010447

From: patmackne@erols.com@inetgw
To: Microsoft ATR
Date: 1/11/02 6:26pm
Subject: Microsoft Settlement

I strongly support Microsoft in its negotiations with the government and think far too much time money and effort has been spent on this case to the detriment to the consumer.

MTC–00010448

From: lottza—wivez@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/11/02 6:26pm
Subject: Microsoft Settlement

Enough is enough. Microsoft will have to live under terms that are equitalbe and just. Don t let competition taint the judicial process. Finalize the settlement.

MTC–00010449

From: Stephen T. Spray
To: Microsoft ATR
Date: 1/11/02 6:41pm
Subject: Hats off to Judge Motz

Congratulations to Judge Motz for stepping up to the plate and stiking a blow for business competition. When the guilty party is allowed to be the architect of their own punishment, then you get the kind of deal that Microsoft was going to use to increase their control of the market and stifle the competition.

Any user of Microsoft products, as I have been for years, knows how they have built in to their operating system programming to preclude or greatly limit users who wish to use any competitive product, such as the Netscape browser. The frustration to any intelligent user can lead to out and out anger, at the ways they constantly tout and build in methods to make their own products easier to use, and limit or deny ordinary users the ability to effectively procure and use competitive products.

Microsoft contends that they have been good for competition, but that would be exactly like contending John D. Rockefeller was good for competitive pricing in the oil industry. Baloney is baloney any way it is packaged.

Stephen T. Spray
Huntsville, Alabama

MTC–00010450

From: Debbie Tropiano
To: Microsoft ATR
Date: 1/11/02 6:49pm
Subject: Microsoft Settlement
Debbie Tropiano
1305 Brianna Court
Cedar Park, TX 78613
January 11, 2002
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

To the United States Department of Justice:

I too am opposed to the settlement as I feel that it inadequately punishes Microsoft for their behavior, has too many loopholes for Microsoft to use to continue the same behavior and insufficient penalties if they don't abide by the settlement.

Sincerely,
Debbie Tropiano

MTC–00010451

From: rima
To: Microsoft ATR
Date: 1/11/02 6:49pm
Subject: microsoft settlement

I fail to see how settling a court case without punishing the offender, or even stopping the criminal behavior, is anywhere close to being in the good of the country. It makes one wonder how much microsoft money changed hands, to make the settlement happen.

Jon Rima

MTC–00010452

From: Ken Woodmansee
To: Microsoft ATR
Date: 1/11/02 6:54pm
Subject: comments

Alternates to Microsoft Windows, such as Mac and Linux, will never be successful until standard Microsoft applications like Microsoft Office work equally well for all operating systems. When the same company owns the operating system and the applications, there is no incentive to create compatible versions for your competition. Microsoft's applications have become the defacto standard for most businesses. Even though Microsoft Windows is greatly inferior to other available operating systems, there is no choice for the consumer because the applications needed for performing the most common tasks are not available for other environments.

Ken Woodmansee
Director of Engineering
Cordell, Inc.—''Network Solution Experts''
http://www.cordell.com
Email: kenw@cordell.net
Phone: (626) 966–4402
FAX: (626) 339–2582

MTC–00010453

From: Holmes, Loren T
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/11/02 6:55pm
Subject: Microsoft Treatment

Why are you being so soft on these Microsoft liars and crocks? They need to be split up so that can't keep others from being inovative.

MTC–00010454

From: djt@netfocus.net@inetgw
To: Microsoft ATR
Date: 1/11/02 6:47pm
Subject: Microsoft Settlement

Let Microsoft continue to do the job that they have been doing. They have earned everything that they have (Bill Gates risked his future to build the company so he deserves the profit). If his competitors cannot keep up or pass him—tough. That is called smart business and he has earned it.

MTC–00010455

From: hwitbera@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/11/02 6:47pm
Subject: Microsoft Settlement

After reading all the Microsoft competition gobbledegook parroted by the Justice Department in their case against Microsoft I think the settlement reached betweeen Microsoft the Justice Department and 9 of the 18 states arrayed against Microsoft is a more than adequate punishment for a company which literally outcompeted its competitors. I don t know what is going through the minds of Justice Department officials when they take the word of failing competitors against one of if not the most successful company in the United States Microsoft and attempt to impose penalties which handicap Microsoft and provide Microsoft s intellectual property to their competitors so that those competitors can MAYBE compete successfully against Microsoft. The 9 states which did not accept the settlement are those states in which

Microsoft s main failing competitors have their home offices and those states are bowing to pressure from those companies to eliminate their competition for them. Microsoft has always provided some of the best most innovative software at reasonable prices to their users. Those that say elsewise obviously have an axe to grind. The settlement reached between the Government 9 states and Microsoft is MORE THAN FAIR to the prosecution will benefit educational institutions and will be beneficial to those crybaby corporations who were unable to compete fairly with Microsoft.

MTC–00010456

From: ldwplw@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/11/02 6:47pm
Subject: Microsoft Settlement
Leave as is I believe it is more than fair.

MTC–00010457

From: joelmassey@attbi.com@inetgw
To: Microsoft ATR
Date: 1/11/02 6:47pm
Subject: Microsoft Settlement
It s time to settle this case. It is not the role of government to penalize successful companies so that competitors can succeed with inferior products or marketing. The remaining opposition to the settlement are still in it for the purpose of rescuing the competing companies in their states. The only outcome of continuing the suit is detrimental to the consumer. The role of government is to protect consumers not to punish them. I strongly recommend that the agreed upon settlement be implemented as soon as possible so as to prevent ever-escalating cost to the taxpayer as well as the technology consumer.

MTC–00010458

From: bobskopek@juno.com@inetgw
To: Microsoft ATR
Date: 1/11/02 6:47pm
Subject: Microsoft Settlement
I am a retired person who has used the Microsoft programs on my former business and now home computer. Those groups who oppose the settlement agreement should thank Microsoft for the development of computer software and thus gave them the opportunity to participate in software development. Now they want to destroy the company that made this technology possible. I support the agreements reached in the settlement agreement put forward by Microsoft. Thanks for registering my support.

MTC–00010459

From: jimwelsh@bellsouth.net@inetgw
To: Microsoft ATR
Date: 1/11/02 6:47pm
Subject: Microsoft Settlement
I urge you to stop needless expense and give a kick starrt to our economy by accepting the agreements reached between many of the States and Microsoft.

MTC–00010460

From: cardude5@juno.com@inetgw
To: Microsoft ATR
Date: 1/11/02 6:47pm
Subject: Microsoft Settlement
Get on with the settlement!!

MTC–00010461

From: mtdorainfo@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/11/02 6:47pm
Subject: Microsoft Settlement
The settlement agreement is fair and adquate. Going on and on hurts technology advancement and impedes research in the interest of the public. Enough is enough—-lets call it quits and standardize the settlement for all parties based upon the federal agreement

MTC–00010462

From: rjy@mcsi.net@inetgw
To: Microsoft ATR
Date: 1/11/02 6:47pm
Subject: Microsoft Settlement
Accept the proposed settlement and put an end to this stupid law suit by competitors against a successful company.

MTC–00010463

From: wilbertg@home.com@inetgw
To: Microsoft ATR
Date: 1/11/02 6:47pm
Subject: Microsoft Settlement
Without Microsoft there would be not be a hi-tech industry. The IBM like companies wants to see to big business like Banks Insurance companies and other Government sponsored contractors because the non-value added in these contract can Bankrupt the public. Microsoft is the heart and sole of the HOME Hi Tech market and has been the only serious investor in this market. I do not own one share of Microsoft stock but I have always recognized their leadership in promoting the sale of every high tech company s hardware. Through their evolution of the software the Hard Disk drive technology exceeded expectations the video card market now sell cards for more than some computers the 19 inch monitor sound card makers motherboard and memory chip makers all sell for less than 5–30% of their 1992 prices. ZEROX UNIX V OS2 Mac OS and many other Windows competitive operating systems can only blame their R&D investments and management. Let Micorsoft continue to help our country grow and spend more energy on ENRON Terrorist and many other subjects that are trying to destroy our way of life. Microsoft has made America proud and unless you believe that they are also hiring A. Anderson to do their accounting we should leave them along without enforcing any consent decree. This Eugene Crew wants to steal money from the the Microsoft company. California does not want computers for their students they want money that they will distribute. Sound familiar? Sounds like the energy crisis that they regulate!!! Well sorry that this comment arrived too late.

MTC–00010464

From: dfa42@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/11/02 6:47pm
Subject: Microsoft Settlement
There has been too much money and time spent on this so-called case in the first place. The problem with the Microsoft competitors is nothing but sour grapes and jeolosy that they couldn t break up a fine company and make a profit out of it for themselves. What they really want to see is the collaps of Microsoft so they can grab for themselves what is left over and this is the only way they can see of doing it. Settle this now because it these other companies get their way the cost of this technology will go through the roof if they get their hands on it.

MTC–00010465

From: bob3n8r1@juno.com@inetgw
To: Microsoft ATR
Date: 1/11/02 6:47pm
Subject: Microsoft Settlement
Re: Microsoft Settlement This settlement is a tough fair and reasonable compromise and is in the best interest of everyone.

MTC–00010466

From: mistymeadow82@aol.com@inetgw
To: Microsoft ATR
Date: 1/11/02 6:47pm
Subject: Microsoft Settlement
Enough already! I am a retired Marine having served 26 1/2 years.I fought for this country because above all else it was a country that rewarded those who were willing to step into the arena and give their all for the benefit of others. No greater example of this exist than Bill Gates and Steve Jobs. It is beyond comprehesion that Microsoft is being penalized for being innovative. Not only have they made it possible for virtually EVERYONE to be able to use a computer but have done it without the greed we see in the companies and politicians who are attacking them. Please use some common sense and end this unjustified attack—not for Microsoft but for the good of this country I hope we both love.
Thank you
Kindly
Joe and Sandy Sucha

MTC–00010467

From: fultonswe@rcia.com@inetgw
To: Microsoft ATR
Date: 1/11/02 6:47pm
Subject: Microsoft Settlement
All people/parties who have pursued this case against Microsoft are guilty of FRAUD WASTE and ABUSE of Tax Payers Money. They should all be made to reimburse (with triple damages) the American tax payers and Microsoft.

MTC–00010468

From: spider@arachniplex.net@inetgw
To: Microsoft ATR
Date: 1/11/02 6:47pm
Subject: Microsoft Settlement
I have worked with Microsoft products for years—I have also worked with products from Sun and Netscape among others. I find the Microsoft suite of servers and OSs far more valuable and innovative than Sun products and their browser blows Netscape's away. This isn't because Microsoft is some monopoly (It's not—you're free to write your own OS right now break out the assembler books and have at it) but because the products serve a wider audience BETTER than their competitors. Why is Microsoft's browser BETTER than Netscape's (oops I mean AOL's of course) if Microsoft is this slothful behemoth that isn't good for consumers as their detractors say? Because

those attacking Microsoft can't win in the marketplace so they want to use the court system like a bunch of stooges. Don't let this happen. Any action by the government against Microsoft will follow in Judge Jackson's path of bias and be HURTFUL to innovation not helpful. Leave competition to the marketplace instead of letting a bunch of lack-luster whiners insult competition in the courtroom.

MTC–00010469

From: ewadding@juno.com@inetgw
To: Microsoft ATR
Date: 1/11/02 6:47pm
Subject: Microsoft Settlement

I think the settlement agreed upon between the DOJ and Microsoft is fair and it is time we all move on.

MTC–00010470

From: duanebat@aol.com@inetgw
To: Microsoft ATR
Date: 1/11/02 6:47pm
Subject: Microsoft Settlement

I strongly favor the settlement. Long drawn out litigation in a dynamic fast changing industry such as software obviously hurts the public by diverting management attention away from innovation to serve the public and diverting monies to lawyers that should be spent on innovation. The best minds of Microsoft the Justice Department and responsible state attorney generals have now agreed. The only disagreement comes from some attorney generals such as the AG in my state of Massachusetts who are subject to powerful political pressures from Microsoft competitors whose interests do not necessarily concur with the public interest.

MTC–00010471

From: carolshukle@juno.com@inetgw
To: Microsoft ATR
Date: 1/11/02 6:47pm
Subject: Microsoft Settlement

The waste of time and money caused by litigation over Microsoft needs to come to an end. The settlement seems like a fair solution. What Microsoft has done for the last 10 or so years is make personal computing accessible and affordable for the average consumer as well as creating a standardized platform for almost everyone who uses a PC. Microsoft has in no way hurt consumers. It is to the benefit of the national economy to get this thing over with.

Sincerely
Carol Shukle

MTC–00010472

From: thomask@iland.net@inetgw
To: Microsoft ATR
Date: 1/11/02 6:47pm
Subject: Microsoft Settlement

How can it be that Microsoft s business practices are illegal? Sure they are heavy-handed yes they could be toned down I ll agree with that. Yes they are tough yet that is good for the industry as a whole. Their competition should stop complaining and start competing. If a software company wants to beat Microsoft do it on the store shelves not the courts. The competition simply needs to (in simple terms) out program and improve upon the available technology. Develop new and better ways of doing things and stick to it. Unlike in the past when a software company would develop a great program then their support would vanish and the product would stagnate up until now Microsoft would step in and basically finish the job that others left by the wayside. Take for instance Netscape it took over 4 years for them to finally improve upon the program meanwhile Microsoft kept driving the platform foreward with their Internet Explorer. Simply put the competition needs to stop whining and hire better programmers come up with new and exciting products. Microsoft s business practices don t affect me as a consumer as a matter of fact I simply prefer Microsoft products because they are quality products and should troubles exist the support is second to none always has been

K. Thomas

MTC–00010473

From: dotjim50@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/11/02 6:47pm
Subject: Microsoft Settlement

The settlement is correct. It is time we stopped bashing successful companies in this country when there is in truth competition.

MTC–00010474

From:
Patsy.Sampson@worldnet.att.net@inetgw
To: Microsoft ATR
Date: 1/11/02 6:47pm
Subject: Microsoft Settlement

I have reviewed the proposed settlement of the Microsoft case. I believe it is a fair settlement for all parties. In the interests of the public & the technology industry I hope it will be accepted soon so this case will be ended.

MTC–00010475

From: chet—
rizzuto@maxxconnect.net@inetgw
To: Microsoft ATR
Date: 1/11/02 6:47pm
Subject: Microsoft Settlement

Dear Ms. Hesse: I honestly believe that M/Soft has gone through enough trying to prove that they are not pirates dishonest or trying to break up other companies. They have been unable to compete and by now should recognize that declaring a truce would be the best way out. The ENRON debacle is one that should be pushed to the front. Many politicians and other government officials are involved and undoubtedly are going to be excused for their actions. The average American is disgusted with what is going on in the country today. Stop the Microsoft debacle and get to more important things.

Respectfully
C. R. Rizzuto

MTC–00010476

From: llefort36@cs.com@inetgw
To: Microsoft ATR
Date: 1/11/02 6:47pm
Subject: Microsoft Settlement

Simply: Leave Microsoft alone. No user to my knowledge complained about its business practices. I seem to recall that Netscape did therefore the govt took action. It s a bunch of sour grapes. I applaud Microsoft for all of its products.

MTC–00010477

From: camfam99@juno.com@inetgw
To: Microsoft ATR
Date: 1/11/02 6:47pm
Subject: Microsoft Settlement

I believe the Microsoft settlement is fair. Please finalize the settlement.

MTC–00010478

From: TateMT@aol.com@inetgw
To: Microsoft ATR
Date: 1/11/02 6:47pm
Subject: Microsoft Settlement

I think Microsoft should be left alone. The Government really messed up our telephone system when they messed with Ma Bell.

MTC–00010479

From: cjarsenault@juno.com@inetgw
To: Microsoft ATR
Date: 1/11/02 6:47pm
Subject: Microsoft Settlement

The Word on the street is Microsoft did not donate enough money to the Polititions and the Clinton Group. That is the only reason this Company was envolved. As a Sales Person and see the Federal Goverment going after any Company Me and many people in my sales terretory are looling at a Big Brother Type of Goverment. Now that the Dirt bags are out of the White House The Federal Government should let all people do Business and let the Market handle competition not federal Goverment

MTC–00010482

From: Bill Pratt
To: Microsoft ATR
Date: 1/11/02 6:58pm
Subject: Microsoft Settlement

Dear Honorable Federal District Court Judge,

Please find for Microsoft and their proposed settlement. I believe to do so is in the best interest of the public. As a taxpayer, I have watched and waited too long as our tax dollars are misspent on this case. It is my strong belief that these additional States which refuse to settle are doing so only for their own selfish monetary purposes and not in the best interest of their people or the United States. I believe it is time to close the book on this. I strongly support the Bush Administration and Microsoft in their desire to settle this lawsuit. Please make the correct decision on behalf of the American public and settle this case.

Thank you for your consideration.
Sincerely,
R. William Pratt
7020 Roundelay Rd. N.
Reynoldsburg, OH 43068

MTC–00010483

From: Wendy Viramontes
To: Microsoft Settlement
Date: 1/11/02 6:38pm
Subject: Microsoft Settlement
Wendy Viramontes
1520 Jody Avenue
Lebanon, PA 17046
January 11, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW

Washington, DC 20530
Dear Microsoft Settlement:
The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.
Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.
Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.
Thank you for this opportunity to share my views.
Sincerely,
Wendy S. Viramontes

MTC–00010484

From: Fred H. Greenwood
To: Microsoft Settlement
Date: 1/11/02 6:26pm
Subject: Microsoft Settlement
Fred H. Greenwood
7 Kirkwood Road
West Hartford, CT 06117–2830
January 11, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:
The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.
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Thank you for this opportunity to share my views.
Sincerely,
Fred H. Greenwood

MTC–00010485

From: Nancy Marie Regets
To: Microsoft Settlement
Date: 1/11/02 6:27pm
Subject: Microsoft Settlement
Nancy Marie Regets
167 Millrace Circle
Aiken, SC 29805–9381
January 11, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:
The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.
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Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.
Thank you for this opportunity to share my views.
Sincerely,
Nancy Marie Regets

MTC–00010486

From: advanzio@netscape.net@inetgw
To: Microsoft ATR
Date: 1/11/02 7:06pm
Subject: Microsoft settlement
I agree with the judge that Microsoft does not deserve the ability to increase their marketshare by giving away their product. Giving away their product is like letting little kids have a taste of free drugs. You know Microsoft will benefit by upgrades. Let Microsoft compete in the market, just as everyone else does.
Regards,
Rick Redfern
714.894.0407

MTC–00010487

From: Les Lohmann
To: Microsoft ATR
Date: 1/11/02 7:15pm
Subject: Microsoft Settlement
To Renata B. Hesse:
As a U.S. citizen living abroad, I am very concerned that the proposed settlement with Microsoft does not begin to address the harm done to the software industry nor does it create an environment where anticompetetitive behaviors will be stopped.
In order for the software industry to recover, the retail software (especially the word processing, spreadsheet and browser software) must be separated from the operating system. No paper wall will achieve this -the company must be split in two (at least).
Interestingly, the stockholders of MS will benefit far more under this scenario based on the results of significant breakups of the past. The economy of the U.S. will benefit and the market for software and related services will grow.
During this period of recession, permitting recessionary forces, such as anticompetetitive monopolistic behavior, can only hurt us all.
Leslie John Lohmann
mailto:llohmann@tkc.att.ne.jp
fon/fax: 81–3/5987–0723
2–26–6 Nukui
Nerima-ku, Tokyo 176–0021

MTC–00010488

From: Judy Sarris
To: Microsoft ATR
Date: 1/11/02 7:24pm
Subject: Microsoft Settlemen
I'm tired of the antitrust politicians wasting our money on suits that have no value and are meaningless in a free market economy anyway. The only place there can be a real monopoly is if the government intervenes and restricts competition. As long as there is a free market, the best/highest value/most desireable product will ultimately win. Only government can give a monopoly to a company or companies and keep this from happening. The government should not be in the business of siding with or bailing out companies that could not compete in the marketplace so are looking for the courts to do for them what they couldn't do for themselves.
Microsoft has done more for the average technology consumer than any company in the history of the industry. They have built better software, provided better service, and done it for less than any competitor. They have increased the quality and reduced the cost of desktop software faster than any other product of any sort has ever done. THAT is why Microsoft is the giant it is—because its products and service are better than the alternatives.
The government wasted billions of our dollars pursuing IBM for naught. By the time anything happened, IBM was no longer a dominant player. The same could happen to Microsoft if they let the competition get ahead of them. As long as they know that (and they live and breathe it every day), they will continue to build more value for the consumer. Leave them alone and let them do it.
The anti trust cops who claim to have the consumer's interest at heart are hurting those same consumers more than Microsoft ever will.
1. The drain on Microsoft's time and resources detract from their ability to build the software we all want and can't get from lesser rivals.

2. The drain on Microsoft's finances reduces the value of their stock which is one of the most widely held in the nation.

3. The government is wasting billions of our tax dollars to support this boondoggle and to effectively subsidize competitors who can't compete on the merits. DROP THIS SUIT!!!

Judy

MTC–00010489

From: KCREASON88@aol.com@inetgw
To: Microsoft ATR
Date: 1/11/02 7:23pm
Subject: Microsoft School System Donation/ Settlement

DOJ:

It is important to maintain a level playing field and I'm sure that MSFT pushed the envelope....but: try to keep in mind that no other platform, system, inter-connectivity is as productive as MSFT, whether student, business or military, its not even close! To even point students in the direction of Apple, Linux to some degree, is stagnating the analytical growing mind.

I started 35 yrs ago with a sliderule & punch cards, I know whereof I speak!

Dirk Tucker
Naples, Fl

MTC–00010490

From: Dennis Matthias
To: Microsoft ATR
Date: 1/11/02 7:29pm
Subject: Microsoft settlement

To whom it may concern:

I strongly support the Justice Department settllement with Microsoft. We both use Microsoft Windows at home and at work. It seems a fair settlement and I believe it is time to move on and let U.S. companies continue to lead the world in tecnology.

Yours Truly,
Dennis and Virginia Matthias
4105 Heritage Hill Lane
Ellicott City, MD 21042

MTC–00010491

From: michael_31475@msn.com@inetgw
To: Microsoft ATR
Date: 1/11/02 7:30pm
Subject: Microsoft Settlement

If Clinton worried more about the terrorists instead of picking on Mircosoft we would not be in the War that we are now in. Enough of picking on a wonderful company—let s end this unfair treatment...mwc

MTC–00010492

From: dorisprc2@juno.com@inetgw
To: Microsoft ATR
Date: 1/11/02 7:30pm
Subject: Microsoft Settlement

Accept the settlement and let Him get on with his life. He was smart enough to give all this before others even thought about it. Let Bill gates alone Now.

MTC–00010493

From: Bob.Typo.ITU@Juno.com@inetgw
To: Microsoft ATR
Date: 1/11/02 7:30pm
Subject: Microsoft Settlement

I think it s time to let Microsoft alone and accept the Judges decision. They have done wonders with Dos and Windows.

MTC–00010494

From: Bob Wiley
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/11/02 7:41pm
Subject: Please settle the case with Microsoft!

To Whom it May Concern:

As a citizen of Washington state, I encourage you to accept the proposed settlement in the anti-trust case involving Microsoft. This settlement is appropriate and reflects a triumph of the rule of law. Certain Microsoft competitors and other critics of the proposed settlement make the core of their objections a call for more stringent restrictions, ranging from prohibition of what they call ''product tying'' to breakup of the company. More extreme critics complain that the remedies do not address products that were not even part of the case.

These objections ignore the decision of the Appeals Court that reversed much of Judge Jackson's original findings. The Appeals Court threw out findings on many fronts related to Microsoft's anti-monopolistic behavior. One key area rejected was the basis used for claiming that integrating Internet Explorer and Windows represented monopoly abuse. The court went further to state that any new burden of proof for ''tying'' would be immense. The court also rejected the breakup order and made it clear such an order moving forward would be difficult to sustain given the court ''drastically altered [i.e., reduced] the scope of Microsoft's liability.''

One final objection raised by critics is that Microsoft has a past history of consent decree violation so the company cannot be trusted to adhere to a new decree. This is a patently false assertion. The Appeals Court in June of 1998 rejected the very claim that sent the parties into litigation—the Department of Justice claim that Microsoft had violated an earlier consent decree. Furthermore, this settlement takes the extraordinary step of creating an onsite oversight body. There are, therefore, no legitimate grounds for an assertion that a consent decree will not constrain Microsoft's behavior in the ways the court intends.

Rather, the proposed settlement directly and concretely addresses each and every key finding upheld by the Appeals Court, and does so with an undeniably stringent remedy. The areas of violation addressed include requiring OEMs to preserve visible access to Internet Explorer, to preserve the original boot sequence, to preserve all Microsoft-supplied desktop icons; entering into exclusive contracts with Internet Access Providers; threatening companies over support for other middleware technologies; and every other key area identified by the Appeals Court. In my view, there can be no valid objection to this settlement because every major finding of the Appeals Court is stringently addressed with a targeted remedy that specifically prohibits and prevents the behavior in question.

Acceptance of the proposed settlement will send a signal throughout American industry and the country as a whole that in the United States rule of law is alive and well—that defendants face remedies only for those findings against them. Anything beyond this settlement would represent a victory for those who do not seek remedy but rather also unwarranted punishment, and this would be a serious blow to the smooth functioning of free markets and the law that protects them. Participants in the American economy would forever be forced to fear whether the laws they rely upon to safely conduct business will be applied fairly.

I believe in advancing free market competition and this settlement serves the best interests of the American public. It fairly resolves a complex and burdensome anti-trust case that is having severe impacts far beyond one company, a case that is acting as a drag on one of the most vibrant sectors of our economy. Settlement of this case will free the high-technology industry to put its fullest efforts into innovation and creativity, and will spur competition in a way that will directly benefit consumers.

Thank you for your consideration.
Sincerely yours,
Robert L. Wiley III
Managing Director
Sound Capital Partners
701 Fifth Avenue
Seattle, WA 98104
(206) 264–2110

MTC–00010495

From: COakley@aol.com@inetgw
To: Microsoft ATR
Date: 1/11/02 7:42pm
Subject: Microsoft settlement

Personally, as one who has been in the computer industry since the days of the Apple II, I feel that Microsoft has done far more to aid the computer industry and this ecconomy than it has ever done to harm it. I remember all too well the days of the ''tower of babel'' becuase of this or that small company attempting to develop some form of proprietay software... Apple, in many ways, still is a closed system. But, as there was a finding of monopolistic practices, let the federal case stand.

From where I sit, it appears as though the states are simply looking for a revenue source for their own uses and have less interest in ''justice'' than in seeing how deep Microsoft's pockets can be... IF there were monopolistic practices engaged in, it is the consumer and private business who took the hits... and I don't hear anybody talking about helping out the actual injured parties (assuming that there really are any) in this case.

Furthermore, while Apple makes a decent product, I find it facinating that, in the imaginary name of ''competition'', our students are being taught using computers that hold a relatively small place in the overall population of desktop systems installed in home, government and workplace environments. The states apparently desire to believe that allowing Microsoft to actually put state of the art systems in the schools would further displace Apple... so, rather than focus on what is actually the right thing to do for the education system and the citizenry served by it, they would prefer to keep us safe from Microsoft and pocket the money instead (... kinda' reminds me of all the states who legalized lotteries and ''riverboat'' gambling under the pretext of it helping the education system and then failed to inform that, while

the funds may actually be applied to schools, the existing school budgets would be offset by all or a portion of those proceeds raised by ''legal gambling''....

Further, I find two great ironies in the whole Microsoft case: 1:) Microsoft became a monopoly becuase of government contacting and purchasing practices (I worked as a contractor and had some familiarity with the proceedures) in the first place, while the government was not the sole reason for this, their demand for the interconectivity of the Microsoft products and the standards provided were key to the demand made for the product... 2:) The originial impetus for the case was brought by AOL and Netscape.... two who have become one and a veritable monopoly in their own right... So... needless to say... my opinon is, make the original federal settlement binding on all states.

Thank you for your time...

James Winkler

Metamora, Illinois

MTC–00010496

From: Scott Grant
To: Microsoft ATR
Date: 1/11/02 7:47pm
Subject: microsoft monopoly

I agree strongly with not allowing MIcrosoft to donate computers for compensation in the lawsuit against it's anticompetitive tactics. The windows operating system is an inferior system which is maintained by Microsoft's monopoly power. The company consistently misuses its power and needs to be controlled.

Scott Grant

MTC–00010497

From: David Balts
To: Microsoft ATR
Date: 1/11/02 7:57pm
Subject: my opinion

Dear Justice Department,

I just heard of the denial of acceptance of the proposed Microsoft settlement. While I can understand the concerns put forth by the companies that object to it, I feel it was a settlement that helped most concerned.

While no one, me included, wants to see any company get away with overcharging customers, I also see a lot of good in the settlement. It would benefit the neediest of schools while still leaving Microsoft a viable intact company.

Unfortunately there are, and always will be, people that won't be happy until Microsoft is broken down and crushed into the dirt. And then I wonder if they would still even be happy. They seem to be only looking for someone to tear apart their competition so they can thrive. A view I'm sure they wouldn't have had they become the software of choice. While competition is good, I believe these companies and individuals only want to gain ground at Microsoft's expense.

Believe me, as someone who was around using computers through times when there was no major player or standards I can remember that it was no fun. No one's software, or even information, could be shared with anyone else without great pains and lots of problems. We all cried out for some kind of standard. I, for one, was glad to finally see a standard spread through the industry. Unfortunately for those whose standard wasn't chosen, it was Microsoft that rose to the top.

While most Microsoft products are hardly perfect, (and who's are?) they do allow many different people running many different programs to communicate and share data together. I would NEVER want to go back to the days of everyone doing their own thing with no standards available.

This has become a case of the best product available becoming the most widely used. But to some it has just become a 'tear down and rip apart Microsoft at any cost' situation. And its funny how those that weren't chosen as the majority standard tend to be yelling the loudest. It was just a clear case of the public choosing the best that was available at the time and using it. Now instead of developing something that can compete or even win out over any Microsoft product, all the competition wants to do is yell foul and hope the justice department eliminates or severely restricts their competition.

Believe me, the American people are smart. If they see something else developed that will do what they want done better than they are able to do it now, they will choose that product and use it. No matter what Microsoft or anyone else tries to do. Don't diminish the peoples ability.

This situation reminds me of the break-up of the telephone system. While looking good on paper, trying to give other companies a chance and the consumer more choices and thus lower costs, it has done nothing but the opposite. We are all paying more and most people throw their hand up in disgust when it comes to figuring out what's best. And some companies don't even wait for the consumer to decide. They just grab all the new customers they can any way possible and the consumer usually ends up frustrated and paying in the end. Plus the system has never worked together as well as it used to.

I realize these situations can be very different. But in some ways they can be very similar.

Please keep the consumer in mind when you make your decisions, and not the desires and demands of those too involved to decide effectively. Most of Microsoft's competitors now feel that if they complain loud enough someone will finally listen and rule in their favor. While I'm not advocating letting Microsoft off Scott-free, I do feel both the good Microsoft has brought the consumer must be considered along with the bad.

I use Microsoft products, along with other brands, and chose each because I felt they did what I needed to have done the most effectively. And I did this ONLY after looking at everything available. Some companies don't like it because Microsoft still offers some of the best products available. If other companies develop better software I, and the American public, are smart enough to choose what's best for our needs. That's the way this great country works.

We don't need someone to make our decisions for us, especially the Microsoft competitors that seem to be complaining the loudest.

Thank-You.

David E. Balts

224 S 16th St, #2
La Crosse, WI 54601
608–784–6703
Age: 43
dbalts@centurytel.net

MTC–00010498

From: ILWalls@aol.com@inetgw
To: Microsoft ATR
Date: 1/11/02 7:58pm
Subject: Microsoft Settlement

My vote is to put an end to this problem and let us get on with life.

Sincerely,

Louise Walls # 519
10–10 So. Rockwood Blvd
Spokane, WA 99202

MTC–00010499

From: john.w.schroeder@att.net@inetgw
To: Microsoft ATR
Date: 1/11/02 8:02pm
Subject: Good Microsoft Decision Today

Judge Motz, c/o Robert Wolinsky,

Thank you for your courage in the Microsoft opinion released today. Although I'm a Microsoft shareholder, I don't believe Microsoft should be allowed to undermine Apple by turning an antitrust penalty into a marketing triumph and give away Microsoft products to schools. A more appropriate penalty might be an award of $$ for those same schools to buy Apple products, or a mandatory rebate of some amount to all Microsoft customers. Having seen the press reports of today's decision, I have faith that you'll do justice.

MTC–00010500

From: Elizabeth Pearson
To: Microsoft Settlement
Date: 1/11/02 7:42pm
Subject: Microsoft Settlement

Elizabeth Pearson
638 Hawthorne Av
Elmhurst, IL 60126
January 11, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more

entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Elizabeth Pearson

MTC–00010501

From: joseph brumm
To: Microsoft ATR
Date: 1/11/02 8:03pm
Subject: To Whom It May Concern:

To Whom It May Concern:

I am writing to express my opposition to the proposed antitrust settlement with Microsoft. Microsoft needs competition. Without competition Microsoft will have no reason to ever improve its products. Microsoft's products, in my opinion have steadily degraded as the company grew. After all, if there is no steady, present, competition, why would they need to improve their products.

Microsoft has, over the years destroyed any competition that has ever come against them. The reasoning, it's good business. But our nation was founded on a set of ethical values. By this ruthless practice, Microsoft abides by none. They consistently make what I consider to be libelous, slanderous statements about any competition that ever points their way. For technology to advance, competition is a necessity. Else the tech industry will be like George Orwell's Animal Farm. The pigs (no harsh implications toward microsoft intended) will keep telling us how much better our life is.

And we will be forced to believe them. Because we have no basis for comparison any longer.

I cannot make suggestions as for their penalties, as I do not know all the matters of fact or law, but the penalties should be severe. At least enough so Microsoft cannot merely shake them off and continue with a monopoly. Thank you for your time, consideration, and willingness to listen, I submit Very Respectfully, Joseph Brumm

MTC–00010502

From: Michelle Haynes
To: Microsoft ATR
Date: 1/11/02 8:08pm
Subject: Microsoft Settlement

Attached please find a letter in support of the settlement reached in November.

Thank you.

Michelle R. Haynes
Tel. 407–539–2702
mrivehaynes@cfl.rr.com
Michelle Haynes
400 N. Phelps Avenue
Winter Park
FL 32789
January 7, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing you today to express my support of the Microsoft anti-trust settlement that was reached back in early November, and I am relieved to see this old dispute finally come to an end. Microsoft has pledged to share more information with other companies and give consumers more choices. Microsoft will design future versions of Windows to make it easier to install non-Microsoft software, and Microsoft cannot strike back against companies that take advantage of that. If fact, the settlement stipulates that licensing agreements for the top 20 hardware firms must be on equal terms, except for volume discounts.

This settlement will not only make it easier to conduct business for Microsoft competitors, but it will also allow this company to move forward. This settlement will benefit all. Thank you for settling with Microsoft, and I urge you to use your influence to appeal to the states that have not yet settled as well, including Florida.

Sincerely,

Michelle Haynes

CC: Representative Ric Keller

MTC–00010503

From: RRP52@aol.com@inetgw
To: Microsoft ATR
Date: 1/11/02 8:12pm
Subject: MICROSOFT CASE

WHY ARE YOU WASTING OUR MONEY . . . COULD BE USED FOR OTHER THINGS MORE IMPORTANT . . . JUST A BIG WASTE AND YOU WONDER WHY PEOPLE DON'T HAVE ANY TRUST IN THE GOVERNMENT? WHY DON'T YOU LET THE PEOPLE DECIDE . . . NOT A BUNCH OF LAWYERS WHO STANDS TO MAKE A LOT OF MONEY

RUFUS RICHEY

MTC–00010504

From: Darek Czechowicz
To: Microsoft ATR
Date: 1/11/02 8:14pm
Subject: Microsoft

Microsoft is great Company. All we should be proud that Microsoft was created and exist in America. All people in the world wants one operation system—Windows. I used for so many years Lotus, Paradox, I switch to Microsoft because these products are better that competitors products.

Regards,

Darek

MTC–00010505

From: Kenneth Owen
To: Microsoft ATR
Date: 1/11/02 8:13pm
Subject: MICROSOFT—NO MORE PROSECUTING

Stop spending money on the PROSECUTION of MICROSOFT. They are in the marketplace and they deserve to reap the benefits of their labors....

Thanks,

Kenneth E. Owen
6705 Jameson Road
Amarillo, Tx 79106

MTC–00010506

From: vwlee
To: Microsoft ATR
Date: 1/11/02 8:32pm
Subject: Viewpoint on Microsoft AntiTrust Case

I think the negotiated settlement is fair and the litigation should not be dragged on to benefit a few influential competitors. This antitrust case has taught Microsoft a lesson and Microsoft's conduct will be different. It's in public interest to not waste tax dollars on cases that do not benefit the public. A case in point—the class action suit against Microsoft took a wrong turn and denied underprivileged children from getting billion dollars worth of free computers and only to benefit a few powerful lawyers.

A concerned citizen,

Ven Lee
10728 Riviera Pl N.E.
Seattle, WA 98125

MTC–00010507

From: Hal Schmidt
To: Microsoft ATR
Date: 1/11/02 8:44pm
Subject: The Microsoft and Enron Deal

It seems that both Microsoft and Enron, because of their might, done whatever they wished to do to the general public and other sectors. I am glad the ruling today was against the Microsoft giant. Yes! The preliminary suggestion of providing software to school would erode Apple Co. longstanding help to school and their share of the computer dollar. Thank God for this ruling today.

Hal Schmidt

MTC–00010508

From: Steve Bodis
To: Microsoft ATR
Date: 1/11/02 8:49pm
Subject: Microsoft Settlement

Attached is a letter concerning my support of the settlement reached between the Department of Justice and Microsoft.

3987 S 900 E
Apt. 123
Salt Lake City, UT 84124–1175
January 11, 2002
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

Microsoft and the Department of Justice have finally reached a settlement to the antitrust case brought against Microsoft several years ago. This was reached after a long, litigious battle, costing both sides enormous amounts of money and time. I support this agreement. Microsoft has agreed to a wish list drawn up by its competitors, basically: Free intellectual property in the Windows internal interfaces, nondiscriminatory licensing, no retaliation for using non-Microsoft software within Windows, and a committee to ride herd on Microsoft's living up to the agreement.

This country has been through some very difficult times, but we have rebounded and with the new year, I think everyone is ready to move on. Settling this antitrust case is one way to move on, allowing us to concentrate on more important things such as the economy. And regardless of what you may think of Microsoft, the company is the engine that propels this economy. When Microsoft was served with the antitrust lawsuit, the NASDAQ plummeted. The economy has yet to recover. Microsoft, from what I know of the settlement, has more than acceded to the demands of the Department of Justice. Any

further litigation would be very damaging. I personally think competitors of Microsoft held too much sway over the indictment against the company and I would hate to think these same people would impede us from moving forward and putting this case to rest.

I support this settlement. I ask that you do also.

Sincerely,

Istvan Zoltan Bodis

MTC–00010509

From: FRANKLIN D MATSON
To: Microsoft ATR
Date: 1/11/02 8:50pm
Subject: Get Tough on Evil Microsoft

USA.Today has a link saying a person could sent their thought on the Microsoft case to the DOJ. I personally think that this big business evil company is just getting it hands spanked. They have been found guilty and should be punished accordingly. The government spent millions of dollars on the case and thus should extract billions and lots of them from Microsoft including extracting lots of money from the management at MS.

MTC–00010510

From: Gerard Terpening
To: Microsoft ATR
Date: 1/11/02 8:56pm
Subject: Microsoft Settlement
21161 Greenboro Lane
Huntington Beach, CA 92646–7020
January 10, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing to you today to state my support of the recent settlement reached between Microsoft and the Department of Justice in regards to the antitrust dispute. Microsoft is a leader in the technology industry. Over the past decade, Microsoft has consistently provided consumers with innovative, user-friendly products. Their success in the technology industry is proof of their excellence in the field.

While I do not agree with the litigation to begin with, I am pleased that the issue is finally resolved. After three years of litigation, the technology industry is definitely worse off, not to mention the taxpayer! It is time for the government to put the issue at bay and focus on rebuilding the economy.

Microsoft competitors have received much under this settlement. There should be no room for complaints on their part. It is time to focus on the needs of our American economy.

Sincerely,

Gerard Terpening

CC:fin@mobilizationoffice.com@inetgw

MTC–00010511

From: Tori Heath
To: Microsoft ATR
Date: 1/11/02 9:05pm
Subject: my opinion

I have been using computer (s) since 1980. I need them because I am a CPA, but also wish I had more time to ''play, explore.'' Bill Gates has done incredibly wonderful things for computer technology. HOWEVER, I think his success has gone to his head, and somehow he thinks he ought to control the market.

Just one example....I have always liked WordPerfect because of it's ''reveal codes'' feature. But, every version through #8 has caused me nothing but problems. I finally reached the point where I was simply wasting my time with it. If you can't beat them join them. So, I went with MS Word and its accompanying Excel. Neither of these programs measure up to what Corel (or whoever owns them now.) Furthermore, I have to have the entire ''Office'' package which I have absolutely no need for. I spent over $200 over a year ago to buy ''Word'' and ''Excel.'' Then I learn that there are no bug fixes, updates, etc for these programs alone. I had to have the entire ''Office'' package itself. I resent Microsoft's power and control over such situations.

It's not that my computer system is inadequate (far from it). I do not like being forced to have programs which I neither need, nor want. They muddy up the registry, mess with my ''start'' menu . . .in general take up space, including memory, which I want to use the way I want to use it. I believe that is my right. It's one thing to have ''Windows,'' but that's as far as it should go as far as I am concerned.

I have recently upgraded my 2 computer systems. One has ''XP'' on it (which I love)....but I have downloaded Sun Microsystems spreadsheet and wordprocessor which is getting glowing reviews. On my other system I have ''Windows 98 SE,'' and use Lotus ''SmartSuite.'' I like it, far and above ''Office.''

I don't know how to curtail Mr. Gates. To give him license to donate computers to as many schools as he wants to is a tax gimmick designed to make you and everyone else happy. I raised 5 children, none of whom had computers in school. They learned just fine. At the Jr. High level I can see where they can be of great use, and provide more learning opportunities. But nothing beats a good teacher who is well versed in his/her subject.

I firmly believe that Mr. Gates should be FORCED (under knowledgeable government supervision) to provide his source codes for all his operating systems. How else can other companies write competitive programs which can run under these operating systems. Microsoft is not the only company which has excellent programmers, and other companies can offer different products.

Don't let this guy get away with what he has done, and probably still doing, because he can afford such a team of lawyers. You need good advice from people who know computers and programming. Please listen to him. Gates has no right to ''buy'' his way out of his monopolies, etc.

Thank you for your time and the opportunity to voice my opinion.

Very sincerely,

Victoria Heath

theath@triad.rr.com

336–454–3121

MTC–00010512

From: John Lancaster
To: Microsoft ATR
Date: 1/11/02 9:13pm
Subject: opinion

I think Bill Gates and Microsoft are arrogant, interested only in themselves and to hell with the public. I hope you do what is proper in this case—Break up the monopoly.

MTC–00010513

From: John Yunker
To: Microsoft ATR
Date: 1/11/02 10:07pm
Subject: Microsoft Settlement

I must protest the terms of the Microsoft Settlement. The current wording of the settlement codifies the right of Microsoft to control access to information by private individuals. The settlement must be changed to specifically grant the right to interface with the microsoft platform to authorize, get, and put information. Certain specifications, such as the root file system, cannot be subject to license because this would restrict access to a basic public infrastructure. The information infrastructure is just as important to society as the energy, water, and communications infrastructure.

The standards for hooking together basic public infrastructure MUST be available to society at large for the effective evolution of our society. No one can dispute that access to information is a basic part of modern public infrastructure. The ability to build an interface to my information store is a basic public right.

As long as they have an effective monopoly on private information platform (non-commercial) they cannot use that position to exclude any class of society from being able to build components of the information infrastructure, e.g. they must make key interface specifications public and not subject to license. They can make specific technology used in providing a service subject to license, but not the service itself, nor the specification of interfaces to those services.

Thank you,

John Yunker
1901 45th Ave SW
Seattle, WA 98116
(206) 935–6251
john.yunker@bleuciel.org

MTC–00010514

From: John Luongo
To: Microsoft ATR
Date: 1/11/02 9:15pm
Subject: Microsoft Settlement

To Whom It May Concern,

The Court has established that Microsoft has a monopoly position. As such, its conduct is to be scrutinized to protect consumers. In the light of Microsoft's past behavior, we can expect minimal cooperation from Microsoft at best, and more likely, continued abuse. Microsoft's lack of candor at the trial was offensive, and I believe that it bodes poorly for their future conduct. As consumers, we need a remedy that is much stronger than that which was reached in the recent settlement. One needs to look no further than Intel and AMD to see the effects of competition in the personal computer marketplace. The battle for consumers between these two competitors has two

obvious benefits. First, lower prices. And second, more innovation.

Business and personal consumers need the same type of competition in software. I would like to choose to purchase my operating system from another vendor without having to switch to Linux or Apple. And I would like to have a greater choice of office productivity software as well. Microsoft can market software that is bloated with features that I don't want or need, and it can force me to upgrade my licenses for Windows or Office when they decide it is no longer profitable for them to support. For example, if I decide to keep upgrading my computer indefinitely, at some point they can refuse to ''activate'' my software licenses. In effect, this forces me into a subscription mode. If I choose to use Office XP Professional ten years from now, I should not need Microsoft's ''permission.''

Microsoft's tactics bully both consumers, and other entrants to the marketplace. I wish market forces could remedy this imbalance. Because this is unlikely, we need a settlement or judgment that will protect end users from Microsoft's greed. We need your help.

While it may seem extreme, I believe that Microsoft should be forced to license the code for Windows and for office productivity software to competitors who are willing to pay an equitable fee. This will compensate Microsoft for their intellectual property, while allowing competitors to market products that appeal to segmented markets. One size does not fit all in the computer software marketplace.

There is a great irony in all this. Microsoft is an enormously talented competitor who, in the long term, would benefit more from healthy competition that from its present dominance.

MTC–00010516

From: J Oyer
To: Microsoft ATR
Date: 1/11/02 9:33pm
Subject: the case

Since when does the government have any right to say what the value of a product is. Overcharge the public? The public has gotten a good deal. maybe we forget where we were just a few short years ago. Computers were a mess to operate. They could not even talk to another computer, until Microsoft came along. GOVERNMENT: leave us alone.

MTC–00010517

From: Art Mayer
To: Microsoft ATR
Date: 1/11/02 9:31pm
Subject: Power

Microsoft has used its financial, legal and monopoly power for too long, and in too many ways, to allow it to continue to destroy competition and stifle better products.

Anyone with more than a rudimentary knowledge of computers, and who has been involved with computers for a long period of time, knows the following: Microsoft's total addiction to ''the bottom line'' has turned them into a company that determines a time when it wants to release a new product, with unlimited advertising and promotion, and them releases the product at that time without regard to the product's readiness or quality. The term, ''sloppy programming'' is used by the Microsoft programmers themselves to identify this problem.

And, secondly, the fact that Microsoft tries to undermine, purchase and destroy, or simply destroy, companies producing better product has led to the sad situation of today, in which other, and (real or potentially) better operating systems and applications are held back and eliminated. This country, or the world, would not let one pharmaceutical, medical, oil or energy entity control the sales, supply and use to the world, of necessary products or knowledge. Today, information and the internet is becoming as important as medicine and energy. It needs to be controlled for the good of the world, not one, selfish organization.

Art Mayer,
Bellevue, WA

MTC–00010518

From: Robert Williams
To: Microsoft ATR
Date: 1/11/02 9:31pm
Subject: Microsoft Litigation

By way of introduction, I'm a retired engineer and, although I have owned numerous personal computers over the last twenty years, I still consider myself just an average computer user. I hope you'll forgive my fervor in the matter of litigation against Microsoft, but like the VAST MAJORITY of computer owners, I (as well as the stock market) was appalled at the Department of Justice attack on Microsoft. Actually, the innovation and COMPATIBILITY of Microsoft's products have greatly improved life for the average computer owner. In addition, Microsoft is a most respected company, who has played a MAJOR roll in making the United States the world's undisputed technology leader (so seldom has it been that our US companies have not played second fiddle to the Japanese).

Under the guise of somehow protecting computer users, the DOJ forged ahead with this legal action as though they somehow knew more about what we wanted than we did ourselves (which, I feel, smacks a bit of ''Big Brother-ism''). In part, I feel that the DOJ was overly swayed by the rantings of Microsoft's competitors (like Sun Microsystems) who had a vested interest in crippling the company. If one really wanted to do what is right for the computer market, they would get off Microsoft's back and let them continue giving us more innovative and reasonably priced products. Judge Penfield Jackson has, of course, been revealed for what he actually was and the Department of Justice concluded the case with logical remedial actions. However, some nine states seem to have rationalized that the DOJ, along with the other 40 states (and most assuredly, we consumers) are all wrong and that they have a sacred obligation to set it all straight . Anytime something is held up to the scrutiny of a blood letting such as this has been, there are always some who will never let go (not unlike vultures who have been waiting in the wings to glean whatever benefits that might be realized from a lynching). Pardon the comparison, but we consumers view their action as classic ambulance chasing.

And, just when is enough, enough. Has anyone ever stopped to consider what this three year long ordeal, against one of the countries most admired companies, has already cost our country? I realize that this action by the dissenting states isn't costing them anything (I believe that Microsoft has to pick up their legal bills). It makes me wonder if they would be as compelled to carry on their ''crusade'' if it were on their nickel. I really hope that I'm wrong, but I get the strange feeling that somewhere in this pursuit, these nine states will actually be seeking a monetary settlements for their state's coffers.

Please don't take offence at these concerns. They are truly meant as constructive suggestions.

Bob Williams
rtwill33@earthlink.net
828–926–9593

MTC–00010519

From: John L. Varner
To: Microsoft ATR
Date: 1/11/02 9:43pm
Subject: Microsoft Settlement

John Varner
7503 E County Road 625 N
Grandview, IN 47615–9558
Ph. (812) 362–8045
January 12, 2002
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue
Washington, DC 20530
Dear Mr. Ashcroft,

At age 73, and a long-time admirer of Microsoft, I write you with concern over the recent settlement between the Department of Justice and Microsoft. Not only was this negotiation process rational and fair, but also it was well monitored and in the interest of all parties involved. This is why it is ridiculous for it to go under any further scrutiny. After three frustrating years of court battles, it is time to move forward.

The greed of professional lawyers and the states objecting to this settlement has become ludicrous.

My experience is limited but I have owned 3 computers and taken about 6 computer courses from Ivy Tech. Microsoft is certainly the leader in development and innovation of records for business.

WHERE would industry and our economy be today with the without the technology that for the most part has been pioneered and developed by Microsoft?

The terms that Microsoft and the D.O.J. have agreed upon are productive, detailed and in the interest of the entire IT sector. Microsoft has agreed to design versions of Windows that will allow easier installation of non-Microsoft software. Along with this, they are willing to be monitored by a committee that will make sure that they follow procedure. The IT sector is ready to move forward and get back to business. Can't we help support our technology industry, and stop any further litigation against this settlement?

Let us allow our software companies to work together in order to maintain our place in the global market.

Please help to support the agreement as it is, and let the terms speak for themselves.

Please don't shackle and penalize Microsoft further because of it's initiative and hard work to become the leader. The world desperately needs Microsoft's expertise.

Sincerely,

John Varner

MTC–00010521

From: Charles Jones
To: Microsoft ATR
Date: 1/11/02 9:36pm
Subject: Microsoft Settlement

12112 Olive Trail
Plymouth, IN 46563–9385
January 11, 2002
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Attorney General Ashcroft:

I am writing to express my opinion that litigation against Microsoft should have never occurred in the first place. Our government has dragged this thing out long enough while it should be focusing on far more important issues.

One of the first items of the settlement I would like to address has to do with contractual restrictions. Under terms of the settlement, Microsoft has agreed to not enter into any third party agreements, which require distributors to exclusively deliver their items, or at a fixed percentage. This is how most companies maintain market share such as Pepsi and Coca-Cola. I believe this concession is detrimental to Microsoft and inhibits their ability to compete in a free market.

Secondly, in regards to the disclosure of interfaces that Microsoft is being forced to do, I think that it is ludicrous. Microsoft has been the leading innovator of technology and services over the last decade. They should be rewarded for their innovation and be allowed to keep their technological secrets that have propelled them to where they are today.

The best interests of the American public will be served when the nine states drop their lawsuits. The government must stop interfering with private enterprise.

Sincerely,

Charles E. Jones

MTC–00010522

From: Alex Amies
To: Microsoft ATR
Date: 1/11/02 9:44pm
Subject: Microsoft Settlement

I wish to comment on the proposed United States v. Microsoft Settlement.

I do not believe that the settlment is strong enough to create a level playing field between Microsoft and it's competitors. In particular, it will have the following impact on me as a computer programmer: (1) Force me to invest my time learning proprietary Microsoft technologies rather than industry standards.

Microsoft in many cases stubbornly refuses to follow open industry standards and since they create the most commonly used platforms everybody else has to learn to use Microsoft's own versions of API's, protocols, and formats. Therefore, I get to spend less time learning technologies that can be applied to other operating systems. A monopoly company should be required to follow open industry standards.

(2) Force me to use Windows as my desktop operating system when I would prefer to use something else. I would prefer to use Linux and that would be an option for me at work if the Netscape mail client on Linux (which follows the IMAP and POP3 standards) is not compatible with the Microsoft Exchange Mail server that my company operates for its staff. I am very dependent on email communication and, in fact, cannot work without it. A monopoly company should be required to produce network software that is compatible with products from other vendors.

Alex Amies (US Citizen)
192 Woodbury
Irvine, CA 92620
949/255 3302

MTC–00010523

From: tom@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/11/02 9:47pm
Subject: Microsoft Settlement

As an independent software engineer, I hope you reign in Microsoft and curtail its evil practices. Any company who has a monopoly on the OS should not be able to sell applications for that OS. Any programmer just knows this is right.

Thanks,

Tom Gordon
Stratosoft Inc.

MTC–00010524

From: Daniel A. Myerson
To: Microsoft ATR
Date: 1/11/02 10:11pm
Subject: Settlement

The attack by the justice department was unjust. How could any settlement be called unjust in those circumtances?

Dan Myerson

MTC–00010525

From: Tee Freddy
To: Microsoft ATR
Date: 1/11/02 10:12pm
Subject: Microsoft Settlement

P.O. Box 503
Clinton, Louisiana 70722
January 10, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW.,
Washington, DC 20530
Dear Mr. Ashcroft:

I support the settlement reached between Microsoft and the Department of Justice. Although I believe that antitrust litigation in this case was unwarranted, Microsoft should be able to move on with its business under the terms stipulated in the settlement. Microsoft has made concessions like increased information sharing and non-retaliation clauses in the settlement.

Microsoft has done worlds of good for the technology industry. In the past decade, Microsoft has provided consumers with high-quality, user-friendly software. Their products are the frameworks for the technology industry. As such, this antitrust dispute has served only to curb the productivity previously seen in the IT industry. Hence, this settlement is in the best interests of the state and the economy.

At this time of recession, it is critical that Microsoft be allowed to concentrate on business now.

Sincerely,

Fred Alsup
CC:fin@mobilizationoffice.com@inetgw

MTC–00010526

From: John Edge
To: Microsoft ATR
Date: 1/12/02 1:16pm
Subject: microsoft

I am an Australian and it worried me that Microsoft seem to be dictating the law rather than being judged.

It really does give the impression that big money is exempt from penalties.

John Edge
Australia

MTC–00010527

From: Karen Mazza
To: Microsoft ATR
Date: 1/11/02 10:43pm
Subject: Microsoft Settlement

To Whom It May Concern at the Justice Department:

Enough already with trying to punish Microsoft. As a consumer, I am happy with their products, and think they do a better job than anyone else. All this trial did was waste taxpayer money, and punish investors. It is time for the government to get out of trying to regulate industries, and let the market do its own work. The market is far better at regulating competition than lawyers and bureaucrats!!! Let the market and consumers decide which products are the best!! Untie corporations' hands and let them do their work of producing superior products WITHOUT government interference! In this economy, we need to let our companies produce new and innovative products and technologies to help create new jobs. It is time to end Clinton's era of anti-trust law abuse. The settlement is enough. Stop now.

Sincerely,

Karen Mazza

MTC–00010528

From: Robert Dollins
To: Microsoft ATR
Date: 1/11/02 10:47pm
Subject: Microsoft deserves harsh judgement

Having been an often unwilling customer of Microsoft's since it's early days of being only a computer languages supplier, I can attest to negative effects of their predatory and unfair practices toward both customers and competitors. Many new startups and innovative companies now lie in the dustbin of computing history because of Microsoft's practices, very often to the detriment of the consumer.

In my opinion, there is no judgement too harsh to place and enforce against Microsoft to minimize the practices in which they have habitually engaged. The arrogance of Bill Gates and the entire corporate structure of Microsoft deserves the most rigid of punishment and restriction from competiting unfairly. The consumer and innovative new products and capabilities will benefit.

Robert Dollins

MTC–00010529

From: Aglialoro, John
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/11/02 10:51pm
Subject: The U.S. Government and Microsoft Corporation

The stunning achievement of Microsoft as a noble enterprise is its great gift to the general public.....the access to useful and inexpensive information. This voluntary transaction by a willing consumer exchanging a pittance of cost for the value received should result in a chorus of support by U. S. officials. The high profits EARNED by Microsoft which produce huge government income and high employment that creates more productivity and further government tax income by those gainfully employed should guarantee unwavering support for the existence, growth, and continuance of Microsoft as a standard of awe and respect.

And yet, unconscionably, competitors of less sterner stuff in alliance with pale political will and bureaucratic force, characterize an angel of deliverance as its opposite.....FOR SHAME !! There must be agents of reason within the corridors of government who could reverse the nonsense and give due reverence to the man and his company and therefore give reverence to the sacred philosophy our blessed nation was founded upon.

John Aglialoro, CEO
Cybex International
john—aglialoro@umholdings.com

MTC–00010530

From: David A. Cobb
To: Microsoft ATR
Date: 1/11/02 10:49pm
Subject: Microsoft Settlement

Gentlefolk:

I am a professional software developer of over thirty years experience. Thus I have watched, and been affected by, many of the changes in the business of information technology during a period when it has changed dramatically. The desktop platform has not, until recently, been a major focus of my work; however, I have been a user of desktop systems for about twelve years and have used a considerable variety of both Microsoft and competing products.

Microsoft is certainly capable of producing good software. So are many others. However, Microsoft does not consistantly do so, because, in my opinion, they don't need to be good to win. This is a most deplorable situation for both business users and developers. So long as one company remains ''the only game in town,'' American software products will be somewhat less than they could become.

I have watched from the sidelines as one competitor after another has been crushed. Sometimes, to be sure, it was because they could not produce a product as good as or better than a Microsoft product. But often it was for other reasons having little to do with the technical merits of the products.

Microsoft can easily afford to give away software, as they have done with their Internet Explorer. Likewise, their ''deals'' with OEM system builders lets them put their products in the hands of users at a perceived price no competitor can match. Even without the economic muscle provided by Microsoft's wealth and monopoly power, the production of software invites this sort of marketing—however high the cost of initially developing a product, the cost of reproducing it is practically nothing.

I have read the Proposed Final Judgement with bemused dismay. I am no lawer and don't pretend to understand all of it. But it seems clear that this is barely a ''slap on the wrist.'' Microsoft is hardly constrained from continuing its version of ''business as usual.'' This seems extraordinary in the face of a strong judgement that they have indeed routinely engaged in unlawful business practices.

My memory reaches back over many years of this business to a time when IBM was the ''2000 pound gorilla,'' and was constrained in several ways by one or another consent decree. A part of the means used then seems very appropriate now: *I recommend that the PFJ be ammended to require the complete unbundling of operating system software from (hardware) systems.*

Specifically, let the OEM builders construct their systems and then offer the consumer a choice of software *at retail prices* to be installed. This will immediately eliminate the consumer's illusion that the pre-installed Windows software, with all it's newly bundled add ons, is free. Let the consumer see that, for example, the hardware costs $700, the Windows OS costs $200 or a Linux OS costs $50; the Internet Explorer browser is included in the OS, Netscape for Linux costs $25, etc. I realize that the OEM's are not a party to the judgement; the terms would need to be something like: ''Microsoft shall cause all software to be marked with the price at which it is to be sold, whether at retail or pre-installed, and shall not contract with any OEM or system integrator to imply that the pre-installed software is being provided free or at negligible cost.'' Further, Microsoft should be constrained to offer its software to any OEM or system integrator at a cost determined only by the volume of sales—with no covenants concerning what software packages the OEM may elect to market with his systems.

This is the best opportunity the US will have for many years to come, to restore a measure of competitiveness in an industry that is becoming rapidly less competitive by the month. Please do not throw it away.

Sincerely yours,
David A. Cobb, Software Engineer
7 Lenox Ave
West Warwick, RI 02893–3918

MTC–00010531

From: Andrew Clerkin
To: Microsoft ATR
Date: 1/11/02 10:54pm
Subject: Time to end anti-trust case

I believe that it is time to end the anti-trust case against Microsoft. The government has wasted way too much time and money on this case. I'm a consumer and I don't think Microsoft has hurt me. If people don't want their products they don't have to buy them. There are alternatives available. This case was pushed down our throats by competitors who want a short cut to the top. Rather than compete with Microsoft they figured it would be easier to get the DOJ to go after them. Even the experts in the field have no idea how computer technology will evolve. I think it is absolutely ludicrous to think that government bureaucrats would be able to figure out how technology will evolve and how the government should control it. Let the free market run it's course. The DOJ totally screwed up the telephone system in this country. Prior to the break up of AT&T we had a regulated monopoly that worked great. Now we have an unregulated monopoly and the whole system is screwed up thanks to the DOJ. The point is that ''it ain't broke, so don't try to fix it''.

Sincerely,
Andrew Clerkin

MTC–00010532

From: Mehelis@aol.com@inetgw
To: Microsoft ATR
Date: 1/11/02 11:00pm
Subject: Microsoft Settlement

1430 Aerial Way SE
Salem, OR 97302–1606
January 11, 2002
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Attorney General Ashcroft:

After three years of unnecessary legal battles, I was pleased to hear that a settlement between the federal government and Microsoft has been reached. Considering the terms of the agreement, Microsoft did not get off easily. In fact, Microsoft has to make several significant changes to the way that they handle their business. For example, Microsoft has agreed to make available to its competitors, any protocols implemented in Windows' operating system products that are used to interoperate natively with any Microsoft server operating system.

With the many terms of the agreement, I see no reason to pursue further litigation on any level.

Sincerely,
Anna McNeil

MTC–00010533

From: Schulman
To: Microsoft ATR
Date: 1/11/02 11:07pm
Subject: Microsoft Settlement

After the United States Government pursued breaking up the phone company at great cost to the taxpayer, the ultimate result was higher costs for service, poorer quality service, nuisance competitive advertising and illegal switching of services, and the little Bells are starting to merge together to improve service, reduce cost and get a better handle on management.

Regarding the Microsoft Settlement, all I see is that the United States Government is demonstrating again that it did not learn from historical reference. Ultimately, the consumer will not benefit, the taxpayer will have footed an enormous cost, and Microsoft will end up the winner anyhow. It's a lose/lose game and the Government is making the rules to make sure that the real loser is still the consumer.

I think the United States Government cannot run private business as well as private

business can. As it is, there are too many incompetent administrators with guaranteed job security and high salaries in the government that would have been fired in the private sector for excessive waste of profits and poor business handling.

I would grade the Government's efforts in this matter a C minus—and that is being generous.

After all, the private sector cannot provide a military with such waste and lost records as has been shown time and time again and still manage to protect our country with other people's money as our Government can.

DENNIS SCHULMAN
9591 128TH TERRACE N
LARGO FL 33773

MTC–00010534

From: Ishmel Taylor
To: Microsoft Settlement
Date: 1/11/02 10:39pm
Subject: Microsoft Settlement

Ishmel Taylor
11059 Continental
Warren, MI 48089–1734
January 11, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Ishmel Taylor

MTC–00010535

From: Edna Earle Crews
To: Microsoft ATR
Date: 1/11/02 11:04pm
Subject: End The Clinton-era Anti-trust law abuse

Dear Sirs:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and was a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending acompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief. Take action soon.

Sincerely,
Edna Earle and Raiford Crews
2087 Crews Lane
Crystal Springs, MS 39059

MTC–00010536

From: ACalapai@aol.com@inetgw
To: Microsoft ATR
Date: 1/11/02 11:05pm
Subject: (no subject)

GENTLEMEN:

BASED ON WHAT NEWS WE HAVE , I FEEL THAT THE JUDGE IN THIS CASE IS BIASED AGAINST MICROSOFT AND SYMPATHETIC TO APPLE CO AND OTHER COMPETITORS OF MICROSOFT.

I DO NOT SEE APPLE COMPUTOR DONATING ANY EQUIPMENT TO ANY SCHOOLS OF NEEDY CHILDREN, BUT YET THEY CRITICIZE MICROSOFT AS BEING UNFAIR OR WANTING AN ADVANTAGE TO PENETRATE THE SCHOOL SYSTEM WITH THEIR WARES. BECAUSE THE COMPETITORS ARE UNABE TO COMPETE WITH MICROSOFT THEY TURN TO ENLIST THE COURTS FOR THEIR BENEFIT ON THE BASIS THAT THEY HURT THE THE PUBLIC.

I AM GRATEFUL THAT WE HAVE THE BENEFIT OF THEIR PRODUCTS AND WHAT MICROSOFT HAS CONTRIBUTED TO OUR ECONOMY IF THEIR DONATION WAS INSUFFICIENT WHY DID NOT THE COURT JUST ASK FOR ADDITIONAL BENEFITS.

THE COURTS SHOULD WAKE UP AND NOT BE SO DUPED BY THE STATES ATTORNEY GENERALS WHO ARE STILL NOT SATISFIED AND THE COMPANIES WHO COULD NOT DEFEAT THE ASTUTE MANAGEMENT.

THINK ABOUT ALL THE INVESTORS IRA'S AND PENSION PLANS THAT HAVE BEEN DEVASTED THE COURTS EVEN SAW FIT TO REFUSE MICROSOFT ADDITIOAL TIME TO PREPARE FOR THE CONTINUED CHARGES .

IT SEEMS THAT THIS LETS KEEP GANGING UP ON MICROSOFT BY THE ENEMIES OF MICROSOFT IS GETTING TO BE STANDARD PROCEDURE BY THE COURTS AND SOME BIASED STATES.

THE FINAL OUTCOME THEREFOR IS THAT THESE NEEDY CHILDREN WILL BE DEPRIVED OF THIS BENEFICIAL EQUIPMENT. I HAVE NOOT SEEN ANY CONTRIBUTION FROM APPLE AND

OTHER COMPETITOIRS JUDGE YOU HAVE HURT THESE CHILDREN ACALAPAI

MTC–00010539

From: Joan B. DeMarcus
To: Microsoft ATR
Date: 1/11/02 11:19pm
Subject: Microsoft Settlement

I will be brief. The U.S. should adopt laissez-faire capiltalism. Let Microsoft go.

Microsoft dominated the market because it was the most productive and efficient company in its marketing field. Productivity and efficiency are virtues. No person or company should be punished for their virtues.

As for the U.S. antitrust laws, they are fraudulent and should be repealed.

Joan B. DeMarcus

MTC–00010540

From: Anita
To: Microsoft ATR
Date: 1/11/02 11:33pm
Subject: Microsoft Settlement

I agree with this action and think the government would be better served if they would quit undermining the businesses that keep this country running head and shoulders above all the others.

Thank you,
A.L. Farina

MTC–00010541

From: Chris Wood
To: Microsoft ATR
Date: 1/11/02 11:40pm
Subject: Make an informed decision

I just spent 9 days trying to make a Microsoft Windows 2000 server work with a Unix SAMBA server. (SAMBA is an NT4 compatible open source protocol so that windows users can access unix file systems as if they were windows file systems.) If you research the history of Samba and the nightmares they have had trying to figure out how Microsoft uses the SMB protocol, you will quickly see the efforts Microsoft goes through to break the Samba compatibility. Each time a new version of windows comes out, it is just different enough to cause problems for Samba/Unix administrators. As an administrator, once you spend 9 days trying to find a problem (and the problem is directly related to microsoft keeping the protocols secret and changing the protocols) you curse Microsoft.

After cursing them, you realize why some companies only use Microsoft —because MS has made it near impossible to use anything else but them. The second thing to consider is the same tactics related to MS Office. Each version uses a new format (which again is secret). Not only does this make it near impossible to use Corel Office, et al, it also forces customers to upgrade MS Office when a new version comes out because the old version is not compatible with the new version. Our company has to share files with other companies and if we can't open their files, then we can't do business with them. If they use MS Office, then we have to be able to support that too. We have been trying to use Corel Office which is a fraction of the cost, but the inability to keep up with Microsoft's file format changes might force us to drop $50,000 into getting 200 users onto MS Office.

Now, not only does MS force you to upgrade... most companies prefer to upgrade their office applications every 4 years, but Microsoft's new licensing policies will require companies to upgrade every 2 years. Where are the choices for the users? Sure, you can choose other options but you may not remain in business if you do because of the external forces of MS as I listed above. Beware .Net, the new Comcast/ATT cable deal, Xbox, ERP things they are planning, etc,

and you have an ever more dangerous MS. Don't just think of punishing their past, but controlling their current actions and future actions. They are more of a threat right now than they ever have been. The current DOJ proposal's are the equivalant of dropping the case. A $1 billion dollar cash penalty plus restrictions still may not stop them (do you realize how much cash they have in the bank?) and the current proposal doesn't even get near this.

Chris

MTC–00010542

From: mitchen
To: Microsoft ATR
Date: 1/12/02 12:02am
Subject: Microsoft Settlement

Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
email: microsoft.atr@usdoj.gov
Fax 1–202–307–1454 or 1–202–616–9937

Dear Ms. Hesse:

I am a software developer and IT professional. I've been following the Microsoft Antitrust case and recent developments with the DOJ settlement. As a professional, I can testify that Microsoft is a monopoly and its dominance affects average consumer who have to pay a high price for a not so good product. To give you an example of a monopoly, let me ask you if you have a TV set at home? When you purchased your TV, did you go to a big store where a sales person helped you to choose among dozens, if not hundreds, of different models, didn't her/she? Even if you went to a small shop on the corner, you probably looked at a few models anyway. When you brought your TV home and hooked it up to your antenna or satellite dish, how many channels can you watch? Probably more than one, at least. You get your network channels, your cable channels, your public television, and of course all these home shopping channels on all kinds of airwaves spectrum. Now, please let me know what would it be called, if you go to a store to buy a TV and all the brands and models belong to the same manufacturer.

Well, you want to watch TV, so even if all the sets are made in one place, based on one technology, rely on the same set of commands and have the same menu for operations, you still would buy it, because again, you really want to watch TV and you don't care about the brand that much. Ok, you brought your TV home, you hooked it up to whatever you have: antenna on the roof, your satellite dish, you cable or all of the above. You are done working, it's time to have fun. You grab you coke and pop-corn, get in your favorite chair, grab the remote and push the Power button. Ta-da! You are watching it and everything is great but suddenly you are starting to notice that you can watch only certain channels. And the stingiest thing is that you are watching only channels which are owned by the same company which manufactured your TV. Even though there are a lot of channels to choose from and they offer a seemingly great number of topics and programming, they still all originated in the same place where your TV set was made. Your friend tells you about some other channels which you can't get on your TV.

You have to go through enormous pain to get those ''other'' channels on your TV: you have to call that nerdy guy from work and have him do some magic work on your TV, downloading and installing different special systems to allow compatibility of your TV with ''other'' channels. Ok, you spent enough time and effort to get your TV fully compatible with all channels and programs. Few months (weeks, days, minutes) later, you get news from the company which manufactured your TV that your set is very insecure, full of hidden problems, dangerous to operate if you don't know what you are doing and all your neighbors can see what's going on in your living room through your new TV set's screen. You are panicking, you are calling tech support, the nerdy guy from work and other experts in TV so that they protect your privacy and your living room. Again, almost all the problems seem to be solved, but you are a little bit jumpy and you don't look at your new TV the same way as only a short time ago. There are still some problems with your TV. Did I mention that you can't buy VCR, DVD player, stereo or any other system to connect to your TV, unless it's also manufactured by the same company that made your TV set? And of course, VCR tapes and DVD discs that you rent at your favorite rental store must only be made by... guess who? You got it, your TV set manufacturer! But even this is not the worst part. Soon you hear again from the manufacturer that all remaining problems with your TV will be fixed in the new model which you must buy to ensure that your viewing pleasure continues since the company is changing format of all its TV, radio, video, etc. programming and only the new model TV set will be able to receive it. Devastated, you through away your ''old'' but still perfectly good TV set (except that it's kind of useless now) and get in line at your favorite big (or small) TV store to buy the new latest and greatest TV set. And the story continues again and again in the same manner.

So, do you think that this is a monopoly? I hope you do, and I hope that you will pass this message around to other people in DOJ. Please let me know if you have any question or if I can be of any help to you and your colleagues in this matter.

Sincerely,
Alexander Mitchen
IT developer

MTC–00010543

From: Cristea, Eugen
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/12/02 12:19am
Subject: monopol == no good

Dear Judge,

I believe there are thousands of e-mails regarding this case.I will try all my best to be short and sharp. In 1999 i have to buy a new computer because my old one was very slow.Usual, computer prices are droping every few months.At that time the situation was different and special the cost for the memory was up.Why?There was a big earthquake in Taiwan and Taiwan is a main memory producer. In a few months everything was back to normal but i believe you understand my point.In this case it was a natural disaster, but it could be anything.Your car has two separate brake circuits in case one of them fails.What if Microsoft will get bought by a sick mind like those responsible for the 11-th september.There are many ways things could go wrong in this situation.It's risky to put your money in just one place.

Anyway, life will go on with or without Microsoft.Roman Empire was powerfull and invincible for a long time but it disapear in the final.

just a small dot in this world,
eugen

MTC–00010544

From: Ishtiyaq Bhatti
To: Microsoft ATR,gws@clickaction.com@inetgw
Date: 1/12/02 12:24am
Subject: Microsoft Settlement

Judge Kollar-Kotally,

I am an educated housewife and mother, having a master's degree in education. I've opted to stay at home since I have a 22 month old baby.

I came to know through a friend some of the aspects of the Proposed Settlement made by the Justice Department with Microsoft, and I am displeased by them. Firstly, how could the Justice Department grant Microsoft a government-mandated monopoly of the software industry and even worse— other technology markets? Definitely such decision would seriously jeopardize all serious competitors - both now and in the future. We're living in a free and capitalistic society, and one of the advantages of it is that people have the right to choose from among several brands of one single item, and in this case, software. I would want to see a healthy competition of several software companies, in order to make prices competitive as well. Secondly, how could the Justice Department condone Microsoft for violating the antitrust law and even for its illegal conduct e.g. bribing other competitors in order to stop their operation. What is the Justice Department's motive behind this action?

Your Honor, I would want Microsoft be brought to justice for the good of this present as well as the future generation.

Respectfully,
Meldy Bhatti
P.O. Box 184
Rantoul, IL 61866

MTC–00010545

From: Lucio DiGiovanni
To: Microsoft ATR
Date: 1/12/02 12:30am

Microsoft has Not been dealt a fair deal

A fair deal would have been to be split Microsoft up so that Apple could have had a chance to sell a more consumer friendly product for the past 5 years instead of being squashed to 5% market share.

MTC–00010546

From: Kay Schenk
To: Microsoft ATR
Date: 1/12/02 12:31am
Subject: Micsrosoft Settlement

Kay Schenk, MizK

''The probability that we may fail in the struggle ought not to deter us from the support of a cause we believe to be just.'' — Abraham Lincoln

I would like to take this opportunity to thank the judges and counsel involved in the Microsoft antitrust case, #98–1232, for allowing public comment on your final decision. I'm sure by now you have received many responses from interested citizens like myself.

I hold a master's degree in Computer Science which I obtained in 1976. I've worked continually with computers since that time. My occupational setting has been primarily with academic institutions where I have been involved in many different roles since 1976: as computing support personnel, as a programmer, and in my current title as Web Master for the two main web sites at California State University, Chico. Needless to say, I have lived through more changes in the computer industry than I can even remember at this point.

I have attempted to follow this particular antitrust against Microsoft for several reasons not the least is my current involvement in Web development, where the ''browser'' software of course is an integral component. However, what I find really interesting is that it was this particular piece of software apparently caused this complaint to be filed. (I don't really define this as ''middleware'' since that term carries a very different connotation to me.)

In my mind, many of Microsoft's business practices, this being just one of many, have certainly been worthy of this type of complaint. But I digress. I read with interest the ''Competitive Impact Statement'' that was posted to the DOJ Web site around mid November, 2001. What I found particularly interesting was this statement: Appropriate injunctive relief in an antitrust case should: (1) end the unlawful conduct; (2)''avoid a recurrence of the violation''; and, (3) undo its anti-competitive consequences. Additionally, you state that:

Restoring competition is the ''key to the whole question of antitrust remedy''. You then go on in this same paragraph (section IV.B. of the ''Competitive Impact Statement'') to describe how Microsoft's illegal conduct maintained the application barrier to entry in the personal computer operating systems market by its practice with the particular middleware product, its Internet Explorer browser.

Unfortunately, in my mind anyway, this is only one very small instance of the type of practices carried out by Microsoft for years to thwart any and all development not only in the PC operating systems market but the PC applications market as well. And, I don't feel your proposed Final Judgment will fulfill the any of the goals of ''injunctive relief'' at all in the long run. Much more has gone on in the computer industry since this complaint was filed in 1998, and I can tell you with absolutely certainty, that many more anticompetitive moves and harmful monopolistic practices have been carried out by Microsoft in these last five years. Some, even, have severely compromised the entire Internet. The initial complaint contains 129 paragraphs of description. They seem to provide a good overview of Microsoft's former practices with OEMs with respect to the installation of the Windows operating system and severe restrictions placed on these OEMs concerning the installation of other, many better, non-Microsoft products. Frankly, I don't see the current case so much as directly realting to the browser product, as the incredible amount of market share Microsoft amassed from say 1990–1998 because of these practices and others.

Because Microsoft controls the PC operating systems market, it found a way to convince your office for one, that certain features it ''incorporated'' into more recent versions of its operating system, Windows 95, for example, were really part and parcel of the OS, and not just unnecessary elements it decided to include to increase its share in other markets. Incorporating Internet Explorer directly into Windows 95, and not easily removed, was just one such tactic. At about the same time, Microsoft made significant strides, fully aware of the Internet's expansion about that time, to include ''monitoring'' pieces, if you will, into the Windows 95 operating system to basically track users without their knowledge. Many of these ''features'' were well publicized on the Internet when discovered and ways were found to disable them much to Microsoft's chagrin, I dare say. I'm sure you must be aware of a letter to President Clinton by Ralph Nader on July 26, 1995 concerning some of this.

In reality, something like browser ''middleware'' is not even remotely required by an operating system, whose only function really is to provide a means to address the memory available and devices attached to your machine, and load some modicum of software processing power into memory to enable you to program your computer. Anything else on top of this primary function, I classify as ''utilities'' or ''user interfaces'' or ''software applications''. Browsers, as an entity, do not really pose any threats from a competitive standpoint to operating systems in my mind. If this is Microsoft's excuse for their conduct, I stand dumbfounded.

The Final Judgment certainly is a step forward in curtailing Microsoft's current unethical practices, but it certainly does not mitigate, in any way, prior grievances not does it prevent the kind of development practices that have basically enabled Microsoft to totally dominate the PC OS market to begin with.

The biggest positive of this Judgment in my opinion is the requirement that Microsoft provide its Apis and Communications Protocol specifications to developers and and OEMS (sections III.D. and III.E.) Although this requirement does not ''open up'' what Microsoft considers its operating system, it will at least hopefully provide the development community at large much needed information on how others can provide comparable ''middleware'' products.

However, even this requirement comes with a loophole that the Justice department will no doubt find difficult to challenge if one were to believe Microsoft. Section III.J.1. states that Microsoft is not obligated to provide APIA information which it feels ''would compromise the security of a particular installation or group of installations of anti-piracy, anti-virus, software licensing .... ''I would guess given our current Internet computing environment, that Microsoft might claim that major portions of its Windows OS might fall into this umbrella definition. The upshot of such a loophole will be that Microsoft will continue to capitalize on its monopoly power and reveal very little that will directly benefit additional developers. Microsoft has attained much of its OS monopoly power by developing its own applications, which just coincidentally work best with its own OS. This is no accident. It is absolutely because Microsoft has refused to disclose certain details of the Windows internals to the development community at large.

The appointment of a Technical Committee (detailed in Section IV. Compliance and Enforcement Procedures) seems to be a great requirement at first look. However, I question the politeness of allowing Microsoft to be involved at all in choosing these individuals. This is nonsense.

I also highly object to the restrictions placed on the TC members in terms of public access and accountability to the public. This antitrust suit presumably serves the public interest! And only that. The only communication from the public at large that I can decipher from the Judgment is item IV.B.8.d.:

''The ETC shall complaints from the Compliance Officer, third parties, or the Plaintiffs and handle them in the manner specified in section IV.D. below''. I guess I would have to ask: what third parties? Who do I complain to as a private citizen? My state attorney general? Additionally, nowhere in this Judgment is there a mechanism for even informing the public who these TC members are. This is the Internet age. Given th enormous public exposure of this case with nearly all pertaining information posted to the DOJ Web site that this rather critical follow-up is completely shrouded in privacy.

In this regard, I find items IV.B.9 and IV.B.10 especially of concern. I don't think Microsoft should have the opportunity to govern how the implementation of this part of the Judgment is implemented. And this is what seems to be taking place in the description of these two points. Additionally, I find the payment of the TC by Microsoft troublesome without further details. Why wouldn't an escrow account to which Microsoft contributes a fixed annual amount simply be established based on cost estimates? It seems incredibly unwise for Microsoft to be directly in charge of paying the TC. Again, it is difficult to determine actual implementation details based on what you've published.

These are specific issues I have with the Final Judgment as it is currently written. However, like many, I feel this Judgment is woefully inadequate in addressing the ''larger'' issues of Microsoft's business practices, which are integrally tied to its monopolistic position. Microsoft's unethical business practices are a direct result of its monopoly power and the desire to ensure that the proprietary APIs on which much of

the Windows environment has been built would be used as definitive ''standards'' in nearly every aspect of computing—from the desktop to the Internet. To this end, Microsoft has attempted to thwart nearly every aspect of ''open standards'' that have existed for years. As early as 1995, Microsoft seemed to head a coalition of other vendors in opposing the ''interoperability'' specifications of HR 1555, the communications bill which provided, in part, the V-chip mechanism.

More recently, in its OS distributions, Microsoft has badly implemented the core protocol used by the Internet, t??p/ip, thereby setting up a scenario leading to denial of service attacks on Windows/NT systems, one of which belonged to the U.S. Navy. While this might be attributed to innocent error, many of the Internet community believe such lack of quality testing is solely attributed to Microsoft's monopoly power and a basic ''we don't have to care'' attitude. Microsoft's security problems are so well-known they are documented in literally thousands of sites on the Internet. This scenario wouldn't be quite so fearsome if Microsoft only sold products to businesses who, hopefully, would have the technical expertise to deal with them. But this is not the case in our current society where, according to a U.S. Census report in August, 2000, 42% of households had Internet access. Many of these consumers have very little awareness, much less actual knowledge, of computer security problems and what they could ultimately mean. More sophisticated hacking techniques like distributed denial of service attacks, coupled with total lack of prevention or precaution by household computer users, spells enormous problems! Microsoft is not only a key player in this problem, but, according to nearly every reliable source dealing with computer security issues, THE key player. The reason why is simple—they're a monopoly, they don't have to care.

Microsoft itself is now so concerned about its reputation in this area that it has publicized that ''white hat'' hackers who expose these problems only add to the problem. This is ludicrous! Is it not the vendor's responsibility to fully test such products under many adverse conditions to determine worthiness. Apparently not for Microsoft, who, in its zeal to rush products to market, has not taken the time, or can't be concerned enough to take the time! More recently, according to a post to a well-know British web site on 12/13/2001, Microsoft continues its highly debatable business practices by essentially ''bribing'' security by offering them upwards of approximately $30,000 worth of software for $1,450:

''All you have to do is keep silent about any Microsoft security bugs you might discover, until Redmond authorizes you to speak.

Oh, and you have to employ at least two exclusive Microsoft Certified Professionals, such as MCSEs.''

The story gets better but I'll spare you the details.

My point in all this is simple. Microsoft has employed unethical business practices from its inception. It continues these practices even I write this. This Final Judgment will not stop those practices. There are too many loopholes and the implementation, however well-intentioned, is fraught with problems. Microsoft is a monopoly and as such operates the way most monopolies do with little concern for quality, customer satisfaction, or long-term innovation.

They exist to conquer competition in any way possible including but not limited to marketing products of exceptionally poor quality with the expectation that the consumer will just buy into it because it's the only game in town.

The main function of any antitrust remedy in my mind is to protect the consumer. Your other goals are worthwhile but not really the main point. Your Final Judgment does little really to protect the consumer and in fact, denies the consumer access to intricacies of the Judgment itself. The best outcome of this case would be to divide Microsoft up into individual entities presumably an operating systems division, an applications division, and a networking division, sc at least, the hope anyway, the new divisions would at least be on equal footing with competitors and Microsoft might be prevented from deceiving consumers into believing all that is not really an operating system, is.

Thank you for your consideration of this response.

MTC–00010547

From: Andrew Harrod
To: Microsoft ATR
Date: 1/12/02 1:03am
Subject: Microsoft settlement
Andrew Harrod, M.A.L.D.
1512 Bremerton Lane
Keswick, VA 22947–9148
(434) 295–8328

To whom it may concern:

I wish to write in support of the proposed Microsoft anti-trust settlement. I feel that the American taxpayers have supported this law suit long enough and that it is time to move on.

Andrew E. Harrod

MTC–00010548

From: DHscoggin@aol.com@inetgw
To: Microsoft ATR
Date: 1/12/02 1:04am
Subject: Microsoft Overcharging

I think the charge that Microsoft has used its monopoly power to overcharge the consumer is ludicrous. Don't understand how they can be coincidentialy charged with overcharging the consumer and also bundling additional capability into their products at no / low cost to drive their competitors out of business. Also, it is clear that Microsoft has been a catlyst for innovation in the computer technology field rather than an inhibtor. Let's move on to something more important like the pillage of Enron.

MTC–00010549

From: Bill Adams
To: Microsoft ATR
Date: 1/12/02 1:21am
Subject: Microsoft Settlement

Dear Department of Justice,

Microsoft also known herein as MS has intentionally restricted use of the java programming language as an included feature in their new browsers, siting various and conflicting criteria for doing so. This prevents millions of websites with such existing technology from having it used, prohibits good and fair trade and stifles innovation. This feature can be worked around by the many of millions of developers who created the content at a tremendous expense in time and energy. A free web site that I developed (http://www.SeeMyDesign.com) and continue provide for the good of society, employs such technology and has been running successfully since 1997 but key features will become defunct because MS chooses to hurt the end user.

This removal of industry standard functionality (has been free and available for 5!! years in all browsers) is in light of MS bundling many other features in the operating system which have the effect of promoting and locking the users into the MS operating environment and in effect, becoming free to those that purchase a computer.

An example is the .mov movie MIME type that Apple computer utilizes to dislay their interactive content on the windows platforms. This change prevents Apple quicktime from properly displaying and playing in to name an example: Windows2000. No message or information is provided. This specific example can be seen when viewing Quicktime VR content. Not only does a message not pop-up in the browser indicating the content cannot be displayed, but nothing happens at all—which for the average user, won't know what action to take.

This small example is MS mode of operation and has been since the beginning. I urge, beg and emplore you to make mandatory, an invitation from MS to 3rd party vendors to include their windows-certified softwares with the MS operating system install media (CD's, etc.). I also strongly feel that MS should be penalized for their past actions of which penalty should be of monetary nature and provide good to the whole of humanity such as providing learning material to schools, but NOT providing software and computer which exasterbate the problem. Thank you for your consideration of these issues and for providing a conscious for those that do not know technology well enough to make informed decisions and those that do know it well enough but don't use alternative tools because comparable ones are bundled with the operating system. PLEASE contact me if you have any questions, need a voice or would like additional opinions.

Sincerely,
Bill Adams—Founder,
www.SeeMyDesign.com
801–484–3319
promote@seemydesign.com

MTC–00010550

From: Jsam42@aol.com@inetgw
To: Microsoft ATR
Date: 1/12/02 1:26am
Subject: MICROSOFT SETTLEMENT

Dear Sir,

Please stop harrassing Microsoft for being so successful. Bill Gates is one of the true heroes of this country. Please settle this case.

Sincerely,
John S. Samolitis
1545 W. Chase #203
Chicago, Il 60626
773–764–5336

MTC–00010551

From: dusty holman
To: Microsoft ATR
Date: 1/12/02 1:47am
Subject: Microsoft

I am retired from Texaco after 39 years as an electrical engineer.

I think you will find that if it was not for Bill Gates that the computer industry would be in shambles.

Microsoft standardized computers and their operating system. If it were not for Microsoft there would be chaos in operating systems and no one would be able to walk up to a computer anywhere and operate it.

How does Bill Gates overcharge for his products? I was under the impression that in the USA you could charge anything you want to for your own products.....if folks don't want to buy it they don't have to.

You can always go out and build your own operating system. Like Apple; like IBM. It is very simple as they found out.

For some reason I think the Justice Department is trying to destroy Microsoft so the Chinese can take over computers.....wonder why I think that?

Dusty Holman

MTC–00010552

From: Ruth Harris
To: Microsoft ATR
Date: 1/12/02 2:15am
Subject: Microsoft settlement

I am disappointed that the DOJ seems to have caved in to Microsoft. This is a company that engages in clearly unethical behavior. I can give you an example. A friend who is a consultant works closely with a business organization and had his email account through them and the ISP they used which also hosted their website. The organization decided to make online ordering of their products available to their customers.

In order to do this they needed ''shopping cart'' software and decided to purchase that offered by Microsoft. They went to the appropriate website to download it and went through all the steps to do so. At the end when they clicked the button to complete the process, the Microsoft website hijacked their website off their ISP's server. They were unable to get the process undone. Phone calls to Microsoft were futile. They all lost their email access as a result

I don't care how much money Bill Gates donated to politicians. This sort of behavior should be stopped.

Ruth Harris
Santa Rosa, CA

MTC–00010553

From: tom@nzymes.com@inetgw
To: Microsoft ATR
Date: 1/12/02 2:16am
Subject: Enough Already!

This country became the Great Country it is because of the free marketplace. Why does the government feel it has the right to control any part or faction of that marketplace. It has to stop before you destroy the initiative of every small business in America. Whenever the opportunity arises for Attorneys of any ilk to practice their trade of twisted truths and distortions especially against the free will of businessmen in America we, as a country take another step towards their great socialist dream.

Thomas Stansbury,
Westminster, CA

MTC–00010554

From: madhavan.s. madhavan.s.
To: Microsoft ATR
Date: 1/12/02 2:39am
Subject: Microsoft Settlement.

Sir,

I strongly in line with Sun's view of the issue as i am a Java Developer and i am expecting the Java to play a leading and key role in developing portable,cross-platform applications . So please keep Microsoft out of this Monopolistic behaviour .

Regards,
S.Madhavan.
MADHAVAN.S

MTC–00010555

From: T-Bird Tom
To: Microsoft ATR
Date: 1/12/02 2:42am
Subject: microsoft settlement
7288 Graydon Drive
North Tonawanda, NY 14120–1453
(716) 695–6104
January 11, 2002

Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing you today to voice my opinion in regards to the Microsoft anti- trust dispute. I support Microsoft and am eager to see this dispute come to a timely end. This agreement is thorough and was reached after extensive negotiations and three years of anti-trust dispute. Microsoft has agreed to carry out all provisions outlined in this agreement, such as: disclosing more information about certain internal interfaces in Windows and granting computer makers broad new rights to configure Windows so as to promote non-Microsoft software programs. A technical oversight committee has been created to monitor Microsoft compliance, and companies can sue Microsoft if they feel the company is not complying.

We are facing very difficult economic times. We must do all we can to focus on our lagging economy. It is time to let Microsoft move on and forward. Thank you for your support.

Sincerely,
Thomas Miller

MTC–00010556

From: Dean Stephens
To: Microsoft Settlement
Date: 1/12/02 2:18am
Subject: Microsoft Settlement

Dean Stephens
6310 Green Valley Circle #305
Culver Cith, CA 90230
January 12, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial was always just one more of the ongoing trial lawyer witch hunts. It is high time for this trial to be over. In a hundred years, the people involved in witch hunts such as the tobacco trials, and the Microsoft trial, will be reviled and despised with the same feelings we have today for the bogts who burned witches at the stale. And the investors who propel our economy can finally breathe a sigh of relief, even as the innocent victims of the previous witch hunts finally found peace.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of serving consumers, and not wasting valuable resources on litigation.

Thank you for this opportunity to share my views on the disgusting behavior of America's courts and its slimey lawyers.

Regards,
Dean Stephens

MTC–00010557

From: Chris Stackhouse
To: Microsoft ATR
Date: 1/12/02 3:03am
Subject: Microsoft Settlement

Keep the settlement as is. It has been agreed to by most of the parties, the lawsuit and penalty has clearly made its point, the donations will obviously improve access to computer technology for the poorest schools and kids. Only Microsoft competitors are complaining (or their state's attorneys general).

It's time to move on.

MTC–00010558

From: Bmnov20@cs.com@inetgw
To: Microsoft ATR
Date: 1/12/02 3:06am
Subject: Microsoft settlement

Clinton spent 40 million going after Bill Gates rather than capture bin Laden when he had the chance. Now look where we're at and where are the priorities. Bill Gates is what America is about, the chance to make a difference in the lives of a lot of people and contribute to the economy and provide a lot of jobs. He used his brains to make a buck and many bucks for a lot of people. Because of the DOJ and some crybaby companies everyone in America has lost something. Leave it alone and go after something worthwhile. We in this family are angry.

Mary Linker

MTC–00010559

From: Bebu Corp
To: Microsoft ATR
Date: 1/12/02 3:10am
Subject: Microsoft Settlement

Dear Party,

I think that the Microsoft Settlement is not enough. I work in a non-profit organisation providing refurnished old computers to the poor and disabled. Microsoft has prohibited us from refurnishing old computers with Windows 95 on them. While this operating system is old and unsupported by Microsoft anymore, they still require us to obtain a

license to ''give away'' these donated computers.

I wish that the settlement will consider organisations like ours because we are not breaking hurting anyone but Microsoft is still screwing us up. Those computers were donated to us for free and we simply format the computers, install the old Windows 95 or Windows 3.1 with slower computers, and donate them to new immigrants, poor families, disabled people and orphan homes. We make no money and all of our helpers are doing voluntary work.

Yours Faithfully,
Daniel

MTC–00010560

From: Thamaraiselvan P
To: Microsoft ATR
Date: 1/12/02 3:44am
Subject: Microsoft Settlement

Hi there,

i am strongly opposing Micorosoft Monopoly. This will slowdown/reduce the innovative software development/products. They should provide API/Specification for their products like WORD/EXCEL etc. thanx..

ThamaraiSelvan.P
Member Technical Staff—ADG
E-mail : thamaraiselvanp@planetasia.com
Phone : 5522252/7 ext :511
www.Planetasia.com

''You don't know what you can get away with until you try.''

MTC–00010561

From: rumpwrr
To: Microsoft ATR
Date: 1/12/02 3:33am
Subject: Settelment

For God sake settle this thing now. Microsoft is only guilty of creating a standard operating system that allows all computers to easily communicate. Designing a useful standard is why ''Windows'' is popular not because Microsoft has some sort of manopoly. If the competion in the nine states can't compete let them go out of business.bill Rumpza

MTC–00010562

From: James Wine
To: Microsoft Settlement
Date: 1/12/02 3:35am
Subject: Microsoft Settlement

James Wine
5817–20th Ave
Sacramento, CA 95820–3107
January 12, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
James M. Wine

MTC–00010563

From: jean martin
To: Microsoft ATR
Date: 1/12/02 5:43am
Subject: Microsoft Settlement

It is high time, and long past, to get the Microsoft antitrust case settled and done with. I am almost sure that the very beginning of the economic downturn we are currently trying to climb out of, was first initiated due to the anti-business, anti-capitalist attitude of the previous Administration. I am in full support of the current Administration in its desire to get this case settled without further action. Enough is enough. Please ''call off the dogs''.

Jean L. Martin, M.A., M.S.S.W. (retired)
Richardson, Texas

MTC–00010564

From: Evans Hollandsworth
To: Microsoft ATR
Date: 1/12/02 6:19am
Subject: get over it

Microsoft is definitely guilty!!!!!!!—of using the ''free enterprise'' system which i think has made this country great. Why do we//You want to punish someone for being very successful???

The folks that are pushing these suits are mad cause they didn't have the foresight, intelligence, determination that Bill Gates had.

Gates has given the whole world a usable product.

Let him alone!!!!
Evans Hollandsworth

MTC–00010565

From: Philipp Resl
To: Microsoft ATR
Date: 1/12/02 6:59am
Subject: Microsoft Settlement

I am part of the worldwide network that is working to get BeOS back into the market place, but there is no hope to succes if the following issues aren't addressed:

At first I think it is important to make dual-boot options mandatory, moreover open Office file formats would be a great thing.

I hope this letter helps, and I wish you all the best for your Settlement!

with regards,
Philipp Resl

MTC–00010566

From: sangchul shin
To: Microsoft ATR
Date: 1/12/02 8:31am
Subject: Microsoft Settlement

I am very much concerned about the possibility that Microsoft continue its monoploy on the desktop operating system. It has been proven several times that Microsoft in fact have used its monopoly position to crush the competition. And that is precisely what the court has found: Microsoft broke the law. Now I am amazed U.S. government's leniency toward Microsoft. I want to make sure that you know I am utterly opposed to the US government position on this matter and call for more severe punishment against Microsoft.

MTC–00010567

From: dick@softplc.com@inetgw
To: Microsoft ATR
Date: 1/12/02 8:52am
Subject: Microsoft Settlement

Gentlemen:

Your proposed settlement with Microsoft is unbelievably lenient. It is as if you were not in the courtroom when the evidence was presented. The best observer of this case was Judge Jackson. What the appeals court had to say about his opinions missed the fact that he observed the evidence being presented.

I have been in the software business for 20 years. It is my opinion that your settlement does not go far enough.

Don't cash your checks from Microsoft. Somebody might find out that you have been bought.

I am a Texan, a republican, and a Bush supporter, but if I find out that Bush had anything to do with this settlement, he will not get my vote next election.

Go back to what Judge Jackson thought was appropriate. His supposed BIAS could not have been pre-existing. His opinions were formulated based on the evidence presented by David Boies.

You have made a mistake, fix it.
Dick Hollenbeck
President, SoftPLC Corporation
SoftPLC, Open Architecture Control Software
dick@softplc.com
Ph: 512/264–8390
Fx: 512/264–8399
http://www.softplc.com

I want to be what I was, when I wanted to be what I am now.

MTC–00010568

From: Brent L. Roulier
To: Microsoft ATR
Date: 1/12/02 8:50am
Subject: DOL Settlement with Microsoft.

The time has come to bring this case to a close. The proposed settlement needs to be implemented. We need to get the economy moving forward, Every minute of delay further hurts America.

Brent & Diane Roulier

MTC–00010569

From: Mike Strong
To: Microsoft ATR
Date: 1/12/02 9:11 am
Subject: CC scolding sent to Microsoft

You will never be able to volunteer a resolution to your infractions because you are incapable of recognizing any culpability for

inappropriate, anti-competitive practices on your part. In your minds, if there is ANY competition remaining in the universe, on any level, on any product, you are totally justified (in your minds) to pursue the most aggressive, monopolistic behaviors that you can you squelch that nook of remaining resistance.

The inanity of your settlement proposal of dumping a billion dollars or so of your own products onto the public sector as a token apology for crimes and indiscretions you obviously do not believe that you've even committed is more than ludicrous. It's insulting. You are flooding the educational sector with your own products, fostering a future dependency on your products.., which computer companies have done as an explicit marketing strategy for decades (DEC was the best at this during the seventies with Universities, and Apple in elementary schools). In addition to taking all the benefits of that, business-wise, you try to spin it as some sort of spectacularly sacrificial consolation for your detractors. While you are patting yourselves on your backs, I should think that you are probably writing it all off your corporate taxes at the same time. While I don't know that you've had the audacity to pull that third maneuver, I would expect it. I do not fault the tactic as a business tactic. Rather, I am incensed that you would try to blatantly spin it as penance.

As a computer professional who has developed on your platforms for 15 years, and who has developed products targeted for Microsoft platforms all during that time, I have had enough. You have virtually never cooperated with good, industry standards. Everyone else involved always mistrusts your participation on various standards committees. You only feign to go along for a short time to get your bearings until you can finalize plans for your own, proprietary, parallel standard. You want the world to only have you or the rest of the world to choose from standards wise, and you work feverishly to make use what they are already dependent upon you for to coerce them into accepting your proprietary alternatives to emerging standards.

Microsoft should have embraced J2EE..NET is a total offense to me professionally. Your subscription-licensing model, while suitable in a few contexts, where clear, on-going service and value are being provided, is otherwise a subtle trap that you are laying down. Because some people have become content with earlier versions of certain MS products that have been perfectly adequate for them, you cannot bear having them not make their annual sacrifice at your alter. You feel compelled to ensnare everyone into putting out their financial arm for an unending IV transfusion into your wallet. You want to be the all-encompassing public utility for all activities, all commerce, all enterprise functionality and endeavors.

The fact that you have done many good things, and made many wonderful products that all of us want to support you in, such as Microsoft Word, et al, makes your excesses, indiscretions, and greed all the more egregious and scandalous.

You must be resisted by the most aggressive means. I will boycott your products and services every chance I can in every context that I can, and I will actively encourage others to do so, until and unless you demonstrate some willingness to behave well. While aggressive competitiveness is the ''American way'', it comes with rules of engagement and fair play. If you've won 90% of the monopoly board, you must be reconciled to the fact that you have to begin to play the game differently. What was OK 15 to 20 years ago, can no longer be the mind set by which you operate today.

Either accept the separation of the OS business from the applications business, or accept public-utility style regulation. You have to accept one or the other at this point, or you will be taking a position of overt evil. No amount of rationalization or word-smithing will be able to assuage the wrath you will deserve.

Mike Strong HM: 512–259–0723
321 Mesa Oaks MBL: 512–970–0637
Leander, TX 78641–8937 FAX: 413–581–3847

MTC–00010570

From: John Bintz
To: Microsoft ATR
Date: 1/12/02 9:21am
Subject: Microsoft Settlement

I think the two most important parts of this settlement are the IE bundling with Windows to kill Netscape and the inability for OEMs to allow dual-booting PCs. For the longest time, Netscape had the much superior product to Microsoft, but once IE became bundled with Windows, and the only way to get an alternative browser was to download a several megabyte file over a phone line connection, most average users say, ''What's the point? I've got the 'e' here. I'll just use that.'' The average user balks at both file downloading and program installation. It's no wonder Netscape holds so little market share right now, and what is lest is slowly eroding away (my work's Web traffic logs indicate that 80% of external traffic right now is IE, 15% is Netscape).

The dual boot restriction on OEM PCs also killed the Be software company and their competing operating system BeOS. BeOS was a very powerful, Unix/Amiga-like platform built from the ground up to be the ultimate media processing foundation. Hitachi wanted to make a dual boot Windows/BeOS machine, but because of OEM restrictions, users of the Hitachi FLORA had to go through numerous steps to enable the BeOS part of the hard drive. No normal user could be expected to follow all these steps just to enable an alternative operating system. Their response? ''But it goes to Windows just fine! Why do I need this Bee-thingy, anyway?''

Microsoft's inability to give the users control is what makes them dangerous. If I want, I should be able to uninstall IE and put a competing browser in there to replace it. Had Microsoft opened up all of the programming interfaces to the operating system, a competing browser (such as Netscape or its offshoot Mozilla, which is what I'm using right now) could seamlessly replace Internet Explorer and everyone would be happy. Had Microsoft allowed OEMs to give visible dual-booting options, companies like Dell wouldn't have to produce two different lines of computers, one with Linux preinstalled and one with Windows installed (and Be might still be around). You could get a quad-booting Windows/Linux/FreeBSD/BeOS machine if you wished, and consumers would be happy.

However, Microsoft is really taking advantage of the beginning and non-power computer users with their very sneaky tactics. Try explaining to a beginner that the 'e' and the 'n' do the same thing, but that the 'n' is better. ''Why is it better? The 'e' came with the computer!'' Or try explaining that there's different OSes out there than Windows and you can use two different ones on your computer. ''What, like those eyeMac thingies? My friend has one, and her Word is all different. I told her to get a Gateway, and now her Word looks right.'' It's the non-power users who are hurt most by this, because Microsoft's practices limit their exposure to anything non-Microsoft in any way they can.

Thank you.

MTC–00010571

From: Maria Hans
To: Microsoft ATR
Date: 1/12/02 9:36am
Subject: antitrust case.
Blank213 Blazer Court
Melbourne Beach, Florida 32951
January 8, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The reason I am writing to you is to express my support for the settlement that has been reached in the Microsoft antitrust case. After three years and millions of dollars spent, both parties in this case have agreed to bring it to an end. I plead with you to avoid those special interests that are trying to have this case resumed.

This settlement, despite the objections of opponents, is equitable. With this settlement Microsoft has agreed to disclose its internal interfaces and other previously secret code to competitors. In fact Microsoft is sharing more secret information with competitors in this settlement than any computer company has ever in history shared. However for the opponents of the settlement this is not enough, some of them won't be happy until Microsoft is destroyed.

As Microsoft is one the most important American companies, and a very large employer, I think it is wise to end the case against them and let them focus on business. With this settlement, that will be possible.

Sincerely,
Richard Hans/Maria Hans

MTC–00010573

From: Edward Hine
To: Microsoft ATR
Date: 1/12/02 9:55am
Subject: Microsoft Settlement

Please keep the spirit of freedom which I feel Microsoft Corporation represents. It seems that competitors are trying to destroy this freedom with their own selfish goals.

Next time on line,
Andrea

MTC–00010574

From: curtis kreutzberg
To: Microsoft Settlement
Date: 1/12/02 9:09am
Subject: Microsoft Settlement
curtis kreutzberg
13623 south 300 east
draper, ut 84020
January 12, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
curtis kreutzberg

MTC–00010575

From: Mark Martin
To: Microsoft ATR
Date: 1/12/02 10:07am
Subject: Judgments

Regards:

1) I am a software professional that programs in a variety of areas.

2) The fluid nature of our environment, particularly in the last few years (the internet in particular) is a diverse area to maintain, and requires knowledge of many areas.

3) There needs to be some sort of standards so this medium can be of benefit to all, so for most needs, I use the non-profit/impartial settings for this such as World Wide Web Consortium (www.w3.org) for compliance purposes.

4) At some level in order to satisfy our clients, the ability to be portable and satisfy our clients becomes, more specfic regarding the operating environment they use vs. what we use to serve them.

Case in point (as a developer, I consider this a perfect example of predatory practices):

1) Internet Explorer 6.0, Microsoft dropped/ restricted it's use of software plugins, this changed a big area of the internet programming arena.

How does this impact, what is predatory about it?

Well there are several areas to consider.

1) The User base, from a development standpoint most software professionals have accepted the fact that the user prefers Windows as the desktop, Mr. Gates has undoubtedly driven this, however many competitors, particulary in the free software arena have come about, it is up to us to educate the general public as we can about the alternatives.

But by and large, the public is driving that end of the market.

2) Since the public drives the market, what happens when Microsoft changes the game from a development standpoint? From a business perspective, it forces Microsoft's lack of support onto the support desks the of companies such as ourselves to resolve issues that were a direct result of Microsoft's broad power to totally change the market place. From an economics standpoint it can be argued that this creates jobs and generates spending, however, for the smaller businesses, this may not be an option.

3) This move along with the 'NET' initiative in the current release of Windows XP, further proves this predatory initiative further, from a programming perspective it (Microsoft) is again trying to garner market share through their vast influence by further negating those initialtives that are currently in place to try and establish a neutral ground for programming and delivery. How so? Well, any previously neutral options become, again driven by the public and the desktop, further forcing the programming community into a position of

a) designing new methods to neutralize the change or...

b) submitting for financial reasons to Microsoft's drive over the market.

I can name numerous other instances of this practice through the last 15 years, I am sure you are aware of many of them, so I will not bother enlightening you as to these areas, unless, you inquire of me further.

In general, the public (in our affluent society) is duped by the the 'Wolf in Sheep's Clothing'; the only way to change this is to educate them. But I am increasingly concerned, that this amount of technology garnered in one area, is risky to the general nature of our world (not just the U.S.). It seems strange that in some arenas, there are virtually little or no virus attacks, but in Microsoft, it is daily news, not to mention our own military utilizes this technology (at least to some degree). I am not particularly a negative person, but the long term implications of this practice to continually drive market share and proliferate the use of a medium that is not only bug prone but has a high propensity to propogate rogue computer programs (as in viruses), is a scary thought indeed, since a lot of our government is driven by this very software.

What would I do?

Well, I do think Microsoft has a lot to be credited for, no I do not think they should be put out of business. They are doing what our capitalist society is supposed to do, go after the dollar. But there are ethical considerations that need to be addressed with the amount of power this company possesses, and no amount of publicists can address them through recommending humanitarian donations, and foundations for Microsoft to make them look better in the public's eyes. The fact of the matter is, is most of the public is oblivious to long term implications, nor do they care, until it effects them. Having said that, I will proceed...

1) This power needs to be dispersed, i.e. it is so powerful, that if allowed to persist, at the very least, it needs a body to govern it, not unlike our government does, we know this as the 'checks and balances' (the Judiciary Branch, The House and Senate, and the President).

This method is the one that governs our capitalistic society, so it sould work and be fair for Microsoft.

2) If you are not going to divide it up, so all this technology does not reside in one faceless giant's realm, at least develop a governing body consisting of consumer/ technical expertise that has an unbiased and educated hand in this direction our society and technology has taken us. These people have to be unencumbered by lobbyists. There are many such organizations trying to do this now (though all may not be in our country). This is a basis for argument, but is is a compromise between break up or allowing these sensitive areas to be continually changed with the main consideration being market share.

3) The alternative, if the above is not acceptable is to continue on with the original remedies proposed by breaking up Microsoft, as originally proposed. If the Department of Justice fails to provide a remedy to this, the potential to subvert our society exists and will only get easier if the power of this entity is not dispersed.

It is my hope that this will be read with an open mind and with consideration, not just another faceless citizen. Until the last DOJ remedy, I have given much faith to my government to provide the correct course of action, however, I have become increasingly concerned with the methods of arriving at these judgements. I understand that some remedies will not meet with my own personal approval, and can live with that, but I feel a compelling need to appeal to the good of all, not just a base of satisfied internet users.

There is more to this than meets the eye, it is not meant to be 'evil' as some refer to it, but there does not appear to be a checks and balances system for this technology and I do not believe that it is a purely monopolistic approach. I equate the proliferation of this broad range of technology with the invention of the atomic bomb.

With great freedom, comes great responsibility, and that responsibility also compels us to look further than our pocketbooks or predatory marketing practices. We have a responsibilty make our country aware of the power of this, and first we need to become responsible enough as a society to be able to use this technology both morally and safely.

It has already showed it's (the technology) ability to be a very positive thing for humanity, but the negative uses are just as numerous.

In summation, I do think something more appropriate than the current remedies is in order.

I feel that too much power (not just market power) resides in this company's (Microsoft) ability to drive the market. This power needsto be dispersed.

MTC–00010576

From: Stephen T. Spray
To: Microsoft ATR
Date: 1/12/02 10:22am
Subject: Congratulations to Judge Motz

Any knowledgable user of Microsoft products is fully aware of the bundling and the games they have played for years to frustrate competition from competitors.

Congratulations to Judge Motz for taking a stand for open competition in the real spirit of what has made America great. A deal in which the guilty party is the architect of the punishment is the worst sort of abuse imaginable, but it is typical of Microsoft's arrogance that they would thing they could get by with it. I am so glad they have not—so far.

Stephen T. Spray
Huntsville, Alabama

MTC–00010577

From: Michael Carter
To: Microsoft ATR
Date: 1/12/02 10:23am
Subject: Microsoft Settlement.

Microsoft has cost my father a couple of jobs, I have lost opportunities because of them. If I am going to say anything that sticks with you it is hack them up like at&t/ma-bell, if anyone is going to believe in the justice system it is on your heads. some of the things microsoft has done, and continues to do, I think could land someone like me in prison for life. but since they have so much money and influence they are getting a slap on the wrist. do you think people will believe in the justice system if the wealthy and powerful can walk all over it, but joe blow you or I die by it.

Where is our david.....? We have a rampaging Goliath!

MTC–00010578

From: Charles Crawford
To: Microsoft ATR
Date: 1/12/02 10:24am
Subject: Microsoft Settlement

Microsoft has a superior product that has world wide distribution because it is the best. Let them continue to expand their technology for the benefit of all of us.

Thank you.
Charles P. Crawford

MTC–00010579

From: Paquette, Robert
To: MS ATR
Date: 1/12/02 10:28am
Subject: Microsoft Settlement
13 Osprey Drive
Berkley, MA 02779–2337
January 12, 2002
Attorney General John Ashcroft
US Department of Justice
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I support the settlement that was reached between Microsoft and the Justice Department. This agreement will be good for the public by allowing Microsoft to focus on more innovation and new software development.

Although I did not agree with the commencement of this suit in the first place, I agree with Microsoft that it is time to move forward. One is that Microsoft has agreed to grant computer makers broad new rights to configure Windows so as to promote non-Microsoft software programs that compete with programs included within Windows. This will allow computer makers to replace access to various features of Windows with access to non-Microsoft software such as programs from AOL Time Warner or RealNetworks.

As the Director of Technology for a small business in Massachusetts, I understand the importance of Microsoft's products for our economy. The company has done much to standardize development in this country and improve worker productivity. I trust your strong leadership for this settlement will continue.

With highest regards,
Robert Paquette
cc: Representative Barney Frank

MTC–00010580

From: prockett
To: Microsoft ATR
Date: 1/12/02 10:31am

Please support the original court's decision on microsoft. Bill Gates is way ahead of the crowd in ideas and they are jealous.

Pat Rockett

MTC–00010581

From: Jerry (038) Phyllis Price
To: Microsoft ATR
Date: 1/12/02 10:34am
Subject: Microsoft Trial Comments

Dear Sir:

I am writing to ask the Justice Department to settle the Microsoft trial. I believe this trial has squandered taxpayers' dollars, and was a serious deterrent to investors in the high-tech industry. I have lost money on my Microsoft stock, as many others have. It is high time for this trial, and the wasteful spending accompanying it, to be over.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies. I believe a settlement of this case will be in the public interest. And I can think of better things to spend our taxpayer's money on than targeting another corporation.

Sincerely,
Phyllis Price
P O Box 6307
Maryville TN 37802.

MTC–00010582

From: Randall Weytens
To: Microsoft ATR
Date: 1/12/02 10:41am
Subject: Microsoft Case

To the United States Department of Justice,

I am sending this letter in response to the U.S. Department of Justice's acceptance of public comments on the Microsoft Case.

I do not think that Microsoft has violated any laws. This is why I think so: Microsoft is not a monopoly. A monopoly is only possible when other companies are not allowed to enter the marketplace by law, and Microsoft does not create or enforce the law.

Microsoft has never used force in the marketplace. Microsoft has never told businesses to do something at the point of a gun. They trade only when the transaction will benefit them. To survive in the free marketplace, a business cannot sacrifice itself to others and be successful. Microsoft has not violated any businesses or individual rights. The only possible way to violate another's rights is to steal, damage or destroy private property (from the first form of property, a person's body, on up to material and intellectual property).

I think the attack on Microsoft is illegal because:

To tell Microsoft to give away their source code is a violation of property rights. They have purchased or developed their code legally, by themselves. It is intellectual property, and it is theirs.

To break up the company is to violate their property rights. The company has a right to their property (everything from buildings to software source code), and therefore the right to bundle, integrate, or offer separately their software in any manner they choose. If someone does not like Microsoft software, buy something else. (There is Apple and Linux, to name a few, amongst others). Microsoft has brought value to the marketplace by offering affordable, well designed solutions that individuals all over the world use and enjoy. They have brought immeasurable profits and benefits to the businesses and individuals that use their software, enhancing their productivity by leaps and bounds. If Microsoft was no good at what they do, they would not be successful. People would not buy their products. The only legal and moral way to end Microsoft's grip on the marketplace is to produce something better than Microsoft has.

In order for humans to survive, they must think. Reason is not automatic. Those who choose to think have the chance of survival. Survival is not guaranteed, because some will be better at thinking than others. The Constitution of the United States, which is based on this idea, does not guarantee a businesses survival in the marketplace. They are not entitled to x number of customers, or x percent market share. They are not guaranteed subsidies from the American people or a share of another's ideas.

Business is based on the law of survival. If you can produce something that is good, that people are willing to buy, then you will survive. Do not, and you will not. Microsoft embodies this principle. They have succeeded. People like, use and want their software.

I think that America is the best place on earth, because it is the only one based on true, moral principles.

The ideas, that one is entitled to something just because it exists, that have motivated the attacks on Microsoft is what will send us all

to hell in a hand basket. These ideas are based on Altruism, the foundation of everything that is anti-American. America became great because it enforced the rights to life, liberty, and the pursuit of happiness, not the guarantee of happiness. I hope that these rights will still be defended, and that Microsoft will be left to do business as usual, their way.

Thank you for your consideration,

Randall J. Weytens

CC: Jessica Wanless, Paul Millard, Randall Weytens

MTC–00010583

From: MPerryCole@aol.com@inetgw
To: Microsoft ATR
Date: 1/12/02 10:40am
Subject: Microsoft Settlement

DOJ

I believe the settlement in m/soft is fair and reasonable. In view of the serious issues involved and the time taken to come to resolution and because of the lower court judge's impertinent and unjudicial remarks which could provoke a new trial and prolong this matter even further, this matter is ripe for settlement, and the parties should be allowed to settle this long and hard fought dispute.

Please cast my vote to put this matter behind us and move forward. We need to conquer a recession-not keep rehashing this old news.

Michael Cole
Attorney at Law
Calif Bar #37417

MTC–00010584

From: George McClure
To: Microsoft ATR
Date: 1/12/02 10:45am
Subject: attorney general letter sent

MTC–00010586

From: Bill Wagner
To: Microsoft ATR
Date: 1/12/02 11:01am
Subject: Microsoft Settlement

Hi Mr. Ashcroft,

Enclosed is an attachment in defense of Microsoft Corporation.

Thanks,

William M. Wagner Jr. 13 Osprey Drive Berkley, MA 02779–2337 January 12, 2002 Attorney General John Ashcroft US Department of Justice Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I support the settlement that was reached between Microsoft and the Justice Department. This agreement will be good for the public by allowing Microsoft to focus on more innovation and new software development.

Although I did not agree with the commencement of this suit in the first place, I agree with Microsoft that it is time to move forward. One is that Microsoft has agreed to grant computer makers broad new rights' to configure Windows so as to promote non-Microsoft software programs that compete with programs included within Windows. This will allow computer makers to replace access to various features of Windows with access to non-Microsoft software such as programs from AOL Time Warner or RealNetworks.

As the Director of Technolo9Y for a small business in Massachusetts, I understand the importance of Microsoft's products for our economy. The company has done much to standardize development in this country and improve worker productivity. I trust your strong leadership for this settlement will continue. With highest regards,

Robert Paquette
cc: Representative Barney Frank
cc: Senator Rick Santorum

MTC–00010587

From: Bob Harler
To: Microsoft ATR
Date: 1/12/02 11:08am
Subject: MICROSOFT SETTLEMENT 6959 South Highway 76 Russell Springs, KY 42642 January 11, 2002 Attorney General John Ashcroft U.S. Department of Justice 950 Pennsylvania Avenue, NW Washington, DC 20530

Dear Mr. Ashcroft,

I am writing to you in support of Microsoft regarding the antitrust settlement. Microsoft did not deserve to be the target of antitrust litigation. They reached their point of market dominance solely due to the superiority of their product. Other vendors of software could not adequately compete with a product line that had been so overwhelmingly welcomed by the world's computer users.

Superior product development is what placed Microsoft at the pinnacle of market dominance, not illegal marketing.

That being said, I do agree with steps being taken to ensure illegal marketing does not take place. But punishing Microsoft for producing a superior product smacks of allowing their whiny competitors to use the U.S. legal system to enhance their own market position. That practice should be considered as unfair and illegal as the alleged Microsoft practices.

I appreciate your time in this matter.

Sincerely, Robert M. Harler

MTC–00010588

From: charles messler
To: Microsoft ATR
Date: 1/12/02 11:22am
Subject: Microsoft Settlement

Gentlemen:

This protracted litigation is akin to trying to milk a dead cow. Clearly, it smacks of an abuse of the legal system by attorneys interested more in fees than a just settlement.

I can see nothing wrong with Microsoft's efforts to integrate functions in any of their current Operating System platforms. To say that it disadvantages Apple (MAC) is ingenuous. There are MAC people and there are PC people. PC people are less likely to be graphics oriented, and prefer the control that Windows gives them. The integration is a plus. What is to stop MAC from innovating rather than cry help? Information Technology has a life cycle measured in months. Any settlement will be partly out of date before it can be approved.

It still galls me to recall Mr. Klein, Janet Reno and group cavorting like children when the now chastised judge made his findings of law.

Thought should be given to the millions of Microsoft shareholders that will be affected by the actions of the DOJ. Consider retirement assets that have already been decimated, albeit not to the extent of Enron.

Let the individual States fight in the Supreme Court if they are not satisfied with an omnibus settlement.

Thank you,

Charles L. Messler

MTC–00010589

From: Jared Davis
To: Microsoft ATR
Date: 1/12/02 11:33am
Subject: My Opinion

To whom it may concern,

I have followed the microsoft antitrust case with interest. I believe that the Departmane of Justice should not settle the case, and that the original findings of the case should be adhered to. These are, in my opinion, the actions that should be taken:

Microsoft should be split, all application software should be produced and sold by one portion that is split off, all operating system software and support should belong to another portion.

All java language development should be halted by Microsoft. This is not to say that they cannot use it, but that they must make their browsers and operating systems 100% compliant with the Sun Microsystems release. A monetary damages fee should be paid to the holders of the Netscape Software company.

Internet Explorer must be spun off to its own company, completely separate from the applications and the operating systems producers.

It is not fair, cor correct, for Microsoft to lose a judgement that it is a monopoly, then use the money it has illegally earned from that monopoly to buy off the Department of Justice.

Thank you,

Jared Davis

MTC–00010590

From: dblubbers
To: Microsoft ATR
Date: 1/12/02 11:46am
Subject: Microsoft Settlement

I believe that this settlement should be accepted and done quickly. This court case is one the the things that started the downslide of our economy. I have been familiar with the computer business since 1981 and am fully aware that certain companies are using the government to overcome Microsoft as a competitor.

Sincerely, Beverly Lubbers

MTC–00010591

From: dblubbers
To: Microsoft ATR
Date: 1/12/02 11:50am
Subject: Microsoft Settlement

Please settle the Microsoft case immediately. It is a fair settlement. Having been in the computer business since 1981, I am aware that Microsoft's competitors are using the government to attempt to control Microsoft as a competitor. The states do not wish to settle because they see dollars to use for their budgets. We have used Microsoft products since they started. We are thankful

that they have helped establish a standard software that we could all safely build our businesses on. Thank you, Microsoft.

Dick Lubbers

MTC–00010592

From: Karen Hunt
To: Microsoft ATR
Date: 1/12/02 11:55am
Subject: Settle the Suit, ASAP, Please Attorney General John Ashcroft January 12, 2002 Department of Justice RE: Microsoft Suit Pending

Dear Attorney General Ashcroft:

Please let the Court know that you support the Bush Administration and Microsoft in their desire to settle this lawsuit. Please use all of the power of your office to make the settlement of the aforementioned case come to an end by letting the Federal Judge know that we, Americans want it to end and stop putting Microsoft through all of this scrutiny. Please let the Federal Judge handling this case hear from you, representing us, the consumers. Take action today, and in support this proposed settlement.

Thank you for your speedy work in this matter. Thank you for your con- tinued integrity that you have displayed in the past and I know, will in the future.

Sincerely yours,
Karen W. Hunt
8931 Gaylord # 166
Houston, Texas 77024–2910
(713) 464–8153

MTC–00010593

From: Alan Vier
To: Microsoft ATR
Date: 1/12/02 11:57am
Subject: Microsoft Antitrust

My view on the Microsoft anti-trust is that they should be free to innovate. I also feel that they are not using their ''nopoly'' in terms of pricing. The os is very complex and to get an upgrade for under $100.00 is a bargin! It would be nice if everybody could use their time and profits to better use than to spend it in court!

I do feel that Microsoft should not leverage their ''monopoly'' in terms of dealer preferences or limiting other companies to innovate.

Let us remember that it is Microsoft that tries to allow others to write applications for the PC vs Apple and others that limit hardware and make it more difficult to write software. It was Microsoft that allowed others to innovate other hardware and software applications that made to PC so popular.

Sun and the like should fight their battles in the marketplace and not in court. Linix is putting perssure on Microsoft to keep prices down and innovate, which is the way it should be.

In summary,
Let the bright create and not fight!

MTC–00010594

From: Charles B. Stinson
To: Microsoft ATR
Date: 1/12/02 11:58am
Subject: Microsoft Settlement Charles B. Stinson Lighthouse Road P.O.Box 62 Prospect Harbor, Maine 04669–0062 Tel 207/963–2677 Email ckelp@acadia. net January 14, 2002 Attorney General John Ashcroft US Department of Justice 950 Pennsylvania Avenue, NW Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am in support of the current settlement between Microsoft and the Department of Justice at the federal level. Microsoft has produced some of the best products for the computer, which accounts for their vast success and status as an industry leader. There have been some instances in the past where making a choice in peripheral Windows components was overly difficult, which is one of the reasons I am in favor of the current settlement. I understand that from this time forward Microsoft products will be much more accommodating to the use and integration of competitors software peripherals. This is definitely a step forward, because I believe above all else the consumer should have the right to choose, to mix and match software as they see fit.

Another important reason for ending the antitrust proceedings swiftly is the strain, which our economy is currently under. The information technology industry is one of the biggest in the United States, and the antitrust suit has hurt this industry. Not only Microsoft has felt the burden of these proceedings, commercial retailers who sell MS products, employees of said retailers, Microsoft affiliated companies, stock holders, and the American tax payers have all been impacted by the antitrust suit. Given the current down turn in our nations economy, now is not the time to be wasting our resources in the court room when they could be better utilized elsewhere. Therefore I support the antitrust settlement, and urge you to do the same.

Sincerely,
Charles Stinson

MTC–00010595

From: Ludwik Kozlowski SR., M.D.
To: Microsoft Settlement
Date: 1/12/02 11:36am
Subject: Microsoft Settlement Ludwik Kozlowski SR., M.D. 7608 Geronimo Circle N. Little Rock, AR 72116 January 12, 2002 Microsoft Settlement U.S. Department of Justice-Antitrust Division 950 Pennsylvania Avenue, NW Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Ludwik J. Kozlowski SR., M.D.

MTC–00010596

From: Harold Berenson
To: Microsoft Settlement
Date: 1/12/02 11:20am
Subject: Microsoft Settlement Harold Berenson 20110 218th Ave NE Woodinville, WA 98072–7145 January 12, 2002 Microsoft Settlement U.S. Department of Justice-Antitrust Division 950 Pennsylvania Avenue, NW Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Harold R. Berenson

MTC–00010597

From: Charnan31@cs.com@inetgw
To: Microsoft ATR,BUBDAVI@aol.com@inetgw
Date: 1/12/02 12:10pm
Subject: MICROSOFT SETTLEMENT

My opinion and comments: Microsoft should get off the hook??√four years is enough??√ If another company has a better operating system??√they should show it and the world will buy it instead of XP. My County and my City has computers and training in every Library Thanx to Bill Gates. Their Software is reasonably priced??√litigation is never reasonable in cost.??√Let???s settle it now??√

Charles Murrell,
Redding California.

CC:gmbrl@attbi.com@inetgw,SLATER455 @aol.com@inetgw,Ce...

MTC–00010598

From: bs—crotteau

To: Microsoft ATR
Date: 1/12/02 12:26pm
Subject: Microsoft Settlement

Let's get on with it. Make the settlement and let Microsoft get back to being a major contributor in the high-tech world. One of the few places where the USA still holds competitive advantage.

Thanks,
BC

MTC–00010599

From: Alan Hansen
To: Microsoft ATR
Date: 1/12/02 12:35pm
Subject: Microsoft suit

Dear Sir or Madam

The time has come for the scumbags in the Justice Department to stop the suit against Microsoft, get off the dole and go to work.

Alan Hansen
124 North 155st
Shoreline Wa.98133
Have a nice day,
Al

MTC–00010602

From: Juanema Hinesley
To: Microsoft Settlement
Date: 1/12/02 12:40pm
Subject: Microsoft Settlement Juanema Hinesley 5733 Hwy 9 E Shirley , AR 72153–6033 January 12, 2002 Microsoft Settlement U.S. Department of Justice-Antitrust Division 950 Pennsylvania Avenue, NW Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Juanema Hinesley

MTC–00010604

From: Samuel Golf
To: Microsoft ATR,MicrosoftComments @doj.ca.gov@inetgw,...
Date: 1/12/02 1:03pm
Subject: Microsoft Antitrust Case

[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]

To the minds of many Americans, the results of the Microsoft Antitrust case have called into question the integrity of our legal system as well as our political process. And to those which have not yet noticed, I think historians will take note on behalf of future generations.

In the past few years, Americans have been outraged at revelations of Chinese attempts to influence our political process through campaign contributions. It is well established in fact that Microsoft did give massive campaign contributions to members of congress and one erstwhile presidential candidate, namely George W. Bush. Additionally, lobbying efforts—either directly or indirectly—were made to others in congress as well as the Justice Department.

In light of these facts, it was with horror and dismay that I watched the direction and aspiration of the Justice Department's antitrust efforts change nearly 180 degrees following the presidential election (in stark contrast to previous tradition). The dangerous message which is being broadcast here is manifold:

First, it is possible to commit a serious crime in this country, be found guilty of committing that crime, and by manipulating the length of the trial beyond the term of a presidential administration it is possible to escape the original intentions of your prosecutors, effectively nullifying the most detrimental outcomes.

Second, the concept of ''one man, one vote'' is a joke in this country. Here we vote with dollars, and the more dollars you have, the more votes you get to make.

Third, and most disturbing, there is no longer separation of powers between the executive and judicial branches of government, as the framers of our constitution wisely intended. At other times in our history, foreigners committing similar acts have been imprisoned for treason. At other times in our history, Americans committing similar acts have been tried—and committed—for racketeering.

Additionally, when people have knowingly submitted false evidence in a trial, they have been tried and committed for perjury—again, leading to imprisonment. Microsoft was actually caught in the act of falsifying videotapes entered into evidence not once, not twice, but three times in the course of its antitrust trial.

I cannot recall when such egregious acts been ever been treated so lightly in America. Please keep in mind that we are not talking about abstract concepts of ''harm to consumers'' or ''diminished competition in the computer market''. We are talking about the very palpable pain and suffering of literally tens of thousands of hard-working people losing their jobs, businesses, and fortunes when Microsoft's illegal acts bankrupted thousands of businesses. Most of these businesses did not fail because they were making inferior products, nor because they were poorly managed, but because of the unlawful acts of an unfair competitor.

Meanwhile the founders, employees, and investors in Microsoft have made literally billions of dollars as a result of these illegal actions -which apparently everyone who benefited gets to keep. Where is the deterrent to committing the same illegal acts in the future?

Microsoft has already been found guilty of violating antitrust laws. The entire reason the antitrust trial occurred is due to Microsoft's violations of a previous consent decree. Now the Justice Department proposes to remedy Microsoft's behavior with yet another, impotent consent decree. This solution defies logic: When someone is found guilty of breaking laws, the punishment amounts to making them say ''I'm sorry'' and then promise not to do it again. Of course when the same perpetrator commits the exact same crime again (except worse) the new, improved punishment amounts to making them saying ''I'm really, REALLY sorry this time'' and promise not to do it again. Ever.

Except with Microsoft, they haven't even acknowledged that they are guilty. Publicly they maintain that they are the ones being injured by the ''overzealous'' efforts of the Justice Department (which at this point is anything but ''zealous''). Microsoft is nowhere near saying ''I'm sorry.'' So with Microsoft's established pattern of breaking consent decrees, what assurance do the American people have that they will actually adhere to this new one?

Other arguments diminishing the need for drastic remedies similarly defy logic: Some would have us believe that with AOL purchasing Netscape, the competitive landscape has changed faster than the trial could proceed, so there is no longer any need for anything to be done. Perhaps we should apply the same logic in a murder trial: once a murderer has completed killing their victim, there is no longer any need for punishment, because there is no way that the victim could possibly be harmed again. Microsoft effectively put Netscape out of business (it would never have been possible for AOL to purchase them without a tremendous devaluation of their stock); their products are no longer used widely, and they have lost all power to compete in the market with Microsoft—not because they produced an inferior product, but as a direct result of Microsoft's illegal and anticompetitive acts.

An effective remedy should be one which does not cost the American taxpayer the burden of a Saddam Hussein-style inspections of Microsoft's internal workings. As with nuclear inspections of Iraq, Microsoft has demonstrated its willingness to play a shell game with incriminating evidence. No, clearly Microsoft's past behavior demands that an intelligent person require permanent structural change to the company to pave the way for real competition in the computing market, and will furthermore show that in America, nobody is above the law—no matter how much money or political influence they wield.

The nature of Microsoft's unfair advantage which they have abused in the past comes from the collusion of several essentially separate business units, which must be cleaved in the remedy stage of this trial in order to have lasting beneficial impact:
1) operating system (OS) software

2) software development tools
3) productivity applications software
4) Internet client & server software
5) media software (Windows media, et al)
6) hardware
7) thousands of substantial holdings in other companies in disparate markets

Due to the massive size of Microsoft and its demonstrated ability to abuse this clout, simply dividing the company into two would still produce two rabid 800-pound gorillas, rather than two well-behaved chimps willing to play nicely in their respective markets. Three or four separate entities—with mechanisms in place to prevent continued collusion—are required to restore healthy competition to all these markets. Furthermore, Microsoft should be required to divest itself of holdings in other companies, which it also uses to maintain and extend its monopolies. Additionally, restitution should be required, considering the billions of dollars in gains that Microsoft and its investors have accrued as a result of these illegal practices. There simply must be a deterrence to breaking the law, and keeping the profit of billions is not a deterrence. Since our entire society has been damaged by Microsoft's actions, our entire society should receive restitution—to the tune of tens (if not hundreds) of billions of dollars—in the form of infusions to our nation's education system. Contrary to the previous proposals in civil suits, Microsoft should have no control—directly or indirectly -over the ways in which this money is spent. It could be used to offer equal technological access to all in our society, as well as explore implementing exciting new possibilities for integrated accelerative learning approaches that have been proven around the world to work eminently better than our own current system.

I also feel that officials at Microsoft should be prosecuted for racketeering and perjury efforts which occurred both during and after the antitrust trial. Again, people in our society should be treated equally in the eyes of the law, no matter how deep their pocket books happen to be. Also, the suggestion of making Microsoft's OS source code ''public source'' would simply benefit Microsoft, by encouraging wider adoption of the OS, because it would essentially be FREE. This would mimic the cycle of damage done to Netscape when Microsoft chose to give away Internet Explorer. In the ''public source'' scenario, Microsoft would also benefit from the combined efforts of thousands of programmers attempting to fix the many thousands of bugs that are known to exist within its operating systems. Microsoft has the particularly slimy business model of knowingly releasing software which is profoundly flawed, then charging its customers for a re-labeled product which partially fixes the bugs found in the previous generation, along with some additional new features and new bugs. This has been the business model of ''upgradeware'' that Microsoft has employed when convincing people to upgrade from Windows 95, to Windows 98, to Windows ME, and now Windows XP.

Recall that separation of powers and the public's faith in the integrity of the American political and judicial processes are literally what is at stake as the remedies are applied in this trial. Please show Microsoft that they are not above the law.

I offer my sincere appreciation for your time and consideration.

Samuel Goff

MTC–00010605

From: Mathieu Frenette
To: Microsoft ATR
Date: 1/12/02 1:03pm
Subject: Microsoft Settlement

I'm a Java Software Architect who really cares about the outcomes of the settlement—especially long term results—for they may bring down my entire open-source-multiple-platform-technological-freedom-world forever. No matter the usefulness of Microsoft's products, I just can't imagine a world with *only* that. Unfortunately, it seems to be the direction things are going.

I'm afraid this settlement has a much greater impact than what most people are aware of, for it will communicate to Microsoft whether or not (and at what degree) the entire world is willing to accept a ''technological despotism''.

Technological lock-in, altogether with their new operating systems (ie. WindowsXP) which slowly puts them in the middle of litterally everything— including worldwide E-commerce—will bring them even closer to this ''technological despotism''.

In this respect, I sincerely believe the settlement should serve as a warning to Microsoft, clearly stating that the world is not letting go of its technological freedom.

Thank you profoundly for taking the time to review people's comments...

Best regards,
Mathieu Frenette
Java Software Architect
Freeborders Canada
mathieu.frenette@freeborders.com

MTC–00010606

From: Richard Becker
To: Microsoft ATR
Date: 1/12/02 1:04pm
Subject: Amazing indeed....

Dear Sirs:

As a software engineer, and president of a technology company, I am astounded that the government cannot clearly see what Microsoft has done over the past several years. They have leveraged their monopoly to further strengthen their position, and effectively freeze out new, and for the most part better technologies. The most amazing part of this whole situation, is that they continue with business as usual, and for the most part nothing happens. They manage to tie things up in the courts for years, while technology keeps moving forward, and their position continues to strengthen. Nothing short of a breakup will stop this monopoly, and allow technology in this country to move forward. When one looks to Europe and Asia, where Microsoft is not so entrenched, that is where technology is thriving. Competition spurs innovation, but monopoly's stifle it.

With the recent introduction of the X-Box, Windows Multimedia format in DVD's, and in refusing to support competing, yet superior technologies (ie. Java) their monopolistic position only strengthens. As a person that is directly involved in the industry, it is so obvious as to the general strategy of Microsoft, it is a shame that our learned justices can't see it also.

Regards,
Richard J. Becker
President
MATRIX Information Systems Inc.

MTC–00010607

From: DWyatt4@aol.com@inetgw
To: Microsoft ATR
Date: 1/12/02 1:12pm
Subject: Comment from consumer

It is obvious to many that the consumer is not the issue We know that to buy a car piece by piece is outrageously more expensive and would put most car owners out of the market.

Yet you want Microsoft put in a position where they cannot add value to their product to the benefit of the consumer

The amount of money Microsoft has had to spend in courts and to attorneys could have gone a long way in stopping world hunger and health issues The consumer would also be way ahead without this costly litigation.

That will benefit only a few competitors of Microsoft

The justice dept. as usual will end up screwing the consumer

Dick Wyatt

MTC–00010608

From: Derek Mason
To: Microsoft ATR
Date: 1/12/02 1:36pm
Subject: Microsoft Settlement

It is a very sad day in American history to see the DOJ abandoning its role of protecting the American public. It's issues such as the gov't's unwillingness to truly do what is right w/ MS that leads the public to see the U.S. gov't as corrupt, ineffective and protecting corporate interests over the needs of the general public.

The real issue in the MS case is stopping its monopolizing practices, which leads to further abuses and encroachments on constitutional protections. Corporate monopolies develop and function in a fashion not unlike authoritarian regimes, such as fascism.

The proposed settlement really doesn't do anything to accomplish this. The proof of this should be readily apparent to well-trained attorneys and constitutional experts. One needs only to look at MS's most recent behavior to grasp how ineffectual the DOJ has been.

Windows XP requires the purchaser to acquire an activation code from MS upon installation. This code is really an inventory of one's computers hardware. MS says it does not gather individually identifying information from the computer, but my computer hardware is my property, and I have a right to privacy regarding its content and use.

The claim that activation is separate from registration, which is essential for access to a variety of necessary services, such as the support system. Registration does require submission of identifying information, but MS claims it keeps this separate from activation.

What guarantee do I have that MS will do this? Given their behavior in the past, only a naive idiot would accept this. It is unimaginable that the DOJ allows this. The founders of our nation would be aghast at allowing a government agency to do this, let alone a private company.

Yet, MS is undaunted in its practice because I believe they know they can do what they want without any real action from the DOJ, or other regulatory body. It bespeaks the kind of arrogance of the early monopolists like JP Morgan, Rockfeller and the other early 20th century industrial tycoons.

I do not believe that MS paranoia about loosing profits from software privacy entitles them to infringe on the civil liberties of Americans. Apparently, the DOJ believes this as well because it has failed to stop the MS monopoly.

As if this activation isn't enough, MS is even more intrusive. If you change some of the hardware in your computer, such as cpu, ram chips, harddrive, firewire cards, Windows XP de-activates itself. You are then required to call MS and tell them what you have done to your computer!. I added a firewire card to my pc, and had to call them. It took two days to get a live person, but we've lived with that for many years. When I reached their agent, she said, ''So, what are we doing today?'' The implication being that they were entitled to know what I was doing with my pc. Incredible!

MS doesn't have a right to know this. They have sold me a copy of XP, and it does not include my giving up my rights to privacy.

The point is that we are forced to put up with this because: We have no other viable options when it comes to an OS. They have a monopoly. Why doesn't the DOJ grasp this? Does the settlement get at this?

Obviously not because MS continues to do these kinds of things.

One can also see very clearly where they're heading next. It does not take a genius to see that they are going to incorporate MSN into the OS, just as they did with Explorer. Then signs are already there. To get access to certain services, such as support, you have to have MS Passport, which is part of MSN.

Further you have to take their instant messaging, and you cannot even delete it from your system. They have recently bought QWest's internet system, which is now MSN. So they now have their own internet. The next step is to claim MSN is part of the os, and force people to pay for it in order to access the internet. They will do this by changing Internet explorer to MSN. The DOJ's settlement with MS is an abandonment of the US constitution, and the ideals that it embodies.

The real solution is to take the API and make it public domain, or force them out of every other business avenue they have been pursuing, MSN, internet service provision, non-os applications, and to stop them from abridging privacy.

It is hard to understand why DOJ cannot find the courage to what is so obviously right for the American people, and in their best interest, not a corporation's. Big Brother is here alright, but Orwell was wrong in thinking it was the federal gov't, it's Microsoft.

Derek Mason
Smithfield, UT

MTC–00010609

From: ME Conces
To: Microsoft ATR
Date: 1/12/02 1:38pm
Subject: I am opposed to the government curtailing Microsoft's innovation in the business world.

Objections

I am opposed to the government curtailing Microsoft's innovation in the business world. Objectionists regret they can't keep up, so they spend our money going to court to prove that in essence

Microsoft is better qualified than the opponents in moving forward with innovation in the computer world. I feel Microsoft should be able to place computers in the schools if they can do it. Other companies are only objecting because they didn't think of it first.

Mary Eileen Conces
meconces@NWLink.com

MTC–00010610

From: W. Roger Gehman
To: Microsoft ATR
Date: 1/12/02 1:39pm
Subject: Microsoft Settlement
Warren Gehman
126 Park Avenue
Mount Joy, PA 17552–1524
January 10, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

Microsoft has gotten a raw deal as a result of a vendetta against it by politicians and lawmakers. Microsoft in no way should be broken up and should not be subject to many of the concessions it is being forced to make.

For over a decade now, Microsoft has led the tech world in innovation delivering the highest quality and most reliable products and services to the market. At times their market dominance precluded others from gaining an edge, but that forced competitors to raise their performance levels, weeding out companies who were not strong.

Microsoft cannot be punished for exhibiting vision and grit. Bill Gates accomplished the American dream and should be able to bask in his success, not wallow in political agendas. I urge your office to support the settlement for the sake of American public.

Sincerely,
Warren Gehman
cc: Senator Rick Santorum
Representative George W. Gekas

MTC–00010611

From: miriamlarson
To: Microsoft ATR
Date: 1/12/02 1:45pm
Subject: Microsoft settlement

Dear Sirs, Lets resolve the Microsoft problem and get on to bigger and better projects! I'm sure that you and your cronies have spent enough time and money on this subject . . .

Sincerely,
Miriam Larson
Bremerton, Wash. 98311

MTC–00010612

From: taliesin@speakeasy.org@inetgw
To: Microsoft ATR
Date: 1/12/02 1:51pm
Subject: Microsoft settlement

To Whom It May Concern:

I submit that both the Courts and the Department of Justice have a fundamental conflict of interest with respect to the antitrust case against Microsoft. How can one possibly judge a company and mete out fair justice when one depends upon that same company to do one's daily work? I further submit that in the interests of justice, Her Honor, her staff, and the DOJ team—at the very least—should immediately henceforth and until the conclusion of the case, cease and desist from using any Microsoft products for any reason in any way related to the case. This includes operating systems, applications, servers, even mice and keyboards. This includes all aspects of the lives of those involved. Home computers, games and game consoles, et cetera, et cetera, ad infinitum nauseumque. This will do two things. It will not only remove the specter of ''what will I do if all this disappears'' doubt from the minds of those involved, but prove to them personally just how pervasive the Microsoft monopoly is... and just how possible it is to break it, if only we have the will.

The proposed settlement, so far as I can tell, has no punishment for Microsoft, only prevention of further wrongdoing. I propose the following very simple step: A complete, total, ten-year ban on using Federal monies for the purchase of any Microsoft products, directly or indirectly. Current software would be allowed to remain, but as licenses expire or computers need upgrading, they would have to be replaced with non-Microsoft products. You cannot both break Microsoft's monopoly and pay them to maintain it. This would not only remove any Federal conflict of interest completely, but have the effect of forcing Microsoft to play fair with non-Microsoft systems or be forced from the industry as people make the changes necessary to make their own systems talk to non-Microsoft Federal systems.

There are many flaws with the proposed settlement, but I believe the addition of this one proviso, removing the conflict of interest from the case, will effectively cure all its remaining ills, and forever break the monopoly that today is Microsoft.

Glenn R. Stone
Linux Systems Engineer
working in Redmond, WA

MTC–00010613

From: Tanner lewis
To: Microsoft ATR
Date: 1/12/02 1:55pm
January 11, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

I am writing you today expressing my sincere belief that that no further action on behalf of the federal government needs to be

taken against Microsoft. This issue has held the leading innovator, as well as the entire IT industry, is in a state of stagnancy for three years now. It is time that the government let them get back to work. For this reason, the settlement reached in November should be implemented without further delay. It is quite clear that this settlement is thorough and reasonable. The government wanted to inhibit anti-competitive behavior and that is exactly what this agreement does. Microsoft has agreed to allow its competitors access in code and interfaces that internal are internal to Window operating system products. Additionally, Microsoft has conceded broad new rights to computers makers to ship non-Microsoft operating systems, as well as the rights allowing them to configure Windows so as to promote software applications that compete with Microsoft products. There are many other provisions of this settlement, all of which will be verified by a Technical Committee for compliance. Under these conditions, it is fair to say that Microsoft's competitors have a significant advantage, and more importantly, this settlement satisfies the original goal of the government's lawsuit.

This settlement should be implemented immediately so as to allow Microsoft to get back to producing innovative products and services. This issue has been drawn on far too long, to the detriment of the IT industry and the economy. It demands a resolution. Please continue your hard work in this direction.

Sincerely,
Tanner Lewis

MTC–00010614

From: rosing@peakfive.com@inetgw
To: Microsoft ATR
Date: 1/12/02 2:02pm
Subject: Microsoft Settlement

To whom it may concern,

This is in response to the Microsoft Settlement. I'm disappointed because the settlement will not lead to a competitive business environment. It's clear that Microsoft has a monopoly. I can't run my business without paying Microsoft. The problem with the settlement is that it doesn't address the fact that Microsoft already has a monopoly. To rectify this the settlement should encourage more competition. The settlement makes a reasonable attempt at fixing some obvious problems in how Microsoft interacts with other companies and how they can modify or use Microsoft's operating system, but there is a lot more to using an operating system or writing applications for an operating system then setting icons. Microsoft should have to make any changes to the operating system available to the entire public long enough ahead of time of implementing them that other companies can use the changes in a competitive manner with Microsoft's other software products.

Another approach to ensuring competition would be to encourage a competitive operating system for PCs. My biggest complaint with Microsoft is that it has little to no competition. The consumer is stuck with whatever Microsoft comes up with no matter how many errors or worthless features are in it. If the Mac OS ran on PCs then Microsoft would be pressured to fix some obvious problems. If there were a company with enough capitol to build a simple interface for Linux then Microsoft would have real competition. I would like to see the settlement structured to have Microsoft pay for the development of a competitive product, either Mac OS on a PC or a simple Linux interface, then have Microsoft's operating system made public.

Thank you,
Matthew Rosing

MTC–00010615

From: Frank Koch
To: Microsoft Settlement
Date: 1/12/02 1:19pm
Subject: Microsoft Settlement

Frank Koch

158 Terning Drive West Eureka, MT 59917 January 12, 2002 Microsoft Settlement U.S. Department of Justice-Antitrust Division 950 Pennsylvania Avenue, NW Washington, DC 20530 Dear Microsoft Settlement: The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Frank Koch

MTC–00010616

From: Denise Rounds
To: Microsoft Settlement
Date: 1/12/02 1:21pm
Subject: Microsoft Settlement

Denise Rounds
PO Box 480097
Charlotte, NC 28269
January 12, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be

encouraged to create new and competitive products and technologies. Thank you for this opportunity to share my views.

Sincerely,
Denise Rounds

MTC–00010617

From: James E. Osteen, Jr.
To: Microsoft ATR
Date: 1/12/02 2:29pm
Subject: Put an end to the Antitrust Case

Can you please save me and my fellow taxpayers a little money? The last thing that we need now is for the DOJ to keep harassing Microsoft. In my eyes, Microsoft's competitors are whinning, because they cannot build a better product.

James Osteen

MTC–00010619

From: marina slayton
To: Microsoft ATR
Date: 1/12/02 2:48pm
Subject: MICROSOFT SETTLEMENT

Dear Judge KK;

As a long-time (and very discontented) Micosoft user, I find it almost unbearable to think that I will be forced to continue to use the MS operating systems— and (gasp) MS applictions—indefinitely into the future if the PFJ is approved as it now stands. Please help bring at least a modicum of real competition to our country's PC software industry. For all of us millions that use the PC everyday to do a variety of tasks, how much nicer it would be to have truly free choice in applications—and an Operating System that actually worked without crashing. Clearly you can't do a lot about the latter. But please do something about the former. Please don't allow the 'bolting' provision of the PFJ to stand.

Sincerely yours.
Marina Slayton
Palo Alto, CA

MTC–00010620

From: marina slayton
To: Microsoft ATR
Date: 1/12/02 2:51pm
Subject: Microsoft settlement

THAnk you Judge—for taking this case seriously. Please do not let Microsoft have its way.

We need a competitive software industry in our country-not a MS monopoly.

THanks,

MTC–00010621

From: G S
To: Microsoft ATR
Date: 1/12/02 3:02pm
Subject: MICROSOFT SETTLEMENT

GREETINGS JUDGE;

THANK YOU FOR YOUR WORK IN REVIEWING THE PFJ. AS A 10 YEAR VETERAN OF THE SOFTWARE INDUSTRY, MY READING OF THE PFJ TELLS ME THAT IT IS DEFINITIVELY NOT IN THE PUBLIC'S BEST INTEREST.

I HOPE YOU WILL SEND THE PFJ BACK TO JUSTICE AND ASK THEM TO CORRECT AT LEAST THE MOST EGREGIOUS SECTIONS, IF NOT (PERHAPS BEST) START AGAIN.

AFTER ALL, THREE COURTS HAVE ALL FOUND THAT MICROSOFT DIRECTLY AND REPEATEDLY ABUSED ITS MONOPOLY POSITION (95% OF THE EFFECTIVE MARKET FOR PC OPERATING SYSTEMS IN THE USA??). WHY SHOULD WE TRUST THEM GOING FORWARD???

THANK YOU.

GWS

MTC–00010622

From: Barbara Bryant
To: Microsoft Settlement
Date: 1/12/02 2:56pm
Subject: Microsoft Settlement
Barbara Bryant
PO Box 1344
Levelland, TX 79336
January 12, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

WHY DON'T YOU GO AFTER THE ''UTILITY/TELEPHONE MONOPOLIES IN SMALL TOWNS?

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief. Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Barbara Bryant

MTC–00010623

From: Anders Persson
To: Microsoft ATR
Date: 1/12/02 3:04pm
Subject: Microsoft Settlement

Hej

Microsoft position on the software market make them a monopoly company. They thoroughly use it by adding not large differences to standards but small once. Many companies in Sweden has abandon other products like Netscape since they do not handle everything correctly if a site has been developed by any MS product. Since a lot of people use MS Word, MS Front Page in large companies they of course produce there sites with those tools. Netscape handles them almost correctly but since Microsoft has added some slight differences only known internally of Microsoft it is only MS Internet Explorer that has the possibility to handle the pages correctly.

They have tried the same with Java and there product Visual J++ that in some cases produced not standard Java code. So, Microsoft is defacto, by its large market share, setting the standrad but not telling anyone. A similar case is the openoffice.org tool that tries to read MS Word formatet documents. I recently filed an issue about a bug to oppenoffice.org. They did not handle some tables correctly that was produced with a MS Word tool that a friend of mine use. They looked at the binary format of the document and the reason was that MS Word ignored in this specific case the carriage return that was included in the table? Why did they ignore it? How should anyone else than the developers at Microsoft be able to write products that use information produced by other tools either by direct communication or via files produced by Microsoft tools.

If a small company do like Microsoft noone will bother since it often does not affect anybody. But since Microsoft totally dominate the market everyone must follow what they do. If Microsoft decide that they need a new product in a certain area the just take it since they can easily create a new product that is better integrated with all other Microsoft tools than any other vendor can do.

The only possible solution is to devide MS into a lot of smaller companies.

Regards

Anders Persson

MTC–00010624

From: Don Running
To: Microsoft ATR
Date: 1/12/02 3:05pm
Subject: Microsoft settlement

MTC–00010624–0001

805 Harrison Street
Wakefield, MI 49968–1043
January 12, 2002
Attorney General John Ashcroft
US Department of Justice
Washington, DC 20530–000

Dear Attorney General Ashcroft:

We are huge supporters of Microsoft. We have long been impressed by the company's ability to produce user-friendly products. Microsoft has their hand on the pulse of the consumer's needs. This is the secret behind Microsoft's ability to innovate. We want to voice our support for the settlement. This settlement is fair. It is reasonable. It contains many terms that will ensure anti-competitive behavior in the future. The largest of these terms is the disclosure of the internal interface. Competitors will now be able to access the design of the Windows system. This will put competitors at an increased advantage.

Microsoft is a great company. It has helped te technology industry immensely. The settlement will allow them get back to what they do best. Enact the settlement.

Thank you.

Sincere regards,

Donald R. and Margaret A. Running

MTC–00010624–0002

MTC–00010625

From: Gayle Green
To: Microsoft ATR
Date: 1/12/02 3:05pm
Subject: Microsoft Settlement
4119 North Simpson Road
Otis Orchards, WA 99027–8721
January 12, 2001
Attorney General John Ashcroft
US Department of Justice
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I support the settlement of the Microsoft Antitrust Case. I am outraged about the amount of money and time that has been devoted it. This case should not have been brought in the first place. I am even more outraged by the handling of the case by the judiciary. I believe firmly that the government should simply drop the case against Microsoft, however, as the likelihood of this happening is slim, I support Microsoft's agreement to comply with the terms of the settlement agreement in the interest of ending this costly, wasteful, unwarranted, and needless litigation.

The terms of the settlement are more, considerably more, than fair, just, and reasonable. Microsoft has gone far above and well beyond what should be expected of it. Microsoft has agreed to disclose to its very competitors the interfaces that are internal to its proprietary Windows Operating System. Similarly, Microsoft agreed to not enter into contracts with third parties that would require that third party to exclusively promote or distribute Microsoft products. There should be no hesitation in accepting these terms; no hesitation on the part of the Department of Justice; and, no hesitation on the part of the Court. A nation that hesitates in times of crisis is lost. And our nation is facing a crisis.

I believe firmly that this case was brought as a result of the government's ongoing pattern of interfering with successful American businesses. Innovative companies, like Microsoft, should be free to further their businesses. When innovative American companies are allowed to freely innovate, American businesses, American consumers, and the American economy in general, will benefit.

Thank you in advance for your attention to this matter and, please, let our nation move forward.

Sincerely yours,
Gayle E. Green
We do not lose heart. Though outwardly we are wasting away, yet inwardly we are being renewed day by day. For our light and momentary troubles are achieving for us an eternal glory that far outweighs them all. So we fix our eyes not on what is seen, but on what is unseen. For what is seen is temporary, but what is unseen is eternal.
II Cor. 4:16–18

MTC–00010626

From: Mike Duetting
To: Microsoft ATR
Date: 1/12/02 3:09pm
Subject: Microsoft Settlement
5756 Spruce Knoll Court
Indianapolis, IN 46220
(317) 255–4806
January 12, 2002
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Attorney General Ashcroft:
I am writing to express my full support of the recent antitrust settlement between Microsoft and the US Department of Justice. The case has dragged on long enough and I believe the settlement is fair and in the best interests of the America public. There are two things I completely agree with in the terms of settlement and think will be good for the IT Industry. First, the increased relations between Microsoft and computer makers and software developers will allow knowledge sharing, which is unprecedented in this industry and should promote higher growth rates. Second, designing future Windows versions so that computer makers, software developers, and consumers can more easily promote non-Microsoft products is a welcome adjustment to the current format.
But, for the IT Industry and economy to rebound this matter has to be settled as soon as possible and that will only happen when the nine states in opposition drop their lawsuits. I believe they should be scolded for their actions and I disagree fully with their intents.
Sincerely,
Michael S. Duetting

MTC–00010627

From: m C
To: Microsoft ATR
Date: 1/12/02 3:11pm
Subject: MICROSOFT SETTLEMENT
DEAR JUDGE; WHEN REVIEWING THE PFJ, PLEASE THINK OF WHERE OUR NATION WOULD BE WITH ONLY ONE OIL COMPANY (STANDARD OIL) OR WITH ONLY ONE RAILROAD CORPORATION... MONOPOLIES ARE INHERENTLY BAD FOR OUR INDUSTRY, OUR ECONOMY AND OUR NATION. AND I DON'T THINK THAT ANYONE LOOKING SERIOUSLY AT THE NUMBERS WOULD ARGUE THAT MS DOESN'T AT LEAST HAVE A DEFACTO MONOPOLY IN OUR INDUSTRY.
AGAIN AND AGAIN AND AGAIN MS HAS ABUSED ITS MONOPOLY POSITION TO PUT ITS COMPETITORS OUT OF BUSINESS. AND NOW THE GOV'T WANTS TO TRUST MS NOT TO DO IT AGAIN (WHICH IS HOW I READ THE PFJ).
THAT IS RIDICULOUS...AND IT WILL BE A SERIOUS BLOW TO THE AMERICAN SOFTWARE INDUSTRY.
PLEASE TAKE A COURAGEOUS STAND FOR FREE MARKETS. PLEASE STAND AGAINST THE MICROSOFT MONOPOLY.
THANK YOU.
MARIAN CHILDS
TOLEDO, OHIO

MTC–00010628

From: Stephane
To: Microsoft ATR
Date: 1/12/02 3:22pm
Subject: Microsoft Settlement
The american DOJ is the only authority that can do anything against the unfair market strategy of Microsoft corporation. And it may do so because, for its own interests, breaking such a monopoly would benefit the USA's state.
1-Microsoft's monopoly keeps the new economy fragile and weak. What would happen in case of Ms' crash ? The main industrial network in IT would be thrown to ground. Do you think people would like not to upgrade windows computers during 10 years because MS is dead ? Do you remember that anti trust laws were established after 1929 and why ?
2-This monopoly costs to the us society. The illegal and nonsense raises in software (that became necessary for most users and enterprises) involves a real robery of the american society. The states are stolen, as their people are, when they spend million dollars just because the have to buy an up-to-date system (even if up-to-date just means more beautifull and newly marketed).
3-From a computer security point of vue, having only one large scaled operating system (that can't be customized or modified in any way) is the MAIN factor that explains why viruses and security holes spread so quickly in the net. More diversity would carry more immune to the net and the american economy as well.
4-No more innovation, what a pity for such a new field : creating Operating Systems for people.... Microsoft is simply leveling down the computer science as many will tell you. Even their ''innovations'' are not innovations because they are not shared and this just becomes a market advantage to strengthen Ms and weaken the technology abitiliy to change and evolve. American founder thought it would not become another oligarchy ...
What an amazing idea to see that justice is feared to break someone who concentrates so much power in a democraty...

MTC–00010629

From: ELHoffmann
To: Microsoft ATR
Date: 1/12/02 3:21pm
Subject: Microsoft Settlement
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:
Since technology changes and evolves so quickly these days, it is impossible that a monopoly can exist.
Every company has an equal opportunity to achieve success and Microsoft should not be punished for accomplishing the highest level of success. Over the past ten years, growth of Microsoft has fueled the
US economy. As a result of litigating Microsoft, this source of ''fuel'' has been cut short. Thus it is important to end litigation as soon as possible.
The settlement offers the best solutions to the problem and serves the best interest of the people. We should not continue to weaken our US companies and while risking the chance of another foreign entity take advantage of the software market. There are already several non US companies developing products that will provide very strong competition for Microsoft. Microsoft should be left alone so that they can continue to develop new cost effective products and stay ahead of these foreign competitors. I am very concerned about the large legal bills being forced on Microsoft to defend themselves against this unwarranted litigation. In past years many other US companies had an equal opportunity to develop competitive software but have not been successful simply because what Microsoft has provided has been better and cheaper. I know because I have used much of that software and am very familiar with the cost and functionality.
After more than three years of litigation, it is about time that a settlement was reached. The current agreement ensures that other US competitors have an opportunity to be promoted the same amount as Microsoft. Provided in future Windows programs will be a mechanism that enables all users to easily reconfigure Windows to endorse software programs that are competitive with Microsoft products. In doing this, Microsoft consented to document and disclose necessary interfaces to the competition in order to advocate software compatibility. In addition, Microsoft has agreed to the establishment of a Technical committee. These software engineer experts will monitor Microsoft's business practices and will report any violations of the settlement.
Due to the excessive length of this case, it is necessary to end litigation immediately as it is not beneficial to the parties involved or to the US citizens. I believe the justice department has many more important items on its agenda. This country can not afford additional terrorism so that is where the justice department should be putting these resources (to better use in protect the people of the United States).
Thank you considering my comments.
Sincerely,
Leon Hoffmann

MTC–00010630

From: DrShelleyG@aol.com@inetgw
To: Microsoft ATR
Date: 1/12/02 3:22pm
Subject: Microsoft Settlement
The DOJ should allow Microsoft to press on in competitive ways and to innovate. Surely some compromise can be reached. If not computers and software for schools, how about software for government entities?
Shelley S. Gordon, Ph.D.
2444 West Oak St. #228
Denton TX 76201
DrShelleyG@aol.com

MTC–00010631

From: tjsimon124
To: Microsoft ATR
Date: 1/12/02 3:28pm
Subject: MICROSOFT SETTLEMENT

Department of Justice:

It is high time that this case be closed and allow Microsoft to continue their innovative proccess's in developing new, improved, and affordable software programs that benefits individual consumers, the software industry, and the American Economy. Please stop spending taxpayers dollars on this case and devote your efforts to other more important matters that affect all Americans.

If the few special interests individuals would spend the resources in improving their software products instead of litigation, maybe they too could improve the efficiency of their products.

THOMAS J. SIMON
Concerned consumer

MTC–00010632

From: CANTDANCELK@aol.com@inetgw
To: Microsoft ATR
Date: 1/12/02 3:29pm
Subject: microsoft settlement

It is just unbelievable that a company such as Microsoft is penalized for being successful. Enough already! I have yet to find ANYONE who has been ''hurt'' by what ever Microsoft has been accused of. The real villain in this circus are the competitors of Microsoft who just cannot compete or will not compete without government intervention. If you cannot compete in a certain market, then you probably are IN the wrong market. This is what a true ''open market'' is. Microsoft is being penalized for following the American Way. A successful company that has indeed improved my way of life and millions of others. Let's face it. The states that are involved are only looking for another ''cash cow'' to fill their coffers. To drain Microsoft of legally earned revenue, an amount that Microsoft will have to pay, but like any other prudent company, would pass the cost back to the consumer by raising the price of its product, thus basically becoming a ''hidden tax'' upon the American people.

The Department of Justice must end this trampling on the spirit of what is America, an open market, the freedom of commerce, the right to be successful without penalty.

Lou G. Kush
27810 49th Ave S
Auburn WA 98001–1913
United States of America
(253) 859–3004
e:mail: CantdanceLK@aol.com

MTC–00010633

From: WWilli2182@aol.com@inetgw
To: Microsoft ATR
Date: 1/12/02 3:34pm
Subject: Microsoft Settlement

To whom it may concern:

I should like to record my view that the Microsoft settlement recently agreed upon is fair and reasonable, and in the public interest, and it would be very much against the public interest to reopen the case at this time, after already protracted litigation.

Very truly yours,

William J. Williams

MTC–00010634

From: Richard Iverson
To: Microsoft ATR
Date: 1/12/02 3:37pm
Subject: Microsoft Settlement
8468 W McRae Way
Peoria, Arizona 85382
January 12, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The federal government has no place telling people how to run their business or punishing them for being successful when they do it right. Microsoft is being punished for simply being too successful. I hope that this settlement means that both Microsoft and the government can move onto more important issues.

This settlement will make it easier for companies to design their products for use in Windows by requiring Microsoft to give them information about how Windows operates internally. If they don't feel that Microsoft is complying, they are allowed to take them back to court. I feel that this is more than enough to handle all of the original complaints that were brought against Microsoft in the first place.

Please let this settlement stand and let this whole mess finally be over and done with. Thank you for hearing me out in this matter and I look forward to hearing the result of this case after the comment period has ended.

Sincerely,
Richard Iverson

MTC–00010635

From: Patnraykirby@aol.com@inetgw
To: Microsoft ATR
Date: 1/12/02 3:44pm
Subject: Microsoft settlement
January 8, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

This letter is intended to express my concern regarding the continued delay in the settlement of the Microsoft case. This matter has been the object of years of litigation, constant controversy and continuous delay. All the while, one of the nation's most dynamic corporations has been hamstrung in a manner detrimental to the whole IT industry and our national economy. It's time to end this controversy and get Microsoft back to work.

The proposed settlement will satisfy the concerns of the government and remedy the grievances of Microsoft's competitors. The company will be constrained to open up its Windows systems to non-Microsoft software and computer manufacturers. There will be a Washington appointed oversight committee to monitor the company's compliance. In short the fears of Microsoft's competitors are no longer justified.

This case is now no more than a political football, and treating it as such is detrimental to this country and our economy. Please finalize this settlement.

Sincerely,
Raymond C. Kirby
9411 Brookview Drive
Brentwood, TN 37027

MTC–00010636

From: Julia Stemper
To: Microsoft Settlement
Date: 1/12/02 3:07pm
Subject: Microsoft Settlement
Julia Stemper
1830 E. Parks Hwy. #639
Wasilla, AK 99654
January 12, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Julia Stemper

MTC–00010637

1437 Darthmouth Street
Scranton, PA 18504–2122
(570)342–0590
January 8,2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am happy to see that a settlement has occurred between Microsoft and the US Department of Justice in the antitrust case, but extremely upset with the nine states continuing their lawsuits. Microsoft should not be broken up and most of the concessions they are being forced to make are ridiculous. I am currently studying for a degree in Business Information and have worked in numerous internships in the IT sector. As a student, and constituent of IT businesses, I think Microsoft is being wrongly forced to disclose their technology that they have

worked long and hard to develop. I will say that Microsoft has done wonders for our technology educational systems and should be applauded for how they have helped our economy.

The terms of the settlement have some just points such as forming three-person team to monitor compliance with settlement and increasing relations with competitors to share technological codes and interfaces.

I hope that the Department of Justice helps to suppress state opposition and works to free up Microsoft so that they can focus on regaining the growth they had over 3 years ago.

cc: Senator Rick Santorum
Senator Arlen Spector
Sincerely,
Mark Gowarty
From: Mark Gowarty
To: Microsoft ATR
Date: 1/12/02 4:05pm
Subject: Microsoft Settlement

Attached are my feelings on the Microsoft Settlement. Please see that they are read and reflected upon.

Thank You
Mark Gowarty
CC:Microsoft Freedom to Innovate

MTC–00010638

From: Don (038) Susie Meador
To: Microsoft ATR
Date: 1/12/02 4:13pm
Subject: MICROSOFT SETTLEMENT
MabelDonald A. Meador
20482 Townline Rd.
Lanark, Ilinois 61046
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I want to take a moment to comment on the settlement between Microsoft and the Department of Justice that was reached late last year. The settlement is definitely in the public's interest and is a fair deal for both sides of the dispute. From every indication I have seen, the agreement is strong and requires many changes to be implemented by Microsoft.

As an example, Microsoft has agreed to design future versions of Windows to provide a mechanism to make it easy for computer makers, consumers and software developers to promote non-Microsoft software within Windows. This will in turn give consumers the freedom to choose to change their computer's configuration at any time. Also, Microsoft will be monitored under the agreement by a Technical Committee to ensure they are meeting their obligations.

I believe Microsoft has done a world of good for this country. Their products are extremely important to this country, whether small businesses or individuals in their home use them. I hope you continue to support the settlement and take no further action.

Sincerely,
Donald Meador

MTC–00010639

From: fstapel
To: Microsoft ATR
Date: 1/12/02 4:20pm
Subject: Microsoft Settlement

Dear sirs;

You may add my name to the list of people who are dissatisfied with the proposed settlement suggested by the Microsoft Corporation. I believe that giving poor school districts refurbished PCs and software, will only end up adding to the monopoly that they now enjoy. It will also impoverish the already under funded schools, in maintenance of these reworked machines plus the continual cost of updating them, and upgrading the software. It seems a very clever ploy to get more schools locked in to the ''Microsoft Way'', which has already proven to be expensive to businesses and the private sector alike. I believe Microsoft needs to forfeit a stiff fine, and have this granted to these schools, with the choice of Operating Systems, Windows, Macintosh, Linux or whatever.

Thank you for taking time to read this.
sincerely.
Frank Stapel
106 Develin Drive,
Phoenixville, PA 19460
fstapel@erols.com

MTC–00010640

From: Otto Ammer
To: Microsoft ATR
Date: 1/12/02 4:28pm
Subject: antitrust

bravo microsoft!!!!!!!!!!!!Why doesn't the gov. keep its nose where it belongs.

Not in pvt industry.
O.J. AMMER
300s. stonebase rd.
New Wilmnigton Pa. 16142

MTC–00010641

From: Steve Skipper
To: Microsoft ATR
Date: 1/12/02 4:30pm
Subject: Settlement agreement

To whom it may concern:

As a resident of Washington I am amused at the different states' AG's as they attack Microsoft. Even though our AG was a lead litigator in the tobacco suit(we grow no tobacco in WA), I notice our AG is not part of this action, but many of the other AG's have competitors to Microsoft headquartered in their states. This appears to be a legal shakedown, because many of them were happy if Microsoft dumped money into their state in exchange for settling. (If it were truly an anti-trust case, none of these pursuers would let Microsoft buy them off.) Is this the American way? I hope not.

I would like to mention just one little piece of testimony in the government's case against Microsoft. Ralph Nader in his testimony mentioned that they were so upset with Microsoft's business tactics that they did not use any Microsoft products in their office. I think that says it all. Microsoft is not the only game in town.

I would also like to refer back to another case not so long ago, very similar to this one. Remember when the government claimed that no one would ever be able to compete against IBM, because they controlled so much of the market. A suit that lasted some 13 years was for naught. IBM is even throwing in the towel on trying to compete in the desktop business and it had nothing to do with the government making a level playing field. What was the purpose of the suit? Are we going to make the same mistakes with Microsoft?

The free enterprise system is not perfect, but I think if we look at history, it turns out to be the most efficient and gives competitors the best opportunity to become the new industry giant.

If Microsoft is willing to settle under the terms now proposed, let's do it.

Steve Skipper,

Not affiliated with, own no interest in, not an advocate for or not paid by Microsoft

MTC–00010642

From: Tammy Stambaugh
To: Microsoft ATR
Date: 1/12/02 4:50pm
Subject: Microsoft settlement

Dear Attorney General Ascroft,

I'm writing to ask you to accept the proposed settlement by the Department of Justice, Microsoft and nine of eighteen states which will stop wasting taxpayer's money on the decade-long competitor-driven persecution of Microsoft.

I ask that the Federal District Court determine that the proposed settlement is in the public's interest and end the waste of our money on this case. Please settle it, and be done with it.

Thank you,
Tammy Stambaugh

MTC–00010643

From: PTLJanell@aol.com@inetgw
To: Microsoft ATR
Date: 1/12/02 4:35pm
Subject: Microsoft Settlement

To Whom it May Concern:

As a citizen of Washington state, I encourage you to accept the proposed settlement in the anti-trust case involving Microsoft. This settlement is appropriate and reflects a triumph of the rule of law. Certain Microsoft competitors and other critics of the proposed settlement make the core of their objections a call for more stringent restrictions, ranging from prohibition of what they call ''product tying'' to breakup of the company. More extreme critics complain that the remedies do not address products that were not even part of the case.

These objections ignore the decision of the Appeals Court that reversed much of Judge Jackson's original findings. The Appeals Court threw out findings on many fronts related to Microsoft's anti-monopolistic behavior. One key area rejected was the basis used for claiming that integrating Internet Explorer and Windows represented monopoly abuse. The court went further to state that any new burden of proof for ''tying'' would be immense. The court also rejected the breakup order and made it clear such an order moving forward would be difficult to sustain given the court ''drastically altered [i.e., reduced] the scope of Microsoft's liability.''

One final objection raised by critics is that Microsoft has a past history of consent decree violation so the company cannot be trusted to adhere to a new decree. This is a patently false assertion. The Appeals Court in June of

1998 rejected the very claim that sent the parties into litigation—the Department of Justice claim that Microsoft had violated an earlier consent decree. Furthermore, this settlement takes the extraordinary step of creating an onsite oversight body. There are, therefore, no legitimate grounds for an assertion that a consent decree will not constrain Microsoft's behavior in the ways the court intends.

Rather, the proposed settlement directly and concretely addresses each and every key finding upheld by the Appeals Court, and does so with an undeniably stringent remedy. The areas of violation addressed include requiring OEMs to preserve visible access to Internet Explorer, to preserve the original boot sequence, to preserve all Microsoft-supplied desktop icons; entering into exclusive contracts with Internet Access Providers; threatening companies over support for other middleware technologies; and every other key area identified by the Appeals Court.

In my view, there can be no valid objection to this settlement because every major finding of the Appeals Court is stringently addressed with a targeted remedy that specifically prohibits and prevents the behavior in question. Acceptance of the proposed settlement will send a signal throughout American industry and the country as a whole that in the United States rule of law is alive and well—that defendants face remedies only for those findings against them. Anything beyond this settlement would represent a victory for those who do not seek remedy but rather also unwarranted punishment, and this would be a serious blow to the smooth functioning of free markets and the law that protects them. Participants in the American economy would forever be forced to fear whether the laws they rely upon to safely conduct business will be applied fairly.

I believe in advancing free market competition and this settlement serves the best interests of the American public. It fairly resolves a complex and burdensome anti-trust case that is having severe impacts far beyond one company, a case that is acting as a drag on one of the most vibrant sectors of our economy. Settlement of this case will free the high-technology industry to put its fullest efforts into innovation and creativity, and will spur competition in a way that will directly benefit consumers.

Thank you for your consideration.

Janell Hope
11805 Meridian Pl. NE
Lake Stevens, Wa. 98258
ptljanell@aol.com

MTC–00010644

From: Pete Carapetyan
To: Microsoft ATR
Date: 1/12/02 4:39pm
Subject: Microsoft Settlement

Your honor:

Please do not allow our country to be bush-wacked by Microsoft, who uses not one but every available tactic to maintain their control over the marketplace.

By making technology appear much more complex than it really is, and then using that as a shell game to outwit the court system, Microsoft makes a sham out of our laws, and a mockery of what has allowed technology to move forward.

Please do not allow the court to be duped by this very clever group. You do not have to be a technical genius to see when you are being snookered.

Pete Carapetyan
http://datafundamentals.com
Java Development Services
Open standards technology for commercial profitability

MTC–00010645

From: steve@stevemarse1studio.com@inetgw
To: Microsoft ATR
Date: 1/12/02 4:40pm
Subject' Attached word file
Steve Marsel Studio, Inc.
215 First Street
Cambridge, MA.
02142
steve@stevemarselstudio.com
January 11, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW Washington, DC 20530–0001

Dear Mr. Ashcroft:

After three long years of litigation between Microsoft and the Justice Department, I was excited to hear that a settlement had been reached.

The agreement reached required extensive negotiations and is extremely comprehensive. The agreement requires many concessions from Microsoft that show the government got strong deal in this matter. For example, Microsoft has agreed not to enter into any agreement obligating any third party to distribute or promote any Windows technology exclusively or in a fixed percentage, subject to certain narrow exceptions where no competitive concern is present. Also, any violations of the settlement could bring a contempt of court charge against Microsoft. The settlement is also a good development for consumers. Besides benefiting the economy, Microsoft will now be able to focus their resources on developing the next generation of products consumers have come to expect. Therefore, I hope your support of the settlement remains strong and this entire affair can be put behind everyone.

Sincerely,
Steve Marsel

MTC–00010646

From: Charlene Higgins
To: Microsoft Settlement
Date: 1/12/02 4:34pm
Subject: Microsoft Settlement
Charlene Higgins
504 N. Cottage
Miles City, MT 59301
January 12, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Charlene Higgins

MTC–00010647

From: alvin j pohl
To: Microsoft ATR
Date: 1/12/02 5:07pm
Subject: MICROSOFT LAWSUIT
12380 Drayton Drive
Spring Hill, FL 34609–4034
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
January 10, 2002

Dear Mr. Ashcroft:

It has come to my attention that there has been a settlement reached in the Justice Department's case against Microsoft. I would you like to know that I support the settlement, which has been reached by the parties involved.

However, I believe that the case was a waste of the court's time to begin with. There was no need to bring legal action against Microsoft, because they did not commit any crime. They are just a successful company who develop excellent products. I think the terms of the settlement are more than fair and reasonable for the government to accept. For instance, Microsoft has agreed to license its Windows operating system products to the 20 largest computer makers on identical terms and conditions, including price.

Also, I would like to remind you that there will be a three person technical committee established to make sure Microsoft is complying with the settlement, and to aid in the dispute resolution process. Furthermore, the continued pursuit of legal action against them would just be a waste of time and money. I ask that the Justice Department terminate its efforts to prosecute Microsoft.

Sincerely,
Alvin Pohl

MTC–00010648

From: Gerald Thomas
To: Microsoft ATR
Date: 1/12/02 5:13pm

Subject: Microsoft Settlement
Sir,
I belive that a favorable Microsoft settlement is in the interest of consumers and the public in general. Microsoft products have continually improved and have provided inexpensive software to the average family at a reasonable cost. I would have bought from their competitors if their product was as good.
Gerald G. Thomas

MTC–00010649

From: Don Kovacs
To: Microsoft ATR
Date: 1/12/02 5:18pm
Subject: Fw: Microsoft settlement
ATTN: Renata B.Hesse
BOGUS
The DOJ, Microsoft and nine (9) attorneys-general have reached a satisfactory conclusion in this case against Microsoft. This case should be concluded as over and those states that do not wish to partake in the settlement should get NOTHING, including Connecticut, which I am a resident of (my attorney-general Blumenthal has a tendency to grandstand). Enough already. Microsoft makes a product and generates jobs, pays taxes and provides social responsibility to schools, etc. Government, takes from citizens and is supported by my taxes. End this case NOW!!!
Respectfully
Don Kovacs
16 Elaine St.
Norwalk, CT 06850
(203) 866–9671

MTC–00010650

From: Muneer Qaid
To: Microsoft ATR
Date: 1/12/02 5:24pm
Subject: Microsoft Settlement
Hi,
First let me start with this funny thing...i'm writing to you this email using Microsoft techonology(Hotmail) itselt but opposing Microsoft' way in business.
Yes, i think Microsoft should give some space for other companies to work and make money. Apparantly that was not the goal of Microsoft in the past years. I do encourage Microsoft innovation and hard work but it SHOULD NOT target its work at harming/destorying or taking ideas of others and plug them into MS Operating Systems.
I think Bill Gates had made enough money to keep him and all his grandsons extremely rich for sooooo long. Give it a break Bill Gates.
Regards,
Muneer

MTC–00010651

From: Kay Lidington
To: Microsoft ATR
Date: 1/12/02 5:43pm
Subject: Microsoft Settlement
I live in the UK. Many people are concerned over abuse of a dominant position by Microsoft. The media is full of stories of abuse of a dominant market position by the firm. It probably needs to be reined in, but break-up of the entereprise is in the interests of no-one. Whether or not you like the firm, they have single-handedly advanced information technology to levels that even a couple of years ago were beyond the wildest dreams of most people across the world.
If you wish to rein them in, many people will consider this appropriate. If you wish to break them up, you will do more damage to the civilised world than Osama bin Laden could even imagine.
As a patriotic UK national, I wish a UK firm had the expertise that Microsoft consistently show. As a member of the civilised 'Western' community, I expect you to consider where we would be without this firm.
For the record, I use an outdated version of ''Windows'' (Windows '95)because newer versions would leave smaller business like mine, that rely on older Windows-dependent programs, unable to run these 'old' programs without spending money we do not have.
I have no love for Microsoft, but be realistic—it is the only firm able to advance computer applications at a pace required by businesses worldwide.
K Lidington,
MILT, MInstTA (UK)

MTC–00010652

From: George Salisbury
To: Microsoft ATR
Date: 1/12/02 5:49pm
Subject: microsoft settlement
I find the persecution of Microsoft an abomination of free enterprise. Microsofts bundling of their products is a procedure that has been followed by many manufacturers since day one. But the idea that a man like Bill Gates can utilize the system and become the richest man in the world causes our current socialist government fits. This is totally un-American. You are supposed to be free to be all you can be in this country. Apparently, not!
Totally disgusted,
George Salisbury
6018 E. Gillette Rd.
Cicero, NY 13039

MTC–00010653

From: Stella Canfield
To: Microsoft Settlement
Date: 1/12/02 5:48pm
Subject: Microsoft Settlement
Stella Canfield
111 E.Evans Rd.
Wapato, Wa 98951
January 12, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:
The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry.
It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.
Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.
Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.
Thank you for this opportunity to share my views.
Sincerely,
Stella Canfield

MTC–00010654

From: Glenda R. Snodgrass
To: Microsoft ATR
Date: 1/12/02 6:06pm
Subject: Proposed settlement of Microsoft anti-trust case should be REJECTED
With regard to the proposed settlement of the Microsoft anti-trust case, may I respectfully state that I believe the proposed settlement should not be approved. Primary faults with this proposed settlement include:
1—No punishment. In spite of the fact that Microsoft has been judged to be a monopoly, which is a violation of U.S. anti-trust law, the proposed settlement does not punish Microsoft in any meaningful way, nor does it grant any meaningful relief either to consumers or to companies such as Apple, Sun and Netscape which were found to have suffered due to Microsoft's monopolistic practices. Microsoft will continue to enjoy the many fruits of its prior illegal activities.
2—No relief. The proposed settlement will not require Microsoft to change its normal way of doing business in any meaningful way. Consumers will still be forced to buy Microsoft software, at least the operating system, with every new PC purchase. (If you don't believe this is true, pick up the telephone right now and call Compaq or IBM and try to order a new PC with no operating system installed. They will not sell you one.)
3—No disclosure. A fair settlement must require Microsoft to reveal the secrets of its file formats to the extent that third-party software companies may create competitive products able to read documents created by Microsoft software and which will interact with Microsoft operating systems as well as Microsoft's own products do. The existence of the Microsoft monopoly over recent years has resulted in the creation of millions of documents in Microsoft-specific file formats; until these documents can be properly used by other software products, the monopoly will not be broken. The current proposed settlement does not provide for such necessary disclosure.
4—No protection. Likewise, the proposed settlement does not provide for adequate disclosure of network protocols like .NET, which Microsoft plans to use to completely dominate the Internet. Until and unless these protocols are regulated by an independent third party and fully disclosed, only software developers using Microsoft development

tools on Microsoft platforms will be able to fully implement the technology.

5—No security. It is crucial for national security interests that the Microsoft monopoly be halted, firmly, in its tracks. Just as a gene pool must be diverse to survive, the communication infrastructure of this country must have a diverse base to withstand attacks. It is a well-known fact in technical circles that the Microsoft operating systems have myriad serious security holes, making its ubiquity an even greater liability. More secure systems cannot penetrate the market, to diversify the national infrastructure and provide security through complexity, until the Microsoft monopoly has been broken.

The proposed settlement will not break the stranglehold of the Microsoft monopoly, and thus should be rejected.

Glenda R. Snodgrass
Post Office Box 885
Mobile, Alabama 36601

MTC–00010655

From: Philip Haddad
To: Microsoft ATR
Date: 1/12/02 6:11pm
Subject: Mircosoft

As a taxpaying citizen I'm demanding that the crusade against Mircosoft stop. Trial layers make loads of money in these cases. However, it sets a bad legal predent and is paid with by taxes.

Sincerely,
Philip Haddad

MTC–00010656

From: Peter Menchini
To: Microsoft ATR
Date: 1/12/02 6:20pm
Subject: Microsoft Settlement

As a consultant who works in the technology field, I am strongly opposed to the way the government has been handling this case of late. Microsoft, as a matter of course, uses it's monopoly position to carry out the most outrageous anticompetitive practices.

Indeed, they are the very picture of arrogance. They stifle innovation at every turn, even as they take credit for other peoples' initiatives. Their complete lack of concern for software security for instance, has cost companies thousands of dollars in lost revenue.

I urge the Department of Justice to stop helping Microsoft achieve dominance in school systems, and instead deliver the most severe punishments allowed by law.

While I prefer a break up of Microsoft, I understand this may not now be possible. In any case, I would think the government would look at how much money Microsoft really has, and ask for both compensatory and punitive damages based on the billions they've cost not only consumers, but State, Federal and local governments as well. This should be calculated to include the loss of jobs at other, competing firms as Microsoft's threats have forced corporations to dump other viable technologies or suffer the wrath of Redmond.

These things are all well documented, and Microsoft has made it clear that they are both unrepentant and unbowed. Even today, they continue their efforts to dominate at all costs, even if it means that America falls behind in cutting edge technology.

Thank you for your time.

Sincerely,
Peter Menchini
Citizen of the United States of America

MTC–00010657

From: Millie
To: Microsoft ATR
Date: 1/12/02 6:43pm
Subject: microsoft settlement

My opinion and comments: Microsoft should get off the hook? four years is enough? If another company has a better operating system? they should show it and the world will buy it instead of XP. My County and my City has computers and training in every Library Thanx to Bill Gates. Their Software is reasonably priced? litigation is never reasonable in cost. Let's settle it now?

Charles Murrell,
Redding California.

My brother, Charles Murrell, wrote the above; we are in agreement with his opinion and want you to know.

George A. & Millie L. Berlemeier
14 Bruno Ct.
El Sobrante, CA 94803–3238
(510) 223–3694

MTC–00010658

From: leotakorns@frontier.net@inetgw
To: Microsoft ATR
Date: 1/12/02 7:13pm
Subject: Microsoft Settlement

I would like to have the Microsoft case settled. I do not think we are gaining anything by prolonging and dragging it out.

MTC–00010659

From: west goewey
To: Microsoft ATR
Date: 1/12/02 7:23pm
Subject: microsoft settlement

get it over with . . . tired of my tax dollars being wasted on this law suit. lets get the economy rolling . . . the only ones that win in a law suit are the lawyers!! let the buyer worry about what operating system to buy!! the settlement looks good to this consumer.

west goewey

MTC–00010660

From: Pat and Bob Goodpaster
To: Microsoft ATR
Date: 1/12/02 7:39pm
Subject: Fw: Microsoft settlement
From: Pat and Bob Goodpaster
To: mailto:Renata B. Hesse
@microsoft.atr@usdoj.gov
Sent: Saturday, January 12, 2002 7:11 PM
Subject: Microsoft settlement

Microsoft's generous offer should be accepted.Enough is enough. Let's get this closed and let this progressive organization help move our great country forward.

Sincerely,
Robert L. Goodpaster
1648 Elliott Ave.
Ashland, Kentucky

MTC–00010661

From: RickWRoberts
To: Microsoft ATR
Date: 1/12/02 8:02pm
Subject: Microsoft Settlement.

Microsoft continues to develop business strategies which have a direct effect on the consumer and developer communities. One of the objectives of these strategies is always to impede other companies from developing technologies which might interfere with Microsoft's goals. Examples: Netscape Navigator and Java Technology. Even after the Antitrust suit was filed, Microsoft continues to try make it harder for other companies to develop their technologies. Example: Microsoft .Net strategy. And Microsoft says look at all the great things we have accomplished. But, much more could have been accomplished if Microsoft wasn't always trying to inhibit other companies abilities to compete in a fair market. I will only support a settlement which does not allow Microsoft to continue to bend the laws to suit there strategies.

Rick W. Roberts
Independent Software Developer

MTC–00010662

From: Kevin Poulsen
To: Microsoft ATR
Date: 1/12/02 8:02pm
Subject: Microsoft Settlement

To whom it may concern,

It has come to my attention, through BeOS channels, that you are accepting proposed remedies to Microsoft's anti-competitive behavior as a monopoly.

To the point:

1. Microsoft should be limited from placing ANY restrictions on resellers. This includes, but is not limited to resellers selling individual copies of software, major/minor computer manufacturers who bundle MS software with their systems, VARs who may give discounts for bulk orders on MS products, etc.

2. Microsoft should be required to publish a price list with all available discounts. Anyone who meets requirements for fair discounts (based on volume, etc.) can get the discounts without any strings attached. Also, end-users should be allowed to upgrade whenever they see fit, instead of being forced into ''subscription services''.

3. Microsoft NEEDS to be broken into at least 3, preferabley 4, independant companies (Mini Micros) using the AT&T breakup as a model. I strongly think we need 2 operating system companies and 2 application companies. Tied to this, COMPLETE OS APIs need to be published to any application/OS manufacturer that requests them.

4. Monetary damages at a staggeringly high number—sufficient to be considered by Microsoft as incentive for avoiding anti-competitive practice in the future. These monies could be placed in a trust fund for a number of years. Anyone who can prove damages, can be paid from this trust fund.

Now, my thoughts on each item:

1. There have been numerous operating systems that could have fared well if it wasn't for Microsoft's heavy hand behind the scenes of computer manufacturers. Examples include OS/2, Dr DOS, many DOS variants, Linux, Unix, and, most recently, the BeOS. I remember when OS/2 came out. I was a student at the time and I saw the two OSs side-by-side in the University computer

store. OS/2 looked impressive, but it faded away quickly. I wonder why? I have had a strong interest in the BeOS for about 5 years. I heard that the BeOS was shipping as a dual-boot on some HP computers. I later found out that the computers did ship with the BeOS installed, but that Microsoft prevented HP from adding the BeOS to their boot manager and would not let them use a third-party boot manager. This severely effected the commercial viability of the BeOS. Computer manufacturers and software distributors should be able to compete on a level playing ground. Microsoft has no place dictating unfair distributor restrictions.

2. Microsoft has frequently played favorites and punished distributors who don't agree to Microsoft's whims (selling OS/2, selling linux, etc). Microsoft should not be allowed to ''punish'' ANY software distributors. There are valid reasons for giving discounts.. specifically volume. Changing the wholesale price on Microsoft products for ''preferred'' or ''black-listed'' vendors is unfair practice. In addition, Microsoft recently initiated a ''subscription'' policy. Instead of allowing end-users to upgrade when they feel it is appropriate (e.g., when Microsoft provides a decent upgrade product), Microsoft now requires that companies use a ''subscription service'' for upgrades. This is a clear coercion that would be unnecessary if Microsoft provided a product that was worth the upgrade. End users should be able to indicate approval by upgrading whenever they want.

3. BeWINE is an effort to allow Windows applications to run on the BeOS. WINE also allows Windows applications to run on Linux and X. (http:// bewine.loungenet.org/ and http://www.winehq.com/) I would like to see this project succeed, as well as others like it. But, they need ALL of the OS APIs. Breaking Microsoft into 2 companies, one with the OS and the other with applications, simply will NOT provide the open information that is needed. I think it is more important to break Microsoft into 2 OS companies. This is the ONLY way that all the OS APIs will be made public.

4. Microsoft has inflicted amazing monetary damage on competitors as well as on it's customers. If a company (Microsoft) produces a quality product at a fair price, then I don't mind if they make a healthy profit. Microsoft not only has NOT provided a quality product, they know that they can charge outrageous prices as long as they have control. Microsoft's value will undoubtably increase if it is broken up (just look at AT&T and the baby bells). Microsoft's effort to avoid a breakup is clearly so that they can maintain control. Microsoft has to be fined punitive damages relative to it's size. This is the only way to give them a sufficient incentive to compete fairly.

Some additional commentary:

First, my background. I was a network administrator for 5 years working primarily with Windows NT 4.0. Mind you, I wouldn't mind working with Microsoft products if they actually worked the way they should and were priced according to what they are worth.

Windows has traditionally been a very unstable and low performance OS. Microsoft puts effort into ''features'' that will get customers. But they routinely include ''bugs'' that are ''fixed'' in the next version to entice upgrades. Once blatant example is USB support for Windows NT 4.0. This is not difficult to provide. In fact, I've heard of 3 third-party programmers who had plans to offer it, since Microsoft hasn't included it in any of their 7 service packs. Coincidentally, none of those companies have brought it to market. I know (but can't prove) that Microsoft killed any efforts to offer USB support for Windows NT 4.0 so that users would have to upgrade to Windows 2000.

I've seen many confusing pricing schemes that are designed specifically to drain money from customers. Sometimes, these schemes include charges for no product. In particular, they charge a fee for every computer that accesses a server. They have started a ''subscription service'' that is effectively the only way to get product upgrades without spending a fortune on ''new product'' prices for upgrades. We also know that Microsoft charged twice the profitable price for Windows 95.

I became aware of the BeOS about 5 years ago. I watched in anticipation as newer versions came out and as it got great reviews. Finally, with version 4, I thought it was good enough to give it a try. It worked great (and still works great) on my P200. I've since upgraded to 5.0 and I am writing this e-mail using Mail-It on the BeOS. I still use Mail-It for my everyday personal e-mail. There are several sample programs that ship with the BeOS. I eagerly opened 11 of them, including a flight simulator, a Mandelbrot set generator, a spinning Open-GL teapot, a couple of videos, games and a starfield simulation. With all eleven of these applications open and running, some of them slowed slightly, but the equivalent of the Windows Start menu didn't even hesitate when I clicked on it. I bought stock in Be Inc. about the time that it was fluctuating wildly. This was poised to be a great OS. It was almost purchased by Apple. Then, as I later learned, HP (I think) delivered several computers with the BeOS installed. They were supposed to be dual-boot, but Microsoft nixed the dual boot, essentially making the BeOS inaccessible. That, among other things, killed the BeOS. The BeOS was then sold to Palm for 11 million—a mere fraction of it's asking price for Apple. I am hoping that Palm will license to Be United so that we can revive this great OS.

(Please note that my e-mail address will be changing from kwpoulsen@home.com to kwpoulsen@cox.net in the near future, in case you want to contact me.)

MTC–00010663

From: Dean Johnson
To: Microsoft Settlement
Date: 1/12/02 7:51pm
Subject: Microsoft Settlement
Dean Johnson
2411 Skyline Way #106
Anacortes, wa 98221
January 12, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Dean Johnson

MTC–00010664

From: Joyce A. Reynolds
To: Microsoft ATR
Date: 1/12/02 8:08pm
Subject: Microsoft Settlement
12332 Ridge Cove Circle
Charlotte, North Carolina 28273
January 11, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I have become increasingly concerned by the outcome of the antitrust suit brought against Microsoft by the U.S. Department of Justice. Even though I feel that Microsoft should never have been brought to trial, I am satisfied with the terms agreed to in the settlement that was reached. I support the terms of the agreement, which include increased information sharing and non-retaliation clauses.

Unfortunately, nine other states, along with Microsoft's competitors are seeking to overthrow the decision before it becomes permanent and to impose even further regulations of the company than it has already submitted to. This is ridiculous. The Department of Justice has better things to do with its time and money than to haggle endlessly over already resolved issues. It is in the best interests of the Justice Department, and indeed the American people, to let the lawsuit stand as it has been resolved.

I support the terms of settlement as they are. There is no need for further debate. I hope this letter will help persuade you that the settlement needs no further amendment. Thank you for your time.

Sincerely,
Joyce Reynolds

MTC–00010665

From: millers
To: Microsoft ATR
Date: 1/12/02 8:19pm

Please we have had enough. Most people are sick of the government waste in pursueing Microsoft. Let it go more harm than good is being done. We need less government intervention not more or as in this case prolonged waste of court time and money.

Thank you
David G Miller
millers@presys.com

MTC–00010666

From: Fred Grott
To: Microsoft ATR
Date: 1/12/02 8:32pm
Subject: Microsoft Settlement
Renata B. Hesse

The proposed settlement does not settle any specific points within the anti-trust judgment.

Question: How much of embarrassment for the US DOJ would it be if the settlement in Europe under their laws succeeds to redress Microsoft's Monopolistic practices where the US DOJ fails in obligation to the US Public's trust?

No matter what settlement is implemented, remember this . . . Worldwide computer users, software developers, hardware vendors, software vendors, and etc will remember where you failed and some of us happen to vote upon those lines in the next round of up coming elections in the US.

Fred Grott
badapple@netnitco.net

MTC–00010667

From: Professor Time
To: Microsoft ATR
Date: 1/12/02 8:42pm
Subject: Microsoft Settlement

I have written on this antitrust case many times over the past few months. Now that the government seems to be doing what is in the best interest of the consumers, I feel that any attempt to ''derail'' this settlement is just another example of bureaucratic overspending.

Let us put an end to this nonsense and go back to being truly competitive. Agressiveness is not always a dirty word. Sometimes it is just another way of saying ''Yankee Trading''.

Thank you.
W. Craig Westlake.

MTC–00010668

From: Alfred E Johnson
To: Microsoft ATR
Date: 1/12/02 8:46pm
Subject: Microsoft Settlement

Dear Sir:

The Microseoft settlement is fair. Please stand by it!.

Thank you.
Al Johnson

MTC–00010669

From: Bill Loytty
To: Microsoft ATR
Date: 1/12/02 8:47pm
Subject: One vote for accepting the proposed settlement.

Dear staffer who tallies these things:

Please add one vote to the ''accept the settlement and get on with it'' pile.

MTC–00010670

From: Arougthopher
To: Microsoft ATR
Date: 1/12/02 8:46pm
Subject: Microsoft Settlement

Dear Sir or Madam,

I am a developer and user of the BeOS operating system, produced by Be, Incorporated. BeOS is a product that is used world wide. Recently Be, Inc. was forced to sell its intellectual properties to Palm, Inc., due to problems getting themselves situated in the market place. One of the main reasons for this can be summed up in one word, Microsoft. I am part of a group of people trying to get BeOS back into the marketplace, but in order for us to this, Microsoft cannot be allowed to get away with what the actions they have taken in the past, and continue to take. The proposed settlement is a start, but some work is needed. The following is a list of items that I feel would help in our cause, and they the US DOJ, could help us accomplish.

1. Microsoft Office needs to use open file formats, so that alternate operating systems can interact with it properly. We don't need the source code, just the file format. The format chosen should be standardized by a recognized standards body, and maintained by them. This way, future compatibility can be maintained.

2. The Win32 API needs to be made publicly available and fully documented. This is needed so that products, like BeWine or WinBe can be used to run MS Windows applications under the BeOS.

3. The file systems used by Windows, needs to be opened, so that operating systems that exist on the same machine as MS Windows, will be able to access the files that exist under the Windows directories. Microsoft should also be forced to interoperate with foreign file systems as well.

4. The ruling must include a ''must-carry'' rule, so that any OEM Microsoft is supplying Windows with, must have a alternate operating system installed, if Windows is installed on that system. This is the only way alternate operating systems will ever be given a chance by average users.

The last point I made is the most important. This is the only way the Microsoft can truly undo the damage they have done to the BeOS. Because Microsoft had made exclusive contracts with almost all of the major OEMs in the industry, not many people ever even heard of BeOS. Be, Inc. is/was a small company, and did not have the marketing budget the Microsoft has. And since they were unable to make deals with the OEMs, they could not get their product to market, except on the shelves of retail stores, over the internet, and by word of mouth.

The current proposed settlement is too weak, for the damage that Microsoft has done to the industry. I don't think Microsoft should be put out of business, but they should be punished. I currently use some Microsoft products, and therefore do not consider myself anti-Microsoft. I do, however, believe in capitalism, and what Microsoft did was inexcusable.

Thank you for your time,
Paul Ashford

MTC–00010671

From: Richard Paul
To: Microsoft Settlement
Date: 1/12/02 8:17pm
Subject: Microsoft Settlement
Richard Paul
1134 2nd Street North
Fargo, ND 58102
January 12, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Richard A. Paul

MTC–00010672

From: Spencer Grey
To: Microsoft ATR
Date: 1/12/02 9:26pm
Subject: Opinion of MS Settlement

Dear Judge Kollar-Kotelly,

I would like to add my voice to those who are against the current proposed settlement in the antitrust case against Microsoft.

I feel the proposal does little to either redress past transgressions that Microsoft has made or to meaningfully prohibit monopolistic behavior from Microsoft in the future. The measures outlined in the settlement are not realistically enforceable and subject to manipulation and interpretation.

Consumers and developers alike will ultimately benefit from more stringent action being taken against Microsoft. Please take this into account when you make your final decision.

Thank you for your patience and understanding.

Respectfully,
—Spencer Grey, President
** Electric Funstuff
** http://www.electricfunstuff.com

MTC–00010673

From: Mary Henry
To: Microsoft ATR
Date: 1/12/02 9:31pm
Subject: Microsoft settlement

MTC–00010673 0001

142 LOWELL ST. APT 3
1ST FLOOR REAR
MANCHESTER, NH 03104
MARY A. HENRY
Telephone (603) 666–0574
email: mhenry2@worldnet.att.net
January 10, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I enthusiastically support the Microsoft settlement and hope to see it enacted in the immediate future. The sooner the settlement is enacted, the sooner Microsoft will be able to return to the business of making quality software.

The settlement includes many concessions on the part of Microsoft. Microsoft has agreed to licensing restrictions. These licensing restrictions will allow the twenty largest computer makers to license the Windows' operating system at the same price. This allows computer makers more freedom to select the software that they want to ship to their customers.

Microsoft has come to this settlement with interest in resolving this issue. We should resolve it as soon as the public comment ends.

Sincerely,
Mary Henry

MTC–00010673–0002

MTC–00010674

From: Kat31286@netscape.net@inetgw
To: Microsoft ATR
Date: 1/12/02 9:42pm
Subject: Microsoft Settlement

I feel strongly that Microsoft should be punished for it's transgressions.

There is a horrible misunderstanding of the point of the suit in the first place. Microsoft is a monopoly and has used that monopoly position to force others out of business or to bend to fit their desires.

Microsoft has done tremendous injury to the Java community, Netscape, Apple and countless others with it's anti-competitive practices. It affects people's freedom to choose among alternatives. It affects the price people must pay, directly or indirectly. It also has longer-term implications for prople's privacy and security. It means less innovation and lower quality software. Please consider this when making your decision. Thank you very much.

Kate Ruter

MTC–00010675

From: Dr. L. E. F. Page
To: Microsoft ATR
Date: 1/12/02 10:00pm
Subject: Microsoft settlement

Gentlemen:

While the Tunney Act requires a public comment period, please be aware that lobbying groups can flood the system with ''public comment.'' Haven't we spent enough time trying to limit Microsoft Corp.'s ability to remain an innovative industry leader? The settlement seems just as proposed, without further breaking up or restrictions, and I feel you should affirm it as soon as legally possible.

Sincerely,

Leslie Page (concerned private citizen and internet user)

MTC–00010676

From: Adi Ben Yahya
To: Microsoft ATR
Date: 1/12/02 10:10pm
Subject: Microsoft—a bully

It is clear that Microsoft is the biggest bully in the school yard. Worse still, it's now grown so big that it jeers at the teacher's warnings. For the sake of the others, and ultimately the bully, it's time to discipline mischievous behaviour.

AB
CCadi_ben3@yahoo.com@inetgw

MTC–00010678

From: RBeck89373@aol.com@inetgw
To: Microsoft ATR
Date: 1/12/02 10:28pm
Subject: Microsoft Settlement Ashcroft letter sent this date via US mail.

MTC–00010679

From: mary-johne hickman
To: Microsoft ATR
Date: 1/12/02 11:02pm
Subject: microsoft settlement

TO THE UNITED STATES DEPARTMENT OF JUSTICE: PLEASE LEAVE MICROSOFT ALONE. OUR ECONOMY IS JUST ABOUT SHOT!! YOU'RE NOT HELPING IT ONE BIT. PLEASE LEAVE MR GATES AND HIS COMPANY ALONE. AMERICA DOESN'T NEED ANYMORE INSULTS. PLEASE END THIS NIGHTMARE AND LEAVE MICROSOFT ALONE.

THANK YOU,
MARY-JOHNE HICKMAN

MTC–00010680

From: Jim Hall
To: Microsoft ATR
Date: 1/12/02 11:13pm
Subject: public comment: Microsoft antitrust litigation

I am writing this email to send a short statement on what I believe would be a suitable remedy to the Microsoft antitrust litigation. This is in response to the public comment that was invited for 60 days.

After reviewing the findings of fact in this trial, and based on my position and experience in the Information Technology industry, I cannot see how the settlement that is proposed even pretends to remedy the antitrust violations for which Microsoft has been found culpable. A suitable penalty, in my opinion, would be to split the Microsoft company into two halves: one that provides operating systems, and one that provides application software (including the web browser.) The two halves must be prohibited from bundling the other's products for a period of no less than seven (7) years. Further, only one of the split companies should be allowed to carry the ''Microsoft'' name, to prevent confusion in the marketplace that the two halves still operate as one. I believe that such a remedy would require the new companies to fairly compete with other software companies in the marketlace. Microsoft would not be able to leverage a monopoly on the operating system at the desktop level to push application software. Other vendors would be put on a more level playing field with the two Microsoft companies. Thank you for your consideration of my comment.

James Hall
1254 Lafond Ave
St Paul, MN 55104

MTC–00010681

From: rlwills@scottsbluff.net@inetgw
To: Microsoft ATR
Date: 1/12/02 11:43pm
Subject: Microsoft.atr@usdoj.gov
1102 Lincoln Street Potter, NE 69156–0068
January 12, 2002
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am a long-time Microsoft supporter. As such, I am pleased with the settlement reached last November with the department of Justice. The settlement is a vital end to the litigation process that has crippled the IT industry in recent years.

The details of the settlement are complex. Microsoft has agreed to many terms that will increase competitor's ability to access the Windows' operating system. First, Microsoft has agreed to disclose the internal interfaces of its software design. This allows developers to substitute their software in place of the Microsoft network. The terms of the settlement will allow users to erase separate aspects from the operating system, such as Explorer or Media Player.

This settlement is in the public interest. It provides an opportunity for the IT industry to rebuild itself. Thank you for your time.

Sincerely,
Richard L. Wills

MTC–00010683

From: melinda stortenbecker
To: Microsoft ATR
Date: 1/13/02 12:06am
Subject: microsoft settlement

Get it over with. Competition and free enterprise are what made this nation a hope for everyone, not just a few wealthy. When Gates started, he was just a nobody with drive and determination. Leave it be.
Melinda Stortenbecker

MTC–00010684

From: Eugene Vilensky
To: Microsoft ATR
Date: 1/13/02 12:48am
Subject: Microsoft Settlement

Hello,

As a college student and a computer enthusiast and future programmer, it is my strong belief that Microsoft has done irreparable harm to the computer industry.

They have done wrong and deserve to be punished not because they are a successful company, but because they have violated anticompetitive law, and have done it with an air of arrogance and political clout and disrespect for the wishes of consumers.

It is understood that Microsoft is the U.S.' single most successful company, but they have not done it by pushing out a quality product that has fought for its own Darwinian place in the marketplace. They did it by choking off competition—in the case of preventing computers from shipping with BeOS installed alongside Windows (or any dual-boot configuration). I was and still am a big fan of the Be Operating System, it was a powerful tool that would in a free market have won marketshare on its own merit, but it suffered because people could not find computers with BeOS installed, hence the main tenet of competition—consumer choice—was choked off by Microsoft. Even now I cannot go to BestBuy or circuit city or Dell.com and easily order a preconfigured Linux machine. Even now Microsoft is plotting the destruction of consumer choice.

And if we don't punish Microsoft for breaking the law, why can they not be brought to justice for delivering inferior products? If GM didn't have Ford to contend with, would you, the ''Department of Justice'' allow such a GM to ship cars with faulty clutches and breaks, that would harm people's livelihoods as much as Microsoft bugs have stolen money from my employer and my fathers employer and the company that my uncle owns? The damage is in the thousands of dollars, because Microsoft can defecate in a box, brand it as 'Windows', and the market is forced to accept it. We demand some semblance of quality from our auto manufacturers, so why not from our software suppliers? I hope that the DoJ really lives up to its name, promotes competition and products that succeed on their merits and creates an economy in which two or even three or four 'Microsofts' can coexist, improving each generation of software upon that which came before, learning that customers are important when there is an alternative, and each employing thousands of people and strengthening the economy.

Best regards,
Eugene
mailto:e.vilensky@home.com

MTC–00010685

From: Mike Taylor
To: Microsoft ATR
Date: 1/13/02 12:58am
Subject: Microsoft Settlement

My impression is that the government has spent so much time listening to disgruntled competitors of Microsoft that it has missed the end user exposure.

The end user problem with Microsoft is not that it makes software that competes with other companies. The problem is not that sometimes MS integrates software into its operating system. From the end user perspective, the software on a PC should be vertically integrated. And it should be done by a single manufacturer.

From an end user standpoint, just try to identify the responsible software maker when something doesn't work and more than one software maker potentially is responsible. The difficulty to the end user goes up exponentially with the number of different software makers involved. E.g Microsoft Windows with Netscape Navigator and something doesn't work. Neither Microsoft or Netscape will take responsibility. They just point fingers (if they talk to you at all) to each other.

The problem is that MS dominates the Operating System market and therefore can dictate terms to the end user. What the end user needs is a viable number of choices for an Operating System. More Linux operating systems on new PCs; more OS2 operating systems on new PCs; more Apple systems out there.

As an end user, I'd much prefer having a viable choice of what operating system I would be using on my intel based (there's another problem) PC. The DOJ has focused on fixing things for malcontents such as Netscape (whose browsers are clearly inferior to Explorer and whose own ethics are somewhat suspect). That may be a problem for companies like Netscape but it is certainly not as significant a problem for the end user as the total dominance of MS in the operating system world.

The end user is going to be up a creek without a paddle in the future because of the near universal usage of Windows. The DOJ focus should be on making the playing field more level for alternative Operating systems.

MTC–00010686

From: Jim Herrmann
To: Microsoft ATR
Date: 1/13/02 1:36am
Subject: Microsoft Settlement

To whom it may concern,

First some of my background. I have been a computer professional for 15 years, specializing in data base administration. My professional career has been mostly with mainframe data bases, but I have done extensive work from my home with personal computers. I maintain several web sites for various volunteer organizations to which I belong.

I believe the Microsoft Settlement has been a capitulation by the current administration and the Department of Justice to the big money donations of the Microsoft lobbying and campaign contributions. The US won this case! Why has the justice department settled for this woefully inadequate solution to Microsoft's conviction as a monopolist? This is the penalty phase of this case, and yet there appears to be no penalty for Microsoft, and in fact if implemented as written, could actually increase Microsoft's Monopoly. For true justice to be served, the courts must decide the punishment and not the politically (and monitarily) motivated DOJ. For this reason, the settlement as currently written must be REJECTED!

I would like to point out several flaws in the settlement and recommend some alternatives that would seem to make more sense. I refer to the settlement found at http://www.usdoj.gov/atr/cases/f9400/9495.htm

III.A Microsoft shall not retaliate against an OEM...

Not only should Microsoft not be able to punish the OEM, but OEM pricing should be disallowed for Microsoft. The OEM vendors should be required to pay full retail price for the operating system and office products, and pass this on to the consumer. In other words, strike paragraphs III.B.2 and III.B.3 from the settlement. Furthermore, the OEM should be required to list this cost as part of total cost of the machine, and offer all machines they sell with either alternative operating systems, or no operating system at all installed. This would provide clear disclosure to consumers of the ''Microsoft tax'' they are paying with each new computer system. Allowing users to remove items from a purchased machine is inadequate, as they have already payed the ''tax'' and Microsoft goes unpunished.

III.D ...Microsoft shall disclose to ISVs, IHVs, IAPs, ICPs, and OEMs, ...the APIs and related Documentation... While this is a step in the right direction, Microsoft should be compelled to make public, not simply to certain companies but to the public, all operating system APIs, all communication APIs, and every single file format, current and future, created or used by any of their products. The interfaces and file formats should not be allowed to be considered ''intellectual property'' that would allow Microsoft to restrict access by imposing ''royalties or other payment of monetary consideration'' simply to interface with their products. This will promote true competition by allowing other companies and the open source community to write programs that can be fully compatible with, and have equivalent functionality to the Microsoft monopoly products.

II.J—No provision of this Final Judgment shall:

1. Require Microsoft to document, disclose or license to third parties...

2. Prevent Microsoft from conditioning any license...

This paragraph reads like a major legal loophole for Microsoft that will allow them to get away with keeping large parts of the interface to their systems a secret by saying that the disclosure would ''compromise the security'' of that system. The APIs and file formats I mentioned above should be excluded from this paragraph.

Section V. Termination

B. In any enforcement proceeding in which the Court has found that Microsoft has engaged in a pattern of willful and systematic violations, the Plaintiffs may apply to the Court for a one-time extension of this Final Judgment of up to two years, together with such other relief as the Court may deem appropriate.

So if I have interpreted this paragraph correctly, if Microsoft fails to comply with this settlement in the first five years, their punishment is to spend two more years not complying!? How is this an incentive for Microsoft to comply with the settlement? This section completely removes what few teeth this settlement ever had. This section should be completely rewritten such that if Microsoft fails to comply with the settlement, any and all intellectual property not in compliance will be forfeited to the public domain. That would be an incentive for compliance!

In summary, the Microsoft punishment for being a convicted monopolist should include

the opening and documenting of all Application Programming Interfaces for their products, the documented specification of all file formats for documents created by their products should be public domain, and the complete prohibition of the discounts and ''bundling'' Microsoft currently engages in with hardware vendors. Additionally, the legal loopholes should be removed, and the penalty for non-compliance should be severe.

A settlement that truly encourages competition is very much in the national interest and national security. A study released a year ago by the highly respected Center for Strategic and International Studies, pointed out that the use of Microsoft software actually poses a national security risk. We can not allow any one company to maintain a strangle hold on something as important to this nation as the information technology infrastructure of this country. It is very important for the future of this nation that a careful and deliberate penalty that restores true competition to the software marketplace be implemented.

Thanks you for your time,

Jim Herrmann

Kansas City, Kansas

MTC–00010687

From: Steven
To: Microsoft ATR
Date: 1/13/02 2:58am
Subject: Microsoft Case

To Whom it may concern;

Please consider the settlement offered by Microsoft. Learning tools and teaching has never been but should be the number 1 concern. Any thing that bolsters the teaching enviorment instead of the N.F.L. will benefit the future of this nation.

Give our children computers.

Concerned;

Steven R. Evers

MTC–00010688

From: Gradyg123@aol.com@inetgw
To: Microsoft ATR
Date: 1/13/02 3:00am
Subject: Microsoft Settlement

Hello,

My comments about the proposed final settlement are simple:

1. The settlement ruling must be properly enforced otherwise it is a complete waste of time.

2. Microsoft Corp. has shown and *continues* to show no reasonable regard for any person, company, product or authority that presents an obstacle to the continued growth of Microsoft. They are the new Mafia.

I offer the following news articles to illustrate my point. Note that eliminating Linux software is ranked second on Microsoft's agenda for 2002, despite the fact that Microsoft has 96.28% of the OS market compared to 2.32% for Apple and .24% for Linux. But Linux has had success with server software and Microsoft also wants to contol the internet, so ''the spread of Linux'' must be prevented.

Ximian Gives Linux a Friendly Face

New software package features a graphical interface, but is the company's first product that won't be free.

Matt Berger, IDG News Service

Tuesday, August 28, 2001

Ximian Desktop, the first packaged software product from the Boston-based company, includes a suite of desktop applications and a graphical user interface for Linux PCs,

''We see the biggest opportunity of open source on the desktop in the corporation,'' says Nat Friedman...

[continues]

http://www.pcworld.com/news/article/O, aid, 59743, tk, dnO82801X, 00 .asp

Topic: MS Internet Monopoly

Msg #381712

Date: Wed, Aug 29, 2001, 2:11:07 PM From ZDnet:

''The Burton Group analyst Gary Hein says Microsoft.Net can be summarized in one simple statement: Microsoft is building an Internet monopoly ... Does the very nature of the Internet prevent one company from monopolizing the Internet? In a perfect world, market forces and open standards would prevail. But this isn't a perfect world''

Continues:

http://news.excite.com/news/zd/0l0829/ll/microsoftnet-a-new

''It's unquestionable that .Net integration will simplify the Internet experience for millions of users. But at what cost? As a society, are we willing to cede control of the Internet to Microsoft for the sake of usability and convenience? Success is far from guaranteed, but Microsoft will do everything in its power to win. Our eternal vigilance is the only barrier between Microsoft and its next monopoly.''

http://www.pcworld.com/news/article/0,aid,59743,tk,dn082801X,00.asp

Topic: ''Software libre!''

Msg #381768

Date: Thu, Aug 30, 2001, 5:34:09 PM

Governments push open-source software

By Paul Festa

Staff Writer, CNET News.com

August 29, 2001, 4:00 a.m. PT

Governments around the world have found a new rallying cry—''Software libre!''—and Microsoft is working overtime to quell it.

A recent global wave of legislation is compelling government agencies, and in some cases government-owned companies, to use open-source or free software unless proprietary software is the only feasible option.

This legal movement, earliest and most pronounced in Brazil, but also showing signs of catching on elsewhere in Latin America, Europe and Asia, is finding ready converts as governments struggle to close sometimes vast digital divides with limited information-technology budgets. So far, there is no evidence that similar legislation is being considered anywhere in the United States, experts said.

Open-source and free software represent a budget-priced alternative to Microsoft's Windows operating system and applications that can cost thousands of dollars a month to license. In addition, access to underlying source code means governments and businesses can fix problems or modify software to work more effectively.

[continues]

http://news.cnet.com/news/0–1003–200–6996393.html?tag=tp—pr

Linux Left Behind: Microsoft, Apple Still Kings of the Desktop

By Remy Davison, Insanely Great Mac

December 19, 2001

Linux may well be capturing more and more of the server market, but it has still failed to make inroads into the desktop market, according to StatMarket statistical data, published by WebSideStory.

StatMarket places Linux's web usage at less than 1% of total internet use. As of December 17, Linux's share of world wide web use was a *mere 0.24%.* StatMarket says that while use of Linux to access the net has fluctuated between 2 and 3% over the past three years, the operating system has not demonstrated real growth in terms of internet usage.

''Linux has made inroads as a server operating system, but not on desktops. Its adoption rate among Web users remains miniscule, even in three years' time.''

Linux—More Bark than Bite.

<http://biz.yahoo.com/prnews/0l1219/lawO37—l.html>

Macintosh OS Global Market Share Less Than 3% for Three Years, But Shows Promise in Some Countries SAN DIEGO, Jan. 8 /PRNewswire/—WebSideStory, Inc. (www.websidestory.com), the world's leading provider of outsourced e-business intelligence services, today reported that the global market share for Apple's (Nasdaq: AAPL) Macintosh operating system has remained at less than 3 percent since January 1999, failing to take significant market share from Microsoft. Mac's global usage share as of January 2, 2002, was ''2.32 percent'', compared to *Microsoft's 96.28 percent* as of the same date, according to WebSideStory's StatMarket (www.statmarket.com) New Microsoft Program Rallies Forces To Crush Linux Enterprise & Partner Group chief to oversee Linux/Unix escalation process (URL: http://www.crn.com/Sections/BreakingNews/breakingnews.asp?ArticleID=32424)

By Paula Rooney

CRN

Redmond, Wash.

7:12 PM EST Tues., Jan. 08, 2002

Microsoft plans to rally its field sales force and partners to crush Linux—and IBM's efforts with the competitive operating system—in 2002.

According to a Microsoft memo dated in December, the software giant will unveil a ''Linux Insiders'' program at the company's Envision event in January, an expansion of its existing Linux Competitive Champ Program.

Microsoft also created a new Linux/Unix escalation process that is being headed up by Microsoft Enterprise & Partner Group Vice President Charles Stevens, according to the memo, which was written by Brian Valentine, senior vice president of Windows for Microsoft.

Valentine emphasized that Microsoft will take a more aggressive role in beating Linux—and any vendors that supports it. ''I want you to know just how seriously we're taking Linux here in Redmond .... We have the best d*mn sales force in the world backed by the best engineers in the world—of course we will take any non-Windows OS serious,'' Valentine wrote. ''Linux is out there in some

of your accounts and you may not know it. The ground up nature of how Linux is introduced into our accounts means that we need to modify our traditional approaches of finding out about Linux in our customer base. We have to be more hands-on and dig deeper in your accounts.''

The Linux/Unix escalation process being headed up by the Enterprise & Partner Group involves getting Microsoft's field sales force and solution providers to tap into the expertise of the Microsoft ''Linux Insiders'' to advance Windows 2000 and unseat rivals Unix and Linux in the server marketplace. The ''Linux Insiders,'' a task force of Microsoft experts on Linux that will be unveiled at Envision, will assist the sales force and partners in preventing the spread of Linux—as well as IBM mainframes/Unix servers running Linux—in corporate server centers, according to the memo. ''By building a virtual team of field staff and corporate resources, we will enable the field to have one place to go for communication and competitive information. The Linux Insiders will have access to a centralized Web site where personnel can request help, route issues and share best practices that the entire field can leverage,'' Valentine wrote. ''If you still need help for Global, Strategic and Major accounts, the Linux/Sun Insiders (or your General Manager) can escalate the issue to the new corporate Linux/Unix Escalation Team. Let me emphasize that you need to work with your local Insider or your GM because they have direct access to this escalation team. The team is committed to provide an initial response within one working day.''

Microsoft also intends to commission an independent analysis by DH Brown to attack the perception that Linux is free, the memo said. Another cost analysis comparison case study between Linux and Windows, due in May, will assess a variety of usage scenarios such as Web, file and print.

In the memo, Valentine encourages staffers to snoop around corporate server environments to locate new sightings of Unix and Linux. The software giant apparently is concerned about inroads made by IBM and other Linux backers in the IT segment. ''Ask about the 'connector' pieces—you'll potentially find Linux in these areas. This is a great way to not only find out about Linux, but also other IT projects that may include Novell, Sun, Oracle and other competitors,'' the memo said. ''You can expect us to turn up the volume on winning against Linux, as well as IBM.''

According to Directions on Microsoft, a Kirkland, Wash.-based newsletter covering the software giant, ''Linux ranks second among Microsoft's top 10 challenges for 2002''—next only to engendering trust in the enterprise for security and reliability. ''This free but powerful operating system is hurting Microsoft competitors such as Novell and Sun in the server market, but it could also dampen growth in Microsoft's server software sales,'' according to the Directions on Microsoft report issued on Jan. 8. ''IBM is trying to make Linux a household name. Meanwhile, Microsoft is adding to Linux's appeal with higher licensing fees and product activation technologies designed to prevent unpaid use of Microsoft software.'' One systems integrator that sells and services both Linux and Windows said Microsoft's big push against Linux is not a problem in the short term, but could pose a conflict in the future. ''This will not affect us in the current market because ... our current revenue with Caldera is on Unix platforms,'' said Rich Figer, vice president of sales at S.B. Stone & Company, Cleveland. ''In the future, however, when Linux and Unix become closer to one product we could find ourselves in competition with Microsoft operating systems. Most of the Unix/Linux market is highly driven by application vendors. If application vendors choose not to develop on Linux that would be a much bigger problem. If Microsoft puts their energy in to alienating application vendors from Linux it would cause problems.''

S.B. Stone, for instance, does 25 percent to 30 percent of its business with Caldera on Unix platforms, but Microsoft represents the rest of its business.

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Topic: MS rigging votes again
Msg #389420
Date: Thu, Jan 10, 2002, 6:47:00 PM

Sinking to new depths of desperation in its war against Java, Microsoft has been caught stuffing ballots during an online vote concerning web services.

http://www.theregister.co.uk/content/4/23612.html

http://news.zdnet.co.uk/story/0,,t269-s2102244,00.html

The vote, run by ZDNet UK was to see which technology enterprises were planning to use, to deploy web services. Java was the clearly winning, having amassed two thirds of the votes. However, the chaps at ZDNet became a little suspicious by the complete reversal in statistics a week later ... MS .NET was the clear winner! A quick look at the server logs revealed an unprecedented number of votes, originating from the same people within the Microsoft's domain. One person had even voted 228 times .... They also found evidence that automated scripts, executing from servers within Microsoft, were being used to rig the vote. Microsoft's lack of honesty in attempting to carry out such an act, is only matched by the stupid, hamfisted way they executed it.

Topic: Rio Riot: 5,000 songs
Msg #389401
Date: Thu, Jan 10, 2002, 1:36:01 PM

Alan:

What WERE they thinking?! They were thinking, probably correctly, that their largest audience, PC-users, don't have FireWire. So why bother adding it given the ''cost'' and ''complexity'' of an Oxford 911. Even so, it's a USB 1.1 device, not even 2.0, which is strange.

This year, all the local employees of the company I work for were offered a sweetener when buying a new PC through the company; the cost was deducted from your gross salary, so your benefit is that you pay less income tax (i.e. if your highest band is 42%, you really pay only 58% of the computer's cost). Brand-spanking new with XP. FireWire was not an option. (Obviously, neither were Macs) (Note: This particular person does not live in the U.S. and therefore is not subject to U.S. tax laws.)

2. Unless otherwise provided in the revised proposed Final Judgment, Microsoft shall begin complying with the revised proposed Final Judgment as it was in full force and effect starting on December 16, 2001.

1.Microsoft shall not retaliate against any ISV or IHV because of that ISV's or IHV's: a. developing, using, distributing, promoting or supporting any software that competes with Microsoft Platform Software or any software that runs on any software that competes with Microsoft Platform Software,

I.''ISV'' means an entity other than Microsoft that is engaged in the development or marketing of software products.

Thank you for your time.

Gerald W. ''Grady'' Goodwin, concerned citizen

MTC–00010690

From: Iain O'Cain
To: Microsoft ATR
Date: 1/13/02 3:24am
Subject: Microsoft Settlement

I'm a consultant whose livelyhood is threatened by Microsoft's abuse of their monopoly power. In recent years, I've moved progressively farther from use of Microsoft products in my own and my clients' solutions for office applications and Internet services. Some of the language in the settlement recently proposed by the Department of Justice concerns me greatly. It appears to me that this settlement would not only fail to curtail Microsoft's abuses, much less provide punitive deterrence or compensation to consumers, but could actually help strengthen Microsoft's attacks on openly available software.

Much of the language I've read in this proposed settlement seems to grant Microsoft undue powers for determining their responsibilities. Some examples include:

Section III(J)(2) seems to allow Microsoft to continue restricting access to their API, Documentation, and Communications Protocols from anyone they consider not to be a business! In particular, ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business...'' seems outrageous to me. Providing my clients with access to their data often calls for the use of software like Samba,[1] which is developed noncommercially through the collaboration of consultants like myself with the result of helping all our business practices.

Section III(D) appears to further limits Microsoft's obligation to share their API details except to organizations defined as commercial. What about projects like I've already mentioned? What about the government's own projects? I know that many consultants like myself have had to depend at times on the public availability of software developed at public expense by branches of the government.

Microsoft have already destroyed, through the practice of bundling, their main competition in the Internet browser market despite Netscape's huge lead. Their greatest rival now may be the Mozilla[2] browser,

[1] Information on the Samba project is available at http://us1.samba.org/samba/samba.html

[2] Information on the Mozilla project is available at http://mozilla.org/.

which is developed by a diverse collaboration, again noncommercially.

Despite bundling Web (WWW) server software and tying that to their Web content authoring software, Microsoft has yet to dominate that area. Consultants such as myself still prefer by some margin to deploy the more efficient, collaboratively developed Apache [3] software. Yet Microsoft continues to attack our ability to deploy such Open Source [4] solutions when it encourages or even forces by its market position the deployment of its own software, while keeping its software interfaces secret and designing that software to depend on connections with Microsoft's own products.

I urge everyone involved to exact greater remedies. Please restrict Microsoft's ability to wield its monopolies against innovation by other parties as it has so clearly and consistently done. Microsoft should have to publicly reveal any software interfaces they might conceivably use as leverage to block competition because they have proved how cynically they have been willing to exploit every advantage to illegally block competition throughout their existence.

Thank you for considering this input.

Sincerely,

Iain O'Cain <iocain@spamcop.net>

6125 Oakpark Trail

Haslett, MI 48840

MTC–00010694

From: Troy Lister
To: Microsoft Settlement
Date: 1/13/02 5:28am
Subject: Microsoft Settlement
Troy Lister
3130 Oak Road, Apt. 418
Walnut Creek, CA 94596–7752
January 13, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Troy Lister

MTC–00010695

From: Harris L. Gilliam
To: Microsoft ATR
Date: 1/13/02 6:01am
Subject: Microsoft Settlement

Hello,

I am writting as a concerned consumer and professional in the computer indestry to respond to the proposed settlement of the lawsuit against Microsoft. I watched with much interest the trial and events that followed. Many industry experts predicted that Microsoft would indeed be found guilty of anti-competative behavior. They also correctly predicted that Microsoft would use its considerable finacial might to ''wait out'' its opponents. This is exactly what Microsoft has done. They have dragged out the court battle long enough that the operating systems and products that were originally in question are almost obsolete. They have protected their monopoloy position.

The remedies proposed do not go far enough to protect the industry and its consumers from Microsoft's predatory behavior. I welcome the provisions to prevent Microsoft from retaliating against companies that chose to use competetive products. I welcome the provisions that require Microsoft to publish documentation and license APIs. These will provide the posibility for third-party software that competes with Microsoft. Sadly that is all it will do. It will not significantly change the choices that OEMs have because Microsoft has already extinguished all third-party competition. OEMs and other software developers still have a strong financial incentive to *not* compete with Microsoft. There still is no other OS which can replace Windows in the PC desktop market. This is because all the products and software people are dependant on is written for Windows. The duration of Microsoft's monopoly makes it prohibitive for any company to arise and produce an alternative to Windows or Microsoft's consumer products (which, for the most part, work exclusively with Windows).

For so long consumers have been forced to use Microsoft products they have become ''slaves'' to the software. There isn't a corporate IT manager alive that would attempt to build an office system on anything except Microsoft Windows and Microsoft Office. Schools that train office administrators and secretaries pretty much use Microsoft products exclusively. Redmond would like to have you believe this situation developed because they have superior products. A conversation with anyone who works in an office or the casual reading of a trade publication would dispell that myth quickly. There is barely a day that passes without some report of a security hole or major defect being found in a Microsoft product. The stranglehold that Microsoft has on the industry must be broken. The only way the damage that Microsoft's monopoly has done can be truly remedied is to create a finacial viable market for software which competes directly with Microsoft products.

Possible ways to achieve this include:

(1) Require that Microsoft produce versions of all its middleware products (IE, Microsoft Office, etc) for non-Microsoft operating systems. This will give OEM's and consumers a choice of what OS to use on their machines. It is clear that there is only a choice if OEMs and consumers can still use the products they have become dependant upon.

(2) Require that Microsoft publish documentation for and licence not only the APIs that make software compatible with Windows but also the details of the file formats for their Office suite of products. Again this is intended to allow OEMs and consumers to have a choice of what OS to run on their machines. If third-party software can be written which is entirely compatible with Microsoft's file formats then this software would also be free to run on any OS that a competing company chooses.

There are sure to be other ways to achieve the neccesary goal of creating a real opportunity for competition with Microsoft. While the curretly proposed remedies do much to prevent certain direct monopolistic behaviour by Microsoft it does little to correct the unnatural prosition Microsoft enjoys in the marketplace. There are few companies in any industry who can consistiently produce substandard products, as Microsoft does, and yet not incur the ''wrath'' of the consumers. When you have no other choice you settle for what you can get. As they used to say about Musolini: ''He is a cruel dictator but at least the trains now run on time.'' The recent attiude Microsoft has shown with regard to its Windows XP product (continued bundling of Microsoft-exclusive software and technologies to stifle competition) and its overall practice of limiting consumer choice demonstrates that Microsoft is not in the least repentant. It is clear to this consumer that they don't plan to change their behavior anytime soon.

The government's decision to not persue further legal action is a great disappointment. I can only hope the states, who have refused to cave in to Microsoft, fair well in their continued battle. Otherwise I don't expect to see any change in the situation.

Harris L. Gilliam

Director of Engineering

Supewings, Inc.

MTC–00010696

From: Gheorghiu Alex
To: Microsoft ATR
Date: 1/13/02 6:24am
Subject: Microsoft Settlement

Good day,

My name is Gheoghiu Alex and I'm from Europe/Romania. I'm 24 years old and I work with computers since 14 (so I had 10 years of experience). Right now I'm a student at Faculty of Informatics and Faculty of Bioengineering.

1. A few years ago when the Internet emerged Netscape browser was the first and best browser that allow a person to navigate

[3] Information on the Apache projects is available at http://www.apache.org/.

[4] Information on the practice of Open Source development is available at http://www.opensource.org/.

on the Internet. This browser was provided by Netscape. After a year or so, Microsoft launched a browser, named Internet Explorer and incorporated it in Microsoft Windows 95 an Microsoft Windows 98. So when you have something that came for nothing and it is imposed you will used it; and so Nescape in a few years almost disappeared from the browser market.

2. Around 95 Sun Microsystem launched a new programming language named Java whose purpose was to allow you to write a program that will work on every operating system like: Microsoft Windows, Linux, Unix, to work with special devices like future cell-phones, palmtops and even to incorporate in a cars computer, microwaves, TV, etc. When they see that this language became so popular among programmers they decide to stop its ascension and try to pervert its basic roles but Sun Microsystem, IBM, Oracle continues to follow initial concept totally independence from platform.

3. Here is a small funny thing when Microsoft take the leadership in browser war, they took all rivals facilities (those facilities included Java) and so Microsoft kept the Java in their browser. Now they have monopole and because of that they to throws away Java from the Internet Explorer 6.0 browser and put their proprietary languages like VisualBasic. All I want to say is that Microsoft step by step take control of very aspect of computer world, from operating system to cell phones.

I know that USA is a country where freedom is the law (my country was under URSS sphere of influence for 50 years and I saw at my grandparents and my parents what this mean) and I hope that this humble mail will be a warning for what Microsoft is trying to do. I do not want my children to live in a Microsoft world and when Ill be very old my computer that will monitor my life signals to crush (or to breakdown) (oh, sorry I've forgotten to say that after THEY become monopolistic in a special domain their products become unreliable and full of errors).

I think that will be best for all to listen to Sun Microsystem and Linux RedHat proposals.

Thank you,

Alex

Please excuse my English.

MTC–00010697

From:
nicku@nicksbox.tyict.vtc.edu.hk@inetgw
To: Microsoft ATR
Date: 1/13/02 7:01am
Subject: Microsoft monopoly

Dear Sir/Madam,

Microsoft has a history of attempting to monopolise the market in every way it can. The competition comes from Linux. Any remedy to Microsoft's monopolistic practices should include the following.

It is almost totally impossible to buy a computer that does not have Microsoft's operating system installed. This is a major part of the problem. A user who wants to install another operating system must pay for the Microsoft operating system even though it is not desired. The first requirement for a reasonable remedy should require that Microsoft's products should be available as extra-cost options when purchasing new computers. The price that is charged should be the same as that when not purchasing a computer. In this way, real competition could begin.

The proprietary formats of Microsoft's document file formats (both current and future) should be made public, so that competing products may read documents created with Microsoft products. This should apply to all the document formats used by all the Microsoft Office products. This is in addition to opening the Windows application program interface (API, the set of ''hooks'' that allow other parties to write applications for Windows operating systems), which is already part of the proposed settlement.

All the Microsoft networking protocols should be published fully, and made available for open source developers to implement. The current proposed settlement limits access to open source development in a way that benefits Microsoft. Open source is the major means of providing competition to Microsoft. The settlement should not exclude open source developers from access to information about Microsoft protocols that can be used directly. Microsoft is not adverse to using open source software, then altering it in minor ways to create a new and incompatible ''Microsoft'' protocol. See the way Microsoft has ''embraced and extended'' the Kerberos protocol so that only Microsoft Kerberos servers are compatible with Microsoft clients. You need to take action to prevent Microsoft from embracing and extending the Internet, which till now has been an open environment created by many for the benefit of many, and owned by no one.

Nick Urbanik RHCE

Dept. of Information & Communications Technology

Hong Kong Institute of Vocational Education (Tsing Yi)

Tel: (852)–2436–8576, (852)–2436–8579

Fax: (852)–2436–8526

nicku@vtc.edu.hk PGP: 53 B6 6D 73 52 EE 1F EE EC F8 21 98 45 1C 23 7B ID: 7529555D

MTC–00010698

From: Jrsitcer@aol.com@inetgw
To: Microsoft ATR
Date: 1/13/02 7:29am
Subject: Microsoft settlement of suit

In my opinion the suit against Microsoft should be settled as soon as possible. The continuing litigation is not good for the consumer or the economy. It would benefit all, except the Microsoft competitors, to put an end to this matter. Please accept the judgment against Microsoft and let that be the end of this.

Jill Sitcer (Mrs. Gary)

20 BarchesterWay

Westfield, NJ 07090

MTC–00010699

From: Charles R Heilers
To: Microsoft ATR
Date: 1/13/02 8:46am
Subject: Microsoft Settlement

Settlement seems just and fair. Needs to be put into action.

Charles R. Heilers

1270 W CR 580 N

North Vernon, In. 47265

MTC–00010700

From: Kit Welsch
To: Microsoft ATR
Date: 1/13/02 9:33am
Subject: MICROSOFT SETTLEMENT
ATTORNEY GENERAL JOHN ASHCROFT
US DEPARTMENT OF JUSTICE
950 PENNSYLVANIA AVENUE, NW
WASHINGTON, DC 20530–001

DEAR MR. ASHCROFT,

PROSECUTE OPEC, NOT MICROSOFT
OPEC IS THE MONOPOLY THAT HAS OPENLY CONSPIRED TO CONTROL PRICES AND THUS ADMITS IT IS A MONOPOLY. THE ONLY WAY I CAN SEE TO DEAL WITH OPEC IS TO ORGANIZE THE OIL IMPORTING NATIONS INTO A GROUP CALLED OPIC (ORGANIZATION OF OIL IMPORTING COUNTRIES). WE COULD THEN WORK TOGETHER TO RESTRICT OR TAX PRODUCTS GOING TO THE OIL EXPORTING COUNTRIES IN ORDER TO FORCE THEM TO DROP OUT OF OPEC.

MICROSOFT, ON THE OTHER HAND, HAS INCREASED MY PRODUCTIVITY BY MAKING SURE THAT ALL THEIR PRODUCTS WORK TOGETHER SEAMLESSLY. WHEN I GOT MY FIRST COMPUTER, DOS WAS THE OPERATING SYSTEM AND NOTHING SEEMED TO WORK TOGETHER PROPERLY. THE WINDOWS OPERATING SYSTEM BECAME THE STANDARD BECAUSE CONSUMERS LIKED IT. SO, MICROSOFT CAME TO DOMINATE THE MARKET BY PRODUCING THE BEST PRODUCT, NOT BY CONSPIRING WITH OTHER PRODUCERS TO CONTROL PRICES.

THE ONLY REASON THIS LAWSUIT HAPPENED IS BECAUSE MICROSOFT CHALLENGED THE COMPETITION BY GIVING IT'S BROWSER AWAY FOR FREE AT A TIME WHEN NETSCAPE WAS TRYING TO SELL THEIRS. THAT'S COMPETITION, NOT MONOPOLY. IT WAS GOOD FOR THE CONSUMER. IF THE GOVERNMENT CONSPIRES WITH NETSCAPE TO STOP MICROSOFT FROM GIVING AWAY THEIR BROWSER, THEN THE DEPARTMENT OF JUSTICE BECOMES THE MONOPOLIST, AND THE CONSUMER IS HARMED. PLEASE STOP THIS INSANE PERSECUTION OF A COMPANY THAT WAS GREATLY RESPONSIBLE FOR THE PRODUCTIVITY INCREASES WE SAW DURING THE 90'S. PLEASE STOP PERSECUTING THE ONE COMPANY THAT HAS BEEN PRODUCING AN ENVIRONMENTALLY CLEAN PRODUCT THAT WE HAVE BEEN ABLE TO EXPORT ALL OVER THE WORLD AND HELP WITH OUR BALANCE OF PAYMENTS. PLEASE ACCEPT THE SETTLEMENT PROPOSED, AND ALLOW MICROSOFT TO USE THE MONEY THEY ARE SPENDING ON THEIR LEGAL DEFENSE TO CREATE THE NEXT NEW PRODUCT WHICH WILL INCREASE OUR PRODUCTIVITY AND STIMULATE OUR ECONOMY BETTER THAN A TAX CUT.

SINCERELY,

KIT WELSCH

216 ARCHER WAY

BOX 1820
ANNA MARIA, FL 34216–1820
941–778–5230
941–778–7229 FAX
hwelsch1@tampabay.rr.com

MTC–00010701

From: Lee Wagstaff
To: Microsoft ATR
Date: 1/13/02 9:33am
Subject: Microsoft Settlement
Lee Wagstaff
614 Pine Tree Court
Walled Lake, MI 48390—
Attorney General John Ashcroft
January 12, 2002
US Department of Justice
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I have very strong feelings regarding the recent settlement between Microsoft and the Department of Justice. I believe that the government's intervention in Microsoft affairs has done much to hurt the local and global economy. Mr. Attorney General, wrap up this settlement now. We can not continue to pride ourselves on our ''competitive spirit'' and then take action against a company that has bolstered the entire economy of our country by that very same spirit. And, worse, this action was taken as a result of a few complaining companies that could not prosper in a competitive environment and, as a result, blamed Microsoft for their failure. When the complaining and ultimate threat of legal action drove Microsoft market value down, it deteriorated the overall market creating a hole that many companies fell into. Again, Mr. Attorney General, put an end to this economy debilitating, legal misadventure.

Everyone knows Microsoft has made very significant strides in the innovation of this industry. These major innovations may have given the impression that Microsoft desired to gain unreasonable control over the market. Not so. But in an effort to placate the punitively sponsored objections of its competitors, Microsoft has agreed to remove certain software features from its Windows Operating System to prevent imposition of future antitrust violations. Several changes have been made in their business practices. Microsoft will disclose the internal interfaces and protocols of its Windows software to competitors; allow competitors to modify Windows to take out Microsoft software and put in their own; and have oversight from a Technical Committee. Their compliance has gone beyond the restrictions and obligations at issue in the lawsuit. I think that this is more than a fair indicator that Microsoft is willing to get back to the business of developing new products.

It is hoped that my expressed views on this issue will aid in the resolution of this matter. I am more than happy to know that there is so much cooperative effort to that end. Thank you for your wise leadership.

With deepest regards,

MTC–00010702

From: iiel@juno.com@inetgw
To: Microsoft ATR
Date: 1/13/02 9:54am
Subject: READ ON

Hello again:

I would like to see Microsoft made to offer free to all current Microsoft operating systems all of the preceding operating systems that the current one obsoleted.

This is so that the excellent software that was not financially successful for the owners could continue to operate for the users of the operating systems that need to upgrade to the most recent version for other reasons, like keeping current with financially successful software companies newest versions.

I believe that versions like DOS, WIN 3.1, WIN 95 and even WIN 98 could be classified as free to current owners of WIN ME, 2000 and later.

What do you think? When I gave the idea for WINDOWS to the UNITED NATIONS in 1979 and suggested that Bill Gates should develop it, that was FOR the WORLD. Not for Bill Gates personal fortune! He has turned into a greedy . . .! He was given the idea. He needs to give back!

Very TRULY yours,
Bernard Solomon Katz

MTC–00010703

From: markrussell
To: Microsoft ATR
Date: 1/13/02 10:20am
Subject: MS

Gentlemen,

I recently wrote to several State AG's regarding the Microsoft monopoly case. Several responded and asked that I write directly to DOJ. I am a 74 year old Consulting Civil Engineer. My first computer was an LGP30. When I started my own practice in 1965 I ''time shared'' a GE computer located at their Missile and Space Division at King of Prussia, PA. using a ''ground line'' and an ASR33 Teletype. (what this proves I don't know, but I was asked by one of the AG's, who actually called on the telephone, that I include this ''bio.'') I am still practicing, thanks to the PC and without the 50 employees. I went from DOS as an operating system to OS/2 because it allowed me to keep the data of projects in a ''file folder'' and the files in each project folder were ''associated'' with the software with which they were created. IBM, at some time in the past, announced a new PC and I thought it was time to ''upgrade'' to a faster machine. Called IBM. Said I wanted their machine and wanted it with OS/2. Was told they could not sell it with OS/2, only window. I bought from a local PC store and installed the OS my self. I consider this a restraint of trade. Microsoft, at the very least, should be required to open their Application Program Interface to all so that any program written for window could be easily adapted to other operating systems. Thank you.

Marcus H. Russell, P.E., L.S.
3 Foxcroft Court
Voorhees, NJ 08043
856–782–0054

MTC–00010704

From: Konrad Ko(FFFF)odziejczyk
To: Microsoft ATR
Date: 1/13/02 10:20am
Subject: Microsoft Settlement

The settlement that Microsoft signed with DOJ and 9 states should be approved by court because Microsoft didn't violate Sherman Act. The proposal of other nine states goes for far. Microsoft legal tied Internet Explorer to Windows and Microsoft legal commingled Internet Explorer's code with operating system's code.

MTC–00010705

From: Richard Pritchett
To: Microsoft.atr(a)usdoj.gov
Date: 1/13/02 10:25am
Subject: Microsoft Settlement

As a former user of IBM's OS/2 as my personal desktop operating system, I have personally seen the level to which Microsoft has stooped in order to kill off or severely cripple their competitors. As is noted in the court case's record of fact, Microsoft put undo pressure on IBM to get them to stop marketing and selling their highly acclaimed OS/2 Warp V3.0 and OS/2 2.x operating systems. OS/2 Warp V3.0 was a product that allowed consumers to make an easy migration from Windows 3.x to OS/2 and still be able to use their old applications, but to do so on a far superior operating system. Because this method allowed IBM to get around one of the major barriers to operating system competition, i.e. applications use and support, OS/2 was a major threat to Microsoft, and was approaching the 14 million licenses sold mark (from public comments, not official IBM numbers). Microsoft forced IBM's hand by making them either stop their marketing and sales efforts or pay much greater prices on their OEM contracts for the purchase of Windows95. Since IBM is, and always will be, a hardware company first, they made the only business decision they could, which was to stop their OS/2 efforts, and succumb to the pressure from Microsoft. Now I'm stuck using Windows due to application needs. My desire to use OS/2 persists, but most of the software I use is either not available or sufficiently immature for me to use OS/2 anymore.

While this is only one of many companies that have been hurt in this industry, it is clear that a competitive market for operating systems is the ONLY way to return the software market to a competitive, and innovative industry that it once was. The currently proposed settlement fails to address the one key area that is needed to do this. Microsoft's Application Programming Interfaces (API's), the underlying software commands that tell the operating system what to do, and for which programmers must use to properly program a Windows application, MUST be FULLY documented and open source to the public domain. There is no other way to get the market back on track. If the Windows API's are fully documented and released to the open public, in a very timely manner, then many programmers, who currently are trying to bring the ability to run Windows programs on various Linux distributions (WINE Project) and on IBM's OS/2 (Odin Project), will be able to give the Linux and OS/2 operating systems the ability to run Windows applications, including their Office suite, on both operating systems, and any other operating system where enough interest is present to port the applications.

Also, Microsoft should be forced to divest its Office Suite software, as it gives them a dual monopoly which ties into each other and gives it a lot more power to generate new monopolies, and keep raising prices for new features (bug fixes). If this department does not wish to force a divestiture upon Microsoft, then force Microsoft to release the file formats into the open public so that other competing office suite makers (Lotus; Sun; Corel before MS pumped money into them) can allow their suites to use Microsoft Office files natively, thereby allowing consumers the choice to decide which office suit gets the job done better. Right now MS has a huge lock on this market because everyone's documents are in these file formats that Microsoft changes with each new release so that other suite makers can't keep up.

In summary, Microsoft must be forced to open its Windows API's and either divest its Office suite or be forced to publicly document their file formats (in a timely manner for both). Combined with restrictions on their OEM license agreements, this should have the net affect of bringing competition back to the software marketplace. If these things are not done, then it will simply be a slap of Microsoft's wrist, and the marketplace will continue to loose small and innovative companies due to the practices of Microsoft. The list of greatly innovative companies that were killed off is huge. Many have already won court cases, or settlements, against Microsoft.

Thank you,
Richard A. Pritchett
Tampa, FL
rpritch2@tampabay.rr.com

MTC–00010706

From: rsobba
To: Microsoft ATR
Date: 1/13/02 10:46am
Subject: Microsoft Case

To whom it may concern,

First some of my background. I have been a computer professional for 15 years, specializing in data base administration. My professional career has been mostly with mainframe data bases, but I have done extensive work from my home with personal computers. I maintain several web sites for various volunteer organizations to which I belong.

I believe the Microsoft Settlement has been a capitulation by the current administration and the Department of Justice to the big money donations of the Microsoft lobbying and campaign contributions. The US won this case! Why has the justice department settled for this woefully inadequate solution to Microsoft's conviction as a monopolist? This is the penalty phase of this case, and yet there appears to be no penalty for Microsoft, and in fact if implemented as written, could actually increase Microsoft's Monopoly. For true justice to be served, the courts must decide the punishment and not the politically (and monetarily) motivated DOJ. For this reason, the settlement as currently written must be REJECTED!

I would like to point out several flaws in the settlement and recommend some alternatives that would seem to make more sense. I refer to the settlement found at http://www.usdoj.gov/atr/cases/f9400/9495.htm

III.A Microsoft shall not retaliate against an OEM...

Not only should Microsoft not be able to punish the OEM, but OEM pricing should be disallowed for Microsoft. The OEM vendors should be required to pay full retail price for the operating system and office products, and pass this on to the consumer. In other words, strike paragraphs III.B.2 and III.B.3 from the settlement. Furthermore, the OEM should be required to list this cost as part of total cost of the machine, and offer all machines they sell with either alternative operating systems, or no operating system at all installed. This would provide clear disclosure to consumers of the ''Microsoft tax'' they are paying with each new computer system. Allowing users to remove items from a purchased machine is inadequate, as they have already payed the ''tax'' and Microsoft goes unpunished.

III.D . . .Microsoft shall disclose to ISVs, IHVs, IAPs, ICPs, and OEMs, . . .the APIs and related Documentation. . .

While this is a step in the right direction, Microsoft should be compelled to make public, not simply to certain companies but to the public, all operating system APIs, all communication APIs, and every single file format, current and future, created or used by any of their products. The interfaces and file formats should not be allowed to be considered ''intellectual property'' that would allow Microsoft to restrict access by imposing ''royalties or other payment of monetary consideration'' simply to interface with their products. This will promote true competition by allowing other companies and the open source community to write programs that can be fully compatible with, and have equivalent functionality to the Microsoft monopoly products.

II.J—No provision of this Final Judgment shall:

1. Require Microsoft to document, disclose or license to third parties . . .

2. Prevent Microsoft from conditioning any license . . . This paragraph reads like a major legal loophole for Microsoft that will allow them to get away with keeping large parts of the interface to their systems a secret by saying that the disclosure would ''compromise the security'' of that system. The APIs and file formats I mentioned above should be excluded from this paragraph.

Section V. Termination

B. In any enforcement proceeding in which the Court has found that Microsoft has engaged in a pattern of willful and systematic violations, the Plaintiffs may apply to the Court for a one-time extension of this Final Judgment of up to two years, together with such other relief as the Court may deem appropriate.

So if I have interpreted this paragraph correctly, if Microsoft fails to comply with this settlement in the first five years, their punishment is to spend two more years not complying!? How is this an incentive for Microsoft to comply with the settlement? This section completely removes what few teeth this settlement ever had. This section should be completely rewritten such that if Microsoft fails to comply with the settlement, any and all intellectual property not in compliance will be forfeited to the public domain. That would be an incentive for compliance!

In summary, the Microsoft punishment for being a convicted monopolist should include the opening and documenting of all Application Programming Interfaces for their products, the documented specification of all file formats for documents created by their products should be public domain, and the complete prohibition of the discounts and ''bundling'' Microsoft currently engages in with hardware vendors. Additionally, the legal loopholes should be removed, and the penalty for non-compliance should be severe.

A settlement that truly encourages competition is very much in the national interest and national security. A study released a year ago by the highly respected Center for Strategic and International Studies, pointed out that the use of Microsoft software actually poses a national security risk. We can not allow any one company to maintain a strangle hold on something as important to this nation as the information technology infrastructure of this country. It is very important for the future of this nation that a careful and deliberate penalty that restores true competition to the software marketplace be implemented.

Thanks you for your time,
Rick Sobba
Prairie Village, KS.

MTC–00010707

From: Lynn and Ms Leanne Sant
To: Microsoft Settlement
Date: 1/13/02 10:58am
Subject: Microsoft Settlement
Lynn and Ms Leanne Sant
P.O. Box 329
Preston, ID 83263–0329
January 13, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Lynn and Leanne Sant

MTC–00010708

From: Dave Walsh
To: Microsoft ATR
Date: 1/13/02 11:11am
Subject: Microsoft Settlement

To whom it may concern:

I have been involved in developing computer software for 25 years. I have watched Microsoft's behavior since the very first PCs. I currently own a computer company that focuses on the development of Java software for the healthcare market, with a particular emphasis on the Medicaid sector. I would like to make the following points.

1. In my opinion Microsoft has a tendency to sit back and let the venture community, and entrepenures invest many millions of dollars with early stage technologies. Once the economic viability of these products has been established, Microsoft steps in with a free, bundled or tightly integrated product that destroys the competition. Once there is no more competition they begin to charge what the market will bear for the bundled solution.

2. At the heart of the problem is the fact that Microsoft is using it's base level software first DOS, then Windows, Windows applications, Browsers to insure that the entire industry propagates their initiative. If a group develops software that is truly innovative, then Microsoft will buy it or build a clone that is offered as a part of the windows initiative. Any settlement that allows Microsoft to pay compensation by giving away software, which will further their ambitions to educate the world that Microsoft products are the only answer, is counter productive. Having Microsoft purchase and distribute computer hardware from a variety of manufactures seems appropriate. This Hardware should be pre loaded with some of the software that has been injured by the Microsoft practices. The latest version of Java and one or more of the excellent development environments for Java should be pre loaded to the exclusion of Microsoft development software. The Latest version of Netscape's browser should be pre loaded instead of IE. Initiatives such as these would be much more consistent with with a resolution to the problem.

3. I believe that Microsoft should be forced to distribute a version of Java that's meets the current Java specification with any operation system that Microsoft ships, including Windows CE. The problem with Java is a distribution problem. Insuring the availability of an alternative to consumers and the ability for developers to assume that a current Java application will run on a consumer device is a huge step towards opening competition.

4. My organization often responds to local, State and Federal RFPs. All too often these RFDs specify that only Microsoft solutions will be accepted. I do not believe that it is the job of our government to promote Microsoft products in any way. The government should be specifying software that is compliant with recognized standards organizations and requesting features that are relevant to the tasks associated with the procurement.

Regards
David P. Walsh
President
eServices Group

MTC–00010709

From: MAHIR1996@aol.com@inetgw
To: Microsoft ATR
Date: 1/13/02 11:09am
Subject: Microsoft settlement

Dear Friends, I believe that it would be in the best interest of the country (even if it weren't in the grip of recession,) to settle the Microsoft case quickly and fairly. I think it was a bad decision to reject the generous offer Microsoft made. Please, please, for the benefit of us all, end this unnecessary case and the waste of the government's money. When you look at the outrageous Enron case which also will cost much of the public's precious money, (this is not a waste,) the Microsoft's offenses disappear.

Mary Daley,
11811 E Terra Drive,
Scottsdale, AZ 85259 (480) 391–1817

MTC–00010710

From: R Carlson
To: Microsoft ATR
Date: 1/13/02 12:00pm
Subject: Microsoft Settlement
January 9, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue,
NW Washington, DC 20530–0001

Dear Mr. Ashcroft:

I would like to express my opinion regarding the recent settlement in the Microsoft Anti -Trust case. First of all, this whole case was ridiculous and is clearly an attempt on the part of some of the Microsoft competitors to invalidate the competitive advantages of Microsoft and steal their intellectual property. The government has been erroneously dragged in to a technical discussion it does not have the ability to moderate nor does it have any business intervening in the affairs of a private company. However, what's done is done and this settlement should be the final end to this mess. Spending more time further evaluating the details of the settlement is a waste of money. The most recent judicial decision just complicates and extends the whole silly case. With the existing recession and our newly rediscovered partisan politics our economy can't stand to have our IT industry continue to be burdened in this manner.

I am currently retired, but was involved in the computer industry for nearly 30 years, the last 15 of which were as a CEO of a public computer company. I was closely involved with Microsoft products and still use them for my daily computer use. Given our free enterprise system, I am free to use whichever products I see fit, and nothing Microsoft has done precludes me from using whatever software and hardware I choose to use. Like thousands of other Americans, I use Microsoft because it is easy to use, and more importantly it provides a standard which encourages the rest of the industry to provide compatible products. It is my belief it is these standards issues that have allowed us to become the premier technical and business country on the planet. The settlement will make it even easier for non-Microsoft products to be used on people's computers. Additionally, Microsoft will be handing over their coding and interface design (Which is intellectual property) to help their competitors compete more fairly(Unfairly??) in the market. I don't see what more could be asked of Microsoft. Please make sure this settlement is respected and that this lawsuit is put to an end.

Sincerely,
Robert A. Carlson

MTC–00010711

From: Phil Patterson
To: Microsoft Settlement
Date: 1/13/02 11:38am
Subject: Microsoft Settlement
Phil Patterson
6300 Welles Brook
San Antonio, TX 78240
January 13, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Phil E. Patterson

MTC–00010712

From: Bernadette Hein
To: Microsoft Settlement
Date: 1/13/02 11:36am
Subject: Microsoft Settlement
Bernadette Hein
72 Cambridge Dr.
Hershey, PA 17033
January 13, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Bernadette Hein

MTC–00010713

From: SkiSnow@aol.com@inetgw
To: Microsoft ATR
Date: 1/13/02 12:04pm
Subject: Microsoft Settlement

Go ahead and settle.
Brian Boyd

MTC–00010714

From: Jens Bj(FFFF)rlo Tandstad
To: Microsoft ATR
Date: 1/13/02 12:07pm
Subject: Microsoft Settlement

The case against Microsoft is clearly that of a Monopoly exploiting markets and manipulating consumer patterns of purchase. Moreover, the delay and discrimination as to when and to what degree information is disclosed to third party software developers not member of the Microsoft Software production family. The effects of this monopoly includes, but are not limited to:

—Lack of freedom when purchasing software goods.
—Lower quality of products not a part of or cooperating with Microsoft.
—The hardware industry favouring Microsoft because of it's market position, tailoring hardware to the Windows OS, and thus strengtens their position further, hindering competition.
—Security issues due to recurring exploits and weak spots in the Windows system. This is an effect much affected by the Microsoft strategy to include all types of programs in the OS, thus removing the convenience and often possibilty of not using a program in which there is a considerable security hazard. (Internet Explorer, Instant Messaging, Microsoft Network protocols)
—Deliberate neglecting file formats to create inconvinence so that people stop using competing programs.

You all know this, make the right decision. Let us have the benefits of a free market.

Jens Tandstad
NORWAY

MTC–00010715

From: henk@snapper.soneraplaza.nl@inetgw
To: Microsoft ATR
Date: 1/13/02 12:21pm
Subject: Settlement Microsoft

I am against the proposed settlement in US vs. Microsoft. You should stop criminal behaviour by all means. You should never reward criminal monopolitic activities with a higher market penetration.

I think that if a small company had the behaviour of MS, the management would be punished with sending to prison. Why don't you do that with the MS management?

May be you can punish the MS management with the obligation of developing each application for multiplatform? (f.i. Apple and Linux) Then you can minimalise the effects of the present monopolism. And all users would benefit with a higher degree of freedom.

MTC–00010716

From: Charlie Parker
To: Microsoft ATR
Date: 1/13/02 12:41pm
Subject: Microsoft settlement

Dear Department of Justice,

I applaud the DOJ for finally settling the suit with Microsoft. It is good that the federal government is moving forward to items of far greater importance and not wasting any more taxpayer dollars on an issue it shouldn't have even looked at in the first place. In my humble opinion, this suit did nothing to benefit consumers; it was filed purely at the behest of companies who failed in the marketplace because of their own ineptitude, and the fire was fanned by a bunch of ambulance-chasing lawers whose egos and arrogance far supersede any other interest.

Charles S. Parker

MTC–00010717

From: Randy Hartley
To: Microsoft ATR
Date: 1/13/02 12:57pm
Subject: Microsoft Opinion

Competition is what is needed to ensure a good product. Without competition, there is no reason to make a better product or for that matter make the existing product better.

It is for that reason I am opposed to a settlement with Microsoft

Thank You
Randy Hartley

MTC–00010718

From: M. Hermann
To: Microsoft Settlement
Date: 1/13/02 12:32pm
Subject: Microsoft Settlement

M. Hermann
14359 SE 6TH ST, Apt 204
Bellevue, WA 98007–6733
January 13, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Martel C Hermann

MTC–00010719

From: George Keselman
To: Microsoft ATR
Date: 1/13/02 1:16pm
Subject: Microsoft Settlement

The Technical Reviewer Board proposed is useless. Those 3 persons will have no effective rights, and will be manipulated by Microsoft during 1 month each serves. One of two Board members is to be assigned by Microsoft, and the third one is also to be elected by that Microsoft assigned person. What a brilliant idea!

The Microsoft phenomenon can be viewed as promoting public computing ignorance through not educating and limiting choices. It is easy due to human nature. That's why it succeeded in the game. The document should forbid Microsoft promote its system in public schools without teaching equal or more time Linux or Unix systems. It is easy, too, but there is a powerful lobby in the US government that promotes Microsoft only. This is the primary reason the situation persists.

George Kesleman
Atlanta, GA

MTC–00010720

From: Jim A Goluch
To: Microsoft ATR
Date: 1/13/02 1:24pm
Subject: Microsoft—DOJ

2011 ''I'' St.,
Laporte, IN 46350– 11, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing to express my support of the recent settlement between Microsoft and the US department of Justice. I think the settlement is ion the best interest of the American public because it forces Microsoft to make some concessions that will even the

playing field, but it also allows Microsoft to get this suit off its chest and continue to innovate as it has for over a decade.

Microsoft has really standardized the industry and its products, services, and training are really outstanding. As a computer analyst I would say though that I believe their marketing tactics are a little heavy handed, so the fact that Microsoft will be increasing its relations with software developers and computer makers as well as agreeing to design future versions of Windows to make it easier for competitors to market their products within Windows.

Since the settlement does seem fair and just, I urge your office to finalize it, and help facilitate ending the nine remaining states opposition. Thank you for your time.

Sincerely,

James Goluch

MTC–00010721

From: limoman 2929
To: Microsoft ATR
Date: 1/13/02 1:26pm
Subject: Microsoft Settlement

Please See Attachment

MTC–00010722

From: S I
To: Microsoft ATR
Date: 1/13/02 1:28pm
Subject: MICROSOFT SETTLEMENT

Dearest Judge K;

Please take a careful look at the Proposed Final Judgement that the Dept of Justice is trying to foist upon the American people. It is an outrage that Microsoft—after having been found guilty time after time in American courts—is about to be let off basically scott free. Why should the strongest and wealthiest Americans get off from obeying the law?

I have been in the software industry for almost 10 years—and I have personally seen Microsoft rip off ideas, patents, products and even entire companies. Repeatedly. But this is no different then what the courts have found. I know run a small company—and we have to tiptoe around MS all the time—as do all software companies our size.

Please protect small, independant software developers like myself. That's the great thing about our country—the rich and powerful don't always win. thank you very much.

Sasha Winston
Menlo Park, CA

MTC–00010723

From: Jane Waski
To: Microsoft ATR
Date: 1/13/02 1:44pm
Subject: Microsoft Settlement
420 East 64 Street
New York, New York 10021
January 9, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Ashcroft:

Let me begin by saying that I appreciate the opportunity to speak on behalf of ordinary consumers. Companies like Microsoft don't become powerful because of competitors, but because of people like me who purchase and use their products. I am an avid user of Microsoft software, and feel that they have been unfairly singled out. Nevertheless, I also believe that the current settlement satisfies the government and public interest in a way that should allow this suit to end. I feel that the three-year lawsuit and the efforts of the negotiations have culminated in a settlement that is both fair and reasonable.

While new government regulations will be imposed on Microsoft's business and technology practices, this settlement will provide certainty about the new rules and thereby ensure that the company can continue delivering advanced American technology to the marketplace. I also believe that this case has had a direct impact on the federal and state economies. During this difficult time, it doesn't make sense to spend more money on a battle that has already been won. Under the agreement, competitors can sue Microsoft if they feel that the company is not complying with the terms of the settlement, and Microsoft can continue innovating in an effort to maintain its competitive advantage. In short, I think that the necessary corrections have been made to solve the problems, and now it is time to return focus from litigation back to innovation. The settlement agreement is the first step in the right direction.

Sincerely,

Jane Waski

MTC–00010724

From: Matthew Jones
To: Microsoft ATR
Date: 1/13/02 1:56pm
Subject: Comments on the settlement between the USDOJ and Microsoft

I am writing to you to state my disappointment at the proposed settlement with Microsoft in the antitrust case. I cannot see anyway that this settlement punishes the convicted corporate felon Microsoft, improves competition or helps the consumer. I work in computer industry, although not with a competitor of Microsoft. However I work on an embedded Internet browser. Because Microsoft Internet Explorer is so pervasive (a monopoly) and because it has undocumented extensions it is virtually impossible to produce a browser that can compete. While it might appear that web browser technologies such as HTML and HTTP are standards the reality is that they are so inadequate and incomplete (and ignored) that the only way to be assured that the page ''renders correctly'' is to try to guess at what IE does. This forces all competition to chase IE. There is no standard for validating HTML therefore the de-facto validation is ''looks good in IE.'' This is only one example of the problems with Microsoft's monopoly.

I believe that the remedy suggested by judge Jackson makes far more sense than the current proposed settlement. Furthermore some of the parts of proposed settlement will only reenforce Microsoft's monopoly, especially the part about donating software. I suggest the eventual punishment for Microsoft include:

1. Breaking up Microsoft into three separate competing companies. One for operating systems, another for applications and a third for online services such as MSN, Passport, Hotmail etc.

2. Microsoft should be fined billions of dollars for monopoly behavior and producing bug ridden security inept software.

3. PC manufacturers should be forced to provide users with an alterative for pre-installed operating systems. For example, customers should be able to request that Linux is pre-installed.

4. Microsoft operating systems should be required to ship with the latest version of the Java runtime environment from Sun Microsystems.

The current settlement does nothing to benefit this country, the computer industry or consumers. Therefore I urge you to discard it. I also urge you to take the hardest line in punishing Microsoft to the maximum possible.

I would be happy to provide additional information if required.

Sincerely,
Matthew Jones
12918 View Mesa Street
Moorpark, California 93021
Telephone: (805) 531–0474
email: sjmj3us@yahoo.com

MTC–00010725

From: Rick Creson
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/13/02 1:10pm
Subject: Microsoft Anti Trust Case

This entire case needs to be dismissed. Anti Trust made no sense in the beginning and makes no sense now. The people who have made the most noise abut this case and have prompted the government to pursue action against Microsoft are the people who want any and all competition to go away, specifically Larry Ellison of Oracle, Scott McNeely of Sun and those in charge of Netscape. Microsoft may have gone beyond the acceptable to ''compete'', however, the Government has gone beyond sanity in its contention that competition is not acceptable to Microsoft. Regarding operating systems, I believe that everyone who pays attention, knows that a myriad of operating systems will never occur. Effectively, Industry has determined that there are three effective operating systems with which they will participate: 1) IBM and their Mainframe environment, which serves large scale systems, 2) The UNIX environment that serves mid-size and client server systems, and 3) Windows, which serves the desktop and acts as the clients to the client-server environment.

If a company was to create the next ''better'' operating system, one of the three above would disappear, just as Digital's VM Operating system dissipated and then disappeared with the growth of UNIX and Windows. By the way, the demise of Digital, created the birth of Oracle and SUN. You did not hear Ellison and McNeely complain about that one.

Lastly, Apple Computer has been around for years. They have been unsuccessful, not because of Microsoft but because of their inability to serve the business marketplace and because the business marketplace saw no room for them.

Please stop this nonsense against Microsoft and move on.

Rick Creson

Rick@MeridianGroup.com
Meridian Technology Group, Inc.
4949 SW. Meadows Road #440
Lake Oswego, OR 97035
503–697–1600 In Oregon
800–755–1038 Outside Oregon
503–697–8600 Fax
www.meridiangroup.com

MTC–00010726

From: Elaine Cohen
To: Microsoft ATR
Date: 1/13/02 1:59pm
Subject: Microsoft Settlement

I believe the Court of Appeals settlement is fair & just. As a WEB TV Grandfather & GRANDMOTHER Microsoft ha added so much to our lives from letters to & from our Children & Grandchildren to pictures of our Greatgrandaughters—also activities we never thought we could do on the Web. We live in a retirement village & we all are greatful to Microsoft for all their efforts in our behalf.Please settle the case in Microsoft's FAVOR!!!

Sincerely
Elaine E, & Simon Cohen

MTC–00010727

From: david snyder
To: Microsoft Settlement
Date: 1/13/02 1:36pm
Subject: Microsoft Settlement
David Snyder
700 Anne Ln.
Henderson, NV 89015
January 13, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
David L. Snyder

MTC–00010728

From: David Thieme
To: Microsoft ATR
Date: 1/13/02 2:08pm
Subject: Microsoft Settlement

I sent the attached letter to Att Gen Ashcroft & Senator Rick Santorum.
David C. Thieme
27 Pine Free Drive
Mechanicsburg, PA 17055–5568
January 13, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I am writing to encourage you to finalize the Microsoft settlement. The Justice Departments pursuit of Microsoft has cast a dark cloud over the information technology industry for more than three years. I work for Ciber and our business has slowed down drastically due to the unknown future of Microsoft. Companies are afraid to move forward, new technology is not being used, all because Microsoft's future is unknown. I for one blame the Federal Government for the current recession. This blatant attack on corporate America is, in my opinion based solely on jealous envoy of their success. America no longer has a free market system. By interfering with Microsoft our government has impacted our economic system in ways that will take longer to repair than it did to inflict such harm. The current proposed settlement will at least allow Microsoft to refocus its energies in the American arena where it is sorely needed. Yes, Microsoft is the Giant in the market, but they got there by a vision of the future. A future no other company saw. So why do we punish them for making our future what it is? This action has not only impacted Microsoft but the whole Information Technology community. Many have new innovative ideas but are afraid to act on them for fear of winding up like Microsoft.

As a born again Christian, I was so pleased to see that someone in Washington was not afraid to stand up and acknowledge his beliefs. I felt assured that you would be able to evaluate our laws with the insight and beliefs our founding fathers based this country upon. You understand the importance of our freedoms and the reasons why a Free Market is so successful. The tyranny of government must be returned to a government of the people, by the people, and for the people. Mr. Ashcroft, it is time to allow innovation to continue in America.

While I fear that this settlement will still continue to snuff out the brightness of our potential technological future, I think it is far better that the past six years have been. The settlement as proposed looks like it will satisfy the prosecutions arguments. It also looks like it will please most of Microsoft's competitors, except the ones who would not be satisfied until Microsoft was no longer in business. The settlement forces Microsoft to share its technological break-throughs with its competition, and open the Windows Operating system source code. It also compels them to stop allegedly anticompetitive practices. All monitored by an oversight committee chosen by the Justice Department and the Microsoft's competitors. I believe sufficient concessions have been made. Most importantly from my view Microsoft will remain a sole corporate entity enabling it to continue to push American Technology into the future we deserve. The economy needs a Microsoft, as does the Information Technology industry and most importantly America needs Microsoft back in the game. Please support this settlement. Thank you.

Sincerely,
David Thieme
cc: Senator Rick Santorum

MTC–00010729

From: Bob Kaufman
To: Microsoft ATR
Date: 1/13/02 2:29pm
Subject: antitrust

Dept of Justice,

The remedies proposed for Microsoft's proven monopolistic and anti competitive behavior are entirely too weak. Look to history as a guide for the proper appropriate response to a trust or monopoly. Have you no spines? These remedies don't even amount to a slap on the hands. Look up what the remedies were for Standard Oil and AT&T after they were proven as monopolists in court. Like Microsoft (MS), they were rich, fought long and hard in court, but were rightly found to be illegal corporations. They were broken up to preserve competition and stop the monopolistic behavior—and their ill-gotten cash gains were removed. All of these steps are crucial.

First, you must remedy the monopoly itself, in this case the suggested solution amounts to the same one used during previous failed attempts to oversee company behavior. Two consent decrees were levied—neither one worked—Microsoft continued (and continues) to tie new features into their operating system at the expense of competitors and consumers. It is time to split Microsoft's OS from direct company control into a new company. Anything less will lead to the same monopolistic behavior that we have seen before and continue to see with the release of Window's XP. MS, with the rushed release of XP, attempts to harm RealAudio by grafting the weak MS streaming media stand alone programs to the pre installed OS that comes on new computers. Thereby foisting one more inferior MS product onto the consumer who wants to buy a new computer but not the MS media players. In the process RealAudio, the key innovator, and maker of the number one media player is hurt—much like what was done supplant the previous number one browser Netscape with inferior new number one MS Explorer. You are fooling yourselves if you think this will change with the current remedy.

Second, you do not let the monopolist use the gains from previous monopolistic behavior to then buy into other industries and continue to profit from the past monopoly. In this, the current remedy is completely lacking. In effect what the latest settlement does is to let MS sit on it's multibillion dollar war chest stolen using the Window's OS monopoly. MS continues to use that cash to buy out promising companies with competing, threatening technologies to protect MS's inferior products. This harms consumers and puts a

chill on innovation and leaves MS free to continue to stifle competition. Make an accurate study of the estimated gains from the demonstrated monopoly and remove that cash from MS and return it to consumers. And we are talking billions here not some bargained down fine that is politically palatable.

MS's influence on the peoples elected officials ranges far and wide, but don't doubt for a second that the people will remember those in government that let the worst monopolist of our times off virtually scot-free. . . .again.

Bob Kaufman
Bellevue WA

MTC–00010730

From: SSteele
To: Microsoft ATR
Date: 1/13/02 2:48pm
Subject: Settle Microsoft case

To Whom it May Concern:

As a citizen of Washington state, I encourage you to accept the proposed settlement in the anti-trust case involving Microsoft. This settlement is appropriate and reflects a triumph of the rule of law. Certain Microsoft competitors and other critics of the proposed settlement make the core of their objections a call for more stringent restrictions, ranging from prohibition of what they call ''product tying'' to breakup of the company. More extreme critics complain that the remedies do not address products that were not even part of the case.

These objections ignore the decision of the Appeals Court that reversed much of Judge Jackson's original findings. The Appeals Court threw out findings on many fronts related to Microsoft's anti-monopolistic behavior. One key area rejected was the basis used for claiming that integrating Internet Explorer and Windows represented monopoly abuse. The court went further to state that any new burden of proof for ''tying'' would be immense. The court also rejected the breakup order and made it clear such an order moving forward would be difficult to sustain given the court ''drastically altered [i.e., reduced] the scope of Microsoft's liability.''

One final objection raised by critics is that Microsoft has a past history of consent decree violation so the company cannot be trusted to adhere to a new decree. This is a patently false assertion. The Appeals Court in June of 1998 rejected the very claim that sent the parties into litigation—the Department of Justice claim that Microsoft had violated an earlier consent decree. Furthermore, this settlement takes the extraordinary step of creating an onsite oversight body. There are, therefore, no legitimate grounds for an assertion that a consent decree will not constrain Microsoft's behavior in the ways the court intends.

Rather, the proposed settlement directly and concretely addresses each and every key finding upheld by the Appeals Court, and does so with an undeniably stringent remedy. The areas of violation addressed include requiring OEMs to preserve visible access to Internet Explorer, to preserve the original boot sequence, to preserve all Microsoft-supplied desktop icons; entering into exclusive contracts with Internet Access Providers; threatening companies over support for other middleware technologies; and every other key area identified by the Appeals Court.

In my view, there can be no valid objection to this settlement because every major finding of the Appeals Court is stringently addressed with a targeted remedy that specifically prohibits and prevents the behavior in question. Acceptance of the proposed settlement will send a signal throughout American industry and the country as a whole that in the United States rule of law is alive and well—that defendants face remedies only for those findings against them. Anything beyond this settlement would represent a victory for those who do not seek remedy but rather also unwarranted punishment, and this would be a serious blow to the smooth functioning of free markets and the law that protects them. Participants in the American economy would forever be forced to fear whether the laws they rely upon to safely conduct business will be applied fairly.

I believe in advancing free market competition and this settlement serves the best interests of the American public. It fairly resolves a complex and burdensome anti-trust case that is having severe impacts far beyond one company, a case that is acting as a drag on one of the most vibrant sectors of our economy. Settlement of this case will free the high-technology industry to put its fullest efforts into innovation and creativity, and will spur competition in a way that will directly benefit consumers.

Thank you for your consideration.

Signed,
Stephen D. Steele
Cortex Medical Management Systems, Inc.
600 Ericksen Avenue NE, Suite 320
Bainbridge Island, WA 98110
CC:mrichards@effwa.org@inetgw

MTC–00010731

From: William B. Moore
To: Microsoft ATR
Date: 1/13/02 2:50pm
Subject: Microsoft Settlement

Dear Justice Deparment:

The proposed settlement with Microsoft makes it seem as if it is a company that is only cocerned about innovation and fair minded capitalism. Nothing could be further from the truth.

Microsoft is a government backed monopoly used to provide a uniform computing platformto simplify subjugation of the citizens. Breaking up Microsoft is the logical solution. I do not expect it because government prosecution of Microsoft is a sham to pay lip service to those who rightly fear fascism.

If there are those in the U.S. Justice Department who admire Teddy Roosevelt (''The Trust Buster''), then perhaps a break-up of Microsoft can be hoped for. Please attempt it.

Sincerely,
William Moore
1215 Oxley Road
Columbus, Ohio

MTC–00010732

From: Frederic Marchand
To: Microsoft ATR
Date: 1/13/02 3:00pm
Subject: Microsoft Settlement

Hello.

I think that there is an urgent need to open the PC OS market to other solutions than Microsoft. A statu quo at this time will only strangle the market.

If you want to have an idea, go to your local PC store and ask for a PC without Microsoft's OS (an empty PC). You'll see. . .

One action which should be taken is to force Microsoft to have the acknowledgement of the court for all their OEM contracts in order for the court to prevent any monopolisitic usage.

I am a BeOS user and I am sure that BeOS development has been put on hold by Microsoft influence or pressure and/or contracts. the result is the bankrupcy for a company which tried to be ''innovative'', something Microsoft pretended to protect. . .

Frederic Marchand
Paris, France

MTC–00010733

From: Craig Hillemann
To: Microsoft ATR
Date: 1/13/02 3:04pm
Subject: Microsoft Settlement

Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

Persuant to provisions of the Tunney Act, I am writing to express my opinion on the settlement reached between Microsoft and the Department of Justice in November of last year. Apparently nine states are seeking to further prosecute the Microsoft Corporation. As both a taxpayer and purchaser of personal computer software products, I do not believe that the antitrust case against Microsoft should be dragged out any longer.

Please be reminded that the purpose of antitrust laws in the United States is to protect consumers like me, and not to support the self-interests of competitors in the marketplace. The parties that goaded the DOJ and states to file antitrust actions were Microsoft's competitors, not consumers like me. Microsoft's competitors are obviously envious of Microsoft's success, but the reason Microsoft has succeeded is simply that Microsoft has consistently delivered better and more cost-effective products, and furthermore fostered a large market and environment inviting competition. As result, enormously more quality, low-cost hardware and software is available from both Microsoft and other vendors for Windows than for any other operating system (e.g, Linux, MacOS, Solaris, etc.).

Microsoft's Windows product provides excellent functionality for the price. As a consumer, I want Microsoft to bundle as many applets as possible in Windows, and I do not appreciate hardware vendors modifying Windows. My computer-using colleagues feel similarly. Windows as provided by Microsoft works well on a remarkably wide range of computer hardware. The applets included in Windows provide very helpful functionality with dependable stability and user interface

consistency. Their inclusion does not prevent other vendors from developing products with greater functionality, but does provide a useful standard for other vendors to try to surpass.

I have read the entire Appellate Decision for this case, and based on the facts, including my own experience as a computer user, I do not believe bundling Internet Explorer in Windows was unlawful. Frankly, I appreciate the inclusion of Internet Explorer in Windows. Microsoft's alleged misrepresentation of Java support may have been questionable, but the context was a struggle with Sun, one of Microsoft's biggest detractors, for control of the language. Microsoft has since pulled back support for Java in Internet Explorer. Anyway, the proposed settlement goes well beyond any reasonable remedy in view of Microsoft's possible misstep. Under the circumstances, the agreement made between Microsoft and the Department of Justice was certainly more than fair. All parties directly involved (not counting Microsoft's competitors) seem satisfied with the terms reached. Microsoft has agreed to license its software and applicable intellectual property rights to its major competitors. Moreover, Microsoft is planning to format future versions of Windows so that its competitors will be able to introduce and endorse non-Microsoft software in Windows. Microsoft has also agreed to disclose Windows line code to competing computer software producers. However, I personally will want the full version of Windows from Microsoft without it being hacked by other vendors.

I do not believe litigation should continue in this case. There is no need to drag the suit out any longer. You and you office should back the settlement.

Thank you.

Sincerely,

Craig L. Hillemann

1229 Crestover Road

Wilmington, DE 19803

302–479–0432

Craig—H@msn.com

MTC–00010734

From: Brooks, Rama

To: 'microsoft.atr(a)usdoj.gov'

Date: 1/13/02 3:13pm

Subject: Microsoft needs to slow down

To Whom It May Concern,

My name is Rama K. Brooks and I am a CompTIA A+ Certified Computer Technician working for the State of Indiana/Dept of Administration/Division of Information Technology. We are still in the middle of upgrading the state's infrastructure with Windows 2000 from Windows NT 4.0 and now XP and the .Net servers are coming out. If Microsoft took more time in developing newer versions of Windows then we wouldn't have to deal with all these security issues and bugs. Not only that but the Enterprise Agreement we have with them allows us x amount of licenses for desktops, servers, and apps. Because of budget constraints we can't get all the state agencies upgraded to Windows 2000. And now we have agencies that want to purchase XP. I am feeling that we are being pushed for forced upgrades. Upgrading any part of the IT infrastructure should be done because it is technically a sound idea for the organization, not because a software company wants to force it down our throats.

I started out wanting to become an MCSE (Microsoft Certified Systems Engineer) around 1995. I started to study on my for the Windows NT 4.0 track and then found out it was going to be replaced with the 2000 track. I have been working for the State of Indiana since April 16, 2001 and that is when I started to get the hands on experience for Windows 2000. Now the XP track is coming out. Before you needed at least 2 years experience with the software to pass the test. But with XP, the test it came out the same time as the product. I have invested over $500 in study guides for the 2000 track. Stop the insanity might be a better term. I feel as a IT professional that because of their greed, Microsoft is going to kill the MCSE credential and the best part is that the Dept of Justice doesn't need to do anything for that to happen. Employers are going to realize that the only way for people to be certified in Windows XP (before this track expires) and not have the 2 years experience with the product is going to mean that they are more likely a ''paper MCSE''. Unless it is someone upgrading from the NT 4.0 track or Windows 2000 because they have the base knowledge and experience. All they need to do is learn what's new with the XP track.

I find the idea of XP sending information to Microsoft's website from the user's PC rather disturbing and unethical. This presents a rather significant security risk for criminal hackers (crackers) and cyber-terrorists to break into a network. How safe would you feel to know if the FBI had deployed XP on all their special agents desktops? I would say that in some instances this could pose a national security risk (it all depends on who is using XP and how critical their data is kept).

Perhaps a fair solution would be to have Microsoft give those schools money instead of Microsoft products. Breaking up Microsoft would be bad because then they could spread out to all the areas that this lawsuit is trying to stop them from doing. And if Linux takes over more and more desktops then don't be surprised Microsoft porting Office to Linux. They will soon learn the lesson that IBM has just learned (on there own) that you can't be everything to everyone and dominate it all. IBM has regrouped on what it want s to focus on, and that will be the same fate Microsoft will soon suffer.

In their defense Microsoft is a publishing company. It would be like saying that McGraw-Hill has unfair advantage on school text book market. AOL which holds the monopoly on Internet Services Providers had merged with Time Warner to become the ''monopoly'' for media. But many upstart Internet Service Providers are popping up and thriving. Why? Because of customer focus and satisfaction. When companies get too big, they stop caring for their customers. That is when they start loosing business. A case in point would be the phone company or McDonalds. Both have given me (as well other people I know) lousy services, but they make enough that they don't care. You go to a family own dinner and usually you get the best service. If you want proof that pertains to this case, then look at LINUX. It was created around 1992 by a college student in Finland. He then cut it loose, source code and all to the open source community. He still controls the final say about changing the kernel (the heart of the operating system), and there are companies making money of distributing it, as well as writing programs for it. The result, it is being ported to watches, radios, PDAs, cars, robots, and any electronic device you can think of as well as any kind of CPU architecture. Basically Linux went in 10 years from a ''radical underground movement'' to a business quality type of Operating Systems that Microsoft has identified as it's main threat. Linux has accomplish everything that Microsoft wanted Windows to accomplish or Scott McNealy (Sun Microsystems) wanted Java to accomplish. Where did these companies go wrong? It is because they tried to dominate the market and control their standards while making a hefty profit. Most of Linux's migrations to different electronic devices you can download the source code free and compile it or pay for a packaged CD.

Linux also has several different professional certifications. And with CompTIA creating a Linux+ certification shows more proof how Linux is business accepted Operating Systems.

Don't split Microsoft up, because that will create a different Microsoft company for each area they are trying to monopolize. Instead let them grow and become more bloated. Their greed will be their downfall. In the early 1980's IBM wanted to enter the PC market, and Texas Instrument (who dominated that market) had pulled it's TI–99/4A off the market. IBM asked CP/M (the dominant company for operating systems) to create an operating systems for their PC. When CP/M told them no, a little upstart company called Microsoft offered to do it. Now it seems that things are coming full circle because Microsoft is where CP/M was 20 years ago. And Linux is where Microsoft was 20 years ago, except Linux is more user driven versus company driven.

Just fine Microsoft a multi-billion dollar fine and end this whole trial. I would also suggest that you take on AOL/Time-Warner as the new monopolistic threat.

Sincerely,

Mr. Rama K. Brooks, A+

Systems Analyst

State of Indiana

Department of Administration

Division of Information Technology

Indiana Government Center North

100 Senate Ave., Room N551

Indianapolis, IN 46204

(317) 232–1052—Office phone

(317) 232–0748—Fax

CC:Zust, Brian

MTC–00010735

From: Guoliang Qian

To: Microsoft ATR

Date: 1/13/02 3:24pm

Subject: Microsoft Settlement.

Hi,

This is Guoliang Qian, a Ph. D. in Computer Science from CUNY Graduate School.

What I would like to see: 1. Microsoft will document OS features and APIs in a complete and timely fashion. 2. Seperate from Microsoft OS development and application program development businesses.

What I would NOT like to see: Force Microsoft to open the source of its Windows operating system.

Justification for the above: To promote innovation and fair competion.

Thank you!

Guoliang

MTC–00010736

From: Sally Ciarlo
To: Microsoft ATR
Date: 1/13/02 3:27pm
Subject: microsoft settlement

Please stop wasting tax dollars and time persuing this case. Microsoft has done more for the taxpayers of this country than all of you down in Washington put together.

MTC–00010737

From: Charles A Sellon
To: Microsoft ATR
Date: 1/13/02 3:32pm
Subject: Microsoft settlement

Microsoft settlement

MTC–00010738

From: Lisa Starbuck
To: Microsoft ATR
Date: 1/13/02 3:41pm
Subject: Microsoft Settlement

Please do not agree to this settlement. Microsoft has shown again and again that they will not play by the rules, and this settlement does not go far enough to ensure a level playing field. In particular, my concern is for the lack of limitations on what Microsoft can include in their ''operating system''. They have already killed off several companies by copying their concept and integrating it into their system in such a way that few companies can compete. The long this goes on, the worse it will get.

Thanks for your time and attention to this matter.

Lisa Starbuck

MTC–00010739

From: donald j annis
To: Microsoft ATR
Date: 1/13/02 3:50pm
Subject: Microsoft Settlement

I am a retired IBM employee. While working in a division principally involved with department of defence contracts, I watched the justice department distract and stifle IBM's business activities for the better part of 10 years only to have the case closed with no significant conclusion.

Much the same can be said for the Microsoft situation. It is time to bring this case to a speedy end. This case likewise is an unnecessary burden to Microsoft, the economy and the justice department.

Regards,
Donajd J Annis
22 Holiday Hill Road
Endicott, NY 13760

MTC–00010740

From: Gary Cauchi
To: Microsoft ATR
Date: 1/13/02 4:00pm
Subject: Microsoft Settlement

I support the Bush Administration and Microsoft in their desire to settle this lawsuit.

Gary Cauchi
5935 East McKenzie Avenue
Fresno, California 93727

MTC–00010741

From: Jeffrey Burger
To: Microsoft Settlement
Date: 1/13/02 3:38pm
Subject: Microsoft Settlement
Jeffrey Burger
1927 Stonemanor Drive
Lancaster, PA 17603
January 13, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies. Thank you for this opportunity to share my views.

Sincerely,
Jeffrey L. Burger

MTC–00010742

From: Jonathan Hill
To: Microsoft ATR
Date: 1/13/02 4:21pm
Subject: Microsoft Settlement

Honorable Judge Kollar-Kotelly,

I am a student at Boston College, and I am upset about the recent settlement between the Justice Department and Microsoft (PFJ).

First, the PFJ does not stop Microsoft from operating as a monopoly. It does not force Microsoft to substansively alter its structure and marketing plans. The inability of the settlement to force Microsoft to change its business scructure makes the settlement pointless. Second, the settlement does not punish Microsoft for clearly violating anti-trust laws in the past. It would set a terrible standard if Microsoft was allowed to get away with its monopolistic and abusive tactics. Finally, the PFJ does not provide an effective enforcement mechanism for the weak restrictions it does implement.

All in all, the settlement between Microsoft and the Justice Department is weak and does not fix the basic problems the suit was brought to correct. I urge you to do everything in your power to overturn the settlement.

Sincerely,
Jonathan Hill
Brighton, Massachusetts

MTC–00010743

From: csaxton
To: Microsoft ATR
Date: 1/13/02 4:21pm
Subject: Microsoft Settlement

After reading the final judgement I would like to point out a number of points that are apparently not pin pointed in the document. What is Microsoft in the business of providing? This may sound like a stupid question so I will explain in the following paragraphs.

1. Before you begin to sell software you need a market to sell the software to... Microsoft has saturated the user market with their operating system...business users as well as home users.

2. You need to make sure that you can compete in this market, to be able to write good quality software. Because Microsoft owns the operating system that most home and business software is hosted on it already has an unfair advantage since they will know and already have teams of programmers who have inside information on how to program certain API's. In fact it is not uncommon for Microsoft to add the functionality to the operating system and then add user applications that use that functionality to be released at the same time. This leaves everyone in the world playing catch-up every time.

3. Trust... I work for a software house who developed manufacturing software for the Microsoft platform and spent millions of pounds in R&D to only find out that 3 and a half years down the line Microsoft bought one of our competitors and now develops software with them. This left us competing and relying on a competitor?? Their in house software products all lie in the following fields

Games
Word processing
Accounting
Manufacturing
Banking
Numerous in house business products...

THEY DON'T WORK WITH PARTNERS SO THEY OWN THE OPERATING SYSTEM AND THE BUSINESS SYSTEMS??

Would splitting the company into distinct smaller companies be a bad thing...?

There are a number of other worring points in the document.

1. After they nearly destroyed all competition in the internet market with internet explorer, why have they not been punished?? Final Judgement should include some sort of punishment so that they know not do it again...

2. The document does not detail and nail down when competitors software becomes suitable for replaceing the Microsoft equivalent.

3. Any code to do with the operating system could be deemed important to the security of the operating system...It would be

very easy for MS to keep any code they wish away from the eyes of the TC.

4. The TC seem to be another piece in the RED tape if they have no power to testify in court.

....Point 4.d

No work product, findings or recommendations by the TC may be admitted in any enforcement proceeding before the Court for any purpose, and no member of the TC shall testify by deposition, in court or before any other tribunal regarding any matter related to this Final Judgement. Would this mean that if I went to them with a complaint about Microsoft practises that I could then not proceed with the complaint to the courts? I am not sure since the final judgement does not nail this down...It is very wide open to abuse...

Information is the new monetary system and at the moment Microsoft is holding a very large piece of this currency?

MTC–00010744

From: Henry S. Williams
To: John Ashcroft,Microsoft Microsoft
Date: 1/13/02 4:23pm
Subject: Microsoft Settlement

I urge you to accept the proposed Microsoft anti-trust suite settlement. Please see my attached letter.

Thank You
Henry S. Williams
1304 Adams Ave.
Toppenish, WA 98948

MTC–00010744–0001

Henry S. Williams
1304 Adams Ave.
Toppenish, WA 98948
E-Mail: stein nanwilliams@msn.com
Phone: 509–865–2915
January 13, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530
Dear Mr. Ashcroft:

I am writing in regard to the proposed settlement of the Microsoft anti-trust case. As a user of Microsoft products I have found their products to be of high quality and value priced. Consumer complaints with Microsoft are few; unfortunately competitor complaints have driven this ''anti-trust'' matter. As a resident of Washington State, as well as a stock holder, let me tell you this unreasonable litigation has cost our State millions of dollars and my wife and I thousands of dollars. I believe the proposed settlement is more than fair. I urge you to accept this settlement and put an end to this long drawn out litigation.

The proposed settlement requires Microsoft to make serious concessions to its competitors as Windows systems will have to be made to accept non-Windows software. If fact a government appointed oversight committee would now monitor Microsoft's business practices and insure it abide by the settlement terms. Clearly this settlement is more than just a slap on Microsoft's wrist. The terms should be more than enough to appease the harshest critics of Microsoft, and it will certainly increase competition in the technology marketplace. At this time of National economic uncertainty we need this great corporation at work. Please support this settlement.

Sincerely,
Henry S. Williams

MTC–00010744—0002

MTC–00010746

From: Shuryl A Potter
To: Microsoft ATR
Date: 1/13/02 5:05pm
Subject: Microsoft Settlement

To the Department of Justice;

I watch our great country being eaten up by corporations such as Philip Morris, News media giants, and several other powerful corporations and the justice system seems to turn their heads. We can't help but wonder when a company as great as Microsoft, which has created enormous opportunities and wealth for the American people and the world, Contributes billions of dollars to some of the poorest nations in the world, is always brought to task. Is it because our government and justice system is being control by corporations more powerful then themselves? My family and many friends are quite happy with Microsoft and their way of doing business. We will always support and buy their products no matter how hard their competitor's try to destroy them. We beg you to search your conscience and not bend to giant corporate pressures.

Sincerely;
Shuryl A Potter

MTC–00010747

From: Dave fenton
To: Microsoft ATR
Date: 1/13/02 5:22pm
Subject: Microsoft Case

For the life of me i cannot understand why you wish to punish a company that has been on the cutting edge of technology, has not hurt consumers one bit spends billions on research and development, gives more money away to charities than any other company, and still you want more. These other states and companies just have sour grapes and you are playing right into their hands.

A VERY SATISIFED MICROSOFT CUSTOMER
Dave Fenton

MTC–00010748

From: George McLennon
To: Microsoft ATR
Date: 1/13/02 5:40pm
Subject: Microsoft Settlement

George McLennon
458 Rice Circle
Enterprise, Alabama 36330
January 13, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I am deeply concerned over further inquiry into the Microsoft antitrust settlement. I thought this issue had finally been resolved. This period of public comment is important so that the Justice Department be advised of the enormous support of the settlement that exists.

I believe the settlement to be extraordinarily just. The licensing of Windows at a uniform price will discourage most favored policies between Microsoft and PC producers. Now producers will not have to compete against one another to receive the same treatment from Microsoft. This newfound freedom for producers benefits the technology industry immensely. Additionally, Microsoft has agreed not to retaliate against vendors that use or sell non-Microsoft products.

These benefits will in turn be passed on to consumers. It is clear that this settlement is in everyone's best interests.

Sincerely,
George McLennon

MTC–00010749

From: jerrystuart
To: Microsoft ATR
Date: 1/13/02 5:41pm
Subject: Microsoft Settlement

For Attorney General Ashcroft.
Jerry Bonow

MTC–00010750

From: Chris Bertelson
To: Microsoft ATR
Date: 1/13/02 5:52pm
Subject: Microsoft Settlement

DOJ,

I want to urge you to accept the current Microsoft Settlement and move forward. Your energy is best spent on companies who screw their employees and customers like Enron. Leave our most successful USA company alone!

Thanks,
Chris Bertelson

MTC–00010751

From: Adrian Latinak
To: Microsoft Settlement
Date: 1/13/02 5:21pm
Subject: Microsoft Settlement
Adrian Latinak
5 Wildwood Lane
Amherst, NH 03031
January 13, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will

be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Adrian Latinak

MTC–00010752

From: James White
To: Microsoft Settlement
Date: 1/13/02 5:14pm
Subject: Microsoft Settlement
James White
11 Sand Fiddler RD.
Hilton Head Island, SC 29928
January 13, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
James D. White

MTC–00010753

From: Wm G Fuller
To: Microsoft Settlement
Date: 1/13/02 5:56pm
Subject: Microsoft Settlement
Wm G Fuller
360 CR 259
Iuka, MS 38852
January 13, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Sincerely,
Wm G Fuller

MTC–00010754

From: Barry Younce
To: Microsoft Settlement
Date: 1/13/02 5:46pm
Subject: Microsoft Settlement
Barry Younce
2308 SW Walt Arney Rd
Lenoir, NC 28645
January 13, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Sincerely,
Barry A Younce

MTC–00010755

From: Shah Raza
To: Microsoft ATR
Date: 1/13/02 6:20pm
Subject: Microsoft Settlement
755 Birkdale Drive
Fayetteville, Georgia 30215
January 12, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to voice my opinion in regards to the Microsoft settlement issue. I feel that this antitrust dispute has gone on long enough, and I would like to see a final resolution to this dispute. I support the settlement that was reached in November, and I believe this settlement will serve in the best public interest.

Microsoft has agreed to carry out all provisions agreed upon in this settlement. For example, Microsoft has agreed to license its Windows operating system products to the 20 largest computer makers on identical terms and conditions, including price. Microsoft has also agreed to design future versions of Windows, beginning with an interim release of Windows XP, to provide a mechanism to make it easy for computer makers, consumers and software developers to promote non-Microsoft software within Windows. This settlement is complete and thorough.

I support this settlement and believe this company should not be penalized for their success.

Thank you for your support.

Sincerely,
Shah Raza

MTC–00010756

From: Don Dennis
To: Microsoft ATR
Date: 1/13/02 6:28pm
Subject: Microsoft Settlement

Attached please find a letter for Attorney General John Ashcroft.

Donald E. Dennis
32727 30th Avenue Southwest
Federal Way, WA 98023–2763
January 13, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I'm writing to express my opinion that the antitrust case against Microsoft has been flawed from the start. Microsoft has not infringed upon any rights of American people and has just operated within the confines by which we set up our free market economy. I have yet to hear complaints from consumers about Microsoft's prices or practices. In fact I feel that their prices permitted me to have a PC at home with software that I could afford and most people I know feel the same way. It seems the only complaints are from their competitors because they can't keep up.

Under the terms of the settlement Microsoft will be forced to not enter into any third party agreements for exclusive distribution rights. That is ridiculous. This is the same as telling Pepsi they cannot sign an exclusive agreement with Wendy's. Also, creating a uniform price list with the 20 largest computer makers is essentially setting up the framework for a monopoly. In fact many of the concessions create situations that do violate antitrust laws instead of appeasing them. It's in the best interest of the American public to end this litigation now. Microsoft is a leading innovator of technology and we need their growth and leadership to lift the IT sector out of its current state. Microsoft has done what other

competitors could not do, but now it's time to let them play it out in a free market, which is what our society, is based upon, not the government intervention that has occurred in this case. I urge your office to make the settlement a reality.

Thank you.

Sincerely,

Donald E. Dennis

MTC–00010757

From: james@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/13/02 6:31pm
Subject: Microsfot Settlement

I think the proposed settlement is disgusting from a consumer standpoint. It does nothing to improve the climate of competition in the Operating System/ software sector, nor does it contain any substantive penalty for past anticompetitive activity on the part of Microsoft. Microsoft's contention that the status quo allows for improved innovation is patently absurd on its face , and I think actually this proposed solution will have a continuingly negative effect on improvement in the software field. MicroSoft through its ''embrace and extend'' policies does not innovate it takes innovation from competitors, and extends the functionality's with proprietary additions which block any effective counter to its extensions. Due to dominance in the market, secondary to exclusionary marketing practices rather than true innovation Microsoft has effectively prevented useful, timely and economical improvements in the market.

Microsoft has in the past and continues in the present to attempt to block any competitive innovations. They have perverted standards to their own benefit, and refused to allow others to write software which will work well with the Windows OS. They provide crippled renditions of proprietary software included with their operating system in attempt to drive competitors from the marketplace. Microsoft have made it virtually impossible to purchase a consumer grade computer with any operating system other than windows. My own personal experience has required me to spend over two thousand dollars during the past 5 years for software that I have never used, and will not use in the future. By requiring that peripheral companies to only develop drivers for the Windows OS I am prevented from using many pieces of hardware that would make my computers more functional.

I think the proposed solution should be dismissed out of hand. It does nothing to protect consumers and the computer industry in general from the monopolistic practices of Microsoft. It contains no real penalty for MS and encourages continued anticompetitive practices on Microsoft's part.

Jim

James Mellema, CRNA

If ye love wealth better than liberty, the tranquillity of servitude than the animating contest of freedom—go from us in peace. Crouch down and lick the hands which feed you. May your chains sit lightly upon you.—Samuel Adams

MTC–00010758

From: Cindy Kasin
To: Microsoft ATR
Date: 1/13/02 6:33pm
Subject: Microsoft Settlement

This is to express my opinion that the settlement reached between Microsoft and the DOJ and other states should be approved. The settlement is fair, and it is certainly in the public interest to bring this matter to an end. The uncertainty and anxiety the litigation is adding to generally uncertain economic times will only stifle innovation in the marketplace.

The only people who stand to gain by prolonging this matter are disgruntled competitors and their highly paid lawyers and lobbyists. It's time to get on with it.

Cynthia D. Kasin

MTC–00010759

From: Ned and Suzy Cheely
To: Microsoft ATR
Date: 1/13/02 6:33pm
Subject: Micorsoft Settlement

Please settle this case and get onto more serious problems! We, the taxpayers, through the government, have spent enough time and money on this case. It is time to move on. Please support the settlement as proposed by Microsoft and the Bush Administration. We do.

Thank you.

Suzy Cheely
9 Harrop Parrish
Williamsburg, VA 23188

MTC–00010760

From: Joe and Pam Sherman
To: Microsoft ATR
Date: 1/13/02 6:36pm
Subject: Microsoft Settlement

This case is a colossal waste of every tax payer's money. It's clear that no settlement can be reached that doesn't pass muster with California's lobbying interests. The Justice department should spend it's resources going after terrorists and companies that are truly damaging this country, like Enron.

Joseph M. Sherman
Resident of Washington State

MTC–00010761

From: Louis Parks
To: Microsoft ATR
Date: 1/13/02 6:38pm
Subject: Microsoft Settlement

Please accept the Microsoft settlement. As a consumer and an American citizen I am sickened that this case ever happened and that it has gone on for so long. Settle the case, and let us and Microsoft move on with our lives.

Louis Parks
Chief Technology Officer
Adsoft Design, Inc.
(801) 627–6300
2404 Washington Blvd.
Ogden, UT 84401

MTC–00010762

From: Adam Jenkins
To: Microsoft ATR
Date: 1/13/02 7:01pm
Subject: Microsoft Settlement

Dear Sir/Madam,

As a java developer I am extremely worried about what is going on with the settlement, especially when you consider that it hasn't deterred Microsoft from anti-competitive behavior. An example of this is the security restriction they are putting on the java virtual machine on the Windows XP operating system. There is no logical reason to take the actions it has, when you consider that sun has spent many years developing java security, and the current security model is far more secure than Microsoft's competitor to java applets, ActiveX. Sun Microsystems pioneered the internet while Microsoft was still asleep...they developed a great language for distributed computing and really assisted in the development of the internet by providing a lot of software solutions free. The internet would not be what it is today without applets...think about that, all distributed computing through web browsers in the early days of the internet was accomplished through applets, a lot of companies that drive the US economy today (Macromedia, QuickTime) began their lifecycles with java. Now we are in real danger of loosing that technology, just like what happened to Netscape. It is very disconcerting that companies that give back so much to the community and advance communication mediums for the benefit of all society are allowed to be wiped out by a company that does none of those things.

If you do not take sterner actions against Microsoft, you are sending a message to all developers saying that it's no use for them to give back to the community with the technology they create...it will be a sad day when software developers are too scared to do something that benefits the community (e.g. java technology from sun, cookies from Netscape), because they risk having they're livelihood destroyed by a large monopoly. This is not a small case, it has wide reaching, long term implications for what is becoming one of the major communication mediums in the world. Your decision here will effect global communication for decades to come, please, I beg of you, make the right decision and release Microsoft's hold on the development community, allow everyone in the world to benefit from the internet and not just one company, the world will thank you

Sincerely
Adam Jenkins
Senior Team Leader
Tralee Software Pty Ltd

MTC–00010763

From: Ty Conner
To: Microsoft Settlement
Date: 1/13/02 6:40pm
Subject: Microsoft Settlement
Ty Conner
506 Westmoreland Pl
Jackson, TN 38301
January 13, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech

industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Ty Conner

MTC–00010764

From: Mark Dubosky
To: Microsoft Settlement
Date: 1/13/02 6:32pm
Subject: Microsoft Settlement
Mark Dubosky
1312 Chattahoochee Circle
Roswell, GA 30075
January 13, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Mark Dubosky

MTC–00010765

From: Ozie Christian
To: Microsoft Settlement
Date: 1/13/02 6:32pm
Subject: Microsoft Settlement
Ozie Christian
3590 Cortez Dr.
Pensacola, Fl 32503–3116
January 13, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Ozie Christian

MTC–00010766

From: William Hildebrand
To: Microsoft Settlement
Date: 1/13/02 6:00pm
Subject: Microsoft Settlement
William Hildebrand
1420 Whitetail Court
Hermitage, TN 37076
January 13, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

William Hildebrand

MTC–00010767

From: Ray Trees
To: Microsoft Settlement
Date: 1/13/02 6:36pm
Subject: Microsoft Settlement
Ray Trees
150 Avery St.
Walla Walla, WA 99362
January 13, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Ray Trees Jr.

MTC–00010768

From: William Capella
To: Microsoft Settlement
Date: 1/13/02 6:53pm
Subject: Microsoft Settlement
William Capella
9 Marlon Pond Rd.
Hamilton SQuare, NJ 08690
January 13, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a

serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

William M Capella

MTC–00010769

From: Jim Vaughan
To: Microsoft Settlement
Date: 1/13/02 5:59pm
Subject: Microsoft Settlement
Jim Vaughan
1114 S Juanita Av
Redondo Beach, CA 90277
January 13, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Vaughan

MTC–00010770

From: James Saville
To: Microsoft Settlement
Date: 1/13/02 6:13pm
Subject: Microsoft Settlement
James Saville
313 Granada Drive
Vestavia Hills, AL 35216
January 13, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

This case should never have been brought—it is a simple case of competitors unable to compete because they are not smart enough— consumers have never been harmed!!! Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

James Saville

MTC–00010771

From: Topazjudy@aol.com@inetgw
To: Microsoft ATR
Date: 1/13/02 7:17pm
Subject: Microsoft Settlement

Department of Justice

I firmly believe that the suit against Microsoft was unfair. I think Microsoft has been a boon to the Internet and to computer users all over the world. It was responsible for setting a standard that has made communication between users easier. As a rank amature on the computer, I at least have found that I can find employment and communicate with my friends with reasonable ease. I liken this to being an American from the west who can converse with a DownEaster or a person from the deep south with only occasional confusion as to terminology, as compared to a person from America trying to communicate with a German or Japanese or Sudanese where the language is so different as to be incomprehensible to me.

Furthermore, the federal govenment, which brought suit against Microsoft, has reached an agreement. As a taxpayer I helped fund that suit (even though I did not wish to). Now some of the states wish to impose a different outcome in the suit, although it has already been settled to my satisfaction, and the plaintiff, using my funds to pursue the action. Microsoft has already paid the price through the federal settlement and through the cost to defend itself. The latter alone was sufficient punishment to address issues perceived only by a handful as being egregious.

Again, I did not think there were grounds for a suit in the beginning. In our society those who put forth the most effort and resources generally succeed the best anyway. This is the way free enterprise should work, and this is what Microsoft has done.

Microsoft has provided a service by making it easier to use technology. I remember years back when there were so many different programs and operating systems that only the few could succeed in going from one to another. Now, with some standardization, but with plenty of options, most of us are comfortable with entering new employment or enjoyment with a minimum of training. The savings in money is inestimable.

Please, stop this nonsense.

A taypayer:
Judith F. Jacobs
1880 Austin
Gardnerville, NV 89410
topazjudy@aol.com

MTC–00010772

From: Arnold Kraft
To: Microsoft ATR
Date: 1/13/02 7:18pm
Subject: microsoft settlement case 30 Holly Circle Weston, MA 02493–1455 January 13, 2002 Attorney General John Ashcroft United States Department of Justice 950 Pennsylvania Avenue, NW Washington, DC 20530–0001

Dear Attorney General Ashcroft:

Like most who follow technology news, I am pleased that the Department of Justice and Microsoft have reached a settlement agreement. Three years of litigation have proven to be taxing on the entire IT industry. The settlement calls for Microsoft to renounce its ability to retaliate against its competitors, yet, its competitors retain their right to retaliate against Microsoft in the open market. This action may prove to decrease competition within the software industry, which will inevitably hurt the consumer.

The Department of Justice owes the American IT industry and Microsoft an end to this suit. Prolonging the suit can only serve to further harm the American consumer. Please accept the settlement now.

Thank you.

Sincerely,
Arnold Kraft
Arnold A. Kraft
30 Holly Circle
Weston, MA 02493–1455
Tel: 781 235 0560
Fax: 781 235 4345
Cell: 617 413 5426

MTC–00010773

From: chris berger
To: Microsoft ATR
Date: 1/13/02 7:20pm

Subject: MICROSOFT SETTLEMENT

HONORABLE JUDGE AND AG OF CALIFORNIA;

AS A LONG-TIME MEMBER OF THE AMERICAN SOFTWARE INDUSTRY, I AM VERY CONCERNED ABOUT THE PROPOSED SETTLEMENT BETWEEN THE US GOVT AND MICROSOFT. IT APPEARS TO ME THAT THE PROPOSED SETTLEMENT HAS A NUMBER OF SIGNIFICANT WEAKNESSES—NOT THE LEAST OF WHICH IS THAT MICROSOFT IS REALLY NOT PUNISHED IN ANY SIGNIFICANT WAY FOR PAST ABUSES. MAYBE EVEN WORSE—UNDER THE PROPOSAL IT APPEARS THAT WE IN THE INDUSTRY—ESPECIALLY US SMALLER PLAYERS

WILL HAVE TO RELY ON MS EVEN MORE...AND THAT IS TRULY FRIGHTENING. I RUN A SMALL SOFTWARE COMPANY BASED HERE IN THE BAY AREA. BUT NOT ONLY IS THE PROPOSED DEAL FRIGHTENING TO COMPANIES LIKE MINE, I BELIEVE IT RAISES SERIOUS ISSUES FOR THE ENTIRE AMERICAN SOFTWARE INDUSTRY...AND OUR NATION'S ECONOMY AS WELL. I HOPE THAT YOU WILL TAKE SERIOUSLY YOUR RESPONSIBILITY TO EXAMINE THE PROPOSED AGREEMENT AND FIND IF IT IS TRULY IN THE 'BEST INTERESTS' OF CONSUMERS. IT'S HARD TO SEE HOW HAVING ONE MONOPOLISTIC PROVIDER OF THE LARGE MAJORITY OF CONSUMER SOFTWARE IS IN OUR COUNTRY'S BEST INTERESTS. AND AS MS HAS CLEARLY AND REPEATEDLY SHOWN—IF THEY OWN 95% OF THE MARKET FOR THE OS—THEY'RE GOING TO TAKE ADVANTAGE OF THAT TIME AND TIME AGAIN.

I HOPE THAT YOU WILL STAND UP TO MICROSOFT.

THANK YOU.

CHRIS BERGER

MTC–00010774

From: Margaret (038) Doug Green
To: Microsoft ATR
Date: 1/13/02 7:38pm
Subject: Microsoft Settlement

Someone want's tohave the internet just like the telephone system when the Feds got through with it a few years age. Lets settle this as quick and as -painless as possible so we can get on with our lives.

MTC–00010775

From: Robin Thomas
To: Microsoft Settlement
Date: 1/13/02 7:20pm
Subject: Microsoft Settlement
Robin Thomas
9061 East Shorewood Dr.
Mercer Island, WA 98040
January 13, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies. Thank you for this opportunity to share my views.

Sincerely,

Robin Thomas

MTC–00010776

From: Dave Melvin
To: Microsoft Settlement
Date: 1/13/02 7:26pm
Subject: Microsoft Settlement
Dave Melvin
1633 River Birch Ave
Oviedo, FL 32765–7962
January 13, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Sincerely,

Dave Melvin

MTC–00010777

From: Wai Seen Teh
To: Microsoft Settlement
Date: 1/13/02 7:35pm
Subject: Microsoft Settlement
Wai Seen Teh
415 Namahana Street
Honolulu, HI 96815
January 13, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Sincerely,

The Wai Seen

MTC–00010778

From: Douglas Whitmarsh
To: Microsoft Settlement
Date: 1/13/02 7:30pm
Subject: Microsoft Settlement
Douglas Whitmarsh
727 whiting Street
Hanover, MA 02339
January 13, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies. Thank you for this opportunity to share my views.

Sincerely,

Douglas Whitmarsh

MTC–00010779

From: David Beatson
To: Microsoft Settlement
Date: 1/13/02 7:52pm
Subject: Microsoft Settlement
David Beatson
PO Box 1052
Shelter Island, NY 11964–1052
January 13, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies. Thank you for this opportunity to share my views.

Sincerely,

David R Beatson

MTC–00010780

From: John Hightower
To: Microsoft Settlement
Date: 1/13/02 7:02pm
Subject: Microsoft Settlement
John Hightower
15 Butterfly Cove
Little Rock, AE 72210
January 13, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

It is time for this anti-consumer trial, and the wasteful spending accompanying it, to be over. Consumers will see competition in the marketplace, rather than the courtroom, when this dinosaur is laid to rest.

Then Microsoft can get back into the business of innovating and creating better products for consumers, and stop wasting tons of time and other valuable resources on litigation. It's their competitors who can't make it in the marketplace, not the end users and ordinary people who have to rely on their computers to be productive, who benefit from this anti-trust, anti-consumer exercise in poor government.

Competition means creating better goods and offering superior services to consumers, not making it possible for other businesses to keep making products that people don't want and won't buy. With government out of the business of stifling progress and tying the hands of successful corporations, people who actually use the software—rather than bureaucrats and judges—will once again pick the winners and losers. With the chains off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies, instead of funding to the tune of hundreds of thousands or more dollars the parties and politicians who represent these market-loser businesses.

Sincerely,

John Hightower

MTC–00010782

From: Ryan Ware
To: Microsoft Settlement
Date: 1/13/02 8:13pm
Subject: Microsoft Settlement
Ryan Ware
233 Willow Lake Blvd
St Paul, MN 55110
January 13, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

Microsoft unfairly uses its products to leverage market share. Make them open Office up—file formats, possibly a linux version. Thank you for this opportunity to share my views.

Sincerely,

Ryan Ware

MTC–00010783

From: Jeff Naber
To: Microsoft Settlement
Date: 1/13/02 8:36pm
Subject: Microsoft Settlement
Jeff Naber
10111 S. College Place
Tulsa, OK 74137
January 13, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Sincerely,

Jeff Naber

MTC–00010784

From: John Smith
To: Microsoft Settlement
Date: 1/13/02 8:19pm
Subject: Microsoft Settlement
John Smith
1104 Cara Drive
Largo, FL 33771
January 13, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Sincerely,

John C. Smith

MTC–00010785

From: Colin Lowenberg
To: Microsoft Settlement
Date: 1/13/02 8:35pm
Subject: Microsoft Settlement
Colin Lowenberg
5123 Birdwood
Houston, TX 77096
January 13, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division

950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

Although I was wholeheartedly content when one lawyer attacking our newly elected president was finally taken off the payroll and removed from the Microsoft trial, I also wholeheartedly agree with the views shared below. The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Colin Lowenberg

MTC–00010786

From: David Hill
To: Microsoft ATR
Date: 1/13/02 9:10pm
Subject: Honorable Judge Kollar-Kotelly,

Honorable Judge Kollar-Kotelly,

I am a student at Boston University, and I am upset about the recent settlement between the Justice Department and Microsoft (PFJ).

First, the PFJ does nothing to stop Microsoft from operating as a monopoly through the use of its operating system. Second, the settlement does not punish Microsoft for clearly violating anti-trust laws in the past. It would be a terrible standard to set by letting Microsoft get away with its retaliation tactics, bolting schemes, and attacks on Java. All these tactics lower competition in a suppossedly free market and also limit softward standards. Finally, the PFJ does not provide an effective enforcement mechanism for the weak restrictions it does implement.

To sum up, I'm deeply concerned the recent settlement does not regulate Microsoft enough in the future allowing Microsoft to continue its monopolistic tactics. In addition, Microsoft is not even being punished for laws it clearly broke in the past. This sets a terrible standard. I would request that you do your best to overturn this settlement.

Sincerely,
David W. Hill
Brighton, Massachusetts

MTC–00010787

From: donnar
To: Microsoft ATR
Date: 1/13/02 9:17pm
Subject: Micorsoft Settlement
21902 96th Avenue Southeast
Snohomish, Washington 98296
January 12, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

We are writing you today to voice our opinions in regards to the Microsoft settlement that was reached in November. This case has gone on long enough. It is time to embrace this settlement and let this company get back to doing business. We have more important things to worry about. Microsoft has agreed to carry out all terms of this agreement. Microsoft did not get off easy. This strict settlement contains terms that go well beyond the original terms of the lawsuit. For example, Microsoft will now share information about the internal workings of Windows with competitors, and it will use a uniform price list when licensing out Windows. Microsoft has agreed to these terms so as to hasten this process.

Again, we support Microsoft and this settlement in this dispute. During these difficult economic times, we must focus all our energy in bolstering our lagging economy. Please do your part by supporting this settlement.

Sincerely,
Maurice & Donaleen Ravensberg

MTC–00010788

From: Connie Wickland
To: Microsoft ATR
Date: 1/13/02 9:34pm
Subject: Microsoft Settlement

Please settle this case with Microsoft in a fair manner. There has been great damage to our economy and to investors and consumers. Please do not squelch innovation.

Thank you.
Connie

MTC–00010790

From: Dennis Lutz II
To: Microsoft Settlement
Date: 1/13/02 9:21pm
Subject: Microsoft Settlement
Dennis Lutz II
22526 Savannah Heights
Von Ormy, TX 78073–3009
January 13, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Dennis Lutz II

MTC–00010791

From: Alex Tsukernik
To: Microsoft Settlement
Date: 1/13/02 9:30pm
Subject: Microsoft Settlement
Alex Tsukernik
184 Cabot St. Apt 3
Newton, MA 02458
January 13, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Alex Tsukernik

MTC–00010792

From: Jason Prell
To: Microsoft Settlement
Date: 1/13/02 9:44pm
Subject: Microsoft Settlement
Jason Prell
350 Cayman Street
Iowa City, IA 52245
January 13, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division

950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Jason Prell

MTC–00010793

From: Georg Bolch
To: Microsoft Settlement
Date: 1/13/02 9:24pm
Subject: Microsoft Settlement

Georg Bolch
P O Box 528
Suquamish, WA 98392–0528
January 13, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Georg G Bolch

MTC–00010794

From: ACalapai@aol.com@inetgw
To: Microsoft ATR
Date: 1/13/02 10:13pm
Subject: (no subject)

GENTLEMEN:

THE JUDGE IN THIS LAST DECISION OF THE MICROSFT AGREEMENT STATES THAT THEIR OFFER WAS TOO ADVANTAGEOUS FOR THEM AND TOO COMPETITIVE FOR APPLE COMPUTER. SINCE WHEN DOES A JUDGE RULE ON COMPETITION BETWEEN TWO CORPORATE ENTITIES. I THOUGHT THAT'S WHAT BUSINESS WAS ALL ABOUT. WHAT DID APPLE EVER CONTRIBUTE TO THE SCHOOLS THAT ARE IN POOR AND NEEDY AREAS. HAVE THE COURTS IN OUR COUNTRY TURNED SO LIBERAL AND AGAINST BIG AND SUCCESSFUL CORPORATIONS.

THE JUDGE DID NOT BELIEVE THAT A BILLIOIN DOLLARS WAS ENOUGH-IS THAT BECAUSE THEY ARE A WEALTHY COMPANY? ARE THESE JUDGES , POLITICIANS AND STATES ATTY GENERALS TRYI NG TO ULTIMATELY BREAK BIG BUSINESS.OR JUST TAKE ADVANTAGE OF THEM BECAUSE THEY HAVE THE RESOURCES

DISAPPOINTED AND CONCERNED

MTC–00010795

From: charles varano
To: Microsoft ATR
Date: 1/13/02 10:23pm
Subject: Microsoft Settlement

I believe the settlement is fair & equitable and agree that we need to move on with this issue.

MTC–00010796

From: Goldberg, Adrian
To: Microsoft ATR
Date: 1/13/02 10:24pm
Subject: Microsoft Settlement

As a developer of business software using a variety of technologies and platforms I view with consternation the continuing and growing market monopoly by Microsoft. I believe it to in the best interests of the US IT companies and IT companies worldwide that the US government drastically inhibit Microsofts ability to dictate and control software usage worldwide.

Adrian Goldberg
GIS Consultant
Sinclair Knight Merz
Melbourne, Australia

MTC–00010797

From: Jim Hill
To: Microsoft ATR
Date: 1/13/02 10:45pm
Subject: Tunney Comments on PFJ in US v Microsoft

Renata Hesse
Trial Attorney
Antitrust Division us Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
<microsoft.atr@usdoj.gov>

Ms. Hesse:

I am submitting these comments by email since the Department is as affected by recent events as other governmental agencies. I am writing to comment on the proposed Final Judgment in US v Microsoft.

''[T]he suit has been a futile exercise if the Government proves a violation but fails to secure a remedy adequate to redress it.''—US v E.I. du Pont de Nemours & Co. The proposed Final Judgment proposed to the Court by the United States Department of Justice and Microsoft fails to serve the public interest in too many ways to be an acceptable resolution to the case. While serving the public interest must be the primary goal of any resolution to this case, I note in passing that a crucial requirement of any system of justice must be that lawbreakers do not reap the rewards of their misconduct. The proposed Final Judgment fails to meet that goal as it is entirely forward-looking, albeit weakly so.

First, the proposed Final Judgment does not contain ''any admission by any party regarding any issue of fact or law.'' This is unacceptable. Microsoft has broken the law. That is a fact decided by the District Court, upheld by the Appellate Court, and one which any resolution of this case must explicitly state. Independent civil proceedings will rely on the outcome of this case and it is critical that a declaration of lawbreaking be present.

The restrictions placed on Microsoft's business practices by the proposed Final Judgment appear at first glance to be sound but are so riddled with exceptions as to be effectively meaningless. With just a few minutes' thought, I was able to think of sidesteps by Microsoft that would neuter the restrictions and yet fall within the purview of the proposed Final Judgment. I am a layman; I can only imagine the ease with which Microsoft's legal staff can think of sidesteps—especially when you consider that they wrote much of this proposed Final Judgment. For example, Microsoft is not required to ''document, disclose, or license'' anything that would purportedly hinder security or rights management. That's a gaping hole which would allow essentially all networking and multimedia protocols used in products folded into Windows to be completely undocumented. With the release of Windows 2000, Microsoft claimed that they had included Kerberos authentication mechanisms. They used empty data fields in an undisclosed manner to extend the Kerberos specification in a manner to provide authentication services between Windows servers and Windows clients which were denied to non-Windows clients. When pressed for details, the company asserted that their modifications were security-related and refused to disclose them. That conduct is still permitted by this proposed Final Judgment. Further, the proposed Final Judgment appears to be totally ignorant of the free software movement (sometimes called ''open source''). Neither term appears in the document, nor in the Competitive Impact Statement released later. Nearly all the proposed Final Judgment's provisions are predicated on commercial interests representing the only means of competition. Free software is not as a first principle about

making money or gathering market share. It is a philosophical perspective that software can and should be shared so that it can be improved through the the ability and right of its users to correct errors, add features, or provide superior implementations of algorithms. It is important to understand that by ''sharing'' I do not refer to the violations of intellectual property law best exemplified by the Napster service. This sharing is a decision made by the original programmer which permits or even requires redistribution of the source code (the human-readable information which is turned into the ones-and-zeroes of computers to be run as a program). The best known examples of this movement are the Linux kernel and the GNU tools that together provide a computing platform which can run on the same hardware as Windows and which provides a functional equivalent to the Unix operating system. Since the software in a Linux-based computer is largely written by noncommercial interests, the programmers would fail to meet the ''business viability'' requirement for licensing Microsoft intellectual property needed to allow interoperability—said requirement to be ascertained by none other than Microsoft, in another of this proposed Final Judgment's absurdities. Also, since many of the free software programmers are hobbyists, they lack the financial resources to meet licensing terms that companies like Sun Microsystems or Apple Computer would doubtless find to be ''reasonable and nondiscriminatory''. Given that Linux-based systems represent the greatest competitive threat to Microsoft's desktop operating system monopoly right now, leaving the free software programmers and their software methodology out of the judgment throws away the single best option to restore competition to the marketplace.

The aspect of this proposed Final Judgment that most fails the ''sniff test'' is the compliance and enforcement section. For starters, the Technical Committee is a wholly inadequate enforcement mechanism. The fact that one of the three members is to be chosen by Microsoft and one chosen in part by that member means that half the committee will be of Microsoft's choosing. Prisoners do not get to select their jailers and Microsoft should not have any say in its overseers. The fact that such a farcical arrangement could even be suggested stems from the failure of the proposed Final Judgment to acknowledge expressly that Microsoft has broken the law. The enforcement mechanisms read like a partnership agreement, not the lettering of a lawbreaking monopolist. Once selected, the Technical Committee's effectiveness is almost nonexistent. Three people, even with a staff to assist them, are not capable of auditing the tens of millions of lines of software that make up Windows and the Middleware produced by Microsoft. They cannot interview the thousands of Microsoft employees. They are also to be gagged from making public statements about their activities, a shame when simple public statements about Microsoft's conduct can influence that conduct. Staggeringly, the result of their work is not even admissible in enforcement proceedings! Of what possible value is this committee?

Finally, I object to the termination stipulation of the proposed Final Judgment. This wretched agreement will be in effect for five years, with the promise of up to two more years if Microsoft fails to comply with its terms. I find myself compelled to ask what reasonable person could refrain from paroxysms of belly-laughter at the idea that the solution to the failure of a five-year agreement is to extend that same agreement for two more years. The further damage to competition and the public that Microsoft could wreak by the end of that five-year agreement is almost incalculable. It took the company less than five years to annihilate not just Netscape but the commercial market for web browsers. Now that they have set their sights on messaging, home video games, multimedia such as audio and video, online shopping, personal video recorders, authentication services and more, how can the Department consider allowing the degree of autonomy that the proposed Final Judgment would?

I have barely scratched the surface of my objections to this proposed Pinal Judgment; I trust that others will address the shortcomings I have left out. I would like to take a moment to mention the utterly disgraceful manner in which the United States government has betrayed the American people by throwing in the towel in US v Microsoft. After securing a thundering victory in the District Court and then accomplishing the coup of having that victory largely upheld by a unanimous decision of one of the country's more business-friendly Appellate Courts, settling the case with this pathetic excuse for a Final Judgment is contemptible. The career of the head of antitrust at Justice, Mr. James, is a history of justification for anticompetitive conduct and Attorney General Ashcroft is occupied with the September 11 attacks on the United States, but they are officials of the Department of Justice with obligations to the American people. The proposed Final Judgment comes nowhere near adequately discharging those obligations.

The Competitive Impact Statement required as a justification by the proposed Final Judgment has been released and it is as unenlightening as one would expect given the agreement that prompted it. University of Baltimore antitrust expert Robert Lande put it best when he said ''I think Charles James is going to spend the next 30 years of his life saying 'I didn't sell out to Microsoft.''' The Competitive Impact Statement is as telling in what it doesn't say as in what it does say. The Department's repetition throughout the Competitive Impact Statement that the proposed Final Judgment restores competition and serves the public interest cannot make that statement true. Its recounting of the history of the case is accurate. Would that the actual impact statement were so. In truth, it reads as little more than a restating of the proposed Final Judgment with a bit more plain English and a bit less ''legalese''. At least, it reads that way until the end, when the Department tries vainly to justify this unconditional surrender. Their reasoning essentially boils down to ''better a horrible conclusion today than a good one in two years.'' I take particular exception to this statement: ''The remedies contained in the Proposed Final Judgment are not only consistent with the relief the United States might have obtained in litigation, but they have the advantages of immediacy and certainty.'' That is blatantly false. The District Court's ordered relief was far stricter than this settlement and the Appellate Court was quite clear that their reason for vacating that order was to preserve the appearance of impartiality. The newly assigned judge was expressly permitted to consider that very same ordered relief. The proposed Final Judgment may have :'immediacy and certainty'' but it is certain that Microsoft will immediately resume Business As Usual—to the detriment of American citizens, businesses, governments. Given the feature-set of Windows XP, one could make a compelling argument that the company has already resumed business as usual.

The Department of Justice had an opportunity to restore competition to an exciting industry that has been hobbled for too long by Microsoft's monopoly abuses. You had the support of two courts and you have come back with a settlement which isn't even a slap on the wrist: it's a loving caress. Shame on you all. You have a chance at redemption, however: withdraw the proposed Final Judgment. Return to Judge Kollar-Kotelly for the penalty hearings ordered by the Appellate Court when it disqualified Judge Jackson from rehearing that stage of the trial. Lay the evidence before her. Include Microsoft's actions since Judge Jackson issued his Findings of Fact, such as Microsoft's incorporation into Windows XP of multimedia players, instant messengers, and online shopping and let this case be ended by a judicial order that can only surpass the proposed Final Judgment in effectiveness.

Let me conclude this letter by reiterating my key points of objection to the government's proposed Final Judgment: it permits the monopolist to retain the fruits of its illegal acts. It provides no incentive for the monopolist to reform its business practices and thereby come into compliance with the requirements and restrictions of the Sherman Act. It ignores past harm to competition and does nothing to constrain future harm. It is in every way a betrayal of the Department's responsibility to the nation and is exceptionally painful given the smashing success the Department had in proving its case before the Court.

Thank you for your time.

James L. Hill, PhD
105 Azure Drive
Los Alamos, NM 87544
505–670–4280
<jimhil1@swcp.com>

MTC–00010798

From: Henrik Bruun
To: Microsoft Settlement
Date: 1/13/02 10:28pm
Subject: Microsoft Settlement

Henrik Bruun
2557 Bishop Estates Road
Jacksonville, FL 32259

January 13, 2002
Microsoft Settlement

U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Henrik

MTC–00010799

From: gary keramidas
To: Microsoft Settlement
Date: 1/13/02 10:33pm
Subject: Microsoft Settlement
gary keramidas
18722 dale ave
allen park, mi 48101
January 13, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
gary j keramidas

MTC–00010800

From: Shane Kelley
To: Microsoft Settlement
Date: 1/13/02 10:24pm
Subject: Microsoft Settlement
Shane Kelley
10628 Gardenwood Road
Orlando, FL 32837
January 13, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Shane Kelley

MTC–00010801

From: Craig Catapano
To: Microsoft Settlement
Date: 1/13/02 10:34pm
Subject: Microsoft Settlement
Craig Catapano
8912 North Lamar Blvd Suite 214
Austin, Tx 78753
January 13, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Craig M Catapano

MTC–00010802

From: Sean Phillipson
To: Microsoft
ATR,dougp@intermind.net@inetgw
Date: 1/13/02 11:30pm
Subject: Microsoft Settlement

The remedies outlined in the current proposed agreement don't go nearly far enough to reign in the monopolistic practices of Microsoft. Microsoft has already violated the spirit of even the proposed remedy, and previous findings, by including even more applications in their new OS (Windows XP). With every application they include, whole software markets are put out of business. I also thought that any remedy should deprive Microsoft of any gains made by the monopolistic behavior. Microsoft made tens of billions of dollars from this behavior, why do they get to keep that money? Why have I never heard of any effort to estimate of how much money was made through Microsoft's monopolistic behavior so a real punishment can be imposed?

The remedy proposal of the 9 remaining states is far better and should prevent the behavior that got Microsoft in court. That is the idea behind this remedy, I hope. Companies are still afraid to anger Microsoft. There are subtle ways in which Microsoft can ''get even'' with a company for favoring another OS. And now I see in the news that Microsoft actually has a program in place to kill Linux. Microsoft has agreed to the DOJ settlement because it still leaves it with plenty of ''Monopolistic'' opportunity and loop holes.

As a software engineer I can tell you that Microsoft can modify it's OS code to do the things that the 9 hold out states suggest. They are flat dishonest if they say they can't. Every version of Unix/Linux/MacOS cleanly separates the OS services from any applications. A browser is a application and should never be embedded in the OS. These are smart guys, tell them they have to do something and they can do it. They may not like it, but they can do it.

Thank you
Doug Phillipson
Las Vegas Nevada

MTC–00010803

From: Mmonias@aol.com@inetgw

To: Microsoft ATR
Date: 1/13/02 11:38pm
Subject: microsoft settlement

it is time to go forward and stop the endless litigation mmonias@aol.com

MTC–00010804

From: Art Hilgart
To: Microsoft ATR
Date: 1/13/02 11:43pm
Subject: Microsoft settlement

I urge the breakup of the MS operating system and applications into two firms, along with compulsory licensing of all MS software, now and in the future.

Patents are intended to reward temporarily inventions not obvious to others. They are not grants of permanent monopoly, nor should they be. Academics and journalists rushing to defend Microsoft and disparage the Justice Department display stronger ideologies than memories. Bill Gates is not an innovator serving millions of computer users as he and his defenders would have us believe, but the incredibly lucky exploiter of a monopoly he has kited into scores of billions of dollars for himself. When the personal computer was no bigger than a breadbox, IBM saw little future for the device and entered the market with assemblies of purchased innards. To run programs, a computer needs a controlling operating underbase, and when Bill Gates and Paul Allen falsely told IBM that they had such a system, IBM thoughtlessly contracted with them to license it for their desktop diversion. Gates and Allen then proceeded to buy one of the many such programs that had been written by hobbyists and others. With the help of his attorney father, young Gates acquired Q–DOS from its hapless inventor for a few dollars of his father's money and changed its name from ?Quick-and-Dirty-Operating System? to ?Microsoft Disc Operating System?, or MS-DOS. This cloud no bigger than a man's hand consisted of two programs? COMMAND.COM and CONFIG.SYS? with a combined size of less than 100kb. As it happened, IBM salesmen were as adept at selling PCs to business offices as they had been at selling electric typewriters, and DOS became the industry standard Because IBM did not buy the system outright and because intellectual property law confers a monopoly on the system and its interminable upgrades, Gates now has control of most personal computers in the world.

Nearly all application programs are written for DOS or its successor, Windows, so buyers of IBM-type computers must also buy a Microsoft operating system, and since most computers are now based on an MS system, application software designers must write Windows-based programs if they are to sell many copies. Others are free to design non-Microsoft operating systems, but these are useless in the absence of applications, and applications won?t be written for systems not already in wide use. Because of this circularity and constant upgrades conferring perpetuity to MS patents and copyrights, Bill Gates is the proud possessor of an unshakeable monopoly.

This is enough for antitrust attention, but there is more. I recently bought a new custom-built computer from Gateway 2000. In addition to the ineluctable Windows, the package included Microsoft Excel, Word, and Explorer. When I told the consultant I wanted the WordPerfect/Quattro Pro/Netscape suite, I was told that Gateway's contract with Microsoft required that they sell and install these Microsoft applications with the necessary Windows. Even were I to take the Microsoft programs and pay extra for the WordPerfect suite, they could not sell it or install it. I bought the WordPerfect programs directly from Corel and installed them myself, but most consumers probably just use the Microsoft programs that come with new computers, extending Microsoft's control into the applications field.

Gates did not write DOS, and his staff copied the Windows user interface from Apple. The Microsoft programs I had to buy but do not use are not marvelous innovations, they too are imitations. Word was copied from WordPerfect, Explorer from Netscape, Excel from Lotus, and Money from Quicken. The dominant shares that the Microsoft ripoffs now command in the applications field are entirely due to Gates's use of the essential Windows to fob off his imitations as part of a bundle. The success of Windows is not due to its elegance. The bloated, slow, and unwieldy system continually requires purchase of bigger and faster hardware. There are innumerable bugs and customer service is mediocre and expensive. A common ?solution? to a problem is a recommendation to back up everything externally, unload all programs, reformat the hard drive, and start over. Of course, upgrades will eventually correct the errors? but carry a new generation of bugs. Octopus like, moreover, Windows has a tendency to sabotage rival software and reset configurations to use MS programs as defaults.

Gates and his cheering section bemoan that the Justice Department is about to cause irreparable harm to millions of computer users. Since Microsoft has contributed approximately nothing to the nation besides a fiendishly clever business plan, the consumers don?t need to worry. I urge the breakup of the MS operating system and applications into two firms, along with compulsory licensing of all MS software, now and in the future.

Patents are intended to reward temporarily inventions not obvious to others. They are not grants of permanent monopoly, nor should they be.

Art Hilgart
ahilgart@kzoo.edu

MTC–00010805

From: Greg Smith
To: Microsoft ATR
Date: 1/13/02 11:41pm
Subject: Microsoft Settlement

Dear Judge,

I like many I know have been viewing the Microsoft litigation with a whole range of emotions. First disbelief that the government was seriously taking on such a powerful force. Next observing some judicial success and what appeared to be a serious effort to right an obvious wrong, I was very encouraged. With the reversals since the elections and many publicized Microsoft donations, my skepticism of my elected officials returned. However, nothing can compare to outrage I felt when I heard the Microsoft's settlement proposal.

A proposal which is so obviously meant squash what little competition it has in the education market. The audacity is something I should have suspected Microsoft of. What baffles me is why, when proposed, the instant response was not ''Microsoft, you just don't get it?'' There are many good options which would create competition in the software industry. Forcing Microsoft to spend money it earns from overpriced software we are forced to purchase on anything seems absurd. How is that solution, it's hardly even a penalty, Microsoft can charge anything it likes for it's products. It already charges several orders of magnitude more than the industry for it's mediocre products. How about some obvious solutions, obvious to anyone who has been in the computer business for a while, like Microsoft.

How about JAVA. Force Microsoft to include Sun's VM with Windows and make it really work. Or how about ''Open Doc.'' This would truly put the software industry in full motion. Microsoft was so worried about this software at one time it had to force Apple to discontinue it with drastic action. I suspect a breakup may also bring the software industry out in force with new and useful products. I hope you can see through Microsoft's fog of absurd statements and massive political contributions to do some thing to eliminate the vise Microsoft has on the software industry.

Greg Smith
Westmont College Webmaster

MTC–00010806

From: Mark Stephens
To: Microsoft ATR
Date: 1/13/02 11:49pm
Subject: Microsoft Settlement

The US Department of Justice is wrong to attack Microsoft. Their grounds of attack allege that Microsoft included Internet Explorer with their Windows Operating System. The DOJ claims this harmed consumers because it stifled competition. I strongly disagree. Microsoft did not harm me in any way, in fact it more than met my needs in an efficient manner. In University, as in work, there are deadlines to meet and time is a precious commodity. Computers are a tool which can greatly assist in getting things done in a faster, more efficient way.

One thing I did not like about computers is the amount of time and effort it took to install programs. When I needed a report quickly, it took precious time to evaluate and purchase the necessary software. The technical process of installing software was not as simple (as it is today). Microsoft was able to answer this issue by bundling. They sold the O.S, the web browser together, which was exactly what I was looking for. I liked the idea of buying a new PC with all the software included. The US DOJ directly told Microsoft this is wrong, and indirectly is telling me that my personal desires are actually harming others. The result of these actions? Instead of getting a solution I want, I will only be allowed to have software

solutions which are government approved. I will no longer have the choice which was available before.

I can make my own choices about what is good for me. I will not purchase products that do not meet my needs. The DOJ seems intent on removing the choice of packaged software, and is attacking Microsoft for the 'unlawful' process of meeting this desire.

Also, The idea of charging microsoft $1,000,000 per day seems like extortion. I endeavour to see the DOJ to put an end to what appears to be nothing more than an attack on a prosperous company. (Prosperity being a key factor that differentiates America from almost every other country on Earth.)

Thank you for your time,

Mark Stephens CC:mark-stephens@sympatico.ca@inetgw

MTC–00010807

From: John Muckleroy
To: Microsoft ATR
Date: 1/14/02 1:02pm
Subject: U.S. Government persuing Microsoft

John Ashcroft, Attorney General

I think that it is downright sinful the way the government is persuing Microsoft. I see it as just another case of jealousy on the part of the competion, with the government acting as ''Big Brother'' to keep the bully from getting any bigger. We consumers don't need ''protection'' from Microsoft. We come closer to needing protection from the Government. I think that there is a lot of truth to that line I heard some time ago, and it goes like this. ''If Bill Gates had contributed more money to Bill Clinton's political war chest, there would not be a lawsuit in progress at this time. The states that are backing this suit are just looking for money, and that is all there is to it. They didn't deserve any money from the Tabocco settlement, and they don't deserve any from this.

MTC–00010808

From: wladimir.nedo@ps.ge.com@inetgw
To: Microsoft ATR
Date: 1/14/02 1:12pm
Subject: Comments

Microsoft continues a pattern of anticompetitive practices designed to thwart competition on the merits, to deprive customers of a choice between alternative technologies and products, and to exclude Microsoft's competitors from the general marketplace. The initial suit concerned the monopolistic practice of Microsoft, to purposefully do whatever it took to make sure significant market participants distributed and used Microsoft's product instead of a competitors—including paying some customers, and using its unique control over Windows to induce others to do so Microsoft has made clear that, unless restrained, it will continue to misuse its operating system monopoly to artificially exclude competition and deprive customers of a free choice. As Paul Maritz, Microsoft's Group Vice President in charge of the Platforms Group, was quoted in the New York Times: ''We are going to cut off their air supply. Everything they're selling, we're going to give away for free.''

Since the release of the '95 OS version, through to the XP OS release, Microsoft's conduct has not changed. Where any competitor appears to threaten Microsoft, either through outright purchase, or by 'giving away' similar functionality artificially bundled with the OS, Microsoft strives to prevent market alternatives to Microsoft's products from gaining any foothold in the general marketplace. Microsoft's conduct regarding competitor products has been and, if not restrained, will continue to stifle competition, to extend and to maintain Microsoft's Windows operating system monopoly.

MTC–00010809

From: Kevin Ulland
To: Microsoft Settlement
Date: 1/14/02 12:53pm
Subject: Microsoft Settlement
Kevin Ulland
6453 139th Place NE #41
Redmond, WA 98052
January 14, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies. I fully support the settlement between the nine states, the DOJ and Microsoft. I don't believe Microsoft is a monopoly that has abused it's power, and Microsoft hasn't ever hurt me, the CONSUMER. But that's not what's at issue here.

I believe that the settlement that the DOJ and Microsoft agreed to is fine. It not only tackles the anti-trust ''violations'' but also addresses the market and Microsoft's role therein. I am happy to see that nine of the eighteen states have signed on, but I am frustrated by the remaining states who wish to proceed with the trial. I have a question about those nine states.

I live in Washington State. I am happy with Microsoft, I like Windows XP and it's features. I use Passport and love the fact that it's integrated into the OS. It saves me time! I love Internet Explorer. It renders beautiful web sites, and being a web developer, it's a great application. Netscape is non-compliant with the standards and mis-interprets code all of the time, creating ugly sites and interfaces. I DON'T want Microsoft to stop innovating. I want the next version of Windows to be even more rich with features. If Massachusetts or California go into the hearings in March and get extra sanctions or limitations applied to the deal with Microsoft, those limitations had better not effect me here in Washington, or any of the other 41 states! Just because California is listening to the special interest groups from Silicon Valley and Microsoft competitors and NOT it's consumers, that should not affect me in my state. I remember my US history, and I remember that we all started out as separate states, like little nations, and we created a federal government to over see national issues. But laws passed in California do not apply in any other state, and I am hoping that a ruling against Microsoft for California, or the other nine states only applies in those states. If California law can't affect me here in Washington, why should a ruling for California affect me as well? Will a ruling for the nine states affect the other 41?

Please answer this question, because I think it is vitally important that as a consumer I know what is going to happen to Microsoft and the software I use in my life and work. It is wholly unacceptable that these nine states' problems with Microsoft affect the rest of the nation. The settlement with the DOJ can affect all of the states, because it is an agreement with the Federal Government...

Thank you for this opportunity to share my views, Kevin Ulland

kevinu@intentionallyu.com

Citizen of Washington State

Sincerely,

Kevin Ulland

MTC–00010810

From: Frank Danaher
To: Microsoft ATR
Date: 1/14/02 1:08pm
Subject: Dear sir

Dear sir

Please settle the MicroSoft law suits as soon as possible.

These issues do not belong in the law courts and represent an attempt by the various state departments attorney general to enrich the state at the expense of the the company involved. Please try to do something to move law suits such as these out of the Department of Justice arena and back to the companies that are involved. We need less and not more oversight by your department regarding commercial conflicts.

Frank Danaher

MTC–00010811

From: Steve Brown
To: Microsoft ATR
Date: 1/14/02 1:11pm
Subject: Microsoft Settlement

It is time to end the persecution of the Microsoft Corp. Microsoft has done much more to help the consumer and help the American economy than they have ever done to hurt it. It is time to stop wasting taxpayer money and end this action bby the Justice Dept. I support the current settlement that is on the table to bring this to a close.

Thanks!
Steve Brown
Reynoldsburg, OH

MTC–00010812

From: Shanmugam, Karthik
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/14/02 1:18pm
Subject: Microsoft Settlement

I agree with the terms of the proposed settlement.

MTC–00010813

From: Ron LaPedis
To: Microsoft ATR
Date: 1/14/02 1:23pm
Subject: Microsoft Settlement

It it please the court, I would like to commend the 9 dissenting states for not accepting the proposed DOJ settlement with Microsoft. I believe that it has been shown time and time again, that Microsoft 'extends and extinguishes.' That is, while appearing to support a standard, such as Java or Kerberos, they then add extensions to it that will only run on the Microsoft operating system (OS) platform. When threatened by Netscape, which sold a browser which allowed web pages to be displayed on any platform, they developed their own browser and tightly integrated it into the OS then bundled it free of charge. Coupled with web pages that used coding which would only work on the Microsoft browser, they took over the market, effectively eliminating Netscape as a viable company. And this was AFTER a consent decree with the DOJ in an earlier case!

With Windows XP, Microsoft is attempting to take over access to the Internet, forcing users to use their middleware and go to Microsoft approved sites when a URL (web address) is mistyped. Microsoft MUST be reigned in as a convicted monopolist, or there will be no choice whatever left for consumers.

The settlement worked out for dismissal of the class action cases alleging overcharging by Microsoft shows Microsoft's arrogance and contempt for the law. This settlement would have helped Microsoft crush Apple in the education market where Apple is still a competitor. Since when is the loser of a case allowed to settle in a manner which benefits it. Better that Microsoft be forced to distribute coupons for free software to the customers it allegedly overcharged. But I digress here.

I sincerely hope that you will work with the dissenting state attorneys general to create a settlement with teeth in it which will prevent Microsoft from crushing the competition through illegal practices, of which it has already been convicted.

Ron LaPedis
2115 Sea Cliff Way
San Bruno, CA
650–359–9887

MTC–00010814

From: Tim McMullen
To: Microsoft ATR
Date: 1/14/02 1:25pm
Subject: Microsoft

As a PC user, I believe Microsoft must be broken up to allow competitors back into the market. Please force a spin-off of all MS business other than a basic operating system. The spun off unit(s) should work totally independently, with the same rights and privileges that all other applications developers get. This will re-enable competition and truly stimulate 'innovation'.

Thanks
Tim McMullen
4615 Sidereal Dr
Austin, TX 78727–5129
(512) 837–9366

MTC–00010815

From: kaydan
To: Microsoft ATR
Date: 1/14/02 1:30pm
Subject: Microsoft Settlement

Microsoft has for many years used anti-competative practices to corner the market and stifle the progression of the industry. Over the past 10 years they've released around 10 different operating systems. All of which have had some level of incompatibility with one another and make it almost impossible to produce an application that will work on their next platform's release. When a market exists that they wish to control they either add the feature free of charge (driving companies like Netscape out of business), or if they wish to control a standard they create their own standard and cut support for the currently accepted standard (DirectDraw, .Net, etc). Or, in the worst type of situation, they try to fork an existing standard to devalue the standard altogether (Java, JavaScript). Being that they control a vast percentage of the market, progression in the computer industry has actually regressed in many ways in the last 10 years.

Sincerely
Daniel Bermender

MTC–00010816

From: landon kelsey
To: Microsoft ATR
Date: 1/14/02 1:30pm

In a monopoly, there are explicit and implicit acts that are illegal and bad for the USA.

*Explicit acts are those such as the many aggressive acts of conspiracy by Microsoft brought out early in the suit.

*Implicit acts are those such as the inability of small companies to keep up with a company (MS) that can throw 1000 programmers at a project. Norton Antivirus, for example, could be destroyed overnight.

I personally like .NET and C# and it may be the best idea yet, but MS is still not the US National Software Co.

If you don't believe me, look at the service you get from your local telephone company. Many festering sores are left over from a monopoly. A truly putrid bureaucracy left over from a monopoly.

Two types of monopoly. . .a vertical trust and a horizontal trust Vertical. . .example McDonald's could have farms that raise beef and everything else including restaurants Horizontal. . .Safeway (unlikely due to inherent poor management) could own every grocery store

MTC–00010817

From: John Longthorne
To: Microsoft ATR
Date: 1/14/02 1:38pm
Subject: Microsoft Settlement

This attack on Microsoft, and the economy, has gone on too long. Please concede that this suit should never have been brought to court and bow out gracefully. The DOJ suit has most likely cost America and its citizens more in lost wealth and economic security than the Enron fiasco. Times are bad enough without our own government trying to stifle job creation and wealth accumulation.

Microsoft is in a tough business and needs support rather than hindrance.

Thank You,
John and Marilyn Longthorne
18 W. Sage St.
Pine Haven Wyoming, 82721

MTC–00010818

From: Seven
To: Microsoft ATR
Date: 1/14/02 1:43pm
Subject: Re: proposed settlement

I strongly feel the existing proposed settlement with Microsoft does little to redress the manifest imbalance in the operating system marketplace or address the monopolistic practices of Microsoft.

The playing field needs to be leveled. The existing proposals don't do it.

Morley Chalmers
for the 7Office team
Seven@7Office.com
416/926–9296

MTC–00010819

From: Duane Odom
To: Microsoft ATR
Date: 1/14/02 1:44pm
Subject: Microsoft Settlement

I am concerned that this settlement will do little to change Microsoft's behavior or restore competition. The sttlement fails to curtail Microsoft's illegal bundling of middleware programs including browsers, media players, and instant messaging software into the monopoly Windows operating system and it is ambiguous and subject to manipulation by Microsoft because it lacks an effective enforcement mechanism.

Microsoft is a monopoly and has used that monopoly position to force others out of business or to bend to fit their desires. This affects people's freedom to choose among alternatives. It affects the price people must pay, directly or indirectly. It also has longer-term implications for prople's privacy and security. It means less innovation and lower quality software.

Thank You,
Duane Odom
Duane Odom
3035 Barnes Ln.
Cottondale, FL 32431
(850)352–2229
duane—odom@yahoo.com

MTC–00010821

From: Jim Robertson
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/14/02 1:59pm
Subject: FW: Encourage DOJ to settle Microsoft case

I received the following email message. I am only writing to see if it is a legitimate use of my time (or the people I forward this to) or is it a hoax? Is the DOJ seeking public comment? I receive so many ''form/chain''

letter via email, I never know what to believe anymore.

Thanks for you time.

Jim Robertson

Olympia, Washington

From: Marsha Richards [mailto:mrichards@effwa.org]

Sent: Thursday, January 10, 2002 5:31 PM

To: info@effwa.org

Subject: Encourage DOJ to settle Microsoft case

Dear EFF Friends,

As you know, 18 states and the federal Department of Justice (DOJ) have been involved in a lawsuit against Microsoft. Recently, the DOJ announced it has negotiated a settlement agreement with the company (one of America's most successful). The settlement must be approved by the federal judge in the case before it can take effect, and the DOJ is currently seeking public comment.

The case against Microsoft has greatly harmed Washington citizens. Stock values, not only in Microsoft but in the entire NASDAQ, have dropped dramatically and consumers overwhelmingly agree that allowing the case to end with this settlement is good for them, the industry, and the nation's economy.

Please consider sending a letter, fax or email to the DOJ to let them know what you think about the settlement. The deadline for comment is January 28, 2002. I'm including a sample letter below along with the contact information you'll need. Please feel free to edit it as you see fit, or write your own.

I would recommend sending your comments by email or fax since mail has had difficulties lately. Also, if possible, would you let us know if you decide to send a letter? We'd like to measure the impact. Thanks very much.

Cordially,

Bob Williams

President

Evergreen Freedom Foundation

P.O. Box 552

Olympia, WA 98507

(360) 956–3482

effwa@effwa.org

[Contact Information]

Renata B. Hesse

Antitrust Division

U.S. Department of Justice

601 ''D'' Street, NW, Suite 1200

Washington, DC 20530

email: microsoft.atr@usdoj.gov <mailto:microsoft.atr@usdoj.gov>

Fax: (202) 307–1454—OR—(202) 616–9937

[Sample Letter]

To Whom it May Concern:

As a citizen of Washington state, I encourage you to accept the proposed settlement in the anti-trust case involving Microsoft. This settlement is appropriate and reflects a triumph of the rule of law. Certain Microsoft competitors and other critics of the proposed settlement make the core of their objections a call for more stringent restrictions, ranging from prohibition of what they call ''product tying'' to breakup of the company. More extreme critics complain that the remedies do not address products that were not even part of the case.

These objections ignore the decision of the Appeals Court that reversed much of Judge Jackson's original findings. The Appeals Court threw out findings on many fronts related to Microsoft's anti-monopolistic behavior. One key area rejected was the basis used for claiming that integrating Internet Explorer and Windows represented monopoly abuse. The court went further to state that any new burden of proof for ''tying'' would be immense. The court also rejected the breakup order and made it clear such an order moving forward would be difficult to sustain given the court ''drastically altered [i.e., reduced] the scope of Microsoft's liability.''

One final objection raised by critics is that Microsoft has a past history of consent decree violation so the company cannot be trusted to adhere to a new decree. This is a patently false assertion. The Appeals Court in June of 1998 rejected the very claim that sent the parties into litigation—the Department of Justice claim that Microsoft had violated an earlier consent decree. Furthermore, this settlement takes the extraordinary step of creating an onsite oversight body. There are, therefore, no legitimate grounds for an assertion that a consent decree will not constrain Microsoft's behavior in the ways the court intends.

Rather, the proposed settlement directly and concretely addresses each and every key finding upheld by the Appeals Court, and does so with an undeniably stringent remedy. The areas of violation addressed include requiring OEMs to preserve visible access to Internet Explorer, to preserve the original boot sequence, to preserve all Microsoft-supplied desktop icons; entering into exclusive contracts with Internet Access Providers; threatening companies over support for other middleware technologies; and every other key area identified by the Appeals Court.

In my view, there can be no valid objection to this settlement because every major finding of the Appeals Court is stringently addressed with a targeted remedy that specifically prohibits and prevents the behavior in question. Acceptance of the proposed settlement will send a signal throughout American industry and the country as a whole that in the United States rule of law is alive and well—that defendants face remedies only for those findings against them. Anything beyond this settlement would represent a victory for those who do not seek remedy but rather also unwarranted punishment, and this would be a serious blow to the smooth functioning of free markets and the law that protects them. Participants in the American economy would forever be forced to fear whether the laws they rely upon to safely conduct business will be applied fairly.

I believe in advancing free market competition and this settlement serves the best interests of the American public. It fairly resolves a complex and burdensome anti-trust case that is having severe impacts far beyond one company, a case that is acting as a drag on one of the most vibrant sectors of our economy. Settlement of this case will free the high-technology industry to put its fullest efforts into innovation and creativity, and will spur competition in a way that will directly benefit consumers.

Thank you for your consideration.

Signed,

MTC–00010822

From: Bob Mileti

To: Microsoft ATR

Date: 1/14/02 2:04pm

Subject: Don't buy the Microsoft Settlement

Dear US Dept. of Justice:

Please do not allow Microsoft to settle this case with such a self serving plan. They have cost me and my small company untold amounts of money due to poor products and total lack of support. Furthermore I'd like to have all the money I spent for programs that I never wanted in the first place, but were forced to pay for from Dell and Gateway.

Make it hurt and make it hurt good.

Thank you,

Bob Mileti

MTC–00010823

From: T. Ron Davis

To: Microsoft ATR

Date: 1/14/02 2:10pm

Subject: Comments on Microsoft Litigation

BlankRenata Hesse

Trial Attorney

Antitrust Division

Department of Justice

601 D Street NW, Suite 1200

Washington, DC 20530

microsoft.atr@usdoj.gov

I'm fed up. This is litigation that never should have been filed in the first place. It has stifled innovation, severely damaged the economy, and impacted or will impact the majority of technology companies in the USA for decades. Anti-trust laws are in place to protect CONSUMERS not COMPETITORS. Consumers do NOT, and never did, support this legal fiasco. I urge you to put this outrageous waste of taxpayer money to bed. Get it settled and get on with real business.

I am encouraging all of my colleagues to contact you as well.

Sincerely,

T. Ron Davis

25424 NE 39th Way

Redmond, WA 98053

T. Ron Davis

President/CEO

iRequest, Inc.

http://www.irequest.com

Tele: 425–643–1771

FAX : 425–898–9726

''Empowering the Consumer Through Information''

MTC–00010824

From: Richard Saul

To: Microsoft ATR

Date: 1/14/02 2:12pm

Subject: Settlement in Microsoft Antitrust Case

Microsoft wields enormous power in the computer industry. They are able to share software and computer hardware development. I have been a software engineer for twenty years and I have seen Microsoft grow from ''micro'' to huge.

Microsoft has a long-standing practice of including new features that directly compete with another company's software into the Windows operating system family. They brought this practice with them from the DOS operating system.

Microsoft has done used this exact practice with:

1. Memory management, inclusion of Expanded Memory Services killed Quarterdeck's QEMM.

2. Disk Compression, inclusion of disk compression wiped out Stac Electronics Stacker.

3. Fax Services, by including fax capability Microsoft has reduced the market for WinFax.

4. Remote Control software (like PCAnywhere) is an example that has just been introduced in Windows XP. Microsoft will enter a market with a very low priced product because they have the scale of economy to afford to dump the product at a loss. They do this until they have wiped out their competitors.

This has been done with:

1. Access, Microsoft introduced Access for $99 at a time when databases commonly cost $500.

2. Internet Explorer, Microsoft gave IE away when Netscape cost $40 to buy.

3. TCP/IP network access. Microsoft gave away free TCP/IP software when ordinarily it cost $350 or more.

4. The XBox is a current example of this product. Microsoft ''subsidizes'' their competition and includes other company's products into Windows. This might appear to be in a company's best interest but in fact it limits the company's ability to succeed because of the contractual obligation they are under.

1. HyperTerminal

2. Citrix

Last and maybe worse Microsoft manipulates standards to their benefit. 1. Java as a language was standardized by Sun Microsystems, Microsoft introduced a ''Java'' product with different features that competed against Sun's standard.

2. Microsoft formulated the Internet Explorer web browser to understand the HyperText Markup Language different than Netscape; web developers had to choose between developing for one, the other or both.

Microsoft has delivered incredible value for its customers. I have no doubt. But they have done that over the dead bodies of dozens of competitors. Microsoft's ability to create a new operating system version and be the only company to deliver productivity software for the platform is almost the heart of their advantage. Take it away!

If you look at every major Microsoft OS introduction of the last 10 years, Microsoft always delivers a new version of Office simultaneously. They are the only company that can and their competitors spend the next year catching up. Stop this!

The only way that true competition can be restored is if Microsoft's Operating System group is torn away from the Applications group. Break Microsoft up! Breaking Microsoft up into at least 2 and maybe more companies is the only way to restore competition in the software market. I bet if I wrote this in Microsoft Word you could read it, but if I wrote it in Lotus WordPro you couldn't!

Rich

Richard Saul, Engineer

POS Development

Kinko's Field Support Organization

richardsa@kinkos.com

MTC–00010825

From: Walt Perko
To: Microsoft ATR
Date: 1/14/02 2:12pm
Subject: OS vs. Advertising portal?

Aloha,

I love Windows. However, my fear of MS has been growing with the growth of the Internet and Internet Portals. I don't want to upgrade to Windows XP for fear of a marketing blitz and a filtered Internet in it's very near future.

It should be written some basic laws of the Digital Domain—1.email falls under the same rules and procedures as snail mail 2.Operating Systems should be just that and no more, not attached to a 'Profiler' or 'Advertising Portal' unless we get the OS AND UltraBandWidth 'New Global Network' access FREE like broadcast TV. I should be able to do a search on the Internet like it was the Oxford English, American Heritage etc? Dictionaries and all the Encyclopedia's combined etc?

I should be able to do a search on the Internet and find a mailing address, email address, phone number etc. of anybody in the world. NO UNLISTED ENTRIES!

I should be able to be connected to the Internet and see who is connected to me at ALL TIMES!

I've been looking at Linux, it's not ready for prime-time yet, but getting close—but how much will it cost to move some of my very expensive software to run on it??? I'm hoping for a newer and better OS than Linux.

Check my creativity on iFilm.com and MP3.com . . . My goal is simple. To live a good life and know I've learned what is important to life and it's meaning . . . Walt Perko

It's not the bulls and bears you need to avoid—it's the bum steers.—Chuck Hillis

Whoever values peace of mind and the health of the soul will live the best of all possible lives.—Marcus Aurelius

Great people talk about ideas. Small people talk about other people.—Tobias S. Gibson

The person who makes a success of living is one who sees his goal steadily and aims for it unswervingly. That's dedication.—Cecil B. De Mille

The person who goes farthest is generally the one who is willing to do and dare. The sure-thing boat never gets far from shore.—Dale Carnegie

MTC–00010826

From: Himani Naresh
To: Microsoft ATR
Date: 1/14/02 2:13pm
Subject: Microsoft Settlement.
Attorney General John Ashcroft
US Department of Justice
Washington, DC 20530

Dear Mr. Ashcroft:

The Microsoft lawsuits have been a waste of taxpayer dollars and a huge burden to our IT sector. They have dragged on too long and should be settled as soon as possible. Having said that, I think the settlement is in the best interest of the American public because it will allow Microsoft to focus on its own business and the IT sector to return to normal Some of the terms of the agreement are a little harsh on Microsoft, but overall I think they are fair. Consumers and software developers have to be happy that Microsoft will be disclosing internal interface technology, and designing future versions of 'Windows' so that other vendors can promote their products from within the OS.

The nine states that are in opposition to the settlement are just showboating and should be reprimanded at the federal level. They have no right to continue this suit, which should not be handled at the states level anyway. Please stop the nine states from furthering the deterioration of our IT sector. Thank you for your time.

Sincerely,

Himani Naresh

5306 Lake Washington Blvd. #H

Kirkland, WA 98008

MTC–00010827

From: Gideon Yuval
To: Microsoft ATR
Date: 1/14/02 2:20pm
Subject: settlement

It would seem to me high time that that old MS lawsuit were finally settled.

Thanks

Gideon

MTC–00010828

From: Susan Gibson
To: Microsoft ATR
Date: 1/14/02 2:21pm
Subject: Judge Kollar Kotell

Judge Kollar Kotell-

I am writing to express my concern about the Justice Department's handling of the Microsoft case. I understand that the Tunney Act allows review of this decision, and I would like to express my concern about increasing Microsofts power and monopoly through this decision. My understanding is that every court decision regarding Microsoft and its antitrust/monopoly activity has found that Microsoft abused its monopoly position to prevent competition and restrain free trade. These decisions have been found repeatedly in the judicial system over the past three years. I am very concerned that the Department of Justice is not punishing Microsoft nor moving to stop this behavior. It presents significant risk to free trade and other competitors to allow Microsoft to use their monopoly power to hold customers hostage and reduce their product choices. This sets a dangerous precedent. I believe Microsoft should be penalized for its long-standing antitrust abuses and prevented from exhibiting this behavior in the future. Other products/technologies/compaines are at risk for their very existence if Microsoft is allowed to continue this anticompetitive behavior (products based on Java, Linux, AOL, the Mac, etc).

I hope you will take this under consideration in your decisions.

Thank you for your attention to this matter.

Sincerely-

Susan P. Gibson

Susan P. Gibson

President—Eve Group Inc.

1004 Windermere Avenue

Menlo Park, CA 94025
ph 650 326–8073
fax 650 326–8073
cell 650 888–2646

MTC–00010829

From: Bill Zipfel
To: Microsoft ATR
Date: 1/14/02 2:23pm
Subject: Microsoft Settlement

The corrupt and criminal Clinton administration is thankfully over and the Executive Branch has been returned to honor. Because of the staggering turpitude of the Clinton administration, there is much work yet to be done to root out the continuing disgrace that it was. One large item on that list must be the settlement of the Microsoft case. I strongly support the settlement. Successful entrpreneurs who create thousands of jobs and add real value to our world ought to be praised and emulated, not sued and mocked.

Bill Zipfel

MTC–00010830

From: Patrick H. Corrigan
To: Microsoft ATR
Date: 1/14/02 2:29pm
Subject: Microsoft Settlement

In my opinion, the DOJ settlement was a gift to Microsoft, not a punishment. Like the previous settlement DOJ settlement with Microsoft it only prevents behavior that is moot because the damage has been done and also allows practices that will tend to strengthen Microsoft's grip on the computer industry.

In every instance in which Microsoft has gained domination of a market segment innovation has ceased and prices have risen. Sometimes the price increases have been hidden in upgrade costs and changes to licensing terms, but the have increased none the less. Little new software is being developed because potential developers and investors know that if a new product is successful Microsoft will use its monopoly power to take over the market for that product. Microsoft is now using its might to make sure it dominates and controls the Internet.

Please find a way to reign them in.

Patrick H. Corrigan
pcorrigan@corrigan-group.com

MTC–00010831

From: Jerry Burgen
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/14/02 2:25pm
Subject: Settlements

Howdy,

Thanks for handling the Microsoft judgement this way. It bodes good for us all. In essence, what we've got here is that if I am found guilty of breaking any law of these United States, that if I don't agree with the outcome, that I also have the right to sit down with the prosecution and work out a solution that is agreeable with me, despite what the laws state, correct? Thanks for setting the precedence, this means that every supposed lawbreaker in the future will have the same opportunity to self adjust their punishment that you have given Microsoft. I'm sure that they will be glad to hear it. Oh, and does that also apply to the people that have broken laws in the past, ie. racketeers, smugglers, etc? Keep up the good work.

Jerome Paul Burgen
Honest Citizen of These United States
jburgen@mediaone.net
CC:'jburgen(a)mediaone.net'

MTC–00010832

From: Bill Buxton
To: Microsoft ATR
Date: 1/14/02 2:27pm
Subject: Microsoft Antitrust Settlement

I feel sold out. I can not fathom by what degree of righteousness the DOJ can possibly think that a settlement of a few billion dollars constitutes justice. I have been around, or in, the computer industry since 1980 when I took my first programming class. Over the years I have watched with sadness as one company after an other has sought to dominate (control) the industry. My greatest hopes were on Microsoft as they seemed to talk the talk of equity and fairness. Then, from my own experience, I learned that they were one of the worst offenders. They have sought the advantage of every loophole and trick to market their products and control competitors. I have even felt they broke the law in several instances where they sought to extend and embrace competitors, or persuaded companies that it would not be wise to market competing technologies.

The bottom line is that what they have done is illegal and immoral. To punish them with a simple fine draws short of preventing them or other companies from doing the same in the future. Microsoft should be broken up into smaller companies (OS, Desktop applications, Back Office or application integration, and web technologies) so that they do not have the ability to wield such influence to stifle future competition.

PS My view are my own and not those of the company I currently work for.

Bill Buxton
Web/App Developer
Miller Heiman Incorporated Tel:(775)827–4411 x257 [PST]
1595 Meadow Wood Lane Fax:(775)827–5517
Suite #2
mailto:bbuxton@millerheiman.com
Reno, NV 89502 http://www.millerheiman.com
<http://www.millerheiman.com/>
CC:attorney.general@po.state.ct.us@inetgw

MTC–00010833

From: Jane Griscti
To: Microsoft ATR
Date: 1/14/02 2:31pm
Subject: Settlement of little or no benefit to consumers

To the average user there is only one operating system available for PC's ... Microsoft. Most users are not even aware there are options. This is more than just 'branding'; MS has successfully wiped out any consciousness of choice in the operating system market. Their success places developers in a bind; if most of the installed base is MS then they must write applications for MS. Often these applications don't have the newest feature displayed by MS developed applications. This in turn pushes consumers to use MS applications and MS NEVER writes applications for non-MS platforms.

Developers end up in a Catch-22 situation. The consumer doesn't become aware of competing products because the hot applications get written for MS first then MS releases a newer 'hotter' application taking advantage of the latest MS operating system bells and whistles (known about by MS internal developers) and the external developers play catch up. In the end, the MS operating system becomes the only playing field; one slanted heavily in MS's favour.

Application and Middleware development need to be spun off in to an independent company. As well, the new company should be encouraged to write software for non-MS operating systems as well as MS systems. Not only will that open up the operating system playing field but also the application software field. Then maybe consumer's will begin to learn that PC does not equal MS.

Jane Griscti
jane@janeg.ca

MTC–00010834

From: Pam Dvorak
To: Microsoft ATR
Date: 1/14/02 2'32pm
Subject: Microsoft Settlement/Comments inder the Tunney Act

The attached file contains my comments on this settlement. Thank you-Pamela J. Dvorak

Pamela J. Dvorak
612 Woodleave Road
Bryn Mawr, PA 19010–2921
610–526–2216 / fax 610–526–2886 / pjd190@hotmail.com
U.S. Attorney General John Ashcroft
Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
January 14, 2002
Dear Mr. Ashcroft:

I am pleased that the Microsoft Antitrust case has finally nearing completion. After three years of litigation, it is time. Microsoft can once again focus on what it does best-product development, driving a successful business.

The broad range of the settlement [restrictions and obligations on Microsoft that extend products and technologies not even at issue in the original lawsuit] represents Microsoft's willingness to bend backward to see this case rectified and settled. With Windows XP, Microsoft has already carried out modifications listed within the agreement, making it easier for computer makers, software developers and consumers to reconfigure their Windows setup at any time. In addition to that, Microsoft has also agreed to supply to the competition its protocols used to operate Microsoft's server operating system, allowing opposing software companies to make their products compatible, should they choose to do so.

Microsoft's compliance will be monitored carefully, thus precluding future violations. This may be 'preaching to the choir', but I never felt that the company should have been punished for being competitive- and doing well. The American way is for the market to judge the value of the product. Not everyone

can be on top. From my view, this Operating System made this technology user-friendly and accessible to a great segment of the population. Thank you in advance for your support of this [dare I hope] final settlement.
Sincerely,
Pamela J. Dvorak
cc: Senator Rick Santorum Senator Arlen Specter

MTC–00010835

From: Stephen Marney
To: Microsoft ATR
Date: 1/14/02 2:33pm
Subject: I don't like the proposed MSFT settlement

No, not one little itsy bit, I don't!
You guys aren't doing your jobs as far I'm concerned.
Stephen Marney

MTC–00010836

From: Tracker@aol.com@inetgw
To: Microsoft ATR
Date: 1/14/02 2:33pm
Subject: Microsoft—another word for dictatorship

I would like to present a few comments regarding the proposed settlement offered by Microsoft Corporation in its court case. I firmly believe that Microsoft Corporation has a committment to a policy of world domination in the computer realm. All the past actions of Microsoft indicate that the company has an embedded policy of control of the computer and computer software industies to the end that Microsoft products will be the only products available to the computer using world.

Microsoft has engaged in manipulation of software functioning and content through financial actions such as purchasing the rights to programs and then supressing the functions and content by deliberately denying those functions and content to computer users by not including those functions and contents in Microsoft products. Functions and content have also been altered so that they will not perform as originally created to perform, or have been so altered that they will not perform in any venue except a Microsoft venue, thereby denying their usefulness to the computer using public.

An example of these actions is plainly visible in the recent information release of the proposed WMA programs and devices. WMA programs are designed to deliberately alter MP3 sound files so the files will no longer perform properly on an MP3 device. The resultant WMA converted file will only perform properly on a WMA device and cannot be reverted back to its original form because of the proprietary programming that Microsoft has created.

This move, creating a completely incompatible MP3 alteration program, indicates that Microsoft Corporation intends to invade the MP3 device market with an overwhelming effort. The intention could be to eliminate all MP3 market devices and replace them with WMA devices which are the intellectual and marketing property of Microsoft, thereby creating another monopolistic situation.

Microsoft Corporation will attempt to assuage the concerns of individuals and government offices by stating that their devices work in conjunction with PC format computers and are an enhancement for those devices. Microsoft will not admit that the MP3 alteration program is irreversible or that it will be made available to the buying public as a ''loss leader'' sale item. Microsoft Corporation should not be permitted to continue its policy of domination through repression and denial. Microsoft should be forced to reveal the source code being used in its programs so that free enterprise developers will have the opportunities to create products and software that competes freely with Microsoft products.

Microsoft should be forced to separate the functions of software program creation and computer operating system production to enable private enterprise development of competing products.

The penalty phase of this issue should be made effective against Microsoft and cause the corporation to make appropriate redress of the wrongs it has already committed. Microsoft should not be permitted to continue to defraud the government and the courts by ''giving'' Microsoft products and software to a market area that Microsoft has not had a history of effective past presence. Allowing Microsoft to buy its way out of any penalty by ''donating'' outdated and refurbished equipment and software to schools is not an effective penalty. It only allows Microsoft to freely establish itself in an area and provides further domination of the computer market by creating a situation where children would be exposed to only Microsoft products and programs. This would help to create another market segment, the children become future Microsoft product users through their introduction and indoctrination to those products while in school, which would ensure the monopoly that Microsoft is attempting to continue.

Thank you for taking the time to read my comments. I hope that a sensible and proper adjudication of the monopoly suit will be reached and that proper penalties will be assessed against Microsoft Corporation for its egregious business practices.

Ronald Steinke
701 Bradford Court
Chico, CA 95926–8768

MTC–00010837

From: HP Authorized Customer
To: Microsoft ATR
Date: 1/14/02 2:35pm
Subject: microsoft settlement

Dear Attorney General:

I think people are after Microsoft because Microsoft is a successful company and has plenty of money. Why penalize success?

I notice ever since the government started with charging Microsoft with wrongdoing we've been in a recession.

Microsoft wanted to donate one billion dollars and they don't think that's enough. Give me a break!

Respectfully yours
Richard Diamond
CC:Microsoft's Freedom To Innovate Network

MTC–00010838

From: Jacy Odin Grannis
To: Microsoft ATR
Date: 1/14/02 2:34pm
Subject: Microsoft Settlement

Your Honor; Ladies and Gentlemen:

I am writing out of deep concern about the proposed settlement plan. It is my contention that the settlement focuses on remedying what are, in the end, minor issues and does not begin to address the larger issue of Microsoft's true impact on the competitive landscape.

As noted in the findings of the court, Microsoft is a monopoly. The most damaging aspect of this is Microsoft's ability to unilaterally set de facto standards for the computing industry. Microsoft argues that by so doing, it is acting in the public interest. Certainly standards do benefit the industry, but it is also certainly not true that Microsoft is uniquely capable of coming up with the best standard. In fact, it is easy to demonstrate that Microsoft is not truly using this power to improve matters for the consumer, but to further extend its own monopoly. For example, RealAudio was one of the first products to offer streaming media for the Internet. It would not be a stretch to say that, at one time, it was the de facto standard. Microsoft saw that it was behind in the game, but rather than working to improve the standard that existed, it came up with its own proprietary standard that would require the use of its products and which would only run on Windows. Not only that, but it began to bundle its own player as the default player with Windows. Now, while Microsoft's Media Player may, now, be technically the match of other media players, but at the time it was not. However, consumers have demonstrated time and time again that what matters most to the majority is not technical superiority, per se, but convenience. Thus, though Microsoft's player might not have been the best; it was already there, and more or less did the job, so they consumers used it if they could. If Microsoft did not have this huge advantage, however, it is very questionable whether their product could have survived. Nonetheless, it did, and now RealAudio is engaged in a pitched (and, it seems, losing) battle to get users to use its products.

There are other very similar examples such as Netscape, Outlook Express, and MSN Messenger. In each case, Microsoft started behind the competition with an inferior product. However, by bundling their product with the operating system and by, in effect, dumping their product for free, they overtook other competitors whose main revenue was selling a competing product.

Microsoft Office is another huge cornerstone in the monopoly. It has, itself, become a standard. It helps reinforce the Windows monopoly. Anecdotally, and speaking only for myself, I can say that I have become very frustrated with Windows over the past several years. It is not nearly as stable as I would like, and it has too much baggage that slows it down. However, I find that I am unable to drop it entirely and go to Linux (which is a technically superior system) largely because I use Microsoft Office, and it is not available on Linux. I am certain that I am not the only person in that position, though I can not offer statistics to

demonstrate what sort of population I represent. However, the point remains that there is a demand for other operating systems. An independent company would likely want to meet that demand, to give users the software they want on whatever platform they want to run. But Microsoft, which has become a monopoly in so many areas of the software industry, has a disincentive to meet that demand. Rather than develop new versions of their programs for other operating systems, they continue to develop almost solely for Windows. Their statements to the contrary, this is not because of any technical superiority enjoyed by Windows. Their only motivation is to further the Windows monopoly.

In the end, these examples become self-reinforcing. Microsoft Windows enjoys a monopoly position in the operating systems market. Microsoft develops new standards that require the user to be running Microsoft Windows. It pushes these standards and creates new monopolies by bundling its technologies with the operating system. It enjoys other monopoly positions with other products, such as Office. It concentrates its development of these products mostly or exclusively on Windows (Microsoft's support of the Mac is laughable, and only exists to give it a chance to say they aren't doing what they're doing). This reinforces their Windows monopoly. Since users have to have Windows to run software they need, such as Office, they use Windows. Other companies know that users have to be running Windows, so they develop for it. This furthers the OS monopoly of Microsoft. In the end, though, everyone but Microsoft loses. They can dominate any market they enter by virtue of their sheer size and position. All the other companies are forced to scrape along in niche markets because they can't really compete with the position Microsoft has built for itself.

The proposed settlement fails to remedy this situation. Even with the settlement remedies in place, Microsoft will still be able to bundle new products and technologies in to Windows, stifling competition. Indeed, this is currently going on. Microsoft has decided that it does not want to support Java because it does not have proprietary control over it. So it has created a new language, C#, as a competitor. Their whole .NET strategy is a prime example of Microsoft using its position to further its monopoly. And there is nothing in the settlement that will prevent them from continuing to pursue this strategy.

What, then, is the remedy? First of all, Microsoft must be broken up. Windows should become its own company. Office should become its own company. And the rest of Microsoft's products should go in to a third company. Secondly, Microsoft should be forced to devote equal development resources to developing its applications, especially Office, for an alternate platform. Preferably this would be Linux, but the Mac OS X would do as well. Thirdly, Microsoft Windows source code should be released to the public. Not as free code, but on an open source license that allows people to see the code for free, but requires them to pay a license fee if they want to use it. Finally, the different companies that emerge from Microsoft should be forbidden from entering into any collaborations with each other whatsoever for a period of five years.

Thank you for your time.

Jacy Grannis
Senior Software Engineer
Questia Media, Inc.

MTC–00010839

From: Westly.Schmidt@bankofamerica.com@inetgw
To: Microsoft ATR
Date: 1/14/02 2:34pm
Subject: Microsoft Settlement

To whom it may concern,

I strongly oppose the proposed final judgement because it:

Fails to reduce the application barrier to entry that Microsoft was found to have illegally protected;

Fails to remedy the injury done to the JavaTM technology community;

Fails to remedy the illegal injury that Microsoft was found to have done to Netscape Navigator and the browser market;

Fails to curtail Microsoft's illegal bundling of middleware programs including browsers, media players, and instant messaging software into the monopoly Windows operating system;

Is ambiguous and subject to manipulation by Microsoft because it lacks an effective enforcement mechanism. Furthermore, Microsoft is a monopoly and has used that monopoly position to force others out of business or to bend to fit their desires. This approach is EXTREMELY destructive to business where competition is in the best interests of everyone (except Microsoft) involved. The the proposed final judgement is a joke, a slap in the face to anyone with enough education or expierence to know what they are trying to get away with. It is pure ignorance, or a desire to profit from the demise of our society, that would enable anyone to accept the terms of the proposed final judgement as being just. For everyones sake, including (albiet, against its will) Microsoft's, do not accept the proposed final judgement.

Sincerely,
Westly Schmidt

MTC–00010840

From: Ron (038) Tynna
To: Microsoft ATR
Date: 1/14/02 2:40pm
Subject: Re: Microsoft

Ronald Davis
412 S Vine Street
Wichita, KS 67213
January 11, 2002
Attorney General John Ashcroft
US Department of Justice,
Washington, DC

Dear Mr. Ashcroft,

As I read the paper, I get more and more concerned over the status of our economy. Since I know that the technology industry has a great deal to do with the status of our economy, I get concerned over items like the recent Microsoft developments. I was obviously surprised to find out that Microsoft is being delayed even further. After three years of negotiations, it is ridiculous to dissect this agreement any further. The governments of the US and Kansas State have many other things to worry about, and should not be wasting our resources on a battle that has already been won.

The terms of this agreement have not only been well thought out, but include many substantial changes to which Microsoft has agreed to. Some of these changes include business-related topics such as licensing and marketing, but even extend to engineering, design, and documentation of intellectual property. As we let these terms speak for themselves, we allow the IT sector to work together and focus on maintaining our place in the global market. This is important to the consumer, our technology industry, and our economy as a whole.

Help support our technology industry. We need to get back to business and continue with the innovation that has made us great. Please help stop any further action against this settlement.

Sincerely,
Ronald Davis

MTC–00010841

From: Santiago Alfaro Tornero
To: Microsoft ATR
Date: 1/14/02 2:37pm
Subject: MICROSOFT SETTLEMENT

Escribir estas notas en castellano. Creo que sobre todo lo relacionado con el caso Microsoft hay una cuesti?n clave: para que se cree tecnolog?a y haya investigaci?n, que cuando se aplique lugar a avances para todos, es crucial tener campo donde trabajar e innovar. Lo que tristemente est? ocurriendo es que Microsoft est? comprando cualquier innovaci?n que se produce en el campo de las tecnolog?as de la informaci?n en cualquier lugar del mundo, y con ello, hace que muera la ilusi?n de las personas por dise?ar algo nuevo ya que pasa a pertenecer a Microsoft. Si hay un pa's en el mundo que entiende el valor de las personas por luchar por algo propio, ese es Estados Unidos.

Si seguimos as?, va a ser tan dif?cil invertir en Tecnolog?as de la Informaci?n que nadie lo va a intentar, y con ello va a perderse la impresionante innovaci?n que proviene de las personas y las empresas peque?as con capacidad de crear nuevas formas de hacer. No creo que sirvan para nada estas l?neas, ya que lo que mueve el mundo son los intereses ego'stas de grandes conglomerados industriales.

Me conformo con recibir una notificaci?n v?a correo electr?nico de que alguien por lo menos ha le?do estas l?neas.

Muchas gracias.

MTC–00010842

From: Christian BAYER
To: Microsoft ATR
Date: 1/14/02 2:22pm
Subject: Microsoft Settlement

Hi,

I think it is very apparent the proposed Microsoft settlement neglects some significant areas. It does nothing to; prohibit the illegal conduct and similar conduct in the future, spark competition in the software industry or deprive Microsoft of its illegal gains. I believe the judicial system is required to insure these types of remedies are made when violations of anti-trust laws occur. I

believe the evidence of Microsoft's gross disregard for conducting itself in a legal manner and the costly detriment consumers have suffered should compel an attempt to uphold the law rather than brushing it aside, as seems to be happening. Other concerns regarding the exposure of children to Microsoft's products are additional issues. If the judicial system does not seek to enforce the laws of the United States, what pupose does it serve?

Christian Bayer

MTC–00010843

From: Isaac Ordonez
To: Microsoft ATR
Date: 1/14/02 2:39pm
Subject: Microsoft Settlement

I think that allowing Microsoft to push it's monopoly into schools as punishment for it's monopoly is down right stupid. This company get away with murder and needs to be punished fully. I think the original ruling to break up the company allow companies with actually working products to flood the market. Please do not allow Old bill to rule my Microwave, Video games, Computer, TV, Internet, Car, and even bed. They are taking it too far and should stick to making an OS and office suite.

Isaac Ordonez
Technology Support Specialist II
San Rafael City Schools

MTC–00010844

From: Andre Azaroff
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/14/02 2:43pm
Subject: Microsoft Settlement

Sirs,

I am opposed to the proposed settlement the DOJ has made with Microsoft. It does nothing to punish or prevent any of the predetory business practices Microsoft has been found guilty of.

I also feel it is deplorable that the judicial (and apparently the executive) branch of our government is for sale and has been bought. Also that it is for sale only to a select few now that the republicans are back in power. Yes, the republicans who supposedly pride themselves on being the law and order group in washington. I guess the old addage is true that the law only applies to those who can't afford it. The end result of your current actions in this case ceartainly show that anyone with enough money or clout or connections may choose to ignore any law they see fit (whether or not the law is just is a different matter, it still is a law) and that once a verdict is haded down, if the defendant disagrees with it, he may negotiate a different verdict. This is very disturbing. I would hate to think that this lawsuit will now be cited as precedent in criminal cases allowing murderers and rapists to be able to negotiate lesser sentences.

The settlement negotiated with Microsoft will do nothing to curtail their unfair business practices. Particularly the Microsoft ''TAX'' everyone pays for buying a new PC. The tax I am referring to is the licensing that is added to allmost all new PCs sold, even if there are absolutely no Microsoft products installed on them. This I find particularly disturbing. Since the PC manufacturers have absolutely no recourse or protection from Microsoft's ability to pull their windows license without any infractions to their business arrangement with Microsoft. I could go on (point by point) but I feel I have expressed my opinion.

Andre Azaroff
St. Onge Company
1400 Williams Road
York PA 17402
Phone: 717 840–8181 ext. 8075
Fax: 717 840–8182
Website: www.stonge.com

MTC–00010845

From: Michael Sean Goppold
To: Microsoft ATR
Date: 1/14/02 3:01pm
Subject: Microsoft Settlement

Since Microsoft got away with illigally bundling middleware programs, and is a monopoly, further distribution for the next few years of Microsoft Windows Operating Systems should be prohibited from containing such bundled middleware programs, either through discount or use of freeware.

Hardware vendors must give at least 5 choices other than MS Windows, with full interlopility of its hardware.

Other than that, the proposal I feel does do a lot for the time being. I agree with most of the terms of the proposal. Since Microsoft's monopoly is illigal, in case that after the duration of the Judgement Microsoft still has ways to run a monopoly on the software scene, perhaps a more generic, more widely applicable set of rules for competitive software distribution will be necessary.

Thanks for considering my opinions.

Mike Goppold

MTC–00010846

From: Mike
To: Microsoft ATR
Date: 1/14/02 3:02pm
Subject: No Deals for Bill

Its incredible to see how some want to continue to coddle Bill Gates and Microsoft. This is the biggest antitrust case since Standard Oil. Instead of considering ways to extend their monopoly into the education system, we should be formulating ways to remove their unfair advantage and punish them for their predatory, imperialistic business practices. A couple of suggests: open source the operating system code; break up the company by OS, Applications, Development Environments and Internet; and apply punitive damages commiserate with past damages and future earnings of its victims. Here's a chance to put real competition back into the software and operating systems business, don't blow it!

MTC–00010847

From: Gregory Brewer
To: Microsoft Settlement
Date: 1/14/02 1:59pm
Subject: Microsoft Settlement
Gregory Brewer
1227 SW 149th Lane
Sunrise, FL 33326
January 14, 2002
Microsoft Settlement

U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Gregory A. Brewer

MTC–00010848

From: Jon Viscott
To: Microsoft Settlement
Date: 1/14/02 2:44pm
Subject: Microsoft Settlement
Jon Viscott
8581 Santa Monica Blvd.
West Hollywood, CA 90069
January 14, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

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Thank you for this opportunity to share my views.
Sincerely,
Jon Viscott

MTC–00010849

From: Jo Ann Sedars
To: Microsoft Settlement
Date: 1/14/02 2:12pm
Subject: Microsoft Settlement
Jo Ann Sedars
3714 North Shore Drive
Clear Lake, IA 50428
January 14, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.
Sincerely,
Jo Ann Sedars

MTC–00010850

From: Penney Williams
To: Microsoft Settlement
Date: 1/14/02 2:42pm
Subject: Microsoft Settlement
Penney Williams
4946 Mathews Ave
Indianapolis, IN 46227–4223
January 14, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.
Sincerely,
Penney Williams

MTC–00010851

From: Lucia Foley
To: Microsoft ATR
Date: 1/14/02 3:19pm
Subject: Bonanza

The proposed ''punishment'' for Microsoft seems, in fact, to be a marketing bonanza for the company that facilitates the sort of non-competetive actions the firm is to be sanctioned for. This makes absolutely no sense whatsoever, and will simply assist Microsoft in killing the competetion for once and for all—and far more rapidly than they could on their own. The existence of other operating systems such as Apple and Linux is essential for encouraging innovation and keeping pricing competetive.

Lucia Foley
Lucia Foley
Director of Communications
Hampshire Educational Collaborative
97 Hawley Street
Northampton, MA 01060
413–586–4900 x109 / 413–586–0180 fax
www.collaborative.org
e-mail: info@collaborative.org

MTC–00010852

From: W. Nathaniel Mills, III
To: Microsoft ATR
Date: 1/14/02 3:19pm
Subject: Microsoft Settlement.

Please read my note below originally sent to Richard Blumenthal, AG, State of CT.
Thank you,
Nat.
Forwarding...
Monday, January 14, 2002 3:16 PM
To: ''W. Nathaniel Mills, III'' <nat@classobjects.com>
cc:
Subject: Re: Thanks for not supporting DOJ cave-in to M$

''W. Nathaniel Mills, III'' wrote:

It makes me proud to reside in a state not affraid to seek justice, regardless of the potential political fallout. Please continue to pursue litigation against Microsoft. They have done so much to constrain innovation in the personal (and now business) computer marketplace, it would be a shame to see them walk away with little more than a slap on the wrist. The first question investors ask small technology companies seeking funds is ''what will you do when Microsoft replicates your technology and offers it for free?'' How can you counter such a question, unless you believe you have some remedy in the courts to be protected from such aggressive, monopolistic behavior?

Best Regards, Nat
W. Nathaniel Mills, III
16 Deer Hill Lane
Coventry, CT, 06238
860 742 7646
Dear Mr. Mills:

Thank you for your recent thoughtful correspondence concerning the Microsoft antitrust case.

As you know, on November 6, 2001, the United States Department of Justice and Microsoft filed a proposed settlement. I did not join that settlement because I do not believe it would accomplish the goals we set when we filed the case. Nor would it accomplish the remedial goals set by the U.S. Court of Appeals: (1) to prohibit the illegal conduct and similar conduct in the future, (2) to spark competition in this industry; and (3) to deprive Microsoft of its illegal gains.

You may also express your opinion to the judge of the federal trial court considering this settlement by filing written comments with the United States Department of Justice by January 28, 2002, as follows:

Mail: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

[NOTE: Given recent mail delivery interruptions in Washington, DC, and current uncertainties involving the resumption of timely mail service, the Department of Justice strongly encourages that comments be submitted via e-mail or fax.]

E-mail: microsoft.atr@usdoj.gov

In the Subject line of the e-mail, type ''Microsoft Settlement.''

Fax : 1–202–307–1454 or 1–202–616–9937

Please keep me informed of your opinions on the case.

Thank you again for contacting me.
Sincerely,
Richard Blumenthal
Attorney General

MTC–00010853

From: john@murphy.org@inetgw
To: Microsoft ATR
Date: 1/14/02 3:20pm
Subject: Microsoft Settlement

It's time to get on with business. Please accept the settlement that has been reached between Microsoft, the DOJ, and nine states. This bickering is a problem for our economy which is in a tenuous state right now. Let it go!

AGREE TO THE SETTLEMENT ALREADY REACHED AND STOP THE CONTINUING PROSECUTION OF MICROSOFT.

Thank you.
John Murphy
109 Pine Wood Lane
Los Gatos, CA 95032
John Murphy

MTC–00010854

From: Dguildner@aol.com@inetgw
To: Microsoft ATR
Date: 1/14/02 3:31pm

Subject: Microsoft settlement

I wonder how many millions is being spent of taxpayers money to continue the case against Microsoft. Is the government really concerned about monopoly now after they have made a ruling, or is it just politics and competitors getting their state governments to continue on for the special interest of those companies? I am weary of it. Let it go and let the people benefit rather than use taxpayers money to pay for the competitors wish lists.

Diane Guildner

MTC–00010855

From: Gregory Slayton
To: Microsoft ATR,microsoftcomments @doj.ca.gov@inetgw
Date: 1/14/02 3:32pm
Subject: ; Microsoft Settlement

Dear Judge Kollar-Kotally,

I am a 20 year software executive who has had the opportunity to both partner with Microsoft and compete against Microsoft during my career. As such, I have spent time in Redmond, WA and gotten to know firsthand both the culture, and Machiavellian management philosophy that has been a legacy at Microsoft.

In recent days, I have come to know through an ex-colleague some of the details relating to the Proposed Settlement made by the Justice Department with Microsoft, and to say the least, I am displeased by them. This is why I am writing to you today.

Your Honor, how could the Justice Department grant Microsoft a government-mandated monopoly of the software industry and even worse—other technology markets? Clearly, this decision would seriously jeopardize all competitors—both now and in the future. This decision would clearly violate some basic principals of Capitalism, such as our right to choose, our right to fair competition, fair pricing, etc.

In closing, your Honor, I submit to you that like never before in our Country's history, Microsoft has unequivocally shown itself to be the proverbial 800 pound gorilla. Their illegal conduct and activities (bribing & threatening partners and competitors) have been proven time and time again. I would like to see Microsoft be brought to justice for the good of our country, our economy, and most of all- the good of our people. I like millions of other Americans are counting on you, and counting on justice to prevail.

Respectfully,
Joseph Cortale
Senior Vice President of Sales
jcortale@eloquent.com
Eloquent
2000 Alameda de Las Pulgas
Suite 100
San Mateo CA 94403
Tel: (650) 294–6474
www.eloquent.com

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MTC–00010856

From: Ken McFadden
To: Microsoft ATR
Date: 1/14/02 3:36pm
Subject: Microsoft Settlement

To whom this may concern:

I am a System Administrator and am appalled by the Settlement against Microsoft. Even today, MicroSoft is still trying to impose and force Windows products on all users (this is evident in their latest OS's in their implementation of MIT's Kerberos and LDAP). In today's ''Hell'ter Skelter'' world of terrorism, it is more imperative that Corporate America be able to secure their computer systems to the highest degree.

Kerberos is one product that allows that higher security needed today regardless of the platform. MicroSoft has once again embedded a standard into their OS, but doing what they know best, and that is disabling it from working with the true standard. As soon as someone devised a solution to higher security along with a means where Windows and Unix machines could talk between each other and maintain common user ID's and Passwords, Microsoft has to block it and once again making it impossible for users to have both Microsoft and Unix products together (or impose Microsoft's solutions to enable it to work).

Every Computer Professional in the US is tuned into the issue with MicroSoft's Monopoly case, of which we are broken into 2 groups. One who only uses MicroSoft products and is ignorant to their practices. And the other who use both types of platforms. As myself, I work for Lockheed Martin, which contracts to the Government, and due to reliability and security reasons we are required to use Unix on certain applications. MicroSoft continuously makes my job harder day to day.

If Microsoft is allowed to continue practicing these methods where one day everyone gets fed-up and moves to Microsoft, thus allowing a tremendous hole in our Corporate America and National Security. As it is Microsoft products are known to be very buggy. Microsoft needs to concentrate on improving the reliability of their current products before attempting to mess-up others with reliable products in an attempt to block others from making a buck.

I pray that regardless of what Microsoft may throw your way to muddy up the water, you will stay true to what is best for this Nation. Personnel opinion is Microsoft should be split where they could focus on Operating Systems only thereby improving the product for all customers.

Sincerely,
Kenneth M. McFadden

MTC–00010857

From: Peg and Phil Walker
To: Microsoft ATR
Date: 1/14/02 3:42pm
Subject: Microsoft Settlement

We believe the government suit against Microsoft has gone on long enough. It has been very expensive and we fail to see how it has served the interest of the public.

Sincerely,
Philip & Margaret Walker
2435 Felt Street #118
Santa Cruz CA 95062

MTC–00010858

From: WKOPPE5955@aol.com@inetgw
To: Microsoft ATR
Date: 1/14/02 3:36pm
Subject: Microsoft Settlement

THE SETTLEMENT IS VERY FAIR-UNDER ATTORNEY JANET RENO CLINTONITE INVESTIGATIONS WERE STOPPED WITH OUT JUST CAUSE REOPEN ALL.THIS LIBERAL THINKING CAUSED 911.ONLY A COMMUNIST THINKS GOVERNMENT SHOULD CONTROL A FREE MARKET.ARE YOU ONE STOP BEING ANTIBUSINESS AND ANTIAMERICAN.AOL CHANGED THE MARKET SHARE WITH PURCHASE OF NETSCAPE AND THE CONSUMER WAS NOT HURT.IT IS TIME FOR YOU ALLEDGED EDUCATED PEOPLE TO GO BACK TO SCHOOL AND STOP BEING A CLINTON FOOL.BILL GATES AND THE INTERNET ARE AMERICAS NUMBER 1 INDUSTRY AND HE IS LEADING THE WAY AND THIS MAN WILL STAY AT HIS SIDE ALL THE WAY AND THEN SOME.ONLY ONE QUESTION ARE YOU7 A VETERAN IF NOT SIT DOWN AND ZIP THE LIP LIBERAL-I AM PROUD TO BE A REAGAN REPUBLICAN AMERICAN BORN VETERAN WHOSE FAMILY CAME HERE IN 1742 AND LEAD THE WAY WITH COMPETITION AS PRESIDENT LINCLON STATED A SOCIETY LIKE OURS MUST AN SHALL REMAIN FREE.AS A GRADUATE IN BUSINESS FROM THE UNIVERSITY OF SAN FRANCISCO THE PEOPLE HAVE DECIDED ACCEPT THE DEAL DECERTIFY THE CLASS ACTION FROM THIS POINT WHERE THE REMAINING IDIOTS PAY FOR THEIR STUPIDITY.FOR THE RECORD I NOTE JIM RYAN ATTORNEY GENERAL FELT THE DEAL WAS ACCEPTABLE.THIS MAN WILL BE REWARD FOR HIS UNDERSTANDING YOU CAN ADDRESS HIM GOVERNOR JAMES RYAN-THE GOOD RYAN-END OF THIS STORY AND GOD GETS THE GLORY-END THIS UNAMERICAN ERA NOW AND THAT GENTLEMEN WILL BE THE ORDER-ASK SLICK WILLY WHAT HAPPENED TO HIS LAW LICENSE AND LEGALLY HE ADMITTED LYING WHAT ABOUT THE RENO GROUP WE AMERICANS WANT THE TRUTH AND THIS IS A DEMAND TO REVIEW JANET RENO AND ALL THE LAWYERS UNDER HER SUPERVISION FOR ANY AND ALL RICO VIOLATIONS BECAUSE THEIR SEEMS TO BE AN APPARENT MISCARRIAGE OF JUSTICE AND MALICIOUS PROSECUTION.START THGE INVESTIGATION TODAY WIRTHOUT HESITATION THANK YO

MTC–00010859

From: morgwyn@willmar.com@inetgw
To: Microsoft ATR
Date: 1/14/02 3:36pm
Subject: Microsoft Settlement

It is in the best interest of our national and international economic enterprises that Microsoft is allowed to continue to bring innovative value to consumers through the content of it s products and services while also providing existing and new business opportunities for the global economic good.

MTC–00010860

From: gstrange@carolina.rr.com@inetgw

To: Microsoft ATR
Date: 1/14/02 3:36pm
Subject: Microsoft Settlement

It is time for the suit against Microsoft to be over. The Justice Department should accept the settlement and encourage all the other States to do the same so that our economy can recover.

MTC–00010861

From: deggansr@mbxinc.com@inetgw
To: Microsoft ATR
Date: 1/14/02 3:36pm
Subject: Microsoft Settlement

What the courts came up with is fine. Let's get on with business.

MTC–00010862

From: blackshack1@juno.com@inetgw
To: Microsoft ATR
Date: 1/14/02 3:36pm
Subject: Microsoft Settlement

It s been resolved. Get on with it.

MTC–00010863

From: ceo@ltu.edu@inetgw
To: Microsoft ATR
Date: 1/14/02 3:36pm
Subject: Microsoft Settlement

For the past ten years I have been President of a high tech university in Michigan. Earlier in my career I practices anti-trust law in Washington DC mostly before the FTC and the DC Circuit. I believe the proposed settlement should be approved. While it is more than the law requires and is ill advised it will at least put the matter behind us. The anti-trust laws are intended to protect markets and consumers not competitors. Regardless of proven monopolistic behavior there has been no showing of harm to markets or consumers. When viewing the loci of the Ps this remaining prosecution itself sounds of champerty on the surface and its sanctions threaten the vitality of technological innovation in this country which will put us at a global competitive disadvantage. My attorney general saw the importance of this competitiveness to Michigan a state which is key to keeping America economically strong and agrees with my recommendation.

MTC–00010865

From:
SandraKallander@mediaone.net@inetgw
To: Microsoft ATR
Date: 1/14/02 3:36pm
Subject: Microsoft Settlement

As I am not a stockholder in any of the companies involved I don t think I or the government has any business in this matter at all. The consumer me has more power than Microsoft and the government put together. We are not threatened or endangered. You are being used.

S.

MTC–00010866

From: jharrison@dataworks-nc.com@inetgw
To: Microsoft ATR
Date: 1/14/02 3:36pm
Subject: Microsoft Settlement

To Whom It May Concern: I support the settlement crafted between Microsoft and the US DOJ. I dont feel the case was warranted from its inception. Millions of taxpayers dollars have been unjustly spent in a lawsuit that was targeted at protecting the competitors of Microsoft not consumer best interest. I do believe that some of Microsofts licensing practices and their heavy-handed approach in working with OEM system builders were in question. The trial and settlement did make progress in that area despite the process being in efferent at accomplishing these specific goals. After being in the technology industry for well over 12 years now I can honestly say that the actions of the DOJ did not reflect the best interest of consumers the technology industry or this nation as a whole. At this point in time proceeding with the settlement and curtailing the actions of the remaining litigation against Microsoft would be the best action taken for all involved.

Sincerely
Jason S. Harrison

MTC–00010867

From: storrsdewolf@worldnet.att.net@inetgw
To: Microsoft ATR
Date: 1/14/02 3:36pm
Subject: Microsoft Settlement

This country is so much better off because of Microsoft s development of software that everyone can use. It is because it is easy to use and because just about everyone who works with computers uses commom software that Micorsoft has been so successful. This is not monopolistic! Settle and let Microsoft and their competitors get on with developing new and even better software instead of spending so much time on this suit.

John DeWolf

MTC–00010868

From: chiefrob2@juno.com@inetgw
To: Microsoft ATR
Date: 1/14/02 3:36pm
Subject: Microsoft Settlement

I personally think the economy has been greatly effected by the government s attempt to break up microsoft. It appears to me that the people who work hard and are successful or that contribute anything to society are punished for their efforts. It is time the producers benefit for a change and in the process the people as a whole will benefit. I say it is time to let this thing go.

MTC–00010869

From: chynadahll1@juno.com@inetgw
To: Microsoft ATR
Date: 1/14/02 3:36pm
Subject: Microsoft Settlement

Enough is enough you ve gotten your pound of flesh from MicroSoft. And their competitors are seeking the elimination of MicroSoft because MicroSoft was a leader in the Field and they want only to use the Government to get Microsoft out of their way.And the TAX payers are tired of footing the bill even if you claim the Litigants are footing all the costs. There could be better use of the Judges time on more pertinent cases.

MTC–00010870

From: expressflowers@juno.com@inetgw
To: Microsoft ATR
Date: 1/14/02 3:37pm
Subject: Microsoft Settlement

i hereby strongly endorse this settlement. thank you

MTC–00010871

From: drittler@juno.com@inetgw
To: Microsoft ATR
Date: 1/14/02 3:37pm
Subject: Microsoft Settlement

Discontine any further action against Microsoft.

MTC–00010872

From: beefydave@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/14/02 3:36pm
Subject: Microsoft Settlement

To R. Hesse People with more education than I have come up with the decision on the Microsoft thing and therefore it must be as close to the fairest of outcomes concerning everyone effected. I suppose in another 20 years or so we ll really know.

MTC–00010873

From: donamill@bellsouth.net@inetgw
To: Microsoft ATR
Date: 1/14/02 3:37pm
Subject: Microsoft Settlement

Settle with Microsoft as soon as possible. enough is enough. Let private enter- prise live thrive and be free of government control.

MTC–00010874

From: bigmagic@modempool.com@inetgw
To: Microsoft ATR
Date: 1/14/02 3:37pm
Subject: Microsoft Settlement

I guess you can call it a win for Microsoft but I call it a compromise in Capitalism and Freedom. The US was founded on the principles of Capitalism and Freedom and we should strive to maintain those principles. When IBM ran the PC show and everything you bought had to be IBM compatible no one complained except for the consumers. Microsoft came along and made a better product much cheaper and easier to use and suddenly we have a problem...we have a monopoly not unlike IBM had but because some politicians are in IBM s pockets the DOJ was suckered into taking a communistic act.... We have to breack up Microsoft Because of this action the US economy was thrown into a recession. The suit can argue all they want but many of us knew when we heard of the DOJ s plans exactly what would happen. If I were to cause such an action that would affect the entire country I would be in prison. A win for Microsoft? Maybe. We will see.

MTC–00010875

From: carnut1965@juno.com@inetgw
To: Microsoft ATR
Date: 1/14/02 3:37pm
Subject: Microsoft Settlement

To whom it concerns: Prolonging the case against Microsoft is a waste of tax payers money. This litigation has gone on long enough. Microsoft s compeditors should take the money they are spending to prolong this litigation should be used to improve and research products to compete with Microsoft. They are sore losers because they didn t come up with the ideas first.

MTC–00010876

From: longuski@juno.com@inetgw

To: Microsoft ATR
Date: 1/14/02 3:37pm
Subject: Microsoft Settlement
I think the settlement with Microsoft is VERY appropriate. I am tired of competitors who are not willing to work at competion tying up our court system only to cause a higher cost to the consumer. Let s see the courts start working on some real issues!!!

MTC–00010877

From: cu8@juno.com@inetgw
To: Microsoft ATR
Date: 1/14/02 3:37pm
Subject: Microsoft Settlement
Microsoft offer for selletment shoud be accepted and a closure to this case. The case is slowing down industry.

MTC–00010878

From: dfessen@tetranet.net@inetgw
To: Microsoft ATR
Date: 1/14/02 3:37pm
Subject: Microsoft Settlement
Please let the verdict stand. Our Gov.hounded the Auto Industry so that Imports are taking more and more market share. Let s NOT REPEAT!

MTC–00010879

From: dstev55539@aol.com@inetgw
To: Microsoft ATR
Date: 1/14/02 3:36pm
Subject: Microsoft Settlement
I think the settlement is fair. Any company in the past had the opportunity to come up with an operational system if they had wanted to the only one was linux who has a lot of faithful followers. This agreement allows competion from all who want to participate. Do whats right and settle it now.

MTC–00010880

From: BelzAcadmy@juno.com@inetgw
To: Microsoft ATR
Date: 1/14/02 3:37pm
Subject: Microsoft Settlement
Let the decision stand as it is presently settled. Sincerely Andrea Belz

MTC–00010881

From: flapolecat@juno.com@inetgw
To: Microsoft ATR
Date: 1/14/02 3:36pm
Subject: Microsoft Settlement
Gentlemen: It is with great regret that I see this problem is not fully resolved. As a senior citizen and retired living on income derived from investments it is of the utmost concern that this problem is finally resolved. Although I personally would not have agreed to the terms of the agreement they being very bad for an industry based on inovation since Microsoft feels they can continue to support the public under these restrictions the matter should be settled for the good of the consumer and the country.
Fred Budukiewicz

MTC–00010882

From: texmur01@interserv.com@inetgw
To: Microsoft ATR
Date: 1/14/02 3:37pm
Subject: Microsoft Settlement
I support the finding of the DOJ and support finalizing the case as is. I sent two page fax last week explaining why.

MTC–00010883

From: dheckh@mindspring.com@inetgw
To: Microsoft ATR
Date: 1/14/02 3:37pm
Subject: Microsoft Settlement
The last thing our economy and the entire high tech sector needs is more uncertainty and regulation.
Please settle this lawsuit and end the persecution of Microsoft. This litigation has caused more financial hardship to thousands (probably millions) of stockholders and to the economy than anything Microsoft could ever have done. It s time to move on and let Microsoft get back to the business of doing what they do best—making life better for all of us. Klara Hunt

MTC–00010884

From: blw50@juno.com@inetgw
To: Microsoft ATR
Date: 1/14/02 3:37pm
Subject: Microsoft Settlement
Leave the man alone he has done more for the computer world and everyone else is jealous of it this is a free enterprize country isn t it. What a waste of money the people of this country has had to spend to do all of this court bussiness on MS.

MTC–00010885

From: billsuehop@juno.com@inetgw
To: Microsoft ATR
Date: 1/14/02 3:37pm
Subject: Microsoft Settlement
It is time to end this misguided suit against Microsoft. The computer industry has benefitted greatly by Microsoft there is no reason to continue to persecut this company. Stop wasting Microsoft s and our country s time and money and end this suit. Sincerely William M. Hopper

MTC–00010886

From: huntingbeagles@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/14/02 3:37pm
Subject: Microsoft Settlement
It s my strong belief that this settlement is in the best interest of everyone—the technology industry the economy and especially consumers. Since the settlement newspaper editorials from across the nation and across the ideological spectrum have endorsed the settlement. Microsoft competitors shouldn t be holding up this settlement. We can t allow greedy companies to hold up progress.
Sincerely
Cosmo Stallone

MTC–00010887

From: sthompson292811MI@
comcast.net@inetgw
To: Microsoft ATR
Date: 1/14/02 3:36pm
Subject: Microsoft Settlement
It is a sad day for american businesses and the gerneral public if the courts of this land allow competitors to sue because they can not build a better mouse trap and courts order a these companies from building better mouse traps. Where would this country be today if the courts stifiled every inventive thought just because somebody else yelled foul. Stop this insanity now and get this country back on the road that was laid out for use by our founding fathers.

MTC–00010888

From: bskoehler@bellsouth.net@inetgw
To: Microsoft ATR
Date: 1/14/02 3:36pm
Subject: Microsoft Settlement
It is time to end this on-going legal battle. A society that chooses Capitalism believes in an ecomomic system marked by a free market and open competition in which goods are produced for profit labor is performed for wages and the means of production & distribution are privately owned. Microsoft is a formidable competitor that is to be admired. May the best company with the best products & services succeed!!

MTC–00010889

From: tee@nonantum.com@inetgw
To: Microsoft ATR
Date: 1/14/02 3:37pm
Subject: Microsoft Settlement
Take the settlement with Microsoft! I m so sick of this dragging on—for what? Some jealous competitors who whine? Focus efforts where it s really needed not in the already-competitive world of technology.

MTC–00010890

From: dwb15@juno.com@inetgw
To: Microsoft ATR
Date: 1/14/02 3:36pm
Subject: Microsoft Settlement
Please approve the settlement made between the federal government and various state attorneys general with Micrdosoft. Enough already!!!

MTC–00010891

From: bstawink1@juno.com@inetgw
To: Microsoft ATR
Date: 1/14/02 3:37pm
Subject: Microsoft Settlement
Do not attempt to change the current court decision of Nov. 2001

MTC–00010893

From: Chris Norloff
To: Microsoft ATR
Date: 1/14/02 3:46pm
Subject: Microsoft Settlement
I oppose the proposed settlement with Microsoft. I find the proposed settlement weak, and not in the customers' best interests. The proposed settlement will not ensure competition in the marketplace, and will not restrain Microsoft from further monopolistic practices.
thank you,
Chris Norloff
508 N. West St.
Falls Church, VA
22046–2517

MTC–00010894

From: pmurphre@indiana.edu@inetgw
To: Microsoft ATR
Date: 1/14/02 3:49pm
Subject: Microsoft Penalties
To Whom It May Concern:
I am writing to express my concern over the proposed settlement being considered in the case against Microsoft. Not only will the settlement in its current form do nothing to restrict Microsoft's monopoly, it does not

actually punish the corporation for a crime of which it has already been found guilty. Therefore, the settlement should include components that force Microsoft to open its documentation so that other companies can design software to make the computer industry truly competitive. This is the reasoning behind antitrust laws, is it not. Furthermore, Microsoft must be stopped from including their software as a prepackaged part of virtually every personal computer on the market these days. I chose not to use the Windows operating system and was extremely distressed when attempting to buy a new computer that I had to subsidize Microsoft with the purchase price of my computer since I could not find one in any mainstream store that did not come with Microsoft software pre-installed. This is an intolerable and monopolistic practice that should be stopped. As a concerned consumer, citizen and someone interested in the fate of information technology, I humbly ask that the proposed settlement be reconsidered so that it will indeed prohibit Microsoft from retaining its monopoly in the computer industry. Thank you for your time and consideration.

Sincerely,
Patrick D. Murphree
1015 N. College Ave,
#1
Bloomington, IN 47404

MTC–00010895

From: Terri Dow@aol.com@inetgw
To: Microsoft ATR
Date: 1/14/02 3:52pm
Subject: accept settlement

Reed and Terri Dow
12302 NW43rd Court
Vancouver,WA 98685
360–574–9641
<A HREF=''mail to:terridow@aol.com''>terridow@aol.com</A>
U.S.Department of Justice
Antitrust Division
601D Street, #1200
Washington,DC 20530
Email:<A HREF=''mail to:microsoft.atr@usdoj.gov''>microsoft.atr@usdoj.gov</A> January 14, 2002

To Whom it May Concern:

As a citizen of Washington state, I encourage you to accept the proposed settlement in the anti-trust case involving Microsoft. This settlement is appropriate and reflects a triumph of the rule of law. Certain Microsoft competitors and other critics of the proposed settlement make the core of their objections a call for more stringent restrictions, ranging from prohibition of what they call 'product tying' to breakup of the company. More extreme critics complain that the remedies do not address products that were not even part of the case.

These objections ignore the decision of the Appeals Court that reversed much of judge Jackson's original findings. The Appeals Court threw out findings on many fronts related to Microsoft's anti-monopolistic behavior. One key area rejected was the basis used for claiming that integrating Internet Explorer and Windows represented monopoly abuse. The court went further to state that any new burden of proof for 'tying' would be immense. The court also rejected the breakup order and made it clear such an order moving forward would be difficult to sustain given the court'drastically altered [i.e., reduced] the scope of Microsoft's liability.'

One final objection raised by critics is that Microsoft has a past history of consent decree violation so the company cannot be trusted to adhere to a new decree. This is a patently false assertion. The Appeals Court in June of 1998 rejected the very claim that sent the parties into litigation -the Department of Justice claim that Microsoft had violated an earlier consent decree. Furthermore, this settlement takes the extraordinary step of creating an onsite oversight body. There are, therefore, no legitimate grounds for an assertion that a consent decree will not constrain Microsoft's behavior in the ways the court intends.

Rather, the proposed settlement directly and concretely addresses each and every key finding upheld by the Appeals Court, and does so with an undeniably stringent remedy. The areas of violation addressed include requiring OEMsto preserve visible access to Internet Explorer, to preserve the original boot sequence, to preserve all Microsoft-supplied desktop icons; entering into exclusive contracts with Internet Access Providers; threatening companies over support for other middleware technologies; and every other key area identified by the Appeals Court.

In my view, there can be no valid objection to this settlement because every major finding of the Appeals Court is stringently addressed with a targeted remedy that specifically prohibits and prevents the behavior in question. Acceptance of the proposed settlement will send a signal throughout American industry and the country as a whole that in the United States rule of law is alive and well—that defendants face remedies only for those findings against them. Anything beyond this settlement would represent a victory for those who do not seek remedy but rather also unwarranted punishment, and this would be a serious blow to the smooth functioning of free markets and the law that protects them. Participants in the American economy would forever be forced to fear whether the laws they rely upon to safely conduct business will be applied fairly.

I believe in advancing free market competition and this settlement serves the best interests of the American public. It fairly resolves a complex and burdensome anti-trust case that is having severe impacts far beyond one company, a case that is acting as a drag on one of the most vibrant sectors of our economy. Settlement of this case will free the high-technology industry to put its fullest efforts into innovation and creativity, and will spur competition in a way that will directly benefit consumers.

Thank you for your consideration.
Signed,
Reed and Terri Dow

MTC–00010896

From: Frank Baxter
To: Microsoft ATR
Date: 1/14/02 3:52pm
Subject: Objection to the settlement

As a member of the computing industry, I do not see how the proposed settlement even comes close to providing remedy for the antitrust violations committed by Microsoft. This company has continually removed competition using their OS monopoly, raised prices for inferior products, and forced consumers to pay for software that they do not use nor want. Despite this, the settlement fails to address these issues, nor any of the other issues they were already found guilty of in a court of law.

Although I understand that the events on 10/11 may cause some to think a quick settlement, no matter how weak, is a service to the country. I completely disagree. Forcing consumers to pay a Microsoft tax will do nothing to promote the economy. The proposed changes to their operating system will reinforce their monopoly, forcing consumers to pay even more charges for transactions that only Microsoft will be able to broker.

I urge you to reconsider this settlement now, before it is too late.

Sincerely,
Frank Baxter
CTO Synthesys Technologies, Inc.
65 Stansel Court
Springboro, OH 45066

MTC–00010897

From: nharding%ou.edu@ou.edu@inetgw
To: Microsoft ATR
Date: 1/14/02 3:54pm
Subject: Microsoft Settlement

I support the Bush administration in calling for a settlement in the Microfost case.

Nathaniel Harding
Norman, Oklahoma

MTC–00010898

From: Pete Norloff
To: Microsoft ATR
Date: 1/14/02 3:54pm
Subject: Microsoft Settlement

I am against the proposed settlement with Microsoft. The proposed settlement is weak and not in consumer's or the country's best interests. The proposed settlement will not ensure competition in the marketplace, and will not restrain Microsoft from further monopolistic practices. Further, the proposed settlement fails to extract ill-gotten gains that Microsoft has obtained illegally.

Sincerely,
Peter Norloff
10820 Miller Road
Oakton, VA 22124
703–938–4343

MTC–00010899

From: David Schaub
To: Microsoft ATR
Date: 1/14/02 3:41pm

I would like to voice my concern about Department of Justice's settlement with Microsoft.

David Schaub
4507 Hollow Oaks Dr.
Chapel Hill, NC 27516
davidschaub@mindspring.com

MTC–00010900

From: Frank Vitello

To: Microsoft ATR
Date: 1/14/02 4:14pm
Subject: Microsoft Comments
Ms. Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D. Street, NW
Suite 1200
Washington, DC 20530–0001
Re: Comments on the Microsoft Proposed Settlement Agreement

Dear Ms. Hesse:

This will serve as the comments of Defenders of Property Rights on the settlement agreement that the Department of Justice has proposed in its antitrust litigation with the Microsoft Corporation. Settlement of the litigation with Microsoft is in the best interest of all parties involved to avoid prolonging a questionable case, which seemed to be initiated more with the anticipated remedy of a multi-million dollar settlement as an objective than sound antitrust policy. Moreover, as our comments below discuss, settlement of this litigation is in the public interest.

Settlement of This Lawsuit Will Bring to An End A Lawsuit That Was At Odds With The Constitution's Protections of Intellectual Property. When the Constitution was ratified, the framers highlighted the importance of protecting intellectual property rights. In Article I, Section 8, the Constitution authorizes Congress to ''promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.'' U.S. Const. art. I, ? 8.

Moreover, all property rights, including that of intellectual property, were given further protection by the Fifth Amendment to the U.S. Constitution, which states: ''no property shall be taken for public use, without just compensation.'' U.S. Const. amend. V. The purpose of the Fifth Amendment is to ensure that property owners have the right to possess, use and profit from their property, whether that property is tangible in the form of a family farm, or intangible in the form of a computer operating system. There is no question that a bulk of Microsoft's vast assets is comprised of intangible intellectual property, commonly known as patents, copyrights, trade secrets, brand names, market presence and intellectual know-how. In its zeal to enforce the antitrust laws, however, the Justice Department has apparently forgotten the Constitution protects all forms of property, including Microsoft's intellectual property.

Antitrust Enforcement Should Enhance, Not Undermine The Constitutional Protections of Intellectual Property. In its antitrust litigation with Microsoft, the Justice Department has proposed that Microsoft be broken into smaller pieces or that Microsoft should be forced to fully or partially relinquish its intellectual property rights to competitors. In addition, the Justice Department has suggested that Microsoft be forced to disclose its ''source code,'' or the software blueprint for its operating system, Windows, which some consider to be the ''crown jewel'' of the software industry. Such disclosure would allow competitors to gain access to immediate updates on the Windows system so they can also release their updated software at the same time that Microsoft releases a new Windows version.

Since competitors, on average, usually release a new product a year after Microsoft releases a new Windows version, the government's plan would preclude Microsoft from, for a limited time, profiting exclusively from the fruits of its labor and investment—which strikes at the heart of the free-market economy. If the government were to have its way, not only would it be destroying the free-market principles on which this country is based, but it would also be taking private property for public use, without payment of just compensation, contrary to the Fifth Amendment's guarantees. See Kimball Laundry v. United States, 338 U.S. 1, 3–4, 11 (1949) (holding that loss of intellectual property—skilled management, good will and advertising—was taken and just compensation due: ''[T]he intangible acquires a value . . . no different than the value of the business' physical property.'').

Microsoft has indeed been successful in the use of its intellectual property rights. However, Microsoft entered the industry thirteen years ago, when computer software and related technological investments were risky financial undertakings. As such, Microsoft earned its wealth as a result of its original ideas and innovative technological breakthroughs in the computer software industry. Thus, by virtue of the patent and copyright laws, the reward to Microsoft for the creation of its intellectual property rights has already been weighed against the rights of its competitors. To force Microsoft to give up its hard-earned property rights, and the reward resulting therefrom, is not the valid enforcement of antitrust laws, but an uncompensated taking of private property.

In short, the Microsoft antitrust litigation has posed various legal and constitutional barriers for the government. Defenders of Property Rights applauds the current administration in its efforts to put an end to the lawsuit. We agree that now is the time to foster the growth of American companies and to encourage the innovative, entrepreneurial spirit of Americans, and not to continue to selectively pursue the innovators of our country, at all costs—at the expense of the economy, the consumer and our Constitution. In sum, Defenders strongly encourages the Justice Department to approve the proposed settlement agreement and finally put an end to its case against Microsoft.

Yours truly,
Nancie G. Marzulla
President, Defenders of Property Rights
Frank A. Vitello
Defenders of Property Rights
1350 Connecticut Ave., NW, Ste. 410
Washington, DC 20036
202. 822.6770
Toll Free: 866. 630.9787
202. 822.6774 facsimile
www.yourpropertyrights.org

MTC–00010901

From: Joe Maranto
To: Microsoft ATR
Date: 1/14/02 4:11pm
Subject: Microsoft Settlement

I have attached my thoughts on the above referenced settlement for your consideration. Please let me know that you have received this letter. Thank you.

Respectfully,
Joe Maranto
Joseph V. Maranto
8 Graveswood Court
Baltimore, MD 21234–1451
January 14, 2002
BY FAX 1–202–307–1454
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I am writing to ask that you give your immediate approval to the agreement reached between Microsoft and the Department of Justice. I believe this settlement is fair and equitable for the country and for business alike. Microsoft has done as much for the computer trade and its users as Goodyear has done for auto production. Microsoft is the wheels and fuel that make computers work.

With all due respect, I believe the antitrust suit brought against Microsoft was unnecessary and unfounded. Personally, I use Microsoft Windows out of choice because Microsoft's software programs are the best on the market. It is my understanding that Microsoft has agreed in the settlement to assist the computer industry by opening up its intellectual property rights to its Windows internal interfaces, and license its property on a non-discriminatory basis. This is bound to stimulate the economy and do great things for the entire industry.

In conclusion, I am asking you to allow Microsoft to get back to business without this cloud and legal case as a major distraction to its daily business of developing the best software in the world.

Respectfully Yours,
Joseph V. Maranto
VP Cignal Mortgage Corp

MTC–00010902

From: sharpe jones
To: Microsoft ATR
Date: 1/14/02 4:17pm
Subject: Microsoft
120 Greensview Dr.
Madison, MS 39110–8854
601–856–2950
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Ave, NW
Washington, DC 20530–0001
January 14, 2002

Dear Mr. Ashcroft:

There appears to be an opportunity to settle the Microsoft antitrust case now. In view of all the other pressing matters facing us, I would urge you to finalize the Microsoft case as soon as possible. My request is not made because I like Microsoft, but because I feel they were shaken down by the previous administration. Their crime was standardizing and promoting software that the entire world liked and used- except for a few of their competitors! These products increased US productivity greatly and the price was reasonable.

It was a very sad day when the Clinton DOJ attacked one of the crown jewels of American

technology and helped accelerate the decline in the US equity market. I pray you will do the right thing and close this bad chapter as soon as possible. Thanking you, I remain

Sincerely,

John S. Jones

MTC–00010903

From: jack williamson
To: Microsoft ATR
Date: 1/14/02 4:30pm
Subject: Microsoft Settlement.
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft

The purpose of this letter is to express my ardent support for the settlement reached last November between the department of justice and Microsoft. As a corporation, Microsoft has done more for the technology industry than any other corporation in American history. In turn, the litigation against Microsoft for the past three years is matched by the decline in our once prosperous technology industry. This coincidence must not be underestimated.

The settlement shows much compromise between the two sides of this issue. Microsoft has agreed for the creation of an outside technical committee. Under the stipulations of the agreement, this committee is to come as an outside third party. The purpose of this committee is to ensure compliance with the settlement agreement. This technical committee, then, will assure the efficacy of the agreement.

I hope you will consider the plight of the technology industry when reviewing this settlement. Thank you very much.

Sincerely,

Jack E. Williamson

MTC–00010904

From: Kelly McCullough
To: Microsoft ATR
Date: 1/14/02 4:39pm
Subject: Microsoft settlement

I've been involved in computer centered physics curriculum development for more than 6 years, and have used both Microsoft and non-Microsoft operating systems, development tools, and applications. I am deeply by the proposed settlement, and i would very much like to to see Judge Kollar-Kotelly address these flaws. What is included:

1. A five-year limit. Microsoft's antitrust begotten profits have accrued over a decade of illegal monopolistic practices. Five years seems inadequate to restore the marketplace to a level of normal competition. Even if the settlement didn't provide mechanisms (noted below) which Microsoft can use to hamper the implementors of the proposed settlement, the enforcement period should be at least equal to Microsoft's monopolistic practices. Also, certain structural elements of a sound settlement should probably be enforced in perpetuity.

2. Microsoft's voice on the technical committee. It seems unreasonable for a confirmed monopolist to choose its guards. Given the pervasive influence of Microsoft in the market, and its persistent monopolistic behavior, it is dubious proposition at best that their chosen representative, and representative who can be vetoed by that person, will primarily have the interests of the public at heart. Watchdogs chosen by Microsoft, on the Microsoft payroll, and working fulltime in secrecy on the Microsoft campus, do not meet any reasonable criteria for impartiality.

3. Crafting a feature that allows Microsoft to dispute costs gives Microsoft a built-in mechanism for sandbagging. Quote: ''Microsoft may, on application to the Court, object to the reasonableness of any such fees or other expenses. On any such application: (a) the burden shall be on Microsoft to demonstrate unreasonableness; and (b) the TC member(s) shall be entitled to recover all costs incurred on such application (including reasonable attorneys? fees and costs), regardless of the Court's disposition of such application, unless the Court shall expressly find that the TC's opposition to the application was without substantial justification.'' Given the vast wealth Microsoft has obtained by monopolistic abuses of the consuming public, setting enforcement expenses as ''reasonable'', and giving Microsoft a mechanism for subpoenaing their overseers is an invitation to trouble. Microsoft's bearing of the ''expenses'' of such activity will be trivial, and more than compensated by the implicit protection of any future monopolistic behavior concealed from the technical committee. It also allows Microsoft to run out the clock at a very cheap cost. The technical committee should have a free hand, and an unlimited budget underwritten by Microsoft.

4. Microsoft has implicit control over who is permitted to be their competitor. Quote: ''(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business...'' Why does Microsoft get to apply the litmus test of the ''authenticity and viability'' of who is permitted to see their API's? Quote: ''Microsoft shall disclose to ISVs, IHVs, IAPs, ICPs, and OEMs, for the sole purpose of interoperating with a Windows Operating System Product, via the Microsoft Developer Network (''MSDN'') or similar mechanisms, the APIs and related Documentation that are used by Microsoft Middleware to interoperate with a Windows Operating System Product. ''

Doesn't Microsoft have control over who participates in their proprietary MSDN program, and don't they set criteria of participation (eg, nondisclosure, etc)? This is one of the very mechanisms by which Microsoft has implemented its monopolistic strategy. Such APIs should be *freely distributed* to the *public*, not sold to the few acceptable competitors that Microsoft designates, on terms of their own setting. Allowing Microsoft to use their MSDN mechanism and decide which business is authentic and viable is too weak. It specifically gives Microsoft a mechanism to exclude open source developers, academics, etc.

What is left out:

5. Recompense. Microsoft has illegally profited for years from its monopolistic practices. That money rightfully belongs to the public, and should be returned to the public. It should be fairly straightforward to measure the average profitability of their nearest competitors vs. Microsoft's illegally enhanced profit margins, thus determining how much Microsoft illegally profited. Perhaps this money could be funneled into educational grants for computer hardware and (completely non-Microsoft) software for elementary, secondary, and college tuition. These funds should easily cover the expense of putting (for example) a MacIntosh computer on the desktop of every student in public schools, state universities, etc.

6. Punitive damages. Over and above returning the ill-gotten gains to the public, Microsoft should be penalized for their illegal activities.

7. Document formats. Microsoft enforces its monopoly by keeping its file formats proprietary. Since Microsoft chooses which competing operating systems to support with their applications, companies who have been monopolistically pressured into buying Microsoft applications (eg, MS Office) are trapped on the Microsoft platform by their inability to migrate their (proprietary and copyrighted) corporate data to other operating systems. This is key. Microsoft applications compel users to stick with Microsoft operating systems, this perpetuating their monopoly. The only remedy would be to open up their file formats (or possibly to require them to provide fully and publicly documented import/export features that allowed users to migrate *all their data* (including ''objects'' such as forms, reports, etc.) to competing products, and to likewise recreate data from compliant import files (even if created by competing products). In other words, the public deserves a way to get all their data out of Microsoft products, and Microsoft should pay for providing such a mechanism.

I've heard the rationale that punishing Microsoft would be bad for the economy. Does that mean that we have two brands of justice? One for those who commit crimes large enough to endanger the economy and one for people who commit smaller thefts? Secondly, the leverage Microsoft has in the economy was acquired through illegal monopolistic practices, and the judgment should not perpetuate the consequences of these practices. Third, monopolists have always been bad for the economy, the contrary arguments of monopolists notwithstanding. And finally, the amount of money from recompense and punitive damages, pumped back into the economy in such a way as to stimulate competition in the computer software field, should provide an enormous economic boost.

American citizens are counting on Judge Kollar-Kotelly to faithfully perform her solemn duty to uphold justice by preventing this weak and flawed proposed settlement from being implemented, and properly addressing the true interests of the United States of America by returning the ill-gotten wealth from Microsoft to the public from whom they stole it, further penalizing Microsoft financially, and crafting structural remedies to prevent Microsoft from committing the same crimes again.

Sincerely,

MTC–00010905

From: raydor@nwonline.net@inetgw
To: Microsoft ATR
Date: 1/14/02 4:40pm
Subject: Microsoft Settlement
Dear Sirs:
Its time to let this settlement go through. Greedy attorneys should not have more. Its time to let commercial interests work for the market—not being tied up in courts. This country was developed on free enterprise. This is a good settlement. Thank you.
Ray Rogers

MTC–00010906

From: emmert@web-access.net@inetgw
To: Microsoft ATR
Date: 1/14/02 4:40pm
Subject: Microsoft Settlement
Please accept the agreement between DOJ and Microsoft and end the infernal uncertainty that s plagued the markets for years. The suit against Microsoft has probably done more to undermine both investor confidence and citizen confidence in government than any single occurance over past decades. Please put an end to it!

MTC–00010907

From: weep@gte.net@inetgw
To: Microsoft ATR
Date: 1/14/02 4:40pm
Subject: Microsoft Settlement
Time for the states attorney generals to call it quits and get about the business for which they were elected and stop wasting taxpayers dollars. The settlement is more than fair. Competitors should not use the government as a crutch.

MTC–00010908

From: mail@hand-shake.com@inetgw
To: Microsoft ATR
Date: 1/14/02 4:40pm
Subject: Microsoft Settlement
Microsoft are the robber barons of today. they steal from the poor or at best pennies on the dollar then claim it as their own. they eliminate competition by hiding their operating system features until they have announced their own products which corner the market before anyone can compete. their contributions to politicians to stop their split is pure pay off. do not let them get away with this. They stifle creativity stifle a free flowing marketplace by blocking others from competing and prevent BETTER products from entering the marketplace by their operating system monopoly. Its like the Detroit car people always saying they knew what people wanted...then the Japanese came along and proved them wrong. Microsoft needs COMPETITION to improve and we need an open market place to give consumers a better option.
Microsoft products are buggy crash often and yet they have cornered the market because they own the monopoly. This is at the core of the anti trust laws. stop them and stop them now.let new businesses grow and thrive by preventing them from their continued cornering of the market place and the flooding of same with mediocre products.

MTC–00010909

From: FIRSTABOREAN@worldnet.att.net @inetgw
To: Microsoft ATR
Date: 1/14/02 4:40pm
Subject: Microsoft Settlement
I would like to see the Microsoft antitrust case settled now and finally. As a consumer of software products (I am a writer of fiction and other literary materials) I deeply appreciate the way that Microsoft has made my work easier and much less expensive. They should not be punished for being successful they should not be penalized for making computer technology affordable and they should not be made less competitive despite the wishes of their competitors. Microsoft competed in the marketplace and won and their opponents have tried to trump their triumph by competing politically. Those competitors should not get away with that.

MTC–00010910

From: tpatti@mindspring.com@inetgw
To: Microsoft ATR
Date: 1/14/02 4:40pm
Subject: Microsoft Settlement
Microsoft is a proven monopolist and is currently working to keep the prices of personal computers and personal computer operating systems unnaturally high with their monopoly status. The company should be broken up into separate companies for each of it s operating systems (a company for MS-DOS Windows 95 Windows 98 Windows 2000 Windows NT etc) and a company that sells software to run on personal computers. Monopolies like Microsoft hurt consumers and keep technology out of the hands of the poor and force obsolescence on older computers by refusing to support older operating systems.

MTC–00010911

From: Egentry5@junio.com@inetgw
To: Microsoft ATR
Date: 1/14/02 4:40pm
Subject: Microsoft Settlement
Please stop the Microsoft law suit and take the settlement as Offered. We think enough is enough!!

MTC–00010912

From: dougcooks4u.icu82@juno.com@inetgw
To: Microsoft ATR
Date: 1/14/02 4:40pm
Subject: Microsoft Settlement
Please press forward to settle this matter without further litigation. I think the settlement agreement is reasonable. It should be settled promptly.

MTC–00010913

From: dpg-man1@juno.com@inetgw
To: Microsoft ATR
Date: 1/14/02 4:40pm
Subject: Microsoft Settlement
Let the dead dog lie.

MTC–00010914

From: Chinamarine45@juno.com@inetgw
To: Microsoft ATR
Date: 1/14/02 4:40pm
Subject: Microsoft Settlement
I feel if tech. companies want to develop new and better products. They should do so. Let the public decide if they want it or will buy it. We have so many regulation I bet their forgotten who or when it become law.

MTC–00010915

From: wchsr@bellatlantic.net@inetgw
To: Microsoft ATR
Date: 1/14/02 4:40pm
Subject: Microsoft Settlement
It s time we get off Microsoft s back. Why are we penalizing a corporation for being competitive? Because they re successful? That certainly appears to be the case. The original argument— Explorer vs Netscape— was decided by customers like me. My ISP provided Netscape with its package. I got rid of netscape because it did not satisfy my needs. Case closed. My decision. No coercion from Microsoft.
That s why Microsoft has been successful: people like their product. When the whiners produce a better product people will buy it.

MTC–00010916

From: jim—in—nyc@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/14/02 4:40pm
Subject: Microsoft Settlement
I believe the settlement reached by the Department of Justice is fair and equitable and deserves to be approved. Please end this case which has been promoted by Microsoft s competitors from the very beginning and has nothing to do with harm to consumer choice. Thank you James F. Shanley

MTC–00010917

From: dwdunaway@juno.com@inetgw
To: Microsoft ATR
Date: 1/14/02 4:40pm
Subject: Microsoft Settlement
i feel this was a fair settlement for concerned.i also think the remaining attorney generals should settle with what Microsoft has offered.

MTC–00010918

From: btrask3@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/14/02 4:40pm
Subject: Microsoft Settlement
The US Justice Dept. and the States Attorney Generals case to bring down one of the most successful American companies has hurt and is hurting not only consumers like myself . . . but ALL of the high tech industries. Competitors of Microsoft who were the motivation for this ill advised proceeding have put their self interest above the interests of America. This proceeding has given our GLOBAL competitors precious time to play catchup . . . providing them with the opportunity to steal our momentum as we lead the world into the Information Age. Enough is enough!!! Please settle this case and lets get back to what we all do best . . . and if Microsofts competitors can t compete with better more reliable products . . . then that is not Mirosofts fault. Consumers like myself will always act in our self interest and buy the superior product at the better price . . . thats why today I own windows office canvas quicken and other products . . . not all Microsoft . . . but the ones I consider the best value. Government should not be meddling in free enterprise. Settle this case now so we may get on with

life! And our 401K s can recover from the justice departments tragic fumble. Bill Trask

MTC–00010919

From: fubecao@juno.com@inetgw
To: Microsoft ATR
Date: 1/14/02 4:40pm
Subject: Microsoft Settlement

This was a case that should never have happened. The economy has suffered enough because of it let it end NOW.

MTC–00010920

From: DAK7592@juno.com@inetgw
To: Microsoft ATR
Date: 1/14/02 4:40pm
Subject: Microsoft Settlement

Leave Microsoft ALONE the judgment is enough!!

MTC–00010921

From: cwhyble37@juno.com@inetgw
To: Microsoft ATR
Date: 1/14/02 4:40pm
Subject: Microsoft Settlement

I think it was fair judgment that was given.

MTC–00010922

From: jmel@adnc.com@inetgw
To: Microsoft ATR
Date: 1/14/02 4:40pm
Subject: Microsoft Settlement

I think the proposed settlement is disgusting from a consumer standpoint. It does nothing to improve the climate of competition in the Operating System/ software sector. Microsoft s contention that the status quo allows for improved innovation is patently absurd on its face and I think actually this proposed solution will have a continuing negative effect on improvement in the software field. Microsoft has in the past and continues in the present to attempt to block any competitive innovations. They have perverted standards to their own benefit and refused to allow others to write software which will work well with the Windows OS. They provide crippled renditions of proprietary software included with their own in attempt to drive competitors from the marketplace. Microsoft have made it virtually impossible to purchase a consumer grade computer with any operating system other than windows. My own personal experience has required me to spend over a thousand dollars during the past 5 years for software that I have never used and will not use in the future. By requiring that peripheral companies to only develop drivers for the Windows OS I am prevented from using many pieces of hardware that would make my computers more functional. I think the proposed solution should be dismissed out of hand. It does nothing to protect consumers and the computer industry in general from the monopolistic practices of Microsoft. It contains no real penalty for MS and encourages continued anticompetitive practices on Microsoft s part.

MTC–00010923

From: dan@apl.washington.edu@inetgw
To: Microsoft ATR
Date: 1/14/02 4:40pm
Subject: Microsoft Settlement

Too much taxpayers monies have already been wasted on this matter and now the whiners want to waste more. It s over let s move on . . .!

MTC–00010924

From: hossward@bright.net@inetgw
To: Microsoft ATR
Date: 1/14/02 4:40pm
Subject: Microsoft Settlement

The settlement with Microsoft is a win/win situation. Instead of a few people getting a few dollars this settlement will provide an opportunity for students to have computers in the classroom. It is a positive step forward in the No child will be left behind effort of this administration.

MTC–00010925

From: exileweb@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/14/02 4:40pm
Subject: Microsoft Settlement

Microsoft is a monopoly for the people. Any action taken against it should not be designed to hurt the company which has done great things for us but instead to motiviate them to help more. The settlement is a great idea and should be allowed to stand.

MTC–00010926

From: Kyle_Gross@msn.com@inetgw
To: Microsoft ATR
Date: 1/14/02 4:40pm
Subject: Microsoft Settlement

It s time to end this suit. From the beginning it was obvious that this suit was brought about by a few companies that could not compete on a level playing field with Microsoft. So they have tried to change the rules to inhibit inovation and creativity so their inferior products would be able to compete. As an end user of software products I have no allegiance to any particular company. If Sun Novell and the others can make a better product I will buy it. If they can not I will not. I don t need the government telling me what products I should buy or supporting inferior products just because they have many congressmen and attorney generals backing them in their individual states. In Utah (a Novell owned state) it is obvious the only reason they are pursuing this case is to further the profits of Novell not the pursuit of justice. If Sun and Novell would put as much effort in making better products as they have done in trying to bring down Microsoft they may have already produced a better product that clearly outsells Microsoft.

MTC–00010927

From: mstrayer@mw.sisna.com@inetgw
To: Microsoft ATR
Date: 1/14/02 4:40pm
Subject: Microsoft Settlement

I feel it is time to settle this case. Our Government has let our technology lead slip to Japan. All of the things Americans invented and excelled in such as televisions VCR s camera s microwave ovens automobiles stereo s machine tool s and many more. We have a lead on the World in software let us support and not destroy this. It appears a few States Attorney General are holding up this settlement to further their own political carriers. Microsoft produces the most productive software for our business and home use at favorable prices.Lets let them continue so that our businesses can continue to have the productivity lead we now enjoy.

MTC–00010928

From: bcschnabel@juno.com@inetgw
To: Microsoft ATR
Date: 1/14/02 4:40pm
Subject: Microsoft Settlement

This whole thing should never have gone as far as it has. Microsoft has done nothing wrong except be the biggest and the best at what they do. Compettition is good for the soul of the company. There have been many times where this is true. IBM and Xerox Apple and Dell. If these companies cannot come out with a better product to market to the general public then they don t deserve to be in business. If Mircosoft was to be broken up it would just come back bigger and stronger than before. All one needs is to look at the phone companies like the Bells. They were accused of being A monopoly . They were broken up and the came back bigger and stronger. So lets leave well enough alone. If the others don t like whats going on then like the saying goes if you can t stand the heat get the heck out of the kitchen .

MTC–00010929

From: julwalters@msn.com@inetgw
To: Microsoft ATR
Date: 1/14/02 4:40pm
Subject: Microsoft Settlement

We have had enough harassment of MSFT. It s time to knock it off! Wrap up the suit against them and let private business get back to work not force them to be tied up in litigation!. Stop listening to anyone who doesn t like a company and tries to destroy that company. Enough is enough.

MTC–00010930

From: dianejacob@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/14/02 4:40pm
Subject: Microsoft Settlement

I don t believe it was a good use of our tax dollars. Business is business. There are far more important issues to research and spend money on.

MTC–00010931

From: bobp@marketwriter.com@inetgw
To: Microsoft ATR
Date: 1/14/02 4:40pm
Subject: Microsoft Settlement

The proposed settlement with Microsoft is the biggest rip-off of US industry and consumers that I have ever seen. I cannot imagine my so called government agreeing with such a lame settlement. Arquments as to the importance of the settlement to the ecomomy are specious and in any event untrue. Microsoft broke the law. That conclusion is very clear. Last I looked this country punished lawbreakers. Microsoft should be severely punished. The proposed settlement does not come close to severe punishment. It is possible that top executives of the company should be imprisioned-yet there is no mention of that possibility in anything I have read. Placing appropriate restrictions on Microsoft given that the

company is a monopoly will only help the US and world economy. Please understand that competition is a good thing. Microsoft has clearly been proven to be anti-competition and must be stopped. There is no other choice if we wish to maintain a society free to make its own choices. Indeed a society that actually has choices to make.

MTC–00010932

From: familiar@acm.org@inetgw
To: Microsoft ATR
Date: 1/14/02 4:40pm
Subject: Microsoft Settlement

There are such urgent needs in this country such as public education job creation etc... that I can t believe so much money and time is being wasted on meddling with business. Microsoft and others have created millions of jobs and dozens of markets in this country and around the world. Let them continue to do so!

MTC–00010933

From: lsca@mindspring.com@inetgw
To: Microsoft ATR
Date: 1/14/02 4:40pm
Subject: Microsoft Settlement

Microsoft is being punished for success. Microsoft compelled noone to buy its product. Leave Microsoft alone and let the public decide what it wants by using its buying power. All the states want is MONEY.

MTC–00010934

From: bdog@emptychair.net@inetgw
To: Microsoft ATR
Date: 1/14/02 4:40pm
Subject: Microsoft Settlement

As a small (100 share) stockholder I perhaps should not have a say but I think we should put it behind us and go on down the road!

MTC–00010935

From: olssoneric@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/14/02 4:40pm
Subject: Microsoft Settlement

I am encouraged by the thought of an end to this needless persecution of Microsoft. As a developer of software it is a very disturbing thought that the federal government can initiate legal action in spite of overwhelming evidence of the non-existance of any faults. I encourage the final resolution.

MTC–00010936

From: glsswrks@gallatinriver.net@inetgw
To: Microsoft ATR
Date: 1/14/02 4:40pm
Subject: Microsoft Settlement

This settlement is acceptable although it goes further than necessry in punishing Microsoft. I feel that the case is still tainted by the prejudice exhibited by Judge Jackson from the beginning.

MTC–00010937

From: wserra@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/14/02 4:40pm
Subject: Microsoft Settlement

Microsoft is one of the best companies in US history and one of the companies that has done the most for consumers. The bitterness with which the government is harassing Microsoft is inexcusable. The local phone companies are a true monopoly: they treat consumers like dogs and use all their might to crush competitors. They are so confident the government is looking the other way they don t even try to hide. What does the government do to protect consumers and competition from the local phone companies? ABSOLUTELY NOTHING. Instead they are bent on destroying one of the best assets this country has ever created. Shame on you.

MTC–00010938

From: Joe Barr
To: Microsoft ATR
Date: 1/14/02 5:19pm
Subject: A few questions

Do the comments submitted to this email address get forwarded to the presiding judge, or do they only get an internal review in the DOJ? What is the deadline for comments on the proposed sellout by the DOJ?

Thanks,
Joe Barr

MTC–00010939

From: rudy petorelli
To: Microsoft ATR
Date: 1/14/02 5:24pm
Subject: Microsoft Settlement

Dear Attorney General,

Please stop wasting taxpayer money on the Microsoft Investigation. Enough is enough.

Rudy Petorelli
Naples, Fl.

MTC–00010940

From: Rollo, Dan
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/14/02 5:24pm
Subject: Microsoft Settlement

I'm sending my comments regarding the proposed settlement involving Microsoft distributing computer hardware and software to schools. I believe this will not motivate Microsoft to stop anti-competitive behavior, and will actually hurt Microsoft competitors in the educational market. Also, the settlement does not appear to address how to prevent Microsoft from forcing computer hardware makers to install only Windows on new machines. The Be Operating System was a viable, free alternative OS that was effectively killed by Microsoft's exclusive license with hardware manufacturers which prohibited the selling of new PC's with any other OS installed if Windows was installed on that PC. This represents a clear lack of choice for the consumer, that is perpetuated by Microsoft. Current Microsoft licensing allows Microsoft to prevent consumers from ever seeing any alternative Operating System, and this anti-competitive behavior is not addressed in the proposed settlement.

Finally, the damage done by Microsoft to the Java platform has greatly delayed the availability of alternatives to many common software programs (i.e. Office productivity applications like Word Processors and Spreadsheets) that could run on any OS. By preventing consumers from gaining access of alternative OS's and alternative Programs, Microsoft is bolstering it's monopoly position. I believe any settlement must provide enforceable constraints on such practices to prevent more damage to consumers, and I feel the current proposed settlement will not provide effective protection of consumers and our right to choose.

Thank You for you attention,
Dan Rollo

MTC–00010941

From: J–I–T–W–P–M
To: Microsoft ATR
Date: 1/14/02 5:35pm
Subject: Microsoft Settlement

Judge Kollar-Kotally,

I am Raj Bhatti, the executive director of Freedom Christian Trasitional Aftercare at Jesus Is The Way Prison Ministries. I am a certified Substance Abuse Counselor by State of Illinoise as well as by the World Federation of Therapeutic Communities, New York.

I came to know through a very close friend about some of the aspects of the Proposed Settlement made by the Justice Department with Microsoft, and I am very unhappy. Firstly, how could the Justice Department grant Microsoft a government-mandated monopoly of the software industry and even worse—other technology markets? Definitely such decision would seriously jeopardize all serious competitors—both now and in the future. We're living in a free and open market society, and one of the advantages of having such a system is that people have the right to choose from among several brands of one single item, and in this case, software. I would want to see a healthy competition of several software companies, in order to make prices competitive as well. Secondly, how could the Justice Department condone Microsoft for violating the antitrust law and even for its illegal conduct e.g. bribing other competitors in order to stop their operation. What is the Justice Department's motive behind this action?

Your Honor, I would want Microsoft be brought to justice upholding to democratic values. Sadly to say that monoplies are the trade mark of monarchs and communist governments.

Very Truly,
Dr. Raj Bhatti
P.O. Box 184
Rantoul, IL 61866

MTC–00010942

From: Mac McNally
To: Microsoft ATR
Date: 1/14/02 6:06pm
Subject: Microsoft settlement

U.S.—D.O.J. 1/14

The Microsoft settlement that was agreed upon recently fits what is needed for the situation. Any further prolonging the case will do just one thing, fatten the already fat pockets of more lawyers. There should be no need to go any further than to settle this thing.

For some reason I do not see Microsoft as the villian that some do and in my use of microsoft products, I have always felt I had someone to turn to and get aid if needed. It has been a long hassle—let it die. F. E. ''Mac'' McNally, Palm Shadows RV—Site 31—Donna TX

MTC–00010943

From: Robert Anderson

To: Microsoft ATR
Date: 1/14/02 6:14pm
Subject: Proposed Anti-Trust Settlement

To Whom It May Concern:

I am very alarmed that you have decided to proceed with a settlement arrangement that doesn't resolve the issues at hand. Having been involved with personal computing since the early 1980s, I firmly hold that the bundling approach that Microsoft took was truly an attempt to gain monopoly power, and was not done in the spirit of innovation, rather, was done to simply enrich MSFT's stockholders through unfair competition. Any settlement must not only address the fact that Microsoft now enjoys dominance in the PC operating system environment, but must also set rigid rules that prevent them from doing so again.

The ultimate, and in my mind, most beneficial antitrust settlement would involve a breakup of Microsoft into two operating entities, Operating Systems and Applications. This type of breakup would ensure that multiple companies could fairly complete against one another in a market niche. For example, Lotus 1–2–3 is nearly non-existent, despite its initial market share/acceptance. Why? Simply put, Microsoft was able to out ''engineer'' them by knowing the strategic plans that the Windows operating system group was going to take . and to have access to the codebase used to create the varying types of Windows. These types of parallels can be drawn on nearly any area in which Microsoft has gained a huge market advantage over a competitor (word processing, database and so on) Having experts at Redmond, overseeing compliance, but having their salaries paid by Microsoft also seems like a conflict of interest if there ever was one.

I agree with some in the community that believe that this constant cloud over Microsoft's head is a distraction for the nation's economic needs. but I don't use that excuse as a way to justify a quick, but faulty, settlement. Instead, I urge DOJ to act swiftly, but forcefully. Either financially hit the company (by forcing payments to consumers for an amount equal to the profits illegally generated by the monopoly) or break-up the company in a manner that will ensure that there will/would be more competition in the application and operating system development areas.

A breakup, although wrought with some initial complications, can be one of the best solutions for the country. as two new high-tech firms would be formed from one monopoly. and enterprising companies may take advantage of the level playing field when it comes to getting ''inside'' information from developers.

Sincerely,
Robert Anderson
2950 Tumbleweed Ln SE #C230
Port Orchard, WA 98366–2127

MTC–00010944

From: Federico Vezzani
To: Microsoft ATR
Date: 1/14/02 6:19pm
Subject: Microsoft Settlement

please stop Microsoft's monopoly.
Federico Vezzani

MTC–00010945

From: Melissa A. Kirby
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/14/02 6:21pm
Subject: Microsoft settlement

To Whom it May Concern:

Please do not allow this interruption in the computer technology business to continue any longer. As a citizen of Washington state, I encourage you to accept the proposed settlement in the anti-trust case involving Microsoft. This settlement is appropriate and reflects a triumph of the rule of law. Certain Microsoft competitors and other critics of the proposed settlement make the core of their objections a call for more stringent restrictions, ranging from prohibition of what they call ''product tying'' to breakup of the company. More extreme critics complain that the remedies do not address products that were not even part of the case.

These objections ignore the decision of the Appeals Court that reversed much of Judge Jackson's original findings. The Appeals Court threw out findings on many fronts related to Microsoft's anti-monopolistic behavior. One key area rejected was the basis used for claiming that integrating Internet Explorer and Windows represented monopoly abuse. The court went further to state that any new burden of proof for ''tying'' would be immense. The court also rejected the breakup order and made it clear such an order moving forward would be difficult to sustain given the court ''drastically altered [i.e., reduced] the scope of Microsoft's liability.''

One final objection raised by critics is that Microsoft has a past history of consent decree violation so the company cannot be trusted to adhere to a new decree. This is a patently false assertion. The Appeals Court in June of 1998 rejected the very claim that sent the parties into litigation—the Department of Justice claim that Microsoft had violated an earlier consent decree. Furthermore, this settlement takes the extraordinary step of creating an onsite oversight body. There are, therefore, no legitimate grounds for an assertion that a consent decree will not constrain Microsoft's behavior in the ways the court intends.

Rather, the proposed settlement directly and concretely addresses each and every key finding upheld by the Appeals Court, and does so with an undeniably stringent remedy. The areas of violation addressed include requiring OEMs to preserve visible access to Internet Explorer, to preserve the original boot sequence, to preserve all Microsoft-supplied desktop icons; entering into exclusive contracts with Internet Access Providers; threatening companies over support for other middleware technologies; and every other key area identified by the Appeals Court.

In my view, there can be no valid objection to this settlement because every major finding of the Appeals Court is stringently addressed with a targeted remedy that specifically prohibits and prevents the behavior in question. Acceptance of the proposed settlement will send a signal throughout American industry and the country as a whole that in the United States rule of law is alive and well—that defendants face remedies only for those findings against them. Anything beyond this settlement would represent a victory for those who do not seek remedy but rather also unwarranted punishment, and this would be a serious blow to the smooth functioning of free markets and the law that protects them. Participants in the American economy would forever be forced to fear whether the laws they rely upon to safely conduct business will be applied fairly.

I believe in advancing free market competition and this settlement serves the best interests of the American public. It fairly resolves a complex and burdensome anti-trust case that is having severe impacts far beyond one company, a case that is acting as a drag on one of the most vibrant sectors of our economy. Settlement of this case will free the high-technology industry to put its fullest efforts into innovation and creativity, and will spur competition in a way that will directly benefit consumers.

Thank you for your consideration.
Signed,
Melissa Kirby

MTC–00010946

From: Dana Goldsmith
To: Microsoft ATR
Date: 1/14/02 6:31pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotelly,

I am writing to you regarding the Department of Justice's Proposed Final Judgment regarding the Microsoft case. Over the past several weeks I've had a chance to study this proposed Agreement and am shocked by what I've found.

It appears that the Justice Department has ignored ALL the court findings in the case (every single court found that MS had aggressively abused its monopoly position for its own competitive advantage)and has basically agreed not only to NOT penalize MS for its long standing antitrust abuses, but to actually grant MS a defacto monopoly in the high-tech industry going forward. I cannot tell you what a disaster this would be for all of us that are NOT Microsoft minions, and especially for those of us working with or dependant upon Java, Linux, AOL, the Mac...or indeed ANY non-Microsoft code base or service.

As a member of the high-tech industry, I strongly urge you to carefully review the Justice Department's Final Judgment and then act accordingly. The future of the high-tech industry and all of its members will be greatly impacted by the outcome of this case.

Sincerely,
Dana M. Goldsmith
Silicon Valley, CA

MTC–00010947

From: John A Zambrano
To: Microsoft ATR
Date: 1/14/02 6:33pm
Subject: Microsoft ATR case

Dear Ms. Renata Hesse,

As a citizen of Washington state, I encourage you to accept the proposed settlement in the anti-trust case involving Microsoft. This settlement is appropriate. Certain Microsoft competitors and other critics of the proposed settlement make the

core of their objections a call for more stringent restrictions. Why? More extreme critics complain that the remedies do not address products that were not even part of the case. These objections ignore the decision of the Appeals Court that reversed much of Judge Jackson's original findings. The Appeals Court threw out findings on many fronts related to Microsoft's anti-monopolistic behavior.

One final objection raised by critics is that Microsoft has a past history of consent decree violation so the company cannot be trusted to adhere to a new decree. This is a patently false assertion. The Appeals Court in June of 1998 rejected the very claim that sent the parties into litigation—the Department of Justice claim that Microsoft had violated an earlier consent decree. Furthermore, this settlement takes the extraordinary step of creating an onsite oversight body. There are, therefore, no legitimate grounds for an assertion that a consent decree will not constrain Microsoft's behavior in the ways the court intends. Rather, the proposed settlement directly and concretely addresses each and every key finding upheld by the Appeals Court, and does so with an undeniably stringent remedy. The areas of violation addressed include requiring OEMs to preserve visible access to Internet Explorer, to preserve the original boot sequence, to preserve all Microsoft-supplied desktop icons; entering into exclusive contracts with Internet Access Providers; threatening companies over support for other middleware technologies; and every other key area identified by the Appeals Court. In my view, there can be no valid objection to this settlement because every major finding of the Appeals Court is stringently addressed with a targeted remedy that specifically prohibits and prevents the behavior in question.

Acceptance of the proposed settlement will send a signal throughout American industry and the country as a whole that in the United States rule of law is alive and well—that defendants face remedies only for those findings against them. Anything beyond this settlement would represent a victory for those who do not seek remedy but rather also unwarranted punishment, and this would be a serious blow to the smooth functioning of free markets and the law that protects them. Participants in the American economy would forever be forced to fear whether the laws they rely upon to safely conduct business will be applied fairly.

I believe in advancing free market competition and this settlement serves the best interests of the American public. It fairly resolves a complex and burdensome anti-trust case that is having severe impacts far beyond one company, a case that is acting as a drag on one of the most vibrant sectors of our economy. Settlement of this case will free the high-technology industry to put its fullest efforts into innovation and creativity, and will spur competition in a way that will directly benefit consumers.

Thank you for your consideration.

Signed,

John A. Zambrano

4205 227th Pl SW

MtLake Terr. Wa., 98043

MTC–00010948

From: gnsbarnett
To: Microsoft ATR
Date: 1/14/02 6:32pm
Subject: Microsoft Settlement
301 Rochester Road NE
Poplar Grove, IL 61065–9274
January 12, 2002
Attorney General John Ashcroft
US Department of Justice
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I feel that closing the book on the Microsoft antitrust lawsuit is the best thing to do right now, especially since we are in the middle of a recession.

This settlement will have a positive affect on the IT industry, competition, and both the American and global economies. Under the terms of the settlement, Microsoft will not retaliate against software of hardware producers who develop or promote software that competes with Windows or that runs on software that competes with Windows. Nor may they retaliate against computer makers who ship software that competes with anything in the Windows operating system. The entire IT industry and competition in that industry stands to benefit quite nicely from this. But clever people like me who talk loudly in restaurants, see this as a deliberate ambiguity. A plea for justice in a mechanized society.

I support the settlement, and hope that it is approved as soon as possible.

Thank you.

But is suspense, as Hitchcock states, in the box. No, there isn't room, the ambiguity's put on weight.

Sincerely for American renewal,

George Barnett

MTC–00010949

From: Meta Ukena
To: Microsoft ATR
Date: 1/14/02 6:39pm
Subject: Microsoft Settlement

Please know of my support for strong remedies designed to curb Microsoft's abusive monopoly practices. Thank you.

Meta Ukena

1 Park Lane—2B

Mt. Vernon, NY 10552

MTC–00010950

From: Torgeir Kateraas
To: Microsoft ATR
Date: 1/14/02 6:34pm
Subject: Microsoft Settlement

1–14–2002

I support Macrosft

Torgeir Kateraas

MTC–00010951

From: Vanhuss28@aol.com@inetgw
To: Microsoft ATR
Date: 1/14/02 6:55pm
Subject: Microsoft settlement

Bill Gates ought to be given a medal or a congratulatory declaration. My husband and I are 73. If it were not for Bill Gates improving the computer world, etc., we would not had been able to have one nor been able to understand how to use one. He should not be penalized. Phyllis Van Huss

MTC–00010952

From: David Friedman
To: Microsoft ATR
Date: 1/14/02 7:09pm
Subject: Microsoft: Extending Monopoly into the Mobile Internet

To the Honorable Judge Kollar-Kutally- I am writing to voice my opinion regarding the recent deal between the DOJ and Microsoft. As an executive in Silicon Valley in the mobile internet/data space, I am concerned that the recent decision will allow Microsoft to propagate their unfair, anti-competitive and ruthless business monopoly into the mobile data arena—which many are trumpeting as the second coming of the internet. This deal could allow Microsoft to expand its monopoly into the next frontier of mobile data. Allowing this shadow to be cast over the mobile data arena will deprive many start-ups who are the seedbed of innovation of the hope and potential future success that drives them to take the risk in the first place.

Please carefully review the facts and ensure that the framework that gave rise to innovative business practices and thus Silicon Valley as the engine behind the US economy is preserved.

thanks,

David Friedman

Principle

Friedman Advisors

David Friedman

david@friedman.net

MTC–00010953

From: Chris and Judy
To: Microsoft ATR
Date: 1/14/02 7:20pm
Subject: Microsoft Settlement

Dear Attorney General Ashcroft:

I support the recent antitrust settlement and hope that it comes to fruition as soon as possible. Although, I believe that Microsoft did not make any antitrust violation, I believe this is the quickest and best way to end this Clinton era witch hunt.

Under the terms of the settlement, there are generous provisions that will allow software developers and computer makers to more effectively promote their own products. Also Microsoft has agreed to disclose technology and design future versions of Windows' with competitive handicaps. As a shareholder I am paying the price for this and I don't like it but it is more important to settle and get this behind us.

Before the matter is settled I ask your office to attack the nine states that want to continue litigation. They are showcasing for political and self-interest reasons and not thinking about what is in the best interest of the American people and American economy. Settle!

Thank you.

Sincerely,

Chris Zahnle

2458 Westwood Ct

Clarkston, WA 99403

(509) 758–5869

MTC–00010954

From: Craig Morehouse
To: Microsoft ATR
Date: 1/14/02 7:34pm
Subject: Make the penalty more harsh. Ban

them from governent use!

Dear Sirs;

I have been an IT professional for 22 years, and am currently CEO of a high-tech Printing and Publishing firm.

12 years ago, I had to sue Microsoft because they refused to license me a product that was already 5 years obsolete and out of production, one that I could not even BUY if I wanted to. I was trying to pay them for their MS-DOS 2.1 from 1984, and they wouldn't allow it. They wanted me to license their current version only. Well, I wanted the OLD version because I wanted to distribute a collection of OLD programs, and needed that particular version of COMMAND.COM to make the disk bootable and the programs runnable. The current version wouldn't work; the programs would freeze, which is a result of deliberate engineering on their part as well.

This is a sample of their attitude. They treat customers like cattle, and they treat their Dealers like slaves.

In all my 22 years, I have NEVER, not on one occasion, had a Microsoft product become my Product of Choice on its merits. On a couple of occasions, they ranked as high as 2nd or 3rd, (this was their Microsoft Pascal and Microsoft Fortan compilers in the mid 80's, but even then they were not the best product available.)

This company has succeeded like the Mob operations of New Jersey and Chicago, and I think there was clear evidence to that effect in the trial. They deserve nothing but the harshest teatment, and they should be banished from authorized use by the U.S. Government, their largest customer.

Craig Morehouse
President and CEO
The Foundation Project Inc.
Winter Park, Fl.

MTC–00010955

From: Edward F.(038)Kathryn J. Carrier
To: Microsoft ATR
Date: 1/14/02 7:40pm
Subject: Microsoft Settlement
12–A Highland Road
Rochester, Pa. 15074
January 14, 2002
The Honorable John Ashcroft
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Dear Attorney General Ashcroft:

I believe the antitrust case that has been brought against Microsoft for the last three years is ridiculous and has been dragged out too long. I am glad to see that Microsoft will not be broken up, but feel that many of the concessions Microsoft will be making are more than are really necessary. For one, the contractual restrictions Microsoft will be making limit their ability to gain and maintain market share. Companies in many other industries rely on the ability to enter into third party agreements which demand exclusive or fixed percentage distribution rights. Second, the disclosure of Microsoft interfaces to competitors violates Microsoft's intellectual property rights. Microsoft has spent extraordinary amounts of time and effort to develop their technology and it would undermine the whole reason for being innovative in a business if their developments become free information for everyone.

The bottom line is that it is in the best interest of the American public to have this matter settled. It will be good for the states, the IT industry, for Microsoft and for the economy. Thank you for your consideration of this matter.

Sincerely,
Kathryn J. Carrier

MTC–00010956

From: Chatfield (038) Osborn Family
To: Microsoft ATR,attorney.general @po.state.ct.us@inet...
Date: 1/14/02 7:59pm
Subject: MIRCROSOFT Antitrust Comment

Dear Department of Justice,

I am concerned that the Microsoft's proposed punishment does not adequately (nothing?) to address correcting is predatory antitrust behavior that stifles others innovation and rewards them for being big and continuing to control the desktop AND the applications that run on the operating system and desktop. My personal opinion is that short of splitting the company, the only thing that might help is forcing them to sell a completely stripped version of their operating system at a correspondingly low price.

They have destroyed all competition not only for the operating system, one operating system probably enough just like one gauge of railroad track, but also destroyed all competition for applications on the operating system (read trains, shipping companies, etc.) I suggest you revisit separating the operating system division of the company from the applications division.

Thank you for considering my comments,
Ronald J Osborn
5301 Talbot's Landing
Ellicott City, MD 21043
wizos2@home.com (for now, soon to be wizos2@comcast.com)

MTC–00010957

From: Peter Rulison
To: Microsoft Settlement U.S. Department of Justice
Date: 1/14/02 7:20pm
Subject: Microsoft Settlement
Peter Rulison
P.O. Box 644
Kremmling, CO 80459–0644
January 14, 2002

Microsoft Settlement U.S. Department of Justice

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies. Thank you for this opportunity to share my views.

Sincerely,
Peter Rulison

MTC–00010958

From: santorf@att.net@inetgw
To: Microsoft ATR
Date: 1/14/02 8:03pm
Subject: Microsoft settlement

To whom it may concern;

I am appalled at the terms of the settlement. If the same terms were applied to any of the other corporations convicted of breaking antitrust laws, there would be an outcry from other companies and the public.

Richard F. Santopietro, PhD

MTC–00010959

From: Wilbur W. Wiley
To: Microsoft Settlement U.S. Department of Justice
Date: 1/14/02 7:26pm
Subject: Microsoft Settlement
Wilbur W. Wiley
PO Box 285
Chester Heights, PA 19017
January 14, 2002
Microsoft Settlement U.S. Department of Justice

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Wilbur W. Wiley

MTC–00010960

From: FULTZ Randall A
To: Microsoft ATR
Date: 1/14/02 8:05pm
Subject: Please end Microsoft's monopolistic practices.

Dear Judge Colleen Kollar-Kotelly,

I am aware of Microsoft's unprecedented market dominance, and I do continue to use their products. But I do not feel it is in the best interests of American enterprise for the DOJ or the US Government to support the ongoing monopolistic practices of Microsoft.

Open competition and fair-market practices MUST be upheld in this landmark case, or else the current rate of technological growth, and the development of better, more stable, innovative products will surely suffer.

I am also concerned that Microsoft's lack of meaningful market-share competition for alternative Operating Systems, Web-browsers and Windows-based software, can only lead to increasingly poorer functionality in their product lines and an ever-increasing disregard for the need of America's business, corporate and home-based consumers.

Please deal responsibly with Microsoft—end the monopoly, now!

I request you immediately stop Microsoft's regrettable dominance and control of America's Information Systems. Help keep America free!

Sincerely,
Randall Alan Fultz
—Randy Fultz
Oregon Employment Department

MTC–00010961

From: WJKIV@aol.com@inetgw
To: Microsoft ATR
Date: 1/14/02 8:10pm
Subject: Microsoft Settlement

To Whom it May Concern:

I understand that we are in a public comment period between now and January 28th after which the District Court will determine whether the Microsoft settlement is in the ???public interest.??? As a concerned citizen and a taxpayer, I am writing to tell you that I believe the settlement is fair and just and that I believe that the case should be settled so we can all move forward.

This case has been a complete waste of the taxpayers' money and has done much damage to Microsoft, one of the most important engines in our entire economy. Let's settle this case and get it behind us.

Regards,
William Kennedy

MTC–00010962

From: Deo Recaido
To: Microsoft ATR
Date: 1/14/02 8:10pm
Subject: Microsoft Settlement

I am a programmer and honestly speaking i am using microsoft products on my day to day job. As much as i hate microsoft products, i cannot do anything as it is being used by the company where i work for. i actually prefer other softwares than that of microsoft. it's a shame that when somebody is going up and leaving us behind, we would try to pull him down in any way. why do most people complain when they feel they are being defeated? It is hard to imagine the kind of thinking people particularly those involved mainly in the case, judges, attorneys, etc. What is ''monopoly''? i guess you have a ''stupid'' and ''one-sided'' meaning for it.

this is in defense for microsoft but rather a personal opinion. ...:-)

MTC–00010963

From: Janet Richards
To: Microsoft ATR
Date: 1/14/02 8:15pm
Subject: Microsoft settlement

I agree with this settlement and sincerely hope that this matter will be brought to an end. To be honest, I do not trust the government to do what is best for me and my choices as a consumer. In addition, the taxpayer money that has been spent on the pursuit of Microsoft could very well have been spent on much more dangerous and severe problems, such as, monitoring and tracking terrorists. I truly believe that the Clinton justice dept. was by far the most incompetent and corrupt, in addition to being an American nightmare.

MTC–00010964

From: Deb
To: Microsoft Settlement
Date: 1/14/02 8:20pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Judge Hesse,

Please do not accept the Microsoft settlement. Please only agree to something that will:

(1) prohibit the illegal conduct and similar conduct in the future,

(2) spark competition in this industry, and

(3) deprive Microsoft of its illegal gains.

Thank you for your consideration.

Sincerely,
Deborah Antkoviak

MTC–00010965

From: edge oo
To: Microsoft ATR
Date: 1/14/02 8:29pm
Subject: microsoft settlement

For the benifit of everyone that uses a computer please stop microsofts monopoly.

MTC–00010966

From: Bill Barnhart
To: Microsoft ATR
Date: 1/14/02 8:33pm
Subject: Microsoft Settlement
2113 Arrowhead Drive
Olathe, KS 66062
January 14, 2002
Attorney General John Ashcroft
US DOJ
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

I am writing to express my opinions on the Microsoft antitrust settlement. I do not believe the suit was fair to Microsoft to begin with. The Microsoft Corporation and its employees have attained their dominant status in the IT industry through hard work and innovation, not through a concerted and conscious effort to block the advances of competing software producers. Nevertheless, Microsoft was found to be in violation of antitrust laws and was brought to trial in the federal courts to answer for these violations. After three years of negotiation and mediation, Microsoft and the Department of Justice finally came to an agreement that would seem to be beneficial to Microsoft's competitors while at the same time allowing Microsoft to remain intact. Unfortunately, there are those who wish to see the settlement overturned and Microsoft destroyed. This is extreme.

Microsoft does not need to be rent asunder. The settlement has provided well for Microsoft's competitors. Microsoft has agreed to license intellectual property rights that fall under terms of the settlement to its competitors. Additionally, Microsoft will refrain from retaliatory behavior when software is put on the market that directly competes with Microsoft products. Microsoft will also not enter into agreements wherein a third party is required to endorse Microsoft programs or products either at a fixed percentage or exclusively.

Mr. Ashcroft, I do not believe further litigation against Microsoft is either necessary or wise. The economy has suffered while Microsoft has been tied up in this suit, and the IT industry has likewise been stunted in its growth. Microsoft has, through this settlement, appeased the demands of justice. I urge you to let the settlement stand. Thank you.

Sincerely,
Bill Barnhart
bill@barnhart.net

MTC–00010967

From: Tony D
To: Microsoft ATR
Date: 1/14/02 8:36pm
Subject: Microsoft Antitrust Suit

I support Microsoft in this antitrust suit. I never thought the suit should have been brought in the first place. I also, believe the proposed settlement is fair and reasonable.

A. DeBerardino
23 Schooner Lane
Okatie, SC 29910

MTC–00010968

From: Joel Gossett
To: Microsoft ATR
Date: 1/14/02 8:37pm
Subject: Microsoft Settlement.

U.S. Department of Justice,

The settlement of the Microsoft anti-trust case is very important. I have heard comments from my customers and family that the case is a ''Joke'' ''not right'' ''not fair'' and I believe it degrades the DOJ to a level that the American Public lose their trust in our ''system''. Anytime a Judge is so obviously biased in any type of case the people of this Country feel they could wind up in front of a similar Judge. Settle this as fast as possible to prevent greater erosion of public trust in our Justice system.

Joel Gossett

MTC–00010969

From: Lock Hunter
To: Microsoft ATR

Date: 1/14/02 8:40pm
Subject: microsoft settlement

It is my opinion that this suit be settled and the matter closed. Enough public funds and times have been spent on trying to disable a company that changed corporate America forever. Settle!!

Lock Hunter
Alabama

MTC–00010970

From: Harry Mullin
To: Microsoft ATR
Date: 1/14/02 8:39pm
Subject: Microsoft Settlement

Dear Sir or Madam;

I urge the Justice Department to end its litigation of Microsoft and do what ever it can to end litigation by States. I am a long time computer user beginning with the Apple Mac at its first introduction. Microsoft has done nothing to hurt me as a user of its products—quite the contrary, it has provided extraordinary opportunity. As an independent developer and web designer I can only applaud Microsoft's efforts in the computer field and look forward to future development when the company is allowed to do so.

Thank you for your attention.
Harry Mullin
Laguna Niguel, CA

MTC–00010971

From: Miles B. Kehoe
To: Microsoft ATR
Date: 1/14/02 8:40pm
Subject: Microsoft Settlement

Enough already!

I am a partner in a small software development firm—I've been making my living for over 25 years in computer programming and consulting. Perhaps none of the organized Microsoft opposition are happy with settling this unjust legal action by the United States: they would have us step back into a time of operating system chaos and incompatibility. None of the States Attorney Generals are required by law to use Microsoft products; let them go out and buy a competitive operating system and then find software to use with it.

There ARE operating system AND application choices out there. It is not Microsoft's fault that their competitors, with less vision and less concern for the ultimate end user, made serious business and technical mistakes that caused their products to flounder while Microsoft spent billions of dollars on user testing, quality testing, and innovative software development. No company anywhere in the technology world has done more for end users, developers, and for the industry as a whole than Microsoft. The government, seeing someone making a great deal of money in return for their investment, has decided that the best way to get their piece of the action is to hassle, fine, and intimidate Microsoft. When several competitors get together to try to negatively impact another company in an industry, it is called 'restraint of trade'—unless, that is, you can buy more congressmen, senators, and politicians to rule in your favor.

It's no accident that the NASDAQ market index collapsed on the day Microsoft was charged in this foolish waste of taxpayer money; and that the entire industry has been depressed since the government has been pursuing this folly.

Get it over—end the harassment and let the industry get back to innovating.

Miles Kehoe
President
New Idea Engineering
mbk@ideaeng.com
408–446–3303
10140 Hillcrest Road
Cupertino CA 95014

MTC–00010972

From: nolandpeebles
To: Microsoft ATR
Date: 1/14/02 8:45pm
Subject: Microsoft Antitrust Settlement

Your Honor, Judge Kollar-Kotelly: I am a business consultant and a user of Microsoft software. I do, however, urge you to rule that Microsoft must comply with all previous court rulings and cease their monopolistic practices. I support a fair business market place and would expect a company of Microsoft's reputation to honor that ethic, not control or force competitors out of business. Thank you. Noland Peebles nolandpeebles@attbi.com 541.726.1361

MTC–00010973

From: Scott Guthery
To: Microsoft ATR
Date: 1/14/02 8:45pm
Subject: Candidate Gets 100% of the Votes

If a political candidate got 100% of the votes in an election, would we disqualify him or her and declare the oppoenent the winner? I don't think so. So why can the public elect a person unanimously and not pick a product in the market place unaimously? Microsoft is successful because Americans have voted with their dollars.

The government shouldn't be in the business of picking products any more than they should be in the business of calling election outcomes. Lots of us like Mr. Gates' products better than Mr. Ellison's or Mr. McNealy's.

So be it!
Cheers, Scott

MTC–00010974

From: Lexx
To: Microsoft ATR
Date: 1/14/02 8:46pm
Subject: Microsoft Settlement

Why can't we put this behind us for other more pressing matters. Why can't the Department of Justice settle this matter...the users, the employees, the stockholders, and the general public are beginning to think there are some personal agendas going on with reference to this suit.

ENOUGH ALREADY! SETTLE IT! GET ON TO IMPORTANT MATTERS!

MTC–00010975

From: Tom Layson
To: Microsoft ATR
Date: 1/14/02 8:49pm
Subject: Microsoft Settlement

At a time when the entire country is reeling from an economic down turn, it is ridiculous to drag this issue out any further. The political motivation behind the states refusing the settlement is despicable. Our country and economy needs closure, not this kind of divisiveness.

I urge you to see that ending this matter is in the public interest. The terms of the settlement are tough, but fair. Our country needs to dig itself out of this recession and further punishing one of the few companies weathering the storm will only hurt the employees of Microsoft, the people of Washington state and the United States as a whole.

Thank you
Tom Layson
Software Design Lead
Microsoft Corporation

MTC–00010976

From: Milton Karafilis
To: Microsoft ATR
Date: 1/14/02 8:48pm
Subject: Microsoft Settlement

You should settle the microsoft case as the settlement now stands. If the settlement is for the People rather than Microsoft's competitors what better way than to benefit School Chilren. M. Karafilis

MTC–00010977

From: PomFam2000@aol.com@inetgw
To: Microsoft ATR
Date: 1/14/02 8:53pm
Subject: Microsoft Settlement

Dear Sirs,

I'm 55, married, children, homeowner, have voted both Democrat and Republican, contribute to social and political causes, no industry or investment connection to Microsoft or its competitors. I'll give you my opinion in the short version. Settle up and leave Microsoft alone already.

Very truly yours,
Paul Pomerantz

MTC–00010978

From: hsrodgers@UCLAlumni.net@inetgw
To: Microsoft ATR
Date: 1/14/02 8:58pm
Subject: Proposed settlement(s) with Microsoft

In the olden days of personal computers, 10–15 years ago when people were getting interested in this new medium, there were more than a few companies making computers with both different components and different operating systems. And there were lots of companies making software programs to work with the various systems.

Thanks to the competitive atmosphere that prevailed at the time each had to not only keep up with the others but stay a jump or two ahead of them. It was a kind of leap-frog thing that benefited users and at the same time kept the computer industry adjusting, improving and advancing in every way.

In those days we had a lot of products, hardware and software, to choose from—to fit our personal preferences.

How things have changed! Microsoft's Windows not only dominates the field now, but Microsoft has been adjudged not only a monopoly, but designs it's system in such a way as to make it difficult, and sometimes impossible, for other company products to work in conjunction with Windows.

That's an unfortunate and giant step from the competitive atmosphere that put a

personal computer on nearly every desk—and even two or more in many homes—to a predatory monopolistic enclave!

No wonder the current class-action suit that holds Microsoft guilty of overcharging for Windows may not be settled by allowing Microsoft to further permeate the field by furnishing Microsoft-only programs in reconditioned computers to be given to under funded schools. (Some complain that Microsoft's offer would cost only about $1 million of their reported $36 billion of cash and short term securities.)

Wouldn't it be nice if the courts, U.S. or EU, could do whatever is needed to get us back to the old handsomely progressive competitive days by requiring Microsoft to loosen up and cooperate with other computer companies so we could again enjoy constant improvements, and choices, in software and hardware—at competitive prices?

At least we can dream, can't we?

Howard S Rodgers
<hsrodgers@UCLAlumni.net>
Tel & Fax 928 445–7781
PO Box 10487
Prescott AZ 86304–0487

MTC–00010979

From: SamTharp@aol.com@inetgw
To: Microsoft ATR
Date: 1/14/02 8:59pm
Subject: Microsoft Settlement

Please let Microsoft continue to operate unfettered by government interference. They produce products that are of great use to businesses and consumers alike. Settle the case as soon as possible.

The suit never should have happened in the first place. Don't compound the problem by drawing out the settlement.

MTC–00010980

From: Sharon Chiu
To: Microsoft ATR
Date: 1/14/02 9:06pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotelly,

I am writing this email to express my strong feeling about the Microsoft settlement case. It is very clear and obvious that Microsoft has violated the antitrust laws with the intention of wiping out her competitors at all cost.

That said, I feel that any government settlement with Microsoft, in order to protect the technology community and the larger public, must cover the following issues:

1. Terminate Microsoft's illegal monopoly immediately,

2. Deny to Microsoft the profits of its past violations (give it to our government for budget or community for profit sharing), and

3. Prevent any future anticompetitive activity.

Thank you very much for taking my comments into consideration when making the settlement.

Best regards,
Sharon Chiu
Chief Financial Officer
Elibrium Inc.
www.Elibrium.com
Direct (W) 650–212–9388
Fax: 650–345–8562

MTC–00010981

From: Georg Bolch
To: Microsoft Settlement U.S. Department of Justice
Date: 1/14/02 8:05pm
Subject: Microsoft Settlement
Georg Bolch
P O Box 528
Suquamish, WA 98392–0528
January 14, 2002
Microsoft Settlement U.S. Department of Justice,

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Georg G Bolch

MTC–00010982

From: Benoni Nowland IV
To: Microsoft Settlement U.S. Department of Justice
Date: 1/14/02 8:18pm
Subject: Microsoft Settlement

Benoni Nowland IV
10398 Ridge Road
Nevada City, CA 95959
January 14, 2002

Microsoft Settlement U.S. Department of Justice ,

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Benoni Nowland IV

MTC–00010983

From: MMRHART@aol.com@inetgw
To: Microsoft ATR
Date: 1/14/02 9:05pm
Subject: Microsoft Settlement

The settlement of the suit against Microsoft should be settled and put to bed. To begin with, there should never have been a suit against the company that has really put the USA as a leader in the computer arena. Thus no more litigation.

Lets go forward, not waste time and money against a company that has provided so much.

Joe Hart mmrhart@aol.com
Naples, FL

MTC–00010984

From: John Berthoud
To: Microsoft ATR
Date: 1/14/02 9:05pm
Subject: Microsoft settlement

Attached please find our letter commenting on the settlement of the Microsoft case.

We are also sending it via fax.

Thank you for considering our input.

John Berthoud
President
National Taxpayers Union &
National Taxpayers Union Foundation
jberthoud@ntu.org www.ntu.org
Phone—703–683–5700
Fax—703–683–5722

January14,2002
Ms. Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
VIA FAX # 202–307–1454

Dear Ms. Hesse:

On behalf of the 335,000 members of the National Taxpayers Union, I am writing to comment on the Proposed Final Judgment in United States v. Microsoft.

As you may know, it is our position that this case was brought to protect Microsoft's competitors - not competition itself. Furthermore, we remain concerned that many state Attorneys General continue to push the suit forward for ideological and political reasons.

We are, however, pleased to see that after four years the parties are prepared to settle a case that has produced many unfortunate results. Taxpayers have been forced to underwrite the litigation to the tune of at least $35 million. Microsoft was compelled to shift considerable resources into the legal battle that would normally have been spent on product innovation, and also faces a tangle of private antitrust-spawned litigation.

And as NTU Foundation research has shown, the government litigation has imposed billions of dollars worth of stock market losses on millions of American investors.

The Proposed Final Judgment contains many references to ''consumers.'' Indeed, the antitrust authorities have insisted from the beginning that this case was about consumer welfare. Yet the original purpose of the suit against Microsoft was to enjoin the company from including Internet Explorer as part of its Windows operating system, which the plaintiffs deemed to be a grievous threat to Netscape (later purchased for $5 billion by Internet giant AOL, a Microsoft competitor). In a suit supposedly brought on behalf of consumers, we remain puzzled as to how it would have helped consumers to make them pay for an Internet browser they could otherwise get for free. Consumers place a high value on the ability to use a standardized, integrated operating system. In fact, public opinion polls taken throughout the Microsoft antitrust trial showed that sizable majorities of the public viewed Microsoft and its products favorably.

The Proposed Final Judgment's emphasis on ''network effects'' as a ''barrier to entry'' for Microsoft competitors in many senses disregards consumers' demonstrated preference for standardized software. The government's suit was premised upon a fundamental misunderstanding of the way in which consumer markets operate: Microsoft did not build up its large market share through anti-competitive practices; instead Microsoft became the nation's largest software company by providing consumers with the products they prefer. Several state Attorneys General are refusing to sign the Proposed Final Judgment on the grounds that it is not strong enough. However, the agreement appears to provide the plaintiffs with exactly the type of relief they were seeking.

The settlement gives each of the settling states and the Department of Justice the power to enforce the decree and to seek a broad range of remedies in the event of a violation. An independent Technical Committee that reports to the plaintiffs would be afforded full access to Microsoft's facilities, employees, records, and even the Windows source code. And the settlement binds Microsoft to provide information to its competitors so that their programs will be Windows-compatible. Based on the strength of these remedies and the fast pace at which the software industry is evolving, we believe that the five-year duration of the decree—as opposed to the customary ten-year period—is appropriate.

The antitrust laws do not exist to preserve specific products or specific competitors. They exist to preserve competition itself, and we believe that consumers freely chose Microsoft's products— which provided a standardized, integrated operating system that revolutionized personal computer use. The results included a huge jump in desktop computer usage, much-improved efficiency, and robust growth in the software industry throughout the 1990s. Thus, we believe that this case constituted unnecessary, and harmful, government interference with the private sector. Rather than a victory for competition, we believe the Microsoft case represents a defeat for taxpayers, consumers, and investors.

With the economy in recession, Americans simply cannot keep paying the high price of governmental attempts to dictate winners and losers in the marketplace. We welcome settlement of this regrettable case.

Sincerely,

John Berthoud President

MTC–00010985

From: Gregory Slayton
To: Microsoft ATR
Date: 1/14/02 9:03pm
Subject: Microsoft Settlement

Dear Judge:

I trust that you will do the right thing in this case. Clearly, allowing Microsoft to abuse its monopoly going forward will hurt our software industry, our economy and eventually, our nation's overall standing in the world.

Thank you.

Dawn Scardina

Sunnyvale, CA

MTC–00010986

From: Joel Schermerhorn
To: Microsoft ATR
Date: 1/14/02 9:07pm
Subject: Microsoft Settlement

I, as a concerned citizen of the US, want the government to end Clinton-Era, Anti-Trust Law Abuse of this Microsoft case. Let's get this case over with and get on with life!!! Please seriously consider this email by a concerned citizen. Thank you sincerely, Joel Schermerhorn.

Joel Schermerhorn
74 Huff Road
Delhi, NY 13753

Have a great day and a blessed forever!

Sincerely,

Joel Schermerhorn

MTC–00010987

From: JSondhi@aol.com@inetgw
To: Microsoft ATR
Date: 1/14/02 9:09pm
Subject: Microsoft settlement

I believe the lawsuit by the states should be settled. Microsoft is a great company and should be allowed to do what it does best—innovate. The DOJ settlement was fair and reasonable. There is no basis for the separate states to not settle along the same lines that DOJ did.

Jay Sondhi

MTC–00010988

From: RJEckhardt
To: Microsoft ATR
Date: 1/14/02 9:17pm
Subject: Microsoft Settlement

202 Kin.q Avenue
Westmont, New Jersey 08108
January 14, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I implore you and your department to please end this ongoing litigation against Microsoft and to finalize this settlement. This court-negotiated settlement meets the public interest and deserves to go forward.

The provisions and terms of this settlement agreement create a system of accountability and work to foster competition in the technology industry. Microsoft, by the settlement, is required to share its intellectual property with a competitor, if that competitor, by applying the terms of the settlement, infringes on Microsoft's intellectual property. In order to maintain accountability and compliance, Microsoft has also agreed to submit to a technical oversight committee that will review their business practices. Clearly this settlement is more than a slap on Microsoft's corporate wrists.

This process has gone on long enough and should end. Please let us implement this settlement, agree with the public interest and not waste anymore time or money.

Sincerely,

Richard Eckhardt

MTC–00010989

From: Jen Lucha
To: Microsoft ATR
Date: 1/14/02 9:22pm
Subject: [Fwd: Antitrust Settlement of Microsoft]

Dear DOJ:

I am outraged by the settlement you have negotiated for Microsoft. It seem to have been written by Microsoft and it not in the best interest of American citizens. You are letting Microsoft go unpunished for its business practices.

What kind of message at you sending?

It is ok for criminals to go unpunished. I was wondering how I am going to explain this to my children. That we had a chance to right a wrong in the computer industry and make it move forward, but chose instead to do nothing! You are holding the computer industry hostage. And you will be responsible for the holding back of years of progression.

I would like you to disapprove of this settlement. And punish Microsoft the way it deserves.

Thanks,

Jennifer Lucha
(909) 485–7426
jen-lucha@pe.net

MTC–00010990

From: Geokezelpstl@aol.com@inetgw
To: Microsoft ATR
Date: 1/14/02 9:22pm
Subject: Microsoft settlement

I hope that the suit against Microsoft will be settled in favor of Microsoft and the American people without creating the mess that was created when AT&T was broken up. The Justice Department should turn its attention to Enron.

Lee Williams

MTC–00010991

From: Pawan Bali
To: Microsoft ATR
Date: 1/14/02 9:30pm
Subject: Microsoft Settlement

To whom It may Concern!

The Government of United States of America should leave Microsoft alone because:

1. No other Company or Corporation (including, of course, the Government) than Microsoft has contributed more to the economic, social and global development of not only the United States of America but also the Entire Universe.

2. It is becoming very obvious recently that Elected Officials of the Govt. serve the interest of a very few influential and rich individuals only who .. . This would provide the Government the first opportunity to serve the general public whose day to day living conditions depends on good economic situation at home.

Thanks.

Pawan Kumar Bali

bali@acpub.duke.edu

MTC–00010992

From: Claude Cavanaugh
To: Microsoft ATR
Date: 1/14/02 9:31pm
Subject: The Microsoft Case

Please consider what the world would be like if there were only one automobile manufacturer that owned all the steel mills, one oil company that owned all the refineries and one grocery store that owned all the farms.

The same applies to one PC applications developer that owns the operating system. Microsoft broke the law and should be punished for it. It is a good solution to split the company into two entities. One for applications and one for operating systems. Not unlike United Technologies. You didn't let them build the engines and the airplanes to use in their airline company. Microsoft should not be able to build the applications that use their operating system.

This will not cause Microsoft any real grief. It will only make them compete in the marketplace like everyone else.

Sincerely,

Name withheld out of fear of reprisal from Microsoft.

CC:Cringely@bdcimail.com@inetgw

MTC–00010993

From: Erin Diehl
To: Microsoft ATR
Date: 1/14/02 9:33pm
Subject: Microsoft Case
847 North Van Dorn Street
Alexandria, Virginia 22304
January 11, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing today to voice my opinion regarding the settlement in the Microsoft Anti Trust case. This settlement has been long awaited and I see no reason too prolong its implementation. As part of the lawsuit's terms, a mediator was assigned by the courts to assist in the negotiation efforts. Microsoft certainly did not get off easy, as some may think. They are giving way more than is necessary, given that they are a private company and should be able to keep their research and technology to themselves.

However, they are handing over coding and interface information to their competitors who weren't smart enough to come up with their own. They are also making it easier for Windows users to install and use non-Windows products. Given the fact that most computers come with Windows because they are the most user-friendly, I don't see why this was an issue in the first place. I decided to install non-Microsoft products on my computer and had no problems in doing so. But as part of the settlement, Microsoft is going above and beyond their responsibility and nearly promoting other companies' products.

I am a graduate student and throughout my years of schooling and research, I've depended on Microsoft for everything having to do with computers. Doing papers and research would not have been as easy had I not been able to use my computer. I remember how difficult word-processing programs were before Microsoft's Word program. Since then young computer users have easily picked up the ins and outs of software and computers. Microsoft has changed the way people learn. I would be hard pressed to learn other products such as UNIX or Oracle. Although anyone is free to use them, these products are inferior to Microsoft's products in that they are much more difficult and not very user-friendly. However, the terms of the settlement now call for these products to be made more easily available.

The terms of this settlement go above and beyond what is necessary. It would be ridiculous to think otherwise. Microsoft has served the public interest for years; this settlement certainly does the same.

Please maintain this settlement and ensure this lawsuit is laid to rest.

Sincerely,

Erin Diehl

MTC–00010994

From: James R. Ryder
To: Microsoft ATR
Date: 1/14/02 9:37pm
Subject: Microsoft Settlement

Dear DOJ,

While I fully appreciate the influence the Bush Administration may have had on expediting a settlement in the matter of Microsoft vs. DOJ it is my contention that this charge was baseless from the beginning. I am truly ashamed as a Conservative that this was ever taken on in the first place!

Good luck to Microsoft and I hope the DOJ spends more time going after AOL where the same amount of public control is being had.

James T. Ryder

MTC–00010995

From: Lisa Moore
To: Microsoft ATR
Date: 1/14/02 9:37pm
Subject: Microsoft Settlement

I for one am tired of knowing my tax money is being used for this witchhunt and want this case to settled immediately. Don't waste our tax dollars on companies that want a fair shake in our capitolistics society.

If a company cannot make it on its own well, that is healthy competition ! Sincerest regards

Lisa Moore

MTC–00010996

From: Mary Spero
To: Microsoft ATR
Date: 1/14/02 9:39pm
Subject: Microsoft Settlement

Aloha Judge!

PLEASE stop persecuting Microsoft! Hey, we all had a chance to decide what we wanted. I chose Microsoft and my daughter chose Apple. NOBODY forced either of us to make our decisions. I *DON'T* use MS's browser; I like Netscape better. What I really don't like is the recession brought on by *MY* government's persecution of the people who gave us the superb economy of the 90's. Soooo, PLEASE, let Microsoft do what they do best... provide the world with some very good products—and some junk ones, too! <g> Me ke aloha, Mary in Honolulu

MarySpero@prodigy.net

MTC–00010997

From: John Bailey
To: Microsoft ATR
Date: 1/14/02 9:40pm
Subject: Microsoft Settlement

Yes I am in agreement with the Microsoft settlement and I would like it to go forward.

Sincerely

Catherine Langone-Bailey

MTC–00010998

From: IndnGrl02@aol.com@inetgw
To: Microsoft ATR
Date: 1/14/02 9:49pm
Subject: Microsoft Settlement
January 14, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

It has come to my attention that a settlement has been reached in the Justice Department's three-year case against Microsoft regarding alleged antitrust violations. I am glad that this case will be finally ending because of this settlement. I think Microsoft did not do anything wrong to have litigation brought against it.

However, I believe that the settlement that has been reached is fair and reasonable to all of the parties involved. Others will tell you that Microsoft is getting off easy in this case. I strongly disagree with that statement, because the company will be making a number of changes to their products, and business practices. For example, Microsoft has agreed not to retaliate against software or hardware developers who develop or promote software that competes with Windows or that runs on software that competes with Windows.

Also, I would like to remind you that Microsoft has agreed to document and disclose for use by it's competitors various interfaces that are internal to Windows operating system products. I ask that the Justice Department accept the settlement, and no further action be taken against Microsoft.

Sincerely,

Monika Puri

8514 Magnolia Drive

Lanham, MD 20706

MTC–00010999

From: Cathy Chavasse

To: Microsoft ATR
Date: 1/14/02 9:38pm
Subject: Microsoft Rollover or DOJ WimpOut

Oh please! For God's sake. We—American public/tax payer in the person of the DOJ—won! Why do we have to feel so guilty that we total capitulate in favor of the one that is really guilty? We are not guilty. We are not guilty. Keep saying that if it helps. Microsoft is guilty. Microsoft is guilty.

Microsoft is a convicted criminal. Treat if like one. If I get a speeding ticket, do I get to negotiate my punishment after I am found guilty? And promise to speed on all the unpaved back roads too. If I rob a bank (more like what MS has done), do I get to keep the money, and buy a couple of real banks to further my crime. They have been doing the same crime for more than ten years. I only speed once in a while. And I have not robbed a bank yet. But if I get the same treatment that MS is getting, I may just speed all the time and get into robbing banks.

How can you guys do this? At least make them pay the (tax payers') court cost!

The tax payers should not have to pay again. And again. And again.

You guys should be ashamed.

Senior Engineer
Dataway West
Christopher B Chavasse

MTC–00011000

From: Harold H. Burbank, II
To: Microsoft ATR
Date: 1/14/02 9:51pm
Subject: Settlement

I object to the settlement terms without reading them as I have long believed the lawsuit is simply a witch hunt against Microsoft, which, like it or not, made it on the same rules of American capitalism available to its competitors. My boss, CT attorney general Richard Blumenthal, is a clear example of how far some politicians will go try to get publicity for themselves at Microsoft's expense. He has wasted millions of state dollars trying to set American commerce policy which should be set in Congress, not the courts. The fact is the state AGs who persist in suing cannot succeed in Congress. The whole case should have been thrown out. Implicitly, the settlement in unfair and unlawful toward Microsoft, which in no clear way violated the law from the start.

Attorney Harold H. Burbnak, II
Office of CT Attorney General

MTC–00011001

From: Peter R. Newell
To: Microsoft ATR
Date: 1/14/02 9:52pm
Subject: Microsoft settlement

Microsoft should not be allowed to continue its monopolistic anticompetitive practices. Microsoft's ill-gotten domination of PC operating systems (Windows) through monopolistic practices and sheer marketing have done a great disservice to the average consumer, who is not technologically savvy enough to understand what is going on. Microsoft can get away with virtually telling the consumer what they want or need by virtue of this monopoly, and can likewise stifle competition by not fully disclosing the workings and interfaces to Windows. For the short and long-term good of the computer user as well as the industry, Microsoft must be prevented from continuing these practices.

Peter R. Newell
Affordable Technical Solutions
Glenfield NY

MTC–00011002

From: JGibbsF33@aol.com@inetgw
To: Microsoft ATR
Date: 1/14/02 9:55pm
Subject: microsoft settlement

I wish to add my voice to the many Americans who believe that the settlement agreed to by Microsoft is in the best interests of the economy and the thousands of children whose education in the area of informational technology and computer skills will be wonderfully enhanced. Despite the obvious public benefits of this settlement, nine different states refuse to settle, hoping to get more cash to pour into the black sink hole of state coffers and into the pockets of the lawyers urging them on. Their cavalier approach ignores the long term benefits of the innovations of Microsoft and their positive impact on all Americans. Enough of the Microsoft bashing. Let's get on with it and, in doing so, encourage Microsoft to continue to lead the way to even more invention and innovation in this exciting realm.

J. L. Gibbs, MD
Canton, Ill

MTC–00011003

From: RR-
To: Microsoft ATR
Date: 1/14/02 9:55pm
Subject: Microsoft Settlement

To Whom It May Concern:

Microsoft has tried in Good Faith to settle this litigation. Please do not allow politics to stop this settlement. The offer that was agreed to by the Department of Justice as well as the nine states is more then fair.

The tech world as well as the consumers need this to be settled.

Ray Reid
3355 Deer lake Court SE
Salem, Oregon 97301

MTC–00011004

From: scn@san.rr.com
To: microsoft.atr(a)usdoj.gov
Date: 1/14/02 9:56pm

Settle the Microsoft case now On the terms agreed to with DOJ. To prolong this ridiculous lawsuit with the maveric states is counter productive to the economy and increased productivity. It only caters to the states who are fronting for weak companies in their respective states. SETTLE NOW!

Wm. Necoechea

MTC–00011005

From: cape—pss
To: Microsoft ATR
Date: 1/14/02 9:58pm
Subject: Microsoft Settlement

We support Microsoft and their settlement offer. It is in the best interest of all parties to settle this and move on from here. In the spirit of having the ''freedom to innovate'', we suggest the parties settle this case now.

Jerry & Nancy Cape
3109 Woodland Fern Drive
Parrish, FL 34219

MTC–00011006

From: Kim Rubin
To: Microsoft ATR
Date: 1/14/02 9:59pm
Subject: Microsoft Antitrust Proposed Settlement

As a company CEO, I am against the proposed settlement with Microsoft. I am an avid capitalist who trusts the free market. However, Microsoft's effectively monopoly has permitted them to engage in a long pattern of anti-competitive behavior that has deprived companies and individuals of reasonable choices.

Microsoft has some great products. I consider them the most brilliant marketing organization of last decade. As a company, we borrow from their marketing strategy.

The Settlement that would benefit everyone, including Microsoft shareholders, would break the company into three companies: operating systems, application software, and internet operations. There would be no overlapping boards, management or infrastructure. All dealings between the three new companies would on a equal footing with other companies, and subject to court review.

Thank you.

Best regards,
Kim Rubin, CEO, findtheDOT
510 302–3463 x207 office
650 799–0059 cell kimr@findtheDOT.com

MTC–00011007

From: Leonard and Agnes Tillerson
To: Microsoft Settlement U.S. Department of Justice
Date: 1/14/02 9:25pm
Subject: Microsoft Settlement

Leonard and Agnes Tillerson
244 Osprey Circle
St Marys, Ga 31558–4101
January 14, 2002
Microsoft Settlement U.S. Department of Justice,

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Agnes and Leonard Tillerson

MTC–00011008

From: Ron Carns
To: Microsoft ATR
Date: 1/14/02 10:09pm
Subject: Microsoft settlement

I think it is time to get off Microsoft's case.

I have been using Microsoft since the late '80s and have not found other to take its place. I do not view Microsoft as a monopoly. I have used other operating systems and have found Microsoft has the most sound systems for users and is very user conscious.

When installing new versions of Microsoft I have options for different internet access and can set my system to run how I want it. I can easily get updates and software upgrades to keep my computer safe from hackers and viruses. Other companies have the equal right to try to be better than Microsoft but not by degrading one of the backbone companies on our on soil.

It is time to redefine what a monopoly is and let our country get back to business at hand. Turn Microsoft loose and spend the governments funds on more important things like ''NATIONAL SECURITY''!!

Thanks you.....

Ronald A. Carns
46596 Twp Rd 479
Coshocton, OH 43812–9573
740–829–2061
rcarns@coshocton.com

MTC–00011009

From: Bill Belvin
To: Microsoft ATR
Date: 1/14/02 10:12pm
Subject: Microsoft Settlement

Dept. of Justice,

Please confirm the settlement already reached between Microsoft and the DOJ , and do it quickly. The remaining 9 plaintiff states are acting on the basis of their AG's, in my opinion, and not on what is good for the citizens of their states...which is an end to the uncertainty, and the release of creative software energy. This whole suit has been about protecting vindictive competitors who seek the courts intervention, rather than compete. Great injury has been done to Microsoft, and me the consumer by the whole process. So put it behind us, ratify the settlement, and let the market participants compete!

Thank you,

William S. Belvin

MTC–00011010

From: George Alexekos
To: Microsoft ATR
Date: 1/14/02 10:13pm
Subject: MICROSOFT SETTLEMENT

Dear Judge Kollar-Kotelly;

Like most people, I was too busy with everything from the approaching holidays to the war (not to mention making the quarter) to pay much attention to the PFJ. But over the past couple weeks I've had a chance to study this proposed Agreement a bit more—and what I've found has really shocked me.

For some reason the Justice Department seems to have ignored ALL the court findings in the case (over the past three years every single court involved found that MS had aggressively abused its monopoly position for its own competitive advantage—which is no great news to anyone in the software industry). But in fact the DoJ has basically agreed not only to NOT penalize MS for its long-standing antitrust abuses, but to actually grant MS a de-facto monopoly in our industry going forward. I don't have to tell you what a disaster this would be for all of us that are NOT Microsoft minions (and especially for those of us working with or dependant upon Java, Linux, AOL, the Mac...or indeed ANY non-Microsoft code base or service). The good news is that you can still do something about this impending disaster before it's too late.

I tend to get pretty involved when I believe deeply in something. And I sincerely believe that the PFJ is a potential disaster for all non-Microsoft players, big and small, in our industry, and potentially for consumers and for our nation as well. As much as I love the current Administration, our Justice Department fumbled the ball on this one.

Thank you for helping to correct the very, very serious flaws in the PFJ.

Sincerely;

George Alexakos
Boston, Mass

MTC–00011011

From: Dawn Scardina
To: Microsoft ATR
Date: 1/14/02 10:15pm
Subject: The Microsoft Settlement.....

Dear Judge Kollar Kotell,

I just wanted to write you a short note to let you know how disappointed I am in how the justice department is handling the Microsoft case. I understand that the Tunney Act allows you to review the opinions of the public concerning this case.

Microsoft should not only be fined for their anti-competitiveness, but steps should be taken to ensure that no other company is overlooked (and for so long) for exercising their monopolistic power to gain an unfair advantage in the marketplace.

I would like to say that while I do like Microsoft's products and services, I feel that competition is always good for consumers.

Thank you for your time in regards to this matter.

Sincerely,

Dawn Scardina

MTC–00011013

From: Bruce Hagen
To: Microsoft ATR
Date: 1/14/02 10:23pm
Subject: Microsoft Settlemen

Gentlemen:

So Bill is rich. Very, very rich. So what!! What he has done for the computer industry and all of us that use computers cannot be comprehended by many. Is he perfect? No, but only the best we have. Isn't that what the US is (use to be) all about? Work hard, produce, and you get the rewards or have I missed what has happened to this country during the last 30 years. Let's get on with life and let MS get back to what they do best.

Bruce Hagen

MTC–00011014

From: Shahid Chaudhry
To: Microsoft ATR
Date: 1/14/02 10:41pm
Subject: Microsoft Settlement

Hi,

My name is Shahid and i want to comment on this matter in such a way that Microsoft Settlement should be made by now and it should not be furthere litigated. I think this thing is in the favor of all people.

Shahid

MTC–00011015

From: Steve Weik
To: Microsoft ATR
Date: 1/14/02 10:41pm
Subject: MICROSOFT SETTLEMENT IS A BAD DEAL...

Dear Judge Kollar-Kotelly

I recently saw this Op-Ed in the San Jose Mercury News—and I think it conveys very clearly some of the main problems with the DoJ's proposed settlement with Microsoft. I understand that you are now charged with reviewing the PFJ—and as a long-time software industry veteran (and someone who is not strongly affilitated with any of the ''camps'' on this issue) I'd ask you to make SURE that the final agreement allows for a free and fair software industry—and one that will produce secure code (something that Microsoft doesn't seem to know how to do).

Thanks.

Steve Weik
LA, CA

SECURITY IN DIVERSITY

By Greg Papadopoulos

The antitrust case against Microsoft isn't just about competition; it's about security.

Over and above the usual economic risks presented by an unchecked monopolist—rising prices and monochromatic innovation—the country's (and the world's) computer infrastructure will be increasingly vulnerable to attack if a single software system predominates. Imagine what would happen if producers of, say, corn were able to use their market power to eliminate wheat, rice, and oats. Suppose that 90 percent of the world's grain supply came from a single variety of corn. We would be faced with the unacceptable risk that some blight, some single disease, might wipe out an enormous portion of our food supply. So far, the possibility of bioengineered attacks on food crops has been largely theoretical, but engineered attacks on the Internet's software infrastructure happen all the time. We've seen what can happen when hackers exploit flaws in operating systems and Internet browsers. Last year's ''I Love You'' virus infected several million computers and caused as much as $10 billion in damages, while this year's ''Code Red'' and ''Nimda'' worms caused another $4 billion. And the number of incidents is on the rise.

Having only one kind of operating system or one kind of browser would make it much, much easier for saboteurs to bring the entire Internet to its knees.

In a perfect world, software would be free of flaws for attackers to exploit. Quality control does reduce the number and severity of such flaws, but the current state of the art is that nearly every software release contains

a few. Diversity is currently the best defense against attacks on the flaws of any particular software component. For increased reliability, a standard technical strategy at all levels of computer system design is redundancy and diversity. Fortunately, the connectivity of the Internet routing infrastructure is now highly redundant and built out of routers from multiple sources. It's the next layer or two—operating systems and software applications for desktop computers and other Web-enabled devices—that need attention. For very high reliability software, a well-studied solution is to have multiple independent teams each create their own redundant versions. This way a single design error or bug doesn't take down the whole system— the other software versions take over instead.

I believe that it's crucial to the health of the Internet—and to the worldwide economic system that has come to rely on it—that the infrastructure include measurable diversity. By that I mean we should have, at a minimum, three operating systems and three browsers, independently designed and constructed. That way, if a software virus were to incapacitate the most widely used version of either, we could have enough residual capacity to continue at least partial operations and recover from the damage.

For a single entity to control 80 to 90 percent of the market for PC operating systems, Internet browsers, e-mail readers, and office productivity software (which can also spread viruses) is clearly a significant security risk. To then allow that monopoly to actively attempt to drive out its remaining competition would hardly be in the public interest.

It's now up to Judge Colleen Kollar-Kotelly to decide whether the proposed settlement between Microsoft and the Department of Justice is a just solution. But from where I sit, it contains too many loopholes to measureably effect Microsoft's behavior, much less bring about the kind of diversity that would enhance our security.

MTC–00011016

From: GERALD THOMPSON
To: Microsoft ATR
Date: 1/14/02 10:44pm
Subject: MICROSOFT SETTELMENT

PLEASE SETTLE WITH MICROSOFT. 90% OF THE WORLD LOVES MICRO SOFTWARE. I DON'T KNOW WHAT IS WRONG WITH THAT. I DON'T USE THER INTERNET EVEN THOUGH IT WAS ON MY DESK TOP. I GOT A LOCAL CO. & I HAD NO TROUBLE DOING THAT. THANK YOU

MTC–00011017

From: Andyman568@aol.com@inetgw
To: Microsoft ATR
Date: 1/14/02 10:47pm
Subject: (no subject)

Honorable Judge Kollar-Kotelly,

I am a student at Boston College, and I am upset about the recent settlement between the Justice Department and Microsoft (PFJ).

First, the PFJ does nothing to stop Microsoft from operating as a monopoly through the use of its operating system. Second, the settlement does not punish Microsoft for clearly violating anti-trust laws in the past. It would be a terrible standard to set by letting Microsoft get away with its retaliation tactics, bolting schemes, and attacks on Java. All these tactics lower competition in a suppossedly free market and also limit softward standards. Finally, the PFJ does not provide an effective enforcement mechanism for the weak restrictions it does implement.

To sum up, I'm deeply concerned the recent settlement does not regulate Microsoft enough in the future allowing Microsoft to continue its monopolistic tactics. In addition, Microsoft is not even being punished for laws it clearly broke in the past. This sets a terrible standard. I would request that you do your best to overturn this settlement.

Sincerely,
Andrew Goldberg
Brighton, Massachusetts
CC:stopmicrosoft@yahoo.com@inetgw

MTC–00011018

From: MARSHALL MOORE
To: Microsoft ATR
Date: 1/14/02 10:53pm
Subject: MICROSOFT SETTLEMENT...

Dear Judge:

I am a member of the high tech community here in Virginia—and am also a lawyer. Although I do not practice antitrust law, I have had the opportunity to research the PFJ which you are now charged to review. It appears to me that there are a number of VERY serious issues with the PFJ, including:

a. No Penalty For Undisputed Illegal Activity. Microsoft is not penalized for any past misdeeds. In other words, they are being allowed to retain all the profits gained from their illegal activities. Every court involved with this case has acknowledged that Microsoft broke the Anti-trust laws. Through this Agreement, the Justice Department is sending the message that this sort of anticompetitive behavior is acceptable. Every large potential monopolistic company is being told that they can get away with this sort of illegal behavior without fear of losing any of the gains made from such conduct. In other words, get away with as much as you can until the Justice Department brings an action. There is every incentive for future monopolists to engage in this type of conduct and no incentive not to.

b. Middleware: As part of the Agreement Microsoft is required to allow the PC manufacturers to hide Microsoft middleware programs and allow them to install icons or links to competing middleware programs. The only problem is that the PC manufacturers are not allowed to remove the code that could be used to reactivate Microsoft's middleware programs. In other words, two weeks into owning the machine, a consumer could be asked if they want to reconfigure their desktop, install all the Microsoft middleware and delete all the competitor's middleware.

c. Communication Protocols: The Agreement states that Microsoft must now share information on how its middleware and server software work together with Windows. However, Microsoft does not have to disclose this information for middleware it does not distribute separate from windows, or for middleware it has not trademarked. This is a huge loophole, because if Microsoft wants to drive a competitor out of business, they just attach the specific type of software the competitor is involved with to their Windows platform. Once they do that, they do not have to share the coding information that allows the competitors software to work with Windows, thus driving the competitor out of business. Once the competitor is out of business, Microsoft can separate the software from the Windows package, sell it separately and derive huge margins. In addition, Microsoft does not have to disclose their information to companies that in ?their view? do not have a ?viable business?. This loophole will allow Microsoft to prevent new software start-ups from forming which, to say the least, is very bad for competition, and therefore, the consumer.

Judge, I know that you will be looking at these matters closely. I trust that you will do the right thing for ALL Americans, software producers and consumers alike, and remedy these very serious problems in the PFJ.

Thank you for your time.
Marshall Moore, JD
Charlottesville, VA

MTC–00011019

From: George Lien
To: Microsoft ATR
Date: 1/14/02 10:56pm
Subject: Good for the government!

Recent decision for NOT allowing Microsoft to give away so-called free Microsoft software and trainings for schools is one of the best decisions ever made.

Ask the software gaint to pay in cash. That's right—CASH!

And let the schools decide what to do with the cash.

Regards,
George Lien

MTC–00011020

From: Jack Bond
To: Microsoft Settlement
Date: 1/14/02 10:04pm
Subject: Microsoft Settlement
Jack Bond
C25 Scotty Hollow Drive
North Chelmsford, MA 01863
January 14, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering

superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Jack Bond

MTC–00011021

From: Tom Fennell
To: Microsoft ATR
Date: 1/14/02 11:06pm
Subject: Microsoft Settlement

To whom it may concern:

I have sent a previous message quite a while ago but I am sending another to state my feelings on this lawsuit. I have been using computers for many years now. I became involved before there was a company named Microsoft. In those old days, computers were a real challenge to operate. Then Microsoft came along and changed things forever. Their development of an operating system which took all of the confusion out of the normal users hands was a godsend. In all of the years since the introduction of their first system, I have never had a really serious problem with their so called ''bundling'' of various other software packages within their operating systems. I have used Netscape as my browser with no problems. In no way did the operating system ever interfere with my choice of browsers. I help many people with their computer systems as a hobby in my retirement. I never hear any negative comments from anyone regarding problems with their operating systems (Microsoft Windows 95, 98, ME). Yes, they experience problems but it is usually related to their inexperience in operating their systems. Yes, they do experience conflicts with programs but they can usually be resolved. All of the resources that have been expended against Microsoft is a waste of taxpayers money and should be stopped. I urge you to look at this and find a way to resolve this in a fair and reasonable manner.

The longer this drags on the more damage our economy will suffer especially in the present state of the economy of the United States and also the world economy.

Respectfully,
Tom Fennell
La Quinta, Ca.

MTC–00011022

From: Stephen North
To: Microsoft ATR
Date: 1/14/02 11:10pm
Subject: MICROSOFT SETTLEMENT

Dear Judge;

I see two major problems (and many minor ones) in the PFJ as currently configured.

1. The Three-Man Compliance Team. The Agreement requires a three-man compliance team to oversee Microsoft's compliance with the Agreement. Microsoft will appoint one person, the Justice Department another, and the third will be chosen by the two people already appointed. This new team will not be allowed to inform the public of their work, and cannot impose fines. Their sole remedy for infractions is informing the Justice Department of the infraction and then the Justice Department will have to commence litigation to stop the infraction. The Justice Department does not need a compliance group to tell them when Microsoft is doing something wrong, so in reality this group is just a smoke screen.

2. Market Share. All other businesses in the U.S. market that have a ninety percent market share are considered per-se monopolies and are regulated or have some sort of government oversight (i.e. utilities, local phone companies, cable companies etc.). This is done because it is in such a company's best interest (in the interest of their shareholders) to abuse their position. In other words, to gain maximum shareholder value, they are almost required to abuse their position. Why is Microsoft allowed a waiver to this general rule? Does Microsoft not try to gain optimum share value for their shareholders?

Certainly these are just two of the issues in a very flawed agreement. As a member of the consulting services industry for almost 20 years—my firm depends on a free market for software in order to support and satisfy our clients. Microsoft has, from my personal experience, never believed in free markets -and has done everything they can to extend their defacto monopoly at the expense of many, many others.

Please make the Dept of Justice do what is right for America—not just for the current Administration and their fat cats.

Thanks.
Stephen North
Chicago ILL

MTC–00011023

From: Michael Kramer
To: Microsoft ATR
Date: 1/14/02 11:14pm
Subject: Microsoft Settlement

Please find my comments related to the proposed Microsoft settlement.

Sincerely,
Michael J. Kramer Stonewall Capital LLC
mk@stonewallcapital.com
277 West End Avenue # 5D
New York, NY 10023
January 11, 2002
Attorney General John Ashcroft US
Department of Justice 950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I would like to take advantage of this public comment period and voice my opinion on the recent events surrounding the Microsoft antitrust case. First of all, this lawsuit is frivolous and has become a political game for those wanting media attention. Much time and money has been wasted on lawsuit, and now that a settlement has been reached, I think it is ridiculous to spend even more time on it.

It is very clear that the attorneys general of the dissenting states are more interested in pursuing a populist political agenda than in protecting consumers. The interests of consumers will be best served to put this issue behind us and allow the American economy to recover from its current recession.

In the past decade, I think that Microsoft has created the single best consumer product in the market. Given how much time people and businesses spend using computers, a very small price is paid for a superior product. I see no indication that there has been any harm to consumer interest in Microsoft's products or their practices. Please uphold this settlement and allow Microsoft and our economy to return to normal.

Like most settlements, this settlement in the Microsoft case has been reached after much effort, under the supervision of a court-appointed mediator. The settlement goes above and beyond what was called for in the problematic issues of the suit. To ensure its compliance, there has been a Technical Committee created to oversee any possible dispute resolution.

Sincerely,
Michael Kramer
cc: Representative Jerrold Nadler

MTC–00011024

From: Jeremy Svinkelstin
To: Microsoft ATR
Date: 1/14/02 11:13pm
Subject: Microsoft Settlement

To the Honorable Attorney General Ashcroft:

The Microsoft case, which has been pursued for a decade by the federal government, has ostensibly been pursued on behalf of consumers. However, the very consumers it has sought to protect are being harmed by the detrimental impact the case has had on the technology market and the entire national economy, which is now mired in a recession. Furthermore, the American taxpayers have had to fund this prosecution, diverting government funds from investigating harmful antitrust violations and illegitimate monopolies. The proposed settlement encourages product-choice, promotes product innovation, and provides non- Microsoft related computer and software manufacturers with confidence in marketing their own products. It also frees up Department of Justice resources to pursue antitrust violations that currently harm the public.

Therefore, I humbly request that this litigation concerning Microsoft be stopped, and the proposed settlement accepted. Commercial success should not be penalized.

Very truly yours,
Jeremy D. Svinkelstin
20 Huntington Street,
New Brunswick, NJ 08901–1002,

MTC–00011025

From: Drinkwine, Paul
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/14/02 11:15pm
Subject: Microsoft Settlement

Dear Judge Renata B. Hesse,

I am an employee in the technology industry who resides in Washington State. I strongly encourage breaking up Microsoft. The business practices Microsoft uses continuously stifle progress in this industry and promote a culture of homogenous second-rate technology.

It is a well know fact that the products Microsoft produces are not the best around

yet everyone must conform to their technology due to the monopoly they hold on the industry.

I wish my State had the integrity to join the other states suing yet understand that the money Microsoft brings into this state is addictive.

Paul Drinkwine
Avocent—Redmond U.S.A.
Testing and Certification
www.avocent.com

MTC–00011026

From: fred l mckinney
To: Microsoft ATR
Date: 1/14/02 11:22pm
Subject: MY COMMENT
FRED MCKINNEY
2903 COUNTRY WAY
DANVILLE, IL. 61832
2174423322

Dear DOJ,

I'm a share holder of MICROSOFT, AOL, SUN MICROSYSTEM, INTEL,CISCO,ECT.

I have been following this case for years, and feel that SUNW, AOL has use the DOJ to try to slow down Microsoft. They have use every tactic to try to hurt the consumer and MSFT. They feel its bad for MSFT to have a monopoly, BUT ITS OK FOR THEM TO CREATE OR HAVE ONE TO THEMSELVES.

This bickering between who should own MSFT HAS TO STOP. I feel the monopoly MSFT has is legal. The consumer and the manufactures decided which software we wanted the most. If any company was to come up with a software package better than MICROSOFT WINDOWS, we would dump them the next day or months ahead. Microsoft has a CHOSEN MONOPOLY, BECAUSE WE THE CONSUMER WANTED IT THIS WAY. FIFTEEN YEARS AGO NO SOFTWARE PACKAGE WORK WITH EACH OTHER AND IT WAS A PAIN SETTING IT UP. MSFT came along and eliminate all of these setup and non compatible hardware and most of all ''NO STANDARD AMONG VENDORS''.

These companies I own want the consumer and businesses to be at their mercy when it come to installation. This create more revenue for them and also establish the setting as ''YOU HAVE NO WHERE TO GO'' SO YOU HAVE TO CALL US!!! MSFT HAS CHANGE ALL OF THIS. We have a company which feels its being chase all the time by their competition. They brag how they will ''EAT MSFT LUNCH'' , AND everyone knows MSFT thrives on this competition. It's not about money , its about WHO'S THE BEST . NOT ALL THE PRODUCTS I USE IS MICROSOFT. I USE COREL QUATTO PRO 8 , THIS IS EXCEL COMPETITOR.

I USE PRINTSHOP DELUXE, I DON'T EVEN USE MSFT HALLMARK VERSION , AND I EVEN HAVE A LICENSE VERSION OF THIS SOFTWARE... IF IT WAS FREE I STILL WOULDN'T USE IT.

Final:

MSFT is not forcing their software on us, WE DECIDE WHAT WE WANT TO USE.

Fred Mckinney.

MTC–00011027

From: tina power
To: Microsoft ATR
Date: 1/14/02 11:24pm
Subject: MICROSOFT SETTLEMENT

Dear Judge;

Like you, I am a woman professional in a man's world. I have been in the software industry for 15+ years—and I have again and again seen Microsoft take unfair advantage of its position in our industry to crush, kill and destroy potential competitors.

The PFJ doesn't even begin to address the true situation—and trusting MS to effectively police itself is trusting the proverbial fox to guard the ever shrinking henhouse.

I was especially angered to see that our Dept of Justice didn't even pay attention to the guilty verdicts that have been unanimously rendered in the case.

I work for a medium sized company here in the Boston area. We have had to dance the MS dance for ever...and we would LOVE to have a viable competitor to work with. Unfortunately, MS has done everything they can to tie us (and our software systems) to their lousy OS...and that is not fair. It's especially not fair to allow them to capitalize on thier OS monopoly to force really crappy application software down our throats...but that is exactly what happens.

Please, please, please—send the PFJ back to Justice and tell them to put the interests of consumers FIRST—before that of wealthy campaign contributors.

Thank you very much.

tina power

MTC–00011028

From: Dennis Behrens
To: Microsoft ATR
Date: 1/14/02 11:30pm
Subject: Microsoft Settlement

Dear Department Of Justice,

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

Dennis Behrens
921 Lewis Blvd
Sioux City, IA 51105–3254
A very happy Microsoft consumer!

MTC–00011029

From: MSUSS@aol.com@inetgw
To: Microsoft ATR
Date: 1/14/02 11:31pm
Subject: Microsoft Settlement
To: Dept. of Justice
Subject: Tunney Period Comments

I'm highly opposed to further burdens on Microsoft as sought by the remaining States Attorney General. My reasons are these:

1) The responsible Judge insisted on settlement talks which were then accomplished and agreed to by more than half (I count the federal gov't as equivalent to multiple states) of the participants. The remaining 9 are malcontents driven more by special interest companies (seeking to gain by litigation what they couldn't gain in the free market) than by fairness. They should be harshly described as such by DOJ.

2) The whole anti-trust case against Microsoft strikes me as the government interfering in a rapidly moving technology arena where it is ill-equipped to render judgment The anti-trust laws are not modern enough to deal with new technology company competitive issues, wherein companies rise and fall in a very few years depending on their decisions and products and where they must be agile and proficient enough to win consumer confidence.

3) Consumers often make their purchasing decisions in a single season. The government can't even develop an internal concensus in a season, much less analyze, bring to trial and administer impartial judgment.

4) Some consolidation of influence within a single company, in the case of high tech, is often highly beneficial to the consumer. Lack of a publicly-endorsed Windows standard would have left millions of PCs unable to converse, yielding a tower of Babel, instead of a reliable, innovative, efficient new network of communication.

5) Although I've followed the case reasonably closely, I have not yet seen much from Microsoft's detractors concerning how consumers like me have been hurt. My own feeling is that Microsoft products continue to grow exponentially in capability, while growing only very modestly, if at all, in price. I feel Microsoft's economic impact to me has not been adverse, but on the contrary has been highly beneficial. DOJ should force dissenting states to provide an economic-impact-to-consumers (not business competitors) statement as a basis for any complaint. This statement should be reviewed by competent economists. I'm skeptical such a statement could be assembled.

Sincerely,
Mark Sussman
MSUSS@aol.com

MTC–00011030

From: Grant K Rauscher
To: Microsoft ATR
Date: 1/14/02 11:32pm
Subject: bootloader

let alternative OS's live

http://www.byte.com/documents/s=1115/byt20010824s0001/
thanks
Grant K Rauscher
GeeKieR Enterprises
http://www.geekier.com/

MTC–00011031

From: Charles Dooks
To: Microsoft ATR
Date: 1/14/02 11:35pm
Subject: MICROSOFT SETTLEMENT STINKS

Dear Judge:

I recently was forwarded Jim Barksdale's recent comments before the Senate Judiciary Committee. I thought that some of them were very powerful arguements against the current Microsoft monopoly. I especially found compelling the following:

''If the PFJ had been in effect all along, how would it have affected Netscape? More important, how will it affect future Netscapes?

Impact on future Netscapes.

As discussed in the attached document, the unambiguous conclusion is that if the PFJ agreed upon last month by Microsoft and the Department of Justice had been in existence in 1994, Netscape would have never been able to obtain the necessary venture capital financing. In fact, the company would not have come into being in the first place. The work of Marc Andreesen’s team at the University of Illinois in developing the Mosaic browser would likely have remained an academic exercise. An innovative, independent browser company simply could not survive under the PFJ. And such would be the effect on any company developing in the future technologies as innovative as the browser was in the mid 1990s.

That leaves the question of whether Microsoft itself would have developed browser technology necessary for Internet navigation. My belief is that Microsoft would not have developed that technology. It is abundantly clear that Microsoft viewed the browser and the Internet itself as the principal threat to their core business of selling operating systems and applications for desktop computers.

This PFJ allows Microsoft to employ the full fury of its multiple monopolies against anyone who would develop a browser or any other technology that might have the potential to challenge any aspects of Microsoft's business. I have reviewed the PFJ, and my impression continues to be that it is a document whose principal purpose is to protect Microsoft from competition, and not to open up the market to competition with Microsoft. I note, again with pleasure, that the remedy proposal by the state Attorneys General who remain as plaintiffs would significantly open the market up to competition.

If the PFJ provisions are allowed to go into effect, it is unrealistic to think that anybody would ever secure venture capital financing to compete against Microsoft. This would be a tragedy for our nation. It makes a mockery of the notion that the PFJ is “good for the economy.” If the PFJ goes into effect, it will subject an entire industry to dominance by an unconstrained monopolist, thus snuffing out competition, consumer choice and innovation in perhaps our nation’s most important industry. And worse, it will allow them to extend their dominance to more traditional businesses such as financial services, entertainment, telecommunications, and perhaps many others.

Four years ago I appeared before the committee and was able to demonstrate, with the help of the audience, that Microsoft undoubtedly had a monopoly. Now it has been proven in the courts that Microsoft not only has a monopoly, but they have illegally maintained that monopoly through a series of abusive and predatory actions. I submit to the committee that Microsoft is infinitely stronger in each of their core businesses than they were four years ago, despite the fact that their principal arguments have been repudiated 8–0 by the federal courts.''

Judge, that is absolutely what my experience as a software programmer tells me. I am not an expert in antitrust matters—but what Microsoft is doing is wrong.

Please help correct the deeply flawed document that our Justice Dept produced.

Thank you.

MTC–00011032

From: RainAZ@aol.com@inetgw
To: Microsoft ATR
Date: 1/14/02 11:42pm
Subject: Microsoft settlement

Yes, for Microsoft and a Big No to You the government that continues to harass a very important and wonderfully worthwhile Company. While you folks wonk away doing God knows what, Microsoft actually does help real people in real time. Get off it. Now.

Loraine Grover

MTC–00011033

From: John Stage
To: Microsoft ATR
Date: 1/14/02 11:43pm
Subject: MICROSOFT IS A PREDATOR

Dear Judge:

I am a former Microsoft executive—and please excuse me but I'm not going to give you my full name in this e-mail for fear of reprisal.

Net-net: there is no question that MS explicitly targets competitors and uses every dirty trick in the book (and more) to put them out of business. I've seen it—more than once.

I have no idea why the DoJ totally rolled over on this one...looks like they just took a dive. Maybe MS is giving tothe GOP big time—I don't know. But I do know that the PFJ is a very bad deal for everyone who's not a MS millionaire—and even many of us that used to work there are not proud of what we did.

I'd ask you to make sure that Microsoft is held accountable to the same laws as everyone else. No one else will.

John
Seattle, WA.

MTC–00011034

From: Joseph Gadoury
To: Microsoft ATR
Date: 1/14/02 11:50pm
Subject: Microsoft Settlement
From: Joseph Gadoury
17 Mason Rd.
Dudley MA 01571
508–943–2516
jgadoury@bellatlantic.net
To: Attorney General John Ashcroft
U.S. Department of Justice
Washington, DC 20530

Dear Mr. Ashcroft,

I am writing to express my satisfaction that the Department of Justice has finally decided to settle the anti-trust litigation against Microsoft. While I believe that the original case against Microsoft was weak, unsubstantiated, and not necessary, this settlement seems to satisfy the public and the government's interest.

The terms of the settlement keep Microsoft accountable, foster innovation and increase competition.

According to the settlement, Microsoft has agreed to submit its technology and business practices to a three-person, government-appointed, technical oversight committee. This committee will be responsible for ensuring Microsoft's compliance with the agreement, and resolving disputes. Microsoft has also agreed to change its licensing practices to ensure that the maximum amount of technology is available to the industry.

This settlement goes beyond the government's original complaints and ensures that the company will be a viable entity in the future. I am sure you'll agree that it is time to turn our national resources to more fruitful and productive ends.

I hope that this is the last step in this drawn out process and that the government ceases all further federal action.

Thank you for your careful consideration,
Joseph Gadoury
jgadoury@bellatlantic.net

MTC–00011035

From: Claude David
To: Microsoft ATR
Date: 1/14/02 11:58pm
Subject: Microsoft Settlement

To Whom It May Concern:

I for one do not consider it unfair for Microsoft to bundle ''goodies'' with their operating system, so long as nobody is compelled to use them. Their competitors are free to make their own products as attractive to the consumer as possible. But they don't seem to be prepared to give anything away ''for free'', yet they have the nerve to ask the federal government to use its resources to dismantle a company that this country should be so very proud of.

There are matters of greater moment that the department of justice and this government should be devoting their resources to. Let us not shoot ourselves in the foot for the sake of a few greedy CEOs and jealous States.

MTC–00011036

From: bubbalaura@juno.com@inetgw
To: Microsoft ATR
Date: 1/14/02 11:35am
Subject: Microsoft Settlement

I support the settlement 100%. This case has dragged on far too long. Too much of the taxpaper s money has been spent that could have spent on other issues. This has been a witchhunt against Microsoft for the

beginning. Approve the settlement and let s move this Great Nation forward.

God Bless You and God Bless America.

MTC–00011037

From: Mike Moses
To: Microsoft Settlement
Date: 1/13/02 11:07pm
Subject: Microsoft Settlement
Mike Moses
323 N Narberth ave
Narberth, PA 19072
January 13, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Mike Moses

MTC–00011038

From: Michael Giesler
To: Microsoft Settlement
Date: 1/13/02 11:06pm
Subject: Microsoft Settlement
Michael Giesler
11111 109th Pl NE
Kirkland, WA 98033
January 13, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Michael Giesler

MTC–00011039

From: Chad Myers
To: Microsoft Settlement
Date: 1/13/02 11:42pm
Subject: Microsoft Settlement
Chad Myers
6437 Clay Allison Pass
Austin, TX 78749
January 13, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Chad Myers

MTC–00011040

From: Elias Gelat
To: Microsoft Settlement
Date: 1/13/02 11:16pm
Subject: Microsoft Settlement
Elias Gelat
7004 Live Oak Dr
North Richland Hills, tx 76180
January 13, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
E.A. Gelat

MTC–00011041

From: Steve Sheldon
To: Microsoft Settlement
Date: 1/13/02 11:29pm
Subject: Microsoft Settlement
Steve Sheldon
15233 Greenhaven Way
Burnsville, MN 55306
January 13, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Steve Sheldon

MTC–00011042

From: Adam Bockhorst
To: Microsoft ATR
Date: 1/14/02 12:06am
Subject: Decision shows awareness of school budgetary realities

Judge Motz' decision to scuttle this ill-conceived settlement was appropriate. He clearly recognized that organizations making procurement decisions quite often follow a path of least resistance. Allowing Microsoft to seed thousands of school districts with free equipment and products likely would have made the adoption of its products a fait accomplit, at least in some districts. A Federal district court would have been complicit in expanding the very monopoly recognized by the DoJ—a nasty example of the goverment's left hand not knowing the activities of its right.

Adam Bockhorst

Computer Assistant, Kirkwood School District

St. Louis, Missouri

MTC–00011043

From: Jeffrey Jimenez
To: Microsoft ATR
Date: 1/14/02 12:44am
Subject: Objection to Microsoft Proposed Final Judgement

Dear Judge Kollar-Kotally,

I am filing my personal objection to the proposed final judgment on the Microsoft case. Supposedly, the Court has found Microsoft guilty of violating all rules of proper business ethics and practices. However with the PFJ (Proposed Final Judgment), the Department of Justice throws out, if not abandons all previous court findings that indicts Microsoft. In fact, the PFJ permits Microsoft to continue with its monopolistic and predatory practices, which in my opinion is a detriment not only to the software sector but also to the technology industry as a whole. Without a doubt, I strongly believe you will receive thousands of similar appeals encompassing the many flaws that are apparent in the proposed final settlement. My main focus entails one fundamental flaw clearly noticeable in the proposed settlement:

The PFJ does not effectively break up Microsoft, but in fact allows Microsoft to leverage its current market position, or should I say, Monopoly to expand its business into several other technology markets.

Under the general rule, most monopolies in the past, such as AT&T and Standard Oil, are either broken up or carefully regulated. However, Microsoft is given a pardon or a waiver to this general rule of thumb altogether. Also, Simple slaps on the wrist or severe reprimands by the Department of Justice will not radically alter Microsofts existing operation methodologies. As history has proven over and over again, Microsoft will undoubtedly abuse its monopoly position at the expense of others. Unless something extraordinary is done such as breaking up Microsofts business into several parts or meting out severe punishment, Microsoft will persistently continue to implement illegal business practices. I submit to the Court that the Proposed Final Judgment does not solve the Microsoft issue.

Respectfully,

Jeffrey Jimenez

3061 La Selva Ave Apt C203

San Mateo, CA 94401

MTC–00011044

From: Jeff Daniell
To: Microsoft Settlement
Date: 1/14/02 12:10am
Subject: Microsoft Settlement

Jeff Daniell
PO Box 1444
Lampasas, TX 76550
January 14, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Jeff Daniell

MTC–00011045

From: Jonathan Hughey
To: Microsoft Settlement
Date: 1/14/02 12:38am
Subject: Microsoft Settlement

Jonathan Hughey
4240 Cuesta Dr.
Irving, TX 75038
January 14, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Jonathan N Hughey

MTC–00011046

From: Steve Moore
To: Microsoft Settlement
Date: 1/14/02 12:49am
Subject: Microsoft Settlement

Steve Moore
1306 Island View Ct.
Nashville, TN 37214
January 14, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Steve Moore

MTC–00011047

From: John Thibodeau
To: Microsoft Settlement
Date: 1/13/02 11:59pm
Subject: Microsoft Settlement
John Thibodeau
366 S W Main St
Douglas, Ma 01516–2505
January 14, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
John Thibodeau

MTC–00011048

From: Jesse Cook
To: Microsoft Settlement
Date: 1/14/02 12:46am
Subject: Microsoft Settlement
Jesse Cook
5784 Ohara Ct
Boise, ID 83703
January 14, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Jesse Cook

MTC–00011049

From: Chance Cartwright
To: Microsoft Settlement
Date: 1/14/02 12:13am
Subject: Microsoft Settlement
Chance Cartwright
12 Perkins
Lampasas, TX 76550
January 14, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

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Thank you for this opportunity to share my views.

Sincerely,
Chance Cartwright

MTC–00011050

From: Hao He
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/14/02 1:21am
Subject: Microsoft Settlement

It appears to the rest of the world that justice is only as much as you can afford it in the USA.

Microsoft has been found to be a monopoly and has used that monopoly position for its illegal gains. However, Microsoft can get away with its wrong doings without any effective punishment.

Dr. Hao He
Software Architect

The above statements only reflect my personal views.

MTC–00011051

From: root@smtp.sunflower.com@inetgw
To: Microsoft ATR
Date: 1/14/02 1:43am
Subject: Microsoft

This is a terrible settlement. I do feel that those in the Justice Department that made it were well meaning, but they simply do not understand what Microsoft is doing. Most developers will flat out tell you that Microsoft is an impediment to technological advancement, they are a monopoly, and have massively abused that position.

I could go on and on. But let me just make one example, Internet Explorer.

Microsoft was nonexistent in the development stages of the Web. But they ended up cloning the good work of others, and then using their monopoly power to drive those who were the innovators, out of the picture.

This is what Microsoft does every time. They were a decent and innovative company, up to the mid 90s. But that changed. Microsoft no longer creates, it does not innovate. It clones, and uses its monopoly position to drive those that really do innovate out, leaving Microsoft with control of the market.

If this is not monopoly abuse, what is? Please tell me. And what is really frightening, is what Microsoft has planned for the future.

Frank Kalich
Software Engineer
915 Alabama
Lawrence Kansas 66044
785 331–3413

MTC–00011052

From: Jason Carreiro
To: Microsoft Settlement
Date: 1/14/02 1:07am
Subject: Microsoft Settlement
Jason Carreiro
376 Hailes Hill Rd.
Swansea, MA 02777
January 14, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement: The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Jason Carreiro

MTC–00011053

From: Mayssam Sayyadian
To: Microsoft ATR
Date: 1/14/02 5:29am
Subject: Microsoft Settlement.

hello,

In my opinion, the proposed final judgement:

Fails to reduce the application barrier to entry that Microsoft was found to have illegally protected.

Fails to remedy the injury done to the JavaTM technology community. Fails to remedy the illegal injury that Microsoft was found to have done to Netscape Navigator and the browser market.

Fails to curtail Microsoft's illegal bundling of middleware programs including browsers, media players, and instant messaging software into the monopoly Windows operating system.

Is ambiguous and subject to manipulation by Microsoft because it lacks an effective enforcement mechanism.

Regards,

—MS.

MTC–00011054

From: Blanc
To: Microsoft ATR
Date: 1/14/02 2:56am
Subject: Microsoft Settlement

What is it called when there is centralized control of private enterprise? What could be better for consumers than to have Big Brother sitting in Microsoft's office, at Microsoft's expense, watching every move it makes?

What a great precedent for the future of business and the ''free market'' in the ''free world''!

What could be better for fostering personal resolve, self-reliance, and independence of mind, than to have a ''higher'' agency make the decisions for OEMs, ISP, and OSPs who lack the courage to reject exclusionary agreements or refuse to do business under those terms, since otherwise they'll miss out on the large piles of money they're sure to make in the deal?

What could be better than knowing it is a crime to protect the integrity of products for which a company is liable, and that it is required by law to include the competition in the designs? Perhaps this country should also include a link to communism in its charter, to provide it equal opportunity to attract our attention and fealty.

If I owned Microsoft, I would say to hell with it—let them use Linux. After all, there is no obligation to continue producing this operating system, make improvements or add features to it, or creating new software applications—and all the while suffering imposed indignities in order to operate the business.

Nor are consumers obliged to continue using computers and software: these things are not like air or water or food, and large numbers of people hardly know how to use them. Those who do have become used to their benefits, with much thanks to Microsoft, among others. But it *is* possible to live without them: it was not so long ago that they did not exist as choices for the average consumer.

Where is the harm to consumers from products they are free to desist from using, when they are not required to go to the store and put their money down to buy any of them, but once having done so are at liberty to roam the internet and discover all sorts of other free downloadable software to use in replacement, limited only by their time and curiosity?

I have experienced no harm from using Microsoft's products, but this settlement, though less destructive than the previous proposal, makes me ill.

Blanc Weber

MTC–00011055

From: Frank Bohnem
To: Microsoft Settlement
Date: 1/14/02 2:08am
Subject: Microsoft Settlement
Frank Bohnem
3247 Nowhere St
T.O., CA 91362
January 14, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Frank Bohnem

MTC–00011056

From: Mike Larson
To: Microsoft Settlement
Date: 1/14/02 2:49am
Subject: Microsoft Settlement
Mike Larson
3672 Falcon Way
Eagan, MN 55123
January 14, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

It's time for this anti-consumer trial, and the wasteful spending accompanying it, to be over. Consumers will put competition back in the marketplace, rather than the courtroom, when this dinosaur is laid to rest.

Then Microsoft can get back into the business of innovating and creating better products for consumers, and stop wasting tons of time and other valuable resources on litigation. It's their competitors who can't make it in the marketplace, not the end users and ordinary people who have to rely on their computers to be productive, who benefit from this anti-trust, anti-consumer exercise in poor government.

Competition means creating better goods and offering superior services to consumers, not making it possible for other businesses to keep making products that people don't want and won't buy. With government out of the business of stifling progress and tying the hands of successful corporations, people who actually use the software—rather than bureaucrats and judges—will once again pick the winners and losers. With the chains off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies, instead of funding to the tune of hundreds of thousands or more dollars the parties and politicians who represent these market-loser businesses.

Thank you for this opportunity to share my views.

Sincerely,

Mike Larson

MTC–00011058

From: Charleen Hoffman
To: Microsoft Settlement
Date: 1/14/02 3:08am
Subject: Microsoft Settlement
Charleen Hoffman
PO Box 80927
Fairbanks, AK 99708–0927
January 14, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Charleen Hoffman

MTC–00011059

From: Jani Pohjanraito
To: Microsoft ATR
Date: 1/14/02 4:05am
Subject: Antitrust Division's case against Microsoft

Dear Sirs!

I would simply like to point out that before just competition in the OS and browser market and developing field is ensured (even in the simplest possible manner), the consumers will be paying extra price, and software developers will have 3–4 times the workload per project.

—For years Microsofts unethical conduct (middleware bundling with OS, 'harassment' of other browser developers, ..) has been slowing down the developement of the web, made developers job next to impossible and has in my experience reduced the quality of services available to consumers on the internet.

—All of the above at the consumers expense: people have paid for the operating system, believing that Windows will increase their productivity and possibilities, when it, in fact, has brought limitations to the services available to them. This is an outrage!

—Web-service and software developers have been paying the dearest price: Microsofts business conduct has forced developers to invest at least 3–4 times more time and energy in bringing their products to markets—extra work is required because developers have to 'work their way around' the limitiations and barriers set by microsoft (brought forward by the OS and the browser and programming language 'discrimination' practiced by Microsoft).

I hope you really consider this case as the case of the future of efficient internet and desktop computing—it is 'make it or break it' case. Outcome will be either oudated and limited OS/Service market, or contemporary and rich OS/Service market. Best Regard, Jani Pohjanraito Web Developer since 1996

MTC–00011060

From: Peyman Afshani 78179805
To: Microsoft ATR
Date: 1/14/02 7:49am
Subject: Microsoft Settlement

In particular, the proposed final judgement: Fails to reduce the application barrier to entry that Microsoft was found to have illegally protected; Fails to remedy the injury done to the JavaTM technology community; Fails to remedy the illegal injury that Microsoft was found to have done to Netscape Navigator and the browser market; Fails to curtail Microsoft's illegal bundling of middleware programs including browsers, media players, and instant messaging software into the monopoly Windows operating system; Is ambiguous and subject to manipulation by Microsoft because it lacks an effective enforcement mechanism. In addition, Microsoft has unlawfuly gained popularity for its products, by forcing everyone that installs Winxxx to use its applications including Players, browsers, editors and ... and in this ''proposed final judgement'' there is no solution for this unlawfuly gained popularity. This popularity consists of forcing end users, which are mostly novice or beginers to forcibly use Microsoft's product and have no desire to change the software.

MTC–00011061

From: Angela Watkins
To: Microsoft Settlement
Date: 1/14/02 4:32am
Subject: Microsoft Settlement
Angela Watkins
Rt1 Box173–6
Durant, Ok 74701
January 14, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief. Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies. Thank you for this opportunity to share my views.

Sincerely,

Angela Watkins

MTC–00011062

From: Matt Frankford
To: Microsoft Settlement
Date: 1/14/02 4:14am
Subject: Microsoft Settlement
Matt Frankford
17000 sw 17th cir
ocala, fl 34473
January 14, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief. Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies. Thank you for this opportunity to share my views.

Sincerely,

Matthew D. Frankford

MTC–00011063

From: Charles Salber
To: Microsoft Settlement
Date: 1/14/02 4:54am
Subject: Microsoft Settlement
Charles Salber
3833 Edgewood Ave.
Fort Myers, FL 33916–1054
January 14, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief. Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With

government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies. Thank you for this opportunity to share my views.

Sincerely,
Charles Salber

MTC–00011064

From: Craig Hillemann
To: Microsoft ATR
Date: 1/14/02 5:16am
Subject: Microsoft Settlement

A FINFlash Alert: The DOJ wants to hear from YOU[RESENT IN PLAIN TEXT] January 13, 2002 Attorney General John Ashcroft U.S. Department of Justice 950 Pennsylvania Avenue, NW Washington, DC 20530–0001

Dear Mr. Ashcroft:

Pursuant to provisions of the Tunney Act, I am writing to express my opinion on the settlement reached between Microsoft and the Department of Justice in November of last year. Apparently nine states are seeking to further prosecute the Microsoft Corporation. As both a taxpayer and purchaser of personal computer software products, I do not believe that the antitrust case against Microsoft should be dragged out any longer.

Please be reminded that the purpose of antitrust laws in the United States is to protect consumers like me, and not to support the self-interests of competitors in the marketplace. The parties that goaded the DOJ and states to file antitrust actions were Microsoft's competitors, not consumers like me. Microsoft's competitors are obviously envious of Microsoft's success, but the reason Microsoft has succeeded is simply that Microsoft has consistently delivered better and more cost-effective products, and furthermore fostered a large market and environment inviting competition. As result, enormously more quality, low-cost hardware and software is available from both Microsoft and other vendors for Windows than for any other operating system (e.g, Linux, MacOS, Solaris, etc.).

Microsoft's Windows product provides excellent functionality for the price. As a consumer, I want Microsoft to bundle as many apples as possible in Windows, and I do not appreciate hardware vendors modifying Windows. My computer-using colleagues feel similarly. Windows as provided by Microsoft works well on a remarkably wide range of computer hardware. The apples included in Windows provide very helpful functionality with dependable stability and user interface consistency. Their inclusion does not prevent other vendors from developing products with greater functionality, but does provide a useful standard for other vendors to try to surpass.

I have read the entire Appellate Decision for this case, and based on the facts, including my own experience as a computer user, I do not believe bundling Internet Explorer in Windows was unlawful. Frankly, I appreciate the inclusion of Internet Explorer in Windows. Microsoft's alleged misrepresentation of Java support may have been questionable, but the context was a struggle with Sun, one of Microsoft's biggest detractors, for control of the language. Microsoft has since pulled back support for Java in Internet Explorer. Anyway, the proposed settlement goes well beyond any reasonable remedy in view of Microsoft's possible misstep.

Under the circumstances, the agreement made between Microsoft and the Department of Justice was certainly more than fair. All parties directly involved (not counting Microsoft's competitors) seem satisfied with the terms reached. Microsoft has agreed to license its software and applicable intellectual property rights to its major competitors. Moreover, Microsoft is planning to format future versions of Windows so that its competitors will be able to introduce and endorse non-Microsoft software in Windows. Microsoft has also agreed to disclose Windows line code to competing computer software producers. However, I personally will want the full version of Windows from Microsoft without it being hacked by other vendors. I do not believe litigation should continue in this case. There is no need to drag the suit out any longer. You and you office should back the settlement.

Thank you.
Sincerely,
Craig L. Hillemann
1229 Crestover Road
Wilmington, DE 19803
302–479–0432
Craig_H@msn.com

MTC–00011065

From: Tom Kirkwood
To: Microsoft Settlement
Date: 1/14/02 5:46am
Subject: Microsoft Settlement
Tom Kirkwood
4362 Rice Street
Shoreview, MN 55126
January 14, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial was well worth the cost in taxpayers' dollars, was a blessing to consumers It is high time for this trial result in real changes that will stop the destruction of small companies. Many Americans think the federal government should have broken up Microsoft. If the case is finally over, companies like Microsoft will be aware they cannot do these kinds of things, and not waste valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers.

Thank you for this opportunity to share my views.

Sincerely,
Tom Kirkwood

MTC–00011066

From: Faraz Hach
To: Microsoft ATR
Date: 1/14/02 9:59am
Subject: Microsoft Settlement.

Fails to reduce the application barrier to entry that Microsoft was found to have illegally protected;

Fails to remedy the injury done to the JavaTM technology community; Fails to remedy the illegal injury that Microsoft was found to have done to Netscape Navigator and the browser market;

Fails to curtail Microsoft's illegal bundling of middleware programs including browsers, media players, and instant messaging software into the monopoly Windows operating system;

Is ambiguous and subject to manipulation by Microsoft because it lacks an effective enforcement mechanism.

Microsoft forced the users to work with its components like ie (Internet Exp . . .)

—F.Hach

MTC–00011067

From: larry mahoney
To: Microsoft ATR
Date: 1/14/02 6:42am
Subject: End Microsoft Anti-trust Case

Please put a STOP to this Clinton-era corporate witch hunt!!!

Thank you.

MTC–00011068

From: mark oliveri
To: Microsoft Settlement
Date: 1/14/02 7:43am
Subject: Microsoft Settlement
mark oliveri
626 chestnut st
mifflinburg, pa 17844
January 14, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
mark oliveri

MTC–00011069

From: John Quigley

To: Microsoft Settlement
Date: 1/14/02 7:46am
Subject: Microsoft Settlement
John Quigley
15 e charlotte ave
wyoming, oh 45215–2113
January 14, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Sincerely,
John E Quigley II

MTC–00011070

From: David Secret
To: Microsoft ATR
Date: 1/14/02 8:19am
Subject: I urge you do not go light on Microsoft: Consumers and innovation will suffer.

This was sent via US Mail, I decided to copy you via EMail due to the risks of US Mail to Washington these days.

I wanted to make you aware of the opinions from industry regarding the irreparable harm Microsoft has done to the computing world. They have been blatantly anticompetative, destroying any competition they could using their OS monopoly and continually expanding into new areas by leveraging their OS: Web Viewing, Web servers, Music(Media Player). No one can compete in any area if Microsoft simply bundles their product with their Operating System for free at first, they stave out all competition then charge because they are the only viable player in the market.

They were blatantly apathetic at the charges leveled at them by the court, they were mocking and even faked an exhibit in order to show removing Internet Explorer from a Windows computer was harmful.(Even though any computer expert knows it isn't).[There were different icon layouts on the computers during the video, showing it had been cut and another computer used instead of the original.]

It is clear, without stiff penalties and controls on their future actions a company like this will not deviate from it's illegal ways. I urge you to consider a breakup of Microsoft into at least two companies: Operating System, and Office. This would at least stop some of the leveraging they are doing in those two areas which they control.

Respectfully,
David Secret
MIS Director
Kearney Development Co., Inc.

MTC–00011071

From: Smith, Janet (123)D 101 (126)Indianapolis(125)
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/14/02 8:36am
Subject: Micosoft Settlement

Please see attached letter.
<<USAGSmith_Janet_1009_0109.doc.dot>>
Janet
9115 Hague Road
Indianapolis, Indiana 46256
January all, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

As a concerned citizen, I write you regarding the recent Microsoft settlement. It is foolish, to me, to continue to dissect an agreement that has been meticulously negotiated for three years. How can it be, that there may be further litigation on this subject? The terms that have been outlined are in the interest of the entire IT sector and can only benefit our position in this highly competitive global market.

The many concessions that Microsoft has made in this settlement are directed toward promoting non-Microsoft software. This alone, shows that Microsoft is working in the interest of our entire technology industry. Some of the major changes they are willing to make include licensing, marketing and even future design. Using these terms as a guideline to get back to business is helpful to the consumer, the IT sector and our economy as a whole.

Please help to get this settlement moving forward. We need these guidelines to help pull our IT sector together to be productive in this global market. Let's make sure that there be no more litigation against this settlement. I thank you for your support.

Sincerely,
Janet Smith

MTC–00011072

From: tom.szymanski@exgate.tek.com@inetgw
To: Microsoft ATR
Date: 1/14/02 8:41am
Subject: Microsoft Settlement

Dear Judge Kollar-Kotelly,

I am writing this to urge you to reject the proposed Microsoft settlement. I believe the settlement as it currently stands would neither punish Microsoft for the anti-competitive actions it has taken in the past, nor prevent it from repeating them in the future.

On the contrary, it think it would provide MS with additional ways to strengthen it's monopolistic grip on our country's home and business software.

I believe that the only remedy to this problem is to subdivide Microsoft into separate business entities that would compete in the marketplace with each other and other technology companies.

Sincerely
Tom Szymanski

MTC–00011073

From: Agnes S Heller
To: Microsoft ATR
Date: 1/14/02 8:52am
Subject: settlement

At a time when companies like Enron fraudulently squandered the public's moneys(mine included), it would be best that one of the most outstanding and profitable companies be allowed to operate without further interference. The states that do not wish to accept the settlement are going to spend a lot of their constituents money for lawyers' fees. This whole suit was ridiculous, belly aching by the likes of Scott Mc Neily and his company. He and the other competitors are just not smart enough! That is what it comes down to.

The stockholders of Microsoft should sue the justice dept.You are NOT SERVING PUBLIC INTEREST by further litigation.

Sincerely Agnes Heller
(Microsoft stockholder)

MTC–00011074

From: Mark Rapp
To: Microsoft Settlement
Date: 1/14/02 8:25am
Subject: Microsoft Settlement
Mark Rapp
96 Linn Drive
Verona, NJ 07044
January 14, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Mark Rapp

MTC–00011075

From: Doody, Scott (FUSA)
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/14/02 9:04am
Subject: Microsoft monopoly

As an informed consumer, I find Microsoft's corporate behavior extremely distasteful. I find Microsoft's products useful, but lacking any meaningful alternative I have no basis for comparison. Microsoft is clearly a monopoly and clearly continue to abuse their power even in the face of antitrust prosecution. Even the recent ''settlement'' propagates their power by placing them in a position of prominence in one of the few software markets they don't control—our children's schools.

The development of Passport and the other components of .Net is truly alarming, given Microsoft's incompetence with security, obsession with controlling ''revenue streams'' and thinly veiled contempt for consumer's wishes. I plan on purchasing a new computer soon, at which point I will feel forced to wipe Windows XP from the hard drive (having paid for a license) and installing an older version of Windows, simply to safeguard my privacy and financial safety.

The best way to correct a problem like Microsoft is market forces, but the market is powerless in the face of Microsoft's influence over software developers and would-be competition. The role of the government is to protect the market from influences such as Microsoft, and I am amazed at the lack of progress on the part of Federal prosecutors. I have read excerpts from Bill Gates' testimony to Congress, in which he states that maligned Microsoft is not a monopoly and that consumers have plenty of choices. However, confronted with the breakup of his company, he then states that Microsoft is central to the entire personal computing industry; and that thwarting the company will imperil the entire industry. This, from a man who stated under oath that the does not know what ''market share'' is.

The DOJ needs to get busy.
Scott Doody
Project Manager
Phone: 302.282.7713
Graphic Production Services (GPS)
First USA Bank

MTC–00011077

From: PTemeles@aol.com@inetgw
To: Microsoft ATR
Date: 1/14/02 9:24am
Subject: Microsoft Settlement

Letters have been faxed to Ashcroft and R. Santorum.

MTC–00011078

From: Michael Willems
To: Microsoft ATR
Date: 1/14/02 9:31am
Subject: MS

Hello,

For what it is worth, our company, while it tries to take a balanced view and uses many MS products, feels that MS is hindering the industry by its anticompetitive behavior, and that a split-up is the only remedy that will provide both justice and growth. Please persevere.

Sincerely,
Michael
Michael Willems
<mwillems@digitalview.com>
Chief Technology Officer
Digital View Group
http://www.digitalview.com

MTC–00011079

From: Robert Wheat
To: Microsoft ATR
Date: 1/14/02 9:39am
Subject: Microsoft settlement

January 11, 2002
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

As a software developer, I am writing to voice my opinions on the settlement between the Department of Justice and Microsoft Corporation. I want you all to know that I support the settlement that has been negotiated with Microsoft.

It is my belief that the only reason the Justice Department is in the middle of this is due to other competitors' inadequacies and complaining (we are starting to call it—the software complaint lobby—if you can't sell it then go complain to your congressman). When Lotus was suing everyone for similar spreadsheet programs, we all thought—hire more developers—not lawyers. Make your product better to compete with the competition. That is what I do all day long. Where is Lotus today? I believe the products that Microsoft develops are the best in the business. It is the job of the competition to improve their products in order to be successful as well. It is my understanding that this settlement was reached after extensive negotiations with a court appointed mediator. As I understand it, Microsoft is not getting off that easy. They are required to make specific changes due to the settlement. For example, Microsoft has agreed to document and disclose even more interfaces that are internal to the Windows' operating system products for use by its competitors.

I urge that no further action be taken against Microsoft. We all want to get on with the next generation—not the last generation software.

Robert Wheat
13423 Post Oak Glen
Cypress, TX 77429
cadworx@coade.com
281–890–4566

MTC–00011080

From: norris dalton
To: Microsoft ATR
Date: 1/14/02 9:39am
Subject: Bill and the Boys

If any part of your paycheck comes from tax dollars, you should give it back. Try this. Stop using any and all software that is made by Bill and the boys. See how far you get. People like you are the reason he has done as well as he has.

Norris A. Dalton
norrisdalton@hotmail.com

MTC–00011081

From: Thomas Angioletti
To: Microsoft ATR
Date: 1/14/02 9:41am
Subject: Microsoft Settlement

To Whom it May Concern:

I am a software developer in the defense industry and have been following the anti-trust case against Microsoft. I do not think that the proposed settlement adequately punishes Microsoft for it's crimes against the American people in restraining free trade, nor will it discourage Microsoft from similar future behavior. Microsoft has shown no remorse for its actions; anything short of a heavy penalty (such as removing copyright protections for Windows) is an insult to the rule of law. Furthermore, attempts to monitor Microsoft's good behavior in the fast-paced tech industry will always be several steps behind.

In my view, the software industry, due to the high fixed cost and very low marginal cost of developing software, has a weakness for monopoly formation. We need a government willing to actively police our industry and enforce the antitrust laws.

Sincerely,
Thomas C. Angioletti

MTC–00011082

From: Greg—
Ambrose@Vanguard.com@inetgw
To: Microsoft ATR
Date: 1/14/02 9:42am
Subject: Microsoft settlement.

Please read the letter I've attached. It expresses my opinion on the Microsoft case.

Thank you,
—Greg Ambrose
1250 Warwick Furnace Road
Pottstown, PA 19465–8903

January 13, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I am writing to inform you of what I think about the recent settlement between the Justice Department, and Microsoft. I think that this case should not have been brought to court in first place. However, it is in the best interests of all parties involved to accept this settlement and move on to other things.

The terms are more then fair and reasonable for the government to accept. Microsoft will be making a number of specific changes to their products, and business practices. For example, Microsoft has agreed to license its Windows operating system products to the 20 largest computer makers on identical terms and conditions, including price. Also, the company has agreed not to retaliate against computer makers who ship software that compete with anything in its operating system.

As you can see, Microsoft did not get off easy in this case. Please accept the settlement, and take no more action against Microsoft. Thank you.

Sincerely,
Greg Ambrose
cc: Senator Rick Santorum

MTC–00011083

From: Will Hitchcock

To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/14/02 9:53am
Subject: Microsoft Settlement

I was inspired to submit a comment by an article posted on Sun's web site. This article continues to convince me that we live in a world rife with thieves. Thieves that now have the US government working for them. I will keep this short since there must be thousands of comments to sift through. Microsoft has only done one thing wrong: a contract violation with Sun in terms of their implementation of the Java Virtual Machine (they added Windows specific logic). Absolutely that is a contract violation and should be punished. Every single other allegation is bogus. The US government has become the henchman for Oracle, Sun and the rest of the thieving whiners out there. Microsoft crushed Netscape because they bundled internet explorer. Good. I would like to sell a calculator program but Microsoft includes one in the operation system. Is a calculator part of the operating system? Isn't Microsoft using it's monopoly to keep me down? Shouldn't everyone be forced to pay for my calculator program?

Please keep in mind, that the only true monopolies (100% market share) that have existed in the history of this nation were created by the government. The free market has never yielded a monopoly—not a single one. Standard Oil's market share was smaller than Microsoft's for example. The government's law suit is an attack on freedom and therefore the foundation of modern civilization.

Thanks for your time.

Will Hitchcock
Principal Software Engineer
Delphi Technology Inc.
Phone: (617) 494–8361 x2046
Email: whitchcock@delphi-tech.com

MTC–00011084

From: Jeff Whicker
To: Microsoft ATR
Date: 1/14/02 9:56am
Subject: Microsoft Settlement

To whom it may concern:

I would like to add my voice to the 9 States and the European community in a plea to reject the proposed Microsoft settlement. The settlement provides no remedy for the past abuses of Microsoft's monopoly, and it provides no effective means of insuring that Microsoft will end it's abuse of that power.

I was very dismayed that the Monopoly was not broken up. Why should developers such as myself be given sub-standard documentation concerning Microsoft's APIs while Microsoft's own developers are given access to ''secret'' APIs? A company which owns the most popular operating system simply has no business being in software development. They are competing unfairly with the very community which MADE their operating system popular in the first place.

If the software community had not propelled Microsoft's OS to the forefront then it would be understandable that Microsoft would develope software to be written on it's own OS in an attempt to make their system more useable. But it obviously didn't happen that way. Microsoft first let companies like Wordperfect, Netscape, Lotus, Quicken, and thousands of others develope software for their OS. Then after their OS was already a monopoly, they went into direct competition with those companies and they did so entirely unfairly. They developed secret APIs which were never documented for the general community of software developers while documenting them fully to their own developers.

I realize that the proposed settlement prohibits Microsoft from continuing this practice. Yet the settlement does not make any remedy for the damage this practice has already done. Nor is any agency with real teeth going to be able to enforce the agreement. If Microsoft again fails to completely document it's own API's they will simply claim it was a mistake. And then only if they are caught. They need to be broke up.

Sincerely,
Jeff Whicker

MTC–00011085

From: Chris Lovett
To: Microsoft Settlement
Date: 1/14/02 9:27am
Subject: Microsoft Settlement
Chris Lovett
2155 Grand Brook Circle
Orlando, FL 32065
January 14, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief. Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Chris Lovett

MTC–00011086

From: Gene Averett
To: Microsoft Settlement
Date: 1/14/02 9:06am
Subject: Microsoft Settlement
Gene Averett
3889 Marlesta Drive
San Diego, CA 92111
January 14, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Gene Averett

MTC–00011087

From: Scott Prugh
To: Microsoft Settlement
Date: 1/14/02 9:13am
Subject: Microsoft Settlement
Scott Prugh
2840 N Lincoln Ave
Chicago, IL 60657
January 14, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and

judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies. Thank you for this opportunity to share my views.

Sincerely,

Scott Prugh

MTC–00011088

From: Account CONSULT-SMI AI/SM-I
To: Microsoft ATR
Date: 1/14/02 9:58am
Subject: Trial against MS

** Confidential **

Dear Sirs,

I would like to state my opinion concering the proposed settlement. As a software developer, the quality of my own work depends on the quality of intermediate software like operating systems platforms or databases. Also, the level of stress that I have to face within my daily work with computers and the bearability of the job I do are majorly influenced by the actions of global players like Microsoft or Sun Microsystems.

Therefore I speak as a person directly concerned by Microsoft's policies and stategies and I cannot resist but to tell you that the business part of my life would be much more bearable if Microsoft would stop their ongoing seeding of discord.

Lately I bought a notebook and after a complete market survey, I found out that there was only one Notebook-vendor who could offer me notebooks without a preinstalled Windows operating system. If you purchase a Dell, Sony, Toshiba, Samsung or other notebook, then you can choose to take this graphics card or the other, you can configure every aspect. However you are always forced to purchase a Windows OS along with it. This is so up to the very day. If you just make the test, walk into a PC store, choose a particular notebook, and ask if you could purchase this laptop without a preinstalled windows, then you will always hear that this is not possible.

A fair competition between software vendors will only be made possible again, if some institution like the DOJ controls Microsofts behaviour. —— Another aspect is that within a free-market economy, the best product should win the customers approval. Microsoft however is using its predominant position in todays market to force all software vendors into using their proprietary windows protocols.

In the earlier days I used to program windows software and my work was hard. Nowadays I am only using Java software coming from Sun Microsystems. Since that time, my work is much easier. My Point is, that although Java technology is superior to anything Microsoft has to offer, it is not going to spread among the people and its use it not going to increase because Microsoft again is using it monopoly to suppress Java technology.

If microsoft was acting in a fair way, they would reckon that Sun Microsystems is offering a product that is open and top-nodge an would try to catch up. Microsoft could even adopt Java technology because it is free. Nonetheless Microsoft prefers to use its monopoly to boycott this outstanding technology and therefore suppress the improvement of software products directly.

By any means necessary, microsofts superciliousness has to be abolished. Laws must have a substance in reality and may not only look good on a piece of paper. It is necessary to apply strict regulations to Microsofts business mien.

Whatever judgement you decide on, it must be so made that it guarantees that Microsoft cannot go on acting as they do now in the future. To my mind the measures proposed so far are not sufficient. Microsoft not only deserves a higher punishment—it will be necessary to ensure a change in behaviour. Microsoft has had a chance to show that they are willing to cooperate but shows no sign of this. For example, Applte has integrated Suns Java platform within its newest operating system called Mac OS. Linux distrubutions come with a preinstalled Java platform. However, Microsoft is not integrating a modern Java-platform into its brandnew windows XP.

At the same time Microsoft is trying to become the only holder of people's electronic identities by setting up a proprietary platform that holds peoples secure identities. This project is called Project Hailstorm and Microsoft is using its monopoly once more to push this technology forward, not only ruining better proposals but also leading into an era where your complete identity as a person is hosted by one private company!!!

best regards

Sascha Coenen

MTC–00011089

From: Ernie Bello
To: Microsoft Settlement
Date: 1/14/02 9:57am
Subject: Microsoft Settlement
Ernie Bello
610 Park Ave Apt. B10
Rochester, NY 14607

January 14, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies. Thank you for this opportunity to share my views.

Sincerely,

Ernie Bello

MTC–00011090

From: David Henry
To: Microsoft ATR
Date: 1/14/02 10:15am
Subject: Microsoft case comments
U.S. Department of Justice
Gentlemen/Ladies:
Refer: Microsoft case.

I understand the DOJ is taking comments about the Microsoft Case. Microsoft was clearly a case of monopolistic behavior. The company should have been split into four separate operating units.

1. Operating Systems.
2. Internet related software.
3. All other software.
4. All other business activities.

Why this wasn't done is a mystery to me.

David Henry
1620 S. 118th E. Ave.
Tulsa, OK 74128–5636

MTC–00011091

From: Frederick R. Brock
To: Microsoft ATR
Date: 1/14/02 10:40am
Subject: Microsoft Settlement

To whom it may concern:

I feel that the proposed remedy fall's short of curtailing microsoft's monolpoly. I am a developer and devlope primarly java based enterprise systems, this means my inability to recieve windows OS specificate API (application programmers interface) information does not effect my ability to deliver a solution to my clients, however, from a price perspective I just spent 200.00 (199.99) on my UPGRADE to windows XP and just a quarter before I spent another 200.00 dollars on my UPGRADE to windows 2000. I can't afford MS Office which is near 1000.00 for a UPGRADE with the full version over 1000.00+ they can charge this because they are a monopoly!!!!. I have been around computers my entire life and watched as DOS evolved into windows and MS grew to become a monopoly. I used to be able to buy a Office suite of my choice from 5 or 6 vendors for about 79.00 dollars, MS drove all of them under and now If I want to be compatible with the rest of the world I have to pay MS 1000.00+ for a sub-quality office product. I can't afford to do this as a small business, I wish their was an alternative. But since you will not separate them or at least cap the price increases that they pass on to the consumer for MINOR updates to their product, no other vendor will have a chance.

In addition, when I installed my new XP upgrade it ruined 6 months of work, some of which I cannot re-create, I can't get my money back so I guess I am stuck. This is a big problem!!!!. Their software now answers questions and chooses options for you, as a result it ate my HD to crap with out giving me, the owner of the computer, a chance to intervene, thier should be a law against this. I lost time and money. Frederick R. Brock

Brock Consulting Inc.

MTC–00011092

From: Raymond
To: Microsoft ATR
Date: 1/15/02 2:29am
Subject: Comment on about the MS settlement

Hello:

I work with schools and community centers in the LA area. Many schools and community centers would like to use Linux as there main educational Operating System. After watching the video of Dan Kegel at Linux Public Broadcasting Network I also conclude that Microsoft must not create barriers to prevent MS applications from running on Linux via the WINE project. If the DOJ would enforce this one condition the US software market would likly return to a competitive market again. Most importantly disadvantaged ethnic groups and poor schools would have the technological skills they need to compete in the job market. Please watch the video at www.lpbn.org to find out what the really bright tech people of this country are saying. The link is www.lpbn.org.

Sincerely,

Raymond Stedng

MTC–00011093

From: Brian Densmore
To: Microsoft ATR
Date: 1/14/02 10:29am
Subject: Microsoft Settlement

Dear Department of Justice and honorable judiciary, A peer of mine sent this letter to you. I have previously sent in a letter. But this perhaps goes a little bit further in explaining my thoughts on the matter.

Some of my Information Technology background:

B.S. Computer Science

8 years professional programming employment

20 years computer experience

10 years professional computer/computerized hardware experience

30 years electronic experience (started experimenting age 10)

In other words I have extensive knowledge of things electronic (of which digital computers are but one branch of) from both a hardware and software level.

I believe the Microsoft Settlement has been a capitulation by the current administration and the Department of Justice to the big money donations of the Microsoft lobbying and campaign contributions. The US won this case! Why has the justice department settled for this woefully inadequate solution to Microsoft's conviction as a monopolist? This is the penalty phase of this case, and yet there appears to be no penalty for Microsoft, and in fact if implemented as written, could actually increase Microsoft's Monopoly. Exactly! Microsoft has already been found guilty. While I can understand the DOJ backing off the separation of Microsoft, that doesn't mean they don't need to be reined in and made to behave like a good Monopolist. It has been apparent for some time Microsoft has flaunted the law in many aspects. They have taken other peoples copyrighted and or patented software and changed the copyright or patent information and sold it as their own (just one example: STAC software's stacker compression software). This kind of lack of morals needs punishment. They just keep doing this over and over, and getting way with this! this is a travesty ands a mockery of the American legal system. Don't let Microsoft manipulate the law to fit them; manipulate Microsoft to fit the law.

For true justice to be served, the courts must decide the punishment and not the politically (and monetarily) motivated DOJ. For this reason, the settlement as currently written must be REJECTED!

I would like to point out several flaws in the settlement and recommend some alternatives that would seem to make more sense. I refer to the settlement found at http://www.usdoj.gov/atr/cases/f9400/9495.htm

III.A Microsoft shall not retaliate against an OEM... Not only should Microsoft not be able to punish the OEM, but OEM pricing should be disallowed for Microsoft. The OEM vendors should be required to pay full retail price for the operating system and office products, and pass this on to the consumer. In other words, strike paragraphs

III.B.2 and III.B.3 from the settlement. Furthermore, the OEM should be required to list this cost as part of total cost of the machine, and offer all machines they sell with either alternative operating systems, or no operating system at all installed. This would provide clear disclosure to consumers of the ''Microsoft tax'' they are paying with each new computer system. Allowing users to remove items from a purchased machine is inadequate, as they have already paid the ''tax'' and Microsoft goes unpunished.

III.D ...Microsoft shall disclose to ISVs, IHVs, IAPs, ICPs, and OEMs, ...the APIs and related Documentation... While this is a step in the right direction, Microsoft should be compelled to make public, not simply to certain companies but to the public, all operating system APIs, all communication APIs, and every single file format, current and future, created or used by any of their products. The interfaces and file formats should not be allowed to be considered ''intellectual property'' that would allow Microsoft to restrict access by imposing ''royalties or other payment of monetary consideration'' simply to interface with their products. This will promote true competition by allowing other companies and the open source community to write programs that can be fully compatible with, and have equivalent functionality to the Microsoft monopoly products. APIs (Application Programming Interfaces) are exactly that. They are an interface; a way of communicating between two closed systems. If Microsoft hides the APIs, then only Microsoft can communicate with that system. Microsoft does disclose a number of APIs, but not the ones they use ''internally''; which allows them to ''integrate'' certain things (like Explorer) into the OS. No one else can use these APIs without reverse engineering them, because they are hidden from the public.

II.J—No provision of this Final Judgment shall:

1. Require Microsoft to document, disclose or license to third parties...

2. Prevent Microsoft from conditioning any license... This paragraph reads like a major legal loophole for Microsoft that will allow them to get away with keeping large parts of the interface to their systems a secret by saying that the disclosure would ''compromise the security'' of that system. The APIs and file formats I mentioned above should be excluded from this paragraph.

Section V. Termination

B. In any enforcement proceeding in which the Court has found that Microsoft has engaged in a pattern of willful and systematic violations, the Plaintiffs may apply to the Court for a one-time extension of this Final Judgment of up to two years, together with such other relief as the Court may deem appropriate.

So if I have interpreted this paragraph correctly, if Microsoft fails to comply with this settlement in the first five years, their punishment is to spend two more years not complying!? How is this an incentive for Microsoft to comply with the settlement? This section completely removes what few teeth this settlement ever had. This section should be completely rewritten such that if Microsoft fails to comply with the settlement, any and all intellectual property not in compliance will be forfeited to the public domain. That would be an incentive for compliance!

In summary, the Microsoft punishment for being a convicted monopolist should include the opening and documenting of all Application Programming Interfaces for their products, the documented specification of all file formats for documents created by their products should be public domain, and the complete prohibition of the discounts and ''bundling'' Microsoft currently engages in with hardware vendors. Additionally, the legal loopholes should be removed, and the penalty for non-compliance should be severe.

A settlement that truly encourages competition is very much in the national interest and national security. A study released a year ago by the highly respected Center for Strategic and International Studies, pointed out that the use of Microsoft software actually poses a national security risk. We can not allow any one company to maintain a strangle hold on something as important to this nation as the information technology infrastructure of this country. It is very important for the future of this nation that a careful and deliberate penalty that restores true competition to the software marketplace be implemented.

Thanks you for your time,

Jim Herrmann

Kansas City, Kansas

KC Linux Users Group—to unsubscribe send mail to majordomo@kclug.org Enter without the quotes in body of message ''unsubscribe kclug''

Thank you,

Brian Densmore

Associate

mailto:densmoreb@ctbsonline.com

CompuTech Business Solutions, Inc.

http://www.ctbsonline.com/

(816) 880–0988 x215

MTC–00011094

From: Paul Farwell
To: Microsoft ATR
Date: 1/14/02 10:34am

Subject: Microsoft Settlement

I want to voice my concerns about the proposed December 7th settlement of Microsoft antitrust case. These views are my own and not those of my current or previous employers.

As an experienced software developer, I see effects of Microsoft's monopoly on the software industry that are probably invisible to the average software user. It's been my responsibility to investigate and recommend software tools to my employer. In many cases, there is a reluctance to consider anything other than a solution using Microsoft tools and technology. The reason is not necessarily because Microsoft solutions (like Visual C++ or Visual Basic) are considered better than the alternatives. It's the concern that alternative solutions have no built-in support for deploying applications on the Windows operating system, which a large majority of our customers use. Java technology is a really good case in point. For years, Java has had the potential to provide users with complete and powerful applications on their web browsers in a browser-independent and OS-independent way. It is a much better tool for writing sophisticated web applications than HTML, which has become the de facto standard for web user interfaces. Most users don't realize how primitive most web applications are because they don't know what the alternatives are. While it is true that HTML is an open standard, one not controlled by Microsoft, it is also very limited. HTML is good at presenting text and pictures, but is a poor technology for developing a good web application, like a on-line scheduling tool. It amazes me that even today most web applications are displayed in HTML (and JavaScript). Why is that? Java applets would be the primary tool used in web applications if Internet Explorer had not won the ''browser wars''. IE's support for applets is poor because it offers out-dated (or nonexistent) Java support. Microsoft has attempted to introduce their own active content solution, ActiveX, but this solution limits the software developer to Microsoft technology on both the front-end (the browser) and the back-end (the middleware services on the network host). It works only if the software developer takes the 'Microsoft everywhere' approach.

It is very frustrating to see software vendors avoid Java technology, not because of the merits or demerits of the technology itself, but because of the perception that Microsoft won't support it. Ordinary consumers of software may not fully appreciate this, but it does have a powerful effect on the kinds of products we can deliver to them.

As a remedy, it makes sense to me that Microsoft supply a complete and up-to-date version of Java with every copy of the Windows operating system. This would remove the burden from the software vendor of struggling to get good Java support on an end-user's computer. That way, Java technology could be judged on its merits, not on whether Microsoft supports it.

Paul Farwell
Software Engineer

MTC–00011095

From: richard brosnahan
To: Microsoft ATR
Date: 1/14/02 10:41am
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice

I was disappointed in the proposed settlement the Department of Justice offered for its case against Microsoft. Where the case found them guilty of using their monopoly power to crush and stifle competition, the settlement does little to punish them, and provides nothing to deter them from doing it again.

It has been determined that they used illegal tactics to become what they are. Stifled competition means innovation is stifled as well. I urge you not to accept the weak settlement proposal. It is in the public interest that a stronger penalty be applied, as well as stronger remedies to prevent Microsoft from continuing their illegal practices.

Best regards,
Richard Brosnahan
Senior Software Engineer
Xperts, Inc
email: rbrosnahan@xperts.com
web: http://www.xperts.com/
CC:Richard Brosnahan

MTC–00011096

From: Stephen.Lochren@Sun.COM@inetgw
To: Microsoft ATR
Date: 1/14/02 10:47am
Subject: Microsoft Settlement.

After reviewing the Prohibited conduct section it appears that Microsoft is left to review its practices and conduct business in a fair and unbiased manner and given the facts to date this has not been the case. I would recommend that this settlement not be granted in its present form and sent back to the courts.

Steve Lochren

MTC–00011097

From: Liz Lindsey
To: Microsoft ATR
Date: 1/14/02 10:48am
Subject: Microsoft Settlement

Dear Attorney General Ashcroft,

I am writing to let you know I support the Bush Administration and Microsoft in their desire to settle this lawsuit. Not only do I believe that Microsoft has done nothing to harm me as a consumer, but I believe my life has been greatly improved because of all the technology brought to the market because of Microsoft. The advent of the home computer has transformed my life and 'raised the level of all boats'. To prove there's no monopoly in my home, we own a Macintosh, and we also run Unix on our server, though we use Microsoft on our PCs. I have never been forced to use Bill Gates products, and the ones I do use, are used through choice. Explorer is without a doubt a better product than Navigator. There is a choice, and 90% of users agree. The 10% who use Netscape are proof that the government had a specious argument for 'monopoly'. Stop wasting my taxpayer dollars on this trial. Drop this case! Free up Department of Justice resources to pursue antitrust violations that currently truly harm the public.

Elizabeth Lindsey
2125 Colorwood Ct.
Fuquay Varina, NC 27526
919–557–4966

MTC–00011098

From: Marvin Gardner
To: Microsoft ATR
Date: 1/14/02 10:38am
Subject: Fw: Microsoft Settlement

Dear Sir:

I would like to submit some argument as an amicus curiae. The Attorney General gave me your e-mail address, for which I am very thankful. I am aware that this amounts to a large amount of reading, but until today I had no idea of how to contact you. I strongly request that you take the time, especially to read the information posted at the first URL in the enclosed message. I lived and worked in Silicon Valley (San Jose, California) from 1973–1995 working in the semiconductor industry. As such, I am pretty well acquainted with the history of Microsoft and Bill Gates, which the huge majority of people in this nation are totally unaware of. Secondly, I strongly suggest that my 5-point ''settlement'' proposal contained in the enclosed letter is (in all likelihood) the only one that will do true justice to the people of this nation.

Thank you for your consideration.
Marvin Gardner
Boise, Idaho

From: Marvin Gardner
To: Connecticut AG; Florida AG; Iowa AG; Kansas AG; Massachusetts AG; Minnesota AG; Utah AG
Sent: Thursday, January 10, 2002 9:34 AM
Subject: Microsoft lawsuit

Bill Gates, beyond question, is an incorrigible (non-lethal) sociopath at core. (If you would like a quick biographical (personal and business) proof of that statement, you can find it on a page I authored and posted a couple of years ago: http://sonsofliberty.org/wrecking—crew/bill—gates.html In a nutshell, Gates obtained his de facto control of both, the home computer and internet software fields by the skillful (and totally unprincipled) ''use'' of legal stalling. By financially outlasting his opponents through an endless series of challenges and appeals until his opponents dropped out. Only one company—Apple Computer (which was financially as large as Microsoft at the time of the law suit)—has been able to financially ''stay the course'' with Microsoft, and Apple won! Last summer, when the Appeals Court threw out Judge Jackson's penalty (but verified the verdict) and the U.S. Attorney General publicly announced it would ''settle'' with Microsoft out of court, I contacted U.S. Senator Larry Craig's local (Boise, Idaho) office, sat down with one of his employees and ''educated'' that employee on what Microsoft had done throughout its history in order to control the software business, and set down the steps (conditions) that are necessary in any ''settlement'' that would bring justice to the people of America. And I urged that employee (with whom I have a friendship) to urge the DC office to have Sen.

Craig pass on to AG John Ashcroft. (Craig and Ashcroft have had an especially close personal relationship, through their ''off duty'' participation in the ''Singing Senators'' quartet.) I have no idea as to whether or not the Senator did pass the information on to Ashcroft. I only know that, just a few weeks later, the DoJ announced it's (total cave-in) to Microsoft. I also know that, sometime during the first 10 months of last year (the FEC printout I received last November does not give the dates of donations, just the ''span of time'' during which they were given), the Microsoft PAC gave $6,000 to Senator Craig. And considering the fact that, in all the years Craig has been a Senator and Microsoft has been donating to Congressmen, it had given a grand total of only $2,000 total to Craig, I wonder. Anyway...

There are 5 points that any settlement with Microsoft will have to include in order for the American people (and software businesses) to at last have justice:

1. All Microsoft software must be ''open architecture'' (a technical term that the software industry understands).

2. Microsoft must publish and distribute free of any and all charges the source code of any and all software it releases.

3. There must be total unbundling of all Microsoft task-specific software.

4. All future Microsoft software releases must be 100% ''backwards compatible'' with all earlier Microsoft editions of similar programs.

5. All future Microsoft release must contain no ''blocking'' of competitors' software. I feel certain that some of you might not understand the importance of some (if not all) of those 5 points, so I will have an explanation of the ''why'' of each of them posted on my personal web site by tomorrow (January 11). It will be accessible at www.bigskytel.com/marvingardner/MS—justice.html

Yours truly,
Marvin Gardner

MTC–00011099

From: Cedryden@cs.com@inetgw
To: Microsoft ATR
Date: 1/14/02 10:50am
Subject: Microsoft settlement

In my opinion the entire pursuit of MSFT is unwarranted and the DOJ is overstepping the boundary of what the antitrust laws were intended for. The entire endeavor was pushed by a bunch of crybabies who couldn't compete in the market place and hence enlisted big brother in their fight. MSFT's bundling is a non-problem for me...I just don't use those features I don't want.

Charles Dryden
232 Rebecca Dr #447
Alamo, Tx. 78516
956–783–7410

MTC–00011100

From: Bradley.Wellington@hbo.com@inetgw
To: Microsoft ATR
Date: 1/14/02 10:52am
Subject: Microsoft Settlement

My name is Brad Wellington and I am professional software developer currently living in New York. I am very concerned about the Microsoft trial because I believe that the remedy will have long term effects that will be felt for years. I am particularly concerned about Microsoft's bundling of middleware into their operating system. The proposed setllement doesn't address this behavior, which I find quite disturbing. There is absolutley nothing in the settlement that would prevent them from ''Netscape''-ing another product. I am fairly certain that Microsoft's long term goal is to build almost all software worldwide and knock everyone else out of every market, and they plan to use windows to do it. Look at Windows XP. They are trying to stop Kodak from selling digital imaging software, they are trying to eliminate AOL instant messanger by embedding Windows Messanger into XP. It is outragoues to me that they have compley ignored the court's verdict of guilty. They know it is too late for Netscape, they have been pretty much destroyed however XP is trying to replace even more products. It is in your power to keep this from happeneing again and I implore you to do so. Thank you.

Brad Wellington
Senior Software Engineer

MTC–00011101

From: Jjpick@aol.com@inetgw
To: Microsoft ATR
Date: 1/14/02 10:53am
Subject: Microsoft Settlement

Please allow things to move forward. The Settlement is tough but fair. Further litigation is a waste of resources.

Thank you,
Joanne Pickrel

MTC–00011102

From: Karthik Raman
To: Microsoft Settlement
Date: 1/14/02 10:17am
Subject: Microsoft Settlement
Karthik Raman
1234 Alphabet Lane
Denton, TX 76205
January 14, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

I went to a website that wanted me to send an email with some crap about how the DOJ wasted money on the MS trial. However, I feel that is far from the truth. MS is a horrible monopoly, and I wish it had been broken up. Thus, I hope NOT for the trial to be dropped, but I wish the DOJ could be more aggressive in their strategy to bring down MS.

Sincerely,
Karthik Raman—Senior at the Texas Academy of Mathematics and Science

MTC–00011103

From: Logan
To: Microsoft ATR
Date: 1/14/02 11:37am

I submitted comments earlier concerning this case. I need to add one more. What are you smoking? Give Microsoft the opportunity to close out one of the few remaining competitive markets existing in the computer industry? Make them ''pay'' 1.1 billion (less than one month's income) in ''free'' software for one year? Free is the correct term. You propose that they give away ''refurbished'' machines that have already been amoratized and written off and software that they create internally? They don't even have to pay for packaging! Why, come to think of it, they don't even have to pay the taxes on the sales because technically it's a donation.

Then, when the year is up and it's time to upgrade? Hmm, I wonder who's going to end up paying for Johnny to get his new version of Office... Could it be... oh... ME? Are my taxes going to help Microsoft expand it's control over the market? Wow, what a way to solve the problems of the needy. I wonder how much Microsoft stands to make on this deal. Sounds like it could be in the billions of dollars in continued revenue over the next ten years or so. Billions of dollars of MY TAX MONEY.

I thought we elected intelligent people to work in our government. Oh, wait I'm mixing my adjectives. I meant GREEDY when I wrote intelligent. Sorry, my mistake.

Amazing. Simply amazing. We'll as long as you've got it, why don't you share whatever you're smoking so we can all bear this royal bending over a little more gracefully. I'm sure with the lobby money you're getting from Microsoft to write this case off you can afford to buy a little extra for us little people.

Thank
You,
Logan
Creative Director, USinns.com

MTC–00011104

From: Lon Baker
To: Microsoft ATR
Date: 1/14/02 11:17am
Subject: Microsoft Settlement

Hello,

As a concerned citizen I would like to voice my opinion on this matter. Microsoft has been found guilty of using their monopoly power to gain market share and effectively reduce or eliminate competition in numerous areas. The current proposed remedy of requiring them to ''donate'' products, services and/or money to the educational institutions in the United States is unacceptable. This will basically allow them to capture the one final market that they are not the dominant force in, effectively driving Apple, SGI, Sun and others out of that market. The penalty for using and abusing a monopoly should be harsh and impose a true restriction on the companies abilities to use this power again. Since the break up option is not an option and a 1 billion dollar ''donation'' to education only expands their market share and power to influence, some other remedy needs to be found that truly punishes this company for their past actions.

The bottom line is they broke the law, stifled competition, eliminated innovation and leveraged this power to gain wealth, power and mass market control. This needs to be dealt with in a manner that prevents further abuse and sends a clear message that corporations will be held accountable to the laws of the United States of America.

In this time Americans expect and demand that our government acts in the best interests of the citizens and not some corporation that still refuses to admit it did anything wrong.

Please do NOT accept the current remedy being proposed and go back to the drawing board and find something that will stop this from becoming another example the citizens of America use when explaining how corporations get special treatment.

Lon Baker

MTC–00011105

From: richard
To: Microsoft ATR
Date: 1/14/02 11:21am
Subject: Stop the harrassment

When is the government going to stop the harrassment? The government made a mistake going after IBM years ago and I think the government is making another big mistake. I am a consumer and I don't think Microsoft has done anything wrong. I don't see the anticompetitive practices, Microsoft's products are cheap. Yes, Microsoft is huge and is the big bully on the block, but, how can you say that there is no competition in the software industry when everything around us is thriving. Microsoft has set the standard and it is difficult for other companies to accept. There would be chaos if there were no standard Windows operating system like Microsoft's. I see no problem with Microsoft's practices so, and let's more on. Richard L. Bernal

MTC–00011106

From: Chad McCaslin
To: Microsoft ATR
Date: 1/14/02 11:21am
Subject: final settlement on Microsoft

The final judgement obviously falls short of having Microsoft be responsible for the problems they cause in forcing consumers to use microsoft products. Just take a look at the latest operating system from Microsoft and you will see that they are now attacking the AOL Instant Messaging Service. I personally installed XP Professional Windows operating system from Microsoft. It automatically loads Windows Messager into the OS, but that is not the bad part. The problem is that the Windows Messaging client cannot be de-installed. I tried to remove it from the task bar. On re-boot, microsoft placed it back into the task bar. I tried to remove the program files directory and received registery errors. I tried to remove all references to the Windows Messager from the registery and was happy for a short with the product not running on my system until the next windows upgrade when all of a sudden the product was back. I have not configured it nor do I use it (I use AOL IM instead) but it keeps telling me I need to set the NET stuff and start using it. (this is known as badgering) Somehow Microsoft needs to get that this is wrong and to stop doing it. The current penalty for this type of issue is not even noticable for Microsoft. Obviously, Microsoft believes they can keep it in the judicial system until the problem is a faint memory and the companies that they destroy along the way are just a memory. We are a nation that is suppose to punish those who do wrong even if it was a long time ago. How are we as a nation to promote free enterprises to startup when the monopoly (microsoft) will uncut them before they start. People have a right to use the software they want and to not have big brother force us to use their software. Internet Explorer was one example, Now that that problem is basically behind Microsoft, they are attacking the next product. How do we stop this? The best way is to make it not profitable to cause this type of pain. Even if it is long ago, make sure that the impacts to Microsofts ability to cause similar future problems are extremely hampered. If that causes the price for microsoft products to increase, then maybe other vendors will have a chance to make a difference. When criminals cause the same problem over and over, many states take on the principal of three strike and your out. Well, Microsoft has been doing this for alot more than three strikes. When will we make a stand and say that is enough?

Chad McCaslin
Raytheon
972–205–5753
Chad_A_McCaslin@raytheon.com

MTC–00011107

From: Ted Marquis Jr.
To: Microsoft ATR
Date: 1/14/02 11:22am
Subject: Microsoft Settlement

January 12, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing in support of the settlement in the Microsoft antitrust suit. I would like to see this case concluded as soon as possible. As a small business owner, I am concerned by the fact this case was brought against Microsoft at all. Microsoft has been an innovative, competitive company. Companies, especially those engaged in high-tech endeavors, must remain competitive to remain in business. I do not agree with punishing Microsoft for its ability to remain competitive.

I do, however, believe the case should be settled as rapidly as possible. To achieve this end, Microsoft has made a variety of concessions that go above and beyond the scope of the lawsuit. I do not necessarily agree with the concessions made, as they appear to be overly restrictive. For example, the creation of a technical oversight committee, which will monitor Microsoft's business practices, seems overly intrusive to Microsoft. Despite my belief that Microsoft is doing more than should be required, I support its decision to make such concessions so this case will settle. I appreciate your review of my comments, and hope to see this case settle as quickly as possible.

Sincerely,
Ted Marquis
President/CEO

MTC–00011108

From: Daniel L. Cole
To: Microsoft ATR
Date: 1/14/02 11:31am
Subject: Microsoft Settlement

I can't tell you how pleased I am with the rejection of Microsoft's settlement proposal.

Microsoft has demonstrated over the years that it seems to believe that it is a nation unto itself, with its own rules, regardless of what others experience.

What particularly strikes me is the arrogance of their proposal. I would call it a great demonstration of a Wolf in Sheep's Clothing. Thank you for your astute and wise decision. Microsoft's arrogance will continue, until it realizes that there are other people and companies that have as much rights as they.

I commend your decision.

Thank you,
David L. Cole
14 Abbott St.
Greenfield, MA 01301

MTC–00011110

From: David Graham
To: Microsoft ATR
Date: 1/14/02 11:29am
Subject: Microsoft Settlement

Dear USDOJ,

I would only comment on one part of the settlement. Microsofts proposal to donate computer equipment and software to needy schools. Although I applaud the concept, I think it does not server as a punishment to the monopoly. Microsoft does not yet dominate the education market. This is simply an opertunity for them to try to gain dominance in the market.

I strongly recommend rejecting any part of the settlement that might increase Microsofts market share in the education market.

Dave Graham
520 N. Sherwood St. #31
Fort Collins, CO 80521
(970) 484–4577
dgraham@i3.com, dgraham@riverrock.org

MTC–00011111

From: ehh8@juno.com@inetgw
To: Microsoft ATR
Date: 1/14/02 11:34am
Subject: Microsoft Settlement

The Microsoft case has taken a protracted period of time. A short summary of the situation indicates that not much has been accomplished in regard to the basic issue of concern. The public interest would be best served by moving away from the concept of anti-trust and more to the point of providing competition to Microsoft. Let s see the competitors take more of a role of competition and less weining about Microsoft s success. T

MTC–00011112

From: LaffingKat@free-market.net@inetgw
To: Microsoft ATR
Date: 1/14/02 11:34am
Subject: Microsoft Settlement

The settlement seems fair and I think the public is more than ready for this lengthy expensive ordeal to be over. As a neighbor of Microsoft I would love to see this resolved so that residents of this area have one less source of economic insecurity.

MTC–00011113

From: cutterb@juno.com@inetgw
To: Microsoft ATR
Date: 1/14/02 11:34am
Subject: Microsoft Settlement

I think it is fair to all concerned. I hope the deal with the others involved will be setteled in the same way.

Anything less will not help America.

MTC–00011114

From: shdwflcn@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/14/02 11:34am
Subject: Microsoft Settlement

I firmly believe that this farse of a case has gone on long enough. While everyone and his dog has been trying to railroad Microsoft other companies have more blatantly defied the most basic of monopoly laws to move against this company. In the end what has that gained the consumer? Nothing but scandal. It was clear in the beginning and is still clear to me now that although what Microsoft DID do (which wasn't nearly as much as what is being done by OTHER firms in the same industry) was wrong this was nothing more than jealousy and hatred of a man who did us all a huge favor for a relatively little price. Without Microsoft the computer revolution would have stuck to a few hackers doing a few things until Apple got their footing. What do I think of the settlement? Good enough if not overly strict. Let Microsoft go.

MTC–00011115

From: dila813@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/14/02 11:34am
Subject: Microsoft Settlement

Please Approve the Microsoft Settlement it provides more than enough remedy to the charges presented in the case. It is not in the public s interest for this trial to drag on any longer than it already has. Lets settle and get on with the remedy to correct any wrong that has occurred and we can put this behind us.

Respectfully
Mr. Joe Public

MTC–00011116

From: cgbcotty1@juno.com@inetgw
To: Microsoft ATR
Date: 1/14/02 11:34am
Subject: Microsoft Settlement

Please stop the litigation against Microsoft I think the waste of gov t money has gone on log enough!!

Thank you
CB

MTC–00011117

From: BariGood@webtv.net@inetgw
To: Microsoft ATR
Date: 1/14/02 11:34am
Subject: Microsoft Settlement

Sirs It is time to finalize the settlement of the Microsoft case. It has dragged on beyond any reasonable period. It is unfair of the government to serve as henchmen for Microsofts competitors any longer. You have reached an amiable settlement. It is time to close the case.

Marjorie Larsen

MTC–00011118

From: evdon2@juno.com@inetgw
To: Microsoft ATR
Date: 1/14/02 11:34am
Subject: Microsoft Settlement

I think the Govt. should have better things to do with the taxpayers dollars than to hound corporations just because they have the know how to make a success of their venture. So please do something constructive instead of distructive in the spending of our money.If you want to go after someone go after the people that provide the American dream only to those who do not have the gumtion to do anything on their own AKA illegals immigrants from the so called underpriveliged countrys any ambition they have when they get here is soon replaced with every handout the U.S. Govt. can muster small business loans food stamps welfare & no limit to the amount of children they can have which is no burden to them because you provide evrything neccessary Xtras for every child born. I was talking to the Sheriff Dept. here about the kids born to most of these families and they call it their job SECURITY that s some tribute.

MTC–00011119

From: jauregui1@prodigy.net@inetgw
To: Microsoft ATR
Date: 1/14/02 11:34am
Subject: Microsoft Settlement

I feel that this whole law suit was not only unfair and unwarranted but also an unnecessary and frivilous waste of taxpayers money. I think that was the result of a lot of envy and jealousy from bitter underachievers. Bill Gates has done much more in compromising and trying to make up for something that wasn t a wrong in the first place than most people would do. I think he should be praised and commented for what he and his genius have given individuals businesses the U.S.A. and the world instead of our letting envious bitter petty and little-minded idiots punish him for his success and achievements. I guarantee you that if any one of them had created what he has they would feel entirely different. The whole world owes him gratitude and praise not this stupid backstabbing.

MTC–00011120

From: allen.severance@secure aplications.com@inetgw
To: Microsoft ATR
Date: 1/14/02 11:34am
Subject: Microsoft Settlement

The whole matter had it s origin in the envy of Microsoft competitor s. Microsoft did not do anything illegal. The lame justice department then headed up my Janet Reno lacked the forsight to see this. Instsead of demonizing Bill Gates we need to admire what he did for this country. Microsoft should not only be released from any anti-trust suit they should be apologized to. Thank you.

MTC–00011121

From: evzonegeorge@juno.com@inetgw
To: Microsoft ATR
Date: 1/14/02 11:34am
Subject: Microsoft Settlement

Lets get on with it. This legal draging of legal manuvers must come to a halt.

MTC–00011122

From: jimj@value.net@inetgw
To: Microsoft ATR
Date: 1/14/02 11:34am
Subject: Microsoft Settlement

I think it is time to put this Microsoft case behind us. It is so obvious to me that Microsofts competitors are pushing to keep it going. AOL should be put under the microscope . . . . Hummmm. What would we find there . . .? If it wernt for Microsoft I wouldn t be typing this right now. Microsoft has hepled far more people in the learning of computers than any other company. Let s save a little of the TAX Payers TAX money and close this case. The Government has allready spent far to much on this case. Thank You

MTC–00011123

From: dovn@juno.com@inetgw
To: Microsoft ATR
Date: 1/14/02 11:34am
Subject: Microsoft Settlement

Please stop punishing success. Microsoft made the desktop computer possible. America should honor innovation and customer service not cave in ti Microsoft s whining competitors. The proposed settlement is fair to all parties concerned including the American public.

MTC–00011125

From: kwkid@mindspring.com@inetgw
To: Microsoft ATR
Date: 1/14/02 11:34am
Subject: Microsoft Settlement

While I personally don t believe Microsoft should ever have been brought to judgement I firmly believe that it is time to put this behind us. Continued litigation serves no purpose except to line the attorneys pockets with more of my hard earned money. I would much prefer to use that money buying more software from Microsoft Corp.

Sincerely
Dieter Sellers Loyal Microsoft User

MTC–00011126

From: bob—c3@juno.com@inetgw
To: Microsoft ATR
Date: 1/14/02 11:34am
Subject: Microsoft Settlement

THEY ARE CROOKS AND SHOULD BE IN JAIL BUT AS USUAL THE LEGAL SYSTEM ONLY WORKS FORTHE BIG GUYS. IT'S NOT FUNNY ANYMORE.BUT YOU STILL DON'T GET IT.YOU TOOK A DIVE.THHHATS ALL FOLKS!!

MTC–00011127

From: budspence1@juno.com@inetgw
To: Microsoft ATR
Date: 1/14/02 11:34am
Subject: Microsoft Settlement

end the charges against Microsoft.

MTC–00011128

From: billtanner@attglobal.net@inetgw
To: Microsoft ATR
Date: 1/14/02 11:34am
Subject: Microsoft Settlement

I believe STONGLY that no company should blatantly violate our nation s anti-trust laws. I believe more strongly it is time to resolve the blackhole of uncertainty surrounding the Microsoft case. There will NEVER be a settlement or verdict that is without strong controversy. America and Americans need your wisdom experience and good judgement during this difficult time. We need to remember that innovation made and keeps America great. Judge Kotelly this is a TOUGH decision for you. But this is a reasonable settlement. Americans

everywhere will be positively impacted by resolving this case as expeditiously as possible. Thank you for reviewing these comments. I have included my name and number if you would like to contact me. PS FULL DISCLOSURE: I own 176 shares of Microsoft. I also own 400 shares of Oracle which is Microsoft s biggest corporate detractor.

MTC–00011129

From: rositze@zianet.com@inetgw
To: Microsoft ATR
Date: 1/14/02 11:34am
Subject: Microsoft Settlement

The current settlement is enough. It is time to stop wasting time and money on a suit that should probably never have been filed at least on the basis it rests and move forward. Let the consumers determine what products we want and the market will in the long run even itself out.

MTC–00011130

From: emo101@juno.com@inetgw
To: Microsoft ATR
Date: 1/14/02 11:34am
Subject: Microsoft Settlement

I believe that the settlement with Microsoft is in the best interest of everyone and good for thr economy

E.R.

MTC–00011131

From: kmm2000@webtv.net@inetgw
To: Microsoft ATR
Date: 1/14/02 11:34am
Subject: Microsoft Settlement

I agree with the settlement. Let this be the end of it so Bill Gates and Microsoft can move on and get back to business doing what they do best.

MTC–00011132

From: Hipmarjory@WebTV.net@inetgw
To: Microsoft ATR
Date: 1/14/02 11:34am
Subject: Microsoft Settlement

I believe Microsoft is being punished for being creative and far-seeing so lesser companies can cash in on their expertise. Reward Microsoft for being inventive don t punish them.

MTC–00011133

From: bobfinnie1@juno.com@inetgw
To: Microsoft ATR
Date: 1/14/02 11:34am
Subject: Microsoft Settlement

It is time to let Microsoft arguably one of America s all-time greatest engines of enterprise get back to business. Let not our government throw any more monkey wrenches into our best companies. Let freedom in enterprise ring!

MTC–00011134

From: qqqq@qqq.net@inetgw
To: Microsoft ATR
Date: 1/14/02 11:34am
Subject: Microsoft Settlement

aaaaaaaa

MTC–00011135

From: cjscaparo@juno.com@inetgw
To: Microsoft ATR
Date: 1/14/02 11:35am
Subject: Microsoft Settlement

In my opion this case has gone on way to long and is starting to burden the american tax payer so lets get the gov.out of it and get it over in my opion the gov.is bogging this down. Give them their settlement and get it over. It s just the thing that might start turning the economy around.

MTC–00011136

From: chas8422@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/14/02 11:35am
Subject: Microsoft Settlement

Although I don t believe Microsoft should have been brought to trial in the first place I believe the settlement agreement is fair and equitable and should be accepted ASAP.

MTC–00011137

From: ischade@mindspring.com@inetgw
To: Microsoft ATR
Date: 1/14/02 11:35am
Subject: Microsoft Settlement

While it is my opinion that the entire basis of the suit was without cause the process has brought us all to this point and it is from here that we must proceed. It is imperative that the settlement be made final and that all parties are made to abide by the terms thereof. The use of the court system to stymie one s competitors is reprehensible. The production of competitive goods is the proper response. I ask that the settlement be enforced and that all attempts to subvert the course of this final justice be denied. In the vernacular of the day Microsoft s competitors can put up or shut up and quit whining like children at a toy store. Thank you.

MTC–00011138

From: eredhawk@juno.com@inetgw
To: Microsoft ATR
Date: 1/14/02 11:35am
Subject: Microsoft Settlement

I may be a user at the end of the entelectual chain but if it were not for Micro soft I may not even be connected to the chain . Just because someone wants what others have is no reason to take that which one has accomplished and give it to he who has not earned it. Get on with it! Thank you for all your hard work on this issue.

Respsctfully

Rev. Ernest D. Matties thg.

MTC–00011139

From: eragsac@juno.com@inetgw
To: Microsoft ATR
Date: 1/14/02 11:35am
Subject: Microsoft Settlement

The Justice Departments frivolous anti-trust suit and the competitors envious vendetta against Microsoft is pro-longed and frivolous. Microsoft is an innovative firm that should be commended for it s success in research and development and marketing. It is an example of American free enterprise all around the world and to condemn its achievements only diminishes what America stands for. It is the choice of the consumers to buy and use the MS software and government should stay out of it s production. Stop wasting taxpayer money and spend it on more serious issues in California and the nation. The Department of Justice and the California State Attorney General should not continue to jeopardize the economy and future of technology.

MTC–00011140

From: yourpalgayle@cs.com@inetgw
To: Microsoft ATR
Date: 1/14/02 11:35am
Subject: Microsoft Settlement

I am delighted my government finally behaved in a way commensurate with business opportunities and good business sense in settling the claim with Microsoft. I feel this giant of a company has proven beyond a shadow of a doubt how important they are to the well being of America and a prosperous American future. Thank you.

MTC–00011142

From: lmcquay@gbmc.org@inetgw
To: Microsoft ATR
Date: 1/14/02 11:35am
Subject: Microsoft Settlement

I agree with this settlement arrangement.—Laurene McQuay Information Technology Consultant

GBMC www.gbmc.org

MTC–00011143

From: cgcworksinc@juno.com@inetgw
To: Microsoft ATR
Date: 1/14/02 11:35am
Subject: Microsoft Settlement

For the time been although not yet clearly and/or fully satisfied to the masses specially Microsoft competitors the mear fact that our legal system team is involved the media exposure industry people and those who care to know and have become aware of such litigation court preceding and final agreement this primary settlement should be carry out. Should Microsoft ever fail to maintain its agreement then the Court shall have evry excuse to excecute a much tougher ruling and perphaphs the break up of Microsoft.

By the fact that all the attornyes general of all the states (The Govertment representatives) have all agreed on this deal and in order not to reduce the great technology leadership of Microsoft not only in the United States of America but the world their market share and exposure its competitors must not only think of themselves and their bottom lines (Dollars) but how conjunctevely can create a better fairer and more advantegious platform for all to work in and therefore continue providing the local and foreign markets with their great selection of products while at the same time maintaining Microsoft under a microscope so that the big M does not violate competetive laws and/or agreements.

MTC–00011144

From: salto30@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/14/02 11:35am
Subject: Microsoft Settlement

Please stop the assault on Microsoft and the freedom to innovate. To whom it may concern As an employee of Microsoft I can ASSURE you that technology is in its INFANCY. This is not the time or era to try and legislate innovation. The world and the technology industries are many many many years from true infrastructures on which to build the future. If we don t give key players

like Microsoft room to innovate the future will be a long time coming. Your behavior and actions affect all companies who desire to serve customer demand and enhance our world. Get off Microsoft s back and out of legislating the technology industries. Come back in 50 years when we have true solid technologies that may require government regulation. Now is NOT the time for this. Thank you for listening.

MTC–00011145

From: Mike Morris
To: Microsoft ATR
Date: 1/14/02 12:00pm
Subject: Microsoft Settlement

I have been involved in the computer industry in one way or the other for nearly thirty years and would like to comment on the proposed DOJ–Microsoft anti-trust settlement.

The whole purpose of anti-trust laws is to ensure competition and innovation so that like natural selection inferior products will die out and superior ones will thrive. I have observed with disbelief over the past ten years or so how the most inferior operating system (OS) that I have ever dealt with as a software developer has gained such a market share. When I tell friends that on most OS's computers do not ''crash'' or ''lock-up'' they do not believe me because they have not been exposed to alternative OS's (UNIX, LINUX, etc.) Granted that most of Windows initial success was due to its ease of use as opposed to other OS's this is certainly no longer the case and I fear that consumers will never get the chance to find something better if the proposed settlement is allowed to go forward. It is absolutely imperative that Microsoft allow all third party developers access to the Windows source code in order to create cross-platform alternatives to their software products and to allow direct competition with their own software products (Office, etc.) Microsoft should also be compelled to continue to support the JAVA platform since there is so much JAVA content currently on the internet. Failure to do so unfairly denies consumers the use of that content and is an attempt by Microsoft to stymie the JAVA juggernaut which is in direct opposition and competition to their own .NET platform.

Finally I would like to comment that I feel the only reason this settlement proposal came about in the first place was due to ''economic expedience.'' Following the September 11 attacks I think the DOJ felt it in the best short-term interest of the country to soften their position and cave in to Microsoft who from all accounts had been intransigent in previous settlement negotiations. Opposed to popular opinion, the computer industry will not collapse if Microsoft justly loses market share to its competitors. Please do the right thing and protect the millions of consumers who currently have no idea that there is something better out there.

Michael F. Morris
Professional Software Developer

MTC–00011146

From: Jaideep Mirchandani
To: Microsoft ATR
Date: 1/14/02 11:45am
Subject: Case

Dear Officials,

I would like to register my deep opposition to the proposed settlement. Microsoft is a monopoly by any reasonable standards. The settlement does nothing to take away this status from Microsoft.

Jaideep Mirchandani

MTC–00011147

From: Peter Hodgson
To: Microsoft ATR
Date: 1/14/02 6:40am
Subject: http://www.usdoj.gov/atr/cases/ms-settle.htm

Having read the relevant documents, I am persuaded that the U. S. Government has caved in to special interests. This is particularly distressing, since it coincided with the recent change in federal administration.

Puteracy is a new medium. America is playing a world wide role in defining its parameters. It would be a disgrace if we were to stifle competition at this early stage.

Microsoft must not be allowed to bully the American people, or the world.

Yours truly,
Peter Hodgson
[Emeritus Professor]
CC:hodgson@humnet.ucla.edu@inetgw

MTC–00011148

From: Clive Taylor
To: Microsoft Settlement
Date: 1/14/02 11:24am
Subject: Microsoft Settlement
Clive Taylor
431 Pebblebrook Dr.
El Lago, TX 77586–6012
January 14, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Respectfully,

Clive R. Taylor

MTC–00011149

From: Cecily Wood
To: Microsoft ATR,general@po.state.ct.us@inetgw
Date: 1/14/02 12:11pm
Subject: Microsoft's preditory ways

I wrote earlier protesting the school aspects of the settlement, which have now been nixed, thank goodness. However that message was based upon public concern. Now, however, my own ox has been gored, as it were, and I am speaking as a victim of Microsoft's monopoly. I have just been informed that as a ComCast cable user being transitioned to @comcast.net from @home (after all the Excite-ment), I HAVE to use Microsoft IE (which is not so bad but removes all choice) and OE for mail. This makes me madder than I have been in a long time. Why should I HAVE to use the most bug ridden major vector for viruses as my only access for email?

I have a Macintosh computer. I made a choice not to be bound by Microsoft, and yet now I am being FORCED to use their browser and their virus menaced email product. Use of Outlook Express means not only that my computer is vulnerable to Mac viruses it was not before, but that I can become a Typhoid Mary, infecting other machines with PC viruses that won't effect my machine, but which get passed along to people I send messages to. I have checked with Netscape and they say yes indeed, Microsoft's use in servers by ComCast leaves me no option because it is requiring a proprietary ''handshake'' protocol which is not open source— for both the browser and the mail portions. I can't use Netscape, nor Eudora, nor Opera or any other alternative.

ComCast/AT&T is now one of the largest cable ISPs, so that entire large market is being brought under Microsoft's exclusive domination, with absolutely NO choice, no matter whether users are capable of downloading and installing alternative software—something vastly easier on a Mac than a Windows machine.

This is, of course one of the original reasons suit was brought against Microsoft. It seems to me that if they were negotiating in good faith, this proprietary handshake would have been altered to accept internet standards by now. This only further serves to point out that they have no intention of altering the business methods that made them a monopoly, that the current settlement is a mere slap on the wrist, and that they must be monitored extremely closely for compliance, once the settlement is set.

Sincerely, Cecily Wood (cecnralph@home in transition to
cecnralph@comcast.net)
CC:Cecily Wood,Cecily Wood

MTC–00011150

From: fleur
To: Microsoft ATR
Date: 1/14/02 12:15pm
Subject: Microsoft security

We are regularly assured that our internet security is sound, but we are equally regularly warned that our pc's are subjected to newer threats of invasion from unwanted

sources which, we are told, are even dangerous. The need for regular assurances of security is itself indicative that the opposite might equally be true.

Is Microsoft scareing us into being its minions. Let's have more competitionafter the spirit of true capitalistic principles. Hey?

MTC–00011151

From: David Chancogne
To: Microsoft ATR
Date: 1/14/02 12:19pm
Subject: Microsoft Settlement.

To whom it may concern,

I share the view of the Senate Judiciary Committee's bipartisan leadership that while I would have welcomed a settlement that addressed the numerous Sherman Act violations that were found by the District Court and upheld unanimously by the DC Circuit Court, the DOJ settlement falls far short of that goal. I'm concerned that the settlement will do little to change Microsoft's behavior or restore competition.

This is bolstered by the decision of the nine state plaintiffs to press on with their case to pursue a far more effective resolution. In particular, the proposed final judgment:

* Fails to reduce the application barrier to entry that Microsoft was found to have illegally protected;

* Fails to remedy the injury done to the JavaTM technology community;

* Fails to remedy the illegal injury that Microsoft was found to have done to Netscape Navigator and the browser market;

* Fails to curtail Microsoft's illegal bundling of middleware programs including browsers, media players, and instant messaging software into the monopoly Windows operating system;

* Is ambiguous and subject to manipulation by Microsoft because it lacks an effective enforcement mechanism.

Sincerely,
David Chancogne

MTC–00011152

From: nancy hammond
To: Microsoft ATR
Date: 1/14/02 12:21pm
Subject: Microsoft

January 14, 2002

To Whom It May Concern:

Please continue forth with the proposed Microsoft settlement agreement as it is fair to all consumers and properly punishes Microsoft for any wrong doing they may have unknowingly caused.

Sincerely,
N Hammond
25959 SE 39th Pl
Issaquah WA 98029

MTC–00011153

From: John Anger
To: Microsoft ATR
Date: 1/14/02 12:42pm
Subject: Microsoft Settlement

Any settlement which allows Microsoft to pay through the free use of its products is not a penalty at all. It is a reward. Software does not have a cost like a physical product and the more copies that are in use allow Microsoft to continue its monopolistic dominance in many many markets. Penalties should be paid with CASH. It is the only stick which will get Microsoft's attention. Don't let them dupe you into anything else.

These are my views only and do not represent my employer.

John Anger
Alterna Technologies Group
Suite 200, 5970 Center St. SE
Calgary, AB T2H–0C1
Work: +1.403.692.2203
E-mail: janger@alterna.com

MTC–00011154

From: Glenn Brown
To: Microsoft ATR
Date: 1/14/02 12:31pm
Subject: microsoft settlement

Hello:

One of the central issues promoted by Microsoft (MS) in this case has been to protect their ability to innovate. In my opinion, that issue is a carefully constucted red herring. The critical issue of importance to our competitive system is protection of ''everyones ability to innovate and compete''. ''Everyone'' in this current court case includes not only MS, but also their competitors, past, present and future. I believe that the issue of protecting everyones ability to innovate has been under appreciated, at least in part, because the major voices in the trial and associated hearings have been MS and their surviving competitors. The past MS competitors that have been driven into extinction by the anticompetitive behavior of MS are largely unheard from. When they are heard from their words obviously carry less weight than they would if they came from a source with more business and financial resources. Many of the current competitors have to be careful to speak misleadingly softly so as to not to aggrevate MS. After all, they often are, to a major extent, dependent on ongoing business releations with MS. Finally, the ranks of future competitors are, and will continue to be, diminished by the awesome and legally-proven ability of MS to crush competiton by means both fair and foul.

I believe that the eventual settlement should focus to a minor extent on protecting the ability of MS to innovate. MS obviously has the resources to look out for itself, even without its near total mopnopoly in desktop operating systems. Instead, the settlement should focus on protecting the ability of its competitors to innovate, and hence to compete.

Remember, if the US government hadn't protected the ability of MS to innovate and compete through its restraint of IBM, MS would certainly not be such a powerful anticompetitive force today. What other successful companies and innovative products might there be in the information technology world today if MS had been similary restrained over the past 15 or so years? Although we can't redo the past, we can work to protect innovation for all in the future. What ever remedies are instituted to protect innovation, if they depend in any respect on the good nature and good will of the ''biggest bully on the block'' who has repeatedly broken federal law in crushing innovation by competitors, then those remedies are doomed to failure.

If the US refuses to break up MS into 2 or more independent pieces, then the eventual remedies should be designed to coming as close as possible to such an outcome in both law and spirit. Such a settlement would come much closer to being self-governing than the current proposed settlement.

Respectfully, Glenn E Brown
14 January 2002

MTC–00011155

From: Eric.Devlin@choicepoint.net@inetgw
To: Microsoft ATR
Date: 1/14/02 12:28pm
Subject: Microsoft Settlement

Hey,

When Microsoft released J++, I knew that it did not conform to the Java standard and would only trick unwary devlopers and managers by using Microsoft's extensions. As soon as you start using a nonstandard solution, you are completely dependent on that provider. As much as Microsoft has added to the whole of computing and that addition is generally good, do not allow that addition to become the only voice that is heard as a result of its previous success. I think that the Microsoft should be broken into seperate business units and restrained from engaging in unfair business practices.

Eric Devlin
Senior Software Engineer
KnowX
404 541 0251
eric.devlin@choicepoint.net

MTC–00011156

From: Robert E. Timlin, Jr.
To: Microsoft ATR
Date: 1/14/02 12:38pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice

Dear Ms. Hesse:

I am writing as a concerned consumer to comment on, and indeed protest the proposed settlement - the Revised Proposed Final Judgment—between the United States Department of Justice (along with the nine states party to the agreement) and Microsoft Corporation. Upon review, the terms of the settlement appear wholly ineffective. There is a complete lack of punishment for Microsoft's illegal conduct, and thus no effective deterrent against similar anticompetitive behavior in the future. Also, the agreement takes no substantive corrective action to repair the harm done to the marketplace by said conduct. The preventative measures spelled out in the proposed settlement are also woefully inadequate. Specifically, it permits Microsoft to continue to control OEMs through a codified system of rewards, provides a glaring loophole to allow the company to avoid disclosing Middleware APIs, explicitly allows anticompetitive agreements, and perhaps worst of all completely fails to address Microsoft's use of its Office product to coerce Apple Computer, which the Appellate Court specifically ruled was a violation of Section 2 of the Sherman Act. Furthermore, the Enforcement provisions of the agreement can best be described as ''toothless'', offering no means to address willful violations by Microsoft other than going back to court, and even then the terms

significantly handicap the Plaintiff's ability to prosecute said violations. Enforcement seems to depend entirely on Microsoft dealing in good faith, something which the trial record alone shows is a dubious proposition at best. This Revised Proposed Final Judgment thus completely fails to provide effective relief by the very criteria set forth in Section IV.B of the associated Competitive Impact Statement. In short, the settlement serves neither justice nor the public interest, leaving consumers completely at the mercy of an abusive monopolist. I urge the court to reject the agreement out of hand.

First, let's consider the total lack of punitive and corrective measures in the proposed settlement. Under this agreement, Microsoft suffers absolutely no consequences for its illegal conduct. There are no fines, no compensation to those directly harmed, nothing. The few mild restrictions that are placed on them can hardly be considered punitive, as most amount to nothing more than instructions to obey existing law. And since no steps are taken to undo the competitive harm inflicted on the market by Microsoft, the settlement thus allows the company to keep the fruits of its anticompetitive behavior: a near-monopoly on the Web Browser market. Netscape Communications was effectively destroyed by Microsoft's actions, and ceased to be competitive in the Browser market once it was acquired by AOL-Time Warner. The most recent figures I could find (July 2001) show that Internet Explorer holds an 87% market share. And Microsoft is even now moving to exploit this dominant position, reducing support for open standards in the latest versions for Windows, as well as silently disabling competitor's products that work with the Browser (e.g. RealPlayer and QuickTime, among others). Basically, Microsoft accomplished precisely what they set out to do with their illegal conduct, and this agreement does nothing to redress that. It is not unlike a bank robber being caught, tried, and convicted, then allowed to go free and keep the money he stole! The proposed agreement thus fails completely to act as any sort of deterrent to future anticompetitive behavior. If anything, it even encourages such actions by demonstrating that illegal conduct can be used to achieve business goals without fear of punishment or reversal. That, in a word, is wrong.

I submit therefore that the actual penalty that is to be imposed on Microsoft should include forced divestiture of the Internet Explorer Web Browser, along with a prohibition on purchasing or developing anything to replace it. This simultaneously punishes Microsoft, denies them the benefits of their anticompetitive actions, and levels the playing field for all Browser vendors, restoring competition (thus preventing the Internet from becoming merely an extension of the Windows monopoly). Divestiture would also act as a serious deterrent to future illegal conduct, thus addressing some of the gravest shortcomings of the proposed settlement.

Next, I would like to look at some of the key preventative measures that the proposed settlement spells out, highlighting several glaring flaws that render them ineffectual, or worse. These flaws take the form of obvious loopholes, outright omissions, or even explicit sanctioning of actions that have the same impact as the anticompetitive behavior that the agreement is supposed to stop! Consider first Section III.A, which prohibits retaliation against OEMs for a number of activities. A good provision, but it is made pointless by its final paragraph which permits Microsoft to grant Consideration to OEMs based on their level of commitment to Microsoft's products or services. Instead of punishing those that do not bow to their wishes, the agreement expressly allows the company to reward those who do. The net effect is the same.

Similarly, Section III.B mandates uniform licensing terms, thus preventing Microsoft from using discriminatory licensing to enforce its will. But III.B.3 completely undermines that by permitting discounts, programs, and market development allowances, the only requirement being that they be offered uniformly. This merely codifies a system of rewards for OEMs who toe the Microsoft line. Given the realities of the Personal Computer industry (razor-thin margins, falling sales, layoffs), every OEM is therefore highly motivated to take advantage of whatever discounts or Considerations that are made available. Few, if any, would willingly make the choice to incur higher costs by foregoing these benefits to go with products from Microsoft's competitors. The same goal is achieved as with discriminatory licensing.

Furthermore, I would like to point out that it simply defies common sense to explicitly permit market development allowances for an established monopoly. Any product that Microsoft chooses to bundle with a Windows Operating System Product automatically has access to more than 90% of the market. This is an enormous inherent advantage. The only purpose of any market development allowances would be to absolutely foreclose the possibility of competition. Permitting them in an agreement to settle an antitrust matter is absurd in the extreme. Sections III.A and III.B thus start out as excellent measures, but the exceptions spelled out render them not only ineffective, but actually worse than doing nothing at all. Their end result would be Court-sanctioned anticompetitive practices. These provisions merely substitute positive reinforcement for punishment. It's the difference between giving your dog a biscuit and hitting him with a rolled-up newspaper; both methods serve to control his behavior. I believe that the Competitive Impact Statement's assertion that uniformly offered incentives will not discourage OEMs from favoring, promoting, or shipping products from Microsoft's competitors is incredibly naive and demonstrates a profound lack of understanding of the Personal Computer industry. For these two measures to yield effective relief, I submit that the final paragraph of Section III.A and all of Section III.B.3 should either be removed entirely, or be re-written to expressly forbid what they allow in their present form. Further, I suggest that Microsoft be compelled to provide versions of Windows Operating System Products without bundled Microsoft Middleware. (The Competitive Impact Statement does note that this was considered but not pursued, but I urge it be re-examined.) These Windows versions would be available at a discount commensurate with the subsequent cost for OEMs to then include the Middleware of their choosing, be it from Microsoft or a third party. There would therefore be no cost penalty incurred by OEMs for selecting Non-Microsoft Middleware, and hence no built-in rewards for using Microsoft Middleware. The unfair advantage of the Windows monopoly would thus be greatly reduced.

Other provisions of the proposed settlement that cause me concern are Sections III.D and III.E, which mandate the disclosure of the APIs used by Microsoft Middleware and Communications Protocols used by Windows Operating System Products. By themselves, these seem like excellent ideas which would give third party developers the same access to core features of Windows that Microsoft's own programmer's enjoy, thereby further leveling the playing field. (The only obvious shortcoming is the 9–12 month time frame specified; that is a long time in the Personal Computer industry, at least for companies without monopoly power, so for maximum efficacy the disclosures should be required to happen much sooner.) However, Section III.J.1 provides an inviting loophole to circumvent these measures. III.J.1 states that Microsoft is not required to disclose APIs, Documentation, or Communications Protocols if doing so would compromise the security of a particular installation or group of installations of anti-piracy, anti-virus, software licensing, digital rights management, encryption, or authentication systems.

On the surface, this seems reasonable. But one need only look at Microsoft's antitrust history to see how this represents a blueprint for defeating the provisions of Sections III.D and III.E. Microsoft blatantly violated the spirit of the last Consent Decree with the DOJ by artificially integrating the Internet Explorer Web Browser with the Windows Operating System. This act of technical artifice exploited a serious loophole in the wording of the Consent Decree, rendering it ineffective and meaningless. Microsoft makes no apologies for this action and in fact maintains they did nothing wrong. Thus there is every reason to believe they would make use of such tactics again if afforded the opportunity (particularly given how successful they were). Section III.J.1 of the proposed settlement gives them that opportunity. By taking essential Middleware APIs and key Communications Protocols and artificially grafting in even basic anti-piracy, anti-virus, etc. features, Microsoft could then refuse to divulge said APIs and Protocols under III.J.1, claiming it would compromise security. Third party developers would thus continue to be denied critical information they need to effectively compete, and Sections III.D and III.E of the proposed agreement would be completely circumvented.

To reiterate, the Section III.J.1 loophole is simply an obvious application of the same

technique that Microsoft used with great success to defeat the previous Consent Decree. III.J.1 seems designed specifically to permit such an exploit. While the Competitive Impact Statement maintains that III.J.1 cannot be used to withhold inherent functionality, there is nothing in the Revised Proposed Final Judgment itself that would prohibit Microsoft from doing so. I submit that in order for the provisions of Sections III.D and III.E to be effective, Section III.J.1 should be removed entirely, or at minimum extensively modified (for example, including the above referenced language from the Competitive Impact Statement) to specifically guard against the integration trick. Otherwise, history would probably repeat itself.

Still another problematic provision of the settlement is Section III.G.1. Again, it starts out very good, prohibiting Microsoft from striking deals with IAPs, ICPs, ISVs, IHVs, or OEMs requiring exclusive or fixed-percentage distribution, promotion, use, or support of Microsoft Platform Software. But as with so many of the other restrictions, an exception is included that permits anticompetitive behavior to continue unabated. Microsoft is still allowed to make agreements to require use, distribution, etc. of its software in a fixed percentage if it is ''commercially practicable'' for the IAP, ICP, etc. in question to use, distribute, etc. competing software in an equal or greater amount. The Competitive Impact Statement does a reasonable job of explaining how this limited exception cannot be used to exclusionary ends, but the argument breaks down completely if there is more than one competitor to Microsoft. For example, in the streaming media market, there are three major competing formats: QuickTime, RealPlayer, and Windows Media. Consider an extremely popular news Web site (an ICP) that might provide content in the QuickTime and RealPlayer formats. Under Section III.G.1 Microsoft could make an agreement with this ICP to provide content only in Windows Media and QuickTime. The terms of III.G.1 would be completely satisfied, as a competitor's product would still be used in equal proportion to Microsoft's, and yet such a deal is clearly exclusionary, removing RealPlayer from competition. As written, Section III.G.1 explicitly allows anticompetitive behavior, giving Microsoft the power to decide which competitors would be eliminated and which would be permitted to survive. Even worse, Microsoft could structure deals with multiple IAPs, ICPs, etc. to fragment a market, choosing a different competitor to keep at each entity, but keeping its own products in universal use, distribution, etc. Network effects would guarantee the Microsoft offerings dominance and potentially extinguish all of the competitors. Obviously, for Section III.G.1 to have any real meaning, the exception must be removed. There are far too many ways Microsoft can exploit the permitted agreements to anticompetitive ends. A monopoly should not be allowed to use its monopoly profits and power to simply buy widespread acceptance of its products or services.

Perhaps the most egregious failing of the Revised Proposed Final Judgment is that it completely ignores a specific violation of Section 2 of the Sherman Act as upheld by the Appellate Court: Microsoft's use of their Office product as a ''club'' to force Apple Computer to adopt Internet Explorer as the preferred Web Browser (see Section II.B.4 of the Appellate Court ruling). In fact, given the definitions in Section VI of the agreement, not a single provision of the entire settlement applies to Microsoft's dealings with Apple. Apple Computer is not an IAP, ICP, ISV, IHV, or OEM as defined therein. It might be argued that Apple qualifies as an ISV, since the company does produce software, but to quote the Appellate Court in Section II.B.4 of their ruling, ''Apple is vertically integrated: it makes both software (including an operating system, Mac OS), and hardware (the Macintosh line of computers).'' The Court addressed Apple Computer completely separate from ISVs (as well as OEMs and the rest), thus it is reasonable to assume that in the Court's eyes Apple is not considered an ISV. Which means this proposed settlement leaves Apple Computer wide open to further abuses at the hands of Microsoft, especially where the Office product is concerned. This alone renders the agreement inadequate, without even considering the myriad other problems, as it fails completely to ''avoid a recurrence of the violation'' (to quote Section IV.B of the Competitive Impact Statement).

Microsoft Office is essentially a monopoly product in the office productivity space. It holds well over 90% market share, and as such is an essential software product on both Macintosh and Windows platforms. Indeed, it is a critical product for the continued survival of Apple's Macintosh line of computers. Even today with Apple's improved financial condition, Microsoft could effectively kill the company by cancelling Office for Macintosh. Office represents a gun pointed at Apple's head, and in fact Microsoft has used this threat not just once, but twice. (The first time the ultimatum was for Apple to license certain interface elements or face cancellation of the Word and Excel software packages, the precursors of Office. Apple was forced to agree to terms that paved the way for Windows to duplicate many elements of the Macintosh User Interface, without Microsoft having to pay royalties.) But even though this coercion has now been explicitly ruled to be illegal, the proposed settlement ignores that fact and leaves Microsoft free to use the tactic again. It would therefore be impossible for the Macintosh platform to compete as vigorously as it might against Windows because Microsoft can destroy it at will if they decide that Apple is becoming too much of a problem. The situation is even worse now that Internet Explorer has a virtual lock on the Web Browser market, because Microsoft can now threaten to cancel Explorer for Macintosh to extract concessions from Apple. The result would be nearly the same as with Office: the extermination of the Macintosh platform. Explorer is rapidly becoming a knife at Apple's throat to go with the Office gun pointed in its face. I submit therefore that appropriate relief in this matter is to remove these weapons from Microsoft's hands. (If someone commits a crime with a gun, the first thing you do is take away the gun.) Divestiture of the Office product line would accomplish this, but may or may not be practical.

(As stated previously, I believe that Internet Explorer should be divested; this is more feasible considering Microsoft generates no revenue from the product, whereas Office produces a large portion of the company's income.) In lieu of divestiture, a series of restrictions must be placed on Microsoft to ensure they do not abuse the Office product. First, they should be required to produce competitive and compatible versions of Office for Macintosh as long as Apple continues producing computers. The ''competitive and compatible'' stipulation is necessary to preclude Microsoft from creating deliberately inferior or crippled versions of the product, and to ensure interoperability with the Windows version. (This is hardly onerous, considering that Office for Macintosh is a profitable product; this simply prevents its use as a tool of coercion against Apple.) Second, Microsoft should be required to commission under reasonable licensing terms a competitive and compatible port of the Office product to the Linux Operating System. This would remove one of the highest barriers that Microsoft has erected to keep Linux from competing with Windows, as lack of a native version of Office effectively denies Linux access to vast portions of the Personal Computer market. (Again, this does not represent a burden to the company, as Microsoft would not have to do the work, and stands to reap considerable profits from each copy of Office for Linux that would be sold.) Third, similar to the terms of Section III.D of the proposed settlement, Microsoft should be required to disclose and document all of the APIs used by the Office software to interoperate with a Windows Operating System Product. This would help promote competition in the office productivity space by leveling the playing field for all developers. Finally, to that same end, and perhaps most importantly, Microsoft should be required to disclose and document all file formats used by the Office software, making them freely available for anyone to use in their own products. This alone would go far in removing barriers to competition, as file compatibility is one of the primary factors which prevents users from exploring alternatives to Office. Even without divestiture, these four measures would effectively end the use of Office both as a weapon of coercion against Apple and as a tool of monopoly maintenance, as well as encouraging competition in the office productivity market.

Next, let's examine the provisions for enforcement in Section IV. As with the rest of the Revised Proposed Final Judgment, there are some good points, but serious flaws and omissions overshadow them. Foremost among these are the lack of immediate enforcement authority and prescribed penalties for willful violations. If Microsoft chooses to engage in anticompetitive conduct prohibited by this settlement, the only remedies available are voluntary resolution through the Internal Compliance Officer or through court action as described in the Competitive Impact Statement. Neither offers an effective deterrent to violations.

First, consider the nature of the Internal Compliance Officer; he or she is to be a Microsoft employee. The factual record of this case clearly shows that many of Microsoft's anticompetitive policies originated with senior management, among them Bill Gates himself. If further such practices were mandated from the top, is it reasonable to believe that a simple employee who is afforded no protection whatsoever from retribution by this agreement would dare oppose them? Furthermore, even if the Compliance Officer chose to make a stand against such illegal conduct and was not fired on the spot and replaced with someone more pliable, he or she is granted no real power to forcibly stop the conduct. The entire idea of voluntary resolution through a Compliance Officer seems predicated on the notion that Microsoft actually wants to comply and avoid further anticompetitive behavior. I believe the record shows this to be a naive and dangerous assumption.

Microsoft willfully and blatantly violated the spirit (if not the letter) of the first Consent Decree with the DOJ. The company has lied to its developers and customers, coerced competitors, and bullied its partners. During the trial in District Court, Microsoft repeatedly demonstrated contempt for the proceedings and indeed the very notion that the Law has any say whatsoever over its business practices. The company was even caught falsifying evidence in Federal Court! As the trial went badly, Microsoft turned to public relations firms to write fake letters of support in an attempt to create the illusion of broad grass-roots backing for the company's position, the idea being to manipulate public opinion to influence the outcome of the trial. At one point they even stooped to sending letters in the names of deceased individuals! And obviously the tactic has not been forgotten, for recently it was discovered that Microsoft had submitted falsified testimonial letters to the European Union commission currently investigating alleged anticompetitive abuses by the company. And Microsoft continues to misrepresent facts in the matter at hand, failing to disclose lobbying activity related to this proposed settlement in its APPA filing, when extensive lobbying by the company has been amply documented in the media! To this day Microsoft remains unrepentant and denies that its actions were wrong, despite the findings that were upheld by the Appellate Court. Given this record of dishonesty, disregard for the Law, and utter lack of remorse, it seems completely unreasonable to now simply trust that Microsoft will police itself, or even believe that it in fact has any desire to do so.

That leaves court action brought by the Plaintiffs to address willful violations of the settlement. This has proved ineffective in the past, as the case of the original Consent Decree between Microsoft and the DOJ shows. Even when threatened with the unprecedented fine of one million dollars per day, the company was not cowed (unsurprising since their monopoly generates billions of dollars in profits each quarter). Plus, the company escaped punishment for their violation of the Decree completely upon appeal. Thus the threat of court action, with its attendant process of appeals and likelihood of only fines being imposed even if prosecution is successful, does not act as a deterrent against willful disregard of the provisions of the Revised Proposed Final Judgment. Appeals can drag the enforcement proceedings out long enough for anticompetitive acts to achieve their ends, and as before, any potential fine is likely to be insignificant compared to the sheer size of monopoly profits (not to mention Microsoft's staggering cash holdings, which presently amount to roughly $36 billion and counting).

What is required to ensure voluntary compliance on Microsoft's part is an independent, external authority with the power to immediately act to remedy violations, triggering the imposition of prescribed penalties severe enough to make the company fear them. The Technical Committee as established by Section IV.B of the proposed settlement could be such a body, but the agreement fails to give it the necessary enforcement powers. The TC is limited to working through the Internal Compliance Officer or referring the matter to the Plaintiffs to pursue through the courts, both of which are likely to be of dubious value, as outlined above. Furthermore, Section IV.D.4.d makes even court action difficult by prohibiting the TC from either testifying or submitting evidence in any enforcement proceedings. This restriction seems wholly unreasonable as it only serves to further prevent expeditious enforcement. The Competitive Impact Statement notes that the TC can provide information to the Plaintiffs upon which to base an enforcement investigation, but why mandate such extra steps when the TC can directly verify non-compliance for the Court? This makes no sense, and would only serve to prolong the duration of any violations. At minimum, IV.D.4.d should be removed. (Note that this would not compromise confidentiality of materials obtained by the TC, as this is specified separately.) Ideally, since time is critical in addressing any anticompetitive behavior, the TC should be empowered to immediately invoke harsh penalties, either directly or via the Plaintiffs, to stop willful non-compliance. These penalties should be prescribed in advance and severe enough to nullify and reverse any advantage that might be gained by illegal conduct. This might include forced divestiture of products, or perhaps forced disclosure of the source code for the Windows Operating System. The point being that Microsoft would actually fear punishment, and find it in their best interests to comply rather than continue their anticompetitive ways.

Lastly, the final major problem with the Revised Proposed Final Judgment is found in Section V. The specified five-year duration of the agreement is far too short for conduct remedies (even the more far-reaching ones that I have suggested) to fully restore competitive conditions to the marketplace. While the Personal Computer industry is rapidly evolving, Microsoft is a thoroughly entrenched monopoly, and five years represents at best two major upgrade cycles. It is a short enough time that the company can simply ''wait it out'' (as they have managed to do thus far during the four-year course of these antitrust proceedings) and still wield monopoly power when the restrictions expire. I submit that the conduct remedies should remain in force for a period of ten years. This would allow ample time for competition to flourish and make it nearly impossible for Microsoft to simply bide its time waiting for the Judgment's expiration. Also, the Plaintiffs should be entitled to seek multiple extensions to the term of enforcement so long as there is evidence of willful, systematic violations of the agreement (or associated illegal conduct), rather than the one-time extension stipulated in Section V.B. Again, this is to prevent Microsoft from simply ''running out the clock'' so it could continue with anticompetitive behavior unhindered.

In conclusion, I believe it to be abundantly clear that the Revised Proposed Final Judgment would be completely ineffective in restraining and redressing Microsoft's anticompetitive behavior. What good provisions there are have been rendered impotent by loopholes and exceptions. This agreement is a failure by the DOJ's own criteria as presented in Section IV.B of the Competitive Impact Statement: (1) it does not end the unlawful conduct (and in some cases officially sanctions alternate forms of it); (2) fails to prevent recurrence of violations (especially regarding the coercion of Apple Computer); and (3) does absolutely nothing to undo the anticompetitive consequences, in particular leaving Microsoft in control of the Web Browser market, control obtained through largely illegal means (as upheld by the Appellate Court). Furthermore, the enforcement provisions are weak at best, completely devoid of meaningful penalties for continued anticompetitive acts. Enforcement seems to hinge entirely on the good faith of a company that has repeatedly demonstrated untrustworthiness. Quite simply, under this proposed settlement Microsoft faces no punishment for its past crimes and no deterrent to future ones.

In order to provide effective relief to the marketplace, I urge consideration of the suggestions that I have submitted in this commentary.

I believe the additional measures and elimination of exceptions and loopholes in the proposed settlement fall well within the scope of the Appellate Court's ruling, and would more successfully undo the harm inflicted by Microsoft's actions, prevent further violations, and restore competition. Even though it is probable that additional, lengthy litigation would be required, the time and effort to ensure appropriate remedies is more than warranted. A quick but ineffective settlement such as the Revised Proposed Final Judgment accomplishes nothing and leaves one of our most important industries trapped beneath the heel of an abusive monopolist.

For the record, I would like to state that I am not employed in the Personal Computer sector and am in no way affiliated with Microsoft or any of its competitors. I have no axe to grind. I do follow the industry though, as computers have been a hobby of mine for nearly 20 years. I work in higher education and manage the computer systems for my department. These consist of a variety of

platforms including Windows, Macintosh, Linux, and Unix. Based on my personal experience, almost without exception I would never willingly choose to use any Microsoft product. Yet I am frequently forced to, directly or indirectly because of their monopoly power. As a consumer I am denied choice. This is the harm that is at the core of this case. Now that Microsoft stands convicted of the anticompetitive tactics it has employed for so long, there is the opportunity to pursue potent remedies to restore competition and choice to the marketplace, allowing innovation to flourish. If instead the Department of Justice chooses to proceed with this completely ineffective settlement, then nothing will change and the DOJ will have failed in its duty to the American people.

Respectfully submitted,
Robert E. Timlin, Jr.

P.S. Please note that I have also faxed a copy of this document. This electronic version is provided for your convenience.

MTC–00011157

From: Brian Jones
To: Microsoft ATR
Date: 1/14/02 12:40pm
Subject: Microsoft Settlement
<<Microsoft Letter 1–14–02.pdf>>
Management Concepts, Inc.
Business Computer Systems—Software Solutions
2229 s. Oneida Street Green Bay, WI 54324–8135 OFFICE: (920) 494–4949
PO Box 28135 Website: www.mcigb.com FAX: (920) 497–4850
January 14, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am concerned about the status of the settlement recently agreed to by Microsoft and the Justice Department. Your decision to settle the matter is admirable and it is unfortunate that certain adversaries of Microsoft are trying to cause problems for it. After all, the settlement gives Microsoft's opponents everything they could have ever hoped for (and some...) without actually breaking up the company. Everyone wins in this scenario.

Microsoft grew to its great size and magnitude because of the seamless operating system it developed and subsequent demand for its products. Yes, it grew to be a huge corporation, but if you recall, its inception was in a garage. It did nothing illegal to achieve its premiere status, as its competitors accuse.

I am most impressed by Microsoft's agreement to share its code for the Windows operating system with competitors. This is profound and demonstrates Microsoft's desire to move forward—even though it really did not have to disclose these secrets. It will also no longer retaliate against computer makers who ship software that competes with anything in its Windows operating system—another measure that will increase competition.

The settlement is fair and is a much better alternative to breaking Microsoft up. The court should finalize it as soon as possible. Thank you.

Sincerely,
Brin Lave
Brian Jones
Vice President
Cc: Representative Mark Green

MTC–00011158

From: Partezana, Chris
To: Microsoft ATR
Date: 1/14/02 12:42pm
Subject: Microsoft Settlement

To restore competition, forget about breakups and require Microsoft to license its source code for a set fee. And with numerous companies selling compatible versions, we might finally see a leaner and more stable Windows. Microsoft should be required to publish all the ''hooks'' into their OS at launch, patch, upgrade. There should be a penalty for each one discovered that have not been published. Setup a ''bounty'' system for people to find them. First one to find and post to a web site received a percentage of the fine for that specific hook.

MTC–00011159

From: Joe Cortale
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/14/02 12:53pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally,

I am a 20 year software executive who has had the opportunity to both partner with Microsoft and compete against Microsoft during my career. As such, I have spent time in Redmond, WA and gotten to know firsthand both the culture, and Machiavellian management philosophy that has been a legacy at Microsoft.

In recent days, I have come to know through an ex-colleague some of the details relating to the Proposed Settlement made by the Justice Department with Microsoft, and to say the least, I am displeased by them. This is why I am writing to you today.

Your Honor, how could the Justice Department grant Microsoft a government-mandated monopoly of the software industry and even worse—other technology markets? Clearly, this decision would seriously jeopardize all competitors—both now and in the future. This decision would clearly violate some basic principals of Capitalism, such as our right to choose, our right to fair competition, fair pricing, etc.

In closing, your Honor, I submit to you that like never before in our Country's history, Microsoft has unequivocally shown itself to be the proverbial 800 pound gorilla. Their illegal conduct and activities (bribing & threatening partners and competitors) have been proven time and time again. I would like to see Microsoft be brought to justice for the good of our country, our economy, and most of all—the good of our people. I like millions of other Americans are counting on you, and counting on justice to prevail.

Respectfully,
Joseph Cortale
Joseph Cortale
Senior Vice President of Sales
jcortale@eloquent.com
Eloquent
2000 Alameda de Las Pulgas
Suite 100
San Mateo CA 94403
Tel: (650) 294–6474

MTC–00011162

From: John Eriksen
To: Microsoft ATR
Date: 1/14/02 12:55pm
Subject: RE: Microsoft Settlement

I originally sent this mail item (below the line) to Richard Blumenthal, Attorney General, State of Connect <attorney.general@po.state.ct.us>. He mailed me back and suggested that I forward you a copy concerning MY concerns about the Microsoft settlement. Thanks in advance for your concern and attention. These are matters that are very important to all americans and have unfortunately gotten pushed from the publics primary attention by the events of Sept 11.

As a concerned american... and a very knowledgeable computer professional... Who uses Microsoft products....

I want to urge you to CONTINUE your efforts to rein in the behavior of Microsoft in any way possible.

It is hard to express in words how disappointed I am with the Bush administration and the Dept. of Justice's decision to settle this case short of its original goals. I want to further state that after having said these things.... that I am a conservative republican, who find governmental intrusion into the private sector offensive.. but in this particular case, it is not only justified, but damned important for the good of this country. Microsoft is not ANYONE'S friend. Their goal is become a global corporate entity with the same influence and power that an autonomous country has... And nothing short of pro-active intervention on the part of knowledgeable law enforcement is going to prevent:

(1) The illegal conduct of Microsoft and similar conduct in the future

(2) To spark competition in the information technology industry

(3) To deprive Microsoft of its illegal gains Microsoft is attempting to control the global network... one information protocol at a time. By nothing more intrusive than seemingly benign software 'upgrades'.. all the while... every other computer platform becomes less capable of communicating efficiently across networks DOMINATED my Microsoft software...

This 'incompatibility' is not an accident on their part.... This is a planned 'feature' of their software.. This being software not written to do productive work as it primary function, but to ensure an ever widening sphere of Microsoft dominated networks. Productive work being it's secondary function.

This 'incompatibility by upgrade' must stop. Your efforts must continue until Microsoft realizes it is not going to be allowed to force its vision of the future on us any more that Osama Bin Ladin is.

You're legal efforts have my total ethical and political support.

MTC–00011163

From: Elbert Hannah
To: Microsoft ATR

Date: 1/14/02 1:01pm
Subject: Microsoft Settlement

In 1992 I was highly recruited by Microsoft to be on their NT Beta support team. I was very reluctant and agreed to interview at the urging of a close friend who worked there.

Throughout the interview process, I questioned whether Microsoft truly wanted someone like me, since my background was strictly Unix. And, I hated DOS, and I hated Windows, and I hated all of their products. They assured me they wanted me badly BECAUSE of my Unix background... This was during the time when Microsoft touted their new NT Operating System as Open and POSIX compliant—i.e., they were ready to play the Open Architecture card.

I accepted their 4th offer...

On Friday of my first week I attended an internal presentation on the NT POSIX subsystem. The project manager, Margaret (I don't remember her last name) opened the presentation with the following remarks: (and I am summarizing here):

Margaret: Before we get started here with the POSIX Subsystem, I want to make one thing perfectly clear—we have NO interest in this subsystem... The POSIX subsystem is just a check box so we can qualify to get government contracts. We don't care about it, we don't intend to support it, it's just a checkbox.

Then Margaret introduced the ENTIRE POSIX subsystem team, a guy named Matt!

Afterwards, I called and talked DIRECTLY with Larry Kroger about what I had heard. I recounted what I had heard and he made no counter argument. I asked him what I was to tell people asking questions about the POSIX subsystem on the support forums. Larry said, ''Tell them we don't support it.'' I asked what I should tell these people about MS' future plans for the POSIX subsystem. Larry said, ''Tell them we have none.''

I resigned the following week—forfeiting ''in the door'' stock options that have since exceeded $3M in profit value.

Thought you'd be interested in MS' behind-closed-door ''policy''. And, if you have any doubts about the authenticity of my experience, check with MS' HR department about my employment at that time... Also, the ''presentation'' I described was video-taped, as were all of their presentations, so the meeting should be preserved in their libraries.

Elbert Hannah

MTC–00011164

From: Lance Speelmon
To: Microsoft Settlement
Date: 1/14/02 12:57pm
Subject: Microsoft Settlement
Lance Speelmon
543 S Magnolia Ct
Bloomington, IN 47403
January 14, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Lance Speelmon

MTC–00011165

From: Jane Olson
To: Microsoft Settlement U.S. Department of Justice
Date: 1/14/02 11:57pm
Subject: Microsoft Settlement
Jane Olson
2025 Sage Lily Dr
Sidney, MT 59270–5730
January 14, 2002
Microsoft Settlement U.S. Department of Justice

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Sincerely,
Jane Olson

MTC–00011166

From: George Maynor
To: Microsoft Settlement U.S. Department of Justice
Date: 1/14/02 11:42pm
Subject: Microsoft Settlement
George Maynor
10201 River Drive
Descanso, Ca 91916
January 14, 2002
Microsoft Settlement U.S. Department of Justice,

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies. Thank you for this opportunity to share my views. P.S. Perhaps your time could be better spent bringing the money changers down to their collective knees. Greenspan keeps lowering the interest rate to the money changers but real relief to the people in the form of lower interest rates on consumer loans is nowhere in sight. Don't you think it's about time to help the very people who elect you?

Sincerely,
George E. Maynor

MTC–00011167

From: SAGalant@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 12:09am
Subject: Microsoft Settlement

Please settle this case against Microsoft I believe their last offer was a good one and feel that its the competition of Microsoft dragging this settlement on and on. I would like to see the gov. step in and make these nine states accept this offer.

Thank You
Sam A. Galante

MTC–00011168

From: George Tice
To: Microsoft ATR
Date: 1/15/02 12:12am
Subject: Settlement

I feel that the Microsoft case should be settled NOW. It is good for the people and the economy and should be resolved without further delay. Thank you

George E. Tice
PO Box 2474
Sedona,AZ 86339

MTC–00011169

From: Ken Smith

To: Microsoft ATR
Date: 1/15/02 12:13am
Subject: Microsoft Settlement

I understand consumers are being encouraged to voice their opinion about the DOJ settlement with Microsoft. I believe that it is critical for the country to get past this whole mess. The suit was driven by Microsoft competitors that have failed to compete on price, performance or features. All they have left is litigation. It's a sad and disgusting comment on our government that it should be fooled by such tactics.

Microsoft does more for this county in a week then Sun, Oracle or AOL do in a year.

MTC–00011170

From: William and Gwen Fisk
To: Microsoft ATR
Date: 1/15/02 12:15am
Subject: Microsoft Settlement

It is in the interest of the American people and the world economy to settle the Microsoft antitrust suit.

Our economy needs for this issue to be put behind us. Our country needs the funds to continue the Anti-terrorism fight, not litigation costs. Microsoft needs to use their funds to continue researching and developing technology, not litigation costs.

If the other companies could offer the technology Micrsoft has developed, you can bet they would have done so. It's sour grapes and let's move on.

Gwen Fisk
Small business owner

MTC–00011171

From: Karen and Harold Williams
To: Microsoft ATR
Date: 1/15/02 12:18am
Subject: MICROSOFT SETTLEMENT = DISASTER!!

DEAR JUDGE;

MY WIFE AND I ARE BOTH IN THE HIGH TECH INDUSTRY AND HAVE BEEN FOR OVER 10 YEARS. THE CURRENT PFJ IS SIMPLY A DISASTER. IT IS FULL OF LOOPHOLES THAT MS HAS ALREADY PROVEN IT IS AN EXPERT AT FINDING AND USING AGAINST ANY COMPANY THAT THREATENS ITS MONOPOLY.

WORKING WITH THEIR SOFTWARE IS AN ABSOLUTE NIGHTMARE—AND NOW THEY WANT EVERYONE EVERYWHERE TO BE PART OF .NET. WE DON'T KNOW MUCH ABOUT THE EXACT LAW IN THIS AREA—BUT IT JUST SEEMS TO US THAT WHAT MS IS DOING IS WRONG. AND CERTAINLY THE PFJ, WHICH I HAVE READ IN PARTS, ISN'T GOING TO LIMIT THEIR ABUSIVE TACTICS AT ALL.

IT'S IMPORTANT FOR OUR COUNTRY THAT PEOPLE LIKE YOU, WHO HAVE THE POWER TO DO WHAT IS RIGHT AND GOOD, DO SO. WE UNDERSTAND THAT IT WILL BE TOUGH TO STAND UP TO MICROSOFT AND THEIR BULLYING TACTICS. WE JUST PRAY THAT YOU WILL HAVE THE STRENGTH, THE COURAGE AND THE WISDOM TO DO THE RIGHT THING IN THIS VERY, VERY, VERY IMPORTANT CASE.

PRAYING FOR YOU.
KAREN AND HAROLD WILLIAMS
BRIGHTON, MASS.

MTC–00011172

From: BCamp1004@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 12:29am
Subject: Microsoft settlement

I wish to state my views in regard to the recent Microsoft Settlement. I for one, (and I believe the majority of the general public) , am pleased that the Microsoft case has gone to settlement so we can put this behinds us all and move on. Enough taxpayers money has been spend on pursuing a company under the assumption that the consumers will benefit from government legal intervention, when in fact the consumers have only benefited from Microsoft's products and innovations.

Sincerely,
Bruce A. Campbell

MTC–00011173

From: GEORGE GRANDY
To: Microsoft ATR
Date: 1/15/02 12:30am
Subject: MICROSOFT SETTLEMENT

Dearest Judge;

there are five huge problems I see with the PFJ as it currently stands—and I hope that you will use the power of your good office to correct these egregious errors before this is made the law of our good land:

1.Communication Protocols: The Agreement states that Microsoft must now share information on how its middleware and server software work together with Windows. However, Microsoft does not have to disclose this information for middleware it does not distribute separate from windows, or for middleware it has not trademarked. This is a huge loophole, because if Microsoft wants to drive a competitor out of business, they just attach the specific type of software the competitor is involved with to their Windows platform. Once they do that, they do not have to share the coding information that allows the competitors software to work with Windows, thus driving the competitor out of business. Once the competitor is out of business, Microsoft can separate the software from the Windows package, sell it separately and derive huge margins. In addition, Microsoft does not have to disclose their information to companies that in ?their view? do not have a ?viable business?. This loophole will allow Microsoft to prevent new software start-ups from forming which, to say the least, is very bad for competition, and therefore, the consumer.

2. No Penalty For Undisputed Illegal Activity. Microsoft is not penalized for any past misdeeds. In other words, they are being allowed to retain all the profits gained from their illegal activities. Every court involved with this case has acknowledged that Microsoft broke the Anti-trust laws. Through this Agreement, the Justice Department is sending the message that this sort of anticompetitive behavior is acceptable. Every large potential monopolistic company is being told that they can get away with this sort of illegal behavior without fear of losing any of the gains made from such conduct. In other words, get away with as much as you can until the Justice Department brings an action. There is every incentive for future monopolists to engage in this type of conduct and no incentive not to.

3. Middleware: As part of the Agreement Microsoft is required to allow the PC manufacturers to hide Microsoft middleware programs and allow them to install icons or links to competing middleware programs. The only problem is that the PC manufacturers are not allowed to remove the code that could be used to reactivate Microsoft's middleware programs. In other words, two weeks into owning the machine, a consumer could be asked if they want to reconfigure their desktop, install all the Microsoft middleware and delete all the competitor's middleware.

4. The Three-Man Compliance Team. The Agreement requires a three-man compliance team to oversee Microsoft's compliance with the Agreement. Microsoft will appoint one person, the Justice Department another, and the third will be chosen by the two people already appointed. This new team will not be allowed to inform the public of their work, and cannot impose fines. Their sole remedy for infractions is informing the Justice Department of the infraction and then the Justice Department will have to commence litigation to stop the infraction. The Justice Department does not need a compliance group to tell them when Microsoft is doing something wrong, so in reality this group is just a smoke screen.

5. Market Share. All other businesses in the U.S. market that have a ninety percent market share are considered per-se monopolies and are regulated or have some sort of government oversight (i.e. utilities, local phone companies, cable companies etc.). This is done because it is in such a company's best interest (in the interest of their shareholders) to abuse their position. In other words, to gain maximum shareholder value, they are almost required to abuse their position. Why is Microsoft allowed a waiver to this general rule? Does Microsoft not try to gain optimum share value for their shareholders?

Judge: this agreement looks badly flawed—especially to anyone that has been in the industry for years and has seen MS again and again abuse its monopoly powers. I've been a CEO of a number of small software companies—and am one right now. The PFJ will put those of us depending on Java in a very precarious position strategically.

Help make this right. Our entire industry is counting on you.

George Grandy

MTC–00011174

From: todd neighbors
To: Microsoft ATR
Date: 1/15/02 12:36am
Subject: microsoft settlement

Gentlemen and Ladies,

I feel that Microsoft has made our lives better through the innovations they have provided us. I do not understand why some lawyers want to tell us what is good for us. The technology has already changed and is moving in a different direction as more and more people get online. The people that are behind this suit are not individual consumers. The people that tend to benefit are the AOL's, Sun Micro, Nokia, AT&T of the world. They all have monopolies in their own business models. AOl now controls all

cable tv. They set the price and what's on. AT&T have not only the phone systems but also have the platforrm to deliver cable tv and the internet. If you look at the cost Microsoft charges for it's product it's cheaper than either AT&T or AOL's products on an annual basis. Who's providing the better value for the service provided. I don't feel that Microsoft has overcharged anybody and it's a disgrace to the public for these politicians who are suing the company for the betterment of their careers. How come no one sued AOL for the monoply that they have over cable tv now that they have Time Warner. Look at what they tried to do to Disney a competitor. This is another frivolous lawsuit that only benefits the politicians and hurts the consumer and technology as a whole. Microsoft does not control an individual's ability to create a product for sale in the software market.They make it better. Without Windows, the computer box makers would have been broke years ago. How come no one has looked into the prices that the box makers charged for their products. I want Microsoft products because they work.

MTC–00011175

From: Robert Figone
To: Microsoft ATR
Date: 1/15/02 12:36am

Our government should concentrate on protecting our companies and industries like other countries in the world do. Trying to destroy one of our own companies losses sight of the people that make up these companies. Individuals with families, raising their children that will become the future leaders, doctors, workers and patriots. Our laws should be used to build, not tear down efforts that create better conditions in our society. Encourage those who are willing to take the risk, make the extra effort to be successful not only for themselves but for their many employees as well. Reward effort, not whiners who are looking for a free ride or someone else to carry their fair load.

Government should not try to legislate success, only opportunity!

MTC–00011176

From: mel graham
To: Microsoft ATR
Date: 1/15/02 12:38am
Subject: microsoft settlement ruling
108 Fairview Avenue
Elrama, PA 15038-
January 14, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

The Microsoft Anti Trust case settlement has been a long time coming. I am very glad to see that there is now a light at the end of the tunnel. However, I don't see how anyone can even debate the settlement's fairness. Microsoft is giving up a great deal to end this lawsuit, going so far as to give their competitors an unfair edge in the future. Sounds like the ''reverse discrimination'' rulings of the past.

I use Microsoft products both at work and at home. For years Microsoft has provided American consumers like me with superior products, creating innovative and compatible technologies useful in so many areas. Their dedication to making their product user-friendly created the computer revolution.

Everyone had the same opportunity to ''jump in'' and profit. AND MANY DID!! Now, with the settlement Microsoft has pledged to share information, including the internal interfaces for its Windows operating system, with its competitors and make it easier for people to install non-Microsoft products in Windows. Doesn't sound like a just reward for a job well done!!!

The government has more important matters to deal with. It should not be intervening in the affairs of private companies. Please uphold the settlement and allow Microsoft to move on with their business.

Thank you.
Sincerely,
Milford Graham

MTC–00011177

From: Johannes Ziegler
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/15/02 12:29am
Subject: Microsoft Settlement

Dear Mr. Kollar-Kotally:

I want to express my dissatisfaction with the Proposed Final Judgement (PFJ) against Microsoft. As a management consultant to leading companies in the high-tech industry, including AOL (formerly Netscape), Intuit, and Hewlett-Packard, I have personally witnessed the damaging and anti-competitive behavior of Microsoft. In several cases Microsoft forced my clients to make product decisions that were not in the interest of the consumer, but that were necessary to avoid open retaliation by Microsoft— which is in line with what federal courts have found when they reviewed the Microsoft antitrust case over the last three years.

Unfortunately, I cannot see, how the PFJ will change this behavior in the future. On the contrary, by not severely penalizing Microsoft for past unethical and anticompetitive behavior and not really curbing the same behavior in the future, this seems like an encouragement for Microsoft to continue with their way of ''business as usual''.

So I urge you not to approve the PFJ but to request a judgement that adequately addresses both the past and the future of Microsoft's industry-damaging behavior.

Sincerely
Dr. Johannes Ziegler
President and CEO
Synesis Inc.
Phone: +1 650 813 9913
Fax: +1 650 852 9913
www.synesis.com
CC:'microsoftcomments(a)doj.ca.gov'

MTC–00011178

From: Brian Grave
To: Microsoft ATR
Date: 1/15/02 12:42am
Subject: MICROSOFT SETTLEMENT

Judge; the proposed deal with MS is a potential disaster for our industry for a bunch of reasons. but the most obvious one is the issue of ''bolting.''

The PFJ does not address the issue that fueled consumer criticism and which gave rise to this antitrust case in 1998: Microsoft’s decision to bind – or “bolt” – Internet Explorer to the Windows operating system in order to crush its browser competitor Netscape. This settlement gives Microsoft “sole discretion” to unilaterally determine that other products or services which don’t have anything to do with operating a computer are nevertheless part of a “Windows Operating System product.” This creates a new exemption from parts of antitrust law for Microsoft and would leave Microsoft free in future versions to bolt financial services, cable television, or the Internet itself into Windows. This is clearly a problem—especially for companies like mine that compete with Microsoft (as well as partner).

I hope you'll help us level the playing field here...it is desperately needed.

Brian Graves
Boston Mass

MTC–00011179

From: Marcus Grumbles
To: Microsoft ATR
Date: 1/15/02 12:43am
Subject: Microsoft Settlement
January 14, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am happy that the Department of Justice is ready to close its case against Microsoft. The three-year suit has affected the computer industry and cost consumers a great deal of money. I feel that Microsoft, like any other American business, has the right to conduct its affairs without government intervention.

The proposed settlement is more than fair to the plaintiffs in the suit and will correct any infractions of which Microsoft may be guilty. Microsoft will share its Windows operating system with other computer makers, allowing them to place their own software on it. Also, Microsoft will agree not to retaliate against companies that sell, use, or promote non-Microsoft vendors.

It is time to allow Microsoft and the rest of the IT industry to return to normal. I urge you to see that the proposed settlement becomes formal. The lawsuit has already been too costly on the industry and needs speedy resolution.

Sincerely,
Marcus Grumbles
6503 Bluesky Way
Austin, TX 78745
mgrumbles@austin.rr.com

MTC–00011180

From: ken chang
To: Microsoft ATR
Date: 1/15/02 12:51am
Subject: MICROSOFT SETTLEMENT

Judge;

My company works extensively with Java—it is in fact our lifeblood. what MS has tried to do with Java is beyond belief.

The Court of Appeals affirmed that Microsoft had unlawfully and intentionally

deceived Java developers and “polluted” the Java standard in order to protect its monopoly and defeat competition.

Yet, the PFJ does not restrict Microsoft’s ability to modify, alter or refuse to support computer industry standards, including Java, or to engage in campaigns to deceive developers of rival platforms, middleware or applications software. Indeed, Microsoft’s decision not to distribute Java technologies with Windows XP, which hurts developers and consumers alike, will be the shape of things to come under the proposed deal unless the Court requires Microsoft to continue to distribute Java technologies.

YOu must do something to help Java based companies survive. C is a 20 year old language that— if not for the MS monopoly—would have died a natural death years ago (remember Cobal??).

Let competition reign!!

Dr. Ken Chang

SF, CA.

MTC–00011181

From: GOTHDOVE@att.net@inetgw
To: Microsoft ATR
Date: 1/15/02 12:55am
Subject: Time to stop the political attack upon Microsoft

It is long over do to let all this be done with. Most of my friends agree this was all done for political reasons. If the former US Attorney would have spent as much time on terrorist threats against the USA we might not have had the lose of life on 9/11/01. What a injustice has been done to all Americans. Stop letting a group from playing politics and not be concerned for the true welfare of all US citizens.

MTC–00011182

From: Bobbie Dee Flowers
To: Microsoft Settlement U.S. Department of Justice
Date: 1/15/02 12:01am
Subject: Microsoft Settlement
Bobbie Dee Flowers
418 West 17th Street, Apt #22A
New York, NY 10011–5826
January 15, 2002

Microsoft Settlement U.S. Department of Justice: Dear Microsoft Settlement U.S. Department of Justice: The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies. Thank you for this opportunity to share my views.

Sincerely,

Mr. Bobbie Dee Flowers

MTC–00011183

From: sergio jimenez
To: Microsoft Settlement
Date: 1/15/02 12:06am
Subject: Microsoft Settlement
sergio jimenez
527 2nd steet Brooklyn, ny 11215
January 15, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

sergio jimenez

MTC–00011184

From: ROBERT REMINGTON
To: Microsoft ATR,rremington@webtv.net@inetgw
Date: 1/15/02 1:05am
Subject: Arthur's Counting Troubles

The Microsoft Anti-Trust private and educational settlements were rejected on the grounds that the amount proposed was far too low! Who's counting for the government, Enron or Andersen's group?

Add a AOL Time Warner settlement recalculated over one year ago from their merger (estimated at about $1 billion dollars from Gerald Levin's figures) and my claim reaches into the billions of dollars without any others factored into the settlement.

Should we use Arthur Andersen's Accenture Group or another respected Big 5 accounting firm in order to calculate the right amount? Can we even trust their CEO after the Enron debacle?

My previous totals, including revenue from Disney, Gary Goldberg / SKG Dreamworks, NBC, Sears, IBM, Microsoft without access to television advertising logs for revenue streams and royalty calculations is over $1 billion dollars. If the USDOJ gives me legal authority and a motivated accounting team, I'll direct the team to the proper TV commercial logs, advertising agency orders, computer manufacturing records & software license sales. Together we'll obtain a more accurate settlement figure, for a lasting peace!

Include me in on these discussions. Decisions on my future, and my money (in the billions of dollars) must be discussed with me, in person!

The sum owed to me is greater that the total 2002 appraised value of the NBC Burbank campus and technology! That's why I am not disappointed to see a full studio audience at the Tonight Show ahead of me! I don't need to be in the studio audience ... I'll be just as pleased to own the campus and schedule additional productions at unused soundstages within NBC! I can hire additional staff and production workers for new shows, employ more Californians who are seeking work, and we can all have a great time in entertainment! Plus we'll contribute more corporate taxes for General Electric to consider, and help the governments as well!

The USDOJ cannot ignore my email, my legitimate legal rights and claims. After all, the IRS and other government agencies will receive their fair share of the settlements as well! Enclosed is a reminder from the end of 2001, over three weeks ago!

MTC–00011185

From: Julius T. Abadilla
To: Microsoft ATR
Date: 1/15/02 1:21am
Subject: Microsoft Settlement

Gentlemen:

Any settlement regarding this dispute will always displease someone or some other parties because of the magnitude of the situation. It is better to simply go ahead with the agreed upon settlement, i.e., give the poorest schools what was originally agreed upon, let the recipients benefit from this decision now, and move on.

Because of conflicting ideas in our vast population, there will always be some parties who will be 'hurt' no matter what the solution would be. When the new presiding judge proclaimed that she wants a fast track settlement to this problem, I rejoiced. I felt the air of leadership and determination to solve the mess once and for all. In a society like ours, we should always work with the quickest and best 'at that time' solution to out problems, otherwise, we will be paralysed with trying to find the 'perfect' solution which is almost always elusive. It is better to achieve finality now and move on rather than stall the whole process and let the whole economy suffer.

Let us avoid any more losses and missed opportunities due to these uncertainties and indecisions. This is the reason we have leaders and have appointed well-paid decision-makers so that they can come up with solutions within the confines of the law.

Let not the supposedly leaders challenge each others ruling and stall the process all together. Let us move on.

Thank you,

MTC–00011186

From: Tom Eubank
To: Microsoft ATR
Date: 1/15/02 1:33am
Subject: Microsoft Settlement

Dear Sirs,

I am a customer of Microsoft. I have been a software developer for over thirty years and have used Microsoft products for over ten years. In my opinion, the Justice Department has been used as a pawn of Microsoft's competitors—to win in the courtroom market share that they could not win in the marketplace.

In 1991, I attended a developer's conference, hosted by Microsoft's competitors, at which the head of PC Development for IBM, and representatives of Borland, Novell, Word Perfect, and others, appealed to the attendees to unite against Microsoft. In different, but similar venues, Microsoft promoted the benefits of their future products—not so much in juxtaposition to the competition—but within the context of improvements over their own, then-current products. It is this difference vision that has enriched Microsoft—along with a significant segment of U.S. economy and the lives of many U.S. consumers.

For almost fifteen years, I worked for a company that actively discouraged the use of Microsoft products—primarily due to the presence of a Vice President of Microsoft's major competitor on its board. During that time, my employer wasted millions of dollars on projects that failed in large part due to ill-conceived and faulty software technologies and products that were chosen as a result of the anti-competitive behavior of Microsoft competitors.

I have personally encountered multiple products distributed by major Microsoft competitors that seemed to be designed to impair the reliability or performance of Microsoft Operating System products.

In summary, over the years, Microsoft has created and published a large number of high-quality products for sale to the general public, and has slowly increased market share as a result of the quality and functionality of those products. During the same period, it's competitors have sought to gain market share by stifling competition through their influence in the boardrooms of major corporations and in the courtrooms of the federal judiciary.

The COMPLAINT and the STIPULATION seem to be designed to benefit other large companies—some of which seek to restrain Microsoft from competing with their inferior products and others of which seek to further extend their dominant presence in other segments of the information marketplace. Articles 1. through 3. of the STIPULATION will enable Microsoft's competitors to degrade the user's experience of Microsoft products by embedding their products into the operating system. Rather than ensuring a competitive marketplace, the STIPULATION will impede it by requiring U.S. consumers to use inferior products.

The prosecution of this COMPLAINT has been a waste of U.S. funds for the benefit of a few large, under-performing companies; the enforcement of the STIPULATION would be a further disservice to the U.S. public.

Regards,
Thomas H. Eubank
Durham, North Carolina

MTC–00011187

From: TEDDYSEA@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 1:43am
Subject: Microsoft Settlement

Thank God for Bill Gates and Microsoft. I don't think the Government should have interferred in this matter at all. Look at where we are as a result of Microsoft Windows. We now can use computers easily. What a boost the computer industry has been to the economy for the last 10 years and that is all thanks to the ease in which the average person can use a computer. If someone can make a better operating system, then let them and if its good the public will use it; but I don't need the Government running interference on this one.

I can think of many more ways the Government can protect me. Try the banking industry and their unreasonable fees for ATM use or the oil industry that controls the prices of a commodity that I have to use daily! A computer is an option—let the Government interfere and take action on the things in my life that are not optional!

I thought that we lived in a country that embraces capitalism and free enterprise and rewards people that are innovative—I guess not in the case of Bill Gates!

MTC–00011189

From: R. Douglas Barbieri
To: Microsoft ATR
Date: 1/15/02 2:01am
Subject: Microsoft Settlement

I think that the Microsoft was a paltry settlement which is a mockery of the antitrust act. You wasted millions of taxpayer dollars to basically accuse Microsoft of being a monopoly then give them a slap on the wrist. Having Microsoft donate computers pre-loaded with Windows to schools only give them an edge in a largely Mac-dominated arena. What should be required of Microsoft is that all of their operating system source code should be required to be turned into open-source under the GPL license, and that said source code, complete with internal comments and documentation, be released to the general public.

They should then be required to keep said source code up-to-date and published. They should also be forced to adhere to open standards for data formats instead of being allowed to create their own, closed source versions. Those data formats (Windows Media, Microsoft Word, etc) help them maintain their monopoly on the world. By requiring them to play with open standards, we are guaranteed to be able to view their data formats on any system using non-Microsoft software.

R. Doulas Barbieri
dougbarbier

MTC–00011190

From: ww6v@juno.com@inetgw
To: Microsoft ATR
Date: 1/15/02 2:12am
Subject: Microsoft Settlement
To: DOJ

I believe the settlement proposed by the court is fair and want this case settled. I disagree with the nine state Attorneys General who want to continue this case should be denied the forum to do so. Please settle this case.

Charles Dorsten
936 Burlington Drive
Santa Maria, CA 93455

MTC–00011191

From: Gerard Verbrugge
To: Microsoft ATR
Date: 1/15/02 2:44am
Subject: Microsoft Settlement

Dear US goverment,

I look at this issue with a european background and personal view. I must say that the press and the competitors created a nice show of this trial but forgot all about what it is about. I myself am a happy user of Microsoft products and never felt the need to complain about anything, I do not feel that I pay too much or must use something that I do not want. There are many ways of competing, this competing through justice by the so called big companies is clearly a negative side of the industry.. Also big time lawyers that try to make a small win in this case (DOJ side) is pethatic.

I say Free Microsoft of all its charges and tell the competitors to get of their lazy butts and create products that compete instead of crying....

Kind regards,
Gerard Verbrugge,
the Netherlands

MTC–00011192

From: Walter Paul Bebirian
To: Microsoft ATR
Date: 1/15/02 2:51am
Subject: MICROSOFT SETTLEMENT

Since this and most other ''antitrust'' cases are compared to Standard Oil—I would recommend that the Standard Oil case be looked at from the perspective of what was done and just how we as a country are fairing because of that break-up—It seems that no one— not one of the states or the government is taking into consideration that since the beginning of this ''case'' that the economy is the real injured party every step of the way and because this is so, every citizen in this country is being negatively effected—My suggestion is that every single person whether they are in or out of Microsoft—does not really appreciate the negative effect of this ''action against'' Microsoft—For one brief second—let us imagine that there is no Microsoft and that there never was one—how much progress along any lines whether with computers—handhelds—or Internet— would we have made—and if you think that Netscape is innocent—I propose that the investigation truns right around and looks very deeply at the fact that Netscape was not only behind this whole case—but that Hearst Publications—a most powerful and controlling Private Business—has been behind Netscape from the beginning—So—let us take a quantum leap and figure that 20

years down the road—Microsoft is diminished to a small player in both the operating system category and the browser category— so what—how will that have benefited me—I use a Power Mac which runs on an Apple OS 9 system— (nothing to do with Microsoft) but let me tell you one thing—there is no comparison between the Netscape and Explorer Browsers—the Netscape is no where near as good—efficient—easy to use or fast as the Explorer—so let's be truthful—cut out all the double talk and admit that Microsoft is where it is at because it belongs there—and so I don't agree with the Mocrosoft Company having to pay any penalty or to be judged against because it is the thruth that there has been no investigation as to exactly why any on has complained about Microsoft and done anything but made a better OS—and if they haven't it is most probably the case because given the hardware they have to work with—they can't—so from that perspective— let's all sit down—make a better machine and then figure out how to make a better OS from the beginning of the next generation—

And my dear Department of Justice—friends—if you don't think that I know what I am talking about— that's just fine with me—since anyone who really has the capabilty of designing what I mentioned above will always be a thousand steps ahead of your thinking!

Walter Paul Bebirian
http://www.575488trillion.com

MTC–00011193

From: Jacob Dobrinen
To: Microsoft ATR
Date: 1/15/02 2:54am
Subject: Microsoft Settlement Letter
911 N. 107th Street
Seattle, WA 98133–8804
January 14, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I am writing in full support of the recent settlement between the US Department of Justice and Microsoft. Litigation has gone on for far too long now, and I think the terms of the settlement are fair and in the best interest of the public and American economy.

A number of the terms of settlement will help give consumer's freedom to choose products. Microsoft had agreed to design future Windows versions so that computer makers, software developers, and consumers can more easily promote their own products from within Windows' operating systems. Also, I like the fact that Microsoft has agreed to form a three-person team to monitor compliance with the settlement. I think the settlement is fair and reasonable and should suit all parties.

Unfortunately, there are nine states in opposition. I urge your office to make the settlement a reality. Our country needs American companies such as Microsoft to be focusing on innovation, development, implementation and growth. Thank you for your time.

Sincerely,

Jacob Dobrinen

MTC–00011194

From: Blomberg David
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/15/02 2:55am
Subject: Microsoft Settlement

Dear Judge

I am relieved that the proposed settlement was thrown out. Please do us all a favor and sned a message that the Antitrust and unethical activites of Microsoft will not be tolerated. I ask that this case continue and that Microsoft be made to pay for its crimes.

I will keep this short
Thank You for hearing me out
David Blomberg
System Engineer
Nihon Libertec Co. LTD
1–34–14 Hatagaya
Shibuya-ku Tokyo
Ph: (03)3481–8321
Fax:(03)3481–8371

MTC–00011195

From: wolfgang manowski
To: Microsoft ATR
Date: 1/15/02 3:08am
Subject: microsoft settlement

It is time to settle the microsoft anti-trusst suit. DOJ's proposal is just and in the interest of the electronics consumer. Lets settle so we all can get on with our lives.

Regards,
Wolfgang Manowski
25 Southridge Way
Daly City, CA 94014
4153335610
wolfm3

MTC–00011196

From: debby hein
To: Microsoft ATR
Date: 1/15/02 3:17am
Subject: Microsoft Settlement

Please begin 2002 with a reasonable settlement of this case to benefit all parties concerned...particularly our economy. It's time to move forward and build a healthy economy through healthy corporate relationships.

Thank you,
Debby Hein

MTC–00011197

From: tntvideo
To: Microsoft ATR
Date: 1/15/02 3:27am
Subject: Microsoft Settlement

Dear People of the United States of America:

I felt that the word UNITED be part of what is NOW needed. Enough is enough, can't the states of this country come to the realization that with the economy in such bad shape that it is today we need unity! We also need a company such as the likes of Microsoft to be left alone! It will be a sure bet that the technology sectors will recover with this company leading the way!

Fed chairman Alan Greenspan has no data and no real answers to help this country to a new economic recovery! The proof has been that he has lowered rates last year 11 times and we still have heard of companies like Ford now getting ready to close down factories to which another 35,000 jobs will be lost. These people that have and will lose there jobs have know class action law suits! Most don't even know what one really is, be it known that when given the choice to sign up to sue a company because it's for the good of the people, ??? this I question and deny my ever putting my name on the dotted line! The lawyer's will make all the money even if they win!

Stand up for what's right, but exactly what has been right in the antitrust case is that Microsoft has surely taken a beating for the most part but unjustly and certainly unfairly by a very bad if not the worst Judge in History to proclaim that Microsoft is a monopoly! Truly Microsoft has been one of best and greatest companies in true innovation of the last century! It has made HISTORY as being a giant in an industry started by others like IBM.

United States of America, we are at war now but with terrorist's for Sept 11, 2001 also has now made HISTORY! We can no longer sit back in this country and fight within ourselves as Microsoft is not the enemy!

I am proud of this country and for which we stand, but right now I'm sorry to say that the time to come together so that this country and our people, many who do not wish to lose there jobs and their sense of self respect need to see a heeling process begin again to this great nation!

At this time, I implore the states that have not settled in the Microsoft Anti-Trust Case to please do so and forget about the term CLASS ACTION in the legal sense. Just to use some ACTION with CLASS and settle so we as a Nation can count on YOU so we can Take care of business where it needs to really be taken care of. Please help our great country and leaders to do their jobs in regards to creating an economic growth for the good of ALL the PEOPLE of the UNITED STATES OF AMERICA.

Terrence V. Lipinski

MTC–00011198

From: Mauro Gandini
To: Microsoft ATR
Date: 1/15/02 3:28am
Subject: Microsoft Settlement

I agree with Microsoft
Mauro Gandini
The Outsourcing Company
Marketing e Comunicazione
Via S.A. Sauli, 19
20127 Milano ITALY

MTC–00011199

From: The Flanegans
To: Microsoft ATR
Date: 1/15/02 3:29am
Subject: Microsoft Settlement

Judge,

Please reconsider the Microsoft Settlement. As a household that relies on incomes from small software companies and the competitiveness they create, we cannot afford to have the monopoly that is Microsoft drive this away.

Please reconsider.
Sincerely,
Christina Flanegan

MTC–00011200

From: Dan Flanegan / 4alarm films
To: Microsoft ATR

Date: 1/15/02 3:33am
Subject: Microsoft Settlement

Dear Judge,

As someone with over six years experience in high tech, I can tell you I have experienced the strong arm tactics of Microsoft more than once.

Unfortunately, the proposed settlement would not stop Microsoft from taking these same tactics in the future.

I ask you to judge the facts and not act simply to put this behind us. Do the right thing!

Sincerely,
/Dan Flanegan
Producer / Director
4alarmfilms

MTC–00011201

From: Richard Storey
To: Microsoft ATR
Date: 1/15/02 3:53am
Subject: Microsoft Settlement

Dear Mr. Attorney General, et al:

I conceive the actions by the DOJ, under the Bush administration, to be a failure regarding the handling of the Microsoft case. Failure to break up this mega-corporation will continue the oppressive effects Microsoft has upon the software market and the PC industry. This may sound harsh, especially coming from a conservative such as myself. However, I am knowledgeable about software and PCs. Knowledgeable enough to know that DOJ took a weak case against MS, because they are guilty of much, much worse than they were found to be. It is evident to me, from the statements from the lawyers in the case, that DOJ is almost without a clue when it comes to PC operating systems and without a clue in assessing what impact MS's coercive tactics have had in the PC industry, as well as the software industry.

Microsoft is a mega-corporation that puts out grossly under-engineered products. They are, in many ways, dangerous to the PC industry, the consumer, and business. But the overwhelming majority of the users out there don't have a clue about this. Ignorance is their bliss. MS's strong-arm tactics, and anti-competitive monopoly has grossly distorted and brought to ruin much of the competition in the software industry. MS should be broken-up and anything short of that is merely a slap on the hand of a serious offender against freely competitive markets.

Some of us know, are aware of, why MS has risen to its place in the market. Sure, the right people, at the right time made it so, partly, but if it were not for IBM's size in the market and their stupidity MS would not have been successful at dominating the entire market. Also, since it was government contracts that, basically, allowed IBM to achieve its status in the market we have series of events made possible by government interference in the market. This is why it is a lie to say that MS is what it is because it is innovative (everyone knows it is not).

Get on with doing the right thing—pursue the break-up of Microsoft and do it soon. It will change everything in the computer and software markets for the better, and besides, considering their practices of coercion with their vendors and the PC OEMs they deserve it.

Sincerely,
Richard Storey
President
Primera Financial Group, LLC
22 West Bryan St., Ste. 234
Savannah, GA 31401
(912) 659–6256
(877) 639–1282 Fax

MTC–00011202

From: Claudio Vacalebre
To: Microsoft ATR
Date: 1/15/02 4:01am
Subject: Microsoft Settlement

Just to remind you (I already wrote some week ago) my disappointment on this story. I'm writing you mainly as a consumer, although I'm the CEO and CIO of a very small Internet company.

I'll try to list my perceptions and opinions (my english is very poor, so please excuse me for language mistakes).

1) This case wasted millions of $$, please stop this case and please focus on REAL ISSUES, the people that worked, during the past years on such case, could be used with more proficiency on more important cases.

2) Me and other people wasted our time trying to learn about this ''vapor-lex'' case, the time spent can be considered more millions $$ wasted, please STOP wasting our time!

2a) If I was an American citizen I could add : Please STOP wasting our money!

3) Microsoft always worked, as a company, with a very clear goal: facilitate the ''digital-life'' of us and the results are evident when you compare single pieces of technologies against MS competitors.

4) The quality of the code provided, during the past 25 years, was always improved as the main example of the honest commitment of the company

5) You are condamning a company that started from scratch and that was able to became the reference for all the world, with your actions you are convincing entrepeneurs to ''stay small'', that should be better for you but not for the global economy because in this way no evolution can happen.

My list is very long but I do not want to continue wasting my time on such ridicolous story. Just try to consider that this case is not a game or a way to spend your time but try to use your time to end it.

Best Regards and thanks in advance for doing nothing and wasting and confusing us.

Dr.claudio\/
CEO & CIO
dotMMS srl
Email: claudiov@dotmms.it
Messenger: claudiov99@hotmail.com
Sito ufficiale: www.dotmms.it
Portale dimostrativo servizi di Streaming: http://dotmms.tv
Sito Personale: http://claudio.tv

MTC–00011203

From: Karl Auerbach
To: Microsoft ATR
Date: 1/15/02 4:04am
Subject: Microsoft Settlement

I am presently the North American Elected Director on the Board of Directors of the Internet Corporation for Assigned Names and Numbers (ICANN).

I am a member of the Internet Engineering Task Force (IETF). I was recently named a Yuen Fellow of Law and Technology at the California Institute of Technology (CalTech) and Loyola Law of Los Angeles. I have started several companies over the years and have been closely associated with several other startups.

I have been a developer of software since the late 1960s and have been working on the Internet since its inception in the early 1970's. I have experienced first hand the damage that Microsoft has caused to the software industry and to the Internet.

One startup with which I was associated was very definitely ''Microshafted'' when Microsoft used its operating system monopoly to subsidise and to give away, without visible charge to the customer, a product that directly competed with our products. Later, when we tried to modify our products to be compatable with those from Microsoft, I heard (secondhand) that Microsoft played a shell game with enabling keys to their modules, thus forcing us to dance to their tune.

It is my belief that the proposed settlement will do nothing to prevent Microsoft from continuing to wreck havoc. As a Director of ICANN I am responsible to protect the ''stability'' of the Internet. Yet I see a great threat to the future of universal and impartial interconnectivity of the Internet arising out of Microsoft's leveraging of its dominance of user platforms to starve out any non-Microsoft technologies or implementations.

The proposed settlement is inadequate. It does nothing to redress the harm that Microsoft has caused. And it institutionalizes those abusive and predatory practices so that they will be repeatedly visited upon us and our children in the years to come.

The proposed settlement should be rejected in favor of a settlement that truely will remedy the past damages and prevent their recurrence in the future.

—karl—

Karl Auerbach
North American Elected Director, Board of Directors
Internet Corporation for Assigned Names and Numbers
(ICANN)

MTC–00011204

From: Joseph Kane
To: Microsoft ATR
Date: 1/15/02 4:33am
Subject: microsoft settlement

As an ordinary citizen and member of the military I've sworn to uphold the constitution of the U.S.A. I'm disgusted and appalled by the continued harrassment of Microsoft and its shareholders by the United States Government.

Anyone with a basic understanding of economics knows that there is no such thing as a monolpoly in a free market. To penalize the creative and successful is barbaric, un-American and comparable to an act of terror.

If liberty and justice are to prevail the US Government must immediately dismiss all anti-trust charges against Microsoft and any other corporation or individual.

Sincerely,
Joseph Kane

MTC–00011205

From: chrisharrison@citlink.net@inetgw
To: Microsoft ATR
Date: 1/15/02 5:12am
Subject: Microsoft Settlement

Honorable Justices,

It seems to me the most significant factor regarding the decision to break up or apply punitive measures to Microsoft is being completely ignored. This key factor was and still is 'interoperability', which is the ability of computers running different operating systems to exchange files, data, and otherwise communicate freely. Microsoft manipulated features and issues that exploited or limited interoperability in order to squelch competition.

Furthermore, the proposed settlement offers no resolution of this core problem. There's little in the way of laws in place that protects a consumer's rights to interoperability in an OS (Operating System) or NOS (Network Operating System). Just as the development of automobiles necessitated speed limits and standardized safety equipment (turn signals, seatbelts, etc.), America need laws to protect consumers from a single company controlling or overmanipulating the evolution of such essential elements in its network and computing environments.

Recommendation: Penalty and/or restitution be added or replace self-monitoring agent; such that Microsoft be required to take a principal role (via it's proven legal and technical expertise) in enacting new laws that protect consumers' rights to an open OS environment, while providing guidelines for product development that complies with an open standard for OS and NOS interoperability. This role may be manifested by the development of a standards organization, or by a joint committee with congress to enact such laws.

Thank you for your consideration on this matter.

Sincerely,
Christopher F. Harrison

MTC–00011207

From: wolf@puc.net@inetgw
To: Microsoft ATR
Date: 1/15/02 5:29am
Subject: Microsoft remedy suggestion

No more OEM Software!! Have the consumer buy the OS and install it or have your friendly neighbourhood installer do it. That way, if there is a software problem with MS software, they have to field it and not the OEMs.

The OEM hardware will be according to PUBLISHED compatible specs, so MS can't weasel out and put the blame on hardware! MS has to publish file specs, so competing office products are on the same playing field.

Unbundle all non OS software from Windows and provide links to ALL relevant additions. Legislate software ''Lemon Law'' and make the producer responsible for damages.

Regards
Wolfgang Schneider

MTC–00011209

From: sonofgomez709
To: Microsoft ATR
Date: 1/15/02 5:59am
Subject: Microsoft Settlement
From: ''Microsoft''
Subject: FINFlash Update: Time running out for DOJ comments
To: <declan@wired.com>
Date: Mon, 14 Jan 2002 17:26:12–0800

While Microsoft commends these public officials for involving citizens in a decision that will affect them so profoundly, your voice is more important now than ever before to ensure that the DoJ hears the full spectrum of opinion on this matter.

Gee, when Micro$not got an email containing what Eric Cordian described as ''the best defense of Microsoft's anti-trust position that I've seen,'' they had me charged with a felony and had their employees perjure themselves and hide evidence in order to have me convicted and imprisoned.

I would suggest that anyone sending any emails to Mico$not consider the fact that it may result in their PerseProsExecution by a CorporRapeTion and a GovernMint with bottomless pockets.

Besides, Micro$not's high-priced lawyers already proved their inability to do anything more than piss away BadBillyG's money while waiting for HisDigiHoliness' new found Respect for throwing large amounts of money into the Corrupt Lobby System to take effect.

All anyone will do by providing Micro$not with public support is open themselves up to Micro$not's legal wrath and unconstitutional persecution while lowering the cost of Micro$not's political bribes.

People wshould be particularly careful in light of the impending legislation doubling the sentences for computer crimes committed by people using the Linux Operating System. (Hey! You don't think I'd just make that up, do you?)

CJ Parker <sonofgomez709@yahoo.com>
http://profiles.yahoo.com/sonofgomez709
http://members.w-link.net/sog/INDEX.HTM
http://toto.diary-x.com

MTC–00011210

From: Schlep Rock
To: Microsoft ATR
Date: 1/15/02 6:03am
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally,

I am voicing my displeasure and loathing toward the Proposed Final Judgment. Microsoft, as we all know, continues to commit acts of misdeeds. The Proposed Final Judgment doesnt help the situation any better. In fact, the final settlement only worsens the existing situation. For all intents and purpose, the PFJ does not deny Microsoft its past violations and illegal acts. As one can see, every court, which has been involved with the case, has found Microsoft guilty of breaking the anti-trust laws. However, under the proposed final settlement, Microsoft, surprisingly enough, will be permitted to retain most if not all profits gained through their illicit activities.

Subsequently, the PFJ will not compensate parties injured or harmed through Microsofts egregious misdeeds. In addition, the PFJ will not take into account all Microsoft gains made through its illegal maneuverings. With all due respect, the final settlement is basically acknowledging the acceptance of Microsofts anti-competitive behavior. What kind of message does this send out to the public? I can assure you that the message is clear and simple. The Proposed Final Judgment encourages big corporations to engage in monopolistic and predatory conduct, which in turn is detrimental to the technology industry at large.

With all due respect your honor, I am outraged at such a preposterous proposal that only helps Microsoft to remain intact and continue with its unethical practices. I submit to you my objection to this Proposed Final Judgment.

Respectfully,
Bill Utlak
Palos Verdes, CA

MTC–00011211

From: Ailei Jimenez
To: Microsoft ATR
Date: 1/15/02 6:06am
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally,

With all due respect, I abhorrently object to the Proposed Final Judgment in the Microsoft case. There are several apparent flaws with in the final proposal which will undoubtedly give Microsoft absolute power to abuse their existing monopoly position. Based on further review of the proposed settlement, there is one glaring oversight that cannot be overlooked. One such noticeable defect entails an ineffective and inept enforcement mechanism to implement so-called restrictions. As stated in the settlement, Microsoft will be closely monitored to comply with all restrictions encompassed with in the stated agreement. A three man compliance team will oversee and insure that Microsoft comply with the stated rules and regulations. Taking a closer look however, this three-man oversight team will be composed of the following: one appointee from the Justice Department, one appointee from Microsoft, and another appointee chosen by the two existing members. In turn, Microsoft will control half of the oversight team.

Also, in the likelihood of any enforcement proceeding, all findings by the oversight committee will not be allowed into court. The sole purpose of the committee is to inform the Justice Department of all infractions by Microsoft. Subsequently the Justice Depart will launch its own investigation into the matter and commence litigation to halt all infractions. When all is said and done, the oversight committee is just window dressing, who will not strictly oversee Microsofts business moves. In my opinion, the Proposed Final Judgment does not provide sufficient and appropriate restrictions or penalties against Microsoft.

What reassurance do we have against Microsofts illegal and illicit activities? I can assure you that the Proposed Final Judgment does not effectively nor sufficiently address the question. Therefore I submit to the court my objection to the Proposed Final Judgment.

Respectfully,
Ailei Jimenez
San Mateo, CA

MTC–00011212

From: Erlin Jimenez
To: Microsoft ATR
Date: 1/15/02 6:09am
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally,

I am giving my personal objection to the so-called Proposed Final Judgment in regards to the Microsoft case. As history will prove, Microsoft continues to violate business practices. The Proposed Final Judgment in a sense, does not deny Microsoft its past violations and illegal acts. As one can see, every court, which has been involved with the case, has found Microsoft guilty of breaking the anti-trust laws. However, under the proposed final settlement, Microsoft, surprisingly enough, will be permitted to retain most if not all profits gained through their illicit activities. Subsequently, the PFJ will not compensate parties injured or harmed through Microsofts egregious misdeeds. In addition, the PFJ will not take into account all Microsoft gains made through its illegal maneuverings. With all due respect, the final settlement is basically acknowledging the acceptance of Microsofts anti-competitive behavior. What kind of message does this send out to the public? I can assure you that the message is clear and simple. The Proposed Final Judgment encourages big corporations to engage in monopolistic and predatory conduct, which in turn is detrimental to the technology industry at large. With all due respect your honor, I am outraged at such a preposterous proposal that only helps Microsoft to remain intact and continue with its unethical practices. Thus, I submit to you my objection to this Proposed Final Judgment.

Sincerely
Erlin Ortiz
Lodi, CA

MTC–00011213

From: Ernesto Funa
To: Microsoft ATR
Date: 1/15/02 6:12am
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally,

I am submitting to you my personal objection to the Proposed Final Judgment in regards to the Microsoft case. As history will prove, Microsoft continues to violate business practices. The Proposed Final Judgment in a sense, does not deny Microsoft its past violations and illegal acts. As one can see, every court, which has been involved with the case, has found Microsoft guilty of breaking the anti-trust laws. However, under the proposed final settlement, Microsoft, surprisingly enough, will be permitted to retain most if not all profits gained through their illicit activities. Subsequently, the PFJ will not compensate parties injured or harmed through Microsoft's egregious misdeeds. In addition, the PFJ will not take into account all Microsoft gains made through its illegal maneuverings. With all due respect, the final settlement is basically acknowledging the acceptance of Microsoft's anti-competitive behavior. What kind of message does this send out to the public? I can assure you that the message is clear and simple. The Proposed Final Judgment encourages big corporations to engage in monopolistic and predatory conduct, which in turn is detrimental to the technology industry at large. With all due respect your honor, I am outraged at such a preposterous proposal that only helps Microsoft to remain intact and continue with its unethical practices. I submit to you my objection to this Proposed Final Judgment.

Respectfully,
Ernesto Funa
Stockton, CA

MTC–00011214

From: Eliza Funa
To: Microsoft ATR
Date: 1/15/02 6:16am
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally,

I am against the proposed final judgment. Over the past several years, the Court has found Microsoft guilty of all misdeeds. Nevertheless, the Proposed Final Judgment dismisses all previous court findings indicting Microsoft. The PFJ allows Microsoft to continue with its monopolistic and predatory practices, which in my opinion is a detriment not only to the software sector but also to the technology industry as a whole. Without a doubt, I strongly believe you will receive thousands of similar appeals encompassing the many flaws that are apparent in the proposed final settlement. My main focus entails one fundamental flaw clearly noticeable in the proposed settlement: The PFJ does not effectively break up Microsoft, but in fact allows Microsoft to leverage its current market position, or should I say, Monopoly to expand its business into several other technology markets. Under the general rule, most monopolies in the past are either broken up or carefully regulated. Unfortunately, Microsoft is given a pardon to this general rule of thumb. Also, admonishing Microsoft will not radically alter Microsoft's existing operation methodologies. With out a doubt, Microsoft will continue to abuse its monopoly position at the expense of others. Unless the court breaks up Microsoft into several parts, Microsoft will continue on with its illegal practices. In conclusion, I object the Proposed Final Judgment.

Respectfully,
Liz Ageri
San Francisco, CA

MTC–00011215

From: Ricky G
To: Microsoft ATR
Date: 1/15/02 6:22am
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally,

I object to the so-called proposed final judgment in the Microsoft case. In all past findings, the Court has found Microsoft guilty of violating the Anti-Trust laws. Yet the PFJ or the proposed final judgment throws out all previous court findings that indicts Microsoft. In other words, the proposed final settlement allows Microsoft to continue on with its predatory practices, which in my opinion is a detriment to the technology industry. I am certain you will receive thousands appeals entailing various flaws apparent in the proposed final settlement. However, my main focus involves one glaring flaw in the proposed settlement: The PFJ does not effectively break up Microsoft, but in fact allows Microsoft to leverage its Monopoly to expand its business into several other technology sectors. In the past most monopolies, such as AT&T, are either broken up or carefully regulated. However in this case, Microsoft is given a pardon or a waiver to this general rule of thumb. In addition, a simple slap on the wrist by the Department of Justice will not suffice in drastically altering Microsoft's existing operation methodologies. As history has shown, Microsoft will unfortunately abuse its monopoly position at the expense of others. Unless something extraordinary is done, Microsoft will continue to implement illegal business practices. Thus, I submit to the Court that the Proposed Final Judgment does not solve the problems involved in the Microsoft case.

All the Best,
Ricky Gamboa
Foster City, CA

MTC–00011216

From: Anne
To: Microsoft ATR
Date: 1/15/02 6:22am
Subject: Microsoft Settlement
911 N. 107th Street
Seattle, WA 98133–8804
January 14, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW.,
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I am writing in full support of the recent settlement between the U.S. Department of Justice and Microsoft. Litigation has gone on for far too long now, and I think the terms of the settlement are fair and in the best interest of the public and American economy. A number of the terms of settlement will help give consumer's freedom to choose products. Microsoft had agreed to design future Windows versions so that computer makers, software developers, and consumers can more easily promote their own products from within Windows' operating systems. Also, I like the fact that Microsoft has agreed to form a three-person team to monitor compliance with the settlement. I think the settlement is fair and reasonable and should suit all parties. Unfortunately, there are nine states in opposition. I urge your office to make the settlement a reality. Our country needs American companies such as Microsoft to be focusing on innovation, development, implementation and growth. Thank you for your time.

Sincerely,
Anne Argue Dobrinen

MTC–00011217

From: Rich Gamboa
To: Microsoft ATR
Date: 1/15/02 6:29am
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally,

Your honor, I object to the Proposed Final Judgment entailed in the Microsoft case. After reading and analyzing the proposed settlement, I am appalled that Microsoft can

get away with such murder. Obviously here are several apparent flaws with in the proposal which will undoubtedly give Microsoft absolute power to abuse their existing power. Based on further review of the proposed settlement, there is one glaring oversight that cannot be overlooked. One such noticeable defect entails an ineffective and inept enforcement mechanism to implement so-called restrictions. As stated in the settlement, Microsoft will be closely monitored to comply with all restrictions encompassed with in the stated agreement. A three man compliance team will oversee and insure that Microsoft comply with the stated rules and regulations. Taking a closer look however, this three-man oversight team will be composed of the following: one appointee from the Justice Department, one appointee from Microsoft, and another appointee chosen by the two existing members. In turn, Microsoft will control half of the oversight team. Also, in the likelihood of any enforcement proceeding, all findings by the oversight committee will not be allowed into court. The sole purpose of the committee is to inform the Justice Department of all infractions by Microsoft. Subsequently the Justice Depart will launch its own investigation into the matter and commence litigation to halt all infractions. When all is said and done, the oversight committee is just window dressing, who will not strictly oversee Microsoft's business moves. In my opinion, the Proposed Final Judgment does not provide sufficient and appropriate restrictions or penalties against Microsoft. What reassurance do we have against Microsoft's illegal and illicit activities? I can assure you that the Proposed Final Judgment does not effectively nor sufficiently address the question. With all due respect, I submit to the court my objection to the Proposed Final Judgment.

Kind Regards,
Richard Flores
Santa Barbara, CA

MTC–00011218

From: Di M
To: Microsoft ATR
Date: 1/15/02 6:34am
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally,

Over the past several years, we have witnessed first hand the predatory methods Microsoft uses to squash its competitors. Therefore, I am filing my personal objection to the proposed final judgment on the Microsoft case. Supposedly, the Court has found Microsoft guilty of violating all rules of proper business ethics and practices. However with the PFJ (Proposed Final Judgment), the Department of Justice throws out, if not abandons all previous court findings that indicts Microsoft. In fact, the PFJ permits Microsoft to continue with its monopolistic and predatory practices, which in my opinion is a detriment not only to the software sector but also to the technology industry as a whole. Without a doubt, I strongly believe you will receive thousands of similar appeals encompassing the many flaws that are apparent in the proposed final settlement. My main focus entails one fundamental flaw clearly noticeable in the proposed settlement: The PFJ does not effectively break up Microsoft, but in fact allows Microsoft to leverage its current market position, or should I say, Monopoly to expand its business into several other technology markets. Under the general rule, most monopolies in the past, such as AT&T and Standard Oil, are either broken up or carefully regulated. However, Microsoft is given a pardon or a waiver to this general rule of thumb altogether. Also, simple slaps on the wrist or severe reprimands by the Department of Justice will not radically alter Microsoft's existing operation methodologies. As history has proven over and over again, Microsoft will undoubtedly abuse its monopoly position at the expense of others. Unless something extraordinary is done such as breaking up Microsoft's business into several parts or meting out severe punishment, Microsoft will persistently continue to implement illegal business practices. I submit to the Court that the Proposed Final Judgment does not solve anything but exacerbates the existing problem with Microsoft.

Respectfully,
Diana Mah
Lodi, CA

MTC–00011219

From: J J
To: Microsoft ATR
Date: 1/15/02 6:42am
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally,

I am objecting to the Proposed Final Judgment. Microsoft continues to break anti-trust laws and discards proper business ethics. The Proposed Final Judgment does not punish Microsoft for it's past violations or illegal acts. Every court, which has been involved with the case, has found Microsoft guilty of misdeeds. However, under the proposed final settlement, Microsoft, surprisingly enough, will be permitted to retain most if not all profits gained through their illicit activities. Subsequently, the PFJ will not compensate parties injured or harmed through Microsoft's egregious misdeeds. In addition, the PFJ will not take into account all Microsoft gains made through its illegal maneuverings. With all due respect, the final settlement is basically acknowledging the acceptance of Microsoft's anti-competitive behavior. What kind of message does this send out to the public? I can assure you that the message is clear and simple. The Proposed Final Judgment encourages big corporations to engage in monopolistic and predatory conduct, which in turn is detrimental to the technology industry at large. With all due respect your honor, I am outraged at such a preposterous proposal that only helps Microsoft to remain intact and continue with its unethical practices. To the court, I submit my objection to this Proposed Final Judgment.

All the Best,
James Anthony
Lodi, CA

MTC–00011220

From: janernest funa
To: Microsoft ATR
Date: 1/15/02 6:45am
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally,

With all due respect, I am stating my personal objection to the so-called Proposed Final Judgment in regards to the Microsoft case. As history will prove, Microsoft continues to violate Anti-Trust laws. As a matter of fact, the final settlement does not deny Microsoft its past violations and illegal acts. As one can see, every court, which has been involved with the case, has found Microsoft guilty of breaking the anti-trust laws. However, under the proposed final settlement, Microsoft, surprisingly enough, will be permitted to retain most if not all profits gained through their illicit activities. In addition, the PFJ will not compensate parties injured or harmed through Microsoft's egregious misdeeds. In addition, the PFJ will not take into account all Microsoft gains made through its illegal maneuverings. With all due respect, the final settlement is basically acknowledging the acceptance of Microsoft's anti-competitive behavior. What kind of message does this send out to the public? I can assure you that the message is clear and simple. The Proposed Final Judgment encourages big corporations to engage in monopolistic and predatory conduct, which in turn is detrimental to the technology industry at large. With all due respect your honor, I am outraged at such a preposterous proposal that only helps Microsoft to remain intact and continue with its unethical practices. I submit to you my objection to this Proposed Final Judgment.

Sincerely,
Jan Ernest Pacual,
Sacramento, CA

MTC–00011221

From: justin funa
To: Microsoft ATR
Date: 1/15/02 6:50am
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally,

With all due respect your honor, I object to the following Proposed Final Judgment. The final proposal undoubtedly gives Microsoft complete authority to abuse their existing monopoly position. After further review, there is one glaring mistake. The flaw entails an inept enforcement mechanism to implement restrictions on Microsoft. With in the settlement, Microsoft will be closely scrutinized and monitored to comply with all restrictions entailed in the stated agreement. Supposedly, a three man compliance team will oversee and insure that Microsoft comply with the stated rules and regulations. However after closer inspection, this proposal only benefits Microsoft in the end. The three-man oversight team will be composed of the following: one appointee from the Justice Department, one appointee from Microsoft, and another appointee chosen by the two existing members. In turn, Microsoft will control half of the oversight team. Also, in the likelihood of any enforcement proceeding, all findings by the oversight committee will not be allowed into court. The sole purpose of the committee is to inform the Justice Department of all infractions by Microsoft. Subsequently the Justice Depart will launch its own investigation into the matter and commence

litigation to halt all infractions. When all is said and done, the oversight committee is just a complete smoke screen. In turn, this team will not strictly oversee Microsoft's business moves. In many aspects, the Proposed Final Judgment does not provide adequate or appropriate restrictions and penalties against Microsoft. One cannot take comfort in the fact that the Proposed Final Judgment helps Microsoft's illegal and illicit activities. Therefore I submit to the court my objection to the Proposed Final Judgment.

Respectfully,
Justin Montefrio
Lodi, CA

MTC–00011222

From: serafin jimenez
To: Microsoft ATR
Date: 1/15/02 6:52am
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally,

I am filing my personal objection to the proposed final judgment on the Microsoft case. Supposedly, the Court has found Microsoft guilty of violating all rules of proper business ethics and practices. However with the PFJ (Proposed Final Judgment), the Department of Justice throws out, if not abandons all previous court findings that indicts Microsoft. In fact, the PFJ permits Microsoft to continue with its monopolistic and predatory practices, which in my opinion is a detriment not only to the software sector but also to the technology industry as a whole. Without a doubt, I strongly believe you will receive thousands of similar appeals encompassing the many flaws that are apparent in the proposed final settlement. My main focus entails one fundamental flaw clearly noticeable in the proposed settlement: The PFJ does not effectively break up Microsoft, but in fact allows Microsoft to leverage its current market position, or should I say, Monopoly to expand its business into several other technology markets. Under the general rule, most monopolies in the past, such as AT&T and Standard Oil, are either broken up or carefully regulated. However, Microsoft is given a pardon or a waiver to this general rule of thumb altogether.

Also, Simple slaps on the wrist or severe reprimands by the Department of Justice will not radically alter Microsoft's existing operation methodologies. As history has proven over and over again, Microsoft will undoubtedly abuse its monopoly position at the expense of others. Unless something extraordinary is done such as breaking up Microsoft's business into several parts or meting out severe punishment, Microsoft will persistently continue to implement illegal business practices. I submit to the Court that the Proposed Final Judgment does not solve the Microsoft issue.

Respectfully,
Serafin Jimenez
Lodi, CA

MTC–00011223

From: arlene funa
To: Microsoft ATR
Date: 1/15/02 6:55am
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally,

I adamantly oppose the proposed final judgment in the Microsoft case. All courts, involved with the case, have found Microsoft guilty of violating all anti-trust laws implemented by the Justice Department. The PFJ basically throws out all previous court findings indicting Microsoft. In other words, Microsoft has been given the green light to continue on with its monopolistic endeavors. I'd like to focus on one fundamental flaw present with in the proposed settlement: For the most part, the proposed final settlement does not sufficiently break up Microsoft. Instead, the settlement allows Microsoft to utilize and leverage its current market position to branch out into other technology markets. Most monopolies in the past, such as Standard Oil, are either broken up or carefully regulated. However in this case, Microsoft is given a full waiver to this rule altogether. Also, a severe reprimand by the Department of Justice will not change Microsoft's present operating methods. Without a doubt, Microsoft will abuse its monopoly position at the expense of others. Unless something drastic is done such as breaking up Microsoft itself, Microsoft will continue to commit egregious offenses. Thus I submit to the Court that the Proposed Final Judgment is a huge mistake.

Best Regards,
Ping Funa
Sacramento, CA

MTC–00011224

From: Peter Black
To: Microsoft ATR
Date: 1/15/02 7:00am
Subject: Microsoft Settlement

To Whom It May Concern:

The proposed settlement with Microsoft is neither fair nor appropriate, and rewards monopolistic behaviour that has destroyed many companies and severely distorted the market for software. Actions to date have failed to understand the breadth of Microsoft's monopoly, or the ways in which they continue to enforce it. In particular, the Office package is used highly successfully to reduce the ability of users to change operating systems platforms. Microsoft should be ordered to place the Microsoft Office file formats (for Excel, Access, Word, Powerpoint) in the public domain, and to be given equal voting rights with a range of parties for changes in this format. Microsoft should be forced to maintain adherence to this structure as its primary file format. Such a change would make it immediately possible for others (such as StarOffice or WordPerfect) to use the same format, either as its principal storage mechanism or for interchange. Competition would then be based on the best software tools on the best platform, rather than the lock-in that is created by Microsoft's frequent changes to an unpublished format. This change would be far more effective than any other remedy, and should be extended to open publication of all file formats for any product that Microsoft produces.

Sincerely
Peter Black
Dr Peter Black
Lead Architect
Digital Steps Limited, 1 Bell Court, Leapale Lane, Guildford GU1 4LY
Tel: +44 7976 243 919

MTC–00011225

From: arnie mamon
To: Microsoft ATR
Date: 1/15/02 7:00am
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally,

I am voicing my personal discuss and outrage at the proposed final judgment in the Microsoft case. Supposedly, the Court has found Microsoft guilty of violating all rules of proper business ethics and practices. However with the PFJ (Proposed Final Judgment), the Department of Justice throws out, if not abandons all previous court findings that indicts Microsoft. In fact, the PFJ permits Microsoft to continue with its monopolistic and predatory practices, which in my opinion is a detriment not only to the software sector but also to the technology industry as a whole. Without a doubt, I strongly believe you will receive thousands of similar appeals encompassing the many flaws that are apparent in the proposed final settlement. My main focus entails one fundamental flaw clearly noticeable in the proposed settlement: The PFJ does not effectively break up Microsoft, but in fact allows Microsoft to leverage its current market position, or should I say, Monopoly to expand its business into several other technology markets. Under the general rule, most monopolies in the past, such as AT&T and Standard Oil, are either broken up or carefully regulated. However, Microsoft is given a pardon or a waiver to this general rule of thumb altogether. Also, Simple slaps on the wrist or severe reprimands by the Department of Justice will not radically alter Microsoft's existing operation methodologies. As history has proven over and over again, Microsoft will undoubtedly abuse its monopoly position at the expense of others. Unless something extraordinary is done such as breaking up Microsoft's business into several parts or meting out severe punishment, Microsoft will persistently continue to implement illegal business practices. Therefore I submit to the Court my objection to the Proposed Final Judgment.

Respectfully,
Arnie Montefrio
San Francisco, CA

MTC–00011226

From: Anthony Mamon
To: Microsoft ATR
Date: 1/15/02 7:04am
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally,

I object to the proposed final judgment on the Microsoft case. The Court has found Microsoft guilty of violating all Anti-Trust rules. Yet, the PFJ (Proposed Final Judgment), the Department of Justice throws out, if not abandons all previous court findings that indicts Microsoft. In fact, the PFJ permits Microsoft to continue with its monopolistic and predatory practices, which in my opinion is a detriment not only to the software sector but also to the technology industry as a whole. Without a doubt, I strongly believe you will receive thousands of similar appeals encompassing the many flaws that are apparent in the proposed final

settlement. My main focus entails one fundamental flaw clearly noticeable in the proposed settlement: The PFJ does not effectively break up Microsoft, but in fact allows Microsoft to leverage its current market position, or should I say, Monopoly to expand its business into several other technology markets. Under the general rule, most monopolies in the past are either broken up or carefully regulated. However, Microsoft is given a pardon or a waiver to this general rule of thumb altogether. Also, severe reprimands will not drastically change Microsoft's existing operation methodologies. Undoubtedly, Microsoft will continue to abuse its monopoly position. Unless something extraordinary is done such as meting out severe punishment, Microsoft will persistently continue to implement illegal business practices. I submit to the Court that the Proposed Final Judgment does not solve the Microsoft issue.

All the Best,
Jun Mamon
San Francisco, CA

MTC–00011227

From: Andy Raynor
To: Microsoft ATR
Date: 1/15/02 7:09am
Subject: Microsoft case

I wish to express my concerns with the ongoing Microsoft anti-trust trial and the remedies that have been suggested. The current proposed remedy, a monitoring system, represents the least effective solution imaginable since it relies on independent policing efforts.

The remedy for Microsoft's violation of anti-trust law and violation of previous consent decrees must be two-pronged. Failure to implement both portions will fail to compensate consumers harmed by the monopolistic behavior and curtail that behavior in the future.

First, the company should be compelled to pay some significant sum in the form of computers and software to public school systems as Microsoft has offered in its settlement. Consumers are entitled to this compensation but associating individual damages to specific consumers would be impossible without overwhelming discovery costs. The provision of equipment and software to public schools represents a good reparation to the citizens of this country for the damages incurred.

The details of Microsoft's donation are critically important. Microsoft should be required to provide a pc and software fund for each state. This provides each state flexibility on achieving their education objectives and allows states to explore open source alternatives running on pc hardware. Software must be provided at Microsoft's best price. This will greatly increase the real compensation received since retail pricing may be between 400%–800% higher than volume pricing.

Apple's opposition to this is entirely self-serving and represents an attempt to hold onto ever decreasing market-share rather than benefiting consumers. A focus on pc's would allow schools to maximize volume discounts for hardware purchases and leverage either the growing open source movement or Microsoft solutions.

Second, the company must be broken up. The market is the most efficient and reliable mechanism for regulating behavior. Any other solution with either be ineffective at changing behavior or much more costly. By breaking the company up, management of each company will perform in a ''correct'' manner based on market forces.

I appreciate the opportunity to provide input.

Andy Raynor

MTC–00011228

From: Mauro Talevi
To: Microsoft ATR
Date: 1/15/02 7:18am
Subject: Microsoft Settlement

Dear Sir or Madam,

I very very strongly urge the Department of Justice to ensure that the dominant and de-facto monopolistic position that Microsoft has gained be corrected—with strong and effective measures. The terms of the settlement are clearly insufficient and unsatisfactory in this regard. Information technology has enormously grown in importance in the last 20 years, and can be comparable to energy and telecommunications as strategic and vital economic sectors. In the past the Antitrust Act has been applied to oil and telecommunications companies.

This case is equally—if not more—important and critical. Monopolies are extremely damaging to any capitalistic system. I hope the Department of Justice will act promptly and not be intimidated by the catastrophic predictions made by Microsoft.

With very best regards,
Mauro Talevi

MTC–00011229

From: RITMON@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 7:19am
Subject: Microsoft Settlement

It appears that the competitors of Microsoft (and the states where they are situated) have decided to improve their lot not by being better and having something better to offer the consumer. They've decided to punish Microsoft for having a superior product.

Please be aware that finding in Microsoft's favor, you would be doing a great deal for the consumer—and for the economy—since millions of us are investors in the company, because we believe in it...

Rita and Richard Monley

MTC–00011230

From: Martin Coles
To: Microsoft ATR
Date: 1/15/02 7:19am
Subject: Microsoft Settlement

Dear Sir or Madam:

Having been in the Computer industry for the last 20 years, I can only say that Microsoft has performed brilliantly for the consumer.

Through their success and resultant position, they have been able to bring down the cost of computing such that it is now affordable by everyone.

Further, the inclusion of various components in the operating system is once again in the consumers interest, enabling them to use the software easily.

Multiple operating systems from numerous suppliers would not have provided a uniform and easily understandable and affordable opportunity for the man on the street to own and use a computer.

Well done Microsoft!
Kind regards
Martin Coles
Pinnacle Orlando LLC.
Florida . USA
407 891 2857
See our website http://www.thereyougo.net/

MTC–00011231

From: Baumgart, David
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/15/02 7:19am
Subject: Microsoft Settlement

I am adding my comment on the proposed antitrust settlement with 9 states and Microsoft. It is my opinion that the DOJ has ''gone soft'' on Microsoft, dropping some of the key provisions for a just and fair settlement. It also appears to me that the DOJ is preparing to let Microsoft off with a slap on the hands instead of any real penalty.

Microsoft was convicted of predatory practices aimed at squashing the competition and I believe they should be punished. Their conviction held up under appeal.

I agree with the 9 states that ''pulled out'' and are seeking tougher remedies.

David Baumgart
Executive Director, Information Systems Dept
John Morrell & Co.
805 East Kemper Road
Cincinnati, OH 45246
(513) 346–3562

MTC–00011232

From: mrivan@mediaone.net@inetgw
To: Microsoft ATR
Date: 1/15/02 7:27am
Subject: Microsoft Settlement

To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
From: Anthony D'Andrea
Box 1209
Randolph MA 02368
Re: Microsoft prosecution
People:

I still remember the last thing Microsoft produced which, as far as I know, was a legitimate creation of their own company. It was a Floating-Point BASIC Interpreter for the old Apple II Machines that came out around 1979 or so. Since then, it has been all downhill for MS.

It is common knowledge that Bill Gates stole the MS-Dos operating system from his partner at Altair, then sold IBM on using it for the OS in their first computers which appeared several years after the Apples.

Gates' next lie read like this: ''If you want a personal computer that you can hook up to your business mainframe, it will have to be an IBM''. Not an ounce of truth in it, but between the cosmetic value of the lie and IBM's massive market share, it enabled MS to capture a good 85% of market share from what had been mostly Apple's territory. Later, after Apple had begun incorporating mouse and windows technology into their

later Apple II's, the Apple III, the Lisa and early Macs, MS produced the first version of Windows, for which Apple promptly and properly sued them for copyright infringement. Apple won that round, and MS's ''Trash Can'' has been a ''Recycle Bin'' ever since.

Unfortunately, the lies and thievery from Gates & Co. was far from over. Since that time, every innovation that has come down the pike has run headlong into Bill Gates. Innumerable companies have had to make the choice between selling out, licensing the technology to MS or being driven out of business by being undersold. To this day, hardware companies sell their wares at near cost, simply in an effort to undercut the competition and keep others like Apple from regaining any market share, then they make their profits from the software later.I own a Macintosh machine. The machine is equipped with a package called ''Virtual PC'', which allows me to run Windows on the Mac and use any of MS's software, should I choose to do so. I have consistently found Mac software to be far more easy, user-friendly and stable than the MS equivalents. Still, when I visit most software vendors, I find them reluctant, almost fearful, of carrying Mac software.Chains such as Walmarts get their stock thru central buyers which have shown reluctance in the extreme to carry anything BUT MS compatible software. In one case, a chain called ''Best Buy'', I discovered Mac and Windows versions of identical software on the shelf together, with the Mac version selling at $10 more than the MS version. I summoned the store manager and demanded an explanation. I was told that if he did not price the products in that fashion, MS would pull all their products from his shelves.This has not been the exception, but the rule. How blatant does MS have to act before they can be found guilty of racketeering? How obviously does a monopoly have to conduct themselves to be recognized for what they are? And how many people will have to be hurt or driven out of business before someone takes this monster in hand and administers justice???

The dangers of such a concentration of power go far beyond simply fair business practices. Their efforts, for instance, to modify Sun's JAVA language earned them lawsuits and produced a certain degree of confusion among web programmers. Their regular introduction of new media formats without the software to allow other systems to immediately keep up with the changes provides them with additional pressure to sidestep fair competition. And thruout these efforts, there is always the MS database, in which a great deal of personal information is kept.Does a database of personal information provide a threat in and of itself? Of course not. I am sure Apple has my name and address somewhere in its files. But think of the back-door that MS gave to the NSA, which allows them to enter anyone's computer, anywhere in the world, examine the hard drive and even read and write on that drive with complete concealment. When the Chinese discovered that, they began a campaign to eliminate Windows from every machine in their country and replace it with Unix. Think also of the Eschalon program, which has had Japanese and German authorities angry at us in the USA for some time now, as they have justifiable fears of corporate espionage if that aforementioned ''back-door'' gets into the wrong hands.

Right now, business has almost no alternative to Windows. And since Windows is nearly completely borrowed or stolen technology, several years behind Apple and others, and since some real security threats exist and grow more ominous on a daily basis, something MUST be done and done soon to eliminate this threat.

The only solution is to deal with Microsoft thru the courts, in the most appropriate way possible, under the RICO laws as racketeers. By taking them in hand, forcefully, and compelling them to adopt practices that will open the market to real competition, you will find that rather than hindering development, it will enhance the opportunities for competing companies to enter the marketplace and speed the development of new technology. The companies are already out there, working on new ideas, developing approaches to market their ideas while defending their battlements from the MS assaults that will surely head their way when the threat of innovation becomes visible.

There are nine states at this time that disagree with the DOJ resolution of the case against MS. This may be the last opportunity to wield the sword of the Law against a seemingly unassailable threat. I beg you, use the power that you have in this just cause.For just one of hundreds of sources of more background and documentation of the illegal and anti-competitive practices of MS, I refer you to this website... <http://hive.me.gu.edu.au/csand/md/0soft.html>http://hive.me.gu.edu.au/csand/md/0soft.html

Thank you for your attention to this critical issue. Your response would be appreciated and a dialogue welcomed.

Anthony D'Andrea
Randolph Massachusetts

MTC–00011233

From: david zhang
To: Microsoft ATR
Date: 1/15/02 7:43am
Subject: Strcter punishment!

Dear Sir/Madam,

Microsoft behavior in the past has shown us its greediness and its true nature. The punishment should be stricter. If we cannot do it today, we will end up in the same situation as we have now with Iraq because we did not finish the job at that time. Please, for a better and more dynamic and diversified technology world, give Microsoft a stricter punishment.

Sincerely,
David

MTC–00011234

From: Christopher L. Lupton
To: Microsoft ATR
Date: 1/15/02 7:52am
Subject: Microsoft Settlement

It is time to accept the settlement. The Attorney Generals in the 9 states opposing the settlement are definitely not acting in the best interest of their constituents, our economy or the nation. I kindly ask that you please review this e-mail and take it into consideration during your decision.

Sincerely,
Christopher L. Lupton
President
InfoDynamics, Inc.
7351 Shadeland Station, STE 260
Indianapolis, IN 46256

MTC–00011235

From: jhauf2@juno.com@inetgw
To: Microsoft ATR
Date: 1/15/02 7:54am
Subject: Microsoft Settlement

Please, settle this issue as soon as possible. Microsoft is a fine company and should be allowed to get on with its business. It is bad enough to permit these states to extort millions from Microsoft. Do not compound the damages by delaying the conclusion.

James G. Hauf

MTC–00011236

From: Neil Stahl
To: Microsoft ATR
Date: 1/15/02 7:56am
Subject: Proposed Microsoft Settlement: Don't Do It

Sirs:

The future of the American computer industry is in your hands. It will be a bleak future if Microsoft is left as the monopoly your proposed settlement would achieve.

As long as one company makes the dominant operating system and applications it will always have an incredible advantage in both markets and will have little reason to innovate or to do a good job. This is born out by the way Microsoft has achieved dominance in both markets, from a start where there were many competitors and software was evolving fast. If you are watching the evolution of software now, you must notice it has slowed to a crawl. If you are watching the quality of software Microsoft produces you have seen security for our computers running their software is remarkably poor. In a market with real competition this wouldn't happen, market forces would correct it.

As a computer user I urge you:

1. Do not go through with this settlement.
2. Do split Microsoft into two or more parts, isolating the part that makes operating systems from the rest.

Sincerely,
Neil Stahl
248 Rainbow Drive #14876
Livingston, Tx. 77399–2048

MTC–00011237

From: Larry Hannay
To: Microsoft ATR
Date: 1/15/02 7:57am
Subject: Microsoft Settlement

I can't believe the way you guys are buckling under. Current situations, now matter how extreme, should have nothing to do with resolving the problem at hand. I think legislators that have been, shall we say, ''influenced'', by Microsoft campaign contributions are using the Sept. 11th tragedy and the economy in general to go easy on Microsoft without incurring a negative public response. And I think that stinks. Especially since it is your job to represent the public's best interests. But as always, the public loses

out to corporate concerns. I spend a lot of time reading newspapers and technical magazines, and every stinking article I have read points out that not only is Microsoft not getting punished, but your so-called ''solution'' will help it to increase its monopoly by giving it inroads to the school market that Apple now does so well in. If every stinking magazine article author can see this, then why can't you? Huh? You people disgust me. And then you wonder why the voting populace is so cynical and uninvolved. Or is that the way you want it.

Please don't bother to respond. Your ''spin'' makes me sick.

Larry Hannay
16 Cutter Ave.
Somerville, MA

MTC–00011238

From: Rail, Marcus E.
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/15/02 8'00am
Subject: Microsoft Settlement
See attached Microsoft WORD document for comments.
Renata B. Hesse January 15, 2002
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

This letter is written to comment on the Department of Justice proposed settlement of the Microsoft Antitrust case.

As a corporate purchaser of Microsoft products, we conclude that the settlement does nothing to address the real concerns of the customer. Those concerns involve the increasing ability of Microsoft to set extreme pricing policies without fear of customer loss, and to design products without proper concern to the customer's needs. Microsoft products have served our company fairly well in many areas and we believe Microsoft brought many innovations to PC desktop tools. However, we also believe that Microsoft used questionable practices to drive out the competition or acquire it at a very low cost. For the most part, especially for products like WINDOWS, OFFICE, and INTERNET EXPLORER, we feel we had and still have no real alternative to Microsoft products.

Our other software vendors who work with Microsoft endure extreme pressure to do it Microsoft's way. If they don't, they face severe penalties by a company that truly controls the desktop market. Rather than respond to the customer, we find many of our vendors responding to Microsoft so that Microsoft revenues are maximized.

We question the ''freedom to innovate'' banner that Microsoft uses to justify their practices. In fact, all we see is slavery to Microsoft for customers and other software vendors. It may be that Microsoft could have won its present monopolist position just through the quality of its products and hard work. We'll never really know. We do know that they are now exercising that monopolistic position to the detriment of the customer. We are now being forced to pay millions of dollars to upgrade to product versions we don't need. The only viable alternative given to us is to pay much higher prices when they finally force us into obsolescence. All software companies try to generate revenue through planned obsolescence, however, only a monopolist can carry it to the extent that Microsoft has, and make the profits it has. The present proposed settlement barely slaps Microsoft on the wrist for past practices and will not deter it from future anti-competitive practices. Moreover, the root of the problem Microsoft's control of both the dominant desktop operating system and the major application software for desktops—will result in costs for the consumer that are not controlled by competition and not in line with the value delivered.

Marcus E. Rally Manager, System Software, Information Systems, Cooper Tire Company
John E. Mitchell Vice-President, Information Systems, Cooper Tire Company
Todd E. Shin Barger Director, Information Systems, Cooper Standard Automotive
Cooper Tire & Rubber Company, Lima & Western Aves., Findlay, Ohio 45840

MTC–00011239

From: Ronald Ford
To: Microsoft Settlement U.S. Department of Justice
Date: 1/15/02 7:36am
Subject: Microsoft Settlement
Ronald Ford
1211 S.W. Anita St
Arcadia, Fl 34266

January 15, 2002
Microsoft Settlement U.S. Department of Justice ,

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies. Thank you for this opportunity to share my views.

Sincerely,
Ronald T. Ford

MTC–00011240

From: Alan L. Hansen
To: Microsoft Settlement
Date: 1/15/02 7:49am
Subject: Microsoft Settlement
Alan L. Hansen
124 North 155st
Shoreline, Wa 98133–5926
January 15, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies. Thank you for this opportunity to share my views.

Sincerely,
Alan L. Hansen

MTC–00011241

From: TSulli8693@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 8:06am
Subject: Microsoft Settlement

Gentlemen:

I am a personal computer user. I think the settlement that has been reached is fair and should be approved. That will allow the public to continue receiving the services of the many new products that Microsoft can develop for our computers.

Thomas F. Sullivan
219 Alpine Dr.
Winter haven, FL 33881

MTC–00011242

From: William Enouen
To: Microsoft ATR
Date: 1/15/02 8:11am
Subject: Microsoft Settlement

Gentlemen: At a time when American Industry is challenged to continue to do better and the technology firms are in a downturn, it would seem appropriate to conclude some of the legal activities against Microsoft with just settlements rather than letting such settlements drag on, costing the company and its shareholders and the government and its taxpayers. The case should be concluded and the settlement agreed upon allowed so both parties can get on with more effective use of their time. Thanks for your attention.

MTC–00011243

From: Jim Presley
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/15/02 8:18am

Subject: Microsoft Settlement—No!

Hey, I thought you guys were supposed to be protecting us from predators— not siding with them! What kind of Justice Department have we got here? A bunch of toadies for political donors.

MTC–00011244

From: John Keyes
To: Microsoft ATR
Date: 1/15/02 8:24am
Subject: Microsoft Settlement.

To whom it concerns,

I think the settlement is a betrayal of America. It is an insult to suggest that the terms of the settlement are sufficient. Micro$oft will continue its predatory approach to the software market and will continue to hold institutes of education to ransom. It is time to resolve the issue and extract adequate compensation from Microsoft for the companies that have been damaged and for every child whose education costs rise as a result of disgusting licensing terms. It is also necessary so the collective power and choice of a free market can begin to thrive in the software market.

-John Keyes
Ireland

MTC–00011245

From: Morris, Perry
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/15/02 8:27am
Subject: Microsoft Settlement

It's time to get on with life.....this has drug on long enough. The public will not be well served to have this linger on.

Thank you,
Perry Morris
Coordinator, Computer Applications
Facilities Operations and Maintenance
Florida State University
850.644.8699
pmorris@admin.fsu.edu

MTC–00011246

From: Julie Noll
To: Microsoft ATR
Date: 1/15/02 8:27am
Subject: Microsoft Settlement

Again, I am outraged. While reading the article in USA Today, dated 1/15/2002, written by Kevin Maney, Silicon Valley CEOs don't pull verbal punches, I couldn't believe what I was reading. ''In one corner is the tag team of Larry Ellison, CEO of database software company Oracle, and Scott McNealy, CEO of computer maker Sun Microsystems. In the other corner: their professed enemy, Microsoft, and its leader, Bill Gates. Ellison and McNealy consistently and publicly hurl harsh, sometimes personal and sometimes funny insults at Microsoft and Gates. Ellison has called Microsoft products ''pathetic'' and motivated employees by showing a computer-generated image of Gates giving them the finger. McNealy has referred to Gates as ''Butthead,'' compared his management skill with Bozo the Clown and proclaimed that the battle of the future is ''mankind vs. Microsoft.'' I cannot believe our government would allow themselves to be influenced by CEO such as Scott McNealy and Larry Ellison. If you ask me I believe their tactics need to be further investigated. I have wrote many times before this case is no longer about justice. It is simply a few CEO allowed to use our government to further their causes.

I am growing ever tired of all these grown men acting like babies. What they need to do is simply create great products, build their companies and stop whining.

It is time settle this entirely.

Julie Anne

MTC–00011247

From: Gerhard Beck
To: Microsoft ATR
Date: 1/15/02 8:28am
Subject: Additional Remedies

Microsoft continues to work towards the utter destruction of any possible competition. Currently in Microsoft's sites are Java and Linux. It is informative that because of Microsoft's monopoly position, only products offerred free (such as Java and Linux), cause any threat to Microsoft.

I would propose the following remedies:

1) Microsoft be forced to charge a minimum price for each piece of bundled software such as the Media player, Word, Excel, PowerPoint. The charge would be separately stated and users could decline to purchase the software with thier new machine. This would create a price evelope which competitors could exist within.

2) Microsoft be forced to include the latest release of Java unmodified with its latest releases of Windows. This would ease the integration burdens for Java-based competitive packages.

3) Microsoft be forced to release Linux versions of its Microsoft Office suite at the same time as comparable Windows versions. This would be extremely helpful in developing Linux as a viable competitor to Microsoft on the desktop.

4) Microsoft be forced to stop bundling software with Windows or Office and be forced to charge for the software. Since both products are basically provided with all machines, anything Microsoft bundles in destroys a previously existing market since it is hard to get folks to pay for what Microsoft provides for free.

5) Microsoft be forced to charge one price for Windows both retail and wholesale to manufacturers. Microsoft's current scheme strongly encourages the purchase of a new machine to get a new copy of Windows because the retail cost of Windows is so high compared to the cost of a new machine with the same copy of Windows. Since the cost to duplicate a CD is so cheap, there is no econimic justification for the discounts given.

Gerhard Beck
703 676 4403

MTC–00011248

From: e cummings
To: Microsoft ATR
Date: 1/15/02 8:29am
Subject: Microsoft Settlement

rather than rewarding the guilty party (microsoft) by allowing them to continue monopolizing their markets, (under the guise of donating their products to schools and such) i think a more fitting punishment would be to compel microsoft to sponsor independent contractors to install the free and open-standard Linux operating system and compatible program on the computers they donate, and to train students, faculty, and other users on the use of Linux.

allowing microsoft to ''lock in'' even more customers by compelling the company to indoctrinate even more people in the use of their closed, proprietary products is no punishment at all. allowing microsoft to write off the retail cost of any software they donate is a reward—the company's true cost for this extra software is negligible, and they will profit from the sale of ''upgrades.'' (the term ''upgrades'' is in quotes because traditionally microsoft's upgrades primarily consist of bug fixes and patches to their already faulty products.)

ed cummings

MTC–00011249

From: Paul Speer
To: Microsoft ATR
Date: 1/15/02 8:29am
Subject: Do not settle—the 1930s parallel

In the 1930s, the motion picture industry (read applications software) controlled the theaters (read operating system). The DO] brought suit and broke up this set of monopolies (different companies owned different theater chains). The same principle applies here.

Microsoft makes and will continue to make economic rents from the present system. In so doing unnecessary costs are added to businesses using MS products which are passed on to the consumers. Having the Windows operating systems opened to the entry of applications software without the present arbitrary constraints can only be assured through a break-up of the monopoly.

Paul Speer
pdsjunior@earthlink.net

MTC–00011250

From: Dave G
To: Microsoft ATR
Date: 1/15/02 8:40am
Subject: Apple in Schools

The big move in education is standardization on skills that will do the most good. Learn math basics, learn english basics, etc.. The political engine has dictated to schools that they need to teach only things that have value in the market place.

Based on this logic, Apple should be as popular in schools as UNIX computers. Apple Macintosh is a niche machine used primarily by print shops and graphic designers. UNIX is a bigger niche product used primarily in enterprise server environments. Both can be, and in the case of UNIX is learned in college for specialized fields. The rest of the world for the most part uses Windows with or without MS applications. Like it or not, that is the economic and business norm. Hence, our children should be tought this because it IS the norm. My kids went to a grade school that bought gobs of iMacs. They sat in the halls in boxes for two years. Eventually the teachers ended up setting up the machines. These machines were rarely even used. The reason was the schools IT dept. did not understand Mac nor did they care to. No one wrote an education plan using Mac software. These machine were simply a waste of

donation. My kids have moved on to Jr. High. The school is just dripping with Dell Wintel boxes, 4 to every classroom and several all computer labs. Not an Apple to be seen. These conputers are up and running and being used. Sorry Steve. As fo software bundling, everyone does it. MS does, Apple does, Linux does, even big UNIX vendors do. That is how you get consumers to buy. Apple comes with both Netscape and Explorer and iTunes, and CD-Creator, and etc..... Why are these other companies not being censored for their use. Back when the Netscape/Explorer issue was hot, the argument was MS was giving their browser away. So was Netscape. I have never paid for a browser. I only switched to Explorer when Netscape became an unusable application under version 4. Even today, when designing web pages, you still have to becareful to code around Netscape's poor programming habits.

Enough from one person.

Dave Gould

Graphic Designer (My Macintosh side)

MSCE (My Microsoft side)

Geek (My Linux side)

MTC–00011251

From: Koestler, Jim
To: Microsoft ATR
Date: 1/15/02 8:44am
Subject: Microsoft Settlement

Dear United States Dept. of Justice, Under the Tunney Act, I would like to provide my comments regarding the Microsoft settlement.

As a US citizen and a tax payer, I'm very concerned and quite frankly disappointed about the continued efforts of my government to pursue a company that continues to innovate. Here is a company that started with nothing, developed quality software at very competitive prices, became successful and now the government wants to punish them. Microsoft's software continues to deliver more features, integrate additional applications, increase performance, all at lower prices. As a consumer, I'm not sure how I'm harmed.

I disagree with the appeals court ruling against Microsoft, but respect there decision. I feel the recent settlement reached is tough, but reasonable and fair to all parties involved. I, along with many others consumers overwhelmingly agree that settlement is good for them, the industry and the American economy. I hope you reach the same conclusion.

Regards,

Jim Koestler

Manager, Sales Engineering

MTC–00011252

From: Cartier, Philip
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/15/02 8:54am
Subject: MS Settlement

Dear Sirs:

I think the proposed settlement in the Microsoft anti-trust case is totally inadequate. As a user and occasional buyer of MS products, this settlement does nothing to reduce the excessive prices, poor functionality, and lack of choice that I have faced in the software market due to Microsoft's predatory practices. In addition, the proposed settlement simply extends the Microsoft monopoly to one of the few remaining areas where it is not the major supplier- the education market. The only kind of settlement that provides meaningful redress for us abused customers would be one that would prevent future abuses. That would mean significant penalties, i.e. cash payments that are at least 10–20% of published profits over the last five years and criminal charges against the current and future management if abuses occur again.

Phil Cartier

ph: 5167

MTC–00011253

From: Bev Mautner
To: Microsoft ATR
Date: 1/15/02 8:56am
Subject: I support the recent settlement between US DOJ and Microsoft

Bev and Mark Mautner
600 SW 100 Terrace
Pembroke Pines, FL 33025
Jan 15, 2002,
US Attorney General John Ashcroft, DOJ

Dear Mr Ashcroft,

End this protracted litigation. Enough is enough. The settlement is fair.. I support the recent settlement between the US DOJ and MIcrosoft. Some of the terms seem fair and reasonable. Others, I do not feel knowledgeable enough to make a judgement call on, but one of those terms, I am concerned about. This involves the issue of being forced to give up the internal interfaces and protocols needed to develop products that are compatible with Window' operating systems. Let's face it. Microsoft has without a doubt been one of the principal driving forces behind America being the leader in technology advancements in computerization. I object to any government entity not protecting their property and/or intellectual rights. Microsoft has worked hard and spent incredible amounts of money and devoted much of their resources to making products and developing new technologies that spin off entire new industries. It is essential that companies be reassured their intellectual property rights are protected by the American justice system whether they be a company has powerful as Microsoft or the next ''Bill Gates wanna be''.

I therefore urge your office to persuade the nine states holding out to settle, and bring closure to this long and protracted lawsuit.

Sincerely yours,

Beverly and Mark Mautner

MTC–00011254

From: Ferraro, James A
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/15/02 8:55am
Subject: Microsoft Litigation

I think it would be in the American publics interest that the DOJ look into the Enron Case than to waste time attacking Microsoft for helping to make this the financially strongest nation in the world.

James A. Ferraro

Lockheed Martin Missile & Space

Air Force Reentry Systems Programs

230 Mall Boulevard, King of Prussia, PA 19406

Phone: 610–354–2932

Fax: 610–354–5225

MTC–00011255

From: Lloyd, Chris M.
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/15/02 8:55am
Subject: Microsoft Settlement

Thank you for allowing the public to comment on the referenced settlement for Microsoft Corporation. I urge the Department of Justice to accept the terms of the antitrust settlement and immediately stop this endless waste of public tax resources. From my perspective, the Justice Department and the nine states contesting this settlement are tilting at windmills, wasting the tax payers investment and needlessly persecuting one of the most innovative and creative private enterprises of both the 20th and 21st centuries. I would rather the resources we are using to witch hunt a major American corporation be diverted to the attack on terrorist organizations in this country.

Thank you again for this opportunity to weigh in.

Chris

Chris M. Lloyd, AICP, REM

Senior Supervising Planner

Parsons Brinckerhoff

757–466–9675 Office, 757–466–1493 Fax, 757–581–9695 Cell

lloyd@pbworld.com

MTC–00011256

From: Danielson, Miguel C.
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/15/02 9:00am
Subject: Microsoft Settlement

To whom it may concern:

For the past 10 years, I have watched in terrific disgust at the effect of Microsoft, Inc.'s business tactics on average American consumers. For much of this time period, I have been a casual computer purchase consultant and/or Internet development consultant. In both capacities, I have seen the process of decision making in computer hardware and software purchases.

Consumers, particularly in the field of high-technology, are incredibly swayed by the options presented to them at retail locations in their area. For more years than I wish to think about, such options were horribly limited. There was essentially one choice of operating system on one choice of platform. This is all well and good, but when the choice of Internet Service Provider and Internet browser are then thrust upon such consumers by the same provider of the operating system, the choices seem to evaporate.

When I first began using the Internet in 1994, Microsoft's Internet Explorer wasn't even in existence, of course. For many years after that, nobody would touch a non-Netscape browser. This was all well and good, just as it was fine that Microsoft dominated the computer market. But Netscape never had a true monopoly on its product, and it never took advantage of any marketplace dominance it had. As the years went by, the inclusion of Internet Explorer on Windows machines was simply too easy for people to avoid. Though virtually every person of technical computer knowledge I knew preferred Netscape, Internet Explorer

somehow became the standard for Web browsing.

As an Internet developer, I struggled with the mess that Microsoft created by supporting only certain HTML standards in its Internet Explorer. Moreover, it extended the HTML command set so Web programmers could do things with their Web browser that weren't ''allowed'' by the HTML standard that makes the Web run. Developers found themselves having to design three different versions of the same website because of Microsoft's marketplace antics.

With the dawn of Linux, it seems as though, at least for the power users, there was some choice in operating system. Of course, Microsoft swiftly ended such hope by making sure major PC manufacturers couldn't offer any such alternative operating system and still sell Windows in addition. All of these examples are to say nothing of the predatory business tactics that Microsoft employed to extinguish smaller software and hardware businesses that might legitimately compete with them. To be a lawyer in the high-tech industry is to know of many stories of the Microsoft bullying that is commonplace among companies they see as a threat to them. It is truly a farce that Microsoft purports to be a company of innovation. It is well known amongst computer buffs like myself that Microsoft has never have a creative thought in its collective corporate history. It acquires what it wants and fills in the holes. This does not create value for consumers—it reduce what they see in the marketplace and limits them to a single provider.

Please reconsider your course of easing the punishment for Microsoft. The computer and Internet industries will only continue to spiral downward if Microsoft's antics are not swiftly defeated. Under NO circumstances should they be allowed to put their operating system or other products into the hands of consumers. Regardless of whether such products are delivered for free, it is well known that the use of these products by consumers will only further Microsoft's goal of universal adoption and continued monopolization. It MUST be a requirement that any software or computers donated as a part of the settlement must be non-Microsoft related.

Thank you,
Miguel Danielson
Cambridge, MA

MTC–00011257

From: Suzie Overman
To: Microsoft Settlement U.S. Department of Justice
Date: 1/15/02 8:21am
Subject: Microsoft Settlement
Suzie Overman
8055 Creekwood Cir. E.
Southaven, MS 38671
January 15, 2002
Microsoft Settlement U.S. Department of Justice

Dear Microsoft Settlement U.S. Department of Justice: The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Suzie Overman

MTC–00011258

From: TEdC12@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 9:02am
Subject: Settlement

The very idea of allowing microsoft to place its own products into schools as part of its monoply ''cure'' is ludicrous beyond words. Please help build a little faith in the government by making this part of the settlement PURE CASH

Thanks
Ted Ciolli
2000 Seven Hills Road
Jefferson City, MO 65101

MTC–00011259

From: Mr Bleakley
To: Microsoft ATR
Date: 1/15/02 9:05am
Subject: Microsoft settelment

Sirs: My opinion is SETTLE. Get off Microsofts back. Mr. Bleakley

MTC–00011260

From: James Eshleman
To: Microsoft ATR
Date: 1/15/02 9:10am
Subject: Microsoft Settlement

US Department of Justice:

I strongly support the proposed settlement between the US Government and Microsoft. This trial has gone on for long enough and with or economy in recession the last thing we need to do is harass profitable US companies like Microsoft.

From the beginning this case has seemed like Netscape, AOL-Time Warner, Sun, and other Microsoft competitors have been pushing to have Microsoft broken up, or punished, and not because they believe Microsoft is stifling innovation and hurting consumers, but the opposite. Microsoft is innovating and lowering the prices of computer software all the time, but companies like Netscape who have an inferior products can't keep up, don't forget that before Microsoft started giving away Internet Explorer, Netscape was charging for its Communicator browser.

The settlement is a good idea, and hopefully it'll go through. Microsoft is one of the most valuable companies the US has, and we need to realize that and let them keeping operating and out-performing the competition.

Thanks,
James Roy Eshleman
Charlotte, NC

MTC–00011261

From: Marty McClamma
To: Microsoft ATR
Date: 1/15/02 9:10am
Subject: Microsoft Settlement

In section C: I think that having a MS employee oversee MS is like having a Cat watch over a bird. The settlement would have more effect if MS had to pay for a Federal Employee to over see MS.

Marty McClamma

MTC–00011262

From: Harold Burstyn
To: Microsoft ATR
Date: 1/15/02 9:11am
Subject: Microsoft settlement

In my opinion, the proposed settlement does not meet the needs of consumers. It will leave Microsoft's unlawful monopoly largely intact. Nothing in Microsoft's market behavior since the appellate remand suggests that they are prepared to play by the rules applicable to companies that have a monopoly. In fact, everything they have done, since the D. C. Circuit unanimously upheld the judgment of monopoly, to increase their products' position in the marketplace has undercut free and fair competition. I believe the District Court should reject the proposed settlement and encourage the settling states to join the non-settling states in continuing the litigation until Microsoft is forced to change its behavior. Harold L. Burstyn, Attorney-at-Law (NY & FL) and Registered Patent Attorney 216 Bradford Parkway, Syracuse NY 13224–1767, tel. (315) 445–0620

MTC–00011263

From: Norman Plankey
To: Microsoft ATR
Date: 1/15/02 9:14am
Subject: Microsoft Settlement

To whom it may concern:

I am appalled by the current degree of ?justice? being levied in the Microsoft anti-trust suit: does this current administration dole out favors ONLY to the powerful and wealthy, while turning a blind eye to the average American? I believe Ashcroft/Bush/Gates are playing a dangerous game and the majority of Americans are fed-up with big business calling the shots through government officials (in the olden days, we used to call them ?elected officials? but that too has become an arcane phrase). regards,

Norman Plankey
129 Good Hill Rd
Oxford, CT 06478
203–881–1390

MTC–00011264

From: Roy C. Dixon
To: Microsoft ATR
Date: 1/15/02 9:15am
Subject: Microsoft Settlement

U.S. Department of Justice:

Pursuant to the Tunney Act, I am submitting comments on the United States v. Microsoft settlement. Please see the attached Microsoft Word document that briefly summarizes the significant costs of Microsoft's innovation to one of its customers.

In preparing this document I have tried to report only factual details about the use of one of Microsoft's programming products and not make any accusations on what development practices within Microsoft were the basis for the problems experienced by this customer.

Roy C. Dixon

Cary, North Carolina

MTC–00011264–0001

The purpose of this document is to relate how innovation by the Microsoft Corporation has affected one of its customers. It will focus on one Microsoft product, Microsoft Office, specifically Microsoft Access 2000, and how Microsoft/Es innovation has resulted in significant costs to this customer. The cost has been reflected not only in terms of dollars, but also in ease-of-use and performance.

The customer in this case is a church that needed a database product to maintain information about its members. In the early 1990/Es, Microsoft introduced Access 2.0 at an introductory price of $99.00, a price significantly below other database products. This purchase proved to be a wise investment since Microsoft Access 2.0 was a very well designed product that was extremely easy to use. In fact, the set of help menus offered by this product are unsurpassed by any other programming product this author has used.

A Microsoft Access 2.0 database was designed by the author of this document and deployed by the church on multiple computer systems that were interconnected through a local area network. By splitting the database into two components, an application component and a data component, multiple members of the church staff could each use a copy of the application component of the database at one time and share the single copy of the data component of the database. This is classically the way a Microsoft Access database is deployed over a local area network.

During the 1990 decade, the church also used other Microsoft Office products, Word, Excel, Internet Explorer, and Outlook Express. Although some members of the church staff would of preferred to use other competing products (the church secretary and the associate pastor preferred Corel WordPerfect over Microsoft Word), using only Microsoft products provided a level of interoperability among the products that was not always possible with using a collection of competing products. If the Microsoft Corporation had defined and negotiated with its competitors a set of common programming interfaces, the church would have had an option to employ one or more competitor products in conjunction with it/Es Microsoft Access database. Late in the decade the church was compelled to upgrade their versions of Microsoft Word and Microsoft Excel. Microsoft had released updated versions of their office software, specifically Office 95 and Office 97, and the file data formats were incompatible with the earlier version of Microsoft Office that was being used by the church. Files received from members of the church drafted in these newer versions could not be read with the older Microsoft Office software. So the church was obligated to upgrade the Microsoft Office software, even though the old software completely suited the needs of the church staff.

At this time, Microsoft had just released Office 2000 and the decision was made to upgrade to this new release. This included updating Microsoft Access from 2.0 to 2000. This has since proven to be a mistake. Microsoft Access 2000, a complete rewrite of the older versions of Microsoft Access, is basically a very poor product. It is extremely difficult to use as a design tool and the programming interface is extremely complex. Furthermore, the help menus within Microsoft Access 2000 and the other Microsoft Office 2000 programs produce an overabundance of references for a given search (50 or more is not uncommon), many of which have absolutely nothing to do with the search topic. In this author/Es opinion, the Microsoft Access 2000 product is basically unusable.

But a more serious problem is that to run Microsoft Access 2000 requires a computer system with a relatively high-speed processor (at least 400 MHz) and a considerable amount of memory (at least 256 Megabytes) to provide an acceptable level of performance. This meant that the church had to replace three of its four computers, an expense that the church should not of occurred. One of the computers was kept since it had been purchased in the previous year and additional memory was added to this computer. Due to extremely poor performance of Access 2000 over a local area network, the church staff is still using Microsoft Access 2.0 on this one computer. Fortunately in the past month, a church member has donated a computer to the church that will allow the church staff to replace this remaining computer system.

Given that the church can overcome the performance problems with Microsoft Access 2000 by purchasing new computer systems does not overcome the technical deficiencies within Microsoft Access 2000. Specific concerns are programming services that have worked properly within previous versions of Access, 2.0 and 97, but do not work within Microsoft Access 2000. The author has stumbled on a handful of such problems, all of which have been documented by Microsoft as being known problems. The sidebar on this page illustrates one of these problems. Now the church has decided to use the e-mail support within Microsoft Access to send reports to its members over the Internet. Once this service is made available to the church staff, considerable savings will result due to reduced mailing costs. This employs a programming statement called SendObject. This programming statement works properly within Microsoft Access 2.0 and Access 97. When executed within Microsoft Access 2000, however, the program reports that an illegal operation has been performed and the program shuts itself down. Microsoft has documented this to be a problem within Access 2000 and has suggested a five-page code module to replace the existing code that executes the SendObject statement (this problem has been corrected in Microsoft Access 2002).

So the first question to be asked is why Microsoft failed to detect this error during testing of Access 2000 and why have they not supplied a program update to correct this problem? Furthermore, the Microsoft Knowledge Base article referenced in footnote (NOTEREF —Ref534630788 \h 7) contains the following qualifying statements: ??The following code may not work properly if you have installed the Outlook E-mail Security Update.?? ??If you have limited programming experience, you may want to contact a Microsoft Certified Partner or the Microsoft fee-based consulting line at (800) 936–5200.0 ??NOTE: This code has only been tested by using Microsoft Outlook as the MAPI client. It may not work with other MAPI-enabled mail applications. Microsoft does not support the use of this sample code with third- party MAPI applications.??

And thus the second question to be asked is why Microsoft, a corporation that states its innovative practices are for their customers/E benefit, would need to make such statements? The option exists to invest in upgrading all the computers at the church to Microsoft Office XP (i.e., Access 2002). Thus the church would again be faced with paying Microsoft Corporation additional funds for newer versions of programming products that have little value over the older versions. Furthermore, the author will not only need to upgrade his home computer with Microsoft Office XP, but will have to purchase new versions of at least two development tools and more than likely invest in a couple of new reference books. The author believes that these development tools are critical in designing a Microsoft Access database of any magnitude.

If the decision is made by the church staff to upgrade the church computers to Microsoft Access 2002, the author will still design and develop the church/Es database within a prior version, probably Microsoft Access 97. This version of Access has proven to be stable, usable, and provides a reasonable set of help menus. Furthermore, the author already owns the Access 97 versions of the development tools mentioned in the previous paragraph. This means that the database will require conversion to Microsoft Access 2002 every time a new update is provided to the church. Based upon the author/Es experience with converting a database to Microsoft Access 2000 this conversion process is not completely automatic, requiring a number of manual changes and additions after the program completes the conversion process.

Thus as the church migrates from the earlier versions of Microsoft Access (2.0 and 97) to the later versions (2000 and 2002), the following observations can be made: The performance of the database program has decreased significantly. The usability of the design interface to the program has decreased significantly. Some original design and

programming constructs are specifically not supported. Many new design and programming constructs have been poorly implemented and tested. The usefulness of the help menus and technical manuals has degenerated significantly. Services within the database program interoperate with fewer supporting programs. Along with the monetary expenses mentioned earlier, these are the ever-recurring costs to a customer for Microsoft/Es innovation through its Access database program product!

MTC–00011264–0003

Mike Gunderloy within his article on Access 2002 in the June 2001 issue of Smart Access states, ''Subform and subreport design is also much improved in Access 2002 from Access 2000. For starters, the scrollbars for a subform or subreport in design view now scroll in increments small enough to be useful, making it possible to edit subforms/reports in place without making you want to throw the keyboard through the monitor.''

As an illustration of this deficiency, open Microsoft Access 2000 Help and perform a search for the SUM function. One obtains a list of 137 references, none of which describe the SUM function. Or do a search for the COUNT function. One obtains a list of 320 references, none of which to the author/Es knowledge describes the COUNT function. The carton containing Microsoft Office 2000 states that the system requirements for running under Windows 95 or 98 are a PC with Pentium 75 MHz processor and 16 MB of RAM for the operating system, plus an additional 4 MB of RAM running simultaneously (8 MB for Outlook or Access). This is a considerable understatement.

Complicating the performance issue was using WinProxy, a program from Ositis Products, which allowed all the church computers to simultaneously share a single dial-up connection to the Internet. It was realized that WinProxy was causing a significant traffic load on the local area network only after the church switched to a cable modem for accessing the Internet. The author has been unable to discover the reason behind this disruptive behavior. The author has estimated that the performance of Microsoft Access 2000 over a local area network is approximately ten percent the performance of the same database running within Microsoft Access 2.0.

Please refer to the following two articles within Microsoft/Es Knowledge Base (the first relates to Microsoft Access 2000 and the second to Microsoft Access 97):

HYPERLINK ''http://support.microsoft.com/default.aspx'scid=kb;en-us;q208364'' http://support.microsoft.com/default.aspx'scid=kb;en-us;q208364

HYPERLINK ''http://support.microsoft.com/default.aspx'scid=kb;en-us;q 155077'' http://support.microsoft.com/default.aspx'scid=kb;en-us;q 155077 Please refer to the following article within Microsoft/Es Knowledge Base:

HYPERLINK ''http://support.microsoft.com/default.aspx'scid=kb;en-us;q260819'' http://support.microsoft.com/default.aspx'scid=kb;en-us;q260819

Based upon private communications with Mike Gunderloy, author of the Smart Access article mentioned in the first footnote, and Peter Vogel, editor of Smart Access (http://www.smartaccessnewsletter.com). The SendObject code module does not work on the church/Es computers when running Microsoft Outlook Express, only when running Microsoft Outlook. More importantly, the code module does work on the church/Es server that is running Microsoft Windows 2000, only on the other computers running Microsoft Windows 98.

The two development tools are Speed Ferret by Black Moshannon Systems (a global find and replace utility for all objects and code within the database) and Total Access Analyzer by FMS (a database analysis and documentation utility). Since the developers of these tools just released their Microsoft Access 2000 versions, support of Microsoft Access 2002 will probably not be available in the near future.

Microsoft Access 2.0 was shipped with two technical manuals thereby giving complete documentation on how to use the product. Microsoft ships the Office XP product with little documentation. This is a fundamental flaw. Preparing documentation on any product is an excellent method for checking the logic and usability of a product. The author through his Microsoft Access database development activities has stumbled on many problems in support of these observations. Only a limited number have been documented in this paper to illustrate the problems.

MTC–00011264—0004

The church publishes a roster of members that contains a subreport listing the e-mail addresses of the members. This subreport is printed in two-column format like a phone book (names are listed alphabetically starting in the first column and then continuing in the second column). This formatting works within Microsoft Access 2.0 but does not work in Microsoft Access 2000. Furthermore, this formatting does not work in Microsoft Access 97. Microsoft suggests the following resolution to this problem:

''To work around this behavior, follow these steps: (1) Open the subreport in Design view. (2) On the File menu, click Page Setup. (3) Click the Columns tab. (4) Under Column Layout, click Across, then Down.'' This is not a work around! This is an entirely different column layout, one that is not appropriate for a telephone-book type of listing. Has this problem been corrected in Microsoft Access 2002? Probably not is the author/Es guess.

August 23, 2000

To: Microsoft Freedom to Innovate Network

(HYPERLINK ''mailto:msfin@microsoft.com'' msfin@microsoft.com)

Dear Microsoft,

Please stop your style of innovating! Your customers cannot continue to absorb the significant costs to their computer systems caused by your type of innovation.

Since purchasing Microsoft Office 2000, I had to purchase a new sophisticated computer system just to run Access 2000 (Access 2.0 and Access 97 run perfectly well on my old computer system). My church, using a Microsoft Access 2.0 database that I wrote, will have to endure the cost of replacing or upgrading their existing computer systems in order to run a Microsoft Access 2000 version of the database.

Bill Gates and others at Microsoft do not seem to have the perspective to appreciate the problems they have caused. From what I have read about the ruling in the antitrust suit against you, Judge Thomas Jackson appears to understand and appreciate the problems your style of innovating has imposed upon your customers, even though he is has minimum expertise in computer science.

And compounding the issue, Microsoft Access 2000 is barely usable from a programming perspective.

Microsoft Access 2.0 is one of the finest programs I have ever used (and its help screens are unmatched by any other program). Microsoft Access 2000 is one of the worst. Please stop your style of innovating!

Regards, Roy C. Dixon

MTC–00011264–0005

MTC–00011265

From: Chengxia You
To: Microsoft ATR
Date: 1/15/02 8:59am
Subject: The Microsoft case

The Microsoft case should be settled. The provisions of the agreement are reasonable and fair. The settlement should be good for the American economy and all parties.

Chengxia You, FNAI, Florida State University
1018 Thomasville Road, Suite 200-C
Tallahassee, Florida 32312, USA
Tel: 850/224–8207 ex 219
E-Mail: CYou@fnai.org

MTC–00011266

FROM: Dennis Whittaker
TO: MS ATR
DATE: 1/15/02 9:20am
SUBJECT: Microsoft Settlement
Dennis Whittaker
34 Jewett Hill, Berkshire, NY 13736
January 14, 2002
Attorney General John Ashcroft, Department of Justice
950 Penna. Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

I am writing in support of the settlement with Microsoft. The changes it requires will restore fair competition and prevent future antitrust violations.

Microsoft has agreed to release the interfaces that make Windows work with software applications to competitors, meaning that other companies can figure out how to better write programs for Windows. Naturally, Microsoft has agreed not to retaliate against software or hardware developers who develop or promote software that take advantage of this new information. Plus, Microsoft has agreed not to enter into any agreements that force third parties to distribute any Windows technology exclusively. Clearly, these restrictions will benefit the consumers as well as the technology sector as a whole.

This settlement is in the best interests of the State of New York, The U.S., and the

economy because it will stop any anticompetitive behavior before it starts. Continued litigation against Microsoft will put millions of dollars into a case that has already seen a fair and reasonable end. Let the IT industry concentrate on busines as soon as possible.

Sincerely,

Dennis Whittaker

MTC–00011267

From: James Sweetman
To: Microsoft ATR
Date: 1/15/02 9:27am
Subject: Microsoft Settlement

The proposed settlement between Microsoft and the government does nothing to deter this arrogant behemoth from continuing to bully the rest of the industry into doing its bidding. Microsoft has a monopoly on the operating system level, and continues to illegally extend this monopoly by requiring users to purchase unwanted features. The settlement does nothing to address this, and will only encourage Microsoft to continue its illegal acts.

James Sweetman
Arlington, VA

MTC–00011268

From: Seacrist, Ben
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/15/02 9:26am
Subject: Microsoft Settlement

Good Morning

I read somewhere that you all are looking for opinions on the case involving Microsoft. If that is not the case please forgive me for wasting your time with this e-mail.

If it is the case, then I'd like to voice my opinion. Personally, I'm not a big fan of the Windows OS. My 98 crashes way too often and XP is a joke (Windows 2000 saves the day, though, so I am not totally anti-Windows). That being said however, I think Microsoft being sued on anti-trust grounds is ridiculous. If the Windows OS has a big share of the market, it's because it markets its products better. Apple was doing years before what Windows does now. However, thanks to Apple's not-so-savvy marketing and its insistence on proprietary hardware (i.e. no Apple ''clones''), they were not able to get a big chunk of the market. Enter IBM and its slew of ''clones'', most using MS-DOS. Microsoft had a better market saturation because it aligned itself with IBM, which allowed other companies to mimic its hardware, meaning more people came in contact with MS products. That's not Microsoft's fault. Heck, that's capitalism pure and simple. To make Microsoft pay because it used business sense while its competitors did not goes against the grain of our system. Don't punish them because of our companies' shortsightedness. Also, I've heard a lot of complaining about Windows being shipped with Internet Explorer and that that was unfair to other browser companies because it gave MS an unfair advantage. Rubbish. I only recently started using IE on machine at home and at work and only did that because Netscape kept crashing. Windows does not force anyone to use Internet Explorer.

Thanks for your time.

Sincerely,

Ben
Bennett P. Seacrist—EDS @ Detroit Diesel Corporation
13400 W. Outer Drive
Detroit, MI 48239
United States of America
Telephone/Telefon: (+001 313) 592.5189
Facsimile/Telefax: (+001 313) 592.7430
E-mail (EDS): ben.seacrist@eds.com
<mailto:ben.seacrist@eds.com>
E-mail (DDC): bennett.seacrist@detroitdiesel.com
<mailto:bennett.seacrist@detroitdiesel.com>

MTC–00011269

From: Wallis J Morgan Jr
To: Microsoft ATR
Date: 1/15/02 9:25am
Subject: Microsoft Settlement

As a small businessperson involved in the specification and development of computer software for businesses of all sizes, on a regular basis I find the need to integrate solutions utilizing software from a variety of vendors, including Microsoft. Because of this I've found that solutions from Microsoft's competitors are evaluated and selected just as often as those from Microsoft, at least by the customers I support.

Although I have disagreed with the antitrust suit from the beginning, I support Microsoft's position on the settlement, believe it is fair and good for all involved.

Regards,
Wallis J Morgan Jr
databaseinternals
432 Glenmeade Court
Gretna, LA 70056
(504)296–4944 Voice
(504)392–3156 Fax

MTC–00011270

From: AllynnH@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 9:32am
Subject: Microsoft Case

The Microsoft case is over, as far as the federal government is concerned, and thank heaven for that. The national economy has suffered enough, and its driving engine, the high tech industry, has not been helped by the fact that one of its leading competitors has been dragged into court for more than three years by the Justice Department.

The settlement's provisions protect Microsoft's freedom to innovate its products and will hopefully lead to a new era of revitalized competition in the software market and other areas of the technology economy. Consumers and investors will both benefit from this settlement, and hopefully, it will be the last time the government interferes with the high tech economy.

Allynn Howe
11005 Sweetmeadow Drive
Oakton, VA 22124
703–798–5627

MTC–00011271

From: Doyle E. Whitten
To: Microsoft ATR
Date: 1/15/02 9:40am
Subject: Microsoft Settlement

Please get this settled. Although some Microsoft programs irritate me, nothing justifies the way Janet Reno and her justice department went after Microsoft. What can be done to force the rest of the states to agree to the settlement so we can get this over. I do not like my tax dollars being spent to prosecute a lawsuit against a company. It is time to get this over.

Doyle Whitten,
O'Fallon, Mo.

MTC–00011272

From: Terrence
To: Microsoft ATR
Date: 1/15/02 9:43am
Subject: Microsoft settlement comments
Date: 11/22/01
Subject: Comments on Microsoft Settlement

Dear Sirs,

I strongly oppose the proposed settlement in the Microsoft antitrust case. Microsoft has been proven before the law to have abused its monopoly powers and needs to be punished for that and effective rules must be put in place to restore competition in the marketplace. The recently publicized settlement does neither. Healty competition, innovation, and consumer choice are ESSENTIAL to the high-tech economy. The way I interpret the settlement it is full of holes and will not stop Microsoft from steamrolling the competition with unfair business practices and does nothing to prevent Microsoft from gauging consumers for years to come.

In particular:

—Microsoft must be prohibited from engaging in excluse and semi-exclusive agreements with any parties for any time period.

—Microsoft must not be allowed to provide financial or other incentives to other parties for favoring Microsofts products over a competitors product.

—Microsoft must not be allowed to bundle or cross-license its products in any way.

—Microsoft must make public the programming interfaces to all of its major products to allow competitors to implement meaningful interoperability with Microsoft's products. Also, Microsoft must notify all interested parties well in advance before it decides to change any such interfaces and must make these changes available.

—Microsoft must be prohibited from breaking public technology standards by adding proprietary and incompatible features to such standards and then bundling this proprietary technology into hundreds of millions of Windows platforms, thus creating a de-facto standard that overrides the existing public standard.

No exemptions or loopholes can be allowed for the above rules if meaningful relief is to be achieved.

I urge the court to understand the impact Microsoft's past behavior has had on the high-tech marketplace. If Microsoft's ruthless business practices continue unchecked the American economy will pay an enormous penalty in the long run.

Microsoft should compete as much as it wants, but it must stop doing so in an unfair manner. The proposed settlement does not guarantee this in any way.

Sincerely,
Terrence Barr
20875 Valley Green Dr #27

Cupertino, CA 95014

MTC–00011273

FROM: Renee
TO: MS ATR
DATE: 1/15/02 9:44am
SUBJECT: Microsoft Settlement
January 14, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to voice my concern on the recent events behind the Microsoft Antitrust case. I am against any further government action. What I do not understand is the punishing of Microsoft for producing a quality product. Under our system of free enterprise, we are free to purchase and use any computer products we wish. It just so happens that Microsoft has created far better products than other competing companies have been able to.

Can you imagine that use of the Internet by ordinary citizens would have been possible without a common platform for communications? In addition to the superior software Microsoft has created, the company has created a niche in the marketplace that in the past decade has brought a huge amount of growth to our economy, not to mention the standardization of computer software programs that have allowed computerization to become part of everyday life.

As an investment portfolio manager, I represent clients who have invested hard-earned savings into American companies like Microsoft whose financial success benefitted ordinary Americans willing to invest in these companies. The additional litigation risk to shareholders has risen dramatically in this country as tort lawyers, including state Attorneys General, seek deep corporate pockets. It is no coincidence that the peak in our financial markets coincided with the Justice Department's announcement in March 3000 that it would seek to break up Microsoft.

Microsoft has agreed to grant computer makers broad new rights to configure Windows to promote non-Microsoft software programs. Microsoft has agreed to design future versions of Windows to make it easier for non-Microsoft software to be installed within Windows, and Microsoft has even agreed to a technical committee to monitor future compliance. I doubt if other firms would do as much. It is shameful that companies like Microsoft should be punished for their success-whatever happened to the American dream? I urge you to support this settlement.

Sincerely, Renee' M. Smith
Sincerely,
Renee Smith

MTC–00011274

From: Greg HEck
To: Microsoft ATR
Date: 1/15/02 9:45am
Subject: Microsoft

To whom it may concern, as a long time user of Windows I feel as a consumer I have been harmed by Microsoft's unlawful practices. As they stem rolled or bought and abandoned technologies that I wanted or needed these technologies just disappeared or ''evolved'' into products from Microsoft that were less useful than the original product. As I have been time and time again frustrated by Microsoft and their practices I strongly urge you to prosecute Microsoft to the full extent of the law.

Thank you
Greg Heck

MTC–00011275

From: R. Easley
To: Microsoft ATR
Date: 1/15/02 9:56am
Subject: Microsfot

I think enough of the taxpayers money has been spent on trying to punish Microsoft for being successful!

The economic downturn started about the time DOJ jumped into Microsofts case?

And by the way, where was DOJ when ENRON was stealing from just about everyone?

Best get your priorities right
R.V. Easley
PO box 54
Loon Lake, WA 99148
509–233–2950

MTC–00011276

From: Mark McKay
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/15/02 9:59am
Subject: Microsoft Settlement

I have been following the case and am dismayed that the settlement does not go far enough. It does not address Microsoft leveraging it's monopoly to severely damage other web browser manufacturers (such as netscape), nor it's attempt to destroy the Java programming language. The settlement leaves the door wide open for Microsoft to continue to use technical nasty tricks embedded in it's operating system and closed protocols that do nothing but make it more difficult for non-Microsoft companies to compete.

I would encourage the plantiffs in this case to reconsider and leverage more effective and severe penalties against Microsoft.

Mark McKay

MTC–00011277

From: Barry Baumbaugh
To: Microsoft Settlement U.S. Department of Justice
Date: 1/15/02 9:50am
Subject: Microsoft Settlement
Barry Baumbaugh
12032 Timberline Trace North
Granger, IN 46530
January 15, 2002
Microsoft Settlement U.S. Department of Justice

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Barry Baumbaugh

MTC–00011278

From: artsieber
To: Microsoft ATR
Date: 1/15/02 10:08am
Subject: Microsoft Settlement

The remedy should some how benefit the people that are damaged. The consumer is the injured party. How about making Microsoft provide free 800 number tech support for all past and present windows users. A lot of tech companies that still have compition offer this. I as a consumer never ever buy hardware or software that does not offer free tech support by phone. Except of course Microsoft products cause I DO NOT HAVE ANY CHOICE.

MTC–00011279

From: David F. Schreck
To: Microsoft ATR
Date: 1/15/02 10:12am
Subject: Public Comment on Antitrust Settlement with Microsoft

I feel that it is in the best interest of all parties to settle this suit now.

Thanks, Dave

MTC–00011280

From: Micheal Anderson
To: Microsoft ATR
Date: 1/15/02 10:15am
Subject: Microsoft Settlement

Though it would never happen, it sure would be nice to have at least a semblance of choice in the OS market.

I would love to use an IBM version of XP, heh. Even an AOL version, Compaq, HP, any first to third tier manufacturer would be able to license Windows to make their own version. Microsoft would still make money on licensing fee's, still have over site control of the standards, and we would at least be able to honestly pretend to have a choice in OS's.

Micheal Anderson
Edge Computer Games
1245 Woodmere Ave.
Traverse City, MI. 49686
231–932–4263 voice 231–932–2441 fax
http://www.edgecomputergames.com

MTC–00011281

From: Howard Peterson
To: Microsoft ATR

Date: 1/15/02 10:23am
Subject: MICROSOFT SETTLEMENT

I REALLY THINK ITS A DISGRACE, HOW MICROSOFT HAS BEEN HOUNDED, BULLIED BY THE FEDERAL GOVERNMENT. IF THEY HAD PUT AS MUCH EFFORT INTO FIGHTING TERRORISM, THE WORLD TRADE DISASTER MAY HAVE NOT HAPPENED. THE SETTLEMENT REACHED BY THE MICROSOFT AND THE GOVERNMENT WAS ''OVERLY'' GENEROUS. ITS JUST PLAIN GREED AND POLITICS NOW, FOR ANYONE PURSUING ANYMORE FROM MICROSOFT. ITS MICROSOFT'S ''SOUR GRAPE'' COMPETATERS WHO ARE PURSUING THIS OUTRAGE.

HOWARD C. PETERSON
907 VANCE ST N
WILSON, NC 27893–2917
252–237–1228

MTC–00011282

From: Soindianabob@ao1.com@inetgw
To: Microsoft ATR
Date: 1/15/02 10:17am
Subject: Microsoft Settlement

Dear Mr. Ashcroft,

I am transmitting the attached letter which contains my views regarding the Microsoft case.

Sincerely,
Robert P. Simpson
10 Portage Place
Jeffersonville, Indiana 47130
January 14, 2002
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

I am writing to ask that you settle the Justice Department's lawsuit against Microsoft after this comment period. The case has dragged on with absolutely no favorable results. It is time to put the matter to rest.

I know firsthand that the Justice Department's action against the company affects more than the company itself. It affects the entire technology sector. Ending the antitrust case under the terms of the settlement seems like the best way to resolve the matter quickly and to everyone's approval. The settlement is fair, and enforceable. It rearranges the way Microsoft does business in virtually every aspect, from engineering and design to licensure and marketing. Any continued action against Microsoft will unfairly impede their progress and ability to continue developing innovative technology. Please end the case as soon as possible.

Thank you for considering my views on this important matter.

Sincerely,
Robert Simpson

MTC–00011283

From: Jim McGurrin
To: Microsoft ATR
Date: 1/15/02 10:21am
Subject: Microsoft Settlement

To whom it may concern:

Please do consumers a huge favor and DO NOT leave the language of Section III(J)(2) and Section III(D) as is. If you really are interested in promoting competition and innovation, level the playing field by allowing open source software to compete unobstructed by Microsoft's interpretation of ''business criteria''. If there is ANY competition for Microsoft at all—it is in the open source world, specifically linux. Microsoft is fully aware of this and the DOJ is not playing their oversight role if language such as this is left in the settlement.

As a side note, it is naive to allow Microsoft to extend their monopoly by allowing, as a ''remedy'', the putting of their software in our school systems for 5 years. This will damage Apple and others and not Microsoft at all, and it is not doing those school systems or the kids any where near the good spending that same level of money on other technologies (ie open source). Take a hard look at RedHat's counter proposal to provide ALL school systems the software and support.

Please take do not rush to ''clear'' this case in an effort to ''jump start'' the tech sector with a pro-microsoft remedy. This is a crucial time in our industry and decisions here will set the direction of our industry (stagnant monopoly dominated or vibrant competitive diversity) for the next ten years at least, and like dog-years, ten tech years are like 70 normal years in terms of the effect on economy wide productivity growth.

If allowed to compete on a level playing field, Linux is a viable competitor to Microsoft, but if linux is to really have a chance to compete for the desktop then it needs to be seen as having a chance of success so that software vendors will put resources into writing applications targeted for linux—without fear of reprisal from Microsoft.

Thank-you

MTC–00011284

From: Carol Hemmen
To: Microsoft ATR
Date: 1/15/02 10:30am
Subject: Microsoft settlement

Attention: Renate B. Hesse

My comment is this—-This settlement should have ended a long time ago. It it weren't for the Attorney Generals of seven states-one of which I am sad to say that I am a resident of- continually wanting to bring charges against Microsoft, it would have been settled. I do not know what these ''seven'' think they will accomplish. What is wrong with competition?

It sounds more like a vendetta than anything else. Money spent in court with charges against Microsoft could be spent in so many better ways. Accept what Microsoft has offered and get on with life.

Carol Hemmen—An Iowa resident.

MTC–00011285

From: ALLNCL@cs.com@inetgw
To: Microsoft ATR
Date: 1/15/02 10:35am
Subject: Microsoft Settlement

The suit against Microsoft should be dropped outright by the Federal Government. It was instituted by the previous administration in Washington as repayment for campaign contributions given by AOL, Oracle, at that time, Netscape and others. There is not now and there never has been a monopoly in operating systems. People who buy computers are free to install any operating system they wish or to buy a computer with the system preinstalled. Preference does not make a monopoly.

Technology in recent years has been a blessing for this country and due to companies such as Microsoft we have been on the leading edge. Are there people in Washington who would prefer that in addition to most computers being manufactured in Red China the operating systems should also be? I think the downturn in the NASDAQ is directly related to the Microsoft suit and should serve as a shot across our bow.

MTC–00011286

From: wgstelenet
To: Microsoft ATR
Date: 1/15/02 10:35am
Subject: Microsoft Settlement

American Outback
N 43.7 W 74.916
Box 270 South Shore Road
Old Forge, NY 13420–0270
January 14, 2002
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I am writing to express my support for the settlement with Microsoft. The settlement is in the best interests of the state, the American IT industry, and the economy. The recession has had a devastating effect on state budgets and the Federal budget. It is important that the technology industry be allowed to concentrate on business now.

The settlement imposes a broad series of restrictions on Microsoft. Microsoft has agreed not to retaliate against computer makers who ship software that competes with anything in its Windows operating system. Also, Microsoft has agreed to license its Windows operating system products to the 20 largest computer makers on identical terms, including price. In addition, Microsoft has agreed to document and disclose for use by its competitors various interfaces that are internal to Windows' operating system products—a first in an antitrust settlement. This agreement will clearly benefit both consumers and the American IT industry as a whole. This settlement is both fair and reasonable, and it will prevent future anticompetitive behavior. The sooner the technology sector gets back to business as usual, the better. Wasting more time and money on further litigation is a bad idea.

Thank you for your kind attention.

Sincere regards,
W. Shaw

MTC–00011288

From: Kris Bredemeyer
To: Microsoft ATR
Date: 1/15/02 10:44am
Subject: Microsoft Settlement

The Microsoft Settlement is a setback towards fostering competition in the marketplace. Microsoft has used its monopoly powers to leverage licensing terms

on its customers that are punitive towards users.

The Windows product activation system is a violation of users right to privacy as a hash of users computer systems is sent to Microsoft. This is the most abusive company to its competitors I have ever seen and because of its monopoly powers it has been able to engage in such conduct unchecked. The only effective way to combat this problem is to split the Microsoft corporation into an operating system company, an office and other software company, and an internet company.

MTC–00011289

From: ray winn
To: Microsoft ATR
Date: 1/15/02 10:44am
Subject: Microsoft Settlement

As a concerned citizen I believe strongly that the Microsoft Settlement be rendered as quickly as possible.

Further litigation will create continued deterioration for all concerned, and most importantly the American public. Let's please get our total focus on rebuilding the economic foundation of our country instead of to weaken it further. A possible first step might be a self introspection by the DOJ. Thank You, Ray Winn

MTC–00011290

From: margaret jarrard
To: Microsoft ATR
Date: 1/15/02 10:48am
Subject: microsoft settlement

In the interest of the public, people like me, settle the Microsoft issue as soon as possible. I would like to remind you that big business and big government is not the people, although they claim to have our interests at heart. There is just too much politics in the Microsoft settlement issue and I see no reason to prolong the settlement. Our economy as well as everyday folks will benefit most from the settlement of the current agreement. Thanks for your diligence. Margaret Jarrard

MTC–00011291

From: Antworks
To: Microsoft ATR
Date: 1/15/02 10:53am
Subject: Microsoft Settlement

The proposal settlement for Microsoft's transgressions would seem to be self-serving and, if implemented, would bring about an unanticipated result. The better settlement would be for Microsoft to provide the designated funding to the schools and to permit the schools to make the determination as to which equipment best meets their needs.

Richard McMains
4180 S. Ranch Road
Sierra Vista, AZ 85650

MTC–00011292

From: Doug.Wilkinson@Sun.COM@inetgw
To: Microsoft ATR
Date: 1/15/02 10:51am
Subject: microsoft settlement

The proposed settlement to the Microsoft antitust case is plainly no more than a slap on the wrist and a reprimand to ''play nice''. Mr Gates wont be losing any sleep over this judgement as it is nothing more than an inconvenience in his journey to dominate the software market to an extent where there is no option on which operating system to use for a computer system.

I feel this whole case will have been a complete waste of the taxpayers money.

MTC–00011293

From: Johnson, William
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/15/02 10:52am
Subject: Microsoft Settlement

Fails to include other Microsoft software products such as Micorsoft Office which regularly uses interfaces (APIs) that are not provided to other developers of Office products. While Micorsoft Office is not technically a middleware program, the judgement should be expanded to include all Micorosoft software products that have inteface access that either is not available to non-Microsoft software deveopers or is made available after the last beta of a new version of the Windows operating system

Fails to provide any remedy (fines that double in size on every reoccurance of the same problem and increase in size by 50% for each month after 90 days that Micorsoft fails to provide a solution to any single problem/short term incarceration for the group leader or any higher Microsoft officer who either verbally, or via e-mail or written note tells a product group to do something that violates any reported compliant that the TC determines is meritorious or any TC proposal for a cure on a date that is one week or later than the TC reported its finding to the Micorsoft Compliance officer) should such a failure be found again in the future!

Fails to reduce the application barrier to entry that Microsoft was found to have illegally protected. It also fails to provide any remedy like fines paid by Microsoft that are given to the company that documents a case against Microsoft. Microsoft should also have to reemburse the company for all documented expenses related to collecting, preparing and reporting the compliant that are reasonable and not deemed excessive by a court apppointed arbitrator.

Fails to force Bill Gates and the current CEO of Microsoft who both are billionares due to their creation of a monopoly to pay any fines. At a minimum, they should personally be forced to reimburse the federal government and all state governemnts for their costs in this case. In addition, punative damages should be paid to a fund that could be used to provide seed money to software developers who wish to enter the market. This would be a significant step in addressing the barriers that Micorsoft created in the past.

Fails to remedy the injury done to the JavaTM technology community. Microsoft should be forced to provide a mechanism like the Control Panel Add/Remove program that makes it easy for customers to add the latest Java Virtual Machine and Browser plug in to any and all Windows Operating Systems. In addition Microsoft should be forced to provide to the Java developement community any additional interfaces that are provided to any middleware or other Microsoft product in such a fashion that the Java Community deems is necessary to make Java use of the interface efficient. As an example, DCOM works best with C++ or C# or .Net. It has data types that are not easily mapped into Java Objects/types. Thus we as a software developement company were forced to purchase a product from JIntegra that wrapped our C++ data structures with Java code. Even after purchasing JIntegra, the effort was so difficult that we paid the JIntegra company to provide one of their software experts to assist in the work. Even with the help of the expert, we had to rewrite our C++ code to use simpler data strctures than the original code. Even now, we are limited to the set of types that the JIntegra expert successfully wrapped. This extra barrier to Java developers who want to use DCOM to communicate to a C++ DLL that runs on a remote server needs to be eliminated. Microsoft should be fined every month after 90 days that it fails to provide a solution or at least provide a team of twelve developers who at Microsoft expense are dedicated to working with the Java developement community to eliminate this barrier and any additional barriers reported to the Java development community by members of the community.

Fails to remedy the illegal injury that Microsoft was found to have done to Netscape Navigator and the browser market. Why is their no fine paid by Microsoft to the court and then paid by the court to Netscape? Fails to curtail Microsoft's illegal bundling of middleware programs including browsers, media players, and instant messaging software into the monopoly Windows operating system.

Is ambiguous and subject to manipulation by Microsoft because it lacks an effective enforcement mechanism.

MTC–00011294

From: lmfnh@worldpath.net@inetgw
To: Microsoft ATR
Date: 1/15/02 10:44am
Subject: Microsoft Settlement

Clearly great care effort and energy is the hallmark of the last year of this issue. As it should be: a new technology in a new time. However it s time to move on: let Microsoft return full focus to its entrepeneurial roots—for shared collaborative benefit—from schools to our economy.

MTC–00011295

From: john@rrci.com@inetgw
To: Microsoft ATR
Date: 1/15/02 10:44am
Subject: Microsoft Settlement

Dear Sirs Please do not allow the criminals running Microsoft to continue to illegally bilk consumers and use their ill gotten gains to quash any legitimate competition. The settlement should cost Microsoft at least $10 billion real dollars and prevent them from quashing competition in the future. JDR

MTC–00011296

From: kjacob@thurston.com@inetgw
To: Microsoft ATR
Date: 1/15/02 10:44am
Subject: Microsoft Settlement

I send this note in the hope that the government s case against Microsoft will be closed with not further action. I do not

believe action should have been taken in the first place and certainly no further action should be taken at this time.

MTC–00011297

From: renslin@enslinpc.com@inetgw
To: Microsoft ATR
Date: 1/15/02 10:44am
Subject: Microsoft Settlement

I do not agree with the government interfereing with the innovations of a company just because their competitors believe it is unfair. The lawsuit against microsoft becuase some people think they are charging too much for software is rediculous. If you compare the cost of products and/or services from other software/service vendors you will see that Microsoft is right inline with market standards. The complaint of competitors that Microsoft ties or bundles software with and operating system is simply laughable. Since when does a consumer complain when they get a free add-on for a product they purchased. It is like saying that a car manufacturer cannot install Goodyear tires on a car because maybe a consumer will not want them. If you dont want to use the feature then dont. AOL I believe is more guilty of poor software than any other vendor I know of.

MTC–00011298

From: pholland4@mindspring.com@inetgw
To: Microsoft ATR
Date: 1/15/02 10:44am
Subject: Microsoft Settlement

I believe that the Microsoft settlement is more than fair for all involved. Please let s settle this in move on.

Peter Holland

MTC–00011299

From: carolk01@juno.com@inetgw
To: Microsoft ATR
Date: 1/15/02 10:44am
Subject: Microsoft Settlement

The previous administration made a grave error of listening to Microsoft s competitors who wished to KNOCK MICROSOFT S SOX OFF . Unfortunately not only did the government s decision to HIT MICROSOFT WITH A STIFF PENALITY bring down Microsoft s stock but it crumbled the entire Tech Market. NM is a Democrat state and WE THE PEOPLE had to voice in NM s decision to side with the Government in slamming Microsoft. A few top Democrats in this state made that decision ! MY REQUEST FOR YOU IS TO MAKE A QUICK SETTLEMENT WITH MICROSOFT ONE IN WHICH MICROSOFT CAN AGREE. My news media tells me that Microsoft has offered $1 000 000.00 for computers to be placed in POOR schools. Again Microsoft s competitors are screaming unfair . If their products were as good as Microsoft s they wouldn t have to CRUSH private enterprise. After all America was built on THE ENTREPRENEUR making good in private industry.

MTC–00011300

From: Paolo@TheCornerStore.com@inetgw
To: Microsoft ATR
Date: 1/15/02 10:44am
Subject: Microsoft Settlement

As the head of a company that started out selling IBM s OS/2 I know for a FACT that the emergience of Windows in the OS wars was due to the terrible performance of IBM s marketing department and its treatment of ISVs. IBM s attempt to dominate the PC marketplace was far far more egregious than what MSFT did and once again I know I was there in the thick of that war . We are nhot even talking about Apple which tried to own the whole space of desktop computing by owning both the hardware and the solftware. I shake my head when I see who is doing the complaining against Microsoft! With regard to its supposed Monopoli today we as resellers are only too acutely ware of how tenous the grip of any technology is on a marketplace especially Microsoft s whose reputation is constantly being threatened by reports of bugs and other attackcs. I firmly believe that a new technology could easily displace a Microsoft technology either in the OS or in the applications arena. Microsoft s success is due to its pleasing of the customer and the channel. While I did not believe that Microsoft should have ever even been charged by the Department of Justice (for which I once worked) I most strongly urge anyone there to take into consideration my experience and views and approve the settlement that has been proposed.

Paolo

MTC–00011301

From: www.Fur12521@AOL.com@inetgw
To: Microsoft ATR
Date: 1/15/02 10:44am
Subject: Microsoft Settlement

I Think its a Fair Deal for all. I am for the settlement the way it is. 1–14–02

MTC–00011302

From: hdibble@accs.net@inetgw
To: Microsoft ATR
Date: 1/15/02 10:44am
Subject: Microsoft Settlement

I believe the settlement is fair and equitable as it stands.

MTC–00011303

From: jczalog@silverdollarcity.com@inetgw
To: Microsoft ATR
Date: 1/15/02 10:44am
Subject: Microsoft Settlement

I support Microsofts resolution to the Anti-Trust case of providing technology to schools. Taking Microsoft back to court and paying judgements to customers (which will amount to a pittance) benefits only lawyers.

MTC–00011304

From: peter.heinen@homestreet bank.com@inetgw
To: Microsoft ATR
Date: 1/15/02 10:44am
Subject: Microsoft Settlement

I think the settlement is more than fair. To my knowledge no one has shown any harm to the consumer.

This whole law suit is a sham. The public is not even behind it. Who is? SUN Oracle!

MTC–00011305

From: stephz@microsoft.com@inetgw
To: Microsoft ATR
Date: 1/15/02 10:44am
Subject: Microsoft Settlement

For the sake of technology and the US economy please make the remaining states come to an agreement with Microsoft. I feel that these lawyers are going for the money just like they did when they targeted big tobacco. Microsoft has done a lof of good for technology and we all know that Microsoft has done a lot of good for the economy. With the events of Sept. 11th I would think that the government would be more interested in getting the economy up and running again instead of this relentless pursuit of Microsoft and its billions!

MTC–00011306

From: civie@gte.net@inetgw
To: Microsoft ATR
Date: 1/15/02 10:44am
Subject: Microsoft Settlement

The politically motivated attack on Microsoft has probably done more to damage the technology sector of the stock market than any other event. Competetors of Microsoft are angry because they actually have to produce a superior product in order to stay in business. There are very few end users of Microsoft that are anxious to see the company damaged. Who is the government trying to protect? End users or competitors? Dr. Charles Ivie Director R&D Dermaprobe International

MTC–00011307

From: jonathan@corbett.net@inetgw
To: Microsoft ATR
Date: 1/15/02 10:44am
Subject: Microsoft Settlement

Please urge the dissenting states to give up the assault on Microsoft. They should be thankful for the agreement to the settlement by a company whose violations are unclear at best.

MTC–00011308

From: don—pat1@msn.com@inetgw
To: Microsoft ATR
Date: 1/15/02 10:44am
Subject: Microsoft Settlement

msft stick to your guns & keep your powder dry.

MTC–00011309

From: rbruner@ctesc.net@inetgw
To: Microsoft ATR
Date: 1/15/02 10:44am
Subject: Microsoft Settlement

GOVERNMENT SHOULD STOP HARRASING MICROSOFT AND OTHER BUSINESS. THE PEOPLES NEEDS ARE NOT BEING ATTENDED TO WHEN LEGISLATER ARE HOLDING HEARINGS THAT ARE A WASTE OF TIME. MICROSOFT AS WELL AS OTHER BUSINESS S OFFER A PRODUCT PEOPLE DO NOT HAVE TO BUY IT.

MTC–00011310

From: cemkenney@msn.com@inetgw
To: Microsoft ATR
Date: 1/15/02 10:44am
Subject: Microsoft Settlement

Enough already-Stop the insanity! The settlement while not perfect should be agreed upon. I am the Public and I will decide what is in my good .

MTC–00011311

From: jreed@cabq.gov@inetgw
To: Microsoft ATR

Date: 1/15/02 10:44am
Subject: Microsoft Settlement

The law suit against Microsoft has done enough damage. For the good of all Americans please do not pursue this issue any further.

MTC–00011313

From: snjewins@att.net@inetgw
To: Microsoft ATR
Date: 1/15/02 10:44am
Subject: Microsoft Settlement

Abolish the Sherman anti-trust Act as it is unconstitutional and un-American. Allow the consumer to deal with the likes of Microsoft.

MTC–00011314

From: luann.albertson@verizon.net@inetgw
To: Microsoft ATR
Date: 1/15/02 10:44am
Subject: Microsoft Settlement

Settling this ongoing series of lawsuits is in the best interest of the country and the free enterprise system. The economy will benefit from concluding this suit.

MTC–00011315

From: erkkifin@mfi.net@inetgw
To: Microsoft ATR
Date: 1/15/02 10:44am
Subject: Microsoft Settlement

The Microsoft case is a simple matter of some less than successful businessmen and marketers going crying to Congress who being equally inept started an anti-trust suit. Being big and successful is NOT a monopoly. The consumer decides what to buy and if the product is so much better than any competition then the product succeeds. Nobody not Microsoft nobody FORCED anybody to do anything. The OEM s had an option other software and PC makers failed to compete so they went crying for help and the Congress in it s infinite stupidity obliged them. The settlement is not fair because it never should have come to this in the first place. But given the fact that the age of litigation being what it is this is the best a true free spirit and entrepreneur can hope for. Without Bill Gates and the Microsoft enterprise the computer world and millions of jobs would NOT be around today or at least be years behind where we are now. Why do so many people and the Congrees resent free success??

MTC–00011316

From: jrb312@bellsouth.net@inetgw
To: Microsoft ATR
Date: 1/15/02 10:44am
Subject: Microsoft Settlement

While one one hand I am pleased that this anti-trust case is finally over with but on the other hand I am very disappointed in the actions of the government of this country. In my opinion the software playing field has always been more than fair. Microsoft is more or less being punished for putting out a consistently and above average product. Isn t this supposed to be meaning of capitalism or what is known as the American way? You manufacture a good product and it sells. You manufacture a product of poor or below average quality and you will not be able to compete with the companies who manufacture the higher quality software. The founders of this once great country of ours would without a doubt wonder what has happened to the once fair and impartial government of which they had formed and had dreamed of not so long ago. A company which has done so much for the American economy and made it the home of high tech jogs gets a kick in the teeth by it s own government. The future of the Microsoft company will most likely end up like the automobile industry and move it s headquarters overseas and I couldn t say that I would blame them if they did. This whole anti-trust case has been an embarrasment to this country and what it used to stand for.

MTC–00011317

From: erkkifin@mfi.net@inetgw
To: Microsoft ATR
Date: 1/15/02 10:44am
Subject: Microsoft Settlement

The action against Microsoft is a crime against free enterprise. No settlement can erase the shame and sham that the US Govt has forced on the American consumer. You took a few nearly failing and crybaby businesses and presumed to use them as an excuse to speak for the consumer when in fact very few consumers feel that a successful free enterprise albeit quite large business is a monopoly. You have over stepped and abused your power and should be ashamed.

MTC–00011318

From: rob—smith@dell.com@inetgw
To: Microsoft ATR
Date: 1/15/02 10:44am
Subject: Microsoft Settlement

Microsoft has always strived to make my job as a programmer easier throughout my career. This company doesn t deserve the treatment it is getting from the government and its jealous competitors. The settlement that has been reached should be accepted and Microsoft should be left alone to continue innovating and making computers users lives easier. Where would we be today without Microsoft s contributions? Most likely still in the computer dark ages.

MTC–00011319

From: Mantex1@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 10:44am
Subject: Microsoft Settlement

If the Federal Government and the Microsoft Corp. have reached an agreement then why should the States keep this dreary affair going on and on? Let s get back to business and bring this economy back to a strong growth rate.

MTC–00011320

From: michaelouise2@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 10:44am
Subject: Microsoft Settlement

Time to back off Microsoft and let them go about the business of makeing mony for there stock holders.

MTC–00011321

From: far—iman@msn.com@inetgw
To: Microsoft ATR
Date: 1/15/02 10:44am
Subject: Microsoft Settlement

Nearly three years ago I wrote you a letter protesting the unwarranted intrusion of the DOJ into the competitive free enterprise system. The DOJ has cost the American tax payors tens of millions in its frivilous legal action. It is now time to terminate litigation and allow the settlement to go forward without further delay. Thank you.

MTC–00011322

From: tresstaylor@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/15/02 10:44am
Subject: Microsoft Settlement

Dear Sir: The action against Microsoft has gone on long enough.It is taking tax payers money and the copmpany is being persecuted. They have bent over backwards to be fair to all parties. Now stop the greediness of those opposed to settlement. Since this suit has taken place the economy has suffered before 911.

Sincerely
Theresa A. Taylor

MTC–00011323

From: alan@interjot.com@inetgw
To: Microsoft ATR
Date: 1/15/02 10:44am
Subject: Microsoft Settlement

I guess this settlement is the best that we can hope for. There is no way that Justice Department should have initiated this silly innovation- and economy-squashing suit in the first place. Can we now at least please drop the matter and get on with letting the real engines of progress take their rightful positions of leadership in the world? Please?

MTC–00011324

From: dolanwpdctown@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 10:44am
Subject: Microsoft Settlement

I am in favor of the settlement. I watched the government waste millions & I mean millions of $ s on the IBM case. It s a hellofa price to pay for all round excellence

MTC–00011325

From: jabathomp@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 10:44am
Subject: Microsoft Settlement

It is a sad day when you build a better mouse trap and the mice get the government to sue you for it. If they can t handle the competition let them stay out of the business Jack Thompson

MTC–00011326

From: gjdtz76@ndak.net@inetgw
To: Microsoft ATR
Date: 1/15/02 10:44am
Subject: Microsoft Settlement

I guess I just do not understand the statement by the Judge saying the Microsoft requested settlement would cause a competitive edge for them. Apple has had the competitive edge with education and printing for years. Their equipment is VERY expensive. The attorneys for the states that are holding out on the Microsoft settlement are the states with companys that have their business or sattelites in those state. It appears the attorneys for these states have successfully convinced the judge to throw

out the proposed settlement. A totally political move. I would very much like to have someone explain to me why AOL/Time Warner is NOT a MONOPOLY. And prove to me that this lawsuit is NOT political.

Please respond. Thank you for the opportunity to express my thoughts. Gerald Dentz

MTC–00011327

From: gotip@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/15/02 10:44am
Subject: Microsoft Settlement

Please settle this case and stop harrassing the best US corporation. These delays will cost us all money and allow the rest of the world to catch up. We should be supporting Microsoft as the whole world relies on their great software.

MTC–00011328

From: joycie@cwnet.com@inetgw
To: Microsoft ATR
Date: 1/15/02 10:44am
Subject: Microsoft Settlement

Please leave Microsoft alone. They have provided many jobs and technology to our nation also helping schools and many various programs. Please end these lawsuits. The lawyers are the ones getting rich over this while people are being put out of work because of a silly lawsuit. I bet giving a choice 99 percent of the people would use Microsoft over any other program. I say it is a choice you can use it or not. If you don t like Microsoft don t use any of their products but don t sue over it. It is just as simple as that. And other companies are just greedy as they didn t have the brains like Bill Gates to figure out all of this. I say give the guy credit for all he has done and invented. It amazes my mind what he has done to make it easy to communicate with the world and to type letters without carbon paper and to erase easy.

And to figure out computer programs. Guess this gives you a clue to my age. We have come a long ways thanks to Bill Gates. By keeping on with the lawsuits you make it hard for them to innovate so please get put an end to the lawsuits.

Thanks Joyce Siemens

MTC–00011329

From: Hartmann, George J.
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/15/02 10:55am
Subject: Microsoft Settlement

To whom it may concern,

As a individual I want the Government to settle with Microsoft. I therefore support the Department of Justice on its proposed antitrust settlement.

Regards,
George Hartmann
CC:Hartmann George J.

MTC–00011330

From: Waterline2@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 10:55am
Subject: my opinion on the Microsoft Case

1. Actually, I am tired of it and fairly fed up with the procedure that has taken a well-run free trade business and practically brought it to its knees. As if it isn't hard enough to make a go of a business, the government steps in to slap their hand becuase of the belly aching of companies that are jealous of its success.

2. Perhaps Microsoft did create a situation where the competition didn't have as good a chance at succeeding, but they also did a lot to bring the common housewife like me into the 21st century. I am glad there is a Microsoft—and a Bill Gates. He built the empire and we came. And we love him for it.

3. I don't know Bill Gates and he has never heard of me and probably the sun will set on me before this thing ends....at this rate. Please, let him go back to doing his business so we can ALL prosper. Good management—taking care of his employees and giving us the tools we need to get our jobs done...isn't that the American way?

4. Some businesses, like Enron, didn't need the Government's help to do a miserable job and at getting into a mess. Get the Government out of Bill's business and let him finish the work he started. Slap his hands just a little if you have to do something, but do it and get it over with so we can all go forward.

5. All of this business with the unfair advantage happened so many years ago—in a different business climate. The Government should be shaking the man's hand instead of slapping it for doing the American dream....and for helping us live the American dream.

If you wish to reach me for any other comments, my name is

Alice Van de Water
1694 San Leandro Lane
Santa Barbara, CA 93108
(805) 969–4438

I am 59 years old and have never personally purchased any Microsoft stock. I own 800 shares, which my husband bought in about 1994 or 1995—he passed away about 3 and a half years ago. I also own Microsoft in my Keogh—and I believe another financial advisor purchased some for another account I have. Obviously, I want the stock to do well, but my comments are from my heart, not from my pocketbook.

MTC–00011331

From: Harry Crowell
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/15/02 10:58am
Subject: microsoft settlement

Please stop this viscious lawsuit. Too many people have suffered because of the expensive method of persecution of an enterprising young American. My business,as have most of our country and others across the entire world,have benefitted greatly because of the great work and improvements to the ability to access valuable information and store records.

Please stop this foolish destruction of the principles that made America the place it is.

MTC–00011332

From: Cynthia Grossen
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/15/02 11:02am
Subject: Microsoft Settlement excerpt from Complaint

''5. To protect its valuable Windows monopoly against such potential competitive threats, and to extend its operating system monopoly into other software markets, Microsoft has engaged in a series of anticompetitive activities. Microsoft's conduct includes agreements tying other Microsoft software products to Microsoft's Windows operating system; exclusionary agreements precluding companies from distributing, promoting, buying, or using products of Microsoft's software competitors or potential competitors; and exclusionary agreements restricting the right of companies to provide services or resources to Microsoft's software competitors or potential competitors.''

My biggest problem with ''the way things are now'' is that as it stands, I can not buy a computer from a large computer seller, like DELL, MICRON, BestBuy, Circuit City, etc without being forced to purchase the bundled M$ software; even if I have no interest in every utilizing said software.

Also, it is my understanding that most of these venders are prohibited from offering ''dual-boot'' systems as well, as part of their OEM license agreement with M$. Which would be a 'second-best' solution to the above problem, from my standpoint at least. I do realize that their are legitimate market concerns as well, such as poor customer demand. But I find it difficult to believe that the fact that M$ owns the OS market (read monopoly here) doesn't play into my concerns in a significant way. I feel that this area is one of crucial importance to future remedies. The browser arguments are extremely compelling and should definitely play into the settlement. But the ''Browser War' is effectively over. M$ won.

MTC–00011333

From: Mary Euyang Shen
To: Microsoft ATR
Date: 1/15/02 11:02am
Subject: Microsoft Settlement

Please get on with it so that we can give the economy a small nudge upward.

Mary Shen

MTC–00011334

From: Rob Alelyunas
To: Microsoft ATR
Date: 1/15/02 11:03am
Subject: Microsoft Settlement

Greetings;

I am a professional software developer very familiar with the Microsoft products and strategy, as well as many other software platforms such as Java, UNIX, and Internet development. For many of us in the software industry, the proposed settlement with Microsoft looms as a terrible mistake. Many of the reasons why have been very well illuminated by far better communicators than myself, and these reasons tend to emphasize the failure of the settlement to address the actual abuses and illegal practices that were proven in the case. They emphasize that the remedy has no enforcement, and is unlikely to stop the proven illegal practices.

But my concern is the effect that the proposed settlement has had upon the software community, and the business community at large. That is a chilling effect. New software projects have been canceled, software innovation has been put on hold in

many cases, and new initiatives have trouble getting funding. That is because the settlement is a signal that the marketplace won't reward the small, energetic innovators such Netscape or Real Media. Companies like this, although they have virtually invented and innovated new capabilities that enrich our lives, will not be set free to compete on an equal footing. The behemoth of Microsoft will be allowed to wait for these smaller companies to innovate, then it will bundle carbon copies of their products into its operating system, and if necessary use other illegal monopoly practices such as punitive exclusive relationships with hardware manufacturers.

I ask you honestly, would anyone want to invest in a small innovative software company in this climate? No matter what quality, energy, excellence is in the product, there cannot be profitability as long as Microsoft is free to illegally compete. Investors and the business community are very aware of the Microsoft settlement. And it has already had a chilling effect on innovation and investment. It has had a chilling effect on the American economy. It is a loud, clear signal that discourages investment in small business just as it discourages new ventures.

This is not a good time to be discouraging small business which is the growth engine of our economy. Now of all times we need to carefully consider the effects of our decisions on the economy. There are reasons for the anti-trust laws, and there are reasons to enforce them. Amercian business operating under effective anti-trust enforcement has created the greatest growth and innovation engine the world has ever known. The key is competition, and anti-trust laws are the protectors of competition. Let's have the courage to enforce the law.

Rob Alelyunas

MTC–00011335

From: Nicholas Dronen
To: Microsoft ATR
Date: 1/15/02 11:03am
Subject: Microsoft Settlement

Dear Sir or Madam:

I make my living as a computer programmer and work with Microsoft products every day. I believe the proposed Microsoft settlement will not prevent the company from continuing to act as it has in the past. The U.S. government has had agreements with Microsoft in the past, and they have had little effect. I assert that allowing this or that hardware vendor to put such-and-such icon on the desktop of a Microsoft operating system does little or nothing to prevent the company from using its monopoly of the desktop operating system market to insinuate itself in a rather forthright way into other markets.

Moreover, I fail to see how allowing interested parties to examine the source code of some Microsoft software will solve this problem. At most such a regime will give some well-funded start-up companies and successful competitors of Microsoft (that is, those firms which can afford to send a software engineer to Redmond to spend time reading code) a useful tidbit of information here and there. Since the company's positions in its current markets (and some future ones as well) have not diminished (rather, they have con- tinued to increase market share), it is clear that the company now has even less of an incentive to follow antitrust law than it did before.

Whether Microsoft should merely be punished for its role in the fate of Netscape Communications, Inc., is debatable. I personally think it is irrelevant and that the important matter is to restore equity in competition in the computer industry now and into the future. The proposed settlement does not ensure this; therefore, it should be rejected.

Kind Regards,
Nicholas Dronen
ndronen@frii.com
Computer Programmer
Boulder, Colorado

MTC–00011336

From: Ella Tidwell
To: Microsoft ATR
Date: 1/15/02 11:07am
Subject: Microsoft settlement

I support President Bush in his desire to settle this lawsuit and persecution of Microsoft. Ella Tidwell
4298 US Highway 641 South
Hazel, KY 42049

MTC–00011337

From: Jim Fuqua
To: Microsoft ATR
Date: 1/15/02 11:10am
Subject: Microsoft Settlement

Dear DOJ:

The time has come for this case to be settled and now. The axe grinders have delayed this long enough.

Thank you for your consideration. Regards, Jim Fuqua, A concerned citizen of the US of A

MTC–00011338

From: Benjamin W. Ritcey
To: Microsoft ATR
Date: 1/15/02 11:12am
Subject: Microsoft Settlement

To whom it may concern,

The Remedy section of the proposed Microsoft settlement lets Microsoft off far too lightly; what seems like fair and open access to Microsoft's APIs, Documentation and Communications Protocols has, in fact, a critical loophole—I can put this no better than Robert Cringly (http://www.pbs.org/cringely/pulpit/pulpit20011206.html): ''...Microsoft's greatest single threat on the operating system front comes from Linux—a non-commercial product—and it faces a growing threat on the applications front from Open Source and freeware applications. The biggest competitor to Microsoft Internet Information Server is Apache, which comes from the Apache Foundation, a not-for-profit. Apache practically rules the Net, along with Sendmail, and Perl, both of which also come from non-profits. Yet not-for-profit organizations have no rights at all under the proposed settlement. It is as though they don't even exist.

Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...''

So much for SAMBA and other Open Source projects that use Microsoft calls. The settlement gives Microsoft the right to effectively kill these products. Section III(D) takes this disturbing trend even further. It deals with disclosure of information regarding the APIs for incorporating non-Microsoft ''middleware.'' In this section, Microsoft discloses to Independent Software Vendors (ISVs), Independent Hardware Vendors (IHVs), Internet Access Providers (IAPs), Internet Content Providers (ICPs), and Original Equipment Manufacturers (OEMs) the information needed to inter-operate with Windows at this level. Yet, when we look in the footnotes at the legal definitions for these outfits, we find the definitions specify commercial concerns only. '' The business climate has changed a bit from the time the Tunney Act was introduced—one does not have to pursue a profit in order to be a competitor. By excluding not-for-profit organization, the Settlement protects Microsoft from their greatest threat, and allows them to continue to stifle innovation.

I urge you to, at the very least, remove these critical loopholes.

Regards,
Benjamin Ritcey

MTC–00011339

From: Carol.McDonald@sun.com@inetgw
To: Microsoft ATR
Date: 1/15/02 11:16am
Subject: microsoft Microsoft is a monopoly.

They are not changing their behaviour as witnessed by their new Passport and Hailstorm technologies.

They should be split into OS and Other Software
Carol McDonald

MTC–00011340

From: sam travis
To: Microsoft ATR
Date: 1/15/02 11:25am
Subject: Microsoft Settlement

I for one, cannot believe that the department of JUSTICE is even considering letting Micro$oft off the hook so easily! This is the company that has lied and misled the courts at every turn! I am shocked! Shocked and appalled that a corporation can engage in such blatantly monopolistic behavior, and walk away with a comparative slap on the wrist. Having been involved with the personal computer industry essentially since its' inception, I have been witness to the most egregious violations, and would like justice to truly be done.

MTC–00011341

From: Tor-Oyvind Gundersen
To: Microsoft ATR
Date: 1/15/02 11:21am
Subject: Microsoft Settlement

Since I'm a Norwegian citizen, I assume I don't have a right to comment this case. But I just can't sit still looking at injustice... As a professional IT developer, I would just like

to say one thing: The way Microsoft has chosen, is not a way the world should be going— please get the world back on the right track.

Thanks for your time.

Regards,

Tor-Oyvind Gundersen

tor@gundersen.nu

MTC–00011342

From: Harold McClarnon
To: Microsoft ATR
Date: 1/15/02 11:20am
Subject: Microsoft Settlement
HAROLD McCLARNON
310 Westwood Drive Grants Pass,
OR 97527
January 14, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

Thank you for your efforts to settle the Microsoft antitrust case. This case was not brought because it had merit, but as a result of jealously on the part of Microsoft's competitors. I am in support of the case being resolved as soon as possible.

As a result of this suit, Microsoft has agreed to a variety of changes in its business practices. These changes will put to rest any complaints by Microsoft's competitors that they are engaging in anticompetitive behavior. Microsoft has agreed to share the fruits of its labor with its competitors. They will disclose interfaces that are internal to Windows' operating system products. They have agreed to make it easier for computer companies to add non-Microsoft software to their computers, too. These steps will give Microsoft's competitors a giant boost in their ability to compete with Microsoft. The settlement agreement provides more than adequate protection against violation of the antitrust laws.

Nothing more should be required of Microsoft.

Sincerely,

Harold McClarnon

MTC–00011343

From: Judy Sawyer
To: Microsoft ATR
Date: 1/15/02 11:22am
Subject: I am against litigatioin

In my state of N. C. we have approximately 1,000.00, motivated, great citizens who work for Microsoft.. N. C. has been blessed with a fine company , like Microsoft, locating in this state. I own Microsoft software, as does my husband and my daughter and we are very pleased with the quality and the price. We buy Microsoft, we have a choice. and we would not change at present. In my husbands profession he has used sun, oracle and many other software venders and finds them all inferior to Microsoft. These companies should go to work and developed wonderful software that would be competitive and I would try their product again.. I am sure there will be software beyond Microsoft and some young inventor is probably working on it right now, not expecting to find it in a court of law. I do not feel I have been overcharged for my soft ware, and I have not been in anyway persuaded to buy Microsoft, it was my freedom of choice.

Judy Sawyer
5913 Cedar Landing Rd.
Wilmington, N. C. 28409
Sawyer@wilmington.net

MTC–00011344

From: Jim Rapp
To: Microsoft ATR
Date: 1/15/02 11:23am
Subject: Microsoft Settlement

Dear DOJ,

I applaud the DOJ for coming to settlement with The Microsoft Corporation over antitrust concerns. Although the company has perhaps been aggressive in certain business practices, it seems to have curtailed these practices, and wants to move on in life, being a good U.S. corporate citizen. Unfortunately, it appears a cottage industry of media pundits, journalists, attorneys, special interest groups, politicians, and competitors, who seem to have built careers around keeping the company left dangling do not want resolution. Microsoft has created many jobs, has helped the U.S. to become a leader in information technology, and I use their products which enable me to make a living.

I hope that the DOJ continues to work hard to get all parties to settle the Microsoft antitrust case, and allows a great U.S. company to operate without the shackles of all of the above named special interests.

Thank you.

Jim R.

Northern Virginia

(Note, these thoughts also apply to my Austin, Texas based mom, and Huntsville, Alabama based cousin)

MTC–00011345

From: Steven Rubenstein
To: Microsoft ATR
Date: 1/15/02 11:26am
Subject: Input for Tunney Act

I hereby do my ''civic'' (public interest) duty of putting on record my opinion, for Tunney Act consideration, of the proposed settlement in DOJ and ''some states'' vs. M$.

Fact: Federal Judge Stanley Sporkin was disconcerted with M$'s business behavior as he understood it.

Fact: M$ and DOJ persuaded an Appellate panel, including Judge Harry Edwards, to overrule Judge Sporkin.

Fact: Failure to resolve some of Judge Sporkin's concerns eventually resulted in a full scale, costly lawsuit.

Fact: Federal Judge T.P. Jackson became so disconcerted with M$'s business and courtroom behavior as to jeopardize his career.

Fact: Antitrust experts expected the DC Circuit, including Judge Edwards, to overturn the bulk of Judge Jackson's rulings.

Fact: The DC Circuit UPHELD the bulk of Judge Jackson's rulings.

Fact: The Supreme Court would not grant certiorari to M$.

Fact: The DOJ, now headed by John Ashcroft, not Attorney General when the case began, reached a proposed settlement with M$.

Fact: Before proposed settlement, DOJ publicly eliminated its strongest weapon: possible breaking up M$.

Fact: News reports stated the ''states'' were surprised when the DOJ settled and were told after the fact.

Fact: 9 of the states and DC would not accept the settlement, contenting it would not remedy M$'s violations as upheld by the DC Circuit.

Fact: News reports indicate antitrust experts largely feel the proposed settlement is easy on M$ and has loopholes.

Fact: Throughout the trial and settlement talks, M$ did not abate its campaign to make all things software its own—even dictating hardware. At least 9 Federal judges—2 at the District level, 7 at the Circuit level—and 9 Federal justices have expressed agreement, overtly or implicitly, that M$ has repeatedly conducted illegal business practices under, at least, the Sherman Act. I, as a consumer, a scholar, a sometime software developer (without affiliation with any software company), and a concerned citizen, do not see how the proposed settlement remedies any of the findings against M$. Further, at least from the time of the DC Circuit panel's overruling of Judge Sporkin, M$'s subsequent actions have shown it not to be trustworthy. Further, the fact that the DOJ, under a new Attorney General, would, without notifying the states accept such a settlement, under such conditions,

REEKS OF THE VERY KIND OF BACK ROOM DEALINGS THE TUNNEY ACT WAS DESIGNED TO AVERT.

The only possible good in allowing a such a software monopolist to exist, is that it is U.S. based, and, in the fashion of the Federal government's facilitating the RCA-led oligopoly of World War I, a U.S. based monopoly in theory can benefit national security, including by facilitating standardization. Even this argument fails with M$: its leviathan tactics have removed, in fact necessitated against, any need for it to assure software quality. The FBI recently got on M$'s case, for building software that is so easily penetrated and subverted. The damage M$ has done in quashing software innovation invites software developers worldwide to expose and capitalize on the inferiorities of its products. M$ Internet Information Server and M$ Outlook have become such wide standards as to become two of the, if not THE two, major carriers of viruses and worms in the world. Consequently, even the argument of allowing M$ to continue in its current fashion for national security falls short.

We know that being a monopoly is not illegal, but violating the Sherman, Clayton, or Robinson Act is. M$ continues to claim it has the right to innovate, when in fact almost every one of its products either has been bought—starting with DOS itself—or copied from a less-monied innovator—Apple, Lotus, Netscape, RealMedia, Sun Microsystems, to name a few—which M$ can do, because it has the operating system running on 95% of the world's desktops. Lack of innovation cannot be good for the consumer. Anyone who praises M$'s products is doing so without knowledge of what might exist if potential products weren't crushed before

inception or fruition, because venture capitalists balk at investing in something they know will be thwarted and because software developers have less chance and possible reward from following through on ideas.

Neither can the consumer benefit monetarily by there being only one major software company. The free market concept implies competition determines price. M$, being a monopoly, can charge almost as it pleases. Recently corporate customers have become disturbed with M$'s coercive upgrade licensing policy. Though no competition remains to which prices can be compared, it is known that M$ has more surplus than any other corporation in the world—even more than any pharmaceutical or energy company. M$ could lower prices on its operating systems and productivity software significantly and remain ''the world's richest company.'' It lowers prices on products in markets it is trying to win — browser and media player are two examples—to the point of negative revenue on those products, because its vast surplus enables it to cross-subsidize.

Surely, inasmuch as the Tunney Act is constitutional, this is a case to invoke it. The DC Circuit and the Supreme Courts await the outcome.

Humbly submitted,
Steven Rubenstein
Murfreesboro, TN
615 896–7862

MTC–00011346

From: Matt Del Vecchio
To: Microsoft ATR
Date: 1/15/02 11:28am
Subject: Microsoft Settlement

I am with the 9 states that have dissented from the others—I beleive that while the proposed settlement is ''better than nothing'', it is not Good Enough. without getting into it, it appears the DOJ has backed down. that it was all roar and less bite. this may have something to do w/ the new administration. a desire to protect big business, perhaps.

Sincerely,
matt
Matt Del Vecchio
Web Architect
Microgistix
(612) 486–1125
http://www.chumbo.com <http://www.chumbo.com/>
http://www.microgistix.com <http://www.microgistix.com/>

MTC–00011347

From: Gwen and DeVerne
To: Microsoft ATR
Date: 1/15/02 11:29am
Subject: Microsoft Settlement

I have chosen to use Apple MacIntosh computer and operating system. I have freedom of choice. I chose to use Apple and I chose to use Eudora e-mail software and I chose to use Office for the Mac. If Microsoft was not supporting Apple by marketing Office for the Mac software Apple would cease to exist.

Let the market place choose, not government.

DeVerne Jacobsen 01–15–2002 —

MTC–00011348

From: susanf@phys-ha4nwka.ebay.sun.com@inetgw
To: Microsoft ATR
Date: 1/15/02 11:31am
Subject: Microsoft Settlement.

Dear Judge Kollar-Kotelly,

The proposed Microsoft settlement is unsatisfactory in many ways. In a nutshell, the ''penalty does not fit the crime''. The proposed settlement does not solve for the injury done to the Java technology community or the Netscape browser market. It does not solve for the monopolistic behavior by Microsoft. Please use your power to stop the monopoly madness. Our consumer rights and security is at risk.

Sincerely,
Susan Sanguinetti
(20 year employee—high tech)

MTC–00011349

From: Alfredo Rodriguez
To: Microsoft ATR
Date: 1/15/02 11:58am
Subject: Microsoft Settlement
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

I write you to ask your continued support of the recent Microsoft settlement. This settlement is the product of three years of deliberation and compromise, and contains terms that are beneficial to the entire IT sector. By supporting this agreement, we help to get our technology industry back to business and our economy flowing once again. By not supporting this agreement, we jeopardize our position in this highly competitive worldwide IT market.

Not only has Microsoft agreed to make changes in licensing and marketing terms, but has agreed to make changes in design and development, such as changing XP and 2000 Professional to make it more accommodating for software developers other than Microsoft. This is a bold step, and we need to support this type of agreement as it brings us together as an industry and as a nation.

Please help support this settlement by helping to stop any further actions against this agreement. let us help get our industry back to business.

Sincerely,
Alfredo Rodriguez

MTC–00011350

From: Jeffrey A. Mattero
To: Microsoft ATR
Date: 1/15/02 11:33am
Subject: Microsoft Settlement

Dear Sir or Madam:

Please place me on the side of encouraging the parties to settle this ridiculous lawsuit! It should never have been filed in the first place, and I can't believe Microsoft is even willing to settle! The company was enormously successful simply because they had the best product on the market. Unfortunately, in this country, success breeds contempt, especially from the government. It honestly disgusts me. Anyway, if Microsoft is willing to settle, please quit wasting taxpayer dollars, and end this once and for all!!!!!!!!!!!!!! Thank you.

Jeffrey A. Mattero
JMattero@erols.com

MTC–00011351

From: JudiTk@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 11:39am
Subject: Microsoft Settlement

To whom it may concern:

Our government needs to protect our economy, and not to be derailed by attempts to benefit certain companies' interest. It is unfortunate that the remaining states that rejected the agreement have strong support from Microsoft's competitors, in which they reside. Those state representatives have no choice but to support their prime resident companies, and their counter proposal is only to benefit those resident companies. The focus of this case should be based on whether Microsoft has indeed hurt the consumers and our economy. If Microsoft has not taken a lead in consolidating computer operating systems, and offer compatible/integrated software, we would have induced significant inefficiencies throughout the country, and the world. I highly encourage our government to move forward and bring this case to a closure that would benefit the crippled economy. There are other major elements that we all need to focus on, instead of continuing to deplete our valuable resources on this case. Microsoft is now fully aware of its boundaries, in terms of ''anti-competitive behaviors,'' and shall continue to offer more useful software tools that ultimately benefit us all.

Sincerely yours,
Takaaki Hayashi
839 Bramerton
Andover, KS 67002

MTC–00011352

From: David Baur
To: Microsoft ATR
Date: 1/15/02 11:39am
Subject: Microsoft Settlement
To: The District Court of the United States of America
Attn: Honorable Judge J. Fredrick Motz

Dear Judge Motz,

I disagree with you, as to YOUR rejection of the proposed settlement that Judge Thomas Penfield Jackson court had arrived at. I do not believe that the Corporation known as Microsoft should have been sued for anti-trust violations's in the very first place. I know of not one single industry that has done as much as Microsoft, to advance the education of millions of peoples within these United States of America, and peoples throughout the entire world.

There are however many Corporations within these United States that clearly demonstrate, and factually have, a monopolistic position as to market share....Southwest Bell, Frito Lay division of Pepsico Inc. just to mention a few. Perhaps if you truly want to pursue anti-trust as a Judge, visit your local grocery store and simply go to the chip section and see just how many competitors you have. I think you will find Frito vs Frito vs Frito...

Also instead of pursuing a Corporation like Microsoft. which in my opinion should not have been done in the first place; why not

pursue a better criminal justice system. Talk about a disgrace to the American Citizenry.... our legal system is absolutely an abortion of legal justice, and I am not speaking of anti-trust suits, I am speaking of the common everyday criminal act...of the murders, or the rape, of robbery,of the freedom that many criminals receive in the courts within these United States of America!

Let your talents be used in solving the problem of the citizen. Let's get back to basics Judge.

Someone in Gov't needs to provide a better way to communicate with the Gov't., why not spend some time with Bill Gates and develop a system in which the citizenry can vote, communicate, state their opinions, make observations, suggest solutions to our (suppose to be) government.

Let not one man have one voice, but rather have one man supported by many voices.

Thank You,
David H. Baur Sr.
David H. Baur
11770 Ferguson
Dallas, Texas 75228
972 279 4927 front desk number
972 279 4939 back office number

MTC–00011353

From: A P Story
To: Microsoft ATR
Date: 1/15/02 11:36am
Subject: microsoft settlement

Will probably end up a big mess like Bell/AT&T. What's happened to the old spirit of building a business and not getting shot down? I don't own much Microsoft but am greatly disappointed.

MTC–00011355

From: Joseph Rizzo
To: Microsoft ATR
Date: 1/15/02 11:51am
Subject: Microsoft Settlement

I think the settlement is outrageous and very pro-microsoft. Microsoft should be hit with huge fines and required to provide only hardware to school systems. The schools should have the choice of either an Apple system or an Intel system running Linux.

MTC–00011356

From: Mark Keckeis
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/15/02 11:53am
Subject: Microsoft Settlement

Judge Kollar-Kotally;

I, like many people in the technology industry, am frustrated and concerned by the DOJ's Proposed Final Judgment in it's anti-trust case against Microsoft. Having found Microsoft to be a monopoly and to have acted in a predatory manner, the DOJ looks like it's about to let Microsoft off with little more than a slap on the wrist. Why should Microsoft be above the law? The DOJ should do three things in order to ensure that the law is administered fairly:

1. Terminate Microsoft's illegal monopoly,

2. Deny to Microsoft the fruits of its past violations, and

3. Prevent any future anticompetitive activity.

I cant see that the PFJ does any of these things. Judge Kollar-Kotally, I am not an attorney but I have been in the technology industry since 1982 working for a number of vendors including Data General (now a part of EMC), Apple Computer for 8 years, and four start-up software companies since 1996 including four years at Commerce One. I have personally observed Microsoft behavior both as a competitor and as a partner. They are everything that the original suit and verdict found them to be. It's a part of their culture. It's the way their best and brightest get ahead. The PFJ will exacerbate the behavior that made them a monopoly and created the suit in the first place.

Microsoft is not an innovator. They play the late entry game that their size affords them. By the way, they are not alone in this practice. All of the largest companies, Oracle, SAP and others do the same thing. It is possible for them because they have recognized brand, distribution and money. Three things that very few small, innovative companies have in quantities that allow them to compete head to head with these giants. The difference is that Microsoft is a MONOPOLY. By ''bolting'', It literally costs them nothing to take the ideas and concepts of much smaller companies and leverage two of these three powerful resources.

The innovation that has made the American economy the most prosperous on the planet is a fragile thing. It starts in small ways with concepts and ideas can become powerful when properly deployed in the marketplace. The PFJ will throttle and undermine the risk-takers who have been the source of so many of the ideas that will drive our industry—and the American economy—forward.

Please, don't allow the PFJ to stand. Strike it down. The American economy will survive and thrive through a settlement that enforces the law.

Thanks for your consideration and best regards,

Mark Keckeis
Director of Sales
nthOrbit
3031 Tisch Way, Suite 12PW
San Jose, CA 95128
Cell: 925–963–0161
Office: 408–423–4690

MTC–00011357

From: Bunneyn@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 11:58am
Subject: Microsoft Settlement

Dear Sir:

Microsoft is one of this countries leading growth companies. They have contributed to our economy and citizens, and we personally have benefited from their products at a fair price.

This action is about money. How to extract money from a successful company by politicians, competitors, and the government. You cannot fool the public. Perhaps 50% of all U.S. citizens have some interest in Microsoft, either through stock or their products, and this action effects them. We have more important problems to expend our resources on, THE ECONOMY.

Rod Bunney
bunneyn@aol.com

MTC–00011358

From: Bill Richart
To: Microsoft ATR
Date: 1/15/02 11:58am
Subject: microsoft settlement case

Please see the attached letter with respect to the Microsoft settlement case. Sincerely,
William Richart
2445 Sheridan Street
Williamsport Penns Ivania 17701
January 10, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The settlement of the Microsoft antitrust case has taken too long to occur. Litigation should have never taken place from the start and the nine states that have continued lawsuits need to be suppressed.

Microsoft is an extremely important asset to the tech sector in our economy. Our government should be praising the company for all it has done instead of criticizing it. As a firm believer in free enterprise, I think it is ridiculous that Microsoft must disclose its technological secrets. Have we no more respect for intellectual property? Now Microsoft must work with a handicap like no other in the history of the IT sector.

This nation needs to get past this legal mess. The settlement presents a viable solution, so I support it. It is time to get back to the business of innovation, and leave litigation behind.

Sincerely,
William Richart
cc: Senator Rick Santorum

MTC–00011359

From: SOster629@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 12:02pm
Subject: microsoft settlement

I agree with Microsoft. Get on with this settlement instead of trying to get us stockholders to finance the several dissenting state governments' budgets. The courts have accomplished everything legal and allowable. Let the states balance their own budgets and let Microsoft go back to doing what they do best—making the software the public wants. Thanks. Sam Ostertag, Mesa, AZ.

MTC–00011360

From: David Zickefoose
To: Microsoft Settlement
Date: 1/15/02 11:23am
Subject: Microsoft Settlement
David Zickefoose
10314 Washington Drive
Omaha, NE 68127
January 15, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry.

It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the

courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

David C. Zickefoose

MTC–00011361

From: Randy Hill
To: Microsoft ATR
Date: 1/15/02 12:03pm
Subject: RE MS Settlement

As a long time software developer (who has never worked for Microsoft or owned their stock), I urge you to strike a blow for consumers, and drop your suit. MS has served as a strong competitor against potential monopolists such as Digital Research, IBM, Novell, Sun, Oracle, & Netscape, which is why current and former executives of those companies continue to lobby you against Microsoft. Instead you should stand fast for Microsoft's right to compete and for consumers rights to benefit from that competition.

Digital Research sold CP/M and derivatives for $200 and up to consumers when IBM PC was released, it was MS's release of MS/DOS that made the PC affordable and usable. Adjusted for inflation, the price of Microsoft's operating system has barely increased (from $40—$100 over 20 years), yet instead of a cryptic command line interface with minimal utilities written by less than a dozen engineers, consumers now get the fruits of thousands of engineers efforts containing built in pc & printer networking, graphical user interfaces, high speed file systems, word processor (wordpad), internet browser, calculator, e-mail, paint program, terminal program, games, etc. If you force Microsoft to unbundle any of these products, you will cost consumers millions of dollars by forcing them to pay separately for each of the products they need. No software company has the right to compete by forcing consumers to pay for what another company is willing to provide as part of a bundle. As a software developer I know that ''middleware'' is a dangerous place to compete since it's likely to be incorporated into a future OS release, but I also know that I benefit when MS bundling continously makes their OS more feature rich and accessible, as an internet developer I know our market would have been retarded had not Microsoft made internet access simple, easy and free by bundling explorer.

I also know that Netscape had dozens of competitors, which they brutally destroyed by giving away their browser (they of course say they only gave away a ''beta'' but I was there, the beta was a very solid application that made it unnecessary to buy a browser from anyone else). Unlike Microsoft, they didn't plan to keep their browser free, just until they made it the dominant middleware for accessing the internet, then like a good monopolist they planned to stick to the consumer. Now the DOJ wants to stick to us and force everyone to pay $49 for a ''browser tax''?

Look through history. Lotus dominated the spreadsheet market, forcing everyone to pay $500 for the ''standard'', a standard so entrenched that no company could compete successfully against them. Microsoft and others created better spreadsheets, but to no avail. It wasn't until Microsoft was smart enough to create Office, giving corporations much more value (word-processing and other products) for the same $500, that the monopoly was broken. Consumers saved hundreds of millions of dollars due to Microsoft's efforts.

It's the same in networking, where Novell built a standard around their decreptit Netware Server operating systems. It wasn't until Microsoft created Windows NT, and built a cheaper, better network operating system that consumers and corporations had a choice. It's the same in databases, where MS keeps Oracle honest, and in workstations & serves, where MS keeps Sun honest. Please strike a blow for competition and drop your suit, please don't force me and other consumers to pay more for our software.
thanks,

Clarke Hill

MTC–00011362

From: Patricia Book
To: Microsoft Settlement
Date: 1/15/02 11:38am
Subject: Microsoft Settlement
Patricia Book
6234 E. Presidio
Mesa, AZ 85215
January 15, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Patricia Book

MTC–00011363

From: RLFiala@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 12:19pm
Subject: MICROSOFT SETTLEMENT

AS A CONCERNED CITIZEN I BELIEVE ALL OF THE ANTITRUST LITIGATION AGAINST MICROSOFT SHOULD COME TO AN END AND ALLOW THE COMPANY TO DEVOTE IT'S TIME AND MONEY AND ENERGIES TO THE CREATION OF BETTER SOFTWARE AND PRODUCTS TO HELP CONSUMERS AS IT HAS SO SUPERBLY DONE IN THE PAST. ONE CONCERNED CITIZEN

MTC–00011364

From: Kentyn Reynolds
To: Microsoft ATR
Date: 1/15/02 12:16pm
Subject: Microsoft Settlement
Re: Microsoft Settlement,

In my position as CTO of a large Internet based company I have the opportunity to observe the long-term effects of Microsoft's outrageous behavior. I have seen how Microsoft's undermining of JAVA and other standards has pushed the industry backwards by at least 10 years, and cost every company that I know thousands of unnecessary dollars in multiple development efforts and exception level programming. With the latest US court ruling we now have given Microsoft access to infiltrate our government with millions of dollars of crippling technology. Microsoft should feel the maximum punishment of the law for their monopolistic practices. Please reexamine the recent rulings on this case and create justice for the small technology companies that legally support our government.

Kentyn Reynolds
CTO
ClickAction

MTC–00011365

From: Steve Foerster
To: Microsoft ATR
Date: 1/15/02 12:27pm
Subject: Microsoft Settlement

I think that the whole matter was nothing more than the U.S. government trying to strongarm the only major industry that didn't kowtow to them, and thus the matter should be dropped immediately with a full apology to Microsoft's employees and shareholders (I am neither) and the American people.

Steve Foerster

MTC–00011366

From: Pete Holsberg
To: Microsoft ATR
Date: 1/15/02 12:29pm
Subject: Revised Proposed Final Judgement

Dear Reader,

I have read the Revised Proposed Final Judgment against Microsoft and completely

concur. I do have a question: why does this judgment expire at all? Why is Microsoft not held to this forever and ever? Should Microsoft return to its old ways after this judgment expires, can further action be taken against them?

Thank you,
Pete Holsberg
Columbus, NJ 08022

MTC–00011367

From: richardlaughlin@webtv.net@inetgw
To: Microsoft ATR
Date: 1/15/02 12:30pm
Subject: Microsoft Settlement

Dear Folks,

How can you continue to punish our most successful American companies that give the consumer products that are worth to me as a user at least 50 times more than the small cost of their software ? I'm a Microsoft WebTV user. For only $14.95 per month I get access to cyberspace. I use my WebTV everyday and love it. I don't kow of anybody, except Microsoft's failed competitors, that complains about Microsoft's products being too expensive.

Why doesn't the Federal governernment do something about my higher and higher electric bills at home instead of tryng to fix Microsoft when it is not even broken. How about a U.S. energy policy that brings down the cost of living everyday. Microsoft has not changed my WebTV monthly cost of $14.95 for over 3 years but my electric costs go up every year.

Thank you for listening.
Richard Stouts

MTC–00011368

From: Lee Behel
To: Microsoft ATR
Date: 1/15/02 4:32am
Subject: Microsoft Settlement

I urge the Justice Department to accept the proposed settlement. Microsoft has suffered unjustly long enough and the entire technology sector needs this to end now.

Lee Behel

MTC–00011369

From: Randy Loflin
To: microsoft.atr(a)usdoj.gov
Date: 1/15/02 12:38pm
Subject: Microsoft Antitrust Settlement
Renata Hesse
Trial Attorney
Suite 1200
Antitrust Division
Department of Justice
601 D Street NW
Washington, DC 20530
January 15, 2002

Dear Ms. Hesse,

I am writing to object to the settlement of the Microsoft case which has been reached. Nothing in this settlement provides punishment of Microsoft, or relief to the consumers of computer products and programs in the United States. As a 30 + year computer user, programmer and buyer, I find the settlement, which allows Microsoft to continue its monopoly, to be of no help to me. In fact, as witnessed by recent FBI comments regarding the Microsoft XP operating system, maintaining the Microsoft monopoly can only be hazardous to the people of the United States. Any decision in this, the penalty, phase of the trial should include provisions to make Microsoft operating systems compete equally with other operating systems, ie., it should be an add on to any computer system, not bundled with the system. Additionally, Microsoft program document types must be available to the developers of other programs, so that document interchange will be facilitated. And thirdly, Microsoft internet schemata must interface without problems with all internet users.

Finally, I would like to say that we must remember that this is the penalty phase of the trial. Microsoft has already been found guilty of antitrust violations. Now is the time to support the citizens of the United States, the computer users, buyers, sellers and programmers in this, the new millenium.

Thank you for your attention to this matter. Should you have any questions, feel free to contact me.

James R. Loflin
jloflin@elp.rr.com
6020 Camino Alegre
El Paso, Tx 79912–2606
(915) 581–1476 (home)
(915) 771–6391 (work)
(915) 373–1476 (cell)
(915) 774–4905 (fax)

MTC–00011370

From: Bob Gregg
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/15/02 12:45pm
Subject: Microsoft Settlement

I want the DOJ to settle this case. The offer is fair and in the public interest. DOJ resources should be applied to more critical agenda items.

MTC–00011371

From: Jim McDonald
To: Microsoft ATR
Date: 1/15/02 12:49pm
Subject: Microsoft Penalty Suggestion

Here's what I'd like:

1. Force Microsoft to adopt a file format for all Office applications and PUBLISH their spec. Note that I am not asking for the publication of the source code of Office, simply the description of the file formats used. This way, people can use other Office suites (PerfectOffice, SmartSuite, StarOffice) without wondering if the files created will load properly in Word, Excel, Powerpoint, etc... Just this would open up some competition in the Office Suite market.

2. Force Microsoft to publish every single API in Windows. Again, I am not asking for the publication of the windows source code, but simply to the Application Programming Interface. This would have two benefits: It would make sure that every service, every facility is clearly exposed for use while at the same time, removing the cloud of suspicion that Microsoft has some secret APIs that make their applications work better than others.

3. Muzzle the Microsoft FUD division. This is by far the most irritating aspect of Microsoft as a business entity. They generate FUD and make belive that other competing products are not good while it's far from the case. Feel free to select your example, there are tons of them out there.

4. Forbid them to use the words ''innovate'' and ''innovation'' unless they can specifically show that they are the first-movers for the particular product they are advertising. Again, there are tons of examples out there where Microsoft has been only an ''adapter'' as opposed to an ''innovator''.

5. Offer a striped-down version of Windows. Just the bare bones and a text-based browser (like Lynx) for initial download of the browser of choice. Nothing else built-in, nothing else cobbled together. A base install should not be more than 20 Megabytes and should scream on Pentium-class machines.

6. Word the requirements that hefty fines will be leveraged for non-compliance. Hopefully, this way, we'll have more competition and a better computing environment. As well, if Microsoft is still dominant after this, it'll be because they have earned it the good old-fashioned way and we'll have little if anything to complain about.

MTC–00011372

From: Samuel Sotillo-Hermoso
To: Microsoft ATR
Date: 1/15/02 12:49pm
Subject: Microsoft settlement

Since the beginning, the decision to prosecute MS was not a good idea at all; however, the settlement is a worst one. In fact, it is a populist approach to tell MS to give to ''disadvantaged public schools more than $1 billion in funding, software, services and training, and around 1 million Windows licenses for renovated PCs.'' This ''gift'' is the imposition of a de facto monopoly under government sponsorship.

I hope you can settle this subject in a way that helps all customers, not only a fraction of them, without damaging the whole industry. Remember that the IT sector is not only MS.

Samuel Sotillo
Statesville, NC

MTC–00011373

From: mail@grsummers.com@inetgw
To: Microsoft ATR
Date: 1/15/02 12:51pm
Subject: Opinion regarding the microsoft settlement

Dear Sir or Madam,

I'm an American citizen overseas and I would like to express my concern about the recent Microsoft decision. I was greatly disturbed about the appearance of ''injustice'' that it embodies. I don't think that a convicted monopolist with a long track record of the destruction of highly innovative companies can be left virtually untouched. In many ways, this company now exerts more influence than the US government in economic terms both nationally and internationally and, rulings that allow the continued misbehavior of this confirmed monopolist, in my view, represent a real threat to our national economic welfare and our democracy. In fact, I just don't understand how this ruling has emerged from the most respected justice body in the world— although I didn't agree with the previous manner of Judge Jackson's ruling (content aside), the present situation appears

to be wholly unjust to an industry that is the very essence of innovation in America and who's strength has been built upon the emergence of thousands small innovative companies over the last 20 to 30 years. I agree wholeheartedly with the economist J Shumpeter who believed that the health of a nation's economy and its economic future is based upon innovation and that the purpose of profit is to pay for ''creative destruction''—the cost of innovation. Take a look at the US computer industry—is this not an example of Shumpeter's views in the purest sense? Is this not the primary reason for the success of the US economy during the last 20-years?

Microsoft now totally dominates the desktop market in both operating systems and applications software, it dominates the hardware industry through this means, it holds a very strong position in the server market. It has done this by the elimination of competition at every possible opportunity—by leveraging dominance of the operating system. This is a fact that can be illustrated in repeated instances; IBM, Lotus, Netscape and Apple being just four examples, shall I go on? The next step for them, and the objective of their .net strategy, is to take over the internet, and place gateways for every user of the internet. This can easily be done by dominating the desktop market with Windows XP, with its raw sockets, and introducing a new MS standard MS TCP/IP protocol for the control of data transmission in the guise of greater security. Who can fight this when Microsoft controls the software on more than 90 percent of the desktop machines? And it can be done in an invisible way, so that the average consumer and the US government will not even notice—until it is too late, just like Lotus, Apple, Netscape, and others. The additional strategy that they are seeking, is to use the patent system and their legal muscle to control the Open Source Software development movement, which now is the only real threat (following the DOJ decision) that remains. If Microsoft is successful in these two ways, then the US government will definitely be relegated to a second class status and will become a virtual, economic fiefdom of the Microsoft Corporation. Can you imagine that the most important aspect of the information age in the United States, the internet, it's software, hardware and income will be totally dominated by one company? Incidentally, the internet, don't forget, was created by the Department of Defense and the UNIX world, federal government and University research agencies, not commercial entities.

The American economic system has long been based upon the idea of creating a level playing field for small businesses. This was a major concern at the time of the American revolution; many experts would say that the American revolution was a battle of the small business economic model (America) against the control of a government Mercantile system (giant global British trading companies). The American economic system maintained a relatively healthy balance until the emergence of the ''robber barons'' of the late 1800's, which led to the current anti-trust laws that we have today, implemented under Woodrow Wilson. I am not a socialist nor am I a pure capitalist, but I do believe that one role of the government and that of the Justice Department in economics is to ensure a level playing field for all participants. Otherwise the entire economic system becomes skewed, such that we create a few extremely wealthy individuals and then everyone else. This is not a healthy development for any democracy; especially the greatest and most successful democracy in history.

How about some analogies to the original antitrust legislation of the previous turn of the century (1900)—the ''robber barons'' were largely the rail tycoons. They controlled the railroad networks and the machines that ran them, allowing them to control interstate trade. In the present turn of the century, Microsoft represents the same threat in the information age, where they control the machines (read desktop computers) and now want to control the ''tracks'' (read internet). Is there any real difference? Not hardly. The stakes are much greater—because it is then just one small step to the control of information. And we all know how democracy is undermined by placing the control of information in the hands of one entity, be it a person, political party of company. Look at Hitler's Germany, Stalin's Russia—in the future will we say Microsoft's America? If there is to be control of information (and I'm not arguing that there should), then it should at least be of the people and for the people—in other words, a (frequently) elected body—not a private individual, one person or one company. That's the way democracies work.

As I said, I am not a socialist nor am I a laissez-faire capitalist; this email is being written on Microsoft software on my laptop; I use Linux software on my desktop at home, and we utilize a mixture of Microsoft and Linux in our office network. I see advantages and disadvantages in all systems. But the development of competition has not come from other commercial entities to Microsoft, because these would soon perish. The competition has come from a grass-roots volunteer effort, of thousands of developers from around the world, working through the internet on common problems and common projects without financial compensation—rather, for the pure purpose of making computer software that is based upon a common and open standard, has freely available source code, is free to use and is technically the best that it can be. I have no doubt that Microsoft wishes to destroy this movement, as their recent public statements about open source software licensing will testify.

What are other countries doing? The EU recognizes the danger that Microsoft poses, and has their own ''anti-trust'' action underway. In Asia, enormous support is being given to open source software. China is basing their national software industry on government-supported Linux systems. Japan is a significant supporter and Korea has just announced the installation of Linux for some 120,000 government employees. India is supporting both commercial and open source software. I have read that our own government is moving to open source solutions in many areas - let's not let our legal system destroy this valuable economic development.

I don't know what the correct solution is; I am not so naive as to think that this is all a one-sided situation; and I personally don't like to see any successful company penalized for that success. Nor do I like to see private, open source development destroyed by a financial power of a monopolist. The solution, perhaps, is not the present one, nor is it the previous decision of Judge Jackson. It lies elsewhere, and should be subjected to further study by technical experts. It's worth taking more time in this one—this threatens our democracy, our way of life and our economic welfare.

Just like railroads, telecommunications, power, etc, there comes a time when the government must step in and protect the economic welfare of its citizens and the economic future of the nation. Allowing such a monopolist as Microsoft to continue to operate virtually unfettered is the wrong thing to do for the computer industry and for our democracy.

G Robin Summers
mail@grsummers.com

MTC–00011374

From: Jeff Holcomb
To: Microsoft ATR
Date: 1/15/02 12:54pm
Subject: Microsoft Settlement

Department of Justice,

I strongly oppose the proposed settlement with Microsoft. The ''remedy'' has no teeth and will do nothing to stop Microsoft from continuing to abuse its monopoly power. Only through strong enforcement and a curb on their monopoly can other companies compete with Microsoft. They have shown time and again that they will be ruthless and will continue to abuse their monopoly.

Jeff Holcomb
mrfy@mac.com
Tucson, AZ

MTC–00011375

From: Michael Motyka
To: Microsoft ATR
Date: 1/15/02 12:25pm
Subject: One important facet of the settlement.

I am concerned with one aspect of Microsoft's behavior that has a serious negative effect on competition and angers me when I go computer shopping : MS using it's large market share to suppress competition by pressuring computer vendors into restrictive license agreements. Please look into MS licensing requirements that prevent vendors from offering non-MSWIN machines or dual-boot machines (machines that can boot either MSWIN or an alternative OS by a user's choice at startup). This problem is common for desktops but is even more striking in the laptop market. I would like to purchase a laptop computer but every laptop on the market contains MSWIN. It is a fact that Linux can run on laptops. Why can't I buy a laptop w/o Windows and skip the license fee for something I don't want? Laptop vendors may say they don't want to sell a product w/o MSWIN but there have been rumors of MS pressure on vendors to not sell a competing OS.

Personally, I intend to cease purchasing MS products from this time forward and move everyone in my family to an open source OS like Linux. I want YOU to be sure that I can get hardware without paying a Microsoft TAX!

Mike

MTC–00011376

From: Gregory Slayton
To: Microsoft ATR
Date: 1/15/02 12:56pm
Subject: microsoft settlement
From: Andyman568@aol.com
Sent: Monday, January 14, 2002 7:48 PM
To: microsoft.atr@usdoj.gov
Cc: stopmicrosoft@yahoo.com
Subject: (no subject)

Honorable Judge Kollar-Kotelly,

I am a student at Boston College, and I am upset about the recent settlement between the Justice Department and Microsoft (PFJ).

First, the PFJ does nothing to stop Microsoft from operating as a monopoly through the use of its operating system. Second, the settlement does not punish Microsoft for clearly violating anti-trust laws in the past. It would be a terrible standard to set by letting Microsoft get away with its retaliation tactics, bolting schemes, and attacks on Java. All these tactics lower competition in a supposedly free market and also limit softward standards. Finally, the PFJ does not provide an effective enforcement mechanism for the weak restrictions it does implement.

To sum up, I'm deeply concerned the recent settlement does not regulate Microsoft enough in the future allowing Microsoft to continue its monopolistic tactics. In addition, Microsoft is not even being punished for laws it clearly broke in the past. This sets a terrible standard. I would request that you do your best to overturn this settlement.

Sincerely,
Andrew Goldberg
Brighton, Massachusetts
CC:sara.Hinchey@ago.state.ma.us@inetgw

MTC–00011377

From: Mid Continent Trucking
To: Microsoft ATR
Date: 1/15/02 1:00pm
Subject: U.S. v Microsoft
CC: tomist@ag.state.ia.us@inetgw
January 14, 2002
Hon. Colleen Kollar-Kotelly
U.S. District Court, District of Columbia c/o Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200 Washington, DC 20530

Dear Judge Kollar-K0telly:

I am writing to you to express my support for Iowa Attorney General Tom Miller and his efforts to obtain a fair settlement for the citizens of Iowa with respect to the pending U.S. v. Microsoft case. It is my belief that the proposed settlement is a means for the U.S. Department of Justice to make a long-standing case go away. If I were a stockholder of Microsoft, which I am not, I would definitely be in favor of this settlement. However, as a consumer, I am deeply disturbed by the failure to eliminate their monopoly, and the eventual impact Microsoft will have on the availability of competition technologies, due to their domination of the market.

As I sit here composing this letter, my thoughts run the gamete of issues surrounding the Department of Justice proposed settlement, but not being an attorney, I feel that any argument I may make would be deficient in delivery and impact. It is for this reason that I rely on the office of the Iowa Attorney General to protect my interests. It is my hope that after reviewing all sides of this issue, that you arrive at a settlement that adequately addresses the liability of Microsoft with respect to their violation of antitrust laws.

Sincerely
Dennis K. Henderson
40404 190th St.
Mapleton, IA 51034

MTC–00011378

From: Gregory Slayton
To: Microsoft ATR
Date: 1/15/02 12:57pm
Subject: microsoft settlement
From: Salim Furth [s2000chops@yahoo.com]
Sent: Wednesday, January 09, 2002 2:32 PM
To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement

Honorable Judge Kollar-Kotelly,

To be quite brief, I urge you to reject the U.S. Justice Department's agreement with the Microsoft Corporation. As a computer-dependent student and webmaster, I experience firsthand the MS software and OS monopoly firsthand, and find it distinctly unAmerican. The inability of other operating systems and software providers to be competitive in the American market effectively outsources innovation overseas, which will catch up with the U.S. software industry in a few years if Microsoft is not stopped.

Thank you for entertaining input from citizens, as one such citizen I greatly appreciate this service.

Sincerely,
Salim Furth
Milton, Massachusetts
s2000chops@yahoo.com
CC:sara.Hinchey@ago.state.ma.us@inetgw

MTC–00011379

From: WENDELL SPIRES
To: Microsoft Settlement
Date: 1/15/02 12:02pm
Subject: Microsoft Settlement
WENDELL SPIRES
3601 N 300 E
KOKOMO, IN 46901
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
WENDELL SPIRES

MTC–00011380

From: Gregory Slayton
To: Microsoft ATR
Date: 1/15/02 1:01pm
Subject: microsoft settlement

Dear Judge; I would like to bring to your attention what I and many other members of the technological community think is totally unacceptable in the proposed deal between Microsoft and the justice department.

1. The deal completely fails to terminate the Microsoft monopoly, allowing it to expand into new markets. The fact that Microsoft has abused its monopoly and is likely to do so again does not seem to be important enough for the justice department to stop Microsoft from monopolizing the market now, and preventing it from doing so in the future.

2. According to the deal, Microsoft is allowed to decide which product should be a ''part of the OS''. This gives a way for Microsoft to bind any of its non-operating system related products to Windows. It could be Internet Explorer as an example of the web browser, or a stock trading software, or any other service or software, preventing users from installing and using products other than provided by Microsoft.

3. Although the deal requires Microsoft to allow the PC manufacturers to hide Microsoft middleware programs and allow them to install icons or links to competing middleware programs, PC manufacturers are not allowed to remove Microsoft's programs completely. As a result, those Microsoft programs may prompt the user to reconfigure the system and replace all the competitor's middleware with Microsoft middleware, if they'd like. Many users would say ''yes'', which will remove all the competing middleware.

4. Another important issue that is not addressed in the deal is the way Microsoft deals with existing and potential competitors. For example, the deal does not restrict retaliation against potential competitors.

5. Microsoft refuses to support Java developers and alters industry standards, like Java, to defeat competition. Still, the deal does not require Microsoft to continue to distribute Java technologies.

6. The deal requires Microsoft to share information on how its middleware and

server software work together with Windows. However, Microsoft does not have to disclose this information for middleware it does not distribute separate from windows, or for middleware it has not trademarked. It means, if the software is included into the Windows package, they don't have to share any information about how it works with Windows. This is an easy way to hide API's from competitors and make sure the competitor does not have information needed to make its software to work with Windows reliably. Also, if Microsoft feels the information disclosure would harm the company's security, they don't have to share the information.

7. There is no effective enforcement mechanism for restrictions in the deal. The group of three men, half of which will be controlled by Microsoft, will not be allowed to inform the public of their work, and cannot impose fines. In addition, the work of the committee cannot be admitted into court in any enforcement proceeding.

8. The deal imposes only some fines on Microsoft, but allows it to retain almost all of the profit gained from its unlawful activities. This settlement gives a way to any monopolist to brake the anti-trust law, just like Microsoft did, without any fear of losing their profits.

Thank you for your attention,
Oleg Efimov
Saratoga, California
CC:microsoftcomments@doj.ca.gov@inetgw

MTC–00011381

From: Gregory Slayton
To: Microsoft ATR
Date: 1/15/02 1:03pm
Subject: microsoft settlement
From: Jonathan Hill [hilljn@bc.edu]
Sent: Sunday, January 13, 2002 1:21 PM
To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement

Honorable Judge Kollar-Kotelly,

I am a student at Boston College, and I am upset about the recent settlement between the Justice Department and Microsoft (PFJ).

First, the PFJ does not stop Microsoft from operating as a monopoly. It does not force Microsoft to substansively alter its structure and marketing plans. The inability of the settlement to force Microsoft to change its business scructure makes the settlement pointless. Second, the settlement does not punish Microsoft for clearly violating anti-trust laws in the past. It would set a terrible standard if Microsoft was allowed to get away with its monopolistic and abusive tactics. Finally, the PFJ does not provide an effective enforcement mechanism for the weak restrictions it does implement.

All in all, the settlement between Microsoft and the Justice Department is weak and does not fix the basic problems the suit was brought to correct. I urge you to do everything in your power to overturn the settlement.

Sincerely,
Jonathan Hill
Brighton, Massachusetts
CC:sara.Hinchey@ago.state.ma.us@inetgw

MTC–00011382

From: venkatesalu rajagopal
To: Microsoft ATR
Date: 1/15/02 1:08pm
Subject: Dear Sir/Madam,

Dear Sir/Madam,

The success and flourishing of Microsoft is essential for the economic wellbeing of the country and of individual citizens.Damaging such national'treasure'is only to benefit some companies that can not compete in the open market place and it will do incalculable damage to ordinary citizens.Please do not do it.

Sincerely,
Rajagopal

MTC–00011383

From: McKim, Patrick
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/15/02 1:07pm
Subject: Microsoft Settlement

I would encourage the Department of Justice to settle the Microsoft Case. Any further action will only be passed along to consumers as additional cost, and that doesn't make sense.

Settle it!!
Patrick McKim

MTC–00011384

From: rbrhodes
To: Microsoft ATR
Date: 1/15/02 1:12pm
Subject: Letter
6420 SE Winged Foot Drive Stuart, Florida 34997
January 14,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to address the outcome of the Microsoft antitrust suit. I am in agreement with the current settlement in so far as to say that absolutely no further action should be taken against Microsoft. I believe that this antitrust suit was unfounded from the start. The issue at stake here as I see it is not whether or not Microsoft is guilty of violating antitrust laws, but is whether or not the state and federal governments are guilty of infringing on free enterprise. I am in agreement with this settlement for one reason only, and that is to see this suit come to an end immediately. I do not believe that Microsoft should have had to make the concessions that they have. Under the terms of the settlement Microsoft is required to license its Windows products out to 20 of the largest computer makers on identical terms, including cost. Additionally, they will be required to document and divulge key interfaces of the Windows operating system to their competitors for the purposes of software development. Should any of these internal interfaces fall under intellectual property rights, Microsoft will be required to grant fair license for the use of said intellectual properties. I believe that these restrictions are unfair to Microsoft, but once again I must begrudgingly support the terms of the settlement for the sake of further economic development and bringing this suit to a final resolution. I have been a long time user of Microsoft products, and have owned several computers over the years. To have come this far only to be struck down by the jealousy of other less successful competitors is outrageous to me. To sum up my views on this issue I ask you this, where would the IT industry be today without the existence of Microsoft? Certainly not where it is now.

Sincerely,
Ronald Rhodes

MTC–00011385

From: NKatt54590@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 1:11pm
Subject: Microsoft Settlement
January15,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my support for the settlement reached between the Justice Department and Microsoft. It is my understanding that you are currently entertaining public comment on the proposed settlement.

I know that the Microsoft matter was very difficult to resolve and I am sure that the proposed settlement will not make everyone happy. For that matter, I don't think there is any possible resolution to this matter that would make everyone happy, no matter how hard you tried. This settlement allows additional competition, which didn't exist before the suit, but allows Microsoft to remain a viable entity. I think that is best for all involved and for our country. The settlement is fair. Microsoft will share information with its competitors regarding the internal working of Windows, allowing them to more easily place their own programs on the operating system. I support the settlement. Thank you for allowing me to comment on this matter.

Sincerely,
Mrs. Norma Katt
911 Canterbury Drive
Columbia, MO 65203

MTC–00011386

From: Larry Lundquist
To: Microsoft ATR
Date: 1/15/02 1:14pm
Subject: Microsoft judgement

This settlement that the last few states are asking for, is not right. The things they are asking for is not in line with what they have accused Microsoft of. The first settlement that the Justice Department has agreed to, is all the farther this case should go.

Larry Lundquist
1630 152nd SE
Bellevue, Washington

MTC–00011387

From: Miller, Dale (HOU)
To: Microsoft ATR
Date: 1/15/02 1:14pm
Subject: Microsoft Settlement:

Regarding the following :

The Tunney Act review period, during which the Department of Justice seeks public comment on its proposed antitrust settlement with 9 states and Microsoft, closes Monday, January 28. The settlement is not guaranteed until after the review ends and the District Court determines whether the settlement is

indeed in the public interest. I am in full support of the settlement terms, and in complete agreement with the Microsoft stance/approach to the settlement terms.

Regards,
Dale Miller
Compaq Computer Corporation
Platform Validation, ABG
Phone: 281–514–1695
Pager: 713–990–8265
Office: 7170
Email: dale.miller@compaq.com

MTC–00011388

From: Michael Schwartz
To: Microsoft ATR
Date: 1/15/02 1:14pm
Subject: Microsoft Settlement

I was completely aghast when I recently went to several major retail stores (Office Depot, Best Buy, Staples among others) looking to purchase a laptop computer. Every laptop came bundled with Windows XP.

Having read about security issues in Windows XP, I asked each store if I could get a laptop bundled with a different operating system. In particular, I asked about Linux and even Windows 2000 as alternate possibilities to Windows XP. In each case, I was told that it was not possible.

I suspect that I could have simply purchased Linux separately in the hope that there would be drivers available for the hardware in the laptop, but this is often not the case and I likely would have had to spend a great deal more money to replace existing hardware which would be compatible to Linux.

The bottom line here is that I had no choice at all. On December 21, 2001, I purchased a laptop bundled with Windows XP and installed Windows 2000 on it to have a dual boot system. Some of the hardware is new enough that there are no Windows 2000 drivers for it. In fact, there are several devices that Windows 2000 does not recognize at all and I am unable to identify them.

This is a serious problem for consumers. Microsoft's monopoly must be stopped. Not only do I have no choice regarding other vendors' operating systems, I also have no choice regarding which Microsoft operating system I want to use. I was forced to use Windows XP.

Thank you for your consideration.
Michael Schwartz

MTC–00011389

From: Carmen A. Cancel
To: Microsoft ATR
Date: 1/15/02 1:14pm
Subject: case

I can't believe the justice department is still harassing Microsoft. Where were you when Enron was steeling from it's stock holders. I can't believe how selective you can be about your cases. Does it have to do with the amount of money the company passes or doesn't pass out to the officials? I don't get a penny for this letter, but I say these things because I do admire a man that has worked so hard to make his dream come true. Get OFF Microsoft's back already!!!

Thank you, Carmen A. Cancel

MTC–00011390

From: RobertPH1@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 1:15pm
Subject: Microsoft Settlement

Let's close this case against Microsoft and get on with business. As for the fine being in the form computers with microsoft o/s in them, make it cash so the schools can choose which computer and systems they prefer and are most compatible within their respective schools. Also, I think the states should drop their suits. My concern is that the states have gotten a taste from the tobacco settlements and are now looking for other ways to collect money. The fact is the lawyer friends of the politicians are probably the ones who are making out the most!!! Bob Hanson

MTC–00011391

From: Edwina Houlmiere
To: Microsoft ATR
Date: 1/15/02 1:17pm
Subject: Microsoft Settlement

We think that it would be in the best interest of the American economy to settle the Microsoft case and get on with life.

Edwina and Patrick Houlmiere

MTC–00011392

From: Robert Fox
To: Microsoft ATR
Date: 1/15/02 1:18pm
Subject: MICROSOFT SETTLEMENT

In my opinion, it is high time to settle this case and move on together to help revive the economy and win the war against terrorism. We don't need any more of this type of antagonism towards business. We need to continue to move forward and concentrate on things that really matter.

Robert

MTC–00011393

From: Gregory Slayton
To: Microsoft ATR
Date: 1/15/02 1:13pm
Subject: microsoft settlement
From: Kentyn Reynolds
[mailto:kentynr@clickaction.com]
Sent: Tuesday, January 15, 2002 9:12 AM
To: 'Microsoft.atr@usdoj.gov'
Subject: Microsoft Settlement

Re: Microsoft Settlement,

In my position as CTO of a large Internet based company I have the opportunity to observe the long-term effects of Microsoft's outrageous behavior. I have seen how Microsoft's undermining of JAVA and other standards has pushed the industry backwards by at least 10 years, and cost every company that I know thousands of unnecessary dollars in multiple development efforts and exception level programming. With the latest US court ruling we now have given Microsoft access to infiltrate our government with millions of dollars of crippling technology. Microsoft should feel the maximum punishment of the law for their monopolistic practices. Please reexamine the recent rulings on this case and create justice for the small technology companies that legally support our government.

Kentyn Reynolds
CTO
ClickAction
CC:microsoftcomments@doj.ca.gov@inetgw

MTC–00011394

From: Tom Rizzo
To: Microsoft ATR
Date: 1/15/02 1:17pm
Subject: Anti-trust settlement

I would like to applaud the justice department for finally settling with Microsoft. The allegations against the company, in my opinion, were unfounded. Let's move on and get back to business in the US.

Tom Rizzo

MTC–00011395

From: gjmoran1@msn.com@inetgw
To: Microsoft ATR
Date: 1/15/02 1:10pm
Subject: Microsoft Settlement

Enough taxpayer money has been wasted on this unnecessary case. Let Microsoft and this country s computer-users get back to the business of participating in the good use of technology.

MTC–00011396

From: Berkland, David
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/15/02 1:15pm
Subject: microsoft settlement

hi

it is time to stop the endlewss lawsuits all levels of government should cease trying to grab a tobacco type bonanza from microsoft, in fact the y would be better srerved crafting some legislation that would prevent these types of laywer employment suits from being initiated in my opinion the various state DA's use this case and others to further their on carears at the expense of the public and the victim corporations the DA's should be jailed for misuse of public funds

MTC–00011397

From: ajcor@erols.com@inetgw
To: Microsoft ATR
Date: 1/15/02 1:10pm
Subject: Microsoft Settlement

It is not the USA that is taking action against Microsoft. It Is the idiot Liberals and Clinton Administration that initiated this moronic action.

MTC–00011398

From: REWOLFX@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 1:17pm
Subject: MICROSOFT SETTLEMENT

PLEASE ADD MY VOICE TO THE MAJORITY WHO FEEL THAT THE SETTLEMENT IN THIS FOUR YEAR CASE WAS FAIRLY ADJUDICATED AND THE LAST THING OUR ECONOMY NEEDS RIGHT NOW IS MORE LITIGATION. PLEASE LET THIS MATTER END NOW.

SINCERELY
FERN LOWER

MTC–00011399

From: jerry
To: Microsoft ATR
Date: 1/15/02 1:20pm
Subject: microsoft settlement

microsoft should offer a version of windows that is JUST the operating system with NOTHING bundled into it, such as internet explorer. netmeeting, messenger, outlook express, etc.

thank you for taking the time to read my thought on the matter

MTC–00011400

From: Danuel Colter
To: Microsoft ATR
Date: 1/15/02 1:18pm
Subject: Microsoft Setlement

To say that over the last few years I could puke at the sheer idiocy of the whole bit is putting it mildly. What Microsoft as a Corporation that employs so very many people around the world, has endured is truly mind boggling garbage. To say this was a trumped up bunch of nonsense is putting it mildly, such money grubbing little idiots I had never expected from my American neighbours, but as they say, the lawyers are nothing short of charlatans.

Danuel Colter
Box 154
Emerson, Manitoba, Canada
R0A 0L0
dcolter@mb.sympatico.ca

MTC–00011401

From: Liz McCollum
To: Microsoft ATR
Date: 1/15/02 1:15pm
Subject: Microsoft Settlement

In view of all the facts—leave Microsoft alone—why bring down yet another company that's doing just fine without interference from the U.S. Government.

Liz McCollum
S&S Services Group, Inc.
6222 Tower Lane Suite A–6
Sarasota FL 34240
941–377–4600 Phone 941–377–4610 Fax
snsliz@snsservices.com
www.snsservices.com

MTC–00011402

From: Connie Williams
To: Microsoft ATR
Date: 1/15/02 1:18pm
Subject: Microsoft Settlement

Dear Sirs:

I'm really getting tired of the courts dragging this settlement issue out. Microsoft has made a fair and viable solution to the courts. It is apparent that the only voices of protest come from competitors. Consumers do not and have never had a voice in this whole debate. Microsoft has always played fair, they have had the brains and know how to market their product. If other companies had half the smarts that Microsoft does then they wouldn't be yelling foul. If competitors feel that this settlement will give even more visiblity to the consumers then maybe they should step up to the plate and donate an equal amount. Fair is fair, let's settle this and let Microsoft get back to making the world a much easier place to communicate!

Thank you!

MTC–00011403

From: Harry Hertless
To: Microsoft ATR
Date: 1/15/02 1:19pm
Subject: Microsoft Settlement
15128 W Amelia Drive
Goodyear, Arizona 85338
January 15, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Please finalize the antitrust case settlement as soon as possible and quell opposition from the nine states still attempting to continue litigation. This case has dragged on far to long. It has been conceived from political interests instead of sound economic ones and therefore has been flawed from the beginning. I am a proponent of free enterprise and believe that government should stay out of big business.

Especially in this case where a company has been pushing the drive for innovation and growth in the technology sector. The last thing our ailing economy needs is lengthy litigation that hinders Microsoft's development. The terms of the settlement are more than fair, as Microsoft has agreed to disclose internal interfaces and protocols to competitors. They have also agreed to grant computer makers broad new rights to configure Windows so as to promote non-Microsoft software programs. It is in the best interest of the American Public for the settlement to occur. I urge your office to help make this a reality. Thank you for your time.

Sincerely,
Harry Hertless

MTC–00011404

From: Patel, Thakor G., MD
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/15/02 1:23pm
Subject: Opinion

It is important to settle and move on. This is dragging on for a long time. In this time of national crisis and other priorities, goernment should not spend too much time on this issue. None of the complainers come close to what Microsoft has done for novice computer users. The proof of this is in some nursing homes where without the Microsoft Windows and packaging none of these folks will be able to use computers.

T.G.Patel, MD

MTC–00011405

From: JKIRKPATRICK@PILLSBURY.COM@inetgw
To: Microsoft ATR
Date: 1/15/02 1:17pm
Subject: Microsoft Settlement

This continuance of litigation is wasting my tax dollars. It is time to settle this litigation and move on with boosting the economy!

James Kirkpatrick
Box 1715
Denison, TX 75021
903–415–2576

MTC–00011406

From: cavena@PGFM.com@inetgw
To: Microsoft ATR
Date: 1/15/02 1:15pm
Subject: Microsoft Settlement

Please just get this Microsoft case over with. I think the settlement is fair and should resolve this whole controversy. Enough tax dollars have been spent already. Leave Microsoft alone, go after the cable companies or somebody else.

Thank you for your time.
Craig Avena
1235 Wood Ridge Dr
Atlanta GA 30339

MTC–00011408

From: efdpvb@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 1:10pm
Subject: Microsoft Settlement

Lets get on with progress!!time and technology advances in the competitive arena will solve any inequities in the market place!!!

MTC–00011409

From: lmalm@bsu.edu@inetgw
To: Microsoft ATR
Date: 1/15/02 1:10pm
Subject: Microsoft Settlement

I support the settlement as currently drafted. I think it provides a fair and workable solution and I encourage you to use the opportunity to bring this case to a close. Thank you.

MTC–00011410

From: hv3@smartconnect.net@inetgw
To: Microsoft ATR
Date: 1/15/02 1:10pm
Subject: Microsoft Settlement

Its time to settle this case. I think the only winners in this case are the lawyers. If Microsoft stops innovating the market will run them over. Why dont you focus the DOJ efforts on find and prosecuting more terrorist? instead of pounding away on Microsoft.

MTC–00011411

From: alcastiglia@juno.com@inetgw
To: Microsoft ATR
Date: 1/15/02 1:10pm
Subject: Microsoft Settlement

I believe this is a fair settlement. If AOL/Time warner is not a monopoly I don t know what is. They are the ones pressing the Microsoft case. The longer this case goes on the more it is hurting the economy of the world. Yes world not just the U.S.

MTC–00011412

From: info@transNdigital.com@inetgw
To: Microsoft ATR
Date: 1/15/02 1:11pm
Subject: Microsoft Settlement

Enough. Take the best offer MS puts on the table and run with it.

MTC–00011413

From: clyde.nieh@gene.ge.com@inetgw
To: Microsoft ATR
Date: 1/15/02 1:11pm
Subject: Microsoft Settlement

I believe the arrangement proposed to satisfy the penalty on Microsoft for monopoly practice is reasonable and fair. It should be accepted.

MTC–00011414

From: ron1613@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 1:10pm
Subject: Microsoft Settlement

The prior e-mail may have had an incorrect State field. The correct state is: New York.

MTC–00011415

From: coffeebreakPJG@juno.com@inetgw
To: Microsoft ATR

Date: 1/15/02 1:10pm
Subject: Microsoft Settlement

Good Day Your Honor: I don t believe that anymore prolong litigaions should take place in fact POOR MICROSOFT has reached a lengthy anti trust settlement and others have AGREED then so be it DROP IT compititors should not prolong it any longer it has cost TAX PAYERS and MICROSOFT a huge amount. I believe Microsoft took the hit because they are good! It s time we start looking into the PUC.co. CABLE co. LIGHT co. GAS co. that is where ANTI TRUST IS!!!! Thank You for your time.

Peter J.Gay

MTC–00011416

From: rozenfeldt@hss.edu@inetgw
To: Microsoft ATR
Date: 1/15/02 1:11pm
Subject: Microsoft Settlement

Dear Sir/Madam: It is time to settle the Microsoft case now. Further tax-payer money should not be wasted on an already immoral and economically disatrous case. It is immoral because the government again attempts to use its maximum power in the application of force to prevent a company from operating in VOLUNTARY trade with other companies and individuals. Even if a company has market dominance consumers have free will and can choose a competitor (in this case Linux or Apple). The market is open to competing products. Open doesn't mean a free lunch as some competitors would like it. As for the economic consequences less efficient competitors hope to prosper from the downfall of Microsoft and the consumer will have to foot the bill since the best company providing sofware can no longer afford to provide the best service at the lowest prices. Now Microsoft has offered a settlement and still some are not satisfied. It seems that they would only be satisfied if Microsoft would be put out of business or at least be far less successful. In any case as a taxpayer I refuse to support an immoral unjust and wasteful process. The time to settle is now so that our economy can begin to prosper again.

Thank you.

Timur Rozenfeld

MTC–00011418

From: emerk@gte.net@inetgw
To: Microsoft ATR
Date: 1/15/02 1:11pm
Subject: Microsoft Settlement

This is a compeditor driven suit that should NEVER gone to trial in the first place and has caused significant damage to the entire Hi-Tech industry as witnessed by the free fall of stock prices since the suit was first announced.

MTC–00011419

From: davidaxel@mindspring.com@inetgw
To: Microsoft ATR
Date: 1/15/02 1:11pm
Subject: Microsoft Settlement

As a concerned American citizen I am voicing my opinion. It s high time to bring the lengthy anti-trust case against Microsoft to an end. Microsoft's competitors are trying to undermine this settlement by prolonging the process. I do not want this settlement undermined. Thank You David Axel

MTC–00011420

From: Sunnybarb@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/15/02 1:11pm
Subject: Microsoft Settlement

I think the government ought to SETTLE this case ! It is a waste of the tax payers money to continue any longer. Money has been allocated to schools for technical advancement among other things and this is a good thing. Let technology continue to advance !

MTC–00011421

From: rockett@dallas.net@inetgw
To: Microsoft ATR
Date: 1/15/02 1:11pm
Subject: Microsoft Settlement

I am satisfied with the Microsoft settlement. You should be pusuing America OnLine instead. They are far worse a monopoly than Microsoft ever was.

MTC–00011422

From: hjelte99@msn.com@inetgw
To: Microsoft ATR
Date: 1/15/02 1:11pm
Subject: Microsoft Settlement

Settle this now! justice delayed is justice denied! get on with life and stop making lawyers rich!

MTC–00011423

From: daniels@cniinternet.net@inetgw
To: Microsoft ATR
Date: 1/15/02 1:11pm
Subject: Microsoft Settlement

Stop the nonsense!! Leave businesses alone! You have no business interfering into the free market system especially since you are bringing supposed legal actions in fraudulent federal courts. Why don't you take Microsoft into a district court of the United States as it demanded by the U.S. Constitution instead of in a United States District Court that is only authorized to function within DC or in one of the U.S. territories! Look it up! But then again you aren t honest enough to look up anything are you? www.texasisaliar.com The Federal Anti-Trust Acts don t say what you think they say so do the right thing and leave businesses alone!!

MTC–00011424

From: joelbraun@att.net@inetgw
To: Microsoft ATR
Date: 1/15/02 1:11pm
Subject: Microsoft Settlement

I believe that the Attorney General is abolutely correct about this settlement satisfying the requirements of the courts it may not be the result that MICROSOFT s competitors would have liked but it is clearly a satisfactory resolution and will allow us all to move forward with more important business.

MTC–00011425

From: rhjenkin@ix.netcom.com@inetgw
To: Microsoft ATR
Date: 1/15/02 1:11pm
Subject: Microsoft Settlement

I believe that Microsoft is guilty of nothing more than providing extremely good products with very competetive pricing. I do not feel that the using public has been hurt in any way by anti-competetive practices. I was a user of Netscape (a competetive product) for several years and in fact I used it with the Windows Operating System. I switched to Microsoft s Internet Explorer because Explorer is a better product and for no other reason. It is true that Microsoft married their Web browser and Windows Operating system but that does not preclude the use of other browsers. It does make an efficient and outstanding package which makes a lot of business sense. I believe that the settlement proposed is already more harsh than Microsoft deserves. And it is certainly in the public interest to conclude this suit and move on. The Microsoft competitors have already received more concessions than are warranted.

MTC–00011426

From: dfernandes@adelphia.net@inetgw
To: Microsoft ATR
Date: 1/15/02 1:11pm
Subject: Microsoft Settlement

I approve of the negotiated settlement except that it doesn t do enough to protect the victim (Microsoft) form the clutches of greedy state's attorneys who after the tobacco settlement think they have a license to steal.

MTC–00011427

From: Joey Lesh
To: Microsoft ATR
Date: 1/15/02 1:19pm
Subject: Microsoft Settlement

I do not find the settlement with Microsoft to be satisfying to me as a consumer. In fact, some parts of it are akin to throwing the rabbit into briar patch. Furthermore, the settlement does little to prevent further illegal and anti-competitive actions by Microsoft. I urge you to continue the litigation with Microsoft.

Joseph C. Lesh
Software Engineer

MTC–00011428

From: blev@spiderloom.com@inetgw
To: Microsoft ATR
Date: 1/15/02 1:11pm
Subject: Microsoft Settlement

The so-called settlement is just Microsoft s way of foisting overvalued obsolete and sub-par hardware & software off on a public that would not normally buy such material it lets them increase their market share dump unsellable product at minimal cost and get a massive tax write-off for the overvalued garbage without ever admitting to or abstaining from their usual anti-competitive monopolistic practices. It does not matter to me if they are broken up or remain whole—they need to be brought to heel made to behave and financially punished for their unethical practices!

MTC–00011429

From: betodd46@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/15/02 1:11pm
Subject: Microsoft Settlement

As a concerned American I am troubled by the actions taken over the past several years by the Justice Dept of the U.S. The time has come to end the expensive and time consuming case against MicroSoft. Please

bring this case to a quick resolution. The American public has paid enough for what little has been and will be gained by this on-going case. It is clearly time to quickly and quietly let this case slip into history as another mistake made by the Clinton White House. Thank you for your prompt attention in this matter.

Charles B. Todd

MTC–00011430

From: pdnRPH@worldnet.att.net@inetgw
To: Microsoft ATR
Date: 1/15/02 1:11pm
Subject: Microsoft Settlement

You must end this discussion and enslavement of Microsoft now before YOU kill the whole technical industry. Microsoft has been punished enough. It is only those who want to punish a great company is what is holding this up. Let Microsoft contribute as they have said and tell those other states to forget it and stop now. We the public will only suffer further punishment if You the goverment persist in punishing Microsoft further.

MTC–00011431

From: eric@msn.com@inetgw
To: Microsoft ATR
Date: 1/15/02 1:11pm
Subject: Microsoft Settlement

I have been a follower and stockholder of Microsoft for no less than 12 years. I beginning to lose faith in the American Enterprise System and feel that our basic American lifestyle is being undermined by greedy lawyers and politicians who really no nothing about the struggles of technology enterprise and who want to turn everything good into a legal battle for money and power. How did lawyers suddenly become the directors of our lives. What s happening in this arena is destroying the financial resources I use to support my family. We are in dire financial trouble because of this terrible fiasco. There is something terribly wrong in America today.—USAF Viet Nam Era Veteran Veteran

MTC–00011432

From: armckenzie@1st.net@inetgw
To: Microsoft ATR
Date: 1/15/02 1:11pm
Subject: Microsoft Settlement

Ms. Hesse With regard to the Microsoft case—enough is enough. It s time to drop any further litigation. Microsoft has been penalized more that it should have. I have wondered if this case was a witch hunt. Just to show who was in charge. Thank you for considering my request.

Albert R. McKenzie

MTC–00011433

From: kngibson@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/15/02 1:11pm
Subject: Microsoft Settlement

This is another instance of dragging feet. I think enough is enough and we need to move on. Let s get this matter of with. LEAVE MICROSOFT ALONE and move onto issues —real issues. I believe that if it weren t for Microsoft we wouldn t be where we are at today with our technology. I m glad that MS is not going to be split up but we need to get on with things. You know before all this we ran Netscapes browser at home —but we have since than switched to only running IE as we feel it s a better browser. I don t see a monopoly here I see competitors that might have an inferior product and want the help of the Government to boost their product. Let s drop this shanigans and get on with the business.

MTC–00011434

From: oopapada@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 1:11pm
Subject: Microsoft Settlement

Dear Sirs: I think US Government VS Micro Soft is a travesty of justice and a crime against the American public. Micro Soft is being punished for selling an ever better product for less and less. [Nobody points a gun at anyone for buying Windows the reason being they buy Windows because it works.] Remember our American motto .... with Liberty and Justice for all. .... A trust to work has to keep out competition from it s point in the market by force or the threat of force. i.e. the only way that this would be possible. i.e.to make it illegal by government fiat for anyone to compete against this business. Our US Mail service is a monopoly. No one but the incompetent US Post Office can deliver mail at ever worsening service and ever rising prices. And look at the result. It is not Micro Soft which gets better and better for less and less. We should be ever so grateful to Micro Soft instead of punishing them for being good at what they do. And to make what Micro Soft does so well a crime is first....UN-JUST....and second it deprives we citizens of our...FREEDOM... to choose the product we want at the price we want to pay. To continue to harass this manificent company is a crime beyond reason. Stop it if you have any decency left. Sincerely and with great contempt to the miserable scum who brought this crime of anti-trust against this manificent company Micro Soft. I remain

Sincerely J.

Billy VerPlanck

MTC–00011435

From: lindaherne@eznet.net@inetgw
To: Microsoft ATR
Date: 1/15/02 1:11pm
Subject: Microsoft Settlement

I strongly wish government was less involved in many aspects of business. I believe the consumer will decide what products do well by their desire to purchase or not. Where would we be without microsofts inventions? America was founded on the idea of free enterprise. Let it be. The tax payer should not have to continue to support these government actions. If competitors come up with a better product it will sell.

Lets let the public consumer decide which products it uses and how. L.H.

MTC–00011436

From: William—Jack@MSN.com@inetgw
To: Microsoft ATR
Date: 1/15/02 1:11pm
Subject: Microsoft Settlement

Some Microsoft publicity outfit gave me a call (along with hundreds of thousands of calls to other people?) and wanted me to go to this web site (www.techleaders.org) and fill out this form in support of Microsoft. There is no doubt that Microsoft is a very powerful corporation that makes quite a bit of money. The problem is that Microsoft plays hardball by punishing its partners in business if they don t toe the mark. They also seem to have an amazing control of judges —- imagine a settlement that causes schools to give up competing products in favor of Microsoft products! This must REALLY hurt Microsoft to see the anemic competitor (Apple) kicked out of one of its few remaining markets. I view the games between judges and Microsoft as more of a test of the corruption of U.S. judges than as a case about Microsoft. Microsoft is only one of a long string of well-heeled outfits that can purchase the kind of justice they feel they want from our crooked judges.—If only we had an interest in following the money trail to our federal judges...

MTC–00011437

From: brttyv60@msn.com@inetgw
To: Microsoft ATR
Date: 1/15/02 1:11pm
Subject: Microsoft Settlement

the gov.should settle the case against microsoft. the gov.&the states seems to want to run microsoft that will cost the comsumers lots of money.microsoft has a lot of great products.I buy them because I like them not because their is no other choise

MTC–00011438

From: Jeanine Leone
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/15/02 1:17pm
Subject: Microsoft Settlement

The Microsoft case should be settled with no further litigation.

Jeanine Leone

MTC–00011439

From: sanben240@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 1:11pm
Subject: Microsoft Settlement

Get off Microsoft s back! A strong Microsft is good for America.

MTC–00011440

From: J.REID
To: Microsoft ATR
Date: 1/15/02 1:19pm
Subject: Microsoft Settlement

The comprehensive agreement should be implemented as soon as possible to free up the courts and lawyers for other matters.

Yours truly,

Jeanette Miles Reid

MTC–00011441

From: Brett Glass
To: Microsoft ATR
Date: 1/15/02 1:20pm
Subject: Microsoft Settlement
January 15, 2002
Attn: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

To whom it may concern:

The proposed settlement in US v. Microsoft/State of New York et al v. Microsoft has shaken my personal faith in the integrity and competence of the US Department of Justice. It is not at all in the public interest and hence should be roundly rejected by the Court.

The proposed settlement is riddled with loopholes which would allow Microsoft to continue many of its existing anticompetitive practices and to begin engaging in new ones. For example, Section IV, Paragraph U of the proposed settlement states, The software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion.

This clause allows Microsoft the ability to engage in the anti-competitive practice of ''bundling'' merely by claiming that a product distributed for the sole purpose of destroying markets or businesses is part of Windows.

Likewise, Section III, Paragraph J of the proposed settlement states: J. No provision of this Final Judgment shall:

1. Require Microsoft to document, disclose or license to third parties: (a) portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of a particular installation or group of installations of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria; or (b) any API, interface or other information related to any Microsoft product if lawfully directed not to do so by a governmental agency of competent jurisdiction.

2. Prevent Microsoft from conditioning any license of any API, Documentation or Communications Protocol related to anti-piracy systems, anti-virus technologies, license enforcement mechanisms, authentication/authorization security, or third party intellectual property protection mechanisms of any Microsoft product to any person or entity on the requirement that the licensee: (a) has no history of software counterfeiting or piracy or willful violation of intellectual property rights, (b) has a reasonable business need for the API, Documentation or Communications Protocol for a planned or shipping product, (c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, (d) agrees to submit, at its own expense, any computer program using such APIs, Documentation or Communication Protocols to third-party verification, approved by Microsoft, to test for and ensure verification and compliance with Microsoft specifications for use of the API or interface, which specifications shall be related to proper operation and integrity of the systems and mechanisms identified in this paragraph.

This paragraph would allow Microsoft to make any number of excuses for failure to disclose its APIs and communications protocols to any competitor. For example, clause 1(a) would permit Microsoft to claim that its protocols had to remain secret for security reasons, even if the alleged security problems were due to bugs in Microsoft's own software. Clause 2(a) could allow Microsoft to condition the release of information on an intrusive and disruptive license audit of the recipient's premises. Clause 2(c) would prevent acccess by groups which developed software collaboratively rather than as part of a formal business. Clause 2(d) could allow Microsoft to delay the release of competitive products, obtain advance information regarding competitors' product plans, and/or create barriers to market entry by imposing prohibitively expensive testing requirements.

These are only some of the immense and egregious defects in the proposed settlement which would allow the company to continue to engage in the anti-competitive practices which motivated the filing of this case. The fact that there are so many defects in the proposed settlement has raised suspicion among members of the general public that it was politically motivated; that it was authored by, and/or for the benefit of, Microsoft; and that it represents the fruits of Microsoft's infinitelyt deep legal war chest and lobbying power rather than anything remotely resembling a remedy.

The Court would be remiss in its responsibility to protect the public interest, and would permanently impact Americans' faith in government and in our free enterprise system, if it accepted this settlement rather than directly and quickly addressing the ongoing anti-consumer and anti-competitive practices described so eloquently by Judge Thomas Penfield Jackson. The Court should roundly and firmly reject the proposed settlement and instead impose conduct and/or structural remedies that have at least a reasonable chance of success.

Sincerely,
Brett Glass
P.O. Box 1693
Laramie, WY 82073–1693

MTC–00011442

From: Klausnh@VolksParts.com@inetgw
To: Microsoft ATR
Date: 1/15/02 1:11pm
Subject: Microsoft Settlement

Enough already. Microsoft has helped put a computer in 70% of the homes in the US and now it s getting punished for it. The government has spent millions of taxpayers money because some companies like AOL are whining. Please end this waste of taxpayers money and accept the settlement deal

MTC–00011443

From: Thatcher, Conley S
To: microsoft.atr@usdoj.gov.l@inetgw
Date: 1/15/02 1:19pm
Subject: Microsoft Settlement

As a private citizen, who owns Microsoft stock, and who uses their products daily, I have a strong interest in seeing this antitrust case finished. I think the settlement worked out with the U.S. DOJ is fair and should end the issue. I sincerely hope that this issue isn't dragged out interminably in the courts of the nine holdout states. It would not be good for the consumers or the country.

Conley Thatcher
120 Laurelwood Ave
Placentia, CA 92870
Tpsicon@aol.com

MTC–00011444

From: Dan Damon
To: Microsoft ATR
Date: 1/15/02 1:21pm
Subject: microsoft settlement

Please get this case settled. Microsoft's latest settlement offer should be ample punishment considering the hugh expense they have already incurred in defending themselves from over aggressive government intervention. Wedbush Morgan Securities employees may not accept any orders or instructions to buy or sell securities of any kind by e-mail. All such instructions and orders must be placed by telephone or in person with your Investment Executive. The information contained within this e-mail is based on information available and believed to be accurate at the time it was prepared. It reflects the opinions and beliefs of the individual sender and not necessarily those of Wedbush Morgan Securities.

MTC–00011445

From: jreece@northstate.net@inetgw
To: Microsoft ATR
Date: 1/15/02 1:11pm
Subject: Microsoft Settlement

Let s put an end to this issue with the Department of Justice and Microsoft. The technology industry needs a resolution the economy needs a resolution and most of all the taxpaying citizens need a resolution. Microsoft has made an offer for settlement that is more than fair. Let s be realistic the issue is being perpetuated by competitors of Microsoft. If there is any doubt of that just refer to the January 15 2002 comments in USA Today by the CEO s of both Sun Microsystems and Oracle.

MTC–00011446

From: jack@muhlenkamp.com@inetgw
To: Microsoft ATR
Date: 1/15/02 1:11pm
Subject: Microsoft Settlement

Please setle the Microsoft Issue immediately.

MTC–00011447

From: Jay Tucker
To: Microsoft ATR
Date: 1/15/02 1:30pm
Subject: Microsoft Settlement

Dear Justice Department Officials,

I am writing this letter to express my support for the proposed settlement. The ongoing legal action has severely depressed the technology industry as a whole, and notably hindered Microsoft in particular. The settlement proposed takes appropriate action, but leaves the freedom to innovate in the hands of Microsoft, and does not set any untoward precedents for the industry as a whole.

So far, I have been extremely impressed with the DoJ's handling of the case over the last few months. I look forward to a speedy resolution.

Sincerely,
Jay Tucker
Technology Coordinator
St. Luke's School

MTC–00011448

From: Raypholtz, Jeannette

To: 'microsoft.atr(a)usdoj.gov'
Date: 1/15/02 1:23pm
Subject: Microsoft Settlement

Dear Department of Justice:

I am told that our voice counts in determining whether settlement will be reached during the review period of the Tunny Act, ending January 28, 2002. I think it is now in the best interest of the company (Microsoft), their shareholders, and the tax payers money to settle this antitrust suit once and for all. After all this time, why can (9) states not accept the terms of the settlement, and continue to squeeze Microsoft for more retribution for something they have already paid dearly for. Please consider my opinion, and please, let this long drawn out case be settled.

Jeannette Raypholtz
<<Raypholtz, Jeannette.vcf>>

MTC–00011449

From: vera reitmeier
To: Microsoft ATR
Date: 1/15/02 1:29pm
Subject: microsoft settlement

Please settle this as soon as possible and lets get on with our lives. Don't let this drag on and on!!

MTC–00011450

From: Clete Bayer
To: Microsoft ATR
Date: 1/15/02 1:20pm
Subject: Microsoft Settlement

Enough!

Microsoft and the American economy have been punished more than enough. Let? s get this settled and be glad it's over.

Clete Bayer

MTC–00011451

From: tom.barnard@dowcorning.com@inetgw
To: Microsoft ATR
Date: 1/15/02 1:22pm
Subject: Microsoft settlement

The time has come to put an end to this endless badgering of a great company. Time will show that this ''monopoly'' is temporary and the settlement that has been arrived at is reasonable. Any company that sits on it's laurels and tries to throw its weight around will soon fall by the ways side in the fast changing would of computer software. Microsoft has a competitive advantage for now. So be it.

Tom Barnard

MTC–00011452

From: Hawkins Duane S TSgt SMC DET 11 /CITS
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/15/02 1:21pm
Subject: RE: Action Against Microsoft

I have a suggestion which I believe will benefit consumers and which seems to have been overlooked, up to this point.

1. Forbid Microsoft from issuing software under an ''OEM'' license. Current Microsoft OEM licenses forbid users (and, now that product activation is here, prevent users) from ever installing the software on any machine other than the one with which the software was purchased, EVEN IF THE ORIGINAL MACHINE HAS BEEN DESTROYED OR THE SOFTWARE REMOVED FROM THE MACHINE. In effect, if a user buys a computer from an OEM with a Microsoft product installed, then chooses at a later date to perform a major hardware upgrade or replace the hardware, in order to use the SAME software, that individual must purchase a new license, in addition to the one he has already paid for, even though the original license goes unused.

2. Order Microsoft to make reparations to consumers forced to repeat purchases of Microsoft software due to hardware upgrade / obsolescense by issuing retail license keys to holders of OEM software. In the case of software which is included on a ''System Restoration Disk'' which cannot be used on machines other than the one with which it was purchased, order Microsoft to provide full retail copies of the Microsoft media included with the system, in exchange for the original system restoration CD. This exchange could be implemented through the hardware OEMs' support divisions, but should be paid for by Microsoft.

I believe that Microsoft has profited unfairly by coercing hardware vendors into bundling Microsoft software with their products in such a way as to force users to purchase new copies of the software every time they upgrade their hardware.

Purchasers of new systems are ordinarily unaware that such restrictions have been placed on their use of the software, unless they are accustomed reading the fine print of a license agreement which may span several pages, and which may still leave users with the question of software transferability unanswered.

Note that this measure would not prevent Microsoft from enforcing its ''One user one license'' software licensing policy. It would merely protect users from having to purchase new software each time they upgrade their hardware.

Sincerely,
Duane S. Hawkins
happycampers@pcisys.net Software Developer

MTC–00011453

From: Bill Christy
To: Microsoft ATR
Date: 1/15/02 1:22pm
Subject: Microsoft settlement

Dear DOJ:

In my opinion, the original agreement is enough. If it had not been for Microsoft, our computer technology would not be in the advanced condition that it is . We would still be seeing corporations fighting over what standards that the industry should use. Each had their own adjenda. Microsoft took all the ends and put them together and made it work. Now it is being condemned for doing what needed to be done.

The States that are not settling for two reasons. First is trying to get preferred treatment for Companies in their states. Second is just greed.

Lets get this settlement over and get back to business.

Best regards,
William B. Christy

MTC–00011454

From: Mutasem Abu Remaileh
To: Microsoft ATR
Date: 1/15/02 1:23pm
Subject: Microsoft

The software industry would not be where it is today without Microsoft. What the government calls illegal bundling of products is really a good step forward that makes using a computer easier for the consumers. As any other company Microsoft is trying to ensure its competitiveness in a very competitive market. Lets stop this and move our economy and technology forward.

Mutasem

MTC–00011455

From: Chris Brand
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/15/02 1:23pm
Subject: The tabled agreement is NOT fair on consumers

I'm writing to express my opinions on the proposed settlement, as permitted by the Tunney Act.

Open Source / Free Software Section III.D and III.E, which require Microsoft to divulge details of interfaces (APIs and Protocols), in order to allow competing products to be developed, does not appear to recognize Open Source Software (which is often available free of charge and often has no recognisable company or other organisation in control of its development) as an ''entity'' to which these interface details should be available. This despite the fact that Microsoft has been documented as recognising that Open Source Software presents a significant threat (see for example, the ''Halloween Memo'' by Microsoft's Vinod Valloppillil).

For example, the SAMBA project (www.samba.org) is designed to allow other Operating Systems to interoperate with Microsoft-dominated networks. Currently, they have to reverse-engineer all Microsoft protocols in order to create their software, which necessarily limits and delays its functionality, making the use of non-Microsoft Operating Systems in a Microsoft-dominated network less attractive. If Microsoft were required to divulge interface details to developers of Open Source software, projects like SAMBA would make the interoperation of Microsoft and non-Microsoft machines much more achievable, and hence encourage competition. Because most of these Open Source projects do not have a corporate sponsor, there is no entity available to pay a ''reasonable and non-discriminatory license fee''. Note also that ''reasonable'' to a multi-billion dollar corporation has a completely different meaning than ''reasonable'' to an unemployed software developer who creates an Open Source project in order to enhance his coding skills.

The ideal solution to this problem is to change the mechanism by which these APIs and protocols are made available—rather than requiring Microsoft to license them, instead require them to *publish* them, such that they are available to all, in a similar manner to the publication of the standards for the Internet, which facilitates the communication of a wide range of different computers from different manufacturers, running different Operating Systems.

A similar problem exists where the API or protocol in question relates to Intellectual

Property rights of Microsoft. Again, providing ''reasonable'' licenses is not sufficient to allow Open Source projects to use the interfaces. I suggest that in these cases, Microsoft be required to license the related Intellectual Property free of charge to any implementation where the source code is made available to the public (i.e. available for download free of charge on the internet).

Education Market

Although I didn't find anything in the documents online, I have read that Microsoft may provide hardware and software to schools for free as part of the settlement. This is patently ridiculous, if true. The Education market is one of the few where Microsoft has had difficulty due to Apple's dominance. This would not be a punishment, but an opportunity for them to break into a new market.

Thank you for taking the time to read these comments.

Chris Brand [Software Technical Lead—Wireless Systems]

Spectrum Signal Processing Inc.

t 604.421.5422 // f 604.421–1764

mailto:chris_brand@spectrumsignal.com

www.spectrumsignal.com

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MTC–00011456

From: Grehan, Yvonne
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/15/02 1:23pm
Subject: LAW SUIT

It is TIME to settle this case and get on with the business of BUSINESS. It is in the best interest of the American economy to get beyond this stumbling block and focus attention on REPAIR, OPPORTUNITY and SUCCESS. The damage done by this law suit has gone far beyond Microsoft and has impacted negatively numerous areas of our domestic and global business sectors for too long. LET'S MOVE ON.

Please SETTLE.

Thank you.

Yvonne Grehan

MTC–00011457

From: Joyce Cuyar
To: Microsoft ATR
Date: 1/15/02 1:23pm
Subject: Microsoft Settlement

Lets settle this afair and move on with our lives. This settlement is fair to the consumer and good for the economy. Too much time, money and effort has already been expended.

Joyce Cuyar . Owner

Pro-Search Prof. Recruiting

PO Box 372 . Jackson Center . PA . 16133

Phone: (724) 475–4420 . Fax: (724) 475–3519 . Email: cuyar@staffing.net .

http://www.pro-search.net

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MTC–00011458

From: Larry Thompson
To: Microsoft ATR
Date: 1/15/02 1:24pm
Subject: Microsoft Settlement

In the terms of the review agreement: I am unequivocally opposed to further legislation. The so-called ''monopoly'' did not come about by covert means but by the public, the users selecting in the market place the software that best suited them. In the beginning there where a myriad of competitors, what did Microsoft do that was illegal except provide software at a price most of us could afford that did 90% of the things we wanted 90% of the time for 90% of what we wanted to pay. The competitors, whose products could not then and certainly can't now, have resorted to litigation to overturn a free market decision.

No more litigation, settle now.

Larry Thompson 1

1801 China Spring Rd Waco, Texas 76708

(254) 867 2615

larrymthompson@hotmail.com

MTC–00011459

From: Kelley Jones
To: Microsoft ATR
Date: 1/15/02 1:28pm
Subject: Microsoft Settlement

I am not a lawyer, an activist, nor am I exceptionally well informed as to the specifics of the proposed settlement between the Department of Justice and Microsoft. However I would urge those involved on the government side of this case to settle quickly and with as little punitive action towards Microsoft as possible. My feelings are that Microsoft is very successful because they sell something that may consumers and businesses want, not because they are evil or unlawful. In nature diversity is good and in our capitalistic system, competition is good. When one entity is successful they should not be punished to protect those that were not as successful. I believe that this case is more about protecting the competitors of Microsoft rather than the consumers.

It is good to have many companies supplying cars, appliances and even computers. It is not necessarily good to have many sources of the standards that allows them to operate. Imagine if each washing machine had different power requirements, different plumbing attachments etc. The cost to install and operate any one would be higher. Microsoft is supplying a base standard that is allowing people and companies to communicate in ways that would be simply impossible if it were not for the consistency in operating systems and office utilities that microsoft provides.

Our economy is struggling to overcome a number of negative factors. Please do not add another by drawing out this senseless process.

Thank you for considering my opinion,

Kelley Jones

Austin, Texas

MTC–00011460

From: Richard
To: Microsoft ATR
Date: 1/15/02 1:24pm
Subject: Microsoft Settlement

Please do whatever is necessary to approve the proposed settlement as proposed. It's time to move on.

MTC–00011461

From: Mark Price
To: Microsoft ATR
Date: 1/15/02 1:25pm
Subject: Microsoft Settlement

Justice Department,

Get off Microsoft's back. Spend your time and our money bringing to justice true and real violators of the Constitution and anti-trust laws. Microsoft should be admired for their success not attacked for it. This pettiness of the Federal Government and Justice Department is not only unbecoming but borders on un-American.

Respectfully,

Mark Price

MTC–00011462

From: Mspani@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 1:24pm
Subject: Microsoft Settlement

I favor acceptance of the proposed settlement in the Microsoft Antitrust Litigation.

Marco Spani

Commercial Properties Northwest, Inc.

500 Union Street, Suite 530

Seattle, WA 98101

206–650–0852 phone

206–624–8584 fax

MTC–00011463

From: Jennifer Holms
To: Microsoft ATR
Date: 1/15/02 1:22pm
Subject: Microsoft Settlement

Attached is my letter on behalf of the Microsoft settlement. Please include it as part of the official record.

Thanks.

Jennifer Holms

11246 NE 145th St.

Kirkland, WA 98034

425–488–9038

11246 NE 145th Street Kirkland, WA 98034–1015

Attorney General John Ashcroft

US Department of Justice, 950 Pennsylvania Avenue, NW

Washington, DC 20530–0001

January 12, 2002

Dear Mr. Ashcroft:

Microsoft and the Justice Department have spent three years in court and a tremendous amount of resources on the antitrust case. I was pleased to learn that a settlement was reached and that this case may soon come to a conclusion. If this case is ended both sides will be able to return to more important priorities. Microsoft has agreed under this settlement to major concessions and changes. Under this agreement Microsoft will share their internal interfaces with competitors, which is an unprecedented release of information by a software firm to competitors. Microsoft also has agreed to end any contractual restrictions that would possibly harm competitors. With these provisions in the settlement there is no reason to continue this case, as some special interests would like. Please end this case and the wasteful flow of resources to fight it by the Justice Department and Microsoft.

Sincerely,

Jennifer Holms

MTC–00011464

From: John E. Burns
To: Microsoft ATR
Date: 1/15/02 1:25pm
Subject: Microsoft Settlement

In accordance with the Tunney Act review period, I wish to register the following opinion:

I feel strongly that the proposed settlement is not adequate. As a forced consumer of Microsoft products, which are overpriced and inherently defective, a breakup of the Microsoft corporation would permit free market competition and price competitive, interactive operative units to fit my needs.

Thank you,
John Burns

MTC–00011465

From: LORETTES2@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 1:25pm
Subject: Settlement—Microsoft

I've read the terms, think they are reasonable. People I've talked to, stockholders or not, want this to be settled. Enough time—enough money !

Lorette Schneider
17914 23rd Lane NE
Shoreline WA 98155

MTC–00011466

From: Richard Wessels
To: Microsoft ATR
Date: 1/15/02 1:26pm
Subject: Microsoft Settlement

Although, I find the actions being proposed in this settlement harsh and far reaching as well as possibly damaging to the company they are targeted at. I find the alternatives far worse. I find it reprehensible that the nine dessenting states that agreeded to combind their case with that of the DoJ now want to impose even harsher restrictions on Microsoft. These ''honerable'' people are acting only in the interest of the companies in their states. Utah = Novell, California = Netscape, Apple, and a host of others, and Mass = AOL Time Warner (possibly the largest single threat to competition that exists today). Something must be done to stop this madness. And although I did not agree with the settlement as it put way to much power in the hands of government officials who know nothing of the computer industry. I would rather have the lesser of the two evils then to have one of the largest employers in the country ruined by over zealous lawyers getting paid off by other companies.

Richard Wessels
Durham, NC

MTC–00011467

From: Jeff Pearce
To: Microsoft ATR
Date: 1/15/02 1:28pm
Subject: Microsoft Settlement

I wanted to take an opportunity to voice my support for the proposed Microsoft Settlement. I think that the settlement is more than fair, and I also believe that settling this case now rather than later is in the best interests of consumers.

It is my belief that this case hanging over one of America's greatest success stories is part of the reason our economy has been suffering for over a year. In that light, I believe that delaying this case any further only benefits Microsoft's competitors at the expense of everyone else. It's no coincidence that most of the states who are pushing for a stronger settlement are also home to Microsoft's biggest competitors.

It is my desire as a citizen and taxpayer that my government does what is right for the majority of Americans and approves the current settlement.

Sincerely
Jeff Pearce
Sammamish, WA

MTC–00011468

From: Charlotte Lesan
To: Microsoft ATR
Date: 1/15/02 1:28pm
Subject: Microsoft Settlement

Dear Sirs:

Settle the dispute with Microsoft! The nine states involved no doubt have companies intent on further damage to Microsoft or even have the intention of driving Microsoft to Canada. Originally states with jealous competitors of Bill Gates and Microsoft instituted the suit and our stock market has been spiraling downward ever since. Put and end to this foolishness and allow the country to recover.

Yours truly,
Charlotte H. Lesan (Mrs. James E.)

MTC–00011469

From: Robert Lantz
To: Microsoft ATR
Date: 1/15/02 1:28pm
Subject: Microsoft Settlement

I am in favor of the settlement.

Robert J. Lantz 5249 S. Joplin Pl, Tulsa, OK 74135

MTC–00011470

From: Joseph Maccaro
To: Microsoft ATR
Date: 1/15/02 1:28pm
Subject: microsoft settlement

It is time to settle with Microsoft.
Get on with national crisis business.
Joseph Maccaro

MTC–00011471

From: Andrew Fox
To: Microsoft ATR
Date: 1/15/02 6:31pm
Subject: Microsoft Settlement

Hi please break Microsoft into at least two parts. Their monopolistic practices are spiraling out of control and the proposed ''settlement'' actually does more harm than good. Have you looked at Windows XP yet?

The answer is right there in plain view in XP. Thank you for your time.

Andrew J Fox

MTC–00011472

From: Behtash, Behzad
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/15/02 1:27pm
Subject: Microsoft Settlement

Dear Sir or Madam:

I would like to add my voice to support the proposed settlement terms between Microsoft and the Department of Justice. I truly believe that these terms are in the best interest of consumers and our country. I believe that DoJ's limited resources are best utilized in dealing with more pressing issues at this point and the current terms of the settlement will insure fair and open competition in the marketplace. In my view, most of those opposed to this settlement are direct competitors to Microsoft who would rather gain a competitive advantage in the courts and at the expense of taxpayers instead of doing so in the marketplace. That should never be the objective of an antitrust case.

Behzad Behtash
Oakland, CA

MTC–00011473

From: Ralph Hudson
To: Microsoft ATR
Date: 1/15/02 1:28pm
Subject: Microsoft Settlement

Get this Microsoft litigation settled. America needs to move on from attacking legitimate business. DOJ time is better spent chasing ENRON. They are REAL criminals.

Ralph Hudson
5174 Apple Road
Springdale AR 72762
501–750–3488
ralph@nixonlaw.com

MTC–00011474

From: Charles Guatney
To: Microsoft ATR
Date: 1/15/02 2:18pm
Subject: What is the problem?

Why is the government even involved with this issue? Microsoft works as a company, bringing wealth and success to the nation and countless hundreds of thousands of people who rely on what MS produces. To have the imperial federal government intrude on such matters defies logic. Microsoft produces wealth, whilst the imperial federal levithan consumes wealth.

Get out of this issue and, instead, promote Microsoft's well being. The federal government should stop consuming the nation's intellectual and financial resources.

Charles L. Guatney, Professor Emeritus
Central Washington University
445 Chatuge Trail
Hiawassee, Georgia 30546
706–896–6065

MTC–00011475

From: Beverly Ann Sowell, REALTOR
To: Microsoft ATR
Date: 1/15/02 1:29pm
Subject: Microsoft Settlement

This lawsuit should be settled NOW on the terms agreed. Let Microsoft give computers to schools as their ''punishment.'' I feel this lawsuit existed because of competitors using the government to attack Microsoft. Microsoft has done extremely good things for me and for computer users at very reasonable prices. Leave Microsoft alone, so it can continue innovating good products and contributing to the IT revolution.

MTC–00011476

From: Lalitha Mahajan
To: Microsoft ATR
Date: 1/15/02 1:29pm
Subject: Microsoft Settlement

Let Microsoft's side win.

MTC–00011477

From: Jan-Erik Rottinghuis
To: Microsoft ATR
Date: 1/15/02 1:29pm
Subject: MSN settlement

Dear sirs:

Job protection is surely on the minds of Attorney generals.their own? Can we just get on with innovation and competition: do it in the marketplace please, not the court rooms. The only people to benefit are not the consumers but the lawyers.

Regards
Jan-Erik Rottinghuis
President & CEO
PubliCARD, Inc.
Office +1–212–651–31.19
US Mobile +1–917–691–54.61
GSM +33–609.617.787
E-Mail jrottinghuis@publicard.com

MTC–00011478

From: Jim
To: Microsoft ATR
Date: 1/15/02 1:29pm
Subject: DOJ vs Microsoft

The point of antitrust investigation is to protect the public interest from businesses that abuse the customer. Microsoft has always sold an excellent product at well below fair market prices. Take Windows XP for example, it's priced less than $200 while its biggest competitor ''Linux'' sells for over $300 and the origin of Linux was a ''free'' program. How can this be monopolistic? DOJ, please don't screw up another business like you did to AT&T. That “breakup'' sure didn't do much for the customer.

Jim Krass
1226 Main St.
Windermere, FL 34786

MTC–00011479

From: rcw
To: Microsoft ATR
Date: 1/15/02 1:26pm
Subject: microsoft settlement

Please get off Microsoft and all the other business people whose efforts make life more of a joy. I am sick of a bunch of lawyers and politicians becoming the blood suckers of the business world. Get off now. Dick Welch. 6810 Rocky Road Blanco Texas. 78606.

MTC–00011480

From: BigsBernegger@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 1:29pm
Subject: Microsoft settlement

I firmly believe that it is absolutely important to proceed with the proposed settlement and avoid further litigation which, in my opinion, hurts our economy.

Sincerely yours
M. Bernegger

MTC–00011481

From: Jerrysafediver@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 1:29pm
Subject: Microsoft Settlement

Settlement proposals of Microsoft go beyond that recommended by the Court of Appeals. In the interest of fairness—and the economy of the United States—this matter needs to be closed. I urge you to accept the settlement proposals of Microsoft without further delay.

Jerry Effenberger
17511 32nd. Ave. N.E.
Seattle, Washington 98155

MTC–00011482

From: Scott McNairy
To: Microsoft ATR
Date: 1/15/02 1:31pm
Subject: Microsoft Settlement

Microsoft's competitors are wishing that they had and trying to create ground to stand on by politically pressing on thru their host state's attorney generals with this litigation that claims that Microsoft is a Monopoly. But the fact remains that if you ask these companies who their number one competitor is—they will tell you Microsoft. Not because Microsoft is a monopoly but because Microsoft can do it all—on any device, any time, and anywhere. The lawsuit should not proceed any further against Microsoft to pad the pockets of Microsoft's competitors.

MTC–00011483

From: BruceG@tisi.com@inetgw
To: Microsoft ATR
Date: 1/15/02 1:31pm
Subject: Microsoft Settlement

The Microsoft and DOJ crafted settlement goes beyond what was needed for a settlement. It should be accepted and the remaining states should accept it too, although they will not be satisfied until Microsoft is dismantled to the benefit of Sun and AOL who the dissenting states claim as plaintiffs. The true plaintiffs should be consumers but consumers are not considered by the dissenting states. The only concern the dissenting states have are SUN and AOL. Sun and AOL own the Attorney Generals in those dissenting states. And this 'bought and paid for' justice is not in the public interest. The dissenting states should not be listened to as they will only settle when Microsoft is destroyed.

However antitrust is not about propping up competitors and such further sanctions against Microsoft, such as forcing Microsoft to fully disclose its software source code or breaking the company into pieces, should not be entertained.

Additional measures are not required.

Thank You,
Bruce Garrick
Sr. Application Developer
Total info Services
88–634–9942 x2484
bruceg@tisi.com

''In three words I can sum up everything I've learned about life: it goes on.''—Robert Frost

MTC–00011484

From: Dwain Nelson
To: Microsoft ATR
Date: 1/15/02 1:32pm
Subject: Microsoft Settlement

This note is in regards to the Microsoft Settlement. It is my belief the settlement that has been proposed punishes Microsoft far more that is deserved. I consider Microsofts' actions to be nothing more than hard business tactics and they succeeded based on public demand. Nevertheless, the poposed settlement calls for support plan to our nations schools, this will provide badly needed resources and has no long term affect on the use of Microsoft products. They will continue to succeed based on their features and the public demand for those features. If they fail to provide needed features, their sales will decline. Apple Computer made an attempt in the late 80's to influence our nations young with a program that provided deeply discounted equipment to students. History shows that this attempt failed; computer users and business will use the solutions that are cost effective and that provide interoperability amount all programs. The company that provides this will attract new customers.

As a data processing professional, I am well aware of the speed at which new software and features are being developed and deployed. The courts seem to find themselves in a position of hearing testimony and making rulings based on (obsolete) technology.

It is in the best interest of the USA economy, of the Microsoft Shareholders, and of Microsoft to settle this and move on.

MTC–00011485

From: Marshall A. Brown II
To: Microsoft ATR
Date: 1/15/02 1:32pm
Subject: Microsoft Settlement

To whom it may concern,

I believe as a citizen of this country that further litigation serves no purpose but to waste my tax dollars and does not do what is important for the economy. Why waste Millions in tax revenues that could be used for the war effort or education in this country, when the benefit to be gained ''Might'' lower the price of the OS a few dollars and save the average consumer, with a PC, $10 over several years? and of course $10 to the price of a $600 makes little difference.

Marshall Brown II
Dir. of Business Development

MTC–00011486

From: Joyce Harness
To: Microsoft ATR
Date: 1/15/02 1:32pm
Subject: Msft case

I feel this case should be settled once and for all. Msft has made tremendous contributions to consumers, have helped a lot of people and it is time to stop the nine states from continuing this suit.

Thank you.
Joyce Harness
3015 NW 73rd Seattle, WA 98117
206–784–9126

MTC–00011487

From: Terry Moore-SPS
To: Microsoft ATR
Date: 1/15/02 1:33pm
Subject: Microsoft Settlement

I think one only needs to look at the states that are opposed to this settlement to understand that most of them are more concerned in protecting Microsoft's competitors than they are in protecting the general public. Utah and Mass. are prime examples of this! Microsoft and other high technology companies have lead our economy for the past 9 years to new heights.

Now that the economy is sluggish to say the least, let move on and let Microsoft lead again rather than wallowing around in this litigation hogwash we have seen for the past 2 years. This is a fair settlement for all parties involved including the general public.

Regards

Terry Moore

MTC–00011488

From: Jim Hurst
To: 'microsoft.atr@usdoj.gov'
Date: 1/15/02 1:29pm
Subject: Microsoft Litigation

To Whom if May Concern:

I strongly support the settlement of the Microsoft litigation in accordance with the agreement reached with the DOJ. Further litigation is non cost effective and a waste of taxpayer money. Thank you.

James R. Hurst
2847 Butter Creek Drive
Pasadena, CA 91107

MTC–00011489

From: George Gillespie
To: Microsoft ATR
Date: 1/15/02 1:33pm
Subject: Microsoft settlement

It would be my greatest hope that this case against Microsoft be settled soon. That way we can get on with our lives and let Microsoft be free to innovate, with the result of MSFT hiring more people and helping the US Economy rebound a little faster.

Sincerely, George R. Gillespie

MTC–00011490

From: John (038) Dorothy Johnston
To: Microsoft ATR
Date: 1/15/02 1:35pm
Subject: Microsoft

Sirs: Microsoft software has been a boon to me since I started late on PCs and now am 84. To have software on my PC that is all coordinated(with no language problems) makes it easy for my wife & I to pursue our genealogy and family history projects. The ''others'' only cover small areas and are complicated, both in installing, but in maintaining. If you want to go after monopolies take on people like AOL, QWEST and the various cable companies.

Just leave our good software alone!

Thank you,

Wilbur T & Dorothy H Johnston
wtj@olympus.net

MTC–00011491

From: brian.pollack@milliman.com@inetgw
To: Microsoft ATR
Date: 1/15/02 1:35pm
Subject: Microsoft Settlement
Reneta B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–001

Dear Ms. Hesse:

I am writing to express an opinion to the judge of the federal trial court considering the Microsoft settlement. I have been told that I can file written comments with the United States Department of Justice by January 28, 2002, and that those comments can be sent by email. I am concerned over a decision by Microsoft that impacts our firm. I believe it is an example of Microsoft wielding unreasonable power over 3rd-party software through the non-level playing field approach of their operating systems.

I am the Corporate Secretary of Milliman USA, Inc. We are a nationwide (and international) firm of consultants and actuaries. We started in Seattle in the 1940's, and have grown to nearly 2000 employees in over 30 offices. Computing is key to our business. We predominantly use Microsoft operating systems and office software. We use Lotus Notes for email and groupware. We chose Notes a number of years ago because of its unique capabilities. It has become integral to our business function over the years. Our consultants work long hours, both in the office and (at times) at home. Our agreement with Lotus allows our employees to have Notes on their home computers as well as on their office machine. Notes and Microsoft operating systems have always coexisted well together.

We have been made aware that Microsoft will end its support of Notes on its XP home version. They say it is a business application. It is interesting that the biggest competitor for Notes is Microsoft Outlook. Microsoft is not declaring Outlook to be a business application.

If Microsoft is successful in their strategy, and Notes does not work on the XP home version, we may need to provide our employees with an expensive upgrade to XP professional for their homes. Not only is this costly, but our employees will have to give up features of the XP home version that are aimed at the family: audio, video, etc. These are attractive features for the home. Please relay my concern to the judge of the federal trial court. As a business, it is imperative that we at Milliman treat our customers well. Microsoft's decision appears to be directed at Lotus, but impacts us significantly. I do not believe it is in the best interest of the business community at large to have Microsoft be able to advantage itself due to it providing both operating system and application software.

Sincerely,
Brian S. Pollack
brian.pollack@milliman.com
1301 Fifth Ave.
Suite 3800
Seattle, WA 98101
cc: Tim Muth, Esq.

MTC–00011492

From: monaphil
To: Microsoft ATR
Date: 1/15/02 1:36pm
Subject: Microsoft Settlement

To whom it may concern:

I am a computer trainer and have been for many years. I'd just like to say that the introduction of Windows has made my life much easier as the Windows product has standardized all software. Microsoft has provided an invaluable service to the population and software students everywhere by providing a standard upon which all software is based. In my perspective, this is an invaluable service rather than a 'monopoly' situation. I think the Microsoft suit should be settled and taxpayers' money should go elsewhere to truly fight injustice.

Sincerely,
Mona Mehta Steffen
3731 N. Military Rd
Arlington VA 22207

MTC–00011493

From: Don Leslie
To: Microsoft ATR
Date: 1/15/02 1:35pm
Subject: Microsoft Settlement

I would like to express my opinion regarding the Microsoft Settlement. While I know that both sides have their views (backed by their own facts) Microsoft is still one of Americas finest companies ever. They play hardball (as all large companies have to), they stepped out-of-bounds, got called on it, they've already paid a high price and will no doubt pay a hell-of-a-lot more to settle and settle we should. Many of the states holding out are doing so for political reasons and that's an injustice to our country. Let's move-on and let Microsoft continue to be the leader in their industry. Microsoft is a great American company and I'm proud to support them and a quick settlement for the good of our economy and country. For the few states that are holding out, let-it-go and get on with life and compete instead of complaining.

Don Leslie
MDB & Associates, Inc.
dleslie@mdb-inc.com

MTC–00011494

From: Paul Larmon
To: Microsoft ATR
Date: 1/15/02 1:37pm
Subject: Microsoft Settlement

I think you should settle this case now. It is in the best interest of all consumers and our economy to stop this litigation.

Paul Larmon

MTC–00011495

From: Don Holt
To: Microsoft ATR
Date: 1/15/02 1:37pm
Subject: Microsoft Settlement

Dear US DOJ. Please settle the case with Microsoft. The current proposal seems fair, and we need to move forward and let the technology industry get back to a sense of normalcy. If there is continued doubt about one of the most successful companies in the industry, it will be hard for vendors, partners, and customers to make informed decisions about the future. Please don't let a few competitors try to disrupt one of the most successful runs of technological innovation this country has seen.

Thanks.

Don Barren

MTC–00011496

From: Louis F Schneider
To: Microsoft ATR
Date: 1/15/02 1:36pm
Subject: Microsoft Settlement

I am a home user and believe that it is time to approve the settlement because it seems that the terms of the settlement are fair for all involved. Also I feel that since the 9–11 event it is more imperative that we get business back to normal as soon as possible.

Regards,

Louis Schneider

MTC–00011497

From: Chuck & Cindi
To: Microsoft ATR
Date: 1/15/02 1:37pm
Subject: Please Settle the Microsoft Case

It is in the publics best interest, the economies best interest, and the tech industry's best interest to put an end to this litigation and settle the case promptly.

This has never been a case brought on nor fought in the best interest of the consumer. It was brought on by the executives of Microsoft's competitors and has always been predominantly in their own personal/corporate best interests. Please let corporations and their executives battle out market share in their own arenas—not in the political or court system. Especially in such a fast growing and competitive arena such as the tech sector.

Thank you.

C. Solomon

MTC–00011498

From: JACK PURSER
To: Microsoft ATR
Date: 1/15/02 1:38pm
Subject: Micro antitrust

Why don't you leave this company alone, pretty soon NO company will want to do business in the US because of actions by money grubbers like you!!

Jack Purser Sr.

MTC–00011499

From: Gary Smith (Numar)
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/15/02 1:38pm
Subject: Why is Microsoft's stranglehold on computing being supported by U SDOJ?

I am so frustrated that I felt compelled to write. I have been having considerable difficulty with instability of Windows98. After months of trying to get Linux up and running I made the horrible mistake of purchasing Windows XP. It is a disaster. First time I have upgraded an operating system in 15 years where the upgrade is worse than the previous problem. Of course the non-working OS software is non-returnable (because Bill Gates doesn't have enough money yet I suppose?). Technical support is almost impossible to get. I should have just sent $100.00 to the RNC. At least I would have felt better about who got my money. This guy is not right. He really needs to be reigned in. As for me, it's $100.00 in the trash and back to wrestling with Linux.

Best Regards,
Gary Smith
Principal Mechanical Engineer
NUMAR, Div. of Halliburton
610.251.0116 (main #)
610.722.4576 (direct #))
610.296.9651 (fax)
gary.smith@halliburton.com

MTC–00011500

From: KENNETH J RUSZCZYK
To: Microsoft ATR
Date: 1/15/02 1:38pm
Subject: MSFT SETTLEMENT

I feel that anything that benefits the consumers is best for the economy. Why is it that Politicians, who can't run the country in an orderly fashion. Which is their job, by the way! Feel that they know best how to run the economy? The government officials are so ''out of touch'' with rest of the population. That most of their decisions are only for themselves & for those who contribute to their campaign chests. One of the most important reasons that the US economy has done so well. Is that there wasn't too much government involvement in the early stages of it's growth. Now the politicians think that since this country is so great & strong. That they were the ones who made it so. It wasn't them, it was the people who built & grew on this land & made it productive. As usual, the politicians take all the credit for things that go well in which they had no ''hand'' in. Then deny any involvement in the things that go wrong in which they were in charge of. I know there is not much, if anything I can do to altered their decisions. I do vote but I'm not thrilled about any of the candidates, except those who want to make less government.

I don't look forward to the end of my life but at least I do know that I won't have to put up with government after it either.

Kenneth Ruszczyk

MTC–00011501

From: Sharon Corboy
To: microsoft.atr@usdoj.gov.?@inetgw
Date: 1/15/02 1:38pm
Subject: microsoft settlement

its a real shame that a few A.G. WITH POLITICAL AGENDAS are holding up a reasoned settlement and getting on WITH THE BUSINESS OF GROWING OUR ECONOMY THOMAS A CORBOY GIG HARBOR WASH. 98335

MTC–00011502

From: Lois Tilles
To: Microsoft ATR
Date: 1/15/02 1:38pm
Subject: Microsoft settlement

I hope that you will finalize the Microsoft settlement as proposed. It is tough and fair. We must get on with business and not wring the life out of successful companies who agree to cooperate.

Lois Tilles
415–310–7654 (phone)
ltilles@pacbell.net

MTC–00011503

From: Michael.Mehler@sce.com@inetgw
To: Microsoft ATR
Date: 1/15/02 1:39pm
Subject: Microsoft Settlement

It is time to settle this case and move on.

Mike Mehler
Labor Relations
Southern California Edison

MTC–00011504

From: MaryAnn(u)Walters
To: Microsoft ATR
Date: 1/15/02 1:41pm
Subject: Microsoft Anti-Trust Case

Time to stop this madness. These attacks on our American Companies are the main reason our economy and stock markets are in the dumps. Time to get the lawyers out of Washington's Federal Justice Department and get back to business.

Mary Ann Walters
Brecksville, Ohio

MTC–00011505

From: Subhash Grover
To: Microsoft ATR
Date: 1/15/02 1:40pm
Subject: Microsoft Settlement

The case should settle as agreed upon. This will help the economy to get out of recession.

Subhash Grover

MTC–00011506

From: Schober, Larry
To: Microsoft ATR
Date: 1/15/02 1:41pm
Subject: Microsoft Settlement

Forget Big Tobacco. Forget Microsoft. I'm going to make you a star: I am shocked and appalled to learn of a potent delivery system that luridly and unfairly bundles a highly addictive substance in a seemingly innocuous way. This delivery system threatens and harms the national interests in our food distribution system. I am seeking an immediate stop order be issued to the industry. In addition, I would like to be granted whistle blower status in this case.

In particular I am referring to the bundling of sugar in prepared foods. As opposed to simply dusting foods with sugar, which can be casually detached (brushed off), food preparers needlessly bundle this highly addictive substance in their products. Furthermore, this delivery system (and it is a delivery system—the amount of sugar in the product can be controlled in the recipe) is used to create an artificial craving for a product within the unsuspecting purchaser.

I urge you and your colleagues to take up this vital matter post-haste, and send me my whistle blower check.

I anxiously remain awaiting your response,
Lawrence Schober

MTC–00011507

From: JCir2000@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 1:39pm
Subject: Microsoft settlement

To Whom It may concern: I think the remaining nine states are obsessed with punishing Microsoft. They have taken up a personal position against Microsoft and Bill Gates only because they do not like either, just as Judge Jackson did. This is outrageous unnecessary and a complete waste of time and money to their constituents in those states. The Justice department reached a decision which was fair and brought this long legal process to and end. The nine remaining states should join in, rather then look at what they see as a company which they believe performs unfairly. Look at a company which has been primarily responsible for the huge technology movement throughout the world in the last ten years with their software moving information around the world, allowing world markets to develop faster and therefore creating jobs throughout the world.

Joe Cirillo, a patriot, business man and consumer. I speak on behalf of many friends and my family.

MTC–00011508

From: Sherri Wender
To: Microsoft ATR
Date: 1/15/02 1:41pm

Subject: Microsoft Settlement
Department of Justice:
I am writing in support of your proposed antitrust settlement with 9 states and Microsoft. The settlement is fair, and it is time to move on in the interest of fairness, competitiveness, and for the sake of the economy.
Thank you,
Sherri Wender
21464 President Point Rd
Kingston, WA 98346
sherri@wendertodd.com

MTC–00011509

From: MPavlow@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 1:40pm
Subject: Microsoft Settlement
Please settle this case, we have so much going on now, with the economy and the other problems we are facing. We need to set some real priorities, this has gone on long enough.
Marlene Pavlow

MTC–00011510

From: Dr Whom
To: Microsoft ATR
Date: 1/15/02 1:42pm
Subject: Microsoft Settlement
Dear Anti-Trust Trust,
Please leave Microsoft alone, go after some dishonest politicians!!
Thank you,
monty johnson

MTC–00011511

From: Bradley Bobbs
To: Microsoft ATR
Date: 1/15/02 1:42pm
Subject: accept MicroSoft settlement
Please accept the MicroSoft settlement, and stop harassing them already! Go bother someone doing some harm instead of wasting any more money on that nonsense!
Thank you,
Dr. Bradley Bobbs
6862 Hayvenhurst Ave.
Van Nuys, CA 91406
(818)947–3192

MTC–00011512

From: jjm@mpc-inc.com@inetgw
To: Microsoft ATR
Date: 1/15/02 1:42pm
Subject: Microsoft Court Ruling a Joke
Hello.
I would like to inform you that the recent court ruling in favor of Microsoft is an absolute joke. This in light of the fact that Microsoft was found guilty of using it's monopoly to further it's cause. Now the DOJ virtually guarantees more of the same by allowing the company to distribute more software, and thus have a stronger monopoly in the market. What kind of judgment is that?
Sincerely,
Jim Mosher

MTC–00011513

From: Roseanne Woo
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/15/02 1:40pm
Subject: Microsoft Settlement
The settlement with Microsoft is fair and reasonable. Do not allow the 9 renegade states stall the process. The country has wasted enough energy during the long-drawn-out lawsuit. The time has come for settlement so that a great company can re-direct its resourcefulness to its core business. At the same time, the government needs to adjust its thinking to the new economy.
Roseanne Woo-Haltresht
1973 Lord Fitzwalter Drive,
Miamisburg, OH 45342

MTC–00011514

From: GBee172271@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 1:42pm
Subject: Microsoft Settlement
To the Justice Department:
Stop hurting taxpayers. Anything that hurts Microsofts, hurts the investors, the economy, and the country. Let the CEO's of envious companies work hard as Bill Gates did. Stop the madness! It's about time.
Graciela Beecher
2904 Shawnee Dr.
Fort Wayne, IN 46807

MTC–00011515

From: Christina Bishop
To: Microsoft ATR
Date: 1/15/02 1:43pm
Subject: Microsoft Settlement
Judge Kollar-Kotally,
I believe that the Proposed Final Judgement (PFJ) in the case U.S. vs. Microsoft is flawed in the following ways:
The PFJ does not End Microsofts Monopoly and Even Allows Microsoft to expand its Monopoly into Other Technology Markets. The deal fails to terminate the Microsoft monopoly, and instead guarantees Microsofts monopoly will survive and be allowed to expand into new markets. Microsoft has always found it advantageous to leverage its operating system monopoly position in order to maximize its own profits, which many of us have experienced firsthand.
The PFJ Does Not Adequately Address Anticompetitive Behavior Identified by the Appeals Court. The PFJ Incorporates Such Large Loopholes to Its Enforcement Provisions as to Render Enforcement Meaningless.
The PFJ Does Not Provide an Effective Enforcement Mechanism for the Weak Restrictions it does Implement. The proposed settlement requires a three-man compliance team to oversee Microsofts compliance with the Agreement. Microsoft will appoint one person, the Justice Department another, and the third will be chosen by the two people already appointed. In essence, Microsoft will control half the team. This new team will not be allowed to inform the public of their work, and cannot impose fines. In addition, the work of the committee cannot be admitted into court in any enforcement proceeding. The committees sole remedy for infractions is for them to inform the Justice Department of the infraction and then the Justice Department will have to conduct their own research and commence litigation to stop the infraction. The Justice Department does not need a compliance group to tell them when Microsoft is doing something wrong, so in reality this group is just a smoke screen.
The PFJ Does not deny to Microsoft the Fruits of its Past Statutory Violations. Under the proposed settlement, Microsoft is only marginally penalized for its anticompetitive misdeeds. Every court involved with this case has acknowledged that Microsoft broke the anti-trust laws, yet under the terms of the proposed Agreement, Microsoft would be allowed to retain almost all of the profits gained from these activities. Nor does the PFJ make an accounting of all the gains Microsoft made through its illegal activities, nor does it try and compensate those harmed by Microsofts misdeeds. Through this proposed settlement, the Justice Department is sending a very clear (and very dangerous) message that anticompetitive behavior is totally acceptable. Every large potential monopolist is being told that they can get away with this sort of illegal behavior without fear of losing any of the profits made from such conduct. There is every incentive for future monopolists (most definitely including Microsoft) to engage in this type of predatory conduct and no incentive not to.
Thank you for your time.
Christina Bishop

MTC–00011516

From: Jeff W
To: Microsoft ATR
Date: 1/15/02 1:43pm
Subject: Microsoft Settlement
I would like to see this settlement accepted by the 9 remaining states and the industry move on.

MTC–00011517

From: Tom (038) Wilma Llewellyn
To: Microsoft ATR
Date: 1/15/02 1:33pm
Subject: Opinion
To Whom It May Concern:
I feel a reasonable agreement has been reached in the ''Microsoft Lawsuit'' and further litigation does not benefit the country. It seems as if this lawsuit precipitated the current financial situation in this country. I say ''Enough already'' and let us move on.
Thomas Llewellyn
593 Vintage Dr.
Elkton, OR 97436

MTC–00011518

From: Steve Dehekker
To: Microsoft ATR
Date: 1/15/02 1:44pm
Subject: Microsoft Antitrust Settlement
To Whom It May Concern:
I believe that it would be an appropriate remedy to split Microsoft Corporation into at least two, completely independent components—one that develops software applications and the other that develops operating systems. This would promote competition and innovation by providing incentive for the applications software entity to develop for platforms other than Windows. It would also serve as incentive to make the Windows operating system more compatible with application software developed by companies other than Microsoft.
I am a non-technical consumer who uses computers, including Microsoft products, on a daily basis. My observations are based upon my actual experience and informal observation of this case for many years.
Thank you for your consideration.

Sincerely,
Stephen E. DeHekker, AIA
Hastings+Chivetta Architects, Inc.
700 Corporate Park Drive, Suite 400
St. Louis, MO 63105
(Main) 314–863–5717
(Direct) 314–863–4361 Ext 138
sdehekker@hcarchitects.com

MTC–00011519

From: Rocky859@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 1:45pm
Subject: settlement

pleases settle this case and get on with life....i am sure these attorneys have more to do than make headlines in their state using this high profile case to further their political ambitions .....

MTC–00011520

From: Tom Moore
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/15/02 1:43pm
Subject: MICROSOFT SETTLEMENT

IT WOULD BE IN THE PUBLIC INTEREST IF YOU WOULD SETTLE THE MICROSOFT CASE AND MOVE ON TO MORE PRESSING MATTERS.

THOMAS L. MOORE

MTC–00011521

From: David Brookes
To: Microsoft ATR
Date: 1/15/02 1:46pm
Subject: Microsoft case should be settled

This case should be settle at once. We need to move forward not backward. This case was brought upon Microsoft because they would not give money to politicians in Washington. Why is every time the USG decides to help us we get screwed?

Are the prices of computers going up or down? Down is the correct answer and not only are they going down but you get more for your money. Name one other industry where that is happening?

This case has been a total waste of tax payers dollars. The only real reason the states will not settle is because of poor fiscal policy they are broke. And look here, Microsoft has 40B in cash...so lets go steal it. Your no different then criminals but since you make the rules so your always right.

I vote and the best policy is to vote out everyone who is in office. Ross Perot said it best in 1990, ''It's time to clean the shit out of the barn''.

Dave Brookes

MTC–00011522

From: david milton
To: Microsoft ATR
Date: 1/15/02 1:46pm
Subject: Microsoft Settlement

We have in place a fair settlement that needs to be adopted in order for the industry to commit reasouces for further inovation. Without the settlement as it stands we cannot expect companies to invest in ideas that that they may not be able to control in the future. Settle this and lets get back to leading the world into the next age. David Milton, 5728 Meadowhaven Dr., Plano TX 75093

MTC–00011523

From: Mark Johnson (PREMIER)
To: Microsoft ATR
Date: 1/15/02 1:45pm
Subject: The Tunney Act review—Microsoft

It is my understanding that The Tunney Act review period is still open. I understand the Department of Justice seeks public comment on its proposed antitrust settlement with 9 states and Microsoft, and the public comment's close on Monday, January 28. I also understand the settlement is not guaranteed until after the review ends and the District Court determines whether the settlement is indeed in the public interest.

It is my opinion that the provisions of the agreement are tough, reasonable, fair to all parties involved, and go far beyond the findings of Court of Appeals ruling. Still, while consumers such as I overwhelmingly agree that the settlement is good for me and the American economy, I and every citizen I have come in contact with overwhelmingly want to see this move beyond this litigation, it is also my understanding that nine states have refused to join the settlement. In fact some, including Utah Attorney General Mark Shurtleff and Massachusetts Attorney General Tom Reilly, are urging citizens via email or Web site to submit their comments to the DoJ during the Tunney review period.

Thank you for your review of my opinion,
Mark Johnson

MTC–00011524

From: TOM R MCMAHON
To: Microsoft ATR
Date: 1/15/02 1:45pm
Subject: MICROSOFT SETTLEMENT

I SUPPORT THE LITIGATION BY THE 9 STATES AGAINST MICROSOFT TO PRODUCE A FAIRER DEAL FOR THE AVERAGE CONSUMER.

TOM MCMAHON/ SAN DIEGO

MTC–00011526

From: Mark Herrick
To: Microsoft ATR
Date: 1/15/02 1:47pm
Subject: Microsoft
CC: microsoftcomments@doj.ca.gov@inetgw,gws@clickactio...

Dear Judge Kollar-Kotally: The Court should disallow, in its current form, the proposed settlement between the U.S. Department of Justice and Microsoft in U.S. v. Microsoft (hereinafter referred to as the ?Agreement?). There are two main reasons this Court should disallow the Agreement.

1) The Agreement completely ignores the standard laid down by the DC Appellate Court.

2) The Agreement runs contrary to the public interest of the people of the United States and therefore should be held in violation of the Tunney Act.

I. The Agreement fails to meet the Appellate Court's Remedy Standards. The United States Court of Appeals for the District of Columbia (hereinafter referred to as the ?Appellate Court?) in a 7–0 decision upheld the District Court's decision that Microsoft violated the antitrust laws and was liable for such illegal conduct. The Appellate Court furthered ruled that any remedy found by the District Court must ?terminate the monopoly, deny to Microsoft the fruits of its past statutory violations, and prevent any future anticompetitive activity.? The Agreement fails to meet any of these three standards.

A. Terminate the Monopoly. The deal fails to terminate the Microsoft monopoly, and instead guarantees Microsoft's monopoly will survive and be allowed to expand into new markets. All other businesses in the U.S. market that have a ninety percent market share are considered per-se monopolies and are regulated or have some sort of government oversight (i.e. utilities, local phone companies, cable companies etc.). This is done because it is in such a company's best interest (in the interest of their shareholders) to abuse their position. In other words, to gain maximum shareholder value, they are almost required to abuse their position. Why is Microsoft allowed a waiver to this general rule? Does Microsoft not try to gain optimum share value for their shareholders?

B. Deny to Microsoft the Fruits of its Past Statutory Violations. Under the Agreement, Microsoft is not penalized for any past misdeeds. In other words, they are being allowed to retain all the profits gained from their illegal activities. Every court involved with this case has acknowledged that Microsoft broke the anti-trust laws. Through this Agreement, the Justice Department is sending the message that this sort of anticompetitive behavior is acceptable. Every large potential monopolistic company is being told that they can get away with this sort of illegal behavior without fear of losing any of the gains made from such conduct. In other words, get away with as much as you can until the Justice Department brings an action. There is every incentive for future monopolists (including Microsoft) to engage in this type of predatory conduct and no incentive not to.

C. Prevent any Future Anticompetitive Activity. The Agreement fails to prevent any future anticompetitive activity because it completely ignores anticompetitive behavior highlighted by the Appellate Court. In addition, for the conduct the Agreement does try to remedy, it creates such huge loopholes to the rules it does establish as to render them completely useless. Lastly, the Agreement provides no effective enforcement mechanism for the rules it does establish.

1. The Agreement Does Not Address Anticompetitive behavior identified by the Appeals Court.

a) Retaliation. The settlement does not address Microsoft ability to retaliate against would-be competitors and to take the intellectual property of competitors doing business with Microsoft. The Appeals court found such past conduct by Microsoft highly egregious yet the Agreement does not address these issues.

b) Bolting. The Agreement does not address the issue that fueled consumer criticism and which gave rise to this antitrust case in 1998: Microsoft's decision to bind—or ''bolt''—Internet Explorer to the Windows operating system in order to crush its browser competitor Netscape. This settlement gives Microsoft ?sole discretion? to unilaterally determine that other products or services which don't have anything to do with operating a computer are nevertheless

part of a ''Windows Operating System product.'' This creates a new exemption from parts of antitrust law for Microsoft and would leave Microsoft free to bolt financial services, cable television, or the Internet itself into Windows.

2. The Agreement Incorporates Such Large Loopholes to Its Restrictions on Microsoft as to Render Such Restrictions Useless.

a) Middleware. As part of the Agreement, Microsoft is required to allow the PC manufacturers to hide Microsoft middleware programs and allow them to install icons or links to competing middleware programs. The only problem is that the PC manufacturers are not allowed to remove the code that could be used to reactivate Microsoft's middleware programs. In other words, two weeks into owning the machine, a consumer could be asked if they want to reconfigure their desktop, install all the Microsoft middleware and delete all the competitor's middleware.

b) Communication Protocols. The Agreement states that Microsoft must now share information on how its middleware and server software work together with Windows. However, Microsoft does not have to disclose this information for middleware it does not distribute separate from windows, or for middleware it has not trademarked. In addition, Microsoft does not have to disclose this coding information if Microsoft deems such disclosure would harm the company's security or software licensing.

(1) Software it Does Not Distribute Separate from Windows. This is a huge loophole of ''Bolting'' that was discussed above. If Microsoft wants to drive a competitor out of business, they just attach the specific type of software the competitor is involved with to their Windows platform. Once they do that, they do not have to share the coding information that allows the competitors software to work with Windows, thus driving the competitor out of business. Once the competitor is out of business, Microsoft can separate the software from the Windows package, sell it separately and derive huge margins.

(2) Viable Business. Microsoft does not have to disclose their information to companies that in ''their view'' do not have a ''viable business''. This loophole will allow Microsoft to prevent new software start-ups from forming because Microsoft could decide they are not a ''viable business''. Who can really say which new start-ups is a ''viable business''? Preventing new companies from starting is undeniably bad for competition, and therefore, the consumer.

(3) Harm to Company's Security or Software Licensing. Microsoft does not have to share coding information if they believe that such disclosure would cause harm to the Company's security or software licensing. There is no provision to say who is to make this determination so it is clearly up to Microsoft. Could not Microsoft make the argument that sharing coding with any software or P.C. Manufacturer would endanger its security of software licensing?

c) Bribing Competitors. The Agreement states that Microsoft ''shall not enter into any agreement'' to pay a software vendor not to develop or distribute software that would compete with Microsoft's products. However, another provision in the Agreement permits those payments and deals when they are ''reasonably necessary.'' Who is the ultimate arbiter of when these deals would be ''reasonably necessary''? The Agreement does not specify so Microsoft will be allowed to make that decision.

3. The Agreement Does Not Provide an Effective Enforcement Mechanism for the Weak Restrictions it does Implement. The Agreement requires a three-man compliance team to oversee Microsoft's compliance with the Agreement. Microsoft will appoint one person, the Justice Department another, and the third will be chosen by the two people already appointed. In essence, Microsoft will control half the team. This new team will not be allowed to inform the public of their work, and cannot impose fines. In addition, the work of the committee cannot be admitted into court in any enforcement proceeding. The committee's sole remedy for infractions is for them to inform the Justice Department of the infraction and then the Justice Department will have to conduct their own research and commence litigation to stop the infraction. The Justice Department does not need a compliance group to tell them when Microsoft is doing something wrong, so in reality this group is just a smoke screen.

II. Violation of the Tunney Act. The Tunney Act clearly states that the court should disallow any agreement between an anti-trust violator and the Justice Department if such agreement is ''contrary to the public interest''. It is hard to imagine an Agreement that would violate the public trust more than the proposed Agreement. How could an agreement that ignores all three required remedies laid down by the Appellate court to remedy the situation (terminate the monopoly, deny to Microsoft the fruits of its past statutory violations, and prevent any future anticompetitive activity) possibly be within the public interest. If this Agreement is upheld and then appealed, how could the Appellate Court approve this agreement when it directly violates its own mandate. It would have to find this Agreement to be in direct violation of its own mandate and the public interest. The Appellate Court's decision needs to be respected and this Agreement must be found void.

Thank you for your attention to this matter, and should you have any questions about the above letter please feel free to contact me at any time. Sincerely yours,

Mark Herrick
Director of Non-Profit Services
ClickAction
Nasdaq: CLAC
http://www.ClickAction.com
CORPORATE OFFICE
2197 E. Bayshore Rd.
Palo Alto, CA 94303
Direct Line: 650–463–3963 Fax: 650–473–3954

MTC–00011527

From: Richard Yochum
To: Microsoft ATR
Date: 1/15/02 1:51pm
Subject: Concerns about DOJ's focus and who they are working for

I remain annoyed by the 9 states that refuse to settle w/Microsft. I believe their Attorney Generals have been unduly influenced by Microsoft's competitors, who long ago determined that if they couldn't beat Microsoft in the marketplace, they would do it in court.

In today's global economy, it seems misguided to legally impose restrictions on one of the US' most productive and recognized companies. Has Microsoft shafted investors and employees like Enron? No! There is absolutely no comparison.

Is DOJ going to prosecute the criminal level of 'doing business' at Enron? At Arthur Anderson? These are the type of companies and individuals that need Federal and State scrutiny and prosecution. These types make a mockery, an oxymoron, of the concept, ''business ethics.''

Will the Feds and State go after these recognized political supporters with the same pit bull determination they attacked Microsoft? Probably not, because in this case, mostly lowly taxpayers and wage earners were harmed. People who cannot fill the coffers of the political parties and their Attorney General lackeys like Sun, Oracle, and the other disparagers of Microsoft.

Let's spend our tax dollars to defend Americans from being bilked by the likes of the criminal scum that made the decisions at Enron and Arthur Anderson. Let their comrades know that such behavior will result in crushing penalties and serious jail time! Allow Microsoft to advance its business model and lead the American economy into a prosperous new era.

Thank you for this opportunity to express my opinion.

MTC–00011528

From: Shaoyu Zhou
To: Microsoft ATR
Date: 1/15/02 1:49pm
Subject: Microsoft Settlement

I think the Microsoft Settlement is in the public interest. It provides a fair and effective way to address the concerns brought by this lawsuit. By resolving this issue quickly and effectively through this settlement, the whole computer industry can move forward, which in turn stimulates the growth of our economy in this difficult time. The remaining nine states that refused to settle are clearly working for Microsoft's competitors. The penalty proposal they have made only provides benefits to those Microsoft's competitors by completely disabling Microsoft's ability to compete. These remaining states are being very unfair to a US company that has naturely grown into a worldwide dominating company by its marketing and technology (and not through merging other companies).

Shaoyu

MTC–00011529

From: vicki winn
To: Microsoft ATR
Date: 1/15/02 1:51pm
Subject: Anti-Trust Suit

I am aghast that this case as gone on for as long as it has for an issue that appears to me to benefit no one! Clearly Microsoft has developed a superior product and is therefore the product of choice. This does not make their polices nor practices a ''monopoly''. I

urge a quick an speedy settlement! I strongly believe the offer on the table is fair and benefits all.

MTC–00011530

From: Jerry N. Phillips
To: Microsoft ATR
Date: 1/15/02 1:46pm
Subject: Microsoft settlement

Gentlemen, get this thing settled! The cost for everyone involved is far more than any award $'s. Let Microsoft get back to work, let the litigations cease. Let's get on with using their superb products. Hopefully Microsoft has learned a hard lesson.

Thank you,
Jerry Phillips
1327 10th St. Dr. NW
Hickory, NC 29601
828–261–0200

MTC–00011531

From: Schober, Larry
To: Microsoft ATR
Date: 1/15/02 1:53pm
Subject: Microsoft Settlement

To the Department of Justice:

The provisions of the Microsoft settlement agreement are tough, reasonable, fair to all parties involved, and go beyond the findings of Court of Appeals ruling. You are doing a disservice to computer customers and, given Microsoft's world leading position for this product, to the nation. You are hampering trade by your excessive involvement of government.

By pursuing a reckless agenda of attacking Microsoft you are neither representing justice, nor my interests as a computer user and an American.

MTC–00011532

From: Dan Warrensford
To: Microsoft ATR
Date: 1/15/02 1:53pm
Subject: Microsoft Settlement

Notice:

Any person, government or corporate entity that attacks a Capitalist Institution for doing what Capitalist Institutions are supposed to do, i.e., create high quality goods and services efficiently, for affordable prices, is neo-Fascistic at best.

So, stop acting like Mussolini's philosophical heirs, get out of Microsoft's corporate face, and go after some real criminals—like the ENRON executives. Just DO it.

Dan Warrensford
40 Uranus Ave.
Merritt Island FL 32953–3158
(321) 453–2217; warrensd@gte.net

MTC–00011533

From: Bartucci, John
To: Microsoft ATR
Date: 1/15/02 1:48pm
Subject: Microsoft Settlement

Gentlemen:

I would encourage you to bring the Microsoft Anti-Trust suit to a rapid conclusion. It's gone on long enough and the effect on the consumer (which I realize is irrelevant) will be negative in the long run. I am a professional software developer and I use Microsoft as well as many other vendor's products every day.

Frankly, I'm happy to have a Microsoft around—without them (i.e., a single OS source) we would not have a commercially viable desktop computer, especially for home use. Unix (and all its variants such as Linux) will never be an alternative to a Windows OS, not because of MS business practice but because of the product itself. As a professional, I use Unix everyday— I prefer to work in a Windows environment simply because there are so many more tools available for Windows (which seems to me flies in the face of the judge's decision). And as far as the browsers are concerned, the Internet Explorer browser is far superior to any other browser available. I have several variants of the Netscape browser installed ''just in case'' but I hardly ever use them—usually because they simply don't work! If Netscape had a problem with Microsoft, it was because they had an inferior product—no lawsuit is going to change that fact. I'm glad Microsoft chooses to bundle it with all their OS products—it saves me the trouble of downloading it.

Please bring this case to a swift conclusion. We as a society have gained nothing from either the case itself or its outcome. And there is nothing further to be gained by dragging this out.

John Bartucci Lockheed Martin Naval Electronic Surveillance Systems—Akron
1210 Massillon Rd
Akron, OH 44315
330–796–2395

MTC–00011534

From: Stephen Quinn
To: Microsoft ATR
Date: 1/15/02 1:54pm
Subject: Microsoft Settlement

Just settle the case, get this over and done with!!!

Stephen Quinn

MTC–00011535

From: marty stephens
To: Microsoft ATR
Date: 1/15/02 1:53pm
Subject: Microsoft Settlement

I urge the Justice Department to accept the proposed Microsoft settlement. This issue has gone for too long, and has proved a detrimental not only to Microsoft but to the entire tech industry. Our government should be fostering industrial growth in lieu of penalizing creative industries that strengthen our economy.

Martin Stephens
2020 Deer Trail
Warsaw, Indiana 46580

MTC–00011536

From: Jim Stoneburner
To: Microsoft ATR
Date: 1/15/02 1:53pm
Subject: Microsoft Settlement

It's time for the US Government and Microsoft to stop wasting Time and Money. The time could be better spent by parties and the Money which belongs to the Tax Payers could be better utilized by the Tax Payers.

This lawsuit has been an obvious ploy by certain disgruntled Companies to get even with Microsoft through their Clinton contacts. Stop the waste. We've wasted enough Tax Payer money prosecuting (persecuting) Microsoft.

Microsoft in turn has wasted enough of it's revenues—which in turn—has been paid for by increased sales prices to the consumer, the Tax Payer.

Jim Stoneburner
Col USAF Retired
12779 Rueda Acayan
San Diego, CA 92128

MTC–00011537

From: Needham, James P
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/15/02 1:55pm
Subject: Let the Market Work!

I continue to be amazed by the ongoing litigation related to Microsoft. From my view if there is any anti-competitive activity going on it is that perpetrated by the DOJ, a few State AGs, and a limited number of companies that made some poor business choices and now what MSFT penalized because of their lack of wisdom. It is time for the DOJ and the courts to put a stop to this judicial extortion against MSFT. As a tax payer, let's allocate our legal resources to stopping terrorism, going after the Enron's of the world and get off the back of the only true innovator company in the last 40 years who has created unprecedented wealth for our country, the public, business and their share holders.

Regards,
James P. Needham
Regional Director Europe & Russia
Airline Marketing Services
Boeing Commercial Airplanes
P.O. Box 3707 MS 21–32
Seattle, Washington 98124–2207
Phone: 1–206–766–2585
US Mobile: 1–206–683–9105
Fax: 1–206–766–1030
e:mail james.p.needham@boeing.com
CC:'msft(a)chasemellon.com'

MTC–00011538

From: Richard Manson-Hing
To: Microsoft ATR
Date: 1/15/02 1:56pm
Subject: Microsoft Settlement

The DOJ settlement proposal seems to address the past (emphasis on PAST) illegal practices by Microsoft to protect its monopoly position in the market for its software and platforms. However, it does little to ensure that future illegal monopolistic practices are not engaged in. It particular, it does very little to address the following:

Microsoft has had time to build up a significant barrier to entry for competitive products. Even with the proposed settlement in place, it would still be prohibitively expensive for would-be competitors to try to enter any market space that Microsoft has deemed theirs. There are already examples (maybe not necessarily directly illegal) of where Microsoft will attempt to commit anti-competitive behavior. For example, their recent financial investment in Groove Networks seeks to tie-in an emerging technology (peer-to-peer collaborative technology) to their Windows platform. The Windows brand is simply too powerful to compete against. The damage is already done!

is generally agreed today that new markets such as mobile computing and small devices such as the Palm Pilot and Cellular phones will eventually command a larger share of consumer interest over the traditional PC. Microsoft has already begun to extend the Windows monopolistic brand to these new areas. A technical review board put in place to review Microsoft practices would be too slow to be effective!

The settlement does nothing to compensate Microsoft competitors for the harm that they have endured. These competitors (Netscape, Java, Real Networks etc) are now engaged in an uphill battle to achieve some prominence in the market. These companies would today be in a much better market position if the anti-competitive practices by Microsoft were never engaged in, in the first place. Microsoft's strategy is to delay litigation until they can make come up with a different method of monopolizing the market or until the point is moot!

In closing, I disagree with the DOJ proposed settlement. It is a way for the DOJ to simply ''give up'' while saving as much face as possible. The DOJ needs to come up with a way to ''level the playing field'' by giving Microsoft competitors ''a leg up''.

MTC–00011539

From: Sslist@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 1:55pm
Subject: Microsoft settlement

m appalled that the states are continuing action against Microsoft. It is simply improper for the states to serve as lackeys for the likes of Sun and Oracle against the interests of the consumer. Of all the corporate abuses that affect me financially, Microsoft is very low in the list.

I've been in the computing business for most of my working career and have seen the huge benefits to the industry that Microsoft has facilitated. The standard platforms that Microsoft has provided make it possible for my company to succeed against much larger competitors, by minimizing the advantages of size and drastically shortening the development cycle. Price of servers is coming down drastically due to the availability of Windows platforms and Microsoft databases. Compare the prices of Microsoft based servers with a Sun/Oracle of similar capability. And Microsoft hasn't lowered prices to gain share only to raise them later. You should be looking into Airline fare pricing for this abuse.

Give it a rest. Get out of the way of my business, you're hurting me.

Sam List
135 Bow Street
Unit 4
Portsmouth, NH 03801
603 436 1271

MTC–00011540

From: Nick Rosenstein
To: Microsoft ATR
Date: 1/15/02 1:58pm
Subject: Microsoft Settlement

January 14, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

I decided to take time out of my schedule today to write to you concerning the importance of the recent U.S. vs. Microsoft settlement. The settlement will benefit consumers and the public interest, and therefore no further action should be taken against Microsoft.

Although there are some terms in the settlement which I feel go too far and would not accept, I understand Microsoft's desire to wrap this suit up and move forward. The settlement itself is strong, requiring, for example, Microsoft to possibly disclose intellectual property rights. This could arise if a third party wants to exercise its settlement options. If it is determined that doing so would infringe on a Microsoft intellectual property right, Microsoft will provide the third party with a license to the necessary intellectual property. The settlement actually supercedes Microsoft's property rights. Further, compliance with these terms will enforced in part by a Technical Committee to be created under the settlement.

This agreement gives Microsoft the freedom to focus exclusively on what they do best, that is, developing new and advanced technology that consumers like myself have come to expect, whether it is at home or work.

Sincerely,
Nick Rosenstein, Ph.D.
President
IPN Interactive Payer Network
Please visit us on www.InterPayNet.com
Interactive Payer Network
Landerbrook Corporate Center
5910 Landerbrook Drive, Suite 110
Cleveland, Ohio 44124
voice 440–720–0700, x201
fax 440–720–0702
mailto:nick.rosenstein@interpaynet.com

MTC–00011541

From: Robert Gibson
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/15/02 1:55pm
Subject: Get it done!

Justice delayed is justice denied. Microsoft was denied presenting any evidence before the court ..that's not justice. Having the judge making public comment while the case is in progress. That's not justice. Asking competitors to set penalties. That's not justice. How pathetic does it get?

Even more pathetic as this bunch of has been envious companies hate Microsoft so much that in a bid to line their own pockets with their ill gotten gain they will even go so far as to deny American school kids computers.

It's not about justice is it. It's just plain envy and hate of a rich but generous man who gave $17B to charity last year. YOU HAVE NO SHAME!!

Thank you
Robert John Gibson
Senior Systems Eng, B Eng, NNCDE
Network Engineering
Ph 919 992 5072 ESN 352

MTC–00011542

From: Randy Pelham
To: Microsoft ATR
Date: 1/15/02 1:56pm
Subject: Microsoft Settlement

I have followed with interest the antitrust case against Microsoft. It disturbs me that the government will spend millions of dollars of taxpayer money on witch hunts. It is obvious that the government has selectively chosen Microsoft in this matter. Why not AOL? If the government is going to take action against those companies which strive to improve their product for the good of the public, then our whole economy will eventually stagnate from the lack of creativity. I back any settlement that will stop the waste of taxpayer money.

MTC–00011543

From: Elizabeth M(00E9)nard
To: Microsoft ATR
Date: 1/15/02 1:57pm
Subject: Settlement

I honestly believe that this case has dangerously harmed the US and the Canadian economy. If the whole word has a cumputer on their desk today it is because of company like Microsoft who did deliver afordable software available everywhere. It is not a Microsoft illegal issue but a maket demand issue! Their revenue is customer driven! We like it we buy it ! No one is twisting the customer's arms.

Today I can send this message instantly because of Microsoft and their developers all over the world. This case is all about politics not about consumers. Now days everyone can install what ever software they want! It doesn't always have to be a Microsoft product but if it is easeer to use and cheeper to buy than let it be a Microsoft product. They deserve it! because they always had the product we needed!

Elizabeth Mînard
Canadian citizen
a 20 year old Microsoft Product user

MTC–00011544

From: Stephen Quinn
To: Microsoft ATR
Date: 1/15/02 1:56pm
Subject: Microsoft Settlement

PLEASE just settle this case. It has gone on far too long, it is out of date at this point.

S. Quinn

MTC–00011545

From: Mike Fowler
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/15/02 1:57pm
Subject: Microsoft Settlement

I continue to watch with much curiosity the on-going dilemma between various states and the DOJ regarding the above class action suit and as always, try to follow the money. Of all the class-action suits that I have been aware of or had the unfortunate experience to have been part and party, the only individuals or business who profited were attorneys and accounting groups. It appears to me that because there have been no other companies who have been able to develop programs that are both functionally and price competitive with Microsoft's programs, it appears that these remaining states are simply holding out for money to fill their coffers.

Our organization is a medium size business with approximately 200 personnel and we have used and relied on Microsoft products for more that 5 years and have been extremely satisfied with their products and services.

It would be much simpler if these states would just cut to the chase and tell Microsoft how much money they want so that this suit can finally end once and for all. No individual I have spoken to who uses Microsoft products has any idea that they will receive or have ever received any compensation from a class-action suit. Individually one person (if they can verify they purchased a piece of software) will receive only a small return of monies from a suit of this sort. On the other hand, the attorneys are likely to receive millions, tens of millions or more from a settlement. For the most part, the only people interested in this suit (especially since 9/11/2001) are those states who stand to gain millions for their state coffers....I think they care little or nothing about individuals or businesses.

Settle this stupid suit and let's get on with more important matters (such as the obvious fraud associated with the fall of Enron—some blame needs to be laid on investment companies who follow and report on these types of companies and continue to encourage investors to buy their stocks, Arthur Anderson, and those executives who led people astray while dumping their own stock). It's time to more on.

Michael B. Fowler
V.P. Finance/Administration
Rogers & Brown Custom Brokers, Inc.
P.O. Box 20160
Charleston, SC 29413

MTC–00011546

From: Andrew Coupe
To: Microsoft ATR
Date: 1/15/02 1:57pm
Subject: Letter of comment on the Microsoft Litigation

Andrew Coupe
14 Middlebridge Court
Silver Spring, Maryland 20906
January 13, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing you today to express my opinion in regards to the Microsoft settlement issue. I am a Microsoft supporter and have been active in informing my state government of Maryland on my views. I feel this issue has drawn on long enough, and I was relieved to hear that Maryland had settled and dropped its lawsuit against Microsoft. I am extremely anxious to see this dispute resolved at the federal level.

Microsoft is a company that has done much to impact our society. Because of Microsoft, we reap the benefits of computer technology in our daily lives. This settlement will end three years of litigation and will allow Microsoft to continue focusing its energy on innovative design. This settlement was reached after extensive negotiations and is complete. Microsoft will now agree to share sensitive information about Windows with its competitors.

I find it particularly disturbing that the remaining states in the lawsuit are all homes to Microsoft competitors. It is my understanding, that the Tunney act was designed to protect consumers not corporations. It appears that Oracle, Novell, Sun Microsystems, and others are using state legislators to further their own agenda under the guise of ''protecting consumers''. It is ironic that state legislators are pursuing Microsoft for overcharging consumers while Sun and IBM continue to sell competing products at significantly higher prices.

During these difficult economic times, it would serve in the best public interest to stop wasting precious resources on litigation against Microsoft and allow this company to get back to business. Thank you for your support.

Sincerely,
Andrew Coupe

MTC–00011547

From: Genie Morrison
To: Microsoft ATR
Date: 1/15/02 1:58pm
Subject: Microsoft Settlement

To The Folks At DOJ:

This has gone on long enough.

While I appreciate your efforts to reach a fair and equitable settlement for all American businesses and Americans, it is time for action. Settle, and let's move on.

Where is the outcry from DOJ when... Only 2 meat packers control nearly all of the food supply, here in the US? Only 3 major confectioners; Hershey, Mars, and Nestle control most chocolate/candy? Only 1 satellite company will control the entire US satellite TV market? Only 2 (major) food service distributors for restaurants in the US? Only 3 companies control air conditioning/furnace (HVAC) manufacturing? The list goes on and on...

We Americans will not need a DOJ if Alan Greenspan lowers interest rates again. Heck, the big companies will borrow money (so they can buyout small, competing companies), Americans will lose their jobs, and soon—a handful of companies will control EVERYTHING in America.

Nice picture? Get this settlement over with. You have many more important issues to tackle. Software giants of today, can fall tomorrow. Who thought IBM would be brought to their knees—by Microsoft?

Kindest Regards,
Genie Morrison

MTC–00011548

From: Richard Spooner
To: Microsoft ATR
Date: 1/15/02 1:58pm
Subject: Microsoft Settlement

Dear DoJ

I support the proposed antitrust settlement which reasonably punishes the wrong-doing found by the court and allows all concerned to move on. Users worldwide need the common standard Microsoft supplies. Please don't handicap the US economy by delaying settlement now.

Yours
Richard Spooner

MTC–00011549

From: Esmarrin@aol.com@ inetgw
To: Microsoft ATR
Date: 1/15/02 1:58pm
Subject: Microsoft Settlement

Dear Sir:

I support Microsoft in its attempt to innovate. Microsoft has probably done more to move this country forward than any other company. There attempt to be a leader has caused other companies to take notice and because they haven't been as successful they cry foul. Microsoft Corp. should be an example for other companies. No matter what Microsoft does to settle this lawsuit people are not happy. These people, especially the schools, are in it for the money. I would suggest finding some real criminals to bring to justice and leave Microsoft alone and free to innovate.

MTC–00011550

From: kamran mortezavi
To: Microsoft ATR
Date: 1/15/02 1:59pm
Subject: Microsoft Settlement

It is time to close this case and move on to more important issues that are effecting our lives to day. My vote is for the settlement.

Kamran Mortezavi
(301) 340–2669 (home)
(301) 762–9126 (home Fax)

MTC–00011551

From: Tom Berry
To: Microsoft ATR
Date: 1/15/02 1:59pm
Subject: Microsoft Settlement

To all whom these presents shall come, Greetings.

(Is that how it's usually put??)

Having reviewed the documents related to this case, please let me offer the opinion that they are a good start, yet insufficient to prevent monopoly abuse on the part of Microsoft (as they have demonstrated in the past; cf. the December 17, 1997 contempt motion). Further, let me suggest an additional remedy that should lessen the probability of such occurrences while remaining consistent with Microsoft's own claims of its innovative prowess. As you will recall, in the early phases of these trials, Microsoft chose to paint the picture that the case was about freedom to innovate. I believe my (admittedly partial) solution leaves them free to innovate and reap the benefits of any true innovation.

The remainder of this email speaks to Paragraphs 36 and 37 of the original complaint, which are:

36. Neither the antitrust laws nor this action seeks to inhibit Microsoft from competing on the merits by innovation or otherwise. Rather, the Complaint challenges only Microsoft's concerted attempts to maintain its monopoly in operating systems and to achieve dominance in other markets, not by innovation and other competition on the merits, but by tie-ins, exclusive dealing contracts, and other anticompetitive agreements that deter innovation, exclude competition, and rob customers of their right to choose among competing alternatives.

37. Microsoft's conduct adversely affects innovation, including by:

a. impairing the incentive of Microsoft's competitors and potential competitors to

undertake research and development, because they know that Microsoft will be able to limit the rewards from any resulting innovation;

b. impairing the ability of Microsoft's competitors and potential competitors to obtain financing for research and development;

c. inhibiting Microsoft's competitors that nevertheless succeed in developing promising innovations from effectively marketing their improved products to customers;

d. reducing the incentive and ability of OEMs to innovate and differentiate their products in ways that would appeal to customers; and

e. reducing competition and the spur to innovation by Microsoft and others that only competition can provide.

Microsoft has in the past established a particular modus operandi, to wit:

1) A potential competitor will develop an innovative product with the potential of material impact in the middleware arena.

2) Microsoft will purchase, license, steal and reimplement the concepts of the product, or simply infringe patents to incorporate the competitive technology into it's own product offerings. In the case of simply stealing someone's idea (e.g. Web browsers), Microsoft's operating system dominance then nearly guarantees the overtaking and ownership of the new technology's market. (If you would have evidence of this kind of behavior, especially my infringement accusation, let me suggest that some of the lawsuits brought against Microsoft whose records have been sealed be unsealed. Those cases that Microsoft wants left sealed the most will, I am sure, provide the richest examples.)

3) The threat being neutralized, Microsoft will cease any meaningful ''innovation'' and begin developing minor feature enhancements designed to drive revenue to Microsoft rather than provide value to consumers. (Witness the release of Word 6 on the Macintosh, which actually ran slower than its predecessor. This flaw was only corrected after massive publicity began to reflect poorly on Microsoft.)

However, the current settlement, especially the paragraphs: ''Nothing in this section shall prohibit Microsoft from entering into (a) any bona fide joint venture or (b) any joint development or joint services arrangement with any ISV, IHV, IAP, ICP, or OEM for a new product, technology or service, or any material value-add to an existing product, technology or service, in which both Microsoft and the ISV, IHV, IAP, ICP, or OEM contribute significant developer or other resources, that prohibits such entity from competing with the object of the joint venture or other arrangement for a reasonable period of time.

This Section does not apply to any agreements in which Microsoft licenses intellectual property in from a third party; does not address the behavior I have described, where Microsoft essentially stifles innovation while claiming to be innovative.

Let me propose the following additions to the settlement:

Microsoft be prohibited from acquiring (or making a future agreement to acquire) any company or company's product, or purchasing anything more than non-exclusive redistribution rights to another company's individual product, for seven years. Also, they would be prohibited from making investments greater than, say, $20M in any company.

Microsoft could not possess copies of the source code for any software product not developed in-house, even under license. The actions of any company in which it made investments could not be restricted by Microsoft in any way, shape, or form. Microsoft be prohibited from implementing technologies developed at any other company unless they adequately license someone else's patent. (I'd suggest a guideline of ''adequacy'' could be established, perhaps 3% of the product's gross revenues.) Possibly companies or individuals could also register their own innovations with an office of the Technical Committee (*not* located in Redmond). (Given that the Technical Committee will be on Microsoft's campus we have to assume that Microsoft would be able to read any database kept on its premises.) While this appears to duplicate the efforts of the US Patent and Trademark Office, the Technical Committee's innovation database could probably be updated more easily and would allow for the registration of product concepts, again the chief example being web browsers (registration would require the presence of a working prototype, of course). This does not constrain Microsoft from developing its own patents or ideas, indeed, it should encourage such ''innovation''.

Further, if Microsoft is found guilty in (or settles) a suit of patent or innovation infringement filed (not necessarily resolved) during the during the period of enforcement (listed as 5 years in the Settlement document, though I would suggest increasing this term to 7 years), punitive penalties should be 30-fold the original judgement or settlement (not the mere 3 times that I believe current law allows).

I believe that these additions to the settlements will encourage true innovative behavior on Microsoft's part to the benefit of the consumer. I recognize that these provisos flirt with restraint of trade. However, Microsoft has flouted the law without adequate recompense to date, and I believe an extraordinary remedy is in order.

Best Regards,
Thomas Berry
Galileo Systems, LLC
408–296–5223
CC:microsoftcomments@doj.ca.gov@inetgw, ROBERT.RIGSBY@...

MTC–00011552

From: Dixie
To: Microsoft ATR
Date: 1/15/02 1:57pm
Subject: Microsoft settlement

Truly this has gone far enough. With all that is happening in the world I would think it is time to move on and let Microsoft run their business and end this long drawn out lawsuit.. The settlement terms Microsoft offered are in my opinion more than fair, in the interest of ''right'' end this nonsense now.

Sincerely
Mary D. Pintler
Dixie Pintler
bobndix@oz.net

MTC–00011553

From: Ron Samford
To: Microsoft ATR
Date: 1/15/02 2:00pm
Subject: microsoft settlement

Let's get this settled and move on; it's time to free Microsoft from the burdens of this litigation and get the DOJ focused on more pressing needs. Microsoft has recognized it's not infallible in this issue. All objectives have been met in large measure on both sides. Settle it now, please.

MTC–00011554

From: Bakstran
To: Microsoft ATR
Date: 1/15/02 2:01pm
Subject: Microsoft Settlement

To whom it may concern

This email is to let you know my feelings on the proposed Microsoft settlement. I am a Massachusetts resident and do not agree with our Attorney General who has decided not to abide by the proposed settlement. I believe the settlement is fair and is certainly in the best interest of the consumers of the US. Microsoft has provided so much to us in the area of technology improvements and price/performance of their software. I look forward to their innovations in 2002 and beyond.

Sincerely
Annette Bakstran
20 Baker Road
Berlin, MA 01503

MTC–00011555

From: George Huey
To: Microsoft ATR
Date: 1/15/02 2:01pm
Subject: Microsoft Settlement

It is becoming increasingly clear that the case against Microsoft is not only against Microsoft but against the American people as well. The hate spewed forth by AOL, Sun and Oracle is disgusting and I find it hard to believe that our justice system would side with such companies. Our economy is in the toilet and it needs everything it can get it to rebound (like getting off of Microsoft's back). It is an interesting note that our economy didn?t start to decline until the government attacked Microsoft. If DOJ is really interested in helping the American people, it will stop listening to the Microsoft bashers (AOL, Sun and Oracle) and think about what is good for the American people. If anything, I would like an inquiry into how the government justice system can take sides with companies such as AOL, Sun and Oracle when it is clear that none of these companies give a flying goose about the welfare of the American people. Anyway, this madness needs to stop. If AOL, Sun and Oracle want to compete, tell them to lower their prices and become competitive with Microsoft, not have the government destroy Microsoft so that they won?t have to provide better products. Also, I resent the fact that the government and Microsoft's competitors think that the American public is so stupid that they can?t make a choice on what software they want to run on their systems. If I want to run AOL

or use an Oracle database, I will do so. Microsoft has never forced me to use their products. I am very happy with Microsoft and their struggle to make the computer user experience easy. I believe that Microsoft is working for the people not against the people like its competitors. Any politician that fights against Microsoft will lose my vote. It is time for the American justice system to get out of bed with AOL, Sun, and Oracle and think about what is good for the people not what is good for Microsoft's competitors. Please stop trying to destroy Microsoft. It is not good for the economy or the American people.

Yours truly,
An American citizen,
George Huey

MTC–00011557

From: Chris (038) Marcia Wood
To: Microsoft ATR
Date: 1/15/02 11:01am
Subject: MS

Whatever decision is made, I believe the ease of use by the general public is the overwhelming issue. Standardization is very important. I really don't care what the standardization is except that is should in the user realm, not some companies agenda. I do believe that the market place will take care of 99% of all issues. I dread the government's involvement. Sometimes elected officials get involved when they shouldn't and sometimes they don't get involved when they should. I think the economy of the US is much better served by Congress when they listen to the public as opposed to a few companies which failed in their technology and or marketing.

Chris Wood
1155 Victoria Falls Dr
Redmond, OR 97756
541–504–9358

MTC–00011558

From: ML Kuzma
To: Microsoft Settlement
Date: 1/15/02 1:40pm
Subject: Microsoft Settlement
ML Kuzma
77 Worth Ave
Hamden, CT 06518
January 15, 2002
Microsoft Settlement
U.S. Department of Justice—Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Marie Kuzma

MTC–00011560

From: Mathur,Ashok N.
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/15/02 2:05pm
Subject: Microsoft Settlement.

Its about time we settled Microsoft case. With the current economy any dragging of the case can only hurt the cause of recovery.

MTC–00011561

From: Barline, John
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/15/02 2:05pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am an attorney, Republican, active citizen, consumer of computer hardware and software and daily computer user. I am writing to advise that it is my belief that the Microsoft litigation needs to be settled and not further litigated. The very software that I am using is a result of the good work that Microsoft has done and is doing. I feel that to litigate this matter further is a giant waste of the taxpayers' money, the government's time, and would unnecessarily prolong this process. Let's get on with doing things that benefit the country, instead of penalizing a company that has only benefited the US in the world and all of us citizens.

Thank you for the opportunity to comment.

John D. Barline
Williams, Kastner & Gibbs PLLC
1301 A Street, Suite 900
Tacoma, WA 98402–4200
Phone (253) 593–5620
Fax (253) 593–5625
email: jbarline@wkg.com

MTC–00011562

From: Bob Walters
To: Microsoft ATR
Date: 1/15/02 2:02pm
Subject: Microsoft Anti-Trust Case

Time to stop this madness. These attacks on our American Companies are the main reason our economy and stock markets are in the dumps. Time to get the lawyers out of Washington's Federal Justice Department and get back to business.

Bob Walters
Placerville, CA

MTC–00011563

From: Academy of Music Northwest
To: Microsoft ATR
Date: 1/15/02 2:05pm
Subject: Microsoft Settlement

Dear Sirs,

Too many lawyers are trying to build a career out of this issue. The terms are fair, reasonable, logical, and good for everyone, except lawyers and malcontents. Let's get on with this settlement NOW.

Thank you,
Dee Wells,
VP Finance and Admin.
Academy of Music Northwest
425 778 7711

MTC–00011564

From: Jimm Butler
To: Microsoft ATR
Date: 1/15/02 2:05pm
Subject: Microsoft Settlement

With all due respect, I have never seen a sorrier excuse as the one where thousands of mostly lower income children loose the opportunity to learn from new resources valued in the billion(s) because of the way antitrust laws are being construed. Why not just require Microsft to fund, at whatever amount prescribed, the school's choice of computer systems, Microsoft based or otherwise?

MTC–00011565

From: Rod Trent
To: Microsoft ATR
Date: 1/15/02 2:06pm
Subject: Anti-Trust case. . .

The length of time it is taking to reach a settlement in the Microsoft case is horrible. The government has already created a very good settlement, and the states not accepting this settlement are keeping the country and economy from recovering from 9/11. Let Microsoft get back to work and keep making products that provide jobs and economic and market value.

This case is no longer for the benefit of the consumer. Consumers aren't even on some of these panels that the government has allowed. Bringing folks from AOL, Sun, and NetScape into the mix only shows that this case has nothing to do with the consumer. AOL, Sun, and NetScape, specifically need to get to work and just create competing products. Microsoft has never stopped these companies from bearing down and just trying to create better products. They have stopped themselves, and in doing so, have only stopped to whine and cry. You can't compete, if you don't even try to compete. Its like me crying to my mom, asking her to tear up my friend's picture, because he's a better artist than I am. And, when I'm older and find I still have no artistic talent, do I ask the government to burn every piece of artwork in the world because it makes me uncomfortable?

AOL for one, should be under the gun for anti-trust issues. I speak to consumers every day, and the majority of them can't understand how a company like AOL has not entered into any kind of litigation, but Microsoft is forced to be beat on by companies who give as much money to the government as Enron.

If it weren't for Microsoft, these companies would have no one to compete with. From this you can see that Microsoft and its products actually spur competition. They raise the bar, forcing companies to either compete or succumb. What US loyalist can't see that as the American way?

Rod Trent
Microsoft.MVP.SMS

MTC–00011566

From: LMi3280257@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 2:07pm
Subject: Microsoft Settlement
PLEASE APPROVE THIS SETTLEMENT. GET THIS THING BEHIND ALL OF US.
Luana Miller
San Rafael, Ca.

MTC–00011567

From: Thorbz@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 2:08pm
Subject: microsoft settlement
Please do not allow bickering between businesses to deprive the schools and children to benefit from advancing and keeping up with technology that they cannot afford by themselves.
I believe schools and our well-informed future citizens will be able to make intelligent and informed choices in the future.
LT

MTC–00011568

From: Jody Varner
To: Microsoft ATR
Date: 1/15/02 2:08pm
Subject: Microsoft Settlement
Dear Judge,
My name is Jody Anne Varner and I serve as the Executive Director of Hope Unlimited International and like most professionals, use MicroSoft products daily.
I do not agree with the Proposed Final Judgment that you are considering. I implore you to cause MicroSoft to have to play by the same rules all others do. Please do not let this PFJ stand.
Sincerely,
Jody Anne Varner
Executive Director
Hope Unlimited International
415–438–3350

MTC–00011569

From: Stan Young
To: Microsoft ATR
Date: 1/15/02 2:08pm
Subject: Microsoft Settlement
Dear Justice Department Members:
I write to you to encourage you to accept the settlement proposed by Microsoft. I believe it is fair and putting this affair behind us will be an important step towards getting our high-tech economy back in productive mode. This will help us here in California as it will help the rest of the nation.
Thank you for your consideration.
Stan & Susan Young
19903 Summit Drive
Topanga, CA 90290

MTC–00011570

From: Jack Lawyer
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/15/02 2:07pm
Subject: Microsoft support
I fully support the Microsoft's position in the anti-trust case. The settlement agreed to with the Federal Government is just and fair. I believe that the states that did not settle are profoundly influenced by their corporate constituencies who are motivated by competition. They are only out to feather their own nests at Microsoft's expense. John W. Lawyer

MTC–00011571

From: Johanna Seth
To: Microsoft ATR
Date: 1/15/02 2:11pm
Subject: microsoft settlement
I have read the recommended documents. I am in favor of settlement under the present terms.
Johanna Seth
14860–16 Summerlin Woods
Fort Myers, FL 33919
941–481–3751

MTC–00011572

From: Jack Richins
To: Microsoft ATR
Date: 1/15/02 2:11pm
Subject: Comments on the proposed United States v. Microsoft Settlement
After reading the proposed settlement, I am strongly in favor of this settlement. It is fair, rights the wrongs done, and prevents future occurrences. This settlement will help end this case, which has gone on long enough to detriment of the consumers. Quickly accepting this settlement will benefit consumers with a more open market with greater innovation and greater competition. And that is the purpose of this entire case, is it not?
Sincerely,
Jack Richins

MTC–00011573

From: George Howell
To: Microsoft ATR
Date: 1/15/02 10:08pm
Subject: Microsoft Settlement
The proposed settlement is a farce. A company has been found to be a monopoly, and one that abuses the situation. The proposed settlement will strengthen the monopoly, and allow further abuse of the power. In addition, the marginal cost to Microsoft to implement this remedy are essentially zero.
A far more rational plan is that suggested by Bob Young of Red Hat Inc, wherein Microsoft pays for hardware, and the software is provided by a free software vendor.
A third potential, and one that I advocate is to modify the current proposal to have some real teeth. First, Microsoft should have to provide cash and/or staff members in dollar amounts annually to equal the retail price of the software it is donating. Many studies indicate that post sale support is the largest factor in computer purchases. Saddling schools with machines and no support is worse than doing nothing. Money better spent on books, etc. will be directed to computer support. Let Microsoft pay for on site personnel. This makes the computers of more use to the schools, and also imposes true monetary penalties for their actions.
Second, this must not be a one-time deal. The computers and software must be replaced on a three year schedule (common in all industries with computer equipment) and the support staff must be on site for the entire three year period.
Finally, to avoid this being simply a three year slap on the wrist, the upgrade cycle should be financed by Microsoft indefinitely. When they cease to support this program, they should be required to develop a new remedy. In other words, this only buys them time. In addition, the amount should be adjusted by the rate of inflation as determined by the GAO or some other independent body.
This proposal will not eliminate the monopoly; it is unlikely that anything will. On the other hand, it will force Microsoft to pay for the pleasure. Also, some might view this as too harsh, being indefinite in nature. The money illegally earned by Microsoft will compound year after year unless there is a monetary penalty sufficient to eliminate their advantage. This plan modification that I suggest would make sure that Microsoft would not be able to take advantage of investments made with illegally gotten wealth. The only other possibility to prevent this is to impose massive cash payments to the respective governments and other plaintiffs.
Thank you for your time and consideration.
George Howell
ghowell@familyhealthcarepa.com

MTC–00011574

From: Casey Clan
To: Microsoft ATR
Date: 1/15/02 2:09pm
Subject: Microsoft Settlement
This misguided action by our government(s) should have ended long ago. As a litigation support specialist for Price Waterhouse, I participated in the last High Tech witch hunt by the DOJ against IBM (with Memorex' help). What a joke! We don't need protection from Microsoft.we need protection from our government! Let us decide ourselves whether to buy Microsoft's products, and then buy stock in the company if we think their profits are excessive. Why don't you guys go find some real criminals.
Please settle this monkey business as soon as possible.
Kevin Casey

MTC–00011575

From: Ron and Jan Miller
To: Microsoft ATR
Date: 1/15/02 2:10pm
Subject: Microsoft Settlement
I think the Microsoft case should be settled. What better way to have something positive comes out of this. Just think of how many children's lives could be changed if they had access to a computer. One billion in funding, software and training would make a huge difference in our classroom for the better. Just my opinion, for what it is worth. I am a grandmother with several grandchildren in grade school. Sure would like that benefit for them.
Sincerely,
Jan Miller

MTC–00011576

From: David Sagherian
To: Microsoft ATR
Date: 1/15/02 2:12pm
Subject: Microsoft Settlement.

As a consumer, I am appalled at the manner with which nine states are stretching this incredibly convoluted issue further. I am a California resident and consider the state's actions counterproductive and not representative of my intents and wishes and I speak for many who share the same thoughts.

There has been enormous damage to the consumer out of these lawsuits. Much more than the alleged harm they are trying presumably to correct? Time to call it a lawsuit and MOVE ON!!!!!!

David Sagherian
Glendale California

MTC–00011577

From: Pierce, Jeff
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/15/02 2:08pm
Subject: Microsoft Settlement

To the court:

I strongly agree that the Government should accept the proposed settlement terms and get the Microsoft case resolved without further litigation. The lawsuit is clearly Microsoft's competitors' attempt to injure, harm, distract, and frivolously litigate a successful, tough American company.

Please remember the following facts as you consider settlement:

1) The initial lawsuits were filed after lobbying by Microsoft competitors— not by citizen groups. Read Lawyer Reeback's history.

2) Microsoft is a monopoly in their own product and can modify it as they like. They can expand and add functionality to their products just like their vociferous competitors do—Oracle and SUN being two of the primary agitators.

3) There is plenty of choice for all technolgoies. Within the information industry, I count just four competitor's revenues (IBM/SUN/ORACLE/APPLE) at well over $100 Billion dollars in just these four named companies. They should develop and market technologies that compete on their merits. I don't see Microsoft getting the state of Washington to sue IBM for their monopoly on IBM mainframes—AND PREDATORY MAINFRAME SOFTWARE PRICING PRACTICES THAT ARE WELL DOCUMENTED IN THE INDUSTRY. Why not? People look at ''disruptive technology choices'' that accomplish business goals by choosing from a myriad of other products that accomplish their goals. .

NO CONSUMER HARM

The biggest legal issue was supposed to be consumer harm. In all the documents I read on this court case, I have yet to see quantified or estimated damages to consumers. In fact, maybe consumers should PAY MICROSOFT for adding valuable features at no charge into their products— features they could otherwise pay for to ''competitors''.

The average selling price of PC hardware combined with Microsoft software has fallen probably 66% since I have professionally sold computers and networks for a living. Again, a CONSUMER BENEFIT due to Microsoft.

Final Note: I understand some company called Apple Computer makes an electronic box without Microsoft software; such box is able to mimic functionality provided by Microsoft powered hardware. Consumers can order this box today, immediately, on the Internet and never have to buy Microsoft. Easy to choose alternatives, isn't it?

STATES GOVERNMENTS ARE LACKEYS AND CO-CONSPIRATORS

I am extremely disturbed by states suing on behalf of business competitors. As pointed out, there is no consumer harm—just business competition through the natural competitiveness of the technology industry. The states that choose not to settle should have some fairly well defined precedents set by the current agreement proposal between the Govt/Settling States and Microsoft. Precedents that will stop their continued foolishness in this lawsuit.

Regards,
Jeff Pierce
16 Jesse Dr
Mercerville, NJ 08619
609–584–8621
jeff@pierce.net
CC:'jeff(a)pierce.net'

MTC–00011578

From: Hal Kenyon
To: Microsoft ATR
Date: 1/15/02 2:10pm
Subject: Microsoft Settlement

To Whom It May Concern,

I own Kenyon Drafting & Design and use many Microsoft products. Microsoft is a great company!

I want the settlement to benefit Microsoft as much as possible. The more we penalize Microsoft, the more we have to pay for their products & services (which are excellent quality).

Sincerely,
Hal Kenyon
www.kenyondrafting.com

MTC–00011579

From: jane mcguigan
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/15/02 2:21pm
Subject: Microsoft Settlement

I cannot understand the reason these states are objecting to the settlement. The taspayers of the US have wasted enough money with the Microsoft case. I am more that satisfied with the results of the settlement. Let Microsoft get back to their business. I am a user of MS products and a shareholder in the company They have complied over and above.

MTC–00011580

From: Tuttle,Dino M
To: Microsoft ATR
Date: 1/15/02 2:15pm
Subject: Settlement

A quien corresponda:

I think the US government should get it's hands off Microsoft and give them an apology. Why punish a company for succeeding. If we didn't like the product, we'd buy Apple.

Dino Tuttle
Box 3169
Alamo, TX 78516

MTC–00011581

From: Peggy
To: Microsoft ATR
Date: 1/15/02 2:16pm
Subject: Microsoft Settlement

I would personally like to comment upon the Microsoft antitrust settlement. It certainly ''could'' discourage people from striking out on their own and striving to be the best. I personally object to the whole antitrust case with Microsoft. As Americans we should be able to grow our business as much as possible. I am a small company, but certainly feel that ''if'' I were to become a LARGE company I would feel threatened by government because of this particular antitrus case going on today. I think Americans should be free, with no interference from government—unless fraud is going on - and I do not think it is with Microsoft. They have great products, and because they have developed something of far superior quality to other companies, they are being stiffled and punished. I truly do believe it is a crime—and the results of some poor losers' attempts to discredit someone that did better in their plans, production and products, than they.

Thank you,

Peggy Page, 13525 N. Lon Adams Road, Marana, Arizona 85653—520–682–4326

MTC–00011582

From: George Burch
To: Microsoft ATR
Date: 1/15/02 2:17pm
Subject: Microsoft—a consumer viewpoint

This is just another typical pissing away of the public's money. Microsoft has done nothing wrong. It only happens that the competition is not willing to dig into their pockets to play and the DOJ and the Congress saw it as an opportunity to look like they give a shit about the public. Fact: If I owned the concession on air, to get it you would have to pay. It is called capitalism. Press on with your inane exercise. It is why you guys work for the government. You would not last a second in the real world.

George
CC:Nightly@NBC.COM@inetgw

MTC–00011583

From: Runnerjo@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 2:20pm
Subject: microsoft settlement

We need to thank Bill Gates and Microsoft for what they have done for this country and technology instead of suing him. Where would we be without Microsoft and computers?

We live in America to have the freedom to innovate and make discoveries that will benefit Americans. One of our freedoms is capitalism. When a man and his company is successful, do we then sue him and try to take his rights away as an American. We need to end these lawsuits now and give Microsoft the freedom it deserves to invent new products that help us all in business and in schools.

Joanne Leonard
Hollywood, Florida

MTC–00011584

From: laura
To: Microsoft ATR
Date: 1/15/02 2:20pm
Subject: microsoft settlement

The consumers have not been hurt by Microsoft. The nine states pursuing the suit against Microsoft are representing competitors-not consumers. The settlement with the government should have brought this matter to close.

Paul Stout

MTC–00011585

From: Jmahamaker@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 2:20pm
Subject: Priorities

I urge that the government close its case against Microsoft and concentrate on matters of more importance to the American people than persecuting a company which is more responsible that most entities in this country (private or governmental) for the 90's booming economy.

Joan Hamaker

MTC–00011586

From: BranTayDes@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 2:21pm
Subject: Microsoft Settlement

With the uncertainty of the economy, the Microsoft suit demands closure so we can all get back to normal. Please move this case to a conclusion.

Robert Hines, San Diego, CA

MTC–00011587

From: Stephen Quinn
To: Microsoft ATR
Date: 1/15/02 2:21pm
Subject: Microsoft Settlement

I almost don't care how you settle this Microsoft case, but please settle it.

Seriously, this has been going on for far too long.

Stephen Quinn, Test Mgr

''The more I want to get something done, the less I call it work.''—R. Bach <http://www.ag.wastholm.net/author/Ashleigh—Brilliant> .NET Enterprise Server, SQL Business Intelligence

Office Phone: 425.703.5351, Cell Phone: 425.829.3727

MTC–00011588

From: MaurKilleen@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 2:22pm
Subject: Microsoft Settlement

I was very disappointed to learn that US District Judge J. Fredrick Motz rejected a settlement that would have resolved the class-action lawsuits filed against Microsoft.

Enough is enough! First we had an incompetent and obviously biased Judge Penfield and now this. We are still reeling from the attack of 9/11. Our country is at war, our economy in a shambles, thousands of citizens are out of work and thousands more will shortly join them. I thought Microsoft made a great offer that would have benefited the company, the country and the underprivileged but apparently there are those who are hell bent on destroying a great company, major employer and generous benefactor.

Could it be that the goal is to transfer more of our business to Asia or is it to pander to the incompetent and jealous competition here at home? In the interest of all concerned, it is time to settle this case for once and for all.

Then we can direct all of our legal resources and skills towards salvaging the savings, pensions and jobs of the unfortunate citizens ravaged in the horrific, real and major scandal now at hand:-Enron.

Very truly yours,

Maureen J. Killeen

MTC–00011589

From: Dave Garvie
To: Microsoft ATR
Date: 1/15/02 2:22pm
Subject: Microsoft Settlement.

Please, let's settle the Microsoft case, and let them get back to business.

Dave Garvie

MTC–00011590

From: mookie1173
To: Microsoft ATR
Date: 1/15/02 2:25pm
Subject: To Whom It May Concern:

To Whom It May Concern:

I feel the lawsuit against Microsoft should not be allowed to continue. I feel the current set of measures agreed to by Microsoft and the Department of Justice are sufficient and to continue litigation will unnecessarily prolong this country's current economic problems. I feel the final outcome will be the same anyway since the current set of sanctions are fair and reasonable. I feel that this litigation has undermined this country's faith in the future of the entire technology sector. It has done much more harm than any transgressions ever made by Microsoft. I am glad that this happened, but I think it's now time to move on. I hope we will soon be able to put this situation behind us. I'm sure there are many other more constructive ways to use the court's time.

Sincerely,

Mark Hamblin

MTC–00011591

From: ESKIMOPUP@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 2:25pm
Subject: Microsoft

Please settle the case with Microsoft quickly and in a fair manner so that Microsoft and our economy are not hurt further.

MTC–00011592

From: Ben Trevathan Allied Worldwide
To: Microsoft ATR
Date: 1/15/02 2:25pm
Subject: Microsoft Settlement

Ladies and Gentlemen:

As a Microsoft shareholder (as well as an owner of shares in most of Microsoft's major competitors), I would like to exercise my right to comment on the proposed settlement. Other than my ownership of shares and my use of Microsoft products, I derive no benefit, directly or indirectly, from Microsoft and am not employed in the technology industry.

The prior administration commenced an action against Microsoft that was not sought by the marketplace. The destructive impact of this course of action has been aptly chronicled by the evaporation of tens of billions of shareholder wealth, not just at Microsoft, but among its competitors as well. Microsoft enjoys its current market position not because of any nefarious plot, but directly as the result of providing a valuable product that the consumer has chosen freely and often. As was the case with IBM in the 1970's, no company—especially one that is competing in an arena in which innovation today can render last year's necessity obsolete—can enjoy a monopoly without the intervention of government. It is cruel irony that it is the intervention of government which now punishes a company victorious in the free and unfettered technology marketplace in order to enrich competitors whose success came not from that marketplace but from generously opening their wallets to Washington influence.

The current administration has the opportunity to return the nation - at least in this one instance—to a path in which freedom and innovation are rewarded and success or failure are determined by the people who participate in the market, not by the purchased power of government for sale to the highest bidder. As has always been the case, the path of freedom requires courage in the face of determined opposition. For the several years that this action has been pursued, we have as a nation followed a dark and dangerous course designed to overturn a verdict rendered collectively by the people. It is a dynamic verdict that is subject to change at any moment. But it is the people, voting daily in a free marketplace, and not the government who must either affirm or cast aside that verdict. History has demonstrated repeatedly and unanimously that when governments intercede to force their will upon the marketplace, the price borne by the people is significant. The Department of Justice should support the settlement of its action against Microsoft. It is the first step back onto the correct path—a path determined anew everyday by the people, not set by the government.

Ben Trevathan
Business Executive
MBA University of Chicago

MTC–00011593

From: sdavis15@csc.com@inetgw
To: Microsoft ATR
Date: 1/15/02 2:22pm
Subject: Microsoft Settlement

Dear Sir,

I am sending this note to express my concern for the proposed antitrust settlement with 9 states and Microsoft, The provisions of the agreement are tough, reasonable, fair to all parties involved, and go beyond the findings of Court of Appeals ruling. The settlement is good for consumer and the American economy. We need to move beyond this litigation. As a country we have more important thing to deal with like national security and America economy.

I urge you to settle this case with Microsoft which is the best interest for this country at this time.

Thank you for your attention.

Sincerely yours,

Stephanie Davis

MTC–00011594

From: Clyde Tatman
To: Microsoft ATR

Date: 1/15/02 2:25pm
Subject: mocrosoft settlement
This has gone on long enough. I believe MS is being sued because it is large and successful. Since the Fed. has initiated a suit the states should keep their nose or collective noses out of it.

MTC–00011595

From: Minder, Stephen
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/15/02 2:26pm
Subject: Microsoft Settlement
It seems that the USA needs to get the Microsoft case behind us. Please urge the parties to agree to a settlement that allows competition, but also allows one of America's most important strategic companies to continue to operate.
Stephen W. Minder

MTC–00011596

From: Bob Sanborn
To: Microsoft ATR
Date: 1/15/02 2:26pm
Subject: Microsoft Settlement
It is time to get this litigation behind us. I believe the proposed settlement is fair and just. As a citizen I would like to get this behind us for the good of the country. Please settle this as soon as possible and avoid any further litigation.
Robert W. Sanborn
5406 W. University Blvd.
Dallas, TX 75209
214–352–9630

MTC–00011597

From: H. G. Bare
To: Microsoft ATR
Date: 1/15/02 2:27pm
Subject: Microsoft Settlement
Please be advised that I strenuously object to any and all further litigation against Micro$oft in regard to delaying the proposed settlement. I especially object on the grounds that, as a Massachusetts resident, I am now forced to see my state tax dollars spent on useless pursuit of political gain for the incumbent Attorney General, who is only interested in getting free TV air time, not my best interests.
Sincerely,
Heather G. Bare
265 Braley Hill Road
Rochester, MA 02770–1907
hgbare@neaccess.net

MTC–00011598

From: BLHartzell@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 2:28pm
Subject: Microsoft Settlement
Gentlemen:
It is time to settle the Microsoft lawsuit, and stop litigating! The litigation is hurting the economy. The only beneficiaries of the litigation are the trial lawyers.
Sincerely,
Barton L. Hartzell
836 2nd. Ave., #302
Kirkland, WA. 98033

MTC–00011599

From: RICK MARCINIAK
To: Microsoft ATR
Date: 1/15/02 2:26pm
Subject: Microsoft Settlement
Please settle this case even if you increase the fine 100 million. So there are 9 states against the solution. That's pretty good out of 50 states. If that was the vote in Congress or the Senate it would be a no brainer. PLEASE, let's put this behind us.
Thank You
Rick Marciniak, 1065 Gator Trail, WPB, FL. 33409

MTC–00011600

From: CABAANANTE@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 2:28pm
Subject: Microsoft Settlement
Dear Sir:
I strongly believe that the Microsoft case should be soon settled as proposed and all additional litigation discontinued.
Sincerely,
Carlos A. Baanante

MTC–00011601

From: Cleon Seguin
To: Microsoft ATR
Date: 1/15/02 2:31pm
Subject: litagation
The case against Microsoft is not about anti trust it is about the freedom of interprize to get ahead in a competive maner. The states are only after a free ride in the developement of new produces. Why should Microsoft have to give up there trade secrets anymore than General Motors. As for a monoply how about the car companys You have to buy Ford parts to fix a ford car as well as the rest of the car companys. How about Boeing , they have 100% monoply on airplanes. Microsoft has given a huge amount of settlement offer. Tell the states to go to hell and develope there own products.
Cleon a Seguin
7814 s,112th, st. Seattle wa.
206 772 6798
seguin3d@earthlink.net

MTC–00011602

From: jason dennis
To: Microsoft ATR
Date: 1/15/02 2:29pm
Subject: microsoft settlement
To whom it may concern.
As a software engineer by trade, I wish to comment on the proposed Microsoft settlement.
I would add that I'm not an employee or contracted to Microsoft and do not have shares in the company.
Whilst Microsoft may be guilty of bad practices, I feel that the settlement is fair. The company should not be broken up, nor should it be made to give up to another company the Windows or Office product. America is built on a freedom to make money by giving something the end-users want, if the end-user wants Microsoft then let them choose. Oracle complains but it's software is only used on high-end machines, how does it know what the end-user wants.
Please let the Microsoft settlement stand. So everyone can move forward, developing in a situation where you don't know if the company who's products you are using will be around in 6 months or they are changing to something different is very disheartening.
Regards,
Jason Dennis

MTC–00011603

From: Sean Callahan
To: Microsoft ATR
Date: 1/15/02 2:30pm
Subject: Microsoft settlement
I believe it is now time to settle the Microsoft anti-trust lawsuit, as well as, all the civil lawsuits. The company has been found guilt. Now please pick a punishment and let's move on. By dragging on the settlement talks, the only winners are the lawyers, not the consumers, which is suppose to be the intended winners. Please just pick a punishment and stop all the legal wrangling.
Thank you,
Sean Callahan
Gilbert, AZ

MTC–00011604

From: BOB KADECHKA
To: Microsoft ATR
Date: 1/15/02 2:29pm
Subject: MICROSOFT SETTLEMENT
PLEASE DROP THIS MATTER!

MTC–00011605

From: Paul Johnston
To: Microsoft ATR
Date: 1/15/02 2:30pm
Subject: Microsoft Settlement 1055
Doylestown Pike<?xml:namespace prefix = o ns = ''urn:schemas-microsoft-com:office:office'' /> Quakertown, PA 18951 January 13, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Attorney General Ashcroft:
I have used Microsoft products for 12 years. Microsoft software is one of the few things in America that works well. It makes my job easier. All the Microsoft products work well together as it should be. As a concerned citizen of this great nation, I am writing to voice my opinions on the settlement, which has been reached in the three-year antitrust case against Microsoft. It pleases me to know that a settlement has been reached by the all of the parties involved.
Microsoft will not be getting off easy, as others would lead you to believe. The company has agreed to document and disclose for use by its competitors various interfaces that are internal to Windows operating system products. This is a first in an antitrust settlement
Also, Microsoft has agreed not to retaliate against software or hardware developers who develop or promote software that competes with Windows or that run on software that competes with Windows.
Please let Microsoft alone. It isn't broke don't try to fix them. I ask that no more action be taken on the Federal level against Microsoft. Thank you.
Sincerely,
Paul Johnston
cc: Senator Rick Santorum
Paul A. Johnston
Asplundh
Quality Assurance
Phone: 215–784–1448
Email: pjohn@asplundh.com

MTC–00011606

From: Roland Pohlman
To: Microsoft ATR
Date: 1/15/02 2:33pm
Subject: microsoft needs help

Please leave Microsoft alone to innovate and design new products for all of us! They have been punished enough. Thank you

MTC–00011607

From: Diane (038) Roland Freeman
To: Microsoft ATR
Date: 1/15/02 2:33pm
Subject: Microsoft Settlement

Microsoft, like Ford, in the early 1900's, has done the world a favor, by establishing a standard that was very much needed to make everyone's computer system compatible and therefore useable, at a time when there was no other compatibility between users. For this, they should be punished? Only greedy, self seeking men would attempt to punish progress in the excepted American way of freedom to create and build in this great country. Long live the Henry Fords and Bill Gates of this world. HE.OR. Freeman

MTC–00011608

From: Jack Sheehan
To: Microsoft ATR
Date: 1/15/02 2:33pm
Subject: Microsoft Settlement

The purpose of this communication is to express my opinion regarding the Microsoft settlement.

I believe that the original settlement should have been sufficient to end this matter and enable all of us to go back to work without the distraction of additional politically motivated harassment of the Microsoft Corporation. I am of the opinion that Microsoft offers for sale products that are generally superior to any others on the market, and that their prices are reasonable. Further, there are alternatives to these products and anyone wishing to avail themselves of other products has the freedom to do so. Having worked it's way through the minefields created by the Federal government, Microsoft is now being hounded by State Attorneys General who no doubt have visions of another ''Tobacco Settlement'' bonanza dancing in their heads, another crusade to fill the State coffers on the pretext of upholding the rights of the aggrieved ''victims'' of yet another greedy corporation. I ask that you bring this matter to an expeditions conclusion and save all of us money that will otherwise be wasted in further litigation. In the end it is the consumer who pays.

Thank you.
John J. Sheehan
Jack Sheehan
45 Lenor Drive
Harwinton, CT 06791
860–485–1260
JLSheehan@att.net

MTC–00011609

From: Ellen
To: Microsoft ATR
Date: 1/15/02 2:35pm
Subject: Microsoft Settlement

As a consumer I would like to submit my views to you on the Microsoft Settlement Case. I think this case has gone on much too long and it is time to resolve it for the benefit of the American people. It is time to move on.

I have been a consumer of Microsoft products for over a decade because I prefer Microsoft products. I am well aware that there are other software products that I could choose to use instead of Microsoft, i.e. Linux operating system instead of Windows, but I prefer Windows. So do many, many other consumers.

This case should be brought to a close as soon as possible.

Ellen Warren

MTC–00011610

From: Randy Hinrichs
To: Microsoft ATR
Date: 1/15/02 2:34pm
Subject: Response

The 9 remaining constituents that want to pursue litigation against Microsoft need to wake up! It is abominable that they would use the justice system to continue down the path of getting the government to help them with their competitive strategy. It seems that they are not going to be satisfied until Microsoft is so neutered that it is impossible for it to continue doing business in a way that helps the american economy and provides very decent business processes.

We begged for someone in the 80s to consolidate the various datasets and enable/empower the end user to be able to share data, work interoperably between mainframes, and bring sublime expertise into software, so we would be much less reliant upon individual software vendors to come in with their consultants, their MIS directors, etc. to help us build a simple spreadsheet, or document management environment. So, Microsoft enters the picture and works toward consolidating a PC environment for empowering the digital worker. They did it right. They did it to the glee of the buyer, as is evidenced by the extreme popularity of the software environment. The customers simply did not suffer. In fact, being a Microsoft employee, I've never heard a customer tell me that Microsoft did them wrong. They only tell me how powerful the software is, and how it helps them get things done!

As Microsoft expanded its own knowledge of the computing environment, it looked for improved processes, improved software archtiectures, improved features. They innovated to the delight of the consumer, again evidenced by the popularity of the Office Products, the OS iterations both as clients and servers, then as a browser, enabling emancipated publishing to the web. Then, the web enters the picture as a huge opportunity for international global digital development and Mirosoft simply changes its focus to a new platform that would help internationalize digital business processes.

The competitors need to compete on innovative capability, not further litigation. Get back to work! This is a time we need unity and parity, not division and imbalance. These 9 constituents need to work harder to figure out how to build enabling and empowering tools for the end user, not looking for ways to dig into the Microsoft coffers that are targeted for improving business, education and human society. We speak a lingua franca because of Microsoft and it's what we asked for, we cannot blame Microsoft for enabling us with its lingua franca and enormous capabilities to perform as businesses.

Whatever errors in judgement were made by the burgeoning, never before seen software industry with Microsoft at its helm have been addressed with a settlement put in place that accomodates for this evolution. Microsoft is not a malicious company. I moved here myself from Sun, and I find the company to be mature, principled, focused, innovative and strongly competitive. They were young kids when they started (in their 20s), and they emerged quickly, learned hard lessons, and have been focused on enabling people since then. This is not your father's Microsoft, it is a new Microsoft, and it is focused on helping people with software as never before. There are no barriers to entry. There are no monopolies preventing any company from entering this industry. In fact, Microsoft with its new .NET strategy is only going to enable more developers, and more businesses to succeed worldwide.

Let them alone. Let this settlement get us back to business of helping customers, and send a strong message back to these 9 consitutents who want to drag this out that you cannot use the government as a competitive advantage. The government is neutral, meant to make it fair for all. We cannot allow our democratic system favor one individual over another.

Randy J. Hinrichs
Group Research Manager
Learning Sciences and Technology
Microsoft Research
1 Microsoft Way
Redmond, WA 98052
http://www.learningwebservices.com <http://www.learningwebservices.com/> 1–425–703–5524

MTC–00011611

From: David Davis
To: Microsoft ATR
Date: 1/15/02 2:36pm
Subject: Microsoft Settlement

I have seen no benefit to the citizens of the United States by the action taken by the Department of Justice with regards to Civil Action No. 98–1232 United States vs. Microsoft Corporation. I believe it has been a complete waist of government resources and has done harm to the United States economy, the industry as a hole and the citizens of the United States. Although I personally do not agree with Department of Justice case in general, I do feel that a quick settlement would greatly benefit our county. With regards to the settlement I believe it is extreme, unwarranted and unjustified.

Sincerely
David G. Davis

MTC–00011612

From: Carmor(a)amug.org
To: microsoft.atr@usdoj.gov.?@inetgw
Date: 1/15/02 2:36pm
Subject: Microsoft Settlement

U.S. Department of Justice
Microsoft Settlement Hearing
To Whom It May Concern:

I urge the Department of Justice to settle the current litigation brought brought by nine states in their dispute with Microsoft. It is in the best interests of all Americans to bring this divisive litigation to a conclusion. At this point only the lawyers are profiting.
Sincerely,
Carla Moring

MTC–00011613

From: Michael S. Guillory
To: Microsoft ATR
Date: 1/15/02 2:38pm
Subject: Microsoft Settlement
For god's sake, settle this thing and let us get on with the business at hand-reviving the economy and protecting the country and our position in the world. Also, the individual litigation should be settled. The school systems would benefit and this would benefit children and the country.
Michael S. Guillory

MTC–00011614

From: KStutz1054@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 2:38pm
Subject: Microsoft Settlement
Send the lawyers home.
Let Microsoft get on with their business.
Ken Stutzman

MTC–00011615

From: Marj/Ed
To: Microsoft ATR
Date: 1/15/02 2:39pm
Subject: Microsoft Settlement
I believe the settlement as currently configured is a fair one and should go forward.
Marjorie A. Lynn

MTC–00011616

From: The1stBA@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 2:41pm
Subject: Microsoft Settlement
Please bring this matter to a conclusion with a speedy settlement. Thank you.
B.A. Wilcoxson, a microsoft shareholder.

MTC–00011617

From: Jeffries
To: Microsoft ATR
Date: 1/15/02 2:43pm
Subject: MICROSOFT SETTLEMENT
After reviewing the settlement as presented, I find the settlement best for all concerned.

MTC–00011618

From: J. Alley
To: Microsoft ATR
Date: 1/15/02 2:42pm
Subject: Microsoft Settlement
Please settle this case ASAP.
Jane D. Alley
19641 20th Ave. N.E.
Seattle, WA 98155

MTC–00011619

From: Kathy Beardsley
To: Microsoft ATR
Date: 1/15/02 2:44pm
Subject: Microsoft Settlement
As a consumer of Microsoft products. I believe they are working in the best interest of the general public, and I believe the stettlement should stand as is.
Thank you.
Mary Beardsley
CC:Mary K Beardsley

MTC–00011620

From: Marj/Ed
To: Microsoft ATR
Date: 1/15/02 2:44pm
Subject: Microsoft Settlement
I agree with the settlement.
Edwin Lynn

MTC–00011621

From: ARNOLD SEIDON
To: Microsoft ATR
Date: 1/15/02 2:43pm
Subject: Microsoft Settlement
Settle now. Microsoft is very generous in their offer. Don't kill the gouse that we are all dependent on.
Arnold

MTC–00011622

From: monde
To: Microsoft ATR
Date: 1/15/02 2:45pm
Subject: Microsoft Settlement
The matter needs to be settled in a way that does not end up being a boon for Microsoft. The school donation looked all warm and fuzzy but I agree with those who suggest that it is just helping Microsoft get a big chunk of the educational market. Let us not forget here that Microsoft broke the law. It just does not seem right that they should get away with it while people who break other laws (many of them victimless crimes) end up in prison. — note: my @ddress is monde@involution.org monde@thraam.com is no longer functional site unseen? see: http://involution.org

MTC–00011623

From: Plim1628@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 2:44pm
Subject: Microsoft Settlement
MY OPINION NOW, BASED ON THE COURTS ORIGINAL SETTLEMENT AGREEMENT, I AM NOT IN FAVOR OF CONTINUING LITIGATION AGAINST MICROSOFT FOR THE BENEFIT OF LESS THAN 20% OF THE STATES. THESE HOLDOUT STATES ARE IMPEDING THE FINALIZATION OF THIS WHOLE PROCESS, AND IN DOING SO, IN MY PERSPECTIVE, ARE NOT DOING THE CITIZENS OF THOSE STATES THE GOOD THEY PERCEIVE. RATHER THEY ARE HOLDING THE DOJ AND MICROSOFT FOR RANSOM AT THE EXPENSE OF THE 82% OF THE NATION WHO ACCEPT THE COURTS ORIGINAL SETTLEMENT PROPOSAL.
SINCERELY,
DAVID RICHARD
INGALLS
NAPERVILLE,(DUPAGE COUNTY) ILLINOIS

MTC–00011624

From: dgriffith@gdhco.com@inetgw
To: Microsoft ATR
Date: 1/15/02 2:47pm
Subject: microsoft settlement
I read this article that gave this email address for opinions on the Microsoft settlement. First, although irrelevant at this point, I have to say I think Microsoft has contributed more to the growth and productivity of this country than anyone else that comes to mind. With the development of Window concept, it has made the operation of personal computers available to non-computer people. Thus it has attributed greatly in making computers user friendly enough that ordinary people can use them. As a result of this development, Windows became the software of choice. I remember when everytime you bought something for the computer you had to see if it was ''IBM compatable'' or not. No one could focus on software development because of compatability problems. Windows eliminated that and almost all software developers worked toward making their software compatable with Windows. Thus Windows became the universal software.
I always thought the DOJ's involvement was more for the benefit of competitors than consumers. In all industries, inferior competitors complain about being at a disadvantage. In the long run, the antitrust case against Microsoft, in my opinion, had more potential to hurt comsumers than to help them. I'm not a computer geek and I can barely operate one without assistance but windows has made my life easier when it does come to using a computer.
My mother is a librarian and has been able to obtain free hardware and software from a Microsoft grant. Many people in Greenup County Kentucky has benefited by the generosity of Microsoft. Their grant was for $50,000. Anyone in Greenup County can come to the library and use the computers and internet.
One lady downloaded a picture of her new grandchild or great grandchild (I forgot which) from a website in California. They offered internet training sessions for senior citizens. None of this possible without Microsoft. I don't see the library getting anything from Walmart (the world's largest retailer and likely the largest antitrust violator in this country!!)
Yes I think the settlement with Microsoft is acceptable and the DOJ should agree to settle the case and move on to a more important use of our tax dollars. The State AG's that are bucking the settlement, I think, want cash money for their States so they can further their individual causes. If you have any questions concerning my position you can contact me at the email address on this correspondence.

MTC–00011625

From: Dave Meltzer
To: Microsoft ATR
Date: 1/15/02 2:48pm
Subject: Microsoft Settlement
just wanted to voice my support for the proposed settlement. i've been using microsoft software for nearly two decades and have been amazed at how much value i get for the money. the settlement terms seem more than fair to consumers and the world economy needs this settled too.

MTC–00011626

From: Glenn Hyatt

To: Microsoft ATR
Date: 1/15/02 2:50pm
Subject: Settle Now!

Leave Microsoft alone! Be done with it now! Don't force Microsoft to pack up and leave this land of harassment (once free). Get the government out of business and our lives!

Glenn Hyatt

MTC–00011627

From: O'Neal, Miles (038) Lola
To: Microsoft ATR
Date: 1/15/02 2:50pm
Subject: Microsoft settlement

It is time to stop further action against Microsoft. The settlement should be accepted. I am old enough to remember computers before Microsoft integrated programs to work together smoothly, trying to put together a working home system. . let alone a working office system. . was a nightmare. In my book they are heroes not villains. Leave them alone.

Lola O'Neal

MTC–00011628

From: Sheila Fass
To: Microsoft ATR
Date: 1/15/02 2:51pm
Subject: Microsoft settlement

I firmly believe that the start of the downturn in the economy started with the persecution of Microsoft. The only way out of this slump is to settle this mess once and for all. Just think of the progress in communication we owe to Microsoft. With their innovations we have become one world in communication. It would have taken decades to reach this level without Microsoft. They deserve some leeway in marketing methods to have a continued impact on international distribution of knowledge.

sincerely: Sheila Fass shefass@calweb.com

MTC–00011629

From: charles jenner
To: Microsoft ATR
Date: 1/15/02 2:52pm

Dear Sirs, The nine states that have not agreed to the Microsoft settlement are not acting n the best interests of consumers, of which my wife and I are two, not in the best interests of the economy as a whole. I urge you not to heed their cry but to proceed to settlement. I wish that I had had the opportunity to testify on behalf of Microsoft during the trial.

Sincerely yours,
Charles R. Jenner

MTC–00011630

From: Ian Lance Taylor
To: Microsoft ATR
Date: 1/15/02 2:53pm
Subject: Microsoft Settlement

I'm writing to say that I think that the proposed settlement of the antitrust suit against Microsoft is weak and ineffective. While it addresses part of Microsoft's past behaviour, it does not address their past conduct with regard to squashing innovation in the computer industry. Where the settlement is appropriate, as in the disclosure of protocols, it appears to have been carefully crafted to avoid requiring disclosure to free software programmers, although free software such as Samba is the most common case requiring protocol information, and is the most significant competitor to Microsoft today.

Please reconsider the proposed settlement, and search for a settlement which will properly address the profoundly negative impact Microsoft has had on the U.S. computer industry.

Respectfully,
Ian Taylor
103 Winfield St.
San Francisco, CA 94110
415 550–9004
ian@airs.com

MTC–00011631

From: SandBillE@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 2:53pm
Subject: Microsoft Settlement

Dear Department of Justice,

The appropriate time and diligence has been dedicated to the Microsoft settlement and the recent settlement is both fair and tough to Microsoft. I encourage the Department of Justice to complete this settlement, as it stands, and pave the way for the US consumer, Microsoft, other software/hardware companies and American business to move forward. We certainly know that moving forward is good for our country, particularly in these difficult times.

Sincerely,
Sandra O. Myskowski
Sandra O. Myskowski, CEO
Sandbill Enterprises, Inc.
1016 Baker Road
Sinking Spring, Pa 19608
Email: SandbillE@aol.com
Phone: 610–698–7056

MTC–00011632

From: AUSSIEALLEN
To: Microsoft ATR
Date: 1/15/02 2:53pm
Subject: MICROSOFT SETTELMENT

LEAVE MICROSOFT ALONE. THANK YOU, JEFF S. ALLEN

MTC–00011633

From: Lucien Bomar
To: Microsoft ATR
Date: 1/15/02 3:08pm
Subject: Microsoft Settlement

lb StationeryDear Sirs:

I strongly urge you to complete the current Microsoft settlement under the currently proposed terms. It is long past time to conclude this matter.

I believe the remedy is just and substantial. It is important that we maintain a viable Microsoft. In my career (30 years), I have twice make major purges of software form my companies. The first was largely getting rid of 5.25 floppy based software and the second getting rid of software on 3.5 floppies. Each time I wondered what happened to the companies that had developed the programs that I had invested in that subsequently disappeared. I later found that most had made their Millions, cashed out their stock and moved to mountain villas like Aspen. Microsoft on the other hand has been a constant and has continued to develop new and innovative products while maintaining backward compatibility with their early products. Their products are inexpensive and easy for my employees to use, understand and get support for during the software lifetime. For a business owner it is important to know that the company I invest in (by purchasing software) will be here in the future and will supply support for the products I invest in. Microsoft has proven itself up to the task. Microsoft continues to supply the best (by far) customer and Partner support on the planet. In addition it has created a Worldwide support group of non-Microsoft specialist that support it's products.

I will continue to support Microsoft because Microsoft supports me.

Thank you,
Lucien C. Bomar
Senior Member, IEEE
lbomar@ieee.org

MTC–00011634

From: Richard Klinkner
To: Microsoft ATR
Date: 1/15/02 2:57pm

Please proceed with the settlement with Microsoft ; it is fair to all parties.

Richard L. Klinkner, A Consumer

MTC–00011635

From: Davar Shokoh-Alai
To: Microsoft ATR,Susan Alai
Date: 1/15/02 2:57pm
Subject: Microsoft Settlement

How I wish the government would not try to force competitive advantages for one company over another. Accept this settlement but make it more fair for Microsoft and lower the requirements placed on a pro-consumer company that has opened doors for our country in unimaginable ways. When IBM tried to stranglehold us to their mainframes and Sunw to their boxes, and Oracle to their painful overcharged and painful to deploy database offerings, it was only Microsoft that dared to take on these big guys and offer more powerful and easier to use systems for customers.

Being in the technical management side of the house for 7+ years now and with 17+ years of business management experience, I know how hard it is to discern truth from error when it comes to technical offerings and respective sales pitches; however, it has been so clear that Microsoft is always looking for a way to make it easier to add technological advantages to businesses at a much lower cost. Meanwhile, IBM, Sunw and Oracle have continued to fight them at every front in order to keep the prices at unreachable places and charge us their outrageous consulting fees to deploy their ''solutions''.

I can not believe how much Microsoft has agreed to give into the government just to settle this and allow our economy to move forward once again! What is even more unbelievable is that 9 of the state attorneys are trying to get more for the competitive companies in their states. Maybe it is considered politics as usual, but it needs to stop now. Settle this case but make it a lot better for Microsoft since they have gone so far in their offer to settle this case. disclosure: I have sold IBM, Microsoft and Oracle solutions and speak from across the board experience.

MTC–00011636

From: Konrad M.Kempfe
To: Microsoft ATR
Date: 1/15/02 2:58pm
Subject: microsoft settlement

This is to support the settlement in the Microsoft case. The case should not continue to be litigated. It is not in the public interest to continue litigation. The settlement proposed is fair.

We do not need our own justice department and states to weaken one of America's best companies while the Europeans and the World Trade Organization are out to harm our industries. We need to protect our industries.

Respectfully

Konrad M.Kempfe

MTC–00011637

From: Kathy Gooley
To: Microsoft ATR
Date: 1/15/02 2:47pm
Subject: Microsoft Settlement
To: Judge Kollar-Kotally

I am writing to you today to express my intense disapproval of the Proposed Final Judgment announced by the Justice Department regarding the Microsoft case. Having followed the review by the Federal Courts during the past three years of the Microsoft antitrust case, in which they proclaimed that Microsoft repeatedly and forcefully violated U.S. antitrust laws and was liable for its illegal conduct, I am very much alarmed by the PFJ. I am also aware that recently a U.S. Court of Appeals ruled unanimously that Microsoft had clearly violated antitrust laws and that any government settlement with Microsoft must have three key elements: a) Terminate Microsoft's illegal monopoly, b). Deny to Microsoft the fruits of its past violations, and c). Prevent any future anticompetitive activity.

So, my question is, why has the Justice Department cut a back-room deal with Microsoft that fails to meet any of these three standards? I hope that as you review my response to the Justice Department's deal, and others like it, you will recognize the severe mistake that we would be making as a country to ignore what is right here. Please help protect public trust in our Government, the interests of the non-Microsoft developers? community, and the rights of all software users by ensuring that Microsoft is held accountable for their long-standing antitrust abuses. Thank you for taking the time to review my comments.

Sincerely,

Kathy Gooley

MTC–00011638

From: Hackley E. Woodford, M.D.
To: Microsoft ATR
Date: 1/15/02 2:59pm
Subject: Microsoft Settlement

In view of our economy and post 911, the war, massive unemployment and recession, how could anyone feel honestly justified in holding up social and economic progress by voting against the Microsoft Settlement? Is it competition, jealousy, negativism favoritism, conspiracy, dishonesty, ignorance or What?

Microsoft is an American company. They are big and make money because they earn it.

Microsoft is not the Enemy, they are the Benefactors.

Agree to the Microsoft Settlement and watch the economy improve.

CC:Hackley E. Woodford

MTC–00011639

From: Charles Porter
To: Microsoft ATR
Date: 1/15/02 2:59pm
Subject: Microsoft Settlement

My Dear Justice:

It is very clear that no settlement with Microsoft will stop Microsoft's anti-competitive practices. Microsoft has a consistent strategy of entering markets that are not being closely watched, and of violating laws in subtle enough ways, that the motivation to stop the behavior does not become sufficient to be effective until Microsoft has effectively destroyed all competition in the target market, and erected prohibitive barriers to entry, making any constraint on the company's behavior irrelevant.

Microsoft is currently engaged in such a campaign to dominate the Internet Service Provider (ISP) Market. In addition to legitimate strategies such as buying shares in existing ISP;s like ATT@home, and developing their own ISP business through the MSN.com business, they are engaged in predatory practices which create effective barriers to large numbers of consumers from doing business with any ISP other then MSN.

Microsoft has an agreement to assume all residential Digital Subscriber Line (DSL) accounts from QWest in thirteen western states. Prior to this agreement, selecting an ISP in these states was very much like selecting a long distance carrier. QWest owned the line from the house to the central office, an receives a fee for running DSL over that line. The consumer could then freely choose from at least dozens of ISP's to carry the traffic from there to the internet. One option for an ISP was QWest's own ISP service Qwest.net. If a consumer is unhappy with an ISP, Qwest would switch them to another within a day or two and for a small fee. Under the agreement with QWest, all of QWest.net customers are transferred to Microsoft. If a customer failed to opt-out before the deadline of November 30, 2001, they would be transferred to MSN. Once the account is transferred to MSN, the consumers relationship with QWest is severed. The customer of record for the DSL service is shifted from Qwest to MSN. This means that Qwest has no control over the customers line, and is unable to shift the consumer to an alternate ISP. Additionally MSN refuses to permit connection to a coveting ISP. The only available option is to ''Unprovision the Line'', which means to disconnect the DSL service altogether, not just from the telephone office to the internet, but from the consumers home to the central office. To make it additionally difficult, the ''unprovisioning'' process takes 30 days. (Changing from another ISP to MSN takes only 30 seconds via a Qwest Web page.) Allowing user to opt-out of MSN only by unprovisioning the line is analogous to Sprint saying that the only way to change long-distance carriers is to disconnect your telephone, and then pay to have it reconnected, for the normal new service charges at the time. In fact, unprovisioning the DSL service often does include disconnecting the telephone service itself, though Qwest will claim that this is accidental.

Incidentally, at the time of making the new connection it is difficult to find any options for an ISP other than MSN.

Qwest has taken the additional step of raising the price of a new DSL connection to $I00, creating an additional barrier to changing ISP.

Since Microsoft is the majority ISP, most consumers are barred from switching away from Microsoft.

I raise this issue, not because I think the Justice department should be stopping this practice, but because it is strong evidence that Microsoft has not intention of changing its behavior. Information technology changes extremely quickly. By the time Justice is able to stop any particular anti-competitive practice, that practice is irrelevant. The only solution is to remove the power which Microsoft cannot resist abusing. As serious an issue as removing competition in the ISP market is, it is relatively small issue compared to Microsoft's stated objective: control of the internet. Under this plan, for every commercial transaction over the internet, Microsoft will be paid several times:

—once by the consumer for access to the internet, via MSN ISP service
—once by the customer for use of the windows operating system (Microsoft is moving from selling windows to selling subscriptions to windows)
—once by the vendor from whom the consumer purchases for validation of the users identification via Microsoft's passport service,.
—several times by the vendor for several licenses of the Windows server software and web-site software.
—once by the vendor for use of Microsoft financial services currently in development, for the actual transfer of funds
—and more ominously, many more times for selling the information gathered about the consumer while collecting all of the other transactions.

This is just about a simple purchase. I have left out all of the use of Microsoft products in fulfillment of the order and in marketing the product.

Attached is some background material on the QWest/Microsoft case from the Seattle Times and the Seattle Post-Intelligencer.

I am available to provide additional information, should you wish it.

Thanks for your attention.

Charles Porter

Appendixes:

My complaint to the Washington state attorney general:

Web Site Consumer Informal Complaint Form: Thank you for using the WUTC Web Site. Use this form to submit complaints to the Consumer Affairs Section

Statewide Toll Free: 1–800–562–6150

Local: 360–664–1120
Hearing Impaired—TTY: 360–586–8203
Your Name(required): Charles Porter
Your Address: Street address: 810—30th Ave
(We need your City: Seattle, address in State: WA order to Zip: 98122 process your comment)
Your County: USA
Phone Numbers: Home: 206–568–3404
Day/Work: 425–455–7601 x231
Your E-Mail address: charles, porter@computer.org
Date: 11/30/2001
Utility or Transportation Company Information
Company Name: Qwest, Microsoft
Company street Address: City_____ State_____ Zip_____
Your Account Number: 206–568–3404 If your know your Account Number, be sure to include it. About Your Complaint Have you tried to resolve the dispute with your utility or transportation company?
(*)Yes
( ) No
If ''yes,'' what was the result? no change
Please explain your complaint in detail:
Qwest has been providing my home with internet service via digital subscriber line (DSL). This service only connects my house physically to QWest's offices. In addition to DSL provider, it is necessary to have an internet service provider (ISP), that connects my line from Qwest to the internet. QWest has been providing my ISP service as well. Qwest informed me that I must change my internet provider (ISP) to Microsoft' MSN service by November 31, 2001, or I would be swithed automaticaly. Immediately after performing the switching operation via the Qwest web site on Sunday Oct 22, I learned that the MSN service had several ''features'' and requirements that are different from those provided by Qwest. I decided that I should investigate other ISP's. To faciliate this more considered change, within 30 minutes of initiating the changeover to MSN, I tried to cancel the change both by contacting Qwest and MSN via email and several telepone numbers, including sales, and customer support at both organizations. I attempted both to restore my Qwest service and to change directly to another ISP. The upshot was that I could not cancel the changeover, and that I could only cancel the entire service with Microsoft, but canceling the service would take 30 to 60 days. Additionaly the act of canceling, disconnects the DSL service provided by Qwest. Restoring the DSL service would then take anywhere from i0 days to 6 months, depending on demand in my neighborhood.

It is a far cry from equal access, when you consider that if my ISP were anyone other than Microsoft, changing ISP is as sidle as calling either Qwest or the new ISP and asking for a switch, much like the process of changing long distance companies.

Continuing this analogy, their policy of handling Microsoft is customers, would be like saying that to change long distance carriers, I must wait 2 months, have all of my phone service diconnected, and then wait I0 days to 6 months for a reconnect.

What do you think the company should do to resolve your complaint? Qwest should switch my ISP service to any provider I choose, without delay, handling the requestr withe same even-handedness that is required for customers long-distance I carrier choice.

From the Seattle Times: A growing number of consumers and Internet service providers co, lain that MSN Microsoft's Web company—is throwing up roadblocks for former Qwest high-speed Internet customers who want to quit MSN.

''It makes me feel like they're saying 'We're going to teach you a lesson' for wanting to quit them,'' said Larry Lomax of Des Moines, a former Qwest digital-subscriber-line (DSL) customer who switched to MSN and then decided he wanted to move to another provider.

Lomax said that MSN continually told him that he had been disconnected from its service, while Qwest insisted that according to its records, he still had a live DSL connection with MSN. The impasse lasted for about two months and ended earlier this month, when Lomax became so frustrated that he decided to give up on DSL altogether. When Qwest and MSN announced they were teaming up last spring, the two giants promoted their new alliance as a boon to 500,000 Internet subscribers in 14 states, mostly in the West, who would benefit from Qwest technology and MSN's content.

Roughly two out of five of those subscribers were DSL customers who had chosen Qwest as their Internet service provider; the rest were customers who used dial-up modems. Under the partnership arrangement, all former Qwest customers would automatically become MSN customers unless they opted out. Washington state DSL customers say the deadline to switch has shifted from a date last month to Jan. 21.

Some critics maintain that MSN is engaging in monopolistic practices that deserve attention, such as forcing customers who want to switch away from MSN to go without DSL service and charging them more if they try to switch. They further contend that Qwest, which originally promised to treat all DSL providers equally to help spread the technology, now is conspiring with MSN to hoard such prized customers. Qwest insists it is not playing favorites.

MSN likewise denies the allegations, but a spokeswoman acknowledged it recently had learned of problems relating to cancellation orders with DSL customers. She added that MSN was working to correct them. It is difficult to gauge the scope of the problem because neither Qwest nor MSN will disclose how many DSL customers have chosen to switch to another provider rather than accept MSN.

The companies also won't say how many customers quit MSN after initially agreeing to the transfer. Even more difficult to figure out is the number of consumers who have given up trying to quit MSN because they found the obstacles too daunting.

''Everyone's just up in arms over this thing,'' said Darwin Hill, owner of Worldlink, a Shoreline-based Internet service provider who contends that MSN's conduct has cost him customers. ''Consumers are amazed by how they can't get anything done,'' he said. Hill is among the providers and consumers in Washington and other states who are particularly peeved at what they claim are routine waits of two weeks—during which no DSL service is available—to change Internet service providers (ISPs) .

In addition, they are concerned about reconnection charges of $69 that will rise to $99 on Jan. 5.

By contrast, before MSN's arrival, Qwest charged DSL customers $30 to change providers. Also, the switch routinely got done overnight, or with minimal service interruption, according to several independent providers.

Charles Porter, a Seattle DSL user who thought better of his decision to accept MSN, filed a complaint with the state attorney general. He stated that when he tried to change service providers, both MSN and Qwest said switching could take from i0 days to six months. ''It is a far cry from equal access, when you consider that if my ISP were anyone other than Microsoft, changing ISPs is as sidle as . . . changing long-distance companies,'' he wrote in his complaint. In an interview, Porter said, ''Microsoft is up to their old games,'' referring to monopolistic practices.

Jared Reimer, an executive with The River, a Tucson-based provider that offers DSL service in Arizona and Western Washington, alleged that the system is ''rigged up so that it's almost impossible for the customer to switch.''

He said that under the new arrangement, Qwest has made MSN the ''customer of record'' on the DSL portion of a customer's phone line, meaning the consumer no longer has the ability to switch providers at will. ''They must get (MSN's) permission to do it,'' he said. Lisa Gurry, an MSN product manager, acknowledged that under the deal with Qwest, MSN owns ''the interaction with the (DSL) customer.'' She said the company ''recently learned about issues on the order-cancellation process, primarily with DSL (customers). DSL is certainly more complicated for every provider, not just MSN.''

She said that the majority of DSL customers wishing to cancel MSN were not having problems and that MSN and Qwest were working ''to improve customer experience.'' Meantime, Gary Gardner, executive director with the Washington State Association of Internet Service Providers, a trade group for the state's independent providers, is asking the state Attorney General's Office to get involved.

A spokesman for the office said it was aware of the complaints and was monitoring the situation. Peter Lewis can be reached at 206–464–2217 or plewis@seattletimes.com. Copyright (C) 2002 The Seattle Times Company Qwest-to-MSN switch frustrates many Internet customers find it difficult to get problems resolved Friday, November 23, 2001

By JANE HADLEY

SEATTLE POST-INTELLIGENCER CONSUMER AFFAIRS REPORTER

The process of switching hundreds of thousands of Qwest Internet customers to Microsoft's MSN Internet service is experiencing some glitches, both companies admit. Qwest and Microsoft Corp. in April announced a five-year partnership under

which Qwest will close down its Internet provider service and encourage its 500,000 customers to move to MSN. Qwest will be the DSL provider for MSN customers.

The two companies are encouraging customers to switch before Nov. 30, and Qwest says its Internet provider service will close down early next year. Customers have the option of switching to an Internet provider other than MSN, but Qwest, under its agreement, has pledged to promote MSN above other providers.

But in a confusing twist, Qwest is also quietly offering customers the option of staying with Qwest under a program called StarterPak, which is aimed at small businesses, but is similar in most respects to what it had been offering to its residential customers.

The MSN transition problem has been worst for customers who had been using Qwest's DSL service, which provides fast connections to the Internet, said Lisa Gurry, an MSN product manager. Liz Conner, a Federal Way resident, said she waited 11 weeks to get DSL equipment that she was promised she would get within two weeks. ''I've done everything I can think of and contacted everyone I can find,'' Conner said. ''I tried calling Microsoft, even. They can't even tell me what department to contact or who to contact. So the bottom line is that the customer is stymied; they're left holding the bag with nowhere to go to get this problem resolved. The folks at MSN aren't solving it, and they're blaming Qwest. Qwest isn't solving it. They're blaming MSN. ''

How common is this problem? Unfortunately, the state Utilities and Transportation Commission does not keep track of the number of consumers who complain to them about Qwest/MSN problems.

Instead, the commission keeps track of a far smaller number: customers who don't get satisfaction after they call a special Qwest number that the commission gives to people filing complaints.

That amounts to about five people in the past two months, commission spokesman Tim Sweeney said. The Attorney General's Office has received a similar number of complaints about the Qwest/MSN transition in the last few weeks, spokesman Chris Jarvis said. But Conner said one Qwest customer service representative told her that Qwest's and MSN's computers weren't speaking to one another, and that the mess was affecting about 20,000 Qwest DSL customers.

Lisa Gurry, an MSN product manager, said the two companies are working on synchronizing their databases. ''Both MSN and Qwest are two big companies,'' Qwest spokesman Michael Dunne said. ''Making this partnership work, we're experiencing some difficulties in migrating customers from Qwest.net to MSN.''

But he added, ''We're working tirelessly with MSN'' to solve the problems. Grace Dapar, another MSN spokeswoman, said MSN has set up a task force specifically to deal with delays in setting up accounts.

Delay is only one complaint. Others include confusion and difficulty making the switch, difficulty reaching company representatives who are knowledgeable and follow through on their promises, and disappointment with services MSN is providing.

Conner, who said she's spent countless hours on the telephone, said Qwest representatives repeatedly made promises that weren't kept and she believed she was being lied to. ''My impression is the folks at Qwest are so desperate to tell you something, and the people above aren't telling them anything.''

Aleta Hoyt, a Seattle real estate agent who has Qwest DSL and Internet service, says she has found the process of ''transitioning,'' as Qwest and MSN call it, to be confusing and difficult. Hoyt received a letter in the mail telling her she needed to transition and could qualify for a prize if she did so before next Friday.

Hoyt believed she had no choice but to switch to MSN. She typed her name into the online form to ''transition,'' but the form told her she was ''not authorized'' to transition. She called Qwest and was told to reset her password and try again. Same result. She was then given a phone number to call MSN's technical support. When she called there, she was told that wasn't technical support and to call a different number. She called the second number, where she was told to call the first number she had called. She experienced problems when the form asked for her ''billing phone number'' yet required three extra digits added to the phone number. Also, she lost her Internet access totally when she followed the Qwest representative's suggestion to reset her password. A different Qwest tech-support person straightened that out.

But now Hoyt was confused because several of the Qwest representatives told her she could stay with Qwest after all, using the $21.95-a-month StarterPak program. She's now mulling her options.

Meanwhile, in online forums, some customers are complaining that MSN emphasizes Hotmail, its Web-based e-mail service, which makes it impossible to subscribe to traditional Usenet news groups and means that e-mail is stored on MSN servers instead of downloaded to the user's computer.

But MSN's Gurry notes that Web-based e-mail provides the advantage of being accessible from any computer anywhere in the world. Also, MSN has its own news groups, which are ''richer'' than the Usenet news groups, she said. Gurry initially agreed that MSN was not supporting traditional Post Office Protocol e-mail accounts, but later corrected that and said that although MSN is pushing the Web-based e-mail, users can have access to the traditional POP type of e-mail, in which messages are downloaded to the user's computer.

One customer complained, however, that Microsoft appeared to be doing no spam filtering on its POP accounts. ''The services we offer today are based on what the majority of customers have told us they do want,'' Gurry said. ''Inevitably, we'll hear feedback requesting additional features and functionality. We continue to listen to that feedback and evaluate the prospects of including those features in future MSN releases,'' she said.

P-I reporter Jane Hadley can be reached at 206–448–8362 or janehadley@seattlepi.com

MTC–00011640

From: Ralph Whiteside
To: Microsoft ATR
Date: 1/15/02 3:00pm
Subject: Microsoft Settlement

It time for the government to settle the Microsoft case and get on to important issues. Such as, Enron and professional baseball restraint of trade.

MTC–00011641

From: Rhoda Elenbaas
To: Microsoft ATR
Date: 1/15/02 3:01pm
Subject: Microsoft Settlement

To Whom It May Concern: I have watched over the past several years while massive amounts of time and money have been spent on this issue. The proposed settlement pending before the court is just and equitable. It contains a component that will greatly benefit disadvantaged portions of the community and schools. Some might argue that there is hidden motivation and benefit to Microsoft. I would argue that the benefit to the students, families and communities is much greater and should be the primary area of concern because if it does not come from this source—it will not happen in the forseeable future.

Let's be done with this issue once and for all. I am sick of hearing and reading about it and believe that to continue this matter for another moment is a gross waste of time, energy and dollars. There is a real & great evil at work in our society that is more worthy of our focus. Microsoft has taken it's lashes. Let's move on. A concerned taxpayer and voting American.

Rhoda Elenbaas

MTC–00011642

From: Metters, Bobbie J
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/15/02 3:01pm
Subject: My views

I think Microsoft is more than fair and I don't think Bill Gates should be told by we the people or the Government how to run a company.Albeit It was before my time when Standard Oil Co. was forced to break up due to the same type of situation. . . . ok that was oil this is disc but you get the idea. . . . I think Nintendo has far higher prices for it's stuff and then when you finally get one play-station they come up with a new one with higher prices yet on their cartridges and no-one says a thing about that . . . and that's just my view. . . . Bobbie Metters

MTC–00011643

From: Paul Goethe
To: Microsoft ATR
Date: 1/15/02 3:02pm
Subject: Microsoft Settlement

Dear Sirs:

As a small business owner I wish to state that the proposed settlement is more than fair to small business owners such as our company. Thirty years ago Microsoft developed an operating system that enabled our business to flourish. Our business being Electrical design Software. In the intervening years we have kept up with all up-grades for

what I call Very Low charges while all along receiving 1st class back-up and support from Microsoft personnel. To people like us Microsoft has been a God-Send. We feel that the proposed settlement is extremely harsh but we recommend it stands as is.

Best Regards:
Paul K. Goethe President
Optimized Program Inc.
Cleveland , Ohio 44136

MTC–00011644

From: Carl J. Clement
To: Microsoft ATR
Date: 1/15/02 3:02pm
Subject: Microsoft settlement

I approve of the Microsoft settlement. The entire matter was caused by about 4 potential (failed)competitors who tried to use the Federal government to do their competing!

Carl J. Clement

MTC–00011645

From: Giacomo Zardetto
To: Microsoft ATR
Date: 1/15/02 3:03pm
Subject: Microsoft Settlement

Dear Sirs:

Once and for all, SETTLE the Microsoft Lawsuit. The World Economy is at constant WAR. Life in itself is a war of economics. WHY DO YOU WANT TO DEFEAT ONE OF YOUR OWN? ''Divide and conquer'', was the motto, of an old communist; STALIN Please settle this once and for all.

Your country and millions of beneficiaries of today's technology will thank you for it.

Sincerely,
GIACOMO ZARDETTO
zardetto@rockisland.com

MTC–00011646

From: property@realtrak.com@inetgw
To: Microsoft ATR
Date: 1/15/02 3:02pm
Subject: Microsoft Settlement

While Microsoft probably overplayed its hand enough to get its would be competitors upset to the point of initiating this action, they have certainly done more good for the American consumer than harm. They, by innovation and standardization, have probably done immeasurable good in improving the productivity of our entire work force. I would have preferred that the Department of Justice had not gotten involved in the first place; however, they have and it sounds like the settlement worked out is fair. With respect to the 9 hold-out states that want even more, I am not sure what their game is. Do they want money as an alternative source of revenue in lieu of raising taxes because they think they can get away with it? Do they want glory and recognition? Do they want to punish Microsoft because they are jealous? Or do they really believe they and the consumers they represent have really been dealt an injustice? It certainly makes no sense to me.

Thanks for your time and consideration.

John Gridley

MTC–00011647

From: Gordon R. Martin
To: Microsoft ATR
Date: 1/15/02 3:08pm
Subject: Microsoft Settlement

To Whom It May Concern:

Having owned and used multiple computers and many different software programs and their upgrades during the last thirty years, I can state from experience that the alternative to constant frustration from software ''clichìs''—is to use an integrated set of software products from a financially strong company which can be depended on to stay in business and continually upgrade its products. I look to Microsoft as being that company. I have always felt that their price of software was relatively insignificant and one of the greatest bargains in history in terms of what it can accomplish. The future of the nation is considerably dependent on having a strong, innovative, software company such as Microsoft with the ability to guarantee continued continuity and upgrading of an overall package of software products for personal computers. The courts should uphold the settlement agreements presently acceptable to the United States Department of Justice and all states should join in the acceptance for the good of the nation and computer users.

Gordon R. Martin
Gleneden Beach, Oregon

MTC–00011648

From: Kevin DeSchene
To: Microsoft ATR
Date: 1/15/02 2:59pm
Subject: Class Action Suite

Hello, The proposed remedy for the class action suites are unacceptable (i.e some odd billions of dollars going to poor schools). Was this an attempt to reward MS for their shoddy business ethics or what? The customer base is the plaintiff here, not the schools. And since when has the accused been allowed to negotiate their punishment. Should we start asking murderers what their punishment should be, (not to be confused with plea bargains). U.S. antitrust law implies that the violator must be deprived of it's ill-gotten gains, as well as be fully sheared in terms of perpetrating the bad deed again in the future.

A proper set of solution:

1. Require MS to accurately publish the APIs Windows, IE, and Office programs,,, etc. . ., and offer same as storable (not automated one-time only) downloads for the public to view and study;

2. Prohibit Microsoft from entering any web services area, including .NET entirely, for 10 years. Since MS is leveraging its existing wares as a jump off to .MAKE-US-RENT-SOFTWARE-FOREVER (a.k.a. .NET), they must be denied this further attempt to profit from the initial ill-gotten gain;

3. No, don't break up Microsoft, but simply require that MS Office applications and all associated source code be declared freeware. This would effectively deny MS the fruits of its initial ill-gotten gains.

4. Fine the firm (MS) an amount equal to the dividends it hasn't paid shareholders as yet; this will prevent MS from using its cash reserves to buy its way around the above restrictions by simply inventing a new sandbox and forcing us all to play in it all over again (this is what they are already trying to do with .NET of course).

5. Their software should be supported and their licensing controlled more: i.e if they quit supporting ANY software, then that said software should become public domain. This would control MicroSoft from forcing upgrades. Microsoft should be required to re-organize their licensing program to allow for corporations/individuals to skip upgrades without punishment.

6. Exclusionary OEM agreements should be considered violation of law and punished accordingly. OEM pricing should be published for public viewing.

7. Political monetary influence should be monitored more closely. Even though it can't be proven, MS has influenced the political regimes of this county (I'm embarrassed by what our political system has become), and policed properly.

8. Program integration should be controlled more readily. Customers should be given the option to buy Windows without any additional programs installed. Windows ONLY, no IE, no Media Player, no Notepad, no nothing, just the OS and any OS related utilities (i.e Defrag, Scandisk, etc. . .)

9. All court/litigation costs should be paid by MicroSoft for ALL litigation imposed in the past 7 years.

10. Additionally, Microsoft should be given a proposed punishment imposed in the case of further future violations of the law.

As Well,

A. Litigation for technology needs to be revamped in this country. Our laws don't move at the speed of technology. By the time the court hearings are completed, the issues are irrelevant.

B. Appeals need to be limited more. There is no other reason for the number of appeals MicroSoft litigation has produced. These appeals just costs the Taxpayers more in taxes.

Thank You!
Kevin DeSchene

MTC–00011649

From: Ann Jackson
To: Microsoft ATR
Date: 1/15/02 3:05pm
Subject: Microsoft Should be Settled

I personally use Microsoft products and think they have givenso much to people that the case should be settled.

Sincerely,
Anmn Jackson

MTC–00011650

From: Tomal, Bob
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/15/02 3:03pm
Subject: Microsoft settlement

The legal INDUSTRY is out of control. Their greed and never ending pursuit for prolonging the billing for outrageous hourly and contingency fees is unconscionable. Now they are again on the quest to extort and redistribute cash into their already bloated bank accounts. The sick thing with that sleazy mob is that they are now stealing from the American children who would benefit from this settlement. I know that you're all in the same fraternity and will just consider this a crank e-mail, but then again, you might have decency to agree that your industry has crossed over the line.

CC:'MSFIN(a)Microsoft.com'

MTC–00011651

From: Victor Pearson
To: Microsoft ATR
Date: 1/15/02 3:06pm
Subject: Microsoft Settlement

The more than $1 billion in funding, software, services and training, etc. should be accepted or the whole thing should be dropped and not brought up any more. Microsoft has been more than fair during this whole process and is still trying to create new and innovated products even when the competition is trying to win via the court of law and not with great software products. If the software competition to Microsoft would put as much effort into their software as they do into trying to bring Microsoft down in a court of law, maybe they would have software that consumers want more than they would want software from Microsoft.

Thank you,
Victor E. Pearson

MTC–00011652

From: hd74amf2
To: Microsoft ATR
Date: 1/15/02 3:08pm
Subject: Microsoft Settlement

Comments on the Microsoft settlement.

It is time to get this over, and to move on. I disagree that Microsoft should have ever been sued. Look at the damage that resulted in their stock price, which effected millions of people. It is a sad day when competitors of Microsoft waste their time getting the government to file lawsuits, instead of investing in research to compete. The government should have never brought the suit. Anyone that understands technology would know that just because Explorer is on the desktop, doesn't mean that you can't load Netscape.

I don't like or use Explorer, but I do not believe in government interference with private industry. Nothing will be gained by this lawsuit. The consumer will end up paying more. It is a very alarming trend in government.

I do not like most Microsoft products, but until some one comes up with something better, they are here to stay. The emphasis should be getting on with business, and competing with the rest of the world. If Microsoft will agree to the settlement, get it over. I do not think they should settle, they should fight it and win, but if they want to settle, it is time to move on.

Richard

MTC–00011653

From: LSchoenber@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 3:06pm
Subject: (no subject)

i think it is time to settle the microsoft case now. there are only nine(9) states do not agree. we cant accept the case because of 9 states. we should not. Judges should have to think more. they claims it hurts consumers because microsoft is monoply . BALONEY. WE as the consumers know for sure that we did not feel any harm of it. STOP CRYING LIKE BABIES. THAT IS WHAT I FEEL.

THANK YOU.
Larry Schoenberg

MTC–00011654

From: Flora Donivan
To: Microsoft ATR
Date: 1/15/02 3:07pm
Subject: Microsoft Settlement

I find it interesting that our state so small in population and political clout could be a leader in withdrawing from the Microsoft litigation. New Mexico acknowledged some time ago that a continuance of said litigation was not helpful to the people of New Mexico considering the cost to taxpayers as well as the cost to the country as a whole.

Let us put all this behind us Massachusetts and Utah and others. Perhaps the present recession could be helped to an end by a more friendly business environment.

Flora L. Donivan
A proud New Mexican

MTC–00011655

From: Anne Proffitt
To: Microsoft ATR
Date: 1/15/02 3:06pm
Subject: Microsoft Settlement

Please settle this suit! Microsoft has done more than they should have had to in order to satisfy the DOJ, the court and the competitors. The other nine states also need to look at the larger picture and co-operate by joining the settlement agreement.

Anne Proffitt
1900 Shore Avenue
Freeland, WA 98249
DAProffitt@hotmail.com

MTC–00011656

From: Prem Dhawan
To: Microsoft ATR
Date: 1/15/02 3:07pm
Subject: Settlement

We should settle microsoft lawsuit and move on. It serves no purpose to drag it on.

Best Regards,
PremDhawan
@WWFinancialResolutions.com
Advisor to Banks & Businesses
Bankruptcy Trustee
Tele: (707) 747–6000
You are invited to visit our website at:
<http://www.wwfinancialresolutions.com>

MTC–00011657

From: Gilbert Claborn
To: Microsoft ATR
Date: 1/15/02 3:08pm
Subject: Microsoft Settlement

To Whom It May Concern:

Please allow the settlement of the Microsoft case so that the company can get on with its development and production of products at reasonable costs, without inflated costs arising from protracted litigation, and so that my tax money can stop being spent frivolously and without end of needless extensions of the DOJ litigation.

Gilbert L. Claborn
268 Stonebridge Road
Birmingham, AL 35210
(205) 956–1413

MTC–00011658

From: brian mcconnell
To: Microsoft ATR
Date: 1/15/02 3:09pm
Subject: Microsoft Settlement

In the proposed case against Microsoft, the proposed settlement appears to be fair and just, and is definitely in the best interest of the consuming public, and thewrefore should be allowed to proceed.

I want the case closed.

Thanks so much,
Bryan McConnell
1405 Autumn Chase Sq.
Bedford, TX 76022

MTC–00011659

From: W R Hutchison
To: Microsoft ATR
Date: 1/15/02 3:11pm
Subject: Microsoft Settlement

I am in favor of the settlement of the suit.

W.R. Hutchison

MTC–00011660

From: BETTY BOUSHEE
To: Microsoft ATR
Date: 1/15/02 3:12pm
Subject: MICROSOFT SETTLEMENT

Please settle the Microsoft case as soon as possible under the term reached with Microsoft and the Department of Justice. This case has gone on far too long and should never have gone as far as it did just because some companies wanted to punish Microsoft1s success in stead of competing.

Betty Boushee

MTC–00011661

From: MORRIS KAY
To: Microsoft ATR
Date: 1/15/02 3:12pm
Subject: Settlement of Microsoft Action

Litigation is time and money cosuming. . . . In my opinion, the settlement proposal by Microsoft, which some states accepted, and others did not, is fair and equitable. Let's get this problem behind us.

Morris Kay

MTC–00011662

From: Eric Wanono
To: Microsoft ATR
Date: 1/15/02 3:11pm
Subject: Microsoft Settlement

Hi,

Firstly, I am sorry about my English, but I am French (nobody is perfect).

I am very surprised by this judgement and all aspects of them. It seems to be much more a concurrence driving process than a legal judgement. I think that it will be great for Microsoft to go in France, because freedom is more really here than in USA. Nobody can tell you that you don't be better ore more efficient than another company. I'm not sure that in case of another company the impact would be the same. My personal vision of this case is that it seems to be a ''hunting sorcery''. I not happy to don't have in France company like Microsoft but I think that U.S. government won't be happy to have this attitude when this judgement will be view by an ''history'' point of view. And I am not sure that other company who will take advantage of this situation are more ''customer oriented'' than Microsoft.

Eric Wanono
France

MTC–00011663

From: B(038)B Cody
To: Microsoft ATR
Date: 1/15/02 3:12pm
Subject: Microsoft Settlement

Dear Sirs:

We are of the opinion that enough has been done to Microsoft re: its problems with the Department of Justice. There has been a fair settlement upon which dedicated men have agreed after a most lengthy process. Surely now is the time for the remaining states to agree to come together and begin to serve the public in its wishes for an end to this matter. Further litigation will only serve to disrupt consumer confidence and our economy, and cost many more thousands and thousands of dollars (most likely in the millions, actually). Kindly put a stop to this and ask the remaining entities to agree to that which has gone before. Thank you.

Barbara Cody

MTC–00011664

From: m cochran
To: Microsoft ATR
Date: 1/15/02 3:13pm
Subject: Viewpoint

Are these other nine (9) states hungry for money? May be these other nine (9) should remove their Microsoft software programs from state's computers and make there own system. Then give back to Microsoft their software and promise never to use Microsoft's software again or Microsoft can take each one of those states to court for using Microsoft's software.

Mel. Cochran
Riverside,CA

MTC–00011665

From: Dicklaframboise@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 3:14pm
Subject: Microsoft Settlement

I feel the country and the economy will be better off with the current settlement than to drag it through further litigation. It does appear Microsoft was guilty of some antitrust violations but it also appears the current settlement addresses that adequately. I feel we must also recall the good the innovations of Microsoft have done for the country as a whole as well as the good it has done for the economy of each state. For the record: Iam neither a Microsoft employee nor a stockholder.

Richard LaFramboise
Yakima, Washington

MTC–00011666

From: John Wilder
To: Microsoft ATR
Date: 1/15/02 3:14pm
Subject: Comments

The government should get out of the watch dog business when there is no apparent reason to bother Microsoft. I see no difference between what the government is doing to Microsoft and what Microsoft is doing to the public. All businesses have to protect themselves from crooks and thieves but the Government cannot sit by and let well enough alone. You pick on Microsoft and let Enron slide until the public is hurt. Give it up and let Microsoft get on with business.

John Wilder

MTC–00011667

From: JLynch3D
To: Microsoft ATR
Date: 1/15/02 3:13pm
Subject: comment on MS

I'd like to comment on the Microsoft antitrust situation and lawsuit. I am not an employee of MS or have any dealings with them in business. In my opinon, the problems that MS had have been brought to light, and corrections have already been made. The most noteable of them being public awareness. Why do I think this is the most important correction agaisnt MS? For two reasons:

1. A company's reputation is the most important assett they own. Obviously, MS has take nquite a blow here. This can be evidenced by the slwodown in their business and the rise to power of newer power players in the technology industry. Foremost of these are AOL/Time Warner, which owns the internet business lock, stock, and barrell. Linux is another product that has come to power as an OS. And as well as the handheld Palm products, and the cell phones which have gone to other OS's. if anything, in these competitive technology markets, MS may end up finding themselves squeezed into an area of selling products into the slowing and mature PC market, and being out run by newer companies in new innovative areas of technology.

2. Awareness is important becasue consumers and business owners need to constantly be aware that they are responsible for the decisons and choices they make. . . and that there are choices. This strikes at the heart of what America is—responsibility for our actions, and for freedom. People who do not like MS can buy an Apple OS computer, or a Linux OS computer, or other alternatives like a Be based OS and computer.

Personallty, I use an MS based computer. I do not think it is the best OS or browser in the world and it has alot of faults. But so do all technology products in these complex areas. However, I am thankful that MS is a compan ythat has unified the computer industry by giving it a platform that people can communicate with, and this may be the one single factor that has lead to al lthe innovation and productivity of this country in the last ten years.

In summary, I do not think MS should be penalized further. It is time to move on—the technology world is not where it was five years ago. It's also time to be thankful and hopeful that MS tremains a vital and strong part of American industry. Without it I belive our entire economy would suffer. And God help us if another foreign company rises to poewer and supplants MS.

Regard,
Jim Lynch

MTC–00011668

From: ROBERTTF28@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 3:14pm
Subject: Microsoft Settlement

As a retired citizen, using MS Windows 98, I would like to say I wish our Justice Department would stop any further action against Microsoft. I am very pleased with the company and in no way feel injured by Microsoft. On the contrary I feel they have helped me by making their products available. I have many friends who feel the same way and and it is apparent to me that most of the objections to Microsoft are from their competitors rathar than their customers. Success in the market place should be encouraged by our government, not hindered. When will our government officials stop petty projects and concentrate on the issues of real importance to the nations citizens? If Mr. Gates had contributed huge sums to our political parties and cadidates, would the situation be the same? If Microsoft were located in Mass or Utah would their politician's opposition to Microsoft be as strong? I think not. I see this as a political game and object strenuously.

Robert T. Fellows
Tucson AZ

MTC–00011669

From: Dick Boulanger
To: Microsoft ATR
Date: 1/15/02 3:17pm
Subject: Microsoft Settlement

Gentlemen:

Our household is unanimous in the opinion that the Microsoft settlement is sufficient and the case should be concluded ASAP. Our economy has sustained enough damage. It is high time to start healing the wounds and let Microsoft and competitor's management get back to growing the industry instead of trying to wreck it with Justice Department help. The nine desenting states should get in line with the majority for the good of the country.

Respectfully submitted,
Richard J. and Mary Ann Boulanger
8117 N 12th St.
Tacoma, WA 98406

MTC–00011670

From: Alex Brubaker
To: Microsoft ATR
Date: 1/15/02 3:17pm
Subject: Microsoft Settlement

Your Honor,

I am a Stanford MBA who has been working in Silicon Valley for several years, some of those in the high tech industry. It is my view that Microsoft has repeatedly out-muscled its competition, wielding its operating system as a big stick, and falling on the wrong side of this nation's anti-trust laws.

The Proposed Final Judgment lets Microsoft off too easy and hardly constitutes a deterrent to future anti-trust violators. Furthermore, it doesn't eliminate the critical components that have enabled them to engage in this illegal behavior.

I strongly urge you to impose heavier penalties on Microsoft that will restore competition and force them to play by the rules like everyone else.

Sincerely,
Alex Brubaker
San Jose, CA

MTC–00011671

From: WP/MH
To: Microsoft ATR

Date: 1/15/02 3:17pm
Subject: Microsoft Settlement.

This absurdity has gone on long enough, it is time to settle and stop wasting the public's money, time and energy—the latter items would be better spent on real 'energy' and accountancy crooks, who are screwing the consumer and their own employees.

PE

MTC–00011672

From: Gerald Gaumer
To: Microsoft ATR
Date: 1/15/02 3:19pm
Subject: Microsoft settlement

As a concerned citizen, I was very much upset with the manner in which Microsoft was ''dragged'' down by the prosecutions of the Clinton Administration and his appointed members of the Justice Department. If one reviews the history of our financial markets, there is a direct correlation between the Federal findings of March, 2000 and the subsequent declines of our publicly held corporations, with special attention to those in the high tech sector. Microsoft, though some of its actions may be interpreted as unfair, also must be viewed as a true innovator, willing and able to make the tremendous investment necessary to radically economize the manners in which we transact business or communicate with each other. Sunn, Oracle and others may cry ''wolf, wolf, wolf . . .,'' but there is no small amount of envy mixed in with such cries, as they vie for position in a competitive marketplace.

So enough—let's put this matter behind us, let's get on with rebuilding our economy, get on with innovation and move forward in the grandest way possible. If some states wish not to be a part of the proposed settlement, then let that be their fate, stewing about old business as the rest of us venture forth.

Sincerely,
Gerald W. Gaumer
ggaumer@earthlink.net
Marietta, GA

MTC–00011673

From: Ken Horowitz
To: Microsoft ATR
Date: 1/15/02 3:21pm
Subject: Microsoft Settlement

I believe the settlement proposed by the Department of Justice is far too lenient—it is a mere slap on the wrist to Microsoft, a confirmed monopolist. The settlement as proposed SHOULD NOT BE ACCEPTED. Instead, the federal government should push ahead along the lines of the other states who have not caved in the Microsoft. The DoJ settlement will accomplish nothing, and will leave Microsoft free to continue its monopolistic ways. Please push for a tougher settlement that will more effectively restrict Microsoft.

Ken Horowitz
kenh@panix.com
203–637–4910
3 Cherry Lane, Old Greenwich, CT 06870

MTC–00011674

From: DONALD J. RESTLY
To: Microsoft ATR
Date: 1/15/02 3:19pm
Subject: Microsoft Settlement

See attached file in support of the settlement.

9436 Wildwood Drive
Chardon, Ohio 44024
January l5,2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I want to take a moment to give my support for the settlement negotiated between Microsoft and the Justice Department last year. I feel this is a good agreement for both sides and gives everyone the opportunity to move forward.

The settlement is comprehensive and mandates significant concessions from Microsoft in order to remain in compliance. Microsoft has agreed to grant computer broad new rights to configure Windows so as to promote non-Microsoft software programs that compete with programs included within Windows. And Microsoft must not retaliate against any computer maker who ships software that competes with anything in the Windows operating system. Microsoft must also subject themselves to monitoring by a Technical Committee to assure compliance with the settlement.

At a time of difficult circumstances for our economy, this agreement could provide a small boost. The settlement will also give each side the chance to focus on other issues. For Microsoft, that means developing new software and for the government it means fighting the current recession.

Sincerely,
Donald J. Restly

MTC–00011675

From: dave cannon
To: Microsoft ATR
Date: 1/15/02 3:20pm
Subject: Microsoft settlement

I want the US Justice Dept to stop persecuting MSFT for moving America ahead. If you want to end this recession to end drop this lawsuit and settle with MSFT today. This suit is hurting our economy.

MTC–00011676

From: Francie Hanks
To: Microsoft ATR
Date: 1/15/02 3:22pm
Subject: MICROSOFT SETTLEMENT

I BELIEVE THE SETTLEMENT IS FAIR AND THE LITIGATION HAS GONE ON WAY TOO LONG. I STRONGLY URGE THE NINE STATES WHO HAVEN'T JOINED IN THE SETTLEMENT TO DO SO. IT'S TIME TO MOVE ON!

MTC–00011677

From: dwwrayti
To: Microsoft ATR
Date: 1/15/02 3:22pm
Subject: MICROSOFT SETTLEMENT

Let's settle this now!!! Dragging this out hinders any recovery effort in the tech area. It's like killing the goose that laid the golden egg!!

Don Wray
Carpe Diem!!!

MTC–00011678

From: McCrosson1@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 3:25pm
Subject: Microsoft Settlement

U.S. DEPARTMENT OF JUSTICE
TO WHOM IT MAY CONCERN:

I understand you are seeking public comment on the proposed antitrust settlement with the 9 states and Microsoft, and that the District Court will consider these comments when it determines whether the settlement is indeed in the public interest. I believe the settlement is very much in the public interest and should be finalized immediately.

Over a year and a half ago, on May 7, 2000, I wrote my representative and two senators to express my concern about the Justice Department's handling of the Microsoft matter. At that time the DOJ was presenting its case to Judge Jackson, who appeared to be inclined to break up Microsoft. I recalled how in the 1970s and 80s all attention was on the successes of Japan; U.S. companies seemingly could do nothing right. One company that changed all that was Microsoft, which became a leader of the U.S. technology surge. We all benefited from this leadership. On the way home from our good paying jobs we could stop off at a Starbucks and have an expensive cup of coffee. Why not? We Americans were doing well in the 90s; unemployment was at all time lows. Much of the litigation initiated by the Justice Department and opportunists like Barksdale was misdirected. Surely Microsoft did wrong, but the current proposed settlement addresses that. The current holdouts to the settlement have an agenda of their own, which is not in the best interest of America. To achieve their ends, they would have us become a society that eats its young! This case against Microsoft has gone on too long. Let's get back to work.

Very truly yours,
F. Joseph McCrosson

MTC–00011679

From: Earl Johnston
To: Microsoft ATR
Date: 1/15/02 3:27pm
Subject: Microsoft Settlement

If the government would pay more attention to companies like Enron and less on Microsoft, the country would be much healthier. The Microsoft cow has been milked long enough.

Sincerely,
Earl Johnston

MTC–00011680

From: Jack Hansen
To: Microsoft ATR
Date: 1/15/02 3:26pm
Subject: Microsoft settlement

I urge the respective state to accept the current settlement agreement. It is fair and equitable for all parties concerned.

MTC–00011681

From: ED SAVCHENKO
To: Microsoft ATR
Date: 1/15/02 3:29pm
Subject: Microsoft Settlement

US Justice Dept.

I believe that the Microsoft case should be settled now. It seems that the only ones who win in a situation like this is the attorney's.

Ed Savchenko

MTC–00011682

From: John Dean
To: Microsoft ATR
Date: 1/15/02 3:29pm
Subject: Microsoft Settlement

My name is John Holmes Dean III and I am a 25 year old computer engineer. I have been programming since I was ten on a wide variety of computers; Apple IIe, Commodore Amiga, Macintoshes and IBM–PCs. The purpose of this letter is to highlight the technical inefficiencies of early Microsoft software and come to the conclusion that given a level playing field, no informed consumer would pick Microsoft's products based on quality. I will then talk about the time that Microsoft took over one hundred dollars from me in exchange for nothing in a move that stifled competition in a education setting (similar to the settlement Microsoft has currently proposed).

Between the years of 1987 and 1996, I was an active user and programmer of Commodore Amigas. The Amiga, which never achieved more than a low single-digit market share, occupies an interesting niche in computer history. Released in 1985 (one year after the ubiquitous Macintosh) to great fanfare, the Amiga was the first true ''multimedia'' computer. At a time when PCs had EGA (16 colors) and Macintoshes were black & white, the Amiga was capable of 4096 colors on screen. The Amiga had 4 channel 8-bit digital stereo sound when the PC had internal speakers and the Macintosh had 1 channel. The Commodore Amiga shipped with Workbench 1.0 which was a pre-emptive multitasking, graphical user interface operating system.

I spent my teenage years engrossed with my Amiga. Because Workbench could do pre-emptive multitasking (a form of running multiple programs where the operating system gives and takes processor time away from the individual programs), I would commonly use my computer to download files over my modem, listen to digital music files and play games at the same time. During this time, Microsoft's flagship operating system was Windows 3.X. Windows 3.X used a form of multitasking called cooperative multitasking. Each program had the responsibility to relinquish control of the processor to the next program. Cooperative multitasking is the same form of multitasking used on Macintoshes before Mac OS X and is considered an inferior method. It was hard to impossible to get multiple program to run correctly at the same time on early version of windows. When it was possible, the systems requirements were far greater. Windows 95 had a limited form of pre-emptive multitasking that was a mix between pre-emptive and cooperative. Windows uses a single letter for drive names. Windows uses the 8.3 naming convention. Windows, to this day, can not really name a file more than 8 letters long. ''Long'' file names are stored in the ''information'' field, which no longer exists, obviously. Windows 3.X involved 3 steps to make a disk or CD–ROM appear on the screen, whereas you only had to stick the disk in on the Amiga/Macintosh to have it appear on the screen. Windows 95 and greater still requires one step because after you insert a floppy or CD-ROM, you must still double-click on 'My Computer' to see it.

'Plug-n-Pray' is a term used to describe Microsoft's 'Plug-n-Play' system. The DOS command line was inferior to Workbench's CLI (Workbench had a command line as well) because you couldn't copy and paste. there was no history and no command pipe. I can nit-pick forever when it comes to Windows, however I will admit that most of Window's problems are related to its MS–DOS ancestry and the many, many shortcomings of the IBM–PC architecture.

My other hobby was being a ''troll.'' In internet terminology, a troll posts highly controversial statements to illicit as much feedback as possible (called ''feeding the troll''). The term troll had not yet been invented, but I took great pleasure in posting messages to IBM–PC and Microsoft electronic bulletin board systems explaining how inferior IBM–PCs and Microsoft Windows really was. I would of course receive tens if not hundreds of responses, all of which I would respond to— beginning debates which would last for years. I convinced no less than a dozen people of the truth, all of which purchased Amigas and some of which are still life-long friends.

To this day, I have not purchased Microsoft software with one exception. When I was earning my Electrical Engineering degree at the University of Texas, Microsoft signed a deal with the University to provide copies of Microsoft software at $5 a CD. The cost to the university was 100 million dollars which was added to each student's ''Computer Fees.'' In that respect, Microsoft stole nearly $25 a semester from me for five semesters so that I could have the honor of buying Microsoft software for $5 a CD. I hated and despised this move by Microsoft because Microsoft knew that this was the only way to get a college student like me to pay for their software in the first place. Furthermore, because students could get Microsoft Visual Studio for $25 (5 CDs) all programming classes began using Visual Studio because other compilers such as Borland and Metrowerks (where I can currently employed) could no longer compete, even with student pricing. I watched the programming classes at UT go from Metrowerks only to Visual Studio only in the course of two years.

Microsoft's settlement will allow Microsoft to achieve the same goal in the secondary and high school education market. By giving out Microsoft software for free, students will learn and become accustomed to Microsoft software and not made aware of the alternatives. The proposed Microsoft settlement amounts to nothing more than an exclusive advertisement contract between education and Microsoft.

In conclusion, I have personally seen the negative effects of Microsoft and IBM–PCs on the computer market. Microsoft took ten years to produce a product that (almost) met the capabilities of Workbench. Furthermore, Microsoft signed a deal that forced me to give them money just to continue my education. I now work for a Microsoft competitor where I will do my part to bring the giant down. I hope the Department of Justice does theirs.

John Holmes Dean III

MTC–00011683

From: Cynthiasdesigns@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 3:30pm
Subject: I am against any more of the allegations re: Microsoft

They have done so much for the entire world, that there is just no action other than to be grateful to them for all that they have given, the ''Quantum leap for mankind.''

Cynthia's Designs
cynthiasdesigns@aol.com

MTC–00011684

From: The Unrein Family
To: Microsoft ATR
Date: 1/15/02 3:28pm
Subject: Microsoft Settlement

I am writing to register my support for the settlement terms reached by the Department of Justice and Microsoft regarding the antitrust dispute on November 2. I feel that ending the litigation will be beneficial to the economy, and the federal government made the right choice.

Competition is extremely healthy, and every company needs to do business as they see fit. Let's let businesses worry about business, and government worry about government issues. There is no need for unnecessary regulation. Now, more than ever, it is imperative that the market prospers. Agreeing to the terms of the settlement will allow the market to do just that.

Thank you for taking the time to read this letter. Please settle this matter and allow Microsoft to get back to business as usual.

Sincerely,
Annette Unrein
annieu@infowest.com
435–674–9816
P. O. Box 1003,
St. George, UT 84771

MTC–00011685

From: Michael Jaszewski
To: Microsoft ATR
Date: 1/15/02 3:31pm
Subject: anti trust lawsuit

I think what Microsoft did was ok. No one was hurt by it. Microsoft single handedly created a industry in our country possible the world over. It's no different what I see everyday business's doing business.

Example—I go to taco bell I can't buy coke, only pepsi why is that isn't that like a monopoly same with computers I buy a comp it's got aol on it not earthlink why is that.

MTC–00011686

From: Pats413@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 3:31pm
Subject: Microsoft Settlement

The Various States Should End Their Lawsuit and begin to let the USA economy begin to heal. Consumers have not been hurt by Microsoft in fact we have all benefited from low prices of software and millions of 401K's have seen only profits because of Microsoft. End this immediately and lets stop wasting millions of dollars of our taxed income.

The Stillman Family

Pepper Pike, OH

MTC–00011687

From: Tom Gottshalk
To: Microsoft ATR
Date: 1/15/02 3:31pm
Subject: Microsoft settlement.

Ladies and Gentlemen of the DOJ,

The real issue before you is: Now much money do the non-settling states want before they settle their anti-trust cases with Microsoft? This case is no longer about justice for the PC user, it not about the in-justice of a monopoly, it is not about justice for the violation of federal law, but it is about nine states attorney generals trying to get extra money for their state's budgets. The case is about money and political power for politicians not about that Microsoft charged too much for the Windows operating system, which is ridiculous and has never been proven publicly. For all of the state officials if they get money out of Microsoft and it helps their political careers so much the better, right.

Regards,
Tom Gottshalk
344 Remington Dr.
Oviedo, FL 32765

MTC–00011688

From: Chirrip@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 3:39pm
Subject: Microsoft settlement

Let's end this harazment once & for all. Close out per the latest agreement.

George Chironis,
Melville, N.Y. 11747

MTC–00011689

From: JP Altier
To: Microsoft ATR
Date: 1/15/02 3:39pm
Subject: Microsoft Settlement

I am deeply concerned at the way our government has pursued the destruction of Microsoft, one of the most productive and beneficial companies in our world. In a truly free society, where property rights are vigorously protected, there is absolutely no need for antitrust laws. Microsoft, in fact, is a prime example of the concept that a company can sustain a dominant market position if and only if it provides a markedly superior product than any of its competitors. The very nature of the fact that Microsoft's products are inexpensive and ubiquitous has benefited this world immeasurably. Microsoft, therefore, deserves the market position and profits it has reaped in exchange for the products it has produced.

The fact that Microsoft negotiated vigorously with its customers and competitors should not be a crime. Microsoft did not deprive other companies or consumers of their property rights. Nor did Microsoft obtain its will by deception or physical force. Every company no matter how large or small should have the right to control the destiny of their own products and the right to determine the terms and conditions of their business relationships so long as their practices never include deception or physical force. For a court to have retroactively declared that Microsoft was a monopoly some time in the past and that all of its otherwise legal actions are now criminal acts goes against our most basic instincts of fairness and justice. I strongly urge all parties involved in this case to mitigate the harm to Microsoft and our economy that will result from the enforcement of our misguided antitrust laws. At the very least, I urge the Department of Justice and States Attorney Generals to cease litigation in this matter and I urge the presiding judge to accept the Stipulation and Revised Final Judgment dated November 6th, 2001.

Sincerely,
Joseph P. Altier
CC:msfin@microsoft.com@inetgw

MTC–00011690

From: Larry M. Johnson
To: Microsoft ATR
Date: 1/15/02 3:38pm
Subject: settle this thing!

Millions of Americans have had their 401K plans turned totally upside down by this drawn out suit. Settle this thing once and for all!! The fact of the matter is without Bill Gates inventing Windows I couldn't even run a computer nor couple most other Americans that use them every day.

Sincerely
Larry Johnson

MTC–00011691

From: Mark Reed
To: Microsoft ATR
Date: 1/15/02 3:41pm
Subject: Microsoft Settlement

Dear Attorney General Ashcroft:

I am a supporter of you and President Bush as well as Microsoft Corp. I believe the current settlement is the best course of action at this time. I don't believe the case should have been pursued in the first place, but since the damage has been done can we please put it to rest right away.

I work in the technical industry as a computer programmer. I am not employed (nor ever have been) by Microsoft, but I am a firm believer that they have done an enourmous amount of good in the industry. Their servers and development environment have enabled me to be a successful professional. I am grateful to them—and feel they have been unjustly ''picked on''. I understand the market is extremely competitive and unsavory practices occur. However, these unsavory practices are done by all parties—if IBM, Sun or Oracle were in Microsoft's shoes—they would have done the same things. Hopefully I would be consistent in wanting an end to those cases as well—were they brought up.

Please put the case to rest.
Sincerely,
Mark Reed
Mark M. Reed
Senior Systems Engineer
(972) 728–8161
mreed@mh2.com

MTC–00011692

From: Dick H.
To: Microsoft ATR
Date: 1/15/02 3:30pm
Subject: Microsoft settlement

despite the stubbornness of our Atty. General Blumenthal here in CT. it is obvious that it is in everyone's best interest that this problem be settled and solved and put behind us.please do it!!

MTC–00011693

From: GRIZ1000@aol.com@ inetgw
To: Microsoft ATR
Date: 1/15/02 3:46pm
Subject: Anti-Trust Case against Microsoft

If Microsoft broke the law punish them but don't reorganize the Company or tell them what they can include in their products.
GRIZ1000@aol.com

MTC–00011694

From: Erratadata@ aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 3:46pm
Subject: Microsoft Settlement

As a concerned citizen, I wish to urge you to finalize and settle this matter immediately. Prolonging litigation is not in the best interest of the American economy in general and the American people specifically. Getting this matter settled NOW will enable Microsoft as well as any and all other companies concerned to get on with the innovation and product development that has marked the progress and growth of this industry for the past two decades.

Sincerely,
Gary Prickett
Mission Viejo, CA

MTC–00011695

From: Sightsaver@ aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 3:47pm
Subject: microsoft settlment

It is high time for this case to be settled, especially in light of the events of 9/11 and the recent Enron debacle. A few publicity-seeking, self-righteous AGs, supported by Microsoft's competitors should not be allowed to derail what is in this country's best interest. Tracey Linden DO

MTC–00011696

From: fitz—stewart@ hotmail.com@inetgw
To: Microsoft ATR
Date: 1/15/02 3:48pm
Subject: Microsoft Settlement

Please settle this case. It's in the best interests of the economy, the technology sector, and the entire country.

Regards,
Fitz Stewart
13544 Tabscott Drive
Chantilly, VA 20151
CC:fitz—stewart@ hotmail.com@inetgw

MTC–00011697

From: Wilson
To: Microsoft ATR
Date: 1/15/02 3:48pm
Subject: enough!!!

This settlement should never have even been a question, but now that it has been agreed to, the vendetta against Microsoft needs to end. It should never have begun. Just because they invented a better mousetrap, they have been victimized by our government. I am ashambed of this.

Sincerely,
Veta Wilson
HCR 76 Box 66
Coleman, Texas 76834

MTC–00011698

From: Don Hall
To: Microsoft ATR
Date: 1/15/02 3:46pm
Subject: Microsoft Case Settlement

Dear Justices,

As a citizen of the United States I would like to express my opinion on the settlement issue of the Microsoft case. I feel the offer Microsoft has given is fair and in the best interest of the public. I urge all states to accept this settlement and end the case as soon as possible.

Any further suites or punishment of Microsoft is not in the best interest of the general public and will only harm and impair Microsoft's future ability to continue delivering cutting edge software at reasonable prices. Many if not most of the nation rely on Microsoft's quality software every day for our livelihood. If you try to cripple or punish Microsoft further than has already been proposed will be detrimental to the public who rely on their software.

Any further larger fines will simply make the software more expensive for the end users and all of the general public will be harmed. Please come to a reasonable settlement as quickly as possible.

Thank you.
Don Hall, DrPH
Clackamas, Oregon

MTC–00011699

From: LeeAndrews@ aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 3:52pm
Subject: Microsoft Settlement

I support the DOJ's proposed antitrust settlement with 9 states and Microsoft. It's time for the litigation to end.

Lee Andrews
Richardson, TX

MTC–00011700

From: Stanley Shoeman
To: Microsoft ATR
Date: 1/15/02 3:52pm
Subject: Microsoft settlement

Let's make a settlement and get this behind us. We have more important things to settle at this point.

Stan Shoeman
2983 Old Bridgeport Way
San Diego CA 92111

MTC–00011701

From: B.J. Fornadley
To: Microsoft ATR
Date: 1/15/02 3:51pm
Subject: Microsoft Settlement

Please, let's not waste any more Government money in this case. The proposed settlement is more than fair to all parties.

Thank you
B. J. Fornadley

MTC–00011702

From: James Scheil
To: Microsoft ATR
Date: 1/15/02 3:53pm
Subject: Class Action Suit

Those nine states should settle the Microsoft class action as proposed. Thanks-Ken & Charline Scheil

MTC–00011703

From: finked@kirtland.cc.mi.us@inetgw
To: Microsoft ATR
Date: 1/15/02 3:53pm
Subject: Microsoft Settlement

i am in favor of upholding the agreement reached between the u.s. department of justice and the microsoft corporation. while it will not satisfy some folks, particularly those who tend to see microsoft as a villain to be severely punished at every opportunity, it seems fair to me. microsoft's culpability is proven, but is not, i believe, as serious as the dissenting states' attorneys general claim. and i see no reason to continue the litigation process. the immediate installation of a court-appointed overseer is more appropriate—if we are most interested in protecting the consumer. detmar h. finke CC:finked@kirtland.cc.mi.us@inetgw

MTC–00011704

From: Rolygrace@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 3:54pm
Subject: Microsoft Settlement

Although I am not a lawyer I have followed the antitrust litigation in connection with Microsoft and hereby submit my opinion to the effect that I agree that settlement is good for the consumer and the american economy, which right now needs all the help it can get. Grace Larrinua from rolygrace

MTC–00011705

From: CWO Mel Estes USMC(Ret.)
To: Microsoft ATR
Date: 1/15/02 3:55pm
Subject: Microsoft Settlement

. Dear USDOJ, I would hope that this settlement is the end of the this long ordeal of stifling the economy and the technology sector. In my opinion it has been a witch hunt from the beginning. MS first established the computer industry years ago, caused the tech revolution, and thus has caused a reason for many of their competitors to even exist. It is easy to see that they are gaining up on them now. Please end this mess.
Respectfully, Mel Estes

MTC–00011706

From: Bruce Rocheleau
To: Microsoft ATR
Date: 1/15/02 3:56pm
Subject: comments on Microsoft case

I hope that the case is settled quickly. I think that the settlement is fair and provides the basis for rapid technological advances in the near and longer term future. I know that people like myself who use computer technology as part of their jobs look forward to having this uncertainty solved quickly.

Sincerely,
Bruce Rocheleau

MTC–00011707

From: Brian Satterfield
To: Microsoft ATR
Date: 1/15/02 3:57pm
Subject: Microsoft Settlement

Dear DOJ,

It all comes down to choices.

I am a software engineer and have worked with computers for the last 6 years. My parents have recently started using computers and it has become obvious to me just how strong the Micro$oft hold is on the industry.

It is my belief that the proposed settlement will do nothing to curtail Micro$oft's actions, growth or domination of the industry and market. I believe that Micro$oft will easily find ways to skirt the edges of the settlement and still be in accordance. They will integrate their applications more closely with the OS so that they are indistiguishable and therefore impossible to separate. I agree with Attorney General Thomas F. Reilly ''Five minutes after any agreement is signed with Microsoft, they'll be thinking of how to violate the agreement. They're predators. They crush their competition. They crush new ideas. They stifle innovation. That's what they do.''

I agree heavily with Matthew Szulik's comments to the Senate and feel that the government needs to step in and stop the wave of Micro$oft domination. One way would be to ban all use of commercial operating systems on government resources. Another would be to mandate that for the next so many years they will spend money on hardware for every school district in the nation.

Red Hat software corporation has made the following offer (amendments to the DOJ PFJ and I agree with it completely: Microsoft redirects the value of their proposed software donation to the purchase of additional hardware for the school districts. This would increase the number of computers available under the original proposal from 200,000 to more than one million, and would increase the number of systems per school from approximately 14 to at least 70. Red Hat, Inc. will provide free of charge the open-source Red Hat Linux operating system, office applications and associated capabilities to any school system in the United States. Red Hat will provide online support for the software through the Red Hat Network.

Unlike the Microsoft proposal, which has a five-year time limit at which point schools would have to pay Microsoft to renew their licenses and upgrade the software, the Red Hat proposal has no time limit. Red Hat will provide software upgrades through the Red Hat Network online distribution channel.

I hope the DOJ can see that the injustice done to Micro$oft's competition and to the Open Source community needs to be dealt with in a heavy manner.

Brian Satterfield
Engineer—Lockheed Martin —

MTC–00011708

From: hicktest@hotmail. com@inetgw
To: Microsoft ATR
Date: 1/15/02 3:58pm
Subject: Microsoft Settlement

Judge Kollar-Kotelly,

I urge the court to bless the DOJ/Microsoft settlement. It's impossible to please everyone with a settlement (including Microsoft biggest competitors). Both sides seem happy with the compromise. I think the courts dictating which features are allowed in a product will spell disaster for our economy. It's time to forget this mess and stop destroying one of America's best corporations.

Sincerely,
Matt Hickey
Glastonbury, CT

MTC–00011709

From: Rpellet1@aol.com@ inetgw
To: Microsoft ATR
Date: 1/15/02 4:00pm
Subject: Microsoft Settlement

In the matter of the Microsoft settlement, I am convinced that it is in the best interests of consumers and our economy that it be accepted by all parties.

Much time, effort and money has already been wasted on this effort to discredit and humble one of this country's finest companies. More people use Microsoft products because they satisfy. Get over it.

Robert Pellet
Edison, New Jersey

MTC–00011710

From: Tina.Chan@Fluor.com@ inetgw
To: Microsoft ATR
Date: 1/15/02 12:54pm
Subject: Fw: Microsoft Settlement

Please, let's not waste any more Government money in this case. The proposed settlement is more than fair to all parties.

Sincerely
Tina Chan

MTC–00011711

From: Phiss@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 4:00pm
Subject: Microsoft settlement

It is time to settle this nonsense the government has imposed upon us by constantly attacking Microsoft. Am I the only citizen who noticed that with the first court actions against Microsoft, the stock market nosedived and has never come back?

Competition is just that—competition. Instead of whining about Microsoft, why don't these equally wealthy competitors go do something better than Microsoft?

If we ever want this country back on it's feet—and as a business owner—I certainly do, then we need to settle and end this . . . .Surely, we have more to do with our time than attack t he major companies in this country—which, if you haven't noticed—are having enough problems.

With this settlement, I believe our finanacial markets will be revived.

Phyllis G. Schaul
Scottsdale, Arizona

MTC–00011712

From: jim.e.althoff@ssa.gov@inetgw
To: Microsoft ATR
Date: 1/15/02 4:00pm
Subject: Microsoft Settlement

Please end this painful, government sponsored targeting of Microsoft. The innovation that has been stopped as a result of this harrasement and the destruction to our economy is out of line with the already imposed penalities. No longer can justice be the banner for persuing Microsoft, now it is simply finanical greed, fed by biased legal teams.

CC:jim.e.althoff@ssa.gov@inetgw

MTC–00011713

From: david j. oakley
To: Microsoft ATR
Date: 1/15/02 2:48pm
Subject: Microsoft Settlement

Dear sirs:

With respect the comments on the proposed action, I am opposed to the Governments Action. From my point of view, having a multitude of operating systems, would be akin to moving from one universal language which all understand, to multiple languages, to which few understand more than one or two.

The resulting catastrophic incompatability between operating systems would destroy the usefulness of comunications between computers in different locations.

Respectfully
David J. Oakley

MTC–00011714

From: david—perdue@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/15/02 4:02pm
Subject: Microsoft Settlement

I fully support the proposed settlement and urge its approval. I am a professional software developer and a consumer of software. As both, I do not fell I have been harmed by Microsoft in any way.

Approve this settlement and put an end to Microsoft competitors using the courts to fight their business battles.

Sincerely,
David Perdue
Houston, TX

MTC–00011715

From: Phcutch@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 4:01pm
Subject: Microsoft settlement

We feel that business has the right to research, develop, promote and sell new ideas and products. That's what the American way is all about—freedom, now more than ever. We encourage the government to end the litigation process against Microsoft and carry out the settlement that has been reached. It will eventually be best for consumers—prices will be kept down and new products will be available more readily if the costs of litigation, etc, are kept to a minimum and the company can spend resources on research and development and getting products to market.

Phyllis and Hal Cutcher
Tucson, Az
phcutch@aol.com

MTC–00011716

From: Paul Holsted
To: Microsoft ATR
Date: 1/15/02 4:02pm
Subject: Microsoft Settlement

Gentlemen, I have only a limited knowledge of computers but it is very apparent that Microsoft has been a very important figure in the advancement of our national growth which has been astounding and wold not have reached this high level were it not for such firms as Microsoft. I feel that it is downright unfair to penalize Microsoft for its creative genius. The agreement between the Department of Justice and the nine states and Microsoft appears to be fair and any further litigation by the Attorneys General of the nine states which have not agreed to the DoJ/Microsoft agreement may be based on ulterior motives in pushing for heavier penalties. Therefore I urge the Department of Justice to not line up with the arguments of these states but instead to push for final resolution of this litigation so that Microsoft and the rest of our economy can move ahead. I feel that this issue has had a negative effect on the economy and so let's get the nation moving ahead and get this matter settled as soon as possible.

Paul G. Holsted,
9871 Mammoth Drive,
Huntington Beach, CA 92646

MTC–00011717

From: Sherm Grossman
To: Microsoft ATR
Date: 1/15/02 4:01pm
Subject: Microsoft Settlement

[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]

CC:webmaster@ago.state.ma.us@inetgw

Dear Sir or Madam:

These comments are in opposition to Massachusetts Attorney General Tom Reilly's position on the Microsoft settlement as stated in the January 15, 2002, Boston Globe Public Forum piece, ''Microsoft case key to tech's future,'' http://boston.com/dailyglobe2/Ol5/business/Microsoft case—key—to—tech—s—future+.shtml In this article, Attorney General Reilly makes suggestions to pursue remedies against Microsoft. In my opinion, that may result in the collapse of one of the world's foremost technology providers and the PC systems it makes work.

Microsoft develops two distinct software product lines: an Operating System (Windows), which acts to assign priorities to internal PC operations and hardware and is rarely seen or worked on by the typical PC user, and applications, which perform specific tasks for the PC user like word processing, spread sheet manipulation and presentation preparation (MS Word, Excel, Power Point).

The product at the core of Mr. Reilly's objections is the Operating System (OS). Developers of applications need to structure their software to function within the parameters specified by an OS. They have to do this for any OS, and many may do so for more than one: like Windows and Linux, for example. However, there is such a thing as optimization: making the applications run efficiently. Most application vendors want to have their product run as fast as possible on as many PCs as possible, so they optimize their product for Windows, the most used OS.

Now, even if additional OSs are introduced just because Federal and State Governments believe that will lead to more and better products (it didn't with IBM's OS2), applications will still be optimized for just one, but not all OSs. This will result in a PC having its installed OS being able to run efficiently some, but not all, applications because application developers will not get enough return on their investment to

optimize their products for multiple OSs. Good business strategy says that the version of the product that should be most heavily optimized is the one that will be used on the PCs that have the most frequently installed OS. For now, that's Windows.

This is not a restriction on emerging technologies. It is a fact of business, and contradicts Mr. Reilly's objective to have ''computer users . . . have a full choice of programs,'' and to ''. . . have [computer users have] the freedom to customize their systems with the programs and software they want.'' To have the full choice of optimized, efficient and fast-executing software, there should be one prevalent operating system in the same way there is and for years has been, essentially, one prevalent PC hardware architecture based on the original IBM PC. (Before you go there, based on sales and available applications, Apple is really a non-player despite Microsoft providing a version of Office that runs efficiently on Apple systems. Notice how it takes a company the size of Microsoft to provide its flagship application optimized for more than one OS and hardware architecture.)

The chaos surrounding creating competing hardware architectures would be akin to forcing into existence a second personal transportation system in which vehicles would run on tracks. What would be the cost of developing a second infrastructure? What would be the response of the vehicle manufacturers? Would there be as many? Would we still see the same vehicle quality? Would we still have as much vehicle innovation? Would there be as many vehicle choices? What would the vehicles cost?

The same chaos would occur if Windows were gutted so that was no longer the prevalent OS. Windows may devolve in the future, but to force it would be disastrous. Technology evolution and user acceptance is generally based on rules similar to natural biological selection. Windows may fall into disfavor and be replaced by another OS, but Microsoft may be the company that creates that successor. Why try to artificially prevent that?

Look what has happened with forcing High Definition TV into existence. Local TV program producers for all but the largest markets don't want to invest in HDTV production equipment until broadcasters invest in the new transmission equipment. Networks are reluctant to invest in HDTV equipment because there are insufficient local affiliates that can carry HDTV transmissions. TV set manufacturers don't want to invest in building HDTV sets until broadcasters transmit HDTV programs. Cable service providers don't want to invest in HDTV cable systems until there are HDTV programs in their markets and there are HDTV sets to receive them. Buyers don't want to pay exorbitant prices for HDTV sets and/or HDTV tuners and receiving antennas until there are enough programs being broadcast to make it worthwhile. (The only reason that there are any HDTV sets around is DVDs, and even those sets don't include HDTV tuners.) So, we're in a stand-off situation with the conversion process taking much longer than the Federal Government wanted.

But, the real problem is not HDTV technology, but the decisions that broadcasters need to make about which one of the many picture quality options to transmit. This is contributing to the TV set manufacturers' reluctance to invest in sets that are optimized around one methodology and is keeping the variety of HDTV sets small and their price high.

This sounds similar to the problems that would develop if multiple OSs were edicted into existence or if Microsoft were forced to relinquish their pre-eminent OS-developer position. The PC world would wind up with either fewer applications or the ones that were optimized for all OSs would become considerably more expensive.

In fact, there is more than one OS currently available. The second OS that's most often noted is Linux. Now, how many popular applications are there currently for this OS? Who's stopping software developers from creating them?

As to computer makers not having control of their systems' desktops, Mr. Reilly and the Department of Justice should realize that ''computer makers'' build hardware, not software, and that ultimately, the user controls what's on the desktop—not the hardware manufacturer, not the software manufacturer, but the user.

And, it's not clear what an ''unbundled'' version of Windows does for anyone. What application is Mr. Reilly suggesting is now bundled? A browser? Well, it really is possible to install and use a browser other than Internet Explorer (like Netscape); it really is possible to install and use Lotus Smartsuite rather than Microsoft Office (neither of which is bundled with Windows). So what's the issue here?

Here's another similar situation. Think of an automobile dashboard as being like a PC OS and the car radio as an application. At the moment, it's not usually possible to buy a car without some kind of vehicle manufacturers' radio pre-installed. Will the Federal Government and the States require automobile manufacturers to offer all cars without radios so purchasers can buy their own from either the vehicle manufacturer or some other vendor?

Well, right now many cars owners can have their OEM radio replaced with an after-market one. However, not all auto manufacturers' radios have the same dimensions. And, if one examines the choices carefully, one finds that the variety of replacement radios available for Daimler-Chrysler and GM vehicles is far smaller than those available for cars using DIN dimensional standards. (Remember, too, the radio with the oval-shaped front panel used in the Ford Taurus? There don't seem to be any after-market products available for direct replacement.)

Daimler-Chrysler and GM radios happen to be pretty good. But will the Federal Government and the States want a common form factor legislated that may diminish the quality, ease-of-use and feature flexibility of Daimler-Chrysler, GM and Ford radios?

Mr. Reilly also contradicts his objective when he tries to make his point about ''. . . Microsoft disclos[ing] the necessary technical information so that handheld devices, servers and networks can work with Windows. . . '' If Federal and State Governments want this, won't there be more software development for the Windows OS than there is now rather than less? Doesn't this create more products and business for Microsoft? (And, in point of fact, there is more than one OS for handhelds already, and they and servers and networks can work with Windows.)

Finally, perhaps it's wishful thinking, but one seriously doubts that the 3,200 software companies and 200,000 high-tech workers in Massachusetts would ever see any benefit from what Mr.

Reilly wants to do to Microsoft.

Sherman H. Grossman Needham, MA

MTC–00011718

From: james.althoff@verizon.net@inetgw
To: Microsoft ATR
Date: 1/15/02 4:03pm
Subject: Microsoft Settlement

Please end this pitiful, state government sponsored targeting of Microsoft. The innovation that has been stopped as a result of this harassment and the destruction to our economy is way out of line with the already imposed penalties. No longer can justice be the banner for pursuing Microsoft, now it is simply financial greed on the part of the states. CC:james.althoff@verizon.net@inetgw

MTC–00011719

From: Boopster2626@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 4:03pm
Subject: Microsoft Settlement

To whom it may concern:

Please let this end once and for all,I believe that Microsoft has been very cooperative,etc. At least they didn't loose any records like Anderson or Enron.,or try to hid anything.Go after the real crooks like Enron,who left many middle class citizens without any money in their 401K,funny how bigshots could take money out but workers who save for retirement could not.I believe you have a much bigger problem than Microsoft and Bill Gates.

MTC–00011720

From: Diane Nice
To: Microsoft Settlement
Date: 1/15/02 3:35pm
Subject: Microsoft Settlement
Diane Nice
429 Morwood Road
Telford, PA 18969
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over,

companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Diane

MTC–00011721

From: Randall Page
To: Microsoft Settlement
Date: 1/15/02 3:43pm
Subject: Microsoft Settlement
Randall Page
348 Freya Drive
Solvang, ca 93463
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Sincerely,
Randall S. Page

MTC–00011722

From: C. B. Goff
To: Microsoft Settlement
Date: 1/15/02 3:18pm
Subject: Microsoft Settlement
C. B. Goff
2416 Denise Street
Benton, AR 72015–2624
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
C. B. Goff

MTC–00011723

From: Kelly Baker
To: Microsoft Settlement
Date: 1/15/02 3:34pm
Subject: Microsoft Settlement
Kelly Baker
12337 Jones Road
Houston, TX 77070
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies. Thank you for this opportunity to share my views.

Sincerely,
Kelly Baker

MTC–00011724

From: Joseph W Pfahnl
To: Microsoft Settlement
Date: 1/15/02 3:47pm
Subject: Microsoft Settlement
Joseph W Pfahnl
2197 Glenkirk Dr
San Jose, CA 95124
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Joseph W Pfahnl

MTC–00011725

From: Andrea Palmer
To: Microsoft Settlement
Date: 1/15/02 3:37pm
Subject: Microsoft Settlement
Andrea Palmer
225 Capstan Drive
Placida, FL 33946–2221
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Andrea Palmer

MTC–00011726

From: Thomas Dill
To: Microsoft Settlement
Date: 1/15/02 3:21pm
Subject: Microsoft Settlement
Thomas Dill
2325 Browning Drive
Janesville, WI 53546–1143
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Thomas Dill

MTC–00011727

From: Amy Hanson
To: Microsoft Settlement
Date: 1/15/02 3:33pm
Subject: Microsoft Settlement
Amy Hanson
6868 North Overhill #3
Chicago, IL 60631
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Amy Hanson

MTC–00011728

From: Sally Arnold
To: Microsoft ATR
Date: 1/15/02 4:05pm
Subject: Microsoft Settlement

Please settle this litigation. It's time to move on. Microsoft has greatly benefitted consumers throughout the world. This mission of punishment is only costly taxpayers and Microsoft excessive expense. Please settle.

Sally A. Arnold, CPCU, ARM, ARe
Risk Management Consultant
Self-Insurance Specialists, Inc.

MTC–00011729

From: James Coombs
To: Microsoft Settlement
Date: 1/15/02 3:37pm
Subject: Microsoft Settlement
James Coombs
11127 Oviatt Road
Honor, MI 49640
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
James Coombs

MTC–00011730

From: Kathy Sparks
To: Microsoft Settlement
Date: 1/15/02 3:34pm
Subject: Microsoft Settlement
Kathy Sparks
692 Cobble Dr.
Montrose, CO 81401
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Kathy Sparks

MTC–00011731

From: Richard Rizzo
To: Microsoft Settlement U.S. Department of Justice
Date: 1/15/02 3:49pm
Subject: Microsoft Settlement
Richard Rizzo
218 west noble ave.
bushnell, fl 33513–5414
January 15, 2002

Microsoft Settlement U.S. Department of Justice,

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Richard Rizzo

MTC–00011732

From: Deborah Eaton
To: Microsoft Settlement
Date: 1/15/02 3:23pm
Subject: Microsoft Settlement
Deborah Eaton
100 Hickory Lane
Scottsville, KY 42164
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Deborah Eaton

MTC–00011733

From: Charles Palmer
To: Microsoft Settlement
Date: 1/15/02 3:36pm
Subject: Microsoft Settlement
Charles Palmer
225 Capstan Drive
Placida, FL 33946–2221
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Charles Palmer

MTC–00011734

From: Rosaline VanNess
To: Microsoft Settlement
Date: 1/15/02 3:17pm
Subject: Microsoft Settlement
Rosaline VanNess
8505 Hanford Drive
Richmond, VA 23229–4719
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Rosaline B VanNess

MTC–00011735

From: Laurie Grizzard
To: Microsoft Settlement
Date: 1/15/02 3:30pm
Subject: Microsoft Settlement
Laurie Grizzard
2967 Mt. Pleasant Rd.
Franklin, GA 30217
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Tim and Laurie Grizzard

MTC–00011736

From: Norm Donaldson
To: Microsoft Settlement
Date: 1/15/02 3:45pm
Subject: Microsoft Settlement
Norm Donaldson
697 Carr Ave
Aromas, CA 95004
January 15, 2002

Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Norm Donaldson

MTC–00011737

From: Wyonia R Farner
To: Microsoft Settlement
Date: 1/15/02 3:16pm
Subject: Microsoft Settlement
Wyonia R Farner
8426 Sunview Drive
El Cajon, Ca 92021–1627
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Wyonia R Farner

MTC–00011738

From: ANTHONY THOMPSON
To: Microsoft Settlement
Date: 1/15/02 3:31pm
Subject: Microsoft Settlement
ANTHONY THOMPSON
4801 ASHLEY TERRACE
MIDDLETOWN , OH 45042
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
ANTHONY E. THOMPSON

MTC–00011739

From: Sandi Fowler
To: Microsoft Settlement
Date: 1/15/02 3:45pm
Subject: Microsoft Settlement
Sandi Fowler
6437 Longmont tr;
Fort Worth, TX 76179–3715
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Sandi Fowler

MTC–00011740

From: Wendy Johnson
To: Microsoft Settlement
Date: 1/15/02 3:55pm
Subject: Microsoft Settlement
Wendy Johnson
7875 Valencia Court
Highland, CA 92346–5753
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Wendy L. Johnson

MTC–00011741

From: T. Mack Jennings
To: Microsoft Settlement
Date: 1/15/02 3:50pm
Subject: Microsoft Settlement
T. Mack Jennings
408 Lee St.

Sulphur Springs, TX 75482–4349
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
T. Mack Jennings

MTC–00011742

From: Jocelynn Bailey
To: Microsoft Settlement
Date: 1/15/02 3:44pm
Subject: Microsoft Settlement
Jocelynn Bailey
13309 Sturno Drive
Clifton, VA 20124–0957
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Jocelynn Bailey

MTC–00011743

From: Tamey Johnson
To: Microsoft Settlement
Date: 1/15/02 3:43pm
Subject: Microsoft Settlement
Tamey Johnson
4230 County Road 633
Clanton, AL 35045
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Tamey Johnson

MTC–00011744

From: Connie Marthinsen
To: Microsoft Settlement
Date: 1/15/02 3:49pm
Subject: Microsoft Settlement
Connie Marthinsen
202 Sarazen Meadow Way
Cary, NC 27513
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Connie Marthinsen

MTC–00011745

From: stanley kimmel
To: Microsoft ATR
Date: 1/15/02 4:06pm
Subject: Microsoft Settlement

It is anti-American that you took action against Microsoft for their ability to do an excellent job of developing and selling their products. You should make every effort to settle and go about your business of prosecuting law breakers.

Stanley Kimmel
Box 23093
Anchorage, KY 40223

MTC–00011746

From: William E. Gabel
To: Microsoft Settlement
Date: 1/15/02 3:52pm
Subject: Microsoft Settlement
William E. Gabel
2140 North Parkway Drive
Upper Arlington, OH 43221
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

William E. Gabel

MTC–00011747

From: Francis M. Perry
To: Microsoft Settlement
Date: 1/15/02 3:41pm
Subject: Microsoft Settlement
Francis M. Perry
2005 S. Berry's Chapel Road
Franklin, TN 37069
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Francis M. Perry

MTC–00011748

From: Linda Schlange
To: Microsoft Settlement
Date: 1/15/02 3:12pm
Subject: Microsoft Settlement
Linda Schlange
27395 Cypress Street
Highland, CA 92346–3715
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Linda L. Schlange

MTC–00011749

From: Emilia Neudorff
To: Microsoft Settlement
Date: 1/15/02 3:07pm
Subject: Microsoft Settlement
Emilia Neudorff
7806 Jason Ave.
West HIlls, CA 91304–4434
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Emilia Neudorff

MTC–00011750

From: user@openai.net@inetgw
To: Microsoft ATR
Date: 1/15/02 4:17pm
Subject: Microsoft Settlement

DOJ,

Please count my opinion as being in support of Matthew Szulik, CEO of Red Hat. I have looked over the PFJ and feel it is seriously lacking in action against one of the richest, sleaziest corporations in the world.

I would very much like to see the further actions that Mathew has proposed be taken into consideration and integrated into the Final Judgement. I believe that Microsoft should fund the advancement of alternative software and other operating systems (Macintosh and Linux) for a period of time to convey the message that you cannot use illegal methods to hold down your competition and suffocate free speech and free code.

Sincerely,

A concerned computer user.

MTC–00011751

From: Rdmandalay@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 4:07pm
Subject: Microsoft Settlement

It is my opinion that Microsoft Corporation is a first rate, first class company and the courts and justice system should stop penalizing it. They have been most generous in their settlement offers and contributions to schools. If other companies can't compete, it is not the fault of Microsoft. They can stop whining. The remaining states in litigation are just trying to grab some ''free'' money and this should be discouraged. America should be proud of Microsoft and free it of all the legal entanglements! It stands for what USA capitalism is all about!

Ann Mitcham

(not connected in any way with Microsoft Corp.—don't even own any stock.)

CC:MSFIN@microsoft.com@inetgw

MTC–00011752

From: Jack
To: Microsoft ATR
Date: 1/15/02 4:08pm
Subject: Settlement agreement

Please see the attached letter regarding the pending Microsoft agreement.

John I. Schuler
269 Glenbrook Drive
Pittsburgh, PA 15237–5303
15 January 2002
Attorney General John Ashcroft
United States Department of Justice
Washington, DC 20530–0001

Dear Mr. Ashcroft,

After three long years of legal wrangling the Microsoft antitrust case has finally seen an opportunity for resolution in the settlement reached last November. A continuation of litigation, such that Microsoft's competitors are now strongly lobbying for, will simply not benefit anyone but their competition, and thus will prove to be counter-productive for America.

The current settlement offers much of which that the government and competing companies should be satisfied. It allows free access to Microsoft's source code and interfaces that are internal to Windows operating system products. Additionally, Microsoft is obligated to design future versions of Windows to make it easier on consumers, manufacturers, and software developers to promote non-Microsoft

applications. This, in addition to many other restrictions and obligations, will be verified by a Technical Committee to ensure Microsoft's compliance.

It appears to me that this settlement is the best way to put an end to this matter once and for all. I strongly urge to work towards the immediate resolution of this case. Thank you for your time and consideration.

Sincerely,
John J. Schuler
John J. Schuler
CC: Senator Rick Santorum

MTC–00011753

From: Jean Smith
To: Microsoft ATR
Date: 1/15/02 4:07pm
Subject: Microsoft Settelment

To whom it may concern,

I think it is about time that this gets settled for the good of the country and all it's citizens. I feel that who ever it is that is trying to do this to a good and inovative country is just plain stupid. Without Microsoft I hat to think where we would be.It is a terriable thing to think that someone wants to destroy a good thing.Just because they have some smart inovative people that are capable of doing such things should make us proud not want to destroy what is good.

Sincerely
Jean N. Smith

MTC–00011754

From: Joan Nims Cook
To: Microsoft ATR
Date: 1/15/02 4:09pm
Subject: litigation

considering the damage already done to the economy it is extremely doubtful that further pursuit of litigation benifits anyone with the possible exception of a few who hope to gain political advantage. Isn't it long since time to stop the foolishness and get on with the work of this country.

MTC–00011755

From: JHart60@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 4:10pm
Subject: Microsoft settlement

After reviewing the settlement between the Department of Justice and Microsoft, I am of the opinion that this should move forward. It is not in the best interest of all parties to have this drag out any further. The settlement is Reasonable and Fair to all parties.

There appears to bigger issues that the Department needs to address at this time.

Thank you for your attention on this matter.

J. C. Hart
10821 East 25 Ave.
Spokane WA 99206

MTC–00011756

From: Rexsoras@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 4:12pm
Subject: MICROSOFT SETTLEMENT

IT IS CLEAR TO ALL EXCEPT WANNABE POLITICOS IN THE PERSON OF STATE ATTY GENS (9) THAT THIS CASE SHOULD BE SETTLED PROMPTLY. THE DAMAGE DONE TO THE ECONOMY IN THE QUEST TO PUNISH SUCCESS MUST BE CURBED. DO JUSTICE FOR THE NATION AND SETTLE THIS CASE THAT SHOULD NOT HAVE BEEN BROUGHT IN THE FIRST PLACE.

REX R. MALSON
189 SHERWOOD DR
BRANSON, MO 65616

MTC–00011757

From: yooperup@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/15/02 4:10pm
Subject: Microsoft Settlement

I believe that this settlement is fair and just, for a couple of reasons.

1. I do not believe this trial should have gone as far as it has. Every business and person has the choice of Operating system. I could get a Macintosh, I could load Unix or I could use a free version of Linux. The reason Microsoft has such a hold on the Computer OS and Software industry is because they come out with not neccessarily the best OS, but the best OS as a package, including support, the amount of Software available, and people knowledgeable in the product.

2. This settlement will bring new technology to schools that currently have 3 year old computers and Software

Sincerely,
Terry L. Read
CC:yooperup@hotmail.com@inetgw

MTC–00011758

From: Betsy Brinson
To: Microsoft ATR
Date: 1/15/02 4:10pm
Subject: Microsoft Settlement

To whom it may concern:

I am Josephine Average Consumer and a taxpayer. To date, I still don't understand why my tax dollars are being spent to sue a legitimate business for being successful. I further don't understand why once a settlement is proposed nine states can hold up the process of getting on with life. I have sat back in awe and watched the tobacco growers being subsidized by the government to grow a produce which is then sold to the tobacco companies to produce a legal product that is sold to folks, with a huge tax collected by the government, and then having the government sue the tobacco companies because people choose to use a legal product that is not good for their health. The frosting on the cake is where the government then turns around and takes the money from the tobacco companies and uses it for general fund purposes, not related to health issues stemming from the use of tobacco. I am having a strong sense of deja vue with the Microsoft case. Undoubtedly the fact that some of my retirement is tied up in Microsoft stock biases my view. However, as I see it, the case needs to be settled so that Microsoft can get back to creating more innovations that do nothing but improve my life and as I understand it from the general media the proposed settlement seems to meet everyone's needs.

Betty Brinson, J.D.
W.S.B.A. #12190
1811 ''C'' Street
Bellingham, WA 98225

MTC–00011759

From: Mary Ann Censky
To: Microsoft ATR
Date: 1/15/02 3:59pm
Subject: MICROSOFT SETTLEMENT

I would like to encourage all parties involved in the settlement negotiations to do everything in their power to come to full agreement on all remaining issues. I personally feel the downtown in the economy, which started declining about the time the government started their antitrust proceedings, is in large part due to the uncertainty created by the Government's pursuit of Microsoft over the last couple of years. Microsoft has done tremendous good for individual consumers, for business and for our overall economy. Claims that the consumer has been hurt are ludicrous—I belive there are very few consumers who believe this. If Microsoft's competitors developed comparable products and marketed them in the outstanding manner Microsoft has, then these antitrust pursuits would not have been necessary. I applaud the Federal Government's efforts in reaching a settlement and hope the remaining few states will see the wisdom in reaching a quick resolution of all remaining issues.

Please everyone, let's put our Government resources where most needed—fighting domestic and international terroism and bringing our economy out of the recession—and let Microsoft keep developing their great products that allow individual consumers and small and large business to suceed in their endeavors. It's appalling to think about how much money has been spent on these legal proceedings—let's end it now. If I were a taxpayer in the remaining states that haven't settled, I would be beyond furious.

Thank you for your consideration of my feelings on this subject.

Mary Ann Censky
2731—77th Avenue SE—# 206
Mercer Island, WA 98040
Phone: 206–624–1695
Fax: 206–624–1795

MTC–00011760

From: Duane Dier
To: Microsoft ATR
Date: 1/15/02 3:58pm
Subject: DoJ

The department of Justice should immediately settle the Microsolf case, that never really was a case anyway, but rather, a governmental vendetta, birthed by greedy jealous competitors, and picked up by opportunistic politicians looking for the next corporation to raid. Remember the old saying ''when you rob peter to pay Paul, Paul is always on your side''. this is what this amounts to political extortion of a company that has helped free the world. Go Microsolt, and I do not own stock, and No one I know works for the company.

Duane Dier,
Seattle, Wa

MTC–00011761

From: Bob Quinn
To: Microsoft ATR
Date: 1/15/02 4:10pm
Subject: Microsoft Settlement

Yes, please settle the lawsuit with Microsoft. I agree with the current terms

agreed upon by the parties involved. I believe that it is to this country's interest to allow Microsoft to focus on its core business instead of wasting money and resources on lawsuits such as this.

Thank you.

Bob Quinn

The VB Applications Group

25038 SE 40th Drive

Issaquah, WA

<mailto:bob@vbapplications.com>

bob@vbapplications.com

(425) 313–1013

MTC–00011762

From: Mr1031@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 4:14pm
Subject: Settle it

As far as I am concerned the states that are holding out are doing it in either career enhancement on the part of the attorney generals there or they are function more as lobbyists for their in state high tech corporations and probably should have withdrawn themselves because of their bias. I don't feel ANYTHING put on the table would satisfy them short of Microsoft relinquishing total control of itself to them. This ends up being more like reverse monopoly stuff like reverse discrimination!

Ron Walken

Seattle, Wa

MTC–00011763

From: Jack Henderson
To: Microsoft ATR
Date: 1/15/02 4:14pm
Subject: Microsoft Settlement

I think that the current Microsoft Settlement is fair and appropriate. I think that it would be a HUGE mistake to punish further this company.

As someone who travels a great deal, I find it tremendously helpful to sit down at a computer in whatever country I'm in and find a Windows environment with which I am comfortable and which I can immediately use. Any settlement that reduces Microsoft's influence in maintaining consistency in worldwide computer operating systems would be a serious blow to international business and education.

Jack Henderson

Phippsburg, Maine

MTC–00011764

From: Jurg3720@cs.com@inetgw
To: Microsoft ATR
Date: 1/15/02 4:15pm
Subject: RE: Microsoft Settlement

My opinion is, to settle the Action as soon as possible. This will be good to our Economy and provide more Stability to the Market. We do not need war within our Country.

Juergen Brunke

MTC–00011765

From: wright—1997@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/15/02 4:16pm
Subject: Microsoft Settlement

The Microsoft settlement is fair and should be approved. Microsoft is a great company and should be allowed to continue without having this case going on forever. This is good for the economy and for America.

As a consumer I am happy with this settlement and with most of Microsoft products. If I like another product Microsoft does not keep me from using it.

Thank You

CC:wright—1997@yahoo.com@inetgw

MTC–00011766

From: Woody Tweed
To: Microsoft ATR
Date: 1/15/02 4:16pm
Subject: opinion

Lets put this behind us and let the economy go forward. The whole case should have been thrown out of court.

Woody Tweed

Linn Creek Mo. 65052

MTC–00011767

From: 432kabl
To: Microsoft ATR
Date: 1/15/02 4:14pm
Subject: Microsoft Settlement

Dear Dept. of Justice:

It is long past time to end the government attacks on Microsoft. The dominance of the computer industry that Microsoft has unquestionably attained is primarily the result of serving the needs of computer users better than any other company. Microsoft has made immense contributions to the rising prouctivity that is the primary source of our exceptional prosperity in recent years. That kind of innovation is the main hope for restoring prosperity after the current recession.

The last thing our government should be doing is attacking and penalizing innovation. In the interest of all computer users, please just find a graceful way to bring all of the threatened litigation and regulatory harrassment to an early conclusion. This would send a strong message that creativity and resourcefulness are still encouraged in the United States; not punished.

Thank you for your consideration.

Sincerely,

Brad Naegle

(Small business owner)

MTC–00011768

From: Jerry Stump
To: Microsoft ATR
Date: 1/15/02 4:16pm
Subject: Microsoft Settlement

Leave Microsoft alone.

I so much appreciate their software; Microsoft is my friend. I despise Apple.

Let us get on with other more important items and let this great company Microsoft continue to innovate.

Jerry Stump

1109 20th Street

Belleville, KS 66935

MTC–00011769

From: gbdesign@pop-server.new.rr.com@inetgw
To: Microsoft ATR
Date: 1/15/02 4:16pm
Subject: Breakup the Monopoly —

I feel MS should be made an example of for it's arrogance. Knowing they could fund a longer court battle than most foreign governments, the delays and non-disclosure of meetings with Federal officials cleary shows the reason for the court's rejection of the proposed settlement.

MS should be fined with the largest fine in US history, after all they are the richest US company in history. They should also be required to allow the operating systems that are pre-installed in retail machines to be the choice of the computer manufacturer. So if Compaq wants to run Linux, UNIX, or even Apple Computer's Mac OS in their machines.

Nor should pre-bundled software packages be the choice of the software providers. Consumers who ultimately use these softwares, on any platform, should be able to choose from a bare-bones configuration to a fully installed complete suite of softwares, and from the software manufacturers of OUR choice.

We aren't required to use a certain brand of gasoline in our cars, nor should we be required to use only one brand of software in a computer. In example; MS Windows 2000 costs over $500 in Green Bay, WI and the current MacOS offering has two complete operating systems for only $130.

This company has shown too many times it's cavalier attitude about what it can and cannot do, and the victims are the creative people, the educators and the business users of personal computers. We are forced to buy computer systems filled with overpriced softwares that 90% of users will never take advantage of.

So I hope the courts decision will consider the damage caused our social structure because of this monopolistic practice.

MTC–00011770

From: GhassemL@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 4:18pm
Subject: Microsoft settlement

Department of Justice

Sirs, To my opinion the setlement agreed between the parties is reasonable and will benefit the economy ofd the country and consumers are happy that such a great organization are backed by people and the government . This encourages the scientists to further innovations without fear of government's unnecessary restrictions.

Ghassem Ladjevardi

Tucson AZ

MTC–00011771

From: Anthony Macaluso
To: Microsoft ATR
Date: 1/15/02 4:19pm
Subject: action

WHEN IS OUR TRUSTED GOVERNMENT GOING TO OPEN IT'S EYE'S? AND SEE THAT WE HAVE GONE DOWN HILL EVER SINCE THEY HAVE UNDERTAKEN THIS ACTION AGAINST ONE OF OUR GREATEST COMPANY'S, THAT HAS COME ALONG IN MANY YEARS. OUR ECONOMY NEEDS A BOOST NOT A KICK IN THE PANTS AS THEY HAVE DONE . WHAT A REWARD MR. GATES HAS RECEIVED FOR ALL HIS EFFORTS TO BRING US AHEAD IN THE WORLD ECONOMY. I HOPE WE LEARNED A LESSON , THAT PUNISHING A COMPANY OR PERSON'S FOR DOING GOOD WILL NOT GET US ANY PLACE FAST. PLEASE STOP THIS NEEDLESS

WASTE OF TAX PAYER MONEY. YOU HAVE SPEND MORE TIME AND MONEY TRYING TO BRING THIS COMPANY TO IT'S KNEES, AND LOOK WHAT IT HAS DONE TO US.

MR. ANTHONY MACALUSO

MTC–00011772

From: minhue—lu@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/15/02 4:20pm
Subject: Settlements For Microsoft

Dear Attorney General John Ashcroft:

Microsoft was a treasure of this country for the twenty century, and will also be for the next century. Without the Microsoft's high tech contributions during the last twenty years, this country could well be behind Japan, Britain in the competition of the computer technologies. Consumers benifit from the Microsoft's products.

The settlement between DOJ and Microsoft should be done as soon as possible. Otherwise, our economy will continues to suffer.

Those nine states want to continue litigation are not the public best interests nor good for the economy. They should also accept the terms of settlements that agree between DOJ and Microsoft.

Thank you for your time>

Sincerely,

Min Hue Lu

Computer Scientist

MTC–00011773

From: Louis DeVito
To: Microsoft ATR
Date: 1/15/02 4:21pm
Subject: Microsoft Litigation

I think i is time for everyone to wake up and stop trying to beat a dead horse. The amount of money and time spent on trying to squeeze another dollar out of Microsoft is just so stupid. There is a reasonable settlement on the table, a settlement that was put together by some very wise people with very sincere motives who wanted to move on rather than spend the rest of their lives litigating. Courts are to resolve problems, not find a way for simpletons to waste their lives on de minimus petty schemes. The courts should force a settlement which for all intensive purposes appears reasonable.

MTC–00011774

From: Mary Browning
To: Microsoft ATR
Date: 1/15/02 4:21pm
Subject: Microsoft Settlement

I am sending this message to register my strong opinion that the Microsoft case should be settled now and that no more public time, energy or money should be expended in the pursuit of the case.

As a resident of Connecticut I especially deplore the dogged efforts of the Attorney General of Connecticut to depict Microsoft and Bill Gates as Public Enemy Number One.

Surely he and the other attorneys general must have true criminals to pursue. Innovation and energetic enterprise like that of Gates/Microsoft are part of what has made this country the power it is.

''Enough already!''

Mary-Leggett Browning Waterford, CT

MTC–00011775

From: K Ward
To: Microsoft ATR
Date: 1/15/02 4:21pm
Subject: Department of Justice seeks public comment

The Microsoft law suit is dragging on when a fair settlement has been negotiated. It seems that states just want more money. Let's get it over with. This is not good for the country.

Kevin Ward

MTC–00011776

From: Mark Jorgensen
To: Microsoft ATR
Date: 1/15/02 4:22pm
Subject: Microsoft Settlement

To Whom It May Concern:

I think it is important to end the law suit and get on with life. Enough is enough. The Attorney Generals pursuing this case are self serving.

Thank you for reading this.

Mark Jorgensen

MTC–00011777

From: RVANDRT@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 4:21pm
Subject: Microsoft Settlement

I think the anti trust case with Microsoft should be settled. I believe the unsettled case is a negative on our economy.

Ralph Trimble
Findlay, OH

MTC–00011778

From: Susan Barbetti
To: Microsoft ATR
Date: 1/15/02 4:25pm
Subject: Microsoft Settlement

Dear Sir,

Please, settle the Microsoft case as is. It should not go into futher litigation. The Settlement is fair and very generous and it will help thousands of children. Those that don't want to see this case settled are furthering a case of ''sour grapes''.

Thank you for accepting my comments.

Susan Barbetti
30120 N. 65th St.
Cave Creek, AZ 85331

MTC–00011779

From: TDavis3433@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 4:25pm
Subject: MICROSOFT SETTLEMENT

IT IS TIME TO GET OFF MICROSOFT'S BACK. THIS STARTED BACK WHEN BILL CLINTON WAS TRYING ANYTHING TO GET THE ATTENTION OFF OF HIM, SINCE THEN THE STOCK MARKET AND THE ECONOMY HAS BEEN IN DECLINE.

THIS WILL PROBABLY END UP LIKE EVERYTHING ELSE THE GOVERNMENT HAS TRIED TO FIX THAT WASN'T BROKEN, SUCH AS THE DEREGULATION OF THE TELEPHONE AND ELECTRIC SERVICE. WE ALL KNOW THAT THE TELEPHONE COSTS HAVE GONE UP QUITE A BIT SINCE THE SO CALLED FIX AND CALIFORNIA HAD A ROUGH TIME WITH POWER SINCE THAT ''FIX'' WAS PUT IN.

MICROSOFT PRODUCTS HAVE ALWAYS HAD A REASONABLE PRICE AND ARE SOME OF THE BEST ON THE MARKET. THE STATES THAT DON'T WANT TO SETTLE ARE ONLY LOOKING OUT FOR COMPANIES THAT ARE IN THEIR STATES THAT CAN'T MAKE IT ON THEIR OWN WITHOUT HELP AND THESE COMPANIES ARE PROBABLY KICKING IN A LOT OF MONEY TO THE CAMPAIGN FUNDS OF THESE POLITICIANS.

I ALWAYS THOUGHT THAT EVERYBODY WAS TRYING TO ''BUILD A BETTER MOUSETRAP'', APPARENTLY THESE OTHER COMPANIES WANTED TO WAIT FOR MICROSOFT TO BUILD IT AND THEN TRY TO STEAL IT WITH THE HELP OF THE GOVERNMENT.

MTC–00011780

From: haichen—cheng@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/15/02 4:27pm
Subject: Microsoft Settlement

The whole case was mainly initiated by some companies can not effectively compete in market. Every actions Microsoft is accused of, such as give away products, boundle products, discount for volumn venders, are common practice of IT industry. All other businesses, including those joined in the case in suing MS(Netscape, Sun, Oracle, AOL), have taken those actions, the only difference is they could not do it better.

It is time to close this case, let government get out of the marketplace, and let consumers to vote with their own money. In long run, if MS is guilty, the marketplace will punish it.

CC:haichen—cheng@hotmail.com@inetgw

MTC–00011781

From: PMConnaugh@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 4:27pm
Subject: Proposed Microsoft Settlement with the States' Attornies General.

January 15, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I would like to express my opinion on the settlement of the Microsoft case. It's inappropriate that these proceedings are continued. As a user of Microsoft at not only at home but also at work. I can do my daily tasks with a great deal of concentration on the task at hand versus having to worrying through the ''how to do'' feat.

My wife had taught many Unemployed persons as an Adjunct Professor at Drexel University for a few years. The money was put into this activity, with the intent of preparing the Student to have the necessary Software to qualify for a job. Most Students had little trouble learning the MS Word, Excel, Access, and Outlook.

The fact that most of the American (and possibly most of the World's) Commerce run so profitably and easily is that there is a commonality of Software Tools, made possible by Microsoft. The ease of operation has allowed these Students, the Unemployed, to get those jobs in that they came with the necessary tools which permitted them to begin earning their keep. They had the

confidence to spend their time over several months at 2–3 nights a week knowing that their efforts were not in vain. Why? American employers run on Microsoft! And they were prepared. high time that this case be ended.

This lawsuit has dragged on and wasted a great deal of time and (our Taxpayer) money in the process. Microsoft has changed the entire computer industry, giving consumers and businesses superior products. Their operating system enabled a great compatibility that has not been offered by any other company. Why would anyone want to switch to another system and other software that doesn't even work with one another?

I worked for five major companies as an Electrical Engineer and Manager/Vice President, using Microsoft in some way or another in all of my jobs. Microsoft products allowed me to concentrate on ''What'', not ''How''. Microsoft is being punished for creating innovative technologies that have changed our computer industry, our business practices, our economic practices and even our methods of government forever. Just look at the simplification that the IRS has enjoyed now that Tax Returns can and are filed electronically (45 Million 2000 Federal returns at last count). Microsoft's efforts should be rewarded, not penalized.

.Think about how difficult it would be for you and those in your family to surf the Net, send Letters to the Editor, check their Bank Statement, pay their Bills, and even check the Weather without a ubiquitous and uniform means of communication. Just trying to change from Apple (Java) to an IBM, or other (Microsoft) computer. It's a waste.

This is analogous to the early problems of selecting between a Beta or a VCS Videotape system. We all use the VCS now. There was no government intervention. The people, the Buyers chose the better system. Did that selection prevent other bright Engineers from now offering CD's and DVD players? No! That's progress.

The proposed settlement is quite equitable for all parties. As I understand: Microsoft is conceding a great deal in order to move on. They are giving away some of their coding and interface design to competing software developers, as well as protocols for their server systems. They have also agreed not to enter into any contracts obligating third party distribution of Windows. Should any problems arise, the Technical Oversight Committee would make sure that Microsoft complies with the terms of the settlement, further ensuring fair competition. I for one, urge that the proposed settlement be upheld.

God Bless America and protect our Troops!

Sincerely,

Phillip M.Connaught

1409 Chancellor Circle

Bensalem, Pennsylvania 19020

cc: Senator Rick Santorum

MTC–00011782

From: SteveGertsch
To: Microsoft ATR
Date: 1/15/02 4:28pm
Subject: Microsoft Settlement

Hello,

I think the case should be settled the way the DOJ and Microsoft agreed upon. Get it done and let us get back to our business.

Steve Gertsch

sgertsch@pindersoft.com

http://www.pindersoft.com

MTC–00011783

From: Steve Chittenden
To: Microsoft Settlement
Date: 1/15/02 4:27pm
Subject: Microsoft Settlement

Dear Sirs,

Thank-you for requesting input from citizens of this country. I believe that Microsoft has paid the price of any misgivings they have done. It is time that all states and Department of Justice settle this matter and get on with the work at hand. Thank-you again for the opportunity to respond. In His Service,

Steve Chittenden

MTC–00011784

From: Swauger, Fred
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/15/02 4:27pm
Subject: Microsoft anti trust suit

Agreed settlement is more than fair where would we be w/o windows the cosumer was not harmed who did the suit protect?

Frederic Swauger

(503) 639–2311, (503) 639–2312(Fax)

MTC–00011785

From: RON LITTLE
To: Microsoft ATR
Date: 1/15/02 4:29pm
Subject: Microsoft Settlement this needs to be settled now !!

MTC–00011786

From: larry novak
To: Microsoft ATR
Date: 1/15/02 4:30pm
Subject: Microsoft law suit

Dear Sirs;

I believe we have held this company up in the air not allowing microsoft to do what it does best, give us next products that will move this economy foreward.

The entire country is on hold waiting for these state lawyers to cut up the pie for their state and most of all for their own gain. . Enough, get this ended and send the beggars out of the chambers.

Lawrence Novak

MTC–00011787

From: Jun Zhang
To: Microsoft ATR
Date: 1/15/02 4:31pm
Subject: microsoft settlement

I oppose the settlement because I don't believe it is in the public interest to do so. The monopoly power of Microsoft will not change, nor will its practice, given their strategy of always moving one step ahead and rendering court judgment irrelevant due to the lag introduced by litigation.

Jun Zhang

Associate Professor

University of Michigan, Ann Arbor

MTC–00011788

From: Kayani, Dr. Sohail
To: 'microsoft.atr(a)usdoj.gov.'
Date: 1/15/02 4:31pm
Subject: Microsoft Settlement

Dear Sir,

The purpose of a settlement should be fair to parties concerned and this settlement is in line with that. However, certain states that primarily include Microsoft's competitors, will like to use the opportunity to do as much harm as they can in the name of an open platform. If their products are good, the market would embrace them. It seems a proxy fight for Sun, Apple and Oracle that these states are trying to fight. The intention of the Attorney General of these states would be considered neutral if they had publicly disclosed the absence of any financial backing by these companies to their election campaign.

Sohail Kayani, MD

322 Saybrook Road

Orange, CT 06477

MTC–00011789

From: Doris J. Lafferty
To: Microsoft ATR
Date: 1/15/02 4:43pm
Subject: Microsoft Settlement

Please settle and end litigation . It has been too long and too distructive.

Doris J. Lafferty and Walter E. Lafferty

MTC–00011790

From: mdstoffel@mmm.com@inetgw
To: Microsoft ATR
Date: 1/15/02 4:32pm
Subject: Microsoft Settlement

Dear DOJ,

Microsoft has done more than any other company to grow the computer industry. Before Microsoft computers were marketed to large institutions. Microsoft has brought the computer into homes world wide. They have done this by making computers easy to use for the general population and marketing products that we want. Microsoft has done their homework and they have received an A+. This is not according to me but according to the consumers who have purchased their products.

For the good of the industry, settle the lawsuit and allow the computer market to grow again. When Microsoft starts making products that the public doesn't want or makes products that don't work, the market will run from Microsoft. When other companies start making better products than Microsoft, the market will run to them. IBM was once the computer leader but they didn't have the vision or the product line that the general public wanted. Today, Dell is capturing the market share of the the PC market. Dell is getting it by making an affordable, reliable product. Microsoft has done the same thing, they created a good product and made it affordable. They need to take their lumps but let the market give it to them.

Settle the lawsuit.

Mick Stoffel

MTC–00011791

From: bearflat(a)jps.net
To: Microsoft ATR
Date: 1/15/02 4:32pm
Subject: (no subject)

please settle in microsoft's favor.

shirley ross

MTC–00011792

From: Stu Sjouwerman
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/15/02 4:40pm
Subject: ''Microsoft Settlement''

It's time to get this over with! The U.S. government should not be used as a competitive weapon.

Warm regards,

MTC–00011793

From: Bob Long
To: Microsoft ATR
Date: 1/15/02 4:34pm
Subject: Microsoft DOJ Settlement

I am in favor of the settlement reached with Microsoft in the Anti-Trust case. Please stop wasting taxpayer money. Consumers were not harmed.

Sincerely
Robert Longariello
Taxpayer and Citizen
blongari@home.com

MTC–00011794

From: fred@ensuredmail.com@inetgw
To: Microsoft ATR
Date: 1/15/02 4:34pm
Subject: Microsoft Settlement

Please move forward with the Microsoft settlement. The lack of a settlement is destructive to all of our businesses. When you think of the legal wrangling and the lack of focus inherent in a situation such as this, it is apparent that the real losers are the smaller companies and consumers.

As a business owner, I want Microsoft, Oracle, Sun, etc. . concentrating on improving their products and services rather than attending to legal needs that ultimately help no one other than the legal profession.

Thak you,
Fred West
CC:fred@ensuredmail.com@inetgw

MTC–00011795

From: Frank/Chris Pizzeri
To: Microsoft ATR
Date: 1/15/02 4:38pm
Subject: Microsoft Settlement

I have reviewed the anti trust settlement and both my wife and I believe it is just. Please conclude this action now. Continuing the pursuit of this matter will be unlikely to serve justice. Those who would be served by furtherance may achieve some small gains for their cause at the expense of the vast majority of Americans.

The law of ''unintended consequences'' has had a great negative affect on the american public through a lack of confidence.

So ''ENOUGH ALREADY!!!!!''
Frank & Chris Pizzeri
Stuart, Fl

MTC–00011796

From: BChanceLtd@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 4:38pm
Subject: Microsoft Settlement

Please accept the Microsoft settlement as proposed earlier. Let's stop fooling around and get down to business.

Leo Hojnicki

MTC–00011797

From: Potter, Bob Ext.1411
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/15/02 4:42pm
Subject: Microsoft Settlement

I'm begging you—Please get of Microsoft's back. You have had your viewpoint skewed by competitors of Microsoft that could not win in the market place so they are using you to get their way. Don't be used. The business world is not a philanthropic organization. It is market driven. Microsoft has won in the market place. Lets get on with life!!!

Regards,
Bob Potter
(831) 796–1411
www.co.monterey.ca.us

MTC–00011798

From: grego@equilibrium.com@inetgw
To: Microsoft ATR
Date: 1/15/02 4:36pm
Subject: Microsoft Settlement

Let's end this and stop wasting more taxpayer dollars. The computer industry changes so fast that Microsoft will have to adapt, or be left in the cold. Please accept the recent setelement, and let's get back to work.

Greg Olson
CC:grego@equilibrium.com@inetgw

MTC–00011799

From: THCBC@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 4:37pm
Subject: Microsoft Settlement

Lets have a settlement ASAP and get on with life.

MTC–00011800

From: Tjack1931
To: Microsoft ATR
Date: 1/14/02 10:56pm
Subject: Re Antitrust Microsoft

Dear Justice Department I would like to voice my Opinion on the Antitrust settlement with Microsoft. I think as a Taxpayer and Voter it is about time that this nonsense suit is put to sleep. The people that Originally brought this suit in the first place are expanding and Monopolizing more than Microsoft ever has.(AOL-Time Warner) Sun Microsystems) etc.I think that Microsoft has done so much for us beginner computer users, and still do.

Sincerely
Helga Jackson
4318 So 325th St.
Auburn, WA 98001
Tjack1931@msn.com

MTC–00011801

From: James Plummer
To: mailto:microsoft.atr@usdoj.gov@inetgw
Date: 1/15/02 4:39pm
Subject: Microsoft Settlement

My input to this long delayed settlement, is to accept the plan which was and is acceptable to so large a percentage of the population. Let's get it settled as part of the country's effort to get the economy going.

Thankyou.
James W. Plummer,
2129 Quail Poiint Ct.
Medford, Or 97504

MTC–00011802

From: kenneth goff
To: Microsoft ATR
Date: 1/15/02 4:39pm
Subject: Microsoft Settlement

Lets get this settled, Microsoft has done more for the computer than anyone. They don't deserve this kind of treatment.

MTC–00011803

From: Edens, Jim
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/15/02 4:41pm
Subject: Microsoft Settlement

Enough is enough. Any further modification of this settlement is just an attempt by inept competitors to gain an advantage in the marketplace. If Microsoft's products were not valuable the market would not reward Microsoft with business. Those states that are opting out of the settlement and working to pursue their own lawsuits are spending the public's money unwisely and are looking for a scapegoat and a free handout.

Jim Edens
jedens@nespower.com
<mailto:jedens@nespower.com>

- QUOTE OF THE DAY -''The true meaning of life is to plant trees, under whose shade you do not expect to sit.''—Nelson Henderson

MTC–00011804

From: Lee and Helen DeGroff
To: Microsoft ATR
Date: 1/15/02 4:40pm
Subject: Microsoft settlement

I feel the settlement is fair and equitable and the states that have not accepted it are not being fair to us, the consumer. Please let my voice be heard. Helen B. DeGroff

MTC–00011805

From: Charles, Robert F
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/15/02 4:43pm
Subject: Microsoft Settlement

To Whom It May Concern:

I say ''Enough is enough is enough!'' I feel Microsoft has endured more than any company has endured for this Antitrust litigation. As I stated in an earlier EMAIL to your office, these Anti Trust laws were designed to protect consumers—NOT COMPETITORS! After all, look who has brought Microsoft's alleged misgivings to light. Competitors!

I do thank the DOJ for looking out for my best interests; however, I have yet to hear a consumer say anything derogatory about the products that Microsoft sells. Please give Microsoft a fair ruling. . . .

Enough is enough is enough. Let Microsoft get back what it does best; serving the customer/consumer with new innovative exciting products that make the world a better place—not stepping aside so that second rate products can cheapen the American way of life. Please rule in favor of Microsoft.

Sincerely, Rob Charles
Robert F. Charles
Global Automotive Americas North
RF Project Reliability Engineer
tyco Electronics /AMP Incorporated

*(336) 727–5847 *(336) 727–5068
*rfcharles@tycoelectronics.com
*Mail Stop 079–12
PO Box 55
3800 Reidsville Road
Winston-Salem, NC 27102–0055

MTC–00011806

From: DrFlick@iHi.com@inetgw
To: Microsoft ATR
Date: 1/15/02 4:44pm
Subject: Microsoft Settlement

The original reasons driving the settlement no longer are valid. The industry and the forces driving it have changed too much. We slapped Microsoft's hands and they listened. I believe, of all of the companies that will be watched and scrutinized, Microsoft is at the top. They can not afford to mess up. They have their mandate and I firmly believe they will stick by it.

I have been dealing with Microsoft for over a decade and have given them more personal information than any other company. It never has been abused and I trust them explicitly when they say it will not be given out or sold. Granted, they were bullish five or so years ago. They absolutely have changed and are sincere in their efforts to remedy how they conduct business. I like what they have to offer and it would hurt my business dramatically if they had to break up or stop making their products. Breaking up the company would hurt the American economy more than it would resolve anything. Think of the impact on the thousands of other companies that rely on the Microsoft platform for what they do and how they live. Microsoft is one of the few innovators left in the industry. I like that. That is why they spend billions of dollars in research each year ? to bring us new and creative solutions that keep our economy flowing. There also is no technical way that providing source code would work. It changes too fast and it would do more harm than good for the world to make broken derivatives from it. They provide more pre-release documentation, technology strategies, sample code, training, and seminars than any other company out there. The only reason competitors want their source is because they cannot figure out how to do it themselves.

Stop wasting our money and get on with spending it on more important things. The only people that care are the press, media, and politicians that want to get re elected. There are too many other problems facing the nation right now and this just drains the scarce resources we don?t have. Microsoft can afford to keep those states tied up for longer than they can afford to keep plugging away on a loosing battle going. Take Microsoft's offer and run with it. It all will work out in the end because we will not let it happen any other way.

CC:DrFlick@iHi.com@inetgw

MTC–00011807

From: Paul Lingham
To: Microsoft ATR
Date: 1/15/02 4:46pm

Paul Lingham
47 Bird Grove
Stokes Valley
Lower Hutt
Wellington
Phone 049735747
Mobile 0212586580

MTC–00011807—0001

I'd like to think that this is a good middle-of-the-road set of suggestions. I don't side with ABMers much like I don't side with NMBers. I just want a better computing environment.

Here's what I'd like:

1. Force Microsoft to adopt a file format for all Office applications and PUBLISH their spec. Note that I am not asking for the publication of the source code of Office, simply the description of the file formats used.

This way, people can use other Office suites (PerfectOffice, SmartSuite, StarOffice) without wondering if the files created will load properly in Word, Excel, Powerpoint, etc. . . Just this would open up some competition in the Office Suite market.

2. Force Microsoft to publish every single API in Windows. Again, I am not asking for the publication of the windows source code, but simply to the Application Programming Interface. This would have two benefits: It would make sure that every service, every facility is clearly exposed for use while at the same time, removing the cloud of suspicion that Microsoft has some secret APIs that make their applications work better than others.

3. Muzzle the Microsoft FUD division. This is by far the most irritating aspect of Microsoft as a business entity. They generate FUD and make belive that other competing products are not good while it's far from the case. Feel free to select your example, there are tons of them out there.

4. Forbid them to use the words ''innovate'' and ''innovation'' unless they can specifically show that they are the first-movers for the particular product they are advertising. Again, there are tons of examples out there where Microsoft has been only an ''adapter'' as opposed to an ''innovator''

5. Offer a striped-down version of Windows. Just the bare bones and a text-based browser (like Lynx) for initial download of the browser of choice. Nothing else built-in, nothing else cobbled together. A base install should not be more than 20 Megabytes and should scream on Pentium-class machines.

6. Word the requirements that hefty fines will be leveraged for non-compliance. Hopefully, this way, we'll have more competition and a better computing environment. As well, if Microsoft is still dominant after this, it'll be because they have earned it the good old-fashioned way and we'll have little if anything to complain about.

MTC–00011808

From: Carnes Chapin P GS-13 AFOTEC/TSS
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/15/02 4:44pm
Subject: microsoft settlement

As a consumer, I want the government to settle now. Microsoft has top notch products at ever decreasing prices. Stop wasting my tax dollars on this insane case. Send a message to the cry babies like Oracle, Sun etc—if you can't win in the market place—go find another business to get in.

Patrick Carnes

MTC–00011809

From: robin—maffeo@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/15/02 4:49pm
Subject: Microsoft Settlement

I am pleased to be given the opportunity to comment on the settlement under the Tunney Act.

Given that both Microsoft and the DOJ have agreed upon terms that address the concerns of the original complaint, I am all in favor of proceeding with the settlement.

In all honesty, I never felt Microsoft has harmed consumers, even though deemed a monopoly. Microsoft has been a key force in driving the computer industry, and enabled numerous companies (media, hardware, and software) to grow and thrive. Enough time and money has been spent on this litigation. Proceed with the settlement.

Robin Maffeo
CC:robin—maffeo@hotmail.com@inetgw

MTC–00011810

From: wally rasmussen
To: microsoft.atr@usdoj.gov.?@inetgw
Date: 1/15/02 4:49pm
Subject: Microsoft Settlement

Please no further litigation. Settle NOW.

MTC–00011811

From: Steve Parker
To: Microsoft ATR
Date: 1/15/02 4:53pm
Subject: anti-trust suit

To Whom It May Concern: Enough already. The liberals have attacked the economy on several fronts, and the result is the bad economy we have now and the weak economy we have had for 6 or more years. Continue with the Microsoft witch hunt and not only is this an action that does not represent the publics interest at large, but the NASDAQ and the technology industry as a whole will continue to suffer! We all can see what the results of that are, but it could get much worse. Microsoft as a company is not an angel, and they are not totally innocent. But the settlement is more than fair. More would be, in my opinion, mean and vindictive. And ultimately very damaging to everyone except those that might benefit from a shift in political power, or who might get some gratification for tearing down someone else's achievement which they envy. End this travesty of justice now and help the American People get back to work.

Thanks.
Steve Parker
rsparker@ameritech.net

MTC–00011812

From: Gary(u)Withrow
To: Microsoft ATR
Date: 1/15/02 4:51pm
Subject: Microsoft settlement

I vote for Microsoft in this issue.

MTC–00011813

From: Arlena-Ann B. Neff
To: Microsoft ATR
Date: 1/15/02 4:56pm
Subject: Microsoft controversey

I strongly feel that this matter has gone on long enough and it's time to reach a settlement. Furthermore, I feel that the terms offered by Microsoft are more than adquate and should be accepted by the courts and contesting states. It's time to move forward and have everyone put their efforts in a more fruitful direction, instead of beating this issue endlessly to death. Let's accept Microsoft's offer and let the technology world move forward in other more positive areas.

Arlena Neffl

MTC–00011814

From: JMcg654550@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 4:52pm
Subject: Anti-trust lawsuit by various states

The States Attorneys General who involved themselves in the Justice Dept. lawsuit against Microsoft bring nothing to the table. They are in it for the publicity and because they have nothing to lose. They are still giddy from the windfall they got from their tobacco settlement and hope to extort money from Microsoft. I am a consumer and I have benefitted enormously from the products that Microsoft has created. These greedy attorneys general should be thrown out of court. They are contemptible extortionists who deserve no credibility.

Sincerely,

James A. McGrath

MTC–00011815

From: Robert And Vivian Weber
To: Microsoft ATR
Date: 1/15/02 4:55pm
Subject: Microsoft settlement

Hello,

We would like to express our support for immediate settlement of the Microsoft case. We think that the marketplace has proven that Microsoft is an example of a company that we should support. Their innovative ways of providing consumers with the best-possible software choices work. No more litigation!!

Thanks for listening,

Vivian and Robert Weber

MTC–00011816

From: VEstaba@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 4:56pm
Subject: Settlement

We fully support Microsoft for a fair settlement which primarily will benefit consumers maintaining the integrity of an institution which on the other hand is one of the strogest pillars of the economy of the United States of America.

Respectfully,

Victor Estaba, M.D. & Carmen Estaba

MTC–00011817

From: Wayne/Eileen Grove
To: Microsoft ATR
Date: 1/15/02 4:57pm
Subject: microsoft settlement

Settle now. without delay.

MTC–00011818

From: beverly wakeland
To: Microsoft ATR
Date: 1/15/02 4:59pm
Subject: Microsoft Settlement

THE MICROSOFT SETTLEMENT WAS FAIR AND JUST. BUSINESS'S SHOULD HAVE THE FREEDOM TO INNOVATE. THE NINE STATES OPPOSING THE SETTLEMENT ARE COMPETITORS. MICROSOFT PROVIDES JOBS FOR THOUSANDS. IT IS TIME YOU SETTLE AND LET ALL INVOLVED MOVE ON.

MTC–00011819

From: JOHN (038) Mary McLauchlin
To: Microsoft ATR
Date: 1/15/02 4:58pm
Subject: Microsoft

Many of us are quite upset that the justice system has not declared a mis-trial in the case against Microsoft who was found guilty by a judge (Jackson) who has publicly acknowledged that he is bias when it comes to Microsoft or Bill Gates.

MTC–00011820

From: MRourke555@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 5:00pm
Subject: Mark Rourke

Microsoft is a company that has added immeasurably to the ability of a nonprofit agency, like mine, to keep costs down and do more with our limited resources. I oppose and measures that would stifle the success and generosity of Microsoft. I am continually disheartened at the penalties implemented by the US Justice Department.

Mark Rourke
Director
Bement Camp and Conference Center

MTC–00011821

From: EMIL (038) BONNIE KELLER
To: Microsoft ATR
Date: 1/15/02 5:01pm
Subject: Microsoft settlement

Dear Sirs:

I believe that the present arrangement for settlement of the Microsoft case is fair and should be accepted. We do not need more litigation.

Emil Keller
11909 Bayswater Rd
Gaithersburg, Md. 20878

MTC–00011823

From: Kenneth
To: Microsoft ATR
Date: 1/15/02 4:59pm
Subject: Microsoft Settlement

Microsoft Antitrust Proposal Comments

Comments on settlement proposal http://www.usdoj.gov/atr/cases/f9400/9495.htm Under Prohibited conduct: Section D: First paragraph.

In the case of a new major version of Microsoft Middleware, the disclosures required by this Section III.D shall occur no later than the last major beta test release of that Microsoft Middleware.

The phrase major beta test seems overly vague. I suggest restating it to read: ldquo;shall occur no later than the last test release released to over 20% of licensees who normally receive test releases from Microsoft.''

(Commentary: Microsoft could quite easily move from an Alpha/Beta test cycle to an extended Alpha cycle or simply introduce an Alpha/Beta/Gamma or some new totally orthogonal process which would render the entire paragraph useless.)

Section G: Third paragraph, that prohibits such entity from competing with the object of the joint venture or other arrangement for a reasonable period of time. The phrase ''for a reasonable period of time.'' seems vague. I suggest restating it to read:

''for a time period consistent with industry practices.''

Section H: Says ''provided that the technical reasons are described in a reasonably prompt manner to any ISV that requests them.''

This phrase appears to allow Microsoft to develop hidden APIs and features, release them and then claim that no one else supports them and then only provide the documentation to an ISV that specifically requests it etc.

I suggest restating it to read:

''provided that the technical reasons are clearly described in existing documentation released under the guidelines of this order''

Section J: ''disclosure of which would compromise the security'' As all of the products described are security products and as the term security is continually mis and reinterpreted (Microsoft itself being a large infractor).

I suggest restating it to read:

''disclosure of which would compromise the effectiveness''

Kenneth Kron (CTO)

Last modified: Tue Jan 15 13:59:37 PST 2002

MTC–00011824

From: John Garrison, Sr.
To: Microsoft ATR
Date: 1/15/02 4:58pm
Subject: Microsoft Settlement

I retired three years ago after over 40 years in the information technology field with the last 32 years in a variety of mid and upper level management positions. While I personally preferred the UNIX operating system, I found the Microsoft Windows operating system was preferred by most of my technical staff and non technical users as it was easily learned and offered tremendous capability at a very reasonable price. Based on this experience, I feel it has been indeed an injustice to Microsoft and the American people that unworthy competitors has used the political process in an effort to survive. It is interesting to note that the nine states that have not agreed to the settlement are states that are home to some of the companies that simply cannot compete on their own merit. Request the settlement as agreed to by all but nine states be finalized as is. I believe the settlement is more than fair to the public interest.

Respectfully submitted:
John E. Garrison, Sr.
mailto:johng@sun-usa.com

MTC–00011825

From: jd107778@sr-ungw03–01.Central.Sun.COM@inetgw
To: Microsoft ATR
Date: 1/15/02 5:01pm
Subject: Proposed Microsoft Settlement

To whom it may concern,

The proposed settlement proposed by the US Department of Justice and nine states is,

in my opinion, inadequate because it doesn't address the problems that made Microsoft a monopoly in the first place and the enforcement procedures proposed are insipid.

Microsoft is currently a monopoly because they've engaged in a repeated practice of bundling ''feature'' software with their Windows operating system. Since the Windows OS is a monopolistic operating system, bundling these features is, in effect, predatory pricing because it drives the other vendors of the feature software out of business because they can't compete with the features offered by Microsoft for ''free''. Any remedy intended to fix the antitrust practices of Microsoft has to address this issue.

Furthermore, having any agreed-upon remedies enforced by a ''Technical Committee'' comprised of members that Microsoft partially chooses is tantamount to having ''the fox guard the hen house.'' I believe that if the current settlement is agreed upon it may lead to certain short-term benefits for consumers, vendors involved with Microsoft and certain macroeconomic forces in the world, but I strongly believe that the far more important long-term benefits of software innovation and real consumer competition in the computer software, computer security and computer hardware industries will suffer consequences far greater than any short-term benefits if the remedies aren't reworked to be effective.

Thank you,
Respectfully,
Jim Dixon
Staff Software Engineer
Enterprise Services
Sun Microsystems, Inc.
9800 Mt. Pyramid Ct. Suite 300
Englewood, CO 80112
Phone: 720/895–3041
Fax: 720/895–1607
E-Mail:
jim.dixon@central.sun.com

MTC–00011826

From: Bertha Keogh
To: Microsoft Settlement
Date: 1/15/02 4:38pm
Subject: Microsoft Settlement
Bertha Keogh
12114 Brookside Ave
Port Charlotte, FL 33981–6727
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW.,
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Bertha Keogh

MTC–00011827

From: David Carr
To: Microsoft Settlement
Date: 1/15/02 4:19pm
Subject: Microsoft Antitrust Settlement
David Carr
2700 Kent Avenue
West Lafayette, IN 47906
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW.,
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial was a tremendous waste of taxpayer money and a impediment to the development of the computer technology sector of the American economy.

It is time to let the companies innovate and develop new products to meet peoples' needs.

Thank you for this opportunity to share my views.

Sincerely,
David Carr

MTC–00011828

From: Janet Kirk
To: Microsoft Settlement
Date: 1/15/02 4:35pm
Subject: Microsoft Settlement
Janet Kirk
2589 Washington Rd.
Pittsburgh, PA 15241
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW.,
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Janet F. Kirk

MTC–00011829

From: Gary McVey
To: Microsoft Settlement
Date: 1/15/02 4:30pm
Subject: Microsoft Settlement
Gary McVey
10715 Hillview Dr.
Evansville, IN 47720
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW.,
Washington, DC 20530

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Thank you for this opportunity to share my views.

Sincerely,
Gary P. McVey

MTC–00011830

From: Greg OLSEN
To: Microsoft Settlement
Date: 1/15/02 4:19pm
Subject: Microsoft Settlement
Greg OLSEN
9415 Friendsville Road
Seville, OH 44273–9121
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW.,
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Greg OLSEN

MTC–00011831

From: Joanne Ames
To: Microsoft Settlement
Date: 1/15/02 4:10pm
Subject: Microsoft Settlement
Joanne Ames
R.R.#2 Box 515
Gillett, PA 16925
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW.,
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Joanne Ames

MTC–00011832

From: Wayne Mieth
To: Microsoft Settlement
Date: 1/15/02 4:53pm
Subject: Microsoft Settlement
Wayne Mieth
1050 Merritt Lane
El Cajon, CA 92020
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Wayne Mieth

MTC–00011833

From: Kathy Casteel
To: Microsoft Settlement
Date: 1/15/02 4:27pm
Subject: Microsoft Settlement
Kathy Casteel
4502 State Road E
Auxvasse, MO 65231
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Kathy Casteel

MTC–00011834

From: JSteele76@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 5:03pm
Subject: Microsoft Settlement

Government Persons

My comments on the Microsoft Settlement issue is, I'm afraid, only pointing out the obvious, however, the fact that the issue is still in doubt suggests my views should be expressed.

I own no Microsoft stock and don't work for microsoft. I have no close friends or relations that work for microsoft. I am using an apple Computer to send this through AOL Internet access. I do use Microsoft programs.

The fact that two of the states not accepting the settlement are California and Massachusetts seems to, in itself, show why the issue is purely political. These two states alone contain many major Microsoft competitors who have lost business because Microsoft was just better than they were. Success in our economy should be based on free market, not on government decree. Microsoft's products have been better accepted by the free market. Bundled products are indeed better than a bunch of incompatible products. Apple, Linix, Unix, etc.s systems are there as options but more people freely choose Microsoft.

Gerald Steele
506 Susana Ave.
Redondo Beach Ca.
90277

MTC–00011835

From: Paul Burke
To: Microsoft Settlement
Date: 1/15/02 4:53pm
Subject: Microsoft Settlement
Paul Burke
5569 Turnbull Circle
Fair Oaks, CA 95628
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Paul Burke

MTC–00011836

From: Sandra Weber
To: Microsoft Settlement
Date: 1/15/02 4:37pm
Subject: Microsoft Settlement
Sandra Weber
148 Main St.
Sullivan, WI 53178
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Sandra Weber

MTC–00011837

From: Charles Guest
To: Microsoft Settlement
Date: 1/15/02 4:18pm
Subject: Microsoft Settlement
Charles Guest
1506 Clarence
Bossier, La 71111
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Charles E. Guest

MTC–00011838

From: Nathan Leon
To: Microsoft Settlement
Date: 1/15/02 4:14pm
Subject: Microsoft Settlement
Nathan Leon
2905 Colorado Ave
Turlock, CA 95382
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Nathan Leon

MTC–00011839

From: Craig Balter
To: Microsoft Settlement
Date: 1/15/02 4:12pm
Subject: Microsoft Settlement
Craig Balter
220 Chapman
Placentia, Ca 92870
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Craig Balter

MTC–00011840

From: Charles Fisher
To: Microsoft Settlement
Date: 1/15/02 4:33pm
Subject: Microsoft Settlement
Charles Fisher
7307 N. 13th. St.
Tampa, Fl 33604
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Charles Fisher

MTC–00011841

From: Edward Poole
To: Microsoft Settlement
Date: 1/15/02 4:44pm
Subject: Microsoft Settlement
Edward Poole
29 River Bend Park
Lancaster, Pa 17602
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Edward H Poole

MTC–00011842

From: Rex Maxey
To: Microsoft Settlement
Date: 1/15/02 4:09pm
Subject: Microsoft Settlement
Rex Maxey
3171 Highway 946
Ezel, KY 41425
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Rex Maxey

MTC–00011843

From: User166160@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 5:03pm
Subject: Microsoft settlement

The settlement with Microsoft is fair & in the best interests of the country. All of the remaining state sponsored law suits should be dropped. It is bad for Microsoft & the USA for them to continue.

R. Di Benedetto

MTC–00011844

From: Dale Best
To: Microsoft Settlement
Date: 1/15/02 4:13pm
Subject: Microsoft Settlement
Dale Best
4156 Ridgeway Drive
Indianapolis, IN 46221–3442
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Dale Best

MTC–00011845

From: Joe Orlick
To: Microsoft Settlement
Date: 1/15/02 4:32pm
Subject: Microsoft Settlement
Joe Orlick
3406A S. Brust Ave
Milwaukee, WI 53207
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Joe Orlick

MTC–00011846

From: Keith Fouts
To: Microsoft Settlement
Date: 1/15/02 4:42pm
Subject: Microsoft Settlement
Keith Fouts
108 N Parkview
Coffeyville, KS 67337–1237
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division

950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Keith A. Fouts

MTC–00011848

From: N broidy
To: Microsoft Settlement
Date: 1/15/02 4:16pm
Subject: Microsoft Settlement
N Broidy
1621 114th
Bellevue, WA 98004
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Neal A. Broidy

MTC–00011849

From: Geof Foster
To: Microsoft ATR
Date: 1/15/02 5:04pm
Subject: Microsoft Settlement

I agree with the proposed settlement, which in my opinion is indeed in the public interest. Furthermore, I commend Microsoft for all that it has done in providing world leadership for this technology and for essentially creating a world wide standard (or highway on which every one can drive) on which we are all able to communicate so effectively.This is very much different than when microprocessors were commercialized where one companies system could not communicate with other companies systems causing enormous cost and inefficiencies and the loss of US technological leadership.

Microsoft's world leadership has financially benefited the United States and all of its citizens to a far greater degree than the so called costs outlined by its competitors in the lawsuit.

Lets stop litigating and recommence innovation and advance the US leadership and dominance of technologies.

Sincerely,
Geoffrey M. Foster.

MTC–00011850

From: Eugene Denbow
To: Microsoft Settlement
Date: 1/15/02 4:28pm
Subject: Microsoft Settlement
Eugene Denbow
8739 Amador Ave
Yucca Valley, Ca 92283
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Eugene & Dorothy Denbow

MTC–00011851

From: Cameron Davis
To: Microsoft Settlement
Date: 1/15/02 4:40pm
Subject: Microsoft Settlement
Cameron Davis
123 South Garfield
Junction City, KS 66441
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Cameron E. Davis

MTC–00011852

From: David Mackey
To: Microsoft Settlement
Date: 1/15/02 4:44pm
Subject: Microsoft Settlement
David Mackey
1205 North 57th Place
Fort Smith, AR 72904
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
David Mackey

MTC–00011853

From: Carol Benton
To: Microsoft Settlement
Date: 1/15/02 4:10pm
Subject: Microsoft Settlement
Carol Benton
619 S. Sunshine Ave.
El Cajon, CA 92020–5126
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Carol Benton

MTC–00011854

From: Athena Reizakis
To: Microsoft Settlement
Date: 1/15/02 4:24pm
Subject: Microsoft Settlement
Athena Reizakis
1920 L St NW, Suite 200
Washington, DC 20036
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Athena Reizakis

MTC–00011855

From: Donald Shaw
To: Microsoft Settlement
Date: 1/15/02 4:47pm
Subject: Microsoft Settlement
Donald Shaw
10816 LaQuinta Dr.
New Port Richey, Fl 34654
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,—Don
Donald W. Shaw

MTC–00011856

From: Keith Farthing
To: Microsoft Settlement
Date: 1/15/02 4:01pm
Subject: Microsoft Settlement
Keith Farthing
1343 Wyoming St
Dayton, OH 45410
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Keith E Farthing

MTC–00011857

From: Marsha McIntosh
To: Microsoft Settlement
Date: 1/15/02 4:10pm
Subject: Microsoft Settlement
Marsha McIntosh
7330 Bock Ave
Stanton, CA 90680–2117
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Marsha McIntosh

MTC–00011858

From: William Wright
To: Microsoft Settlement
Date: 1/15/02 4:26pm
Subject: Microsoft Settlement
William Wright
2509 Thomas Lane
Harlingen, TX 78550
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

William Wright

MTC–00011859

From: Fredda Shutes
To: Microsoft Settlement
Date: 1/15/02 4:43pm
Subject: Microsoft Settlement
Fredda Shutes
2117 Island Lake Cr.
Panama City, FL 32405
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

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Thank you for this opportunity to share my views.

Sincerely,

Fredda B. Shutes

MTC–00011860

From: Demetris Papageorgiou
To: Microsoft Settlement
Date: 1/15/02 4:48pm
Subject: Microsoft Settlement
Demetris Papageorgiou
4739 Yuma Street, NW
Washington, DC 20016
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Demetris Papageorgiou

MTC–00011861

From: karen richards
To: Microsoft Settlement
Date: 1/15/02 4:15pm
Subject: Microsoft Settlement
Karen Richards
9036 Tarrington Ln
Franklin, TN 37029
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Karen Richards

MTC–00011862

From: Marla Lewis Oliver
To: Microsoft Settlement
Date: 1/15/02 4:04pm
Subject: Microsoft Settlement
Marla Lewis Oliver
561 Tuscany Valley Court, Unit 3
Crestview Hills, KY 41017
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the

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Thank you for this opportunity to share my views.

Sincerely,

Marla Lewis Oliver

MTC–00011863

From: David Fedders
To: Microsoft Settlement
Date: 1/15/02 4:23pm
Subject: Microsoft Settlement
David Fedders
5106 carpenter drive
crestwood, ky 40014
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

David G. Fedders

MTC–00011864

From: Alissa Jesle
To: Microsoft Settlement
Date: 1/15/02 4:40pm
Subject: Microsoft Settlement
Alissa Jesle
1911 Camino De La Costa, #402
Redondo Beach, CA 90277
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Alissa Jesle

MTC–00011865

From: Theodore E. Caldwell
To: Microsoft Settlement
Date: 1/15/02 4:18pm
Subject: Microsoft Settlement
Theodore E. Caldwell
1129 Blackburn Ln
Virginia Beach, VA 23454–1941
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Theodore E. Caldwell

MTC–00011866

From: Patrick Heslin
To: Microsoft Settlement
Date: 1/15/02 4:51pm
Subject: Microsoft Settlement
Patrick Heslin
2009 Meadow lark Rd
Spring Hill , FL 34608
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Patrick J. Heslin

MTC–00011867

From: Robert Montgomery
To: Microsoft Settlement
Date: 1/15/02 3:58pm
Subject: Microsoft Settlement
Robert Montgomery
PO Box 1561
Charlottesville, VA 22902–1561
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be

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Thank you for this opportunity to share my views.

Sincerely,

Robert D. Montgomery II

MTC–00011868

From: Carole Sigtermans
To: Microsoft Settlement
Date: 1/15/02 4:54pm
Subject: Microsoft Settlement
Carole Sigtermans
105 Schrempp Lane Ext.
Pine Bush, NY 12566
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Carole Sigtermans

MTC–00011869

From: Mario Villanueva
To: Microsoft Settlement
Date: 1/15/02 4:23pm
Subject: Microsoft Settlement
Mario Villanueva
1529 Lassen Way
Frazier Park, Ca 93222–5323
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Mario M. Villanueva

MTC–00011870

From: Rebecca Groves
To: Microsoft Settlement
Date: 1/15/02 4:33pm
Subject: Microsoft Settlement
Rebecca Groves
7506 STONE PINE LANE
HOUSTON, TX 77041–1527
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Rebecca Groves

MTC–00011871

From: Gail Waechter
To: Microsoft Settlement
Date: 1/15/02 4:30pm
Subject: Microsoft Settlement
Gail Waechter
5768 US Hwy 77A North
Yoakum, TX 77995–2431
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Tim & Gail Waechter

MTC–00011872

From: George Humberson
To: Microsoft Settlement
Date: 1/15/02 4:45pm
Subject: Microsoft Settlement
George Humberson
12722 Newbrook
Houston, TX 77072–3815
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement: The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the

wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

G. Hollis Humberson

MTC–00011873

From: Sheron Willingham
To: Microsoft Settlement
Date: 1/15/02 4:22pm
Subject: Microsoft Settlement—
Sheron Willingham
P. O. Box 3430
Pahrump, NV 89041–3430
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered too much of our taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Sheron M. Willingham

MTC–00011874

From: Tina Miltner
To: Microsoft Settlement
Date: 1/15/02 4:49pm
Subject: Microsoft Settlement
Tina Miltner
700 Airport Blvd. #300
Burlingame, CA 94010–1937
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Tina Miltner

MTC–00011875

From: BobGFitz@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 5:07pm
Subject: (no subject)

Dear sirs. . I feel it is time for the doJ to settle the MicroSoft case.Bob

Fitzsimmons

MTC–00011876

From: buck@nfdc.net@inetgw
To: Microsoft ATR
Date: 1/15/02 5:09pm
Subject: Microsoft Settlement

The monopoly laws state that harm to the consumer must be proven. With all that I have read and drawing from my personal experience (6 years as a CTO), this was NOT proven. The only ones complaining about Microsoft are those that Microsoft leapfrogged (not always technologically, but always in mind/market share).

If Microsoft really did use bully-boy tactics in the licensing practices, I believe they deserve to be slapped down big time. This in no way implies that the federal government should be overseeing Microsoft or any other area as to product development, R&D, etc.

Apply appropriate measures for anything illegal Microsoft may have done, but do not punish the rest of the computing world in the same stroke.

MTC–00011877

From: Stan Casteel
To: Microsoft Settlement
Date: 1/15/02 4:41pm
Subject: Microsoft Settlement
Stan Casteel
4502 State Road E
Auxvasse, MO 65231
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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I would add that many of us don't appreciate the fact that because most of our 403b accounts contain microsoft, we are being robbed of our retirement by the trial lawyers. Thank you for this opportunity to share my views.

Sincerely,

Stan W. Casteel, DVM, PhD

MTC–00011878

From: Marco DiBiase
To: Microsoft ATR
Date: 1/15/02 5:13pm
Subject: comments

Bill Gatres mistake was in not making contributions to the Democrats and Clinton. Therefore, they unleashed the Justice Dept on them. This provides work for the lawyers. The customers get screwed because the cost of litigation has to be reflected in the price of the products. This was a politically motivated suit. Throw it out and move on! Don't kill the goose that lays the golden egg!

mdibiase@parrett.net

MTC–00011879

From: Bryce Buchanan
To: Microsoft ATR
Date: 1/15/02 5:14pm
Subject: Microsoft Settlement
To: Justice Department
Re: Microsoft Settlement

We are writing to let you know that we are strongly in favor of Microsofts position on the proposed antitrust settlement. It is in the

best interest of the country and the economy to resolve this matter now.

The action of some of the state Attorneys General have resembled extortion much more than they resemble a reasonable approach to the issue.

The more the government throttles the rapidly changing high-tech industries the worse it will be for everyone.

Sincerely,
Dr. Bryce Buchanan
Diana Buchanan
18962 Barton Road
Lake Oswego, Oregon 97034

MTC–00011880

From: STAUBOBFLO@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 5:15pm
Subject: Settlement of suit

It is about time this suit was settled. I sincerely hope Microsoft will continue to provide the best as it always has in the past.

Attorney General Blumenthal must cast away his bitterness and join in supporting the settlement that has been proposed.

Sincerely,
Bob Stauffer

MTC–00011881

From: John.Davis@Home.com@inetgw
To: Microsoft ATR
Date: 1/15/02 5:16pm
Subject: Microsoft Settlement

I hope that common sense and reason are used here. The settlement should be accepted and let the free market do its job. This trial has been counter productive against the interestes of anyone with a computer.

Sincerly,
John Davis
CC:John.Davis@Home.com@inetgw

MTC–00011882

From: stephen.macdonald@gte.net@inetgw
To: Microsoft ATR
Date: 1/15/02 5:15pm
Subject: Microsoft Settlement

Microsoft has contributed significantly to the increase in productivity enjoyed the world over. That said the only way Microsoft can continue to grow is through planned operating system obsilecence and the canibalization of niche software applications.

Microsoft is doing both. It's time to extract the operating system/business from Microsoft and force it to stand on its own. Publish the source code of all Windows X O/S's. Therefore providing open competition and equal access to the latest planned feature enhancements of Windows X O/S.

Forcing Microsoft to donate $1B worth of WinTel product only further cements Microsofts' grip on the US economy and the minds of our children. If you plan to penalize Microsoft financially—get cash from Microsoft with no strings attached. Invest the money in business development within the affected states.

However, if the states are not willing to force the separation of Microsofts' O/S and application business. It's obvious that they are just in it for a quick revenue hit. Just like the smoking settlement. What ever the outcome, the buyer of Microsoft products is sure to eat the cost of litigation and settlement.

CC:stephen.macdonald@gte.net@inetgw

MTC–00011883

From: Ronald Soussa
To: Microsoft ATR
Date: 1/15/02 5:17pm
Subject: Microsoft settlement

I believe that the terms of the proposed Microsoft settlement are in the public's interest and should be approved. Get on with the settlement and end the litigation.

Thank you.
Ronald S. Soussa, SIOR
Delaware Hudson Realty Group, Inc.
239 New Road, Building A
Parsippany, NJ 07054–4294
Phone (973) 575–6080, Fax (973) 575–4590
rsoussa@delawarehudson.com
www.delawarehudson.com

MTC–00011884

From: Elaine Rearden
To: Microsoft ATR
Date: 1/15/02 5:18pm
Subject: Microsoft Case

This case should be settled as quickly as possible. . . it's a diversion to the day by day work and innovation of Microsoft and is adverse to the well-being of customers who use computers and computer products. I urge you to get it behind you and get on with the bright future we have with regard to computer technology.

Elaine Rearden

MTC–00011885

From: MWeber7766@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 5:18pm
Subject: (no subject)

Please end the litigation against Microsoft. It's been long enough and I believe that justice has prevailed. Thank you.

MWeber

MTC–00011886

From: rfdpe
To: Microsoft ATR
Date: 1/15/02 5:21pm
Subject: Microsoft Settlement

I have no complaints against Microsoft and I feel their proposed settlement was more than fair and should be accepted.

Richard F Donovan
Columbia SC

MTC–00011887

From: chuckbeatie
To: Microsoft ATR
Date: 1/15/02 5:24pm
Subject: Microsoft Settlement

Please, leave Microsoft alone, and let them get back to business! Tell those states and the companies that are crying, that if Microsoft's competition want to catch-up and get ahead that they need to spend their time writing better code, not crying about how Microsoft is cornering the market.

This is a free society, and Microsoft's competition can get in there and compete, quit the crying!

Chuck

MTC–00011888

From: smithersx3@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/15/02 5:24pm
Subject: Microsoft Settlement

I am extremely interested in having the anti-trust case against Microsoft resolved immediately. It appears to me that the main impetus for this whole matter is based on politics rather than market dynamics.

Specifically, the states that seem to be resisting settlement are ones who host some of Microsoft's main competitors. While I believe that Microsoft has indeed engaged in anti-competitive acts, namely in the area of restrictive licensing agreements, I fail to see how Microsoft is a monopoly. The public has always had other options regarding personal computer operating systems in the form of SCO Xenix, SCO Unix, MacOS, Geos, and Linux. All of these are viable operating systems. Microsoft should be rewarded for providing the product that the vast majority of users want to use, not punished for it. No one is forced to use Microsoft products. The market has spoken and it has chosen Microsoft Windows. It seems that the bulk of the anti-trust case is sour grapes of Microsoft's competitors.

CC:smithersx3@yahoo.com@inetgw

MTC–00011889

From: Charles Chambers Sr
To: Microsoft ATR
Date: 1/15/02 5:24pm
Subject: Microsoft Settlement

when will the government get out of the way and let tech companies innovate? I am for the settlement as it now exists. The governments actions to date in perusing this case against Microsoft has just added to the collapse in the economy. It will be technology that will bring us out of the poor economy if the government will just settle this case.

Charles R. Chambers, Sr.

MTC–00011890

From: BOBDIXIEPEARCE@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 5:25pm
Subject: Microsoft settlement

Dear Lawyers:

Please accept the present offer to settle this and lets get the markets going in a positive direction. We feel that without an immediate settlement the markets will go further down and the recession will last longer.

Sincerely Mr. and Mrs. Robert E. Pearce
5404 Via Maria,
Yorba Linda, Ca
92886
e-mail: bobdixiepearce@aol.com

MTC–00011891

From: DSchen2835@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 5:26pm
Subject: MICROSOFT SETTLEMENT

WE URGE THE US DOJ TO RESOLVE THIS CASE AGAINST MICROSOFT AND GET ON WITH THE MORE SERIOUS MATTERS SUCH AS ENRON. AT NO TIME AND IN NO WAY HAS MICROSOFT CREATED PROBLEMS FOR THE COMPUTER INDUSTRY. WITHOUT MICROSOFT, WHERE WOULD THE INDUSTRY BE? INSTEAD OF PENALIZING A FORWARD THINKING, CREATIVE COMPANY LIKE MICROSOFT, ENCOURAGE THEIR COMPETENCE! AS

USERS, WE FEEL THEIR PRODUCTS TO BE SUPERIOR IN EVERY WAY——THIS KIND OF BUSINESS SHOULD BE REWARDED, NOT HARASSED. SO, WE REQUEST THAT THIS MATTER BE RESOLVED QUICKLY AND FINALLY AND LET MICROSOFT DO WHAT IS DOES BEST AND LET THE DOJ DO WHAT IT DOES BEST AND THAT IS TO GO AFTER REALLY ABUSIVE COMPANIES LIKE ENRON. BEVERLY AND DALE SCHENDEL

MTC–00011892

From: Ruth Silveira
To: Microsoft ATR
Date: 1/15/02 5:24pm
Subject: Back Off

Finally they think they have justly done what they set out to do. God knows why this was an issue anyway!

Aren't we living in a free country where inventors of all shapes, sizes, inventions et. make millions every year? We even have foreign inventors putting their ideas on our consumers.

It seems to me that we could have spent all this time looking for aliens and the money would have been better spent.

re: The WTC bombing.

Get real go after the bad guys not an American who happened to enter the market at the right time!

BACK OFF LEAVE MICROSOFT AND BILL GATES ALONE!!!

If it weren't for Microsoft I never would have been able to learn my computer by myself and send this e-mail!

Thanks,
Ruth Silveira

MTC–00011893

From: GSta227586@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 5:28pm
Subject: (no subject)

Settle the matter and stop further waste of money. . . .

GS

MTC–00011894

From: Bud Howe
To: Microsoft ATR
Date: 1/15/02 5:27pm
Subject: Microsoft settlement

It is my firm opinion that the US Gov't should accept Judge T. P. Jackson's ruling in this case in regard to the education donations. Further suit against Microsoft is counter productive to the best interests of the people of the USA & the software using world at large. Rejection of this proposed settlement is not in my opinion in the best interest of the software world.

Thank you for reconsideration of this matter,

Allen C. Howe II

MTC–00011895

From: Elwin, Michael J
To: Microsoft ATR
Date: 1/15/02 5:27pm
Subject: Microsoft Settlement.

To Whom It May Concern,

The initial settlement that Microsoft made for the schools is very fair. Alot of those schools have Black students attending and they have no computers or what they have are very old. As a Black man from the West Indies living in the United States since 1968 I am fully aware of what is going on. The administrators in those schools rejecting the offer just want the money to spend on other things that will NOT help the students. Also the Apple Computer Company which has a strong monopoly in the public schools is part of the rejection process. For once can we stop playing games and do what is BEST for the students/children. Microsoft is not ripping off the consumer. I know because I am a consumer of their products. Stop playing around and let Microsoft help turn the economy around. Thanks for listening.

Best regards,
Michael J Elwin
Import/Export Compliance
Worldwide Site Operations
Phone:425–957–5729 Fax 425–865–4305
Pager:206–797–0694
M/S 7M–TJ ''Apres Bon Dieu C'est La Terre''Commonwealth of Dominica.

MTC–00011896

From: Martin Schentes
To: Microsoft ATR
Date: 1/15/02 5:33pm
Subject: Settlement

I would like to see this case settled as quickly as possible. It is taking up too musch of the Justice Department's resources for what appears to be a dubious outcome that will benefit no one. The Justice Department could then have time for the real criminals at Enron.

Martin Schentes
1672 Applefield St
Thousand Oaks, CA 91320

MTC–00011897

From: Judi Gibbons
To: Microsoft ATR
Date: 1/15/02 5:34pm
Subject: Microsoft Lawsuit

STOP THE LAWSUIT, SETTLE THE ACTION AS PER THE LAST COURT AND GET ON WITH LIFE.

MTC–00011898

From: Gerald W. Cusack
To: Microsoft ATR
Date: 1/15/02 5:34pm
Subject: Microsoft Settlement—DOJ

Dear Sir:

It is time for these nine state Attorney Generals to agree with the DOJ. Further confusion, and litigation only adds to an unsettled business climate and to our current recession. The fact that the federal government and the other states thought it fair should be enough. Stop the politics and get the issue resolved. People need jobs.

Mary and Gerald Cusack

MTC–00011899

From: ALPHONSLARUE@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 5:34pm
Subject: (no subject)

It is time to get on with normal activiies in the new computer world. Things have changed and we can no longer judge todays business with the conditions of the past.

The proposed settlement between the plaintif and microsoft is a fair one and the government should embrace it and move out of the way.

This segment of the business world is fast and changing.

Move On

MTC–00011900

From: kay in arizona
To: microsoft.atr@usdoj.gov.?@inetgw
Date: 1/15/02 5:35pm
Subject: Microsoft settlement

We do not understand why the government hasn't put a stop to this suit. There has been thousands of dollars spent on ligitation by both parties.

The government is spending our tax money to sue one of the most successful companies in our nation, who has contributed so much to the economy here. The suit is based on other technology companies who are unhappy with the success of Microsoft. .

We are involved in a manufacturing business and we do not devulge how our product is manufactured, allowing other companies to make the same thing.

Please allow Microsoft to be the inovative company they have always been.

Thank you.

Howard & Kay Worden

MTC–00011901

From: Carolyn Emery
To: Microsoft ATR
Date: 1/15/02 5:38pm
Subject: Microsoft Settlement

I believe it is in the best interest of United States citizens to accept the Microsoft Settlement as outlined by the Department of Justice.

Carolyn Jill Emery
1124 Garden Circle
Fircrest, WA 98466

MTC–00011902

From: Gary Rosen
To: Microsoft ATR
Date: 1/15/02 5:40pm
Subject: Microsoft Settlement

Hi,

For your information I just received the following email from ACT. I am sure that Microsoft is funding ACT. As a small software company who has worked closely with Microsoft and as a consumer in my opinion Microsoft has been guilty of any number of illegal activities related to p[rice fixing and illegal trade practices.

Gary Rosen

It's time to get back to work: Your comments can encourage approval of the proposed settlement in the Microsoft case.

Your opinion on the proposed settlement between Microsoft, the federal government, and nine states is due by January 28, 2002.

Click here to find out more!

<http://www.actonline.org/action/settlement.asp>

http://www.actonline.org/action/settlement.asp

Under the Tunney Act, a law that encourages public comment on a proposed settlement, the trial judge reviews comments to help determine whether this settlement is in the public interest. All comments submitted will become part of the public record.

Helpful information for developing your comments:

<http://www.actonline.org/press—room/releases/110501.asp> ACT's analysis of the proposed settlement

<http://www.usdoj.gov/atr/cases/ms-settle.htm#submit> Information from the U.S. Department of Justice

<http://www.actonline.org/press—room/releases/Senate%20testimony.pdf> ACT's testimony to U.S. Senate

Three ways to submit your comments to Judge Colleen Kollar-Kotelly:

1. Send a fax to: 1–202–307–1454 or 1–202–616–9937

2. Mail a letter. Please note, however, that the Justice Department strongly encourages that comments be submitted via e-mail or fax, given recent mail delivery interruptions in Washington. Letter mail should be addressed to:

Renata B. Hesse
Antitrust Division, U.S. Department of Justice
601 D. Street NW. Suite 1200
Washington, DC 20530–0001

3. Send an email. If you send the email on your own, please address to mailto:Microsoft.atr@usdoj.gov and use ''Microsoft Settlement'' as your subject line. Or, see

<http://www.actonline.org/action/settlement.asp>

http://www.actonline.org/action/settlement.asp for on-line form to send your email.

Sincerely,
Jonathan Zuck
President
ACT

MTC–00011903

From: Richard Lowenthal
To: Microsoft ATR
Date: 1/15/02 5:39pm
Subject: Microsoft Settlement

Honorable Judge in Microsoft Monoply Suit:

Sir: I am just sharing the thoughts of a very senior citizen.

Respectfully,
Richard Lowenthal
Date: Mon, 14 Jan 2002 14:15:50–0500
From: Richard Blumenthal <attorney.general@po.state.ct.us> X-Accept-Language: en
To: Richard Lowenthal <rlowe@coslink.net>
Subject: Re: Microsoft, the monopolist

Richard Lowenthal wrote:

Honorable Gentlemen,

I wish to indicate my support for your position in the case of Microsoft, the Monopolist. I truly feel, as a very senior citizen, that I have been taken advantage of, many times because of Microsoft' position. I have been forced to buy version upgrades, at exhorbitant prices, when the ''upgrade'' is little more than a ''beta'' version given out to the public for money, and it is the public's job to find the glitches and notify Microsoft so they can make changes and sell another upgrade. In reality, they should have been doing the research and after getting a good product, then making it available to the public.

How can any of the other Attorneys General resolve this case when Microsoft is a convicted monopolist? It is my hope that you will see this case through the courts until justice is done and a suitable is resolution is found in the courts. I want all to be equal. I just do not want Microsoft to be MORE EQUAL THAN ANYONE ELSE. KEEP UP THE GOOD WORK.

CORDIALLY,
Richard Lowenthal
Frankfort, MI.

Dear Mr. Lowenthal:

Thank you for your recent thoughtful correspondence concerning the Microsoft antitrust case. As you know, on November 6, 2001, the United States Department of Justice and Microsoft filed a proposed settlement. I did not join that settlement because I do not believe it would accomplish the goals we set when we filed the case. Nor would it accomplish the remedial goals set by the U.S. Court of Appeals: (1) to prohibit the illegal conduct and similar conduct in the future, (2) to spark competition in this industry; and (3) to deprive Microsoft of its illegal gains.

You may also express your opinion to the judge of the federal trial court considering this settlement by filing written comments with the United States Department of Justice by January 28, 2002, as follows:

Mail: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Given recent mail delivery interruptions in Washington, DC, and current uncertainties involving the resumption of timely mail service, the Department of Justice strongly encourages that comments be submitted via e-mail or fax.]

E-mail: microsoft.atr@usdoj.gov

In the Subject line of the e-mail, type ''Microsoft Settlement.''

Fax : 1–202–307–1454 or 1–202–616–9937

Please keep me informed of your opinions on the case.

Thank you again for contacting me.

Sincerely,
Richard Blumenthal
Attorney General

MTC–00011904

From: Mauijpn@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 5:41pm
Subject: Microsoft case should be settled

Dept. of Justice . In my opinion the Microsoft case should be settled asap. C0mpetitors seem to be draging it out to their addvantage. The longer it goes the more it hurts the economy. Please settle!

Jim Nieukirk.
<mauijpn@aol.com>

MTC–00011905

From: JLMDOUG@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 5:43pm
Subject: microsoft settlement

it is blantantly obvious that this suit should end now. the nine attorney's general, who are holding out, are only doing this to force an extreme payoff. one, that i feel they have absolutey no right to expect. ending this travesty now would help the markets to go forward.

thank you,
jayne mcgarey
chattanooga, tn.

MTC–00011906

From: cmendenhall
To: Microsoft ATR
Date: 1/15/02 5:43pm
Subject: Microsoft Settlement

As a longtime user of Microsoft products beginning with the early dos program on the Radio Shack TRSDOS machines available before the floppy was perfected, I feel strongly that the government should settle the matter with and disallow the continuing harassment of rogue states. It is obvious that these states want to continue to keep the computer business environment in a state of upset. Lets settle the thing and get on with things.

C Mendenhall

MTC–00011907

From: LWTeerling@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 5:42pm
Subject: Put an end to the litigating

Why are we trying to ruin a company just because they happen to excel? I think the all the states should join in the settlement and lets move forward. Hasn't Microsoft been penalized enough? Do we want to crush them entirely? Where would our economy be without the vision of Microsoft?

Let's settle and move on.

Lois Teerling
Concerned consumer

MTC–00011908

From: sandra willis
To: Microsoft ATR
Date: 1/15/02 5:45pm
Subject: Microsoft Settlement

I can not believe our government is still trying to 'punish' Bill Gates and his company. The man has given more to charity than all the politicians I've ever heard of, combined. He wants to Give to so many schools now, I'm sorry, I just have no patience with the ignorance of our government.

MTC–00011909

From: Sandra Bailey
To: Microsoft ATR
Date: 1/15/02 5:46pm
Subject: Microsoft Settlement

To Whom It May Concern:

It is time this Microsoft Antitrust suit is settled. As part of the general public I feel that it has taken up enough time and we should get on with other items that need work done on them. Believe me there is eonugh to keep your Department busy.

As a customer I did not believe that the antitrust suit should have ever happened. Microsoft provided it customers with a great product at fair value. It is my understanding that the general public did not believe in this antitrust suit and that it was done solely to benefit some Millionaires who could not keep up with Microsoft.

Please add my opinion that it is time to get this settled and move on.

Sincerely,
Sandra Kaye Bailey

MTC–00011910

From: PetkoPapcha@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 5:47pm
Subject: (no subject)

As a shareholder of Microsoft and an avid user of Microsoft products I would like to see that the case be settled as quickly as possible. For the sake of the faltering economy I can see no reason to prolong litigation, stifle essential technological progress and handcuff an industry which the world relies upon. A reasonable solution to the perceived problems that Microsoft had caused in the past has already been reached. . . let's get on wifh it.

Enough is enough!!

Alice Petko

MTC–00011911

From: Steve Bryant
To: Microsoft ATR
Date: 1/15/02 5:48pm
Subject: Microsoft settlement

The case should be settled now!

The Bryant Design Group & Steve Bryant Const.
P. O. Box 502
Denison, Texas 75021
<http://house-plans-and-more.com>

MTC–00011912

From: Leh1314@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 5:49pm
Subject: Microsoft Settlement

Gentlemen:

The proposed settlement of the DOJ case against Microsoft should be accepted by all parties. The benefits accrued by the public as a result of Microsoft software integration far exceeds any problems that may have resulted from Microsoft actions. The actions taken against Microsoft appear to be largely based on the fact that other companies could not compete effectively with products that were provided by Microsoft. Actions taken against Microsoft to date appear to be far more concerned with the perceived harm of a few large companies than on any harm caused to the public. In fact, the public has significantly benefited from the actions of Microsoft through the availability of integrated software application programs at a reasonable cost.

Please accept the Microsoft/DOJ proposed settlement without further delay.

Leo Hansen

MTC–00011913

From: H Tavassolie
To: Microsoft ATR
Date: 1/15/02 5:51pm
Subject: Microsoft settlement.

I would like the Department of justice settle the current agreement ,and not to drug on this conflict for the sake of a few unhappy states,since we as a majority of united state citizens believe that continuation of this conflict is against the public interest.

Sincerely.

MTC–00011914

From: Ron Merchant
To: Microsoft ATR
Date: 1/15/02 5:51pm
Subject: Settle the Case

It is imperative that the case against Microsoft be settled within the framework of the DOJ guidelines. It is apparent that the nine states are not interested in the economy, shareholders, or the utilization of governmental resources, paid for by taxpayers, that would be far better utilized in other venues.

Settle
this now.
Ron Merchant

MTC–00011915

From: Ronald S. Frantz
To: Microsoft ATR
Date: 1/15/02 5:52pm
Subject: Microsoft Settlement

Gentlemen;

As a consumer of Microsoft products, I believe that all actions against the company should be settled as expeditiously as possible.

I have not been harmed by the company in any way.

Sincerely,
Ronald S. Frantz
872 Porterville Road
East Aurora, New :York 14052

MTC–00011916

From: Rick Lauder
To: Microsoft ATR
Date: 1/15/02 5:54pm
Subject: Microsoft Settlement

Let Microsoft do it's business! It is helping to shape the world.

MTC–00011917

From: Michael@MichaelMoore.net@inetgw
To: Microsoft ATR
Date: 1/15/02 5:56pm
Subject: Microsoft Settlement

This case is a ridiculous. Microsoft's so called monopoly is based on technical merits not market manipulation. Without Microsoft's vision and highly integrated products the whole computer revolution would not have happened.

Give them a break—too many of us owe our livelyhoods to them.

CC:Michael@MichaelMoore.net@inetgw

MTC–00011918

From: AMEINTJES@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 5:57pm
Subject: Microsoft settlement

It is time to bring all litigation against Microsoft to an end without any further legal proceedings. The courts have ruled in the case against Microsoft and that ruling should stand. Our tax dollars, the time of the courts and the U. S. economy can all be best served by putting this matter behind us. As a user of Microsoft's software I have never felt that I was being forced to deal with a monopolist, overcharged for the products I bought or deprived of the opportunity to purchase something better because Microsoft had stifled innovation by others.

Sincerely
John A. Meintjes.

MTC–00011919

From: john hickman
To: Microsoft ATR
Date: 1/15/02 5:58pm
Subject: microsoft settlement

I own no Microsoft stock. I get upset with Microsoft at times just as many others do, but this settlement should not be overturned.

First, I believe the intrusions of politically driven solutions into settlements other than those of typical ''case law'' suits, ie. land problems, immigration, the right of political entities the right to and necessity of taxation as examples will diminish clarity within the courts. Second, I feel an overturn will continue to punish the concept of commercial knowledge ownership and that has great peril for innovation and advancement into the technical future of our nation.

Thank you
John Hickman
2266 E. Montrose Canyon Drive
Tucson, Az. 85737

MTC–00011920

From: Cynthia Olson
To: Microsoft ATR
Date: 1/15/02 5:57pm
Subject: Microsoft Settlement

Speaking as a stockholder of Microsoft and middleclass American worker—- Teacher—- I have been dumbfounded about the course of this procedure—- Please settle this case in favor of Microsoft—- let innovation ,of all kinds, have the freedom it deserves to create advances in technology. Thank you,

Cynthia Olson

MTC–00011921

From: benright@alventive.com@inetgw
To: Microsoft ATR
Date: 1/15/02 5:58pm
Subject: Microsoft Settlement

For me personally as a Internet Software product manager, it would be better that Microsoft WAS a monopoly. That way, I do not have to insure that my products run in Netscape on Unix Clients and I do not have to worry about J2EE zelots insisting that I rewrite my products to suit their IT knowledge base. The weeker you make Microsoft, the harder my job is. :)

CC:benright@alventive.com@inetgw

MTC–00011922

From: Lynn Walton
To: Microsoft ATR
Date: 1/15/02 5:59pm
Subject: Microsoft Settlement

Dear Honorable Judge Kollar-Kotelly,

I was very disappointed when I first heard the results of the settlement that the DOJ agreed to with regard to the Microsoft Antitrust case, because I believe that it does not really prevent Microsoft from continuing in the same unethical business practices that they have been found to have engaged in for years. I was likewise very pleased that at least nine of the states did not agree and continued to push for a settlement that, in my opinion, would more appropriately fit the charges for which Microsoft was found guilty.

I am a Software Developer in the Internet industry. At first, I was not in favor of the Anti-trust suit at all, feeling that Microsoft (or any successful company) shouldn't be punished for being successful. But even when I felt that way, I still believed that they

engaged in unethical business practices regarding dealing with OEM's, etc. And for that I believed they should be tried and if found guilty punished in enough of a way that it would stop them from doing it in the future.

However, as I've studied both sides of the issues I have concluded that it isn't in the best interest of the people of the United States for Microsoft to continue to be allowed to maintain it's monopoly hold. Microsoft's patterns of behavior ultimately harm the consumer because they stifle competition from those who might otherwise make more reliable, quality products. Microsoft hasn't ceased in these harmful behaviors even when under the threat of the Anti-trust lawsuit. I do not believe they will change these patterns without a much stricter settlement that FORCES them to do so.

I hope you will find that the Proposed Final Judgement is NOT in the best interest of the people and will give more consideration to the settlement proposed by the remaining nine states. In fact, in many ways I think that Microsoft gets off so easy in the Proposed Final Judgement that they make the DOJ look like a JOKE because Microsoft's legal team out smarted them. Microsoft barely get's a slap on the wrist, they get to continue to use the same unfair business practices they always have, and they even gain some protection for their bad practices.

Thank you for your consideration,

Lynn Walton

Director of Internet Services Franklin University

(These views do not necessarily represent those of my employer.)

MTC–00011923

From:
murat.divringi@cacheflow.com@inetgw
To: Microsoft ATR
Date: 1/15/02 6:00pm
Subject: Microsoft Settlement Honorable
Judge Colleen Kollar-Kotelly,

I am an IT Professional (Vice President of Product Development) at CacheFlow—an Internet infrastructure company not affiliated with Microsoft.

After reviewing the documents published by DOJ on the matter of the ''Microsoft Settlement'' as well as arguments pro and con from supporters/opponents, it is my belief that this settlement reaches a good balance of keeping Microsoft ''in line'' regarding their business practices without imposing undue restraint to hinder innovation from Microsoft or any other technology company. I also find the punitive measures sufficient and simple.

I hope you will find the settlement satisfactory and not give in to critics whose sole purpose is to keep the case unsettled and in some cases, extort financial or competitive gain from delaying the settlement.

Sincerely,

Murat Divringi

Vice President of Product Development

CacheFlow Inc.

CC:murat.divringi@cacheflow.com@inetgw

MTC–00011924

From: Joy Ulskey
To: Microsoft ATR
Date: 1/15/02 5:59pm
Subject: Microsoft Settlement

As a concerned citizen I want to see the Microsoft case settled. Despite the aggressive lobbying efforts of a few of Microsoft's competitors, the federal government and nine states finally reached a comprehensive agreement with Microsoft to address the reduced liability found in the Court of Appeals ruling. This settlement I'm sure was tough, but seems reasonable and fair to all parties involved.

Consumers overwhelmingly agree that settlement is good for them, the industry and the American economy. The last thing the American economy needs is more litigation that benefits only a few wealthy competitors and lawyers and stifles innovation. Don't let these special interests defeat the public interest. Settle now so we, The United States, can move on. Haven't we endured enough setbacks with Sept 11th?

CC:joyul@email.msn.com@inetgw

MTC–00011925

From: Dennis Battrick
To: Microsoft ATR
Date: 1/15/02 6:01pm
Subject: Microsoft Settlement

To whom it may concern:

I really think that it's time for you folks to settle this issue. We've forgotten what the issue was anyway so now you all look like even bigger money wasting fools. As a consumer, I was never convinced that this was ever anything more than a money grab by certain influential individuals who were unable to design and produce software that anyone wanted. Have you noticed that nothing really new has been produced lately? Let the market take care of itself and quit trying to protect your special interests under the guise of ''protecting the public from the big bad corporation''. Enough is enough!

Sincerely,

Dennis T. Battrick

MTC–00011926

From: Alex Ray
To: Microsoft Settlement
Date: 1/15/02 5:05pm
Subject: Microsoft Settlement
Alex Ray
31830 Bittorf Lane
Cordova, MD 21625
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

First the Clinton Justice Department and now President Bush's legal beagles are trying to damage the one company that is directly responsible for this nation's economic boom in the 90's and our world leadership in technology.

Fine them if they broke the law, but get on with it. No company should endure the hoops that Justice Department forced on Microsoft.

I thought this Administration supported entrepreneurship, no matter how tough one of the competitors might be.

Sincerely,

Alex Ray

MTC–00011927

From: Cheryl Shirk
To: Microsoft Settlement
Date: 1/15/02 4:57pm
Subject: Microsoft Settlement
Cheryl Shirk
2420 Rollins Ave.
Panama City, FL 32405
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Cheryl L. Shirk

MTC–00011928

From: Erika Gifford
To: Microsoft Settlement
Date: 1/15/02 4:57pm
Subject: Microsoft Settlement
Erika Gifford
14431 Greencastle Dr #10
Chesterfield, MO 63017
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Erika T. Gifford

MTC–00011929

From: george m kousaleos
To: Microsoft ATR
Date: 1/15/02 6:03pm
Subject: Microsoft.atr@usdoj.gov. January 15, 2002

Dear Sir,

I have very little to gain by a settlement, but I Had 800 shares of microsoft as the investment climbed in the past all of a sudden a fellow graduate SunMicrosystems convinced everybody he was the injured party. For 4 months I had stock in SunMicrosystems as recommended by JBOH. I held it and never made a trade. After transfer to First Union I still hadn't been able to trade for a profet it was only after Microsoft got in trouble, and long after I sold my shares in SunMicrosystems did SunMicrosysems stock move.

After changing my account to Fidelity Instead of buying Intel I bought Microsoft and for two years Microsoft only did good for those of us investors.

The courts made an unfavorable ruling and the entire USA and world economy has been suffering. People like me that have a stock that's climbing invest in other stocks by margin spending.

I can tell you from experience that when Microsoft dropped I could no longer acquire stocks that I was investing in because my portfolio didn't have any winners left.

I don't even have 50 shares of Microsoft.

I have 300 Ford

''''''Juniper

I ''300 Xerox

I hope Microsoft can reclaim their leadership. I wish I could be rich or at least get some shares on margin.

Last year I had 540,000 shares of a certain stock which reverse split 1:50 and then 1:40 leaving me with 450 shares

I sold 400 shares for $4000. which I also lost .

People Like Bill Gates I liked spending the money he was making me. I would like to do it over and be a soft spoken and generous as he is generous. I would like to have confidence that can make a man so soft spoken.

I hope this letter affirms that I want the market to go up, not down, and Bill Gates and company are past and have the potential to be future leaders. All businesses have like sports have outstanding contributors. Microsoft is one company even my parents liked and encouraged my owning stocks.

With Respest,
George M. Kousaleos

P.S. I do not own any Microsoft today but I would risk some money if the economy picks me up.

MTC–00011930

From: Larry Gribble
To: Microsoft Settlement
Date: 1/15/02 5:15pm
Subject: Microsoft Settlement
Larry Gribble
11408 W 112thTerr
Overland Park,, KS 66210
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Larry Gribble

MTC–00011931

From: Timothy Aden
To: Microsoft Settlement
Date: 1/15/02 5:18pm
Subject: Microsoft Settlement
Timothy Aden
21289 Iverson Avenue North
Forest Lake, MN 55025–7902
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Tim Aden

MTC–00011932

From: Earl H. Conrad
To: Microsoft Settlement
Date: 1/15/02 5:11pm
Subject: Microsoft Settlement
Earl H. Conrad
720 West Main Street
Waynesboro, Pa 17268
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

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Thank you for this opportunity to share my views.

Sincerely,
Earl H. Conrad

MTC–00011933

From: Dianna Gibson
To: Microsoft Settlement
Date: 1/15/02 5:18pm
Subject: Microsoft Settlement
Dianna Gibson
7000 E. 47th Avenue Drive, Suite 100
Denver, Co 80216
January 15, 2002

Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Dianna S. Gibson

MTC–00011934

From: Myron Schreiner
To: Microsoft Settlement
Date: 1/15/02 5:09pm
Subject: Microsoft Settlement
Myron Schreiner
215 Belmont Dr
Reeds Spring, MO 65737
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Myron M Schreiner

MTC–00011935

From: Barbara Wiot
To: Microsoft Settlement
Date: 1/15/02 5:01pm
Subject: Microsoft Settlement
Barbara Wiot
1001 Main Street
Cincinnati, oh 45202
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Barbara Wiot

MTC–00011936

From: Sharon Robie
To: Microsoft Settlement
Date: 1/15/02 5:15pm
Subject: Microsoft Settlement
Sharon Robie
1986 Pickering Trail
Lancaster, PA 17601
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Sharon Robie

MTC–00011937

From: Kris Pitcairn
To: Microsoft Settlement
Date: 1/15/02 5:02pm
Subject: Microsoft Settlement
Kris Pitcairn
po box 233
Bryn Athyn, PA 19009–0233
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Kris H. Pitcairn

MTC–00011938

From: CHRISTINE WILLHAUCK
To: Microsoft Settlement
Date: 1/15/02 5:02pm
Subject: Microsoft Settlement
CHRISTINE WILLHAUCK
PO. BOX 1100 PMB 277

GASTONIA, NC 28053–1100
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
CHRISTINE L. WILLHAUCK

MTC–00011939

From: Carol Bourgeois
To: Microsoft Settlement
Date: 1/15/02 5:06pm
Subject: Microsoft Settlement
Carol Bourgeois
4013 Manchaca Road #6
Austin, TX 78704
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial spent taxpayers' dollars wisely while creating cutting edge case law to govern the high tech industry. To place the burden of such a litigation onto smaller companies would have been a serious deterrent to investors in the high-tech industry. It is high time for this trial to be over, however, patience is a virtue, often forgotten in litigation.

Consumers will indeed see competition in the marketplace, guided by new and applicable interpretations of our precedential law, rather than flailing about in the courtroom, reinventing the wheel. And the consumers who propel our economy can finally breathe a sigh of relief, with some reassurance that the expensive hunk of plastic on their desks will continue to function, however imperfectly.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. Of course, most of those Americans had absolutely no idea how much the Microsoft litigation benefitted them in terms of establishing the ground rules under which E-Commerce is conducted.

Once the case is finally over, high tech companies can get into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation with the 3000 pound gorilla that is Microsoft.

True competition means creating better goods and offering superior services to consumers. Microsoft can serve by example.

Should our current government consider getting out of the business of stifling product litigation and tying the hands of consumers in pursuing their options- (ahem, ''tort reform'') American consumers will once again pick the winners and losers on Wall Street.

With the benefits of the Microsoft litigation; a usable body of precedential law, the high-tech industry, more entrepreneurs will be encouraged to return to creating new and competitive products and technologies like they did in the Clinton administration, rather than hoping they can buy access and favors. (Like Enron?)

Thank you for this opportunity to share my views.

Sincerely,
Carol Bourgeois

MTC–00011940

From: Stu
To: Microsoft ATR
Date: 1/15/02 6:06pm
Subject: Microsoft Settlement

Please settle this litigation immediately. Nine states wishing to continue litigation are not enough out of 50 states, to justify to continued the expense of litigation.

Sincerely,
Stuart B. Stephens, Jr.
Stu Stephens, Assoc. Broker, CRS, ABR, GRI
RE/MAX Island Properties
PO Box 1449 or 199 Main St., Eastsound WA 98245
800 551–1677, 360 376–2599; fax: 360 376–6211
<www.orcas-stephens.com>
<www.stu-patsy-stephens.com>
<www.orcasislandonline.com>
mailto:stu@orcas-stephens.com
For a tour of Orcas, click <www.visualtour.com/show.asp?T=12655>

MTC–00011941

From: William D Fowble
To: Microsoft ATR
Date: 1/15/02 6:05pm
Subject: Microsoft Settlement

January 15, 2002

We have a free enterprise system in this Country. Perhaps it would be a monopoly for Microsoft to give it's products out in this settlement, BUT perhaps the 1 billion would allow disadvantaged schools to make a ''choice'', as to whose products they would prefer to use and renovating their license practices would be a plus. Not being a computer geek, I like using software from other companies, as well as the Microsoft products. It's pertinent for the Court to come up with a reasonable solution to this problem and ''Let's move on''!!! I think some people/States are playing ''hardball'' on this issue and ''milking the cow'' for all it's worth!! Let's not have happen in this settlement, like in the tobacco settlement, that the money/products from Microsoft gets short changed for the purpose for which it is intended.

Thank you.
Sincerely,
Marilyn Fowble
Lynnwood, WA.

MTC–00011942

From: Patterons
To: Microsoft ATR
Date: 1/15/02 8:16pm
Subject: Ref;Micosoft Suit

I personally feel that the Government should drop the whole thing as soon as possible, before the DOJ looks anymore foolish. I think that the ''Software'' companies that complained about Microsoft's supposed unfair practices used you folks at DOJ on a ''witchhunt'' against Microsoft because these other ''Software'' Company's have inferior products and can't compete unless it crys to the DOJ that Microsoft isn't playing fair!!!!!! And then tangle everybody up in a asinine lawsuit. The ''States'' of course have to get on the band-wagon because they smell ''Big Cash Settlements''. So the States, who really don't give a real shit about they're consumers, are just in it to try and line their state coffers with Corporate money.(Just look at the Tobacco Suits, none to those settlements went to prevent or stop smoking, in most cases I read about it went to the ''States'' General funds. The Tobacco Companies paid out the money for the Anti-Smoking Ads.

The States still want the TAX Money from the Tobacco.) So as usual its the American people who get screwed by this kind of B.S. Suit against a Company who just makes a better product. The DOJ could do us all a favor and try not to protect us so much. If there is a product out there that doesn't work or if we don't like it , guess what, we the consumer don't have to buy it!!!! Gee what a novel concept, I think its called Capitalism.

So please stop wasting tax payers funds and go after some real criminals, maybe Terrorists Money Laundering Operations, Organized crime, etc. I'm sure these problems haven't gone away since DOJ devoted so much time to the Microsoft case.

Thank you for your time.
S.L.Patterson,
Okanogan, WA.

MTC–00011943

From: Jane F Chi
To: Microsoft ATR
Date: 1/15/02 6:09pm
Subject: Microsoft settlement

Please let Microsoft free because you didn't do any good for consumers!!!!!

MTC–00011944

From: RICHDUX@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 6:10pm
Subject: Microsoft Settlement

This case should have been settled long ago. It is wasting tax payers money. Microsoft, Intel and other technology companies are the architects of the Untied States current prosperity. We should be

thanking them for making all of lives better than they would have been without them. Don't allow Microsoft's competitors to use our tax dollars for their benefit. Settle the case NOW!

Richard J. Dux
8509 Trumbull
Skokie, IL 60076

MTC–00011945

From: Everett Snelson
To: Microsoft ATR
Date: 1/15/02 6:10pm

Gentlemen: The public does not want to hamper future innovation at Microsoft. Please settle this now!

Everett Snelson

MTC–00011946

From: mark scheel
To: Microsoft ATR
Date: 1/15/02 6:10pm
Subject: Microsoft Settlement

As private citizens and shareholders of Microsoft, we would like to state emphatically that we believe this matter should be settled now and all further litigation terminated. It's in the best interests of the country as a whole to move on. Thank you.

Mark Scheel and Dee Snook

MTC–00011947

From: ArlenPar@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 6:12pm
Subject: Microsoft Settlement

I believe that the Justice Dept.should take the necessary course of action to swiftly resolve the cases pending against Microsoft. Enough is Enough ! From my viewpoint the entire anti trust affair was instigated by Senators and Congressmen sympathetic to Micorsoft's competitors. These elected officials have just been carrrying on a vendetta for the companies that are in competition with Microsoft,with no regard for the consumer's interest. The competing software companies should expend their efforts towards making software that is competitive and usefull in the marketplace,instead of trying to stiffle software and systems that the public needs and desires.

Lets get on with the future.

Arlen Paranto
P.O.Box 304
Eatonville,Wash.98328

MTC–00011948

From: The Lamoses
To: Microsoft ATR
Date: 1/15/02 6:13pm
Subject: Microsoft Settlement

My vote is for Microsoft. This has always been a ridiculous battle between Microsoft's competitors and Microsoft, and a bunch of money-hungry politically-motivated Attorneys Generals. Shouldn't this be about consumers? How can anyone honestly say that consumers have been shafted or gotten a raw deal, from a company that practically invented personal computing, enabled the popularization of the Internet, and all of the benefits and wealth they have brought to this country?!

My biggest concern is that you're not going to hear from the majority of the citizens, who are very happy and satisified with Microsoft and their contributions to the technology industry and this country's economy. Instead, you'll hear the beating of drums from their competitors (who have a accumulated and perfected their anti-Microsoft rhetoric producing machinery and anti-Microsoft lobbying tactics), and who stand to gain a lot from the debilitation of Microsoft. It's a sad day in America when competitors and AGs use the justice system to further their own agendas, instead of doing their jobs and allowing companies to compete in the open market.

Thanks

MTC–00011949

From: Tom Freeman (Salt Lake City)
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/15/02 5:28pm
Subject: Microsoft Settlement

I do not encourage you to pursue the private settlement proposed by Microsoft. It would, in my opinion, create even more of a monopoly than they already have. There has to be some cost to a company that has done what Microsoft has done. Justice. These opinions are my own and in no way reflect the position of my company.

Thanks,
Tom Freeman
Citrix Systems, Inc.
tom.freeman@citrix.com
801.816.3309

MTC–00011950

From: Jeff Gillings
To: Microsoft ATR
Date: 1/15/02 6:16pm
Subject: Microsoft Settlement

I have 15 years experience in software engineering and a B.S. in business. The Revised Final Judgement addresses a number of important points; good job on those.

However, it does not address the following:

1) Punishment to Microsoft for past monopolistic behavior, specifically, destroying Netscape.

2) Microsoft predatory pricing. This should be a major piece of the settlement. After the development costs are paid for, sales of software are almost all profit; allowing Microsoft (or any company which can license software to hundreds of millions of customers) to reap huge profits. How are you going to keep microsoft from using that money to price competition out of the market.

Microsoft has a strong history of this behavior; Internet Explorer was given away. I don't see anything in the Final Judgement that addresses this very important point.

MTC–00011951

From: Rices21@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 6:20pm
Subject: Microsoft Settlement

Microsoft is convicted of having overcharged for a product which people bought of their own free will because it was better than any other. Now Microsoft has made a tremendously generous offer to give it away, but a judge says it isn't enough, and would help to popularize Microsoft products, which the public already prefer. The government seeks to discourage excellence, and condemns businesses which give the public what they want, while protecting businesses which offer less popular products. Socialists in government penalizes successful businesses, even though they pay huge taxes, because socialists want success to be dependent on government, rather than private initiative, regardless of consequent loss to the consumer. Socialists seek government power, not social prosperity.

Houston Rice

MTC–00011952

From: Stephen Heaton
To: Microsoft ATR
Date: 1/15/02 6:24pm
Subject: Microsoft Settlement

I think Microsoft will never change. I think the government is too slow to react to the largest computer software maker in the world. They have a lock on the desktop, you still cannot buy Linux preloaded from Dell, HP etc. Money is NOT the answer, if you cannot break them up, why spend all my tax dollars?? It all seems like another mass waste of my tax dollars (again).

Break them up in 3 parts, but since the ''new'' group of public servants decided not to seek that, Microsoft should have refund to us, over 100 bucks each, to any one who has bought a software package from them that cost 100 dollars or more In the last 3 years. The end user needs a large refund, if money is the only thing they understand.

Thanks for reading this!

MTC–00011953

From: Jon Roberts
To: Microsoft ATR
Date: 1/15/02 6:22pm
Subject: Microsoft Settlement

Judge Colleen Kollar-Kotelly,

I am an information technology professional with 8 years of extensive experience in software engineering, systems administration, data design, coding, and testing. I have a broad background, but my core competencies are in web systems. While serving as a commissioned officer in the US Air Force, I installed, administered, and developed with my first web server in 1994, at the advent of the world wide web. In my career, I have worked with a variety of operating systems, including flavors of Unix and versions of Microsoft Windows. I've also used an array of open standards, including HTML, CSS, Http, LDAP, CGI, XML, and Java. Very recently, I moved an entire internet and intranet infrastructure for a large academic medical center from a Unix (Sun Solaris) hosted environment to one using Microsoft based servers. Currently, I work independently as a developer and consultant. As such, I feel I have relevant insight into Microsoft's technology and business practices. I favor a best of breed approach to system development, so I also believe I represent an objective point of view. I regularly use Microsoft software at work and home, and continue to do so where I deem appropriate; I am writing this message in Microsoft Outlook, for instance. I also use other operating systems and recommend their use in circumstances where I judge there is a better alternative.

Throughout my career, my ability to provide value to my employers or customers has been adversely affected by Microsoft's technology and business practices. The software they deliver, particularly new software, is typically far less efficient, stable, or secure than alternative approaches. Their products are usually designed with dependencies that require you to use other Microsoft products and sabotage the concurrent use of non-Microsoft approaches. Many of their offerings do not uninstall properly, and leave a permanent presence on the hosting system. Because they write the operating system too, some of their applications make use of capabilities that are not available to non-Microsoft developers. Their licensing practices are mercenary and anti-competitive, using vehicles like sole-source relationships to build inordinate market share. Once Microsoft gains control of a market, they begin raising prices at a rate faster than the industry in general. Most importantly, Microsoft has repeatedly undermined and perverted open standards to serve their own ends, including every one I listed above.

I know that business is competitive by nature, but I agree with the Justice Department's repeated findings that Microsoft's business practices crossed the line and were illegal. Further, I believe that Microsoft created a situation for itself that is bad for the industry and the economy at large over the long term. While I will concede that many dot-coms burned capital on irresponsible business models and implementations, I attest that Microsoft has some amount of personal responsibility for the bursting of the bubble economy and the current economic woes of the information technology industry and the country. The cost of developing on the web should not be as high as it is now, but who knew in the early days of e-commerce the momentum of progress in open standards could be stymied so effectively by one player. Microsoft is in direct conflict with the cooperative culture that brought us the internet, and their long term strategies will exacerbate this problem: where Microsoft succeeds, all others will bleed. History will not be kind if we will have to address the same issues again because of an ineffectual remedy.

If the terms of the anti-trust settlement can be realized, then it may make some difference. However, I don't have faith that Microsoft will adhere to the spirit of the settlement, I have even less confidence in the Justice Department's ability to enforce the terms of the settlement expediently (especially given how long this initial anti-trust process has dragged on), and I believe the problem is larger than middleware. In particular, I don't believe anything short of making Windows open source would prevent Microsoft from taking advantage of the ambiguous nature of a ''middleware interface'' to continue to constrain consumers and developers. Don't forget that in addition to the operating system and productivity application markets, Microsoft has a big stake in development tools; a hook into middleware functionality doesn't mean much to me if I have to use another Microsoft product to implement it. And I've read some of Microsoft's published information on its software in the few instances where it doesn't directly involve one of their development tools, and it still didn't enable me to communicate cleanly with the Windows operating system or their middleware (even when it's supposed to). At best, they're support staff has pleaded incompetence. I'll buy it, too; they have no history of successfully supporting cooperative development outside of Microsoft tools. Microsoft's entire oeuvre has a tendency to be black box. To achieve its aims, this settlement would have to completely reverse Microsoft's closed corporate and development culture. I'm skeptical that this settlement will lead to anything more than continued legal squabbling.

On a separate note, the recent class action settlement is too plainly a vehicle for Microsoft to broaden it's market share while simultaneously getting good press. I view it less as ineffectual and more as a disgrace to our legal system.

This message is a general statement of perspective. If you want more insight, specific examples, or verification of my credentials feel free to contact me.

Jon
Jon Roberts
jon@jonanddeb.net

MTC–00011954

From: g-lgold@att.net@inetgw
To: Microsoft ATR
Date: 1/15/02 6:24pm
Subject: Microsoft Settlement

We in the state of New Mexico were the first to recognize the futility of constant attacks on Microsoft Corporation. I urge you to settle the lawsuits once and for all. While Apple corporation postures about being shut out of the schools by Microsoft, I don't see them giving away an equivalent dollar amount of computer hardware and software. . .

The political interests of several states should not hold up the settlement.

Gerald N. Gold, MD

MTC–00011955

From: PWoodbery@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 6:25pm
Subject: Microsoft Settlement

This is to register my approval of the microsoft-DOJ settlement. Only nine states refuse endorsement; the other nine states, the DOJ, and Microsoft all agree that the settlement makes retribution for Microsoft's anti-trust wrongs and provides safeguards against future violations. Not only is the remedy of the nine refusing states unfairly draconian, it could well be a harm to the technology economy. Originally, anti-trust laws were to protect the consumer, not advantage competitors.

I fear that one thing motivating the recalcitrant states is serving the special interest of competitors located in their respective states. Microsoft should not be allowed to squelch competition, but competitors should win because their product satisfies consumers and not through legal machinations.

Sincerely yours,

W. Potter Woodbery, Ph.D.
PWoodbey@aol.com

MTC–00011956

From: Bidwellmoore@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 6:25pm
Subject: Microsoft Settlement

In the interest of stabilizing America's wavering economy, I earnestly urge an end to this long running attack on Microsoft. The recently proposed settlement among the defedant and the majority of the plaintiffs appears to be more than just for all parties. To have a minority contingent holding out for more damages is dragging the country down in the hope that the minority may benefit at the expense of the well bing of all Americans.

Bidwell Moore

MTC–00011957

From: David R Hill
To: Microsoft ATR
Date: 1/15/02 6:27pm
Subject: Microsoft Settlement

To the Honorable Judge Kollar-Kotally:

I am writing to express my concern that Microsoft is getting off the hook for its illegal monopolistic activities. The current Proposed Final Judgment announced by the Justice Department fails to deal with the illegal activities pointed out by past court investigations and rulings. It would be wrong and bad for the public well-being to allow this to happen. I hope that you will take action to do what is lawful, just, and in the public interest, not what is in the interest of Microsoft. When every personal computer sold in America, apart from Apple computers, carries Microsoft software as its primary mode of operation, it is apparent that they have totally cornored the market. This was the finding of the latest court decision. Therefore, Microsoft's illegal hold on the market should be broken and Microsoft should be denied the fruits of its past violations, just as the Apellate court ruled. I hope that you will uphold this ruling and take appropriate action.

Finally, I hope you will make it impossible for Microsoft to carry on any future anticompetitive activity. I have friends who work in the computer industry, and they have verified that Microsoft indeed engages in this type of activity, much to their dismay. Our country and economy thrive on competition and the freedom to develop and market new products. Microsoft has the money and power to squelch all competition and to continue to further their own interests at everyone else's expense.

Therefore, you are really the last hope of doing something to stop them. Please do so. This is a huge and incredibly important decision. Please do all that you can to end this monopoly. I appeal to you as a public servant to indeed do that which is in the interest of the citizens whom you serve. Illegal activity should be ended, not pandered to and empowered to continue.

Sincerely yours,
David R. Hill
66 Hobson St.,
Brighton, MA 02135

MTC–00011958

From: Clayton Harrington
To: Microsoft ATR
Date: 1/15/02 6:30pm
Subject: Microsoft Settlement

To Whom It May Concern:

I hereby express my approval for the settlement reached between Microsoft and the Department of Justice. I am saddened and angry that nine states refuse to accept the settlement and are forcing more litigation. I sincerely hope they lose. I believe it is past time to settle this case and for everyone to move on.

MTC–00011959

From: DavidGuidos@MSN.Com@inetgw
To: Microsoft ATR
Date: 1/15/02 6:31pm
Subject: Microsoft Settlement

Please accept the settlement. Microsoft has always acted in the best interest of the software industry. Their active encouragement of industry-wide standards has made us all winners, even those companies and states now claiming foul, and they have promoted the rise and success of an entire new industry. Even though they had the capability to do so, Microsoft has never acted as a monopoly. The have kept the cost of their systems and programs very reasonable, and by doing so, they made incredibly advanced information processing capabilities available to nearly everyone in our country.

Thank you.

CC:DavidGuidos@MSN.Com@inetgw

MTC–00011960

From: Rogers536@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 6:31pm
Subject: microsoft settlement

Microsoft has made a good offer. Lets settle this and get on with business. We have enough other problems without trying to break up a business.

Russ Rogers

MTC–00011961

From: Carter, Mark
To: Microsoft ATR
Date: 1/15/02 6:32pm
Subject: Microsoft Settlement

This litigation continues to leave uncertainty for both customers and the market.

Please get this case closed ASAP.

Mark L. Carter
* (205)967–9330
7 Fax (205)967–0120
* mailto:MarkCarter@ACP-Inc.com
http://www.ACP-Inc.com <http://www.acp-inc.com/>

MTC–00011962

From: Earl Hoveland
To: Microsoft ATR
Date: 1/15/02 6:49pm
Subject: microsoft settlement

I consider Microsoft's settlement offer to be more than fair. I have purchased Microsoft products for ten years and have never felt they should be penalized for making an honest dollar. Their prices have been fair and to penalize them in order to put dollars in the pockets of their competitors smacks of socialism and over regulation. Obviously the states that are dragging their feet are just like the rest of this country— they have too many attorneys who can't get employment in the private sector. I say Hurrah for Bill Gates, even if he appears to be a liberal democrat. He must be the exception that proves the rule .

Earl Hoveland
PO Box 786
Packwood, Wa 98361

MTC–00011963

From: NY. . . NY
To: Microsoft ATR
Date: 1/15/02 6:32pm
Subject: Microsoft Settlement

Consumers have not been effected by any ''Anti-trust Act'' by Microsoft. This pro-long at is being made by Microsoft's competitors who are using the nine state attorney generals as their lawyers,

Lets end this cast with the nine state attorney generals and competitors so that the consumers may be able to receive Microsoft's innovative technology.

MTC–00011964

From: Gail Fox
To: Microsoft ATR
Date: 1/15/02 6:32pm
Subject: MicroSoft Settlement

To Whom It May Concern:

I am writing to urge a settlement in this endlessly dragged-out litigation against Microsoft.

Right from the beginning, I was appalled by the U.S. government interfering with—and penalizing—one of the few remaining successful business (and superior products) still extant in the U.S.

I am a writer-editor—proud graduate of Brown University, proud former resident of Washington, DC —and I have lived long enough to remember pride in American products. However, if that sentiment were not enough, I have ALSO lived long enough to have tried MANY early software products, many word processors, many programs. The ones that could not measure up died on the vine along the way.

My particular success story with Microsoft is that I had to return to a 5,000-page, 5-volume history that I had edited fifteen years earlier for a client on a Microsoft WORD-DOS-based program. The hardware had long been deceased and I was left with the discs. This translated perfectly and easily into a WORD 2000 for Macintosh, about as foreign an exchange as you can get. I find that Microsoft is on top because IT HAS THE BEST PRODUCT. I thought this was what America was about.

Now I live in the Pacific Northwest. Seattle does not need another economic blow (think Boeing), nor does the U.S. (I personally think the stock market bubble that broke in March, 2000 was pricked mightily by the U.S. government going after a good business model—Microsoft.)

I support Microsoft because it makes the best products. It is run by a man who would probably be hacking around with computers even if HE had to pay YOU to do it. His success came from excellence, not slippery business practices.

Sincerely, Gail Fox, Bellingham, Washington

MTC–00011965

From: Jim Hoechstetter
To: Microsoft ATR
Date: 1/15/02 6:33pm
Subject: Microsoft Settlement

Dear Sir or Madam,

I have been in the computer industry in a number of capacities since 1958 when it was in its infancy and am retired from IBM. It was absolutely unconcionable that you went after Microsoft in the first place. They were and are guilty of one thing: developing and producing the best products available. Microsoft products have been chosen by most businesses and consumers because they are the best. It appears that the Justice Department feels your charter is to find successful businesses and cripple them. How that helps the consumer is beyond me. The ''settlement'' that has been agreed to by Microsoft, you, and 9 states, is generous on the part of Microsoft and much more than the governments invovled should get. I urge the judge to accept the agreement and end this whole debacle.

Jim Hoechstetter
3100 Cutchin Drive
Charlotte, North Carolina 28210

MTC–00011966

From: robert
To: Microsoft ATR
Date: 1/15/02 5:12pm
Subject: microsoft settlement

Having read The Revised Proposal Final Judgement, including the Competetive Impact Statement, it is in my opinion a thorough investigation of the Microsoft Corporation has been completed and it is now time to finalize the U.S. Government's involvement in this matter.

I do NOT believe that any further penalties are justified and that the U.S. Government should conclude it's case and let the Microsoft Corporation continue to offer to everyone all their products legally without any more prosecution since they have agreed to abide by the penalties and remedies imposed upon them and did them voluntararily and are abiding to th U.S. Government's wishes by law.

Finally I believe it is time to give Microsoft some praise for producing great products,products that are inovative and products that are well researched and promoted legally. Wishfully I would hope that more corporations would be at least as inovative as Microcoft thereby preventing the severe jealous feelings that I believe they have for Microsoft.

I believe that in a free business society that corporations should be free to inovate while breaking no laws.

Sincerely,
Robert W. Thacker =====

MTC–00011967

From: James Chambers
To: Microsoft ATR
Date: 1/15/02 6:35pm
Subject: Microsoft Settlement

Good Day,

I would like to say that I thought that the settlement in the Microsoft case is harsh

enough and serves its purpose and the better interest of the public.

I do believe, though, that Microsoft should be on probation, much like a high-risk re-offender. I believe that at this stage, Microsoft has appointed an internal Compliancy Officer to adhere to the settlement and the other rulings of J. Penfield Jackson. This shows tremendous effort on their part that they are trying to do their best, but I think there should also be external monitoring.

This is not because I feel that Microsoft will reoffend, but rather that, in the eyes of the public, they will not be afforded such an opportunity. As we all know, you attract more ants with honey; let's keep the honey out of reach and everybody wins.

James Chambers

MTC–00011968

From: Dr. James F. Gaines
To: Microsoft ATR
Date: 1/15/02 6:39pm
Subject: Antitrust settlement

Sir/Ma'am== I am a perennial user of Windows and many of its applications. I have n complaint about prices, service , upgrades or other aspects that some of the Attornies General seem to want to focus on upon directions from their respective corporate cohorts who compete with Microsoft. Microsoft has done a good service for me and for all of my friends who are part of the computerized public. If Apple doesn't want Microsoft to install computers in the poorer school for free, then let Apple install them for free. Antitrust statutes were established to protect the consuming public and not the businesses that fail to keep up. James F. Gaines, DVM, MS, Business owner.

MTC–00011969

From: Samhael
To: Microsoft ATR
Date: 1/15/02 6:43pm
Subject: Microsoft Settlement
208 50th Street NW
Bradenton, FL 34209–2880
January 15, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I very much appreciate your strong leadership of DOJ over the past year. In order for the recent settlement agreed to by Microsoft and the Justice Department to go through it is critical that you demonstrate uncompromising support for this agreement. This settlement will end three years of litigation that have cost both sides dearly in time and resources. Outside interests would like this settlement eliminated because they claim it is unfair. The truth however is the settlement will give competitors never before offered access to Microsoft's secret code, including internal interfaces. Microsoft has also agreed to make it very easy for competitors to place their software on Microsoft operating systems. While both sides, MS and the DOJ, are ready to settle there will be those, many with anti-Microsoft prejudice, who will try to have this settlement removed. I would like to state again that it is critical for you to show tenacious support for this settlement. Thank you.

Sincere regards,
Sam Espy

MTC–00011970

From: Bill Lucks
To: Microsoft ATR
Date: 1/15/02 6:42pm
Subject: Microsoft Settlement

I strongly support the settlement entered into with the DOJ and encourage you to do all possible to put this unfortunate attack by Microsoft's competitors behind us.

William G. Lucks

MTC–00011971

From: douglasleifeste
To: Microsoft ATR
Date: 1/15/02 6:45pm
Subject: Microsoft hearing

To whom, Please dont let a few narrow minded ,selfish people hold up the settlement of this case particularly after 911. We need to get this country back on its feet.

Thank You, Douglas Leifeste,1214 Vine Ave,Sunnyside Wa

MTC–00011972

From: Apurva Dalia
To: Microsoft ATR
Date: 1/15/02 6:46pm
Subject: Microsoft Settlement

I believe that the court should accept the settlement. Public money should not be used in bringing such cases against corporations that have helped USA become the world 's leading economy that it is today. If companies feel intimidated by government interference such as this, America will not remain the prime location that it is today to establish global businesses.

The current recession and events threaten to set us back. We need to do everything we can to not let this happen. The Government needs to focus on issues like Security, Foreign Policy and Economic Stimulus. There is no point in dragging this case any further. Please accept the settlement.

Thanks
Apurva Dalia
9926, 128th Ave NE
Kirkland, WA 98033

MTC–00011973

From: Rgaikins@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 6:47pm
Subject: microsoft settlement

Members:

I admit that I have Microsoft stock in my meager retirement account and have a vested interest in their well being. However, as I see it you have an opportunity to provided common sense solutions to this legal debacle that has gone far too far already. I urge you to find for Microsoft and allow them and other companies to get on with the business of innovation and life improvement for us all.

Thank you,
Robert G. Aikins

MTC–00011974

From: Smith-Bates, Jacqui
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/15/02 6:48pm
Subject: Microsoft Settlement

I would encourage the DoJ and the States to settle the Microsoft case. It has been tedious, has not proven that Microsoft has hurt consumers, and has been detrimental to the U.S. Economy. The case should be settled immediately.

Thank you,
Jacquelyn Smith
4319 Wallingford Ave
N Seattle, WA 98103

MTC–00011975

From: WannaBnLV@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 6:51pm
Subject: Microsoft Settlement

Please settle the Microsoft case and allow Microsoft to function without government intrusion. Microsoft is a model of entrepreneurial spirit in the United States and the other companies who cried foul should take a lesson from Microsoft and compete in a capitalistic marketplace that is unfettered by government manipulation.

Thank you for your consideration,
C. Austin

MTC–00011976

From: thebirdsalls
To: Microsoft ATR
Date: 1/15/02 6:52pm
Subject: Move on and off Microsoft

Get off Microsoft's case!
Elise M. Birdsall
1896 Peachtree Ave.
The Villages, Fl 32162
352–259–9870

MTC–00011977

From: Scott Futral
To: Microsoft ATR
Date: 1/15/02 6:54pm
Subject: Microsoft Settlement

As both a stockholder and a citizen I am appalled that the Microsoft offer of settlement was not accepted!

MTC–00011978

From: WILLIAM A CLEMENTS
To: Microsoft ATR
Date: 1/15/02 6:57pm
Subject: Microsoft Settlement

This whole law suit is a terrible thing for Microsoft and our country. It is preposterous for our justice department to stick their noses in private business when they ''failed to share'' with other merchants their secrets. If these other designers of software can do a better job than Microsoft on their own, then so be it.

And don't try to cheat Microsoft out of its justs rewards for doing a superlative job.

William A Clements
ollietoo@thegrid.net

MTC–00011979

From: Walt Casey
To: Microsoft ATR
Date: 1/15/02 6:58pm
Subject: Microsoft Settlement

We have wasted enough tax money on the Microsoft case, it is time stop any more action.

Walt Casey

MTC–00011980

From: thebirdsalls

To: Microsoft ATR
Date: 1/15/02 6:58pm
Subject: finalize the Microsoft case ASAP
Gentlemen:
It's time to move on. Microsoft is the goose with the golden eggs. Oracle is using USA's, DoJ for competitive advantage. Finalize it!
Marianne Gyle
1896 Peachtree Ave.
The Villages, Florida 32162
352–259–9870
MarianneGyle@thebirdsalls.com
CC:Elise M. Birdsall

MTC–00011981

From: JEskelin@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 7:03pm
Subject: Microsoft Settlement
Gentlemen:
This action by the remaining States can only continue the attack on American enterprise and the freedom to be innovative. The nine States are simply going after Microsoft's cash position so they can make high settlements with outside attorneys and add more to each States' general funds. Much the same as those States sharing in the bonanza produced by the tobacco industry.
Buyers in the past had the opportunity to load what ever was available in the operating system inventory if they wished. They were not forced to buy MS products anymore than we are forced to buy a Ford. As for buyers paying too much, how in the world will this ever be determined?
Finish this farce being done in the name of justice.
Sincerely,
John L. Eskelin
Puyallup, WA

MTC–00011982

From: SHARONNE PLOTNIK
To: Microsoft ATR
Date: 1/15/02 7:07pm
I find it very disturbing that we do not let microsoft help our public schools. The settlement and lawsuits are now just feeding into people that want to make money on lawsuits. Think of the rest of the people—get over it and get on with the business of progress.

MTC–00011983

From: James Lambo
To: Microsoft ATR
Date: 1/15/02 7:09pm
Subject: Microsoft Settlement
Gentlemen:
Microsoft is providing a tremendous product to the public. Please find a way to settle this case fairly and let them get on with their work.
Jim Lambo

MTC–00011984

From: EDWARD E KELLUM
To: microsoft.atr@usdoj.gov.?@inetgw
Date: 1/15/02 7:13pm
Subject: Microsoft Settlement
I concur with the proposed Microsoft Anti-rust settlement with the exception of Microsoft supplying schools with Microsoft software. This would be very unfair to Apple Corp. As I understand it, this part of the agreement has been denied by the judge. If Microsoft gave money only to the schools and the schools could select the hardware software they chose, I think that would be OK.
I am a Mac computer user and I also use Microsoft Office Software, Microsoft Internet Explorer and Outlook Express. I think that Microsoft has supported the Mac computer very well. That is in contrast to Word Perfect word processor which dropped Mac support and to Netscape which was a much poorer browser than Internet Explorer. I used to use Word Perfect and Netscape. I think it would be detrimental to computer users and the United States if more destructive terms were adopted, such as a break up of the company.
Edward Kellum
615 Vaquero Rd.
Monrovia, CA 91016
ekellum@earthlink.net

MTC–00011985

From: Gunner Agosto
To: Microsoft ATR
Date: 1/15/02 7:13pm
Subject: Microsoft Settlement
To whom it may concern,
The Microsoft settlement is too critical an issue to allow the stalling tactics by a small minority of users bent on enriching themselves. The issues have been have been endlessly argued and a reasonable settlement reached through the Tunney Act. Let's finally move on.
Gunner Agosto

MTC–00011986

From: Shelley Blumberg
To: Microsoft ATR
Date: 1/15/02 7:15pm
Subject: Microsoft Settlement
I am a consumer who uses and likes Microsoft software. I hope that the settlement that was reached with the Department of Justice and nine states will be accepted. I want Microsoft to focus on developing more and better products. Microsoft produces good products that work well, are easy to use, and are low cost. I don't think that taxpayer money should be spent on yet more lawsuits against Microsoft to benefit Microsoft's large competitors, such as Sun Microsystems and Oracle. These companies should compete with Microsoft by producing better products at competitive prices rather than using the judicial system to try to prevent Microsoft from producing innovative products. I hope that I will open my Wall Street Journal soon and see that the DOJ-Microsoft settlement has been accepted and that the case is over!
Sincerely,
Shelley Blumberg

MTC–00011987

From: TJMARYHANA@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 7:15pm
Subject: (no subject)
I think its time the goverment left private business alone

MTC–00011988

From: TedVanzwol@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 7:21pm
Subject: Microsoft Settlement
They sure are making a lot about little. Why not make a small resonable settlement to those that are crying because of their inability to compete and move on.
What an expensive pain they are being.
Ted VanZwol

MTC–00011989

From: Evelyn
To: Microsoft ATR
Date: 1/15/02 7:21pm
Subject: Microsoft settlement
In my opinion the settlement that has been reached in the Microsoft case should be consumated. I am in favor of settlement now and in not prolonging this case with further litigation. It is good for America and therefore in the public interest. It is not in the public interest to spend taxpayer's dollars to drag this out further.
Sincerely,
Evelyn H. Payne

MTC–00011990

From: james.scrivener@att.net@inetgw
To: Microsoft ATR
Date: 1/15/02 7:20pm
Subject: Microsoft Antitrust
Litigation on Microsoft Anti-trust charges have gone on much too long and continuation cannot be good for our economy.
Microsoft provides a great reliable service which may be seriouly compromised if it is further restricted.
J.R. Scrivener

MTC–00011991

From: Kerlin
To: Microsoft ATR
Date: 1/15/02 7:21pm
Subject: Microsoft
Microsoft has done more to bring order and ease of use in it's software than any other company.
THANK YOU. KEEP UP THE GOOD WORK.
Rick Kerlin

MTC–00011992

From: markthome
To: Microsoft ATR
Date: 1/15/02 7:22pm
Subject: Holding up progress
Please do what you can to enable the companies of the United States to progress on the basis of their achievements. Not on the basis of one suing another in order to compete.
Mark Thome,
Bellevue, Washington

MTC–00011994

From: GKowa49992@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 7:28pm
Subject: Fwd: Returned mail
January 14, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DO 20590–0001
Dear Mr. Ashcroft:
I am writing to express my opinion of the recent settlement between the US Department of Justice and Microsoft. I think the case dragged out far too long, and should

be finalized, even if the penalties imposed on Microsoft are too harsh.

I am a proponent of free enterprise and I think Microsoft should not be restrained from being able to innovate and grow as they have in the past. I also do not think Microsoft has a monopoly that could possibly be construed as bad for our economy. Actually, I think Microsoft as it is today does more good than harm for our public But, I understand some of the lawmakers' and politicians' complaints, and that is why the terms of the settlement are more than fair. Microsoft will be conceding internal interfaces and protocols. They will be designing future Windows versions so that competitors can more easily promote their own products. And, the government will be forming a three-person team to monitor compliance with the settlement. We are at war and in recession. We need Microsoft's industry strength to be building wealth and technology for our country instead of fighting legal battles in the courts. I thank you for your time and hope your office looks out for the public's best interests, and I hope that you work with Attorney General Butterworth to have this settled in the State of Florida as well.

Sincerely,
G. Kowalski
201 Orlando Boulevard
Indialantic, Florida 32903

MTC–00011995

From: AAA270@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 7:30pm
Subject: Microsoft Settlement

I believe the Microsoft settlement is fair and should be approved. Let's put this behind us and grow our economy, to which Microsoft contributes a good deal.

Al Ackerman
9141 NW 13 Street
Plantation, Fl 33322

MTC–00011996

From: hairdoc
To: Microsoft ATR
Date: 1/15/02 7:30pm
Subject: Microsoft Settlement

I do now and always have felt that the DOJ's and various state attorneys suits against Microsoft Corp. are the result of the prejudiced views of elected officials from states where Microsoft's competition reside. This constitutes what I and everyone I speak to considers an injustice perpetrated against Microsoft Corp. As you know millions of our tax dollars have already been wasted in an attempt to wrongfully punish this company. I like most Americans who used P.C's. before the advent of Windows hold Microsoft in the highest regard. I am proud of it's performance in dominating it's field because in doing so it took us out of the realm of cryptic DOS code and into the future of computing. Lets face it, the driving force behind any great advancement has always been profit. By punishing Microsoft for doing exactly what any other large corporation or small businessman would do in it's place sends a bad signal to those of us who have the nerve to gamble in the high stakes world of business. By the way what would the trade deficit have been last quarter if Microsoft did not sell software worldwide?

Please stop this nonsense and accept this settlement that is already much larger then the so-called (but in my mind fabricated) harm done to the ''public'' Let this great American company thrive and grow.

Thank you for considering my position.

Stephen F. Dasaro

MTC–00011997

From: Michael.Martak@sun.com@inetgw
To: Microsoft
ATR,michael.martak@sun.com@inetgw
Date: 1/15/02 7:30pm
Subject: Microsoft Settlement

To Whom It May Concern,

In 1997, I took a job as a software graphical user interface engineer for a company called Imedia Corporation. At that time, the technical leadership of the company had determined that the graphical user interface for the project needed to be supported in a web browser, and as a result, Sun Microsystem's Java technology was chosen. As a then Microsoft developer, I preferred to retain my skills in Microsoft's tools while learning what was required to complete my task in Java, remaining agnostic towards any particular platform or vendor. What happened externally during the life of that project was shocking, unprofessional, unethical, and (as we now know) historic. Microsoft decided to wrest control of Java technology from Sun Microsystems, not only at a platform libraries level, but at the language-specification level by adding new keywords whose intention was uncontestably to subvert the promise of ''write once, run anywhere'' that made Java technology an appealing choice for developers. As we know, Sun Microsystems sued Microsoft over this issue and won it, but at the cost of Microsoft's dropping Java support entirely from their operating system and browser. While this was happening, though the future of the technology was uncertain, my own project at Imedia Corporation was going extremely well. Java technology had allowed me enough time to complete my project and had given me plenty of time to tune it, a much faster turnaround for a project than I had ever been accustomed to. The entire time I could not help but feel that the world was losing a fantastic technology that was being stifled only through monopoly power.

Now it is 2002, and sadly, Java technology has still not become widely available on the desktop. I now work for Microsoft's competitor, Sun Microsystems, which I find ironic because of Microsoft's attempt to determine the future of my project and own my code or choice of language. Microsoft made me a competitor, and all I ever wanted to do was to own my own code, and be free to choose the right technology for the right job. As a professional software developer, it is highly important to me that Microsoft's illegal abuse of monopoly power has stifled innovation, created an environment with little to no regard for security, and left the consumer vulerable and unaware that there is even anything missing or wrong. Innovation is easy to measure, but measuring non-innovation is difficult.

It is important for software developers and the future of technology that Microsoft not be allowed to walk away from stifling innovation for so long without suffering so much as a scratch, and for these reasons (as well as more specific technical ones), I highly disagree with the proposed settlement between the Department of Justice, nine states, and Microsoft.

I would like to extend support to the proposed remedy by the nine states which objected to the settlement, including the state of California, of which I am a resident as well as a registered voter. I believe that this solution is far better for the state of technology, Java technology in particular, as well as the security and integrity of data for all consumers. Because I work for a competitor of Microsoft, I want to assert that my opinion as a software professional is my own and is unsolicited by Sun Microsystems.

This I swear under penalty of purjury,
Sincerely,
Michael Martak
Oakland, California

MTC–00011998

From: rick
To: Microsoft ATR
Date: 1/15/02 7:32pm
Subject: Microsoft settlement

TO: DOJ

The software industry is highly competitive and one dimension of that competition is to use government to gain a competitive advantage rather than one's own creativity and initiative. To settle this case now in favor of Microsoft is the best way to ensure competition, satisfy customers and help the economy get back on track

Thanks

MTC–00011999

From: Normakorn@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 7:32pm
Subject: Microsoft

I am in favor of supporting Microsoft. They should not be penalized for their success.

Norma Korn
normakorn@aol.com

MTC–00012000

From: Intllgstc@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 7:36pm
Subject: Microsoft settlement

I believe that as a taxpaying citizen and someone who is eager to see the United States keep it's lead in technology, it is time to settle this prolonged action against Microsoft. I, more and more, get the strong feeling that legal action is intended to foster an unfair competitive advantage for manufacturers in those states working to further ''muddy the water''. Why not let actions agreed speak for themselves and let competitive products work to obtain their own marketing success rather than ask Microsoft to subsidize their operations. Enough already!

Donald S. Chakas
810 W. Pacificview Road
Bellingham, WA. 98226

MTC–00012001

From: PATRICIA ANTLITZ
To: Microsoft ATR
Date: 1/15/02 7:37pm
Subject: Microsoft settlement

P.O. Box 1395
Hampton, NH 03843–1395
January 16, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I appreciate the difficulty of your job, and the many weighty issues you must consider, particularly in these difficult times. I appreciate your strong leadership and the difficult decisions you are called upon to make.

I am in favor of the Microsoft antitrust case settling. I am disappointed the settlement has been held up for so long and view this as not beneficial to Microsoft, its competitors, the computer industry, or the US economy. I believe that Microsoft is great American company and has done many great things not only for the computer industry, but also for the US economy as a whole. I am supportive of the work they have done to make technological advances. I would like to see the parties involved in this case move on so that Microsoft may continue to innovate. I believe that any further delays will be detrimental to our nation.

The settlement agreement should satisfy those who feel Microsoft has engaged in any anticompetitive behavior. The changes purported in the agreement are fair to all parties involved. There is no reason to continue the litigation. Monies being spent on litigation would be better put to use in research and development, an area that has helped our nation maintain a competitive edge in technology and remain a leader among nations.

Thank you for considering these comments.

With greatest respect,
Patricia Antlitz

MTC–00012003

From: Dean Parsons
To: Microsoft ATR
Date: 1/15/02 7:42pm
Subject: microsoft settlement

Dept. of Justice.

This is a great company in a great country. Microsoft built a better mouse trap and people want it. This country was build on competition, and great ideas. We should have more people like Bill Gates, and no more Bill Clinton.

This is a hugh waste of tax payer dollars. And I for one have seen enough waste to last a thousand years. For anyone that is crying about Microsoft,if you can't stand the heat, get out of the kitchen.

Sincerely
Dean Parsons

MTC–00012004

From: l.m.james@att.net@inetgw
To: Microsoft ATR
Date: 1/15/02 7:43pm
Subject: Microsoft Settlement

SETTLE!!!!! This is a ridiculous, old, tired argument and Microsoft has awesome products at fair prices that have never harmed anyone. They have made my life at home and running my own business easy! I am so happy with their product, and as a business owner I hope the government does not decide to sue every successfull company Americans make!

Laurel James

MTC–00012005

From: Cecelia Breidenbach
To: Microsoft ATR
Date: 1/15/02 7:43pm
Subject: Microsoft Settlement

I can't believe how long this litigation has dragged. With all that has happened, it seems prudent to wrap this up. The states holding out are, in my opinion, are more than greedy—in that they turned down the MSN gift of computers for their schools. I believe they are holding out for $$$ which I hope they don't get.

MTC–00012006

From: Robert Wright
To: Microsoft ATR
Date: 1/15/02 7:43pm
Subject: MICROSOFT SETTLEMENT

TWO VOTES FOR SETTLEMENT NOW—
ROBERT C. WRIGHT
SUSAN V. WRIGHT
1524 HARVEST LANE
MANASQUAN NJ, 08736

MTC–00012007

From: Laurent Tardif
To: Microsoft ATR
Date: 1/15/02 7:44pm
Subject: Microsoft Settlement

I'm a research fellow at Monash university.

I read the judgment and all the informations given on the Proposed Final Judgment in the US v. Microsoft case on the java-sun web site. I'm quiet surprise, that the judgment give only restriction to the midleware and OS issues. The judgment doesn't give restriction on the key points, for my point of view.

I give a example. I designed a plug-in to visio, a microsoft product. To design this plugin, the documentation tell me that I can write my plugin in visual C++ or visual basic. Two microsoft languages. To write and compile such language I needed to buy a license to be able to write the application. (at the same time, we can notice that the microsoft compiler for C or C++ language doesn't not provide a full implementation of this language, which decrease the possibility to compile an application written in C under unix/linux on windows system).

After buying the Microsoft visual suite, I need to access some API information, to do so, because the free information are useless I need to buy a license to access the developer web site of microsoft.

I used to use netscape to browse the web, the microsoft web site is unaccessible with this browser, most of the page are unreadable. So I need to set up internet explorer.

So, in conclusion, to write 200 lignes of code, I have to buy 3 microsoft license, and install 4 microsoft products. if that, is not taking advantage of the situation, what is it.

Also the judgment doesn't say a word on what microsoft did on free-standard, like html, or XML today. The free standard allow, in the idea, every body to access information, from every operating system, every browser. But microsft doesn't not provide a full implementation of these standard, and add some private extension inside. The effect, is, the HTML (xml now) page written by microsoft application is only readable under microsoft.

Ask to people using linux/unix, how many html pages they can't read, because of some microsoft features.

Also, nothing is said about the policy of microsoft to provide free/cheap license to school, university of microsoft product. The effect, is that new student / child know only microsoft product. And because when you buy a new computer you have microsoft on, most of the people don't know they have other solutions.

Laurent
Laurent Tardif
Monash University
mailBox 36—Building 26
School of Computer Science and Software engineering
Clayton Victoria 3168
Australia
Phone : (03) 99055779
www.csse.monash.edu.au/tardif/

MTC–00012008

From: david thurlow
To: Microsoft ATR
Date: 1/15/02 7:49pm
Subject: The Microsoft Settlement

It is high time the Government's case against Microsoft was settled. To continue this protracted litigation against Microsoft is a waste of taxpayer dollars and a major contribution to the legal profession who control far too much in America and represent competitors who want a bigger piece of the pie without earning it through competitive effort.

The State Attorney Generals are no more than a vested interest group seeking to transfer wealth from a creative, productive enterprise and it's shareholders to the legal profession and causes espoused by them.

Look what has happened in the tobacco settlement—the enormous funds extracted from tobacco companies ostensibly to be used in programs aimed at reducing teen smoking habits has instead been used by most states to balance state budgets. Where is the integrity and fairness in that—and at what cost in legal fees. Why doesn't government stand up to the legal profession and control excessive fees paid in this type of litigation?

Throw out the States case and let Microsoft get back to participating in the resurgence of our damaged economy.

David Thurlow

MTC–00012009

From: Bettye Ray
To: Microsoft ATR
Date: 1/15/02 7:50pm
Subject: Microsoft Settlement

Think it is time to settle this and move on to other things. Microsoft has had enough and other things are more important now. Enough is enough.

MTC–00012010

From: Joy Buck
To: Microsoft ATR
Date: 1/15/02 7:55pm
Subject: Settle Microsoft

This is a free country. Yes, Bill Gates has become a millionaire, however, he had the brilliance to do so. If you personally had the foresite to pursue as he did, would you be a little upset about the government involvement in your business? I think you need to leave his business alone.

Joy Buck

MTC–00012011

From: G. Franklin South
To: Microsoft ATR
Date: 1/15/02 7:56pm
Subject: Microsoft Settlement

It is difficult for me to understand why there is still so much controversy about settling The United States versus Microsoft, when the United States and nine of these 'united states' have accepted a proposed settlement. Nine other states, supported and encouraged by competitors of Microsoft, seem to question the wisdom and the veracity and the ability of their litigation partners to monitor and enforce the provisions of the proposed settlement.

I fail to see how continued litigation and argument and rehash is going to benefit me as a computer user. For that matter, I still do not see how I have been disadvantaged or overcharged by Microsoft. As an example, I used the Netscape Communicator for almost a year, but then downloaded Internet Explorer and after some use, decided that I liked the Explorer better. On the other hand, even though I use Microsoft Word, I do not use Microsoft Excel, but rather use IBM Lotus 123. I read the argument that the competitors of Microsoft do not have a level playing field, that they are disadvantaged by Microsoft size and market share. I do point out that not too many years ago, IBM was in a similar position—they had a monopoly on the data processing business. I dare say that many competitors by hard work and improved technology have disproven the argument that you can't compete against the big bully.

I think it is time for those state attorney generals who are trying to disrupt a proposed settlement of United States versus Microsoft, written, reviewed and accepted by the US Department of Justice, and nine states, to put personal ambition aside for the good of all of the data processing users. I believe it is next to impossible to try to substantiate how further delay is going to reward individual users of computers and computer software.

MTC–00012012

From: David Hoech
To: Microsoft ATR
Date: 1/15/02 7:58pm
Subject: Microsoft Settlement

I believe it is in the best interest of the consumer to drop all charges against Microsoft. Shame on the justice department for letting criminals such as ADM continue to screw America and want to take down Microsoft

MTC–00012013

From: Patty J. Le Beau
To: Microsoft ATR
Date: 1/15/02 9:12pm
Subject: Microsoft Settlement

PLEASE SETTLE

I am loyal to Microsoft because I love their products and firmly believe if left to the other computer companies we would still be in the dark ages. Microsoft is a company which has done much for the U.S. and much for computer users, both business and personal. I don't understand why people keep messing around with them. I for one am sick of it.

PLEASE SETTLE

Patty Le Beau
lebeau@thesurf.com

MTC–00012014

From: GibIV@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 8:00pm
Subject: Government should look at PRIORITIES. .

IF the U.S. Government spent the money,time and resources on the war against terrorism, cancer research, education instead of wasting OUR TAX $$$ on this matter our country would be way better off, The only potential here is to stifle innovation and creativity and without that we would be just another third world country instead of a great superpower that owes it's strength to innovation and creativity to the likes of Microsoft.

MTC–00012015

From: Cliff Magnussen
To: Microsoft ATR
Date: 1/15/02 8:00pm
Subject: Microsoft Settlement.

I believe this settlement is fair, Microsoft, as far is I'm concerned is a great Company, the amount of technology that they have passed on to the public is more than any Company would normally do. Lets get on with it, and SETTLE !!! and let Microsoft do it's job, and get this all behind us, it has been far to long in coming.

Cliff Magnussen

MTC–00012016

From: HoTaxLady@cs.com@inetgw
To: Microsoft ATR
Date: 1/15/02 8:02pm
Subject: Microsoft Settlement

I believe it would be in the interest of the global economy to settle this lawsuit quickly and swiftly.

One must take under consideration that Microsoft has not just made itself wealthy but has spread the wealth among many people—its own employees and many outside stockholders. Matter of fact the stockmarket began to spiral downward the moment you started messing with the company. Please consider that Microsoft has donated millions to good use and is continuing to do so. That does not erase some of the tactics Microsoft might have used in obtaining business that you consider illegal and for which Microsoft will suffer consequences and already has. Punishing the company more and more and breaking it up into pieces will not help many folks. Look at what has been done to the telephone company in Washington State. The negative effects are still felt today and that was 15 years ago. Sure it has brought about many small competitors which meanwhile increased the bankruptcy numbers of this country. It is a good thing that you let folks speak out for or against Microsoft. Thank you.

MTC–00012017

From: Carol
To: Microsoft ATR
Date: 1/15/02 8:05pm
Subject: litigation ended or prolonged

In the interest of all, lets get to the bottom of this fast and resolve it. All want the freedom to be innovative, and we should not be curtailed; however, there must also be a way to protect the little guy and the weak in all charity, and not just at the whim or preference of the rich and powerful. Humility, fairness and charity of heart is needed here.

Carol Dixon Klein, Naples, Fl.

MTC–00012018

From: lillian ingram
To: Microsoft ATR
Date: 1/15/02 8:05pm
Subject: Bad Joke!

All the opposition to Microsoft is nothing more than the competition being unable to compete with the Research and Developments of MSFT. The government should butt out. MSFT has done more for this country than the others combined.

MTC–00012019

From: Jim Kilgore
To: Microsoft ATR
Date: 1/15/02 8:05pm
Subject: Gov't vs Microsoft

To Whom It May Concern:

Please stop using Microsoft as a political football. Leave them alone and let them innovate. I enjoy their products and I consider that the price they charge is reasonable. Why does the government not want companies to be successful?

Sincerely

James L. Kilgore

MTC–00012020

From: Lemastfam@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 8:08pm
Subject: No Subject

To Whom it May Concern:

I was disappointed to see that the Government refused Microsoft's offer to donate 1 billion dollars to the schools of the United States. The children of this country will be the ones who lose. I thought this administration was the Education administration but with this decision it makes me question if the government is really interested in education.

Lawrence E. Mast

MTC–00012021

From: lbstuart@webtv.net@inetgw
To: Microsoft ATR
Date: 1/15/02 8:09pm
Subject: Microsoft Settlement

It is about time to end this litigation which only serves to enrich the lawyers and give the politicians a platform to attempt to get votes. All of this is a great waste at a time when it serves to further slow economic recovery.

Please, put an end to it!

L. B. Stuart

MTC–00012022

From: Sandra Maino
To: Microsoft ATR

Date: 1/15/02 8:10pm
Subject: Settlement

It is about time the government needs to stop this witch hunt. Microsoft innovations have allowed the common man to enter the realm of technology by providing user friendly software and operating systems.

We are a country which allows competition among the industries, and if you have a good product, your company will flourish. Should we condemn Chrysler for selling more cars than Chevrolet and call them a monopoly? If the other software companies were so great, they would be another Apple or Microsoft.

Perhaps in our down economy, the Justice Department would like Microsoft to become another Enron.

MTC–00012023

From: AGGIECHURC@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 8:10pm
Subject: microsoft

Hi Microsoft is the best company in the world. The justice department has ruined a great economy by trying to bread up and control Microsoft & the rest of the computer science world. Just leave private enterprise alone. The government spent millions of dollars that could have been given back to the tax payers, because it is our money, but or no Clinton was in the pocket of the California computer science group. Just think of all the money spent by the government and Microsoft combine, the tax payers could have been buying all kinds of new computers and software, that would have been very good for the economy. Get off Microsoft's back and let it innovate for the good of us all. Good by.

MTC–00012024

From: Brassytrader
To: Microsoft ATR
Date: 1/15/02 8:13pm
Subject: Microsoft Settlement

Enough is enough, Microsoft has done more for the computer industry and the economy in general than any corporation in history. The competition failed to realize that proprietary and non integrated technology has no place in the computer industry and have become part of our economic slowdown. (I remember well the pre Windows era when new programs did not work without re-configuring the whole operating system, now thanks to Microsoft it all works together) Please drop this ludicrous litigation and let Microsoft get on with the business of helping the country move ahead.

Regards,
Michael Harrington. 5097477412

MTC–00012025

From: AToll1211@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 8:12pm
Subject: Re: Microsoft Settlement

Dept. of Justice:

Please tell me by what ''moral'' right the goverment of The United States of America goes after, with such malice, one of America's greatest companies and one of this countries greatest businessmen?

Could ANYONE in the Dept. of Justice write one piece of software or produce any goods that could be marketable?

I strongly suggest that this government leave it's most productive citizens alone because what you are doing is so immoral that you are not only damaging the company Microsoft but all the millions of people who have invested in this company. He, unlike the government did not steal anyone's money but produced a product ''better'' than his competitors. This is precisely why he/Microsoft is being punished.

The attack on this country from within is far greater than from outside.

I urge you and your immoral laws to simply ''LEAVE THEM ALONE''!

MTC–00012026

From: MelHorwitz@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 8:17pm
Subject: Microsoft litigation

Please cease the expensive litigation surrounding Microsoft. The effort thus far has been detrimental to our economy and an example of businesses that could not compete in the marketplace trying to compete in court. This is an everchanging playing field and open to anyone with new and good ideas. ENOUGH is ENOUGH>

Melvin Horwitz
223 Ludlow Road
MAnchester, CT 06040

MTC–00012027

From: W. Roger Gehman
To: Microsoft ATR
Date: 1/15/02 8:19pm
Subject: Microsoft Settlement

Sirs,

Let's end this farce and let Microsoft get back to doing what they do best. This whole case was nothing more than a big political football cooked up by Microsoft competitors, with the full cooperation of the Clinton administration, and Attorney General Reno. She investigated everything imagineable, except what was really in need of investigation—-namely her boss, the President!

Warren R. Gehman
126 Park Avenue
Miunt Joy, PA 17552

MTC–00012028

From: Okey McQuain
To: Microsoft ATR
Date: 1/15/02 8:04pm
Subject: Microsoft settlement

Do not appeal Microsoft settlement. Please let Microsoft alone.

Okey McQuain
227 Evergreen Drive
Elkins, WV 26241–3007
e-mail —- omcquain@neumedia.net

MTC–00012029

From: WPear76@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 8:21pm
Subject: Microsoft Settlement

I think it is not the american way to penelize a company for working hard. taking the risks involved, and making a success.

I further feel that it is envy, or jealousy on the part of the others to accuse Microsort of being a monopoly. after all, one of the biggest monopolies of all time is the U S Postal Service, and their service is poor in many cases, They fail to perform a suitable service to the american public. So I say ''Lay off microsoft, and let then continue to provide services that have became essential to the american public.

William H Pearson.

MTC–00012030

From: Khwbc@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 8:22pm
Subject: Microsoft

This agreement that Microsoft has offered is more the gererous so this argument should be settled once and for all.

Kathryn Wells

MTC–00012031

From: Srinivasa Eedarapalli
To: Microsoft ATR
Date: 1/15/02 8:24pm
Subject: Microsoft Settlement

Microsoft Settlement is great for consumers. I do not see that Microsoft was at fault in the first place. Judge Penfield Jackson just used his personal opinions arrive at a rash judgement. His judgement should have been thrown out atleast after listening to his post trial comments.

I am a Technology Consultant and I know how SUN & Oracle loot Companies with thier high priced products. AOL—Look who is talking about misusing monopoly. AOL refused to let other instant messengers to integrate with their version. Their advertisements say ''all my friends are in AOL (basically their instant messenger)'', saying that if you do not take AOL internet access you will miss out on istant messages to your friends. Is this not misusing monopoly? Is this good for consumer?

Let companies compete in marketplace. Not go to governament for help compete.

Srinivasa Raju Eedarapalli

MTC–00012032

From: Carole Joy
To: Microsoft ATR
Date: 1/15/02 8:23pm
Subject: mircrosoft ruling. . .

I believe that who ever invents and sells their product should be allowed to keep it fully theirs and all the profit from it. . . . .Microsoft did the research, work, invention, and building of the product and should be able to reap its reward for it. carole taylor

MTC–00012033

From: Frank Spencer
To: Microsoft ATR
Date: 1/15/02 8:25pm
Subject: microsoft settlement

It is in the interest of this voting family to resolve tthe Microsoft issue as soon as possible, and we urge the courts to quickly and fairly resolve the current litigation.

Frank & Pam Spencer

MTC–00012034

From: Tom Bires
To: Microsoft ATR
Date: 1/15/02 8:26pm
Subject: You got the wrong guy

With all due respect, Microsoft is not the bad guy in the world of computers. As a software developer and user for the past 26 (yes 26) years, I can say that Microsoft has been a breath of fresh (and inexpensive) air in a world of otherwise expensive computer hardware and software. Just look at the price for any of the standard PC applications we know and depend on. Word processors, spreadsheets, databases, personal information managers, and yes Web browsers. Microsoft has employed the standard economies of scale to slash prices on all of these major applications at all times in their history. How can that be bad for consumers. Does our justice department really think that we are not paying enough for our software. All of these applications on all other platforms over the past 25 years were MUCH more expensive before Microsoft entered the market. Sun Microsystems, the chief Egger Onner of the Justice Department against Microsoft is a prime example of a company with proprietary hardware and limited market software and the resulting MUCH higher prices for all major applications—not to mention slower performance relative to the incredibly fast Pentiums which are a direct result of the beneficial mass marketing efforts of Microsoft and Intel. Go after Sun if you want to punish a company that tries to corner a market and turn the screws on its customers.

I have lived the computer revolution from the inside and can say with no qualms, ''You got the wrong guy.''

Please feel free to contact me if I can clarify or elaborate.

Thank you for taking time to listen,
Tom Bires
Thomas L. Bires
Application Networks
444 Ramona
Palo Alto, CA 94301
(650) 289–1048

MTC–00012035

From: John W. van der Hulst
To: Microsoft ATR
Date: 1/15/02 8:28pm
Subject: Settlement

I encourage the Government to settle this matter ASAP. Microsoft's offer appears appropriate. Our economy needs this company to concentrate all its resources on developing and exporting its technology, not endless legal maneuvering with the Justice department.

John van der Hulst

MTC–00012036

From: SUE BONK
To: Microsoft ATR
Date: 1/15/02 8:32pm
Subject: Microsoft settlement

Please settle this suit, it would help the economy, especially since it was the beginning of our economic slump and until this is settled, we will remain in a slump. Microsoft leaders are not bad guys, Enron leaders are bad guys, can't you see a difference????

S. Bonk

MTC–00012037

From: Durand C. Waters
To: Microsoft ATR
Date: 1/15/02 8:34pm
Subject: Fwd: Returned mail: see transcript for details

Note: Forwarded message attached.

Durand C. 'Randy' Waters

How can you even seriously consider allowing Microsoft wo gain an even bigger hold on the software market and drive schools away from their beneficial relationship with other systems that they have used for years, such as Macintosh, UNIX and LINUX.

If you allow this to go as the accused is asking, you will have lost any credibility that you may have had.

Durand C. Waters
5922 Brook Falls
Windcrest, TX 78239–2648
Durand C. 'Randy' Waters

MTC–00012038

From: NJWRESEARCH
To: Microsoft ATR
Date: 1/15/02 8:34pm
Subject: Mocrosoft Settlement

Please settle case as is. States' continuance will be against consumers' best interests.

Gerry West

MTC–00012039

From: hodgson@gogol.humnet.ucla.edu@inetgw
To: Microsoft ATR
Date: 1/15/02 8:38pm
Subject: http://www.usdoj.gov/atr/cases/ms-settle.htm

Having read the relevant documents, I am persuaded that the U. S. Government has caved in to special interests. This is particularly distressing, since it coincides with the recent change in federal administration.

Puteracy is a new medium. America is playing a world wide role in defining its parameters. It would be a disgrace if we were to stifle competition at this early stage.

Microsoft must not be allowed to bully the American people, or the world.

Yours truly,
Peter Hodgson
[Emeritus Professor]

MTC–00012040

From: Ernie12237@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 8:35pm
Subject: Microsoft settlement

This case against Microsoft doesn't make much sense to me.

Compare it to Ford and General Motors. Lets say Microsoft is General Motors who makes a very good pickup truck and is equipped with a very good Chevy engine. Prior to this Ford had a better engine but the GM engine now out performs the Ford. Now here comes Ford who thinks it is unfair that GM is selling so many more units with the Chevy engine than Ford sells so they get the Government to try to force GM to put a Ford engine in the GM pickup.

What would DOJ do in a case like I just explained?

Microsoft does not have a monopoly, they just build a better product. No one says another company cannot design something better but if they did, people would buy it. Computer users want the best regardless of who makes it. If people want to buy a Chevy pickup, they want a Chevy engine in it, not a Ford.

If this settlement is supported, it will smell of politics supported by only the lawyers that are pushing it and the outlandish fees they will reap.

Ernie Aufenkamp
Mission, TX

MTC–00012041

From: (123)USER(u)FIRSTNAME(125) (123)USER(u)LASTNAME(125)
To: Microsoft ATR
Date: 1/15/02 8:36pm
Subject: Micrsoft Settlement

Gentlemen:

It is my belief that the proposed settlement by the U. S. DOJ is fair and equitable and should be adjudicated on that basis promptly.

Ronald Matthews
San Diego, Calif

MTC–00012042

From: Terrie Takemoto-Sua
To: Microsoft ATR
Date: 1/15/02 8:35pm
Subject: Microsoft settlement

The Microsoft case should be settled. I am extremely disappointed that the suit has returned to ligitation.

I felt that the agreement was fair to all parties involved. That is the last thing the US economy needs. . . . .

Please do not drag this on. Let us get a settlement as quickly as possible.

Terrie Sua

MTC–00012043

From: S. A. Cranney
To: Microsoft ATR
Date: 1/15/02 8:36pm
Subject: Microsoft Settlement

Gentlemen:

I would ask the United State Justice Department to drop the Microsoft case and let them get on with their work. It is plain and simple, the government has egg on its face and should cut their losses and take care of more important matters.

Thank you,
Spencer A. Cranney
1760 North 400 East
North Logan, Utah
84341
(435) 752–2273

MTC–00012044

From: Ruthanna Wolf
To: Microsoft ATR
Date: 1/15/02 8:36pm
Subject: Microsoft Settlement

Think you MUST accept Microsoft's offer. Suggest you research the history of computers in education (a field I worked in for years)—that research will show that Apple got special government privileges and perks for donating Apples to Schools around the country in the early 1980's. That is why the education system is behind the rest of the computer world in system implementation and design.

Suggest you give the school professionals a chance to ''catch-up'' with M/S's offer to assist US Schools.

And that should end the entire matter.

Ruthanna Wolf
Whittier, California 90603

MTC–00012045

From: Susan Brunasso
To: Microsoft ATR
Date: 1/15/02 8:37pm
Subject: SETTLEMENT OF MICROSOFT LAWSUIT

GENTLEMEN

I think getting MicroSoft to donate $1 Billion in equipment and/or services to the US Public School System is great for America. I wish more settlements of this nature were made that would benefit the general US Public. I would add that some of this settlement value should be given to the private schools also. Maybe the value could be appropriated in porportion to the students are in the overall school population. Thank you & ''go get the money from MicroSoft for the People!''

Mario V. Brunasso

MTC–00012046

From: Beth (038) Bob Vogt
To: Microsoft ATR
Date: 1/15/02 8:41pm
Subject: Microsoft Settlement

To Whom It May Concern:

I feel that the Federal and State Governments should have never gotten involved in this case. There is no telling how many years they have set back free enterprise and initiative. Please get this case settled fairly. Do not believe all the sour grape sources that are anti Microsoft and want a free ride. I have used Microsoft products going back many years. I have found their product to be well integrated and thus easy to use between platforms. I can't stand to think what can become of this good company and their products if their adversaries have their way.

Sincerely,
Robert A. Vogt

MTC–00012047

From: ABrisolara@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 8:38pm
Subject: Microsoft litigatin

It is apparent that the original steps taken to pursue litigatin against Microsoft was politically motivated. Microsoft has enabled the ordinary individual to become com- puter competent. The various programs developed have been a boom to users and to the economy. Any punitive action would appear to smack of jealousy.

Somehow the entire process has done nothing but collapse the computer industry. We hope that the case would be dropped, so the public can continue to receive the kind of service which Microsoft has been able to afford its customers, not to mention the many who have benefitted from its charitable donations.

The Brisolara Family

MTC–00012048

From: MANYAKA8@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 8:40pm
Subject: Microsoft Settlement

Gentlemen or whoever it may concern:

It's high time to put the Microsoft suit and settlement to bed. The current settlement perameters are fair to both sides. No more court time or monies should be spent persuing more penalties against Microsoft. Most states have agreed to the latest terms. What are the other nine or so looking for? More bucks?

There are plenty more pressing items our federal and state governments and politicians should be spending their time on.

MTC–00012049

From: JPEO826@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 8:42pm
Subject: DOJ SETTLEMENT FOR MICROSOFT

This is to strongly recommend that the proposed DOJ settlement of the Microsoft litigation be upheld.

John Peoples

MTC–00012050

From: MIKE ESS
To: Microsoft ATR
Date: 1/15/02 8:42pm
Subject: Microsoft Settlement

Hi, My name is Mike. I am 16 yrs old. Microsoft Corporation should be required to include Java with Windows XP. I go to a chat room called Wetbuster. Its for kids that wet the bed and have wetting problems. Its a place to talk and cope about it. You need Java to chat there, if there is no more Jave, then there no more wetbuster. Also tns of people wont beable to chat there either if you take it way. So please keep java. THANK YOU MIKE

MTC–00012051

From: Jim
To: Microsoft ATR
Date: 1/15/02 8:41pm
Subject: Microsoft Settlement

To Whom it may concern, I believe the settlement with Microsoft is fair. Let's not waste any more time and money regarding this issue. This is what stiffles free enterprise and a strong economy. Let everyone get back to work on the important things.

MTC–00012052

From: Carole
To: Microsoft ATR
Date: 1/15/02 8:41pm
Subject: Microsoft Settlement
501 TidePointe Way #5118
Hilton Head Island, SC 29928–3053
January 14, 2002
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I support the Department of Justice's endeavors to settle the Microsoft antitrust case. This case has dragged on for far too long, and a rapid conclusion is in everyone's best interest.

The settlement agreement in its present form is quite reasonable. The federal judge should approve the agreement, and all parties should move forward. No further federal action is needed or justified.

I am particularly impressed with the concessions Microsoft has made in the interest of resolving the case. In essence, Microsoft is making it easier for its competitors to compete. Microsoft's concessions include the agreement to allow computer makers rights to promote software other than Windows; the agreement to not retaliate against software developers who promote software other than Windows; and the commitment to not enter into contracts with retailers or distributors to exclusively sell Windows technology, to name a few.

I appreciate your ongoing efforts to resolve this case.

Sincerely,
Carole Fowler
cc: Senator Strom Thurmond by snail mail
you also will receive a copy by snail mail

MTC–00012053

From: Margaret (038) Doug Green
To: Microsoft ATR
Date: 1/15/02 8:42pm
Subject: Settlement

Will you please do the whole world a favor and drop these charges? We don't need the same settlement we had with our phone system years ago.

MTC–00012054

From: Richard W Carr
To: Microsoft ATR
Date: 1/15/02 8:43pm
Subject: SETTLE THE CASE

ENOUGH IS ENOUGH. . . . . WHY SHOULD THE WHOLE COUNTRY SUFFER FOR THE WHIMS AND JEALOUSIES OF A FEW. . . . . AS I HAVE STATED BEFORE, THIS IS A WORLD OF COMPETITION. . . .IF THOSE WHO ARE WHINING ABOUT MICROSOFT WANT TO DO SOMETHING, LET THEM BUILD A BETTER MOUSETRAP. . . . .

MTC–00012055

From: CobraBitten@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 8:45pm
Subject: Please. .

To whom it may concern,

Please, support the settlement and stop wasting money. Prevention is the key, learn from it and set up preventative measures.

Sincerely,
Geoff Morrison??

God's judgment may not be immediate, but it is inevitable.

MTC–00012056

From: Erik N. Funk
To: Microsoft ATR
Date: 1/15/02 8:46pm
Subject: Microsoft Settlement

Dear Department of Justice:

Please record this citizen's petition to let the market decide the fate of Microsoft. . . this will allow the Justice Department to focus its considerable energy on people who and corporations that have actually done something wrong besides facilitate development of standards and make great software.

Best regards,
Erik Funk

MTC–00012057

From: Charles Barrett
To: Microsoft ATR

Date: 1/15/02 8:48pm
Subject: microsoftsettlement

I am retired from a successful partnership farming operation with my Father and Brother which lasted 52 years; so you see I have had a lot of experience. I own a personal computer and have had several programs in it and the one I like best, which I was not forced to buy is Microsoft. I think they are a very brilliant and advanced company. I think that since a majority of the states involved in the litigation against Microsoft have elected to settle the suit, I think the remaining states should settle also.

The settlement would be good for the economy and for our Nation. Thank You for a ''voice'' in this important litigation.

Charles R. Barrett
charlelyme@intplsrv.net

MTC–00012058

From: JasonAllen12@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 8:48pm
Subject: Microsoft Settlement Please install JAVA in there XP operating softwear

Hi

My name is Jason, I go to a support chatroom for kids that uses Java softwear

Microsoft has taken the Java softwear out of its XP computer softwear. Without the Java in the XP format that means other kids who dont have it cant get support from support chatrooms. Please consider having them put it back in their XP format so that adults and kids can get support online. Thank you

MTC–00012059

From: TOM (038) SUE PONTIUS
To: Microsoft ATR
Date: 1/15/02 8:51pm
Subject: Settlement

Please settle the Microsoft case, it is fair to all but most importantly the consumer!

Tom and Sue Pontius
Mariemont, Ohio

MTC–00012060

From: Arcilla, Ryan
To: Microsoft ATR
Date: 1/15/02 8:52pm
Subject: Microsoft Settlement

Dear Department of Justice,

I strongly agree with the proposed Microsoft settlement. I question the motives of the nine states that refuse to join in the settlement. Is it a coincidence that these states are the home to some of Microsoft's rivals? Obviously not. I hope these non-joining states are looking out for consumers and not for Microsoft's competition.

I use Microsoft products and I also have a choice on what to install on my computers. I also use Linux, StarOffice from Sun, and a host of other non-Microsoft products. Consumers always had a choice.

This settlement should come to fruition. The non-joining states should reconsider.

Sincerely,
Ryan Arcilla

MTC–00012061

From: Michael A Waller
To: Microsoft ATR
Date: 1/15/02 8:57pm
Subject: Microsoft Antitrust settlement

To whom it may concern. . . .

I believe that the Microsoft settlement is fair.

It's time that the DOJ realizes that Microsoft makes a greater contribution to the world of technology and the overall growth of our economy than the negative impact of their aggressive practices. I am in favor of the DOJ accepting the settlement and stopping the remainder of litigious actions in play.

Get on with life. There are bigger fish to fry.

Regards,
Michael A. Walter
25 Lexington Road
South Barrington, IL 60010

MTC–00012062

From: Deborah Kaplan Clancy
To: Microsoft ATR
Date: 1/15/02 8:57pm
Subject: Microsoft Settlement

The Microsoft vs DOJ case has gone on long enough and wasted enough taxpayer money. I think and thought the case should have been dropped long ago. But, since that is not what happened, I implore you for a speedy resolution.

It's time to end this lawsuit.

I believe Microsoft DOES have the interests of the consumers at heart and believe this company should be left to do what it does best—create software. Because of Microsoft technology many companies are able to run their businesses better and faster.

The DOJ should move on to more important matters.

Sincerely,
Deborah Kaplan Clancy

MTC–00012063

From: Fussweg@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 9:01pm
Subject: Microsoft Settlement

Let's put an end to the hounding of Microsoft, easily the most innovative and influential company of the last decade. As a computer geek (but not part of Microsoft), I was in the business when there were literally dozens of brands of personal computers, each with their own operating system and software. IBM's open architecture and Microsoft's DOS and Windows operating system put an end to the chaos. Microsoft's Office and email have become such a standard that it would be difficult to imagine a modern company without them. I also believe that the suit against Microsoft was the beginning of the stock market downturn. Yes, Microsoft has become a large company. Yes, Microsoft has zealosly positioned itself as the market leader. Yes, Microsoft's Windows is now the world standard and has become one of the great American success stories. Microsoft should be allowed to continue it's journey unshackled by excessive regulation. Please, allow them the ''Freedom to Innovate''.

Thanks,
Mac Salfen
Arlington, Texas

MTC–00012064

From: jsb
To: Microsoft ATR
Date: 1/15/02 9:01pm
Subject: microsoft settlement

To whom it may concern:I would urge you stongly to approve the microsoft settlement!!!Microsoft provides real jobs to our country which are desperately needed.To continue this costly litigation under the guise of faciltating competition is a sham on our country.I am a hard working citizen and its time to end this horrible litigation to help out other competitors.

If these competors cant make a better product that is there problem.Thanks for your consideration.

MTC–00012065

From: Hgknuth@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 9:02pm
Subject: Microsoft settlement

The provisions of the agreement in the Microsoft settlement are tough, reasonable, fair to all parties involved, and go beyond the findings of Court of Appeals ruling. Consumers, including myself, overwhelmingly agree that the settlement is good for us and the American economy, and we, overwhelmingly, want to move beyond this litigation. Yet 9 state's attorney generals refuse to listen to the citizens they serve, and refuse to accept the settlement.

It is long past time to take whatever action is necessary to get them on board and move on (a 2x4, maybe)! This process has gone way past helping the public, and is now actually doing harm. Thank you, Harvey Knuth 160 Regency Dr Conway, SC 29526

MTC–00012066

From: Bill Williams
To: Microsoft ATR
Date: 1/15/02 9:03pm
Subject: Microsoft Settlement.

Please, enough is enough. Within the last thirty days I had sent an email to you folks praising you on coming to an agreement concerning Microsoft. Again I believe the settlement to be fair to all parties and now we must move on.

Please do all possible to bring this case to a swift close.

Regards,
W. G. Williams

MTC–00012067

From: Donald E. Olsby
To: Microsoft ATR
Date: 1/15/02 9:04pm
Subject: Microsoft Settlement

To all concerned. Would you please take the offer Microsoft has put on the table. It may serve you well to get out and about to realize how much Microsoft has helped our children. I am unable to understand how people are so selfish to deny our children the vast spectrum of the best and most innovative software in the world————— for FREE ! They have to be self serving !! If it so important to hurt Microsoft in some way take them out behind the barn and slap them with a wet noodle. Thank God for Bill Gates and family that shares wealth like no other family————-and for the children not the ''The States'' with there hands out to use it where?// Donald E. Olsby, Carol M. Olsby, Cynthia A. Olsby, Dean E. Olsby, Daniel S. Olsby, David E. Olsby, just another American family that knows the ''RIGHT THING TO DO''=Settle Now!!!!! Go Microsoft

Corporation they can't take your brains away!!
Donald E.Olsby

MTC–00012068

From: Marge Moe
To: Microsoft ATR
Date: 1/15/02 9:09pm
Subject: microsoft settlement
This case should be settled immediately, it has gone on far too long. I suspect the only reason is to get more money from Microsoft. Please settle this so we can continue to receive the benefits of Microsoft's innovation.

MTC–00012069

From: charles jantho
To: Microsoft ATR
Date: 1/15/02 9:09pm
Subject: microsoft settlement
IT IS MY SINCERE AND EARNEST OPINION THAT THE MICROSOFT SUIT BE SETTLED IN ITS' FAVOR IN THE MAJOR PART AND IMPLEMENTED AT THE EARLIEST DATE.
THANK YOU,
CHARLES ROBERT JANTHO
133 WELCOME ALLEY
BALTIMORE, MD. 21201

MTC–00012070

From: rbsox@att.net@inetgw
To: Microsoft ATR
Date: 1/15/02 9:13pm
Subject: Microsoft Settlement
I do not own Microsoft Stock, but I use their products. No, I depend on their products and I also need their updates and innovation to continually improve the way things work for me. I do not support the concept that Microsoft has done anything wrong. Rather, I feel that they are being penalized simply for being successful at doing what they do.
Please do not take any punitive action toward them; rather, please reward them for their important contributions to our productivity and enjoyment of life.
Sincerely,
B. Richard Bowersox
A long-term resident of Ohio.

MTC–00012071

From: Malini Balakrishnan
To: Microsoft ATR
Date: 1/15/02 9:14pm
Subject: microsoft settlement
I believe that the Micrsoft case should be settled as quickly a spossible, and that the current setlement agreement is fair to all parties concerned.
Malini Balakrishnan

MTC–00012072

From: Ben Vega
To: Microsoft ATR
Date: 1/15/02 9:17pm
Subject: Microsoft Settlement
Let's get on with it. Have you not caused this Company enough unwarranted grief? Or do you think that prolonging the fiasco will serve to get your brain addled fifteen minutes of fame?

MTC–00012073

From: KATHIE MC CLURE
To: Microsoft ATR
Date: 1/15/02 9:17pm
Subject: Microsoft Settlement
To Whom it May Concern:
It is my opinion that the Antitrust Settlement that was made with Microsoft should be upheld in the interest of the economy and the furtherance of technology. I believe that the economy will suffer even more if the Microsoft case is not settled and goes back to court, especially in light of the events of September 11, 2001 and the war against terrorism. Thank you,
Sincerely,
Kathie L. McClure

MTC–00012074

From: Georgie Seitz
To: Microsoft ATR
Date: 1/15/02 9:23pm
Subject: Microsoft Settlement.
Microsoft is responsible for creating millions of jobs.
At a time when our economy is so poor, we need to get companies like Microsoft back to work full time and out of the court system. The longer this trial continues the more our economy will suffer. Millions of Americans have already lost their jobs, and millions more will lose them soon if there is not a spark of hope to ignite the economy and the consumer confidence.
People will not spend, if they are in fear of losing their jobs or worst yet, if they have already lost their jobs. Let's get on with it and let one of the leading forces of our economy lead us out of this recession before it turns into a depression. We do not have anytime to waste, this case must be settled immediately. Microsoft and Bill Gates should be given a medal of honor and the fact that there has been an antitrust suite brought against them is total ridiculous. The most important consideration today is getting America back to work, getting Americans to spend money, and getting the economy back to normal. There are not many corporation left that can clearly lead the way in doing this, but Microsoft can and has done so before. If we waste any more time, they may lose the momentum to spark a resurgence and that would be devastating to us all.
A settlement to the states would result in little more than the outcome of the tobacco settlement. The only winners were the states who frivolously have spent the settlements on everything other than what the money was intended for. Is that the governments intent here too? I implore you to settle this case so Microsoft can continue to make the strides it has in the past by creating a competitive environment with new technologies which create jobs for us all.
Thank you for your time and consideration.
Respectfully,
Georgie Seitz
Certified Senior Consultant
IBM Global Services—USA
27 Commerce Drive
Cranford, NJ 07016
Phone: 908–931–4918
e-fax: 707–313–2433
Email: gseitz@us.ibm.com
God Bless America. God Bless the US Troops.

MTC–00012075

From: Ambugnu@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 9:23pm
Subject: Microsoft suit
Let Microsoft get back to developing more programming options rather than spending time and money on court fights. Until Windows came along computers were only for people who had time, money and energy to learn intense programming. Microsoft opened it up to the whole world.
Bonnie Magure

MTC–00012076

From: Laverne Wilson
To: Microsoft ATR
Date: 1/15/02 9:23pm
Subject: Microsoft Settlement
How can you possibly delay the Microsoft Settlement? It appears to me that too much has been made of a successful company that takes care of its employees and the other companies that Microsoft works with in the daily operation.
If you have so much time and money to spend please spend it on companies that take advantage of its employees and the other companies should be important to its day to day operation. Please settle with Microsoft as soon as possible and let them get on with what they do best. Make products that a tremendous number of United States citizens are very pleased to have at their fingertips.

MTC–00012077

From: Rita Silva—Home
To: Microsoft ATR
Date: 1/15/02 9:24pm
Subject: Microsoft Settlement
I think this whole entire case against Microsoft is absurd & should be dropped. In my humble opinion, Bill Gates came up with a good idea or two, developed those ideas and marketed them. There are those in the world who are jealous of his business skills and they decided to wreak havoc on Microsoft. I am disappointed that our judicial system would let this whole mess get so out of hand!
Rita F. Silva
8019 E. Troop Circle
Prescott Valley, AZ 86314
(928)772–2615—home
(928)442–5141—work

MTC–00012078

From: SBrown3633@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 9:26pm
Subject: Microsoft Settlement
I believe there should be a settlement. Enough already! Too much time and money has been spent on this. Let Microsoft spend its efforts creating its wonderful products for the consumer. Sandra Brown

MTC–00012079

From: BryanLizG@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 9:28pm
Subject: Microsoft Settlement
201 Freedom Court
Rockwall, Texas 75032
January 9, 2002
Attorney General John Ashcroft

US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

After three years I believe it is time to end the Microsoft antitrust case. The settlement that you have reached with Microsoft will end this case at least at the federal level. This settlement represents the most viable solution to date in this case, and that is should be put in place soon. Despite the contention by some that this settlement is not hard enough against Microsoft this settlement is fair and balanced. The settlement will end any contractual restrictions Microsoft may have that could possibly harm competitors. Furthermore Microsoft has agreed to share formerly secret information with competitors so they will be able to place their own programs on Microsoft's operating system. The only reason to continue this case would be to satisfy those with anti Microsoft bias, and this we should not do. This settlement will bring our country back towards economic health, and for that reason it should be supported. I do not want to see any more legal action taken against Microsoft. Sincerely, Bryan Griesbach

MTC–00012080

From: June
To: Microsoft ATR
Date: 1/15/02 9:05pm
Subject: microsoft settlement

PLEASE -SETTLE THIS SITUATION AND LET MICROSOFT DO IT'S JOB. DO NOT WE HAVE ENOUGH PROBLEMS IN THE WORLD WITHOUT DRAGGING THIS THING ANY FURTHER. WE NEED TO FOCUS OUR MONEY TOWARD SOMETHING CONSTRUCTIVE. IF SOME ONE WANTS TO BUILD HIS OR HER POLITICAL FUTURE LET THEM LOOK FOR SOMETHING OTHER THAN MICROSOFT. LET THE AMBITIOUS FOLKS AT MICROSOFT INVENT. AFTER ALL THEY DO IT BEST AND OTHERS WANT TO PROFIT FROM IT. SO FAR THE GOVERNMENT HAS ALLOWED THAT TO HAPPEN. JUNE HUBER 701 14TH NE EAST WENATCHEE, WA 98802

MTC–00012081

From: dgcj4
To: Microsoft ATR
Date: 1/15/02 9:33pm
Subject: Microsoft settlement

Dear Sirs:

This case has turned into another political,counter productive, bad for the country's economy and spirit exercise that too often occurs when soap boxes and greed are supported by competitors and those who covet the success of others. This has gone on far too long. Between a judge who used his position to most inappropriately foster his personal and perhaps others' prejudices and the politicians and lawyers who want to make many dollars by hiding their greed behind the hollow statements of justice for the common man , this case is an embarrassement to the country, our justice system and common sense. The common man, with free choices, has selected Microsoft products millions and millions of times— I suppose this would irritate a competitor. The ability of competitors to have the government use my tax dollars and resources to do their dirty work is disgusting. Having spoken to friends in other countries, we are the laughing stock around the world for, particularly in these times, forcing one of our most successful and creative companys to defend itself against the bottomless well of government. This certainly does represent me. There are many millions of people who understand that Microsoft may at some point played too hard ball in this highly competiive industry and some reasonable price is to be paid, but thus far it has gone beyond reason. We are not, and do not want a socialist government that discourages ambition and incentive. Our government is supposed to work for all people even those in business that work hard to grow and keep people employed have not chosen to base themselves in any number of other countries sho would be eager to have them. Settle this thing now and reasonably. The sooner the better for both sides and our country.

MTC–00012082

From: Karl Van Blankenburg
To: Microsoft ATR
Date: 1/15/02 9:36pm
Subject: Microsoft Settlement

Dear U.S. Department of Justice, Please proceed with settling the case with Microsoft. The United States has far more greater issues that it needs to focus on rather than continuing to pursue litigation against a U.S. company. I believe that the proposed settlement is fair and just. Please let us focus on the other pressing issues at hand to make this a better and safer place. Thank you, Karl Van Blankenburg

MTC–00012083

From: AL FRODERBERG
To: Microsoft ATR
Date: 1/15/02 9:36pm
Subject: Settlement

It is time to settle this case—the attorneys general have grandstanded long enough. I am tired of their political machinations. End it!

MTC–00012084

From: Motelman2@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 9:38pm
Subject: microsoft settlement

The Dept of Justice and all but nine states have spoken. The Microsoft matter should now be settled as proposed. The actions of the minority (9 states) should not be allowed to overrule the actions of the majority. In these times of economic uncertainty, we have better things to do with our energy and funds than to drag out the Microsoft matter unnecessarily. H. Johnson, New Jersey

MTC–00012085

From: Edward W. Hackett
To: Microsoft ATR
Date: 1/15/02 9:40pm
Subject: Microsoft Settlement

Please stop these never ending court cases. Settle the case and let MicroSoft go back to making the software we all need and use.———————— Join the world's largest e-mail service with MSN Hotmail. http://www.hotmail.com

MTC–00012086

From: Cdory22@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 9:44pm
Subject: microsoft settlement

My feelings on the remaining states holding out on the settlement reached,is one of unbelief. Microsoft and its products have never harmed me or anyone I know in any way whatsoever. For these holdout states to not settle on this fair agreement is not in anyones interest in this country. With the economy reeling and taxpayers dollars being wasted on further litigation is crazy. This company has done nothing but developed better products than the competition, which has benefited me and not harmed me in any way. I urge you to settle this litigation by accepting the tenative agreement reached, so this country can move along with innovating. Also this economy does not need anymore stumbling blocks. Thanks for letting me share my thoughts on this very important matter. I hope you choose to settle. Sincerely: Jeffrey D. Schmitt

MTC–00012087

From: Kenneth Bond
To: Microsoft ATR
Date: 1/15/02 9:44pm
Subject: Microsoft Settlement

Hi

TO WHOM IT MAY CONCERN

I would like to say how much Microsoft has added to my life by providing programs and software that an older person like myself can use and depend on and I think at a very reasonable price. I would hate to see all the progress Microsoft has made be destroyed in favor of competitor's that are trying to destroy Microsoft. Microsoft has brought the whole world into the high tech arena which has created millions of jobs and economic advances which will probably lead to many more. So I say lets not kill this horse because we have all benefited from it.

Sincerely,
Kenneth Bond
CC:Kenneth Bond

MTC–00012088

From: Larry Clason
To: Microsoft ATR
Date: 1/15/02 9:45pm
Subject: MicroSoft Settlement

I respectfully request that the Department of Justice not appeal the revised proposed settlement in the (Subject) case. I feel that further contest of the legalities and punishments would be a further waste of everyone's tax dollars—money that could be much better spent by each one of us to increase the quality of life for ourselves, our families, and our neighbors. Most sincerely,

Larry F. Clason
larryc@itis.com
112 N. Mills Street, #207
Madison, Wisconsin 53715

MTC–00012089

From: PegHMcL@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 9:47pm
Subject: Leave them alone.

It is my desire that you simply leave Microsoft alone. They have done so much for

our world, the computer age, and advances beyond belief. If they make money by doing so, then so what? Doesn't evryone need money? On top of that, they are giving back to our society, not only with unimaginable feats in techology, but through monetary gifts as well. GO! MICROSOFT!! Let's clean out our own closets, then maybe our views will be clearer. Peggy Youngblood

MTC–00012090

From: Paul Goetsch
To: Microsoft ATR
Date: 1/15/02 9:46pm
Subject: microsoft settlement

The time has come for all the states that are holding out to either settle or have it done for them. We have spent too much time and tax payers money already on a case that never should have started to begin with. . Please get off the dime. PR Goetsch

MTC–00012091

From: Bob McDermott
To: Microsoft ATR
Date: 1/15/02 9:51pm
Subject: Microsoft settlement

Please get off Bill Gate's back, & go catch some terrorists instead!!!!

MTC–00012092

From: raven3001
To: Microsoft ATR
Date: 1/15/02 9:53pm
Subject: Microsoft Settlement

It's sad with all the other things going on like the WTC, recession, and war, that people are so petty that they think they paid too much for a free browser. I think this anti-trust business has gone on too long and costing the tax payers too much money. I believe that this bogus lawsuit angst Microsoft is a bunch of money-hungry, sleazy lawyers and showboating bureaucrats trying to justify their existence.

Tired Of Hearing About small Petty Problems.

J. C. Oost.

MTC–00012093

From: Pat Collins
To: Microsoft ATR
Date: 1/15/02 9:57pm
Subject: Microsoft Settlement
P.O. Box 315
Belmont Street
Carbondale, PA 18407–0315
January 15, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

It is considerate of Microsoft, as the dominant source of hardware and software, to open its doors to competitors. I realize that they have been in an antitrust settlement with the U.S. government for three years. So I am glad that they will have a fresh new start in software development. One way that Microsoft is providing their expertise in software development is by configuring Windows so as to promote non-Microsoft software programs as well as their own. The interim release of Windows XP will ensure that computer makers, consumers, and software developers can promote non-Microsoft software within Windows. Not only will this benefit the computer manufacturers, but it will give choice to the consumers as well.

I am glad that the leading American company in software development will finally be released from the grip of this antitrust settlement. Now Microsoft can focus on doing what they do best, being innovative in software development. Thank you for your consideration.

Sincerely,
Patrick Collins
cc: Senator Rick Santorum

MTC–00012094

From: Victor Hoover Sr.
To: Microsoft ATR
Date: 1/15/02 10:01pm
Subject: Microsoft Settlement

To whomever it may concern.

In my opinion, the legal action against Microsoft should never have gone to court, but since it has, it should be settled quickly with no further litigation's. I believe that court actions against the corp. of Microsoft is not in the best interest of the public.

In contrast to what the competition would like the public to believe, I believe that Microsoft has done more than any similar business unit in making computer systems available, useful and affordable.

Thanks
Victor Hoover

MTC–00012095

From: Stuart Thiel
To: Microsoft ATR
Date: 1/15/02 10:00pm
Subject: Civil Action No. 98–1232 (CKK), etc.

This is my opinion on what I have read. I am 3rd year University student in the field of Software Engineering and a part time software consultant, software designer.

Regarding Sun's suggestions that the proposed civil action against Microsoft: ***

1 Fails to reduce the application barrier to entry that Microsoft was found to have illegally protected;

2 Fails to remedy the injury done to the JavaTM technology community;

3 Fails to remedy the illegal injury that Microsoft was found to have done to Netscape Navigator and the browser market;

4 Fails to curtail Microsoft's illegal bundling of middleware programs including browsers, media players, and instant messaging software into the monopoly Windows operating system;

5 Is ambiguous and subject to manipulation by Microsoft because it lacks an effective enforcement mechanism. ***

I have little/no information regarding the first point. I would fully agree with the second point (being very interested in java developement). I would agree with the 3rd point, espescially considering Microsoft's habit of ignoring the majority of standards and modifying existing systems (Javascript) just enough that they have to be re-written to be IE specific (not to mention that they feel renaming it to DHTML and calling it a new language fixes that. . .). I have some difficulty agreeing with the 4th point as it clearly indicates in the proposed action that OEM and others may remove icons of Microsoft stuff stated above and add non-Microsoft software. I would agree with the enforcement issue. A firmer/clearer stance should be taken regarding enforcement as Microsoft is large enough to ignore tiny barbs.

With regards to the following sections of the proposed action (not properly quoted, but still getting the main idea): ***

III.C.3

Microsoft shall not restrict by agreement any OEM licensee from exercising any of the following options or alternatives:

* Launching automatically, at the conclusion of the initial boot sequence or subsequent boot sequences, or upon connections to or disconnections from the Internet, any Non-Microsoft Middleware if a Microsoft Middleware Product that provides similar functionality would otherwise be launched automatically at that time, provided that any such Non-Microsoft Middleware displays on the desktop no user interface or a user interface of similar size and shape to the user interface displayed by the corresponding Microsoft Middleware Product.

III.H.3

1. Ensure that a Windows Operating System Product does not (a) automatically alter an OEM's configuration of icons, shortcuts or menu entries installed or displayed by the OEM pursuant to Section III.C of this Final Judgment without first seeking confirmation from the user and (b) seek such confirmation from the end user for an automatic (as opposed to user-initiated) alteration of the OEM's configuration until 14 days after the initial boot up of a new Personal Computer. Microsoft shall not alter the manner in which a Windows Operating System Product automatically alters an OEM's configuration of icons, shortcuts or menu entries other than in a new version of a Windows Operating System Product. ***

Section III.C.3 seems to be saying that Microsoft may restrict OEMs from displaying a user interface completely dissimilar to that of Microsoft software. This is very wrong in that Microsoft then has control of the user interfaces developed, thus fortifying its monopoly position. I may have misunderstood this section, it seems ambiguous. I feel that it would be better to say that Microsoft has no right to restrict OEMs from using any software based on the user interface period.

Section III.H.3 has a section that states Microsoft software may modify an OEM configuration without warning after 14 days from initial boot-up. This is is clearly a bad idea. Whether 1 day, 14 days or 100 days from any point, software should not modify configurations of other software without warning (when automatically initiated) unless the original soft was intended to be updated in that manner possibly with specific intent to be modified by the modifying software exclusively or inclusively. Otherwise, we call the modifying software a virus. The exception to this, is the upgrading of OS or software that the modified software is based upon, in which case automatic modification of the original configuration should be allowed if it is necessary to continue the proper

functionality of the software modified. Lastly, a clear definition needs to be made as to what the modification of a configuration is, as one could consider changing the order of icons a change in configuration given the existing proposed action (which would be false in my opinion).

Thank you.

Stuart Thiel

MTC–00012096

From: Bill Sharpe
To: Microsoft ATR
Date: 1/15/02 10:05pm
Subject: Microsoft Settlement

I urge you to accept the settlement in this case. No more taxpayer's money needs to be wasted in pursing this litigation further. Let the market and consumers control the fate of Microsoft, not the courts.

William E. Sharpe
1 Silver Oak Court
Pooler, GA 31322

MTC–00012097

From: evelyn saunders
To: Microsoft ATR
Date: 1/15/02 10:08pm
Subject: Microsoft SETTLEMENT

I AGREE WITH MICROSOFT. GOVERNMENT NEEDS TO LEAVE THEM ALONE.

MTC–00012098

From: Al Wedekind
To: Microsoft ATR
Date: 1/15/02 9:59pm
Subject: Microsoft Settlement

Let's get this settled and let Microsoft continue to do what they do best and that is to satisfy their customers. We think they are great!

MTC–00012099

From: LWellsNYC@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 10:09pm
Subject: MICROSOFT SETTLEMENT

As a citizen of the US and a stockholder of Microsoft, I urge the Department of Justice to accept the terms of the settlement now on the table. It is our taxpayer dollars that pays for the litigation, it is our consumer dollars that pay for the products and it is our brains that choose the products that we want. In a country founded on the principals of equality and freedom, every company has a clear, even playing field, but only a few rise to the top. This is America, after all, and that is the reward of Democracy, but not of Socialism. I thank God all our voices can be heard.

Lynda Wells
311 E. 72nd St.
NYC, NY 10021

MTC–00012100

From: Louis F. McDonald
To: Microsoft ATR
Date: 1/15/02 10:08pm
Subject: Microsoft Settlement

Without question, settlement of the Microsoft antitrust litigation is in my best interest as well as the best interest of the rest of those who use personal computers.

Louis F.McDonald
4250 Lansdowne Dr.
Atlanta, GA 30339–4615
(770) 434–3816

MTC–00012101

From: JOHN CAMPBELL
To: Microsoft Settlement
Date: 1/15/02 5:55pm
Subject: Microsoft Settlement

JOHN CAMPBELL
5040 N DESERT TORTOISE PL
TUCSON, az 85745
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

leave microsoft to the marketplace.we consumers are are perfectly capable of defending ourselves against predetory pricing and price fixing.

Sincerely,
JOHN CAMPBELL

MTC–00012103

From: Blair Marsteller
To: Microsoft ATR
Date: 1/15/02 10:15pm
Subject: The settlement

Dear DOJ:

I believe the settlement pounded out which all but a few states have signed is good. Microsoft should not be subjected to further measures and the nine states should agree to the fair and reasonable settlement the DOJ and the other states have produced. Say no to further troubles and litigation. Let the reasonable settlement stand.

Blair Marsteller

MTC–00012104

From: Zanetta Laskaris
To: Microsoft ATR
Date: 1/15/02 10:17pm
Subject: Microsoft Settlement

I have been following the litigation of DoJ against Microsoft for several years now, and as a concerned citizen I would like to voice my opinion that it is in the public interest of consumers that this case be settled as soon as possible rather than continue with further litigation.

MTC–00012105

From: Wallace Greene (MSLI)
To: Microsoft ATR
Date: 1/15/02 10:17pm
Subject: Microsoft Settlement-A GOOD THING!

I am more than pleased that the United States Government has come to a settlement agreement with Microsoft. Our country certainly has more pressing matters than fighting an American company that we should all be proud of. A company that is innovative and energetic, to the benefit of so many.

Thank you
Wallace Greene

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MTC–00012106

From: John Manning
To: Microsoft ATR
Date: 1/15/02 10:19pm
Subject: anti trust suit

When are politicians going to get it? They are not in business to break all of us, they are going to far again and again. Tax payers and our daily Joe Nobody are going to find a way to get someone in office that will follow their lead and not what the parties want!

John Manning
johnm23301@earthlink.net
EarthLink: The #1 provider of the Real Internet.

MTC–00012107

From: Bill Mcilveen
To: Microsoft ATR
Date: 1/15/02 10:24pm
Subject: Why don't you just leave Microsoft alone. These attorney generals should

Why don't you just leave Microsoft alone. These attorney generals should concentrate on the problems of their own states. Chasing deep pockets so they can spend additional money on state pork projects (RE: Cigarette settlement) is a load of crap. The American consumer is bright enough to make their own decisions. The public would be better served if these guys would go after clowns like ENRON. Must be all of the graft is gone at that point.

MTC–00012108

From: Glennp58@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 10:25pm
Subject: Comments on Microsoft settlement

I am not a developer, I am a home user of a PC. I am concerned that Microsoft is starting to take advantage of not only the industry, but the public at large. I have been informed that Microsoft now has a mechanism in their Windows XP operating system which sends the registry back to Microsoft if the system is connected to the internet. Considering that I would guess that a conservative 90% of the pc's are running Microsoft operating systems and are connected to the internet, this is disconcerting to me. The registry includes everything about the hardware, the software you run, whether it be Microsoft applications or not and information about each user of the system. This is not only an unfair advantage for Microsoft in the marketspace, but an invasion of privacy. I know that not many systems are running Windows XP at this time, but that will change as Microsoft stops distributing and supporting Windows 98 and ME.

Please consider this while deciding what is fair to the American public.

Kindest regards,
Glenn Phillips

MTC–00012109

From: Shuryl A Potter
To: Microsoft ATR
Date: 1/15/02 10:26pm
Subject: Microsoft Settement

Department of Justice;

My family along with many friends, beg you to vote in favor of Microsoft. We admire Microsoft for everything they stand for. The courts and their completion may see Mr. Bill Gates as a Butt head, but we the people view him as a Great businessperson, who created great, jobs, serves not only his community but contributes large amounts of money to many great causes throughout the world. Again, we sincerely beg the courts not to destroy Microsoft,one of the greatest corporations in America today.

Shuryl A. Potter

MTC–00012110

From: Keith Bingaman
To: Microsoft ATR
Date: 1/15/02 10:28pm
Subject: Microsoft Settlement
Keith A. Bingaman
119 Main Street
Lykens, Pennsylvania 17048
January 14, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I would like to see the Microsoft antitrust case settle as soon as possible. I do not believe this case should have been brought against Microsoft in the first place. It is in the best interest of everyone that the Court approves the settlement as soon as possible. Microsoft has really gone far beyond what should be expected of them in the interest of bringing this case to a close. They have taken steps to make their servers operable with those of its competitors. They have also agreed not to impose any contractual restrictions on third parties that will require them to exclusively distribute or promote Microsoft products. These types of concessions will help ensure that no antitrust laws are violated. Settling this case will benefit the technology industry and consumers alike. Thank you for your efforts to bring this case to its resolution.

Sincerely,

Keith Bingaman cc: Senator Rick Santorum Representative George W. Gekas

MTC–00012111

From: mdonald
To: Microsoft ATR
Date: 1/15/02 10:29pm
Subject: Microsoft Settlement

It is time to put this to rest for good and Finally.

Miriam E Donaldson m
donald@alaweb.com

MTC–00012112

From: Jesse Stence
To: Microsoft ATR
Date: 1/15/02 10:31pm
Subject: microsoft settlement

Please settle the Microsoft problem by helping the schools soon. Sincerely Jesse Stence

MTC–00012113

From: BGFG57@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 10:30pm
Subject: Micosoft Settlement

Dear Attorney General Ashcroft,

I am writing to inform you that hearing of your decision to settle with Microsoft brought me relief and pleasure .Our nation has endured enough of this and this settlement is a fair one. It is time to move on to more pressing issues .

The complaintants should be thrilled with the concessions Microsoft has made and allo should look forward to putting their energies to the most productive causes.

I urge you to promote and support this settlement and end this litigation.Thank You.

Brian Grimm 8 Apache Drive
Englishtown,New Jersey

MTC–00012114

From: SunRm60@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 10:36pm
Subject: Microsoft Settlement To Whom It May Concern:

Please settle this litigation as soon as possible.

Marianne Montrose

MTC–00012115

From: WIN B ENDERS
To: Microsoft ATR
Date: 1/15/02 10:36pm
Subject: Microsoft settlement

Stop this endless and expensive litigation once and for all. Microsoft is the goose that lays golden eggs for our economy. Don't kill it!

win enders

MTC–00012116

From: Walt Statkiewicz
To: Microsoft ATR
Date: 1/15/02 10:40pm
Subject: Microsoft Settlement

Firstly, it was the consumer who gave Microsoft the monopoly through its choice of purchases when there was competition. Through their choice, the consumer essentially voted for a Microsoft dominant environment to simplify their computing needs. Without this populous consent, the consumer would be left to determine on their own whether some new software and / or hardware would work properly with their system. This is sometimes difficult for the experts let alone the individual who only wants to send and print emails.

The consistency standards enabled the productivity gains of the consumers and fostered the growth of the American economy for the past ten years. The point here is that it was an active choice by the consumer and not a situation that only Microsoft could push their products down the consumer's throats. When the decision by the consumer was being made, alternatives were available that offered similar environments (e.g., IBM's OS2, Apple Computer's Macintosh, etc.). At that date in time, one could hardly argue that Microsoft was too large for someone like IBM to challenge. Yet Microsoft did challenge IBM and enabled innovation and productivity gains that formed the foundation for much of today's computing technology.

Microsoft learns from its markets what the users desire, works at making the changes that users desire, and has become dependable at issuing updates that users desire. Without these three things, many people might recommend other software, but the other companies either do not or cannot provide these things which businesses depend upon. Indeed, many companies are having trouble maintaining their businesses because the competition is fierce and hard to deal with. Not because there is only one competitor (i.e., Microsoft) and you can't compete against them. Companies such as Adobe compete with Microsoft all the time and have been doing so for many years.

You will note that Adobe follows the same things listed above as prerequisites for success: they learn from their markets what the users desire, they work at making the changes that users desire, and they are dependable at issuing updates that users desire. In other words, these companies provide comfort for the users and the future of computing.

These are the notions that consumers use to make sure their work get's done. The essence of the arguments presented here is that the consumers are the ones who drive the industry and whenever innovation occurs, the consumers decide based on a set of business rules whether a company can compete or not. To think otherwise would be to deny that business and consumers are some idealists that have no justifications for their actions and can simply be manipulated through mass marketing. Such people would not survive for very long in today's fast paced global economy.

Walter R. Statkiewicz
218 Sivia St.
N. Cape May, NJ, 08204

MTC–00012117

From: kitsten matson
To: Microsoft ATR
Date: 1/15/02 10:40pm
Subject: SETTELMENT.
January 14, 2002

It make me very angry that ''The Justice Department'' continues to keep Microsoft in the courts. How many years does it take? How much does Microsoft have to give up? Remember this is the land of the free and where everyones dreams can come true, except when you don't like someone. It got so out of hand during ''The Clinton Administration'' Microsoft is a huge player in our economy and everyone knows what happened when Janet Reno and Co. went after them. Not many companies would be able to survive the length of time you have kept Microsoft in the courts.

I would like to see the Justice Department go after fraud in the Government with as much determination as it has gone after Microsoft.

SETTLE THIS SUIT!

Sincerely, Kirsten Matson

MSN Photos is the easiest way to share and print your photos: Click Here

MTC–00012118

From: Robert Grauel
To: Microsoft ATR
Date: 1/15/02 10:40pm
Subject: Microsoft Settlement

It's time to settle the Microsoft antitrust case and move on. I fear greed is getting in the way of the good judgement of nine attorneys general.

MTC–00012119

From: Frank Harmuth
To: Microsoft ATR
Date: 1/15/02 10:41pm
Subject: Microsoft Settlement

Please do not appeal the Microsoft Settlement.

Frank D. Harmuth
1128 Sweet Spot Circle
Morrisville, NC 27560
e-mail addressd:
harmuthfd@worldnet.att.net

MTC–00012120

From: hayho
To: Microsoft ATR
Date: 1/15/02 10:43pm
Subject: Microsoft Settlement

Please do what is best for the economy and settle the suits against Microsoft.

Thanks

MTC–00012121

From: Lloyd McKee
To: Microsoft ATR
Date: 1/15/02 10:48pm
Subject: Microsoft Settlement

Hello, The United States government needs to request Microsoft to maintain a data base of all bugs in Microsoft products and Microsoft fairly compensate people who discover any bugs in Microsoft products. The United States government needs to increase the punishment against Microsoft.

lloydmckee@attbi.com

MTC–00012122

From: Byron Stavrou
To: Microsoft ATR
Date: 1/15/02 10:51pm
Subject: Microsoft Settlement

Please quit punishing Microsoft. There is enough trouble in this world. Let's let one of our economy's strongest influences help right the ship. Market forces will dictate Microsoft's future.

Byron Stavrou

MTC–00012123

From: Drlaser@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 10:54pm
Subject: MICROSOFT SETTLEMENT

PLEASE SETTLE THIS REDICULOUS ASSAULT ON THE BEST INNOVATIVE INSTITUTION IN THE USA (THAT WILL BE ATTACKED BY FOREIGN CORPORATIONS) BY AGREEING WITH THE MICROSOFT APPROACH TO ENDING THE LITIGATION AND MAKING MICROSOFT THE AMERICAN ANSWER TO THE 21ST CENTURY REGARDING COMPUTER TECHNOLOGY AND AMERICAN SURVIVAL IN THIS GLOBAL ECONOMY—

FRANCIS A. L'ESPERANCE.JR. M.D.

MTC–00012124

From: KATHLEEN JENKINS
To: Microsoft Settlement
Date: 1/15/02 8:56pm
Subject: Microsoft Settlement
KATHLEEN JENKINS
3315 CR 762
JONESBORO, AR 72401
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement: The lawsuit against Microsoft was a stupid waste of our tax dollars. And it harmed investors in the high-tech industry, without giving us any benefit in return. It is time for this trial, and the wasteful spending, to be ended. Consumers need to see competition in the marketplace, rather than in the courtroom. Competition creats better goods and services for the consumers, and MicrosSoft has done a great job of giving us what we want and need, at ever better prices. Let's get our government out of the business of stifling progress and tying the hands of corporations.

Sincerely,
Kathleen Jenkins

MTC–00012125

From: charles jantho
To: Microsoft ATR
Date: 1/15/02 10:56pm
Subject: microsoft settlement

IT IS MY SINCERE AND EARNEST OPINION THAT THE MICROSOFT SUIT BE SETTLED IN ITS' FAVOR IN THE MAJOR PART AND IMPLEMENTED AT THE EARLIEST DATE.

THANK YOU,
CHARLES ROBERT JANTHO
133 WELCOME ALLEY
BALTIMORE, MD. 21201

MTC–00012126

From: HALCAMICIA@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 10:57pm
Subject: Microsoft settlement

Gentlemen, we have spent far to long on thwarting microsoft from moving forward with their innovations and resulting benefits to we consumers. The products that microsoft developed has enhanced my life significantly and at a price which I feel is fair. Continuing this case further only makes the lawyers in this country richer and we consumers/tax payers poorer financially and intelectually. Lets settle the bloody case and get on with life. yours truly.

Harold P. Camicia

MTC–00012127

From: Bernard
To: Microsoft ATR
Date: 1/15/02 10:57pm
Subject: Microsoft settlement

Let us end the farce of competitors trying to enrich themselves with the Governments help. Microsoft has done no harm to anyone. It has helped us tremendously.

The others can whine and cry and try and to tare Microsoft down for their own benefit. Please don't help them.

Help Microsoft!
End this Now!
Thank you,
B Gert Hollin

MTC–00012128

From: Edgar Gallardo
To: Microsoft ATR
Date: 1/15/02 10:58pm
Subject: Microsoft Settlement

To the United States Department of Justice:

In light of the ruling handed down by the court finding Microsoft guilty of monopolizing several aspects of software and operating systems, I wish to voice my hopes that your agency will punish the corporation.

Fines and token apologies are not enough in my opinion, especially considering the vast amounts of revenue that the company has produced along with the powerful grip over countless businesses, home owners, even school districts. Significant restraints and reprimands should be levied against the large corporation.

An idea gaining large acceptance within the technological community would be to standardize the Windows API code, which I believe would be a great step towards ensuring a more competitive market. Intellectual property is important and quite cherished in our society, but it is because of the great value placed on it that it must be the source of punishment for Microsoft.

Considering the vast resources the company has at its disposal, fines and lawsuits are hardly going to prevent or even hinder their continued stranglehold on the market they so obviously dominate.

Your duty is to prosecute those who violate the laws of the United States of America. If Microsoft was a first time offender, leniency would obviously come into play. However, they are in fact repeat offenders that have blatantly broken and scoffed at the laws in place to protect the greater population of society. I implore your agency to protect the consumers and competitors of Microsoft and force them to cooperate within our capitalist economy. We are driven by competition and market sharing, it is the core of our society. You are the best hope for society to topple the juggernaut.

MTC–00012129

From: jmorris
To: Microsoft ATR
Date: 1/15/02 11:00pm
Subject: Enough is Enough

Why do we allow the Anti Trust action against Microsoft to drag on after it aws settled? You have made a deal to punish them and that's enough. The States continuing anti-trust action IMO have an anti business agenda or get a very successful business at any costs. Microsoft did wrong, got punishment and it's way past the time to move on.

MTC–00012130

From: ed barry
To: Microsoft ATR
Date: 1/15/02 11:01pm
Subject: Microsoft Settlement

Settle this matter as soon as possible. The only beneficiaries to ongoing litigation are the lawyers.

Respectfully,
Edward L. Barry

MTC–00012131

From: Ron Authier
To: Microsoft ATR
Date: 1/15/02 11:04pm
Subject: Microsoft Settlement

To those involved; It is time to agree on this settlement and move on to other matters much more important to the taxpayers of this country.

Yours truly,
Ronald G. Authier
23 Cote Rd
Monson, Ma 01057–9763

MTC–00012132

From: Bernard H
To: Microsoft ATR
Date: 1/15/02 11:06pm
Subject: Microsoft Settlement

Please end this, Now!

Microsoft should not be hurt to help Competitors who want to enrich themselves with the Governments help. Myself, my Companies all are very happy with our Microsoft Products. We wont even do business with the sniveling cowards who want the Government to enrich them by tearing down Microsoft. So please stop this now. More important things need to be dealt with.

MTC–00012133

From: Bill Marshfield
To: Microsoft ATR
Date: 1/15/02 11:05pm
Subject: Antitrust Settlement

I for one do not understand why the Federal Government wants to meddle around in private business when they can not even run the Government. What makes them think that they know how to run a business. If anyone of them could they would be in business where they would control their own destiny, not sponging off of the people of the United States. If these other companies cannot compete then they should get out of the business.

As I heard the other day. From the Democrats point of view it is scandalous for the White House to let Enron go under but OK for the House and Senate to attempt to put Microsoft out of business. Fed's leave Microsoft alone and let them do their business the way they know how.

William E. Marshfield
20 Fox Glove Ct.
Reno, NV 89511

MTC–00012134

From: Bill
To: Microsoft ATR
Date: 1/15/02 11:06pm
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

As a consumer I feel Microsoft has damaged, prevented and delayed innovation in the computer industry. Microsoft's dominance (technical monopoly) severely limits competition and innovation. Even though I am a member of the Microsoft Freedom to Innovate Network, I still feel changes must be brought about to promote the growth and innovation that Microsoft's monopoly position is limiting. I don't feel I can give a adequate description of the complex and integrated relations within the technical industry and computer technique itself in this email. but as a consumer I urge the justice department to act to limit Microsoft's control of the software marketplace. I don't know if I should list the blue screen, Dr. Watson, crashes, of other issues. I don't know if the recent ''market control'' exhibited with the release of XP and ''2000'' product version has been presented in this case. If not please let me present a consumer who is being forced to ''choice Microsoft'' not because the products are good, but because they are the only ones available, because ''Microsoft owns the market place.

I can't resist giving one example in a recent book published by Microsoft Press ''Microsoft Visio Version 2002 Inside Out'' by Nanette J. Eaton; ISBN 0–7356–1285–4. On page 11 under the title ''Features Deleted from Visio'' . . .some tools, . . .have been removed from Visio 2002 . . . In some cases, Microsoft plans to make an add-on or tool available as a download . . . In general Microsoft has consolidated it's control. While Microsoft speaks of it's innovation, most is not all Microsoft's products and ideas were copied from a want-to-be competitor or bought. Apple, SUN, Netscape all are reminisces of good companies now playing second fiddle in Microsoft land. If this includes breaking the company up, making the core code open source, I can't say, but one or more activities should be implemented. Please continue with the case against Microsoft, don't let Microsoft buy of the government. The justice department is the last hope.

Thank you
Keith Elkin
Keith Elkin
1800 Beech CT
Frederick, MD 21701.
SN 229–62–4368

MTC–00012135

From: ateepee
To: Microsoft ATR
Date: 1/15/02 11:06pm
Subject: Microsoft Settlement

May I urge you to settle the Microsoft case as soon as is possible. From my viewpoint, Microsoft has provided great benefit to the consumer, and all the anti-trust actions are a grave injustice to Microsoft. I am convinced that the growth of the PC market and business is largely due to the fact that Microsoft provided a 'standard' software which enabled all of us to work on the same wave-length. Let's continue to have America reward those that provide the most benefit to the nation—-not arbitrarily reduce everyone to the 'lowest common denominator'.

Thank you.
T. P. Higgins,

MTC–00012136

From: maryasara
To: Microsoft ATR
Date: 1/15/02 11:08pm
Subject: Microsoft Settlement

So settle it already.

MTC–00012137

From: Glenn Sproule
To: Microsoft ATR
Date: 1/15/02 11:09pm
Subject: Antitrust Settlement

It is my opinion that the antitrust suite should be settled without further investigation or delay in which would be in the best interests of the consumers.

W.G.Sproule MD
California
CC:GLENN SPROULE

MTC–00012138

From: mlorr1@juno.com@inetgw
To: Microsoft ATR
Date: 1/15/02 11:08pm
Subject: Microsoft Settlement

Gentlemen:

I believe it is in the public interest that all government entities drop their current law suits against Microsoft. Our government, both state and federal, should not prosecute and persecute people and organizations for being successful. If they have violated the law; then enforce the law. If they have not; then get the governments hand and the lawyers hands out of their pocket.

Respectfully,
Marvin L. Orr
P.O. Box 63
Moreland, Idaho 83256

MTC–00012139

From: Kathryn Mills
To: Microsoft Settlement
Date: 1/15/02 7:38pm
Subject: Microsoft Settlement
Kathryn Mills
3275 West 128 St.
Cleveland, OH 44111
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

It is time that we put the litigation against Microsoft to rest. Enough of the taxpayers' dollars have been squandered. This trial must be over. The marketplace, not the courtroom, should now decide how Microsoft performs. We need to unshackle Microsoft so that they can again be innovative and creative in the hi-tech economy . . . moving freely and competitively. The consumers need it . . . the investors certainly need to know that the hi-tech industry is again on steady ground.

Let America do what America does best in the marketplace . . . allow an economy to grow freely and creatively . . . . this will not happen if we continue to drag this company, and others, through the courts. Enough is enough!

Sincerely,
Kathryn C. Mills

MTC–00012140

From: Rick Girdner
To: Microsoft ATR
Date: 1/15/02 11:12pm
Subject: microsoft settlement

Dear Sirs,

I am sure everyone is hammering you guys over the Microsoft settlement. My main concern is that the way Microsoft wants to pay their debt to society is through a giant sales campaign to the schools. I am so tired of people in Washington doing crappy jobs on every front, then saying they are doing it for the good of the CHILDREN. This is the wrong settlement for America. Have their executives go out and pick up trash if they want to do some real good things, but do not let them infiltrate the schools with sales pitches.

Thank you,

Rick Girdner,
Concerned Taxpayer

MTC–00012141

From: Tracy Pipkin
To: Microsoft ATR
Date: 1/15/02 11:15pm
Subject: Microsoft Monopoly
Please break up the Microsoft monopoly . . . . as an IT professional, they have caused much grief over the last 10–15 years.
Thanks.
CC:attorney.general@po.state.ct.us@inetgw

MTC–00012142

From: Arsenio Calle
To: Microsoft ATR
Date: 1/15/02 11:16pm
Subject: Microsoft Settlement
For the good of the Us and of our economy I humbly ask that this case be settled as soon as possible. The Us needs less litigation and more innovation to get the economy going again. This litigation is only helpeing the economy of the lawyers involved in the case.
Respectfully,
Arsenio Calle

MTC–00012143

From: Bob Condie
To: Microsoft ATR
Date: 1/15/02 11'18pm
Subject: Microsoft Settlement
I've been involved with the computer days since its inception. Let Microsoft play in the free market. There products are great and have set the standard and platform for the future that no other company could have. Others can compete with the latest and greatest technology.
Bob Condie
Executive Director of Engineering
(303) 652–3464

MTC–00012144

From: ICUTTER@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 11:21pm
Subject: microsoft settlement
I believe that this matter ought to be settled immediately. It is a drain on the economy, and if one polled the many millions of users of msft products, I believe it would be difficult to justify that we were overcharged for an operating system that we freely chose (over Apple or Linux), and that we use every day, with additional features added at no extra charge. I still remember that I had to forgo getting Netscape because I did not want to spend hundreds of extra dollars—in the end, I got it free from msft.

MTC–00012145

From: Warren Taylor
To: Microsoft ATR
Date: 1/15/02 11:25pm
Subject: Microsoft Settlement
Enough litigation already! Settle the Microsoft suit and let's get back to the business of innovation. This was never about the interests of the consumer but only about the pathetic attempt of competitors to do in the court room what they couldn't do in the market place. As I believe the secretary of the US Treasury said of the Enron collapse: That's the genius of the free market system; you have winners and losers. In this case, only sore losers who convinced enough people so that years later we're still suffering the effects of this ill timed and poorly managed suit. Witness the collapse of the high tech market. We, the consumers of high tech goods and services, are the losers.
Best wishes,
Rev. Warren F. Taylor
607 E Mulberry Ave
Porterville, CA 93257
559–781–0266 the
So we row on . . . boats against the current— f. scott fitzgerald

MTC–00012146

From: Steve T
To: Microsoft ATR
Date: 1/15/02 11:26pm
Subject: Microsoft Settlement
Dear Sir/Madam.
My name is Steve Tripp, and I live in a small town in Iowa and work at a local ISP. I will not pretend to know the legal minutia of the case, but have been keeping abreast of the situation through online news and newsgroups. I have used Microsoft products at work, not because they are the best or even good, but because there is no other choice. The software market did not start out as a monopoly, and the best man did not win. But as someone who works with computers every day, and would even if I did not get paid for it, I know who the losers are. . . we are. What truly amazes me is watching supposed experts debate whether or not Microsoft as a monopoly has hurt the industry. As a Network/Internet technician in Algona, Iowa I deal with Microsoft products every day at work, but will not have them in my home. I know they have hurt the industry, and I know their products are not the best that could be on the market. The Microsoft stranglehold on OS and application software needs to be relaxed, and Microsoft will not do so on its own.
Thank you for your time.
Steve Tripp
505 N. Main St.
Algona, IA 50511

MTC–00012147

From: ART1300@webtv.net@inetgw
To: Microsoft ATR
Date: 1/15/02 11:27pm
Subject: Microsoft Settlement
Please do not appeal.

MTC–00012148

From: Curtis Killorn
To: Microsoft ATR
Date: 1/15/02 11:27pm
Subject: Microsoft Settlement
Attention: Renata B. Hesse
I wish to comment concerning the up-coming settlement of the corporation of Microsoft. Under the federal law of the Tunney Act, I believe I have this right. In my thirty years as a working tax paying citizen I have never had a good experience with the products of Microsoft, my exposure is as follows:
I was a Composition Manager for the largest publication company in central Colorado for six years and found the software to be cumbersome and very difficult to carry out our daily work load without the constant problems which seemed to be inherent with this product. As technology progressed and the internet become much more important, our work load and complexity doubled. The experience of networking servers and work stations together with Microsoft programs required constant maintenance and a continual bills for technical support and training.
As a owner of the largest restaurant in Chaffee county, Colorado, I have inherited a point of sales system which runs on Microsoft. I have spent over $120,000 on a networked system which is at best faulty and at the worst useless. This system has been the source of constant frustration. The system promises great efficiency and productivity to help enhance the work load of a restaurant, but in turn has become the signal largest liability we have to contend with.
On a personal note: All the talk of Microsoft has been that they the ''great innovators'' and ''revolutionary designers'', well, I just don't see it. If this settlement allows Microsoft to ''give'' their leftover products to our children, Microsoft will only be given an even greater advantage to propagate their product. Here's an idea: why not have Microsoft pay Apple to give their new iMacs to the poorest schools in America.
Curtis Killorn
Owner
wind@chaffee.net
Check us out on-line @ www.windmillonline.com
The Windmill Restaurant
720 E. Rainbow Blvd.
Salida, CO 81201
719–539–3594 fx 719–539–3479

MTC–00012149

From: Simon Selitser
To: Microsoft ATR
Date: 1/15/02 11:31pm
Subject: Microsoft Settlement
As a consumer and as a developer I do not believe that proposed final judgment (by DOJ and nine states) is in a public interest. I believe that this settlement will do little to restore competition or prevent Microsoft from monopoly behavior. Far more reaching in preventing Microsoft from abusing its monopoly are remedies proposed by nine states and District of Columbia and, if adapted, will protected the public interest.
Simon I. Selitser, Ph.D.
President,
TimeDomain CVD, Inc.
470 Division St.
Campbell, CA 95008

MTC–00012150

From: Ray Hix
To: Microsoft Settlement
Date: 1/15/02 8:39pm
Subject: Microsoft Settlement
Ray Hix
209 W Troy Street
Dothan, Al 36303
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:
The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a

serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief. Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies. Thank you for this opportunity to share my views.

Sincerely,

Ray Hix

MTC–00012151

From: Stan
To: Microsoft ATR
Date: 1/15/02 11:32pm
Subject: Microsoft Settlement

Don't you think you have spent enough of the tax payers hard earned money.

It is time to settle.

Stanley R. Kneppar
8109 Hibiscus Circle
Tamarac, Florida 33321–2134
(954) 720–0413

MTC–00012152

From: R. Ronald Corbett
To: Microsoft Settlement
Date: 1/15/02 5:51pm
Subject: Microsoft Settlement
R. Ronald Corbett
231 SE 45th Terrace
Ocala, Fl 34471
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW.,
Washington, DC 20530

Dear Microsoft Settlement:

It's time to leave Microsoft alone, to allow that big company to get back to producing good products and creating jobs for the American workers. The Microsoft trial squandered taxpayers? dollars and was a serious deterrent to investors in the high-tech industry. Consumers should see competition in the marketplace, rather than the courtroom.

Most Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, instead of wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

R. Ronald Corbett

MTC–00012153

From: Cy Rayburn
To: Microsoft Settlement
Date: 1/15/02 8:23pm
Subject: Microsoft Settlement
Cy Rayburn
p o Box 83
Gibbon , NE 68840
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW.,
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Cy Rayburn

MTC–00012154

From: Ken DeJonge
To: Microsoft Settlement
Date: 1/15/02 6:54pm
Subject: Microsoft Settlement
Ken DeJonge
2911 52nd SW.,
Grandville, MI 49418
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief. Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies. Thank you for this opportunity to share my views.
Sincerely, Ken DeJonge

MTC–00012155

From: Jane Smith
To: Microsoft Settlement
Date: 1/15/02 9:25pm
Subject: Microsoft Settlement
Jane Smith
27259 Hedge Rd
Albemarle, NC 28001
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW.,
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Jane Smith

MTC–00012156

From: Karl Hanson
To: Microsoft Settlement
Date: 1/15/02 8:35pm
Subject: Microsoft Settlement
Karl Hanson

76 Drew Ave.
Manchester, NH 03104
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW.,
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Karl Hanson

MTC–00012157

From: Don Bates
To: Microsoft ATR
Date: 1/15/02 11:36pm
Subject: Microsoft settlement

Dear Attorney General Ashcroft: Having been a Microsoft Windows user for over a decade, I would like to take a moment to go on record supporting the recent settlement reached between Microsoft and the Department of Justice. In my opinion Microsoft has been a target of unfair criticism over the years. Sure, as a Windows user I've had my share of headaches but I feel that overall the product is reasonably priced and a valuable addition to my lifestyle. I am pleased that the three-year-old antitrust suit against Microsoft is now over and being put to rest.

You are well aware of the terms of the settlement where Microsoft agreed to not enter into any agreements forcing any third party to distribute or promote any Windows technology exclusively. Personally, I'm pleased to see that Microsoft is being forced to turn over intellectual property to its competitors. This allows for software that is more compatible with Windows to be produced and allows for competition.

All in all, I am happy with the settlement because it is going to be beneficial to the American economy, the tech industry, and competition and in the end the consumer.

Sincerely,
Donald Bates,
Cincinnati, Ohio

MTC–00012158

From: Kenneth Brown
To: Microsoft Settlement
Date: 1/15/02 7:09pm
Subject: Microsoft Settlement
Kenneth Brown
PO Box 234
Windermere, Fl 34786
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW.,
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Kenneth W Brown

MTC–00012159

From: Lynn Sant
To: Microsoft Settlement
Date: 1/15/02 7:38pm
Subject: Microsoft Settlement
Lynn Sant
P.O. Box 329
Preston, ID 83263–0329
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW.,
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Lynn Sant

MTC–00012160

From: Ted Piatt
To: Microsoft Settlement
Date: 1/15/02 9:16pm
Subject: Microsoft Settlement
Ted Piatt
3403 Fox Lake Rd.
Wooster, Oh 44691
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW.,
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Ted Piatt

MTC–00012161

From: David S
To: Microsoft Settlement
Date: 1/15/02 9:43pm
Subject: Microsoft Settlement
David S Campbell
Vanceboro, NC 28586–8055
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW.,
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a

serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Steve Campbell

MTC–00012162

From: G. MARIC
To: Microsoft Settlement
Date: 1/15/02 6:45pm
Subject: Microsoft Settlement
G. MARIC
113 Crestwood Avenue
Branchburg, NJ 08876–3911
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW.,
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

G. Maric

MTC–00012163

From: Robert Cave
To: Microsoft Settlement
Date: 1/15/02 7:15pm
Subject: Microsoft Settlement
Robert Cave
4953 B Ave
Marcus, IA 51035–7009
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW.,
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Robert C. Cave

MTC–00012164

From: David Houk
To: Microsoft Settlement
Date: 1/15/02 6:50pm
Subject: Microsoft Settlement
David Houk
217 Cedarwood Dr.
Madison, In 47250
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW.,
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

David Houk

MTC–00012165

From: John Gerber
To: Microsoft Settlement
Date: 1/15/02 7:26pm
Subject: Microsoft Settlement
John Gerber
698 S. Cscade Dr.
Woodburn, OR 97071–3022
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW.,
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

John Gerber

MTC–00012166

From: David Tiry
To: Microsoft Settlement
Date: 1/15/02 7:17pm
Subject: Microsoft Settlement
David Tiry
217 May St.
Rockland, Wi 54653
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

David Tiry

MTC–00012167

From: William Peteet
To: Microsoft Settlement
Date: 1/15/02 5:53pm
Subject: Microsoft Settlement
William Peteet
2024 Fordham
Denton, Tx 76201
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

William Peteet

MTC–00012168

From: John Mackey
To: Microsoft Settlement
Date: 1/15/02 7:38pm
Subject: Microsoft Settlement
John Mackey
3520 Scenic Dr
Redding, Ca 96991
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

John E Mackey

MTC–00012169

From: Susan Blevins
To: Microsoft Settlement
Date: 1/15/02 8:42pm
Subject: Microsoft Settlement
Susan Blevins
P.O. Box 162
Nashville, GA 31639
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Susan Blevins

MTC–00012170

From: Willis Gray
To: Microsoft Settlement
Date: 1/15/02 5:27pm
Subject: Microsoft Settlement
Willis Gray
2218 Graystone Drive
Sumter, SC 29150
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Willis T. Gray

MTC–00012171

From: John Giesey
To: Microsoft Settlement
Date: 1/15/02 6:15pm
Subject: Microsoft Settlement
John Giesey
203 Galway Dr.
Niceville, FL 32578–2377
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW

Washington, DC 20530

Dear Microsoft Settlement:

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Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

John Giesey

MTC–00012172

From: Gary Stolp
To: Microsoft Settlement
Date: 1/15/02 6:20pm
Subject: Microsoft Settlement
Gary Stolp
1218 Boston Street
Muskogee, OK 74401
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Gary C Stolp

MTC–00012173

From: David M. Holly
To: Microsoft Settlement
Date: 1/15/02 9:28pm
Subject: Microsoft Settlement
David M. Holly
1211 Shady Lane
Tecumseh, MI 49286
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Sincerely,

David M. Holly

MTC–00012174

From: patsy Rowzee
To: Microsoft Settlement
Date: 1/15/02 6:39pm
Subject: Microsoft Settlement
Patsy Rowzee
P.O. Box 323
Slagle, La 71475
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Patsy Rowzee

MTC–00012175

From: Betty Lloyd
To: Microsoft Settlement
Date: 1/15/02 6:14pm
Subject: Microsoft Settlement
Betty Lloyd
145 Valley Dr
Bridgeport, WV 26330
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Betty M Lloyd

MTC–00012176

From: Tracey Sigle
To: Microsoft Settlement
Date: 1/15/02 6:36pm
Subject: Microsoft Settlement
Tracey Sigle
5303 Stockwell
Lincoln, NE 68506
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Tracey Sigle

MTC–00012177

From: Kennyth Long
To: Microsoft Settlement
Date: 1/15/02 5:31pm
Subject: Microsoft Settlement
Kennyth Long
928 Dove Lane
Louisville, KY 40213–1322
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Kennyth Long

MTC–00012178

From: Lynne Piper
To: Microsoft Settlement
Date: 1/15/02 9:47pm
Subject: Microsoft Settlement
Lynne Piper
8015 Chorale Ct
Houston, TX 77040
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Lynne Piper

MTC–00012179

From: James Lucas
To: Microsoft Settlement
Date: 1/15/02 7:12pm
Subject: Microsoft Settlement
James Lucas
11108 Church Rd.
Ellsworth, MI 49729
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

James Lucas

MTC–00012180

From: David HArold
To: Microsoft Settlement
Date: 1/15/02 7:25pm
Subject: Microsoft Settlement
David HArold
PO box 3465
Mount Airy, nc 27030
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

DAvid Harold

MTC–00012181

From: ICUTTER@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 11:36pm
Subject: msft settlement

We common people depend on the developers to make things easy for us. If there was not Windows, millions of people could never use a computer. Apple was out there for yrs., with a graphical user interface (GUI) but it took Windows which was fairly priced at about 80 dollars, to unlock the many millions of users nowadays— IT IS NOT

BECAUSE WE HAVE NO CHOICE———WE CHOSE Windows over IBM OS2, We chose Windows over Linux, and over Apple, and especially over UNIX and Xenix. Now there is a monopoly—if u were a physician, in 1990, there was absoutely no softwaware other than UNIX/Xenix—and it cost thousands of dollars,and could only run certain types of applications . Please, please, please make this stupid lawsuit go away!!!!!!!!!!

MTC–00012182

From: John Moore
To: Microsoft Settlement
Date: 1/15/02 7:16pm
Subject: Microsoft Settlement
John Moore
22340 Bracketts Rd.,
Shorewood, MN 55331
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
John W. Moore

MTC–00012183

From: Walter Kubli
To: Microsoft Settlement
Date: 1/15/02 5:50pm
Subject: Microsoft Settlement
Walter Kubli
300 Solari Rd.
Coos Bay, OR 97420
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Walter Kubli

MTC–00012184

From: Glenn Dobson
To: Microsoft Settlement
Date: 1/15/02 6:29pm
Subject: Microsoft Settlement
Glenn Dobson
2203 Palmersville Hwy-89
Dresden, TN 38225
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Glenn Dobson

MTC–00012185

From: R Keith
To: Microsoft Settlement
Date: 1/15/02 8:21pm
Subject: Microsoft Settlement
R Keith
1146 Millers Mill Road
Stockbridge, GA 30281–4712
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Randy Keith

MTC–00012186

From: Jerry Franks
To: Microsoft Settlement
Date: 1/15/02 6:50pm
Subject: Microsoft Settlement
Jerry Franks
2353 Magnolia Dr
Little Elm, TX 75068
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Jerry L Franks

MTC–00012187

From: Robert Bubala
To: Microsoft Settlement
Date: 1/15/02 5:31pm
Subject: Microsoft Settlement
Robert Bubala
1103 E. Miller St.
Griffith, IN 46319
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Robert Bubala

MTC–00012188

From: Edward Citak
To: Microsoft Settlement
Date: 1/15/02 6:48pm
Subject: Microsoft Settlement
Edward Citak
6216 Anaconda St.
Las Vegas, Nv 89108–3926
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Edward J. Citak

MTC–00012189

From: Jack Russell
To: Microsoft Settlement
Date: 1/15/02 9:02pm
Subject: Microsoft Settlement
Jack Russell
143 Adobe Court
Weatherford, TX 76087
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Mrs. Jack Russell

MTC–00012190

From: David Alvar
To: Microsoft Settlement
Date: 1/15/02 8:30pm
Subject: Microsoft Settlement
David Alvar
7727–236th St SW
Edmonds, WA 98036
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
David M. Alvar

MTC–00012191

From: Sandi Johnson
To: Microsoft Settlement
Date: 1/15/02 7:07pm
Subject: Microsoft Settlement
Sandi Johnson
3182 Quail Dr
Deltona, Fl 32738
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Sandi Johnson

MTC–00012192

From: Gary Guptill
To: Microsoft Settlement
Date: 1/15/02 6:26pm
Subject: Microsoft Settlement
Gary Guptill
P O Box 1
Springfield, SD 57062–0001
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Gary Guptill

MTC–00012193

From: Allen Palmer
To: Microsoft Settlement
Date: 1/15/02 9:29pm
Subject: Microsoft Settlement
Allen Palmer
901 Easton Place
Dallas, TX 75218–2347
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Allen Palmer

MTC–00012194

From: lander@samref.com.sa@inetgw
To: Microsoft ATR
Date: 1/15/02 11:37pm
Subject: Microsoft Settlement.

The US and State governments continued action against Microsoft is ridiculous and a total waste of our taxpayers money. Microsoft is one of the greatest companies in the US and has produced fantastic products that no other software company can. When we have so much crime and criminal activities within companies (e.g. Enron) why are we continuing to punish success. Stop prosecuting Microsoft now!

Nigel Lander Superintendent CIS SAP Project Manager

Samref Refinery, Yanbu, Saudi Arabia
Phone: +966–4–396–4590

MTC–00012195

From: Ed Johnson
To: Microsoft Settlement
Date: 1/15/02 7:34pm
Subject: Microsoft Settlement
Ed Johnson
9541 Silver Spur Lane
Highlands Ranch, CO 80130
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Sincerely,

Ed Johnson

MTC–00012196

From: Kendall Funk
To: Microsoft Settlement
Date: 1/15/02 8:59pm
Subject: Microsoft Settlement
Kendall Funk
200 Aspen St. Apt. #23
Clayton, NM 88415
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief. Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Kendall Funk

MTC–00012197

From: Carol Rowe
To: Microsoft Settlement
Date: 1/15/02 8:13pm
Subject: Microsoft Settlement
Carol Rowe
102 W Railroad Box 366
Lake Park, IA 51347–0366
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Carol Rowe

MTC–00012198

From: art selhorn
To: Microsoft Settlement
Date: 1/15/02 9:07pm
Subject: Microsoft Settlement
art selhorn
3604 McCormick St . SE
olympia, wa 98501
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Sincerely,

Art Selhorn

MTC–00012199

From: Kim Stowe
To: Microsoft Settlement
Date: 1/15/02 9:36pm
Subject: Microsoft Settlement
Kim Stowe
5407 59th Place NE
Marysville, WA 98270–9016
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Kim Stowe

MTC–00012200

From: Rex Shinholt
To: Microsoft Settlement
Date: 1/15/02 9:22pm
Subject: Microsoft Settlement
Rex Shinholt
8885 E 400N
Van Buren, IN 46991
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

The Shinholts

MTC–00012201

From: Betty Grimm
To: Microsoft Settlement
Date: 1/15/02 8:44pm
Subject: Microsoft Settlement
Betty Grimm
922 Sugar Hollow Rd.
Apollo, Pa 15613–8007
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Betty R,Grimm

MTC–00012202

From: Sally Young
To: Microsoft Settlement
Date: 1/15/02 8:40pm
Subject: Microsoft Settlement
Sally Young
2700 Highway 54
Moreland, GA 30259
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Sally Young

MTC–00012203

From: Roy Hamilton
To: Microsoft Settlement
Date: 1/15/02 6:39pm
Subject: Microsoft Settlement
Roy Hamilton
230 SE 2nd Street
Gresham, OR 97080
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Roy Hamilton

MTC–00012204

From: Ira Paul
To: Microsoft Settlement
Date: 1/15/02 6:37pm
Subject: Microsoft Settlement
Ira Paul
18495 NW 78th Avenue
Hialeah, FL 33015–2704
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Ira J. Paul

MTC–00012205

From: Michael Fry
To: Microsoft Settlement
Date: 1/15/02 9:49pm
Subject: Microsoft Settlement
Michael Fry
229 Southport Dr
Newton, KS 67114–5429
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Michael Fry

MTC–00012206

From: John O'Brien
To: Microsoft Settlement
Date: 1/15/02 7:59pm
Subject: Microsoft Settlement
John O'Brien
68 Lyford Drive
Tiburon, ca 94920–1715
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
J.J. O'Brien

MTC–00012207

From: Lawrence Gold
To: Microsoft Settlement
Date: 1/15/02 6:54pm
Subject: Microsoft Settlement
Lawrence Gold
880 Westmont Dr.
Chico, CA 95926–7761
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
L. Gene Gold

MTC–00012208

From: Oliver Arnold
To: Microsoft Settlement
Date: 1/15/02 8:28pm
Subject: Microsoft Settlement
Oliver Arnold
1252 N. Hazelton Drive
Chandler, AZ 85226–1333
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. The investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Perry Arnold

MTC–00012209

From: Tom Fisher
To: Microsoft Settlement
Date: 1/15/02 7:52pm
Subject: Microsoft Settlement
Tom Fisher
6931 Azalea lane
Dallas, TX 75230
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Dr Tom Fisher MD BSEE

MTC–00012210

From: Harold Cantley
To: Microsoft Settlement
Date: 1/15/02 6:31pm
Subject: Microsoft Settlement
Harold Cantley
513 Dumas st.
Watson, AR 71674
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Harold Cantley

MTC–00012211

From: Jim Zitek
To: Microsoft Settlement
Date: 1/15/02 5:48pm
Subject: Microsoft Settlement
Jim Zitek
5785 Hyland Courts Dr
Bloomington, MN 55447
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
James Zitek

MTC–00012212

From: James Huspek
To: Microsoft Settlement
Date: 1/15/02 7:24pm
Subject: Microsoft Settlement
James Huspek
PO Box 893
Jackson, WY 83001
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

James P. Huspek

MTC–00012213

From: Linda Fitzhugh
To: Microsoft Settlement
Date: 1/15/02 7:45pm
Subject: Microsoft Settlement
Linda Fitzhugh
2207 Lytham Lane
Katy, TX 77450
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Linda Fitzhugh

MTC–00012214

From: Sharon Kellogg
To: Microsoft Settlement
Date: 1/15/02 8:11pm
Subject: Microsoft Settlement
Sharon Kellogg
RR 1 Box 774
Shinglehouse, PA 16748
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Sharon Kellogg

MTC–00012215

From: Wanda Trapp
To: Microsoft Settlement
Date: 1/15/02 7:43pm
Subject: Microsoft Settlement
Wanda Trapp
Rt. 4, Box 327
McAlester, OK 74501
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Wanda Trapp

MTC–00012216

From: Robert Owens
To: Microsoft Settlement
Date: 1/15/02 6:06pm
Subject: Microsoft Settlement
Robert Owens
408 West Jefferson
Cole Camp, MO 65325
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Robert L. Owens

MTC–00012217

From: .net@wolverine.capwiz.com@inetgw
To: Microsoft Settlement
Date: 1/15/02 7:32pm
Subject: Microsoft Settlement
Pierce Mills
Rt. 3, Box 108–3
Lake City, FL 32025–9424
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Pierce Mills

MTC–00012218

From: Lia Olivieri
To: Microsoft Settlement
Date: 1/15/02 9:36pm
Subject: Microsoft Settlement
Lia Olivieri
31 N. 3rd Street
Cortlandt Manor, NY 10567
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Lia Olivieri

MTC–00012219

From: Steven Svec
To: Microsoft Settlement
Date: 1/15/02 8:52pm
Subject: Microsoft Settlement
Steven Svec
PO Box 552
Chillicothe, MO 64601–0552
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Steven T. Svec

MTC–00012220

From: Stanley Burris
To: Microsoft Settlement
Date: 1/15/02 9:34pm
Subject: Microsoft Settlement
Stanley Burris
P.O. Box 368
Keystone Heights, FL 32656
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Stan Burris

MTC–00012221

From: Barbara King
To: Microsoft Settlement
Date: 1/15/02 6:25pm
Subject: Microsoft Settlement
Barbara King
7311 Oak Hill Dr.
Sylvania, OH 43560
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Barbara King

MTC–00012222

From: Mikel Conner
To: Microsoft Settlement
Date: 1/15/02 6:32pm
Subject: Microsoft Settlement
Mikel Conner
12616 Darryl Dr.
Buda, TX 78610–2572
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Mikel W. Conner

MTC–00012223

From: Joyce Oberly
To: Microsoft Settlement
Date: 1/15/02 9:22pm
Subject: Microsoft Settlement
Joyce Oberly
97 East Bethany Road
Womelsdorf, PA 19567
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Joyce M. Oberly

MTC–00012224

From: Dorothy Rush
To: Microsoft Settlement
Date: 1/15/02 6:57pm
Subject: Microsoft Settlement
Dorothy Rush
5965 Happy Pines Drive
Foresthill, CA 95631
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Dorothy Rush

MTC–00012225

From: Richard Ellis
To: Microsoft Settlement
Date: 1/15/02 9:47pm
Subject: Microsoft Settlement
Richard Ellis
1072 Hayes Ave
West Liberty, IA 52776
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Richard Ellis

MTC–00012226

From: Tom Hill
To: Microsoft Settlement
Date: 1/15/02 7:11pm
Subject: Microsoft Settlement
Tom Hill
10839 Hortense Street
N. Hollywood, CA 91602
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Tom Hill, E.A.

MTC–00012227

From: Alfonse De Marco
To: Microsoft Settlement
Date: 1/15/02 7:34pm
Subject: Microsoft Settlement
Alfonse De Marco
3–7 Atlanta Court
Freehold, NJ 07728
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Alfonse De Marco

MTC–00012228

From: Gregg E Finley
To: Microsoft Settlement
Date: 1/15/02 9:00pm
Subject: Microsoft Settlement
Gregg E Finley
1386 Rockdale St
Upland, CA 91784–7422
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Gregg E Finley

MTC–00012229

From: Jay Pattiz
To: Microsoft Settlement
Date: 1/15/02 7:42pm
Subject: Microsoft Settlement
Jay Pattiz
102 Cottonwood Close
Warrensburg, MO 64093
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Jay Pattiz

MTC–00012230

From: Frank Murray
To: Microsoft Settlement
Date: 1/15/02 7:31pm
Subject: Microsoft Settlement
Frank Murray
618 Avenue B
Trevose, PA 19053
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Frank Murray

MTC–00012231

From: Michael Moore
To: Microsoft Settlement
Date: 1/15/02 7:25pm
Subject: Microsoft Settlement
Michael Moore
5309 Round Prairie
Shawnee, KS 66226
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Michael E. Moore

MTC–00012232

From: Timothy Sawyer
To: Microsoft Settlement
Date: 1/15/02 7:19pm
Subject: Microsoft Settlement
Timothy Sawyer
P.O. Box 278
Hudgins, VA 23076
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Timothy P. Sawyer

MTC–00012233

From: Kenneth G. Loeb
To: Microsoft Settlement
Date: 1/15/02 6:33pm
Subject: Microsoft Settlement
Kenneth G. Loeb
434 7th St
Jesup, IA 50648
January 15, 2002
Microsoft Settlement

U.S. Department of Justice-Antitrust Division 950 Pennsylvania Avenue, NW Washington, DC 20530 Dear Microsoft Settlement: The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Kenneth G. Loeb

MTC–00012234

From: Lisa Cahill
To: Microsoft Settlement
Date: 1/15/02 6:50pm
Subject: Microsoft Settlement
Lisa Cahill
1615 W. Blue Springs Ave.
Orange City, FL 32763
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Lisa M. Cahill

MTC–00012235

From: George Rush
To: Microsoft Settlement
Date: 1/15/02 9:31pm
Subject: Microsoft Settlement
George Rush
534 W. Chisholm St.
Sanford, NC 27330
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

George B. Rush

MTC–00012236

From: Clara Reese
To: Microsoft Settlement
Date: 1/15/02 7:20pm
Subject: Microsoft Settlement
Clara Reese
4006 132nd St. E.
Tacoma, WA 98446–1938
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Clara Reese

MTC–00012237

From: Maurice Knudsen
To: Microsoft Settlement
Date: 1/15/02 5:36pm
Subject: Microsoft Settlement
Maurice Knudsen
4428 Main Street
Elk Horn, IA 51531
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Maurice J. Knudsen

MTC–00012238

From: David Sheehan
To: Microsoft Settlement
Date: 1/15/02 9:00pm
Subject: Microsoft Settlement
David Sheehan
1208 Wine Spring Lane
Baltimore, MD 21204
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW.,
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
David J Sheehan

MTC–00012239

From: Robert Hartsell
To: Microsoft Settlement
Date: 1/15/02 8:30pm
Subject: Microsoft Settlement
Robert Hartsell
RR 2, Box 18
Lockwood, MO 65682–9601
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW.,
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Robert N. Hartsell

MTC–00012240

From: John Beasley
To: Microsoft Settlement
Date: 1/15/02 6:41pm
Subject: Microsoft Settlement
John Beasley
319 E. Thompson Ln.
Nashville, TN 37211–2663
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW.,
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
John W. Beasley

MTC–00012241

From: George Isaacs
To: Microsoft Settlement
Date: 1/15/02 7:13pm
Subject: Microsoft Settlement
George Isaacs
1858 Middlebury Drive
Aurora, IL 60504
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW.,
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
George U Isaacs

MTC–00012242

From: Barry Stephens
To: Microsoft Settlement
Date: 1/15/02 8:51pm
Subject: Microsoft Settlement
Barry Stephens
37 Gray Lodge Rd
Kittery, ME 03904
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW.,
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Barry D. Stephens

MTC–00012243

From: martin guerra
To: Microsoft Settlement
Date: 1/15/02 7:14pm
Subject: Microsoft Settlement
martin guerra
1606 Arkansas Ave
Killeen, TX 76541
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW.,
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

martin v. guerra

MTC–00012244

From: Fred Stacey
To: Microsoft Settlement
Date: 1/15/02 9:48pm
Subject: Microsoft Settlement
Fred Stacey
9309 Habersham Drive
Louisville, KY 40242–2309
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW.,
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Fred Stacey

MTC–00012245

From: Donna Soares
To: Microsoft Settlement
Date: 1/15/02 8:53pm
Subject: Microsoft Settlement
Donna Soares
3704 Coco lane
North Highlands, Ca 95660
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW.,
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Donna Soares

MTC–00012246

From: Glenna Potts
To: Microsoft Settlement
Date: 1/15/02 6:22pm
Subject: Microsoft Settlement
Glenna Potts
110 Marina Dr. #13
Needles, CA 92363–3717
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW.,
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Glenna Potts

MTC–00012247

From: Cynthia Knight
To: Microsoft Settlement
Date: 1/15/02 6:10pm
Subject: Microsoft Settlement
Cynthia Knight
1982 McGirr Road
Ashton, IL 61006–9547
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW.,
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the

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Thank you for this opportunity to share my views.

Sincerely,
Cynthia Knight

MTC–00012248

From: Charles Rowe
To: Microsoft Settlement
Date: 1/15/02 8:12pm
Subject: Microsoft Settlement
Charles Rowe
102 W Railroad Box 366
Lake Park, IA 51347–0366
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Charles Rowe

MTC–00012249

From: Perry Staley
To: Microsoft Settlement
Date: 1/15/02 7:42pm
Subject: Microsoft Settlement
Perry Staley
411 Orchard Street
Ironton, OH 45638–1166
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Perry L. Staley

MTC–00012250

From: George Kelder
To: Microsoft Settlement
Date: 1/15/02 9:36pm
Subject: Microsoft Settlement
George Kelder
4012 El Norte Rd.
Cameron Park, Ca 95682
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
George Kelder

MTC–00012251

From: Nile Gomez
To: Microsoft Settlement
Date: 1/15/02 5:52pm
Subject: Microsoft Settlement
Nile Gomez
220 Meadow Lane, #D11
Secaucus, NJ 07094–4319
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Nile Gomez

MTC–00012252

From: Andy Hatle
To: Microsoft Settlement
Date: 1/15/02 5:43pm
Subject: Microsoft Settlement
Andy Hatle
22827 Muscupiabe Dr.
San Bernardino, Ca 92405
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be

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Thank you for this opportunity to share my views.

Sincerely,
Andy Hatle

MTC–00012253

From: Joy Wilson
To: Microsoft Settlement
Date: 1/15/02 5:25pm
Subject: Microsoft Settlement
Joy Wilson
3260 Keith Bridge Rd. #270
Cumming, GA 30041
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Joy Wilson

MTC–00012254

From: Terrence Moore
To: Microsoft Settlement
Date: 1/15/02 9:51pm
Subject: Microsoft Settlement
Terrence Moore
102 Recreation Dr.
Baden, Pa 15005
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Terrence M Moore

MTC–00012255

From: Lillie Price
To: Microsoft Settlement
Date: 1/15/02 5:58pm
Subject: Microsoft Settlement
Lillie Price
7815 CHIPPOKES ROAD
RICHMOND, VA 23881–9335
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Lil Price

MTC–00012256

From: JAMES HIBBS
To: Microsoft Settlement
Date: 1/15/02 7:33pm
Subject: Microsoft Settlement
JAMES HIBBS
2504 south cheryl ct.
veradale, WA 99037
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
JAMES C HIBBS

MTC–00012257

From: Jennifer Terhune
To: Microsoft Settlement
Date: 1/15/02 5:36pm
Subject: Microsoft Settlement
Jennifer Terhune
3938 Lott Ave.
Corpus Christi, TX 78410–6033
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Jennifer Terhune

MTC–00012258

From: Jean Freeman
To: Microsoft Settlement
Date: 1/15/02 9:05pm
Subject: Microsoft Settlement
Jean Freeman
413 Columbia Ave.
Lumberton, NC. 28358
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Jean Freeman

MTC–00012259

From: Dwaine F. Keck
To: Microsoft Settlement
Date: 1/15/02 5:31pm
Subject: Microsoft Settlement
Dwaine F. Keck
321 Fox Rd.
Lexington, OH 44904–9337
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Dwaine F. Keck

MTC–00012260

From: Kevin McElroy
To: Microsoft Settlement
Date: 1/15/02 5:47pm
Subject: Microsoft Settlement
Kevin McElroy
24 Brushy Ridge Court
Plum, PA 15239–1140
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Kevin McElroy

MTC–00012261

From: Christy Perez
To: Microsoft Settlement
Date: 1/15/02 7:32pm
Subject: Microsoft Settlement
Christy Perez
3824 Jarrett Dr.
North Tonawanda, NY 14120
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Christy Perez

MTC–00012262

From: Betty Wyhowanec
To: Microsoft Settlement
Date: 1/15/02 7:08pm
Subject: Microsoft Settlement
Betty Wyhowanec
32 West Main Street
Vergennes, VT 05491
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a

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Thank you for this opportunity to share my views.

Sincerely,

Betty L. Wyhowanec

MTC–00012263

From: Charles Huelsmann
To: Microsoft Settlement
Date: 1/15/02 9:23pm
Subject: Microsoft Settlement
Charles Huelsmann
8321 N. Pocono Dr.
Citrus Springs, FL 34434
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Charles Huelsmann

MTC–00012264

From: Ed Schulz
To: Microsoft Settlement
Date: 1/15/02 8:54pm
Subject: Microsoft Settlement
Ed Schulz
7643 Wachtel Way
Citrus Heights,, CA 95610
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Ed Schulz

MTC–00012265

From: John Mack, Jr.
To: Microsoft Settlement
Date: 1/15/02 7:53pm
Subject: Microsoft Settlement
John Mack, Jr.
5254 S. Riverview Circle
Homosassa , Fl 34448–3629
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

John Mack Jr.

MTC–00012266

From: Sallie Pierdolla
To: Microsoft Settlement
Date: 1/15/02 7:55pm
Subject: Microsoft Settlement
Sallie Pierdolla
5232 FM 2538
Marion, , TX 78124
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Sallie Pierdolla, Texas, Bush Country

MTC–00012267

From: Robert P. Hanrahan
To: Microsoft Settlement
Date: 1/15/02 5:37pm
Subject: Microsoft Settlement
Robert P. Hanrahan
7268 Evans Mill Road
McLean, VA 22101
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Robert P. Hanrahan

MTC–00012268

From: Joseph Wojtowicz
To: Microsoft Settlement
Date: 1/15/02 7:04pm
Subject: Microsoft Settlement
Joseph Wojtowicz
1390 Northfield Drive
Mineral Ridge, OH 44440–9420
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Joseph T. Wojtowicz

MTC–00012269

From: Gerald Kotyuk
To: Microsoft Settlement
Date: 1/15/02 9:37pm
Subject: Microsoft Settlement
Gerald Kotyuk
2300 Orleans Ave
Marietta, GA 30062–7214
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Gerald and Debbie Kotyuk

MTC–00012270

From: Alan De Ville
To: Microsoft Settlement
Date: 1/15/02 7:09pm
Subject: Microsoft Settlement
Alan De Ville
7111 Tuckahoe Rd.
Williamson, NY 14589
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Alan De Ville

MTC–00012271

From: Rex Wilson
To: Microsoft Settlement
Date: 1/15/02 9:15pm
Subject: Microsoft Settlement
Rex Wilson
912 Pavillion Street
Dallas, TX 75204–5513
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Rex Wilson, LCol, USMC Ret

MTC–00012272

From: Michael (Mick) Orton
To: Microsoft Settlement
Date: 1/15/02 6:51pm
Subject: Microsoft Settlement
Michael (Mick) Orton
1099 D Street, Suite 205
San Rafael, CA 94901
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Michael Orton

MTC–00012273

From: Scott Johnson
To: Microsoft Settlement
Date: 1/15/02 5:34pm
Subject: Microsoft Settlement
Scott Johnson
6003 Westbourne Place
Centreville, VA 20120–1865
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Scott Alan Johnson

MTC–00012274

From: Hal Scoggins
To: Microsoft Settlement
Date: 1/15/02 9:35pm
Subject: Microsoft Settlement
Hal Scoggins
2807 Jackson St.
Houston, TX 77004–1242
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who pro&el our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Hal Scoggins

MTC–00012275

From: David Jacobson
To: Microsoft Settlement
Date: 1/15/02 8:01pm
Subject: Microsoft Settlement
David Jacobson
700 Norcova Dr.
Chesapeake, VA 23320
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Sincerely,
David Jacobson

MTC–00012276

From: Edward Smith
To: Microsoft Settlement
Date: 1/15/02 7:03pm
Subject: Microsoft Settlement
Edward Smith
130 Somerset Drive
Brooklyn, MI 49230
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Edward R. Smith

MTC–00012277

From: Thomas Zamrok
To: Microsoft Settlement
Date: 1/15/02 6:45pm
Subject: Microsoft Settlement
Thomas Zamrok
4805 Transit Road #1808
Depew, NY 14043–4904
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Thomas P. Zamrok

MTC–00012278

From: Jennifer Freeman
To: Microsoft Settlement
Date: 1/15/02 8:09pm
Subject: Microsoft Settlement
Jennifer Freeman
226 Wilson Dr.
Summerville, SC 29483–3032
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Jennifer M. Freeman

MTC–00012279

From: William Signorile
To: Microsoft Settlement
Date: 1/15/02 5:57pm
Subject: Microsoft Settlement
William Signorile
2360 Hemlock Farms
Hawley, Pa 18428
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Sincerely,

Kathy & Bill Signorile

MTC–00012280

From: Donald McGee
To: Microsoft Settlement
Date: 1/15/02 6:26pm
Subject: Microsoft Settlement
Donald McGee
545 Hidden Creek Drive
Merritt Island, FL 32952
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Donald D. McGee

MTC–00012281

From: Frances Colvin
To: Microsoft Settlement
Date: 1/15/02 8:57pm
Subject: Microsoft Settlement
Frances Colvin
323 Bailey Blvd
Tahlequah, OK 74464–9261
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Frances and Charles Colvin

MTC–00012282

From: C. Mack Powell
To: Microsoft Settlement
Date: 1/15/02 8:23pm
Subject: Microsoft Settlement
C. Mack Powell
1437 N. Easrman Rd Apt B
Longview, TX 75601
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the

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Thank you for this opportunity to share my views.

Sincerely,

C. Mack Powell

Federal Register

Friday,
May 3, 2002

Part II—Continued

Department of Justice

Antitrust Division

United States v. Microsoft Corporation; Public Comments; Notice

MTC–00012283

From: Edward Kirk Middleton
To: Microsoft Settlement
Date: 1/15/02 6:11pm
Subject: Microsoft Settlement
Edward Kirk Middleton
8553 Fairforest Rd.
Spartanburg, SC 29303
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Sincerely,
Edward Kirk Middleton

MTC–00012284

From: Kenneth Pelkey
To: Microsoft Settlement
Date: 1/15/02 9:31pm
Subject: Microsoft Settlement
Kenneth Pelkey
707 Oceanside Blvd. Suite C
Oceanside, CA 92054
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Sincerely,
Kenneth J. Pelkey

MTC–00012285

From: George Godwin
To: Microsoft Settlement
Date: 1/15/02 8:39pm
Subject: Microsoft Settlement
George Godwin
1212 Summit St
Dothan, Al 36301
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Sincerely,
Mr. & Mrs. George Godwin

MTC–00012286

From: rramos@inroads.org@inetgw
To: Microsoft ATR
Date: 1/15/02 11:41pm
Subject: Dept of Justice on Microsoft Litigation

It is about time that we finally settle this unfair lawsuit against Microsoft filed by rival companies of Microsoft. Most of these supposedly concerned companies are actually interested only in getting more money for themselves and do not necessarily have the public welfare in mind. Given the same position that Microsoft had in the computer field who knows what they would have done. ''He who is without sin let him cast the first stone.'' Let us settle this case finally and allow good, viable companies like Microsoft to go on with their projects. Let us stop the government from spending too much money in useless litigation and finalize this once and for all. Most companies especially, technology companies are already suffering from this great economic slowdown and adding to this is such unsure and wastefull litigation that has dragged on for so long. Let this case be settled now. Microsoft is agreeing to the settlement conditions, what more do these companies want?
CC: staffm@microsoft.com@inetgw

MTC–00012287

From: Edward D'Ovidio
To: Microsoft Settlement
Date: 1/15/02 9:29pm
Subject: Microsoft Settlement
Edward D'Ovidio
835 Hermitage Ridge
Hermitage, TN 37076
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Sincerely,
Edward D'Ovidio

MTC–00012288

From: Wayne Noll
To: Microsoft Settlement
Date: 1/15/02 8:53pm
Subject: Microsoft Settlement
Wayne Noll
2021 Cameo Vista Dr.
West Covina, Ca 91791
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the

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Sincerely,
Wayne Noll

MTC–00012289

From: George Roy, Jr.
To: Microsoft Settlement
Date: 1/15/02 5:35pm
Subject: Microsoft Settlement
George Roy, Jr.
626 U.S. Rt. #1
Scarborough, ME 04074
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies. Thank you for this opportunity to share my views.

Sincerely,
George E. Roy, Jr.

MTC–00012290

From: W R Jackson, Jr.
To: Microsoft Settlement
Date: 1/15/02 8:42pm
Subject: Microsoft Settlement
W R Jackson, Jr.
55 Burbank Lane
Yarmouth, ME 04096
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Sincerely,
W R Jackson Jr

MTC–00012291

From: Michael Bosworth
To: Microsoft Settlement
Date: 1/15/02 9:48pm
Subject: Microsoft Settlement
Michael Bosworth
10212 Altavista Ave. Apt. 103
Tampa, FL 33647
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Sincerely,
Michael Bosworth

MTC–00012292

From: Marjorie Kasten
To: Microsoft Settlement
Date: 1/15/02 9:32pm
Subject: Microsoft Settlement
Marjorie Kasten
360 Grandview Ave
Bangor, ME 04401–3226
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Sincerely,
Marjorie Kasten

MTC–00012293

From: Susan Sabol
To: Microsoft Settlement
Date: 1/15/02 8:46pm
Subject: Microsoft Settlement
Susan Sabol
9047 Blackhawk Lane
Indianapolis, IN 46234
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry.

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Sincerely,
Susan Sabol

MTC–00012294

From: Horst Ehrhardt
To: Microsoft Settlement
Date: 1/15/02 7:18pm
Subject: Microsoft Settlement
Horst Ehrhardt
143 Walden Ridge Dr.
Crossville, TN 38558
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Sincerely,
Horst Ehrhardt

MTC–00012295

From: Patricia Isaak
To: Microsoft Settlement
Date: 1/15/02 6:48pm
Subject: Microsoft Settlement
Patricia Isaak
4201 Bonita Road, Apt. 242
Bonita, CA 91902
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Sincerely,
Patricia A. Isaak

MTC–00012296

From: Michael Freeman
To: Microsoft Settlement
Date: 1/15/02 8:59pm
Subject: Microsoft Settlement
Michael Freeman
413 Columbia Ave.
Lumberton, NC. 28358
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Sincerely,
Michael Freeman

MTC–00012297

From: Richard Hathaway
To: Microsoft Settlement
Date: 1/15/02 5:56pm
Subject: Microsoft Settlement
Richard Hathaway
2040 Duck Lake Rd.
Whitehall, MI 49461
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Sincerely,
Richard G. Hathaway

MTC–00012298

From: Ludmila Foster
To: Microsoft Settlement
Date: 1/15/02 5:26pm
Subject: Microsoft Settlement
Ludmila Foster
307 Yopakum Pkwy, Apt.1214
Alexandria, VA 22304
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies. Thank you for this opportunity to share my views.

Sincerely,

Ludmila A. Foster

MTC–00012299

From: Cosmo Stallone
To: Microsoft Settlement
Date: 1/15/02 8:51pm
Subject: Microsoft Settlement
Cosmo Stallone
804 Cooks Brook Road
Roscoe, NY 12776–7102
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Sincerely,

Cosmo Stallone

MTC–00012300

From: Susan Dzienius
To: Microsoft Settlement
Date: 1/15/02 7:20pm
Subject: Microsoft Settlement
Susan Dzienius
10015 Paseo Montril
San Diego, CA 92129–3916
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Sincerely,

Susan Dzienius

MTC–00012301

From: Dotti Hernandez
To: Microsoft Settlement
Date: 1/15/02 5:20pm
Subject: Microsoft Settlement
Dotti Hernandez
2813 Thornton Ct. #3
Modesto, CA 95350–2036
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Sincerely,

Dotti Hernandez

MTC–00012302

From: Frank Reagor
To: Microsoft Settlement
Date: 1/15/02 5:38pm
Subject: Microsoft Settlement
Frank Reagor
406 Webb Road West
Bell Buckle, TN 37020–4045
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Sincerely,

R. Frank Reagor

MTC–00012303

From: Douglas Martin
To: Microsoft Settlement
Date: 1/15/02 7:42pm
Subject: Microsoft Settlement
Douglas Martin
5409 Lemhi Court
North Las Vegas, NV 89031–0517
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Sincerely,

Douglas J. Martin

MTC–00012304

From: William Staskel

To: Microsoft Settlement
Date: 1/15/02 7:36pm
Subject: Microsoft Settlement
William Staskel
14 First Avenue
Central Islip, NY 11722–3010
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Sincerely,
William J. Staskel

MTC–00012305

From: Nathan M. Linowitz
To: Microsoft Settlement
Date: 1/15/02 8:29pm
Subject: Microsoft Settlement
Nathan M. Linowitz
217 East Hanover St
Trenton, NJ 08608
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Sincerely,
Nathan M. Linowitz

MTC–00012306

From: franklin neabitt
To: Microsoft Settlement
Date: 1/15/02 6:05pm
Subject: Microsoft Settlement
franklin neabitt
506 rainbow blvd
lady lake, fl 32159–6415
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Sincerely,
franklin nesbitt

MTC–00012307

From: Arlen Gastineau
To: Microsoft Settlement
Date: 1/15/02 9:14pm
Subject: Microsoft Settlement
Arlen Gastineau
6423 Edge-o-Grove Circle
Orlando, FL 32819
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Sincerely,
Arlen Gastineau

MTC–00012308

From: John Brady, Sr.
To: Microsoft Settlement
Date: 1/15/02 8:56pm
Subject: Microsoft Settlement
John Brady, Sr.
1208 Brampton Pl.
Heathrow, Fl 32746–5027
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Yours truly,
John X. Brady, Sr.

MTC–00012309

From: Maxie M. Kennedy
To: Microsoft Settlement
Date: 1/15/02 9:49pm
Subject: Microsoft Settlement
Maxie M. Kennedy
414 Aaron Johnson Ln
Kinston, NC 28504–7735
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division

950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Maxie M Kennedy

MTC–00012310

From: Joshua Harmon
To: Microsoft Settlement
Date: 1/15/02 7:33pm
Subject: Microsoft Settlement
Joshua Harmon
104B Biltmore Drive
Greenville, SC 29601–4330
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Josh Harmon

MTC–00012311

From: Margaret Alkinc
To: Microsoft Settlement
Date: 1/15/02 8:25pm
Subject: Microsoft Settlement
Margaret Alkinc
177 West Newell Avenue
Rutherford, NJ 07070
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Margaret Alkinc

MTC–00012312

From: David Hougen
To: Microsoft Settlement
Date: 1/15/02 7:07pm
Subject: Microsoft Settlement
David Hougen
19502 Encino Spur St.
San Antonio, Tx 78259–2305
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
David A Hougen

MTC–00012313

From: Charles Cooper
To: Microsoft Settlement
Date: 1/15/02 7:53pm
Subject: Microsoft Settlement
Charles Cooper
7817 South State Route 555
Chesterhill, OH 43728
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Charles A Cooper

MTC–00012314

From: Gerald Zellar
To: Microsoft Settlement
Date: 1/15/02 9:57pm
Subject: Microsoft Settlement
Gerald Zellar
81341 420th Ave
Lakefield , MN 56150
January 15, 2002

Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Gerald Zellar

MTC–00012315

From: Rachel Wade
To: Microsoft Settlement
Date: 1/15/02 7:56pm
Subject: Microsoft Settlement
Rachel Wade
197 Lazy Creek Dr
Rustburg, VA 24588
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Rachel Wade

MTC–00012316

From: Charlton Todd
To: Microsoft Settlement
Date: 1/15/02 7:50pm
Subject: Microsoft Settlement
Charlton Todd
919 Briarcliff Lane
Blackshear, GA 31516
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Charlton D. Todd

MTC–00012317

From: Gina Jackson
To: Microsoft Settlement
Date: 1/15/02 5:27pm
Subject: Microsoft Settlement
Gina Jackson
1630 Sawyer Avenue
West Covina, CA 91790
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Gina M. Jackson

MTC–00012318

From: Lewis Van Horn
To: Microsoft Settlement
Date: 1/15/02 8:09pm
Subject: Microsoft Settlement
Lewis Van Horn
11 Sunset Drive
Howell, NJ 07731–2766
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Lewis O. Van Horn

MTC–00012319

From: Alex Vert
To: Microsoft Settlement
Date: 1/15/02 8:20pm
Subject: Microsoft Settlement
Alex Vert
1104 Minneapolis St.

Sault Ste. Marie, MI 49783–3124
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:
The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.
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Thank you for this opportunity to share my views.
Sincerely,
Alex R. Vert

MTC–00012320

From: Robert Adams
To: Microsoft ATR
Date: 1/15/02 11:38pm
Subject: Microsoft Settlement
I ask that you seek to dismiss the case against Microsoft and allow them to
I ask that you seek to dismiss the case against Microsoft and allow them to continue to create and innovate in a free market enviornment. If there were TRUE competition, i.e. GOOD alternative software, people would be lining up to use it and BUY it. However, that is not the case, therefore the providers of inferior products have chosen to spend their money on attorneys rather that research and development. Let us put this lawsuit behind us so that Microsoft can get on with the business of doing business and not protecting themselves from frivolous lawsuits.
Sincerely,
Robert C. Adams
St. Louis, MO

MTC–00012321

From: Randall Gosh
To: Microsoft Settlement
Date: 1/15/02 9:51pm
Subject: Microsoft Settlement
Randall Gosh
816 Williams Avenue
South Milwaukee, WI 53172–3860
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:
The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.
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Thank you for this opportunity to share my views.
Sincerely,
Randall Gosh

MTC–00012322

From: Paul Toland
To: Microsoft Settlement
Date: 1/15/02 9:53pm
Subject: Microsoft Settlement
Paul Toland
484 Lake Park Avenue, #145
Oakland, Ca 94610–2730
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW.,
Washington, DC 20530
Dear Microsoft Settlement:
The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.
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Thank you for this opportunity to share my views.
Sincerely,
Paul R Toland

MTC–00012323

From: Myrtice Walker
To: Microsoft Settlement
Date: 1/15/02 7:32pm
Subject: Microsoft Settlement
Myrtice Walker
1064 Horseshoe Rd
Augusta, GA 30906
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW.,
Washington, DC 20530
Dear Microsoft Settlement:
The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.
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Thank you for this opportunity to share my views.
Sincerely,
Myrtice J. Walker

MTC–00012324

From: Raymond Best
To: Microsoft Settlement
Date: 1/15/02 7:45pm
Subject: Microsoft Settlement
Raymond Best
2364 W. Charteroak Dr.
Prescott, AZ 86305
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW.,
Washington, DC 20530
Dear Microsoft Settlement:
The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.
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Thank you for this opportunity to share my views.

Sincerely,
Raymond Best

MTC–00012325

From: Lonnie Wendling
To: Microsoft Settlement
Date: 1/15/02 6:00pm
Subject: Microsoft Settlement
Lonnie Wendling
1614 Petri Place
San Jose, CA 95118
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW.,
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Lonnie Wendling

MTC–00012326

From: Jeffrey Mathews
To: Microsoft Settlement
Date: 1/15/02 9:00pm
Subject: Microsoft Settlement
Jeffrey Mathews
10654 W 200 South
Westville, IN 46391–9639
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW.,
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Sincerely,
Jeffrey J Mathews

MTC–00012327

From: Bernt Martinson
To: Microsoft Settlement
Date: 1/15/02 8:33pm
Subject: Microsoft Settlement
Bernt Martinson
1413 Cummings Ave
Eau Claire, wi 54701
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW.,
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Bernt P. Martinson

MTC–00012328

From: Phyllis L Sherkus
To: Microsoft Settlement
Date: 1/15/02 8:34pm
Subject: Microsoft Settlement
Phyllis L Sherkus
2502 York Court
Dunkirk, MD 20754
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW.,
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Phyllis L Sherkus

MTC–00012329

From: Richard Nigro
To: Microsoft Settlement
Date: 1/15/02 5:47pm
Subject: Microsoft Settlement
Richard Nigro
2591 Rocky Springs Drive
Marietta, GA 30062–4477
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW.,
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Richard M. Nigro

MTC–00012330

From: Sheryl Vanderwalker
To: Microsoft Settlement
Date: 1/15/02 7:22pm
Subject: Microsoft Settlement
Sheryl Vanderwalker
P.O. Box 142
Enumclaw, wa 98022
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW.,
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Sheryl A. Vanderwalker

MTC–00012331

From: Florence Stoltzfus
To: Microsoft Settlement
Date: 1/15/02 6:26pm
Subject: Microsoft Settlement
Florence Stoltzfus
907 Surry Dr
Shelby, NC 28152
Januaryy 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW.,
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Florence Jean Stoltzfus

MTC–00012332

From: Charles White
To: Microsoft Settlement
Date: 1/15/02 5:50pm
Subject: Microsoft Settlement
Charles White
1300 Miller Place Drive
Bryant, AR 72022
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW.,
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Charles L. White

MTC–00012333

From: Kurt Bonifay, Sr.
To: Microsoft Settlement
Date: 1/15/02 7:55pm
Subject: Microsoft Settlement
Kurt Bonifay, Sr.
8113 Monticello Dr
Pensacola, Fl 32514
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW.,
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Kurt E. Bonifay Sr.

MTC–00012334

From: Kathryn Rodriguez
To: Microsoft Settlement
Date: 1/15/02 9:43pm
Subject: Microsoft Settlement
Kathryn Rodriguez
4841 Carol Drive
Troy, MI 48098–5707
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW.,
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Kathryn Rodriguez

MTC–00012335

From: Manfred Kremkus
To: Microsoft Settlement
Date: 1/15/02 8:33pm
Subject: Microsoft Settlement
Manfred Kremkus
P.O. Box 1304
San Marcos, TX 78667–1304
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW.,
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Manfred Kremkus

MTC–00012336

From: Susan Reese
To: Microsoft Settlement
Date: 1/15/02 8:48pm
Subject: Microsoft Settlement
Susan Reese
2000 Miller Island Road W.
Klamath Falls, OR 97603
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW.,
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Susan Reese

MTC–00012337

From: Brian Connett
To: Microsoft Settlement
Date: 1/15/02 8:29pm
Subject: Microsoft Settlement
Brian Connett
9542 Swinton Avenue
North Hills, CA 91343–1926
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW.,
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Brian I. Connett

MTC–00012338

From: Andrew Guerrasio
To: Microsoft Settlement
Date: 1/15/02 5:53pm
Subject: Microsoft Settlement
Andrew Guerrasio
102 Southaven Ave
Medford, NY 11763
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Andrew Guerrasio

MTC–00012339

From: Nancy Z. Mayer
To: Microsoft Settlement
Date: 1/15/02 8:42pm
Subject: Microsoft Settlement
Nancy Z. Mayer
RR3 Box 203
Killeen, TX 76549–0311
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Nancy Z. Mayer

MTC–00012340

From: Frank K Duerst
To: Microsoft Settlement
Date: 1/15/02 7:40pm
Subject: Microsoft Settlement
Frank K Duerst
17200 WQ Bell Rd #225
Surprise, Az 85374
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Frank K Duerst

MTC–00012341

From: Janet Staskel
To: Microsoft Settlement
Date: 1/15/02 7:36pm
Subject: Microsoft Settlement
Janet Staskel
14 First Avenue
Central Islip, NY 11722–3010
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Janet Staskel

MTC–00012342

From: Thomas Meeker
To: Microsoft Settlement
Date: 1/15/02 5:51pm
Subject: Microsoft Settlement
Thomas Meeker
201 Rio Vista Drive
Cibolo, TX 78108–4205
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Thomas Meeker

MTC–00012343

From: Anne N. McClure
To: Microsoft Settlement
Date: 1/15/02 7:58pm
Subject: Microsoft Settlement
Anne N. McClure
44141 Foxy Lane
Ahwahnee, Ca 93601
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Anne N. McClure

MTC–00012344

From: Timothy B. Baker
To: Microsoft Settlement
Date: 1/15/02 7:04pm
Subject: Microsoft Settlement
Timothy B. Baker
8n Wonderwood Drive
Greenville, SC 29615–1231
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the

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Thank you for this opportunity to share my views.

Sincerely,

Timohty B. Baker

MTC–00012345

From: Sydney Corbett
To: Microsoft Settlement
Date: 1/15/02 5:54pm
Subject: Microsoft Settlement
Sydney Corbett
231 SE 45th Terrace
Ocala, Fl 34471–3224
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

It's time to let Microsoft get back to the business of producing good products and creating jobs for the American workers. The Microsoft trial squandered taxpayers' dollars and was a serious deterrent to investors in the high-tech industry. Consumers should see competition in the marketplace, rather than the courtroom. With the economy the way it is now, we should be encouraging businesses, not slapping them down! Most Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, instead of wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Sydney B. Corbett

MTC–00012346

From: Paul Christoffersen
To: Microsoft Settlement
Date: 1/15/02 7:30pm
Subject: Microsoft Settlement
Paul Christoffersen
23728 RD 15 3/4
Chowchilla, CA 93610
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Paul Christoffersen

MTC–00012347

From: Rosalind Berg
To: Microsoft Settlement
Date: 1/15/02 7:06pm
Subject: Microsoft Settlement
Rosalind Berg
1847 2335 Road Box 57
Cedaredge, CO 81413
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Rosalind R. Berg

MTC–00012348

From: James D. Austraw
To: Microsoft Settlement
Date: 1/15/02 7:15pm
Subject: Microsoft Settlement
James D. Austraw
320 East 170 South
Ivins, UT 84738
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

James D. Austraw

MTC–00012349

From: Barbara C. Pink
To: Microsoft Settlement
Date: 1/15/02 6:24pm
Subject: Microsoft Settlement
Barbara C. Pink
4080 Orchard Road
The Dalles, OR 97058
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

David H. & Barbara C. Pink

MTC–00012350

From: Sarah Morales
To: Microsoft Settlement
Date: 1/15/02 5:57pm
Subject: Microsoft Settlement
Sarah Morales
3005 A Portertown Road
Greenville, NC 27858
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Sarah Morales

MTC–00012351

From: Gladys Joyce Melton
To: Microsoft Settlement
Date: 1/15/02 5:39pm
Subject: Microsoft Settlement
Gladys Joyce Melton
6310–11 Glacier Hwy
Juneau, AK 99801
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Joyce Melton

MTC–00012352

From: Mark Sheppard
To: Microsoft Settlement
Date: 1/15/02 5:37pm
Subject: Microsoft Settlement
Mark Sheppard
633 Elise Drive
Redlands, CA 92374–2134
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Mark Sheppard

MTC–00012353

From: Charles Hoffman
To: Microsoft Settlement
Date: 1/15/02 7:03pm
Subject: Microsoft Settlement
Charles Hoffman
4939 Windsor Gate Court
Morganton,, NC 28655
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement: The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Charles B. Hoffman

MTC–00012354

From: Rose Mary Vaughan
To: Microsoft Settlement
Date: 1/15/02 8:30pm
Subject: Microsoft Settlement
Rose Mary Vaughan
5720 Beaumont Place
El Paso, TX 79912
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Rose Mary Vaughan

MTC–00012355

From: Gregory Morneau
To: Microsoft Settlement
Date: 1/15/02 8:53pm
Subject: Microsoft Settlement
Gregory Morneau
8749 Kilbirnie Terrace
Brooklyn Park, MN 55443
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Gregory Morneau

MTC–00012356

From: Joan Gillett
To: Microsoft Settlement
Date: 1/15/02 8:30pm
Subject: Microsoft Settlement
Joan Gillett
1911 Wealthy Street S. E.
Grand Rapids, MI 49506
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Joan F. Gillett

MTC–00012357

From: Richard S. Marsh
To: Microsoft Settlement
Date: 1/15/02 8:07pm
Subject: Microsoft Settlement
Richard S. Marsh
4122 Janet Drive
Dorr, MI 49323
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Richard S. Marsh

MTC–00012358

From: Matthew Terhune
To: Microsoft Settlement
Date: 1/15/02 5:35pm
Subject: Microsoft Settlement
Matthew Terhune
3938 Lott Ave.
Corpus Christi, TX 78410–6033
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Matthew Terhune

MTC–00012359

From: Charles E. Layne
To: Microsoft Settlement
Date: 1/15/02 6:45pm
Subject: Microsoft Settlement
Charles E. Layne
615 Revere Ave
Ft Walton Bch, Fl 32547
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division

950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Charles E. Layne

MTC–00012360

From: Anthony Mangan
To: Microsoft Settlement
Date: 1/15/02 8:37pm
Subject: Microsoft Settlement
Anthony Mangan
155 Quail Hollow Drive
San Jose, Ca 95128–4544
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Anthony Mangan

MTC–00012361

From: Eleanor Smith
To: Microsoft Settlement
Date: 1/15/02 9:06pm
Subject: Microsoft Settlement
Eleanor Smith
6042 Cartagena St.
Houston, Tx 77035–4116
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Eleanor B. Smith

MTC–00012362

From: Joe Thompson
To: Microsoft Settlement
Date: 1/15/02 8:19pm
Subject: Microsoft Settlement
Joe Thompson
45438 St Georges Ave P O Box 40
Piney Point, MD 20674
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Joe Thompson

MTC–00012363

From: Irene DeMpss
To: Microsoft Settlement
Date: 1/15/02 9:50pm
Subject: Microsoft Settlement
Irene DeMpss
3320 Parksie Drive
San Bernardino, Ca 92404–2408
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Irene DeMpss

MTC–00012364

From: Evelyn Aseltine
To: Microsoft Settlement
Date: 1/15/02 7:29pm
Subject: Microsoft Settlement
Evelyn Aseltine
3111 Platt Place South
Ypsilanti, MI 48197–6644
January 15, 2002

Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Evelyn G. Aseltine

MTC–00012365

From: Russ Christianson
To: Microsoft Settlement
Date: 1/15/02 5:28pm
Subject: Microsoft Settlement
Russ Christianson
P.O. Box 243
Lake Mills, WI 53551–0243
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Russ Christianson

MTC–00012366

From: Elizabeth Conner
To: Microsoft Settlement
Date: 1/15/02 7:31pm
Subject: Microsoft Settlement
Elizabeth Conner
8502 E Chapman Avenue PMB 374
Orange, CA 92869
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Elizabeth D. Conner

MTC–00012367

From: James Schaer
To: Microsoft Settlement
Date: 1/15/02 6:43pm
Subject: Microsoft Settlement
James Schaer
P.O.Box 744;1570 Maple Ave.
North Bend, Or 97459
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
James M. (Mike) Schaer

MTC–00012368

From: Bonvc@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 11:42pm
Subject: Microsoft Settlement

To the United States Department of Justice:

I am urging you to settle the Microsoft antitrust case. The provisions of the agreement are tough, reasonable, fair to all parties involved and go beyond the findings of the Court of Appeals ruling. This settlement is good for consumers and for the American economy. We need to move on. This settlement is indeed in the public interest and I, as a consumer, believe it is critical that that we move beyond this litigation. Thank you.

Sincerely,
Bonnie Carlson
3646 Lovejoy Court N.E.
Olympia, WA 98506

MTC–00012369

From: John & Jean anne Morrow
To: Microsoft Settlement
Date: 1/15/02 8:09pm
Subject: Microsoft Settlement
John & Jean anne Morrow
1998 Prescott Lakes Parkway
Prescott, AZ 86301
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers.

With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

John & Jean Anne Morrow

MTC–00012370

From: Carroll Neblett
To: Microsoft ATR
Date: 1/15/02 11:42pm
Subject: Microsoft Settlement

I want to express my support for the acceptance and finalization of the Microsoft Anti-trust settlement, and an end to the litigation.

I am only a consumer, but I have been an active buyer and user of personal computers and computer software for more than 10 years. I believe that Microsoft has been instrumental in developing software products that have benefited consumers, business and the U.S economy.

While I cannot speak to any non-competitive improprieties that Microsoft may have committed, I cannot imagine that any more rapid or beneficial development of the capabilities of personal computers could have occurred under any circumstances, no matter how competitive. I don't believe that any more rapid or aggressive availability of computer technology could have been assimilated by the pubic and business, under any circumstances.

I believe it is time finalize the Settlement and put the Microsoft Anti-trust Case behind us. I think to do otherwise and continue to let the case drag on will hurt consumers, business, and potentially the U.S. economy and its competitive position in the World economy relative to technology leadership.

I will appreciate your consideration of my opinion.

Carroll Neblett
11520 Drysdale Drive
Richmond, VA 23236

MTC–00012371

From: William A.Pauwels, Sr.
To: Microsoft ATR
Date: 1/15/02 11:43pm
Subject: Microsoft Settlement

The case against Microsoft should be dropped. Microsoft has made GREAT contributions to the well-being of mankind and to its institutions.

The Justice Dept.'s persecution of SUCCESSFUL American companies because their competitors don't like them and/or can't measure-up in the marketplace, is ridiculous.

If the Justice Dept. is looking for something to champion, why not go after the thousands of FOREIGN companies doing business in the USA while violating American Antitrust Laws.

Sincerely,

William A. Pauwels, Sr.

1–15–02

MTC–00012372

From: Mark Scherer
To: Microsoft Settlement
Date: 1/15/02 6:41pm
Subject: Microsoft Settlement
Mark Scherer
P.O. Box 9720
Rancho Santa Fe, CA 92067
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies. Focus your attention on the abuses of the airline and oil industry just to name a few.

Thank you for this opportunity to share my views.

Sincerely,

Mark Scherer

MTC–00012373

From: C. Warren & Marlene Stelly
To: Microsoft Settlement
Date: 1/15/02 7:37pm
Subject: Microsoft Settlement
C. Warren & Marlene Stelly
210 Creekwood Drive
Lafayette, LA 70503
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement: The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry, although it wasn't quite as anti-business as OBL. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Charles W. Stelly

MTC–00012374

From: LelaOmta@aol.com@inetgw
To: Microsoft ATR
Date: 1/15/02 11:45pm
Subject: Microsoft Settlement

I am completely in favor of settling the Microsoft case now! Lela Omta

MTC–00012375

From: Dean Isenberger
To: Microsoft Settlement
Date: 1/15/02 8:01pm
Subject: Microsoft Settlement
Dean Isenberger
PO Box 1377
Black Canyon City, AZ 85324
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies. I truly feel that Microsoft was erroneously singled out in this whole fiasco.

Thank you for this opportunity to share my views.

Sincerely,

Dean Isenberger

MTC–00012376

From: david said

To: Microsoft ATR
Date: 1/15/02 11:49pm
Subject: Microsoft Settlement

Let's get this thing settled according to the already agreed upon ruling!! We have already wasted enough of the publics money just to satisfy some over-inflated egos!

Thank You!
David M. Said,
Olympia, WA

MTC–00012377

From: Paul Ericson
To: Microsoft ATR
Date: 1/15/02 11:50pm
Subject: Microsoft Settlement

It is time to settle the MicroSoft case. It is in the interest of the American consumer to be protected from the harm that will come from the continued harrassment of a great American company named MicroSoft. Please take actions the will settle this case in a fair and equitable manner. Small businesses need companies like MicroSoft to innovate business solutions that will enhance our American Economy both now and into the future. Thank you.

Sincerely,
Paul E. Ericson, Business owner.
Ericson Enterprises
pericson@quixnet.net
63 Pleasant Street
Lunenburg, MA 01462

MTC–00012378

From: Edwin Lenfestey
To: Microsoft Settlement
Date: 1/15/02 7:14pm
Subject: Microsoft Settlement
Edwin Lenfestey
9209 East 40th Street
Tulsa, OK 74145–3715
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial has wasted enough of the taxpayers' dollars. The Governments continued interference in the marketplace at the behest of Microsoft's inept and whiney competitors constitutes a major nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers want competition in the marketplace, rather than the courtroom.

If and when the Government understands that we the consumers want this to end, only then will the investors who propel our economy finally breathe a sigh of relief.

A majority of Americans thought the Federal Government should not have instituted the action against Microsoft. So when the case is finally over, Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable time and resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Ed Lenfestey

MTC–00012379

From: William Butler
To: Microsoft Settlement
Date: 1/15/02 8:12pm
Subject: Microsoft Settlement
William Butler
449 Railroad Street
Flovilla, Ga 30216–2105
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views. The government approved the merger of Time-Warner and AOL. Is that any different than Microsoft? No. No one has to buy Microsoft. I have used their products for a while. I have gotten several items free.

Sincerely,
George Butler

MTC–00012380

From: Ellen Sowins
To: Microsoft Settlement
Date: 1/15/02 8:39pm
Subject: Microsoft Settlement
Ellen Sowins
92785 Knappa Dock Road
Astoria, OR 97103
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies. Thank you for this opportunity to share my views.

Microsoft deserves every penny they have made over the years—if I can use their products and not mess up on the internet!! They've made my computer safe and smart and very forgiving of my errors.

Sincerely,
Ellen Sowins

MTC–00012381

From: Ray Stanke
To: Microsoft ATR
Date: 1/16/02 12:06am
Subject: Microsoft Settlement

I am a taxpayer and the government continues to waste money. Impose light penalties to insure compliance with consumer requests, and get on with life. The battle is NOT with people who have and continue to provide jobs and security. Like the movie, Field of Dreams; if someone out there can build a better system, people will buy and not buy m/s. Stop this stupid and time cosuming process and concentrate good things that have been and can be done.

MTC–00012382

From: Matt Katzer
To: Microsoft ATR
Date: 1/16/02 12:10am
Subject: Microsoft Settlement

Judge Colleen Kollar-Kotelly

I feel that Microsoft has been punished enough. It is time to end this action!

The 9 states do not have a case to stand on, and are just trying to get there names in the press.

It is one thing to prove that harm has been done, it is another thing to twist the legal system to support a personal vendetta against Microsoft.

Please end this farce and approve the settlement

Matt Katzer

MTC–00012383

From: Dianne0129@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 12:08am
Subject: Microsoft Settlement

I would like to see all states join in the settlement and end the litigation and lawsuits.

Thank you

Dianne Shanander

MTC–00012385

From: raw@usintouch.com@inetgw
To: Microsoft ATR
Date: 1/16/02 12:22am
Subject: Microsoft Settlement

This has been dragged out far too long already. The previously proposed settlement seems fair. Continuing pressure from Microsoft competitors, should not be allowed to drag this on any longer.

Robert A. Walser
raw@usintouch.com
P.O. Box 9689
Pahrump, NV 89060

MTC–00012386

From: Sharon Wood
To: Microsoft ATR
Date: 1/16/02 12:16am
Subject: Microsoft Settlement

To who it may concern,

The Microsoft settlement is a good thing. That's accept it and move on to other things. It is a good settlement for the company and the consumer.

Sincerely,
Sharon Wood

MTC–00012387

From: Neva
To: Microsoft ATR
Date: 1/16/02 12:19am
Subject: Microsoft Settlement

I'm twenty years old, and I've been using computers since I was a small child—I can't imagine a life without them. The first one I can remember properly was our Commodore 64. Seems ancient now, didn't even have a hard drive. And back then, I'd never heard of Microsoft, or Windows, or any of that. What, then, will happen twenty years from now if they're let off with a slap on the wrist? Will future generations ever be able to break away from them?

Please, do something to stop the bundling and hidden APIs and the control Microsoft holds over any manufacturer that wants to use their product. First it was Microsoft Windows, then Windows Media Player and Office and the fact that I can no longer stop using Internet Explorer even if I wanted to. . . what will it be for my kids?

MTC–00012388

From: Paul Osterhues BBA MCP
To: Microsoft ATR
Date: 1/16/02 12:24am
Subject: Microsoft Settlement

Please stop the bickering and settle this case as is. The settlement is fair and reasonable. The whiners are complaining that this will enable Microsoft to gain a foothold in the schools. No one wants a operating system in their classroom that can only supports less than 5 % of the software available on the market today. Mac writes all of their software except Office Suite. My experience with schools is that the Mac's and apples are located in the janitor closet collecting cobwebs and dust. The teachers are migrating away from the former platform that is more expensive than Microsoft. You cannot run Mac on a Intel platform which businesses are donating to the school. There is only one vendor that sells the hardware for the Mac and that is Macintosh the manufacturer who is crying foul. If it was not for Microsoft who developed a office suite and also bailed them out from going bankrupt a couple of years ago, there would not be any computer platform for any Mac a holic to go to.If monetary amounts are imposed, their is no guarantee that the funds will actually show up in the needed schools classrooms as computer for the students. Case in point is our wonderful state of California and our pathetic schools in Los Angeles. The funds always get diverted to the special interest group who is supporting the corrupt system there.

Paul Osterhues

MTC–00012389

From: nathan liskov
To: microsoft.atr(a)usdoj.gov
Date: 1/16/02 12:27am
Subject: Microsoft Comments

One remedy that I think is very important to enhancing competition that has not been discussed widely in the press is the following:

Microsoft should publish the detailed formats for the files generated by their office suite programs. Any future changes in these formats should be published at least 4 months in advance of selling updates with format changes. For example, Word produces .DOC files, Excel produces .XLS files, etc. The format of these files is not published and other competitors must use reverse engineering to figure them out. This process is usually imperfect resulting in less than full compatibility. Ideally one should be able to take a .DOC file that someone has written using Microsoft Word, view it and edit it in a competing product (e.g. Lotus WordPro or WordPerfect) and send in back to the originator who is using Microsoft Word. Similarly for .XLS spreadsheed files or .PPT (Microsoft Powerpoint), and so on. With this approach we could have transparency of format allowing use of competing office suite products with full compatibility.

Thanks for your consideration,

Nathan Liskov

P.S. Microsoft should also be required to provide backward compatiblity translators so that we will not be required to upgrade each office product each time an upgrade comes out. As it is, Microsoft uses this incompatibility technique to force its customers to continually upgrade, paying for the same program over and over again.

I don't do Windows!
home: nate@lcs.mit.edu
homepages: http://nateliskov.ne.mediaone.net
http://people.ne.mediaone.net/nateliskov

MTC–00012390

From: GDoman4603@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 12:30am
Subject: Microsoft Settlement

January 15, 2002

Dear Sirs/Madams,

I truly believe that the Microsoft workers have intended, in their labors, no malice to any via the software-items of their manufacture. It is just as true that anybody's computer-software is not harmful and is non-malignant. Were it lawful, it would, according to definition (of the word), be full of law. Might it have its own autonomy then, I ask? Also, might I query as to whether there is, maybe not as yet known, such a thing as the Department of Liberty to conjunct with the Department of Justice? Liberty and justice for all in re the Pledge of Allegiance.

In my judgment, the Microsoft group is innocent and God bless them, I say.

Sincerely from Geoffrey Doman
13900 Cohasset Street
Van Nuys, CA 91405–2501

MTC–00012391

From: Dale
To: Microsoft ATR
Date: 1/16/02 12:32am
Subject: Microsoft Settlement

Dear Sirs,

Please settle the Microsoft case, so we can get our economy moving again. I believe the case against Microsoft started our recession and the settlement will go along ways towards bringing us back again.

Thank you,
Dale Mcgee

MTC–00012393

From: Zemne
To: Microsoft ATR
Date: 1/16/02 12:44am
Subject: FINFLASH!

To whom it may concern,

Why doesn't the DOJ let Microsoft do what it does best and let the company continue to contribute to the rebuilding a sagging economy! If competitors would quit wasting taxpayers money suing and spend time trying to come up with new ideas it would make more sense.

Zemne@MSN.com

MTC–00012394

From: Linda M. Bettin
To: Microsoft ATR
Date: 1/16/02 12:52am
Subject: Microsoft Settlement

Dear Sirs;

I think, as a citizen, that it is time to settle this matter with Microsoft. It has drug on for far too long as it is. The American public has a far greater problem to deal with. It is time to make a settlement and let Microsoft do what it does best and that is to make software.

Thank You,
Linda Bettin

MTC–00012395

From: Don Nguyen
To: Microsoft ATR
Date: 1/16/02 12:54am
Subject: AntiTrust settlement

This is regarding the Microsoft settlement. I believe that the settlement has no teeth to it. This will allow Microsoft to do business as usual. Any settlement should actually remedy the situation instead of letting Microsoft continue to control the software market while only paying lip service to being fair to competitors. Although I currently use Microsoft's operating system and applications, it is not entirely a ''free'' choice.

Since Microsoft controls the market, I am forced to use their products so that I can be compatible with everyone else. (And with over 90 percent of the market, they obviously DO control the market and enjoy a monopoly.) This would not entirely be a negative thing IF Microsoft offered the best product out there. Microsoft continues to offer products that have serious bugs and do not work as advertised. I have been a dissatisfied user of their products since MS Windows 3.0 was offered. Since they control the market, the incentive to offer the most innovative AND stable products does not exist for them. They can offer a substandard product with the knowledge that most of their customers will eventually be FORCED to upgrade to the latest Microsoft product. Not only can Microsoft accomplish this without suffering any consequences, but they can then raise prices on the newest products to any level they wish. Consumers should have a better choice. Some viable competition in the software and operating systems markets would give us that. Do NOT let Microsoft off this time with just a slap in the wrist! They have gotten away with this too many times. The previous antitrust actions should be a lesson. Microsoft will not willingly comply with any settlement. (They may follow the letter of the law while spitting in the face of the spirit.) The settlement is a farce. Microsoft will be able to control their monopoly for a long time in the future if the settlement is not made stronger. The only people who benefit from this settlement are those at Microsoft. Not consumers. Do NOT let Microsoft fool you—they do NOT have the best interests of consumers in mind. They want to offer the least innovation and the least amount of stability for the highest price that they can get away with. Microsoft should be punished for their abuse of their monopoly. Thank you.

Don Nguyen
1253 Lindsay Street
Chula Vista, CA 91913

MTC–00012396

From: Frank Scafidi
To: Microsoft ATR
Date: 1/16/02 1:02am
Subject: Micorsoft settlement

Enough of this case! If anyone cares to check, the singular event which caused the stock markets to slide into the basement was the outrageous decision by U.S. District Judge Thomas Penfield Jackson to fracture Microsoft into several parts. If nothing else, the degree to which Micorsoft and its products have become the de facto standard in an environment which changes daily, Judge Jackson's decision placed the entire tech world, and, by extension, the new economy on a path to instability. As the appelate court correctly found, that remedy was too severe. Now, with settlement at hand, a few unhappy states are threatening to put their sole interests above the interest of the nation by refusing to accept the settlement agreed to by the Department of Justice and Micorsoft. Further litigation of this matter offers nothing for the consumer—the intended beneficiary of the action in the first place—beyond that which has already been agreed. If anything, drawing this out continues to hurt the consumer by diverting Microsoft's attention away from the creation of new products to defending a lawsuit whose issues are moot. Let's get off the back of one of the nation's most successful companies and end this case once and for all.

Frank G. Scafidi
Sacramento, CA

MTC–00012397

From: karsten koepcke
To: Microsoft ATR
Date: 1/16/02 1:10am
Subject: Microsoft Settlement.

This settlement is bogus. They will find a way to circumvent the law as they have in the past. Judge Jackson had the right idea. The only way to have any competition is to break up the company into the OS provider and the software provider. Period. But, apparently no one in government seems to care much about the people except that they should shut up and keep one eye closed to the activities in Washington DC MS's offer to give schools PC's and software is merely an effort to make sure that that next generation knows nothing else but their products. Are you people so insulated from the real world that you don't see what's going on. For them to ''give away'' a million or even 10 million dollars is about as effective as fining the ILECs a million or two dollars for illegal activities when they earn billions! The last president, it seems to me, with any backbone in this arena, seems to have been Roosevelt, Teddy that is.

Sincerely,
Karsten Koepcke

MTC–00012398

From: Kat Daley
To: Microsoft ATR
Date: 1/16/02 1:11am
Subject: Microsoft Settlement

I must comment on the Microsoft antitrust settlement. Microsoft has been the big stupid bully in the software game for far too long, stealing younger kids' lunch money and making them do its homework. And so far Microsoft's settlement offers are analagous to the bully saying, ''Well, I wouldn't beat them up if they'd just fork it over. . . .''

I have been programming computers since 1977, when I was 12 and my father obtained a computer from a small firm in California. It used an operating system so similar to MS–DOS that I could switch with no difficulty to an MS–DOS computer years later. In fact, I could detect NO difference, which calls Microsoft's claim to ''innovation'' into question from the start. I have also observed that small programs created by small companies to do nice little innovative things have been stolen repeatedly by Microsoft, which only disgorged licensing fees after strenuous legal battles.

I have been forced to use Microsoft products for many years. In EVERY product, I have run up against faults which should have kept the product from being released. Instead, Microsoft has released these products and has created an environment in which program crashes and operating system errors are normal when they should be hideous exceptions.

When I have used Microsoft's programming libraries, I have consistently run up against bugs which are simply unnacceptable in a professionally made product. When system resources are gobbled up by a program and never released properly, it is the most basic of programming errors. No professional programmer should ever release a product which does this, since it will inevitably cause the computer's operating system to crash— especially one as delicate as Windows. Yet Microsoft has done so consistently.

In fact, I believe Microsoft has cost this country untold billions in code faults alone. Every programmer I have ever known has spent hours or days tracking or fixing bugs which would not be there if Microsoft's products performed as advertised. Every person I've worked with who has used Microsoft's products has a harrowing crash story to tell. Every computer I've ever used has crashed many times for no apparent reason while I was running Microsoft's applications.

In the interests of programmers everywhere, Microsoft must be forced to play nice instead of stomping all over the young smart companies with good ideas. At the very least, Microsoft must be forced to release all methods by which an application may communicate with the hardware of a computer through the operating system at least six months prior to operating system release. If Microsoft fails to comply, the operating system can not be sold to the public. And since Microsoft would undoubtedly give away the operating system free in that case if they thought they could make more money releasing Microsoft Office, NO APPLICATION utilizing the new operating system could be sold either. That is the VERY LEAST remedy which *might* level the playing field sufficiently to restore competition.

I'd really like to see Microsoft divided into an operating system company and an applications company, but the Justice Department has ruled against that. I'd like to see all of Microsoft's actions vetted by the Justice Department to keep them from harassing small companies with frivolous lawsuits and giving advantages to retailers who play their noncompetitive games. I'd like all of Microsoft's ''intellectual property'' declared public domain because that's where Microsoft stole it from in the first place. Until Microsoft gets more than a ''bad boy'' slap on the wrist, the USA will continue to lose untold billions to software inefficiency. Hackers—and terrorists, I'm sure—will continue to find easy access to most of the nation's computers. And I and many other programmers will stop programming from sheer frustration.

Sincerely,
Kathleen Daley
Former programmer

MTC–00012399

From: Larry Jubb
To: Microsoft Settlement
Date: 1/15/02 7:57pm
Subject: Microsoft Settlement
Larry Jubb
198 South 16th St.
San Jose, CA 95112–2152
January 15, 2002

Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars and failed to break up a hi-tech monopoly, viz. Operating Systems and Applications which are tied together in a manner that forces competition to respond to new developments AFTER microsoft already has had their ''improved'' product on the market for some time. Additionally Mircosoft's predatory business practices have forced HARDWARE (PC clone makers) manufacturers to sell only Microsoft Operating Systems on their new machines.

This has all resulted in a serious deterrent to investors in the high-tech industry who want to start NEW businesses to compete with Microsoft. It is high time for this trial, and the wasteful spending accompanying it, to be over and Microsoft to be split up into at least TWO SEPARATE comapnies, one to do Operating Systems and to release the necessary information to BOTH the other company doing the Applications software development AS WELL AS to any and all competitors. It is my belief that Microsoft routinely makes changes to their software to degrade the reliability of any competitor's software running on any system that also has Microsoft's applications or Operating System software installed. Sadly, this also results in the Microsoft programs crashing more frequently. A case in point is Microsoft ''Word,'' one of the most commonly used word processors in the PC industry that has been around since the very early days of the industry even before Windows 1.0 superceded MS-DOS (Microsoft Disk Operating System) and which is the most crash-prone application I have seen in over 25 years in the computer industry.

I have been an Electronics Design Engineer for 31 years in Silicon Valley and worked in the mainframe industry for Amdahl Corp. in the 1970's and early 1980's when the very first IBM PC was released. (We took one apart as soon as they came out to better understand what new business IBM was getting into in 1981.) I have been building computers since the days of the S-100 bus and the pre-Apple I machines when Steve Wozniak used to bring his ''projects'' to the Homebrew Computer Club meetings at the Stanford Linear Accelerator Auditorium. Using every kind of computer and software in my electronics design consulting practice in Silicon Valley since the early 1980's, I have seen just about every sort of system crash and software bug imaginable. I have used everything from Mainframes to minicomputers to UNIX workstations and in all cases the largest number of major problems have been with PC's generally caused by software failures in products produced by Microsoft Corp. I believe this general unreliability and consequent lost productivity (it comes right off my ''bottom line'' as an independent consultant) is caused by a LACK OF COMPETITION enforced by Microsoft's unfair, unjust, and at times illegal and monopolistic business practices that have forced smaller companies out of business. What they can't force out they often buy out and this, too, is a loss to the end-user/consumer.

Consumers will be more likely to see competition in the marketplace rather than the courtroom if Microsoft is broken up and FORCED to compete in the area of Applications software programs that are compatible with Microsoft Windows or any future Operating System they may create. And the investors who propel our economy can finally breathe a sigh of relief as they realize the possibility of successfully COMPETING against Microsoft under laws that are fairly ENFORCED against ALL software companies, regardless of size.

If the case is finally over, US companies, both large and small, can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means MULTIPLE COMPANIES creating better goods and offering superior services to consumers, NOT a monopoly that can force its business partners to sell an inferior product (in comparison to, e.g. UNIX or LINUX) along with their (the partner's) hardware or that can control BOTH Applications and Operating Systems which have to work together on the same system. With the Microsoft Monopoly out of the business of stifling progress and tying the hands of other corporations and competitors as well as consumers, the ''free market'' will once again pick the winners and losers on Wall Street. With the monopolistic reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Larry Jubb

MTC–00012400

From: Fred F. (038) Dolores Nunez
To: Microsoft ATR
Date: 1/16/02 1:19am
Subject: Microsoft Settlement

Gentlepersons,

How can we say over $1 billion for disadvantaged public schools is not in the best interest of consumers and the public? Clearly, one of the major reasons why computer usage has grown to what it is today is because of Microsoft products, despite what their competition has to say. Disadvantaged youth is the untapped reserve for even greater household computer usage. And let's face it: These kids have a much greater chance of success in the workplace if they know how to use computers and popular Microsoft software. If disadvantaged kids don't get this knowledge in school, chances are they won't get it at all.

Do what's in the best interest of the consuming public. Settle this case and let's move forward!

Fred F. Nunez
Redlands CA

MTC–00012401

From: Todd Clark
To: Microsoft ATR
Date: 1/16/02 1:23am
Subject: Microsoft Settlement

To whom it may concern,

I little background on me I'm a professional software developer and have been for about four years now, but computers and the computing industry have been a big part of my life since I started coding when I was 8 and wrote my first video game at 9 (I'm 27 now).

The news that the latest judgements against Microsoft will not break up the company deeply saddens me. Microsoft has consistently used their operating system monopoly to gain unfair advantage in other markets. They've done this in two ways.

1. Microsoft's fails to release their complete programming APIs to public thus giving themselves an unfair advantage in any PC software market they wish to enter.

2. Microsoft adds malicious code to their operating system to hurt competitors in markets they wish to enter. For example Microsoft added the caching of system DLLs in windows 2000 to break Install Shield so they could enter the installer market.

As I result at my current company we will have to spend alot of money either rewriting our install in the new Microsoft installer product (which we would have to buy) or restructure our own product architecture.

I had nothing to do with Microsoft's vendetta against install shield why should I have to pay? This is just one example of how Microsoft maliciously uses its monopoly power. Every second or third developer has a story about how Microsoft stabbed someone in the back (and they did stab Install shield in back because install shield helped them make their installer product). Any solution that doesn't break the operating system group into a separate company won't solve these kinds of problems. Even this may not solve the problem (there may still be lingering favoritism). The world should look toward a solution to the Microsoft problem that eventually breaks up the operating system and moves PC programming and development onto a virtual machine (I say eventually because the technology isn't ready yet give it 5–10 years)

MTC–00012402

From: LILA410@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 1:27am
Subject: Microsoft Settlement

I have for years used Microsoft products. Why are Sun and Oracle making life difficult for all of us little people who are fine with things the way they are,

Lila Murphy
96 Rhode Island Avenue
Newport, R. I. 02840

MTC–00012403

From: Dorothy G Randrup
To: Microsoft ATR
Date: 1/16/02 1:34am
Subject: Microsoft Settlement

This is to express my desire to settle the Microsoft case that is before you. Any more delay is an additional problem for the countries economy.

Thank you for your consideration,
Dorothy G. Randrup

MTC–00012404

From: pug@smtp1.realconnect.com@inetgw

To: Microsoft ATR
Date: 1/16/02 2:34am
Subject: Microsoft Settlement

Microsoft is to ''give away'' software as part of this settlement. Doesn't anyone else see the total stupidity of this? The original case dealt with their monopoly. What software is Microsoft going to give away? Microsoft products. . . thus PERPETUATING the monopoly. I keep hearing more and more about the settlement, and the more I hear, the more I realize that Microsoft is going to be allowed to do whatever it wants, including the blatant breaking of laws and the ability to maintain an effective monopoly.

All throughout the trial, Microsoft wanted its ''freedom to innovate.'' Well, a little research will tell many people that Microsoft hasn't innovated a single thing. DOS was purchased for them. Windows is what they took out of the joint development of OS/2 with IBM. There are too many early word processors to name. Lotus 1–2–3 gave rise to Excel and Harvard Graphics to PowerPoint. NCSA Mosaic gave rise to Internet Explorer, a trademarked name Microsoft blatantly stole from a small company which Microsoft ran into the ground when they sued for trademark infringement. Sybase sold them a copy of their database server and they used it to make SQL Server. Outlook came from various other e-mail programs including Eudora.

The consumers have lost their one chance to be given the choices they should have. This settlement is a sham.

Joseph P. Ogulin
Sterling, VA

MTC–00012405

From: Jeff Estes
To: Microsoft ATR
Date: 1/16/02 1:41am
Subject: Microsoft Settlement

Dear Sirs & Madames:

I strongly feel that penalizing Microsoft by forcing them to pay a small fraction of their sizable cash assets will not improve the commercial software market. Forcing Microsoft to fully document and publish both their Windows APIs and their MS Office file formats will. It will once again allow non-Microsoft developers to contribute their ingenuity and efforts to make our software industry even more innovative and creative.

Thank you for your consideration

Jeffrey Estes

Graduate Student, The Anderson School at UCLA

136 Hermosa Avenue
Long Beach, CA
90802

MTC–00012406

From: AlanB934@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 1:42am
Subject: Microsoft Settlement

I am very much in favor of the proposed antitrust settlement that the Department of Justice negotiated with Microsoft. I believe that consumers are benefited by having a strong company that is constantly innovating on the cutting edge of personal technology. I am glad to see some of the more aggressive acts of Microsoft now subject to monitoring, but I don't think that the government should help AOL/timewarner or any other huge company attempt to tear down Microsoft.

MTC–00012407

From: Sophie Fox
To: Microsoft ATR
Date: 1/16/02 1:47am
Subject: Microsoft Settlement

Should the Department of Justice decide that Microsoft pay in cash, rather than in equipment, I feel very strongly that Microsoft be made a party to and be given an ongoing accounting of Moines as they are spent. Government has a magical way of making money disappear. It would be a travesty of justice if this should happen and thousands of people were deprived of access to much needed, new computers. When all is said and done, the pettiness, jealousy and sheer vindictiveness exhibited toward Microsoft by some of its competitors and the government makes one wonder if the entrepreneurial spirit is still alive and well in the United States. . . . .and then there's Enron!!!! I wonder what action, if any, will be taken by the Department of Justice regarding the abuses in that situation.

For once, please think of the public good rather than special interests and politics and let Microsoft donate equipment and training. .

Sophie Fox

MTC–00012408

From: Ddduffy@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 1:54am
Subject: Microsoft Settlement

We use Wetbusters.com and the Java chat rooms are helpful. Microsoft Corporation has decided to no longer include Java with the new version of Windows (called ''XP''), because Java was developed by a competitor, Sun Microsystems. Therefore, if you buy a new personal computer, in order to use Wetbusters chat rooms or many other modern chat rooms on the web, you must first download and install Java. This is a complicated process and takes 15–20 minutes with a standard modem connection. The process is even more complicated for America Online users. We feel that this is unfair to kids because a lot of kids will not be able to understand how to download and install Java, and kids new to the site simply won't make the effort. Because Microsoft is allowed to have a monopoly on the PC operating system, we feel that they have a responsibility to not abandon Java users (e.g. wetbusters kids). Therefore, we are requesting your help in persuading Microsoft to reverse their decision on removing Java from Windows. we request the U.S. Department of Justice require that Microsoft be required to include Java with Windows XP.

Thank you very much for your help.

MTC–00012409

From: Don Ketchu
To: Microsoft ATR
Date: 1/16/02 2:09am
Subject: Microsoft Settlement:

I think that this matter should be settled as soon as possible so the company can go about it's business without any more harassment.

I think that Microsoft is a good company and does a lot of good for this country and the economy.

Don. L. Ketchu

MTC–00012410

From: RLopez9153@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 2:11am
Subject: Settlement

Enough is enough. There was no case. Merely interferance.

MTC–00012412

From: Frank Eaves
To: Microsoft ATR
Date: 1/16/02 2:13am
Subject: Microsoft Settlement

To whom it may concern,

It seems to me that the problem is that Microsoft is a monopoly in the operating system business. To solve this problem you have to come up with a solution that will allow competition back into the operating system market. Breaking Microsoft up doesn't solve this problem, and certainly still maintains the application barrier to entry, along with disrupting the companies ability to come out with new software products. If a company could create an operating system that would provide the consumer some real advantage over Microsoft's operating system, and still allow the users of the operating system to continue using all the programs that the users is currently using, then this would be the optimum solution. Microsoft's software applications, like Microsoft Word, would still be purchased by users, allowing Microsoft to benefit from their software products, and still allow competition in the operating system business. In order to understand my solution you should understand how a program works. When Microsoft writes applications like Microsoft Word, they do so by using the Win32 API. If the public had access and were given documentation on the specifics of this API, then you could implement the API on an operating system other than Microsoft Windows, and have all Windows operating system application software run on that operating system. IBM was doing this for their OS/2 operating system but gave up because Microsoft kept adding new API's and IBM couldn't keep up. Microsoft has always maintained that the Win32 API can not be licensed to anyone. If Microsoft were to license the Win32 API, then they would have an obligation to make sure that all licensees were informed when new API's were added, and provide support to customers trying to implement the Win32 API on a different operating system. Perhaps putting the Win32 API under public control, by making it a standard, would be the best solution of all. Then all public parties involved would be allowed the right to voice their opinions on new API's being added and the general direction of the standard. If the API were to be put under public control, then Microsoft would have to be ordered to implement the standard coming out of the public body controlling the standard. This is because, as

with most standards, companies can pick and choose which API's to implement, and may even add new API's to their implementation of the standard, or may implement a part of the standard in a manner that is actually contrary to the standard. So in order to make sure that Microsoft doesn't fall back into a monopoly status in the operating system business, they could be ordered to implement the full standard for say, 10 years. After the 10 years they could be treated like any other company implementing the Win32 standard.

In that 10 year span, Microsoft could continue to innovate an release new software products to the public, the operating system business would be open to competition, and the application barrier to entry would be broken down. Business would actually have a choice when it came to an operating system, and they wouldn't have to worry about losing all the knowledge that their employees have gotten from using application software that was built on the Win32 API. For example, if a business were very concerned about security, and wanted to migrate to Linux because they felt that Linux provided them an advantage in regard to security over Microsoft Windows. Then they would only have to retrain their employees on how to use the new operating system, and not all the software applications that would be used on the new operating system.

This solution puts the operating system on the same playing field as all other software applications on the market today. If I don't like the digital camera software application that I'm using today, and a friend recommends a different software application, I can go and buy the other software application and use it, without fear of losing the ability of running my word processor software application.

Thanks for taking the time to read my comments, I hope that they were insightful and helpful.

—Frank Eaves

MTC–00012413

From: sbeard@qcr.com@inetgw
To: Microsoft ATR
Date: 1/16/02 2:22am
Subject: Microsoft Settlement

The US computer industry has been damaged by the practices of Microsoft. The Windows operating system is no better than systems I used in college 15 years ago primarily because the Microsoft monoply does not need to compete.

Unfortunately, the settlement does nothing to solve the problem and I do not support it.

Steven Beard

MTC–00012414

From: ALJACKDAN@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 2:36am
Subject: Drop the suit!!

This suit against Microsoft is ridiculous!! This company has done more for the business world and the private sector than any other computer company. Can't those other companies work to come up with something comparable to Microsoft? I think it's a case of pure jealousy on their part. And without the Microsoft programs, the states that are bringing suit would not even be able to conduct their business.

Jackie Daniels, Cheney, WA

MTC–00012415

From: John Prohodsky
To: Microsoft ATR
Date: 1/16/02 2:43am
Subject: Microsoft settlement concerns

Gentlemen:

The proposed Microsoft anti-trust settlement does not offer consumers, including federal, state, and local governments, any relief while codifying Microsoft's predatory practices. This blatant approval and accommodation of flagrant violations of law which the Department of Justice is directed to enforce will be the next scandal. If the United States government is shown to be a party to the Enron bankruptcy by not enforcing the law, it will encourage examination of other government enforcement and oversight responsibilities. It would be especially troubling if the Department of Justice did not enforce the law. Public confidence in government would be undermined to the extent that government could not govern.

I believe the facts speak for themselves. My comments do not reflect my personal beliefs.

John Prohodsky

MTC–00012416

From: Murray Parker
To: Microsoft ATR
Date: 1/16/02 2:56am
Subject: Microsoft Settlement

Distinguished Members of the Bench:

It is critical that we not continue to waste taxpayers dollars and your substantial capabilities rehashing a case that has long progressed past its time to impact those very consumers you purport to protect. The world of the internet is progressing to Gen4 and high tech is changing the way we live at a dramatic rate. You're too late. So please get on with it. Make a settlement now and focus your ample resources elsewhere. If there is anything to be learned from this case it is that your action must be much quicker if it is to be effective. If you have a 'real' case and not something just trumped up by disgruntled competitors who want you to do what they couldn't do in the market place, then you'll have to be able to make your case and win corrective action much more quickly. Not only has the bull gotten out of the barn before you've tried to close the door, but we aren't even using barns any more so it won't make any difference when you finally, if ever, do get the door shut.

Best regards,
Murray B Parker
mparker@bortonwallace.com

MTC–00012417

From: Pfbarth@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 2:58am
Subject: Microsoft Settlement

Dear Sir(s):

I urge the Judge in this case to have the parties find settlement on the entire Microsoft matter as soon as possible as the delay in resolving this matter is injurious to the people of our Country and far more so than any Microsoft penalty could be. It seems to me that the hurt to the economy for this suit far out weighs any alleged actions Microsoft may or may not have committed.

Accordingly, I urge very prompt settlement to this case to favor Microsoft. The Judiciary of this Country must take into consideration the invaluable service Bill Gates and Microsoft have provided this Country and indeed the World. I need not amplify this further sense it is beyond most peoples understanding and scope.

No State Attorney General, no matter how well intentioned, will ever be able to justify further harm or injustice to Microsoft and this Country for continued action.

Thank you for helping an appreciative consumer and market investor.

Sincerely,
Paul F. Barth
pfbarth@aol.com
248–644–1411

MTC–00012418

From: Iwalup@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 3:01am
Subject: Microsoft Settlement

Hello,

I opine that this Microsoft case be settled and the company allowed to move on because so much of the tech. world is dependent on microsoft already. However, MS should watch future endeavor to ensure that no further breach occur.

Regards.

MTC–00012419

From: Afshin David Youssefyeh
To: Microsoft ATR
Date: 1/16/02 3:09am
Subject: Microsoft Settlement

Please keep pushing them. What you have agreed to is not enough. Open the API and standardize the file formats.

Afshin Youssefyeh

MTC–00012420

From: Russ Cannon
To: Microsoft ATR
Date: 1/16/02 3:13am
Subject: Comment on Microsoft Settlement

I was deeply displeased with the lawsuit that the government brought against Microsoft. It has always been my view that antitrust laws were political weapons. It seems to me that there are many megacorporations that deserve antitrust scrutiny, but the selection of which companies to go after always seems to serve some political end.

I have no great love for Microsoft, but I am altogether opposed to antitrust laws. It is impossible for any government to enforce such laws without bias in favor of political cronies and contributors. Monopolies abound in our economy, but one wonders why antitrust litigation is not brought more often. Perhaps it is because most companies know how to cozy up to political parties to obtain a pass on antitrust scrutiny.

In the case of Microsoft, one cannot exclude the possibility that the government sought to plunder its large cash reserves in a sort of punitive tax on success. The entire lawsuit should be dropped. Failing this, the proposed settlement should be adopted by all parties as soon as possible, and the whole sordid mess should be put to rest.

Russ Cannon
Montgomery, Alabama

MTC–00012421

From: Carol Scholp
To: Microsoft Settlement
Date: 1/16/02 1:34am
Subject: Microsoft Settlement
Carol Scholp
301 Stearns Point Rd
Hot Springs, AR 71913
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

I write to encourage the Justice Department to pursue the suit against Microsoft and its monopoly power in the computer market. Microsoft's offer of used equipment is an insult to the American public. How about having Microsoft supply new compatible equipment and training in its use to all schools who do not already have computer equipment/labs or cannot afford them? In light of the Enron debacle and their political contributions, I should think Microsoft with its contributions would want to tread softly and dispel any sense of impropriety.

Please see to it that justice, not political expediency, is served.

Sincerely,
Carol A. Scholp

MTC–00012422

From: Vincent Mike Keyes III
To: Microsoft Settlement
Date: 1/15/02 10:58pm
Subject: Microsoft Settlement
Vincent Mike Keyes III
24842 Via Florecer
Mission Viejo, CA 92692
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

Please leave this American Icon alone. They have paid their fees, their taxes and their employees and shareholders. You on the other hand have brought no value to the marketplace. The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Mike Keyes

MTC–00012423

From: James THOMPSON
To: Microsoft ATR
Date: 1/16/02 3:29am
Subject: Microsoft Settlement

I do not like Bill Gates or Microsoft. They deserve what they got and more. I do not like how they walked over so many little companies or bought them out in the middle on law suits. One of those law suits happening right in Salt Lake City, Utah. They break copy rights and then buy themselves out of law suits. They deserve every bit of punishment given to them. Bill Gates should lose all his interest in Microsoft and it should be broken up in little tiny pieces. I urge you the supreme court of the United States to not review the case unless you are going to punish them bigger and better than the lower courts have done.

Thank you for letting me express my view.
James L. Thompson

MTC–00012424

From: Charles Lyons
To: Microsoft Settlement
Date: 1/15/02 10:49pm
Subject: Microsoft Settlement
Charles Lyons
80 Woodside Dr.
Penfield, NY 14526–2240
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

Stop hurting one of America's great company's! America needs more Microsofts. The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers. .

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Charles E. Lyons

MTC–00012425

From: Janet Hart
To: Microsoft Settlement
Date: 1/16/02 12:48am
Subject: Microsoft Settlement
Janet Hart
6443 W. College Dr.
Phoenix, AZ 85033–1647
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Janet L. Hart

MTC–00012426

From: John Cobb
To: Microsoft Settlement
Date: 1/15/02 10:05pm
Subject: Microsoft Settlement
John Cobb
2115 Second Creek Dr.
Mobile, AL 36695
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
JOHN COBB

MTC–00012427

From: Paul Dartez
To: Microsoft Settlement
Date: 1/15/02 11:32pm
Subject: Microsoft Settlement
Paul Dartez
9385 Placide Rd
Maurice, La 70555
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement: The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Paul Dartez

MTC–00012428

From: Harvey Carter
To: Microsoft Settlement
Date: 1/15/02 10:11pm
Subject: Microsoft Settlement
Harvey Carter
344 Lester Dr.
Boaz, Al 35957
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Harvey L.Carter

MTC–00012429

From: David Gordon
To: Microsoft Settlement
Date: 1/15/02 10:51pm
Subject: Microsoft Settlement
David Gordon
15 Britton Road
Stockton, NJ 08559
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
David Gordon

MTC–00012430

From: Fred Williams
To: Microsoft Settlement
Date: 1/15/02 10:09pm
Subject: Microsoft Settlement
Fred Williams
515 42nd SE
Paris, tx 75462
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Fred Williams

MTC–00012431

From: Jennie Shook
To: Microsoft Settlement
Date: 1/15/02 10:03pm
Subject: Microsoft Settlement
Jennie Shook
3071 Victoria Lane
Alpine, CA 91901
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Jennie M. Shook

MTC–00012432

From: Zoe Alvarez
To: Microsoft Settlement
Date: 1/15/02 11:45pm
Subject: Microsoft Settlement
Zoe Alvarez
1432 NW 26 Avenue
Miami, FL 33125–2130
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Zoe Alvarez

MTC–00012433

From: Ellis Grier
To: Microsoft Settlement
Date: 1/16/02 12:44am
Subject: Microsoft Settlement
Ellis Grier
29 Bluff Drive
Richmond Hill, GA 31324
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
ellis grier

MTC–00012434

From: Diane Collins
To: Microsoft Settlement
Date: 1/15/02 10:31pm
Subject: Microsoft Settlement
Diane Collins
944 Ark 175
Hardy, Ar 72542
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Diane Collins

MTC–00012435

From: John Ballard
To: Microsoft Settlement
Date: 1/16/02 12:16am
Subject: Microsoft Settlement
John Ballard
4900 NW 52nd Court
Tamarac, FL 33319
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
John Ballard

MTC–00012436

From: Clyde Hart
To: Microsoft Settlement
Date: 1/15/02 11:22pm
Subject: Microsoft Settlement
Dlyde Hart
18 Pin Oak Estates Ct.
Bellaire, TX 77401
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
clyde d. hart

MTC–00012437

From: Scott Hair
To: Microsoft Settlement
Date: 1/15/02 11:14pm
Subject: Microsoft Settlement
Scott Hair
511 Tish Circle #1912
Arlington, TX 76006–3554
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Scott Hair

MTC–00012438

From: Doris H. Shields
To: Microsoft Settlement
Date: 1/15/02 10:37pm
Subject: Microsoft Settlement
Doris H. Shields
2809 Lawrence
Irving, TX 75061
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Doris H. Shields

MTC–00012439

From: Mary Williams
To: Microsoft Settlement
Date: 1/15/02 11:10pm
Subject: Microsoft Settlement
Mary Williams
6305 Banyan St
Cocoa, Fl 32927
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Mary Williams

MTC–00012440

From: Edward Hughes
To: Microsoft Settlement
Date: 1/15/02 11:39pm
Subject: Microsoft Settlement
Edward Hughes
1909 Reagan St
Mission, TX 78572
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Edward J Hughes

MTC–00012441

From: Green John
To: Microsoft Settlement
Date: 1/16/02 1:44am
Subject: Microsoft Settlement
Green John
2125 Elanita Dr
San Pedro, CA 90732–4433
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
John J. Green

MTC–00012442

From: Ken Harris
To: Microsoft Settlement
Date: 1/16/02 12:01am
Subject: Microsoft Settlement
Ken Harris
2831 Springflower Dr.
Wilson, NC 27896–6923
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Ken Harris

MTC–00012443

From: David Lord
To: Microsoft Settlement
Date: 1/15/02 10:29pm
Subject: Microsoft Settlement
David Lord
7700 Hillmont Dr.
Columbus, GA 31909
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
David L. Lord

MTC–00012444

From: Richard G. Meyer
To: Microsoft Settlement
Date: 1/16/02 1:05am
Subject: Microsoft Settlement
Richard G. Meyer
3788 F. Street
Lincoln, NE 68510
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Richard G. Meyer

MTC–00012445

From: Patricia Allen
To: Microsoft Settlement
Date: 1/15/02 10:20pm
Subject: Microsoft Settlement
Patricia Allen
1204 20th
Nederland, TX 77627
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely, Patricia Allen

MTC–00012446

From: Jo Puntil
To: Microsoft Settlement
Date: 1/15/02 11:27pm
Subject: Microsoft Settlement
Jo Puntil
332 Park Ave
Long Beach, CA 90814
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Jo Puntil Sheltman

MTC–00012447

From: Rebecca Steward
To: Microsoft Settlement
Date: 1/15/02 10:56pm
Subject: Microsoft Settlement
Rebecca Steward
HCR4 Box 43024
Alturas, CA 96101–9505
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Nick L. Steward

MTC–00012448

From: Larry Mccollum
To: Microsoft Settlement
Date: 1/16/02 12:51am
Subject: Microsoft Settlement
Larry Mccollum
3928 Sir Payne Ct.
Las Vegas, Nv 89104
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Larry Mccollum

MTC–00012449

From: Thomas Welch
To: Microsoft Settlement
Date: 1/15/02 10:57pm
Subject: Microsoft Settlement
Thomas Welch
360 Hunsaker Ln.
Eugene, OR 97404
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Thomas S. Wlech

MTC–00012450

From: Don Doyle
To: Microsoft Settlement
Date: 1/16/02 2:09am
Subject: Microsoft Settlement
Don Doyle
127 Rees street
Playa del Rey , Ca 90293
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Don Doyle

MTC–00012451

From: Warren Miller
To: Microsoft Settlement
Date: 1/15/02 11:00pm
Subject: Microsoft Settlement
Warren Miller
1750 Albion
Burley, ID 83318
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Warren S. Miller

MTC–00012452

From: Marlene Nymeyer
To: Microsoft Settlement
Date: 1/15/02 11:31pm
Subject: Microsoft Settlement
Marlene Nymeyer
25508 South Klemme
Crete , IL 60417
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely, Marlene Joyce Nymeyer

MTC–00012453

From: Ella Brown
To: Microsoft Settlement
Date: 1/15/02 11:07pm
Subject: Microsoft Settlement
Ella Brown
5254 Clover Valley Rd
Johnstown, OH 43031–9320
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Ella R Brown

MTC–00012454

From: Bill Albright
To: Microsoft Settlement
Date: 1/15/02 11:04pm
Subject: Microsoft Settlement
Bill Albright
1809 Shepherd Court 107
Waukesha, WI 53186
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Bill Albright

MTC–00012455

From: Michael White
To: Microsoft Settlement
Date: 1/15/02 11:55pm
Subject: Microsoft Settlement
Michael White
105 Jessamine Trail
Lawrenceville, GA 30045–8867
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
michael white

MTC–00012456

From: Forrest McIntyre
To: Microsoft Settlement
Date: 1/15/02 10:03pm
Subject: Microsoft Settlement
Forrest McIntyre
10 Sylvan Lane
Hilton Head, SC 29928
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Forrest McIntyre

MTC–00012457

From: Larry Figley
To: Microsoft Settlement
Date: 1/15/02 11:15pm
Subject: Microsoft Settlement
Larry Figley
4716 Old State Road
Willard, OH 44890
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Larry R. Figley

MTC–00012458

From: Barry Dockery
To: Microsoft Settlement
Date: 1/15/02 11:39pm
Subject: Microsoft Settlement
Barry Dockery
805 Bluefield Rd
Lexington, SC 29073
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Barry E Dockery

MTC–00012459

From: Donna Wallace
To: Microsoft Settlement
Date: 1/15/02 11:08pm
Subject: Microsoft Settlement
Donna Wallace
58 Owens Road
Dallas, ga 30157
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Donna Wallace

MTC–00012460

From: Diane Rousseau
To: Microsoft Settlement
Date: 1/15/02 10:49pm
Subject: Microsoft Settlement
Diane Rousseau
Candlewood Hill Rd.
Higganum, CT 06441–0072
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Diane Rousseau

MTC–00012461

From: Margaret Clark
To: Microsoft Settlement
Date: 1/15/02 10:29pm
Subject: Microsoft Settlement
Margaret Clark
203 Beverly St.
Longview, TX 75601
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Mrs. Margaret Clark

MTC–00012462

From: Jerry Dowdy
To: Microsoft Settlement
Date: 1/15/02 11:59pm
Subject: Microsoft Settlement
Jerry Dowdy
204 Rolling Hills Blvd
Florence, MS 39073
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views. Sincerely, Jerry Dowdy

MTC–00012463

From: Thomas Arbtin
To: Microsoft Settlement
Date: 1/16/02 1:39am
Subject: Microsoft Settlement
Thomas Arbtin
919 89th Dr. N.E
Everett, WA 98205–1495
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Thomas Arbtin

MTC–00012464

From: Curt Arbtin
To: Microsoft Settlement
Date: 1/16/02 1:38am
Subject: Microsoft Settlement
Curt Arbtin
919 89th Dr. N.E
Everett, WA 98205–1495
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Curt Arbtin

MTC–00012465

From: Amanda Arbtin
To: Microsoft Settlement
Date: 1/16/02 1:39am
Subject: Microsoft Settlement
Amanda Arbtin
919 89th Dr. N.E
Everett, WA 98205–1495
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

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Thank you for this opportunity to share my views.

Sincerely,

Amanda Arbtin

MTC–00012466

From: Gary Dalton
To: Microsoft Settlement
Date: 1/15/02 10:49pm
Subject: Microsoft Settlement
Gary Dalton
7500 Martha Court
Fayetteville, NC 28314
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Sincerely,
Gary L. Dalton

MTC–00012467

From: Theresa Arbtin
To: Microsoft Settlement
Date: 1/16/02 1:38am
Subject: Microsoft Settlement
Theresa Arbtin
919 89th Dr. N.E
Everett, WA 98205–1495
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Theresa Arbtin

MTC–00012468

From: Harold Brown
To: Microsoft Settlement
Date: 1/15/02 11:00pm
Subject: Microsoft Settlement
Harold Brown
804 Dogwood Road
North Palm Beach, Fl 33408–4136
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Harold Brown

MTC–00012469

From: Addie Ng
To: Microsoft Settlement
Date: 1/15/02 10:38pm
Subject: Microsoft Settlement
Addie Ng
11560 W. Eagle Lake Drive
Maple Grove, MN 55369–6173
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Addie H. Ng

MTC–00012470

From: William Clark
To: Microsoft Settlement
Date: 1/16/02 1:21am
Subject: Microsoft Settlement
William Clark
132 S 15th St
Kansas City, KS 66102
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
William Clark

MTC–00012471

From: Nick Steward
To: Microsoft Settlement
Date: 1/15/02 10:54pm
Subject: Microsoft Settlement
Nick Steward
HCR4 Box 43024
Alturas, CA 96101–9505
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Nick L. Steward

MTC–00012472

From: Jean Kirkpatrick
To: Microsoft Settlement
Date: 1/15/02 11:14pm
Subject: Microsoft Settlement
Jean Kirkpatrick
2675 Island View Road
Fort Mill, SC 29708–6405
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Jean Kirkpatrick

MTC–00012473

From: Daniel Haynes
To: Microsoft Settlement
Date: 1/15/02 11:18pm
Subject: Microsoft Settlement
Daniel Haynes
1846 Alburn Place
El Dorado Hills, CA 95762
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Daniel Haynes

MTC–00012474

From: Janet Williams
To: Microsoft Settlement
Date: 1/15/02 10:14pm
Subject: Microsoft Settlement
Janet Williams
5352 East 32nd Street
Tucson, AZ 85711–6508
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Janet Williams

MTC–00012475

From: David Hendley
To: Microsoft Settlement
Date: 1/15/02 11:12pm
Subject: Microsoft Settlement
David Hendley
PO Box 382
Lakeland, Ga 31635–0382
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief. Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

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Thank you for this opportunity to share my views.

Sincerely,
David Hendley

MTC–00012476

From: Bobby Gochnauer
To: Microsoft Settlement
Date: 1/15/02 10:17pm
Subject: Microsoft Settlement
Bobby Gochnauer
505 Newton Street
Macon, Mo 63552–1172
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Bobby Gochnauer

MTC–00012477

From: Chellsea Arbtin
To: Microsoft Settlement
Date: 1/16/02 1:39am
Subject: Microsoft Settlement
Chellsea Arbtin
919 89th Dr. N.E
Everett, WA 98205–1495
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Chellsea Arbtin

MTC–00012478

From: Michaela Arbtin
To: Microsoft Settlement
Date: 1/16/02 1:40am
Subject: Microsoft Settlement
Michaela Arbtin
919 89th Dr. N.E
Everett, WA 98205–1495
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Michaela Arbtin

MTC–00012479

From: Mary Zuschlag
To: Microsoft Settlement
Date: 1/15/02 10:45pm
Subject: Microsoft Settlement
Mary Zuschlag
9263 W. 103rd Ave.
Westminster, CO 80021–5200
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Mary Zuschlag

MTC–00012480

From: Robert Horstmeier
To: Microsoft Settlement
Date: 1/15/02 10:18pm
Subject: Microsoft Settlement
Robert Horstmeier
112 Stanton Street
Davis, IL 61019–0183
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Robert Horstmeier

MTC–00012481

From: Kathleen Somerville
To: Microsoft Settlement
Date: 1/16/02 12:49am
Subject: Microsoft Settlement
Kathleen Somerville
1424 Forest Dr.
Chillicothe, MO 64601
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Kathleen Somerville

MTC–00012482

From: Donald Crean
To: Microsoft Settlement
Date: 1/15/02 11:11pm
Subject: Microsoft Settlement
Donald Crean
3109 Evanshire Place
Tallahassee, FL 32303–2554
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Donald F. Crean

MTC–00012483

From: Howard A. Ross
To: Microsoft Settlement
Date: 1/15/02 11:59pm
Subject: Microsoft Settlement
Howard A. Ross
55 Co. Rt. 23
Harrisville, NY 13648–3225
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Rev. Howard A. Ross

MTC–00012484

From: Ronald Williams
To: Microsoft Settlement
Date: 1/15/02 10:26pm
Subject: Microsoft Settlement
Ronald Williams
4206 Gertrude St.
Simi Valley, Ca 93063–2928
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Ron Williams

MTC–00012485

From: Howard Farmer
To: Microsoft Settlement
Date: 1/16/02 12:51am
Subject: Microsoft Settlement
Howard Farmer
946 Holbrook Circle
Ft Walton Beach, FL 32547–6735
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Howard L Farmer

MTC–00012486

From: Robert Barnes
To: Microsoft Settlement
Date: 1/15/02 10:15pm
Subject: Microsoft Settlement
Robert Barnes
2532 Ridgmar Blvd., Apt. 8
Fort Worth, TX 76116–2532
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Robert W. Barnes

MTC–00012487

From: wllliam coldiron
To: Microsoft Settlement
Date: 1/16/02 12:39am
Subject: Microsoft Settlement
william coldiron
20301 e. clinton rd
jackson, ca 95642–9660
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

william coldiron

MTC–00012488

From: Dr.William Gibbons
To: Microsoft Settlement
Date: 1/15/02 11:09pm
Subject: Microsoft Settlement
Dr.William Gibbons
703 Beaumont Drive
Altoona, PA 16602
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Dr.William P Gibbons

MTC–00012489

From: Dominick Chiricosta
To: Microsoft Settlement
Date: 1/15/02 11:17pm
Subject: Microsoft Settlement
Dominick Chiricosta
3940 Rand Rd.
Auburn, CA 95602–9090
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Dominick Chiricosta

MTC–00012490

From: Gerald Morrison
To: Microsoft Settlement
Date: 1/16/02 1:20am
Subject: Microsoft Settlement
Gerald Morrison
619 Five Mile Rd
Richlands, NC 28574
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Gerald Morrison

MTC–00012491

From: Gary Schinnell
To: Microsoft Settlement
Date: 1/15/02 10:17pm
Subject: Microsoft Settlement
Gary Schinnell
1393 North 770 West
Orem, UT 84057
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Gary Schinnell

MTC–00012492

From: Revelene Schwartz
To: Microsoft Settlement
Date: 1/15/02 10:54pm
Subject: Microsoft Settlement
Revelene Schwartz
200 Atrium Way #2003
Columbia, SC 29223–6512
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Revelene Schwartz

MTC–00012493

From: Mary L Marquis
To: Microsoft Settlement
Date: 1/16/02 1:24am
Subject: Microsoft Settlement
Mary L Marquis
1600 Skyview Drive
Irving, TX 75060–4712
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Mary L. Marquis

MTC–00012494

From: Jennifer Ham
To: Microsoft Settlement
Date: 1/16/02 12:23am
Subject: Microsoft Settlement
Jennifer Ham
2002 Shadow Cliff
San Antonio, TX 78232
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Dr. and Mrs. Robert Dwayne Ham

MTC–00012495

From: George Green
To: Microsoft Settlement
Date: 1/16/02 12:02am
Subject: Microsoft Settlement
George Green
120 Deer Park Dr.
Birmingham, AL 35210–2614
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Mr. and Mrs George T. Green

MTC–00012496

From: Vivian Kersey
To: Microsoft Settlement
Date: 1/15/02 10:41pm
Subject: Microsoft Settlement
Vivian Kersey
265 N. Dixie Dr. #17
St. George, Ut 84770
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Vivian I. Kersey

MTC–00012497

From: Christopher Hussar
To: Microsoft Settlement
Date: 1/15/02 11:17pm
Subject: Microsoft Settlement
Christopher Hussar
17175 Snowberry Dr
Reno, NV 89511
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Christopher J. Hussar

MTC–00012498

From: Richard Parsons
To: Microsoft Settlement
Date: 1/15/02 10:25pm
Subject: Microsoft Settlement
Richard Parsons
1305 N Kent Rd
Hutchinson, Ks 67501
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Richard Parsons

MTC–00012499

From: Sandra Dilllard
To: Microsoft Settlement
Date: 1/16/02 2:15am
Subject: Microsoft Settlement
Sandra Dilllard
P. O. Box 39
N. Bonneville, WA 98639
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement: The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Mrs. Sandra A. Dillard

MTC–00012500

From: Linda Campbell
To: Microsoft Settlement
Date: 1/15/02 11:42pm
Subject: Microsoft Settlement
Linda Campbell
3676 Looxahoma Circle
Senatobia, ms 38668
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Linda Fay Campbell

MTC–00012501

From: Everett D. Jenkins Sr.
To: Microsoft Settlement
Date: 1/15/02 10:53pm
Subject: Microsoft Settlement
Everett D. Jenkins Sr.
4433 Co. Rd. 6
Kitts Hill, , Oh 45645–8777
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Everett D. Jenkins Sr.

MTC–00012502

From: William Heberling
To: Microsoft Settlement
Date: 1/16/02 1:18am
Subject: Microsoft Settlement
William Heberling
823 Evans Dr.
Sedro Woolley, WA 98284–1255
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Mr. & Mrs. William Heberling

MTC–00012503

From: Constance Bartholomew
To: Microsoft Settlement
Date: 1/15/02 10:27pm
Subject: Microsoft Settlement
Constance Bartholomew
14110 Ensign Road
Burton, OH 44021
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Constance E. Bartholomew

MTC–00012504

From: Glen Mathias
To: Microsoft ATR
Date: 1/16/02 3:38am
Subject: Microsoft Settlement

Dear Judge,

I would like to request that included in the settlement, MS be required to give consumers a choice of installing a Java Compliant Virtual Machines for running java applets inside the browser. The choice should be real, not one where customers have to choose between downloading one over the internet (i.e 30+ minutes) vs their non-Java Compliant VM that comes on the install CD.

I am an IT professional with 14 years of experience. I would like to say that firstly I was disappointed if not appalled to hear the terms of the proposed settlement. To most IT professionals, Microsoft has successfully exploited the system in the past as there was little or no legal precedence with regards to IT.

However there is little or no reason for this to happen today. Over the past 14 years I have worked with a variety of technologies and have developed software on all three major platforms; Mainframes, PC's and Web-based. The past 3 years I have been developing software primarily in Java, a technology that I love and one truly embraced by the industry.

As an example of how Microsoft is trying to squash this technology (and it looks like they will be successfull again), they have refused to give consumers the choice for installing a Java compatible Virtual Machine in their Web Browser. Instead, consumers be default get the Microsoft Virtual Machine intalled to run all Java Applets. Their Virtual Machine is not Java-Compliant, and consumers should not have to install it without being given a choice. As a java developer, if I cannot count on consumers having a Java Compliant Virtual Machine, I cannot count on my programs executing consistently over different versions of Microsoft's browser. This should not be allowed to happen again to Java; a technology that is being used by so many.

I would like to request that included in the settlement, Microsoft be required to give consumers a choice of Java Compliant Virtual Machines for running java applets inside browser. The choice should be real, not one where consumers can choose to download and install a Java compliant VM over the internet (i.e 30+ minutes) vs Microsoft's non-compliant that is easily available on the install CD.

Thanking You for your time and consideration

Glen Mathias
201–679–9155

MTC–00012505

From: Lloyd Herman
To: Microsoft Settlement
Date: 1/15/02 11:41pm
Subject: Microsoft Settlement
Lloyd Herman
6605 Blue Water Ave.
Sarasota, FL 34231
January 15, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

It's time to abruptly stop the political/liberal flogging of Microsoft. The entire world envies us an enterprise like this, yet here we have uncompetitive crybabies, politicians and liberals trying to shatter a major stone in the foundation of our economy.

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Lloyd D. Herman

MTC–00012506

From: Anthony Gabriele
To: Microsoft Settlement
Date: 1/16/02 12:47am
Subject: Microsoft Settlement
Anthony Gabriele
13 Whitpain Drive
Ambler, PA 19002–5128
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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I saw how the government wasted millions of tax payers money going after IBM and after 10 years proved nothing. IBM finally was dethronged by the market place.

Please let Microsoft do what it does best—create some really useful and affordable software for everyone.

This litigation has cost me not only the wasted tax dollars but also thousands of dollars in lost money in my 401k plan.

Thank you for this opportunity to share my views.

Sincerely,
Anthony L. Gabriele

MTC–00012507

From: Anina Berthold
To: Microsoft Settlement
Date: 1/16/02 1:03am
Subject: Microsoft Settlement
Anina Berthold
2197 S. Wilmington Circle
Salt Lake City, UT 84109–1228
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Sincerely,
Anina C. Berthold

MTC–00012508

From: Phillip Morelock
To: Microsoft ATR
Date: 1/16/02 4:01am
Subject: Microsoft Settlement

Dear Honorable Public Servants, (DOJ, Sen. Boxer, Sen. Feinstein) I strongly support punishing Microsoft to the fullest extent allowed by law. They are repeat law breakers who will continue to willfully break and twist and bend our nation's laws as long as they possibly can. If they were street criminals instead of business predators, the three strikes laws would be kicking in right about now.

The only penalty that really makes sense to me is to force open— quickly and fully—the entire API for all Windows operating systems as well as all Office file formats. They should also be forced to fully divulge all documentation they have on any and all Windows and Office APIs. This would allow truly equal competition on both the operating systems front and (more importantly) the applications front, where they are clearly leveraging the OS monopoly into a longer-term productivity monopoly.

I vote in every election. I pay my taxes. And I put my 2 cents toward punishing Microsoft fully.

Yours,
Phillip Morelock
Los Angeles, CA
CC:senator@boxer.senate.gov
@inetgw,senator@feinstein. . . .

MTC–00012509

From: cargod01
To: Microsoft ATR
Date: 1/16/02 4:26am
Subject: Microsoft Settlement

While I don't believe that Microsoft should be broken up (yet); I do feel that they are pushing towards an even stronger monopoly with their new Product Activation > Subscription Software scheme. They do need a huge slap in the checkbook and ongoing oversight.

MTC–00012510

From: Tom Lane
To: Microsoft ATR
Date: 1/16/02 4:33am
Subject: Microsoft Settlement

The punishment reached by the court for Microsoft is just and in the best interest of the consumer and the economy. Please disregard the self interest allegations of the nine states. Tom LaneGet more from the Web. FREE MSN Explorer download : http://explorer.msn.com

MTC–00012511

From: Alexander Kabakov
To: Microsoft ATR
Date: 1/16/02 5:25am

I have a B.Sc in computer science and think Microsoft's policies are anti-competitive and will do increasing harm to the tech sector in the long-run if something isn't done about it.

Alexander Kabakov

MTC–00012512

From: VETTE8693@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 5:44am
Subject: microsoft

Dear Sir's;

Please save us from this liberal attack on the rights of people who are completely happy with Microsoft and their products. Greed seems to be the motivation here to do in Microsoft.

John C. Meskimen
2221 University St
Gautier Miss 39553
vette8693@aol.com

MTC–00012513

From: Bruce Adler
To: Microsoft ATR
Date: 1/16/02 5:45am
Subject: Microsoft Settlement. Antitrust Division U.S. Department of Justice

The provisions of the agreement are tough, reasonable, fair to all parties involved.

I believe that the proposed settlement is good for my family and the American economy. I believe the Microsoft case should be settled and not further litigated.

Bruce Adler
7 Loblolly Lane
Wayland, MA 01778

MTC–00012514

From: Nutton, Thomas G

To: 'microsoft.atr(a)usdoj.gov'
Date: 1/16/02 5:43am
Subject: Microsoft Settlement

I believe this offer should be accepted and the case closed.

MTC–00012515

From: G Gerig
To: Microsoft ATR
Date: 1/16/02 6:01am
Subject: Public comment on Microsoft antitrust case

Ms. Hesse:

I want to register my support for a speedy settlement of what I consider a shameful, even contemptible attack on the very core of American free enterprise.

For the record, I am not affiliated in any way with Microsoft or anyone related thereto. But the Justice Department's decade-old war against Bill Gates and the Microsoft Corporation, apparently for the heinous crime of succeeding in the American dream and profiting justly from that success, is if nothing else a flag indicating the need for a thorough overhaul of the entire edifice of antitrust laws, with an eye toward repeal.

I find it most odd, for example, that if a given corporation creates a new product for which there is high demand, and prices it accordingly under the principles of basic economics (supply & demand,) it is attacked under antitrust law as ''price-gouging'' and ''attempting to corner a market.'' But if that corporation lowers the price of its creation, (even to zero in the case of Microsoft's Internet software)—to the vast benefit of its customers— it is charged under antitrust law with ''unfair competition'' and subjected to years of state persecution on a par with a Medieval Inquisition. The modern equivalent of the accusation ''Heretic!''—which utterance alone was as good as a conviction and sentence—has merely been replaced with the term ''Monopolist!''

The entire action against Microsoft was reportedly initiated by complaints to the government by Microsoft's second-rate competitors such as Netscape, Sun and the like. They ran to the government in the manner of whining, spoiled children throwing a tantrum before Mommy and Daddy, complaining that because they'd failed to produce products to equal or surpass Microsoft's in the courtroom of the American marketplace, they needed a viable excuse to drag Microsoft into the courtrooms of America's legal system—to ''achieve'' by force what they couldn't by ingenuity and productivity.

Enter the infinitely malleable tool of antitrust law, which Alan Greenspan once equated with the capricious edicts of a dictatorship. The United States Justice Department thereby became, in effect, the ''heavy'' in a gargantuan protection racket. When private citizens attempt to do this sort of thing, they're arrested and thrown in jail.

Random computer techies have railed for years about their personal likes and dislikes of esoteric aspects of Microsoft products—all of which are irrelevant in this context. Like it or not, the Microsoft operating systems became and remain the predominant choice of computer users. With every revision and with the emergence of each of its competitors' alternate systems, the market—which means the free choices of free individuals— decided that Microsoft's products would continue to dominate the computer industry. The operating systems of Sun, Apple, etc. were available, but the public chose Microsoft. No one forced anyone to purchase Microsoft products - people simply evaluated them as preferable to others on a consistent basis.

Where there is free choice, there is no coercion. Where there is no coercion, there is no violation of rights. Where there is no violation of rights, there is no justification for the intrusion of the state.

Microsoft became a target for attack for the same reason that every person or entity that rises above others becomes a target: envy. In retrospect, it's arguable that the motives behind the assault on Microsoft are identical at the core level to those behind the assault on the World Trade Center on September 11, 2001: Hatred of wealth, of prosperity, of achievement, of capitalism in general.

There is another aspect of the Microsoft Witch Hunt that I find particularly repulsive. Like the similar Tobacco Witch Hunt, it has become a fairly obvious means for state bureaucrats to milk a very, very deep set of pockets for revenue—without having to go through that tedious and distasteful business of getting a tax increase past voters. (Didn't America once fight a war to shed the abuses of an insulated monarchy?)

Virtually as I write this, California Governor Gray Davis is attempting to ''securitize'' money extorted from tobacco companies—in order to cover the State's financial shortfall resulting from his policies; In the heat of the Clinton Administration's assault on Microsoft, one could almost hear the salivating of those who stood to rake in the proposed billions in fines and fees imposed under the persecutorial robbery of antitrust.

—Is this any way for state governments to fund their budgets? I regard these actions—against the tobacco industry, Microsoft, and the similar attempts made against Intel and a handful of other American ''overachievers''—as, collectively (all puns intended,) the most dangerous abuses of American citizens and institutions by government officials in the history of this country. If the term ''justice'' is to retain any meaning, this has got to stop.

Pepperdine University economist George Reisman identified the concept of ''Platonic Competition''—a situation in which everyone is exhorted to compete, but no one is allowed to win. It's logically and ethically perverse—yet that is the very condition proposed under antitrust.

[Reisman is far more eloquent and precise than me—I will refer you to three of his articles, with which I agree fully. . . ''Microsoft and Its Enemies'' (9/27/98) at: http://www.capitalism.net/articles/microsft.htm ''A Brief For Microsoft'' (3/13–14/2000) at: http://www.capitalism.net/articles/BriefMS1.htm

''The Meaning of the Government's Proposal to Break Up Microsoft'' (4/30/2000) at: http://www.capitalism.net/articles/Microsoft%20Breakup.html] My interest in this issue arises primarily out of a concern for the future of American freedom. Human beings literally cannot survive without the freedom to produce, keep, and trade the material means required for the continuation of life, liberty, and happiness. But political freedom cannot exist without economic freedom—the destruction of one, in whole or in part, necessarily means the proportional destruction of the other.

The famed Austrian economist Ludwig von Mises (Reisman's mentor, as it happens,) warned that government controls on the market inevitably breed further controls, and that if the trend is never reversed, government interventionism will escalate to the point where every facet of economic activity is controlled by the state—the ''Zwangswirtschaft'' of Nazi Germany being the most vivid example.

It is time to end the witch-hunts, to reform and/or dismantle the corrupt legislation under which they're conducted (i.e. antitrust,) and to restore the battered freedoms we require for our very survival as free individuals.

Thank you for listening, I realize that my conception of ''brevity'' is frequently stunning. . .

Sincerely,
Gregory Gerig
Montrose, CA USA

MTC–00012516

From: James loren Thompson
To: Microsoft Settlement
Date: 1/16/02 3:15am
Subject: Microsoft Settlement
James loren Thompson
564 E 600 N #3
Spanish Fork, UT 84660
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

James loren Thompson

MTC–00012517

From: John White
To: Microsoft Settlement
Date: 1/16/02 4:15am
Subject: Microsoft Settlement
John White
164 Northridge Dr Apt 2
Shawano, WI 54166–2036
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
John H. White, III

MTC–00012518

From: jo tarantino
To: Microsoft Settlement
Date: 1/16/02 5:06am
Subject: Microsoft Settlement
jo tarantino
4528 Rosemont avenue
la crescenta, ca 91214
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
jo tarantino

MTC–00012519

From: Bartley Benson
To: Microsoft Settlement
Date: 1/16/02 4:13am
Subject: Microsoft Settlement
Bartley Benson
9748Kelly Cem. Rd.
Maceo, ky 42355–9752
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Sincerely,
Bartley C Benson

MTC–00012520

From: Matt Modell
To: Microsoft Settlement
Date: 1/16/02 4:04am
Subject: Microsoft Settlement
Matt Modell
7 N. Randall Ave Apt. 6
Madison, WI 53715
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Matt Modell

MTC–00012521

From: Betty L. Smith
To: Microsoft Settlement
Date: 1/16/02 5:56am
Subject: Microsoft Settlement
Betty L. Smith
Rt. # 8 Box 153A
Marietta, OH 45750
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Betty L Smith

MTC–00012522

From: Duane Miller
To: Microsoft Settlement
Date: 1/16/02 3:07am
Subject: Microsoft Settlement
Duane Miller
1711 W. Pine St.
Lodi, Ca 95242–3146
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Duane M. Miller

MTC–00012523

From: Norman Leathers
To: microsoft.atr@usdoj.gov.?@inetgw
Date: 1/16/02 6:08am
Subject: microsoft settlement

Lets get on with it. Lets stop wasting time and taxpayers money. The settlement is fine as it is. Some States are just to greedy and if looked into the relatives or close friends are making money on the deal. That is how Massachusetts governers arrive in office as paupers and leave office as millionairs. The Microsoft settlement is fine and fair as is.

MTC–00012524

From: Andy Wood
To: Microsoft ATR
Date: 1/16/02 6:14am
Subject: Microsoft Settlement

To whom it may concern: pAs an American citizen and a user of many Microsoft products I am certainly happy to see that the Tunney Act is apparently heading in the right direction concerning the antitrust settlement.

Though I am an engineer and not an economist, with what I have read and understand concerning this mater, I believe that our economy will benefit should this be settled. Our economy is based upon free trade; when a manufacturer makes a product that, in my opinion, is far superior to that of the competition, and a majority of the public wishes to use that product, how can the determination be made that a monopoly exists? I don't support monopolies, but when the competition's products ''don't measure up,'' I don't feel the Microsoft situation is a monopoly. The public demands the superior product, and Microsoft makes the superior product. The Department of Justice is an entity of the American Government, and the government is here to serve the public; please serve the American people and consider settlement.

Thank you very much.
Best regards,
Robert A. (Andy) Wood

MTC–00012525

From: nmmr
To: Microsoft ATR
Date: 1/16/02 6:19am
Subject: Microsoft

It is far past the time when this case should have been settled. Stop the litigation! The continued litigation is meant to destroy free enterprise and a company that has done great things for all of us. It is not wrong to be good at something in the USA and to prosper!!!

N.M.Rademacher
Minneapolis, MN 55430
nmmr@mymailstation.com

MTC–00012526

From: Larry J.Schexnaydre
To: Microsoft ATR
Date: 1/16/02 6:42am
Subject: Microsoft Settlement

Its time to move on with this issue. I feel that it is in the best interest of the Country and especially to the ECONOMY to stop any further litigation.

Larry J. Schexnaydre
160 Murray Hill Dr.
Destrehan,La. 70047–3518

MTC–00012527

From: Lavon (038) Mary Abbott
To: Microsoft ATR
Date: 1/16/02 6:45am
Subject: Review

I feel the JDhas been wrong in this matter from the start and is the cause of much of the economic problems that we are goinh through now. Doublr your offer in cash or in kind materials and computers and get this over with. The DJ is wrong but settlement is much needed. Hudson L Abbott. I own Microsoft stock but I am first an ammerican that thinks this was bad from the start.

Agressive political JD egged on by jelious competors. Get your FREE download of MSN Explorer at http://explorer.msn.com.

MTC–00012528

From: JCBOGG@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 6:57am
Subject: microsoft settlement

Hi Doj

Please settle the microsoft litigation. Enough time and expense has been taken on this matter.

I feel that turning this (the settlement) into another ''OJ'' type extraviganza will happen if many people have their way. For some reason We as Americans tend to not just resolve a matter, but bury it also. This is no good for our country or our economy.

It is time to accept the settlement now . Osama is our enemy, not Bill Gates.
psincerely,
jack clayton/jcbogg@aol.com

MTC–00012529

From: Mike Barry
To: Microsoft ATR
Date: 1/16/02 7:02am
Subject: Microsoft Settlement

Dear Sirs

As to the Microsoft case, I would like to go on record to state that as a concerned citizen, the proposed settlement is indeed in the public interest. Please see to it that the Microsoft case is settled without further litigation. The proposals by Microsoft seem to be more than fair.

Michael G. Barry
mbarry@ee.net

MTC–00012530

From: TS
To: Microsoft ATR
Date: 1/16/02 7:08am
Subject: Use of the Microsoft's $1Billion offer

I am glad that the DOJ rejected Microsoft's offer to flood schools with their computers. I also believe they should be held liable for their monopolistic tendencies(I know, technically MS is not a ''monopoly'', just like we are not at 'War' with the Taliban and Al Qaida).

Here are some proposals for remedies in the MS suit to reduce their current anti-trust liability: Have Microsoft give the previously offered $1 Billion in equipment and software to the US government and the states to be used for computerized voting before the next presidential election. p(remember IBM did all the scores and stats at the olympics, the next election should be simple compared to that and should not cost $1B) pMany states can not afford the equipment to change from punch card ballots machines to computerized voting. Everyone agrees(at least the intellectual people) that computerized voting will prevent situations like the FL butterfly ballot. Putting machines in a voting area for occasional use does not lead to the same market-share capture that would occur if schoold children were using the machines on a daily basis. (e.g. NCRs control of ATMs does not make people want to have an NCR machine at home)

Even better have them spend a few extra hundred million on a secure database that can be used for the national results and develop training for users. They could also computerize voting cards and provide for voting on the Internet (If the internet is secure enough to use your credit card, why not cast a vote on it). I realize that only 50% of the US currently has access to the internet but allowing Internet voting does not disenfranchise someone from using the old fashioned method of going to a polling location. Let's quit saying what we can't do and take action to prove we are the most technologically advance country in the

world. (Many European countries already allow voting over the Internet so does that mean they are more democratic than we are because they make it easier for their citizens to vote).

If they have another $1Billion in hardware and software to share, they should send it to support the poor countries that we are fighting to clean up. Put some hardware and software on the ground to help the Afgan and Somali governments. I believe India has more MCP's than the US so we could hire them to work for these governments, leaving more American jobs open for Americans instead of green-card visitors.

Either solution can serve as a punishment for MS and save taxpayers a great deal of money. Both ideas help the US. The last item that is needed with respect to MS oversight is that they need to be evaluated and audited in a manner similar to the automobile industry.

How safe is their software (like the Insurance Institutes crash tests) using typical consumer purchased solutions (i.e. based on average purchased computer hardware and software configurations, not MS specialized configurations: what is the status of crash worthiness, crash frequency, severity of data loss during crash, theft prevention, unauthorized access when on the internet)?

How long does it take the computer to boot up or re-boot based on purchased configurations (something like evaluating a vehicle's gas mileage)?

With reference to Apple's Steve Job, imagine how long it takes to boot your computer. Multiply that effect times the number of computers and the number of times you have to re-boot. Multiply that times the average cost per hour of workers or free time of an individual and calculate the time and cost wasted sitting in front of a computer while waiting for it to re-boot. E.g. a one-minute re-boot times 50 million computers (rough estimate of the MS computer count) at 60 seconds per re-boot is the equivalent of 350,000 man-days or 100 man-years of lost time each day. Re-phrased, the US loses more than one average persons life in time each day waiting for MS computers to re-boot. We need to find a better way to use the time of over 400 people a year than sitting in front of a re-booting machine.

The goal of this evaluation would not be directed at punishing them but instead would be used to drive them to improve their performance in a way that benefits the US public since normal market place controls can not penetrate through their monopolistic characteristics. The evaluations should be done quarterly, they should be based on a few areas of concern (perhaps no more than the two items mentioned above) and like the auto-industry, failure to comply with goals that have been set can result in a penalty.

For instance, set the re-boot goal to the current average time of all computers and if MS computers take longer than others start lowering their allotted time by 4% a year (60 second re-boot would need to be 57.5 after the first year).

MTC–00012531

From: Duncan D McGregor
To: Microsoft ATR
Date: 1/16/02 7:06am
Subject: Microsoft Settlement

Friday, January 11, U.S. District Judge J. Fredrick Motz rejected a settlement that would have resolved more than 100 private class-action lawsuits filed against Microsoft in the wake of the 1999 decision issued by Judge Thomas Penfield Jackson during the trial court phase of the federal antitrust lawsuit.

Under the proposal's terms, Microsoft would have given disadvantaged public schools more than $1 billion in funding, software, services and training, and around 1 million Windows licenses for renovated PCs.

It seems ridiculous that a Federal Judge would reject such a settlement. The only people who win in class action suits are lawyers. Why not let the public win for a change?

Duncan D. McGregor
313 Curtis Road
Chesterfield, SC 29709

MTC–00012532

From: John Eide
To: Microsoft ATR
Date: 1/16/02 7:16am
Subject: Microsoft Settlement Enogh already!

Its time to end this litigation and move on. John Eide-Naples FL

MTC–00012533

From: Wetzl, Tom
To: 'microsoft.atr@usdoj.gov'
Date: 1/16/02 7:19am
Subject: microsoft settlement

As a National Board of Professional Teacher certification teacher I strongly support the Microsoft settlement that would put computers and software into our classrooms. Our nation's children would benefit from the settlement strengthening our future,

Sincerely,
Tom Wetzl, NBPT Certified

MTC–00012534

From: JWTARBELL@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 7:26am
Subject: microsoft settlement

Please just settle this case. The cost of taking it any further will lead to a continued waste of tax payer dollars.

John Tarbell

MTC–00012535

From: vze3283r@verizon.net@inetgw
To: Microsoft ATR
Date: 1/16/02 7:26am
Subject: MICROSOFT SETTLEMENT

I support the Microsoft Settlement that has been reached with 9 states. Bill Gates and Microsoft should not continue to be punished. America has always been about innovation, creativity and competition. It is part of our culture and drives everything we do. It is time to move forward and renew the pace of technological innovation that is driving our economy and enhancing our nation's productivity. Technology and productivity enhancements are America's only sustainable competitive advantagein a global economy, and it is wrong to threaten that for the sake of a few envious Microsoft competitors.

Regards,
Clark Handy

MTC–00012536

From: Nathan Luppino
To: Microsoft ATR
Date: 1/16/02 7:27am
Subject: Microsoft settlement

A settlement has been reached which seems to be fair and equitable to all involved. Now a few politicians want to enhance their political standing by trying to use Microsoft as a springboard. Lets move on! Microsoft has been a great company and done much for the economy of this country. We need companies like Microsoft and less politicians.

MTC–00012537

From: Aaron Batty
To: Microsoft ATR
Date: 1/16/02 7:29am
Subject: Microsoft Settlement

Microsoft, due to its monopoly status, is able to charge exorbitant prices for even its most basic software. Personally, I like their software. I like their OS (although they often cut corners on security issues); but their pricing doesn't make any sense. They are the MOST expensive OS and office software provider, despite well over 90% market share. The MacOS is cheaper, and more secure, and Apple's office software suite is comparable in functionality, but costs considerably less. Linux is free, and more secure, and the main office suite for that—StarOffice—is usable and ALSO free. It should be obvious to even the most casual observer that Microsoft is engaging in price gouging. It's not fair, and it hurts competition, hinders the advance of technology (Just look at the amazing things happening because of the Intel/AMD competition going on right now!), and gives the consumer the short end of the stick.

My suggestion is to force MS to QUICKLY (say, within one year) open up ALL APIs of the Windows OS, if not take the OS business away from them entirely and make it an open source environment. This way, MS could focus on its Office Suite, which, as one who has used other OSes and other office suites extensively, I can say is their superior product, and would allow third-party competition in this field, advancing technology, lowering prices, and making consumers much, much happier.

I don't hate Microsoft. I would fight to squeeze every penny I could out of this situation as well, but that doesn't mean that it's the right thing for the consumers or for the advancement of technology. Both of those concerns should come long before any concerns of the profitability of any single company.

Thank you for your time.
Sincerely,
Aaron Batty

MTC–00012538

From: Jeffrey C. Graber
To: Microsoft ATR
Date: 1/16/02 7:31am
Subject: Microsoft Settlement

DOJ: As a concerned citizen, I firmly support the decision of the Justice

Department to settle the antitrust case against Microsoft as it is currently written. It is fair to both sides and is in the best interest of the country and the business community. Thank you.

Jeffrey C. Graber

MTC–00012539

From: Anita Collins
To: Microsoft ATR
Date: 1/16/02 7:35am
Subject: Microsoft settelment

Enough is enough. What is to be gained by dragging this further through the courts? If the states truly had the consumer at heart they would not continue this unending suit.

MTC–00012540

From: Gil Koedel
To: Microsoft ATR
Date: 1/16/02 7:43am
Subject: Microsoft Settlement
Faxed letter to Ashcroft and Santorum.
Gil Koedel
441 Forest Highlands Drive
Pittsburgh, PA 15238
CC:Gil Koedel

MTC–00012541

From: Herb Butterworth
To: Microsoft ATR
Date: 1/16/02 7:40am
Subject: Microsoft Settlement

Everyone that I talk to agree that settlement is good for them and the American economy, and overwhelmingly want to move beyond this litigation. Current news reports gives the appearence that certain Government officials are in Apple Computer's pocket.

I strongly urge the DOJ to settle this issue. The provisions of the agreement are tough, reasonable, fair to all parties involved, and go beyond the findings of Court of Appeals ruling.

George Butterworth
5531 west hwy 70
Science Hill, Ky 42553

MTC–00012542

From: Radeke, Donald E.
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/16/02 7:52am
Subject: Microsoft Settlement

I am a computer programmer, a MS software user, a MS stock owner (only 300 shares), and a tax payer. I think other companies often provide better software than MS. As a consumer, however, I believe MS has provided quality products at a fair price in a highly competitive marketplace.

I also think it unfortunate that our federal government and several state governments have spent so much time and money in an attempt to extort money from a company with money. Much of what has happened in the MS Case has been politically motivated which the Clinton administration was only too happy to pursue because MS competitors gave generously. And, MS was not a big contributor to either political party. But just look at their cash position! MS is a lucrative target for the lawyers and others who want to take money away from anyone who has it, even though they earned it through hard work.

Stop the litigation nonsense and maybe the business climate will change so the US economy will get back on track. When did business confidence begin to slide? And when was the first suit against MS made?

MTC–00012543

From: Paul Johnson
To: Microsoft ATR
Date: 1/16/02 7:58am
Subject: Microsoft Settlement

Introduction

I write to comment on the proposed settlement between the US Department of Justice and Microsoft (the Proposal). I believe that the Proposal makes progress in the right direction, but does not go far enough.

I am a British subject, and must therefore beg forgiveness for intruding on a case being heard in the United States. However Microsoft is a multinational company, and holds a similar market position in both the US and Britain. If it is implemented then the Proposal will have essentially the same impact on both our countries. Finally I note that the European Union is considering its own action to curb the Microsoft monopoly, but is awaiting the resolution of the US case. I therefore feel that I have a legitimate interest in the outcome of this case, and submit my comments accordingly.

I hold a degree in Computing Systems from University College Cardiff (now part of the University of Cardiff). I have been a practicing computer scientist ever since. I have been following the Microsoft case with great interest since it started. Summary Microsoft holds a dominant position throughout the software industry. A remedy which deals exclusively with ''middleware'' is not sufficient. All Microsoft software should be covered. Microsoft is a repeat offender and there is no reason to think that this case has changed its character, so remedies must be carefully drafted to avoid leaving loopholes.

There should be no restrictions on pricing or product tying. Microsoft should be left free to develop and sell its products as it sees fit. The only exception to this are the rules which cover OEMs ability to include competing products instead of Microsoft ones.

Microsoft's monopoly position is founded on its control of proprietary interfaces. Microsoft products are linked through a network of proprietary interfaces, making it difficult for competitors to produce software that will inter-operate with Microsoft software. If the proprietary interfaces were published then competitors could produce software that competed directly with Microsoft without the expensive and error-prone process of reverse engineering. These proprietary interfaces are in the form of file formats, network protocols and APIs. All three need to be made available to competing products.

Where two Microsoft products work together the interface between them can best be made available by setting up a ''Chinese wall'' between the development groups responsible for them, and then requiring Microsoft to publish all the technical data that is exchanged between these groups.

Where one copy of a product communicates with other copies of the same product (such as when an MS word document is sent to another MS Word user) the file format or communication protocol should be published in a form which allows independent verification that the product conforms to the published description.

Special consideration should be taken of Open Source Software development over the questions of cost, trade secret status and patent licensing. The ''security related'' exception to disclosure should be narrowed to include only keys, passwords and similar security tokens.

Microsoft's Position

Microsoft currently holds a dominant position in the computer software industry, and as I shall show below it maintains this position through control of proprietary interfaces. I believe that a fair and effective remedy should destroy the competitive advantage that Microsoft gains through its control of interfaces, but still allow it to compete and innovate on equal terms with its competitors.

(In the longer term I would suggest that legislation be created to require all software companies above a certain size to publish the details of their interfaces, and thereby create a truly level playing field in the software market. However that is not the subject of this note.)

Over the past decade Microsoft has repeatedly demonstrated a willingness to evade or ignore regulations aimed at curbing its monopoly power. There is no reason to expect this behaviour to change. Therefore any effective remedy must be drafted to block not only the past misdeeds of Microsoft but any it might devise in the future. The rules under which Microsoft is to operate must be unambiguous and, as far as possible, free from the need to make value judgements as to whether Microsoft has fulfiled its obligations sufficiently.

Product Tying

The current case was originally concerned with the alleged tying of Microsoft Internet Explorer with Windows 95, in violation of anti-trust law. However the list of features which users expect to find in an operating system has evolved over time, and continues to do so. A previous example concerns ''disk defragmenters'', which optimise the arrangement of data on a disk in order to speed up access. Before Windows 95 these programs were sold separately by competitors to Microsoft. When Windows 95 was released it included a disk defragmenter. The competing companies could no longer sell their existing products, but there was no public outcry because disk defragmentation is generally considered to be a function of the operating system. Similarly when Microsoft first bundled Internet Explorer with Windows a web browser was considered an application. Today most consumers would expect to find it bundled with the operating system. Suppose that ten years ago Microsoft had been effectively prevented from adding new features to Windows: today a modern PC would have to include a dozen or more small packages of software that would be more economically produced and sold as a single product. Computer vendors would have to purchase and integrate all of these small packages, and buyers would have to cope

with a bewildering checklist of small but important items that they would have to ensure their computer included. The variation in quality and operation of these packages would present serious challenges to the use and maintenance of different PCs. Such a situation would not be in the interests of the consumer.

Thus a fair and effective remedy cannot enjoin Microsoft from ever bundling new functionality in its products, even when a market for that functionality already exists and is serviced by third party products.

US anti-trust law deals with this point by requiring that product tying of this sort be of benefit to consumers, and prohibiting predatory pricing. However this principle is of little help in the software market:

The ''benefit to consumers'' test largely fails because if Microsoft adds a feature to a package then it saves the consumer the trouble of buying and installing extra software to provide that feature. Thus a strong argument can always be made in favour of any particular feature being added. There is no ''fair'' price for software in the sense that there is for physical products (i.e. the unit cost plus a reasonable profit) because there is no unit cost. The cost of software is entirely in its original development. Left to themselves software vendors will set a price which maximises their income, but there is no link between this price and the cost of development. Any plan to regulate Microsoft by imposing fair prices must therefore remove entirely its right to set its own prices, and this in turn will require it to negotiate a price for software with the regulator before starting development. This is highly unlikely to benefit consumers. But if Microsoft is free to set prices, even to set them at zero, then it can effectively tie products by distributing free add-ons at the point of sale.

Therefore I must reluctantly conclude that regulating Microsoft's ability to tie products is likely to do more harm than good, and should not be included in the final remedy. Microsoft should be left free to determine what functionality is included in each of its products.

The Proposal also sets rules for the related issue of the ''Desktop''. This properly prevents Microsoft from ensuring that its products are more prominent on the desktop than those of its competitors. Such user interface concerns are important, but are not the subject of this note.

Interfaces

The Proposal concentrates on the ''Application Programmer Interfaces'' (APIs) to Microsoft ''Middleware'' (a vaguely defined term, roughly meaning software that sits between the operating system and the applications employed by end users).

The Proposal is right to concentrate on interfaces. Microsoft has always used proprietary interfaces to manipulate the market and lock out competition. To illustrate how this works, suppose Microsoft sells products Foo and Bar that communicate via a proprietary interface. I purchase Foo, and subsequently want the added functionality of Bar. There may be many competitors in the market for Bar, but they are effectively excluded from my consideration because their products cannot communicate with Foo.

Similarly if copies of Foo communicate with each other through a proprietary interface then anyone wishing to work with me must also purchase a copy of Foo. This creates a ''network externality'' that ensures that even in a competitive market the best option for an individual consumer is the product with the largest market share, since this brings them into the largest population of potential collaborators.

By creating a web of proprietary interfaces, both between products and between its customers, Microsoft has ensured that it is locked into its market in a way that has never before been possible. It is this stranglehold on the market for software that must be broken. Since Microsoft has used its control of proprietary interfaces to achieve this, it is on interfaces that any effective remedy must concentrate.

The focus of the Proposal on ''middleware'' is misguided. It excludes applications and operating systems, which are the two areas where the monopoly power of Microsoft most needs to be restricted. Furthermore its vague definition creates too much opportunity for Microsoft to redefine critical interfaces as something other than ''middleware'', leading at best to argument and delay.

Examples

It is worth looking at two of these interfaces to see how they lock Microsoft into the market. Microsoft Office is the leading ''office productivity suite''. There are competitors, but they are critically hampered because their users cannot reliably exchange documents with MS Office users. Some degree of inter-operability does exist, but this has been enabled by painstaking ''reverse engineering'': the competitor can only learn about document formats by inspecting the files created by Office and trying to deduce how each part of the document is encoded in the file. This process is expensive and error-prone, and Microsoft can always introduce new features faster than they can be reverse engineered. As a result no existing competitor to Office can reliably import a complex document. Consumers know this, and therefore avoid these competitors. This prevents the competitors from gaining market share, no matter how good their products might otherwise be.

The Kerberos security protocol was developed by MIT and has now become an important component of many systems. Microsoft included Kerberos support in Windows 2000, but with a small change. Kerberos is an ''authentication'' protocol: it guarantees that the parties to a transaction are who they say they are. Microsoft added authorisation data to the protocol. This meant that Windows 2000 would only grant access to shared files and printers if the Kerberos ''ticket'' presented by the user had been issued by a Windows 2000 server. This appears to have been an attempt to lock competitors (including the freely available MIT server) out of the market for Kerberos authentication products. In response to a public outcry within the computer industry Microsoft first insisted that the format of its extra data was a trade secret, and then released the format on its web site under a ''click-through'' license under which the recipient promised to keep its contents a secret. I will return to this strange license later in the section on Open Source Software.

The net effect of this web of proprietary interfaces is to make any mix of Microsoft and competing products less functional than a pure Microsoft solution. A pure non-Microsoft solution is not usually possible, either because Microsoft has driven the competition into the ground or because there is a need to communicate with others who are using Microsoft. Hence the only choice is between a pure Microsoft solution and a mix. In a world which is dominated by Microsoft there can only be level competition if the interfaces to Microsoft software are equally open to all competitors.

Files, Protocols and APIs

There are three types of interface which an effective remedy must address: files, network protocols, and APIs. Files stored on disk are an important repository of value for any computer user. The ability to read this data and exchange it with others is the most important requirement for any new software. Therefore Microsoft shoud be required to disclose the file formats for all its software. This will enable competitors to create software which reliably works with files created by Microsoft software. The main immediate effect of this will be to enable competitors of Microsoft Office to compete on a level playing field. In the longer term it will prevent Microsoft from using the proprietary file format of any popular application to gain a monopoly position through market lock-in.

Similarly, protocols used to communicate over networks should be opened up. The Kerberos example above illustrates how even seemingly minor proprietary extensions can create strong market lock-in. As the Internet becomes increasingly important so the use of proprietary protocols will become an important method for Microsoft to maintain its monopoly position unless it is stopped.

APIs are a much more complicated issue than files and protocols. For every file format or network protocol used by Microsoft there are thousands of ''function calls'', the basic element of APIs. Function calls are used both within a single product and between products. There is no simple way to distinguish the function calls which are made within a product and those made between products unless the products in question are designed to work separately as well as together. Microsoft has already used this fact to obfuscate the question of whether Internet Explorer is intrinsically integrated with Windows 95. It can be expected to use this tactic again in the future. Since it is not feasible to use product tying rules to prevent this (see above), I suggest that Microsoft be required to identify every API which is used to communicate between software in two different products, and disclose that API in full. The smallest unit of ''API'' to be disclosed should be the ''DLL'' (Dynamically Linked library). In Windows a DLL is a single file which provides collection of functions to other software. Making DLLs atomic for disclosure purposes will encourage Microsoft to keep the APIs for communication between products distinct from the APIs within

products, thereby reducing the work required by competitors who wish to offer competing products which offer the same APIs.

Disclosure Mechanisms

Detail

The Proposal has nothing to say about what level of detail will be included in the interface descriptions. This issue is not trivial.

For programmers, the ultimate description of what a function within an API does is the source code which implements that function, which leads programmers to say ''use the Source, Luke'' when faced with a detailed technical query about a piece of sotware. However the inspection of source code is not always practical, either because the code in question is proprietary (as in this case□, or just because it would take too long to understand. Hence developers routinely produce documentation which describes the functions in an API in a more readable form.

The Proposal seems to envisage this kind of documentation being made publicly available. However there does not appear to be any incentive to Microsoft to make this documentation complete or accurate, other than enforcement by the courts. Since this kind of document can never be 100% complete or accurate the question will arise as to whether it is good enough. If Microsoft acts true to form it will inevitably argue that its documentation is indeed good enough even though it is not, and will carry on arguing this until it becomes a moot point. To avoid this problem I suggest that Microsoft be required to erect ''Chinese walls'' between the development groups working on different products. Only published documentation may be exchanged between these groups. Hence if Microsoft wishes to sell two products which work together it can only do so if it also informs its competitors how to make products which will can work just as effectively.

The remaining problem on detail is the file formats and protocols used when one copy of a product communicates with other copies of the same product. The Chinese wall system will not work here. However since this problem is restricted to file formats and protocols the problem of ensuring the adequacy of documentation is much smaller.

Established techniques (such as BNF grammars and state machines) can completely describe file formats and protocols, and these can be used as the basis of an unarguable technical finding that either the software or the documentation is defective. This is not a complete solution to the problem, but it should level the playing field sufficiently to allow competition.

Publication and Open Source

Since this case started Open Source Software (OSS), such as the Linux operating system, has become a significant competitor to Microsoft. Therefore any effective remedy must take account of the special requirements of OSS development over normal commercial software development.

The primary issues here are costs, trade secrets, and patents.

Costs:

Whatever disclosure mechanism is chosen for interface descriptions, it must be within the financial reach of open source developers. A subscription of several hundred dollars a year, such as is required for the Microsoft Developer Network, is trivial for a competing software company but a major hurdle for a volunteer developer working on OSS. Given that interface descriptions must be prepared for competitors, there is no reason why they should not be distributed for free over the web rather than only made available to an exclusive club.

Trade Secrets

Microsoft must not be allowed to pretend that these interface descriptions are trade secrets, as it tried to do with its extension to Kerberos. Because OSS packages include the full source code they inevitabley reveal the full details of their operation to any programmer who downloads them. If Microsoft can claim trade secret status on an interface it can effectively block any OSS package from using that interface, since to do so would reveal the ''secret'' of its operation. This appears to have been the objective of the click-through license on the Kerberos extensions (see above). The ''Samba'' project (www.samba.org) has reverse-engineered the Microsoft file and printer sharing protocols, allowing non-Microsoft systems to gain access to resources on Microsoft systems. An updated version of Samba for Windows 2000 is being prepared which will need to inter-operate with the Windows 2000 Kerberos extensions. If these extensions are considered trade secrets then it would be impossible for the Samba project to work with these extensions, and a key component in any mix of Microsoft and non-Microsoft computers would be crippled.

Patents

Microsoft has not made much use of patents to protect its market, prefering to rely on proprietary interfaces. However if it is prevented from using proprietary interfaces it may decide to use patented ones instead.

When Microsoft next introduces a new interface, especially a network protocol, it would be a simple matter to obtain a patent covering the operation of that interface. At that point any competitor wishing to inter-operate with Microsoft products using that interface would have to license it from Microsoft. The usual solution in such situations is to require licenses on ''Reasonable And Non-Discriminatory'' (RAND) terms. However even RAND terms require payment. OSS developers are unable to offer payment. Therefore an effective remedy must require Microsoft to license its patents on RAND terms to commercial software vendors and on Royalty Free terms to Open Source projects.

Incidentally, Microsoft has described OSS as ''un-American'' and ''an intellectual property destroyer''. These descriptions try to tar OSS developers with the same brush as software pirates. This is incorrect. Software pirates selfishly take the work of others and use it without paying. OSS developers take their own work and permit others to use it for free. This is a wholly generous act, fully in keeping with the American ideals of volunteerism and service to one's community.

Security Details

The Proposal includes a broad exception for ''security related'' information. However Microsoft could argue that almost any interface, especially APIs and communication protocols, is ''security related'' if it is used to carry any kind of authorisation or authentication information. Indeed, it made exactly this argument when it initally refused to reveal its extensions to Kerberos. Therefore the exception for security related information must be narrowly drawn. Fortunately this is not a major problem. It is a basic principle of computer security that would-be intruders will eventually learn the operational details of your security mechanism, either by reverse engineering or by other less legitmate means. Any security which depends on the intruders remaining ignorant of these details is known as ''security through obscurity'', and regarded by security practitioners as inadequate at best. Therefore the only items which should need to be kept secure are the keys or passwords which operate the software. These can be easily changed if they are compromised. Hence if security interfaces are well designed then they will not need to be kept secret. And if they are not well designed then Microsoft should be required to remedy the fault rather than keep this fact secret.

Conclusion

The proposed Settlement would have little effect upon the business practices of Microsoft. If adopted in its current form them the result will be no change to the behaviour of Microsoft, and yet another prolonged court case in another five or ten years. Any effective settlement must concentrate on opening up the markets that Microsoft has effectively closed by its use of proprietary interfaces, file formats and protocols.

I hereby respectfully submit these comments for your consideration,

Paul Johnson.

MTC–00012544

From: Wayne Wood
To: Microsoft ATR
Date: 1/16/02 8:02am
Subject: Microsoft Settlement

The Microsoft Settlement proposed by the DoJ is satisfactory to proceed on. The nine states that are against said settlement are backed by and supported by the competition of Microsoft, especially in California.

This competition seems to want the DoJ to hand them Microsoft Rights that competitively they were unable to do themselves in a business manner. The latest proposals by Microsoft and the DoJ are adequate and should be approved as is.

Wayne W. Wood
waynewwood@msn.con

MTC–00012545

From: Michael Taylor
To: Microsoft ATR
Date: 1/16/02 8:09am
Subject: Microsoft settlement

I think the DoJ should drop the settlement and get on with more important things. don't understand why the DOJ sued MS in the first place . So what if they gave their own—or strategic business partners'—products

preferential treatment on the user interface. Every OS manufacturer does— look at any Apple or LINUX commercial product and you will see the same thing. In case you missed it, MS licenses a lot of the software applications it ''bundles'' with Windows—and so does Netscape and AOL-Time Warner when you get their products. What makes MS so different?

I used to use Netscape's browser exclusively. It was a great interface, and beat the heck out of MS's Internet Explorer 2 and 3. But, Netscape sat on their butts and MS improved IE's interface. When version 4 of IE came out, I switched over and have never gone back Netscape radically changed their user interface and it backfired on them. They lost market share and IE went to the front. Not because MS did anything illegal—Netscape simply screwed up. Their ''new'' interface was so bad, they pulled the product shortly after it was released and went back to redesign it If Netscape had kept improving their original product, they would still have market share—but they didn't.

Now they want the government to step in and fix a business problem they caused themselves. To prove my point that even they know the screwed up—the latest version of Netscape offers users the choice of their ''new'' or their ''classic'' interface. Crappy software products die of their own volition—they don't need a stake driven through their hearts by MS—and legislation won't make people buy them, either. .

As for being ''forced'' to use MS products—any high school student can tell you how to either uninstall a MS product or install someone else's software on a Windows machine. (How do you think all these violent games they are playing get on the computers in the first place? <g>) I think of MS as the Wal-Mart of the industry, They offer a wide variety of products that work well—but there are other products that do certain jobs better out there. Like getting appliances from Sears, or a suit from Armani.

That's why I use Roxio CD Creator to make CDs and not the software MS provides. That' s why I use several third party diagnostic tools and not the ones that come with Windows. It's like choosing to have my car customized after I buy it—no one forces me to leave it the way it was when I bought it if I don't want to, I can add fog lights, or fuzzy dice, a neon license plate holder, or even have it repainted if I chose to.

(Personally, I think the DoJ should look at Congress and the motives of Orrin Hatch, the senator from Utah and home state of MS's chief networking rival NetWare—strategic partner of SUN operating system and AOL-Time Warner—and see if their was any conspiracy to attack MS amongst them. .)

Mike Taylor

MTC–00012546

From: Tony Dye
To: Microsoft ATR
Date: 1/16/02 8:14am
Subject: Continue to litigate the MS Antitrust deal

I'm an American citizen living in Ireland, and for the record, I want to publicly request that you continue to litigate the MS case, rather than settle under the current terms of the settlement. I feel those terms do absolutely nothing to remove the specter of Microsoft as a monopoly force in the industry.

Tony Dye

MTC–00012547

From: Gail Bell
To: Microsoft ATR
Date: 1/16/02 7:20am
Subject: Microsoft settlement

We feel that it is time to settle this dispute, it has gone on long enough. It seems that this agreement is fair and just to both sides. Let's get on with life and move on to other items of business. Surely there are other things that need to be considered.

Gail and Major Bell

MTC–00012548

From: Georgia
To: Microsoft ATR
Date: 1/16/02 8:21am
Subject: microsoft settlement

I REALLY THINK THIS IS THE MOST STUPID LAWSUIT THERE IS. FREE ENTERPRISE IS WHAT WE WERE BUILT ON. IF SOMEONE CANNOT GET OUT THE PRODUCT IT DOESN'T MAKE THE FIRST ONE WRONG. IF I HAD A BETTER PRODUCT TOO BAD FOR THE NEXT GUY. DROP ALL LITIGATION ON THIS PROBLEM WITH MICROSOFT. AMERICA WAS BUILT ON FREE ENTERPRISE.

GEORGIA WILLARD

MTC–00012549

From: bsteele@citgo.com@inetgw
To: Microsoft ATR
Date: 1/16/02 8:22am
Subject: Microsoft Settlement

It's time to put this case to rest. Why does everyone want to always pick on the big and successful? Our society encourages us to be successful and then when we are everyone complains, especially the ones not smart enough to make it on their own.

This case is nothing but a bunch of spoiled brates who can't stand losing to Bill Gates, they don't like him. They need to spend their energy worrying about their companies, not Microsoft.

CC:bsteele@citgo.com@inetgw

MTC–00012550

From: kevin.richman@accenture.com@inetgw
To: Microsoft ATR
Date: 1/16/02 8:29am
Subject: Microsoft Settlement

At this point I feel it is unnecessary to further pursue litigation against Microsoft. Why penalize a company further when there are clearly other alternatives out there for all of their products. And why inhibit a company from integrating their products. I don't care if my computer comes with Internet Explorer on it, because I know I can just as easily install Netscape or any other browser to access the internet. At this point further litigation is a waste of taxpayer's money and there will be no economic gain by pursuing further action.

Kevin Richman
Michigan

MTC–00012551

From: GrannyD
To: Microsoft ATR
Date: 1/16/02 8:35am
Subject: Microsoft Settlement

I do now and always have felt that the DOJ's and various state attorneys suits against Microsoft Corp. are the result of the prejudiced views of elected officials from states where Microsoft's competition reside. This constitutes what I and everyone I speak to considers an injustice perpetrated against Microsoft Corp. As you know millions of our tax dollars have already been wasted in an attempt to wrongfully punish this company. I like most Americans who used P.C's. before the advent of Windows hold Microsoft in the highest regard. I am proud of it's performance in dominating it's field because in doing so it took us out of the realm of cryptic DOS code and into the future of computing. Lets face it, the driving force behind any great advancement has always been profit. By punishing Microsoft for doing exactly what any other large corporation or small businessman would do in it's place sends a bad signal to those of us who have the nerve to gamble in the high stakes world of business. By the way what would the trade deficit have been last quarter if Microsoft did not sell software worldwide?

Please stop this nonsense and accept this settlement that is already much larger then the so-called (but in my mind fabricated) harm done to the ''public'' Let this great American company thrive and grow.

Thank you for considering my position.

Janet F. Dasaro

MTC–00012552

From: David
To: Microsoft ATR
Date: 1/16/02 8:40am
Subject: Microsoft Settlement

T.W.I.M.C.

Whatever happened to the free enterprise system? Look what happened after the breakup of T.P.C.? (The phone company.)

Just because any company with a superior product has certain restrictions doesn't mean that it is wrong. Do all the different automobile parts fit into competitors vehicles? Has GM been forced to make their parts compatible with Ford?

The only place in the world this is necessary in the world isn't in the world. It is on the ISS since everything must fit everything else.

David A. Abbey
4964 Hollywood Road
St. Joseph, MI 49085–9339

MTC–00012553

From: Bobjmiles
To: Microsoft ATR
Date: 1/16/02 8:44am
Subject: microsoft settlement

Please settle this WITHOUT any more litigation. It is quite obvious that the states smell money and will do anything to get some of it, even attacking business which is the backbone of this republic. Those attacking business especially those that are successful are the enemy within. Please settle this and get on with following the ten commandments.

Thank You
Robert J. Miles

MTC–00012554

From: David E Provencher
To: Microsoft ATR
Date: 1/16/02 8:46am
Subject: Microsoft Settlement
95 Morningside Drive
Newport Center, VT 05857–9428
January 15, 2002
Attorney General John Ashcroft
U.S. Department of Justice
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I am a proponent of free enterprise and I believe that under the terms of the recent antitrust settlement between Microsoft and the U.S. department of Justice, Microsoft has not gotten off easy. In fact, their rights are being violated in some ways. Nevertheless, I support the settlement because I think that all parties involved will be better off without further litigation.

First off, Microsoft is being restricted from entering into third party agreements pertaining to exclusive distribution. This term is ridiculous and biased. Most companies, including some like Coca-Cola, rely on these types of agreements to gain and maintain market share. To restrict companies from this form of business is to hinder their chances for survival. Second, Microsoft will be forced to give up technological codes and data, which will allow competitors to configure and create products that, can be prompted within Windows or are compatible with Windows software. This term alone constitutes a violation of Microsoft's intellectual property rights.

I urge your office to finalize this settlement and look out for the American public. I hope the terms of settlement ultimately turn out to be in best interest of the American IT sector and American public. Thank you for your time.

Sincerely,
David Provencher

MTC–00012555

From: Jeff Finkelstein
To: Microsoft ATR
Date: 1/16/02 8:46am
Subject: Microsoft Settlement

I believe it is time for the Federal and State Government to settle the Microsoft case. I believe the current agreement is reasonable and fair given the results of the trial. This agreement will provide reasonable protection for the industry and still permit Microsoft to continue to improve it's products to benefit millions of America consumers.

However, I believe key aspects of the government's case are flat-out wrong, such as the contention that Microsoft holds a monopoly over desktop operating systems. That ignores the resurgent Apple Macintosh and the emergence of new Unix-based competitors, like Linux. Americans can purchase an operating system that cost over a billion dollars to develop for $89, or they can get a less capable Linux OS free, or buy a MAC. There is no evidence of consumer harm and none was provide in the trial. I see the case being driven significantly by politics. More specifically political use of the DOJ for special interest (Microsoft's competitors).

Consider Microsoft's competitive position; Microsoft must convince consumers that it's product at $$$ dollars is better then it's competitor (Linux) at the cost of $0 (zero). How can Microsoft be considered a monopoly when it has this level of competition? Will the government be satisfied when a Chinese version of Linux dominates the desktop and tax revenues and jobs from high-tech industries are lost?

Please review this issue carefully as it affects the ability of our nation to compete in the world economy. Please don't undermine the free market and hard work of millions of American who invest in Microsoft and other great companies.

Regards,
Jeff Finkelstein
1015 Woodsman Ct.
Charlotte, NC 28213

MTC–00012556

From: C. Porter Claxton, Jr.
To: Microsoft ATR
Date: 1/16/02 8:47am
Subject: Microsoft Settlement

Gentlemen:

The government has gotten a fair settlement on the Microsoft case, and it's time to quit spending tax dollars and let it be. Pressure should be placed on the states to go along with the settlement. Our economy is suffering enough, it's time to let microsoft get back to work, doing what it does best.

Sincerely,
C. Porter Claxton, Jr.

MTC–00012557

From: Steve Fix
To: Microsoft ATR
Date: 1/16/02 8:56am
Subject: Microsoft Settlement

I have never viewed this case as needed or worth the tax payer's money but driven more for political purposes. As a consumer I have only benefited by the structure of the PC industry in general and Microsoft's role specifically. I believe the court should move quickly to resolve this issue and make the settlement reached with the federal government binding on ALL states. I don't understand what standing individual states have in a case such as this and believe courts have allowed this to go on too long.

Thanks.

MTC–00012558

From: Dorothy MacDonald
To: Microsoft ATR
Date: 1/16/02 8:57am
Subject: Microsoft

To whom it may concern.

It is time the law suit against Microsoft are resolved. It is a shame that the courts have become involved with the politics of Goverment. Enough allready. Settle the cas and let the world get on with more imporant problems.

Dorothy MacDonald

MTC–00012559

From: Terry Fuller
To: Microsoft ATR
Date: 1/16/02 9:00am
Subject: Microsoft Settlement

Dear Mr. Attorney General,

Please see the attached letter in support of Microsoft in its antitrust dispute. I strongly believe that the most noteworthy aspect of this settlement is that it allows Microsoft to remain together and to continue devoting its resources to designing innovative software, which will benefit the economy, the industry, and consumers.

Sincerely,
Terry A. Fuller,
Ph.D. Pennsylvania

Terry Fuller, Ph.D.
944 Morgan Rd
Rydal, PA 19046
January 8, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing you today to express my opinion in regards to the Microsoft antitrust dispute. I support Microsoft in this dispute, and I feel that the settlement that was reached back in November is fair and thorough. I am relieved that this issue has been resolved, and I feel this settlement serves the best public interest.

Under this agreement, Microsoft has agreed to share more information about Microsoft software codes and books. Microsoft has also agreed to design future versions of Windows to make it easier to install non-Microsoft software. These provisions, along with many others, make it easier for competing companies to conduct business.

The most noteworthy aspect of this settlement is that it allows Microsoft to remain together and finally devote its resources to designing innovative software, which will benefit the economy, the industry, and consumers. Thank you for settling with Microsoft.

Sincerely,
Terry Fuller, Ph.D.
Cc: Senator Rick Santorum

MTC–00012560

From: Anthony Verguldi Jr
To: Microsoft ATR
Date: 1/16/02 9:34am
Subject: Microsoft Settlement
Anthony Verguldi Jr
420 Dartmoor Road
Schwenksville, PA 19473–1865
January 16, 2002
Attorney General John Ashcroft, U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

I am writing you today to express my opinion in regards to the Microsoft settlement issue. I support Microsoft and believe this settlement will benefit the public and economy.

This settlement is complete. Microsoft has agreed to furnish more information to companies that are trying to compete. For instance, Microsoft has agreed to disclose for use by its competitors various internal interfaces, as well as ''interoperability protocols.'' In this way, Microsoft has agreed to terms that go way beyond the original issues of the lawsuit.

I believe this settlement will benefit the economy and industry. Please support this settlement.

Thank you for your time.

Sincerely,
Anthony Verguldi Jr
CC:fin@mobilizationoffice.com@inetgw

MTC–00012561

From: joanpeterson
To: Microsoft ATR
Date: 1/16/02 9:06am
Subject: Microsoft Settlement

It is in the best interest of our country and our economy to put this case behind us and let Microsoft go about the business of innovating! We have lost precious time since Microsoft has been inbroiled in this mess. We should reward intellegence, not punish it!

MTC–00012562

From: joanpeterson
To: Microsoft ATR
Date: 1/16/02 9:08am
Subject: Microsoft Settlement

Leave Microsoft alone!

MTC–00012563

From: Keith J. Lewis
To: Microsoft ATR
Date: 1/16/02 9:14am
Subject: Microsoft Settlement

To US DoJ:

I beleive that Microsoft is a leader and innovator in developing innovative and useful software for the general public. I don't believe that it is in the Government's best interest to drag this case out. I strongly feel that many of the State's objections to the Microsoft is disingenuous at best and specious in fact. I remember seeing a Oprah Winfrey program that featured Larry Ellison of Oracle wherein he stated that he would donate I believe some 10 million dollars in software to the school system. I don't believe there was any outcry from Apple or anyone else! Microsoft does much to help individuals develop software much like IBM did at one time. I hope that the US Government and the States can come to a resolution soon for the sake of the economy.

K. Lewis
CC:Keith John Lewis

MTC–00012564

From: Dr. Michael J. Kraut
To: Microsoft ATR
Date: 1/16/02 9:16am
Subject: Microsoft Settlement

Dear Sirs:

The proposed settlement of the Microsoft anti-trust suit is fair and reasonable. It is time to move on; I urge you to close this case.

Michael J. Kraut, M.D.
Associate Professor of Medicine
Wayne State University

MTC–00012565

From: David Oakes
To: Microsoft ATR
Date: 1/16/02 9:16am
Subject: Microsoft anti trust suite

Dear Dept. of Justice,

Please go on to more important matters and leave Microsoft alone. They have done nothing but create wealth and jobs for Americans.

David Oakes

MTC–00012566

From: Judyth K. Sweet
To: Microsoft ATR
Date: 1/16/02 9:10am
Subject: Microsoft Settlement
23720 Brownstown Square Drive
Apt. #103
Brownstown Twp, MI 48174–9387
January 15, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW.,
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

Though not a regular computer user, as an American who believes in the importance of the entrepreneurial spirit, I would like to voice my opinion on the stance the Justice Department needs to take on the upcoming settlement decision with Microsoft. I believe to take a truly great American company that started from ground zero and earned its way to the top, then break it up or infringe on its right to do business is not in the spirit of fair competition that so many claim to support. Now that Microsoft has offered a settlement, its time to put this behind us.

The current proposal sounds very fair. From what I've read, Microsoft will standardize pricing for its customers, not act against any customer that uses competing software and will even allow other companies to access and license its internal intellectual property. The company has then agreed to a technical committee of software experts to oversee Microsoft's continued compliance of the deal. So, it seems like any concerns from before the lawsuit are being met and the Big Brother approach by the government needs to stop immediately.

Please accept the terms of this settlement and allow Microsoft to focus on creating jobs again, which the country needs most right now. I thank you for your attention to my feedback.

With sincere regards for American enterprise,

Judyth Sweet

MTC–00012567

From: Mardi Bergen
To: Microsoft ATR
Date: 1/16/02 9:22am
Subject: anti-trust

Please settle ASAP so we can all get on with this creative work. Thank you,

M. Bergen

MTC–00012568

From: RNeff1231@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 9:24am
Subject: Antitrust Case

We support settlement of the Microsoft in the antitrust case. The government and Microsoft have already expended too many funds on this litigation. As usual, the real winners are the lawyers. In the end, the consumer will lose anyway thanks to all the tax dollars spent on the litigation. The current settlement sounds like a good deal to the states. Why don't we accept it and move on?

MTC–00012569

From: Paul Greatbatch
To: Microsoft ATR,Steve Ainger,Reid Miller,Ram Angia,C. . .
Date: 1/16/02 9:26am
Subject: Lord of the Rings—sort of

Recently one of my friends, a computer wizard, paid me a visit. As we were talking I mentioned that I had recently installed Windows XP on my PC. I told him how happy I was with this operating system and showed him the Windows XP CD. To my surprise he threw it into my microwave oven and turned it on.

Instantly I got very upset, because the CD had become precious to me, but he said: 'Do not worry, it is unharmed. After a few minutes he took the CD out, gave it to me and said: 'Take a close look at it.' To my surprise the CD was quite cold to hold and it seemed to be heavier than before. At first I could not see anything, but on the inner edge of the central hole I saw an inscription, an inscription finer than anything I had ever seen before. The inscription shone piercingly bright, and yet remote, as if out of a great depth:

I cannot understand the fiery letters,' I said in a timid voice. 'No but I can,' he said. 'The letters are Hex, of an ancient mode, but the language is that of Microsoft, which I shall not utter here. But in common English this is what it says:

One OS to rule them all,
One OS to find them,
One OS to bring them all and in the darkness bind them.

It is only two lines from a verse long known in System lore:

''Three OS's from corporate kings in their towers of glass,
Seven from valley lords where orchards used to grow,
Nine from dotcoms doomed to die,
One from the Dark Lord Gates on his dark throne In the Land of Redmond where the Shadows lie
One OS to rule them all, one OS to find them,
One OS to bring them al and in the darkness bind them,
In the Land of Redmond where the Shadows lie.''

It WANTS to be installed
Best Regards,
Paul

MTC–00012570

From: Becky Jennings
To: Microsoft ATR
Date: 1/16/02 8:28am
Subject: Microsoft Settlement

Gentlemen:

I believe that the government's settlement with Microsoft has been done fairly and appropriately. I would like to see all other litigations discontinued. I believe that this would be the best route for consumers, our country and our educational systems.

Thank you.
Cordially,
Becky Jennings

MTC–00012571

From: Merrick, Carl
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/16/02 9:38am
Subject: Microsoft

The Microsoft Marketing Machine is still up to their old tricks with their new products even after being told to cease and desist. I am

actively involved with a deployment of their newest operating system, Windows XP, and it's still the same old issues. MSN Messenger is installed by default and the uninstall is hidden. Obscure file edits are necessary to complete the uninstall. MSN is still the default in Internet Explorer 6, all search functions point to MSN. MSN Explorer is installed by default to the desktop. The OS reports back to Microsoft by default. Many hours were spent uninstalling this unneeded software. The OS should be the OS, not a device to market other products. I think if Microsoft stayed with this philosophy they would have a far superior product, now it is just a mediocre marketing platform.

Carl Merrick
Network Administrator
Town of Enfield

MTC–00012572

From: Lee Robie
To: Microsoft ATR
Date: 1/16/02 9:39am
Subject: Microsoft Settlement
enclosed opinion on Microsoft Case.
CC: fin@mobilizationoffice.com@inetgw
6084 Hallies Hollow Lane
Loveland, OH 45140–8616
January 16, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW.,
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing to express support for the settlement reached between Microsoft and the Justice Department in their ongoing antitrust case. I feel the settlement is fair, and no further action should be taken against Microsoft.

I work in the software industry as a developer, and I have seen firsthand the innovation Microsoft has provided the marketplace. It should not be punished as the settlement does by forcing Microsoft to disclose its technological secrets to competitors. Ending the case as soon as possible will allow Microsoft to return to developing new products and technologies that will ultimately benefit many consumers.

I strongly urge you to stop all further inquiry into the case, and support the settlement. It is time to put this matter behind us.

Sincerely,
Lee Robie

MTC–00012573

From: Augenstein, Rob
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/16/02 10:00am
Subject: Microsoft Settlement

I have been following the anti-trust case against Microsoft for almost four years now and believe that Microsoft did nothing wrong. The bottom line is that consumers were not harmed. As a user of Microsoft products, and previously of Netscape Navigator, I actually benefited. When I was using Navigator, Netscape improved and expanded the product due to the competitive pressure from Microsoft. To make a switch in Internet browser compelling, Microsoft had to make their own improvements. Now that I've switched to Microsoft, I wouldn't go back to Netscape. What no one involved in this case seems to see is that people like me benefited because we had choices and the products available to us were improving at a rapid pace.

It is not necessarily a bad thing if a company has monopoly power and then tries to use it. It is most certainly a good thing in fact if a broad base of consumers will benefit. Unfortunately, Judge Jackson did not see that people like me benefited from Microsoft's actions. In fact, I have actually been harmed since the ruling by Judge Jackson. With Microsoft on the defensive, the pace at which significant new products have come to market has been slow. I think the browser was the latest new product genre—and that was 5 years ago. So I haven't had as much new software to play with as I did before. More importantly, the ruling initiated a long slide in the stock market that still continues. Since my investments in the stock market have declined in value, I have not made further investments in things for my family like a new car, house or computer. And since I believe that I am not the only one who has had this happen, I attribute our country's economic slowdown to the ruling by Judge Jackson against Microsoft.

I am interested in seeing the economy get back off the ground and firmly believe that letting Microsoft pursue its free enterprise strategy of innovating with new products is in our country's economic interests, both domestically and internationally. I am hoping you will see things similarly and will move aggressively to stop the legal challenges aimed at Microsoft.

Sincerely,
Rob Augenstein, CPA
Lighthouse Group
<http://www.lighthousegroup.com/>
800–385–2511
770–512–8990, extension 1015
770–512–8991 fax

MTC–00012574

From: Ed Delaney
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/16/02 10:06am
Subject: Paper submissions

Does the Dept. need help scanning all the comment letters for the Microsoft case? We are a federal government GSA small business contractor in Rockville and we can scan and index these documents for you.

Edward Delaney
Vice President
Ideal Systems
301–468–0123

MTC–00012575

From: Clark Kilhefner
To: Microsoft ATR
Date: 1/16/02 10:06am
Subject: Microsoft Settlement

Comments—Microsoft Proposed Settlement

It's time to move on! From the outset this has been an exercise in establishing the rules after the game has been played—or at the very least after the game has been in progress for some time.

Does the proposed settlement benefit consumers? Since the injured parties, judging from who is making the most noise, are Microsoft's competitors there's no way to know. Consumers have never had a voice in the process. I've neither read nor heard any facts supporting the contention that consumers (you and I) have been injured. Are the high tech competitors bringing the complaint satisfied? Is that important? Apparently the settlement is a fairly good one in that almost every faction is unhappy with it. Microsoft is willing to live with the proposed settlement, the United States (at least most of the Washington DC types involved) has accepted it, consumers have never said they weren't satisfied, and Microsoft's competitors will likely never be satsified until MSFT is delisted. In short, there's everyone is equally displeased and there's no place to go from this point but down.

You've done your jobs. Let's move on!
Clark H. Kilhefner
P.O. Box 888
Tualatin, OR 97062

MTC–00012576

From: GLASSMAN426@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 10:06am
Subject: Microsoft Settlement

You prosecute Microsoft, but you let banks merge, oil companies merge, corporate takeovers, make us dependent on foreign oil. Microsoft gave the consumer something that if it did not satisfy them they could replace with another product, and it was included in the purchase price. We are at the mercy of the big banks, big oil, and corporations that you have given the OK to move most of our manufacturing jobs out of the country. Whose side are you on? Is it the governments porpoise to bring our standard of living to that of a third world country?

If someone builds a better product the public will buy it. It's not like Microsoft made a product that cold not be replaced if it was unsatisfactory.

Mike Piche
Elgin,Il.

MTC–00012577

From: Helen Guiltinan
To: Microsoft ATR
Date: 1/16/02 10:11am
Subject: Settlement

Settle Now, this sounds like History and Howard Hughes. This settlement needs to be resolved. NOW ! Our economy is already in the toilet and the government has its hand on the handle.

Let's move on with the governments handling or mishandling of the ENRON crisis. Get a grip on priorities.

Helen Guiltinan

MTC–00012578

From: Jack Otto
To: Microsoft ATR
Date: 1/16/02 10:10am
Subject: Gentlemen:

Gentlemen:

It is my desire that you pursue no more activity against MicroSoft. thanks.

John F.Otto

MTC–00012579

From: billklueber@att.net@inetgw
To: Microsoft ATR

Date: 1/16/02 10:11am
Subject: MicroSoft Settlement

I just wanted to vent about what is happening with the MicroSoft Settlement. MicroSoft started from nothing and is solely responsible for the PC revolution and a good deal of the other technological advancements we know and enjoy today. It is unfair for this country to penalize success. I think it is great that finally a U.S. company is a world leader and is able to compete with other corporations around the world especially when so many of them are subsidized by their governmants. Please stop playing politics and look at all the good that the company does. Bill Gates donates a lot to charities, pays more than his share in personnel and corporate taxes and provides a lot of jobs. I was disgusted and embarassed to be an American under Clinton but have regained my pride and patriotism under President Bush. Please do the correct and honorable thing and put this endless litigation to rest. The only people that win are the lawyers.

Thank you,
Bill Klueber

MTC–00012581

From: Joel and Lynne Thomas
To: Microsoft ATR
Date: 1/16/02 10:12am
Subject: Microsoft Settlement

I have been using computers ever since my first Commodore 64. I have used every generation of PC and just about every type of commercial software available. I fully believe the standardization that Microsoft has brought to PC use has benefited consumers more than any of us can imagine. I also believe their software is competitively priced and has always been a good value. Otherwise I wouldn't buy it, and I certainly wouldn't upgrade. Having said that, I am outraged that our government continues to use taxpayer dollars to prosecute a healthy, innovative, American company; not to benefit consumers, but to benefit Microsoft's competitors. To say that a $100 price tag for an XP upgrade is 'to much' and is 'monopoly driven' seems to me outrageous when I have to shell out $60 for Palm OS applications that does relatively nothing.

The current proposed settlement is fair to consumers and is fair to Microsoft. It allows Microsoft the ability to continue making better products but does not allow them to strong-arm OEM's. Any State not buying into it is simply trying to use the courts to gain a competitive advantage for their Companies. If Microsoft's competitors were to put as much effort into developing better products as they do lobbying maybe they could compete.

Stop wasting my tax dollars. Settle now.
Joel and Lynne Thomas
Easton, WA 98925

MTC–00012582

From: Rebard@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 10:12am
Subject: Microsoft SEttlement

I think it is insane to not allow Microsoft to donate software and possibly computers to the schools. Wherever students go, Microsoft is the leader in business and they need to learn it. You are depriving them of this fantastic opportunity. If you objective is to benefit consumers then this is an option. Apple Computers are a personal choice for households but business uses Microsoft. There is no benefit to students to be taught on Apples and then to into the marketplace and not have the knowledge of Microsoft.

Please reconsider this case on these merits.

Thank you.

Barbara V. Rebard, Redding Calif.

MTC–00012584

From: gbradshaw@
mail.newnanutilities.org@inetgw
To: Microsoft ATR
Date: 1/16/02 10:15am
Subject: Microsoft Settlement Support

I am writing to strongly support settlement of the Microsoft case as soon as possible and avoidance of further litigation. My reasons are that it is hurting the economic recovery of this Nation and is contributing to lower tech stock prices and lower value of Microsoft's stock.

George Bradshaw
Newnan, Georgia

MTC–00012585

From: GLENN R FARRAR
To: Microsoft ATR
Date: 1/16/02 10:14am
Subject: Microsoft settlement

Dear Sir:

I have followed this case since it's inception and think it is high time that this matter be resolved. I think the settlement proposed is fair and just and should be accepted as such.

I am a retired Navy Pilot who has been involved in the scientific field for close to 50 years.

Sincerely,
Glenn R. Farrar

MTC–00012586

From: Ron Brown
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/16/02 10:20am
Subject: Comments from Citizens

I think the government (DoJ) is doing an injustice to the country with this continued suit against Microsoft. It could have been done differently without the negative impact on our economy and the mind set of the citizenry. All this started in clinton's anti-business administration and now there is so much egg on politicians faces that they cannot let it go. And of course there is so much politics interwoven in this that it is hard to tell fact from fiction and when politics are involved, politicians don't really care so much about fact. That is why politicians are respected by the citizenry either just above or just below used car salesmen, I forget. (It used to be an honorable profession.)

For example, Microsoft proposal for free computers to schools was rejected. That is OK but the reason was crap. When I worked in the school district, we received many, many computers from Apple that were free. Now they yell foul because they don't want MS muscling in on getting the kids used to PCs when they have invested years in getting them Apple oriented. When older, these kids will buy Apple computers because of their greater familiarity. Yup, double standard.

This case did not cause the market to go into the tank several years ago but I feel it certainly helped with the mindset of the consumer and investor against the market as a whole. You can thank yourself for that. Could have been handled much differently but politicians have egos and constituents with lots of campaign money in the campaign fund, so we all must wade through this crap for the egos of a few. I am sick of it. As a consumer of computer products and software, I don't feel infringed nor hurt by Microsoft software but I do feel infringed by the government's handling of this case.

So get a life and dump this case. Get the positive mindset of the consumer and investor back on track and let's get this economy moving again. You guys, and state governments, need the tax money a prospering economy generates. And this crap has lost you billions; billions. Was it really worth it? Just for the political egos involved? Hell no, not from my perspective nor the from that of the citizenry.

Ron Brown
6929 Lake Washington Blvd SE.,
Newcastle, WA 98056

(Does not reflect the attitude of my employer.)

MTC–00012587

From: Gregg, Randall
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/16/02 10:30am
Subject: Microsoft Settlement

I strongly support the currently proposed Microsoft Settlement. Its time to put Microsoft back to work on the next generation of products.

MTC–00012588

From: Anthony Shipman
To: Microsoft ATR
Date: 1/16/02 10:24am
Subject: Microsoft Settlement

[I sent this before but did not have the correct subject line.]

A penalty is not a penalty unless it stings. The current proposed ''penalty'' does not sting Microsoft. The simple fact that they are saying positive things about it, calling it ''fair'', shows that.

A real penalty that would be of great benefit to the computer-using public would be to require that control over the Microsoft Office file formats be transfered to a public standards body such as the American National Standards Institute (ANSI). This would include, at least, the formats for Microsoft Word documents, Excel spreadsheets and Powerpoint presentations.

This would make it possible for a variety of software companies to develop office software that interoperated with Microsoft products. The goal is that an ANSI-conforming document produced by vendor X software would be guaranteed to be readable by vendor Y's software. Since it is a common practice to e-mail documents, spread-sheets etc. from person to person and business to business one would expect that the formats should be standardised and that the standardisation process be impartial.

As well as revitalising the software industry this remedy would also go a long

way to solving the problem of archived documents. It is well recognised by historians and librarians that much of the documentary material in an electronic format produced by today's society is ephemeral and will not be available to historians of the future. This is not only because physical formats such as magnetic tape become obsolete but also because the file formats become obsolete. Even now, if you have a Word document from 10 years ago you will have great difficulty in reading it as current versions of Word do not recognise formats that old.

You will have to hunt around for a software product that can convert it to a newer format. This problem will continue to get worse in the future. In short, since office file formats have become an integral part of the information infrastructure that the public depends on in this day and age it is important that they be under impartial, public control rather than be subject to the whim of Microsoft's marketing department.

I believe that this would be the biggest step that could be taken to level the playing field for business software.

Anthony Shipman
Elektrichore—The muse of
als@labyrinth.net.au high technology.

MTC–00012589

From: Robert Ausborn
To: microsoft.atr(a)usdoj.gov
Date: 1/16/02 10:35am
Subject: [Fwd: Microsoft Settlement]

Please let Microsoft settle whatever and move on with their business, and be left alone.

Thank You,
Nellie Ausborn

MTC–00012590

From: Davidson, Tom
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/16/02 10:39am
Subject: Microsoft Settlement

I know you guys are trying to figure out what's best for everyone in this case, and I think a clear solution—given that Microsoft is an unrepentant repeat offender and an obvious monopolist—would be to simply require that Microsoft document and standardize all its APIs. It would be allowed to create new ones, of course, provided it also documented and standardized all of THOSE.

This doesn't remedy the problem of bundling, of course, but does make it easier for competitors to at least challenge Microsoft on a more level playing field without having to force consumers into abandoning their existing infrastructure.

Tom

MTC–00012591

From: BillK414@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 10:40am
Subject: Microsoft Settlement

Legislators,

You will never arrive at a common decision acceptable to all parties. The American people supported the last settlement, but it was recently rejected by U.S. District Judge Motz. Microsoft would have given disadvantaged public schools more than $1 billion in funding, software, services and training, and approximately 1 million Windows licenses for renovated PC's. Enact this settlement as supported by the majority of the American people. You will find no better way than to assist disadvantaged youth in uplifting and enhancing their education!!!

Government and the justice system have had more than their fair share of time and opportunity to arrive at a settlement. The American taxpayers are done footing the bill for this ongoing affair. It's truly unfortunate that our country can unite when it's attacked, but we can't work out an internal conflict. We just drag it out a few more years until the related technnology we're trying to incriminate is itself already obsolete. Give our economy and our people some respect, enact the previous settlement.

William F. Koranda

MTC–00012592

From: dtwarnick@mmm.com@inetgw
To: Microsoft ATR
Date: 1/16/02 10:42am
Subject: Microsoft Settlement

Briefly, I feel Microsoft is getting off far too easy for its blatantly anti-competitive behavior. Specifically, I am concerned that, by allowing Microsoft to continue as one company, it will continue to shut out competing products and services. Although I appreciate that punishing OEMs for choosing non-Microsoft products is now ''prohibited behavior'', it is too late for many companies to recover from being squeezed out of the market. I can see how this behavior will continue as it costs Microsoft next to nothing to replicate a software product once it has been created. As such, Microsoft (because of its monopolistic size) can afford to give away any new product it desires by bundling it with the operating system. This will effectively prevent any smaller competitors from entering that product space. Once the Microsoft product is in wide use by the consumers, Microsoft can begin charging money for it, or for an upgraded version of it, and most consumers will pay because they are loathe to switch from a tool to which they have grown accustomed.

The only effective remedy I can see is to force a separation of the Microsoft operating system business from the products and services businesses. While this may not help products or companies that have already been pushed out of the market, it, along with the defined prohibited behavior, will help level the playing field for emerging companies, products, and technologies.

Derek Warnick
5599 Whitewood Dr.
Taylorsville, UT. 84118
(dtwarnick@mmm.com)

MTC–00012593

From: john cuth
To: Microsoft ATR
Date: 1/16/02 10:43am
Subject: Microsoft Settlement

Dear Sirs:

Please proceed with the Microsoft settlement as proposed. Americans, especially our technology companies, need to move forward in these troubled times.

Thank you,

John Cuth

MTC–00012594

From: Murray, Joe—Pol Affairs Dir
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/16/02 10:46am
Subject: FW: Microsoft Settlement

——Original Message——
From: Murray, Joe—Pol Affairs Dir
Sent:Wednesday, January 16, 2002 9:39 AM
To: 'microsoft.atr@usdoc.gov'
Subject: Microsoft Settlement
To: Renata Hesse
From: Joe Murray
2753 Milwaukee St.
Madison, WI 53704

Atty. Hesse:

I wanted to take this opportunity to encourage you to support the Microsoft settlement. I was told you are the person to talk to, so allow me to make a couple points regarding this issue.

First, this case has gone on long enough. Just like the other legal wars that play out in DC, this one has overstayed it's welcome. Once you can get to the point where some form of agreement has been reached, the DOJ should accept the terms and move on.Second, taxpayers should not have to fund legal wars that spend money on issues like this when there are plenty of other things the Feds can spend money on that really matter to people like myself (the war on terrorism comes to mind). Third, in my opinion, Microsoft is king because they have the best product. That's as it should be. Accept the settlement and allow them to inovate and produce a product that serves the market place. We do not need Washington to act as the legal firm for Microsoft competiters who are unhappy with their place in the market. Let them build a better mouse and they will be king.

Thanks for your time.

MTC–00012595

From: LOUIS BROMLEY
To: Microsoft ATR
Date: 1/16/02 10:47am
Subject: Microsoft Settlement.

I urge you to support the proposed settlement with Microsoft and get on with the country's business.

I believe there are too many politically inspired and punitive interests in several states and in the technology industry resisting this settlement at our expense as citizens and consumers.

Your support will be much appreciated.
Louis Bromley
Longview, Texas

MTC–00012596

From: Richhaywor@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 10:48am
Subject: Microsoft Settlement

I just want to say that I think Microsoft has been hounded more than enough. If other companies worked as hard to keep the economy going as they do to unjustly take advantage of Microsoft we all would be in better shape. It seems to me that those other high-tech companies who are competitors of Microsoft want to keep kicking Microsoft in the hopes that they will gain what they

couldn't gain through their normal business practices. I believe the proposed settlement is more than fair.

Richard Hayworth
7955 27th St. E.
Sarasota, FL 34243

MTC–00012597

From: J MALLOY
To: Microsoft ATR
Date: 1/16/02 10:49am
Subject: Microsoft Settlement

In 1990 I bought my first computer. It had a profound effect on my ability to express myself. There were three basic choices. Apple, IBM or IBM compatible. A friend advised me to build my own IBM compatible and save several thousand dollars.

His assessment was that Apple is the easiest to use, but any modification to Apple is much more expensive. Because I had no idea how a computer works, I decided to buy an IBM to insure quality. Looking back, I can see the wisdom in buying an IBM compatible. Over the years I have purchased a lot of software for computers. All Microsoft software proved to be a good purchase. If they are overpriced, the marketplace will adjust their position.

It is understandable that Mario Monti would like to have American ingenuity at a reduced price. I don't understand why anyone in the US would like to kill the goose that laid the golden egg. The bottom line is that Microsoft puts out a product that allows individules to increase their productivity far beyond the cost of the software. Why does the US government want to add on all of the legal fees to the cost of the software.

Please tell the attorneys to go get a productive job.

MTC–00012598

From: David R. Freeman
To: Microsoft ATR
Date: 1/16/02 10:53am
Subject: Microsoft's at it again! ''''Destroy!

Take no prisoners

Greetings:

Please look at the Lindows Press Release that follows.

David R. Freeman
To: dave@rvers.net
Errors-To: mailmgr+3653+1011068361+dave+rvers.net@primezone.net
From: ''Cheryl Schwarzman'' <cheryl@lindows.com>
MIME-Version: 1.0
Content-Type: multipart/alternative; boundary=''PZ—5CUipAEgpgYYpcGgB2V1b2Q5A''
X-PrimeZone-Jobnum: 1011068361
Subject: LINDOWS.COM FILES MOTION TO DISMISS PENDING TRADEMARK LAWSUIT FILED BY MICROSOFT CORPORATION
Message-Id: <20020115141608.4D1A71BE2A @mercury.primezone.com>
Date: Tue, 15 Jan 2002 06:16:08 -0800 (PST)

For Immediate Release
John Bromhead
VP of Marketing,
Lindows.com, Inc.
4350 La Jolla Village Drive, Suite 450
San Diego, CA 92122
pr@lindows.com
858–642–2501 Direct
858–410–5999 Fax

LINDOWS.COM FILES MOTION TO DISMISS PENDING TRADEMARK LAWSUIT FILED BY MICROSOFT CORPORATION

SAN DIEGO—January 15th, 2002—Lindows.com announced today that it filed a motion to dismiss the pending trademark lawsuit filed by Microsoft Corporation (Nasdaq ''MSFT'') against Lindows.com. In the lawsuit Microsoft seeks to prevent Lindows.com from using the term ''LindowsOS'' and ''Lindows.com.'' Because Lindows.com has no presence and conducts no business in the state of Washington, Lindows.com has filed a motion to dismiss the claim citing a lack of personal jurisdiction over the San Diego, CA based company. Both Lindows.com's motion to dismiss and Microsoft's motion for preliminary injunctions are tentatively scheduled for hearing on February 1, 2002.

''We're looking forward to showing the Court the widespread use of the term 'windows' or variations thereof by literally hundreds of companies which are not endorsed or sponsored by Microsoft. The fact that Microsoft has chosen not to sue these companies demonstrates their true motivation in this case is to crush competition from a promising new technology which threatens their illegally obtained monopoly,'' said Lindows.com CEO, Michael Robertson. As part of the legal process, Microsoft Corporation demanded that Lindows.com turn over its entire database of names, email addresses and physical addresses for parties interested in the yet-to-be-sold operating system which will run both popular Microsoft Windows software and Linux software.

''We're not happy that a company known for illegal business practices took the unnecessary step of gaining access to our database. In spite of their assurances it will not be used for any purpose outside this case, we've alerted our users of Microsoft's actions and believe this is another way Microsoft is attempting to intimidate a potential competitor,'' commented Robertson. In spite of the delays encountered while producing nearly 15,000 pages of documents demanded by Microsoft, development of LindowsOS is continuing. Screenshots of the product are available at <http://www.lindows.com/screenshots>http://www.lindows.com/<http://www.lindows.com/scre enshots>screenshots.

A Sneak Preview is expected shortly. The Sneak Preview will not be a fully completed product but will showcase many of the unique features such as a friendly install alongside an existing Microsoft Windows operating system, a streamlined installation process which requires no computer knowledge and the ability to run popular Windows-based programs. This will be followed by version 1.0 which will go on sale in early 2002 for $99.

To receive Lindows.com press releases via email signup at <http://www.lindows.com/mailing>www.lindows<http://www.lindows.com/mailing>.com/maili ng

About Lindows.com, Inc.

Lindows.com is a consumer company that brings choice to computer users.

Lindows.com, Inc. uses the latest technology to create affordable, intuitive, user-friendly products. Lindows.com, Inc. was started by Michael Robertson, founder and former CEO of MP3.com. At the core of Lindows.com is a new operating system called LindowsOS?, a modern, affordable, easy-to-use operating system with the ability to run both Microsoft Windows(R) and Linux(R) software.

About Michael Robertson

On the frontlines of music aggregation and distribution, Robertson founded MP3.com, Inc., the Internet's premier Music Service Provider (MSP) in March 1998. MP3.com revolutionized both the way new artists distribute their music as well as the way music lovers acquire and enjoy music. Robertson and the rest of the MP3.com team built a unique and robust technology infrastructure that facilitated the storage, management, promotion and delivery of digital music. MP3.com hosts the largest collection of digital music available on the Internet with more than 1 million songs and audio files posted from over a hundred thousand digital artists and record labels with millions of music fans. Robertson stepped down as CEO of MP3.com to start Lindows.com. Robertson continues to serve in an advisory capacity to Vivendi Universal. MP3.com, Inc. is a wholly owned subsidiary of Vivendi Universal, S.A.

CC:blockyer@caag.state.ca.us@inetgw

MTC–00012599

From: Richard Townsend
To: Microsoft ATR
Date: 1/16/02 10:55am
Subject: Microsoft Settlement

Dear Sirs:

I would like to comment on the settlement regarding Microsoft and the state attorneys general. My interest in this case is strictly as a consumer of software products.

I feel very strongly that it is in the best interest of the consumer for the antitrust litigation to be concluded promptly without being allowed to continue as the attorneys general are advocating. That would just raise costs of software without any real benefit to the consumer. There is no question that Microsoft has stepped over the line, but they will be penalized for that. The motives of the attorneys general appear simply to be to enhance their political visibility, to aid Microsoft's competitors, and to enrich trial lawyers. Anyone who has purchased the latest versions of Microsoft's products has seen a dramatic rise in the prices. It doesn't take a genius to figure out that much of the money is going into litigation costs. It seems like there is some truth in the famous comment by one lawyer to another that ''It's not whether you win or lose, it's how long you can keep the meter ticking.''

Richard L. Townsend
Nashua, NH

MTC–00012600

From: HYan496de@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 10:55am

Subject: Microsost settlement
Its time to settle the case and move on.
HY

MTC–00012601

From: Steve(u)Lieberman
To: Microsoft ATR
Date: 1/16/02 10:55am
Subject: Microsoft settlement
I whole-heartedly approve of the Microsoft settlement. Please do not continue litigation. The proposed settlement is in the best interests of consumers like me and the software industry in general.
Steve Lieberman

MTC–00012602

From: Bob Heath
To: Microsoft ATR
Date: 1/16/02 10:57am
Subject: Microsoft Settlement
To: The Honorable Judge Kollar-Kotally
Subject: Some History Worth Reading
The court proceedings against Microsoft should continue.

I worked over 30 years for IBM, much of which was with their Software business. We felt much of the effects of the Government's IBM Antitrust Suit. Everyone thinks the Justice Department lost the IBM Suit, but their oversight caused an entire new industry to be created.

Did you know that Microsoft, Compaq, Dell, Internet (as we know it today) and the Software Industry would never exist if it had not been for the antitrust laws, the IBM anti-trust case and the government's oversight. Microsoft should have the same oversight.

Before 1970 IBM gave all Software away free when you purchased IBM's Hardware. The Antitrust Suit caused IBM to unbundle software from the hardware and to show a normal (30%) profit in their business case for each individual software product announced (no ?loss leaders? were allowed). This started the independent software business.

As part of this procedure, IBM also did not acquire any other company's software on an exclusive basis. When IBM developed the Personal Computer in 1979, the PC Division could not buy Microsoft's Operating System exclusively.

The IBM PC became a huge success, and within 3 years IBM had the dominate share of this market. But because IBM did not have an exclusive agreement from Microsoft, Compaq in 1982 (and later many other clone companies) was able to get the Operating System from Microsoft and clone the IBM system.

From this base:
—Compaq became the leader in the PC business,
—None of IBM's competitors wanted to use IBM's proprietary networking software (SNA) and Internet took its place,
—The price of PCs dropped significantly, and
—An entirely new software and hardware business was created.
It would not have happened without IBM's Antitrust Case.

Like IBM, Microsoft has grown to be a monopoly in the PC Operating System business. They should also be constrained like IBM was:
—Each product should be unbundled to the lowest level of competition.
—All products should be announced showing a normal profit business case.
—Software products should not be purchased from others on an exclusive basis.
—All proprietary software interfaces should be opened up.

This type of settlement would also create a new competitive environment and many new and creative companies. Not unbundling Microsoft will allow them to continue to release non profitable software and to bundle products into the operating system that could not otherwise survive in the market. This is competitively unfair and prevents many new and innovative ideas from reaching the market.
Robert B. Heath

MTC–00012603

From: Milton Mechlowitz
To: Microsoft ATR
Date: 1/16/02 10:59am
Subject: Microsft
Its about time the case of Microsoft is setlel and to allow the company conduct its bussiness. Ithink Microsoft did what any good businee would have done.
Milton Mechlowitz

MTC–00012604

From: Fcowling@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 11:04am
Subject: Microsoft Settlement
TO Judge Colleen Kollar-Kotelly
FROM Susan Cowling
30 Brough Lane, #107
Hampton, VA 23669

It is my understanding that you will soon prepare a final opinion on the Proposed Final Judgment completed by the Department of Justice regarding the Microsoft case.

I am a Microsoft shareholder. As such, it would probably be to my best personal financial advantage to support the arguments presented by Microsoft and the recommendations of the Justice Department in the Proposed Final Judgment.

However, it seems to me that the well-being of our economy and, specifically, the technology sector in this country, is best served by open and fair practices. The unanimous decision by the US Court of Appeals that Microsoft had violated antitrust laws suggests to me that Microsoft has acted in the best interest of Microsoft to the denial of the best interests of our nation and the long term interest of its industry.

Admittedly, I am not privy to all the arguments, facts, and conditions on which any of the court decisions have been based. I do conclude that Microsoft has in the past broken antitrust laws. I feel Microsoft should be penalized strongly for these actions. To do otherwise is to undermine the antitrust laws, to encourage illegal behavior and to condone anticompetitive behavior.

Thank you for your consideration of my opposition to the Proposed Final Judgment as prepared by the Justice Department.

MTC–00012605

From: Douglas Tasker
To: Microsoft ATR
Date: 1/16/02 11:06am
Subject: Microsoft Settlement
Dear Sirs

I urge all parties in this case to adopt a speedy settlement. The proposed remedies seem reasonable and fair. It would appear that certain States, and certain corporations, are trying to prolong the process for their own self-interests rather than for the good of the US economy.

Microsoft has clearly abused its near-monopolist power to do harm to its competitors, and SHOULD be punished. However, the proposed remedies do just that: they prevent Microsoft from repeating its misdeeds; and will punish it for its sins. Please encourage all parties to complete the settlement now. Any delay not only hurts Microsoft, it hurts the US economy as a whole.

Yours Very Sincerely
Douglas G. Tasker
Douglas G. Tasker
3039 Pueblo Puye, Santa Fe, NM 87507–2538
home: doug—tasker@yahoo.com, (505)474–0258
[work: tasker@lanl.gov,(505)665–2859]

MTC–00012606

From: Manni Wood
To: Microsoft ATR
Date: 1/16/02 11:06am
Subject: Microsoft Settlement
Scott Rosenburg's article for Salon.com, http://www.salon.com/tech/col/rose/2002/01/16/competition/index1.html suggests a good solution.

I still think it would be difficult or impossible to police whether or not Microsoft was adequately and honestly documenting its APIs, and especially its office file formats (including Exchange!), but it *would* give competition such as Star Office and GNU OpenOffice and Ximian's Evolution a level playing field.
—Manni Wood
Manni Wood
170 Highland Ave., #4, Somerville, MA, 02143
617 628 8899 . manniwood@yahoo.com ''
A journey of a thousand miles must begin with a single step.''—
Lao-zi

MTC–00012607

From: Tom Owen
To: Microsoft ATR
Date: 1/16/02 11:40am
Subject: For Renata Hesse: MS settlement proposal comment
I write to comment on the proposed Microsoft settlement. I am professionally concerned with computer operations. Microsoft software is of great importance to me because of that company's global dominance.

I am not a US citizen and my business does not operate in the US, nonetheless the terms of any settlement will have a profound effect on the way I work and the solutions I can offer my customers.

In summary:
—MS is known to use a dominant position to illegally suppress competition
—The settlement attempts to open competition by requiring MS to make technical interface information available to those who wish to create systems to run alongside MS systems

—The settlement allows MS to restrict access to this information to commercial organisations
—The currently available alternatives to MS systems (e.g. to MS file and print service, email service, web service, web browsers, operating systems and others) are not in any sense commercial organisations.
—MS will likely, given its record, use this exemption to deny interface information to these systems, its major competitors
—Interface information kept secret allows competitor products to be disabled
—The effect of the settlement will be to remove competitive pressures from MS and therefore cause harm to the consumer. It's only really necessary to expand on the summary to say that the settlement has been written without an understanding of the current choices available to a software professional. It is striking how often the major competitors are produced by non-commercial organisations.

These systems are created and developed largely by unpaid co-operatives of companies and individuals. This co-operation is made possible by licence agreements (open-source licences, most famously the Gnu Public Licence—GPL) which prevent any person from benefitting from the intellectual property in the text of the system's software. Though for-profit organisations may provide staff, resources and source code for such a system, the system itself and its support group (e.g. Samba, Mozilla, Open Office among others) is not a commercial organisation.

While such ''free'' software is supplied for no more than the cost of the media, it is not free in P&L terms. Just as with any software the effort of installing and setting up is substantial and for any organisation with salaries or limits on staff time this is a cost. MS software is popular because MS take care to minimise setup effort, regardless of create the consequences. By contrast ''free'' software setup can be daunting. I judge that the major ''free'' systems have costs in the same order as MS products, though there is often a substantial benefit in increased reliability and reduced licence administration. There is is competition on features as well as cost.

Major examples where the major competitor to MS is developed by non-commercial groups include:
—Microsoft File and Print: Samba
—Microsoft NT: Linux + other applications e.g. Bind, ISC DHCP etc.
—Microsoft Exchange: Sendmail + Many mail clients
—Microsoft IIS: Apache
All of these systems work in environments in which MS components also work and because of MS desktop dominance this is a large part of their utility. Apache would not be a the most widely used web server if MS Internet Explorer could not access its sites. But this is only possible because the relevant interface standard (http/html in this case) is publically available. The same is true of all the systems and it is noticeable how Microsofts close hold of their inadequately documented MAPI mail server interface has inhibited development of alternative desktop clients for MS Exchange.

The proposed settlement would allow MS to deny necessary interface information to these major competitors. Over time this will destroy these systems and remove choice and the restraint which available and credible, competition imposes on MS prices.

Regards
Tom Owen
Director

MTC–00012608

From: bleak
To: Microsoft ATR
Date: 1/16/02 11:10am
Subject: microsoft settlement

Get the gvt. off MSFT back. This is my retirement fund, the stock I bought over the years. I am not getting anything from the gvt. Get this thing settled so MSFT can go back to business as normal and help retired people like myself once again prosper. This is a joke that the gvt. is looking out for my interest in persecuting a great company like MSFT that built a better mousetrap. The competiton is fierce out there.

R Bleakley

MTC–00012609

From: Barback's
To: Microsoft ATR
Date: 1/16/02 11:10am
Subject: Microsoft
3408 Lake Lynn Drive
Gretna, LA 70056–8329
January 14, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

ENOUGH ALREADY !!!! GEEZE MANIEZZE !!! GET THIS OVER WITH !!! And this from a ?Registered Democrat? since I was 18 yrs old and I am 46 now!(Regan Democrat) Your wise leadership is vital to the safety and prosperity of our American nation. I hope my thoughts will be of benefit to you.

I am writing to express my relief that this judicial debacle referred to as U.S. v. Microsoft is finally coming to an end. While I strongly believe that the original lawsuit was OBVIOUSLY politically motivated, unfair and vengeful, this settlement is the best possible outcome and truly services the American public interest. REMEMBER THIS IS WHAT STARTED OUR FINANCIAL MARKETS DOWNTURN , Please save our free enterprise society. The provisions of the settlement work to ensure accountability, foster innovation and improve competition inside the information technology industry. The highlight of this settlement is Microsoft's willingness to submit to a three person, government appointed technical oversight committee which will ensure the company's compliance with the agreement. This settlement is three years too late and should be implemented immediately. I strongly urge that this agreement be the final federal action taken regarding this matter and that the participating states move on as well. Thank you.

With greatest regard,
signed. .
David Barback
CC:fin@MobilizationOffice.com@inetgw

MTC–00012610

From: ROBERT SHIRLEY
To: Microsoft ATR
Date: 1/16/02 11:11am
Subject: MICROSOFT SETTLEMENT

THIS IS IN SUPPORT OF YOUR SETTLEMENT. I WOULD LIKE TO SAY . THAT IF IT WEREN'T FOR YOUR COMPANY WE WOULD STILL BE IN THE MIDDLE AGES ,AS FOR AS THE COMPUTER INDUSTRY IS CONCERNED. YOU HAVE DONE ALL THE WORK AND NOW PEOPLE OUT THERE ARE WANTING YOUR REWARDS. WHERE WERE THEY, WHEN ALL OF YOU WERE SPENDING MANY HOURS CREATING PROGRAMS TO RUN A COMPUTER. LET THE CRY BABIES CRY. LET THE COURTS BE IN FAVOR TO YOUR COMPANY.

ROBERT E SHIRLEY
1564 APACHE CIRCLE
TAVARES, FL 32778

MTC–00012611

From: gbryant
To: Microsoft ATR
Date: 1/16/02 11:12am
Subject: Microsoft Settlement
George E. Bryant
5600 School House Court
West Chester, OH 45069
January 16, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue
Washington, DC 20530

Dear Mr. Ashcroft,

I write you to ask your help in supporting the recent Microsoft settlement. After three years of negotiations, this settlement has a great deal to offer. The terms of this settlement were negotiated under a painstakingly detailed process and under careful supervision. The settlement addressed many issues concerning antitrust and yielded many productive solutions. In this agreement, Microsoft has agreed to make changes in licensing and marketing terms, as well as to design future versions of Windows with easier access for non-Microsoft software. This is a step toward a more unified technology industry and thereby a step toward a more concrete economy. Supporting the enforcement of this agreement is ultimately beneficial to the consumer, the IT sector and the economy as a whole. The delay of this agreement will only cause the technology industry to fall behind and continue to focus on litigation.

Please help support this settlement by helping to stop any further actions against this agreement. As an Ohio citizen, I have more at stake than many other citizens of this country, since my state is party to the settlement. I thank you for your time and for your continuing support.

Sincerely,
George E. Bryant
cc: U.S. Senator Mike Dewine (Ohio)
U.S. Senator George Voinovich (Ohio)
U.S. Representative John Boehner (Ohio)
Microsoft Co.
CC:fin@mobilizationoffice.com @inetgw,Voinovich Senato. . .

MTC–00012612

From: spitzcor@cray.com@inetgw
To: Microsoft ATR
Date: 1/16/02 11:13am
Subject: Microsoft Settlement

Scott Rosenberg of Salon magazine has stated a fine opinion about the Microsoft settlement in his column dated 1/16/2002 on Salon.com (http://www.salon.com/tech/col/rose/2002/01/16/competition/index.html)

I very much agreed with his opinion and hope that the Justice department does take his recommendations under consideration. I believe that Microsoft has repeatedly broken the law and that they have hurt consumers. I think that forcing Microsoft to open its Windows API and the Office document format is a fair and just settlement. I do not think that breaking up the company will be as good for consumers.

Thank you for your interest in my opinion,
Cory Spitz
OS Software Engineer, Cray, Inc.

MTC–00012613

From: Jean Thompson
To: Microsoft ATR
Date: 1/16/02 11:14am
Subject: Settlement of Litigation

As I have previously submitted my request, I again urge your Department to settle this case once and for all. Microsoft is a great asset to our economy, and is more than generous in their philanthropy around the world. It is an example of what business in the USA can do to promote jobs and new innovations.

Sincerely submitted:
M. Jean Thompson
2034 E. No Crescent
Spokane, Wa 99207
The greatest of these is LOVE!

MTC–00012614

From: Ken (038) Audrey Smith
To: Microsoft ATR
Date: 1/16/02 11:15am
Subject: Microsoft Settlement

I think you should settle the Microsoft case. It was a needless expense for the tax payers and Microsoft.

MTC–00012615

From: Higgs Glenda
To: Microsoft ATR
Date: 1/16/02 11:17am
Subject: settlement

This case should be settled . Enough is enough. . . . .

MTC–00012616

From: Richard hicks
To: Microsoft ATR
Date: 1/16/02 11:20am
Subject: Microsoft
January 16 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr Ashcroft:

I am writing today to let you know my feelings about the Microsoft case. First of all I don,t think this is an issue that the goverment should be involved in. However, now that the Goverment has intervened, I think they should certainly take responsibility and allow this case to be settled. Microsoft has created a series of unparalled products that other companies just did not have the resources to make themselves. Now their competitors will be able to compete more fairly as part of settlement. Microsoft is sharing more information about their software and server applications and there is even an oversight committee to make sure that Microsoft is doing all its promises.

I worked for Hewlett Packard for many years and can say first hand that no other company has changed the IT industry as Microsoft has. Their methods may not have always been fair, but this settlement addresses their problems and is the right step to moving the computer industry forward again.

Sincerely,
Richard P Hicks
PO Box 531 619 Water st.
Charlestown MD 21914

MTC–00012617

From: MarcGi1@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 11:24am
Subject: Microsoft settlement

I feel it is time to get this matter behind us and move on. The proposed settlement is fair for all. The country and the economy needs to move on.

MTC–00012618

From: Jotham—
Stavely@abtassoc.com@inetgw
To: Microsoft ATR
Date: 1/16/02 11:22am
Subject: Microsoft Settlement

I approve of the scheme described in the article below (about opening up the APIs□ and feel that it should be followed.
—Jotham Stavely
—Jotham Stavely
—Abt Associates Inc.
—Hadley, MA
Chips ahoy

AMD competes with Intel, and the public wins. The right Microsoft antitrust settlement can bring the same energy back to the software market.

By Scott Rosenberg

Jan. 16, 2002 √ The personal computer industry may be in its worst slump in history, but you wouldn't know it by following the news from the processor wars. Over the past two years, Intel and AMD have unleashed an incredible competitive cycle in Silicon Valley. In case you missed it, last week these two chip companies offered dueling releases of new flagship processors: Intel unveiled its fastest Pentium 4 yet, running at 2.2 gigahertz and built with a new .13 micron process that crams even more transistors into an even smaller space. AMD, extending the huge success and popularity of its Athlon line and the Athlon's most recent and powerful incarnation, Athlon XP, announced the XP 2000—a chip that actually runs at 1.67 gigahertz but, third-party tests show, nearly keeps up with the 2.2 ghz Pentium 4 in most tasks (and even surpasses it in some).

What's going on here is simple: Good old-fashioned competition drives engineers to continue to work miracles. Intel, the market-dominating behemoth, has always pushed new, improved products out the door faster—and dropped prices more readily—when it feels the breath of a credible competitor on its neck. For many years the competition was feeble, but that changed when AMD's Duron and Athlon chips began giving Intel a run for its money—and, for a time in 2001, actually bested Intel for the fastest personal-computer chip title. Today, these two companies keep spurring each other on, and consumers win big. For most of us, that's all we need to know: Computers keep getting faster and cheaper. The details are of interest only to the legions of hardware nuts, high-performance system geeks and chip-overclocking fans who flock to the Web's hardware review sites. Right?

Well, the gigahertz specs may indeed be only geek fodder, but the other details of the Intel-AMD rivalry should be of keen interest to a much bigger crowd. That's because the competitive heat driving the processor market puts the relative frigidity of another part of the computer business into bold relief. I refer, of course, to the business of designing personal-computer operating systems—a business that Microsoft has dominated for years and that, according to the confirmed verdict of our federal courts, it now monopolizes. What if Microsoft were challenged as strongly on its home turf as AMD is now challenging Intel? What innovations, improvements and price reductions would the public enjoy that it doesn't, today, thanks to the Microsoft monopoly? This is the big question that hangs over the continuing struggle to find a meaningful outcome to the endless Microsoft antitrust saga. And the AMD/Intel analogy is worth pursuing to try to find some answers.

Microsoft and its supporters, of course, maintain that the monopoly label is misplaced. After all, can't you buy a Macintosh without buying Microsoft Windows? Can't you obtain a PC and fire it up with any of a dozen versions of Linux or other Unix-style operating systems? Sure you can—and each of those operating-system alternatives has its partisans. But for use by individuals on their personal desktops, Microsoft Windows holds the overwhelming market share—by nearly every estimate, over 90 percent. Is that simply because Windows is superior to the alternatives? There are certainly people who believe that; and, to be sure, with the release of Windows XP last year, Microsoft finally moved its flagship operating system off the aging and increasingly unstable code base it had inherited from its infancy and onto the relatively more reliable Windows NT/Windows 2000 core.

But how much faster might Microsoft have achieved that improvement if it was racing a tough competitor? And how much more incentive might the company have to produce more secure, less virus-vulnerable products today?

The historical record is quite clear (and the antitrust trial record is just as clear): The central reason Windows has maintained and extended its market share over the years is not product superiority but a concept economists call ''lock-in.'' Once you have all

your data and all your software applications on one operating system or ''platform,'' moving to a different one is painful — it takes time and effort and money (as economists say, your ''switching cost'' is high). Over the years Microsoft has not had to push harder and faster to improve Windows because it knew that its customers were unlikely to make a fast switch to a competitor.

Now, that picture would be very different if you could somehow reduce or eliminate those switching costs. What if competing operating systems could seamlessly and interchangeably run the same programs and utilize the same data files that Windows does? Here's where the Intel/AMD analogy comes in handy. These manufacturers compete to provide chips that can run the same computer programs—known loosely as ''x86 compatible'' code—and that retain compatibility with hardware like expansion boards and peripheral devices. If you needed to write different versions of each piece of software and manufacture different versions of each piece of accompanying hardware—one that would work with Intel's chips and one that would work with AMD's—the whole competitive market would disappear. The weaker player (presumably AMD) would vanish and—presto!—Intel would have a monopoly as tough as Microsoft's.

This relatively level playing field in the x86-compatible processor business did not come about by sheer happenstance. The semiconductor industry is marked by a Byzantine pattern of patent cross-licensing agreements; they provide permanent employment for legions of lawyers, and laymen seek to understand them only at great peril. What's important about them, however, is not how they came about but that they work. Now that the federal courts are trying to figure out an effective remedy for Microsoft's abuse of its monopoly powers, the competition between Intel and AMD provides a valuable model. How would one go about enabling Microsoft's rivals to compete with it as effectively as AMD is competing with Intel?

The key here is something known as the Windows API (or ''applications programming interface'')—the set of instructions that Windows programs use to ''talk to'' the operating system. The Windows API has long been a murky issue: Microsoft has always provided some information to independent developers—it has to if third-party Windows programs are going to work. But Microsoft can and does muck around with the API, changing things that break competitors' products, anytime it wants to. And rumors have long buzzed, without ever being nailed down, that Microsoft's own developers take advantage of so-called hidden APIs that non-Microsoft coders can't use.

The Justice Department's proposed antitrust settlement with Microsoft seems to demand that Microsoft do more to open up its APIs to competitors. But the fine print makes it clear that Microsoft could pretty much continue with business as usual. A more effective remedy would be one that required Microsoft to standardize and publicize the entire set of Windows APIs and the file formats of its Office applications (another key to Microsoft's monopoly ''lock-in'')—with the express goal of allowing competitors to build Windows software applications, and operating systems, that compete with Microsoft on a level field.

Such a plan would require careful oversight and enforcement, since Microsoft could easily engage in all manner of foot-dragging. If Microsoft set out to be uncooperative, it could release the API information slowly, in deliberately confusing ways, or in a ''Good Soldier Svejk'' fashion -assiduously following the letter of the court's order while flagrantly violating its spirit. (There's precedent here: This is precisely how Microsoft behaved during the trial when it told the court that, sure, it would supply a version of Windows with Internet Explorer removed from its guts, but gee, sorry, then Windows wouldn't work.)

Now, I can already hear the howls from the Microsoft corner that this plan is evil and un-American because it forces Microsoft to give up some of its intellectual property. Well, yes. Microsoft is in court as a repeat offender; the current antitrust suit, in which a federal district court and an appeals court have both affirmed that Microsoft is a monopoly and that it has abused its monopoly powers, arose out of the failure of a previous consent-decree settlement of an earlier antitrust case. At some point, having repeatedly violated the law, Microsoft needs to pay a price, or it will continue with its profitably anticompetitive ways.

There's no reason to think the Justice Department's proposed settlement will work any better than the consent decree of last decade did. And financial penalties can hardly wound a company that is sitting on a cash hoard of tens of billions of dollars. But intellectual property—that's something Bill Gates and his team really care about. Requiring them to divulge some of it in order to restore competition in the software market might actually get them to change the way they operate. With Microsoft's APIs and file formats fully standardized, documented and published, other software vendors could compete fairly—which, after all, is what antitrust laws are supposed to promote. We might then be faced with a welcome but long unfamiliar sight: a healthy software market, driven, as today's processor market is, by genuine competition.

The Justice Department settlement is currently in a public comment period mandated by a law known as the Tunney Act. Through Jan. 28 the public is invited to send in comments on the proposal. (You can also e-mail them, with ''Microsoft Settlement'' in the subject line.) I'm sending this article in, and I encourage readers to file their thoughts as well. What good is open government if we don't use it?

MTC–00012619

From: Warren Bryld
To: Microsoft ATR
Date: 1/16/02 11:27am
Subject: Microsoft Settlement

Let's move on!!!!!! Settle this lawsuit as proposed. Ignore the foot dragging states.

MTC–00012620

From: fkokawa@hmausa.com@inetgw
To: Microsoft ATR
Date: 1/16/02 11:29am
Subject: Microsoft Settlement

Microsoft's proposed settlement is reasonable and in the best interest of the consumer and economy. The schools will profit and more students will be served.

MTC–00012621

From: Darren Zrubek
To: Microsoft ATR
Date: 1/16/02 12:00pm
Subject: please,. . please,. . allow us to choose

hello,

i am begging that in your travels through this enormous undertaking of figuring out all this MS Bull#@$&! that you remember one thing. . freedom of choice,. . . this is exactly what microsoft does not allow or promote from a consumer level or corporate level. do not take away our right to choose, make MS pay for what they have done and in a manner that is fair and acceptable to the rest of the free world, not MS.

dZ
darren zrubek
graphics manager/senior illustrator
spyder active sports, inc.
303.449.0611 xt 20
dzrubek@spyder.com

MTC–00012622

From: James Bybee
To: Microsoft Settlement
Date: 1/16/02 8:54am
Subject: Microsoft Settlement
James Bybee
PO Box 26
Monroe, WI 53566–0026
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

James Bybee

MTC–00012623

From: Al Helm
To: Microsoft Settlement
Date: 1/16/02 7:38am
Subject: Microsoft Settlement
Al Helm
PO Box 140155
Casselberry, Fl 32708
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
A. Helm

MTC–00012624

From: Ray Kunza
To: Microsoft Settlement
Date: 1/16/02 8:08am
Subject: Microsoft Settlement
Ray Kunza
1148 James Farm Rd.
Hickory, NC 28602
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Ray Kunza

MTC–00012625

From: James Horn
To: Microsoft Settlement
Date: 1/16/02 8:24am
Subject: Microsoft Settlement
James Horn
2 Surrey Court
Chambersburg, PA 17201
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
James F. Horn

MTC–00012626

From: James Stead
To: Microsoft Settlement
Date: 1/16/02 6:19am
Subject: Microsoft Settlement
James Stead
112 Lynne Lane
Mapleville, RI 02839
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
James Stead

MTC–00012627

From: Anne Stegall
To: Microsoft Settlement
Date: 1/16/02 8:50am
Subject: Microsoft Settlement
Anne Stegall
PO Box 974
Gonzalez, Fl 32560
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Anne W Stegall

MTC–00012628

From: Kelly Fuessel
To: Microsoft Settlement
Date: 1/16/02 8:45am
Subject: Microsoft Settlement
Kelly Fuessel
11255 Hwy 79
Taylor, TX 76574
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Kelly Fuessel

MTC–00012629

From: Clyde Hanks
To: Microsoft Settlement
Date: 1/16/02 7:56am
Subject: Microsoft Settlement
Clyde Hanks
HCR 65,Box 768
McKinnon, WY 82938
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Clyde Hanks

MTC–00012630

From: Cathy Mayer
To: Microsoft Settlement
Date: 1/16/02 8:56am
Subject: Microsoft Settlement
Cathy Mayer
318 Chestuee Rd
Calhoun, TN 37309
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Cathy Mayer

MTC–00012631

From: Jane Macek
To: Microsoft Settlement
Date: 1/16/02 8:08am
Subject: Microsoft Settlement
Jane Macek
8 Fillmore Avenue
Endicott, NY 13760
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Jane Macek

MTC–00012632

From: ken smith
To: Microsoft Settlement
Date: 1/16/02 8:23am
Subject: Microsoft Settlement
ken smith
56 powers rd
littleton, ma 01460
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Kenneth L. Smith

MTC–00012633

From: Janet Gruber
To: Microsoft Settlement
Date: 1/16/02 8:35am
Subject: Microsoft Settlement
Janet Gruber
805 Sunset Blvd
Ellwood City, PA 16117
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief. Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Janet Gruber

MTC–00012634

From: Jose Tallet
To: Microsoft Settlement
Date: 1/16/02 7:24am
Subject: Microsoft Settlement
Jose Tallet
119 Enchanted Oaks
Bonaire, GA 31005
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement: The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Jose E. Tallet

MTC–00012635

From: Charles Jenkins
To: Microsoft Settlement
Date: 1/16/02 8:43am
Subject: Microsoft Settlement
Charles Jenkins
Box 17
pottsgrove, pa 17865–0017
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Charles Jenkins

MTC–00012636

From: Hazel Gibson
To: Microsoft Settlement
Date: 1/16/02 8:01am
Subject: Microsoft Settlement
Hazel Gibson
6898 Burdine St.
Orange, TX 77632
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Hazel D. Gibson

MTC–00012637

From: Sterling Conover
To: Microsoft Settlement
Date: 1/16/02 8:23am
Subject: Microsoft Settlement
Sterling Conover
PO Box 721
Hanna, WY 82327
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Sterling J. Conover

MTC–00012638

From: Jim Harrill
To: Microsoft Settlement

Date: 1/16/02 7:58am
Subject: Microsoft Settlement
Jim Harrill
114 Steuben Dr.
Huntersville, NC 28078
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Jim Harrill

MTC–00012639

From: John Morrison
To: Microsoft Settlement
Date: 1/16/02 8:11am
Subject: Microsoft Settlement
John Morrison
207 Veranda Trail
Pearcy, AR 71964
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
John Morrison

MTC–00012640

From: Donald Rammel
To: Microsoft Settlement
Date: 1/16/02 6:46am
Subject: Microsoft Settlement
Donald Rammel
7509 St. Rt. 287
ZANESFIELD, OH 43360
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
DONALD P RAMMEL

MTC–00012641

From: Carl Albarado
To: Microsoft Settlement
Date: 1/16/02 8:19am
Subject: Microsoft Settlement
Carl Albarado
7537 Johnston St.
Maurice, La 70555
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Carl Albarado

MTC–00012642

From: Richard Wolfe
To: Microsoft Settlement
Date: 1/16/02 8:26am
Subject: Microsoft Settlement
Richard Wolfe
13718 60th Ave NW
Stanwood, WA 98292
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Rich Wolfe

MTC–00012643

From: Joseph Gonie
To: Microsoft Settlement
Date: 1/16/02 7:28am
Subject: Microsoft Settlement
Joseph Gonie

708 Cedar Point Rd.
Warsaw, Va 22572
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Joseph L. Gonie

MTC–00012644

From: Jan Steenback
To: Microsoft Settlement
Date: 1/16/02 7:32am
Subject: Microsoft Settlement
Jan Steenback
111 Woodcliff Ct
Simpsonville, SC 29681
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Jan Steenback

MTC–00012645

From: Robin Murphree
To: Microsoft Settlement
Date: 1/16/02 8:35am
Subject: Microsoft Settlement
Robin Murphree
397 McClellan Drive
Frederick, MD 21702
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

Microsoft's trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Robin L. Murphree

MTC–00012646

From: Henry Golden
To: Microsoft Settlement
Date: 1/16/02 8:09am
Subject: Microsoft Settlement
Henry Golden
115 Wasson Way
Simpsonville, SC 29680
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Henry Golden

MTC–00012647

From: Gloria Clark
To: Microsoft Settlement
Date: 1/16/02 8:51am
Subject: Microsoft Settlement
Gloria Clark
305 Bowers Bridge Rd.
Manchester, PA 17345
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Gloria Renshaw Clark

MTC–00012648

From: Robert Edwards
To: Microsoft Settlement
Date: 1/16/02 8:47am
Subject: Microsoft Settlement
Robert Edwards
2837 Union School Road
Alton, IL 62002–6936
January 16, 2002

Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Robert S. Edwards

MTC–00012649

From: Janet Breneman
To: Microsoft Settlement
Date: 1/16/02 7:28am
Subject: Microsoft Settlement
Janet Breneman
2040 N. 6 St
Terre Haute, IN 47804–2725
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Janet Breneman

MTC–00012650

From: Donna Cather
To: Microsoft Settlement
Date: 1/16/02 7:36am
Subject: Microsoft Settlement
Donna Cather
PO Box 130
Onalaska, Tx 77360–0130
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Donna Cather

MTC–00012651

From: WILLIAM SHERRIS
To: Microsoft Settlement
Date: 1/16/02 6:55am
Subject: Microsoft Settlement
WILLIAM SHERRIS
9157 EMERSON AVE
SURFSIDE, FL 33154
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
WILLIAM G. SHERRIS

MTC–00012652

From: Emil Punter
To: Microsoft Settlement
Date: 1/16/02 8:11am
Subject: Microsoft Settlement
Emil Punter
2639 Berkshire Drive
Geneva, Il 60134
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Emil M. Punter

MTC–00012653

From: Marilyn King
To: Microsoft Settlement
Date: 1/16/02 8:50am
Subject: Microsoft Settlement
Marilyn King
323 Lake Side Circle
Boerne, TX 78006–5611
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW

Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Marilyn J. King

MTC–00012654

From: Yvonne Golden
To: Microsoft Settlement
Date: 1/16/02 8:05am
Subject: Microsoft Settlement
Yvonne Golden
115 Wasson Way
Simpsonville, SC 29680
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Yvonne Golden

MTC–00012655

From: Sandra Price
To: Microsoft Settlement
Date: 1/16/02 8:41am
Subject: Microsoft Settlement
Sandra Price
2119 Linwood Oaks
Pearland, TX 77581
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Sandra W. Price

MTC–00012656

From: Alice Cable
To: Microsoft Settlement
Date: 1/16/02 7:57am
Subject: Microsoft Settlement
Alice Cable
8610 Charro Lane
San Antonio, TX 78217
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Alice V. Cable

MTC–00012657

From: henry fangoons
To: Microsoft Settlement
Date: 1/16/02 6:42am
Subject: Microsoft Settlement
henry fangoons
10 anthony drive
spring valley, ny 10977
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

henry rangoon

MTC–00012658

From: Peter Graczykowski
To: Microsoft Settlement
Date: 1/16/02 8:48am
Subject: Microsoft Settlement
Peter Graczykowski
20 Partridge Lane
Chicopee, MA 01022
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a

serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Peter Graczykowski

MTC–00012659

From: Mark Roberts
To: Microsoft Settlement
Date: 1/16/02 7:14am
Subject: Microsoft Settlement
Mark Roberts
771 N. Knollwood
Columbus, IN 47203–9395
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Mark Roberts

MTC–00012660

From: Dennis McDonald
To: Microsoft Settlement
Date: 1/16/02 8:21am
Subject: Microsoft Settlement
Dennis McDonald
PO Box 1041
Georgetown, KY 40324
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Dennis McDonald

MTC–00012661

From: Regena C. Rogers
To: Microsoft Settlement
Date: 1/16/02 8:32am
Subject: Microsoft Settlement
Regena C. Rogers
7022 Glacier Lane
Harrison, TN 37341
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Regena C. Rogers

MTC–00012662

From: Earl Abel
To: Microsoft Settlement
Date: 1/16/02 8:02am
Subject: Microsoft Settlement
Earl Abel
32185 AL.Highway 91 Lot #7
Hanceville, AL 35077–6547
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Earl Abel

MTC–00012663

From: John Saunders
To: Microsoft Settlement
Date: 1/16/02 7:10am
Subject: Microsoft Settlement
John Saunders
4439 Mac Eachen Blvd.
Sarasota, FL 34233–1731
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be

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Thank you for this opportunity to share my views.

Sincerely,
John Saunders

MTC–00012664

From: Van Sher
To: Microsoft ATR
Date: 1/16/02 11:37am
Subject: microsoft settlement
MILTON G. LEVY, INC.
REAL ESTATE/APPRAISAL
6160 BROCKTON ROAD
HATBORO, PA 19040
(215) 957–6400
FAX (215) 441–8448
vansher@home.com
January 14, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

I am writing this letter to express my concern over the prolongation of the settlement process in the Microsoft anti-trust case. The principal parties, with the trial court's endorsement, have hammered out a settlement agreement, which deals with the principal complaints of Microsoft's competitors and critics. The company has agreed to numerous concessions that should satisfy all but its most vengeful adversaries. It's time to put this matter to rest. It appears that doing the right thing is taking a back seat to politics, and that sacrifices money and resources that could help future generations.

Is this a paradox to the ''AMERICAN DREAM''? The settlement will require Microsoft to radically alter its business and marketing practices. Windows systems will now be configured to not just to accept, but even to promote other companies' software. Microsoft will share information about certain internal Windows interfaces with competitors. Microsoft will abstain from its past anti-competitive practices and will not retaliate against software and hardware competitors. Microsoft has even agreed to submit itself to ongoing review by a new government oversight committee. Obviously, Microsoft has agreed to a lot! Please give your approval to this agreement. Our now faltering economy does not need an economic giant like Microsoft hobbled by endless litigation.

Sincerely,
Van Sher
CC: Senator Rick Santorum

MTC–00012665

From: FRAN dougherty
To: Microsoft Settlement
Date: 1/16/02 6:51am
Subject: Microsoft Settlement
FRAN dougherty
512 w. rively ave
Glenolden, PA 19036
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
FRAN DOUGHERTY

MTC–00012666

From: Nancy Saggio
To: Microsoft Settlement
Date: 1/16/02 8:22am
Subject: Microsoft Settlement
Nancy Saggio
28 Twp. Rd. 281 Lot 35
Steubenville, oh 43952
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Nancy L. Saggio

MTC–00012667

From: Fred Gates
To: Microsoft Settlement
Date: 1/16/02 7:59am
Subject: Microsoft Settlement
Fred Gates
210 Poplar Street
Monroeville, PA 15146–4004
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Sincerely,
Fred and Ginny Gates

MTC–00012668

From: John Hendricks
To: Microsoft Settlement
Date: 1/16/02 7:14am
Subject: Microsoft Settlement
John Hendricks
504 Tower Dr. #4
Louisville, KY 40207
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

John M. Hendricks

MTC–00012669

From: Eric & Michele Burns
To: Microsoft Settlement
Date: 1/16/02 7:18am
Subject: Microsoft Settlement
Eric & Michele Burns
323 Freedom Dr.
Franklin, TN 37067
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Eric & Michelle Burns

MTC–00012670

From: Gary Wagner
To: Microsoft Settlement
Date: 1/16/02 8:08am
Subject: Microsoft Settlement
Gary Wagner
Roseland, 200 Highland Ave.
Lewistown, PA 17044–1333
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Gary Wagner

MTC–00012671

From: Patsy Carter
To: Microsoft Settlement
Date: 1/16/02 8:46am
Subject: Microsoft Settlement
Patsy Carter
1414 airline place
Rosharon, tx 77583
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Patsy Carter

MTC–00012672

From: Douglas Norvell
To: Microsoft Settlement
Date: 1/16/02 8:33am
Subject: Microsoft Settlement
Douglas Norvell
424 Sleepy Meadow Drive
Mt. Vernon, MO 65712
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Douglas E. Norvell

MTC–00012673

From: Elizabeth Broussard
To: Microsoft Settlement
Date: 1/16/02 8:48am
Subject: Microsoft Settlement
Elizabeth Broussard
15150 Memorial Drive
Houston, TX 77079–4304
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech

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Thank you for this opportunity to share my views.

Sincerely,

Elizabeth Broussard

MTC–00012674

From: Paul Bowman
To: Microsoft Settlement
Date: 1/16/02 8:35am
Subject: Microsoft Settlement
Paul Bowman
807 S. Atlantic Ave.
New Smyrna Beach, FL 32169
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Paul Bowman, Active Republican

MTC–00012675

From: Cynthia Knapp
To: Microsoft Settlement
Date: 1/16/02 8:19am
Subject: Microsoft Settlement
Cynthia Knapp
168 Jericho Manor
Jenkintown, PA 19046
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Cynthia Knapp

MTC–00012676

From: Grace Cushman
To: Microsoft Settlement
Date: 1/16/02 8:13am
Subject: Microsoft Settlement
Grace Cushman
520 North Monroe St
Hastings, MI 49058–1127
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Grace J Cushman

MTC–00012677

From: George Hasenbein
To: Microsoft Settlement
Date: 1/16/02 7:27am
Subject: Microsoft Settlement
George Hasenbein
4460 Suwanee Dam Road
Suwanee, GA 30024–1984
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

George H. Hasenbein

MTC–00012678

From: Charles Hollis
To: Microsoft Settlement
Date: 1/16/02 8:10am
Subject: Microsoft Settlement
Charles Hollis
4209 Pleasantwood Rd
Knoxville, TN 37921
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech

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Thank you for this opportunity to share my views.

Sincerely,
Charles R Hollis Jr

MTC–00012679

From: Kyle Stanchfield
To: Microsoft Settlement
Date: 1/16/02 7:56am
Subject: Microsoft Settlement
Kyle Stanchfield
192 East 13th Street
Fond du Lac, WI 54935
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Kyle John Stanchfield

MTC–00012680

From: Floyd Yarrington
To: Microsoft Settlement
Date: 1/16/02 6:46am
Subject: Microsoft Settlement
Floyd Yarrington
4384 Woodridge Dr.
Hillsboro, MO 63050–2608
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Floyd E. Yarrington

MTC–00012681

From: albert stanifer
To: Microsoft Settlement
Date: 1/16/02 7:11am
Subject: Microsoft Settlement
albert stanifer
399 crawford tom's run rd.
new lebanon, Oh 45345
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
albert stanifer

MTC–00012682

From: Dorothy Nave
To: Microsoft Settlement
Date: 1/16/02 8:36am
Subject: Microsoft Settlement
Dorothy Nave
1771 Upper Snake Spring Road
Everett, Pa 15537
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Dorothy Nave

MTC–00012683

From: Hallie Schneeweiss
To: Microsoft Settlement
Date: 1/16/02 8:05am
Subject: Microsoft Settlement
Hallie Schneeweiss
85 Galileo Drive
Williamsville, NY 14221–2776
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Hallie F. Schneeweiss

MTC–00012684

From: Laurie Hilgers
To: Microsoft Settlement
Date: 1/16/02 7:52am
Subject: Microsoft Settlement
Laurie Hilgers
39094–206th Street
Green Isle, MN 55338
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Laurie Hilgers

MTC–00012685

From: Robert Stanley
To: Microsoft Settlement
Date: 1/16/02 6:46am
Subject: Microsoft Settlement
Robert Stanley
22367 St. Rt. 335
Waverly, OH 45690
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Robert L.Stanley Jr.

MTC–00012686

From: Thomas E. McBrayer
To: Microsoft Settlement
Date: 1/16/02 6:53am
Subject: Microsoft Settlement
Thomas E. McBrayer
13310 St. Augustine Road
Jacksonville, Fl 32258
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Thomas E. McBrayer

MTC–00012687

From: Nancy Wethington
To: Microsoft Settlement
Date: 1/16/02 8:22am
Subject: Microsoft Settlement
Nancy Wethington
4399 W. Bittner Lane
New Palestine, IN 46163–9547
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Nancy Wethington

MTC–00012688

From: mardeanmat@webtv.net@inetgw
To: Microsoft ATR
Date: 1/16/02 11:39am

This settlement should be rapidly taken care of. The actions of the government so far has cost me and all tax payers $1000s of dollars. MDM

MTC–00012689

From: Samuel G. Sheterom, Jr.
To: Microsoft Settlement
Date: 1/16/02 7:04am
Subject: Microsoft Settlement
Samuel G. Sheterom, Jr.

528 Monroe Blvd.
Painesville, OH 44077–2838
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Samuel G. Sheterom, Jr.

MTC–00012690

From: Andre Schan
To: Microsoft Settlement
Date: 1/16/02 8:53am
Subject: Microsoft Settlement
Andre Schan
41 Horseneck Road
Montville, NJ 07045
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry (look at the NASDAQ index since the Microsoft litigation started). It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Andre Schan

MTC–00012691

From: Derek Brine
To: Microsoft ATR
Date: 1/16/02 11:42am
Subject: Microsoft settlement

We urge acceptance of the settlement offered by Microsoft.

It's time to accept this offer and let the Company concentrate on new fields of endeavor.

MTC–00012692

From: Dkbul@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 11:49am
Subject: Microsoft Settlement

We agree that this case should be settled as proposed without any further litigation or court action. Please expedite the settlement and stop any further action.

David & Barbara Bullard
1116 Woodstock Lane
West Chester, PA 19382

MTC–00012693

From: JAN FENSKE
To: Microsoft ATR
Date: 1/16/02 12:00pm
Subject: Microsoft Settlement

To Whom It May Concern in the Dept of Justice:

As a citizen if the United States I feel the Dept of Justice has more important things to spend their money on than pursuing Microsoft on this Antitrust suit. Please settle it timely.

Thank you.
Janice A. Fenske

MTC–00012694

From: Tedha@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 12:00pm
Subject: MICROSOFT SETTLEMENT

I wonder if there has ever been a greater misapplication of the law than the DOJ action against Microsoft? Certainly the consumer has not been harmed by this company. Could there ever have been personal computers costing less than $1,000 with the capacity of today's machines without Microsoft? If you understand the dynamics of the computer business you would have to say, ''NO.'' The idea that with more competition in operating system software, there MIGHT have been more benefit to the consumer is ludicrous. The industry needed one stable target for which to build hardware and write application software. The operating system was the one logical target.

Had there been two or more truly competitive operating systems, the efforts of the hardware builders and application software writers would have been diluted, available budgets would have been stretched too thin, market sizes reduced and a huge element of confusion introduced. The reason there was only one operating system is that the industry could afford to work with only one operating system and still move at the blistering pace that provided inexpensive, powerful machines. Over the years it was Microsoft which took the right risks, made the right decisions and drove their work force to make the right solutions to earn being the provider of that operating system. It is time to resolve this fiasco by our government. Microsoft should have been found innocent by the courts. But because of a rogue trial judge and political fears within the appellate court, that is not going to happen. Take the ''ounce of flesh'' by causing Microsoft to supply the software to our less fortunate educational institutions and let's get on with life.

Ted Hannum
Seattle

MTC–00012695

From: Sean Gallagher
To: Microsoft ATR
Date: 1/16/02 12:06pm
Subject: Microsoft Settlement

To whom it may concern:

A behavioral remedy does not correct the imbalance of competition in the computer software industry, and the technology industry in general, created by Microsoft's past and current illegal monopolistic practices. In addition to the proposed behavioral remedies, I believe a monetary penalty should be imposed, and used to fund education programs and loan programs that encourage the development of new competition in the information technology marketplace. With its large cash reserves of over $30 billion, amassed at least in part through illegal business practices, Microsoft can extend its monopoly into other areas easily through acquisitions of innovative small companies and even competitive larger ones. The only way to prevent this is through a large cash fine.

Respectfully,
Sean Gallagher
1205 W. 41 St.
Baltimore, MD 21211

MTC–00012696

From: Kay Marquez
To: Microsoft ATR
Date: 1/16/02 12:07pm
Subject: microsoft settlement

Hello Dept of Justice

I would like to see the Microsoft Case be settled?it is wasting valuable resources and time and we need to focus on the U.S. economy.

Kay Marquez, REALTOR(R), GRI
Creative Property Services—Central Santa Rosa
831 4th St.
Santa Rosa CA 95404
vm 707.569.2163
cell ph 707.484.4526
800.743.5401 ext. 163

MTC–00012697

From: thomas parsons
To: Microsoft ATR
Date: 1/16/02 12:11pm
Subject: Settlement of antitrust case against

Microsoft

As a consumer, I have a choice as to the products I wish to purchase and no one forces me to purchase one over the other. It was my own decision to purchase Microsoft. This case discourages innovative thinking and those companies who don't do as well as they would like to, have wasted a lot of tax payer money carrying out a vengeful case towards someone who has done better than them. Let's expend our energies for (and get on with) the important issues in America, such as protecting hard working employees as those from Enron who have really been taken advantage of and it is criminal what has happened to them! It must have been a slow day for lawyers and our congress when (under Clinton's admin. or lack of admin.) this trumped up charge was brought against Microsoft. STOP WASTING THE TAXPAYERS MONEY on frivolous things—go for the important issues. We had 8 years of stagnation, let's start working for the good of the American people.

Tom & Terri Parsons

MTC–00012698

From: Jimrootsr@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 12:12pm
Subject: Microsoft Settlement

I have reviewed the subject proposed settlement and believe it is fair to all parties involved. I urge it's final adoption and approval.

James W. Root
14611 Broadgreen Dr.
Houston, TX 77079
281–497–6931

MTC–00012699

From: William Crowder
To: Microsoft ATR
Date: 1/16/02 12:17pm
Subject: The Microsoft case

I want to urge and Department of Justice to settle this case. The decision by the Court of Appeals was tough enough. The Company is willing to comply and schools will be helped by this decision to require Microsoft to donate a large amount of merchandise. Just because the Company is large and successful it should not be further penalized. The compeitors of Microsoft have gone too far in urging the other states not to accept the agreement, to require the Company to do even more. Microsoft employs a large work force, it certainly contributes a great amount to the American economy and to that of the area where it is located. Let's get on beyond this stage of extracting more''blood from the turnip'' to so speak, settle the case and let successful companies free to continue to innovate and succeed, Signed:

William W. Crowder, PH.D.
629 North Street,
Lafayette, IN 47901.

MTC–00012700

From: PatABass@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 12:17pm
Subject: Microsoft Settlement

Letter to Attorney General Ashcraft has been sent.

Jack Bass

MTC–00012701

From: Tyler Williams
To: Microsoft ATR
Date: 1/16/02 12:21pm
Subject: Microsoft Settlement

Leave Microsoft alone!!

the DOJ has no right meddling with the entepenureship of one man. Look what you've done to the phone system (Bell Labs). Why don't you take a closer look at the CABLE TV Companies instead!!

STOP WASTING MY TAX DOLLARS!!!!

I WILL MAKE IT A POINT TO VOTE AGAINST ANY PUBLIC OFFICIAL INVOLVED WITH THE BREAK UP OF MICROSOFT!!

MTC–00012702

From: Laura Dodds
To: Microsoft ATR
Date: 1/16/02 12:16pm
Subject: D.O.J. vs Microsoft Case

I would encourage the Department of Justice to accept the Microsoft proposal to donate computers/ funds to schools and end this case.

I believe it is most IMPORTANT to let Microsoft move forward to create more communications software for people all over the world to share medical, scientific, and all other knowledge.

To continue legal proceedings and delay progress in worldwide communications is reprehensible. There is no other group as dedicated or as capable to continue this project for all humanity. lauraj00@yahoo.com

MTC–00012703

From: Buzz Cole
To: Microsoft ATR
Date: 1/16/02 12:28pm
Subject: Microsoft Settlement

To Whom it May Concern,

The proposed settlement accepted by 9 of the 18 states is a good settlement. I believe it is fair and in my best interest as a software consumer, computer user and business owner. I believe that the states that don't want to settle are being influenced by big business interest who want more than a level playing field. They want to tip the playing field their way and see this as a great opportunity to do just that. I do not believe for a minute that the states that refuse to settle do so in the best interest of their constituents much less consumers in general. I believe what they want will, in the end, hurt not only the consumer and the software industry but will hurt the economy in general at a time when the economy is in the depths of a recession. How much more do we the consumers have to put up with at the hands of big business and their political cronies?

Put an end to the abuse of industry and the legal system at the greedy hands of a few rich and powerful business men who want nothing more than to ELIMINATE one of their competitors; a result that can only be bad for the consumers.

Thank you for this opportunity to express my point of view on an issue that is very important.

Kindest Regards
Buzz Cole
President, NWPT Inc.

MTC–00012704

From: Thomas Chistensen
To: Microsoft ATR
Date: 1/16/02 12:31pm
Subject: microsoft settlement

I am in favor of ending the litigation against microsoft. Therefore I am in favor of the settlement. I think the case was ill advised from the begining. I would like more features on a computer not less. I would like a single vendor not many.

Very truly yours,

Thomas Christensen Send and receive Hotmail on your mobile device: Click Here

MTC–00012705

From: Nelson, Marty
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/16/02 12:31pm
Subject: US vs.
Microsoft Settlement

I object to the method of process that this case has taken. The States are looking for a handout just like they got from the tobacco settlement. This is pure greed.

As a user of Microsoft products I fully support their development efforts. Yes they are aggressive in their business practices but no more than many other industry leaders. Netscape's original complaint was a whining company defeated at the market place by a better product. Another cry for compensation only this time from a disgruntled competitor.

Why not let Microsoft do what they do best—provide technology and innovation to schools and public facilities so we all benefit. As proven in the state's tobacco settlement, the money is not being spent on what it was intended for but rather allocated elsewhere for other things.

D. Marty Nelson
5609 NW Lac Leman Dr.
Issaquah, WA 98027

MTC–00012706

From: Pete Priel
To: Microsoft ATR
Date: 1/16/02 12:40pm
Subject: Microsoft Settlement

To whom it may concern:

I have been an information technology professional since 1991. In my present career I'm a computer consultant that supports Windows and Macintosh computers. My Macintosh business is almost nil and the clients I do have on Mac are all phasing them out—even though the Macs are fast, and run MS Office quite well. And now more than ever when Mac OS X costs $149 to upgrade and Windows XP costs $50 more at $199—those clients are still staying the course and phasing out Macs and PC's running other operating systems and software.

How can this be. . .

FACT: DOJ has determined Microsoft to be a monopoly.

Even though the judgment was recent, this has been the case since 1995. And is still the case, now! How can you explain it when people $50 more for a product to upgrade even though the competitive product is equal and in many cases superior: Monopoly. How can it be that my Mac clients are phasing out their 2 year old Macs and buying Machines with Windows XP pre-installed without paying for the cost of the operating system:

Monopoly. Here's the Microsoft strategy even now: Lose money on Windows XP on the new PC's and since Windows is the only choice in the desktop arena, inflate the price charged for upgrades. And from my economics 101 class Microsoft can only do this because they do in fact have a Monopoly.

THIS IS UN-AMERICAN!

DOJ has a tough job. How to remedy? The goals of remedy are correct. But I would urge:

1. Publish ALL Windows API information

2. Chaperon Bill and Ballmer so they are force to—share—this for 10 years

3. Have a group validate the API as to it's correctness

4. Have 2 & 3 be implemented though an—International—standards group like the ISO, ANSI or some other such organization

And more to the point

1. Force M$ to charge a normal market value for their OS to hardware VARs like Compaq, Dell, Gateway, etc.

Thank you for considering my comments.

Pete Priel

Pete Priel
Tech House SF
322 Cortland Ave. #89
Phone: (415)309–4210
e-FAX: (415)276–1912
www.techhousesf.com
petep@techhousesf.com

MTC–00012707

From: MHall663@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 12:42pm
Subject: Microsoft Proposal

To Whom

Please hear my personal opinion: Accept the proposal Microsoft has offered and finish this mess. Alot of lawyers have gotten rich off of this lidigation and it hasn't helped the country at all.

Thank-you,

Mary W. Hall

MTC–00012708

From: Andres Mera
To: Microsoft ATR
Date: 1/16/02 12:44pm
Subject: Microsoft Settlement

My view is that the microsoft case should be settlet no further litigated.

MTC–00012709

From: Kurtis Behn
To: Microsoft ATR
Date: 1/16/02 12:45pm
Subject: Microsoft Settlement

In the interest of public comment:

I think the only way that true competition in the interest of the consumer can be returned to the OS/Office Software industries would be to publicize and standardize the API and file formats. The only useful punishment for Microsoft's wrongdoings would be to hamstring it's power embodied by it's intellectual property. But beyond this sort of childish retribution, the only way the software industry can truly benefit the consumer (in the spirit of processors and AMD/Intel) would be take the 'switching costs' out of the equation and allow for the competition in the industry to center around providing benefits to the user not elbowing (and/or strong-arming) one's way through backroom deals.

Thank you

Kurt

MTC–00012710

From: CAD/Pacific
To: Microsoft ATR
Date: 1/16/02 12:45pm
Subject: MIcrosoft Settlement

Dear Sirs,

I believe the entire Microsoft suit should just be dropped. Microsoft has not committed fraud or theft.

Just drop the suit and allow the free market to work things out. Microsoft might be very surprised.

Bill Goode

Los Angeles

MTC–00012711

From: PPallette@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 12:48pm
Subject: Microsoft

USDOJ, Having written several times before, I am again urging you to close this seemingly endless litigation against the most significant company to come along in 50 years. I continue to believe they have done no wrong, unless being an agressive competitor is contrary to our free market ideals. This case was initiated by a couple of cry-baby competitors who couldn't keep up with Gates and Ballmer. It is now taking on the role as a showcase for a few maverick state attorneys general who are more interested in pursuing their own goals than those of the public they represent. Haven't we spent enough time and money on this witch hunt? Let's allow the original judgement to stand, and get back to the task of rebuilding our economy rather than tearing it down. Thanks for your consideration.

Peter C. Pallette

MTC–00012712

From: Lowell D. Neufeld
To: Microsoft ATR
Date: 1/16/02 12:55pm
Subject: Easy to Use Software

To whom it may concern:

As an ordinary none technically inclined software user, I have been amazed at how easy the Microsoft integrated software products are to learn and use. I shudder to think of the fragmentation in software that would have occurred without Microsoft setting the standard. What a bargain the operating system is! For the same cost, with each new upgrade, I get more things integrated which translates in easier to use. Why should I be asked to pay more money to obtain these editions from other vendors when I can get the same functionality with no extra cost. As a consumer I love the ease of use the Microsoft monopoly has given me.

Lowell D. Neufeld

MTC–00012713

From: carl merz
To: Microsoft ATR
Date: 1/16/02 1:02pm
Subject: Microsoft Settlement

Microsoft is a great American company that has suffered years of government intervention on behalf of the competitors of Microsoft, not the public. Microsoft's competitors have been unable bring to the world fantastic products at almost unbelievable low prices that Microsoft has achieved because, Microsoft created numerous visionary useful products that are seamless, and work in harmony with each other without special knowledge of the user. This forward thinking vision produced economy of scale, market interest and lower prices. This benefits consumers and led to tremendous increases in productivity. Instead of relentless pursuit of Microsoft our government should protect Microsoft against worldwide theft of intellectual property and cherish and respect the company that led our country to greater productivity and leadership in the information age. I believe there is plenty of room for challengers with new visions but not much for the less creative. Microsoft rewards its employees, stockholders and created a new paradigm for others to follow.

Therefore without hesitation I recommend that we proceed with settlement of the case without any additional wasteful litigation against Microsoft.

Carl A. Merz
President
Hartford Aviation Group, Inc.
Aircraft Engine Leasing
Tel: (860)549–0096 Fax: (860)525–5351
carlmerz@hartfordaviation.com

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CC:MSFIN@Microsoft.com@inetgw

MTC–00012714

From: George Flake
To: Microsoft ATR
Date: 1/16/02 1:00pm
Subject: Comments

I believe that the Justice Department and the various states involved should drop their charges against Microsoft. These antitrust charges have cost Microsoft, US Taxpayers, Microsoft stock holders and the general economy an enormous amount of money. Continuing these charges will add substantially to the losses of taxpayes and stock holders. Microsoft is one of the most innovative companys in the world. Let them continue their innovation which has been and will continue to benefit the US and world economy.

George H. Flake
17867 Amberwood Lane
South Bend, IN 46635

MTC–00012715

From: Jimsivys@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 1:04pm
Subject: Microsoft settlement

As a citizen who has watched this litigation roll on and on, I would like to see it end.

I think the settlement is fair for all concerned and in the public's best interest. Let's not drag it on ant longer.

James & Ivy Sandsmark

8040 116th Ave SE
Newcastle, WA 98056

MTC–00012716

From: Kelly.Boyd@gov.state.ar.us@inetgw
To: Microsoft ATR
Date: 1/16/02 1:10pm
Subject: RE: Comments on the Microsoft Proposed Settlement Agreement

On behalf of and at instruction from Arkansas Governor Mike Huckabee, I am forwarding his comments on the proposed Microsoft Settlement Agreement for your review. If you have any questions, please feel free to contact me at any time.

Sincerely yours,
Kelly Boyd

Policy Advisor for Technology
Office of the Governor
State of Arkansas
501–682–9060
Ms. Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
RE: Comments on the Microsoft Proposed Settlement Agreement

Dear Ms. Hesse:

Microsoft is a company that has long provided good products to consumers and businesses. When word of a possible settlement in the Microsoft case broke, the markets surged. In spite of gloomy economic reports, the news was viewed by investors as a sign that our nation's critically important high-tech industry could move forward without the continuing shadow of government interference. It is my view that the provisions of the proposed settlement will be good for consumers, businesses, the technical sector and our economy as a whole.

As I understand it, the settlement places sanctions on Microsoft without destroying the company. These sanctions will foster greater competition in the software industry and give consumers greater choice when they purchase and enhance their computers. I am encourage by the actions of the Department of Justice and your efforts to settle this case.

Please accept this correspondence as my full support for both the Department of Justice and the nine Attorneys General in the efforts to finally put an end to this case and agree to a settlement that is in our nation's best interest.

Sincerely Yours,
Mike Huckabee
Governor
State of Arkansas
State Capitol Building
Suite 250
Little Rock, Arkansas 72201
CC:Governor@gov.state.ar.us@inetgw,Brenda. Turner@gov. . . .

MTC–00012717

From: Piaw Na
To: Microsoft ATR
Date: 1/16/02 1:11pm
Subject: about the microsoft settlement

As a software professional of 13 years experience, I agree with Scott Rosenberg's statement in his article http://www.salon.com/tech/col/rose/2002/01/16/competition/index1.html. We cannot have reasonable improvement and innovation without competition in the operating system markets, and the current proposed settlement does not provide reasonable competition for Microsoft. As a repeat offender of the Anti-Trust laws, Microsoft needs to have it's APIs made public, and be itself forced to conform to them.

Once that is done, Linux, FreeBSD, and other platforms can then be built to effectively compete with Microsoft.

Yours,
Piaw Na
Sunnyvale, CA

MTC–00012718

From: Jon Debonis
To: Microsoft ATR
Date: 1/16/02 1:10pm
Subject: Microsoft Settlement

Microsoft is a monopoly. Today I was searching the web for an alternative graphics program because I can't afford the 500.00 for Photoshop, and I found one that modifies all the standard file formats for far less than adobe's product. When it comes time to upgrade to the new versions of a pc operating system that supports all the hardware in my system, or that I can run any standard suite of applications on I will be forced to buy Microsoft Windows.

Microsoft cannot be allowed to push out the competition.

Microsoft must share its api's.

Jon Debonis
Microsoft Certified Professional (MCP)
Castro Valley, CA

MTC–00012719

From: Bob Lukitsch
To: Microsoft ATR
Date: 1/16/02 1:17pm
Subject: microsoft settlement

I agree in principal with the author of this article. Although I think it would be just as effective had the court ordered a break-up of Microsoft into two entities, one for the operating system and one for the applications. That way the operating system division would seek to maximize the inter operability of all Windows applications, not just the ''homegrown'' variety.

MTC–00012720

From: ESM(a)mac.com
To: Microsoft ATR
Date: 1/16/02 1:22pm
Subject: Undermining our faith in the US Government

Hi:

My two cents on the Microsoft antitrust settlement. . . in a word, ridiculous. Microsoft is the largest, most successful monopoly in US history and has a corporate culture, starting with Bill Gates, of lying, stealing, cheating, badgering and illegally bludgeoning everyone and anyone whom they perceive as a ''competitor''. They will continue their rampage in the computer industry until the US Government actually DOES SOMETHING to end their monopolistic practices.

The current settlement on the table is not this solution but rather a pathetic slap on the wrist. It just goes to show you that when you have enough money you can BUY the right to lie, steal and cheat in the marketplace (in general, the corrupt politicians in Washington are almost wholly responsible for this with the Republicans, which I am embarassed to admit that I am one, leading the way in CASH for FAVORS).

Oh yeah. . . and about that rhetoric floating around about it being anti-American and anti-Capitalist to prosecute Microsoft. . . the obvious source of this sentiment is Microsoft. This is Bill Gates propaganda campaign to derail the antitrust ruling against Microsoft and WE DON'T BUY IT.

There is only so much we as American citzens will tolerate when it comes to the fleecing of the general public. The time is drawing nigh where there will be a wholesale revolt against this kind of crap and WE THE PEOPLE will begin electing reps who actually represent us and not BIG CORPORATIONS.

. . . e

MTC–00012721

From: Jane Montague Scott
To: Microsoft ATR
Date: 1/16/02 1:20pm
Subject: Microsoft Settlement

It makes no sense to deny kids to access to some of the best technology in the world as part of the settlement just for the purpose of giving Apple a leg up by forcing to MS to provide money to buy Apple software and products. If MS produces inferior products to Apple there could be an argument, but they are both good technology. It seems that schools could get more for their money if MS donates MS products as part of the settlement rather than having to purchase a competitors high priced products that are no better. Lets think of giving the schools more not less. Attempts to put MS out of business are misguided as it will become extremely expensive to hire technicians who are needed to resolve issues involved in making the switch. The technicians get rich and the schools loose.

How is it that Apple seems to dominate the market for elementary school computer technology. Have they engaged in unfair marketing?? Why can't the two work together and make their software interchangable for each others OS, rather than the government setting up a scenario where one will be put out of business. resulting in more of a dominance of the market.

MTC–00012722

From: Ivan Baxter
To: Microsoft ATR
Date: 1/16/02 1:21pm
Subject: Microsoft

The current settlement is completely unaaceptable. It leaves the Microsoft monopoly intact. The absolute minimum acceptable would be to force (with extreme enforcement provisions) Microsoft to release ALL of the APIs and force them to sell copies of Windows to computer makers without Office bundled in. Ivan

Ivan Baxter
Graduate Student
Harper Lab
The Scripps Research Institute
858–784–9825

MTC–00012723

From: Don (q)Foxy(q) Fox
To: Microsoft ATR
Date: 1/16/02 1:23pm
Subject: microsoft settlement

Please get this microsoft settlement taken care of so microsoft can get on with there tech movements

thank you
don fox.
foxy@sisna.com

MTC–00012724

From: llburian@crosslink.com@inetgw
To: Microsoft ATR
Date: 1/16/02 1:15pm
Subject: Microsoft Settlement

While I m no real strong fan of Microsoft the government s case against the company is nothing more than a class warfare witch hunt promulgated by the Clinton Administration and carried forward by Janet Reno. This act alone was largely responsible for high tech stocks to plummet in value. Bill Gates and his cohorts are a prime example of ordinary people accomplish -ing extraordinary things in our capitalistic society. What Micrsoft has REALLY done is to pioneer and encourage others (a.k.a the competion) to pioneer inno- vative breakthroughs in computer technology that has brought us consumers better products at the lowest possible prices. If the Microsoft s competition can t stand the heat of competion they should look for another line of work. We had a saying back home: If you can t run with the big dogs then stay on the porch! And the government should end this nonsense NOW and get out of the way of capitalism at work. Uncle Sam has done enough harm to consumers with the wrong-headed persecution of Bill Gate et al.

MTC–00012725

From: mikeyj2@pacbell.net@inetgw
To: Microsoft ATR
Date: 1/16/02 1:15pm
Subject: Microsoft Settlement

It s time to end the Microsoft litigation. Court time is not productive for anyone.

MTC–00012726

From: dmmcw@juno.com@inetgw
To: Microsoft ATR
Date: 1/16/02 1:16pm
Subject: Microsoft Settlement

You have rolled over and died. Microsoft has beaten you with a shape stick. You will probably never see this email. Microsoft is the worst company in the world and the DOJ wants to let them off with a slap on the wrist? Search your history: 1955 Consent Decree between IBM and DOJ. IBM was broken into 3 groups at least and not allowed to disparage or unhook. In 1999 they got you DOJ to recind the CD.

Do the same thing to Microsoft. Dont allow them to have IE an integral part of the OS. Separate the OS from the applications. Tell them to play by the rules or cease and disist. No more bulling of small companies. DOJ should have started from the position of putting Microsoft out of business. They are not the All American firm they want you to believe. They are ruthless and destructive and destroy every thing and every one in their way. Rant and Rave. I just got a phone call from an organization the called itself Americans for Technology Leadership. It s a front for Microsoft. Someone called and I told him my point and he hung up the phone. No guts. Wanna play hardball. So far DOJ has played softball. Dont send me an automatic respone.

McWalters

MTC–00012727

From: gmasterson@buffalo computergraphics.com@inetgw
To: Microsoft ATR
Date: 1/16/02 1:16pm
Subject: Microsoft Settlement

It is time to bring the Microsoft case to conclusion. I am in full agreement with the settlement and believe it should be 100% supported.

Thank you.

MTC–00012728

From: sally—wise@msm.com@inetgw
To: Microsoft ATR
Date: 1/16/02 1:15pm
Subject: Microsoft Settlement

Its time that we move on and get back to business. This country and Microsoft have been at war long enough. This is hurting the computer business and the economy. Please do not allow this to them to continue to try to break a company that was doing their best to provied products to people to increase their productive lives. This is suppost to be a free market country but it seems like its ok with the competor does things that are misleading but MS is not allowed. Please do not change the ruling and close the case.

Thank you for your time.
Sally Wise

MTC–00012729

From: kowen@48001.pjc.com@inetgw
To: Microsoft ATR
Date: 1/16/02 1:16pm
Subject: Microsoft Settlement

lets settle this issue!. The public is not being hurt. let s not give up the competitive edge we enjoy in the world today.

Kurt

MTC–00012730

From: dphillwan@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 1:15pm
Subject: Microsoft Settlement

I think the settlement set forth is in the best interests of all parties involved and should be agreed to by all.

I believe this case has dragged on long enough at the expense of the American taxpayer. I still believe that the original foundings of the case are not warranted and that in fact the reason why Microsoft has captured the market is because they sell innovative products at fair market prices. Every effort should be made by the Justice department to conclude this lawsuit.

MTC–00012731

From: rsanz@ensr.com@inetgw
To: Microsoft ATR
Date: 1/16/02 1:16pm
Subject: Microsoft Settlement

While I appreciate the role of the Justice Department in monitoring the actions of companies thoughout the US I believe we have reached the point of diminishing returns in considering additional remedies for overstepping those bounds. I also want to point out that from the perspective of the consumer we are most interested in software that works. In my experience though not perfect the MS software gives me what I need to get my work done. I think it is time to come to a settlement and move on for the sake of the economy and technology businesses as a whole.

Sincerely
Robert Sanz

MTC–00012732

From: rdollar@avaya.com@inetgw
To: Microsoft ATR
Date: 1/16/02 1:15pm
Subject: Microsoft Settlement

I cannot condone my government continuing to spend vast amounts of money to prosecute a case that I personally believe has little merit. I can only see an end result of a weaker US tech sector if we continue to punish Microsoft. Enough is enough settle this and let s get back to work. The economy is in shambles and getting worse.

MTC–00012733

From: george.haney@ technologist.com@inetgw
To: Microsoft ATR
Date: 1/16/02 1:15pm
Subject: Microsoft Settlement

I can t wait for this stupid court case to be done. What are you our leaders doing for us? It is amazing that the US stands for competition until you compete too much or climb to high. Leave the top dog to do what dogs do!

MTC–00012734

From: noman@whidbey.com@inetgw
To: Microsoft ATR
Date: 1/16/02 1:15pm
Subject: Microsoft Settlement

This has gone on long enough and cost way too much in both time and money. Settle the case and settle it now.

MTC–00012735

From: jarrett—fr@leg.wa.gov@inetgw
To: Microsoft ATR
Date: 1/16/02 1:15pm
Subject: Microsoft Settlement

I would like to take this opportunity to voice my comments regarding the Microsoft settlement. Microsoft provided immense value to the industry by providing a set of open standards which permitted technology to be applied rather than theory. In this country we use the market to set standards and Microsoft built the standards that worked in the market. I appreciate you taking the time to hear my comments.

Sincerely
Fred Jarrett
WA State Representative
41st Legislative District

MTC–00012736

From: gerry@bgni.com@inetgw
To: Microsoft ATR
Date: 1/16/02 1:15pm
Subject: Microsoft Settlement

I fail to see how consumers are negatively affected—Microsoft has driven the price of software down substantially for consumers. I can see how competitors have been forced to price their products more competitively and/or to become more innovative with their products

MTC–00012737

From: pkedoman@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/16/02 1:15pm
Subject: Microsoft Settlement

In the interest of users of microsoft products investors and taxpayers lets resolve this issue quickly. I am tired of my taxes being used to pay attorneys to stifle innovation.

Pat Doman

MTC–00012738

From: youngww@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/16/02 1:16pm
Subject: Microsoft Settlement

I fully support the sattlement and wish to bring the case to an end soon. This is a great chance allow more students using Microsoft software to learn new technology and let US continue stay on top. US gov. can help the looser but now it is too much we don t want to kill a horse and let a donkey win the race.

MTC–00012739

From: smcgregr@swbell.net@inetgw
To: Microsoft ATR
Date: 1/16/02 1:16pm
Subject: Microsoft Settlement

I think the entire lawsuit against MicroSoft was outrageous. It was something out of ATLAS SHRUGGED the government deciding that one man s ideas and products belong to the masses. WRONG my ideas and thoughts are mine. And I am not REQUIRED to share them with anyone. Before I do that I ll go on strike. Had MicroSoft had the sand they should have closed their doors and let the world live without what they developed and their proprietary knowledge and products. But apparently Bill Gates is not John Galt and I never expected him to be. But I think he should have given the world a lesson in how techonolgy would be without MicroSoft s various innovations and research.

MTC–00012740

From: jalsardl@ix.netcom.com@inetgw
To: Microsoft ATR
Date: 1/16/02 1:16pm
Subject: Microsoft Settlement

To be brief: too much valuable time and energy have been spent on a case whose outcome thus far benefits competitors and lawyers in a society that claims to value the competitive process. It sets a most dangerous precedent of intrusion and influence on the conduct of ordinary business affairs.

Realizing that the damage done cannot be undone it is imperative to move on with a compromise solution . The States AGs are presumably free to continue to espouse their position leaving one to hope they will come to recognize its past time to bring a sorry event to an imperfect closure. No comment could be more telling than the foreign press who stand in amazement at the huge contradiction this trial represents and who also wonder at processes that aim to destroy an economic crown jewel.

Thank you for the opportunity to express this view.

MTC–00012741

From: dfrank@satx.rr.com@inetgw
To: Microsoft ATR
Date: 1/16/02 1:16pm
Subject: Microsoft Settlement

I am strongly in favor of the settlement with Microsoft. It is a company that

has been the leading factor in widespread computer use and the internet. I use many but not all of their products because they are the best on the market.

MTC–00012742

From: justinsit@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 1:16pm
Subject: Microsoft Settlement

This case should be ended asap we need leadership to out of the recession.

MTC–00012743

From: gmckibbin@leerlp.com@inetgw
To: Microsoft ATR
Date: 1/16/02 1:16pm
Subject: Microsoft Settlement

The best strength of Microsoft is that despite occasional missteps it methodically plods toward excellence and is more adept at it than most of its competitors. Microsoft has offered solid products at reasonable prices for many years. Microsoft seldom makes protracted missteps and I have confidence that their products will be there for me in the future. Some of Microsoft s competitors have tried to use the courts to undo their failures in the marketplace. It is the end users who ultimately decide who wins based on how a product fulfills their individual value system (features price service etc.). Microsoft does well because it is focused on satisfying end user value systems. Remaining competitively focused is a requirement (not an option) for any company to maintain end user allegiance in the information technology marketplace. It is time for Microsoft s competitors to stop trying to maintain or acquire market share via the courts. If they want to compete for the hearts and minds of the consumer they must do it with attention to their own products.

MTC–00012744

From: jimc@accipio.com@inetgw
To: Microsoft ATR
Date: 1/16/02 1:16pm
Subject: Microsoft Settlement

STOP- It is not too late. . . . As a consumer of Microsoft Products (about 16–17 years) I personaly have always found their products to very reasonably priced with adeqaute support. I have never agreed with my government in its attempt to penalize or to break up MS business. From my advantage point as a consumer it appears that other business in competion with MS finds that using my government as a tool to improve there business is a good thing. This exercise has cost my govenment lots of money and if continued will probably cost consumers who use MS products more money than if it had been left alone in the first place. I am tired of working hard and paying local/state/federal/etc./etc.etc TAXES and to watch it wasted on matters of this nature. Stop the Bleeding- appolgize and move on to something that really does effect the consumer—like Judicial system fuel prices energy costs TAXES.

MTC–00012745

From: lem9690@earthink.net@inetgw
To: Microsoft ATR
Date: 1/16/02 1:16pm
Subject: Microsoft Settlement

I AM TOTALLY OPPOSED TO THE SETTLEMENT TERMS. THE GOVERMENT HAS ALLOWED ALL OF MICROSOFT S INVENTIONS TO BE GIVEN TO ANYONE WHO WANTS THEM. THIS IS COMPARABLE TO NOT ONLY SHARING THE PIE BUT BEING FORCED TO GIVE IT ALL AWAY! AT THE VERY LEAST LICENSING FEES SHOULD BE PAID TO MICROSOFT.

MTC–00012746

From: bbradley@cybersol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 1:16pm
Subject: Microsoft Settlement

This is a poor solution at best. The Government should leave Microsoft alone. A free market economy is self regulating. Government interference only makes things worse.

MTC–00012747

From: dbor77@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/16/02 1:16pm
Subject: Microsoft Settlement

I think the justice department should take the settlement and STOP WAISTING TAX PAYERS HARD EARNED MONEY. It seems that Microsoft is being unfairly attacked by the justice department. This is rediculous. Take the money and leave Microsoft alone. It seems to me that the Justice Department is just trying to get money from Microsoft because Bill Gates is so incredibley wealthy. Why doesn t the Justice Department go after other companies for monopolizing industries?? I m tired of hearing about this entire situation. Microsoft is not a government run company. It s a private company. Leave them alone already!!

The justice department looks like the bad guy here. If people have a problem with buying Microsoft Windows because it has internet explorer on there and they can t take it off then I say to them DON T BUY IT! Netscape is readily available. Netscape is just whining because they want a piece of the pie too.

Well they should get out there and work for it just like Microsoft. To Netscape I say QUIT BEING BABIES. .DO YOU WANT SOME CHEESE WITH YOUR WINE? Let s get over it already!! Take what money you are being offered from Microsoft because I think you are lucky your getting anything. I think they shouldn t give you a dime of there HARD EARNED money. The justice department is wasting our HARD EARNED money on this frivelous case. This should have never come this far. It s out of control.

Quit while your ahead.

MTC–00012748

From: sumnerkibbe@clinic.net@inetgw
To: Microsoft ATR
Date: 1/16/02 1:16pm
Subject: Microsoft Settlement

Dear Attornet Hesse

Once again I urge you to bring the full force of the Justice Department to effect a positive ruling on the settlement reached between Microsoft and the Federal and State Governments. This attack against one of the most successful enterprises in our country s proud history has gone on much too long drained unestimal resources from needed government activities and severely damaged our nation s economy. Please please bring it to an end now. Bill Gates is no crook but Joel Klein and Janet Reno certainly need close attention.

Regards

Sumner Kibbe

MTC–00012749

From: pdunn70065@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/16/02 1:16pm
Subject: Microsoft Settlement

To Whom It May Concern

It seems to me that the important segments of the Microsoft case are in agreement and therefore this issue needs to be ended. It has gone on long enough. I urge Judge Kotelly to approve this settlement.

MTC–00012750

From: ahr6928@msn.com@inetgw
To: Microsoft ATR
Date: 1/16/02 1:16pm
Subject: Microsoft Settlement

Please stop wasting taxpayer money and settle the MSN case already—it appears they have agreed to the court order so what is taking so long?

Thank you—

a concerned citizen—

ahr6928@msn.com

MTC–00012751

From: 1157587@concentric.net@inetgw
To: Microsoft ATR
Date: 1/16/02 1:16pm
Subject: Microsoft Settlement

Get this setteled immediately before more damage can be done to our economy. It is my belief that the real sin was failure to donate enough to the Clonton Era Democrats anyway. Stop this distruction NOW.

MTC–00012752

From: donaldreifus@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/16/02 1:16pm
Subject: Microsoft Settlement

The recent decision against Microsoft is grossly unfair to the co. and should be modified.

MTC–00012753

From: alnbax@juno.com@inetgw
To: Microsoft ATR
Date: 1/16/02 1:16pm
Subject: Microsoft Settlement

Please get gov t. off the back of Microsoft! Dismiss this amoral case it is a travesty of justice. Who has done more for the American economy and employees?

MTC–00012754

From: merr-lynn@msn.com@inetgw
To: Microsoft ATR
Date: 1/16/02 1:16pm
Subject: Microsoft Settlement

The remaining States act contrary to the interest of the USA which needs the contributions of MSFT for the improvement of our economy and the maintenance of our technological leadership in the world. A quick settlement is in the public interest.

MTC–00012755

From: e.wormser@worldnet.att.net@inetgw
To: Microsoft ATR
Date: 1/16/02 1:16pm
Subject: Microsoft Settlement

I believe the proposed Microsoft settlement puts sufficient restraints on Microsoft. I think it is important that this case be settled and we can get on with it rather than continuing to string it out.

MTC–00012756

From: RichieFKay@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 1:16pm
Subject: Microsoft Settlement

Enough is enough!!! The government has been harassing Microsoft Corporation long enough! This company which has created thousands of millionaires among their employees and stockholders deserves to be free of intimidation by Attorneys General and the Justice Department. This company has standardized software codes throughout the growth period of the personal computer industry which has been a tremendous asset to computer users in the government and worldwide. Without the Microsoft standard there would be bedlam! It is time to let this company get back to work!

Sincerely

Rich Kay

MTC–00012757

From: whineya@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 1:16pm
Subject: Microsoft Settlement

I think it s past time to get this travesty of justice behind us. Personally I don t think Microsoft or Bill Gates owes the government anything whatsoever. If it weren t for Mr. Gates and Microsoft common working people would not have computers in their homes. Maybe that s why the government is after him.

If his competitors aren t as good as he is and can t compete he should not be punished for being good at what he does. Why isn t Alex Rodriguez punished for being a good baseball player? If the gov t wants to go after a monopoly they should go after their own Postal Service. That s the biggest monopoly in the world and the most inefficient. In areas where private industry has been allowed to compete with them such as Parcel Post or overnight delivery they have eaten their lunch. These Washington politicians and bearaucrats need to read Atlas Shrugged. We will cease to be a capitalist society if the successful keep being punished for being successful. They will say To hell with it. People like Mr. Gates are a treasure to humanity and should be treated as such especially by our own government. What would our founding fathers think of this fiasco!

MTC–00012758

From: davindavid@juno.com@inetgw
To: Microsoft ATR
Date: 1/16/02 1:16pm
Subject: Microsoft Settlement

The government allows monopolies to legally exist. Copyrights and patents and laws like the DMCA are government grants to monopoly that are hurting our freedom. Do away with the laws that hurt us. Bring back a free market and genuine capitalism that has allowed us to progress extremely far already but is now being destroyed.

MTC–00012759

From: Lou Leggett
To: Microsoft ATR
Date: 1/16/02 1:27pm
Subject: Conspircy of 9 State's Attorny General Against Microsoft

In my opinion, the 9 AG's attempts to coerce Microsoft, extort money, and inhibit their ability to pursue business in an unfettered fashion, while using the guise of ''protecting the consumer'' is pure bunk! Other than Microsoft's competitors, to my knowledge, there has been no hue and cry from consumers claiming they were taken advantage of by MS. In fact, it's just the opposite. MS has contributed far more to our progress in software development, the economy and numerous other ways than all of the AG's put together could dream of.

Perhaps you should look into the political aspirations of these 9 AG's as the true reason this case is still alive.

This is a frivolous pursuit and should be duly deposited in file #13.

One man's opinion.

Lou Leggett
President
Cortran Int'l, Inc.
Orlando, FL 32836
Tel. 407–352–5400
Fax. 407–352–0320
copy to: MS

MTC–00012760

From: cwilliambloom
To: Microsoft ATR
Date: 1/16/02 1:28pm
Subject: RE: Microsoft settlement

We read constantly about how microsoft is more than willing to settle with all concerned in the litigation and still some still want more. The Microsoft company seems to be trying to offer a just settlement and it is beyond belief that some states can't come to terms with their excessive demands.

How long and how far does some of these people want to go before they trash a good company that has given so much to our country and so many people.

It is our hope that all these matters can be settled in due time and in an expedient manner.

C.W. & F. E. Bloomfield
Everett, WA

MTC–00012761

From: RGreen2829@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 1:40pm

Subject: Microsoft
Settle-settle-SETTLE!!!
RGreen2829@aol.com

MTC–00012762

From: Ken McSwain
To: Microsoft ATR
Date: 1/16/02 1:41pm
Subject: Microsoft Settlement

To whomever it may concern:

As a veteran computer user since 1984, and as a completely satisfied Microsoft product user, I urge the acceptance of Microsoft's offer to settle by providing computers to schools. It will be good for the schools, good for the children, good for the economy, and fair to Microsoft.

The only ones who are complaining, and the consumers never have, are Microsoft's competitors and some soreheads who would rather have money for themselves than compputers for the schools. Do not delay this any longer. Our national economy is suffering because of it. Retirees portfolios are suffering because of it. Comsumers are happy with it. Settle it now without delay.

Sincerely,
Ken McSwain
719 Kleewood Drive
FULTON MO 65251
(573) 642–0606

MTC–00012763

From: Sam Cranford
To: Microsoft ATR
Date: 1/16/02 1:42pm
Subject: Microsoft Settlement

To whom it may concern, In reading the proposed agreement against Microsoft, I would like to add that I disagree with Provision III. J. It is essential for Microsoft's competitors to have access to the full Windows and Office APIs, and to the file formats for MS Office.

Without these, Microsoft will forever hold the upper hand in developing any application to run on their OS. This has been their key to their monopoly power, their method of devaluing competing products. If the competition could access these two aspects of the OS installed on more than 90% of the worlds PCs, then the world would benefit from more productive, more secure applications without also suffering from intolerable, hostile vendor lock-in. Let's not forget that Microsoft has arrived where they are, both in market share and legal trouble, by abusing their monopoly position. They must be forced to pay a price much higher than the proposed settlement, which will do virtually nothing to right the numerous wrongs that Microsoft has already committed. Only releasing the APIs and file formats will allow significant reversal of the existing monopoly.

Thank you for considering the peoples' proposals,

Sincerely,
Samuel K. Cranford

MTC–00012764

From: robert delaney
To: Microsoft ATR
Date: 1/16/02 1:42pm
Subject: -Loss to the public because the case was filed

Compare this case to the Enron scandal!

Enron took action that sent their price per share to near zero!

Janet Reno filed an unnecessary case against Microsoft and sent their stock prices tumbling!

Government filed a case against big tobacco and sent their stock prices tumbling!

Enron had a lot of power and money!

GOVERNMENT has nearly endless power and money!

YOU tell ME, which has done more damage to the U.S. Citizen!

Get GOVERNMENT off Microsoft's back!

Sincerely,
Robert F. Delaney
Atlanta NE

MTC–00012765

From: Larry Bumgardner
To: Microsoft ATR
Date: 1/16/02 1:37pm
Subject: Microsoft Settlement

Punish Microsoft by requiring them to document ALL their Windows APIs. Do not allow them to keep or use any hidden ones for exclusive use by Microsoft applications.

Additional punishments are certainly called for, but this would put competing application developers on a level playing field and bring some real competition into play.

Disclaimer: I work for a software developer, but we do not develop applications software. . . we do system programming, more tightly related to the Operating system we may be working with, Windows included.

Larry Bumgardner
1203 N Gregson St
Durham, NC 27701
919 676–1991 x137

MTC–00012766

From: Jeremy Lassen
To: Microsoft ATR
Date: 1/16/02 1:50pm
Subject: Microsoft Settlement

I have been an IT professional for 10 years, and have watched the Microsoft Monopoly grow and grow, with no relief in site. Currently, I work at the University of California, San Francisco where I run a number of computer labs. In my duties there, I have seen first hand the heavy handed powers of market coercion that Microsoft wields. Their most recent licensing schemes amount to blackmail, forcing us to pay for twice as much for a software product if we want any chance of having bugs fixed down the road. I have watched for years as Microsoft has abused its monopoly powers and eliminated competing companies from the market, going as far back as MS Dos 3.3 vs DR Dos 4.0.

I would LOVE to deploy competing products, but the threat of file level incompatibilities for their office suite of products, and the threat of changing API's has repeatedly made it impossible for me to do so. From my perspective, the best remedy would be to open up the Windows API, and lock in the office suite file standards, and have a third party technical body, or government agency oversee and approve any extension to these standards.

Thank you for taking my viepoint into account.

Sincerely,
Jeremy Lassen
UCSF Library computing lab Manager

MTC–00012767

From: Gary Dunning
To: Microsoft ATR
Date: 1/16/02 1:59pm
Subject: Anti-Trust

Time to stop the abuse of Government funds and time on the Microsoft anti-trust case. Let enterprise proceed.

MTC–00012768

From: Gem Burke
To: Microsoft ATR,Ron Wyden,Gordon H Smith,Greg Walden. . .
Date: 1/16/02 2:00pm
Subject: Microsoft Settlement
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Renata B. Hesse, Antitrust Division
cc Senator Ron Wyden
Senator Gorden Smith
Representative Greg Walden
Attorney General, State of Oregon
1810 Queens Branch Rd.
Rogue River, OR 97537
January 16, 2002

Re: Microsoft Settlement.

My name is Gem Burke and work in the communications industry as an engineer. I do not claim to be a computer expert or geek, although I probably know more about computers & software than the average user. I am simply a user of computers and their software and I would like a statement about the ?Microsoft Settlement?. I have tried reading at least some of the papers on this action and incorporate that with what seems to be happening in the real world. On this very day, I installed my tax program from Quicken and at the end of it Microsoft's Internet Explorer was installed on my computer. I wasn't asked, it wasn't an option. Then I was asked if I wanted to install AOL. So here it is January 16, 2002 and after all the denials of Microsoft, I'm still getting IE shoved down my throat whether I like it or not. They (Microsoft) are obviously not concerned about anything happening to them in court. This is not the first time Intuit has done this to me and complained to them about this then to no avail.

I could tell you about the site on the internet I logged into that changed all my defaults from Netscape to IE or any of quite a number of other examples of blatant examples of monopolistic behavior but the point I thought important is even on this late date, Microsoft is continuing to muscle out competition confident that it will come through this proceedings unscathed.

I work in the telephone business and one thing for sure, as AT&T was accused of being a monopoly and they were forced to breakup into a dozen smaller companies for anticompetiveness then, Microsoft should be broken up into 200 smaller companies because not only is Microsoft bigger and stronger,. he doesn't even try to hide the fact that he plans to muscle everyone else out. I'm not a lawyer but a blind man could see the blatant anticompetativeness of Microsoft and

the fact that he can use his resources to beat off anybody including the justice department.

Thank You

Gem Burke

MTC–00012769

From: Mike DeRosa
To: Microsoft ATR
Date: 1/16/02 2:08pm
Subject: regarding the Microsoft Settlement . . .

I've read that you are accepting comments from personal computer users regarding the Microsoft anti trust case, and I'd like to make one or two, very briefly.

I purchased my first personal computer in 1986, and have owned six others. I understand Microsoft's desire to keep it's programming code secret, but if they are going to supply the operating system for 9 out 10 computers they must be forced to allow users and vendors to have access to the basic parts of that operating system, just as a car owner or mechanic has a right to to know how an internal combustion engine works, and automotive manufacturers have an obligation to provide dealers with manuals and parts. It's almost that simple.

Microsoft's practice of ''hiding'' parts of their programming code violates anti trust laws and must not be permitted. I don't advocate breaking up the company, I just want to see a level playing field, and forcing Microsoft to document it's ''applications programming interface'' (API's) would allow truly free enterprise in the software business.

Thank you for listening, and I wish you good luck and wisdom in this very important case.

Mike DeRosa
Audio Rental Manager
Scharff Weisberg, Inc.
a provider of Professional
Multimedia Solutions
599 11th Avenue
NY, NY 10036
miked@swinyc.com

MTC–00012770

From: Clark, Nick
To: Microsoft ATR
Date: 1/16/02 2:09pm
Subject: Microsoft vs. DOJ

It is high time to ''get over it'' and get on with other business. Utah Attorney General Mark Shurtleff and Massachusetts Attorney General Tom Reilly are blowing smoke up everyone's ass for their own political gains (by going public asking for help to make their cause just). This trial has become a circus event ever since the original judge made his negative views on Microsoft open to discussion. The American justice system is ludicrous when lawyers know how long they can bicker over anything they want not to mention when the courts allow those jackasses the ability to do so. We're spending the money of every states' taxpayers, not just Utah and Massachusetts taxpayers' money.

I ask that everything against Microsoft become settled (finally). Keep an eye on them and when they start to get out of line then smack them. Enough has already been done.

Nick Clark

IT Manager/Consultant

<http://www.kebcpa.com/html/information—technology.html>

Kerber, Eck & Braeckel LLP <http://www.kebcpa.com/>

Springfield, IL 62701

MTC–00012771

From: Gary Gardner
To: Microsoft ATR
Date: 1/16/02 2:04pm
Subject: PROPOSED SETTLEMENT

I believe the litigation against Microsoft is outrageous and as usual the end result will be that the only individuals benefiting from the case is the lawyers$$$$! I firmly believe we should do whatever is necessary to settle this case ASAP. I appreciate the opportunity to have my ''individual'' voice heard, however, when I really would have appreciated having my voice heard was when the charges were initially brought against Microsoft. Unfortunately, there was no interest at that critical time. If our elected representatives truly value our ''voices'' let them be heard when it really matters. Asking now is an after thought and it appears some of our representatives are doing some ''grandstanding'' for their personal political gain. That having been said—let's settle this thing and let our government officials and the American people move on to more important issues!

Ginger Gardner

MTC–00012772

From: James Mitchell Ullman
To: Microsoft ATR
Date: 1/16/02 2:14pm
Subject: Microsoft Settlement

——-BEGIN PGP SIGNED MESSAGE——-

Hash: SHA1

Greetings,

This is not the first time I have emailed this address about the currently proposed settlement between Microsoft and the USDoJ. I am wanting to point out that we are listening and watching and that we feel that they are still trying to stiffle competition in the computer industry and crush standards that they do not own or developed themselves.

Please take the time to read this article: http://www.theregister.co.uk/content/54/23708.html

Thank you for your time.

-—

James Mitchell Ullman
Technical Specialist I
Zach S. Henderson Library
Georgia Southern University
http://www2.gasou.edu/facstaff/jmullman
Office: 912–681–0161

MTC–00012773

From: Leon Boncarosky
To: Microsoft ATR
Date: 1/16/02 2:16pm
Subject: Microsoft Settlement
21 Fineview Road
Camp Hill, PA 17011–8447
January 16, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I would like to give you my comments on the Microsoft anti-trust case. This three-year case has had a debilitating effect on one of our nation's most outstanding companies, on the nation's technology sector, and on our economy. I recommend that you indorse the proposed settlement plan. The plan is fair, Microsoft will retain its present corporate configuration and be allowed to become more productive, and the Justice Department will now have an oversight responsibility to ensure that Microsoft does not return to its prior alleged anti-trust activities. Microsoft's competitors will now have access to its technology and Windows platforms. This is a fair and workable compromise.

I believe it's in the best interests of our country to end this litigation. Please work to that end.

Sincerely,

Leon D. Boncarosky

cc: Senator Rick Santorum

MTC–00012774

From: Robert.Cheetham@radisys.com@inetgw
To: Microsoft ATR
Date: 1/16/02 11:16am
Subject: Microsoft Settlement

I feel Microsoft should not benefit from having broken anti-trust law. It has abused it monopoly position, and as a direct result MS Windows is ubiquitous on the desktop. This may or may not have been good for the consumer but we'll never have to opportunity to know what might have been if MS had not been so (unfairly) dominant.

Remedies. I think that if product support is going to be discontinued then (windows 3.11, windows 95, etc.) then MS should be forced to release the source code for the discontinued product either to the public domain or to a separate company charged with providing support. I feel it is unreasonable to force consumers (whether private or corporate) to buy product upgrades merely to maintain there current application. If Ford or GM refused to provide parts for, or allow 3rd party companies to service discontinued automobiles there would be public outrage.

Robert Cheetham
RadiSys Corporation
5959 Corporate Drive
Houston
TX 77546
713–541–8267

MTC–00012775

From: Speare,Geoff
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/16/02 2:17pm
Subject: Microsoft Settlement

To Whom it May Concern,

This will be a short letter, as I'm sure you have many to go through. Let me say up front that as a computer user, programmer, and IT professional, I feel very strongly that the proposed Microsoft Settlement will do nothing to punish past monopolistic practices, or to prevent future violations of anti-trust law.

Most importantly, what the settlement fails to address is that Microsoft is /already/ entrenched in a dominant, monopolistic position, achieved in large part through unfair business practices. Creating a Technical Committee may (or may not) help with future problems, but does nothing to fix what has already transpired.

Lastly (for this letter; I do not pretend that I am addressing a majority of the problems with the settlement), I would point out that much of Microsoft's monopoly is maintained through mechanisms not mentioned in the settlement. For example, Microsoft Word is the dominant word processing software mainly because it's file format is proprietary and controlled by Microsoft—and changed frequently, so that no other program can reliably use it. If a standard file format were enforced, competing products would have a chance to co-exist and interoperate with Word; something that just cannot happen today.

I urge you in the strongest possible terms to reject this settlement and seek stronger action against Microsoft.

Geoff Speare
speareg@apci.com

MTC–00012776

From: naaayaan
To: Microsoft ATR
Date: 1/16/02 2:22pm
Subject: My view As a consumer As well As Stockholder.

TO WHOM SO IT MAY CONCERN
Hon. Attorney General,

The Microsoft lawsuit should settle as soon as possible. I understand that management harmed Netscape but that corporation was sold at premium. Now in future we should have better government oversight that nor microsoft or any large corporation harmed emerging corporation, or individual enterprenurship in this country which is good for the country. At the sametime this country is becoming litigatig society which harms corpoation like Microsoft, Physicians, Consulting firms or any small or large business that harms the nation. We are producing more attornys at the cost of innovation, enterprenurship, small and large businesses and scientist and technologist. this litigating society will be the downfall of U.S.A .

Therefore, settelment is the best interest for the country and we can progress.

Sincerely,
NAYAN DALAL.

MTC–00012777

From: michael govern
To: Microsoft ATR
Date: 1/16/02 2:17pm
Subject: Microsoft Settlement

When you pay less than $100 for an OS that will last the life of the PC, I'd say that is a good deal. The No Justice Department should have been on alert to the likes of Enron instead of Microsoft for all of these years.

MTC–00012778

From: Charles LeDuc
To: Microsoft ATR
Date: 1/16/02 2:20pm
Subject: Microsoft Settlement

I encourage the U.S. Department of Justice to protect the interests of the citizens of this country and continue prosecuting the antitrust case against Microsoft. We've already achieved victory against Microsoft on this case: now is not the time to abandon it. A settlement at this point amounts to a political payoff to a major supporter of the new administration.

Sincerely,
Charles LeDuc
2738 Fairlane Dr.
Doraville, GA 30340
charleseleduc@hotmail.com

MTC–00012779

From: Robert Schroeder
To: Microsoft ATR
Date: 1/16/02 2:20pm
Subject: Microsoft Settlement

I am a software developer, that has worked with Microsoft products as well as on the java platform. It seems to me that there is an enormous misunderstanding of the software industry and an outdated use of the antitrust law. There are new issues that were left completely unaddressd as far as I can tell, and now it appears that this costly trial is taking another bad turn.

The overwhelming factor in Microsoft's 'monopoly' is the so-called network effect, something they took advantage of by being the most attractive to buyers. It is a natural state for Software Operating Systems. The consumers are much better off if most people use a single operating system, and most developers can code to a single api, as coding for two almost doubles the work.

Some are suggesting that Microsoft's API should then be locked down, so other people can copy it. There are several reasons that this is a bad idea. That API is changing, or rather, growing as quickly as the software industry is progressing, which at this moment is bigger than it ever has in any period in the past (and much bigger than the during the .com vaporware era). Microsoft needs to update its software to reflect this, and they need to do that quickly, and for a variety of reasons. It is also important that they are able to fix poor design, something they should finally be able to do with the versioning built into their new software.

By all means have Microsoft hire a special overseer to make sure they are in compliance, but please do not hamstring the software industry in the process. We are suffering enough in this economy as it is.

Thank you,
Robert Schroeder
5438 California Street
San Francisco, CA 94118
(415) 876–4151

MTC–00012780

From: Don Weide
To: Microsoft ATR
Date: 1/16/02 2:22pm
Subject: Microsoft Settlement

Please work for an early settlement of the Microsoft dispute, rather than continual, endless litigation, which will increase the cost of software to the consumers and further enrich the lawyers involved.

I have used many Microsoft products and I feel the company has treated me fairly. I am especially pleased to see that under the proposed settlement, Microsoft would have given disadvantaged public schools over $1 billion in funding, software, services and training.

I feel that punishing those most successful is contrary to what has made our nation unique and great. As a member of ''The greatest generation'', and still self employed at age 83, please conclude this long overdue problem and help our nation recover from its recent shock-wave.

A rapid and fair settlement is certainly preferable to protracted litigation.

God Bless America
Major Don O. Weide, USMCR(ret)

MTC–00012781

From: jasonasbahr@mac.com@inetgw
To: Microsoft ATR
Date: 1/16/02 2:23pm
Subject: Microsoft Settlement

Honorables,

It has come to my attention that Microsoft has recently acquired fundamental patents for 3D graphics technology and techniques from SGI. This is a dangerous situation, as it grants Microsoft significant leverage over the independent 3D hardware manufacturers who are currently supporting the only rival to Microsoft's Direct3D graphics API, OpenGL.

Microsoft has in the past worked to delay and distract advances in 3D graphics technology, such as in the abortive ''Fahrenheit'' plan with SGI in the 1990s. During that period, SGI was transitioning from selling Unix-only workstations to begin selling workstations running Microsoft's Windows NT. At the same time, OpenGL was gaining on Microsoft's Direct3D in terms of features, hardware support, and developer support. If SGI wanted to sell NT boxes, SGI would have to agree to the Fahrenheit plan. The perfectly timed Fahrenheit deal slowed that advance of OpenGL by, among other things, reducing SGI's active promotion of it, and allowed Microsoft's Direct3D to gain a strong lead. Yet OpenGL support still survived due to the interest of software developers and the support of third party 3D hardware manufacturers. This latest move by Microsoft to acquire core 3D technology patents would finish the hatchet job, granting Microsoft the power to force third party 3D hardware manufacturers to drop support for OpenGL, and ultimately stifle competition and innovation in the marketplace.

Please do not let this come to pass.

Thank you,
Jason Asbahr
Game Developer

MTC–00012782

From: MTLJR5@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 2:25pm
Subject: Microsoft Settlement

To Whom It May Concern,

I am in favor of the proposed antitrust settlementI in the Mircosoft case. The provisions of the agreement are reasonable, fair to all parties involved, and go beyond the findings of Court of Appeals ruling. Enough time and expense have have been put toward this litigation, let move beyond it.

T.J. MCDonald
Louisvile, KY

MTC–00012783

From: Steve Heaney
To: Microsoft ATR
Date: 1/16/02 2:28pm
Subject: Microsoft Settlement

To whom it may concern,

As a US citizen and a member of the high tech industry (I work as a computer consultant) I am more than tired of the Anti-trust case brought by the US government againt Microsoft. My understanding of the current settlement is that it is more than fair to all parties invloved. The government needs to move to get it finished. The 9 states that are holding out are clearly doing so in their and a few of their constituents best interest. The court system in the US is not designed to be used as a method by some companies to hamstring an able competitor! That would be unfair business practice. . . and yet that is exactly what has been happening. Settle the case and get the hell off of Microsoft's back!!!

Thanks

Steve Heaney

Houston Texas.

MTC–00012784

From: bhiron@lsuhsc.edu@inetgw
To: Microsoft ATR
Date: 1/16/02 2:26pm
Subject: Microsoft Settlement

To Whom It May Concern:

As a citizen I am very concerned about Microsoft's ability to continue to function as a monoploy in the software and operating system markets. I strongly urge the DOJ to pursue the complete disclosure and public documentation of all Windows API function and parameters and file format specifications for its Office software. Allowing Microsoft to maintain this information as secret is limiting the competetiveness of the software markets and hurting consumers.

Also, I urge the DOJ to force Microsoft to stop forcing computer system distributers and marketers into a restrictive licensing policy. Microsofts current licensing policy is limiting consumer choice and market competition. Computer distributers must be allowed to provide consumers with a choice at the point of sale, to market computers with alternative Operating Systems in a possible multi-boot environment.

Budd Hirons.

MTC–00012785

From: TRAN, QUYNH
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/16/02 2:36pm
Subject: Microsoft Settlement

http://www.salon.com/tech/col/rose/2002/01/16/competition/index1.html

MTC–00012786

From: Mark Walsh
To: Microsoft ATR
Date: 1/16/02 2:29pm
Subject: Microsoft Settlement
184 Riley Street
Dundee, MI 48131–1069
January 16, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Sir:

As I read more about the Microsoft settlement, I can't help but think that the government has more important issues to focus on. While there are intense international problems brewing daily, we spend more resources on litigation against the free market in America. Not only has Microsoft been extremely helpful in many areas, but they have also made a great deal of concessions in this recent agreement with the intent of moving forward.

Having grown up with a father that was blind, I have been particularly impressed by the work that Microsoft has done with the handicapped. Microsoft helped to enrich my father's life and always bent over backwards to provide assistance when needed. Without Microsoft's innovations my father would have never been able to use a computer. They provide help in so many areas and for so many causes, and people tend to miss hearing about these issues. Now that Microsoft has been under fire, they again have agreed to work with the IT sector in moving on and holding our place in the global market. They have agreed to make changes in licensing, marketing and even design. On top of this, they have agreed to be monitored by a committee the entire time. This is definitely a step toward a more unified IT sector. Please help Microsoft provide users with superior products by continuing to innovate in this highly competitive global market. Let us support this settlement and help our technology industry get back to business.

At stake is the USA's position as the number one technology innovator in the world. This is part of what makes America great, and why my father, whose blindness was caused by exposure during the Manhattan Project, appreciated the attention Microsoft gave to his needs.

My biggest fear is the needs of actual users have been subjugated to the wants of greedy competitors who rather spend money on litigation and lobbying than research & development.

Sincerely,

Mark Walsh

MTC–00012787

From: Delmar Knudson
To: Microsoft ATR
Date: 1/16/02 2:31pm
Subject: Microsoft Settlement

I am very much against the microsoft proposal that they give their old equipment to schools across the country and thereby hurt their competition unfairly again.

I have nothing against Microsoft donating a huge amount of software to charitable organizations in countries that can't affort any equipment whatsoever (like Afghanistan).

Delmar H. Knudson, M.D.
1313 Williams St. #1005
Denver, CO. 80218
delknudson@earthlink.net

MTC–00012788

From: Ruthupaige@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 2:35pm
Subject: Microsoft Settlement

To the Department of Justice:

We support the provisions of the proposed antitrust settlement. They are fair and reasonable and well appreciated by consumers. Only competitors oppose the settlement, and it appears to us that they blame Microsoft because they themselves weren't stronger and more effective competitors.They seem to be shifting blame, and in the process have already hurt consumers. Please complete the proposed settlement agreement. Consumers like the agreement.

Thank You.

Ruth and Al Paige.

ruthupaige@aol.com, mamboabp@aol.com

MTC–00012789

From: ralph
To: Microsoft ATR
Date: 1/16/02 2:35pm
Subject: Microsoft Settlement . . . about time !

Hi Folks

several thoughts on settlement with Micro Soft funny how it seems sometimes GOV has stifled entrepeneurship funny how overzealous anti trust people can create no win situations

I'm glad there is a settlement

And the lawyers get richer. . . . . .

thank you

Ralph Reeder

MTC–00012790

From: Neils Christoffersen
To: Microsoft ATR
Date: 1/16/02 2:34pm
Subject: Microsoft Settlement

I'm writing to voice my concern about the Microsoft Settlement. Let me give you a little background about myself first. I'm currently a Senior pursuing a B.S. in Computer Science at a university in South Dakota. I am also employed at a local dot-com company, where I design and develop applications for the web.

The activities of MS in recent years is extremely disturbing to me and my colleagues. The company has repeatedly taken action to force smaller companies out of their respected markets. The latest turn of events came when MS bought many of SGI's 3D patents. Big deal you say. Well, this basically allows them to lock up these technologies, not licensing them to hardware companies that don't agree with MS. This could spell bad news for any company who sells non-DirectX products.

Of even more concern is the continually lack of security in Microsoft's products. The first that comes to mind is Internet Information Services (IIS). Since it's initial release, IIS has had several huge security flaws, and even more minor ones. Last I checked they were averaging about 2 new bugs being discovered every month. These bugs range from ones that allow web users to see the (proprietary) code behind a web site [code that could contain sensitive information, such as passwords, code which should not be seen by the public] to one that allowed IIS to become infected with a virus, and constantly search for new victims. The only way to avoid these security faults now is to constantly keep up with updates released by Microsoft. Now, I only maintain a couple of machines with MS software installed on them, and it's a pain to keep up on the latest patches and fixes. I can't imagine hosting a data center with potentially thousands of computers and having to continually update them.

THIS IS UNACCEPTABLE!

I ask you, no, beg you, to not give Microsoft another slap on the wrist. A fine is nothing to this company.

Thanks for your time.

Neils Christoffersen
<nchristof@CreditSoup.com>
CreditSoup Development
http://www.CreditSoup.com/

MTC–00012791

From: TLede5555@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 2:37pm
Subject: Microsoft Settlement

As a consumer I feel I have received nothing but benefits and value from Microsoft Corp. I also feel that all these lawsuits are the results of the lobbying power of Microsoft competitors and are just sour grapes.

Tim Lederle

MTC–00012792

From: Chris LeFebvre
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/16/02 2:37pm
Subject: Microsoft Anti-Trust Settlement

Dear Sir:

In regards to the DOJ's case against Microsoft. I've been in the PC software and hardware business since there was a PC and I've seen Microsoft break or bend to the breaking point every agreement they've ever had with the government and all the while driving competitors out of business and stifling any vision of innovation but their own. Also making unilateral changes to their end user and corporate license agreements that are nothing short of Orwellian and all the while foisting bug ridden software with major security flaws off on the unwitting public. With it's millions / billions of dollars in revenue annually Microsoft has gotten to be a law unto itself with no regard for the consumer or in many cases the government since it feels no compunction about breaking prior agreements when it suits the Microsoft Management. I would ask you not to settle for a simple slap on the wrist, I truly believe that breaking up Microsoft would not work to the benefit of the consumer or address the issues that have brought us to this point. I would think that strong oversight by knowledgeable independent industry leaders who could take immediate action should Microsoft break any of their agreements or show further wrong doing would be the best course of action.

Sincerely,
Chris LeFebvre
Programmer & Consultant

MTC–00012793

From: Daniel Raymer
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/16/02 2:42pm
Subject: Microsoft Settlement

It is in no doubt that Microsoft is a very strong monopoly. But the terms of the settlement for their actions as such leave much to be desired. In essence, to the common man, it is like being caught robbing a bank, being told not to do it again, and then let off the hook. These actions cannot go unpunished. Microsoft continues to strong arm consumers even to this day. If I ask to buy a Dell computer with no OS on it, I still have to pay for a Microsoft OS license even though I do not get one. If I ask for Mozilla, Opera, or Netscape web browser to be installed instead of Internet Explorer, I cannot get those choices. In the home PC market where MS holds 95% of the OS market, I am not allowed a choice. When a choice does appear, i.e. using DR-DOS 7 or Linux, Microsoft refuses to allow a large amount of software to run on it. Between Windows, Office, and Internet Explorer, I am forced to stay with MS because of my lack of choice elsewhere. Please do something that is more applicable to this situation. The punishment should fit the crime.

Daniel Raymer
Unix Systems Administrator
InterCall
Desk: 706–634–4396
Fax: 706–634–3807
PCS: 706–773–1416
draymer@intercall.com

MTC–00012794

From: White David
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/16/02 2:39pm
Subject: Microsoft poised to extend its monopoly

To whom it may concern:

With the bid to purchase $63M worth of SGI's intellectual property, Microsoft will soon be in the position to force graphics card vendors to drop support for OpenGL. Currently, OpenGL is the only graphics API truly competing against Microsoft's DirectX. If Microsoft is allowed to effectively crush OpenGL, then Microsoft's monopoly will be extended yet again. As a voting constituent, I urge you to block/disallow the proposed purchase by Microsoft of SGI's APIs.

Concerned,
David White
David White
dave@cadant.com

MTC–00012795

From: Chris Stewart
To: Microsoft ATR
Date: 1/16/02 2:41pm
Subject: Microsoft Settlement

Please do not let Microsoft destroy our way of computing. Microsoft hurts Java technology which in turn hurts many hundreds of thousands of Java developers. Just because they want developers to migrate to their way of programming. Please do not let them continue their malicious ways. I do not wish to see Microsoft out of business. Unlike Bill Gates, I like to see competitive business. I want Microsoft to play by the rules and not bully everyone around so they will conform.

Chris Stewart

MTC–00012796

From: Gofferbill@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 2:47pm
Subject: Settlement

We believe it is time to settle this matter that has dragged on too long. The settlement under consideration seems appropriate and fair to all parties.

Bill & Donna Yaw
Palm Desert, Ca

MTC–00012797

From: BESTEFAR99@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 2:47pm
Subject: Microsoft Settlement

I feel sorry that the litigants of this trial cannot keep up with the advances made by Microsoft, but when has it been in the public interest for any government body in this country to intervene in private enterprise. I can understand it when natural resources are involved but in the case where a company is providing products that can and are being duplicated in other forms then let them compete.

C.H. Schmoll

MTC–00012798

From: Larry Slavicek
To: Microsoft ATR
Date: 1/16/02 2:54pm
Subject: Microsoft Settlement

The Justice Department should have NEVER prosecuted Microsoft. The case should be closed without further penalties.

Lawrence Slavicek
West Chicago, IL

MTC–00012799

From: Richard Driscoll
To: Microsoft ATR
Date: 1/16/02 3:00pm
Subject: Microsoft

Please permit the following to be entered as part of the public comment period concerning the Microsoft case. As the director of a small, not-for-profit arts council, I must always watch the bottom line. It has been my feeling for a number of years that Microsoft forces me into an all-or-nothing deal every time I must make careful consideration of my agency's evolving technology needs. I am forced to buy what I do not need and, at the peril of compromising a very imbedded operating system, compelled to remove those unwanted programs in order not to have my hard drive uselessly gobbled up.

Please consider seriously the following constraints upon Microsoft:

1. Prevent an extension of Microsoft's monopoly by placing Microsoft products as extra-cost options in the purchase of new computers, so that the user who does not wish to purchase them is not forced to do so.

2. The specifications of Microsoft's present and future document file formats must be made public, so that documents created in Microsoft applications may be read by programs from other makers, on Microsoft's or other operating systems.

3. Any Microsoft networking protocols must be published in full and approved by an independent network protocol body.

Thank you.
Richard G. Driscoll
Executive Director
Community Arts Partnership
116 North Cayuga Street
Ithaca, NY 14850
607–273–5072 (w), 273–4816 (f)
www.artspartner.org
www.ithacaevents.com

MTC–00012800

From: LBlaze4610@aol.com@inetgw

To: Microsoft ATR
Date: 1/16/02 3:03pm
Subject: Microsoft Settlement

Please maintain the government's settlement with Microsoft as already decided. Keeping this case open serves no useful purpose for Microsoft shareholders or the general populace. It's in the best interests of all concerned to honor the settlement that has been made and move forward from here.

Thank you.

MTC–00012801

From: John A. Ouzts
To: Microsoft ATR
Date: 1/16/02 3:05pm
Subject: Microsoft Settlement

Windows is a stultifying monopoly. Open up the Windows APIs.

Then go after Microsoft's illegally gotten, excessive retained earnings.

John Ouzts

MTC–00012802

From: London.Crockett@
scottforesman.com@inetgw
To: Microsoft ATR
Date: 1/16/02 3:06pm
Subject: microsoft settlement

I am quite troubled by the proposed settlement to the Microsoft case. It appears to do little to actually restrain Microsoft's flagrantly anticompetitive and monopolistic practices, nor remedy the damage done to consumers and Microsoft's competitors. Worst of all, it appears to me to offer Microsoft little reason to comply with the already meager punishment the settlement demands.

I hope that the court will consider remedies that have the teeth to get the job done so that the software industry can become a truly competitive environment which routinely births innovative, interesting and useful products without fear of Microsoft ''embracing and extending'' Windows to shut out the real innovators from their innovations. Already, even in the shadow of the judgement ruling that Microsoft is a monopoly, Microsoft appears to be on verge of forcing its way into control over the Internet media market, effectively killing the innovative products from Real and Apple. One has to wonder if anyone will bother developing the truly interesting new applications which have driven our economy over the last decade if their efforts will soon be overwhelmed by Microsofts preditory practices. I hope the court will prevent that from happening.

Salon.com's Scott Rosenberg has writen an interesting article on the case, in which he proposes that Microsoft be required to release its all of its APIs so that competitors can make functional competing products (see: http://www.salon.com/tech/col/rose/2002/01/16/competition/index.html). His argument makes sense to me.

Thank you for your time.

London Crockett

(This email does not necessarily reflect the views and opinions of my employer)

MTC–00012803

From: Chris Durant
To: Microsoft ATR
Date: 1/16/02 3:06pm
Subject: Microsoft Settlement

Dear Mr. Ashcroft:I believe strongly that the Microsoft Corporation is one of America's greatest assets. It is a company that provides constantly improving products that help make tens of millions of people more productive, happier, and richer. We live in an increasingly global economy. When the U.S. Government attacks and tries to cripple a domestic company that has become ''too'' successful, there is no shortage of foreign competition that will gladly step in to take market share, unencumbered by governments with beliefs in forced ''equality'' between corporations, regardless of the value or contributions that the companies make. Microsoft has never harmed me. Its products have enhanced my life tremendously. If Microsoft is a monopoly, why does it continually improve its products and lower its prices? For the good of the American economy and consumers everywhere, please settle with Microsoft as soon as possible. Doesn't the U.S. Government have better things to do than fight one of the best things that has ever happened to this country?

Sincerely,

MTC–00012804

From: AMYNLARRY@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 3:07pm
Subject: Microsoft Settlement

Dear DOJ,

I am writing this as a citizen concerned with the economy of this country. Please settle the antitrust suit as quickly as possible and let Microsoft get back to doing the business that they do best.

Also, any attouney generals that want to drag this out any longer should be reminded to listen to the people of their states. I am ashamed that Wisconsin attouney general Doyle let his greed get in the way of common sense.

Sincerely,

Lawrence M. Kolden

MTC–00012805

From: william frankl
To: microsoft.atr@usdoj.gov.?@inetgw
Date: 1/16/02 3:08pm
Subject: Microsoft dettlement.
To: Department of Justice:

SETTLE!!! Get off Microsoft's back and let our high-tech economy recover!!!

William S.Frankl, MD
536 Moreno Road
Wynnewood, PA.19096

MTC–00012806

From: Charlie Rehor
To: Microsoft ATR
Date: 1/16/02 2:58pm
Subject: Microsoft Settlement

Honorables,

It has come to my attention that Microsoft has recently acquired fundamental patents for 3D graphics technology and techniques from SGI. This is a dangerous situation, as it grants Microsoft significant leverage over the independent 3D hardware manufacturers who are currently supporting the only rival to Microsoft's Direct3D graphics API, OpenGL.

Microsoft has in the past worked to delay and distract advances in 3D graphics technology, such as in the abortive ''Fahrenheit'' plan with SGI in the 1990s. During that period, SGI was transitioning from selling Unix-only workstations to begin selling workstations running Microsoft's Windows NT. At the same time, OpenGL was gaining on Microsoft's Direct3D in terms of features, hardware support, and developer support. If SGI wanted to sell NT boxes, SGI would have to agree to the Fahrenheit plan. The perfectly timed Fahrenheit deal slowed that advance of OpenGL by, among other things, reducing SGI's active promotion of it, and allowed Microsoft's Direct3D to gain a strong lead.

Yet OpenGL support still survived due to the interest of software developers and the support of third party 3D hardware manufacturers. This latest move by Microsoft to acquire core 3D technology patents would finish the hatchet job, granting Microsoft the power to force third party 3D hardware manufacturers to drop support for OpenGL, and ultimately stifle competition and innovation in the marketplace. This is just one more example of Microsoft's monopoly power, which will not be curtailed in any reasonable way by the government's (gift) settlement. Microsoft is a convicted monopolist, and should be punished both for the actions for which they have been convicted, and to prevent future abuses.

Thank you,

Charlie Rehor

MTC–00012807

From: Mr. RaggySocks
To: Microsoft ATR
Date: 1/16/02 3:12pm
Subject: Microsoft settlement is weak

Dear Honorable Sirs/Madam:

I am not opposed to all things Microsoft. However, time and again, I feel that I have been harmed as a user, a developer, and an administrator by Microsoft's practices in protecting its desktop monopoly and leveraging it to other markets.

Microsoft has a history of preventing other software from working properly with its operating system. DR-DOS is a notable example. And any user can also tell you how their Netscape, or Realplayer or any other piece of software that Microsoft competes with, suddenly fails to work after they have installed a Windows update.

Microsoft's abuse of its monopoly eliminated choice long ago, and it is now difficult to find a competitive product. Due to this, I am skeptical of the efficacy of the proposed revised final settlement. I also feel that the revised final settlement isn't effective in preventing Microsoft from further leveraging its desktop monopoly. I do not oppose Microsoft's .Net initiatives, as the competition will be useful in forcing both .Net and Java 2 Enterprise Edition to improve. But allowing them to integrate their efforts with their desktop monopoly feels like a mistake.

When AT&T was broken up, there weren't any competitors left in its market. The act of splitting AT&T created competition instantly. In the same way, the barrier to entry is high in all markets tangential to the PC desktop and I believe the situation warrants a similar remedy.

Since the possibility of a breakup of Microsoft has surfaced, many critics have stated that Microsoft is the engine of the technology economy. However, recent evidence shows that the economic impact of a breakup will not be catastrophic. Windows XP has not, and is not, going to jumpstart the economy.

I believe a key benefit of splitting up Microsoft is the elimination of their monopoly on the desktop. Ensure that the companies follow a reference standard that they agree to. Allow them to add functionality so long as it doesn't interfere with their reference standard for the operating system. In this way, they can be forced to adhere to standards and to create compatible systems. This will create competition, fostering innovation, and benefiting customers while minimizing harm.

Though I doubt that a breakup will be agreed upon, I must insist that the current proposal does not go far enough to protect customers.

Thank you for the opportunity to comment on this case.

Sincerely,

S. Cheng

MTC–00012808

From: Polkadt@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 3:11pm
Subject: MSFT Settlement

Dear Sirs:

My perspective is that litigation should cease. Our economy needs encouragement, improvisation, with innovation, not litigation that drags on. As a retired teacher, I do not like the fact that todays' children are being denied the generous supply of software & hardware that MSFT is willing to supply our schools.

Sincerely,

Dorothy Seay

MTC–00012809

From: Robert Boggs
To: Microsoft ATR
Date: 1/16/02 3:14pm
Subject: Microsoft Settlement

Honorables, Microsoft has repeatedly abused its position in the software market to further its own agendas. The release of products such as the latest versions of both Windows and Office only look to continue this pattern of predatory behavior. Through the use of proprietary file formats and forced incompatibilities with older versions of the same software, they force users to upgrade when doing so might otherwise be unnecessary.

In addition, Microsoft has recently acquired the patents to several key features in of the Open GL architecture, a 3D graphics technology. Considering Microsoft's pattern of behavior regarding technologies that are superior to its own, (Embrace, extend, or extinguish) this situation is potentially dangerous. Dangerous because it grants Microsoft significant leverage over the independent 3D hardware manufacturers who are currently supporting the only rival to Microsoft's Direct3D graphics API, OpenGL.

In the past, Microsoft has attempted to modify other technologies to suit its own needs and at the same time lock out potential competition. A good example of this is the attempt to modify Sun's Java. If you recall, Sun won that case against them and Microsoft, rather than support Java as it was intended, has dropped in-house development of it altogether. The results of this are yet to be seen, but many third party developers are second guessing their need to support an important technology like Java because Microsoft no longer is.

There are many other examples of this behavior that cannot be overlooked, but would take pages to cover in any depth. So I will leave you with those two and advise you to look to Open source and alternative software advocacy sites for more evidence as there is a great deal of evidence to be found in the case against Microsoft.

As an IT professional, I urge you to not take this case too lightly and let them off with a simple slap on the wrist.

Thank you

Robert Boggs.

MTC–00012810

From: Sylvia Moestl
To: Microsoft ATR
Date: 1/16/02 3:08pm
Subject: Microsoft Settlement

The Microsoft case should be settled already. It's already caused more than enough distruption for the economy, and a fast settlement is what we need now.

Regards,

Sylvia Moestl

MTC–00012811

From: jabien
To: Microsoft ATR
Date: 1/16/02 3:13pm
Subject: let settlement stand

As a voting tax payer I am putting my two cents worth in on the Justice Department and Microsoft settlement. The parties that worked out this settlement have already put 4 years into it. So let it stand and we can move on. Just because some states can not agree does not mean it is not a good agreement. It seems to me the states that are not in agreement do have another agenda besides protecting the consumer. When the state of California is willing to do the financial backing of the other states in order to carry this on, and California happens to be the home state of Sun and Oracle. I do question where the attorney general offices of those states interest really lies. In the time of budget short falls is the average tax payer aware of were their tax dollars are going.When you read in the paper that California is the only state that has allowed a Class Action Law Suit from being settled that would have benefited the poor school district. And the fact that class action law suits only benefit the lawyers. The average buyer of Microsoft software would get just 10.00 back if the lawyers have their way.The whole idea of carrying on with the legal entanglement does not make common sense.

MTC–00012812

From: Betty J Huckestein
To: Microsoft ATR
Date: 1/16/02 3:14pm
Subject: Microsoft settlement

Gentlemen:

Please agree to a Microsoft settlement. Let this wonderful American Company get on with it's corporate life. Microsoft has done more for the PC user than anyone else. They should be commended, not harassed. Let's settle this and let them get on with their business.

Sincerely

Betty & Dick Huckestein

MTC–00012813

From: George Hagerty
To: Microsoft ATR
Date: 1/16/02 3:18pm
Subject: Microsoft Settlement

Dear Sir or Madam:

I am writing in favor of the settlement the Dept. of Justice has reached with Microsoft. I am a self-employed CPA and a Microsoft shareholder. I have followed the case closely over the last several years. During this time, I have read the trial transcripts, the briefs, the court opinions, and most other commentary on the case.

In my opinion, the proposed settlement closely mirrors the Court of Appeals decision and makes reasonable inferences on how the Court would rule on things it did not consider. I especially like Assistant Attorney General Charles James's recent comment to the Senate Judiciary Committee about how a mythology has grown up about this case. The Court found violations, but many other claimed violations were thrown out. The proposed settlement of the nine litigating states, in contrast, bears no relation to the Court's decision, and simply seems to want to destroy Microsoft.

George E. Hagerty
George Hagerty & Company
100 Jericho Quadrangle Suite 236
Jericho, NY 11753
http://www.georgehagertyco.com/
(516) 942–8520
Fax (516) 932–6050

MTC–00012814

From: Luminescent
To: Microsoft ATR
Date: 1/16/02 3:20pm
Subject: Microsoft Settlement

Honorables,

It has come to my attention that Microsoft has recently acquired fundamental patents for 3D graphics technology and techniques from SGI. This is a dangerous situation, as it grants Microsoft significant leverage over the independent 3D hardware manufacturers who are currently supporting the only rival to Microsoft's Direct3D graphics API, OpenGL.

Microsoft has in the past worked to delay and distract advances in 3D graphics technology, such as in the abortive ''Fahrenheit'' plan with SGI in the 1990s. During that period, SGI was transitioning from selling Unix-only workstations to begin selling workstations running Microsoft's Windows NT. At the same time, OpenGL was gaining on Microsoft's Direct3D in terms of features, hardware support, and developer support. If SGI wanted to sell NT boxes, SGI would have to agree to the Fahrenheit plan. The perfectly timed Fahrenheit deal slowed that advance of OpenGL by, among other things, reducing SGI's active promotion of it,

and allowed Microsoft's Direct3D to gain a strong lead.

Yet OpenGL support still survived due to the interest of software developers and the support of third party 3D hardware manufacturers. This latest move by Microsoft to acquire core 3D technology patents would finish the hatchet job, granting Microsoft the power to force third party 3D hardware manufacturers to drop support for OpenGL, and ultimately stifle competition and innovation in the marketplace.

Please do not let this come to pass.

Thank you,

Chris Nelson

Game Developer

MTC–00012815

From: Peter J. Cacioppi
To: Microsoft ATR
Date: 1/16/02 3:23pm
Subject: Microsoft Settlement

Dear Sirs

I forward the following Scott Rosenburg article from Salon.com. I agree with it entirely.

Jan. 16, 2002] The personal computer industry may be in its worst slump in history, but you wouldn't know it by following the news from the processor wars. Over the past two years, Intel and AMD have unleashed an incredible competitive cycle in Silicon Valley. In case you missed it, last week these two chip companies offered dueling releases of new flagship processors: Intel unveiled its fastest Pentium 4 yet, running at 2.2 gigahertz and built with a new .13 micron process that crams even more transistors into an even smaller space. AMD, extending the huge success and popularity of its Athlon line and the Athlon's most recent and powerful incarnation, Athlon XP, announced the XP 2000—a chip that actually runs at 1.67 gigahertz but, third-party tests show, nearly keeps up with the 2.2 ghz Pentium 4 in most tasks (and even surpasses it in some). What's going on here is simple: Good old-fashioned competition drives engineers to continue to work miracles. Intel, the market-dominating behemoth, has always pushed new, improved products out the door faster -and dropped prices more readily—when it feels the breath of a credible competitor on its neck. For many years the competition was feeble, but that changed when AMD's Duron and Athlon chips began giving Intel a run for its money—and, for a time in 2001, actually bested Intel for the fastest personal-computer chip title. Today, these two companies keep spurring each other on, and consumers win big. For most of us, that's all we need to know: Computers keep getting faster and cheaper. The details are of interest only to the legions of hardware nuts, high-performance system geeks and chip-overclocking fans who flock to the Web's hardware review sites. Right? Well, the gigahertz specs may indeed be only geek fodder, but the other details of the Intel-AMD rivalry should be of keen interest to a much bigger crowd. That's because the competitive heat driving the processor market puts the relative frigidity of another part of the computer business into bold relief. I refer, of course, to the business of designing personal-computer operating systems—a business that Microsoft has dominated for years and that, according to the confirmed verdict of our federal courts, it now monopolizes.

What if Microsoft were challenged as strongly on its home turf as AMD is now challenging Intel? What innovations, improvements and price reductions would the public enjoy that it doesn't, today, thanks to the Microsoft monopoly? This is the big question that hangs over the continuing struggle to find a meaningful outcome to the endless Microsoft antitrust saga. And the AMD/Intel analogy is worth pursuing to try to find some answers. Microsoft and its supporters, of course, maintain that the monopoly label is misplaced. After all, can't you buy a Macintosh without buying Microsoft Windows? Can't you obtain a PC and fire it up with any of a dozen versions of Linux or other Unix-style operating systems? Sure you can—and each of those operating-system alternatives has its partisans. But for use by individuals on their personal desktops, Microsoft Windows holds the overwhelming market share—by nearly every estimate, over 90 percent. Is that simply because Windows is superior to the alternatives? There are certainly people who believe that; and, to be sure, with the release of Windows XP last year, Microsoft finally moved its flagship operating system off the aging and increasingly unstable code base it had inherited from its infancy and onto the relatively more reliable Windows NT/Windows 2000 core. But how much faster might Microsoft have achieved that improvement if it was racing a tough competitor? And how much more incentive might the company have to produce more secure, less virus-vulnerable products today? The historical record is quite clear (and the antitrust trial record is just as clear): The central reason Windows has maintained and extended its market share over the years is not product superiority but a concept economists call ''lock-in.'' Once you have all your data and all your software applications on one operating system or ''platform,'' moving to a different one is painful—it takes time and effort and money (as economists say, your ''switching cost'' is high). Over the years Microsoft has not had to push harder and faster to improve Windows because it knew that its customers were unlikely to make a fast switch to a competitor. Now, that picture would be very different if you could somehow reduce or eliminate those switching costs. What if competing operating systems could seamlessly and interchangeably run the same programs and utilize the same data files that Windows does?

Here's where the Intel/AMD analogy comes in handy. These manufacturers compete to provide chips that can run the same computer programs—known loosely as ''x86 compatible'' code—and that retain compatibility with hardware like expansion boards and peripheral devices. If you needed to write different versions of each piece of software and manufacture different versions of each piece of accompanying hardware—one that would work with Intel's chips and one that would work with AMD's—the whole competitive market would disappear. The weaker player (presumably AMD) would vanish and—presto!—Intel would have a monopoly as tough as Microsoft's.

This relatively level playing field in the x86-compatible processor business did not come about by sheer happenstance. The semiconductor industry is marked by a Byzantine pattern of patent cross-licensing agreements; they provide permanent employment for legions of lawyers, and laymen seek to understand them only at great peril. What's important about them, however, is not how they came about but that they work. Now that the federal courts are trying to figure out an effective remedy for Microsoft's abuse of its monopoly powers, the competition between Intel and AMD provides a valuable model. How would one go about enabling Microsoft's rivals to compete with it as effectively as AMD is competing with Intel?

The key here is something known as the Windows API (or ''applications programming interface'') — the set of instructions that Windows programs use to ''talk to'' the operating system. The Windows API has long been a murky issue: Microsoft has always provided some information to independent developers—it has to if third-party Windows programs are going to work. But Microsoft can and does muck around with the API, changing things that break competitors' products, anytime it wants to. And rumors have long buzzed, without ever being nailed down, that Microsoft's own developers take advantage of so-called hidden APIs that non-Microsoft coders can't use. The Justice Department's proposed antitrust settlement with Microsoft seems to demand that Microsoft do more to open up its APIs to competitors. But the fine print makes it clear that Microsoft could pretty much continue with business as usual. A more effective remedy would be one that required Microsoft to standardize and publicize the entire set of Windows APIs and the file formats of its Office applications (another key to Microsoft's monopoly ''lock-in'')—with the express goal of allowing competitors to build Windows software applications, and operating systems, that compete with Microsoft on a level field. Such a plan would require careful oversight and enforcement, since Microsoft could easily engage in all manner of foot-dragging. If Microsoft set out to be uncooperative, it could release the API information slowly, in deliberately confusing ways, or in a ''Good Soldier Svejk'' fashion -assiduously following the letter of the court's order while flagrantly violating its spirit. (There's precedent here: This is precisely how Microsoft behaved during the trial when it told the court that, sure, it would supply a version of Windows with Internet Explorer removed from its guts, but gee, sorry, then Windows wouldn't work.) Now, I can already hear the howls from the Microsoft corner that this plan is evil and un-American because it forces Microsoft to give up some of its intellectual property. Well, yes. Microsoft is in court as a repeat offender; the current antitrust suit, in which a federal district court and an appeals court have both affirmed that Microsoft is a monopoly and that it has abused its monopoly powers, arose out of the failure of a previous consent-decree settlement of an earlier antitrust case.

At some point, having repeatedly violated the law, Microsoft needs to pay a price, or it will continue with its profitably anticompetitive ways. There's no reason to think the Justice Department's proposed settlement will work any better than the consent decree of last decade did. And financial penalties can hardly wound a company that is sitting on a cash hoard of tens of billions of dollars. But intellectual property—that's something Bill Gates and his team really care about. Requiring them to divulge some of it in order to restore competition in the software market might actually get them to change the way they operate. With Microsoft's APIs and file formats fully standardized, documented and published, other software vendors could compete fairly—which, after all, is what antitrust laws are supposed to promote. We might then be faced with a welcome but long unfamiliar sight: a healthy software market, driven, as today's processor market is, by genuine competition.

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MTC–00012816

From: Rita Jellison
To: Microsoft ATR
Date: 1/16/02 3:23pm
Subject: Microsoft Settlement

Honorable Judge Kollar-Kotelly,

I am an employee at the Massachusetts Institute of Technology, and I am upset about the recent settlement between the Justice Department and Microsoft (PFJ).

First, the PFJ does nothing to stop Microsoft from operating as a monopoly through the use of its operating system. Second, the settlement does not punish Microsoft for clearly violating anti-trust laws in the past. Also, the PFJ does not provide an effective enforcement mechanism for the weak restrictions it does implement.

In closing, I'm deeply concerned the recent settlement does not regulate Microsoft enough in the future allowing Microsoft to continue its monopolistic tactics. In addition, Microsoft is not even being punished for laws it clearly broke in the past. This sets a terrible standard. I would request that you do your best to overturn this settlement.

Sincerely,
Rita M. Jellison
Allston, Massachusetts
CC:sara.Hinchey@ago.state.ma.us@inetgw

MTC–00012817

From: gene dailey.
To: Microsoft ATR
Date: 1/16/02 3:24pm
Subject: Microsoft Settlement

To whom concerned,

I believe that the proposed Federal Court Settlement regarding the alleged Microsoft wrongdoing is fair and proper. I also believe that the states choosing to withhold their support are doing so only in pursuit of monetary gains not justified by the accusations. It is my belief that, at this point in history, our Justice Department has far more pressing items to occupy it's time than to interfere in the business practices of any of our most valued companies.

Sincerely,
Terrell E. Dailey
5431 Maple St
Houston TX 77096

MTC–00012818

From: Sean Bell
To: Microsoft ATR
Date: 1/16/02 3:31pm
Subject: Microsoft Settlement

As a long-time user of personal computer products (dating all the way back to the pre-Microsoft era), it seems to me that the principle goal in the Microsoft trial should be the re-establishment of a competitive market for operating systems and core software (ie, Office-like applications, browsers, and email clients). The key to this is an open standard to which developers can write, a sort of lingua franca for programmers. This standard already exists, in the form of the Windows Application Programming Interface (API), but the standard is NOT open. The Windows API is defined by Microsoft, and though large parts of it are made public (it is, after all, how programmers are able to craft products to run on Windows at all), other key components are almost certainly kept secret, to be exploited by Microsoft's own development teams. Keeping this information proprietary provides Microsoft with a non-competitive advantage when it comes to writing applications which run on top of Windows, and also prevents anyone else from writing an operating system which will respond appropriately to API calls made by others' applications.

BUT, if the court were to order (and enforce) the opening of the Windows API, Microsoft would find itself playing on the same field as other software developers. While they would still enjoy an enormous advantage as the original creators of the API, in the long run other developers would at least have a chance to fully learn the API, contribute to its future expansion, and possibly provide some real competition to Microsoft in not only the applications arena, but in the operating system market, as well.

That is the goal, right?

Thanks for your consideration. I am sure you have heard, and will hear, a great number of suggestions which run along similar lines to this one, hopefully much more fully fleshed out. I simply want to add another vote for real reorganization, as opposed to some kind of basically meaningless financial penalty. The future of digital technology, which contains so much promise, is in my opinion largely contingent upon the recreation of an open, furiously innovative, market. A slap on the wrist, even a hard one, will not accomplish this. An open API will.

Cheers,
Sean Bell
bells@imagesystems.com

MTC–00012819

From: DeSpain, David R.
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/16/02 3:35pm
Subject: Microsoft Settlement

Dear Sirs:

First of all, I am writing this as my personal opinion, it does not represent the position of the Illinois Department of Transportation. Microsoft deserves no sympathy or kindness. Do you remember the company that developed a disc compression utility called Stacker? Microsoft blatantly copied this, and when Stacker won in court, Microsoft bought the company rather than pay a larger penalty. This is what they laughingly call ''innovation''. Their ''freedom to innovate'' is the freedom to steal other's property, force makers to buy their OS for every unit or else pay full retail price, and use the profits from the OS to force other companies (WordPerfect, Stacker, Netscape) out of business.

What they can't control, they mess in. After their purchase of a large interest in Corel, Corel suddenly lost interest in what was arguably the best Linux distribution available. Please investigate this purchase as it surely is anti-competitive.

Besides, since when does a convicted criminal get to pick the punishment he feels appropriate?

David R. DeSpain, PE
Communications Systems Engineer
Illinois Department of Transportation
2300 South Dirksen Parkway Room 009
Springfield, IL 62764 217–782–7234 FAX 217–782–1927

MTC–00012820

From: John—
Parkan@paramount.com@inetgw
To: Microsoft ATR
Date: 1/16/02 3:50pm
Subject: Microsoft Settlement

A level playing field must be created for every other software and operating system vendor alike.

Microsoft is guilty. That much is true.

The only way to completely level the playing field is to open up, document and publish Microsoft's APIs and file formats. While I don't believe that these should be standardized on (there are much better solutions from third party vendors out there) this will give those companies ways to work around the tangled mess Microsoft has weaved in both their API sets and file formats to: a) prevent the competing software of others to work properly with their OS, b) to create incentives for upgrade's by not being compatible with eariler formats in their own programs and c) to use ''hooks'' in the API's available only to them.

I thank your for your time and consideration.

Regards,
John Michael Parkan

MTC–00012821

From: Robert Corkrum
To: Microsoft ATR
Date: 1/16/02 3:49pm
Subject: microsoft settlement

We must move on ,there are probably millions of shareholders like me who are tired of our elected officials dragging this on anymore!!!!! Who are they listening to?

Who are they helping?

Bob Corkrum

MTC–00012822

From: Bob
To: Microsoft ATR
Date: 1/16/02 3:54pm
Subject: Good or Bad

Take a look at History. Microsoft played a large part in making computing available to almost everyone.

Give Microsoft a break.

Bob Martin

MTC–00012823

From: Larry Moe
To: Microsoft ATR
Date: 1/16/02 3:58pm
Subject: settlement

Lets get this Microsoft thing over and get back to building up our economy. Thank You,

Larry Moe

MTC–00012824

From: jozevuk@webtv.net@inetgw
To: Microsoft ATR
Date: 1/16/02 4:05pm
Subject: Settlement

I have been in constant review of all judicial proceedings regarding the final offer made by Microsoft; it has consumed much valuable time and effort on both sides if the issue. Now is the time to finally conclude these efforts. The proposal made by Microsoft is fair, tough and balanced. The consumer is very much protected. It is time. In conclusion, I feel that acceptance of the offer will greatly effect and stimulate the U.S economy, and the world's in direct proportion as when the litigation caused the markets to decline. Microsoft could lift all boats and bring back a strong economy. This is the right thing to do.

MTC–00012825

From: Gil7@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 4:08pm
Subject: Microsoft Settlement

I think that even what ''Microsoft'' settled for is far beyond what the punishment should be. Actually there should be no punishment for being an innovative, successful software manufacturer. Microsoft is the best because they work harder and smarter.

No consumers were hurt. The cost for ''Windows'' is in line with what other software makers charge for their operating systems. If there was a better operating system out there it would have become the standard no matter what marketing ploys Microsoft used. People just want the easiest, best software available.

If there was a better operating system or even one as good as ''Windows'' wouldn't you think even one computer manufacturer would have included it with their computers?

As far as bundling is concerned, you don't have to be a computer genius to bypass Microsoft's products that are bundled.

It's clear that this is being pushed by Microsoft's competitors. They should spend more time and money innovating rather than trying to hurt Microsoft. No harm—no foul—no punishment.

Gil Rosoff

MTC–00012826

From: Barbara Thompson
To: Microsoft ATR
Date: 1/16/02 4:12pm
Subject: Microsoft Settlement

I have received your e-mail pursuant to our phone conversation of yesterday. I am happy to reply to Atty. Gen. Ashcroft on behalf of Microsoft because I believe in the company and its management.

However, what prompted you to contact me in the first place was the fact that I had recently attempted to contact Microsoft Outlook for help with a technical problem. I find it impossible to obtain a direct e-mail address for this help or even a phone number so that I may talk with someone about it. It is a simple problem I'm sure; I just need to know how to address it. Would you please see that someone from Microsoft Outlook contacts me and gives me some answers. I would appreciate this help as soon as possible.

Thank you.

Barbara Thompson

P.S. The nature of the problem is as follows: We have two addresses served by one account on M.O.: Barbara Thompson—barbarathompson@kscable.com and Bill Thompson—billthompson@kscable.com.

A box keeps appearing on my screen showing Internet Server (Bill Thompson) or (Willard Thompson) that I either have to ''okay'' or ''cancel''. It keeps popping up several times in a span of minutes. I don't know how to erase it permanently—particularly the ''Willard Thompson'' box. The other thing is that on the ''Tools'' menu, there is not an option for ''Accounts'' or ''How to Manage Accounts''. Why has this disappeared from my tools menu?

Please see that someone gets this message and that Microsoft is kind enough to offer me some help. I will be much more willing to respond positively in their behalf. Thank you very much.

MTC–00012827

From: steve cooley
To: Microsoft ATR
Date: 1/16/02 4:15pm
Subject: microsoft acquiring SGI 3d patents.

there are news reports circulating today that Microsoft has acquired patents from SGI, Inc., regarding some 3d technologies and the OpenGL 3d platform. OpenGL is the only competition Microsoft has to it's own Direct3d platform. By acquiring these technologies, it's created a monopolistic situation on the continuing developement of 3d technologies. It's not inconceivable that hardware manufacturers would be pressured to stop supporting OpenGL and only support Direct3d, which excludes all platforms but Microsoft's.

I urge you to investigate these matters.

thank you.

Steve. . .

MTC–00012828

From: Barbara Thompson
To: Microsoft ATR
Date: 1/16/02 4:14pm
Subject: Recall: Microsoft Settlement

Barbara Thompson would like to recall the message, ''Microsoft Settlement''.

MTC–00012829

From: RBRrat@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 4:17pm
Subject: Settle in Favor of the Microsoft Proposal and penalize the holdouts

To whom it may concern:

To Justice Department Officials, States against Microsoft, and their Lawyers: I don't know what is wrong with you legal officials. You must settle this case in favor of Microsoft immediately. The initial attack on Microsoft by all the states was terrible and nearly destroyed the American Economy. Now you have the chance to correct your tragic mistake, which harmed thousands of lives and thousands of families, and settle this problem once and for all. Who knows if the Stock Market and economy will ever recover? Instead, we have greedy holdouts and lawyers wanting to get rich still. . . off of Microsoft, and at the expense of the average American citizen.

Please, accept Microsofts proposal. End this unconstitutional attack on the free enterprise system.

You are so bad, you should be removed from office or position. The States which continue to refuse Microsoft's settlement offer should be penalized for being UnAmerican, the rest of the States should refuse to trade with them, and. . . . ask yourself . . . . Why in the world doesn't Mr. Bill Gates take his company to Canada or somewhere where ingenuity, hard work, and the free enterprise with it's entrepraneural spirit is wanted and honored. Act now, act right, Free Microsoft, and do your duty to God and country.

Richard Radke
12432 Juanita Dr. NE
Kirkland, WA 98034
RBRrat@aol.com

MTC–00012830

From: Leon O'Dell
To: Microsoft ATR
Date: 1/16/02 4:18pm
Subject: Microsft Case comment

I think this has gone on long enough. If it hadn't been for Microsoft, we wouldn't have personal computers in so many homes. Leave them alone, settle this thing once and for all, and let the free marketplace decide. The Department of Justice should be seeking the truth in more serious matters, such as the Clinton ''last minute'' pardons (read: bribes).

Leon O'Dell
Youngsville, NC

MTC–00012831

From: Praedor Tempus
To: Microsoft ATR
Date: 1/16/02 4:19pm
Subject: Microsoft Settlement

As a citizen I wish to express my strong opposition to the microsoft settlement as agreed to by the Justice Department and stand firmly behind the 9 hold-out states seeking to properly address microsoft's past and continuing misdeeds and unlawful behaviors.

Microsoft has continued to leverage its operating system monopoly to gain ground in other areas since the start of the antitrust suit. They are continuing to move to leverage their

operating system monopoly to grab hold of internet commerce, forcing online purchasers to go through microsoft databases on microsoft servers with microsoft software. They are seeking to make the internet a primarily microsoft-driven domain; the internet cannot be allowed to ''belong'' to ANY corporation in any way. It belongs to everyone and must continue to be accessable by anyone with any operating system.

Microsoft is buying out patents, so it seems, from the faultering SGI. This itself bodes ill for SGI is the source of an OPEN graphics format used in industry and entertainment called OpenGL (Open Graphics Library). It is not likely, given microsoft's past and current behavior, that no harm will come of this. Indeed, it is likely that microsoft will seek to impose restrictive licensing terms on OpenGL licensees or use their purchases control of the library to drive it out of existence in favor of microsoft's own, propriatory direct3d graphics library (which ONLY works on microsoft operating systems).

Microsoft simply must have its teeth pulled. It MUST be forced to compete ONLY on the merits of software and in no way be allowed to ever leverage its current operating system monopoly to drive adoption of ANYTHING else they produce.

I do not know why the DOJ caved in and essentially allowed microsoft to write their own punishment, but is stinks to high heaven. The 9 holdout states stand in the right, they stand for the law, and they stand for fair competition. Their remedy is far and away superior to the toothless ''remedy'' accepted by DOJ at the behest of microsoft.

praedor

Utah

MTC–00012832

From: brownsm
To: Microsoft ATR
Date: 1/16/02 4:21pm
Subject: Microsoft Settlement

To whom it may concern,

My name is Susan Brown, I am a professional who has been in the Information Technology field since the 1970's. As a consumer interested in using the best and most reliable products available, you must know that I would select Microsoft products any time of the day and for the rest of my life!

Those who are leading the attack against Microsoft must stop this crusade against a company that has managed to develop the best products possible for appreciative consumers. The fact that other envious companies have not been able to produce valuable products gives no one the right to attack and to destroy a company who has!

Leave Microsoft alone and be glad that Bill Gates and his team have brought the whole world into the enlightened, productive, and efficient time that we, the consumers, enjoy today!

My name is Susan Brown; I am in support of Microsoft and you can contact me directly at (562) 923–7873

MTC–00012833

From: Wesley Salmon
To: Microsoft ATR
Date: 1/16/02 4:21pm
Subject: Microsoft Settlement

It took me two seconds to send this email because Microsoft made efficient integrated software. I would appreciate it if yall would stop shaking them down. How much tax revenue has Microsoft generated? You should be thanking them for paying your paycheck.

Wesley Salmon

MTC–00012834

From: Jeff Ferland
To: Microsoft ATR
Date: 1/16/02 4:23pm
Subject: Public comment on case

I find there to be two reasonable courses of action to take on this issue, the first being less severe, more fair, and more generic; while the second is almost extreme.

My first reaction is to ban any agreement that forces you to buy an operating system with a computer, and if you opt to not take the offer then the cost of the operating system should not be charged to you. The same ought to apply for bundled software. It is certainly unfair to me to when I go to buy a laptop to know that I must pay what many Unix computer professionals have come to refer to as a ''Microsoft Tax.'' Linux seems much more suited to me and having to pay for another operating system of which I have no intent of using is incredible (this also applies for those of us who already own a license for Windows that is not being used and would prefer to spare themselves the expense of paying for something twice). I can't see this as being anything but fair and competitive as there is no single common computer architecture for which only one operating system is capable of running on.

In addition to the above, I would also find it beneficial should Microsoft (specifically this time) be prohibited from bundling any of their products together at reduced cost. The cost of a complete office suite should be the same as the individual ones, and the same goes for their browser which should not be integral to the operating system. Windows ought to be available without Internet Explorer, and should also cost less without it (though I don't see any argument to it being downloadable for free). My second and much more drastic suggestion is the corporate death penalty. Basically the revocation of Microsoft's corporate charter. All their code would be forced open and placed on publicly accessible servers that will be maintained from some of Microsoft's resources. Their physical parts (computers and such) would be sold at a public online auction. In any case, my belief is that the suggestions I have presented first should be instated. My second suggestions should be weighed carefully and I make no movement to support them—they are merely presented as a possible solution as it is not my right to make such a decision.

-Jeff

SIG: HUP

PS—Just another computer user that doesn't think corporations should be allowed to tax you for what they don't own.

MTC–00012835

From: Bryan William Jones
To: Microsoft ATR
Date: 1/16/02 4:25pm
Subject: Microsoft Settlement

Microsoft and their supporters maintain that the company must be allowed to continue to innovate in the computer market without restraint on the part of the government. The reality is that Microsoft actually does very little innovation other than purchasing products and companies and either integrating them into their Windows product or if not feasible from a business sense they kill products that would otherwise compete with the Windows monopoly. Microsoft is not so much about innovation as they are about marketing and their corporate behavior has always been one of repression of small (and large) technology businesses, and as such innovation in the computer industry has been held back and in some cases driven back.

To appreciate how absurd these claims of innovation are we only have to look at the origins of Microsoft that go back to a purchase from Tim Patterson of a product called X86-DOS. X86-DOS was then rebranded as MS-DOS and licensed to IBM for use in their computers. No innovation here. Windows was copied (rather badly in earlier forms) from Apples Lisa and Macintosh lines and was not actually an operating system per se as much as it was an application that ran on top of the real operating system that was still DOS. By the way Novell also had a DOS, which Microsoft crippled by making their Windows application incompatible with thus driving that product out of the market and causing harm to Utah residents and consumers as well as possibly the software industry as a whole.

Contrary to popular belief, the web browser was not invented by Microsoft either. Microsoft was late to that game. The web browser was actually invented on the NeXT platform and Microsofts claim comes by way of licensing of code from a company called Spyglass in 1995. They then called the product MS Internet Explorer. Where Spyglass was harmed was in the licensing agreement. Microsoft agreed to give Spyglass any royalties from the sale of Internet Explorer. When Microsoft started giving away Internet explorer to drive Netscape out of business, there were no royalties available to distribute to Spyglass.

As for Microsofts other products, one would be hard pressed to find one that was not purchased, licensed or conceptually stolen from another company. To illustrate: Microsoft did not invent the word processor as there were many examples of the concept before Word on such platforms as the Apple II, the Osborne, Commodore, Atari, and the TRS-80. Excel was not the original spreadsheet program as that honor goes to Visicalc which originally was created on the Apple II computer. The product we know as Excel was contracted for Apples Macintosh computer in 1984 and was called xcel/Multiplan. Microsoft then created their own ''Excel'' for Windows. The Microsoft Foxpro database was the result of a purchase of Fox software in 1986, MS-OLE came from Wang labs, Powerpoint came from the purchase of Forethought Inc. in 1987, SQL server was purchased from Sybase in 1988, Visual Basic was purchased from Cooper software in 1991,

and Windows NT which begat Windows 2000 and Windows XP was originally XENIX and was written under contract by Santa Cruz Operation. Even Microsofts games are not home grown efforts. Flight Simulator was purchased from the Bruce Artwick Organization, and their central software product for their forthcoming X-Box game console is the result of a purchase of a company called Bungie which got its start developing for again, the Macintosh.

One could argue that even with Microsofts anti-competitive behavior, they are bringing products to market and making them available to the consumer. But in bringing many of these products to market, Microsoft has used their monopoly status to get away with quality control issues that companies in any other industry would be run out of business for. Microsofts product strategy is not to deliver well designed products based on good engineering, rather their goal is getting products out the door regardless of their level of completeness or the level of quality of the product. They are in reality a timeline driven company rather than a product driven company that even with the benefit of copying others work, they copy and implement that work badly.

The result of this can be seen in numerous bugs that crop up when we are using our computers which for most of us are minor to relatively serious inconveniences, but for organizations like the Navy, they can be deadly as exemplified when Windows NT crashed the computer systems of the USS Yorktown leaving it dead in the water off the coast of Virginia. We can all imagine what would have happened had this crash occurred in combat.

Continuing Microsofts recidivist behavior, the company in releasing XP is tying more and more products into the Windows monopoly and as such they are eliminating consumer choice and continuing to leverage Windows to gain access to other markets and eliminate competition in those markets as well. Does this tying of products into the Windows monopoly constitute innovation? Perhaps loosely but the real question is: How does this affect the consumer? Companies like Spyglass certainly have been taken advantage of as well as the other companies affected by Microsofts behavior throughout the companies history leaving us to ask ourselves, where would we be today if companies small and large were not afraid or unable to compete with Microsoft?

Additionally, it has come to my attention that Microsoft has also recently purchased the patents for 3D technology from SGI. This will possibly allow Microsoft significant leverage over the independent 3D hardware manufacturers who are currently supporting the only rival to Microsoft's Direct3D graphics API, OpenGL. This places development of 3D technology in jeopardy as Microsoft will most likely take what tools they can from OpenGL, integrate them into the Windows paradigm and then eliminate all further development of the OpenGL standard causing significant harm to the consumer and industry.

Best Regards,
Bryan William Jones
bryan.jones@m.cc.utah.edu
University of Utah School of Medicine
Moran Eye Center Rm 3407
75 N. Medical Dr.
Salt Lake City, Utah 84132
http://insight.med.utah.edu/marc/index.html

MTC–00012836

From: Lawrence C Hale
To: Microsoft ATR
Date: 1/16/02 4:25pm
Subject: Microsoft Anti-Trust settlement

The settlement is more than just by Microsoft.

MTC–00012837

From: Bob and Tiny Skagen
To: Microsoft ATR
Date: 1/16/02 11:01am
Subject: settlement

I don't know why the goverment is so biased against Microsoft. That company has done so much for our country , I think the government wants too much control of everything. Is the government jealous, that's my question.

Sincerely,
Ruthella Skagen—a 72 year old taxpayer

MTC–00012839

From: Sharrie Dyer
To: Microsoft ATR
Date: 1/16/02 4:26pm
Subject: Microsoft settlement

Please get off Microsoft's back. I am a senior citizen who relies on Microsoft products because they're the easiest to learn and use. I don't understand why you're trying to punish them for being innovative and meeting public needs.

MTC–00012840

From: Johnny Appleseed
To: Microsoft ATR
Date: 1/16/02 4:31pm
Subject: Microsoft Settlement

I am a libertarian Republican.

Having considered the evidence, it is clear that Microsoft is true monopoly, and it has abused its monopoly powers in an anticompetitive manner. Accordingly, its monopoly must be broken. This is the single most important element. It bears commenting that other businesses may be bahaving in an anticompetitive manner in other fields (beyond Operating Systems), and those should be pursued as well.

Finally, the ''tolerance'' of anticompetitive practices by Microsoft may lead other businesses to behave anticompetitively as well, as this might be seen as necessary for survival.

Michael Conard

MTC–00012841

From: Jeff Wimble
To: Microsoft ATR
Date: 1/16/02 4:30pm
Subject: MICROSOFT SETTLEMENT

Microsoft should have never been attcked as they were in the first place. It was a silly, pointless investigation from start to finish, especially the last six or eight years of it.

I hope the investigation proved to COngree and the American people just how silly, petty, and useless the anti-trust divison is. I hope congress drastically cuts their funding in future years.

MTC–00012842

From: Sean Flanegan
To: Microsoft ATR
Date: 1/16/02 4:34pm
Subject: Microsoft Settlement

Dear Judge. . .

I would like to state that I disagree with the Microsoft settlement. I believe that it is unfair.

Thank you
sf

MTC–00012843

From: John Wright
To: Microsoft ATR
Date: 1/16/02 4:33pm
Subject: Microsoft settlement

Dear Justice Department,

Antitrust law is illogical, ex post facto, unenforceable. If a business sets a price above the prices of its rivals, it can be charged with ?intent to monopolize.? If it sets a price below those of rivals, it can be charged with ?predatory pricing? or ?unfair competition? or ?restraint of trade.? If it charges a price similar to those of rivals, it can be charged with ?collusion? and joining a ?conspiracy to fix prices.? Antitrust law substitutes the free choices of the free market for the coersive judgment of one judge. The alleged benefits to the consumer are a myth; the court takes money away from the people whom the consumers rewarded with thier patronage, and gives it by force to those the consumers did not want to pay.

In every case, prices to consumers go up after the courts make an antitrust ruling. The business losses to the United States economy run to the billions of dollars.

In this case, Microsoft is under attack by an envious rival. The several states should be forbidden from pursuing this case.

Yours, John C. Wright
Centreville, VA

MTC–00012844

From: Sean Flanegan
To: Microsoft ATR
Date: 1/16/02 4:34pm
Subject: Microsoft Settlement

Your Honor. . .

This is a note stating that I don't not agree with the settlement regarding Microsoft. I believe it is unfair.

Thank you for your time.
Sean Flanegan

MTC–00012845

From: Frank.Post@engelhard.com@inetgw
To: Microsoft ATR
Date: 1/16/02 4:35pm
Subject: ''Microsoft Settlement''

If the government is interested in breaking up a monopoly, they should start with the Department of Education.

MTC–00012846

From: Matthew Drabik
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/16/02 4:37pm
Subject: Microsoft Settlement

Issue an apology to Microsoft and America and be done with it. The DOJ made a mistake

even starting this and should admit it publicly.

Matthew Drabik
4571 Southland Avenue
Alexandria, VA 20170
(703) 354–91378

MTC–00012847

From: Anuj Goyal
To: Microsoft ATR
Date: 1/16/02 4:43pm
Subject: Microsoft Settlement

Microsoft buys (some) SGI patents: http://slashdot.org/articles/02/01/16/1824256.shtml I understand that Govt. lawyers are having a difficult time reaching a settlement with Microsoft, but do not allow them keep buying intellectual properly which will let MS create a monopoly in graphical software or graphical APIs as well. During this time of uncertainty, the US Govt. should be scrutunizing everything that Microsoft does in relation to their bottom line. Competing standards have always brought about inefficiency and by having one major company controlling the graphical standards that the rest of the world uses, it do a great injustice to free markets and an efficient economy.

Sincerely,
ANUJ GOYAL
6401 SHELLMOUND ST APT 7204
EMERYVILLE CA 94608–1072
Home: 510.597.0348 (pls call b/w 5pm-8pm PST)

MTC–00012848

From: Choate, B Paul Mr EACH
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/16/02 4:39pm
Subject: Microsoft Settlement

Settle. Get off their case. Let economic forces determine their fate. By the way, Microsoft is less of a ''monopoly'' now than Apple was in it's heyday (early 80's). The technology industry is way to volitile for anyone to rule forever.

B. Paul Choate, M.D.
Colorado Springs

MTC–00012849

From: donnie walt
To: Microsoft ATR
Date: 1/16/02 4:41pm
Subject: Government has a bad enough reputation!

Leave Bill alone if you don't like windows use a Mac.

Government has a bad enough reputation! Leave Bill alone if you don't like windows use a Mac.

MTC–00012850

From: austin and dana troy
To: Microsoft ATR
Date: 1/16/02 4:42pm
Subject: microsoft settlement

Whle I think Bill Gates is too arrogant by far,the country does itself a disservice by continuig this qJihad against MSFT.If it wern't for Windows the PC industry would never have had its explosive growth. To me it seems impossible to have predatory,anti-competitive pricing on an operating system on one hand and gouging of the consumer on the other.

By the way I own no shares in MSFT,and haven't for several years.

Austin Troy

MTC–00012851

From: Ed Robinson
To: Microsoft ATR
Date: 1/16/02 4:46pm
Subject: Microsoft Settlement

I think the government ought to sock them the maximum amount allowable. They have gotten away with computer equivalent of murder and ought to have to pay the piper. How about every user (of MS record) in the world getting a check for $20 as a one time settlement for the company's monopolistic actions for at least the last five years? They certainly shouldn't be allowed to put a bunch of dirt cheap computers loaded with MS programs into schoolrooms.

Sincerely,
Edward G. Robinson
2406 Oakwood Way
Smyrna, GA 30080–3881

MTC–00012852

From: Richard Sheppard
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/16/02 5:00pm
Subject: Microsoft Settlement

This is a trial lawyer scheme for heaven's sake. Shut it down forthwith!

Regards,
Dick Sheppard
Jersey City, NJ

MTC–00012853

From: Steve Gilbert
To: Microsoft ATR
Date: 1/16/02 4:51pm
Subject: Microsoft Settlement

I am in favor of the settlement on the table involving Microsoft. I wonder what the nine states attempting to get further concessions from the settlement are reaching for? As for Utah, I believe there is a software company (Novell) that competes with Microsoft in some areas, and we have some conflicts regarding an impartial decision.

MTC–00012854

From: RPineo@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 4:53pm
Subject: Microsoft Settlement

January 15, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I would like to express my emphatic opinion that it is time to settle the

Microsoft antitrust case. The case has gone on for far too long. I believe Microsoft was pretty aggressive in their marketing. However, this was an entirely new area of business with no real way of knowing from past experience what would be considered an anti-trust infringement and what would not. Microsoft's hands have been slapped. In fact, as I understand them, the terms of the settlement not only slap Microsoft's hands, but also ties them in the future. Microsoft has agreed to not retaliate against software or hardware developers who develop or promote software that competes with Windows. They have agreed to grant computer makers broad new rights to configure Windows so as to promote non-Microsoft software programs. And they have agreed to design future versions of Windows so that competitors can more easily promote their own products within Windows. This seems almost the opposite of free-market enterprise and certainly mandates co-operation with their competitors.

As an Iowan, I disagree with the stand Attorney General Tom Miller has taken. I tried to send him an e-mail (lacking his e-mail address, I ended up sending care of the Governor) telling him this. I have had no reply. I think he is wrong and is letting political interests guide him instead of looking out for what is best for the State of Iowa as well as the nation. Any error Microsoft made in too enthusiastically promoting their growth has been mitigated, in my mind, by the huge advances their innovations have caused in all areas our society and the economy and IT sector. We need more entrepreneurial endeavors in this country. Especially since 9/11, we don't need to spend time and efforts on things like this. That is why it is your job to take a stance and finalize the settlement. Thank you for your time.

Sincerely,
Linda Pineo
1568 Rio Valley Dr.
Des Moines, IA 50325

MTC–00012855

From: Doug.Levene@us.pm.com@inetgw
To: Microsoft ATR
Date: 1/16/02 4:53pm
Subject: Microsoft Settlement

January 16, 2002

Dear Sir or Madam:

I have been practicing law for 20 years and am writing to express my support for the DOJ settlement with Microsoft Corporation. I do not represent any party to this matter.

As I read the Court of Appeals decision, the tying case has effectively been thrown out. As a consequence, the DOJ deserves in my view plaudits for obtaining better terms than it could possibly have obtained upon retrial. The State Attorney Generals who have opposed this settlement are purely political opportunists with no knowledge of the law, and the competitors of Microsoft are ignoring the fact that their tying case is gone.

Sincerely yours,
Douglas B. Levene
45 Ryders Lane
Wilton, Conn. 06897
Levene@optonline.net
Admitted in New York and Illinois.

MTC–00012856

From: David Rasmussen
To: Microsoft ATR
Date: 1/16/02 4:47pm
Subject: Renata Hess, Microsoft settlement

Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

This email is being written in support of the Microsoft settlement. I believe the

settlement provides Microsoft with the guidelines it needs to market their product legally.

Sincerely,

DeMar ''Bud'' Bowman, Representative
Utah House of Representatives District #72

MTC–00012857

From: John Borchers
To: Microsoft ATR
Date: 1/16/02 4:56pm
Subject: Microsoft settlement

Dear sirs,

Just leave Microsoft alone. Their competitors are using you to harm Microsoft unfairly, and no consumers were damaged in any way. Thanks.

John Borchers
Camp Verde, AZ

MTC–00012858

From: Allen Covert
To: Microsoft ATR
Date: 1/16/02 4:59pm
Subject: Microsoft

Let it go. Sign the settlement and let the biggest economic engine in the world rev up again.

MTC–00012859

From: Jeff Quiggle
To: Microsoft ATR
Date: 1/16/02 4:59pm
Subject: Microsoft Settlement

The settlement agreement Microsoft and U.S. Government is a positive step and should be allowed to stand.

Jeffery J. Quiggle

MTC–00012860

From: Anderson, Kyle
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/16/02 4:54pm
Subject: Microsoft Settlement

Kudos on your decision to settle with Microsoft and promote a stronger, healthier business for a company that has done so much for bringing technology to us. I support your decision to encourage best business practices without letting illogical bias get in the way. Thanks!

Kyle Anderson

MTC–00012861

From: Becky Spoon
To: Microsoft ATR
Date: 1/16/02 4:59pm
Subject: microsoft settlement

I think the settlement is one of the best things that ever happened to Microsoft and one of the worst for the welfare of the public. I've been telling people for years that if Microsoft were smart, they'd be giving old computers to the schools so they could undercut Apple's position in the marketplace. They call this PUNISHMENT? Give us a break. How stupid do ''they'' think the American public is?

(Apparently VERY stupid. . .)

MTC–00012862

From: Jim Lang
To: Microsoft ATR
Date: 1/16/02 5:01pm
Subject: ''Microsoft Settlement''

To whom it may concern,

For the last 8 years, Microsoft has been the subject of continual harassment by our Federal Government. This was started one year after Clinton was elected into office as POUS. The reason for this harassment was and is pure politics. During his campaign for President, Clinton was supported in this effort by Larry Ellison, Pres of Oracle. Oracle competes with Microsoft. Oracle was loosing market share to Microsoft at that time (and they still are . . .). Ellison convinced Clinton to wage war with Microsoft in hopes that Oracle would gain a better position in their market. Microsoft successfully defended itself against this attack. A settlement was finalizes that all parties agreed to abide with.

The USDOJ should also honor this settlement. To continue to attempt to destroy an American company the way you have, is contrary to all the beliefs of our free society.

Regards,

Jim Lang

MTC–00012863

From: LEONARD ABRAHAM
To: Microsoft ATR
Date: 1/16/02 5:03pm
Subject: antitrust suit

as a microsoft shareholder i think the government shoud close the case. time and money have been spent and i believe the company has performed in a just manner. many of their competitors would like to carry this on i think because they are unable to come up with solutions for their own companies.

MTC–00012864

From: RADUIP
To: Microsoft ATR
Date: 1/16/02 5:03pm
Subject: Microsoft Settlement

I believe that the best punishment for Microsoft would be: ''NO GOVERNMENT INVOLVE IN THE SUIT OR THEIR AGENTS SHALL USE ANY MICROSOFT PRODUCTS FOR 5 YEARS'' This would leave the consumers alone to make their own choices. Microsoft competitors have instigated this suit.

CNN only advertises AOL on their channels. No MSN,Earthlink,Mac.com,etc

Sincerely
Radu Pacurariu, MD
920 Wyoming Ave.
Forty Fort, PA 18704

MTC–00012865

From: Darin Johnson
To: Microsoft ATR
Date: 1/16/02 5:04pm
Subject: Microsoft Settlement

If this case cannot be abandoned outright, it should be settled as quickly and painlessly as possible. It is an embarrassment that the Justice Department ever sought to punish one of America's most productive and important companies. The decision to do so seems to have been based on politics instead of reason.

Darin Johnson
Seattle, WA

MTC–00012866

From: Tom Kaitchuck
To: Microsoft ATR
Date: 1/16/02 5:05pm
Subject: MS Buys (Some) SGI Patents

It has come to my attention that Microsoft has recently acquired fundamental patents for 3D graphics technology and techniques from SGI. This is a dangerous situation, as it grants Microsoft significant leverage over the independent 3D hardware manufacturers who are currently supporting the only rival to Microsoft's Direct3D graphics API, OpenGL.

Microsoft isn't in the PC hardware business, and it's unlikely that the patents will change its technical strategy. But they do add significantly to its bargaining position with hardware vendors, giving Redmond important new leverage. Rival APIs, principally OpenGL, are kept alive through the support of graphics hardware vendors. And for a hardware partner, avoiding a lawsuit, or gaining a contract to work on future versions of Xbox, may well outweigh the advantages from continuing to support OpenGL.

Microsoft has in the past worked to delay and distract advances in 3D graphics technology, such as in the abortive ''Fahrenheit'' plan with SGI in the 1990s. During that period, SGI was transitioning from selling Unix-only workstations to begin selling workstations running Microsoft's Windows NT. At the same time, OpenGL was gaining on Microsoft's Direct3D in terms of features, hardware support, and developer support. If SGI wanted to sell NT boxes, SGI would have to agree to the Fahrenheit plan. The perfectly timed Fahrenheit deal slowed that advance of OpenGL by, among other things, reducing SGI's active promotion of it, and allowed Microsoft's Direct3D to gain a strong lead.

Yet OpenGL support still survived due to the interest of software developers and the support of third party 3D hardware manufacturers. This latest move by Microsoft to acquire core 3D technology patents would finish the hatchet job, granting Microsoft the power to force third party 3D hardware manufacturers to drop support for OpenGL, and ultimately stifle competition and innovation in the marketplace.

Please do not let this come to pass.

Thank you,

Tom Kaitchuck

MTC–00012867

From: Katy Bagierek
To: Microsoft ATR
Date: 1/16/02 4:47pm
Subject: Microsoft settlement

My opinion: Bill Gates and Microsoft have created thousands of jobs, hundreds of millionaires and have improved US industry and government. There is a lot of competition out there and anyone could surge ahead. There's an old saying that if a person could build a better mousetrap the world would beat a way to his doorstep. That's what Bill Gates has done, and now they're trying to hang him for producing that better mousetrap. Antitrust laws should be abolished. They don't protect the consumer who can always go elsewhere, they just destroy all those good mousetraps.

Katy Bagierek
Dillingham, AK

MTC–00012868

From: Jskenyon76@aol.com@inetgw
To: Microsoft ATR

Date: 1/16/02 5:12pm
Subject: DOJ Actions against Microsoft

''Justice'' Department actions to bring down Microsoft seem anything but just to me. Microsoft has built just about the best mousetrap that has ever come on the scene in a country once noted for recognizing and rewarding business endeavors that benefit the entire country. And Microsoft has made a tremendous contribution to the development of information technology that is beneficial to our entire economy and America's continuing leadership in the business world. They have done this in a fair fight in a highly competitive game and, because some of their less successful competitors have whined, DOJ has decided to punish Microsoft's success. Where is fairness; where is justice; where are integrity and honesty? Let's get on with rewarding success rather than punishing it. And at the same time, let's stop punishing those, including self, I proudly note, who have recognized Microsoft's contributions by investing in Microsoft stock and find themselves also financially abused by inappropriate government intervention in a highly successful business enterprise that has vastly benefitted the entire country including those who would tear it down. Please let us persue both justice and sanity, allowing business acumen, common sense and market forces free rein.

Respectfully,
Jack S. Kenyon

MTC–00012869

From: Patrick O'Brien
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/16/02 5:19pm
Subject: Leave Microsoft Alone!

I am one of many information technology professionals whose income depends, in large part, upon Microsoft. Please stop the attacks against this company!

Patrick O'Brien
3130 Lafayette Ave.
Saint Louis, MO 63104

MTC–00012870

From: Dick Norman
To: Microsoft ATR
Date: 1/16/02 5:13pm
Subject: Microsoft Settlement

DOJ,

As a successful computer consultant for the past twenty years to numerous major corporations including IBM, Michelin, Arco, Deutsche Bank, and Fortune, I appreciate the opportunity to comment on the Microsoft Settlement.

Microsoft's success has been largely due to their ability to develop ''best of breed'' applications and to distribute and market those worldwide. Their success is also due to the strategic blunders of their competitors. From Novell to WordPerfect to Oracle to Netscape, each of these competitors (and many more) has failed miserably in critical areas of product design, marketing, or support. We have been led to believe that the government should protect these software vendors from their own incompetence. Here are just a few examples of what is a very long list.

WordPerfect failed to grasp the significance of the graphical user interfaces (GUI) used by the Macintosh and Windows. As a consequence, they were several years late to market with a Windows based product—a very costly blunder. Their market share fell from over 80 percent to well under 10 percent in the very important word processing/suite segment.

Novell once ''owned'' the file server market. They, like WordPerfect, hung on to their character based user interface. Recognizing this weakness Microsoft developed a competitive product which was so intuitive that server administrators rarely had to attend classes or refer to manuals. Novell still has a few ''best of breed'' features which are totally obscured by Microsoft's ease of use.

Oracle developed a very good database product. But their real strength was there marketing organization which recognized that Oracle needed to run on virtually every platform. Oracle has been very successful, but has started to lose large numbers of sales to Microsoft's SQL Server, which is considerably easier to install, configure, and use.

Netscape was initially one of the brightest stars in the Internet universe. Netscape virtually owned the Internet browser and server markets. Their browser and their web server were simply the best. But following their IPO, they had lots of money, which allowed them to go off in 20 different directions rather than focusing on their core business. As a Netscape business partner, I received a blizzard of mis-directions on where they were headed.

Microsoft's competitors would like the public to believe that it isn't possible to be successful in the software industry today. But success stories abound, both with large and small software companies. Visioneer's PaperPort, IBM's VisualAge for Java, IBM's-ViaVoice gold, NetObjects Fusion are just a few examples of ''best of breed'' software where Microsoft doesn't dominate.

It is instructional to visit the software department of virtually any computer store in the world where Microsoft enjoys less than ten percent of the all important shelf-space—a key indicator in retailing.

Rather than being a predator, Microsoft has repeatedly capitalized on the strategic blunders of other software companies. The software business, with its very short product life cycles, is much like the stock market or the crap table. You invest your money and take your best shot. If you lose, you have no one to blame but yourself. I know. I have competed unsuccessfully with Microsoft in several spaces.

Because I believe the lawsuit against Microsoft was nonsensical from the beginning, I would like to have the Microsoft case settled—once and for all.

Dick Norman
President/CEO
Strategic Workflow Technologies, Inc.
Dallas, TX
E-Mail: dnorman@mail.swti.com Phone: 972–393–7369 Fax: 972–304–8759

MTC–00012871

From: Donald Strand
To: Microsoft ATR
Date: 1/16/02 5:20pm
Subject: microsoft settlement

To whom it may concern,

The computer industry could create much better products for everyday users if Microsoft didn't have a stranglehold on the software business. I urge the DOJ to consider making Microsoft release all of its code so that competing companies could develop software and competition would be restored to the software industry. What a great benefit this would be to the consumer.

Donald Strand

MTC–00012872

From: ECU00000
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/16/02 5:23pm
Subject: Microsoft Settlement

Drop the suit entirely!
John C. Beyer, MD

MTC–00012873

From: Stewart Adcock
To: Microsoft ATR
Date: 1/16/02 5:22pm
Subject: Microsoft Settlement

Honorable Sir,

It has come to my attention that Microsoft has recently acquired several fundamental patents for 3D graphics technology and techniques from SGI, Inc. This is a dangerous situation; it grants Microsoft significant leverage over the independent 3D hardware manufacturers who are currently supporting the only rival to Microsoft's Direct3D graphics API, OpenGL. I believe this is further indication that Microsoft intends to extend its monopoly by squeezing out competing standards and technology.

This latest move by Microsoft to acquire core 3D technology patents provides Microsoft with the power to force third party 3D hardware manufacturers to drop support for OpenGL, and ultimately stifle innovation and competition in the marketplace. Discountinued support for OpenGL by third parties will seriously inhibit the ability of other operating systems to offer a feasible alternative to Microsoft's offerings for graphic intensive applications. Computer game developers will have no option but target Microsoft's gaming platforms. Scientists and engineers will be forced to use Microsoft's visualisation platforms.

Please do not let this come to pass.

Thank you,
Stewart Adcock.

Stewart Adcock stewart@linux-domain.com www.stewart-adcock.co.uk
Dept. Chemistry & Biochemistry, University of California, San Diego 4234
Urey Hall, 9500 Gilman Drive, La Jolla, CA 92093–0365 USA
lab: +1 858 534 0956 home: +1 858 453 2577
CC:stewart@bellatrix.pcl.ox.ac.uk@inetgw

MTC–00012874

From: Richard Bryant
To: Microsoft ATR
Date: 1/16/02 5:22pm
Subject: Microsoft Settlement

Ask RealNetworks Inc. if streaming audio and video should be part and parcel of an operating system.

RealNetworks is a *classic* example of Microsoft's predatory practices. If you can

live with this, you need look into no other examples.

As a citizen, I don't want anti-competitive policies to cause Microsoft to be non-profitable, I want these policies to have the constructive effect of causing Microsoft to focus on the quality of its existing products, the reliability of which is becoming more critical to this nation every minute.

Rich Bryant
7903 Sugarcane, Ct.
Tampa, FL 813–980–6163
Rich Bryant, CEO, Business Technologies
rbryant@biztekinc.net
http://www.biztekinc.net/

Specializing in the development of Electronic Commerce, Online Communities and Web-enabled databases.

MTC–00012875

From: Brenda_Largent@matria.com@inetgw
To: Microsoft ATR
Date: 1/16/02 5:24pm
Subject: Microsoft Settlement

Jeez—this clearly political case was a loser from the start. In the end, Microsoft just has a more popular product. Tough cookies, Netscape. No settlement is acceptable, because the suit should have never been brought.

MTC–00012876

From: HastingsGOP@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 5:26pm
Subject: Microsoft

Dear DOJ:

Re: your solicitation of consumer opinion concerning the Microsoft settlement

I thought the entire case against Microsoft was weak, its very existence an affront to honest free-market businesspeople.

Note: I use a Power Macintosh, and have always been an Apple user. I am hardly affected by Microsoft. But its business practices have always appeared to me to be earnest, and to think the government would be punitive toward a successful venture is sickening. Microsoft 1.) pays its taxes, 2.) has rewarded a lot of working people with well-to-do incomes and equity, 3.) has a solvent 401-k, and 4.) hasn't cooked its books while finagling its financial situation, as some people in Houston seem to have done lately.

So why on earth did my government ever try to dismantle this company, which exemplifies all that is good about capitalism and the American work ethic? Because of the complaints of its competitors, who apparently weren't as creative or far-seeing or successful as Mr. Gates and his legions?

I have never held, and do not hold, any financial interest in Microsoft, and have never been employed by the company. My perspective is that of an informed citizen who has followed government intervention in the private sector since the mid-1970s—with knowledge of American economic and political history since well before Theodore Roosevelt's first interventions. At least TR had a point, and some righteousness. The Clinton justice department did not.

Tim Hays
Chairman
Greenburgh Republican Town Committee
Hastings-on-Hudson, NY 10706
NY-20 CD
CC:nrdc@ix.netcom.com@ inetgw,twhazlett@ yahoo.com@inet. . .

MTC–00012877

From: Sfikas, Ted
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/16/02 5:33pm
Subject: Microsoft Settlement

Good day,

When I look at this case in an unbiased manner (which is difficult for me as I am in the IT industry), I see that this issue has nothing to do with technology and everything to do with the basic building blocks of our capitalistic society. Although I must admit that I am a Java-proponent, I am a capitalist first and foremost. The idea of forcing MicroSoft to NOT innovate and NOT expand its business in areas that make sense for itself and for the consumer is offending to the very nature of capitalism, but as we have all learned in Economics 101, one of the serious flaws of capitalism is the issue of monopolies and to a lesser extent, collaborating oligopolies.

Neither phenomena should be allowed to exist in the Information Technology sector as this industry has become the lifeblood of the US economy. It needs to be protected in such a way that healthy competition will encourage dozens of corporations to continue their marvellous innovations. At our current point in time, the IT industry is sick and weak from both recession and redundancies within the labor market and corporate inventories. It will become more and more difficult to build a healthy capitalistic environment as the next few crucial years go by and the country starts taking their applications to the next levels of international computing.

It's time to put a stop to this now, before irrevocable damage is done. Although MicroSoft should not be asked to surrender their intellectual property, they MUST decouple their middleware services from their operating system.

Can you imagine what the world would be like if at the beginning of the Transportation revolution(ie. way back when the car was invented on top of the engine), there was only a single Big Corporation that could make the highways and roads that vehicles could drive on? And then that Big Corporation acquired the few companies in the world that made automobile tires? What if a better vehicle with better tires wanted to drive on the same road? Can you imagine the Big Corporation spending its time, effort, and money inventing ways in which to make the better vehicle's tires deteriorate faster than its own while travelling on its roads? It's a perfect analogy and everyone knows it—the point of it is to illustrate that MicroSoft itself will be better off if it is forced to decouple because it could concentrate on doing what it supposedly does best.

Thank you,
Ted Sfikas
Software Architect
206.215.7452
Ted.Sfikas@nordstrom.com
Nordstrom.com

MTC–00012878

From: Ray at MBS
To: Microsoft ATR
Date: 1/16/02 5:41pm
Subject: Microsoft Settlement
Microsoft Settlement

I am a software developer,a Microsoft customer and a Microsoft investor. I am pretty certain that Bill Gates wakes up every morning wondering what he can put in his products that will cause me to upgrade to a new version. He also hopes that I will develop software and sell some that needs his new operating system and office products. A few years ago we had a product that sold lots of NT and Office. Someone from Microsoft called to thank us. But if Microsoft comes up with nothing over a long enough period of time the sales will drop to selling software to only new computers that are not replacements for old computers. That would hurt the bottom line. His competitors would like to fix it so only they can come up with new features that they can sell me. That does nothing for me. All I need is 5 different standards to support.

Microsoft reminds me of Ford and the auto industry in 1915. Ford at that time had 90 percent of the auto market. Ford had to compete with GM who put out a car that was just like the Model T only better. By 1928 Ford had less than 50 percent of the market. Microsoft competitors insist on building an operating system and applications that Microsoft users can't run. If GM had built a car that Ford owners could not drive, they would never have sold Chevies. GM was smart enough to build cars that any Ford driver could operate with out lessons. Microsoft should not be held accountable for his would be competitors stupidity. It costs a 100 bucks to buy windows. But it costs 500 to a 1,000 bucks to train someoone to run free Linux. There is a clue there if you can see it. When someone is bright enough to do that . . . to make a system just like windows only cheaper or better, Microsoft will no longer have 90 percent of the Intel market. Microsoft is fully aware of the danger that poses. Microsoft just filed a suit trying to stop little Lindows from using that name. This tiny start up is planning to make a system that is just like windows only it is supposed to cost less an be a tiny bit better.

Microsoft did not sue to stop Netscape, Sun or Linux. They are suing to stop Lindows. There is a second clue there. If you want to take Microsoft down a notch or to make them get off Lindows back. I own Microsoft stock and still have a loss on it, but I would also like to develop for Microsoft competitors. The Suns, Netscapes, UNIX, and LINUX people don't compete with Windows. To put it in transportation terms they want to stop Ford from selling improved cars. They hope that will help their train, plane, truck, bus and taxi businesses. None of them has a product that competes with Windows.

When no one has a competitive product, it is not surprising that the only product on the market has a monopoly.

Microsoft keeps redesigning its Model T. It now is a 55 ford Fairlane with a heater. air conditioning, and cruse control. What needs to happen is for some one to build a 55 Chevie that sells for less than a 55 Ford.

For Microsoft the big problem is not this settlement. The problem is they have run out

of new ideas to put in the operating system to get clients to upgrade.That is why XP now comes in a beautiful shade of blue. There chief designers solution is to try to just lease you an operating system and office software instead of selling it to you. That is right up there with Fords ''You can have any color you want as long as it is black.''

Microsoft has done nothing that Ford did not do. And Microsoft is no more secure in its dominance than Ford was. All government can accomplish is to turn the software industry in to the aircraft industry where all consumers can afford is a ticket to ride. We can transform the software industry from being a parallel of the auto industry to being a parallel of the aircraft industry. Is that what government wants? Perhaps you would prefer a United Airlines type software industry. But it would never create the jobs Ford and GM have created.

I do not know if the Lindows people are a GM or not, but I am certain there is a GM out there if only you will let them have at Microsoft. The problem is any restrictions you put on Microsoft will also apply to his potential competitors.

The problem is the people who think they are Microsofts competitors are not. They are not in the same game . . . That is why they can't defeat Microsoft. When some one does systems that any windows user can run with out training, they will have Gates in their cross hairs. As long as so called competitors fail to do that you will not stop Microsoft's dominance no matter what the penalty. In fact if you broke Microsoft up one branch would dominate Pc's again, and the others would destroy Oracle and Sun,and Netscape.

The problem is not with Microsoft. Microsoft is just blessed with stupid would be challengers and cursed with government lawyers that think business principles have changed because this time they are dealing with bytes rather than iron and rubber.

Sincerely
Ray Malone
MbsSoftware
251 East 4th ST
Chillicothe Oh, 45601
RayMalone@MbsSoftare.com
740 772 6705

MTC–00012879

From: DDfltchr@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 5:37pm
Subject: Microsoft Settlement

Get the settlement done and let them get on with business. It's the stupid lawsuit that led to some of the stock market problems we've had, particularly the NADAQ.

David Fletcher
Denver, NC

MTC–00012880

From: Larry Riedel
To: Microsoft ATR
Date: 1/16/02 5:37pm
Subject: Microsoft Settlement

As a software professional and someone who tries to not use Microsoft products, my preferred solution to the problem of Microsoft's monopoly would be to require them to provide equal access for everyone to all the file and message formats for all of its software, including Office files multimedia files, client and server network messages, and any other format used for data which is stored by any Microsoft software, or sent or received by any Microsoft software, now and in the future.

Furthermore, they would need to be required to provide that information at least a couple of months—before—they release the software which uses the formats; otherwise they will continue to do what they have done in the past, which is keep changing the formats as often as possible and then releasing an ''updated'' version of their software which knows the new format before the previous format had been reverse engineered by the people trying to write compatible software.

This solution allows people to write software which interoperates with Microsoft software, but offers a better value than Microsoft software. Microsoft has prevented this from happening in the past: not allowing people to interoperate with their software, thus retaining their monopoly and precluding competition.

Larry

MTC–00012881

From: meyermail
To: Microsoft ATR
Date: 1/16/02 5:38pm
Subject: Microsoft Settlement
Harry Meyer
1716 Euclid Ave.
Bellingham, WA 98226
January 16, 2002
Department of Justice

Dear Sir or Madam:

Please let us get by this Microsoft litigation. It has been going on for years with the only result being that it helps to depress the economies in Washington state and elsewhere in the country and gives a lot of lawyers something to do. The nine holdout states may get some small individualized reward by further punishment of Microsoft to the detriment of the rest of the country and themselves. It is my belief, that the states of California and Massachusetts do not want to share the wealth of technology with the rest of the country. They want to put themselves in first place by punishing Microsoft rather than competing with them.

Microsoft's proposed settlement would have been good for the country in general. Please stop this needless litigation and endless argument and get back to moving our economy forward. Microsoft came up with a reasonable settlement that would have been of benefit to all. There is no sense in destroying Microsoft to please and benefit a few. The Department of Justice has the power to stop the nonsense now. Please do it.

I look forward to a quick and reasonable settlement based on the above thoughts.

Sincerely,
Harry Meyer

MTC–00012882

From: Zimran Ahmed
To: Microsoft ATR
Date: 1/16/02 5:43pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW Suite 1200
Washington, DC 20530–0001

Microsoft's current corporate licensing practices continue to display the predatory maintenance of monopoly the DoJ trial was supposed to suspend.

In their new license 6.0, http://www.microsoft.com/licensing/ Microsoft offers deep discounts to customers who agree to never use or consider a competitors profits. This offer is against the backdrop of a 25%-100%+ increase in software licensing prices.

This abuse of monopoly power to extend monopoly by keeping out competitors is *exactly* what is hampering innovation in the technology industry and what anti-trust law is supposed to address. Competitors should be allowed to create the best products they can and customers should be able to select whichever system they feel provides the best value. Price differentiation used to exclude competitors is a clear abuse and maintenance of monopoly power, and the fact that Microsoft is engaging in it even before the trial is concluded demonstrates how toothless the ''settlement'' is.

I would urge you to strike the current settlement and draft something which addresses Microsoft monopoly abuses in the past, in the present, and limits their ability to commit similar abuses in the future. Microsoft's disdain for the court is plain to see, and if the current ''settlement'' passes, I fear disdain for the DoJ will be far more widespread.

Sincerely,
Zimran Ahmed

MTC–00012883

From: Kurt Huhn
To: Microsoft ATR
Date: 1/16/02 5:48pm
Subject: Microsoft Settlement

Honorables,

I recently became aware of a deal between Microsoft and SGI wherein SGI has sold and transfered patents and knowledge surrounding OpenGL technology to Microsoft.

This troubles me for several reasons, primarily because this allows Microsoft a great deal of leverage over independent hardware and software vendors. In the past, Microsoft has tried to squash the further developement of OpenGL by various hardware vendors through deals and brokerage with SGI. These largely failed though, thanks to a loyal base of hardware and software developers that recognized the superior technological capabilities of OpenGL, and continued in its developement. However, because of these deals, OpenGL lost it's foothold in the marketplace and Direct3D took over as the leading API for 3D visualization.

Now it appears that Microsoft may be able to squash, once and for all, the only competitor to it's Direct3D API. If Microsoft own the patents to both Direct3D (part of the DirectX API), and OpenGL, it can strongarm hardware and software vendors into supporting only Direct3D. Through these tactics Microsoft will destroy the abilities of hardare and software vendors to choose the

API they develop with, and kill the only competitor to Direct3D. This deal with SGI flies in the face of anti-trust activities. It seems as if Microsoft cares not what our judicial system may decide, but only on gaining an even larger monopolistic market share in the US. We can be certain of only one thing from this deal, that Microsoft will use these patents to bully hardware and software vendors, and engage in unfair business practices while doing so.

Please do not let this slip by unseen.

Kurt Huhn
Director of Systems and Support
Bungo Inc.
kurt@k-huhn.com
khuhn@bungo.com

MTC–00012884

From: AUSRETIRED@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 5:49pm
Subject: Microsoft settlement

I think it's high time to settle this matter on the basis of what has been proposed.

To prolong this matter and hear radical efforts to prolong it even more is a disservice to this nation and to its people.

As a WWII enlisted combat Inf. vet of 3d ID (Audie's outfit)—I say enough yet!!!!

We got enough enemies without our country trying to ''do us dirt'' to add our own home grown varieties to the pot.

Cut it off!!

Make an end of it!!

Get on with the nation's business, stop ALL THE CRAZIES!

COL. Dave Jolly Jr. AUS Retired. . . . . .

MTC–00012885

From: P.Clemons
To: Microsoft ATR
Date: 1/16/02 5:46pm
Subject: Microsoft Settlement

Feedback regarding this matter:

I feel that the message has gotten through to Microsoft. Any further legal action seems to me to possess dubious value.

The various software schema will evolve, regardless of Microsoft. Let them labor through a probationary period. They are under the scrutiny of the entire ''software world''.

MTC–00012886

From: Jake Kruse
To: Microsoft ATR
Date: 1/16/02 5:52pm
Subject: My Opinion

I'll keep this short. . . .If your idea was to remedy the situation, you failed. Simply put. Please, please, if you are going to do something, do it. Don't plan to remedy the situation and instead just waste lots of time in the courtroom. Go over there and REALLY fix the problem of the MS Monopoly and the problems it has caused, causes, and will cause.

Jake Kruse
Teleperformance USA

MTC–00012887

From: william davis
To: Microsoft ATR
Date: 1/16/02 5:51pm
Subject: Microsoft Settlement

Please support the Microsoft Settlement.

Bill Davis
Santee, South Carolina

MTC–00012888

From: Andy Boyd
To: Microsoft ATR
Date: 1/16/02 5:56pm
Subject: Microsoft Settlement

I just wanted to take a moment and voice my strong desire to have the DOJ settle the Microsoft case once and for all. The case has been tried, appealed, and settled, but now it seems like Microsoft's competitors are trying to delay the proceedings for purely commercial reasons. None of these competitors (Netscape, Oracle, IBM, Sun, etc.) have any problem if they have a dominant market share in a particular product, but as soon as Microsoft starts to compete successfully with them they run to court to try to accomplish what they can't in the market place.

I urge the DOJ to finalize this process as soon as possible and return stability and confidence to the technology markets, which is what is truly needed to enhance competition and innovation.

Andy Boyd
425.894.3415

MTC–00012889

From: J. Meier
To: Microsoft ATR
Date: 1/16/02 5:57pm
Subject: MICROSOFT SETTLEMENT
1932 Orchard Drive
Cedar Falls, IA 50613–5741
January 15, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing to express my opinion that the lawsuits against Microsoft over the last three years have been flawed and unfair from the start. Microsoft is a victim of political interests. Nevertheless, I am happy to see both parties have agreed upon a settlement and I hope that it comes to fruition at the end of the month.

There terms of the settlement are more than fair. Microsoft has agreed to disclose internal interfaces and protocols, design future versions of Windows' so that competitors can more easily promote their own products, and form three-person team to monitor compliance with the settlement. These concessions and more should appease all parties and although flawed n many ways, I hope they will ultimately serve the IT sector in a positive way. I urge your office to hold the public's best interests in mind when deciding on whether or not to finalize this settlement. Please quell the nine states that are opposing and take a stance that gets government out of the way of big business.

Sincerely,
John Meier

MTC–00012890

From: Mark F. Matis
To: Microsoft ATR
Date: 1/16/02 5:58pm
Subject: Microsoft Settlement

I am thoroughly disgusted with the settlement that DOJ has negotiated with Microsoft. The lawsuit against the ''evil empire'' was one of the few decent acts of the DOJ under the previous administration. The proposed settlement will do nothing to fix Microsoft's criminal acts nor to prevent similar conduct by them in the future. Microsoft repeatedly lied outright during the proceedings. Microsoft has repeatedly ignored and undermined previous settlements. The lying and non-compliance were the reason Judge Jackson was righteously indignant. Yet DOJ has now effectively rolled over and invited Gates and Ballmer to ''do it to us one more time.'' Shame on you! I thank God that at least Florida and eight other states have enough brains to see the failure of your proposal, and enough guts to stand against this subversion of justice.

—Mark Matis
1002 Poinsetta Street
Cocoa, Florida 32927

MTC–00012891

From: Sandeep.Agarwal@
eng.sun.com@inetgw
To: Microsoft ATR
Date: 1/16/02 6:02pm
Subject: Microsoft Settlement

I think the Microsoft Settlement is totally inadequate and will not prevent Microsoft from becoming a monopoly.

Thanks.
Sandeep AgarwalPhone: 650 786 9932
Sun MicrosystemsFax: 650 786 2512
UMPK17–201Office: MPK17—2506b
17 Network Circleemail: sandeepa@eng
Menlo Park
CA, 94025

MTC–00012892

From: Ggpbob@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 6:03pm
Subject: Dept.of Justice.

It would seem to me that everyone concerned would be eager to settle this long running suit that has prolonged the setback which has hurt the whole country. Even those states must be able to see that they have protested too long. Let us re,move this last thorn in the side of recovery.

R.T. Kennedy

MTC–00012893

From: Joseph Glandorf
To: Microsoft ATR
Date: 1/16/02 6:06pm
Subject: Microsoft Settlement

Sirs,

For what it is worth, the prosecution of Microsoft was simply a political extortion game. The government attorneys' goal has never been justice or to make things better for customers of Microsoft, it has simply been a vendetta against the most successful company in the technological arena.

Liberals have to scheme up these things from time to time to justify their hatred of capitalism. Since private lawyers will get another unprecedented windfall from this settlement (like the tobacco, asbestos and breast implant settlements/extortions)I suppose even the liberals will be happy with the outcome. Because, no doubt substantial funds from the lawyers' settlement monies

will find their way to Democratic politicians who will further their liberal interests.

Is there anyone, anywhere, who seriously thinks this lawsuit has done anything but enrich lawyers?

What a waste. Please simply end it.

Sincerely,
Joe Glandorf
Boston, MA

MTC–00012894

From: aandm@postoffice.pacbell.net@inetgw
To: Microsoft ATR
Date: 1/16/02 6:07pm
Subject: Microsoft

It is past time to go on to other things. With the economy in such a bad way it is hard to understand why The DoJ wants to break up a great company like MSFT. Do you really want to add to the enemployment rolls?

Mr Arthur Wolf

MTC–00012895

From: martin ferrini
To: Microsoft ATR
Date: 1/16/02 6:12pm
Subject: Microsoft Settlement

Regarding the settlements terms of Microsoft's repeat offender status as a monopolist please consider the wisdom of forcing Microsoft to open it's API's to competitors as espoused by Scott Rosenberg in his article for Salon.com:

http://salon.com/tech/col/rose/2002/01/16/competition/index.html

I couldn't have explained the need for such an apt and necessary remedy better myself.

Martin Ferrini

MTC–00012896

From: Eric Close
To: Microsoft ATR
Date: 1/16/02 6:13pm
Subject: Make MicroSoft pay for their strong arm tatics and no freebies to schools that squeezes Apple out either!

You screwballs better not let M$ off the hook on this suit or you'll be loking for a job come the next election. It's blatantly clear what M$ did was dirty rotten business practices and, it's also clear that DOJ would like to let them walk with a slap on the wrist. Thank god 9 states are doing what's right because obviously DOJ can't / won't. We are watching you. . .

—Eric

In theory, there is no difference between theory and practice. In practice, there is a big difference.

MTC–00012897

From: Animal
To: Microsoft ATR
Date: 1/16/02 6:18pm
Subject: Microsoft Settlement

Hello my Name is Justin Thomas (UK).

My opinion on this matter is based upon my exposure to Microsoft over the last 7 years. I am a qualified BSc Software Engineer.

As an end user I was very surprised with WindowsXP containing so many programs, which did not constitute core to its functionality. My fear is Microsoft are already rubbing salt into old wounds by being allowed to ship so much. Examples include, Rollback software, Firewall, Internet connection sharing, Instant Messenger, Photo Editing, CD burning. Now its true these add benefit but they do so much harm to other companies. If Microsoft believes their products are the best and we want them then they should have to sell their products as other companies have to. Allowing Microsoft to package all of these features into the OS means other companies are being denied purchases because many individuals lack the knowledge or are content with what is given. This is so unfair on many companies. I do like XP but I also like to purchase the software such as Firewalls or photo editors. Microsoft should never of been allowed to bundle the software in this manor because it gives them such an unfair advantage.

On another note as a developer I can no longer write software that is truly cross platform. Microsoft seems to take the attitude ?Microsoft way of the highway?. This really upsets me because XP has with drawn the Java Virtual Machine from its OS in an attempt to kill it, in favor of its new c# and .NET architecture.

If they are not stopped soon there will be only one company remaining and we will all be at their mercy.

I beg you to take some serious and powerful action to stop Microsoft in their tracks or at least make them adhere to the same market rules. Can you imagine a world with only one model of car? The one car fits all. This is where the computers users are heading because when Microsoft can?t have things their way they try and destroy it.

Justin Thomas
57 Longford Way
Didcot
Oxfordshire
England
OX11 7TN

MTC–00012898

From: Brisn
To: Microsoft ATR
Date: 1/16/02 6:20pm
Subject: Microsoft Settlement

Microsoft should suffer penalties for it's monopolistic behavior. Mr. Gates protestations notwithstanding.

Microsoft has severely limited the software development of it's competitors. Take Apple Computer for example. The Judge ruled that Windows was not a copy of the Macintosh Operating System. With the deep pockets Microsoft has, it browbeats any and all competion in the marketplace.

Brian Freeman
macsrx@mac.com

MTC–00012899

From: Jason Shuck
To: Microsoft ATR
Date: 1/16/02 6:22pm
Subject: Microsoft Settlement

In my opinion the best way to settle this case is to get cash donations instead of hardware/software donations to give to the schools of this country. If the donation was the same value as that of the proposed hardware/software donations schools would have the right to choose individually how they want to spend the donations. By forcing Microsoft hardware/software onto a school district is doing absolutely nothing to resolve Microsoft's monopoly status. It merely serves to further that status just in a different sector of the economy. It serves to hurt competition in that sector and it serves as a ''pat on the back'' to Microsoft for doing such a good job as a monopolist. I don't believe that's the message that you're trying to convey at the end of this hearing.

In summary, cash donations only. Not hardware/software.

-Jason
Jason Shuck
Systems Administrator
Department of Psychology
University of Iowa
http://www.psychology.uiowa.edu

MTC–00012900

From: W. Picou
To: Microsoft ATR
Date: 1/16/02 6:22pm
Subject: Microsoft Settlement

Dear Sirs,

I understand that the Department of Justice is soliciting comments on the proposed settlement in your suit at law with the Microsoft Corporation. Whether these comments are of any use will be for you to determine.

If memory serves, Microsoft is accused of providing software to the general public without charge. If the suit had to do with the quality of the software being provided, I could see some basis for the proceedings.

Unfortunately, what seems to have aroused Leviathan was the fact that the customer was not required to expend funds for the software received.

Perhaps things are done differently in the District of Columbia, but in most of the country giving something of value away for nothing is not actionable—it may get you a psychiatric evaluation, but it generally doesn't land you in court (except as regards that visit to the shrink). However, the full weight of the government has been brought to bear in the interest of preventing exactly what? Microsoft's domination of the burgeoning badly-designed-barely-functional-whoops-there-goes-another-blue-screen-of-death-operating-syst em-wan nabe market? It may not of occurred to you, but did you ever consider that Microsoft owns the market segment it does because no other corporation will risk its reputation on such shoddy products. There are ancillary issues—accusations of price-fixing, strong-arm exclusionary contracts, etc.

But none of these have been proved, nor are mostillegal—reprehensible maybe, not illegal. Set these against a flawed premise; a blatantly, irrationally, biased judge issuing Through the Looking Glass rulings; and the spectacle of Microsoft competitors using the Department of Justice as a stalking horse. Whatever sins or peccadilloes Microsoft committed pale in comparison to the deliberate actions committed by those in charge of this case.

If there were to be true justice in this case, the Department of Justice would proffer apologies to Microsoft, reimburse them for all of the expenses in this case, then initiate action against those state governments that are trying to blackmail Microsoft with further litigation. However, I am not foolish enough

to suspend respiration until this comes about. I would think a pro-forma settlement would be acceptable, with no admission of culpability on either side. I would not think allowing (or requiring) Microsoft to stuff classrooms full of their product would be to anyone's benefit—the National Education Association is bad enough, why saddle schools with any more handicaps.

I have some sympathy with the predicament your department is in, but it is tempered by the knowledge that it is in the main self-inflicted.

Sincerely yours,
Wm. Picou
305 West Oak Street
Weatherford, Texas 76086

MTC–00012901

From: jpickens
To: Microsoft ATR
Date: 1/16/02 6:24pm
Subject: Microsoft Settlement

It is my understanding that the anti-trust and anti-monopoly laws are designed to protect consumers from financial and market harm, not to protect competitors of the supposed monopolist from such harm. As such, the proposed prosecution, the actual prosecution, and the proposed settlements in the Microsoft case have all caused more financial and market harm than any possible monopolist practices apparent in this case. I have been a Microsoft customer since the days of the IBM MD-DOS product, and have seen their products consistently improve greatly, and the prices for said products either remain below the level of inflation, and in some cases go lower over time.

I believe the US government's announcement that it was ''going after'' Microsoft has, to date, been a prime cause of the stock market's technology crash, and has cost me personally, many thousands of dollars. Give it a rest, If the US government doesn't want Microsoft to dominate the PC operating system market, then it should start buying Linux for its own uses, and leave the rest of us alone.

John Pickens
6 Treaty Elm Lane
Shamong, NJ 08088
(609)-268–0767

MTC–00012902

From: hugh nazor
To: Microsoft ATR
Date: 1/16/02 6:23pm
Subject: Microsoft Settlement

The real issues in the settlement are those which do not allow Microsoft to continue to profit unduly from the locked in base it developed with its illegal practices. To do this, all Windows APIs must be made available to other software companies. Having these tools, new applications could be written which would allow truer competition.

Additionally, Microsoft should not be allowed to use the settlement to create even more locked in clients. Giving large quantities of their machines and applications to schools would do just that. They would be using the settlement to gain an advantage in a market in which their products have not been as competitive as elsewhere. The effect would be a reward for yhe convicted party—hardly justice.

Hugh Nazor
Santa Fe Solutions
Santa Fe, New Mexico

MTC–00012903

From: Richard H. Miller
To: Microsoft ATR
Date: 1/16/02 6:28pm
Subject: Settlement

Please, Please, Please put aside the continuing litigation and settle this.

Consumers will get much less out of this settlement than the attorneys for the STATES!

What about the damage to one of the most successful corporations—does that matter?

Lets put egos aside!
Settle
Richard H. Miller

MTC–00012904

From: Andy Leontovich
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/16/02 6:35pm
Subject: Microsoft Settlement

To whom it may concern.

I sincerely hope that the settlement results in a computing trust fund set up by the federal government. Microsoft should contribute to the fund and all K-12 schools who wish to use the fund should supply a proof of instructional and administrative benefit before receiving a grant from the trust fund. The schools should be allowed to purchase any computing technologies they choose. The word or concept of 'Microsoft' should not be mentioned or printed in any association of the trust fund. This will keep Microsoft's marketing ineffectual. It is essential that the administrators of the schools acquire the equipment and software that best suits the needs of the students and both students, instructor, and administrators are free from subliminal pressure.

Allowing Microsoft to supply anything but money to a general fund will only extend its monopoly and its marketing practices.

Thank you for allowing my two cents.
Andreamon C. Leontovich
Web Systems Administrator
Washington County
Oregon

MTC–00012905

From: Angela Zimmerlink
To: Microsoft ATR
Date: 1/16/02 6:03pm
Subject: Microsoft Settlement

I support the proposed Microsoft Settlement

MTC–00012906

From: John Carpenter
To: Microsoft ATR
Date: 1/16/02 6:28pm
Subject: Microsoft settlement

Attention: Renata B. Hesse

My Microsoft product experience:

Poorly designed applications that are not user friendly;

* Program bugs that are never fixed or addressed in so called upgrades; one example of many—automatic page numbering some sometimes works, sometimes not unless you print the pages in reverse order;

* Virtually impossible to get a live Microsoft service person on the phone to answer questions that their web site or documentation cannot answer. Microsoft1s products perform consistently less well than other competitor1s (new and vanquished) programs yet they continue to retain a virtual monopoly in the market and drive out competitors. I would like to know what market mechanism permits them to survive so well? It cannot be direct marketing sales as I, an end user, have never seen a Microsoft sales person. It cannot be the quality of their products as they have remained consistently poor. In a normal market they should not be doing so well. One can only conclude that Microsoft is using other non-market means to retain their monopoly. It should be stopped.

John W. S. Carpenter
463 E. Washington Street
Chagrin Falls, OH 44022
Tel. 440–247–6744

MTC–00012907

From: Donald Frank
To: Microsoft ATR
Date: 1/16/02 6'31 pm
Subject: Microsoft Settlement

The settlement agreement appears reasonable and fair to all parties involved. I think the settlement is good for the consumer and this economy certainly needs resolution.

Anne Frank,
4700 Coho Lane,
West Linn, OR 97068

MTC–00012908

From: wendy4163@home.com@inetgw
To: Microsoft ATR
Date: 1/16/02 6:32pm
Subject: Microsoft Settlement

Microsoft should be required to open their APIs to the public.

There should be monitoring into their business practices for a significant period of time, 5 years minimum.

Their practice of forcing OEMs to pay for a version of Windows on every box sold should be eliminated entirely. Major vendors should be able to ship OS free boxes without a penalty.

Their level of interoperability with other Operating Systems is questionable at best. Although much improved since the DOJ cases inception, it is still rife with hidden difficulties. They often mention their adherence to industry standards but in practice their is usually enough of a difference to make inter platform operations more complex than they need to be.

I also feel that a cash settlement should be enforced. It should be restricted to cash only, in a trust fund to be overseen by an independent party. A party not easily influenced.

Thank you
Terry A. Zach

MTC–00012909

From: Irving MEYERSON
To: Microsoft ATR
Date: 1/16/02 6:34pm
Subject: Microsoft Settlement

You have my complete support for the settlement agreement which you negotiated with the government.

I wish the recalcintrant States which are still bedeviling you would give it up, all they are interested in is protecting industries in their States.

MTC–00012910

From: John Hornstein
To: Microsoft ATR
Date: 1/16/02 6:36pm
Subject: Microsoft Settlement

January 15th, 2002

Dear Department of Justice,

I have read the Stipulation/Revised Proposed Final Judgment and Competitive Impact Statement.

This looks like a good disposition of the Microsoft case to me. I'm not a legal or anti-trust expert, just a member of the public. I formerly worked at Microsoft for 8.5 years in product support, mainly in Developer Support. I talked to lots of software developers who were using Microsoft's Visual FoxPro development program.

I don't know what the executives schemed on. I *do* know that Microsoft has for years made information available to the public, through MSDN and KnowledgeBase, articles on using the Windows API as is proposed to be required in the Revised Proposed Final Judgment section III (D). In fact, I remember looking over an article a few years ago on either Microsoft's TechNet or MSDN on how to code your own internet browser.

I know from several of the training classes I had while employed at Microsoft that Microsoft has designed Windows to allow for third party components to be substituted in place of Microsoft's components. One that I remember is the file system. From reading the Revised Proposed Final Judgment, I see that this kind of design is important to the settlement. This is good, for both Microsoft and others. One concern I have on this topic is that hardware vendors will always put their own components into Windows and as a consumer I won't have the choice to purchase Microsoft's unaltered version of Windows. I see this happening already. OEM's put their own ''interface'' on top of Windows. They stick all their promotional icons and services on the computer. I think Microsoft has tried to make sure I have the choice of using Microsoft's services or middleware by not allowing things like the Internet Explorer icon to be removed. Please don't make it so that consumers can't choose to have an unaltered version of Windows installed on a new computer when it is purchased. Sure, a consumer could just get a ''real'' copy of Windows from Microsoft but many times OEM's tweak Windows so that it works with their hardware or else various drivers have to be installed in a certain order when Windows is installed. This can create headaches for consumers trying to install an unadulterated version of Windows.

In the Competitive Impact Statement, Part IV, section B(3) relating to section III.C of the Revised Proposed Final Judgment, this is fine but OEM's need to be required to offer All-Microsoft Operating Systems, including All-Microsoft Middleware, if consumers want that on a new computer. This would be in addition to versions of Windows that have had all Microsoft Middleware removed and replaced with middleware du jour. I personally don't want to be forced to purchase a computer that only comes with, for instance, Netscape Navigator instead of Internet Explorer. Also in the Competitive Impact Statement, Part IV, section B(5) relating to section III.E of the Revised Proposed Final Judgment, the section starting on page 37 with Microsoft Must Make Available All Communications Protocols: underlined: On page 38:

''Section III.E. will permit seamless interoperability between Windows Operating System Products and non-Microsoft servers on a network. For example, the provisions requires the licensing of all Communications Protocols necessary for non-Microsoft servers to interoperate with the Windows Operation System Products' implementation of the Kerberos security standard in the same manner as do Microsoft servers, including the exchange of Privilege Access Certificates. . . . ''

This needs to be vice-versa too. Other network and server vendors such as Sun or Novell, need to allow workstations running Windows operating systems to access their servers as if the workstation was running Sun or Novell's workstation software.

In general, the requirements that Microsoft's Middleware components can be easily replaced by non-Microsoft Middleware Products needs to be vice-versa also. Consumers need to be able to switch back to a Microsoft Middleware Product if desired. I believe this is in the Competitive Impact Statement, Part IV, section B(8) relating to section III.H. of the Revised Proposed Final Judgment under the underlined heading End User Access Requirements: in the second paragraph. (the third full paragraph on page 46).

To summarize, I think this is a good settlement. It should be adopted. Figuratively speaking, the judge needs to bop the Attorney Generals of the states not joining in this settlement on the head with her gavel. They need to get with the program !!! This anti-trust case has cost me personally and others much more in lost value in our retirement plans and other equity investments than any $10 overcharge in the price of Windows could ever add up to. Thankfully we have an innovative and successful company like Microsoft. If Microsoft's competitors were to have the monopoly (and I don't really think Microsoft has a monopoly) you can be sure consumers would be paying more than $10 to much for an operating system. It would be more like $500—$1,000 to much. And computer use would not be nearly as widespread as it is now. I won't name any names here but they are well known and are at least millionaires themselves.

John C. Hornstein
205 Stilwell Oaks Circle
Charlotte, NC 28212
(704) 535–7733
CC:John Hornstein

MTC–00012911

From: xiang min Deng
To: Microsoft ATR
Date: 1/16/02 6:36pm
Subject: Don't hurt Microsoft. It is a great America comp. You should proud of it

Dear Sirs,

Please do any favor to MICROSOFT.

Thank you!

Sincerely,

Xiang min Deng

MTC–00012912

From: joe schmo
To: Microsoft ATR
Date: 1/16/02 6:40pm
Subject: Microsoft Settlement

I have read the documents related to the settlement and find the settlement unsatisfactory. The settlement is a slap on the wrist for a company already found in a court of law to violate anti-trust business laws. Is this justice or politics at work? The DOJ is playing a dangerous game with its credibility. It's no wonder the average American is apathetic and cynical towards our so-called ''leaders'' in Washington.

R.B.

Algonquin, IL

MTC–00012913

From: John B. Osborne
To: Microsoft ATR
Date: 1/16/02 6:37pm
Subject: Microsoft Settlement

Microsoft has shown its clear disdain for the law in its actions following the last consent decree. This conviction is the only opportunity that consumers have to wrest control of the technology sector from a company that has dramatically slowed innovation and increased prices in an industry where prices have traditionally fallen.

It is imperative that something be done, and the present settlement is too weak, lacks enough enforcement, and has too many loopholes. This weak settlement is unlikely to have any greater effect than the previous consent decree.

Much stronger action is required. A stronger settlement is warranted and required by the facts in the case, especially after being upheld by a very sympathetic court of appeals.

John B. Osborne
<josborne@simpsonosborne.com>
http://www.simpsonosborne.com/
Simpson & Osborne, CPAs A.C. Charleston, WV
Phone: 304–343–0168 Fax: 304–343–1895

MTC–00012914

From: Darren Gibbs
To: Microsoft ATR
Date: 1/16/02 6:40pm
Subject: Microsoft Settlement

It is clear that Microsoft has violated anti-trust law by engaging in unsavory business practices for many years. I feel strongly that the company should be *punished* (not slapped on the wrist). I support:

1. dividing the company into an operating systems group and an applications/services group.

Windows should sink or swim according to its own merits, as should the company's applications and services. The monopoly profits from the operating system should not be used to unfairly support inferior products/services.

2. requiring a large cash penalty (actual money, not a donation of goods and services)

to a trust which will go toward school technology purchases.

Some of the enormous and illegal profits that Microsoft's business has generated should be taken from them. I can think of no better place to use the money than in our troubled school system.

thank you,
darren gibbs
6251 Hillmont Dr
Oakland CA 94605

MTC–00012915

From: Chris Jones
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/16/02 6:42pm
Subject: Microsoft Settlement

How to appropriately punish Microsoft for the abuse of power they have exhibited over the past decade:

First, Split the company! Windows operating system should be one company on it's own.

Microsoft Office programs should be it's own company Internet Explorer and other Internet related software should be one company

Retail products such as Xbox and peripherals should be one company

The Office suite of software should be forced to run on the three major platforms, Windows, Mac and Linux.

If any monetary settlement is involved, it should be in cash and given to each school to use as they wish.

Microsoft should not be allowed to buy up smaller companies only to disband them and cannibalize their assets.

Microsoft should be made liable for any security flaws in it's software. If a hacker programs a virus that erases my harddrive and that virus works because of Microsoft's negligence, I should be able to sue Microsoft for damages. This is will make sure Microsoft does not release any software that is NOT secure.

Stop Microsoft from hording money. They do not need the billions of dollars they have in assets. Make them operate without that kind of monetary power. There should be a law that states that if companies amass that much cash, that they have to start giving shareholders dividends or convert it into other tangible assets other than money.

Chris Jones

<http://www.clarisay.com/businesscards/banner.jpg>

MTC–00012916

From: Johnson, Sean
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/16/02 6:36pm
Subject: Microsoft Settlement

Microsoft is a monopoly, that is undisputed. The goal to the settlement benefiting consumers is to force Microsoft to open up and publish all of their API's. In addition, there needs to be a punitive settlement so as to force them to assist the marketplace. Microsoft needs to be forced to pay for its misdeeds. A cash settlement (4 to 8 billion) needs to be received from the company. These monies could then be given to the states in the case to establish accounts which schools can use for purchasing systems. The schools should then be allowed to use the monies as they see fit. They should engage in RFP processes with vendors then use the money to purchase that which would best benefit the schools.

Microsoft should not be allowed to donate any software, operating systems or computers. The money should be used however the recipient sees fit. For the long term, the MS monopoly needs to be closely scrutinized so as to better allow for competition. This would be done by forcing publishing of standards (API's) so that applications can be more easily created by vendors as well as opening up the possibility for allowing other operating systems to run software designed for Windows.

Sean Johnson, RN, BSN
Manager, Outpatient Registration and Scheduling
626/359–8111 x65787
email: sjohnson@coh.org
<mailto:sjohnson@coh.org>

MTC–00012917

From: Bill Brewis
To: Microsoft ATR
Date: 1/16/02 6:42pm
Subject: Microsoft Settlement

I believe that the currently agreed to settlement that was made public between Microsoft and the Govt is a fair settlement.

BIll Brewis
bill—brewis@msn.com

MTC–00012918

From: Jim Wilson
To: Microsoft ATR
Date: 1/16/02 6:44pm
Subject: Settlement Comments

Dear Sir/Madam:

Any settlement must incorporate a requirement that the 'Windows' operating system be open to and convenient to install other browsers. In fact, because it is such a dominant system, the option to use other companies' competing software products must remain an open and viable alternative.

Microsoft (MS) cannot be allowed to block out competitors by bundling proprietary products in with their operating system. Provision must be made to easily install competing software if a company or final retail user is so inclined.

MS company culture has got to change so that we don't keep coming back to this issue.

Regards,
/s/ James L. Wilson
by bundling MS
James L. Wilson
2 Waterview Rd. #F-11
West Chester, PA 19380–6357

MTC–00012919

From: MAG2
To: Microsoft ATR
Date: 1/16/02 6:44pm
Subject: Microsoft settlement

To whom it may concern:

Here is what I would like to se happen in this case.

With Microsoft's APIs and file formats fully standardized, documented and published, other software vendors could compete fairly—which, after all, is what antitrust laws are supposed to promote. We might then be faced with a welcome but long unfamiliar sight: a healthy software market, driven, as today's processor market is, by genuine competition.

Also, I would hope any settlement would not let Microsoft assert itself into the education market where it does not have a monopoly YET. If Microsoft is to donate to schools, let it be in the form of money and not Microsoft products. Then the schools would be able to choose the systems and software that best meets their needs.

Thank you and remember the little guys you are fighting for.

Mich Gehrig
Illinois

MTC–00012920

From: Jay Runquist
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/16/02 6:42pm
Subject: Microsoft Settlement

Justice Department,

I'm just going to throw in my two cents on this fiasco. . . .

I would make Microsoft be the funding for this economy. Help everyone out here by making them donate cash to our schools (they need it the most) for anything the schools need. New Macintosh systems, more teachers, larger schools or even more teachers. (Did I say that last one twice?)

Bottom line, they were wrong and need to pay for it just like everyone else. Sure this is a special situation, but it shouldn't' be treated any differently. They are a monopolizing company with bad business practices. Will they stop? Their too big and that business practice is, plain and simple, how they do business. Can we help America out since they screwed up? You bet we can.

We can't have them fold or get split up. They need to be just as supportive of the American economy as everyone else. They just need to be regulated a bit more.

Thanks for your time,
Jay Runquist

MTC–00012921

From: Stephen Butler
To: Microsoft ATR
Date: 1/16/02 6:48pm
Subject: Microsoft Settlement

Microsoft needs to be broken up.

It is quite obvious that they have used illegal tactics for promoting their software, and that they have a monopoly in the desktop and perhaps server market.

If they are only imposed a financial penalty, they will continue doing business as they have in the past. . . illegally.

Stephen G. Butler
Network Administrator
Alexander Dawson School
303–665–6679 x411
sbutler@dawsonschool.org

MTC–00012922

From: David Stechmann
To: Microsoft ATR
Date: 1/16/02 6:50pm
Subject: Microsoft Settlement

To whom it may concern,

I would just like to comment on the Microsoft Settlement. I think it is good that the proposed settlement was rejected. It would have done little to punish Microsoft for its illegal activities and would have instead given them an unfair advantage in the

education market. Any settlement I believe should have the following objectives:

1. It should in no way increase Microsoft's install base or influence in any way.

2. It should promote more competition in the market. For example, if Microsoft is required to donate resources to schools, it should donate systems not associated with Microsoft in any way (like Mac OS X or Linux).

3. If the settlement requires Microsoft to expend money, it should be of a significant amount to reduce Microsoft's ability to continue their monopoly.

4. It should protect OEMs so they can make operating system and configuration choices without Microsoft's pressure (as would have still been present in the rejected settlement).

Whatever the eventual settlement is, I think it should have one final requirement, that it is considered a bad idea by Microsoft. Based on how Microsoft's legal department has worked in the past, I think it is reasonable to say that any proposal Microsoft endorses will ultimately expand their monopoly. In addition, if they like the settlement, they will have no incentive to stop their anti-competitive behavior. Like any convicted criminal, Microsoft should receive a punishment which will make them think twice about acting like they have (and continue to do).

Thank you for your time.

Sincerely,

David Stechmann

MTC–00012923

From: Ed McKinley
To: Microsoft ATR
Date: 1/16/02 6:50pm
Subject: Why not just leave Microsoft alone?

They've done a wonderful job creating software that works! Use

Why not just leave Microsoft alone? They've done a wonderful job creating software that works! Use your efforts against the Taliban and other real criminals!

Sheila McKinley

MTC–00012924

From: nickbaily@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 6:50pm
Subject: microsoft settlement

for what it is worth, if microsoft is to donate anything to the school systems in the U S that have technology needs, I would suggest a monetary fund be set up, administered by someone outside the system, similar to a trust fund, without exorbitant associated administrative costs, and this fund be used to acquire hardware and software as necessary for any particular school, DETERMINED ONLY by the school and it's teaching faculty, not microsoft.

respectfully,

Nick Baily

Los Angeles

MTC–00012925

From: Ron Yochum
To: Microsoft ATR
Date: 1/16/02 6:55pm
Subject: Microsoft Settlement

Dear DOJ:

Pursuant to the Tunney Act, I am submitting my opposition to the proposed settlement RE: DOJ vs Microsoft.

If Microsoft is permitted to ''donate'' its services, software, and hardware to schools, they will be effectively locking out competition at the root of social and economic structure.

By permitting Microsoft to donate to schools, the Department of Justice is actively facilitating the exclusive promotion of Microsoft products, further enhancing Microsoft's already gargantuan monopoly over technology and the internet. From the viewpoint of Microsoft, it is the best sweetheart deal ever.

Level the playing field, escrow a couple billion in cash, donate it to whatever technology schools and inner-city groups see fit via an independent non-profit foundation.

A cash settlement is the only real, fair, and appropriate option.

Sincerely,

Ronald C. Yochum, Jr.

252 Wainwright Avenue

Pittsburgh, PA 15227

412–884–8172

MTC–00012926

From: Jonathan Haddad
To: Microsoft ATR
Date: 1/16/02 6:58pm
Subject: Microsoft Settlement

I believe that Microsoft's market dominance will only continue to grow unless it is split the way the original trial judge determined it should be. The many applications brought to market by for Windows by Microsoft itself is a huge influence to run the windows operating system. Splitting the company would remove the barrier to develop only for windows, and would encourage Macintosh / Linux development.

Second, any donations of computers to schools should be the new iMacs (Microsoft Office). I think this would help stimulate the growth of other operating systems, while still providing an alternative for the student. These computers should be distributed to each of the levels of schools (elementry, middle school, high school, and university.)

I've spent a great deal of time in my life following the events of this company. I believe that the tactics that it has exhibited have stifled an industry. It has used its leverage from the operating system to dominate markets which it had never been involved in to begin with. Internet Explorer is an excellent example of this.

I would hate to see such brutal market tactics go unpunished. Splitting up the company, and ordering the ports of all the Microsoft applications to 2 other platforms (Mac, and a distributioin of Linux) would be ideal.

Jonathan Haddad

98 Loomis Street

Burlington, VT 05401

jjhaddad@zoo.uvm.edu

MTC–00012927

From: Donald A. Fife
To: Microsoft ATR
Date: 1/16/02 7:02pm
Subject: Microsoft Settlement

Its time to settle the matter now, further litigation is just a matter of putting off what should have been brought to a head long time ago. Look at the facts and make a settlement.

Thank You.

Donald A. Fife

MTC–00012928

From: Muksus@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 7:02pm
Subject: microsoft settlement

Dear Mr. Ashcroft:

This letter is in reference to the justice department's settlement with Microsoft regarding the antitrust issues raised by the morally and economically bankrupt liberal demarcates under the leadership by Joe Klien, who served an impeached president.

The same justice department which refused to investigate Bill Clinton's shenanigans and Albert gore fund raising practices using the Buddhist temple and other more despicable acts, went after a successful corporation under a socialist populist guide. Egging on are the attorney generals of different states, who need a forum to run for the governor of their respective states. Those who extorted money form Tobacco industry under the guise of covering Medicaid and Medicare costs went in search of other lucrative extortion targets and found Microsoft, which became as damaging to consumers in their eyes as Asbestos, lead paint, tobacco and other extortable industries. In that way, salt, sugar, orange juice, carrots and any product existing on earth is potentially a target for the corrupt liberal democrats.

I fail to understand that while fighting against Taliban and El Khaida, we still have to wage a legal war against our own hardworking innovative corporation like Microsoft, who have brought computers with in the reach of an average American like me.

While the litigation was going on I heard statements to the fact that Microsoft was not a player in Washington, with influence campaign contribution and its own lobbyist, pr personnel and other assorted hangers on and social parasites. Thus our government and the political system has now become as a Mafia like extortionist, where every successful corporation like Microsoft has to pay a tribute and bribe to politicos to conduct its business. Under the settlement Microsoft has to divulge its source code and for the corrupt liberal demarcates even that is not enough. Why should it not protect its intellectual property which it has spent billions to develop Those unsuccessful companies like Novell who have not been successful in the market place, should pull political strings to hobble a successful corporation? In stead of encouraging them, they should be exposed, condemned and denounced. Why a law suit which was started under a draft dodger, pot smoker, financial swindler, morally bankrupt, anti business Clinton should be carried on by us republicans beats me.

But some of these corporations are aptly known as rope sellers, Lenin say that capitalists will sell us the rope with which we will string their neck with. Thus any corporation or any aerate hard working

American who gives a penny to the liberal democrats is digging its own financial and personal grave.

By giving political contribution to the domestic El Khaida and Talibansit like John Dingell, Henry Waxaman, Tom Daschel, Ed Markey and other fascists Microsoft created a problem which it is trying to solve through painful compromises with DOJ.

Let us solve their problem once for all by agreeing and quickly implementing the settlement and stopping the extortion once for all.

CC:fin@mobilizationoffice.com@inetgw

MTC–00012929

From: zero
To: Microsoft ATR
Date: 1/16/02 7:07pm
Subject: Microsoft

Dear Sirs

I find myself compelled to write to you with a mixture of frustration, anger and disappointment. I am shocked to witness our judicial system and government failing to do justice on behalf of the people and companies they represent. If there ever was a monopolistic and criminal company, it would have to be Microsoft.

Not only is our government failing to punish Microsoft, the government may be helping it expand its monopoly into areas such as education, which they do not control, at the expense of other companies and us all. A recently published statistic gives Microsoft over 96% of the market share, this ''alone'' should compel you in favor of a brake up. How can individuals and the market benefit? How can there continue to be diversification, innovation and competition? Please pause for a moment. . . 96%!!!

It is time to stop ''compromising''. It is my hope to see this latest proposed settlement be rejected in favor of a severe and just solution. Microsoft is a ''monopoly'' and is using its vast resources to squeeze, or acquire, other companies out of business and penetrate new markets with unfair and criminal business practices.

Microsoft's latest business and private licensing fees reflect its arrogance and dominance in the market place. Do the right thing and punish Microsoft, nothing less than a ''brake up'' will do.

Thank you,
Piero Favretti
Norcross, Georgia

MTC–00012930

From: k.gibson
To: Microsoft ATR
Date: 1/16/02 7:08pm
Subject: Microsoft Settlement
308 West Clifton Avenue
North Augusta, South Carolina 29841
January 16, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing you in support of Microsoft's antirust settlement with the federal government. I think it is extremely reasonable.

Microsoft has agreed to license its Windows operating system products to the 20 largest computer makers on identical terms and conditions, including price. Also, Microsoft has agreed to design future versions of Windows, beginning with an interim release of Windows XP, to provide a mechanism to make it easy for computer makers and software developers to promote non-Microsoft software within Windows. Additionally, the settlement will establish a technical committee to monitor its compliance with the settlement and assist with dispute resolution.

I think this settlement gives the government what it wanted. It's time to move on, and I seriously hope this case comes to and end.

Sincerely,
Kathleen Gibson
cc: Senator Strom Thurmond
Representative Lindsey Graham

MTC–00012931

From: Bob Portal
To: Microsoft ATR
Date: 1/16/02 7:05pm
Subject: Microsoft Settlement

While it is certainly no bad thing to allow schools more cash to buy computer equipment and software, I agree with what many have pointed out— namely that it is utterly ridiculous to allow Microsoft to flood the market with refurbished Windows PC's and Windows only software, thus leveraging even more of a monopoly for themselves even as they attone for their sins! Apple is right to point out that education is one area where there is still healthy competition in the industry, and any such proposals from Microsoft would destroy Apple's chances of competing fairly in the education market. If you add that to the fact that it would not be a punishment for Microsoft, but (quite the contrary) a brilliant way to expand their dominance with very little real expense to themselves, it has to be seen that there is no way this deal can stand. If they were to give cash to education, with absolutely no strings attached other than it be used to buy IT equipment and software, that may be fair. But it would be preposterous to cut Apple and other non-Windows systems out of the market.

BOB PORTAL
Film Producer

MTC–00012932

From: Don Rozenberg
To: Microsoft ATR
Date: 1/16/02 7:10pm
Subject: Comment on Microsoft Settlement

Microsoft has been found to be a predatory monopoly; it should not be allowed to use its monopolistic gains to extend and perpetuate its monoply. A large factor in its ability to continue it strangle hold is a small number of proprietary file formats. The most important one being the format of its Word document. Other important ones are the formats of other Office products. These are so important because so many people send Word documents to one another. Because the formats are proprietary, other software developers have not been able to generate completely satisfactory conversion programs that could run on other operating systems. There are indications that Microsoft is considering periodic licensing for its office products.

Yours will be forced to by updates to look at documents that they have had for years.

If other software developers were able to interpret word documents then other alternative to MS Word would be available and thereby competition would be enhanced.

My suggestion is to force Microsoft do disclose its proprietary file formats especially for MS Office.

Yours Truly,
Don Rozenberg
707–882–3601
rozen@mcn.org

MTC–00012933

From: Vern Swerdfeger
To: Microsoft ATR
Date: 1/16/02 7:11pm
Subject: Settlement.

My suggestion is about the same as the last one rejected except make them use anything but Microsoft software. (I am an Apple user) It would be fine to have them buy and give away thousands of Apple computers. Macintosh is a far superior system.

Vern Swerdfeger

MTC–00012934

From: Ryan Sharp
To: Microsoft Settlement
Date: 1/16/02 9:00am
Subject: Microsoft Settlement
Ryan Sharp
6977 DD RD.
Niangua, MO 65713
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Ryan Sharp

MTC–00012935

From: Gavin Davis
To: Microsoft Settlement

Date: 1/16/02 1:06pm
Subject: Microsoft Settlement
Gavin Davis
P.O. Box 706
Merced, CA 95341
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Gavin Davis

MTC–00012936

From: John Kern
To: Microsoft Settlement
Date: 1/16/02 9:49am
Subject: Microsoft Settlement
John Kern
641 Mt Pleasant Rd
Washougal, Wa 98671
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Sincerely,
H John Kern

MTC–00012937

From: Carol Adams
To: Microsoft Settlement
Date: 1/16/02 9:38am
Subject: Microsoft Settlement
Carol Adams
2479 Peachtree Rd
Atlanta, GA 30305
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Sincerely,
Carol Adams

MTC–00012938

From: Jane Pehl
To: Microsoft Settlement
Date: 1/16/02 10:32am
Subject: Microsoft Settlement
Jane Pehl
8330 Hastings
San Antonio, TX 78239
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Sincerely,
Jane Pehl

MTC–00012939

From: Bonnie H. Merrill
To: Microsoft Settlement
Date: 1/16/02 1:36pm
Subject: Microsoft Settlement
Bonnie H. Merrill
4900 Live Oak
Oakley, Ca 94561
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Bonnie H. Merrill

MTC–00012940

From: Elsie Cresswell
To: Microsoft Settlement
Date: 1/16/02 9:33am
Subject: Microsoft Settlement
Elsie Cresswell
37 Poplar St
Badin, NC 28009

January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Elsie Cresswell

MTC–00012941

From: Alma Broumley
To: Microsoft Settlement
Date: 1/16/02 11:01am
Subject: Microsoft Settlement
Alma Broumley
530 HCR 4149
Grandview, TX 76050
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Alma Broumley

MTC–00012942

From: Gale DeVoar SR
To: Microsoft Settlement
Date: 1/16/02 10:18am
Subject: Microsoft Settlement
Gale DeVoar SR
6214 Carew ST
Houston, TX 77074–7412
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Gale DeVoar SR

MTC–00012943

From: tony gatti
To: Microsoft Settlement
Date: 1/16/02 9:35am
Subject: Microsoft Settlement
tony gatti
14904 landmark dr
louisville, ky 40245–6525
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
tony gatti

MTC–00012944

From: Cynthia Gray
To: Microsoft Settlement
Date: 1/16/02 11:55am
Subject: Microsoft Settlement
Cynthia Gray
6 Jasper Lane
Beaufort, SC 29902
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Cynthia Gray

MTC–00012945

From: Robert Green
To: Microsoft Settlement
Date: 1/16/02 10:06am
Subject: Microsoft Settlement
Robert Green
2207 Cherokee Trl.
Valrico, FL 33594
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW

Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

R. W. Green

MTC–00012946

From: Tom Hoban
To: Microsoft Settlement
Date: 1/16/02 10:23am
Subject: Microsoft Settlement
Tom Hoban
10 Longboat Ave.
Barnegat, NJ 08005
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Tom Hoban

MTC–00012947

From: Steven Shuler
To: Microsoft Settlement
Date: 1/16/02 12:28pm
Subject: Microsoft Settlement
Steven Shuler
6152W 890N
Freetown, IN 47235
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Steven D. Shuler

MTC–00012948

From: Roger Holm
To: Microsoft Settlement
Date: 1/16/02 9:41am
Subject: Microsoft Settlement
Roger Holm
1199 County Rd. 319
Westcliffe, CO 81252
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Roger Holm

MTC–00012949

From: Al Rollans
To: Microsoft Settlement
Date: 1/16/02 11:39am
Subject: Microsoft Settlement
Al Rollans
788 w. westfield
Porterville, ca 93257
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Al Rollans

MTC–00012950

From: Harold Luehrs
To: Microsoft Settlement
Date: 1/16/02 10:26am
Subject: Microsoft Settlement
Harold Luehrs
1039 PCR 412
Frohna, MO 63748
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Harold Luehrs

MTC–00012951

From: Mary Baker
To: Microsoft Settlement
Date: 1/16/02 12:24pm
Subject: Microsoft Settlement
Mary Baker
31 Holly Hill Drive
Mercer Island, Wa 98040
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Mary Baker

MTC–00012952

From: Vonda McClain
To: Microsoft Settlement
Date: 1/16/02 9:24am
Subject: Microsoft Settlement
Vonda McClain
717 Willow Brook Drive
Allen, TX 75002
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Vonda McClain

MTC–00012953

From: Donald Campbell
To: Microsoft Settlement
Date: 1/16/02 11:26am
Subject: Microsoft Settlement
Donald Campbell
203 S Division St
Montour, Ia 50173
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Sincerely,
Don Campbell

MTC–00012954

From: Harvey Hubka
To: Microsoft Settlement
Date: 1/16/02 12:51pm
Subject: Microsoft Settlement
Harvey Hubka
P.O. Box 22356
Lincoln, NE 68542
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Harvey N. Hubka

MTC–00012955

From: E. L. Jolly
To: Microsoft Settlement
Date: 1/16/02 11:17am
Subject: Microsoft Settlement
E. L. Jolly
208 Rodeo Drive
Boerne, Tx 78006–5950
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition

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Thank you for this opportunity to share my views.

Sincerely,
E. L. Jolly

MTC–00012956

From: Paul Maddy
To: Microsoft Settlement
Date: 1/16/02 9:49am
Subject: Microsoft Settlement
Paul Maddy
11417 Loron Rd
Morrison, IL 61270–9451
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Paul Maddy

MTC–00012957

From: John Bowman
To: Microsoft Settlement
Date: 1/16/02 10:08am
Subject: Microsoft Settlement
John Bowman
3512 Roxford Drive
Champaign, IL 61822
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
John Bowman

MTC–00012958

From: Robert Austin
To: Microsoft Settlement U.S. Department of Justice
Date: 1/16/02 12:01pm
Subject: Microsoft Settlement
Robert Austin
3801 Ryan Way
Winston-Salem, NC 27106
January 16, 2002
Microsoft Settlement
U.S. Department of Justice

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Robert D. Austin

MTC–00012959

From: Tony K. Olsen
To: Microsoft ATR
Date: 1/16/02 7:13pm
Subject: Microsoft Settlement

To Whom It May Concern

I appreciate the opportunity to present my thoughts on the Microsoft Anti-trust settlement and hope that you find them of value. Microsoft abused their privileged platform as the ''industry leader'' by directly forcing the hands of the PC ''OEM'' distributors to accept their licensing deals or suffer the consequences. These deals were so binding that the ''OEM'' distributors could not afford to exercise their right to allow other Intel based Operating Systems like BeOS (since bankrupt with all its assets purchased for $11M by Palm) to be included with their distributions with a boot-loader. As a highly technical computer user (programmer/system administrator) I saw the BeOS as an excellent next-generation operating system, one that could easily compete with Microsoft if the playing field was level. It was technologically superior to all home versions of Windows in the way in which it handled digital media and could have proven to be a low-cost alternative if given half the chance. All that needed to be done was for the purchaser of a new computer to be able to choose which operating system they wanted to run when the computer booted up. This can be easily accomplished with free software known as ''boot-loaders''. Microsoft was so frightened of this option, whereby the user could freely determine what operating system they wanted to use (and please note that multiple operating systems can co-exist on the Intel platform—I currently run Windows 98, Linux and BeOS on my Intel Pentium II-350MHz PC), that they legally mandated that the ''OEM'' distributors MUST only allow Microsoft.

There is an excellent article at Byte Magazine by Scot Hacker, a computer expert and noted computer author:

http://www.byte.com/documents/s=1115/byt20010824s0001/0827—hacker.html which provides the following details of Microsoft's actions with respect to ''boot-loading'': ''So why aren't there any dual-boot computers for sale? The answer lies in the nature of the relationship Microsoft maintains with hardware vendors. More specifically, in the ''Windows License'' agreed to by hardware vendors who want to include Windows on the computers they sell. This is not the license you pretend to read and click ''I Accept'' when installing Windows. This license is not available online. This is a confidential license, seen only by Microsoft and computer vendors. You and I can't read the license because Microsoft classifies it as a ''trade secret.'' The license specifies that any machine which includes a Microsoft operating system must not also offer a

nonMicrosoft operating system as a boot option. In other words, a computer that offers to boot into Windows upon startup cannot also offer to boot into BeOS or Linux. The hardware vendor does not get to choose which OSes to install on the machines they sell ? Microsoft does. ''

This ''trade secret'' is direct proof of Microsoft's monopolistic practices and inevitably contributed (significantly) to the death of BeOS. Although I have numerous licensed Microsoft products in my home and installed on my Windows 98 partition of my computer I will never again purchase a Microsoft product nor will I upgrade to the new Windows XP operating system that is arguably one of the most intrusive efforts in the history of computing. Their .net strategy is consistent with their earlier behaviour and is an attempt to destroy the ''open source'' computing community by forcing consumers, including big businesses, into their proprietary solution. I plan on switching directly from Microsoft to Apple as soon as Apple has their new iMacs (or G5 systems) available for purchase. This is a decision I would not have had to make if Microsoft was not in a position to directly impact a user in a foreign country by their monopolistic practices which ultimately led to the computer software I am/was forced to use. This behaviour must be stopped before there are more examples of Microsoft's abuse of their privileged monopoly. The only solution to this is to punish Microsoft for each and every computer shipped that the ''OEM'' distributors were forced to load Microsoft-only operating systems. The best manner in which to enact this punishment is to ensure that those people directly affected by Microsoft's practices are those that are the recipients of the penalty on Microsoft. Therefore I recommend that all computer users in the United States who were affected by Microsoft's practices be allowed to switch to Apple computers at Microsoft's expense. Microsoft would be responsible for purchasing the hardware, purchasing equivalent functioning software (e.g. Microsoft Office 2000 for Windows == Microsoft Office for OS X), and providing (via a third party) technical support. This way those people most affected have the choice of opting in for Apple or choosing to stay with Microsoft. What could be more ironic for Microsoft than to once and for all allow the users to have the say they were denied before.

Thank you for your time. Sincerely,
Anthony K. Olsen
Ottawa, Ontario, Canada
CC:scottr@salon.com@
inetgw,beos@birdhouse. org@inetgw,. . .

MTC–00012960

From: Linda Batdorf
To: Microsoft Settlement
Date: 1/16/02 11:09am
Subject: Microsoft Settlement
Linda Batdorf
1940 Rainbow Dr.
Clearwater, FL 33765
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Linda Batdorf

MTC–00012961

From: Julie Bodnar
To: Microsoft Settlement
Date: 1/16/02 9:09am
Subject: Microsoft Settlement
Julie Bodnar
3475 McFarlan Road
Cincinnati, OH 45211
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Julie M. Bodnar

MTC–00012962

From: DOUGLAS MAYHALL
To: Microsoft Settlement
Date: 1/16/02 12:21pm
Subject: Microsoft Settlement
DOUGLAS MAYHALL
11848 W. 187 TH. ST.
MOKENA, IL 60448
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
DOUGLAS MAYHALL

MTC–00012963

From: Dennis Storck
To: Microsoft Settlement
Date: 1/16/02 10:49am
Subject: Microsoft Settlement
Dennis Storck
5230 W Hwy 98
Panama City, FL 32401
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Dennis Storck

MTC–00012964

From: Donald Ulsh
To: Microsoft Settlement
Date: 1/16/02 1:54pm
Subject: Microsoft Settlement
Donald Ulsh
926 W. Gleneagles Dr.
Phoenix, Az 85023
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Don Ulsh

MTC–00012965

From: Gordon Dotson
To: Microsoft Settlement
Date: 1/16/02 10:01am
Subject: Microsoft Settlement
Gordon Dotson
P.O. Box 273
Enterprise, UT 84725
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Gordon Dotson

MTC–00012966

From: Norman Moors
To: Microsoft Settlement
Date: 1/16/02 9:14am
Subject: Microsoft Settlement
Norman Moors
411 Barnett Stret
West Palm Beach, FL 33405–4801
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Norman Moors

MTC–00012968

From: Jeff Garrett
To: Microsoft Settlement
Date: 1/16/02 9:47am
Subject: Microsoft Settlement
Jeff Garrett
P.O. Box 25722
Little Rock, AR 72221
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Jeff Garrett

MTC–00012969

From: Judy Johansen
To: Microsoft Settlement
Date: 1/16/02 10:28am
Subject: Microsoft Settlement
Judy Johansen
33096 Hwy E 34
Castana, IA 51010–8732
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Judy A. Johansen

MTC–00012970

From: Don Cummings
To: Microsoft Settlement
Date: 1/16/02 9:50am
Subject: Microsoft Settlement
Don Cummings
6006 Pimenta Ave.
Lakewood , Ca 90712
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Don Cummings

MTC–00012971

From: Jerry Warren
To: Microsoft Settlement
Date: 1/16/02 2:50pm
Subject: Microsoft Settlement
Jerry Warren
123 W. Walnut St.
Wake Forest, NC 27587
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Jerry G. Warren

MTC–00012972

From: Peter Pacheco
To: Microsoft Settlement
Date: 1/16/02 9:22am
Subject: Microsoft Settlement
Peter Pacheco
751 Swan Av
Miami Springs, FL 33166
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Peter Pacheco

MTC–00012973

From: Kuhlman Kenny
To: Microsoft Settlement
Date: 1/16/02 12:05pm
Subject: Microsoft Settlement
Kuhlman Kenny
4180 Oakland Dr.
Olive Branch, MS 38654–9700
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

K. C. Kenny

MTC–00012974

From: John D. Beals
To: Microsoft Settlement
Date: 1/16/02 10:19am
Subject: Microsoft Settlement
John D. Beals
646 SW Rimrock Dr.
Redmond, OR 97756
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

John D. Beals, D.D.S.

MTC–00012975

From: Mary LaRocca
To: Microsoft Settlement
Date: 1/16/02 11:05am
Subject: Microsoft Settlement
Mary LaRocca
115 San Luis Way
Placen tia, CA 92870–1835
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Mary C. LaRocca

MTC–00012976

From: Blanche Pennino
To: Microsoft Settlement
Date: 1/16/02 10:17am
Subject: Microsoft Settlement
Blanche Pennino
10 Ashley Drive
Holmdel, NJ 07733–2058
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Blanche Pennino

MTC–00012977

From: Leonard Bogard
To: Microsoft Settlement
Date: 1/16/02 1:53pm
Subject: Microsoft Settlement
Leonard Bogard
11275 Matthew Way
Armona, CA 93202–0670
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Leonard W. Bogard

MTC–00012978

From: Eric Russell
To: Microsoft Settlement
Date: 1/16/02 10:11am
Subject: Microsoft Settlement
Eric Russell
1117 Stadium Drive
Parkersburg, WV 26101
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Eric D. Russell

MTC–00012979

From: Roseanne Cusick
To: Microsoft Settlement
Date: 1/16/02 12:31pm
Subject: Microsoft Settlement
Roseanne Cusick
PO Box 271
Bayfield, CO 81122
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Roseanne Cusick

MTC–00012980

From: Michael Roberts
To: Microsoft Settlement
Date: 1/16/02 11:16am
Subject: Microsoft Settlement
Michael Roberts
228 Grand Canyon Dr.
Madison, WI 53705
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Michael Roberts

MTC–00012981

From: Glenda Bowen
To: Microsoft Settlement
Date: 1/16/02 11:17am
Subject: Microsoft Settlement
Glenda Bowen
198 Fanning Bridge Road
Fletcher, NC 28732–9203
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Glenda Boen

MTC–00012982

From: mike gardner
To: Microsoft Settlement
Date: 1/16/02 1:05pm
Subject: Microsoft Settlement
mike gardner
p.o. box 406
solsberry, in 47459
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Mike Gardner

MTC–00012983

From: Edward W. Toll
To: Microsoft Settlement
Date: 1/16/02 11:51am
Subject: Microsoft Settlement
Edward W. Toll
100 Meadowlark Loop
Lafayette, LA 70508
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Edward W. Toll

MTC–00012984

From: John O;Neill
To: Microsoft Settlement
Date: 1/16/02 10:11am
Subject: Microsoft Settlement
John O;Neill
1038 Oakwood Drive
Glenolden, Pa 19036–1513
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

John J.O'Neill

MTC–00012985

From: Frank Bradley
To: Microsoft Settlement
Date: 1/16/02 11:24am
Subject: Microsoft Settlement
Frank Bradley
481 Crystal Lake Dr.
Melbourne, Fl 32940
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayersO dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Frank T. Bradley

MTC–00012986

From: Karen Vernor
To: Microsoft Settlement
Date: 1/16/02 10:21am
Subject: Microsoft Settlement
Karen Vernor
P. O. Box 8
Wimberley, TX 78676
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Karen Vernor

MTC–00012987

From: Vernon Spicer
To: Microsoft Settlement
Date: 1/16/02 12:41pm
Subject: Microsoft Settlement
Vernon Spicer
4126 Woodcreek Drive
Dallas, TX 75220
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Karen Vernor

MTC–00012988

From: Herbert Waid
To: Microsoft Settlement
Date: 1/16/02 1:48pm
Subject: Microsoft Settlement
Herbert Waid
PO Box 1844
Moultrie, GA 31776–1844
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Rev. Herbert Waid

MTC–00012989

From: Christine Gilbert
To: Microsoft Settlement
Date: 1/16/02 10:39am
Subject: Microsoft Settlement
Christine Gilbert
413 Jennifer Lane
Rogersville, MO 65742–9743
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Christine Gilbert

MTC–00012990

From: Marsha Nelson
To: Microsoft Settlement
Date: 1/16/02 9:41am
Subject: Microsoft Settlement
Marsha Nelson
310 Teakwood Drive
Youngsville, LA 70592
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Marsha Nelson

MTC–00012991

From: David Butts
To: Microsoft Settlement
Date: 1/16/02 1:39pm
Subject: Microsoft Settlement
David Butts
4103 summertime parkway
Louisville, KY 40272–4880
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
David Butts

MTC–00012992

From: Diane Sluder
To: Microsoft Settlement
Date: 1/16/02 9:18am
Subject: Microsoft Settlement
Diane Sluder
4458 Johnny Cake Ridge Rd.
Eagan, Mn 55122
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Diane Sluder

MTC–00012993

From: Tomi Porterfield
To: Microsoft Settlement
Date: 1/16/02 10:52am
Subject: Microsoft Settlement
Tomi Porterfield
803 Birchview Court
Pearland, TX 77584
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Tomi Porterfield

MTC–00012994

From: James DeChaine
To: Microsoft Settlement
Date: 1/16/02 12:54pm
Subject: Microsoft Settlement
James DeChaine
1405 Heidi Place
Windsor, CA 95492–7986
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
James DeChaine

MTC–00012995

From: donald sexauer
To: Microsoft Settlement
Date: 1/16/02 10:12am
Subject: Microsoft Settlement
donald sexauer
80 park avenue 17n
ny, ny 10016
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Donald E. Sexauer

MTC–00012996

From: Ray E. Hughes
To: Microsoft Settlement
Date: 1/16/02 11:46am
Subject: Microsoft Settlement
Ray E. Hughes
2846 Verity Ln / POB 600
Baldwin, NY 11510–0600
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Ray E. Hughes

MTC–00012997

From: Peter Finnigan
To: Microsoft Settlement
Date: 1/16/02 12:20pm
Subject: Microsoft Settlement
Peter Finnigan
5 John Drive
Annandale , NJ 08801
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Peter Finnigan

MTC–00012998

From: Shane Crabtree
To: Microsoft Settlement
Date: 1/16/02 9:27am
Subject: Microsoft Settlement
Shane Crabtree
515 Parkwood Drive
Panama City, FL 32405
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Shane Crabtree

MTC–00012999

From: Nancy VanAntwerp
To: Microsoft Settlement
Date: 1/16/02 9:50am
Subject: Microsoft Settlement
Nancy VanAntwerp
2121 Washington St
Columbus, IN 47201–4115
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Nancy VanAntwerp

MTC–00013000

From: Delores Stafford
To: Microsoft Settlement
Date: 1/16/02 9:23am
Subject: Microsoft Settlement
Delores Stafford
16909 Gunboat Circle
Maurepas, LA 70449
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Delores Stafford

MTC–00013001

From: Laurie Al-Hawaz
To: Microsoft Settlement
Date: 1/16/02 10:09am
Subject: Microsoft Settlement
Laurie Al-Hawaz
3667 West 128th Street
Cleveland, OH 44111
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Laurie Al-Hawaz

MTC–00013002

From: Frances Turner
To: Microsoft Settlement
Date: 1/16/02 2:40pm
Subject: Microsoft Settlement
Frances Turner
5900 Jaycox Rd.
Galena, OH 43021–9334
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Frances M. Turner

MTC–00013003

From: Deborah Heilman
To: Microsoft Settlement
Date: 1/16/02 9:11am
Subject: Microsoft Settlement
Deborah Heilman
63 Clifton St.
Manchester, NY 14504
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Deborah J. Heilman

MTC–00013004

From: Michael Crass
To: Microsoft Settlement
Date: 1/16/02 11:37am
Subject: Microsoft Settlement
Michael Crass
3831 Marshall Place
Gary , IN 46408–1926
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Michael Crass

MTC–00013005

From: Donna Christianson
To: Microsoft Settlement
Date: 1/16/02 11:24am
Subject: Microsoft Settlement
Donna Christianson
314 April Lane
Nashville, TN 37211
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Donna Christianson

MTC–00013006

From: Richard Kleinpeter
To: Microsoft Settlement
Date: 1/16/02 9:37am
Subject: Microsoft Settlement
Richard Kleinpeter
202 Ranch Rd.
Marion, La 71260
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

R.H. Kleinpeter

MTC–00013007

From: (E.) Maria Crider
To: Microsoft Settlement
Date: 1/16/02 11:51am
Subject: Microsoft Settlement
(E.) Maria Crider
227 Glenwood Dr.
Palestine, TX 75801
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

E. Maria Crider

MTC–00013008

From: David Rogers
To: Microsoft Settlement
Date: 1/16/02 9:20am
Subject: Microsoft Settlement
David Rogers
1007 Brown St
Jacksonville, TX 75766–3319
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

David M. Rogers

MTC–00013009

From: Harold Sharp
To: Microsoft Settlement
Date: 1/16/02 11:53am
Subject: Microsoft Settlement
Harold Sharp
14207 Cypress Green Dr
Cypress, TX 77429–6300
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Harold E Sharp

MTC–00013010

From: PATRICIA CORONA
To: Microsoft Settlement
Date: 1/16/02 1:58pm
Subject: Microsoft Settlement
PATRICIA CORONA
124 WHITE STORK DRIVE
SLIDELL, LA 70461
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
PATRICIA CORONA

MTC–00013011

From: Edward Breza Sr.
To: Microsoft Settlement
Date: 1/16/02 11:46am
Subject: Microsoft Settlement
Edward Breza Sr.
2521 SE 19th Circle
Ocala, FL 34471–1003
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Edward J. Breza Sr.

MTC–00013012

From: Barbara DeReuil
To: Microsoft Settlement
Date: 1/16/02 11:15am
Subject: Microsoft Settlement
Barbara DeReuil
4750 N.E. 25 Avenue
Fort Lauderdale, FL 33308
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Barbara DeReuil

MTC–00013013

From: Vincent J. Socci
To: Microsoft Settlement
Date: 1/16/02 9:36am
Subject: Microsoft Settlement
Vincent J. Socci
21 Moosepac Lane
Oak Ridge, NJ 07438
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Vincent J.Socci

MTC–00013014

From: Chuck & Betty Wood
To: Microsoft Settlement
Date: 1/16/02 9:57am
Subject: Microsoft Settlement
Chuck & Betty Wood
2886 Ravenwood Drive
Snellville, GA 30078–3749
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Chuck & Betty Wood

MTC–00013015

From: Christine Parfait
To: Microsoft Settlement
Date: 1/16/02 9:21am
Subject: Microsoft Settlement
Christine Parfait
3446 D Benoit Road
Lake Charles, LA 70605
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Christine Parfait

MTC–00013016

From: Constance Still
To: Microsoft Settlement
Date: 1/16/02 9:35am
Subject: Microsoft Settlement
Constance Still
3815 SW 106th Street
Seattle, Wa 98146–0984
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Constance S Still

MTC–00013017

From: Frank Megow Sr.
To: Microsoft Settlement
Date: 1/16/02 9:05am
Subject: Microsoft Settlement
Frank Megow Sr.
2912 NW 16th
Oklahoma City, OK 73107–4719
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Frank J. Megow Sr

MTC–00013018

From: david winarsky
To: Microsoft ATR
Date: 1/16/02 7:15pm
Subject: End the Litigation
CC: david3668@yahoo.com@inetgw

Dear Sirs:

Please end the litigation on the Microsoft case. The settlement is fair and in the best interest of the people.

The money you spent on litigation would serve the people better if it was sent on:

Healthcare

Social Security

Child care credit

A tax credit for single parents and the list is endless get the point?

thanks,

david3668@hotmail.com

MTC–00013019

From: Nilda Hermann
To: Microsoft Settlement
Date: 1/16/02 12:06pm
Subject: Microsoft Settlement
Nilda Hermann
14359 S.E. 6th #204
Bellevue, WA 98007
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Mrs. Nilda Leila Hermann

MTC–00013020

From: Michelle Kichman

To: Microsoft Settlement
Date: 1/16/02 9:44am
Subject: Microsoft Settlement
Michelle Kichman
1102 Knightbridge Ct
Graham, NC 27253–9564
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Michelle Kichman

MTC–00013021

From: Genevieve Hagerty
To: Microsoft Settlement
Date: 1/16/02 11:42am
Subject: Microsoft Settlement
Genevieve Hagerty
1539 63rd Street
Somerset, WI 54025
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Genevieve Hagerty

MTC–00013022

From: Eugene A. Norby
To: Microsoft Settlement
Date: 1/16/02 11:25am
Subject: Microsoft Settlement
Eugene A. Norby
11718 E.36th Ave.
Spokane, WA 99206–5939
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Eugene A. Norby

MTC–00013023

From: Eileen Farley
To: Microsoft Settlement
Date: 1/16/02 9:56am
Subject: Microsoft Settlement
Eileen Farley
426 Pelican
New Orleans, LA 70114–1018
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Eileen Farley

MTC–00013024

From: Patricia Haug
To: Microsoft Settlement
Date: 1/16/02 12:55pm
Subject: Microsoft Settlement
Patricia Haug
23067 Nature View Drive
Sedro Woolley, WA 98284–7805
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Robert and Patricia Haug

MTC–00013025

From: Palmarin Merges
To: Microsoft Settlement
Date: 1/16/02 12:21pm
Subject: Microsoft Settlement
Palmarin Merges
3830Harrison St. Apt. 104
Oakland, CA 94611–5097
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Palmarin P. Merges

MTC–00013026

From: Derek Kimmel
To: Microsoft Settlement
Date: 1/16/02 1:02pm
Subject: Microsoft Settlement
Derek Kimmel
20693 Glen Brook Terrace #203
Potomac Falls, VA 20165
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Derek Kimmel

MTC–00013027

From: George Stegmaier
To: Microsoft Settlement
Date: 1/16/02 11:52am
Subject: Microsoft Settlement
George Stegmaier
255 Welter Drive
Wood Dale, IL 60191
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Make Lawers wealthy?
George Stegmaier

MTC–00013028

From: Rosalie Creamer
To: Microsoft Settlement
Date: 1/16/02 9:12am
Subject: Microsoft Settlement
Rosalie Creamer
4724 Southwind Blvd.
Kissimmee, FL 34746
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Rosalie Creamer

MTC–00013029

From: Michael Stewart
To: Microsoft Settlement
Date: 1/16/02 11:24am
Subject: Microsoft Settlement
Michael Stewart
2991 Forest Hills Drive
Redding, CA 96002
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Michael T. Stewart

MTC–00013030

From: shelley owens
To: Microsoft Settlement
Date: 1/16/02 9:36am
Subject: Microsoft Settlement
shelley owens
14904 landmark dr
louisville, ky 40245–6525
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
shelley owens

MTC–00013031

From: Kenneth Patterson
To: Microsoft Settlement
Date: 1/16/02 9:48am
Subject: Microsoft Settlement
Kenneth Patterson
21658 Sedco Heights Dr.
Wildomar, Ca 92595
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Kenneth E. Patterson

MTC–00013032

From: W. Bryant Hickman
To: Microsoft Settlement
Date: 1/16/02 9:35am
Subject: Microsoft Settlement
W. Bryant Hickman
14602 Claycroft Ct.
Cypess, TX 77429–1884
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
W. Bryant Hickman, P.E.

MTC–00013033

From: Bob and Betty Holden
To: Microsoft Settlement
Date: 1/16/02 9:32am
Subject: Microsoft Settlement
Bob and Betty Holden
5456 Peaceful Lakes Drive
Jamesville, VA 23398
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Bob and Betty Holden

MTC–00013034

From: SUMNER THOMPSON
To: Microsoft Settlement
Date: 1/16/02 1:11pm
Subject: Microsoft Settlement iT LOOKS GOOD TO ME.
SUMNER THOMPSON
8 Honan Rd
SCARBOROUGH, ME 04074
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

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Thank you for this opportunity to share my views.

Sincerely,

SUMNER L THOMPSON

MTC–00013035

From: john kinsella
To: Microsoft ATR
Date: 1/16/02 7:17pm
Subject: Microsoft Settlement

I must say I'm extremely disappointed with this ''settlement.'' The Clinton administration worked very hard to prove that Microsoft hold monopoly power and abused that power at the expense of it's competition. As soon a the Bush administration took office, it seems as if the Justice Department became very willing to give into Microsoft's wishes, to let Microsoft continue to wield it's monopoly power unfettered. I had hoped that the Justice Department would take this opportunity to take a stand. A monopoly is not good for the market, for the industry, for the economy, for the country. This settlement provides almost no putative measures, something necessary to ''bring them down a notch.'' The (illegal?) hoards of tens of billions of dollars in cash Microsoft holds makes and monetary putative measures useless. The only thing that can change the business practices of Microsoft, making the industry more competitive and open, is to attack the one thing that could actually hurt Microsoft, opening up it's Window's API's. These are the only things that guarantee Microsoft it's monopoly power and the only thing that can break that power. I'm not talking about some minor ''promise to make some API's more available to some people. . . '' promise. In some way Microsoft must be made to make it's platform completely open, that anyone can have the same access to the underlying code as Microsoft itself has. And if it's found that Microsoft has hidden or not opened up those API's completely, there must be some other, very strong response by the government, including monetary punishment and the threat of a possible breakup of the company (ala AT&T and the proposal by the original trial judge.)

Those are my thoughts on this remedy. I things it's completely useless, does nothing to protect the public nor creating a more comptetitive market, and is full of so many loop holes that it would be easily circumvented by Microsoft. I urge you to reconsider your position and take a stronger stance with Microsoft. That's why this case was started in the first place.

MTC–00013036

From: Penny Woods
To: Microsoft ATR
Date: 1/16/02 7:18pm

I would hope this could be resolved quickly by both sides in a fair way. Further litigation is not favorable in view of present market conditions & the need to move on.

MTC–00013037

From: Douglas J. Jamieson II
To: Microsoft Settlement
Date: 1/16/02 11:04am
Subject: Microsoft Settlement
Douglas J. Jamieson II
8391 20th Ave
Sears, MI 49679–8048
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Douglas J. Jamieson II

MTC–00013038

From: William Futrell
To: Microsoft Settlement
Date: 1/16/02 2:49pm
Subject: Microsoft Settlement
William Futrell
1703 Ulster Dr.
Elizabeth City,, NC 27909
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Mrs.&Mrs. William R. Futrell

MTC–00013039

From: Harold J. Thompson
To: Microsoft Settlement
Date: 1/16/02 10:42am
Subject: Microsoft Settlement
Harold J. Thompson
845 Lone Rock Road, PO Box 117
Glide, OR 97443–0117
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Harold J. THompson

MTC–00013040

From: Mr & Mrs Harley W Earles
To: Microsoft Settlement
Date: 1/16/02 1:14pm
Subject: Microsoft Settlement
Mr & Mrs Harley W Earles
11774 Sunview Street
Lakeview, OH 43331
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Mr & Mrs Harley W. Earles

MTC–00013041

From: Robert Maynard
To: Microsoft Settlement
Date: 1/16/02 10:54am
Subject: Microsoft Settlement
Robert Maynard
8420 Sunset Drive
Orlando, FL 32819–3227
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

MSgt Robert E. Maynard, USAF, Ret.

MTC–00013043

From: Ryan
To: Microsoft ATR
Date: 1/16/02 7:29pm
Subject: Microsoft Settlement

It seems as though the reason Microsoft is on trial has been forgotten. Plain and simple Microsoft is a Monopoly and action needs to be taken to stop them from continuing to play that roll. Do not allow Microsoft to bribe their way out of this.

The previous solution of breaking Microsoft into separate companies seemed to be more on track. What happened to that line of thinking? Was it clouded by money that Microsoft was throwing around? Please do what needs to be done. Justice needs to be served.

Ryan

MTC–00013044

From: Ryo Chijiiwa
To: Microsoft ATR
Date: 1/16/02 7:18pm
Subject: suggested remedy

In order to prevent Microsoft from engaging in anti-competitive monopolistic practices, I would suggest one or more of the following:

(1) Order Microsoft to OpenSource all versions of the Windows operating system currently in use as well as all versions that are released in the next 5 years. All other major operating systems (UNIX, MacOS X) have a major portion of the source code open to the public. This is the best way to ensure all API's are open to the public, and may even benefit the Windows platform, as it will be subject to peer review.

(2) Order Microsoft to open up proprietary document formats used by MS Office and other software products like Windows Media Player. This will allow competitors to create compatible software products, making it easier for users to switch from (or to) the Windows platform.

(3) Order Microsoft to adopt standards and technologies overseen by such organizations as the W3C and IEEE to ensure better cross platform compatibility of software and hardware products, as well as network services.

I would like to point out that Microsoft is a repeat offender, and preventing Microsoft from behaving similarly in the future will, at the end, help other businesses as well as consumers. Punishing Microsoft for hurting the industry will not have any negative consequences to our economy, nor will it stifle innovation.

Regards,

Ryo Chijiiwa

MTC–00013045

From: Wyatt Earp
To: Microsoft ATR
Date: 1/16/02 7:20pm
Subject: Microsoft Comments

Lizard on a Stick A.G.

Content-type: text/plain; charset=''US-ASCII''

Content-transfer-encoding: 7bit

I'm a computer systems administrator for a private school. I have used computers for 17 years. I vote and pay taxes and I would like to comment on Microsoft and a potential settlement.

1. Microsoft has shown that it will not work fairly with other software or hardware companies, so Microsoft must publish the applications programming interface or API for all of it's operating systems for the next 10 years, so that other Operating Systems will be assured of inter-operability with Microsoft Operating Systems.

2. Microsoft also needs to publish it's in-house APIs so other software companies are on the same level playing field as Microsoft.

3. Microsoft also needs to release the source code for it's browser, Internet Explorer, because that is the root of the current situation. Those are the things that need to be done so that Microsoft is punished for it's illegal actions.

They committed an illegal act, punish them.

Mark Buchholz
555 NW Park Ave
Portland OR 97209

MTC–00013046

From: James Turner
To: Microsoft Settlement
Date: 1/16/02 10:03am
Subject: Microsoft Settlement
James Turner
2709 Taylor St
Hollywood, FL 33020–4333
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

Please stop wasting my money and hindering the economic recovery of the United States of America.

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

James R. Turner

MTC–00013047

From: Clay Leeds
To: Microsoft ATR
Date: 1/16/02 7:25pm
Subject: Microsoft Settlement

To whom it may concern:

Please be strong in your actions against Microsoft. I urge you to exercise your power

to ensure that Microsoft does not retain its monopoly over the PC industry. Please require Microsoft to fully standardize, document and publish the Microsoft Windows APIs, as well as the Microsoft Office APIs, so that other software vendors can compete with Microsoft on these fronts. I believe that Microsoft unfairly abuses its monopoly power to keep down legitimate technology companies. In addition, Microsoft has flagrantly disregarded previous attempts at stemming the tide of limiting Microsoft's monopoly.

Please do the right thing for the good and honest citizens and corporations of the United States of America.

Thank you.

Clay Leeds

Web Developer/Programmer

cleeds@medata.com

MTC–00013048

From: Ron Severdia
To: Microsoft ATR
Date: 1/16/02 7:26pm
Subject: Microsoft Settlement

To Whom It May Concern:

Surely there are political forces at work behind the proposed settlements to the Microsoft antitrust suit. How else could one explain the leniency and reckless disregard for protecting the general public against such business practices? Are we to allow this to continue? Have big businesses intimidated the federal government to the point they are granted ''carte blanche''?

The current resolution under debate is more than unacceptable. It is a farce because it, in no way whatsoever, represents a punishment for Microsoft1s **proven** (again, I emphasize PROVEN) illegal acts. It is a resolution that will only continue to foster Microsoft1s growth and stronghold on the PC market (especially where it1s most deficient—-the education sector), despite it1s lack of innovation and morales. Their casual attitude towards the DOJ (and other legal entities opposing them) and their boldface lies (they told the court that, ''sure, it would supply a version of Windows with Internet Explorer removed from its guts, but gee, sorry, then Windows wouldn't work.'') shows nothing but contempt for the free-market society which helped them build up to where they are; the same free-market society they misused and abused along the way.

I am extremely thankful for the 9 states that have had the insight, intelligence and courage in refusing to accept this situation as is (being from California, I am especially thankful we are one of those 9.) It is only because of them I have had any faith that this matter will be resolved fairly and according to what is in the best interest of society, and most importantly our country. I hope that this kind of unwavering determination will ensure justice prevails.

I urge you to resolve this matter in a manner that may not be consistent with the lingering political motives, but in a fashion that will be in the best interest of the American people.

Sincerely,

Ron Severdia

MTC–00013049

From: Michael
To: Microsoft ATR
Date: 1/16/02 7:32pm
Subject: Microsoft Settlement

I am disappointed by the penalties not imposed on the software giant. The software giant does not need to propagate it's muscle by giving out and providing computers to the poorest schools. If that was the case. . . LET these poor schools make the choice of which operating system they wish to have in their school system. Besides. . . if they are in fact the poorest schools how can some of these schools justify an IT person or persons on staff to maintain Windows machines. The alternative Operating systems offer much more less maintenance and will not hurt the schools that are poor. This is not a choice. . . it is stuffing every school with an operating system that it is forced to use. . . without given the chance to choose.

I say fine them (very steeply). . . . Allocate the money to the poorest schools and let the people make the bids and offers. . . let the school make the choice. Do not let Microsoft FORCE FEED their power upon these people. . . it will just give them more reason. . . for dominance. That is the very thing that defeats the purpose of the suit. As a consumer that is unfair and uncalled for.

A Disgusted Citizen

MTC–00013050

From: JGKnox@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 7:33pm
Subject: Microsoft Settlement.

January 16, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I am concerned not only that the Microsoft antitrust case has dragged out for so long, but also that the settlement which is now pending threatens to be overturned if the correct course of action is not pursued. Nine states with a vested interest in the Microsoft case are currently seeking to overturn the settlement and to seek to reopen the antitrust suit against Microsoft. This has gone on long enough. I do not believe it is necessary to waste the time and resources of the Department of Justice, Microsoft, and the plaintiff states any longer. I urge you and your office to carefully consider the implications of extended litigation before any decisions are made.

First of all, additional litigation is unnecessary. Microsoft, while it may have been in violation of antitrust laws at the beginning of the suit, has agreed to terms in the settlement that would prevent them from further antitrust violations. For example, upcoming versions of Windows will now be formatted in order to support non-Microsoft programs and products, and various line code, interfaces, and protocols will be disclosed to Microsoft competitors so that they will be able to create workable interfaces between their programs and the Windows operating system. Microsoft has also agreed to license applicable intellectual property rights to all third parties working under the terms of the settlement.

Secondly, further litigation is unwise. I do not believe it is in the best interests of the economy, the consumer, or the American IT industry to continue to drag out the suit any longer. It is a waste of time and money and it will lead to no good. The settlement reached is just to all parties involved and needs no further modification. Microsoft and state and federal resources have been tied up for too long in this suit. The American economy, as well as the American IT industry, have been hurt by this stagnation. This is unconscionable. The Department of Justice in antitrust cases is supposed to work in the public interest. As far as I can determine, the public has only been hurt by the lack of swift conclusion. I urge you and your office to take a stand and allow the settlement to pass without further delay.

Thank you.

Sincerely,

John Knox
106 Sprout Road
Muncy, PA 17756
ph:570–546–2012
cc: Senator Rick Santorum
CC:JGKnox@aol.com@inetgw

MTC–00013051

From: Pamela/Robert Hansen
To: Microsoft ATR
Date: 1/16/02 7:35pm
Subject: Microsoft Settlement

The settlement is fair and let's settle this matter at once. Enough is enough, settle. I believe it sould never have been filed in the first place.

MTC–00013052

From: Patrick McCloskey
To: Microsoft ATR
Date: 1/16/02 7:35pm
Subject: Microsoft Settlement

Make Microsoft include the top 2 competing products in Windows XP to finally give consumers REAL choice, for example:

Make them include QuickTime and Real Audio along with their Windows Media Player in a standard XP installation.

Make them also include NetScape and Opera along with their Internet Explorer web browser during a standard XP installation.

Apple has been doing this with their Mac OS installations for years and it has been great for both the Mac user community (consumers) and the Mac market overall. There's no reason that Microsoft shouldn't do this freely for consumers too.

Patrick McCloskey

MTC–00013053

From: Scott Clawson
To: Microsoft ATR
Date: 1/16/02 7:20pm
Subject: Microsoft Settlement

Dear Sir or Madam,

Any settlement with Microsoft *must* contain provisions to curb Microsoft's anti-competitive behavior. I personally favor a solution that would break up the company into at least two companies; one providing operating systems and the other providing applications such as Microsoft Office. Here is a recent example of why I feel this way: Yesterday I ordered a computer from Dell. My *only* choice when ordering one of their

standard configurations would be to get Microsoft Office. I could *not* order a computer without Microsoft Office, except perhaps by calling Dell on the phone and insisting.

In the last 8–10 years, every computer I've owned has come with a copy of Microsoft Word. Is it any wonder that companies like Word Perfect and Lotus have essentially disappeared? Why would I go buy a copy of Word Perfect when I've already been forced to buy a copy of Word? Microsoft's monopoly on operating systems gives them the ability to force hardware manufacturers like Dell to bundle Microsoft Office with every PC they sell.

I repeat, that any settlement with Microsoft must contain provisions to stop this kind of anti-competitive behavior.

Thank you for allowing me to submit my opinion.

Scott Clawson
Datafest Technologies, Inc.

MTC–00013054

From: Chris Charuhas
To: Microsoft ATR
Date: 1/16/02 7:36pm
Subject: Microsoft Settlement

Please put Microsoft's APIs and Office file formats in the public domain.

Thank you,
Chris Charuhas
Chris Charuhas / Visibooks
http://www.visibooks.com
chris@visibooks.com
804.278.9188 phone

MTC–00013055

From: Jesse Spears
To: Microsoft ATR
Date: 1/16/02 7:38pm
Subject: Microsoft Settlement

To whom it may concern:

I'm writing to you to protest the current proposed Settlement in the Microsoft Antitrust case.

Microsoft has shown time and time again that they will NOT compete fairly if allowed any leeway in how to do that. They will corrupt, twist, and abuse any loopholes given to them.

The current proposal does not go nearly far enough in establishing a fair and even playing field for Microsoft and their competitors. It essentially leaves Microsoft free to abuse their competitors as they have been doing for almost 20 years.

I will now quote a recent article from Salon.com, because the author says this better than I can:

There's no reason to think the Justice Department's proposed settlement will work any better than the consent decree of last decade did. And financial penalties can hardly wound a company that is sitting on a cash hoard of tens of billions of dollars. But intellectual property—that's something Bill Gates and his team really care about. Requiring them to divulge some of it in order to restore competition in the software market might actually get them to change the way they operate.

With Microsoft's APIs and file formats fully standardized, documented and published, other software vendors could compete fairly—which, after all, is what antitrust laws are supposed to promote. We might then be faced with a welcome but long unfamiliar sight: a healthy software market, driven, as today's processor market is, by genuine competition.

Please reconsider your current plan. It will not solve anything, or provide any relief or protection from Microsoft's heavy handed, anti-competitive practices.

Sincerely,
Jesse Spears
Austin, TX —
Jesse Spears
SpearSoft <http://www.spearsoft.net>

MTC–00013056

From: Kyle Stevenson
To: Microsoft ATR
Date: 1/16/02 7:39pm
Subject: Microsoft Settlement

I think that handing Microsoft a 2 year moratorium on licensing out Windows would be very fair. They would be allowed to sell the software on retailer shelves only. This would allow them access to an open market, while giving all competitors 2 years to catch up on market share. This would totally open up the licensing market MS used to monopolize the industry.(ie. cheaply bundling their software in with manufacturers PC's.) This would have to be announced in advance to give all parties a lead time. If I can help just email.

MTC–00013057

From: imac@polyex.com@inetgw
To: Microsoft ATR
Date: 1/16/02 7:39pm
Subject: Microsoft Settlement

Hi,

If you guys want to find out some ani-competitive tactics Microsoft pulled, you should look into the nonsense they were pulling after 1993 or so when they divorced from IBM on the OS/2 project. Among other things they bought the only company that made a program to install OS/2 applications, and cancelled the OS/2 product within days. They also bullied computer manufactures with threats of higher Windows liscenses if they dared bundle OS/2 with there machines. As an early developer of OS/2, this had a direct impact on myself and countless other OS/2 ISV's most of which are out of business now.

OS/2 Warp (Version 3.0 of OS/2) was a real threat to Microsoft and they did everything they could (legally or illegaly) to sink the product.

-Adam Hall

MTC–00013058

From: Patrick McCloskey
To: Microsoft ATR
Date: 1/16/02 7:40pm
Subject: Microsoft Settlement

Keep competition alive by forbidding Microsoft from selling to certain markets. Keep them out of the Education market, period. Let someone else (Apple) dominate that market space and keep a competitor strong.

Patrick McCloskey

MTC–00013059

From: robert wehrle
To: Microsoft ATR
Date: 1/16/02 7:42pm
Subject: microsoft settlement

Can you provide name and address of Florida Atty. Gen?

Bob

MTC–00013060

From: Steve Justis
To: Microsoft ATR
Date: 1/16/02 7:42pm
Subject: Microsoft Settlement

Please help make the computing and operating system market fun and vibrant again by making Microsoft less powerful by reducing the power of their monopolistic power over the industry. Here are some ideas:

1. Make Microsoft ship full featured versions of all there desktop software for ALL competing Operating Systems. This is not just MS Office but ALL of their desktop applications like MS Project, Visio, Publisher, etc. . .

2. Make Internet Explorer FULLY COMPLIANT with WC3 standards

3. Make Microsoft to fully integrate Suns JAVA in all versions of the windows OS

4. Create a committee that reviews MS behavior on a quarterly basis

5. Make all Microsoft network protocols and file systems cross compatible with Linux and the Mac by default.

MTC–00013061

From: Morrie Schneider
To: Microsoft ATR
Date: 1/16/02 7:44pm
Subject: Microsoft settlement

The DoJ should not punish Microsoft for perceived but unproven monopolistic practices. Microsoft's competitors are the only ones who will unfairly profit.

MTC–00013062

From: John C. Long
To: Microsoft ATR
Date: 1/16/02 7:51pm
Subject: Microsoft Settlement

Department of Justice:

It seems to me that the government should be in the business of fostering an environment where business can flourish and not in tearing them down. Most of the state attorney generals do not want a settlement because they are protecting businesses which are domiciled in their state. It is mostly jealousy and not business protection. For the life of me, I can not see how the government can make me share something for which I worked and invested my money to develop. That is what they appear to be doing in the case of Microsoft.

I urge the Justice Department to settle this case as proposed and let everyone get on with their business. There are always those who want more, whether it is Microsoft competitors or victims of the World Trade Center.

Sincerely yours,
John C. Long

MTC–00013063

From: projektor Films
To: Microsoft ATR
Date: 1/16/02 7:52pm
Subject: Microsoft Settlement

Dear Sirs:

I am very troubled as an early adopter of technology and a user of multiple platforms that MS has consistantly robbed, raped, and forced independent developers of software and hardware to often go against their best interest.

Just look at their implementation of Java, QuickTime, and Real software for how they have stunted the consumers right to choose.

Further, this company is not an innovator, instead they have cobbled together (badly) a group of programs that they mostly have not developed in house, and the macro language they used (vbasic) leaves all users open to easy hacking and abuse.

Also, the pitiful use of lawyers to block the truth, and more importantly, consumers ability to use other programs or deselect programs forced upon the Windows desktop. i.e., Please examine Macintosh versions of MS Project, Links, Excel, Automap(renamed), all developed on Mac and ported THEN DISCONTINUED or not updated for YEARS. Also, one need only to examine Netscape's browser, the top 5 hardware manufacturers ability to change the startup or desktop, and features continue to be built-into the OS (which wasn't an OS before win 2000) and the inability to purchase an Intel based machine without their software pre-installed.

Freedom demands that you examine ways to make this rogue company pay CASH damages, as this is the only way a juggernaut of this size can be slowed, and please limit any and all abilities for this company to restrict our TV Console and Game Console industries with their underdeveloped, buggie, and sub-par software offerings.

I have been in this industry for nearly 20 years, and this company would be a better competitor if it's wings and the egos of the operating officers were severely curtailed for their illegal and pervasive ignorance of both the spirit and the letter of the laws of the United States.

You are our last, best hope: capitalism is no excuse for immoral gross negligance, and this administration cannot look the other way when the ''little guy'' is beat up by the fat, slothful bully.

thank you for you time and attention.

cjso

projektor@yahoo.com

MTC–00013064

From: John Mistura
To: Microsoft Settlement
Date: 1/16/02 1:21pm
Subject: Microsoft Settlement
John Mistura
1175 adele ln.
San Marcos, CA 92078–4572
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

I have a choice if I want to buy this product or not. I don't have that choice with gas bills, and food etc. Stop wasting my money. I never received a raise. The politicians can give themselves a 5,000 dollar raise, and than tax my family more to pay for this and that. Whatever! STOP. . The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

John Mistura

MTC–00013065

From: Bela Beik
To: Microsoft ATR
Date: 1/16/02 7:56pm
Subject: Microsoft Settlement

I am a consumer, using Microsoft product. I am satisfied with all my purchased MS product.

It is time for the DOJ to get off the back of MS.

Bela Beik

Boonton, NJ

MTC–00013066

From: William M. Benjamin
To: Microsoft ATR
Date: 1/16/02 8:04pm
Subject: Microsoft Settlement

This company should be broken up into three separate companies. It is a shame that the Justice department will let them walk.

MTC–00013067

From: Wayne Pinkham
To: Microsoft ATR
Date: 1/16/02 8:00pm
Subject: Microsoft Settlement.

Dear Renata B. Hesse,

I am a computer consultant who has experience in teaching and supporting computers in a private school for learning disabled students. My experience in computer consulting includes technical support for main frame, Unix, Microsoft products and computer networking support. I am a Microsoft Certified Systems Engineer and provide free technical support to computer users in my free time. Much of the free technical support I provide is for users who have problems with Microsoft products. I have been following the Microsoft Anti-Trust Case and I am glad to see that what would have been the ideal settlement on the side of Microsoft has been challenged. Microsoft's proposed settlement would have not penalized Microsoft, but in fact would have been a great benefit to Microsoft. Their proposal should have raised many questions about the intentions of such an action and the real cost to Microsoft for the proposed settlement.

If Microsoft were to donate software to schools systems they would be given an unfair advantage in marketing their software. I have personally seen this type of marketing launched be Apple Computer Corporation in the 80s. Apple provided all sorts of incentives and reduced prices to school systems to entice them into purchasing computers for the classrooms. The goal of this marketing ploy was to develop the incentive for parents of the students to buy apple computers. This method helped Apple Computers to increase their volume of sales. This settlement would allow Microsoft to use the same tactics in their punishment. Microsoft could introduce new software for the students use and then subtly encourage the parents to purchase the new software. This is a net plus to Microsoft which in fact nullifies and penalties.

If the judgement is to punish Microsoft then it should be felt by Microsoft and its corporate officers. If Microsoft is allowed to donate software then all they have to do is manufacture CDROMs at a cost of less than $1.00 per copy and the charge the the market value of the software against their settlement. This is a great deal for Microsoft as they could charge of $89 for each copy of Windows 98, between $269 and $299 for each copy Windows.XP Professional, and between $189 and $199 for each copy Windows.XP Home Version. This would effectively produce a pennies on the dollar settlement. This would ultimately be cheaper than an advertising campaign. The net result is that Microsoft effectively feels no pain with this punishment.

Microsoft's launch of Windows.XP would appear to the average American to be a clear case of Contempt of Court. Microsoft Corporation does not have to comply with the court rulings, just as it does not have court good feelings from their product users.

I would like to see real penalties applied to Microsoft for their actions. The break up of Microsoft would be no more adverse to the economy than the breakup of AT&T. Would we have the telephone and Internet services at the low rates today if AT&T was allowed to continue to operate without the breakup? If Microsoft were to be broken up more innovators would be able to step up and compete. If the breakup is not done then the least that should happen is that Microsoft should be forced into making Windows 95, 98 and Windows NT public domain. Other innovators could then improve those products and offer an alternative to Microsoft.

Thank you for your time and consideration.

Sincerely,

Wayne Pinkham

MTC–00013068

From: E. STANFIELD
To: Microsoft ATR
Date: 1/16/02 8:02pm
Subject: Microsoft Settlement

Settle this, and let the attorney generals of the states hang. Perhaps they'll go back to work on important things in their states and quit trying to make headlines.

I suggest that finally this Microsoft problem be solved at once. It's about time success was valued, however, in the future if Microsoft gets too far out of line, then clamp down again.

Earl W. Stanfield

MTC–00013069

From: Wesley Horner
To: Microsoft ATR
Date: 1/16/02 8:02pm
Subject: microsoft stettlement

If Microsoft is allowed to buy SGI 3D patents they will own the defacto standard that is in direct competition with their 3D offerings. This is going to make developers HAVE to use microsoft's version if microsoft decides to limit access to these technologies this tying people to their platform. http://www.theregister.co.uk/content/54/23708.html

I cannot support or endorse such a move and I hope that my government agrees.

Wes

wesman@resnet.uoregon.edu

MTC–00013070

From: Jim Dyson
To: Microsoft ATR
Date: 1/16/02 8:08pm
Subject: Microsoft Settlement

Thank God something is finally being done with microsloth. I am for anything that breaks microsuck's back. Please make it real. make them give out the API's and tell them to stop messing with Java. Install Netscape on every new pc, let OEM's put on what they want. microsloth is just a proprietary os. Can you believe that they wanted to tell the doj what their punishment is to be? Everywhere you look is microsuck this or that. . .

thanks for your time

Jim Dyson

MTC–00013071

From: Dennis (038) Diana Wright
To: Microsoft ATR
Date: 1/16/02 8:08pm
Subject: Microsoft Settlement

I think the settlement should be something along these lines:

To compensate for past abuses:

1. Heavy $ fine that is proportional to the $ gain they have achieved as a result of these practices. This somewhat corrects for penalty for past sins.

To avert future abuses:

2. They should have to publicly publish all APIs in the Windows Operating Systems.

3. Require them to release applications programs on ALL platforms simultaneously with equivalent features. They should not be allowed to schedule releases for a competing platform at much later dates than the applications on the Windows platforms. They have used this quite cleverly in the past to yank other companies around by threatening to drop support for other platforms (with their Office Suite) when other platforms need the Windows applications to exist because their predatory practices have created the monopolies. This will remove the ''platform preference'' issue that Microsoft so cleverly uses by creating second-rate applications for other platforms. I cite their slow native support for the Macintosh PowerPC chip by not have any native applications for almost two years after most other companies. When Office Word 5.0 appeared, it was doggedly slow. The point of that was to slow the adoption of the PowerPC and to impede Apple from making gains against the Intel Pentium Chip.

4. Require them to publish all file formats for all their applications. This will allow competitors to write similar programs that can compete with Microsoft's and yet interact with Microsoft software at a file level. Currently no one can do that because Microsoft keeps those things secret. Some reverse engineering of these file formats has been done, but with limited success. Microsoft keeps changing them so that if someone were to figure them out, that knowledge would be obselete possibly on the next release.

Microsoft and its CEO have revealed to the world during the anti-trust trial of what liars and thieves they are. Please impose severe punishment on them and rid America's computing desktop of the Microsoft criminals. They are a blight on technological development!

Robert Wright

MTC–00013072

From: Ned Simpson
To: Microsoft ATR
Date: 1/16/02 8:09pm
Subject: Microsoft Settlement

I feel that the settlement should consist of something other than Microsoft products. If Microsoft is willing to ''give'' a billion dollars of product and software to schools, why not make it products from those who directly compete with them. After all, the idea is to penalize them for breaking the law, not reward them with market share.

Ned SimpsonH: 408.445.8289
c/o 656 Lanfair DriveC: 408.823.5196
San Jose, California
Postal Code 95136

MTC–00013073

From: David Lentz
To: Microsoft ATR
Date: 1/16/02 8:12pm
Subject: Microsoft Settlement

This note is in response to the request for public comment on the Microsoft-DOJ ''settlement''.

Let's see if I understand the settlement purchased by Microsoft—after being convicted of predatory business practices and abusing their monopoly power, Microsoft will:

(1) Not be impeded in any way, shape or form from using their existing monopoly power to extend their influence to other industries by restrictive covenants and bundling products to exclude/crush competitors

(2) Not be required to compensate either the companies damaged (Netscape comes to mind) or the consumer for damages inflicted by their crimes. Indeed, so far as I can tell, our government's position is that the Microsoft monopoly and absence of competitive drive in the small computing marketplace is the best thing that ever happened to us.

(3) Be forced to push ''one'' billion dollars, into one of the few markets not completely under their control (education), in a manner virtually guaranteed to give them a dominant influence, leaving them with ''only'' a 35+ billion dollar cash position.

(4) Be subject to the smallest degree of oversight possible, by a handful of individuals with no degree of control over the actions of the company they are overseeing. I expect the nation's news media to be a more effective control, but only to the degree that Microsoft cares what is said about them. If past reflects the future, they couldn't care less what anyone thinks about the way they conduct their business, so long as they are free and unencumbered.

Is that about the size of it? Do I understand it? I guess my reaction is that Microsoft got one hell of a bargain for their investments in the US Government (meaning the Executive branch, Legislative branch, and Judicial branch). I figure that the additional markets and profits this ''settlement'' will acquire for them will more than pay for their legal expenses. Looks to me like in the case of ''Microsoft vs the DOJ'', that regardless of the ''official verdict'', Microsoft won and the goverment is begging their forgiveness via this ''gift'' of a settlement.

Just my opinion and comment.

David Lentz
15126 Count Fleet Ct
Carmel, IN 46032
davelentz@acm.org

MTC–00013074

From: Margaret or Glenn Johnson
To: Microsoft ATR
Date: 1/16/02 8:13pm
Subject: Microsoft Settlement

Attorney General John Ashcroft
United States Department of Justice
Washington, DC

Dear Attorney General Ashcroft:

I believe that, in a capitalist society, it is the role of government to stay out of private industry. I feel that the government's antitrust suit against Microsoft is a direct violation of the ideals that have established this country as the most powerful nation in the world. I am pleased that a settlement has finally been reached, so we can finally put this foolish business behind us.

This suit has done irrefutable damage to the United States economy, and if we continue with this litigation we will only be hurting America more. As we are faced with a possible recession we need to take stock of the damage that this could cause if it is pursued any further. Microsoft is one of the largest employers in America. When times are bad economically you do not attack employers. Microsoft is also the leader of America's fastest growing economic sectors. This suit has caused the IT industry to flounder allowing room for overseas competitors to elbow their way into a field that we should easily be able to dominate.

I thank you for the work that you have done in bringing forth this settlement. I hope that you will have the foresight to protect free trade and capitalism for America's future.

Thank you.

Sincerely
Glenn Johnson
P.O.Box 1057
Dunlap, TN 37327–1057

MTC–00013075

From: Paul Bunker
To: Microsoft ATR
Date: 1/16/02 8:14pm
Subject: Microsoft

As a customer purchasing system software I have no complaint with Microsoft. Actually they are their own greatest competitor. They do have serious competition. Only their competitors are complaining about them. Anyone who doesn't like Microsoft can use Linux. Get off Microsoft's back. The Governors are simply looking for more money to squander like they are squandering the tobacco money. Take Microsoft's settlement offer and get on to prosecuting some real criminals.

Paul Bunker.

MTC–00013076

From: Barb Hansen
To: Microsoft ATR
Date: 1/16/02 8:07pm
Subject: Microsoft Settlement.
January 16, 2002
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

The Department of Justice and Microsoft have finally settled their three year long antitrust case. We are writing to you to give our support to this settlement. It has, in our opinion, gone on far too long. Any further litigation would damaging to America's economy

We personally think the antitrust case was more an attempt by Microsoft's competitors to disarm the company than any unfair business practices. ''Sour grapes'' is the only term we can think of to describe the antitrust case against Microsoft.

Overall, Microsoft has been very fair. Microsoft has agreed to release its intellectual property in the internal interface for the Windows operating system; license other intellectual property; open up Windows to modifications to let its competitor's more easily promote their products; and subject itself to a technical committee checking for compliance with the agreement.

It is time to move on. America has rebounded from last September. We have a great deal of optimism about our economy. We need to let Microsoft get back to what it does so well—innovation in the technology field. We urge you to give your support to the Microsoft settlement. We do.

Sincerely,
Barbara & Richard Hansen
101 Ballard Way
Onalaska, WA 98570

MTC–00013077

From: Paul Ochsner
To: Microsoft ATR
Date: 1/16/02 8:19pm
Subject: Microsoft Settlement

leave them alone to do business. .!!!!

if you look at the begining of the fall of the tech sector, it was at the time the Clinton administration started harassing Microsoft. . leave them alone. let them do business. .

Paul Ochsner
Salem, OR

MTC–00013078

From: emil meek
To: Microsoft ATR
Date: 1/16/02 8:25pm
Subject: Microsoft settlement

I am personally really aggravated by the callous attitude that Microsoft directs toward these proceedings. I think that the proposed settlement by Microsoft to give computers and (virtually free to them) software is arrogant. I feel that they cannot continue to leverage market shar3/dominance in their favor to crush differentiation and competition.

Emil Meek,
Kingston, WA

MTC–00013079

From: hal
To: Microsoft ATR
Date: 1/16/02 8:27pm
Subject: Microsoft Settlement

In my opinion, the proposed settlement does not adequately protect consumers from Microsoft's heavy handed tactics. They continue to bundle product and coerce consumers. To ensure adequate competition, they should be required to publish, with an appropriate lead time, the specifications of all the proprietary file formats and API's. This would give competitors a chance at competing in an otherwise closed environment controlled by Microsoft and protected by their monopoly. —

Halklingons@speakeasy.org

MTC–00013080

From: David M. Ensteness
To: Microsoft ATR
Date: 1/16/02 8:24pm
Subject: Microsoft Settlement

Dear Sir or Madam:

As a college student at a private liberal arts college in Minnesota working in the Information Technology Dept. I have witnessed first hand the outcome of Microsoft's unfettered actions. Our campus suffers directly because of the built-in incompatibility of MS products to work with competitors' products including JAVA, QuickTime, Mac OS, Linux, BSD UNIX, Solaris, and other backbone technologies.

Last year our campus made a rush move to upgrade from Windows NT 4.0 to Windows 2000 because of the promise that we would be able to integrate it into our network structure more smoothly. This has not been the case. While the problems with NT rendered much of the campus network of 4,000 terminals unusable for our 2,400 students and many of our faculty, Windows 2000 has been a mixed blessing. Campus wide incompatibilities still loom large and prevent a true cross-platform environment [which we have been able to create between minority alternative platforms] from existing. Our reliance on MS software due to their various monopolies has ensured that we may not choose to migrate away from the Windows platform.

I have read and reviewed the published information regarding the MS settlement agreed to by MS and the DOJ and have contacted my Attorney General regarding the matter. I do not agree with the settlement proposed by the DOJ and the nine states which have decided to settle. I do agree with the settlement proposed by the nine states continuing the case which was refused by Microsoft.

I feel that MS must be forced to provide an unbundled version of Windows to OEMs, open source code to monopoly tied software such as Windows, Internet Explorer, Office, and others and license other companies to produce fulling compatible versions of MS software for both Windows and other platforms. These licensees must be given full and complete access to any proprietary code that relates in anyway to the product they are to produce so that they are able to have an equal chance to develop quality software.

As Always,
David M. Ensteness
Apple Core Chairman
GAC MUG
CC:attorney.general@ state.mn.us@inetgw, list@gacmug.or.

MTC–00013081

From: polly a. woodress
To: Microsoft ATR
Date: 1/16/02 8:26pm
Subject: Microsoft Settlement

Sirs:

Thanks very much for giving the public the opportunity to voice opinion in the settlement of the MSFT case. The entire circumstance around this case is very upsetting. Some say it all came about because MSFT and Bill Gates didn't contribute enough to political campaigns, or have a huge lobby in Washington representing their interest. Some say it was the jealous competitors who did give political contributions and have a strong lobby in Washington that got the Justice Dept. to go along and punish MSFT. I personally hope none of this is the case, because if it were the case it would go against every principal, in this opinion, that our country is founded on. Americans today are so cynical and non-trusting of our government, including the Justice Department, that somewhere, someday, someone must have the courage to stand up and say: ''This case was dreamed up, schemed up by some special interest. It has no merrit. It was intended to destroy and/or punish a very successful corporation of which we are all jealous. Many of us in the D of J have never worked outside government, we are easily swayed by one sided propaganda and lacking experience in the outside world of free competition, we misjudged the collapse of our ''Ivory Tower'' thinking. We were wrong. We want to correct our wrong.

Microsoft has done no wrong, but instead has contributed vast qualities of knowledge and productivty, while giving our entire country unbelievable economic gains.'' Yea! Sure! The chances of that happening are zero. But someway, we must stop letting the Government destroy everything that is good for a majority of our nation. Remember what it was like in the 1970's and 1980's, American had almost given up on everything! Then comes the 1990's and just

when we get a leg up, the Justice Department come crashing everything down! If it wasn't so sad, it would be funny. The Justice system says that Bill Gates and company have done TERRIBLE thMSFT tnbspericans! Mercy! I wouldn't be e-mailing you now if it wasn't for Mr. Gates and Company. . . . My 80 year old Father would not be trading stocks nbspne now if it hadn't been for Mr. Gates & Co. I remember when personal computers first came out. . . . We had to learn DOS commands, then we bought our software thnbspould just do one tiny thing for hundreds of dollar$, with hundredsnbsp dollar$ merritpenbspor each application we wanted to use. I remember! It was terrible. Everyone used something different, nothing was compatible, and most everything didn't work well. And, I don't get it. . . . I looked at other operating systems as I bought more computers through the years. . . . I looked at the Apple Mac system, I looked at the IBM OS2 system. . . . How can the government say that MSFT is the only system? MSFT just kept adding new things that made computing easier, faster and cheaper for the customer. We had a choice! We made the choice and the choice was MSFT! Don't punish them for that!

Whatever you do, please don't impose such a harsh judgement that will make competition with other countries impossible! I am a cattle rancher and through the years I have sit by and watched the most productive agricultural county in the world be destroyed by government rules, laws and treaties. We can't compete anymore. . . . the cost of labor, taxes, insurance, equiptment are so high we can't produce anything as cheaply as it can be imported from other countries. As we in agrilculture slowly go broke, it will just be a matter of time before the U.S. is dependent on other courtries for all our food. Do we really want to start technology down that road also? We all know that Japan, China, India or some other country will grab the leadership vaccum that MSFT leaves and the good ole US will once again forfit the world leadership position in yet another area!

What will be left in this country to make a living? Surely there can't be enough government jobs for everyone? Just look ahead. . . . look down the road before making a punishment decision for MSFT or any American company. Just look at the companies over the years that our Government has attempted to punish as monopolies. Take Standard Oil. . . . take Ma Bell. . . . Government tinkers, imposes restrictions, punishments, etc., until either the companies go under, or the Government will give them permission to put the company together again. Look at the telephone companies, the big ones grabbing the small ones up until now there doesn't seem to be any profits for any US phone companies, but hold your hat for a foreign replacement. Look at the oil companies. . . . didn't I recently read that all the Standard Oil Companies would soon be back under one Exxon-Mobile umbrella soon? ''The more things change, the more they stay the same.'' I just don't get it? Can someone explain? So, please let the ''free marketplace'' work it's magic and tell us what we like and what we don't like WITHOUT government interfearance.

Thanks, Polly Woodress

MTC–00013082

From: Philip Corlis
To: Microsoft ATR
Date: 1/16/02 8:28pm
Subject: Microsoft settlement

Since Microsoft was found to have violated US law, it is important to penalize them in a meaningful way. Their past history regarding legal actions suggests that any ''soft'' approach which involves their promise to change their business practices for a light penalty simply hasn't worked. Their corporate culture views kindness as weakness and encourages further rule bending and monopolistic corporate expansion from the top down—simply a new opportunity to quash competition and possibly keep new or better ideas from the marketplace. The only real solution is to provide a penalty scaled to their corporate wealth, a direct connection between ''risky'' or possibly illegal corporate decisions and meaningful and significant corporate losses.

I applaud the judge's decision not to allow Microsoft to use this legal problems as an opportunity to expand into new markets at an insignificant cost to them. Any solution to the Microsoft issue should impact them—not their competition. There is little competition left in the marketplace and the court has, and should, keep this fact in mind. The world of computing could be made better, stronger, and even less expensive for all americans if more, rather than less, competition were in the marketplace.

I encourage the court to create a cash dollar penalty scaled to Microsoft's corporate wealth—to be paid in one lump sum—with the moneys to be given the states involved in the litigation with the stipulation that the moneys be used to support technological needs of their public schools and local libraries. In this way, Microsoft will be penalized and the moneys used for the public good.

Thank you for this opportunity to provide ideas to the court as this case moves towards its conclusion.

Respectfully:
Philip Corlis

MTC–00013083

From: Sampuri@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 8:28pm
Subject: letter

2000 Beechwood Road
Hyattsville, Maryland 20783
January 16, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to inform you of my thoughts on the recent settlement between Microsoft and the Justice Department. I am happy that a settlement could be reached in the three-year antitrust case against Microsoft. This case has been going on for three years now, and must come to an end soon. Microsoft is not getting off easy like it's critics want you to think. The company will be making numerous changes to its business practices that will restore fair competition and prevent future antitrust violations. For example, Microsoft has agreed to document and disclose various interfaces that are internal to Windows' operating system products for use by its competitors.

Also, Microsoft has agreed to allow computer makers to remove the means by which consumers access various features of Windows, such as Microsoft's Internet Explorer web browser, Windows Media Player, and Windows Messenger. Furthermore, a technical committee made up of three software engineering experts will monitor Microsoft's compliance with the settlement.

I ask that you accept this settlement, and not pursue any further action against Microsoft.

Sincerely,
Samir Puri

MTC–00013084

From: Gilles
To: Microsoft ATR
Date: 1/16/02 8:26pm
Subject: Microsoft Settlement

I can not help but be offended by the settlement in the case of Anti Trust vs Microsoft. The proposed settlement does absolutely nothing to help third party developers. First of all, let us remember that third party developers have managed to write software without the help of Microsoft for long before the anti-trust case.

Second of all, the problem that seems to be clear to the hundreds of individual creative programmers I deal with everyday, is that Microsoft has the engineering task force to look at an innovative product, duplicate it in a record time (so far no harm done), and use their marketing power but most of all, illegal (often verbal) binding agreements to dislocate the competitors product by offering their alternate solution in ways that are more than questionable.

Going back to the beginning of Windows, we find their very first illegal monopoly offense against Disk Operating System's competitor Digital Research with DR-DOS. Microsoft would force OEMs to buy their inferior MS-DOS with the argument that the OEM would have to pay more for MS-Windows alone that they would if they distributed MS-Windows bundled with MS-DOS. Then they took on Networking companies like Novell by offering Networking services such as those found in Windows for Workgroups and Windows NT. This same monopolistic approach has been clearly seen as a pattern since then in cases like their Disk Compression technology, Windows Media Player (competing with Real Networks and lots of others), Netscape Navigator (probably the most evident case of monopolistic action) and many others.

What saddens me the most, is to realize that most of today's websites can not be viewed properly unless they are visited with Microsoft's Internet Explorer. The World's Wide Web which started as an open project to allow anybody from any machine, anywhere in the world to view anybody else's web site, has now become a Microsoft

only world. By offering tools—first for free—that allowed anybody to create professional websites quickly (tools that use Microsoft proprietary extensions), Web sites that can now ONLY run on Microsoft servers and be viewed best only with Microsoft Internet Explorer have flourished at a rate so exponential that it is becoming more and more difficult to enjoy browsing the web unless one is using Microsoft tools.

As an avid defendant of a free world wide web, overseen by an open group dedicated to keep it free from vendor specific extensions, I am saddened to realize just how much Microsoft managed to turn the web into a Microsoft only monopoly.

I urge you to please reconsider the settlement offering. Forcing Microsoft to be more friendly with their competitors will not prevent them from going after these same markets. Is it necessary to remind ourselves that everything Microsoft has to offer today (including Windows itself) did exist before they made it, from the mind of some other creative individuals? I Could go into details and show you where, everything they make today, comes from and how they managed to turn all great computer inventions into a Microsoft only platform.

I personally believe that microsoft should be broken down into an OS only company and that applications such as Windows Media Player and Internet Explorer (or Netscape) should be add ons. To let them make us believe that an Operating system without these is not a complete operating system is wrong. Many people were browsing and enjoying the web in full multi-media contents and 3D Before Microsoft claimed it to be impossible unless MSIE was part of Windows.

If we allow Microsoft to go on, we will soon witness the results of the long efforts that lead to VRML (by companies such as SGI and Pixar, allowing the web to be browsed in as a virtual 3 Dimensional World) become part of MS IE turning 3D websites into another of Microsoft's only experience.

Please don't let Microsoft become the controlling force of the computer oriented world we live in.

Sincerely,
Gilles Gameiro

MTC–00013085

From: Pat Wilson
To: Microsoft ATR
Date: 1/16/02 8:31pm
Subject: Microsoft Settlement

Sirs:

I'd like to comment on the proposed settlement between the DOJ and Microsoft Corporation.

What I don't understand is, if Microsoft was found to be engaging in monopolistic practices that were against the law, how could there be no penalty for those actions? It seems that the proposed settlement would only try to keep those activities from happening in the future. (weakly) It makes us wonder whether Microsoft influence and money are tipping the scales of justice. We are saddened at the prospect of our judicial system possibly being compromised in this way.

If Microsoft has broken the law, through the book at them.

—Pat Wilson

MTC–00013086

From: Doyle Rockwell
To: Microsoft ATR
Date: 1/16/02 8:31pm
Subject: Settlement opinion

Dear Sirs:

I'm sure you have many thousands of these comments to process, so I'll be brief.

If the proposed DOJ settlement is approved, the US Government will be publicly acknowledging that a single company is more powerful than law or government. It means that a corporation will have ultimate say over its behavior and impact on us, but our government and laws, which we are supposed to trust, will not and can not protect us.

Don't throw us to the wolves. The settlement is ineffective to the point of being comical. Come up with something better. Please.

Sincerely,
Doyle Rockwell
621 S. Gramercy Pl. Apt. 502
Los Angeles, CA 90005

MTC–00013087

From: Ann Lewis
To: Microsoft ATR
Date: 1/16/02 8:39pm
Subject: Microsoft settlement

Please settle this suit against Microsoft. It's high time for us to get on with more important matters. The settlement seems to be fair enough in my opinion.

Thank you,
Ann Lewis

MTC–00013088

From: Ashley Tate
To: Microsoft ATR
Date: 1/16/02 8:37pm
Subject: Microsoft Settlement

Why don't you just stop meddling in the business sector and leave Microsoft alone?

Ashley Tate
Alpharetta, GA

MTC–00013089

From: Tim and Karen Ryan
To: Microsoft ATR
Date: 1/16/02 8:39pm
Subject: Microsoft Settlement

My husband and I strongly feel that the pending lawsuit with Microsoft is having a negative effect on the stockmarket and on the US economy in general. We urge the Department of Justice to settle with Microsoft at the earliest possible moment. We use a variety of computer software products in our daily lives and do not believe that are choices or spending options have been restricted in any way. We see this settlement as beneficial for us and for the economy.

Thank you for your consideration,
Karen and Timothy Ryan

MTC–00013090

From: Professor
To: Microsoft ATR
Date: 1/16/02 8:44pm
Subject: Microsoft Settlement

Do not let them get in to our schools, Please! Make the Pay in cash they have it, better books or better networking connections to the schools. It would be ideal if we could net work the schools with high speed connection. Any thing other than there software.

Thank you
a Parent
Miami, FL

MTC–00013091

From: Brian J. Kim
To: Microsoft ATR
Date: 1/16/02 8:45pm
Subject: Break Up Microsoft

Hello,

I am writing as a concerned citizen. I really think that Microsoft needs to be broken up into at least 2 companies. The company that makes the OS should absolutely not be the same company that sells applications. There is just too much market control if they are all the same company. I think innovation has been stifled, and consumers lose out. Not only that, but companies that make software applications that compete with Microsoft1s products are at an insurmountable disadvantage.

Thank you.
Brian J. Kim

MTC–00013092

From: William A Davis
To: Microsoft ATR
Date: 1/16/02 8:54pm
Subject: Microsoft Settlement

This needs to be settled.

Thank you

MTC–00013093

From: david randall
To: Microsoft ATR
Date: 1/16/02 8:48pm
Subject: microsoft settlement

i'm writing to express my deep concern over the proposed microsoft settlement. i firmly believe that in its existing form, this settlement isn't a penalty, it's a total gift. they get indemnity against further prosecution and all it takes is the donation of a few used PC's and a gift of software which costs them next to nothing. microsoft itself couldn't fabricate a better scenario.

if any other company controlled 95% of a global resource, there would be worldwide outcry. microsoft has been shown to have used illegal leverage to push windows into its current position of dominance. only a far-reaching and significant penalty can start to open up the markets which microsoft has spent millions to systematically close down.

for what it's worth, i believe the best course of action is a substantial monetary penalty (far in excess of $1 billion) which must be paid directly to schools for the enhancement of their computer education programs. microsoft should not be allowed to offer any unusual discounts to encourage windows adoption. instead, schools should be free to purchase whatever hardware and software they deem appropriate. furthermore, i believe a non-partisan oversight committee should be created as a watchdog with court approved authority to investigate and remedy any actions which it deems are anticompetitive for a period not to exceed 5 years.

the sherman anti-trust laws were designed to protect consumers from exactly the kind

of predatory tactics that microsoft has demonstrated over the last few years. already, microsoft has been elevated to the status of a global utility with almost total control of all informational flow across the planet. only a dramatic and well-conceived remedy can help to undo the damage.

microsoft should not be rewarded for anti-competitive behavior. they have been proven guilty and they must feel the full weight of the law.

thank you for listening,
david r.
koffedrnkr@earthlink.net

MTC–00013094

From: Shirley Adams
To: Microsoft ATR
Date: 1/16/02 8:48pm
Subject: MICROSOFT

Why have you spent sooo much time haggling over above subject when they have offered so much help to our school children. Seems there are many, many other things you should be spending your time on, such as Our Country's Safety, More % for social security(like government workers or at least cost of living), feeding the undernourished Americans & much more.

Your fleecing of America Ex.: the railroad line in Vermont where Billions were wasted in case you did not hear Tom Brokaw's mews today. Please drop this daudling & finalize with Microsoft!

Shirlley Adams
7800 Mockingbird Ln. #180
No. Richland Hills, Tx.
76180–5508

MTC–00013095

From: Alan R. Houtzer
To: Microsoft ATR
Date: 1/16/02 8:49pm
Subject: Microsoft Settlement

The proposed settlement will be ineffective in deterring Microsoft from its monopolistic practices. It is apparent that either Microsoft is being granted a status above the law or the Justice Dept. is incompetent to understand that what it has done is nothing. Microsoft has repeatedly shown that it has no regard for any law or ruling that is intended to limit its predatory practices. The DOJ seems to have forgotten that MS has been found guilty, and that the task at hand is to disable the offender from continuing its offensive activities ? in the present and future. Any sentence must address all future activities by Microsoft.

I see no other way to do this effectively except to break up the monopoly. The American public sees that the DOJ has no teeth. If this is all you are going to do, then close the DOJ1s doors, and save us the expense of running the ineffective Department of Justice.

MTC–00013096

From: Joseph T. Manning
To: Microsoft ATR
Date: 1/16/02 8:50pm
Subject: Microsoft Settlement

To whom it may concern,

The very idea that Microsoft is capable of doing business in a competitive fashion is flawed. Microsoft came into being on the wings of monopolist tactics. Bill Gates was born into a wealthy family, and has never relied on Microsoft for a living. He bought the original MS-DOS operating system from acquaintances who had named it Q-DOS standing for Quick and Dirty Operating System. Once he owned it, he changed the name, and changed the help text, while making few if any substantive changes in the functional code of the operating system. He sold this quick and dirty operating system under the Microsoft label for one dollar a copy for several years, thus entrenching MS-DOS as the titan of the operating systems market. After enough years living through these narrow profit margins, he was able to bring about Microsoft Windows and began to raise his margins. Since then, Microsoft has continued to close out, buy out, bad mouth, and sabotage competitive companies to the absolute detriment of both consumers and the computer sector as a whole.

Microsoft claimed to be a technology innovator while retaining legacy MS-DOS code all the way into the Windows 98 operating system, and arguably beyond. I fail to see how twenty year old software code can be called ''innovative''.

In addition, you must be aware of the contempt Microsoft, its executives, and Bill Gates himself have shown toward the justice system, and toward consumers in their blatant disregard for previous legal settlements, and their tendency to buy, imitate, or steal products from competing companies.

Microsoft has been bad for consumers, bad for the computer industry, and a bad example that nonetheless is portrayed as one worthy of emulation. I strongly urge you to levy the strongest penalties allowable under the law against Microsoft in a manner that does not allow for shoddy enforcement, or slippery noncompliance.

Thank you for your time,
Joseph T. Manning
jtd3@pop.cwru.edu
2046 Jolon Rd.
Bradley, CA. 93426
(805)-472–9254

MTC–00013097

From: William Cook
To: Microsoft ATR
Date: 1/16/02 8:51pm
Subject: Microsoft Settlement

Dear DOJ.

It is time to move forward with the interest of American citizens first and foremost in mind, and I feel that the settlement is acceptable and should be instituted as soon as possible so we can get on with the job of re-building the economy and growing our businesses to provide more jobs and a broader range of jobs for the nations work force.

Thank You for Your Time.
William Cook
Cook Consulting

MTC–00013098

From: Susan Leubert
To: Microsoft ATR
Date: 1/16/02 8:53pm
Subject: Microsoft Settlement

Dear USDOJ,

I would prefer an open, fair market to the current stale Microsoft monopoly. Please do the ''right'' thing, bust the monopoly.

Noel

MTC–00013099

From: John Lazzaro
To: Microsoft ATR
Date: 1/16/02 8:54pm
Subject: Microsoft Settlement

Hello,

This is a public comment for the Microsoft Settlement. I believe the settlement is deficient, because it doesn't address the key impediment to competition in the Office Suite market today—the inability of competing programs to reliably read and write data files of the Office programs (.doc, .ppt, etc), because of a lack of complete, accurate documentation of these formats by Microsoft for third parties to use. I would suggest the publication of all software sources for all present and future versions of Microsoft Office and related programs, as the simplest and most reliable way to aid interoperability by competitive products, as well as a non-discriminatory, royalty-free licensing of all patents related to the reading and writing of these file formats, and to any on-the-wire network protocols that transmit these formats. Anything less than source code is insufficient, because it is in Microsoft's best interest to make any documents describing the formats be incomplete, inaccurate, and out-of-sync with currently shipping software. Note this publication in no way affects the Copyright on Microsoft Office—it merely lets competitors have a level playing field, by showing exactly how to read and write these file format types.

John Lazzaro—
Research Specialist—
CS Division—
EECS—UC Berkeley
lazzaro [at] cs [dot] berkeley [dot] edu
www.cs.berkeley.edu/lazzaro

MTC–00013100

From: BBLANK0001@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 8:55pm
Subject: Microsoft Settlement

I'm uncomfortable when a major American corporation is about to be hog-tied or split up. Microsoft has been a major innovator in the software industry. The market has not been hurt by it's dominance. On the contrary, Microsoft's competitors are major businesses in their own rights. The benefits to leaving Microsoft intact and unrestrained are:

1. Microsoft sets the standard in the software industry.

2. It is constantly innovating and improving its products.

3. Microsoft products face competition in every facet of the industry.

4. Any settlement that harms Microsoft will damage it's employees and the industry as a whole.

I appreciate the opportunity to comment on this settlement.

Sincerely,
Bill Blankenship
Bill Blankenship, EA

MTC–00013101

From: Peter Dodge
To: Microsoft ATR
Date: 1/16/02 8:57pm

Subject: Microsoft Settlement

Dear Sirs,

I note with dismay the terms of the DoJ's settlement of the anti-trust suit against Microsoft. If Microsoft's past behavior—flaunting the terms of the consent decree originally imposed out of the earlier antitrust case—is any example, this settlement is comparable to the receipt of a slap on the wrist for the crime of assault. For there can be no doubt that Microsoft has mugged Netscape, and in turn the public, and will be free to continue its exploits.

Microsoft is a recidivist organization. Its management does not intend to loosen its stranglehold on the operating system market which gives it the leverage to ensure that competitive products do not see the light of day. At some point, Microsoft must be held accountable. its management must learn that the penalty for flaunting the law is certain to result in a terrible price which even its own swollen coffers cannot bank.

The public commonweal is ill used by the capitulating terms of this wholey inadequate settlement.

Sincerely,
Peter Dodge
Cyberspace specialist
1511 Sharon Dr.
Silver Spring, MD 20910

MTC–00013102

From: Raposo, Luis M
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/16/02 8:55pm
Subject: Microsoft Settlement

My conclusion based on what I've read concernning this case is that Microsoft has gone beyond business ethics and legal considerations in marketing their Windows based products.

Very early in the 80's, Microsoft fashioned OEM contracts that essentially excluded other competitors from acquiring any business from the same OEM's. This created a situation where customers could had limited choices in selecting what the best OS would be available in the Markets. In turn, the OEM agreements with Microsoft, was a large disinsentive to the OEM to develop their own feature additions on top of Microsoft's own software. As a result, the public, corporations, and governments, had even fewer alternatives to OS features other than Microsoft's stated product plans.

Parallel to the Windows OS monopolization, Microsoft had a great advantage in introducing applications that competed with existing and successful products. The advantage was both technical, monitary, contractual, The end result is a Windows monopoly based on a Windows operating syt

MTC–00013103

From: John Berg
To: Microsoft ATR
Date: 1/16/02 9:05pm
Subject: Microsoft Settlement

Microsoft has harmed me as a consumer, and continues to harm me every day, by their arrogant flaunting of our laws. Please break up the company, so that the future harm that they can do will be limited.

MTC–00013104

From: Gardner
To: Microsoft ATR
Date: 1/16/02 9:05pm
Subject: Re: Microsoft Settlement

To DOJ:

All America waits for the litagation involving Microsoft to end. This company which has served the world so well has been punished enough by their competitors for their success. Settle now on the current terms. As a taxpayer I resent my tax dollars being spent on this long-standing suit. Although I live in the State of Washington my only connection with MSFT is using Windows software and I thank God for it every day.

Priscilla Gardner
Friday Harbor, WA

MTC–00013105

From: dgordon
To: Microsoft ATR
Date: 1/16/02 9:08pm
Subject: ''Microsoft Settlement''

A few points to add to Microsoft separating themselves for other hardware/software manufacturers' is:

Microsoft wrote their own Java (programing language) to directly take away from Sun. Example: My fiance' is a realtor and when she logs onto the MLS database on our Macintosh computers, she can not get into this database. Because MLS's database is built with Microsoft's Java. Microsoft has every intention to separate itself from all other hardware/software manufacturers.

While others of the computer industry are working together trying to make a solution with the differences in software/hardware. Microsoft has 97% of the market share. If Microsoft chooses to change a technology then the public is forced to change also. Business are also forced to do this because they have no other choice but to change, due to the fact that there are no other options. The opposite can also happen. If there is a new technology and Microsoft chooses not to support it then the new technology is stiffled because of Microsoft. Example: Internet Explorer is built into Microsofts' operating system. Therefore, 97% of the market is using Internet Explorer. So, if there is a better internet browser created it is unable to compete with Microsofts' internet browser since it is built into the OS and therefore free. That means a software manufacturer has to compete with something that is free.

Most of the population only see computers with Microsofts' Windows OS. then that leads to misconceptions, which then strengthens Microsofts' monopoly. My belief on how to handle this situation is not as simple as to force Microsoft to pay out dollar amounts, or give to charities. Example: Friday's rejection of the settlement would have given them more control over the market. Apple is known to have a larger market in the educational institutions. This settlement would have taken that market share away from Apple.

The monopoly of Microsoft is shown in the fear factor of the industry. When the only CEO of the industry is able to speak freely without fear of Microsoft pulling it's realationship from their business. My suggestion is that Microsoft should not be able to have control over the standard (due to it's control over the market).

I think that Microsoft should be split into divisions. Which would be totally separate entities; one being it's software and hardware, the second being it's operating system.

I say separate Internet Explorer from Windows. As of right now you are unable to remove Internet Explorer from it's operating system.

Microsoft would be forced to make software for other operating systems other than Windows. Example: Linux, Macintosh, and any new OS's that could arise.

Make Microsoft build up a fund so that any American company that wishes to switch their Windows network to a cempetitors will be able to draw the money out of this fund and/or give these same companies a tax break to encourage switching.

Have Microsoft and all of the other industries leaders form an organization that vote on the direction of technology and standards. This would redirect the energy from trying to compete with Microsoft to simply competing with each others hardware/software products. It would also take Microsoft's absolute control over the population away, (commercial and residential).

I do admit that this is not a simple cut and dry question that can be answered easily. The solution may not be a perfect one but it will not effect the population drastically. Consider it only as a transitional period. One needs to realize that this computer revolution has happened within the last 7 years. It has happened quickly and before anyone could really realize what was happening. We need to find a solution to this now and not wait any longer. We will all suffer if we let this go on any longer.

The saddest part of this situation is, we don't know how bad something is until we have had something better. When there is only one entity controlling what is, how will we know what is not. . .

Thank you for giving me a chance to speak. Although, I will still ask that you take my words into consideration.

Dave Gordon
Kansas City, Mo.

MTC–00013106

From: Stephen Ludwig
To: Microsoft ATR
Date: 1/16/02 9:05pm
Subject: Microsoft settlement

Fine them at least half of their cash reserves! A two by four between the eyes is the only thing they'll understand.

Stephen M. Ludwig
sludwig@mac.com

MTC–00013107

From: Cagazzola38@cs.com@inetgw
To: Microsoft ATR
Date: 1/16/02 9:13pm
Subject: Get over It!!!

Let the market take care of it self. You complain about all the job losses at Enron, but you hurt the investors at Microsoft. Get over it!!!

MTC–00013108

From: Jean Kupferer
To: Microsoft ATR
Date: 1/16/02 9:14pm
Subject: Microsoft Settlement
Jean Kupferer
2025 Bono Road
New Albany, IN 47150–4609
January 11, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I was appalled to recently learn that the settlement between the Department of Justice and Microsoft is being even further delayed. After three years of negotiations, it seems ridiculous to not support the terms of this well thought out agreement. At this point in time, the negotiations have been so well monitored that it is foolish to place them under any further scrutiny.

Microsoft has agreed to rework marketing and licensing terms as well as to redesign versions of Windows that will better accommodate non-Microsoft software. All of this will be accomplished while being overseen by a committee to make sure that they follow proper procedure. The concessions that Microsoft has made are truly in the interest of the IT sector and in the interest of our economy. As we sit idly by and wait for the settlement to take hold, we are slipping in this highly competitive global market.

We need to support our economy by helping to support our technology industry. By reopening the litigation process, we slow down our advancement in the industry and subsequently, affect our economy. It is odd that our recession and the Microsoft litigation seem to be tied so closely together. Maybe our major companies feel that they too will be blackmailed for being successful. This case is a waste of tax dollars, it seems that the major thing that Microsoft did was not contribute enough to the major parties. Since the litigation the prices of all software has risen and the consumer has been lost in the paperwork.

Sincerely,
Jean Kupferer

MTC–00013109

From: dre@mac.com@inetgw
To: Microsoft ATR
Date: 1/16/02 9:16pm
Subject: Microsoft Settlement

Greetings,

I applaud the recent decision to deny Microsoft's proposed settlement. Aside from the fact that Microsoft needs to be held fully accountable for all that it's done, the settlement itself could have proved beneficial to Microsoft.

I am a computer professional by trade, and in my opinion, the damage Microsoft has done is so widespread and pervasive as to be difficult to ascertain. At this point, Microsoft's sheer mass affords them opportunities to simply overpower competition, and buy their way out of other problems (and into new markets). Certainly, these are luxuries that any successful company should enjoy. Not, however, if that success is obtained through illegal acts. This has been a long investigation, and there are *more than enough* examples of Microsoft not playing fairly in this highly competitive market— everything from intentionally preventing products of competitors from working with Windows, to essentially forcing PC makers to include Windows with new PCs.

I also strongly believe that Microsoft is simply not good for the computer industry, or any other industry for that matter. It is clear that their products and services are designed chiefly to further entrench Microsoft into an ever expanding cross-section of markets. From my perspective, Microsoft's products are generally not the best to be had, and certainly not superior to the degree reflected by their market share.

In conclusion, I fully support continued investigation into relevant details of the case. The thought of Microsoft growing out of control and absorbing all business and markets in their chosen industries is a very sobering one indeed, and I am quite glad that we have the Department of Justice tasked in part with keeping things legal and fair. Thank you for your time.

Oh, and please keep a close eye on .net. I'm very worried :/

Sincerely,
Andre LaBranche

MTC–00013110

From: Hays
To: Microsoft ATR
Date: 1/16/02 9:15pm
Subject: MSFT Settlement (Please DENY)

I would like to impress upon the DOJ that the most recent settlement offer by Microsoft is completely inadequate and only stands to increase their market share in the last public or private area that they have yet to impose their anti-competitive will.

Thank you for your Time
Curt

MTC–00013111

From: Bobbie Bamford
To: Microsoft ATR
Date: 1/16/02 9:19pm
Subject: MICROSOFT SETTLEMENT

Please, Please get off Microsoft's back and settle without further litigation. The American public is very fed up with the way our leaders are ''squandering'' our hard-earned taxpayer dollars. THIS IS SUPPOSED TO BE ''THE LAND OF OPPORTUNITY'' AND MICROSOFT IS MERELY EXERCISING THAT RIGHT.

Really think you have more important issues to spend your time on like: Trying to make this nation a fair and non-terrorist place to try and live.

Bobbie Bamford

MTC–00013112

From: Smith, Torney
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/16/02 9:05pm
Subject: Microsoft Settlement
Torney Smith
303 W Viewmont Lane
Spokane, WA 99224
January 16, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am in favor of the Microsoft antitrust case settlement. Protracted litigation is never in anyone's best interest. In this case in particular, the effects of the suit are far reaching. As the regional administrator for Spokane County's public health system, we are certainly reliant on the innovative products continually produced by Microsoft. Additionally, the high cost of litigation always seems to be borne by the consumer. Finalizing this lawsuit is certainly advantageous to everyone.

From all that I have read it appears to me that the settlement agreement is fair. In the interest of resolving this case, Microsoft has agreed to very broad restrictions. Some of these restrictions cover business practices that the Court did not even find to be unlawful. I believe that it is appropriate for Microsoft to deal fairly in the marketplace, and I believe that they have. Anti trust laws applied in the technology industry need special consideration and interpretation to define fairness. In an effort to make it easier for the competition to compete with Microsoft's products, Microsoft will be making disclosures of Windows internal interfaces to the competition. They have also agreed to design Windows so that it is easier to remove features of the program and replace it with non-Windows software. In light of these sweeping affirmative obligations imposed on Microsoft, there really is no reason this agreement should not be approved. I appreciate your review of these comments, as well as your efforts to work toward a settlement in this case.

Thank you.
Sincerely,
Torney Smith

MTC–00013113

From: Rigel, Linda
To: Microsoft ATR
Date: 1/16/02 9:20pm
Subject: Microsoft Settlement

Hello:

I am just a citizen, not affiliated with any company with an interest in the Microsoft anti-trust settlement. I am a medical transcriptionist for a hospital diagnostic department.

I want to urge the Court to impose sanctions designed to break Microsoft's power in the marketplace that derives from its monopoly. In all that I've read about this case, no one has mentioned the following: Before the big build up in internet applications and the technology advancements of the late 1990s, ''innovation'' in that marketplace had been all but murdered by Microsoft. I remember reading articles about the fact that companies could get no investment capital if the product they were designing could in any way be made by Microsoft.

Do you remember ''vaporware''? When a company Microsoft perceived as a competitor announced a new product, Microsoft would announce that they, too, were bringing out a product just like that. Investment money for the competition would dry up. Oddly enough, in many cases, Microsoft never did

make the product: hence the name vaporware. The first question a venture capitalist would ask a candidate for its money was: Is Microsoft doing this?

When the Justice Department initiated its anti-trust action against Microsoft, that is when the great innovative explosion of the late 1990s began. It would be a terrible thing to let go this vicious thing that has been, if not subdued, at least put on a leash these past few years.

Linda Rigel

MTC–00013114

From: RBray
To: Microsoft ATR
Date: 1/16/02 9:22pm
Subject: microsoft settlement

I have always felt that the Justice Department was trying Microsoft on the wrong charges. They should be tried for wrong doing the people who pay good money for software that in most cases is strewn with ''BUGS'' , and have the nerve to charge for an update. No tech support unless you are willing to pay for it. Microsoft has been in the business of developing software, particularly operatring systems for many years. You would think they could get it right for a change without having some high school drop out find flaws in it. I for one am tired of their promises that are never kept, and software that has to be fixed with third party utilities.

MTC–00013115

From: Gerald Meyer
To: Microsoft ATR
Date: 1/16/02 9:26pm
Subject: Microsoft Settlement

Advise you settle the Microsoft litigation inasmuch as an ugly trauma pervades our dear Country. Enough already. This matter is trivial compared to War and Terror. Our hearts are sick. As of 9/11, closure on the Microsoft dispute became overdue.

Libby and Jerry Meyer
San Jose, CA

MTC–00013116

From: John Kneeland
To: Microsoft ATR
Date: 1/16/02 9:27pm
Subject: Microsoft settlement

Settling with Microsoft is a dreadful mistake. Windows simply gives Microsoft too much power to wield over the software (and now, hardware, video game, TV set-top box, and Internet) industries. Microsoft recently took advantage of their Office suite monopoly and raised licensing fees for their Office suite. And American businesses had no other choice but to pay Microsoft's ransom, because Microsoft was pretty much the only game in town. Please, separate Windows from Microsoft before they ''integrate'' any more poorly-designed software. The American economy needs competition, and only the United States government can save it now.

John Kneeland

MTC–00013117

From: Bill Richart
To: Microsoft ATR
Date: 1/16/02 9:31pm
Subject: Microsoft Settlement Case

January 15, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The settlement of the Microsoft antitrust case has taken too long to occur. Litigation should have never taken place from the start and the nine states that have continued lawsuits need to be suppressed. Microsoft is an extremely important asset to the tech sector in our economy. Our government should be praising the company for all it has done instead of criticizing it. As a firm believer in free enterprise, I think it is ridiculous that Microsoft must disclose its technological secrets. Have we no more respect for intellectual property? Now Microsoft must work with a handicap like no other in the history of the IT sector.

This nation needs to get past this legal mess. The settlement presents a viable solution, so I support it. It is time to get back to the business of innovation, and leave litigation behind.

Sincerely,
William Richart
2445 Sheridan Street
Williamsport, Pennsylvania 17701
cc: Senator Rick Santorum

MTC–00013118

From: Rudolph Hensley
To: Microsoft ATR
Date: 1/16/02 9:30pm
Subject: Microsoft Settlement

I support the Bush Administration and Microsoft in their desire to settle the long, lingering lawsuit.

Sincerely,
Rudolph Hensley

MTC–00013119

From: Jeremiah Blatz
To: Microsoft ATR
Date: 1/16/02 9:32pm
Subject: Microsoft Settlement

I strongly oppose the Microsoft settlement, on the grounds that it would be ineffective in preventing Microsoft's continued abuse of its monopoly. The proposed remedy in no more than a slap on the wrist. I am a Macintosh user, and I actually like Microsoft's Mac products. Many of them are the best products available for what they do. However, I cannot say the same for their PC products. None of Microsoft's PC products are nearly as good as their mac equivalents, and the Microsoft Windows operating system is consistently horrible. Furthermore, the PC products are full heavy-handed anti-competitive features that interfere with the usability of the products. Yet many of my co-workers are forced to use Microsoft Windows and Office due to network effects.

The moral of this story is clear. Microsoft can produce good software, but only if they are forced to compete, and prevented from colluding. The only way to do this is to break up the company into an operating system company and an applications company. Furthermore, as a remedial measure, Microsoft must be forced to document its file formats and data structures, in order to avoid the sort of practices that they used to kill WordPerfect.

This will force Microsoft to spend their money developing good software, not buying potential competitors, strong-arming suppliers, and drowning out potential competitors with waves of advertising.

Thank you,
Jeremiah Blatz

MTC–00013120

From: Todd Ramsell
To: Microsoft ATR
Date: 1/16/02 9:35pm
Subject: Microsoft settlement

Hello,

I1d like to add to the public comment about the Microsoft settlement. I believe Microsoft is an aggressive monopolist and the DOJ needs to pursue strong action to open up more competition in operating systems and software.

Some solutions I suggest all or in part:

1. Separating Microsoft into Operating systems and Software. This makes the most sense although I imagine this would be hard to implement in a settlement.

2. Require Microsoft to create it1s entire line of software (MS Word, Excel, etc) with feature parity and compatibility on Mac OS X and Linux. This would increase and nurture use of Mac and Linux systems which are the only practical alternative to MS.

3. Force MS to sell off or license it1s operating system source code to third parties to compete against MS.

4. Require MS to fund a foundation similar to the one suggested by Steve Jobs that would give poor schools the funding to buy Apple, Linux or MS products. Microsoft1s original proposal was ridiculous and would have gave them an advantage in education, one area where they don1t have a monopoly.

Thank you,
Todd Ramsell
214.826.8294
PO Box 720028
Dallas, TX 75372
todd@polypop.com
http://www.polypop.com/ramsell/design

MTC–00013121

From: FSSALIM@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 9:38pm
Subject: Microsoft settlement

I wish the government will get off the back of Bill Gates. ever since the government got involved with its litigation against microsoft, the stock market took a dive and the economy is going to hell .Please end your harassement of microsof

MTC–00013122

From: JSB
To: Microsoft ATR
Date: 1/16/02 9:37pm
Subject: Microsoft Settlement

I never cared that MSFT had a monopoly, but I hated their prices. MSFT has $20 bil in cash. Fine them big.

MTC–00013123

From: Chris Calvert
To: Microsoft ATR
Date: 1/16/02 9:41pm
Subject: Microsoft Settlement

As a long time observer of the computer industry here are my thoughts. Microsoft is

a monopoly. They got this way by buying or intimidating their competition. Apparently they have contributed enough money to politicians to get themselves out of their current problem with the DOJ. They have lied to the courts about not being able to remove Internet Explorer from Windows and dragged their feet and hired enough lawyers that they will prevail, but justice will not have been done, just perverted.

Meanwhile it is business as usual with Microsoft, taking away the open music standard of MP3 and substituting their proprietary Window Media Player format is a perfect example of their predatory practices. Yes, a person can add the MP3 player to Windows, but in my considerable experience, less than 10% will and just like Netscape, MP3 will disappear much like Netscape and one more ''standard'' will be owned by Microsoft. For that matter, why is Microsoft bundling this software in Windows in the first place? It is a separate application, or will we later learn that Windows Media Player cannot be removed from Windows because it is now necessary to the operating system? Deja vu all over again.

And who at DOJ allowed Microsoft to recommend their own punishment?!!!!! Wow, I want that judge if I ever get in trouble. The punishment would be for them to give away their product for free, with government sanction to a market niche currently dominated by their competition. This is absolutely insane. The companies most hurt by their monopolistic practices get slammed with the judges blessing, and then do not get compensated for it. What would I do? Make Microsoft pay all the other computer vendors compensation for loss of sales. Yep, it would be billions, but we might see Unix and Linix and Apple have a small chance to create something innovative, more secure and better for our computers than Microsofts current offerings.

Chris Calvert
2727 San Joaquin SE
Albuquerque, NM 87106

They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety.

—Benjamin Franklin

MTC–00013124

From: Robert Storey
To: Microsoft ATR
Date: 1/16/02 9:40pm
Subject: Microsoft Settlement

To Whom It May Concern:

As a US citizen and knowledgeable computer user, I would like to excercise my right to comment during the Tunney Act review period on the proposed settlement that the US Justice Department has offered to Microsoft . To put it simply, the DoJ settlement is little more than a shameful sellout that will do nothing to restrain Microsoft's monopolistic practices. I fully support the States that are continuing the court case in the hopes of attaining a far more strict settlement. The proposal that Microsoft make amends by ''donating'' software to schools will actually extend Microsoft's monopoly into the educational system. I strongly support the suggestion by Red Hat that Microsoft should donate hardware with no OS installed, and allow Red Hat (and other OS vendors) to donate the operating system free so that students are exposed to more than just the Windows OS.

To mention another specific remedy I would like to see: Microsoft should be forced to open all their APIs so that programmers working with other operating systems can ensure that there products will work in a network which contains Windows OS computers. The APIs for Microsoft Office should be similarly opened. Microsoft's attempt to hijack standards and hide them behind closed APIs should no longer be tolerated.

sincerely yours,
Robert Storey

MTC–00013125

From: Kundan Ewan
To: Microsoft ATR
Date: 1/16/02 9:41pm
Subject: Microsoft Settlement

I am writing to express my support for the following judgement in the Microsoft Monopoly case. That is that Microsoft's APIs and file formats be fully standardized, documented and published. This would enable other software vendors to compete fairly benefit all concerned.

Thank you,
James Ewan
1221 Sylvia Ct
San Luis Obispo, CA
93401

MTC–00013126

From: richarddkline
To: Microsoft ATR
Date: 1/16/02 9:43pm
Subject: Microsoft Settlement

I urge you to accept the Microsoft settlement proposal as being in the best interest of the citizens of the United States. Don't let this suit continue and destroy one of the premier companies in this counrty. Microsoft has competed fairly and contributed to the growth of this country by creating technology we all enjoy, not to mention jobs.

Richard D. Kline

MTC–00013127

From: Abe Jellinek
To: Microsoft ATR
Date: 1/16/02 9:44pm
Subject: Microsoft Settlement

Please keep fighting the good fight! If I killed someone, I couldn't run around stabbing more people as a ''convicted murderer.'' Why, then, can Microsoft keep making illegal business deals (see the SGI patents that were ransomed today) as a ''convicted monopolist''?

Abe J

MTC–00013128

From: S.D. McMinn
To: Microsoft ATR
Date: 1/16/02 9:43pm
Subject: Microsoft Settlement

Dear Sirs:

This should have never been brought against Microsoft in the first place.

Thanks
Stanley McMinn

MTC–00013129

From: Mert Urness
To: Microsoft ATR
Date: 1/16/02 9:46pm
Subject: Microsoft Settlement

As an American consumer I wish to state that the original remedies found against Microsoft are full and sufficient and nothing furthur should proceed on the matter.

That surely would include the current suits being brought by the nine states!

Yours truly,
Merton L. Urness

MTC–00013130

From: Barfarq@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 9:48pm
Subject: Public comment on Microsoft Antitrust Settlement

Who continues to throw coals on the Justice Department's Anti- Trust Suit? Microsoft's two major competitors. . . not the general public! The public, in whose interest the Justice Department orig-inally sought redress, has not been wronged. . . rather they have been helped. The investing public has suffered enough: with the decrease in Microsoft's share price and the subsequest fall of the market! Let it go. . . stop torturing this creative giant because it is so successful. Move on. . . in the interest of the public!

Barry Faquhar,
113 Skyline Drive,
Morristown, NJ 07960

MTC–00013131

From: tosh382
To: Microsoft ATR
Date: 1/16/02 9:52pm
Subject: Microsoft Settlement

Hey ''My-USGovernment Justice System'' . . . Please don't mess things up for us Microsoft Users . . . you'll find that Microsoft has made our lives easier (please open your mind to the daily use factor) . . . breaking Microsoft up into individual companies will have the opposite effect on the Public than what you think. Remember back when you broke up Standard Oil or AT&T . . . same result . . . don't let that happen again !!!

If you want to slap them around for strong arming their vendors . . . be my guest . . . they do deserve that !!! . . . If . . . that is a fact ??!! . . . Don't listen to those other Politicans . . . Fight for Us !!

If you want an ear full . . . just call me . . . but don't mess up my life again by tearing down another Company !!! . . . and Again . . . learn from the past mistakes . . .

''We the People'' are tired of bad decision making!! TRUST ME !!! . . . Listen to Us . . . Please !!!

Very Satisified Microsoft User . . . and God Bless Our America !!!

Craig B. McIntosh
763–494–9996 H
763–572–7002 W

MTC–00013132

From: Denis H(00E9)raud
To: Microsoft ATR
Date: 1/16/02 9:54pm

Subject: Microsoft Settlement

Let's face it, this must be stopped here and now. The proposed ''donation'' settlement is a complete joke and I can't believe they are daring enough to propose it in the first place. They are actually trying to gain from their supposed punishment. This high rise circus is growing tiresome. The company should get more than a simple slap on the wrist, which is all they've gotten so far. It seems more and more like digital terrorism and outright mutiny of the economy. Let's start thinking about ethics a little more.

Sincerely,

Denis Hiraud

MTC–00013133

From: Administrator
To: Microsoft ATR
Date: 1/16/02 9:54pm
Subject: Notification: You are hereby. . . . .

Notification:

You are hereby challenged to see What the Media doen't want you to know. The Truth about Abortion with your own eyes. at http://www.getabortion.info What you will never see on TV. Its not a blob of tissue. Every scientist , even those for abortion, will tell you that life begins at conception. Once the egg and sperm join there is human life.

Why won't the media show you this? They show open heart surgery, liver transplants and other operations on tv and cable. Why not an abortion?

You can watch real videos online from former abortion doctors who have performed up to 75000 abortions, hear what they have to say about abortion. Did you know that abortion is perfectly legal through all nine months of pregnancy, including the day of birth? Did you know that in most states a child under the age of 16 can get an abortion without their parents knowing? Anyone can plainly see that we are killing our own.

On September 11th 5000 people were killed. Abortion in the US alone kills over 4000 children per day that's an average of one innocent unborn human murdered every 22 seconds! An entire genertion has been slaughtered. Overpopulation is a myth, back room abortions are a falsehood propagated by the money mongers of the industry.

See it for yourself.

http://getabortion.info

MTC–00013134

From: Kevin Losso
To: Microsoft ATR
Date: 1/16/02 9:57pm
Subject: Microsoft Settlement

As the MIS person at a mid-size firm I deal with the residue of Microsoft's illegal monopoly power on a daily basis. Sub-standard products, worthless ''upgrades'', and shoddy security bear with them a high cost; MS's illegal monopoly limits my options and my firm's options. Do not let them off without a strong and enforceable remedy— you will only have to deal with them again in the future.

Kevin Losso

MTC–00013135

From: A.J. Kirby Co.
To: Microsoft ATR
Date: 1/16/02 9:58pm
Subject: Microsoft settlement.

To Whom It May Concern:

I feel very helpless in a situation like this because my say would seem to count for so little yet I want to submit a coment even if it is just to say ''Please bring competition to the market Microsoft has such a stranglehold on now.''

Sincerely,

Richard Cooley

MTC–00013136

From: felix@crowfix.com@inetgw
To: Microsoft ATR
Date: 1/16/02 10:01pm
Subject: This proposed settlement is a disgraceful sellout

I want you to think for a minute about the PC you are probably using to read this very email. Think about all the components in it—sound card, graphics card, disk drive, memory, motherboard, CPUs, monitor, printer. Not a single one of those is produced by a monopoly. Even the CPU; odds are it comes from Intel, and even if so, Intel is not nearly the monopoly Microsoft is. Most of the apologists for Microsoft jabber on about how the Operating System has to be controlled by a single company, standards, etc etc etc. Why does not that same logic apply to the hardware itself? You'd think there would be far more reason for monopolies there, both legal and practical. Yet no one worries even a bit about who makes the monitor or graphics card, or puzzles about the mystery of how they work together.

So why have you disemboweled yourself for Microsoft? The Unix world should be proof enough that no single OS is necessary. Add in Apple. Add in the fact that Microsoft OSes are far more fragmented than any random collection of Unix OSes.

There are tons of horror stories about Microsoft stomping out competition. The few examples you brought out in the trial barely touch the surface. There are tons of stories of Microsoft barely staying within the law, and many times stepping far outside it. Did you not learn a thing from the famously fraudulent video they lied about under oath, led about from one end of their empire to the other? Have you not learned anything about Bill Gates' business ethics from the previous many court appearances and settlements? And now this crock of settlement has a toothless, indeed gumless, oversight committee. Are you so naive to expect any changes at all out of Microsoft?

Good gosh! They have $36 billion in cash, increasing $1.5 billion per month. They are stomping on game consoles, they are stomping on cable TV, they are stomping on handhelds, they are stomping on anybody and everybody and their dog. And the best you can come up with is a disgraceful sellout. It amazes me that you can sign your name to this garbage and not hide your face in public.

Felix Finch: scarecrow repairman & rocket surgeon / felix@crowfix.com

MTC–00013137

From: Daccus Productions
To: Microsoft ATR
Date: 1/16/02 10:01pm
Subject: I hope that all states agree to settle the Microsoft issue. I can't believe

I hope that all states agree to settle the Microsoft issue. I can't believe that a judge would keep them from giving computers to our schools so in need of educational tools. Wouldn't it be too tragic for our children and us to reap the benefits immediately rather than wait for years of legislative hocus pocus, ''Oops! we spent the money on committees studying the matter. Sorry there just isn't enough to spread around to the masses now.'' Hopefully our elected officials will soon become more accountable to the needs of the people instead of the needs of the greedy in commerce. We need Microsoft's help with far more important security issues and inventions of the future. Let's move on elected people.

J. D.

MTC–00013138

From: Eric Dunn
To: Microsoft ATR
Date: 1/16/02 10:02pm
Subject: Microsoft Settlement

I'm a systems administrator. Currently, as of two months ago, I contract for the State Department. Before that, I worked for several web development shops, helping to create websites for the Internet, off and on for the past five years.

DO NOT LET MICROSOFT OFF THAT EASY! Give me a break. They not only get out of actually paying anything in the settlement, but they actually insinuate their products into the next generation's psyche. And then come out looking like great, beneficent doers of good by ''donating'' all of this free software. So instead of being penalized for crushing companies and inhibiting competition in the marketplace, they are rewarded by gaining a new generation of software buyers. Please don't let this happen.

Eric Dunn
6121 Kendra Way
Centreville, VA 20121

MTC–00013139

From: Dan
To: Microsoft ATR
Date: 1/16/02 10:04pm
Subject: ''Microsoft Settlement''

I think you should at least consider actually reducing Microsoft's ability to be a monopoly. As they have a history of breaking their promises, maybe you should, for example, force the company to actually use industry standards, so that other companies can compete. Force them to reveal their APIs. Yes, it means they give up some small part of their intellectual property. But, they are a criminal monopoly, some form of punishment is a good idea.

MTC–00013140

From: Rmalapero@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 10:04pm
Subject: (no subject)

Dept.of Justice, I feel that at this time when the economy is so bad that any decision to restrict a company from expanding and creating new jobs would not be in the interest of our economy. It also could make other companies think twice about expanding. I feel that Microsoft has made a reasonable

offer and should be accepted by all parties involved.

Raymond Malapero

MTC–00013141

From: Amin Pirzadeh
To: Microsoft ATR
Date: 1/16/02 10:06pm
Subject: Comment on microsoft final judgement
To: the judges in charge of United States v. Microsoft Settlement

In my personal opinion The proposed final judgment fails to

(1) Remedy software developers who's jobs have been lost due to the Microsoft monopoly.

(2) fails a good enforcement.

(3) Fails to remedy java developers community.

To all the people who are in the field of Computer Science, it's clear that Java is the Leader in tomorrow's programming languages and

The way software will be written. However Microsoft's strategy has been to push it's own senseless Active X and .net technology and suppress the Java technology.

(4) To completely compensate consumers who have paid allot of money to upgrade their software (because of the bugs in the Microsoft's previous systems).

In my opinion the only judgment that would make sence in this case is to make microsoft to reveal it's code so other companies can make compatible Windows operating system.

Amin Pirzadeh
University Of British Columbia
CANADA

MTC–00013142

From: David Jansen
To: Microsoft ATR
Date: 1/16/02 10:14pm
Subject: Microsoft Settlement

To Whom It May Concern:

I would like to express my concern that the penalties assessed against Microsoft in the recent antitrust proceedings will not be strict enough. Any settlement that sees Microsoft unfairly increasing it's market share as ''pennance'' is NOT acceptable to me.

It is my opinion that the only way to keep Microsoft from unfairly ''lording'' its considerable market share is to break the company into at least two companies; preferably three.

1. A distinct and separate Operating System company

2. A distinct and separate Applications company

3. a distinct and separate Hardware company Separating the company this way would encourage competition across the board.

Under this plan, Microsoft would not be able to ''lord'' one division's technologies over it's competitors. A perfect example is that of Apple Computer's new operating system, OS X 10.1. Under the current Microsoft structure, Apple is not able to port its operating system to an Intel/AMD platform for fear of Microsoft retaliating (eg. stopping development of Microsoft Office when so doing could potentially put Apple Computer out of business.)

With each individual ''Microsoft'' company seeking its own profits, the applications division would be looking to expand it's marketshare by developing software for OTHER operating systems such as Linux and Unix (and any of the individual flavors of each).

The same thoughts apply to the OS division and the hardware division. Microsoft's subdivisions should not be allowed MORE access to the technology behind the operating system/applications/ hardware than any other development partner.

Microsoft's recent settlement proposal was a slap in the face to everybody who has ever achieved something by dint of hard work and innovation. The 300lb gorilla should NOT be allowed to sit wherever it wants.

Thank you for your time,
David Jansen
San Jose, CA

MTC–00013143

From: Adrian Rossi
To: Microsoft ATR
Date: 1/16/02 10:18pm
Subject: Microsoft Settlement

Dear Madam,

As an IT professional, and having for many years worked in this field, I am sincerely concerned about Microsoft's monopoly position. It should be obvious at the outset that I have no doubt whatsoever that by the definition of a monopoly Microsoft is indeed an very ruthless and insidious one. My concerns are many but focus mainly on what will happen to the field of IT as a whole if MS is allowed to continue to squash competitors and enter (like a cancer) more an more software markets, in which it offers little innovation.

My first objection is an everyday one; why is it that if I buy a PC it comes installed with MS operating systems *even if I do not wish it* ? The fact is that a part of the purchase price goes to MS and I have had absolutely no choice inthe matter. You could argue I could buy a PC without the OS separately; but the price of such a PC is guaranteed to be much higher. It is more affordable (by a few hundred dollars at least) to purchase a PC with MS OS pre-installed and then to wipe the drive and re-install another non-MS OS (e.g. Linux). I believe that if I as a consumer am required to buy a product which I do not want and give money to a company I do not want to then that company is a monopoly, as only a monopoly has such an ability to coerce hardware vendors into such an arrangement.

Secondly, I see an ever-increasing and very sinister, replacing of other vendors' software applications with Microsoft equivalents (case in point Real Player with Windows Media Player). This bias is bad enough but I believe it is more sinister than this- I have repeatedly and on many occasions had problems running non-MS software on MS operating systems. Performance is compromised or it simply crashes. But I never experience this with MS apps on MS systems.

There could be many reasons for this of course, but the fact remains that *any* vendor should be able to write software which works as well on MS OSes as Microsofts does. This is the essence of the solution to this dispute; force MS to open its OS not for copying of course becuase it is their intellectual property, but so that other software vendors can write reliable software on top of it, and hence compete with MS on their own operating systems. This is a step in the right direction, but only the first step.

I have heard countless stories from colleagues and company executives about the hand-cuffs put on them by MS. They know that they must go with the standard, and the standard OS is Windows. But then they find that they must also use MS software—why!?— in order to ensure that it works well on Windows. This is wrong! There should be no link between the software and the OS it executes on. But there is and this is the way MS is able to sell software which is clearly of inferior quality, or lacking in innovation, and the way that vendors with better products are shut-out of the market by this monopoly. Once again if software manufacturers could produce MS-like software which can run well on MS OSes then this might give others a chance. Of course it doesnt stop MS from 'upgrading' the OS from under them, and these companies are then forced to play catch up and support this new system (e.g. Windows XP). A company I know of could not afford to support XP, as it involves a considerable amount of effort and testing, especially after they have supported Win9x, NT and 2000. So this tactic effectively pulls the rug out fromunder software vendors and there is nothing they can do about it. This is another monopolistic tool at the disposal of MS.

Finally, I have seen many times the case where MS decides unilaterally to raise license fees on their OS or products. And the fact is that comapnies MUST pay up. There is no choice because they can not do without MW Word or MS Powerpoint or any of the other standard applications used through out the world. How do you stop this? The only way I can see is to allow vendors to build equiavalents which can produce documents in these formats (e.g. Word format). Sun tried this with StarOffice but there were niggly differences between the formats and they were not able to completely match the Word formatting, so documents produced in MS Word did not look or behave the same within StarOffice,and vice-versa. Unless the behaviour is exectly the same it is useless to migrate away from MS software. Another monopolistic tactic and MS uses it well to fill their coffers with more unearned dollars. In conclusion I urge you to consider the ramifications of *not* bringing the MS monopoly to an end.The speed of the IT industry is such that within a few years left unchecked Microsoft will have total control over the industry, and not even Sun Microsystems will be able to stem the tide. If this happens my career and that of many other IT professionals will no longer be viable.

Thank you for your time.
Regards,
Adrian Rossi
Ph.D., MBCS, C.Eng.
Senior Software Designer & Developer

MTC–00013144

From: Dennis Sosnoski

To: Microsoft ATR
Date: 1/16/02 9:20pm
Subject: Proposed Microsoft Settlement

Dear DOJ,

The proposed settlement with Microsoft is a remarkably bad deal for the consumers and businesses of America. It fails to address many of the current abusive practices, takes absolutely no action to prevent new types of abusive practices in the future, and is likely to be ineffective even for the practices the drafters of the settlement intended to cover.

Microsoft has never accepted that it has violated the laws, despite any number of court decisions against it. There is absolutely no reason to believe that this will change if the proposed settlement is accepted. It is far more likely that Microsoft will treat this as yet another meaningless piece of paper that placates the government, just as they did the last settlement.

The proposed settlement is far too full of loopholes and possible/plausible misinterpretations to serve any useful purpose with this type of hostile defendant. If anything, the settlement would give them a legal basis for further abusive practices in the future (such as withholding API information in the name of ''security'').

As someone who has worked inside the company I've witnessed the abusive practices firsthand. It will take far stronger measures than those currently proposed to correct these practices.

Sincerely,
Dennis M. Sosnoski
President
Sosnoski Software Solutions, Inc.
14618 NE 80th Pl.
Redmond, WA 98052

MTC–00013145

From: Kevin Driscoll (Yahoo)
To: Microsoft ATR
Date: 1/16/02 10:21pm
Subject: Microsoft Settlement

I'm sending this personally-written, non cut-and-paste message as my personal input on the Microsoft settlement.

It is imperative that Microsoft be held accountable for their ruthless monopolizing and their grinding of many decent software companies into dust by abuse of their monopoly power. Fines, even extravagant ones, will do nothing for a company with such an enormous daily cashflow.

One appropriate remedy is to force MS to publicly and promptly release all their APIs and their file formats so that competitors in the application software business can compete on equal ground. This would probably require some oversight entity to enforce, with jail time for executives for any noncompliance. Altho they'll probably cry about giving up some of the intellectual property, well, losing something is appropriate for a repeat offender and federally-declared monopolist.

During my 22 years in Silicon Valley I've worked for Borland and Netscape and dealt directly with MS on some of these API issues, and their unwillingness to release full APIs in a timely manner has absolutely hurt market acceptance of competing products. Both companies were nearly driven out of business by this and other abusive MS tactics. Many good products died. Many good people lost their jobs. Many investors lost money. Consumers lost innovation and speed, and gained feature creep, product bloat, and performance degradation.

Please do not slap them on the wrist again with consent decree-type solutions, or big fines they can pay out of petty cash. Much more important than punishing them for past criminal behavior is to PREVENT THEM FROM CONTINUING to do it. Forcing them to always publish ALL Windows APIs and file formats, especially the hidden APIs they use to break competitors products—is one fair solution that you need to examine.

I'm a senior software product/project manager, and this is my professional and personal opinion. Thank you for providing the opportunity for me to provide this input. America is a great country—let's keep it that way and stop the monopolies.

best regards,
Kevin Driscoll, Scotts Valley, California

MTC–00013146

From: OKUNMD@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 10:23pm
Subject: microsoft settlement

This has gone on WAY to long. The settlement is fair. SETTLE this case now and let us all get on with more important things in life. Don't drag this out any longer.

MTC–00013147

From: ray shook
To: Microsoft ATR
Date: 1/16/02 10:30pm
Subject: Microsoft Settlement

I sincerely believe that it is time for our justice system to consider the many, many consumers that benefit from the technology developed for Industry by Microsoft. To continue to allow lawyers to pursue their ''legal extortion'' is going beyond the average business man's comprehension. As a small business owner, I believe that the present condition of the stock market (and the present recession) is due entirely to our legal system which lets competitors such as Netscape use the laws of our country (and taxpayers money) to support their failing competitive positions. It was this particular government lawsuit that initiated the recession. The ENRON failure doesn't compare to losses incurred in the stock market by millions of our citizens, since the attack on Microsoft.

Microsoft has advanced the rate of progress in the US beyond imagination these past fifteen years. As individuals, and as a nation we have all benefited! Why not expect the nine States opposing Microsoft's settlement with the Justice Department to accept witout compensation, so we can all devote our energies to expand and develop these new technologies for a better future for all? Let the market place decide.

Raymond Shook

MTC–00013148

From: spade3@juno.com@inetgw
To: Microsoft ATR
Date: 1/16/02 10:37pm
Subject: please leave Microsoft alone.

They have done more good than any company please leave Microsoft alone. They have done more good than any company I have ever heard of.

MTC–00013149

From: Simon Rebullida
To: Microsoft ATR
Date: 1/16/02 10:42pm
Subject: Microsoft Settlement

Even though I am a windows-PC user, I hoped that Microsoft would have been slit into different companies so that more competition would have taken place, to my and other's advantage. Since this did not happen, I believe that the government would at the very least teach Microsoft a lesson. Please do not allow MS to cheat the government, industry, and the people. They are proud, dishonest, and unrepentant. They think and act as if they are POWERFUL and above the law. At the very least, do not allow them to dictate the terms of settlement—''$1 Billion'' worth of PC's and software which they will dictate, is not really ''1 Billion dollars'', and will hit Apple in the education market (a real irony!).

Please prove to MS that it is the government exercising justice with and for the people that will prevail.

Simon Rebullida
1717 Euclid Ave. #11
Berkeley, CA
94709
CC:simoncynthia@mac.com@inetgw

MTC–00013150

From: Adrian Malarbi
To: Microsoft ATR
Date: 1/16/02 10:43pm
Subject: Re: MacNN: The Macintosh News Network

Ban M$ from being able to have their OS pre-installed on new pc's. Judge, back in the early days of computing we had choices, we had, Apple, Amiga, Atari ST, Amstrad etc, M$ then ripped off Macintosh and found a loop hole to sell its OS thus using illegal tactics to control the clone pc market.

Lets get back to the stage when we had more than 3 choices for an OS, face it judge M$ having had 8 years of pc to itself hasn't really advanced, they just wait for the little guy to innovate and take the risk, if they succeed then M$ rips off their idea and makes it hard for anyone to install that original application.

This is harmfull to competition and one day will be the computer industries downfall.

Be the Judge that made computing fair again!

It was smart that u listened to Steve Jobs about the education market. Adrian.

MTC–00013151

From: EthelGee@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 10:48pm
Subject: microsoft settlement

please vote for settlement of the microsoft suit. This will benefit the consumer more than further litigation.

ethel gardner
175 e 74 st.
new york,ny.

MTC–00013152

From: Shawn O'Laughlin

To: Microsoft ATR
Date: 1/16/02 10:50pm
Subject: Microsoft Settlement

Ladies & Gentlemen:

I would like to know when Microsoft is going to actually be punished for its predatory, coercive, and monopolistic practices. Microsoft has already been found ''guilty'' by the government on two occasions, given a hand-slap, and then it immediately returned to business as usual after promising to mend it1s ways. I think that very large fines (hundreds of millions of dollars) AND breaking up the company are the only sensible remedies. A complete split between the OS and Applications arms of the company is the only way to have a chance of stopping Microsoft from stifling competition and foisting over-priced, buggy software on consumers. Please. . . do your job and make the computer business a truly level and competitive playing field. Thank you.

Shawn O'Laughlin
830 12th Street North
Breckenridge, MN 56520
solaughlin@702com.net

MTC–00013153

From: BARB HILDEBRANDT
To: Microsoft ATR
Date: 1/16/02 10:50pm
Subject: Microsoft Settlement
CC: tormist@ag.state.ia.us@inetgw
January 15, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street, NW
Suite 1200
Washington, DC 20530–0001

To Whom It May Concern:

I hope that you will reconsider the decision to settle the United States Department of Justice antitrust lawsuit against Microsoft Corporation. American consumers may have been overcharged $20 billion by the Microsoft monopoly. Your agreement with Bill Gates' company does nothing to neither rectify past sins by this company nor protect against future gauging. As you know, at least ten consumer groups disagree with your agreement to settle. Microsoft has little incentive to change any of its practices. Their concessions of handing over some operating systems code and offering manufacturers some sovereignty over Media Player amounts to little more than a light slap on the wrists for a multi-billion dollar company.

I am proud that my state's Attorney General, Tom Miller, rejected this Microsoft agreement. I believe that Mr. Miller and the other eight state attorneys general see the many loopholes and problems with enforcement that does little to affect change in the computer software industry. Splitting Microsoft into two or three companies may not be the proper response, but neither is this.

Your decision to prematurely end litigation against Microsoft is a mistake. The agreement offers no real incentive to stop monopolistic, anti-trust efforts. It won't help much smaller companies compete and it doesn't serve the American consumer. Please continue to go after Microsoft. It is a duty of the Justice Department to protect the average citizen from companies that have grown too large and too powerful by questionable business practices.

Sincerely,
Ben Hildebrandt
2607 SW Emma
Des Moines, Iowa 50321
CC: Iowa Attorney General

MTC–00013154

From: JOSEPH MANLEY
To: Microsoft ATR
Date: 1/16/02 10:57pm
Subject: microsoft settlement

I urge the courts to settle the Microsoft case as quickly as possible. Continuing litigation can on damage the American economy. I believe the settlement being proposed is a reasonable solution to this case. It is time for all the parties to act like adults and quit trying to garner votes or further their careers.

MTC–00013155

From: coolfr3ak
To: Microsoft ATR
Date: 1/16/02 11:03pm
Subject: Microsoft Settlement

To whom it may concern; Microsoft has severe power problems. They want to standardise the whole world, with the Microsoft Standard. This includes the way you listen to your music, the way you check your email, the way people play games. In an ecosystem, where no diversity exists, it is common knowledge that the ecosystem will fail because of the limited tolerance of that system. Any introduction of diversity will strengthen the ecosystem, but to the detriment of the previous conformity.

Thus, diversities such as linux, opengl, macos all strengthen the world economic system but loosen Microsofts control on its abilities to make illegal monopololistic money. But with the illegal money Microsoft has made it can afford to crush all diversities and maintain a non-diverse system, where they can change the system with out opposition to generate as much money as they require to crush the next diversity that tries to enter their 'pond'.

Microsoft is consumer. It is consuming your rights. My rights. It will crush everything until soon all you can buy is Microsoft Ferarri and Microsoft Eggs and Microsoft Government. It needs to be stopped. It needs to be stripped of its illegal money. If not—do you think that wood you use to build your house will be from a non-microsoft mill? And you might think that I am being abserd. Crazy. You probably think I am mad. But, while Microsoft has the power, and while there is a profit to be made, Microsoft will extend its reach to whatever it deems as profitable, be it web servers, operating systems, and crushing diversity. You know how Microsoft needs to be delt with. They need to be stripped of their ability to maintain a monopoly. As soon as you allow diversity into the system, and deny Microsoft of the ability to crush this diversity, and force the system to create open standards of exchange and communication, the system will grow and expand more than it ever could have without diversity.

Your current settlement does do this to a certain extent, but not fully, as is required. Microsoft needs to be crushed as it has crushed others. Microsoft should be forced to pay compensation to companies such as Netscape that allow these companies to become fully competitive with Microsoft products.

And this is only one step that is required to restore partially the current state of the system if Microsoft did not engage in illegal and monopolistic behaviour. I hope that you have the strength to create a final settlement that changes the world for the better.

MTC–00013156

From: Ian R. Colle
To: Microsoft ATR
Date: 1/16/02 11:04pm
Subject: Microsoft Settlement

I am terribly disappointed by the Microsoft proposed settlement. I believe that it is very clear that Microsoft engaged in monopolistic and predatory behavior. It's punishment should be nothing less than being split up. Look at what the split up of AT&T did for the telecom industry! Unfettered by its monopolistic practices that industry flourished throughout the next two decades. The same could happen to the computing industry should the DOJ have the courage to act appropriately.

Thank you for your time in this matter,
Ian R. Colle
401 Holland Lane #809
Alexandria, VA 22314

MTC–00013157

From: rstern77@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 11:07pm
Subject: give back to the community

for every license sold, give 5$ to the state of Israel. promote emigrating the palistinians to europe, especially germany give every american child who enters sixrh grade a home computer, with a different language software translate the old testament to chinese develop an IM message system, and give aol a run for their money or invest in aol and close down CNN. give every american 18 yo, hs graduate year old a two week trip to the holy land.

MTC–00013158

From: Gary Piland
To: Microsoft ATR
Date: 1/16/02 11:08pm
Subject: Microsoft Settlement

Be advised that unless and until you stop Microsoft's monopolistic behavior, America's software industry will tragically follow our automotive industry into mediocrity and decline. It's not too late to change this settlement to limit Microsoft's aggressive and predatory tactics. You must break the Operating Systems business apart from their Applications business before no other software company remains—and there are few enough now—to compete.

Monopolies are bad for competition and bad for America. The American public will be watching and remembering your actions very closely.

Thank you for your time,
Gary Piland

MTC–00013159

From: npswent
To: Microsoft ATR
Date: 1/16/02 11:12pm
Subject: Microsoft Settlement

Conclude this case as has been agreed. You are wasting taxpayer money, and continuing to hurt the economy. Let's get on with business as normal, and let technology continue to grow to benefit the consumer as it has in the past.

Norm Swent
Bellevue, WA

MTC–00013160

From: cadet
To: Microsoft ATR
Date: 1/16/02 11:16pm
Subject: Microsoft Settlement

Please do not let this impudent company bully others in the computer industry. They should be fined, and the cash should be available to impoverished schools to make whatever purchases they feel is needed.

Thank You.

Christian Manasse.

MTC–00013161

From: Richard Zegarra
To: Microsoft ATR
Date: 1/16/02 11:17pm
Subject: Microsoft Settlement

Microsoft should have to give a monetary penalty to underprivileged schools. This may be cash or it may be competitor's computers or products. It should not be their own products. Otherwise, this would be ''forcing'' them to enlarge their market share at the expense of their small competitors. I thought the whole point of the initial legal action was to open up the market place to fair competition and halt or decrease Microsoft's predatory ways. This unfortunately will probably do nothing to actually hurt their de facto monopoly as they have approximately $36 billion in cash and short term securities.

Richard Zegarra.

MTC–00013162

From: Dan Lozer
To: Microsoft ATR
Date: 1/16/02 11:22pm
Subject: settlement comments

On this issue I'm a plain John Doe. I know neither software nor the monopoly laws well enough to comment on the technical merits. Nor do I begrudge Bill Gates & Co. their money.

I will only relate what I have observed as an amatuer web user:

1. my e-mail accounts via msn are often spammed and other ads for stuff I don't want end up on my computer. (Right now the bottom of the screen tells me that the world's largest casino ad will flash upon my sign out. Don't want, don't need, resent.) My Yahoo account stays clean, and it doesn't leave anything behind after I sign out of it.

2. As user of church-donation computers, I am now on my second PC (if that's the word) and my first Mac. All are noncurrent versions. The Mac is superior for my needs, but is threatened by low market share. It is legitimate to say that Windows 95 is what Mac did earlier.

Limited information. I don't begrudge Microsoft the money, but there is a need to boost its competition.

Dan Lozer
Elk Point, SD 57025
605–356–3067

MTC–00013163

From: Joe Cabrera
To: Microsoft ATR
Date: 1/16/02 11:32pm
Subject: Microsoft Settlement

The fairest resolution would be:

1. Donate $1 billion in cash for schools, to be earmarked for equipment and software in direct competition to Microsoft (Mac OS, Linux, UNIX)

2. All older Microsoft operating systems from Windows 95 up should be fully supported by them for at least 5 more years.

3. They should not be permitted to buy any other companies for 5 years.

4. They must make their proprietary formats for all their Office products (Word, Excel, Powerpoint) fully open so that other companies may make competing products for less.

5. Any and all contracts Microsoft has made with other companies which involve ''exclusivity'' in Microsoft's favor should be null and void, with Microsoft's end still intact if it involves them making any kind of payment.

Thank you for your time—I have the utmost confidence that you will take the fairest action.

Joe Cabrera
joecab@earthlink.net

MTC–00013164

From: bernardy@uclink4.
berkeley.edu@inetgw
To: Microsoft ATR
Date: 1/16/02 11:35pm
Subject: Microsoft Settlement

To Whom It May Concern:

I have two brief suggestion as to what the settlement with Microsoft should accomplish.

(1) Microsoft should not be allowed to strengthen themselves through the settlement by offering a package of Microsoft products as part of the settlement. Specifically, they should be forbidden to give Microsoft Office and the Windows operating system to the country's poorest educational institutions. Instead, they should either provide cash directly or buy competing software and hardware for the schools.

(2) Microsoft should be open their operating system's source to an independent third-party containing operating software engineers from various competing software companies who swear to an oath of secrecy. This allows, on one hand, the protection of the intellectual right of Microsoft while, on the other hand, the independent third-party can force Microsoft to truly open up their API and can divulge to the public any APIs that Microsoft tries to hide from their competitors.

Regards,
Bernard Yen

MTC–00013165

From: Jedidiah I. Sorokin-Altmann
To: Microsoft ATR
Date: 1/16/02 11:35pm
Subject: Microsoft Settlement

Dear Attorney General Ashcroft,

I am greatly distressed with some of the proposed settlement ideas that I have heard in the media.

Microsoft has broken every anti-trust law and FLAUNTED doing so. When they were asked to remove Internet Explorer from Windows 95, they acted like a three-year-old throwing a tantrum-claiming that they couldn't remove Internet Explorer without making things stop working. That's like telling a kid that he can't have chocolate before dinner and having the kid go on a hunger strike.

What is necessary is a method that will allow software vendors to fairly compete with Microsoft. Now something like this won't be easyMicrosoft is a behemoth. One that has no qualms about running things (and people) over to get its own way. What, then, can be done?

Microsoft's file formats and application programing interface (API) must be documented, published, and standardized. The plan which the judge recently rejected would not do this, rather, Microsoft would have essentially have been left alone to continue business as usual for it. That is not the way.

Microsoft has violated the law, and it the duty of the government to stop it.

Sincerely,
Jedidiah Sorokin-Altmann
Dartmouth College Class of 2005

MTC–00013166

From: Tom—McIntosh@telus.net@inetgw
To: Microsoft ATR
Date: 1/16/02 11:38pm
Subject: Microsoft

Microsoft should be prevented from monopolizing the computing industry with their inferior software. If it was not for the IBM name that was attached to PCs, Microsoft would have not had the public following they acquired. They have connived their way into a dictatorial position in the industry. Steps need to be taken to give innovative new companies rewards for doing things better.

Using MS products wastes more productive time than needed. Users spend too much time trying to produce work on very poorly designed software products that are totally non-intuitive. Support staff spend far too much time fixing and working around problems that should have been fixed by now.

Companies spend far too much money upgrading software too what MS dictates then never using 80% of the functionality. The economy will be better off when better products are developed and marketed without being swallowed or beat down by MS marketing.

Tom McIntosh

MTC–00013168

From: Justice Gustine
To: Microsoft ATR
Date: 1/16/02 11:48pm
Subject: Re: We need YOU to make your
comments on Microsoft

''Donald Steiny'' <d.steiny@
worldnet.att.net> wrote:

Microsoft has successfully argued that consumers love them because there has been no public complaints. If you have comments on the proposed remedies please let the DOJ know by Jan 28. You are sending your comments to the US Department of Justice. Email: microsoft.atr@usdoj.gov, type ''Microsoft settlement'' in the subject line. You may fax as well: 1–202–307–1454 or 1–202–616–9937

Please send this info off to others. It will help us have more choices in the future.

Don Steiny

MTC–00013169

From: RBell96630@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 11:50pm
Subject: Microsoft Settlement

Drop your suit and let this company pursue its business interests in peace.

Robert Bell
Clarksville, TN
(w) 270–798–2099
(h) 931–647–9606

MTC–00013170

From: Michael Krist
To: Microsoft ATR
Date: 1/16/02 11:51pm
Subject: Microsoft Settlement

This is the second time I have written to my government regarding this case. I do not support further action against Microsoft. I feel that the company has never harmed me as a consumer and that the unbalanced business practices of MS have been addressed in the current settlement.

I believe further action against MS will only harm the consumer and our economy. spend your time and energy going after ''real'' bad guys.

Michael Krist

MTC–00013171

From: BUFFIP@aol.com@inetgw
To: Microsoft ATR
Date: 1/16/02 11:59pm
Subject: Microsoft Settlement

Despite obnoxious marketing tactics, Microsoft is no monopoly and any open-minded person can see it.

Like it or not, Bill Gates and Microsoft, in looking to make themselves ever wealthier, have done more good for the country and humanity than all the government officials that ever lived. If the settlement suits Microsoft, it suits me.

Scott E. Davison
Burkburnett, TX
buffip@aol.com

MTC–00013172

From: Sue Sanford
To: Microsoft ATR
Date: 1/17/02 12:01am
Subject: Microsoft Settlement

To Whom it May Concern:

In the matter of the Microsoft settlement, I am submitting my comments for consideration. I strongly advocate for acceptance of the proposed settlement agreement by all parties involved. The provisions of the agreement are tough, reasonable, fair to all parties involved, and go beyond the findings of the Court of Appeals ruling. I believe that the settlement of this case is important for the American economy and that drawing this case out any further will do nothing to support consumers or our country and in fact may cause additional damage. I urge the acceptance of this settlement by the DOJ and all states involved in the litigation.

Sincerely,
Sue Sanford

MTC–00013173

From: paneomaha@netzero.net@inetgw
To: Microsoft ATR
Date: 1/17/02 12:03am
Subject: Microsoft Settlement
2318 S 147th Street
Omaha, Nebraska 68144
January 16, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I support bringing the Microsoft antitrust case to a conclusion. Accordingly, I submit the following comments for your review.

The terms of the settlement agreement are more than fair. Microsoft will be making it much easier for its competitors to compete. For example, Microsoft will design future versions of Windows with mechanisms to make it easier for consumers to install non-Microsoft software on their computers.

Microsoft has also agreed to not to take action against computer manufacturers who promote non-Microsoft software, and has agreed not to enforce rights it may have to go after those who infringe on Microsoft's intellectual property rights.

These types of concessions exceed what should be expected of Microsoft. Please see to it that this settlement is approved in an expedient manner.

Thank you.
Sincerely,
Fred Pane

MTC–00013174

From: MortEfron@aol.com@inetgw
To: Microsoft ATR
Date: 1/17/02 12:05am
Subject: Microsoft Settlement

Enough already!!! It is ridiculous the amount of tax dollars being spent on this case, as well as the legal costs to Microsoft, which will eventually be borne by the consumer. Instead of the benefits from all the innovations we have experienced through the years at affordable prices, Microsoft has been forced to spend millions of dollars that could have been used for further innovations in addition to the time taken away from the business of new & better developments.

Stop this mindless litigation once & for all!! Reasonable settlements have been offered. What is wrong with our judiciary that they can't force a reasonable settlement. As usual, taxpayers & consumers will bear the brunt of all this in the end.

Morton L. Efron
5246 Hohman Ave.
Hammond, Indiana 46320

MTC–00013175

From: hopkins70
To: Microsoft ATR
Date: 1/17/02 12:06am
Subject: microsoft Settlement
149 Hopkins Street
Reading, Massachusetts 01867
January 11, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I want to take this opportunity to give my opinion on the settlement recently reached between Microsoft and the Department of Justice. I feel the settlement is a good development at this point and will be good for the millions of consumers around the country who use Microsoft products. The comprehensive agreement requires significant adjustments in Microsoft's business practices going forward. As an example, Microsoft has agreed that if a third party's exercise of any options provided for by the settlement would infringe any Microsoft intellectual property right, Microsoft will provide the third party with a license to the necessary intellectual property on reasonable and non-discriminatory terms. And to assure compliance with the terms of the agreement, Microsoft agreed to the formation of a Technical Committee that will monitor Microsoft's actions Truly, there are no winners if this litigation continues. But getting this settlement finalized will allow Microsoft to focus on new variations of the products that have been very good for many years. Also, the government can focus their resources on more urgent matters.

P.S. I trust your judgement in this matter.

Sincerely,
Ann Moberger

MTC–00013176

From: Jonathan Michael
To: Microsoft ATR
Date: 1/17/02 12:10am
Subject: Slap on the hand!

Microsoft should not be let off easily because

1. They violated business ethics repeatedly with their unfair practices.

2. Their just dessert should be the break up of the company into separate divisions.

3. Giving free software will not do as it only helps them get more clients rather than disciplining them.

4. Microsoft is all about control and no one can control them unless the US govt steps in and does it.

Jonathan Michael
32514 Oriole Crescent,
Abbotsford , BC
V2T 4E2, Canada
Hm. Tel: (604)-852–9447
Wk Tel: (604)-852–4746
Wk. Fax:(604)-852–0333
email: jmichael@shaw.ca

MTC–00013177

From: Sue Sanford at Edvita Corporation
To: Microsoft ATR
Date: 1/17/02 12:15am
Subject: Microsoft Settlement

I am writing to add my comments for consideration in the matter of the Microsoft settlement. I believe that the settlement of this case is important for the American economy and that drawing this case out any

further will do nothing to support consumers or our country and in fact may cause additional damage. I strongly advocate for acceptance of the proposed settlement agreement by all parties involved. The provisions of the agreement are tough, reasonable, fair to all parties involved, and go beyond the findings of Court of Appeals ruling. I urge the acceptance of this settlement by the DOJ and all states involved in the litigation.

Respectfully,
Sue Sanford

MTC–00013178

From: tutenkanem@aol.com@inetgw
To: Microsoft ATR
Date: 1/17/02 12:17am
Subject: microsoft settlement

This case was stupid from the outset. It serves no public policy purpose that I have ever been able to determine and its managed to wreck the tech industry. Please walk away now.

Jeffrey Collins
Stillwater, Oklahoma

MTC–00013179

From: Eric Blair
To: Microsoft ATR
Date: 1/17/02 12:22am
Subject: Microsoft Settlement

I would just like to say that this settlement is an utter sham. As a result of Microsoft's monopoly, the quality of their products do not matter. They either bundle the product with Windows or claim that potential competitor's products might not work with Windows. The states that rejected the proposed settlement have the correct idea—Microsoft should not get away with simply a slap on the wrist.

Eric Blair

MTC–00013180

From: conrad quagliaroli
To: Microsoft ATR
Date: 1/17/02 12:26am
Subject: Justice Dept should stop hindering microsoft.

TO: WHOM IT MAY CONCERN:

I believe the anti-business atmosphere at the justice department during the Clinton years should end.

Sincerely,
conrad Quagliaroli,
Woodstock, GA 30189

MTC–00013181

From: Jim Gigliotti
To: Microsoft ATR
Date: 1/17/02 12:28am
Subject: Microsoft Settlement

Whatever settlement is reached between the government and Microsoft, it should definitely not include any agreement allowing Microsoft to provide products or services to schools or other organizations as was alluded to in numerous press releases. That would be a reward, not a punishment. Any fines or charges levied against them should be structured in such a way that the company does not profit from the levy. The fact that they would be so arrogant as to suggest that ''donating'' software as a remedy to their crime, serves to demonstrate further that they still do not comprehend the reason that they are where they are in the first place. I feel that it is very dangerous to allow them to walk away from this proceeding without subjecting them to regulations or controls which will significantly limit their capability to overwhelm the competition simply by virtue of their enormous wealth and proprietary stranglehold.

Thank you,
Jim Gigliotti
720 Bushkill ST
Easton, PA 18042

MTC–00013182

From: Richard
To: Microsoft ATR
Date: 1/17/02 12:30am
Subject: Microsoft Settlement

Microsoft adversely effected computer technology innovation, value and access throughout the market. Here lies the focus of a suitable settlement—to remedy the damage they have done over the last decade. Remedies to reverse Microsoft's tendency in the marketplace of squashing competitors by customer manipulation and designing OS's with code not completely available to competing software designers is a good place to start. Thus, FULL disclosure of their OS code will help reverse their abuses in the past.

Damages should also be rewarded to companies Microsoft has hurt and, in light of the many small companies they have destroyed, an independently administered grant fund should be established to promote innovation in small upstart software/hardware computer companies.

Richard Pate

MTC–00013183

From: Khai Lu
To: Microsoft ATR
Date: 1/17/02 12:30am
Subject: microsoft Antitrust

I am a 5th year UCLA student and i believe the best solution to this case is for Microsoft to donate the amount in damages to an independent charity. Microsoft should have no power or influence, direct or indirect, on how that money is used. Rather, the independent charity will take care in distributing that money to schools that need it. The money, of course, should be used on technology, with no special pricing for microsoft products or its partners. This will allow Microsoft and it's competition to fairly bid for the technology to provide to schools.

Khai Lu

MTC–00013184

From: Abdulla Kamar
To: Microsoft ATR
Date: 1/17/02 12:35am
Subject: Microsoft Settlement

I believe microsoft's purchase of patents from sgi and there creation of c# as a retaliation to java are tactics used to extend their monopoly, the former used to pressure hardware vendors into supporting there direct3d api instead of opengl, and the latter as to stop programmers from migrating to other platforms not supported by microsoft.

MTC–00013185

From: Fernando Silva
To: Microsoft ATR
Date: 1/17/02 12:37am
Subject: Microsoft Censures

I've been following tech news and the tech community for the last five years. It doesn't take a professional law degree to see what Microsoft has been doing, and where they're going next. The computer industry is set to merge with communications, home appliances. health, life, and everyday living. And the justice department is about to slap the hands of the most influential, if not all controlling power of this relm in his world.

Now is the time to act while we still have the political where-with-all to manage such retribution. If the US government, the power that was able to land a man on the moon without the aid of ''all mighty'' Microsoft folds now, there is no telling what forces will control the destiny of our world. One thing for certain, it will not be the free will of its people—not that it's been that 'til now, but it is still a dream.

Please do not let the American tax payers down. Big Business may pull the strings, but we pay your salaries.

An interested voter,
Fernando C. Silva

MTC–00013186

From: Bev
To: Microsoft ATR
Date: 1/17/02 12:38am
Subject: Microsoft Settlement

I am a great fan of Microsoft and think the computer world would be in chaos without windows. I hope that you will soon settle things in a fair way and let microsoft get busy making even better products for me to enjoy. I have never bought from another company that has provided me with a better product.

They all seem to have many more problems than microsoft. So let us get on with quality and stop the petty stuff.

THanks
Beverly Evans Messer
124 Union Street
Belfast, Maine 04915

MTC–00013187

From: Charlie Olsen
To: Microsoft ATR
Date: 1/17/02 12:33am
Subject: Microsoft Settlement

Please consider my following comments and opinions on the proposed Microsoft settlement:

It is way past time to end this ridiculous politically motivated attack on Microsoft. It has needlessly cost small investors like myself tens of thousands of dollars and has cost the loss of tens of thousands of jobs in the high tech industry. This case was brought by inferior competitors who cannot compete by producing a better product. Let the free market system and not the politically motivated courts be the judge.

I feel the proposed settlement is more than adequate. If Microsoft is willing to have the cost of this settlement extorted from them by courts to get this case behind them, then it is time to do it.

The case should actually be totally dropped and all costs of defending itself against this should be reimbursed to Microsoft. These wasted costs should be recouped from companies like AOL Time

Warner, Novel, WordPerfect, Oracle, Sun Microsystems and other competitors who thought they could illegitimately enrich themselves by attacking Microsoft through the political process. The costs should also be recouped from states like Utah who allowed themselves to be used and abused by companies like Novell that reside in their state

Thank you,
Charles Olsen
4624 West Oberlin Place
Denver, Colorado
cfolsen@starband.net

MTC–00013188

From: Daniel Downey
To: Microsoft ATR
Date: 1/17/02 12:47am
Subject: Microsoft settlement

Sirs:

I endorse the current proposal by the presiding judge: Microsoft pays a cash settlement of a billion dollars, which is distributed among public educational institutions. Needy public elementary, middle, and high schools are suitable.

In keeping with the antimonopolistic philosophy of the judge, the schools would be free to purchase computers and software that are in alignment with their current or planned Information Technology business plan, not Microsoft's. This might be Intel / Windows products, or it might be Apple Macintosh products; the choice is up to the schools.

Microsoft's proposal of distribution of software and used computers simply allows them yet another inroad toward a new monopoly in the education market. What's worse is that donated aging computers will carry a hidden extra expense of maintenance and upgrades (Microsoft's, of course), which school districts are often ill-equipped to support.

Finally, placing a retail dollar value on a Windows CD–ROM and calling it a dollar-equivalent contribution to an intended punitive settlement is wrong. Microsoft can stamp out millions of their product discs for negligible extra expense. Microsoft has already been paid for the development costs of their product. The value of that CD–ROM is measured in cents, not dollars. Make them pay in cash please!

In a perfect world, Microsoft would also be compelled to publish and standardize the entire set of APIs (application programming interfaces) for the whole Windows OS family (95,98, NT, ME, XP), thus levelling the playing field for competing programmers.

Thank you
Dan Downey, MD
ddowney@u.washington.edu

MTC–00013189

From: Henrimae@aol.com@inetgw
To: Microsoft ATR
Date: 1/17/02 12:52am
Subject: microsoft settlement

The suit should never have been begun, and at this point any settlement is a good one if only to stop the verbiage that has been cluttering the press these several years, and allowing everyone to get back to work. . . . . .

henrietta fankhauser,
309 north ''L'' st,
livermore ca

MTC–00013190

From: C Jeffery Woodbury
To: Microsoft ATR
Date: 1/17/02 12:54am
Subject: Microsoft Settlement

To whom it may concern:

I am writing to provide some public input into the proposed antitrust settlement for Microsoft. I understand that one remedy currently under consideration would be to allow Microsoft to make a donation of computers running Microsoft Windows operating system, as well as a variety of Microsoft software packages, to certain ''underprivileged'' school systems. It must be quite obvious to all concerned, however, that in the long run this proposal would only serve to benefit Microsoft greatly and more importantly, would augment, not hinder, their monopoly by facilitating their expansion into the education market! What is quite obvious is that if Microsoft is forced to contribute technology to needy school systems, that technology should not be based on Microsoft products, but instead on a competitor's product. Thus, either Microsoft be obligated to provide a CASH donation, allowing educators to CHOOSE their platform of choice, or they be obligated to make a donation of a competitor's (e.g., Apple Computer) product, NOT THEIR OWN.

It is my hope that you will recognize the gravity of this proposed settlement, and afford this suggestion serious consideration.

Sincerely,
Dr. C. Jeffery Woodbury
Dept of Neurobiology
University of Pittsburgh School of Medicine
3500 Terrace St.
Pittsburgh, PA 15261

MTC–00013191

From: Chris Richardson
To: Microsoft ATR
Date: 1/17/02 12:57am
Subject: Microsoft Settlement

Dear Sir or Madam,

Here are my brief comments regarding the Microsoft Settlement. PLEASE. . . let there be no slap on the wrist this time around. Microsoft's strangle-hold on the market does little to enhance computing for the consumer. I want a choice.

Thanks goodness they were not allowed to stomp down Apple in the education market as well.

I have hope that Microsoft will face justice eventually, despite all the money and power they have at their disposal.

Thanks for taking time to review my comments.

Best Regards,
Chris Richardson
IT Manager
Dragon Claw Games

MTC–00013192

From: Helen H Cowan
To: Microsoft ATR
Date: 1/17/02 1:07am
Subject: Microsoft Settlement

I feel it is extremely urgent and important for American consumers and the for American economy that the microsoft case be settled without further delay.

Microsoft was a leader of the ''good times'' The litigation against Microsoft started this long recession. Please settle so that the economy can get rolling again.

Sincerely,
Helen H. Cowan

MTC–00013193

From: BURLEY
To: Microsoft ATR
Date: 1/17/02 1:09am
Subject: settlement vs litigation

I am for settlement rather than further litigation. My question is, ''WHY should Microsoft suffer any further for building a better mousetrap?'' What is the restaint of trade in this case? Microsoft has greatly 'benefited' the consumer.

MTC–00013194

From: r(u)hodg Hodgson
To: Microsoft ATR
Date: 1/17/02 1:14am
Subject: Microsoft Settlement

To the DOJ in my opinion the turnning down of the Microsoft offer was very wrong. Some four thousand schools would have binifited from there offer. Some of the schools in fact all lack the money to supply a lot of the equipment that they were offering. It is begining to sound more like a vendetta than an anti trust suit. This is my opinion. Thank you for your time.

Yours;
Robert Hodgson;

MTC–00013195

From: richardlaughlin@webtv.net@inetgw
To: Microsoft ATR
Date: 1/17/02 1:19am
Subject: Microsoft Settlement

Dear DOJ,

See the economy failing. See the stock market falling. See Ford layng off 35,000 employees. See K-Mart about to close. See one of our finest and most creative companies; namely, Microsoft— being brought down by a legal system abused by trial lawyers. Judge Jackson was unfair to Microsoft. In this country the drumbeat to bring down our most successful goes on and on.

Thank you for your interest.
Richard Stouts

MTC–00013196

From: Marilee Wick
To: Microsoft ATR
Date: 1/17/02 1:20am
Subject: No subject was specified.

Microsoft should be required to provide full and complete disclosure on all programming interface as soon as they are created. This disclosure should also be maintained through the developement of the programming interface. Any, and I mean any, breaking of this policy should entail the immediate breakup of the company into two pieces, the OS piece, and applications piece.

Another idea would be to require Microsoft to ''open source'' Windows (any version, including XP) immediately and maintain the OS as ''open source''. This would allow

competitors a fair chance to see what is coming down the road. Remember, Microsoft IS an OS monopoly and they use that monopoly to the best of their ability to further their products and hinder competitors. AT&T was split because of the same thing. In addition, all applications, such as, Internet Explorer, should be removed from the OS. This is software folks. If Microsoft says that it can't be done, they are lying. They are already using programming interfaces internally for these types of applications. All they need to do is expose those interfaces to the rest of the world. If they say this is impossible they are, once again, lying. All one needs to do is ask any TRUE software developer and they will tell you.

Thanks for your time,

Mark Wick

MTC–00013197

From: Ryo Sode
To: Microsoft ATR
Date: 1/17/02 1:23am
Subject: Microsoft Settlement

To Whom It May Concern,

I just don't like the way Microsoft carries out their business. . . I really have nothing else to say, but my vote should count, right?

Ryo

MTC–00013198

From: Brett Laurance
To: Microsoft ATR
Date: 1/17/02 1:30am
Subject: Microsoft Settlement

Make Microsoft's API and proprietary Office file formats publicly available. This is the only way to ensure Microsoft's monopoly is truly broken across both software and hardware platforms.

MTC–00013199

From: Michael A. Fuselier
To: Microsoft ATR
Date: 1/17/02 1:47am
Subject: Microsoft Settlement

On the Microsoft settlement, I think you should seriously consider raising the penalty amount from $1 billion to somewhere between $5 to $30 billion, and make them pay it in cash. Divide it up between the schools in the country, and everyone who has every bought a Microsoft product.

Lets think about this for a moment. It has already been determined that they are a monopoly, and used predatory practices to get that monopoly. What is that monopoly worth? Well, its at least worth about $40 billion in cash, because that's about what they have in the bank. That doesn't even include the company's assets, and annual sales which are probably worth at least another $20 billion per year. You are not penalizing a small company, but the largest in the world, the settlement should be the largest in the world, by the same factor. Any company that can get away with the things Microsoft has got away with is deluding the government, and us public into thinking that they are going to change. I just paid $450 for Microsoft Office, and the only thing that came in the box was a CD, and a 10 page brochure.

Not even a book. I think I deserve to get a book or two for $450. How am I suppose to learn the software I just spent 50% of the cost of my computer on? Do you know what kind of profit margin that is? I would venture to say at least 1000 percent. What other business can make that kind of profit, and still claim to have the consumers best interest at heart.

Think really hard, about this decision. Ask yourself what you want to pay for your next productivity suite? If this penalty isn't stiff, you can bet they won't hesitate to jack the prices and mafia type business practices in the future.

Stick it to them.

Thanks.

Michael Fuselier

MTC–00013200

From: Hugh A. Van Deursen
To: Microsoft ATR
Date: 1/17/02 1:52am
Subject: Microsoft Settlement

Hello,

The current settlement plan as devised by the Department of Justice is a sorrowful and pitiful answer to a problem of enormous proportions. It does absolutely nothing to rectify the illegal and unethical practices of a business but even encourages it to continue its business practices as had been done in the past. In addition, it can only encourage other businesses to commit similar acts of uncompetitive behavior since our own Department of Justice has implied that it is okay to treat Americans in such a manner and that the DOJ will turn its head to the actions committed against the people.

It appears the DOJ has ignored all of the testimony and evidence of not only the new people who provided information for the court but also the past travesties of Microsoft which caused a previous consent decree which Microsoft only laughed at and totally ignored. By doing what you are doing at this point, you are playing into the hands of Microsoft and only proving their feeling that you will not go through with what needs to be done to protect the American public. What needs to be done is similar to what brave DOJ's have done in the past with companies like Standard Oil Company, the results of which obviously have only benefited not only our country but the long term benefits to the oil industry were evidenced as well.

The original judge had it all correct when he found the company guilty of uncompetitive practices. It would seem the only mistake he made was to publicize some of his information outside of court. That hardly seems like a reason to give up. Judges are people too and therefor make mistakes. However, the evidence is still there. The testimony of many who trusted the DOJ when asked to testify on the government's behalf—for the people—are now being left uncared for by the DOJ. There can be no question that Microsoft will soon be prevailing their predatory practices against those who testified once the settlement is agreed to. After all, what would Microsoft have to lose? They already know that the DOJ will do nothing. Individuals and businesses will have absolutely no incentive to help the DOJ in the future because they will feel it will only help, not hurt, in the long term.

Time and again, the American way of competitiveness has only proven the benefit of true competition. That doesn't matter whether it is automobiles or toilet paper. The competitive spirit to make things better due to the concern that another company will come out with a better product than you have makes us what we are. . . a great country. If Microsoft had some real competition they would not continue to put out a piece of software that still breaks so often and then require people to pay for the ''upgrades'' which are actually bug fixes that should be provided for free. Competition would cause them to make a better product. I am sure that is one reason that Apple has what is known to be a much superior operating system because they have a need to make a better product.

There are several ways available to the DOJ to provide some means of remedy to the actions of Microsoft:

*A breakup may not be the most practical or preferable, but the Standard (and other) breakups prove that will be beneficial.

*Putting a dollar amount on what Microsoft has cost people by its monopolistic practices and making them place it into an independent fund where not-for-profit organizations and schools can apply for the funds to purchase applications and operating systems of their choice for use to benefit people might be used but it would need to be an amount that actually punishes the company for what it has done and profited by as a result and would, ultimately, provide more benefit for more people.

*In addition to any of the above, requiring Microsoft to provide complete and entire sets of API's and file formats for Windows and Office (two major items pointed out in court where Microsoft has been found guilty) to a private entity that would be funded by Microsoft but be under the purview of the DOJ would seem to provide an opportunity for other companies to have access to the necessary code to provide operable systems and applications, not require daily watching by the DOJ, cause Microsoft to pay for the effort to remedy their improper actions, and provide the public with some decent competitive applications and systems.

*Maybe another partial solution that would at least cause some grief for Microsoft, though I am not sure of the legality of this part, would be to assess an amount in dollars and the aforementioned API and file formats against Microsoft that they would be required to pay and give directly to Apple and Linux so that they can make their operating systems capable of directly reading and writing any and all Microsoft applications and operating systems so that users of those systems do not have to purchase an emulator for their system. If users could take any disk or application they are able to use in a Microsoft system and just as easily use it in a Linux or Apple system, that would surely help those systems to compete better.

I have grown tired of paying for and having to use operating systems that do not work, or break often, due to the anti-competitiveness of Microsoft. If it were not for their ability to copy another company's operating system, Windows would not even be where it is now and users would have an even lesser product. The Internet Explorer browser was so unusable until recently when they realized

that they had to improve it since they had not completely beaten Netscape but only damaged them to the point they had to be bought by another company. It seemed to me that the DOJ was doing an excellent job of proving its case in court over the last couple years and I had high hopes that finally something would be done to make them make a better product by making them accountable for the uncompetitive antics they inflicted upon other companies and, ultimately, consumers.

When the King of England made the colonists pay excessive amounts for his taxes with only his choice of product, the people revolted and did what a good American would do, toss the rascals out. It is part of what allows us to be Americans, freedom of choice and freedom from improper business antics. We trust our government to protect us from aggressors. If Microsoft were a foreign company would they provided such leniency? Of course not because their true anti competitive actions would be acknowledged by the DOJ and proper remediation accomplished. It is time for the DOJ to help the American people revolt against an uncompetitive aggressor on our own soil and cause something that will truly take care of the situation.

The current DOJ proposal has nothing in it that will do this. Please do something that will, like a good, responsible, DOJ should.

Thank you,

Hugh A. Van Deursen

MTC–00013201

From: Julie Nungester
To: Microsoft ATR
Date: 1/17/02 2:01am
Subject: Microsoft Settlement

Dear Judge,

As the recent events have been made known to me my fear of injustice has steeply risen. The recent PFJ is bad news. Microsoft has taken things way too far and they are being allowed to monopolize the market. It is unjust to allow this process to continue. The long term effects will be grave if they are permitted to continue in this fashion. Please take these pleas into consideration.

Thank you for your time.

Julie Nungester
3131 McClintock A103
Los Angeles, CA 90007
CC:microsoftcomments@doj.ca.gov@inetgw

MTC–00013202

From: T Paluchniak
To: Microsoft ATR
Date: 1/17/02 2:20am
Subject: Microsoft settlement

Hello:

I am writing to express my opinion regarding the proposed Microsoft settlement.

For what it is worth I think it stinks. It seems to do little to keep Microsoft from using the same tactics to crush its competition. Look at Java for example. Java is everywhere, and developers like it because it works in a variety of different computing environments. Microsoft is fueding with Sun MicroSystems and as a result its recent version of Windows does not support Java. This clearly hurts competition. It also hurts software developers because eventually they are forced to use whatever Microsoft wants them to use instead of Java. Another problem I have with the settlement is that companies that have traditionally been hurt by Microsoft's tactics such as Apple computer are not protected by the proposed settlement. For example, in the past Microsoft has forced Apple to do things it might not want to do in order to get Microsoft to produce a version of Microsoft Office (even though Office was making a profit), which Apple needs to stay in business. One such instance was that Microsoft forced Apple to start carrying Microsoft Internet Explorer as its default browse when in the past Apple had used Netscape Navigator. Microsoft also tried to get Apple to not produce a version of its QuickTime software for Windows because Microsoft did not want to compete with Apple. Many years ago Microsoft forced Apple to give up some of the rights to its own operating system. This behavior is anticompetitive, and hurts everybody whether they know it or not, especially people such as myself, who like alternatives to Windows.

As I pointed out earlier the new settlement does little to protect Apple. In August I believe Microsoft's agreement with Apple expires, and Microsoft is free to extract more blood from Apple in order for Apple to keep Microsoft producing Microsoft Office. This should not be the case. In the very least, Microsoft should be required to make versions of its flag ship products that are compatible with Window's versions of the products. This is necessary because then Apple could be free to compete with Microsoft in other areas without fear of retribution. Why is Office so important to Apple? Simple: most people use Office at work which is largely Windows based. At home if they have a Mac, or if they are starting a business using a Mac, people want to be able to communicate with their Window using peers. Office started on the Mac, keep it that way. If Apple goes out of business, about 25 million unhappy people will be forced to use Windows, a product most would probably prefer to do without. Also it might be fair to consider forcing Microsoft to produce a version of Office for Linuix.

I also would like to see Microsoft stop being able to bundle features into Windows that other companies made popular and were charging for previously. If it is allowed to do so at least make it easy to remove these features from Windows so that competitors products can be used instead. Recently when I was installing Apple's QuickTime software on a Windows machine, Windows asked me are you sure you want to install Quicktime, it is made by Apple Computer, do you trust Apple computer? Software that Microsoft has no problem with does not ask questions like that. In my view this type of message was designed to make you question software that Microsoft did not like. Microsoft should not be able to use such tactics. Windows should easily accept competing software, especially if other companies are already offering the same product. Microsoft should not be able to give something away for free if another company made something popular and was charging for it, like in the case of Netscape's Navigator.

I also would like to see a couple of other things done. First, I would like to see a person or a small group of people that have the direct power to enforce the settlement without having to go back to the court to do so. Doing so would keep Microsoft from resisting enforcing the settlement. Problems that the person or people find should be public. Second I would like to see Microsoft have to admit guilt, as it would allow for companies previously damaged by Microsoft's anticompetitive behavior to be able to more easily sue for damages if they so chose. If such companies were successful, this would allow the companies to use the money received to improve their own products, hopefully enhancing competition and further benefiting the consumer. Remember the original facts in this case were not under dispute. Microsoft is a monopoly and has abused its power to hurt competition. Letting it off the hook hurts does not remedy the wrongs done, and foster future competition. Thank you.

Sincerely,

Thomas Paluchniak

''In matters of style swim with the current. In matters of principle stand like a rock.''

Thomas Jefferson

MTC–00013203

From: JRStrong@aol.com@inetgw
To: Microsoft ATR
Date: 1/17/02 2:20am
Subject: At only 18, I could ''see'' this potential M$ problem erupting in 1987 at UIUC?

I was a freshman in business at the University of Illinois at Urbana/Champaign in 1987 when I first ''saw'' the preferability of MacOS ''constricted'' by the high prices of the old-MacOS? At the time, every secretary at UIUC had a Macintosh on their desk, but they were unheard of anyplace else! In a Computer Science I had (C.S. 105), there was only ONE B/W Macintosh, and many Unix workstations. I remember talking with various stuents, C.S people and others, who were constantly disgressing about how Apple wouldn't ''license'' the MacOS to anybody else? I had also just ''heard'' about Windoze 1.0 starting out, and I knew from the ''times'' that M$ would constantly upgrade windows to make it better? Sure enough, exactly as I was forbidding, Windoze95 came out 8 years. but who could I have told (of my fears) and who would have listened to an 18 year old freshman from UIUC!

I had suffered a rather severe car accident in January 1988, so I had forgotten all about this ''fear'' until Win95 actually came out in August 1995! And from ALL that I had still learned in business at UIUC, I can see exactly how M$ followed Bill Gates' C.S. ''philosophy'' of total domination, until he was unofficially ''fired'' from his CEO position! At the unofficial request of the DOJ who is evidently too ''weak'' to hold M$ accountable, since this M$ situation does so closely parallel the Sherman Antitrust ''railroad bridge?''

Jeff Strong
jrstrong@aol.com
916/405–3010 voicemail
217/234–2547 voicemail/apartment
413/410–0665 fax

MTC–00013204

From: cranky
To: Microsoft ATR
Date: 1/17/02 2:22am
Subject: Microsoft Settlement

I am a software engineer in Silicon Valley. I do not find the proposed settlement adequate.

I believe a stiff penalty for Microsoft is in order. If this means holding the case open for another couple of years, so be it.

Microsoft, in its practice of attacking open standards and portability solutions (example: java) has been hampering software development for a number of years. In addition to this, it has been leveraging ownership of Windows to provide unfair advantages for Microsoft applications:

1. Performance increase via internal Microsoft-only API's.

2. Product leveraging by including them ''free'' with the operating system (Internet Explorer). Normally, the market would react to this by going to a competing OS. However, the applications barrier to entry (see Judge Jackson's Finding of Facts) along with Microsoft's control of the desktop market makes this impossible.

Microsoft does not currently control the UNIX/Linux market, but those machines have very little applicability to home and non-technical business users. In the home desktop OS market it does in fact have a monopoly.

Microsoft's monopoly power hinders, not drives competition and innovation in the software industry. An effective remedy really requires a breakup of the company.

Please withdraw your consent from the revised proposed Final Judgment.

Thank you.

Mike Gdog G

MTC–00013205

From: Baskaran Subramaniam
To: Microsoft ATR
Date: 1/17/02 2:23am
Subject: Microsoft settlement. . .

Microsoft used its monopoly position in the market to kill competitors and thereby hurt consumers. Microsoft MUST pay penalty for its illegal behavior in addition to being forcefully prevented from using its monopoly position. The only way that this could happen is if the company is broken up into 3 or more pieces (Operating system company, internet service company, game development company, application software company and more). Of these only one of the new company should be called Microsoft.

Thank you very much for accepting public comments regarding this landmark case.

Sincerely.

Dr. Baskaran Subramaniam

Concerned Citizen

MTC–00013206

From: Elizabeth Wrancher
To: Microsoft Settlement
Date: 1/16/02 8:40pm
Subject: Microsoft Settlement
Elizabeth Wrancher
2630 Amsden Road
Winter Park, Fl 32792–3513
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street.Please vote for the Microsoft Settlement.

Sincerely,

Elizabeth Wrancher

MTC–00013207

From: Carolyn Fielder
To: Microsoft ATR
Date: 1/17/02 2:29am
Subject: Microsoft Settlement

Please settle this mess as soon as possible. Microsoft provides many employment opportunities in the Northwest and throughout the country. Since when is a capitalist country against capitalism? In this country we reserve the right to profit from out own ideas. It is unfortunate that those who are not as creative must find their own importance by tearing down the labor of others who work harder. Bill Gates and his company had the forsight to patent or copyright their intellectual material. Let them reap the rewards of their labor. They don't 'keep it to themselves' but spread it throughout the community and the world with worthy causes. Leave them alone. Let those who are jealous of his success get off their butts and build their own empire. Settle the darned thing because we are tired of hearing about it!

Carolyn Fielder

MTC–00013208

From: Kaye Pope
To: Microsoft Settlement
Date: 1/16/02 5:20pm
Subject: Microsoft Settlement
Kaye Pope
817 Vine St
Imperial, MO 63052
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Kaye Pope

MTC–00013209

From: Ken Miller
To: Microsoft Settlement
Date: 1/16/02 5:03pm
Subject: Microsoft Settlement
Ken Miller
18 E. 28th
Hutchinson, Ks 67502
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Ken Miller

MTC–00013210

From: Daniel Dean

To: Microsoft Settlement
Date: 1/16/02 6:29pm
Subject: Microsoft Settlement
Daniel Dean
229 Paine Dr.
WinterHaven, fl 33884
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Daniel Dean

MTC–00013211

From: Bobby Powell
To: Microsoft Settlement
Date: 1/16/02 8:50pm
Subject: Microsoft Settlement
Bobby Powell
2304 12th Ave.
Albany, Ga 31707
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Bobby Powell

MTC–00013212

From: Wayne Cobb
To: Microsoft Settlement
Date: 1/16/02 3:01pm
Subject: Microsoft Settlement
Wayne Cobb
10120 Trail Drive
Reno, NV 89506
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Wayne K. Cobb

MTC–00013213

From: Joanne O'Reilly
To: Microsoft Settlement
Date: 1/16/02 7:15pm
Subject: Microsoft Settlement
Joanne O'Reilly
65 E.McDonald Road
Pinehurst, NC 28374
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Joanne O'Reilly

MTC–00013214

From: Mark Lento
To: Microsoft Settlement
Date: 1/16/02 8:15pm
Subject: Microsoft Settlement
Mark Lento
P.O. Box 8100
Red Bank, NJ 07701–8100
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry.

It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Mark Lento

MTC–00013215

From: John Kraemer
To: Microsoft Settlement
Date: 1/16/02 9:43pm
Subject: Microsoft Settlement
John Kraemer
3349 Blue Rock Rd.
Cincinnati, OH 45239
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
John Kraemer

MTC–00013216

From: Donna Wiss
To: Microsoft Settlement
Date: 1/16/02 6:00pm
Subject: Microsoft Settlement
Donna Wiss
7062 Red Mesa Dr.
Littleton, CO 80125
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Donna Wiss

MTC–00013217

From: Vonnie Kenney
To: Microsoft Settlement
Date: 1/16/02 9:56pm
Subject: Microsoft Settlement
Vonnie Kenney
768 Hillside Ct
Plainfield, in 46168
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Vonnie Kenney

MTC–00013218

From: Lesley Lind
To: Microsoft Settlement
Date: 1/16/02 4:06pm
Subject: Microsoft Settlement
Lesley Lind
4011 W. Azeele St.
tampa, FL 33609
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Lesley Lind

MTC–00013219

From: Earl W. Traut
To: Microsoft Settlement
Date: 1/16/02 4:03pm
Subject: Microsoft Settlement
Earl W. Traut
12022 Topaz St
Clermont,, FL 34711
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Earl W. Traut

MTC–00013220

From: WIN SMITH

To: Microsoft Settlement
Date: 1/16/02 7:18pm
Subject: Microsoft Settlement
WIN SMITH
5341 GREENWICH LANE
JOPLIN, MO 64804–8250
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
WIN SMITH

MTC–00013221

From: John Troy
To: Microsoft Settlement
Date: 1/16/02 8:43pm
Subject: Microsoft Settlement
John Troy
POB 2240
North Babylon, NY 11773
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
JohnTroy

MTC–00013222

From: Joseph Garcia
To: Microsoft Settlement
Date: 1/16/02 6:07pm
Subject: Microsoft Settlement
Joseph Garcia
163 Claywood Drive
Brentwood, ny 11717
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Joseph Garcia

MTC–00013223

From: Eddie Fry
To: Microsoft Settlement
Date: 1/16/02 9:00pm
Subject: Microsoft Settlement
Eddie Fry
2638 Big Wheel Way
Alpine, Ca 91901
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Eddie E. Fry

MTC–00013224

From: Michael Henke
To: Microsoft Settlement
Date: 1/16/02 3:06pm
Subject: Microsoft Settlement
Michael Henke
3121 N 48th St
Omaha, NE 68104
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Michael Henke

MTC–00013225

From: Jean McKinney

To: Microsoft Settlement
Date: 1/16/02 3:27pm
Subject: Microsoft Settlement
Jean McKinney
15103 Morning Circle
San Antonio, TX 78247–3330
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Jean McKinney

MTC–00013226

From: Jean Martin
To: Microsoft Settlement
Date: 1/16/02 8:50pm
Subject: Microsoft Settlement
Jean Martin
615 Towne House Lane
Richardson, TX 75081–3531
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Jean L. Martin

MTC–00013227

From: Emil Schauer
To: Microsoft Settlement
Date: 1/16/02 9:38pm
Subject: Microsoft Settlement
Emil Schauer
25622 Breckenridge Dr
Euclid, Oh 44117–1809
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Emil J Schauer

MTC–00013228

From: Kevin Jones
To: Microsoft Settlement
Date: 1/16/02 10:54pm
Subject: Microsoft Settlement
Kevin Jones
3037 North Racine Ave. Suite #3
Chicago, IL 60657–4225
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Kevin L. Jones

MTC–00013229

From: William G Henry
To: Microsoft Settlement
Date: 1/16/02 4:59pm
Subject: Microsoft Settlement
William G Henry
611 Fisherman Pl
Brick, NJ 08724
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
William and Delores Henry

MTC–00013230

From: Marilyn Payton
To: Microsoft Settlement
Date: 1/16/02 3:26pm
Subject: Microsoft Settlement
Marilyn Payton
P.O. Box 191
Rosedale, IN 47874–0191
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Marilyn Payton

MTC–00013231

From: kenneth stokely
To: Microsoft Settlement
Date: 1/16/02 7:30pm
Subject: Microsoft Settlement
kenneth stokely
3021 del monte avenue
bay city, tx 77414
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
kenneth g stokely

MTC–00013232

From: Darlene Jensen
To: Microsoft Settlement
Date: 1/16/02 5:13pm
Subject: Microsoft Settlement
Darlene Jensen
19165 SE Carmel Dr.
Damascus, OR 97009
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Mr. & Mrs. R. J. Jensen

MTC–00013233

From: Jan Henshaw
To: Microsoft Settlement
Date: 1/16/02 11:33pm
Subject: Microsoft Settlement
Jan Henshaw
6009 SE Heike St.
Hillsboro, OR 97123
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Jan M. Henshaw

MTC–00013234

From: Glenda Wilson
To: Microsoft Settlement
Date: 1/16/02 8:05pm
Subject: Microsoft Settlement
Glenda Wilson
2525 Nantucket, #2
Houston, Tx 77057
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Glenda Wilson

MTC–00013235

From: John McNaugher
To: Microsoft Settlement
Date: 1/16/02 9:00pm
Subject: Microsoft Settlement
John McNaugher
9904 Belton Circle
Wexford, PA 15090
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
John and Eleanor McNaugher

MTC–00013236

From: Barbara Blevins
To: Microsoft Settlement
Date: 1/16/02 10:17pm
Subject: Microsoft Settlement
Barbara Blevins
16101 Barbara Ct.
Grass Valley, CA 95949
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Barbara J. Blevins

MTC–00013237

From: Richard Boesken
To: Microsoft Settlement
Date: 1/16/02 9:58pm
Subject: Microsoft Settlement
Richard Boesken
81 Mandolin Dr.
Lake Placid, FL 33852–6109
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Richard G.Boesken

MTC–00013238

From: John Heinsen
To: Microsoft Settlement
Date: 1/16/02 4:59pm
Subject: Microsoft Settlement
John Heinsen
6950 Compass Ct.
Orlando, Fl 32810–3656
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
John Heinsen

MTC–00013239

From: David Norden
To: Microsoft Settlement
Date: 1/16/02 6:16pm
Subject: Microsoft Settlement
David Norden
P.O. Box 993
Warrenton, VA 20188–0993
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
David A. Norden

MTC–00013240

From: Rudolph Hensley
To: Microsoft Settlement
Date: 1/16/02 10:29pm
Subject: Microsoft Settlement
Rudolph Hensley
401 Club Drive
Hinesville, GA 31313–3808
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Rudolph Hensley

MTC–00013241

From: Michael Corbin
To: Microsoft Settlement
Date: 1/16/02 5:20pm
Subject: Microsoft Settlement
Michael Corbin
26835 Roland Tyler Road
Crisfield, MD 21817
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Michael Corbin

MTC–00013242

From: Peter Graybash
To: Microsoft Settlement
Date: 1/16/02 10:38pm
Subject: Microsoft Settlement
Peter Graybash
4 Cambridge Drive
Hershey, PA 17033–2100
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Peter J. Graybash, Jr.

MTC–00013243

From: Carol Maynard
To: Microsoft Settlement
Date: 1/16/02 9:50pm
Subject: Microsoft Settlement
Carol Maynard
8341 Chinaberry Rd
Vero Brach, FL 32963
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Carol Maynard

MTC–00013244

From: Marie Arceneaux
To: Microsoft Settlement
Date: 1/16/02 3:35pm
Subject: Microsoft Settlement
Marie Arceneaux
3048 Hwy 308
Napoleonville,, La 70390
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Marie Arceneaux

MTC–00013245

From: Cynthia Minardi
To: Microsoft Settlement
Date: 1/16/02 10:24pm
Subject: Microsoft Settlement
Cynthia Minardi
39580 Bonaire Way
Murrieta, Ca 92563
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief. Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies. Thank you for this opportunity to share my views.

Sincerely,

Cynthia Lee Minardi

MTC–00013246

From: Tracey Sullivan
To: Microsoft Settlement
Date: 1/16/02 3:23pm
Subject: Microsoft Settlement
Tracey Sullivan
1315 Vine Street
Middletown, PA 17057
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Tracey A. Sullivan

MTC–00013247

From: Elon Sowell
To: Microsoft Settlement
Date: 1/16/02 3:09pm
Subject: Microsoft Settlement
Elon Sowell
P.O. Box 42
1010 Star Lake Rd.
Alturas, Fl 33820–0042
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief. Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

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Thank you for this opportunity to share my views.

Sincerely,

Elon Sowell

MTC–00013248

From: David Gray
To: Microsoft Settlement
Date: 1/16/02 3:55pm
Subject: Microsoft Settlement
David Gray
792 Spanish Cove Drive
Melbourne, FL 32940
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

David L. Gray

MTC–00013249

From: Carolyn Taylor
To: Microsoft Settlement
Date: 1/16/02 4:12pm
Subject: Microsoft Settlement
Carolyn Taylor
2011 Eastridge Road
Timonium, MD 21093
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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technologies. Thank you for this opportunity to share my views.
Sincerely,
Carolyn Taylor

MTC–00013250

From: JOHN VANDERWALKER
To: Microsoft Settlement
Date: 1/16/02 10:01pm
Subject: Microsoft Settlement
JOHN VANDERWALKER
PO BOX 1051
ENUMCLAW, WA 98022–1051
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:
The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.
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Sincerely,
J.E.VANDERWALKER

MTC–00013251

From: Thomas Henderson
To: Microsoft Settlement
Date: 1/16/02 11:05pm
Subject: Microsoft Settlement
Thomas Henderson
5108 santa anita ave.
Temple city, Ca 91780
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:
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Sincerely,
tom henderson

MTC–00013252

From: John Downer Jr
To: Microsoft Settlement
Date: 1/16/02 8:13pm
Subject: Microsoft Settlement
John Downer Jr
58230 Pueblo Trail
Yucca Valley, Ca 92284
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:
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Thank you for this opportunity to share my views.
Sincerely,
John & Grace Downer

MTC–00013253

From: Paul Crisp
To: Microsoft Settlement
Date: 1/16/02 5:44pm
Subject: Microsoft Settlement
Paul Crisp
P.O. Box 280
Rural Retreat, VA 24368
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:
The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.
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Thank you for this opportunity to share my views.
Sincerely,
Marilynn & Paul Crisp, Jr.

MTC–00013254

From: Donna O'Daniel
To: Microsoft Settlement
Date: 1/16/02 8:23pm
Subject: Microsoft Settlement
Donna O'Daniel
216 West Corral Drive
Payson, AZ 85541
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:
The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.
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Thank you for this opportunity to share my views.

Sincerely,
Donna O'Daniel

MTC–00013255

From: Robert Jennings
To: Microsoft Settlement
Date: 1/16/02 4:59pm
Subject: Microsoft Settlement
Robert Jennings
22016 N. 44th Place
Phoenix, AZ 85050
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Robert Jennings

MTC–00013256

From: Joseph F. Yates
To: Microsoft Settlement
Date: 1/16/02 7:44pm
Subject: Microsoft Settlement
Joseph F. Yates
4411 Beechland Rd
Springfield, Ky 40069
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Joseph F. Yates

MTC–00013257

From: Mark Walker
To: Microsoft Settlement
Date: 1/16/02 8:20pm
Subject: Microsoft Settlement
Mark Walker
1525 140th Avenue
Wayland, MI 49348–9556
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Mark E. Walker

MTC–00013258

From: Lezlie Baska
To: Microsoft Settlement
Date: 1/16/02 5:35pm
Subject: Microsoft Settlement
Lezlie Baska
17716 W 67th Street
Shawnee, KS 66217
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Lezlie Baska

MTC–00013259

From: Yvonne Shoemaker
To: Microsoft Settlement
Date: 1/16/02 9:22pm
Subject: Microsoft Settlement
Yvonne Shoemaker
14723 Maugansville Road
Hagerstown, MD 21740–2421
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Yvonne B. Shoemaker

MTC–00013260

From: Thomas Servilla
To: Microsoft Settlement
Date: 1/16/02 3:12pm
Subject: Microsoft Settlement
Thomas Servilla
48 Rockridge Dr., N.E.
Albuquerque, NM 87122–2007
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Thomas Servilla

MTC–00013261

From: JERRY GONZALES
To: Microsoft Settlement
Date: 1/16/02 4:20pm
Subject: Microsoft Settlement
JERRY GONZALES
6215 PLYMOUTH ROCK LN.
CITRUS HEIGHTS, CA 95621
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

JERRY GONZALES

MTC–00013262

From: Laura J. Ziegler
To: Microsoft Settlement
Date: 1/16/02 3:16pm
Subject: Microsoft Settlement
Laura J. Ziegler
5262 Margaret drive
Bonita, CA 91902–2108
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Laura J. Ziegler

MTC–00013263

From: Katherine Savastano
To: Microsoft Settlement
Date: 1/16/02 9:28pm
Subject: Microsoft Settlement
Katherine Savastano
P.O. Box 2928
Lake Placid, Fl 33862–2928
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Katherine Savastano

MTC–00013264

From: David Hockenberry 11
To: Microsoft Settlement
Date: 1/16/02 7:49pm
Subject: Microsoft Settlement
David Hockenberry 11
240 Oak Flat Rd.
Newville, PA 17241
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

David R. Hockenberry 11

MTC–00013265

From: Jimmy Keener
To: Microsoft Settlement
Date: 1/16/02 6:56pm
Subject: Microsoft Settlement
Jimmy Keener
1425 West 'A' Street
Kannapolis, NC 28081–9300
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Mr. & Mrs. Jimmy Keener

MTC–00013266

From: Walter Schneider
To: Microsoft Settlement
Date: 1/16/02 8:23pm
Subject: Microsoft Settlement
Walter Schneider
1603 Riverdale Ave
Sheboygan , WI 53081–8045
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Walter Schneider

MTC–00013267

From: Walter Schneider
To: Microsoft Settlement
Date: 1/16/02 8:23pm
Subject: Microsoft Settlement
Walter Schneider
1603 Riverdale Ave
Sheboygan , WI 53081–8045
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

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Thank you for this opportunity to share my views.

Sincerely,

Walter Schneider

MTC–00013268

From: Janice Schneider
To: Microsoft Settlement
Date: 1/16/02 8:21pm
Subject: Microsoft Settlement
Janice Schneider
1603 Riverdale Ave
Sheboygan , WI 53081–8045
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

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Thank you for this opportunity to share my views.

Sincerely,

Janice Schneider

MTC–00013269

From: Gregory Juster
To: Microsoft ATR
Date: 1/17/02 2:44am
Subject: Microsoft Settlement

I was happy with the Microsoft proposal beeing rejected. Here's some settlement ideas:

Microsoft shall not buy any intellectual properties, shares or merge with any company unless approved by the justice department for a 15 years span. Microsoft shall be split into different entities : OS, Softwares and Services and hardware. Microsoft should open their API to other OS. Microsoft shall not have exclusive deal with hardware companies regarding their OS and software for a 5 year span.

If Microsoft is found guilty afterward of anti-competitive practice, Microsoft should be fine 1B$ given to a world charity group.

This will give a fair options for both Microsoft, consumers and competitors.

Regards,

Gregory Juster

MTC–00013270

From: Howard D. Baird
To: Microsoft Settlement
Date: 1/16/02 5:23pm
Subject: Microsoft Settlement
Howard D. Baird
1041 Rockwood Trl.
Fayetteville, AR 72701
January 16, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely, Stop wasting our tax dollars.
From one of those in the top 50%
who pay 95.7% of all income taxes.
Howard D. Baird

MTC–00013272

From: Jim Barrow
To: Microsoft ATR
Date: 1/17/02 2:58am
Subject: Microsoft Settlement

Microsoft continues to steal and copy other companies ideas, put little guys out of business by any means possible, while at the same time, and because of their large market share deliver mediocre products with no real innovation.

Apple continues to be one of the few companies to create quality products, with truly innovative ideas that Microsoft simply copies after apple has done all the work.

Now, Microsoft want to force the schools to use their cheap, expensive to maintain computers which end up costing more in training and repair than Macs.

Who the Hell is Microsoft paying off to get away with their blatant robbery. Viruses, the Y2K nightmare, are just not an issue on a Mac. Can't someone see what is going on here.

Are you just going to sit by and let them continue to get away with it? What does it take for you guys to wake up? Windows XP is a JOKE! Want to see a really modern operating system? Here you go: http://www.apple.com/macosx/

Windows XP takes over your machine like a virus. It converts your files so that you can not go back to using them unless you use Microsoft products. It converts your MP3 music with Media Player so that they will then only play on Microsoft software.

How about making Microsoft donate $100 million to the schools that they can use to purchase any computer they want. If you do that, they will buy what they really want. Want to see real innovation? Check out what Microsoft will be copying next: http://www.apple.com/imac/

What is it going to take for you people you see what is going on?

Jim Barrow

MTC–00013273

From: DKNYanks@aol.com@inetgw
To: Microsoft ATR
Date: 1/17/02 3:08am
Subject: Microsoft Settlement

Dear Judge Kotelly,

It would be a grave mistake to allow Microsoft to cut this PFJ deal. As a student and especially an American, a decision like this would not show true capitalism, as we are taught by the Constitution and the government in this country.

I know you are probably readin many emails like this but I want to remind you of something my International Relations teacher taught me about the country of Angola in Africa. There are, as of right now, only 2 plane companies that fly into and out of Angola. One flies one night and the other the other night. A plane ticket to Angola costs, ballpark $5,000. This ridiculous mess is the result of non-competition—a monopoly, if you will, on the plane market in Angola. Not only are the prices terribly high but the public (whoever flies with them) has to cater to their needs (times, etc.) instead of a free choice of the spender. Monopolies, much like what Microsoft has become and will continure to become, are horrible testimonies to what America is about and will be the downfall of the economy as I leave college and try and find a job. Monopolies eliminate a free market and the choice of working class Americans.

Please do not let this happen.

Thank you.

David Kleinknecht

213–764–0508

CC:microsoftcomments@doj.ca.gov@inetgw, dkleinkn@yahoo.

MTC–00013274

From: Harry A Stahla
To: Microsoft Settlement
Date: 1/17/02 12:42am
Subject: Microsoft Settlement
Harry A Stahla
175 South 5th Ave
Brighton, Co 80601
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Harry A Stahla

MTC–00013275

From: Gary & Mary Martin
To: Microsoft Settlement
Date: 1/17/02 12:30am
Subject: Microsoft Settlement
Gary & Mary Martin
4148 Meade Lake Road
Millington, TN 38053
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Gary & Mary Martin

MTC–00013276

From: Loren Thompson
To: Microsoft Settlement
Date: 1/17/02 12:41am
Subject: Microsoft Settlement
Loren Thompson
101 Prairie Dr.
Minooka, Il 60447
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Loren J. Thompson

MTC–00013277

From: Kooros Teherani
To: Microsoft Settlement
Date: 1/17/02 1:53am
Subject: Microsoft Settlement
Kooros Teherani
509 Ohio Avenue
Long Beach, CA 90814
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Kooros Teherani

MTC–00013278

From: Steffmo@aol.com@inetgw
To: Microsoft ATR
Date: 1/17/02 3:41am
Subject: Microsoft Settlement
January 16, 2002

To Whom It May Concern:

As a professional who relies on computers for a large amount of my income, I wish to express my opinion that ''slap on the wrist'' remedies are inappropriate in the matter of Microsoft. My general observations of the company while following this matter are that this company has come to see itself as above the law, and, as we move into a new phase internet oriented computing, I find this very threatening. In fact, I find the notion that Microsoft may be allowed to expand its hedgemony into the financial services area of the net, where all of our private information will reside, to be downright scary given its unethical actions during the court proceedings.

Microsoft has exhibited time and time again that it will cut at the knees any company who does not explicitly share its vision, or chooses not to accept Microsoft's designated position for it in its grand scheme of computing. The fact that Microsoft has exhibited this willingness to cherry pick the best ideas for inclusion into Windows means that there will be less incentive for innovators to test commercial waters with new concepts, as they know that once they have proven their concept Microsoft will simple declare it a ''feature'' of their next version of Windows.

This viewpoint has been exhibited in Microsoft's stance vis a vis Java, and is currently showcased by its exclusion of Real Audio and Quicktime software from the standard Windows XP package to the benefit of its own Media Player software. Despite its pleas that innovation is being stifled, the record shows that Microsoft has never been an innovator. Microsoft has reiterated the idea of windows as espoused by Xerox and Apple; the browser as put forth by Netscape; the media player as created by Quicktime and Realplayer; and more. Microsoft's attempt to dilute Java into yet another proprietary technology is well documented in court. Although I recognize Microsoft's talent at integrating, many of the ideas we accept as common in Windows were in fact developed elsewhere. Perhaps in a normal business environment these actions are acceptable as competitive.

However, with the courts having decided at great cost to the American taxpayer that Microsoft is a monopoly, it is up to you to devise strict and meaningful remedies to ensure that Microsoft does not continue to abuse those companies brave enough to compete with it. To do anything less is to denigrate the public trust, and devalue our tax dollars.

Please resist misguided political and economic pressure and pressure and hand Microsoft a remedy that illustrates public resolve against this kind of business behavior.

Sincerely,

Victor C. Bernardoni

President, horizon Music Group, Inc.
Vic@www.horizonmusicgroup.com
By Email

MTC–00013279

From: Rwy2400@aol.com@inetgw
To: Microsoft ATR
Date: 1/17/02 3:46am
Subject: Microsoft Settlement

Leave them be. The settlement is fine. Go investigate some real criminals . . . like the executives of Enron.

MTC–00013280

From: Andrew Somogyi
To: Microsoft Settlement
Date: 1/17/02 12:00am
Subject: Microsoft Settlement
Andrew Somogyi
P.O. Box 912
Poulsbo, WA 98370
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Also when it is legal or ethical for competitors of Micro-soft to get a slush fund together to lobby the Justice Department to bring a monopoly suit against them?Jim Barksdale,former CEO of Netscape vowed to bury Bill Gates.How did it HURT consumers to get free software from both Micro-soft and Netscape? James Barksdale was hurt because he couldn't make a profit by giving away his product.Freebies have been given away for buying a certain brand of gas, going to a movie, opening a account at a certain bank, going to see a baseball game and much more! For most part the MONOPOLY charge was politically motivated by the DEMOCRATS. They received more donations from SILICON VALLEY that election year than years before.

DO NOT STIFFEL honest competition, that's what made this country great and different from the REST of the WORLD.

Sincerely,

Mr. Andrew Somogyi′

MTC–00013281

From: Tim Mansour
To: Microsoft ATR
Date: 1/17/02 4:00am
Subject: Microsoft Settlement

To the Dept of Justice:

I'm appalled at Microsoft's recent attempts to settle this antitrust case by giving away software and hardware. What an absurd and transparent attempt to *increase* their stranglehold on the market, and thank God the judge involved didn't accept their offer.

Microsoft is absolutely a monopoly: I feel this every day as an Apple Mac user. I want—and should have—the freedom to choose what tools I use for my work, and what appliances I buy for my lifestyle. The more Microsoft is allowed to invade every area of my life, the more I'm worried about even having any choice.

Microsoft should pay a *substantial* amount of money into a fund which can be administered by a *representative* group of computer executives: including those with interests in Linux, Unix, Java and Mac OS. But, this fund should be ongoing for some time: some money which finds itself in Microsoft's pockets because users have no choice should go into helping competitors until those competitors are actually helped by it—in other words, until Microsoft's market share drops. Until then, what's the point in offering token gestures? If the free market economy is to survive on competition, then let the competition begin! I'd suggest that a certain sum (or certain % of gross profits) from Microsoft should go into the fund for the next five years.

Tim Mansour <tlm@mac.com>

MTC–00013282

From: Dolores J Preble
To: Microsoft ATR
Date: 1/17/02 4:02am
Subject: Microsoft Settlement

I support the proposed settlement.

Dolores Preble

MTC–00013283

From: Funky Soul Rebels
To: Microsoft ATR
Date: 1/17/02 4:14am
Subject: Hoping for Justice

To Whom it May Concern,

It is becoming rapidly apparent that our world is on the brink of many turning points. From terrorist threats to political and economic fiascoes, we are experiencing the most turbulent time in our nation's history. If there is any security that we Americans have, it's in knowing that there are competent men and women of integrity running the government and judicial system. Of course, that ideal rarely graces our reality when there are riches involved.

The current Microsoft litigation is a prime example. It is obvious that the company's massive buying power has come into play as they shamelessly continue to utilize the surreptitious maneuvers that earned them the status of a full-blown monopoly in the first place. The company has proven time and time again that it doesn't give a fig about fair play and will use anything in its vast arsenal of unethical tactics to wipe out the very competition they stole their ideas from! Just listen to their proposed settlement, it actually gives them an opportunity to monopolize the educational market, an untapped resource that is currently dominated by Apple. What happened to our anti-trust laws? Is this American Justice? Will Big Money have the final say in everything?

If answer is yes, then it isn't difficult to see what the future awaits this country. Just take a good look at the repetitive history of all empires and you will see that they all fell due to the greed and corruption of their leaders. We live in a time when the line between corporation and government is blurred. Microsoft has found ways to influence the highest levels of power and authority in the name of the almighty dollar. I am not a capitalism basher by any means. People should be free to get as rich as they want. I just don't want to see another blatant injustice funded by deep pockets. With more resources than any terrorist network or mafia clan, Microsoft is the world's richest bully and must be taught that the court's decision does not have a price tag. I implore you to make our voices heard in this matter so that we can believe in this country again. If justice does not prevail, it is only the beginning of our great nation's inevitable collapse.

My words may sound melodramatic to some, but I firmly stand behind the conviction that we have shed our blood in vain if we struggle to defend something that is rotting from the inside out.

Sincerely,
Heath Davis
252 South 4th Street
Brooklyn, NY 11211

MTC–00013284

From: Bryce Ryness
To: Microsoft ATR
Date: 1/17/02 4:30am
Subject: Microsoft Settlement

Dear Judge,

As a business student at the University of Southern California I've had a little exposure to this case and the parties involved. And I must say that it is unfortunately that where there's a lot of money there's always a lot of gray- both in terms of legal and moral ''right''. With so much at stake a significant number of people will be hurt regardless of which side the decision favors. You control the fate of a lot of people.

Your decision is one I do not wish on myself. However, it has come to my attention that you're accepting statements of opinion to help you decide this case. Given such an opportunity, I will give you my synopsis of the situation and my opinions on the final judgments.

1. First and foremost, I feel that Microsoft is in violation of all applicable anti-trust laws. The most powerful evidence to this conclusion are the countless stories (and testimonies) given telling how Microsoft has used their size to ''bully'' smaller computer manufacturers into carrying their products (regardless of the wishes of the end-user). This kills the competitive spirit that keeps the United States' market economy alive and thriving.

2. In addition, their size and market dominance has allowed them to control the actions, and reactions, of their customers. Simple economics states that one of the characteristics of a monopolistic company is in that company's ability to control prices within their market. At this current time, I've heard nothing but support for Microsoft's ''price-fixing'' by expert economists. Granted, their ''fixing'' of prices for their generally-superior products is grossly subjective (how much does a piece of software cost, really?) in terms of dollars and cents, but the motivation and theory behind their pricing schemes shows the primary characteristics of a monopolistic company.

I applaud the efforts of the Department of Justice in putting Microsoft under the microscope. As history reveals to us, all too often monopolistic companies are only challenged when they've grown so big and have taken the industry into such a place of inefficiency that it's difficult to internally justify killing such a societal mainstay. However, you're on the right track by nipping this in the bud early. It makes your job tougher because the margins are smaller, but cleaning up this little mess early will save billions of dollars in the future.

Sincerely,
Bryce C. Ryness
Student, University of Southern California
CC:microsoftcomments@doj.ca.gov@inetgw, dkleinkn@yahoo.

MTC–00013285

From: Derek Kent
To: Microsoft ATR
Date: 1/17/02 5:00am
Subject: MS Antitrust Settlement Suggestions

There are a few very important steps that I feel should be adopted in any settlement or ruling in the Microsoft antitrust trial.

(1) Force open every API Microsoft owns now, and in the future for at least 20 years. An API is an Application Programming Interface. Having an open API is very commonplace and Microsoft is one of the few companies in the world their close most of theirs. Forcing open Microsoft's APIs would allow other developers to compete with Microsoft software on the Windows platform and create some competition for products like Microsoft Office which haven't seen competition for far too long. Equivalent products could easily be released for under $100, and because of how important Office has become for many consumers and businesses, this would be enormously beneficial for consumers.

(2) Fine Microsoft heavily. One of the large reasons Microsoft is able to kill companies like Netscape is because it has a huge cash reserve that allow it to price products in ranges that competitors simply can't survive at. Of course Microsoft looks to make a profit off of the software after it has become the standard and has no competition. A large portion of this fine should be divided up among companies that produce products that compete directly with Microsoft and should be enforced to be used for research and development of those or similar products that either compete directly or are related to products that compete directly. A fine of no less than $15 billion is advisable

(Microsoft has a cash hoard of over $30 billion). Companies that should receive a

share of this include Apple Computer, Sun Microsystems, Red Hat (and other distributors of Linux), IBM, a number of small open source projects such as Sourceforge.net, AOL, and The Omni Group to name a few. This money could also be offered to developers to be used to bring or continue to develop software for Operating Systems besides Windows, such as the Macintosh and Linux. In addition to this point, Microsoft should be required to continue to support and develop any software it currently makes for alternate Operating Systems to Windows for at least 6 years.

3) A breakup of Microsoft as suggested by Judge Jackson would be most effective combined with the above two solutions. It would strongly advisable, although not entirely necessary.

4) Obviously a number of other solutions are also needed in conjunction with the above, although I'll leave those up to others to propose. The above suggestions focus heavily on restoring competition as quickly and fairly as possible into the computer industry across a broad range of areas to best benefit consumers. However, obviously additional remedies are needed to ensure Microsoft stops (as it is still continuing to) breaking antitrust laws and competes fairly in the marketplace not simply for a short period of time. Many of Microsoft's licensing practices need to be examined and changed, as well as monitored in the future by a third party. Etc. Etc. Basically, 3 things need to be targeted:

(1) Competition needs to be restored (points 1 and 2 that I make, others are also possible)

(2) Competition needs to be ensured

(3) and Microsoft's business practices need to be monitored for unfair business practices similar to the way IBM's were

Cheers,

Dak

MTC–00013286

From: Charles Truong
To: Microsoft ATR
Date: 1/16/02 8:58pm
Subject: Microsoft Settlement

Hello

There are only one good way for this settlement.

1. Microsoft should be fine much more money than the settlement that they want and all the major of the money should be use to order all the poor schools with ONLY APPLE MACINTOSH computer running Mac OS and continue to supple with Apple computer and nothing else.

2. And continue to write Microsoft Office for MAC for a long period of time as well as continue to update this software a same timeframe as windows counterparts.

Charles Truong

MTC–00013287

From: Michael Foy
To: Microsoft ATR
Date: 1/17/02 5:28am
Subject: my email views

I hope this will not be binned straight away let me first of all state that I am a mac owner and have had Apple computers since 1980 and mac owner since 1984. I shan't go into all the sordid history or Microsoft, let's deal with the present and what to do now. Microsoft MUST be made an example of, they are even now continuing their bulling ways venturing into other (non-computer) areas as a safety measure so that even if judgment is hard against them they will survive. if you split up microsoft, it is really no solution, they will continue in their ways and the thought that there would be an open playing field is incorrect, the ''old boy network'' will continue to run and communication between the two companies is appear to be broken, but in reality, meeting ''between old friends'' etc will furnish them with an added advantage.

Do not consider making microsoft donate software and computers to schools, this will give them a leavage on young minds and rob other companies of a market.

the only sensible solution (and I don't know how you can do this) is to make the OS software open source, make it public property, nationalize it, take it away from them as a resource to valuable for a single company to own, make it free, rob them of their revenue, they can then continue to develop software, but not with an advantage.

thank you for allowing me to have my say.

Michael Foy

MTC–00013288

From: Scott Forbes
To: Microsoft ATR
Date: 1/17/02 5:47am
Subject: Microsoft settlement

To whom it may concern:

The proposed settlement advanced by the Department of Justice does nothing to remedy the effects of Microsoft's anti-competitive practices, and given Microsoft's track record with anti-trust litigation holds little hope of actually preventing Microsoft from continuing to illegally extend its monopoly. I am disappointed by the DoJ's decision to propose a settlement that leaves Microsoft still in possession of its ill-gotten gains, and still in a position to destroy the public benefit gained by the existence of innovative and competitive companies such as Palm Computing, Apple Computer, Netscape Communications, Novell, Borland, Lotus and many others who have suffered at the hands of Microsoft's illegal activities.

The only true remedy to Microsoft's practices is to require the company to publish the source code to its operating system products. This would immediately eliminate Microsoft's ability to illegally leverage its OS monopoly, and impose a financial penalty on the company that appropriately fits the crime. The resulting economic benefits and innovations that would come from having a competitive OS marketplace are compelling, and I urge the DoJ to consider them as it withdraws the proposed settlement and instead proposes one that is more acceptable to the public.

Sincerely,

Scott Forbes

MTC–00013289

From: simonmartin
To: Microsoft ATR
Date: 1/17/02 5:57am
Subject: Microsoft settlement

Sirs,

Please punish Microsoft in a meaningful way. The only thing they care about is maintaining their strangle hold on the industry. The only relevant punishment is therefore to either break the company up or regulate it *very* severely. A financial punishment is all very well as it will benefit some people in the very short term. In the long term something much more dramatic must be done. We are talking about a company which will stoop lower than anyone in their business tactics, breaks every industry standard ever set up and steals designs at the drop of a hat, they haven't had an original idea ever.

The computer is part of our future, we need you to make sure we get the best one possible. This won't happen if things continue the way they are in the long term.

Sincerely

Simon Martin

PGP KEY ID <0xFA69D420> @ <http://pgpkeys.mit.edu:11371/>

Note new email address: <simonmartin@mail105.com>

MTC–00013290

From: Wjaym@aol.com@inetgw
To: Microsoft ATR
Date: 1/17/02 6:09am
Subject: Microsoft Settlement

Attention Renata Hesse:
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Fax 202–616–9937
microsoft.atr@usdoj.gov
William Miller
1020 Sively Street
Hanover Township, PA 18706
wjaym@aol.com

I purchased a new Compaq Presario mobile computer with the Windows XP Home Edition operating system and I purchased Microsoft Office Small Business Edition. When I tried to activate this software, I was treated unfairly by a Microsoft technician. In addition, I had upgraded my older Presario Desktop Compaq computer with Microsoft Professional Office on it. I was given a hard time by Microsoft that claimed I had to many copies of the software. They did not take into account the fact that restores are made by clients which must be the problem. We need to have someone to appeal their decisions to when they choose not to activate our equipment and software. Furthermore, I am not even sure that this process is necessary except that the software says it will run 49 times and shut down. This is a very frustrating and unfair business practice in my opinion which has not been the way Microsoft used to do business. Please send me a reply that you read my e-mail and concerns about the activation process being implemented by Microsoft which takes away our rights of using our software. Thank you for considering my concerns and let me know if you have any questions about the above issue.

Warm Regards,

William Miller

CC:Wjaym@aol.com@inetgw

MTC–00013291

From: Brennan Young
To: Microsoft ATR
Date: 1/17/02 6:11am
Subject: Microsoft Settlement

Microsoft has complained that the settlement proposed by the non-settling states is 'punitive'. This implies that the initial proposed settlement is *not* punitive— that they don't see it as any kind of lesson, warning or punishment of or against their law-breaking activities over the last decades. Microsoft's most recent activities indicate that they have no intention of changing policy in regard to competition. The initial proposed settlement makes little provision for what will happen to Microsoft if they continue to abuse their monopoly, making it close to worthless.

Of course Microsoft should be punished. Microsoft are starving the national and international IT market of diversity and growth in the name of it's own proprietary 'innovations'. Microsoft should be treated punitively. They have broken the law and ruined the livelihoods of thousands of innovative companies. They should be obliged to produce their application software, fully supported and uncrippled, for non-Microsoft operating systems, and they should allow third-party developers the same opportunities to create software for Windows as their own developers have, they should absolutely not be allowed to use their desktop monopoly to leverage their position in the emerging handheld device and multimedia player market. Brennan Young

MTC–00013292

From: Michael 'Mickey' Sattler
To: Microsoft ATR
Date: 1/17/02 6:17am
Subject: Re: U.S. v. Microsoft:

Settlement Information Microsoft's recent licensing or purchase of SGI's 3–D patents makes it clear to me that this is still a company throwing its weight around in the never-ending goal of crushing any competing technologies, regardless of the impact to the end-user. (As an ex-GO employee and current user of OpenGL, Microsoft has been no friend of mine.) Please strive to place the most stringent and punitive remedies first. Having Microsoft get off by delivering more of it's poor-quality software is hardly a solution to the problem.

MTC–00013293

From: Marv Graham
To: Microsoft ATR
Date: 1/17/02 6:49am
Subject: Microsoft Settlement

I can not stand by a let those who are not inside the software ''industry'' as I am blather on about how Microsoft did not take any steps to suppress and/or eliminate competition.

OK, I'm a software techo-geek. I've been writing, using, and debugging software for 42 years. Most of those years were spent writing compilers, compiler building tools, and related utility programs like debuggers, linkers, and assemblers. In one of my previous jobs, we wanted to port a C compiler to the Windows environment. It compiled code that ran twice as fast as that compiled by the latest and greatest Microsoft offering. Our problem was that we had to take heroic measures to test our compiled code. Why? Microsoft will not and will not release the specifications of the object code that their system supports—the format that their linker accepts and their libraries contain.

Other compiler teams have faced the same problem. Some with deeper pockets than ours reverse engineered the Microsoft object code formats. That worked fine until Microsoft ''improved'' the formats, requiring another round of reverse engineering. Eventually, most gave up—just as Microsoft intended. Who loses? Everyone who wants to create efficient programs to run in the Windows environment. First hand, that's not many of you, but second hand, as users of the programs that are available, that's most of you out there.

Oh sure, there's the example of Borland, who bit the bullet and created their own complete closed system with its own unique set of file formats and libraries. One counter example with very deep pockets. All of the others eventually have given up chasing a sequence of ''new and improved'' Microsoft secret file formats. I'm sure that there are those in other niches of the software world who can tell similar stories about the Microsoft predator. Let's hear them!

Then there's Windows, or is that Windoze? It is the most bug ridden, unstable, sophomoric, ''designed'' by trial and error, half-baked piece of crap that masquerades as ''operating system'' that I've seen in my 42 years in the industry. I could go on and tell you what I really think! Windoze usually hangs trying to shut itself down. Often, a crashing program destroys system information. One that I see a lot is that the ESCAPE key's meaning is altered. Guess what the ''solution'' is. Yep, yet another reboot. This on a machine that has hardware to protect the data of one program from all other programs! The ''system'' doesn't even protect its own vital data! It stores vital resource use information in fixed size 65,536 byte buffers. Program crashes often trash even them. Normal use overfills them.

As far as I'm concerned, UNIX is ''the'' operating system. OS/2 was great (after its initial teething problems) until Microsoft cut IBM off from the details of Windows 95 that they needed to be able to run the new generation of Microsoft tools—like Word and Excel. Denial of information necessary to competitors. Does that sound familiar? I say, break up Microsoft, and make the various parts tell the others and all aspiring competitors the details of the file formats and API's. How many pieces? At least three: Windows, Applications, and Development Tools.

Marv Graham
1000 Brookwood Circle
West Columbia, SC 29169–4004
803–926–3432

The American Republic will endure, until politicians realize they can bribe the people with their own money.—Alexis de Tocqueville ''To compel a man to furnish funds for the propagation of ideas he disbelieves and abhors is sinful and tyrannical.'' —-Thomas Jefferson ''Those who advocate more and more government regulation have been experimenting for 40 years, trying to create an economic system in which everyone can somehow be made more prosperous by the toil of someone else.'' —Ronald Reagan Ask not for what your country can force other people to do for you. ''Tax cuts do not have to justified. It's government spending that has to be justified.''

Sheldon Richman, Washington Times

Aren't you glad you're not getting all the government you're paying for? Government's view of the economy could be summed up in a few short phrases: If it moves, tax it. If it keeps moving, regulate it. And if it stops moving, subsidize it.—Ronald Reagan (1986)

Gun control is not about guns; it's about control. The philosophy of gun control: Teenagers are roaring through town at 90 MPH, where the speed limit is 25. Your solution is to lower the speed limit to 20.

—SAM COHEN

Different Perspective On Militias

''We don't want to overthrow the government of the United States—because that has already happened. We simply want it back.''

''Those who beat their swords into plowshares usually end up plowing for those who kept their swords.''
—Ben Franklin

''They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety.''
—Right-wing extremist Benjamin Franklin

''If stupidity got us into this mess, why can't it get us out??'' —Will Rogers'' If a Nation expects to be ignorant and free in a state of civilization, it expects what never was and never will be . . . If we are to guard against ignorance and remain free, it is the responsibility of every American to be informed.'' Thomas Jefferson

''The big problem in the long process of dumbing down the schools is that you can reach a point of no return. How are parents who never received a decent education themselves to recognize that their children are not getting a decent education?''
—Thomas Sowell

''Reason obeys itself; and ignorance does whatever is dictated to it.''
—Thomas Paine ''

The whole aim of practical politics is to keep the populace alarmed—and thus clamorous to be led to safety—by menacing it with an endless series of hobgoblins, all of them imaginary.''
—H.L. Mencken

''A lie is not, strictly speaking, the opposite of the truth; a lie will usually contain an element of truth. Perverted words are situated in a twisted vision that distorts the landscape; one is confronted with a myopic social and political philosophy.''
—The Black Book of Communism (p. 19)

Who will protect the public when the police violate the law?
—Ramsey Clark

The Constitution wasn't perfect, but it was better than what we have now.

MTC–00013294

From: pshapiro@his.com@inetgw

To: Microsoft ATR
Date: 1/17/02 6:54am
Subject: microsoft settlement

ideas on an appropriate remedy in the microsoft case: since microsoft has muscled out so many small software companies, an appropriate remedy is to require microsoft to set aside $5 billion to fund the emergence of 5000 new, small software companies. these 5000 new software companies will restore vital competition to the software industry—which has had an 800-pound gorilla sitting on top of it for far too many years. software innovation by small software companies has been smothered and the country needs to rekindle those flames of innovation.

since the damage done has been over a period of more than 10 years, microsoft ought to fund remediation of this damage for more than 10 years.

—phil shapiro
arlington, virginia

MTC–00013296

From: Terence Crocker
To: Microsoft ATR
Date: 1/17/02 7:08am
Subject: Microsoft Settlement

Hello,

I believe this issue of Microsoft's recent settlement with the DOJ will be the most important issue that faces American life in the years to come. It would be difficult to communicate the differences that could occur if Microsoft were compelled to act in the best interests of American society, instead of in the narrow interests that their monopolistic interpretation of free enterprise has produced. Forcing Microsoft to release documentation that describes the API codes, with the exception of security

issues that would be monitored by the U.S. Government, seems a necessary first-step. The second step is much more difficult and that is allowing Microsoft to implement this release in its own fashion and on its own time schedule. Why? I believe that Microsoft must be allowed to operate in bad faith so that further, more Draconian measures can be applied in the case of flagrant non-compliance.

The final step is the monitoring of the Microsoft Monopoly over the Windows Operating System and the reduction of anti-competitive positions on the part of Microsoft. I believe that this will be accomplished by non-compliance by Microsoft of the settlement once enacted, and a much stricter enforcement by the U.S. Government, following the expected transgressions. Further, while I applaud the efforts of the State Attorney Generals of the dissenting nine states, I believe their efforts do not reflect the best interests of America, as a whole, but reflect the various constituencies' interests within those states. Microsoft must be allowed to decide how to treat their own self-inflicted wounds. Microsoft, alone, needs to determine their role in future events. Further, in light of the events of September 11th, I believe it behooves all citizens of the Western World to emphasize that security is an utmost serious matter and that our future safety should not be left to the whims of an unstructured Operating System marketplace.

My greatest fear is that Microsoft will be allowed to constrict the innovation in Operating Systems and drive OS development underground, leading to unforseen consequences when further unanticipated OS refinements begin to appear. I take Bill Gates, et al, at their words that they can be relied upon to act as responsible citizens and loyal Americans. In fact, I believe we have no choice but to make that assumption. I note with some trepidation that the manufacturing of significantly sophisticated electronic hardware falls outside the perview of the U.S. Government. And those devices, given an alternative approach to Operating Systems, could prove disasterous to the American way of life.

Sincerly Yours,
Terence Crocker
Computing Scientist
Canadian Citizen
Age 48

MTC–00013297

From: WMEHLERS@aol.com@inetgw
To: Microsoft ATR
Date: 1/17/02 7:37am
Subject: Microsoft Settlement

Microsoft is in court as a repeat offender; the current antitrust suit, in which a federal district court and an appeals court have both affirmed that Microsoft is a monopoly and that it has abused its monopoly powers, arose out of the failure of a previous consent-decree settlement of an earlier antitrust case. At some point, having repeatedly violated the law, Microsoft needs to pay a price, or it will continue with its profitably anticompetitive ways.

Don't let Microsoft get away with breaking the law.

Marion Ehlers

MTC–00013298

From: NETL User
To: Microsoft ATR
Date: 1/17/02 7:59am
Subject: Microsoft Settlement

Please stop wasting the Department of Justice's valuable time and the taxpayers far more valuable money on persecuting Microsoft Corporation. Having the Federal Government pester anyone about perpetuating a monopoly is akin to having Ted Kennedy scold somebody for bad driving—its downright hypocritical. If pleas against wastefulness aren't enough to move you, then please consider the fact that millions of citizens have their retirement money invested in Microsoft, and the specter of Federal lawsuits and penalties due to baseless anti-trust actions by the DOJ is needlessly devaluing their investments.

Robert Thompson
Pittsburgh, PA

MTC–00013299

From: Lavon Madsen
To: Microsoft Settlement
Date: 1/17/02 6:52am
Subject: Microsoft Settlement
Lavon Madsen
613 E Holland
Minden, Ne 68959–2051
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Lavon Madsen

MTC–00013300

From: Clayton Eller
To: Microsoft Settlement
Date: 1/17/02 7:05am
Subject: Microsoft Settlement
Clayton Eller
6040 Lakeside Drive
Lutz, FL 33558
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Clayton Eller

MTC–00013301

From: don wilkinson
To: Microsoft Settlement
Date: 1/17/02 7:51am
Subject: Microsoft Settlement
don wilkinson
6631 apache run
theodore, al 36582
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

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Thank you for this opportunity to share my views.

Sincerely,
don wilkinson

MTC–00013302

From: John Sonstegard
To: Microsoft Settlement
Date: 1/17/02 6:33am
Subject: Microsoft Settlement
John Sonstegard
PO Box 282
Ipswich, SD 57451–0282
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
John R Sonstegard

MTC–00013303

From: Ronald Abbott
To: Microsoft Settlement
Date: 1/17/02 6:58am
Subject: Microsoft Settlement
Ronald Abbott
7607 13th AVE NW
Bradenton, FL 34209
anuary 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

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Thank you for this opportunity to share my views.

Sincerely,
Ronald Abbott

MTC–00013304

From: Judy White
To: Microsoft Settlement
Date: 1/17/02 5:11am
Subject: Microsoft Settlement
Judy White
165 Brandon Lane
Fayetteville, GA 30214
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Judy C. White

MTC–00013305

From: Betsey Potter
To: Microsoft Settlement
Date: 1/17/02 7:56am
Subject: Microsoft Settlement
Betsey Potter
851 Saturn Street
Jupiter, FL 33477
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Betsey B Potter

MTC–00013306

From: William Potter
To: Microsoft Settlement
Date: 1/17/02 7:58am
Subject: Microsoft Settlement
William Potter
851 B Saturn St.
Jupiter, FL 33477
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
William Potter

MTC–00013307

From: Gary Shaw
To: Microsoft ATR
Date: 1/17/02 8:24am
Subject: Microsoft Settlement

Leave Microsoft alone and forget it! America needs Corporate America to run without government interference! We need jobs out here!

Vicki Shaw
Houston, Texas

MTC–00013308

From: $BKvB3??8g(B
To: Microsoft ATR
Date: 1/17/02 8:27am
Subject: Microsoft Settlement

Honorables,

It has come to my attention that Microsoft has recently acquired fundamental patents for 3D graphics technology and methods from SGI. This is ridiculous because it grants Microsoft significant leverage over the independent 3D hardware manufacturers who are currently supporting the only rival to Microsoft's Direct3D graphics API, OpenGL.

Microsoft has in the past worked to delay and distract advances in 3D graphics technology, such as in the abortive ''Fahrenheit'' plan with SGI in the 1990s. During that period, SGI was transitioning from selling UNIX-only workstations to begin selling workstations running Microsoft's Windows NT. At the same time, OpenGL was gaining on Microsoft's Direct3D in terms of features, hardware support, and developer support. If SGI wanted to sell NT boxes, SGI would have to agree to the Fahrenheit plan. The perfectly timed Fahrenheit deal slowed that advance of OpenGL by, among other things, reducing SGI's active promotion of it, and allowed Microsoft's Direct3D to gain a strong lead.

Yet OpenGL support still survived due to the interest of software developers and the support of third party 3D hardware manufacturers. This latest move by Microsoft to acquire core 3D technology patents would finish the hatchet job, granting Microsoft the power to force third party 3D hardware manufacturers to drop support for OpenGL, and ultimately stifle competition and innovation in the marketplace.

Please do not let this come to pass.

Thank you,
S Grill
Naha University, Okinawa
Director of 3D Department

MTC–00013309

From: Travis McGee
To: Microsoft ATR
Date: 1/17/02 8:31am
Subject: Microsoft Case

Hi Guys,

I am a registered Republican in Boston, VP. at Fidelity Investments. As a tax paying and informed citizen of this country, I want you to leave Microsoft ''alone''. They are the hardest working individuals I ahve ever seen. For those of you who have not dealt with Microsoft ''competitor'', talk is cheap and easy.

Microsoft is the flagship of our nation, our proud and joy and hell of a hope as we are facing tough economic conditions.

You can reach me anytime at 617.650.2233
Travis Goddard

MTC–00013310

From: WILLIAM DUNN
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/17/02 8:30am
Subject: Microsoft settlement

This E-Mail is to convey my sentiments regarding the Microsoft settlement. I beleive that it is about time to end this suit. Dragging it out for years is counter productive. This type of action was taken against IBM years ago with no real solution. All that was accomplished was adding to the coffers of lawyers.

wdunn@xtdl.com
CC:'fin(a)mobilizationoffice.com'

MTC–00013311

From: Rick Bennett
To: Microsoft ATR
Date: 1/20/17 8:36am
Subject: Re: Microsoft Settlement

To whom it may concern,

As a US citizen who is concerned with preserving the freedom of ''choice'' among products and services in our nation, I would like to add my following concerns regarding the Microsoft anti-trust case.

1. Microsoft, unlike auto makers, builds a proprietary car, using proprietary gas, and now they also want to own the road (internet)

2. The only real way to have the punishment fit the crime, is if Microsoft is forced to open up all of it's proprietary holdings so that the world can have real competition.

3. This would force them (as well as everyone else) to compete soley on the basis of the quality of their products. I guarantee that this would get their attention. The fundamental problem with the PC industry is that right now some very bright kids are hard at work inventing the next great computer idea either in hardware or software, but they also realize that it will never see the light of day because it is not Windows compatible, and Microsoft will find a very clever way to kill it.

This will also ensure the fact that you and I will be stuck using the lowest common denominator in the computer industry which is Microsoft mediocrity. The fairest judgment in this case would be to force Microsoft to write all of their applications to run native on all other competing platforms for the next decade. And if they want to donate computers to poor school districts then they have to purchase competitors equipment.

This would be fair. Microsoft illegally gained tons of market share, and so now they must be forced to give market share back!

Thanks
Rick Bennett

MTC–00013312

From: compu_help@
compuserve.com@inetgw
To: Microsoft ATR
Date: 1/17/02 8:35am
Subject: Microsoft Settlement

Microsoft has by their monopolistic power over desktop operating systems caused real damage to not only the shape of the marketplace by destroying competition.

The punitive aspects of the proposed settlement do nothing to remedy past infractions—and a total disregard for DOJ sanctions in the past—nor to correct them in the future.

Microsoft's destruction of the competition began with the introduction of Windows 3.1. At that time Microsoft did not hold the edge in office tools or development products.

Within 12 months of the introduction of Windows 3.1, Microsoft had secured the lead in not only operating systmes (they controlled only about 95% of the desktops at that time), but also Word Processing products (you can name Microsoft Word—who's number two?) and software development tools (an awkwardly misnamed ''Visual'' C++). Part of the reason for this success was brought about developing their products to support Windows at the same time as they developed Windows—which did give them an edge. The greater reason was their terribly slow and gradual realease of information about how to use and program in their operating environment, a licensing agreement that essentially meant that no matter who developed software, Microsoft would get a

percentage, and extensive use of hidden (''undocumented'' in programming parlance) features in their operating system—some of which were specifically designed to disable competitors' products.

These practices have not decreased in pace or intensity.

The DOJ's investigations have clearly uncovered Microsoft's bullying of computer manufacturers to not only promote Microsoft's products, but also to eliminate competitors.

Microsoft has at the same time devoured most of the companies who at one time succeeded by providing software utilities to enhance the operating system. Where are the software backup companies that used to exist? Where are the compression and enhanced storage companies? Where are ALL the Windows utilties companies?

With the revenue stream from the operating system, Microsoft has been able to sell products at less than a market value to destroy their competition as well. This has clearly been the case with Internet browsers. Before Microsoft entered the market place, browser software sold for $50.00. Now it's free—because Microsoft—whose browse was based on federally funded software—gave theirs away and continues to do so (the subject of another ignored Federal case).

The greatest testimony of Microsoft's crushing the competition is in the Office products arena. Name the number two desktop office suite. On the development side, Microsoft's dominance was so severe that they haven't had to upgrade their Visual Development Studio for 6 years (their last major release was 1996).

While the DOJ proposes sanctions, Microsoft has turned even them into victories. What about the ''punishment'' of distributing Microsoft free products to schools? What great marketing. Microsoft surely remembers, but the DOJ appears to be lacking a bit of historical perspective: Wasn't Apple prohibited from GIVING schools computers to further cement their market share in the 1980's?

Microsoft has mocked all the DOJ's settlements and punishments in the past, skating past the stupidity and lazy naivete of those working the case. This settlement appears to be more of the same. If the DOJ is to do anything at all, it should make Microsoft change it's practices: Break it up; force them to sell off their office products or development tools; award damages to those affected by past practices; prohibit them from selling products below a reasonable cost; get a bit more creative than the existing proposal which isn't even sufficient to be considered a hand slap.

MTC–00013313

From: Jay Colson
To: Microsoft ATR
Date: 1/17/02 8:37am
Subject: Microsoft Settlement

the proposed final judgement:

* Fails to reduce the application barrier to entry that Microsoft was found to have illegally protected;

* Fails to remedy the injury done to the Java – TM technology community;

* Fails to remedy the illegal injury that Microsoft was found to have done to Netscape Navigator and the browser market;

* Fails to curtail Microsoft's illegal bundling of middleware programs including browsers, media players, and instant messaging software into the monopoly Windows operating system;

* Is ambiguous and subject to manipulation by Microsoft because it lacks an effective enforcement mechanism. Always do sober what you said you'd do drunk.

Jay Colson/That will teach you to keep your mouth shut.

Fax 877.683.5042/
—Ernest Hemmingway

MTC–00013314

From: Adam C. McAlmont
To: Microsoft ATR
Date: 1/17/02 8:43am
Subject: Microsoft Settlement

To whom it may concern:

I feel that any settlement should not allow Microsoft to pay a penalty by donating it's technology. I feel it is completely out of step with a punishment—it would only help Microsoft expand it's dominance in other areas.

Any penalty should be paid in cash—an amount that would have a strong effect on the company. Possibly a restructuring and division of Microsofts assets may also be appropriate.

However, the solution that allows Microsoft to expand into education where another company is strong (Apple Computer) only helps Microsoft, and that is not good. That is awarding the lawbreaker and would be outrageous.

Thank you,
Adam C. McAlmont
P.O. Box 5537
St. Augustine, FL 32085
904–823–9682
mcalmont@mac.com

MTC–00013315

From: Jeff Gerst
To: 'microsoft.atr@usdoj.gov.'
Date: 1/17/02 8:47am
Subject: Microsoft Settlement

To whom it may concern—The Microsoft case needs to be dropped. It is important to have competition. There may be some individuals pushing to keep attacking Microsoft, but a large portion of attacks are coming from other companies that want to thwart anything that Microsoft does to assist their own companies.

JG

MTC–00013316

From: Feuer, Jared
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/17/02 8:54am
Subject: Microsoft Settlement

Hello,

Please make sure that any settlement reflects the need for Microsoft to open up their API (applications programming interface). This is the only true way to restore competition to software/operating systems development.

Best,
Jared Feuer
Arlington, VA

MTC–00013317

From: Bernhardt, Thomas
To: Microsoft ATR
Date: 1/17/02 9:04am
Subject: Microsoft Settlement

I think the whole case was a waste of my tax dollars and I am VERY upset . . . I am so tired of watching the US destroy the best and strongest companies so those that have no real product to sell can have a leg up at everyone's expense.

I do not see anyone going after Ford because all they offer is a Delco radio in their vehicles or maybe they should put 5 different vendor radios in their vehicles and let the consumer choose which one. . . .

AOL/Time Warner should be the ones with their heads on the block . . . are they not a ''Monopoly'' over the consumer ISP market . . . I get a new DVD from them every week offering free hours???? Their market base and revenue continue to grow. . . . so I would say they have NOT been affected negatively by Microsoft . . . matter of fact they wouldn't even be in existence had Microsoft not provided an Operating System for them to put their product on. . . . I think a lot of companies owe Microsoft an apology not a knife in the back. . . .

As far as Sun and Oracle . . . their CEO's should grow up and act their age instead of hounding the media for free publicity about ''Poor little old me, Microsoft is squashing me'' . . . we all know about the little old boy who cried wolf. . . .

sincerely
Thomas Bernhardt
AT&T Business Services
Networked Management Services
WK: (407) 829–4050
MB: (407) 463–2841
thbernhardt@att.com

MTC–00013318

From: Ted A Haubein
To: 'microsoft.atr@usdoj.gov'
Date: 1/17/02 9:05am
Subject: Microsoft settlement
24335 W 54th Street
Shawnee Mission, KS 66226
January 17,2002
Attorney General John Ashcroft
UIS Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr Ashcroft:

I am writing this letter to address the recent agreement reached between Microsoft and the Department of Justice.

I am for the settlement, which allows Microsoft to get back to business. Microsoft is a good company, which provides jobs to thousands of people. Employment supports the waning computer industry and the economy generally I think the lawsuit was a political move from the onset. Microsoft is a very sucessful company, and very successful companies make thir competitors jealous.

I understand the settlement was not easy on Microsoft. Microsoft has agreed to give computer manufacturers access to coding to configure Windows to easy accept non-Microsoft software programs that compete with programs included within Windows. They have agreed to on going monitoring by technical committee to assure compliance.

Microsoft has made many concessions in an effort to settle the suit quickly. Now is is time to leave Microsoft alone. Ket's get back to business. Approve the agreement between Microsoft and the Department of Justice.

Sincerely,

Ted Haubein

MTC–00013319

From: Brian Fennell
To: Microsoft ATR
Date: 1/17/02 9:02am
Subject: Microsoft Settlement

Dear Sirs,

It is of the utmost importance that the greatness by which our society has survived, prospered and revolutionized our modern world, continues today. I ask you—''where would we be today without Bill Gates and Microsoft?'' Should a company be chastised, fined, bludgeoned by the weight of the federal government, strictly for desiring to build a better mousetrap and turn a buck?

We are a society of successful capitolists, not a study in socialism. Please leave the political rhetoric of the previous administration behind and do what is right for America, now more than ever.

Dismiss the case against Microsoft. Focus on what is right for America, and show the rest of the country and the world that it still pays to work hard and prosper in the greatest country in the world.

Sincerely,
Brian Fennell
1004 Hatch Street
Cincinnati, OH 45202
513–721–8185

MTC–00013320

From: Peter A. Weller
To: Microsoft ATR
Date: 1/17/02 9:03am
Subject: Microsoft settlement

I favor the settlement currently on the table.

Peter A. Weller
1398 Edgewood Dr.,
Holland, MI 49424

MTC–00013321

From: Frank Mosesso
To: Microsoft ATR
Date: 1/17/02 9:04am
Subject: Microsoft Settlement

To The Honorable Judge Colleen Kollar-Kotelly,

I am a user of the OS/2 operating system from IBM. I have found this to be a technologically superior product over the operating systems offered by Microsoft, including their latest version, Windows XP. Unfortunately, OS/2 has been in decline for a number of years from what I believe to be unfair monopolistic marketing tactics of Microsoft.

As a result, vendors of OS/2 related products have also diminished over the years. Contrary to arguments by Microsoft that their products encourage competition, I believe the opposite is true; that Microsoft's marketing practices actually discourages competition and stunts technological growth. Consequently, I do not believe the Federal Government's proposed settlement with Microsoft, in its current form, is adequate and that stricter measures be imposed on the company to prohibit such tactics from being used in the future.

In other words, I agree with the States that are seeking stricter measures to be imposed on Microsoft and encourage you, for all our sakes, to implement them in your judgements against them. Please consider that if IBM's efforts can be marginalized when trying to compete against Microsoft's monopoly then who can?

Sincerely,
Frank D. Mosesso
4118 Inspiration Street
Schwenksville, PA, 19473

MTC–00013322

From: Joanne Yakim
To: Microsoft ATR
Date: 1/17/02 9:08am
Subject: Microsoft Settlement
1611 Franklin Fields
Sewickley, Pennsylvania 15143
January 17,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

As a Microsoft supporter, I am happy to hear that a settlement has been reached between the Department of Justice and Microsoft in regards to the antitrust case. After three years of legal action, this settlement has been long overdue. Microsoft has produced some of the most advanced technologies for its time and rather than impede its progress any longer, the government should accept this settlement and move forward onto more important matters.

In taking the best interest of the public and the industry into consideration, this settlement offers very reasonable and fair solutions. Microsoft's dedication to this settlement are already apparent in the recent release of Windows XP which is a program that demonstrates the way that Microsoft will make it easier to promote non-Microsoft software programs within Windows. In order to assure the court and the people that Microsoft is adhering to this agreement, the company has consented to the development of a three-person committee that will monitor the software company very closely. This is comforting in the sense that future violations will be prevented.

I feel that Microsoft is a great company and that it is time for progress to be reinitiated. Thank you for your time.

Sincerely,
Joanne I. Yakim
cc: Senator Rick Santorum

MTC–00013323

From: Jr.
To: Microsoft ATR
Date: 1/17/02 9:07am
Subject: Re: MacNN: The Macintosh News Network

I urge you to impose significantly more strict measures on Microsoft. This is their second time around the ani-trust issue. They have shown total disregard for the law and the courts. Their own suggested settlement to the class action suits is an example of this. They would like to give away free software, their own, to schools. This is one of the only markets in which they do not already have a firm monopoly. This settlement, they know, would give them a push toward domination. After all, giving away software costs them almost nothing. Nothing more than the media it is stored on.

I have read others suggestions that MS be forced to open their Application Programming Interfaces to other companies to allow better integration of programs with the Windows OS. This seems like a drastic step, but a necessary one. As long as this company is not broken up into competing entities, constant supervision of it's actions will be necessary. Breaking up MS would benefit consumers in many ways. It would prevent MS from creating features in it's Office Suites and other programs which only work in their own OS. It would force them to create open standards in the Windows OS and create an environment where excellence in developing software is what sells. It would create options for consumers and result in improved products. What monopoly innovates without pressure from the marketplace? What monopoly provides excellent customer service? None. Just look at service from Cable TV companies as an example. They are a disaster. Only threat of government intervention precludes the system from becoming even worse. The result is a system which only provides just enough service to prevent the government stepping in.

In closing I would like you to know that I own MS stock which has been a great investment. However, I can not in good conscience I must stand up and speak out against the actions of Microsoft.

MTC–00013324

From: cj@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/17/02 9:15am
Subject: Monopolies lead to Mediocrity

I have been a part of the computer industry since 1979 and so have observed the rise of Microsoft firsthand and also suffered through its consequences. It has puzzled me over the years why business leaders approach IT technology differently than other aspects of their business. Where else would you ever rely on a single vendor. If I was commissioned to buy a piece of hardware, it was always ''Get me three quotes''. However, if we needed to purchase software, first it was ''Buy IBM'' and now it is ''Buy Microsoft''. Was it fear or ignorance of all things technical?

Now, America must compete on a global stage. Allowing Microsoft to dominate such a key industry leads only to high prices for consumers and mediocrity in the products provided by the monopoly. Our free enterprise system requires competition to survive. That is why we have monopoly laws. One can only speculate on the motives of the DOJ in agreeing to such a ridiculous settlement. The decision to split

Microsoft into two companies was clearly the right choice.

Cynthia Jeness

MTC–00013325

From: Eric

To: Microsoft ATR
Date: 1/17/02 9:09am
Subject: Microsoft Settlement

To whom it may concern;

As a long time developer—using Microsoft products—and computer enthusiast, I would like to say that any proposed action that does not include harsh punitive measures and very strict ''go forward'' conditions will not be satisfactory.

Microsoft has repeatedly leveraged it's position on the desktop to force competitors out of the business. Many small companies have been purchased by Microsoft—and then never heard from again. Presumably to stifle the direction that the company was moving. Microsoft gave away ''free'' their Internet Explorer browser as part of the operating system , but in doing so, they ruined the browser market.

They have corrupted web standards in paticular by adding in ''gotchas''. I am a Web Developer and it is very painful to have to deal with multiple visions of ''standards''. Due to Microsoft's desktop control, anything written with general approved ''standards'' will frequently not work correctly in their browsers. Microsoft has made feeble attempts at working with approved W3C standards, but, in my estimation, only as a token gesture. Thus, in order to provide content to the millions of people on the internet which should be based on approved ''standards'', one must take into account the MS browsers that will inevitably fail due to MS ''standards'' being the norm as MOST users will be using that browser.

I believe the whole concept is rather difficult to explain, but we have a company that is able to dictate with complete impunity the direction that any future software will take. That situation needs to be addressed and remedied with the same impunity.

Microsoft has ignored improving the state of it's software and put the consumer in a very poor position. As we see on a very regular basis, Microsoft's software is frequently very buggy, full of security holes, and in general something that would not be tolerated in any other market. Yet, currently there is no other widespread option. I personally have turned to Linux in an attempt to rid myself of the Microsoft ''scourge''. But I am also a 20 year computer user with serious technical background—and still develop with Microsoft technologies for my employer. That is NOT to say that Linux will not be viable in the future, but currently it is not ready for mainstream. Could computer manufacturers put something else on their machines? The answer currently is a shaky ''Yes'', but I believe only due to the current scrutiny that Microsoft is under. The moment the limelight turns elsewhere, Microsoft will heavily discourage and make it generally unprofitable for those manufacturers to choose any other path than that dictated by Microsoft—unless very closely monitored.

Software innovation has been stifled by the Microsoft dominance. As pointed out above, the software that they produce is not the epitome of reliabilty. If an auto manufacturer released a car that would fail with the regularity of Microsoft software, there would be horrible repercussions until that product was withdrawn or re-engineered to reliable specifications. Yet we are subjected on a daily basis to software that is very poor. Why? They have no need to innovate or improve as their position is very secure. It has become rather routine for them to buy a company to rid itself of the competition that a startup company's product may bring at maturity.

Prior efforts by the government to contain Microsoft have failed miserably. They are a very large company with huge cash reserves. The proposed settlement in which Microsoft gives away it's operating system to public schools may sound like a grand gesture. In review, it is nothing more than yet another marketing ploy.

I cannot believe that our government, under the auspices of protecting the consumer, would be agreeable to allowing Microsoft to further spread it's market share in a government sanctioned settlement such as the one proposed. This particular aspect of the settlement is an incredible miscarriage of justice and in no way protects any consumer—and actually adds to the existing problem by furthering their monopoly power.

Microsoft has shown itself to be monopolistic and predatory in the legal sense. In the ''fairness'' sense, it has shown itself even further lacking. Micorosft has used every opportunity, that, while legal is not ''fair'', to control the market and subject users to current Microsft whims and desires. They have created a situation where most people in the United States are currently paying them on a yearly basis to have access to the software that is a very important part of this nation's operations. Worse, Microsoft is showing strong indications that this is to become worse rather than better. They are currently changing their licensing agreements which will cost even more than before to the consumer. Microsoft is obviously doing nothing to change their behavior by themselves. If left unchecked or with poor agreements such as the current proposed settlement, the monopoly and situation can only get worse.

We as a nation have spent millions directly on this case: we as businesses forced to use Microsoft software pay daily in ever-increasing costs of business: and finally, we as consumers pay for it on a daily basis with lost productivity waiting for crashes, software failures and general poor results using the substandard software that has become as necessary as electricity and water to us. The only solution for the end consumer at this point is to look to our government to step in and rectify this problem.

Level the playing field. Restore the competition to the software industry. Do not allow Microsoft to quietly snicker in the corner after they get the opportunity to hook hundreds of thousands of young users on Microsoft software. Reject the current proposal and draft one with some serious remedies. The monopoly must be broken decisively—not coddled or cajoled.

Cheers!
Eric Erickson
112 Trailing Oak Trail
Clayton, NC 27520

MTC–00013326

From: Chris Bucher
To: Microsoft ATR
Date: 1/17/02 9:10am
Subject: Microsoft settlement

To whom it may concern:

3Microsoft and other victims of antitrust prosecution are being punished for the same moral values that have helped make America the beacon of the world: hard work, creativity, achievement. The producers are being punished for their ability and success. Unlike the kings of the past and governments of the present, Microsoft has acquired its wealth, not by confiscation but by production ? by creating products that other people want to purchase.'' Bill Gates ? no less than the poorest citizen ? has the right to his property and to the pursuit of his own happiness. He should not have to justify his profits by appealing to ''the good of society'' ? in a nation of free individuals, no one exists as a servant of others. Gates has a right to make as much money as he can by offering a product others may choose to buy. Microsoft has the right to set the terms under which it offers these products on the market ? products that would not exist if Microsoft had not created them.

The government assault on Microsoft is being pushed by many of Gates1s envy-driven competitors. Their only moral alternative is to create their own products and try to persuade the public to buy them. Instead ? unable to gain profits by voluntary means ? they have resorted to the Tonya Harding approach: if you can1t win fairly, then physically cripple your opponent. Supporters of antitrust prosecution contend that Microsoft is ''anti-competitive'' and in ''restraint of trade.'' The reverse is the case. It is the government, which ? by interfering in the marketplace ? is guilty of these charges. Competition includes the possibility of one company winning all the business, if customers buy its product exclusively. By trying to force Microsoft to promote the products of its competitors, such as including the Netscape Web browser in Windows, the government is interfering with the competitive process and is in restraint of trade (''trade'' means voluntary exchange). Such a demand is akin to NBC being forced to run ads promoting CBS programs. Such demands on Microsoft are a violation of Bill Gates's rights, the rights of Microsoft1s shareholders, and of the American ideals of justice, rights, and freedom.

MTC–00013327

From: Belltg@aol.com@inetgw
To: Microsoft ATR
Date: 1/17/02 9:10am
Subject: microsoft settlement

Dear Mr Ashcroft

I have been watching, listening and reading about the progress of the case and can only determine that Microsoft has benefited myself and others with there innovative software. If I had a vote in the matter, my vote would be pro Microsoft.

Tom Bell
Erdenheim, PA

MTC–00013328

From: Darcy Baston
To: Microsoft ATR
Date: 1/17/02 9:14am

Subject: Microsoft Settlement

Give the money to charity. In Africa, the equivalent of two trade towers of people die *EACH DAY* of hunger and HIV. Let the wealth of the west affect wonderous changes in the east. If Microsoft wants to be big enough to rule the world with its anticompetitive nature, let it be RESPONSIBLE for the world it inherits.

best wishes,
Darcy Baston
Chelmsford, ON
Canada

MTC–00013330

From: Apostolos Koutropoulos
To: Microsoft ATR
Date: 1/17/02 9:17am
Subject: Proposed microsoft settlement.

It has come to my attention that the U.S. government is asking the public for ''advice'' on the Microsoft Anti-trust case.

I am a computer science student, will be graduating next spring, and I have extensive experience with almost all computing platforms.

The problems with microsoft are numerous. What causes friction and causes this company to become monopolistic are two things in my view.

(1) Closed standards and file formats. Microsoft has products, like their Microsoft Office suite for instance, that use proprietary file formats that can only be viewed with Microsoft Office Products. That being the case, if someone e-mails me, or gives me a microsoft word document to read, I absolutelly must have miscrosoft word! Microsoft should provide free viewers for their documents so that people are not forced to buy products that they dont need. Especially Microsoft Office which costs about $500 USD.

Other companies, like Adobe, have done this. PDF for instance is a format by adobe widelly used around the globe. People who wish to author works in PDF format may buy the product from adobe. People who just wish to view the documents sent to them, or downloaded from the internet need only go to adobe's site and download a *free* viewer.

(2) The second thind that makes microsoft a monopoly is the fact that ''PC'' buyers do not have an option as to what operating system comes with their computer. Computers come ''preinstalled'' with windows, and the consumer has no say in it. They *must* pay for the price of windows when they buy a new computer even if they do not want it! This seems to me like extortion!

Users should be able to pick any operating system they want to go with their computer, so computers of the intel (or intel compatible chip) kind must not come preinstalled with windows in order to give the consumer choice! Most consumers like myself window-shop, they compare prices, and features, and the bells-and-whistles of a product before they buy. If they have a choice between Windows (Which costs about $200, $300 if you choose the professional version), linux (which costs about $70) which comes with a lot of extras, or other operating systems that are free, or cost less than $200 and offer more than windows offers, people will go with what is sensible to their wallet and their productity.

Let the consumer choose and not be highjacked by microsoft tactics.

Thank you for your time and your consideration.

Apostolos Koutropoulos

MTC–00013331

From: Jeff Cooper
To: Microsoft ATR
Date: 1/17/02 9:28am
Subject: Microsoft Settlement

Nothing short of breaking up the company will resolve the predatory practices of this monopoly.

They are stifling innovation and their shoddy products are crippling our productivity. Please break them up!

MTC–00013332

From: Ray Drainville / Argument from Design
To: Microsoft ATR
Date: 1/17/02 9:34am
Subject: Microsoft Settlement

Hello,

I'm against the proposed settlement as it stands. Giving MS a way into the academic sector is just handing them another market—one of the few left, incidentally, in which they have stiff competition.

I urge the breakup of the company into at least two parts.

Best,
Ray Drainville
US Citizen living overseas
Argument from Design-Web & Multimedia
ray@ardes.com √ http://www.ardes.com

MTC–00013333

From: the—splash@compuserve.com@inetgw
To: Microsoft ATR
Date: 1/17/02 9:35am
Subject: Settlement

Would recomend that all states be made to accept settlement offer.

Libbie and Bob DeRose
The—splash@Compuserve.com
(803) 366–2573

MTC–00013334

From: Mark Christensen
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/17/02 9:35am
Subject: Microsoft Settlement

A developer for Windows and Unix based operating systems, I have a firm admiration for the Windows API, but I will always have to play second fiddle to Microsoft, because they have not published the API in detail. On the other hand the API's underlying a basic Unix operating system are not only widely know, but there are a dozen or more operating systems which use the same API, and which can run the same programs (once they are recompiled) thanks to the POSIX standard. These operating systems compete based on a wide variety of features including stability, added functionality, and price. The same should be true in the desktop OS space which is dominated by Microsoft, and that is why Microsoft should be required to publish in full detail the Windows API, and an independent code review should be done on major applications produced by Microsoft to show that they are not using any undocumented system calls. Beyond that, opening up the file formats for Microsoft Office would do a great deal to allow users to take their data with them, if they do at some point choose to use another operating system at some time in the future.

Yours
Mark Christensen
Network Administrator
Humantech, Inc
Ann Arbor MI 48108

MTC–00013335

From: kmr@wmblair.com@inetgw
To: Microsoft ATR
Date: 1/17/02 9:38am
Subject: Microsoft Settlement

The government should leave Microsoft alone. On the charges that it undercut competitors prices yet gouged consumers—does that really make sense. Personally, I didn't happen to notice an increase in their software products. (and if there was over the years I thought it would be due to improvements in the products because of upgrades) I don't see what's wrong in having a standard on a computer or allowing a browser to be connected—-it makes things easier when a lot of people don't even know how to navigate around their desktop. This started with the Clinton Administration—-they went after the wrong enemy.

A prosperous company that created jobs for many people and they ignored the threat of terrorism. We should THANK GOD that people like Bill Gates exist, it makes this country great and Innovative

CC:kmr@wmblair.com@inetgw

MTC–00013337

From: Thomas R. Mertz
To: Microsoft ATR
Date: 1/17/02 9:46am
Subject: Attorney General's Letter.

Dear Sir, I have webtv with MSN Search Engine. The attachment will not come through my Web Tv. If you will Email the letter, rather than the attachment, I can proceed.

Thank You,
Thom Mertz

MTC–00013339

From: David Barto
To: Microsoft ATR,barto@visionpro.com@inetgw
Date: 1/17/02 9:54am
Subject: Microsoft Settlement

An article posted on line at http://salon.com/tech/col/rose/2002/01/16/competition/index1.html gives a good suggestion and valid reasons to force microsoft to open up and document the Application Programming Interface (API) for windows. This can be summarized as: competition. If microsoft were forced to release the API for others to study and understand, Microsoft would lose nothing. They would still have years of lead time in bringing products to market. However they would have to be aware that others would now be able to support software which was originally tied to the windows operating system on other systems. Linux would probably be the first with a compatible API to allow windows code to be executed in another operating system. This would allow end users to choose between windows and

linux as the 'core' operating system while still using the software they know and love. Office, Excel and other programs, coded to the public and published API would execute anywhere the API is supported.

Microsoft wins, because MORE people would write software which could be run on windows. Further, microsoft wins because if the API was supported in other operating systems (MacOS X, Linux, Solaris) then people would be more likely to purchase Office, Excel, Microsoft Flight Simulator, and other software written by microsoft, since it now runs on their OS, and the current wide spread use of these programs ensures that they are the 'business standard' which everyone would want.

The end user wins because they now have choice about which operating system they want to use. If they want a free operating system (Linux) to lower their cost of computing, with no support, they can do that and still run the microsoft programs that they want or need to run. If they want a supported operating system (windows) to ensure that they have something which will work, then they can pay for it.

The government wins because competition is restored to the market place. To allow microsoft off with anything less would be to repeat past mistakes and allow microsoft to continue to monopolize the personal computing landscape.

David Bartobarto@ucsd.edubarto@visionpro.com

MTC–00013340

From: Pat Egger
To: Microsoft ATR
Date: 1/17/02 10:07am
Subject: Microsoft Anti-Trust Comment (Tunney Act)

Dear US Government:

Please inform the Judge in the Microsoft anti-trust case that I feel the settlement is fair, and the nine States that are fighting it should be forced to abide by the settlement.

Having software that can interface smoothly is key to the productivity of the nation. I remember 10 years ago when there were so many mix matched programs being used that it could take literally hours just to convert e-mail attachments (if at all) to formats that were common so business could flow smoothly. All I have seen is allot of bang for the buck with regard to the Microsoft software, and a weeding out of the programs that the mass majority of consumers did not want.

Please get this resolved soon so a big component of our economy is not further hamstrung with posturing and politics by those holdout States.

Thank you for taking my comments into consideration when ruling on this case.

Sincerely,
Patrick S. Egger
Wasilla, Alaska

MTC–00013341

From: Patrick Sheehan
To: Microsoft ATR
Date: 1/17/02 10:09am
Subject: Microsoft Settlement

My one thought is that Microsoft be ordered to expend some amount of its capital to either purchase and distribute competitor's products or advertising time/space for such products.

Four competitors seem to have been (and continue to be) most strongly impacted by Microsoft's actions and they are: America Online, Apple Computer, Oracle, and Sun Microsystems.

Thank you for your time,
Patrick Sheehan

MTC–00013342

From: david—cespedes@i-o.com@inetgw
To: Microsoft ATR
Date: 1/17/02 10:09am
Subject: Microsoft Settlement

As an engineer and software developer with over 12 years of experience I had the opportunity to work with many products from several competing companies. In all these years I have found that Microsoft has being the most open to providing user information, the most cost effective and the only one truly committed to preserving the end users invested value on their product. As an example, I would like to point out over the past 5 years several competitors of Microsoft (i.e. Sun, Apple) have chosen incorporate new technologies or products which in turn are completely incompatible with their older versions and have truly forced their customers into upgrade paths with disregards to the cost inquired by their users. Microsoft has never had this philosophy which in is why I have become a very satisfied customer.

I truly believe that this whole exercise in futility has only help to enhance Lawyer's careers and has being an attempt to preserve the status quo of a few technology companies who believe that they are owe a particular market segment.

Thank you
David A. Cispedes M
Staff Engineer—Software
CC:david—cespedes@i-o.com@inetgw

MTC–00013343

From: atg(a)pobox.com
To: Microsoft ATR
Date: 1/17/02 10:10am
Subject: Microsoft Settlement—Just say NO!!!

DOJ,

Microsoft must pay for it's monopolistic practices.

The market MUST be leveled and protection given to competitors or Microsoft will continue to abuse it's monopoly.

The US Government MUST fulfill it's duty to the people of the United States and not to campaign contributors. The people of the US do NOT want a monopoly to exist no matter what the President or the Attorney General say. This settlement is NOT good for the American people (or the world for that matter) no matter what anyone says. The only people who want a settlement that benefits Microsoft are those who would benefit from such a settlement. Do the math and see for yourself what the answer is.

The DOJ MUST punish Microsoft for it's abuses and put in place remedies that will ensure a fair environment for other software manufacturers. If this means that Microsoft must forfeit intellectural property, then so be it. They have been judged guilty, then like any other criminal enterprise, they must pay a price for their crimes.

If the DOJ does not punish Microsoft and establish efficient protections for other software makers, then the DOJ will have failed the American people just as surely as it's Attorney General already has.

Do not fail us this time.

Break Microsoft apart.

MTC–00013344

From: Paul Bruneau
To: Microsoft ATR
Date: 1/17/02 10:10am
Subject: Microsoft Settlement

Public comment regarding the Microsoft Settlement under the Tunney Act: A company is found guilty of breaking the law regarding their monopoly. For ''punishment'' they are supposed to donate their own product to one of the only markets where they do not have a monopoly (which was gained through illegal methods). How is this justice?

The harm done to Microsoft's competitors (and to the public via monopoly pricing and lost competition) cannot be undone. But the only way to reduce future harm (caused by their monopoly) is to divide the company so that the operating system is produced by a separate company than applications. In this way, the bundling that Microsoft has done so many times in the past to promote its weak products can be stopped and real competition can come back to the software industry.

Looking at what happened to Netscape, who at one time had a superior product with 80% market share, then saw it sapped away because Microsoft forced computer makers to pre-install Internet Explorer if they wanted to be sold Windows, how can anyone doubt the harm that Microsoft has caused through its practices?

Paul Bruneau
1918 Greenbriar Dr.
Portage, MI 49024
IT Manager by trade

MTC–00013345

From: Justin M. Friel
To: Microsoft ATR
Date: 1/17/02 10:12am
Subject: Microsoft Settlement

After reviewing the proposed final settlement, I feel that is far too lenient.

As an IT professional, it is my belief that Microsoft has been strangling the rate of growth of technology fro too long. this affects how well we, as administrators and developers can perform and, in turn, how well businesses themselves can perform.

the judgment should be far more severe.

MTC–00013346

From: Nils-Erik Thorell
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/17/02 10:13am
Subject: Microsoft Settlement

My comments on the Microsoft Settlement The computer and software business is very different from normal consumer goods businesses. For example, with gasoline, it dosen't matter which brand you buy. But in the computer business it is extremely important to be compatible with existing software. That is why the consumer doesn't

want ten different operating systems. The price of the operating system and other software is relatively irrelevant, compared to the education cost.

That is why customers tend to purchase software from the dominant player in the field. We don't want installation problems and re-training costs. I would guess that the cost for training is more than ten times the cost of the software itself. In other words, the cost of the software purchase is insignificant for most companies. It was different in the early eithies, when the purchase price was ten times higher! (Vax hardware and software). So, for the average company, the so called monopoly is actually good for the economy. The consumer himself, chooses the dominating standard. It have tried to switch to Linux and MacIntosh, but it is so hard to learn from scratch.

I think the economic boom of the nineties, was caused by the expensive standard software created by Microsoft. The economic boom didn't end until there was a threat to damage and split Microsoft. So, law suite against Microsoft has done more damage to the consumer, than Microsoft has done to the consumer.

That is my honest opinion.

Nils Thorell

MTC–00013347

From: Michael Locke
To: Microsoft ATR
Date: 1/17/02 10:13am
Subject: Microsoft Settlement

I'm tired of seeing Microsoft bully everyone around. I'm tired of hearing Bill Gates say that they need the ''freedom to innovate''. When was the last time Microsoft ''innovated'' anything? Microsoft needs to be sent a message.

MTC–00013348

From: Ron Anderson
To: Microsoft ATR
Date: 1/17/02 10:19am
Subject: Microsoft Settlement

Hi: Just wanted to comment that I think Microsoft will benefit from the current ruling as they will now have a ''government blessed'' path into a market that has typically not been a Microsoft monopoly. (Education) A better solution might be for Microsoft to be forced to buy a competitor's product, such as more Apple computers, and supply them to the Education market. That process would actually create a more competitive market! The way it now stands, schools, which normally have low budgets, will see the option of ''free'' computers and software from Microsoft or to have to spend money to buy competitors products. Which do you think most schools will choose and how can Microsoft really be ''hurt'' by ''seeding'' a foundation of even more kids learning on Microsoft products.

Ron Anderson

MTC–00013349

From: daVe
To: Microsoft ATR
Date: 1/17/02 10:21am
Subject: Microsoft Settlement

I use, and am satisfied with the products of Microsoft Corporation. However, a monopoly is a monopoly.

There is no mistaking that Microsoft Corporation have no effective competition in the software market(Operating Systems in particular). As Scott Rosenberg has clearly pointed out in a an article which can be found at http://www.salon.com/tech/col/rose/2002/01/16/competition/index.html, without Microsofts APIs documented, there can't and won't be competition. This monopoly, this clear breach of Law cannot go without action. If the Anti-trust laws are to be upheld then Microsofts APIs and file formats must be fully standardized, documented and published. Market competition is the spirit of the freeworld.

God's Will be done.

daVe —-

MTC–00013350

From: Mike Moore
To: Microsoft ATR
Date: 1/17/02 10:22am
Subject: Microsoft Settlement

To whom it may concern:

Microsoft is a monopoly. End of story. Their new operating system is more restrictive to competition than any other operating system in history. To say that this settlement is anything other than a complete cave to the Microsoft juggernaut is a face saving move.

DO NOT LET THIS GO THROUGH. START THE SAME PROCESS WITH XP.

Thanks for your time,

Mike Moore

Staff Software engineer

MTC–00013351

From: Bill Liedtke
To: Microsoft ATR
Date: 1/17/02 10:27am
Subject: THE MICROSOFT CASE
To: Department of Justice
From: William P. Liedtke, Attorney

This memo is public comment about the Microsoft Litigation. The Microsoft Litigation should be settled. The terms are fair. All states and parties excluded from the settlement should be brought in by this Court—to avoid a multiplicity of litigation.

As seen in today's Cleveland Plain Dealer, Microsoft will now focus much of its resources on security. Security is to assist all who have Microsoft products.

Get this Microsoft litigation behind us, or it will look like every time a company is sucessful, the government has to step in, to pull such company down in some manner.

The goal of protracted litigation is damage to the defendant, through the costs of such defense. Here we have the limitless assets of the U. S. government against one company for years of litigation. If such was your goal it has been achieved.

If the goal was to get Bill Gates out of the day to day running of the corporation, such goal has been achieved.

If the goal was to publicly humiliate and bring to public attention one company that was too successful, such goal has been achieved. The goal of public litigation should be clear, spelled out for the defendant and for members of the public at large who pay for such litigation. No one knows the government goals at this time, as all the original goals have been achieved.

Enough is enough. As a fair and impartial Court would say, ''Would the attorney for the government please move on.''

William P. Liedtke, Attorney

MTC–00013352

From: Russell Branton
To: Microsoft ATR
Date: 1/17/02 10:28am
Subject: Microsoft Settlement

Letters to Attorney General and Sen. Santorum sent 1/17/02.

MTC–00013353

From: nathaniel adam
To: Microsoft ATR
Date: 1/17/02 10:30am
Subject: Microsoft Settlement

Honorables,

It has come to my attention that Microsoft has recently acquired fundamental patents for 3D graphics technology and techniques from SGI. This is a dangerous situation, as it grants Microsoft significant leverage over the independent 3D hardware manufacturers who are currently supporting the only rival to Microsoft's Direct3D graphics API, OpenGL.

Microsoft has in the past worked to delay and distract advances in 3D graphics technology, such as in the abortive ''Fahrenheit'' plan with SGI in the 1990s. During that period, SGI was transitioning from selling Unix-only workstations to begin selling workstations running Microsoft's Windows NT. At the same time, OpenGL was gaining on Microsoft's Direct3D in terms of features, hardware support, and developer support. If SGI wanted to sell NT boxes, SGI would have to agree to the Fahrenheit plan. The perfectly timed Fahrenheit deal slowed that advance of OpenGL by, among other things, reducing SGI's active promotion of it, and allowed Microsoft's Direct3D to gain a strong lead.

Yet OpenGL support still survived due to the interest of software developers and the support of third party 3D hardware manufacturers. This latest move by Microsoft to acquire core 3D technology patents would finish the hatchet job, granting Microsoft the power to force third party 3D hardware manufacturers to drop support for OpenGL, and ultimately stifle competition and innovation in the marketplace.

Please do not let this come to pass.

Thank you,

Nathaniel Adam

Student

I know this is a copy of a letter, but it summed up things so nicely.

MTC–00013354

From: GlennSedgwick@aol.com@inetgw
To: Microsoft ATR
Date: 1/17/02 10:30am
Subject: Microsoft Settlement

I am disgusted with the entire trial of Microsoft by the Federal Government, and by the states. This entire matter is politically inspired, and fostered by competitors that could not compete. Microsoft Corp. is the one company that is successful world-wide, and which offers products and services that the entire world needs and desires. To have our own politicians and courts attempt to destroy it with a ''feeding frenzy'' is ludicrous, and

will only cause the european regulators to follow suit. I have purchased, and will continue to purchase software for use with my Windows program, and I am thankful that Microsoft has made it possible for some uniformity to exist in this important industry. I am thankful that Bill Gates and Microsoft exists, and that it is a United States corporation, rather than Japanese or european.

Every competitor would like to see their competition slowed down, or destroyed, and it is sad for consumers to see that the politicians, and even the courts, can make these losers, the selfish businessmen, the winners. Let the settlement stand. Microsoft has already been attacked beyond any degree of fairness.

The Telecommunications Industry is in chaos, largely the result of political and legal interventions; please do not do the same to leading companies in all other industries, and specifically, Microsoft.

Glenn W. Sedgwick

MTC–00013355

From: Tom Byers
To: Microsoft ATR
Date: 1/17/02 10:29am
Subject: Make Them Pay

Microsoft has taken a good stand in talking about $1 Billion to education. They should be forced to donate the money in cash, not goods. Why give them another inroad into a market which they can monopolize. If money is provided, the local school can have a choice on how to spend it and THEY can choose Wintel or Apple, not Microsoft. Don't harm free enterprise any further by granting Microsoft the means to get out from under it's obligation by providing less that state of the art computers and accesories to schools that will be locked into staying with the same software and hardware vendor.

Thank You

Tom Byers

St. Louis

MTC–00013356

From: The Allbee's
To: Microsoft ATR
Date: 1/17/02 1:22pm
Subject: Anti-trust

I don't see how the courts can continue to let Microsoft get away with this HUGE monopoly. Its been going on for so long, isn't it about time to stop it.

Mike Allbee

MTC–00013358

From: Andrew K. Martin
To: Microsoft ATR
Date: 1/17/02 10:51am
Subject: Microsoft Settlement

I would like to submit comments on the Microsoft Settlement issue. As a computer professional of fourteen years and a hobbyist prior to that, I have seen the age of the PC since its beginning. I have been able to witness the advances that have been made and the changes that have occurred in the marketplace. One can hardly have seen these times and not know that something is very, very wrong. It is a principal tenet of capitalism that competition benefits both the marketplace and the consumer. Having twice been declared a monopoly and those findings having been repeatedly upheld, we must ask ourselves whether we are strong enough to stand by our beliefs.

Status quo is easy; it is comfortable. And it is human nature to seek that where chaos would otherwise be the case. And that is what the Microsoft monopoly has given consumers.

Take, for example, the last four upgrade cycles of the Microsoft Office suite: Office 95, 97, 2000, and XP. Encompassing six years there has been insignificant change except once when they changed their file formats, presumably to break WordPerfect's ability to read and write Microsoft file formats. Even now, would-be competitors struggle with the state of lock-in that Microsoft enjoys. Companies and individuals who would choose to use other software are prevented by this simple phrase, ''Please send your resume in Word format.''

Take another example, Microsoft IIS. This is widely known to be the buggiest, most insecure web platform available. Combined with their Internet Explorer and Outlook applications, this triumvirate of vulnerability has cost companies by most estimates billions of dollars. Repeatedly new exploits and viruses come to light and repeatedly companies and individuals are forced to react, spending time and money just to protect themselves from these threats or risk losing data, time, and money to an attack. This has cost Americans billions of dollars; that is billions of dollars out of our economy, out of our pockets. How can one company be allowed to exercise its whim in the marketplace while releasing software that causes as many problems as it solves? How can one company be allowed to impose their negligence, irresponsibility, and outright greed upon the American people before the government will interpose itself with the force of law to put an end to it?

And let us examine Microsoft's strategy with the Java platform. Its first strategy was to attempt to hijack it to make it another Microsoft platform. When they lost the court case they took another route: drop Java support and release their own imitation. (C# is designed to mimic Java on many levels with the obvious strategy of luring Java developers to the Microsoft platform.) Java is a technology that has benefited consumers greatly. It has enhanced the internet experience with Java applets that add functionality to web pages. It has enhanced the ability of content and service providers to serve up dynamic content.

Yet with Microsoft's latest release of Windows and with its last two releases of Internet Explorer, it has intentionally stopped shipping a Java Virtual Machine, even the one they are still allowed to by the terms of the court case. Who suffers? Consumers who are unable to browse hundreds of thousands of web sites that utilze this technology.

When these are combined with the forced distribution that Microsoft enjoys through its OEM licenses computer buyers are forced to buy Microsoft software whether they want to or not; whether they use it or not. Microsoft has spent millions of dollars marketing against computers sold without an operating system despite the availability of free, open operating systems sych as FreeBSD. I am a user of alternative operating systems yet when I call Dell and ask to purchase a computer without any Microsoft software, what do they tell me? ''I'm sorry, we cannot sell you a computer like that.'' Forget asking for another operating system.

And Microsoft still tries to maintain this same behavior under more insidious guises: As a settlement to the class action lawsuits brought against them they have propsed giving their software to schools. Why is this a problem? First, this has been the primary market of their main competitor, Apple Computers, for the past fifteen years. This would give them goverment-granted priviledge to force themselves into another market where they could then benefit from lock-in since those schools will have neither the funds nor the expertise to change once locked in to the Microsoft platform. This is a very recent example that Microsoft has not changed its ways, but rather is still constantly seeking unfair advantage in a market it already dominates.

Myself and hundreds others like myself could write pages—volumes—on this topic. The message would be the same. Microsoft has proven itself unable and/or unwilling to restrain its behavior in the marketplace. Therefore it is time for serious government interposition. Another slap on the wrist will not solve the problem. Microsoft has proven with the previous consent decree that they defied that they will not abide the terms of any behavior modification agreements. They have billions of dollars on hand—any financial penalty would be a buy-off.

The only answer is to assert a penalty over the very thing they have abused to gain and maintain their monopoly: their intellectual property. Microsoft should be forced to open up all of its APIs and file formats prior to new releases of software that utilizes them. These should be made available on public web servers that impose no access control or logging facility. Microsoft should be restricted from making changes to these specifications without providing free and public notice a fair period of time in advance of the release of said changes. This should be audited by a government-selected third-party review board who must clear any release of Microsoft software, and in case of violation, an immediate injunction on the release of the violating software must be imposed. Only in such a situation will Microsoft be forced to compete fairly once again.

While Microsoft would of course object strongly to being forced to make available it's proprietary knowledge, I would make two points. First, Microsoft is a repeat-offender and must be dealt with more harshly than a first-time offender. Second, this suggestion does not require Microsoft to reveal how them implement those APIs and file formats, any would-be competitors will still be faced with the challenge of implementing those themselves. All this does is provide an opportunity. I hope these suggestions will be given careful consideration and I hope the importance of this remedy be given serious reflection before yielding to a powerful corporation. It is, after all, We the People, not the corporations who the Constitution was designed to protect; and that should be of the utmost importance in such affairs.

Sincerely,
Andrew K. Martin
Citizen, Voter, Father, and CTO of a small software company

MTC–00013359

From: Jeff Krukin
To: Microsoft ATR
Date: 1/17/02 10:38am
Subject: Microsoft Settlement

Clear DayI am delighted that US District Judge Motz rejected Microsoft's offer to donate pc's and software to schools as part of its settlement. This plays right into Microsoft's hands, allowing them to extend their Windows monopoly to one of the few markets not yet controlled by Microsoft. I work in the Information Technology sector and have used Microsoft products for almost twenty years. I've used Windows from the days of its 16-bit, Version 2.0 incarnation. While the product has steadily improved in function and reliability, it still is not rock solid. Windows XP, the latest version, has significant security flaws. For both businesses and individuals alike, every version of Windows has been a constant source of problems and frustration. In industries where companies face competition, their products do not survive for so long because another company soon provides a superior product. Consider the American and Japanese auto industries. Windows survives because of Microsoft's incredible power to coerce pc manufacturers to pre-install Windows on every pc they sell. This creates very difficult obstacles for any competitive pc operating system. Windows should be considered an infrastructure commodity, much like gasoline, electricity, or the telephone dial-tone. Consumers can choose from many vendors when they purchase gasoline, but the function provided is always the same and it's a stable product. Not so with Windows. The vendors of electricity and dial-tone create and sell their products within semi-regulated markets, which provides some level of consumer protection (how much is a long debate for anothe time) while providing a stable product. Not so with Windows. Gasoline, electricity, and dial-tone support an economy by allowing many products created by many companies to use the same vital infrastructure. The gasoline infrastructure is stablized by competition and the electricity and dial-tone infrastructures are stablized by regulation, thus providing a solid foundation for the diversity of products requiring these infrastructures. Not with Windows. Microsoft is not regulated like the electric and phone utilities, nor is it faced with competition in the desktop operating system market. Thus we have a jittery product in Windows.

I do not wish to see Microsoft regulated like a utility, yet Windows must become a commodity. The Dept. of Justice settlement should force Microsoft to make Windows source code freely available so other software vendors can improve and sell Windows.

Thank you.
Jeff Krukin

''Let us dare to read, think, speak, and write.''
— John Adams

''It is not necessary to change. Survival is not mandatory.''
— W. Edwards Deming

MTC–00013360

From: Will Cashman
To: Microsoft ATR
Date: 1/17/02 10:41am
Subject: Tunney Act Comments

Dear Sirs,

With regards to the pending case against Microsoft, I must say that I have strong reservations about punishing a company that builds a better ''mousetrap''. I do understand the issues related to some actions undertaking by Microsoft, however, I feel that there are better ways to deal with these issues and any consideration of a break up does not solve these issues. For instance, I would rather see the removal of EULA and the blocking any attempts to produce a block of the installation of their product in multiple computers. The idea of purchasing a product from a retailer, in which, your purchase does not entail the actual Windows disk does trouble me. The forcing of an individual to purchase to licenses for more than one computer in one's home does present a potential harm to the consumer greater than if a company provides supplemental products, such as Microsoft Office. I would prefer that Microsoft was left as is, and a greater look was taken into the practices that may provide a direct harm to the American consumers.

Thank you,
William H. Cashman
1419 Fuller Ave NE
Grand Rapids, MI 49505

MTC–00013361

From: RHMH3@aol.com@inetgw
To: Microsoft ATR
Date: 1/17/02 10:44am
Subject: Fwd: Microsft Settlement

Sirs

This email concerns the Microsoft Settlement: It is true that Microsoft has dominated the PC operating system for the past ten (10) years and has dictated to other software providers the how's, when's, where's and to what extent their product can interface with the windows operating system. However, by directing and setting an industry standard that allowed persons without extensive computer back ground to operate many different software programs. Because of this commonality (Microsoft Windows) that all other software providers had to adhere to the American Business Productivity has almost doubled. Every business decision taken by Microsoft has resulted in bring the world closer and more efficient.

There is soon coming a time where we will be able to talk to the computer vs. typing (like I am doing) information to the extent that the PC will be almost an artificial intelligent agent for us to utilize. Microsoft will have had it day and sail along into history, but not now!!!! The decision reach I feel is just and the Justice Department can far better utilize their assets than watch and hope to catch Microsoft with their pants down. We need an Industry Standard! and Microsoft is it. The findings from the Court of Appeals is tough but it also fair and good for America. Our foreign friends are waiting in the wings just hoping that we (USA) will weakin our completive position by breaking up Microsoft.

Please hold to the latest decision and lets get America going again.
R.W. Howard

MTC–00013362

From: Joseph Bast
To: Microsoft ATR
Date: 1/17/02 10:44am
Subject: Microsoft Settlement

January 17, 2002
Ms. Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001
SUBJECT: Microsoft Settlement

Dear Ms. Hesse:

I am writing to urge acceptance of the proposed Final Judgment offered by the U.S. Department of Justice and endorsed by nine state attorneys general to resolve the antitrust case against Microsoft Corporation. I am president and CEO of The Heartland Institute, a 17-year-old independent nonprofit organization based in Chicago. Heartland produces research and commentary on a wide range of public policy issues for the nation's 8,000 state and national elected officials. Our research efforts involve over 100 academics and 130 state elected officials who serve on advisory boards.

Last year, I edited and Heartland published Antitrust After Microsoft: The Obsolescence of Antitrust in the Digital Era, by attorney David Kopel. Kopel's findings are directly relevant to the proposed settlement and, I believe, argue in favor of the settlement being approved.

The proposed Final Judgment brings to an end, rightly so, litigation that has been rendered meaningless or counterproductive by changing market conditions. Since 1998, phenomenal increases have occurred in the power of computers, their ability to store information, and the speed of data transmission. Products that were once at the core of the Microsoft case have disappeared, changed dramatically, been superceded by others, or been sold or merged with others. The result is a product landscape that would be almost unrecognizable to a juror or jurist studying Microsoft in 1998. Technological change per se does not mean the Microsoft case was without merit. It certainly does not mean Microsoft is innocent of the illegal business practices it is charged with. What is clear, though, is that Microsoft's actions have not stopped or even slowed the rate of technological innovation. Indeed, Microsoft products continue to play a major role in making much of that innovation possible.

The proliferation of new products and falling prices makes it difficult to defend the assertion that consumers were harmed during the 1990s by Microsoft's alleged monopolistic conduct. Evidence of any harm to consumers was conspicuously missing during the Microsoft trial. The absence in the proposed Final Judgment of payments or restitution to consumers or any of Microsoft's competitors is entirely appropriate for this reason.

Changing technology has transformed the market in which Microsoft competes. Competitors who once complained of Microsoft's market power have now merged with other competitors and become behemoths themselves. Microsoft faces serious competition from companies offering software and hardware products that weren't even invented when U.S. v. Microsoft was launched. Microsoft's core business?-writing the operating systems of personal computers-?is under serious challenge from Linux and (to a lesser extent) Apple.

The center of gravity for computing is shifting away from the PC and onto such devices as personal digital assistants and Web-enabled telephones. Microsoft's competitors still include AOL, Netscape, Sun, and Oracle, but many new names have been added to the list: IBM, Sega, Sony, Red Hat, Symbian, Phone.com, AT&T/TCI, 3Com, Yahoo!, and even Microsoft's former ally, Intel. Some, like Red Hat, are using Linux to compete with Microsoft head-to-head for control of the PC operating system market. Others work to shrink that market by using non-PC devices to do what PCs used to do, and by writing programs in languages that can be read by computers using any operating system. The rationale for treating Microsoft as a monopolist is evaporating with each passing month as the old battleground of the desktop PC becomes less and less relevant to consumers and to the IT industry.

The proposed Final Judgment prohibits Microsoft from engaging in business practices, such as retaliating against OEMs that promote or sell products that compete with Microsoft products, that the trial court, in line with Justice Department antitrust policies, found to be anti-competitive. The proposed settlement also requires that Microsoft surrender control over the desktop or Start Menu, and make some of its intellectual property available to ISVs, OEMs, and other partners on a non-discriminatory basis. Compliance is ensured by requiring Microsoft to provide on-site office space for and access to its records and personnel to a 3-member Technical Committee and its staff. Microsoft apparently agrees to these restrictions, so there is little reason to argue here that they are unnecessary, except as a counterpoint to those who believe such restrictions don't go far enough in handicapping Microsoft. The practices that the trial court found to be anti-competitive are used routinely and legally by other companies in the IT industry and in other industries; it is dubious whether there can be an objective definition of what constitutes ''anti-competitive practices'' or under what conditions ''competitive'' conduct becomes ''anti-competitive.'' Microsoft's practice of giving discounts to computer manufacturers who help develop new versions of Windows, include hardware to take full advantage of Windows, and promote the Windows name is a standard practice in other industries that works to the benefit of consumers.

The antitrust trial showed how easily antitrust laws can be manipulated against almost any company—even a company whose success depends on continuously improving its products and lowering its prices. David Kopel concluded his analysis convinced that Microsoft was a victim of industrial policy gone awry. Government officials tried to ''pick a winner'': A Web browser they thought, wrongly, had the potential of becoming an applications platform that could eventually help another company compete successfully with Microsoft Windows in the operating system market. Microsoft's decision to launch and aggressively market its own Web browser—a browser that most computer magazine reviewers now say is superior to the regulators' Chosen One—ruined the plan and embarrassed its authors.

The original remedies sought against Microsoft have little to do with the company's supposed illegal conduct. In particular, the proposed breakup of the company into Operating and Applications Companies goes far beyond whatever would be necessary to stop anti-competitive behavior. Breaking up Microsoft would have forced American consumers to spend $50 billion to $125 billion more for software over a three-year period. Competition would not emerge. Innovation, far from being encouraged, would have been squashed. All companies and all industries that rely on the new digital technologies would have been hurt by Judge Penfield Jackson's proposed remedies.

I hope the court resists suggestions that the settlement ''doesn't go far enough'' in restricting Microsoft's freedom to compete or punishing it for competing too aggressively in the past. Justice in this case requires neither. The proposed Final Judgment protects the interests of consumers and producers by allowing Microsoft and its competitors to compete by producing the high-quality goods and services that consumers want.

As Illinois Attorney General Jim Ryan said when he joined eight other states and the Department of Justice by endorsing the settlement, ''The battle has been won. It is time to move on.''

Sincerely,
Joseph L. Bast
President
The Heartland Institute
19 S. LaSalle, Suite 903
Chicago, IL 60603
www.heartland.org
phone 312/377–4000
fax 312/377–5000
jbast@heartland.org

MTC–00013363

From: James Barger
To: Microsoft ATR
Date: 1/17/02 10:45am
Subject: Microsoft Settlement

I would like to express my disapproval of the Microsoft Settlement currently being considered. I believe it will only further extend the Microsoft monopoly and a solution encouraging other platforms and operating systems would be more effective.

Thank you.
James Barger

MTC–00013364

From: Rowe, Ken
To: 'microsoft.atr(a)usdoj.gov', 'cbhanif(a)pbpost.com'
Date: 1/17/02 10:49am
Subject: Microsoft Antitrust

I wish to state here that I'm happy, at least some states, along with Florida are primed to hold Microsoft culpable for their actions, I very disappointed in Justice and the Administration, for again favoring big business over the interests of the general public. The Bush's involvement in the S/L bailout, now this, and next I'm sure no one at Enron, will be held accountable for their fleecing of the public. I would hope the Justice Department would be above partisan politics, but that is apparently a laughable desire with John Ashcroft in the lead. But, let's see if we can come up with a sex scandal that everyone can be happy about wasting everyone's time with.

MTC–00013365

From: Bart Windrum
To: Microsoft ATR
Date: 1/17/02 10:47am
Subject: Microsoft Settlement

I urge you to ensure effective relief from Microsoft's anti-competitive business practices, and not cave in to those who would merely slap their corporate wrist.

Bart Windrum
Diogenes Inc.
Denver Development Office
410 17th St. #1380
Denver CO 80202
720 904 2321 x125
fax 720 904 9032
Bart.Windrum@DiogenesInc.com

MTC–00013366

From: Robert Litan
To: Microsoft ATR
Date: 1/17/02 10:47am
Subject: Microsoft settlement

Please substitute this version for the one I just sent. There were some mispellings in the prior one. Sorry.

BEFORE THE UNITED STATES DEPARTMENT OF JUSTICE UNITED STATES OF AMERICA,
Plaintiff,
v.
Civil Action No. 98–1232 (CKK)
MICROSOFT CORPORATION,
Defendant.
STATE OF NEW YORK ex rel.
Attorney General Eliot Spitzer, et al.,
Plaintiffs,
v.
Civil Action No. 98–1233 (CKK)
MICROSOFT CORPORATION
Defendant.

Comment of Robert E. Litan, Roger D. Noll, and William D. Nordhaus on the Revised Proposed Final Judgment

I. Introduction

We are filing these comments on the Revised Proposed Final Judgment (RPFJ) [1] and Competitive Impact Statement (CIS) [2] to provide the Justice Department and the court with what we believe is a useful economic analysis to assist the court in fashioning the

[1] United States v. Microsoft Corp., Stipulation and Revised Proposed Final Judgement (November 6, 2001).

[2] United States v. Microsoft Corp., Competitive Impact Statement (November 15, 2001).

appropriate remedy in this matter. In brief, we believe that the RPFJ is not in the public interest, as that test is applied under the Tunney Act. Accordingly, the RPFJ should either be rejected outright now, or the court should refrain from ruling on the RPFJ until it has completed its further factual inquiry regarding the remedy proposed by the nine states not party to the RPFJ. If, however, the court accepts the RPFJ in the meantime, we strongly urge it to treat the RPFJ as an interim remedy and expressly leave open the possibility of supplementing the RPFJ with the additional remedies discussed in detail in this comment. We also recommend that in conducting its further factual inquiry in the remedy phase of this litigation that the court actively consider a structural remedy that would create some competition in the PC operating system market that, but for Microsoft's unlawful acts, reasonably could have been expected to have emerged by this time.

A. Interest of the Commenters

Each of the signatories of this Comment is a professional economist with expertise that is relevant to the matter now before the court, namely the design of an appropriate remedy to address Microsoft's antitrust violations. We are filing this submission in our own personal capacities and not on behalf of the institutions with which we are currently affiliated or employed (and identified shortly). We are submitting our views to assist the court in deciding whether to accept the RPFJ and ultimately in fashioning an appropriate remedy. None of us has been employed by or retained as consultant on matters before this court for Microsoft, the federal or state governments, or any other interested party in this litigation. Furthermore, none of us is receiving any compensation from anyone for submitting these comments.

We have followed this case extensively for the past several years, in several capacities. Collectively, we joined in filing an Amicus Brief on remedies before Judge Jackson in May, 2000, before he entered his final judgment on June 7, 2000.[3] In that brief, we urged the court to conduct an evidentiary inquiry before adopting a remedy (a procedure that this court will now shortly follow). We also described the merits and drawbacks of three basic remedy options: a structural remedy, a conduct remedy, and relief requiring changes in competitors' access to Microsoft's intellectual property. Our brief established, in effect, a rebuttable presumption favoring structural relief. We did not support the kind of structural relief that the Department of Justice urged upon Judge Jackson and which he ultimately accepted: a two-way split of the company between an enterprise engaged in Operating Systems (the OS company) and the other engaged in applications software (the Applications Company). Instead, we made the case for adopting the only remedy we believed then (and still believe) would truly restore competition to the OS market: a three-way split of Microsoft's OS monopoly (that would guarantee the end of the monopoly) and a separate Applications company.

We believe that we have relevant collective experience and insight that can benefit the court. We have worked on and studied extensively a wide range of government interventions, including deregulation (in airlines, surface transportation, the financial sector, electricity and telecommunications, water supply, hydrocarbon fuels, broadcasting); structural relief in antitrust cases (including U.S. v. AT&T); privatization (electric power, telecommunications and water); demonopolization and marketization in formerly state-run economies (including the former Soviet Union, Romania. and East Germany), and foreign trade cases (including tariff and quota relief and structural adjustment).

We also each have individual experience that is relevant to both the broad and narrow issues raised by this case. Robert E. Litan, currently the Vice President and Director of the Economic Studies Program at the Brookings Institution, was formerly Deputy Assistant Attorney General of the Justice Department's Antitrust Division from September 1993 until March 1995. During his tenure, he helped supervise the first civil antitrust investigation against Microsoft and participated actively in negotiating the consent decree limiting the company's licensing practices, which this court approved (after remand from the Court of Appeals) in 1995. He has closely followed the trial and subsequent judicial decisions in this matter and, in his recent research, has concentrated on, among other things, economic and policy issues relating to the rapid development and use of the Internet. Dr. Litan is both an economist and an attorney. During the course of his career as an economist, he has written or edited 25 books and over 150 articles in journals relating to a broad range of economic, regulatory and legal issues. Roger G. Noll is the Morris M. Doyle Centennial Professor of Public Policy in the Department of Economics at Stanford University. Professor Noll is the author or editor of thirteen books and over 300 articles, focusing on public policies toward business. Among his special areas of expertise are the economics of telecommunications, broadcasting and the Internet. He has examined privatization and regulation of telecommunications, water and electric power firms in many countries around world. He also has served on several boards and committees of the U.S. government, and has been a consultant to the Antitrust Division of the Justice Department, the Federal Trade Commission, and the Federal Communications Commission.

William D. Nordhaus is the Sterling Professor of Economics at Yale University, where he has served on the faculty since 1967. From 1977 to 1979, he was a Member of the U.S. President's Council of Economic Advisers. While at the Council of Economic Advisers, he established and chaired the Regulatory Analysis Review Group, which was charged with analyzing the impacts of major regulations. From 1986 to 1988, he served as the Provost of Yale University. He is the author of many books, among them Invention, Growth and Welfare; Reforming Federal Regulation (jointly with Robert Litan); and the widely used undergraduate textbook, Economics, now in its sixteenth edition (jointly with Paul Samuelson). His research has dealt with issues of innovation, technological change, deregulation, and demonopolization for Russia and other economies in transition. Dr. Nordhaus was an expert witness for AT&T during the government's antitrust investigation of that company in the late 1970s and early 1980s, specifically on issues relating to the impact of the breakup of the company on technological change and innovation. He serves on a number of government panels, including membership on the Congressional Budget Office Panel of Economic Experts, and he is chairman of the Advisory Committee of the Bureau of Economic Analysis.

B. Overview of Comments

1. The Right Remedial Standard: Restoring the Level of Competition that Would Have Arisen But For Microsoft's Exclusionary Behavior.

This antitrust case is an unusual one for the court's consideration under the Tunney Act because of the stage at which this court is reviewing the RPFJ. The typical Tunney Act hearing comes before trial, in which the parties have entered into a consent decree. Instead, this hearing comes after extensive evidentiary hearings and lower court findings of extensive unlawful acts of monopolization that have been affirmed (unanimously) by an appellate court.[4] Accordingly, the public interest standard under the Act is higher than it would be for the typical pre-trial settlement. The public interest standard will not be satisfied by an order simply stopping Microsoft from engaging in practices the courts have found to be illegal. Instead, the public interest test that is appropriate for a case at this stage of litigation involves the same remedial standards that courts apply to all parties who are found to have engaged in unlawful monopolization. That is, as the Court of Appeals noted in quoting Ford Motor Co. v. United States, 405 U.S. 562, 577 (1972) and United States v. United Shoe Mach. Corp., 391 U.S. 244, 250 (1968), the remedy must not only unfetter a market from anticompetitive conduct but also must terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future.[5]

As we outlined in our earlier Amicus Brief, we believe there is only one remedy that presumptively would terminate the monopoly and prevent its recurrence: a structural remedy that first divides Microsoft into an Applications entity and an Operating System entity, followed by a division of the Operating System entity into three separate companies. The DC Circuit rejected a somewhat different structural remedy in the

[3] Brief of Amici Robert E. Litan, Roger Noll, William D. Norhdaus, and Frederic M. Scherer (filed April 27, 2000).

[4] United States v. Microsoft Corp., 84 F. Supp. 2d 9 (D.DC 1999) (''Findings of Fact''); United States v. Microsoft Corp., 87 F. Supp. 2d 30 (D.DC 2000) (''Conclusions of Law''); United States v. Microsoft Corp., 253 F 3d 34 (DC Cir. 2001).

[5] 253 F.3d at 103. The DC Circuit also cited in this regard United States v. Grinnell Corp., 384 U.S. 563, 577 (1966).

absence of a factual inquiry to establish that such a solution was necessary.[6] We therefore urge the court to evaluate the RPFJ against the backdrop of the factual inquiry that will be conducted in the parallel remedy hearing on the proposal of the nine states (Litigating States or LS) that are not party to the RPFJ.

In the absence of further fact-finding, we think that it is highly unlikely (and certainly premature to assume) that the RPFJ satisfies the public interest test. The reasons for this harsh assessment are that the RPFJ stops well short of changing the structure of the company and introducing any competition into an illegally maintained monopoly market; it provides only the barest minimum of conduct restrictions; and it offers a defective enforcement mechanism. As a result, it will not undo the harms arising from Microsoft's unlawful acts. The Justice Department articulates a standard that a remedy merely must restore competition to the condition existing in 1995, prior to the beginning of Microsoft's unlawful conduct.[7] This standard does not meet the United Shoe test and is not in the public interest. This is because the middleware threat to Microsoft's operating system monopoly, provided by the Netscape browser and by the possibility of a JAVA-based universal translator (as described below), are no longer present and the Java threat is now much diminished. The Justice Department's proposed standard simply ignores the fact that Microsoft's unlawful acts succeeded in vastly weakening the state of competition that existed in 1995. Not only would the RPFJ fail to meet the United Shoe requirement that the monopoly be terminated, but it would also enable Microsoft to continue to enjoy the fruits of its unlawful acts. Such an outcome is not in the public interest because it would not restore the level of competition that has been lost as a result of Microsoft's antitrust violations. The appropriate standard instead is whether the proposed relief repairs the anti-competitive harm caused by Microsoft's illegal actions. A remedy that satisfies this standard must put an immediate end to the benefits now accruing to Microsoft as a result of its unlawful activity, which means the remedy must restore competition to the condition that would have been present in the market by now in the absence of Microsoft's unlawful conduct. Therefore, an appropriate remedy is one that would produce substantial competition in the supply of operating systems.

We are also concerned that the DOJ's low remedial standard will fail to deter future anticompetitive conduct by Microsoft or other similarly situated monopolists. Under the DOJ standard, if a monopolist quickly squashes a nascent competitor when it comes on the scene, before it acquires a significant market share, the antitrust penalty will be small because of the small impact that competitor has achieved at the time of its demise. This will not deter. To the contrary, it will simply encourage a rapid anticompetitive response to new entry.

In addition, our review convinces us that the RPFJ will not even satisfy the low remedial standard the Justice Department articulated. The core of the DC Circuit decision involved unlawful conduct by Microsoft to maintain the applications barrier to entry. Despite this, the RPFJ does nothing to reduce that barrier. The RPFJ does not even prohibit all the illegal conduct affirmed by the DC Circuit most notably, the integration of middleware into the operating system through commingling of software code and the deception of Independent Software Vendors (ISVs) that led them to use Microsoft's Java tools.

Moreover, the term of the decree is only five years, a period shorter than the six years since the start of Microsoft's anticompetitive campaign in 1995, while the RPFJ is riddled with exceptions and loopholes that destroy its effectiveness. These exceptions will create a substantial risk that the plaintiffs will be required to litigate significant competitive issues every time that they believe Microsoft is not in compliance with the RPFJ. Microsoft, meanwhile, will certainly challenge any non-compliance allegations. The consequent delay will render the decree unenforceable and eliminate any incentives for Microsoft to comply. Indeed, the RPFJ proposes an enforcement mechanism that itself is defective and thus will fail to deter or punish further anticompetitive conduct by Microsoft. For example, the only specific punishment for a pattern of willful and systematic violations is a one-time two-year extension of this ineffective decree.

In short, the RPFJ fails to satisfy the public interest under either remedial standard (the DOJ's or the one we believe is more appropriate for this case). The RPFJ is a pseudo- remedy that will not terminate Microsoft's anticompetitive conduct, let alone restore competition.

2. DOJ's Flawed Rationale for a Limited Remedy

In recent statements, Assistant Attorney General Charles James has attempted to justify the limitations in the RPFJ on the grounds that the DC Circuit significantly narrowed the case.[8] That justification is unwarranted. The government prevailed on the core part of the complaint, the Section 2 monopoly maintenance count. Furthermore, in reversing the tying and monopoly leveraging counts, the court did not excuse the conduct that the government attacked. Instead, that very conduct provided the basis for liability for monopolization. The fact is that the government won a great victory in this important case and the RPFJ threatens to squander that success.

The Justice Department and Microsoft might argue that the RPFJ will implement immediate and certain relief, free of litigation risk. In particular, the Department and Microsoft might claim that absent a settlement, a full-blown remedy hearing with inevitable appeals would result in substantial delay in implementation.

We disagree. First, the RPFJ does not eliminate litigation risk. Importantly, enforcement of the RPFJ itself, if approved by the court, will be accompanied by very substantial litigation risk. Certain key provisions of the RPFJ do nothing more than state the antitrust rule of reason, which would require the government to prove a new antitrust violation in an enforcement action. Other provisions contain exceptions that can effectively and inappropriately immunize Microsoft's actions. Thus, if Microsoft were to defend against an attempt by the Department to enforce the RPFJ, the Department inevitably would find itself in nothing short of yet another antitrust suit against Microsoft. In this way, the RPFJ is defective because it invites extensive litigation whenever any compliance issue is raised. That fact will increase litigation risk, not reduce it.

Second, in our view, the potential litigation delay is an inadequate justification for the weakness of the RPFJ. Waiting to obtain an effective remedy is better than implementing a RPFJ that can only be characterized as a pseudo-remedy. In any event, enforcement under the RPFJ will involve substantial delays. Certain key provisions of the RPFJ involve significant and unnecessary delays of 9–12 months before being implemented. Equally important, the reasonableness qualifications and other exceptions written into the RPFJ will lead to adjudication delays in any enforcement actions.

3. More Effective Remedies

So what should the court do now? Given that the RPFJ clearly fails to meet any conceivable interpretation of the public interest standard that would be suitable for a case in which both trial and appellate courts have definitively spoken, the clear course is to reject the RPFJ, or at the very least, to postpone ruling now and to modify the remedy after further evidence is taken during the next phase of the litigation. Thus, we certainly agree with this court's decision to evaluate in tandem the RPFJ and the remedial proposal of the Litigating States. The remedy hearing on the LS proposal will provide the court with the opportunity to evaluate the loss of competition caused by Microsoft's unlawful conduct over the past six years. Comparing the RFPJ with the LS proposal using the evidence gathered on the loss of competition will better enable the court to choose a remedy commensurate with the competitive harm.

As we discuss further below, the evidence adduced at trial and referenced by the trial court in its Findings of Fact already provides adequate evidence to support the conclusion that there was a strong causal connection between Microsoft's unlawful conduct and the subsequent state of competition in the market. The clear implication, therefore, is that a real remedy must reverse that impact to be in the public interest. We continue to believe that a divestiture that creates three competing OS companies is the most effective remedy. But if the court should eventually decide otherwise, we urge it to adopt the additional remedies proposed by the Litigating States (LS). The LS proposal includes several provisions that are designed to reduce the applications barrier to entry and thereby significantly increase the

[6] 253 F.3d at 80.

[7] The CIS describes the goal of its efforts as enabling the restoration of the competitive threat that middleware products posed prior to Microsoft's unlawful undertakings. (CIS at 3.)

[8] Statement of Charles James to Committee of the Judiciary (United States Senate), The Microsoft Settlement: A Look to the Future (December 12, 2001).

opportunity to restore the substantial competition foregone as a result of Microsoft's actions. It also eliminates key exceptions and loopholes and puts teeth into the enforcement mechanism.

We also recommend strengthening the remedy offered by the Litigating States in three ways. First, Microsoft should be required to certify compliance with the decree every six months. Second, the decree should be supplemented with a crown jewel provision that automatically implements a structural remedy—preferably of the type we recommend here and suggested earlier in our Amicus Brief—upon proof of a pattern of material violations of that decree by Microsoft. Third, the term of the decree should be left open, but the decree should be reviewed after five years to see whether it can be terminated or needs to be modified to make it stronger and more effective.

4. Organization of this Comment

This Comment is organized as follows. Sections II and III provide the background for our evaluation. In Section II, we review the record on Microsoft's monopoly power and the applications barrier to entry. We then review Microsoft's illegal anticompetitive conduct. We discuss the harm to competition caused by this conduct, including the entrenchment of Microsoft's monopoly power since 1995. This harm is described in detail because it is relevant to evaluating the RPFJ, which does not attempt to redress this harm. In Section III, we describe the goals that a remedy should attain and the enforcement principles required to implement the remedy in a way that serves the public interest. We then use the facts and principles developed in these two sections to evaluate the RPFJ.

In Section IV, we evaluate the RPFJ on the basis of the CIS's stated remedial standard of restoring the competitive threat to the level prior to Microsoft's unlawful conduct. We find that the RPFJ does not achieve that goal because it does not prohibit all of Microsoft's unlawful conduct found by the DC Circuit, because it contains numerous exceptions and loopholes, and because it contains a defective enforcement mechanism.

In Section V, we explain why the CIS's remedial goal sets too low a standard and why the proper standard would be to restore competition to the level that would have been achieved by now in the absence of the unlawful conduct. In Section VI, we discuss alternative remedies that stand a better chance of meeting this more appropriate standard. In particular, we discuss the full divestiture structural remedy, the conduct remedy proposed by the Litigating States, and our suggested modifications to the Litigating States' proposal.

II. Microsoft's Possession and Illegal Maintenance of Monopoly Power in the Supply of Operating Systems

The proper place to begin to assess the adequacy of the RPFJ is with the fundamental finding of both the District and Appellate Courts that Microsoft has continued to possess monopoly power in the supply of operating systems (OS), with a 95 percent share of that market.[9] Furthermore, the courts determined that the Mac OS, handheld devices, Internet portal sites, and the then-available middleware (which is discussed in greater detail below) did not impose any meaningful competitive constraint on the pricing or non-pricing behavior of Microsoft.[10]

It is one thing to acquire and maintain monopoly through lawful conduct, but quite another to maintain it through illegal acts. A second core finding of both courts is that Microsoft took the latter route by engaging in a variety of exclusionary activities to protect its monopoly position against growing OS competition. In particular, we describe in some detail below how Microsoft exploited the applications barrier to entry to prevent the emergence of OS competition. The detail is necessary to appreciate the broad insufficiency of the RPFJ.

A. The Applications Barrier to Entry

The government's case against Microsoft rested heavily on the existence of an applications barrier to entry. Every operating system for a PC exposes (or makes available) to software developers application program interfaces (APIs) that developers use to write applications (such as spreadsheets, word processing, or games) for the OS. In particular, the APIs allow developers to access frequently-used routines in the OS that are also used in applications, which reduces the costs of and time entailed in generating those applications.

Each operating system has a different set of APIs. Consequently, if a software developer wants to create an application for multiple operating systems, the developer must tailor the application for each OS. This porting of applications from one OS to another is costly. As a result, if there were one widely used OS, software developers would tend to write for that OS and users of that OS would have access to more applications than users of other operating systems.

The cost of porting an application from one OS to another is the source of the applications barrier to entry in the supply of operating systems. Computer users tend to gravitate towards the largest-share OS, because that OS has more applications available than other operating systems. As the share of the dominant OS becomes even larger, software developers are even less likely to port their applications from the increasingly popular OS to other increasingly less popular operating systems.

One very possible result, therefore, is that in such a market, ever more consumers will flock to the larger-share OS, while ever fewer developers port their applications to other operating systems. Ultimately, such a dynamic can lead to the domination of the market by a single firm, able to charge what economists call supracompetitive'' prices and to earn supranormal profits. If, however, entry into the market were relatively easy, high profits would attract new firms, and the fear of that entry would encourage the dominant firm to continue to innovate in an effort to retain its position. But if barriers to entry are high, then fewer firms will be able to attract the capital and entrepreneurial talent to challenge the dominant OS than would be the case in a market where entry barriers are much lower.

The applications barrier to entry can produce such a sub-optimal outcome. Such a barrier arises when most users would not switch from the dominant OS because most of the applications software would not be available for another OS offered by a new entrant. Consumers would instead wait until more applications become available (or are imminent) for the entrant OS before switching. The barrier is strengthened to the extent software developers will not write for or port applications to the entrant OS until it has a sizeable user base. In this way, both consumers and developers become locked into the dominant OS. This can happen even though it would be in the collective interests of both consumers and developers to switch to an alternative OS.

This explanation of the applications barrier to entry was not only documented by the Department's own experts prior to the initial remedy exercise.[11] It was also found to exist as a matter of fact by the trial court.[12]

In principle, the applications barrier to entry in the OS market could be overcome if there existed a universal translator that reduced the costs of porting applications between the dominant OS and other operating systems. If those costs were reduced, software developers would be more likely to write applications that can run on multiple operating systems. As the courts in this matter recognized, middleware could serve as such a universal translator.[13] Middleware is software that can run on top of an operating system and expose its own APIs to software developers. Any application that could run on the middleware could also run on any OS on which the middleware can run. As a result, an application written to the APIs of a middleware that can run on multiple operating systems would itself also run on those otherwise incompatible operating systems. In this way, users of the less popular operating systems could have access to the same applications available on the more popular operating systems. Similarly, developers would have an incentive to write to the middleware's APIs because there would be more potential purchasers of the applications software than if the developer wrote the application for only one OS. In short, the availability of middleware would ensure that users' choice of an OS is driven by the price and features of the OS, not by the relative number of applications available that flow from historical market shares.

B. The Middleware Threats to Microsoft's OS Dominance

In affirming the District Court's conclusion that Microsoft had illegally maintained its OS monopoly, the DC Circuit concluded that

[9] 253 F.3d at 51–52.

[10] Findings of Fact NN21, 23, 27, 28–29 (84 F.Supp.2d at 15, 17–18), cited by the DC Circuit (253 F.3d at 52–53).

[11] See, for example, Direct Testimony of Franklin M. Fisher at 9–19, 35–40.

[12] Findings of Fact NN30, 36–37 (84 F.Supp.2d at 18–20), cited by the DC Circuit (253 F.3d at 55).

[13] Findings of Fact 29,72 (84 F.Supp.2d at 17–18, 29), cited by the DC Circuit (253 F.3d at 55).

Microsoft's unlawful acts specifically were aimed at thwarting two related middleware threats to its monopoly power: Netscape Navigator and the Java technologies pioneered by Sun. As we discuss below, both threats in fact were successfully neutralized by Microsoft's anticompetitive conduct. As a result, Microsoft was able to prevent any erosion in the all-important (to Microsoft) applications barrier to entry.

1. The Netscape Navigator Threat

Netscape's Navigator quickly became the leading web browser after its introduction in 1994, raising concern at Microsoft that Navigator could become the middleware that substantially lowers or eliminates the applications barrier to entry.[14] After failing to convince Netscape that Navigator should not be middleware for the Windows OS,[15] Microsoft embarked on a strategy to reduce the use of Navigator as a web browser. If Microsoft could succeed in substantially reducing Navigator's share of browser usage, its value as a platform for software developers would be reduced and therefore new (and smaller-share) operating systems would continue to confront the applications barrier to entry. In that way, Microsoft would protect its OS monopoly. The tactics Microsoft adopted to implement this strategy effectively eliminated the most efficient means for the distribution of Navigator to consumers:

One of the two most important ways in which Navigator was distributed to consumers was through computer manufacturers (Original Equipment Manufacturers or OEMs) that would install Navigator on computers before being shipped to final consumers or retail outlets.[16] Microsoft imposed restrictions on its OS licenses with the OEMs that effectively prevented the OEMs from removing the Microsoft browser, Internet Explorer (IE), provided to the OEMs as part of the Windows OS package. In particular, the agreements with OEMs prevented them from removing any desktop icons, folders or start menu entries, including those for IE.[17] While OEMs could technically install Navigator as an additional browser, they did not do so because they would then incur substantial support costs in responding to the confusion among novice users caused by having two browsers on the desktop.[18] Given the dominance of Microsoft's operating system, OEMs had no effective competitive alternative to which they could turn if they chose not to accede to Microsoft's request.[19]

To ensure that IE would not be removed from Windows by the OEMs, Microsoft technologically bound Internet Explorer to the Windows operating system.[20] It did so by excluding IE from the Add/Remove Programs utility in Windows 98[21] and by commingling the IE code with the OS code.[22] As with the license restrictions, these tactics prevented the OEMs and users from replacing IE with Navigator (or any other preferred browser). Indeed, if the OEM or user did remove IE from the Windows package, the code commingling guaranteed that the cost would have been substantial damage to the Windows OS.[23] Although the OEMs, in principle, could have installed Navigator as a second browser, the additional costs required to support two browsers discouraged such behavior.[24]

The second important way in which Navigator at the time was distributed to users was through becoming the preferred browser for Internet Access Providers (IAPs).[25] At the OEM level, Microsoft prevented the OEMs from modifying the boot sequence of the computer when the user turns the computer on for the first time.[26] Previously, many OEMs had used the initial boot to prompt users to sign up with an IAP from a menu of IAPs, many of which at the time used Navigator as the web browser.[27] As a result of the restriction, Microsoft effectively inhibited OEMs' from promoting IAPs using Navigator.[28]

A more direct attack by Microsoft on Netscape's use of IAP distribution of Navigator was embodied in exclusive agreements that Microsoft signed with all of the leading IAPs. In exchange for desktop access in the Windows OS, these IAPs agreed to promote only IE and to limit distribution of any IAP software containing Navigator to typically no more than 25% of the IAP's access software shipments.[29]

There are two other channels that Netscape could have used to distribute its browser:

Independent Software Vendors (ISVs) and Apple computers. With respect to the former, Microsoft concluded contracts with a large number of ISVs in which Microsoft agreed to provide the ISV with preferential OS support provided that the ISVs use IE as the default browser.[30] With respect to Apple, after threatening to terminate the production of its popular Mac Office, Microsoft concluded an agreement with Apple in which IE would become the default browser for Apple computers and no other browser icon would be placed on the desktop of new Macintosh computers or upgrades.[31]

The District Court found, and the DC Circuit affirmed, that each of these tactics was anticompetitive, violating Section 2 of the Sherman Act. Collectively, Microsoft used these tactics to effectively close the most efficient channels of distribution available to Netscape's Navigator. As the Justice Department's own CIS observes: [b]ecause of its reduced access to efficient distribution channels, Navigator's share of browser use fell precipitously.[32] Thus, Microsoft effectively eliminated Navigator as a potential middleware provider, thereby also eliminating the possibility that its OS would have to compete on its merits.

2. The Java Threat

Sun Microsystems developed a middleware technology known as Java, which consists of four tools: (1) a programming language; (2) Java Class Libraries, which are a set of programs in that language that expose the APIs; (3) a compiler, which translates the developer code into instructions. The Java Class Libraries and the JVM are together called the Java runtime environment. Any software application that relies on the Java APIs will run on any computer with a Java runtime environment.

In 1995, Netscape agreed to distribute a copy of the Java runtime environment with every copy of Netscape Navigator.[33] At the time of the agreement, Navigator's popularity ensured that the Java runtime environment would gain wide distribution.[34]

In combination with the distribution of Navigator, Sun's Java represented a clear and present danger to Microsoft's OS monopoly because as middleware, Java had the potential of substantially reducing the applications barrier to entry.[35] Rather than compete on the merits, Microsoft responded to the Java-Navigator threat not only by the steps already described to limit the distribution of Navigator, but by these additional measures:

After developing its own version of the JVM, Microsoft negotiated agreements with a large number of leading ISVs in which the ISVs agreed to use Microsoft's JVM as the default in any software they created.[36] These agreements were de facto exclusive because the use of any other JVM would now require that the ISVs incur the costs of porting their Java applications from Microsoft's JVM to a Sun-compliant JVM,[37] which, of course, defeats the cross-platform purpose of the Java technologies. ? In 1995, when Intel was in the process of developing a JVM that would comply with Sun's cross-platform standards,

[14] For example, see Findings of Fact 72, 166 (84 F.Supp.2d at 29, 51).

[15] Findings of Fact 79–87 (84 F.Supp.2d at 30–33).

[16] Findings of Fact 145 (84 F. Supp.2d at 47), cited by the DC Circuit (253 F.3d at 60).

[17] Findings of Fact 213 (84 F. Supp.2d at 61), cited by the DC Circuit (253 F.3d at 61).

[18] Findings of Fact 159, 210 (84 F. Supp.2d at 49–50, 60–61), cited by the DC Circuit (253 F.3d at 61).

[19] See, for example, Findings of Fact 158 (84 F. Supp.2d at 49).

[20] Findings of Fact N160 (84 F.Supp.2d at 49–50), cited by the DC Circuit (253 F.3d at 64).

[21] Findings of Fact N170 (84 F.Supp.2d at 52), cited by the DC Circuit (253 F.3d at 65).

[22] Findings of Fact N161 (84 F.Supp.2d at 50), cited by the DC Circuit (253 F.3d at 65).

[23] Findings of Fact N164 (84 F.Supp.2d at 50), cited by the DC Circuit (253 F.3d at 65).

[24] Findings of Fact N159 (84 F.Supp.2d at 49–50), cited by the DC Circuit (253 F.3d at 65–66).

[25] Findings of Fact N242 (84 F.Supp.2d at 69–70), cited by the DC Circuit (253 F.3d at 70).

[26] Findings of Fact N213 (84 F.Supp.2d at 61), cited by the DC Circuit (253 F.3d at 61).

[27] Findings of Fact N210, 212 (84 F.Supp.2d at 60–61), cited by the DC Circuit (253 F.3d at 61–62).

[28] 253 F.3d at 61–62.

[29] Findings of Fact NN258, 262, 289 (84 F.Supp.2d at 73, 74, 81), cited by the DC Circuit (253 F.3d at 68).

[30] Findings of Fact N339 (84 F.Supp.2d at 93), cited by the DC Circuit (253 F.3d at 71–72).

[31] Findings of Fact 349–352 (84 F.Supp.2d at 73), cited by the DC Circuit (253 F.3d at 73).

[32] CIS at 15.

[33] Findings of Fact N76 (84 F.Supp.2d at 29–30), cited by the DC Circuit (253 F.3d at 74).

[34] Findings of Fact N394 (84 F.Supp.2d at 106–107), cited by the DC Circuit (253 F.3d at 76).

[35] Findings of Fact N28 (84 F.Supp.2d at 17), cited by the DC Circuit (253 F.3d at 74).

[36] Findings of Fact N401 (84 F.Supp.2d at 108–109), cited by the DC Circuit (253 F.3d at 75).

[37] Findings of Fact N401 (84 F.Supp.2d at 108–109), cited by the DC Circuit (253 F.3d at 75–76).

Microsoft complained that the cooperation between it and Intel could be jeopardized if Intel did not end its cooperation with Sun.[38] Intel resisted Microsoft's entreaties until 1997 when Microsoft threatened to support one of Intel's competitors, AMD, in the development of 3D technology unless Intel stopped its work on Java. After this, Intel agreed.[39]

Microsoft developed a set of tools to assist ISVs in creating Java applications.[40] However, unbeknownst to the ISVs, the use of these tools would create applications that were incompatible with Sun's JVM. Microsoft misled these developers into believing that the use of the tools would be of assistance in designing cross-platform Java applications.[41] As a result, ISVs became locked into Microsoft's tools, creating large costs of switching back to Sun's tools after the ISVs discovered the deception. The District Court found each of these tactics to be in violation of Section 2 of the Sherman Act, findings that were affirmed by the DC Circuit. The acceptance of this promising middleware platform slowed as a result of Microsoft's actions. As a result, Microsoft preserved the applications barrier to entry and its OS monopoly.

C. Immediate Harm to Competition and Consumers

The courts found that each of these tactics adopted by Microsoft resulted in direct and immediate harm to competition. By inference, therefore, consumers clearly were harmed. For example, with respect to commingling of the IE code with the Windows OS code, the DC Circuit concluded that: such commingling has an anticompetitive effect the commingling deters OEMs from pre-installing rival browsers, thereby reducing the rivals' usage share and, hence, developers' interest in rivals' APIs as an alternative to the API set exposed by Microsoft's operating system.[42]

The DC Circuit reached a similar conclusion regarding the technological inability of the OEM to remove IE using the Add/Remove utility.[43] Microsoft subsequently requested clarification from the DC Circuit that the commingling would not be illegal if the OEM were allowed to remove the icon from the desktop. The DC Circuit declined the request. [44]

Thus, it is clear that the DC Circuit intended its conclusion regarding commingling middleware code. With respect to Netscape Navigator distribution, the courts found that Microsoft had successfully foreclosed the OEM route for distribution to consumers. This was especially clear in Microsoft's successful efforts to prevent OEMs from removing IE from the Windows desktop, as to which the DC Circuit concluded that: the OEM channel is one of the two primary channels for distribution of browsers. By preventing OEMs from removing visible means of user access to IE, the license restriction prevents many OEMs from pre-installing a rival browser and, therefore, protects Microsoft's monopoly from the competition that middleware might otherwise present. Therefore, we conclude that the license restriction at issue is anticompetitive.[45]

The courts also found that Microsoft harmed competition by disrupting Navigator's ability to be distributed by IAPs. For example, the DC Circuit concluded that Microsoft's agreements with the IAPs ensured that because: the ''majority'' of all IAP subscribers are offered IE either as the default browser or as the only browser, Microsoft's deals with the IAPs clearly have a significant effect in preserving its monopoly; they help keep usage of Navigator below the critical level necessary for Navigator or any other rival to pose a real threat to Microsoft's monopoly.[46]

The DC Circuit reached similar conclusions with respect to Microsoft's license restrictions that prevented OEMs from using the initial boot to prompt users to choose from a list of IAPs (many of which at the time used Navigator as the preferred browser);[47] Microsoft's agreements with leading ISVs to use IE as the default browser in their applications;[48] and Microsoft's agreement with Apple by which IE would become Apple's default browser.[49] Similarly, the courts found that Microsoft's exclusionary tactics directed at Sun's Java served to illegally maintain Microsoft's monopoly OS power. For example, with respect to the agreements by which the Microsoft JVM would be the ISVs' default JVM, the DC Circuit concluded that: the record indicates that Microsoft's deals with major ISVs had a significant effect upon [rival] JVM promotion . Because Microsoft's agreements foreclosed a substantial portion of the field for JVM distribution and because, in so doing, they protected Microsoft's monopoly from a middleware threat, they are anticompetitive . [W]e hold that the provisions in the First Wave Agreements requiring use of Microsoft's JVM as the default are exclusionary, in violation of the Sherman Act.[50]

The DC Circuit reached similar conclusions with respect to both Microsoft's deception of ISVs regarding the incompatibility of Java applications created using Microsoft's Java tools on Sun-compliant JVMs [51] and regarding Microsoft's success in persuading Intel not to support the Sun-compliant JVMs.[52] In sum, Microsoft succeeded in foreclosing access by the middleware platforms offered by both Navigator and Sun's Java to the most effective means of distributing this middleware to consumers, as well as to other distribution channels. As a result of this foreclosure, neither middleware would develop to its full competitive potential. With respect to the effects on Navigator, the CIS summarized the harm in the following way:

Microsoft's actions succeeded in eliminating the threat that the Navigator browser posed to Microsoft's operating system monopoly. Foreclosed from effectively using the OEM and IAP distribution channels by Microsoft's exclusionary conduct, Navigator was relegated to more costly and significantly less effective modes of distribution. The adverse business effects of these restrictions also deterred Netscape from undertaking technical innovations in Navigator that might have attracted consumers and revenues.[53] Similarly, with respect to Java and its distribution via Navigator, the CIS concludes: Through its actions against Navigator and Java, Microsoft retarded, and perhaps extinguished altogether, the process by which these two middleware technologies could have facilitated the introduction of competition into the market for Intel-

[38] Findings of Fact N396, 404, 405 (84 F.Supp.2d at 107, 109–110), cited by the DC Circuit (253 F.3d at 77).

[39] Findings of Fact N406 (84 F.Supp.2d at 110), cited by the DC Circuit (253 F.3d at 77).

[40] 253 F.3d at 76.

[41] Java developers who were opting for portability over performance unwittingly [wrote] Java applications that [ran] only on Windows. Conclusions of Law (87 F.Supp.2d at 43), cited by the DC Circuit (253 F.3d at 76); see also 253 F.3d at 76–77.

[42] 253 F.3d at 66.

[43] Citing the Findings of Fact (N159 (84 F.Supp.2d at 49–50)), the DC Circuit concluded that this inability reduces the usage share of rival browsers not by making Microsoft's own browser more attractive to consumers but, rather, by discouraging OEMs from distributing rival products. Because Microsoft's conduct, through something other than competition on the merits, has the effect of significantly reducing usage of rivals' products and hence protecting its own operating system monopoly, it is anticompetitive. (253 F.3d at 65.)

[44] Order (DC Cir. Aug. 2, 2001) (per curiam) (denying the motion for immediate issuance of the mandate and the petition for rehearing).

[45] 253 F.3d at 61.

[46] 253 F.3d at 71.

[47] The DC Circuit concluded: Microsoft does not deny that the prohibition on modifying the boot sequence has the effect of decreasing competition against IE by preventing OEMs from promoting rivals' browsers. Because this prohibition has a substantial effect in protecting Microsoft's market power, and does so through a means other than competition on the merits, it is anticompetitive. (253 F.3d at 62.)

[48] The DC Circuit observed that: Although the ISVs are a relatively small channel for browser distribution, they take on greater significance because, as discussed above, Microsoft had largely foreclosed the two primary channels to its rivals. In that light, one can tell from the record that by affecting the applications used by millions' of consumers, Microsoft's exclusive deals with the ISVs had a substantial effect in further foreclosing rival browsers from the market. [B]y keeping rival browsers from gaining widespread distribution (and potentially attracting the attention of developers away from the APIs in Windows), the deals have a substantial effect in preserving Microsoft's monopoly. (253 F.3d at 72.)

[49] The DC Circuit concluded that Because Microsoft's exclusive contract with Apple has a substantial effect in restricting distribution of rival browsers, and because reducing usage share of rival browsers serves to protect Microsoft's monopoly, its deal with Apple must be regarded as anticompetitive. (253 F.3d at 73–74.)

[50] 253 F.3d at 75–76.

[51] Specifically, the DC Circuit concluded that Microsoft's conduct related to its Java developer tools served to protect its monopoly of the operating system in a manner not attributable either to the superiority of the operating system or to the acumen of its makers, and therefore was anticompetitive. (253 F.3d at 77.)

[52] The DC Circuit found that Microsoft's internal documents and deposition testimony confirm both the anticompetitive effect and intent of its actions. (253 F.3d at 77.)

[53] CIS at 15.

compatible personal computer operating systems.[54]

D. Continuing Substantial Harm to Competition and Consumers

The middleware platforms offered by Navigator and Sun's Java were in their nascent stages at the time that Microsoft pursued its exclusionary strategy. However, the nascent state of the competitors does not make Microsoft's antitrust violations merely technical in nature and of no significant long-term consequence. By the same token, it would be a mistake to conclude that an appropriate remedy could be limited to one that imposes only minor constraints on Microsoft's behavior. Such a limited remedy would not repair the loss in competition caused by Microsoft's unlawful conduct because the harms to competition and consumers were substantial and continuing in nature.

1. The Shifting PC Paradigm Provided the Opportunity for the Emergence of New and Substantial Competition

What is more apparent now than in 1995 is how central the role of the Internet would become as an applications platform. During the mid-1990s, the maturation of the Internet was beginning to create a new paradigm for personal computing that relied on linkages over the Internet. The occasion of a paradigm shift represents an opportunity for new competition in a market characterized by network effects. We know now with much more certainty than even at the closing of the trial record that the Internet has transformed PC usage from a solo experience one user at one computer, using applications that reside on the desktop to an interconnected computer universe, using the Internet for both interpersonal communications and for accessing applications on the web.[55] Thus, instead of having all frequently used applications resident in the desktop, more and more of those applications were developed specifically for the Internet, most notably instant messaging, chat rooms, and online shopping, as conventional email always has been. In this way, the Internet has become the new communications medium, with the computer as the new handset.

In the absence of Microsoft's exclusionary conduct, both Netscape Navigator and Sun-compliant Java by now would have developed into a widely-used source for cross-platform applications, and thus would have spurred far more significant competition with Windows. In addition, at least some of the other efforts at the development of platform-neutral software would also likely have reached competitive significance. These efforts include Intel's Native Signal Processor software, whose APIs for enhanced video and graphics performance would be exposed by Intel, not Windows;[56] Apples' QuickTime, which offers video and audio playback (among other capabilities) for both the Mac OS and Windows;[57] and Real Networks' software, which provides audio and video streaming software for multiple platforms.[58] The loss of competition stemming from Microsoft's tactics likely reduced the rate of innovation in both operating systems and in web-centric applications. But for Microsoft's illegal actions, the paradigm shift would likely have occurred more rapidly and completely. As one of the Justice Department's remedy experts, Professor Paul Romer, observed in his declaration in April 2000:

It is impossible to know with certainty the types of applications that might have developed had innovation continued with full force on [the Navigator and Java] fronts. We do know, however, that some types of applications forecast by the advocates of the browser and Java virtual machine are finally emerging. For example, companies are only now bringing to market server-based applications accessed via a browser that substitute for traditional desktop productivity applications.[59] Netscape Navigator and Sun's Java were at the center of the new computing paradigm. They had the opportunity to create momentum for a competitive process that would breakdown the applications barrier to entry and Microsoft's operating system monopoly. By eliminating the threats of both Navigator and Sun's Java, Microsoft maintained its Windows monopoly. The browser war is now over and Microsoft won as a result of its illegal conduct. Netscape is no longer any significant part of the market landscape and Internet Explorer has a virtual lock on the market.[60] By eliminating Netscape as a middleware threat and platform for the development of web-based applications, Microsoft thereby extended Microsoft's power and control into Internet applications.

Meanwhile, Sun's Java has lost its momentum from Microsoft's polluted Java and will not be able to reestablish its position by itself even after Microsoft stops its anticompetitive campaign.[61] This is because ISVs that have invested in developing expertise in the use of Microsoft's Java tools have become locked-in and now face substantial costs of switching to Sun's Java tools.

Likewise, the Real Networks and the QuickTime applications have never developed into the middleware opportunity that appeared likely in the mid-1990s. They have lost their lead and are now fighting for survival, while Microsoft has gained control over the multimedia platform through Windows Media Player.

Finally, in operating systems, the Mac OS and Linux OS continue to occupy a niche position while OS/2 is virtually non-existent. It is true that the Linux OS has made significant inroads into the server market where professional, technically savvy users are important in buying and using the product. But Microsoft's OS dominance in the desktop PC market continues and is not threatened by Linux, which is an open source, or non-proprietary product.

As one of Microsoft's consultants has explained: Although experience suggests that surprises are possible, open source does not seem a viable model for producing mass-market software . . . Linux doesn't have a standard easy-to-use graphical interface. And it can't boast of many high-quality, user-friendly applications that appeal to mass-market users.[62] In short, for Linux, too, the applications barrier to entry into the mass-market for PCs is simply too high to pose any real threat to Microsoft's dominance.

2. The Opportunity for the Emergence of New Competition Was Substantial and Its Loss Was Due to Microsoft's Exclusionary Actions

The evidence that, but for Microsoft's exclusionary actions, the competition to Microsoft would have been much more substantial than it is today, can be found in the fears that Microsoft itself expressed in the numerous memoranda and emails that are part of the trial record— frequently cited by the District Court in its Findings of Fact and by the DC Circuit. For example, in a 1995 memorandum to his staff, Bill Gates expressed his concern that Netscape was pursuing a multi-platform strategy where they move the key API into the client to commoditize the underlying operating system.[63] Further, as Microsoft executive Ben Slivka explained in his deposition,

So the point is not that the little Web browser, you know, whether it was Navigator 1 or Navigator 2 or Navigator 3, the point was not that that thing by itself as it stood then would immediately kill Windows. That wasn't the point. The point was that that thing could grow and blossom and provide an application development platform which was more popular than Windows.[64] Indeed, the central purpose of Microsoft's actions was to divert enough browser usage from Navigator to neutralize it as a platform.[65]

In terms of how to deal with the Netscape threat, senior Microsoft executives made it clear that but for radical exclusionary action,

[54] CIS at 16–17.

[55] For example, the District Court found that events, in which categories are redefined and leaders are superceded in the process, are spoken of as inflection points'The exponential growth of the Internet represents an inflection point born of complementary technological advances in the computer and telecommunications industries. The rise of the Internet in turn has fueled the growth of server-based computing, middleware, and open-source software development. Working together, these nascent paradigms could oust the PC operating system from its position as the primary platform for applications development and the main interface between users and their computers. Findings of Fact 59–60 (84 F.Supp.2d at 25–26).

[56] Findings of Fact NN95–97 (84 F.Supp.2d at 34).

[57] Findings of Fact NN104–110 (84 F.Supp.2d at 36–37).

[58] Findings of Fact NN111–114 (84 F.Supp.2d at 37–38).

[59] Romer Declaration N11.

[60] The DC Circuit did not find this process of achieving any power or control in browsers to be a separate and independent antitrust offense. However, this dominance clearly flows from the same conduct that was found to illegally maintain Microsoft's desktop operating system monopoly.

[61] This, of course, suggests that any effective remedy should if possible restore Sun-compliant Java to the prominence it would have attained absent Microsoft's illegal conduct.

[62] David S. Evans, Is Free Software the Wave of the Future?, THE MILKEN INSTITUTE REVIEW, Fourth Quarter 2001, p. 41.

[63] Findings of Fact N72 (84 F.Supp.2d at 29).

[64] Benjamin Slivka 9/3/98 Dep. Tr. 252–253, cited in Direct Testimony of Franklin M. Fisher at 40–41.

[65] Findings of Fact N143 (84 F.Supp.2d at 46), cited by the DC Circuit (253 F.3d at 71).

IE would not succeed in eliminating Netscape and that as a result, Netscape would be a potent competitive constraint. For example, Judge Jackson cited the following statement by Microsoft executive James Alchin: I don't understand how IE is going to win. The current path is simply to copy everything that Netscape does packaging and product wise. Let's [suppose] IE is as good as Navigator/Communicator. Who wins? The one with 80% market share. Maybe being free helps us, but once people are used to a product it is hard to change them. Consider Office. We are more expensive today and we're still winning. My conclusion is that we must leverage Windows more.

Treating IE as just an add-on to Windows which is cross-platform [means] losing our biggest advantage Windows marketshare. We should dedicate a cross group team to come up with ways to leverage Windows technically more. . . . We should think about an integrated solution that is our strength.[66] Similarly, Microsoft had clearly evidenced comparable concerns with respect to the threat that Sun's Java posed to Microsoft's OS dominance. For example, Microsoft believed that it had to fundamentally blunt Java/AWT momentum so as to protect our core asset Windows.[67] Indeed, the now-famous Microsoft document made clear the substantial competitive threat that Microsoft perceived Java to be: Kill cross-platform Java by grow[ing] the polluted Java.[68] Microsoft also made this position clear to Intel.[69] The competitive importance of Java was also described clearly in an article appearing in the November 1996 edition of Fortune:

To Microsoft's dismay, [Java] is fast becoming what is known as a computing platform a sturdy base upon which programmers can build software applications Java programs, once written, can run without modification on just about any kind of computer: a PC, a Macintosh, a Unix workstation heck, even a mainframe. The underlying operating system makes no difference. In scarcely a year, Java has evolved into a major challenger to Microsoft's Windows family of PC operating systems faster even than DOS and Windows rose to challenge traditional mainframes and minicomputers. Java is also well on its way to becoming the most important Internet software standard, catapulting Sun past Netscape and Microsoft as the leader in Internet computing.[70]

The Findings of Fact make clear that Microsoft both recognized and was deeply worried about the threats from both Java and Netscape.[71] The court wrote: The combined efforts of Netscape and Sun threatened to hasten the demise of the applications barrier to entry, opening the way for non-Microsoft operating systems to emerge as acceptable substitutes for Windows. By stimulating the development of network-centric Java applications accessible to users through browser products, the collaboration of Netscape and Sun also heralded the day when vendors of information appliances and network computers could present users with viable alternatives to PCs themselves. Decision-makers at Microsoft are apprehensive of potential as well as present threats, though, and in 1995 the implications of the symbiosis between Navigator and Sun's Java implementation were not lost on executives at Microsoft, who viewed Netscape's cooperation with Sun as a further reason to dread the increasing use of Navigator.[72]

3. Conclusion

Taking Microsoft's own fears at its word, the court should not assume that Microsoft's illegal conduct failed to have its intended significant effects on competition. Instead, the courts should take Microsoft's own contemporaneous views for what they were: fears that these nascent competitors would have led to significant market competition today.

E. More Entrenched Microsoft Monopoly

Paradigm shifts in computing are not events that occur with great frequency. Indeed, only three significant shifts have occurred in the history of the PC industry: the shift from mainframes to PCs; the shift from a text-based to a graphical interface; and the current, nearly completed shift from the use of the PC as a single-user experience to the increasing reliance on the Internet for applications and communications. Microsoft relied on an exclusionary strategy to protect its monopoly power from the competition that would have been spawned by the paradigm shift. But now, Netscape has lost its window of opportunity to take advantage of this latest paradigm shift and Java has been neutralized. This middleware has been supplanted by Microsoft's own offerings. By carrying out its exclusionary strategy, Microsoft effectively destroyed the opportunity for these middleware competitors to overcome the applications barrier, competitors that Microsoft clearly viewed as a substantial threat to its OS monopoly power. Instead of consumers benefiting from the growing competition over the past five years, Microsoft has used the past five years to entrench the monopoly power of the Windows operating system and gain greater control over computing in the new Internet paradigm. Thus, the opportunity for new competition has been lost. Creating competition in the next paradigm shift will be even harder.

In just the past few months, Microsoft has introduced Windows XP, which has technologically bound key Internet-gateway applications such as Windows Media Player to the operating system and its various browsers. In this way, Microsoft discourages software developers from writing their programs to competing middleware platforms. This also makes it harder for operating system competition to emerge.

As Microsoft's monopoly has become more entrenched, no alternative middleware threat has yet emerged that can match the significance of the threat posed by Navigator and Sun's Java in 1995. And overcoming the applications barrier to entry will be even harder for the next middleware threat. Microsoft now controls APIs and other standards, applications and platforms in browsing, Java and multimedia. This more pervasive control by Microsoft over these platforms means that independent software developers are even less likely to write to non- Microsoft platforms. A new platform entrant must now be able to overcome an applications barrier for these additional applications as part of the process of overcoming the applications barrier for the desktop OS.

Microsoft also has cemented its dominant desktop OS monopoly with the development of the Windows CE operating system for handheld devices as well as its increased share of OS server sales. While this power was not alleged in the government's complaint or found to be illegal, Microsoft's own offerings clearly have benefited from the illegal entrenchment of its desktop monopoly. Thus, a new platform entrant must not only overcome the application advantages that Microsoft illegally obtained in the desk top OS and extended to Internet applications, it must also provide compatibility with the handheld computers, which are rapidly gaining in popularity, and with servers which are increasingly relying on Microsoft's server operating systems.

Moreover, Microsoft has sent a clear and unambiguous signal by its conduct to would-be OS and cross-platform developers. As Dr. Romer explained: In the browser wars, Microsoft showed that it had the power to reduce the return Netscape and Sun earned on their investments in innovative technologies and that it was willing to use this power. This reduces the expected profits that outside innovators can expect to earn from developing technologies that threaten to create additional competition for Microsoft's operating system monopoly.[73] Thus, any developer of a credible means of providing applications interoperability across different operating systems must surely expect that Microsoft will use the same kind of swift, broad, and persistent exclusionary tactics to eliminate such a competitive threat to its OS. Similarly, any OEM, IAP, and ISV will consider Microsoft's likely reaction if they were to distribute or use any middleware with the potential to undermine Microsoft's monopoly power. In this way, the effect of Microsoft's actions has been to raise the applications barrier to entry by increasing the risk of investing in cross-platform initiatives. As a consequence, the immediate effects from Microsoft's foreclosure strategy will cast a long shadow into the future. After all, there

[66] Findings of Fact N166 (84 F.Supp.2d at 51).

[67] 6/20/96 re windows and internet issues, Paul Maritz to Brad Silverberg et al.: Pl. Ex. 42, at MS6 6010347.

[68] GX 259, cited by the DC Circuit (253 F.3d at 76–77).

[69] As stated by Judge Jackson, in November 1995, Microsoft's Paul Maritz told a senior Intel executive that Intel's [adaptation of its multimedia software to comply with] Sun's Java standards was as inimical to Microsoft as Microsoft's support for non-Intel microprocessors would be to Intel. Findings of Fact N405 (84 F.Supp.2d at 109- 110), cited by the DC Circuit (253 F.3d at 77).

[70] Sun's Java: The Threat to Microsoft is Real, Fortune, November 11, 1996.

[71] Findings of Fact 72 (84 F.Supp.2d at 29) (referencing Gates' Internet Tidal Wave memo), 77 (id. at 30).

[72] Findings of Fact 77 (84 F.Supp.2d at 30).

[73] Romer Declaration 12.

is now no rival to Microsoft that poses a competitive threat to Microsoft that is comparable to threat that had been posed to Microsoft by Navigator and Sun's Java. Developments such as the roll-out of Microsoft's XP, which bundles productivity applications on the Internet with the operating system, raise the prospect viewed as nearly a fait accompli in some quarters that Microsoft is leveraging its PC OS monopoly power into the Internet.

Consequently, Microsoft's OS is today considerably more protected from the threat of entry than was true in 1995, because Microsoft has been able to eliminate all threats with seeming impunity. As we subsequently conclude, the weaknesses in the RPFJ are so substantial that if adopted, the RPFJ may encourage Microsoft to become even more aggressive in its anticompetitive behavior. Both Microsoft and any potential threats to Microsoft's market power will recognize that the penalty for Microsoft's antitrust transgressions is far less than what was likely expected prior to the RPFJ. As a result, with a lower expected penalty, Microsoft will find it profitable to adopt some anticompetitive strategies that prior to the adoption of this RPFJ it would have not viewed as profitable.

III. Remedy and Enforcement Principles

In this section, we describe the goals that a remedy in this matter should attain and the enforcement principles required to implement the remedy in a way that serves the public interest. Our review of the relevant literature indicates that the relief phase of antitrust cases is often treated as an afterthought, even in cases as important as monopolization findings under Section 2 of the Sherman Act. For example, Professor Lawrence Sullivan has observed: Perhaps the best hope is that, hereafter, courts facing structural remedy issues will get more help than they have customarily received from the Department of Justice. As Judge Wyzanski implied in United Shoe Machinery, the government is sometimes extremely casual about remedy.[74] A similar point of view has been voiced by Chief Judge Richard Posner (who attempted to mediate a settlement in this case):

Another reason for the poor record of divestiture as an antitrust remedy is that the government's lawyers tend to lose interest in a case at the relief stage. They derive both personal satisfaction and career advancement from the trial of an antitrust case, but gain neither from the post-trial relief negotiations and proceedings, which they frequently tend to pay scant attention.[75]

In our experience, when similar issues arise outside antitrust, even in situations with far less significant potential economic consequences, agencies charged with making these determinations (in rulemaking contexts, for example) generally do so only after extensive fact-finding and, in some cases, hearings.

The public interest would best be served by a similar remedy proceeding in this matter before any final decisions regarding settlement are reached. This hearing should be expedited in light of the urgency and rapid pace of change in the industry. A fact-finding process aimed at resolving the many complex issues in this matter is far more likely to result in a resolution that advances the interests of consumers than is a brief Tunney Act proceeding. If the court does not reject the RPFJ outright, we would urge the court to postpone the ruling now and modify the remedy after further evidence is offered during the next phase of the litigation. Thus, we certainly agree with the decision by the court to (in effect) use the upcoming remedy hearings on the proposal of the Litigating States to evaluate the RPFJ in tandem. This remedial hearing will be vital to assess the loss of competition cause by Microsoft's illegal exclusionary conduct. Comparing these two remedial proposals using the evidence gathered on the loss of competition during the court's assessment of the LS proposal will better enable the court to choose a remedy commensurate with the competitive harm.

In this section, we elaborate on the proper remedial goals and enforcement principles of an effective antitrust remedy. In the next two sections, we explain why the proposed RPFJ fails to attain these goals. We then discuss more effective, alternative remedies.

A. General Remedial Goals

The court has a deceptively simply task at this point in this hallmark litigation: to decide whether the settlement reached between Microsoft, the Department of Justice and nine of the state plaintiffs is in the public interest, as that term is used in the Tunney Act, which governs this particular phase of the proceedings. We say deceptively simple because it is tempting to apply the standard for defining what is in the public interest that was announced by the Court of Appeals for the District of Columbia when it considered the 1994 consent decree reached between Microsoft and the Department: whether the decree stopped the practices alleged in the complaint brought by the government. United States v. Microsoft Corp., 56 F. 3d 1448 (DC Cir. 1995).

However, such a standard is clearly inappropriate at the current point in this proceeding, for a very simple reason: a lower court has found, and an appellate court has affirmed, that Microsoft has engaged in a series of significant violations of the antitrust laws aimed at entrenching its OS monopoly and thwarting effective competition to it. The appropriate test therefore should be much stronger than in a typical Tunney Act proceeding.

The remedy clearly must halt all the practices the courts (in this case both the trial and appellate courts) have condemned as violations. But, in this matter, the test must be even broader than that. Now that the case has been adjudicated to a verdict, the public interest standard should be no different than the standard the courts would apply to any remedy that would be appropriate in an antitrust case. As the appellate court in this case made clear, that standard has been set forth by the Supreme Court in United Shoe: a remedy must not only unfetter a market from anticompetitive conduct but also must terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future. Ford Motor Co., 405 U.S. at 577 and United Shoe, 391 U.S. at 250.

Applied to this case, these principles suggest that an effective remedy should accomplish the following. First, the remedy should terminate the conduct that the court has found to violate the antitrust laws. Second, the remedy should within a short period introduce competition into the operating system market. The key to the success of this goal will be the effectiveness of the remedy in reducing the applications barrier to entry as a means of establishing economic conditions most conducive to competition for operating systems. Third, the remedy should reduce the ability of Microsoft to project its current monopoly power into other markets, as a way of inhibiting Microsoft from reinforcing its monopoly in operating systems.

1. Terminating the Illegal Conduct

Any final remedy, whether a consent decree or a court-imposed judgment, should terminate all of the conduct found to be anticompetitive, and should prohibit such conduct in the future. In this regard, the decree should cover all of the conduct found by the court to be illegal. It should also be as specific as possible in describing the kinds of conduct that are enjoined. As discussed further below, the consent decree should provide effective incentives to comply with these conduct prohibitions. Finally, the decree should seek to avoid creating loopholes by which the defendant can maintain its monopoly through alternative means of exclusionary behavior.

2. Restoring Competition to the Level that Would Exist Today, But for Microsoft's Exclusionary Behavior

The consent decree ought to terminate the illegally maintained monopoly by restoring competition. Specifically, the decree should repair the loss of competition caused by Microsoft's unlawful anticompetitive conduct to destroy the middleware threat caused by Netscape and Java. The courts already have found in clear and convincing terms that Microsoft's conduct helped it to maintain its operating system monopoly. The consent decree should seek to restore the market to the competitive trajectory that it would have reached by now, had the illegal conduct never occurred.

This outcome demands more than simply requiring Microsoft's future conduct to comply with the antitrust laws. The central theme running through the trial court's Findings of Fact is that Microsoft's acts have chilled innovation and have therefore distorted the evolution of the software market. While history cannot be rewritten and the world has lost several years of increased competition in operating systems, an appropriate remedy can provide future innovation opportunities to current and would-be entrants. Adapting the court's own language, if one object of the remedy is to restore competition in the markets in which Microsoft competes, Microsoft's oppressive thumb cannot be effectively removed unless

[74] Lawrence Anthony Sullivan, Handbook of the Law of Antitrust, West (1977) at 146.

[75] Richard Posner, Antitrust: An Economic Perspective, University of Chicago Press (1978) at 89.

the scales of competitive fortune are themselves rebalanced.[76]

In dynamic markets that are subject to network effects, such rebalancing will be required because competition does not automatically or instantly spring back to life when exclusionary conduct is ended. Network effects make monopolies durable. Microsoft will continue to enjoy significant monopoly power even if its illegal exclusionary conduct is stopped. Entry by new firms that once might have been possible may be no longer possible, even if additional exclusionary conduct is prohibited. Thus, an effective decree should seek to repair the loss in competition and jump-start the competitive process. The most straightforward and effective method of helping to repair the loss in competition in this matter is to craft a remedy (such as the full divestiture remedy described below) that directly and immediately creates the OS competition foregone as a consequence of Microsoft's illegal behavior. While more uncertain as to the ultimate effect, any other remedy should sufficiently reduce the applications barrier to entry (that the court found helped Microsoft maintain its monopoly) to enable the restoration of the lost competition. The middleware threat by Netscape and Java were on track to reduce the applications barrier to entry. Microsoft's panoply of unlawful conduct halted this growing competitive process in its infancy. Thus, an antitrust decree should either directly create the lost OS competition or contain specific provisions that enable applications vendors and potential platform competitors to surmount the applications barrier to entry that will continue to protect Microsoft's monopoly even after exclusionary conduct has been terminated. It should also attempt to recreate the strong independent middleware platform that would have been achieved by now in the absence of Microsoft's anticompetitive conduct over the past six years.

3. Deterring the Recurrence of Monopoly through Future Anticompetitive Conduct

The consent decree also should deter continued or additional anticompetitive conduct that might allow the monopoly to recur. In this case, the condemned conduct included a variety of exclusionary behavior. It is insufficient simply to prohibit the continuation of this specific exclusionary behavior without also mandating penalties for new kinds of exclusionary behavior that the defendant might substitute for the conduct that is enjoined. Otherwise, the defendant is only encouraged to find alternative means of exercising its monopoly power. This remedial goal 37 should be of particular concern in this case because Microsoft has shown a willingness and ability to exploit poorly crafted decrees.

In evaluating whether the consent decree serves the public interest, the court should be mindful of factors that will tend to make poorly crafted conduct restrictions ineffective. For example, there is an asymmetry of knowledge between the courts and the defendant. Courts do not have perfect information, and are likely to have incomplete knowledge and observation of Microsoft's conduct. As a result, all conduct compliance issues will require extensive investigation by the courts, if the conduct decree is vaguely crafted. In addition, there are delays in enforcement. And Microsoft has displayed a continuing pattern of the same exclusionary conduct. For example, Windows XP is more tightly integrated than any other previous version of the Windows operating system. Given these realities, a simple injunction that merely prohibits the repeating of past conduct clearly would be insufficient.

B. Enforcement Principles

Whatever the exact provisions of a consent decree, it must be enforceable if it is to be effective in achieving any objectives that the court deems appropriate. An enforceable decree is one for which violations of the decree are quickly and easily detectable, and for which the penalties for violation provide sufficient incentives for the defendant to remain fully compliant. If the decree is not so enforceable, it will not attain any of the three goals described above. The principle of quick and easy detection of decree violations requires that the consent decree have specific prohibitions. It must set clear and easily observed boundaries for impermissible conduct. A conduct decree that merely restates the antitrust rule of reason does not satisfy this principle.

The principle of enforceability also requires that the consent decree provide for specific and sufficient punishment for violations. A defendant may rationally choose to violate a consent decree, and would do so whenever the expected profits from doing so exceed the expected penalties. The expected penalties take into account both the probability of detection as well as the severity of the penalty in the event of detection. In order for these penalties to have deterrence value, they must be equal to or greater than the substantial benefit to the defendant of continued violations.

Enforceability also involves a time dimension. A defendant's decision calculus rationally takes into account the expected timing of both the profits and the penalties. This means that enforcement must occur rapidly, lest the defendant reap all of the benefits of the violation before it is stopped. This issue is a particular concern in a market like this one that is subject to rapid technological change and network effects. In this type of market, opportunities for meaningful competition to emerge may be sporadic. For example, if an entrant were destroyed as a change in technology was occurring, that opportunity for new competition might not reoccur once the paradigm shift was completed. Also, in markets where network effects are strong, monopolies tend to be entrenched and durable. This places a premium on swift enforcement. In addition, an effective consent decree should take into account the fact that the remedy in this case will affect deterrence of anticompetitive conduct in related markets, and even in unrelated markets. This case will set a precedent for the consequences of anticompetitive behavior in technology-driven industries. The consent decree will send a message to other potential antitrust offenders. If the decree is a full and effective remedy, that message will be that there is no profit in violating the antitrust laws.

C. Implications for Evaluation of the RPFJ

These remedial and enforcement principles can be used to evaluate the RPFJ. They imply three serious flaws in the RPFJ.

First, the RPFJ is flawed because it does not even achieve the limited remedial goal it sets out for itself. The RPFJ is riddled with exceptions and loopholes that will prevent the middleware threat from becoming reestablished. It does not cover all the conduct that was found to be unlawful by the DC Circuit. It also ignores the market impact of Microsoft's illegal conduct. Having neutralized the middleware threat it faced from Netscape and Java, Microsoft has maintained its control over the course of the paradigm shift in computing, a time when the opportunities for new entry would otherwise be expected to be enlarged. There are no equally powerful middleware threats today to replace the ones that have been neutralized. Second, the RPFJ is flawed because it contains a defective enforcement mechanism. The RPFJ will be difficult to enforce in a timely manner and the penalty for non-compliance is weak. Therefore, the RPFJ will not deter future anticompetitive conduct by Microsoft. Third, the RPFJ is flawed because it is premised on improper remedial goals. The stated goal of the RPFJ is to ''restore the competitive threat that middleware products posed prior to Microsoft's unlawful undertakings.'' (CIS at 3.) Instead, the proper goal should be to restore competition to the level that would have been achieved today in the absence of Microsoft's unlawful conduct. This goal is needed to terminate the unlawful monopoly, restore competition, and achieve real deterrence in the future.

We discuss these flaws next. Section IV analyzes the flaws in the context of the DOJO's own remedial standard and the associated defects in the enforcement mechanism. Section V then explains why DOJO's remedial standard is flawed and much too limited given the current status of this particular case. Section VI then discusses alternative, more effective remedies.

IV. The RPFJ Fails Under DOJO's Own Remedial Test

The DOJO's CIS claims that its RPFJ will restore competitive conditions to the market and will restore the competitive threat that middleware products posed prior to Microsoft's unlawful undertakings.[77] The DOJ argues that the key to the proper remedy in this case is to end Microsoft's restrictions on potentially threatening middleware, prevent it from hampering similar nascent threats in the future and restore the competitive conditions created by similar middleware threats.[78]

Simply restoring competition to its condition prior to Microsoft's unlawful conduct is too limited a goal. The proper benchmark should be to achieve the level of

[76] Conclusions of Law at 44 (87 F.Supp.2d at 44), cited by the DC Circuit (253 F.3d at 78).

[77] CIS at 3.

[78] CIS at 24. 41

competition that would exist today but for Microsoft's illegal conduct. But even if the DOJ's goal were appropriate, the RPFJ still fails to satisfy even the low standard the DOJ has used. The CIS also fails to acknowledge that its goal is more difficult to attain today than it was in 1995 because Microsoft's illegal exclusionary behavior has substantially increased the applications barrier to entry. Moreover, even assuming counterfactually that market conditions today were basically the same as they were in 1995, the RPFJ does not restore the competitive threat that middleware products such as Netscape and Java represented in 1995 prior to Microsoft's unlawful conduct. Thus, the RPFJ fails to meet either the DOJ's own standard or the more appropriate remedial standard we outline later in this Comment.

As we observed in Section II, the computing industry in 1995 was in the process of shifting towards Internet-based computing and web-centric applications. At that time, OS entrants plausibly could have overcome network effects to create new competition in this market because the Internet has begun to render the desktop OS less important to users. Navigator and Sun's Java were at the center of this transformation, permitting users to easily access the Internet and Internet applications, while allowing ISVs to more easily write Internet applications. Through its unlawful conduct, Microsoft succeeded in neutralizing these competitive threats to its OS monopoly power. Netscape Navigator has all but been eliminated as a competitive browser. Sun's original plan for Java as the means for providing a platform to write applications for many operating systems was undercut by Microsoft's unlawful actions that succeeded in converting the version of Java that applications programmers use to a proprietary Microsoft platform.

The shift toward the Internet is now virtually complete, but rather than witnessing a corresponding shift to a more competitive landscape, Microsoft has succeeded in entrenching its OS monopoly power and extending its dominance to the Internet. In particular, Microsoft now controls APIs and other standards, applications and platforms in browsing, Java and multimedia. Web content and other web-based applications are now optimized for IE. In addition, contrary to the claims made by Microsoft at trial, there still is no meaningful competition for operating systems for desktop PCs.

Microsoft's more pervasive control over these various platforms means that independent software developers are even less likely to write to non-Microsoft platforms than was the case when the DOJ's case was launched. There is now no new Navigator or Java to challenge Microsoft's control. A new platform entrant must now be able to overcome an applications barrier for these additional applications as part of the process of overcoming the applications barrier for the desktop OS. Thus, the applications barrier to entry is higher now than it was before. As a result, the market landscape today is less favorable to competition than it was in 1995 prior to Microsoft's illegal conduct.

Thus, an effective remedy under the DOJO's standard would be one that is potent enough to enable OS competition in the face of this higher applications barrier, thereby restoring competition to its 1995 level. However, the RPFJ is not nearly so potent. First, the RPFJ does not enjoin all of the conduct that the court found to be in violation of the antitrust laws. Second, the RPFJ contains numerous loopholes and exceptions that render it ineffective. Third, the enforcement mechanism in the RPFJ is very weak and so will not deter further anticompetitive conduct by Microsoft. As a result, the RPFJ will not and cannot even revive the competition to that level which existed in 1995.

A. The RPFJ Does Not Prohibit All Unlawful Conduct

The DC Circuit clearly held that Microsoft's integration of middleware into the operating system by commingling of code for Internet Explorer and Windows was anticompetitive. Indeed, when Microsoft subsequently asked the DC Circuit whether, in effect, a sufficient remedy to the commingling could be met by allowing OEMs to remove the relevant icons, the Court denied Microsoft's clarification request in a per curiam order, noting in particular that [n]othing in the Court's opinion is intended to preclude the District Court's consideration of remedy issues.[79] Yet, the RPFJ does not remedy in any way this exclusionary conduct. In particular, the RPFJ contains no prohibition on commingling of code and no requirement that Microsoft offer versions of its operating system that do not commingle middleware and applications code. As a result, the RPFJ does not reduce the applications barrier to entry and thus cannot even return the state of the middleware competition back to where it was in 1995, let alone implement the competition that would have emerged in the absence of Microsoft's unlawful conduct.

The court also held that Microsoft's deception of ISVs by making its Java tools incompatible with Sun's Java was anticompetitive. This deception caused ISVs to become locked-in to using Microsoft's Java tools and helped to neutralize Sun's momentum with Java. Again, the RPFJ does nothing to remedy this harm.

The failure of the RPFJ to prohibit Microsoft from binding Internet Explorer or other middleware such as Windows Media Player and Microsoft Messenger to the Windows operating system is especially noteworthy because it is in direct conflict with the findings of the Court of Appeals. In its opinion, the DC Circuit stated that the technical integration decisions of a monopolist are subject to the antitrust oversight.[80] It also found that Microsoft's technological integration of Internet Explorer into Windows violated the antitrust laws by commingling the code.

Yet, despite these clear signals from the DC Circuit, the Department's proposed remedy does not follow the court, but instead takes the opposite position. First, the definition of the operating system in Section VI.U. explicitly states that the software code that constitutes the operating system shall be determined by Microsoft in its sole discretion. This explicitly exempts all future commingling of code and other forms of technological integration from oversight under the RPFJ. Thus, Microsoft can evade all restrictions on middleware simply by embedding the code in the operating system. Second, the RPFJ does not require separation of the operating system from middleware code, but instead only requires that Microsoft permit OEMs to hide end user access to the middleware on the desktop. And, as discussed below, even this condition is subject to a number of significant loopholes.

The Senate testimony of Charles James contains no explanation of why the Department's approach is contrary to the Appeal Court findings. Indeed, Mr. James did not even include this commingling of code as one of the claims upheld by the Court of Appeals. He mentioned only the prohibitions on removing the Microsoft icons from the desktop.[81] Thus, he essentially adopted Microsoft's view in its clarification petition, not the response rejecting it by the Court of Appeals. In light of the DC Circuit's strong statement in response to Microsoft's petition, the failure to include a commingling provision in the RPFJ is inexplicable.

The absence of any prohibition on binding middleware applications to the operating system is a fatal defect of the RPFJ. The ability to bind middleware programs to the operating system gives Microsoft universal distribution of its middleware products. Microsoft can ensure that a copy of its middleware is distributed with every copy of the Windows monopoly operating system.

The universal distribution by Microsoft of its middleware is something that no other competitor will have or could hope to achieve. The importance of Microsoft's unlawful acts that gave it dominance in middleware is that middleware competitors can expect to acquire at most partial distribution while Microsoft gets universal distribution. As a result, the RPFJ will not lower or remove the applications barrier to entry that protects Microsoft's OS monopoly. ISVs that write applications to the exposed APIs of middleware programs will continue to have the incentive to write first, and in most cases only, to the Microsoft middleware program that is commingled with the operating system that they know is installed on virtually every PC that is manufactured, even if end users or OEMs chose to remove Microsoft's desktop icon and direct end user access. In contrast, the benefits of writing to any other middleware are significantly lower, since no other middleware will ever gain universal distribution. Thus, the RPFJ will not reduce the applications barrier to entry.

Further, as found by the DC Circuit, OEMs have a very weak incentive to license and install a second version of a middleware program that already is included by

[79] Order, supra at 1.

[80] Judicial deference to product innovation, however, does not mean that a monopolist's product design decisions are per se lawful. (253 F.3d at 65.)

[81] Statement of Charles James to Committee of the Judiciary (United States Senate), supra at 3.

Microsoft.[82] As discussed in Section II, this is because the additional customer support costs would be substantial. This was one of the reasons that Microsoft's conduct had an anticompetitive effect even though OEMs were free to license and install Netscape's web browser OEMs did not want to support two web browsers. These support costs will exist even if the Microsoft icons are hidden because the Microsoft middleware nonetheless will continue to be invoked by applications under some circumstances (RPFJ, Section III.H.) and even if the end user does not realize that it is installed. Thus, hiding the Microsoft icon does not eliminate the need for the OEM to support the Microsoft middleware.

The fact that competing middleware products can try to convince OEMs to carry their products and OEMs can change defaults or hide the Microsoft middleware icons from end users does not reduce the applications barrier to entry. Hiding the middleware icons is not the same as removing the code and the RPFJ allows Microsoft to encourage users to change the default back to the Microsoft middleware. In particular, the RPFJ allows Microsoft after 14 days to continually and automatically (with its desktop sweeper) attempt to persuade end users to revert back to Microsoft middleware that has been replaced by a third-party application. (RPFJ, Section III.H.3.) This raises the probability that a significant number of users will switch to the Microsoft middleware, even if just to get rid of an annoying reminder. This further diminishes the incentives of rival middleware producers to pay OEMs to carry their products and ISVs to write for middleware programs that compete with Microsoft middleware products.

The incentive to carry a second middleware application is further reduced because there are not now, and are unlikely to be in the future, applications with which non-Microsoft middleware interoperates. This is simply the chicken-and-egg applications barrier to entry all over again. It will ensure that Microsoft maintains its monopoly, and will continue to allow Microsoft to leverage its dominance into middleware markets such as media players and instant messaging. This means that the applications barrier to entry will not be reduced by the RPFJ. Two other aspects of the RPFJ also are relevant to the gauging the effect of the RPFJ's failure to proscribe commingling on maintaining the applications barrier to entry. As will be discussed in more detail in Section IV.B. below, there are significant limitations on the middleware ''protections'' in the RPFJ. One drawback particularly relevant to the need for a commingling prohibition is the fact that the middleware icon provisions only apply when Microsoft has a competing product. (RPFJ, Section II.C.1. and C.3.). For example, suppose that a competitor creates new voice recognition middleware well before Microsoft. To delay this program from becoming a ubiquitous middleware platform until it gets its own product established (and bundled into the operating system), Microsoft can limit the ability of OEMs to display the competitor's icon or automatically launch the competitor's program, thereby preventing a competitor from getting a headstart.[83] Again, this flawed provision will make it harder for rival middleware to overcome the applications barrier to entry.

Similarly, there is a timing issue. Section III.H. of the RPFJ allows Microsoft to delay for twelve months the technical changes to Windows required to provide the OEMs with the ability to remove the icons or automatic invocation of Microsoft middleware. Our understanding is that such changes can occur much more rapidly than this. Thus, this provision simply provides Microsoft with even more time to cement its control over the OS. This will lead to ISVs having an even greater incentive to write applications to Microsoft middleware. This outcome will further reinforce the applications barrier to entry, yet another reason why the RPFJ is not in the public interest.

B. The RPFJ Contains Numerous Other Exceptions and Loopholes

The RPFJ is also shot through with exceptions and loopholes that limit its value even for those unlawful actions that the RPFJ does address. First, many of the prohibitions contain general language that reduces the provisions to nothing more than a general restatement of antitrust law. These exceptions obviously make the provisions difficult to enforce in a timely fashion. Second, the definitions and qualifications limit the scope of the coverage of the prohibitions and open up significant loopholes in the proposed decree. For these reasons, the RPFJ will not stop the violations and so is not in the public interest.

1. The RPFJ's Test of Reasonableness

Various prohibitions in the RPFJ include exceptions that permit Microsoft to carry out the conduct if it meets a test of reasonableness. Although on the surface these carve outs themselves may appear minor, in fact they eliminate the bright lines. Instead, these provisions reduce virtually the entire RPFJ essentially to, at best, a restatement of the general antitrust rule of reason standard, which prohibits unreasonable restraints of trade.

For example, Section III.F. of the RPFJ prohibits Microsoft from retaliating against ISVs (or Independent Hardware Vendors) for developing, distributing, promoting, using, selling, or licensing any software that competes with Microsoft's OS or middleware. But, this provision also contains an exception that Microsoft may place limitations on an ISV's development, use, distribution or promotion of rival software if those limitations are reasonably necessary to and of reasonable scope and duration in relation to a bona fide contractual obligation of the ISV to use, distribute or promote any Microsoft software or to develop software for, or in conjunction with, Microsoft (emphasis added).[84]

Thus, to establish a violation of this provision, the government must prove that the limitations are not reasonably necessary and not of reasonable scope and duration. This sort of language is contained in statements of the antitrust rule of reason. Moreover, it is quite possible that this particular language in the RPFJ might be interpreted by a court as even more permissive than this. The benchmark for reasonableness under the rule of reason is competition and consumer welfare. The benchmark in the RPFJ is a bona fide contractual obligation. The RPFJ is silent on why the latter term replaced the former concepts, and what distinctions, if any, a future court should make between a bona fide contractual obligation and an anti-competitive exclusionary requirement. Thus, in the best of circumstances, this wording is likely to lead to still more antitrust litigation over its meaning.

Section III.G. contains a similar type of exception with respect to exclusionary contracts with IAPs and Internet Content Providers (ICPs), stating that Microsoft may enter into bona fide joint ventures or joint development or service arrangements that will effectively allow IAPs and ICPs to enter into exclusivity agreements that otherwise would have been banned by the RPFJ. Section III.A. mandates that Microsoft not withhold certain monetary or other consideration from OEMs as retaliation for dealing with Microsoft competitors. But, the provision also contains an exception that permits Microsoft to give consideration to OEMs that is commensurate with the absolute level or amount of the OEMs development, distribution or licensing of Microsoft products or services. At best, that exception would call for a rule of reason analysis, though this provision too may be even more permissive. These broad reasonableness exceptions clearly will make it difficult to enforce the decree: every time the government suspects Microsoft's non-compliance, it must prove a new, independent antitrust violation, complete with analysis of anticompetitive effect and efficiency defense, and possibly even evidence of market power. These elements will take time perhaps a long time to litigate, during which Microsoft can continue to operate unconstrained with its monopoly power intact. As a result, the exceptions mean that not only does the RPFJ fail to achieve immediate and certain relief, it also fails to eliminate litigation risk.

The Justice Department may say that such broad exceptions for reasonableness are necessary to permit Microsoft to compete. That is, of course, the rationale for the rule of reason. But, the considerations involved in a consent decree are somewhat different. In this case, Microsoft has been found to have

[82] Findings of Fact 159, 210, (84 F.Supp.2d at 49–50, 60–61), cited by the DC Circuit (253 F.3d at 61).

[83] Of course, the other exclusions discussed later on that limit the middleware that is ''protected'' also help maintain the applications barrier to entry.

[84] As an additional protection against retaliation, Section III.B. requires uniform license agreements with uniform terms and conditions. But at the same time, it allows for volume discounts for either the OS or any bundle of OS products, and it expressly allows Microsoft to offer any other manner of discounts. While those discounts must be offered and available uniformly, Microsoft could creatively design discount programs to favor certain OEMs while still making the discount schedule uniform. In addition, Microsoft is free to terminate an OEM's license on 30-days notice for any other reason.

violated Section 2 of the Sherman Act for a significant period of time in a variety of ways. To provide incentives for Microsoft to comply with the antitrust laws and to restore the competition lost as a result of Microsoft's actions, an effective conduct remedy must contain more than general guidance provided by the rule of reason. An effective conduct remedy requires specific limits with bright lines that are easy to enforce. This RPFJ has few of them, at best.

2. Limitations and Restrictions in the Coverage of the RPFJ

There are also significant restrictions on the coverage of virtually every prohibition in the RPFJ. Taken together these restrictions will dramatically complicate and delay enforcement of the RPFJ, greatly increasing the litigation risk. As the result, the RPFJ will be ineffective. We 50 provide some illustrative examples here, although this is only a sampling of the limitations and restrictions.

The RPFJ purports to give protections to competing middleware. For example, the definition of Non-Microsoft Middleware Products in Section VI.N. is limited to established middleware products those for which at least one million copies have been distributed within the previous year. Thus, the RPFJ would not apply to middleware of an emerging competitor that has not yet gained broad distribution. Nor does it apply to all existing middleware products, for example, Microsoft's Windows Explorer. Nor does it apply to third parties who repackage Windows with competing middleware. And even in the case of middleware that has met the distribution hurdle, the applicability of the prohibition does not come into play until the competitor has sold one million units in a single year (as opposed to having sold one million units in total). This will create an enforcement delay as new middleware struggles to overcome anticompetitive Microsoft behavior while awaiting the magic threshold of one million in annual unit sales.

Section III. D. of the RPFJ requires that Microsoft disclose the APIs for Microsoft middleware. For a new major version of such software, the disclosure has to be made no later than the last major beta test release. This proposed timing of disclosures makes them too late for rivals to be able to release competitive products contemporaneously. In addition, for new operating system products, the RPFJ requires disclosure only when there have been 150,000 beta testers. We understand that most beta tests are smaller than this. Further, nothing in the RPFJ limits Microsoft's ability to define a beta tester, thereby permitting the virtual absence of a timely release of the APIs. Collectively, these provisions ensure that Microsoft retains its first-mover advantage and thus a head start on any new middleware product.

Section III.D. also does not require Microsoft to disclose all the APIs for the Windows operating system, only the ones used by the Microsoft middleware. Thus, new middleware that relies on APIs not present in any of Microsoft's middleware would not have access to the necessary APIs. Moreover, even if Microsoft did rely on the relevant APIs, Microsoft could designate the middleware as a component of the OS to avoid disclosing the APIs.

Indeed, the definition of Microsoft Middleware contains a huge loophole that could eliminate all API disclosures. API disclosures apply only to APIs used by Microsoft Middleware as defined by Definition J (not Microsoft Middleware Products, as defined by Definition K). Only ''trademarked'' code is considered Middleware, according to provision (b) of Definition J. But, the definition of ''trademarked'' in Definition T specifically excludes software for which Microsoft only claims a trademark in the term Windows or something else and attaches that trademarked name to another name for which Microsoft lacks or has disclaimed trademark protection. For example, it appears that ''Windows Media'' is trademarked but ''Player'' is not.[85] If Microsoft lacks or disclaims trademark protection for Media Player, then Windows Media Player would apparently not be considered Middleware. This then would imply that the APIs used by Windows Media Player would not be covered by the duty to disclose in Section III.D. The same argument could apply to Microsoft Internet Explorer, Microsoft Java Virtual Machine and Windows Messenger. This problem obviously is exacerbated by the fact that Definition U allows Microsoft ''sole discretion'' over the definition of the operating system. At the very least, these definitional questions create knotty issues that could be disputed by Microsoft in a compliance hearing before the court.

Another significant loophole is contained in Section III.J., which expressly allows Microsoft to withhold any APIs (as well as communications protocols) that relate to security, anti-piracy, anti-virus, encryption or authentication, digital rights management, keys, authorization tokens, enforcement criteria, etc. These are not obscure or minor exceptions, but instead relate to key applications that are at the forefront of Internet and network development efforts. These exceptions will prevent full interoperability between Windows and rival middleware.[86] In addition, this Section of the RPFJ gives Microsoft a laundry list of credible excuses for not complying with other parts of the decree. For example, Microsoft may claim that its Windows Media Player (WMP) contains protocols that relate to digital rights management. Yet, WMP is currently the dominant media player. Without access to the WMP APIs, the third-party development of middleware is that much more unlikely.

Even if none of the foregoing factors rendered the API disclosure ineffectual in repairing the harm to competitive middleware, Section III.J.2. of the RPFJ will discourage requests by ISVs and others for the APIs. This section permits Microsoft to demand that the ISV provide Microsoft with a reasonable business need for the APIs and permits Microsoft to test the software using the APIs to ensure its compliance with Microsoft's specifications for use of the API or interface Microsoft thus will be in a position to delay and deny approval of the API use, to either destroy the competition or provide Microsoft with time to develop its own version before its rival. Consequently, ISVs in competition with Microsoft will be reluctant to seek the APIs to the extent it requires disclosing to their chief rival exactly what their next innovations will be.

Similarly, Section III. E. of the RPFJ requires that Microsoft make available any communications protocols that are used by a Microsoft client operating system to interoperate with a Microsoft server operating system. Other than providing that this disclosure be made on reasonable and non-discriminatory terms, there are no provisions as to when Microsoft has to make such protocols available, nor does the RPFJ spell out what it means to make them available. Microsoft's history of openness is relevant. Dr. Rebecca Henderson, a DOJ expert witness, testified earlier that: Even when Microsoft purports to make something open, it has discretion over how rapidly and how effectively it communicates the necessary information. [Findings of Fact] 391–393; GX 1931 (email thread about how Microsoft concealed the availability of the Java RMI class library on Windows). For example, many developers have found that even in the case of published APIs it is often critical to have access to additional information about the functioning of Windows in order to produce quality applications that run smoothly on Windows. [Findings of Fact] 337–340, 401 (First Wave agreements); GX 2276 (quoting Microsoft witness Gordon Eubanks). Since any middleware that desires to be genuinely cross-platform must be able to work with Windows and with IE, the ability to withhold information in this way or to use information as an inducement to ISVs to adopt Microsoft-controlled middleware remains a potent tool. In the worse case, Microsoft can use its control over the Windows operating system to ensure that consumers who attempt to use alternative middleware are met with a jolting experience.' [Findings of Fact NN] 160, 171; GX 334.[87]

At bottom, the issue here is whether the RPFJ can ensure that all the necessary APIs and protocols are exposed and that the documentation is complete (including source code where necessary) and provided on a timely basis. There is nothing in the RPFJ that provides any comfort on this score. Thus, no ISV will be able to rely on this information for the purposes of creating cross-platform middleware. ISVs and others will have to wait for the enforcement mechanism of the RPFJ to more precisely define the scope of Microsoft's required obligation. But as we discuss below, the ISVs will likely be waiting for a substantial period of time before any such precision in the RPFJ is provided by the court in a non-compliance hearing.

[85] See, for example, http://www.microsoft.com/info/cpyright.htm, which lists only Windows Media as trademarked.

[86] Interoperability is not a defined term in the RPFJ, an oversight that will invite litigation and make enforcement more difficult.

[87] Declaration of Rebecca M. Henderson, Public Redacted Version, April 28, 2000, NN47–48.

C. The RPFJ Contains a Defective Enforcement Mechanism

An additional problem with the RPFJ is its weak and defective enforcement provisions. Accordingly, the decree does not eliminate litigation risk or speed relief. It also means that Microsoft's incentives to comply with the decree will be greatly diminished. By its terms, the decree is scheduled to last for only five years, but in fact, its effective time period will be even shorter because of the various time lags already noted (and as further discussed below). As just one example, the key provision requiring the disclosure of APIs for Windows XP (Section III.D.) may not kick in until November 6, 2002. The sad irony is that the time period of the decree will be shorter than the period of time between the beginning of Microsoft's anticompetitive campaign and the implementation of the decree. To be sure, the enforcement provisions of the RPFJ set up a structure for monitoring Microsoft's conduct. First, Sections IV.B.-C. of the RPFJ create a Technical Committee consisting of three experts in software design and programming plus a Microsoft Internal Compliance Officer. The Plaintiffs and the Technical Committee are given various powers of access to Microsoft documents, code, employees, and physical facilities and a mandate to resolve any compliance issues informally. Second, if the Plaintiffs take issue either with the findings of the technical committee or with the proposed informal resolution, the Plaintiffs may petition the court for a more acceptable resolution.

The problems with this mechanism are so substantial that effective enforcement will likely be too little too late. For example:

—The Technical Committee is made up of software programming experts and will not include experts in the software business. Since most of the conduct by Microsoft that the courts found to be illegal involved exclusionary contracts, and since much of the consent decree consists of prohibitions on this conduct, it is unreasonable to expect that software experts will be effective and efficient monitors of potential consent decree violations.

—Microsoft has half the votes on the Committee, which greatly reduces the effectiveness of monitoring provisions of the RPFJ.

—The Technical Committee also has no enforcement powers. Its role is limited to fact- finding and informing Microsoft and the Plaintiffs as to its findings. Moreover, the Plaintiffs are prohibited by a confidentiality agreement from using the findings of the Technical Committee in an enforcement proceeding. Thus, although the Plaintiffs will have the burden of proving a violation, they will lack the benefit of using the findings of the Technical Committee.

—Enforcement of the RPFJ will involve significant delays that will destroy its effectiveness. After the Technical Committee expresses its concerns, the Plaintiffs will have to independently gather evidence on the compliance violation. Then, the Plaintiffs will have take Microsoft back to court and make its case that Microsoft has violated the decree, taking into account the exceptions and unreasonableness standards. This enforcement process obviously will involve considerable time.

Microsoft also has an incentive to maintain its monopoly by erecting roadblocks to swift enforcement because any enforcement delay will accrue to Microsoft's advantage. As we discussed in Section II, the applications barrier to entry has protected Microsoft's monopoly. Thus, how the market has evolved over time affects the degree to which competition can emerge at any given moment. While the market is awaiting enforcement of the RPFJ, nascent technologies will die and potential new entrants will disappear from the scene, unable to overcome the applications barrier. By delaying enforcement, Microsoft decreases the likelihood that effective competition can realistically emerge.

Aggravating the problem of delays are the extremely weak penalties for non-compliance in the RPFJ. The only specific penalty spelled out in the decree is a one-time, two-year extension of the five-year decree. This modest penalty will not deter Microsoft from engaging in unlawful acts but instead will allow the defendant to continue to enjoy the fruits of its monopoly. Under current market conditions, with an entrenched monopoly protected by the applications barrier to entry, Microsoft's incentive is to delay justice for as long as it can. Indeed, that has been Microsoft's conduct so far; witness its latest petition before the court to delay the remedy phase for another several months.

Moreover, the weak penalty provisions apply only if the court finds that Microsoft has engaged in a pattern of willful and systematic violations. (RPFJ, Section V.) Any further relief and penalties are left unspecified, increasing Microsoft's ability and incentive to resist and delay.

D. Conclusions: The RPFJ Will Not Restore Competition

For all these reasons, the RPFJ cannot restore competition even to the level that existed prior to the onset of Microsoft's illegal exclusionary conduct. Even if in principle we could roll back the clock to the period before the introduction and destruction of Netscape Navigator and Sun's Java, Microsoft could continue to discourage the development and distribution of effective middleware almost as freely and effectively as if there had been no trial and no RPFJ. Thus, as low as the DOJ remedy standard is, the DOJ remedy fails to satisfy that standard. In any event, we discuss in detail in the next section, rolling back the clock is impossible: Microsoft's monopoly has become more entrenched since the beginning of the trial, while potential entrants with new products that might compete with Microsoft thus face even higher hurdles in gaining financial backing from venture capitalists.

The Justice Department might argue that these comments ignore the fact that the RPFJ will implement immediate and certain relief, free of litigation risk, arguing that in the absence of a settlement, the DOJ might contend that a full-blown remedy hearing process with inevitable appeals would result in substantial delay in implementation. And if that were to happen, the Justice Department might further argue that the resulting court-approved remedy may be more lenient than the RPFJ.[88]

We disagree on all counts. First, the enforcement of the RPFJ itself is fraught with substantial litigation risk. As discussed above, certain key provisions do nothing more than restate the antitrust rule of reason. These provisions would require the government to prove a new antitrust violation in an enforcement action. All of the other provisions contain significant exceptions and loopholes that will create litigation risk in an enforcement action. These provisions are difficult to enforce because they raise knotty definitional issues and provide Microsoft with significant defenses. The fact that the enforcement mechanism is defective further raises litigation risk. Indeed, it is not clear that effective enforcement is possible under the RPFJ.

Second, in our view, the potential litigation delay is an inadequate justification for the weakness of the RPFJ. Waiting an extra year or even two to obtain an effective remedy (once all appeals have been exhausted) is better than implementing a RPFJ that can only be characterized as a pseudo-remedy. In any event, certain key provisions of the RFPJ involve significant delays. In particular, the requirement in Section III.H. to allow end users and OEMs to remove icons is delayed for 12 months. The requirement to disclose and document Windows XP's APIs to ISVs and other potential middleware providers in Section III.D. does not take effect for 12 months. The disclosure of communications protocols is delayed for 9 months. And, as discussed above, the reasonableness test and other exceptions will lead to adjudication delays in any enforcement actions.

In recent statements, Assistant Attorney General James has attempted to justify this pseudo-remedy on the grounds that the DC Circuit significantly narrowed the case.[89] But the DOJ did not lose the case at the DC Circuit. To the contrary, the government prevailed on the Section 2 monopoly maintenance count, which is the core part of the complaint. The other counts were far less important and the conduct attacked in the tying and monopoly leverage claims provided the basis for liability for monopolization. The government won a great victory in this important case. That victory deserves an effective remedy that restores competition to this key industry in our modern economy.

V. The RPFJ Should Have Applied A More Appropriate Remedial Standard

In the previous section, we explained how the Justice Department's RPFJ does not satisfy the Department's own claimed goal of restoring competition to the level existing before the initiation of Microsoft's anticompetitive conduct. In this section, we explain why the Department's goal is not the proper standard by which to evaluate an antitrust remedy for illegal monopoly maintenance. The DOJ has set too low a standard.

[88] Statement of Charles James to Committee of the Judiciary (United States Senate), supra.

[89] Id.

A. Restoring Competition

The requirement in United Shoe that the remedy deny the defendant the fruits of its monopoly underscores why the standard set forth by the Department in its Competitive Impact Statement (at 3) clearly is incorrect. The standard in the CIS is simply to restore the competitive landscape as it was in the OS market in 1995 before Microsoft's unlawful conduct began. Of course, unlike the situation in 1995, Netscape has been destroyed and Java has lost its head start. They have now been replaced by Microsoft's own offerings. In order both to restore competition and deny Microsoft the fruits of its anticompetitive conduct, the court should restore competition to the condition it would have achieved by now in the absence of Microsoft's unlawful conduct. More broadly, the United Shoe standard requires the remedy in a monopolization case to terminate the monopoly. Clearly, the RPFJ fails to satisfy that standard as it leaves Microsoft's dominance intact. As set forth below, the additional conduct provisions suggested by the nine states that are not party to the RPFJ would at least give competition in the OS market a reasonable chance to work, particularly if also supplemented with an automatic structural remedy for significant violations of a revised decree. A structural remedy that actually terminated the Microsoft's OS market power at the outset would be even better because it would directly and immediately create the OS competition lost as a result of Microsoft's exclusionary behavior.

B. Need for a Remedy Hearing

At the same time that it sets too low a remedial standard, the RPFJ also attempts to short circuit the Tunney Act process of determining the whether the public interest would be served by setting a higher standard. The DOJ's RPFJ implicitly assumes that very little real competition was lost.[90] By contrast, as our discussion in Section II makes clear, the competitive impact of Microsoft's unlawful behavior has been significant and significantly more competition would exist in the OS market today were it not for that conduct. At a minimum, this court should evaluate through factual inquiry and an evidentiary record what that anticompetitive impact has been. This hearing process would be consistent with the DC Circuit instruction to the District Court to evaluate the actual loss in competition in fashioning relief. The passage of time since the closing of the trial record provides the court with the ability to explore and resolve this issue in a remedial hearing. The RPFJ not only would cut off such an inquiry, but it also simultaneously rejects the need for any such investigation by announcing a clearly inappropriate standard for assessing its adequacy. For this reason alone, the RPFJ fails the public interest test. Standing alone, the RFPJ would deprive this court of the ability to determine whether the RPFJ is in the public interest, or whether a stronger remedy is need to repair the loss in competition. Thus, we agree with the court's decision to evaluate the RPFJ in tandem with the hearings on the remedy proposal of the Litigating States and in comparison to that alternative remedial proposal.[91]

Whatever it is, the remedy in this case will have an ongoing, long-run impact on the course of the computer software industry, a key sector of our modern economy. Too weak a remedy will not repair the damage to the market and restore competition. Too weak a remedy will fail to discourage Microsoft from engaging in future anticompetitive behavior. Too weak a remedy will discourage new competitors from trying to attack Microsoft's illegally maintained monopoly while encouraging other new economy firms with monopoly power to maintain their monopoly positions with anticompetitive exclusion.

C. Evaluating the Impact on Competition

Simply because the Navigator and Sun's Java competition were nascent competitors does not lead logically to DOJ's apparent inference that there has been not much competitive harm from Microsoft's actions. These threats were nascent in 1995 but now six years have passed, a period of a shifting paradigm in which they would have grown to maturity. We believe that after this court conducts a remedy hearing, the court will conclude, as we have, that Microsoft's extensive unlawful acts have had a significant anticompetitive impact on competition. In particular, a review of the facts would take the following points into account.

First, we know that nascent competitors can lead to significant competition. We know now with much more certainty than in 1995 that the Internet has transformed the way we use PCs. It was this occasion of the paradigm shift that offered the opportunity to reduce, if not eliminate, Microsoft's dominance of operating systems.

Second, we know that Netscape Navigator and Sun's Java were at the center of this transformation in the computing paradigm. By neutralizing the threats of both Navigator and Sun's Java, Microsoft maintained its Windows operating system monopoly. As a result of its unlawful conduct, Microsoft has gained much greater control over computing in this new paradigm.

For example, MS Internet Explorer (IE) is now the dominant browser. As such, web content and other applications are now optimized for the IE standards controlled by Microsoft instead of Navigator or any other browser, and no other browser offers a plausible alternative as a platform for applications developers. Accordingly, barriers to entry for a new OS are now higher than they were in 1995. Similarly, Microsoft's Java implementation has become well established. Today many developers have acquired expertise in the use of Microsoft's Java tools and would need to bear switching costs to begin using Sun's Java tools. Consequently, Sun's Java has lost significant momentum that it by itself is unlikely to recover.

Third, as a result of the evidence contained in the internal discussions among the Microsoft senior management, we know that Microsoft itself was greatly concerned about losing its monopoly power and control over the market during this paradigm shift and about the key role of Netscape Navigator and other middleware in this transformation. In and of itself, this concern is evidence that while nascent, the middleware threat would likely have become a substantial competitive constraint on Microsoft. We have previously (in Section II) cited Bill Gates' own concern that Navigator would commoditize the supply of operating systems. We have also noted that other Microsoft executives believed that IE could not beat Navigator on the merits.

Fourth, we know that in desktop operating systems, monopoly power has not been fleeting. Microsoft has maintained its monopoly over the course of the paradigm shift. The court has found that Microsoft engaged in a series of unlawful acts with the purpose of maintaining this monopoly. Thus, it makes no logical sense to assume that the illegal conduct failed to have its intended anticompetitive effects.

Fifth, we know that Microsoft has used the past six years to entrench the monopoly power of the Windows operating system and gain greater control over computing in the new Internet paradigm. In Section II, we noted that Microsoft's new OS, Windows XP, has technologically bound key Internet-gateway applications such as Windows Media Player to the operating system and its various browsers. In this way, Microsoft discourages software developers from writing their programs to competing middleware platforms. This also makes it harder for operating system competition to emerge.

Sixth, we know that as Microsoft's monopoly has become more entrenched, no alternative middleware threat has yet emerged that can match the significance of the threats posed by Navigator and Sun's Java in 1995. And, as we noted in Section II, the next middleware threat will face an even more imposing applications barrier now that Microsoft controls APIs and other standards, such as those for handheld computers, applications and platforms in browsing, Java and multimedia. Independent software developers are now even less likely to write to non-Microsoft platforms than at the close of the trial record. A new platform entrant must now be able to overcome an applications barrier for these additional applications as part of the process of overcoming the applications barrier for the desktop OS.

All in all, there is ample reason to believe that Microsoft's actions had substantial anticompetitive effects. By holding a remedy hearing, these effects can be made part of the record.

D. The Need for an Effective Remedy

In this environment, the RPFJ cannot restore the competition lost as a result of Microsoft's exclusion. That is because the potent threats that existed in 1995 most importantly, those posed by Navigator and Sun's Java are no longer competitive factors and Microsoft's monopoly has become entrenched and its power more pervasive. As Professor Romer has observed:

[90] For example, the CIS (at 11) notes that Navigator and Sun's Java had the potential to weaken the applications barrier and (at 16) discusses the process by which these two middleware technologies could have facilitated the introduction of competition.

[91] 253 F.3d at 79–80, 106–107.

There is no way to revive the threat posed by the specific technologies that Netscape and Sun were developing, nor to recover the innovative efforts that were deterred by Microsoft over the last five years. The market has moved on.[92]

To repair the loss in competition and deter future anticompetitive conduct, a remedy must restore the degree of competition that would have existed today but for Microsoft's exclusionary conduct. As stated by another one of the DOJ's economic experts on remedy, Professor Shapiro, the remedy should operate:

Efirst, to prevent a recurrence in the future of conduct by Microsoft akin to its past anti-competitive behavior, and second to affirmatively bolster competition, which Microsoft has stifled Given the goal of enabling, but not compelling, competition to Windows in the market for operating systems, it is important to identify, as best we can, the likely sources of such competition in the foreseeable future, both to make sure that Microsoft cannot blockade operating systems rivals, and to inform any remedial provisions designed positively to foster operating system competition.[93]

Contrary to the DOJ's wishful thinking, the RPFJ cannot simply turn back the clock to 1995 and rerun history again, this time with Microsoft obeying the antitrust laws. To serve the public interest, the remedy must restore the degree of competition that would have existed today in the absence of Microsoft's anticompetitive conduct since 1995. To evaluate this loss in competition that must be repaired, the court must hold a remedial hearing, not simply accept the assertions of Microsoft and the DOJ that the loss in competition has been minimal, irrelevant or unknown.

We believe that after such a hearing, the court will conclude that a more effective remedy also is needed to provide deterrence against a recurrence of anticompetitive conduct by Microsoft. Under the DOJ standard, if Microsoft quickly squashes a nascent middleware competitor when it comes on the scene, the antitrust penalty will be small because of the small impact that competitor has achieved at the time of its demise. This rule will not deter but rather will simply encourage an even more rapid anticompetitive response to new entry. The more quickly Microsoft acts, the lower will be the implied penalty, because the more likely it is that the squashed rival would not yet have had any significant competitive effect. This remedial framework would create a vicious cycle of anticompetitive conduct and monopoly entrenchment. In the end, it would swallow up the liability standard and destroy deterrence, as monopolists find that they have little to fear from antitrust remedies.

VI. More Effective Alternative Remedies

In the Amicus Brief that we filed with this court,[94] we offered the court our views on the most effective remedy to the anticompetitive harms resulting from Microsoft's illegal actions. While the DC Circuit only partially affirmed this court's decision—in particular, the core of the Section 2 violations—it still is our view that the panoply of illegal efforts of Microsoft to maintain its OS monopoly power requires the structural remedy we previously suggested.

A. The Full Divestiture Structural Remedy

We urged Judge Jackson to consider what we called full divestiture as the best means for addressing all the remedial goals in this case. We reiterate our recommendation to this court. The full divestiture remedy would contain two elements. First, it would divide Microsoft's businesses into two parts: the operating system and the applications, with the applications residing in a completely independent entity.[95] We have called this functional divestiture. Second, our proposed remedy would dissolve the monopoly of the operating systems. The dissolution of the Windows monopoly would be accomplished by effectively cloning the current Windows division into two additional companies, so that three distinct firms would have a full license to all the intellectual property of Microsoft's current OS division. We have referred to the functional divestiture combined with the dissolution of the Windows monopoly as full divestiture.

By placing the Microsoft applications such as Office into an entity (AppsCo) that is financially distinct from any operating system entity, the remedy ensures that AppsCo will have the incentive to provide applications for other operating systems, such as Linux and the Mac OS.

That is, Microsoft will no longer be able to ensure that its applications run only on Windows, thereby depriving Microsoft of critical means of raising and maintaining the applications barrier to entry to rival operating systems. By creating three separate operating systems entities (WinCos), the proposed remedy acts to ensure that at the outset, there will be competition in the sale of operating systems.

Why three OS entities? The experience of having just two competitors in a market, such as the duopoly that used to exist in the wireless telecommunications business before the number of licenses was expanded, suggests that having only two competitors in a market is not a reliable protection against monopoly. Significant price and/or quality competition does not generally appear until there are at least three firms. Moreover, in light of the significant barriers to new entry into the OS market, having three competitors provides a margin of safety. With only two competitors, if one stumbles and fails, the market would then revert back into a full-blown monopoly. In addition, with three competitors, the market is less likely to tip back to an operating system monopoly.

Full divestiture would completely meet the remedy goals in the case:

—It would immediately (upon a final verdict) create competition in the OS market. Because even a small increase in the relative price or quality by one of the Windows companies could easily have a substantial impact on its sales, the three-way company split would stimulate price and quality competition in operating systems.

—Full divestiture would essentially nullify the applications barrier to entry. The barrier would be removed because, at the outset, developers would be able to write programs for all of the WinCos simultaneously. None of the WinCos would have an initial installed base advantage.

—Full divestiture would allow the market to develop unfettered from judicial oversight or other forms of intrusive regulation that accompany a conduct decree. In a matter this complex, a conduct decree will inevitably require that the court at some point become mired in various complex claims, such as whether a particular API is really covered by one of the exceptions in the decree, or that its disclosure is more difficult than initially contemplated, or that in any event, a waiver is justified in light of the benefits obtained. Even if the court sets deadlines, Microsoft can be expected to provide testimony from its managers claiming unexpected technical difficulties or that bugs have slowed the company down. It will be difficult for the court to sort out fact from exaggeration when such disputes arise. And the court will inevitably become the analog to Judge Greene's oversight of the AT&T decree, generating full employment for lawyers, economists, and software engineers. Certain criticisms of the full divestiture option have been raised, none of which we believe should hold back implementation of full divestiture.

The first criticism is that the creation of multiple Windows companies would fragment what is the Windows standard and lead to incompatible operating systems that would raise costs to ISVs and users.[96] On closer analysis, this criticism is not compelling. At bottom, this fragmentation critique is actually an attack on any remedy that fosters OS competition. It is competition, not the structural remedy, that arguably leads to fragmentation. And the argument simply assumes that competition would lead to significant OS incompatibilities among the three WinCos. This assumption is unwarranted. In the short run, there would not be a fragmentation problem because each of the Windows companies would be using the same existing APIs. Over the longer run, the economies of scale and network externalities (i.e., the large installed base of current Windows users) would create a powerful tendency for the WinCos to maintain a high level of compatibility and interoperability, if not an absolutely unitary OS standard. This would allow applications software developers to write programs for each operating system with minimum additional porting costs. Meanwhile, to the extent innovation in operating systems occurs, it is likely that new features would be added in modular fashion, so that the current core aspects of the operating system

[92] Romer Declaration N7.

[93] Shapiro Declaration at 3 (emphasis added).

[94] Litan, Nordhaus and Noll, supra note 3.

[95] Judge Jackson's divestiture remedy involved only this functional divestiture. United States v. Microsoft Corp., 97 F. Supp. 2d 59, 64–65 (D.DC 2000) (''Final Judgment'').

[96] See, for example, Stan Liebowitz, A Fool's Paradise: The Windows World after the Forced Breakup of Microsoft (February 24, 2000) (http:wwwpub.utdallas.edu/liebowit/msstuff/newact.htm).

would retain their common APIs.[97] In any event, if innovation is the price for fragmentation, then that is a good outcome because it will be competition at work.

The second criticism is that the break up of a unitary company like Microsoft would be disruptive and lead to redundancy in operating units. We agree that some disruption would be involved in the divestiture and that there would be some redundancy among the WinCos.[98] However, we believe that the resulting increase in competition and elimination of the ongoing need for the court to monitor, if not regulate, Microsoft makes these costs worth bearing. In any event, Microsoft has likely exaggerated these costs. For example, a writer for the Wall Street Journal reported that at least a dozen top managers at Microsoft are of the view that the company should be reorganized into smaller, competing units as a way of fostering more rapid innovation.[99] In addition, relative to other firms, divestiture here is easier to implement because Microsoft's key assets are embodied in its intellectual property, which can be shared rather than divided. This issue can be examined in more detail at the remedy hearing. A related criticism might be that while the intellectual property may be easy to divide among the WinCos, allocating the employees to the three entities in a way that will maintain their viability would be more problematic. Here, too, these concerns overstate the realistic difficulties of implementing this remedy. The critical employees may be higher-level managers, among whom there is enough shared knowledge about the development and deployment of new operating systems to permit them to manage the new companies. Further, there is likely to be enough lead time between adoption of the remedy and its implementation to ensure symmetry in knowledge among the managers of the WinCos. Finally, we suspect that other companies, notably the remaining major middleware, netware and applications firms, are likely to jump at the chance to acquire a license on reasonable terms for the current version of Windows. At a minimum, before the divestiture remedy is written off for this reason, an inquiry into the willingness of others to license Windows ought to be made.

We continue in any event to believe that a structural remedy of the kind just described is most capable of repairing the competitive harm resulting from Microsoft's illegal behavior. That remedy is much more likely to result in a reduction in the applications barrier to entry confronting new operating systems than a conduct remedy. This is so because it would immediately introduce competition into the OS market. Thus, ISVs would automatically be writing applications that are compatible with multiple OS competitors' products. By introducing real competition into the OS market, the structural remedy will be much more self-enforcing than would a conduct remedy.

B. Litigating States' Proposed Remedy

If the court rules out the full divestiture remedy, the conduct remedy recently proposed by the Litigating States certainly surpasses the Justice Department RPFJ by an order of magnitude and offers the promise of real competitive benefits. The LS proposal addresses all the antitrust violations and closes the gaping loopholes in the RPFJ. The LS proposal reduces the applications barrier to entry to a level closer to what would have occurred in the absence of Microsoft's exclusionary behavior. The LS proposal also greatly improves the mechanism for effectively enforcing the decree and increases Microsoft's incentives to comply. Comparing the LS proposal to the RPFJ demonstrates why the RPFJ is not in the public interest.

1. Addressing All Violations, Eliminating Exceptions and Closing Loopholes

The Litigating States proposal addresses all the violations found by the DC Circuit, unlike the RPFJ. The LS proposal directly remedies the commingling violation by proscribing the binding of any middleware code to the Windows code (or alternatively, by requiring that Microsoft to make available an otherwise identical version of Windows that does not include the middleware). More generally, the LS definitions make it more difficult for Microsoft to define middleware as part of the Windows OS. The proposal also requires Microsoft to include a Sun- compliant version of Java in Windows. Further, the LS proposal eliminates the most serious exceptions and closes the most egregious loopholes in the RPFJ. For example, we noted previously that the RPFJ permits Microsoft to terminate an OEM's license for Windows on 30 days notice. In the LS proposal, Microsoft must provide 60 days notice, provide the licensee with the reason for the termination, and provide the OEM with the opportunity to cure the problem. In addition, unlike the RPFJ, the LS proposal applies to third-party packagers as well as OEMs, thus further restricting the avenues by which Microsoft can harass distributors of rival middleware.

The LS proposal acts to prevent Microsoft from using the same exclusionary strategies to entrench its monopoly power by the newest type of Internet middleware. For example, the entire .Net strategy of Microsoft by which XP users are directed to the Internet to use a variety of Microsoft applications will be defined as middleware by the LS proposal. As a result, OEMs (and others) will have the option of licensing the Windows OS without the default direction to the Microsoft applications. Similarly, under the terms of the LS proposal, Microsoft must offer a version of Windows to OEMs and others that does not bind Windows Media Player and Windows Messenger to the Windows OS. In this way, developers of this kind of web-centric software that could develop into middleware will not face the same distributional hurdles that Microsoft placed in Navigator's way.

2. Reducing the Applications Barrier to Entry

Unlike the RPFJ, the LS proposal actually acts to repair the competitive harm by including four provisions that would reduce the applications barrier to entry. This is very important because only by reducing the applications barrier to entry can the loss in competition be repaired. First, the proposal requires that Microsoft license the source code for IE. This means that third parties can transform IE into a true independent middleware platform to replace Netscape Navigator, while helping to repair the loss in competition caused by Microsoft's destruction of Netscape Navigator. This is a much more effective remedy than simply hoping that another middleware platform will appear, as the RPFJ does. Second, the LS proposal requires that Microsoft distribute a Sun-compliant version of Java with Windows and with IE. This provision will help to repair the loss in competition caused by Microsoft's anticompetitive conduct towards Java that was affirmed by the DC Circuit. Although this remedy does not offset the loss in momentum suffered by Java from Microsoft's exclusionary conduct, it will help Java to become better established as a middleware platform. As a result, it will encourage software developers to write applications in Sun's Java. Third, the LS proposal requires that Microsoft license its Office suite of applications to other vendors, who then could port Office to competing operating systems. This provision should also reduce the applications barrier to entry by giving rival operating systems access to this important application. This porting provision also will prevent Microsoft from repeating its efforts to compel Apple to withhold support for competing middleware by threatening to terminate the production of Office for the Mac OS. Fourth, the LS proposal requires that upon a release of a new version of its operating system, Microsoft must continue to license and support the predecessor versions of the OS. This provision will prevent Microsoft from raising the applications barrier to entry by withholding the mandatory timely disclosure of APIs to would-be middleware contenders. In the absence of this provision, Microsoft could frequently offer new, slightly modified versions of the OS that render the middleware based on the predecessor APIs unworkable with the new version. Middleware developers would be discouraged if they knew that Microsoft could raise their costs simply by slightly revising the operating system code in a way that requires the middleware to be significantly modified. The LS proposal constrains the effect of this conduct by permitting the OEMs to continue to offer the previous version of the OS that is compatible with the rival middleware product.

3. Improving the Enforcement Process

The LS proposal also adds teeth to the enforcement process. Importantly, the proposal streamlines the indefinite and laborious process of investigating violations of the remedy. Of particular significance is the requirement that a Special Master be appointed to conduct investigations in response to complaints and propose

[97] A more extensive discussion of the flaws of the fragmentation claim can be found in Robert J. Levinson, R. Craig Romaine and Steven C. Salop, The Flawed Fragmentation Critique of Structural Remedies in the Microsoft Case, ANTITRUST BULLETIN (Spring 2001) at 135–162.

[98] There would not be significant redundancy between the AppsCo and the operating system companies because the way in which Microsoft is organized along functional lines. See Brier Dudley, Microsoft Does Its Usual Spring Shuffle, Seattle Times (Apr. 6, 2001) at C1.

resolutions on an expedited basis. Moreover, the findings of the Special Master may be used by the complainants in other proceedings, unlike any findings by the Technical Committee in the RPFJ. In addition, the penalty for a violation is not merely an extension of the term of a settlement (as in the RPFJ) that offers little in the way of constraints on Microsoft's behavior to begin with. In the LS proposal, if a violation involves Microsoft middleware, the court can order Microsoft to license the source code of that middleware. In the case of a pattern of violations, Microsoft also could be ordered to pay substantial civil penalties.

C. Recommended Modifications

If the court feels constrained to adopting a conduct remedy, then the proposal of the Litigating States clearly is far superior to the RPFJ. However, we think that it could be improved further by making several modifications.

First, although the more severe penalties in the LS proposal will increase Microsoft's incentives to comply relative to the RPFJ's compliance incentives, we prefer a more significant and definitive penalty for a pattern of material non-compliance: one that would require the court to order a full divestiture in the event of a pattern of material non-compliance. We favor this stronger stick because the rapid pace of change in the computer industry means that a failure of the remedy to fully deter anticompetitive conduct can result in substantial and ongoing harm to competition and innovation.

Second, we would strengthen the enforcement mechanism by requiring MS to self-certify compliance every six months. This self-certification procedure adds teeth to Microsoft's antitrust compliance program. It will increase Microsoft's incentives to comply with the order because false certification would justify more severe penalties. Third, in recognition of the rapid pace of change and the strength of network effects, the term of the decree should be left open. After five years, the decree should be reviewed to see whether it can be terminated or, alternatively, needs to be modified to make it stronger and more effective. Our concern is that if the conduct remedy fails to lead Microsoft to fully comply and compete on the merits, its current monopoly position will only become more entrenched over time. If the review concludes that the LS remedy has not been effective, the court could then extend the term, modify the conduct provisions in some way, or order a divestiture. Alternatively, if robust competition has become established, the decree could be terminated.

VII. Conclusion

Antitrust history contains important cautionary signals about the efficacy of conduct remedies, most notably, United Shoe itself. The government successfully challenged the practices of United Shoe, leading to a conduct decree in 1922.[100] When that decree proved ineffectual, the government successfully challenged United Shoe for maintaining its illegal monopoly.[101] This time, the government sought to divide United Shoe into three different companies.[102] Judge Wyzanski in the main disagreed, instead ordering extensive and intrusive conduct remedies requiring on-going judicial oversight.[103] Over time, it became clear that the conduct remedies failed to generate a more competitive marketplace and the government asked the court to break United Shoe up into two independent companies.[104] When Judge Wyzanski refused, the government appealed, and in 1968, the Supreme Court intervened and unanimously made clear that a structural remedy was the preferred remedy for monopolization cases.[105] In United Shoe, the conduct remedy failed to restore competition for decades after the initial finding of monopolization. In the interim, consumers lost the benefits that more decisive action would have generated.

Given the rapid pace of change in the computer industry, a long time lag between the initial detection of the problem and its ultimate resolution will impose substantial costs on consumers in terms of higher prices and lost innovation. Worse, unlike manufacturing industries, over time Microsoft's monopoly power will become even more entrenched (as a result of network effects, the applications barrier to entry, and consumer lock-in) if the LS proposal fails to reinvigorate competition. This will make it all the more difficult to implement an effective remedy in the future. At a minimum, an automatic 5-year review of the efficacy of the LS proposal will help ensure that the courts and consumers do not become victims of the passage of time if the conduct remedy fails.

Ultimately, however, it is vital that the court weigh alternative remedies before signing off on an adequate remedy that fails to protect the interests of consumers in this industry, and indeed because of the importance of this industry to overall economic growth, of the economy as a whole.

Respectfully submitted,
Robert E. Litan
Roger Noll
William D. Nordhaus
Date:January 17, 2002
Contact information:
Robert E. Litan
The Brookings Institution
1775 Massachusetts Ave., NW
Washington, DC 20036
202–797–6120

MTC–00013367

From: Paul Greatbatch
To: Microsoft ATR
Date: 1/17/02 10:56am
Subject: Microsoft Settlement

You will have to be the brave souls who make up for the failings of your predecessors.

Like a parent that is forced to deal with a troubled teen because they did not enforce discipline at a younger age, the current situation demands revolutionary, not evolutionary, action. The issue of structural remedy cannot be removed from consideration.

Fact: Microsoft has been found to be a monopoly.

Despite all PR and marketing effort to the contrary, this ruling is public knowledge and has been upheld in a separate ruling.

Fact: Microsoft has manipulated the marketplace to its own advantage to limit reseller, manufacturer and consumer choice.

The company has threatened the marketplace with drastic repercussions if matters do not run their course in a manner that is advantageous to its bottom line. It has forced competitors out of business, not by quality or innovation, but by abuse of its monopoly position.

Fact: Microsoft has made less than subtle threats that any action taken against it would be injurious to the nation's economy.

These statements have reverberated through the marketplace and political halls. The fact is, if the nation can weather September 11, it can weather structural remedies against an abusive technology company.

Fact: Microsoft has forced bloated and unsecure software into the marketplace.

The term 'bloatware' is defined by Microsoft and its security problems are legendary. Even the FBI released an alert as of late asking users to disable features that are core to the future of Microsoft's .NET propagation. While this affected a relatively small number of users, it is the latest example of Microsoft's disregard for consumers.

Fact: Microsoft has amassed a huge cash reserve by avoiding tax payments.

The company skirts the tax laws by having a relatively few individuals hold a large portion of the company's stock, which translates to the company acting on the personal agendas of these few individuals as opposed to a wider variety of company shareholders.

Fact: Similar measures proposed in the past have done nothing to stem the growing monopoly power of Microsoft.

Again, to use the analogy of the parent: when grounding the child and removing their allowance for a few weeks does not resolve the behavioral issues, more stringent action needs to be taken.

An imposed structural remedy (3 companies: 1 for software, 1 for hardware, for internet) will not bring the economy crashing to its knees. The only people that will be upset by such a decision will be the few majority stockholders of Microsoft who have their personal agendas of greed and control upset by a long overdue, but deserving, punishment.

Best Regards,
Paul

MTC–00013368

From: Jeff Jay
To: Microsoft ATR

[99] David Bank, Breaking Windows: How Bill Gates Fumbled The Future Of Microsoft (Free Press 2001), at 182–183.

[100] United Shoe Mach. Corp. v. United States, 258 U.S. 451 (1922).

[101] United States v. United Shoe Mach. Corp., 110 F. Supp. 295 (D.Mass. 1953), aff'd, 347 U.S. 521 (1954).

[102] 110 F. Supp. at 348.

[103] Id. at 347–348.

[104] 266 F. Supp. 328 (D. Mass. 1967).

Date: 1/17/02 10:56am
Subject: Microsoft Settlement

I am very discouraged by Microsoft1s naked monopoly in the system software and office productivity markets. The range of settlements that have been discussed do not begin to address the real problem.

I would like to see two or more companies competing with Windows software.

I would also like to see two or more companies competing with Microsoft Office software. Without this competition, the monopolies will continue.

Jeff Jay
356 Belanger
Grosse Pointe Farms, MI 48236

MTC–00013369

From: Rob Frohne
To: Microsoft ATR
Date: 1/17/02 10:57am
Subject: Microsoft Settlement

Hi Your Honor,

The proposed settlement seems like it could do as much to promote Microsoft's business as some of the monopolistic practices that it is supposed to punish. For example, it will probably have a large impact on Apple's last stronghold, the educational market. Perhaps a more fair solution would be for Microsoft to provide the cash to purchase the same amount of hardware and software for education, but let it be distributed among all computer manufacturers, or better yet, let the educators decide what they want to purchase.

Best regards,
Rob

MTC–00013370

From: John O'Brien
To: Microsoft ATR
Date: 1/17/02 10:57am
Subject: Microsoft Settlement
CC: John@oceancitylocal.com@inetgw
10505 Blue Heron Court
Bishopville, MD 21813–1477
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
January 11, 2002

Dear Mr. Ashcroft:

I am writing in support of the settlement reached between the government and Microsoft in the antitrust case. A lot of time has been spent on this, and I hope finally Microsoft will be able to get back to providing America with its innovative creations. I am dissatisfied with the amount of money now necessary to conduct business in the software industry due to government antitrust laws. I would like the legislature to review and update these laws so that the laws are applicable to today's technology industries.

I think the settlement is very fair, particularly Microsoft's willingness to grant computer makers broad new rights to configure Windows so as to promote non-Microsoft software programs that 'compete with programs included within Windows. Microsoft's decision not to retaliate against computer makers and software developers who ship software that competes with anything in its Windows operating system is also a key concession that will benefit competitors and consumers alike

In closing, I thank Microsoft for not wasting taxpayer money in a lengthy and costly legal battle and for being so generous with this settlement. I urge you to approve this settlement, and allow Microsoft to move on.

Sincerely,
John R. O'Brien
John R. O'Brien
443 497 0785 Mobile

MTC–00013371

From: Chris Manjoine
To: Microsoft ATR
Date: 1/17/02 10:58am
Subject: Microsoft Settlement

Dir Sir or Madam,

Coming from the Software development industry I know the power of Microsoft and their Market Share. They totally dominate the competition regardless of the alternatives benefits of these programs clients and business are not willing to use these technologies because of blind marketing that the microsoft product will do what they need, when it doesn't. If they were as good of programmers as they where salesman I might be looking the other way. When we have a wealth of open source software and proprietary software out their and 90 percent of the consumers only know microsoft because of its msnbc affiliation and on air campaigns to deflate and demote any competition.

We can see it in every market Home Entertainment, News Media, Computer Software. If they want control of a certain market, then they can have it. Without regards to the quality of the product.

We as consumers need to have a level playing field to base or decisions on the product.

I suggest one, deny Microsoft the right into other areas like television media, gaming media, etc Make them focus on creating a good OS and Software for that os. I liked the idea of breaking the company up into two companies that seems like it could work.

I hate and have no understanding of the idea that Microsoft would pay 1.3 or 1.8 billion to poor people in the form of computer education. Sounds like a Microsoft training camp to me. I don't want to get malicious here, but it seems like Microsoft is controlling what even the justice department is doing, and that makes me scared.

The problem with their current state is they are going above and beyond that. Using their control over the computer industry to establish control over others and you the government. I am not scared, but I should be.

Christopher A. Manjoine
Senior Systems Analyst
Research Information Systems
The University of Iowa
2 Gilmore Hall
Iowa City, IA 52242
Voice: 319–335–3019
Fax: 319–335–2130
Email: chris-manjoine@uiowa.edu

MTC–00013372

From: Elie.Charest@a2m.com@inetgw
To: Microsoft ATR
Date: 1/17/02 10:59am
Subject: Microsoft Settlement

Madam, sir,

I am not a U.S. citizen, but I do hope that you will consider my opinion to be valid nonetheless, for I am as much affected by Microsoft's monopolistic parties as if I was american.

I work with computers everyday. More than a job, they are a hobby—I often play the role of technical support for friends and family (my aunt actually called me for some info as I was writing this). Although only 32 years old,

I have bought my first computer in 1983, and have own at least one ever since (I currently have 3 at home). I have been following the Microsoft Anti-Trust trial(s) since the very beginning, with great interest. Like many others, I do believe that MS has engaged in monopolistic activities. I also believe that their practices have led to a general stagnation in the quality of their product. However, it would be a difficult feat to effectively remove this monopoly, since they have become a de facto standard, especially with their OS (operating system) and Office suite of productivity software. It is their overwhelming market share, more than the quality of their product or their ruthless business tactics, that have made their monopoly unaissailable as far as desktop computing is concerned.

Therefore, I do believe that the only suitable punishment to Microsoft (and they do need to be punished, otherwise they will continue with their unfair practices) is also the only one that has a chance of slowly reversing the perverse effects of their monopoly on healthy competition: to open up (i.e. release to the public) the entire source to the Windows API (application program interface) as well as the proprietary format of their office suites. Since these have become de facto standards, they should not be the property of a single company, but rather public domain and overseen by the appropriate government agencies. This will let other companies compete on a level playing field with Microsoft: other OSes (such as GNU/Linux) will be able to run software designed for Windows (such as MS Office) and Office suites from other companies will better be able to better integrate with that of MS, increasing their usability.

Everyone wins in such a scenario: individual consumers will have access to better, cheaper software, competitors will have a better chance of putting out viable software products, and large organization that have to rein in their IT budgets (such as government agencies) will be able to switch to open-source OSes (Linux, FreeBSD) and still use Microsoft's Office program. Even MS will benefit in the long run—though they might lose sales at first, they will be able to concentrate on providing quality productivity software instead of managing the monstrous code of MS Windows all by themselves. By open-sourcing their OS (or at least the API), they'll benefit from the large community of voluntary programmers that already contributee to the rapid rise of Linux, Apache, OpenOffice and other successful open source projects.

Thank you for your time,
?lie Charest
Game Designer
Artificial Mind & Movement
www.a2m.com

MTC–00013374

From: JTM
To: Microsoft ATR
Date: 1/17/02 11:04am
Subject: Microsoft Settlement

To whom it may concern,

My ''public comment'' on the Microsoft antitrust settlement will probably be ignored since it's clear the DOJ has its own agenda, which is to allow MS to continue its monopoly. That is abundantly clear from the laughable proposed settlement recently turned down by a judge. Suffice to say, the DOJ is not doing its job, which is to protect the consumers from abusive companies like MS and promote competition, which is good for all involved, even MS in the long run. Oh well, perhaps when the adminstration changes again, the American public will get a DOJ that stands with them instead of the monopolists in this country.

Sincerely,
Tai Morris

MTC–00013375

From: pat
To: Microsoft ATR
Date: 1/17/02 11:07am
Subject: microsoft settlement
Pat Nye
14 Christopher Hall Way
Yarmouth Port, MA 02675
January 17, 2002
United States Attorney General John Ashcroft
950 Pennsylvania Avenue, Northwest
Washington, DC 20530

Dear Mr. Attorney General:

I am writing this letter today to show my support for the settlement that was reached between Microsoft and the Department of Justice last November. The settlement will provide a necessary boost to our struggling economy, and also places restrictions on Microsoft that were necessary.

Microsoft has agreed to reveal internal information about their Windows operating system to competitors. They will also design future versions of Windows to provide a mechanism to make it easy for computer makers to promote non-Microsoft software within Windows. This will open the IT industry up to more competition, which will spur the economy.

All in all, the settlement is fair to all parties involved. Microsoft will still have the ability to lead the industry, but the industry will be much more competitive. I fully support this settlement.

Sincerely,
Pat Nye
cc: Representative William Delahunt

MTC–00013376

From: JoShade@aol.com@inetgw
To: Microsoft ATR
Date: 1/17/02 11:18am
Subject: (no subject) Settle the Microsoft case!

MTC–00013377

From: Andrew Miller
To: Microsoft ATR
Date: 1/17/02 11:17am
Subject: Microsoft Settlement

To Whom It May Concern:

I1m very disappointed that the Justice Department has sold out to Microsoft. I1m angry that a company can be found guilty of anti-trust laws, and then just told ''don1t do it again.'' If our entire country1s justice system worked like this, we would be living in a state of anarchy. History has proven that warnings, consent decrees, and laws to restrict anticompetitive behavior just do not work with Microsoft.

To quote from Scott Rosenberg1s article at http://www.salon.com/tech/col/rose/2001/11/02/microsoft—settlement/index.htm l

It's important to remember that this entire lawsuit arose out of the ashes of the failure of a previous consent decree to rein in Microsoft. Applying ''behavioral'' remedies once more at this late stage is like giving the class bully a mild lecture and then turning him loose in the schoolyard.

I find the proposed settlement to be upsetting, ineffective, and an injustice to the American people. I1m sure you1re finding that many of my fellow Americans agree.

Sincerely,
Andrew Miller
Eau Claire, Wisconsin

MTC–00013378

From: WIDGEON212@aol.com@inetgw
To: Microsoft ATR
Date: 1/17/02 11:20am
Subject: microsoft settlement

enough already; let's liberate the intire industry and get on with progress.

paul s. smith

MTC–00013379

From: Rutherford, Ronald
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/17/02 11:21am
Subject: Microsoft Settlement

Greetings. This is just a quick note to express my opinion that the

Microsoft settlement, as it currently stands, is unacceptable and should be vacated. Microsoft has been found guilty of antitrust violations and should pay a much stricter penalty for those violations.

Thank you.
Ron Rutherford
Seattle

MTC–00013380

From: james.gergen@ca.com@inetgw
To: Microsoft ATR
Date: 1/17/02 11:20am
Subject: Microsoft Settlement

Good Day.

I develop software for many different platforms including Sun platforms. Though there are restrictions that have been imposed on OEMs and ISVs by Microsoft, I believe that overall, what is delivered by Microsoft via Windows operating systems, (including server platforms), is a great benifit to us, the consumers. I feel that the products of Microsoft encourage the use of personal computers for everyone. They make it easy and inexpensive for regular people (the consumers) to become technically suave. I do not agree that Microsoft products (operating system), are harmful to consumers or restrict the rights or abilities of users to choose.

I believe that the federal government is over stepping its bounds when it begins to interfere with the everyday business of any company.

Sincerely,
Jim Gergen
CC:james.gergen@ca.com@inetgw

MTC–00013381

From: Guillaume Family
To: Microsoft ATR
Date: 1/17/02 11:22am
Subject: Microsoft Settlement

Aloha,

Thank you for the opportunity to share my views with you.

I am not sure any punishment can repair the harm that Microsoft Corp. has inflicted on its competitors. The real harm that has been done though was to stifle the industry as a whole. I believe Microsoft Corp. has smothered innovation through their monopolistic practices, which is the real shame. From what I have heard through the media Microsoft Corp. seeks to install their software in our public schools as penitence. This is an insult to the public. There innovating idea is nothing more than a guise continuance of their illegal practice. If anything there punishment should include support for struggling entrepreneurs. Please do not let them greater market share in the educational market as a punishment; that would be a reward.

Once again, thank you for the opportunity to express my opinion.

Sincerely,
Joseph W. Guillaume

MTC–00013382

From: Hans Lambermont
To: Microsoft ATR
Date: 1/17/02 11:24am
Subject: Microsoft Settlement.

Honorables,

It has come to my attention that Microsoft has recently acquired fundamental patents for 3D graphics technology and techniques from SGI. This is a dangerous situation, as it grants Microsoft significant leverage over the independent 3D hardware manufacturers who are currently supporting the only rival to Microsoft's Direct3D graphics API, OpenGL.

Microsoft has in the past worked to delay and distract advances in 3D graphics technology, such as in the abortive ''Fahrenheit'' plan with SGI in the 1990s. During that period, SGI was transitioning from selling Unix-only workstations to begin selling workstations running Microsoft's Windows NT. At the same time, OpenGL was gaining on Microsoft's Direct3D in terms of features, hardware support, and developer support. If SGI wanted to sell NT boxes, SGI would have to agree to the Fahrenheit plan. The perfectly timed Fahrenheit deal slowed that advance of OpenGL by, among other things, reducing SGI's active promotion of it, and allowed Microsoft's Direct3D to gain a strong lead.

Yet OpenGL support still survived due to the interest of software developers and the support of third party 3D hardware

manufacturers. This latest move by Microsoft to acquire core 3D technology patents would finish the hatchet job, granting Microsoft the power to force third party 3D hardware manufacturers to drop support for OpenGL, and ultimately stifle competition and innovation in the marketplace.

Please do not let this come to pass.

Thank you,

Hans Lambermont

MTC–00013383

From: Ian Walters
To: Microsoft ATR
Date: 1/17/02 11:30am
Subject: DOJ- Microsoft proposed settlement

Attached please find a letter to Attorney General Ashcroft for filing with the court, in support of the Microsoft settlement.
1007 Cameron Street
Alexandria, VA 22314
telephone
(703) 836–8602
facsimlle
(703) 836–8606
www.conservative.org
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Sen. Serphin Maltese
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Tom Pauken
James Arthur Pope
Ralph Reed, Jr.
Ron Robinson
Allen Roth
Craig Shirley
Lewis K. Uhler
Kirby Wilbur
EXECUTIVE DIRECTOR
Christian Josi
Attorney General John Ashcroft
U.S Department of Justice
950 Pennsylvania Avenue, NW
Washington DC 20530–0001
January 16, 2002

Dear General Ashcroft:

ACU has, in the past, repeatedly requested that the Department of Justice an(Microsoft settle their ongoing federal litigation. We were, therefore, very encouraged to learn that a proposed settlement has been reached and after reviewing its terms, we believe it to be in the public's best interest.

It is clear that the benefits of settlement far outweigh any potential benefits that could be realized through continued litigation. In general, the settlement of this case would allow Department of Justice resources to be redirected to other law enforcement needs—to include antitrust enforcement—and would bring certainty to the computer technology industry, its economic markets, competition and employment.

A review of the settlement itself shows that it contains provisions that penalize Microsoft for past conduct, regulate its future conduct, and provide for enforcement of the settlement. The enforcement mechanism provides that any person can notify the Department of Justice, the States, the Technology Committee, or the Compliance Officer of information indicating a violation of any provision of the settlement. Furthermore, the settlement establishes a Technology Committee comprised of three computer experts that have access to and can inspect Microsoft documents and personnel for the purpose of insuring compliance with the settlement. If the Committee finds evidence of a violation, it is obligated to immediately inform the Plaintiffs who, in turn, can seek compliance through the courts. In addition, the settlement requires Microsoft to appoint an Internal Compliance Officer whose duties include educating Microsoft employees on the settlement provisions and their responsibility to adhere to the settlement's provisions.

Established 1964 . . . The Nation's Oldest and Largest Grassroots Conservative Oreanization As Charles James, head of the Justice Department's Antitrust Division testified: ''[t]he proposed decree contains some of the most stringent enforcement provisions ever contained in any modem consent decree.''

Accordingly, we ask that you provide this letter to the Federal District Court in support of the revised proposed final judgement that settles the antitrust claims brought against Microsoft. Sincerely,

David A. Keene Chairman

Established 1964 . . . The Nation's Oldest and Largest Grassroots Conservative Organization

MTC–00013384

From: Felicity Marsh
To: Microsoft ATR
Date: 1/17/02 11:33am
Subject: Microsoft settlement

It is time to accept this settlement. You have already assisted afew companies to screw up the economy in their own interests for long enough.

F. Marsh

MTC–00013385

From: Mike Sebahar
To: Microsoft ATR
Date: 1/20/17 11:34am
Subject: Microsoft Settlement

Microsoft should be required to release all information about their Windows APIs as well as file formats for it's Office application.

This is the only way to allow true competition and innovation. Not their idea of ''innovation'', which is stealing other companies technology and changing the APIs so the competition's product breaks. And they should be carefully watched by a third party. Otherwise you have waisted all the taxpayers money on this anti-trust suit because they will weasel out of anything else.

—

Mike Sebahar
Halligan & Associates
203 N. Wabash
Suite 500
Chicago, IL 60601
mike_sebahar@halligan.com
www.halligan.com

MTC–00013386

From: Don C. Smith
To: Microsoft ATR
Date: 1/17/02 11:42am
Subject: Microsoft Settlement

Please do not allow Microsoft to donate $1 billion worth of computers and software to schools as part of its settlement. That would unfairly infringe on Apple Computer's share of the education marketplace.

Sincerely,

Don Smith

MTC–00013387

From: Malcom (Art Dept)
To: Microsoft ATR
Date: 1/17/02 11:33am
Subject: Microsoft Settlement

Make Microsoft's API calls available for the public. Let them be a standard for computing calls.

Let true competition reign.

MTC–00013388

From: Marat A. Denenberg
To: Microsoft ATR
Date: 1/17/02 11:39am
Subject: Microsoft Settlement

Hello. I was informed that the Justice Department is accepting comments on the Microsoft Corp. settlement/case. I just wanted to drop you a line and tell you that from my perspective, the entire fiasco was nothing more than a farce. Antitrust legislation was never meant to provide the Justice Department with an excuse to harass monopolies. Instead, its intent has always been to stifle stagnant market behavior. How in the world can one perceive the computer operating market as stagnant? Not only are new iterations to popular operating systems released yearly, but there are plenty of alternatives as well. Among them: Macintosh OS, BeOS, FreeBSD Unix, SunOS, Solaris, Linux (and all its incarnations), and of course Windows. But that's not all . . . most of the time previous versions of operating systems compete with current ones. To make a long story short, perhaps the Justice Department should pay less attention to the whining of competitors who provide inferior products and more to the task at hand, which happens to be law enforcement.

- Marat

MTC–00013389

From: Jim Weise
To: Microsoft ATR
Date: 1/17/02 11:44am
Subject: Microsoft Settlement

The terms of the proposed settlement of the Microsoft case seem fair and reasonable. I hope that DOJ will follow through and end this matter ASAP. We don't need to have government specifying how software is designed. In addition, It's disgusting to see that this issue was instigated by competitors of Microsoft and their political supporters.

The use of antitrust laws to disable market competitors calls in to question the rationale for such laws. We need to consider some serious changes.

Jim Weise
14102 Chagall
Irvine CA 92606
714–402–6718

MTC–00013390

From: William A. Ogden
To: Microsoft ATR
Date: 1/17/02 11:48am
Subject: Microsoft Settlement

Good Day,

Since college in the mid seventies, I am and have been a computer industry professional. Starting with main frame computers I moved to microcomputers in the late seventies. During the intervening years, I have been involved in programming solutions in FORTRAN to BASIC, from dBase IV to FoxBase, and from MS Access to FileMaker Pro. Working with CPM, Apple DOS, MS/DOS, Mac OS, and Windows, I provided a variety of professional computer services. I have designed, implemented and maintained network architectures. I have setup and maintained e-mail servers, file servers, web servers and many other network based services. I feel well qualified to comment on the proposed agreement between Microsoft and the United States Justice Department.

In the early days, I watched as Microsoft brought a level of professionalism lacking in much of the microcomputer industry. Their products, such as ''Microsoft's CPM Card'', were well thought out and implemented. Later, their GUI windowing products for the Mac OS were some of the best of class. Developed and available years before Microsoft Windows became popular, in the early nineties.

However since the mid to late eighties I have seen a change in Microsoft's professionalism. Rather than present products based wholly upon merit, which they did in the beginning, they began using questionable tactics to eliminate their competition. These questionable tactics, eventually found illegal by the courts, have eliminated my ability to choose which product I deemed best.

Watching the Microsoft anti trust trial during the last few years, I have been fascinated by the ups and downs of the case and also frustrated by it's lack of progress. I have followed the trial's proceedings in the news and have read many of the published legal papers. I am amazed by the number of times Microsoft's representatives twisted words and meanings in their testimonies, giving all observers, including the judge, an impression of deceit.

Now Microsoft is guilty of breaking the law. The trial court said so and the Appeals Court affirmed it, unanimously 7 to 0.

And that takes us to the recent agreement between Microsoft and The Justice Department. Where, after reading the settlement agreement, I find no penalty and no punishment for Microsoft. Does this mean Microsoft is exempt from the Rule of Law?

What I do find is the Agreement regulates Microsoft's behavior, much like the agreement in 1994 where Microsoft consented ?to refrain from anticompetitive bundling and licensing of its Windows operating system.? (CNET News.com-September 25, 1997) And of course it was Microsoft's ignoring this decree that gave rise to the anti trust case. And even if the intent of today's Proposed Agreement is followed honestly and ethically, Microsoft's past successes using these, proposed banned, behaviors make any behavioral remedy moot. All effective competition has been eliminated, so how are behavior limitations on Microsoft going to jump start competition? Plus the Proposed Agreement puts Microsoft in charge as all competitors are under the requirement ?that the licensee?(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, (d) agrees to submit, at its own expense, any computer program using such APIs, Documentation or Communication Protocols to third-party verification, approved by Microsoft. . .?.(section J 2(b),(c)) And even Microsoft could not meet the requirements under section J 2(a) of the Proposed Agreement. ?''Microsoft has demonstrated time and again that through their sheer power and immense wealth, they can easily evade behavioral remedies designed to constrain their unlawful activity,'' said Edward J. Black, president of the Computer and Communications Industry Association, which backs Microsoft's corporate adversaries.?

(www.nytimes.com/2001/09/07/technology/07LOBB.html)

Let me finish by asking the questions. How can any settlement with Microsoft be just five years? Particularly when section D requiring disclosure, and section H, of the Proposed Agreement does not require Microsoft's compliance for a year. How can any law breaker, proven and affirmed to be so in a court of law, not be punished? If you have enough money and you burn someone's house down, we let you go if you promise not to do it again. How can we, as a country based on the rule of law, allow a company proven to have broken that law, benefit from their crime and there be no material consequences.

I ask you to please find a way to bring fairness and open competition back to our industry. Let new ideas find a fertile environment to flourish. Please let the market place, not Microsoft's special interests, determine what software products and internet services I purchase and support.

Thank you,

William A Ogden
Director of Technology / Network & Technical Manager
wmogden@prairieschool.net
The Prairie School
4050 Lighthouse Dr / Racine, WI 53402
Phone: 262–260–6808
CC:WISAG@DOJ.STATE.WI.US@inetgw

MTC–00013391

From: Mark Kinzie
To: Microsoft ATR
Date: 1/17/02 11:41am
Subject: Microsoft Settlement

To those concerned with the Microsoft Settlement,

I have been working as a software engineer for 20 years, and understand why Microsoft has the power to push others from the market, stifle competition from innovative companies, and to eventually gain control of nearly all uses of computers and communications: they have complete control over a resource that the vast majority of software written today is completely dependent on—the Windows API.

Microsoft controls the operating system that all other application software developers are dependent on. But Microsoft also develops applications. This gives Microsoft extraordinary advantages:

1) Microsoft can change the API, forcing all competitors to scramble to change their applications so they will still work with the new API.

2) Microsoft can use their knowledge of what the new API is going to be (knowledge that no competitor has) in order to be first to market with applications that work with the new API.

3) Microsoft has knowledge of the operating system that no one else has—essentially, part of the API that no one else can see or use. How can others compete when they don't have access to the same resources?

These advantages have allowed Microsoft to take control of the major types of application software in use: Office productivity software, Web browsers and email. Regarding their application software (in particular, Office), their control over the data formats of the software give them the same kind of advantages as control over the OS API's. For example: these days, if you're looking for a job, you need to be able to send your resume to prospective employers though email. Your resume essentially has to be in Microsoft Word if you want them to be able to read it (Word alone costs $339.00). The competition's less expensive word processing software will claim to be compatible with Word (they have to), but it's not completely compatible because they don't have an established standard to write to. Microsoft controls the de facto standard, changes it at will, and is the only company that completely understands it.

Microsoft must open up it's API's and data formats so that all can play on a level playing field. This must be done in such a way that the unfair advantages described above are no longer in place. It might be argued that this unfairly causes Microsoft to forfeit some of it's intellectual property, and that the advantages listed above are not unfair and anti competitive. But Microsoft is a monopoly controlling critical resources. I've often tried to come up with an allegory to

explain the situation that Microsoft has to non-software people. I was never able to find an allegory that fits, and I finally realized why. It's because software is different than anything that's ever come before. We've just never had anything that is really like software that runs on a computer. You just have to learn about how software works to be able to understand the Microsoft situation. I'm concerned that there are not enough people in decision-making positions in the Department of Justice (or in Congress or the White House for that matter) that really understand how software is built. It's a crucial matter that is only going to grow more important as time progresses.

Thank you,

Mark Kinzie

The opinions expressed are my own, and not necessarily those of the Johns Hopkins University. —

Mark Kinzie

Johns Hopkins University Applied Physics Laboratory

mek@aurora.jhuapl.edu

MTC–00013392

From: Brian Clark
To: Microsoft ATR
Date: 1/17/02 11:42am
Subject: Microsoft Settlement

Hello,

I would like my comments on the proposed Microsoft Anti-Trust settlement added to the official record of public comments. As the person in charge of Information Technology for a 500 person company, I have not been happy with Microsoft's business practices for some time now. They have kept their software prices the same or higher, while everyone else in the industry has lowered their prices over the past five years. I believe that they have been able to do this because of their monopoly position in the market for both operating systems as well as internet browsers.

Due to their monopolistic actions, I believe that Microsoft needs a stronger remedy than the one proposed by the US DOJ. I believe that the proposal put forth by the States that dissented from the US DOJ settlement proposal is a more appropriate remedy. As a consumer of many, many Microsoft products, with little choice to change, I urge you to consider a stronger remedy than the current US DOJ remedy.

Sincerely,

Brian Clark —

Brian Clark
Vice President
Information Technology
BrannWorldwide
20 W. Kinzie, Suite 1300
Chicago, IL 60610
http://www.brann.com
312–494–8500 tel.
312–494–8501 fax

MTC–00013393

From: Darwin Campa
To: Microsoft ATR
Date: 1/17/02 11:52am
Subject: Microsoft Settlement

Honorables,

It has come to my attention that Microsoft has recently acquired fundamental patents for 3D graphics technology and techniques from SGI. This is a dangerous situation, as it grants Microsoft significant leverage over the independent 3D hardware manufacturers who are currently supporting the only rival to Microsoft's Direct3D graphics API, OpenGL.

Microsoft has in the past worked to delay and distract advances in 3D graphics technology, such as in the abortive ''Fahrenheit'' plan with SGI in the 1990s. During that period, SGI was transitioning from selling Unix-only workstations to begin selling workstations running Microsoft's Windows NT. At the same time, OpenGL was gaining on Microsoft's Direct3D in terms of features, hardware support, and developer support. If SGI wanted to sell NT boxes, SGI would have to agree to the Fahrenheit plan. The perfectly timed Fahrenheit deal slowed that advance of OpenGL by, among other things, reducing SGI's active promotion of it, and allowed Microsoft's Direct3D to gain a strong lead. Yet OpenGL support still survived due to the interest of software developers and the support of third party 3D hardware manufacturers. This latest move by Microsoft to acquire core 3D technology patents would finish the hatchet job, granting Microsoft the power to force third party 3D hardware manufacturers to drop support for OpenGL, and ultimately stifle competition and innovation in the marketplace.

Please do not let this come to pass.

Thank you,

Darwin Campa

Enthusiast

darwin campa

darwin@yorb.net

ICQ √ 15104121

MTC–00013394

From: Alain Birtz
To: Microsoft ATR
Date: 1/17/02 11:53am
Subject: Microsoft Settlement >>>>

The Justice Department settlement is currently in a public comment period mandated by a law known as the Tunney Act. Through Jan. 28 the public is invited to send in comments on the proposal. >>>>

My suggestion: get the 1.3 billon offer by MicroSoft and give this money to Open Source community.

Thank you.

MTC–00013395

From: JAMIKESEG@aol.com@inetgw
To: Microsoft ATR
Date: 1/17/02 11:53am
Subject: Microsoft Settlement

I am in favor of the Microsoft settlement proposal. I also feel this never should have been a matter for the State and Federal governments to be involved in and the amount of tax dollars spent to prosecute this matter is ridiculous. These tax dollars could be better spent on needs of the American people instead of lining the pockets of greedy lawyers.

MTC–00013396

From: Michael Caughill
To: Microsoft ATR
Date: 1/17/02 11:53am
Subject: Microsoft Settlement

Dear sirs,

From my understanding, the proposed Microsoft Settlement seems more like a Trojan horse to help Microsoft dominate one of the few markets they currently don't completely own: the education market. As any dictator will tell you, if you want to control people's minds you start when their minds are the most malleable. Childhood is when we form our earliest impressions. Do we really want to ''punish'' Microsoft by giving them unfettered access to our children's minds?

I don't think so. And I fervently hope not.

Sincerely,

Michael Caughill
Third Person, Inc.
205 West Highland Ave.
Suite 308
Milwaukee, WI 53203
T: 414.221.9810 F: 414.221.9812

MTC–00013397

From: Ronnie Davidson
To: Microsoft ATR
Date: 1/17/02 11:56am
Subject: Microsoft Settlement

I'm in favor of the settlement and an end to litigation. Thank you.

MTC–00013398

From: Newman Alan-P20582
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/17/02 11:57am
Subject: Microsoft Settlement

DOJ,

I am a software engineer who has designed software products for commercial and defense companies, using every Microsoft operating system since version 1 of PC/DOS extensively, and have similar experience with older and newer desktop operating systems. For four years, I was a Microsoft ''Partner'' developing under a Non Disclosure Agreement to Microsoft tools to be used in conjunction with Microsoft Word. I had great concerns that the grossly unfair practices by Microsoft that I had personally witnessed, but was forbidden to discuss per the NDA, would not come out during the recently completed antitrust case. Primarily for that reason, I have read most of the transcripts and rulings published on the DOJ website (listed at http://www.usdoj.gov/atr/cases/ms—index.htm <http://www.usdoj.gov/atr/cases/ms—index.htm>). Surprisingly to me, most of my concerns regarding Microsoft unfair business practices were adequately expressed in the trial.

I was very pleased that in spite of what appeared to me as gross obstruction of justice by Microsoft exposed during the trial (unbelievable faulty memories, doctored video evidence of lab experiments, memos planted in the ''wrong'' hands, etc.) that Judge Jackson was able to clearly separate misconduct in court from the facts pertinent to the case, and found both his Findings of Fact and Findings of Law completely accurate to everything I know about the case. I assume that addressing such probably criminal behavior in court should and will be addressed separately.

I am now disgusted beyond words by the near total lack of appropriate punishment, deterrent, and victim compensation in the latest DOJ settlement with Microsoft. It seems

to be less than a slap on the wrist to a company who I believe is a severe detriment to the software industry that I work in (non-competitively with Microsoft). I believe past and present Microsoft behavior is an excellent example of precisely what our antitrust laws were meant to protect the US economy and citizens and businesses from, but are failing terribly to do so with the current settlement offer.

Please do what you can to retract the current offer, and, at the very least, restore some semblance of deterrent to the settlement of this case.

Alan Newman
7411 S Rita Ln, #110
Tempe, AZ 85283

MTC–00013399

From: Richards
To: Microsoft ATR
Date: 1/17/02 11:58am
Subject: Microsoft Settlement

I do not believe that allowing Microsoft to give it's products to schools is in the best interest of the public. The school system is the only area where Microsoft does not enjoy a monopoly. I believe that a ''cash'' penalty is required, which would allow the school system to spend the money as they wish.

MTC–00013400

From: Tim Cramer
To: Microsoft ATR
Date: 1/17/02 12:02pm
Subject: Microsoft Settlement

I must say that I'm very displeased with the current settlement. I may be biased as I work for a competitor to Microsoft, but the settlement is a mear slap on the wrist and offers no real benefit to consumers. In section III, prohibited conduct, you state that Microsoft can still offer discounts, market development allowances, & programs as long as they are ''uniformly available'' to all OEM's. It is not difficult for Microsoft to come up with ways of making things unattainable except to their ''friends'' such that they can receive the large discounts. Quite possibly, anyone offering non-Microsoft OS's will sell fewer Window's licenses and fall from the Top10 or Top20 volume group and lose their discount.

In sections D/E Microsoft needs to disclose ways of interoperating with Windows, but that doesn't mean ''all'' the ways. Frequently, what Microsoft has done is have ''secret'' API's that they use internally which are much more reliable or fast, thus gaining on the competition. The only way to truly know the APIs is to force Microsoft to publish the source code, something they are completely unwilling to do. I don't believe that this judgement goes nearly far enough to protect us from the Microsoft monopoly. Now Microsoft moves to take over the internet with it's .NET architecture, seeking to grab a percentage of every transaction taking place on the internet and holding private records for everyone with a Passport account (which all HotMail users have to have as well as anyone who get's Windows XP, eventually everyone). Microsoft has serious security breaches on a nearly weekly basis, I would love an alternative to .Net/Passport and I hope we get one, but it won't happen while Microsoft destroys all competition.

Tim Cramer
21601 W Lochinvar Ln
New Berlin, WI 53146
262–446–4931

MTC–00013401

From: Chuck Stolt
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/17/02 12:03pm
Subject: antitrust

Microsoft has consistently abused its monoply position to harm competition. The US government has spent a lot of taxpayer money in order to prove this in a court of law. Now, close the deal and punish Microsoft in a just way. Microsoft is an important company, no doubt, but they cannot be allowed to continue with their current business practices. Allowing them to give software to the schools is not right. Apple has traditionally been in that market and you would effectively be pushing them out of the market. You are playing the way Microsoft plays and that is not right. You must come to a decision which punishes Microsoft. Judge Jackson saw Microsoft for what they were and now it is time for the corrent judgement.

MTC–00013402

From: CAHARLER
To: Microsoft ATR
Date: 1/17/02 12:10pm
Subject: Microsoft Settlement

To Whom It May Concern:

My wife and I are l00% behind the agreement that Microsoft made with the Department of Justice and nine states. The agreement is fair and it is time that we settle this debate. Microsoft has been the forerunner in its field, and we see no reason to jeopardize a fantastic company. In most free countries of the world, companies are subsidized by their governments. Microsoft is a free enterprise—has tremendous wealth—and innovation. Technology is changing on a daily basis and if want to continue our lead in this arena, we must let Microsoft innovate and get on with their business. We have not been hurt one bit by Microsoft's innovation and products. We remember only too well the nightmare before Windows was introduced. We believe that the settlement is in the public interest. Do not listen to those other competitors who would destroy Microsoft as a viable company. Thank you for your time.

Mr. Joseph Iacono
Mrs. Linda D. Iacono
2l86 Graystone Drive
Sumter, SC 29l50

MTC–00013403

From: cbuxton@mac.com@inetgw
To: Microsoft ATR
Date: 1/17/02 12:20pm
Subject: Microsoft Settlement

Hello.

I think the proposed settlement stinks. The other 9 states have come up with a far more reasonable proposal, though I think it still lets Microsoft off way too lightly. Their objections to the alternate proposal amount to, ''But we thought we weren't going to actually be *punished*! This is punitive!'' Please. . . That's the *whole point*! Make them sorry they violated the law, so they don't do it again. With the DoJ settlement proposal, Microsoft is not punished in any way; instead, they continue to profit from their misdeeds.

Chris Buxton

PS: Do you need any identification from me, such as evidence that I'm a US citizen? Of course, anything sent electronically could easily (very easily) be faked, but I thought I'd ask.

MTC–00013404

From: Gannon Timothy
To: Microsoft ATR
Date: 1/17/02 12:23pm
Subject: Microsoft settlement
January 17, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street, NW
Suite 1200
Washington, DC 20530–0001

To Whom It May Concern:

I hope that the United States Department of Justice will reconsider the decision to settle the Microsoft antitrust lawsuit and follow the lead of the nine state attorneys general who have rejected this decision to let Microsoft off with a slap on the wrist for its monopolistic practices.

Numerous consumer groups disagree with the decision to settle because they know Microsoft has not been given any serious reason to change any of its practices. Price gouging of consumers will continue. The market will continue to lack choices for consumers. Consumers will doubly suffer as they pay more in an uncompetitive market, while the executives of Microsoft move from being millionaires to billionaires thanks to monopolistic profits.

I am proud that my state's Attorney General, Tom Miller, rejected this Microsoft agreement. I believe that Mr. Miller and the other eight state attorneys general see the many problems with an agreement that does little to affect change in the computer software industry. Splitting Microsoft into two or three companies may not be the proper response, but neither is this.

Your decision to prematurely end litigation against Microsoft is a mistake. A real opportunity exists for the Department of Justice to take a stand and protect not only consumers, but also our free market society. Whereas the agreement does nothing to protect neither consumers nor smaller companies striving to compete, further litigation could effect real change. Please continue to go after Microsoft.

Sincerely,
Tim Gannon
2834 Forest Dr.
Des Moines, Iowa 50312
CC:Iowa Attorney General

MTC–00013405

From: david.hunt@syngenta.com@inetgw
To: Microsoft ATR
Date: 1/17/02 12:33pm
Subject: Microsoft Settlement

Microsoft should be forced to make the codes for all of their software open. Until programmers can make software that works under both Windows and other operating

systems, there will be no real competition for Microsoft.

David A. Hunt
Trinity, NC

MTC–00013406

From: AGDCK
To: Microsoft ATR
Date: 1/17/02 12:36pm
Subject: Micorsoft Settlement
To: Dept. of Justice
From: AG & Delorice Kessinger
Subj.: Microsoft Settlement
Date: 1/17/02

The penalties being placed on Microsoft is a disservice to ''Free Enterprise'', also, a disservice to the world. The companies/States that are crying should be told to go home and ''think of a better way''. If the Gov't, DoJ, etc want to get onto something or make a name for themselves, they should go after the ''Cable/Elec/Water Companies'', now there is a monopoly. Everyone is at the mercy of their rates/rules/etc.

Microsoft has gone out of their way to make the cry babies happy, but nooooo, some just want more out of an Enterprising Company.

MTC–00013407

From: Jim Applebaum
To: Microsoft ATR
Date: 1/17/02 12:36pm
Subject: Microsoft Settlement

Dear Sir or Ms.,

I believe the proposed DOJ settlement with Microsoft is just and should be implemented as soon as possible.

Thank you,
Jim Applebaum

MTC–00013408

From: dmason
To: Microsoft ATR
Date: 1/17/02 1:29pm
Subject: microsoft settlement

I say get off Microsofts' Back. There Software, Hardware, or whatever made it Easier for an Oldman on the High Side of 77 to Learn to Operate A Computer !

Dale Mason. The Above referred to OLDMAM

MTC–00013409

From: Steve Wiedemann
To: Microsoft ATR
Date: 1/17/02 12:39pm
Subject: Microsoft Settlement

As a computer professional who deals with many platforms in the multimedia space, the behavior of Microsoft is, in my view, highly anti competitive. The entire industry outside of Microsoft understands that products based on interoperable standards is the key to developing better technologies. All developers may contribute to technical advances as long as the platform remains agnostic, or at least not hostile to a chosen technology. Individuals and companies can compete on a fairly level playing field with the knowledge that users can take advantage of technical advances. Everyone can contribute to our technical landscape and the consumer will see the benefit.

Unfortunately, Microsoft sees every technology it doesn't own as competition that must die. To that end, they have the power to manipulate the platform [which should be standards agnostic] to cripple or disable the software offerings of their perceived competitors. Microsoft does understand that new technologies not originated by them have a market and they will offer a [generally] crudely inferior substitute for the competing software, thus redirecting the channel of demand to go to Microsoft's door, rendering competing technologies irrelevant and damaging the ability of the user to obtain the performance they seek.

New technologies are either purchased by Microsoft or killed off. If a cross platform technology is purchased or co-opted by Microsoft, most of the cross platform functionality is stripped away to ensure the dominance of Windows and the irrelevance of anything else. If a technology cannot be purchased by Microsoft, a simple change to their operating system or the [now] bundled browser will ensure their version of a similar technology will be as good as it gets.

Microsoft is moving away from interoperable standards as fast as they can. They have already significantly damaged the ability to use technologies like QuickTime, the crown jewel of multimedia, and are working to replace it with the laughable Windows Media Player. Since Microsoft's software integrates very well within Windows, whatever media formats Windows Media Player cannot handle, Internet Explorer or Windows itself will take over thus requiring the complete Windows environment to do things formerly done with the highly agile cross platform QuickTime. As a result, developers write software that speaks specifically to Windows integration which slowly pushes better technologies aside. Since Microsoft makes it very clear which technologies will succeed and fail on the Windows platform, developers have no choice but to develop to the system that ensures success. In effect, Microsoft is dictating

what technologies developers may and may not use, not based on any written orders but on Microsoft's actions designed to pave the road to their sole success. Developers who tow the Microsoft line are handsomely rewarded. Developers who do not will find themselves struggling to open avenues of opportunity. This is technical censorship to the benefit of one company and at the expense of the better world it could be. The Microsoft .NET strategy is intended to render the Internet useless for anyone not using a complete Microsoft sanctioned technology chain. Their goal is for anyone not using Microsoft products to see a blank screen on the Internet which would be a tragedy beyond belief. They are using this precious time while the courts are tied up with delays to entrench these Microsoft specific technologies and entrap millions of individual and enterprise users in their net.

Don't let this happen. It is up to the courts to do the right thing. Break Microsoft into pieces where each division will contribute the good parts of their software to a standards based, interoperable world. Deny Microsoft the ability to leverage Windows to force the rise of their own products at the expense of better technologies and better user experiences. Microsoft will perform better as a company and will serve the industry better if they broken up and are forced to become less self interested. Otherwise, we are doomed to sink further into a mediocre technology landscape. —

Steve Wiedemann
Sr.VP, Director of Technology
Henninger Media Services
703.908.4018
http://www.henninger.com

MTC–00013410

From: Brad Werth
To: Microsoft ATR
Date: 1/17/02 12:45pm
Subject: Microsoft Settlement

Dear Sir or Madam:

I earn my living as a software professional. Over the course of the last seven years, I have found my creative options more and more limited as Microsoft products dominate various parts of the software marketplace. My preferred operating system, database, word processor, and web browser have all inevitably been subverted by inferior Microsoft replacement products. In order to do my job I am quite literally forced to use Microsoft software which is less suited to my needs as a software developer. There is no choice in the software market. The proposed DoJ and nine-state settlement will do nothing to remedy this situation. The original remedy proposed by the Clinton-era DoJ and the eighteen state Attorneys General would be much more effective.

Please push for a breakup of Microsoft. I want to be able to choose the tools for my job.

Thank you,
Brad Werth
werth@efn.org

MTC–00013411

From: Gregory Slayton
To: Microsoft ATR
Date: 1/17/02 12:39pm
Subject: Microsoft Settlement Judge:

It is imperative that you send the PFJ back to the DoJ to correct the most glaring mistakes (of which there are many).

We in the software industry are counting on you.

Thanks.
Gregory Slayton
Gregory W. Slayton
Chairman of the Board
ClickAction Inc
http://www.ClickAction.com
Direct Line: 650–463–3944
Assistant: Dawn Scardina—650–463–3912
Fax: 650–473–3646
Non nobis Domine

MTC–00013412

From: Dave Tharp
To: Microsoft ATR
Date: 1/17/02 12:44pm
Subject: harassment of microsoft

It is time to stop harassing Microsoft for being an innovative company that tries to expand into other areas of the related technologies. The settlement which was presented and accepted by many of the litigants is more than fair to them and acceptable, though not necessarily fair to Microsoft. It is time for those companies who live in the shadow of Microsoft's innovative enterprise, due to their own lack of same, to

quit whining and settle! I strongly urge the Department of Justice to require the remaining companies to settle so innovation in technology may continue!

Sincerely,
David Tharp
19400 n. Westbrook Pkwy
#142
Peoria, AZ 85382

MTC–00013413

From: Erin Baccus
To: Microsoft ATR
Date: 1/17/02 12:58pm
Subject: Microsoft Settlement

I believe it is important that Microsoft as well as its competitors are able to design, create, and market software as they can. I don't work in the high tech industry, but it doesn't take a genius to realize the importance this case holds. Microsoft just has better products, not unfair practices. Please settle this lawsuit once and for all and put our tax dollars to fighting something the country really cares about.

Erin Baccus
erinbaccus@msn.com

MTC–00013414

From: Robin Colgrove
To: Microsoft ATR
Date: 1/17/02 1:01pm
Subject: Microsoft Settlement

I am sure you are getting a lot of mail, so I will be brief.

I am writing to oppose in the strongest terms the current settlement proposal. Its remedies are incredibly weak and depend entirely upon the goodwill of Microsoft for implementation. Microsoft has already made it clear from its flouting of previous settlements that it has no intention of complying voluntarily with restrictions on its behavior. Even its public statements have made it clear that they have not even accepted their guilt in this matter, despite being convicted, having -some- of the counts upheld unanimously on appeal, and having the convictions be allowed to stand by the Supreme Court. I think it is outrageous that a company found guilty of multi-billion dollar crimes should be allowed to negotiate about whether and in what fashion it should be penalized. This can only increase the perception that the law exists to hammer the poor and that sufficient wealth can buy one a free pass to violate the laws of one's choosing.

It is sometimes said that Microsoft's actions have only helped consumers and that the legal cases against them come only from their competitors. This is grossly untrue. I have been using computers for over twenty years and use on a daily basis computers of all types including Windows, UNIX, and Macintosh machines. Microsoft's practices of monopoly lock-in hurt me every day. Over and over, whether in access to hospital clinical data, NIH grant applications, presentation results, and many other types of data, I find I am forced to use Microsoft software, even though I don't like it and don't want it, not because it is better, but simply because it has an illegally-maintained monopoly. It has taken me enormous effort and resources over the years to keep my laboratory running in the face of the constant pressure to conform to the Microsoft standard. Since this monopoly has been found to be maintained and extended illegally, this represents substantial harm to me and to millions of people like me.

There are many examples of great harm caused by the Microsoft monopoly (the squashing of innovation, the forced cycle of ''upgrades'', the loss of consumer choice, etc.), but I want to comment on one area where I have special expertise: viruses. I am a virologist and have studied both real and computer viruses for many years. In the mid-90's, many of us warned that the Microsoft practice of embedding automatically executable programming scripts into its programs (first Excel, then Word, then Outlook/Exchange, and now XP and .Net) posed a serious security risk to users in that they could be used to write software viruses. Again and again this has proved all-too true with one virus after another and billions of dollars in damage done. This is not the place for a technical discussion, but though no system is perfectly safe, these viruses are far, far easier to create and spread using Microsoft software than with UNIX/linux or macintosh alternatives. Virtually all the significant virus damage in the past decade has come from easily correctable flaws in the way Microsoft makes its software. Microsoft does not correct them because the intertwined web of embedded auto-executing code is an important mode by which they achieve customer lock-in and monopoly maintenance/extension. No one would put up with this level of customer abuse except that people and institutions feel they have no reasonable choice but to use Microsoft software. No company could have gotten away with this except one with an illegal monopoly. For this reason alone, Microsoft deserves large and serious penalties. Many good ideas have been advanced for improving the proposed settlements. I want to emphasize two. First, one of Microsoft's key tools in illegal monopoly maintenance has been to use secret file formats and undocumented ''API's'' connecting to other programs, making it very hard for competitors to write compatible software. As part of any reasonable settlement, Microsoft must be forced to make all its file formats and API's public at the time the software goes on sale. Microsoft complains that this would strip them of intellectual property but this very tellingly misses the point that they have been found guilty and have earned large penalties for themselves. Second, there must be rapid and serious enforcement of any settlement provisions. The court record shows very clearly how Microsoft has worked to subvert earlier agreements and in so doing they have lost the chance to have a settlement based upon good will.

Microsoft is at present a company with an adolescent character, arrogant and self-absorbed, unconcerned with the harm that they cause others. They will not grow up by choice. Like previous monopolists (such as IBM) or would-be monopolists (like Intel), they need strong Justice Department pressure and the real threat of further serious penalties in order to mature as these other companies have done. As others will point out, Microsoft is a product of vigorous anti-trust action (against IBM, who otherwise would have absorbed them in the '80s), and is a champion of government intervention in the market (in intellectual property protection). It is typically juvenile of them to claim exemption from anti-trust law now, and is exactly why the Justice Department needs a much stronger and more strictly enforced plan for any settlement that will truly be in the public interest.

Sincerely,
Robert C. Colgrove MD
Division of Infectious Diseases
Beth Israel Deaconess Medical Center
Harvard School of Medicine

MTC–00013415

From: Joseph Sitoyen
To: Microsoft ATR
Date: 1/17/02 1:13pm
Subject: Microsoft Settlement

I hope the Microsoft Settlement truly rememdies the anti-trust nature of Microsoft's dominance of the operating system and software market. In order to ensure that they receive more than a slap on the wrist, a meaningful action must be taken which will ensure competitiveness. Any settlement must require Microsoft ''to standardize and publicize the entire set of Windows APIs and the file formats of its Office applications (another key to Microsoft's monopoly ''lock-in'')—with the express goal of allowing competitors to build Windows software applications, and operating systems, that compete with Microsoft on a level field,'' as Scott Rosenberg has previously stated. Such a requirement would truly make the Anti-Trust Division worthy of its noble origins.

Respectfully,
Joseph Sitoyen
Cheyenne, WY

MTC–00013416

From: Charles A Schuster
To: Microsoft ATR
Date: 1/17/02 1:14pm
Subject: Microsoft Settlement

Enough is enough. Please get off Microsoft's back and let them help the economy grow.

MTC–00013417

From: Joshua Gramlich
To: Microsoft ATR
Date: 1/17/02 1:16pm
Subject: Microsoft Settlement

I believe that the DoJ's settlement with the Microsoft corporation is wholly unacceptable and an egregious error. The proposed settlement has no ''teeth'' and will only result in further damage to the American consumer, damage which Microsoft has already inflicted upon us for years.

Never mind the anti-trust suit, implications of tax evasion have come to the attention of the public with the idea that Microsoft is refusing to pay dividends to its stockholders because of the enormous tax payment they would have to make on such dividends.

You tell me why a company that has $18 billion in CASH is not paying dividends.

Microsoft has continually perjured themselves in Federal Court, flagrantly disregarded the rulings of said court, and

now, the DoJ seems to be willing to let the most monopolistic company since Rockafeller's Standard Oil off the hook.

What gives?

Joshua Gramlich
3505 N. Seminary Ave. #2
Chicago, IL 60657

MTC–00013418

From: K. Payne
To: Microsoft ATR
Date: 1/17/02 1:17pm
Subject: Microsoft Settlement

To whom it may concern,

I've been reading online of Microsofts' recent purchases of OpenGL technology. I am VERY disturbed about the potential problems of this. They have been working against OpenGL ever since they started developing directX and direct3d. I'm sure MS would love to kill all 3rd party efforts in the 3d graphics world so their new xbox and similar technologies can totally dominate the planet. PLEASE DON'T LET THIS HAPPEN!!!! Kenneth Payne (B.S. in C.S.)

MTC–00013419

From: Stephen J. Lemmons
To: Microsoft ATR
Date: 1/17/02 1:20pm
Subject: Microsoft Settlement

Dear Sir or Madam;

For a new of years I have been watching Microsoft, its products, and the way it conducts business. I've also followed the ''Monopoly'' court action along with the various proposed settlements. Based on what I have observed, I would like to submit the following comments.

1. Over the years in many court actions, Microsoft has agreed to settlements with promises to discontinue its various inappropriate actions/conduct. In each instance, when things have quited down, they returned the very same conduct that cased the legal action to be filed. Their promises and signed legal documents mean nothing to them.

2. If they can't get a company to license a feature from their copyrighted software, if possible, Microsoft tries to purchase the company. Case in point; FoxPro, Inc. After purchasing FoxPro, Microsoft Chairman Bill Gates stated in an interview for Database Advisor, that Microsoft would continue to produce FoxPro for DOS (that would at that time have been FoxPro 3.0 for DOS). To date this program still hasn't seen the light of day.

3. Despite court orders to ''Unbundle Internet Explorer'' from the Windows Operating System, Microsoft to this date has refused to do so. In fact, several of their software packages will not install unless you allow them to put Internet Explorer on you PC.

4. A new software manufacture started up in September or October of 2001. They are offering an alternative to Windows. At Christmas time, Microsoft filed a lawsuite allegeding trademark infringement due to the company's name and its products name. The names are easy to distinguish between.

I have read both the federal goverments proposed sanctions against Microsoft and the proposed santions by the states that disagree with the federal goverments. In both cases, the boat has been badly missed. These sanctions are nothing more that the same type of things done previously with Internet Explorer and in other cases against Microsoft where they continued to what they wanted, placing themselves above the law. There is only one way Microsoft can be brought back in line and made to follow the law like the rest of us; that being a split up into at least two, if not three separate companies. One would develope and produce operating systems, another would develope and produce internet browsers and server software and the last would develope and product productivity software such as MS-Word, MS-Excel, MS-PhotoDraw, etc. Failure to bring Microsoft back in compliance with the law will have a major negative effect on the development and production of new software and hardware.

Respectfully,
Stephen J. Lemmons

MTC–00013420

From: David R. Plas
To: Microsoft ATR
Date: 1/17/02 1:26pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am writing in reference to the U.S. government's anti-trust action against Microsoft. I strongly support the position of the Dept. of Justice that Microsoft exerts monopoly power in the computer software marketplace. I also agree that splitting up Microsoft is not the proper mechanism for dissolving the monopoly. However, the goal of the government must be to find a way to prevent Microsoft from leveraging its control over the Windows OS into domination of other areas of the software market. To this end, I strongly support forcing Microsoft to publish all API's of any current OS on the market, and 3 months in advance of any future release of the Windows OS. Publication of the Windows APIs would prevent Microsoft from possessing an unlawful advantage in the fabrication of software that runs within the Windows OS. In effect, Microsoft would be forced to behave as two separate companies: one with rights to modify the OS as it pleases, and another that must work with the published tools provided by the OS to compete with other companies in the development of software. Assuming Microsoft competed well in the marketplace, this remedy would benefit the company by insulating it from further lawsuits concerning anti-trust matters. It would also have obvious benefits for the public and competing companies. Whatever remedy you do pursue, please do not try the previously failed tactic of behavior modification combined with fines. These don't work for any aggressive company, and have already failed in the Microsoft matter. Take a decisive step to end this harmful monopoly.

Thanks for the opportunity to comment on these issues.

Yours,
Dave Plas

MTC–00013421

From: Ritkat@aol.com@inetgw
To: Microsoft ATR
Date: 1/17/02 1:35pm
Subject: Microsoft Settlement

In my mind the most un-American thing the US Government has ever done was to bring the suit against Microsoft. One thing this country seems to have a problem with is the American Dream. Bill Gates has lived it and the government can hardly wait to crush him. The lawsuit was stupid. If there was a better operating program than Windows the inventors should put it out there and let the free market decide. Some did and the market decided. They wanted Windows. I want Windows. I want the Federal government to leave Microsoft and Bill Gates alone. Stop trying to kill the American Dream. If the Clinton Administration had been putting its efforts in the correct places 911 would never have happened. But it was too busy trying to crush Bill Gates and Microsoft. End the whole thing.

Kathleen Webb
3108 E. Sierra St
Phoenix, AZ
602–971–5541

MTC–00013422

From: Powell Billy Contr WRALC/LBR
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/17/02 1:33pm
Subject: Microsoft Settlement

Recommend that case be settled and not further litigated. The current agreement with the 9-states is tough, reasonable, and fair to all parties involved. Let's put an end to the unreasonable demands still being pushed by the remaining 9-states.

Billy Powell
2712 Highway 96
Fort Valley, GA 31030

MTC–00013423

From: J. Scott Houchin
To: Microsoft ATR
Date: 1/17/02 1:41pm
Subject: Microsoft Settlement

Hello,

Here are my comments on the Microsoft Settlement. The number one goal for the settlement should be to restore a competitive environment where multiple competitors are able to effectively compete to provide application and operating systems products to the consumer. The settlement must allow Microsoft's competitors to do three things:

To write applications that run on Microsoft Operating Systems with equal access to the power and services of the operating systems as do Microsoft applications - To create alternate operating systems that will run applications written for the Microsoft operating system just as well as those applications run on Windows - To create applications that can interchange data and files with Microsoft applications with 100% interoperability There can be no compromise on this issue, as this is the root of Microsoft's illegal exploitation of a monopoly position.

While it is possible to debate a specific solution that meets the requirements I listed, I personally believe that there is only one valid solution that will truly restore a healthy competitive environment: -Microsoft must be forced to publicly document all application programmer interfaces (API's) to the

Windows operating system (both current versions and future versions) and to network accessible products (such as a .NET servers or IIS). The scope of this disclosure must include all software libraries and compiled software that ships with any Microsoft operating system or server product, regardless of whether Microsoft considers that software element a core part of the product, or part of an included add-on service.

- Microsoft must be forced to publicly document all file formats used by its operating systems and application and server products (i.e. the Microsoft Word .doc file format). This will allow users of third party applications to easily and interoperably exchange data with users of Microsoft applications.

- A license to use any relevant intellectual property (with respect to the API's and file formats) must be given to any software developer on a royalty-free and non-discriminatory basis.

- There should be no set duration to these restrictions on Microsoft behavior, the restoration of a healthy competitive environment is dependent on the hard work of third-party providers and the willingness of the buying public to purchase third-party products. The government should consider removing these restrictions only if (through the hard work of third-party developers) Microsoft loses their monopoly position.

Only with all four of these elements would a third party developer be able to create an alternate operating system or application that complete on a level playing field with Microsoft products.

An added benefit to this solution is that, for Microsoft to maintain their monopoly, their efforts must be focused on creating products that are truly better than those of their competitors. For example, if I could purchase a third-party operating system that ran all of my existing Windows applications and read all of my existing files, but never crashed, Microsoft would need to also make modifications to their operating system to reduce the amount it crashes. Even if the majority of people continue to purchase Microsoft product, the buying public still wins, as we are provided with better products.

Once a settlement has been reached, a method to oversee the implementation and compliance with the settlement must be put in place. While some may believe that a specific oversight committee that works with Microsoft will solve the problem, I believe that in the end, that solution will be overly expensive to the public (in terms of tax dollars used to support the committee) and will not be effective.

I believe that the best possible oversight committee is the general software development public. As was proposed a few years ago by a columnist in InfoWorld magazine, I believe that the best way to ensure that all API's and file formats are properly documented is to post a reward, payable by Microsoft, for any developer that discovers an API or file format feature that has not been publicly documented. A suitable starting reward would be US$10,000,000, payable to the developer himself (or maybe to a non-profit organization of his or her choice) upon confirmation by a government appointed oversight committee. This reward would increase for every additional API for file format feature that is discovered (i.e. discovering hidden API number i requires a reward of US$10,000,000 times i).

The benefit of this solution is great:

- The actual work to verify the documentation of API's and file formats will be spread across a very large number of people, for which doing this work is in their own best interest, by ensuring that they are able to complete.

- The monetary penalty is large enough to be significant given the current financial position of Microsoft, especially if multiple hidden API's are discovered.

- The cost to US taxpayers would be minimal, as the only work that would be required by a government appointed oversight committee would be to verify the discoveries of the public.

In addition, as the US government works to give final resolution to the Microsoft issue, please remember that Microsoft was found guilty of illegally exploiting their monopoly position, and that the guilty verdict was upheld by the Appeals court. In effect, there really is no settlement, in that the law does not require that Microsoft be allowed to provide input on their punishment. The US government, through the justice system, must put in place a solution that serves the best interest of the US public at large, which in general will mean that it is not in the best interest of the Microsoft Corporation.

I have great fear that by allowing Microsoft to pick their own punishment, we are setting a very dangerous precedent for future cases, both civil and criminal.

Thank you,
J. Scott Houchin
42 Sunny Mill Lane
Rochester, NY 14626–4440 —

MTC–00013424

From: James Gowans
To: Microsoft ATR
Date: 1/17/02 1:40pm
Subject: Renata,

Renata,

It is good news to hear that the settlement on the Microsoft antitrust lawsuit will be coming to an end. Please consider this letter a letter of support for the settlement. It is time to help the technology back on its feet and start the innovations and ideas coming again.

Sincerely,
Jim Gowans, Representative
Utah House of Representatives

MTC–00013425

From: Anne Schwartz
To: Microsoft ATR
Date: 1/17/02 1:42pm
Subject: Microsoft Settlement

Dear Attorney General Ashcroft:

Please find attached my letter concerning my thoughts about the US Department of Justice's current lawsuit with Microsoft. I would greatly appreciate your reading it and consider my point of view as you finalize matters with this case. If you or your staff or colleagues have any questions or remarks about the attached letter, please feel free to contact me.

Thank you in advance for your help and consideration with the Microsoft settlement.

Sincerely yours,
Anne D. Schwartz
8200 Wisconsin Avenue, Apt. 604
Bethesda, MD 20814–3168
Phone: 301–656–1313
E-mail: ad—schwartz@hotmail.com
8200 Wisconsin Avenue, Apt. 604
Bethesda, MD 20814–3168
Phone: 301–656–1313
Email: ad—schwartz@hotmail.com
January 17, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

Please hear my opinion on the settlement of the Microsoft Anti Trust Case. I applaud the government for taking the steps to end this long, drawn-out lawsuit. My hope is that you will make the right decision and uphold the proposed settlement. I believe the settlement is more than fait and addresses the issues alleged in the lawsuits and then some. Microsoft is promising to utilize less aggressive business tactics in running their company. Additionally, they have agreed to share some of their technology information, including the intellectual property they have in the Windows internal interfaces and server interoperability protocols. There are more details to the settlement, but most importantly, I understand that the settlement will restore fair competition to the computer industry. Please maintain the current settlement and set a good example for the remaining states that are pursuing litigation in this matter. By doing so, you will help our American economy and American computer industry begin to flourish again. Thank you for your kind consideration.

Sincerely yours,
Anne D. Schwartz

MTC–00013426

From: Eric Bailey
To: Microsoft ATR
Date: 1/17/02 1:44pm
Subject: Microsoft Settlement

Hello,

Let me begin by saying that the proposed settlement involving donations to educational institutions is like handing Microsoft a golden ticket on a monopolistic train ride. But more on that later. First, I think a ''Competitive Market Advancement'' plan should be included in the settlement. This would require Microsoft to fund development in other computing companies, namely Apple Computer and Sun Microsystems. A donation of $250 million to $1 billion to each company would seem appropriate. Such funds would allow these companies to take on the staff and fund the research and development required for true technology advancements. I believe that only when these two much smaller companies have greatly superior technology will they be able to compete with Microsoft.

I chose Apple because it is the only true competitor to Microsoft in the consumer and

education markets. The core of Apple's new OS X operating system, Darwin, is open source and freely modifiable by third-party developers. Apple's operating system also attempts to ''play nice'' by being compatible with both Windows and Unix environments. Sun Microsystems competes in the server and programming language markets. Sun's high-end servers match anything from Microsoft. But the real value in Sun stems from the Java programming language. The language was designed from the ground-up to be platform agnostic. For the most part, I can take a java application in a .jar file and transfer it from Mac OS X to Windows to Solaris to Linux. It is such flexibility that gives consumers choice and wouldn't bind them to a single computing platform because of software needs.

Secondly, I am very worried about Microsofts recent acquisition of Silicon Graphic's (SGI) patents on 3D graphics technology. OpenGL and many underlying technologies have been transferred to Microsoft's control. The result is that Microsoft may eliminate OpenGL, the freely open graphics library, for its own Direct3D proprietary graphics library. It may even use incentives to graphics card manufacturers that force them to drop OpenGL support for Direct3D. Also affected would be Apple Computer (which embraces OpenGL at the core of its operating system) and countless video game companies, such as Electronic Arts, Nintendo, and Sega.

Now, on to the current settlement. Essentially, low-income schools would be granted computing equipment and software from Microsoft.

Suddenly, Microsoft's share in the education market increases. Wasn't the settlement supposed to penalize Microsoft for unfair market dominance? How are these schools ever going to afford a competing platform? Especially given the ''deals'' on Microsoft software/Intel hardware versus the sideline concessions for Apple products? Such a settlement connotes, ''Please continue your monopoly, Microsoft, and as a gift, please take more of the educational market you've found difficult to crack in the past.''

If any settlement terms include education, they should be for financial grants only, thus allowing the schools themselves to decide on the computing equipment they need. No special deals on Microsoft-only products should be allowed.

Thank you very much for your time, and I hope to see a fitting resolution to this case soon,

Eric Bailey
1020 Sevier Ave.
Menlo Park, CA 94025

MTC–00013427

From: sanford toole
To: Microsoft ATR
Date: 1/17/02 1:46pm
Subject: microsoft settlement

Lets settle up and allow the techies to get on with productive work and life. We've kicked this around long enough.

MTC–00013428

From: milo ness
To: Microsoft ATR
Date: 1/17/02 1:51pm
Subject: Microsoft Settlement

I believe the Microsoft case should be settled and very soon. Microsoft has offered wonderful proposals to settle the case and a settlement will be a BIG help to the economy.

Milo D. Ness

MTC–00013429

From: BABEGOLF@aol.com@inetgw
To: Microsoft ATR
Date: 1/17/02 1:52pm
Subject: Microsoft Settlement

DOJ,

It would seem to me this suit has gone on long enough, and due to the extreme problems and pressures the nation is now facing, should be settled. I wonder if these 9 states are just holding out for ''big bucks'' and are not looking at the ''whole picture'' relative to how ''we'' people should be spending ''our'' time. I think Microsoft has made sufficient concessions, accommodations and commitments, which seem to be more than fair, to satisfy the ''aggrieved''. Please help the nation get on with the more important tasks at hand!!!

Marilyn Raupe
2312 So. 119th Plz.
Omaha, NE 68144
CC:BABEGOLF@aol.com@inetgw

MTC–00013430

From: Harding Bob-ra7777
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/17/02 1:53pm
Subject: microsoft settlement

Dear Sirs:

Microsoft has a virtual monopoly on the PC operating system market, as well as the integrated Office software suite and the internet related software. The only effective resolution for the current case is a settlement that requires that Microsoft make the intellectual property for the API code available to developers/companies, so that these other enterprises can have a fair opportunity to develop products that can interface with the Windows operating system and compete with the entrenched products that Microsoft produces. The consumer can then be the judge, to determine if Microsoft really produces a better product, or if another company offers a similar product at a better price, or a better product at a similar price.

Thank you for your consideration.

Bob Harding

MTC–00013431

From: Alex Whitney
To: Microsoft ATR
Date: 1/17/02 1:54pm
Subject: Microsoft Settlement

Dear Sir or Madam:

I'm sure Microsoft employees are stuffing this box with propaganda, as they have reputedly demonstrated their willingness and capability to do so, so I have little hope of being heard, but I must speak out against MS/DOJ settlement proposal.

It is objectionable: they are a company of thugs, and are not doing anyone, not our country, not our diversity of technology, not our economy—any favors with their anticompetitive practices. This rapacious lot of doe-eyed ''what, ME?'' wolverine monopolists severely limits the number of good choices I have in hardware and software through their vast, rich, well thought out range of both blatant and subtle anti-competitive practices.

The proposed settlement does nothing to stop this criminal activity. And, they make you look bad, by getting away with it. Right now, they are squeezing my company for cash via software licenses like the mafia; quietly pushing UCITA through state governments—how they are getting key individuals to pass this piece of bogus legislation will come to light, I'm sure—and are quashing creative, innovative work that could make us competitive internationally for years.

Microsoft is a bunch of monopolists, with knowledge aforethought and criminal intent. It was so obvious to the judge handling the case that he frankly was overwhelmed—he simply couldn't contain his outrage. That's no reason to call off a lawsuit and hand Microsoft the keys to the kingdom. A more effective remedy would be one that required Microsoft to standardize and publicize the entire set of Windows APIs and the file formats of its Office applications (another key to Microsoft's monopoly ''lock-in'')—with the express goal of allowing competitors to build Windows software applications, and operating systems, that compete with Microsoft on a level field.

Such a plan would require careful oversight and enforcement, since Microsoft could easily engage in all manner of foot-dragging. If Microsoft set out to be uncooperative, it could release the API information slowly, in deliberately confusing ways, or in a ''Good Soldier Svejk'' fashion—assiduously following the letter of the court's order while flagrantly violating its spirit. (There's precedent here: This is precisely how Microsoft behaved during the trial when it told the court that, sure, it would supply a version of Windows with Internet Explorer removed from its guts, but gee, sorry, then Windows wouldn't work.) It would include some penalties: you violate this agreement, you consent to being broken up into three companies, each with all of the Windows source code and a third of MS's developers, on a judge's ruling.

I can already hear them howling in protest. Its too bad that their lawyers are so good at beating up your lawyers. . . For all of us. These are the people you are supposed to protect us from, and I would appreciate it if you would do a better job. I know I don't have as much money as they do, but that's not supposed to count, hm? Get 'em, boys! Its a hard fight, but our country needs them to step back even if their ego won't let them fight fairly. They don't even fight fairly with you, do they?

—Alex Whitney
Vice President, Director of Technology
Cline, Davis & Mann
110 East 13th Street
New York City New York, 10003
(212) 907–4348

MTC–00013432

From: Michael Thompson
To: Microsoft ATR
Date: 1/17/02 1:48pm
Subject: Microsoft Settlement

Dear Sirs

I feel this is the opportunity to express how strongly I feel about the Microsoft Settlement.

I feel if this Settlement goes through as proposed it is way to linient on Microsoft. I feel for all of their steamrolling over smaller companies with their policies demands harsher fines against Microsoft. How they destroyed netscape is just one of many examples of the brute (unfair9 forse Microsoft has exersized over many companies over the past few years.

Please do not let them off the hook so easily.

A concerned U.S. citizen.

Michael S. Thompson

MTC–00013433

From: Bob Tarabella
To: Microsoft ATR
Date: 1/17/02 1:56pm
Subject: Microsoft settlement

I do not believe that the proposed Microsoft settlement will result in any penalty to Microsoft Corporation. In fact, it would appear to give them a strong foothold in one of the only competitive markets that they do not yet dominate. The proposed settlement is a bad idea.

Robert Tarabella 450 N Mobile St
Fairhope, AL 36532
251–928–7876 (h)
251–990–3558 (w)
360–838–9046 (fax)

MTC–00013434

From: David A. Molanphy
To: Microsoft ATR
Date: 1/17/02 1:56pm
Subject: Microsoft Antitrust

To whom it may concern;

On your website you request input on the Anti-Trust case against Microsoft. Although I am not well versed in law I do know what a monopoly is, and Microsoft fits the description better than any textbook example I've ever seen. For Microsoft to propose a settlement enabling them to expand their monopoly into the education sectors is, in my opinion, a joke. Granted, their offer to help the less-privileged school districts in our country is a commendable one, but it seems more like they're trying to use this as a publicity stunt! Let's open our eyes a bit! If Microsoft really wanted to help education, they would provide the monies to the school districts for them to use at their own discretion! Providing a license of Windows to these schools is hardly a punishment! It's a boost in their business! It costs Microsoft less than a quarter to copy a disc containing their software! How is this supposed to break up and discourage a monopoly? I must say that I am sick of throwing money into Microsoft's mediocre operating system, horrible service, and I'm especially sick of wasting my tax money on settling this matter, when it is so obvious that they ARE a monopoly, and have NO intention to stop their unlawful practices.

Sincerely,
David A. Molanphy
david@molanphydesign.com
http://www.molanphydesign.com

MTC–00013435

From: BRIAN D SMITH
To: Microsoft ATR
Date: 1/17/02 1:57pm
Subject: Microsoft Settlement

We feel it is about time to settle this matter for all concerned. Let's do it!

Christine and Brian Smith

MTC–00013436

From: Ralph Mabb
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/17/02 2:01pm
Subject: Microsoft Settlement

Having read the facts of the case it is apparent to me that Microsoft is & always will be a monopoly, bent entirely on dominating the OS market as well as the PC market. They use underhanded tactics as well as illegal marketing practices to drive away competition. Look at what they did to Apple! Windows was stolen from Apple. So as far as I am concerned its about time they paid. Make them settle for Billions, make it count and make sure there are safeguards put in place to prevent further tampering in the market by Microsoft.

Thanks
R. Mabb

MTC–00013437

From: Susan Secrist
To: Microsoft ATR
Date: 1/17/02 2:06pm
Subject: Yes—
Microsoft Settlement
To: The
U.S. Department of Justice
Antitrust Division

We are writing to be counted among the many American citizens who are asking for a quick and fair settlement in the lawsuit against Microsoft. We have followed this case closely and believe that the CURRENTLY PROPOSED SETTLEMENT addresses the legitimate findings of the Appeals Court. Further delay and/or punitive action would undermine not only our economy, but the underpinnings of jurisprudence.

Please settle now.

Thank you,
Daniel and Susan Secrist
5125 39th Ave SE
Lacey, WA 98503

MTC–00013438

From: Ben Loftis
To: Microsoft ATR
Date: 1/17/02 2:07pm
Subject: Microsoft Settlement

To whom it may concern: I am submitting this letter in response to your request for ideas about the Microsoft antitrust case. In my opinion, Microsoft is trying to stifle new competition by raising the cost of entry into the operating system market. In addition, they are using their monopoly to ''lock'' consumers into only using Microsoft products. Both of these practices are damaging to consumers. Unfortunately there are already multiple examples of the effectiveness of these practices. BeOS, for example, was a much more sophisticated and reliable product, but it was unable to compete in the desktop OS market because most potential customers were locked into the Windows monopoly.The two most offensive practices are proprietary file formats created by the operating system and their unwillingness to allow other operating systems to coincide with Windows on the same machine. By bundling common software packages into Windows (email, word processing, html, media files), and then using proprietary file formats, Microsoft has guaranteed that the majority of users will be dependent on Microsoft products to read and edit their own, personal records! As a user of multiple operating systems, I can personally attest that Microsoft makes it nearly impossible to share basic documents between other operating systems.

Because Microsoft invents their own formats instead of using standard formats for these basic file types, they raise the cost of switching to a new operating system so high that most users aren't willing to switch from Windows.The ''boot issue'' is also important. If an amateur user tries to install Windows in addition to an existing operating system, he will find that Windows has overwritten the Master Boot Record of the boot disk, apparently making the previous operating system, and all it's data, disappear! Although this condition can be reversed, it can be very disconcerting to a casual computer user, and it makes the prospect of installing a new operating system too scary for most people to contemplate. This results in far fewer sales for competing OS developers. I suggest three straighforward solutions to these problems: 1) Require that Microsoft use open-source file formats in any products that are bundled with the operating system, or available as free downloads from Microsoft. (note: this does NOT include Microsoft Office!)2) Require that Microsoft publish the format of all previous documents that were generated by software that was bundled with Windows. 3) Disallow Windows to overwrite the Master Boot Record of a disk unless the operator explicitly agrees to do so. These solutions would not incur undue cost to Microsoft, nor are they technically infeasible. They simply help make sure that future versions of Windows will ''play well with others'' and not trap consumers into using Microsoft-only products.

Thank you,
Ben Loftis
301 Honey Ct Nolensville, TN 37135

MTC–00013439

From: fouts
To: Microsoft ATR
Date: 1/17/02 2:13pm
Subject: Microsoft settlement
January 17, 2002
Attorney General John Ashcroft
US Department of Justice
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I am writing to express my feelings about the settlement in the Microsoft antitrust case. Honestly, I thought the whole thing was ridiculous to begin with, but seeing as Microsoft is satisfied with the settlement that has been arrived at, I won't reopen old wounds. It does cause me some concern, however, that the impending threat of further litigation exists. I am shocked that the nine states that are considering such action have the gall to suggest that the settlement was in any way unfair to Microsoft's competitors Microsoft agreeded to a very wide spectrum of terms in the settlement, some of which

were not even at issue in the antitrust case, simply in the interest of wrapping up the suit. Intellectual property rights are to be licensed to competitors, the Windows operating system is to be reformatted to support non-Microsoft software, and Microsoft has agreed not to take normal retaliatory measures against anyone who introduces directly competing software onto the market.

I believe that justice can demand no further satisfaction from the Microsoft Corporation. The Department of Justice needs to let the settlement carry through and move on. I urge you to please support the agreement so they can do so.

Thank you.

Sincerely,

Barbara L. Fouts

3634 Kassandra Drive

Punta Gorda, Florida 33950

MTC–00013440

From: Anna Angelova
To: Microsoft ATR
Date: 1/17/02 2:14pm
Subject: Microsoft Settlement

Dear Sirs,

I am writing to you to voice my objection to the Proposed Final Judgment in the U.S. vs. Microsoft anti-trust case. I believe that the Proposed Final Judgment does NOT properly address Microsoft's anti-trust violations and anticompetitive practices. I strongly feel that Microsoft's monopoly should be terminated and future such monopolies be prevented. A monopoly can be devastating for the development of a fast-paced industry, such as the software industry. Therefore, I am concerned with the Proposed Final Judgment and hope that you will reconsider the ways in which you approach the Microsoft case.

Sincerely,

Anna Angelova

505 W 54 street, apt. 1119

New York, NY 10019

(212) 954–7289

MTC–00013441

From: Andrew Bradley
To: Microsoft ATR
Date: 1/17/02 2:14pm
Subject: A fair future for Microsoft.

IMHO, the problem stems from MS being unclear on the distinction between operating system and software applications in its business model. How about this: the OS side of Microsoft must have freely available APIs and no OS feature development be tied to any application being co9ncurrently developed by MS. Not quite open source, but so that any developer can access any or all of the OS1s features. The application development side of the Microsoft can be as secret as they please, since in effect they would be nothing but a developer for their own OS.

As new capabilities are added to the OS side of MS, they must be made available to all developers, including MS1s application development, simultaneously. No cooperation between application development and OS development sides of the business. Eliminate the hand-in-hand development of applications and OS features that support them. MS1s advantage is that it had a head start in developing applications that take advantage of its own OS1s features. Take away that head start and it is nothing more than a company that sells an OS , as well as some applications for that, and other, OSs.

For example, the MS applications side make a ''feature request'' to the OS side. So can any external developer. The OS side adds or changes the OS to accommodate any or all developers1 requests. A new OS version is released, with equal access to new features by all developers. Then, and only then, can the application side of MS can develop software versions to take advantage of the new OS. At the same time, so can other developers. Equal competition by all developers, and ''freedom to innovate'' is retained. Developers can write for MS, or any other OS for that matter, on a level playing field.

There you have my two cents worth. Thank you for taking the time.

Respectfully,

Andrew Bradley

MTC–00013442

From: Potter, Ken
To: Microsoft ATR
Date: 1/17/02 2:10pm
Subject: Microsoft Settlement

Kenneth Potter
210 John Glenn Drive
Suite 1
Amherst, NY 14228–2213
January 17, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

This is to give my support to the agreement reached between Microsoft and the Department of Justice. This agreement was reached after three long years of court battles, costing both sides time and money. It is time to put this issue to rest. Microsoft has agreed to any number of demands from the Department of Justice. Microsoft has agreed to help companies achieve a broader degree of compatibility with regard to their networking software; Microsoft has agreed to design future versions of Windows with a mechanism to make it easier for computer makers to promote non-Microsoft software. Microsoft has even agreed to a technical committee to monitor future compliance.

Please support the antitrust settlement.

Sincerely,

Kenneth Potter

MTC–00013443

From: Victor Agreda, Jr.
To: Microsoft ATR
Date: 1/17/02 2:16pm
Subject: Microsoft Settlement

Put this in the category of: Microsoft should pay MONEY and be required to go under the government microscope for several years. Their proposal to ''give'' several millions of dollars ''worth'' of software to schools is an insult to intelligence. This obviously extends their monopoly further.

Better yet would be to provide a substantial cash payment to an oversight organization, which would in turn distribute these funds. Microsoft would then be watched very carefully for other non-competitive behaviors. However, an even better solution would be an actual reversal of their monopoly. That would entail Microsoft purchasing competitor's products, and installing them (according to the oversight org), AND providing monies to provide for training and upkeep of the systems. Examples would be mass purchases of Linux systems and Macintoshes.

The above case would serve as a punishment to Microsoft, as well as an overall remedy to their past behavior.

Good luck getting them to agree to it, however. I suggest that you will be lucky to actually get any money from them at all.

Thank you all for your time and attention to this case!

—Victor H. Agreda, Jr.

www.superpixel.com

MTC–00013444

From: Jacob Larson
To: Microsoft ATR
Date: 1/17/02 2:16pm
Subject: Microsoft Settlement

Dear US DOJ,

I feel that Microsoft's proposed solutions are just a slap in the face of real justice. The Settlements that they have been giving are no more than a mockery of everything that justice stands for. When the DOJ went after IBM and maBell it didn't who this we have to be nice to you junk. The only solution that I see that would be fair to the rest of the world namingly the software developers is to force them into going open source. That is the only true way to bring justice to the software tyrant.

I may seem a little angry with Microsoft because I am. I have lost many hours of sleep and even some important homework because of thier unfair business practices of making other poeples software no-functional. This may only be a small puddle in the mess they have made out of the business world from downtime and lost profits as well as lost produtivity in tech support. Have you seen Mac OS X or Linux and other Unix variants downtime is almost a thing of he past. I have been running Mac OS X and Linux the only downtime I have had was when I had to reboot after an upgrade. This is an acceptable downtime. On my PC running Windows 98 I have downtime almost immediatly after I boot up. Blue Screens are a common occurence. This would not be a problem if it wasn't for the programs that the school I go to teaches only microsoft products because they are the forced standard. There is no reason for the type of problems that I see constantly in all the programs that Microsoft has realsed.

Sorry enough about that little bit of background information but the type of problems that I see as a norm is a bad thing that kills this nations effectiveness in the growing business world.

To sum everything up the only solution to fixing Microsoft's harmful business practices is to either force open-source or to null the company all together. To back up the nulling the company look at all of the standards that they have tried to force onto the computer world. For example the WMA format and the

all of a sudden lack of support for MP3's in Windows XP. Microsoft act like the lack of MP3 support as a way to help the record industry stop pirating music. With the evil recording industries trying to make it impossible for little guys like me run copies of CD's in things like my car so I can keep the original in good shape.

How about the active X form of JAVA that Microsoft has been trying to make as a standard. Which cause problems when other non active X supported web browsers and this to me seems like a form of browser prejudice. Like the little browsers like opera a really good freware browser that doesn't run active X because it is not the true standard of the web.

Now in finally ''this time I am not kidding'' The only solution to ending thier riegn of poor coding and badly written software I feel open-source is the best solution.

Young voter,
Jacob L. Larson
mailto:macsavageg4@yahoo.com

MTC–00013445

From: Jwclb@aol.com@inetgw
To: Microsoft ATR
Date: 1/17/02 2:19pm
Subject: Microsoft Settlement

I believe it is HIGH TIME to have the nine State Attorney Generals to go home. Realizing they have $$ dollar signs $$ for eye balls to cloud there better judgment will in no way help the consumer more than Microsoft has already agreed to do. They (the attorney generals) have had enough headlines. I'm sure they have plenty of work to do in there own states to keep busy. ENOUGH IS ENOUGH.

James W. baker
543 Silver Pass
Ocala, FL 34472
jwclb@aol.com

MTC–00013446

From: Eric L. Strobel
To: Microsoft ATR
Date: 1/17/02 5:01pm
Subject: Microsoft Settlement

The proposed settlement is woefully inadequate when compared to the damage the Microsoft monopoly inflicts on this nation. Let us reduce this to a specific example of the impacts of Microsoft's stranglehold on desktop computers, impacts that have never even entered into consideration (as far as I know).

I am a physicist working at a defense contractor, and I simply don't ''get'' Windows. I find it almost impossibly difficult to use because it just doesn't work in a way that makes sense to me. Instead, I use Apple Macintosh computers (although this argument logically also applies to OS2, BeOS, Linux, and any OSes that might have been were it not for Microsoft's anti-competitive practices). Now, in a fully competitive environment, my chosen OS might be in a minority, but would still be considered an acceptable alternative. However, due to Microsoft's continuing history of predatory and illegal practices, they have achieved an almost total monopoly. In my case, I am SEVERELY limited as to potential employment opportunities because the Federal Gov't. and its contractors have largely standardized on Microsoft (to the exclusion of any alternatives, which in the case of the Federal Gov't I thought was illegal). This standardization was done, in large part, because ''Everybody uses Windows, so if we must standardize on one OS, it should be Windows.'' I'm sure the problem is obvious. . . ''Everybody uses Windows'' because Microsoft's illegal practices had absorbed, crushed, or marginalized the competition.

What Microsoft has achieved vis-a-vis other OSes, it has now also achieved (though to a lesser degree) in the realm of web browsers. Netscape has all but been buried by Microsoft in terms of vigorous competition which would lead to rapid product enhancement and ultimately, to consumer benefit. This must not be allowed to stand, but yet the fundamental weakness of the proposed settlement does exactly that.

I strongly urge you to put some teeth back into the sanctions against Microsoft. Even while the process of the proposed settlement was going on, the world saw Microsoft arrogantly proposing a settlement in another set of cases which would have actually INCREASED Microsoft's monopoly! They MUST be taught a lesson! Their monopoly status means there's no competitive pressure to improve their products, resulting in untold billions of dollars of losses to the US economy due to reduced productivity. And, as you can see from my personal example, the potential is there for Microsoft's monopoly to do tremendous damage to individuals as well.

Lastly, regardless of the outcome, I also can't urge you strongly enough to open an investigation into the Federal Government's IT practices and how these have contributed to Microsoft's continued monopoly, even while DOJ was pursuing an anti-trust case against Microsoft. Any settlement with Microsoft will ring hollow while the Federal Government continues to bolster Microsoft's monopoly status.

Thank you.
Eric Strobel
Dr. Eric Strobel
12601 Dulcinea Place
Woodbridge VA 22192
(703) 494–6623
fyzycyst@mailaps.org

MTC–00013447

From: Jon Pugh
To: Microsoft ATR
Date: 1/17/02 2:25pm
Subject: Microsoft Settlement

The proposed Microsoft settlement is a slap in the face of consumers and the computer industry. Microsoft needs to be reigned in before they completely dominate the entire industry and suppress all other innovation. The current administration has completely caved in to Microsoft. Please throw out their proposed settlement and let someone with some objectivity decide what should be done to prevent Microsoft from remaining the 800 lb gorilla of the software industry.

Jon Pugh
18306 Andover
Edmonds, WA 98026
(425) 640–0835

MTC–00013448

From: Pfeiffer
To: Microsoft ATR
Date: 1/17/02 2:27pm
Subject: Microsoft Settlement

As a retired Judge of a State Court for thirty-seven years I have never seen a party who has lost the lawsuit (having been found guilty of acts prohibited by law) come off with no penalty other than being restricted from doing what the law restricts it from doing in the first place. It is unfortunate that the remedy fashioned by Judge Jackson had to be reversed because of personal failings of the Judge rather than from any defect in his logic or reasoning.

The court should reject the proposed settlement which has come about by a change in government with a different approach toward monopoly. Microsoft should not benefit by stonewalling until this change occurred and should not now be left in the same position of monopoly that it had before the national election. It should be bereft of the power to again violate the law rather than just promising not to do it any more. The ultimate judgment should make impossible further abuses of our free enterprise system.

C. Pfeiffer Trowbridge, P O Box 445, Stuart, Fl 34995

MTC–00013449

From: Joe Gerhardstein
To: Microsoft ATR
Date: 1/17/02 2:31pm
Subject: Microsoft Settlement

As a software developer and user of Microsoft products, as well as Apple and various Unix/Linux products, I have been following the court case closely for several years. I believe the current settlement as proposed is a complete travesty of justice. The current settlement, while on the surface looking like it might prevent Microsoft from participating in anti-competitive actions, has no teeth and actually goes so far as to tell Microsoft to expand is monopoly by ''giving away'' it's products to educational institutions.

My first major run-in with Microsoft occurred about 7 years ago while I was trying to write software for Windows 3.11. At the time, I had a need to access physical memory locations on the machine in order to transfer data from a high-end data-acquisition card. After a few days of searching their online help and discussion forums for the necessary API call, I called Microsoft to ask how to do this (at $75 for the first three calls), and was told that a competitor's C compiler I was using wouldn't work and I needed to purchase the latest version of Microsoft Visual C++ compiler, which I did. After several days of working with this and we were still unable to perform the above task, I called Microsoft back (for a fee) and was told that the Visual C++ compiler was not enough, and I would also need to pay to join their ''developers group''. When I ask whether this for sure would solve the problem, I was told that they couldn't guarantee it. In the end we finally found some references to the necessary API (marked

''don't use this as Microsoft doesn't guarantee that it will continue to be available in future releases'') and used the competitor's C compiler to build the necessary .dll.

Through this entire process, I couldn't help but think ''Well, here I am being bribed by Microsoft to tell me, a person who is trying to develop software for their operating system, how to program their operating system.'' Every week I'm bombarded with more attempts by Microsoft to get me to buy more of their ''solutions'' or to give up on competitor's products and use theirs. One need go no further than look in the Internet Options menu on Internet Explorer (Tools -> Internet Options). Under the General tab, there are three buttons that you can use to assign a Home Page: Use Current (makes sense), Use Blank (also makes sense), and Use Default (what's default?). The last one when clicked, assigns Microsoft's home page. Why isn't there a button or pull-down menu to select AOL or Yahoo? I have yet to find a way to make the default something other than Microsoft's web page. Why is Microsoft the only company that seems to pull stuff like this? Or if you click ''Search'' in Internet Explorer, why is the default search engine Microsoft's? Other vendors, such as Apple with their Sherlock search engine, by default include searches from other major sites such as Yahoo, Google, Excite, etc.

Every time I install Windows on a new computer, why is Microsoft Outlook and Microsoft Internet Explorer the only email and web browsers with not one, but two icons on the desktop (one on the desktop, one in the Start Menu tray)? When I install Apple's OS–X, I get Apple's mail program, but I also get IE/Outlook and Netscape Communicator icons with similar promenance. When I install Suse Linux, I get Netscape and Koncourer. Look at Sun and Java. Why does Microsoft insist on not only not using Java, but goes and develops it's own version and basically makes Java unrunnable on their OS?

You're probably saying ''well, that isn't illegal'', and I agree. But why is Microsoft the only company that pulls stuff like that? The Justice Department has already determined that Microsoft acts in anti-competitive, monopolistic ways. The current court ruling seems to imply that the Justice Department believes that Microsoft is going to forget it's old ways and just start playing ''nice''. I have seen no such change in behavior over the last few years even after the ruling, and have a hard time believing that the current weak court ruling is going to have any impact on Microsoft and their traditional business practices. Even if you were to stop the blatantly anti-competitive ways, Microsoft will continue to coerce users in ways slightly less illegally until the Justice Department stops complaining. The only way you can solve a problem like this is to separate the parts. Make it so one company sells operating systems and doesn't care who's browser or email client is shipped with the core OS, make another company responsible for Microsoft's other software applications, such as Office and IE, and make a third company responsible for Microsoft's Internet holdings (.NET, msn.com, etc.). Doing this will help (but not fully) prevent each part of Microsoft from favoring the others over competition. Doing anything less would be the same as doing nothing at all.

In case you believe that I am just ''another anti-Microsoft nut'', I would say to you that I believe in the last few years that Microsoft has actually done some innovation. I current run Microsoft Internet Explorer on my Mac at home, not because Apple or Microsoft has forced me to or made it too much of a hassle to choose another browser, but because Microsoft's offering runs 2x faster than Netscape Navigator, has better compatibility than iCab and costs less than Opera. This was a choice I made that was not biased by Apple or Microsoft, but instead was made on the relative merits of various freely-competing company's products. Unfortunately I cannot say that same for any computer that runs a Microsoft operating systems.

Joe Gerhardstein
Joe Gerhardstein
Senior Engineer/Systems Integrator
DAQTron, Inc.
1007–B Mansell Road
Roswell, GA 30076
770–643–1878
770–645–6403
(fax) www.daqtron.com

MTC–00013450

From: DHWick@aol.com@inetgw
To: Microsoft ATR
Date: 1/17/02 2:33pm
Subject: Microsoft Settlement
January 17, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am from Cedar Rapids, Iowa. I would like to offer my strong support for the settlement agreement reached in the Microsoft antitrust litigation. While there is much of the agreement of which I am not aware, I do know that Microsoft has agreed to lessen restrictions on the use of competitive software within Windows operating systems, and to promote greater uniformity in its pricing practices. These concessions certainly go a long way in answering the allegations of anticompetitive behavior brought against Microsoft, although I am sure complaints will remain. It appears to me that much of the criticism of Microsoft is the result of their success. I disagree with the idea that successful individual or organizations should be looked upon as targets of opportunity.

I am not a dedicated fan of Microsoft products but I am sure that the long and drawn out litigation is distracting management attention. At a point in time when economic growth is so essential; we cannot afford to have one of our biggest economic engines sitting on the sidelines. Please get on with this agreement and let Microsoft get on with business.

Your time is greatly appreciated.
Sincerely,
Don Wickenkamp
5861 Shiloh Lane
Cedar Rapids, IA 52411

MTC–00013451

From: milo ness
To: Microsoft ATR
Date: 1/17/02 2:36pm
Subject: Microsoft Settlement

I believe the Mic

MTC–00013452

From: Rick Roese
To: Microsoft ATR
Date: 1/17/02 2:40pm
Subject: Microsoft Settlement

To Whom it Concerns,

Everywhere I look I see Microsoft's hand. There is nothing illegal about being large, but it seems that for years they have used that size to influence every vendor in the industry (even Intel) and they show no signs of stopping. I believe everyone who uses computers has and will continue to be hurt be the stifled development of anything that Redmond does not control. And that is the definition of an abused monopoly. The idea of a settlement that ''pushes'' Microsoft into the education market under the guise of a penalty is ludicrous. Something much stiffer must be imposed for the good of the computing future.

Rick Roese

Below is a hidden transaction describing the the transfer of 3D technology from Silicon Graphics and Microsoft. Again the affect is subtle, but cumulative and subversive. MS is not going to stop without pressure from the DOJ or other government agency.

SGI transfers 3D graphics patents to MS
By Andrew Orlowski in San Francisco
Posted: 16/01/2002 at 18:03 GMT

Exclusive Silicon Graphics Inc has transferred much of its 3D graphics patents portfolio to Microsoft. These form the heart of a mysterious transaction which showed up in SGI SECC filings last year, with Microsoft paying $62.5 million for unspecified ''intellectual property'' rights to SGI. SGI insisted at the time these are ''non core'' technologies, but sources close to the Mountain View are emphatic that these represent the bulk of SGI's 3D intellectual property assets, a view confirmed by documents disclosed to The Register.

The 3D graphics landscape is scarred with previous intellectual property litigation, and the Microsoft deal has its roots in an earlier settlement between SGI and NVidia. NVidia walked away bruised but with a license for key SGI technology. Unfortunately for the Xbox team, that didn't extend to NVidia's sublicensees and an eleventh-hour deal was brokered that allowed the Xbox launch to proceed on schedule.

So does the Redmond deal represent good value for SGI? Well, SGI has had console ambitions in the past: developing the N64 for Nintendo, but failed to follow through in those early efforts. SGI has since been supplanted in the newer generation of consoles and has even had to adopt the PC graphics products of erstwhile rival NVidia. SGI shareholders will doubtless welcome the cash.

Neither NVidia nor SGI wanted to comment on this article. SGI is in a quiet period pending its next quarterly results next week. 0wn 3d? However Microsoft's acquisition of the patents has repercussions for not just the console business, but the future of the PC business, too. The question

of who owns the platform was one of the fissures exposed during the Microsoft AntiTrust trial. According to memos released as part of the trial, and testimony from Intel VP Stephen McGeady (who's no longer with the company), The Beast won a showdown with Intel that obliged the 'Zilla to axe its NSP multimedia hardware project.

Microsoft isn't in the PC hardware business, and it's unlikely that the patents will change its technical strategy. But they do add significantly to its bargaining position with hardware vendors, giving Redmond important new leverage. Rival APIs, principally OpenGL, are kept alive through the support of graphics hardware vendors. And for a hardware partner, avoiding a lawsuit, or gaining a contract to work on future versions of Xbox, may well outweigh the advantages from continuing to support OpenGL. Now that's an area that the three men in a boat—the proposed MS compliance body—might care to examine. We'll be watching. (R)

MTC–00013453

From: Smith, Mathis
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/17/02 2:47pm
Subject: Microsoft Settlement

Microsoft should not be allowed to get by with just a slap on the wrist, and that is exactly what their proposed settlement would be allowing. The proposed settlement would allow Microsoft to extend their Monopoly into markets as of yet unaffected by their business practices.

Any judgments against Microsoft should be a punishment not a bolster to the company. The proposed $200 million that Microsoft says it is liable for is nowhere near $18.9 billion suggested by plaintiff economist. If this is to be a monetary settlement it should be closer to the billions not the millions.

Microsoft's attempt to mask a settlement that is in their best interest behind a veil of charity, lends more evidence to the accusations that brought them to court in the first place. If a donation is to be made to these schools as punishment, that is fine, but it should be a cash settlement and an amount that more reflects the net worth of a company as big as Microsoft.

It is my opinion that Microsoft should have to set up an $18.9 billion fund for under privileged schools. This fund would provide money to those schools that need it, and those schools would be allowed to use the funds the way that those schools deem fit. These under privileged schools need more than just technology. They especially don't need the outdated Pentium computers running Windows 98 that Microsoft was suggesting. Microsoft was even suggesting that the schools then pay Microsoft for the licensing of the software.

To allow Microsoft to get a way with a lenient settlement would be a crime against the United States consumers, as well as those consumers affected world wide.

Matt Smith
I.T./Mac Desktop Analyst
Ph# 214–977–2753
<mailto:9725200921@Page.Metrocall.com>

MTC–00013454

From: aschlackman@nyc.rr.com@inetgw
To: Microsoft ATR
Date: 1/17/02 2:49pm
Subject: Microsoft settlement

What this settlement does is reward microsoft for its fine ethical business practices. What is a billion dollars to MS. Or 10 ten billion for that matter. Open souce their software- or split them up I can1t believe justice dept is this stupid, so it must be motivated by something more sinister!

MTC–00013455

From: Derek Rich
To: Microsoft ATR
Date: 1/17/02 2:55pm
Subject: Microsoft Settlement

Thank you for this opportunity to express my opinion. Microsoft's business practices during the mid nineties absolutely were appalling—specifically regarding their attempt to ''kill'' Netscape Communications, Inc.

Their use of the ''monopolistic'' tactics to disable a legitimate company's primary source of income truly represents an injustice to the consumer.

I applaud the DOJ's actions and proposed settlement.

Derek Rich
36 Greensboro Road
Hanover NH 03755

MTC–00013456

From: A Non Moose
To: Microsoft ATR
Date: 1/17/02 2:56pm
Subject: Microsoft Settlement.

My comments on the settlement are that this matter has dragged on for way too long and is continuing to impact public confidence in the economy and American competitiveness in the global market place. The Wall Street Journal some time back had a number of comments from State representatives regarding the PR exposure that they get from dragging the case on ? I?m surprised that the media has failed to take them to task further. Microsoft is a leading light for the US in the World Economy, if one looks at the size of the company relative to organizations such as IBM, GE & Boeing it is rather small. Success has come from 30,000 people working long and hard day in & day out ? not from Bill Gates alone. This case can do much to crush ?the American dream? and cut back the US's lead in the IT industry. Look at Japan and Europe and how they help to drive their national champions ? how do we ready ourselves to compete with them ? we cut our best players down at the knees ? gee it will be great when the software industry goes the way of the US auto & steel business.

Sun & Oracle are both large players but have invested less in R&D and are seeing a decline in business ? their outspokenness and fighting words of expectant dominance contrast drastically with what was discussed in court. AOL TimeWarner is a formidable competitor today, while IBM is a giant next to Microsoft. Dig into any of these organizations for long enough and one can find something to gripe about. Microsoft is probably the closet thing to a model company, happy employees and share holders who have shared in its success and Millions of customers who have benefited from reduced prices ? surmising over whether or not prices would have been cheaper with more competition disregards where the IT industry has come from and the role that Microsoft has plaid in making computing affordable for the masses. Let the market sort itself out.

I fully support a settlement at this stage and do not believe this case should ever have gone to trial. It is a breakdown in our system.

Taun Masterson
Sammamish . WA

MTC–00013457

From: Dan Pahlajani
To: Microsoft ATR
Date: 1/17/02 2:56pm
Subject: Microsoft is a monopoly

Microsoft MUST donate the proposed money (1 billion dollars) in cash and NOT as Windows OS and hardware. It will only help it become stronger and give it an opportunity to capture education market which will defeat the main purpose of this case against them.

Microsoft had brought some executives as witness to support that it is not a monopoly but those witnesses stand to gain by supporting Microsoft. For example, CEO Doug Burgum of Great Plains Software has always tried hard to be acquired by Microsoft. I know this for fact becasue I have been Great Plains consultant for almost 10 years. Now that Microsoft acquire it for a cool 1.1 Billion dollars only makes the case stronger. Doug Burgum's statements support should be questioned. He is the direct beneficiary by supporting Microsoft. He doesn't care for the technology industry. Similarly Michael Dell stands to gain from a better partnership with Microsoft and therefore supported them. Again not caring that such monopoly is not good to American consumers.

If Microsoft is set free, than DOJ should allow De Beers to operate in America—justice should be equal for all.

I can go on and on. . .

Best Regards,
Dan Pahlajani

MTC–00013458

From: Rockwell
To: Microsoft ATR
Date: 1/17/02 2:59pm
Subject: Microsoft Settlement
17695 County Road 1108
Flint, Texas 75762
January 17, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing you today to voice my opinion in regards to the Microsoft settlement issue. I support the settlement that was reached in November, and I support Microsoft in this dispute. Microsoft has accomplished a tremendous amount in the last ten years, and these accomplishments have had a positive impact on our daily lives.

This settlement will end three years of costly litigation. Microsoft has agreed to fully carry out all provisions in this agreement,

even provisions that go well beyond the original issues of the lawsuit. Microsoft has agreed to share information with its competitors that will allow them to place their own software on the Windows operating system. Microsoft has also agreed to be monitored by a technical oversight committee created by the government to monitor Microsoft compliance. This settlement will serve in the best public interest. Please support this settlement so this company can move forward with innovative design. Thank you for your support.

Sincerely,
Helen Rockwell

MTC–00013459

From: andrew hedges
To: Microsoft ATR
Date: 1/17/02 3:02pm
Subject: Microsoft Settlement

I work in the computer industry and have followed the anti-competitive practices of Microsoft for some time. It is my layman's opinion that Microsoft's proposal to donate computers and software to schools will not have the effect of deterring such practices in the future and will actually give them inroads into one of the few markets they do not currently dominate.

In a nation that prides itself on free-enterprise, it only seems reasonable to assign a remedy that will give the guilty party pause in the future and allow the market to freely determine which products it uses. A $1B settlement of cash to US schools will do far more to promote learning and keep Microsoft from continuing to bully competitors than in-kind donations ever would.

Thanks for keeping America's interests in mind when making this decision.

Andrew Hedges
Washington, DC

MTC–00013460

From: Jim Hartneady
To: Microsoft ATR
Date: 1/17/02 3:03pm
Subject: Microsoft Settlement

Dear Ladies/Gentlemen:

Microsoft has used its operating system monopoly to destroy its competition in the application field. It has done this through sweetheart deals with Original Equipment Manufacturers (OEM) and utilization of predatory pricing. The sweetheart deals required the OEM to purchase a copy of the MicroSoft OS even if the computer was going to be used for Linux. That is power. It is also abuse of power. If your recommended solution does not prevent and punish this type behavior then your efforts are a waste of your time.

The predatory pricing meant that with the profits from their monopoly in the OS they could sell their applications at a lower price than a competitor. Such a low price that the competitor could not make a profit. Without a profit they went out of business. How many of you think that PowerPoint or Word are the ''best'' applications you have ever used. How many competing applications do they have in the business world? Monopoly is wonderful when it is benevolent. MicroSoft, however, is not and never will be a benevolent monopolist.

If you correct their behavior to the point where others can compete you have done your jobs and done them well.

Good luck,
Jim Hartneady
3200 Wayne Road,
Falls Church VA 22042

MTC–00013461

From: Yonatan Yoshpe
To: Microsoft ATR
Date: 1/17/02 3:04pm
Subject: Microsoft Settlement

Greetings,

This is in response to public comments on the proposed Microsoft antitrust settlement:

Microsoft's monopoly power is evident directly on the Internet where it now controls the browser field, claims the highest use on the internet via its portal, and is claiming control over travel, personal banking, and many other fields.

With Windows XP this power got translated to an almost complete destruction of the publishing businesses on the net (like landings.com) by introducing a new ''feature'' into Internet Explorer (as default part of the OS) which would highlight words appearing in the browser window and hyper-link these to Microsoft controlled sites. In other words, Micorosoft would have hijacked the work of the independent publisher to its own benefit, and due to its monopoly power in the field, the publisher would not have any recourse. This was stopped at the last moment due to public outcry. But Microsoft does not often listen to the public, nor should this be an outcry, it should be up to a healthy market place, where multiple players control the field, so that no single company can dictate the state of the market or its ''features''. This single new ''feature'', which would have led to a real destruction for thousands of working, producing, and income providing sites on the net, is only an example. In every single field of influence in the software and many different related net or phone hardware elements, Microsoft monopoly is evident and creates huge havoc to the industry. It limits the choices we make in product introductions (knowing that Microsoft will grab a successful product, copy it, and sell it under its force—prevents many efforts in-house), and other choices are simply discarded because Microsoft already enjoys monopoly in a particular product field. There is endless untold limitations on creativity, and untold losses incurred due to the monopolistic activities of this giant.

There are thousands of small publishers making a living from independent efforts such as Landings.com. These efforts are crucial to the related publishers, but often (just as in the case of Landings.com) provide an extremely important independent source of information, databases, news, opinion, and comment to their respective industry segments.

I am against any settlement that does not break up Microsoft into separate OS and application companies. Without such a separation the result would be quite catastrophic for large segments of the software, hardware, and Internet industries.

Sincerely,
Yonatan Yoshpe, President, Landings.com

MTC–00013462

From: Tobe Harvey
To: Microsoft ATR
Date: 1/17/02 3:05pm
Subject: The settlement is unfair.
Tobe Harvey
1580 N.E. Merman Dr. Apt. 395
Pullman, WA 99163
tobeharvey@earthlink.net

To Whom it may concern-

I am writing to state my opinions about the proposed Microsoft settlement. The settlement does not punish Microsoft as it should. Instead, it gives Microsoft a boost when entering the education market due to software deals. The true manufacturing costs of producing the free Microsoft software has not been taken into consideration. The retail value of the software varies greatly from the actual cost of manufacturing. Hence, I feel that the Department of Justice is having the wool pulled over it's eyes by good lawyers.

I want to see Microsoft split into three great companies. It's Office and Internet Explorer software should be separated from it's operating systems. This combination is lethal to competition. Office, Internet Explorer, and Windows should stand alone against competitors. How many people have even heard of alternative word processing applications? Not very many, and I am having a hard time myself. Microsoft Word, has complete control. This is strangling competition. In addition to strangling word processing competitors by connecting themselves to the OS, Internet Explorer is destroying the Browser competition. By connecting Internet Explorer so tightly to Windows, it is hurting competition.

Please break up Microsoft into three great companies. Office, Internet Explorer, and Windows would be three great separate business's for consumers to choose if they wish.

Sincerely,
Tobe Harvey

MTC–00013463

From: David Lennard
To: Microsoft ATR
Date: 1/17/02 3:07pm
Subject: Microsoft Settlement

Dear USDOJ,

Here's my short opinion of the settlemenT:

It is basically a light slap on the wrist with a wink. A company as large and powerful as Microsoft is too ingrained in our societies daily life (professional and personal) for any settlement to hurt it.

What Microsoft needs is to be taken down and dragged through the mud like they have done to other companies, but what would be the point, since that would stop the normal day to day flow of American life. This lawsuit against Microsoft should have happened 10–15 years ago. It's too late now. If you levy heavy fines on Microsoft, Mr. Gates will just take it out on the willing morons who are slaves to this mediocre OS. Only God knows why consumer groups didn't stop Gates and Co. years ago when they released lousy product after lousy product. With all the hacking that is done to the Windows OS and security issues with DOS, Windows and Internet Explorer, Microsoft is the software equivalent of the

Ford Pinto. The DOJ has to take a lot of responsibility for these failures. How can a group of products so insecure, so dangerous to security keep on getting worse? When everyone else is looking the other way. It's too late now to punish them properly. They're too powerfull and sucessfull. Instead of punishing them, which the average consumer will end up taking the heat for, order Microsoft to radically change Windows and all their products so that they are basically the safest software anywhere in the world. We can all agree that security is more important than anything else in the world right now and forever. Thats my 2 cents worth of babbling. Thank you for taking the time to read this letter.

Sincerely, David J. Lennard

MTC–00013464

From: Dale Cunningham
To: Microsoft ATR
Date: 1/17/02 3:07pm
Subject: Settlement

As a person who has worked in the IT / DP field for over 20 years, on all platforms, I feel that I have some knowledge of the field and the software in use.

It appears that the settlement is a win / lose situation, with MicroSoft getting everything they want and the consumer getting nothing in return. The so called controls that are proposed are laughable when examined closely as is the ''gift'' to the schools.

Sincerely
Dale M. Cunningham

MTC–00013465

From: Thomas Hewlett
To: Microsoft ATR
Date: 1/17/02 3:08pm
Subject: Microsoft Settlement

There is no question that microsoft is trying to take advantage of the present economic conditions to avoid the justice it deserves for it's anticompetitive behavior over the last 20 years. It would be a huge mistake to allow microsoft to escape justice because of the present economic difficulty. In the long run it, we would all be better served by encouraging more competition in both operating systems and software. The present economic difficulties will work themselves out, with or without microsoft.

Thomas Hewlett

MTC–00013466

From: EgaArch2@aol.com@inetgw
To: Microsoft ATR
Date: 1/17/02 3:09pm
Subject: Microsoft Settlement

Re: Engulf and Devour

As an educator, a longtime business computer user and a concerned American, I have followed the Microsoft Antitrust proceedings with increasing shock and disbelief. Something must be done. Since the beginning of the proceedings some years back, Microsoft's practices have not changed and it position within the industry is stronger than ever. There behavior is criminal and should be treated as such. Every time I think we are close to reaching a solution and putting this behind us, the MS monster rears it's ugly head again.

The breakup proposal was far from perfect but would have eliminated the most egregious problem by eliminating the conflict of interest created by the leveraging the monopoly power in the OS area to build monopolies in other areas. Yes, it would have created two monopolies in place of one; but would have leveled the playing field on the software end allowing for competitors to make inroads.

Microsoft has repeatedly shown that it is incapable of policing itself and their latest proposal was unbelievable in is naked promotion of self interest, furthering my conviction and that of many Americans that they must be made to face up to past abuses and to admit to wrong doing or be desolved as a corporate entity.

Edgar Adams
Assoc. Professor
Roger Williams University
School of Architecture, Art and Historic Preservation

MTC–00013467

From: Kevin Mackett
To: Microsoft ATR
Date: 1/17/02 3:12pm
Subject: Not strong enough

To whom it may concern:

In my opinion, the settlement proposed by Microsoft has no teeth. It only partially deals with the primary business tactics that Microsoft uses to perpetuate their monopoly and does nothing in the way of punishing them for past actions. While I am happy with most the work the DOJ has done under

the Bush administration, I am severely disappointed with the way the DOJ now seems to be pandering to Microsoft in the settlement talks. Microsoft1s monopoly is bad for the country and bad for the computer industry. Only real competition will bring the ''innovation'' Microsoft claims to bring.

Kevin Mackett
primary contact—kevin.mackett@nau.edu
Office- on campus only- 2.9277
emergency cell—928.699.7988

MTC–00013468

From: Joe Bernstein
To: Microsoft ATR
Date: 1/17/02 3:13pm
Subject: letter ot Attorney General;

My letter was mailed out today , thank you for your help I support Microsoft in their decisions in this matter thank you Joe Bernstein

MTC–00013469

From: Christopher Soeffing
To: Microsoft ATR
Date: 1/17/02 3:21pm
Subject: Microsoft Settlement

I would propose that Microsoft donate 1 billion dollars (cash) towards an education found. The donations could be spread out over 5 years. Each state would get a share based on population, and each state could determine how to spend the money on education.

MTC–00013470

From: stepnw1f
To: Microsoft ATR
Date: 1/17/02 3:14pm
Subject: My opinion

I feel it is the People's and the government's obligation to ensure that companies such as Microsoft do not abuse our system of capitalism, which in most cases, infringes on our Democracy as a whole. It is time these huge conglomerates, such as Microsoft pay for their abuses in our country. Hopefully this will send a message to all other companies, which never seem to pay for their abuses, such as Enron, Ford, etc. Do your job. Don't let their power and wealth scare you.

Markus Dubrowski

MTC–00013471

From: Paul
To: Microsoft ATR
Date: 1/17/02 3:21pm
Subject: Microsoft Settlement.

As a student in the IT filed who is nearing graduation I feel compelled to comment on the proposed final settlement between the DOJ and Microsoft corporation. I will be entering a workforce that is compelled to often use products that are less technologically superior and more costly than alternatives. This is due to Microsoft's illegal maintenance of its monopoly in desktop operating systems. Having read the proposed settlement, I feel that it is too lenient and contains too many loopholes to be effective in restoring competition to the desktop computer operating system market and the desktop application market. I also feel that the proposed remedy does little to rectify what has happened to the companies that were crushed by Microsoft's illegal behavior.

It should be clear that with Microsoft's recent entries into almost every consumer electronics device market that Microsoft will seek to drive growth in these markets by leveraging the power of its illegal monopoly. Already we have copy protected audio CD's that will only play on Windows computers and take advantage of the WindowsMedia Player format. Over 90% of all DVD players will soon recognize WindowsMedia format as well. These are direct consequences of the illegal maintenance of their monopoly. What about Apple's operating systems as well as the free Linux operating system which many more people are running every day? As it stands right now there are audio CD's that will not play on my computer if I am running Linux and I feel that the proposed settlement would do nothing to change this matter. As it is outlined in the settlement Microsoft could claim that releasing any API's for WindowsMedia Player would violate the security loophole that they have built into the settlement and further the reliance on Windows.

I also find the section dealing with the technical committee to be absurd. This allows MS to choose one of the 3 people assigned to oversee it. I wish that if I was ever convicted of a crime that I could oversee part of the makeup of the parole board. But of course that only happens for corporations with 30 billion dollars in cash. This board would also only have authority for five years and does not seem to have much power to punish MS if they continue with their wrongdoing. I am publicly against the proposed settlement and call for a stronger remedy that does not allow Microsoft to continue its past practices.

Paul Virijevich

MTC–00013472

From: Daniel Park
To: Microsoft ATR
Date: 1/17/02 3:19pm
Subject: microsoft settlement

Please understand the strangle hold Microsoft has on the computer software industry. Their clout deepens year after year through continual strategies of political lobbying, hostile takeovers, and bullying maneuvers towards consumers and businesses. With their now current proposal of ''donating'' computer handouts to underprivelged schools instead of paying the proposed cash settlement, this tactic further restricts the very nature of the whole initial debacle; that of restricting competition. The RIGHT thing to do would be to have Microsoft front the billion dollars and let the schools decide which is the better candidate of computer systems, rather than receiving corporate handouts of second rate PC's and unreliable software.

thank you for giving me this opportunity to write to the Department of Justice.

''The only problem with Microsoft is they just have no taste, they have absolutely no taste, and what that means is—I don't mean that in a small way, I mean that in a big way. . . .so I guess I am saddened, not by Microsoft's success—I have no problem with their success, they've earned their success for the most part. I have a problem with the fact that they just make really third rate products.''

- Steve Jobs (founder and CEO of Apple, Pixar, NeXT)

MTC–00013473

From: Bob Shelgren
To: Microsoft ATR
Date: 1/17/02 3:21pm
Subject: Microsoft Settlement
January 17, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

I am pleased that the Department of Justice and Microsoft have reached a mutually acceptable agreement in the Microsoft antitrust lawsuit. I sincerely hope that the designated Federal judge will approve the proposed terms of settlement which I believe are both fair and reasonable for all parties.

However, I am concerned about the other related antitrust lawsuit against Microsoft that represents the interests of the nine states which do not concur with the above approach. It is obvious that they are very biased and motivated by a desire to support several of Microsoft's strongest competitors which are resident in their states, (e.g. Sun Microsystems in Massachsetts). They have seized the opportunity to attempt to ''level the competitive playing field'' versus Microsoft by means of extended antitrust litigation. At no time during the past two years has there been any substantive evidence presented which shows that the general public customers have been unfairly victimized by the alleged monopolistic actions of Microsoft. Instead, these nine states are trying to divert the focus of the issues in such a manner as to further provide some competitive advantages to their constituents. This is wrong.

In view of the present state of the U.S economy, it is time to end this legal action and devote our country's efforts and resources to meaningful activites that will promote the general welfare of the American public. I respectfully request that you move to terminate any further efforts to prosecute Microsoft in this regard.

Sincerely,
Robert N. Shelgren
CC:fin@mobilizationoffice.com@inetgw

MTC–00013474

From: Octavio Guzman
To: Microsoft ATR
Date: 1/17/02 3:25pm
Subject: Microsoft Settlement

Hello, I am currently not happy to see Microsoft not split up, for years I have been oppressed by others that use Windows, and the Macintosh has always been ahead, and Microsoft is trying to get ahead of the law. Not one company even among the wealthiest obtain the power to buy themselves out of trouble. By buying out companies, they never want to have competition. Apple works hard to keep their competition alive, and the alligators at Microsoft are attempting to get into Apple's remaining pond. Their suggestion of distributing free computers was hypocritical to their monopoly scandal. I must also mention that if they want to settle out, it should have been with the betrayed Apple customers.

Thank you,
Octavio Guzman
MacAddict since 1984

MTC–00013475

From: Educator Concerned
To: Microsoft ATR
Date: 1/17/02 3:24pm
Subject: Microsoft Settlement

Dear esteemed members of the DOJ ruling on the Microsoft case: I would like to express my strong concern in the pending decision in the Microsoft Antitrust settlement.

I am a certified teacher and IT professional as well. I am equally comfortable on the Windows and Macintosh platforms. Simply put, letting Microsoft donate PCs, software, and money to schools is not a punishment, it is a reward. This is already a part of their business plan and would strengthen their monoploly on software in one of the few realms in which they were not the omnipresent player.

Apple has long been an advocate for education and has many technological initiatives in schools. If Microsoft wishes to try to create a monopoly in yet another area of business (education software, making Windows the dowminant platform in schools), it is essential that they not be aided in this effort by the US government. This seems to completely reverse the reasons why Microsoft was taken to court in the first place.

I certainly hope that Microsoft decides, for philanthropic and not business reasons, to put time, money, and effort into helping education in the US. Microsoft should not be allowed to put software and money into schools as part of a plan to increase market share. Letting them do so would be completely counterintuitive. Thank you.

Sincerely,
A concerned cross-platform educator

MTC–00013476

From: Chuck
To: Microsoft ATR
Date: 1/17/02 3:24pm
Subject: Microsoft Settlement.

I think what I have read about the settlement is sickening. The USDOJ is letting these people get away with everything. . . almost no penalty for hurting innovation. For monopoly. This country was supposed to insure a free market. This is a failure of the current administration. . . .proving once again that the US is more interested in Big Business than the lifeblood of workers that this country thrives on. This is a shame.

Chuck Campbell

MTC–00013477

From: johno@MIT.EDU@inetgw
To: Microsoft ATR
Date: 1/17/02 3:26pm
Subject: Microsoft Settlement

Dear Justice Department,

I want to commend you on successfully convicting Microsoft for its antitrust violations and documenting its many anticompetitive business practices over the years.

Further, I urge you to consider harsher punishments for Microsoft than are contained in the currently proposed settlement. The settlement rightly protects the rights of computer retailers to include competing browsers, icons, applications, and operating systems pre-installed in their products. However, it does not do enough to protect end users and competing operating systems. I recommend that Microsoft be required to publish openly the file formats for its Word, Excel, and PowerPoint applications, which are so frequently included as email attachments that the inability of competing products to view them properly helps protect Microsoft's Windows and Office monopolies.

MIT's Unix-based campus network development has given the world valuable technologies such as the X window system and Kerberos authentication. Yet we at MIT, like the rest of the world, cannot read and write publicly traded documents in the ubiquitous .DOC, .XLS, and .PPT formats without purchasing both Windows and Office from Microsoft, for a cost of $600 per machine, plus the cost of upgrading hardware for the high memory requirements of Windows XP. Forcing these file formats to be published openly would allow real competition in the lucrative office software market, which in turn would bolster competition in the desktop operating system market.

The recent decisions by Microsoft to exclude Apple's Quicktime movie player and Sun's Java runtime environment in its new XP operating system show that the company still values eliminating competitive threats far above consumer choice and convenience.

The settlement you choose must not therefore rely on the goodwill of Microsoft or the belief that they will follow the spirit of the remedy rather than merely the letter. Any loopholes you leave them will surely be exploited.

You are currently in the valuable and hard-won position of having found this monopolist guilty of literally hundreds of anticompetitive acts. We as a nation and marketplace have a rare chance now to put an end to it. I urge you to make the proposed settlement harsher toward Microsoft, not just preventing future practices but also penalizing them for their past acts that have left lasting damage to the industry. Most importantly, I urge you to require open publication of the proprietary file formats Microsoft still uses to maintain their operating system and office software monopolies.

Thank you for your time and consideration.

John Obenauer
John Obenauer, Ph.D.
Yaffe Lab/Center for Cancer Research
Massachusetts Institute of Technology
Room E18–576
Cambridge, MA 02139
Phone (617) 452–2520

MTC–00013478

From: Casey Arman
To: Microsoft ATR
Date: 1/17/02 3:35pm
Subject: Microsoft Settlement

I think the proposed settlement for the Microsoft Antitrust case is a mockery of the American Judicial system. In essence, their penalty would be to donate antiquated Hardware (computers), Microsoft brand Software and a measly sum of money to the only remaining sector of American life that is currently outside the scope of their monopoly, the education market. This settlement would, in the long run, serve to benefit Microsofts interest by opening the door for them into an as yet untapped market. A market that has been served faithfully and reliably for years by their only true competitor, Apple Computer. Furthermore, this settlement may damage, and even drive out of business their rivals. Practically granting Microsoft a government approved, total monopoly of the Software market.

Microsoft's case is consumer based. Yet their proposed settlement revolves around the education market. They are attempting to manipulate the Courts in order to serve their goals. It is the most disgusting display of predatory business practice I have seen from Microsoft to date. Microsoft started out by mistreating and misleading consumers. But now they have grown up, and are disrespecting our Courts.

I believe the original penalty, a split up of Microsoft, was a fair and beneficial to our society. Microsoft makes to much of a profit to be affected by any financial penalties. I urge you, in the name of fair business practice, and for the good of our consumers, reinstate the Split and send a message that we will not tolerate abusive corporations in the United States of America.

Thank You,
Casey Arman

MTC–00013479

From: Jon Grizzle
To: Microsoft ATR
Date: 1/17/02 3:33pm
Subject: Microsoft Settlement

I have seen no problem with the way Microsoft conduct their business. However, I would like more e-mail security and less snooping about home computers. Snooping across the Internet by down loading someone's hard drive is a big problem. We know that snooping is carried on by Government and by Corporate America. They should stop it and only in extreme conditions would Government be allowed to snoop.

Companies like Enron should have never been allowed to get to the point of bankruptcy before their employees were notified one year in advance. And Enron top dogs should pay dearly for running lives. Al-Qaida has nothing on Enron top dogs!

Leave Bill Gates alone and spend prosecuting money & time on Enron. . .

Regards,
Jon Grizzle

MTC–00013480

From: Bruce Sesnovich—Information Products
To: Microsoft ATR
Date: 1/17/02 3:24pm
Subject: Microsoft Settlement

Dear Sir or Madam,

I write to you during this public comment period to express my profound disappointment with the Department of Justice's proposed settlement in the Microsoft case.

In my opinion, the proposed settlement fails to ensure competition, fails to impose any significant penalty on Microsoft for past anticompetitive practices, and fails to dissuade such behavior in the future. Finally, it is my opinion that such remedies as are included in the settlement lack effective enforcement provisions.

Critical to any meaningful remedy would be a requirment for Microsoft to standardize and publish its proprietary Windows applications programming interfaces (APIs), as well as the file formats of its popular Office applications. Publication of and adherence to APIs is commonplace across the software industry. Having public APIs and open standards allow interoperation of many products from disparate sources. This encourages innovation and broad compatability among products, and ultimately benefits the consumer.

As long as Microsoft is allowed to keep details of its APIs and file formats selectively hidden, it can ensure that any particular non-Microsoft product will not work consistently and reliably with its operating systems or Office applications. This further leverages its monopoly powers to the detriment of innovation, competition, and consumer interest.

I also find it disturbing that the proposed settlement includes no redress for or restriction on monies that Microsoft earned as a direct result of its anticompetitive practices. There is no provision to surrender any of these funds, nor even to prevent the company from using them in the future to buy up and squelch its competitors' products or the competitors themselves.

Finally, the enforcement provisions of the proposed settlement are far too weak to have substantive impact on a company with Microsoft's resources. Given the company's history of repeatedly flouting attempts to regulate its monopolistic behavior, it is my opinion that the inspection mechanisms to ensure compliance with DOJ settlement provisions need to be much more rigorous, and the penalties for violating them draconian. His Honor Judge Penfield-Jackson's suggested remedy of breaking up the software company would probably give Microsoft's top executives some pause. Anything less seems unlikely to have a notable effect.

Sincerely,
- B. A. Sesnovich
Concerned citizen and computer professional
<bruce.sesnovich@sun.com> Work
<voidoid@acm.org> Home
CC:voidoid@acm.org@inetgw

MTC–00013481

From: jsedwards
To: Microsoft ATR
Date: 1/17/02 3:33pm
Subject: Microsoft case

I use Sun's Java platform and Microsoft Products.

I feel that Sun has made a lot of noise over this issue. The same is true, in my opinion, for others that took part in the litigation against Microsoft. Certainly the parties disagree and some changes are needed, however, the way the entire proceedings have been conducted from start to now causes me concern and problems.

I do believe that Sun and others have pushed so hard because of Microsoft's reputation. It's too bad that some of us, me included, happen to be much smaller in power than others.

James H. Edwards

MTC–00013482

From: Kris Spiesz
To: Microsoft ATR
Date: 1/17/02 3:38pm
Subject: Microsoft Settlement

Findings of Law

The findings of Fact and Law where untouched by the appeal. As such, why does the settlement in the initial whereas section state that ''this Final Judgement does not constitute any admission by any party regarding any issue of fact or law.''? This feels like giving up much of what has been gained.

Open Source Several sections (III.I.1, III.I.3) of the Settlement state that APIs will be availabe to other companies that can show a business case for needing it. Open Source Software, by its nature, is not a business and thus cannot show a business case for anything. Note that Microsoft has declared to the press that currently the most important competitor to Microsoft is Linux, an Open Source product. SAMBA, an Open Source interoperability product, would also have problems under this settlement.

Security Loophole Section III.J.1 of the settlement entitles Microsoft to not make available its APIs if a security concern can be raised. As such, given Microsoft's past

historical behavior, Microsoft is likely to put just enough security between items to ensure that any APIsw Microsoft shares are useless without the seucrity APIs not available to Mcrosoft's competitors.

Enforcement. There is no clause for enforcement in the settlement. If Microsoft violates the settlement a new court case will need to be started to do anything about enforcement. Historically this takes three to seven years, thus is likely to run beyond expected termination.

Termination Is five years long enough for this settlement to run. Given the past history of litigation between Microsoft and the US Government, Digital Research, etc.; I expect that five years is not nearly long enough. Twenty would be better.
CC:attorney.general@state.mn.us@inetgw

MTC–00013483

From: paul
To: Microsoft ATR
Date: 1/17/02 4:37pm
Subject: Microsoft antitrust

Microsoft has made the government lawyers look stupid. Or maybe they've just been bought off. It's clear to all us software users that the company concentrated on establishing a monopoly instead of product quality. Their software doesn't work well and doesn't have the feature I want but I have no choice because the bought up or ran off any business that looked like competitiion.

I'd like the government to do its job, protect consumers from predatory businesses. Make Microsoft open up its software so competition can happen. Breaking up the company would be best.

The government lawyers look like idiots or crooks letting them stall and beat down the first decision. It's like convicting a killer and letting him stay out of jail to kill again. That's what Microsoft just did withe XP, kill competition again. I may have to upgrade to XP to maintain up-to-date compatibility but I don't need any of XP's few new features and I don't like the way the software invades my privacy and narrows my choices. Get off your ass and do your job!!!!!

Give them back their bribes and political contributions!!!!!

Disrespectfully,
Paul Haney

MTC–00013484

From: Dick
To: Microsoft ATR
Date: 1/17/02 3:39pm
Subject: Settlement with Microsoft

I am opposed to the proposed settlement with Microsoft. Microsoft has been held to be a monopolist but is continuing to exploit its monopoly. Not only does it overcharge for its software, Microsoft continues to act in ways that only a monopoly can get away with. Its newest software products (Office XP, XP At Home) are keyed to fail (stop working) if the user changes her hardware configuration. So if I replace a failed hard drive or decide that I need a new modem then I must call Microsoft to plead for a new key code to get my system to keep working. And if there are any (inveitable) snafus or Microsoft does not believe me or agree with me? Why then I might have lost all access to important financial records, be unable to continue electronic commerce and go bankrupt. Rational business people would not incur such risk if there were viable alternatives but Microsoft has used its monopoly position to systematically stamp out alternatives. A competitor could not use such extortionate methods. Subaru (Fuji Heavy Industries) might disallow warranty claims if I change the configuration of my car but they have no legal basis to disable its operation and attempting to do so would guarantee their quick exit from business. Microsoft would like to be able to remotely intrude into customers computers to sabotage working software. That is one of the goals of the UCITA state legislation they back.

This is only one example of Microsoft's arrogance and abuse of monoploy power. It is vital to the future of this nation that Microsoft be stopped. They must be stopped from crushing innovation and alternatives as they are bent upon doing. The proposed settlement does not come close to doing that and will see continuation of abuses.

Thank you for your attention.

Regards-Dick Wilmot dwilmot@lanset.com

MTC–00013485

From: Amanda Smith
To: Microsoft ATR
Date: 1/17/02 3:41pm
Subject: Microsoft settlement

Dear Department of Justice:

Although I was deeply disappointed that the Department of Justice chose not to reprimand Microsoft by seeking a restructuring of their company, I am pleased that you have recognized and acknowledged the company's history of deceptive and unfair business practices. I am a small business owner, a Republican, and consider myself to be very

pro-business. However, it had been clear to me and my business partners that Microsoft has made a practice of keeping its competition—as well as its potential competition—from even entering the personal computer and software marketplace.

Thank you for recognizing Microsoft as a monopoly and for taking action in an attempt to ensure fairness in their business affairs now and in the future.

Very truly yours,
Amanda L. Smith
ospreydesign
941–746–0144
amanda@ospreydesign.com
http://www.ospreydesign.com
Providing freelance design to book publishers
CC:giles@ospreydesign.com@inetgw

MTC–00013486

From: Joel Ingulsrud
To: Microsoft ATR
Date: 1/17/02 3:40pm
Subject: Microsoft Settlement

Dear DOJ,

Microsoft's illegally acquired dominance in computer operating systems is enabling them to dominate network protocols and services.

From both a personal and professional standpoint I would strongly urge the DOJ to pursue the strongest possible punishment so that Microsoft is rendered incapable of controlling the future of the Internet.

For example, Microsoft products should be disqualified from any tax-funded technology use within the US Federal government, including all Federal employee computing and federally funded educational technology programs.

Alternative operating system and application software developers would then have a significant opportunity to recover from Microsoft's anti-competitive crimes.

The wealth Microsoft has generated is a pittance compared to the costs associated with de facto use of their mediocre technology and the untold lost opportunities for productivity improvement and technological advancement that an even playing field would have allowed.

The more the DOJ does to eliminate Microsoft's ability to propagate proprietary technology, the better the world of technology will be for the citizens of this country.

Sincerely,
Joel Ingulsrud
joel@thirdculture.com
+1 916 705 4678

MTC–00013487

From: Bace, Chuck (Oracle)
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/17/02 3:45pm
Subject: Microsoft Settlement

The government sold out big time. I voted for Bush, but support Microsoft's breakup!

MTC–00013488

From: Cameron Huff
To: Microsoft ATR
Date: 1/17/02 3:44pm
Subject: Microsoft Settlement

To whom it may concern,

I would like to express my concern for the recent new of Microsoft buying patents from SGI. I believe this is an attempt by Microsoft to destroy a competing standard (OpenGL) by purchasing the rights to the patents and then making it impossible for anyone to use them. I believe that the only reason Microsoft is doing this and can do it is that the company feels threatened by a competing standard and rather than improving Microsoft's own products (DirectX), instead they will buy the competitor and destroy it.

If this is not a clear case of a monopoly doing whatever it feels like, then nothing is.

Cameron Huff

MTC–00013489

From: GOPRoJo@aol.com@inetgw
To: Microsoft ATR
Date: 1/17/02 3:48pm
Subject: Microsoft

Mr. Attorney General Ashcroft

Dear Sir:

Please advise the Federal Judge who is handling the Microsoft case to let it go! ''Enough is enough''!! Microsoft has suffered enough at the hands of greedy States Attorneys Generals.

A GOP Loyalist

MTC–00013490

From: Jim Nearing
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/17/02 3:46pm
Subject: Microsoft Settlement

I continue to be amazed at the continuing behavior of Microsoft and the continuing information brought to light.

Yesterday I read on slashdot (http://www.slashdot.org) that Microsoft has purchased the rights to the OpenGL graphics programming interface from Silicon Graphics.

This API is in direct competition and is superior to Microsoft's DirectX API. These programming interfaces are used for creating computer games. The only intent Microsoft has in purchasing the OpenGL patents is to kill OpenGL, leaving DirectX the only tool available to game developers. Since OpenGL is used for creating games for the Linux platform, this also serves to eliminate the availabilty of games for Linux, forcing computer game players to use Windows.

I don't understand why Microsoft is allowed to purchase competing technologies, given their continuing monopolistic behavior.

Jim Nearing
Vectura Technology Integrators

MTC–00013491

From: Jesse
To: Microsoft ATR
Date: 1/17/02 2:41pm
Subject: Microsoft Settlement

To the United States Department of Justice,

I'm a self-employed computer consultant working in eastern Washington. As a small business owner/operator, I don't have much time to spend on superfluous activities like composing long editorial diatribes. After all, I have to be the janitor, accountant, tax lawyer, bread winner, well. . . you get the picture.

In any case, I felt compelled to add my voice to this issue of the ''Microsoft Settlement.'' I've been in the the computer and information technology industry for 18 years. In those 18 years, I have personally seen how the Microsoft monopoly has developed, from its embryonic beginnings in the early '80s, to its stranglehold in present time.

I am a true believer of capitalism, and hold dearly to the idea that you get what you work for. But when a company controls all but 5 percent of the world's computer systems, something needs to be done. This is not speculation or exaggeration, it is a fact. When a customer, or supplier, can order any computer system they wish from a top-tier PC manufacturer, as long as it comes with a Microsoft Operating System, it's gone too far. Allowing Microsoft to continue on its way will only hasten the development of the Microsoft refrigerator, Microsoft Motor Company, Microsoft Burger King, and Microsoft Grocery Store line.

The computer and information technology industry needs true competition in the operating system and productivity software markets. Please add my voice to those that hope for a settlement that would at minimum, break Microsoft into two parts, operating systems, and productivity applications. Anything less than a breakup, will do nothing to stop the monopoly. Even then, the two Microsofts would own their respective markets, but at least it would hopefully put an end to the unholy alliance between the two, and allow some semblance of competition.

Best Regards,
Jesse Mireles
Yakima, WA

MTC–00013492

From: Krystle Hunt
To: Microsoft ATR
Date: 1/17/02 3:52pm
Subject: microsoft settlement
Dear Judge,

I feel that the Proposed Final Judgment concerning Microsoft would be an unfair act. Microsoft should not be able to have a monopoly because everyone deserves a fair chance in the free market. Microsoft is a great company but competition should be allowed, especially becaues new people and their ideas will exist in the near future.

Krystle Hunt
(213) 764–9730
Los Angeles, CA

MTC–00013493

From: Emory Dively
To: Microsoft ATR
Date: 1/17/02 3:54pm
Subject: In reference to the Anti-Trust case.

While a capitalistic society is necessary and desirable, there is a line that companies should not cross on their journey to success. I approve of the charges set forth against Microsoft claiming that they are a monopoly. However, I do not think that a punishment that really is not a punishment would help. I was deeply pleased that their punishment would not be that they must donate Windows based machines to poorer school, because in reality that would actually help them. Of course all this already happened. What I would like to see happen with this case is, Microsoft would have to start bundling Netscape or Mozzila web browsers, and remove their seamless interaction with Internet Explorer, but rather allow the user to chose which Browser Windows should interact with ''seamlessly.''

Also, I believe Microsoft should have to pay educational facilities with the intent of technology. However, in the interest of the free market, they should be able to chose their own OS, Parts, and Applications they would like to use. In reality, many schools prefer Apple/Motorola based systems because of their network ease.

All in all, I am sure this will work out, and the best decision will be made.

Thanks for your time,
Emory D. Dively

MTC–00013494

From: zenda eby
To: Microsoft Settlement
Date: 1/17/02 9:02am
Subject: Microsoft Settlement
zenda eby
4405 CR 6260
Lubbock, TX 79415–9703
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
zenda eby

MTC–00013495

From: Dan Shipos
To: Microsoft Settlement
Date: 1/17/02 9:09am
Subject: Microsoft Settlement
Dan Shipos
172 Ludlowville Rd.
Lansing, NY 14882
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Dan Shipos

MTC–00013496

From: Bruce Martin

To: Microsoft Settlement
Date: 1/17/02 8:59am
Subject: Microsoft Settlement
Bruce Martin
729 Michelle Pl
Coppell, tx 75019
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Bruce MArtin

MTC–00013497

From: Ted Rust
To: Microsoft ATR
Date: 1/17/02 3:57pm
Subject: Microsoft Settlement

To Whom It May Concern:

I wanted to take a moment to let you know how strongly I feel about this case. I am appalled at the things Microsoft has done and the things that they always get away with. As a computer software professional, I think the detriment they have caused to our industry is immeasurable. They claim to innovate, but they simply squash whomever they can. They claim to leverage disparate technologies, but they simply buy out the competition and throw it away in preference of their own product. I don't think that Netscape is the only company or group of people to have suffered at the hands of Microsoft. I think Apple may be one of the hardest hit, as a company. I really feel that the entire population has suffered, though. The lack of viable competition to this juggernaut of a company has slowed (and stopped, in many cases) the rate of innovation usually experienced in our industry.

I find it difficult to express my disappointment and anger at the outcome of every failed battle against Microsoft. Please, just take into account that I represent a large group of unsatisfied people in the public that wish something would be done to protect us from the iron-fisted rule of Microsoft. Just because they have a potentially limitless barrel of cash, does not mean that they should be able to do whatever they want.

Microsoft deserves to be punished. I think they should have to pay the billion dollars they offered, but 100% of it should go towards competitive software and hardware. Buy Apple Macintosh computers and software from Corel and smaller independent software vendors. Let Microsoft feel the cutting edge of their own money.

Thank you for your time and I respect the difficulty of your decision.

Please take your time and consider the ethics lesson our future leaders will receive from the outcome of this case.

Sincerely,
Ted Rust
750–66 Mobil Av
Camarillo, CA 93010
805.484.9585

MTC–00013498

From: Chong, Joe
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/17/02 3:57pm
Subject: Microsoft Settlement

The opinion stated here is mine and does not reflect the opinion of my employer.

As a Windows user, a Windows developer, and a Macintosh user, I think that a settlement for Microsoft abuses of its monopoly should include a mandatory development of all Microsoft non-operating system software (such as fully featured Microsoft Office) on other operating system platforms than Windows, especially for Mac OS X and possibly Linux. The Visual Studio Suite should also be completely portable to Mac OS X. This will ensure that Microsoft will not be able to use its Windows OS monopoly to crush competition from Apple. The mandatory period should be long enough (5–10 years) to make sure that these software development efforts will be mature.

Sincerely,
Songsdhit Chongsiriwatana

MTC–00013499

From: TED Ruhf
To: Microsoft Settlement
Date: 1/17/02 8:27am
Subject: Microsoft Settlement
TED Ruhf
405rockhill circle
Bethlehem, pa 18017
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Ted Ruhf

MTC–00013500

From: Rich Droske
To: Microsoft Settlement
Date: 1/17/02 9:55am
Subject: Microsoft Settlement
Rich Droske
P.O. Box 355
New Alexandria, pa 15670–0355
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Rich Droske

MTC–00013501

From: darcy oresky
To: Microsoft Settlement
Date: 1/17/02 11:47am
Subject: Microsoft Settlement
darcy oresky
3696 bacon
berkley, mi 48072–1175
January 17, 2002
Microsoft Settlement

U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Darcy Oresky

MTC–00013502

From: Lawrence Brown
To: Microsoft Settlement
Date: 1/17/02 9:56am
Subject: Microsoft Settlement
Lawrence Brown
RR1 Box 520
Scotrun, PA 18355–9620
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Lawrence J. Brown

MTC–00013503

From: david imperi
To: Microsoft Settlement
Date: 1/17/02 8:08am
Subject: Microsoft Settlement
david imperi
609 roby rd
huntington, wv 25705
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
David Imperi

MTC–00013504

From: Jerry Cox
To: Microsoft Settlement
Date: 1/17/02 10:22am
Subject: Microsoft Settlement
Jerry Cox
8562 E. Co. Rd. 550 S.
Fillmore, IN 46128
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Jerry D. Cox

MTC–00013505

From: Nancy Hundley
To: Microsoft Settlement
Date: 1/17/02 8:58am
Subject: Microsoft Settlement
Nancy Hundley
P O Box 643
Harrison, AR 72602
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Nancy Hundley

MTC–00013506

From: Reubelita Locatelli
To: Microsoft Settlement
Date: 1/17/02 10:14am
Subject: Microsoft Settlement
Reubelita Locatelli
19 Maple
Calumet, MI 49913
January 17, 2002

Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Reubelita E. Locatelli

MTC–00013507

From: Brian Wegener
To: Microsoft Settlement
Date: 1/17/02 9:20am
Subject: Microsoft Settlement
Brian Wegener
2615 Columbia Dr.
Endwell, NY 13760–2301
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

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Thank you for this opportunity to share my views.

Sincerely,
Brian Wegener

MTC–00013508

From: Janos Szeman
To: Microsoft Settlement
Date: 1/17/02 11:32am
Subject: Microsoft Settlement
Janos Szeman
2105 Washington Valley Rd.
Martinsville, NJ 08836
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Janos Szeman

MTC–00013509

From: Brian Witwicki
To: Microsoft Settlement
Date: 1/17/02 9:44am
Subject: Microsoft Settlement
Brian Witwicki
3179 Teal Bay Court
Aurora, IL 60504
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

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Thank you for this opportunity to share my views.

Sincerely,
Brian Witwicki

MTC–00013510

From: Bob Windle
To: Microsoft Settlement
Date: 1/17/02 9:41am
Subject: Microsoft Settlement
Bob Windle
4000 Ace Lane #107
Lewisville, TX 75067
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Bob Windle

MTC–00013511

From: Glenn Wolfe
To: Microsoft Settlement
Date: 1/17/02 8:23am
Subject: Microsoft Settlement
Glenn Wolfe
4315 Mockingbird Lane

Toledo, OH 43623–3218
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:
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MTC–00013512

From: Zena Holderbaum
To: Microsoft Settlement
Date: 1/17/02 9:58am
Subject: Microsoft Settlement
Zena Holderbaum
52801 Baker Rd.
Chesterfield, MI 48047–3109
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:
The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.
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Thank you for this opportunity to share my views.
Sincerely,
Zena M. Holderbaum

MTC–00013513

From: Gary Blokland
To: Microsoft Settlement
Date: 1/17/02 11:30am
Subject: Microsoft Settlement
Gary Blokland
8942 Stony Brook Circle
Riverside, CA 92508
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:
The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.
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Thank you for this opportunity to share my views.
Sincerely,
Gary Blokland

MTC–00013514

From: Ralph Wilt
To: Microsoft Settlement
Date: 1/17/02 10:39am
Subject: Microsoft Settlement
Ralph Wilt
3950 Salvation Rd
Florissant, mo 63034–3332
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:
The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.
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Thank you for this opportunity to share my views.
Sincerely,
Ralph A. Wilt, Jr

MTC–00013515

From: Jerry Milligan
To: Microsoft Settlement
Date: 1/17/02 11:32am
Subject: Microsoft Settlement
Jerry Milligan
22501 Shorewood
St. Clair Shores, MI 48081
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:
The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.
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Thank you for this opportunity to share my views.
Sincerely,
Jerry M. Milligan

MTC–00013516

From: W. David Gibson
To: Microsoft Settlement
Date: 1/17/02 10:52am
Subject: Microsoft Settlement
W. David Gibson
2880 Farr Road

Fruitport, MI 49415–9610
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
W. David Gibson

MTC–00013517

From: Karen Antunes
To: Microsoft Settlement
Date: 1/17/02 8:31am
Subject: Microsoft Settlement
Karen Antunes
908 Crenshaw Lake Road
Lutz, FL 33548–6109
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Karen Antunes

MTC–00013518

From: Margaret Anders
To: Microsoft Settlement
Date: 1/17/02 9:38am
Subject: Microsoft Settlement
Margaret Anders
512 Dogwood St.'
Redfield, AR 72132
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Margaret Anders (73)

MTC–00013519

From: Charles Schneider
To: Microsoft Settlement
Date: 1/17/02 11:11am
Subject: Microsoft Settlement
Charles Schneider
PO Box 191
Ogunquit, ME 03907–0191
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Charles W. Schneider

MTC–00013520

From: Donna Bolstad
To: Microsoft Settlement
Date: 1/17/02 10:38am
Subject: Microsoft Settlement
Donna Bolstad
4518 Ladyslipper Ave N
Brooklyn Park, MN 55443–1553
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Donna Bolstad

MTC–00013521

From: Norma Summers
To: Microsoft Settlement
Date: 1/17/02 11:15am
Subject: Microsoft Settlement
Norma Summers

1304 E. 10th St. Apt. 16B
Atlantic, IA 50022–1942
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Sincerely,
Norma Summers

MTC–00013522

From: Frank Williams
To: Microsoft Settlement
Date: 1/17/02 11:32am
Subject: Microsoft Settlement
Frank Williams
710 Peachtree St Suite 920
Atlanta, GA 30308
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Sincerely,
Frank Williams

MTC–00013523

From: Drucilla Biddle
To: Microsoft Settlement
Date: 1/17/02 9:33am
Subject: Microsoft Settlement
Drucilla Biddle
832 Union Chapel Rd.
Ft. Wayne, In 46845–9635
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Sincerely,
Drucilla Biddle

MTC–00013524

From: John Foster
To: Microsoft Settlement
Date: 1/17/02 9:40am
Subject: Microsoft Settlement
John Foster
1908 Seminole Road
Atlantic Beach, FL 32233–5918
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Sincerely,
John D. Foster, M.D.

MTC–00013525

From: Farida Greene
To: Microsoft Settlement
Date: 1/17/02 9:08am
Subject: Microsoft Settlement
Farida Greene
108 NW Av H Pl, PO Box 302
Belle Glade, FL 33430–0302
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Sincerely,
Farida H Greene

MTC–00013526

From: Joanne Murray
To: Microsoft ATR
Date: 1/17/02 4:04pm
Subject: Microsoft Settlement.

RE:Microsoft Settlement. We the consumers of the nation want to have all of the options offered in the various Microsoft products and services. the settlement is fair. Get on with it. Joanne & Jay Murray

MTC–00013527

From: Douglas Aalseth
To: Microsoft ATR
Date: 1/17/02 4:05pm
Subject: Microsoft settlement

The proposed settlement is a total sell out. I cannot say too strongly how disgusted I was when I read the details. I have been working in the computer industry for over a decade on many platforms and can without any hesitation say that Microsoft has measurably hurt its competitors, the industry, and this nations computer infrastructure. They deserve to be as severely punished for their crimes as the rest of the industry and this country has been punished by their monopoly.

The current settlement proposal does nothing to punish Microsoft, to redress its past actions, or even to do anything to prevent future rapacious behavior. After all Microsoft has a well documented history of signing legal agreements and then ignoring them. It is a total sell out being proposed for purely political reasons by the Bush administration. The punishment proposed by the trial judge was set aside by higher courts on technical grounds, not due to any intrinsic flaw in the remedy. It is still the best answer. Only by dividing Microsoft into many parts, perhaps many more than that proposed by the trial judge can Microsoft be forced to give up its monopoly. To do anything less would be to betray the trust of the American people and to undermine their belief in our judicial system. We did it a hundred years ago with Standard Oil. It is now time to do it again.

I strongly urge you to reject this settlement and impose a fitting punishment, one even harsher than that proposed by the trial judge.

Douglas Aalseth
Computer Industry Professional
1565 Sherwood Road
Shoreview, MN 55126

MTC–00013528

From: Sheryle Crowell
To: Microsoft Settlement
Date: 1/17/02 10:05am
Subject: Microsoft Settlement
Sheryle Crowell
80336 Hornsby Lane
Hermiston, Or 97838
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Sincerely,
Sheryle Crowell—Hermiston, Or

MTC–00013529

From: Rio
To: Microsoft ATR
Date: 1/17/02 4:30pm
Subject: API Documentation

Unless Microsoft is required to fully document ALL APIs, it will continue to kill the software industry by:

* changing the operating system so competitors products will not work

* include features and functions in its own products which are not available to competitors

Never before in the history of computers, has an OS1s APIs been deemed ?intellectual property1 or ?for security reasons1.

Thank you.
Rio Sabadicci
mailto:rio@insidersoftware.com
760–804–9900
———-< http://www.insidersoftware.com >———

MTC–00013530

From: m. thompson
To: Microsoft ATR
Date: 1/17/02 4:12pm
Subject: MICROSOFT SETTLEMENT

To the Dept. of Justice,

Enough is enough of hounding Microsoft. From reading The N.Y.Times, The Wall Street Journal and other publications, it is perfectly clear that the litigation against Microsoft has been (and is) politically motivated out of competitive pique. In its short life, Microsoft has given us consumers, the world over, an innovative & high quality product (second to none) which has enriched our lives. Microsoft has been accused of predatory marketing practices—not so. In my opinion, Microsoft's marketing strategies are in the best tradition of American Capitalism and economic competition. Those who can't compete should work harder or just drop out of the fray. In the best interest of the U.S. economy and the consumer, all litigation against Microsoft should be resolved and terminated as quickly as possible so that Microsoft can get back to doing what it does best—research and development of software. Microsoft has made America proud.

Sincerely yours,
Marcia Pe?a Thompson
300 Fox Chapel Road Apt. 206
Pittsburgh, Pa, 15238

MTC–00013531

From: Matias Moyano
To: Microsoft ATR
Date: 1/17/02 4:12pm
Subject: about ''Bar public from witness questioning''

hello, i will like you to read this please, dont accept what microsoft is asking for. . . everyone of us, like every one of the users of microsoft products wants to follow the proceedings against microsoft in the ''new case'' against microsoft. in less words, i want to read in every news paper in every country around the world what can the witnesses say in the antitrust case against microsoft! i want to see, hear or read what is being said on the pre-hearings!, dont leave us out!

ICQ#:29551041
Current ICQ status:
SMS: (Send an SMS message to my ICQ): +278314229551041
More ways to contact me: http://wwp.icq.com/29551041

MTC–00013532

From: Dan Herman
To: Microsoft ATR
Date: 1/17/02 4:13pm
Subject: Microsoft and the OpenGL patents

Any question whether Microsoft now finally plans to play well with others? They just purchased from SGI the patents to OpenGL. Make that ClosedGL.

Can you explain why Microsoft would want to own, as opposed to license, those patents? If you can't, then you haven't been paying attention for the last 10 years.

Perhaps it's to leverage their competitors out of the graphics industry by obstructing OpenGL progress and thereby advancing the cause of their own closed-solution, incompatible Direct3D? OpenGL is already struggling to stay current in the face of D3D's standards-excluding march across the application developer landscape. If Microsoft is successful in bringing on the collapse of OpenGL, I'd find it very difficult to imagine that Apple or Linux could survive (unless they licensed D3D). The lack of a D3D engine for the PlayStation or Nintendo's Game Cube means that ultimately these companies would follow Apple's & Linux's demise or they would be forced to license D3D from Microsoft. All of those alternatives are very bleak pictures. As a Microsoft developer for 15+ years, I'm quite sure that's precisely what Bill has in mind.

Please, someone, make this nightmare end!
Dan Herman
DigitalFish Films
http://www.digitalfish.com

MTC–00013533

From: WPLakoff@aol.com@inetgw
To: Microsoft ATR
Date: 1/17/02 4:14pm
Subject: Microsoft Settlement
January 17, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I don't feel that Microsoft was treated fairly at all in this matter. The government seems to be persecuting this company for being too good at what they do and making a product that many people like. The government should support American companies like Microsoft that do well and make a hearty contribution to our economy.

This settlement is not only good for getting Microsoft back in business but it will have a direct impact on the consumer as well. By

increasing access to Microsoft's code, more programs with greater Windows compatibility can be designed and they can work better together. Both of these factors are a big draw to many people and I know that people especially those who daily depend on Microsoft products, will be pleased with it.

Please let's all get on to more important matters and leave this mess behind. The settlement will help us do that and will bring an end to this case.

Sincerely,
Patricia Lakoff
639 Bridgeway Lane
Naples, Florida 34108

MTC–00013535

From: Fishman0602@cs.com@inetgw
To: Microsoft ATR
Date: 1/17/02 4:18pm
Subject: Microsoft settlement

It is my opinion that Microsoft should not have been taken to court in the first place. Anti Monopoly legislation should be intended for cases where price gouging occurs. I don't believe that any harm was done to the public through their actions.

Gary Doering
Concerned citizen

MTC–00013536

From: John J. D'Alessandro
To: Microsoft ATR
Date: 1/17/02 4:24pm
Subject: microsoft settlement

I am trained as a physicist, but have quite a bit of technical expertise in computer use and work both as a High School physics teacher and as a consultant on both Windows platforms and Macintosh platforms. Microsoft products are on nearly 100% of hard drives, particularly if one includes applications along with the Operating System (OS) involved in this case. Microsoft is clearly a monopoly. Microsoft's dominance has grown in the last 3 years, despite the fact that Apple Computer has been one of the few profitable computer manufacturers, and that Apple has a proprietary (non-Microsoft) OS. Also, there has been the growth of a free version of Unix (a competing OS), called Linux. While Linux has gotten quite a bit of press, it has not been able to grow due to lack of commercial software packages (like Microsoft Office). Microsoft Windows (in various versions) has crept from about 90% to about 96% of the market in the last 10 years according the IDC corporation which logs these things. This means they have grown stronger in dominance.

Microsoft has cash reserves in the tens of billions of dollars. It has monthly PROFITS in the tens to hundreds of millions of dollars. Microsoft is an extremely cash-rich, low production cost company. It can afford a lot of punishment before the punishment really stings. There recent proposals have been insulting in that they have want to ''give'' a small amount of cost worth of goods, rating at suggested retail value, and services to schools. This would allow them to defacto infuse themselves into one of only a few market segments in which Microsoft does not dominate, while allowing a great Public Relations campaign, and all at very little real cost to the company. That was, in my opinion, showing contempt to the courts.

Microsoft should be required to pay billions of dollars in fines. They should not be allowed to continue practices like adopting industry standards, and then changing them. A recent example, try to use Apple Computer's Quicktime plugin with the Internet Explorer XP on Windows XP. You can't, because microsoft insists their architecture is ''better.'' They have, in fact, disabled the internet software plug-in architecture that has been around for over a decade and was introduced in Mosaic and then Netscape Navigator, I believe. It is an industry standard. All other versions of Internet Exporer use it. Now Microsoft wants to drop it. They are mean and nasty in business dealings, and they need to be regarded as such. They are not ''evil,'' but will use anything to their advantage. Please do not let their final ''punishment'' end up being a reward.

MTC–00013537

From: Keith Dick
To: Microsoft ATR
Date: 1/17/02 4:27pm
Subject: Microsoft Settlement

They should not be allowed to do this. It would give them an *unfair advantage* in the educational market for which, Apple Computer has worked very hard to acquire and Microsoft did not. Microsoft should not *Get Their Cake and be able to Eat It Too !*.

Keith Dick
Executive Presentations, Inc.
3345 Wilshire Blvd. #1234
Los Angeles, CA 90010
(213) 480–1644 (ph.)
(213) 480–1838 (fax)
www.executivepresentations.com

MTC–00013538

From: Virginia Hulbert
To: Microsoft ATR
Date: 1/17/02 4:32pm
Subject: microsoft settlement

Dear Sirs,

Please settle the microsoft case as soon as possible. It has dragged on long enough. The consumers have waited and suffered more than necessary.

Sincerely,
Virginia Hulbert and William Hulbert

MTC–00013539

From: Steven Grenell
To: Microsoft ATR
Date: 1/17/02 4:35pm
Subject: Microsoft Settlement

The proposed Microsoft settlement would allow them to expand their business while enjoying a tax break for donating software to schools, definitely NOT the remedy envisioned for the shifty practices for which they were originally prosecuted. A remedy should be fashioned by a judge, not by Microsoft.

Steven L. Grenell, M.D.
Neurology Consultant
Montefiore Pain Service
Clinical Assistant Professor of Neurology
Albert Einstein College of Medicine

MTC–00013540

From: Jesse Garson
To: Microsoft ATR
Date: 1/17/02 4:37pm
Subject: Microsoft Settlement

I strongly feel that the proposed settlement does not go nearly far enough in correcting a decade of monopoly abuse by Microsoft. Even as we speak Microsoft is leveraging its illegal monopoly on desktop computers to enter the set-top, video game, and DVD player markets. Microsoft's long standing disregard for both our legal system and their own customers is legendary among information technology professionals. Please do NOT proceed with this settlement, which appears to be little more than a slap on the wrist of Microsoft.

—Jesse W. Garson

MTC–00013541

From: GORDYmac 2K
To: Microsoft ATR
Date: 1/17/02 4:46pm
Subject: Microsoft Settlement

Microsoft should not be able to expand their market share as a result of any settlement.

Rather, the courts should force microsoft to adopt standards in HTML (based on the W3C), XML, OpenGL, and other open standards—and not allow them to modify these standards in their own software. Microsoft cripples their competition by ''adopting'' standards like HTML, and then using their monopoly power to force the industry to change the standards. They have done this with HTML and XML already.

Now that they have purchased some of SGI's intellectual property, it's only a matter of time before they try to force OpenGL out of the 3D graphics arena. Furthermore, they should be forces to pay damages to every company mentioned in Judge Jackson's opinion. They have seriously hurt these companies, and they should pay damages. Furthermore, this would reduce the court's workload, because if you awarded damages here, then companies could not do it in the future.

Finally, Microsoft should not be allowed to continue charging extremely high prices for their software. Please stop them. Thanks for hearing my opinions.

MTC–00013542

From: Kris Brinkerhoff
To: Microsoft ATR
Date: 1/17/02 4:45pm
Subject: Microsoft Comments

To whom it may concern:

I believe that Microsoft needs to be punished just like any other company found guilty of practicing a monopoly. The industry usually has to conform to what they say they are going to support or not support in their operating system. To have your hardware item listed as being ''made for Windows'' gives you an edge over the competition. As for their trying to appease the government by providing PCs to lower income students and schools, they should actually provide Macintosh computers or cash otherwise they are again undercutting competition and widening their customer base and dependence/influence upon them once again.

Also if they have a piece of software on CD they can just duplicate the software on the CD. It is pretty much like being able to print their own money. They can copy as many as

they want and call it 500 million in software because they are selling the license to use the software. The damages should be paid in monetary figures not in software which can be produced once and published an infinite number of times.

Thank you for your time.

Kris

Kris Brinkerhoff

—ITS Help Desk Analyst

—California State University, Fresno

MTC–00013543

From: Bill Godfrey
To: Microsoft ATR
Date: 1/17/02 4:50pm
Subject: microsoft settlement

I have reviewed the documents relating to this case and I strongly urge the proposed settlement be adopted in its entirety. While the complainants may have had some justification for their actions I think the time and cost of resolving this thing has gone on far too long and the cost to taxpayers has been a travesty. Moreover, this settlement will provide the protection to the consumers the complainants were seeking. I was glad I was asked to comment.

MTC–00013544

From: John Vresilovic
To: Microsoft ATR
Date: 1/17/02 4:52pm
Subject: Microsoft Settlement

To whom it may concern:

Please don't let Microsoft off the. It has been established that the company is an illegal monopoly that has abused its position in the market. It has been documented that Microsoft failed to comply with an earlier consent decree designed to end its unfair business practices. If Microsoft gets the proverbial slap on the wrist, the software industry and consumers will suffer. A settlement that fails to sufficiently punish Microsoft for its abuses of monopoly power is bad for business and bad for America.

—A concerned citizen—

MTC–00013545

From: Verna Heimbinder
To: Microsoft ATR
Date: 1/17/02 4:53pm
Subject: microsoft settlement
January 17, 2002
Larry Heimbinder
81 Squirrel Trail
Hendersonville, NC 28791
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing today to express my opinion in regard to the Microsoft Settlement issue. I am a supporter of Microsoft and feel that this litigation has gone on long enough. This three year case has been costly, and I believe it is time to focus on more pressing issues. The settlement that was reached in November is a complete agreement. Under it, Microsoft has agreed to share more information with other companies and to follow pro-competitive procedures, which will make it easier for other companies to compete. Microsoft has agreed to design future versions of Windows beginning with an interim release of Windows XP, to provide a mechanism to make it easy for computer makers, consumers and software developers to promote non-microsoft software within Windows. Microsoft has also agreed to make available to its competitors, on reasonable and non-discriminatory terms, any protocol implemented in Windows' operating system products that are used to interoperate natively with any Microsoft server operating system.

This settlement is thorough. Please support this settlement so that this dispute can finally be resolved.

Thank you for your support.

Sincerely

Larry Heimbinder

MTC–00013546

From: Dan Albert
To: Microsoft ATR
Date: 1/17/02 5:04pm
Subject: MS Settlement Not Good Enough

Three cheers for not going along with the DoJ. Their fox-in-the-henhouse solution is too obviously bad to bother criticizing. Split up the company or at least make them pay us for having to use their products.

Dan Albert
56 Portside Circle
East Falmouth, 02536
Dan Albert
800–552–3633 x1962
dalbert@sea.edu

MTC–00013547

From: Greg J Piper
To: Microsoft ATR
Date: 1/17/02 5:00pm
Subject: Microsoft Settlement

I could go on for a week spewing out reasons why Microsoft needs to be stopped at all costs from it's ambition to control all of the world's information, but suffice it to say there are no words to describe how often and how much Microsoft has hurt and will hurt us all. Most of the computer using world cannot see the war of coding they are waging in the underpinnings of their operating system. They are able to keep this war completely concealed from 99.9% of the population due to people's ignorance about the subject. If Ford wanted to make a truck engine that got worse gas mileage than it was capable of on purpose, just to damage the US economy, slowly, over a 20 year period, do you honestly think anyone would find out? What if they were the sole makers of 99% of the vehicles in existence? Such is what Microsoft can and does do to YOU. Even if a small population KNOW that ANY other computer platform is better than Microsoft Windows, just try convincing a 99.9% majority of that! Impossible. Impossible to compete against their monopoly.

? Greg J Piper
? Piper Computer Services
? Email: gregpiper@macpicks.com
? MacPiCkS: http://macpicks.com
? EduLinks: http://edulinks.macpcs.com
? SearchLinks: http://searchlinks.macpcs.com
? Macintography: http://www.macintography.com
? PCS Home: http://www.pipercomputerservices.com

MTC–00013548

From: Eric Godfrey
To: Microsoft ATR
Date: 1/17/02 4:59pm
Subject: Microsoft Settlement

Public Comment:

I must say I am astonished that anyone would call this a ''settlement''. It appears to be a billion dollar gift to Microsoft. They DID lose their case, right? The ''settlement'' gives them a way to dump old equipment, and a guaranteed entry into a key market dominated by a competitor (public schools). If I came in as a CEO with such a business ''solution'', I'd be praised and get a big salary increase. To be given this by the federal government as a penalty for ''losing'' a case? WOW!

As you can see, I think this so-called settlement is absolutely absurd, and I convey my opposition in the strongest possible terms.

Sincerely,
Eric P. Godfrey
P. O. Box 75, W14411 Prairie Road
Ripon, Wisconsin 54971–0075

MTC–00013549

From: Jim Robinson
To: Microsoft ATR
Date: 1/17/02 5:02pm
Subject: Microsoft comments

Though most of the information I may have gathered about the Microsoft settlement may be somewhat inaccurate, I do believe that Microsoft deserves to be punished.

For what it's worth, I am an Apple Macintosh user and college student. I am writing this in support for Microsoft to show a bit more ''software fairness'' for not only Macintosh platforms, but many others as well.

From what I have recently understood, Microsoft is trying to show its compassionate side by giving up to $1 billion to needy schools in hopes to alleviate itself from these concurrent lawsuits. And though this may be a good for schools, Microsoft only intends to give away its very own products and refurbished PCs serving its operating system, while forgetting about support for any other platform. This, in turn, could cause problems for school districts who may rely on the sole usage of say, Apple products.

In my honest opinion, I believe such things as Microsoft is doing (or has done) are wrong and perfectly define the word ''monopoly.'' Such things are the epitome of the word.

It is my hope that Microsoft be brought to justice and that in doing so would realign equal opportunity and give consumers the ''right to choose'' benefits that should be practiced diligently within our technological industry, not oppressed by Microsoft.

Sincerely,
Jim Robinson

MTC–00013550

From: Lise Holliker
To: Microsoft ATR
Date: 1/17/02 5:03pm
Subject: Microsoft Settlement

I am baffled at an arrangement where Microsoft actually gains ground in the educational computer industry (where a smaller competitor has a healthy share of the

market) as a settlement for misconduct and unfair business practices. Any provision of equipment or software donation (in educational or other environments) in lieu of actual cash actually promotes the further purchase and use of Windows and Windows-compatible PCs. I cannot imagine that Microsoft would provide schools with anything other than their own product—even for schools who would, if given a choice, select another product.

I agree with the position of Apple Computer, Inc. in their objection to this proposed settlement and request that the Justice Department demand a more equitable solution—one that does not pave the way for increased future sales via ''donations'' from Microsoft. Do not reward this company with future profits disguised as restitution for past wrongs.

Thank you.

Lise M. Holliker
1623 Howard Chapel Court
Crofton, MD 21114
holliker@bellatlantic.net

MTC–00013551

From: Rick Russell
To: Microsoft ATR
Date: 1/17/02 5:06pm
Subject: Microsoft Settlement

Hi. A quick comment about the Microsoft/DOJ Settlement.

I'm concerned about the following section of the settlement: A. Microsoft shall not retaliate against an OEM by altering Microsoft's commercial relations with that OEM, or by withholding newly introduced forms of non-monetary Consideration (including but not limited to new versions of existing forms of non-monetary Consideration) from that OEM, because it is known to Microsoft that the OEM is or is contemplating: . . . (2) shipping a Personal Computer that (a) includes both a Windows Operating System Product and a non-Microsoft Operating System, or (b) will boot with more than one Operating System; or

If I read this section correctly (and I readily admit that I am no lawyer), Microsoft is prohibited from putting commercial pressure (''retaliate'', ''altering commercial relations'', etc.) on companies that choose to ship a non-Microsoft operating system and a Microsoft operating system on the same personal computer.

Let's say I sell 5000 computers with Windows, and 1000 with Linux. Another company sells 4000 with Windows, and 1000 with Windows and Linux. Both companies purchased the same number of Windows licenses, but the first company is not protected by the prohibition because they didn't install Linux and Windows on the same computers. The second company is protected, because all of their non-Microsoft offerings include the corresponding Windows product on the same computers. And what about computers that can't run Windows? Apple, for example, is a consumer of Microsoft's Office for Macintosh product (in fact, they sell it with new Macintoshes). But you can't run Windows on an Apple Macintosh, you can ONLY run the Macintosh operating system. By definition, Apple cannot comply with this clause of the prohibition to protect itself from commercial retaliation. Can Microsoft therefore retaliate against Apple (e.g., by charging more money for copies of Office that Apple resells to customers), in an attempt to undermine Apple's business and force its customer to move to Windows PCs?

I will grant that this prohibition does not explicitly permit Microsoft to ''retaliate'' against companies that choose to ship non-Microsoft operating systems without Windows. But I don't understand why Microsoft gets special treatment in this regard. Surely the prohibition should be broadened to the general case: that Microsoft cannot retaliate against a customer simply because that customer chooses to do also purchase products from a competitor. Any computers that a company sells without a Microsoft operating system are not Microsoft's concern.

Rick Russell
4321 Goldfinch St.
Houston, TX 77035
(713) 721–5096
rickr@compassnet.com

MTC–00013552

From: Kevin O'Hehir
To: Microsoft ATR
Date: 1/17/02 5:12pm
Subject: microsoft anti trust case.

I recently purchased a computer from Dell and returned it. Here is a copy of the letter I mail to Mr. Dell I also find it quite interesting that Microsoft has been called a monopoly and is allowed to extract monopoly profits. Take a look at the cash and marketable securities it holds. Then try to find another monopoly that is as rich as they are. Microsoft came out with a new operating system XP and doubled the price for the upgrade and for a new system. It is confusing to me how PC manufacturers continue to drop prices, but the monopoly has raised them.

Thanks in advance for taking time to read my email. In closing, Microsoft has done positive things for consumers and the computer industry as a whole by setting standards, but in doing so, they have extracted monopoly profits from consumers and businesses. Look at it from a business perspective no debt and a lot of cash.

January 10, 2002

Dear Mr. Dell:

Regarding RMA 23497302

Recently, I purchased a Dell Dimension 4300S computer. I received the free memory upgrade to 256K and I upgraded the video card and harddrive. Although I already have 4 computers, I was very excited to receive this one because I heard that Microsoft XP was a very stable operating environment and I was having problems with Disney Magic Artist (Classic) crashing on windows 98.

I received the computer; set it up; and installed Disney Magic Artist and tried to run it. Magic Artist would not load and computer told me I could send a report over the internet to Microsoft and Microsoft would look into the problem. I tried this but this did not work either. I am assuming this did not work because I did not set up internet access set up on this machine.

Then I search XP help for compatibility issues and found that I could flip a switch to get the program to run in Windows 95 mode. After flipping the switch and rebooting, the program still did not run. I was slightly frustrated at this point. So I decided I would poke around and see if pinball was on the computer. I found that it was and I started the game. Immediately, I noticed that the ball spit in two when it was halfway down the pinball table. I had played this pinball game at least 3 years ago on a windows NT machine which was not designed to play games and there were never any graphics problems with that game. At this point, I decided that I had my fill of the new computer and new operating system.

Regrettably, I decided to package the computer up and send it back to Dell. I would have kept the computer if I would not have immediately experienced the apparent design defects.

In closing, I would like to add that it is very unfortunate that Microsoft continues to use consumers as testers of their programs. Dell has lost a sale because of poor operating system design by Microsoft (and possibly undersizing the video engine by Dell). I hope that in the future your sales are not impacted because Microsoft or any other software vendor has not done sufficient testing to find the bugs in their programs. It appears that when a product is released too early some companies rely on free testers (the public) to uncover the bugs. If a consumer purchased a car and the steering, headlights, turn signals or any other item had intermittent problems a recall would be done an a fix provided. When a computer is purchased, the consumer gets the opportunity to talk with a technician over the phone and fix the problem themselves. I do not have time to spend with a technician on the phone fixing a brand new computer and neither do a million other consumers.

Thanks in advance for reading my comments.

Sincerely,
Kevin O?Hehir

MTC–00013553

From: mycoman
To: Microsoft ATR
Date: 1/17/02 5:14pm
Subject: Microsoft Settlement

Dear Sirs:

As both and educator and computer professional, it is my informed opinion that the U.S.D.O.J. should NOT accept Microsoft's proposed settlement. As has already been shown, this will only increase their monopoly, by allowing them to corner a market niche which may be the only competitive one left. Thank you for the opportunity to contribute my opinion.

Sincerely,
David Moss
mycoman@hvc.rr.com
6 Park Avenue
Red Hook, NY 12571

MTC–00013554

From: Tim Rittgers
To: Microsoft ATR
Date: 1/17/02 5:20pm
Subject: Microsoft Settlement

Dear sir or madam:

If Microsoft wishes to settle this case, please do not allow them to use what may

look like generosity to capture a new market share. Microsoft has proposed to offer millions of dollars of support to the education market, which I fully support. However, this cannot come in the form of free Microsoft software which would cost Microsoft next to nothing to provide while at the same time extending their monopoly into the schools. If this settlement is considered by the DOJ, please ensure that Microsoft pays in cash, not assets, with no strings attached, so that the schools are free to choose the software that they need in each individual situation. Please take these issues into consideration, and thank you for your time.

Tim Rittgers
30757 120th St.
Cedar Falls, IA 50613

MTC–00013555

From: Jesse
To: Microsoft ATR
Date: 1/17/02 2:41pm
Subject: Microsoft Settlement

To the United States Department of Justice, I'm a self-employed computer consultant working in eastern Washington. As a small business owner/operator, I don't have much time to spend on superfluous activities like composing long editorial diatribes. After all, I have to be the janitor, accountant, tax lawyer, bread winner, well. . . you get the picture.

In any case, I felt compelled to add my voice to this issue of the ''Microsoft Settlement.'' I've been in the the computer and information technology industry for 18 years. In those 18 years, I have personally seen how the Microsoft monopoly has developed, from its embryonic beginnings in the early '80s, to its stranglehold in present time.

I am a true believer of capitalism, and hold dearly to the idea that you get what you work for. But when a company controls all but 5 percent of the world's computer systems, something needs to be done. This is not speculation or exaggeration, it is a fact. When a customer, or supplier, can order any computer system they wish from a top-tier PC manufacturer, as long as it comes with a Microsoft Operating System, it's gone too far. Allowing Microsoft to continue on its way will only hasten the development of the Microsoft refrigerator, Microsoft Motor Company, Microsoft Burger King, and Microsoft Grocery Store line.

The computer and information technology industry needs true competition in the operating system and productivity software markets. Please add my voice to those that hope for a settlement that would at minimum, break Microsoft into two parts, operating systems, and productivity applications. Anything less than a breakup, will do nothing to stop the monopoly. Even then, the two Microsofts would own their respective markets, but at least it would hopefully put an end to the unholy alliance between the two, and allow some semblance of competition.

Best Regards,
Jesse Mireles Yakima, WA

MTC–00013556

From: Richard Meckley
To: Microsoft ATR
Date: 1/17/02 5:31mp
Subject: microsoft settlement
please see attached
301 Shores way Boone,
North Carolina 28607
January 16, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I have heard about the proposed settlement between Microsoft and the federal government. It seems like a reasonable solution to me, and I urge you to support it.

Microsoft is giving up a lot here; even agreeing to give easier access to programs from competing companies, and changing how it handles prices it charges to computer makers. Microsoft will, for example, give coding to its competitors, which will allow them to place their own products on a Windows-based system. Also, Microsoft will agree not to retaliate against companies that use or promote non-Microsoft software. Clearly, this settlement doesn't let Microsoft off easily. It's time to get this lawsuit behind us. The settlement offers the best opportunity to get past this lawsuit and get the nation focused on business again. As such, I support it.

Sincerely,
Richard Meckley

MTC–00013557

From: Russell C. Hess
To: Microsoft ATR
Date: 1/17/02 5:23pm
Subject: Microsoft Settlement

I would like to voice my opposition to the proposed settlement with Microsoft. Allowing them to pay their fines in their own products only enables them to further restrict the market the operate in. It is unfair to but our public schools in the position of having to choose what they may consider to be an inferior product because they are free. Perhaps making Microsoft pay their fines in cash and establish an endowment that would make grants annually to schools in need to buy whatever technology products they desire would be a better solution. I believe to allow Microsoft to get away with a plea bargain that essentially strengthens their monopoly is foolish.

The Justice Department should make an example of them. Breaking the law is breaking the law.

Russell C. Hess
610 2nd Ave. NW
Plainview, MN 55964
507–534–4448

MTC–00013558

From: David-James Fernandes
To: Microsoft ATR
Date: 1/17/02 5:28pm
Subject: Microsoft Settlement

Hello,

Although I am not a United States citizen, I am a Canadian who is very concerned about the lenient settlement the US DOJ has come up with in the Microsoft Anti-Trust case.

While I've followed this case with much interest in the past, I was provoked to register my opinion with you today after learning that Microsoft had procured 'intellectual property rights' for assets from Silicon Graphics Incorporated last year.

It GREATLY concerns me because SGI currently owns the licensing rights to OpenGL—a set of 3D graphics APIs that much of the 3D industry is built upon. Though the deal was made by completely legal measures (a backroom deal between SGI and Microsoft), the implications of Microsoft owning OpenGL are tremendous.

Microsoft currently develops (and forces down many a manufacturer's throat) their own 3D APIs called 'Direct X'. OpenGL is a direct competitor and is free for developers to implement. Its foundation is also a type of open source project, as the name would imply. Apple's Mac OS X operating system uses OpenGL as a core technology as do hundreds of pieces of software from scientific applications to 3D video games.

Should Microsoft terminate OpenGL, it would destroy many companies that make software with OpenGL exclusively. It would automatically make Microsoft a leader in 3D software where it had very little presence in the past. It would also severely limit the options for developers and force them eventually to license Direct X from Microsoft—a closed API.

I sincerely urge you to reconsider your soft settlement and side with the 9 opposing states who are calling for far more appropriate action like the break-up of the company into smaller pieces and the unbundling of ''middleware'' products from the operating system. I also urge you to remove clauses and language that give Microsoft the ability to decide for itself what 'middleware' is and what is a monopolistic takeover and what is not.

Microsoft's size and budget as well as their buy and destroy attitude have already severely altered the software landscape for the worse. Please show them the United States won't tolerate such blatantly anti-competitive behavior from ANY company. Your decision here affects far more than just US citizens.

Thank-you,
David-James Fernandes
Graphic Designer,
Communications Branch,
Canadian Union of Public Employees
21 Florence St.
Ottawa, ON, K2P 0W6
613–237–1590 x.322
Fax: 613–569–0152
http://www.cupe.ca/

MTC–00013559

From: Diane Cunningham
To: Microsoft ATR
Date: 1/17/02 5:32pm
Subject: This case must be settled

The Microsoft case has dragged on for far too long. The reason for the protracted prosecution of Microsoft is that other companies and individuals who have found it difficult or who have failed to compete successfully in a higly competetive marketplace insist on depicting their failures as the result for agregious acts by Microsoft. The Justice Department should consider the source of some of these complaints before

punishing those who succeed in the free enterprise system. The Justice Department should consider the message tht it is sending to the American public, the business community and to our youth when they consider the punishment that will be issued against Microsoft. The message should be exclusively about monopoly. It should not be about issuing rewards to those who not only were not damaged by Microsoft but who would not exist if it were not for Microsoft. It should be about asuaging the ailing egoes of those who could not keep the pace and it should not be about delivering revenue into the hands of those who have not earned it, have not been damaged and who do not deserve to receive such benefits.

Microsoft—whether the Dept. of Justice likes it or not—has done more to initiate and carry on the technology revolution than has any other company or sector of this country. Let us be done with this witch hunt and proceed with that revolution. The Justice Department has issued strict guideling for the future business transactions of Microsoft. That combined with the anticipated penalties should be sufficient. The Justice Department should put an end to this trial; stop supporting an untold number of attorneys—the only true benefactors of all of this; and tell the nine states to go home and balance their budgets without the aid of Microsoft.

The greatest benefactors of Microsoft and it's work have been the American people. Microsoft has opened a new world, created inumerable new jobs and enhanced the lives of the American public. The Department of Justice is supposed to act for the benefit of the American public in cases such as this. Not on behalf of a select group of wealthy private interest groups. Perhaps it is time for the Department of Justice to remember their marching orders. If the American people were truly polled, this would have been over long ago.

MTC–00013560

From: Erik Snyder
To: Microsoft ATR
Date: 1/17/02 5:41pm
Subject: Microsoft Settlement

I would just like to point out that if the DOJ backs off on this issue that the future of the US is in the hands of Microsoft. You can say goodbye to any personal freedoms and privacy in the future. This company, has thumbed its nose in the face of the DOJ and President Bush appears to be in complete support of the illegal actions and behaviour of this corporation. Their intention is to have a piece of their hardware and/or software in every home and once that is done, they intend to fleece the country. Microsoft must be required to pay a fine that is substantial to them, it must be in cash and it should go to the people that have had to suffer with their inadequate software. Then the company should be split into at least four seperate companies. The software division for operating systems, the software division for web browsers, the UltimateTV division and now, the XBox division. This illegal practice of tying the software together and making competitiors software run worse in their operating system cannot be allowed to continue. The problem is that Microsoft has already released a successor to the software that they are currently on trial for, so the decision must have a far reaching grasp to stop them from doing what they've already done again with the release of Windows XP.

Thank you,
Erik N Snyder

MTC–00013561

From: Rosner, Eric
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/17/02 5:34pm
Subject: Hello

Hello, first, I think it is great that the Gov. is requesting people's feedback. . . .:)

I just wanted to say that MS makes fine products but by not having a choice of operating systems or browser applications, I feel that they are infringing on my rights to choose from the different OS systems. . . .I say break 'em up into tiny companies. . . .no company should have too much power. . . .cause as we all know power corrupts. . . thanks for reading my comments. . .

Eric Rosner
Director of Animation
Tvland/Nick at Nite

MTC–00013562

From: Allan Nadler, Jr
To: Microsoft ATR
Date: 1/17/02 5:38pm
Subject: Microsoft Settlement
57420 Hynes Drive
Plaquemine, Louisiana 70764
January 17, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The Tunney Act mandates that after a settlement to an antitrust suit, in which the Department of Justice is involved, there must be a 60-day period of public comment and review before a decision is made final. I am submitting this letter to make you aware that I am in favor of the proposed settlement between Microsoft and the Department of Justice.

I am a believer of the free market system in which the government takes a hands-off approach. I did not see anything like this over the past three years. The government claimed to be helping people when they brought Microsoft to court, but were they really? During the time from the announcement of the antitrust suit till now, thousands have lost their jobs, companies have been closing at alarming rates, and our economy has sunk into a recession. This has to stop, and that is why I support the settlement. I agree with the part of the settlement that prevents Microsoft from retaliating against computer makers who ship software that competes with Microsoft's. This will open-up the industry and encourage competition.

I appreciate this outlet so my opinion can be heard. I fully support the proposed settlement between Microsoft and the Department of Justice.

Sincerely,
Allan Nadler, Jr.

MTC–00013563

From: Mike Evans
To: Microsoft ATR
Date: 1/17/02 5:42pm
Subject: Re: U.S. v. Microsoft: Settlement Information

This is one of the largest companies in the world, with the richest man in the world as the leader. They can afford to pay for their crimes. Come on, we're (the people of the US) counting on you to serve justice on the monopoly that Microsoft is. Don't let this arrogant monopoly get away with out a lesson. You and I both know that they will not change their ways if you don't really sock it to 'em. :)

Thanks,
Mike Evans

MTC–00013564

From: Abbott, Christopher
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/17/02 5:39pm
Subject: Microsoft settlement public comment

To whom it may concern:

I feel the proposed settlement with Microsoft falls short in several areas. I also do not feel that this proposal, though it be expeditious and favored by approximately half the plaintiffs, to represent the desires of the American public. I believe this for several reasons.

1—Microsoft has been found to be a persistent monopolist by the prior Court(s) in this case. Through Microsoft's written communications, court depositions, and by their very actions they have shown this to be true. Indeed, we have seen one of the other pending legal actions against them have a settlement brought forth, just like this case. However, it was turned down by the presiding Court due to it being seemingly skewed towards aiding their monopoly. What kind of a company, under trial for antitrust activities, puts forth a settlement, in any legal proceeding, that aids its monopolistic behavior? From all this evidence the public has seen and heard, how can we believe that the company is negotiating in anything close to good faith? I would almost have to put forth that any agreement Microsoft agrees to is not one worth accepting.

2—This judgment, while achieving several things that will hinder Microsoft in certain areas, does no where near encompass the future of the company. Many industry analysts and pundits have stated that Microsoft is ''betting it's future'' on .Net and web services. Why then does the settlement deal with mostly OS-based issues, which are perhaps Microsoft's past and partial present but in no way it's future? This kind of a monopolist is different from others prosecuted in the country's past. There is no way Standard Oil would ever do else but produce oil, up and down the supply chain. That can not be said of Microsoft. When they began, they were a software company. Then they became an operating system software company. Then they branched into multimedia services. Now they are pushing towards web-based services. While the OS is the cash cow that feeds their monopolistic activities now, it will not be in the future, other things will be. The rendering of this

court will mean nothing if it does not take that into account. And Microsoft knows this and is expecting this to be the case.

3—I believe in the guiding principles of capitalism. Indeed, I have several friends who work for Microsoft and I wish them no ill will. To me, it would seem that the problem with Microsoft is not the programmers or the people who work for it. No, the problem seems to be the people who run Microsoft. From their predatory activities to garner a monopoly on the desktop, to their railroading OEM's to utilize their software alone, to their most recent leveraging of their monopoly by restructuring their licensing agreements to attempt to force businesses to increase the speed of their upgrade cycle; Microsoft has consistently shown that the people who are guiding them are ruthless profit-mongers with no morals, who do not have the best interests of their users or the American public at heart. Why then, is there not any provision in the settlement to deal with the actual cause of the problem? There should at least be a provision in the agreement for the future punishment of Microsoft executives, should they be found to continue their monopolistic practices, albeit beyond the scope of this agreement. I personally feel there should also be an agreement for the punishment of current executives for their actions, but I have little hope that shall occur.

In the end, Microsoft is a monopolist, period. End of story. While I am not suggesting that the example of Standard Oil should guide the Court's decision, I do say Microsoft should come away from these proceedings with little more than a slap on the wrist. Otherwise, I may as well begin ignoring everything I hear about Linux, Apple, IBM, Sun and the rest, for it won't be too long before they are nothing but ''monopoly shelters'' for Microsoft to hide behind. Microsoft will garner as much of the market as it feels it can take before the government steps in and then will rest on its laurels, growing fat (as it is now with it's $36+ billion in accrued unused cash), stagnating the industry and the information technology revolution as a whole in the United States.

Please, I ask the Court to do the right thing. Reject this settlement and force the parties to go back to the table at least. Perhaps even push them to follow in a similar fashion to the dissenting states. They have the right idea for limiting this monopolist and it's unscrupulous executives from continuing to perpetrate their illegal activities on the American public. Thank you.

Sincerely,
Chris Abbott
MSG—Information Protection
christopher.abbott@anheuser-busch.com
Phone: (314) 577–7213

MTC–00013565

From: James Justin Fergerson
To: Microsoft ATR
Date: 1/17/02 5:44pm
Subject: Microsoft Settlement

Microsoft1s proposed settlement for the antitrust case is outrageous. They are, with their proposal, thumbing their noses at the Justice Department. Their proposal has practically no disciplinary value and would unfairly increase their market share in an already competitive area (the education market). This action would also seriously cripple Apple Computer, a cooperative company that has driven the computer industry to continue to innovate. In my opinion, the Justice Department should discard their proposal outright.

A hefty monetary fine on Microsoft would not be an adequate punishment. Microsoft could just raise prices momentarily to cover their losses and still continue to do business as usual, making their monopoly stronger. What I would suggest is to, once again, look into breaking up Microsoft. It is a very viable idea and would be easier to ensure that they do not continue to practice business illegally. Microsoft can be divided into three parts very easily: Operating Systems, software, hardware. In my opinion, this is the best method of punishing Microsoft not only because it curtails their strong-arm business tactics, but because it benefits the public with increased choices on the market.

Please remember that Microsoft has been taken through anti-trust suits before and been found to be conducting business in an overly hostile manner. In each case, Microsoft has broken their promises to do better and ignored restrictions placed on them. It is time to deal with this company and put it in its rightful place.

Thank you,
James Justin Fergerson
2712 SW 34th St. #62
Gainesville, FL 32608
(352) 256–4785

MTC–00013566

From: ncbullic@gte.net@inetgw
To: Microsoft ATR
Date: 1/17/02 5:45pm
Subject: Microsoft Settlement

2258 Pine Terrace Court
Grand Junction, CO 81503
16 January 2002

Dear Mr. Ashcroft,

I think that this whole case stinks. I can't believe that Microsoft was even charged with this in the first place. Microsoft is being attacked for being successful and should instead be praised for helping out the economy like they do. Microsoft is now going to have to share its source code for Windows, which will essentially give freely to competitors what Microsoft worked hard to develop. Microsoft doesn't need to be punished any more than that.

Also, I hope that you do whatever it takes to get the other states that refuse to join onto the settlement to sign on and do what's in the public's best interest. I appreciate you taking the time to listen to my comments on this issue. I know that many people feel the same way and I hope you take our opinions into account.

Sincerely,
Carole M. Bullick

MTC–00013567

From: Allan Herman
To: Microsoft ATR
Date: 1/20/17 12:46pm
Subject: Microsoft Settlement

This settlement is contrary to every sentencing principle. Primarily, it flies in the face of both general and specific deterrence. This will deter no one from abusing monopoly power, most obviously not Microsoft. Rather, it encourages disrespect for the law and fair competition because there is no negative consequence to the illegal behaviour. A monopoly that uses its power to crush competition can now look forward to:

—no punitive sanctions IF it is prosecuted,
—having conditions of doubtful effectiveness imposed on it, that MAY hinder some of its future malfeasance.

If this settlement is concluded, it will beg the public to conclude thaat it was motivated by politics rather than principle—that this administration looks the other way when its friends do wrong.

Thank you for your consideration.

MTC–00013568

From: Claire Celsi
To: Microsoft ATR,tormist@ag.state.ia.us@inetgw
Date: 1/17/02 5:46pm
Subject: Tom Miller of Iowa

Please read the attached document regarding Tom Miller, Iowa's fearless Attorney General, and how he stands up to Microsoft.

Claire Celsi
Des Moines, Iowa
CC: Ben Hildebrandt
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street, NW
Suite 1200
Washington, DC 20530–0001

Re: Tom Miller, Attorney General of the State of Iowa, My hero.

Dear Ms. Hesse:

As you know, at least ten consumer groups disagree with your agreement to settle the United States Department of Justice antitrust lawsuit against Microsoft Corporation. Microsoft has little incentive to change any of its practices. Their concessions of handing over some operating systems code and offering manufacturers some sovereignty over Media Player amounts to little more than a light slap on the wrists for a multi-billion dollar company. I hope that you will reconsider the decision to settle the United States Department of Justice antitrust lawsuit against Microsoft Corporation. American consumers may have been overcharged $20 billion by the Microsoft monopoly. Your agreement with Bill Gates' company does nothing to rectify past sins by this company or protect against future gauging.

I am proud that my state's Attorney General, Tom Miller, rejected this Microsoft agreement. I believe that Mr. Miller and the other eight state attorneys general see the many loopholes and problems with enforcement that does little to affect change in the computer software industry. Splitting Microsoft into two or three companies may not be the proper response, but either is this. Microsoft is spreading its dangerous monopoly into everything it touches. I currently have Qwest DSL, which is bad enough, but they are forcing me to take MSN now even though they can't even help me transition my account. They (MSN) are so

inept that for now they have agreed to let me remain on Qwest. Then, they have the GALL to put stuff on their website like ''Learn why one million people just switched to MSN. .'' Don't you think that is a bit misleading? I could go on and on. Microsoft is like testicular cancer: Slow growing, but it kills you just as dead someday. Your decision to prematurely end litigation against Microsoft is a mistake. The agreement offers no real incentive to stop monopolistic, anti-trust efforts. It won't help much smaller companies compete and it doesn't serve the American consumer. Please continue to go after Microsoft. It is a duty of the Justice Department to protect the average citizen from companies that have grown too large and too powerful by questionable business practices.

I wonder if Arthur Anderson also audits Microsoft? Hmmm.

Sincerely,
Claire Celsi
743 37th St
Des Moines IA 50312
515–277–1118

MTC–00013569

From: Jensen Gelfond
To: Microsoft ATR
Date: 1/17/02 5:46pm
Subject: Microsoft Settlement

Hello:

I'd just like to comment on the Microsoft Settlement. I believe that Microsoft should not get away with giving any sort of software or hardware directly to the schools. This will, as we already know, illegally encroach on Apple's leading position in the education computer market. In addition, even if Microsoft only offered software compatible with Mac and Windows, they would still be neglecting the market for Linux software (which they do not manufacture software for). Even though Linux is not a hugely popular OS, it is becoming increasingly used in schools as training for systems administration. I think the best way to settle this would be for Microsoft to give cold, hard cash to the school and let the schools themselves decide what to buy, instead of being obviously coerced by Microsoft to use their products instead of the competition's. Thank you for listening to me.

Jensen Gelfond
20 Pleasant Grove Rd.
Long Valley, NJ 07853
908–852–0591

MTC–00013570

From: Al Pierce
To: Microsoft ATR
Date: 1/17/02 5:47pm
Subject: Microsoft Settlement

To whom it may concern,

Personally, I believe that the proposed settlement does little or nothing to change Microsofts' business practices. I would reccomend that you review their recent purchase of intellectual property from Silicon Graphics Inc. The pertinent point is not the purchase itself, but the leverage it will give Microsoft in forcing hardware vendors to abandon support of an open source graphics standard, OpenGL, in favour of Microsofts' own proprietary graphics engine, Direct X, or similar. They are simply up to their old tricks, even in the middle of this so called ''settlement''. Nothing has been settled, except perhaps, the question of whether Microsoft is powerful enough to intimidate even the United States Department of Justice.

I have absolutely no doubt that Microsoft will use any and all means to eliminate any company, technology, or open source solution that they perceive to be an obstacle to their total domination of any market they set their sights on. They have demonstrated this behavior time and time again and will continue to do so until the company is restructured such that it can no longer exert such power over it's competition. Splitting up the company is the only sensible remedy, and the amount of money, certainly in the billions of dollars, that Microsoft has cost American industry due to the shoddy performance and security of their software products might serve as an appropriate starting point when considering punishment for their misconduct.

Al Pierce
Senior Staff Engineer

MTC–00013571

From: Brad Bower
To: Microsoft ATR
Date: 1/17/02 5:50pm
Subject: Microsoft Settlement

News sources confirmed that the strange anomaly in SGI's SECC filing was a result of the sale of all its 3D intellectual property to Microsoft. Please, don't let Microsoft kill the OpenGL standard! They can knock it off whenever they want now, and FORCE developers to use their own, proprietary DirectX and Direct3D which companies have to LICENSE from Microsoft! They are only extending their monopoly to be the ONLY company with an existing 3d standard.

Microsoft is going to continue this kind of behavior . . . it completely negates their competition, and any future competition. They've done it before, there are SO many cases of it it's almost comical. I think I speak for all gamers, non-Windows-enthusiasts, 3d programmers, and designers, when I say that Microsoft needs to be split up into enough companies that smaller companies can again thrive in the technology sector.

Again, please don't let Microsoft skate by with this, Department of Justice. :(

Best Regards,
Brad Bower

MTC–00013572

From: ConnieBoo1@aol.com@inetgw
To: Microsoft ATR
Date: 1/17/02 5:50pm
Subject: Microsoft Settlement

Where would we be without all the good Microsoft has done for us? Let's get on and beyond this, stop cluttering up our courts. The best thing for our economy would certainly be to get on with business and stop all this monkey business.

Constance S.Wenger

MTC–00013573

From: MARC BELTRAME
To: Microsoft ATR
Date: 1/17/02 5:47pm
Subject: Microsoft Settlement

Please consider the attached letter
Marc Beltrame
Whitfield & Eddy, P.L.C.
317 Sixth Avenue, Suite 1200
Des Moines, Iowa 50309–4195
Ph: 515–246–5531
Cell: 515–229–9134
Fax: 515–246–1474
http://www.whitfieldlaw.com

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Gary Gately Thomas Henderson Mark R. Gray * Drew J. Gentsch Of Counsel: David L. Phipps Megan M. Antenucci Jason M. Casini Stephen D. Marso Harley A. Whitfield Benjamin B. Ullem Thomas S. Reavely Roscoe A. Ries, Jr. Theodore C. Simms. II A. Roger Witke Robert L. Fanter Gary A. Norton J. Campbell Helton Timothy J. Walker Bernard L. Spaeth, Jr. Frank M. Grenard Anjela A. Shutts Mt. Pleasant: Wendy Carlson William L. Fairbank Mark V. Hanson Stephen E. Doohen Philip McCormick George H. Frampton Robert G. Bridges Maureen Roach Tobin Sean A. Pelletier Danny L. Cornell Jaki K. Samuelson August B. Landis Jon Hoffmann Retired: Kevin M. Reynolds Richard J. Kirschman Anne L. Willits John C. Eddy Thomas H. Burke John F. Fatino Marc T. Beltrame

Direct Line/E-Mail 246–5531
beltrame@whitfieldlaw.com
Refer to our File Number
January 27, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street, NW
Suite 1200
Washington, DC 20530–0001

To Whom It May Concern:

I write to expressly convey my recommendation that you reconsider the recent decision to settle the United States Department of Justice's antitrust lawsuit against the Microsoft Corporation. You may be aware that no fewer than ten (10) consumer groups disagree with the decision to settle this lawsuit because such a move leaves Microsoft with little incentive to change its unlawful practices. I am proud that Iowa's Attorney General, Tom Miller, rejected the settlement agreement. Attorney General Miller and the other state attorneys general are wise to see the many loopholes and enforcement issues this settlement leave open.

Sincerely,
Marc T. Beltrame
cc: Iowa Attorney General

Also with Offices: 110 N. Jefferson, Suite 101, Mt. Pleasant, Iowa 52641–2016 . 319–385–9522

*202 S.W. Cherry Street, Ankeny, Iowa 50021 . 515–964–3633

MTC–00013574

From: Thale, Jim S
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/17/02 5:51pm

Subject: what settlement?

I am more than a little disappointed with the alleged ''settlement'' with Microsoft. I see daily how their ''Josef Goebbels P.R. method'' has effected the people of this country. Most of us are too tired, lazy or ignorant to notice what they have been doing all of these years.

We are trying to save money and keep secure by eliminating all traces of Microsoft from our networks and it's working quite well. I wish that Microsoft would be split into several business units so that there might be some true competition in this country.

Thank you for your efforts nonetheless,

Jim

Jim Thale
WBBM TV Engineering Dept.
630 N. McClurg Ct.
Chicago, IL 60611
(312) 202–3416

MTC–00013575

From: peteandcorky@
compuserve.com@inetgw
To: Microsoft ATR
Date: 1/17/02 5:52pm
Subject: Microsoft Settlement

I have a concern that competing interests to Microsoft have called in their respective congressman and are making the settlement a circus. Please base the decision on what is best for the consumer, not for Sun Microsystems and AOL, etc.

Regards,
Peter F. Campbell

MTC–00013576

From: Cody Michel
To: Microsoft ATR
Date: 1/17/02 5:58pm
Subject: <no subject>

Fry the bastards!

The only reason they'e as big as they are is from plagiarism. It copies from Apple.

MTC–00013577

From: Kevin L. Gray
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/17/02 5:59pm
Subject: Microsoft Settlement

Dept. of Justice—

I cannot believe that this case has progressed to this point. Why does the US Government attempt to take down one of the most successful corporations in the world when daily the competitive market requires that Microsoft continue to innovate? If Microsoft is required to breakup or even to open up their operating system to others, consumers worldwide will be harmed because the defacto world standard of communications will be harmed. Look at what we are capable of doing today. This message is coming via email. In the early 1990's your only means of conducting email was Compuserve and AOL. Today, you can still send your email via Compuserve or AOL, and you can utilize about 100 different means to send your email as well (including Microsoft's products). Microsoft didn't harm this process (or takeover this process). It facilitated it through a common platform for computers to communicate. That common platform could have been (and is today) Unix just as easily as it was MS-DOS/Windows.

This case needs to be settled, and settled immediately. It is not good for our high-tech economy to have this circus continue any longer. Pressure needs to be brought to the remaining states that have not decided to participate in the settlement. Please do the right thing for our economy, and our competitiveness in this new worldwide economy—SETTLE IT NOW!

Thank you for your attention to my opinion.

Sincerely,
Kevin Gray
Anchorage, Alaska

MTC–00013578

From: Howard C. Chastain
To: Microsoft ATR
Date: 1/17/02 6:05pm
Subject: Microsoft Settlement

I think this so called settlement is a joke. Talk about throwing taxpayer money down a rat hole! You should have broked Microsoft up. . . . Howard

MTC–00013579

From: larry.peterson@autodesk.com@inetgw
To: Microsoft ATR
Date: 1/17/02 6:04pm
Subject: Microsoft Settlement

By its very nature, a ''settlement'' should address the problems in the original complaint. This settlement does not address the monopolistic practices of Microsoft. The fact that Microsoft has stifled competition has been a given in the software industry for many years. This suit was filed to stop these practices. Many competing (and arguably better) technologies and products, such as Lotus, Netscape, Borland's development products and Java are not addressed. This settlement is yet another insult to those of us who have faith in the US judicial system. Most of the competetive advantages enjoyed by Microsoft are left in place. They may still bundle more features into their operating system that used to be separate and competetive applications. Their application developers still have huge advantages over those with similar products. By allowing these practices to go unpunished, you are ignoring the laws that the courts are in place to protect.

Larry Peterson
Senior Software Developer
Autodesk Corporation

MTC–00013580

From: edward powell
To: Microsoft ATR
Date: 1/17/02 6:10pm
Subject: Microsoft Settlement

January 17, 2002
Renetta Hesse, Esquire
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I want to write today to urge Judge Kollar-Kotelly to approve the settlement which has been proposed between the Department of Justice plus nine state attorneys general and Microsoft. This action would end the federal antitrust lawsuit against Microsoft and, I am proud to say, the state lawsuit filed in my home state of North Carolina as well. First of all, as an attorney, a former state legislator and once commissioner of a state agency in North Carolina, I am fully aware of the consequences when government prosecutors seek to take major legal action against a major corporation, especially one the size of Microsoft. Unless the case is very good, which the Microsoft case certainly was not, the proceedings can drag on much longer than necessary, using up unnecessary tax dollars and causing undue turmoil both for the company and the government agency involved.

That is why I believe that when a case of this nature can be settled, it should be. From what I see reading the summary of the settlement, it is clearly the case that both sides have won key concessions. It is clear that Microsoft must provide ''guaranteed flexibility'' and must not stand in the way of computer manufacturers distributing Microsoft products and other companies' products on the same machine. Microsoft must guarantee more flexibility in disclosing technical information for those who use Microsoft servers, middleware products as well as end users. For enforcement, the settlement creates an independent Technical Committee with unlimited staff and on-site access to the entire Microsoft campus.

I can't imagine that this is not an excellent settlement for the federal government which spent $30 million of taxpayers' money and more than five years on this case. Nine states' attorneys general have agreed and I wish the other nine would as well.

Thank for your kind consideration of my opinion on this matter.

Sincerely,
Edward L. Powell

MTC–00013581

From: Raj Chand
To: Microsoft ATR
Date: 1/17/02 6:17pm
Subject: microsoft settlement

Hi,

I cannot believe that the U.S. government are not going to tear Microsoft apart for years of bullying and abuse of of their monopolistic position. They now have access to SGI's 3D technology which they will use to force OPEN GL out in favour of their own proprietry Direct 3D. A cynic would suggest that this makes much of the US government look as though it is in Microsoft's pocket. To suggest that the best way of punishing them is to give them a monopoly in Education is disgusting. Who runs the USA? The government? the people? or Microsoft?

Thanx
Greatly Insane

MTC–00013582

From: Scott Elkins
To: Microsoft ATR
Date: 1/17/02 6:17pm
Subject: Microsoft Settlement

I am not satisfied with Microsoft's proposed settlement. They have used unfair practices to expand their market share, and this proposal would only continue to foster their undeserved growth. A fair settlement does not have to be crippling to Microsoft, but it should be punitive enough to

discourage their shady business practices. I cannot, in any way, discover how this settlement could be considered in the long run as anything less than a reward.

Scott Elkins

MTC–00013583

From: Tyson Evans
To: Microsoft ATR
Date: 1/17/02 6:21pm
Subject: Microsoft Settlement

I am a college student, and I have essentially grown up with the computer industry. I cannot fathom why the United States government, a supposed voice of the people, could accept a settlement that more than a dozen states, let alone millions of people, completely disagree with. It doesn't sound like representative government to me, but maybe I should have studied more in civics.

The Government has a important chance here to influence an industry that is being squashed by Microsoft, and affect the minds of a public (particularly my generation) who see nothing but greed, favors and dirty politics in the institutions which claim to represent us. This settlement is a joke, and I'm guessing the executives at Microsoft are laughing the most. Unless Microsoft is forced to stop its anti-competitive practices, companies with true ingenuity and creativity can never hope to survive—let alone flourish to a small fraction of what Microsoft currently dominates.

As a consumer, a voter and a citizen I stand strongly against this settlement and feel cheated by a government that is willing to accept it.

Tyson Evans
tysone@ucla.edu

MTC–00013584

From: E.Palmer
To: Microsoft ATR
Date: 1/17/02 6:05pm
Subject: Money is no object.

Thank you for this opportunity to speak regarding the settlement. I am a person of few words, especially when I am not entirely embroiled with the details of this case. I would rather convey more of a personal and professional take on this matter. Microsoft has created a generation of people that feel victimized every time they load Microsoft products onto their machines. Many of us outside the corporate structure have little time and resources to deal with the inadequacies of their products, but since Microsofty has embedded itself as the industry standard, it is near impossible to be productive with any other software.

Making them pay exuberant amounts of money is almost ineffectual for what they lose in a year to this case, they will make back in three years with little or no serious change within their company. Bill Gates and his close friend Steve Ballmer, will be able to walk through this and continue to prosper. Microsoft is still a major influence on all levels, and I think the punishment should adhere to all of these levels. I am not requesting a complete overhaul, or disassembly of this company. I would rather see it humbled before the law, for in this professional computer user's opinion, they will continue to laugh their way to the bank no matter what obstacles they will step over. It is already the opinion within the tech world that our justice system's lack of current technology and trends allowed Microsoft to skate by on ignorance and misinformation.

In Summary, I believe the correct punishment should cover the crime. If Microsoft has made billions of dollars for it's anti-competitive practices than it should relinquish that which connected it to the money. I truly believe if you take away thei swagger on invincibility, they will come off of their cash lined cloud, and join the rest of us on the ground and really see what they have done to those who depend on them. They frighten all of us because if they do not fear the law, how can the common programmer or elementary teacher make a stand. Thank you and good day.

E. Palmer

IT / K–8 School Teacher—Humboldt County Office of Education

MTC–00013585

From: jrod(a)mindsping.com
To: Microsoft ATR
Date: 1/17/02 6:23pm
Subject: The Death of OpenGL

Dear DOJ,

I'm writing to inform you that yesterday Microsoft gained the licensing to most of the SGI OpenGL libraries that are in existence. What are they planning on doing with this? If the past is a model to go by, they are attempting to kill one of the widest used OPEN graphics programming libraries (everyone can use them, they are an open standard, not proprietary) in favor of their own proprietary DirectX. Please, Please, Please, this cannot happen!!!!! We as computer users and developers should be free to develop and use open standards that can be shared by all for the mutal benefit of the computer industry and the consumer. It will be the consumer who will have to pay the price of Microsoft dominance of the computer graphics industry, because we will have to foot the bill for all the fees, etc. that Microsoft will use in its tyrannical use of DirectX. They cannot control the market and kill off competition! The power to prevent this lies in your hands. Please, for the sake of the counsumer and the computer software/hardware development community, don't let Microsoft kill off open software/hardware standards in favor of their own proprietary and closed systems.

Jason Rodriguez
Computer Graphics Designer
Macintosh/SGI/UNIX user
Virginia Beach, VA

MTC–00013586

From: Elaine (038) Theo
To: Microsoft ATR
Date: 1/17/02 6:34pm
Subject: Microsoft Settlement

A FINFlash Alert: January 28 Deadline for comments to DoJ

http://www.usdoj.gov/atr/cases/ms-settle.htm.

My husband and I are retired and with the flucation in our Microsoft stock have lost a great deal of money. My son-in-law took his own life on December 29, 2001 due to his severe losses in Microsoft stock. Please settle this matter in your suit against Microsoft . They have done nothing illegal. I do not want my husband to have to resume his medical practice at the age of 76.

Dr. Theodore Markellos and Mrs. Elaine Markellos

MTC–00013587

From: Walter Dufresne
To: Microsoft ATR
Date: 1/17/02 6:39pm
Subject: Microsoft Settlement

Dear Department of Justice,

Please, among other things, make the monopolist Microsoft purchase and distribute software that competes with MS's monopoly. This software might include both operating systems software and application programs software. The recipients might include schools, libraries, and community service and cultural organizations.

Sincerely,
Walter Dufresne, Photographer
31 Montgomery Place, Brooklyn, NY 11215–2342 USA
tel: +1.718.622.1901 fax: +1.718.789.1452
e-mail: walter.dufresne@aya.yale.edu

MTC–00013588

From: Frank Restly
To: Microsoft ATR
Date: 1/17/02 6:44pm
Subject: Microsoft Settlement

III. Prohibited Conduct

H. Starting at the earlier of the release of Service Pack 1 for Windows XP or 12 months after the submission of this Final Judgment to the Court, Microsoft shall:

1. Allow end users (via a mechanism readily accessible from the desktop or Start menu such as an Add/Remove icon) and OEMs (via standard preinstallation kits) to enable or remove access to each Microsoft Middleware Product or Non-Microsoft Middleware Product by (a) displaying or removing icons, shortcuts, or menu entries on the desktop or Start menu, or anywhere else in a Windows Operating System Product where a list of icons, shortcuts, or menu entries for applications are generally displayed, except that Microsoft may restrict the display of icons, shortcuts, or menu entries for any product in any list of such icons, shortcuts, or menu entries specified in the Windows documentation as being limited to products that provide particular types of functionality, provided that the restrictions are non-discriminatory with respect to non-Microsoft and Microsoft products; and (b) enabling or disabling automatic invocations pursuant to Section III.C.3 of this Final Judgment that are used to launch Non-Microsoft Middleware Products or Microsoft Middleware Products. The mechanism shall offer the end user a separate and unbiased choice with respect to enabling or removing access (as described in this subsection III.H.1) and altering default invocations (as described in the following subsection III.H.2) with regard to each such Microsoft Middleware Product or Non-Microsoft Middleware Product and may offer the end-user a separate and unbiased choice of enabling or removing access and altering default configurations as to all Microsoft

Middleware Products as a group or all Non-Microsoft Middleware Products as a group.

2. Allow end users (via a mechanism readily available from the desktop or Start menu), OEMs (via standard OEM preinstallation kits), and Non-Microsoft Middleware Products (via a mechanism which may, at Microsoft's option, require confirmation from the end user) to designate a Non-Microsoft Middleware Product to be invoked in place of that Microsoft Middleware Product (or vice versa) in any case where the Windows Operating System Product would otherwise launch the Microsoft Middleware Product in a separate Top-Level Window and display either (i) all of the user interface elements or (ii) the Trademark of the Microsoft Middleware Product.

3. Ensure that a Windows Operating System Product does not (a) automatically alter an OEM's configuration of icons, shortcuts or menu entries installed or displayed by the OEM pursuant to Section III.C of this Final Judgment without first seeking confirmation from the user and (b) seek such confirmation from the end user for an automatic (as opposed to user-initiated) alteration of the OEM's configuration until 14 days after the initial boot up of a new Personal Computer. Microsoft shall not alter the manner in which a Windows Operating System Product automatically alters an OEM's configuration of icons, shortcuts or menu entries other than in a new version of a Windows Operating System Product.

Begin my comments:

You know that a simple change in terminology made by Microsoft (the ''Start menu'' is now the ''Begin menu'' and the ''desktop'' is now the ''playground'' under Windows XP version 2.0) basically voids any hope of the end user custom configuring his or her system. Notice that these two terms are NOT defined in article VI—Definitions. Sheesh—and I thought anti-trust law was about giving the user a choice.

MTC–00013589

From: Matthew Wilkinson
To: Microsoft ATR
Date: 1/17/02 6:48pm

this lawmsuit is such a load of crap! a waste of my tax dollars! awaste of court time! How Many really important cases could have been heardduring this time. the settle ment is more than fair.

Matt

MTC–00013590

From: Arild Shirazi
To: Microsoft ATR
Date: 1/17/02 6:52pm
Subject: Microsoft Settlement

To whom it may concern:

I wish to submit a comment, pursuant to the Tunney Act regarding the proposed settlement between the DOJ and Microsoft.

I feel that nothing short of a break-up of Microsoft will remedy the abuses of its monopoly in operating system software. The proposed remedies do not go far enough in preventing Microsoft from expanding its monopoly to other categories of software. As a consumer, I feel that the currently proposed settlement will limit my choices of software in the future, will stifle innovation, and will result in artificially high software prices.

Sincerely,
Arild Shirazi
ashirazi@mac.com

MTC–00013591

From: John Herber
To: Microsoft ATR
Date: 1/17/02 6:02pm
Subject: Microsoft has abused it's market position

To whomever is listening,

I still feel that a break up of Microsoft would be the best solution. It's the only way you can assure that they won't abuse their Monopoly position as the dominant OS.

But since a Break up isn't going to happen, the playing field must be leveled. Companies hurt by Microsoft should get some of Microsoft's profits. Giving some software to schools is seems nice, but how does that help the companies that Microsoft bullied out of business. When someone is caught cheating in a game, they don't get to keep the winnings they received unfairly. It goes back to the players that were cheated. I don't care what the details are, but Microsoft should not be allowed to take out the competition. Then from on top of those companies remains give some software to some schools and act as though they are being charitable. When the real motive of there actions is to become an even bigger Monopoly. Can they wipe out some other area of business and then plan on giving some money away and then that makes it ''all better''. The real question is do you want Microsoft to continue to do this. If not, then punish them to the point that they say ''we'll never do that again''. So far all I can see is encouragement for Microsoft to go right on doing what they've always done. This is not the first act of abuse, if you don't punish them they will continue to force other companies out of business. The fact that their proposed solution to the problem was to extend their monopoly into the education market proves that they have no remorse. Please send a message to them and to other companies. We have made the rules of fair competition, we need to make sure all companies follow those rules, and that there are consequences for breaking those rules. If there are no consequences for abusing Monopoly power, why is the DOJ wasting taxpayer's dollars trying to enforce a empty law.

Thank you,
John Herber
IS Manager
Magnetic Poetry

MTC–00013592

From: Fred Good
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/17/02 6:59pm
Subject: Microsoft settlement

Good day!

I've just thumbed through the recommended documents regarding the Microsoft case and settlement. The legal aspects of this case are rather boggling to the average consumer, but when you boil it down it is obvious what is going on. Microsoft has taken advantage of millions of consumers, and hence, their own good fortune. I, for one, am completely outraged. It is appalling to me that they find themselves ''above the law'', or that they believed they could out-fox the lawmakers of this country. Did Microsoft think it would work? Why would they think it could? How stupid do they think our government is? Their actions are a slap in the face of capitalism, and our judiciary system. Shame on you, Mr. Gates.

Frederick Good

MTC–00013593

From: Richard Shuren
To: Microsoft ATR
Date: 1/17/02 7:08pm
Subject: Comments about Microsoft settlement

To whom it may concern,

As regards the Microsoft settlement of its antitrust case, please do not let Microsoft get away with merely giving away PC products and Microsoft software to satisfy the dollar value of the settlement.

I strongly agree with executives from Apple Computer who have pointed out that this action in itself would be anti-competitive in that it creates larger market share for Microsoft.

I am a long time avid Macintosh computer user, and do not want to see Microsoft slip away with this token gesture on their part.

Thank you for considering my comments.

Richard Shuren

MTC–00013594

From: Javier Morales
To: Microsoft ATR
Date: 1/17/02 7:16pm
Subject: suggestion

I think it would be rather simple:

Get the PC manufacturers out from under the MS boot.

1. Give licenses to MS OS to anyone that asks under non-discriminatory licenses. MS should not be able to use the threat of rescinding licenses to prevent computer users from putting software from other companies in their boxes.

2. Allow companies to bundle any software they want with their hardware without conditions from MS. If a manufacturer wants to put an AOL icon on their desktop, they should not be forced to also put an MSN icon in the desktop. This is particularly galling when you consider that AOL offered $35 per subscribed and MS offered nothing.

There's plenty more, but I am certain you have heard it before.

Respectfully,
Javier

MTC–00013595

From: Christina Mehl
To: Microsoft ATR
Date: 1/17/02 7:17pm
Subject: Microsoft Settlement

Judge Kollar-Kotally,

The proposed settlement in the U.S. vs. Microsoft case is fundamentally flawed. Nowhere is Microsoft's monopoly power checked, nor are they required to pay for the benefits of their anti-trust violations.

As a concerned citizen, I wish to voice my objection to the proposed final settlement, which doesn't prevent Microsoft from repeating its anti-competitive behavior.

Sincerely,

Christina Lynn Mehl
1255 Cortez Dr. #1
Sunnyvale, CA 94086
(650)969–1566

MTC–00013596

From: Andrew Apel
To: Microsoft ATR
Date: 1/17/02 7:17pm
Subject: Microsoft Settlement

To the Honorable Judge Kollar-Kotally,

I am opposed to the current settlement with Microsoft, as I do not believe they should be able to profit from any past (and apparently numerous) actions that violated the antitrust laws and/or guidelines.

Sincerely,
Andrew Apel
155 Jamestown Lane,
Bolingbrook, IL 60440
Tel# 630/783–8733

MTC–00013597

From: Hamannhome@aol.com@inetgw
To: Microsoft ATR
Date: 1/17/02 7:22pm
Subject: Court action not severe enough

In short, I recommend that the current settlement of the microsoft case be removed and more stringent penalities applied to Microsoft. They have used their monopolistic power to stifle competition and crush upstart competitors. I'd ask the justice dept to follow the remaining states in DEMANDING a more equitable solution and I personally beleive a break up of the software maker is still a viable solution.

MTC–00013598

From: i a n c a r t w r i g h t
To: Microsoft ATR
Date: 1/17/02 2:51pm
Subject: Microsoft Antitrust

To whom it may concern,

As a professional Designer/Web developer, the stranglehold Microsoft has on the tech industry is unjustifiable.

It maintains that it innovates, while in reality it buys companies that are innovating and uses its sheer size to stamp out unwanted competition. This has been well documented so I need not revisit these claims.

One example being its well known demand that Apple Computer use Microsoft Internet Explorer for Macintosh as the default browser on all new machines or it would cancel development of Microsoft Office for the Mac—a blow which would have meant almost certain death for one of the few true innovators in the industry. This probobly doesn't come close to touching on the goings on that aren't documented.

They should not have the power to demand what canned OS or software feature set does or does not run on PC manufacturers machines.

I think they have stifled innovation and set the industry years behind where it could be—all at our expense.

Regards,
Ian Cartwright
M u l t i m e d i a A r t i s t
ian@gothamad.com
Gotham Images
333 2nd Street, NW
Hickory, NC 28601
vox: 828.327.8099
fax: 828.327.0189

MTC–00013599

From: Ray Lund
To: Microsoft ATR
Date: 1/17/02 7:30pm
Subject: Microsoft Settlement

As an educator I am greatly disappointed in the proposed Microsoft settlement. Microsoft should not be given the opportunity of donating computers to schools which adds to the monopoly opportunities they already posses.

Ray Lund
Saco, Maine

MTC–00013600

From: GeorgeM835@aol.com@inetgw
To: Microsoft ATR
Date: 1/17/02 7:31pm
Subject: MICROSOFT SETTLEMENT

I AM ONE WEST VIRGINIAN WHO THINKS DIFFERENT THAN THE ATTORNEY GENERAL OF MY STATE. I THINK THAT THE SETTLEMENT ALREADY REACHED WITH THE OTHER STATES AND MICROSOFT IS ADAQUATE AND IT IS NOW TIME TO MOVE FOWARD. THIS IS ONE AMERICAN COMPANY THAT HAS BEEN SUCCESSFUL ON A WORLDWIDE SCALE AND WE AS AMERICANS SHOULD BE PROUD OF ITS ACHIEVEMENT.

GEORGE MASON
MORGANTOWN , WV

MTC–00013601

From: John M. Cantey
To: Microsoft ATR
Date: 1/17/02 7:42pm
Subject: Microsoft Settlement

SETTLE!

MTC–00013602

From: brooks williams
To: Microsoft ATR
Date: 1/17/02 7:43pm
Subject: judge made correct decision

The correct decision was made in disallowing microsoft to flood schools with their operating systems. If allowed it would have been a brilliant way to further an already massive monopoly. Microsoft doesn't even make computers. They enforce the way most people use computers. This is not the American way. I hope the courts and the government realize this. In the U.S. we take pride in having choices. I love being able to choose amongst an array of deodorant, furniture, or cereal. And, if I don't have a choice I'd rather the government have control over it. Imagine how much money we could budget if microsoft were a government entity.

thanks.
brooks williams

PS: and there were a few non microsoft computers that weren't affected by Y2K (which cost taxpayers a lot of money). More brilliant minds = more choices = more ideas = more solutions.

MTC–00013603

From: Mike Geertsen
To: Microsoft ATR
Date: 1/17/02 7:43pm
Subject: Microsoft Settlement

As a concerned citizen I encourage the Department of Justice to settle this matter quickly with Microsoft. Please do not undergo further litigation. It is more important now than ever that the economy is sound and strong and a settlement with Microsoft with help that happen. Further litigation—when a fair settlement is pending-is not necessary and may weaken the economy further.

Thank you for your consideration
Linda Langkow

MTC–00013604

From: Ray Petrone
To: Microsoft ATR
Date: 1/17/02 7:44pm
Subject: Microsoft Settlement

Ladies and Gentlemen,

You may not have read that Microsoft took an 8 cent per share charge for legal expenses and you may not care but 1,000,000 stockholder households do and so do tens of millions of other Microsoft customers who won't gain a damn thing by prolonging a settlement of this matter that has dragged on since 1995.

You are not saving consumers from anything from my own informal survey. And from my past work with Microsoft customers, by and large, they don't seem to care about what you are except for a few people who complain about everything in their life being unfair.

I urge you to spend taxpayer money where it will achieve justice in matters where is more clearly some offense. (How are you dividing your time on the Enron case? Have you ever looked into the practices that catapulted Walmart to its near monopoly status?)

If anything more should be done it should involve retrying this matter from scratch to address the judicial misconduct of Judge Jackson. But all such activities are counterproductive for EVERYONE in this country.

And finally, in order to achieve uniform justice, I trust that your department will monitor donations of large industry leading companies to schools. We have heard from the courts how such activity constitutes unfair competition so let's make sure that companies with similar market positions as Microsoft don't help our school system as well. Let's work to preserve those companies that customers no long prefer by natural choice.

Sincerely and respectfully,
Raymond Petrone, P.E.

MTC–00013605

From: Wayne Schlueter
To: Microsoft ATR
Date: 1/17/02 7:49pm
Subject: Microsoft Settlement

Dear sirs,

I wish to express my opinion that any settlement reached with Microsoft NOT include any provisions that would increase their already obscene monopoly position. Specifically, I mean, NOT allowing them to ''donate'' software or hardware to ANYONE as part of the settlement. To me, that would be almost exactly the same as the tobacco companies giving away cigarettes at sporting

events. It is NOT a form of punishment, it is a form of ADVERTISING!

My personal opinion is that the company should be broken into two parts, one that makes only operating systems, and one that only makes other software. In other words, I agree with the original judgment handed down by Judge Jackson. I see no other effective way to insure that the monopolistic and illegal activities of the company can be curtailed. Please do not let the power of this giant corporation push you to a position that you would not tolerate from an equally guilty defendant with less sway with people in high places.

Yours sincerely,
Wayne schlueter
10952 Lariat Ln
Dewey, AZ 86327
kitway@commspeed.net

MTC–00013606

From: Lois Cowan Walker
To: Microsoft ATR
Date: 1/17/02 7:53pm
Subject: Settlement

This case has continued for years and it is hard to understand all that is involved. I would think our good government has many more items to handle at this time.

Now the government is acting like a mom and dad who let their children make decisions and the children think they should make some demands in their decisions; i.e. its like the government cannot make up its mind either.

I wonder how much money has been spent on this case— how much will anyone gain? What has happened to free enterprise? Has anyone given thought to how this case has affected Microsoft stock and when Microsoft stock goes down so goes other tech stocks. Yet they survive and bounce back—they do not quit working to improve their business.

I am a retired secretary and I applaud Microsoft for making personal computers user friendly and today I applaud them again for stating their intentions to do all possible to improve internet security.

I ask you as a senior citizen to think hard before you carry this case further.

Thank you in advance for consideration to ending this drawn-out case—if you want to, you can continue to find wrong anywhere you want to look.

Lois Cowan Walker

MTC–00013607

From: apryor
To: Microsoft ATR
Date: 1/17/02 7:56pm
Subject: ''Microsoft Settlement''

I HATE Monopoly and Microsoft. Do not collect the $200 when you pass go. And NO you cannot be the thimble, that is my peice, I called it. I know you are one of those bankers that likes to smuggle the 5 hunnies. So that is why we must stop all forms of Monopolies whether Milton Bradley or Bill Gates!!

Microsoft is bad because they like to create monpolies and dominate the ''free'' world trade. They might as well be commies. This is a form of terrorism. It must be stopped immediately. PFJ really shouldn't be passed because if it does that means Bill will have a monopoly. Basically he owns Boardwalk and Park Place with 2 huge hotels on it. Not to mention he controls all railroads. He needs to share or be forced to share. Don't do it, don't pass PFJ! Please!?!?! thank you judge, charge it 100%. We need you.

drew
CC:microsoftcomments@doj.ca.gov@inetgw,dkleinkn@ yahoo.

MTC–00013608

From: RICHSTP@aol.com@inetgw
To: Microsoft ATR
Date: 1/17/02 8:02pm
Subject: Mocrosoft Settlement

It's about time the anti-capitalists in Washington got off the backs of the people making this country what it is, a country in which most intelligent people applaud those who work their tails off to create jobs. But there are supposedly intelligent people who decry the individuals who create jobs in this country. As usual the settlement resulted in the lawyers pocketing the dough. When will the politicians in Washington get it through their heads to put the brakes on the trial lawyers in this country? Enough is enough.

MTC–00013609

From: Gary Gable
To: Microsoft ATR
Date: 1/17/02 8:03pm
Subject: Settlement

I believe that the settlement agreement expands Microsofts monopolistic posture. The education market which is the focus of the agreement is one that Microsoft currently has a small percentage. The agreement does not establish a method that will discourage Microsoft into the future. Their business unit will not have been altered to promote a equal playing field and a competitive environment. I feel that Microsoft should be held fully accountable for their monopolistic actions.

Gary Gable
11210 West Monte Vista Rd.
Avondale, AZ 85323

MTC–00013610

From: Mouseboy38@mac.com@inetgw
To: Microsoft ATR
Date: 1/17/02 8:05pm
Subject: After reading all the data I could find on usdoj.gov on the Microsoft

After reading all the data I could find on usdoj.gov on the Microsoft anti-trust case, I've come to a personal conclusion that Microsoft is still trying to turn this entire case into a positive experience for themselves. Think of the recently shot-down idea of giving free Windows to schools. Sure it would cost Microsoft about 3 cents per CD to give the schools Windoze, but those schools would then have to buy more software from Microsoft and would eventually have to upgrade to a higher Windoze operating system.

As you can probably see from my email address, I am a mac user. I am a very proud and extreme Mac user at that, so bear with me if this seems biased. If Microsoft were forced to simply pay the schools vast amounts of money, I think it would make everyone happy but Microsoft. The amount of money would have to be well over a billion dollars to be more than a slap on the wrist to Microsoft. Now the biased part. I still believe that Microsoft should be split up, not just into 2 companies, but into at least a dozen small companies. Windows development company, office and other productivity software company, games company, small hardware company, XBox company, etc. My experience with all of Microsoft's hardware and software with the exception of Office v.X for Mac OS X has been thorougly negative. Microsoft's tactics are clearly to make their own life better, even now that they are under investigation. Microsoft needs to be punished and punished *hard*

Sincerely,
Brook Willard, age 18

MTC–00013611

From: G Young
To: Microsoft ATR
Date: 1/17/02 8:14pm
Subject: Microsoft Settlement

I believe that Microsoft will never agree to any ''settlement'' that is justified per their proven illegal and unethical acts. The proposed ''punishment'' (punishment is the word that is frequently omitted for political correctness) put forth by the nine states is much more generous to Microsoft than it should be based on the evidence presented against Microsoft. I believe that those who feel the ''settlement'' agreed to by Microsoft is fair (or necessary) are intellectually dishonest.

Gary Young

MTC–00013612

From: MMalone@burntsand.com@inetgw
To: Microsoft ATR
Date: 1/17/02 8:13pm
Subject: Microsoft Settlement

Folks,

If Microsoft is going to be punished it should be through them providing x amount of dollars with which the education sector can use as it pleases. Allow MS to provide products will be letting them off easy. The real cost of software is quite low and I'm sure that if the settlement is $10 M they will use the S.R.P. their products to calculate how much they need to provide.

Another thought is that it would be nice for the settlement to result in something that doesn't support the high tech industry. Like paying the salaries of librarians in the inner city, or buying new books, a coat of paint or a new building for a school.

Mark Malone
Project Director, Burntsand Inc.
Voice: +1 (408) 271–0205
Fax: +1 (408) 271–0230

MTC–00013613

From: Murphylee32@aol.com@inetgw
To: Microsoft ATR
Date: 1/17/02 8:28pm
Subject: Microsoft Settlement
183 Notchwoods Drive
Bowling Springs, South Carolina 29316
January 16, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

This lawsuit is entirely baseless! I fail to see the stability in a government who on the

one side, endorses free enterprise, while on the other, punishes those who excel in their industry. This is how I view the treatment that Microsoft has had to endure over the past three years. This is truly unfair. Microsoft should not be blamed for being a leader in their industry and yet, their efforts to innovate, improve the economy, provide affordable and user-friendly software, have all been rewarded with friction on both the state and federal level.

I realize that the federal government has recently reached a settlement with Microsoft and that the opposition now is mostly at the state level. I am therefore writing to express my opinion and to ask that you continue to do all you can to bring this case to a close. Microsoft has truly been cooperative in this entire matter and have opened up their infrastructure-so to speak—in order to accommodate their competitors. They have agreed to uniform pricing, and disclosure of internal interfaces and protocols. Microsoft seems to be satisfied with the settlement as is evidenced by their compliance. Please make every effort to relay this compliance to the remaining opposing states.

Sincerely,

Aubrey Pointer

cc: Senator Strom Thurmond

Representative Lindsey Graham

MTC–00013614

From: Richard Hamilton
To: Microsoft ATR
Date: 1/17/02 8:31pm
Subject: Microsoft Settlement

Hi—

Having read through the proposed settlement for the case, namely a consent decree, I must say that this 'punishment' for Microsoft (Microsoft having been found guilty) i not entirely appropriate. The essence of this decree would be Microsoft promising not to do it ever again, and allowing their work to be monitored, to a certain extent. However, this same punishment was meted out previously to Microsoft several years ago—and yet, the consent decree imposed upon them did nothing to discourage them from continuing in their ways just as before. Indeed, despite the consent decree, they still had another case for a similar matter brought against them, and they were found guilty! One can see from this that it is quite likely that Microsoft simply ignored the previous consent decree, and would quite likely do exactly the same thing all over again.

Also consider that, given the effectiveness of consent decrees in relation to Microsoft in the past, this consent degree would have little impact—almost certainly meaning that another case would be brought up against Microsoft in a few years. And we'd start the circle all over again, wasting time, and tax-payers money. Simply put: a strong punishment now, showing that the Department of Justice is not to be trifled with, would prevent further court cases, as well as further infringements by Microsoft.

A consent decree has not worked in the past, and by all likelihood, will not work in the future with this particular company. A better solution to Microsoft's infringements must be found.

Thanks,

Richard

MTC–00013615

From: Sid and Anita Pevear
To: Microsoft ATR
Date: 1/17/02 8:33pm
Subject: Microsoft Settlement

I would like to know whose idea this was, because I don1t see anything in this settlement that does anything to discourage Microsoft from doing business the same way. I believe it even gives them a free conduit in to a market that they have always had a problem cracking i.e.; education. I personally think they should be made to set up a trust with the cash and let the schools decide for themselves what equipment they would like to by. I can already see Mr. Gates licking his lips at the prospect of having a clean shot at a captive audience for his shoddy products. I think this 800 pound gorilla needs a big cage.

MTC–00013616

From: Michael J. Hutchinson
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/18/02 8:32pm
Subject: Microsoft Settlement

Please move forward with the proposed settlement and stop wasting time and money.

M. J. Hutchinson

MTC–00013617

From: Clyde Rogers
To: Microsoft ATR
Date: 1/17/02 8:42pm
Subject: Microsoft Settlement

This is a comment on the Microsoft antitrust settlement. As a citizen of the United States, I wish to express my deep disapproval of the recent proposed Microsoft settlement (which allowed Microsoft to dump their products on the educational market). In fact, I believe that any settlement that involves Microsoft products to be only a boon to the company, and not a punishment in any sense. If Microsoft is to atone for its unfair practices, it must move to level the software development landscape.

Microsoft should be required to publish detailed interoperability documentation for existing versions of its Windows operating systems. No Microsoft program should be allowed to take advantage of undocumented operating system features, and no Microsoft application program should be developed with insider resources unavailable to other corporations. If Microsoft is unwilling to propose reasonable plans that ensure and verify this separation, then Microsoft operating system development and application development must be split into separate corporations.

Microsoft should also be required to publish (and adhere to) complete specifications of all defacto standard document formats (Word, PowerPoint, Excel, Access, etc.). Many of these formats were published in previous times, but are no longer published now that the competition has been dispensed with. As these formats have become the standard format for their respective applications, no competition can be expected to arise without access to accurate documentation of their construction.

Microsoft also must be required to maintain these documented interfaces as public standards. Microsoft must retain ownership of the standards, but must not be allowed to change the standards gratuitously (to drive the competition out of business again). Thus either an industry committee must be involved in mking changes, or at the very least, changes must be approved and published some months before products implementing those standards are released to the public by any corporation.

Thank you,

Clyde Rogers

MTC–00013618

From: Kent W. Backstrom
To: Microsoft ATR
Date: 1/17/02 8:50pm
Subject: Microsoft Settlement

I believe that what has been suggested by the U.S. Government in this case is completely inappropriate. Microsoft is a ''serial'' monopolist and the suggested remedy in completely inadequate.

MTC–00013619

From: David Simpson
To: Microsoft ATR
Date: 1/17/02 9:04pm
Subject: Microsoft Settlement

Microsoft settlement comments,

I don't believe that the proposed settlement goes far enough to prevent Microsoft from continuing its monopolistic practices.

By virtue of the fact that Microsft already has an illegally-acquired monopolistic share of the computer software marketplace, it will be very difficult for any competetors to gain market share. Therefore I believe that the only remedy to the court case which will serve to promote competition and redress the offenses which Microsoft has committed is the breakup of the company. If Microsoft was broken up into at least two parts: an operating system supplier, and an applications software developer, competition would be restored. As a provision of this type of settlement, Microsoft should be ordered to develop its operating system for other hardware platforms (Sun—using Sparc processors, and Apple— using PowerPC processors—hardware as a minimum). The applications software division should be ordered to re-develop all of its applications for use under Sun's Solaris, SGI's IRIX, Linux, and Apple's MacOSX operating systems.

David Simpson

MTC–00013620

From: Michael Scoblete
To: Microsoft ATR
Date: 1/17/02 9:04pm
Subject: Microsoft Settlement

Dear Sir or Madam,

Market economics is a beneficial system because it produces a variety of product solutions and allows the consumer to choose. Monopolies function to the opposite. Microsoft certainly has a monopoly, actively seeks more control of its own market, and related services to reduce choice. It is not using advertising and competitive products as a tool of market share aquisition, it is seeking to use product coersion.

Consider current necessity of Windows operating system on storebought hardware, or Internet explorer in windows, would we

permit a doctor such coersion ''You can take this blood pressure medication, but the prescription comes with prozac and a laxative, in the same pill.'' Or microsofts goal of making its browser only search for, list and go to microsoft sites. Could A phone company demand that users not call people with other long distance plans? Or not call 911 because it is not a part of their package?

Companies and service providers are allowed reasonable control over their product and services. Microsofts actions are not reasonable, not good for the consumer, the market, or our country. (is dependance on a bug-infested, inefficient and self-obsoleting system a good thing?).

Thank you for your time

-Michael Scoblete

MTC–00013621

From: William Kuhle
To: Microsoft ATR
Date: 1/17/02 9:05pm
Subject: Microsoft Settlement

Hello:

Microsoft treated the PC hardware platform as if it owned it, and thus hurt consumers, software developers, PC OEMs, OS competitors, and the industry in general. Microsoft is an unrepentant monopolist. I believe that the best settlement would be:

Microsoft is broken up into separate Systems, Applications, and Internet Explorer companies.

Barring a breakup of Microsoft, penalties should include:

(1) Microsoft must standardize and publicize the entire set of Windows APIs;

(2) Microsoft must standardize and publicize the file formats of its Office applications;

(3) Microsoft must allow the ''bootloader'' on PC hardware to be controlled by the hardware manufacturers. (The Windows license agreement with PC OEMs specifies that any machine which includes a Microsoft operating system must not also offer a non-Microsoft operating system as a boot option. In other words, a computer that offers to boot into Windows upon startup cannot also offer to boot into Linux or other PC-based OS. The hardware vendor does not get to choose which OSes to install on the machines they sell ? Microsoft does.)

See: http://www.byte.com/documents/s=1115/byt20010824s0001/ for more information regarding the bootloader issue.

I believe that monetary penalties will be inadequate. The current remedies proposed by the DOJ and some the the states are inadequate.

Sincerely,
William Kuhle
655 Goodpasture Island Road, Apt 170
Eugene, OR 97401–1533
541–684–0019

MTC–00013622

From: TrapMac2
To: Microsoft ATR
Date: 1/17/02 9:11pm
Subject: Microsoft Settlement

As you have invited comments, I will speak as an average citizen who uses technology. I have earned my living using personal computers for almost fifteen years. During that time, I have rarely seen any Microsoft product demonstrate genuine innovation or creative imagination. Instead, they seem motivated only by a desire to control and dominate the entire digital world. Their use of anticompetitive practices and strongarm tactics have won them great wealth and power while providing the computer users of the world with mediocrity and lack of choice.

The computer has revolutionized the world we live in and made tremendous contributions to our society and economy. The decision the Court will render in this care will greatly influence the development of technology and civilization over the next century. As only one small working-class person, I have no hope of standing against the world's richest corporation. All of society is composed of small, insignificant specks like me and our only defense against an amoral giant such as Microsoft is you.

In a criminal case, much emphasis is placed on the defendant's remorse over his/her crime. Microsoft demonstrates absolutely no remorse, continues to deny that a crime even took place, and displays no respect for the Court or its proceedings. They provided doctored evidence during trial (the videotape), contradictory and misleading testimony, and as a ''remedy'' they actually proposed an action that would extend their monopoly even further in the area of education. What criminal defendant could display such utter lack of remorse and not receive the harshest possible sentence?

What I ask from this Court is simple: Whatever settlement terms are arranged, there must be an absolute and completely Independent Oversight Agency who can monitor and, if need be, neutralize future anti-competitive actions by Microsoft. If Microsoft is allowed even the smallest loophole, they will find a way to slither through it. And all the world, tiny computing nobodies like me, will suffer for it. I beg you to defend us against that dire fate.

Sociopath is the word we use to describe a human being without a conscience but what word shall we employ for a corporation without a conscience? Microsoft CANNOT be trusted and will immediately start seeking ways to evade and undermine any remedies that the Court will devise. I urge you to keep that one thought foremost during your deliberations.

Thank You
Tim Bowen
26078 Crocker Road
Columbia Station, Ohio 44028
330–483–3832
lorien@apk.net

MTC–00013623

From: Don MacGlashan
To: Microsoft ATR
Date: 1/17/02 9:14pm
Subject: comments on Microsoft settlement

Microsoft's settlement proposal is the most clever self-serving plan I think I have ever heard presented in public. After having seeded the education system (the one market they don't own yet) with their software (by giving hardware requiring their software), they would probably realize at least a 10 fold return on investment during the next 10–15 years. Refusal of this plan is imperative if a nominally competitive market place is to remain. If the government likes the idea that Microsoft donate equipment to schools, then require that they donate their competitors'' equipment. In this case, since they own the operating system used by most computers, then there are few choices (donating Intel equipment that could use other operating systems is not viable because it is clear that most users would opt to use Microsoft's Windows on this equipment). The obvious choices would be Sun equipment or Apple equipment. Given the significant anti-competitive practices of Microsoft over the years, it seems reasonable that their retribution should include strengthening their competitors position in at least one segment of society. While the education market is of significant size, it is not a particular threat to Microsoft itself since their primary market is business, an enormous market which they would retain. An alternative might be to help school districts higher up the chain by donating large equipment (servers, mainframes) that also do not have any possibility of benefiting Microsoft (they also wish to enter the server/mainframe market with their operating system).

If the government is not interested directly helping Sun, Apple or other manufacturers, then the settlement should assiduously attempt to rectify Microsoft's anti-competitive practices by only considering alternatives that clearly do not benefit, even indirectly, Microsoft in any way. This may seem obvious at this point but each proposal needs to be scrutinized by other parties (as was done in this first proposal).

Donald MacGlashan
Professor of Medicine
Johns Hopkins University

MTC–00013624

From: Anthony Charles Chacon
To: Microsoft ATR
Date: 1/17/02 9:14pm
Subject: Microsoft

Sir or Madame,

As far as I am concerned, Microsoft is guilty of all charges. By allowing them to settle it is sending the message to other countries and our enemies (including Osama Bin Laden) that the United States Government cares more for the financial well being of large, wealthy profitable incorporation then the hard working little guys that they step all over in their quest to rule the marketplace. Microsoft should be held accountable for their monopoly in a court of law and not in a business deal. Such an act would be no more then a slap on the wrist. A settlement would also give the impression that the court's decision that Microsoft is a monopoly was a waste of money and all those tax dollars proving the case were a waste. If you spent all that time and effort to prove, then why not convict and sentence? I am not saying ''put them out of business'', but to treat them as any monopoly in the past.

Anthony Charles Chacon

MTC–00013625

From: Travis McGee

To: Microsoft ATR
Date: 1/17/02 9:29pm
Subject: Microsoft
PLEASE LEAVE MICROSOFT ALONE.
DO NOT WASTE MY TAX DOLLARS
I WILL NOT LET YOU GET ELEECTED AGAIN IF YOU HARM OUR PRIDE AND JOY COMPANY
VIRGINIA GODDARD
BOSTON

MTC–00013626

From: Barbara Areitio
To: Microsoft ATR
Date: 1/17/02 9:30pm
Subject: MICROSOFT SETTLEMENT
LEAVE MICROSCOFT ALONE!!

MTC–00013627

From: Richard Ferree
To: Microsoft ATR
Date: 1/17/02 9:36pm
Subject: Microsoft settlement
Sirs,
I think MS is too big and has too much control of the industry.
It should be broken up or severely restrained.
A minor fine will not prohibit its continuance.
R. Ferree

MTC–00013628

From: Sonja Reinhardt
To: Microsoft ATR
Date: 1/17/02 9:40pm
Subject: microsoft settlement
January 17, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft,
The antitrust lawsuit against Microsoft has gone on for to long and has been a waste of taxpayers dollars. The original reason for the lawsuits I thought was to protect consumer rights. But instead, under the terms of the settlement it seems that only competitors of Microsoft have made out. The terms state that Microsoft will not be able to retaliate against computer makers or software developers who develop or promote software that competes with anything in its Windows operating system. The terms also force Microsoft to disclose numerous technological secrets to its competitors. These concessions only give competition a chance to gain an edge on Microsoft ? an edge they could not accomplish without lobbying politicians and lawmakers.
This case has gone on for too long and it is time to settle. It is in everyone's interests to end this matter so that the IT sector can rebound from its dormant state.
Thank you and I ask your help in finalizing the agreement.
Sincerely,
Sonja Reinhardt
5810 E. Hohokam Trail
Tucson AZ 85750

MTC–00013629

From: William P. Crumpacker
To: Microsoft ATR
Date: 1/17/02 9:41pm
Subject: Microsoft Settlement

The company's offer to give a billion dollars worth of equipment to schools in America is an offer NOT to be rejected out of hand. If Steve Jobs fears that will somehow give Microsoft an inside track to the entity that his company has long held a monopoly, then require Gates & Co. to buy half the computers from Jobs' Co.

MTC–00013630

From: Joho
To: Microsoft ATR
Date: 1/17/02 9:42pm
Subject: Antitrust
Clearly, Microsoft has displayed MOST unreasonable actions about monopolizing the OS market. Please place harsh const4rictions on them by breaking them into many groups, b ut please, sont give them more market share by allowing them to purchase computers and software for the education market.

MTC–00013631

From: Christopher Choin
To: Microsoft ATR
Date: 1/17/02 9:55pm
Microsoft needs to pay either cash or buy apple computers for the schools. $1 Billion in Cash to all low income schools to use at their disgression. . . .except purchases of any Microsoft Products or any products using Microsoft Software of any sorts. . . Unless it is a brand new Apple computer system. That is a true punishment that would make them think twice about trying to undermine other computer companies again!
Think about this and know it is truth. . . . .Microsoft is out to take over and control the entire computer, software and digital lifestyle of all people world wide.
Chris Choin

MTC–00013632

From: John Boatwright
To: Microsoft ATR
Date: 1/17/02 9:55pm
Subject: Microsoft Settlement
My name is John Boatwright and I am a resident of Tega Cay, South Carolina. I am writing to congratulate the Justice Department and Microsoft on reaching a settlement of the antitrust litigation, and to express my support for the settlement and an end to the court proceedings. I believe that the settlement reached adequately addresses the primary complaints raised by Microsoft's competitors. Microsoft has agreed to open its Windows applications to competition both by allowing the removal of Microsoft based programs from the Windows system as well as by allowing promotion of competitors'' software within the Windows system. I also support the non-retaliation provisions to which Microsoft has agreed in its dealings with software competitors. I sincerely appreciate the opportunity to express my opinion. Please move forward with the settlement as quickly as possible.
Sincerely,
John M. Boatwright, III ps.
I have attached a PDF of my signed letter

MTC–00013633

From: rockybrook@juno.com@inetgw
To: Microsoft ATR
Date: 1/17/02 9:56pm
Subject: Microsoft Settlement
2980 West Buno Road
Milford, Michigan 48380
January 17, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:
I am writing to express my opinions regarding the Microsoft antitrust case. As a supporter of Microsoft and an American taxpayer, I would like this case to be concluded.
Under the terms of the agreement, Microsoft has agreed to changes that make antitrust precedent. The company has agreed to document and disclose for use by its competitors various interfaces that are internal to Windows operating systems products. This means that Microsoft has more or less opened its inventions for the competition to use as a platform to launch their own competing products. This is most apparent in Microsoft's decision to grant computer makers and software engineers broad new rights to configure Windows in order to promote non-Microsoft products that compete with programs included within Windows.
The settlement is extensive in the sense that it lays out methods of preventing and handling future dilemmas. A technical oversight committee will ensure that Microsoft complies with the terms and conditions of the settlement, and competitors will be allowed to sue Microsoft directly if they feel they've been treated unfairly. It appears to me that the issues that brought about the case have been addressed. This case has dragged on for three years, and may drag on more if those that will never rest until Microsoft is broken up, have their way. I just want to remind you of the devastation that would ensue if standardization and operability were lost, not to mention the stalling of innovation. I hope that you will judge this case by its merits, and not the depths of lobbyists? pockets.
Thank you for taking the time to consider my thoughts.
Sincerely,
Linda Balsley

MTC–00013634

From: Dave Godbey
To: Microsoft ATR
Date: 1/17/02 9:59pm
Subject: Microsoft Settlement
As posted on your website, http://www.usdoj.gov/atr/cases/ms-settle.htm#submit regarding the DOJ/Microsoft settlement, I would like to submit this comment.
I do not believe the current settlement between DOJ and Microsoft is in the best interests of the consumer or the country. I strongly believe the original decision to break up the company is the only sensible way to level the playing field between Microsoft and its non-operating system competitors. Note that its competition in the operating system market is non-existent. Microsoft is a monopoly, it has abused its position as a monopoly, and it will continue to do so under the current agreement.
Even under the cloud of the current litigation, Microsoft has continue to bundle

components in the newly released XP operating system, namely a media player, instant messaging, and others. This is to the detriment of Real and other media player vendors, and to the number of instant messaging vendors. Clearly these practices are anti-competitive, because when Microsoft makes these component available ''free'' in the operating system, it is really shifting the costs of delivering those products to the operating system. Consumers tend not to pay for additional components when they already have a ''free'' one, therefore putting companies like Netscape and Real Networks in jeapordy because they cannot realize substantial revenues from their products, nor the operating system.

1) Microsoft should be allowed to bundle the products. However, consumers must be required to pay for them, and Microsoft must be required to provide an operating system FREE of these products at lower cost should consumers (via the OEMs) request them. Microsoft must stop hiding the cost of these products (like Internet Explorer) in the operating system so that other companies can realize revenues and better compete with Microsoft.

2) Microsoft must give the same level of access to the operating system to other vendors that it gives to its own applications developers. Why do Microsoft Office and other products open so quickly? Because some of their components reside in the operating system and are therefore ''preloaded.'' This makes the Microsoft products look better than its competitors products. Other features available to Microsoft applications that are not easily available to other vendors products also enhance this perception.

How do we better level the playing field? Structure some sort of breakup of Microsoft. It is the only reasonable and enforceable approach.

Thank you,
David Godbey, Ph.D.

MTC–00013636

From: Melissa Jenks
To: Microsoft ATR
Date: 1/17/02 10:03pm
Subject:

Microsoft should not be allowed inroads to the education market that Microsoft should not be allowed inroads to the education market that Apple has concentrated on for years. If they are allowed to give PC's to schools with Windows software, this would further erode Apple's position in the education market.

Melissa Jenks
1325 18th Street, NW #1008
Washington, DC 20036
H: 202–223–3729
W:202–321–3132

MTC–00013637

From: owltree
To: Microsoft ATR
Date: 1/17/02 10:04pm
Subject: Microsoft Settlement
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

I use Microsoft products. A lot of them. I use the software, the operating systems, everything. There is nothing better on the market, which is why I was very irritated with the antitrust case brought against Microsoft. Antitrust laws are brought because of a business'' monopolistic practices. There were no such practices with Microsoft. I choose Microsoft because they work. Period. Microsoft's competitors whine about Microsoft, then make a better mousetrap. Mr. Bill Gates worked long and hard to make his company what it is today. He did so by providing consumers what they needed: quality,affordable products. Now he is being persecuted for it.

Now, a settlement has finally been reached. And I want to urge you to give your approval to this agreement. We don't need to nitpick over what should be the final decision. Why else are there courts? If we continue to revisit these decisions, it will only undermine the legitimacy of this and future decisions.

And from what I understand, Microsoft has more than done its share to end this lawsuit. Microsoft has agreed to a technical committee to monitor future adherence. It will even share code or programming that Windows uses to communicate with other programs.

It is time to go forward. Give your support to this agreement

Sincerely,
Patricia Keator

PS) A copy of this letter is being sent to you in the US mail.

MTC–00013638

From: Alan Hirschhorn
To: Microsoft ATR
Date: 1/17/02 10:14pm
Subject: Microsoft Settlement
1 Dogwood Road
Hopewell Junction, NY 12533
January 17, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Recently, I noted that there is a 60-day period for public opinion regarding the Microsoft antitrust case. This case has been active for more than three years. The proposed settlement was arrived at as a result of extensive negotiations with a court-appointed mediator. The terms of settlement are fair and equitable. I am in favor of finalizing the settlement at the earliest possible date.

Microsoft has agreed to allow competitors access to its documentation, protocol, and programs so that they may attach their non-Microsoft products to Windows without any retaliation from Microsoft. Microsoft has also agreed to have a neutral technical committee monitor their compliance with all provisions of the settlement.

I appreciate the time and effort you've given this case.

Thank you for your consideration in this matter.

Sincerely,
Alan D. Hirschhorn

MTC–00013639

From: Tim Wright
To: Microsoft ATR
Date: 1/17/02 10:16pm
Subject: Microsoft Judgement and Remedies

Any remedy in the Microsoft judgment must restore competition to the marketplace. Microsoft's monopoly position and persistent anticompetitive behavior were issues that brought the case up in the first place, and normal market forces of competition would have prevented these problems. Restoring competition will balance the market and allow end users the choice that we value so highly in a free and open market.

An effective remedy must employ rigorous measures to correct the market imbalance and prevent future anticompetitive behavior from Microsoft. Their established patterns of violating consent decrees and continually testing how far they can step outside of the Court's orders indicate that Microsoft will continue to employ anticompetitive business practices for as long as they are capable. Past behavior and published internal documents from Microsoft support the suspicion that this corporation will continue to stifle competition to unlawfully maintain its monopoly position.

The most effective measure to restore competition to the marketplace is to break up Microsoft. This remedy proved highly effective in the cases of Standard Oil, the Bell System, and countless others. History has proved out that neither the petroleum nor the telecommunications business sectors suffered ill effect from breaking up Standard Oil and the Bell System. The facts show that both sectors flourished substantially after breaking up monopolies into smaller business units and restoring competition to these markets.

As the Bell System was broken up into ''Baby Bell'' telephone operating companies, and Standard Oil was broken up into smaller, competing petroleum companies, Microsoft should be broken up into an operating systems company, an applications software company, and an Internet services and communications company. This follows the successful pattern employed with the Bell System, where AT&T retained long distance telephone service, and local service was provided by a group of competing, local Bell Operating Companies, the ''Baby Bells.''

To clarify matters, applications software is defined as computer software intended for specific tasks: word processing, database processing, graphic editing and rendering, audio/video/multimedia rendering, enterprise resource control and planning, local and wide area network administration, communication clients, Web browsers, utility functions such as encryption and data file management, and numerous other, similar functions. These applications all require an operating system to function.

An operating system is defined as the computer infrastructure required for the basic operation of the computer hardware and supporting applications software: data input/output, data storage, and other functions to allow hardware to communicate. Operating systems carry out general tasks necessary to support the computer system and make it useful, leaving specific tasks to applications software that can be added and removed by

the end user without degrading the operating system.

Internet services and communication are remote location services accessed via the Internet or similar telecommunications means. These services include, but are not limited to, information, telecommunications via text (e-mail), voice, and/or video images, access to the World Wide Web, business transactions (e-business, e-trade), and similar wide area communications. Breaking up Microsoft in such a fashion puts the company on a more equal footing with competing firms in the computer software and Internet communications service industries. Breaking the operating system monopoly away from the applications software business unit will prevent further occurrences of unlawful and anticompetitive software bundling, an issue that brought this dispute into court in the first place. Making all the participants in the applications software market equal will foster competition and innovation, as shown by the telecommunications boom that occurred after the Bell System breakup. The Bell System precedent illustrates that end users will not suffer any loss from breaking up Microsoft. In fact, the end users will likely be the biggest beneficiaries as competition encourages innovation, reduced costs, and improved quality. This was the case with the Bell System breakup. An adequate and competent monopoly was broken up to pave the way for substantial innovation and excellence in that business sector. End users currently pay less for more and better telecommunications service in a competitive market. The same benefit will come from breaking up Microsoft.

In the event that the Court chooses not to break up Microsoft, the following remedies are suggested as alternative means to achieve a restoration of competition in the computer software and data communications market:

Regulate Microsoft and the MS-Windows operating systems as a public utility, much the same as electric and water utilities. This will require additional government infrastructure to administer. Such regulation would have to remain in effect as long as Microsoft holds a monopoly. The political overhead of establishing and operating a regulatory agency may be unwieldy, and this will likely require action from Congress to establish and fund such regulatory'' activity. Prohibit exclusivity clauses in operating system software licenses. Microsoft's practice of requiring hardware vendors to exclude other operating systems as a condition for purchasing MS-Windows only perpetuates Microsoft's monopoly position. End users should have a choice of operating system software, to include double and multiple boot options to use more than one operating system on the same computer. A healthy and competitive marketplace allows end users to select which operating system(s) they want, rather than having vendors dictate to customers what they will use. Consumers must be free to decline pre-loaded copies of the MS-Windows operating systems and return unused operating system software for a refund. Computer hardware manufacturers and distributors must be free to load any operating system(s) that they and their paying customers choose into computer hardware. Current business practice has the operating system tied to the hardware by a monopoly (Microsoft), leaving purchasers obliged to pay for software that they may not want and cannot return for credit. Microsoft has abused its monopoly position to bar potential competitors from the market, using business practices not too far removed from those of the Standard Oil monopoly in its day.

Another alternative or adjunct to breaking up Microsoft into three companies would be to make the MS-Windows family of operating systems public domain, and Microsoft would have to agree to leave the proprietary operating system market in order to prevent re-establishing a monopoly. This action would effectively dissolve the monopoly that has been at the heart of this case. This action must be voluntary on Microsoft's part, because it could be construed as a taking by the government, rather than the remedy in a lawsuit. Microsoft's violation of antitrust law must not be parlayed into an occasion to collect taxpayer dollars, should Microsoft give up proprietary ownership of the MS-Windows family of operating systems. A public domain Windows operating system can be standardized and administered by nonprofit industrial standards governing organizations, much the same way as World Wide Web domain names and related administrative Internet infrastructure is maintained by the user community. Such a move would place the Windows operating systems in a position analogous to industry standards that serve the general public as a whole.

The overriding concern is that whatever remedy the Court imposes on the Microsoft case, it must restore competition to the market. The best solutions are those that allow natural market forces to prevail, rather than increased governmental oversight and regulation that diverts taxpayer dollars from more pressing issues. Like Standard Oil, Microsoft has persistently and continually employed unlawful practices to maintain a monopoly, and only the most rigorous measures will be effective at correcting the situation.

William T. Wright
Tampa, Florida

MTC–00013640

From: (042) Tom Gleason (042)
To: Microsoft ATR
Date: 1/17/02 10:19pm
Subject: Microsoft Settlement

I'm really amazed at how easy our new government figures want to let off Microsoft so easily! This is rediculous. . . Microsoft's been a domineering bully for so long now, with Gates always staunchly supporting their selfish attitudes. . . C'mon you guys, be fair for a change! Maybe Enron and those guys bulldozed California, but don't let Microsoft bulldoze our nation. I see republicans as too cozy with big business.

Tom Gleason

MTC–00013641

From: jeff
To: Microsoft ATR
Date: 1/17/02 10:24pm
Subject: Microsoft—Stop going so easy on these guys CC:
jwdsail@gotocrystal.net@inetgw 1/17/02:

I'm saddened by Microsofts continued anti-competitive behavior, and the governments inability to put them in their place. As additional proof that they plan to comtinue to restrict inovation and competition, they have acquired several patents from SGI. These technologies are important to many fields (3-D imaging, modeling, high-end graphics) and untill now have been fairly open (OpenGL). Under Microsoft control, companies like Apple, Adobe, Macromedia, Sony, and other developers will be forced to adopt perverted closed versions of these technologies. True inovation and competition will be even more restricted than before. Microsoft has proven time and time again that they don't care about security or inovation—For the consumers sake or the govenments. Microsoft does a great song and dance about being inovaters and their concern for security of computer systems, but when push comes to shove Micosoft is only interested in control.

Take these guys down.
Thanks.
Jeff

MTC–00013643

From: zarra hermann
To: Microsoft ATR
Date: 1/17/02 10:31pm
Subject: Microsoft Settlement

I am ashamed at the DoJ even considered the last proposal of Microsoft as an actual settlment worth mentioning outside of Redmond's boardroom fantasies.

You have them in a hard spot, not the other way around, correct? It's your big chance to do something that will change the course of history not perpetuate the status quo. The last time we had this chance the US settled for a $5,000 slap on the wrist to the automakers for effectively putting the railroad out of business in this country.

Mircosoft wants a settlement, so make them one you think they need to refuse, and you may have your answer. make them bleed, but if you worry over public relations on this and they know it, you've essentially decided not to have a backbone. Make them bleed. It will benefit future diversity and perhaps deter them from doing it again so obviously. When else are you going to get this chance to actually DO something to send a message with the world waiting?

Zarra Hermann
Zarra

MTC–00013644

From: erich@pop.networkusa.net@inetgw
To: Microsoft ATR
Date: 1/17/02 11:52pm
Subject: Microsoft Settlement

I am opposed to the settlement.

Basically, Microsoft is not being punished, and is allowed to dump their product on the school market the last hold out of the competition (Apple) The competing software should be purchased with the money (GNULinux, Apple) and installed in schools so that new computer users develop knowledge of the competing products. Microosft should be enjoined from anti-competitive practices, such as making their

OS's work with LILO or other multi-boot loaders.

I agree that Microsoft, should be broken up, because their continued refusal to apologize for their wrong-doing indicates that their attitude has not changed.

Regards,

Erich Friesen

MTC–00013645

From: Stan Doherty
To: Microsoft ATR
Date: 1/17/02 10:49pm
Subject: Microsoft Settlement

I work in the computer industry.

This ''settlement'' is bad for:

* free enterprise
* technical innovation
* justice
* decency

The only good outcome is the realization that if I ever earned billions of dollars in the computer business, I would know that I could bribe my way through the court system

Stan

MTC–00013646

From: Drew Moll
To: Microsoft ATR
Date: 1/17/02 10:47pm
Subject: Comments

Hi—

I wanted to give my comments on the proposed remedy for Microsoft vs. DOJ.

I am a computer consultant, and I make my living using Microsoft software. I believe Microsoft has done nothing that other companies such as Oracle or IBM wouldn't have done if they could. That said, I do believe Microsoft has a monopoly on desktop operating systems, and just as importantly, office software. Specifically, there is no competition to Microsoft office.

This situation is bad for the economy since Microsoft can continue to add ''tures'' to either Office or one of its operating systems, forcing smaller companies and businesses such as mine to go bankrupt. I believe in the not-to-distant future Microsoft will start integrating a database into its operating system, and this will have an adverse affect on Oracle corporation, the #2 software company in the United States.

To remedy this situation, I believe there are two possible courses. The first is to force Microsoft to spin off their Operating System development and sales into a separate company. The second is to force Microsoft to spin off Microsoft Office development and sales into a separate company. Either of these two remedies will have the desired effect of creating more competition, and a more stable economy since it requires either monopoly to compete more evenly with other software.

Thank you,

Drew Moll

Fairfax, VA USA

MTC–00013647

From: adrongardner@mac.com@inetgw
To: Microsoft ATR
Date: 1/17/02 10:53pm
Subject: Microsoft Settlement

Hello I am writing an opinion on the Microsoft settlement.

First and foremost I believe that any punishment short of dividing the company is not harsh enough. Second the proposal for them to donate software to schools is yet another thinly veiled attempt to increase their presence in the world. Giving away their own product for free is something that has absolutely no effect on their monopoly status and will only do more to increase it. Apple computer is right to object to this proposal. Being that Apple has relatively zero market share in the corporate world, education is their biggest non consumer market. Their small market share could be diminished much more for Microsoft to simply give away their own stuff. This would eliminate the competition between the two thus bringing up the Anti-competitive practices Microsoft has used to date to become the monster it is.

How the company was allowed to get to this point is beyond me. Imagine if GM was the car maker that supplied 95% of the planets cars. A settlement now is irrelevant. They should have been dealt with a decade ago. However I do have an idea short of splitting up the company. Hows this? Microsoft must pay a sum to schools who haven't opted for the Windows platform for future purchases. They should also donate money to business and schools who opt out of renewing a Windows license for a competitors platform (Linux, Unix, Macintosh OS). In addition they should be allowed to donate money to low income schools and communities to let them use the money as they see fit.

Microsoft must allow OEM computer manufacturers to configure OS preferences AS THEY WISH, free of hidden penalties and injunctions. OEM's should be allowed to put a Quicktime or REAL player icon on the desktop and not a Media Player icon if that is what they want to do. Microsoft must face continual sanctions for their past actions (much like a terrorist state) limiting their market reach. Especially in the area of forcing companies to upgrade to newer product licenses even when they don't want to upgrade or have no reason to other than for Microsoft to keep their stronghold.

Microsoft must keep producing OFFICE for the Apple Macintosh platform even if Apple doesn't want to make Internet Explorer the default browser. A personal gripe: Microsoft must make their programs easier to delete off a computers hard drive, Macintosh or PC.

These are just a few suggestions. If only one is helpful than that is at least a start. Anyhow SOMETHING EFFECTIVE must be done.

Thank You.

MTC–00013648

From: John (038) Gail
To: Microsoft ATR
Date: 1/17/02 11:02pm
Subject: Microsoft Settlement

As a Microsoft software user, I send this message to urge you to settle the litigation brought against the company with all due dispatch. I believe the proposed settlement is fair, had been found such by many of the States who were involved. It is time to get this litigation behind us and let this segment of our economy operate in freedom once again (subject of course to the rules as have been redefined). Please let this litigation be ended in the way that has been deemed appropriate by many of the litigants; let Microsoft get back to business!

Thank you, John K. Williams

MTC–00013649

From: Gordon Giles
To: Microsoft Settlement
Date: 1/17/02 12:47pm
Subject: Microsoft Settlement

Gordon Giles
Box 127
Seldovia, AK 99663
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Gordon E Giles

MTC–00013650

From: John Lucas
To: Microsoft Settlement
Date: 1/17/02 4:03pm
Subject: Microsoft Settlement

John Lucas
3007 quenton place
waynesboro, VA 22980
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
John R. Lucas

MTC–00013651

From: Jason Lerman
To: Microsoft Settlement
Date: 1/17/02 4:54pm
Subject: Microsoft Settlement
Jason Lerman
686 10th St.
Brooklyn, NY 11215
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Jason Lerman

MTC–00013652

From: John Baker
To: Microsoft Settlement
Date: 1/17/02 6:10pm
Subject: Microsoft Settlement
John Baker
7708 Arlington Dr.
Nampa, ID 83687
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
John Baker

MTC–00013653

From: J. Lowry
To: Microsoft ATR
Date: 1/17/02 11:15pm
Subject: Microsoft Litigation
See Attached file
Jerry Lowry
1789 100th Avenue Harris, IA 51345–7537
January 17, 2002
Attorney General John Ashcroft, US DOJ
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

My name is Jerry Lowry, of Harris, Iowa. I want to let you know that I am pleased with the Justice Department's settlement of the Microsoft litigation, and I hope that you implement if in the very near future.

It has been difficult for the average person to fully understand all the accusations and counter-accusations hurled by the parties in this litigation. As I understand it, the most frequent and compelling complaint dealt with the inability of computer owners to utilize non-Microsoft software with Windows operating systems on their computers. Microsoft has agreed to allow such competition. Microsoft has also offered to have its compliance with the terms of the settlement agreement by a Technical Committee to avoid further problems and further litigation. I believe the company has gone the extra mile to resolve this case, and I do not see the need for it to drag on and on.

I sincerely hope that you see the wisdom of this agreement (after all, the DOJ wrote it), and allowing its implementation. It's time for the government to get out, and let the market decide who succeeds in the industry.

Thank you for the opportunity to address this matter.

JERRY A. LOWRY
Sincerely,
Jerry Lowry

MTC–00013654

From: Dale Montross
To: Microsoft Settlement
Date: 1/17/02 3:18pm
Subject: Microsoft Settlement
Dale Montross
2324 Serenity Lane
Heath, TX 75032
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Sincerely,
Dale Montross

MTC–00013655

From: Nancy Burwell
To: Microsoft Settlement
Date: 1/17/02 12:06pm
Subject: Microsoft Settlement
Nancy Burwell
25 Cromwell Drive
Morristown, NJ 07960
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Nancy Burwell

MTC–00013656

From: Noel Harris
To: Microsoft Settlement
Date: 1/17/02 1:19pm
Subject: Microsoft Settlement
Noel Harris
Rt.3, Box55
Cuthbert, Ga 31740
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Noel Harris

MTC–00013657

From: Aleta Watson
To: Microsoft ATR
Date: 1/17/02 11:15pm
Subject: Microsof Settlement

Hello,

I would like to thank you for reading my opinion on the Microsoft Settlement.

At the moment Microsoft has a clear monopoly over many aspects of the ddesktop computer industry and is spreading to others. An example of this monopoly would be how when you buy a computer from Dell or Compaq, Internet Explorer is pre-installed on the system. I personally dislike Microsoft's browser and naturally chose to use Netscape instead. Upon having Netscape installed I had several error messages appear when I use the internet. If I chose ''close'' my computer would lock up forcing me to restart my computer. After consulting my friend he informed me that having both of the browsers on the computer would cause conflicts and the only way to remove the errors was to uninstall one of the browsers. Since I perfered Netscape I proceeded to uninstall Internet Explorer which was quiet a difficult task because it is tied into so many things in the Windows OS.

Once Internet Explorer was removed I was confronted with two more problems. The first one was that I would have problems when I open folders, which appear to be browed using Internet Explorer, (Note the ''Back'' and ''Forward'' buttons on the top of the window). This was quite a problem since I have many files on my computer and I now could not access them. The second problem was with Microsoft's ''Critical Updates'' which are patches which usually fix some problem, usually with the OS, (They sure have a lot of updates). These updates can only be accessed using Microsoft's Internet Explorer. Having uninstalled the program from my computer I now could not access them. This left me with a serious problem which could only be fixed by using there browser.

Another problem which deserves some attention, is Window's compatibility with Apple's QuickTime. Many videos and forms of media are in Quicktime format. On newer versions of the Windows OS the Quicktime Player (which is not insatlled with the OS) causes conflicts which leads to crashes and a whole bunch of problems. Since many people still wanted to view Quicktime formated files, they would call up Microsoft and ask how to fix it. Microsoft would say that yes it was a conflict with the Windows OS and that the only solution was to remove Quicktime. Rather then update their OS through there many ''Critical Updates'' they forced Apple to make a new version of Quicktime if it wanted to run on Windows computers (which take up most of the market).

These are my reasons I believe Microsoft has a clear and growing control of the market. Thank you for your time.

Sincerely,
Eric Watson

MTC–00013658

From: james bolin
To: Microsoft Settlement
Date: 1/17/02 5:40pm
Subject: Microsoft Settlement
james bolin
7897 n kitchen rd
mooresville, in 46158–6551
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
james e bolin

MTC–00013659

From: Nola Frick
To: Microsoft Settlement
Date: 1/17/02 5:40pm
Subject: Microsoft Settlement
Nola Frick
112 Honeysuckle Lane
Lake Placid, FL 33852–9236
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Sincerely,
Nola Frick

MTC–00013660

From: Randy Hall
To: Microsoft Settlement
Date: 1/17/02 5:40pm
Subject: Microsoft Settlement
Randy Hall
2800 Rosewood Blvd
McKinney, TX 75071
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Randy and Candy Hall

MTC–00013661

From: Colleen Kellerman
To: Microsoft Settlement
Date: 1/17/02 5:54pm
Subject: Microsoft Settlement
Colleen Kellerman
8217 77th Avenue N.E.
Marysville, WA 98270
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Colleen Kellerman

MTC–00013662

From: Robert Montgomery
To: Microsoft Settlement
Date: 1/17/02 2:50pm
Subject: Microsoft Settlement
Robert Montgomery
185 Valley View Drive
Lenoir City, TN 37772]
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Robert A. Montgomery

MTC–00013663

From: Jeanne Goldbach
To: Microsoft Settlement
Date: 1/17/02 4:51pm
Subject: Microsoft Settlement
Jeanne Goldbach
56 Stony Cor. Circle
Avon, CT 06001
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Jeanne Goldbach

MTC–00013664

From: John Sproat
To: Microsoft Settlement
Date: 1/17/02 3:46pm
Subject: Microsoft Settlement
John Sproat
1419 E. Manasota Beach Rd.
Englewood, FL 34223–6341
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

John R. Sproat, Jr.

MTC–00013665

From: Frank Maybaum
To: Microsoft Settlement
Date: 1/17/02 7:51pm
Subject: Microsoft Settlement
Frank Maybaum
9726 S.W. 190th Terrace Road
Dunnellon, Fl 34432–4227
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Frank & Sandra Maybaum

MTC–00013666

From: Gretchen Nichols
To: Microsoft Settlement
Date: 1/17/02 3:56pm
Subject: Microsoft Settlement
Gretchen Nichols
930 Orrvillewood
Wildwood, MO 63005
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

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Thank you for this opportunity to share my views.

Sincerely,
Gretchen Nichols

MTC–00013667

From: Robert Hitt
To: Microsoft Settlement
Date: 1/17/02 6:49pm
Subject: Microsoft Settlement
Robert Hitt
11027 W. Old Hickory Ct.
Benton, IL 62812
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Robert L. Hitt

MTC–00013668

From: James R. Bennett
To: Microsoft Settlement
Date: 1/17/02 1:24pm
Subject: Microsoft Settlement
James R. Bennett
20817 Fairpark Drive
Fairview Park, OH 44126–2008
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
James R. Bennett

MTC–00013669

From: Ronald McTaggart
To: Microsoft Settlement
Date: 1/17/02 3:21pm
Subject: Microsoft Settlement
Ronald McTaggart
3536 Bobwhite Ct.
Melbourne, FL 32904
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Ronald McTaggart

MTC–00013670

From: Frank Stoppa
To: Microsoft Settlement
Date: 1/17/02 1:21pm
Subject: Microsoft Settlement
Frank Stoppa
8044 Swamp Flower Dr. E.
Jacksonville, Fl 32244–6160
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Frank J. Stoppa

MTC–00013671

From: K enneth Burns
To: Microsoft Settlement
Date: 1/17/02 3:01pm
Subject: Microsoft Settlement
Kenneth Burns
6106 Waters Edge Rd
Midlothian, Va 23112
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

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Thank you for this opportunity to share my views.

Sincerely,
Kenneth S Burns

MTC–00013672

From: Arthur Stafford
To: Microsoft Settlement
Date: 1/17/02 5:48pm
Subject: Microsoft Settlement
Arthur Stafford
16909 Gunboat Circle
Maurepas, LA 70449
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Arthur Stafford

MTC–00013673

From: Robert Goorey Jr.
To: Microsoft Settlement
Date: 1/17/02 7:19pm
Subject: Microsoft Settlement
Robert Goorey Jr.
6723 Wannamaker Lane
charlotte, nc 28226–8513
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

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Thank you for this opportunity to share my views.

Sincerely,
Robert F. Goorey Jr.

MTC–00013674

From: Charley Johnson
To: Microsoft Settlement
Date: 1/17/02 4:48pm
Subject: Microsoft Settlement
Charley Johnson
1389 Harrison Point Trail
Fernandina Beach, FL 32034
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Charley and June Johnson

MTC–00013675

From: Robert Vickers
To: Microsoft ATR
Date: 1/17/02 11:19pm
Subject: Microsoft Settlement

The Microsoft settlement currently under consideration is unacceptable. Microsoft should be dealt with much more harshly. Their business practices have been shameful. Please reject the current settlement offer.

Thank you,
Robert Vickers
Sebring, FL

MTC–00013676

From: Linda Houston
To: Microsoft Settlement
Date: 1/17/02 6:27pm
Subject: Microsoft Settlement
Linda Houston
611 Lopax Rd. T–3
Harrisburg , PA 17112
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views, and even though the above is a form letter, it reflects my views exactly.

Sincerely,
Linda Patton Houston

MTC–00013677

From: zbyter
To: Microsoft ATR
Date: 1/17/02 11:25pm
Subject: Settlment

I think that the settlement is not enough. If Microsoft is not severely punished for their actions I believe that this will only encourage others to risk the same fate. The lack of accountability that this settlement provides only reinforces the declining morals that are currently eroding many aspects of our country.

Thank you.
Julio Cardona
1402 Hoyt St.
Lakewood, Colorado 80215

MTC–00013679

From: Christopher S Keady
To: Microsoft ATR
Date: 1/17/02 11:26pm
Subject: Re: U.S. v. Microsoft: Settlement Information

Microsoft might have been found guilty, but I hope that the justice dept understands that Microsoft destroyed an entire industry with their practices, and they expect the justice dept will do nothing except slap them on the wrist for it. Thousands of people out of work, ideas stolen, and tactics that would land any normal american in jail. Why not have them just payback what they have done? Rebuild netscape and leave the browser market? Thou splitting them up would be the smartest thing, unless you want to go threw this trial again, because Microsoft will pirate and bully again, its their history.

MTC–00013680

From: Catherine O'Riley
To: Microsoft ATR
Date: 1/17/02 11:34pm
Subject: Microsoft Settlement

The proposed settlement seems more like a reward to Microsoft than any type of penalty. Three years ago, when I tried to buy an Intel based computer without Windows pre-installed, no one would sell me one. Every place I tried said they were not allowed to. One place did offer to remove Windows for me, but they still wanted me to pay for it. I consider that direct harm to me.

At the minimum, Microsoft should be required to make ALL their APIs public information. They even offered to, before the DOJ decided to do their best to drop the case. And the oversight group should not be dominated by Microsoft— they should be allowed only a token representative. Anything less will perpetuate their monopoly, and they have already shown evidence that they intend to become even more ''aggressive'' than before.

Neil Ratzlaff
393 Staten Avenue
Oakland, CA 94610

MTC–00013681

From: Ron
To: Microsoft ATR
Date: 1/17/02 11:33pm
Subject: Microsoft

First off let me say I think MS is getting off way to easy period. You allow the Giant to continue doing business as usual while they play the wounded lamb. But enough of my personal rants. If MS is going to be giving anything to the community the last thing it should be is products of the monopoly. A large 10 figure donation in cash to the proposed areas would be more inline. Let the scholl admins decide what and when they will purchase with the ''MONEY''. Its just a shame the DOJ and more so the courts had to be so spineless in this case. Oh well at least maybe some schools will get something out of it because the public at large is getting the usual shaft and someplace at the bottom is the gold that Microsoft will steal anyways.

Ron Richardson

MTC–00013683

From: grouchymike
To: Microsoft ATR
Date: 1/17/02 11:48pm
Subject: Microsoft Settlement

Weak. This will not stop Microsoft from it's predatory practices. As a citizen who has been affected by Microsoft's illegal M.O. I request protection and the availability of freedom of choice.

Mike Davison
714–389–2721

MTC–00013684

From: Brian Meyer
To: Microsoft ATR
Date: 1/18/02 12:01am
Subject: Microsoft Settlement

I do not understand why you are letting microsoft off so easy. Netscape is dead with no innovation in the last few years since aol ''purchased them''. (And why would aol want a browser, they are competing against browsers. A Company with 88% market share is a monopoly. They crush opponents with lawyers, vaporware. The original software code of windows was stolen wholesale from apple, and from this apple extorted them to support the apple platform with office. They create risk for all entrepreneurs in that they have no qualms about stealing their ideas, but they do not keep running with it, they drop it once the entrepreneur gives up. The innovations they have destroyed have made america stagnate.

Our laws say monopolies are bad and i feel the law is right about this. I believe in business men being able to compete but a natural dominance is 70% market share. Above that and you can gouge the consumer. $250+ per upgrade, excuse me, this is a software program. Who can afford Office?. . . Or should i say who can afford not to afford it. What happened to wordPerfect. They use the fact that hardware is now as expensive as a toaster to hide their huge markup. PC's should be will beneath 500 for a complete system at this point.

I feel an extremely pro business establishment is turning a blind eye to their monopoly. Their products are poorly written, buggy, prone to hackers and viruses that are extremely easy to write. This causes extreme dangers to american businesses that are dependant on these machines. Competition has been lacking for quite a while and the only group that can restore it is the government.

Yes there are some good points in what they have done, but we would be much better off with a true remedy to a monopoly, the appointment of a governing body to guard the public, a general breakup of the same, or extreme restrictions that cause rapid loss of market share. The entire settlement is a joke, very political, and will have a serious effect on the prosperity of our country.

brian t meyer
brian@printbusinesscards.com
general manager and techie

MTC–00013685

From: Mark and Sheri Hillis
To: Microsoft ATR
Date: 1/17/02 11:59pm

Subject: Microsoft Settlement

I am writing in support of Microsoft and urge you to proceed with the antitrust settlement proposed. We need to end this process and allow Microsoft to direct their energy to what they do best. I believe it is good for the industry and good for the American people.

Sincerely,

Sheri Hillis

MTC–00013686

From: Gerda Hayes
To: Microsoft ATR
Date: 1/17/02 11:59pm
Subject: Microsoft Settlement

This legal action should not have happened. I am in complete agreement and lend my full support to any action that Microsoft brings forth. I appreciate the integration of all Microsoft Products. This frivolous legal action has seriously infringed on initiative and private enterprise. It has gone way passed ''reasonable'' and it is overdue for closure without punishing Bill Gates for being an intelligent, resourceful entrepreneur in a Capitalistic society.

— gerdahayes@ix.netcom.com

— EarthLink: It's your Intemet.

MTC–00013687

From: Matt Craighead
To: Microsoft ATR
Date: 1/18/02 12:02am
Subject: Microsoft Settlement

Dear Sir or Madam,

I am an MIT student in the Class of 2002 studying computer science. I have worked in the computer software industry since 1998, both at a small game development firm in Minnesota and more recently as an OpenGL driver developer at NVIDIA Corporation, based out of California. I have had extensive experience developing software on Windows and on numerous other platforms, and I have closely followed the Microsoft antitrust lawsuit since at least 1996. Early in the lawsuit, you probably could find few tougher critics of Microsoft than me. I despised the company, I despised its software, and I despised its business practices. Indeed, I recall writing an email to the DOJ urging that Microsoft be broken up back then.

However, I have since come to realize that I was wrong.

Indeed, I, like many other Microsoft critics, was rather hypocritical in voicing my opinions. I wasted no time in attacking Windows and other Microsoft products, yet I didn't put my money where my mouth was. I could have downloaded and ran Linux. I could have used alternatives to Microsoft Office. But did I No, I didn't. -In fact, I tried Linux for a short while and quickly came back to Windows, having discovered that Linux was a rather difficult operating system to install, configure, and use, even for a computer-savvy person such as myself. The more Microsoft products I tried, the more happy I discovered I was with them. Most people are familiar with just a few, like Windows and Office. However, for my own software development, I started using Microsoft Visual C++ (MSVC) 5.0 after I received a free copy of it from Microsoft for participating in a computer programming competition. After the initial learning, curve, I quickly discovered that I greatly preferred MSVC5 to the previous software I had used, Borland C++ 4.5.

It was easier to use and its compiler ran faster and generated better code; and it was much better for writing Windows applications. I recall one application that I recompiled using the Microsoft compiler. To my great surprise, the application ran twice as fast with no effort on my part. I also began to reinvestigate many of my political views when I took an economics course in high school. I frequently argued with my economics teacher about all sorts of issues, and, to my surprise, I discovered that he was frequently right and I was frequently wrong. I discovered, for example, that pollution trading credits were a better solution for all parties involved than were laws that set strict upper limits on emissions. I also began to learn more about the stock market and about business in general. My study of economics has continued though college, both inside and outside the classroom.

I also discovered firsthand, on my first job, that, in the words of George Washington, ''like fire, [government] is a dangerous servant and a fearful master.'' The surprise started when I discovered that taxes are not paid with a check to the Treasury on the following April 15; instead, they're deducted from every single paycheck in advance. I also learned about state laws that, for example, prohibited me from working overtime because of my age, even if I, using my own best judgment as a competent individual, thought I wanted to do so. And where in 1996 I had supported Ralph Nader as a candidate for president, by the 1998 election I was cheering for the Republicans instead.

How does all this relate to Microsoft?

The essential issue in the Microsoft case is: are businesses free to make their own decisions about how to design their products and how to profit off of them, or shall government make those decisions?

For example, Microsoft wishes to put certain features in Windows; other companies object, saying it would be an unlawful use of monopoly power under the Sherman Antitrust Act. I will not address the legal issue of whether Microsoft's actions did or did not meet the standard of the Sherman act; I am not qualified to do so. However, what I do believe I can pass judgment on is the issue of whether it is right or wrong for Microsoft to do what it has done. Microsoft is a corporation, and the purpose of a corporation is to make money; not to serve the public, not to help consumers, not to improve our society. No, in fact, the legal obligation of every corporation is to maximize its own shareholders'' wealth, and indeed it should be. The corporation is simply a pooling of resources (those of investors), and those investors have not joined together out of charity, nor out of goodwill to fellow men; their goal is the pursuit of their own happiness—one of the fundamental ideals of our nation, expressed in the Declaration of Independence.

Their pursuit of wealth (and, by proxy, of their happiness) does not harm others. In fact, in their desire to earn as much money as possible is far more likely to benefit others than to hurt them. For if Microsoft can make a better product, it can sell more of it. Microsoft benefits, because it earns more money. Consumers benefit, because their product is better.

Only a few individuals do not like this picture—those whose own businesses are threatened by Microsoft's actions. Indeed, look at the companies attacking Microsoft—Sun, Oracle, etc.—and you will see that they are, by and large, Microsoft's competitors.

If Microsoft truly drove these companies out of business, would that be a bad thing? No, of course not! For all that would mean is that Microsoft had produced a better product or sold it at a lower price -and so consumers would have benefited. Of course, many of the companies in the lawsuit are in no risk of going out of business; they are merely feeling the competitive pressures of another successful company. This is entirely healthy.

When you look at the actions these companies wish the Department of Justice to take, you can see that they serve to do little other than cripple Microsoft. They want Microsoft to ''de-bundle'' features—in other words, to put fewer features in. They want Microsoft to not engage in exclusive licensing—yet this is a fundamental element of Microsoft's freedom of contract (and surely these companies don't want their own exclusive licenses revoked!). Ultimately, they want a standard set that if Microsoft wants to put a feature in Windows or pick a price for its products, their competitors and the government must approve of it—a system of crass protectionism.

Fundamentally, Microsoft has harmed no one. Everyone who engages in a business transaction with Microsoft does so voluntarily—by purchasing a product, applying for employment, or signing a contract. Anyone who dislikes Microsoft or Microsoft products or any other aspect of the company can choose to not do so. What would its competitors do? They would restrain people who do wish to engage in such voluntary transactions from making them! So who is involved in the real restraint of trade here? Surely not Microsoft. Instead, we ought to look to those who wish to slap restrictions on Microsoft. I am not saying we should prosecute them under antitrust laws; I am simply pointing this out, illustrating the absurdity of the situation, and the absurdity of the antitrust laws themselves, which claim to promote ''competition'' by destroying it.

In fact, I believe that the current Microsoft settlement, if anything, is too harsh on the company, not too lenient. I believe Microsoft is innocent of any wrongdoing, and that they should not receive any penalty whatsoever. Yet, there are those who wish to slap yet greater penalties on the company, or even force it to break up. This is highly misguided. The real threat to competition in the computer industry is not the actions of Microsoft, but instead George Washington's ''fearful master''—the intervention of the government in a healthy industry where no crime has been committed.

In any case, I must beseech you that, if you do put penalties on Microsoft, you minimize them. I don't believe that companies have an obligation to serve consumers, but at least

consider the people who benefit from Microsoft's market position, such as myself.

Consider Microsoft stockholders, whose $376.2 billion in wealth is in danger. (For the record, I hold no Microsoft stock.)

Consider the millions who happily use Microsoft software.

Consider all the software developers, such as myself, who are grateful that Microsoft has made Windows into a de facto standard for computer software, rather than having to code for numerous operating systems.

Consider all the money Microsoft pumps into research and development every year.

Consider how Microsoft has been instrumental in building the personal computer industry nearly from scratch.

Consider the role model Bill Gates serves as to millions of Americans -the epitome of the American Dream.

So, please, fight the demands of the 9 state Attorneys General to increase penalties for this innocent company, and instead put your efforts into tracking down the real criminals, violent and nonviolent, of our nation.

Sincerely,

Matt Craighead, MIT Class of 2002
President, MIT Objectivist Club
http://web.mit.edu/objectivism/www/

MTC–00013688

From: dizzynoise(a)mac.com
To: Microsoft ATR
Date: 1/18/02 12:13am
Subject: Microsoft Settlement

I'll put it plain and simple:

Microsoft is a monopolistic company that can NOT be trusted. They don't seem to be learning either. Their tendencies have become so BLATANT, and so outright, that they seem to be bragging about it.

Example 1: PocketPC

''Choose the power of Windows. Choose the PocketPC.'' This advertising campaign is ubiquitous. Microsoft is promoting their PDA's by using slogans like ''Use the software you know & trust'' and ''[program] is like a trusted friend.'' Even though the Palm OS handhelds (the hands-down direct victim of this campaign) offer full compatibility and in some cases, better compatibility (WordSmith or DocsToGo for example) , Microsoft is creating the deceptive image that Palm OS handhelds are not much more than a Memo Pad, and that because the OS on the computer at home is Windows, that the OS on the PDA should be ''Windows.'' Although, unlike Netscape, this isn't a case where Microsoft is beating their technology into the operating system, they ARE using words to do a very similar action.

Microsoft is also doing a bit of deceptive advertising along with the PocketPC campaign. Palm OS handhelds such as the Sony CLIE PEG-N710C & N760C can play Mp3 files, and play converted movie files with stereo sound. Palm OS handhelds such as the HandEra 330, as well as a great deal of the CLIE's also have high-resolution screens, something Microsoft does not even make mention of. Instead, they compare their PocketPC to a significantly lower-priced Palm model, assuming that they all are the same. Yet the PalmOS models that DO compete with the PocketPC in price terms are not listed.

This is simply an example, but it illustrates the point that Microsoft is using deceptive advertising to promote their products.

Example 2: Windows Media Player

This proprietary technology is starting to clamp down on competitive media. Although RealNetworks is holding its own, if nothing is done, Windows Media will head down the same route as Internet Explorer. Unlike the file format Quicktime, Windows Media files are ''locked'' in the format, and cannot be decoded or exported into other formats. The problem arises when web sites encode media. Windows Media support for the Mac OS is absolutely terrible. . . to say the least. (then again, Realplayer isn't doing so well, either.) Not all WMP files are viewable, and even then some bizarre things happen when trying to access media off of the internet. Although one might argue that Apple's Quicktime favors the Mac platform, at least Windows users are able to view ALL QT conent, not just some of it. And as mentioned earlier, if trouble arouses when sending a home movie to a friend on a PC, the file format is never ''locked'' , so it can be exported to another format. Microsoft is doing a lousy job of multiple OS support, and although I would never expect the Mac version to be as nice as the Windows version, the shoddiness of the product tells me that their chief concern with WMP, is keeping users locked into Microsoft's programs. I should also mention, that Microsoft builds in a ''Windows Media'' button into the IE browser, as you may be well aware of.

Example 3: MSN & Passport

Microsoft, as usual with their first attempts, hasn't exactly thwarted AOL with their MSN service. But they're now starting to move in for the kill (as with Palm and RealNetworks.)

''There are some things you grow out of, AOL is one of them.'' Ads like this run like crazy. And I know if I start up IE on a Windows PC, the default page will be MSN.com. When a family member of mine purchased his new Sony Laptop, it came with an MSN internet access disk. Even Apple recommends Earthlink as their ISP, but a big difference with Apple and Microsoft, is that when I install OSX, I don't get 30 reminders telling me I should sign up for an iTools account. Microsoft's .net is Microsoft's goal to dominate the net, in my opinion. Microsoft already controls the browser, OS, Office, and several other categories (not to mention the areas they're currently trying to control) , now they want to control people's personal information.

What needs to be done:

Any proposal needs to benefit a neglected group: start-up companies, and standards not controlled by Microsoft. Had Microsoft never set out to milk one more market by crushing companies that pioneered it, people would most likely be using Netscape, Quicktime, WordPerfect / Clarisworks , and companies like Palm would not be hanging by the skin of their teeth, and Netscape would be thriving.

Already facing challenge is the controversial but now ''icial'' format of Digital Music: Mp3. Microsoft isn't even supporting it (very much) with Windows XP, in favor of. . . . . their own, proprietary format. Although it sounds like ''big brother'' , Microsoft should be BANNED from bundling ANYTHING with their OS, or even remotely ''requiring'' certain things be bundled due to ''proprietary formats'' developed by Microsoft. (i.e. Windows Media) The PC makers (Compaq, HP, Dell, Sony, etc.) should solely decide as to what goes with it. Also, the source code of Windows needs to be openly available for developers. Netscape can't even integrate their browser, because Microsoft won't let them! Along with that, more work needs to be done to let other OS's be more compatible with Windows. Java is a great example of this.

One final note. As if Microsoft could be more outright about their desire to become a monopoly, I should mention the ''lock-out'' of Msn.com people of other browsers experienced (Opera, Netscape, etc.) , claiming that the browser's didn't support the page due to the lack of support for certain types of code. Microsoft later admitted that Opera's page rendering ability had nothing to do with it. ——-

dizzynoise@mac.com

MTC–00013689

From: Ben Wagner
To: Microsoft ATR
Date: 1/18/02 12:21am
Subject: Please prosecute

To Whom it May Concern:

Microsoft is guilty of breaking the law; therefore, they should be punished. I am tired of being forced to pay for an overpriced, substandard product.

Thank you,
Ben Wagner

MTC–00013690

From: John McClain
To: Microsoft ATR
Date: 1/18/02 12:34am
Subject: Comments Re:United States v Microsoft Settelment.

I agree with the judge's ruling rejecting Microsoft's proposed settelment. Their proposal would have allowed them to monopolize the education market in direct opposition to the laws against monopolistic practices. My hat's off to the wise judge and the astute Justice Department lawyers!

MTC–00013691

From: Jim Holmlund
To: Microsoft ATR
Date: 1/18/02 12:39am
Subject: Microsoft Settlement

This settlement is nowhere near strong enough! Microsoft has to be stopped from using its competitive advantage to take over new markets! Have you looked at the Passport part of their .Net initiative? They now want to own everyone's online identity, passwords, credit card numbers, . . . And, they have a good chance of succeeding because their monopoly on PC operating systems and browsers allows them to lure people into their .Net clutches. Also, have you noticed the incredible security holes that constantly pop up in their operating systems (eg, XP) and applications? These will allow malicious hackers and terrorists to bring down any website, or even the whole internet by taking over the PCs of unsuspecting users

and using them as zombies to do the DOS attacks. uSoft can only get away with such callous disregard for the people of our country, and even our country itself because of their monopoly on desktop machines. Please get serious about this and punish Microsoft in accordance to the serverity of their past and continuing crimes! Thank you. James Holmlund 73 Erstwild Ct. Palo Alto, Ca. 94303.

MTC–00013692

From: Gail and Fred Follmer
To: Microsoft ATR
Date: 1/18/02 12:41am
Subject: Microsoft Settlement

In January 2000, we bought a new HP Office Jet printer. We were running Windows 98 and everything seemed to be okay. Some time passed and we, my wife and I, noticed that if we were on the internet and wanted to print some information, our PC would hang up (do nothing) until the print operation completed.

We called HP support and they sent us a new/updated print driver—but they were not certain this would fix our system hang problem. It didn't. HP told us to contact Microsoft as they, HP, felt we had some sort of synchronization problem between the print buffering and the 98 operating system. We called Microsoft, its now late April, and Microsoft tells us that Windows 98 is not the ''currently supported'' environment—we need to be on 98 Second Edition for supported assistance, unless we're willing to pay for support on 98. I ask how much will the support cost? Answer, ''don't know, it depends on how long it will take to resolve the problem, but that a minimum would apply. It was pointed out that Window 98SE only cost $99.00 and fixes many 98 base problems, plus it adds functional support and performance. So we buy 98SE and install it, now I have the same system hang problem and several other problems, but at least they, Microsoft technical support will talk to us free of charge. It's now July, we have various system problems/hangs, even when not attached/connected to the internet. Microsoft tells me we need to download Maintenance level 1, as it fixes many problems. I download and apply Service Level 1 and still have the same printer hang problem, plus a more severe problem that the system periodically hangs for no reason—it doesn't matter what we were trying to do (use the mouse, keyboard, write a letter, search our data base, etc.). Finally in late September, Microsoft determines that I have incompatible levels of various modules within my system and I need to scrub everything and re-install Windows 98SE, then re-apply the SE maintenance package and see what happens—but Windows ME is highly recommended—especially for the home user who wants enhanced multi-media and internet functions. I don't know, more $$. Anyway, re-installing my system and everything seems to work. The problem, I was told, was that when I was using Windows 98 and the accompanied Microsoft Internet Explorer, then applied the first maintenance package to base Windows 98, I should have UN-INSTALLED Internet Explorer, then applied the maintenance, then re-installed Internet Explorer. I told them, hey, IE came bundled with 98 when I bought it and I had no choice about its installation nor were there any instructions to un-install IE before installing the Windows 98 maintenance package. My point, their bundling of IE with Windows98 is what caused the problem of me having incompatible module levels—after I applied the maintenance package. But because of the age of my system, I either had to pay for service or pay for an upgrade to 98SE, which didn't solve my problem. I think Microsoft should have been willing to do what they call ''problem determination'' to determine what the initial problem was (their problem, my problem, or HP's problem) regardless of what Microsoft Windows product and product level I was running. Then once they knew the problem, fee or free resolution could be discussed. My point, they are the only ''game'' in town and you either do it their way or you don't. One thing for sure, If I had been running Netscape instead of MSN IE I would not have had the problem (we know this because my printer worked fine when connected to my daughter's PC). I don't know if I would have been running Netscape if IE didn't come with my system, but have you ever tried to un-install IE from your system??

Also I don't know if the above is what the anti-trust lawsuit is all about, but I think the whole issue of what's supported and for how long and what's the real problem should be determined before you tell an end-user customer, who's at your mercy, you have to pay for service.

For what its worth, I'm now running ME because I upgraded to an Intel P-IV processor so I had to go to ME to get the function and performance. It's a circle that never ends. Pay me, pay me! Fred Follmer, 276 Fireside Ridge Dr. Dahlonega, Georgia, 30533. 706.219.4835. PS: Here I am complaining, but I no longer have the documentation, HP or Microsoft problem and/or incident numbers, to support my grievance—but thanks for listening.

MTC–00013693

From: Kirk Mueller
To: Microsoft ATR
Date: 1/18/02 12:45am
Subject: Microsoft Settlement

Dear Sirs,

I believe that anything short of breaking Microsoft into two pieces as originally proposed is inadequate to prevent a continuation of Microsoft's monopolistic activities.

Thank you,
Kirk Mueller
El Segundo, California

MTC–00013694

From: C (038) R Kerby
To: mailto:microsoft.atr@usdoj.gov@inetgw
Date: 1/18/02 12:46am
Subject: MICROSOFT SETTLEMENT

TO WHOM IT MAY CONCERN:

It is our belief that the duty of the Department of Justice in anti-trust actions such as the Microsoft case is to protect the interests of the consumer, not the competition which was not wise or aggressive enough to stay in the running.

The consumer, we the people, were never hurt by Microsoft. We were only hurt by the actions taken against Microsoft by the Government, adding to the decline in the tech stocks, dominoing into the decline in the overall market and contributing to the existing recession.

We believe that the settlement offered by Microsoft is fair and that it should be gratefully accepted, thereby preventing further damage to the consuming public and the economy.

Sincerely,
Charles R. Kerby
Catherine M, Kerby

MTC–00013695

From: J. David Hester
To: Microsoft ATR
Date: 1/18/02 12:55am
Subject: Re: U.S. v. Microsoft: Settlement Information

Why is a monopolist allowed to negotiate terms? I wonder if criminals w/o so much money would be given such ''equal protection under the law''? Quit coddling and start 1) dividing up the company, 2) releasing the source code and 3) forcing Microsoft to compete fairly. Or are you too busy helping to protect the President's rear-end from the Enron scandal to put any more effort into this?

MTC–00013696

From: Keith Beavers
To: Microsoft ATR
Date: 1/18/02 1:05am
Subject: Microsoft Settlement

Its hard to grind every ones axe. Please settle as soon as possible.

Sincerely, K.B.

MTC–00013697

From: William Rivas
To: Microsoft ATR
Date: 1/18/02 1:06am
Subject: Microsoft

It is imperative that the Department of Justice NOT accept Microsoft's proposed settlement. It is anti competitive and will only ensure Microsoft yet a greater control of the software world. Companies like Apple would be diluted even further by acceptance of the proposed settlement by allowing Microsoft to implement 1 billion dollars worth of computers to the poor schools. Apple will be hit hard by such a move.

William Rivas
proventserv@earthlink.net
United We Stand

MTC–00013698

From: Michael Leamer
To: Microsoft ATR
Date: 1/18/02 1:07am
Subject: Microsoft Settlement

Thank you for this opportunity to comment on this case. After reading the Complaint, Stipulation and Revised Proposed Final Judgment, and the Competitive Impact Statement, I have a much better understanding of the DOJ's case against Microsoft. I feel that the proposed final judgment is a fair and equitable way to correct the past misdeeds of Microsoft, especially in their dealings with ISPs, computer manufacturers, and other software companies that must interface with the Microsoft Windows operating system. I am of

the firm opinion that the states that are against the proposed judgment but are pushing for more radical treatment of Microsoft, are acting in the interests of corporations or other special interests within each state's jurisdiction that wish to see nothing else but the imposing of restrictions so strict that their solution would in effect, be stifling and anticompetitive in nature. In this pursuit, I do not believe that these states have the interests of the public in mind.

The Revised Proposed Final Judgment would remedy the practices that have brought Microsoft to this trial, while looking after public interests, without unduly restricting Microsoft from pursuing its legitimate, legal business.

Again, I wish to thank you for this opportunity to express my opinions in this case.

Sincerely,
Michael Leamer
mleamer2@swbell.net

MTC–00013699

From: soupruls@mac.com@inetgw
To: Microsoft ATR
Date: 1/18/02 1:13am
Subject: Microsoft Settlement

The tactics used by Microsoft in the recent years, including the ''browser wars'', were apprehensible at best. By using their dominance as sole provider to 95% of the world's Intel users. it assured itself the top position. It has also begun the same tactics with their .Net strategy, but that is another case. The settlement that Microsoft has proposed is even slimier than the original deeds that brought about the case. Microsoft, as expressed by Steve Jobs and Apple Computer, Inc. and others, is once again trying to put itself into a market where it does not already have control with their ''donated'' software. It is known, in fact, as the judge agreed, that the real cash value of the settlement is a fraction of what Microsoft is offering in its own product. How can it be possible for a business to be punished by allowing it to disseminate a new market? This must not be allowed, and my faith in the Federal Judicial system tells me that it won't be.

Jefferson Campbell
concerned U.S. Citizen

MTC–00013700

From: John Nakai
To: Microsoft ATR
Date: 1/18/02 1:13am
Subject: Microsoft Antitrust settlement comments
10085 South
Wyecliff Drive
Highlands Ranch, CO 80126
January 17, 2002
Renata B. Hesse
Antitrust Division,
U.S. Department of Justice
601 D Street, NW, Suite 1200
Washington, DC 20530–0001
RE: Microsoft antitrust lawsuit

Dear Renee,

I believe that I recently heard on the radio that proposed settlement in the Federal government's Microsoft antitrust case (where Microsoft would donate $1 billion in computers and Microsoft software to the nation's poorest schools) had fallen through. If this is true, I applaud the collapse of this totally inadequate settlement agreement for the following reasons.

First, here is a quote from a TheStreet.com article http://thestreet.netscape.com/tech/software/10004818.html on West Virginia's new suit against Microsoft regarding the federal case. ''Under that settlement, proposed last month, Microsoft would donate more than $1 billion in software and computer equipment to the nation's poorest schools. Critics have characterized the proposal as a ploy to increase Microsoft's share of the education-software market, one of the few areas within the software sector where it still faces significant competition, namely from old-time foe Apple Computer (AAPL:Nasdaq) . Proponents characterize it as a win-win situation that benefits underprivileged students.''

I would like to ask the proponents of this settlement why they think Microsoft should be a winner for the monopolistic antitrust crimes they have committed. I don't think we should be rewarding individuals or corporations for criminal behavior.

Had AT&T come to such an agreement in their federal antitrust case they would not have been broken up. Instead AT&T would have been able to stay a monopoly and would have agreed to providing free long distance to the customers of all its long distance competitors for just long enough to drive its competitors out of business. This settlement would be a windfall reward for Microsoft for criminal behavior, not a punishment. Microsoft's lawyers had found another shrewd way to devastate the competition of their product line in the nation's schools and weaseling out of this antitrust case at the same time.

In the part of this settlement where Microsoft agrees to donate a billion dollars worth of computers to the nations schools, if Microsoft is allowed to make this donation using computers running Microsoft operating systems, or running Microsoft software, then it succeeds in the following.

1. Microsoft displaces other vendor's hardware and software out of the schools. A prime target here is Apple Computer, who maintains a large market share of computers in schools because of their superior ease of use and graphics capabilities. Microsoft will also displace other operating systems such as Unix, Solaris, and Linux, and other application software such as Netscape, Corel, Applixware, Appleworks, Apache, etc. from the schools. As good as the other products are, they can't compete with free hardware and software. It may well put some of these competitors out of business by flooding the schools with free Microsoft products or computers dependent on Microsoft software to operate.

2. Microsoft will force schools to have to buy software from Microsoft for future upgrades.

3. Microsoft will make children come home to their parents saying they need Microsoft software and computers running Microsoft operating systems and software to do their homework.

4. They will make themselves look like the good guys to schools, administrators, and children who will think Microsoft is coming bearing gifts, rather than buying themselves out of a criminal prosecution. A true public relations victory for the wolf in sheep's clothing.

5. Microsoft does not have to make reparations to the victims of its criminal antitrust crimes and does not get broken up. Instead, Microsoft gets to further steal market share and customer base from it's competitor victims with money that should rightfully be paid to it's victims or the government as a fine.

6. While Microsoft can say it donated $1 billion dollars worth of hardware and software, let's realize that Microsoft can produce software at pennies on the dollar of retail value, and can surely acquire new and refurbished hardware from PC vendors for pennies on the dollar through any number of sweetheart deals. The true cost to Microsoft of this settlement would probably be less than a third of the advertised $1 billion value.

As a current user of Windows, Macintosh, Unix, and Linux, plus many others in the past, I can say with expert confidence that while Windows is an acceptable operating system, it still lacks the system stability, virus resistance, advanced features, open source software, and user empowerment of creativity offered by the other operating systems. This settlement could wield a death blow to Apple and possibly others by robbing their customer base. It not only keeps the abusive Microsoft monopoly intact, it strengthens it, leaving the computer consumer world stiffly under Microsoft's thumb.

Microsoft truly needs to be broken at least into two separate companies to separate their operating system business from its application software business. The current structure gives Microsoft continuing opportunity to sabotage competing application software with ''incompatibility'' changes to it's operating system with each OS revision, and to provide other operating systems with slow, buggy, or otherwise dysfunctional or nonexistant versions of its application software. Its further expansion into internet services with msn.com, and its plans to deny msn.com web service to browsers other than its own Internet Explorer because other vendor's browsers are ''incompatible'' are further examples of Microsoft's plans to cut out competing vendor's products through the use of its monopoly powers.

My opinion is:

1. Microsoft should still be broken up.

2. Microsoft should not be allowed to flood schools with free computers and software unless the computers are up-to-date Macintosh, Linux, Solaris, Unix, or other non-Windows computers. Any freely provided software should be that of current competitor software (AOL, Netscape, Kodak, FileMaker, Apple, Red Hat, Yellow Dog, ApplixWare, gnu, Sun, etc.) Only then will this settlement make any kind of reparation to Microsoft's victims and aid in discouraging and diminishing Microsoft's monopolistic abuse.

3. Microsoft should not be able to provide free internet service to schools as a part of

any revised settlement, as msn provides good service and up-to-date software only for Windows based computers.

4. If Intel or other PC clone based computers are provided to schools for free as a part of this settlement Microsoft should be required to bar these computers from being activated with Windows XP or other versions of Windows for a period of at least 5 years. This is technically doable at least for XP, as activation of XP requires users to call Microsoft and provide the computer's unique machine ID for activation.

5. An alternative would be to require Microsoft to first pay victim competitors (if they are still in business) directly for damages, and use the remaining funds as described in 2 to 4 above. I hope that you will reconsider separating Microsoft's operating system, application software, and internet operations into three separate companies to promote fair competition for the benefit of all of us, and totally drop plans of this incredible competition devastating free giveaway of computers to schools unless they conform to restrictions like I mentioned in 2 to 5 above.

Thank you for your time in reading this,
John Nakai

MTC–00013701

From: Christian DIDELOT
To: Microsoft ATR
Date: 1/18/02 1:12am
Subject: Microsoft monopoly

As a computer user forced to use Microsoft products due to their monopoly on the market, I urge you to take decisions and steps to enforce US federal anti-trust law and to continue sueing Microsoft for the anti-concurrency practices.

Thank you for your help.
Christian DIDELOT
1201 Geneva—Switzerland

MTC–00013702

From: Craig
To: Microsoft ATR
Date: 1/18/02 1:21am
Subject: Microsoft Settlement.

I feel the Microsoft settlement recently discussed ($1 bil of educational computers) was so inappropriate that I began to lose faith in the process. As a consumer, and multimedia developer I use both Macintosh and PC (Windows) computers. Microsoft's insistence in making the world comply with it, rather than it complying with industry standards affects me both professionally and personally. They seem to operate unilaterally, ignoring what is in the best interest of IT professionals, creative developers,and consumers. I believe they use their market dominance to bully everyone that stands in their way.

Microsoft:

1. Tries to co-opt Java, adversely effecting both web site visitors and developers. MS is clearly trying to destroy any computing standards other than its own proprietary standards.

2. MS Explorer pops up warning screens about ''dangerous scripting'' whenever I try to view a quicktime file (again, quicktime is an competing but extremely popular file format). This also dramatically affects me as a developer.

3. Maintains monopolies in word processing, spreadsheet, and business presentation software (Word, Excel, Powerpoint). This monopoly is not limited to the PC—but also impacts the Macintosh world. Microsoft's persistent bullying in the past, and with other enemies—and ''partners'' makes me suspicious that they can coerce Apple computer anytime they really want to.

MS has seemed to steamroll everyone—including the government. I strongly support significant punitive charges($), as well as the partitioning of the company into discrete business entities.

Thank you
Craig Wall
Access2
1396 S York St.
Denver CO 80210

MTC–00013703

From: Donald S. Casey
To: Microsoft ATR
Date: 1/18/02 1:22am
Subject: microsoft settlement

i have read the terms of the settlement concerning the company. Microsoft. i have followed the case and have followed the company for many years. it is fairly obvious that Microsoft, the company has one goal, that is to be the biggest and only software company for PC's. i think this is the definition of the word monopoly. as to their business practices, even they admit to being monopolistic at times. yes it is convenient to have a common operating system for PC's, and yes it is convenient to have a common source for software to use on these PC's. However, it is not in the best interest of the consumer or the operators of PC's to have only one option for software and for operating systems. it has been shown time and again that the pressure of competition fuels innovation and improvements in any endeavor and as to the fairness of pricing and distribution of product under a monopoly, that doesn't even need to be stated it is so obvious. so why this settlement? that is the only question, why the terms of this settlement which will allow Microsoft to essentially operate as is???????

don casey

MTC–00013704

From: CHip FInch
To: Microsoft ATR
Date: 1/18/02 1:38am
Subject: Fair Justice

Microsoft should pay damages to companies that were crushed in unlawful acts.

1. I think a fair settlement would be for the US govt. to stop using microsoft products in a stance for the right and lawful thing to do. Use some sort of open source software. APPLE OSX would be a safer and cheaper option for our govt.

2. Make microsoft pay 5 billion cash to the schools of this country for their own choice of use for technology. Suggest they buy apple products instead.

This would be a fair punishment. It would open the door for competition and the most monopolized company a chance to compete on a level playing field.

MTC–00013705

From: Jerry Rakar
To: Microsoft ATR
Date: 1/18/02 1:42am
Subject: Microsoft suit

Hi:

I noticed a site with the info about the Microsoft antitrust suit. I wondering why the various Federal agencies never went after Microsoft as some legalities go after car sales or car manufacturers for ''lemon laws'' for problem vehicles and forced recalls. The reason I bring this up is that fact that Microsoft has been selling flawed products for all these years with known bugs. Then bugs are sometimes taken care of IF you buy their new version that fixes the bugs (and normally has more).

That is like car dealers selling a product with a problem (and no recall is done) and says the problem will just be corrected in the current model IF you buy it. Just thought I would send you a thought to ponder (and hopefully can pass it on the agency who can act on it :-)

Thank you for your time,
Jerry

MTC–00013706

From: MBartle481@aol.com@inetgw
To: Microsoft ATR
Date: 1/18/02 1:50am
Subject: Microsoft settlement

We would like to comment about microsoft litigation.

1. We think the law suit has been going on too long, wasting tax payers money. Nobody especially public will benefit from this lengthy court process but the lawyers. Microsoft will have to spend more and more for their lawyers and in return will have to get those back from consumers by raising the price of their softwares.

2. It seems to us what the government is doing not for the consumers benefits but for Microsoft competitors'' benefits. We use window operating system because we like it even though we were given choice when we bought our new computer. We also have both internet explorer and Netscape but we use internet explorer more. We never feel that Microsoft inhibits us to choose anything, besides it makes easy for us to have internet explorer comes with the operating system. We are share holders of microsoft, oracle, Sun microsystems and AOL but that isn't the issue.

3. Microsoft settlement to provide fund and computers and softwares to public schools is good thing. Apple is not happy because they dominate the school system. Why isn't it a monopoly issue for Apple? It's a free market, let's the students decide what they like.

4. What the government try to control Microsoft is the worst thing that can happen to new innovation. Please let the companies compete freely in the open market allowing consumers to choose what they want not what the department of justice mandates.

Sincerely,
Mirin Bartle, M.D.
Thomas R. Bartle, D.D.S.

MTC–00013707

From: Jeanette
To: Microsoft ATR

Date: 1/18/02 1:52am
Subject: Microsoft Settlement

Jan 15 2002

Your Honor:

I wish to take just a few minutes of your time to express my views regarding the pending action you will take on the issue before you : Proposed Final Judgement re: Microsoft I would implore you to look at this situation in a true ethical American way. If you should, you will find your decision very easy to make.

This country is founded in the ethics that all are created equal and have the same rights. Success, such as Microsoft has had, does not give them the liberty to dominate the software technology market just because they have the bucks to be the big Daddy. The kids need a chance to succeed as well. America thrives on competition.

Please allow America to continue to provide a fair market place for the smaller guys. Please do not make ''Money makes might'' right. Personally, I like Microsoft and hardly use anything else. BUT—please don't choke the others out. Please retain my right to have a choice!!! I am a 52 year old professional—Registered Nurse with a Master's in Nursing and hopefully, soon to be a Nurse Practitioner.

I was raised as a janitor's daughter. I have lived and traveled all over the world. I have spent 18 years as a single Mom, raising two fine boys from the ages of 7 and 5 at the time of their father's unexpected death. I know hardship and grief. But I look to you to make sound decisions in cases like this where politics go out the window and common decency rules. I look to you to do this to maintain my faith in this government and country—to give me a sense that my personal sacrifices paying taxes and supporting this country are validated and worthwhile.

You really don't have a choice if you are to maintain what the terrorists, anarchists, and other NON-law abiding folks would take from us: our integrity and purpose as a nation: FREEDOM. Please rule in favor of the small guys. The regular folks. Please don't strangle their chance to make a living—let alone a bust!!

I pray for God's peace and blessing in your life. He has afforded you this authority in our beloved country. Please exercise prudent and fair judgement.

Sincerely,
Jeanette Jones, RN, MN
2645 I Street
Springfield, Oregon 97477
541–915–6060

MTC–00013708

From: Paul
To: Microsoft ATR
Date: 1/18/02 1:54am
Subject: Microsoft Settlement

Microsoft again demonstrates utter disrespect and mockery for the judicial process by proposing a settlment which not only minimizes their punishment but also extends their monopoly power and hurts the very companies they have exercised this power against for so many years. Microsoft should pay damages to Netscape, Sun, and Apple. They should also pay several billion dollars to schools with which the schools would have to purchase Apple computers. Finally, Microsoft should be broken into a ''Windows'' division and a ''Applications'' division. They should be made an example of.

Paul Games
430 Brunswick Dr.
Vallejo, CA 94591

MTC–00013709

From: Michael G. Jones
To: Microsoft ATR
Date: 1/18/02 1:58am
Subject: Microsoft Settlement

As the principal of an elementary school that uses computers, I wish to protest a decision that would inject MS software into the schools. Such a decision would extend and expand the dominance of the Windows OS and MS software. It would be highly ironic that the judicial solution to an anti-trust case would serve to increase the Microsoft monopoly.

Michael G. Jones
Alianza Charter School
440 Arthur Road
Watsonville, CA 95076
Web Site: http://www.alianza.k12.ca.us
Work: 831–728–6333
Cell/VoiceMail: 831–332–9754
Fax: 831–480–5882

MTC–00013710

From: Bob McCord
To: Microsoft ATR
Date: 1/18/02 2:06am
Subject: Microsoft Settlement

To Whom It May Concern:

I am a manager of a Silicon Valley startup and would like to quickly express my concerns about the Justice Departments Proposed Final Judgment in the Microsoft Antitrust case. It seems that the PFJ does not adhere to the U.S. Court of Appeals decision that any government settlement should have three elements:

1. Terminate Microsofts monopoly.

2. Deny Microsoft the profits of its past violations.

3. Prevent any future anticompetitive activity. To protect consumers and small competitive companies from monopolistic entities such as Microsoft, I believe that the elements proposed by the U.S Court of Appeals should be followed.

Sincerely,
Bob McCord
858 Apricot Avenue
Unit E
Campbell, CA 95008
(408) 371–0768

MTC–00013711

From: Richard Motofuji
To: Microsoft ATR
Date: 1/18/02 2:13am
Subject: Microsoft Settlement

Hi,

I, for one, would like to see Microsoft heavily punished for their anti-competitive tactics. They have used unethical tactics and have leveraged their market dominance to pressure other companies, both partners and competitors, into furthering their monopolistic strength.

I believe the computing world would have been a better place if Microsoft had not crushed various competing platforms. Here are some of the most glaring examples:

1. Netscape would probably have thrived as an alternative web-based computing platform, had Microsoft not tied Internet Explorer to Windows. Instead, Netscape lost market share and momentum.

2. IBM's OS/2 operating system was technically superior to any of Microsoft's OS products. Regrettably, IBM was pressured into stopping the development and shipment of OS/2 by Microsoft.

In addition, although it may not affect the judgement of a truly objective court, it is clear that Microsoft has not been forthcoming when producing testimony or evidence in court:

3. Bill Gates'' testimony consisted of obvious stalling tactics, clear hostility toward the prosecuting attorneys, and far too many claimed memory lapses. It is clear to me that he was hiding facts and attempting to avoid answering embarrassing questions.

4. Microsoft produced falsified evidence in the form of a videotape purporting to show that it was impossible to extract Internet Explorer from Windows 98. So, although Microsoft has mounted a public relations campaign to plead its case, we are left with a monopoly that not only controls the vast majority of the business and home computing market. Microsoft is now attempting to enter into the home video console market and has recently purchased the most of the intellectual property of SGI (formerly Silicon Graphics.) Microsoft has also attempted to co-opt the Java programming language, and others, by creating their own variants that will only interoperate with the Windows OS. The sheer market share of Windows could cause Java to lose its cross-platform interoperability to become yet another proprietary

Microsoft API.

I believe that with alternative platforms such as Netscape and OS/2, the computing world would have been a better place. Microsoft would have had to compete on the ease-of-use, security, and reliability fronts. Now, with no major competitors, we are left with Microsoft products that are difficult to use, have an enormous number of security vulnerabilities, and are crash-prone.

To me, it is clear that Microsoft has broken anti-trust laws. It is also clear that they have not fully cooperated with the Department of Justice. And it is clear that their tactics have not changed at all since the period under scrutiny in the Department of Justice anti-trust trial. Microsoft must be punished harshly for their actions, and they must not be allowed to act so arrogantly ever again. I think that a separation of the Windows and application program groups would be appropriate. A physical separation of the two groups, to different states, would also be necessary.

Thank you,
Richard Motofuji
rich@mac.com

MTC–00013712

From: Alp Onalan
To: Microsoft ATR
Date: 1/18/02 2:15am
Subject: Microsoft Settlement

Dear Sir, Madam,

I think the current settlement a great innovative way to benefit both the society and the involved parties on the antitrust trial.

Regards,

Alp Onalan

Get your FREE download of MSN Explorer at http://explorer.msn.com/intl.asp.

MTC–00013713

From: Tifreymartin@cs.com@inetgw
To: Microsoft ATR
Date: 1/18/02 2:19am
Subject: Microsoft Settlement

Dear Judge,

I understand that you are reviewing the Microsoft case. I've been following this case for the past year or so and have been discouraged by Microsoft's seeming ability to abuse antitrust laws. I've been disappointed as I've watched them violate the free market by trying to manipulate it. Though I have always been impressed with Microsoft as a corporation, I'm discouraged by this. Thank you for your consideration.

Tiffany Martin
(323) 465–0177
1460 N. Mansfield Ave., #105
L.A., CA 90028
CC:microsoftcomments@doj.ca.gov@inetgw,dkleinkn@yahoo. . .

MTC–00013714

From: Eddie
To: Microsoft ATR
Date: 1/18/02 2:23am
Subject: Microsoft Settlement

To Whom it may concern,

After review of the documents regarding the proposed settlement by Microsoft it is my belief that allowing Microsoft the donate it's own software as a viable means to settle this matter is a joke. All that does is put more of their product into a market that is already monopolized by them.

It is my feeling that any settlement should be paid in cash or a manner that allows the recipient of the award to do whatever they want with the funds received. Having a cash settlement would allow the receiver to purchase products from any vender they want which would help spread the wealth to other venders besides Microsoft. It seemed that the goal of the lawsuit was to change the monoply influence of Micrsoft not to encourage it further.

Thank you for allowing me to express my opinion

Eddie

MTC–00013715

From: glensh@juno.com@inetgw
To: Microsoft ATR
Date: 1/18/02 2:29am
Subject: Microsoft Settlement

Gentlemen & Ladies I regards to this suet brought by the 10 +or— states about the way Microsoft runs its business, I think it's a terrible waste of government time and our tax dollars. I am 71 years old and have been a computer user for about 16 -18 years. I've owned 3 different PCs and they have all used MS operating systems. When I got the last one I decided to use E-mail and later to have an Internet connection. My E-mail goes through Juno.com and my Internet is through A T & T. I have had no trouble changing services. I changed from MSN to A T & T because it was less expensive.

I sincerely hope that this action can be terminated.

sincerely

Glen S. Hawley

MTC–00013716

From: Dimitria
To: Microsoft ATR
Date: 1/18/02 2:35am
Subject: Microsoft Settlement

To the U.S. department of Justice: As A U.S. citizen and user of Microsoft products I urge you to proceed with the approval of the Microsoft settlement as it has been drafted and approved by most parties involved so that this matter can be put behind us.

Sincerely,

Dimitri Alevizopoulos 52 E. 15th Ave, #L1 Columbus OH 43201

MTC–00013717

From: Krista Walton
To: Microsoft ATR
Date: 1/18/02 2:39am
Subject: Microsoft Settlement

Dear Judge,

Approving the PFJ for Microsoft would be deceptive to the public, after all the open controversy regarding Microsoft's monopoly in the computer industry. Not only that, it would be detrimental to the free market idea that America's economy is based upon, and it would seem to grant special preference towards Microsoft and instigate a lot of controversy. Thank you for the time you are taking to review the public's opinion about this important decision you will have to make. I'm sure it will be the right one.

Krista Walton
614 West 35th Place #418
Los Angeles, CA 90089

MTC–00013718

From: Douglas Norton
To: Microsoft ATR
Date: 1/18/02 2:48am
Subject: Microsoft Settlement

I am a former Windows OS user. I do still use Microsoft products when they are available for Mac.

I think Jackson was correct in his findings. Microsoft is guilty of abusing it's current position of being the dominant OS.

I think they are also guilty of fraudulent advertising. They mislead the unknowing public to believe their product is secure and stable. I had such bad experience with MS over the years with their ''upgrades'' that I finally gave up.

You would do the public a great disservice if you let MS get off too easy. Please do not let the settlement which they were to donate software and computers to schools go thru.

This would only hurt competing OS's

MTC–00013719

From: LARRY BALOK
To: Microsoft ATR
Date: 1/18/02 2:50am

Dear Sir; I think it is time to settle, let's get on with it. L.S.Balok

MTC–00013720

From: Dona M Herr
To: Microsoft ATR
Date: 1/18/02 3:06am
Subject: settlement

Settlement should be fast & fair..... Am in favor of microsoft..... Please cast my vote/voice with myriads of others

Sincerely,
Dona Herr
521 Nelson St.
98284

MTC–00013721

From: Lindsay Rutter
To: Microsoft ATR
Date: 1/18/02 3:18am
Subject: Microsoft Settlement

Dear Judge,

I don't know much about law and politics (though I'm learning), but I know that our economical system is based on free enterprise. If Microsoft is given a monopoly over the computer market, that is the antithesis of free enterprise. I don't see how there could be ANY reason to grant such a proposal. I mean, Microsoft does rule the market, so there seems like there can be no possible competition, but how would we know if we don't encourage small computer developers? A monopoly is wrong, and that's that.

Thank you.

Lindsay Rutter 213–764–4146
USC student

MTC–00013722

From: Regina Ragan
To: Microsoft ATR
Date: 1/18/02 3'36am
Subject: Microsoft Settlement
CC: microsoftcomments@doj.ca.gov@inetgw

Dear Judge,

I am a middle school teacher, and only have recently gotten comfortable working on a computer for any mason besides using a word processor. When my daughter Lindsay told me about this campaign, I thought I should participate. I try and teach my students to be fair and to challenge them to create. If there was no competition for Microsoft, I think it would stop the growth of the computer industry. You do not run a race by yourself, you out run opponents. If there were no opponents, you could not compare yourself to others and improve. This Proposed Final Judgement is wrong and should not be approved by you, Judge Kotelly, it goes against the free market ideals that our democracy is partly founded upon. Thank you for your time.

Sincerely, Regina Ragan Guam Department of Education

Box 10 1015 Turner Rd. Piti, Guam 96915

MTC–00013723

From: Austin Fusilier
To: Microsoft ATR
Date: 1/18/02 3:44am
Subject: Microsoft's Proposed Settlement

To Whom It May Concern:

Allow me to review the facts.

(1) Microsoft has been ruled to have been in violation of the anti-trust laws. (Basically, Microsoft has a virtual anti-competitive monopoly over the PC industry).

(2) Microsoft proposes that it give massive amounts of computers and software to the

educational area of the PC industry. (The only portion of the industry that they do not have an iron-clad grip on). It seems to me (a rational human being) that this course of action will not only NOT put a halt to Microsoft's illegal business practices, it will allow them to FURTHER said practices, by further saturating the market with their software.

The monetary ''penalty'' suggested is both laughable and negligible. Microsoft is one of the wealthiest corporations in the world—their finances are in no trouble whatsoever. They can easily absorb whatever funds would be used to distribute their PRODUCT. In fact, from a business point-of-view, the ''fines'' could be viewed as an investment in the future proliferation of the company's reach.

In short, I, a voting citizen of the United States, am ABSOLUTELY OPPOSED to this settlement proposed by Microsoft. I believe that it not only would undercut whatever legal actions were taken, the mere fact that it was offered is (I believe) a complete insult—a very revealing glimpse into just how much CONTEMPT the Microsoft corporation has for the United States'' Legal System.

I thank you for the opportunity to share my opinion on the subject, and I pray the correct decision will be made—the choice that upholds the integrity of the United States'' Judicial Branch, and not the option that FURTHER destroys the solid foundations that the courts were built on.

Brent Austin Fusilier

MTC–00013724

From: Thomas D. Kampp
To: Microsoft ATR
Date: 1/18/02 3:51am
Subject: Microsoft settlement

Renata B. Hesse:

I have recently noticed that two Web sites that used to function properly no longer do so. The two sites are http://www.businessweek.com & http://www.mapquest.com

Common problem: After going to these Web sites, mouse clicks or data entry is not responsive, followed by the browser becoming quite slow in responding, even if one switches to another Web site. Also, pages do not completely load; the Home page only loads an ad at the top of the page with the rest of the screen blank and a message at the bottom reading Done. The only fix is to quit & then restart the browser. These sites are not authorized to download any code or data-stream that disables or interferes with any of my applications, programs, or files.

My computer is a Macintosh PowerBook G3 FireWire running Mac OS v 9.1 running Netscape v 4.76 browser & Eudora v 5.1.0 e-mail client. I may be wrong, but I suspect that the above sites may be using Microsoft software. If so, then I strongly suggest that you consider the case that Microsoft not interfere with programs, applications, and files that conform to open standards. In other words, Microsoft should not be allowed to break nonMicrosoft code, programs, applications, files, or interfere with computer operations. I, for one, do not consider their behavior as a benefit to consumers.

Thank you for your time and consideration.

Dr. Kampp
Thomas D. Kampp, Ph.D., DABR
e-mail: kampp@acm.org
Tel: 949 395–6245

MTC–00013725

From: kellyc001@attbi.com@inetgw
To: Microsoft ATR
Date: 1/18/02 4:01am
Subject: Microsoft Settlement

Gentlemen,

The proposed settlement, plain and simple, is another way for Microsoft to attempt to dominate yet another segment of the American computer market, namely education. It is entirely consistant with MS's previous tactics of gaining a foothold in certain markets to the degree of excluding choices for the end user. The end user who is then firmly entrenched in MS's products to the degree that it becomes difficult to adopt other choices without great disruption or costs. It is an attempt to dominate, not through QUALITY, or by choice of the end user, but by SATURATION.

Did anyone doubt, that when MS began imbedding its own web browser within its MS Windows 95 operating system, that 90 percent of the American computing public would go through the effort and hassle of removing it (made nearly impossible by MS) for the sake of installing a web browser from a competing company?

Once Microsoft has donated (used) computers and (conveniently) thousands of copies of THEIR software to schools, the typical and predictable reaction is for those schools to continue to use MS's products in the future. Not because of free choice on their part, but because it would be too disruptive to look to other alternatives. Is Microsoft sincerly concerned about devoting resources to poorer inner city education? Or is MS trying to further its monopoly? The simple answer would be for you to ask Microsoft to donate the same amount of APPLE Computer Macintosh systems and software to those schools, and watch as MS does an about face so quickly that a giant sonic boom rumbles thru-out the land.

Would the US justice system allow a person convicted of counterfeiting US dollars to pay thier fines using the same counterfiet bills as they were convicted of printing? Gentlemen, this company is thumbing it's nose at the antitrust laws of this country, and at YOU. It is doing it in such a blatent manner that Im shocked to see this offer even being CONSIDERED. Please do not allow this monopolistic giant to put a stranglehold on ever more of this country's computers under the guise of ''paying its penance'' To do so would be to allow MS to be punished by gaining even more market share.

Thank you,
Kelly Cederholm
Regards, Kelly
''The only time Microsoft will ever have a product that doesnt suck, is the day they start selling vacume cleaners''
CC:sandra.cederholm@utah.edu@inetgw

MTC–00013726

From: Margaret Flint
To: Microsoft Settlement
Date: 1/17/02 9:59pm
Subject: Microsoft Settlement
Margaret Flint
1756 H. H. Rd.
Fonda, NY 12068
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Margaret Flint

MTC–00013727

From: Mary Krystyniak
To: Microsoft Settlement
Date: 1/18/02 12:47am
Subject: Microsoft Settlement
Mary Krystyniak
5845 Townhouse Lane
Beaumont, TX 77707
January 18, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Mary Krystyniak

MTC–00013728

From: James Boyd
To: Microsoft Settlement
Date: 1/17/02 10:19pm
Subject: Microsoft Settlement
James Boyd
2706 CR 108
Carthage, TX 75633–5507
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
James Boyd

MTC–00013729

From: Debbie Turner
To: Microsoft Settlement
Date: 1/17/02 8:46pm
Subject: Microsoft Settlement
Debbie Turner
2690 Throatlatch Lane
Marietta, GA 30064–4467
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Debbie Turner

MTC–00013730

From: Jean Rogers
To: Microsoft Settlement
Date: 1/18/02 3:05am
Subject: Microsoft Settlement
Jean Rogers
3845 Shore Blvd.
Oldsmar, FL 34677
January 18, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Jean Rogers

MTC–00013731

From: Don Detherow
To: Microsoft Settlement
Date: 1/17/02 9:46pm
Subject: Microsoft Settlement
Don Detherow
7304 Russellville Rd
Bowling Green, ky 42101
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Don and Glenda Detherow

MTC–00013732

From: Debra Baptist
To: Microsoft Settlement
Date: 1/17/02 8:18pm
Subject: Microsoft Settlement
Debra Baptist
2600 N. 5th Street
Harrisburg, PA 17110–2012
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Debra A. Baptist

MTC–00013733

From: Eric Cheatwood
To: Microsoft Settlement
Date: 1/18/02 3:00am
Subject: Microsoft Settlement
Eric Cheatwood
86 Austin Street #208
Worcester, MA 01609–2956
January 18, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Eric Cheatwood

MTC–00013734

From: Gregory Lane
To: Microsoft Settlement
Date: 1/17/02 8:10pm
Subject: Microsoft Settlement
Gregory Lane
2667 Alosta Street
San Diego, CA 92154–4202
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Gregory G. Lane

MTC–00013735

From: Todd Biagioli
To: Microsoft Settlement
Date: 1/17/02 9:38pm
Subject: Microsoft Settlement
Todd Biagioli
3637 Radford Street Apt A
Norfolk, VA 23513
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Todd Biagioli

MTC–00013736

From: William Campbell Sr.
To: Microsoft Settlement
Date: 1/17/02 9:51pm
Subject: Microsoft Settlement
William Campbell Sr.
1328 Woodlawn Street
Punta Gorda, fl 33950
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Rev. Wm J. Campbell Sr.

MTC–00013737

From: Donald & Kathryn Johnson
To: Microsoft Settlement
Date: 1/17/02 9:29pm
Subject: Microsoft Settlement
Donald & Kathryn Johnson
2154 East Dallas Drive
Terre Haute,, IN 47802–5133
January 17, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Donald & Kathryn Johnson

MTC–00013738

From: Steve Bumgardner
To: Microsoft ATR
Date: 1/18/02 4:56am
Subject: Microsoft's EULA

So, why is it OK with the federal government for Hewlett Packard and Microsoft to force me to buy a copy of Windows? I know for a fact that I've been stolen from (and the Microsoft EULA is a one sided lie). I'm just wondering why the government doesn't care.

What kind of kick back did you guys get?

MTC–00013739

From: GotKB@aol.com@inetgw
To: Microsoft ATR
Date: 1/18/02 5:20am
Subject: Microsoft Settlement

I believe that Microsoft has intentionall built up it's Windows operating system to eliminate the competition. They knowingly release products that are incompatible with certain types of software in an effort to eliminate the opposition. The most recent one that comes to mind is Windows XP's incompatibality with Apple's Quicktime, which took plenty of complaining and finally a fix from Apple, not Microsoft. By allowing Microsoft to settle this case by flooding schools with their products will only help to further their infiltration of the consumers home, by getting children used to using a Windows based PC at early age, they are making the consumer identify with their brand, and continue to use Windows based PCs in the future. A more viable alternative would be to fund competitors, or 3rd party software manufactures looking to create applications for Windows (such as an Internet Explorer alternative or support for Linux). I appreciate the government allowing the public to voice their opinion, and look forward to future opportunities.

Sincerely,

Brian Konar

MTC–00013740

From: Warren-Albert Weber
To: Microsoft ATR
Date: 1/18/02 5:37am
Subject: Microsoft settlement

What are you thinking?????

Accept an offer from Microsoft to supply schools with free software (read: bury Apple)? Let them go on unabated? Slap them on the wrist and go ''Tsk, tsk, naughty, naughty''? Why in the hell was there a lawsuit in the first place, morons? MICROSOFT MUST BE REIGNED IN! PERIOD! No less than the the future of software inovation depends on it, make no mistake.

MTC–00013741

From: lm
To: Microsoft ATR
Date: 1/18/02 1:37am
Subject: memo

Hello ,

It is a horrible misunderstanding of the point of the suit in the first place. Microsoft is a monopoly and has used that monopoly position to force others out of business or to bend to fit their desires.''

Best regards,

michael

mailto:lm@ipssr.kiev.ua

MTC–00013742

From: Claudio Rossetto
To: Microsoft ATR
Date: 1/18/02 5:54am
Subject: Microsoft Settlement

Simply I agree Sun Microsystems position on the case.

Claudio Rossetto

e-mail: crossetto@mail.graphite.it

MTC–00013744

From: Gregg Christman
To: Microsoft ATR
Date: 1/18/02 7:03am
Subject: Microsoft Settlement

Dear DOJ:

I am very concerned the way you are punishing Microsoft. Microsoft is a successful company because they create products that consumers and businesses want to purchase. No one is putting a gun to their potential customers and saying you must purchase Microsoft products.

Microsoft doesn't have a monopoly on software. Sometimes I don't think the government lives in the real world. For example, I am a professional salesman and I pack a bag everyday and go out and call on potential customers. My customers purchase my product because I sell them the product based on the features and benefits they will receive by using my product the same way Microsoft wins customers at the end of the day. Another key point that you need to consider is this ridiculous lawsuit is costing the government billions of dollars of lost revenue because the stock is severly depressed because of the lawsuit and is having an adverse effect on our economy. This lawsuit needs to be ended and we need to get back to business and getting our economy moving forward.

Gregg Christman

greggchristman@earthlink.net

MTC–00013745

From: James Saunders
To: Microsoft ATR
Date: 1/18/02 7:32am
Subject: Microsoft Settlement

Let's stop wasting money and energy on this ridiculous lawsuit. The truth is consumers have benefited mightily, as has the entire economy from the hard work and tenacious efforts of Bill Gates. Persecution of such hard work and success is unbelievable to most reasonable people. It is time to put the lawyers out of business. . . . take a look at what they are doing to American business with asbestos lawsuits. . . .no one wins but trial lawyers. No one will win by crushing Microsoft, especially the consumer. Please consider dropping any further action. Sincerely, Pat Saunders (Very satisified Consumer)

MTC–00013746

From: Marcus Mackey
To: Microsoft ATR
Date: 1/18/02 7:43 am
Subject: Microsoft Settlement

As a 26 year old college alumni, I've been using computers for a large portion of my life. From the Commodore 64/128 to the Apple II to various PC's (my own and schools), Mac's (my own and schools), my old Commodore Amiga, and even onward and upward to Unix, Linux, et al. As someone that's used multiple platforms, I can honestly tell you that the state of the computer industry has been a fallacy for numerous years due to lack of government intervention into anti-competitive business tactics.

The previous settlement with Microsoft, in which plans were designed to bring hundreds of thousands of Windows PC's into the lower income schools where a lack of equipment puts them lightyears behind what other students has initially sounds like a good idea. That is until you consider the fact that this exacerbates the problem, allowing Microsoft to get away with further improving their marketable stance, weaseling their way into a market that is currently held by one of their largest and fiercest remaining competitors; Apple.

With this said, what do I perceive should be done? For one, Microsoft should not be sent on their merry ways with a slap on the wrist. If they have been found to be guilty, allowing them to go on with a minimal settlement will do nothing other than strive them of cash that as a billion dollar company, is a mere slap on the wrist. The originally proposed plan to split Microsoft still at this stage sounds like one of the only solutions to bring any form of sanity into the U.S. And International computer economy.

This is becoming and ongoing, outward moving, and even larger threat as Microsoft, like a plague, continues to expand, grow, attempting to conquer, quell, crush, and destroy any semblance of competition that stands in their way. From their efforts at releasing a game console to beat Sony, to attempting to knock off 3Com's spun-off Palm division. To attempts at beating Apple, attempts to destroy what remaining computer makers that exist outside of their reach as in the recently publicized anti-competitive tactics Microsoft took against Silicon Graphics (SGI), and most recently in an article published on The Register, their purchase of much of SGI's 3D graphics standards, which allows them to destroy the OpenGL standard and ultimately work at pushing Microsoft's own Direct3D as the progenitor, not via competition, but via conquering. The gloom nature of the OpenGL purchase is such, that Microsoft will have complete control over all 3D standards, including the OpenGL standard which companies such as Apple, SGI themselves, and various game card developers have depended on. Apple of which has integrated the OpenGL architecture into their latest operating system, and one of the last major competitors to the Windows franchise, in Mac OS X.

Microsoft's Internet Explorer has all but killed off and rendered Netscape a shadow of what it was, via highly anti-competitive practices. Opera is but a miniscule player, as are browsers such as iCab, and OmniWeb, which are both Macintosh specific browsers

further miniaturizing their competitive abilities. Noone can compete against Microsoft in key areas where they bully their way in.

Whose left? Sun Microsystems, who painted into a corner watches as the onslaught of Microsoft, Intel (another anti-competitive and monopolistic player over the years), Dell, Compaq, and others continue to attempt to widdle away at Sun's marketing edge, using more scalable versions of Windows to attempt to do what Solaris can. SGI, which is quickly eroding away into nothing, amidst uncertainties, slow sales, and inability to retain it's focus for any semblance of a future lies struggling, writhing to reclaim some semblance of ability to compete. Apple, funded by Microsoft, dependant on Microsoft products like Word, Excel, Powerpoint, and Internet Explorer; and ability to integrate into PC-controlled MS Exchange servers to use Outlook, Entourage, or Outlook Express to connect. How does Apple survive under these premises when competitors independent now suffer, struggle, writher, and look at the grim potentials? This is why, as the DOJ, it is your imminent obligation to ''PROTECT'' the economy, the people of this great nation. If Microsoft does take control, which they're already well on the way to doing (as they already dominate the market as it stands), they can stifle any semblance of innovation, control pricings far worse than they do now, and ultimately turn this country into a country whose economy, once largely based in computers, sits wrenching and bellyaching; as the potential to slay the monolithic dragon Microsoft could become in their anti-competitive ability to lie dormant, stagnant. Keeping Microsoft on their toes, forcing them to innovate rather than duplicate, then bully via their massive heft to assure that the market remains theirs. It is time for a computer world with a decisively larger marketshare. One with more than Windows. One that allows companies like Apple, Sun, HP (via HP/UX), SGI, IBM (via AIX), Palm, et al. To compete against Microsoft on all levels. To not allow Microsoft to win by default via bullying, beating, and pounding their competition to death.

Is having the world of computers tied to a single company healthy? From the Melissa virus, to various worms, to the problems with Microsoft's NET strategy; problems that affect Microsoft and Microsoft alone; does having 90% of the world's computing tied to Microsoft make sense? When a virus that affects Windows can't affect the Mac (unless it runs Windows via VirtualPC), can't effect PalmOS, can't affect a Linux box (unless it runs a Windows compatibility layer like WINE) . . . The point is, if a choice is given, which hasn't been an option since the early 1990's; and if there's limited choice in the web browser market as having a browser ''tossed in the box'' as IE is on PC, and as it ships default on Mac OS CD's (although it's easier to choose the option on the Mac; yet the alternatives are no longer as promising because it's difficult for them to compete with a free browser like IE from a company that does it to control their own destiny), choice in what machines you can run, choice in having those said browsers, office programs, etc. etc. available on all platforms that remain viable (such as Solaris, Irix, Linux, Unix, QNX, Mac OS, Palm OS, Windows) in some guise. . . You rectify the problem. My personal solution, is that what should happen is this. Microsoft should be split into two factions, one that develops applications like IE, Office (Word, Excel, Powerpoint, Access, Entourage) Outlook, Outlook Express, FrontPage, Publisher, Media Player. The other faction should be Windows for varying platforms (PC, Pocket PC, etc.). From there, Microsoft should be forced to release the source code to the Windows API's, the Application Plug-in Interfaces. API's are the cornerstone to compatibility, and with those being openly available in the market; other companies such as Apple, Sun, SGI can roll Windows-compatibility into their systems with limited performance degradations (applications written for Windows could be recompiled with those API's on all subsequent platforms).

The Application division would still be allowed to build all versions of their software as previous. The Windows division, wholly removed from the Application tie, would be forced to either a) innovate by competing with the competition with all of the same applications available (further forcing Microsoft to prove they can innovate and compete without bullying, which in effect would teach them a lesson if they couldn't); b) it would also give Microsoft an immediate leg-up as they'd still be the first to have full Windows application compatibility remaining, however they'd have to rework their system to support a lack of IE-integration; c) it would also allow variants of Linux to step-up to the plate, and work on their own Open-source alternatives to Windows, and in turn give the Windows division another competitor. Currently Linux struggles to compete against Microsoft because key programs, like Office, IE, Frontpage, Publisher do not exist or are not offered by Microsoft. Doing what the government can to split the market up as much as possible, and bring in a greater degree of competition is almost like ''resetting'' the market to where it was before Microsoft leveraged and bullied their way to the top (which is where we're at now, market domination and saturation); which imminently was due to the Federal Government's lack of participation, analyzation, and studies into the business acts of companies that deserve extreme scrutiny.

Band-aid's won't help . . . And while Judge Pinfield-Jackson's rulings might be perceived as hasty and ill-advised, so is any light smack on the wrist, light dent into the personal pocketbook, when compared to the business tactics and atrocities Microsoft has achieved over the year's through their own brand of bullying, bulldozing, and brandishing of competitors as Microsoft has done through anti-competitive tactics. From vaporware announcements, to destroying competition by undermining and undercutting (in the case of IE vs. Netscape). Microsoft's brand of competition must, I stress, MUST be stopped before casualties expand into Apple, Sun, SGI, and spread farther into their own blood in terms of Sony (who they supply Windows to for VAIO's, but compete against with X-Box), to beyond. Please read this and seriously consider ''FORCING'' Microsoft to innovate rather than copy and bully the competition. PLEASE, I beg you . . . Do the right thing, seek justice, and help reset the industry so that it might ''FINALLY'' be allowed to evolve in a logical sense that makes sense and doesn't leave us falling prey to damages from being stuck and tied to ''one'' entity in the end.

Sincerely,
Marcus Mackey mmackey27@attbi.com

MTC–00013747

From: Hugh Betcha
To: Microsoft ATR
Date: 1/18/02 7:44am

Microsoft is a Monopoly in the classic sense!

MTC–00013748

From: Blake W. Hiatt
To: Microsoft ATR
Date: 1/18/02 8:04am
Subject: Microsoft Settlement

The Justice department should never have gone after Microsoft to begin with. This case was started by rival companies who were merely using the government as another way to attack Microsoft and their success. So, what it comes down to. .I do not like the settlement, because the suits against Microsoft should never have started.

MTC–00013749

From: Peter C.S. Adams
To: Microsoft ATR
Date: 1/18/02 8:42am
Subject: Microsoft settlement

The so-called ''settlement'' is a humiliating cave-in to Microsoft. Have we lost all control over corporations in this country? Microsoft, Exxon, Polaroid, Enron . . . they do whatever they want because they know the U.S. Government will roll over for them when they say ''play dead.'' Have some guts, Justice, or is John Ashcroft too worried about the Microsoft stock in his portfolio?

Peter C.S. Adams
222 Edgewater Drive
Framingham, MA 01702

MTC–00013750

From: Michael Vallance
To: Microsoft ATR
Date: 1/18/02 8:57am
Subject: Microsoft settlement

Now that Microsoft is ALLOWED to GIVE AWAY (aka Donate!) Windows to schools throughout the world as part of this settlement they are undermining all the objective evaluations of other operating systems such as Apple for school labs and SUN for servers. Microsoft has a history of unfair practice and for this business mentality to infect education is sad and to the detriment of the future of our children throughout the world.

Microsoft kills competition and is unfair in its operations.

Michael Vallance
Michael Vallance
Lecturer,
National Institute of Education, Singapore.

mvallance@MAC.COM

MTC–00013751

From: Chris Larson
To: Microsoft ATR
Date: 1/18/02 9:14am
Subject: Microsoft Settlement

I have concerns that this proposed settlement neglects the principle of equity in justice. While understanding the need for an expeditious end to a very long case, and while questioning some of the anti-Free market presuppositions brought by the DoJ, I still have to wonder if justice has been served. There has been no admission of guilt by Microsoft. This is remarkable in light of the evidence presented during the trial and even the initial findings of Judge Jackson.

Chris Larson
Greenville, SC

MTC–00013752

From: John Gladu
To: Microsoft ATR
Date: 1/18/02 9:29am
Subject: Microsoft Settlement

Any settlement that could increase Microsoft's market share, such as the proposed give-away of computers and software to schools, would further their monopoly. I read that that proposal had been rejected, but it is very important that the new settlement proposals be reviewed carefully to insure that they reduce Microsoft's monopoly powers and send a message that such practices will be costly for those that perpetrate them.

bcnu—John Gladu Opinions are just that

Technical Analyst BCM User Support Services

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Room IREL300 One Baylor Plaza, Houston, Texas 77030–3498

MTC–00013753

From: aaron
To: Microsoft ATR
Date: 1/18/02 9:29am
Subject: proposed remedy

Dear Renata B. Hesse,

Having read all of the documents provided pursuant to the revised proposed Final Judgment in the United States vs. Microsoft I have the following comments:

(1) I was relieved that provisions that would have certainly worked to extend Microsoft's monopoly into the one PC market where some semblance of competition still exists, namely the education market, were removed. As someone who works in the technology industry (though not in competition with Microsoft) I was shocked that the court would decide to ''punish'' Microsoft by granting it the task of providing cut-rate software and hardware to schools where such resources were in short supply. While the intent of this remedy was no doubt noble the impact on competition in the education market would have been devastating. Indeed, if Microsoft had decided to do this of its own volition the legality of such a move would be in question, and would probably have been challenged by Apple Computers, who would stand to lose considerable market share by being undercut by a company that already has a monopoly in most other areas of personal computing use.

(2) While I am glad that the proposed penalty discussed in (1) was removed, I failed to see any mention of a replacement penalty against Microsoft in any of the documents associated with the revised proposed Final Judgment. Given that it has been demonstrated that Microsoft engaged in illegal behavior in using its monopoly power to place unreasonable restraints on competition, and in so doing caused irreparable damage to many of its competitors, simply putting in place measures to curtail future anti-competitive behavior provides insufficient remedy. The goals Microsoft wished to achieve by engaging in said anti-competitive behaviors as revealed in court documents dating back to 1995, namely the elimination of Netscape as a major contender in the browser market, have already come to pass. This damage to Netscape and to the American consumer has already been accomplished and any reasonable remedy needs to provide some penalty to punish the illegal actions that resulted in an enormous benefit to Microsoft and allowed it to extend its monopoly. Otherwise, Microsoft has quite simply been allowed to reap the benefits of its illegal activities. Penalties that would have sufficient impact on Microsoft as to provide a deterrent to future illegal are necessary in the case. Such penalties that would have an impact on Microsoft would be 1) a very large and meaningful fine, in addition to 2) requiring Microsoft Windows to ship with Netscape in a prominent position, if not as the default browser, possibly along with payments to Netscape to address Netscape's loss caused by Microsoft's misuse of their monopoly 3) requiring Microsoft Windows to ship with the Java Runtime Engine installed (Windows XP has removed all Java support, for reasons that are clearly laid out in court documents). These penalties are even more necessary now that the effects of Microsoft's illegal actions are known: 1) Internet Explorer is now the dominant internet browser, 2) support for Java is now gone from Windows, 3) Micrososft has shown contempt for attempts by the United States to limit the abuse of its monopoly by releasing Windows XP earlier than announced to avoid a threatened government halt on its release. 4) Windows 98 demonstrated an escalation of Mircosoft's abuses of it monopoly by tying its operating system controls to non-operating system services provided by Microsoft. For example, a first use of the ''connect to internet'' desktop icon and control panel misleadingly brings up Microsoft's internet service sign-up as the only option. Even a professional computer-user such as myself had great difficulty trying to figure out how I would set up Windows 98 to connect to the internet with another Internet Service Provider.

(3) I believe that Microsoft's past actions demonstrate clearly that the proposed relief will not be sufficient to avoid anti-competitive abuse of monopoly on Microsoft's part. The current case against Microsoft has not impeded them from undertaking and in many cases escalating anti-competitive behavior, simply because the slowness of the legal process has allowed Microsoft to eliminate future competition effectively before court action can be taken. As in the current case, the damage has been done long before the court can come to a settlement of grievances. In the absence of any significant, penalty it is unlikely that the few safeguards put into place in the revised proposed Final Judgment (e.g. limited freedom from retaliation by Microsoft against computer manufacturers for allowing the prominent display of non-Microsoft middleware) could have an impact. Microsoft has broken the law and has shown every intention of continuing to engage in anti-competitive behavior and to abuse its monopoly to the detriment of business and consumers. This state of affairs necessitates very serious and profound government action to protect what is quite possibly the most important sector of the American economy from becoming the fiefdom of a single company. I believe a broad investigation into Microsofts current and past business practices and the proper punishment of the abuses that are discovered is the only way to return this sector of the economy to normalcy. Microsoft did not get to where it is today by the traditional busines practice of providing the best products and services at the best price, this has been demonstrated clearly by the court, and strident measures should be taken to insure that it does not continue to reap the benefits of its illegal activity as it currently is.

Sincerely,
Aaron Lawson

MTC–00013754

From: Nugent, Rodger
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/18/02 9:36am
Subject: Microsoft Settlement.

To the Department of Justice,

I am a mac user that enjoys the use of Microsoft products day in and day out. I'm useing microsoft outlook web based email client and Internet Explorer for the Macintosh. What I believe the company is doing is dominating the market by cutting out the smaller developers. They leave no room what so ever for integration. And they do not believe in world standards other than that of their own. I am from a college that runs NT servers, you are no doubt getting this email from an NT server. These are buy-far the worst implementation of a server made. It seems that they didn't work with any other computer except Windows. Yes, they were supposed to, but the DHCP wasn't sending out correct packets to macs on a regular basis as well as to unix computers, so we had to go static IP. We finally switched the DHCP server over to Linux and everything for some reason is smooth. I find their software corrupt.

When did word processors take up more space on your computer than highly intensive 3–D applications and programs like Adobe Photoshop 6.0 for the MAC? They don't seem to care about archetecture with in the program. They are a company known only to add new code onto old code continuously with out taking out what old, but instead only relying on processors to get faster to crunch down unnessary code.

They should make all of their products open source, and whoever modifies the program will be paid money. But hey, a simple chore like that I wouldn't trust to that company at this point. In an ideal world, everyone would make their own operating system for their hardware as Apple, Amiga, and other great computers do. There should be a licensing cap with Windows and everyone should stive to make their own flavor of Unix, which is designed specifically for the computer's general tasks.

Also the U.S. courts should create a set of General Code Guidelines [GCG] which enable programs to be ported easily between ''flavors of unix'' such as Mac OS X based Unix as well as Red Hat and Debian as well as other great builds. I'll keep this short, but please be cautious of what you are doing and don't listen to their over-paid lawyers so much, they are only out to trick you after all that is their job description isn't it? One more thing, give more kudos to Apple, their only goal in life is to create a computer that is user-friendly at the user and server levels, they are our model company.

Rodger Nugent, Bethel College

MTC–00013755

From: Brent J. Nordquist
To: Microsoft ATR
Date: 1/18/02 9:36am
Subject: Microsoft Settlement

To Whom It May Concern:

As a software professional of over 10 years experience, I have significant concerns that the proposed settlement is inadequate to provide redress for Microsoft's proven, illegal use of their monopoly power, and to prevent them from continuing this pattern in the future. Here are my concerns:

(1) The disclosure of APIs for the purposes of interoperability is a very important measure, and I applaud its inclusion. Vibrant competition in any market produces the best result for consumers; for example, the x86 instruction set, the recent heated competition of Intel and AMD, and the resulting increase in processing power per unit cost demonstrates this point. However, the security exceptions given in III.J.1 and III.J.2 will give Microsoft the loophole they need to refuse to document modern APIs which increasingly have security built into them. Microsoft's hold on such APIs as WIN32, such protocols as SMB (file sharing), and such file formats as Microsoft Word .doc files, and Microsoft's strategy of altering and not fully documenting them with every release, is one of the ways they preserve their monopoly status and force consumers to upgrade, to the detriment of consumer choice and healthy competition. Certainly ''keys [and] authorization tokens'' are properly excluded, but the settlement wording should be strengthened to specifically require not only the complete documentation for every API, but also a fully functional reference implementation of each API. This is how Internet standards (such as RFCs and IETF standards) are handled. Anyone who says that an API or reference implementation cannot be fully provided due to security concerns is relying on ''security by obscurity'' and does not understand how computing security really works.

(2) The conduct of Microsoft in question resulted in their making profits far above what a free, competitive market would have allowed, on the basis of their illegally-maintained monopoly status. This profiting was to the detriment of consumers worldwide. The settlement is wholly inadequate in providing compensation to the consumers who were so negatively impacted. Any settlement should include a substantial refund to consumers who purchased Microsoft products (directly, or through OEM agreements with hardware vendors). The penalty should be sizable enough (given Microsoft's size and resulting extremely large sales and profit numbers) to serve as a deterrent to future illegal conduct.

Respectfully submitted,
Brent J. Nordquist
13289 Killdeer St. NW
Coon Rapids, MN 55448–1396
Brent J. Nordquist <brent@nordist.net>
N0BJN

MTC–00013756

From: grph@panix.com@inetgw
To: Microsoft ATR
Date: 1/18/02 9:35am
Subject: MicrosoftSettlement

Dear Sir/Madame,

I am an artist and software developer in New York City. I strongly object to the current terms of settlement in the DOJ vs. Microsoft antitrust case presently under consideration. I believe that the software industry has achieved sufficient complexity in its development to mandate a complete seperation between ANY Operating Systems company and ANY Productivity Software company. As we have seen, if a company provides both Operating System software as well as Productivity Software there is ample room for abuse of so-called third-party developers.

Thank you for your consideration.
Sincerely,
Gregory Rukavina

MTC–00013757

From: Jonathan
To: Microsoft ATR
Date: 1/18/02 10:40am
Subject: Microsoft Settlement.
To: USDOJ

I think that anyone with any type of understanding knows that M$'s proposal to donate 1B. in software/hardware to the education market is a total crock (they don't actually spend much on the software, the hardware will be windows only, therefore helping to push Apple out of one of the few markets that M$ has any competition with). If the US DOJ let's this go bye it's a total farse.

Microsoft has constantly abused it's monopoly power & will only continue to do so if left unchecked. They keep on pushing into other markets & soon I fear that they'll just be to powerful for any govornment to stop (seriously). If the US DOJ is having problems with them now, imagine what it'll be like 10 years from now when they've taken over many more markets, have that much more control, $$$ & invluence. In my opinion, they must be stoped now.

Jonathan Gracey

MTC–00013758

From: Langer, Jurian
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/18/02 9:51am
Subject: question

Dear Sir, Madam

At the moment, I write my PhD at the European University Institute (EUI), Florence dealing with the relationship between competition policy and standardisation regarding the Internet. In my thesis, I focus on the competition aspects of formal standard-setting issues as well as de facto standards.

I have tried unsuccessfully to find the US v Microsoft US Court of Appeals for the District of Columbia Circuit decision of 27 June 2001 on your website.

I would be most grateful if you would send me a copy of the decision or tell me where to find.

Your sincerely,
Jurian Langer
Mr Jurian Langer LL.M (London) EMLE (Hamburg)
Researcher
Department of Law
European University Institute
Badia Fiesolana
Via dei Roccettini 9
I–50016 San Domenico di Fiesole (FI)
ITALY

MTC–00013759

From: JackieVan@aol.com@inetgw
To: Microsoft ATR
Date: 1/18/02 9:58am
Subject: Microsoft settlement

I would like to see this matter settled. Microsoft has only helped the computer industry and the general public. The government should go after the cable industry for monopolizing prices and products—we really have no choices with cable.

MTC–00013760

From: Tom Dickerson
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/18/02 9:57am
Subject: Microsoft Settlement

The purpose of this email is to express my opinion to the Department of Justice with respect to the proposed Microsoft settlement during the ''review period'', as required by The Tunney Act.

Since I am a Human Being who seeks to live on Earth, I am-by that fact alone-a ''consumer''. Since I was born and raised in The United States, I suppose that makes me an ''American Consumer''. I have also followed this case since the investigations into Microsoft's activities began in the early nineties, in anticipation that the DoJ would eventually seek to invoke these arbitrary edicts that we call the ''antitrust laws'' in order to ''punish'' Microsoft.

I was right.

So as an American Consumer, I will state that I have benefited tremendously from the existence of Microsoft, including the actions taken by the organization's management, and of its employees. As evidence to my claim, I need to site just one thing: the rise of the price of Microsoft's stock from the point of inception of the corporation. I suspect that

this may come as a bit of a surprise to the Department, but we live in a (semi) free society! Free enough, however, that anyone who believed s/he would not benefit from Microsoft's products, was, and still is, free to ''sit on the sidelines'' and refrain from engaging in exchanges with Microsoft. And yet look at the rise of their stock, and observe all the ''consumers'' who decided they wanted to be in the game, including myself. Can the same be said of The United States Postal Service? When they want to raise their prices, you usually help them out, don't you? Funny-both Microsoft in the nineties and Ford Motor Company in the twenties lowered their prices (without anyone's help) and each became filthy rich. But I do not doubt for a minute if the Postal Service did that, they would go out of business. They really need you guys! But I wonder what causes this difference.

I realize The Tunney Act is simply a means for the DoJ to give itself that lacquered look of a department that actually seeks justice-that by letting the ''little people'' like me bawl or cheer, as the case may be, you will make it appear that you're ''considering all sides''-and that the act of me sending this email will be one more stroke of the varnish brush. Nevertheless, I want to participate in this act anyway, if for no other reason than to give you one more email that you have to delete from your hard drive before you behead the greatest corporation in American history. I know that The Tunney Act is a way for you to moisten your finger and thrust it into the air before you act, but the mere fact that you feel you need to do it proves what little confidence you have that the actions you're about to take are just. For if you had such confidence in your knowledge of the difference between right and wrong, you wouldn't feel the need to take an opinion poll of your potential victims-popular opinion will not tell you what is right or wrong, only a reasoning mind can do that. (This is tantamount to a farmer who takes an opinion poll of his sheep because wants to see if they'll be offended when he shears them.)

There. You've got my opinion. Do you want to behead me now? If so, send me an email at the address below and I will give you directions to my apartment. However, I may not be there because, in addition to being a consumer I also happen to be a producer, which means I'm usually really busy. Here's how you can get a key to my building though: ask any employee of The United States Postal Service for one. You see, they get to have keys to my home for some reason, whereas the UPS people and the FedEx people have to leave sticky-notes on the door. I do not benefit from this.

I wonder why that is.

Thomas E. Dickerson

Grand Rapids, Michigan

Email: tomed@kdprps.com
<mailto:tomed@kdprps.com>

MTC–00013761

From: panjandrum@mac.com@inetgw
To: Microsoft ATR
Date: 1/18/02 10:14am
Subject: Microsoft Settlement

Department of Justice,

It seems, that the issue of how to punish Microsoft for their behavior can be resolved with relatively simple measures. Here are some simple ideas that would probably work, either alone or in conjunction with each other.

1) Punish Microsoft in a financially meaningful way. I don't mean a slap on the wrist, I mean something that will hurt and hurt so badly that they will be simply unable to consider using the same tactics again. I expect this would run into the hundreds of millions of dollars, maybe even into the billions. Split this money equally between their 100 biggest competitors; Palm, Apple, RedHat, etc. This solution is so simple it seems silly to mention it, but it would work, and well.

2) Limit the markets they can operate in. Get them out of telecommunications, entertainment and ''palmtop'' devices.

3) Establish quotas for the total number of computers sold with Microsoft software. For example, establish a law dictating that all computer stores sell a minimum of 25% of computers (discounting ''palmtops'') running something other than Microsoft Windows. This could be Unix, Linux, Mac OS, or any number of other wonderful operating systems that just can't get off the ground due to Microsoft's monopoly. Be comes to mind as the prime example of a dramatically superior product failing because Microsoft holds an illegal and immoral monopoly on the market. (Image a small company building a car that was three times as efficient, twice as fast, four times as safe, twice as easy to drive, and cost half as much as any other car on the road. Now imagine that the company just can't sell them because of illegal market pressure from GM, Ford, etc. This is what happened to Be Inc.)

4) A *company* does not make decisions, people make decisions. Go after and punish the *people* at Microsoft who made these decisions. Throw Bill Gates in jail. Send a message to *all* companies that the persons responsible for making the decisions are *responsible* for the results of those decisions.

Truly, Microsoft's Orwellian tactics are frightening.

Sincerely,

David Butler

All-around-computer-guru ;-)

MTC–00013762

From: Jerome Dowdle
To: Microsoft ATR
Date: 1/18/02 10:24am
Subject: microsoft settlement

I feel it is in the best interest of the consumers to settle the suit with the nine holdout states on the terms that have been agreed to by the other states and the goverment.

MTC–00013763

From: Kevin Eldridge
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/18/02 10:23am
Subject: Microsoft Settlement

To Whom It May Concern;

I have just read several articles from different news sites on the Internet which are covering the sale of SGI intellectual properties to Microsoft. These properties are all related to 3D APIs, and might even include the industry-standard 3D API, OpenGL. It is a well known fact that Microsoft has been trying it's best to kill off OpenGL, in favor of it's own proprietary 3D API, DirectX. There are documented instances of Microsoft dropping OpenGL from builds of it's Operating System, Windows, as far back as Windows 98. Now, in light of the fact that Microsoft now owns the vast majority of SGI 3D API properties, and the fact that Apple Computer uses the OpenGL API as a core component in Mac OS X, I would be afraid that Microsoft is, once again, trying to cut out a competitor with strong-arm tactics. After all, if Microsoft refuses to license OpenGL to Apple, and also refuses to port their propriety 3D API to Mac OS X; well, we have another case of anti-trust in action!

I would hope that someone with the Justice Department could investigate this further, and help prevent Microsoft from taking another stab at killing it's one true competitor, Apple Computers.

Thank you for your time.

Kevin S. Eldridge

Repair Technician

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Wave Wireless is an ISO 9001 certified company

MTC–00013764

From: Ted Grimes
To: Microsoft ATR
Date: 1/18/02 10:25am
Subject: Microsoft settlement

Dear Judge Kollar-Kotelly,

I appreciate the request that we consumers respond to the settlement with regard to Microsoft. I have been a ''Microsoft consumer'' for many years and am using Microsoft products to produce this email. I truly fear that this whole project by our government against a successful commercial enterprise has been overbearing and largely unjust. It seems to me that jealousy, envy and greed are accurate labels to apply to our system of criminal justice, in this case, from the lowliest attorney to the highest court involved, including the suing states. Class warfare? Yes. Take from the rich to satisfy this baser urge to knock down the successful? Yes. Is success being punished for any right reason? I have my doubts.

I connect the current recession, at least in part, to the anti-big-business efforts that are popular among certain political parties and labor unions. It seems to be a power struggle of the mighty forces of government against a vulnerable big business with enviable success. And the root of this evil is the love of money. Vice President Quayle had it right in his report on reform of the legal profession, reported toward the end of his administration's term in office. Frivolous lawsuits motivated by the money trail continue to dominate our culture. It is

politically and culturally incorrect to criticize our judiciary and the elements that make it up. In fact it can be downright dangerous. Just ask Dan or Bill Gates. It seems culturally and politically correct to pick on the medical profession at will, warranted or not. The cost of litigation, no matter whether or not it is just, has increased our cost of purchasing medical care and pharmaceuticals, autos and airplanes, and you name it, above and beyond what is reasonable. Arbitration should be used between disagreeing parties first. Lawyers should be by-passed, as well as the courts, at this level in our society. Lets get reasonable, enough is enough. Intelligent persons often can work things out to everyone's satisfaction. If not, the legal wars take over at hugely inflated cost.

Many doctors would probably practice medicine a few more years had they nor feared the ''loss of everything in one fell swoop'' on any given response to the emergency room. The chill of this kind of over bearing so called justice is high in the mind of any investor. Is the risk really worth it? The Microsoft settlement is chilling on business and society. The original judge in the matter was awful in his mis-use of power. I sincerely disagree with Mr. and Mrs. Bill Gates promotion of the slaughter of innocents, world wide. Their money could be used humanely in many ways.

James T. Grimes, MD
Lyons, Kansas

MTC–00013765

From: wehs—st—
js@noeca.esu.k12.oh.us@inetgw
To: Microsoft ATR
Date: 1/18/02 10:22am
Subject: Microsoft Monopoly

To Whom It May Concern,

I am writing this e-mail in regards to the Microsoft Anti-Trust Case. As an educator, I understand the necessity of ''having a level playing field.'' If a student does not have equal access to education, then they will have to overcome incredible odds to achieve sucess. Microsoft has created an unfair advantage through the use of coersion, deceit and blatant libel. Other companies, such as Apple and Netscape have suffered nearly fatal losses as a consequence of such practices. It is my opinion that Microsoft should either A). pay reparations to all affected parties (which would be nearly impossible, as some entities no longer exist), B). be broken into smaller companies, with assests distributed, and/ or C). Make it's products free to anyone for a period of time.

Thank you for refusing to be intimidated by their bullish tactics!

Jason Scherley
LD Tutor
Western Reserve High School
Collins, OH

MTC–00013766

From: Jeremy Bell
To: Microsoft ATR
Date: 1/18/02 10:31am
Subject: Microsoft Settlement

This settlement solves absolutely nothing. How much of a deterrent is this settlement really going to be? Microsoft, even now with the acquisition of the SGI OpenGL patents, is positioning themselves to dominate the 3d graphics industry, suppressing innovation from 3D card makers by denying them licenses and forcing a standard solely defined by Microsoft, rather than the panel of industry leaders that up until now have encouraged innovation and have provided an open environment to provide 3d graphics implementations on multiple platforms. Microsoft now has the power to eliminate OpenGL in favor of it's proprietary DirectX framework. This is just ONE example of behavior that will continue at Microsoft unless a more encompassing settlement is reached, or unless the settlement is withdrawn in favor of a Final Judgement that is in the interests of the United States. We must prevent this type of behavior from sprouting up again, not just in Microsoft, but in any future corporation. The proposed settlement is like telling companies that it is fine to violate the Antitrust laws because the penalties aren't as bad as the benefits. I for one am deeply afraid of an environment that would allow companies to get away with this kind of activity without severe penalties as defined by law.

Thank you for your time,
Jeremy E. Bell
22209 H. Dr North
Marshall, MI 49068

MTC–00013767

From: Laurence Bates
To: Microsoft ATR
Date: 1/18/02 10:36am
Subject: government case against Microsoft was poorly construed

I believe that the government case against Microsoft was poorly construed and demonstrated a basic lack of understanding of modern software technology and the means of technological innovation. The case should be dropped or replaced with specific laws which govern agreements that require EXPLICIT exclusion of third party hardware or software. This could have been dealt with quite easily had Sun and Netscape not tried to do to Microsoft, through a very flawed and partisan legal system, what they could not do in the marketplace. Apart from which, the founder of Sun is IMHO a conceited bore.

Laurence A. Bates
Michigan State University
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217E Erickson Hall
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Laurence@msu.edu
517–355–2178

MTC–00013768

From: MTThompson2@aol.com@inetgw
To: Microsoft ATR
Date: 1/18/02 10:36am
Subject: Microsoft Settlement

To Whom It May Concern—

I am, and have been for years, a simple (perhaps more simple than most) Microsoft software user.

I have used, and am still using, Microsoft's products, both at work and at home, and am not wholly uncritical of the quality and reliability of their products (except when you compare them to all the rest). Their computer operating system (beginning, for me in the early 90's, with Windows 2.0 and its subsequent improvements and upgrades) and their application software (Word, Excel, Money, Encarta, Streets & Trips, etc.) have improved my life beyond anything I can measure. I can't imagine what my life would have been like without the use of their innovative products.

While I have not closely followed the various Federal and State government's suits against Microsoft, I believe an outcome harmful to Microsoft will negatively affect Microsoft's ability to meet my needs, personally, both now and in the future. I do not believe that punishing Microsoft is in the public's (nor my) interest.

While it is true that Microsoft has profited enormously from selling its products and doubtlessly has a very aggressive (and clever) marketing strategy, I don't believe it could have prevailed over the competition unless its products were actually superior. I, along with all the others, would have sought out and used the better products, if there were any. Also, the fact that most of Microsoft's software works with and interacts with most of its other software is very advantageous to me. That this may disadvantage Microsoft's competitors from a marketing viewpoint is of little concern to me.

Furthermore, Microsoft has provided me (and the millions of others) their products at prices that are ridiculously small compared to their usefulness. If Microsoft has a monopoly on selling these products, why have the costs (to me, and everyone else) continued to decline? I do have a complaint about Microsoft: On those occasions (admittedly relatively few) when my lack of knowledge, understanding, and/or computer sophistication causes me to have operating problems with their software, and I have failed as well to discern an answer from their enormously comprehensive (but Byzantine) website designed to provide solutions to users with problems, I am unable to talk directly to one of their technicians without being charged a fee for their ''services.''

However, it also seems reasonable to me that Microsoft cannot be held accountable for my ignorance (and laziness) and should be entitled to some compensation for providing me with the information I need on those occasions. Their policy, coupled with my thriftiness (cheapness), has sometimes resulted in my digging more deeply into their various free resources, finding solutions myself, and becoming more educated and self-reliant as a result (a good thing).

I appreciate the DOJ looking out for my interests whenever their efforts actually are in my interest (i.e., prosecuting people guilty of election fraud, and terrorists). In this case, I think the DOJ's efforts are misguided, very wasteful of their limited time and resources (which my taxes help pay for), and not in my interest at all.

Sincerely,
MTThompson@aol.com
Michael T. Thompson
503 West Le Roy Avenue
Arcadia, CA 91007–7335
(626) 574–8446

MTC–00013769

From: Debbie Purdie

To: Microsoft ATR
Date: 1/18/02 10:45am
Subject: Microsoft Settlement
Stop the POLITICS AS USUAL!
Accept the settlement and let's move on! Enough is enough!
Debbie Purdie
purdies@earthlink.net
EarthLink: It's your Internet.

MTC–00013770

From: Marylin Cowan
To: Microsoft ATR
Date: 1/18/02 10:54am
As a Microsoft proponent, I strongly urge the government to settle the existing litigation as the previous litigation was settled. Do not allow the existing nine states that are holding out to permit this litigation to go any further.
Please end it!
Marylin Cowan
3085 Sunnybrook Lane
Colorado Springs, CO 80904
mcowan-cosprings@att.net

MTC–00013771

From: MQuick5257@aol.com@inetgw
To: Microsoft ATR
Date: 1/18/02 10:54am
Subject: Microsoft-settlement
Mark B Quick
5214 Valerie Street
Bellaire, TX 77401
January 18, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:
I write to you today to express my support for the recent settlement reached between the Attorney General and Microsoft. As a nation, America has been under very trying times in the past six months. Uncertainty plagues American confidence in business and the world around us. It seems unreasonable for the federal government to continue to concentrate on possible antitrust litigation against Microsoft during these times. I hope that the Justice Department would have different priorities during this time. Microsoft, in addition, has been readily available to resolve this issue. Microsoft has given computer makers broad new rights that will allow them to reconfigure the operating system to their own likings. Now users will be able to add or delete programs to the Windows system at their discretion. This represents broad new changes in the computing industry. Without doubt, I hope the Justice Department will resolve the dispute. It is unfortunate that the Justice Department has to focus on such matters at this time. I believe it is in the best interest of the nation to enact the settlement without hesitation.
Sincerely,
Mark B Quick
CC:fin@mobilizationoffice.com@inetgw

MTC–00013772

From: Joe Reardon
To: Microsoft ATR
Date: 1/18/02 10:59am
Subject: USAGReardon—Joseph—1081—0116
18821 Dembridge Drive
Davidson, NC 28036
January 17, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:
I would like voice my support for the settlement of the Microsoft Anti Trust case. It is great to see that our government is working to end this lawsuit. Microsoft has contributed jobs and high-demand products to the economy. It is time to let them get back to business and focus on innovation, not lawsuits. The settlement promises change in Microsoft's business practices that will foster more competition in the IT industry. To put a quick end to this three-year lawsuit, Microsoft has agreed to more terms in the settlement than the lawsuit challenged. The settlement is a reasonable compromise.
I support the Microsoft-endorsed settlement and would like to see an end to the lawsuit. No further action should be taken against Microsoft. Our economy needs this settlement.
Sincerely,
Joseph Reardon
cc: Representative Mel Watt
CC:NC12.public@mail.house.gov@inetgw,fin @mobilization . . .

MTC–00013773

From: Thomas Oughton
To: Microsoft ATR
Date: 1/18/02 10:59am
Subject: Microsoft Settlement
To whom it may concern,
In my opinion the current proposed settlement is not a penalty. Microsoft owns the computer desktop. They have used this monopoly to move into and take over the browser market and the office suite market. They are now using this to move into the streaming media market, pushing out the existing players. Rather then using the existing standards used by the existing players Microsoft has created a new ''standard'' that will only work with Microsoft players. As they ship these players for free with the OS and can easily start out with millions of players out in the market place, how long until Real and the other streaming media vendors are pushed out? Microsoft is also using their monopoly in the desktop OS market to push their .NET marketing strategy. They require the owners of Windows XP to join Microsoft Passport one of the main parts of .NET or Windows XP will stop functioning.
When cable tv was growing at a rapid pace, US West wanted to use their existing infrastructure to provide cable tv, but because their monopoly would have given them an unfair advantage they were bared from entering into new technological areas. Why is Microsoft allowed to use its monopoly to move into areas where it has an unfair advantage over the companies that pioneered the new area. In my opinion, I say let Microsoft have the desktop OS but don't allow them to move into the new technnology areas until there are firmly established companys that can be on equal footing in that area with Microsoft's juggernaut. These areas include internet service servers, streaming media and large and medium sized server operating systems software. They have already moved into tv (MSNBC, Ultimate TV), video games (Xbox) and as a internet service provider (MSN). They have over 30 billion dollars cash just looking for other areas to expand into. The holdout states'' proposed settlement is a lot closer to what I think should be done if Microsoft isn't treated like a public utility and controlled by a commission.
Thanks
Tom Oughton

MTC–00013775

From: thediehard@juno.com@inetgw
To: Microsoft ATR
Date: 1/18/02 11:09am
Subject: Microsoft Settlement
Microsoft's monopoly over federal government computers is the source of both Bill Gates'' wealth and the disastrous impact on productivity within the federal government as a ''new operating system'' is ''introduced'' every year, with its attendant need for more powerful computers, relearning all the software, patching over the millions of bugs, and the inability of older programs to read or work with the ''newfangled super-duper'' ones. Microsoft should be prohibited from introducing new software until it has been fully tested for smooth operation and compatibility with previous programs, and should be required to provide every new program to the federal government FREE OF CHARGE, in appreciation for the billions they have already stolen from our tax money. In the meantime, the federal government should immediately issue a re-compete process on the full operating system, all results of which must be made public before purchasing or deciding on any standard whatsoever.
Dian Hardison
ex-NASA, Florida

MTC–00013776

From: Bob Cloninger
To: Microsoft ATR
Date: 1/18/02 11:17am
Subject: Proposed settlement.
Microsoft has violated (albeit creatively) every agreement made with DOJ in the past. This settlement does nothing to prevent that or restore the companies (and lives) they have illegally destroyed.

MTC–00013777

From: jerry richard
To: Microsoft ATR
Date: 1/18/02 11:17am
Subject: USAGRichard—Gerald—1022—0115
January 16, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Attorney General,
I am writing to address the antitrust settlement reached between Microsoft and the Department of Justice. Bringing the antitrust proceedings to an immediate close will benefit the economy, particularly important now during the recent economic downturn. To that end, I am in favor of the current antitrust settlement with Microsoft.

Under the terms of the current settlement, Microsoft will design all future versions of its Windows operating system to be much more compliant with competitors'' peripheral software components. This will allow consumers to have greater freedom in choosing and customize components within Windows.

In addition, Microsoft has agreed to document and disclose various internal interfaces of Windows to its competitors for the purpose of more compatible software development. I have been a long time user of Microsoft's Windows products and I have never encountered any serious problems with them, certainly nothing that would warrant the economic disruption, which the antitrust proceedings have contributed to. In short, I urge you to support the antitrust settlement for the sake of getting our economy back on track. We need our heavy hitters in the IT sector now more then ever.

Sincerely,
Gerald Richard
CC: Representative David E. Bonior

MTC–00013778

From: Daniel John Klett
To: Microsoft ATR
Date: 1/18/02 11:18am
Subject: Microsoft Settlement

Provisions should be made to protect alternate Operating Systems. This can be done by forcing Microsoft to continue producing software, like Word, Excel, as well as games for both the Mac OS and the Linux OS. No Operating system can exist on the consumer side if basic Microsoft Applications, like Office, do not exist.

MTC–00013779

From: AlbieV@aol.com@inetgw
To: Microsoft ATR
Date: 1/18/02 11:19am
Subject: Microsoft Settlement

I think that Microsoft has great software at a reasonable price. If the government went after drugs dealers the way they went after Bill Gates there would be no drug problem in the United States. Settle this case before we go broke spending all of the taxpayers money. I think president Clinton made a mistake when he deregulated the Cable TV industry. My bills have gone up every year since he Deregulated and I've noticed that Time Warner cable has brought up most of the little local companies and that's a monopoly.

MTC–00013780

From: STEVE FADULLON
To: Microsoft ATR
Date: 1/18/02 11:26am
Subject: Enough is enough, especially when the issue is not only about money. This a

Enough is enough, especially when the issue is not only about money. This a country of innovations and inventions, the bulwark of freedom that fans ingenuity and excellence. While commerce generates the resources that sustains this freedom, it should not be forgotten that money while needed is not the end but only the means. The freedom to attain excellence should not be stifle and allow mediocracy to set in. We must sustain growth because as the world's leader we need strength of mind and purpose that will overcome terrorism and the unexpecterd to befall us as a test of our armor. The settlement is more than adequate to compensate for whatever wrong has been done perhaps out of sheer in attention because of the company's focus. The damage, if any, has been will compensated. Let progress proceed unimpeded in an area that us young and promising for development—the product for the future.

Thank you for your attention.
Respectfully,
ESTEBAN T. FADULLON, Jr.

MTC–00013781

From: David Allen
To: Microsoft ATR
Date: 1/18/02 11:29am
Subject: Microsoft Settlement

My views on the Microsoft Settlement are expressed in the attached letter.

David Allen
dtmlallen@msn.com
David Allen 1827 Ellison Creek Road
C??emmons, NC 27012–8059
January 18, 2002
Attorney General John Ashcroft US Justice Dept. 950 Pennsylvania Avenue, NW
Washington,
DC 20530–0001
Dear Mr. Ashcroft:

I am writing you today to voice my opinion in regards to the Microsoft settlement that was reached in November. This settlement is fair and reasonable, and I am anxious to see this dispute resolved. This settlement was reached after extensive negotiations. Microsoft ultimately agreed to additional terms than were actually at issue in the initial lawsuit, just to finish. In the end, Microsoft agreed to share more information with other companies, including certain internal interfaces in Windows and protocols implemented in Windows'' operating system products. I feel that Microsoft has gone well beyond what should be expected of a company in a democracy to reach an agreement and settle the dispute.

Microsoft is a good company that designs good products. This litigation is a waste of resources, and I believe the ongoing litigation is having a significant negative effect on the economy. Please support the settlement and end this dispute. Thank you.

Sincerely,
David Allen

MTC–00013782

From: Michael McIntyre
To: Microsoft ATR
Date: 1/18/02 11:33am
Subject: Microsoft Settlement comment

Dear People,

Thank your for this opportunity for public comment. I have worked in the Information Technology field all of my professional life. I have observed many good technological advances thwarted by the Microsoft monopoly, either by being muscled out of the marketplace or acquired by Microsoft and diluted. This is extremely hurtful to our country's technological leadership and tradition of entrepreneurship. The most important outcome of the settlement of this case must be that competitive and alternative operating systems (e.g. Linux, Macintosh OS X) as well as applications and standards (e.g. Quicktime, Java) be given a fair chance to survive and prove themselves on their technical merits. Without DoJ imposed constraints, the Microsoft Corporation will continue its monopolistic elimination of competitors. We will then be left with one option for computing systems from a company with no motivation to innovate or produce quality products.

I urge you to maintain and nurture an environment where existing and new competitive products can be developed and thrive without being squashed by Microsoft.

Thank you.
Michael
Michael McIntyreWeb Manager & Systems Consultant
UM Population Studies Center
734.998.6275 www.psc.isr.umich.edu

MTC–00013783

From: Martin Kabila
To: Microsoft ATR
Date: 1/18/02 11:33am
Subject: BUSINESS PROPOSAL
TEL: 871–762918980
FAX: 871–762918981
Email: Mkkabila@excite.com
ATTENTION: DIRECTOR/CEO
RE: URGENT ASSISTANCE.

Kindly allow me the modesty of introducing myself. I am Martin Kabila, the son of the former head the state / President of Congo-Kinshasha (then called Zaire) President Laurent Desire Kabila.

I got your particulars through the Chamber of Commerce. However, I am contacting you in order to ask for your assistance on this confidential business proposal with full financial benefit for both of us. Before I got into further details, please be informed that I am writing without any other person(s) pre-knowledge of contacting you on this transaction. Therefore, I will appreciate same attitude to be maintained all through.

I have the sum of USD$48 Million from a secret sale of Diamond by my late father before he was assassinated by his bodyguard (Rashid) on January 16th 2001, which I will like you to receive on my behalf due to security reasons, as my narration below will explain. But before I continue, be well informed that your share in this transaction has been calculated at 20% of the total sum of USD$48 Million, 5% for expenses and the rest for my family and me. However, my father as a real African traditionalist was a polygamist, thereby having married so many wives, and my mother being the second wife of my father, my stepbrother Joseph, who is the current president of my Country, is the son of the first wife and he does not have my knowledge about this deal. Already, president Joseph is using his power of office to colonize all the money and private properties, which our father left behind for the whole family. Now, my mother and I are left with noting in the inheritance of my late father's wealth. Our situation is seriously critical that we need your assistance to help us receive these funds overseas for proper investment.

Let me quickly assure you the 100% safe proof of this transaction because, the

Diamond sales are packed from the onset in a pattern that shows no trace or linkage with us (Kabila family). At present, the money is in cash and is secured in a Security Company as family treasury.

I am writing for your swift and favorable response. You are to contact me via my direct Tel: 871–762918980. Fax: 871–762918981. or by using the above e-mail address. Your urgent responses is highly needed, and in case you have any question(s), don't hesitate to ask me.

Best regards,
Martin Kabila.

MTC–00013784

From: Randy Robert Boring
To: Microsoft ATR
Date: 1/18/02 8:34am
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice

Please do not agree to any settlement with Microsoft which lets them increase their ill-gotten market share.

One of the most dastardly methods of increasing market share is to give away your product to customers in a sector (such as education) that is contested by a rival. After the customers have installed your ''free'' software, they get used to using it and base their workflow upon it. Then, when an upgrade is needed (perhaps that version stops working with the latest operation system software), those customers are usually retained, but now at a large cost to the customer.

Do NOT let Microsoft give away copies of their software to anyone! It is NOT a penalty to them in any sense. It is a marketing strategy. One which is not only successful for Microsoft, but is also very detrimental to its rivals, as they have to compete with a ''free'' product. That is VERY difficult to do. It also seems wrong for an award not to go to those who won the case, but that's for someone else to argue. I understand the difficulties of finding everyone harmed by Microsoft. Perhaps you could just send a small check to every household in America. You'd be certain to reach every American victim, and it would only overcompensate by a small fraction, as their software runs on about 90% of computers. Maybe include a suggestion that if the person does not feel that they were hurt by Microsoft that they donate that amount to the President's Afghanistan relief fund.

Hope that helps,
Randy Boring
233 Merribrook Trail
Duncanville, TX 75116

P.S. I work for a small company, Thursby Software, which writes software that enables non-Microsoft computers (Apple Macintoshes) to interoperate with Windows PCs. So we sort of compete with them, but we work with them, too.

MTC–00013785

From: Frank Serafini
To: Microsoft ATR
Date: 1/18/02 11:39am
Subject: Microsoft Settlement

Why kill the Golden Goose that made the industryn what it is today? With all the other, more important matters to be dealt with, I don't see how the Justice Department ever thought it right to go after Microsoft. There should never have been a suit brought against the company simply for doing well and producing a product that most everyone likes. I feel that not enough people realize how much Microsoft has given over, in order to reach a settlement in this case and move on. Do people realize, that by giving so much access to their code and by designing future versions of Windows to operate more efficiently with competitor's software. Microsoft is helping it's competition at its own expense? I hope they will learn more about the settlement and come to appreciate just how much Microsoft is giving up.

It is high time for both Microsofi and our Justice Department to move on to more important matters and leave the case behind. I only hope thet the states realize their mistake and join the rest of America in supporting the settlement.

Sincerely
Francis H. Serafini
14103 Kint Circle
San Antonio, Texas 78247

MTC–00013786

From: Timothy Cox
To: Microsoft ATR
Date: 1/18/02 6:59am
Subject: Buying SGI's patents is anti-competitive.

Good Lord.

Microsoft has purchased the 3d patents of SGI. SGI had the best 3d rendering technology available and the SEC let them buy it from SGI> Now MS will be able to kill this superior technology and push their expensive, licensed, inferior one on the market. The DOJ ruled ''Don't do it again!'' and yet they do it, and do it , and do it. Stop these 800,000,000 pound gorillas now or this court will be remembered in history books as the justices who when they had the chance to stop the bad guys, they blinked.

Tim Cox

MTC–00013787

From: Pete
To: Microsoft ATR
Date: 1/18/02 11:44am
Subject: Microsoft Settlement
Pete Baxter
7201 Tall Tree Lane Charlotte, North Carolina 28214
January 18, 2002
Attorney General John Ashcroft US Department of Justice 950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing you today to express my support for Microsoft regarding the antitrust dispute. Microsoft is a great company that has contributed a great deal to our society and daily lives. This company should not be stifled or restricted. The settlement that was reached in November is complete and fair. Microsoft has agreed to all terms of this agreement. Under this settlement, Microsoft must design future versions of Windows to provide a mechanism to make it easy for computer makers, consumers and software developers to promote non-Microsoft software within Windows. Microsoft must also disclose information about certain internal interfaces in Windows. Microsoft should not be punished for being successful. Success is a goal that every American worker strives for. Please support the settlement that was reached in November. Thank you.

Sincerely,
Pete Baxter

MTC–00013788

From: WIDMAN,ERICK (Non-A-LumiLEDs,ex1)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/18/02 11:46am
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally:

Although Judge Jackson made unfair, unprofessional comments about Microsoft during the most recent trial, this should not diminish his findings regarding Microsoft's monopolistic behavior. Please reject the government's proposed settlement and until something more robust is proposed.

Very truly yours,
Erick and Ivy Widman
Concerned Citizens
Address: 1700 N 1st #319, San Jose, CA, 95112
Phone: 408–420–1777
CC:'microsoftcomments(a)doj.ca.gov''

MTC–00013789

From: Chuck LYNN
To: Microsoft ATR
Date: 1/18/02 11:50am
Subject: MICROSOFT SETTLEMENT

I wish to register my objection to the proposed Microsoft antitrust settlement. The settlement does not do nearly enough to protect competitors or, as in my case, consumers.

Chuck Lynn
Computer Teacher
Overland Park, Kansas

MTC–00013790

From: cmayer
To: Microsoft ATR
Date: 1/18/02 11:56am
Subject: Microsoft Settlement

I think that the settlement won't work because you have an expiration date of 5 years (with a one time possible 2 year extension). In the technology market, R&D for a killer app could take that long. So basically you're giving MS permission to patch up their current product line, smile while they're working on the next version, then go back to the same old thing. They could too. Thanks to the ''Product Activation'' in the XP products (for which I, and many people I know refuse to buy or use XP products over) MS could, in 5–7 years, refuse to grant new hardware activation numbers to users not using the ''new'' Windows. New computer buyers (like today), would not get a choice and would be subject to whatever new scheme MS planned for keeping users. Perhaps it would just be things like Microsoft only digital media formats with rights management that, like the new ''protected'' CDs (defined as such only because of form, they break the standard), would not work on all machines.

In my opinion, digital rights control is the key to the next generation of computer

monopoly. It should be closely monitored and regulated in—the—interest—of—the —consumer. Personally, I believe that the prices demanded for software and other media should allow consumers to freely use it within reasonable bounds. Microsoft is trying to release several formats only playable in their, or compliant, players. Now that basic HTML browsing is pretty well established, audio and video will be the next area to look at, and MS is already heading there. Your settlement seems aimed mainly at older issues.

Microsoft continues it's trail in latching onto consumers in a way that they can't rid themselves entires of it. Simply allowing OEMs or developers to customize Windows a little won't prevent MS from ingraining itself into consumers lives with formats or agreements that not only replace previously platform independent formats (MP3, MPEG, Realvideo), but also continually pour money into Microsoft's pockets. I do, however, as computer support personnel, like the inclusion of opening up the APIs to allow for a standard network protocol and the like. What I would ask is that several industry-wide standards get put in place.

1. A fair (and I do mean fair as in to the normal user, not fair as in a CEO's dream) standard for software licensing that retail software must abide by. This would include restrictions on dongles, ''activation'' and the like. Perhaps the ''professional level'' of the software could dictate what copy protection schemes could or could not be used. I don't support piracy, that's not what I mean. It's more of a fear that my $2000 computer and $300 OS might all of a sudden be useless because MS for whatever reason wouldn't issue me a new key. Since Windows XP will pretty much be required in a couple of years for running any newer PC, I don't think it's entirely fair in the interest of keeping computers running and compatibility to have such a potentially finicky system. For a $7000 3D rendering application, a dongle seems reasonable though.

2. A fair system for rights control (I think none is fair, since that's how things have been since audio recording came into being). Basically I'd like to see a regulation against reaming consumers that actually pay for things.

3. Price caps for software. Again, ''professional'' level ranking might be needed to control it. I think it's ridiculous that a Windows and Office XP license combined cost as much as decent business machine to run them on. If applications and operating systems cost less, perhaps more people could afford to use them. Or perhaps more people would be willing to legally use applications. Many companies seem to think that a $100-$200 stripped down version of their program is affordable for most people. This probably wouldn't work for every single app on the earth. It would be nice if companies would offer actually affordable versions of software, but they probably never will. For things like Windows though, which as assumed before is basically a necessity, the price shouldn't be able to just jump up to half the cost of a low end computer. What's to stop MS from charging $500 or $1000 the next time around? OEMs would pay the licensing fee, consumers would be forced to upgrade for certain things.

Basically, I don't think the settlement would do much in the long run . . . more needs to be done to protect the rights of the consumer. There needs to be a change in policy for digital media that actually helps the consumer rather than restrict them more. Since Microsoft is one of the worst offenders in the game of screwing customers over at the same time they make things ''better'', this would be a good time to institute new laws and policies for the entire industry.

MTC–00013791

From: Richard Stoner
To: Microsoft ATR
Date: 1/18/02 12:00pm
Subject: Microsoft Settlement

I believe that Microsoft should be forced to published in total the API file formats fully standardized and documented. This would allow for fair competition with other software developers and lead to more innovation. There must be strong enforcement of these rulings.

Thank you
Richard E Stoner
San Jose California 95129

MTC–00013792

From: Pat Reed
To: Microsoft ATR
Date: 1/18/02 11:57am
Subject: Microsoft settlement

Dear Mr Ashcroft—

As a retired public teacher from Crawford County, Bucyrus, Ohio, I encourage you to do all you can to get the Microsoft issue settled. It is fair to all parties and I think we should get on with business. I believe Microsoft has done more good for our government and people than harm.

Thanks for your help.
Sincerely,
Pat Reed
3233 Holmes Center Rd
Bucyrus, ohio 44820

MTC–00013793

From: Karen Feltner
To: Microsoft ATR
Date: 1/18/02 12:06pm
Subject: Microsoft settlement

Please see attached.

TMBD Computer Systems Education and Consulting, Inc.
207 North Moss Road, Suite 103
Winter Springs, Florida 32708 (407) 327–9367 (Voice)-(407)
327–9369 (FAX)
January 18, 2002
Attorney General John Ashcroft
U.S. Department of Justice Washington, DC 20530

Dear Mr. Ashcroft,

I am quite pleased that the factious lawsuit between the Department of Justice and Microsoft has ended with a settlement. It appears to me that most of the terms of the settlement are fair for both sides; I find that its greatest advantage is simply to remove the litigation from the courts. Given the inflammatory tone of the trial, it is better for those of us in the IT community, as well as for consumers in general to have this entire regrettable episode concluded. While the settlement is fair and realistic, providing for new changes in Windows designs and reassessment of licensing agreements that were considered unfair, the best thing about the settlement is that it will be over.

I am writing to lend my support to the settlement. It is my hope that this sort of bitterness between our government and a private business should not be repeated.

Sincerely,
Karen Feltner
Office Manager

MTC–00013794

From: Sangbong, Pius A. NMIMC GS
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/18/02 12:19pm
Subject: Microsoft Settlement. (A Cry of the defeated)

Is ''compete on the merits'' a new ''phraseology'' or word coinage aimed at pacifying the sniffling ant-Microsoft conglomerate of SUN, ORACLE, AOL, IBM and a string of others I don't care to mention? I have attended Seminars and work-shops at most of these corporations mentioned above. It is sad, at a humorous level, the degree of hypocrisy that prevails within these cultures. A good portion of every presentation is incomplete without the choicest interspersed infusion of real caustic sarcasm at Microsoft's expense. In spite of it, those presentations are a near impossibility without a Microsoft PowerPoint, Excel and the like. I say (If you can do better, make yours.)

IBM introduced and marketed it's various platforms. If a crystal ball could tell of declining market shears years later, IBM would have done everything to stay on top of things. If AOL only new how to eliminate competition in Internet provision, all the free-inets, and MSN included, would be history. Else, why is there so much merging, Partnering and acquiring of any sprouting establishment that has potential in the Communication ''promise land''? ORACLE came up the rungs (rolling and scratching), IBM's DB2 and Microsoft's MS.SQL not withstanding. ORACLE wouldn't hesitate to tell you it's product is the only answer, anyone with an ear ought to listen to. Quality of functionality besides, it is perfectly heart worming to Conner at least 60% of the database market. Why not ?

It is a cutthroat competitive atmosphere out there. If winner can take all, why stop at 60%, 65, % or even at 95% market monopoly. Problem is, ORACLE will snatch the opportunity, if only it knew how. And I do not think they have given up that drive or hope.

SUN Micro systems parades a line of it's own platforms, ushering UNIX, or Linux and what ever else it prefers. If SUN, as well as it's back-up cheer leaders and supporters, could only come up with desk-top applications (the parallel of Microsoft Office suit, etc., etc., etc.), to market with its systems, who knows what prayer they might have in that domain? Netscape Navigator ceded to IE, just as DB2 ultimately Succumbed to Oracle. C/C++ are withering under the steam from SUN's hot coffee. Why is Microsoft so able to survive despite the array of back-stabbers? It is a human world , and we as humans have a tendency to

grudgingly concede, to something, or a strategy. We chid ourselves for, larcking the forsight, for not perceiving a concept, that was glaringly available, and worst, for letting someone else beat us to it. Why didn't we think of first ?. Reminds me so much of little Israel, surrounded by a host nations, that act not much better than they claim they are treated.

This concludes my say about this matter.

Thanks.

Pius (DoD, civil service)

MTC–00013795

From: Christopher Day
To: Microsoft ATR
Date: 1/18/02 12:15pm
Subject: Letter of Support Attached
CHRISTOPHER M. DAY, ESQ.
9855 Snowbound Court Vienna, VA 22181
January 18, 2001
Renata Hesse, Esq. Trial Attorney,
Antitrust Division
U.S. Department of Justice
601 D Street, NW # 1200
Washington, DC 20530
By Email: microsoft.atr@usdoi.gov

Dear Ms. Hesse:

I am an attorney in the Northern Virginia area and have heard that you have some responsibility with regard to the settlement of the Microsoft antitrust case. I would like to commend the Department of Justice for negotiating a fair and reasonable Revised Proposed Final Judgment in the case.

It is my opinion that the settlement is a fair one and should be fully enacted. Further litigation serves no party except Microsoft's direct competitors. The goal of our antitrust laws and regulations is to ultimately help the consumer through competition, not to necessarily reward other businesses that would, like to get ''in on the action.''

It appears that the revised proposed final judgment strikes the right balance in effectively addressing Microsoft's unacceptable practices and also preserves consumer choice. The agreement calls for uniform pricing and allows computer makers flexibility to configure Windows and promote non-Microsoft programs. Both interfaces and protocols necessary for other software to work with Windows must disclosed, and both retaliation and exclusive agreements are prohibited. An independently appointed permanent technical committee will monitor compliance and assist with dispute resolution. The U.S. or any of the states have a right to inspect all Microsoft documents and all source code for any Microsoft program, interview any Microsoft employee, and order Microsoft to prepare any report under oath regarding any issues relating to the final judgment. Any person may complain regarding noncompliance to the Justice Department, the states and/or the technical committee and the plaintiffs can immediately initiate proceedings to hold Microsoft in contempt. While this solution may not be perfect, it is certainly preferable to the alternatives.

Thank you for your time and your efforts in this regard. Enjoy the New Year.

Sincerely,

Christopher M. Day

MTC–00013796

From: Robert Nelson
To: Microsoft ATR
Date: 1/18/02 12:17pm
Subject: Letter to DOJ

Greetings!

I just received a call from your staff, and they asked me if I had sent our letter to you. We have sent a letter to the DOJ. We looked at the e-mail, and see no address to send another copy to you.

If you would like a copy of our letter, which you have seen via e-mail, and which accuses certain competitors of attempting to undermine Microsoft in the courts, then please provide to us the address where you would like it sent.

Nothing has angered us more than the behavior of Sun, Oracle, and others. With 30 years of experience in data processing, I can tell you that I have and will continue to avoid the use of their products. This strikes a nerve with all of us.

Sincerely

Bob Nelson

Adventek, Inc.

(904) 398–8247

adventek@mediaone.net

MTC–00013797

From: Pegi Anton
To: Microsoft ATR
Date: 1/18/02 12:23pm
Subject: Microsoft Antitrust

Please review the letter enclosed.

<<Microsoft-Stop.doc>>

Pegi A. Anton

CC: tormist@ag.state.ia.us@inetgw

January 17, 2001

Hon. Colleen Kollar-Kotelly
U.S. District Court,
District of Columbia c/o Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW Suite 1200
Washington, DC 20530–0001

Dear Judge Kollar-Kotally:

I contact you today to urge you not to settle the government's case against Microsoft. The United States Government's responsibility to enforce federal antitrust laws against monopolies is vital to protecting the rights of consumers. Our antitrust laws have protected free markets and enhanced consumer welfare in this country for more than a century. The Microsoft case is a clear example of where antitrust enforcement action is necessary to insure vigorous competition in all sectors of today's economy.

Please continue to support free enterprise and consumer rights by maintaining a fair playing field all.

Respectfully,

Pegi Anton

Cedar Rapids, Iowa

MTC–00013798

From: Robert Nelson
To: Microsoft ATR
Date: 1/18/02 12:20pm
Subject: Here is an e-mail copy
Bob Nelson Adventek, Inc. 1346 Woodward Ave. Jacksonville, Fl. 32207 (904) 398–8247
January 5, 2002
Attorney General John Ashcroft US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I feel that this lawsuit should never have been brought against Microsoft in the first place. To me, it seems, the suit was a result of successful lobbying by Microsoft's competitors. However, I am happy to see that the Department of Justice has finally gotten the sense to resolve this matter. The settlement has taken far too long to be reached and would have liked to see it more deferential toward Microsoft, rather than requiring Microsoft to disclose information, about internal interfaces within Windows and subjecting the company to the scrutiny of a technical review committee. However, I would hope that you would let your decision stand and not be further influenced by anti-Microsoft parties.

I'm glad to offer my opinion on this matter, and I hope that you will use your influence to encourage the rest of the states to settle their suit against Microsoft so they will finally be left alone.

Sincerely,

Robert Nelson

MTC–00013799

From: Fields, Rick
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/18/02 12:23pm
Subject: Comments on Microsoft Anti-Trust Suit

As a programmer in the IT industry, I have been reading most articles and news pieces I could find on this subject. Assuming that the media have not misled me, it seems that Microsoft definitely and purposefully engaged in anti-competitive practices and then tried to deny/hide such actions. If Microsoft is found to be guilty of such actions (or admits to them), Microsoft should be penalized to the point where it is greatly discourged from ever doing such again. Whatever it takes to discourage such in the future should be done, whether it is breaking up the company, removing officers of the company, or other penalties/preventions. Microsoft should not be simply fined and monitored for a short time, the equivalent to a slap on the wrist, and then allowed to go back to anti-competitive practices.

To boil my opinion down: If Microsoft has engaged in anti-competitive practices, any means necessary to ensure they don't do it again should be used, just short of destroying the company.

Thank you,

Rick Fields

Programmer

fields@texas.net

MTC–00013801

From: Kathy Pyle
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/18/02 12:27pm
Subject: Comment on the Microsoft anti-trust case

We just received a flyer from Americans for Technology Leadership, and I decided to let you know my impressions of the anti-turst case. Let me first say that the flyer was very irritiating—just another Microsoft ploy to get the American public on their side. Of course,

I checked out the website for this organization and found that Microsoft is a founding member. I wonder how much money Microsoft put towards this advertising campaign.

In regards to the US vs Microsoft, I definitely think that our government backed down to Microsoft's big money. This settlement is not fair, and definitely does little to really punish Microsoft. This company keeps making crappy product, which they can do because they have monopolized the market. Let there be no doubt—I believe that Microsoft has monopolized the market! And please note that this comment comes from a technology reseller who sells Microsoft product.

This flyer I received just confirms my understanding that Microsoft has not been punished. They are still spending millions of dollars to defend their position. Funny that they have so much money to waste; they are obviously price-gouging because they have eliminated any real competition. Why are they spending these millions unless they are guilty?

Kathy Pyle
Aptus Corporation
Phone: 320–240–1022
Fax: 320–240–1022
kathyp@aptusnet.com
<mailto:kathyp@aptusnet. com>

MTC–00013802

From: Tony Wren
To: Microsoft ATR
Date: 1/18/02 12:31pm
Subject: Microsoft Settlement

To Whom It May Concern:

On January 9, 2002, Robert Lewis, a commentator and management consultant who writes for ''InfoWorld,'' a widely-read technology industry trade weekly, posted the following column. I am including it here for the sake of clarity, with my comments following.

''YOUR HONOR, we find the defendant incredibly guilty!''
Jury foreman, Mel Brooks'' The Producers

NEXT TIME I get a traffic ticket, here's what I'll say in court: ''Your honor, the court has found me guilty. I disagree. Also, I disagree in principle with the existence of speed limits on our nation's highways. Several theorists claim that highway traffic should be self-regulating—we should allow the overall flow of traffic to determine each driver's speed.

''In the case of the U.S. Department of Justice v. Microsoft, the courts established the precedent that when the defendant disagrees with both the law and the finding of the court, the prosecution and guilty party must negotiate as equals to define a settlement agreeable to both parties. I request the court to handle this case the same way.''

Think it will work? Me neither.

Regardless of whether you think antitrust laws are a mistake, obsolete, or inapplicable to the software industry and regardless of whether you personally think Microsoft was actually guilty or not, the outcome of the Department of Justice v. Microsoft was unambiguously disgraceful. With the departure of Joel Klein as lead prosecutor, and U.S. District Judge Thomas Penfield Jackson—the Lance Ito of antitrust — as judge, the fix was in. Microsoft said, ''Play dead!'' and our government's executive branch—controlled, ironically enough, by the law ''n order party—obeyed. From this point forward, Microsoft has no constraints in its use of nonmarket forces to buttress its market position.

As just one example, take a look at Microsoft's investment in Corel. Almost immediately, Corel discontinued WordPerfect Office for Linux. Because Apple, in its ongoing quest for marketplace irrelevance, persistently snubs corporate IT, Linux is the only significant threat to Windows on the desktop. Which means that just as CIOs and CTOs—faced with increasingly onerous licensing terms from Microsoft—are searching for a credible way to at least threaten to take their business elsewhere, Corel is running away from the opportunity. Instead, it's trying to sell WordPerfect head-to-head against Microsoft in the Windows environment—a battle it has already lost. Pardon me for being suspicious.

For several years I've predicted an impending implosion for Microsoft. I still see serious problems for the company: Microsoft is hemmed in on the server front and has such limited potential for growth on the desktop that it has turned to the only alternative it could think of: predatory licensing. Its problems, however, have receded now that our government has a ''for rent'' sign in the front yard that lets Microsoft obey—and require its customers and competitors to obey—only those laws it finds convenient.

My comments:

Ever since the settlement between the Department of Justice and Microsoft was announced, I have felt like a victim that has been asked to pay for the losses incurred by the burglar that has been found guilty of robbing me, and to pay for what he stole from me as well. Mr. Lewis'' article expresses that sentiment succinctly.

The stated goal of the settlement was to ensure a competitive environment in the technology industry. As an observer and technology consumer for the past 35 years (as a student, researcher and now an academic), I can assure you that the settlement will do nothing of the kind.

The only competitor to Microsoft that has any market share at all is Apple Computer, and their share is steadily falling (from 20% ten years ago to less than 5% at this time). Apple's new UNIX-based operating system, OS X, could compete with Microsoft's Windows under the proposed 9-State Settlement, and help restore some innovation to the industry. But if the status quo continues, MS will re-assert its dominance and its illegal practices, with devastating effect on on our economy. Some have said that it is already doing so, although I am not in a position to verify such claims. These facts have become increasingly obvious to impartial observers. Bob Lewis is just such an observer. I have been reading his columns for years, and trust him because he is rarely wrong.

To put it bluntly, the proposed settlement places the current DOJ personnel in a very poor light: observers are universally reporting that the attorneys in charge of this case are behaving as if they are either incompetent or corrupt. As a taxpayer and consumer, listening to the near-unanimous condemnation of the proposed settlement, and adding my own experiences, I am forced to come to the same conclusion.

I hope that you will reconsider this poorly-conceived settlement and prove the critics wrong.

Sincerely,
Tony Wren
Chair, Department of Physical Sciences
3536 Butte Campus Drive
Oroville CA 95965–8399
Office: (530) 895–2422
Fax: (530) 895–2472

MTC–00013804

From: Scott Rosenberg
To: Microsoft ATR
Date: 1/18/02 12:36pm
Subject: Microsoft settlement

This article published on Salon.com on 1/16/02 represents my comments on the proposed antitrust settlement that I would like to submit for the record. Thank you!

Scott Rosenberg
managing editor,
salon.com 415–645–9240
scottr@salon.com

Chips ahoy

AMD competes with Intel, and the public wins. The right Microsoft antitrust settlement can bring the same energy back to the software market.

By Scott Rosenberg

Jan. 16, 2002 ??? The personal computer industry may be in its worst slump in history, but you wouldn't know it by following the news from the processor wars. Over the past two years, Intel and AMD have unleashed an incredible competitive cycle in Silicon Valley. In case you missed it, last Week these two chip companies offered dueling releases of new flagship processors: Intel unveiled its fastest Pentium 4 yet, running at 2.2 gigahertz and built with a new .13 micron process that crams even more transistors into an even smaller space. AMD, extending the huge success and popularity of its Athlon line and the Athlon's most recent and powerful incarnation, Athlon XP, announced the XP 2000—a chip that actually runs at 1.67 gigahertz but, third-party tests show, nearly keeps up with the 2.2 ghz Pentium 4 in most tasks (and even surpasses it in some).

What's going on here is simple: Good old-fashioned competition drives engineers to continue to work miracles. Intel, the market-dominating behemoth, has always pushed new, improved products out the door faster—and dropped prices more readily—when it feels the breath of a credible competitor on its neck. For many years the competition was feeble, but that changed when AMD's Duron and Athlon chips began giving Intel a run for its money—and, for a time in 2001, actually bested Intel for the fastest personal-computer chip title.

Today, these two companies keep spurring each other on, and consumers win big. For most of us, that's all we need to know: Computers keep getting faster and cheaper. The details are of interest only to the legions

of hardware nuts, high-performance system geeks and chip-overclocking fans who flock to the Web's hardware review sites. Right?

Well, the gigahertz specs may indeed be only geek fodder, but the other details of the Intel-AMD rivalry should be of keen interest to a much bigger crowd. That's because the competitive heat driving the processor market puts the relative frigidity of another part of the computer business into bold relief. I refer, of course, to the business of designing personal-computer operating systems—a business that Microsoft has dominated for years and that, according to the confirmed verdict of our federal courts, it now monopolizes.

What if Microsoft were challenged as strongly on its home turf as AMD is now challenging Intel? What innovations, improvements and price reductions would the public enjoy that it doesn't, today, thanks to the Microsoft monopoly? This is the big question that hangs over the continuing struggle to find a meaningful outcome to the endless Microsoft antitrust saga. And the AMD/Intel analogy is worth pursuing to try to find some answers.

Microsoft and its supporters, of course, maintain that the monopoly label is misplaced. After all, can't you buy a Macintosh without buying Microsoft Windows? Can't you obtain a PC and fire it up with any of a dozen versions of Linux or other Unix-style operating systems? Sure you can—and each of those operating-system alternatives has its partisans. But for use by individuals on their personal desktops, Microsoft Windows holds the overwhelming market share—by nearly every estimate, over 90 percent. Is that simply because Windows is superior to the alternatives? There are certainly people who believe that; and, to be sure, with the release of Windows XP last year, Microsoft finally moved its flagship operating system off the aging and increasingly unstable code base it had inherited from its infancy and onto the relatively more reliable Windows NT/Windows 2000 core.

But how much faster might Microsoft have achieved that improvement if it was racing a tough competitor? And how much more incentive might the company have to produce more secure, less virus-vulnerable products today?

The historical record is quite clear (and the antitrust trial record is just as clear): The central reason Windows has maintained and extended its market share over the years is not product superiority but a concept economists call ''lock-in.'' Once you have all your data and all your software applications on one operating system or ''platform,'' moving to a different one is painful — it takes time and effort and money (as economists say, your ''switching cost'' is high). Over the years Microsoft has not had to push harder and faster to improve Windows because it knew that its customers were unlikely to make a fast switch to a competitor.

Now, that picture would be very different if you could somehow reduce or eliminate those switching costs. What if competing operating systems could seamlessly and interchangeably run the same programs and utilize the same data files that Windows does?

Here's where the Intel/AMD analogy comes in handy. These manufacturers compete to provide chips that can run the same computer programs—known loosely as ''x86 compatible'' code—and that retain compatibility with hardware like expansion boards and peripheral devices. If you needed to write different versions of each piece of software and manufacture different versions of each piece of accompanying hardware—one that would work with Intel's chips and one that would work with AMD's—the whole competitive market would disappear. The weaker player (presumably AMD) would vanish and—presto!—Intel would have a monopoly as tough as Microsoft's.

This relatively level playing field in the x86-compatible processor business did not come about by sheer happenstance. The semiconductor industry is marked by a Byzantine pattern of patent cross-licensing agreements; they provide permanent employment for legions of lawyers, and laymen seek to understand them only at great peril. What's important about them, however, is not how they came about but that they work.

Now that the federal courts are trying to figure out an effective remedy for Microsoft's abuse of its monopoly powers, the competition between Intel and AMD provides a valuable model. How would one go about enabling Microsoft's rivals to compete with it as effectively as AMD is competing with Intel?

The key here is something known as the Windows API (or ''applications programming interface'')—the set of instructions that Windows programs use to ''talk to'' the operating system. The Windows API has long been a murky issue: Microsoft has always provided some information to independent developers—it has to if third-party Windows programs are going to work. But Microsoft can and does muck around with the API, changing things that break competitors'' products, anytime it wants to. And rumors have long buzzed, without ever being nailed down, that Microsoft's own developers take advantage of so-called hidden APIs that non-Microsoft coders can't use. The Justice Department's proposed antitrust settlement with Microsoft seems to demand that Microsoft do more to open up its APIs to competitors. But the fine print makes it clear that Microsoft could pretty much continue with business as usual. A more effective remedy would be one that required Microsoft to standardize and publicize the entire set of Windows APIs and the file formats of its Office applications (another key to Microsoft's monopoly ''lock-in'')—with the express goal of allowing competitors to build Windows software applications, and operating systems, that compete with Microsoft on a level field.

Such a plan would require careful oversight and enforcement, since Microsoft could easily engage in all manner of foot-dragging. If Microsoft set out to be uncooperative, it could release the API information slowly, in deliberately confusing ways, or in a ''Good Soldier Svejk'' fashion -assiduously following the letter of the court's order while flagrantly violating its spirit. (There's precedent here: This is precisely how Microsoft behaved during the trial when it told the court that, sure, it would supply a version of Windows with Internet Explorer removed from its guts, but gee, sorry, then Windows wouldn't work.)

Now, I can already hear the howls from the Microsoft corner that this plan is evil and un-American because it forces Microsoft to give up some of its intellectual property. Well, yes. Microsoft is in court as a repeat offender; the current antitrust suit, in which a federal district court and an appeals court have both affirmed that Microsoft is a monopoly and that it has abused its monopoly powers, arose out of the failure of a previous consent-decree settlement of an earlier antitrust case. At some point, having repeatedly violated the law, Microsoft needs to pay a price, or it will continue with its profitably anticompetitive ways.

There's no reason to think the Justice Department's proposed settlement will work any better than the consent decree of last decade did. And financial penalties can hardly wound a company that is sitting on a cash hoard of tens of billions of dollars. But intellectual property—that's something Bill Gates and his team really care about. Requiring them to divulge some of it in order to restore competition in the software market might actually get them to change the way they operate. With Microsoft's APIs and file formats fully standardized, documented and published, other software vendors could compete fairly—which, after all, is what antitrust laws are supposed to promote. We might then be faced with a welcome but long unfamiliar sight: a healthy software market, driven, as today's processor market is, by genuine competition.

Scott Rosenberg

managing editor/Senior VP Editorial Operations

Salon.com scottr@salon.com

MTC–00013805

From: R. P. Bell
To: Microsoft ATR
Date: 1/18/02 12:35pm
Subject: Microsoft Settlement

Over twenty years of computing experience, primarily within the DOS/Windows envronment—because I had very little choice otherwise—has taught me that the real growth of Microsoft has been on the backs and over the protests of ''the little guy.'' The truth is, there were simply no alternatives to Microsoft, and in spite of the growing financial coffers of Microsoft, there has been a relentless cycle of upgrading expense that has finally grown to the point of absurdity.

In 1987, I began a small computer consulting firm that eventually became a corporation. Our target vertical market, law enforcement records management and municipal accounting, was just coming into it's own (especially in small departments and municipalities). Usually, we would install Novell as the internal network. Experience proved that Novell was a company with substantial technical savvy and a commitment to client satisfaction. Novell was a company that had truly pioneered the

network opportunity, offering substantial benefits to those who were motivated to learn and market their cutting-edge technological products. In spite of the great declines in Novell's market position, primarily as a result of the predatory practices of Microsoft, it continues to be a world-leader in networking technology, driving technological advancement with products and features that Microsoft can only dream of having.

We also utilized the fantastically powerful features of WordPerfect, and clients that persevered to learn the power of WordPerfect were never disappointed. Many of us were absolutely thrilled to hear that Novell had acquired WordPerfect, trusting that a knowledgeable market would recognise a true alternative to Microsoft's growing power in the marketplace. The great majority of problems we encountered in our installations were the result of the changing target of Microsoft, changes that I personally believe were a part of a vast corporate mindset in Microsoft—probably driven by the egos of Bill Gates, Steve Ballmer and a few others—that intentionally stifled competition by constantly changing the rules of the game. Because these were corporate decisions, and the only products that could anticipate these changes were, in fact, Microsoft products, the die was cast.

I have used Microsoft products since DOS version 2, and was an early user of Windows(tm). Because of so-called ''business compatibility issues,'' I abandoned Macintosh, and stored my Macintosh Plus in the closet, over 12 years ago; but have recently come back to the Macintosh environment. This decision was compelled by Microsoft's relentless push to control my personal computing life. I have been a savvy user of Microsoft products, but I learned long ago not to have any confidence in the ''security'' of any product Microsoft puts its hand to.

The current security issues with Microsoft products are the logical outcome of a corporate mindset that has never been driven to technological excellence. I personally believe that Microsoft is a corporation that has never produced a single technical breakthrough. I don't believe the person lives who can point to a single innovation in Microsoft technology, software environment, network security—ANYTHING—that Microsoft did not obtain from the wisdom and efforts of others. To the contrary, it has blatantly robbed and unconscionably stolen, lifted, copied, or otherwise acquired the technical innovations of others, including Xerox, IBM, Apple, Novell, WordPerfect, dBase and a litany of others.

Frankly, I was STUNNED that the court would even consider Microsoft's ridiculous offer of $1 Billion to buy its way into the one market where it does not have a majority standing. According, I was THRILLED to hear that Microsoft's stonewalling in negotiation forced a wise judge to throw out the entire offer.

Microsoft needs to be hit where it hurts the most. Individual consumers on whom Microsoft has built its empire have funded Microsoft's growth through exorbitant fees and charges, even as alternate sources of product and services have fallen under the blows of Microsoft monopoly. There should be substantial fines, limited attorney's fees, specific and substantial refunds (including interest and penalties) to ''legal'' users of Microsoft products, substantial limitations on licensing requirements that unduly stifle competition and/or competitive choice by the consumer, and enough clout within those penalties to insure that these offenses will never happen again.

Respectfully submitted,
Royce P. Bell
Email rpbell@earthlink.net

MTC–00013807

From: sal91@juno.com@inetgw
To: Microsoft ATR
Date: 1/18/02 12:36pm
Subject: Microsoft Settlement.

I have been very annoyed by Microsoft for years. I could see, and many others also probably, that Microsoft was using bullying tactics with their software. I don't want to take away any credit from Bill Gates and his crew. Windows is a wonderful concept. Certainly a milestone in mankind's communication ability. But, they apparently tried to stifle competition. I remember when firms competed by striving to improve their product. Never resting on their laurels, but continuing to refine product.

If Microsoft gets away with just a slap on the wrist by government, it will send the wrong message to other companies who might also try stonewalling authority. Don't let them laugh at us all the way to the bank. (As if they haven't done that already.)

Harold G. Saltus
West Palm Beach, Florida.

MTC–00013808

From: malppert@bestweb.net@inetgw
To: Microsoft ATR
Date: 1/18/02 12:32pm
Subject: Microsoft Settlement

I strongly feel that it was Microsoft which led the Us into preeminence in the field of information and personal computing—the only field in which this country still leads. All the other companies have benefitted from this leadership. Costs for more advanced equipment and software are always relatively less for better and more. Microsoft leads and has led because it did better thought better and was there first. To punish innovation to me is suicidal. I am a tockholder in Microsoft because early on we saw its potential and we have been rewarded for our vision. Why should Microsoft be punished for its vision?

MTC–00013809

From: Rlundberg@prodigy.net@inetgw
To: Microsoft ATR
Date: 1/18/02 12:32pm
Subject: Microsoft Settlement

As a 73 year old consultant who has no affiliation to Microsoft I want this suit resolved fast. As a consumer my productivity has been enhanced enormously by Microsoft operating systems and applications and I want them to continue innovating. I do not know of a single consumer who has suffered through Micosoft's actions in the marketplace. This lawsuit should never have reached this stage. End it now!

MTC–00013810

From: Randy—Tripp@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/18/02 12:32pm
Subject: Microsoft Settlement

Why would you want to continue going after one of the hallmark companies in the United States. From what I can tell not one consumer was dissatisfied just whining competitors that couldn't be creative enough with their strategies to win against Microsoft and a room full of state politicians that see the potential for another handout from a successful company with deep pockets. The Clinton administration wasted our tax dollars pursuing this case; don't do the same. Settle and move on. Our country has bigger problems that slapping the hands of Bill Gates.

MTC–00013811

From: rholiusa@aol.com@inetgw
To: Microsoft ATR
Date: 1/18/02 12:32pm
Subject: Microsoft Settlement

It seems to me that it is time to give up this witch-hunt by the time this action is finally settled the issues in question will have long been decided or superceded by time technological advancements or even lack of interest. The DoJ and the various Attorneys-General should spend their time and OUR money on the pursuit of real criminals those whose crimes affect the truly innocent. After all who is truly hurt by having a computer that is easier to use?

MTC–00013812

From: randy@alpenrose.com@inetgw
To: Microsoft ATR
Date: 1/18/02 12:32pm
Subject: Microsoft Settlement

Microsoft has been good for the consumer. Its product line innovations and customer support are #1. I've in no way been hurt by Microsofts actions to the contrary I've been helped. No company I've delt with has been easier to contact and solve my problems. Please lighten up.

Randy

MTC–00013813

From: kobeshin@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/18/02 12:32pm
Subject: Microsoft Settlement

Dear Ms. Hesse:

I believe the agreement reached between the Department of Justice and Microsoft was in the best interest of us consumers. The judicial system should not be interfering in the software business. The market is more than capable to decide what it wants. I believe the whole trial was due to the complaining and whining of Microsoft's competitors. They should concentrate more on their business and let the Justice Department concentrate on more important matters. Thank you for a job well done

Meena Shin

MTC–00013814

From: NasaRulz@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/18/02 12:32pm
Subject: Microsoft Settlement

I think you should just wrap the case up and move on to more important reviews like Enron. I believe the reason Microsoft was ever brought to trial was because its competitors didn't like that Microsoft is the Industry Leader and therefore should have the market lead on technology. I SAY CLOSE THE MICROSOFT CASE!!!

MTC–00013815

From: rdaughtr@bcpl.net@inetgw
To: Microsoft ATR
Date: 1/18/02 12:32pm
Subject: Microsoft Settlement

I strongly believe it is time for the DOJ to end the Microsoft case. I can think of no single company who has contributed so much to our economy and growth. Microsoft through their innovative research has created literally thousands of jobs, created billions in tax revenues and will continue to help our economy grow. The proposed settlement agreed to by many politicians should be more than fair. Let us dwell upon the real problems facing us instead of trying to ruin a progressive innovative organization.

Thank you!

MTC–00013816

From: everydaynow@worldnet.att.net@inetgw
To: Microsoft ATR
Date: 1/18/02 12:32pm
Subject: Microsoft Settlement

I believe that the Microsoft settlement is very fair and that this whole antitrust matter with Microsoft should be resolved as expeditiously as possible. I believe that as one of the United States premier software and technology providers Microsoft has not injured any consumers and that in fact Microsoft continues to help and assist U.S. consumers on a daily basis. I utilize Microsoft products myself on a daily basis and I find them to be excellent products with a reasonable cost. I believe that the U.S. government should STOP harassing Microsoft as further legal actions against Microsoft hurts consumers and our U.S. economy.

MTC–00013817

From: ament2@juno.com@inetgw
To: Microsoft ATR
Date: 1/18/02 12:32pm
Subject: Microsoft Settlement

We must support microsoft to become and stay a world company, otherwise other countries will be leading we become second in software like in the wireless industry; Germany, Japan, and Sweden are in front of us. Just install an oversight board and help Microsoft. Also require that Microsoft reinvests their profits in the USA.

Best of luck,
Werner Ament

MTC–00013818

From: everydaynow@worldnet.att.net@inetgw
To: Microsoft ATR
Date: 1/18/02 12:32pm
Subject: Microsoft Settlement

I believe in endorsing the Microsoft antitrust court settlement because I believe that it is a reasonable settlement in the public's interest. I believe that the U.S. government's action against Microsoft was frivolous and unnecessary in the first place. I believe that the government's actions against Microsoft were harmful to consumers and the U. S. economy. Continued governmental interference and action against Microsoft is wrong.

MTC–00013819

From: jdenney@scisys.net@inetgw
To: Microsoft ATR
Date: 1/18/02 12:32pm
Subject: Microsoft Settlement

The settlement should end this waste of taxpayer money. Why discourage companies from being the best? That's what competition and the American way is all about. In 10 years if linux is the top seller and everyone wants their product will the government try to beat them down too? What if Bill Gates said he'd had all this crap he wanted and took his marbles and went home. . . where would we be then? The govt would be begging him to come back when the world came to a halt. Think about it. They have a right to try to make the best product and then to market it and if the public likes it and buys it so be it. Enough is enough.

MTC–00013820

From: Sirvaco@aol.com@inetgw
To: Microsoft ATR
Date: 1/18/02 12:41pm
Subject: Microsoft Settlement

From any viewpoint the settlement agreement with Microsoft seems fair and acceptable to the American public. It would appear that the motivations for the States to reject this agreement is based on other considerations not based on fairness and acceptability to the American people. Let's end this once and for all. Just how much money do the states think Microsoft can be extorted for?

W.E.Sirvatka
CC:MSFIN@microsoft.com@inetgw

MTC–00013821

From: rflor@scisyscomputergroup.com@inetgw
To: Microsoft ATR
Date: 1/18/02 12:32pm
Subject: Microsoft Settlement

I agree with the settlement. Microsoft needs to get on with business.

MTC–00013822

From: wjd423@aol.com@inetgw
To: Microsoft ATR
Date: 1/18/02 12:32pm
Subject: Microsoft Settlement

Leave Microsoft alone and help the economy. Settle this fairly now.

MTC–00013823

From: jeanmiyake@msn.com@inetgw
To: Microsoft ATR
Date: 1/18/02 12:32pm
Subject: Microsoft Settlement

As a consumer I endorse the settlement terms so that this antitrust case can be ended. It is fair and reasonable. It does not favor Microsoft—it favors consumers such as myself. Let's get this matter over as soon as possible.

Thank you.

MTC–00013824

From: j.d.g.kent@troamail.org@inetgw
To: Microsoft ATR
Date: 1/18/02 12:32pm
Subject: Microsoft Settlement

Dear Ms. Hesse:

I am opposed to continuation of the litigation against Microsoft. In my judgement it is a detriment to the stock market and Americans in general who rightfully enjoy the fruits of US technological leadership. I see this issue as satisfying the position oft heard these days that there are far too many lawyers; too many lawyers making too many laws and too many lawyers adjudicating our laws.

Thank you for this opportunity to be heard.

MTC–00013825

From: redbell@cox.net@inetgw
To: Microsoft ATR
Date: 1/18/02 12:32pm
Subject: Microsoft Settlement

Microsoft made computing so average people could use and benefit from it. Its time for the also ran to lay off. Let the complainers invent their own. Leave Microsoft alone.

MTC–00013826

From: vince1@bignet.net@inetgw
To: Microsoft ATR
Date: 1/18/02 12:32pm
Subject: Microsoft Settlement

IF IT WASN'T FOR BILL GATES AND WINDOWS I WOULDN'T HAVE A COMPUTER.

MTC–00013827

From: LDLackey@aol.com@inetgw
To: Microsoft ATR
Date: 1/18/02 12:32pm
Subject: Microsoft Settlement

Do not settle. Microsoft products are terrible because they have a monopoly. My system crashes at least 5 times per day. In a competitive situation this would never happen. Please don t settle with Microsoft giving one cent on a dollar settlement. We must have competition in this market because it is to important to your country.

Thank you.

MTC–00013828

From: rhoss1@wk.net@inetgw
To: Microsoft ATR
Date: 1/18/02 12:33pm
Subject: Microsoft Settlement

I think that the lawsuits against Microsoft are a joke! And I also believe that America should be run by Americans .If we don't take America back, in ten years there is not going to be an America Land of the Free! Because if Bill Gates invented Microsoft and got rich then that is the American way right? America is not run by Americans It been taken over by the Jewish people! It seems that they don't want us Americans to make it in our own country.You can look it up if you don't believe this. But the Jewish people own everything that makes money and I mean everything.We have got to wake up, people and take America back! The Internet is the only place that is left that has Free Speech. What you read and watch on TV is what they want you to see. The United Jewish American States has screwed Bill Gates out of his American Dream! I am sick of it!!!

Sonthron#1

MTC–00013829

From: zenrgy@netscape.com@inetgw
To: Microsoft ATR
Date: 1/18/02 12:33pm
Subject: Microsoft Settlement

I don't even know why I'm wasting my time doing this. But I feel we can't ignore Microsoft s activities. They are getting stronger, everyday.Current settlement isn't acceptable.It does nothing to actually hold Microsoft accountable for having been found guilty of being a predatory monopoly. Their motto is BEAT EM, BUST EM, THAT'S OUR CUSTOM. They are the Evil Empire. Look at their relationship with Apple. It was all a muze. He's afraid of AOL Time Warner. His NEW OS XP has made it impossible for their DSL/Cable service to operate on the system. They must be controlled.They have struck deals with Universities to supply software to students at 5.00 a disk. What a human gesture on the surface but you become addicted to using his product and when you leave school and have a FAMILY EVERYBODY is using his product because it's theirs why change etc. etc. we need more options and he buys them out. . Like Corel. Can't touch Lotus. its IBM's.It sucks, so does MS.

MTC–00013830

From: fernandoechegara@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/18/02 12:33pm
Subject: Microsoft Settlement

please finish this case that does not benefit anyone and taxpayer money is wasted that can be used for real needs. Microsoft is a corporation that innovates and creates new technology for the masses and me as consumer want this lawsuit settled. Microsoft did nothing wrong but innovate.

Sincerely
Fernando A. Echegaray
Orlando FL.

MTC–00013831

From: marktrowbridge@
goodyear.com@inetgw
To: Microsoft ATR
Date: 1/18/02 12:33pm
Subject: Microsoft Settlement

The effort put forth has resulted in an equitable settlement. I applaud the efforts of those involved. I certainly trust that we will continue to see inovation at low cost from our friends at Microsoft.

MTC–00013832

From: dsi@decisionsciences.com@inetgw
To: Microsoft ATR
Date: 1/18/02 12:32pm
Subject: Microsoft Settlement

I believe the Give-a-way settlement proposed by the US Justice Dept is bad for this country and bad for the industry. When I see the thousands of hours and hundreds of thousands of dollars wasted at my client's IT shops because of Windows and windows related problems, there is little doubt that a competitive marketplace is badly needed.

MTC–00013833

From: kayak44@netzero.net@inetgw
To: Microsoft ATR
Date: 1/18/02 12:33pm
Subject: Microsoft Settlement

Enough is enough!! You're wasting taxpayer money and the states AGs are getting ink for their political ambitions

MTC–00013834

From: james—younkin@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/18/02 12:33pm
Subject: Microsoft Settlement

I think the settlement is fair and both sides made compromises. It's time to move on and stop wasting tax dollars on issues like this that amount to nothing more than other software companies using everybody's tax dollars to fight the competition. Over the past 3+ years the general feeling I get from friends family and even strangers is that this whole case was a waste of our tax dollars. I believe the events of Sept 11 proved we should have been using more tax dollars to stop terrorist organizations who want to kill consumers rather than harass US companies that provide goods and services, not to mention the large charitable contributions they give back to our consumers. I believe we are much better off today with Microsoft than we would have been without it. We need to leave all high tech companies alone and let them compete on their own merits. It's time for the DOJ to move on an deal with more important matters like investigating pharmaceutical and fuel companies. I guarantee you that most consumers would agree. We're tired of getting milked by these companies and their prices. It s nice to see we can now at least get cheaper prescription drugs from Canada (due to a recent constructive change in our US laws/regulations). Now when are we going to have more options for getting cheaper and/or alternate fuels?

Thanks
James Younkin.

MTC–00013835

From: leslie613883@cs.com@inetgw
To: Microsoft ATR
Date: 1/18/02 12:33pm
Subject: Microsoft Settlement

DEAR MR.ASHCROFT:

IT HAS HAS BEEN YEARS THAT THE ANTI-TRUST CASE CONCERNING MICROSOFT HAS GONE ON. I WOULD LIKE TO SEE A SETTLEMENT WHERE THE GOVERNMENT STAYS OUT OF COMPANIES COMPETING FOR BUSINESS. THE GOVERNMENT AT THIS TIME HAS SERIOUS PROBLEMS CONCERNING OUR SAFETY. LET'S PUT THIS CASE TO REST AND LET MICROSOFT GET ON WITH INNOVATIONS TO THEIR PRODUCTS. I IMPLORE YOU TO DROP THE CASE AGAINST MICROSOFT AND GET ON WITH FIGHTING TERRIORISM.

LESLIE GREENBAUMN

MTC–00013836

From: Garniedottie@aol.com@inetgw
To: Microsoft ATR
Date: 1/18/02 12:33pm
Subject: Microsoft Settlement

We believe the settlement is fair and reasonable and the compromise is in the best interest of everyone, especially the consumer! We believe that Microsoft got a bad deal from the government anyway

MTC–00013837

From: jduffy@mau.com@inetgw
To: Microsoft ATR
Date: 1/18/02 12:33pm
Subject: Microsoft Settlement

The settlement is acceptable but the disturbing aspect is the manner in which the United States government goes after organizations that have built successful ventures. The apparent reason is to level the field and give everyone an equal opportunity. When considering the willingness to devote lives to ventures that others will not do or have the inability to accomplish meaningful goals, the result gives the appearance of a disincentive. Microsoft gave an opportunity to IBM and was rejected so they went their own way. Now a settlement has been developed which is already out of date because of the Microsoft competitors moving forward with their own agendas and developments. We are creating a system where the success of some is penalized because others have not the same ability or desire to advance their own programs. The public has always had the ability to purchase other equipment and chose not to.

I own no Microsoft stock nor know anyone in the organization. However I am concerned with the system in place to destroy success which had it been in place years ago, would have prevented the United States from being the most successful and innovative nation in the world. Socialism has failed.

MTC–00013838

From: dmelfi@promot.com@inetgw
To: Microsoft ATR
Date: 1/18/02 12:33pm
Subject: Microsoft Settlement

Justice:

1) No evidence consumer has suffered ANY injuries. Net cost of computing is lower every year.

2) Strong evidence that motivation of States and Justice is competitor based and not consumer/citizen based.

3) Strong evidence an uncoordinated fractured platform product will cause consumer extraordinary grief and confusion as many inferior conflicting products and vendors bombard them with nonsense. (Evidence AMD's new creative rating of their processor that does NOTHING but confuse).

Microsoft having control of the industry they invented cannot produce a negative consumer impact. What do you REALLY want the consumer to deal with LINUX?

Dom

MTC–00013839

From: csachs@skuld.innoved.org@inetgw
To: Microsoft ATR
Date: 1/18/02 12:33pm
Subject: Microsoft Settlement

To whom it may concern:

The anti-trust settlement for Microsoft's monopolistic practices is a travesty. Not only does it promote the products of this company but it undermines the hard earned place in the Educational arena that other companies have long invested in. Microsoft gets a free backdoor entry into this market where children will grow up using their products to continue to do so long into their adult lives, much as drug pushers seek to give freebies

to children to get them hooked. The settlement does NOTHING to stop or mediate the unscrupulous and monopolistic practices of Microsoft. Rather it REWARDS the company by allowing it to flood the poorest schools with their products (generating future revenues when these children grow up) and turns what should be a PR disaster into a PR dream (Microsoft helping out education the poor etc.) If Microsoft were at all concerned about these children they would GIVE the products to the schools with NO STRINGS attached. This is not altruism—this is self-serving investment into the future growth of Microsoft Inc.

I urge the settlement be scrapped or the ante upped substantially by requiring Microsoft to invest in the schools by putting COMPETITOR products into the classrooms and NO MICROSOFT PRODUCTS.

MTC–00013840

From: wsnipes72@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/18/02 12:33pm
Subject: Microsoft Settlement

I have a hard time figuring what this great country is trying to do. Yes monopolies are supposed to be illegal and not allowed. You have done that with Ma Bell and now Microsoft, but everyday airlines, banks, corporations, etc. are buying each other up and eliminating competition calling it a good move for our country.

This creates more specialization, less competition, and higher prices. If you are stopping one big domination, then why not start stopping the mergers so other monopolies can't get started.

MTC–00013841

From: bnicholl@sprynet.com@inetgw
To: Microsoft ATR
Date: 1/18/02 12:33pm
Subject: Microsoft Settlement

Let Microsoft continue to engage in the free market system and we will all benefit from less intrusive governmental regulations !!

MTC–00013842

From: petenewton@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/18/02 12:33pm
Subject: Microsoft Settlement

I think the settlement is fair and that the harassment of Microsoft should be stopped.

MTC–00013843

From: bigangel@kc.rr.com@inetgw
To: Microsoft ATR
Date: 1/18/02 12:33pm
Subject: Microsoft Settlement

Microsoft has become the successful company that it is today because of creative ideas, careful planning, attention to detail during development and testing of their products, and quality output far superior to its competitor's products and services. Even after the release of a product Microsoft continues to assist the consumer by providing continuous support and assistance through the Internet email and customer support. As a consumer of many of Microsoft's products and services in NO way have I been harmed in the manner the government's lawsuit states. The Democratic party and its notion that the government should be in control of everyone and their money is the real monopoly. I also feel this lawsuit is just the government's first step in an attempt to ultimately control the Internet. It's obvious the government and laws have not been able to keep pace with technology and this lawsuit is just a way for them to slow down the rapid advancement it can't keep up with.

Microsoft should be free to continue to make their creative ideas become a reality. Ending this law suit will only aid in the swift recovery of our economy and that will benefit everyone, even Microsoft's competition.

Lisa A. Harpold
Overland Park, KS

MTC–00013844

From: Lester Housel
To: ''microsoft.atr(a)usdoj.gov','AG''
Date: 1/18/02 12:57pm
Subject: RE: Microsoft- settle this case quickly and fairly.

The DOJ vs IBM case dragged out for 12 years with NO real conclusion other than draining taxpayers and corporate resources. The DOJ (9 states) vs Microsoft is another example of the same litigation in my opinion. The consumers and the investors ''suffer'' rather than receive protection. What this really does is slowdown product innovation and development in the technology industry. Competitors need to have better products at better prices, rather than use ''public'' funds to fight their battles for them.

This case needs settled quickly and fairly so that our economy can return to more positive growth instead on continued uncertainty.

From:AG [SMTP:AG@oag.state.fl.us]
Sent:Friday, January 18, 2002 12:05 PM
To: lhousel@earthlink.net
Subject:Microsoft

Thank you for taking the time to e-mail the Florida Attorney General's Office regarding our involvement in the case of United States v. Microsoft Corp.

As you know, several states and the Department of Justice settled this case late last year. Because of concerns that the settlement did not assure increased opportunities for competition and innovation, Florida and eight other states are currently continuing the litigation. Trial on potential remedies is scheduled to begin in March of this year.

Without fair and open competition in the technology industry, America risks losing some of the innovation and imagination that made our nation the industrial and technological leader it is. For this reason, this office remains committed to ensuring that everything possible is done to achieve the utmost for consumers and for competition. Continuation of the Microsoft litigation at this time provides us with the opportunity to maintain that commitment to Florida's consumers.

MTC–00013845

From: Euel Ball
To: Microsoft ATR
Date: 1/18/02 1:03pm
Subject: On the Microsoft settement.

Sirs.

After reviewing the facts of this case, and from my own opinions as one who has observed the effects of Microsoft's monopoly on the development and use of personal computers, I believe that the ends of not only justice, but also simple human decency, would be best served by giving the plaintiff the largest penalty allowed by law. I have many reasons for believing this, the chief one being that Microsoft's de facto monopoly on the IBM operating system has stifled development of competing systems and prevented higher quality systems from reaching the marketplace.

Yours,
E. E. Ball

MTC–00013846

From: MrPIB@aol.com@inetgw
To: Microsoft ATR
Date: 1/18/02 1:03pm
Subject: Microsoft Settlement

My name is Phillip Ira Barnes. I live at 11460 Pearl St., West L.A. CA. 90064. My phone # is (H) 310–479–0258 (W) 310–394–7779 EX 514. I saw <A HREF=''http://salon.com/tech/col/rose/2002/01/16/competition/index.html''>this article</A> today and felt I needed to make my opinion known to you. I think that any punishment Microsoft gets will be nothing more than a slap on the hand. If I had any say in this process, Microsoft would be shut down and its assets sold off in auction. The worst criminals in history have been given the death penalty and I think Microsoft deserves no less. This is a company that has raped the IT industry and forced it to follow its will. Microsoft has become fat and happy taking the innovations of others and selling them as their own. This company has also plowed under anything that threatens its market share and dictated its terms to the OEMs like a king does to peasants.

I know I am one voice in many, but I feel that many share my views. Microsoft's crimes are blatant, its punishment should be very harsh. Thank you for considering my point of view.

Phillip Barnes

MTC–00013847

From: Christopher Martinez
To: Microsoft ATR
Date: 1/18/02 1:10pm
Subject: Microsoft Settlement

The settlement proposed by Miscrosoft is a complete joke and undermines the laws of the U.S. How can a company that has been accused of anti-businees practices be even allowed to continue?? Microsoft MUST be stopped from repeating its offenses.

By allowing Microsoft to get off easy by sending old computers and free software worth ''1 billion'' is a waste of time. Don't even waste the american citizens time if that is all you are going to do, it is a joke, a complete travesty of our judicial system. Would this have been considered if ma bell would have said, ''we're sorry, we will make it up to the U.S. by supplying all satellite, telecommunications for the U.S.''???? Absolutely NOT!

Microsoft must be punished and made SURE that it cannot do such practices again! (i.e. look at the new xp operating system and the .net initiative). I propose a breakup and restructuring as the ONLY viable alternative.

''I have a dream. . . of little Macintosh computers. . . playing side by side with little Windows computers. . . and little windows computers. . . playing side by side with little Linux computers. . . ''
—paraphrased from MLK.
christopher martinez
cbmartinez@onebox.com—email
(303) 285–3480 ext. 8096—voicemail/fax

MTC–00013848

From: Alan Taylor
To: Microsoft ATR
Date: 1/18/02 1:05pm
Subject: Microsoft Settlement
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW.,
Washington, DC 20530
Dear Mr. Ashcroft:
This letter is sent regarding my opinion on the Microsoft (MS) anti-trust settlement. The settlement seems fair and reasonable, and I would like to see the dispute settled. MS has been a great stimulus for the advancement of technology and played a major role in the bull market of the 90s, thus the sooner the dispute is settled, the better!
MS has agreed to: (1) document and disclose the code of the interfaces built into Windows; (2) make it easier to promote non-MS software within its operating system; (3) license its operating system products to large computer makers at uniform rates.
MS has extended this offer to reach a final settlement that will help stimulate the economy and be a continued boon to the computer industry.
Thanks for your attention to this and your support in ending this litigation.
Sincerely,
Alan N. Taylor,
649 Goodwin Drive,
Richardson, Texas 75081

MTC–00013849

From: bobc@olypen.com@inetgw
To: microsoft@mail.olypen.com@inetgw,atr @usdoj.gov@ine. . .
Date: 1/18/02 1:07pm
Subject: microsoft settlement
It appears to us that the settlement offered by Microsoft is a fair & just offer. We are of the opinion that ever since the government has attacked Microsoft, the economy & the financial markets have gone down hill. THIS HAS GOT TO END.
Sincerely:
Robert J Chelini& Clara K. Chelini

MTC–00013850

From: Donald Vladeff
To: Microsoft ATR
Date: 1/18/02 1:08pm
Subject: Microsoft Settlement
Please get this matter settled. All the delay is hurting everyone and the economy.
Donald L. Vladeff

MTC–00013851

From: Walt Pennington
To: Microsoft ATR
Date: 1/18/02 1:15pm
Subject: Microsoft Settlement
The settlement is deficient in future prevention of monopolistic behavior and in failure to impose a financial penalty for past conduct.
Microsoft is a determined monopolist with a history of abusing its monopoly power for financial benefit. Microsoft's suffocation of new technologies by its tying practices, and it failure to integrate with new competing products should be penalized financially.
Microsoft should pay a fine in excess of $500,000,000 or one in quality to that of price fixer Archer Daniels Midland. Profit seeking monopolists rarely renounce abusive desires, but removing financial incentives from abusive behavior will encourage future restraint from abusive monopolistic practices.
Microsoft Windows OS and Microsoft software must be open to integration with competing operating systems and software. Microsoft must allow integration with components such as those from competitors Apple/Mac and Gnu/Linux. Prohibit Microsoft's retailer mandate to charge for Windows OS even if Windows OS is not installed on the computer.
Windows OS, Windows Media Player, Internet Explorer must be separate components, and cannot be integrated. If an end user wishes to use these, it should have the option to add, but middleware such as Opera and Netscape have the same access to integration with Windows OS as Microsoft.
All Microsoft applications must be open to being configured for use on Apple/Mac and Linux.
Walt Pennington
San Diego, CA
619–696–5050

MTC–00013852

From: Chris Averkiou
To: Microsoft ATR
Date: 1/18/02 1:14pm
Subject: Microsoft Settlement
Dear Sirs:
The pending antitrust case against Microsoft continues to drag on to the detriment of consumers and the economy as a whole. It is in the national interest to settle this case. All parties had their day in court and the DC Circuit has ruled. Next case!
Yours,
Chris Averkiou

MTC–00013853

From: Joejferro@aol.com@inetgw
To: Microsoft ATR
Date: 1/18/02 1:15pm
Subject: MICROSOFT SETTLEMENT
AGREE THAT MS CASES SHOULD BE SETTLED ASAP. SETTLEMENT IS FOR THE GOOD OF ALL CONCERNED & PLEASE END ALL LIGITATION.
JOSEPH J. FERROVECCHIO
24 HADDONFIELD RD.
SHORT HILLS, NJ 07078
JOEJFERRO@AOL.COM
FAX: 1–973–564–8133

MTC–00013854

From: Thos Lydon
To: Microsoft ATR
Date: 1/18/02 1:20pm
Subject: Microsoft Settlement
Hello,
I am writing to express my position on the company recently found guilty of exercising monopolistic powers in the market determining the punishment that is going to be applied as consequence.
If that sentence sounds odd to you at the Department of Justice, it sounds that way because it is. It is almost as odd that this is exactly what Microsoft is being permitted to do by the Department of Justice.
Microsoft exercised its position and levered actions that denied others market psoition for only one purpose, to be dominate and to be able to dictate to other companies what they will or will not do. It affected offered product lines.
The settlement need be consequencial not favorable. Microsoft should either be broken up or ordered to refund all registered software users the money that was overcharge for software riddled with faulty code. If Microsoft is going to permitted into another sector of the market it should have to use its money to purchase it competitor's products instead of being allowed to use its own. .
The United States Department of Justice's role in this is on behalf of the consumer. If you are to maintain confidence with your clients, then ensure that the settlement reached in the case puts the consumer in the position of advantage over Microsoft. This company has willfully acted to hindered the innovation of its competitors and need have the advantage gained by these acts destroyed.
Microsoft is even bold enough to imply that the computer industry is dependent on the company. This only seals the guilty charge as accurate. Once the company is knocked back a knotch or two(preferrably two big knotches) the industry will rocket with innovation because of being relieved of the pressure applied to it to date by Microsoft.
Your mission is to at this time apply consequence, not allow Microsoft to determine what its punishment should be. Fail in this and you will fail in your mission. The Department of Justice is not paid to fail. As your client, I am not satisified with the department performance to date.

MTC–00013855

From: John Gagon
To: Microsoft ATR
Date: 1/18/02 1:23pm
Subject: Anti-trust.
I am a software developer and competition with Microsoft in the high markets of office products and internet browsing products is extremely difficult. Not only did it endanger companies like Sun and Netscape (which it definitely has). It has also taken control of all the standards and bent the standards to it's own whims. I'm forced to submit resume's with their expensive word processing software because many state run job agencies require it. High percentages of websites comply only with Microsoft's type of HTML.
I feel that Microsoft has harmed and not helped our economy by stifling entrepreneurship. Microsoft now wants to increase marketshare of its operating system by making hardware specs that meet their encryption so that eventually, you cannot use other operating systems on PC hardware. This violates the injunction not to engage in additional monopolistic practices.

I started out by liking Microsoft when it competed with IBM's DOS. But ever since it has ousted IBM out of OS/2. I've begun to feel disgusted with their business practices and abuse of it's marketshare leading to inferior products. This ruling should consider what Microsoft will do in the future by seeing what they have done in the past.

In my opinion, Microsoft and the public would best benefit if Microsoft were split and sold to investors and fined for stealing intellectual property using the loopholes of the system and allowing our privacy to be comprimised. Any part of Microsoft software that has potential for compromising our privacy should be opened to the public.

John

MTC–00013856

From: Macintone16@aol.com@inetgw
To: Microsoft ATR
Date: 1/18/02 1:32pm
Subject: Microsoft Settlement

Dear DoJ,

This is regarding the Microsoft antitrust settlement. I think it is a great thing that you are willing to hear from the public, and it shows that you are very open minded about the whole thing.

I personally feel that Microsoft has no other instinct than to grow and assimilate any kind of technology it can legally or not, get it's hands on. They mess with it and try to sell an inferior version of it to the public. People buy it because they have an instinct to try to conform to a standard. A standard that I might add was created only because they manipulated the market to conform to their needs. If you recall the book ''1984'', you will see how similar Microsoft is to ''Big Brother''. They tell you what you need, what you can use, and say to hell with privacy rights in the case of their new operating system ''Windows XP'', because of the fact that they have access to your computer at any time, and that is just wrong.

I feel the only solution to this personal threght is to finally shut them down and pass a new ''Big Brother'' amendment that says no company can grow to such an extent as to have more control over the public than the national government.

I urge and plead that you take the nessary steps to make sure this monopoly is shut down and not allowed to happen again in another form.

Sincerely,

Anthony Wiedower

MTC–00013857

From: Lowell Gaughan
To: Microsoft ATR
Date: 1/18/02 1:45pm
Subject: Microsoft settlement

Lets get on with it ! Microsoft has done everything that has been wanted by the DOJ, and their offer of settlement to the states is more than admirable. Their business practices are above average by far. Settle this group of hearings,and spend some time finding out how many Attorneys General are up to their hips with Enron.

Let's not keep trying to knock the king off the hill,and thank them for all the good they have done and are continuing to do.If it were not for Bill Gates and Paul Allen I probably would not be sending you this message.

Thank you.

MTC–00013858

From: Joejferro@aol.com@inetgw
To: Microsoft ATR
Date: 1/18/02 1:46pm
Subject: MICROSOFT SETTLEMENT

MICROSOFT SETTLEMENT IS A GOOD THING FOR ALL CONCERNED & PLEASE STOP/END ALL LITIGATION.

EMILIA V. FERROVECCHIO
E-MAIL: evferro@aol.com
FAX: 1–973–564–8133

MTC–00013859

From: Dan Allison
To: Microsoft ATR
Date: 1/18/02 1:56pm
Subject: Microsoft Settlement

I looked at the proposed settlement and don't see the requirement for Microsoft to make restitution, however, since I've read about this in the media, I'll make comments anyway. I am opposed to any settlement with Microsoft which has Microsoft donating software to schools. This would lead to a further intrusion of Microsoft into the schools, at the expense of both Apple Computer and vendors of educational software for the PC which make much higher quality software.

Dan Allison
allisondan@earthlink.net
775–741–5595 C
PO Box 3644,
Carson City NV 89702–3644
home.earthlink.net/allisondan/
PGP Public Key on <ldap://certserver.pgp.com>

MTC–00013860

From: Allen Appell, Ph.D.
To: Microsoft ATR
Date: 1/18/02 1:57pm
Subject: Microsoft settlement

Please leave Microsoft alone and let the free market decide what products should be produced. Government intervention in this case only serves to support uncompetitive competitors and adds substantial cost to consumers and the economy as a whole.

Thank you,
Allen L. Appell, Ph.D.
Professor of Marketing
San Francisco State University
1600 Holloway Avenue
San Francisco, CA 94132
Email: aappell@yahoo.com
Web Page: http://userwww.sfsu.edu/aappell/

MTC–00013861

From: elizabeth schlegel
To: Microsoft ATR
Date: 1/18/02 2:06pm
Subject: antitrust settlement

Attention,

I am for the Microsoft Antitrust Settlement. This email is to inform you of my position regarding this issue.

Elizabeth Schlegel

MTC–00013862

From: Rocco Bruno
To: Microsoft ATR
Date: 1/18/02 2:06pm
Subject: Microsoft Settlement

To whom it may concern,

The proposed Microsoft settlement represents everything that is wrong in today's economy. Here is a company that destroyed so many companies along the way that I lost count. The settlement was to send a message that monopolistic practices in a competitive free market system are wrong. Instead the settlement for all intent and purposes proposes that we hand over the public school computer business to Microsoft, an area that has been traditionally the strong hold of Apple. Apple didn't get it handed to them, they earned it by working hard over the last 20 years.

The settlement should be simple. Strip Microsoft of half it's wealth and put that x amount of billions in a software/hardware grant system that companies could then apply for. I for one can't even imagine where we could be in the next 5—10 years. Above all else companies need to feel free to develop products without Microsoft looking over there collective shoulders.

Sincerely,

Rocco

MTC–00013863

From: Matt Sauer
To: Microsoft ATR
Date: 1/18/02 2:11pm
Subject: Microsoft Settlement

I'm writing to briefly voice my support for the opening of the Windows API as part of any settlement reached in the Microsoft case. As a longtime user of BeOS, it is clear to me that better operating systems exist, but are doomed to failure due to the monopoly Microsoft enjoys and their resultant user base that is loathe to try something new for reasons of compatibility. I also hope that the bootloader agreement is abolished and no loophole is left for MSoft to exploit re: hardware manufacturers and bundling new operating systems.

Thanks.

Matt Sauer
4522 Locust Street
Philadelphia, PA 19139

MTC–00013864

From: Nancy Maxwell
To: Microsoft ATR
Date: 1/18/02 2:12pm
Subject: Microsoft Settlement

Dear Sirs:

When the suit was brought against Microsoft the Stock Market fell. Every time a ruling against Microsoft is made the Stock Market falls. Every time a ruling is in favorer of Microsoft the Stock Market rises. I am a market investor and a user of Microsoft Products. I do not feel that I was over charged for any software program I bought. I also use the Netscape browser, but like Internet Explore better as an investor and software user I urge you to settle the suite as soon as possible. You are using my tax dollars to fight this suit and I am not happy about this. I will certainly remember this when election time comes. As for any wrong doing that may or may not have happened I do not believe that the public was in anyway hurt but the cost of your law suit has cost the public. If someone builds a better product people will buy it. Let the settlement stand as is and end this.

Thank you
Nancy Maxwell

MTC–00013865

From: Sean Holt
To: Microsoft ATR
Date: 1/18/02 2:16pm
Subject: Microsoft Settlement

Hello,

My name is Sean Holt-Carden. I am an open-source (http://www.opensource.org) software developer. Microsoft ''claims'' that they are the main contributors to Computer advancements made in the past couple of years. . . when in all actuality they are the main contributors to holding back the computer industry. The main reason for this is they are closed-source. They barely release any source code for their new, what they call, ''technologies and software''.

Then Microsoft goes as far as not supporting old hardware in order to ''boost the computer sales industry''. What about the people who can't afford to buy a new computer every year? They have to be left in the ''dark'' because Microsoft wants to ''boost'' the industry? That's not very fair in my opinion, and companies should NOT be allowed to make such actions. Yes, you can say the people who can't afford new computers don't have to buy the newest versions of Microsoft Windows, but then all of the software released by Microsoft REQUIRES the newest version of Windows. If these people don't have the newest version, they simply cannot use the newest software.

In my opinion SOMEBODY needs to step in here and make things right. If Microsoft is allowed to get away with all the bull they are pulling when will it stop? The longer they get away with it, the worse it is going to get. I read over, briefly, the ''final judgement'' which I found a link for on the Sun website (http://java.sun.com). In essence, this ''final judgement'' won't do anything except for spending tax-payers money uselessly. There are WAY too many loopholes in this agreement that, we all know, Microsoft will exploit and take advantage of. This agreement needs to be written stronger and Microsoft needs to be given heftier penalties in the occurrence that they violate said agreement. Also, the ''Technical committee'' must be knowledgeable of what the source-code they look at actually means, and they must be unbiased in this whole situation. If they aren't knowledgeable in this manner, it's pointless to appoint such a committee to monitor Microsoft seeing they don't know what they're looking at. This would also be a waste of tax-payers money.

Thank you for your time,
Sean Holt-Carden

P.S. If you have any questions or comments on this e-mail, please feel free to e-mail me at mordist@home.com.

MTC–00013866

From: John Gilbert (CPR)
To: Microsoft ATR
Date: 1/18/02 2:21pm
Subject: Microsoft Settlement.
10133 Hanover Glen Road
Charlotte, NC 28210–7725
January 18, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I have closely followed the federal government's antitrust case against Microsoft for a long time. Microsoft is not a monopoly, but competitors who cannot compete with Microsoft in this highly innovative market have attacked them aggressively. This settlement is fair and will give the computer/software industry the boost it greatly needs.

I feel Microsoft is improving its business practices by allowing competitors and partnering software developers access to some of the Windows operating system source code. It also agreed to not retaliate against software or hardware developers who develop or promote software that competes with Windows or that runs on software that competes with Windows.

Microsoft must be permitted to implement these new business practices. Far too much time and resources have been spent proving Microsoft is operating as a monopoly. Its time to put an end to Big Brother is watching, and let Microsoft get back to business with the settlement terms.

Sincerely,
John Gilbert

MTC–00013867

From: Austin Conger (Borders Online)
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/18/02 2:37pm
Subject: Microsoft Settlement

It has been proven that Microsoft (MS) is a monopoly! And as such should be dismantled according to the Sherman Act. We as consumers deserve to have a greater selection and choice in commercially supported software. This settlement has failed to address the bundling of software into the OS by MS, effectively making choices for the consumer. This is not freedom of choice! This is NOT freedom!

With Microsoft being the only choice for consumer based OSs, we are locked into all bugs and security risks related to this monopoly!

I am against the leniency of this settlement.

MTC–00013868

From: Sterling Johnson
To: Microsoft ATR
Date: 1/18/02 2:56pm
Subject: microsoft settlement

The Microsoft proposed settlement is ludicrous. I guess that next we will be hearing how as a penalty for bank robbers, we will give them jobs as Brinks armored car drivers. You can't give them more market share for their unlawful actions. Also, we cannot let them use slippery accounting tricks (giving away overpriced software) to pay a penalty for their misdeeds. I'm sure Standard Oil, or Bell Telephone would have loved these deals. . . Please, this was supposed to put an end to these unfair practices not encourage them.

Sterling Johnson
Castroville, Texas

MTC–00013869

From: Jason Muxlow
To: Microsoft ATR
Date: 1/18/02 2:56pm
Subject: Microsoft Settlement

The simple fact that I am typing this E-mail on a Windows machine and I am 99% certain that you are reading it on a Windows machine should be enough to settle this case in any court in the land.

Monopolies can't be allowed to prosper.

Jason Muxlow—Multimedia Designer
L90—The Online Media & Direct Marketing Experts
[V] 312 726–3893 x227
[F] 312 726–3894
<http://www.l90.com/csg> http://www.L90.com/csg
Creative Services Group
<http://www.l90.com/csg> http://www.l90.com/csg

MTC–00013870

From: Matthew McCrady
To: Microsoft ATR
Date: 1/18/02 3:04pm
Subject: Microsoft Settlement

As a long-time Macintosh proponent, I have for a long time felt the sting of Microsoft's monopoly in the OS market. Every time I go into Wal-Mart and find not a single application available for my Macs, I think about the way in which Microsoft has undermined competition in all areas of the computer software industry.

That's why I feel that the proposed settlement with Microsoft Corporation is a terrible penalty for a company so ruthless as Microsoft. Allowing Microsoft to get off the hook by buying refurbished computers and software for under funded school systems is like punishing a serial child molester by sentencing him to community service in a day-care center. That comparison may be a bit crude, but nonetheless, the proposed settlement would simply allow Microsoft to gain a stronger foothold in the one market in which it has traditionally not been dominant. No wonder Apple opposes the settlement so heartily. It would effectively destroy Apple's base and lay to rest any notion that there is real competition in the computer software industry.

I hope the government thinks again before it settles with Microsoft for such a paltry and Pyrrhic victory.

Matt McCrady
Lynn and Matt McCrady
P.O. Box 272
Warm Springs, VA 24484
mccrady@va.tds.net
(540) 839–2866

MTC–00013871

From: Damien Fox
To: Microsoft ATR
Date: 1/18/02 3:05pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice

The proposed settlement by Microsoft Corp. is a travesty. Microsoft is obviously a monopoly, with over 90% of the consumer and business personal computer operating system market, and with MS Word used by almost every office or department at schools and businesses. Windows, like Word, is a sub-standard piece of software: clumsy, unstable and blatantly incompatible with other manufacturer's software.

And what of MS's innovation? Stealing the modern GUI from Apple, and failing to even improve on it. Stealing the web browser from Netscape, and failing to improve on it for nearly 5 years (Netscape 4.7 from 1996 is a good as MS's Explorer from 2000). Hotmail, bought from another party and tinkered with until it has become bloated, slow and borderline unusable compared to the way it was three years ago? Have you ever seen the pathetic power management Windows provides for notebook computers?

Do not allow MS to continue its tyrannical rule of the personal computer market. Aside from stifling innovation by forcing the rest of the industry to play it's game, (such as the whole Java fiasco!) and keeping prices high, (forcing users to have a P800 processor to run a file display system, er, OS, that is essentially the same as it was five years ago) , it forces users to play the Microsoft game. Why is it that instead of an open text standard (along the lines of HTML), MS Word documents have become the de facto document exchange format, despite the high processor power demands of any recent version, the clumsy user interface, and oddities of display and font requirements on different computers and on different operating systems? The answer is simple: Microsoft is a monopoly, and uses it's monopolist's power to force the market to buy it's products, rather than let the market decide. You are in a position to prevent this situation from contiuing, and preserve what little competition that exists in the computer market today. DO NOT let MS flood the educational system with cheap junk that costs them nothing to produce, and which they can count at full value in the settlement by tricks of accounting. By all rights, Microsoft should be billed every time a Windows licence is given away for free, as they benefit nearly as much from users running Windows without paying for it as they do if the user were to pay for their copy.

Act in the public interest, the interest of technological progress, the interests of the free market, and NOT in the interests of BIll Gates or MIcrosoft. By the way, Gates himself should be held responsible for the actions of his company: the limited liability of corporate executives is a relatively novel concept, and should not be taken as the gospel that it has been in the past 90 years or so. Deal the with the real problems, not just the current symptoms.

Regards,
Damien Fox
ahdfox@hotmail.com

MTC–00013872

From: Linda Roos
To: Microsoft ATR
Date: 1/18/02 12:52pm
Subject: Microsoft Settlement

Dept Of Justice:

I have worked in the technology industry for about twenty years now, and I've never felt that Microsoft has done anything wrong. Microsoft's products have been very useful to me. I could have used some of Sun's or Oracle's products but they didn't meet my standards. America's economy was built on competition, not lobbying efforts. Sun and Oracle are trying to play catch-up with Microsoft by pulling weight and encouraging legislators to file suit against Microsoft. That is wrong. Microsoft has hurt no one but competitors, there have been no individuals affected by this. We as consumers have benefited. The government should not hamper good technology.

In the 90's I worked for a software company that lost out to competitors because they knew the market better than us. That's the nature of competition. Yes we whined but we didn't file frivolous lawsuits.

It is hard to imagine what the future will bring in computer software and hardware. But it scares me if the government is going to investigate complaints brought on by competitors. Free Enterprise. Who's next after Microsoft????

For the sake of the economy please end this foolishness now.

—Linda Roos

MTC–00013873

From: Robert L Wolpert
To: Microsoft ATR
Date: 1/18/02 3:17pm
Subject: MS Antitrust Settlement Concerns

Dep't of Justice,

I'm a statistician and mathematician, for many years a user of a variety of computers in my work, recreation, and personal life. I am writing in opposition to the proposed settlement of the US DOJ antitrust suit with MicroSoft.

For years the MicroSoft monopolies on desktop operating systems and office productivity software have perpetuated each other—competing operating systems (OS/2, BeOS, Netware, DR–DOS, Unix) cannot gain more than a trivial market share because Microsoft constructs its office productivity software NOT to run on the competing platforms (this was especially clear with OS/2); meanwhile competing desktop applications (Netware, Word Perfect, Lotus 123, etc) cannot gain more than a trivial market share because Microsoft conceals and changes their OS programming interfaces (API's) to give their own products an advantage (the MS slogan of the 70's when updating their OS was ''The job's not done ''til Lotus won't run''). The resulting lack of competition has hurt American research productivity, American commerce, and all of us who would benefit from cheaper, more secure, and more capable computing platforms. Penfield's structural remedy addresses the underlying problem—if the OS and App portions of Microsoft were separate, then it would be in the Apps portion's (and its stockholders') interest to port the apps to competing OS's, and it would be in the OS portion's (and its stockholders') interest to support ALL app vendors on their platform. In fact I would expect this would make both portions stronger, again benefiting their stockholders, while simultaneously opening the market to competition for the first time in two decades.

Thank you for the opportunity to comment.

Sincerely,
Dr. Robert Wolpert
Professor, Duke University
<wolpert@stat.Duke.EDU>

MTC–00013874

From: bheller@sushi.toad.net@inetgw
To: Microsoft ATR
Date: 1/18/02 3:36pm
Subject: Microsoft Settlement

I offer here my comments, in accordance with Tunney Act provisions, related to the proposed settlement between the government and Microsoft. The government has chosen to prosecute this case in very narrow terms that do not do justice to the weight and strength of Microsoft's monopoly. The public interest is not served by such self-imposed limits, and the narrow measures provided in the proposed settlement. This case should be used as a vehicle to address the Microsoft monopoly in toto. Much of the proposed remedy consists of offering choice to the OEMs and consumers. While ending excessively restrictive licensing terms is a worthy step, this does nothing in practical terms to diminish the monopoly power wielded by Microsoft in the marketplace. In order to truly remedy monopoly abuse, there must be genuine punitive measures imposed upon Microsoft.

Another deficiency of the proposed settlement is the absence of a bar to future anticompetitive behavior. In the past, Microsoft has often dealt with perceived competitive threats not only by raising restrictive middleware barriers, but also by buying competing technologies, products, or companies outright. To prevent continued abusive behavior and the expansion of Microsoft's monopoly power in the marketplace, Microsoft should be barred from acquiring ownership positions in competing companies, and from purchasing software products and technologies from other companies.

Others, such as consumer advocate Ralph Nader, have made note of the impropriety of Microsoft's sizable cash position. The liquid assets of Microsoft exceed the total market capitalization and assets of many of Microsoft's competitors in the software marketplace. This capacity to buy any company or product which can be seen as a threat or strategic asset hangs as a threat over the industry. As a punitive measure, the government should seek to take no less than half of Microsoft's cash and short-term investments as a fine for anticompetitive actions.

In order to minimize government intrusion in the software industry and the burdens imposed by constant oversight, a structural remedy is likely the most expedient option, and possibly the one which offers the most long-term assurance of market protection.

It makes sense to split Microsoft into separate companies, although perhaps not along the lines proposed by the district court initially. Logically, there is one unit responsible for operating systems, another for software applications, one for internet products and services, and other products. It would seem to make sense to make separate companies for each of those product areas, barring each from most contact with the others for a period of some years.

Without such a structural remedy, there is a need for substantial procedural remedies and fines, more so than provided by the proposed settlement. There are many activities which companies may engage in that take greater significance when executed

by a monopolist. The government should recognize this fact, and place more severe behavioral restrictions on Microsoft.

Disclosure statement: I own no stock in any software or computer-related company, nor have I ever been in the employ of such a company.

Sincerely,
Brian Heller
2960 Fox Lair Dr.
Woodbridge VA 22191
CC:dsellers@maccentral.com@inetgw

MTC–00013875

From: Peter Ahking
To: Microsoft ATR
Date: 1/18/02 3:43pm
Subject: microsoft Settlement

To Whom It May Concern:

I believe that the settlement agreed upon by Microsoft and the DOJ is fair. I would urge you to proceed with the settlement. As a user of Microsoft's suits of products, I believe that Microsoft has brought unity and standardization to the software industry and should be applauded for its endeavors. I believe that the settlement should be accepted by the DOJ.

Regards,
Peter Ahking

MTC–00013876

From: Benjamin Horst
To: Microsoft ATR
Date: 1/18/02 3:45pm
Subject: Microsoft Settlement
Poughkeepsie, NY
18 January, 2002

As a professional consultant working in the computing industry, I feel it is not only an opportunity, but also a responsibility, for me to submit the following comments regarding the proposed settlement. It is clear in my years of experience that Microsoft's monopoly has had adverse effects on the industry and has harmed its competitors, customers and even its own business partners. The current settlement's purpose, is, of course, to restrain Microsoft's anticompetitive conduct and remedy the effects of its past unlawful conduct. However, I do not feel it achieves these two goals.

The current settlement would not punish Microsoft, but could actually advance its interests and provide the company with a ''governmental green-light'' to continue its abusive practices. Please insist that the settlement is not acceptable unless it also includes the following: the complete un-bundling of Microsoft's products from its base operating system, with those products distributed separately or as extra-cost options; and the complete opening of the specifications for all Microsoft document file formats, APIs, and networking protocols for now and forever.

With Microsoft's market position, it is capable of and seems to be working toward seizure of de facto control of the internet. There is no competitor nor group of competitors that could prevent it from taking this action, just as there was no free market action that could have prevented its seizure of the browser market from Netscape.

The only recourse is for a strong government action that would both punish the company for its past law-breaking and make it impossible to commit further illegal acts. Please reject the proposed settlement and accept none that do not fully address all facets of Microsoft's monopoly abuses.

Thank you,
Benjamin Horst,
GIS & Web Manager,
The Chazen Companies

MTC–00013877

From: Todd Main
To: Microsoft ATR
Date: 1/18/02 3:47pm
Subject: Microsoft Settlement

While it is no surprise to me that the US position on the Microsoft anti-trust case softened dramatically with the new Presidency, I feel strongly that any settlement short of splitting Microsoft will have little or no effect on Microsoft's anti-competitive practices. Without splitting the operating system from the applications, Microsoft will continue to take advantage of its monopoly of the operating system market to crush its competitors in the applications and internet markets. Do you think that msn.com has grown so much do to its high quality? Think again. When users buy a new PC, MSN is their default home page on the Microsoft browser. Since Internet Explorer is already installed with the OS, most users don't bother to download a competitor's browser. This has given Microsoft an unfair advantage in the browser market, which they are turning into an unfair advantage in the ISP and Internet portal markets. This type of behavior will continue as long as Microsoft can bundle its applications and services with its OS.

Regards,
Todd Main
Boulder, Colorado

MTC–00013878

From: Claude D'Amour
To: Microsoft Settlement
Date: 1/18/02 12:52pm
Subject: Microsoft Settlement
Claude D'Amour
13116 47 th place west
mukilteo, wa 98275
January 18, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Claude D'Amour

MTC–00013879

From: Rachel Gregory
To: Microsoft Settlement
Date: 1/18/02 11:57am
Subject: Microsoft Settlement
Rachel Gregory
3306 Kinkaid
Dallas, TX 75220–1625
January 18, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Rachel Gregory

MTC–00013880

From: Kari Carroll
To: Microsoft Settlement
Date: 1/18/02 10:28am
Subject: Microsoft Settlement
Kari Carroll
2595 Darlington Ct., S.E.
Conyers, GA 30013
January 18, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

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Sincerely,
Kari Carroll

MTC–00013881

From: Sharon Rogowski
To: Microsoft Settlement
Date: 1/18/02 8:43am
Subject: Microsoft Settlement
Sharon Rogowski
POB 827
Crystal Lake, IL 60039–0827
January 18, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Sharon Rogowski

MTC–00013882

From: Jack Broaddus
To: Microsoft Settlement
Date: 1/18/02 9:52am
Subject: Microsoft Settlement
Jack Broaddus
7341 Glendora Ave.
Dallas, TX 75230
January 18, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Jack Broaddus

MTC–00013883

From: Jay Noonkester
To: Microsoft Settlement
Date: 1/18/02 10:32am
Subject: Microsoft Settlement
Jay Noonkester
3634 Willis Gap Rd
Ararat, Va 24053
January 18, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Jay W Noonkester

MTC–00013884

From: Joyce Takei
To: Microsoft Settlement
Date: 1/18/02 11:25am
Subject: Microsoft Settlement
Joyce Takei
5065 Spruce Bluff Drive
Atlanta, GA 30350–1000
January 18, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

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Sincerely,
Joyce Takei

MTC–00013885

From: student@enmu.edu@inetgw
To: Microsoft ATR
Date: 1/18/02 3:52pm
Subject: Microsoft Settlement
Dear Justice Department:

I am a consumer of Microsoft products and I have not been hurt by them. In fact, I benefit from their products. It was so foolish not to let them help disadvantaged schools. Why don't you quit wasting your time with Microsoft. You are obsessive-compulsive. I think it is more important that you go after Wal-Mart. They have caused untold damage to small businesses and communities. I think that you are very shortsided and narrow-minded.

Sincerely,

Michael Pollack
1720 S. Avenue L
Portales, NM 88130–7032

MTC–00013886

From: Nanette Spatz
To: Microsoft Settlement
Date: 1/18/02 11:26am
Subject: Microsoft Settlement
Nanette Spatz
16475 Dallas Parkway
Addison, TX 75001
January 18, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

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Sincerely,
Nanette Spatz

MTC–00013887

From: Joseph Van Deweghe
To: Microsoft Settlement
Date: 1/18/02 10:12am
Subject: Microsoft Settlement
Joseph Van Deweghe
5715 Mt. Maria Rd.
Hubbard Lake, MI 49747–9620
January 18, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Joseph A. Van Deweghe

MTC–00013888

From: Charles B. Lovell
To: Microsoft Settlement
Date: 1/18/02 11:50am
Subject: Microsoft Settlement
Charles B. Lovell
2400 Tuckaho Rd
Louisville , KY 40207
January 18, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Charles B. Lovell

MTC–00013889

From: Nick Johnston
To: Microsoft ATR
Date: 1/18/02 3:59pm
Subject: Hello

BILL GATES IS THE ANTICHRIST!!!! DIE!!! MICROSOFT, DIE!!! MACINTOSH IS THE ONLY WAY TO GO!!

MTC–00013890

From: Jon Weygandt
To: Microsoft ATR
Date: 1/18/02 4:05pm
Subject: Microsoft Settlement

Justices,

I believe that the proposed settlement with Microsoft does not go far enough to stop a monopoly. I would like to add my vote against the acceptance of the proposed settlement, and suggest stronger sanctions against Microsoft. I have been a software developer for 20 years and am currently the CTO and co-founder of Annexient, Inc. . I have worked for many different companies, including PTC who develops applications that run on many different platforms.

I believe that we are currently in a ''death spiral'' with Microsoft. That is, the more market share Microsoft has, the more likely choices are made in Microsoft's favor, due entirely to their market size, thus providing positive feedback to the cycle.

As a developer and CTO I have witnessed and made these decisions. One could say it is supply and demand. For the smaller companies it is, but that is because Microsoft is almost all the market there is.

When a company wants to make another choice, it can be very difficult. We recently had a major customer request that we support the Macintosh. In doing so, it became apparent the significant discrepancy in development products between Microsoft and Apple, much of which I believe is due to decisions similar to the ones described above.

I only hope it is not too late to stop the total domination of Microsoft on the software industry, and recommend that the proposed settlement be rejected, and more severe measures be taken against Microsoft.

Jon Weygandt
CTO/Founder
Annexient Inc.

MTC–00013891

From: Annie
To: Microsoft ATR
Date: 1/18/02 4:08pm
Subject: blind with rage

to the microsoft anti trust committee:

i cannot proffer any constructive comments on the subject of microsoft at this time other than to say all thoughts of that corporation causes me to become blind with rage. they are terrorists: evil, greedy, & soul-sucking . . . should i send them an invoice for 1,000+ hours @ $70 = $70,000 for the grief their software has caused me? your advice welcome . . .

annie.

CC:Dave Monk,Mason Hastie

MTC–00013892

From: Gustavo Luna
To: Microsoft ATR
Date: 1/18/02 4:11pm

Your Honor,

I am opposed to the settlement in the U.S. versus Microsoft case that sits before your court. It is wrong to allow Microsoft to benefit from its past anti-competitive behavior. Microsoft must be prevented from using its monopoly powers again in the future, and this proposed final judgment fails to do that.

Respectfully,
Gus Luna

MTC–00013893

From: Michael J. Partsch
To: Microsoft ATR
Date: 1/18/02 4:12pm
Subject: Honorable Judge Kollar-Kotally,

Honorable Judge Kollar-Kotally,

It is my view that the proposed U.S. vs. Microsoft settlement before you is flawed, and I urge you to reject it. Microsoft has benefitted enormously from its past monopoly powers, as every court has concluded.

This settlement allows Microsoft to retain those ill-gotten benefits. Furthermore, there's no means for ensuring that Microsoft will desist from engaging in anti-trust violations in the future. I feel that it is in the best interest of the public to oppose the proposed final judgment.

Sincerely,
Michael J. Partsch
795 Promontory Drive West
Newport Beach, CA 92660
(949) 675–3296
Alternate e-mail:
Work: mike@versantventures.com

MTC–00013894

From: Mike Stone
To: Microsoft ATR
Date: 1/18/02 11:24am
Subject: Microsoft Settlement

It's my belief that at least one point has been missed in the Government's position. The Government's contention, as I understand it, is that Microsoft is using it's operating system monopoly to unfairly gain dominance in internet browsers. That browser dominance would then secure their operating system monopoly. Although I believe that this is the case, I also believe that their is more to Microsoft's attempt to gain browser dominance. The internet is a relatively young (at least the www portion of it) development which as of now no one controls. Internet standards are agreed upon and approved by a committee of various internet entities. If a company wants to put out proprietary software for the internet and charge for it there is a good chance that internet users will find a free alternative. If a company has a monopoly in the browser they are also the only company that can ignore the committees standards and use their own. Once they have established their dominance with internet standards they can market their for-profit products (Windows 2000, site server, etc.) as the only products that guarantee internet compliance since they would decide what complies. This would then help them gain dominance in other areas. This is the path that Microsoft has time and again chosen. Gain dominance in the operating system market and then scare consumers into thinking that if you are not using their operating system, then you won't be compatible with the rest of the world. Same with their office suite. For as much talk as Microsoft makes about innovating, I can't think of a single product that they make that wasn't made by another company before them. Windows = Macintosh OS; Word = WordPerfect; Excel =Lotus 123; Internet Explorer = Netscape; etc. They don't innovate, they copy and then bully people into using their versions through fear that they won't be able to do what everyone else can do. It's another reason they don't let competition in on the same Windows APIs that they use in application development.

I believe that breaking them up is the wrong idea (and was glad when you dropped that as an option). I think the best thing to do is make Microsoft release it's Windows APIs to application developers so they can compete on a level playing field. In addition I would require them to develop their browsers to only the commonly agreed upon standards of the internet for the next 5 years. This gives the internet a chance to mature in an open competitive way, instead of just following Microsoft's ''innovations.''

Thanks
Mike Stone

MTC–00013895

From: Anthony Levensalor
To: Microsoft ATR
Date: 1/18/02 4:16pm
Subject: Microsoft Settlement

Greetings,

I am a software developer who works across all platforms, and I primarily perform applications programming for the MS Windows breed of OS. Having said that, I would like to comment on the proposed final judgment that is on the table now, during the public comment period.

I feel the the proposed final judgement fails to properly and adequately address the misconduct of Microsoft Corporation in it's anti-competitive acticities, as well as leaves enough room for Microsoft to find it easy to manipulate the agreement and perform future transgressions in the arena of anti-competition.

I am not a wordy individual, and I have no intention of telling you the facts of your own case. My sole comment here is on whether or not the proposed final agreement is in the public interest, and I think the answer is no. If we allow this, where will that lead in the future? It has only been 7 Years since Windows 95 hit the streets, remember, and Microsoft already has (seemingly) more power than our federal government. What will happen in ten, fifteen, or twenty years? What state will we have come to then, if we let ANYONE think that this sort of attitude is ok for a corporation to have?

Thank you for your time,
Anthony Levensalor
Software Engineer

MTC–00013896

From: Jeffrey Eckman
To: Microsoft ATR
Date: 1/18/02 4:23pm
Subject: Microsoft Settlement

If Microsoft is allowed to have as part of a settlement a donation of hardware and Microsoft software to schools, it will further Microsoft's monopoly.

If this lawsuit were against big tobacco, it would be like allowing a tobacco firm to settle by giving free cigarettes to 580,000 students. I'm not sure if I'm sending this to the right place. . . but I'm giving it a shot!

-Jeffrey Eckman
Jeffrey Eckman
Systems Administrator
McDougal Littell, a Houghton Mifflin Company
222 Berkeley Street
Boston, MA 02116
jeffrey_eckman@hmco.com
phone: 617–351–3035
fax: 617–351–1213
toll free pager: 1–877–428–1240, use option 3
email to pager: jeckman@skytel.com
CC:jeckman@mac.com@inetgw

MTC–00013897

From: Brian Kichler
To: Microsoft ATR
Date: 1/18/02 4:24pm
Subject: Microsoft Settlement

First of all, thank you for soliciting comments from the public. I was personally in favor of the original proposal to break up Microsoft, and was disappointed with the weakness of the Justice Department when the time came. Microsoft's cynical idea to donate ''almost 1 billion worth of software'' to schools is almost certainly yet another flagrant attempt to grab market share and establish a monopoly in yet another sector of the economy. Personally, if Microsoft truly wants to provide a community service and give money to education, they should donate it in cash. That way, the schools in question will have the opportunity to spend the money in whatever way they see fit. Microsoft is an illegal monopoly, and the government must take that into account when they deal with the company. Thank you.

Brian Kichler

MTC–00013898

From: SCHMIDT Victor H
To: Microsoft ATR
Date: 1/18/02 4:38pm
Subject: Microsoft Settlement

I feel MOST STRONGLY that Microsoft should NOT be allowed to profit from this settlement in ANY way. They should be required to pay the settlement in CASH, the cash should be managed by a third party (in a Trust Fund or something similar) and the schools and others involved should have total control of where their part of the settlement money is spent. ie., NO-ONE should be pushing them to buy Microsoft products, to use Windows PC's, or Microsoft software, etc. (No coupons, no discounted software etc as long as it's Microsoft, etc). Apple Computer has worked very long and very hard to get to the place they are in the computer business, and especially where they are in the education market. Microsoft should not be allowed to make ANY progress or inroads into ANY market—and ESPECIALLY into the education market, because of this settlement. This settlement should be a punitive thing which does more than just slap Microsoft's corporate hands and lets them continue to make use of their monopoly position in the computer marketplace.

Thank you, from a dedicated Apple Computer user.

Vic Schmidt—ISL
Downtown Portland Office
1433 SW 6th Avenue
Portland OR 97207–0159
(503) 731–3399

Victor.H.Schmidt@state.or.us

MTC–00013899

From: Mike Jackson
To: Microsoft ATR
Date: 1/18/02 6:22pm
Subject: Microsoft Settlement

The Microsoft settlement deal is a joke! Allowing them to give ''donations'' to the education market is really about giving them a free shot at establishing another monopoly in a market they couldn't otherwise crack with their inferior software. The only thing the boys in Redmond understand is money and the only only pain they understand is being fined.

Mike Jackson
Mental Pictures Photography & Graphic Design
http://guide.net/~mental/
(228) 696–2702 Phone/ Fax
(228) 918–4596 Cellular

MTC–00013900

From: Patrick C. Tullo
To: Microsoft ATR
Date: 1/18/02 4:49pm
Subject: Microsoft Settlement

I support the proposed anti-trust settlement negotiated among Microsoft, the federal government, and nine states. Additional litigation would not be in the best interest of consumers or taxpayers. Microsoft is largely responsible for the thriving technology environment we enjoy today. This environment is the result of the open PC Windows-based architecture which has spawned the development of countless third-party applications operating virtually seamlessly across PC platforms.

Thank you for considering my comments.

Sincerely,
Patrick C. Tullo
11744—295th Street Way
f/k/a 29500—115th Ave. Way
Welch, MN 55089–4101
tullo@cannon.net

MTC–00013901

From: jnewk
To: Microsoft ATR
Date: 1/18/02 4:52pm
Subject: USAGNewkirk_Jay_1077_0116
255091 Pioneer Way NW
Poulsbo, WA 98370
January 18, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing you today to encourage the Department of Justice to accept the Microsoft antitrust settlement. The terms of the settlement are fair and the technology industry needs to move forward. Many people think that Microsoft got off easy; this is simply not true. The settlement was arrived at after extensive negotiations with a court-appointed mediator. The company agreed to terms that extend well beyond the products and procedures that were actually at issue in the suit, simply for the sake of wrapping up the suit. Microsoft is far and away the technology industry's leader. During these tough times the industry needs its leader to be able to concentrate on business, not government over regulation. The industry needs to move on and regain the momentum that it once possessed. The terms of the settlement are fair and it is time for the entire industry to move forward. Please accept the Microsoft antitrust settlement.

Sincerely,
Jay Newkirk

MTC–00013902

From: Ron Limb
To: Microsoft ATR
Date: 1/18/02 8:52am
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally,

My name is Ron Limb and I am a high tech entrepreneur residing in Silicon Valley. I am writing this letter because I am concerned about the proposed final judgment in Microsoft's anti-trust violations. The proposed settlement does not adequately address the needs of small high tech innovators who are not able to rise out of the long shadow cast by Microsoft's monopoly in the tech industry. The business antics of Microsoft is harmful to the industry. As a concerned citizen, I object to the propose settlement.

Ron Limb
781 Old Orchard Rd.
Campbell, CA 95008
408–370–7070

MTC–00013903

From: Jklemml@aol.com@inetgw
To: Microsoft ATR
Date: 1/18/02 5:01pm
Subject: Microsoft Settlement

Sir,

Please accept the attached letter. Thank You.

Regards,
John Klemm
2532 Coachman Court
Mobile, AL 36695–3724
January 14, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

As a supporter of Microsoft, I write you with concern over the recent developments in the anti-trust suit. Microsoft has made many concessions to appease various parties in this suit, only to be further scrutinized. It is time to move forward and let the terms of this agreement speak out for themselves.

After three years of negotiations, the parties involved in this suit have reached an agreement that is fair and reasonable and beneficial to all involved. Unfortunately, certain politicians have decided to prolong this settlement and waste our precious resources on further dissection of the already agreed upon terms. Under these provisions, Microsoft agrees to make changes in licensing and marketing terms, as well as changes in design. A three-person technical committee with a government representative will oversee Microsoft's work, and consider complaints. These concessions are clearly working toward a more unified IT sector and a step toward advanced innovation.

By instigating further litigation, we do nothing more than slow down our innovative process. Anyone sensible person can see that slowing down our American technology industry directly affects our American economic growth. Let us not be the ones to stop the very process that we initiated. Please help to stop any further litigation on this settlement.

Sincerely,
John Klemm

MTC–00013904

From: Carole (q)Lady(q) Phillips
To: Microsoft ATR
Date: 1/18/02 5:06pm
Subject: MICROSOFT

Please settle this lawsuit against Microsoft. It has done immeasurable harm to my finances and those of many others.

Carole Phillips

MTC–00013905

From: Janice
To: Microsoft ATR
Date: 1/18/02 5:01pm
Subject: Microsoft settlement

I didn't agree with the lawsuits in the first place. They don't help anyone but the lawyers. Microsoft is Bill Gates company and I admire, and am in awe of, his brains and ability. I almost think it would be funny if he got tired of all this and just shut the company down. Where would we all be then? Make the settlement final!! Enough is enough.

MTC–00013906

From: Jeff Hill
To: Microsoft ATR
Date: 1/18/02 5:12pm
Subject: Microsoft has harmed businesses and consumers.
To: Department of Justice

I am disappointed with the proposed Microsoft settlement. I don't see it changing anything that will help stop the problems that Microsoft causes. The case didn't bring up many of the underhanded things Microsoft does. Microsoft and SGI signed an agreement to port a version of OpenGL to windows. SGI committed the people and money to the project, but Microsoft only gave partial support. We spent the next nine months hearing how the SGI programmers were overloaded while the Microsoft programmers were not holding up their end of the deal. After a year Microsoft dropped the contract and OpenGL support from windows and released a a new DirectX. This hurt not only SGI, since they were left without resources to improve OpenGL on thier own machines, but SGI customers like us. We suffered as SGI was duped into devoting resources. Even personally I have been hurt by Microsoft's monopoly. In 1994 I bought a Gateway computer with Office Pro. The OEM prices was $229. The were under pricing both Lotus Smart Suite and Wordperfect Suite. There was competition then. In 1998 Office Pro ''97 upgrade was $329, while Wordperfect Office 7 was $189. The last package I bought in 2001 was Office Pro 2000 upgrade is now $399 while Wordperfect Office 9 is $229. Where is the competition now? Microsoft low-balled the prices when they didn't own the market. Now they have 90% market share and their prices have gone up an up as they've

captured the entire market. How is the settlement going to restore competition in the office market? How can any OS vender compete with Microsoft when Microsoft won't allow OEMs to install dual-boot with other OSes?

It seems the only way to compete with Microsoft is to give away the software like with Sun Office and hope that enough people are sick of supporting Microsoft. Unfortunately this won't work where I work since the Sun Office isn't on the government buy list.

Jeffrey Hill

Just a Lockheed Martin Computer Geek

MTC–00013907

From: Jonathan Taylor
To: Microsoft ATR
Date: 1/18/02 5:18pm
Subject: Microsoft Settlement

To whom it may concern:

The proposed settlement is too weak. It will do little to change Microsoft's behavior or more importantly open the playing field to other competitors. I think Scott Rosenberg's proposal to force Microsoft to open the Windows APIs and Office file formats to competitors is an excellent solution.

Repsectfully,

Jonathan Taylor
Instructor, Design & Illustration
Burlington Tech Center
52 Instutue Road
Burlington, VT 05401
(802) 865–4163

MTC–00013908

From: Lee Davis
To: Microsoft ATR
Date: 1/18/02 5:20pm
Subject: Microsoft Settlement.

Dear sir, Stop picking on Microsoft you have cost them and their stockholders millions of dollars. Enough is enough,

Kenneth L Davis

MTC–00013909

From: Daniel Andrade
To: Microsoft ATR
Date: 1/18/02 5:27pm
Subject: Microsoft Settlement

Dear Representative of the American Justice System:

I write this letter because of concern for my livelihood. I am a computer professional, and have worked with computers and operating systems from a number of vendors since the earliest days of personal computers, and I must say that the Microsoft case has held my attention because it is a case of landmark importance for the security, and financial future of the United States, and the world.

Microsoft holds a vast market share of the personal computer operating system market and there is nothing wrong with that. However, their means of maintaining this dominance has been found illegal, and there are other issues with Microsoft software that need to be addressed if they are to continue holding a monopoly.

First and foremost they must conform to standard networking protocols. Additional features can then be built into an application, but the base application must operate no matter what operating sytem is being used.

Second, they need to make freely available the formats for their proprietary file formats. Users have been forced into upgrades of software packages that cost as much as hardware for a new computer because they will not be able to read files if they do not upgrade. This is tantamount to price fixing and the exact reason that monopolies are so keenly watched, and closely regulated.

Third, the security of their products needs to be reviewed by outside sources. Microsoft has continually pledged to improve their security, and year after year they release software that subjects even non-Microsoft users to attacks, and intrustions. All of the major Internet security issues such as Code Red, Code Blue, Nimbda, Love Letter, Kournikova, Melissa, and more have been based on ''features'' that Microsoft did not take the time to perfect or secure. Their email server retails for over $6000 and can not even close a major security hole related to sending spam without customization. Qmail is an open source product available for free download that has no known security holes and a standing offer to pay anyone that can find such a hole $500.

In summary, if you take away the ability of Microsoft to write programs that will only work with other Microsoft products, truly fair competition can finally occur, this will not be achieved through splitting the company, or ''giving'' software to schools that Microsoft did not have to purchase at a retail price in the first place. In fact, schools are one of the few non-Microsoft dominated markets and it would be a shame to actually extend the monopoly into untapped markets as part of the settlement.

What needs to be done, is to have Microsoft publish the source code for any proprietary modifications that they make to widely held standards such as the C++ programming language, Domain Name Services networking protocols, or the most recent core of their .Net products Xstensible Markup Language.

In addition, Microsoft operating systems should be as much more expensive when you buy them with a computer, as when you buy an upgrade, or original retail copy. Tacking one to two hundred dollars onto the price of a Windows PC will be cause for the average consumer to reconsider participating in a monopoly, and would leave a very real window of opportunity for other vendors to secure a market share in the operating system arena.

When a security flaw is found in a Microsoft product that endangers businesses livelihood on the Internet the source code should be released for public examination. In this way threats to public, and national security can be abated with a thorough testing. Instead of a never ending series of repairs after the opening is already being maliciously exploited to cause network outages, or data loss. These suggestions would be good for the country, good for consumers, and a bitter, but much needed remedy for the problems of Microsoft that caused this antitrust action to be taken in the first place. I appreciate your consideration.

Sincerely,

Daniel Andrade
1335 Haddington Dr
Riverside, CA 92507

MTC–00013910

From: Kenneth Cox
To: Microsoft ATR
Date: 1/18/02 5:29pm
Subject: Microsoft Settlement: When?

Dear Mr. . Attorney General, After reading the proposed court settlement with Microsoft and the DOJ, then finding out that several states have rejected it, including my own (California) I was very surprised and disappointed. I have sent correspondence to Dianne Feinstein and Representative Cox; relating to this issue several months ago and got an answer from Mrs. Feinstein that was baffling and convinced me that some of our elected officials do not seem to have a firm understanding about the nature of the software business and the impact their decisions can make.

Representative Cox on the other hand seemed to have a ready grasp of the issues and didn't sound like he was preaching from a soap box. I keep hearing rhetoric from the same people and those same people just seem to be not dealing with the realistic issues presented them several times such as innovation impact, property rights, economic impact and so on. This is insane and must stop.

I am a programmer, but more importantly, as a citizen who believes in democracy and capitalism, I support the idea that any company, not just Microsoft should be allowed to keep their intellectual property under lock and key and protected as well as also be allowed to ensure that products designed to work for and with their systems do so without interfering with the normal intended use that system. Anything less is questionable and brings us back to the days when we had no integration or support from big software companies and we were forced to buy a myriad of products both hardware and software to get things to work; none of which could ''talk'' to each other. Fragmenting Microsoft and/or the browser will effectively roll back years of work many of us as platform developers have put in to deliver value and line of business applications for our end customers.

I work for a very large insurance company in Southern California, our customers have grown to appreciate the speed and flexibility with which we have provided in bringing them new applications such as the ability to download their Fund Performance values for their insurance product. This is because we are able to develop them faster because of tight integration used by Microsoft in their products and the use of Platform technology by Microsoft.

Without increased interoperability of compatible systems and tight integration with operating system products from the same vendor we end up fragmenting a whole industry that has grown up around this idea. In addition, there is a whole cottage industry built around Windows that as developers allows us to free ourselves from ''rolling our own software'' and focus on delivering value and needed critical line of business applications for our customers; capitalizing on integration and features only found in Windows components and Windows

operating systems; most of which is dependant on the Internet which is why Internet Explorer platform development is so critical to our continued success as programmers and company.

Last, we would never require that Ford Motor Company ensure that a Chevrolet engine fit and be compatible with Ford products and that is essentially what we are talking about. The internet browser has been hailed as an accessory, but in fact Microsoft has integrated that into the operating system to take advantage of features only present in Windows, and not other systems. Netscape tried to integrate their browser into Windows but failed because of course, that's like Chevrolet buying Ford engines and selling brand new cars as Chevy's, with Ford engines. Who is going to be responsible for the engine? If we take it back to Chevy will they tell us to it's Ford's problem? If Ford didn't agree to support the engine if Chevy did this, will Chevy be responsible? This is the potentially weird situation we find ourselves in with this browser issue. It is part of the operating system much like Bank Of America owns all of their own ATM machines, do you think they should be forced to carry Well's Fargo Atm's so they can get a cut of the transaction fee? I don't see this as any different and set's a bad precedent for future development.

No one should have to argue this, it's marketing 101. It's the thing that separates a good operating system from a great one. I speak for many developers who would like to see this come to a successful conclusion so that we can continue to build web enabled applications for our customers without worrying if we are going to have to change hats and become support personnel for the fragmentation that will surely follow if hold out states get their way and the loss of jobs this would cause because of stifled innovation.

Respectfully Submitted,
Kenneth W. Cox

MTC–00013911

From: EMMETT STROSCHEIM
To: Microsoft ATR
Date: 1/18/02 5:44pm
Subject: Microsoft Settlement

Please settle this case as soon as possible.
It should'nt have started in the first place.
E. L. Stroscheim
Cornelius,Or.

MTC–00013912

From: Calin Lincicum
To: Microsoft ATR
Date: 1/18/02 5:47pm
Subject: Microsoft settlement

Microsoft is a bloated monopoly. The only recourse with any adequate Irony is to nationalize and utility-status The whole MS Windows platform. Let the Fed knock MS around for a couple of decades to wear the predation out of the management.

Just a thought.
Cal

MTC–00013913

From: Harry McHugh
To: Microsoft ATR
Date: 1/18/02 5:49pm
Subject: Microsoft Settlement

55 Salt Cedar Lane
Johns Island, SC 29455–5803
January 14, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft: Microsoft and the Justice Department have reached a settlement in the antitrust case. The reason I am contacting you is because I would like you to resolutely support this settlement.

DOJ officials and Microsoft reached this settlement after three years of costly litigation. Outside interests have been criticizing this settlement, some with the hope this case will resume. However this settlement is thorough and will bring positive change. There is no reason for further federal action. Among other changes the settlement will give computer makers the flexibility to place competing software on Microsoft operating systems. Microsoft is also going to release computer code to competitors so they can produce more competitive software.

Let's end this ridiculous exercise, led by fee hungry lawyers and Micorsolt's competition. Microsoft is one of America's crown jewels, let them move forward at what they do best; create software.

I respectfully plead with you to settle this case without delay.

Sincerely,
Harry McHugh

MTC–00013914

From: Brad Greene
To: Microsoft ATR
Date: 1/18/02 6:03pm
Subject: Microsoft Settlement

I am deeply concerned that the recent resolution to the Microsoft anti-trust issue does not adequately address the needs and rights of the people. From what I have read the PFJ does not even address the concerns raised by the Appeals Court. The current PFJ smacks of back room dealing for the benefit of influential people and to the detriment of the consumer at large. Any resolution to this matter must seek a balance between short and long term needs. Above all we MUST support free competition and the innovation that it fosters.

Regards, Brad Greene,
2197 E. Bayshore Rd.
Palo Alto, CA 94303

MTC–00013915

From: Michael Jennings
To: Microsoft ATR
Date: 1/18/02 6:10pm
Subject: Microsoft Settlement

Microsoft has been ''playing dirty'' for a very long time. . . at least the past 10 years, if not longer. Do you really think they don't have a plan for working around a self-proposed settlement? Let's not be so na?ve.

The only way you're going to keep them from cheating is to split them up and make them compete against themselves. Otherwise they will continue to use their dominance in some markets to destroy good competitors in other ones.

Michael

G: ''If we do happen to step on a mine, Sir, what do we do?''

EB: ''Normal procedure, Lieutenant, is to jump 200 feet in the air and scatter oneself over a wide area.''

MTC–00013916

From: Merle Pearson
To: Microsoft ATR
Date: 1/18/02 6:27pm

To whom it may concern,

I think the government should leave Microsoft alone. Drop all the charges because Microsoft never did wrong. This government is suppose to be for the people. This family and a lot of our friends think this case should have never been in court. Please just drop it.

Rogena Pearson Poe
112 Smokey Run Road
Tellico Plains Tn. 37385

MTC–00013917

From: Daniel Cloud
To: Microsoft ATR
Date: 1/18/02 6:40pm
Subject: Microsoft Settlement

So far in the settlement proceedings, Microsoft has been dealt with very lightly. Talks of splitting the company up seemed very reasonable, especially given the fact that in the past companies have forced to sell certain software assets in order to limit a monopoly in certain software categories. Large companies have been treated in this way in the past.

It should be no different with Microsoft. The Operating System, the web browser, the Office suite, etc. are separately salable products. What Microsoft has done, and the court already agreed that this is monopolistic and illegal, is first create an operating system monopoly and use that monopoly to build monopolies in other types of software such as web browsing and productivity applications (MS Office). It seems then that the only way to truly break up the monopoly would be to separate the software applications by selling the code to other companies. The profit from selling the rights to the software should go into a fund for schools to buy computers and software of their choice. Given the clearness of Microsoft's monopoly practices that have been built upon years of unfair and anti-competitive business deals, it is imperative that the company be reshaped so that it doesn't resemble what it is today. This would also be good for Microsoft and the people who actually want their products because by narrowing Microsoft's reach, it will bring focus to building the fewer products better. When the software applications are split amongst other companies, development of competition will occur and the companies that bought Microsoft application code will be forced to make a better product to compete, and the consumer will benefit.

I thank you for the opportunity to speak to you on this subject and hope that in making a final decision, you realize that allowing the guilty defendant to decide its own sentence would be unfair, inadequate, and most of all, unjust.

Thank you.
Daniel Cloud
(910) 794–3089 Home
(910) 350–9918 Pager

MTC–00013918

From: David Llewellyn
To: Microsoft ATR
Date: 1/18/02 6:55pm
Subject: Keep it fair

Although, Microsoft is a large part of everyone's daily work and play. It's time to allow the computer industry to innovate and that can not be done when one organization controls more than 80% of the market. Microsoft should be broken up and made to compete with other and with the separate and newly partitioned Microsoft organizations. Similar to what occurred when AT&T and the regional Bell companies were formed. Based upon the current judgment this will not happen. Yet, Microsoft must be changed by the final ruling.

David S. Llewellyn
President
Wyvern International

MTC–00013919

From: Michial Freigang
To: Microsoft ATR
Date: 1/18/02 6:58pm
Subject: Microsoft Litigation

Being self-employed for almost 28 years, the positive contributions made to the planning and execution of my business by using Microsoft products were immeasureable.

To continue litigation against Microsoft is, in my opinion, a questionable use of government resources. The DOJ guidelines to which Microsoft is being asked to adhere is fair and reasonable, nothing further need be done.

Thank-you.
Repectfully submitted,
Michial A. Freigang

MTC–00013920

From: Hillary Brubaker
To: Microsoft ATR
Date: 1/18/02 7:00pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally,

As a high school teacher in Silicon Valley, I am extremely concerned about the recent Proposed Final Judgement (PFJ) in the U.S. vs Microsoft case that you are considering. Microsoft has clearly violated antitrust laws and needs to be held accountable for their actions so that other members of the technology community are protected. I object the PFJ and urge you to be a catalyst for terminating Microsoft's illegal monopoly, deny Microsoft any benefits from its past violations and prevent any future anticompetitive activity.

Sincerely,
Hillary Brubaker
1155 Yosemite Avenue
San Jose, CA 95126
408.299.0705

MTC–00013921

From: Jarod Guertin
To: Microsoft ATR
Date: 1/18/02 7:08pm
Subject: Microsoft Settlement

To whom it may concern,

I would like to humbly submit the following suggestion relating to the Microsoft Settlement.

It is the objective of the following argument to propose that the settlement should include a provision to force Microsoft to fully disclose to all competing parties the format of the end data files now considered standard. In this context, end data files, is meant to cover the end result file of the most common Microsoft applications utilized by both the end-user and business-user such as, but not limited to: A corollary is that any planned changes in those file formats would have to be communicated to the industry in advance to allow full support and compatibility.

This proposal relies on the argument that the operating system (MS Windows) has maintained its monopoly partly by preventing competing developer in making applications that were able to read and write flawlessly (which means full knowledge of all the structures and features not just a partial disclosure) in the file formats that have become the most common and therefore at the base of most information exchange in the business world and at home. One of the most common argument heard from people opposing or fearing too harsh of a settlement against Microsoft is the fear that they may not be able to exchange data as easily and freely as they now can if they remain in the Microsoft applications\OS realm. It would indeed hurt communications and business alike if suddenly the industry was thrown back in the times where a cacophony of formats existed and were more or less equally supported; this often resulted in corruption or loss of data during conversion and in the worst cases would lead to the inability to read the data altogether because a different application or application version was used. While many formats still exist today, it is hard to deny that the Microsoft formats have become the standard by way of the monopoly Microsoft enforced as found by the high courts'' ruling.

Some, including Microsoft themselves, might argue that those formats are known well enough and that many applications can read the files in those formats. User experience however repeatedly and continuously disproves this statement. All third party data conversion seen so far are eventually marred with either glitches, corruption of information, loss of data, misalignments, etc. It would be extremely hard to believe that the entire industry, for the exception of Microsoft, is incompetent. It is much more plausible that full disclosure of those file formats were never carried out but only partial information on the most basic structures were given thus leaving out some of the most advanced features and nuances which makes all those third party applications look deficient to the user. The user then has little choice in order to conduct business effectively but to disregard those apparently ''inferior'' third party applications and to move to Microsoft applications thus strengthening the monopoly.

Finally one might ask if firstly, such a requirement on Microsoft is just, and secondly if it is a remedy. Given the courts ruling that Microsoft used monopolistic practices to extend their hold on the industry, the popularity which made them become standard file formats is a result of the monopoly and serves to proliferate and maintain the monopoly. Since those file formats originated and help enforce the monopoly statu quo, it seems fair that they should be included in such a settlement.

Secondly, is this in any part a remedy? Once third party application developers are able to read and generate fully the most complex variants of those popular file formats, the competition between Microsoft's applications and third party's application will become possible again and will be based solely on the merit of the software itself, its features and its price. Once enough third party applications exists that are fairly competing with Microsoft's products, it will enable the industry to fully support any operating system that the business community and end user choose to, without fear of data communication and file transfer problems. At that time, Microsoft's operating system will again face fair competition and will have to resume competing based solely on the merit of the OS itself, its features and its price. Although it is extremely hard to predict how much time it would take to reach that point, a conservative guess would be 5–7 years.

That might seem like a very slow course of action for a remedy but its slowness would allow a smooth and non-disruptive transition from monopoly to fair competition as third party developer catches up to the lead obtained by monopoly. It would revitalize the industry and renew the creativity and commercialism of third party developers, in fair competition. It is even the opinion of this writer, that those file formats should become regulated by standard bodies from the industry like JPEG and MPEG were.

If Microsoft judges that this argument is moot because it pretends to fully disclose those formats already, then including it in the settlement should not be an issue. If Microsoft objects and tries to use patent, trademark or industrial secret arguments, then it only strengthens the validity of the argument itself.

Please note that this suggestion is only seen as an additional item of the settlement and therefore meant as complementary.

Thank you and God bless America.
J.G.

MTC–00013922

From: HeleneTr@aol.com@inetgw
To: Microsoft ATR
Date: 1/18/02 7:22pm
Subject: Microsft Settlement
10 Moreland Ave.
Bethlehem, PA 18017
January 18, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I would like the Department of Justice to agree to the provisions of the November decision and settle the Microsoft antitrust suit. Those nine states are unfairly holding up the end of the court case. Microsoft has in good faith made concessions and now it is time to stop this litigation. U.S. District Judge J. Fredrick Motz made a bad court decision when he ruled on January 11th. Let

us move on. We have spent enough time on these issues.

Sincerely,

Barbara Reinoehl

MTC–00013923

From: Alex
To: Microsoft ATR
Date: 1/18/02 7:25pm
Subject: Microsoft Settlement

In my opinion, Microsoft should buy for schools computers and software from one of their leading competitors, Apple, as to help stop their monopoly from growing into this area.

Alex Keeny

MTC–00013924

From: John C Trosie
To: Microsoft ATR
Date: 1/18/02 7:27pm
Subject: Microsoft Settlement

For the good of all concerned, the economy, the government and all of the allied industries and companies a swift end to the controversy should be made as per the Settlement which is firm and fair and good for the consumers

John C Trosie

MTC–00013925

From: Bob Harris
To: Microsoft ATR
Date: 1/18/02 7:37pm
Subject: Microsoft Settlement

I urge that the settlement proceed on basis of the MS offer. Let's get this mess behind us. I'm no computer expert though as a senior I've wrestled with them for 12–13 years. I find it hard to believe that people buying computers and software are mislead or trapped into buying MS. The complaints have been from a minority and I beleave from those envious of the success of, or are competitors of, MS.

Though I have both COX and AOL I'm more concerned about the size, spread and options of AOL than MS.

It was and is, a tough competive field out there, MS has done a better job. Thanks for reading (listening?)

Robert E. Harris

MTC–00013926

From: Mark Lawler
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/18/02 7:50pm
Subject: Microsoft Settlement

I find this entire case against Microsoft ridiculous. Just close the books on it and quit wasting my tax dollars.

What type of car do you drive? Does it have a built in heater for your comfort? Air conditioner? How about a radio? Cup holders? You see, if I apply the same logic the DOJ used in this case against Microsoft your vehicle shouldn't have these things at all. A car is nothing more than a platform and as such automobile manufacturers have had an unfair competitive advantage to add these things to their default platform; they should have been stopped from doing so years ago. Just think of the companies squeezed out of business when the auto manufacturers added cup holders to automobiles a couple of years ago? How much revenue did the local gas station lose when people quit buying cup holders? Forget that it makes sense for a cup holder to be an integrated part of your interior and that a 3rd party add-on that hangs from a vent or a window crack is ugly, ill fitting, and gets in the way: It's wrong and the DOJ should have stopped the automobile manufacturers from using their platform in a monopolistic way against these poor third party vendors. Yah, right. . .

Look guys as stupid as this sounds it's the very same thing with Microsoft and this case. All these features they Microsoft is accused of adding where things that customers asked them to make part of the operating platform for better integration and for a more streamlined and pleasurable customer experience. It is nothing different than what Ford does every day when it makes a design decision for one of its new cars.

mark

Mark Lawler
Chief Technology Officer
office (503) 889–4815
cell (503) 329–8967
ProSight, Inc.,
Portfolio Management for Technology Leaders

MTC–00013928

From: Kane Lauck
To: Microsoft ATR
Date: 1/18/02 8:08pm
Subject: Microsoft Settlement

It's obvious Microsoft uses techniques involving baiting and torture. They bait the customer with shoddy piracy control or low prices, then they torture them with increased prices and unbreakable software control.

Mac OS X is much stabler and intuitive.

Kane Lauck
Savannah, GA
Savannah College of Art and Design

MTC–00013929

From: BryantKing
To: Microsoft ATR
Date: 1/18/02 8:11pm
Subject: Microsoft Settlement

Please proceed with the proposed settlement. Let the people that pay the majority of taxes get back to work. And be thankful they still WANT to work. If Microsoft has agreed to this settlement, then get on with it.

Sincerely
Bryant A King

MTC–00013930

From: Travis Minke
To: Microsoft ATR
Date: 1/18/02 8:14pm
Subject: Microsoft Antitrust Settlement Opinion

I am 27yrs old, have a Master of Science degree in computer science, and have been working professionally in the computer industry for 5 years. I have experience developing on the Windows, Solaris, IRIX, and Linux operating systems. I have also been closely following the Microsoft Anti-Trust case, and wanted to take this opportunity to add my opinion. I am very disappointed with the settlement reached between DOJ and Microsoft. I applaud the nine states who have the strength of character to keep fighting for what is right. It has twice been determined that Microsoft has abused it's monopoly, and yet the DOJ has rolled over and basically given Microsoft a sweetheart (slap-on-the-wrist) deal. I don't, in any way, think the settlement offers fair punishment, or sufficient protection from future behavior.

Microsoft is so blatantly confident in its ability to dominate without interference, that in the midst of this trial it openly pushes ahead with its .NET/HAILSTORM plans. Microsoft has (finally) realized that the internet is the key to control in the future (whereas the OS was in the past) and is making every move possible to dominate that space in the same way.

Microsoft claims it needs freedom to innovate when in fact Microsoft has innovated very little over the years. Most technological breakthroughs commonly attributed to Microsoft were either stolen, copied, or bought. If anything I would argue that Microsoft has sufficiently stifled innovation to put the software industry a decade behind. They are a two-faced company that presents a good (Disney-esque) image to the public, while a minimal amount of scrutiny provides a wealth of information to the contrary.

Microsoft's weakness is being exploited today by the open source movement, specifically the gnu/linux project and the GPL. Here is a model they cannot steal, copy, or buy. It disgusts me, but is not surprising, that in the face of some real competition they don't innovate their way to a better product and compete on merit, but instead look for every possible emotional (FUD), legal solution to the problem. The current settlement provides no real punishment to Microsoft. Further indoctrinating a future generation of computer users is not a punishment in any sense of the word. There is specific language in the settlement which excludes the open source movement from any of the information sharing Microsoft might be forced into. If anything the settlement should spur competition, which as mentioned above means the open-source movement. I also believe the three-person supervisory panel will end up being a facade with no real power. (The selection process requiring Microsoft's approval pretty much guarantees this.) Others have commented at great length as to the loopholes and weaknesses of the settlement and I won't try to duplicate that here.

To summarize, I and the software industry have been harmed by Microsoft's abuse of it's monopoly and I do not feel the current settlement does anything to address their past abuses, or insure future protection from such abuses. I am gravely disappointed in the US Department Of Justice for its incomprehensible capitulation to my generation's biggest bully.

Sincerely,

Travis Minke

MTC–00013931

From: Isburgh, Peter
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/18/02 8:18pm
Subject: comments

Dear Sirs,

Given the preponderance of monopoly abuse evidence against the defendent (as

documented in the Findings of Fact), how does the proposed settlement send a message that this behavior will not be tolerated by the United States? In fact, it rewards it! Please make the punishment fit the crime, which should be measured in the billions of dollars for punitive damages. How about using the award to fund a software technology incubator to rebuild the competition that Microsoft has so effectively repressed?

MTC–00013932

From: Bill Bogart
To: Microsoft ATR
Date: 1/18/02 8:18pm
Subject: Microsoft Settlement
4560 South 3065 East
Salt Lake City, UT 84117–4664
January 17, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft: I have been following the Microsoft antitrust settlement since it entered the federal courts three years ago. I do not believe suit should have been brought against Microsoft to begin with, and perhaps the settlement is too harsh with Microsoft, but in the interest of wrapping up the case, I believe the settlement should stand and the Justice Department should move on. I cannot fathom why half of the plaintiff states in this case wish to continue litigation against the Microsoft Corporation unless their ultimate goal is to bring about the destruction of Microsoft itself. There is nothing I see in the settlement that is unfair to the plaintiffs. Microsoft has, in fact, agreed to terms in the settlement that cover issues not on trial in the antitrust suit, solely in the interest of closing the case. Among other things, Microsoft has agreed to provide a party acting under the terms of the agreement with a license to pertinent intellectual property rights to prevent infringement. Moreover, Microsoft has agreed to license the Windows operating system to twenty of the largest computer makers on identical terms and conditions, including price. Mr. Ashcroft, I urge you not to allow this to go on any longer. No more action needs to be taken at the federal level. The settlement should stand.

Sincerely,
William Bogart

MTC–00013933

From: william r finch
To: Microsoft ATR
Date: 1/18/02 8:46pm
Subject: microsoft settlement

microsoft has stolen all its ideas and products-mostly from apple-it acts in restraint of trade and crushes any attempt at fair market competion-it should be broken up in small pieces and gates fined most of his illegal profits and jailed-respectfully-william r finch,102 mill pond rd,denton,texas 76209

MTC–00013934

From: Rick Borie
To: Microsoft ATR
Date: 1/18/02 8:46pm
Subject: Microsoft settlement

I intend to read the available information regarding the case and follow up this email when I can get some time. However, being a Macintosh fan I'd like to express my opinion based on my experience over the past decade or so as a Systems Administrator. First, Microsoft doesn't innovate—they copy existing technologies and then put them in Windows. They modify Windows occasionally so competitors software won't work as well or not at all. (Ex. Apple's QuickTime, Sun's Java) In short, they don't compete. They just find a way when possible to crush their competitors. Normally with their mediocre version of the product. Their latest proposal to satisfy this case (donating systems, software, etc. to schools) is just one example among countless other that shows their arrogance and unethical way of doing business. This was so obvious I think a 4 year could see right through it.

I firmly believe that the computer industry as a whole would have advanced much more quickly without Microsoft's illegal practices. I also believe they will continue to do business this way unless this settlement forces them not to. I believe the settlement needs to make so that Microsoft only gains when they develop a better product than the competition. We all lose when the only game in town is Microsoft. I don't think the government should use Windows at all. I believe for all of the obvious reasons the government should use Linux almost exclusively. If they need to run Windows applications they can use a Windows emulator that runs on Linux. Let's face it, Linux is cheaper, faster, more secure, more customizable, comes with more applications, works and looks like Windows and wouldn't force the government to be tied in any way to Microsoft.

I realize none of this is news to anyone familiar with the case but, I just feel better knowing I did something about something that is so obviously wrong. If anyone actually gets to read this, thanks. Here's hoping for a level playing ground,

Rick Borie

P.S. I'm sending this on Mac Cube with OS X and no Microsoft software was used.

MTC–00013935

From: Vygr13@aol.com@inetgw
To: Microsoft ATR
Date: 1/18/02 8:46pm
Subject: Microsoft Settlement

You have on your hands a tense situation. Surely the economy suffers if actions too drastic are taken. Does justice come second when the stock market's shaken? A matter wrapped in choices for endless contemplation.

MTC–00013936

From: Mike Kisch
To: Microsoft ATR
Date: 1/18/02 8:34pm
Subject: Microsoft settlement

Please consider this carefully as I think a great many times punishing the big guy because someone didn't get what he wanted hurts the consumers most. Mike

MTC–00013937

From: rbryant1
To: Microsoft ATR
Date: 1/18/02 8:49pm
Subject: Microsoft Settlement

After stealing—IS THAT REALLY TOO STRONG A WORD/CONCEPT?—the GUIinterface from Apple (which Apple paid for the early research and futher perfected!) and foisting continually crappy software and ignoring virus/security and destroying countless lives and businesses thru its'longtime corrupt and illegal business practices. it is so nice to see the government of the PEOPLE–FOR THE PEOPLE let MICROSOFT OFF THE LEGAL HOOK and in the process to slip its'' crappy practices into the educational system therby hurting APPLE. MAY YOU ALL LIVE LONG ENOUGH TO REALLY REGRET IT AS MUCH AS THOSE THEY HAVE ALREADY HURT/DESTROYED.

MTC–00013938

From: Robert Pettigrew
To: Microsoft ATR
Date: 1/18/02 8:50pm
Subject: Microsoft Settlement

To whom it may concern,

I was thrilled to see the Microsoft proposal rejected. Kudos. As for having anything monumental to suggest for the penalty, I am afraid I haven1t any groundbreaking thoughts. However, I think it is vitally important to remember exactly who the monopolistic and egocentric tactics of Microsoft really hurt. These being the many businesses that were diminished, or extinguished as a result, and the public themselves who lost any opportunity to support and/or nurture any competitors that would have otherwise had a viable vehicle to present their products. Microsoft was responsible for all of this, and more.

The most disturbing thing to, up to this very day, is how Microsoft feels they are above the law; above the rights of the people. . . In general, how they see themselves as having done nothing wrong.

If I were to have the ''blood on my hands'', if you will, that Microsoft (who knows better than anyone else that it does) has, I would be very afraid. I strongly believe that they should have to pay dearly to the real victims of their actions. As to what that ''price'' will be, I can only hope that the DOJ and the courts will dispense no less than what they have coming to them, and trust it will be so.

Warmest regards,
Robert Pettigrew

MTC–00013939

From: Philip Katz
To: Microsoft ATR
Date: 1/18/02 9:00pm
Subject: Microsoft Settlement

To Whom it may concern, I think the settlement worked out between Microsoft and the DOJ is unacceptable, especially in the area of education. By Microsoft giving their own products to schools, they are going to create a monopoly in about the only area they don't already have one. A better solution would be to distribute funds to the poor schools and let them decide what to buy with it. That way if Microsoft does become a monopoly in education, it will be legitimate. Thank you for your time.

Philip Katz

MTC–00013940

From: BJCROSSMB@aol.com@inetgw

To: Microsoft ATR
Date: 1/18/02 9:02pm
Subject: MICROSOFT SETTLEMENT
Robert W Cross
310 75th Avenue N Apt. 8
Myrtle Beach, SC 29572–4205
January 17, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am without a doubt in favor of Microsoft. In fact, this has been the case since the very beginning and no element of the litigation against them has caused me to feel otherwise. If anything, this legal action against them has only strengthened my respect for this highly progressive company. Microsoft has given a true example of professionalism, diplomacy and fortitude. The government on the other hand has given the people reason for confusion and doubt. Confusion because of the distortion of the concept of free enterprise and doubt in the government's ability to reach expeditious and fair resolutions of complex matters.

Microsoft has chosen to accept restrictions and obligations that extend to products and technologies that were not at issue in the lawsuit. They have also agreed to broad terms involving aspects of Microsoft's business and product development that were not found to be unlawful by the Court of Appeals. I think this is a clear indication of that Microsoft is willing to compromise with the government.

This lawsuit has caused severe damage to the economy and has drastically reduced production in the software industry. Putting an end to this protracted legal tussle by accepting the settlement will have a multitude of benefits. I hope that my views and those of others will help bring this matter long awaited closure.

Sincerely,
Robert W Cross

MTC–00013941

From: Cabins519@cs.com@inetgw
To: Microsoft ATR
Date: 1/18/02 9:09pm
Subject: Microsoft Settlement

Settle !!!!!!!!!!!!!!!! Let us move on with all that we may be!

We, the people!

MTC–00013942

From: DMMerriman@aol.com@inetgw
To: Microsoft ATR
Date: 1/18/02 9:09pm
Subject: Microsoft Settlement

I think that the government should not interfere with Microsoft. I think free enterprise works best while left alone. I think the consumer will sacrifice the most from any settlement or judgment against Microsoft.

Sincerely,
David M. Merriman

MTC–00013943

From: Harry Reisenleiter
To: Microsoft ATR
Date: 1/18/02 9:16pm
Subject: Microsoft Settlement

Sir or Madam: After following the court case, appeal, and settlement process, I find it necessary to offer the following thoughts.

First, some background. Before entering the computer field fulltime, I spend 4 years earning my undergradutate degree and 4 years in the United States Air Force. I studied computers in college and in my time in the USAF.

I've been in the computer business since 1969, working through mainframes, midrange computers, desktops, laptops, palm tops, and hybrids. I've been fortunate to deal with innovative companies and with ethical companies. I've also had the misfortune of dealing with copy-cat companies and unethical companies. I've been on very successful projects providing customer-lead solutions in retail, wholesale, education, finance, manufacturing and now management services.

Many of my experiences with vendors have been pleasant, and many by necessity, have been with Microsoft.

I believe that the settlement under review at this time is grossly inadequate to address the unethical, monopolistic practices of Microsoft. Microsoft's business practices (unethical pricing, contract manipulation, illegal bundling, hidden code) have driven many creative companies out of business. Do to their actions, there are no longer any real competitors in any software field Microsoft has chosen to enter.

Microsoft gained dominance by controlling the operating system and by bundling (and ''dumping'') software. Current pricing reflects the lack of competition. One example: When Word Perfect was a real competitor, Microsoft priced MS Word at $99. Now, MS Word is more than twice that price. Similarly, when Lotus 1–2–3 was a real competitor (and, remember, ther was also QuatroPro), Microsoft ''dumped'' Excel, too. Then, after purchasing what became PowerPoint, Microsoft began bundling those three pieces of software for a price hardly higher than Word Perfect (or Lotus 1–2–3) alone.

Microsoft has distorted (lied) about ''innovation'', ''great software'', ''customer focus'', and ''competition'' throughout the trial and appeals process.

Let's take ''innovation''. Except for Windows OS and Excel (which was originally written for Macintosh), Microsoft has not created any new software. They've purchased Word, PowerPoint, Internet Explorer, FrontPage and Outlook. They've only innovated in pricing and bundling; not real technological innovation.

Let's take ''great software''. Compare Palm's Desktop to Microsoft Outlook, specifically recurring meetings. In Palm, if you cancel an existing recurring meeting, the software presents 3 choices—''this one'', ''all future'', and ''all''. Thus, meetings in the past will reflect history accurately. In Outlook, you are only given 2 choices—''all'' or ''this one''. Past recurring meetings, then, are lost. This is not ''great'', but very poor design. Another Microsoft distortion.

In closing, I have but one request: please don't let this agreement stand. It is far too soft and will not change a thing as it currently is written. Microsoft has earned, and continues to earn, punishment. And that punishment needs to be behavior altering, not a mere shaking of the finger.

Thank you,
Harry Reisenleiter

MTC–00013944

From: Alex Brubaker
To: Microsoft ATR
Date: 1/18/02 9:28pm
Subject: [Fwd: microsoftsettlement]

To who it may concern,

It is beyond doubt that Microsoft has been judged to have systematically employed monopolistic and unfair business practices. By playing our legal system like a virtuoso, it has avoided any real harm to its core businesses and in fact has proven that it is better to break the law and pay what ever small price in order to gain momentum and market share. Microsoft is unchallenged and there is no end in sight.

Any person that works in high tech sees the on-going effects of the monopoly that continues unabated. Technology important to US technological leadership is diluted and resisted because it doesn't fit into Bill Gate's vision of Microsoft's corporate hegemony.

Now Microsoft is going to be ''giving'' Windows XP to 12,000 of the nations's poorest schools. What a great ploy. Now these 12,000 schools will depend on Microsoft upgrades as well as train hundreds of thousands of future Microsoft consumers. Let's face it. Microsoft has won and owns us the future of computing for the foreseeable future. Please, someone have the decency to stand up and add an asterisk to this sad chapter in American corporate history. A better punishment would be to forbid Microsoft from giving XP to schools and let Apple use this marketing technique if it so chooses. That's how idiotic this ''compromise'' is.

Sincerely,
Ken Mendoza
408–585–3903
160 Towne Terrace %5
Los Gatos, Ca 95032

MTC–00013946

From: ken borgerding
To: Microsoft ATR
Date: 1/18/02 9:38pm
Subject: Microsoft Settlement

My thoughts—let it go already. The economy is having a hard enough time without you folks trying to sue successful companies into the ground.

Did you notice that when you started penalizing companies for being successful, the stock market and the economy started to head south. Settlement?!? You may want to consider apologizing instead.

MTC–00013947

From: mae-sallee beals
To: Microsoft ATR
Date: 1/18/02 9:50pm
Subject: Microsoft

I would like to urge your department to expedite the settlement pending regarding Microsoft at the terms currently proposed by Microsoft. Their proposed settlement will benefit many.

Sincerely,
Mae-Sallee Beals,

MTC–00013948

From: Michael L Anderson

To: Microsoft ATR
Date: 1/18/02 10:29pm
Subject: Microsoft Settlement

I am very disappointed with the Department of Justice's proposed settlement with the Microsoft Corporation, which amounts to another consent decree. Unfortunately, Microsoft has already demonstrated beyond any reasonable doubt that it has no respect for consent decrees; its egregious violations of the 1995 consent decree are what brought about the current case.

Those familiar with the computer industry are well aware that Microsoft's success has less to do with superior products (most experts agree its products are of generally mediocre quality at best), and more to do with its ability to leverage its monopoly in the operating system market, in which Windows has become the de facto standard. Its recent pricing changes with respect to Office and Windows business sales—nearly doubling the price of the licenses and now literally forcing business to buy its upgrades, even when they don't want them—demonstrate blatant abuse of its monopoly power, in the face of an ongoing anti-trust case no less! Any other business would lose enormous amounts of sales if it doubled the price of its product without substantially improving the quality, but Microsoft's market power is so extensive that it can do so with near impunity.

The demonstrated ineffectiveness of consent decrees with respect to Microsoft, and the company's continuing abuse of its monopoly power, call for strong and effective remedies. Regulatory remedies in which the government directly supervises and dictates Microsoft's behavior are undesirable for obvious reasons. Instead, the Department of Justice should push for significant structural remedies, such as the breakup originally proposed by Judge Jackson. Only then will consumers benefit and will competition and innovation, the hallmarks of our great economic system, continue to flourish.

Sincerely,
Michael Anderson

MTC–00013949

From: Chris Klick
To: Microsoft ATR
Date: 1/18/02 10:43pm
Subject: Microsoft Settlement

Dear DOJ:

Despite the fact that the appeals court found Microsoft to have abused monopoly powers, I urge you to settle this case by dropping it, apologizing to Microsoft, and paying their lawyers'' fees. Then you should close your antitrust division and wrap up paperback copies of ''Atlas Shrugged'' to serve as the severance package for your laid-off lawyers.

You should drop the case because antitrust law is immoral. It infringes upon businesses'' inviolate property rights. Worse, it targets the most successful businesses because and to the extent that they are successful. Therefore it is ragingly anti-capitalist, like the progressive income tax. Secondarily, from a legal standpoint, antitrust law is ex post facto and therefore unconstitutional. There is no way for a business to know that it is violating the Sherman Act until a court, years later, defines its ''market'' at the time of the alleged violation. Even if Microsoft itself (as evidenced by their emails) intended to dominate a recognized ''market'' at the time, this means objectively nothing. It was only Microsoft's opinion at the time.

Chris Klick
Houston, TX 77006

MTC–00013950

From: Charles H. Kohler
To: Microsoft ATR
Date: 1/18/02 10:57pm
Subject: Microsoft Settlement
Charles H. Kohler
36 Mayflower Avenue
Williston Park, NY 11596–1518
January 17, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

Microsoft and the Department of Justice recently settled their three year long court battle. I understand there is now a period of public comment, and I wish to add my support to this agreement. I do not think it should have happened in the first place. The lawsuit was more a problem of sour grapes on the part of the competition than any real unfair business dealings. The antitrust laws were created to protect the consumer, yet Microsoft has done nothing but help the consumer. Computer products are far cheaper than they were ten or fifteen years ago; software programs are simpler and easier to understand, and much more affordable to the average consumer. Bill Gates has made software technology part of everyday life.

The agreement reached by Microsoft and the Department of Justice did not let Microsoft off easy.

Microsoft has agreed to open up the company in such a way that computer makers will be able to configure Windows so as to promote non-Microsoft software programs; companies will be able to achieve a greater degree of reliability with regard to their networking software. And Microsoft has agreed to a technical committee, which will monitor the firm. I doubt other firms would do as much. It is time to go forward again. We have been through a rough time; but we are bouncing back. Letting Microsoft get back to business is a way to do this. Please give your support to this agreement.

Sincerely,
Charles H Kohler

MTC–00013951

From: Walter Palmer
To: Microsoft ATR
Date: 1/18/02 10:58pm
Subject: Microsoft settlement

I oppose Microsoft's proposed settlement to the anti-trust suit because donating Windows computers is just another marketing move disguised as a ''punishment'. They should donate the money for schools to spend as they wish. If they insist on donating computers, ⅓ should be Windows computers, ⅓ Mac and ⅓ Unix machines. Settlements of criminal trials are supposed to hurt—they are not supposed to act in furtherance of the business which has been found guilty.

Take Care
Walter

''For three days after death, hair and fingernails continue to grow but phone calls taper off.''—Johnny Carson

MTC–00013952

From: J. G. Edwards
To: Microsoft ATR
Date: 1/18/02 11:04pm
Subject: Microsoft Settlement

To Whom it may concern,

I am a resident of the State of Utah, and a stock holder of Microsoft. I have written to the AG of this state, and also the Governor, and asked the question: ''When this State has a 202 million overrun in it's budget this year, and $700,000 of my tax money has already been spent to on this lawsuit, when the majority of the States, and the Federal Government have reached an agreement which I believe is more than adequate, why does the State of Utah think they know any better. It appears to me that the State of Utah is merely trying to find some deep pockets to reach into, and it has not be shown that the citizens of this state have been damaged by the practices of Microsoft, therefore I demanded, in writing to the AG of Utah, that the State of Utah cease this action at once.

I have been involved in the development of software for a number of years, and I believe that the solution that is on the table with it's attendant monitoring will provide adequate controls in the future without hindering Microsoft's ability to develope software and products which are required for this country to maintain it dominate world-wide position in this most important industry.

MTC–00013953

From: Derrick Eisenhardt
To: Microsoft ATR
Date: 1/18/02 11:10pm
Subject: Missing Item

Microsoft has a habit of buying innovative companies to either kill the product or incorporate it into the Windows OS. This does nothing but hurt the advancement of technology leaving all innovation to pretty much just Apple.

There should be some sort of ruling that blocks Microsoft from buying companies at will without serious review as to how it will use the intellectual property it buys.

Thanks

MTC–00013954

From: Annaleah Atkinson
To: Microsoft ATR
Date: 1/18/02 11:27pm
Subject: Microsoft settlement

Dear Sirs/Madams;

It is very wrong to allow Microsoft to foist it's computers on our schools, effectively taking away the choice of which system will be used by our children. In our open market it is vital to have choices, and the school systems that prefer Macintosh or Linux will no longer have a choice.

Microsoft needs to cough up the cash and let the schools decide what they need, please don't let this get crammed down our throats.

Thank you,

Joshua Atkinson

MTC–00013955

From: Lawrence MacDonald
To: Microsoft ATR
Date: 1/18/02 11:48pm
Subject: Microsoft Settlement

Gentlemen:

The Microsoft litigation must be brought to an end.The settlement terms seem fair to all parties concerned and it is important that this long standing matter be brought to a conclusion for the good of the economy and the country.

Lawrence E. MacDonald
Crossville, TN.

MTC–00013956

From: Andr(00E9) Bakker
To: Microsoft ATR
Date: 1/18/02 11:54pm
Subject: FW: MICROSOFT is a monopoly!!!

My opinion is that microsoft is a monopoly and that they problably bribed their way out of the class action case

MTC–00013957

From: Debra Shaffer
To: Microsoft Settlement
Date: 1/18/02 7:25pm
Subject: Microsoft Settlement
Debra Shaffer
532 Turkey Lane
Fountain Inn, SC 29644
January 18, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies. Thank you for this opportunity to share my views.

Sincerely,
Debra Shaffer

MTC–00013958

From: Barbara Lawrence
To: Microsoft Settlement
Date: 1/18/02 2:44pm
Subject: Microsoft Settlement
Barbara Lawrence
P.O. Box 90536
Honolulu, HI 96835
January 18, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Sincerely,
Barbara L Lawrence

MTC–00013959

From: Lloyd Briley
To: Microsoft Settlement
Date: 1/18/02 7:20pm
Subject: Microsoft Settlement
Lloyd Briley
2101 Mark Twain Drive
Antioch, CA 94531–8304
January 18, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Lloyd D. briley

MTC–00013960

From: Joyce Kelly
To: Microsoft Settlement
Date: 1/18/02 7:36pm
Subject: Microsoft Settlement
Joyce Kelly
216 Tom Bell Rd. 153
Murphys, CA 95247–9643
January 18, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Joyce M. Kelly

MTC–00013961

From: Jimmie Lindersmith
To: Microsoft ATR,fin@
mobilizationoffice.com@inetgw
Date: 1/19/02 12:01am
Subject: Microsoft Settlement
January 18, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

Thank you for the opportunity for public comment on the Justice Department's settlement agreement with Microsoft. Please make mine a ''yes'' vote for the settlement.

Microsoft has agreed to terms in the settlement that go beyond the charges in the lawsuit in an effort to settle the case and move on. Microsoft has answered the complaint that I have heard over and over

again about the inability of Windows users to operate non-Microsoft programs within the Windows system.

The terms in the agreement are fair to all parties represented in the lawsuit. I would like to see this case finally settled and satisfied.

Thank you for your consideration.

Sincerely,

Jimmie Lindersmith

MTC–00013962

From: matt webb
To: Microsoft ATR
Date: 1/18/02 11:58pm
Subject: unhappy with microsoft!

microsoft needs to have a stronger penalty applied to them, while i myself am a windows user, microsofts behavior about their actions is very unbecoming. . . you may one day hear the argument ''just because we make the most popular lighter in the business, doesnt mean that we have a monopoly on the lighter industry''. . but when the microsoft corporation adopted the attitude ''we are the best, to he** with the rest'', thats pitiful, it shows that they have no desire for competition, they WANT to be a monopoly, period. .

MTC–00013963

From: LaneStacy
To: Microsoft ATR
Date: 1/19/02 12:07am
Subject: Microsoft Agreement

I just want to say that I have owned every copy of MS Windows since Windows 286. I refuse to go farther. Each release includes more bloated garbage that is just enough to put legitmate software vendors out. How does one compete with free? The free software agreement is like Wal-Mart giving its employees a discount. They work for x dollars then give it back to the company for goods that were purchased wholesale. Through this arrangement, Wal-Mart gets a 90% mark up, keeps its money in house and pays a reduced price for labor. The same goes for Microsoft, they get to spread their wares, thus taking away potential sales from other companies, get free advertisement through the youth of the contry, and pay with intellectual property that has no tangible value. What a bargain for Microsoft. Hit them where it hurts. Give people a smaller Windows and take the cash from Bill and Company. Better yet, have them pay in precious metals. I have decided to hurt them where it counts by exercising my consumer choice. I have begun selling all of my PC's and just purchased a new Macintosh with no MS software installed. In addition, I feel that they have encroached in everyday life too much. The Passport program is a fine example. Why would I want to give someone like a large corporation all of my financial data for ''safe keeping?'' XP and the ''.NET'' strategy is another joke. When did software become a corporate lease. In the good old days one purchased a software product and it was his free and clear. Has Washington lost its mind? Why don't they start issuing titles and get the bureaucrats involved? We the people can start paying a yearly tax to hold a valid computer software use license as well. Where will it stop if you don't get involved and shut Microsoft's practices down? I urge you to come up with a more neutral and aggreeable settlement that has American business competition in the best interest.

Thank you,

Lane Spence

MTC–00013964

From: Jim Botts
To: Microsoft ATR
Date: 1/19/02 12:14am
Subject: Microsoft settlement

Don't ever give up: WE can beat this.

Jim and Shirley Botts

MTC–00013965

From: Gail Watts
To: Microsoft ATR
Date: 1/19/02 12:15am
Subject: Microsoft Settlement

Dear Ladies and Gentlemen: I like to sleep well at night knowing that I live in a country which creates rulings and laws which are fair to all involved. I think this country has been through enough with all the recent events especially the September 11th crisis. Please settle the Microsoft Case so we can all get a good night's sleep. I think this company has made a fair offering which will benefit everyone. In my experiences with life, I've learned that you just can not please everyone. So, if the majority of states accept the Microsoft proposal, go with it. Thank you. P. G. Watts

MTC–00013966

From: Keith Joyner
To: Microsoft ATR
Date: 1/19/02 12:18am

Microsoft settlement question

I briefed the settlement information as presented and felt the duration of five years was insufficient. Their misdeeds have been going on far longer then that. I may have missed it, but I did not see a penalty for their illegal business activities. There should be a substantial penalty. I am saying this as a stock holder in Microsoft! But I would like to see the company remain honest and responsible in the years to come.

Keith Joyner
11216 E. Dale Lane
Scottsdale, AZ 85262
480–419–0979

MTC–00013967

From: Clive M. Ebsen, CR
To: Microsoft ATR
Date: 1/19/02 12:51am
Subject: Microsoft

I feel the punishment should be a breakup of the Company!!!!!!!!

Clive M. Ebsen

MTC–00013968

From: Steve Seaquist
To: Microsoft ATR
Date: 1/19/02 1:00am
Subject: Nothing short of splitting the company will suffice

Only if Microsoft is split at least 6 ways will other companies be able to compete against this evil, corrupt behemoth (*):

(1) operating systems (Windows)

(2) applications software (Office, MS Works, Publisher, etc)

(3) hardware (X-Box, UltimateTV, Microsoft Mouse, etc)

(4) development tools (Visual Basic, C++, SourceSafe, etc)

(5) Internet products (MSN Messenger, Internet Explorer, BizTalk, etc)

(6) Internet services (MSN, WebTV, Hotmail, etc)

* Gates and Ballmer must sell their interests in all but one of these. Each of the companies must be prohibited from moving into the other 5 companies'' lines of business for at least 8 years.

Only then would the resulting companies'' products stand or fall on their own merits, rather than be exalted to de facto standard status by the sheer weight of their company's position in the marketplace.

AND ONLY IF OTHER COMPANIES CAN COMPETE WITH THEM WILL THEIR EVIL BUSINESS PRACTICES STOP.

Because it lacks the element of returning the marketplace to competition, the current settlement proposal is no more likely to work than the appeasement of Hitler did before World War II.

Steve Seaquist

MTC–00013969

From: Jonathan Ah Kit
To: Microsoft Tunney Act review
Date: 1/19/02 12:58am
Subject: Microsoft Settlement

Sir/Madam,

Re: Microsoft Settlement

I have read the provisions of the proposed settlement as described at http://www.usdoj.gov/atr/public/press_releases/2001/9463.htm this afternoon. I feel while it is preferable to keep the company in one piece, it does not necessarily go far enough to encourage any major competition.

The licensing provisions Microsoft have employed as described at http://www.cio.com/archive/011502/meter.html by CIO Magazine, appear to force customer loyalty by employing a type of subscription model not previously employed in most Windows software—last time I saw this model was on a telnet client a New Zealand government department bought for its mainframe.

While its supposedly oppressive terms could actually be said to encourage purchases of competitors'' products, it still could potentially be a case of Microsoft Corporation attempting to use its hold on current users to force more money out of them [corporate users]. Its monopoly position in this case is a bit different. There are competitors in the ''office suite productivity software'' market to Microsoft Office, but StarOffice (and OpenOffice) and KOffice—with the latter available for Microsoft's Windows grouping of operating systems—do not really have the profile due to Microsoft's Office offering being the de facto standard. Which makes education institutions, companies, non-profits as well as private individual people end up feeling compelled to take it.

This is fine, to a point. Being a de facto standard due to its market share can be okay—if it is not priced crazily like CIO Magazine in the above-referenced article on licence schemes for Office describes. In

analogies, it is like buying a manual gear car versus an automatic gear car. As in, it would probably be fair to say most people buy a manual because it is the standard and virtually everybody (give or take) is trained to drive one. But, it doesn't force everybody to buy a manual— not too much more expensive are equivalent automatic models. (Maybe people buy automatics for convenience and or ease, but that is out of the scope of this submission.)

Credit where credit is due, though. Microsoft's New Zealand operation has issued a version of Microsoft Office, called ''Microsoft Office XP Standard for Students and Teachers', selling for about NZD280 to NZD300, inclusive of 12.5% NZ Goods and Services Tax. It requires no student ID or letter proving employment before buying it, so would require a user's honesty before it is bought. (NB: For this package, Microsoft has defined student and teacher as either a student or teacher of any education institution, including primary, intermediate, middle and high schools, as well as tertiary institutions such as universities, polytechnics and what NZ calls ''private training establishments''. It includes staff.) I would say that is still a high price for esentially a high price for private individual people to buy, however.

Details: http://www.microsoft.com/nz/office/xp/forstudents/ (That also raises another issue, possibly out of the scope of this submission—piracy. Microsoft needs to adjust its curve of piracy versus pricing. Once it does so, there is a chance it can raise revenues. But as said, there is another story there.)

Lastly, I have a note regarding a scheme tying New Zealand schools to Microsoft software. Software is a slightly fickle business, so I can see some justification in having this scheme, but because of its centralised procurement nature, it does not tend to give competitors a look-in.

Details: http://www.microsoft.com/nz/presscentre/articles/2001/september-18_schools.asp I trust that this is of some use to you.

Regards,
Jonathan Ah Kit.

MTC–00013970

From: Mary Glenn
To: Microsoft ATR
Date: 1/19/02 1:31am
Subject: Microsoft

My name is Mary Glenn and I am a concerned citizen regrading Microsoft and the Proposed Final Judgement. i stand in opposition to allow Microsoft to continue as a monopoly. In this country we must protect the freedom and rights of business to grow and not be monopolized by one company or organization. We promote the rights of the big and small in this country. and monopolies virtually eliminate competition and the ability for us as citizens to choose.

I encourage and urge you to reconsider this Proposed Final Judgement and rather judge in a way that promotes freedom for all organizations not just the one with the most power and money. thank you for your consideration.

Mary Glenn
146 S. Berkeley Ave.
Pasadena, CA 91107
626–825–6432

MTC–00013971

From: Ray Petrone
To: Microsoft ATR
Date: 1/19/02 1:40am
Subject: Microsoft Settlement

Please consider this REUTERS NEWS Release. SEATTLE, Jan 17 (Reuters)—Microsoft Corp. (MSFT) on Thursday posted a smaller quarterly net profit — the result of a $660 million legal charge...

The subtle message is that no matter what additional judgment might occur the lawyers of this country will be the big winners and certainly not consumers. That goes for lawyers employed on both sides of this fight. Consumers could probably have benefited more by having Microsoft focus more on its work of creating software and from the cost savings that might have been, at least in some small measure, passed on to consumers. Stockholders would have benefited and that means that a million households would probably have a bit more in this weak economy. And any number of children will receive somewhat less from the Gates Foundation in years to come. You can be cynical and scoff at my premise but you are probably ignoring facts that are easy to prove. Consumers by and large don't feel put upon by Microsoft or they would not have bought 15 million copies of Windows XP and 1.5 million units of XBox. Consumers are happy with Microsoft just as it is or was while some Microsoft competitors feel that there chances to gain market share are better with government punishment of Microsoft than the chances their products and services offer.

Move on to more important work with more egregious offenders.

Respectfully,
R. Petrone, P.E.

MTC–00013972

From: Tim Sprandel
To: Microsoft ATR,Freedom To Innovate.
Date: 1/19/02 1:45am
Subject: Microsoft Settlement.

Dear Sirs or Madams, Please end the Microsoft controversy as soon as possible in order to return the Department of Justice and its Public Servants to the pressing matters of the Nation and to free the resources at Microsoft to invent new technology that may help the United States economy return to prosperity. I fully believe that the framers of The Constitution of the United States did not intend for our nation's government to become as large and involved as it has in so many places. I would feel much better if the personnel currently assigned to the Microsoft case were reassigned to locate and prosecute the insidiously evil terrorists that have managed to establish themselves here in our homeland. Preventing the loss of innocent lives is a far better pursuit and use of tax dollars.

Respectfully Submitted,
Ralph Timothy Sprandel
P.O. Box 181
Addison, Illinois, 60101–0181

MTC–00013973

From: Cheri and Michael Kinzer
To: Microsoft ATR
Date: 1/19/02 1:53am
Subject: Microsoft Settlement

The settlement agreement is just plain wrong. It is far too weak, and achieves nothing for the American people. It is, in fact, an embarassing capitulation to corporate power.

The Justice Department tried this once before, to no avail whatsoever. How many times must we watch Microsoft expand its monopoly powers into new markets before something is truly done to put a stop to it. I can see that this administration has no interest in pursuing a breakup of Microsoft. That's too bad. Standard Oil's monopoly prior to its breakup was nothing close to the kind of damage and power abuses Microsoft has wielded. The same can be said for old Ma Bell, when it was broken up. Both of those were good things. Okay, you will not seriously consider doing what should be done: breaking up the big monopolistic 8000 pound gorilla So be it. That doesn't end the matter, though.

There is nothing about Microsoft which excuses what it has done and continues to do the technology sector. Have you noticed the price of the new XP system.Do you remember when Operating Systems upgrades cost $20 or $30 dollars. Now, Windows upgrades cost $200 or $300, and that has nothing to do with inflation— it is the direct result of monopoly power. If Microsoft is this bold with squeezing every dollar it can even though its case is not settled, what do you think it will do after it settles this case. When all its competitors are completely erased (e.g. Apple, Linux) and there are no viable consumer options, what do you think Microsoft will do to increase earnings in a flat sales market. it will continue to squeeze OEMs, software licensees, consumers, all of us. Its not too late to put a stop to it, but it must be done now, before we have no choice whatsoever.

MTC–00013974

From: jtaarud@mac.com@inetgw
To: Microsoft ATR
Date: 1/19/02 3:01am
Subject: Microsoft Settlement

332 U.S. 392, 401 (1947); United States v. Microsoft Corp., 253 F.3d 34, 103, 107 (DC Cir. 2001). Restoring competition is the ''key to the whole question of an antitrust remedy,'' du Pont, 366 U.S. at 326.

Competition was injured in this case principally because Microsoft's illegal conduct maintained the applications barrier to entr...'' What, may I ask, does ordering Microsoft to equip schools with second hand or discounted software and hardware systems do to increase competition? I submit that this only strengthens the monopoly position of Microsoft at the expense of open competition from other suppliers. It is a slap in the face of every hard working employee at a competing company to watch Microsoft deduct from their income taxes the value of the software/hardware the U.S. government essentially directed Microsoft to donate into a market (schools) where they presently do not demonstrate a monopoly.

These are not ''anti trust remedies'' as referenced in the extract of the Department of Justice's own website.

It cannot be denied that Microsoft was found guilty. From the actions of the Department of Justice, it would almost seem as though the DOJ is apologizing to Microsoft for the slap it on the wrist it has proposed. As an abusive power, Microsoft is as important today as the DuPonts or railroads were of yesterday. The leader of our information society is a monopolist, and a dangerous one at that.

Do not coddle a tyrant.

Respectfully,
Jeff Taarud
2424 Montgomery Ave.
San Diego,
California 92007

MTC–00013975

From: David W. Polta
To: Microsoft Settlement
Date: 1/18/02 9:30pm
Subject: Microsoft Settlement
David W. Polta
1031 E. Hermosa Street
Santa Maria, CA 93454
January 18, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement: The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
David W. Polta

MTC–00013976

From: Warren Hilliard
To: Microsoft Settlement
Date: 1/19/02 2:45am
Subject: Microsoft Settlement
Warren Hilliard
PO Box 64448
Sunnyvale, CA 94088–4448
January 19, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement: The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Warren Hilliard

MTC–00013977

From: welter@att.net@inetgw
To: Microsoft Settlement
Date: 1/18/02 8:29pm
Subject: Microsoft Settlement
Don Welter
515 Defoe Dr.
Columbia, Mo 65203
January 18, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement: The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Don Welter

MTC–00013978

From: James Botts
To: Microsoft Settlement
Date: 1/18/02 11:29pm
Subject: Microsoft Settlement
James Botts
1006 Little Ave.
Grandview, MO 64030–2447
January 18, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement: The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
JIM & Shirley Botts

MTC–00013979

From: Edmund H. III Elkins
To: Microsoft Settlement
Date: 1/18/02 10:26pm
Subject: Microsoft Settlement
Edmund H. III Elkins
222 Champion Dr. NW
Cleveland, TN 37312
January 18, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement: The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling

progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Edmund H. Elkins III

MTC–00013980

From: The Rev. Tony Begonja
To: Microsoft ATR
Date: 1/19/02 4:13am
Subject: Microsoft Settlement

To whom it may concern: While the proposed settlement is a start, it is only a start. By itself, it functions as a weak ''hand-slap''. I strongly urge USDOJ to also ask the judge to impose a ten billion dollar fine on Microsoft. THAT would send the message to Microsoft that truly needs to be sent!

The Very Rev. Tony Begonja

Presbyter-Priest-Pastor, Researcher, Webmaster, Author

MTC–00013981

From: Helmut Kobler
To: Microsoft ATR
Date: 1/19/02 4:35am
Subject: Microsoft Settlement

When are you guys going to grow some backbone and put Microsoft in its place?????

They're making a mockery out of the justice system. We all know they broke the law re monopolistic practices, and they're now reaping the benefits of Windows'' dominance in just about every field of computer tech. The latest proposed settlement was an absolute joke. Not only was it paltry (given that the company's illegal practices have made it richer than Midas) but they have the gaul to propose giving away a bunch of hardware/software to schools, so they look like heroes, and further undermine the position of a rare competitor (Apple).

If anything **close** to this settlement is ever accepted by the government, **you will all be laughing stalks in the eyes of history**. You'll make Neville Chamberlain look like a tough guy. If you had any guts, you'd realize that Microsoft needs to be BROKEN UP or SERIOUSLY CURTAILED in its current businesses, to make up for all that it gained by breaking the rules years ago. They are now absolutely dominant in operating systems, application software, enterprise/networking (what ever happened to Novell?). They're threatening to dominate handheld operating systems (seriously threatening Palm, due to synergies with Windows), consumer online services (threatening AOL, due to synergies with their OS and apps), and video games (seriously challenging Sony and Nintendo, and benefiting from their brand name, and the fact a lot of Windows technology has been leveraged into the Xbox). Most of what they do these days leverages off of technologies and business dominance they already have, and so they'll keep getting bigger and crushing more companies.

Please do something. Make the country believe that you're not just some mild-mannered caretaker, trying not to rock the boat. What good are you if you can't perform when push comes to shove??

Helmut Kobler

MTC–00013982

From: berkjen
To: Microsoft ATR
Date: 1/19/02 4:39am
Subject: Microsoft Settlement
January 18, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft, My name is Inez Jensen. I am a resident of St. James, Missouri. I am writing to ask that the Justice Department implement the settlement recently reached with Microsoft. Under this settlement, Microsoft has agreed not to enter into any agreement that requires a company to distribute Windows exclusively. Microsoft has also agreed to license its Windows systems to computer makers on the basis of a uniform pricing list. I applaud Microsoft for these concessions. I know that this has been a difficult case for you, especially since it was not one of your making. Please take this opportunity to resolve the case on what I consider to be very fair and equitable terms.

Thank you for your consideration and attention.

Sincerely,

Inez Jensen

137 Burchwood Drive

St. James, MO 65559

MTC–00013983

From: Joseph Carrier
To: Microsoft Settlement
Date: 1/19/02 6:18am
Subject: Microsoft Settlement
Joseph Carrier
4402 Parker
Dearborn Heights, Mi 48125–2235
January 19, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement: The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Joseph Carrier

MTC–00013984

From: Kirk Smith
To: Microsoft Settlement
Date: 1/19/02 6:04am
Subject: Microsoft Settlement
Kirk Smith
3108 Avents Ferry Road
Sanford, NC 27330
January 19, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement: The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Kirk D. Smith

MTC–00013986

From: John Dwight
To: Microsoft ATR
Date: 1/19/02 9:00am
Subject: Microsoft Settlement

Dear Sirs and Madams, While the proposed settlement of UNITED STATES OF AMERICA, Plaintiff, v. MICROSOFT CORPORATION, Defendant, Civil Action No. 98–1232 goes a ways towards offering relief for OEMs, I believe the public and OEMS will still be in endangered unless two critical areas are addressed and awarded justice and relief. They are

1. The deep entrenchment of Microsoft operating systems in the Federal Government. and

2. Microsoft, The Public Internet, and Microsoft's .NET Initiative.

Item 1: While the government has been slow to recognize and act regarding the abuse in connection with the monopoly of Microsoft in the crucial area of operating systems, with the advancement of this suit and the absolute documentation of Microsoft abuse of it's monopoly position progress can now be made.

For the Federal Government to recognize and acknowledge the long standing harm done to the public, said OEMs and competitors by the abuse of monopoly power by the Microsoft Corp. on the one hand, and on the other to openly and actively promote the Microsoft operating systems in it's daily operation is a hypocritical and a huge miscarriage of justice.

Recommended solution: Set an example for the public and remove the offending Microsoft products from the Federal purchasing system or encourage the use of alternatives by enforcing the requirement of a serious justification for the purchase of new Microsoft products and continued use of legacy Microsoft products with an aim to the eventual removal of Microsoft operating systems from the Federal Government. Or simply ban the use of Microsoft products by the Federal Gov't.

At an anecdotal level, I am Federal employee of the Smithsonian Institution (henceforth referred to as S.I.) operating a web site on their behalf. I have viewed with alarm the increasing enforced reliance upon and blind insistence on the use and preference of Microsoft Operating systems for the operation of the Smithsonian's large and varied web presence. Documents available from the S.I. Webmasters office advise all of the many other S.I. webmasters to switch to Windows 2000 and the Microsoft Internet Information Server web server software (henceforth referred to as IIS). This despite daily documentation by the expert public at large that IIS is the least secure method of operating a web site, as well as the most expensive system when support costs are accounted for. This is a blatant tactic on the S.I.'s part to pander to and court a huge potential donor, Microsoft, as well as a shameful waste of public moneys. The appearance and encouragement of Gov't. collusion with a known abusive and criminal monopolist is offensive, unjust, and unwise.

Item 2: Microsoft's pattern of behavior in it's destruction of WordPerfect, and Netscape, it's elimination of Apple's ubiquitous QuickTime video from serious competition is again evident in it's proposed .NET initiative, with the eventual removal of freedoms and choice from the Internet -using public as it's aim. Clearly Microsoft has shown no remorse for it's actions. The concepts behind the .Net initiative must be studied and finally outlawed if the public is to avoid paying an ''Internet tax'' to the Microsoft Corp. in the future.

Sincerely,
John Dwight
webmaster
National Museum of the American Indian—a Smithsonian Institution

MTC–00013987

From: Roger Morse
To: Microsoft ATR
Date: 1/19/02 9:40am
Subject: Microsoft Settlement

After reviewing what I know about the settlement Microsoft offered and the judge's comments on it, I do believe that while Microsoft had the right idea, it just went about it the wrong way. Since the proposed breakup of the company probably won't happen, this might be the best answer. However, ANY solution must cripple Microsoft's ability to dominate the computer industry and place restraints on it's ability to weld what influence it has.

I do agree that the public school-oriented part Microsoft's settlement was underfunded and that the potential for mismanagement would be great. This is why the amount should be increased and the management should be taken over by a third party. The most interesting part of the public school-oriented section is the donation of several PC's (with Windows software, of course) to the schools. While alternatives, such as Apple computers, were offered, the support and software were lacking, to say the least. This would actually increase Microsoft's domination of the computer market and allow them a huge chunk of the prized education market that Apple Computers still dominates.

My solution to this is that while Microsoft continues with the ''donation'' to the education field, the amount should be increased and the management turned over to a third party. The other part of the solution is that the fund will be used to buy Apple computer equipment and software. This should include iMacs & PowerMac desktop computers, iBook and Powerbook notebooks and Apple's AirPort wireless network system.

Since the education market uses Apple computers heavily, this will be no great conversion to them. And since the Macintosh operating system supports using Windows disks, files, and networks, it can be intergrated with schools already using some Windows machines and student with Windows computers at home can still take homework files home and use them. The only allowance for Microsoft will be to offer the Macintosh version of Microsoft Office, which will make it easier for students to take files home to use. Otherwise, there is an incredible amount of education software for the Macintosh system, so there should be no lack of software offered through the settlement. Tech support can be handled by Apple's already well-established education division. Oh, yes, and the prices for this hardware and software should be calculated at the education sales price, not the retail sales price.

Thank you for the opportunity to voice my opinion.

Sincerely,
Roger Morse

''When I became a man, I put away childish things, including the fear of childishness and the desire to be very grown up.''—C. S. Lewis

MTC–00013988

From: NKM
To: Microsoft ATR
Date: 1/19/02 9:54am
Subject: Microsoft Settlement

Dear Madam or Sir: From a consumer point of view. Microsoft has provided both positive and not so positive influence in the software industry. Microsoft has made software easy to use for non-technical people and eliminated chaos of uncontrolled software anarchy. On the not so positive side, from the consumer point of view, the pricing of Microsoft product is not as low as what I would like and it is generally accepted that Microsoft product, between ease of use and technical advancement, is more towards the ease of use side.

What I would like for the whole software industry is:

1. Do not force the consumer to pay a regular annual fee, either through ''subscription'' pricing modeling, or through ''engineered obsolescence''.

2. Allow consumer to control the behavior of software on their machines.

3. Licensed software should respect the Rights of Privacy, same as an employee should respect an employer's Rights of Privacy.

Very Sincerely,
Norman K. Ma
6428 Dunmoor Drive
Plano, TX 75093

MTC–00013989

From: LCismowski@aol.com@inetgw
To: Microsoft ATR
Date: 1/19/02 10:06am
Subject: Microsoft Settlement

To Whom It May Concern; In my opinion, it would be in the best interest if all States were required to accept the DoJ's settlement plans for the Microsoft case. It would be in the best interest of the economy for all States of the United States. Thank you for you time and consideration in this matter. Let's get this behind us and get the United States on the path to recovery.

Lonnie J Cismowski

MTC–00013990

From: Lynne LaMaster
To: Microsoft ATR
Date: 1/19/02 10:19am
Subject: Microsoft Settlement

I just wanted to comment that I see no way in which this settlement addresses the concerns in the original suit, and it does nothing to alleviate the damages caused by the anti-competitive nature of the Microsoft business practices. Please rework this settlement to benefit a company other than Microsoft.

Lynne LaMaster, ASE, APP
ACE: Photoshop, GoLive

MTC–00013991

From: RenaudsPrincess@aol.com@inetgw
To: Microsoft ATR
Date: 1/19/02 10:35am
Subject: United States v. Microsoft

As a citizen, I would like to make my comments about this case. I have been in the computer field for over 7 years.

First, the largest portion of the ''penalty'' is in licensing costs. How much is Microsoft really losing by ''donating'' these licenses? It's already been stated that these are under-privileged schools which probably couldn't afford to buy computers and software on their own. Microsoft is simply getting increased market penetration with minimal loss of revenue. I think I read that support contracts for these schools would be negotiated and given a discounted rate, (i.e. not free). Anything they would lose in licensing they're going to make up in new support contracts.

Secondly, it's a well established marketing strategy to give software to schools so the students learn the applications, then take that into the marketplace when they look for a job. For exmaple, Adobe has used this for a great advantage. Ignoring the fact that PhotoShop and Illustrator are supremely awesome applications, they give the software away to universities so the majority of graduates know these packages. This encourages companies recruiting graphic artists to use these applications because there's no learning curve for new hires. The CEO or RedHat made a public offer to donate the Operating Systems (OS) for these machines *with support* and Microsoft could donate just the hardware. This would mean more schools would get computers and Microsoft would not be furthering their own interests. Please consider this CEO's offer and put another OS on these systems (ie. not Microsoft)!

Finally, the debate on whether or not they have a monopoly is closed, the courts already ruled that they do! Not only do they have the monopoly, but they've abused it and that's why we are discussing their punishment. I hope you will consider a stronger punishment for Microsoft!!

MTC–00013992

From: Joseph T. Kwasniak
To: Microsoft ATR
Date: 1/19/02 10:39am
Subject: Microsoft settlement

The people in the DOJ are just plain stupid. I am sick of the DOJ spending taxpayer money on this litigation. I'ts time now to focus on something important, like freezing the personal bank acounts of Enron CEO's who sold billions of dollars of Enron stock when the employees were helpless in their situtation. Let the DOJ get some of the employees money back or don't regular people count?

MTC–00013993

From: Craig S. Kauffman
To: Microsoft ATR
Date: 1/19/02 10:51am
Subject: Microsoft Settlement

Dear Sir—As a long time Netscape user I have always found Microsoft Window program easy to install Netscape and use Netscape's internet program. This automatically places AOL on my desk top which I have never wanted but it causes no harm. I do not see where Microsoft has been doing anything different than is being done by other businesses, and is the recognized norm for our capitalistic business society. Let us not persecute businesses because they are good. I believe we should give Microsoft honors for greatly improving our life and at a very small cost to the users.

Yours truly, Craig S. Kauffman

MTC–00013994

From: Alan Hagerman
To: Microsoft ATR
Date: 1/19/02 11:14am
Subject: Microsoft Settlement

Dear Justice Department. . . . .I am writing in support of the Microsoft settlement. This trial has gone on too long, has cost the taxpayers and investors too much and should be closed out as soon as possible. Thank you for asking our opinions.

Sincerely, Alan Hagerman, 5460 Wells Curtice Road, Canandaigua, NY 14424 585–394–3308

CC:cpnys,Alan L Hagerman,Earl Bixby,Robert Fackler,Bo. . .

MTC–00013995

From: Brian Nelson
To: Microsoft ATR
Date: 1/19/02 11:22am
Subject: Microsoft Settlement

Do not allow them to ''donate'' PCs and software, at a minimum.

Break Microsoft up. . . it will only make them better.

Case in point: Breakup of AT&T required them to divest themselves of the Unix operating system. Unix has become the unsung hero of Internet server reliability. AT&T long distance phone service is increasingly losing ground to Internet services at a benefit to all of the USA. Break up Microsoft into three units: Productivity software (Office et al), Operating systems, and certification/education; and, force them to create new divisions for ''other'' categories or divest themselves of ''other''catagories. The next winnners for investors, citizens, and business will come from the ''other'' categories.

Brian Nelson
Systems Administrator
Dept of Computer Science
University of ******

MTC–00013996

From: Ken Ward
To: Microsoft ATR
Date: 1/19/02 11:49am
Subject: Microsoft Settlement

I would be glad to give you my opinion of the proposed settlement with Microsoft.

It is, by definition insane. Someone has said that repeatedly doing the same thing over and over and expecting a different result is insanity. Let us not forget that Microsoft is in court for violating their last consent decree. Do you really expect them to abide by this one. The only reason they have agreed to this decree is that it is vague and flexible enough to allow them to do what they want while the lawyers argue about the details until reversing their actions would be harmful to the country.

If you think that the public (at least the computer literate ones) don't see this for exactly what it is, you are more arrogant or more uninformed than I thought.

Ken Ward
Ward Studios
ken@wardstudios.com

''Let us so endeavor so to live that when we come to die, even the undertaker will sorry.''

Mark Twain

MTC–00013997

From: JMcD51@aol.com@inetgw
To: Microsoft ATR
Date: 1/19/02 11:57am
Subject: Microsoft Settlement

This is in support of Microsoft's proposed settlement of their long-term antitrust case. I heard my Attorney General Blumenthal (Connecticut) speak yesterday on this issue and it appears that he does not wish to compromise and settle this. I belive it is time to settle; for the good of the country, Microsoft and it's competitors, and for senior citizens such as myself (72) who are minor shareholders of not only Microsoft, but also Oracle, Sun, and other tech stocks that have tumbled drastically in price. The courts have had to make the compromises so far in this case and have reduced the adversaries to a few states who, under the guise of high principle, seem to refuse to give an inch for what I think are very selfish interests. It's high time to stop this now, with the limitations already in place to curtail Microsoft's questkionable actions while still keeping open the legal marketing initiatives that Microsoft and it's competiors may want to use. John McDonald, 34 Baywater Dr., Darien, CT 06820

MTC–00013998

From: David M Lazor Sr
To: Microsoft ATR
Date: 1/19/02 12:07pm
Subject: Comments on U.S. vs. Microsoft! It's time to resolve and put this to an end!

1/19/2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Fax 202–616–9937
microsoft.atr@usdoj.gov

I believe that Microsoft, since its inception has consistently provided the consumer with the best value, best innovation, and best productivity compared with the competition. This holds true not only for the American economy but also the world economy.

Historical facts prove this point. When Microsoft created their first operating system PC DOS/IBM DOS and brought it to market in 1981, the cost was about $60; the two competitors Digital Research (CPM) and USC–P cost to consumers was about $120 and $400, respectively. There was some question about there ability to be ''Fast-to-market'' also.

The word processing application available for the IBM PC was WordStar. Shortly after, Microsoft came out with MS-Word 1.0; they included a copy free in a PC Magazine issue for trial. This impressed me as a consumer as innovative marketing. Besides the early product from a user standpoint was far superior to any existing competitive product from ease of use to improved productivity. This superior innovation from Microsoft and its partners in a highly competitive environment has continued over the last 20 years.

I believe Microsoft has not behaved in an anti-competitive way; but, rather in a highly competitive, innovative way to provide consumers and businesses a highly reliable and productive way to operate second to none.

They and partners (Intel, IBM, HP, Compaq, others)seized a new and ''disruptive technology'', ''The Christianson Effect''(Harvard), and continuously improved there products and services over time resulting in creating an industry, or at least

a major segment. Those partners and competitors who couldn't keep up with the velocity of providing the marketplace with superior innovation and productivity lost their positions at least in the short-run. The name of the game is sustained, high velocity innovation and productivity, and Microsoft, Intel, and many others have delivered over the last 20+ years. This force has been a major component in growing our economy over the last 20+ years.

Regarding, the case of the 9 States settlement with Microsoft, I believe this is fair and needs to be settled. This entire fiasco over the last several years has cost the taxpayers far too much. It's time to settle and put those who think litigation is the American way in their place. Litigation only helps the lawyers and parasites who want to get a free ride. Prolonged litigation doesn't help the American economy or taxpayer.

It's time to resolve and put this to an end.

David M Lazor Sr

MTC–00013999

From: Jon Grizzle
To: Microsoft ATR
Date: 1/19/02 12:04pm
Subject: Fw: A FINFLASH FROM THE FREEDOM TO INNOVATE NETWORK A FINFlash Alert: January 28 Deadline for comments to DoJIncluded in this e-mail is an e-mail received and will not add to Block Sender list when I ask. More of these mail type have been sent lately.

Why does Microsoft allow some users of e-mail to send unwanted mail that Microsoft's Outlook Express will not add to the Block Sender utility? Has Microsoft sold out some of their software security and compromises e-mail secure?

Since I'm using all Microsoft software components I can say there are wholes and hooks been designed and sold to invade on user privacy.

Regards,

Unhappy user of E-mail

Jon Grizzle

From: MSFIN@Microsoft.com
To: jgrizzle@gte.net Sent: Tuesday, January 15, 2002 12:03 PM
Subject: A FINFLASH FROM THE FREEDOM TO INNOVATE NETWORK A FINFlash Update: Settlement News—Public can Comment in Antitrust Matter; Class-Actions Suit Returns to Litigation

Deadline Nears for Public Comment on Antitrust Settlement

The Tunney Act review period, during which the Department of Justice seeks public comment on its proposed antitrust settlement with 9 states and Microsoft, closes Monday, January 28. The settlement is not guaranteed until after the review ends and the District Court determines whether the settlement is indeed in the public interest.

The provisions of the agreement are tough, reasonable, fair to all parties involved, and go beyond the findings of Court of Appeals ruling. Still, while consumers overwhelmingly agree that settlement is good for them and the American economy, and overwhelmingly want to move beyond this litigation, nine states have refused to join the settlement. Some, including Utah Attorney General Mark Shurtleff and Massachusetts Attorney General Tom Reilly, are urging citizens via email or Web site to submit their comments to the DoJ during the Tunney review period.

While Microsoft commends these public officials for involving citizens in a decision that will affect them so profoundly, your voice is more important now than ever before to ensure that the DoJ hears the full spectrum of opinion on this matter. Concerned citizens already have begun submitting their comments about whether the Microsoft case should be settled or further litigated.

The Department of Justice will take all public comments and viewpoints and include them in a report for the District Court to consider. Please send your comments directly to the Department of Justice via email or fax no later than January 28th.

Whatever your view of the settlement, it is critical that the government hears directly from consumers.

Please take action today to ensure your voice is heard.

Email: mailto:microsoft.atr@usdoj.gov. In the Subject line of the e-mail, type Microsoft Settlement.

Fax: 1–202–307–1454 or 1–202–616–9937

To find out more about the settlement and the Tunney Act review period, go to the Department of Justice Website at: http://www.usdoj.gov/atr/cases/ms-settle.htm.

Thanks for taking the time to make a difference.

Class-action Lawsuit Returns to Litigation

Friday, January 11, U.S. District Judge J. Fredrick Motz rejected a settlement that would have resolved more than 100 private class-action lawsuits filed against Microsoft in the wake of the 1999 decision issued by Judge Thomas Penfield Jackson during the trial court phase of the federal antitrust lawsuit.

Under the proposal's terms, Microsoft would have given disadvantaged public schools more than $1 billion in funding, software, services and training, and around 1 million Windows licenses for renovated PCs.

Microsoft, who sought input from educators on specific terms of the agreement, will review the court's opinion and at the same time move forward with the next steps in the litigation while we continue to look for reasonable ways to resolve the matter.

MTC–00014000

From: Brian Walsh
To: Microsoft ATR
Date: 1/19/02 12:05pm
Subject: Microsoft Settlement

To whom it may concern:

I believe that the only possible settlement that will restore innovation and competition to the market is a breakup of Microsoft into two completely independent companies with identical product lines and equal access to all of Microsoft's current patents, copyrights and other intellectual property. The first should be run by the current management and the second should be sold on the market at the current share price only to people and companies who do not have any current stake in Microsoft. No company in which Microsoft has a controlling interest should be allowed to invest in the new company. Joint shareholding should be absolutely prohibited. Your attention to this proposal would be greatly appreciated. Sincerely yours, Brian Walsh

MTC–00014001

From: Richard Royce
To: Microsoft ATR
Date: 1/19/02 12:13pm
Subject: Microsoft Settlement

I'm writing to give my strong support to your settlement reached with the Microsoft Corporation. It is tough but fair, and there are far more important and relevant anti-trust and related issues to focus on.

Sincerely,

Richard Royce

1 Greenbriar Drive

Summit, NJ 07901

MTC–00014002

From: Charles Collins
To: Microsoft ATR
Date: 1/19/02 12:14pm
Subject: microsoft settelment

IT IS MY BELIEF ,AS A CONSUMER, THAT MICROSOFT MUST BE BROKEN INTO SEVERAL DIVISIONS.THEIR SIZE HAS LED THEM TO BELIEVE THAT THEY ARE ABOVE THE THE LAW AND EVEN MORE FRIGHTNING THEY ARE RUTHLESS IN STOPPING COMPETETION.

IN RECENT ACTIONS MICRESOFT HAS BEEN TRYING TO CRUSH AN UPSTART COMPANY ,LINDOWS, THAT HAS DEVELOPED AN OPERATING SYSTEM THAT WILL RUN MOST PROGRAMS THAT HAD TO BE RUN ON MICROSOFTS WINDOWS ENVIORMENT. THEY ARE NOW IN COURT TRYING TO STOP THE RELEASE BY SAYING IT LOOKS TOO MUCH LIKE XP. THEY HAVE ALSO HAD THE COURTS GIVE THEM ALL E-MAILS OF PEOPLE THAT HAVE CONTACTED LINDOWS. IS THIS MENT TO INTIMIDATE CONSUMERS?????? CHARLES B. COLLINS ccollins@wwlmail.com

MTC–00014003

From: Tom Sandholm
To: Microsoft ATR
Date: 1/19/02 12:21pm
Subject: Microsoft Settlement

Dear Sir(s),

I am glad to see that Massachusetts abstained from signing the proposed Microsoft settlement. The original proposal falls far short of providing protection for consumers as well as promoting open and fair competition with computer vendors.

The new proposal will, hopefully, enable fair and open competition for other software vendors, as well as provide the necessary knowledge to software developers and computer programming students at our educational institutions, without imposing heavy licensing fee's for missing, shoddy and often incorrect documentation that Microsoft has sold at outrageous fee's in the past. The requirement of Microsoft to document their products programming interfaces should be placed in public access. I want to point out that most major computer vendors, for example IBM and Sun Microsystems, currently provide programming information for their operating systems, often bundled into the core product, at no additional charge. This practice has enabled other

vendors to make their products available across platforms, and not just lock the product into one platform, so typical with Microsoft applications. Microsoft has intentionally radically changed programming interfaces between product releases, and severely restricted access to programming information to such a degree as to make it cost prohibitive or virtually impossible for 3rd party software developers to make their products available across both Unix and Microsoft platforms.

In consideration of Microsoft's extremely poor implementation of security in their products, I would suggest an additional remedy of requiring a level of computer security exists in all future Microsoft products. I site the numerous security alerts that have been issued from CERT in regards to Microsoft IIS, as well as the office products. The recent release of Microsoft XP has also fallen to severe security holes, thereby leaving consumers quite vulnerable to hackers and identity theft. The security level enforcement could be monitored by an organization such as CERT (Computer Emergency Response Team, http://www.cert.org). CERT would require full unlimited access to all of the source code for Microsoft products. This would ensure consumer protection.

In regard to the remedy of Microsoft applications working on other software platforms, I would encourage you to explicitly list the platforms, and not exclude Linux in the list.

Thank you for your time.

Sincerely

Thomas F. Sandholm

453 Derry Road

Chester, NH. 03036

MTC–00014004

From: Mike Ruebush
To: Microsoft ATR
Date: 1/19/02 12:32pm
Subject: Re: U.S. v. Microsoft: Settlement Information

Thank you for this opportunity to share my thoughts on this topic. I think that this should be considered just a start. Microsoft controls far too much of the computer industry. It forces potential competitors to spend very large amounts of money and resources to follow along in its path, instead of developing new ideas and concepts. The first thing a competitor must ask when developing a new idea is not if this idea will help its potential customers, but if will be compatible in the Microsoft-dominated industry.

Please think of the entire computer industry's health when considering any action regarding Microsoft.

Thank you

MTC–00014005

From: KENNETH SMITH
To: Microsoft ATR
Date: 1/19/02 12:33pm
Subject: Stop the Microsoft suit

Here is my vote to stop the Clinton era lawsuit against Microsoft.

MTC–00014006

From: MARGOFCPA@aol.com@inetgw
To: Microsoft ATR
Date: 1/19/02 12:42pm
Subject: Microsoft Settlement

Gentlemen:

This letter is in response to the request for public comment regarding the upcoming settlement of the Microsoft Litigation.

As a practicing certified public accountant, I am struck by the uneven treatment that Microsoft seems to be receiving.

As an instructor of Economics I have always used Microsoft as a shining example of Adam Smith's theory of the ''Invisible Hand'' ie. ''entrepreneurs who, while acting in their own self-interest, create wealth for themselves, and in doing so benefit society as well''.

I was struck by the behavior of the tax-paid legislators, who create no jobs, do nothing to increase the generation of tax revenues, and yet try to sit in judgement of the behavior of company who's only crime, seems to have been that they were too good at what it is they do! HOW IRONIC!!!!!!!!!!!!!!!!!!!! Public servants who live off the largesse of hardworking, tax-paying citizens are getting caught up in this whole notion that if the competion is too keen, then there must be something wrong with the manner in which they operate. It couldn't possibly be, that they possess such a unique understanding of the technology that is the lifeblood of their organization, or possess such a focused understanding of how they envision future technology impacting our lives, that the so-called competition can't measure up.

Yet as I watched the hearings and listened to the testimony of the various CEO's, I was saddened to see how very antagonistic the questioning of Bill Gates was. Orrin Hatch and his cohorts did themselves no favors, because in my eyes, it was an absolute travesty of justice to see them treating Mr. Gates as if he were some public enemy to be dealt with!!!!!

While I do believe that no one should be above the law, I am reminded of the anti-trust action that was waged against IBM. It turned out to be nothing more than a real waste of taxpayers'' dollars.

Had there been a judge, who was truly objective hearing the case to begin with, perhaps the findings would be viewed as credible, but since Thomas Penfield Jackson made it no secret, that he was sure that Microsoft surely did something dreadfully wrong and it was up to HIM to see that they were stopped no matter the cost to the consumer, I view the decision as flawed, and anything after it the same. As to the appeals court, while yes they did indeed come to the same conclusion, am I correct in understanding that no new information or evidence can be intro- duced at this time? If yes, it too is flawed, because you had an original trial record that reflects the actions and decisions of a biased judge.

Finally, I am troubled by the lack of evidence that the consumer was somehow harmed???????????? No one has yet to prove that the lack of choice of operating systems is somehow bad! You have had Linux touted as both free, and more stable! Well it turns out that its not more stable and now the many companies who moved to its use are finding that the costs associated with system failures are greater and will probably change operating systems.

If you follow this to its logical conclusion the benefits of a Microsoft with a superior product, used as a standard for an industry if of far more benefit to the consumer.

The benefits are enormous to the industry as a whole, because software developers would rather support a product that commands a larger percentage of the total industry than a lot of competing products. In an economic sense this does indeed represent an efficient use of scarce resources. Apple computers made a very poor decision years ago, when it decided that its OS would not be compatible with any other. That decision would come back to haunt them for years. Why should I and many other taxpayers be forced to pay for their lack of understanding of the industry and its extremely competitive nature?

I read recently that Sun Microsystems will not make its software compatible with Intel based systems because they can sell servers for $20,000. Yet if their computer language is compatible with an Intel based computer the result is the same equivalent system for $4,000. Are you going to go after them too?

So you see the list of grievances can go on and on.

I do believe that to force Microsoft to make their code available to competitors is nothing short of government sponsored theft. The nature of the technology industry is changing so fast that probably the product that caused this ill- conceived undertaking by the Department of Justice is now obsolete.

As a taxpayer, I am disappointed that you are allowing all of these states to clamor for a piece of Microsoft as if they have all been harmed by them. Again, where is the proof of injury?

Microsoft's not a chorus of choirboys and Bill Gates is no angel, but neither is Scott McNealy(Sun Microsystems),Larry Ellison(Oracle), John Chambers(Cisco) Craig Barrett(Intel)and yada yada yada.

I would think that this current crisis of investor confidence created by the likes of Arthur Andersen and Enron reemphasize the real job of the DOJ.

Thank you for taking the time to read this and I really hope you rethink this whole issue of what is the proper remedy.

CC:MSFIN@microsoft.com@inetgw

MTC–00014007

From: Yolanda R Hague
To: Microsoft ATR
Date: 1/19/02 1:18pm

Without taking up time and space to state the many paradigms that are common knowledge and support my request. I believe the interests of this country, its voters and taxpayers, are better served if the actions against Microsoft are terminated now.

I am requesting that you give this your consideration I immediately.

Yolanda R. Hague

MTC–00014008

From: vze26rs7@verizon.net@inetgw
To: Microsoft ATR
Date: 1/19/02 1:28pm
Subject: Microsoft settlement

I am a lifelong resident of Massachusetts and voted for our current Attorney General, However he should reconsider his stand on

the Microsoft Settlement as negotiated by the U. S. Government and accept it for my state.

Michael F. Sypek

MTC–00014009

From: Ted Mruczkowski
To: Microsoft ATR
Date: 1/19/02 1:51pm
Subject: I support DOJ Microsoft settlement

Microsoft, as US based corporation, shall be viewed as international resource. Acting in direction to limit or change capacity of Microsoft's workforce and its constructive influence on constant technology leverage ? might be only in minds of indulgent competitors. Negotiated settlement is in the best interest of mine and hundreds of thousands software developers who are relying on Microsoft well being.

MTC–00014010

From: attilioserafini
To: Microsoft ATR
Date: 1/19/02 1:51pm
Subject: Microsoft Settlement

Settlement of the Microsoft case(s) NOW is in the best interest of the public and especially the people that use computers. It is particularly important to people who use computers to conduct business. I run a small business and I believe that Microsoft will develop new and improved products at a faster rate when they are free of the distractions of these legal matters.

Just a thought: What if the government had spent as much time, effort, and tax payers'' money dealing with ENRON in the public's interest, instead of going after the Microsoft Corporation? How many people would be better off today?

Just a tax paying American who cares about what is right.

MTC–00014011

From: Kenneth Smith
To: Microsoft Settlement
Date: 1/19/02 12:41pm
Subject: Microsoft Settlement
Kenneth Smith
325 Kesselring Ave.
Dover, De 19904
January 19, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry.

It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Rev. Kenneth B. Smith

MTC–00014012

From: C. D. Shepard
To: Microsoft Settlement
Date: 1/19/02 12:41pm
Subject: Microsoft Settlement
C.D. Shepard
Box 459
Castle Rock, CO 80104–0459
January 19, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
C.D. Shepard

MTC–00014013

From: Helen G Brown
To: Microsoft Settlement
Date: 1/19/02 12:23pm
Subject: Microsoft Settlement
Helen G Brown
1600 Priscilla Ct
Forest Hill, MD 21050
January 19, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry.

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Thank you for this opportunity to share my views.

Sincerely,
Helen G. Brown

MTC–00014014

From: Joseph Patterson
To: Microsoft Settlement
Date: 1/19/02 11:43am
Subject: Microsoft Settlement
Joseph Patterson
4546 Elk Head Road
Bland, MO 65014
January 19, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry.

It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Joseph J Patterson

MTC–00014015

From: GEORGE LOSADA
To: Microsoft Settlement
Date: 1/19/02 12:35pm
Subject: Microsoft Settlement
GEORGE LOSADA
2 PATRICIA PL.
MILLTOWN, NJ 08850–2137
January 19, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
GEORGE D LOSADA

MTC–00014016

From: September West
To: Microsoft Settlement
Date: 1/19/02 11:15am
Subject: Microsoft Settlement
September West
146 Roddau Court
Wright City, MO 63390–3947
January 19, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry.

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Thank you for this opportunity to share my views.

Sincerely,
Jeff & September West

MTC–00014017

From: Stanley W Thomas
To: Microsoft Settlement
Date: 1/19/02 12:41pm
Subject: Microsoft Settlement
Stanley W Thomas
203 Hickory Way
McCormick,, SC 29835–2728
January 19, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry.

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Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Stanley W &Nancy G Thomas

MTC–00014018

From: dzrlib@library.caltech.edu@inetgw
To: Microsoft ATR
Date: 1/19/02 2:04pm
Subject: Microsoft settlement

I feel that the November 2001 proposed settlement of the Microsoft anti-trust case is neither fair nor reasonable. It does not seem to do anything to prevent a continuation of their illegal activities. Given the dominance of the Microsoft operating systems, it seems only logical to split the company as previously proposed.

Dana L. Roth
2023 Rose Villa St.
Pasadena, CA 91107

MTC–00014019

From: Julian Kovalsky
To: Microsoft ATR
Date: 1/19/02 2:08pm
Subject: Microsoft Settlement

I feel that there should be a strict judgment against Microsoft.

If it does not happen it just shows that if you have enough money to spend you can even buy the Government. I don't want to live in a Microsoft dominated world.

I want there to be equality and fairness.

Please give a harsh penalty for what they were already accused to have done.

They are a monopoly.

Julian Kovalsky
940 N Sierra Bonita
Los Angeles CA 90046

MTC–00014020

From: Bill Wright
To: Microsoft ATR
Date: 1/19/02 2:26pm
Subject: Microsoft Settlement

It is strongly recommended that language be inserted relieving America Online of any further obligation to use Microsoft originated software, support files, or code in their internet client software.

Bill Wright
PO Box 373
Balboa Island, CA 92662

MTC–00014021

From: Warren Ponemon
To: Microsoft ATR
Date: 1/19/02 2:34pm
Subject: Microsoft Settlement
Warren E. Ponemon
cimcor@msn.com
CIMCOR
ADVANCED TECHNOLOGY SYSTEM, LLC
January 27,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I think that Microsoft is being far too generous in the recent antitrust case settlement. Microsoft in my opinion never made any antitrust violations. There positive contributions to our nation's economy have far outweighed any negative results of their actions. I am a proponent of free enterprise that thinks government should not interfere with the free market.

Fortunately, the terms of the settlement do not break up Microsoft. They do however give away much of their technological secrets to competitors, such as internal interfaces and protocols.

Microsoft has also agreed to not retaliate against software developers or computer makers that develop or promote software that competes with Microsoft products.

Even though I think the settlement is flawed and unjustified, I also believe the settlement is in the bets interests of the American public because our nation cannot afford more litigation. We need our industry leaders innovating and growing to create jobs and more technological breakthroughs.

Please take a firm stance against the opposition and make sure this settlement becomes a reality.

Sincerely,

Warren E. Ponemon

MTC–00014022

From: Johanna Seth
To: Microsoft ATR
Date: 1/19/02 2:35pm
Subject: microsft settlement
Johanna Seth
14860 Summerlin Woods Dr. #16
Fort Myers, Florida 33919
January 19, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I want to use a moment of my time to convey my support for the settlement reached between Microsoft and the Department of Justice last year. I definitely believe this agreement is in the public interest and no further action is needed at the federal level.

A brief review of the terms shows that Microsoft has agreed to many concessions that will require significant changes. One example regarding intellectual property rights illustrates this point. Microsoft has agreed that if a third party's exercise of any options provided for by the settlement would infringe any Microsoft intellectual property right, Microsoft will provide the third party with a license to the necessary intellectual property on reasonable and non-discriminatory terms. And to assure compliance with this and other provisions, a technical committee will monitor Microsoft.

Finally, this settlement will allow the federal government to focus on more urgent matters than continuing this unneeded litigation. This includes helping to stimulate the economy and health care issues.

Sincerely,

Johanna Seth

CC:fin@mobilizationoffice.com@inetgw

MTC–00014023

From: David Salinas
To: Microsoft ATR
Date: 1/19/02 2:39pm
Subject: Microsoft Settlement

Dear DOJ,

I think the DOJ's settlement was a debacle. It was clearly big money (the economy, or lack thereof) at work that influenced John Ashcroft's (Attorney General) decision to work out a deal with Microsoft.

It seems as though Ashcroft's main interests was to close the case rather than offer a solution that was best for consumers.

Here's my analogy. If a husband and wife are having martial problems. You just don't make a deal to stop fighting just for the sake of stopping the fighting. That's just putting off the problem.

What you do is find out what's the cause of the conflict and then remedy that problem.

Ashcroft wanted to save tax payer money by passing on the case to the States. He caved. He did not do his job. Sometimes I think that he took a poll to find out if the DOJ vs Microsoft case was high on the priority list of the American people. Well, if you take polls, you get inaccurate results. Also, as you might know, popularity votes are not the best way to come to a decision. If that's the case, then Elvis would have been the president in the 60's. That's why we have the electoral college vote. The founding fathers knew that the majority of the people were too ignorant to make important decisions about our country.

And this leads me to my point about Microsoft. Most people in the world, much less the US, know little about the unethical business practices of Microsoft. All they care about is surfing the web, or sending email. This is why the majority of the US populace show indifference toward the case. They just don't get it! Most people are NOT technologists, engineers, or IT professionals. I mean, ask the common Joe how to connect to the internet, he'll have to hire/ask a profession to show him how to do it. If a common consumer doesn't understand the technology he uses at home/work, then how do you expect them to understand the complexities of the Microsoft case?

Licensing, XLM, HTML, .Net, Passport, GNU, GLP, cookies, security certificates, digital signatures, C#, Java, WMA, etc. are all technical jargon that can be spoken during the technical case. Do you honestly think that the majority of people know what these terms mean? If they don't, then how can they make a educated decision about a complex technical monopoly case?

So, John Ashcroft basically made the decision to end the case for the DOJ because the American people really didn't understand it, or care about it (in the light of the 9/11 attacks, and the dot-com downturn).

But, the Microsoft case has far reaching consequences if the necessary steps aren't taken to prevent Microsoft from abusing it's monopoly power in the future.

I feel that the States proposal on what to do about Microsoft is a good proposal.

Although some do not feel that it goes far enough (less a breakup). I believe that it cuts out all the potential loopholes that plague the current DOJ settlement (swiss cheese settlement).

Microsoft should be under the spotlight for the next 10–15 years (or however long it takes).

Every move they make, every deal they make are moves that they use to extend their power. And the scrutiny they will receive is justified.

Microsoft has the power now. So, its the watchdogs of the tech world that will keep an eye on everything Microsoft does. Because the company with the power can abuse that power. And they have, in the past, in the present, and will continue to do so in the future unless they are watched and their behavior is curtailed.

I end this letter with a question. . . .

What's worse than a Government Big Brother?

A Corporate Big Brother!

MTC–00014024

From: Brendan Irvine-Broque
To: Microsoft ATR
Date: 1/19/02 2:40pm
Subject: Microsoft Settlement

I think that Microsoft needs to be penalized in a way that lets them continue production of all products other than their Windows operating system. The Windows operating system should be given a very large setback, such as limiting the amount of computers which it is shipped with each year, but products such as Microsoft Office should be left untouched. I have been a mac person for many years, and while I thoroughly detest the Windows operating system and the scams that have come with it, i greatly appriciate the benefits that Microsoft Office has given to the entire personal computing industry.

At this point, almost everyone uses Microsoft Office, and it would be devastating if as a result of this antitrust suit, Microsoft would be forced to put less effort into the creation of newer versions of Office.

Now, at the same time, this does not mean that I do not want Microsoft to be punished, because I think that it should be punished greatly for how it has not only hurt competing companies, but for how it has revoked the choice of operating system from the consumer. People can talk all day about the many alteritives to Windows, but the fact is that for the vast majority of users, there is no choice.

Linux, the UNIX based Windows alternitive, has never been put into a standard version so that the average consumer can use it without spending hours of frustration trying to make it work. The Macintosh Operating System, especially with the amazing new Mac OS X, is thought of as a better operating system than Windows by critics and consumers, including PC users. But because of the Windows monopoly, it is still making a recovery to regain thousands of applications that it lost. I myself am an avid mac person, but just months ago I was forced to buy a new PC instead of a Macintosh because the server that I needed to access was running Microsoft software which my computer was not compatible with. It is sneaky tactics like this that have given Microsoft this monopoly.

As for a solution for this problem, I am not sure what that might be, but what it should do is give other companies and other operating systems a chance to be equal with Windows instead of struggling to stay afloat.

Thank you for listening,

Brendan Irvine-Broque

MTC–00014025

From: Dond1070@aol.com@inetgw
To: Microsoft ATR
Date: 1/19/02 2:43pm
Subject: Microsoft Settlement
CC: fin@mobilizationoffice.com@inetgw
1070 Riverside Drive
Battle Creek, Michigan 49015
January 18,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

This letter is to express my support for the recent settlement arrived at between Microsoft and the DOJ. I am presently retired from the workforce however my nephew presently works as a manager with Microsoft.

My interest in the success of the company is therefore very personal. It is my sincerest desire that the remaining States, who are not in agreement with the settlement, will help put this issue to rest as soon as possible so that Microsoft my get back on track and continue to provide excellent service.

I am very satisfied with the efforts that Microsoft has made thus far to satisfy the terms of the settlement with the DOJ. Microsoft has even established an interim release of Windows XP, to provide a mechanism to make it easier to promote no-Microsoft software within Windows. I am confident that anti-trust issues will not present itself in the future.

I appreciate your willingness to hear to the voice of the people by way of the Microsoft Tunney Act. I trust that my input will be considered favorably for Microsoft.

Sincerely,
Don Degroot

MTC–00014026

From: Mike Baker
To: Microsoft ATR
Date: 1/19/02 2:48pm
Subject: Microsoft

I think Microsoft is only trying to get a stronger foothold in the education market and is using this judgment to fool the public into thinking it is really being punished.

Mike Baker

MTC–00014027

From: HJDennis@aol.com@inetgw
To: Microsoft ATR
Date: 1/19/02 2:49pm
Subject: (no subject)

When are you guys going to lay off the only company in the US that has brought so much the America? Please stop wasting my tax dollars and get back to work fighting terrorist suspects. Make America SAFE again. Put the bad guys behind bars not penalize a company the employees thousands and pays millions in taxes.

Thanks,
Hal Dennis
hjdennis@aol.com

MTC–00014028

From: Bruce Reed
To: Microsoft ATR,mpowell@fcc.gov@inetgw, kabernat@fcc. . . .
Date: 1/19/02 3:00pm
Subject: MSN Broadband and QWest partnership problems

I have been a QWest DSL/ISP customer for a couple of years. In December QWest sent notification that all customers must migrate to MSN Broadband with a deadline in January 2002.

No choices were offered for other ISPs. No mention was even made that you could have QWest DSL with a 3rd party ISP.

I selected the MSN migration. Surprisingly (sarcasm), the migration process was automatic—no human intervention required, no delay in the changeover. But I experienced a few issues with the new service, none of which are explained.

1—All outgoing email MUST go thru the MSN SMTP email server. Connection to any other SMTP server is blocked. This was not disclosed.

2—SMTP access for outgoing mail is strictly by secured password authentication. This was not disclosed.

3—The only email product I am aware of that has secured password authentication is. . . you guessed it—MS Outlook/Outlook Express. By the way, it should be obvious—this was not disclosed. I'm sure I never saw anything with the MSN migration information that said you must use Outlook.

These are just the technical issues. Even more important are the processes.

1—Once migrated to MSN Broadband, MSN owns the entire account, including the DSL physical connection. This was not disclosed.

2—Once migrated to MSN Broadband, you cannot change ISPs. You must completely cancel the MSN Broadband. This was not disclosed.

3—When you cancel the MSN Broadband, you cannot immediately order different DSL service. This was not disclosed. This would seem to be beyond anti-competitive practices, and into if not illegal, definitely improper practices.

4—Once the MSN Broadband is physically disconnected and DSL service is no longer active, YOU STILL CANNOT ORDER NEW SERVICE. You must wait until MSN finishes its paperwork, and no longer owns your account. This was not disclosed. Is there any doubt now that we are at the level of illegal practices?

5—One MSN paperwork is completed, and MSN no longer owns your account, you must order new DSL service, and must wait approximately 10 business days for DSL service. This was not disclosed. Although this may be reasonable for new service, it is not reasonable for an ISP change.

In summary, to change away from MSN Broadband to a different ISP, you must

1—cancel service (1/2/02)

2—wait for disconnect—about 1 week (1/9/02)

3—wait for paperwork—about 1 week (was told maximum of 10 bus. days from cancellation)

4—order new service (was told on 1/9/02 that once I could order, it would probably be about the end of January to get service up)

5—wait 2 weeks

In other words once you make the decision to change, you are stuck with MSN for one more week, then have three weeks or more without service. Not only is all this anti-competitive, but they never told me ANY of this up front.

I would like to make a personal thank-you to Rick Gray at the QWest DSL Manager Escalation center for his assistance in getting my ''new'' order placed within a reasonable time in spite of the policies, and in escalating the actual installation.

Microsoft's steps and objectives are plainly obvious. One must question QWest's new practice of turning complete ownership of DSL service over to MSN. One must also blame QWest for not providing some of these details with the migration information.

MTC–00014029

From: Mikael J.
To: Microsoft ATR
Date: 1/19/02 3:03pm
Subject: Microsoft Settlement

I am part of a worldwide network that is working on getting the BeOS or equivalent back into the market place, but there is no hope of success if the following issues aren't addressed:

1) MS Office needs to be opened, so that developers interested in porting it or understanding the document formats can do so either in form of a source code licence or an allowance to see it, check it and ''clone libraries'', so that applications on non-Windows OSs can read and write MS Office formats for flawless interaction with Windows users.

2) The Win32 API needs to be available so that BeWine can be successfully ported not only to BeOS but other OS too.

3) The file system needs to be opened, so that BeOS users can continue to access files on non-BFS partitions.

4) The ruling must include a ''must-carry'' rule, so that any OEM Microsoft is supplying Windows with HAS to ''dual-boot'' an alternative operating system, in this case BeOS, in order to remedy the damage MS has done to BeOS in the past.

I'm develop for BeOS in my spare time, and had actual plans to work at Be once I finished college. Unfortunately, this won't be possible, due to a lot of reasons, some of them stated above—basically Be's death was due to Microsoft's bussines practices.

I sincerely hope there's light at the end of the tunnel—I've been living with BeOS as my main operating system for three years, and couldn't possibly picture myself running another operating system.

Regards
Mikael Jansson,
Sweden.

MTC–00014030

From: Sean Major
To: Microsoft ATR
Date: 1/19/02 3:09pm
Subject: Microsoft Settlement

To whom it may concern:

For a punishment for Microsoft's anti-competitive behavior in the computer market place I would like to see Microsoft provide funding to schools which are the poorest of the poor in the United States of America.

This $1billion minimum amount would go to funding any areas of the school, which each individual school or school board sees fit. That would mean that a school could use the money to buy new textbooks, new musical instruments, stationary supplies, athletic equipment or other requirements.

In terms of using the money for buying new computers or other technology that would also be fine, but Microsoft would not be allowed to insist that schools buy Microsoft products with their allotment. Schools would be allowed to buy computers from any source, even a competitor such as Apple Computer, Inc., which has a strong presence in the educational industry.

Microsoft has the cash reserves to implement the $1billion minimum and any proposals below this level should be rejected.

Sincerely,
Sean Major
sean_major@hotmail.com

MTC–00014031

From: Mike Pridavka
To: Microsoft ATR
Date: 1/19/02 3:21pm
Subject: Microsoft Settlement

I wish the Department of Justice would find something better to do with their time and money than wasting it on trying to screw up one of the best companies that America has ever had. Microsoft is the model that all companies should strive for. They are the most innovative and forward looking company that I have seen. They have proven that free enterprise, hard work and the entrepreneurial spirit are a live and well and I applaud them for it. I am ashamed that my government has tried to bring this great company down. I would suggest that the government take a look in the mirror and focus on fixing it's self. If this is the governments idea of watching out for me, I would rather they focus on something else. Please find something better to do!

Michael D. Pridavka

MTC–00014032

From: William Potts
To: Microsoft ATR
Date: 1/19/02 3:43pm
Subject: Re: Web page

Good day,

I am rather amazed at our regulatory institution, in there historically infinite wisdom, to conclude that microsoft is a monopoly in the highest order. There were no questions in the break up of AT&T and going back to the rampage of the steel giants at the turn of the century. How can anyone legitimately think that microsoft is not maliciously stifling competition? They have already been proven to manipulate open protocols to there own needs. (tcp/ms for one and corrupted html code, msn/opera) MS has and is filling a need in the consumer market. They do have a reasonably simple product to use. Not as user friendly as Mac, but runs on much cheaper hardware. It is also much simpler than Linux. What is the problem with microsoft being forced to conform to internationally established protocols? And how can anyone at ms actually keep a straight face when speaking of priracy? (simple search on anything ms will suffice)

I know the chances of someone reading this message is slim to none. I also know that if it is read that it's probably irrelevant. Thanks for the opportunity anyway.

Sincerely,
William Potts

MTC–00014035

From: Bob (038) Helen Bamrick
To: Microsoft ATR
Date: 1/19/02 4:27pm
Subject: Microsoft Settlement
E.R. &. H.J. Bamrick
6131 N 36th Drive
Phoenix, AZ 85019
January 19, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear General Ashcroft:

It is our opinion that if it weren't for Microsoft and their superb ability and capability to make the operation of computers and the Internet easy for people like us we would STILL be relegated to getting our ''news'' from the biased newspapers.

Microsoft is getting taken for a ride in our opinion. U.S. lawmakers and politicians have shown no concern for the public's best interests throughout this case, as reflected by the terms of settlement that showcase stipulations that only benefit competitors. Ironically, now you are asking us for our opinion when it doesn't matter nearly as much.

The terms of the settlement will only serve to give leverage to competitors that had no idea how to be more innovative than Microsoft. For instance, Microsoft now has to grant broad new rights to configure Windows so as to make easier the promotion of non-Microsoft products. Microsoft is also documenting and disclosing, for use by competitors, technology that has been developed in-house.

Since we are users and have no complaints as users we think the settlement is flawed. But, because the alternative is further litigation, we would like to see the settlement occur as soon as possible.

Sincerely,
E.R.(Bob) Bamrick
H.J. Bamrick
CC:fin@mobilizationoffice.com@inetgw

MTC–00014036

From: NARCISSA KIEWERT
To: Microsoft ATR
Date: 1/19/02 4:31pm
Subject: Microspft sttlement

its time to stop impeding the development of Microsoft.Settle in their favor.Youre truly,N.Kiewert

MTC–00014037

From: Chris Young
To: Microsoft ATR
Date: 1/19/02 4:34pm
Subject: microsoft settlement

To whom it may concern,

I am opposed to the Propsed Revised Final Judgment for many reasons, but I shall discuss five points here.

1. Microsoft's power over the OEMs is worded in secret and confidential agreements between the OEM and Microsoft. The Final Judgement does nothing to expose all forms of restraint or potential retaliations hidden in those agreements, only those known today.

There is an attempt to make sure that Microsoft uses terms and conditions that are uniform across the OEMs, however it is well known the OEMs are currently forbidden (because of the confidential agreements imposed upon them by Microsoft as a condition for selling the software) to discuss openly about retaliatory terms and conditions. This stranglehold practice cannot continue.

It must be allowed for OEMs to discuss terms and conditions of these contracts without being ''gagged'' or retaliated against by Microsoft.

There is nothing in the Final Judgment that would prevent Microsoft from adding future terms and conditions that would be considered by some to be retaliatory in nature. And if the agreements are considered confidential between on OEM and Microsoft, there is no ability for the OEM to act without breaching the agreement. There is nothing in the Final Judgment to allow the OEM to offer non-Microsoft Operating Systems and any related bootloader programs as the consumer's *first* choice for an operating system in a multi-boot system. It is well known that the existing Microsoft/OEM contracts prevent a non-Microsoft Operating System from being offered as a *first* choice to consumers, only as second or subsequent choices. The Final Judgment wording would continue to allow Microsoft to prevent competition. This wording is an example of what Microsoft has done in the past to get around the previous Anti-Trust judgment.

2. The Final Judgment allows for a vast loophole for Microsoft in Section III J.

For Microsoft to not be required to disclose an API or related information, all Microsoft must do is label it as a necessary component for ''security''. Many third party software packages will be rendered useless once Microsoft decides through this ''security'' loophole who can and cannot see what's under the covers.

Microsoft lawyers (probably unbeknowst to DOJ lawyers) have carefully crafted wording to deny Open Source projects as a party in the revealing of any API or documentation. Open Source projects such as SAMBA, a competitor to Microsoft's file and print sharing services, may not fit the definition in III J (2).

''(a) has no history of software counterfeiting or piracy or willful violation of intellectual property rights, (b) has a reasonable business need for the API, Documentation or Communications Protocol for a planned or shipping product, (c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, . . . ''

The language is horribly slanted towards Microsoft.

It appears that Microsoft is the party which determines whether an organization will meet the criteria set forth and not the Enforcement Authority or other third party.

Condition (a) stipulates that the organization cannot have a ''willful violation of intellectual property rights.'' Who determines whether a violation existed or at all and whether it was ''willful''? Apparently Microsoft does.

Some Open Source organizations have indeed reverse engineered what Microsoft might consider their intellectual property. But it is odd that now that Microsoft will be required to expose these APIs. Those that were deemed by Microsoft (and not any judicial entity) to have violated those same API property rights in the past would be excluded from now legally obtaining those rights.

And Microsoft's choice of who is in violation of its intellectual property rights may have nothing to do with Microsoft's choice not to prosecute them in the past for those past violations. This wording is wholly inadequate.

Clause (b) allows Microsoft to determine if there is a business need to an API. Why should any company be required to disclose

to Microsoft the plans on how that company intends to produce a competitive product? Wouldn't that give Microsoft the product idea for themselves to develop and exploit, potentially beating that company to market?

Clauses (b) and (c) also allow Microsoft to determine if an organization is a business or not. An Open Source project is not necessarily (and in fact, most are not) a business in the captitalism model. There is necessarily no corporate structure, shareholders, or employees. There sometimes is simply a loose organization of individuals from around the world. However, these organizations produce some of the world's best software, much of which directly competes with Microsoft's programs.

The Final Judgment wording is easily interpreted to exclude Open Source projects and organizations and this wording is simply inadequate.

3. The Technical Committee (TC) is wrought with problems.

3.a. Why does Microsoft have the right to select a member? Isn't this allowing for a fox to guard the hen house?

3.b Why does Microsoft pay the costs for the TC? Doesn't this create a conflict of interest?

3.c The TC has no authority to impose fines, create injuctions, or limit actions against Microsoft.

3.d The TC is bound by confidentiality agreements to which, of course, Microsoft will require full adherance, thus severely limiting what the TC can discuss with non-parties. The citizenry of the US (and the world) has a right to know the details of a dispute, but when the dispute is classified as confidential at Microsoft's sole discretion, this really amounts to another gag order. How can this be good?

I find the TC severly lacking in its ability to curb any Microsoft behavior at all, especially when there is no real enforcement power given to this body, and when 1.5 people on the TC are appointed by Microsoft, and when the TC's payroll and expenses are reimbursed by Microsoft.

4. The term of five years is wholly inadequate. It has taken just as long to process this case as the proposed five-year term of this agreement.

The term should be indefinite. It should also be on the burden of Microsoft to prove at a later date that they have not violated Anti-Trust laws for a period of, say, no less than ten years before the DOJ should even consider ending the agreement. Microsoft has proven that they are willful law breakers.

After the previous settlement, Microsoft lawyers and executives set out to push the envelope of what was legal. Theydid not abide by the spirit of the last agreement and cannot be trusted to abide by any spirit of this one. Their past actions indicate that once again, their lawyers will be looking to exploit any and all weaknesses in this agreement.

5. There is absolutely no attempt to address restitution for any injured parties or address fines against Microsoft for breaking the law.

None.

Microsoft has $38 billion in cash and this Final Judgment does nothing to address the fact that Microsoft made that money by its illegal acts.

I don't know how to explain to my family why one of the biggest corporate criminals in the world was allowed to keep the money they illegally made. The DOJ lawyers should be ashamed of themselves.

In conclusion, I do not support this proposed Final Judgment. It is inadequate to keep Microsoft in check and makes no attempt at restitution or fines. I respectfully ask that this proposed Final Judgment be rejected.

Chris Young
610 NW 79th St
Seattle, WA 98117
CC:Chris Young

MTC–00014038

From: M Hogan
To: Microsoft ATR
Date: 1/19/02 4:37pm
Subject: Microsoft Settlement

Please put faith and trust back into government. I believe whatever Microsoft has been purported, the accusers have also used whatever means at hand in the efforts of competiveness.

Microsoft has shown to be far more ethical than its accusers using our governments money to fight a private grievance. This is not the time for our government to be wasting resources and energy on an issue that has already been determined to be fair and reasonable by even our own citizens responses. Don't they hear us?

This continued thirst for revenge by ego driven individuals is to say we are not capable of compromise and not worthy of our faith in the departments into which the public places their trust. I believe you have put forth every effort to get this behind us and move on. Your efforts have been in the publics best interest. The guide lines are firm yet fair. We are hoping you will rule in favor of this settlement.

Thank you for all your consideration in these grave times.

Patrick and Marlene Hogan

MTC–00014039

From: Patrick A. Ward
To: Microsoft ATR
Date: 1/19/02 4:37pm
Subject: Anti-competitive practices

I believe we use MS software because it is the ''only game in town''.

They stifle competition at every chance. The consumer is faced with the fact that they continually foist us to buy their new crap because they make sure anything new that might be worthwhile will not work with previous versions.

MTC–00014040

From: Dana Alan Carlton
To: Microsoft ATR
Date: 1/19/02 4:37pm
Subject: Microsoft case

Microsoft is a monopoly.

In the United States of America monopolies are not allowed.

Microsoft should be broken up and their influence in the marketplace diminished severely so there is true competition and innovation is allowed to flourish.

Microsoft should be severely punished financially, to the tune of tens of billions of dollars, for their predatory and anti competitive behavior which has allowed them to dominate at the expense of other companies.

The playing field needs to be re-leveled at Microsoft's expense.

Microsoft does not need a slap on the back of the hand.

The U.S. government needs to stop giving Microsoft contracts and to help other competing companies.

Microsoft should be forced to sell off their browser and email products and not be allowed to expand their influence in new markets.

They should not be allowed to provide financing for companies they own in part or whole to gain control of other markets such as high speed internet access.

The Federal government should act quickly, not act years from now.

MTC–00014041

From: Dale Brooks
To: Microsoft ATR
Date: 1/19/02 4:46pm
Subject: Microsoft Settlement

It seems as though Micosoft will be prohibitted from future anti.competitive actions, but the settlement seems to be very light in punitive action for past actions. What price is to be paid for past actions except to ensure that they do not recur. Microsoft has already won the monopoly war and this settlement does nothing to punish them for the atrocities committed during the battles. There is no punishment and there is no remorse from Microsoft.

MTC–00014042

From: Paul E Hurst
To: Microsoft ATR
Date: 1/19/02 4:44pm
Subject: Microsoft Settlement

Letter in the mail.

MTC–00014044

From: Brian Tvenstrup
To: Microsoft ATR
Date: 1/19/02 4:56pm
Subject: Microsoft Settlement

Judge Kollar-Kotally,

Throughout the entire Microsoft anti-trust case, every court has found that

Microsoft has abused its market power in a monopolistic fashion and stifled competition while earning unjust profits in the process. Furthermore, Microsoft has consistently shown itself to be unable or unwilling to police its own actions to bring them into accord with appropriate standards of conduct within a free-market community. Consequently, I believe that the proposed Microsoft settlement you are currently considering is fatally flawed. First, it does not adequately punish Microsoft for its violations to date and allows them to continue to enjoy the fruit of their anti-competitive and illegal behavior. Second, it provides no meaningful provisions to ensure that Microsoft will not repeat these sorts of activities in the future, because it does not structurally alter its ability to do so. I urge you to reject this proposal and accept only a more stringent and punitive set of remedies that will address the underlying issues of punishment and deterrence.

Sincerely,

Brian Tvenstrup
2522 West Walnut Street
Colmar, PA 18915

MTC–00014045

From: Ed Gow
To: Microsoft ATR
Date: 1/19/02 5:17pm
Subject: Microsoft Settlement

The settlement of the Microsoft antitrust trial that has been proposed by the Justice Department is weak and inadequate and is not in the public interest. Because of its many exclusions, this settlement would rely upon the greatest of good faith on the part of Microsoft.

Microsoft has not admitted to wrongdoing in the present case. They remain as they have shown themselves to be in the past, unwilling to abide in good faith by limits on their conduct. Only the most unambiguous of limits with clear means of enforcement and the prospect of harsh penalties can extract compliance from Microsoft.

Faced with a similarly inadequate settlement in 1994, Judge Stanley Sporkin rejected it. He was overruled and the 1995 consent decree was put in place by Judge Jackson. Microsoft went on to, in the most forgiving view, test the limits of that agreement. A more reasonable view that has emerged from the courts in the present trial is that Microsoft knowingly and systematically violated both the consent decree and the Sherman Act. Accepting a weak settlement in this case will guarantee a repeat of the unfortunate consequences of the 1995 decree.

As a consumer I have watched several times as Microsoft has used its market power to eliminate innovative products that were of interest to me. It is widely acknowledged that venture capitalists will not fund development that Microsoft opposes. This stifles innovation at its root. Microsoft is now moving to use its Windows monopoly to gain control of the ways that consumers use the internet. Although it was deemed unlikely by Judge Jackson at trial, the Internet Explorer browser has approached the status of a monopoly product (many internet web sites work properly only with IE). Such is the power of ''comingling'' with Windows.

In short, accepting the proposed settlement will harm the public by allowing Microsoft to continue its anticompetitive practices. It should be rejected in favor of a remedy that places clear limits on Microsoft's behavior and meaningful penalties for future abuses.

MTC–00014046

From: timmber
To: Microsoft ATR
Date: 1/19/02 5:20pm
Subject: microsoft settlement

I would like to see these frivilous lawsuits against Microsoft come to an end. The bottom line of this whole thing is a couple of companies who refuse to compete in the marketplace. They use ''consumer protection'' lingo to hide behind but what they really want is for Microsoft not to exist at all.

They think this will make their companies strong. All these lawsuits have done is to make America weak.

Just look at the rise of the EU and anyone with the common sense God gave them would see a real problem for American enterprise on the near horizon.

Our government is essentially eating its own young and the states just won't let go of it until Microsoft is so weak from funding lawsuits that they cannot lead America in free enterprise anymore. Please see this for what is really is and has been all along, and it has nothing to do with consumers, only with certain competitors who seem to want a socialist government instead of capitalist.

Computer products have been getting smarter and better for consumers and the prices have been coming down esp. considering the many things software can do now so rapidly.

Let's end this nonsense and get on with getting America recovered as a leader of the free world.

Respectfully,
Marie Timm

MTC–00014047

From: Joe Lamonte
To: Microsoft ATR
Date: 1/19/02 5:31pm
Subject: Microsoft settlement

To the Justice Department:

This whole lawsuit against Microsoft has been a case of injustice. It has caused my stock to lose half its value, many teachers and others to have considerable losses in their retirement portfolios, and has made government officials look like fools that can be manipulated by company executives that want to get a competitor out of the way.

I think that the ones who want all they can squeeze out of Microsoft are just like the fools that killed the goose that laid the golden eggs. Microsoft has been indirectly responsible for much of the boom we have experienced in the last decade. What has happened to them has been, and will be, a nightmare in the dreams of many who would like to begin new businesses or make their current businesses grow.

Please stop trying to take away the freedoms we have had in this great country. Stop undermining our justice system with judges that look likes complete idiots(Jackson).

Please tell those states to go check on Edward Kennedy if they want to really go after someone that needs to be stopped . Tell them to check on his connections with Merck and Medco and Paid Prescriptions, and then ask him why he wants to have Medicare cover all prescriptions for everyone.

How many other politicians do we have that have connections with businesses that are doing business with the government? How much business have they directed toward friends and relatives?

How many of them have lost net worth in the ''service'' of the public? How many pardons have been bought and bedrooms been rented out for libraries and campaign donations?

I think the government needs to get the beam out of their own eye before looking at the speck in another's.

Sincerely,
Myra Lamonte

MTC–00014048

From: Bob Crites
To: Microsoft ATR
Date: 1/19/02 5:40pm
Subject: Microsoft Settlement

I am opposed to the proposed settlement with Microsoft. I am not employed in the software or computer business. I do not own stock in any software or computer company. I just buy and use the products.

Microsoft has been found guilty of conducting illegal acts to maintain its monopoly of personal computer operating systems. But there does not seem to be even a light penalty for their behavior. There is nothing that I have read which would keep them from repeating the acts which lead to their conviction.

The settlement is so mild as to be almost humorous. But those of us who are consumers of software are not laughing. The monopoly which led them to something like 90 per cent of the market almost completely destroyed all other personal computing operating systems, and discouraged inventive software writers from creating new software.

A fair and effective resolution of this matter must provide incentives for Microsoft to comply with the law. No one believes they will become good citizens unless forced to.

Respectfully submitted,
Robert Crites
553 E Palo Verde Street
Yuma, AZ 85365

MTC–00014049

From: Jay Raisoni
To: Microsoft ATR
Date: 1/19/02 5:40pm
Subject: MICROSOFT Settlement

THe litigation has dragged out too long already and has been a colossal waste. It is time to settle it now.

MTC–00014050

From: walter roubik
To: Microsoft ATR
Date: 1/19/02 5:39pm
Subject: Mixrosoft settlement

There are 3 PC's in our family working with Windows; we all believe that Windows was a factor in decreasing the price of personal PC's and that the consumer has substantially benefited. Microsoft competition didn't like it and got e receptive ear in Clinton's Administration resulting in an antitrust suit. After protracted litigation an equitable settlement was reached; it is being now attacked by Attorneys General of several states. Further delay will prevent return to normalcy in the PC market and enrich trial lawyers. I urge you to conclude the matter now. Respectfully Walter Roubik

MTC–00014051

From: Rick Fister
To: Microsoft ATR
Date: 1/19/02 5:45pm
Subject: Microsoft Settlement

Dear DOJ,

As a software developer who watched Microsoft ruthlessly destroy Netscape, and who is currently watching Microsoft employ similar tactics to unfairly compete with Real Networks, I am shocked at the proposed settlement. These are just the segments of the

market that I happen to follow; I suspect that Microsoft employs similar unfair monopoly tactics in other market segments. Please see that justice is carried out by creating a settlement that fairly punishes Microsoft for abusing its monopoly position. Note that any settlement that ''punishes'' Microsoft by requiring it to distribute it's software (to schools, etc.) is absurd in the context of dealing with a monopoly.

If Microsoft refuses to accept a reasonable settlement, then please move forward with the court case.

Sincerely,
Rick Fister

MTC–00014052

From: Bert Altenburg
To: Microsoft ATR
Date: 1/19/02 1:29pm
Subject: Microsoft Settlement

Dear Ms. Hesse,

Microsoft is able to keep and abuse its monopoly due to the fact that its Office suite uses mainly proprietary file formats. If details about these formats were in the public domain, other companies could create easier to use and cheaper programs while maintaining file compatibility. That is, we would finally have a choice. The file formats should be extendable by every company (using an open architecture, allowing for plug-ins), and Microsoft should be forced to implement any improvements in the form of plug-ins (and not change the file formats again). That is, other companies will be able to do more than just follow Microsoft: they can innovate, forcing Microsoft to start doing the same.

Your attention in this is appreciated.

Yours sincerely,
Bert Altenburg

MTC–00014053

From: John Petri
To: Microsoft Settlement
Date: 1/19/02 2:07pm
Subject: Microsoft Settlement
John Petri
512 N. Grove Street, Suite 203
Hendersonville, NC 28792–4489
January 19, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
John O. Petri

MTC–00014054

From: James Lewis
To: Microsoft Settlement
Date: 1/19/02 3:43pm
Subject: Microsoft Settlement
James Lewis
1712 Cottonwood Dr.
Waukesha, WI 53189–7227
January 19, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
James W. Lewis, II

MTC–00014055

From: Kuebelbeck, Jason
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/19/02 6:05pm
Subject: Microsoft Settlement

I think the propsed Microsoft Settlement is a bad idea. The company has made no substantive changes to the way it does business. It is thumbing its nose at the American Government. I think the settlement needs to be much, much more restrictive of Microsoft's actions.

MTC–00014056

From: hostmaster@
clearwaterpeace.org@inetgw
To: Microsoft ATR
Date: 1/19/02 6:08pm
Subject: View of proposed settlements

I am addressing this address because of a report that the Department is seekign public comment on the proposed Microsoft settlement.

Microsoft was caught engaging in anti-competitive behaviors, confirming rumors on the street that had previously been fairly well accepted by observers. These behaviors including various forms of blackmail, such as charging OEM's for the price of Windows times the numbers of units sold, without regard to whether Windows was in fact installed, and charging a higher price to people who would not commit to Microsoft Apps being default apps or exclusive holders of a place on the desktop. The trial judge's findings of fact in these regards are still the facts of the case.

Of considerable interest to me is that Microsoft was caught in deliberate factual misrepresentations to the court more than once, yet showed no remorse or embarrassment, evidencing an arrogance that mocks any future reliance on in their truthfulness. Presumably if they will lie to the sitting judge in an anti-trust case, and ignore the fact they got caught at it, one may assume they will continue to lie to any enforcer/inspector.

The trial judge's remedy was positively inspired. Make sure that the OS folks have no lock on the apps, and vis versa.

This was the second time that Microsoft was in the courts over monopolistic manipulation of the marketplace. It was clear they had violated the intent and spirit of the first court order. They are simply not to be trusted.

As for Microsoft's oft invocation of the right to innovate, one must reluctantly conclude that the only ''innovation'' ever produced by Microsoft, was their bald-faced adoption of ideas from DR/DOS, Xerox, and Apple, marketed in the press releases as their own wonderful new idea, and gullibly lapped up by the press. They also innovated by introducing to the software business the business model and ethics of the Robber Barons of the late nineteenth century. The highest quality work product of the company is their marketing and propaganda. Their ability to deliver to the public beta software sold as the final product is legendary, not to mention illustrative introduction of XP as ''the most secure OS ever'' which OS was within the week shown vulnerable to all sorts of attacks. That they charge what they do for products which are as poor as they are, is further proof of the existence of a monopoly.

Do not trust these people. Place no faith in them. Do not rely on them in any way, shape or form. Every representation made to you by them is to be treated as untruthful in terms of designing the remedy.

Oliwni,
Ted

MTC–00014057

From: Clifford Wiernik
To: Microsoft ATR
Date: 1/19/02 6:18pm
Subject: Microsoft settlement

I am a certified public accountant and programmer. I work with both Microsoft and Novell networks. I program for the Microsoft

environment. I do not feel that the proposed Microsoft/US government settlement is sufficient. It does nothing to remedy the monopoly situation.

Because of the current monopoly situation Microsoft has been able to:

1. Release new software without fixing adequately bugs in the old software

2. Force changes in licensing agreements that significantly increase the price of software

3. The price of operating system software has gone up instead of gone down as other technology items have.

4. The current XP home and XP professional release is just an indication of the problem. Their monopoly status has allowed them to create a Home release that is not supported on computer networks but because of the $100 price difference, is not available in stores like BestBuy, Staples, Office Depot, etc. (that is readily available). That limits business options.

Prior version of Win9X were also usable on corporate networks which the Home version replaces.

Nothing in the settlement would remedy this.

5. Microsoft's software is similar in function to the engine of a car. If a car engine had as many defects Microsofts operating system products, the likes of Ralph Nader and US Consumer Products Division would have a field day.

Because of the monopoly situation, they are in a position to constantly force new versions without fixing the prior versions. Moreover, the current indications are that Microsoft is pulling support, especially via corporate licensing programs, for older versions even faster. Because of their track record with bugs releases and security problems, support is being pulled for a stable version before the corporate community can adequately test and fully implement these items.

In my view, Microsoft's Operating System Division should be separate from the software division so the operating system division would finally produce a truely stable operating system. Currently, their monopoly status does not allow any viable alternatives as software drives the operatin system choice. Without adequate user software, the greatest operating system will not achieve any acceptable level of wide spread use.

Clifford Wiernik
325 Ann Drive
Stevens Point, WI 54481

MTC–00014058

From: Ellen
To: Microsoft ATR
Date: 1/19/02 6:40pm
Subject: Microsoft Settlement

Attorney General John Ashcroft:

I would like to share my opinions with you on the pending Microsoft Settlement.I have used Microsoft products for over a decade. I have purchased many of their software products over the years because I like the software and the software works. I have tried other software to see if it offered something better but I did not find that it did.I am aware that there are other operating systems available, such as Linux, Macintosh, BeOS, but I choose to use Windows because I feel it is the best. I have a problem understanding why Microsoft is considered a monopoly when consumers have choices and they choose

Microsoft. However, I understand that there is a settlement in the Justice Department's suit against Microsoft and I am sending this e-mail to give my support to this agreement and ask that you also support it. It's time to move ahead and let Microsoft move ahead to develop better and more exciting products for consumers.

I understand that Microsoft has agreed to terms that far exceed the products and procedures that were actually at issue in the suit. Microsoft has agreed to help companies better achieve a greater degree of reliability with regard to their networking software. Microsoft has agreed to design future versions of Windows with a capability making it easier to promote non-Microsoft software. It seems to me that Microsoft has done far more than what was needed.

Thank you
Ellen Warren
18 Tomahawk Drive
White Plains, NY 10603

MTC–00014059

From: Margaret (038) Doug Green
To: Microsoft ATR
Date: 1/19/02 6:45pm
Subject: Microsoft Settlement
Letter
Original Message
From: Margaret & Doug Green
To: microsoft.wtr.@usdoj.gov
Sent: Friday, January 18, 2002 5:52 PM
Subject: USAGGreen—Margaret—1026—0116 (3)
1906 Southwest 43rd Street
Pendleton, OR 97801
January 18, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing you today to express my opinion in regards to the Microsoft settlement. I am a Microsoft supporter; therefore, I support this settlement and the end of this costly litigation.

This settlement was reached after extensive negotiations. Microsoft has agreed to fully carry out all provisions of this agreement. Microsoft has agreed to not retaliate against computer makers who ship software that competes with anything in its Windows operating system. A technical oversight committee has been created by the government to oversee Microsoft compliance to this agreement.

This settlement will benefit all of us. Please support this settlement and allow this company to get back to business. Thank you for your support.

Sincerely,
Margaret Green

MTC–00014060

From: Glae Thien
To: Microsoft ATR
Date: 1/19/02 6:54pm
Subject: Microsoft settlement
Glae Thien
551 E. 4th Avenue
Escondido, CA 92025
760–745–3457
glae@incom.net
January 19, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The purpose of this letter is to inform you of my support of the settlement reached between Microsoft and the Dept. of Justice. After three years of protracted litigation resolution regarding this matter is extremely welcome. While I disagree with the original merits of this case, I believe settling this issue is highly beneficial in that it allows Microsoft and other members of the tech industry to return their full focus to business productivity. The changes called for within the terms of the settlement are generous on behalf of Microsoft, which has agreed to disclose the internal interfaces and protocols of the Windows operating system. Thus, beginning with the interim release of Windows XP, users will be able to add or delete software according to their tastes. This ensures greater freedom in user's ability to configure their operating systems.

Obviously, Microsoft is willing to make concessions in the interests of resolution, I would hope that the Justice Department would comply.

Sincerely,
Glae Thien

MTC–00014061

From: schneidj@bellsouth.net@inetgw
To: Microsoft ATR
Date: 1/19/02 7:26pm
Subject: Microsoft Antitrust Settlement
Att: John Ashcroft
John I. Schneider
14100 Hickory Hills Trail
Jeffersontown, KY 40299
January 19, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my opinion that the recent antitrust settlement between the US Department of Justice and Microsoft has been a long time coming. I think it is ridiculous that litigation has dragged on for over three years now and think that our public's best interests will be served when government stops interfering with successful innovative companies that have made huge contributions to our society.

The terms of the settlement not only reflect the intense lobbying of competitors to Microsoft, but also politicians and lawmakers lack of concern for consumer rights. Ironically, all the terms of the settlement seem to just focus on helping competitors get an edge they could not gain on their own through hard work. For instance, Microsoft will be granting broad new rights to computer makers to configure Windows to actively promote non-Microsoft products. Microsoft has also agreed not to retaliate

against computer makers and software developers who promote non-Microsoft products.

Although unjustified, the settlement is in the best interest of American public because it is better than the alternative of further litigation. Our nation cannot afford any more lawsuits against the cornerstone of the tech sector. I hope your office takes my opinion seriously and that you make the right decision at the end of the public comment period.

Sincerely,
John Schneider

MTC–00014062

From: weep@gte.net@inetgw
To: Microsoft ATR
Date: 1/19/02 7:33pm
Subject: Fw: Microsoft Settlement
Original Message
From: weep@gte.net
To: microsoft.atr@usdaj.gov
Cc: fin@mobilizationoffice.com ; David G. Bradlee
Sent: Saturday, January 19, 2002 3:17 PM
Subject: Microsoft Settlement

Dear Mr. Ashcroft:

I am writing to you to address the antitrust settlement reached between Microsoft and the Department of Justice. Both my wife Adele and I are in favor of the current settlement and putting an end to these proceedings immediately.

Under the terms of the settlement, Microsoft will grant computer makers the rights to configure Windows to promote non-Microsoft software programs that compete with programs included in Windows. Computer makers may now replace peripheral Windows components such as Internet Explorer and Media Player with access to non-Microsoft software such as Netscape Communicator and Real Player. Microsoft has also agreed to release internal operating interfaces of Windows to its competitors for the purposes of their own software development.

We both have used Microsoft products for many years without complaint and have never seen the monopolistic face that has been portrayed by the advocates of the antitrust case. We believe that the litigation process is being unnecessarily drawn out by the remaining unsettled states. Their refusal to the settlement is wasting valuable time and resources, including our tax dollars. Given the current state of our nations economy, we think that it is absurd to continue deliberating this issue any longer.

Cordially,
Merrill & Adele Bradlee
3535 Birkdale Lane
Palm Harbor, FL 34684

MTC–00014063

From: jmzoffel
To: Microsoft ATR
Date: 1/19/02 8:08pm
Subject: MICROSOFT SETTLEMENT

To Whom It May Concern:

I HAVE ALWAYS BEEN OF THE OPINION THAT THE COMPANIES and states SUING MICROSOFT HAVE HAD MANY YEARS TO COME UP WITH A DIFFERENT OR BETTER PRODUCT THAT MICROSOFT HAS.

BUT THESE COMPANIES HAVE NOT COME UP WITH THAT NEW PRODUCT-INSTEAD THEY CONTINUE TO SUE MICROSOFT.

WHERE WOULD THE WORLD BE IF WERE NOT FOR MICROSOFT.

WHO BENEFITS FROM FURTHER LITIGATION? The ATTORNEYS and other people looking for a free ride.

Microsoft has always tried to help me solve computer problems over the phone and that is not always easy because I only have one phone line and am not a computer genius (know a computer fairly well).

Do hope the Judge will use common sense in this matter. COMMON SENSE what wonderful words—long forgotten in many vocabularies these days.

Thank you,
Joan M. Zoffel
Seattle, Washington

MTC–00014064

From: Brad Borland
To: Microsoft ATR
Date: 1/19/02 8:23pm
Subject: DOJ vs MSFT

I am of the firm opinion that the seattlement reached between the subject parties is in the public interest.

My reasons are mutiple, and are not in the least influenced by the fact that I have a few shares of Microsoft stock.

J. Bradford Borland

MTC–00014065

From: DJCrist@aol.com@inetgw
To: Microsoft ATR
Date: 1/19/02 8:27pm
Subject: Microsoft Settlement

Please do not tie up any more of my tax dollars on litigation.

I hope you settle this once and for all.

The consumer has free choice, the best software will flourish no matter who makes it. Let the consumers decide. I have not been harmed in any way.

Thanks for listening. Hope you take this to heart.

Sincerely, Deborah Crist

MTC–00014066

From: JMandel375@aol.com@inetgw
To: Microsoft ATR
Date: 1/19/02 8:48pm
Subject: microsoft settlement

We agree that a settlement is just and right for this situation. End this litigation and let the attorney's involved get on to more important issues.

Child welfare is not a financial success issue but sure needs a lot of help!! Snicerely, Mary Ann Mandel

MTC–00014067

From: bruce
To: Microsoft ATR
Date: 1/19/02 8:52pm
Subject: Microsoft Settlement

Microsoft is good at playing the game. Even with severe penalties I question whether they will change. Their business practices and attitude are arrogant.

Is it to late for you to do anything to solve the problem? Maybe. You blinked and now they feel stronger. Last hope, I think, is to be tenancious in getting a settlement that punishes them to the point that it actually hurts.

Blink again and you've lost for good. The next fight will be worse than this one. Make the most of this chance.

MTC–00014068

From: Orlene McCarthy
To: Microsoft ATR
Date: 1/19/02 9:08pm
Subject: Microsoft Settlement

Please Please settle this The Government should have never gotten involved the economy was good until you started with trying to put them out of business. If you settle this I guarantee this will help the economy they have did nothing wrong. They employ millions and gave us the best in the technical industry and look what the Clinton's did. Please take care of this for all of us. Thanks

Live,Love,Laugh

MTC–00014069

From: Dan Bain
To: Microsoft ATR
Date: 1/19/02 9:10pm
Subject: Microsoft Settlement

Dear Judge,

I am a student who is majoring in Business Administration at the University of Southern California. I am a firm believer in this country and the economic foundations that it was established on. Time has proven that capitalism and free market competition are the most effective means of prosperity.

Do not allow Microsoft to tear down this system that has worked so effectively and efficiently for this country.

Every court that has reviewed this case has declared that Microsoft has been aggressive in their illegal conduct, and I ask you to hold up the law and punish them for their actions, do not reward them by giving them exactly what they want.

Sincerely,
Daniel James Bain
dbain@usc.edu
213–764–1414
CC:microsoftcomments@doj.ca.gov@inetgw

MTC–00014070

From: David C.
To: Microsoft ATR
Date: 1/19/02 9:28pm
Subject: Regarding the proposed settlement

To whomever it may concern,

As an unbiased developer who has embraced and employed both Microsoft and Sun technologies during my extensive software development career, it is my personal and professional opinion that the proposed settlement is both a misunderstanding of the nature of the damages caused by Microsoft monopoly tactics, and also a comparitive slap-on-the-wrist in relation to what I consider appropriate action to be.

Contrary to popular belief, Microsoft is not the keystone of the American economy, and the economy would not suffer if Microsoft were even broken in two, as was previously proposed. Microsoft is a competition-killer. How has it responded in the face of suits declaring the bundling of Internet Explorer with the Windows operating system? It has bundled even more software for everything

from CD burning to website building, embedded deeply into the core operating system. This will in result make it extremely difficult for existing vendors of such products to penetrate the market with Microsoft's mass dilution, causing a wave of small companies to capsize altogether. The ripple effect will not go unnoticed among medium and large companies, whether Microsoft rivals or not.

Curtailing Microsoft's monopolistic tactics with firm sanctions (e.g., dividing the company) would more than likely result in a *boost* to the economy and an influx of new innovations and opportunities, benefiting both the consumer and our nation's large technical development industries (programmers, architects, etc.)

Of course, this is just my humble opinion and I invite you to take it for what it is worth. Thanks for reading.

Regards,
David Carel
Senior Software Development Engineer

MTC–00014071

From: Gary Vogt
To: Microsoft ATR
Date: 1/19/02 9:33pm
Subject: Settlement opinion

I take great exception to the DOJ's proposed acceptance of this settlement as a viable punishment towards Microsoft. It is nothing more, in my opinion, than another step toward monopolizing efforts that are already under investigation. This may be the equivalent of slapping a drug dealer on the wrist for charging too much for his or her product and forcing them to ''donate'' a portion of future product to the masses so no one is left out of the deal. Why would I want to propagate such an effort? Does this really punish the guilty party? We all know the answer—NO! It actually reinforces the stranglehold they are currently being ''held accountable'' for. Apple Computer has long had a foothold in the one market that Microsoft so desperately wants—education. If we as Americans are to punish a ''monopolizer'' by allowing them to donate their proprietary operating systems and application programs to ''needy (non Apple market) school systems'', are we not as guilty as Microsoft?

While roughly 80% of the software to be donated is Windows specific, the opposite is true of the operating system of choice in most school systems. This is where I believe we will all suffer. If we offer free or discounted software to schools that cannot afford to purchase the machines it runs on, what good can come of it? Perhaps these schools have functioning, but older, Apple computers, but are ready to propose a budget for staff and/or new equipment in the next year or so. What system do you suppose they will budget for if they are getting Windows specific software for free? We have just furthered the Microsoft cause by forcing more non Apple computers into the system. I thought that was what we were trying to prevent them from doing. I admit that I am a Apple owner and user. I am also a Windows user at work. I am biased towards the Mac/Apple operating system based on my ability to use both and make an educated decision of which to ''own''. This is called freedom of choice, I believe. If Microsoft wants to legitimately ''help needy school systems'', let them donate in the form of trust funds that can be used to staff our schools with qualified teachers and equipment. Let them set up annuities. Give the schools a check. Don't let them ''give'' the school a $150.00 software title that they have all of $1.00 invested in raw materials. This only amounts to a $ 149.00 charitable deduction at the end of the tax year. Give the people responsible for educating the future adults and voters of our country that same freedom of choice.

Please see this offer from Microsoft for what it really is—a way to get into the market that has eluded them for years and hook them early and for life into their operating system. This will only force the school systems to hire more I.T. people to keep the Windows systems running when they should be hiring more teachers instead of cutting staff.

Respectfully,
Gary A. Vogt

MTC–00014072

From: Carl Strasser
To: Microsoft Settlement
Date: 1/19/02 5:22pm
Subject: Microsoft Settlement
Carl Strasser
147 Riverside Drive
Waterford, wi 53151
January 19, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry.

It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
carl strasser

MTC–00014073

From: Peggy Wheeler
To: Microsoft Settlement
Date: 1/19/02 8:27pm
Subject: Microsoft Settlement
Peggy Wheeler
640 Riverhaven Dr.
Suwanee, GA 30024
January 19, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Peggy Wheeler

MTC–00014074

From: Judith Sego
To: Microsoft Settlement
Date: 1/19/02 8:03pm
Subject: Microsoft Settlement
Judith Sego
223 Orange Street
Newport Beach, CA 92663
January 19, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Judith C. Sego

MTC–00014075

From: Bruce Burgess
To: Microsoft Settlement
Date: 1/19/02 7:58pm
Subject: Microsoft Settlement
Bruce Burgess
3053 Bardona Circle
Gibsonia, Pa 15044
January 19, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry.

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Thank you for this opportunity to share my views.

Sincerely,

Bruce U. Burgess

MTC–00014076

From: emringer@netscape.net@inetgw
To: Microsoft ATR
Date: 1/19/02 9:36pm
Subject: Microsoft Settlement

There should be no settlement short of breaking Microsoft Corp. into separate Operating System and Application companys. Microsoft has repeatedly shown that it will violate the intent of any settlement.

At the very least, Microsoft should be forced to publish the source code for the Windows operating system. Having the source code open for inspection will enable competitors to verify that Microsoft's operating systems division is not sabotaging their products.

Eric Ringer
emringer@netscape.net

MTC–00014077

From: Ronald Payne
To: Microsoft Settlement
Date: 1/19/02 5:48pm
Subject: Microsoft Settlement
Ronald Payne
P.O. Box 1112—136 Hermitage Drive
Smyrna, Tn 37167–1112
January 19, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Ronald August Payne

MTC–00014078

From: Christopher Ward
To: Microsoft ATR
Date: 1/19/02 9:48pm
Subject: Microsoft Settlement
13775 Southwest 23rd Street
Beaverton, OR 97008–5064
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
January 17, 2002

Dear Mr. Ashcroft:

I was relieved to hear that the Justice Department has finally put an end to its persecution of Microsoft.

Unfortunately, Microsoft had to give up a lot in order to get a settlement in the matter. I hope that you will further publicize the terms so that everyone can know just how much they are giving up.

Microsoft giving up the access that it has promised to its competitors, is like Coke giving Pepsi the recipes for all its drinks. What's more, Microsoft has promised not to retaliate against their competitors when they use that code to further their own products.

With this and many other hampering provisions in the settlement, I can't see how anyone would be unsatisfied with what's on the table. Let's hurry up and put this issue to rest. There are certainly more important issues for the Justice Department to deal with right now.

Sincerely,

Christopher Ward

MTC–00014079

From: rbogan
To: Microsoft ATR
Date: 1/19/02 10:07pm
Subject: Microsoft Settlement.

I realize that this case is from a business standpoint. Oh the other hand though how can anyone in Washington make a judgment on something they know NOTHING about. If the press has kept things accurate then from my perspective being someone in the industry the federal government looks like a bunch of asses. Does the government actually know what they are breaking up or doing with Microsoft. Most of the IT jobs that the government has aren1t worth anything because the best and greatest young minds will go elsewhere where they can be paid better wages and not deal with things like which congress man slept with which intern. Is the government doing the ''People'' a favor by screwing Microsoft. NO THEY AREN1T. If the government had people dealing with IT as smart as Microsoft, or Apple Computer, or Cisco, or Sun, then maybe they could understand what they are doing to the PC user in the long run and see how they1re going to affect the PC users of the world. The government looks like asses now and that1s the bottom line.

Next time they pursue an IT giant they need to do more homework.

R Bogan or you could call me one pissed off SOB

MTC–00014080

From: Mike Koehn
To: Microsoft ATR
Date: 1/19/02 10:09pm
Subject: Microsoft

I believe that Microsofts goal is to gain complete control of the internet then make sure that every person and company in the world pays them x amount of dollars per month, forever.

Mike Koehn

MTC–00014081

From: Tjedee@cs.com@inetgw
To: Microsoft ATR
Date: 1/19/02 11:07pm
Subject: Microsoft Settlement

Dear Justice Department,

Bill Gates's blatant snubbing of anti-trust laws, and his getting by with it this far, is very disturbing to me. Each and every objection he has had to charges and indictments has bordered on preposterous. And the appearance of his buying off his enemies is exceptionally disturbing to me. It confirms yet again that if you have the money, you can get away with anything. Mr. Gates's claims that Microsoft was merely an

innovative company that became obscenely profitable using good old capitalistic tactics. MS software is installed on every computer one buys; the manufacturers have no choice in the matter; and Mr. Gates is clearly responsible for this monopoly.

Having worked in law firms for the past 15 years, I have watched a superior legal word processing system (Word Perfect/Corel) be choked out of existence by MS Windows, an operating system which is ONLY friendly to Microsoft software programs.

I've seen secretaries, paralegals, word processors, lawyers, and computer systems managers struggle for hours and hours, trying to make non-MS software programs work on their PCs. I've seen law firms spend hundreds of thousands of dollars switching everything to Microsoft because MS Outlook would not attach a Word Perfect/Corel document in readable format.

I, like thousands of other consumers, have had no choice but to buy computers with carloads of Microsoft programs already installed—programs which I did not need, did not want, and did not use, but paid for nonetheless. Microsoft (Bill Gates) deserves no slack from anyone. He should be prosecuted to the fullest extent. After all, he will still end up the richest man in the world, proving to everyone that unscrupulous business practices do indeed pay off in the U.S.

Tobi Dragert, 800 W. 1st Street, #2307, LA 90012; (213) 680–1016

MTC–00014082

From: joseph mcnicholl
To: Microsoft ATR
Date: 1/19/02 11:10pm
Subject: Tunney Act

What is the Constitutional enabling clause that gives the Tunney Act effect in the 50 Union States.

MTC–00014083

From: Gregory Slayton
To: Microsoft ATR,microsoftcomments @doj.ca.gov@inetgw
Date: 1/19/02 11:56pm
Subject: ; Microsoft Settlement

Dear Judge Kollar-Kotally,

I am a 20 year software executive who has had the opportunity to both partner with Microsoft and compete against Microsoft during my career. As such, I have spent time in Redmond, WA and gotten to know firsthand both the culture, and Machiavellian management philosophy that has been a legacy at Microsoft.

In recent days, I have come to know through an ex-colleague some of the details relating to the Proposed Settlement made by the Justice Department with Microsoft, and to say the least, I am displeased by them. This is why I am writing to you today.

Your Honor, how could the Justice Department grant Microsoft a government-mandated monopoly of the software industry and even worse— other technology markets? Clearly, this decision would seriously jeopardize all competitors—both now and in the future. This decision would clearly violate some basic principals of Capitalism, such as our right to choose, our right to fair competition, fair pricing, etc.

In closing, your Honor, I submit to you that like never before in our Country's history, Microsoft has unequivocally shown itself to be the proverbial 800 pound gorilla. Their illegal conduct and activities (bribing & threatening partners and competitors) have been proven time and time again. I would like to see Microsoft be brought to justice for the good of our country, our economy, and most of all-the good of our people. I like millions of other Americans are counting on you, and counting on justice to prevail.

Respectfully,
Joseph Cortale
Joseph Cortale
Senior Vice President of Sales
jcortale@eloquent.com
Eloquent, 2000 Alameda de Las Pulgas, Suite 100, San Mateo CA 94403, Tel: (650) 294–6474, www.eloquent.com.

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MTC–00014084

From: Wendla Ableson
To: Microsoft Settlement
Date: 1/19/02 9:23pm
Subject: Microsoft Settlement
Wendla Ableson
4216 Foxglove Trace
Indianapolis, IN 46237–1316
January 19, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Wendla B. Ableson

MTC–00014085

From: Phillipa Zylanoff
To: Microsoft Settlement
Date: 1/19/02 9:35pm
Subject: Microsoft Settlement
Phillipa Zylanoff
17311 Beechwood
Beverly Hills, MI 48025
January 19, 2002.
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530.

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Phillipa L. Zylanoff, M.D.

MTC–00014086

From: gordon greider
To: Microsoft Settlement
Date: 1/19/02 9:53pm
Subject: Microsoft Settlement
gordon greider
3158e cr 450s
logansport, in 46947
January 19, 2002.
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530.

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of

stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

gordon greider

MTC–00014087

From: Braden Bruington
To: Microsoft ATR
Date: 1/20/02 1:29am
Subject: Microsoft Settlement

I do not see how Microsoft's proposed settlement would follow the nature of the antitrust case against it. A direct abuse of their position to promote their products to a population that may be unfamiliar to computer technology should not be allowable, let alone condonable. I also believe that the damages caused by Microsoft's anticompetitive actions far outweigh the resolutions of this settlement. As a computer user, I know that my right to choose software has been denied by Microsoft's control over the industry. Based upon my need to work and communicate with the rest of the computing world, I find myself using Microsoft's products for the sole reason of an absence of choice. The actions of Microsoft as a company to achieve this monopolistic position are common knowledge, and because of the extreme repercussions they have had on the industry and society, this settlement should not be accepted.

Sincerely,

A Concerned Citizen and Computer User

MTC–00014088

From: Frederick Royce Perez
To: Microsoft ATR
Date: 1/20/02 1:44am
Subject: Re: U.S. v. Microsoft: Settlement Information

Dear sir:

Like a leaking vessel the apparently illegal and patently suffocating behaviors represent an assault, perhaps not unprecedented but in breadth and scope, or any way you would choose to characterize this matter balanced against the facts an accomplished blatant assault. That a perversion of the sense of fair play formerly ingrained above any power of any law in the ordinary intercourse of American life has occurred, is beyond doubt and lamentably so. The seeping and leaking of this twisted crushing conspiracy to lay waste to honest vendors in a warlike and the subsequent loss of honest exchange is pretty much beyond any defense in 1997. The thought of investing in a superior product seems to have failed to appear as a strategic position of sufficient value to these ladies and gentlemen. I could hardly fail to mention that the organization has lost in every court they have stepped foot in every way and manner presented in this matter.

The history of dilatory and delaying complaints lain before the courts is another example of the stupendous resources available to this seemingly obvious criminal enterprise. By these actions one see's the scorched earth mentality of men and women at war. These matter's to a man who spent an entire life in fair competition for an ordinary compensation provide as with the Enron debacle a failure of American values as expressed through our history in the political arm's of government. Those who would become a government by fiat through the strangulation of free enterprise and speech are no longer restrained by moral or ethical suasion's if in fact they ever are, but more astonishingly the legal system has denied relief through justice delayed. The price we pay for permitting bullies to swagger are becoming stylish to frown upon, but I think the public awareness is easily manipulated by time, time which has no virtue to clean the filthy but to put the odor perhaps out of probity. Here again the means of this organization to place itself beyond the law through the applications of what appears to the native mind massive exertion a staggering 666 millions in legal fee's this year, for them a trifle, which they possess only by their robbing the consumers of our country and our world with the strange compliance of our perhaps fatally weak political system, paralyzed by money not argument.

That there is no reasonable argument to satisfy the relevant facts against them, has lead to it is fair to say, an open warfare on those less strong, some of whom may not have been the best at least they were not laughable. That by hardening their attitude while thumbing their nose at the institutions of American life and forcing our society to be drained of their qualities and vigor by the inevitable collapse of intelligence, as compared to the robust nature of competition's inspiring branches of thought and improvement not even dreamed of, to support this endeavor of government by fiat and the fracturing of economy to what has become insecure, and the weakest of splinters. Virtually no avenue of restraint of trade has failed to be exercised by the people of this software company. The dizzying scope of low minded bullying, predatory practices, revolts any sense of dignity or decency, and regard for American virtues and essence's of fair play, and English common law which levels the legal profession to every walk of life with a blind eye to privilege as determined by the makers of the law not the makers of money and the subsequent privilege.

I have read the complaint and I have watched for years in sorrow as the mediocre software pushed on the world that has cost all of our friends and ourselves the freedoms of strength in access to knowledge and information by what in any simple analysis is by far the costliest system to use in wasting of power of computer system drives with leaky, and from poorly written programs, requiring systems to live within a narrow form of communication that stands alone in reflecting the American will to embrace all culture denied. Taken as a direct cause of the effect one can see how difficult it might be for an outsized behemoth to repress it's singular wish to mold every face in it's image. However it is seen that this is as a poor way to write software or any other fine cultural artifact as appears in recent or further memory. I believe that in the end the common sense of ordinary people like myself struggling all our lives for our families with little time or energy left at the end of a long day with no secretaries to pick up the slack can see that any endeavor suffer's when not requiring devotion to it's subject as opposed to subjecting it's objects,and those objects would be us.

Sincerely

Frederick Royce Perez.

CC:Frederick Royce Perez

MTC–00014089

From: Chic Young
To: Microsoft ATR
Date: 1/20/02 1:55am
Subject: Microsoft Settlement

From past reports in the newspapers and news magazines regarding the settlement offered by Microsoft, I see no long term economic advantage to the public to be gained by further prolonging this litigation on a State by State basis.

The settlement offered seems to be reasonable, and the best for all concerned that is likely to be achieved.

MTC–00014090

From: Stephen Frost
To: Microsoft ATR
Date: 1/20/02 2:23am
Subject: Consultant/end user comments on your proposed settlement <Nov. 16>

I'm a computer consultant. I believe a stripped-down, basic version of Windows should be required, for less cost than the bloated version. The OS is like a chassis upon which each user builds his or her software set that s/he needs to use to get work done. Microsoft has always complicated things by putting in extra stuff to try to kill competitors and never has focused on stable, quality products. Internet Explorer in Windows 98 never had to be commingled with the operating system for technical reasons. They could have made it a removable component but purposely engineered it to be nearly impossible for the end user to remove. (It is possible. There's a product that does it called ''98lite'' [www.98lite.net]) In Windows XP, one can't (easily, if at all) remove Outlook Express, Windows Messenger, Media Player, nor Internet Explorer. When there are problems with these applications, they can't be solved by un- and reinstalling. This has always meant wiping everything off and starting a clean install from scratch in the past, and I don't see that changing. It's a major hassle and waste of time, and all of it is unnecessary. Microsoft only does it to shut out competitors. I cannot choose what to have on my own computer, nor can other users. We also can't buy a home PC from a major manufacturer without Windows already installed. None of this is being addressed.

The proposed settlement provides no punishment for all the damage MS has caused to the industry, and to customers. All my *personal* frustration with MS products, which I have no choice but to use for work, receive no redress in the DOJ settlement.

Sincerely,
Stephen Frost
4575 Campus Ave, #5
San Diego, CA 92116

MTC–00014091

From: dave kisner
To: Microsoft ATR
Date: 1/20/02 2:45am
Subject: Microsoft Settlement

Thank you, for the opportunity to comment on this subject. I would like to offer a suggestion on how best to settle the current case with Microsoft.

I think the settlement solution could be quite simple. It seems to me that the punishment should fit the crime, and in this case the crime is the way Microsoft used it's monopoly position and it's web browser ''Internet Explorer'' to do harm to a competitor. I think, the best way to punish them for this would be to take away the weapon they used to commit the crime. In this case it was their internet browser ''Internet Explorer''. Take away their browser technology and make it available as an open source product. At the same time, do not allow them to produce another browser to compete with it. This will hit Microsoft right where it hurts, and more importantly, the punishment will have fit the crime. You also send a clear message that attempting to use their monopoly position like this again, may result in losing the very technology they are trying to control.

Just my 2 cents,
Sincerely,
David Kisner

MTC–00014092

From: UserLarry563@cs.com@inetgw
To: Microsoft ATR
Date: 1/20/02 3:04am
Subject: Microsoft Settlement

Dear Attorney General Ashcroft:

I want to congratulate you on your courageous and effective leadership during this time of national crisis.

However, the purpose of this letter is to enter a plea that the Federal Court hearing the Microsoft antitrust case would accept the current settlement of that case. The current settlement encourages consumer product choice, promotes product innovation, and provides nonMicrosoft related computer and software manufacturers with confidence in marketing their own products. I feel that the current settlement is fair on those grounds.

I trust that the Federal Court will accept the current settlement.

Thank you for having considered my plea.
Respectfully,
Larry Rodgers

MTC–00014093

From: David Leonard
To: Microsoft ATR
Date: 1/20/02 3:49am

This whole suit stinks. Antitrust laws are so perverted that you can get sued for raising price, lowering price, or keeping the price the same. Microsoft did nothing wrong except to revolutionize the way we use computers and they did not pay protection money to big government. DROP THIS CASE!

DRL

MTC–00014094

From: noah read
To: Microsoft ATR
Date: 1/20/02 3:58am
Subject: Microsoft Settlement

i don't pretend to know a lot about the subtleties of law but it is quite obvious to me that the proposed settlement is a travesty to the general public in the prosecution of this monopoly. this settlement serves as nothing more than a slap on the wrist to a company who rose to the top not because of a superior product but because of piracy and cut-throat business practices. this will do nothing to shake the hold that microsoft holds over the computer industry. there are much better products out there who deserve a chance to be seen but because of microsoft's monopoly they never would get the chance. do something to hurt them, something that they will actually feel and that might impact the way they conduct business.

noah read

MTC–00014095

From: Dan Paight
To: Microsoft ATR
Date: 1/20/02 4:36am
Subject: Microsoft Settlement

Microsoft's arrogance never ceases to amaze me. As ''punishment'' for their illegal and unethical past they are willing to ''donate'' tons of old PC's and Microsoft CD's into the education market. In any other industry this would be called ''dumping.''

MTC–00014096

From: Brian Correia
To: Microsoft ATR
Date: 1/20/02 4:57am
Subject: Microsoft Settlement.

This settlement proposal from Microsoft is inadequate and unjust. Reparations should be monetary and large enough to at least partially compensate for damages while also serving as punishment and a deterrent. Under no circumstances should Microsoft be allowed to further damage competition by dumping its products into the education market. This proposal is worse than not good enough, its clearly wrong.

Thank you for requesting my input.
Signed,
Concerned Consumer

MTC–00014097

From: bernita colthorp
To: Microsoft ATR
Date: 1/20/02 6:37am
Subject: Microsoft settlement

Sirs: I am in great favor of settling this senseless lawsuit. Enough is enough. When someone has a good idea, helpful to the economy, they should not be prosecuted for it. Why can't the courts get onto something important, like upholding enterprising citzens instead of punishing someone able to earn money—rather than winning the jackpot.

Sincerely.
Bernita Colthorp

MTC–00014098

From: Phil Mitchell
To: Microsoft ATR
Date: 1/20/02 7:44am
Subject: Microsoft Settlement

NO COLLECTION OF SPECIAL-PURPOSE RESTRAINTS CAN ALTER THE STRUCTURAL REALITY OF MICROSOFT'S MONOPOLY OVER THE DESKTOP OS.

I am a programmer, software developer, and entrepreneur. I am writing to say that the proposed settlement is woefully short of addressing the fundamental problem of the Microsoft monopoly. Other people have commented on various technical aspects of the proposed settlement (such as enforceability, etc.), and I won't reiterate those points. The larger problem is that no collection of special-purpose restraints (such as forcing Microsoft to cede OEM desktop control, etc.) can alter the structural reality of Microsoft's monopoly over the desktop OS. That is like negotiating over the size and shape of electrical outlets with the company that owns the electric grid. Microsoft's monopolistic advantage is much broader and deeper than any particular business practice that might be restrained.

What hasn't been discussed publicly is the idea that it is APPROPRIATE for the OS to be treated monopolistically. There is great benefit, for businesses, consumers, and developers, to be had from standardization on a single OS. But we will receive this benefit only if the OS is ADMINISTERED AS A PUBLIC UTILITY, for the common good. Microsoft certainly has not done so. The first step in this direction is to force Microsoft to split off its OS unit from every other business unit.

MTC–00014099

From: Daniel Mark
To: Microsoft ATR
Date: 1/20/02 8:08am
Subject: Microsoft Settlement

I am part of a worldwide network that is working on getting the BeOS or equivalent back into the market place, but there is no hope of success if the following issues aren't addressed: examples: open Office file formats, Win32 APIs, make dual-boot options mandatory etc.

daniel mark

MTC–00014100

From: EAA7110@aol.com@inetgw
To: Microsoft ATR
Date: 1/20/02 8:14am
Subject: Microsoft Settlement

To Whom It May Concern at the Dept. of Justice:

The carping against Bill Gates and Microsoft comes loudest from a couple of ego-maniacs who do the same and would do even more with their own companies if they could. Bill Gates and Microsoft have done what they had to do to succeed in that marketplace against the other sharks in the water.

I support some degree of government regulation of business practices. For the benefit of everyone, these powerful people need to play by some rules. But Microsoft's success has had a beneficial effect in terms of establishing a common platform for most computing. Without that, the benefits of computer technology would not be as widespread as they are, and it would be extremely expensive for businesses and

consumers to accomplish anything across various platforms. Even the fact that there is just one other semi-popular browser besides Internet Explorer has ballooned development costs at the company I work for, where we are making training materials available via the Internet. We'd be so much further along if we didn't have to test and fix everything we did so it would run on two different browsers, and our programs could be so much more engaging if we didn't have to develop to the lowest common denominator of both browsers (which denominator, by the way, is quite a bit lower on the non-Microsoft browser).

Please don't create chaos in the computer industry just so the second-richest megalomaniac in the world can satisfy his selfish desire to be number one. Things were going better for consumers and the economy before the senators from the home states of Microsoft's competitors started skewing the picture by political means. Microsoft's competitors are no more altruistic or deserving than Microsoft. Give us all a break.

Eric Anderson
7110 E. CR 700 N.
Brownsburg, IN 46112

MTC–00014101

From: N. Hagan
To: Microsoft ATR
Date: 1/20/02 8:45am
Subject: SETTLE THE MICROSOFT CASE

Enough already. These so-called ''class action'' suits are a crime, the anti-trust suit is a waste. It is also moot and detrimental to the industry and our economy. Please, settle this case.

Thank you.

MTC–00014102

From: Roberts, George Gordon
To: Microsoft ATR
Date: 1/20/02 8:47am
Subject: Please break-up the Operating System monopoly!

I would suggest that the following measures be taken against Microsoft:

1. Stop Microsoft from requiring computer manufacturers to place their operating system on all new computers. Presently it is very difficult to find a new system without windows unless you are willing to build it yourself. This excludes about 99% of computer users, and effectively grants Microsoft a monopoly right off the bat.

2. Require Microsoft to be more open with its Operating System code (i.e. the program itself) and File System formats. This would allow other manufacturers to design competing software without a lengthy process of ''back-engineering'' (that is to say guessing at the contents of what has been up to now a ''black box''). Only then can other companies be able to design competing software at a reasonable price. This would benefit Windows users as well by giving them a greater variety of software (that would, incidentally, have fewer bugs as a result of the greater number of people that could correct the program for themselves as a result of being able to spot it in the program code itself).

3. Prohibit Microsoft from forming cartels with hardware manufacturers. Presently, many pieces of hardware are made to be specifically incompatible with Non-Microsoft operating systems. This is possible because part of the hardware function is replaced by software code that is kept secret by both the hardware manufacturer and Microsoft. Thus, someone wishing to try a Non-Microsoft Operating System often finds that key pieces of their hardware, (such as their modem) does not work, and are thereby forced to endure unnecessary hassle and expense, and thus discouraged from exploring alternatives.

George Gordon Roberts B.S., M.S.
1537 Fontaine
Madison Heights, MI 48071

MTC–00014103

From: PVZZZZ@aol.com@inetgw
To: Microsoft ATR
Date: 1/20/02 9:27am
Subject: Microsoft settlement

Hello Ms. Hesse,

Please include my Emil in the file in ''protest'' of Microsoft's proposed settlement.

I am sure you have heard them all. To allow this would be a gross travesty of justice in regard to the millions of consumers & businesses that benefit and adhere to the law, not because they don't have billions to fight such a suit. But because there collective conscience tells them it's the right thing to do. Thanks for your time.

Best regards,
Paul Zawodny, Consumer/Business owner.

MTC–00014104

From: Don Starns
To: Microsoft ATR
Date: 1/20/02 9:45am
Subject: microsoft settlement

I oppose the settlement I've read about. This only extends the illegal monopoly into our public schools. Microsoft should be fined, and also made to pay serious damages.

Don Starns
215 e 23rd st
Houston TX 77008

MTC–00014105

From: MARLINS840@aol.com@inetgw
To: Microsoft ATR
Date: 1/20/02 10:02am
Subject: microsoft settlement

I would urge the judiciary to seriously consider the acceptance of Microsoft's offer to settle. For over ten years, we have been deluged with propoganda on the value and importance of having computers available to students in low income families. Now, when the government gets the chance to dramatically improve this situation, the judicial system invents ways to hamper real social progress.

MTC–00014106

From: twodogs/etech67
To: Microsoft ATR
Date: 1/20/02 10:15am
1302 18th Street
Tell City, IN 47586
January 19, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I would like to take a moment to express my views regarding the Microsoft antitrust case. I feel that the settlement reached by the Department of Justice was fair and reasonable. It will allow Microsoft to remain the industry leader while granting the competition more chances to compete, and the consumers more choices between products.

Microsoft has agreed to concessions that have made precedent with regards to antitrust cases. Microsoft has agreed to document and disclose for use by its competitors, various interfaces that are internal to the Windows operating system. Also, computer makers have been granted broad new rights to configure Windows so as to promote non-Microsoft programs that compete with programs already included within Windows. It appears that Microsoft has agreed to give up much of its competitive advantage and market share in an effort to conclude this case.

To put it in perspective, it would be ridiculous to see Nike carry the Reebok logo on its most popular products. Microsoft is willing to take on significant restrictions, however, so I will not oppose them. This settlement will bring a much-needed end to this case, and I support it.

Sincerely,
Ellis Howard

MTC–00014107

From: The Galli's
To: Microsoft ATR
Date: 1/20/02 10:18am
Subject: Microsoft Settlement

Please read attached letter as to the Microsoft Case.

Thank You,
John Galli
28821 Trenton Court
Bonita Springs, FL 34134
Thegallis@realtor.md
January 19, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

As a supporter of Microsoft and common sense policies, I write you with concern over the recent developments in the settlement. Not only do I think that the entire process was ridiculous from the beginning, but to go even further and delay the settlement after three years of negotiations is too much. This settlement is part of a very well thought out process and should be enforced immediately. Further litigation will only force our technology industry to fall behind in the global market.

As our economy continues to dip, we need to support our technology industry in any way possible. By supporting this settlement, we allow our technology industry to further focus on innovation. Microsoft has done their part to make drastic changes for this settlement, and now it is our turn. Some of the changes agreed upon are in licensing, marketing and even design. All of which are beneficial to our IT sector as a whole. This is certainly why we need to help support the settlement and get our technology industry back to business. Please help to stop any

further action against this agreement. Let us help support the IT sector and get us back in gear.

As a Nation, we have to move on to more pressing matters and stop beating a ''dead Horse''. Enough is enough

Sincerely,

John Galli

MTC–00014108

From: M. G. Fred Kick
To: Microsoft ATR
Date: 1/20/02 10:49am
Subject: Microsoft Settlement

I thought the case against Microsoft (there should never been a case) was settled many month ago. Please lets get it over with and settle so we can use the taxpayers money in essential services to the public and Microsoft can get on with further development, bring new products to market and increase the governments tax revenue. Lets get it over with in the publics interest.

Thanks,

M.G. Fred Kick

MTC–00014109

From: PMoraff@aol.com@inetgw
To: Microsoft ATR
Date: 1/20/02 11:12am
Subject: Opinion on disposition of Microsoft action

Dear Sirs:

I am strongly in favor of NOT continuing the action against Microsoft any further. This cannot be good for the economy. I believe the actions already taken were fair and equitable to all concerned and should suffice.

Thank You.

Donna Moraff
4 Haynes Avenue
West islip, NY 11995

MTC–00014110

From: John Ford
To: Microsoft ATR
Date: 1/20/02 11:21am
Subject: Microsoft Letter to Ashcroft
John F. Ford Jr.
Telephone 910–846–2235
E-mail john@j-ford.com
135 Burlington St W
Holden Beach, NC 28462
January 20, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I want to take a moment to express my support for the settlement reached last year between Microsoft and the Justice Department. There is no doubt ending this litigation is in the public's interest and will benefit the computer industry.

The terms of the settlement are comprehensive and require many adjustments to Microsoft's former business practices. One area of change is in the area of intellectual property rights. Microsoft has agreed that if a third party's exercise of any options provided for by the settlement would infringe any Microsoft intellectual property right, Microsoft will provide the third party with license to the necessary intellectual property on reasonable and non-discriminatory terms. Also, any third party who feels Microsoft is falling short of their obligations can lodge a complaint with a Technical Committee to be formed under the agreement.

The settlement will give a boost to the economy during this current recession. I hope your support for this settlement will continue and no further action will be taken on the federal level.

Sincerely,

John Ford

MTC–00014111

From: Bob Jensen
To: Microsoft ATR
Date: 1/20/02 12:07pm
Subject: Microsoft Settlement

Microsoft definitely needs to be punished for its monopolistic market activities. But they should not be allowed under any settlement agreement to provide free or reduced price computers or software to schools. Apple Computer holds a significant portion of that market and if Microsoft is allowed to provide free or reduced price computers or software, that will only increase Microsoft's market share which is the biggest problem with Microsoft.

CenOreGeoPub
Robert A. Jensen
20180 Briggs Road
Bend, OR 97701
541–389–4275
bjensen@bendnet.com
http://users.bendnet.com/bjensen/

MTC–00014112

From: Faulhaber, Bob
To: Microsoft ATR
Date: 1/20/02 12:16pm
Subject: Microsoft Settlement

Dear Sir;

I think it is very important that the Microsoft settlement is accepted. The last thing this country needs now is more litigation on this issues. The antitrust laws should first serve the consumers. The consumers have spoken with their dollars and purchased Microsoft products where they were superior to others in the market and/or at a lower price. Second the antitrust laws are not meant to protect businesses form competition. Those special interest groups and companies who have not be able to successfully compete with Microsoft should work on their own products and company and not ask the Government to hand cuff Microsoft so they can win in the market place. And third, unfettered competition among business generally benefits consumers even if a single firm captures most or all of the market. This is the case in the software market.

The consumer wins and is winning with lower priced better products. Settle this case now and let the high tech software industry get back to helping our economy thrive again.

Robert Faulhaber

MTC–00014113

From: rm212@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/20/02 12:20pm
Subject: Microsoft Settlement

Dear Honorable DOJ,

I am an Information Technologist of nearly twenty years experience.

It is my humble opinion that Microsoft have ''the book'' thrown at them for their consistant obstruction and abuse with technological progress. Their sheer and overwhelming power dictates Information Technology policy at American business'' at a great cost—similar only to a heroin dealer luring potential addicts and doing whatever possible to retain power over the user through manipulating standards, pricing and practices—then by releasing dangerously flawed techology with the hopes that ''next time'' it will be better. The sheer number of security holes, comparatively over priced software, predatory practices without concern for true innovation and the complete abuse of all that is good in this country disgusts me.

Please don't let them get away with this again. There are many great companies in the US that need to grow, but Microsoft is taking all the sunlight and water away.

Respectfully yours,
Russell Maggio
CC:rm212@earthlink.net@inetgw

MTC–00014114

From: Steve Bouton
To: Microsoft Settlement
Date: 1/20/02 10:07am
Subject: Microsoft Settlement
Steve Bouton
705 Hinman Avenue 2–A
Evanston, IL 60202
January 20, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry.

It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Steve J.B. Bouton

MTC–00014115

From: Alan L. Hansen
To: Microsoft Settlement
Date: 1/20/02 10:12am

Subject: Microsoft Settlement
Alan L. Hansen
124 North 155st
Shoreline, Wa 98133–5926
January 20, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Alan L. Hansen

MTC–00014116

From: Landon Hundley
To: Microsoft ATR
Date: 1/20/02 11:40am
Subject: Microsoft Settlement

To Whom This May Concern:

This email serves as an objection to The Justice Department's proposed settlement against Microsoft Corporation. Microsoft has been found guilty by 2 courts of illegal practices and violating the Sherman Anti-Trust Act. When AT&T was sued by the Justice Department, the company ultimately agreed to be split into different ''baby bells.'' The settlement was punishment against AT&T. The proposed settlement between the DOJ and Microsoft would be a slap on the wrist and would not punish Microsoft for any of the illegal practices they committed.

Microsoft would not be punished if the DOJ proceeds with this proposed settlement. No one would benefit from this settlement but Microsoft.

Thank you:
Landon Hundley

MTC–00014117

From: Bob
To: Microsoft ATR
Date: 1/20/02 12:56pm
Subject: Microsoft Settlement

To whom it may concern

Microsoft is at it again!

It seems that Microsoft wants to control the 3D API arena in favor of its own Direct3D. What better way to strangle its mortal enemys (Linux, OSX, etc. . .)

I hope you consider this in your decision to stop this software behemoth from bullying everyone to see their way.

Humberto Ballesteros IT/MIS

From go2mac.com:

Is Microsoft Trying to Kill OpenGL?

Thu, 17 Jan 2002, 07:04

The Register is running a story about how Microsoft has aquired key 3D patents from SGI. 3D technology is not just for video games and immersive systems, but it is also part of the infrastructure that supports important sectors of the economy, such as design visualization and scientific imaging. Such critical infrastructure should be based on open standards, but what happens if Microsoft starts an new round of lawsuits in this arena? What will happen to Mesa3D? It is often very difficult to obtain Apple support for 3D devices, and I wonder what this deal means for Apple users.

MTC–00014118

From: James Wilson
To: Microsoft ATR
Date: 1/20/02 1:05pm
Subject: Microsoft Settlement

Java and its collaborative community provide our company with many value propositions that Microsoft products do not. Working for a small company where every dollar counts, Java is a part of our core strategy set for moving forward. I would hate to see anything help Microsoft continue to hinder companies that choose Java-centric solutions. They have already effected us again this year by taking the Java Virtual Machine out of the browser.

Thanks
James Wilson
Director of Software Engineering
Monsterdaata, Inc.
32 E 31st Street
New York, NY 10016
212.447.2000x45
jwilson@monsterdaata.com

MTC–00014119

From: rodmant@tigris.pounder.sol.net@inetgw
To: Microsoft ATR
Date: 1/20/02 1:09pm
Subject: I disapprove of Proposed Final Judgement in US vs Microsoft
CC: Russell—Feingold@feingold.senate.gov@inetgw,senato. . .

I'm not a lawyer, but have an Electrical Engineering degree and have been supporting other hardware and software Engineers in computer aided software and hardware design since 1988. I have been involved with computers since 1973.

It means something that I am spending my heartbeats, my time, putting together these comments. They are heart felt; I believe this ruling will adversely affect millions in there daily experience with software; it will impact people's livelyhoods- it does matter.

http://www.linuxplanet.com/linuxplanet/opinions/3952/1/:

The result is the proposed settlement, which would grant Microsoft its operating system monopoly—indeed, contains wording such that it would no longer be illegal for Microsoft to r maintain that monopoly—while saying that if Microsoft wants to, it can make it easier for people to write Windows applications, but it's by no means required to do so. In short, the settlement is a travesty, an ill-advised embarrassment that flings down and dances upon the law and upon all but the most twisted notion of justice.

I do not understand why the Department of Justice caved in so easily to Microsoft's demands. I want freedom of choice in the software operating system market! I'm frustrated that for years our department has been paying for Microsoft software on my PC that I never use, don't need, and do not want! IT departments all over the country have been brainwashed into thinking the Microsoft software is the only safe choice-this lemming mentality is foul and counterproductive; we're giving to much power away 'to Microsoft.

As the quote below suggests the Proposed Final Judgement (PFJ), would allow Microsoft to write their code in such a way as to block non-windows operating systems from running it.

http://kegel.com/remedy/remedy2.html:

the PFJ (itself, in sections III.D. and III.E., restricts information released by those sections to be used ''for the sole purpose of interoperating with a Windows Operating System Product''. This prohibits ISVs from using the information for the purpose of writing operating systems that interoperate with Windows programs.

By not providing some aid for ISVs engaged in making Windows-compatible operating systems, the PFJ is missing a key opportunity to encourage competition in the Intel-compatible operating system market. Worse yet, the PFJ itself, in sections III.D. and III.E., restricts information released by those sections to be used ''for the sole purpose of interoperating with a Windows Operating System Product''. This prohibits ISVs from using the information for the purpose of writing operating systems that interoperate with Windows programs. Specifically LINUX has two popular tools ''WINE'' and ''SAMBA'' which allow windows software to run on LINUX and Windows users to share files with LINUX boxes. Both of these applications will become illegal and inoperable under the PFJ if understand it correctly. This would be a severe blow to the viability of LINUX as a competitive OS to windows. Please ammend the settlement to protect the viabiilty of ''WINE'' and ''SAMBA''.

http://kegel.com/remedy/remedy2.html:

Section III.A.2. allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

Sections III.F. and III.G. of the PFJ prohibit certain exclusionary licensing practices by Microsoft towards ISVs. I want to be able to buy a PC with out any Windows software loaded, and with out paying a dime to Microsoft. Apparently the PFJ allows Microsoft to ''retaliate against any OEM that ships Personal Computers containing a competing Microsoft operating system''. I object to this! The below excerpt strikes me as direct discrimination against open source software by Microsoft. Microsoft is

specifically preventing ISVs from bundling code they create with the Microsoft Windows Media Encoder 7.1 SDK (software development kit) together with any open source software. This strongly limits the ability of open source software applications to compete with Microsoft. I do NOT understand how this is not outlawed and in fact may be condoned by the PFJ. See excerpt below:

http://kegel.com/remedy/remedy2.html:

However, Microsoft uses other exclusionary licensing practices, none of which are mentioned in the PFJ. Several of Microsoft's products'' licenses prohibit the products'' use with popular non-Microsoft middleware and operating systems. Two examples are given below.

1. Microsoft discriminates against ISVs who ship Open Source applications The Microsoft Windows Media Encoder 7.1 SDK EULA states . . . you shall not distribute the REDISTRIBUTABLE COMPONENT in conjunction with any Publicly Available Software. ''Publicly Available Software'' means each of (i) any software that contains, or is derived in any manner (in whole or in part) from, any software that is distributed as free software, open source software (e.g. Linux) or similar licensing or distribution models . . . Publicly Available Software includes, without limitation; software licensed or distributed under any of the following licenses or distribution models, or licenses or distribution models similar to any of the following: GNU's General Public License (GPL) or Lesser/Library GPL (LGPL); The Artistic License (e.g., PERL); the Mozilla Public License; the Netscape Public License; the Sun Community Source License (SCSL); . . . Many Windows APIs, including Media Encoder, are shipped by Microsoft as add-on SDKs with associated redistributable components. Applications that wish to use them must include the add-ons, even though they might later become a standard part of Windows. Microsoft often provides those SDKs under End User License Agreements (EULAs) prohibiting their use with Open Source applications.

This harms ISVs who choose to distribute their applications under Open Source licenses; they must hope that the enduser has a sufficiently up-to-date version of the addon API installed, which is often not the case.

Applications potentially harmed by this kind of EULA include the competing middleware product Netscape 6 and the competing office suite StarOffice; these EULAs thus can cause support problems for, and discourage the use of, competing middleware and office suites. Additionally, since Open Source applications tend to also run on non-Microsoft operating systems, any resulting loss of market share by Open Source applications indirectly harms competing operating systems.

2. Microsoft discriminates against ISVs who target Windows-compatible competing Operating Systems The Microsoft Platform SDK, together with Microsoft Visual C++, is the primary toolkit used by ISVs to create Windows-compatible applications. The Microsoft Platform SDK EULA says: ''Distribution Terms. You may reproduce and distribute . . . the Redistributable Components. . . provided that (a) you distribute the Redistributable Components only in conjunction with and as a part of your Application solely for use with a Microsoft Operating System Product. . . '' This makes it illegal to run many programs built with Visual C++ on Windows-compatible competing operating systems. By allowing these exclusionary behaviors, the PFJ is contributing to the Applications Barrier to Entry faced by competing operating systems. Microsoft willfully acts to thwart competition using what in my opinion are the software equivalent of ''dirty tricks''; they have demonstrated this behavior more than once, why does the PFJ show so much trust in Microsoft- they not to be regulated; they can NOT be trusted:

http://kegel.com/remedy/remedy2.html:

3. Microsoft created intentional incompatibilities in Windows 3.1 to discourage the use of non-Microsoft operating systems An episode from the 1996 Caldera v. Microsoft antitrust lawsuit illustrates how Microsoft has used technical means anticompetitively. Microsoft's original operating system was called MS-DOS. Programs used the DOS API to call up the services of the operating system. Digital Research offered a competing operating system, DR–DOS, that also implemented the DOS API, and could run programs written for MS–DOS. Windows 3.1 and earlier were not operating systems per se, but rather middleware that used the DOS API to interoperate with the operating system. Microsoft was concerned with the competitive threat posed by DR-DOS, and added code to beta copies of Windows 3.1 so it would display spurious and misleading error messages when run on DR-DOS. Digital Research's successor company, Caldera, brought a private antitrust suit against Microsoft in 1996. (See the original complaint, and Caldera's consolidated response to Microsoft's motions for partial summary judgment.) The judge in the case ruled that ''Caldera has presented sufficient evidence that the incompatibilities alleged were part of an anticompetitive scheme by Microsoft.'' That case was settled out of court in 1999, and no court has fully explored the alleged conduct.

The PFJ as currently written does nothing to prohibit these kinds of restrictive licenses and intentional incompatibilities, and thus encourages Microsoft to use these techniques to enhance the Applications Barrier to Entry, and harming those consumers who use non-Microsoft operating systems and wish to use Microsoft applications software. My understanding of Microsoft's latest operating system is that is has become more and more ''paternal'' and intrusive—father Redmond knows what's best for you, and will learn all about you. . an arrogant and disrespectful attitude. .

My view is that Microsoft has stifled innovation. The have taken years and years to catch up to he competition in robust reliable operating systems. They have not won because they create the best products, they win because of their dirty tricks, and excellent marketing. In general I view their software is a closed black bug filled box. Users find the bugs, and users pay Microsoft to fix them. The process of debugging their software takes years of end users time and is very frustrating.

In contrast my experience with Open Source software (GNU tools and LINUX), and with Hewlett Packard or SUN UNIX has been wonderful. Please see http://kegel.com/remedy/ for additional links. regards,

—Tom Rodman <trodman@nyx.net>
2811 S Wentworth Av
Milwaukee WI 53207

MTC–00014120

From: Bill Meyer
To: Microsoft ATR
Date: 1/20/02 1:40pm
Subject: Tunney Act Comments: Objections to the Proposed Microsoft Settlement.

CC: william, delahunt@mail.house.gov@inetgw.G Office@sta. . .

To: U.S. Department of Justice (microsoft.atr@usdoj.gov)

From: William M. Meyer

Re. Proposed Final Settle in United States v. Microsoft Corp.

I'm writing to protest the proposed settlement with Microsoft in United States v. Microsoft Corp., under the provisions of the Tunney Act (Antitrust Procedures and Penalties Act, 15 U.S.C. ? 16) As a professional in computer, with over 20 years of experience in computer networking and Internet development, I believe that the proposed settlement is fundamentally flawed and will fail completely to address the root level problems that the Microsoft Windows monopoly poses to this country.

In short, I don't believe that the proposed settlement provides adequate redress to American businesses and consumers for the real and tangible damages that they have suffered due to Microsoft's illegal abuse of its Windows monopoly, nor will the proposed settlement ensure that Microsoft doesn't continue it's illegal business practices in the future. The finalized outcome of United States v. Microsoft Corp., 87 F. Supp.2d 30 (D.DC 2000) will have lasting, substantive and historical consequences on American businesses, individuals and the future effectiveness of antitrust law in the United States.

The proposed final settlement does not demonstratively provide of the claimed benefits to consumers as stated in the Proposed Final Judgement. In addition, it offers little or no relief or restitution to the American Businesses and individuals who comprise the victims of its illegal abusive practices. The Final Proposed Settlement should be rejected and, absent a completely new Settlement Proposal from the Defendant, the Court should continue with the Penalty Phase of United States v. Microsoft Corp. towards the goal of achieving a settlement or judgement that adequately and permanently addresses these issues.

I offer the following arguments to the Court in support of my request to reject the Proposed Final Settlement.

Microsoft's Monopoly gives it undue political and economic influence and threatens compliance. The de facto monopoly of the Windows operating system and Office business suite makes the majority of the American businesses and individuals

dependent on these products in the course of their daily activities. Thus, everything related to the Microsoft .Windows products almost immediately impacts the majority of our institutions. This, in itself, is an enormous problem with potentially devastating consequences for our Country, freedoms, privacy and well being. The pervasiveness of Microsoft's Monopoly and America's current dependance on Microsoft's products prevents the Proposed Final Settlement's ability to deliver on every point of the OVERVIEW OF THE RELIEF section of the Competitive Impact Statement in that every action in takes will necessarily have huge significance to American Businesses and individual consumers and the ability of the Government to react effectively after the fact in restraining Microsoft's actions will be practically impossible. This is evidenced already in the significant business actions Microsoft has already taken during the course of United States v. Microsoft Corp. which are not addressed by the Proposed Final Settlement. In short, by the time the proposed regulatory system can react, to an action by Microsoft, the result will be a fait accompli. Technology in general, and Microsoft in particular move to fast to be effectively regulated under the proposed agreement. The Windows XP and Microsoft .Net are two relevant examples of Microsoft technology that has outstripped the proposed relief before it is even in place. The fact that nine states have rejected the proposed settlement suggests that Microsoft's political power is influencing the DOJ to accept a settlement that is not in the interests of those states in the opinion of their Attorney's General. Window XP and Microsoft .Net vastly extend Microsoft's monopoly The case itself has proven that Microsoft illegally abused it's monopoly in the past to the detriment of it's customers and the American public. In the time since that ruling, Microsoft has embarked on the most ambitious and aggressive expansion of its business areas in its history. The Windows .Net platform is designed from the bottom up to be a required participant in every business transaction conducted online. Whether they achieve that goal or not will only be known in the fullness of time, but the fact is that they are putting every resource they can towards that end. This point directly addresses the Proposed Settlement's OVERVIEW OF THE RELIEF points: 1, 2, 3, 4, 6, 7 & 8.

In addition, it violates the spirit of the Proposed Final Solution which, ''. . . seeks to eliminate Microsoft's illegal practices, to prevent recurrence of the same ''or similar practices and to restore the competitive threat that middleware products posed prior to Microsoft's unlawful conduct. '' The Microsoft Windows monopoly hurts American productivity An equally serious problem is the increasing cost to American business and individuals of Microsoft's predatory business practices. The constant stream of required updates, patches, and new releases of Microsoft products is a constant and expensive drain on the American economy. At the same time that most businesses are increasingly dependent on Microsoft products, they are finding that the financial and productivity costs of these products to be increasing dramatically. This trend will only increase as the pervasiveness of the Microsoft Windows platform increases and it represents an unfair abuse on Microsoft's monopoly on American businesses and individual consumers. Microsoft's the cost of Microsoft Windows products, as they relate to end users is not addressed at all in the Proposed Final Settlement, but any settlement or judgement that is to provide effective relief must address these issues.

Microsoft's New Licensing Practices are abusive The Proposed Final Settlement, Section III A discusses measures to protect OEM's from predatory and anticompetitive practices by Microsoft. It is an irreperable flaw in the Proposed Final Settlement that it doesn't address these same protections for American business and individual consumers of Microsoft products. A current example of Microsoft's abuse in this area is it's aggressive campaign to proactively police product licensing within it's user base. Through it's own efforts and through proxy groups like the SBA, Microsoft has become an increasingly intrusive and hostile presence in the American business community via their costly, time consuming and abusive ''Licensing Audit,'' and ''Amnesty,'' programs. These practices directly target business and individual consumers of Microsoft products using a ''guilty until proven innocent,'' premise and the thinly veiled threat of legal action to force compliance via expensive and time consuming software audits. These programs reveal a complete disdain for American businesses and consumers that is unprecedented historically.

Compliance itself is a vague and shifting target due to the constantly changing nature and terms of Microsoft's software licensing policies. A complete and confident understanding of the licensing agreements accompanying most Microsoft products is, literally, impossible for anyone without a sound knowledge of contract law. At the same time, laws such as the UCITA are increasing the enforceability of these shrink wrap license agreement. Microsoft has publicly announced that it intends to shift its emphasis from a User License Agreement to a Subscription-based model wherein they will receive regular required payments from users of their products and have the ability to force upgrades on their user base at will. Speaking as a computer professional and a consultant representing a variety of business and individual clients, I can say that no one I know thinks such an arrangement would benefit them or their business. This issue must be addressed with effective and permanent relief in any final settlement or judgement. National Security could be compromised by the Microsoft Monopoly.

Finally, although it is not addressed explicitly in the Proposed Final Settlement, the real and significant threat to National security must be considered in any settlement or judgement of United States v. Microsoft Corp. Many computer professionals and security experts believe that we will soon face a terrorist attack that focuses and is waged against our information systems and national Internet infrastructure. They are basing their believes on their daily experience in coping with the virtually continuous computer virus attacks that are focused on Microsoft products and which exploit programming flaws in these software applications. In point of fact, any objective review of Microsoft's security performance would have to conclude that they are not capable of producing a secure version of their operating system. Their most recent release, Windows XP was vigorously touted by Microsoft as their most secure version yet. This seems almost whimsical in retrospect in that reality of Windows XP since its public release has been the announcement of one security-related bug after another. This has culminated with the recent UniversalPlug&Play bug which allows a hacker to take complete control of a Windows XP system and do anything that the authorized user could do. The security flaws in Microsoft Windows cost American businesses and individuals billions of dollars in lost productivity, untold aggravation and are potentially disastrous in the event of a determined terrorist attach. Anyone familiar with the technical debate on Windows security will confirm the potential for a DDoS attack against Windows XP that could conceivably shut down the Internet in America. As a monopolist, Microsoft should be subject to legal liabilities for the direct losses incurred through the use of it's faulty products. This issue is not addressed in the Proposed Final Settlement, but it must be considered in any effective and permanent settlement.

Summary, Conclusions and Request to the Court In summary, I believe that the Proposed Final Settlement does not ''. . . provide a prompt, certain and effective remedy for consumers by imposing injunctive relief to halt continuance and prevent recurrence of the violations of the Sherman Act by Microsoft that were upheld by the Court of Appeals and restore competitive conditions to the market.'' The consequence of the adoption of the Final Proposed Settlement would result in the continued abuse of the Microsoft Windows monopoly and further damage to American business and individual consumer. For a multitude of reasons this cannot be allowed to happen. The United States v. Microsoft Corp. may be the best chance that we will ever get to effectively solve this problem and rectify Microsoft's abuse of it's Windows Monopoly.

For the reasons stated in the body of this message, and others, I encourage the Court to unequivocally reject the current propose Settlement and begin the penalty phase of the case again with the stated goal of providing adequate redress to American business and individual consumers of Microsoft products and to ensure that the illegal monopolistic actions Microsoft has been convicted of will not reoccur ever again.

Thank you for your consideration,

Bill Meyer
President, The Meyer Group
16 Jae Road
Falmouth, MA 02114
508.457.5558
bmeyer@ucsd.edu

MTC–00014121

From: Dendra Best
To: Microsoft ATR
Date: 1/20/02 1:46pm
Subject: Microsoft Settlement

To Renata B. Hesse

Dear Ms. Hesse,

I would like to comment on the proposed settlement. I have grave concerns that the terms merely allow Microsoft to further imbed its products into the education and library cultures. I have first hand experience of the restrictions placed on use of so called Gates Foundation donations of CPU's which come pre loaded and unable to be added to with anything other than MS products!

They are currently proposing a Gates Foundation project which will effectively create another monopoly of State Library systems on line data bases and delivery of ''technology'', substitute MS and CISCO, training for library staffs. While it is certainly true that other vendors such as Dell and Apple offer alternatives—it is almost impossible to match the MS juggernaut!
Dendra Best

MTC–00014122

From: Paul Stanley
To: Microsoft ATR
Date: 1/20/02 1:30pm
Subject: Microsoft Settlement

The Honorable Kollar-Kotally,

I am writing this email as both a concerned citizen and a past observer of Microsoft's business practices in the PC industry while I was employed by Hewlett-Packard.

I am concerned that the proposed final judgment currently under review does not adequately protect the public or private enterprise from the power that Microsoft has and uses as the de facto monopolistic PC operating system provider. My concerns include the following points:

1) Enforcement mechanisms are administratively complex and lack the ability to impose sufficient penalties on Microsoft, enabling future unbridled behavior by Microsoft due to the disproportionate magnitude and timeliness of possible penalties.

2) Admitted violations are not sufficiently accounted for. This sends a clear signal that the risk/reward ratio for monopolistic behavior is clearly biased towards exercising it.

3) Anti-competitive behavior is not adequately defined or restricted, leaving far too many loopholes for Microsoft to continue their monopolistic manipulation of both mature and emerging technologies. When potential financial gain of new, innovative technology companies is reduced through such behavior, capital ceases to flow to where the US economy has its greatest potential return. Any judgment needs to do a much better job around issues such as middleware bolting and communication protocols, manipulation of emerging standards such as Java, and financial arrangements that prevent Microsoft customers from supporting other competitive software.

Thank you for your consideration of these points.
Paul Stanley
1771 Via Cortina
San Jose, CA 95120
650.417.2059 x5738
CC:microsoftcomments@doj.ca.gov@inetgw

MTC–00014125

From: Leo Kreymborg
To: Microsoft ATR
Date: 1/20/02 2:18pm
Subject: Microsoft Settlement

I would like to voice my great disappointment at the proposed settlement with Microsoft Corporation. This settlement has no potential for reversing the suffocating control that Microsoft has over end users and software developers.

It used to be just a few short years ago that users had some choice when it came to applications. WordPerfect, for example, formally the preeminent word processor, was destroyed by Microsoft predatory practices. After almost eliminating WordPerfect from the marketplace, Microsoft finished the job by buying 25% of Corel, the publishers of WordPerfect. It is no surprise that WordPerfect for Unix platforms has since been discontinued. Time after time, Microsoft has destroyed competing companies by hiding the details of the operating system from them, bundling software, purchasing competitor's companies, and many other practices designed to eliminate the competition.

Microsoft's latest moves to force registration of its software and operating system, compel business users into operating system upgrades, and its moves toward yearly licensing fees are typical monopolistic practices: once the competition has been eliminated and the customers have no choice, compel them to pay more for your product.

Microsoft has monopolized the operating systems, all the popular applications, and the internet browser. It is further extending its stranglehold on the computer industry by licensing one of its proprietary programming languages, Visual Basic, for use in unrelated 3rd party applications. 3rd party developers, not wishing to be left without good connectivity to Microsoft Windows, are coerced to license Visual Basic for use in their applications. Microsoft thereby extends its reach and control over the industry it yet another way. It am quite saddened that this proposed settlement has no potential for remedying this situation. Except for a valiant few who use Linux and other alternatives, that vast majority of businesses, individuals, developers, and government agencies are essentially forced to use the myriad array of Microsoft products. The entanglement of the operating system, the software, the browser, and the programming languages make disconnecting any one of them difficult, and makes switching all of them almost impossible for most users.

Microsoft is a monopolistic predator whose practices are destroying innovation, and essentially extorting billions of dollars annually from users and government agencies. I implore you not to permit this settlement to go forward, and to take forceful action against Microsoft on behalf of the American people.
Leo Kreymborg
San Diego, California
atomicage@yahoo.com

MTC–00014126

From: Jeff Wolfe
To: Microsoft ATR
Date: 1/20/02 2:23pm
Subject: Microsoft Settlement

The government wore ol Bill down, so he took the expedient way out. The whole prosecution was typical of government penalizing those who are successful. Microsoft has money so the government went after him until he gave up. The whole situation makes me ashamed of my country.

MTC–00014127

From: Shirlain Kramlich
To: Microsoft Settlement
Date: 1/20/02 1:51pm
Subject: Microsoft Settlement
Shirlain Kramlich
6024 N. Country Lane
Aberdeen, SD 57401
January 20, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Shirlain Kramlich

MTC–00014128

From: Jerry Proud
To: Microsoft Settlement
Date: 1/20/02 12:15pm
Subject: Microsoft Settlement
Jerry Proud
Rt. 1 Box 67
Marsing,, ID 83639
January 20, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies. Thank you for this opportunity to share my views.

Sincerely,

Jerry Proud

MTC–00014129

From: Mike (038) Sherri Unger
To: Microsoft ATR
Date: 1/20/02 2:29pm
Subject: Microsoft Settlement

Ladies and Gentlemen:

I have read the proposed settlement between US DOJ, the nine states and Microsoft. I fully support the proposed agreement. I believe the agreement is tough, reasonable and fair to all parties involved. The enforcement provisions of the agreement are sufficient to ensure Microsoft complies with the agreement. All of the states involved in this litigation should be held to this agreement. Most of all I believe it will benefit consumers. It is time to move beyond litigation on this matter. This case has adversely affected consumers because of its negative impact on the U.S. economy. In addition, it has taken away from the industry's ability to innovate and make our future brighter. The problem with the technology industry is not Microsoft but AOL, SunMicrosystems and Oracle.

Their CEOs continuous harping on Microsoft is uncalled for and is hurting the industry. It is hurting the industry's innovation and reputation. The rhetoric from the above companies is getting old. The reason Microsoft is leading the industry in so many was is their creativeness and innovation. If the above CEOs would spend more time concentrating on their products rather than their perceived enemies they would be better off. So would the consumers!!

Thanks for the opportunity to comment on the Microsoft settlement. I hope the judge approves the settlement.

Michael A. Unger

MTC–00014130

From: Charles R. Biggs
To: Microsoft ATR
Date: 1/20/02 3:36pm
Subject: Microsoft Settlement

Regarding Microsoft and the proposed settlement;

Microsoft is a monopoly. The District Court found that Microsoft is a monopoly and the Appeals Court agreed. Microsoft is still acting as a monopoly. As an example I offer my purchase of Turbo Tax, which is a program for completing the 1040 tax forms and calculating the amount of tax due. I purchased this program in September 2001 and it was delivered in December. When I loaded the program I was forced to load Microsoft Windows Internet Explorer version 5.5. I had no choice I had to accept this program with the Turbo Tax program. I was given a choice whether or not I wanted to load the latest AOL program. This practice is called ?bundling?. It was my understanding that Microsoft had been ordered and had agreed to stop this sort of activity. But here it is again and this is typical of Microsoft's monopolistic attitude.

The proposed settlement does nothing to stop Microsoft from continuing this practice. In fact it will damage the market which the Apple Computer Company has developed in the schools. The 12,000, used, rebuilt, computers which Microsoft will give to the nations schools under the settlement will be loaded with the Microsoft operating system plus all of the other Microsoft programs such as Internet access, word processing and spreadsheet. The children using these computers will become accustomed to the Microsoft system, related programs and will in the future be reluctant to switch to other systems or programs. The proposed settlement is a sham and it is my hope that it will be rejected.

Any suggestion that the proposed settlement is ?fair and reasonable? is a sham I consider this unfortunate. Microsoft has all most destroyed Netscape an Internet access company which competes with Microsoft's Internet access because it has bundled its access program in with its operating system. This was not necessary and their statements to the contrary in my opinion were false. There were other programs written by other software manufacturers which Microsoft overpowered by bundling such as the Lotus word processing and spread sheet programs. They, in my opinion, did this by making it difficult for someone like me to install these programs and building in quirks which made these competing programs difficult to operate.

To repeat Microsoft is and under the proposed settlement will continue to be a monopoly and the settlement does nothing to punish Microsoft for its past actions and does nothing to keep it from acting as a monopoly in the future. This will damage competition for the development of new operating systems and innovative programs.

I appreciate this opportunity to comment on the proposed settlement.

Charles R. Biggs

MTC–00014131

From: Justin Sevakis
To: Microsoft ATR
Date: 1/20/02 3:48pm
Subject: Microsoft Settlement

This proposed settlement would reward Microsoft by giving them an unfair advantage over Apple by extending market share over the educational market. It does nothing in regards to the complaints lodged against Microsoft, and simply seems to provide them with an outlet for surplus refurbished product and a tax write-off.

AGAINST Microsoft's proposed settlement.

Justin Sevakis
jsevakis@earthlink.net

MTC–00014132

From: William Kroll
To: Microsoft ATR
Date: 1/20/02 3:51pm
Subject: Microsoft Settlement

Department of Justice:

Microsoft is a powerful force. Whatever judgment is dealt, it must be swift and severe enough to genuinely affect this monopoly.

Sincerely,

William Kroll

MTC–00014133

From: badlunch
To: Microsoft ATR
Date: 1/20/02 4:35pm
Subject: Microsoft
January 20, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The purpose of this letter is to go on record as supporting the settlement that has been reached between Microsoft and the Department of Justice. I am relieved to see that both sides could come to an agreement and settle the antitrust issue.

The proposed settlement is fair and reasonable, and the time has come to put this matter to rest. Millions of dollars have been spent, and valuable time has been wasted in the pursuit of the Microsoft Corporation. I feel that the settlement will open-up the IT industry, foster competition, and improve the economy. Microsoft has agreed not to retaliate against competitors who produce, promote, and ship software that competes with Microsoft's. This is a giant step in the right direction since companies will not have to worry about angering Microsoft.

I support this settlement, and hope that it is approved as soon as possible.

Sincerely,
Mike Stasko
3323 Grovewood Avenue
Parma, Ohio 44134

MTC–00014134

From: Klacat@aol.com@inetgw
To: Microsoft ATR
Date: 1/20/02 4:28pm
Subject: Fwd: Microsoft Settlement

DoJ, To Whom It May Concern:

The following is the opinion of a concerned citizen, consumer and Microsoft shareholder. Thank you for inviting comments during the Tunney Act review period regarding the proposed settlement of the Microsoft antitrust matter. The provisions of the agreement have been overwhelmingly accepted by the American puplic at large and by the consumer in general. It now is time to move on and let the matter rest. The

American consumer deserves to have the matter settlet. To continue with this extended legal maneuvering is a disservice to us all. No company or its customers and shareholders should be held hostage by 9 State Attorney Generals. Political ambition or personal feelings should not be a reason to disrupt the normal conduct of business. Not once during the entire Antitrust proceedings was it proven that Microsoft harmed the consumer. However it is apparent to many of us thatMicrosoft competitors and the individual States they are located in are using the system to circumvent competition in the open marketplace. Let Microsoft conduct bussines without outside interference.A complete settlement without the threat of continued litigation would be a tremendous boost to our economy in this time of recession. Let the consumer in an open marketplace determine what is best.

Sincerely,
Klaus Landweer
2113 182nd Ave NE
Redmond, Wash 98052
425–641–8664 or 480–895–3641
Email: Klacat@aol.com

MTC–00014135

From: G. Keith Hall
To: Microsoft Settlement
Date: 1/20/02 2:09pm
Subject: Microsoft Settlement
G. Keith Hall
11525 E. Meadow St
Moorpark, Ca 93021
January 20, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
G. Keith Hall

MTC–00014136

From: Donna Rott
To: Microsoft Settlement
Date: 1/20/02 3:07pm
Subject: Microsoft Settlement
Donna Rott
1000 Co. Rd. 1400 N
Henry, IL 61537–9438
January 20, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Mrs.Donna Ll Rott

MTC–00014137

From: Chuck Tudor
To: Microsoft Settlement
Date: 1/20/02 3:10pm
Subject: Microsoft Settlement
Chuck Tudor
340 Northside Drive
Shelbyville, KY 40065–8960
January 20, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

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Thank you for this opportunity to share my views.

Sincerely,
Chuck Tudor

MTC–00014138

From: Carl Rott
To: Microsoft Settlement
Date: 1/20/02 3:06pm
Subject: Microsoft Settlement
Carl Rott
1000 Co. Rd. 1400 N
Henry, IL 61537–9438
January 20, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Mr. & Mrs. Carl Rott

MTC–00014140

From: Ken Hahn
To: Microsoft ATR
Date: 1/20/02 5:07pm
Subject: Microsoft Settlement

Thank you for the opportunity to contribute. I have a suggestion that would be easy to implement, not involve any break up of Microsoft and would eliminate a settlement that is essentially an advertising gimmick. Since Microsoft has illegally built and maintained a monopoly. And since they have admitted this. And since their recent behavior has continued the practices for which they were sued. It is obvious Microsoft has hidden behind the law and will not participate in any real settlement. I suggest that the tool used to establish and maintain the monopoly be denied them. Just void the patents used for this purpose. I would believe

all patents involving the windows operating system are involved.

Thanks again,
Kenneth G. Hahn
447 W. Madison Avenue
Placentia, CA 92870
(714) 528–1362
kghahn@earthlink.net

P.S. I am a Macintosh user and would not benefit in any way from a cheaper Windows OS. I do admit that I have no love for Microsoft and feel they have abused their position.

MTC–00014141

From: Matt Lindauer
To: Microsoft ATR
Date: 1/20/02 5:09pm
Subject: Microsoft Settlement

Honorables,

It has come to my attention that Microsoft has recently acquired fundamental patents for 3D graphics technology and techniques from SGI. This is a dangerous situation, as it grants Microsoft significant leverage over the independent 3D hardware manufacturers who are currently supporting the only rival to Microsoft's Direct3D graphics API, OpenGL.

Microsoft has in the past worked to delay and distract advances in 3D graphics technology, such as in the abortive ''Fahrenheit'' plan with SGI in the 1990s. During that period, SGI was transitioning from selling Unix-only workstations to begin selling workstations running Microsoft's Windows NT.

At the same time, OpenGL was gaining on Microsoft's Direct3D in terms of features, hardware support, and developer support. If SGI wanted to sell NT boxes, SGI would have to agree to the Fahrenheit plan. The perfectly timed Fahrenheit deal slowed that advance of OpenGL by, among other things, reducing SGI's active promotion of it, and allowed Microsoft's Direct3D to gain a strong lead.

Yet OpenGL support still survived due to the interest of software developers and the support of third party 3D hardware manufacturers. This latest move by Microsoft to acquire core 3D technology patents would finish the hatchet job, granting Microsoft the power to force third party 3D hardware manufacturers to drop support for OpenGL, and ultimately stifle competition and innovation in the marketplace.

Please do not let this come to pass.

Thank you,
Matt Lindauer
www.mshift2.com

MTC–00014142

From: JERRY FOCHLER
To: Microsoft ATR
Date: 1/20/02 5:14pm
Subject: MICROSOFT SETTLEMENT

The Microsoft case should be settled based on the facts already heard. It is for the good of the public and the business community. Thank you for your consideration.

Jerry T. Fochler
233 Scottwood Ave.
Elmira Heights, Ny, 14903

MTC–00014143

From: Marv Graham
To: Microsoft ATR
Date: 1/20/02 5:18pm
Subject: Microsoft settlement

I can not stand by a let those who are not inside the software ''industry'' as I am blather on about how Microsoft did not take any steps to suppress and/or eliminate competition.

OK, I'm a software techo-geek. I've been writing, using, and debugging software for 42 years. Most of those years were spent writing compilers, compiler building tools, and related utility programs like debuggers, linkers, and assemblers. In one of my previous jobs, we wanted to port a C compiler to the Windows environment. It compiled code that ran twice as fast as that compiled by the latest and greatest Microsoft offering. Our problem was that we had to take heroic measures to test our compiled code. Why? Microsoft will not and will not release the specifications of the object code that their system supports - the format that their linker accepts and their libraries contain.

Other compiler teams have faced the same problem. Some with deeper pockets than ours reverse engineered the Microsoft object code formats. That worked fine until Microsoft ''improved'' the formats, requiring another round of reverse engineering. Eventually, most gave up—just as Microsoft intended.

Who loses? Everyone who wants to create efficient programs to run in the Windows environment. First hand, that's not many of you, but second hand, as users of the programs that are available, that's most of you out there. Oh sure, there's the example of Borland, who bit the bullet and created their own complete closed system with its own unique set of file formats and libraries. One counter example with very deep pockets. All of the others eventually have given up chasing a sequence of ''new and improved'' Microsoft secret file formats. I'm sure that there are those in other niches of the software world who can tell similar stories about the Microsoft predator. Let's hear them!

Then there's Windows, or is that Windoze? It is the most bug ridden, unstable, sophomoric, ''designed'' by trial and error, half-baked piece of crap that masquerades as ''operating system'' that I've seen in my 42 years in the industry. I could go on and tell you what I really think!

Windoze usually hangs trying to shut itself down. Often, a crashing program destroys system information. One that I see a lot is that the ESCAPE key's meaning is altered. Guess what the ''solution'' is. Yep, yet another reboot. This on a machine that has hardware to protect the data of one program from all other programs! The ''system'' doesn't even protect its own vital data! It stores vital resource use information in fixed size 65,536 byte buffers. Program crashes often trash even them. Normal use overfills them.

As far as I'm concerned, UNIX is ''the'' operating system. OS/2 was great (after its initial teething problems) until Microsoft cut IBM off from the details of Windows 95 that they needed to be able to run the new generation of Microsoft tools—like Word and Excel. Denial of information necessary to competitors. Does that sound familiar?

I say, break up Microsoft, and make the various parts tell the others and all aspiring competitors the details of the file formats and API's. How many pieces? At least three: Windows, Applications, and Development Tools.

MTC–00014144

From: Steve Lee
To: Microsoft ATR
Date: 1/20/02 5:57pm
Subject: Microsoft Settlement

Dear Sir or Madam:

With regard to the Microsoft Antitrust settlement, I feel that an equitable solution would be to set up a trust fund managed by a third party. This fund ought to distribute grants to schools for the purchase of computing hardware. Such a settlement would allow educators to determine what resources are most needed on a per-case basis.

-Steve Lee

MTC–00014145

From: David B. Crawley
To: Microsoft ATR
Date: 1/20/02 6:09pm
Subject: Microsoft Settlement

I am a Microsoft customer/consumer. This lawsuit is not about protecting consumers. It is a vicious attempt by jealous competitors to destroy a fantastic company that has innovated incredible computer products that have changed our lives at very reasonable prices. A common operating system is crucial for software development and communications between computers. Microsoft had provide us with this system. It infuriates me that my tax dollar is being used to prosecute this fine American company.
David B. Crawley
12712 471st Ave. SE
North Bend, WA 98045

MTC–00014146

From: Dan Evans
To: Microsoft ATR
Date: 1/20/02 6:24pm
Subject: Microsoft Settlement

I am one of many U.S. citizens deeply disappointed by the proposed settlement between DoJ and Microsoft. As a computer professional for more than 15 years, I have used Microsoft products extensively and watched closely their behavior and actions. Based on both my own observations as well as the findings of this case, it is very clear that Microsoft is not only a monopoly but that is has consistently and repeatedly abused its monopoly position. Furthermore, when it has been called to task for illegal or inappropriate practices in the past, it has failed to end its basic unfair trade practices but has instead simply found new ways to continue its desire and intent to maintain firm control over the desktop computer industry. This control has consistently stifled innovation and competition, directly harming computing practices in this country as well as around the world.

I believe that the proposed settlement will contribute directly to a stagnation of computing growth and innovation that has been very evident in the industry for the last 3 to 5 years.

The best remedy would be to 1) fully split the company into two separate operations, one covering operating systems and one covering applications and development tools; and 2) release the full source code for the Windows 2000 and Windows XP operating systems to the public domain thereby allowing others to demonstrate what innovation and improvements are possible via freely shared ideas and knowledge.
> Daniel Evans
9607 165th St Ct E
253.841.0819

MTC–00014147

From: FVandeB@aol.com@inetgw
To: Microsoft ATR
Date: 1/20/02 6:26pm
Subject: Microsoft Antitrust lawsuit
Antritrust Division
U.S. Department of Justice
Washington, DC

The proposed settlement in the Microsoft anti-trust case specifically addresses every key finding of the Appeals Court. As a citizen of Washington state, I am especially interested in having this settlement approved. Competitors of Microsoft who cannot compete with this highly successful company on a level playing field continue to try to cause its death by litigation. Failure to approve the proposed settlement would hurt not only Washington's economy but that of the nation. Microsoft's ability should be praised for its beneficial effect on consumers.
Florence A. Vande Bogart, Esq.
8904 NE 32nd Ave.
Vancouver, WA 98665

MTC–00014148

From: Sujit Itty
To: Microsoft ATR
Date: 1/20/02 6:36pm
Subject: Microsoft Settlement

Dear Honorable Judge,

As an immigrant from India, I am well aware of the effects of one business taking over an entire section of the market. While India is technically a free market economy, there is so much corruption, that many sections of the market have been monopolized. Often, it leads to one small group of men who become very wealthy, while the rest of the population cannot even afford the products. While they may claim to keep prices low, they will find loopholes and ways to inch prices up if they are allowed to remain a monopoly. I came to the United States to avoid this type of business practice. I hoped to come to a place where small businesses would not be crushed by an overbearing one. Please keep this from happening.

Sincerely,
Sujit Itty
615 W. 36th Street #355
Los Angeles, CA 90089
CC: microsoftcomments@doj.ca. gov@ inetgw,dkleinkn@yahoo. . .

MTC–00014149

From: MacAddictfan@cs.com@inetgw
To: Microsoft ATR
Date: 1/20/02 6:47pm
Subject: Microsoft settlement

Instead of letting Microsoft give a large amount of PC's to poor schools, force them to give competing computer brands to schools. That is the exact opposite of everything that Microsoft has strived for!! Instead of 10 Billion Dollars worth of PC's, give 10 Billion dollars of MACS. That way Microsoft won't be able to make a profit out of this punishment. Giving 10 Billion dollars worth of PC's will only influence schools to purchase PC's in the future, thereby turning this punishment into a profit.

Force Microsoft to use Netscape.com as it's home address, that way Netscape will at least have a fighting chance against Microsoft's free web browser. Also, force Microsoft to ship alternative operating systems on new PCs. The new MAC OS X, may have the capability to run on an Intel chip in the future, though it hasn't been announced yet.

MTC–00014150

From: Stephanie Jackson
To: Microsoft ATR
Date: 1/20/02 6:52pm
Subject: Microsoft Settlement
12114 Bammel N. Houston Road
Houston, TX 77066
January 20, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I would like to express my opinion regarding the Microsoft antitrust case. I was hoping Microsoft would not have to give in to the settlement, but understand that sometimes it becomes too costly to continue fighting. The settlement already approved by nine states in more that fair. I certainly believe that those who wish for Microsoft to be disbanded are only jealous that they did not come up with a better product. In my view, Microsoft is a ''producer'', and I applaud the success of this company. If there are companies that can produce something better than Microsoft, they should do it and let the consumers dictate which is the better product.

I see nothing more to be accomplished by further federal action. Are the states that want to continue litigation more concerned with investment return rather than consumer protection? I believe the settlement has accomplished what is fair to the majority. Let us put an end to this, once and for all.

In closing, I am very proud of the way you and the Bush administration are handling the country's business. Thank you for your service. God bless you.
Sincerely,
Stephanie Jackson
CC:fin@mobilizationoffice.com@inetgw

MTC–00014151

From: Peter Cornejo
To: Microsoft ATR
Date: 1/18/02 4:29pm
Subject: Microsoft Settlement

MTC–00014151–0001

Aurora & Peter Cornejo
74 Dana Road
Buffalo, New York 14216
January 17, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The Microsoft antitrust case has been active for over three years. At last, there is a fair and equitable proposed settlement released by the Dept. of Justice. I highly recommend endorsement of this settlement.

The Microsoft Company has agreed to every provision of this proposed settlement that resulted from negotiations with a court-appointed mediator. Microsoft's competitors should be pleased with the basic provisions that will allow them access to Microsoft Windows protocol, programs, and documentation thereby enabling them to link their non-Microsoft software to Windows. Further prolonging of this case should be avoided so that the IT industry can once again fully focus on innovation without the burden of litigation.

I look forward to a fair and equitable settlement in the near future. Thanks you for your consideration.

Sincerely,
Peter Cornejo

MTC–00014152

From: Jon Hill
To: Microsoft ATR
Date: 1/20/02 7:08pm
Subject: Microsoft Settlement

The proposed Microsoft settlement is a fair and equitable solution particularly for those states that are holding out. From my perspective it would appear that the remaing nine states are using the Federal Government to tilt what was already level playing field. Its time to stop using our tax dollars to eliminate competition for those companies that haven't been able to cut it in the marketplace. Microsoft has done a great job in product development and support. I recently received top notch technical support from Microsoft for an extinct operating system. I Also use Corel's Wordperfect, and they won't even talk to me because it isn't the latest version.

The proposal should be approved for all states.
Jon K. Hill
Square One Books
Seattle

MTC–00014153

From: sarah white
To: Microsoft ATR
Date: 1/20/02 7:10pm
Subject: Microsoft Settlement

Dear Judge,

I am a college student. I don't know all of the facts on PFJ, or on the history of Microsoft, however I have studied antitrust laws and I do see the positive effects of competition every day. Microsoft may have earned its way to the top of its competition, however, if it is given an effective monopoly, it will cause the same types of problems that caused the antitrust laws to be passed in the first place. I believe the antitrust laws are there for good reason, and should be heeded.
Thank You,
Sarah White, 213–764–6372
Los Angeles, CA
CC: microsoftcomments@doj.ca.gov @ inetgw,dkleinkn@yahoo. . .

MTC–00014154

From: Mark Hasenjager
To: Microsoft ATR
Date: 1/20/02 7:40pm
Subject: Microsoft Settlement

United States Department of Justice,

I strongly encourage you to ratify the proposed settlement of the Microsoft anti-trust case. It is time that we move past this issue. It is clearly in the best interest of the consumers and businesses in the United States.

Thank you,
Mark Hasenjager
Microsoft Corporation

MTC–00014155

From: Christian Miller
To: Microsoft ATR
Date: 1/20/02 7:47pm
Subject: Microsoft Settlement.

I believe that Steve Jobs stated it best:

Excerpt from C√Net news: http://news.com.com/2100–1001–276267.html?legacy=cnet <quote>

But Apple, which has a big stake in the education market, criticized the settlement as anticompetitive. On Monday, the Cupertino, Calif.-based company filed a 30-page brief opposing the proposed agreement. ''Around half of the computers in education today are Apple computers, and we're the second largest supplier overall and the largest supplier of portable computers to education,'' Apple CEO Steve Jobs said in a statement released Tuesday.

''Given this, we're baffled that a settlement imposed against Microsoft for breaking the law should allow—even encourage—them to unfairly make inroads into education, one of the few markets left where they don't have monopoly power.'' </quote> Microsoft needs to be tamed. Right now, they have no fear of the U.S. Government. They have no fear because they have control over you. What do most if not all of your computer run? Microsoft products. How did they get there? Not by being better, but by bullying. Microsoft is VHS tapes and Apple (et al) is Betamax.

See the works of the Lord, and his wonders of the deep.

MTC–00014156

From: J. Edward Maddox
To: Microsoft ATR
Date: 1/20/02 7:51pm
Subject: Microsoft Settllement
4829 Crittenden Drive
Ashland, KY 41101
January 19, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Thankfully, the government got smart towards the end of litigation and decided not to break up the best asset our country has in the technology industry. I think that the recent antitrust case settlement is extremely harsh, and it reflects the intense lobbying efforts of Microsoft's competitors.

Originally the case was brought to suit because the consumers'' rights might have been violated. Even though I have never felt that my rights have been infringed upon, the settlement does nothing to make my life any easier. All it does is give competition that had less success than Microsoft a chance to compete in a market that Microsoft dominated through hard work. Under the terms of settlement, Microsoft will be giving competitors information about their internal interfaces and protocols. They will also be granting computer makers broad new rights to configure Windows to more easily promote non-Microsoft products. While I believe the settlement is flawed, I still think it is in the public's and our economy's best interests to make the settlement a reality as soon as possible. Further litigation would be detrimental to our nation's health. Thank you for your time and consideration.

Sincerely yours,
J. Edward Maddox

MTC–00014157

From: Bill Parkins
To: Microsoft ATR
Date: 1/20/02 8:02pm
Subject: Microsost setlement

Representative- Department of Justice, I would highly recommend that all charges and claims against Microsost be dropped. I do not believe that Microsoft has comitted any crime. If they are required to develope Windows Software that will work with all other programs it will cost Microsoft far to much. Let all mfg. that build software not compatable with Windows develope their own operating systems. I do not see the courts fourcing other co,s to do anything. This case has gone on far to long and has only hurt the investors and consumers. The courts should not be in that business.

Thank you,
William T Parkins

MTC–00014158

From: Ron Rioux
To: Microsoft ATR
Date: 1/20/02 8:06pm
Subject: Microsoft Settlement

I am opposed to the proposed settlement, I would like to see a more severe punishment for blocking competition in the marketplace. Even now a consumer cannot buy a computer without being forced to accept one of the Microsoft operating systems.

Thanks,
Ron Rioux

MTC–00014159

From: MMoss
To: Microsoft ATR
Date: 1/20/02 8:10pm
Subject: Microsoft Settlement
From the desk of Mark Moss
10801 Rio Springs Drive, Apt 103
Raleigh, NC 27614
January 20, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I want to use this opportunity to express my support for the settlement reached between Microsoft and the Justice Department last year. This settlement is long overdue and it is definitely time to move forward. I would say the government negotiated a very tough agreement. Microsoft has agreed to design future versions of Windows that will provide a mechanism to make it easy for computer makers, consumers and software developers to promote non-Microsoft software within Windows. The mechanism will make it easy to add or remove access to features built in to Windows or to non-Microsoft software. Therefore, consumers will have the freedom to choose to change their configuration at any time they please.

I believe this agreement will also benefit the economy. It will bring more certainty to the computer industry and give Microsoft the freedom to design new and improved products.

Sincerely,
Mark Moss

MTC–00014160

From: K.M. Lowe
To: Microsoft ATR
Date: 1/20/02 8:14pm
Subject: Microsoft Settlement

January 20, 2001

Dear Judge Kollar-Kotally,

My name is Khan Lowe; and I've worked in the software industry for 5 years. When I was an executive at Lotus Development Corporation, I saw how Microsoft leveraged its operating system monopoly position to dominate the software applications market. I don't agree with the Proposed Final Judgment (PFJ) that was recently announced by the Justice Department.

The PFJ fails to terminate Microsofts illegal monopoly. In addition, this settlement gives Microsoft sole discretion to determine that other products or services which dont have anything to do with operating a computer are nevertheless part of a Windows Operating System product.'' Doesn't this create a new exemption from parts of antitrust law for Microsoft?

Under the proposed settlement, Microsoft is only marginally penalized for its anti-competitive misdeeds. Every court involved with this case has acknowledged that Microsoft broke the anti-trust laws, yet under the terms of the proposed Agreement, Microsoft would be allowed to retain almost all of the profits gained from these activities.

Most importantly, the PFJ does not attempt to compsensate those companies who have been directly affected by Microsoft's monopolistic tactics. Any corporation that violates U.S. antitrust laws deserves a penatly proportionate to it's crime.

Regards,
Khan Lowe
1040 Edgebrook Lane
Glencoe, IL 60022
212–604–4434
Khan Lowe
kmlowe@sprynet.com—my permanent email address
khanlowe@yahoo.com—my temporary email address

MTC–00014161

From: Floridabillo@aol.com@inetgw
To: Microsoft ATR
Date: 1/20/02 8:21pm
Subject: msft anti trust case

msft is willing to settle but only if every one agrees on the terms lets stop trying to

prevent the software industry from advancing I bet when the case is settled and janet renos mistakes have been buryed our econmy will change and get better lasee fair

stop punish success ask msft to add another half billion for teacher support only if states settle at the same time settle i bet if japan came up with a better software our courts would not be so fast to bunish

bill oehme

MTC–00014162

From: Buddy Brinkley
To: Microsoft ATR
Date: 1/20/02 8:24pm
Subject: ''Mcrosoft settlement''

I for one feel that a monumental amount of time and money has been spent on this case and it appears to me that Microsoft was doing quite a job of providing quality products to the consumer at a fair price. Since the government has decided to enter the picture, there has been nothing but havoc. PLEASE get on with the settlement and let Microsoft get back to doing business for the good of America.

Buddy Brinkley
Cotton, GA

MTC–00014163

From: Scott Kindle
To: Microsoft ATR
Date: 1/20/02 8:25pm
Subject: Microsoft Ligitation

The time has come to move on. Penalties have been assessed, fair or not, so lets put it to sleep. Continuing will cost US Tax Payers more money along with adding to the uncertainty of the overall market place in general. It also acts as a restraint on Microsoft stock of which most investors (US Tax Payers) own, either directly or indirectly (via funds). This litigation has cost us more due to the uncertainty than any monopolistic endeavor by Microsoft.

The time has come to put this to rest. . . .

Donald S. Kindle
Evans, WA

MTC–00014164

From: mary-johne hickman
To: Microsoft ATR
Date: 1/20/02 8:37pm
Subject: microsoft antitrust case

January 20, 2002

Please leave Microsoft alone. Out country needs this company more now than ever. Enough is enough.

Pursue means to better our economy instead of trashing the most innovative company in the world.

Mary-Johne Hickman

MTC–00014165

From: Jim Caldwell
To: Microsoft ATR
Date: 1/20/02 8:57pm
Subject: Settlement

Where do states Attorneys General get the authority to mettle in interstate commerce? Apparently from the past corrupt Reno Justice Department under the impeached rapist president, they along with several individual Attorneys General seeking political fame and fortune, took it upon themselves to successfully shake down the tobacco industry.

Now they are attempting to do the same to Micro Soft. Hopefully the current Justice Department will stand up and do what is right. It is time to get big government, and states Attorneys General out of the board rooms and return business to entrepreneurs and risk takers; not handcuff them.

I want to buy what I want. Not being a computer nut, I like thins simple and easy to understand and use.

James E. Caldwell

MTC–00014166

From: Bosputor@aol.com@inetgw
To: Microsoft ATR
Date: 1/20/02 8:59pm
Subject: Microsoft Settlement

I read the settlement and I've also talked to all my friends, If this goes down there won't be anyone who thinks the government wasn't bought off. It's wrong on every level, and just the tip of the iceberg on things Microsoft has gotten away with. The fine isn't big enough and the was it's to be used will INCREASE their monopoly, and if you think it's not a monopoly, read your history books, and eight grader can tell you different!

MTC–00014167

From: David and Tina
To: Microsoft ATR
Date: 1/20/02 9:03pm
Subject: Microsoft Settlement

Dear ladies and Gentlemen,

It's time to stop wasting taxpayer dollars going after Microsoft Corporation. The provisions of the proposed settlement agreement are tough, reasonable, fair to all parties involved, and go beyond the findings of Court of Appeals ruling.

Let's get the case settled and spend my tax dollars on better causes.

Thanks and regards,
David Messner
Registered voter in the state of WA

MTC–00014168

From: Fernando Aguilera
To: Microsoft ATR
Date: 1/20/02 9:17pm
Subject: Microsoft Settlement

Dear DOJ:

The new threat posed by Microsoft today is greater than it has ever been. In the past, companies, products, and dreams were shattered by their monopolistic practices. However, with their new suite of development products and their .Net vision, Microsoft is poised at taking over the Internet. How? By selling their Windows XP software, they have introduced users to their passport technology which is used to store user's sensitive data. This in turn produces a demand for their .Net web services which companies will be hard-pressed to ignore. Unfortunately, these .Net web services will only run on Microsoft XP servers, which will in turn increase demand for Windows XP, as well as other products such as databases, server administration tools, and a host of other Microsoft utilities. The next step in the process is to de-commoditize the Internet protocols as revealed in the infamous ''Halloween Documents'' internal memo. As more users and companies jump on the bandwagon, Microsoft will release ''improvements'' to these standard protocols. These improvements will be nothing more than annoying syntax incompatibilities deliberately introduced into the protocols so only Microsoft systems can communicate with each other over the Internet, thus forcing even more consumers onto their bandwagon. Since no new companies will exist to offer any resistance or competition because venture capitalists will cower from anyone offering a competing product, users will be left with no choice. At this stage, users will either join the bandwagon, or be totally left out. Once we reach this point, its all lost. Microsoft will in effect OWN the once mighty Internet, and start charging small transaction processing fees (taxes) on every business transaction taking place. Likewise, they will be able to dictate what content is suitable for publication on their ''private network'' and will have the power to starve all non-compliant web publishers simply by not directing any traffic to their site.

It is inconceivable that the once might ARPANET military network, which in turn became the Internet we all enjoy world-wide, would one day be subjugated by a single company for their gain and everyone else's loss. Yet this is the exact thing that is happening today. Our digital medium of global communications is being robbed by a single corporation. Allowing this to happen, would be the single biggest blunder in our country's anti-trust history, one from which we may never recover.

Sincerely,
Fernando X. Aguilera
Senior Programmer Analyst

MTC–00014169

From: Timothy Bailey
To: Microsoft ATR
Date: 1/20/02 9:35pm
Subject: Public Comment on Microsoft ruling

In deciding a penalty for Microsoft, I feel that it must be something that actually causes a penalty, not like the settlement reached last fall. I am a computer professional with a BS in Computer Science and Engineering. I have worked in the industry for almost eight years, and was a follower or it for many years beforehand. I have used many versions of Windows in that time, so I am quite familiar with the product and how Microsoft does business.

I feel that since Microsoft was found to be an illegal monopoly, it should be treated in a manner that will weaken its ability to maintain (and/or regain) said monopoly. Unlike the actions against Standard Oil and AT&T, I feel that it would be too problematic to split Microsoft into two (or more) portions.

However, an appropriate penalty, in my view, must:

* Disallow contractual obligations with computer manufacturers that require a payment be made to Microsoft for every computer sold, no matter whether a Microsoft product is installed on that computer. For example, if IBM sells a computer with Linux installed as its operating system, no payment need be made to Microsoft.

* Allow computer manufacturers to customize the appearance of the Windows operating system; for example, they may

remove the Internet Explorer icon from the desktop on the computers that they sell.

* Consider Internet Explorer and similar add-ons to Windows as add-ons and not integral parts of it; if a computer manufacturer wishes to sell computers without such add-ons, they should be allowed to do so. Additionally, the manufacturers should be allowed to include whatever other software they choose (for example, the Netscape Internet browser).

* Force an appropriate charge for Microsoft products, rather than having them thrown in free or at a reduced cost. Also, those products must be available without the computer for that price differential. For example, if a computer without an operating system costs $100, with Windows costs $110, and with Windows and Word costs $115, then that computer seller must make Windows by itself available for $10, and Word for $5. (These prices, of course, are theoretical.)

* Force Microsoft to fully and publicly document all of the APIs for Windows; the ''hidden'' APIs have allowed other Microsoft products (Word, Excel, etc.) to have an unfair speed and functionality advantage.

* Force Microsoft to fully and publicly document all of its file formats, so that other companies can publish software that can read and write them as well. (For example, so that another company can create their own word processor that can read and write Word-format documents without any intermediate translator programs required.

* Make certain that all networking protocols in Microsoft products are fully documented and approved by an independent network protocol body before being released in a product. Preferentially, they should use public protocols instead.

* Keep Microsoft from announcing products months before release, in a tactic to drive other companies out of business. (Microsoft has, in the past, announced products with apparently the sole purpose of keeping consumers from buying a competing product—then, the Microsoft product either was quite late, or never materialized in the market.)

* Force Microsoft to pay much more attention to security concerns; Internet Explorer, and Outlook (for example) should ship with the most restrictive security settings be default, and indeed, should have a much better ability to defeat viruses and worms than they do.

Timothy Bailey
243 West Oak Street
Grafton, WI 53223
tim@moonrise.org

MTC–00014170

From: Ed (038) Lesa Seibold
To: Microsoft ATR
Date: 1/20/02 9:32pm
Subject: Microsoft Settlement
828 NE Emily Lane
Lees Summit, MO 64086
January 18, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing to praise you and the rest of the Justice Department for reaching a settlement of the Microsoft antitrust litigation. I hope you move forward and resolve the case as soon as possible.

I certainly don't know every aspect of the settlement, and I most certainly have no detailed allegations of the antitrust laws Microsoft is alleged to have violated. It appears that Microsoft will open its Windows systems to more competition, both internally and externally, from non-Microsoft software designers and manufacturers, and that answers the complaint I most frequently heard. I think it is time for everyone to stop wasting time in Court and money on lawyers and get back to work.

A compromise by its very nature means that the parties don't get everything they want. Please ignore the whiners and the carpers and close this matter immediately.

Thank you for the opportunity to address this issue.

Sincerely,
Edward Seibold

MTC–00014171

From: Sandy Stewart
To: Microsoft ATR
Date: 1/20/02 9:41pm
Subject: microsoft settlement

I am an engineer who uses personal computers at work and at home. I am continually frustrated by the rotten operating systems and application software put out by Microsoft. They are a monopoly and have no reason whatsoever to make good software at reasonable prices. There is simply no competition in operating systems for personal computers.

As part of the settlement, Microsoft should be forced to release all information about their application programming interface (API) all at once and in full. That way, competitors could write both operating systems and application software to compete with Microsoft.

Competition is finally working in the personal computer hardware market, where Intel and AMD are fiercely battling to put out more and more powerful computer chips, at lower and lower prices. This is competition truly at work.

The same thing should be done for operating systems. Please see the article posted on Salon magazine for more details: http://www.salon.com/tech/col/rose/2002/01/16/competition/index.html.

Thank you very much.
Sincerely yours,
Sandy F.C. Stewart, PhD
Research Biomedical Engineer
Rockville MD, USA

MTC–00014172

From: kate_mccoy@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/20/02 9:48pm
Subject: Microsoft Settlement

This nation would not be great without corporations like Microsoft developing innovative technology tools and at the same time revolutionizing capitolism. For the sake of the industry and the economy, let's stop wasting the taxpayers money, tune out the whining of the MS competitors and get on with the business of business.

Kate McCoy
CC:kate—mccoy@hotmail.com@inetgw

MTC–00014173

From: LJSJD19012@aol.com@inetgw
To: Microsoft ATR
Date: 1/20/02 10:08pm
Subject: What are the issues remaining for the States that protest the Settlement?

Its important for the consuming public to understand what the issues are that stand in the way of a final settlement. Otherwise it comes down to the personalities of the larger than life egoes of the principle players.

MTC–00014174

From: Bob Oakley
To: Microsoft ATR
Date: 1/20/02 10:22pm
Subject: Microsoft

Microsoft is a monopoly is should be broken-up!
Bob Oakley
Marketing OutSourcing
PO Box 1073
Groveland CA 95321
email: bob.oakley@mlode.com
Tel: 209–962–4899
FAx: 209–962–4899

MTC–00014175

From: Murrie Bonnie
To: Microsoft ATR
Date: 1/20/02 10:27pm
Subject: Microsoft Settlement

MEMO
TO: THE DEPARTMENT OF JUSTICE
FROM: BONNIE MURRIE
RE: MICROSOFT SETTLEMENT

I AM STRONGLY IN FAVOR OF THE PROPOSED MICROSOFT SETTLEMENT. I CONSIDER THE LEGAL EXPENSES TO DATE A COMPLETE WASTE OF MONEY AND WISH THE GOVERNMENT HAD SOUGHT A MORE CREATIVE SETTLEMENT LONG AGO. LIKE USING MICROSOFT TECHNOLOGY AND KNOW HOW TO UPDATE GOVERNMENT COMPUTING SYSTEMS AT NO COST TO THE U.S. GOVERNMENT. ALL IN ALL I FIND THE ANTI-TRUST RULINGS TO BE ALL OVER THE PLACE. CONSIDERING AIRLINE, COMMUNICATIONS, AND PHARMACEUTICAL MERGERS THAT HAVE BEEN BLESSED DURING THE COURSE OF THE MICROSOFT LITIGATION. IT'S TIME TO MOVE ON.
Murrie Bonnie
bonniemurrie@mindspring.com

MTC–00014176

From: Steven Vandenberg
To: Microsoft ATR
Date: 1/20/02 10:30pm
Subject: Microsoft Settlement

I agree wholeheartedly with the decision for PC makers to make and sell dual-boot systems. People need to see that Microsoft is not the only game in town. There are other, stronger, better, even cost-free alternatives in operating systems. I particularly appreciate and am all for the idea of an appointed Technical Committee to oversee ALL activites of Microsoft, providing room for competition. For we all know that the Big Bad Microsoft Regime [particularly William H. Gates, III] seemingly cannot stand competition. Just as MS plans to watch over

every transaction on their .NET, the Technical Committee should watch over them—LIKE A HAWK!

MS should learn to live with competition, whether they are start-ups or full-fledged for-profit companies, not steal from and squeeze everybody else out of business.

Steven Vandenberg

NSF any1 but myself and the cheated public

MTC–00014177

From: Matthew Black
To: Microsoft ATR
Date: 1/20/02 10:32pm
Subject: My reasons for opposition to the Settlement.

Good Evening,

Before I begin with the list, here is a little background of me with microsoft products. I've been using Microsoft products as far as I can remember, I'm currently 20 yrs old going on 21. I started my time with Microsoft Dos 5. I've used Windows 2, 286, 3, 3.1, 3.11 WFW, NT 4, 2000, and now Windows XP. I use Windows on a consistant basis, I do development, testing, gaming, and internet with it. I also use other operating systems not that of Microsoft's, such as Linux, Unix, and MacOS. Here is my list of complaints with their software (Explaination why this is here will be added at the end):

(1) Windows under a fresh install with no other applications/software installed is the only stablity a user can get(not counting with internet ablities counted).

(2) Most of the current/future internet attacks are designed for Windows.

(3) Majority of viruses still being passed around on the internet and in infected programs are designed for MS-DOS/Windows. Where as MacOS has no recent viruses that I'm aware of or that has been popular in the news. There has only been one recent virus for Unix/Linux and it was a cross platform virus that could infect Windows and Unix/Linux.

(4) Poor response to problems. When Microsoft detects a problem or security issue with their products it sometimes takes a month or two to get a update or patch for it. With other operating systems/commerical software sometimes when a problem is reported and is serious it gets fixed in less then a month.

(5) Everytime they release a new product, it seems they have security issues, bugs, or other vulnerablities. Most other software usually under goes rigorous testing to remove 80% of their security issues, bugs, or vulnerablities. These other software companies end up having vulnerablities found about five or so months after the software is released and usually is fixed and a patch is available.

(6) Microsoft opposition to opensource community. While understandable they are out to make a profit, but embracing the opensource community would make their software more popular and offer more avenues for profit.

(7) Inadequet support for the various software and hardware out there. Often leading into some device drivers causing problems with the others.

(8) Inadequet support for their own software on their Operating Systems. An example of this would be on some microsoft games installing them on Windows 2000/XP will sometimes fails due to a phantom error.

(9) Software is over priced for its value. Some may argue that peoples work allows them to define their value, but the value should be the value of what can be done with it. You can do most of the same things with Windows 98 as you can with Windows XP, the only difference is the core technology backing Windows XP.

(10) New Versions of the software released on a consistent basis. Most of the time just a User Interface change that makes it look different but the way it works still the same. The difference between Office 2000 and XP is the license registration, and the User Interface changed. The fact is while this isnt really that bad, having to force previous version users to pay for an upgrade every year or two ends up costing that particular using anywhere from $2400—$3200 considering if the standard pricing for Microsoft Office 2000 and/or XP is 400 for standard and 800 for Premium.

(11) Part of contracts between Microsoft and Computer Vendors is that if they want to distribute Microsoft products with their machines, they can not sell computers with non-product alternatives. You wont see Dell, for example, distribute a machine with Linux installed on it or offer the option of having Linux installed on a machine a person buys.

These are some I can think off the top of my head (especially at 10pm). The point of listing this information and complaints is, in competition you have a company trying to improve the quality and performance of their software, while adding features to the software to make it more unique and attractive to end users. Lower prices then the competition is also a trick. Microsoft has been using a facist appearance. I say this as they give us something to use, we use it, and eventually are stuck with it that we have to listen to them as some dictator saying that we need to do what they say. Currently there is no other Office Suite out there that can read and/or write Word documents, and thus if we want to give a person a document in Word 2000 format that person has to have Word 2000 or better to read it. So we get forced into having to use their software one way or another. This is like being under nazism, where the enemy, according to microsoft, is the open source community, and they try to eridicate the open source movement.

The reason microsoft wants to settle is because right now Microsoft is one company with one person at the helm, if the company was to be broken into several companies then that one man who is incharge would only be in charge of one company really, their profit will be divided, and overall in their eyes its the end of the world.

I feel that if the world was to progress into an age where computer technology and software were to heavily advance it would require not to settle as it would then push microsoft to derive better quality products and overall better quality on the internet.

Sincercely,

Matthew Black

MTC–00014178

From: Gary Kincaid
To: Microsoft ATR
Date: 1/20/02 10:33pm
Subject: Microsoft settlement

It is my belief that MicroSoft has provided tremendous products that have helped revolutionize the way we conduct our business and our lives in this ever changing world. I also believe that the settlement agreed to is a fair one and that MicroSoft should not be further penalized for their business practices. No company should be put in jeopardy for having the American spirit and drive to develop products that change the way we conduct our business and our lives. Instead, they should be allowed to enjoy the fruits of their hard work and efforts and not have to apologize to their competitors for their success. Their competitors have had the same opportunity to develop revolutionary products to gain a competitive edge, and apparently have not taken advantage of the opportunity.

Respectfully,

Gary Kincaid

MTC–00014179

From: Pat Goyen
To: Microsoft Settlement
Date: 1/20/02 7:00pm
Subject: Microsoft Settlement

Pat Goyen
1272 South Emigrant Place
Casper, WY 82604
January 20, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial wasted taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. I feel that it is time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft (and I wholeheartedly agreed). If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Pat Goyen

MTC–00014180

From: Debbie Henderson
To: Microsoft ATR

Date: 1/20/02 11:28pm
Subject: Microsoft Settlement

Please honor the comprehensive agreement (via the Tunney Act) that the federal government and nine states reached with Microsoft. I do not believe further litigation would gain anything for either side. Thank you for honoring my request.

Debbie Henderson
Saltillo, Mississippi

MTC–00014181

From: Rudy Rodriguez
To: Microsoft ATR
Date: 1/20/02 11:39pm
Subject: Microsoft Settlement

Dear Judge,

I know that this is only one person's opinion but I think that Microsoft should not be allowed to remain a monopoly because it limits technology. If Microsoft had real competitors they would strive to outdo the other company and that only results in better technology for us, the consumers. Plus I do believe in a free market economy that has been the US's motto since its birth, I think its called laisse-faire.

Well, thank you judge for listening.
Rudy Rodriguez
2 El Vecino Place
Phillips Ranch, CA 91766
(909) 623–1591

MTC–00014182

From: Thomas Morrisey
To: Microsoft ATR
Date: 1/20/02 11:50pm
Subject: Microsoft Settlement

Dear Justice Department Representative,

While I have no formal legal training, it seems mindboggling to me that the government would allow Microsoft, which has been accused of using its monopoly powers to crush innovation in an industry that affects so many of our lives, to get off the hook by giving away Windows-compatible computers and thereby expanding its monopoly. Microsoft1s lies and illegal business practices have given it control of over 95% of the world1s desktop computers, which is a shame when one sees the quality of their operating system, Windows. While Microsoft has made some innovative products, (for example, I1m using Microsoft Entourage to type this email) I believe it has been a case of one step forward, two steps back. Microsoft1s crimes against the American people and many of its businesses should be severely punished.

Thank you for your time and concern,
Thomas J. Morrisey

MTC–00014183

From: Paul Simons
To: Microsoft ATR
Date: 1/20/02 11:53pm
Subject: Microsoft Settlement

Thank you for the opportunity to submit a comment. I believe that Microsoft has had to both accomodate and compete with other vendors of office, graphics, internet, and operating system software. The sheer reality of this medium is the result of standards coming into wide acceptance and useability. Just as 117 volt alternating current won out as the standard for electricity, Windows has won out as the standard operating system. However it is not a monopoly- I could be writing this document with any number of word processing programs from various vendors, on any of several available operating systems. The Department of Justice could be reading it using one of many internet communication or email packages. If you are using Windows, it is probably because it is readily available and works. If you are using Linux or Apple systems, that indicates there is no monopoly.

It also bears pointing out that Microsoft sells program-writing tools that anyone can use to create software to sell in competition with Microsoft products.

Thanks for reading this, Paul Simons Levittown PA USA or another victim.

In the news recently, Microsoft has bought much of Silicon Graphics'' Patent Portfolio, specifically the patents for OpenGL, which is in direct competition with Microsoft's own DirectX. By buying the patents of the dying competition (SGI also has no air supply), Microsoft can LEGALLY kill the 3D and gaming capabilities of ALL non-Microsoft Operating Systems. Apple will die. They based their new operating system on heavily on OpenGL Linux will die. Like Apple, they don't have access to Microsoft's DirectX (obviously), and rely heavily on OpenGL to give their system functionality. Who will buy a computer if their kids can't play games on it, especially when Microsoft owns the Office genre and won't allow anyone else to communicate with their product? There's nothing else left. Microsoft owns it all. They have their fingers in with hardware producers now, who will have to exclude other operating systems from their designs in order to appease Microsoft. This isn't relevant to your case, but it is an example of the complete lack of respect Microsoft has for your verdict. They aren't worried in the least. And their business plans continue unaffected and unharmed. They will buy everything that is competition and bury it specifically to harm others. http://www.theregister.co.uk/content/54/23708.html

I hope that you will consider my points as you decide what to do to bring equity to the PC market.

I'm sorry for being so wordy (and waxing poetic (badly) in a few places), but as a guy who works on computers 12–15 hours a day, Microsoft has honestly lowered my quality of life, and I'd hate to see them get out of yet another trial unscathed. Which, unfortunately, is what looks like is happening. Bill Gates admitted it when he said ''We haven't changed our business practices at all.''

Think about it. This may be the last Microsoft case that will ever matter.

Best Regards,
Matthew Squires

MTC–00014184

From: Brian m.
To: Microsoft ATR
Date: 1/21/02 12:27am
Subject: Microsoft settlement

We all know what microsoft is doing is fraudulent, however, nobody seems to have the resources or the legal power to contain this problem. I think it is rather sad that corporations can get away with monopolizing an entire industry, simply because they can afford to find loopholes, pay off government officials, etc.

I think the time to act is long overdue. The Department of Justice needs to implement a plan that will reduce Microsoft's stronghold on the computer industry- especially when there are far superior products available.

It's disgusting how Microsoft tried ''paying off'' their settlement by providing underprivileged schools with refurbished computers running their own Operating System. Not only is this increasing their market share, but it is taking away from other viable computer manufacturers like Apple computers- who build a much finer Operating system/ Computer.

It's time to stop this evil money-hungry power machine and let others share in the market.

Increasing competition will only create more jobs, more computers, more demand.

Sincerely,
Brian McGrath

MTC–00014185

From: m.j.m@eskimo.com@inetgw
To: Microsoft ATR
Date: 1/21/02 12:33am
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally,

The proposed Microsoft Settlement is a very bad idea. It does nothing to end Microsoft's illegal monopoly in spite of the fact that every federal court that has looked at the facts has found that Microsoft violated U.S. antitrust laws. And it does nothing to prevent Microsoft from extending it's current monopoly into new areas like it's .NET Internet plans. Furthermore it does not punish Microsoft, financially or otherwise, for it's past statuary violations and financial gains from it's illegal activities.

I could go on with more technical details about why this settlement is nothing more than a political expediency, but since I'm sure you will be getting a lot of mail with specifics about what is wrong with it, let me give you a personal experience I recently had. I use Linux and I want to buy a new PC without Microsoft software on it since I don't want to pay for something I won't be using. I tried Dell, Gateway, and Compaq and not one of them would sell me a machine without Windows. Mind you, I wasn't asking them to sell me one with Linux (although that would be nice), but just without Microsoft software. Furthermore I recently had a cable modem installed and the installer said he needed Microsoft Windows running on my PC to do the installation (even though the cable modem works fine with Linux).

There are those who are happy with only having to deal with one operating system because it makes their life easier. And sometimes it's best to have a monopoly (e.g., telephones, electricity, etc.), but it's NEVER a good idea to have an unregulated monopoly. That Microsoft has a monopoly is an undisputed fact. Either breakup the Microsoft monopoly or regulate them.
Mel Melchner
14B Kensington Road
Chatham, NJ 07928
CC:m.j.m@eskimo.com@inetgw

MTC–00014186

From: TA
To: Microsoft ATR
Date: 1/21/02 1:02am
Subject: Microsoft Settlement

Good Morning

I would like to offer a comment on an aspect of the Microsoft Monopoly that I have not seen discussed in detail.

I am the senior for a large corporate development department. What is happening now is that software such as word processors, spreadsheets, operating systems have matured and are not gaining a lot of new features in the newer releases. A lot of companies and people don't upgrade their software on as regular a basis as the basic functionality is not changing a lot and the stability of today's software is much better than even 5 years ago. i.e. windows 95 crashed every 4–5 hours whereas windows 2000 can run for months or even years without ever crashing. What this means for Microsoft is that there revenue streams are going to start softening up as this newer and much better software provides much longer life spans. Enter a new feature in Microsoft's new software called WPA under the pretext of controlling piracy. This system takes a ''picture'' of the hardware of the computer that it is installed and then allows only a few minor changes to that computer. The problem here is that when you buy a piece of Microsoft software it is now locked to one computer. What this means when you buy a new computer as your hardware becomes obsolete or even if you upgrade your current computer your Microsoft software is now locked out and you have to buy another full copy in order to regain the functionality you have already paid for in your previous computer and want to move over (not copy) to your new computer. So as people's computers become obsolete or even break and need new parts Microsoft forces them to buy new software regardless of whether they need or want it. This means that if you need a particular piece of software (and in Microsoft's monopoly position it may be a piece of software that they have taken over the market on i.e. operating systems) on your older computer in which case you have to decide on buying a new computer or paying for an expensive operating system that may only have 6 month's or a year of use because they have locked it into a particular computer.

For example I have office 2000 on my current computer While I intend to upgrade my computer in the next couple of years I have no intensions of upgrading my office 2000 as it currently does everything I need it to. Under office xp I would HAVE to purchase the office upgrade at several hundred dollars just to continue using the software I legally purchased to use all my content that is only compatible with MS office.

In an open competitive system I wouldn't have a problem with this. I would simply buy someone else's software But in Microsoft's monopoly position and the fact they either are the only manufacturers of some software or make the only software that will run other software WE DON'T HAVE A CHOICE. We HAVE to buy their software and with this new WPA, upgrade at whatever intervals Microsoft feels is appropriate to keep their revenue stream up. I feel that as part of this settlement Microsoft should be forced to abandon this monopolistic and restrictive software practice and allow people to be able to remove legally purchased software from obsolete computers and install it on a new machine with paying hundreds of dollars to Microsoft for no other reason then they want to keep their revenue streams up at the consumer's expense.

Thanks for reading my submission
Rob A

MTC–00014187

From: Michael King
To: Microsoft ATR
Date: 1/21/02 1:07am
Subject: Microsoft Settlement

It is my opinion that a settlement should be reached as soon as possible with Microsoft. This is not a scenario fit for cat and mouse games. Stop allowing the delays and make some decisions.

MTC–00014188

From: Racwewa@cs.com@inetgw
To: Microsoft ATR
Date: 1/21/02 1:11am
Subject: Microsoft Settlement

I favor the settlement. Let's not drag this litigation into the courts any longer.

Robert Childs

MTC–00014189

From: starthru
To: Microsoft ATR
Date: 1/21/02 1:14 am
Subject: Microsoft settlement
9S353 Cumnor Road
Downers Grove, Illinois 60516
January 20, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

As a Microsoft shareholder and firm supporter, I urge you to help stop any further litigation against the recent settlement between the Department of Justice and Microsoft. After three years of negotiations, Microsoft has bent over backwards to support the actions of our technology industry. I feel strongly that it is time to move forward and let our IT companies prosper. By designing new versions of Windows that allow easier installation of non-Microsoft software, Microsoft will be promoting the use of other software. This is extremely helpful to the consumer, the IT sector and our economy as a whole.

I ask you to help stop any action against this agreement. Please help us to move forward and get back to business. I support this settlement and look forward to a swift end in this case.

Sincerely,
Kathleen Osborne

MTC–00014190

From: PATRICIA MALEN
To: Microsoft ATR
Date: 1/21/02 1:20am
Subject: Microsoft

Over the years I have used multiple computer systems. At this point in time and space there is only one operating system ''Windows''. Any third party programs have been locked out. Microsoft has even bought Apple after taking there operating system. This is holding the American public hostage.

After receiving a computer for Christmas with MSN as an internet provider the service has been poor to say the least. Calls to MSN are a total waste of time they have no clue and tell me to do things that are absurd.

I know that almost every business and home computer are using these systems with millions of dollars going to Microsoft every day.

What do the words ANTITRUST mean? Nothing anymore.

MTC–00014191

From: Keith Ajayan
To: Microsoft ATR
Date: 1/21/02 1:26am
Subject: microsoft anti-trust case

I am hanging on, hoping that my Government can see the forest through the trees. Please do not let them monopolize a free industry that will surely be tainted for the future if left unchecked. Teddy Roosevelt was a leader in trust busting and he would be all over them if he saw the case. Think like Teddy and say to yourself ''how would he handle it.'' I am trusting you, our patriots, to help us make sure that they do not shape the world according to them only.

Thank you,
Keith Ajayan
Golden, CO
applefan@mac.com

MTC–00014192

From: Bill Bucko
To: Microsoft ATR
Date: 1/21/02 2:05am
Subject: Microsoft Settlement

As a computer professional and as an American who thinks the rights to liberty and property should be defended, not attacked, by the so-called ?Justice? Department, I am outraged at the government's persecution of Microsoft. When the government penalizes the successful at the behest of their competitors, it is a threat to all our rights.

Microsoft has never had the power to force anyone to do anything. Whoever wants to curtail Microsoft's profits and restrict its share of the market has always been free to do so—by simply going elsewhere and dealing with someone else. It is government alone that has the power to use force. As George Washington said, ?Government is not reason; it is not eloquence; it is force.? Microsoft offers a product that is so good that a large majority of those in the market want to buy it. Why should the government disrupt the free choices made in the marketplace? The only threat to the market is the computer-illiterate power-lusters in government, like Janet Reno, who rely on the point of a gun.

If she (and you) had been in power 120 years ago to ?protect? us from Thomas Edison and his ?monopoly? on the electric light bulb—where would we be today?

Here is the only settlement that is acceptable:

(1) APOLOGIZE to Microsoft and to all of America for persecuting success and threatening our freedom. (2) REIMBURSE Microsoft for all the money it has had to waste in defending itself against the anti-capitalist looters in our so-called ?Justice? Department. And

(3) SCRAP the Antitrust Laws, which are inherently unjust and non-objective. You cannot FORCE the market to be free—that's a contradiction in terms—you can only destroy our freedom.

Angrily,
Bill Bucko
Computer Helpdesk Analyst
130 South Avenue, Apt. 2
Mt. Clemens, MI 48043

MTC–00014193

From: Rick Lyon
To: Microsoft ATR
Date: 1/21/02 2:15am
Subject: Anti-trust case

To whom it may concern,

As a hard working tax payer I can not believe in this day an age a company as large as Microsoft is allowed to get away with the type of actions they are. I use Apple computers and know first hand how evil Microsoft is. I remember when they threatened to stop production of Microsoft Office is Steve Jobs did not make internet Explorer the default web browser upon installation of a new OS. I, as a minority since I use Apple, everyday watch the deeds that Microsoft is allowed to get away with and wonder how AT & T failed where Microsoft is succeeding. Is that Microsoft is donating more money to campaigns? Helping more politicians? Lobbying in Washington must be an easy thing to do because Microsoft is making it look like child1s play. Microsoft Windows is on about 95% of the world1s computers. Does that sound like a healthy business with thriving competition?

Please don1t succumb to the pocket filling ways of Microsoft, the cries of integration of their browser, or any other of their lies an dirty practices. They must be punishes as AT&T were. They must face penalties. Bill Gates must be shown he cannot use his companies size, influence and power to do whatever he pleases, to whomever he pleases.

I hope you take action that is justly called for. Their punishment will not affect the economy. It would actually help it giving other companies a chance to vie for a piece of the market.

As a tax payer, you take from me everyday. Stop Microsoft from doing the same to everyone else.

Thank you,
Rick

MTC–00014194

From: Joseph Meighan
To: Microsoft Settlement
Date: 1/20/02 11:37pm
Subject: Microsoft Settlement
Joseph Meighan
307 Columbia ST.
Cohoes, NY 12047–2213
January 20, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Joe Meighan

MTC–00014195

From: Frank Schoen
To: Microsoft Settlement
Date: 1/20/02 11:29pm
Subject: Microsoft Settlement
Frank Schoen
5541 La Jolla Mesa Drive
La Jolla, CA 92037–7718
January 20, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Frank C. Schoen

MTC–00014196

From: Joseph Madden
To: Microsoft Settlement
Date: 1/20/02 11:26pm
Subject: Microsoft Settlement
Joseph Madden
1731 Harold Ave.
Wantagh, NY 11793
January 20, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Joseph P. Madden Jr.

MTC–00014197

From: JockoMarx@aol.com@inetgw
To: Microsoft ATR
Date: 1/21/02 2:58am
Subject: Microsoft Settlement

It's about time to settle this and spend the taxpayers money on more important things.

MTC–00014198

From: Steve Sherwood
To: Microsoft Settlement
Date: 1/21/02 2:40am
Subject: Microsoft Settlement
Steve Sherwood
8034 S. Cicero Ave.
Burbank, IL 60459
January 21, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

Microsoft is the reason for the last 10 years of US success. We can use this large company and their tools* * * the greatest communication tools ever used by human hands. To help educate the planet about our real situation. We are over populated and under-educated a solution is at hand USE IT

!The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief. Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

R. Steven Sherwood

MTC–00014199

From: CDmackay@aol.com@inetgw
To: Microsoft ATR
Date: 1/21/02 3:46am
Subject: Micrsoft Settlement

I resent the fact that my taxes are going to pay for litigation against the most successful business in the USA and one that has contributed so much to our way of life. They have done everything right and they disserve their success. Consumers are not hurt by Microsoft they are helped. You can't put Microsoft on equal ground with any other platform manufacturer. They have to earn it.

I would rather have competive Electric and gas companies. Both suppliers and consumers are hurt by no competition. Microsoft supplies a unique product. It is actually better to have Apple and Microsoft platforms than to have many others. Unification and standardization are desirable.

I am satisfied with the original settlement.

Craig Mackay

Randolph, MA

MTC–00014200

From: Geoffrey
To: Microsoft ATR
Date: 1/21/02 4:12am
Subject: Microsoft Settlement.

I am in favor of the courts final judgment findings against Microsoft. Microsoft is too large, they stifle competition by buying up competitors. It should be broken down so the industry is on a more level playing field. This will encourage new technologies and be helpful for the economy. Microsoft controls too large a portion of the computer software market.

Thank You

Geoffrey Loeffler

MTC–00014201

From: Brian Hayes
To: Microsoft ATR
Date: 1/21/02 4:29am
Subject: Microsoft Settlement

Comments regarding United States v Microsoft:

I've purchased Microsoft products for almost twenty five years. In every edition, my overhead has increased in order to keep machines stable or secure and to try to install the product and performance claims that Microsoft advertised. I do not believe I have dealt with a company that exercises fair dealing. I also believe that Microsoft attains market by unfairly suppressing, absorbing or complicating the operability of competitor products. I have abandoned software and hardware produced by Microsoft's competitors in order to maintain machine stability and manage arbitrary changes in software interface. As well, Microsoft has developed a means of describing and documenting its products that is an arbitrary artificial language, often confusing, irrelevant and misleading. I have been forced to carry the burden of carrying two languages, one as developed by Microsoft, very often unuseable, and another used by the developer, technician and user in the field. Beyond the simple interface terms, of which Microsoft can claim little ownership, very seldom are Microsoft's technical descriptions adopted by users or systems workers. Microsoft not only produces systems, but unfairly commandeers the mechanism and language to interact with these systems, and charges significant fees to become privy to their new copyright claims as well. Microsoft's practice in the sectors of certification and education have become an unnecessary financial and social drain on the public, and furthermore, tend to steer learning away from machine and software knowledge and thus merely toward an increasingly ineffectual but proprietary Microsoft language product.

I believe that the core of Microsoft's software and its technical descriptions of its software should be relinquished to the public, where much of Microsoft's original claims were developed, funded and improved.

I believe our representatives and agents have been very slow to require commercial market participants to adhere to their claims and contracts, to deliver to their customers the value that they assert, and to recognize that carrying on in our marketplace is both a duty and privilege.

I believe that Microsoft's tenure has demonstrated an inability of our society to encourage and demand good corporate citizenship.

I hope that a vigorous leadership and staff will continue to move Microsoft toward fair dealing.

Best Regards,

Brian Hayes
5308 T St
Sacramento, CA 95819

MTC–00014202

From: Ben Olmsted
To: Microsoft ATR
Date: 1/21/02 5:07am
Subject: Microsoft will never change. Case in point: 3d acceleration.

It has recently come to light that Microsoft has purchased various 3D acceleration technologies from SGI.

Prior to this purchase there were two companies vying for position in the 3D acceleration market, Microsoft with Direct X and SGI with OpenGL. Microsoft buys OpenGL technology from SGI and guess what? Monopoly.

Benton R. Olmsted
tonton@hknet.com

MTC–00014203

From: kmessick
To: Microsoft ATR
Date: 1/21/02 5:25am
Subject: The DOJ should have broke up Microsoft.

Dear DOJ,

The DOJ should have broken up Microsoft instead of making any deal.

Microsoft controls (with a iron fist) over 90% of the market of OS for computers.

Microsoft has copied every OS its every made (but DOS) from Apple. The only thing different from Mac OS X and Windows XP is the P! Microsoft has many times try to kill java if fact it's not even in its new OS XP. It almost killed Netscape well basically did because AOL who own's Netscape cant even use its own browser they use Microsoft's browser. Microsoft is a Trust, Monopoly and down right a bully.

I sorry to say this but Microsoft has broken deals with the DOJ before and you all have been fools to trust them. Bill Gates (Microsoft) is Laughing at the DOJ with his 50 billion dollars thinking his more powerful than the United States Department of Justice, because he and Microsoft has gotten away with being a Monopoly that rules with a iron fist. And all it got was a slap no* * * a little tap on the hand.

Come on now what where you all thinking making a deal with the devil like that?

Break'um up

David Messick

MTC–00014204

From: Dave Moore
To: Microsoft ATR
Date: 1/21/02 6:28am

Lets get on with the issues that are really important to the consumer. The special interest groups that have personal agendas to gain from have been heard it is now time to let them know a few can not harm the many people who enjoy what Microsoft has done for the general public.

MTC–00014205

From: Ronald E Hostetler
To: Microsoft ATR
Date: 1/21/02 6:50am
Subject: Antitrust Settlement in MicroSoft vs. Government

I have a number of comments:

1. The major problem with this case appears to be the apparent lack of knowledge of government prosecutors and judges and the lack of adequate legislation creating standards for the computer industry.

2. If you want to land possibly the fatal blow to Apple Computer, the proposed settle may do it, convert more schools over to the PC Windows environment. Apple Computers are still the leading machines for Graphic

Design Applications and schools. The proposed settlement eats away at an Apple Computer market.

2. A great deal of legislation is need for the regulating businesses in our capitalistic system and protect employee assets and jobs.

3. The ''rubber stamping'' of mergers within the USA and purchase of USA firms by foreign companies to gain full access to our markets is putting thousands of people out of work and capping retirement values.

4. Legislature is needed before settling the Microsoft case. Loading Microsoft software products search out and make inoperative competitors software especially web browsers. These practices need to be stopped. The consumer should have the choice.

5. Microsoft, I'm told, is planning further monopolistic practices. The windows operating systems in the future, will require pass word changes every year that you will rely on Microsoft to provide. You won't buy the software, but will pay a rental fee; then yearly lease payments and up-date down loads from the internet.

Ronald E. Hostetler
972 Eagle Dr.
Rock Hill, SC 29732

MTC–00014206

From: Jon Ogden
To: Microsoft ATR
Date: 1/21/02 7:23am
Subject: Microsoft Settlement

I strongly support the Federal Settlement that has been reached by the non glory hounds. The 8 objecting state attorneys-general show an amazing lack of understanding of the issues involved. It would seem that they are representing AOL, Sun and Oracle, not their constituents.

Jon Ogden

MTC–00014207

From: Joe Hill, Sr.
To: Microsoft ATR
Date: 1/21/02 7:17am
Subject: Settlement of Microsoft

To Whom Ever Concerned:

In my opinion, Microsoft should not be broken up into smaller companies. From where I sit, Bill Gates and Company knows what they are doing to keep the computer industry at the ''top''. Why should they have to break up just so some other folks can catch up with their technology. Let the others do their own home work and inventions. In this world of trade, trading partners and the like, companies have to be on their toes or else be overtaken by competitors from other parts of the world. We as Americans don't want that.

Joseph Hill
4011 Ditty Road
Cookeville, TN 38506–7663
(931) 432–4848

MTC–00014208

From: Patrick McCloskey
To: MS ATR
Date: 1/21/02 6:57am
Subject: Microsoft Settlement

You must:

1. Urge the Federal government to use alternative platforms.

2. Keep competition alive by forbidding Microsoft from selling to certain markets. Keep them out of the Educational market, period. Let someone else (Apple) dominate that market space and keep a competitor strong.

3. Make Microsoft include the top 2 competing products in Windows XP to finally give consumers REAL choice, for example: Make them include Quicktime and Real Audio along with their Windows Media Player in standard XP installation. Make them also include Netscape and Opera along with their Internet Explorer web browser during a standard XP installation. Apple has bee including more than on Interner browser in their standard operating systems installations for years and it has been great for both the Mac user community (consumers) and the Mac market overall. There's no reason that Microsoft shouldn't do this freely for consumers too.

Action must be takes to weaken Microsoft. Without strong measures to adjust themm, they will continue to choke the U.S. technical economy/ecosystem and suffocate other companies and their stock prices * * * Anyone who is their competitor has been struggling without investor backing because investors know Microsoft is lerking, ready to copy their product and leverage their big name to sell it. More companies must be permitted to be strong to improve the U.S. economy. The fact that Apple hasn't been able to achieve more market share over the years is absolute proof not of Apple's weakness or lack of trying but Microsoft's hedgemony, and stranglehold on the market, and complete reason whu you need to stifled them VERY soon. Make it count thsi time! The American public has been waiting for a looonng time for real justice and equality and freedom of choice.

Thanks for respecting my opinion.

Patrick McCloskey

MTC–00014209

From: Lee J. Rogers
To: Microsoft ATR
Date: 1/21/02 8:08am
Subject: Microsoft Settlement

The settlement with Microsoft is very worrying, whilst I would not discount the very real difference Microsoft has made to the world of IT. I do believe that it uses it's position of monoploy to dominate the market. Netscape is an immediateexample where Microsoft has all but stifled competition and development within the browser market. Many other examples exist. It cannot be good for R & R or the industry in general to have such a dominant player.

Lee Rogers
Supplyquest.com Administrator
Glandore House
33 Fitzwilliam Square
Dublin 2
Tel—1800 923567
Fax–1800 923678
email lrogers@supplyquest.com
Mobile 087 2337681

MTC–00014210

From: Dave/ Carol Heinfeldt
To: Microsoft ATR
Date: 1/21/02 8:14 am
Subject: Microsoft Settlement
1695 Buckhead Road
Tignall, GA 30668

January 18, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my support of the Microsoft settlement. After three long years of litigation, exorbitant amounts of budgetary resources have been squandered over the issue. In the uncertain economic times in which our country currently exists, this waste of federal dollars appears altogether unnecessary. I would hope that the Department of Justice has larger issues to tackle.

Further, the terms of the settlement show much generosity on behalf of Microsoft. Microsoft has agreed to the formation of a technical review board. This board will have the responsibility of watching over Microsoft and ensuring that the terms of the agreement are kept in place; terms that include increased information sharing between Microsoft and its competitors and non-retaliation agreements preventing Microsoft from engaging in anticompetitive behavior. Obviously, Microsoft has been willing to make concessions so that this issue is resolved. I believe it is time we do just that. I support the settlement, and hope that it is implemented soon.

Thank you for your time.

Sincerely,

David Heinfeldt

MTC–00014211

From: Joanne Miller
To: Microsoft ATR
Date: 1/21/02 8:26am
Subject: Microsoft Settlement

It is highly inappropriate and in contrast to the purpose of the settlement to allow Microsoft to use this settlement as a way to dominate the market even more. Schools are the one place that Microsoft doesn't control the market and this settlement would allow them in roads to do just that. Who even thought of agreeing to this ridiculous settlement? Corporations need to learn that the laws are there for a reason and there should actually be some punishment involved when those laws are broken.

MTC–00014212

From: Pieter Jan Pieper
To: Microsoft ATR
Date: 3/24/01 8:41am
Subject: Microsoft Settlement

Dear Sir,

The settlement with Microsoft in november 2001 is disagreeable to my opinion, as there is no real enforcement to make them comply with an honest concurrency position. Even though I'm not an American citizen, I'm negatively affected by the monopoly position Microsoft occupies on the world market and the way it's misusing this position to force other companies out of the market and destroy the work and efforts of thousands of people.

Pieter Jan Pieper
Baslerstr. 10
CH-4123 Allschwil
E-Mail: pieter@datasolution.ch
Phone: +41 (61) 7069491

Fax: +41 (61) 7069495
Mobil: +41 (78) 6832214

MTC–00014213

From: Shane Hughes
To: Microsoft ATR
Date: 1/21/02 8:37am
Subject: Microsoft

Microsoft has been force feeding low-quality junk to the ignorant masses for too long. It1s time that we remove them from their monopolistic throne and give their competitors a chance to shine. Microsoft1s current status in the technology sector is a perfect example of Capitalism at its worst.

MTC–00014214

From: EParr3320@aol.com@inetgw
To: Microsoft ATR
Date: 1/21/02 8:42am
Subject: Microsoft Settlement
01/21/02
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530—0001

Dear Attorney General Ashcroft:

The reason for this letter is to express to you my support for the settlement that was reached in the Microsoft antitrust case. I trust you will demonstrate decisive support for this settlement. Forces that are negative toward Microsoft may try to have this settlement withdrawn and this case resumed. This would be unfortunate because both and Microsoft and the DOJ have spent millions of dollars on this case and much time as well. The anti- Microsoft crowd argues that this settlement is too lenient. A careful study of the settlement will reveal the contrary. The settlement will end any contractual restrictions that may be harmful to Microsoft competitors. Additionally this settlement will force Microsoft to share design code with competitors allowing them to create more competitive software. Microsoft concedes much in this settlement; there is no reason for further federal litigation.

I count on you to do your best for what is in the best interest of the American people: to implement this settlement, bring closure to this case, and to open American business once again to the blessings of technological innovation.

Thank you.
With highest regards,
J. Edwin Parrish
e-mail: Eparr3320@aol.com
430 Arapaho Trail
Maitland FL 32751

MTC–00014215

From: Alex Calvo
To: Microsoft ATR
Date: 1/21/02 8:56am
Subject: Microsoft Settlement

Dear sir/madam:

I believe it is time for this country to move forward. Please settle the Microsoft case.

Sincerely,
Alex Calvo
5 Wildlife Drive
Wallingford, CT 06492
203–269–4891

MTC–00014216

From: scorthell
To: Microsoft ATR
Date: 1/21/02 9:04 am
Subject: Microsoft
16800 Sharp Road
Sidney, OH 45365-
January 15,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I am writing to address the current agreement between the Department of Justice and Microsoft. I believe the whole lawsuit was unwarranted. The Federal Government had no business in pursuing Microsoft. Microsoft is a successful company. Bill Gates has tried to make Microsoft the biggest and the best. But isn't that what you are suppose to do? I am very irritated with the concept nowadays that being too successful is wrong. Since when does the federal government define what amount of success we should have? Further, I am quite sure that Microsoft's competitors had some input in the lawsuit. They could not compete in the open market; therefore, sought to cripple Microsoft through political means.

The antitrust laws were created to protect the consumer. Microsoft did not harm the consumer. Bill Gates, through Microsoft, has enabled the average consumer to have access to the technological age, at an affordable price. The consumer has chosen Microsoft, not another brand. That is our choice. Is the Federal Government now dictating what companies we have to buy from?

Microsoft has addressed the demands of the Justice Department by agreeing to grant computer makers wide-ranging new rights to configure Windows to promote nonMicrosoft software programs that compete with programs included within Windows. Microsoft will share any code or programming that Window uses to communicate with other programs. Microsoft has agreed to a technical committee to monitor future actions. I think Microsoft has more than done its sham. I support this agreement. I ask that you please do so also. Thank you.

Sincerely,
Stephen Corthell

MTC–00014217

From: Raymond Hulett
To: Microsoft ATR
Date: 1/21/02 9:16am
Subject: Microsoft Settlement

Dear Judge,

The Proposed Final Judgement deal is an assault on the Justice Department's and America's integrity. Monopolies stifle entrepreneurship and are a blow to the good faith of the American people in the government to keep the market diverse and competitive. Without diversity and competition, the market will not grow and the people will be forced to follow the whim of one all powerful company. Further more, by allowing one company to engage in monopolistic activities, it not only shows that the Justice Department supports such actions, but that it will not be against future deals of this sort with companies in other areas of American society. The formation of this deal by the Justice Department shows that more importance is placed on one company than the growth of the economy and the benefit of that growth for the American People.
Raymond Hulett
635 West 35th Street #2278
Los Angeles, CA 90007

MTC–00014218

From: Paul (038) Linda
To: Microsoft ATR
Date: 1/21/02 9:32am
Subject: microsoft settlement

This entire case I believe to be an excellent example of big btother government being in the wrong theatre.

Were it not for Microsoft the American People and for that matter the world citizenary would not be enjoying the benefits of computors in gereral and the internet in particular. Microsoft has kept the cost of using computors within range of the average consumer and this in itself has fostered a tremendious boon to our economy. Our illustrioous Government has brought this ill conceived suit against against a company that has pumped billions of dollars into our economy. Would it only be true if the past administration had the where-it-all to do the same. Instead, our government has bowed to the likes of privat busines such as Java to further ther own selfish motives. If Java had its way they woul gouge the American public for their procuct and computors woul be abscent from the average American home.

Let Microsoft run its own business. Our politicians have made a big enough mess out of our government without them interfering in private business.

Paul J. Mc Enery

MTC–00014219

From: Michael W. Liebbe
To: Microsoft ATR
Date: 1/21/02 9:38am
Subject: SETTLEMENT

WHY would you ever bring a monopoly action and then settle by giving the guilty party more opportunities to control the market. Giving school computers ONLY CUTS THE MARKET FOR OTHER SYSTEMS. Does this in turn increase competition?

MTC–00014220

From: Freelance
To: Microsoft ATR
Date: 1/21/02 9:40am
Subject: Proposed Settlement

I think the proposed settlement by Microsoft is as huge joke.

I must give them credit. There thinking is brilliant. Since they are going to have to pony up a lot of hard cold cash, they figured out a way to make it do some work for them. So not only are they paying their debt to society, they are also making huge inroads into new markets, furthering their strangle hold on the competition and furthering their monopoly.

Ironic is it not. . . since this type of practice is what originally got them into trouble in the first place.

LR

MTC–00014221

From: trenton.browne@tbis1.net@inetgw

To: Microsoft ATR
Date: 1/21/02 9:30am
Subject: Microsoft Settlement

I am a very concerned citizen living in Germany.

I am concerned about the Proposed Final Judgement in the Microsoft case. If Microsoft is allowed to further develop their effective monopoly, starting in PC operating systems, into network and internet server systems, it will not only hinder development by start up companies in these areas. It will endanger the national security of the United States by forcing government agencies to standardize on systems that offer less than optimal security.

This makes this case critically important. The Compliance Board should be made up of 5 members (not 3). With the following appointees; 1 from Microsoft, 1 from DOJ, 1 from FTC because as a virtual monopoly, it is vital that pricing and it's effects on trade be closely monitored.

1 from FCC because Microsoft is much more than a computer software company. It is also a communications company.

1 from IT industry without association with Microsoft and appointed by the three above. In case of tie vote, The government agencies would vote among themselves.

Trenton Browne
Verdistr. 15
76684 ?stringen
Germany
Tele: +49–7253–92243
Fax: +49–7253–26465
Email: trenton.browne@tbis1.net

MTC–00014222

From: Allen Falk
To: Microsoft ATR
Date: 1/21/02 10:02 am
Subject: Microsoft CC: fin@mobilizationoffice.com@inetgw

Allen Falk
3054 W. State Street
Springfield, Mo. 65802
E-Mail-Wtgallen@Hotmail.com
January 21, 2001
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvanis Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

My name is Allen Falk, and I am a resident of Springfield, Missouri. I am writing to ask you to end the ridiculous Microsoft antitrust litigation and settle the case NOW. While I know the case did not begin on your watch, I hope you have come to understand how ridiculous this case was from the outset. Microsoft and Bill Gates are being punished for being successful. The government is not taking into consideration the welfare of the American economy or the American people. Further delays in the settlement will only hinder economic growth and will continue to hurt the American people.

Microsoft has been required to make concessions they should never have been required to make, because some other less successful company had made some petty case to the government, with the sole purpose of getting a bigger piece of the pie. The Government was wrong in this matter. Regardless, this matter needs to be settled, and the sooner the better. Microsoft has agreed to open the Windows system to competition and has agreed to curb marketing restrictions. They have gone far enough. They should be allowed to get back to business. I ask that you do the right thing and settle this matter ASAP.

Thank you for your consideration.

Sincerely,
Allen Falk

MTC–00014223

From: Michelle Pruskin
To: Microsoft ATR
Date: 1/21/02 10:02am
Subject: Microsoft Settlement

It's time to move on!

Microsoft has done a tremendous job in creating opportunities for small companies like mine. They should be praised instead of punished. Enough already- case closed!

Michelle Pruskin

MTC–00014224

From: BWeaks@indmolding.com@inetgw
To: Microsoft ATR
Date: 1/21/02 10:11am
Subject: Microsoft settlement

This settlement is an abomination—an example of laziness and lack of will which can only result in further illegal behavior. I fail to see how since it ''was only money'', but in huge amounts, this criminal behavior is somehow less worthy of serious punishment and deterrence than any other crime. Microsoft is a pirate organization from the top down; they have proven themselves to be amoral and corrupt. The company produces a shoddy product and then uses illegal means to prop it up in the marketplace. Break up this street gang in suits, force them to compete legally and fairly, and they will wither away. As they wither, the jobs they shed will not be lost, but will actually produce more and more as the market allows true innovators to prosper.

I am an IS professional, and I estimate that Microsoft has cost my company well over $250K in the last several years due to incompetence and illegal behavior. This is a tax which the settlement you are proposing will only extend into perpetuity.

I am irrevocably opposed to any settlement short of breaking up Microsoft into at least 3 separate operating companies.

Bill Weaks
Director, MIS
Industrial Molding Corp
806.474.1055
806.474.1168 (fax)
CC:margrave4@home.com@inetgw, r1100ra@cox.net@inetgw

MTC–00014225

From: Terry Rhoades
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/21/02 10:35am
Subject: Microsoft settlement

1300 Riverland Road
Fort Lauderdale, FL 33312–2961
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
January 17, 2002

Dear Mr. Ashcroft:

I was greatly pleased to note that a proposed settlement for the Microsoft antitrust case has been announced. The terms of the settlement appear reasonable and fair to all concerned parties.

Microsoft has agreed to make their Windows interfaces and protocol available to competitors so that they may attach their non-Microsoft products. Microsoft has also agreed to allow a committee to monitor their progress in complying with all provisions of the settlement. At this point, the IT industry needs to be able to move on and develop technologies without the burden of further litigation. I am in full support of the proposed settlement that is currently before the court.

Thank you.

Sincerely,
Terry Rhoades
1300 Riverland Road
Ft. Lauderdale, FL 33312

MTC–00014226

From: Bmccole9@aol.com@inetgw
To: Microsoft ATR
Date: 1/21/02 10:30am
Subject: Microsoft Settlement

Dear Attorney General,

It is very important that you side on the part of Microsoft in their freedom to innovate. We need a stimulus to the economy right now and this is one way to do it.

Thank you for your concern in this matter.

BMcCole 9.com

MTC–00014227

From: Perry Vath
To: Microsoft ATR
Date: 1/21/02 10:33am
Subject: Microsoft Settlement

The only way this ''settlement'' would make sense, is if Microsoft was only able to donate NON-Microsoft products to schools. Otherwise, it allows Microsoft to make further monopolistic inroads in one of the few areas where they don't dominate, the school system. And, it's not Microsoft doing the bullying this time—it's the US Supreme Court that's forcing Microsoft on young children and indoctrinating them into a Microsoft life-style.

Perry Vath
1954 Andrea Lane
Pace, FL 32571

MTC–00014228

From: Bob Corman
To: Microsoft ATR
Date: 1/21/02 10:43am
Subject: Microsoft settlement

Hello,

If Microsoft's settlement offer was genuine, they should have said that they would do it regardless of whether it was accepted or not. Otherwise, it's just another marketing tactic.

Bob Corman

MTC–00014229

From: Ric Emery
To: Microsoft ATR
Date: 1/21/02 10:42am
Subject: Microsoft Settlement

January 18, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW

Washington, DC 20530–0001

Dear Mr. Ashcroft:

The recent antitrust lawsuit against Microsoft has gone on for too long. It is time to accept the terms of the settlement and finally close this case.

Microsoft is a leading innovator of technology and should be applauded for all it has done. The terms of settlement seem to be a slap in the face. They require Microsoft to disclose internal interfaces and protocols for use by competitors. The terms also call for Microsoft to design future versions of Windows so that competitors can more easily promote their own products. I do not think the settlement represents the best interest of a free market economy, but I do think it represents the best interests of the public.

Microsoft has agreed to the terms of the settlement so that the case can finally be closed. I support this settlement as agreed and I hope the opposition is quelled.

Sincerely,

Ric Emery

MTC–00014230

From: Melissa Enderle
To: Microsoft ATR
Date: 1/21/02 11:00am
Subject: Microsoft Settlement

As an educator who has worked with disadvantaged children, I would like to offer my feedback on the Microsoft Settlement. I taught in schools that had a 97% free lunch rate, with about an equal percentage of minority children. Even though the need and desire was demonstrated, the school could not afford to place computers in every classroom. Those computers in the school were outdated and needed maintenance. While some of Microsoft's proposed offer would benefit a few schools, it does nothing to address the real issue.

It has been determined that Microsoft had a monopoly that included unfair practices. Apple is one company that has been hurt. Many smaller software companies that create education software have also been adversely affected. How is placing computers in classrooms with lots of Microsoft products going to help those other software companies? How is this a punishment for Microsoft? What about all the consumers who paid way too much for software, including the buggy operating system? Microsoft mentioned that it would allow for other platform computers to be placed in the particular classrooms, but that those schools that chose the Windows operating system would get more software. That isn't free choice! Cash-strapped schools would logically choose the package deal with more software.

If Microsoft would simply offer money in the way of technology to schools (including funds for teacher inservice on integrating technology into the classroom), then perhaps the settlement proposal would be palatable. I would also like to see people who purchased software get a refund, some sort of fine, and carefully monitor future pricing to ensure that Microsoft doesn't pull the same thing again. Microsoft needs to receive more than a slap on the hand to change its practices.

Quality is often inspired by competition. Microsoft's monopolistic practices have ensured that this cannot occur. I sincerely hope that the justice system will prevail and accept only judgments that are based on fair practice, and not be influenced by the money/power of companies.

MTC–00014231

From: Dryjjy@aol.com@inetgw
To: Microsoft ATR
Date: 1/21/02 10:49am
Subject: Microsoft Settlement

As a concerned citizen it is my opinion that no further litigation is necessary and the case with Microsoft should be settled and no further action taken.

This settlement is fair and would be in the best interest of all.

Joe J. Yarbrough

CC:MSFIN@microsoft.com@inetgw

MTC–00014232

From: Steve Penn
To: Microsoft ATR
Date: 1/21/02 10:53am
Subject: Microsoft Settlement

January 21, 2002

To Whom This Concerns:

I am very grateful for the opportunity for my own small voice in this process. I sincerely hope that each response you may receive is treated with the utmost importance it deserves. This is not an easy task. Everyone's effort with this case however small should receive high praise.

My name is Steve Penn.

I am a creative director/manager, content and technology developer for media to several delivery mediums from print to broadcast to CD media to the internet. I work primarily within the Advertising Industry. Within the past fifteen years most every aspect of my work has involved the integration and deployment of emerging computer technology in both hardware and software configurations. I have produced work on behalf of clients such as Hewlett-Packard, Micron Technology, The New York Times, Prudential, Nike and Microsoft. In this time I have come to learn the many strengths and weaknesses of the many commercial products both hardware and software I must utilize for my livelihood. It is a constant learning curve of testing the latest or pre release versions of software, operating systems, development languages, video/audio hardware and etc. . .

In this time I have also observed and been unduly affected by the many tactics of Microsoft briefly outlined in this current case summary. I have watched with disappointment as Microsoft has bullied its way both legally and financially throughout several industries which comprise my livelihood. Time and again I have embraced technologies and services developed by a third party company only to have Microsoft buy up and kill internally or legally maneuver to force the company out of business only to have Microsoft later come out with this new ?innovations? as its very own. Of course as the case summary implies these products and services have been tied deeply into the Windows OS and only through buying into additional Microsoft development tools or subscriptions are you as a potential developer allowed to have access. Many times these previous products and services were deployable on several platforms and were most often of superior quality.

In this time I have also consulted for educational and governmental agencies where literally millions of private and taxpayer dollars have been spent to buy additional products, people and training which have been unnecessarily tied to the Windows OS by Microsoft and or its partnering affiliations. Of course as the record describes, you know all this. There is a very long and consistent profile of Microsoft's behavior documented in case after case since its very beginnings contained in the public record. It is this public record of behavior that so aptly illustrates Microsoft's true corporate culture and blatant disregard for fair competition and ultimately consumer benefit.

After having studied the courts proposed remedy and implications of this case. I feel it is but an extremely feeble attempt to curtail only very recent past and possible very recent future Microsoft behavior in regard to these anti trust violations for which it has been found guilty of and has consistently based its operational model upon. What is extremely troubling about this remedy is there seems to be no mention whatsoever of Microsoft's current and future efforts to dominate the Home electronics market, the entertainment industry and our banking systems, to name a few. These proposed remedies appear far too narrow and quickly outdated. They can be easily circumvented in future Microsoft endeavors for which it is currently developing. Also there appears to be no provision for reparation of Microsoft's current and past deeds for the incredible damage they have inflicted to our economy, several industries, innovative technologies they did not invent and ultimately the mass consumer.

I am very disappointed in our legal system for proposing such an apparent politically motivated and blatantly shallow remedy for illegal acts which have and will seemingly continue to rob us all of economic and intellectual resources, freedom and innovation.

I do not have the specific answers, I am but an individual voice that expresses what I know is a very large and pervasive public sentiment. I pray the court will have the courage, wisdom and insight to rectify this apparently inconsistent and incomplete remedy proposal.

Thank You

Sincerely,

Steve Penn

MTC–00014233

From: David
To: Microsoft ATR
Date: 1/21/02 10:59am
Subject: Microsoft Settlement

Dear Sir or Madam,

I do not work for Microsoft nor does anyone in my family. I have disagreed with the case from the beginning. Judge Jackson was biased against Microsoft and could not render a fair judgement. Many companies are guilty of the same charges that Microsoft has been accused of and they continue to operate

today free from interference. Some of the companies complaining against Microsoft are guilty of the same practices. AOL/Timewarner is one of them. Timewarner has had a monopoly on the cable in my area for over twenty years, raising rates far above inflation year after year and no one in the government does anything.

Any punishment against Microsoft should be as little as possible. I have used their products for years and do not feel I have been harmed in any way by Microsoft.

Sincerely,
David Chapman

MTC–00014234

From: Thomas J Towle
To: Microsoft ATR,microsoftsettlement @ alexbrubaker.com. . .
Date: 1/21/02 11:01am
Subject: To Whom It May Concern:

To Whom It May Concern:

I think MICROSOFT is a NATIONAL TREASURE !!! The USA is the world leader in the IT arena because of Microsoft. Get off their case and solve the real problems in DC. Get on Enron'e case!

It seems that our inept politicians are always biting the hands that feed them. I recall the leering little gnomic bureaucrats doing their gleeful act in front of the TV cameras when Microsoft was found ''guilty'' of violating the antitrust act.; the typical small-man finally having an opportunity to enlarge his own self-image by getting even with the big guy on the beach who kicked sand on him. (You have to be old enough to remember the Charles Atlas ad of years ago;-)

Enough already! Let's get on with our lives and let Microsoft continue to lead the world in IT innovation.

Tom Towle
Mineola, Tx

MTC–00014235

From: Christopher Carr
To: Microsoft ATR
Date: 1/21/02 11:25am
Subject: microsoft settlement

In my opinion the US DOJ settlement with Microsoft is NOT in the best interest of consumers nor businesses. Microsoft has repeatedly violated anti-trust regulations, and shown disdain for previous settlements (the 1994 consent decree, for example.) Their monopoly power has allowed Microsoft to sell inferior products with little concern for the numerous software ''bugs'' or security holes that users of said software must deal with.

A stern, well enforced penalty against Microsoft (such as publishing source code for Windows APIs and Office Suite specifications) is the best way to punish a monopolistic company and benefit software users with more choices and better innovation (through the competitive marketplace.)
Chris Carr
Support Consultant
CompuCraft, Inc.
Grand Rapids, MI

MTC–00014236

From: LALAAdal@aol.com@inetgw
To: Microsoft ATR
Date: 1/21/02 11:28am
Subject: Microsolf Settlement

I believe this settlement has been prolonged long enough. Please, lets get back to to the basics and resolve this once and for all. If Microsoft takes the necessary measures that is required of them . Let Microsoft go on to be the great company that they are!!

Concerned Citizen

MTC–00014237

From: Zoomnewman@aol.com@inetgw
To: Microsoft ATR
Date: 1/21/02 11:38am
Subject: Microsoft settlement

The Depatment of Justice, Microsoft, and nine of the reasonable and level headed state attorneys general have reached a settlement in this very long and drawn out case. Several states are still claiming that the settlement doesn't go far enough, but I think that the settlement is fair and it's time to wrap up this matter and move on. There are some individuals such as Larry Ellison of Oracle, and Scott McNealy of Sun Microsystems who would like this case to drag on in order to distract the competition, but I believe it is a personal issue that these men have with Bill Gates. The country is in an economic recession that is largely due to a downturn in the technology sector. Finalizing this fair and reasonable settlement would help stimulate the technology sector and allow companies to focus on developing new products, rather than worrying about lawsuits.

Sincerely,
Glenn A. Newman

MTC–00014238

From: Tabby Stone
To: Microsoft ATR
Date: 1/21/02 11:40am
Subject: Microsoft Antitrust Settlement

I don't think the settlement is any significant punishment at all. I think that Microsoft should have to be made to pay CASH as a penalty. But, I also feel that I as a consumer have been screwed by Microsoft and I get nothing out of it. I think they should be forced to give free upgrades to all Microsoft software until it works as advertised without any bugs for at least 2 versions. That would be a significant penalty because it would force them to lose the revenue stream from upgrades which basically fix problems the consumer has been saddled with and makes the consumer pay extra to ''improve'' a product the consumer paid for once, which was flawed to begin with.

Sincerely,
Tabby Stone
stonetab@hotmail.com
CC:microsoftsettlement@alexbrubaker.com @inetgw

MTC–00014239

From: Boydsusie@cs.com@inetgw
To: Microsoft ATR
Date: 1/21/02 11:41am
Subject: Microsoft Settlement
To: Judge Kollar-Kotally,

I am writing to respectfully file my objection to the proposed settlement before the court in Microsoft vs. US. As a daily user of Microsoft's products, I would like to have more options from its competitors. The Proposed Final Judgment allows a government sanctioned monopoly which is bad for all computer users and American business. The proposed agreement violates the three required standards from the courts, and is not even enforceable. It threatens all Microsoft competitors, and I object to this special treatment.

Thank you for your kind consideration.
Boyd Johnson, Ph.D.
CC:raj6953@hotmail.com@inetgw

MTC–00014240

From: Marie Kuzma
To: Microsoft Settlement
Date: 1/21/02 10:32am
Subject: Microsoft Settlement
Marie Kuzma
77 Worth Ave
Hamden, CT 06518
January 21, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Marie Kuzma

MTC–00014241

From: Jonathan Jacobs
To: Microsoft ATR
Date: 1/21/02 11:47am
Subject: Anti-trust settlement

To whom it may concern:

I strongly encourage you to maintain the strongest possible opposition to Microsoft's attempts to continue the abuse of ifs monopolistic practices. The evidence accumulated over the its existence unmistakably points to the conclusion that without drastic and enforced remedies, Microsoft will never alter its unethical, and occasionally, criminal behavior.

Much has been said (almost entirely by Microsoft and its associates, whether openly

identified as such, or not) about Microsoft's history of innovation and its critical importance to the computer industry and to the economy of the United States. These arguments are without merit. Microsoft's ''innovations'' have been made by the co-opting of other companies'' technologies, either by outright purchase of said companies, or by blatant theft, or destruction of their opponents.

This has led to a stagnation of true advances in the computer industry, and a serious weakening of the foundations of computing in general. Just as in biology, diversity is necessary for growth, progress and viability of an organism, the uniformity and flaws of a Microsoft-dominated industry has grave potential consequences, some of which have already been felt.

Mr. Gates recently proclaimed that Microsoft's new goal is security. This is laughable. It is also dangerous and frightening to consider the risk to national security that already exists, let alone what will happen if Microsoft is allowed to proceed unhindered in its stated goal of ''Microsoft Everywhere.''

Sincerely,

Dr. Jonathan Jacobs

''Theory and practice are the same in theory, but different in practice.''

Jonathan Jacobs, Ph.D.
jxj24@po.cwru.edu
Ocular Motility Lab (W151)
VA Medical Center
10701 East Blvd.
Cleveland, OH 44106
(216) 421–3224 (lab) 1(216) 791–3800 x2500 (office)

MTC–00014242

From: The Gosselins
To: Microsoft ATR
Date: 1/21/02 11:49am
Subject: Microsoft Settlement

Gentlemen: Having read some of the depositions concerning the ''Microsoft Settlement'', we have come to a resounding conclusion. If NETSCAPE NAVIGATOR, an Internet browser, were available on our present WINDOWS 98 OPERATING SYSTEM, we would certainly use it and have no qualms about it.

It should be made available to all PC users. And furthermore, we now believe a competitive browser market would greatly assist other cross-platform Java based developers, especially, in obtaining cross-platform Java technology distributed to end users such as ourselves through the open distribution of non-Microsoft Internet browsers. We appreciate this opportunity for offering our comments.

Sincerely,

Donald E. and Yolande MA Gosselin;
1784 Providence Road;
Northbridge MA 01534–1204

MTC–00014243

From: Mike Porzio
To: Microsoft ATR
Date: 1/21/02 11:52am
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I don't know to whom I would address this email. I was told that I could express my opinion to the judge of the federal trial court considering this settlement by filing written comments with the United States Department of Justice by January 28, 2002. I am an IT professional (Network Analyst) for a Bloomfield CT company (The J. M. Ney Co.) and have been so for years. I have been doing computer work for 2 decades and I have been following Microsoft's progress and practices since 1980.

Microsoft seems to be the proverbial ''400 lb. gorilla''. Since the early 90's I have been watching their business practices with fear and alarm. Windows Operating System as a product or as an operating system was originally a very good idea. Touted as a ''software bus'', the concept was to have a platform the OTHER developers could write software for, to do specialized things, or to enhance the basic operation of the Operating System.

However, when some company wrote some software that used Windows and became successful, Microsoft would either buy the company, or compete with them, driving them out of business. This predatory stance coupled with the ''Fear, Uncertainty and Doubt'' that MS marketing would promulgate concerning NON-Microsoft products, AND the lack of access to the programming controls (the API's), would make many smaller companies fall by the wayside since just the fear of not being able to make a program work would cause many a consumer to purchase Microsoft products (instead of theirs) just because they might be less of a ''hassle'' to operate.

I think this may be the core of the ''anti-bundling'' argument: Microsoft just ''assimilates'' good products, and one way or the other quashes the smaller company. Why would a normal consumer buy an EXTRA program, from a smaller company, when Microsoft can just ''incorporate'' similar functionality into Windows and take the sale away from the other company? Also, in a parting note: Why is it that every other component of the personal computer has gotten better AND cheaper, but Windows just goes up in price?

Thank you for reading this,

Mike Porzio

MTC–00014244

From: JuneD1
To: Microsoft ATR
Date: 1/21/02 11:50am
Subject: Microsoft Settlement

Attorney General John Ashcroft:

As you review public coments on the Microsoft anti-trust case, I'd like to add mine and urge settlement.

My personal opinion is that the suit should never have been brought in the first place, and it is now certainly time—after three long years—to move on for the benefit of the economy, the technology industry, and employees and stockholders.

As one of the consumers who has allegedly been harmed by a ''monopoly'', I'd like to verify that Microsoft's innovation has never done anything for me but make software more user friendly and cheaper.

After retiring in 1986 from a 30-year career in the petrochemical industry, I worked out of my home as an office procedures consultant. Not only did I have to purchase a computer but every piece of software needed for my work, usually at a cost of about $300 per software package. Being of the generation that has to struggle with computers, I even had to pay someone to load my operating system. Nowadays, I call Compaq or Dell and they send me a new computer all loaded and ready to roll. No fonts to install to get a special symbol or type of print, no separate clip art, no struggling to import Harvard Graphics or Lotus, no miserable Word Perfect to deal with. Windows operating system, word processing, spreadsheets, e-mail, web browser are all in one easy-to-use package at a fraction of the 1980's prices.

Microsoft just made a better, cheaper mousetrap! Isn't that what American business is supposed to do. . . its called continuing improvement. Perhaps its greatest contribution was standardizing a fledgling technology. I suspect the States Attorneys General who refused to settle on an agreement that was tough, reasonable, and fair to all parties are looking for a way to refill their coffers after using up all the cash they extracted from the tobacco settlement (and reputedly did not spend on health care needs in their respective States).

Are they really interested in the consumer?

Lastly, in our efforts in this country to assure equality, I fear we have abandoned the pursuit of excellence that made our country great. Why should Microsoft be required to share proprietary information its organization created? Are pharmaceutical companies forced to share their research and patents with competitors? Should Walmart be penalized because K-Mart can't keep up? The much maligned corporations in our country, including Microsoft, pay taxes, provide jobs and health insurance, and contribute to countless charities and educational projects. Let's not kill the goose that lays the golden egg. I urge you to stop this trend of penalizing the successful and let Microsoft get back to running its business instead of spending money and effort on litigation.

From a personal standpoint, I'm a senior citizen living on a set pension and social security while helping support a grandson. I'd really like to recover my $3000 loss on 100 shares of Microsoft stock. It was doing fine til all this litigation started!

From June W. Webster
5506 Enchanted Timbers
Humble, TX 77346

MTC–00014245

From: Marshall Bradley
To: Microsoft ATR
Date: 1/21/02 12:11pm
Subject: Microsoft Settlement

January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue NW.,
Washington, DC20530

Dear Mr. Ashcroft:

I am writing to you to inform you of my thoughts on the Microsoft settlement issue.

This whole debate has gone on long enough. I sincerely hope this dipute will be resolved and no further action will be taken against Microsoft at the federal level. Microsoft has made a huge contribution to our society and economy. At the present, when our economy is challenged, this settlement will do us more good than ever. Under this agreement, Microsoft has pledged to share more information and create more opportunities for other companies. Microsoft has also agreed to be monitored by a technical oversight committee created by the goverment and to assist in dispute resolutions. Microsoft has agreed not to retaliate against sofrware or hardware developers who develop or promote software that competes with Windows or that runs on software that competes with Widows.

This settlement will benefit our economy. I support it, and hope this comes to an end soon.

Sincerely,
J. Marshall Bradley
CC: Microsoft's Freedom To Innovate Network

MTC–00014246

From: Geoff Heredia
To: Microsoft ATR
Date: 1/21/02 12:12pm
Subject: Microsoft Settlement

To whom it may concern,

I have been working in the software industry for over 4 years in both large and small companies, and I have advanced degrees in Economics and Business Management from the top universities in our country. I am concerned about the Proposed Final Settlement falling far short of penalizing Microsoft for its clearly anti-competitive business practices. In my view, this agreement lets the company ''off the hook'' far too lightly for the competition that it has virtually eliminated in 3 main markets: (1) desktop operating system; (2) personal computer productivity software (i.e. speadsheets, word processing, etc.); and (3) Internet browsing software. The monopolistic position that Microsoft now occupies is not addressed by this settlement. Furthermore, the lack of competition in the 3 markets listed above will continue to offer consumers little or no choices in the software they can use for business and personal. No competition ensures that consumers and businesses will undoubtedly continue to over pay for software that they must buy in order to make any real use of their computers. Additionally, new companies and their product innovations will most likely fail or achieve unfairly limited success because of the extraordinary market challenges posed by the monopoly Microsoft has. I urge you to reconsider this settlement and its terms in the light of market competition. We certainly need competition to bring out the best in our high technology sectors, but we certainly don't need monopolies in our software industry.

Thanks for you consideration,
Geoff Heredia
Dated January 21, 2002
P.O. Box 164
San Juan Bautista, CA 95045
831–673–1358

MTC–00014247

From: Don Montalvo
To: Microsoft ATR
Date: 1/21/02 12:17pm
Subject: Microsoft Settlement

I hardly think Microsoft's 1B offer to education is enough punishment for holding the entire computer industry hostage. Microsoft is such a big company that even the DOJ is powerless in getting them to pay. 1 Billion to education is a drop in the bucket and from the looks of things it appears Microsoft is wiggling out of this punishment by elbowing their way into the education market. . . a market they did not monopolize.

The DOJ needs to hit Microsoft where it hurts in order to prevent this kind of monopoly in the future.

Respectfully,
Don Montalvo, NYC
Don Montalvo
747–10th Avenue, #28i
New York, NY 10019
Home: 212–307–7753
Cell: 347–680–5436
Email: donmontalvo@nyc.rr.com
Web: http://home.nyc.rr.com/donmontalvo

MTC–00014248

From: John
To: Microsoft ATR
Date: 1/21/02 12:20pm
Subject: Microsoft Settlement
2270 Chapel Hill Circle
Stockton, CA 95209–4008
January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing because I would like to see the Justice Department settle its antitrust lawsuit against Microsoft. Microsoft's success and size has helped the industry standardize, work together efficiently, and grow rapidly. Any further litigation that may call for a breakup of the company is bad for both Microsoft and the computing industry as a whole. The settlement agreed upon is reasonable. Among other things, disclosing internal coding to competitors will allow those companies to write programs that better integrate with Windows.

A key goal in the litigation was to foster more competition to Microsoft in the industry. Given the increased competition that is sure to arise once Microsoft's concessions take effect, I urge you to settle the case.

Sincerely,
John Morotti

MTC–00014249

From: Raj Chand
To: Microsoft ATR
Date: 1/21/02 12:20pm
Subject: Microsoft is being allowed to take over OPENGL with impunity

Hi,

OPENGL is the industry standard 3D language for 3D developers in fields as disparate as aernautics and computer games. It is one of the few areas left which Microsoft do not have the monopoly on. Microsoft has its own proprietry language called Direct 3D. Yet they have just taken over the patents to Silicon Graphics'' technologies including as I understand it OPENGL. This paves the way for Microsoft to kill OPENGL and force Direct 3D as the global standard giving them control over yet another market and unopposed sales of its X-box games system yet they have been allowed to do this with impunity even though they are under so called investigation. How is this possible? Do you not have truth and justice in the USA? Or is Microsoft so big now that they own everyone?

Greatly Insane

MTC–00014250

From: Mike Rerick
To: Microsoft ATR
Date: 1/21/02 12:23pm
Subject: Microsoft settlement

I have been in the software business for twenty years. In that time, I have seen Microsoft grow from a very small company to today's megolithic company. In that time, their business practices have been suspect on more than one occasion. DR–DOS, Lotus 123 running on DOS, the attempted squashing of Netscape, ignoring the earlier consent decree, licensing terms, unfair ability of products to have insider knowledge of the operating system (and get features added that only Microsoft's developers know about). The company behavior that brought the anti-trust suit hasn't changed any. Ever since the threat of breakup has passed, I noticed that their behavior has reverted back to the pre-suit days.

I would like to see very positive action taken to assure that their monopoly is brought under control. A very large fine (several billion would be a good starting point), the removal of all the top company officers/managers, publishing the full API for both operating system and products so everyone can use all added features in them and immediate publishing as new features are added, restrictions on what they are allowed to add to the operating system as bundled software, set the same pricing for all computer vendors for the operating system, allow vendors to change the desktop any way they want with no retribution from Microsoft and very close scrutiny of any companies that Microsoft wants to purchase—if the purchase would seriously impact competition, then it shouldn't be allowed.

Thank you for your time.
Michael Rerick
mrerick@teleport.com

MTC–00014251

From: John Stiles
To: Microsoft ATR
Date: 1/21/02 12:17pm
Subject: Microsoft Settlement
January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing you today to voice my opinion in regards to the Microsoft antitrust dispute. I am a Microsoft supporter and director of Source of Light -East Africa. I feel this issue should be resolved so we can focus on more important issues.

Microsoft has had a positive impact on the economy and consumers. At a time when the economy is lagging, I feel it would be counterproductive to restrict Microsoft. Microsoft did not get off easy in this settlement. In fact, Microsoft agreed to terms of the settlement that go way beyond the issues of the original lawsuit, for the sake of wrapping this up. Microsoft will be disclosing more information to other companies and will be creating future versions of Windows to make it easier to install non-Microsoft software.

I believe this settlement will benefit the economy, the industry, and consumers. Please support this settlement. Thank you for your time.

Sincerely,
John Stiles
12 Harwich Way, Sharpsburg, GA 30277

MTC–00014252

From: Charles Clemons
To: Microsoft ATR
Date: 1/21/02 12:27pm
Subject: Microsoft Settlement
700 Landings Way
Savannah, Georgia 31411
January 14, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The Microsoft anti-trust settlement has my support. The Justice Department is smart in finally resolving the case with Microsoft.

The details of the settlement include many concessions on the part of Microsoft. Microsoft has agreed to remove contract restrictions on developers. Software and hardware developers are able to enter into multiple agreements with competing companies under the terms of the settlement. Why would Microsoft allow for these concessions? They know that this settlement is in the best interests of the economy. It is about time Microsoft be allowed to get back to business.

I think that the settlement gives us the best opportunity to get back to business and bring this lawsuit to an end. Thank you for your time regarding this issue.

I am proud to support Mr. Gates for several reasons : Capitalism cannot survive without the innovative entrepreneurship exhibited by Mr. Gates. His willingness to share his rewards with many others , especially in the education field, is commendable.

Sincerely,
Charlie Clemons

MTC–00014253

From: Erik Thorteran
To: Microsoft ATR
Date: 1/21/02 12:33pm
Subject: Re: U.S. v. Microsoft: Settlement Information

Microsoft has done nothing but steal or rip off innovation, and kill competition since the day it began. Windows gives special priveliges to Microsoft applications, and integrates Internet Explorer completely. This is not what an operating system is supposed to be. Even now, with Windows XP and the gigantic ad campaign surrounding it, Apple and other small, innovative companies are being stolen from. Luna (the UI of XP) is a blatant copy of Aqua (The UI of MacOSX), and a dysfunctional one at that. Their Xbox game console is aimed at putting the game console under their iron fist as well.

When confronted with a lawsuit from apple a decade and a half ago (approximately), they changed the law to get away with it. They have been twisting laws, breaking them, and then changing them. Copyright laws underwent hundreds of changes to make their original OS legal.

This has GOT to be stopped, my suggestion is to divide Microsoft. Into as many pieces as possible.

Erik

MTC–00014254

From: Kim (038) David Trimm
To: Microsoft ATR
Date: 1/21/02 12:35pm
Subject: Settlement Comments

To Whom It May Concern,

I am a software engineer with 10 years of experience as a programmer and a system administrator. I have a Masters Degree from Johns Hopkins University and a Bachelors Degree from Georgia Tech in Computer Science. I have closely followed the Microsoft Antitrust Trial and feel that it is my civic duty to oppose the settlement between the Microsoft and the Justice Department. The proposed settlement attempts to restore competition in the Operating System and Software Application markets by forcing Microsoft to ''disclose APIs and related Documents'' to other software developers (Section III.D). However, in Sections III.J.1 & .2, certain exemptions prevent this disclosure. These exemptions render Section III.D useless for the majority of products that need to interoperate with Microsoft products in order to restore competition. To illustrate this point, I will discuss several areas where competing products need to interoperate but will be prevented by Section III.J.

Samba is a popular software package that allows Unix servers (such as Linux and Sun Microsystems'' Solaris) to interoperate with Windows NT Servers and Workstations. Using Samba, Unix servers can share network resources such as files and printers with a Microsoft network. Samba is developed by a group of 20 volunteers and is released under an Open Source License, meaning that the source code for Samba is available for anyone to read and/or modify. Unfortunately, the proposed settlement exempts the Samba team from benefitting from Microsoft's disclosure for several reasons. Section III.J.1 prevents this disclosure because Microsoft networks require authentication to share resources (the exemption states that ''No provision . . . shall require Microsoft to . . . disclose . . . portions of the API . . . which would compromise . . . authentication systems . . . ''), and Section III.J.2 also prevents this disclosure because Microsoft will never certify the Samba Team as a viable business (the exemption states that the licensee must ''. . . meet reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business.'').

Apache is an Open Source web server that competes directly with Microsoft's IIS and currently powers over 50% of the internet (see www.netcraft.com for details). However, for them to remain competitive, they will also need access to Microsoft's APIs for both the server and client side since Microsoft has monopolized over 90% of the web browser market. While Microsoft may recognize them as a viable business (the Apache Software Foundation is a not-for-profit corporation), Section III.J.1 will permit Microsoft to deny them the ability to interoperate because web servers are considered encryption and authentication systems.

Section III.J is an exceptionally large loophole that Microsoft will use to deny any software developer the ability to compete in any market that Microsoft wishes to monopolize. It can effectively be used to cover Microsoft's Office and multimedia file formats (exempted under the digital rights management clause) and their attempts to control the Internet under their .Net initiative (exempted under the authentication systems clause). Section III.J effectively renders the disclosure clauses in Section III.D useless and will allow Microsoft to keep their illegal monopoly intact.

To solve these inadequacies, I propose that the court completely strike Section III.J from the settlement and force Microsoft to disclose all of their past and future APIs and file formats to an internation standards body. The approved standards should then be made freely and publicly available to any competitor who wishes to implement them. Until these protocols become open to all, Microsoft will continue to illegally monopolize any market that it wants.

Sincerely,
David Trimm
119 Arbutus Avenue
Catonsville, MD 21228
(410) 747 4403
kstrimm@home.com
CC:kstrimm@home.com@ inetgw,ktzeng@ home.com@inetgw

MTC–00014255

From: Goozog@aol.com@inetgw
To: Microsoft ATR
Date: 1/21/02 1:09pm
Subject: Microsoft settlement
January 20, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Attorney General Ashcroft:

As a concerned citizen, I write you in reference to the recent settlement between Microsoft and the Department of Justice. It baffles me when I hear that the process is being even further scrutinized. After three years of well thought out negotiations, it is ridiculous to continue to pick apart the terms of this agreement. Microsoft, the Department of Justice, the nine states and a mediator have carefully arrived at these terms, which are more than fair to Microsoft's competitors.

Microsoft has agreed to reconfigure licensing and marketing agreements and has agreed to do so under the supervision of a technical committee that has been set up for just that. Microsoft has also agreed to design future versions of Windows that will promote easier installation of non-Microsoft software.

It is evident that the terms of the agreement do a great deal to promote the use of non-Microsoft software. Obviously, Microsoft is acting in the interest of our IT sector as a whole. Therefore, so should the government.

I urge you to help get our technology industry back to business by stopping any further litigation against this settlement. I thank you for your time and, in advance, for your support.

Sincerely,
Todd Hester
508 Albert Dr.
Sinking Spring, Pa.
19608
cc: Senator Rick Santorum

MTC–00014256

From: Mark McFarland
To: Microsoft ATR
Date: 1/21/02 1:14pm
Subject: Microsoft Settlement

Dear Department of Justice,

I would like to comment on the Microsoft case. I think the proposed settlement is a bad one, for although it will cost Microsoft some money, it will also give them an enormous boost in the education market, one of the few areas where Wintel machines do not represent an overwhelming majority. In other words, the case against Microsoft was supposed to curb their monopolistic practices, while the proposed settlement actually helps them in this regard. And make no mistake, Microsoft is a monopolistic company. I am surprised that no one has commented on the illogic of two statements repeatedly made my Microsoft: first, they claim that they are not a monopoly, but they also claim that multiple operating systems would hurt the consumer since this would sow confusion. There are already competing operating systems—the two most popular are the Mac OS and Linux—and these two platforms have a dedicated customer base that is not confused or offput by the difficulties inherent in working outside the Windows hegemony. This point needs to be made clear to the public in order to push for a truly fair settlement and to counter Microsoft's aggressive public relations campaign against the anti-trust lawsuit. In conclusion, I encourage the Department of Justice to push for a harsher penalty against Microsoft, one that punishes, rather than rewards, them for their monopolistic practices. —

Mark McFarland
Assistant Professor of Music Theory
Southeastern Louisiana University
Department of Music & Dramatic Arts
P.O. Box 10815
Hammond, LA 70402
(985) 549–5035

MTC–00014257

From: Neil Randle
To: Microsoft ATR
Date: 1/21/02 1:17pm
Subject: atty gen letter

I sent it last week and called your 800 number and told them so.

Neil Randle

MTC–00014258

From: Don Cummings
To: Microsoft ATR
Date: 1/21/02 1:13 pm
Subject: Microsoft Case
Donald W. Cummings
90 South Rose Boulevard
Akron, Ohio 44302–1064
Tel.: (330) 867–6224
Fax: (330) 867–6224
e-mail: tensor@neo.rr.com
January 16, 2002
Attorney General John Ashcroft
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Sir:

I am writing to express my opinions regarding the Microsoft antitrust case. I feel that the settlement agreement reached between the Department of Justice and Microsoft was fair and reasonable. It was received after extensive negotiations with a courtappointed negotiator, and has already been approved by nine states.

I am disturbed by the trend that has arisen since the tobacco settlements, whereby lawsuits are used as forms of state revenue generators. I am also disturbed by what I see as an attack by cry-babies who cannot compete in the free market, and by people whose real agenda it is to attack free enterprise and capitalism.

I feel that if this case is judged by its merits, then one cannot help but see that Microsoft has granted more concessions than was first asked of it. Microsoft has changed the way it licenses, develops, and markets its software. These changes are evident in its decision to license Windows to the twenty largest computer manufacturers, and make available to its competitors any protocols implemented in Windows. Microsoft has basically granted free access to its invention to all that would compete with it. Microsoft has even agreed to allow computer makers to configure Windows so as to promote nonMicrosoft software that competes with programs included within Windows.

I understand that the issues that brought about the suit in the first place may have been valid, but that was years and countless dollars ago. Microsoft will soon make or has already made the necessary changes. The only reason that states would consider pursuing further litigation is for a return on investment, rather than a concern for the public welfare. If need be, I hope you will see fit to protect Microsoft just as expensively as you have protected the competition. In the meantime, at minimum, please accept the settlement.

Very truly yours,
Donald W. Cummings

MTC–00014259

From: Mark A. Clawson
To: Microsoft ATR
Date: 1/21/02 1:17pm
Subject: Microsoft Settlement

To whom it may concern,

I have been using and programming computers since the early 80s. During that time I've seen many hardware and software companies rise and fall. Sadly, in my opinion, I have seen too many companies develop great products and have Microsoft come to them and ''learn'' from them but in reality steal their code and ideas. Take a look at the litigation Microsoft has undergone to see what I mean. Microsoft has no qualms about stealing someone's code and then justifying the theft with a settlement. Even the well publicized $150 million ''invested'' in Apple was in reality a payoff for pending patent litigation.

Microsoft will never propose any settlement that does not permit them to continue doing what they have always done. Their current proposal would do the unthinkable, give them a leg up in a market area where they currently do not dominate. By donating ''refurbished PCs'' (read leftover machines after upgrading in-house) and software (read their software, which costs a small fraction to make in comparison to what it retails for) Microsoft gives a surface level display of remorse that in reality furthers its own agenda. A more adequate requirement would have Microsoft spend the $1 billion on new machines that did not run their operating system, such as Linux or Macintoshes. The findings of fact are clear. Do not reward Microsoft for monopolistic behavior. Microsoft will continue to practice business the same way they always have until you tell them they can't, and back it up with sufficient muscle to force them to change they way they do business.

Any remedy that doesn't hurt them is no remedy at all.

Mark Clawson
Clearfield, UT

MTC–00014260

From: Barbara Stepan
To: Microsoft ATR
Date: 1/21/02 1:19pm
Subject: Microsoft Settlement

Dear Sirs,

I hope that this will be settled soon and that Microsoft will not be stopped in their efforts in innovation and bringing us new and better products at lower prices. The public is not being hurt by Microsoft. Millions of people trust Microsoft with their stock for surviving in retirement. We do not have to buy Microsoft, we want to because it's better. The big thing is we have a choice! The phone and cable companies however is where we the public are helpless, with no choices. That is where we need protection, not from Microsoft.

Thank you for listening and hopefully making the right choice for the people and not the special interest companies that are against Microsoft.

Best Regards,
Barbara Stepan
14265 120th Pl. N.E.
Kirkland, WA 98034

MTC–00014261

From: Tom Miller
To: Microsoft ATR
Date: 1/21/02 1:45pm
Subject: Too Easy on Microsoft

I just want to voice my concerns about what appears to be too little too late. Those of us who have had to deal with Microsoft Windows in its many flavors, since the early 90's, know full well that the company has not disclosed all necessary information to 3rd parties.

I have been using Wordperfect and Lotus products from the old DOS days and have

preferred to keep using those products. However, the stability of Wordperfect, for one, in the Windows environment leaves much to be desired. It is obvious Microsoft has inside information that allows them to produce an office suite that works within Windows far better than anyone else.

Additionally, I find it abhorrent that the government is too stupid to realize that the bundling of applications, and Internet Explorer is just another application, is against the most basic of our anti-trust laws. We, the consumer and the competition, need government intervention to stop Microsoft from continually abusing its position. I want choices and I do not want Microsoft bundled products. I want a choice of all office suites when I buy a PC, not just Microsoft Office. I want a choice of what browser and email programs are on my PC, not just Microsoft's. Furthermore, I want those programs to work at least as good as Microsoft's within the Window's environment. I am sick and tired of Microsoft bundling software with the operating system and jamming it down our throats. I don't need Microsoft to provide email software like Outlook Express or even Outlook, that is so full of security holes that I might just as well post a web site banner saying ''send viruses here''.

Unfortunately, there are too many consumers who are totally clueless and accept everything Microsoft hands down. The government needs to realize these people have no idea there are choices that may be better than what Microsoft has provided. Listen to the IS people, the IT people, the engineers and technical people— we are all saying Microsoft needs a short leash and now. Judge Jackson was correct in his assessment that Microsoft should be broken up as part of the remedy. What is done now must be severe and strict controls must be put in place as soon as possible. The gov't already dropped the ball by letting Microsoft issue Windows XP with even more bundled crap.It is time to level the playing field and get Microsoft under control.

Tom Miller
GAC Chemical
PO Box 436
Kidder Point Road
Searsport, ME 04974
Ph: 207–548–2525 / Fax: 207–548–2891
email: miller@gacchemical.com

MTC–00014262

From: Eugene Chi
To: Microsoft ATR
Date: 1/21/02 1:33pm
Subject: Microsoft Settlement

Dear Sir or Madam,

I am writing to you about the Proposed Final Judgment on Microsoft. 2 areas I am concerned on is that the judgment does not address the abritrary nature of what products or services gets added to the Microsoft Operating System. By adding on otherwise standalone products to the OS, smaller companies have an unfair disadvantage of competing against an OS that already has a product that they are trying to sell.

Also, the judgment does not does not restrict Microsoft's ability to modify, alter or refuse to support computer industry standards, including Java, or to engage in campaigns to deceive developers of rival platforms, middleware or applications software. Java technologies exclusion in Microsoft's XP operating system is more than just an oversight.

Please include these concerns with others in the community to express my concern within the software industry of this anti-competitive threat that Microsoft will continue to have on this industry. Free competition will allow thriving new business to form and ultimately help the consumers with excellent products at competitive prices.

Eugene Chi
Director
IT.CRM Implementation Services
500 Marine World Parkway
Redwood Shores, CA USA
+1 650.607.5843

MTC–00014263

From: Amy Schmidt
To: Microsoft ATR
Date: 1/21/02 1:31pm
Subject: Microsoft Settlement

Honorable Judge Kollar-Kotally,

Microsoft has repeatedly used its monopoly power to reap profits, and every court has agreed with this. The proposed settlement before you does nothing to undo the billions of dollars Microsoft has gained, and it doesn't protect us from the company employing anti-competitive tactics in the future.

I urge you to reject the proposed final judgment in the U.S. vs. Microsoft case.

Sincerely,
Amy Schmidt
198 Tillman Ave
San Jose, CA 95126
408/292–1400

MTC–00014264

From: Brett Sher
To: Microsoft ATR
Date: 1/21/02 1:36pm
Subject: Microsoft settlement

Microsoft has been found to have an illegal monopoly of desktop computer operating systems. This monopoly gives them the power to expand into other areas beside operating systems (Internet browsing, media delivery, electronic commerce, etc.). Microsoft's obvious stranglehold inhibits investors from supporting other companies witch would seek to offer alternatives to Microsoft technologies. This is bad and inhibits innovation.

Microsoft's omnipresence is also a source of vulnerability to computer viruses (a common platform is easier to corrupt). America needs software diversity to protect itself against cyber attacks.

Any settlement must be designed to eliminate Microsoft's desktop monopoly, and not be just a slap on the wrist. Even if today Microsoft was forced to drop the underhanded tactics and fight fairly in the marketplace, they would benefit from an overwhelming advantage gained by years of bullying, bundling, dumping, lying and intimidating. Microsoft must be severely hobbled until a healthy competitive market can reemerge.

Be tough.

Brett Sher
808 Gale Drive
campbell, CA 95008

MTC–00014265

From: steves@fortemusic.net@inetgw
To: Microsoft ATR
Date: 1/21/02 1:41 pm
Subject: Microsoft Settlement

With a market share of more than 90%, Microsoft has a profound advantage over companies such as Netscape, Real Networks, and Apple, who are fighting a perpetual uphill battle to maintain a presence in the market. Any application software that Microsoft chooses to package with its Windows operating system is guaranteed to push all other competitors out of the market. Netscape's browser software used to be the most widely used internet software. Once Microsoft started bundling Explorer with Windows, Netscape's market share dropped to almost nothing. Real Networks and Apple computer face similar fates with their media products (RealAudio, and QuickTime) which are steadily being pushed out of the market by Windows Media software bundled with every Intel PC.

Action must be taken to restore a balanced and competitive software market, in which the success of a software application is based on its quality, performance, and utility, not the fact that it's bundled for free with an operating system that runs on the majority of the world's personal computers. The proposed Final Judgment is too weak to counter Microsoft's monopoly position in the market, and I urge the DOJ to pursue the breakup of Microsoft into two separate companies for operating systems (Windows) and applications (Word, Excel, Explorer, etc.). This solution will help maintain a healthy and innovative American software industry for years to come.

Steve Salani
Los Angele.s

MTC–00014266

From: Vern Scoggins
To: Microsoft ATR
Date: 1/21/02 1:42pm
Subject: Microsoft Settlement
13937 Dove Hunt Place
Charlotte, North Carolina 28277
January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I want to use this opportunity to express my support for the settlement reached last November between Microsoft and the Department of Justice. I believe it is time to move forward and allow both sides to concentrate on more important matters.

The settlement is comprehensive and requires many changes on the part of Microsoft. For example, Microsoft has agreed to design future versions of Windows to provide a mechanism to make it easy for computer makers, consumers and software developers to promote non-Microsoft software within Windows. Consumers will have the freedom to easily add or remove access features built in to Windows or to

non-Microsoft software. And to assure this and other provisions are met, Microsoft agreed to the formation of a technical committee that will monitor the company's business practices going forward.

This case has been going on long enough. It is time for Microsoft to get back to competing and designing new software. And it is time for the government to use taxpayer money on more urgent matters like stimulating the economy.

Sincerely,

Vern Scoggins

MTC–00014268

From: Jesse Walker
To: Microsoft ATR
Date: 1/21/02 1:44pm
Subject: Re: U.S. v. Microsoft: Settlement Information

Don't let this evil corporation further its monopoly power. The U.S. government is the last hope the people have of ridding ourselves of this incredible evil.Plain and simple Microsoft needs to have no future in the American landscape. Let the evil empire crumble!

Jesse Walker

MTC–00014269

From: Alison McFarland
To: Microsoft ATR
Date: 1/21/02 1:45pm
Subject: Microsoft Settlement

I would like to comment on the Microsoft case. I am familiar with several operating systems, including Windows, and use Microsoft software routinely. Although the company makes good products, I am against this settlement. It is a Trojan horse: of course our impoverished schools need computers, and Microsoft is savvy enough to use that inarguable point as a means of further expanding their monopolistic practices. Although Microsoft ostensibly offers a choice of platforms to the schools, few administrators would choose anything other than the dominant Wintel system—dominant precisely because it is a monopoly—over the other platforms. The amount of money it would cost Microsoft to supply the schools is not only relatively painless for them, it is a sound investment in continuing monopoly. Meanwhile, Microsoft is waging an aggressive and effective campaign of public opinion against the anti-trust laws that are trying to contain it.

Whether one admires the products and the success of this company, it must be curtailed in a meaningful way in order to maintain the amount of competition the market offers. I do not wish to see a future in which our only choice for information technology is a single monopoly. I urge you to find a harsher settlement that serves as a deterrent to their practices.

Alison Sanders McFarland
Assistant professor
Louisiana State University

MTC–00014270

From: Louis Grossman
To: Microsoft ATR
Date: 1/21/02 1:46pm
Subject: AN 89 YEAR OLD RETIREE'S PROTEST TO THE ACTION VERSUS MICROSOFT BY THE STONE AGE 9 STATES.

I AM 89 years old, born in 1913 in Portsmouth, N. H.—now retired and living in Florida * * *have voted EVERY year since becoming of age— served as a Volunteer in the U.S.Army 1940–1941 thereupon RELEASED per my 1 year volunteer status under the ''29 year old volunteer agreement''—then a few days later, on Pearl Harbor Day Dec. 7, 1941 was recalled to Active Duty and served until 1946, transferred into the Mass. Reserves, wherein I served until received honorable discharge in l953— 13 years of loyalty to my country U>S>A>——Now, at 89, almost DEAF, Very reliant on the computer's EMAIL and INTERNET SERVICES which were Microsoft's Miracle gifts to humanity,——and NOW condemned— litigated—hounded by our 9 States'' stone-age Attorney Generals——for WHAT Purpose? Is it that they wish to return to our Pre-Computer, Pre-Wireless , Pre-EMails—Pre-progress??? Or, is it the grubbiness of political recognition or WHAT???

As a Deaf, Patriotic Voter, 13 year serviceman for our country—— I hereby wish to be heard— I HEARTILY SINCERELY AND WITHOUT PERSONAL GAIN REASONS * * *PROTEST TO THIS PUNITIVE, AND UNJUST LITIGATION.

Let Microsoft alone. Give it the freedom from diversive legal time wasting action to CONTINUE TO CREATE —let them have freedom for MORE creativeness and improvements to their having gifted us with their ingenuity and research and development to their Miracles of communication already benefiting our Country. STOP this litigation. FIND for Microsoft to allow them to continue benefiting US. PLEASE !!!

LOUIS P. GROSSMAN and Wife—Blanche Grossman and we convey the opinions of HUNDREDS OF OUR FRIENDS AND NEIGHBORS.

MTC–00014271

From: Jrb051469@aol.com@inetgw
To: Microsoft ATR
Date: 1/21/02 1:48pm
Subject: Micrsoft Settlement

Microsoft should receive close to the same treatment they have shown their competition. They should pay retribution to any company effected negatively by Microsoft, still around or forced out of business. Maybe, force Microsoft out of the marketplace for X number of years. Bill Gates and Microsoft should be seriously effected by the settlement.

MTC–00014272

From: ronald johnson
To: Microsoft ATR
Date: 1/21/02 1:39pm
Subject: Microsoft Settlement
Ronald L. Johnson
462 Indian Greens Lane
Manns Choice, PA 15550–8042
(814) 623–7383
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
January 21, 2002

Dear Mr. Ashcroft:

I have not been in full support of this lawsuit from the beginning and am happy to see it finally over. I hope that people will realize what a good settlement that you have worked out and I hope that they come to accept it as well.

The settlement reached was fairly negotiated and equitable for both sides. Microsoft did not get off easy by any means. The settlement does, however, answer most of the complaints from Microsoft's competitors without needlessly burdening the company. For instance, Microsoft will be disclosing internal interface information to its competitors as well as designing future versions of Windows so that software developers and consumers can more easily promote their own products.

I hope that you will listen to the opinion of the many people who write into you, who daily depend on and support Microsoft and their products. Microsoft is a fine company and deserves the opportunity to compete aggressively for business. This settlement gives them that opportunity without denying others that same opportunity.

Sincerely,

Ronald Johnson

MTC–00014273

From: MBVath@aol.com@inetgw
To: Microsoft ATR
Date: 1/21/02 1:51pm
Subject: Microsoft Legal Action

Sir/Madam: I own 100 shares of Microsoft stock. I urge support for the settlement agreed to by the US, many states and Microsoft. Based on the facts reported in the newspapers and my own non-professional purchase and usage of computers it appears that the terms of the settlement appropriately address the concerns expressed in the verdicts. As a non-expert computer user the Microsoft products make it easier for me and the prices appear comparable to other products. Also, given the speed with which technology changes, we would be better served if Microsoft's competitors (I own small amounts of some of them as well) would work together and come up with truly competitive products without undue interference from the courts. Further, the remaining states and Microsoft should in due course be encouraged to settle the remaining part of the case. Thank you for your consideration. CC:FIN@ mobilizationoffice.com@inetgw

MTC–00014274

From: Cheryl B. Richardson
To: Microsoft ATR
Date: 1/21/02 1:55pm
Cheryl Richardson
2704 S Surrey Drive
Carrollton, TX 75006–4770
January 18, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

The purpose of this letter is to express my support of the Microsoft antitrust settlement. Three years have now passed since this case was introduced by the Department of Justice.

Since this time an enormous amount of time and energy has been wasted in trying to mediate this issue. During these economic times, I believe taxpayers would rather have their resources spent on more pressing issues.

Microsoft has been generous throughout this dispute. Wishing for a resolution, Microsoft agreed to many stipulations. Microsoft has agreed to the formation of a technical review board. This board will be composed of external members whose position is to ensure that Microsoft follows the terms of the agreement. I would hope that this would reassure those wary of the settlement's seriousness.

Please enact the settlement at the end of January, as it is in the best public interest. Thank you.

Sincerely,
Cheryl Richardson

MTC–00014275

From: Karl Maher
To: Microsoft ATR
Date: 1/20/21 1:56pm
Subject: Re Microsoft Settlement

Dear General Ashcroft:

Microsoft has agreed to deliver a pound of flesh and to swear off any skin grafts in the future. Would you please now put this ridiculous lawsuit to rest? Here we've had DOJ, for the last 10 years, trying to cripple the most successful company in the world, while it paid no attention whatsoever to the gigantic fraud at Enron. Admittedly, this was mostly Clinton administration payoff to its aggrieved campaign contributors, but the Bush administration doesn't seem to operate that way. It's your call now!

I know you've got better things to do than to keep up this pointless pursuit of Bill Gates.

Sincerely,
Karl Maher
5107 Laurel View Dr.
Winston-Salem, NC 27104
336–659–6800

MTC–00014276

From: Sam Gill
To: Microsoft ATR
Date: 1/21/02 1:58pm
Subject: Microsoft Settlement
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am a professor of information systems at San Francisco State University. It is important to me that I send my students out into a field of work that it stable and profitable. At the same time I want them to be able to engage in fair business practices. For these reasons I am pleased that we have finally reached a settlement in the antitrust dispute against Microsoft. I feel that this suit has created a great deal of trouble within the technology industry, and I feel that at this time we do not need uncertainty in our fledgling profession.

This settlement is fair and I believe that with it in place we can finally begin moving forward again in the utilization of Information Technology in the workplace without the uncertainty that has held us captive during the period of the Microsoft lawsuit. Microsoft will no longer be permitted to engage in monopolistic business practices. The company will design all future versions of its Windows operating system to be compatible with the products of its competitors. The company will also refrain from committing any further retaliatory actions against its competitors.

I believe that with these provisions in place we will finally be able to get back to the business of innovation. This nation is the worldwide leader of the IT industry, and this is greatly due to the innovation and ingenuity of the Microsoft Corporation, we do not need to destroy one of this nation's best and brightest stars of the IT sector. Thank you for this opportunity to express my position.

Sincerely,
Sam Gill
Professor, Information Systems
San Francisco State University
SamGill@msn.com or SGill@sfsu.edu (650) 346–4700 or (650) 572–4731

MTC–00014277

From: Jackie Landreth
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/21/02 2:10pm
Subject: Microsoft Settlement

To whom it may concern:

Please allow the Microsoft settlement to go through as presently outlined.

Please stop harassing Microsoft! I believe their products are a great value and Microsoft is constantly improving them. Microsoft has succeeded against competitors because their products keep improving and are better and are easier to use than the competition, not because Microsoft has a monopoly. I deeply resent that you are using my taxes to hamper and harass Microsoft. The competitors should improve their products to compete with Microsoft, not use the government to mandate an unfair playing ground.

Jackie Landreth
Chief Financial Officer
Unitek Miyachi International, Ltd.
CC:'MSFIN(a)Microsoft.com''

MTC–00014278

From: Connie Melton
To: Microsoft ATR
Date: 1/21/02 2:07 pm
1902 W Tuliptree Drive SE
Huntsville, AL 35803–1744
(256) 881–8655
January 14, 2002
Attorney General John Ashcroft
US Department of Justice
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

As a supporter of Microsoft, I write you with concern over the recent developments in the Microsoft settlement. I was happy to learn that the settlement had finally been reached, but was a bit upset when I learned that it is being further delayed. After three years of negotiations it seems ridiculous to further dissect this well thought out agreement. The terms that have been reached are fair and reasonable and should be allowed stand.

Microsoft has agreed to make various changes in areas such as relations with developers and computer makers, including licensing, marketing and even design. Because the focus of these compliances is supporting non-Microsoft software, it is evident that Microsoft is negotiating with all parties in mind. This is a step toward a more unified IT sector and a step toward a stronger economy. So, why hold up this process any longer?

I urge your help stop any further actions against this agreement. It is clear that further litigation can only harm our economy at this point in time, so let us move forward. I thank you for your help.

Sincerely,
Connie Melton

MTC–00014279

From: radman01@juno.com@inetgw
To: Microsoft ATR
Date: 1/21/02 2:06pm
Subject: Anti-trust Settlement

I believe that the anti-trust settlement as proposed will be good for the country and Microsoft. I support the proposal.

William J. Radak
28948 Weybridge Drive
Westlake OH 44145

MTC–00014280

From: Bob Hedal
To: Microsoft ATR
Date: 1/21/02 2:11pm
Subject: Microsoft Case

To Whom I May Concern:

I have commented on your Microsoft case before and reiterate my concern that the government is infringing on private industry operations. MS has done nothing that all of their competitors are not doing. The only difference is that MS is bigger and is doing a better job of promoting their products. MS has been a major force in making personal computers and software affordable to the public and they have done so by packaging their products. This practice is common amongst private manufacturers that are lucky enough to have some unique products. The computer generation would not have advanced nearly as rapidly were it not for MS.

They have been punished enough and the rest of us have paid enough of our money in the persecution of an innocent party.

Please let the ruling stand and stop the ridiculous litigation.

Bob Hedal

MTC–00014281

From: Ameta Macaluso
To: Microsoft ATR
Date: 1/21/02 2:14pm
Subject: Microsoft Settlement
Clear DayP.O. Box 11408
Bainbridge Island, WA 98110–5408
January 21, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing to express my opinion that the recent settlement between the US Department of Justice and Microsoft is in the best interests of the American public. I think further litigation would be detrimental to a company that has revolutionized the IT

industry and made so many contributions to our country.

I realize that at times Microsoft's marketing tactics were a bit heavy-handed, but their aggressiveness only reflects the incentives of our capitalist society, and they are not alone in this respect. I believe they are being targeted for their success, not for their tactics. Were other very successful companies prosecuted in this manner, there would be very few left unscathed.

At any rate, the terms of the settlement should be sufficient to appease all parties involved because they address claims of competitors? inability to market their products effectively. Under terms of the settlement Microsoft will design future Windows versions so that others can more easily promote competing products. Microsoft will also grant computer makers broad new rights to configure Windows so as to make it easier for non-Microsoft software to be promoted from within. Surely a fair-minded look at the situation will show that this step, along with other concessions that are being made in the same vein, is enough to address whatever complaints have been lodged.

Please accept the settlement as soon as possible.

Sincerely,

Ameta Macaluso

MTC–00014282

From: SigneHillyard@aol.com@inetgw
To: Microsoft ATR
Date: 1/21/02 2:14pm
Subject: Microsoft Settlement

Dear Judge,

I have been informed of the conduct that microsoft has taken part in regarding the pfj and I am strongly opposed by it. Microsoft should no longer be given the opportunity to be a monopoly either in the government's eyes or the general public who consumes this type of technology. If Microsoft is allowed to eliminate all other competition then the market for the specific type of technology can only expand and grow at a minimal rate, leaving no room for competition for lower prices, better software and incentives for a variety of programs that can offer different services, these are all disadvantages that the consumer, referring to myself as one of them, will have to face. Please strongly consider this while making your decision. By allowing Microsoft to continue to dominate this specific technological field, the consumer misses out on so many benefits. Thank you for your time.

Signe Hillyard

(213)747–7327

CC:microsoftcomments@doj.ca.gov @ inetgw,dkleinkn@yahoo. . .

MTC–00014283

From: C Eguia
To: Microsoft ATR
Date: 1/21/02 2:13pm
Subject: Microsoft influence on Corel

While it may not be new information, this article appears to show how MSFT dissuades companies from competing with it. Please notice the last 3 paragraphs which read: ''. . . It is estimated by PC Data that Corel's Linux division sells about 25 percent of all Linux operating systems for desktop computers, second only to Red Hat.

Corel made a decision not to enter into a head-to-head battle with Microsoft in the business of word processing software after accepting a $135 million investment from the software giant in 2000. Microsoft's .NET technology is expected to be embedded in Corel's product line six months after it is released, sometime later this year. '' Source: http://www.wired.com/news/linux/0,1411,46421,00.html

MTC–00014284

From: fisher
To: Microsoft ATR
Date: 1/21/02 2:24pm
Subject: Microsoft Settlement.

I am opposed to any settlement which permits Microsoft to further dominate the education market by flooding classrooms with its mediocre technology. The proposed settlement simply serves to broaden the Microsoft monopoly. Their predatory marketing practices need to be halted, not adopted by the government as a component of any solution.

Ed Fisher

MTC–00014285

From: Chris Conroy
To: Microsoft ATR
Date: 1/21/02 2:27pm
Subject: Microsoft settlement

I find the currently proposed settlement unacceptable. Microsoft has consistently used their position to stifle competition, discourage innovation and prevent other manufacturers from using alternative operating systems.

Chris Conroy
Heartwood Media Inc.
603/665/9191
http://www.heartwoodmedia.com

MTC–00014286

From: Thomas A. Hokel
To: Microsoft ATR
Date: 1/21/02 2:29 pm
Subject: Microsoft Settlement

Dear Attorney General Ashcroft:

Please read my attached, one page Microsoft Word document regarding the Microsoft Settlement.

Sincerely,
Thomas A. Hokel
President and CEO,
Framework Software, Inc.
<http://www.frameworksoft.com/>
www.frameworksoft.com <http://www.frameworksoft.com/>
President, The Enterprise Framework Group
<http://www.tefg.com/> www.tefg.com
<http://www.tefg.com/>
Phone: 1–970–453–7293
Fax: 1–970–453–8520
E-mail: thokel@frameworksoft.com
Framework Software, Inc.
P.O. Box 225
Breckenridge, Colorado 80424
January 13, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am taking some time to write to you to express an opinion about the settlement reached in the Microsoft antitrust case. I am one of those who believed that this case should have never gone to trial in the first place, and I also believe that the anti-trust laws are very questionable and subjective (i.e., irrational). In a free enterprise, only the Government can create a monopoly. However, since a settlement exists in this case, and it will end this case, I hope you will see it through and end litigation.

I would ask you to strongly rebuke those that want this case back in court. This case has cost your office and Microsoft millions of dollars and countless man-hours. Both parties could be putting their time to better use than going back to Federal court to expend even more resources. The settlement will end this three-year-old debacle, and I am pleased that you have agreed to it. Be steadfast in your support and work to implement the settlement in this case. There is a huge ''silent majority'' out there.

Sincerely,

Thomas A. Hokel

MTC–00014287

From: Peter Hartwig
To: Microsoft ATR
Date: 1/21/02 2:31 pm
Subject: Microsoft Settlement
P.O. Box 659
Loxahatchee, Florida 33470
January 13, 2002
Afforney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Justice Department officials have seen the light and offered a settlement in the Microsoft antitrust case. Microsoft has agreed to this settlement and this should bring an end to this case at the federal level.

The settlement will create more openness and competition in the technology sector of our economy This settlement stipulates that Microsoft will share its internal interfaces with its rivals. Also Microsoft will share the protocols of their server interoperability. The release of all these Microsoft secrets will be a great help for MS competitors. Furthermore these compromises by Microsoft are unmatched in the history of information technology.

It is unfortunate that some individual and groups have sought to put a negative light on this settlement. I am pleased to see that you agreed to settle.

Sincerely,

Peter Hartwig

MTC–00014288

From: John Macko
To: Microsoft ATR
Date: 1/21/02 2:33pm
Subject: Microsoft Antitrust Settlement

As a supporter of Microsoft, I write you with concern regarding the recent settlement. After three long years of court battles, it seems strange that the settlement is again being challenged. The negotiation of this agreement was not only well thought out, but was in the interest of the Information Technology sector as a whole.

After examining this agreement, it seems evident that all parties involved will benefit from its terms. Not only does Microsoft agree to reconfigure licensing and marketing terms, but also they have agreed to disclose information about certain internal interfaces in Windows. Overall, the agreement is helping to open up the competitive market in our technological industry, which has been the goal from the start. The provisions of the agreement are tough, reasonable, fair to all parties involved, and go beyond the findings of the Court of Appeals ruling.

It seems foolish to waste our resources on dissecting such a well thought out plan. With all the time and effort put into this suit, it seems that it is time to let the technology industry get back to business. Our technology industry only suffers from the delay of this agreement. This delay can do nothing but have a negative effect on our economy.

Please help support further growth of our technology industry by helping to stop any further action taken against this settlement. I appreciate your time and your support.

Sincerely,

John Macko

MTC–00014289

From: charles houghton
To: Microsoft ATR
Date: 1/21/02 2:38pm
Subject: not significant enough

The efforts to settle the Microsoft case have circumvented the protections that Judge Jackson initially laid down. While the dismissal of his punishment due to bias was ruled, I believe his severe measures were completely justified.

Microsoft is dangerous, dangerous as it wields enough power and influence to destroy the burgeoning innovators in the technology industries. As it expands its reach unrestricted, customers of American technology will suffer with fewer and fewer options.

The latest effort to ''settle'' by donating to education is the most self-serving action I have ever heard proposed. Do not cut the throat of one of only bastions against the Microsoft hegemony, by building the road right into the heart of the educational market. Apple Computer's tiny refuge would be bulldozed under.

Severe punishment and restrictions against Microsoft are the only justifiable actions in this case.

Charles Houghton
317 W 99th St #7d
New York, NY 10025
212.666.7586

MTC–00014290

From: Steve Overman
To: Microsoft ATR
Date: 1/21/02 2:40pm
Subject: Microsoft Settlement.

Dear Sir,

I support Microsoft 100%. It's time to end this competitors attack on Microsoft. The competitors are using the government as a tool to achieve their goals. This issue has hurt the U. S. economics and it's time to put it behind us.

Please leave Microsoft alone. They have given more to the consumer than any business in U. S. history.

Please stop being the puppets of lazy competitors.

Thank you,

Steve Overman

MTC–00014291

From: mbmesz
To: Microsoft ATR
Date: 1/21/02 2:43pm
Subject: Opinion

I would urge that the Courts rule in favor of Microsoft.

Margaret B. Mesz
(Microsoft product user and shareholder.
1/21/02

MTC–00014292

From: Norm Gilbert
To: Microsoft ATR
Date: 1/21/02 2:51pm
Subject: Microsoft Settlement

I fully supported Judge Jackson's decision to split up Microsoft into two companies. Unfortunately, while Judge Jackson's decision was correct based upon the evidence, he was not judicious when explaining his decision to the media, opening the door to Microsoft for an appeal.

I am convinced that, with the change of administrations, the government has decided to give Microsoft a free ride and has backed off in its enforcement of the anti-trust laws, to the detriment of consumers and to the benefit of the monopolist Bill Gates.

Allowing Gates to essentially buy his way out of an anti-trust judgement by donating equipment or software that only furthers his monopoly control is absurd in the extreme.

Thank goodness the states Attorneys General are not so easily corruptible as is President Bush, who has demonstrated that he's for sale to the highest bidder in donations and support (for proof, look at the Enron matter!) If Gates wants to give money to schools and libraries, give it with no strings attached and let it be spent on Apple Macintsoh equipment or Sun SPARC servers and not on Windows based hardware and software. However, the best solution by far is to break the company into two parts, with one company owning the Windows Operating System franchise and the other having all the games, applications and Microsoft network.

Microsoft's conduct has been anti-competitive and unfair to its customers and competitors and they should not be rewarded for their illegal conduct. This proposed settlement is simply not good government and reeks of corruption, payoffs, and political favors. Microsoft broke the law; enforce the law and extract a real penalty that corrects the situation permanently and prevents Microsoft from continuing its anti-trust activities in the future.

CC:microsoftsettlement @alexbrubaker.com @inetgw

MTC–00014293

From: Sheila Dale
To: Microsoft ATR
Date: 1/21/02 2:58pm
Subject: Microsoft Settlement
649 Cardinal Ridge Road
Burleson, Texas 76028
January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing you today to express my strong opinion in regards to the settlement that was reached on November 6, 2001 between Microsoft and the government. I feel this settlement is fair and reasonable, and I am relieved this dispute is finally over. Microsoft has had an enormous positive impact on the technology industry. Microsoft has made it easier for the average consumer to take advantage of what technology has to offer, both at home and at work. I, personally would not have been able to take a good paying job after a tragic divorce after 30 years of marriage without the technology that Microsoft has developed. The technology of Microsoft allowed me to learn one program and then relate the same logic to other programs making it easier and faster for me to become proficient and take a responsible position very quickly.

I am a strong Microsoft supporter, and I believe that this settlement will serve in the best public interest. This agreement will allow Microsoft to focus on designing and marketing its innovative software, rather than wasting money on litigation.

Please bring an end to what seems to be endless and costly litigation. . . costly not only for Microsoft. . . but also the U.S. Tax Payer.

Thank you for settling with Microsoft.

Sincerely,

Sheila Dale

MTC–00014294

From: Wallingford, Ted
To: Microsoft ATR
Date: 1/21/02 2:46pm
Subject: Microsoft Settlement

Hello Justice Department, Attorney General, and Ms. Hesse:

Ideas for your proposal for settling the Microsoft case (or trial of Microsoft, if it happens) are included in this letter. Microsoft does in fact relish an unfair advantage over other manufacturers of operating system software. They control all aspects of software development for Intel-compatible PCs, and even flaunt control over distribution and manufacture of Intel-compatible PCs. PC makers, while sometimes ethically unsure of their software-bundling decisions, invariably end up choosing Microsoftls software to bundle with their machines, whether or not it is in fact better.

Better, more stable products do exist. This is not to say Microsoft's products are bad or good, as that type of judgment isn't what's being requested of the Federal Court. However, Red Hat, Apple, and Corel make operating systems and applications for their alternative operating systems which could raise the competitive ante for Microsoft if only the constraints placed by Microsoft on the PC makers could somehow be loosened. The quality of competitor's operating system products (Apple included) is often held up as superior to Microsoft's, and it has been this way for a long time. Yet, Microsoft's dominance of the market has persisted for well over a decade. This is unquestionable and strong evidence of an unfair monopoly.

The Microsoft-proposed antitrust settlement will NOT solve these problems, or the countless other problems incurred by the MS juggernaut, including anticompetitive stifling of Sun's Java application technology through deliberate introduction of incompatibilities, and subsequent elimination of software competitors by acquisition or other tactics, then subsequent aggressive inflation of software prices in the wake left by lack of competition. I am less concerned about the Netscape vs. Explorer issue, however I submit that Microsoft used (less severe) anticompetitive tactics (forcing Pc makers to bundle) that, when combined with business mistakes on Netscape's part, led to Netscape's irrelevance in the marketplace.

The only way to solve the problems outlined herein is to restructure Microsoft as three separate companies. One which manufactures and markets the operating system software, one which manufactures the application software and games, and one which manufactures the development tools. Only in this way can unfair leveraging the loss of compatibility with one type of software (an OS or a development tool) be reason for consumers not to choose a software product of another type from another vendor. You can't switch away from Windows because Microsoft makes 90% of the applications most commonly used on Windows. You can't switch away from Microsoft development tools because the secret methods in which the best applications are developed are only known to those developers who choose Microsoft development tools like Visual C++. Even then, the core ''killer performance'' APIs are known only to Microsoft, in order to give the applications they develop a built-in advantage over those of their competitors.

Is it possible to hold Microsoft in contempt because of their recent settlement proposal, which amounts to nothing but a grant of more unfairly-gained marketshare and loss of choice for poor schools? Poor schools may not have as much money as others, but to take away their choice is completely inconsiderate of the constitution, and damaging to the school programs themselves. Poor and often failing schools don't need computers, they need more involved parents, more professional teachers, and more importantly competition. Microsoft's proposed settlement would have done nothing to help the essential problem of poor American schools (which are wealthy by many global standards).

Whatever disciplinary action is taken against the monopolistic giant, please clearly design it to rectify the wrongs Microsoft has been convicted of. Rather than brushing aside the ruthless and morally bankrupt actions Microsoft has committed in exchange for a half-million dollars in marginal (tax-deductible) expenses from Microsoft to poor schools, please make the penalty severe enough to notice, compensatory to victimized corporate competitors and consumers, and relevant to the infractions committed! What do poor schools have to do with the Microsoft-incurred losses at Sun, Netscape, and Apple? Nothing!

Find a way to restore competition to this free market. Begin by allowing Windows developers to be free enough to develop for other platforms. Then, allow Windows consumers to switch platforms if so desired.

Platform-switching means consumer-spending, and while it will ensure developers who develop for non-Windows platforms won't get burnt for doing so, consumers switching platforms means more competition, lower prices, high consumer spending in the technology sector, more willingness for long-term spending (upgrading software), and more tax revenue.

Finally, separate the Microsoft that makes Windows applications from the Microsoft that makes Windows itself, and force the former to develop applications for other platforms, because a heterogeneous marketplace keeps prices down and innovation up. Imagine if there was only one maker of automobiles! This is where the market it headed unless one of two things happens. 1. The DOJ submits a heavy-handed but fair counterproposal, or 2. Three quarters of Microsoft's competitors merge assets and go in to debt for thirty years in order to buy away a competitive percentage of their monopolized customer base (i.e. Impossible).

Thanks for inviting me to speak. As an American, it is my privilege and thrill to do so.

Sincerely,
Ted Wallingford
Information Technology Manager
Independence Excavating, Inc.

MTC–00014295

From: Tom Robinson
To: Microsoft ATR
Date: 1/21/02 2:55pm
Subject: Microsoft Settlement
January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Being a supporter of Microsoft, I feel as though Microsoft was penalized for its greatness. Bill Gates is a brilliant man and thus, I am not surprised that he is the owner of a brilliant business as well. In this case, it seems as though he has endured this lengthy and needless litigation due to the fact that the competition could not keep up. Bill Gates is clearly at the top of his industry and he should not be punished for having the best product.

I am confident that this settlement was not easy on Microsoft. I am sure that you are aware of the restrictions and obligations that Microsoft has agreed to and I hope this is enough to end this case. I am certain that this settlement will serve not only the best interest of the software industry but also the consumers as well.

I appreciate your time in listening to the public opinion. Thank you very much.

Sincerely,
Thomas Robinson
8430 Maybelle Drive
Weeki Wachee, Florida 34613

MTC–00014296

From: TIM BARTLEMAN
To: Microsoft ATR
Date: 1/21/02 2:56pm
Subject: Microsoft anti-trust
CC:
tormist@ag.state.1a.us@inetgw
January 21, 2002
Hon. Colleen Kollar-Kotelly
U.S. District Court, District of Columbia c/o Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Judge Kollar-Kotally:

The proposed settlement between the Department of Justice and Microsoft in U.S.v. Microsoft falls far short of what is needed to put an end Microsoft's pattern of predatory practices. This deal does not adequately protect competition and innovation in this vital sector of our economy, does not go far enough to address consumer choice, and fails to meet the standards for a remedy set in the unanimous ruling against Microsoft by the Court of Appeals for the District of Columbia. Its enforcement provisions are vague and unenforceable. The five-year time frame of the proposed settlement is much too short to deal with the antitrust abuses of a company that has maintained and expanded its monopoly power through fear and intimidation.

Microsoft's liability under the antitrust laws is no longer open for debate. Microsoft has been found liable before the District Court, lost its appeal to the United States Court of Appeals for the District of Columbia in a 7–0 decision, saw its petition for reheating in the appellate court denied, and had its appeal to the Supreme Court turned down. The courts have decided that Microsoft possesses monopoly power and has used that power unlawfully to protect its monopoly. The next step is to find a remedy that meets the appellate court's standard to ''terminate the monopoly, deny to Microsoft the fluits of its past statutory violations, and prevent any future anticompetitive activity.'' This proposed settlement fails to do so.

The Deal Fails to Meet the Appellate Court's Remedy Standards

This proposed settlement clearly fails to meet the standards clearly laid out by the appellate court. In fact, the weak settlement between Microsoft and the Department of Justice ignores key aspects of the Court of Appeals ruling against Microsoft. Here are several examples of where this weak settlement falls short:

1) The settlement does not address key Microsoft practices found to be illegal by the appellate court, such as the finding that Microsoft's practice of bolting applications to Windows through the practice of''commingling code'' was a violation of antitrust law. This was considered by many to be among the most significant violations of the law, but the settlement does not mention it.

2) The settlement abandons the principle that fueled consumer criticism and which gave rise to this antitruast case in 1998: Microsoft's decision to bind—or ''bolt'' Internet Explorer to the Windows operating system in order to crush its browser competitor Netscape. This settlement gives Microsoft ''sole discretion'' to unilaterally

determine that other products or services which don't have anything to do with operating a computer are nevertheless part of a ''Windows Operating System product.'' This creates a new exemption from parts of antitrust law for Microsoft and would leave Microsoft free to bolt financial services, cable television, or the Internet itself into Windows.

3) The deal fails to terminate the Microsoft monopoly, and instead guarantees Microsoft's monopoly will survive and be allowed to expand into new markets.

4) The flawed settlement empowers Microsoft to retaliate against would-be competitors and to take the intellectual property of competitors doing business with Microsoft.

5) The proposed settlement permits Microsoft to define many key terms, which is unprecedented in any law enforcement proceeding.

Loopholes Undermine Strong-Sounding Provisions

The proposed settlement shows that it contains far too many strong-sounding provisions that are riddied with loopholes. Here are several examples:

The agreement requires Microsoft to share certain technical information with other companies in order for non-Microsoft software to work as intended. However, Microsoft is under no obligation to share information if that disclosure would harm the company's security or software licensing. Who gets to decide whether such harm might occur? Microsoft.

The settlement says that Microsoft ''shall not enter into any agreement'' to pay a software vendor not to develop or distribute software that would compete with Microsoft's products. However, another provision permits those payments and deals when they are ''reasonably necessary.'' The ultimate arbiter of when these deals would be ''reasonably necessary?'' Microsoft.

The settlement does nothing to deal with the effects on consumers and businesses of technologies such as Microsoft's Passport. Passport has been the subject of numerous privacy and security complaints by national consumer organizations. However, corporations and governments that place a high value on system security will be unable to benefit from competitive security technologies, even if those technologies are superior to Microsoft's. Why? Microsoft controls their choices through its monopolies and dominant market share, and still is able to dictate what technologies it will include.

Enforcement

The weak enforcement provisions in this proposed deal leave Microsoft free to do practically whatever it wants.

A three-person technical committee will be appointed, which Microsoft appointing one member, the Department of Justice appointing another, and the two sides agreeing on the third. This means that Microsoft gets to appoint half of the members of, the group watching over its actions. The committee is supposed to identify violations of the agreement. But even if the committee finds violations, the work of that committee cannot be admitted into court in any enforcement proceeding. This is like allowing a football referee to throw as many penalty flags as he likes for flagrant violations on the field, but prohibiting him from marching off any penalties. Finally, Microsoft must comply with the lenient restrictions in the agreement for only five years. This is not long enough for a company found guilty of violating antitrust law.

The Proposed Settlement fails to Adequately Address Consumer Needs

The settlement does not go far enough to provide greater consumer choice, and leaves Microsoft in a position that it can continue to charge whatever it wants for its products. As a recent Chicago Tribune story said: ''If you believe that what's good for Microsoft Corp. is good for consumers, the proposed settlement of the software giant's three-year federal antitrust baffle is cause for celebration. If you believe that consumers would benefit more if Microsoft could no longer use its Windows monopoly as a springboard into new markets, you stand to be sorely disappointed.''

In addition, consumer groups have opposed the settlement. Mark Cooper, director of research for the Consumer Federation of America, said: ''Wall Street's view is that Microsoft's business model doesn't change. If that's the case, we will continue to be afflicted with the same anti-competitive behavior.''

Analysts Conclude that Deal Will Not Affect Microsoft's Practices

Sadly, the proposed final judgment by Microsoft and the Department of Justice has the potential make the competitive landscape of the software industry worse, contains so many ambiguities and loopholes that it may be unenforceable, and is likely to lead to years of additional litigation. Analysts of all kinds have indicated that the weak settlement will not impact Microsoft or its illegal practices. Following are a variety of examples:

''As we have stated before, we believe a settlement is a best case scenario for Microsoft. And, this settlement in particular seems like a win for Microsoft being that it would preserve Microsoft's ability to bundle its Internet assets with Windows XP and future operating systems— a plus for the company. In fact, it appears that Internet assets such as Passport are untouched.

Also, as is typical with legal judgments, this settlement is backward looking, not forward looking. In other words, it looks at processes in the past, but not potential development of the future.''

Morgan Stanley, 11/02/01

''The deal . . . appears to be ''more, better, and faster'' than we expected in a settlement deal between Microsoft and DoJ. The deal will apparently require few if any changes in Windows XP and leave important aspects of Microsoft's market power intact.''

Prudential Financial, 11/01/01

''With a dramatic win last week, Microsoft appears to be on its way to putting the U.S. antitrust case behind it. The PFJ between the Department of Justice and Microsoft gives little for Microsoft's competitors to cheer about . . . . There is very little chance that competitors could prove or win effective relief from violation of this agreement, in our view.''

Schwab Capital Markets, 11/6/01

''This is a spectacular victory for Microsoft.''

—David Yoffie, professor, Harvard Business School, New York Times 11/02/01

''This deal appears to fall far short of what could have been obtained in court, and what's necessary to protect the public.''

—Andrew Schwartzman, public interest firm lawyer, Media Access Project, Wall Street Journal 11/02/01

''[The settlement] fails to protect competition in the software industry and does not come close to dealing with the problems that were found to exist by the District Court and the Court of Appeals.''

—Albert A. Foer, president, American Antitrust Institute, Washington Post 11/05/01

''This is a reward, not a remedy.''

—Kelly Jo MacArthur, general counsel, ReaiNetworks, Inc., Globe and Mail 11/08/01

''It looks like the government is giving them a slap on the wrist. I find that sad. It won't achieve any of the goals of the proceeding.''

—Robert Lande, law professor and antitrust expert, University of Baltimore, ZDWire 11107101

The strength of any remedy is particularly important given Microsoft's growing dominance in the software markets. Since the end of the trial in the District Court, Microsoft's monopolies are stronger in each of its core markets with both the Windows operating system and the Office suite now higher than 92 percent and 95 percent, respectively. In addition, Microsoft has achieved a monopoly in web browsers, and has seen competitors such as the Linux operating system fade.

The Microsoft Monopoly Should not be Exempt from Antitrust Laws

Enforcing federal antitrust laws against monopolies is not new or novel. Antitrust law has protected free markets and enhanced consumer welfare in this country for more than a century. The Microsoft case does not represent a novel application of the law, but is the kind of standard antitrust enforcement action necessary to insure vigorous competition in all sectors of today's economy.

These same standards have been applied to monopolies in the past. We do not have one oil company determining how much we pay for gasoline, but instead we have suppliers such as Exxon, Mobil, Amoco and Chevron competing with each other. These companies were all part of the Standard Oil monopoly, which was dissolved because Standard Oil was found to have violated the antitrust laws.

Less than 20 years ago, the nation essentially had one telephone company—AT&T. After the government sued AT&T for violating the antitrust laws, the company was broken up, and competition was introduced in the long distance business. Since competition was introduced into that market, real prices have declined more than 70 percent, and there has been more innovation in the past two decades than in most of the preceding century.

Settlement is Based on Flawed Economic Assumption, and Sets a Bad Precedent

Some defenders of the proposed settlement between Microsoft and the DOJ have adopted the view that settling this case could somehow revive the slowing U.S. economy. Their motives are good, but their reasoning is flawed. What economic theory holds that protecting monopolies is better for stimulating the economy that promoting competition?

In addition, this case will set an important precedent. Former Judge Robert H. Bork has noted that:

''In settling the most important antitrust case in decades through a remedy that will have not impact on the current or future competitive landscape, and absolutely no deterrent effect on the defendant, the Department of Justice has effectively repealed a major segment of the nation's antitrust laws. Moreover, any potential witness with knowledge of anticompetitive conduct in a monopolized market has to weigh the potential benefit of his or her testimony against the likely response of the defendant monopolist. The DOJ's proposed meaningless remedy would insure that no witness would ever testify against Microsoft in any future enforcement action.''

Conclusion

The end result is that this proposed settlement allows Microsoft to preserve and reinforce its monopoly, while also freeing Microsoft to use anticompetitive tactics to spread its dominance into other markets.

After more than 11 years of litigation and investigation against Microsoft, surely we can and we must—do much better than this flawed proposed settlement between the company and the Department of Justice.

Thank you for your time.

Regards,

Tim Bartleman

MTC–00014297

From: Brian Heinis
To: Microsoft ATR
Date: 1/21/02 2:59pm
Subject: Microsoft Settlement

To Whom it May Concern;

In regards to the so-called Microsoft Settlement. What a sell out. We take a company that has been found guilty of abusing a monopoly to the detriment of competitors and customers alike and you want to let them off. What a joke! It makes me wonder how much Microsoft stock is owned by the DOJ lawyers in this case.

The hard work of the case is finished. Microsoft has been found guilty of abusing monopoly power. Now the DOJ wants to turn victory into defeat by proposing a meaningless remedy. Why do you think half the state Attorney Generals have refused to stick with the DOJ plan?

The best thing to do would be to split Microsoft into two companies. One would control and develop operating systems and the other would develop applications. That way the Application Programming Interfaces that are required to write quality software would all be public. All application programmers would have access to the APIs equally and Microsoft would not be able to disable competitor's programs so their inferior software appears to operate more reliably.

The settlement that Microsoft proposes and the DOJ has rubber stamped does nothing to stop the abuses. Microsoft has thumbed it nose at the laws of the United States and the court system in the past and they will do it again if they are not punished. Just the indication that Microsoft believes that this plan is fair should be a warning that it will not really impact them.

If I break the law I most certainly will be punished by jail time or a fine. It seems that if Microsoft breaks the law they are told not to do it again or else they will need to come up with a remedy. In the past they have simply kept on with business as usual.

After all the hard work of proving abuse of monopoly power the proposed settlement makes the Justice Department look like a joke. What a sell out. Please throw out this flawed settlement and work on creating a meaningful punishment that will once again level the playing field for software developers.

Brian Heinis

MTC–00014298

From: A1 Hillman
To: Microsoft ATR
Date: 1/21/02 3:05pm
Subject: Microsoft Settlement

Dear Sirs:

Please read the attached letter on the subject. As a retired person I am not happy what all this has done to the tech stocks and my portfolio.

Thank you,

Albert J. Hillman

2410 Pointe Road Schofield, WI 54476
January 17, 2002
Attorney General Ashcroft
Dept. of Justice, 950 Pennsylvania Avenue
Washington, DC 20530–0001

Dear Mr. Ashcroft,

As a Microsoft supporter, I would like to state my opinions regarding the Department of Justice settlement and have them recorded in the **Federal Register**, pursuant to the Tunney Act. I feel that the agreement was fair and reasonable, and was obviously extensive enough for nine of the states, including Wisconsin, to approve. I do not see what more can be gained by further action, and would like to see this case put behind us. The issues that brought about the case in the first place have been addressed, and provisions have been put in place to handle possible future problems.

Under the terms, Microsoft agreed to grant computer manufacturers restructure Windows licensing so as to allow non-Microsoft programs to be distributed with Windows This means that Microsoft will allow the competition to use Windows to launch products that will seek to undo the popularity of Microsoft products. Most Microsoft opposition agrees that Microsoft's current concessions are acceptable, but they argue that provisions are not sufficient to deter future litigation. I would like to point out that a technical oversight committee has been put in place to check Microsoft's codes and books, and that the competition will be allowed to sue Microsoft directly in the event that it fails to comply with the terms of the settlement.

In short, the current and possible future problems have been accounted for, and I would like to see this case put behind us. The settlement should be granted a chance to prove itself before it is written off as a failure. It has been three years in the making, and deserves at least that. Thank you.

Sincerely,

Albert J. Hillman

MTC–00014299

From: b.duncan
To: Microsoft ATR
Date: 1/21/02 3:01pm
Subject: microsoft settlement
6405 West 245 Avenue Lowell, IN 46356–9719
January 11, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing to say out loud that this settlement should have occurred long ago and is in the best interests of the American public. Though, I do think many of the concessions Microsoft will be making are unfair to Microsoft and are not in the best interests of free market economy.

For one, forcing Microsoft to increase it relations with computer makers and software developers goes against the basic principles of a capitalist society in which we have the right to choose what we buy, what we do, what we produce, and who we team up with. The second thing is that to force Microsoft to disclose its interface technology to competitors is a violation of intellectual property rights. Microsoft worked long and hard to develop its products and services and it should not have to disclose its secrets to competitors that will then be able to hurt Microsoft.

Right now with an ongoing war on terrorism and many other issues that the government should be focused on, the last thing they should meddle with is free enterprise. I believe the nine states holding out grandstanding for their own political interests and should be punished themselves for their actions.

Sincerely,

Barbara Duncan

MTC–00014300

From: Patnraykirby@aol.com@inetgw
To: Microsoft ATR
Date: 1/21/02 3:04pm
Subject: (no subject)
January 8,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

This letter is intended to express my concern regarding the continued delay in the settlement of the Microsoft case. This matter has been the object of years of litigation, constant controversy and continuous delay. All the while, one of the nation's most dynamic corporations has been hamstrung in a manner detrimental to the whole IT industry and our national economy. It's time to end this controversy and get Microsoft back to work.

The proposed settlement will satisfy the concerns of the government and remedy the

grievances of Microsoft's competitors. The company will be constrained to open up its Windows systems to non-Microsoft software and computer manufacturers. There will be a Washington appointed oversight committee to monitor the company's compliance. In short the fears of Microsoft's competitors are no longer justified.

This case is now no more than a political football, and treating it as such is detrimental to this country and our economy. Please finalize this settlement.

Sincerely,
Raymond C. Kirby
9411 Brookview Drive
Brentwood, TN 37027

MTC–00014301

From: chris march
To: Microsoft ATR
Date: 1/21/02 3:04pm
Subject: Microsoft Settlement

hello and good day;

i would like to say that i believe ANY settlement with those PROVEN in COURT, to have lied, cheated, stolen, faked evidence AND abused monopoly power is too generous. anything less than a breakup will not prevent them from holding the future of computing (and indeed those who rely on the computers- ahem, government?) hostage.

below (end of message) are several quotes from the ceo of palm, inc. in a recent (jan.21,02) interview with yahoo news. notice how he mentions that; a.) they will leverage the desktop monopoly as much as possible. b.) they are content to lose money for long periods of time (and drive palm out of the market) by being funded by the os/office products revenues. Does this remind anyone of netscape? Barely has the threat of break-up been taken off the table, and they are still/already up to their old tricks.

if the outcome of this trial is the same as that of 1994–5, then you have merely wasted the taxpayers money, and have nothing to show for it. you MUST make these people understand that abuse of the american people will not go unpunished, and that there are still branches of government more concerned with the people they serve and protect than with large corporations who BREAK the LAW.

thank you for reading my message,
chris march
network administrator
prep incorporated
420 lawrence bell dr.
buffalo, new york 14221
716–633–3960 (9–5)
home address available if needed.

Monday January 21 11:14 AM ET
Palm Software CEO Talks Tough on Microsoft Rivalry
By Franklin Paul excerpted. . .

So far, Microsoft, which holds about 20 percent of the market to Palm's more than 50 percent, has been patient. Experts say the company has steadily grown its share in the PDA market, and can continue to do so slowly leveraging its relationships with corporations who already depend on Windows in the workplace.

Moreover, unlike Microsoft, Palm does not have a multibillion-dollar product like Windows to fall back on.

''Overall, we believe Palm's strategy is now well articulated and the company is executing much better under improved leadership,'' J.P. Morgan analyst Paul Coster said in a recent note to clients. ''However, we believe the competitive threat is also mounting.''

Nagel acknowledged Microsoft's dominance in desktop market, and its ability to barge into new arenas. Still he hopes to convince users that a Palm-driven device is an essential tool alongside their desktop PC. ''We are not going to displace Microsoft,'' he said. ''Microsoft has a complete monopoly on the desktop. But we want to be the best companion to the PC.''
end excerpt. . .

MTC–00014302

From: bill hall
To: Microsoft ATR
Date: 1/21/02 3:27pm
Subject: Microsoft Settlement

We need to settle the Microsoft Case at once, for the following reasons:

(1) The Settlement proposed and agreed to by majority of States and Government seems to be a reasonably fair one.

(2) The nine States objecting seem to be greedy and I believe, in the long run, would mostly benefit the Lawyers.

(3) I believe the Stock Market would be helped if we could get the case settled right away.

(4) If we continue the Lawsuit and weaken this fine Company, we will perhaps make it possible for competitors in some Foreign Country to take the lead.

Bill D Hall
23694 County Road
23 Glenwood, Mn 56334

MTC–00014303

From: Tony Fakonas
To: Microsoft ATR
Date: 1/21/02 3:34pm
Subject: Microsoft Settlement

A.D. Fakonas
56 Via Floreado
Orinda, CA 94563
January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I urge you to settle the antitrust case against Microsoft. The issue has been dragged out far too long, to the detriment of the US economy and consumers. In fact, it often felt like the main reason this case was ever brought up was because its competitors were better at navigating the political world.

Although Microsoft's business dealings may have been heavy-handed in the past, they were not detrimental to the consumer marketplace. I, like most (even marginal) computer users, have always had the option to use products from any software vendor. I personally have used both Internet Explorer and Netscape Navigator, and I still use both Microsoft Media Player and Real Networks RealPlayer. I have both on my computer simultaneously, and both work fine.

The fact is that Microsoft has become a dominant force because it has provided superior products at good value. The settlement negotiated in November eliminates Microsoft's ability to force programs and products on consumers and manufacturers by requiring Microsoft to allow competitors to place their own programs on Windows. The result is a playing field as level as the competition will ever get.

Please drop the case and settle without further litigation. Everyone has dwelled on the matter long enough.

Sincerely,
A. D. Fakonas
(925) 253–7936

MTC–00014304

From: Eugene
To: Microsoft ATR
Date: 1/21/02 3:38pm
Subject: settlement

I do believe that in order to properly enforce Microsoft from being able to leverage the different parts of their company to manipulate and coerce other companies to it's wishes, I think that Microsoft should be broken up into three divisions. The internet division, Applications division, and the OS division.

MTC–00014305

From: Brad Redfearn
To: Microsoft ATR
Date: 1/21/02 3:45pm
Subject: Comments on Microsoft settlement

14 days is too short a time to allow Microsoft (via Windows) to automatically prompt a user to use or switch to a Microsoft product. For many people, this amount of time is not sufficient to have become familiar with the operation of the computer and to have had a chance to explore third-party options for all software/services.

In my opinion, Microsoft should not be able to use Windows in that way at all. If, for example, an OEM wanted to bundle AOL Instant Messenger (or ICQ, or IRC Chat, etc.) instead of MSN messenger, they should be able to do that without Microsoft popping up and asking them to switch without the user initiating it.

It seems to me a likely scenario that a user buys a new computer, learns the interface, gets online, learns to use email, begins to explore the web. . . And BAM! Two weeks have gone by and they still have no idea what instant messaging is. Before they have had a chance to explore the OEM bundled software, Microsoft steps in a pushes MSN (or whatever) on them. This is not much better than allowing Microsoft to force OEMs to bundle their ''middleware'' in the first place. Microsoft should have to compete with other software vendors on even terms—not tie its software products into Windows. In my opinion this means Microsoft should have to offer OEMs a version of Windows stripped of all other Microsoft middleware and online services let the OEMs choose whether to add in Microsoft's offerings or a competitor's (or both). Then Microsoft would have to just compete for OEMs business just like everyone else. They would not have the unfair advantage of automatically being on every system.

I would also like to make the point that many people who are automatically

prompted to use a Microsoft product don't realize they are being advertised to.

My two cents.

Brad Redfearn

CEO @ Evolution Multimedia

brad@evolutionmc.com

MTC–00014306

From: Tom Rial
To: Microsoft ATR
Date: 1/21/02 3:48pm
Subject: Microsoft Settlement
January 15, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street, NW
Suite 1200
Washington, DC 20530–0001

To Whom It May Concern:

I hope that you will reconsider the decision to settle the United States Department of Justice antitrust lawsuit against Microsoft Corporation. American consumers may have been overcharged $20 billion by the Microsoft monopoly. Your agreement with Bill Gates'' company does nothing to rectify past sins by this company or protect against future gauging.

As you know, at least ten consumer groups disagree with your agreement to settle. Microsoft has little incentive to change any of its practices. Their concessions of handing over some operating systems code and offering manufacturers some sovereignty over Media Player amounts to little more than a light slap on the wrists for a multi-billion dollar company.

I am proud that my state's Attorney General, Tom Miller, rejected this Microsoft agreement. I believe that Mr. Miller and the other eight state attorneys general see the many loopholes and problems with enforcement that does little to affect change in the computer software industry. Splitting Microsoft into two or three companies may not be the proper response, but neither is this.

Your decision to prematurely end litigation against Microsoft is a mistake. The agreement offers no real incentive to stop monopolistic, anti-trust efforts. It won't help much smaller companies compete and it doesn't serve the American consumer. Please continue to go after Microsoft. It is a duty of the Justice Department to protect the average citizen from companies that have grown too large and too powerful by questionable business practices.

Sincerely,
Thomas Rial
111 51st Streeet
Des Moines, IA 50312
CC: Iowa Attorney General
CC:tormist@ag.state.ia.us@inetgw

MTC–00014307

From: Judy (038) Ron Tom
To: Microsoft ATR
Date: 1/21/02 3:53pm

Dear Mr. Ashcroft, would you please put a stop to law suits against Microsoft. It is a put down to capitalism and for anyone to be inventive and hard work. The government shouldn't go around suing anyone. That's not the purpose of government. This country has become nothing but one big law suit. I do not pay taxes to the federal government or state government to use my money to sue people.

Crack down harder on illegal immigrants. Deport them and get them out of here. How about a 2 yrs. moratorium on foreign visitors and students. This country will do well without them.

Thank you.

Judith Tom

MTC–00014308

From: Dolores Johnson
To: Microsoft ATR
Date: 1/21/02 4:09pm
Subject: USAGJohnson—Dolores—1061—0117
W4074 South Shore Drive
Lake Geneva, Wisconsin 53147
January 19, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I appreciate your stand for justice in the settlement of the case against the great American software company, Microsoft. I feel that the nine that want to continue the case are guilty themselves of self-serving government harassment. Bill Gates has helped his country get to work, with efficiency, and helped get the economy rolling. I won't say that the suit was the sole cause of the economy'' struggles, but it certainly has contributed.

Microsoft has agreed to the settlement to get this case behind it and get on with its business of innovating to maintain its leading position in the worldwide technology, if it can. The settlement will open up Microsoft's brainpower secrets, including much of the internal code of Windows. Microsoft agreed to submit to five years of oversight from a government committee which will ensure compliance and resolve complaints, including complaints from competitors. In my opinion, Microsoft has agreed to very generous terms.

Thank you for the continued support of the settlement. Let's pray that the judge accepts it, and America technology continues to lead the world. Thank you.

Sincerely,
Dolores Johnson

MTC–00014309

From: Ralph Bossert
To: Microsoft ATR
Date: 1/21/02 4:21pm
Subject: Attorney General Letter.pdf
17 Queens Guard Walk
Tonawanda, NY 14150–6811
January 15, 2002
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

In a PERFECT world we would be setting at your desk telling you exactly how we feel, BUT— We are writing you today to express our opinion in regards to the Microsoft settlement issue. We feel that this debate has gone on long enough and that punishing Microsoft for being successful is a horrible crime.

This litigation is just a play to get money out of Microsoft. Rather than working hard for it themselves, competing companies are using this litigation for their own personal self-gain. We hate leeches. We are anxious to see Microsoft allowed to move forward and move on from this costly litigation. The settlement that was reached in November is complete and thorough and will accomplish a closure to this debate. Microsoft has agreed to carry out all provisions included in this agreement, such as: disclosing more information about certain internal interfaces in Windows and being monitored by a technical oversight committee created by the government for compliance.

This settlement and subsequently ending this litigation will serve in the best pubic interest and will benefit all of us. We urge you to support this settlement. Thank you for your time.

Sincerely,
Ralph Bossert and Helen A. Pasztor

MTC–00014310

From: ra5thrct@aol.com@inetgw
To: Microsoft ATR
Date: 1/21/02 3:54pm
Subject: Microsoft Settlement

FOR GODS SAKE STOP ALREADY.HERE WE HAVE A WORLD CLASS COMPANY .IN THE FAR EAST THEY LAUGH THAT WE ARE PENALIZING THEM.WAKE UP.

MTC–00014311

From: Bill.Savage@prodigy.net@inetgw
To: Microsoft ATR
Date: 1/21/02 3:54pm
Subject: Microsoft Settlement

While I have no doubt that Microsoft has acted illegally and unethically in using its monopoly position to dominate and control the PC software market I also question the motivation of the Clinton Justice Department in pursuing the case as it did and probably disrupting and endangering the economy as a result. The proffered settlement by Microsoft is just silly, ridiculous, and probably will enhance their market position further.

MTC–00014312

From: greg.plover@tastykake.com@inetgw
To: Microsoft ATR
Date: 1/21/02 3:54pm
Subject: Microsoft Settlement

I don't see how a company can be fined for persuing a monopoly in a particular market. This is what the American dream is all about. Meanwhile the companies who first brought this lawsuit in have been raking in billions because of their own Mega-Media monopoly (AOL/Time Warner). It just doesn't make sense to me.

MTC–00014313

From: jalsardl@ix.netcom.com@inetgw
To: Microsoft ATR
Date: 1/21/02 3:54pm
Subject: Microsoft Settlement

Addendum to previous comments: Optimisim for rational behavior on the part of ambitious State AGs must necessarily fade as California continues its anit-business crusade by further enhancing its medieval postion re Microsoft settlement via the PG&E lawsuit filed this week. The agenda emerging

seems to follow a model set some years back in Massachucets with only the targets differing. It is hoped that Judge Kollar-Kotelly will end the opportunities for continued adventurism through swift and decisive action even in the face of a flawed result.

MTC–00014314

From: dcidave@powerweb.net@inetgw
To: Microsoft ATR
Date: 1/21/02 3:54pm
Subject: Microsoft Settlement

It is my opinion that the settlement should be approved at this time. It has been and continues to be, my opinion that MSFT has been unjustly done to in this entire matter. If the court wants the public interest ensured in this matter, it should not penalize MSFT any further. I say that as I believe that the states which don't want to settle are costing us the taxpayers, much money in their attempt to further their cause which is, quite frankly, a joke. As a Wisconsin State employee before I retired, I used a computer all day in my work. Naturally Windows was the platform used in ALL OF THE STATE OF WISCONSIN COMPUTERS. It was and still is simply the best software one can install in the computer. The state chose to use that platform, they weren't forced to use it. Because of that fact, I question as to why in the world would the state attorney general file suit in this matter? If I were Mr. Gates, I would refuse to continually update Windows for those states involved. LET THEM SIT WITH WHAT THEY HAVE. It seems that the states are biting the hand that feeds them. This whole case was, in my opinion, about the greed and envy of certain other companies who obviously couldn't compete on the same level as MSFT. I can't believe that anyone should be forced to divulge any of their technical information so others can benefit. In conclusion I certainly believe that the settlement is clearly in the public's interest even though it is not in MSFT's best interest.

MTC–00014316

From: rdill@neo.lrun.com@inetgw
To: Microsoft ATR
Date: 1/21/02 3:54pm
Subject: Microsoft Settlement

Thank God for reasonable people! It would be a sad day that we discourage innovators by preventing them from harvesting the fruits of their creativity.

MTC–00014318

From: edmjrm@fyi.net@inetgw
To: Microsoft ATR
Date: 1/21/02 3:54pm
Subject: Microsoft Settlement

This scurrilous attack on product leadership and the resulting drag on the economy and technological development in general have gone on far too long. Let's end it NOW.

MTC–00014319

From: richandvi2000@aol.com@inetgw
To: Microsoft ATR
Date: 1/21/02 3:54pm
Subject: Microsoft Settlement

This is a good settlement. We must keep free enterprise alive and available to everyone. Sometimes talent and American knowhow looks like monopoly. We must be able to discern the difference.

MTC–00014320

From: ecd—asso@traverse.com@inetgw
To: Microsoft ATR
Date: 1/21/02 3:54pm
Subject: Microsoft Settlement

Although it may be true that Microsoft has become the technology leader with regard to operating systems and suite software, they are not the only game in town. Linux, BE software, MAC O/S and other up-start operating systems are available to the consumer. They may not be as popular, but Microsoft has just built a better mousetrap to attract users. Why do the liberal socialist zelots have to strike down every blue blooded american following the American Dream to aquire wealth and fame just because they have succeded. LEAVE MICROSOFT ALONE!!!!!! The open marketplace will eventually solve all problems. Government has no place in commerce and should keep thier hands out of the Darwinian capitalist system.

MTC–00014321

From: Larry.Kavounas@RxContracts. com@ inetgw
To: Microsoft ATR
Date: 1/21/02 3:54pm
Subject: Microsoft Settlement

From a legal point this settlement is great. From a technological standpoint, it preserves the buying choices. Please move along with it. We are on hold while you are mulling over it.

thanks,
Larry Kavounas
CEO RxContracts Inc.

MTC–00014322

From: pasilst@aol.com@inetgw
To: Microsoft ATR
Date: 1/21/02 3:54pm
Subject: Microsoft Settlement

The assault on Microsoft was and continues to be a political move designed to further federal control of American industry. These are shameful days in American History.

MTC–00014323

From: LamModlin@netscape.net@inetgw
To: Microsoft ATR
Date: 1/21/02 3:54pm
Subject: Microsoft Settlement

This is a fair settlement. We ask for closure.

MTC–00014324

From: bwhellock@adelphiabusiness. net@ inetgw
To: Microsoft ATR
Date: 1/21/02 3:54pm
Subject: Microsoft Settlement

You should leave Bill Gates the HELL alone! This attack on Microsoft is insidious.

MTC–00014325

From: RRake91351@aol.com@inetgw
To: Microsoft ATR
Date: 1/21/02 3:54pm
Subject: Microsoft Settlement

I think you should stay with the November 3rd settlement. You will never get everyone to agree. The success of Microsoft is great for this country. Technology is constantly changing. We should not discourage innovation and progress.

MTC–00014326

From: sjsgrs@iowatelecom.net@inetgw
To: Microsoft ATR
Date: 1/21/02 3:54pm
Subject: Microsoft Settlement

this suit which should have been settled long ago has wasted enough of the taxpayers' money to prove nothing. the attorneys general who continue to persue this are trying to make a name for them- selves to futher their carrer in their state. Please stop the waste of the court time and settle this now.

MTC–00014327

From: cjchris@home.msen.com@inetgw
To: Microsoft ATR
Date: 1/21/02 3:54pm
Subject: Microsoft Settlement

I support the settlement. The judge is wrong to change it. I urge to leave the settlement stand as agreed upon. Additional litigation is not in the best interest of the consumer, who ultimately will have to pay the bill.

MTC–00014328

From: bigred743@starbnd.net@inetgw
To: Microsoft ATR
Date: 1/21/02 3:54pm
Subject: Microsoft Settlement

The corrupt Clinton administration is gone; why don't the government leave private industry alone. If Microsoft is such a bad company we will stop buying their products. Unlike the government we know there is someone else to do business with if we feel Microsoft isn't doing the job.oducts that have been reported to be superior. It's time for the Justice Department, courts and other legal entities to stop wasting so much effort and resources on Microsoft and other legal businesses such as big tobacco, especially in light of their failure to go after illegal activities such as a political party and administration that accepted campaign funds from foreign entities, then gave them nuclear secrets in return. It's time to call the whole Microsoft thing off and get on with issues that are really threatening the people of this country. Microsoft made computer ownership and use affordable for all of us. Punish them? Why?ney and proceed with the settlement as quickly as possible. This case should never even have been brought—it was merely at the behest of a few whining competitors who don't understand how free markets are supposed to work as well as the ever-hungry trial /tort lawyers and a biased political administration. I should mention that I am an IT professional with no connection to any of the parties involved except for being a (usually) satisfied customer of Microsoft. This is a rapidly changing field and anyone who gives the customer more product for less inflation-adjusted cost over a period of years as Microsoft has constantly done has my vote. In addition Judge Penfield clearly was such a biased judge that the entire original trial was a travesty!

Very truly yours

David M. Watersitter competitors.

MTC–00014339

From: danhaynes42@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/21/02 3:55pm
Subject: Microsoft Settlement

Go with the November settlement and get the government and courts off of Microsoft s back. This is in the best interests of technology and the economy.

MTC–00014340

From: rflynn—74@email.msn.com@inetgw
To: Microsoft ATR
Date: 1/21/02 3:54pm
Subject: Microsoft Settlement

It is long overdue that a settlement in this case be finalized. It will be to the overall benefit to our economy and competition.

MTC–00014341

From: delilah7777@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/21/02 3:54pm
Subject: Microsoft Settlement
Renata Hesse
Trial Attorney Anti trust Devision:

Renata

Never in history before has it been so important to embrace the future of technology. Microsoft is a major contributer to the future and the Technology Industry. We have reached a point in the U.S. where we can no longer afford to attack the ones that are doing good for America. People need to open their eyes and look apon the real threats of this nation. America should get this settlement behind us and move on with the future. Because the key to it all is everyone working together!

Sincerely
Delilah Weeks
Minolta Business Solutions

MTC–00014342

From: patriciatorngren@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/21/02 3:54pm
Subject: Microsoft Settlement

I really feel this case has gone on long enough. Technology moves so fast and the issues in this case move on to other companies just as fast. Seems that government just has to go after the smart and inoventive that are leaders in creativity. The only thing I care about is that my computer works and the software does all that it is supposed to do. I am not a techie but I am learning more all the time and I like most of my friends am just a home user who has used a computer for our business and now use it for a varied choise of projects.The only other comment I have is a wish for the software to be less expensive for we who are on a more limited income.

Thank You
Patricia Torngren

MTC–00014343

From: Allan2233@aol.com@inetgw
To: Microsoft ATR
Date: 1/21/02 3:54pm
Subject: Microsoft Settlement

Probably fair but kinda shame to pick on Gates when he had the smarts and get-up-and-go to make MS what it is today.

MTC–00014344

From: lsharri@attglobal.net@inetgw
To: Microsoft ATR
Date: 1/21/02 3:54pm
Subject: Microsoft Settlement

Those of us who HAVE to work with Microsoft Windows every day consider the settlement a joke. Not only is it a poor OS but it s built-in control characteristics make it very difficult to use software like Netscape ie: Compare the connection times to the Internet using IE 5 vs. Netscape 4.7. There are MANY more examples. We can t wait for Redhat! Bill Gates has really let us down while he pursues his dream the GUI and other cumbersome and difficult applications.

MTC–00014345

From: Mitchell Smith
To: Microsoft ATR
Date: 1/21/02 4:08pm
Subject: Microsoft Settlement

Dear Sirs:

You ought to be ashamed of yourselves! Millions of taxpayer-dollars wasted, and this toothless piece of garbage is the best that you can come up with? You might as well have given all that money to Microsoft. .it certainly would have had the same lack of effect as your settlement.

The objecting states, including California, want to see Microsoft receive SOME punishment. The DOJ seems to want the case to just go away, so they've come up with this impotent compact. Listen to the objecting states, because unlike Bush and Ashcroft, the American people want something for our money, and we want an end to the abuse of monopoly power by Microsoft.

Hell, if you'd like to follow Judge Jackson's original order and break ''em up, I'm all for it! Or better yet (and certainly more just), what about this:

1. Microsoft deliberately cheated capitalism, the economic foundation of our nation, by engaging in anti-competitive abuses of its monopoly power, and

2. The resulting damage to technological innovation (to competing companies who could broaden consumer choice, as well as exponentially advance the usability of the personal computer to said consumers) can never be fully appreciated, measured, or overcome, and

3. Those who would sabotage this country, effectively aiding foreign industries in coming closer to our abilities, are guilty of treason, and

4. Treason can be punished by death, hence

5. Microsoft must be killed. The stock price is immediately frozen, and the company dissolved over the course of the next five years, with all its units and patents on the auction block to the highest bidder to satisfy the corporation's debts and to the extent possible, shareholder equity. Of course, MS officers would not be allowed to sell or retain their stock as it was obtained through illegal acts, and it won't do them any good anyway because they'll be jailed for life for defrauding stockholders by engaging in illegal activity for the past ten years without disclosure.

Now THAT is just punishment. In capitalism, there can be no greater crime than anti-competitive behavior. The corporations, directors, and officers of this country need to know that if they engage in unfair, unlawful, and/or anticompetitive behavior that they will face the most dire consequences: corporate death, and yes, even death to the officers and directors responsible. The death of a few dozen men will once again allow our nation, even our world, to flourish technologically. You could even televise Bill and Steve's executions to give the public some sense of closure, that the DOJ did its job.

If you were truly a government beholden to the citizens who pay you, and not to the special interests (businesses), THIS is what you would do.

How disappointing and embarrassing you are to our nation.

Mitchell Smith
Irvine, CA

MTC–00014346

From: Dana Thomson
To: Microsoft ATR
Date: 1/21/02 4:11pm
Subject: Microsoft Settlement
January 18, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I would like to express my support for the proposed settlement plan in the Microsoft anti-trust case and accordingly urge you and the administration to work for its adoption. The plan allows Microsoft to continue to exist as one integrated entity, which I feel maintains the competitive environment that is necessary for all companies to operate. I feel this is vitally important to the American IT industry and to reenergizing our whole economy. The plan is fair, as Microsoft must now concede to the rest of the IT industry certain rights of access to Windows systems and other company technology. Product licensing by Microsoft will now be at essentially uniform terms for the major consumer manufacturers. Microsoft will be forbidden to take any retaliatory market actions against the complainant competitors and it must cease any future anti-competitive practices. These terms and others should surely satisfy Microsoft's more honest competitors and should suffice to warrant your support of the settlement.

Would you please see your way toward helping to end this controversy at the federal level, for everyone's sake?

Sincerely,
Dana Thomson
2810 Cobblestone Court
Schnecksville, PA 18078 USA
cc: Senator Rick Santorum

MTC–00014347

From: Rob Steinbach
To: Microsoft ATR
Date: 1/21/02 4:19pm
Subject: Microsoft Settlement.

Dear Sirs:

I believe, in particular, the current proposed DOJ final judgement: Fails to reduce the application barrier to entry that Microsoft was found to have illegal protected.

Fails to remedy the illegal injury that Microsoft was found to have done to Netscape Navigator(TM) and the browser market.

Fails to curtail Microsoft's illegal bundling of middleware programs including browsers, media players, instant messaging software, and, in the future, possibly firewalls and anti-virus software into the monopoly Microsoft Windows(TM) operating system.

Is exceedingly ambiguous and easily subject to manipulation by Microsoft because the judgement lacks an effective enforcement mechanism.

Personally, I would have welcomed a settlement that addressed the numerous Sherman Act violations that were found by the District Court and upheld unanimously by the DC Circuit Court, but I feel this settlement is grossly insufficient to meet this goal.

In summary, I feel that the current proposed DOJ settlement falls far short of the goal set by the District Court ruling.

Sincerely,
Rob Steinbach
Programmer/Analyst
Ideal Chemical and Supply, Co.
4025 Air Park Street
Memphis, TN 38118

MTC–00014348

From: Rob2025@aol.com@inetgw
To: Microsoft ATR
Date: 1/21/02 4:16pm
Subject: Microsoft Settlement

I have not followed the settlement in detail, but feel the Government is stepping out of bounds to drag this out this long. It is my understanding they have spent more money so far than the first year of the Bush taxcut. I resent the collective federal ands State governments to get this involved in trying th supress what has been free enterprise and the efforts of a brilliant individual. I cannot recognize Bill Gates had any intention of harming any one's efforts, and his genious enhanced many marginal persons production. In my lifetime the Government broke up the AT&T telephone system and ruined it for the world. Stop the litigation now, and get on with the agreement reached by the Government and nine states. We need positive efforts in our economy, and the world-wide association of the public and Microsoft could only be positive.

R. E. Stong

MTC–00014349

From: Diane Mannix
To: Microsoft Settlement
Date: 1/21/02 12:20pm
Subject: Microsoft Settlement
Diane Mannix
PO Box 363
Avon, MT 59713
January 21, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Diane Mannix

MTC–00014350

From: Ralph Mannix
To: Microsoft Settlement
Date: 1/21/02 12:19pm
Subject: Microsoft Settlement
Ralph Mannix
PO Box 363
Avon, MT 59713
January 21, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Ralph Mannix

MTC–00014351

From: Mark D Ligget
To: Microsoft ATR
Date: 1/21/02 4:16pm
Subject: Microsoft Settlement

I support the settlement between Microsoft and the Department of Justice. It is fair and removes uncertainty in our economy. It should go into effect. The current recession began with the original ruling against Microsoft, which has been one of the great economic engines of the USA.

MTC–00014352

From: Kathy Gustafson
To: Microsoft Settlement
Date: 1/21/02 1:11pm
Subject: Microsoft Settlement
Kathy Gustafson 162 McDevitt Rd.
Beaver Falls, PA 15010
January 21, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Kathy Gustafson

MTC–00014353

From: John Bowman
To: Microsoft Settlement
Date: 1/21/02 12:18pm
Subject: Microsoft Settlement
John Bowman
3512 Roxford Drive
Champaign, IL 61822
January 21, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition

in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

John W. Bowman

MTC–00014354

From: Harry Holding
To: Microsoft Settlement
Date: 1/21/02 12:34pm
Subject: Microsoft Settlement
Harry Holding
1003 Wetherby Way
Alpharetta, Ga 30022
January 21, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Harry Holding

MTC–00014355

From: Harry Thompson
To: Microsoft Settlement
Date: 1/21/02 2:26pm
Subject: Microsoft Settlement
Harry Thompson 4271 N. RiverGrove Circle
Tucson, AZ 85719
January 21, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Harry Thompson

MTC–00014356

From: McNalley
To: Microsoft ATR
Date: 1/21/02 4:19pm
Subject: Microsoft settlement
Michael McNalley
2425 Fairoyal Dr.
Des Peres Mo.63131
USA
Fax 314 965 7040
Home Phone 314 965 7040
Email irismik@cwix.com
Jan. 21, 2002

Dear Mr. AShcroft,

In regaards to the government settlement with Microsoft, I wouldlike to note my approval of going forward with the deal upon completion of the public comment period this month. I have supported Microsoft 100% during this process, and this agreement appears to be the only solution that will appease the critics, yet keep Microsoft's successful business structure intact.

In my opinion this case was inspired by a group of competitors who wished to tear down this fine company, and thereby gain market share for themselves. It was obviously acco,mplished by political means, and certainly has done no good in my eyes to those who were inferior buisness— wise. All of the concessions that Microsoft has made, I believe have been made under significant pressure generated by Democrat hacks.

After extensive negotiations with a mediator appointed by the court, Microsoft has made a serious attempt to offer competitors a wider attempt to succeed where they were doing poorly, a free gift to them that cost Microsoft untold Millions of dollars in defense efforts.

I cannot say that justice was done!!!

At this point, we should let these terms be implemented in the interest of our country in general. This type of frivilous lawsuit should be outlawed. It only makes millions for the lawyers involved.

Sincerely,

Michael McNalley

MTC–00014357

From: Luke A. Kanies
To: Microsoft ATR
Date: 1/21/02 4:19pm
Subject: Microsoft Settlement

[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]

To whom it may concern:

My name is Luke Kanies, and I am currently employed as an Infrastructure Architect in the computer industry, and have been in the computer industry for nearly six years. I have worked with all currently popular computer platforms, and have long taken an interest in the computer industry as an entity, rather than just specific technologies or companies.

It is my opinion, based on my technical understanding of how Microsoft impacts the computer industry, that the proposed settlement will be bad for the computer instustry, and possibly even bad for Microsoft. Further, even if I thought that the remedy itself were enough, the fact that it contains no actual punishment for not staying within the agreement would be enough for me to be convinced of the agreement's inadequacy.

First, the remedy:

The proposed settlement does not in any way limit the source of Microsoft's power, it merely addresses some of the ways in which Microsoft has already abused its power—it does not attempt to limit the ways in which Microsoft will attempt to gather power in the future.

Some of the key areas I believe that the settlement should have addressed but did not are: Proprietary file formats, illegally leveraging their monopoly to enter new markets (such as game consoles and ISP services), and modifying existing standards in a non-standard way in order to interfere with vendor compatibility.

Proprietary file formats:

One of Microsoft's main sources of income is from their Office suite (I believe it is greater than 50% of their income). In fact, I find it curious that this case covered Microsoft's monopoly in operating systems but seemed to largely ignore their even more entrenched monopoly in office suites.

One of the main reasons that Microsoft has such a strong market presence in office suites is because their file formats are proprietary; for instance, my wife's father owns a commercial architecture firm (Ritterbush, Ellig, Holsing, in Bismarck, ND) which was forced to switch from using Corel WordPerfect to Microsoft Word because many of their customers required

communication using Microsoft's proprietary file formats. Even though he preferred the non-Microsoft application, he was forced to give in to Microsoft's monopoly because other vendors are unable to effectively reverse-engineer Microsoft's file formats and thus support them. That difficulty is not accidental, either. Microsoft has a history of modifying their file formats with each new version of software, both to force users to upgrade and also to make it more difficult for non-Microsoft programs to read these formats. This trick would work against Microsoft if they were not a monopoly, but because of their market share it works very well in forcing users to always spend the money on the latest versions of Microsoft Office while keeping other vendors from supporting the current version of the file formats.

I believe that any settlement agreement should stipulate that Microsoft publicly release specifications for every file format or protocol which they either have a monopoly in (such as their Office formats) or is used or required by a product which they have a monopoly in (such as their file sharing protocol, CIFS).

Illegally leveraging their monopoly:

As we all know, it is not illegal to have a monopoly, it is only illegal to use the power from the monopoly to either maintain it or to enter new markets. The settlement agreement discusses specific instances of this, but in no way attempts to discuss this in general terms. This is a serious failing of the settlement agreement, because it only hopes to address current illegal behaviour but in no way attempts to curtail different types of future illegal behaviour.

Even using specific examples, it is very easy to find examples of Microsoft leveraging their monopoly to enter new markets, which is illegal (because they have already been found to be a monopoly). Two of the most pertinent examples are their MSN service and their Xbox gaming console.

MSN could not succeed if every copy of Microsoft Windows did not come with a client for it. This is an obvious example of Microsoft leveraging their monopoly in operating systems to enter the market of Internet Service Providing. In fact, MSN is now the second largest ISP in the country, purely because of the level of placement it gets in all Microsoft products. According to antitrust rules, this is clearly illegal, yet the settlement agreement does not even mention this very important area.

Another very high profile area which Microsoft has leveraged their monopoly to enter is gaming consoles. The main touted advantage of Microsoft's Xbox is that game developers can use roughly the same programming APIs (Application Programming Interfaces) on the Xbox as they do on Windows, making game development easier. Again, this is a clear example of Microsoft using the monopoly of their Windows OSes and the resulting ubiquity of Microsoft Windows APIs to leverage themselves into another, unrelated, market. This is another example of something which antitrust law states is illegal but which is not even mentioned in the settlement agreement.

In addition to Microsoft using their marketshare to branch into new markets, both of the above products have lost or will lose so much money that if they had been attempted in the same manner by another company, they would have likely forced that company out of business. However, because of all of the money Microsoft has been able to accumulate, as a direct result of their monopoly, they are able to afford to lose significant amounts of money just in order to get into a new market. Of course, this was exactly how they gained dominance in the browser market, also.

Modifying standards:

One of the practices Microsoft is most famous for, often called ''embracing and extending'', is taking an existing standard as developed by an independent standards body (such as the IETF) and adopting it while modifying it slightly. This adoption and modification allows Microsoft to claim compliance yet actually makes Microsoft's products incompatible with products which implement the actual standard.

Without going into detail about them, some examples of standards which Microsoft has adopted but modified to suit their tastes are Java (a programming language whose modification resulted in a lawsuit which Microsoft lost), LDAP (a directory server protocol which Microsoft's Active Directory and Exchange services use), and DNS (which their Active Directory also uses).

In a normally operating free market, if a non-monopoly chooses to implement a modified form of a standard, then that company is nearly always punished for that choice. Microsoft's monopoly, however, protects them from the punishment that would normally be inflicted on them; this unfair protection from free-market rules is one of the main reasons for antitrust laws in the first place, so it would certainly make sense if any settlement agreement attempted to make Microsoft once again subject to the laws of the marketplace. Instead, the proposed settlement agreement is strangely silent on this entire concept, thus giving Microsoft further free reign to force their modified standards onto an unwilling computer industry.

Enforcement:

As to what happens to Microsoft if they fail to uphold the restrictions included in the settlement agreement, that is the portion of the agreement that I find most lacking.

The enforcement clauses of the settlement agreement remind me of the old stories of a British police officer's lack of credible threat: ''Stop, or I'll say stop again!''. As far as I can tell, if Microsoft does not follow the settlement agreement, then their punishment will be that the length of the agreement will be extended. Their will be no monetary punishment, no marketplace or legal punishment, merely that as long as Microsoft does not follow the, the rules will continue to be in effect.

This is purely nonsensical, as it provides no real motivation for Microsoft to even follow the terms of the agreement. There are no teeth to it forcing them to comply, merely an advisory panel which will report of their level of compliance.

As demonstrated by Microsoft's lack of compliance to their 1995 ''Consent Decree'', it is imperative that any settlement contain specific monetary or legal punishments in the event of their lack of compliance with the agreement. Anything less is providing them nearly free reign to continue to flout the law.

Even if monetary punishment clauses are added, they must be large enough to actually serve as a threat to Microsoft. They have the largest, or one of the largest, market capitalizations in the world, and have billions in cash and tens of billions in essentially liquid forms; fining them one million dollars, or even ten million dollars, isn't really enough money for them to notice. Any monetary punishment should be equivalent to the money they have gained through illegally maintaining their monopoly, and that number is at least into the billions of dollars.

Conclusion:

Although these are what I believe to be the most obvious problems with the proposed settlement agreement, they are by no means a comprehensive list of the problems I find. Generally speaking, I find the settlement to be extremely light, given that Microsoft has already been found to be a monopoly by the US Court of Appeals and has been found to have illegally maintained and leveraged that monopoly, and given the obviously huge amount of money they have earned from having and maintaning (illegally) this monopoly.

It is especially galling that the US Department of Justice proposed a harsher settlement before Microsoft was even found to be a monopoly, yet now that Microsoft has lost that battle the US DoJ has decided to reduce their demands, rather than increasing them.

Luke A. Kanies
Infrastructure Architecture Consultant
Caterpillar Financial Services Corporation
(615) 460–0031
luke@madstop.com 2314 Vaulx Lane
Nashville, TN 37204–2626

MTC–00014358

From: Frank Lowney
To: Microsoft ATR
Date: 1/21/02 4:26pm
Subject: Microsoft Settlement

It appears to me that Microsoft is about to escape responsibility for its continuing anti-competitive behaviors. If true, that would reflect rather poorly on our system of laws and on DOJ as an advocate of the people of the United States.

The fact that those anti-competitive behaviors continue, albeit more subtly, to this day indicate to me that no remedy that relies upon Microsoft self-control will be effective. I would not want to see this company destroyed but I would like to see a significant leveling of the software and operating system playing field.

Splitting MS into at least two parts, one for operating systems and the other for application software seems to me to be the only reasonable remedy.

Thank you for taking the time to read this e-mail.

Best regards,

Dr. Frank Lowney flowney@mail.gcsu.edu
Director, Electronic Instructional Services, a unit of the Office of Information and Instructional Technology,

Professional Pages: http://www.gcsu.edu/oiit/eis/
Personal Pages: http://www.faculty.de.gcsu.edu/flowney
Voice: (478) 445–5260

MTC–00014359

From: Susan Whitaker
To: Microsoft Settlement
Date: 1/21/02 12:24pm
Subject: Microsoft Settlement
Susan Whitaker
16080 NW 135 Street
Platte City, MO 64079
January 21, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

I am not completely familiar with the final agreement; however, I do believe there was no shortage of high-tech companies. Bill Gates did what America is supposed to be about—he built a good ''better'' mouse trap. It sold. Microsoft thrived. This is not and never was about a monolopy. It is about sour grapes and whining by companies whose leaders choose not to do what Gates did, coupled with a President whose only interest was himself and his personal interests. Clinton used his position in ways it never should have been used and in ways that should not have been allowed.

What Bill Gates did with Microsoft is supposed to be what America is about. But apparently this is no longer true. Instead of being able to enjoy the fruits of his efforts, he was pounced on by, what appears to be, a very oppressive Federal Governemnt. This entire trial is or should be an affront to all Americans.

It happened because of greed and a total unwillingness of anyone in Congress or the Justice Department to say, no this is wrong. But no one did and it happened it. Now it is definitely time to say enough, this needs to and must stop now!

Thank you for this opportunity to share my views.
Sincerely,
Susan Whitaker

MTC–00014360

From: Buttars
To: Microsoft ATR
Date: 1/21/02 4:39pm
Subject: Settlement
Renata Hesse
Trial Attorney
Antitrust Division
601 D Street NW Suite 1200

Congratulations on a well negotiated settlement for the Microsoft company. Their competitors have now realized some assistance in the market and Microsoft understands their boundaries. Please accept this email as a letter of support for the settlement. America is ready for new technology and innovation.

Hopefully, closure of this lawsuit will start that process.

Sincerely,
Senator D. Chris Buttars
Utah State Senate

MTC–00014361

From: dtalbot@juno.com@inetgw
To: Microsoft ATR
Date: 1/21/02 4:47pm
Subject: Microsoft
Donald G. Talbot
7135 Evanston Street
Fayetteville, NC 28314–1277
910–867–7776
January 21, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Dear Ms. Hesse,

I have been a longtime watcher of the Microsoft case and have e-mailed my elected officials with the position that the case was not in the best interest of the taxpayers in this country. I also believed it showed a strong disregard for the principle that government should try its best not to interfere with the workings of business, whether small or large. Because of Microsoft, computers and software are inexpensive and available to the common user at home. We need to give Microsoft credit, not disdain for what they have done good for the computer user.

But today, there is a settlement on the table between the Department of Justice, Microsoft and nine attorneys general. I believe that in the interest of moving this case along that Judge Kollar-Kotelly will approve the settlement. It will mean changes at Microsoft, no doubt, with an independent group having the power to audit future actions of the giant software company. While such activity is not to my liking personally, I feel that it is worth it to move this case out of court.

As a former member of the Fayetteville City Council, North Carolina, I have seen what damage that lawsuits and potential lawsuits can do to the ongoing process of good government. They are often expensive for the city and occupy the time of employees and attorneys when eventually the suits are settled anyway—but so much farther down the road.

Thank you for allowing me to share my views.

Sincerely,
Don Talbot

MTC–00014362

From: Charles Barbour
To: Microsoft(u)atr(u)usdoj
Date: 1/21/02 4:54pm
Subject: Microsoft Settlement
Charles W. Barbour
900 E Harrison Avenue, Apt. A-6
Pomona, CA 91767
January 19, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

The purpose of this letter is to inform you of my support of the Microsoft settlement. Although I believe that the antitrust case was without merit, I am pleased to finally see resolution in the case. The federal government should not have the right to meddle with private enterprise, especially when that enterprise has so hugely benefited a developing industry while well serving consumer's interests and where monopolistic behavior has not existed.

Given these sentiments, I believe that the settlement is in the best interests of the economy and the IT industry, as it will allow Microsoft to return full focus to its business. Microsoft has agreed to the formation of a technical review board. This board will have the position of ensuring Microsoft's compliance wit the terms of the agreement.

Obviously Microsoft has made significant concessions in an attempt to resolve this issue. I would hope that the Dept. of Justice would enact the settlement at the end of January.

Sincerely,
Charles W. Barbour

MTC–00014363

From: Jerry Klein
To: Microsoft ATR
Date: 1/21/02 4:59pm
Subject: Micrsoft law suit

You have in my opinion as an investor, America would have been much better served if you had never started your suit against Microsoft. You should forget Microsoft and do something useful. Your suit wasn't helpful at all, fact is, you cost me et al a lot of money.

Jerry Klein
Box 128
Spring Green, Wisconsin 53588
608–588–7889

MTC–00014364

From: Wendy G. Gretzinger
To: Microsoft ATR
Date: 1/21/02 4:59pm
Subject: Microsoft Settlement Agreement

The attached was faxed to Attorney General John Ashcroft.
January 15, 2002
Attomey General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

As a concerned citizen, I am writing to ask the Justice department to accept the recent settlement with Microsoft. After all the time and money spent on this drawn out federal lawsuit, it is time to accept this compromise.

The action taken against Microsoft has been heavy-handed and will not improve the quality or cost of products of technology. To attempt to break up a company that

manufactures so many widely used computer software products would be a disservice to the general public. People have preferred the Company and its products over other market products. Competitors either need to become innovators like Microsoft, or get out of the business. Although I did not support the idea of a lawsuit from the start, I do think this settlement should appease the critics and is a fair agreement for ensuring future competition. Microsoft has agreed on many fronts to not operate by retaliation against those who offer competitive products while opening their own technology to licensing opportunities. In some cases Microsoft will be delivering more than the government has requested.

As an interested citizen, I would hope the Justice Department would do the right thing. Please accept this good faith agreement between Microsoft and the government after the 60-day public comment period. Your consideration is appreciated.

Sincerely,
Wendy Gretzinger

MTC–00014365

From: erick senkmajer
To: Microsoft ATR
Date: 1/21/02 4:59pm
Subject: microsoft settlement

So your solution in the Microsoft settlement is to make the product even MORE ubiquitous by putting the software and related hardware into the only place where non-WinIntel Machines have a stronghold—education? Do you have stock in Microsoft or are you selling short on Mac shares? Sheesh.

I don't think you should EVER have gotten involved. I NEVER thought it was a good idea, no matter how much I dislike Microsoft. Getting the feds involved is sure-fire prescription for double-speak.

Erick J. Senkmajer
Charlotte, MI

MTC–00014367

From: Barbara Stepan
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/21/02 5:16pm
Subject: Microsoft Settlement

Dear Sirs,

I do not think that there should be any more delay in the Microsoft Settlement. I do not think Microsoft should be punished to the point of inhibiting their freedom to inovate and give us good products at lower prices. They have always kept prices down and had the best products which is good for the public. I do not support those special interest companies that want to take away competition for their gain only. The public doesn't gain by that. We have a choice in what we buy and we choose Microsoft. Millions of stock holders choose Microsoft to help them survive in their retirement and old age. We can depend on them. The public doesn't need protection from Microsoft.

We need protection from phone and cable companies where we do not have a choice! We are subject to price gouging, poor service and telemarketers who don't give their numbers so we can call back and ask them to take our name off their list if we are not interested. That is only fair. They even pester us with computer calls and no one is there when you answer. We have to pay for them to use our phone service under unfair advantage. How popular a congressman would be if he would stop this unfair practice. Every one hates the constant interuption of these unknown telemarketers. Give us an equal advantage since we pay the phone bill, make them give their name and phone numbers. It should be against the law to call us if we have already called them and asked to be taken off their calling list.

Thank you.
Best Regards,
Barbara Stepan
Ph: 425–820–6363
Fax: 425–820–7031
EMAIL: bstepan@zetron.com

MTC–00014368

From: EXT-Drew, Sean
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/21/02 5:22pm
Subject: Microsoft Settlement

Note: All views expressed herein are my own and not necessarily representative of Adecco or Boeing. This email was written on my own time and not billed to Boeing.

After reviewing the settlement, I am absolutely flabbergasted at how little is being done to rectify the current situation. The suit found unanimously that Microsoft is and does operate as a monopoly. What is being done to break up the monopoly? Nothing! While there are some minor restrictions placed on Microsoft, those restrictions are of little or no consequence or, worse, empower Microsoft to be even more ruthless than it has in the past. How many more software companies must die before we act? We would have been better off without this suit, at least Microsoft had the fear of the DOJ potentially affecting its operations. Now Microsoft will know it is untouchable.

It appears that the only winner in the Microsoft antitrust case is Microsoft, who, quite ironically, is the defendent. Microsoft emerges as a clear winner:

*Microsoft can now terminate it's agreement to ship Windows to any OEM after just sending the OEM two letters for allegedly violating Microsoft agreements. The OEM will have no recourse. Allegations may be real or fabricated as the OEM has no recourse (section III—A).

*Microsoft can still offer predatory pricing on the base OS to promote Microsoft products (Section III—B, bullet 3). The fact that Microsoft has to offer the same predatory pricing offer to all OEMs is a tragic comedy. What good is predatory pricing unless offered to all major channels?

*Microsoft can delay access to the Windows API until after the last beta (section III—D). It is a simple matter to have the last beta end right before release, thus disallowing any competition.

*The very idea that Microsoft cannot alter OEM configuration for 14 days and can then thereafter nag the user to death until they agree to switch back to Microsoft products is at best a cruel trick to users (section III—H, bullet 3). Additionally, the add/remove seems only to apply to removing the icons in major menus, as opposed to actually removing the Microsoft software (section III—H, bullet 1).

*The Technical Committee (secion IV—B) does not appear to allow for any real enforcement (in my opinion). Additionally, what are they going to enforce, the broad new anti-competitive powers given to Microsoft?

*While I am not a legal whiz, it seems that the whole document does not preclude Microsoft from bundling whatever it wants into the base operating system (as it did with Internet Explorer to the detriment of other browsers).

Why in the world is this monopoly not being broken up into multiple companies (2 at the least)? Why are the Microsoft anti-competitive practices being sanctioned and not prohibited? Why is the settlement for a such a short time (five years), or is that just to limit all the new anti-competitive powers bequethed to Microsoft?

The big losers in this case are the user (lack of choice), the US software industry (lack of innovation, fear of Microsoft reprisals) and the DOJ (by delivering the weakest judgement conceivable which weakens confidence in the DOJ).

Note: All views expressed herein are my own and not necessarily representative of Adecco or Boeing. This email was written on my own time and not billed to Boeing.

Sean ''Crash'' Drew
DCAC/MRM Application Integration
voice: (425) 965–6791 fax: (425) 965–6766
pgr: (206) 989–7941 mail: drew.sean@boeing.com

Are bee keepers running a sting operation?

MTC–00014369

From: GK
To: Microsoft ATR
Date: 1/21/02 5:22pm
Subject: Microsoft

Dear Department of Justice,

I use Microsoft Windows and do not feel harmed by the so-called ''Monopoly ''. . . .If you think about it, there has to be a ''monopoly'' so that computers can talk to each other.

Janet Reno started this lawsuit for political reasons. I hope that you will end it now.

Also, I think that it is wrong that the various States are getting on the bandwagon now to bleed Microsoft for the benefit of politicians and lawyers. Also, this lawsuit was for the benefit of Sun Microsystems and other big companies who donated money to the Clinton administration.

This is a free country. . . you should not try to destroy American Business.

If you must do something in the Cartel area, why don't you try going after OPEC and their subsidiaries in the country who are selling gasoline.

George Kurzon
Peterborough, N.H. 03458
603 924 7600

MTC–00014370

From: JackCrawford@aol.com@inetgw
To: Microsoft ATR
Date: 1/21/02 5:25pm
Subject: Microsoft Settlement

I want to say that I used to be a fan of the Macintosh computer and its operating system. I have since found out that the MS OS is just as good as Mac OS and I have been changing over for about two years. I don't

think it is right for the government to tell me what to use on my computer for software. Microsoft is a fantastic company that earns its money and should be allowed to stay in business doing whatever it can to benefit us, the consumers of computer products.

Jack Crawford
Silver Spring MD 20906
301–946–3984(H)
301–902–8702 (W)

MTC–00014371

From: jbrucher@kurvesystems.com@inetgw
To: Microsoft ATR
Date: 1/21/02 5:27pm
Subject: Re: U.S. v. Microsoft: Settlement Information

After reviewing the documents related to the Microsoft settlement, it is my opinion that the judgment lacks sufficient punitive damages against Microsoft and stops short of truly ensuring future violations of a similar nature.

Microsoft shows no signs of changing its ways and from some accounts is working on ways to better cover up future communications that could possibly implicate them at a future date.

Although not part of the document set I reviewed, as it relates to this settlement, I am also distressed to hear the news media mentioning Microsoft reparations including the distribution of Microsoft products, or Microsoft operating system friendly products, distributed free of charge to any parties, public or private, such as public schools. I view this as a reward not punishment.

MTC–00014372

From: Michael Overton
To: Microsoft ATR
Date: 1/21/02 5:29pm
Subject: Proposed Antitrust Settlement

To Whom It May Concern:

As a computer technician who has worked on computers since prior to the release of Windows 95, I urge the Department of Justice to reconsider the terms of this settlement in one primary area. This area concerns the compliance of Microsoft and the future bundling of programs and operating systems.

Under the upheld ruling of the anti-trust trial, Microsoft was declared a monopoly. They were found to be in violation of the law by illegally leveraging their operating system monopoly to promote other programs and eliminate competition. They made previous agreements to not conduct such actions, and consistently violated those agreements.

There must be a strong mechanism to prevent such actions in the future. There must be strong mechanisms to maintain competition in the marketplace, or there will be no marketplace. The computer market has been a market of explosive change and progression precisely because there has been so much competition in the past, but we are watching this competition rapidly erode into nothing.

Socialist systems and history both show the fundamental inability of a large monopoly to operate in the best interests of the economy and the consumer. The anti-trust laws of this nation were created to address this problem, and we risk having to re-learn what previous generations learned for us.

Please examine the past record of Microsoft in this area, and resolve this issue; not in the best interest of one corporation, or the short-term expediency of the government, but in the interest of preserving a robust and competitive marketplace.

Michael Overton
2500 E. Saginaw Ave
Apartment 13
Lansing, MI 48912

MTC–00014373

From: Bfox1964@aol.com@inetgw
To: Microsoft ATR
Date: 1/21/02 5:30pm
Subject: Microsoft Settlement

Please leave Microsoft alone! The lawsuit was political harassment in the first place by the Clinton Administration and it is time to drop any further persecution of Microsoft.

Brian Fox

MTC–00014374

From: Gregory Slayton
To: Microsoft ATR
Date: 1/21/02 5:28pm
Subject: Microsoft Settlement

Judge:

As the wife of a high-tech executive—and as someone who myself has been involved in the industry for years—it is clear to me that PFJ that the DOJ is proposing is ludicrous. Why should we trust a company that has been repeatedly convicted of abusing its monopoly position?

I ask you to look very, very carefully at the PFJ and at the findings of all the courts that have reviewed this case to date. I think you will find that the PFJ is completely inadequate in the face of the consistent findings of the trial courts. . . and the consistent pattern of abuse that MS has clearly demonstrated over the past 20 years.

Sincerely,
Marina Slayton
1242 Greenwood Ave
Palo Alto, CA
94301

MTC–00014375

From: Peggy Powers
To: Microsoft ATR
Date: 1/21/02 5:33pm
Subject: Microsoft settlement

Settle it without any more litigation.

MTC–00014376

From: Lee Wagstaff
To: Microsoft ATR
Date: 1/21/02 5:34pm
Subject: Microsoft Settlement
Lee Wagstaff
614 Pine Tree Court
Walled Lake, MI 48390-
Attorney General John Ashcroft
January 12, 2002
US Department of Justice
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I have very strong feelings regarding the recent settlement between Microsoft and the Department of Justice. I believe that the government's intervention in Microsoft affairs has done much to hurt the local and global economy. Mr. Attorney General, wrap up this settlement now. We can not continue to pride ourselves on our ''competitive spirit'' and then take action against a company that has bolstered the entire economy of our country by that very same spirit. And, worse, this action was taken as a result of a few complaining companies that could not prosper in a competitive environment and, as a result, blamed Microsoft for their failure. When the complaining and ultimate threat of legal action drove Microsoft market value down, it deteriorated the overall market creating a hole that many companies fell into. Again, Mr. Attorney General, put an end to this economy debilitating, legal misadventure.

Everyone knows Microsoft has made very significant strides in the innovation of this industry. These major innovations may have given the impression that Microsoft desired to gain unreasonable control over the market. Not so. But in an effort to placate the punitively sponsored objections of its competitors, Microsoft has agreed to remove certain software features from its Windows Operating System to prevent imposition of future antitrust violations. Several changes have been made in their business practices. . Microsoft will disclose the internal interfaces and protocols of its Windows software to competitors; allow competitors to modify Windows to take out Microsoft software and put in their own; and have oversight from a Technical Committee. Their compliance has gone beyond the restrictions and obligations at issue in the lawsuit. I think that this is more than a fair indicator that Microsoft is willing to get back to the business of developing new products.

It is hoped that my expressed views on this issue will aid in the resolution of this matter. I am more than happy to know that there is so much cooperative effort to that end. Thank you for your wise leadership.

With deepest regards,

MTC–00014377

From: VPuri@aol.com@inetgw
To: Microsoft ATR
Date: 1/21/02 5:50pm
Subject: Microsoft Settlement
Rohi Puri
8514 Magnolia Drive
Lanham, MD 20706
January 21, 2002
John Ashcroft, Attorney General
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Attorney General:

As a concerned citizen of this great nation, I am writing to give my support to the recent settlement between the Justice Department and Microsoft. This case against Microsoft has gone on far too long, and needs to end immediately. I use Microsoft products every day at work, and I rely on their reliability. Breaking the company up would compromise the integrity of their products, resulting in down-time at my job.

After reviewing the terms of the settlement, I find them to be amply fair and reasonable. Microsoft has agreed to design future versions of Windows to provide a mechanism to make it easy for computer makers, consumers, and software developers to promote non-Microsoft software programs that compete with programs included within

Windows. Also, the company has agreed not to retaliate against computer makers who ship software that competes with anything in the Windows OS.

As you can see, Microsoft will not be getting a ''sweetheart deal'' by agreeing to this settlement. The government should accept the settlement that was reached, and move onto other matters like the Enron fiasco and terrorist threats.

Sincerely,
Rohi Puri

MTC–00014378

From: Paul Evans
To: Microsoft ATR
Date: 1/21/02 5:58pm
Subject: Attorney General Letter

The letter went out as an email the same day you sent the draft to me. I did not find it necessary to change any of the letter—it was well written.

Sincerely
Paul Evans

MTC–00014379

From: Bob Lindinger
To: Microsoft ATR
Date: 1/21/02 5:59pm
Subject: Microsoft Settlement

Per my rights under the Tunney Act, I am writing to express my opinion that the Microsoft antitrust case should be settled as quickly as possible, rather than litigated further. I am very pleased with the proposed settlement; it is tough, but reasonable and fair to all parties involved.

I am a consumer that uses many Microsoft products, including their Windows operating system. I have never felt ''harmed'' by Microsoft, on the contrary, I believe that their business practice is based on a virtuous positive feed-back business cycle based on very low price points leading to very high sales volume. This business model ideally suits the consumer who benefits from low prices.

Microsoft has always designed software for mass consumption. Bill Gates realized early on, that if he could design software suitable for a mass market, he could sell it at very low prices and make profits based on large unit sales. Excess profits could be reinvested in innovation and R&D to improve the software and make it more attractive to consumers and businesses. Hence, the positive feedback cycle.

That is why Windows has been such a huge success. Windows is excellent software priced very reasonably. Each version becomes more user-friendly and powerful, with new features to make it easier to browse the Internet, work with digital photographs, digital music, etc.

I believe there can be no monopoly in software. If Microsoft fails to continually improve Windows, a competitor will eventually emerge that offers a better operating system at a lower price. Already we are seeing the emergence of an alternative operating system offered for ''free'' by Linux and Redhat. This is gaining wide acceptance in some business circles and, if Microsoft were to stop improving Windows, it would only be a matter of time before Linux or some other alternative from Sun, IBM, Apple, Sony, Computer Associates, SAP (the German software giant),or many other competitors, would start taking market share from Microsoft.

I do not dispute that Microsoft, right now, has a ''monopoly'' for personal computer operating systems.

However, Microsoft earned it by constantly innovating and keeping prices low. Other competitors have demonstrated that they can compete with Microsoft. Netscape was not inhibited from developing its browser, that threatened Microsoft's position. Sun Microsystems has developed its Java language and is promoting it aggressively.

I believe the saying that ''high tech is a contact sport'' that should only be played in the marketplace, not in the courts. Microsoft's competitors are the one's pushing for further litigation, not consumers or businesses that use Microsoft products.

The competitors would have us believe that no one can compete with the mighty Microsoft. I guess they don't remember all those prime-time TV commercials a few years ago for OS/2? that dandy little operating system from a wee little start-up called International Business Machines (IBM). But guess what? Nobody bought OS/2, because it was expensive and not as good as Windows.

Lindows.com is preparing to launch an operating system that can run both Linux and Windows applications on a PC, or run as a second operating system on a Windows machine. The point: to offer an alternative to Windows, to eliminate the frustrations that it's CEO, Robertson, says accompany installation and use of the Linux operating system, and to let Windows users run Linux programs without having to jettison Windows. If that's not different enough, he'll sell the Lindows operating system for just $99, primarily in digital format, and with flexible licensing.

Clearly, Microsoft must continuously innovate to fend off competition. Those labeling Microsoft a monopolist just do not understand how quickly a ''monopoly'' can vanish in the world of high technology.

Our country would be served well if the antitrust case against Microsoft is settled as quickly as possible.

It will be good for our high tech industry, and be in the best interest of consumers'supposedly the intended beneficiaries of any antitrust litigation.

Finally, on a personal note, I think Scott McNealy is the biggest crybaby the business world have ever seen. I also think Larry Ellison should get a life and stop worrying about his relative worth compared to Bill Gates.

Sincerely,
Robert J. Lindinger
2339 W. Lydius Street
Schenectady, NY 12306
PS

I sent this e-mail before but neglected to include my full mailing address. I want to make sure that government regulators receive and acknowledge my advocacy for Microsoft and my desire to have this destructive antitrust case against the company settled as quickly as possible. Please stop wasting taxpayers money.

CC: Lucky,activism@moraldefense.com@inetgw

MTC–00014380

From: Rawsthorne, James
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/21/02 6:06pm
Subject: Micorsoft settlement

Dear Sir or Madam:

I find the proposed DOJ settlement to be not in the best interests of the people of the US. MS, as a proven monopoly has abused it's position and nothing in the current settlement addresses this. MS has continued to exert monopolistic influence in a variety of fields including streaming media, standards development, and web technologies.

Please revisit the issue for a settlement that actually adresses MS's overbearing influence on the market.

thanks,
James Rawsthorne
James—Rawsthorne@nrel.gov

MTC–00014381

From: arlene f harrison
To: Microsoft ATR
Date: 1/21/02 6:10pm
Subject: settlement
7002 Meadowdale Beach Road
Edmonds, Washington 98026
January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing you today to express my opinion in regards to the Microsoft settlement that was reached in November. I am a believer of free enterprise and would like to see the government allow Microsoft to prosper due to hard work. I support the settlement and am anxious to see this dispute resolved.

Microsoft has gone from a fledgling company to a giant enterprise through talent and hard work. This combination can only benefit the economy and consumers. This settlement will benefit the technology industry by granting more rights to computer makers to configure Windows to promote non-Microsoft software programs that compete wit programs included within Windows. Microsoft has also agreed to disclose more information with other companies about certain internal interfaces in Windows.

This settlement will benefit everyone. Ending this litigation will benefit everyone. Please do your part.

Sincerely,
Arlene Harrison

MTC–00014382

From: Larry Campbell
To: Microsoft ATR
Date: 1/21/02 6:16pm
Subject: Microsoft Settlement

I am a software engineer who has worked in the computer industry for over twenty-five years. I have worked for large corporations (Digital, IBM) and small (I founded my own software company and ran it for ten years). I currently work for Akamai Technologies, an Internet content delivery service, but I write in my personal capacity and not as a representative of Akamai.

It has long been obvious to me and all of my colleagues that Microsoft is a predatory and dangerous monopolist who stifles innovation and competition in the industry. Because of Microsoft's total dominance of the industry, consumers have very little choice in not one, but many different product areas:

Operating systems: Microsoft Windows completely dominates this market.

Word processors: Microsoft Word completely dominates this market.

Spreadsheets: Microsoft Excel completely dominates this market.

Presentation software: Microsoft PowerPoint completely dominates this market.

Project management software: Microsoft Project completely dominates this market.

In these five distinct and separate product areas, there is no effective competition AT ALL because Microsoft has destroyed its competitors. Add to this Microsoft's enormous hoard of cash, and it is obvious that it would be suicide for any business to attempt to dislodge Microsoft in any of these categories. No matter how good your product, you'd run out of cash long before Microsoft would. In business, money is ammunition and it's not much of an exaggeration to say that Microsoft has it all.

Microsoft did not achieve this position because their products are superior. The industry graveyard is littered with the bones of competitive products, many of which were superior to Microsoft's at various points in time. But Microsoft, through its initial monopoly in PC operating systems and consequent guaranteed cash flow, has been able to subsidize tremendous marketing and development efforts devoted to crushing any and all competition.

It is widely accepted in the industry that the Microsoft culture is devoted, not to technical excellence, nor to serving customers, but rather to targeting a market segment and completely capturing it by crushing the competition. It is a competitive culture devoted to winning for winning's sake. It's a commonplace often heard from those who have been involved in negotiations with Microsoft that at Microsoft there's no such thing as ''win-win''; there is only ''win, you lose''.

Even if Microsoft were not in the habit of engaging in predatory and ruthless and questionable business dealings, their enormous cash hoard and total dominance of the desktop computing market would make them dangerous.

In my opinion, the Revised Proposed Final Judgement is nothing more than a light slap on the wrist for Microsoft. The Judgement merely states that Microsoft should stop engaging in some of the anti-competitive behaviors that have gotten them to where they are today. May I point out what should be obvious? That it's too late! They have won. They dominate the industry. They are widely feared. It costs them nothing to agree to the Judgement because they no longer need to engage in these behaviors.

It is my firm view that the Revised Proposed Final Judgement will have little or no long-term effect, and that Microsoft will continue to dominate the industry, stifle competition and innovation, and use their existing monopolies to allow them to gain new monopolies in new markets. An effective response to Microsoft must address these two points, which the current Judgement fails to do:

(1) It must punish them severely enough so as to discourage others from engaging in similar conduct in the future, and

(2) It must prevent them from extending their unlawfully-obtained dominance and strength from unfairly taking control of future markets.

The current judgement does neither. I am not an anti-trust lawyer and so I am not familiar with all of the remedies that might be possible, but I believe that to be effective the remedy must include elements of the following:

(1) Microsoft must be split into at least three independent entities (operating systems, applications, services)

(2) Those Microsoft senior executives responsible for their past behavior must be punished personally, with either jail time or huge fines

(3) The same senior executives must be compelled to choose, after the breakup, which (if any) of the new companies they will be associated with and must not be permitted to be associated with more than one of them.

You know the old saying ''crime does not pay''? If the current Judgement stands as the government's last gasp in this matter, we'll have to change it to ''crime does pay''. Microsoft has shown us the way.

Larry Campbell
452 Boylston Street
Brookline, Mass. 02445
campbell@theworld.com

MTC–00014383

From: Dick Erickson
To: Microsoft ATR
Date: 1/21/02 6:22pm
Subject: microsoft settlement

For the record, I am against any distribution of Microsoft products as part of any settlement of the anti-trust case. Such a distribution could only be considered a reward to the existing monopoly. Leave the issue of children and schools out of it; how can competitors win against ''free'' software/hardware.

The suggested additional considerations put forth by the State AG's should be carefully evaluated for adoption, as they were put forth without any perceived political influence that Microsoft may have had on the U.S. government through contributions and economic threats.

Dick Erickson
P. O. Box 88
Klawock, AK 99925
CC:microsoftsettlement@ alexbrubaker.com @inetgw

MTC–00014384

From: Randy Kramer
To: Microsoft ATR
Date: 1/21/02 6:33pm
Subject: Microsoft Settlement—I am not in favor, the penalties are not sufficient

Ladies and Gentlemen,

I am not in favor of the proposed settlement in the Microsoft case. Among other things, I believe that the penalties are insufficient. Microsoft has developed a monopoly position in the software market, and it has accomplished some of this using methods that violate the antitrust laws or fair business practices.

Companies have gone out-of-business or been severely hurt by their tactics, and other companies have never started.

The penalties against Microsoft must be strong enough to reverse this trend in the industry, to give other companies or initiatives a chance to survive without fear of being driven out of business by unfair Microsoft tactics. And, as in the case of civil rights, redress must be made for past wrongs.

I do not believe the proposed penalties are anywhere near sufficient, and will, in fact, allow Microsoft to perpetuate and expand their monopoly position.

Microsoft should not be allowed to pay their penalty by supplying copies of their own software—this is like giving them a license to print money—they can produce copies of their software at a very low marginal cost compared to the retail ''value''.

In addition, allowing them to put this software in schools where it exposes the next generation to the current ubiquitousness of Microsoft software is like giving them free advertising to perpetuate their monopoly.

The penalty should be in terms of hard cash, or real hardware purchased from non-related companies, with no chance of associated sweetheart deals. In fact, the hardware should only be supplied without an installed operating system, or with a non-Microsoft operating system, by a company (or companies) that make a commitment to make the same products (without an installed operating system) available for sale to the general public.

Furthermore, the proposed amount of the fine, $1.1 billion dollars, is a pittance for a company where one owner of the company has amassed a fortune approaching $50 billion dollars, some as a result of the unfair business practices.

Some people might be anxious to settle this case quickly, partly as a result of the events of September 11, 2001. I would like to see it settled quickly also, but not at the expense of failing to accomplish the objectives of the case, or providing adequate penalties to redress the wrongs that have occurred and make a more competitive climate in the industry.

I believe our government, country, and people are strong—we can multitask—this case can be prosecuted to the extent necessary without diluting the effort to stop terrorism.

Sincerely,
Randolph H. Kramer

MTC–00014385

From: Stan Rostas
To: Microsoft ATR
Date: 1/21/02 6:36pm
Subject: Microsoft Settlement

I specifically and our office generally are OS agnostic. What we want is a computer and OS that utilize and imbed open standards so that no matter which hardware or OS we choose to use can co-exist with other hardware or OS. Presently this is not

the case with any of the OS's available, though Microsoft has set the standard for hindrance of this ideal. This settlement will allow Microsoft to continue to impose proprietary software code that will block entry by others in the software and hardware areas. Of course others could adopt these proprietary software code but Microsoft would then continue to prohibit any innovation that it would not see benefit its dominance of the market. The present settlement has acquiesced to the demands of Microsoft and not of the people of the United States allowing with little to no penalty for this corporation to continue on with the charade which will allow them to eventually become the only alternative making it impossible without great cost and us economic impact to resolve. It is as if we have given GM the sole rights to the combustion engine so that all cars would be powered by what they conceived with only the others providing the different style exteriors. GM could then hold these motors from anyone who would not use new items that only it could provide.

Moving a car though is not nearly as hard to overcome as the base OS of a computer since it interacts with all the hardware devices of a computer. I hope the representatives of we the people reconsider the resolution and require Microsoft to open up their OS to some form of non-proprietary standards.

Thanks
Stanley Paul Rostas
Shook
2151 Hawkins Street
Suite 400
Charlotte, NC
T.704.377.0661 E.105
F.704.377.0953
M.704.517.0749
http: //www.shookdesign.com

MTC–00014386

From: Andrew F Grisham
To: Microsoft ATR
Date: 1/21/02 6:39pm
Subject: Microsoft Antitrust Settlement
From: Andrew F. Grisham
8713 Golden Gardens Dr. N.W.
Seattle, Washington 98117–3942
andrew.grisham@juno.com
(206) 783–5037
To: Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
January 17, 2002

Dear Mr. Ashcroft:

I am writing today to encourage the Department of Justice to accept the Microsoft antitrust settlement. The case has been going on long enough and it is time to move on. The terms of the settlement are fair and the government should accept them.

The antitrust case against Microsoft has been going on for over three years now. It is time to put it to rest. Microsoft has agreed to many concessions to reach the settlement. They even agreed to terms that extend well beyond the products and procedures that were actually at issue in the suit, simply for the sake of putting the issue behind them. For instance they have agreed to design future Windows? versions s as to make it easier for competitors to promote their own products. They have also agreed to grant computer makers broad new rights to configure Windows so as t make it easier for software developers to promote their own products. These concessions and more make up the basis for the settlement.

It is time that the government let Microsoft and the technology industry move forward. The only way to move forward is to put the issue in the past. Please accept the Microsoft antitrust settlement.

Sincerely,
Andrew F. Grisham

MTC–00014387

From: Chris Carver
To: Microsoft ATR
Date: 1/21/02 6:41pm
Subject: Microsoft Settlement
1646 Harvey Road
Fruit Heights, UT 84037
January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

For the past three years, the Microsoft and the Department of Justice have been involved in an antitrust case of tremendous proportions. Late last year, after lengthy negotiations supervised by a court-appointed mediator, a settlement was reached. The settlement is currently under review, and Microsoft's opponents are taking advantage of this period to undermine it. I believe it will be to the disadvantage of the American public if this case is not settled soon and on just terms.

One problem I have with the states who did not agree to the settlement is that it seems like they want to make Microsoft suffer unfair consequences. The anti-competitive practices being referred to by the dissenting state AG's occurred before Microsoft had been declared a Monopoly. Microsoft's conduct would not be considered illegal if MS had not been declared a monopoly. But this was post facto. It seems entirely unfair to expect MS to compete with other businesses under the rules governing Monopolies before they had been declared as such.

I believe the terms of the current settlement are fair and that it would be prudent to cease litigation and take the opportunity to settle now. No further action is necessary on the federal level, and it is in the best interest of the state, the economy, and the consumer to move on. Please give your support to the settlement.

Sincerely,
Chris Carver

MTC–00014388

From: Brent Parker
To: Microsoft ATR
Date: 1/21/02 6:37pm
Subject: To Renata Hesse

Dear Renata Hesse,

Over the past 18 months I have watched the Microsoft antitrust lawsuit with great unhappiness at the way our national dollars were being spent. The Microsoft competitors were able to gather enough support to raise some concerns about the Microsoft business and use tax dollars to resolve their problems. It is now time to close the issue and move forward.

I send this letter to support the settlement that has been negotiated. There are compromises and parameters established in the settlement that should satisfy the information technology industry and allow them to move forward with their marketing strategies. I urge your acceptance of the settlement.

Sincerely,
Brent Parker, Representative
Utah House of Representatives
District #5

MTC–00014389

From: Andrew F Grisham
To: Microsoft ATR
Date: 1/21/02 6:45pm
Subject: Fw: Microsoft Antitrust Settlement
From: Marilyn J. Grisham
8713 Golden Gardens Dr. N.W.
Seattle, Washington 98117–3942
(206) 783–5037
To: Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
January 17, 2002

Dear Mr. Ashcroft:

I am writing today to encourage the Department of Justice to accept the Microsoft antitrust settlement. The case has been going on long enough and it is time to move on. The terms of the settlement are fair and the government should accept them.

The antitrust case against Microsoft has been going on for over three years now. It is time to put it to rest. Microsoft has agreed to many concessions to reach the settlement. They even agreed to terms that extend well beyond the products and procedures that were actually at issue in the suit, simply for the sake of putting the issue behind them. For instance they have agreed to design future Windows? versions s as to make it easier for competitors to promote their own products. They have also agreed to grant computer makers broad new rights to configure Windows so as t make it easier for software developers to promote their own products. These concessions and more make up the basis for the settlement.

It is time that the government let Microsoft and the technology industry move forward. The only way to move forward is to put the issue in the past. Please accept the Microsoft antitrust settlement.

Sincerely,
Marilyn J. Grisham

MTC–00014390

From: Jack O'Leery
To: Microsoft ATR
Date: 1/21/02 7:03pm
Subject: Microsoft Settlement

To the blood-sniffing hyena states: Take the MSFT settlement offer, shut up and go home.

To the DoJ, its ego-trip prosecuters, the harassing, incompetent courts, and to the whining chorus of aggrieved MSFT competitors: close the books in this case, pack up and go home.

OPHTH1

MTC–00014391

From: John Brugger
To: Microsoft ATR
Date: 1/21/02 7:07pm
Subject: microsoft settlement

the offer under consideration seems to me to be fair to all parties and settlement will avoid further confusion and avoid more lengthy arguments and annoying and expensive delays.

John A. Brugger

MTC–00014392

From: Steve Buckstein
To: Microsoft ATR
Date: 1/21/02 7:11pm
Subject: Microsoft Settlement

Statement Re Microsoft Settlement:

As a personal and corporate consumer of Microsoft products, please accept this message as my support for the Department of Justice to settle your case against Microsoft as quickly as possible. I have never felt harmed by Microsoft's business practices. I do not believe that consumers in general have been harmed by Microsoft's business practices. In fact, on balance I believe consumers have greatly benefited from Microsoft's innovation and creativity.

The sooner both Microsoft and its competitors can get this case behind them, the quicker they can turn their full attention to developing and marketing innovative products at competitive prices.

Oregonians have been hit harder by the current recession than most Americans. Oregon currently has the highest unemployment rate in the nation. I and countless thousands of other Oregon investors own shares of Microsoft either directly or indirectly through mutual funds and retirement accounts. The sooner the Department of Justice case against Microsoft is settled, the sooner market uncertainty around its shares will subside. This can only be good for Oregon's faltering economy. Investors who see the risk in their portfolios decline are more likely to engage in new economic activity, put more people to work, etc.

Thank you for considering my remarks in regard to the Microsoft case.

Steve Buckstein, President*
Cascade Policy Institute
813 SW Alder, Suite 450
Portland, Oregon 97205
(503) 242–0900

* This statement represents my personal views, not necessarily the views of my organization.

MTC–00014393

From: John McLeod
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/21/02 7:05pm
Subject: Microsoft settlement

The proposed settlement from Microsoft seems more like an ingenious marketing plan than a punishment. With this plan, they are allowed to invest in a market (Education) to guarantee later sales. This is no more than a company giving a customer a free razor, knowing full well that he can only buy the blades from them. By pushing more Microsoft desktop and server products in, it forces the schools to move farther away from Microsoft's competitors (Primarily Apple, Linux and Netware). As part of my job, I administer PC's, Macs and Servers. Whether it's Licensing, maintenance or day to day operation and administration, Microsoft based units cost us more and are more difficult and more expensive to maintain. All types of computers break or have problems, regardless of brand. The difference is, what does it take to fix or maintain them. With Microsoft based operating systems, Maintenance and Repairs are normally done by a larger IT Staff instead of the user or teacher. This is because an average user will never have the knowledge to perform the troubleshooting required. This settlement may cost the schools much more in maintenance and upgrades down the road than they could ever budget. This is coupled with the fact that Microsoft is constantly pushing its users to upgrade for the sole reason that maybe the new system will actually work. How many upgrades will schools (and their taxpayers) have to suffer through before they have stable system in the classroom? No one will ever know. It's never happened before with a Microsoft-based network.

John McLeod
Reb81@mindspring.com

MTC–00014394

From: Charles Bellina
To: Microsoft ATR
Date: 1/21/02 7:17pm
Subject: HAS YOUR OPINION BEEN COUNTED.H
Attorney General's Office;

I come down on the side of MICROSOFT and ask to that the company be cleared of all charges.

Charles Bellina

MTC–00014395

From: pammie@clds.net@inetgw
To: Microsoft ATR
Date: 1/21/02 7:15pm
Subject: Microsoft Settlement
Download NeoPlanet at http://www.neoplanet.com
707 Marlborough Court
Hinesville, GA 31313–5540
January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

In my humble opinion, a lawsuit of this magnitude gives the appearance of punishing a company for being successful. Microsoft is a leader that has set the standard for the industry. Is it fair to punish them for their competitors'' inability to keep up? If these competitors were able to make better products, don't you think they would? This long, drawn-out, three-year lawsuit has accomplished nothing except damage the economy and the industry by limiting Microsoft's ability to focus all their time and effort in creating new and better products. This case has also done much to damage the confidence of the average American in the government and its policies.]t seems that the message being sent to the public is that is you work hard and produce a great product; the government will step in and punish you for being successful. Rather than continue to defend themselves, Microsoft just wants to end the lawsuit, even at the cost of big concessions. So much so, they have agreed to restrictions that extend to items that were not even at issue in the lawsuit. They have agreed to allow computer makers to remove (or remove easy access to) Windows features such as Internet Explorer and Windows Media Player, and allow easier installation of and access to non-Microsoft alternatives. In addition, Microsoft has made it easier for competitors by making its intellectual properties and protocols more readily available. It has become so simple for consumers to use other browsers and media players that it makes me pause and wonder if the consumers are the one complaining, or is it the other computer companies? Is it simply a matter of politics? Have politics sold out to computer companies who don't stand a chance in the marketplace because of their lack of vision and inability to ''build a better mouse trap''? Does it all boil down to which members of the government can be bought? It's unreasonable to reject the settlement to pursue the case further for even more concessions, when Microsoft's concessions are quite tough as it is. I appreciate this avenue of public expression and hope that my views on this matter will aid in the prompt resolution of this matter. It would be good to know if your office truly values the input of the public.

Sincerely,
Pam Mitchum RPh

MTC–00014396

From: ROBERTSON, JUAN
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/21/02 7:35pm
Subject: This new PASSPORT requirement imposed unilaterally by Microsoft is necessary

This new PASSPORT requirement imposed unilaterally by Microsoft is necessary to recieve updates to correct defects in software that has been sold to me and represented as fit for use.

In passport, I am required to provide additional information about myself, with no opportunity to ask Microsoft to keep my information confidential. This is an additional ''taking'', a unilateral expost sale requirement in order to receive something already promised to me. I find that abusive.

Juan P. Robertson PhD
21937 7th Avenue South #216
Des Moines, Washington 98198

MTC–00014397

From: pb
To: Microsoft ATR
Date: 1/21/02 7:45pm
Subject: Microsoft Settlement

To whom it may concern:

I hereby voice my objection to the proposed Microsoft settlement. It will have the opposite effect intended. It will help Microsoft have even a more of a monopoly, by taking away education business from Apple. Furthermore, it does little to thwart Microsoft's continued monopolistic practices. What really needs to be done is to

completely break-up the company— isolating the operating system from the rest of their software products.

Thanks for listening.

Sincerly,

Mr. Philip

MTC–00014398

From: Jeff Humberson
To: Microsoft ATR
Date: 1/21/02 7:47pm
Subject: Microsoft Settlement

Dear District Court Judge,

Microsoft is company that competes in a free market. I made the choice to buy their products. Microsoft is successful because they currently make the best product on the market. This does not mean that they will always be this successful. If another company comes out with a better product people will buy it. Remember how powerful IBM used to be.

Don't punish Microsoft's success; you will only be lowering the bar for Microsoft's competitors and hurting the consumer. This lawsuit is immoral and I order you to stop it.

Jeff W. Humberson, DDS

Citizen, State of New Mexico, USA

MTC–00014400

From: Bob McDermott
To: Microsoft ATR
Date: 1/21/02 7:52pm
Subject: Microsoft settlement

MTC–00014401

From: Dryjjy@aol.com@inetgw
To: Microsoft ATR
Date: 1/21/02 7 52pm
Subject: USAGYARBROUGH—JOE—1078—0118.DOC

5568 Matt Aaron Lane Birmingham, Alabama 35215

January 21, 2002

Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

I write today to give my support to the settlement that was reached between Microsoft and the U.S. Department of Justice. This settlement is fair for all parties involved, and the remaining states should settle instead of pursuing litigation against Microsoft. Microsoft has agreed to license its Windows to the twenty largest computer makers on identical terms and conditions, including price. These are heavy hitters of the IT industry, and they will now be able to collectively leverage an extreme amount of power against Microsoft. Also, Microsoft has agreed not to retaliate against software or hardware developers who develop or promote software that competes with Windows or that runs on software that competes with Windows.

I urge that no further action be taken against Microsoft on the federal level, and the settlement be accepted by the Justice Department. This settlement is strong enough for any reasonable person.

Sincerely,

Joe Yarbrough

Cc: Representative Spencer Bachus

MTC–00014402

From: Cameron Quinn Lauseng
To: Microsoft ATR
Date: 1/21/02 7:52pm
Subject: Settlement Problems

I am sorely dissappointed with our Justice Department for obvious lack of judgement in creating such a soft and ineffectual settlement against Microsoft. This settlement has little more effect than the previously issued injuction against Microsoft, which they flagerantly violated. This current settlement does nothing to address this serious defiance of the American Justice system, does not address the demonstrated contempt of the American Justice System, and does nothing to remedy the half decade of damage to the American public that Microsoft's dramatically illegal behaviour caused.

Furthermore, because this settlement fails to declare remedy for these past serious abuses of our laws, it will prove to be no more capable of restraining Microsoft's behaviour. Indeed, it can be found that Microsoft's newest operating system, Windows XP, may already be in violation of the settlement, by requiring consumers to subscribe to Microsoft services on the internet in order to get full use of features of the software. I would consider this rather prejudiced against other middleware providers that already offer these services that Microsoft is requiring subscription to.

I continue to be astonished at the short-sightedness of elements in our Justice system concerning this case. How can anybody seriously think that such a minor settlement will do anything to prevent future violations against the American public, considering past behaviour. Does the DOJ care nothing that Microsoft violated the previous consent decree within months of its issuance?

I would also like to point out that the form of this settlement requires a rather expensive on-going enforcement by State and Federal agencies. This will prove to be dramatically expensive to the American taxpayers in the long run. Would not a firm and definitive remedy that provided an automatic mechanism of future competative operations (split up) prove to be much less expensive to the American people?

With the enforcement mechanism currently provided for in this settlement, the American people can expect a protracted period of history of expensive court proceedings, remedies, judgements, filings, etc., and even an entire government agency just for the maintenance of this one settlement.

Though Jackson's behaviour was deplorable, I can't see that the breakup judgement could be set aside so easily. This only proves that our judges are not blind to subjectivity. One spoke out, the other one who turned it around so quickly made just as loud a statement. There is no difference in the lack of objectivity of either of the judges involved.

Cameron Lauseng

Whitmore Lake, MI

MTC–00014403

From: Kyle Knohl
To: Microsoft ATR
Date: 1/21/02 8:02pm
Subject: Microsoft Settlement

Dear Sir or Madam,

I am a software engineer and a college student. I hope that by the time I have some experience and have gotten my degree that this monopoly of Microsoft's will no longer be what it is today. I look forward to a future in which I can create applications without fear of being pushed out of business because Microsoft does not like my application moving in on its turf. I have been putting off writing this letter for a long time. I have looked over the documents and talked to friends about the case. I tried to get others to write, but with little luck. One friend said he didn't want to be on Microsoft's blacklist. I think this is a little extreme, but I do not know what Microsoft is capable of.

I wished to comment about this Microsoft case and the settlement that has been proposed by the Department of Justice. This settlement worries me. It seems to me that Microsoft has won a reprieve from any punishment for their actions. The lawyers for the people have not secured many safeguards for their clients. The group of three to oversee Microsoft's actions are half chosen by Microsoft. Even if these three people were able to find instances in which Microsoft had misbehaved, Microsoft seems to have cleverly organized the rules so that it dodges the main things that need to be changed. By getting the rules to exclude the Free Software movement, and safeguarding a few of their main business practices, they dodge much of the power of this group. Anyway, Microsoft seems to be changing its business model into one which dodges the constraints completely, a subscription based model.

Microsoft has long been bullying different companies. The attorneys for the Department of Justice seem to feel that a weak settlement is better than none for a few years. I disagree, I feel that a weak settlement will only lead to another case beginning in a couple years. I also have gotten the feeling, the Department of Justice feels this case is harming the economy. Large controlling monopolies have never been good for our economy. The small innovaters are the strength behind capitalism. Microsoft stiffles these innovators.

For a long time, I only saw one chance for this monopoly to end, and it had to do with the government punishing and limiting its actions. Two new chances have arisen: the European Commision and the Free Software movement. Neither seem ideal, but they can at least fight against the monopoly. Free Software can fight Microsoft, because Microsoft has nothing to use against it. Taken to an extreme, Free Software could put me out of a job. As time goes on though, Free Software seems more and more attractive. After years of seeing Microsoft control the software of the world, Free Software seems the only way in which people can have a choice again. This also allows me to create applications of my own without worrying about them being destroyed. The European Commission is the other chance. They have been investigating lately, and could impose a very large fine. A fine, while not enough, would stop Microsoft from pushing its way into markets by taking huge economic losses

on their products. Two good examples of this are the 400$ MSN subscription bonuses and the sale of the Xbox at a 100$ loss, though I have no way to verify the Xbox practice because I do not know Microsoft's price on the boxes. Microsoft has control over not just the desktop market but also the office suite market. This allows them to use either one to support the other. I hope that any agreement carries with it a publishing of the formats in the office suite so that compatible products can be made for other operating systems. I know many companies would like to switch to a Unix based desktop but cannot because the Microsoft Word document format is used as a collaboration tool with other companies. Since this format is so convoluted, it is extremely hard to find an application that is compatible enough to use in the business world. By using this fact, they can force unwanted operating systems from the desktop market.

Part of the reason that I waited was to see how Microsoft would behave after the settlement was reached. Their behavior since then has worried me. It feels as if they are going back to their old behaviors. I hope that the conclusion of this case forces Microsoft to acknowledge their wrong-doing and apologize for their behavior. So far, it seems as if Microsoft still feels they have never done wrong. I see contempt for the world in their actions.

Sincerely,
Kyle Knohl

MTC–00014404

From: David Hobart
To: Microsoft ATR
Date: 1/21/02 8:16pm
Subject: Microsoft

Nail Microsoft. They deserve it.
David Hobart

MTC–00014405

From: fcbunk
To: Microsoft ATR
Date: 1/21/02 8:17pm
Subject: Letter

We did mail a letter on Sunday, January 20,2002 From Clara Buknk

MTC–00014406

From: John J. Murphy, M.D.
To: Microsoft ATR
Date: 1/21/02 8:24pm
Subject: Microsoft Settlement

I definitely object to the proposed settlement in the Microsoft case. Microsoft was found guilty in court. Microsoft and it's chairman and lawyers lied time after time in court.

What message is my government sending to me? Break the law, lie about it, and then the government will pretend no one was hurt and help me make more money by screwing other US citizens. Microsoft prevents me, a hard working American from using the very best software in the world. With their monopoly, they force me to buy buggy, defective software at an inflated price because the competition was forced from the market. Any settlement should not be about punishment so much as about preventing future monopolistic and anti competitive business practices.

They must be strictly monitored by outside unbiased monitors. They must not be given the opportunity to break the law again. Strict regulation is in order. Monetary damages are also in order. Companies should not get to keep profits earned through illegal operations.

Again, if I break the law, I am sure the government will seize my assets.

Thank You
John J. Murphy, M.D.
Southwestern Research, Inc.
435 North Bedford Drive
Suite #216
Beverly Hills, CA 90210
1–310–858–7448

MTC–00014407

From: MerrillDixon@cs.com@inetgw
To: Microsoft ATR
Date: 1/21/02 8:38pm
Subject: Microsoft Public Comment

As I have followed the trial on TV and in the newspapers, it has been evident that the trial related to economic, philosophic and business interests. It did not relate to the typical PC owner that wants to buy a machine, turn it on and use it. Fact, there is no viable alternate operating system for the typical PC owner. If there was, people would be glad for the choice and Microsoft would not be a monopoly. Microsoft is being punished for having the only system available for the novice. The bells and whistles, like a browser, are part of what makes a PC salable to the average owner. If we had to buy a stripped OS and add all the features to make a PC work, there would be a lot less machines sitting in peoples houses. I appreciate and thank Microsoft for making my computer work. Look at what I am doing, I am sending an e-mail to the USDOJ. What a hoot! If all of these parties against Microsoft would make a competing OS for people like me, we would not be having this trial. I request that this action against Microsoft be dropped.

MTC–00014408

From: Micah Fitch
To: Microsoft ATR
Date: 1/21/02 8:38pm

To whom it may concern,

I think that Microsoft was let offthe hook just because of 9.11. Microsoft dominates almost EVERYTHING in the industry, and it's not because their products are good quality. It's amazing that this case went on for so long, just to let Microsoft go easy because peoples minds were on Sept. 11.

micah

MTC–00014409

From: Brenner Adams
To: Microsoft ATR
Date: 1/21/02 1:18pm
Subject: Microsoft Settlement
5318 Avalon Drive
Murray, UT 84107–6220
January 18, 2002
Attorney General John Ashcroft
Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

Yo wassup? Last November, following a six-month period of round-the-clock negotiations supervised by a court-appointed mediator, Microsoft and the Department of Justice reached a settlement in the Microsoft antitrust suit. The case has spent three long years in the federal courts, and now, as the settlement review period draws to a close, I fear the agreement will be thrown out. Nine states, including Utah, are currently seeking to overturn the settlement and to bring further litigation against the Microsoft Corporation. I do not feel that this is the appropriate course of action to take. Both the defendant and the plaintiffs are dealt with justly under the terms of the agreement, and I can find no reason for further action to be taken on the federal level.

The settlement binds Microsoft to compliance with a broad range of restrictions and affirmative obligations, some of which extend to services and software that the Court of Appeals did not determine to be unlawful. Microsoft agreed to these terms in the interest of expediting case closure. Under the agreement, Microsoft is prevented from entering into any contracts that would require a third party to exclusively market or distribute Microsoft products. Moreover,

Microsoft has agreed to furnish any party acting under the terms of the settlement with a license to applicable intellectual property rights to prevent infringement. The settlement thoroughly addresses all of the concerns brought to the attention of the Justice Department by the plaintiff states. I can only imagine that the motivation behind the litigation on the part of the plaintiffs is less than altruistic.

The economy has suffered while the Microsoft and the various plaintiffs have been tied up in this court battle, and the American public has likewise felt the effects. The IT industry has stagnated as well, and no good can come of extended suit. I believe it is in the best public interest for the case to be settled, Mr. Ashcroft. I urge you to support the agreement.

Sincerely,
Brenner Adams

MTC–00014410

FROM: James Johansson
TO: MS ATR
DATE: 1/21/02 8:41pm
SUBJECT: Fwd: Attorney General John Ashcroft letter

Attached is the letter we have drafted for you based on your comments. Please review it and make changes to anything that does not represent what you think. If you received this letter by fax, you can photocopy it onto your business letterhead; if the letter was emailed, just print it out on your letterhead. Then sign and fax it to the Attorney General. We believe that it is essential to let our Attorney General know how important this issue is to their constituents. The public comment period for this issue ends on January 28th. Please send in your letter as soon as is convenient.

When you send out the letter, please do one of the following'' * Fax a signed copy of your letter to us at 1–800–651–2255; *Email us at fin@mobilizationoffice.com to confirm that you took action.

If you have any questions, please give us a call at 1–800–965–4376. Thank you for your help in this matter.

The Attorney General's fax number and email are listed below.

Fax: 1–202–307–1454 or 1–202–616–9937

Email: microsoft.atr@usdoj.gov

In the subject line of the e-mail, type Microsoft Settlement

For more informaion, please visit these websites: www.microsoft.com/freedomtoinnovate/www.usdoj.gov/atr/cases/ms-settle.htm.

The letter follows:

January 21, 2002

Attorney General John Ashcroft

US Department of Justice

950 Pennsylvania Avenue, NW

Washington, DC 20530

Dear Mr Ashcroft:

After three long years of litigation I was pleased to hear that Microsoft finally reached a settlement with the Department of Justice. In reviewing the terms of the settlement I believe that the terms of the settlement are very fair. Microsoft has made many concessions in the hopes of a quick resolution. The settlement will benefit consumers and member sof the IT industry. The settlement stipulations contain many concessions. Microsoft has agreed to disclose information regarding the interface and protocols within the Windows system. Microsoft will also license Windows at the same rate to the larger manufactureres of PCs. In addition, they agreed to the formation of a technical review board that will ensure these terms are followed.

Microsoft is obviously willing to make concessions in order to resolve the issue. I support the setlement, and look forward to the end of the case.

Sincerely,

Jim Johansson

21 mallard Drive West

Berlin, MD 21811

MTC–00014411

From: Luther Moon
To: Microsoft ATR
Date: 1/21/02 8:47pm
Subject: Microsoft settlement
11 Vendue Court
Simpsonville, SC 29681
Phone (864) 228–2550
Fax (864) 228–0678
Mobil (864) 901–4155
From the desk of Luther Moon
January 3, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

This letter is to talk to you about my feelings of the Governments involvement with, and the handling of, the Antitrust case against Microsoft Corporation.

To begin with, I do not feel this action is being taken against Microsoft on behalf of the American consumer. Fact is, it was then and is now, the consumer that decided what/which product they wanted and liked best. It was this very freedom of choice by the consumer and freedom of enterprise for American Businesses that has made Microsoft' and America, the great country it is today.

It has been the great innovators like the John Rockefellers, JP Morgans, Andrew Carnegies Henry Fords, and the Bill Gates of our time that has made this Country the great success it enjoys today and, it was this freedom to innovate that encouraged them to get up every morning and forge ahead with their ideas and ideals. What might happen to this nation, and its great Corporations, if this freedom to express and freedom to innovate continues to get trampled on.

It appears to me that the consumer can only be hurt and made to suffer the consequence of higher prices and less quality of product should the Government begin the dictatorial regulation of and dictating to a company what it can or cannot supply to, or for the benefit of, the consumer. It has been due to this freedom of innovation from Microsoft that the American consumer can today afford to have a computer in his home. It is also a computer in every home that has spurred an economic growth in this country unsurpassed by any nation in the world.

It wasn't until the dictatorial intervention of our Government into the innovative business of one of this Nations greatest Companies that this Country's economy, over night, started on a downslide, and economic collapse, unparalleled in the history of the world. The economic destruction of recourses that has ensued has been devastating to the American consumer. What, with all this Consumer protection. levied against the consumer in the guise of protecting the consumer, I'm just not sure I can afford, or need, anymore of this kind of consumer protection. I feel that I have received far more value and protection from Microsoft than I have in the protectionist interference from our Government.

This should be the business of business and not the interference of Government to dictate to the consumer what he or she can or cannot have and at what price we must pay for it. As a consumer and a Citizen of this great Land, I feel that I, and I alone, should decide what is served on my plate and how it is prepared.

I have Windows on my computer, not because someone else decided for me what I should use? and not because Microsoft decided for me what I should use? I decided which was best for me from the many choices that were, and still are, available on the market today. And yes, there are choices out there. I? m sorry, but I am being made to feel that because of the wishes of a mere handful, it is the masses that must pay and this is just not right. It must not be right.

What kind of settlement is it that would require a company to document and to disclose to its competitors the internal makeup of the various internal interfaces of its operating system products, and yet, that is exactly what this settlement requires of Microsoft. What more could Microsoft's competitors wish for and be more fair than this? Surely, this must be a first for an antitrust settlement.

In closing, I would like to say I am a small-business owner and I depend on Microsoft to keep things running for me. If the federal government pursues three more years of litigation in this matter, it would not only hurt Microsoft, but millions of home computer users and businesses across the country. I urge you to please put these lawsuits to rest before our economy deteriorates any further. By intervening in business, you would only be discouraging competition by creating fear on the part of other companies wanting to enter the market. Bill Gates made some excellent business decisions, and he is now being punished for it. His company has done so much for the economy, and now the government is just wasting more money picking on their company.

Sincerely,

Luther Moon

MTC–00014412

From: Rick Morris
To: Microsoft ATR
Date: 1/21/02 8:51pm
Subject: Microsoft Settlement

Dear Sir or Madam:

I strongly urge you to proceed with settlement of the Microsoft case. The federal government clearly will be overstepping its bounds by pursuing this case further.

Sincerely,

Richard Morris

MTC–00014413

From: Thrun Robert IHMD
To: 'microsoft.atr(a)usdoj.gov''
Date: 1/21/02 9:04pm
Subject: Microsoft Settlement

Comments on the Proposed Final Judgment in United States v. Microsoft

by Robert Thrun

I have downloaded and read both the Proposed Final Judgment and the Competitive Impact Statement. I am speaking for myself and not for my employer.

The Proposed Final Judgment seems to be an agreement by Microsoft to cease its illegal exclusionary tactics and do what it should have been doing all along. There is no punishment for past behavior or any ''affirmative action'' to re-establish competition. Even so, there are many loopholes that Microsoft can use to continue exclusionary tactics to maintain and extend its monopoly. The Competitive Impact Statement concentrates on Middleware and says nothing about other tactics that Microsoft uses.

Breakup

The Court of Appeals did not entirely rule out a breakup of Microsoft, but the Department of Justice abandoned the idea. I maintain that the best solution would be a breakup. Other solutions would involve micromanagement by either the courts or a government agency. I would break Microsoft into four parts:

1. Operating systems
2. Development tools, such as compilers
3. Application programs, such as Word and Excel
4. MSN, the Microsoft Network

The compilers must be able to access the operating system functions. The Microsoft compilers have an advantage in that the operating system documentation assumes the use of Microsoft compilers, and the Microsoft compiler writers find out about operating system features before any writers of competitive compilers.

The Microsoft application writers can request operating system support for features

they want to put into the applications and they find out about the operating system features before the writers of other application programs.

Internet Explorer and Outlook keep wanting to connect to MSN and use it. This is a great marketing advantage.

Definitions

The Competitive Impact Statement is poorly written. The Competitive Impact Statement refers to ''definitions contained in the Proposed Final Judgment'', but the definitions are in the Competitive Impact Statement, not the Proposed Final Judgment. The definitions are complex, vague, and written to show where Microsoft does not have to disclose information. Under the terms of the Competitive Impact Statement, Microsoft seems to still be able to define what is Middleware and what is part of the operating system. Microsoft was able to claim that Internet Explorer was an essential, non-removable, part of Windows by simply moving five essential files into the Internet Explorer subdirectory.

Microsoft claims to distinguish a new ''major version'' of Microsoft Middleware from an upgrade by its product numbering scheme. Then all Microsoft has to do to avoid releasing API details for a new Middleware version under section III.D of the Proposed Final Judgment is to change its numbering scheme.

The Competitive Impact Statement says that Microsoft does not have to disclose API details to any company that has not sold at least a million copies of a similar Middleware Product in the previous year. This would exclude startup companies and established companies wishing to expand their product line.

Prohibited Practice Issues

Microsoft cannot retaliate against an OEM in a logo or software certification program. However, the biggest use of such a program applied to application program vendors at the introduction of Windows 95. Windows 95 will run applications written for the older Windows 3.1. Applications could not use the Windows logo in their packaging or advertising to state that they would run under Windows 95 unless they were written in such a way that they would not run under Windows 3.1. This was a use of monopoly power that effectively killed some emulators that would have allowed Windows software to run under other operating systems.

The uniform license agreements described in Section III.B of the Proposed Final Judgment apply only to Microsoft's top 20 customers. They should apply to all OEM customers. The smaller OEMs are more likely to offer custom configurations of the operating system.

API Disclosures

The section of the Competitive Impact Statement relating to Section III.D of the Proposed Final Judgment seems to say that Microsoft should release documentation about operating system APIs in much the same way it is currently being done. However, the Competitive Impact Statement has a couple of loopholes in its definition of ''Timely Manner''. For operating system APIs, documentation must be made available when a beta test version of the operating is released with a distribution of at least 150,000. What if only 140,000 copies are released? For Microsoft Middleware, the documentation must be released at the time of the final beta test version. Microsoft could release a beta just before the release of its product. Either way, this would allow time for the Microsoft products to become entrenched in the market.

Communications Protocols

Under the section of the Competitive Impact Statement entitled ''Microsoft Must Make Available All Communications Protocols'' is is specifically stated that Microsoft does not have to disclose server-server protocols! I don't know what, but it seems obvious that Microsoft has some trickery in mind with this provision.

Preservation of OEM Defaults

A provision of the Competitive Impact Statement allows Microsoft to ''override existing defaults'' when accessing a server maintained by Microsoft. This translates to a requirement for using Internet Explorer. Microsoft has already done this by blocking competitive browsers from downloading upgrades from its servers. Microsoft should not be allowed to do this.

re Section III.J

Microsoft is allowed to avoid disclosing information for several security-related reasons. Withholding information about protocols and interfaces may slow down an attack, but it does not increase the actual security of a system. The vulnerability is still there. If Microsoft is allowed to define what is security-related, it will be another large loophole.

What Should be Done

For starters, all information about all APIs and all protocols must be made available to all interested parties.

This should be done well before Microsoft ships to OEMs or sells at retail any operating system, Middleware, or application that either provides or uses the API or protocol. Three months seems like a reasonable minimum time. Ideally, the Microsoft programmers should not have access to insider information about the operating system. There should be no secret calls or protocols.

Microsoft has to document the APIs and protocols anyway before they are used by its internal programmers.

The browser war is over. Microsoft won and I can think of nothing that will resurrect Netscape. Many of the issues that were brought up in the lawsuit are now moot. However, Microsoft is still engaged in anticompetitive practices that should be restrained. As I said before, a breakup would be the cleanest solution. Since this is unlikely, there are other restrictions that should be put in place.

Much of the software battle has shifted over to file formats. Many people use Windows because they have to exchange files with users of Word, Power Point, or other Microsoft programs. Since the formats are undocumented, non-Microsoft programs or file converters have to guess at the details. Microsoft enjoys a monopoly or near-monopoly position in most of the application categories in which it competes. Some of the file formats, like the WMF and EMF graphics files, are operating system file formats. All Microsoft file formats should be disclosed.

A simple requirement that Microsoft disclose all interfaces, calls, protocols, and file formats would make unnecessary many of the definitions in the Competitive Impact Statement, eliminate loopholes, and make the settlement easier to understand.

Microsoft has, by its monopoly position in operating system software, the ability to put almost any software product out of business by bundling a similar Microsoft product for ''free'' with the operating system. The Microsoft product is not actually free. The computer user pays for it as part of the price of the operating system. Microsoft has put many products off the market. Some, like memory managers or disk cache programs, provided services that are rightly part of an operating system. Others, like the browser, seem more like a application program. There was considerable innovation in all these product categories until Microsoft achieved dominance and very little since then.

The Microsoft product that is included with the operating system has great competitive advantages. The non-Microsoft product has some cost versus no additional cost for the Microsoft product. Even if an OEM were to remove the Microsoft product from the installation, Microsoft is still paid for it. Being packaged in the default operating system installation means that the Microsoft product, in effect, sits on the shelf in front of the non-Microsoft product. Unless the Microsoft product performs very poorly, the market for the non-Microsoft product is very small. Microsoft is now including audio player and file compression software with its operating systems. The only way to keep Microsoft from driving all other similar products off the market is to require Microsoft to reduce the price of the operating system to the OEM if the OEM chooses to replace some Microsoft product that is bundled with the operating system. Similarly, there should be retail versions of the most popular stripped-down configurations. This will give consumers the option the option to not buy Microsoft products they do not want. Microsoft will still have a strong competitive position by virtue of name recognition.

MTC–00014414

From: Norris, John
To: Microsoft ATR
Date: 1/21/02 9:16pm
Subject: Microsoft Settlement

I use Macintosh computers, I like macs, and can make my own decisions, without the help of the ever wise, ever bungling federal government.

Anti-trust laws are discriminatory to a modern minority called the ''businessman.'' Without whom the level of material wealth we enjoy today would be impossible. Anti-trust laws are so vague and ridiculous that they can not be adhered to. From day one, anyone entering into a business stand in vague violation of anti-trust laws. Why would one want to enter themselves into this situation? Because it is man's nature to produce, to use his/her mind, to invent, to create something better, and most importantly, to be free to do so.

Some of Microsoft's business practices are shifty, but I propose that these be handled case-by-case, by private parties who feel they have been wronged (time-capital wasted) against Microsoft. It is not the U.S. government to enforce what bureaucrats perceive as ''unfair business practice.''

There are other viable OS solutions out there. My favorite, BeOS. . . but I own two Macs and prefer them to windows. I would not like to be told that I must pay more for MacOS, if some politician decided Apple were in some violation of anti-trust.

If those Federal tax bucks are burning a hole in your pocket just come on out to Utah. . . Our road here in SLC are terrible. Everyone here would love you more for fixing our roads.

Best Regards,
John Norris

MTC–00014415

From: EVAANCH@aol.com@inetgw
To: Microsoft ATR
Date: 1/21/02 9:31pm
Subject: Microsoft Settlement

Don't you think that we have paid plenty to the lawyers and is time to grow up and do the right thing for this country that we all love it, yes?

Please, stop the litigation and settle the matter!

Love and wisdom to all.

MTC–00014416

From: Dumb Az
To: Microsoft ATR
Date: 1/21/02 9:42pm
Subject: Microsoft Settlement

I am, more or less, an average consumer. I have a personal computer, (obviously) and the following Microsoft products listed from memory: Windows XP, Flight Simulator 98, Age of Empires, Sidewinder joystick, and Streets & Trips 2001. I and others in my family have purchased these products of our own respective free-wills. Although the others aren't available to comment as I write this, I for one have been pleased with these products.

Nobody has ever forced me to either purchase or not purchase a single thing. Microsoft has been no exception. I have never seen any of the coercive force alleged by Microsoft's denouncers. In fact, it is because of this lack of coercion that I DO NOT subscribe to MSN. Instead, I subscribe to a locally based internet provider. Nor have I bought more recent versions of ''Flight Simulator'' as I don't see the changes as being significant enough to warrant the purchase. How could this be possible if Microsoft was forcing or manipulating people like me, as according to anti-trust proponents?

I find it insulting to hear Microsoft bashers as well as anti-capitalists characterize people like me as helpless victims who cannot choose what software to buy. This implies that we're mindless pawns, completely lacking of anything resembling free-will. I personally find this to be nothing less than a slap in the face.

The very idea that a company like Microsoft can be punished for being sucessful in the United States of America (of all places) threatens my own future. I am an aspiring software developer myself, hoping to found my own privately owned company. Although I plan to focus on creating entertainment software only, I still see the fate of Microsoft in the anti-trust suits as being a precursor to my own fate.

Remember: it was not consumers or Microsoft's partners who started the anti-trust case, but Microsoft's competitors. If I were to become very sucessful in my future venture, what would happen to me if a competitor who wasn't doing as well decided to accuse me of anti-trust violations?

Microsoft competed vigorously in order to be the best. Yet, that is considered anti-competitive, implying that ''competitive'' means sacrificing one's own interests in order to allow competitors to win occasionally. If that's true, why does nobody apply the same logic to athletic competitions?

It is supposed to be the duty of the United States government to protect each person's rights to life, liberty, and property. To punish Microsoft simply for the sake of whiny competitors is a violation of property rights. It is also a shameful betrayal of the constitutionally enshrined right to the pursuit of happiness, for if someone is punished for attaining what they pursued, (in Bill Gate's case, a software corporation of legendary success) where will it end?

A self-made man like Bill Gates, (and hopefully me too someday) who became sucessful by offering preferable products and services, deserves whatever money people willingly give in exchange for said products and services. The uncoerced choice of each individual by their own free-will is the American dream, as opposed to edicts of sacrifice to those whose goods weren't chosen by said free-will.

Sincerely,
Mitchell A. Gyde

MTC–00014418

From: Jesse Max
To: Microsoft ATR
Date: 1/21/02 9:43pm
Subject: I think the judgement is completely unfair

Hi, My name is Jesse, I'm a 10 year old boy. I use both Linux and Windows (and not so much windows anymore).

I think it would be a good idea for you to take the money that Microsoft got by doing illegal things and use it to help Linux, which is Microsoft's best competition.

I also think Linux is just straight out better!

Thanks,
Jesse LaVercombe

MTC–00014419

From: SCKRUMNOW@aol.com@inetgw
To: Microsoft ATR
Date: 1/21/02 9:46pm
Subject: Microsoft settlement

CFC, Inc.
January 21, 2002
CFC, Inc.
January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

As a concerned citizen and voting American, I write you regarding the Microsoft settlement. I cannot believe that this settlement is still being dragged through the mud. Doesn't the government have more important issues to focus on? I think it is time we let this well thought out agreement speak for itself and let the IT sector get back to business. Anti-trust isn't there to keep companies from having to compete with their competitors. It is suppose to protect consumers. The longer this is drawn out the more it hurts consumers.

The terms of this settlement are a step toward a more unified IT sector. The terms include changes in licensing, marketing, and even design. In an anti-trust settlement first, Microsoft has agreed to disclose various interfaces that are internal to Windows operating system products. All of these concessions are slated to be overseen by a committee that will make sure that Microsoft is following proper procedure. Not only are their strong statements in these terms, but also there are plenty of safeguards to help non-Microsoft companies along the way.

I support the settlement as it stands, and hope we soon put these terms into action and let the free enterprise system work.

Sincerely,
Shelley Krumnow
President

MTC–00014420

From: David Binns Jr.
To: Microsoft ATR
Date: 1/21/02 10:11pm
Subject: Microsoft Settlement

Please stop harassing Microsoft, they have only created wealth for everyone around the world, they should only be lauded.

When you punish them you diminish us all.

MTC–00014421

From: Ralph C. Whaley
To: Microsoft ATR
Date: 1/21/02 10:19pm
Subject: Microsoft Settlement

''The Bush administration would be smart to launch a review of the country's antitrust laws''. The objective should be repeal not reform. The principle of America's founding is ''Individual Rights'', rights to life, liberty, property and the pursuit of happiness. Property rights include the right to set the terms of use and trade of the property a man creates.

Microsoft has created products of great value and set the terms of trade and use of those products to the benefit of millions who bought those products by free choice.

Microsoft has earned huge profits for its employees and stock holders by these free market trades.

Competing companies have failed to keep up and demanded that the government ''rein in'' Microsoft for their benefit.

Antitrust laws are designed to restrain the successful for the benefit of the envious. They are un-American, unjust and should be repealed! Jane P. Whaley

MTC–00014422

From: diane
To: Microsoft ATR
Date: 1/21/02 10:22pm

Subject: Microsoft Settlement

Since this offer from Microsoft was first published,I have been astonished that it was ever considered by the courts. Couls it have been presented with a straight face ?

To allow Microsoft to make reparations for its illegal acts by offering to hand it thousands of new customers at little cost simply amazes me, astonishes me.

Is this how illegal behaviour is punished or is it being rewarded ?

The whole story is a Seinfeld routine, except, it's not funny.

Don Vetere
Toronto

MTC–00014423

From: markrwilliams2000
To: Microsoft ATR
Date: 1/21/02 10:23pm
Subject: Microsoft Settlement

The legal attack against Microsoft goes against the very concept of free markets and capitalism.

Let the market decide.

Mark Williams
Huntington Beach, CA

MTC–00014424

From: Rmilano@aol.com@inetgw
To: Microsoft ATR
Date: 1/21/02 10:32pm
Subject: Justice for Microsoft

Your Honor,

Microsoft is a company that consistently innovates and creates superb new products. There is a reason that they have millions of satisfied customers around the world: they provide outstanding and affordable products.

Justice requires that a company so creative and proficient be honored, not criticized or attacked. Please do justice to an enormously productive company.

At your leisure, please re-read Ayn Rand's seminal novel, Atlas Shrugged, for the moral and philosophical principles underlying the necessity of doing justice to the producers.

Respectfully,
Andrew Bernstein, Ph.D.
Dept. of Philosophy
Pace University

MTC–00014425

From: David Atkins
To: Microsoft ATR
Date: 1/21/02 10:43pm
Subject: Microsoft Settlement

Greetings,

First of all, let me say I am impressed with the depth and breadth of research you performed in compiling the Complaint document of 5/18/1998. I am a software engineer with 15 years experience, and fully understand the difficulty in describing computer terminology and functionality. Your descriptions were accurate, enlightening, and readable!

I must say I was extremely disappointed when the original final judgement, which included the breakup of Microsoft, was overturned. You seem to be very practical in working towards a resolution, knowing any other approach would result in protacted legal action. I wonder how Microsoft's behavior has compared to prior monopoly cases which resulted in company breakups, such as Standard Oil and AT&T?

However I have a concern with the proposed final judgement. I agree with the concept of the TC. You state the members have power to acquire and hire resources as necessary to verify compliance with the judgement. However, given the complexity and content of Microsoft software, is a 5 year compliance period long enough? Even relatively minor software projects with dedicated, experienced staffs, require months to complete. Perhaps 7 years would be more reasonable. The TC will probably require 6 months to a year to get their feet on the ground. Then, given the size and complexity of Microsoft's code, will need to begin hiring resources for assistance. The resources will then need time to get up to speed. In a nutshell, the TC will probably start to do ''real'' work about 18 months into the settlement.

This also assumes the Microsoft appointed member of the committee is a legitimately objective member of the team, and not just a Microsoft defender.

Regards,
David Atkins
9607 Briar Circle
Bloomington, MN 55437
952–831–1759
datkins1@mn.rr.com

MTC–00014426

From: sueagib
To: Microsoft ATR
Date: 1/21/02 10:44pm
Subject: Microsoft Settlement

Microsoft should be applauded for their innovations throughout the years, not punished. They gave the public what was needed that other companies had not furnished; and therefore, they made the tech sector progress much faster and farther than it would have normally in the short period of time.

Sue Gibson
3353 Valley View Ave.
Roanoke, VA 24012

MTC–00014427

From: Scott A. Renshaw
To: Microsoft ATR
Date: 1/21/02 10:57pm
Subject: Microsoft Settlement

The only true monopoly is one created by or supported by the government. Let businesses thrive or fail on their own. Stay out of the way of successful businesses like Microsoft.

HANDS OFF!
Signed,
Scott A. Renshaw

MTC–00014428

From: reed@desertlinc.com@inetgw
To: Microsoft ATR
Date: 1/21/02 10:51pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division,
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse

I believe the antitrust case against Microsoft should be settled by the United States refunding the money Microsoft has been forced to spend in its defense and by paying to Microsoft such damages as have been caused by the interruption of its business.

I have been using personal computers for many years. Most people would consider me a computer expert and it is clear to me that Microsoft is not a monopoly. On my home computer I use both Redhat Linux and Microsoft Windows 98 operating systems. At work I use UNIX, Linux, and Windows. This letter was written using no Microsoft software at all.

That doesn't sound like a Microsoft monopoly to me. Personally I do not really care for the Microsoft OS—I much prefer Linux. I find the Windows interface unstable, condescending, and insecure. I use Microsoft Windows because it came free with my computer and allows me the flexibility to use some very good software programs that were designed by those who wrote them to run only under a Microsoft operating system. Software developers have the right to choose which OS(s) they write their software to run on. If they choose to program only for Windows, so be it. This is a personal business decision that no one has the right to interfere with. If I don't like it I am not forced to use their software—neither is anyone else.

Microsoft has a right to produce and sell any software they wish. They have the right to bundle this software with their operating system, sell it separately, or give it away. No one can claim the right to make Microsoft work to benefit its competitors. The United States Government should be defending Microsoft against such unjust claims against its property. Yet the government seems to view the men and women who own Microsoft, and the software they have created, as some kind of government property—to be handed out to whoever makes a claim.

The government has made the claim that Microsoft has used its alleged monopoly to hurt consumers. This claim could not be farther from the truth. The presence of Microsoft has caused a great deal of competition which has improved software and the software industry. For example, Linux companies were forced to make user-friendly versions with Windows-like graphic user interfaces to keep up with Microsoft. As a result of this competitive pressure consumers can now buy a complete Linux operating system, like Redhat 7.2, with web browsers and office software for less than $60. How exactly has this hurt consumers?

This whole antitrust case makes me wonder who will be attacked after Microsoft. Will Redhat be broken up because they bundle web browsers and office software with their OS? Will all those who sell Linux be forced to stop giving out the source code along with their software? It seems to me that the government's role in economics should be to prevent anyone from initiating force or fraud. Then they should get out of the way and let the capitalism work.

Kindest regards,
Reed Kofoed
90 West McArthur Ave
Winnemucca Nevada 89445

MTC–00014429

From: Michael De Jong

To: Microsoft ATR
Date: 1/21/02 10:59pm
Subject: Microsoft's Settlement

To Whom it may concern

Note acronyms: OS—operating system, IE—Internet Explorer, MS— Microsoft

? As a computer use since 1980, I have witnessed Microsoft's monopolistic practices with horror. I have owned many computers since 1980, platforms including Commodore—with DOS, Atari St with Gem operating system and now Apple Macintosh—with Mac OS for the past 8 years.

? It is sad that a company like Microsoft has continued it's practices of bullying other companies into oblivion, some of course like Commodore and Atari did not have enough finances to compete and made crucial mistakes.

? Apple and Sun are two examples of companies who truly INNOVATE and yet they are kept at bay by Microsoft's practices. A company like Sun comes out with the JAVA language, a language that all platforms can communicate with, then Microsoft seeks a way to render it useless on other's platforms.

? Companies like Apple spend lots of money on R & D for it's innovations and Microsoft turn's the technology into it's own. Rectify Microsoft's practices

? Microsoft claiming that it's IE browser is integrated into it's own OS for ease is nonsense. To split them apart would be damaging is utter nonsense. Microsoft has the power to make it's browser work on it's own. Browsers on the Mac OS platform are their own entity, if you want to delete the browser, just drag the browser (Netscape or IE) to the trash and that is that. They do not wreck the MAC OS by doing so. Microsoft is very capable of making their OS work side by side with a browser. What is next, incorporating their own Picture, Video and Audio editing software into their OS and forcing companies like Adobe products to become impossible of running on Microsoft Windows. From what I've seen, it looks like Windows XP OS is already incorporating some of these programs/features.

Programs should be their own source running with the OS, not intertwined. This means if they are eliminated the OS will still work great. This allows companies like Apple, Real, Netscape to design applications for Windows OS and make them work flawlessly. These competing companies should be able to have their product on every shipped Windows computer with their icon on the desktop or in the start menu alongside Microsoft's apps, so as the customer has choice. The same should be done on other computing platforms like the Mac OS, Linux, Sun, etc.

? Microsoft's source code should be exposed to everyone who wants to see it. This would allow more exciting software development to emerge and compatibility between other platforms could increase.

? Microsoft software like MS Office should continue to be made for competing platforms. Also it's files should be made compatible with competing products. Example—when creating a MS word document, you should be able to save the document to a competitor's product like Appleworks, Corel Wordperfect, etc. This can easily be done on Microsoft's part. Apple's Word Processor—Appleworks allows one to open MS Word, save as MS word, so why cannot MS Word be designed to open an Appleworks document?

? Microsoft's 1 Billion dollar settlement for schools should be in cash, not Microsoft software. Let the schools decide where to spend the money. Allowing Microsoft to donate their own software and hardware will only increase their monopolistic power and make our children less educated. (meaning children will only be exposed to one type of computer OS, children are the best at learning two or more OS's. It is like learning more than one language, you can form a more honest opinion about one's language when you know the differences and benefit in the real work force which could be using tools like Mac OS or Windows.

I love the computing industry, their are great things about Apple, Sun and even Windows that make my computing life enjoyable. But Microsoft does more damage to this industry by forcing others to use their inferior products. Our world will become even more stagnant if Microsoft is not dealt with very soon. The world would be a pretty boring place if the only car we could drive were Ford Pintos or if the only highway we could take was a gravel road that took us 4000 miles of course towards our true destination. . . . .advancement, progress and a better way of life.

Thank You
Michael De Jong
Calgary, AB

MTC–00014430

From: Ralph Mullinger
To: Microsoft ATR
Date: 1/21/02 11:06pm
Subject: Microsoft Settlement

Dear DOJ, I support a speedy and non-punitive end to the Microsoft litigation, and if the settlement facilitates that, I support it. I definitely do NOT want to see Microsoft broken up, nor heavy penalties exacted from the firm. I do not hold the position that they did ''nothing wrong''. The company was a hardball competitor and employed some very unsavory tactics. The settlement should make it clear exactly what sort of behavior they are to refrain from in the future. But I do not believe that they knowingly broke the law, and don't believe they should be severely punished. I also believe the Government has a long history of confusing ''protecting competition'' with protecting competitors. Slap Microsoft's wrist, clearly spell out what they are not to do, and be done with it. If possible, stop the states from pursuing the matter further as well. Thank You! Ralph Mullinger

MTC–00014431

From: freedivedug@netscape.net@inetgw
To: Microsoft ATR
Date: 1/21/02 11:15pm
Subject: Microsoft Settlement

I am opposed to the proposed settlement.

It doesn't stop the Monopolistic behavior.It does't punish Microsoft for putting Netscape and others ''out of business'' by giving away a copy of their product.

They have continued the practice of adding new products to their Operating System so as to eliminate competition.

This ongoing style of business is a monopoly and stifles competition.

I urge you to follow the original Judge's reccomendations and break Microsoft in to at least two parts.

They are thumbing their noses at the government and the people of this country.Their conduct leads to squelching competition and is bad for all the rest of us.

Sincerely,
D. McDonald
e-mail address: freedivedug@netscape.net

MTC–00014432

From: Derek Kent
To: Microsoft ATR
Date: 1/21/02 11:19pm
Subject: Microsoft Settlement

This is a start, but has a long ways to go, I strongly urge you to pursue stronger remedies that will have a real impact at restoring competition to the industry.

Example, disclosing some APIs to ISVs, IHVs, IAPs, ICPs, and OEMs is a start, but all APIs should be released into the public domain, although Microsoft should be allowed to maintain some rights to them. Sections F and G are a good beginning.

A number of other additional steps need to be made that I will not go into here, although I urge you to look into pursuing (I'm sure you've received numerous suggestions).

Dak

MTC–00014433

From: Bob Nystrom
To: Microsoft ATR
Date: 1/21/02 11:24pm
Subject: Re: U.S. v. Microsoft: Settlement Comments

I am 50 and have been in the electronics business since I was 15. I grew up with computers and have watched the rise of Bill Gates & Co. I have several conclusions on the anti-trust case:

1. There is no one- repeat no one- in this business who doubts for one minute that Microsoft is a monopoly. Everyone is looking over their shoulder to see if they will be the next casualty. Microsoft is not where they are because of good products. The products have been forced upon the consumer by leverage of their operating system monopoly. This monopoly- through licensing and other means- has NOT allowed the consumer to evaluate alternative products. I could not buy a PC without Windows. Dell and the others COULD NOT sell me one. In my informal polls, the average consumer does not understand that Windows 95, 98, 2000, XP, etc even come from the same company. They do not realize that a PC box from Dell, Gateway, IBM, etc are all the same. They think of it as Ford, GM, or Honda- which, of course, it isn't. There is no choice.

2. I would venture that you- the judges, clerks, etc are close to my generation. No where is the computer gap more evident. I can't believe you have even a clue as to the extent of Gates's reach and the significance of complete control of the operating system. This monopoly goes way, way beyond steel or the Bells.

3. The proposed settlement is a joke. It is known in the art that Microsoft is a monopoly. They have been legally declared a monopoly. And what do you do? This is not even a slap on the wrist. And as with every other involvement with Gates, he is telling YOU what YOU are going to do. The three person oversight is completely ludicrous and unworkable.

4. In the trenches, the conclusion is that this is a buyoff with Bush. This is so blatant there can be no other explanation. As sad as Sept 11 was, it provided an excuse for the administration to back off of Microsoft. Software types that I run into just write this off as a complete sell out by the Justice Department. Your department really is the laughing stock of the software community. You can't be this clueless, can you? How does this settlement help me, the consumer? How does it help the innovative companies that have been steamrolled by Microsoft? How? How?

5. I am sure the boogeyman here is we don't want to hurt the economy by upsetting Microsoft. I would posit that 39 billionaires, 900 multi-millionaires, and 100 just plain millionaires would stimulate the economy far more than one ''forty billionaire'' who will stop at nothing to own it all. Microsoft does not partner- Period.

6. As XP becomes entrenched, there will be control of so many systems and points of distribution that it will make past actions look like child's play. It is a Trojan horse. Microsoft is pulling out all stops on this one. They are taking no prisoners. You are way too little and way too late.

7. This is the last chance to stop Microsoft. This settlement is a disgrace to your office and to this country.

Sincerely,
Robert Nystrom
16 Rhonda Rheault Dr
Oxford, MA 01540

MTC–00014434

From: Jared T.
To: Microsoft ATR
Date: 1/21/02 11:24pm
Subject: Microsoft Settlement

The purposed Microsoft settlement is a slap in the face to antitrust laws and the American public. Here is my opinion on what needs to be done to Microsoft:

1. Stiff fines and monetary penalties.

2. Their ten most popular software titles MUST be developed for the Mac OS X platform (this is excluding the applications that currently exist on the Macintosh such as Office, Media Player, MSN Messenger, etc.). They will be required to continue the development of these software titles for the next ten years.

3. The source code for Internet Explorer must be made public so that developers can take advantage of ''hooks'' in the code that only Microsoft knew about previously.

I feel that the ideas outlined above serve as fair and just punishment to the Microsoft monopoly. The fines and financial penalties will serve as a remedy for the overpriced software they have pushed upon consumers over the last seven years. The requirement of developing more applications for the Macintosh will help spur more competition and innovation in the computer industry. And, finally, opening the source code to Internet Explorer will give everyone the tools to take advantage of the ''hooks'' in the software code. More powerful and secure web applications will result.

Jared Traum
Orlando, FL

MTC–00014435

From: Jamus
To: Microsoft ATR
Date: 1/21/02 11:25pm
Subject: Microsoft Settlement

Microsoft should not be given a ''reward'' by having to pay out $1 billion in cash and products. This is not a punishment; it is a nail put in the coffin of any possible competition that Microsoft might have.

The company should be forced to provide a FAIR playing field for any settlement that is proposed. ''Giving'' the schools all of those Microsoft products basically guarantees those schools (including the students and faculty) a future reliance on Microsoft. Please do not let that happen.

Microsoft is an overly competitive company that twists the rules of free enterprise however it sees fit with NO regard to consumer needs and RIGHTS.

It does not ''innovate''; it SUFFOCATES the industry by force feeding it's own standards. That is not good for consumers, government, or the tech industry.

Thank you,
Jason Musselwhite
822 Pine Circle
Starkville, MS 39759

MTC–00014436

From: Pam Takada
To: Microsoft ATR
Date: 1/21/02 11:26pm
Subject: Microsoft Settlement

Dear Sir/Madam,

Subject: Microsoft should be split into 2 companies.

The previously proposed settlement was a complete a joke. This ''settlement'' only further served to increase its monopoly position.

Microsoft has and continues to act as a predatory monopoly. As such, the company deserves to be split into 2 companies: one company which develops operating systems, and the other company which develops applications.

Microsoft stifles competition and treats its competitors with heavy handed bullying tactics.

I am not connected in any way with Microsoft or any of its competitors.

Thank you,
Kevin Takada
916 San Ramon Ave.
Huntsville, AL 35802

MTC–00014437

From: Alex Silverman
To: Microsoft ATR
Date: 1/21/02 11:30pm
Subject: Microsoft Settlement

To Whom It May Concern:

As an individual, I have benefited gloriously from the ingenuity, production, and thought that Microsoft has utilized over the years. It utterly baffles me why anyone would want to punish such life-promoting virtues.

I ask you: What exactly has Microsoft done wrong?

—Bill Gates earned a living by producing products that he chose to trade with others. (Inalienable right to life) Is this wrong?

—No one was forced to deal with Microsoft. Individual people willingly bought Microsoft products, trading goods for goods voluntarily—myself included. (Inalienable right to liberty) Is this wrong?

—Their products were and are so effective, that everyone chose Microsoft over other companies. (Inalienable right to the pursuit of happiness) Is this wrong?

Is this what we are to punish Microsoft for, for its earned success and dissemination of the products of efficacy? Are we to punish Microsoft because it is ''too good'', i.e., because it promotes life, liberty and happiness ''too much''?

It is by this standard (i.e., our constitution) that I pronounce Microsoft as profoundly moral, and deserving of praise—not punishment, fines, and expropriation. Bill Gates and Microsoft have a right to the goods that they produce by their own effort, i.e., they have a right their own property. Expropriating them—and for their success no less—is too scary for words. I ask you, in the name of individual rights, and everything that this country stands for: do not punish the successful because they are successful. Let Microsoft—as well as every other business and individual in our great country—be free to pursue their life, liberty, and happiness.

Patriotically,
Alex Silverman
Wakefield, Massachusetts
CC:activism@moraldefense.com@inetgw

MTC–00014438

From: Heiselfluflu@cs.com@inetgw
To: Microsoft ATR
Date: 1/21/02 11:33pm
Subject: Microsoft Settlement

I think punsihing microsoft for it's success is not only bad but it is also evil. Microsoft has gotten where it has because of smart business practices.

It wants its product in all hardware is that evil? you say it is. I don't think so they don't force one company to use it's product. When I write force I don't mean pressure I mean with guns. Thats what the U.S government(all governments) does when it dosn't like what a company does. You claim to help the consumer but you are frauds. If people say they that they have the right to a product without microsoft products they're wrong. They have a right to a trade but they don't have a right to force a company to make something the way they want it. If they don't want micfosoft on there they'd have another operating system with less support(no software would work on it) or the manufacturer of the PC will have to make it's own. Any body can download another operating system or another browser too. Thats including netscape.

The people who say otherwise just want to see a successfull company paralized. They hate main stream business and microsoft is the most main stream. I urge the justice

department to not punish successful business. It's a lie to say your punishing bad business practices but it's not that at all. All governemts support one business or more who stays a monopoly by the force of guns like the U.S postal service. The U.S government is very hypocritical. People clamor for comsumer rights but what about producer rights. I see microsoft and other sucessfull companies to be like parants.

They support us and feed us yet like children we don't appreciate that and what's worse we put guns to their heads and make them do what we want. Can the reader do that to their parants? I think not. So what is microsoft it big right now. Can you honestly say another company want make a better more main stream operating system that anybody could use? The justice department has not right what so ever to break up a monopoly. If it's in the name of the people to break up companies then people want must demand sacrifice.

Well if they want to sacrifice companies for the public damn the justice department and damn the public.

MTC–00014439

From: Louis B. Moore
To: Microsoft ATR
Date: 1/21/02 11:36pm
Subject: Microsoft Settlement
19575 East 128th Ave
Commerce City, CO 80022
22 January 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Via Electronic Mail and USPS.

To whom it may concern,

We are writing with regard to the proposed settlement of the Civil Action No. 98–1232 The United States of America v. Microsoft Corporation which was published in the Federal Register on 28 November 2001 in accord with the provisions of the Tunney Act and pursuant to the Court's order of 08 November 2001.

In considering the proposed remedy in the above referenced case we take as our starting point the summary in the Department of Justice COMPETITIVE IMPACT STATEMENT: The Court of Appeals upheld the conclusion that Microsoft had engaged in a variety of exclusionary acts designed to protect its operating system monopoly from the threat posed by a type of platform software known as ''middleware,'' in violation of Section 2 of the Sherman Act. Specifically, the Court determined that, in response to the middleware threat, Microsoft:

(1) undertook a variety of restrictions on personal computer Original Equipment Manufacturers (''OEMs''); (2) integrated its Web browser into Windows in a non-removable way while excluding rivals; (3) engaged in restrictive and exclusionary dealings with Internet Access Providers, Independent Software Vendors and Apple Computer; and (4) attempted to mislead and threaten software developers in order to contain and subvert Java middleware technologies that threatened Microsoft's operating system monopoly.

It is probable in this case that some form of structural remedy would have been the most effective in curbing the monopolistic abuses while avoiding the expected difficulties involved with governmental regulation. Microsoft has worked itself to the level of a utility not unlike the AT&T of the late 1970s. An economic power of this scale ultimately has to be regulated or structurally altered in order to prevent continuing harm of the types found by the District and Appeals Courts. It is a surprise, therefore, that the DoJ chose to remove the structural remedy from the negotiating table so early in the process.

We have examined the proposed settlement in an attempt to judge its effectiveness, both in redressing the harm the Defendant has caused and in preventing further harm by action of the Defendant. We have likewise examined the provisions proposed by the nine states (California, Connecticut, Florida, Iowa, Kansas, Massachusetts, Minnesota, West Virginia and Utah) in their alternative settlement. If the process requires choice of one of these two proposed settlements, then we respectfully suggest that the nine states'' proposal be the one selected, as it appears to offer a better chance of correcting the harms found to have been caused by Microsoft's Sherman Act violation by the District Court and unanimously affirmed by the Appeals Court. Detailed information concerning this preference will doubtless be submitted by others, so we will describe only two examples to illustrate the reasons for preferring either the nine-state alternative or structural remedies in this case.

(1) Section VI. U.

The District and Appeals court found that Microsoft had ''integrated its Web browser into Windows in a non-removable way while excluding rivals''. The proposed settlement contains various rules concerning ''Middleware'' and some definitions:

Section VI. J ''Microsoft Middleware'' means software code that 1. Microsoft distributes separately from a Windows Operating System Product to update that Windows Operating System Product;

Section VI. U. . . . The software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion.

This would appear to introduce a large degree of ambiguity. For example:

1. The definitions ultimately lead to the Defendant's defining what is and what is not the ''Windows Operating System Product''.

2. As long as the Defendant defines what consitutes the ''Windows Operating System Product,'' ISVs will never be sure if they are competing with Windows or with a Middleware product.

3. Consumers will never know the true cost of the Microsoft products they are purchasing, as long as the price is hidden in the cost of the system as a whole and they are uncertain as to what is or is not part of the ''Windows Operating System Product''.

Under the nine-states proposal Microsoft would offer an unbundled version of Windows, as well as the usual product. This would help to define what constitutes the Operating System and what contitutes a bundled or ''integrated'' product.

(2) Section III.J.2

The public is best served when communications protocols and APIs adhere to common, publicly available, and documented standards such as the Internet Engineering Task Force Requests For Comment. Considerable effort has been made by researchers, hobbyists and 501(c)3 not-for-profits towards such public interoperable standards.

J. No provision of this Final Judgment shall:. . .

2. Prevent Microsoft from conditioning any license of any API, Documentation or Communications Protocol related to anti-piracy systems, anti-virus technologies, license enforcement mechanisms, authentication/authorization security, or third party intellectual property protection mechanisms of any Microsoft product to any person or entity on the requirement that the licensee: (a) has no history of software counterfeiting or piracy or willful violation of intellectual property rights, (b) has a reasonable business need for the API, Documentation or Communications Protocol for a planned or shipping product, (c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, (d) agrees to submit, at its own expense, any computer program using such APIs, Documentation or Communication Protocols to third-party verification, approved by

Microsoft, to test for and ensure verification and compliance with Microsoft specifications for use of the API or interface, which specifications shall be related to proper operation and integrity of the systems and mechanisms identified in this paragraph.

Among the problems that stand out in this section:

1. The defendant will have a conflict of interest in that it will be certifying the authenticity and viability of entities attempting to compete with the defendant.

2. The provision sets up several barriers to many of the 501(c)3s, academcians, researchers and hobbyists that helped build, and continue to help maintain, the Internet in the first place.

A far better approach would be for the defendant to adhere to published standards from appropriate independent bodies than for the defendant to pick and choose who may compete with it.

In conclusion, we do not see how the remedy proposed by the DoJ and Microsoft will address the the harms found by the District Court and affirmed by the Appeals Court.

Respectfully submitted,
/Signed/
Johanna S. Billmyer
/Signed/
Louis B. Moore
CC:Louis Moore,J Billmyer

MTC–00014440

From: MARIAN 7 CHARLIE
To: Microsoft ATR
Date: 1/22/02 12:03am
Subject: Microsoft Settlement
Original Message
From: ''Microsoft's Freedom To Innovate Network'' <fin@MobilizationOffice.com>

To: <mcwalker@1starnet.com>
Sent: Monday, January 21, 2002 12:26 PM
Subject: Attorney General John Ashcroft Letter

Attached is the letter we have drafted for you based on your comments. Please review it and make changes to anything that does not represent what you think. If you received this letter by fax, you can photocopy it onto your business letterhead; if the letter was emailed, just print it out on your letterhead. Then sign and fax it to the Attorney General. We believe that it is essential to let our Attorney General know how important this issue is to their constituents. The public comment period for this issue ends on January 28th. Please send in your letter as soon as is convenient.

When you send out the letter, please do one of the following:

Fax a signed copy of your letter to us at 1–800–641–2255;

Email us at fin@mobilizationoffice.com to confirm that you took action.

If you have any questions, please give us a call at 1–800–965–4376. Thank you for your help in this matter.

The Attorney General's fax and email are noted below.

Fax: 1–202–307–1454 or 1–202–616–9937

Email: microsoft.atr@usdoj.gov

In the Subject line of the e-mail, type Microsoft Settlement.

For more information, please visit these websites: www.microsoft.com/freedomtoinnovate/ www.usdoj.gov/atr/cases/ms-settle.htm

MTC–00014441

From: MARIAN 7 CHARLIE
To: Microsoft ATR
Date: 1/22/02 12:06am
Subject: Microsoft Settlement
Walker G. P. LLC
1841 Fairfax Paris, Texas 75460
Fax 903–784–6648 Ph. 903–784–4919
January, 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I write to you today to express my support of the Microsoft settlement. The Department of Justice has now spent three years toiling over this issue without any resolution. Finally last November a tentative settlement agreement was reached. This settlement should be enacted with haste. It represents a fair mediation between all parties involved.

The terms of the settlement are very fair. Microsoft now agrees to license its Windows software at the same rate to the largest manufacturers of PCs. This make the marketplace much mole competitive. Also Microsoft will agree not to retaliate against companies that use, sell, or promote non-Microsoft products. Additionally, Microsoft has agreed to share information with its competitors that will allow them to more easily place their own programs on the Windows operating system.

Obviously Microsoft has been generous in resolving this issue. The Justice Department must enact this settlement.

Sincerely,

C. L. Walker

Sincerely,

MTC–00014442

From: Greg Barnes
To: Microsoft ATR
Date: 1/22/02 12:05am
Subject: Microsoft Settlement
January 21, 2002

To whom it may concern,

I am a software engineer in Seattle, Washington. I earned my Bachelor's Degree in Computer Science in 1987 from the University of California at Berkeley, and my Ph.D. in Computer Science and Engineering in 1992 from the University of Washington.

Upon reading the Proposed Final Judgment and the Competitive Impact Statement in the United States vs. Microsoft, it appears to me that the proposed final judgment is too lenient, too lax, and too full of loopholes.

The proposed final judgment is too lenient for Microsoft. They have been flaunting the law since they entered into a final judgment in 1995. The District Court found, and the Appeals Court agreed, that they have been illegally maintaining their monopoly for years, and in the process have essentially killed Netscape Corporation and threatened major computer companies such as Intel and Apple. It is widely believed that no venture capital money is available for a product that will or might compete with Microsoft, as Microsoft will crush any such competitor before it becomes to popular, whether by threats, or by folding software similar to the product into its operating system and distributing it 'free'' to all who use their monopoly operating system.

Despite all this, the proposed final judgment does little to punish Microsoft for this conduct, or to insure that it cannot continue using the same tactics in the future. In particular, definition VI.U. says ''The software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion,'' thus making it impossible in the future to sustain a claim against Microsoft that it maintained its monopoly by illegally tying another product to its operating system.

I would like to see stricter conduct remedies, if not a structural remedy. I also share Ralph Nader and James Love's surprise (see http://www.cptech.org/at/ms/rnj12kollarkotellynov501.html) that there is no monetary penalty attached, if only to prevent Microsoft from using its ill-gotten gains to buy or otherwise fund its way out of future competition.

The proposed final judgment is also much too lax. The judgment gives too much discretion to Microsoft, and its enforcement regime seems designed to allow Microsoft to delay its way out of any violations. The Technical Committee seems too powerless; it cannot impose any actual penalties, only report on violations, and the reports cannot even be made available to the public. Much of the apparent recent improvement in Microsoft's behavior appears to be due to publicity about its practices. It follows that the enforcement process should be as open as possible, not closed as the agreement stipulates.

Most disturbing, though, is the number of instances in the proposed final judgment where Microsoft is given the power to decide things on its own. The company has been found guilty of anti-trust violations, and has acted in bad faith towards the court both with regards to the earlier final judgment, and numerous times during the recent trial actions. Yet in many clauses, the judgment allows the company discretion to make exceptions. By past behavior, we can only expect the company to abuse this discretion, at the very least to delay any action it does not like, at worst to subvert the process.

For example, the 'notwithstanding'' clauses after III.H.3 allow Microsoft discretion to void the previous section (and using the vague and undefined term 'reasonably prompt manner' to allow Microsoft to stall against any objections). Particularly troublesome is III.J.2, a clause which seems to be designed to allow Microsoft to ignore legitimate requests from open source software developers (because they typically do not have a business behind them, and therefore no 'authentic'' or 'viable'' business). This is particularly troublesome because Microsoft has recently made a number of statements declaring open source software for example, 'a cancer', 'unamerican', and the number one threat to their business.

I would suggest that Nader and Love's suggestions about the term of the judgment and its enforcement mechanism be used. The current version merely seems to introduce a level of bureaucracy between Microsoft and actual enforcement power. In addition, instead of giving Microsoft latitude to make exceptions as in III.H.3 or III.J.2, Microsoft should be allowed to *propose* exceptions to the Technical Committee, which would make the final decision, with the stipulation that when in doubt, the committee should err on the side of openness to outsiders.

Finally, open source software should be recognized as the public benefit that it is, and open source developers and projects be accorded the same privileges as standard businesses, if not more.

Finally, as an expert in the field, I would like to point out how riddled with loopholes the judgment is. The drafters seem myopically focused on the current characteristics of Middleware software and products, and unaware how simple it would be to circumvent the spirit of the judgment using its own text.

As a simple example, consider the various definitions of Middleware and Middleware Products. They all implicitly consider software that lies directly between the user and the operating system. It would be simple matter for Microsoft to break the agreement by devising another layer of middleware, between the current middleware and the operating system. For example, according to III.D., Microsoft must eventually release 'the APIs and related Documentation that are used by Microsoft Middleware to interoperate with a Windows Operating System Product'. With an extra layer added, currently existing middleware will no longer operate with the Operating System Product, and thus its APIs need not be released. I'm dubious the new layer, which does interoperate with the operating system, would be defined as middleware, either, as it would not seem to fit the judgment's

definitions, which describe middleware in terms of current products. Even if the enforcers of the judgment would not accept this transparent ploy, it seems likely to me that Microsoft could, as in the past, use their considerable political, legal and monetary power to delay a judgment against them. Given the short term of the judgment, this and similar ploys should be prohibited outright.

Let me give some more examples of how Microsoft could use the narrow language of the judgment to circumvent it. Section III.E. could be circumvented in a way similar to III.D, by imposing another layer between the server operating system and the Windows Operating System (say, another server operating system). The communications between the Windows Operating System and the first server operating system would have to be documented, but not the communications between the first server and the second. If this does not seem sufficiently devious, consider a protocol where the Windows Operating System sends 10 messages to (possibly different) servers, and the servers communicate between themselves to act on 1 of the 10 and ignore the other 9. Anyone who wishes to compete by supplying a substitute for the servers would be hard-pressed to figure out what was actually going on without information about the protocol between the servers, but this protocol need not be disclosed by Microsoft.

Note also that Microsoft's current direction (.NET) is toward Middleware accessing servers directly; it would seem by the judgment that Microsoft is free to abuse its monopoly as much as it wishes in this area, as the judgment does not place any conditions on middleware that does not talk to the desktop operating system.

Another avenue of circumvention is software such as Microsoft Office; clearly Office would not be defined as middleware or part of the operating system. However, there is nothing to stop Microsoft from grafting some communication code into future versions of Office to exploit these definitions. For example, suppose Microsoft includes code in its web browser that, on startup, communicates with a running Office program that it has started up, and the Office program in turn passes an 'OK to browse'' message on to the Operating System. Suppose also that the Operating System code is rewritten so that, if a browser attempts to get a web page and the Operating System has not gotten such an 'OK', it terminates the browser program. None of the browser-Office or Office-operating system communication needs to be disclosed to outside parties, as Office is neither middleware nor part of the operating system. But the net effect would be that any non-Microsoft browser would be mysteriously broken.

Another problem arises with III.J.1.a, which allows Microsoft to refuse to disclose 'portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of a particular installation or group of installations of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems.'' This section can be abused to prevent disclosure of information about *any* protocol, by including in the protocol information which helps to disclose sensitive security information. Suppose, for example, that Microsoft devises two different versions of a Communications Protocol, and deems that it will use one version if the last bit of a site's secret cryptographic key is '0', and the other if the last digit is '1'. This means that if you know which protocol is being used, you know information that can help compromise this key (if you think one digit isn't enough information, suppose they have 1024 different versions, which will tell you 10 digits of the key, or 2 − 20 versions, which will tell you 20 digits, or whatever you like— different versions could be as simple as including a different version number in the protocol's messages). The point is that, by III.J.1.a, Microsoft would be justified in refusing to document the Communication Protocol in question, as it would certainly compromise the security of the key used. And, again, this can be used to prevent disclosure of *any* protocol, whether related to security or not.

While these scenarios may seem far-fetched, we must consider past actions of the company. For example, when faced with an order to distribute a version of Windows ''95 without Internet Explorer, Microsoft distributed a deliberately broken version. It is certainly not difficult to believe that the same company would resort to schemes such as these if it felt it would protect its illegally-maintained Windows monopoly.

I would urge the court to take action to prevent such loopholes. For example, it could hire a team of experts to look for any possible way the spirit of the agreement can be circumvented. The definitions, particularly those relating to middleware and operating system should be broadened. Finally, a list of underlying principles should be included with the judgment so that if any loopholes still remain, the Technical Committee and the Court will be able to disallow such evasions.

Sincerely,
Greg Barnes
gsbarnes@drizzle.com
4756 U Village P1 NE #239
Seattle, WA 98105

MTC–00014443

From: Les Weber
To: Microsoft ATR
Date: 1/22/02 12:15am
Subject: settlement of Microsoft case needs to be toughened

I, as a software professional believe that the settlement terms against Microsoft definitely need to be made tougher. Microsoft definitely needs to include a non-Microsoft modified version of the Java run-time environment on new OS's. Other settlement terms brought up by the state's law suit also need to be implemented. — —

Adventure is not outside a man; it is within. David Grayson

Les P. Weber, B.S., B.S.E.E. Weber Engineering Associates, Inc. ''Software & System Crafters''

Voice—Office—507–625–5021

MTC–00014444

From: Chris Mitchell
To: Microsoft ATR
Date: 1/22/02 12:16am
Subject: Microsoft Settlement

To Whom it May Concern,

I am very pleased that the Department of Justice has finally found that Microsoft is the ''800 pound gorilla'' that bullies the pc industry. I am not certain of the monetary loss that will be incurred by Microsoft in this ruling but as an Apple Macintosh user that uses Microsoft software daily, I can verify that the actions that Microsoft has taken against Apple, Netscape, Sun, and other OEMs have been ignored far too long. I was concerned that Microsoft's first proposal by Microsoft (of providing public schools with Windows / Intel-based pcs and Microsoft software) would be a direct infringement on non-Microsoft manufacturers and software developers. It pleases me to know that this proposal was declined.

Microsoft is solely responsible for slow development of software and hardware by third party vendors because of Microsoft's monopoly in the operating system market and ati-competitive practices. The entire personal computer industry as well as the end-user suffer as a result of Microsoft's actions. Microsoft should be punished accordingly.

Microsoft should pay Netscape and other such vendors and manufacturers a substantial amount for their anti-competitive practices against them.

Chris Mitchell

MTC–00014445

From: Judy Hageman
To: Microsoft ATR
Date: 1/22/02 12:17am
Subject: Microsoft anti-trust suit
Attention: Renata Hesse
Judge Kolar Kottely
U.S. Department of Justice, Antitrust Division
601 D Street, NW, Suite 1200
Washington, DC 20530

Dear Judge Kolar Kottely:

I am writing to convey my opinion that the settlement developed by the U.S. Department of Justice to end the anti-trust suit against Microsoft should be approved.

I feel the case has been going on far too long and has consumed enough of our state and federal tax dollars. I am a Kansas taxpayer that is extremely displeased that our state has not joined the DOJ in working to settle the case. It upsets me that my state tax dollars are continuing to be spent on this suit, even with a worthy settlement proposal on the table.

As a federal taxpayer, I wish we had the millions of dollars spent on the case, back in our hands.

But at least the Bush Administration is smart enough to cut bait on the fishing expedition Janet Reno started.

I urge you to look closely at the merits of the settlement, and then at the continued costs to all parties for continuing the suit. I am confident on both counts, you will decide that settlement is the best option.

Sincerely,
Judy Hageman
McPherson, KS
jhageman@swbell.net

MTC–00014446

From: John Prezkop
To: Microsoft ATR
Date: 1/22/02 12:22am
Subject: Microsoft Settlement

What is wrong with the settlement-settle it and be on with it! I don't think any public consumers have been hurt anyway. It looks like a case of ''crybaby'' competitors who got the government to do something they could not do themselves and now a bunch of greedy holdout states who want to squeeze Microsoft for as much as they can. Settle this unjustified farce now!

John Prezkop-Wheeling, WV

MTC–00014447

From: HorizonsBeyond3@aol.com@inetgw
To: Microsoft ATR
Date: 1/22/02 12:29am
Subject: Microsoft Settlement

To whom it may concern:

This letter is written in defense of Microsoft in it's current anti-trust case. Below I will briefly outline the reasons for my support, and hopefully provide a sound basis for why anti-trust laws as such should be done away with.

I use Microsoft in nearly every application of computing. I use Microsoft Windows(r) XP(tm) for my operating system, I prefer Microsoft Internet Explorer(tm) to other web browsers, I connect to the Internet using MSN(r), and I develop applications using Microsoft's Visual Studio(tm) software. All of these programs offer enormous benefits over their competitors because they are made to work together, besides the fact that they are developed by some of the brightest minds in the software and hardware industry.

Where would the home office be without Microsoft Office(tm)? Microsoft has led the way in productivity software, including more and more innovative features into everfy subsequent release. What other operating system allows as much universality as XP? I couldn't tell you.

Microsoft is not ''exploiting defenseless victims.'' They are simply offering software that can be a tremendous benefit to any individual who chooses to buy it. ''Bundling'' products such as IE doesn't cause ''serious problem concerning competition,'' unless you consider a companies benevolent policy of giving away some of it's best software for free is a ''problem.'' I actually wish more Microsoft software would be bundled with Windows, so that the software could be more tightly integrated to the core functioning of the operating system, allowing more features like drag-and-drop CD burning to come into existence. If I become dissatisfied with Microsoft's products, I will look to the market for more choices, which there will always be as long as capital is free to flow. And if an extremely large company starts trying to produce products of a lower quality, capital, not government intervention, is what will fix the problem best.

By the nature of this case, I am quite suprised actually at the incessant call to ''protect the consumers,'' when, this case was not brought on by consumers at all, but by unsuccessful competitors envious of Microsoft's success. Pandering to envy is not the purpose of a court of law, especially not in a free country. Any judgement handed down should call not Microsoft, but the instigators of the trials, to pay fines. It is Sun, Apple, and Netscape who should pay for the cost of the legal preceeedings and it is they who should pay retribution to Microsoft for the incalculable damage done to both it's reputation and it's stock.

But that is not the important factor. Hours could be spent discussing the objective value of Microsoft's software, the alleged harm bundling has done to competition, or even an important issue like the very Constitutionality of anti-trust laws. But what is important is: Does Microsoft have the right to control it's own property? If in this land there is still an inalienable right to ''life, liberty, and the pursuit of hapiness,'' then how can anyone—especially a Justice charged with protecting those rights—attempt to call the law down on an organization that promotes exactly that? Man must still live by his mind, and therefore must have right to the product of his mind in order to survive. Man is still a being of spectacular power, but that power lies within his mind. And in sight of this call by the highest legal authority of these United States of America, the nation based on the principle of individual rights, I must quote a most appropriate quote from Thomas Jefferson, ''I swear. . . . eternal hostility to every form of tyranny over the minds of man.'' In respect of the very person of whom I just quoted, and in honor of the principles in which he helped erect in this country to allow men, such as those who run and own Microsfot, to pursue their own happiness and achieve their own lives, I ask you to throw down any considerati on of fining Microsoft in any way for the name of this mockery of the very principle of justice that you call anti-trust.

Sincerely, and to the best within us all,
Anthony Raymond Bullard
President, The Dashul Institute
Founder, President, and Owner, Bullard Enterprises
CC:activism@moraldefense.com @ inetgw,letters@capitalis.

MTC–00014448

From: Mark Suter
To: Microsoft Settlement
Date: 1/21/02 9:13pm
Subject: Microsoft Settlement
Mark Suter
6023 Meadow Lane
Bakerstown, Pa 15007
January 21, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry.

It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Mark Suter

MTC–00014449

From: John L. Carlson
To: Microsoft Settlement
Date: 1/21/02 7:15pm
Subject: Microsoft Settlement
John L. Carlson
4506 W. 117th St.
Alsip, IL 60803–2220
January 21, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry.

It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
John L. Carlson

MTC–00014450

From: Brian Walker
To: Microsoft Settlement
Date: 1/21/02 8:51pm
Subject: Microsoft Settlement
Brian Walker
P.O.Box 26
Windermere, FL 34786–0426

January 21, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Brian F. Walker

MTC–00014451

From: Carol Aumack
To: Microsoft Settlement
Date: 1/21/02 9:09pm
Subject: Microsoft Settlement
Carol Aumack
760 Kerry Downs Circle
Melbourne, Fl 32940
January 21, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Carol Aumack

MTC–00014452

From: Donald W. MacVittie
To: Microsoft ATR
Date: 1/22/02 12:14am
Subject: Proposed
Microsoft Settlement

To Whom It May Concern;

As a professional software developer and a freelance technology writer, I feel the need to write concerning the currently proposed settlement. From an historical perspective, Microsoft as an entity has been beligerent and hostile to court orders. There is no reason to believe that this attitude will change. A simple review of the number of contempt cases Microsoft has been a defendant in makes this trend clear. With this in mind, I firmly believe that any settlement that leaves Microsoft intact is a disservice to the public at large. I do not mean to disparage the items included in the proposed settlement, I just don't believe they can be effective.

The only solution that I feel is guaranteed to stop Microsoft's anti-competitive practices and allow the computer industry to progress beyond Microsoft's limited vision of the future is to split the company into at least three (3) separate entities. At a minimum, the company should be split into ''desktop systems'', ''server systems'', and ''development tools''. All communications between these organizations would have to be at the level that current competitors are given access.

I believe in an open and competitive market. I believe that the government should be business friendly. I just do not feel that the interests of a single big-business are the best interests of business in general.

Thank you for your time,
Don.
Donald W. MacVittie
dmacvittie@nwc.com don@
nandgate.comdmacvit@wpsr.com

MTC–00014453

From: Jed Singer
To: Microsoft ATR
Date: 1/22/02 12:47am
Subject: One voice

It seems ludicrous to me that they might receive a ''punishment''/settlement that is, in effect, an excuse to make inroads into education, one of the few markets that they do not grip in a stranglehold.

The only people I know who are supportive of Microsoft and its monopolistic practices are Microsoft employees, and even most of them with whom I am acquainted are more ashamed of their company than anything else. As far as I can tell, it is the will of the people that something —significant— be done to diminish their power; as it is, they abuse this power:

* by willfully disregarding well-established standards of information technology that have been formed by consensus of many and then forcing others to comply with their new proprietary creations

* and by spreading uncertainty, fear, and doubt in the minds of consumers, leading them to purchase Microsoft's products when in many cases their are other products that would work as well or better and cost less (''Well, I really like this other software, but it's not Microsoft; isn't that what everybody else uses? If I want to be compatible with them, I'd better pay more for something I like less. . . '')—Not only are there frequently better/cheaper solutions, they almost never suffer from compatibility issues. Developers are aware that we live in a Microsoft-dominated world, and thus tend not to release products that are unable to function in such a world. As I mentioned, it is my belief that it is the will of the American people that something be done to put a stop to this, though Microsoft has in the past attempted to argue otherwise (through numerous well-documented rigged surveys and imaginary statistics they have concocted). I urge you, as the arm of the government which exists of, by, and for the people, to take forceful action.

Thank you,
Jed Singer
650 Anthony Lane
Madison, WI 53711
608 233–2893

MTC–00014454

From: Jim Dykeman
To: Microsoft ATR
Date: 1/22/02 12:56am
Subject: Microsoft Case

Anyone for punishing Microsoft is anti-commerce and should be voted out of office

James J. Dykeman
Mercer Island, WA 98040

MTC–00014455

From: Sullivan
To: Microsoft ATR
Date: 1/22/02 1:00am
Subject: Microsoft Settlement

TO:
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
RE:
Microsoft Settlement

As a US taxpayer and freedom-loving citizen, I urge you to settle the case against Microsoft as quickly as possible, with NO fines, damages, or other punishment of Microsoft.

Like millions of other individuals across the country, I use Microsoft products daily, both at home and in my office. I use these products of my own free choice—I don't need the government to tell me what I should or shouldn't have on my computer, and I resent myself, or any other private individual, being characterized as some kind of helpless victim of corporate power.

Corporate power is actually financial strength; it comes from creating products for people to buy and use, and a company remains viable only so long as it provides useful products that many people choose to buy. Unless it is granted special favors by the government (which is improper), the only

power a company has is to offer opportunities—in the form of products and services—to anyone wishing to avail themselves of the opportunities.

The U.S. government should protect the property rights of companies—not try to limit or redistribute their property because less successful competitors resent their market prowess. The government should protect free trade, and should laud and protect the accomplishments of companies like Microsoft. It is immoral to punish the successful for being successful! The entire anti-trust concept is an abomination: it is antithetical to capitalism and free trade—and to the United States of America.

Thank you for considering these thoughts.

Sincerely,

Daniel T. Sullivan, DDS

St. Louis, MO

Sullivan@tseinc.com

MTC–00014456

From: Alan Naisuler
To: Microsoft ATR
Date: 1/22/02 1:20am
Subject: Microsoft Settlement

I am writing to oppose the DOJ's proposed settlement and in favor of the Litigating States'' Remedial Proposals.

I am a professional Windows software developer with 30 years of software experience and having first written Windows code in 1985 when it was first introduced.

I am disappointed by the DOJ's:

—technical naivete
—reversal of direction once the Republican administration took office
—Ashcroft's public declaration to quit the litigation BEFORE starting settlement negotiations with Microsoft
—failure to see Microsoft's incredible drive to dominate and monopolize
—warning the judge not to rule more in their favor than the settlement agreement.

Microsoft's marketing behavior is criminal but I will not get into that now. However, I need to be protected from it.

I wish to dispute the specific claim by Microsoft that Internet Explorer browser can not be detached from the operating system without harm or hindrance. It is my professional opinion that this is baloney and is a prime example of Microsoft's bold lies to the technically inexperienced. First, please find below a section of a 1996 Microsoft technical article aimed at Windows developers / programmers such as myself. This article bragged about the technology and expertise that Microsoft had used in ushering in the brave new (Microsoft) world in which everyone could write software that could easily and efficiently interface with other software. But when Netscape and Java came along (about that time), Microsoft's API's, DLLs, COM, ActiveX, and (later) .NET crap somehow could NOT permit Microsoft to detach IExplorer from the OS and put it on an equal footing with third party software. As a Microsoft Windows developer (from 1985), I am saying that this is bull&%$ and I think the DOJ needs to hear it.

Second, Bill Gates has recently and suddenly got religion relative to security, privacy and viruses. I have enclosed below a short article concerning his new interest in the subject. The Internet Explorer, as should all Internet client programs, must be separated from the operating system with a clean divide between the two. Only this would permit commands and data to be monitored as they enter and leave the computer from / to the Internet. Security has always demanded that the browser be separate. It is pitiful that I am trying to convince someone in the DOJ of this. What is your real job? You can't be qualified for judging this. If you bothered to ask an expert, you would have been told this long ago.

Microsoft should be broken up. If Judge Jackson had not given the interview, they would have been broken up. If the DOJ had not become so politicized, then they would have been broken up. However, at this time, I am asking for the Litigating States'' Remedial Proposals to be adopted.

Thank you.

Alan Naisuler, MSEE

acn: here is a section of a tech article from about the time Microsoft was blocking Netscape from installing its browser. Note how they describe the easy and free process of having third parties plug their software into applications written with Microsoft technology. That was until someone wanted to plug into their operating system. It shows how Microsoft is lying when they claim Internet Explorer had to be hard-wired into the OS.

http://msdn.microsoft.com/library/default.asp?url=/library/en-us/dnolegen/html/msdn_aboutole.asp

What OLE Is Really About
Kraig Brockschmidt
OLE Team, Microsoft Corporation
July 1996

Kraig Brockschmidt is a member of the OLE design team at Microsoft, involved in many aspects of the continuing development and usage of this technology. Prior to holding this position, he was a software engineer in Microsoft's Developer Relations Group for three years, during which time he focused his efforts on OLE, versions 1 and 2, and produced the books Inside OLE 2 and Inside OLE, 2nd Edition for Microsoft Press(R). He has worked at Microsoft since 1988. . . .

To be used successfully, component software requires that applications always check on what components exist when they need them, instead of assuming there is only a limited set. When a new component is added to the system, it should become instantly available to all applications, even those that are already running. For example, consider a word processor that has a ''Check Spelling'' menu command whose implementation relies on the existence of a suitable spell-checker component. If a newer and better component is added to the system, that application can immediately take advantage of it the next time the user clicks that menu item.

A system that supports component software must therefore support a generic ''service abstraction''?that is, an architecture that defines how all types of components appear and how they are manipulated. In addition, the architecture must be extensible, so that a new component category (as opposed to an implementation of an existing type) can be introduced without having to revise the architecture. This is the problem of creating an extensible service architecture. For instance, it might be easy to define an architecture that accommodates components that provide content for compound documents, but can that same architecture accommodate later specifications for custom controls? In other words, the architecture must expect that new component types, or categories, will be defined later on. The other big problem that such an architecture must solve is that of ''versioning.'' It turns out that the first definition of a component type is easy to manage, as is the first implementation of any particular component. The difficulty comes in managing revisions to the designs and the implementations over time. COM and OLE are the results of Microsoft's experience with such problems.

acn: it would make good security sense to separate the browser from the OS Locking Windows

Microsoft Announces Corporate Strategy Shift Toward Security, Privacy

WASHINGTON, Jan. 16, 2002

(AP) Microsoft Chairman Bill Gates announced to employees Wednesday a major strategy shift across all its products, including its flagship Windows software, to emphasize security and privacy over new capabilities.

In e-mail to employees obtained by The Associated Press, Gates referred to the new philosophy as ''Trustworthy Computing'' and called it the ''highest priority'' to ensure computer users continue to venture across an increasingly Internet-connected world.

Gates said the new emphasis was ''more important than any other part of our work. If we don't do this, people simply won't be willing—or able—to take advantage of all the other great work we do.''

''When we face a choice between adding features and resolving security issues, we need to choose security,'' Gates continued. ''Our products should emphasize security right out of the box.''

The dramatic change comes after the discovery of major security problems in Microsoft products, such as a flaw in the latest versions of Windows that allow hackers to seize control of a user's computer. Another problem allowed the Code Red viruses to cripple hundreds of thousands of computers running Microsoft products.

Gates also referred to the Sept. 11 terrorist attacks as another impetus to stress security. He noted that events from last year, from the terror attacks to the virus outbreaks, ''reminded every one of us how important it is to ensure the integrity and security of our critical infrastructure, whether it's the airlines or computer systems.''

Microsoft products can be found in almost every government facility, from the White House to aircraft carriers at sea. One person with knowledge of the change said new products and features will be tested for security risks before going any further ? if they fail, the feature won't be included.

''Things are going to have to go through a crucible, and the crucible will be security-first,'' according to this person, who spoke only on condition of anonymity.

Compensation plans of Microsoft product engineers, such as raises and bonuses, will also be tied to how secure their products are.

Russ Cooper, a security expert with TruSecure Corporation, said the change occurred in part after a new security team assigned to attend every product meeting met resistance from product teams. Microsoft has long been criticized for focusing on making products more feature-rich rather than emphasizing security and stability. For example, Windows XP added DVD player-software, a rudimentary Internet security utility and a new instant messaging program.

Customers could also see a downside, though. Other than fewer new features, product upgrades could come less frequently or could be pushed back.

Privacy is also a focus.

''Users should be in control of how their data is used,'' Gates wrote. ''It should be easy for users to specify appropriate use of their information including controlling the use of e-mail they send.''

MTC–00014457

From: Andrew Hsi
To: Microsoft ATR
Date: 1/22/02 1:31am
Subject: Microsoft Settlement

Hello,

I am a concerned citizen, and would like to voice my opinion against the Proposed Final Judgment in the U.S. vs. Microsoft case currently being considered by the Federal District Court. I believe that the proposed settlement does not adequately address Microsoft's anti-competitive behavior identified in the Appeals Court, and allows for huge loopholes that Microsoft will be able to continue their anti-competitive behavior.

Here is my personal information:
name: Andrew Hsi
address: 991 Belmont Terrace
Sunnyvale, CA 94086
phone: 408–730–5796

Thank you for your consideration.

Best regards,
Andrew Hsi

MTC–00014458

From: Milo Strickland
To: Microsoft ATR
Date: 1/22/02 1:45am
Subject: Microsoft Settlement (proposed)

Dear Sir or Madam,

As a long time Macintosh user, I find the proposed settlement objectionable. As an attorney licensed in Texas, I want very much to see a non political, just and fair DOJ.

I sincerely hope that you keep the best —long Term— interests of this country in mind as you formulate your decision. Best regards,

Milo Strickland #19394300

MTC–00014459

From: Aharon De La cruz
To: Microsoft ATR
Date: 1/22/02 1:49am
Subject: Microsoft settlement

MS should be forced to donate $10 billion over the next 10 years to several (at least 3) nonprofit organisations which would them distribute to the money to the public shools who apply for a grant. MS should be divided at least into 2 separate companies one for the operating system, and one for it's applications software including Explorer and MS Office. MS Explorer and the second most popular internet browser (Netscape Communicator) should both be bundled in the operating system, like other companies do.

Aharon.

MTC–00014460

From: J Tom
To: Microsoft ATR
Date: 1/22/02 2:02am
Subject: Microsoft Settlement
To: Antitrust Division,
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Judge,

I am writing this in response to the request made to the public to comment on the proposed settlement of the Microsoft antitrust case. I run a software business four blocks south of the now destroyed World Trade Center. We are a software consulting firm providing our services to various firms in the medical, educational and financial sectors. Having worked for more than 15 years with both Microsoft as well as non-Microsoft products, I see that there are two fundamental differences between Microsoft products versus non-Microsoft products:

1: Microsoft suite of products (front, middle and back-tier) helps both us as well as our clients preserve our respective intellectual property rights by providing the necessary infrastructure/culture for clear, verifiable and affordable technical handshakes. In contrast, the culture surrounding the non-Microsoft products deliberately encourage property theft; witness the Napster business model (wherein the artists are short-changed), as well as the Open Source Software movement (wherein the programming community is short-changed). And all of this is being actively pursued allegedly for the furtherment of some Marxist ideal where private property is one day, effectively abolished. As our nation makes greater and greater commitments to the knowledge economy, it is incumbent on the judicial arm of the government to do everything it can to preserve and protect intellectual private property. Instead what I witness as the essense of the anti-trust case against Microsoft is an incredible perversion of Justice where the one company that is doing everything it can to help preserve private property is being vilified and tortured to death by a thousand regulatory cuts at the instigation of incompetant firms that have failed to meet market needs (see point 2 below). Like Gulliver in Lilliput, Microsoft is being brought down by an envious mob eager to despoil it of its proprietary code. And the Justice Department is providing all the regulatory rope.

2: Microsoft products are fundamentally bottom-up and inductive in nature; in contrast the non-Microsoft products are predominantly top-down and deductive in nature. Induction drives our economy. The non-Microsoft firms have fundamentally failed to identify and address the inductive essense of creativity and problem-solving in the knowledge economy workplace. This is the main reason why they do poorly in the marketplace. But instead of identifying this failure and correcting and improving their product-suite, they waste everyones resources in this bitter fight to bring down the one firm that has got it right. The bottom-line is that our clients and workers are far more productive with the Microsoft products as compared to the non-Microsoft products. The sad fact is that by bringing down Microsoft, the Justice Department will have actively participated in seriously crippling one of the greatest creative engines of our economy. And as history will one day witness, the malaise that infects our economy today has much to do with the destructive anti-trust action against Microsoft.

Even as I recall with horror the immense destruction of life and property from the terrorist strikes of September 11th, I am afraid that the scale of long-range destruction being unleashed by the Microsoft haters is far worse.

John Thomas
johnmicel@hotmail.com

MTC–00014461

From: Tony Ramirez
To: Microsoft ATR
Date: 1/22/02 2:04am
Subject: Microsoft Settlement

Dear Madam or Sir,

After a long and careful consideration on the available information,

I believe that Microsoft Co. should be broken into at least 5 different companies; applications, desktop operating systems, security, games, and Macintosh software. The people responsible for the predatory marketing ought to penalized with jail time, & large monetary fines.

The proposed school aid remedy is just a thinly veiled attempt to exploit the educational customers. As a teacher I believe it would be a great mistake to allow a remedy without proof that Microsoft will not be able to continue to dominate the marketplace.

Sincerely,
Tony Ramirez
tony.ramirez@home.com

MTC–00014462

From: Popcord@aol.com@inetgw
To: Microsoft ATR
Date: 1/22/02 2:11am
Subject: Microsoft settlement?

I don't know what the settlement entails, I can only suggest that Microsoft is very unfair with their products.

I purchased a desktop computer with PREinstalled software and when I asked for individual programs that are installed already in case I have to reinstall, I was refused. I have to get help to reinstall ONE program OR use a double restore disk I had to purchase for an additional $10 that will remove everything I put on the computer since I purchased it and start from scratch. That is NOT fair. I should also be able to install the programs I use IN MY HOUSE on my computer yet I am told that Compaq and others make a deal with Microsoft to NOT give the customer the programs the company PREinstalls, that is not fair. WE the public are not privy to any agreement Compaq and others have with Microsoft and also think it is unfair for a company to act like the program police and be a middleman? Compaq and others come with preinstalled

Internet Explorer, what if you want Netscape . . . and why do I never get a disk to go with Windows or a separate Explorer either? Their whole system reeks of unfair practices. I accidentally removed two programs and have to reinstall them and was told if I redo the system everything will be removed except what came pre installed originally. Why do I have to have PREinstalled software, why can't I have the disks to install my own if or when I want them installed? I didn't make a deal with Microsoft, only with the computer maker to buy their product? If they want to include the disks they should INCLUDE individual disks they PREinstall instead of eliminating them. Dee

MTC–00014463

From: alcoha@att.net@inetgw
To: Microsoft ATR
Date: 1/22/02 2:25am
Subject: Microsoft Settlement

Dear Sir:

As a taxpayer I strongly object to your wasting our funds in the persecution and harassment of a company, Microsoft, who has given the consumers many wonderful and useful products and has employed many people providing them with a living in this endevour.

Back off and let the free market operate. Our government never seems to be able to do anything correctly.

Alfred Coha

MTC–00014464

From: gon2dogs@net-serv.com@inetgw
To: Microsoft ATR
Date: 1/22/02 2:28am
Subject: MICROSOFT SETTLEMENT
Denise Stage 6340
Bates Crossing Road
Nunnelly, TN 37137–2502
January 14, 2002
Attorney General John Ashcroft,
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I have been following this antitrust dispute between Microsoft and the Department of Justice for the last three years, and I must confess that I am extremely pleased to see that it has finally come to an end. The settlement that has been reached is fair; in my opinion, the only unfair thing about this situation is that this case was ever brought in the first place. Some people have made the mistake of seeing Shunt's work as a load of rubbish about railway timetables This nation has entered into trying times both politically and financially. Quite frankly, there are more vitally important issues facing this nation than the inopportune pursuit of this case. This settlement is reasonable. While Microsoft has had to make more concessions than was ideal, I agree with the position that they have taken to end this suit as soon as possible, and thus the acceptance of the rather stringent terms of the settlement. Microsoft needs to concentrate all of its resources on innovation and the business that has made this company—and thus the American technology industry—the worldwide success that it has become. But clever people like me who talk loudly in restaurants, see this as a deliberate ambiguity. A plea for justice in a mechanized society. I want to express to you my support for this settlement, and to thank you for the foresight that you have demonstrated in orchestrating its development. I hope that we can finally put this heinous suit behind us and that we can finally focus on the important issues facing This nation. Thank you. When Shunt says the 8:15 from Paddington he really means the 8:17 from Paddington. The places are the same, only the time is altered. But is suspense, as Hitchcock states, in the box. No, there isn't room, the ambiguity's put on weight.

Sincerely,
Denise Stage

MTC–00014465

From: Alan (Earthlink)
To: Microsoft ATR
Date: 1/22/02 2:37am
Subject: Microsoft Settlement—Leave Microsoft Alone

To the District Judge, Department of Justice:

Enough already! Leave Microsoft alone!

Competitors are trying to destroy Microsoft, to cut off their legs to make others seem taller. They want to destroy it, rather than compete. But you are not just punishing Microsoft, you are punishing the tens of thousands of individual customers like myself who use Microsoft's products to make our lives easier. Everything that you are punishing them for is something that improves my quality life and saves me time and money. Sun, Oracle, Apple, and the other companies who trumped up charges against Microsoft are not the Great Protectors of Competition, they are jealous, whining destroyers of competition, because they feel unable to compete with Microsoft on the strength of their own products and abilities. Microsoft's supposed ''monopoly'' will disappear the minute their product ceases to be a great product at a reasonable price. The alleged ''power'' they have, due to their size, can turn against them at a moment's notice, if their product is no longer attractive to the consumer. Their size makes them more sensitive to their public, because one bad release means that millions of people don't upgrade, not just a few, costing them billions in a matter of days. They are no more able to offer lousy products with impunity than any smaller company. They use their billions to produce a great product to serve and keep their customers, no different from a small company. There is no ''coercion'' here. I chose Microsoft because I like it better than Sun Unix and better than Mac. That's all. That could change the day they offfer a better product than Microsoft. They haven't.

If even one of Penfield Jackson's idiotic, destructive remedies is adopted, it will be a loss to to us, the American consumer, much more than to Microsoft. If you mandate the removal of the Internet Explorer browser from the Windows operating system, for example, then simple browsing operations will again be fraught with unneccessary crashes. Netscape could use the API more effectively to achieve a similar integration, but they haven't. Microsoft has to publish this interface in order to encourage other companies to write software for Windows. They are driven by the market to disclose the means by which other companies can write software as good as theirs or better. Some do. Netscape has not. They do not deserve special consideration for their own limitations of ability. One good programmer, like Gates, Jobs, or Torvald, can beat a thousand lesser programmers. It doesn't take millions to ''beat'' Microsoft, just better ideas and smart marketing. There is no need to cripple Microsoft. That just discourages others from trying to achieve the same level of success. You are considering crippling the system to allow lesser talents to ''compete.'' Would you break the legs of all the non-American runners in the Olympics to give ours a better chance? Who does that benefit? What do those scores mean? They are worthless and tell us nothing about the capacities of human beings. Conclusion: Do not punish Microsoft for the mere fact that they have been a phenomenally well-run enterprise, as a business and as the leader in the personal computer revolution ''Antitrust?'' This case is anti-American, anti-competitive, anti-business, and opposed to every freedom that we have fought and continue to fight for.

Background Note

I have worked in the Information Technology field for 23 years, none of them working for Microsoft, any subsidiaries, or any of its legal opponents. I speak as an experit in IT and as a citizen of the U.S., not for any organization. I have followed this case for the years that it has dragged on, crippling microsoft and having a continuing chilling effect on other technology businesses and financial backers. Stand up for our rights and our freedoms. Please stop the anti-American attack on Microsoft at once!

Thank you,
Alan H. Nitikman
3480 Barham Blvd, #122
Los Angeles, CA 90068
(323) 876–7087
alann9@earthlink.net

MTC–00014466

From: victor maldonado
To: Microsoft ATR
Date: 1/22/02 3:24am
Subject: Re: U.S. v. Microsoft: Settlement Information

Dear Ms. Renata B. Hesse,

I've read the proposed settlement on your web site and I find it to be insulting given the fact that Microsoft continually is allowed to get away with not only poor products that are security risks for all its users but also for bullying its competitors and forcing its user base to waste valuable time just trying to problem solve its products. Our government should not let up on Microsoft and settle for an inadequate settlement but it should make sure that Microsoft is punished more severely than what is now being proposed.

sincerely,
victor maldonado

MTC–00014467

From: Greg gosser
To: Microsoft ATR
Date: 1/22/02 3:55am
Subject: Microsoft anti trust suit

Dear sirs,

It is in the best intrest of the nation and the world at this time to restore faith in the United States economy. The Microsoft anti trust suit has greatly damaged that faith and I believe has led us to where our economy is today.

Everyone wants a piece of the pie and everyone is jealous of someone elses success so lets stop being petty and settle this case showing that the American dream is what it is supposed to be. Rule in favor of Microsoft.

sincerely,

Gregory M. Gosser

MTC–00014468

From: Ulf Dahlen
To: Microsoft ATR
Date: 1/22/02 3:58am
Subject: Microsoft Settlement

Dear Sir/Madam,

I believe a remedy must include breaking up Microsoft in at least two parts, where one contains the Operating System business only. I can't see how anything less than that will bring back competition. I do not think the proposed remedy will have the intended impact.

Thank you for accepting comments from the public.

Regards,
Ulf Dahlen
Sodra Promenaden 25C
S-21138 Malmo
Sweden

MTC–00014469

From: Douglas (038) Alice Ku
To: Microsoft ATR
Date: 1/22/02 4:04am
Subject: Microsoft Settlement

Dear Sir:

I am sending you a copy of the letter that I sent to former President, Bill Clinton 2–3 years ago (see below). It said/says how I feel about the antitrust case against Microsoft.

The provisions of the Antitrust Settlement appear to be tough, reasonable and fair to all parties involved. I do hope all the states involved settle the case with Microsoft ASAP for the good of the consumer, the industry and the U.S. economy in all.

****

Copy of letter as follows:

****

As a PC user and consumer, I would like to speak up for myself and fellow consumers. I don't think Microsoft has harmed me in any way. What I do know is that Microsoft has brought a great deal of convenience to my life and that should be applauded for it, not be punished because of it. I am so glad I can write you via email; I can trade stocks on-line today; communicate with my children and friends in a convenient forum; purchase books, clothing on-line, all things I would never have dreamed of doing years ago. I love the fact Explorer/browser is being bundled with Window's operating system. The case filed by The Department of Justice(DOJ) was a joke and the ruling by judge Jackson greatly disappointed me. I ask you for your kindness to listen to the voice of a real consumer, not from Microsoft's rivals only. It would cause a great deal of harms to the consumer if DOJ and judge Jackson undo what Microsoft has done for the industry and its customer. Please don't let them stifle the pioneer spirit that has made America what it is today and further, shake the U.S. economy as well as our leader position in the tech world. Let's step back and look up at a bigger picture instead.

Why is it that the tallest trees must be trimmed or, in this case, chopped into pieces perhaps? Believe me, there are countless trees and plants have survived because of their taller brethrens. The tallest trees may appear, in some manners, to monopolize certain elements like the sun, the air, the water, but at the same time they shelter those underneath them from those same harsh elements. For those who do not care for the shade, go find their own grounds and plant their trees. They can get all the sun, air and water they wanted. Do you think they won't complain about being discriminated for not getting any shade? Fair competitions, in my eyes, should encourage other companies to come up with better products and to convince industries and consumers to adopt it. Fair competition should not result in us burning our forest down.

Who did Microsoft go to cry to 25 years ago about rivals such as IBM? As you know, Microsoft did not go to DOJ. You know why? The reason is that Microsoft was not, and has not been, a cry baby, unlike some of its competitors. Microsoft won the market over by presenting a practical, quality product, which is what I call a fair competition. Success is a long hard road. Those companies that wished to grab it overnight, have been very disappointed. Even worse, they wanted to grab the market by tightening up Microsoft's arms and legs through DOJ. Do you call that a fair competition? Shame on those companies. What is this so-called ''Most Favorable Trade Partner of the U.S.''? Can you explain why Microsoft is not allowed to give a better price to its preferred business partners? Why the bulk buyer almost always gets better rate? Is the U.S. government, as well as these other manufacturers, above the law while Microsoft seems to be penalized for what seems to be nothing? Why can supermarkets and department stores offer special discounts to their members and preferred customers? Why is Microsoft being punished for what is commonly accepted practice? Besides, contracts are supposed to be signed by both parties upon agreement. I assume it is done through the legal departments of both companies. One can always say no. Why is Microsoft being blamed for another party's assent to a contract?

I dropped AOL as my internet service provider in the fall of 1999 after signing up with them for four or five months. The reason I discontinued the service was due to the fact that I was disconnected from the system constantly while browsing. I had contacted their Tech Support Unit a number of times but never received a satisfactory resolution to my problems. To be perfectly honest with you, I just got tired of dealing with it. I am with another internet service provider now and very happy with it. I wish Mr. Case would spend more energy in improving his own business and products and focus on providing quality customer service rather than placing blames on to his rivals for his loss in market share.

One last message for the representatives of the nineteen states:

Thank you for looking after the benefits of the consumers in your respective states. Don't you think your states have collected enough sales tax from the sales of Microsoft products? The amounts you have claimed that Microsoft overcharged consumers, I believe, they should be refunded to the consumers who actually paid for purchasing of the products, and should not be held onto by the state. The states should refund consumers for the overpaid sales taxes generated by Microsoft product sales accordingly.

Just as a side note, I would like you to know that I bought 320 shares of Microsoft stocks last summer to show my support to the company. I still own the shares. I wish I owned more to show more support.

Thank you for your time and consideration.

Sincerely,
Mrs. Alice Ku

MTC–00014470

From: Sue Lann
To: Microsoft Settlement
Date: 1/22/02 2:55am
Subject: Microsoft Settlement
Sue Lann
1127 SE Dale Street
East Wenatchee, WA 98802
January 22, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Sue Lann

MTC–00014471

From: Mayumi Morita and Rob Ahad
To: Microsoft ATR
Date: 1/22/02 4:17am

Subject: Legislate Microsoft

Microsoft is a giant in the software industry, more than 20 times larger than the nearest competitor. They can not increase market share except through expansion into new and emerging high tech markets. This is a high stakes game and Microsoft is holding most of the cards. There is no way they won't stack the deck in their favour without government intervention. That is a fact, plain and simple.

First off, Windows must be open equally to all parties writing software for the platform. Microsoft developers of applications must not be allowed to have months (an eternity in high-tech) with the operating system before competitors get a crack at it.

Second off, the operating system must not be allowed to be tied to PC sales. All PC makers must be free to offer any or no operating system without fear of retaliation from Microsoft.

Third off, there should be transparent access to all Microsoft ''features'' in Windows upon installation and afterwards. The unsophisticated user has no idea how to turn off Microsoft sponsored ''Favourites'', for example. It often takes weeks to figure out how to turn off a ''ault'' link.

There is obviously much more. But I think I've made the main points. Essentially, the operating system must not be tied to anything not directly related to turning the computer into an appliance.

Thanks for your attention.

Rob Ahad

MTC–00014472

From: E. T. Harrison
To: Microsoft ATR
Date: 1/22/02 4:14am
Subject: Microsoft Settlement
104 Ivy Ridge Place
Jacksonville, NC 28540
January 19, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing with regard to the settlement that was reached between Microsoft and the Justice Department in November. I support the settlement, as it will allow the government and Microsoft to stop wasting resources on a three-year old battle and get back to doing what they each need to be doing, winning the war, fixing the economy, getting rid of the last administration's thinking (sic); and for Microsoft, producing good software.

The settlement represents an opportunity for the country and Microsoft to move forward. Microsoft has made significant concessions and the government negotiated a strong agreement. Microsoft will, for example, share information with its competitors, which will allow them to place their own programs on the Windows operating system. Any concerns about Microsoft shirking their responsibilities should be alleviated because Microsoft agreed to an oversight committee to be formed by the government.

I support this settlement, and look forward to seeing this case come to a close.

Sincerely,
Edward Harrison
Major of Marines, Ret.

MTC–00014473

From: vladimir@foxinternet.net@inetgw
To: Microsoft ATR
Date: 1/22/02 4:34am
Subject: Microsoft Settlement comments

Dear Sirs,

Thank you for this opportunity to comment.

I find the current proposed settlement to be nothing but an ineffectual slap on the wrist for Microsoft. I think Judge Penfield should have split the company into two. Operating System and Applications. Seemed very fair to me.

Since the above is now unlikey to happen, there needs to be harsher restrictions in the new proposed settlement. To be brief:

Most important:

Removal of Internet Explorer and $$$compensation to Sun MicroSystems. Removal Of Media Player and $$$compensation to Real Networks . . . .and the list goes on.

Next:

Open up full documentation of ALL Microsofts API's to Software Developers.

I'm so tired of Microsoft shutting down my software with each new Service Pack or Revision.

Thank you.
Steve Hoverson
2671 Belvidere Ave. SW
Seattle, WA 98126

MTC–00014474

From: Bhairawa@aol.com@inetgw
To: Microsoft ATR
Date: 1/22/02 5:13am
Subject: MicroSoft Settlement

I am glad to see some action being taken. Microsoft has been trying to convert the internet, set up on open/''public domain'' standards such as TCP/IP network protocols, HTML and JavaScript, as well as ''semi-public'' ones like Java, into it's own private domain by means such as forcing proprietary standards into networking and web browsers. Reading through as much of the documentation that I did, I may have missed it, but is there anything addressing Microsoft getting into the cable and web-portal business? Wasn't AT&T ordered to spin off the ''Baby Bells'' (local phone service) when they wanted to go the opposite direction, from telecommunications into cable and computers? This last point may be irrelevant in light of mergers such as AOL-Time-Warner [-Netscape], but the other large semi-monopolies aren't trying to make the internet proprietary. . . at least so blatantly.

Thanks for protecting Freedom of Communication,
Johnathan Brown
Bhairawa@aol.com
CC:Bhairawa@aol.com@inetgw

MTC–00014475

From: patsymoose
To: Microsoft ATR
Date: 1/22/02 5:17am
Subject: Microsoft Settlement
689 Mineral Hill Lane
Henderson, Nevada 89015
January 7, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

As a Windows user and fan of Microsoft, I am writing to express my interest in the antitrust settlement between Microsoft and the US department of Justice.

First off, I believe Microsoft should be allowed to keep on innovating and growing at a rate similar to the last decade. They have set the standards for product and service growth, and should not be punished for that. They have also made computers more friendly and compatible for many users I know that were unable to navigate through older operating systems.

The recession has left its mark, and I believe that the technology sector should be left alone to do its business. I look forward to seeing Microsoft once again innovate change and I hope no further litigation is brought against them. Thank you for your time.

Sincerely,
Sharon Klein
Sharon Klein
cc: Senator Harry Reid
CC:webmail@reid-iq.senate.gov@inetgw

MTC–00014476

From: Mark Millard
To: Microsoft ATR
Date: 1/22/02 5:26am
Subject: Microsoft Settlement

This progresses from my details to my generalizations. But I've kept it very short.

I own a Macintosh at home and use PCs at work. (I'm a software engineer.) I own Microsoft Office at home because of work. I also use a Microsoft track-ball at home. Internet explorer is shipped with Mac OS. That is about it at home for Microsoft products. At work I use Windows 2000, Visual C++, Microsoft Office, and so on. The list here would be rather long.

In all cases the software (and hardware) is useful to me. I had many alternatives as did the company I work for. The Microsoft products fit well where they were chosen. They work together and with non-Microsoft product also in use. As a consumer I have benefited from Microsoft products. So has the company I work for. The same is true of non-Microsoft products of various kinds that we use, some of which compete with Microsoft products.

As best as I can tell from all the reading about this case, including parts of the published court findings, this case is about generally successful (but not as successful) companies wanting to use Microsoft's context to their advantage without meeting the terms Microsoft wants for such. It is also about wanting to block Microsoft from benefiting me or the company I work for (and other folks) on terms the less successful companies did not want to compete with.

I do not see how I or the company I work for is being protected by this. We are not victims. I do see how some less successful competitors would be protected from a more successful competitor. But I do not see why companies should be protected from each other in this manner.

Microsoft is using persuasion —instead of initiating force against anyone (including fraud). As long as that is the case, I find nothing here appropriate to legal sanctions. The law should protect persuasion used in one's (or a company's) self interest as a right. It should not be a privilege one (or a company) can lose by being successful at it, even if wildly successful at it. The consequences of such losses for such a reason would be horrible for a country that places securing freedom as its purpose.

Microsoft should not have an enforceable duty to help other companies. The same goes the other way as well. —

Mark L. Millard

Personal: markmi@dsl-only.net

MTC–00014477

From: Martin Larsson
To: Microsoft ATR
Date: 1/22/02 6:36am
Subject: request for information on Microsoft

Hi!

My name is Martin and I'm a 17 years old Swedish boy. I'm doing a project about Microsoft in school and I would be glad if you could send me some information about the case. It would help a lot.

Best regards //Martin

MTC–00014478

From: Pszakacs@aol.com@inetgw
To: Microsoft ATR
Date: 1/22/02 7:29am
Subject: microsoft settlement

Dear Sir(s);

This case is one in which the ''monopolistic'' practices are better for the public.

With my newest computer at home, without the benefit of fax software bundled in, I have had a comedy of errors of purchasing and installing separate fax capability.

This situation reminds me of the monopoly previously enjoyed by AT&T in the phone industry. I do believe that we were all better off with one giant entity.

Bring back the good old days! Please allow Microsoft do what they do best.

Sincerely,

Dr. Peter J. Szakacs

(215)750–1111

MTC–00014479

From: Tom Dupre
To: Microsoft ATR
Date: 1/22/02 7:28am
Subject: antitrust case

I'm amazed at the nerve of Microsoft wanting to offer as a penalty, computers and software to the education market. This is just a ploy to get into the education market and a major disadvantage to other competitors as well. How is this even a penalty against Microsoft. I hope the judicial system sees this as well and doesn't go along with it. Let the government fine them and give the money to the schools and let the schools decide what computers and software they want to purchase.

Thanks for the time, I just wanted to express my views. I feel MicroSoft is a big bully and overpowers companies who don't do what they want. They have become too big for their own good.

Tom Dupre

MTC–00014480

From: Scott Moore
To: Microsoft ATR
Date: 1/22/02 8:12am
Subject: Re: U.S. v. Microsoft: Settlement Information

First, thank you for asking for our feed back. It is a rare thing that a justice department official would solicit comments from the public. Microsoft's offer to supply computers for schools is yet another example of the problem. Many of us are baffled at how brazen this attempt to push other products out of the eduction market appears! In education we have watched this company steal other people's work (such as the whole graphical-interface concept) without as much as a slap on the wrist. Forcing us to use their Media Player by disabling others is particularly nasty, a continuation of the browser problem which started all this.

Thanks for listening.

Scott Moore
Music Department
Gustavus Adolphus College
Saint Peter, MN 56082
507/933–6260 dmoore@gustavus.edu
http://www.gustavus.edu/dmoore

MTC–00014481

From: Ken Rick
To: Microsoft ATR
Date: 1/22/02 8:09am
Subject: Microsoft Settlement
Kenneth H. Rick
312 Warwick Drive
Wyomissing, PA 19610
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

For the past three years, Microsoft's progress in the technological field has suffered immensely. Despite this time-consuming aspect of the lawsuit, I am pleased that a settlement has finally been reached. Microsoft is a company that is known for its excellence in technology and they should not have been punished for their success. Within a timely manner, the Department of Justice should bring this case to an end. Included in the settlement are several terms to which Microsoft has agreed to change within their business practices in order to promote the shift back to fair competition within the market. Within these terms, Microsoft has enabled computer makers to remove the means by which consumers access various features of Windows and replace them with the competition's software. In addition to this, select interfaces internal to Windows programs are being made available to the competitor in order to promote software compatibility.

In conclusion, I feel that this settlement has come to reasonable terms. Both the Department of Justice and Microsoft have endured this case long enough. Now, It is time to re-focus on more significant matters.

Sincerely,

Kenneth Rick

cc: Senator Rick Santorum
Ken Rick
http://www.dreamplanet.net
Portal to my USA & Global Web Sites
ID# 1500399100
Success is the only option!
God Bless America
CC:fin@mobilizationoffice.com@inetgw

MTC–00014482

From: Kathleen Behrens
To: Microsoft ATR
Date: 1/22/02 8:12am
Subject: Microsoft Settlement
Date: January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

This is to ask that you give your approval to the Department of Justice and Microsoft agreement. I do not believe the antitrust suit was right in the first place. I do not think Microsoft was any of the government's business. The lawsuit was political brought on by the jealousy of Microsoft's rivals. They could not compete in any other way and sought to cripple Microsoft. I think it sets a very bad example for future companies. We encourage innovation, entrepreneurship, but punish the company when it becomes too successful.

Further, from what I understand, Microsoft has given away a great deal to appease the Department of Justice. Microsoft will share any code or program that Window uses to communicate with other programs; Microsoft has agreed to license its Windows operating system to the 20 largest computer makers; Microsoft has agreed to allow a technical committee to monitor its actions.

It is time to let Microsoft be. I support the settlement, and the end it can bring to this interminable case.

Sincerely,

Kathleen Behrens
kbehrens@kc.rr.com
830 South 57th Street
Kansas City, KS 66106

MTC–00014483

From: Jean Naecker
To: Microsoft Settlement
Date: 1/22/02 7:22am
Subject: Microsoft Settlement
Jean Naecker
6711 Lunn Rd.
Lakeland, FL 33811–2132
January 22, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken

up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Jean Naecker

MTC–00014484

From: Bond Naecker, Jr.
To: Microsoft Settlement
Date: 1/22/02 7:24am
Subject: Microsoft Settlement
Bond Naecker, Jr.
6711 Lunn Rd.
Lakeland, FL 33811–2132
January 22, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Bond B. Naecker, Jr.

MTC–00014485

From: Jack Beaudry
To: Microsoft ATR
Date: 1/22/02 8:56am
Subject: Microsoft Settlement
117 Daniel Drive
North Prairie, WI 53153
January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

This letter serves to document my support for the proposed settlement of the Microsoft antitrust case currently before the court. This case has lasted over three years and should be finalized soon. Microsoft has agreed to all provisions of the settlement. The provisions were developed with a court-appointed lawyer. Microsoft will now share information with its competitors, use a uniform price list to determine its licensing procedures, and agree not to retaliate against companies that will use or promote non-Microsoft products. These provisions adequately address all issues stemming from the original lawsuit.

At this point, both the technology producers and the technology consumers need to move forward with a formalized settlement to set the stage for future development. Thank you.

Sincerely,

Jack Beaudry

cc: Representative F. James Sensenbrenner, Jr.

MTC–00014486

From: Edward Harrington
To: Microsoft ATR
Date: 1/22/02 9:03am
Subject: Microsoft Settlement

Justice Department,

When I think of justice, the Microsoft case does not come to mind as a shining example. When market competators are able to drag their rivals into court for giving away a product, it is a sad day for the cause of justice in America.

Microsoft has and is the victim of the worst evil in the world: Envy. Envy that Microsoft is able to produce the most desirable & affordable products in the software markets. Envy that they are able to make available many products for free.

America is supposed to be a country where citizens are free to make choices. But the choices should not include plundering the wealth of its most productive men & women.

I ask you to please release Microsoft from this 21st century witch hunt. The witch that the previous administration wanted to burn was a hagard that conjured spells for all our personal and business computers, spells that were time-savers and lefe-enhancers.

During the Inquisition, witch-hunters tourted its victims until they pleaded for their lives. The Inquisitors of today on Capitol Hill use the scripture of the wretched Anti-Trust law. With this ''law'' anyone and everyone can be convicted of practicing the majic of Capitolism, just as the inquisitor's tourture always gained a gruesome confession just before the execution of the victim.

The victim today is Microsoft. It has been tourted enough.

Edward Harrington
6024 TR 76 N
Green Springs, OH 44836

MTC–00014487

From: Bridget Carberry
To: Microsoft ATR
Date: 1/22/02 9:05am
Subject: Microsoft
CC: tormist@ag.state.ia.us@inetgw
January 22, 2002
Hon. Colleen Kollar-Kotelly
U.S. District Court, District of Columbia
c/o Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Judge Kollar-Kotally:

The proposed settlement between the Department of Justice and Microsoft in U.S. v. Microsoft falls far short of what is needed to put an end Microsoft-√s pattern of predatory practices. This deal does not adequately protect competition and innovation in this vital sector of our economy, does not go far enough to address consumer choice, and fails to meet the standards for a remedy set in the unanimous ruling against Microsoft by the Court of Appeals for the District of Columbia. Its enforcement provisions are vague and unenforceable. The five-year time frame of the proposed settlement is much too short to deal with the antitrust abuses of a company that has maintained and expanded its monopoly power through fear and intimidation.

Microsoft-√s liability under the antitrust laws is no longer open for debate. Microsoft has been found liable before the District Court, lost its appeal to the United States Court of Appeals for the District of Columbia in a 7–0 decision, saw its petition for rehearing in the appellate court denied, and had its appeal to the Supreme Court turned down. The courts have decided that Microsoft possesses monopoly power and has used that power unlawfully to protect its monopoly. The next step is to find a remedy that meets the appellate court-√s standard to -?terminate the monopoly, deny to Microsoft the fruits of its past statutory violations, and prevent any future anticompetitive activity.-'' This proposed settlement fails to do so.

The Deal Fails to Meet the Appellate Court-√s Remedy Standards This proposed settlement clearly fails to meet the standards clearly laid out by the appellate court. In fact, the weak settlement between Microsoft and the Department of Justice ignores key aspects of the Court of Appeals ruling against Microsoft. Here are several examples of where this weak settlement falls short:

1) The settlement does not address key Microsoft practices found to be illegal by the appellate court, such as the finding that Microsoft-√s practice of bolting applications to Windows through the practice of -?commingling code-'' was a violation of antitrust law. This was considered by many to be among the most significant violations of the law, but the settlement does not mention it.

2) The settlement abandons the principle that fueled consumer criticism and which gave rise to this antitrust case in 1998: Microsoft-√s decision to bind -V or -?bolt-'' -V Internet Explorer to the Windows operating system in order to crush its browser competitor Netscape. This settlement gives Microsoft -?sole discretion-'' to unilaterally determine that other

products or services which don-√t have anything to do with operating a computer are nevertheless part of a -?Windows Operating System product.-'' This creates a new exemption from parts of antitrust law for Microsoft and would leave Microsoft free to bolt financial services, cable television, or the Internet itself into Windows.

3) The deal fails to terminate the Microsoft monopoly, and instead guarantees Microsoft-√s monopoly will survive and be allowed to expand into new markets.

4) The flawed settlement empowers Microsoft to retaliate against would-be competitors and to take the intellectual property of competitors doing business with Microsoft.

5) The proposed settlement permits Microsoft to define many key terms, which is unprecedented in any law enforcement proceeding.

Loopholes Undermine Strong-Sounding Provisions The proposed settlement shows that it contains far too many strong-sounding provisions that are riddled with loopholes. Here are several examples: ?h The agreement requires Microsoft to share certain technical information with other companies in order for non-Microsoft software to work as intended. However, Microsoft is under no obligation to share information if that disclosure would harm the company-√s security or software licensing. Who gets to decide whether such harm might occur? Microsoft. ?h The settlement says that Microsoft -?shall not enter into any agreement-'' to pay a software vendor not to develop or distribute software that would compete with Microsoft-√s products. However, another provision permits those payments and deals when they are -?reasonably necessary.-'' The ultimate arbiter of when these deals would be -?reasonably necessary?-'' Microsoft.

The settlement does nothing to deal with the effects on consumers and businesses of technologies such as Microsoft-√s Passport. Passport has been the subject of numerous privacy and security complaints by national consumer organizations. However, corporations and governments that place a high value on system security will be unable to benefit from competitive security technologies, even if those technologies are superior to Microsoft-√s. Why? Microsoft controls their choices through its monopolies and dominant market share, and still is able to dictate what technologies it will include.

Enforcement

The weak enforcement provisions in this proposed deal leave Microsoft free to do practically whatever it wants.

A three-person technical committee will be appointed, which Microsoft appointing one member, the Department of Justice appointing another, and the two sides agreeing on the third. This means that Microsoft gets to appoint half of the members of the group watching over its actions. The committee is supposed to identify violations of the agreement. But even if the committee finds violations, the work of that committee cannot be admitted into court in any enforcement proceeding. This is like allowing a football referee to throw as many penalty flags as he likes for flagrant violations on the field, but prohibiting him from marching off any penalties. Finally, Microsoft must comply with the lenient restrictions in the agreement for only five years. This is not long enough for a company found guilty of violating antitrust law.

The Proposed Settlement fails to Adequately Address Consumer Needs

The settlement does not go far enough to provide greater consumer choice, and leaves Microsoft in a position that it can continue to charge whatever it wants for its products. As a recent Chicago Tribune story said: -?If you believe that what-√s good for Microsoft Corp. is good for consumers, the proposed settlement of the software giant-√s three-year federal antitrust battle is cause for celebration. If you believe that consumers would benefit more if Microsoft could no longer use its Windows monopoly as a springboard into new markets, you stand to be sorely disappointed.-''

In addition, consumer groups have opposed the settlement. Mark Cooper, director of research for the Consumer Federation of America, said: -?Wall Street-√s view is that Microsoft-√s business model doesn-√t change. If that-√s the case, we will continue to be afflicted with the same anti-competitive behavior.-''

Analysts Conclude that Deal Will Not Affect Microsoft-√s Practices

Sadly, the proposed final judgment by Microsoft and the Department of Justice has the potential make the competitive landscape of the software industry worse, contains so many ambiguities and loopholes that it may be unenforceable, and is likely to lead to years of additional litigation. Analysts of all kinds have indicated that the weak settlement will not impact Microsoft or its illegal practices. Following are a variety of examples:

-?As we have stated before, we believe a settlement is a best case scenario for Microsoft. And, this settlement in particular seems like a win for Microsoft being that it would preserve Microsoft-√s ability to bundle its Internet assets with Windows XP and future operating systems

-V a plus for the company. In fact, it appears that Internet assets such as Passport are untouched.

Also, as is typical with legal judgments, this settlement is backward looking, not forward looking. In other words, it looks at processes in the past, but not potential development of the future.-'' Morgan Stanley, 11/02/01

-''The deal -K appears to be -.more, better, and faster- than we expected in a settlement deal between Microsoft and DOJ. The deal will apparently require few if any changes in Windows XP and leave important aspects of Microsoft's market power intact.-'' Prudential Financial, 11/01/01

-''With a dramatic win last week, Microsoft appears to be on its way to putting the U.S. antitrust case behind it. The PFJ between the Department of Justice and Microsoft gives little for Microsoft-√s competitors to cheer about. -K There is very little chance that competitors could prove or win effective relief from violation of this agreement, in our view.-'' Schwab Capital Markets, 11/6/01

-''This is a spectacular victory for Microsoft.'-'' - David Yoffie, professor, Harvard Business School, New York Times 11/02/01

-''This deal appears to fall far short of what could have been obtained in court, and what's necessary to protect the public.-''

-Andrew Schwartzman, public interest firm lawyer, Media Access Project, Wall Street Journal 11/02/01

-''[The settlement] fails to protect competition in the software industry and does not come close to dealing with the problems that were found to exist by the District Court and the Court of Appeals.-''

-Albert A. Foer, president, American Antitrust Institute, Washington Post 11/05/01

-''This is a reward, not a remedy.-''

-Kelly Jo MacArthur, general counsel, RealNetworks, Inc., Globe and Mail 11/08/01

-''It looks like the government is giving them a slap on the wrist. I find that sad. It won't achieve any of the goals of the proceeding.-''

-Robert Lande, law professor and antitrust expert, University of Baltimore, MD Wire 11/07/01

The strength of any remedy is particularly important given Microsoft's growing dominance in the software markets. Since the end of the trial in the District Court, Microsoft's monopolies are stronger in each of its core markets with both the Windows operating system and the Office suite now higher than 92 percent and 95 percent, respectively. In addition, Microsoft has achieved a monopoly in web browsers, and has seen competitors such as the Linux operating system fade.

The Microsoft Monopoly Should not be Exempt from Antitrust Laws Enforcing federal antitrust laws against monopolies is not new or novel. Antitrust law has protected free markets and enhanced consumer welfare in this country for more than a century. The Microsoft case does not represent a novel application of the law, but is the kind of standard antitrust enforcement action necessary to insure vigorous competition in all sectors of today's economy.

These same standards have been applied to monopolies in the past. We do not have one oil company determining how much we pay for gasoline, but instead we have suppliers such as Exxon, Mobil, Amoco and Chevron competing with each other. These companies were all part of the Standard Oil monopoly, which was dissolved because Standard Oil was found to have violated the antitrust laws.

Less than 20 years ago, the nation essentially had one telephone company -V AT&T. After the government sued AT&T for violating the antitrust laws, the company was broken up, and competition was introduced in the long distance business. Since competition was introduced into that market, real prices have declined more than 70 percent, and there has been more innovation in the past two decades than in most of the preceding century.

Settlement is Based on Flawed Economic Assumption, and Sets a Bad Precedent

Some defenders of the proposed settlement between Microsoft and the DOJ have adopted the view that settling this case could somehow revive the slowing U.S. economy. Their motives are good, but their reasoning is flawed. What economic theory holds that

protecting monopolies is better for stimulating the economy that promoting competition?

In addition, this case will set an important precedent. Former Judge Robert H. Bork has noted that:

-''In settling the most important antitrust case in decades through a remedy that will have not impact on the current or future competitive landscape, and absolutely no deterrent effect on the defendant, the Department of Justice has effectively repealed a major segment of the nation's antitrust laws. Moreover, any potential witness with knowledge of anticompetitive conduct in a monopolized market has to weigh the potential benefit of his or her testimony against the likely response of the defendant monopolist. The DOJ's proposed meaningless remedy would insure that no witness would ever testify against Microsoft in any future enforcement action.-''

Conclusion

The end result is that this proposed settlement allows Microsoft to preserve and reinforce its monopoly, while also freeing Microsoft to use anticompetitive tactics to spread its dominance into other markets.

After more than 11 years of litigation and investigation against Microsoft, surely we can -V and we must -V do much better than this flawed proposed settlement between the company and the Department of Justice.

Thank you for your time.

Regards,

Bridget A. Carberry

MTC–00014488

From: Gocausey@aol.com@inetgw
To: Microsoft ATR
Date: 1/22/02 9:09am
Subject: To Renata Hesse
Mike Causey
Causey & Associates
January 22, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

I am the government relations representative for two associations of small business owners in North Carolina. Hardly a day goes by that members in either of my groups-Independent Auto Body Association or North Carolina Glass Association-do not have a dilemma to deal with that has something to do with government, either state or federal.

That is why when I heard about the **Federal Register** notice on the Microsoft case I was interested in expressing an opinion. In my view, I hope that Judge Kollar-Kotelly will agree to the settlement in this case as quickly as possible so that the parties involved can move forward and the matter can be finally put to rest. As I have expressed at an earlier time in letters to my congressmen and senators, I have always pushed for a speedy ending these proceedings.

Now that Microsoft has agreed to a settlement that will open their facilities to an independent panel and agreed to other provisions the government wanted in the first place, I see no reason for delay. It makes no sense to hold up with one of the world's most successful companies from moving forward with new products and more innovations.

I am delighted that this settlement will end years of litigation and that North Carolina has agreed to withdraw its state lawsuit. I earnestly hope that the agreement is approved by the judge.

Sincerely,

Mike Causey

P.O. Box 16725, Greensboro, NC 27416

MTC–00014489

From: Shapiro, David
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/22/02 9:12am
Subject: Microsoft Settlement

THE COMMENTS BELOW ARE MINE ALONE AND DO NOT REPRESENT THE OPINION OF MY EMPLOYER OR ANY OF MY CLIENTS.

I believe that the proposed conduct-based settlement will not produce any effective change in Microsoft policy. Microsoft has violated conduct-based settlements in the past, and continues its aggressive and anti-competitive bundling practices in a way that will result in complete Microsoft domination of all products and allow it to continue to improperly foreclose any competition by rendering all competition incompatible or less readily available.

I believe that only a structural settlement has any hope of avoiding these problems. I urge the Department of Justice to reconsider its settlement proposal and seek instead a settlement that may actually achieve results. It is worth remembering that Microsoft's past use of anticompetitive practices has allowed it to develop such a dominant position in the OS platform and in other software areas that even ''normal'' business practices in the future will serve only to exacerbate the effects of prior anticompetitive practices. —

David Shapiro
Dechert
215.994.2456
david.shapiro@dechert.com

MTC–00014490

From: ddangelo
To: Microsoft ATR
Date: 1/22/02 9:13am

Ladies and Gentlemen, more as a concerned citizen than a small microsoft stockholder, I believe the settlement agreed to so far among DOJ, 9 states and Microsoft to be fair and good for the Country inthese economically uncertain time. Sincerely, Dario D'Angelo.

MTC–00014491

From: Peter M Anderson
To: Microsoft ATR
Date: 1/22/02 6:24am
Subject: Microsoft Settlement

In reference to the federal settlement with Microsoft regarding its monopolistic and predatory practices, I have some comments. They can all, however, be summed up in one sentence: The settlement, as written, is a bad idea.

As a long time user of Microsoft products, and student of their actions, I have the following comments.

Fact: Microsoft has been convicted of illegally extending its monopoly through the use of predatory practices. These have ranged from outright plagiarism of competitors products (as when they included source code from Stacker in DOS 6.0, and when beaten in court promptly bought up Stacker for significantly less than the penalty), to deliberate inclusion of code to decrease performance of competitors products (I can recall installing an earlier version of Wordperfect Office Suite on a Windows 3.1 machine, a process which took over 12 hours to complete. Meanwhile, Microsoft office installed in a relatively short timespan.) to deactivation of competitors software on installation of MS software (again, a recent installation of Wordperfect Office Suite 2000 on my Dell Laptop was rendered inaccessible after I subsequently installed Microsoft Office). This is not opinion, these actions have been substantiated in court proceedings and by analysis of independent software developers.

Fact: Microsoft is continuing to extend its monopoly even in the face of legal proceedings. This is a continuation of their behavior following the DOJ suit regarding bundling of applications with Windows 95- not only have they continued to bundle software, in the process moving into competitors markets, but they have increased the amount of the bundling (as is evident in Windows XP). While the Windows 95 lawsuit was particularly concerned with the bundling of Internet Explorer, now a significant number of previously 3rd party products are moot- with the inclusion of MS Media Player among other software innovation is driven from the marketplace in Microsoft's move towards inclusion.

Fact: The settlement, as presently written, will only serve to allow Microsoft to further extend its monopolistic position into areas where it does not currently have a strong position- specifically the educational K-12 market in which Apple Computer is a strong player. The ''donation'' of software and hardware to ''disadvantaged'' schools will serve only to entrench Microsoft in those locations, which will subsequently be directed into the spiraling costs of future hardware and software upgrades as Microsoft continues to massage its licensing models. The ''donation'' of software (for which Microsoft will, I am sure, take a significant tax deduction using overinflated value for its product) will cost Microsoft little and gain it a tremendous foothold- this is hardly something which I or any reasoning person would consider a fit punishment for illegal practices.

Fact: If allowed to continue on its current path unpunished, Microsoft will continue to extend its presence. Through its .NET initiative, redirection of browser page errors in Windows XP/Explorer to the Microsoft Network and its forays into games (XBox) Microsoft continues to extend its reach. As demonstrated by its current lawsuit against LindowsOS, Inc Microsoft is still exercising its schoolyard bully persona to drive out potentially competing products. Please note, the objection here is not to competition- for healthy competition spurts development of new products and is of benefit to consumers.

It is to predatory and unfair competition, which Microsoft has consistently been demonstrated as exercising, and which stifles innovation to the detriment of consumers. With the above in mind, it would be wrong to object without offering other options. I would suggest the following:

1)Microsoft be required as a condition of settlement to donate CASH amounts to eligible schools, which can use monies to purchase whichever technologies they deem necessary.

2)Microsoft be required to publish their Application Programming Interfaces (API's) to ALL interested parties (including those in the Open Source community) and not just hose parties which Microsoft recognizes as business entities. Note this is not the same as requiring them to publish their source code- only the links to programs to aid competitors in developing new and innovative products.

3)Microsoft be regulated. Due to its pervasive in the computer marketplace, it can legitimately be argued that Microsoft now functions more as a Utility than as a software provider. Even in an atmosphere of deregulation, utility companies have strict guidelines to follow to conduct business- Microsoft, to date, does not and has shown complete disregard for previous court rulings against the company. Regulation may include, but not be limited to, separation of the application and OS sections of the business, which may spur development of competing products.

4)Microsoft be discouraged from releasing incomplete products (as reference I cite the huge security hole discovered upon release of WindowsXP) by rewriting of liability laws to allow injured parties to seek damages in the event they are affected by ''buggy'' software. This should, I believe, be limited to software sold ''for profit''- extending it to cover ''free'' software such as software distributed under Open Source models would only serve to stifle innovation.

Without significant changes to the settlement as currently worded, Microsoft will be rewarded, not punished, for actions which have driven competitors into niche markets (or out of business) and will continue to extend its monopoly throughout society. The future of innovation within the software industry is in your hands.

Peter M. Anderson,
950 E. Bitters Road, Apt. 107
San Antonio, TX. 78216
CC:mcander@lycos.com@inetgw

MTC–00014492

From: John Opfer
To: Microsoft ATR
Date: 1/22/02 9:38am
Subject: Microsoft Settlement

To whom it may concern:

I am writing to comment on the proposed settlement of the Microsoft antitrust case. In my judgment, all of the settlement proposals unjustly harm Microsoft and/or its competitors. To do justice to Microsoft, I recommend that we look to historical precedent.

The precedent I have in mind comes from the trial of Socrates, who was found guilty of the ''crime'' of impiety and corrupting Athens'' youth. The Socrates case seems an appropriate model. Neither impiety nor ''anti-competitive practices'' are strictly definable, but always decided ex ante. Neither Socrates nor Microsoft did any identifiable injury to any one—no one but their competitors complained (the Athenians who couldn't persuade the public to buy their arguments, the software makers who couldn't persuade the public to buy their software). And both seemed to be on trial for their virtues—competing vigorously with their intellectual work, challenging the status quo, and defining new standards.

The proposed settlement that Socrates offered included a statue of himself in the marketplace and free meals for life. Similarly, let the Dept of Justice erect a statue of Bill Gates in front of its headquarters and provide the cafeterias of Microsoft with all the government cheese that it can handle.

No doubt others would prefer to hand Microsoft a cup of hemlock and a stiff fine, but I think the verdict of history would be far more favorable were less punitive measures taken.

Sincerely,
John Opfer
Dr. John E. Opfer
Department of Psychology
Carnegie Mellon University
Baker Hall 331, Pittsburgh PA 15213–3890
CC:nprovenzo@moraldefense.com @inetgw

MTC–00014493

From: hhough—60plus@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/22/02 9:33am
Subject: Microsoft Settlement

We at 60 Plus vigorously support the free market free enterprise system and accordingly emphatically support Microsoft to be able to operate in an unfettered commercial environment. Technology is changing so fast it is impossible for any one activity to gain a monopoly.

MTC–00014494

From: wardski1@msn.com@inetgw
To: Microsoft ATR
Date: 1/22/02 9:33am
Subject: Microsoft Settlement

Let the consumer decide what they wish to buy. Good technology will always win in the long run. Settle this thing before we lose any more technological advances.

MTC–00014495

From: ecwilde@prodigy.net@inetgw
To: Microsoft ATR
Date: 1/22/02 9:33am
Subject: Microsoft Settlement

It appears to me to be the most fair and just way to once and for all settle this case. I see no reason to contest it.

MTC–00014496

From: mgb_bas@mediaone.net@inetgw
To: Microsoft ATR
Date: 1/22/02 9:33am
Subject: Microsoft Settlement

For G–d s sake accept and approve the settlement and let s move on. Don t let the courts do to MICROSOFT what they did to a successful and very excellent AT&T !!!!!!!!!

MTC–00014497

From: REEDG@LOCALNET.com@inetgw
To: Microsoft ATR
Date: 1/22/02 9:33am
Subject: Microsoft Settlement

Bill Gates brought this county from the dark ages to enlightment just like Thomas Edison. He develop one common platform for everyone to communicate on. His company develop and marketed the software and operating system that everyone utilizes to communicate with. Yes there are other platforms that develop off his ideas. But he move this county forward in technology jobs and product development.

Look what his company did. He created jobs that were not here 10 years ago and not to mention he aAdded to the Gross National Product. IBM did not want his operating system. . . .if they did you would be taking IBM to task. The federal goverment did not take IBM to task for their development of the larger computer systems. Why is that? Payoff? Bill Gates is a genius just like Edison or Ford he more this great nation forward. Now the Federal government wants to take the wind out of his sails. Communication is vital and one common vehicle will get us a platform to communicate with one another easily. Maybe future wars can be prevented by using one common platform. If the federal goverment kills the company who else will they kill regarding product development?

MTC–00014499

From: Joer099@aol.com@inetgw
To: Microsoft ATR
Date: 1/22/02 9:33am
Subject: Microsoft Settlement

I support the proposed settlement.

MTC–00014500

From: rmbootz@home.com@inetgw
To: Microsoft ATR
Date: 1/22/02 9:33am
Subject: Microsoft Settlement

Technology research and development should be free of government interference and regulation. Microsoft had the vision and capability to devise and implement its industry to the benefit of the users. It would be for the benefit of users of this technology if Microsoft were allowed to continue with its further developments without undue restrictions. Please give us a break! Let Microsoft go forward!

Rosalie M.
Bootz

MTC–00014501

From: aftl@goldway.com@inetgw
To: Microsoft ATR
Date: 1/22/02 9:33am
Subject: Microsoft Settlement

Please *DO NOT* accept the agreement as currently drafted. Microsoft has proven many times over the years that they do not play well with others. They have leveraged their dominance in office applications and operating systems to create a business environment with no viable alternatives to their products. We need tougher remedies. I support the nine states that wish to pursue harder sanctions against Microsoft.

MTC–00014502

From: boopster2626@aol.com@inetgw

To: Microsoft ATR
Date: 1/22/02 9:33am
Subject: Microsoft Settlement
I feel that the settlement is fair on both sides please let us worry about issues like getting the economy back on its feet and corporations like Enron who managed to hurt many middle class people who needed their 401K to retire on.Thank you for your time.

MTC–00014503

From: jredwine@bgf.com@inetgw
To: Microsoft ATR
Date: 1/22/02 9:33am
Subject: Microsoft Settlement
Enough is enough. Stop spending our tax dollars for a wasted effort. Microsoft has been punished enough and so have we tax payers.

MTC–00014504

From: dksflu@ez-net.com@inetgw
To: Microsoft ATR
Date: 1/22/02 9:33am
Subject: Microsoft Settlement
Will you please let the market place enjoy what they can produce rather than let some shortsighted government officials deetermine what and how we can buy what we want.

MTC–00014505

From: segovia@fx2.com@inetgw
To: Microsoft ATR
Date: 1/22/02 9:33am
Subject: Microsoft Settlement
We think that the only reason the justice dept. went after microsoft was to get attention away from bill clinton and his problems. we are independant but are voting republican for all candidates. we think they should drop all charges and look at the judge who was not fair or impartial.

MTC–00014506

From: kent68@aol.com@inetgw
To: Microsoft ATR
Date: 1/22/02 9:33am
Subject: Microsoft Settlement
I THINK THE CURRENT SETTLEMENT IS A FAIR ONE FOR ALL PARTIES INVOLVED.

MTC–00014507

From: jkarel70@tds.net@inetgw
To: Microsoft ATR
Date: 1/22/02 9:33am
Subject: Microsoft Settlement
I believe the settlement is fair and is in the best interest of consumers.
Thank you
Jack K

MTC–00014508

From: ericj1c@swbell.net@inetgw
To: Microsoft ATR
Date: 1/22/02 9:33am
Subject: Microsoft Settlement
The settement with Microsoft is fair and reasonable. In the best interest of the state of Kansas lets drop it and go on. If you don t like Microsofts product don t use it we sure don t need the attorney general s office to decide which software we use or don t use.

MTC–00014509

From: isiinv@charter.net@inetgw
To: Microsoft ATR
Date: 1/22/02 9:33am
Subject: Microsoft Settlement
The government should let free enterprise determine the competition levels.

MTC–00014510

From: ulrichw@samlink.com@inetgw
To: Microsoft ATR
Date: 1/22/02 9:33am
Subject: Microsoft Settlement
I feel that this Case has gone on long enought. This case is hurting the economy the Stock Market technology industry and must of all the Consumers. I feel this is a fair settlement. It is time to END the case of U.S. vs Microsoft.

MTC–00014511

From: awilks@charter.net@inetgw
To: Microsoft ATR
Date: 1/22/02 9:33am
Subject: Microsoft Settlement
It disgusts me when govern ment pursues successful business such as Microsoft.In my mind it was a left wing Clintonoid attempt to extract money from a legitimate brilliant entrepeneur.Microsoft should not incur any punishment whatsoever.

MTC–00014512

From: shahlatipton@msn.com@inetgw
To: Microsoft ATR
Date: 1/22/02 9:33am
Subject: Microsoft Settlement
I would like to see the rest of the states back off and let Microsoft keeps on inovating in technology for our future and the generations to come. End the anti trust case once for all The states are just wasting the tax dollars and they should focus on fixing their state problem not the high tech industry. We should keep on supporting our companies in order to see that our economy gets better for everone and every American. All in all I believe that the states should go along with the goverment agreement and move on with better things than dragging it on.

MTC–00014513

From: testa558@aol.com@inetgw
To: Microsoft ATR
Date: 1/22/02 9:33am
Subject: Microsoft Settlement
The greatest strength of America has been innovations.We should indeed settle this case as soon as possible and focus on a much higher priorities:Security and restore our economic growth.

MTC–00014514

From: www.hoajr@aol.com@inetgw
To: Microsoft ATR
Date: 1/22/02 9:33am
Subject: Microsoft Settlement
We feel very strongly that the present long drawn out trial of Microsoft should be brought to a conclusion once and for all. A tremendous amount of money has been spent and a reasonable compromise has been arrived at by Microsoft and the U.S.Government. The American people need to put this mess behind us.
We need everyone involved in the world of technology to put forth their very best effort to bring this nation back on course to a strong and healthy economic recovery. We will all benefit—the consumer industry and the government.

MTC–00014515

From: alexmorcos@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/22/02 9:33am
Subject: Microsoft Settlement
I totally support the settlement of MS with the DOJ. This finally ends a lng litigation process at our tax payer expenses which only benefits is to help some poor performing competitors of Microsoft. The new administration is doing a great job cleaning up the mess created by the previous one.

MTC–00014516

From: bobhansen@mindspring.com@inetgw
To: Microsoft ATR
Date: 1/22/02 9:33am
Subject: Microsoft Settlement
Competition is healthy for all of us. Illegal activity and undue coercion/penalities are not helathy. A free market place will take care of those untoward behaviors. Look at ENRON they couldn t hide their unsavory behavior forever. Good or bad they lost. Microsoft will win or lose based on the merits. The winners must be the customers who spend the $ to keep microsoft alive. If microsoft is doing something illegal they have to cease and desist or they will fall. If they are providing a legitimate product the the customer needs and pays a fair market price for so be it. The U S Gov has already spent tooooo much suing Microsoft. Get a life. We have more importnat things to do. What about guarding against cybercrime?????

MTC–00014517

From: kmiller@goldshield.com@inetgw
To: Microsoft ATR
Date: 1/22/02 9:33am
Subject: Microsoft Settlement
Microsoft Can not flood the market with their products. In order for this ruling to work 75% of the products placed into public education must be other than Microsoft products. This is more in line of keeping away from a monopoloy.

MTC–00014518

From: dmckee@ionet.net@inetgw
To: Microsoft ATR
Date: 1/22/02 9:33am
Subject: Microsoft Settlement
Recommend acceptance of the settlement. Nothing of substance will be gained by continuing—the government is too slow to beat a fleet-of-foot company like MS.

MTC–00014519

From: rayres@charter.net@inetgw
To: Microsoft ATR
Date: 1/22/02 9:33am
Subject: Microsoft Settlement
I believe the proposed Microsoft/DOJ settlement is fair to all parties involved. It s time to end the litigation.

MTC–00014520

From: ahbollhagen@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/22/02 9:33am
Subject: Microsoft Settlement
While some may consider Microsoft monopolistic I believe that they have both encouraged and rewarded technologies developed by other companies. They have

done an outstanding job solving many complex applications and problems.

MTC–00014521

From: sylviakimbrell@msn.com@inetgw
To: Microsoft ATR
Date: 1/22/02 9:33am
Subject: Microsoft Settlement
Resolve settlement now as agreed to.

MTC–00014522

From: micki3034@webtv.net@inetgw
To: Microsoft ATR
Date: 1/22/02 9:33am
Subject: Microsoft Settlement
A number of state attorneys general reached a settlement with Microsoft to bring the lengthy antitrust case to an end. The people believe that this settlement is fair reasonable and in the best interest of everyone. Accept this settlement and close this case.

MTC–00014523

From: keith@olingers.com@inetgw
To: Microsoft ATR
Date: 1/22/02 9:33am
Subject: Microsoft Settlement
The settlement is fair. Please end the disruption in the tech industry and economy. Microsoft has changed this world with its technology and has made it VERY easy and cost effective to run a business on their software. Microsoft and all of the Independent Software Vendors make up a no small part of this country's and this world s economy. This is a good thing! This frivolous lawsuit brought by competitors that choose rhetoric and the anti-trust courts as a method of competition instead of spending their time and money making compelling software is a monumental waste of taxpayers dollars and is one main reason for the current economic slump. End it now by approving the settlement!! Please understand the enormous amount of good that this company has done. As a small business owner it is amazingly wonderful to have a ton of choices of software to run my business that all work on Windows.

MTC–00014524

From: Cstlwramac@aol.com@inetgw
To: Microsoft ATR
Date: 1/22/02 9:33am
Subject: Microsoft Settlement
Dear Ms. Hesse
I am 75 years old ... if I may voice my opinion from the depths of my heart strongly feel bring the lengthy costly antitrust case to an end would be for the good of the economy and we consumers. Thank you for allowing me to voice my opinion. Sincerely
Mary I Costilow
Ralph N Costilow

MTC–00014525

From: pfl7@email.msn.com@inetgw
To: Microsoft ATR
Date: 1/22/02 9:33am
Subject: Microsoft Settlement
I am all for the settlement our priority should be for the best of our country.
susan lai

MTC–00014527

From: digger160@msn.com@inetgw
To: Microsoft ATR
Date: 1/22/02 9:34am
Subject: Microsoft Settlement
Time for a settlement and time tolet Microsoft focus on what it does best.

MTC–00014528

From: n22amoroso@aol.com@inetgw
To: Microsoft ATR
Date: 1/22/02 9:34am
Subject: Microsoft Settlement
I agree with the settlement.

MTC–00014529

From: kpetroro@aol.com@inetgw
To: Microsoft ATR
Date: 1/22/02 9:34am
Subject: Microsoft Settlement
I feel the people should make the decisions not the government.

MTC–00014530

From: globarr@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/22/02 9:34am
Subject: Microsoft Settlement
I am a physicist and extensively use computers. I do not technically like all of what Microsoft does. But as Americans we need to bring this to an end! The agreement is more than fair and freedom is worth much more than what we can get with such improper legal efforts as we are now doing!
Thanks!!!!!!

MTC–00014531

From: dont@tushauscpa.com@inetgw
To: Microsoft ATR
Date: 1/22/02 9:34am
Subject: Microsoft Settlement
Stop wasting taxpayer s money & accept Micrsoft s settlement offer. If Microsoft is guilty of anything which I doubt its miniscule compared to the debacle of Enron & all the related parties. Get your priorties in order & at the same time lets try not to make the attorneys the wealthies people in the USA.

MTC–00014532

From: jimdunlop@mediaone.net@inetgw
To: Microsoft ATR
Date: 1/22/02 9:34am
Subject: Microsoft Settlement
Microsoft has been guilty of predatory anti-competitive practices and should have been broken up. I agree with the several state attorneys general including the one from Massachusetts who are objecting to the settlement.

MTC–00014533

From: jmegna@wettv.org@inetgw
To: Microsoft ATR
Date: 1/22/02 9:34am
Subject: Microsoft Settlement
The case of U.S. vs. Microsoft is a disturbing example of government sponsored extortion— nothing more! There is no monopoly here and there never was! Bill Gates only mistake was failing to make large cash contributions to the Clintons and the Dems.—if he's done so the Reno Justice department would never have gone after him. This country should reward innovation not punish it!

MTC–00014534

From: wick@nagoghill.com@inetgw
To: Microsoft ATR
Date: 1/22/02 9:34am
Subject: Microsoft Settlement
I AM STRONGLY IN FAVOR OF SETTLEMENT! Enough time and money have been wasted. Please do what you can to make sure that the settlement actually occurs.

MTC–00014535

From: bjacoby@aol.com@inetgw
To: Microsoft ATR
Date: 1/22/02 9:34am
Subject: Microsoft Settlement
That Microsoft is a monopoly is clear. It is proved again and again by the lack of competition and the subsequent laziness of Microsoft to provide stable and secure products. They have been able to set the bar so exceedingly low that most people who use personal computers are happy when their computers crash less than usual. We all assume some level of instability because we have been conditioned to accept their mediocrity. Upgrades are forced regularly because the previous versions of operating system and applications are so incredibly poor. This seems more of a practice to ensure good returns to their bottom line than actually improve the quality of the software.

MTC–00014536

From: shailasg@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/22/02 9:34am
Subject: Microsoft Settlement
The setlement suggested by the Department of justice is fair for both sides. Anything done besides is a waist of Tax Payers money to satisfy the personal egos of some individuals. Our economy is hearting enough and one thing we need is a software (Bin laden) with in our own goverment. The only monopoly that I see is effecting is AOL-Time Warner where I can not have a choice of my Internet Service Providor in New York Area for Cable Connection and have them keep rasing the rates everytime.

MTC–00014537

From: ecox0001@midsouth.rr.com@inetgw
To: Microsoft ATR
Date: 1/22/02 9:34am
Subject: Microsoft Settlement
Microsoft is a great asset to the WORLD. Just think how bad things would be if their were multiple systems. Microsoft has done more good than any other company. Spend my tax money fighting the ENRON s and Osama bin Laden. GET OFF MICROSOFT s case!!!!

MTC–00014538

From: wherr20009@aol.com@inetgw
To: Microsoft ATR
Date: 1/22/02 9:35am
Subject: Microsoft Settlement
I strongly support the Justice settlement with Microsoft. I my opinion this misguided antitrust action never should have been taken by the Clinton Justice Department. It is a relief that more practical clear-headed views now prevail. Hopefully the new Bush administration will be more supportive of our great companies instead of trying to

weaken them. It is not the role of government to intervene in the private sector on behalf of companies that are not sufficiently innovative to survive in the market place.

Let's get this matter settled as quickly as possible and let Microsoft concentrate on doing what it does best unfettered by this litigation.

MTC–00014539

From: sal@metronet.lib.mi.us@inetgw
To: Microsoft ATR
Date: 1/22/02 9:34am
Subject: Microsoft Settlement

I believe that Microsoft still inhibs competitors in their business practices. I don t believe that the remedy is severe enough.

MTC–00014540

From: adamjhecktman@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/22/02 9:34am
Subject: Microsoft Settlement

It is clear that the people of the United States are tired of effort and money being put towards this issue.

The settlement is fair (if not favoring the U.S. and Microsoft's competition) and should be brought to closure by rapid acceptance. Please implement this compromise for the sake of the consumer and general tax-paying public.

MTC–00014541

From: mike-urban@hnc.com@inetgw
To: Microsoft ATR
Date: 1/22/02 9:34am
Subject: Microsoft Settlement

Microsoft has used predatory practices at the deliberate expense of other companies to create a monpolistic situation. Many of the judgements that come out of this case will be used going forward on new cases and we need to make sure that a precedent is not set which allow companies to get away with this type of behavior. It impacts everyone of us in many ways. Even a billion dollar fine is insignificant to this company and will not justify the multi billions thay have made from it. I am also a Microsoft shareholder.

MTC–00014542

From: hudginsjeffrey@netscape.net@inetgw
To: Microsoft ATR
Date: 1/22/02 9:35am
Subject: Microsoft Settlement

Over the past few years our Federal government has wasted more money attacking and harassing Microsoft than it spent pursing Osama Bin Laden and every other terrorist organization known to man.

What a waste of taxpayer resources! As long as a monopoly is operated by the government it is fine. A good example of which are the cable TV and internet services in our local markets. Service is only provided in our community by one carrier due to the local municipality sanction of only that one provider.

The city is rewarded with fees kicked back by the provider. Costs escalate service is poor no competition is allowed. This we are told is fine however because the government sanctions the monopoly.

Competition would of course bring prices down and force carriers to provide better service or forfeit business. Microsoft on the other hand is one of those many competitors in the market. It prices its product to the market accordingly or it s rivals evaporate their market share. Prices are market driven service if you have a problem is a click or call away. If you ever have requested service you would also note it is very efficient and timely. Let s stop the nonsense and get off Microsoft s case.

Microsoft investment in our economy through its employee payroll corporate tax and charitable donations are unbelievable. All this whining would come to an abrupt halt if they moved there operation into Canada would it not? Microsoft is a successful American business. How refreshing. Quit wasting our money pestering them!

MTC–00014543

From: ktardeaz@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/22/02 9:35am
Subject: Microsoft Settlement

Granted we have had anti-trust law in America for many years. These laws are by their very nature bad for the economic health of individuals and the nation. A true monopoly can only persist through the power of government. Without that power a company must be forever vigilant to competitors replacement technology changing taste or need and numerous other possibilities. . . including unsuccessful competitors and their attorneys. Microsoft has done everything they could to gain and keep as many customers as possible and in doing so have increased the wealth of and improved the standard of living of millions of people in this country and in the world. And now it seems the governments of the USA and of the individual states intend to punish Microsoft. This is moral and just? . . . No it is un-American.

Sincerely

Franklin Hill

MTC–00014544

From: fakkos@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/22/02 9:35am
Subject: Microsoft Settlement

The setlement suggested by the Department of justice is fair for both sides. Anything done besides that is a waist of Tax Payers money to satisfy the personal egos of some individuals. Lets put this behind us and move on. Our economy does not need to be heart more than what it is.

MTC–00014545

From: lovellre@aol.com@inetgw
To: Microsoft ATR
Date: 1/22/02 9:35am
Subject: Microsoft Settlement

this case against msft is a farce based on jealousy not fair competition. It has cost all involved millions and the only benefit has been to posturing lawyers. It is time to stop all of this and to allow inovation and business to progress smoothly. If giving computers to schools etc can create a continuance of this farce then an amount of money to buy competitors machines should be provided. It will be interesting to see what happens to the $$$ in the end they will be buying Microsoft services.

MTC–00014546

From: sitzman@upstel.net@inetgw
To: Microsoft ATR
Date: 1/22/02 9:35am
Subject: Microsoft Settlement

I am the Information Systems Manager for a company that employees approximately 150 people in Minnesota. I am greatly disappointed with the settle between Microsoft and Justice. Microsoft is a monopoly and has used that power to the disadvantage of the consumer. This settlement does nothing to encourage Microsoft to change its business practices and I fully support the nine states that are continuing the fight for a better settlement. We use Microsoft products because we have no choice not because their technology is the best.

MTC–00014547

From: gtmc7@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/22/02 9:35am
Subject: Microsoft Settlement

I believe that this entire lawsuit by the federal government has not been in the interest of americans. They have used our tax money to pursue a company that has been successful. Had Microsoft not been a profitable company our government would not have ever gone after them. I believe that those who have been pushing this law suit at our expense should reimburse the american tax payers. If this could happen to a large company just think what our government could do to small companies. We nolonger have free interprise nor can we establish a competative business without being penalized. Watchout Americans! Who s Side is our Government on? I love America and I serve in 82nd Airborne in Cambodia during the Viet Nam War for 3 years but I think our government is moving away from having the purpose of upholding and representing the beliefs and interests of its citizens.

Thanks and God Bless.

MTC–00014548

From: ajekiert@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/22/02 9:34am
Subject: Microsoft Settlement

Product design and development is necessary to allow us to move forward in improving busiess climate and our personal lifestyles. Constant and stringent government intervention will not foster an environment of technological change and therefore must be limited in scope. I support market place competition rather than govement regulation.

MTC–00014549

From: sheila.a1travel@wspan.com@inetgw
To: Microsoft ATR
Date: 1/22/02 9:34am
Subject: Microsoft Settlement

I am in agreement with the settlement reached between Microsoft and the Federal Goverment and numerous other state officials to end the law suit filed against Microsoft.

MTC–00014550

From: WSmartshot@aol.com@inetgw
To: Microsoft ATR

Date: 1/22/02 9:35am
Subject: Microsoft Settlement

Judge Kotelly It seems that microsoft has been given abum rap no matter what the courts attempt to prove. like when your company has a patent you have the sole right to manufacture or supply the product to the public for X amount of years. . . Right? so no along come s Bill Gates who tears down the Ibm monopoly and puts the computer into the hands of even my grandchildren age 6 to 13. . . .Shouldn t this entrepreneur be allowed to market his product against the copycat companies that sprung up from his dream??? I say let him and his company make all the money they want and let the necomers develop something even beyond the scope and imagination of a Bill Gates. Call it progress or the good old american motto of building abetter mousetrap

MTC–00014551

From: Gil@amraildev.org@inetgw
To: Microsoft ATR
Date: 1/22/02 9:35am
Subject: Microsoft Settlement

The following article sums up my feelings. A Philadelphia radio station posed this question. There are two men both extrwmwly wealthy. One develops relatively cheap software and gives hundreds of millions of dollars to charity. The other sponsors terrorism. WThat being the case why is it that the U.S. Government has speent more money chasing down Bill Gates over the past ten years than Osama bin Laden.

MTC–00014552

From: medora@arkansas.net@inetgw
To: Microsoft ATR
Date: 1/22/02 9:35am
Subject: Microsoft Settlement

I belive the goverment is wrong. The old saying down here is: Build a better mouse trap and the world will beat a path to your door. Let those who complain do a better job and they will be able to sale more of their product!!!

MTC–00014553

From: rstunek@forbeschocolate.com@inetgw
To: Microsoft ATR
Date: 1/22/02 9:35am
Subject: Microsoft Settlement

I find the whole antitrust litigation disturbing from the standpoint that as a software consumer I don t view myself as being harmed by Microsoft s place in the market. We run Windows NT Windows 2000 Windows 98 MSOffice Explorer Publisher etc. And while these programs are not flawless they have increased our productivity immeasurably for a relatively small investment. There have certainly been alternatives to Microsoft products that I could have chosen but we felt that the Microsoft products gave us the most for our money. To penalize a company for being the best in its industry is un-American.

There are no greater barriers to entry in this market than in any other. If someone can offer me a better price/performance combination with their product then I will migrate to it. Linux Sun Oracle are all names that compete with Microsoft but none could meet my needs as closely as the products we purchased. The irony of all this is that I work closely with an industry that is rapidly conolidating and will do far more to hurt the average consumer than Microsoft ever will yet this monopolistic drive rolls along with the government s blessing. Joel Klein has made a name for himself the government has wasted millions of taxpayer dollars the media has gotten to bash Microsoft—everyone should be happy.

I would also think the DOJ has more important things to worry about right now. So please accept the settlement and put an end to this travesty.

MTC–00014554

From: rturnam@mediaone.net@inetgw
To: Microsoft ATR
Date: 1/22/02 9:35am
Subject: Microsoft Settlement

Antitrust law was intended to protect consumers not competitors. Sun Netscape Oracle et. al. engage in much the same behavior as MS. Why wasn t Novell taken to court when they had the corner on the networking market? Maybe the federal gov t should write a public domain operating system and office suite and give it away. Does anyone really believe you d get meaningful support from the gov t? This is just the politics of envy trying to accomplish in the courts what they couldn t accomplish in the marketplace.

My 2 cents.

MTC–00014555

From: mwillis@core-mark.com@inetgw
To: Microsoft ATR
Date: 1/22/02 9:35am
Subject: Microsoft Settlement

I believe it s time to settel the Microsoft matter. It s the right thing to do.

Thank You
Mark Willis

MTC–00014556

From: akbranch@juno.com@inetgw
To: Microsoft ATR
Date: 1/22/02 9:35am
Subject: Microsoft Settlement

I would prefer that a settlement which benefits everyone be pursued. Free Enterprise should be encouraged but with responsibility and respect to its competitors.

MTC–00014557

From: stevej@deadsphere.com@inetgw
To: Microsoft ATR
Date: 1/22/02 9:35am
Subject: Microsoft Settlement

It's time to get off this non-issue and let the consumer not Apple or Sun decide the future of Microsoft!!

MTC–00014558

From: holtandassoc@ix.netcom.com@inetgw
To: Microsoft ATR
Date: 1/22/02 9:35am
Subject: Microsoft Settlement

Let it go enough of the tax payers money has already been waisted. I would bet that most of the PC in use by the prosecutors are using Microsoft products! Without Microsoft the capabilities computers have today would be 10 years off still.

MTC–00014559

From: e—fehling@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/22/02 9:35am
Subject: Microsoft Settlement

I would like to see the current settlement stand. I think any more court action regarding this case is unnecessary and costly and would serve no worthwhile purpose.

MTC–00014560

From: gfullert@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/22/02 9:35am
Subject: Microsoft Settlement

I am deeply concerned that the continuation of this litigation will be determental to the economy and in particular the telecommuncation and information related sectors. I feel that the settlement that was reached was in the best interest of all of the people in the US and the failure to reach a settlement could have negative impact on our national economy.

MTC–00014561

From: lcparks@essex1.com@inetgw
To: Microsoft ATR
Date: 1/22/02 9:35am
Subject: Microsoft Settlement

On behalf of myself and citizens of the U.S. I would think it would be to our best interest to get this settled and get our economy going again. I also think that the settlement proposed by microsoft is also more than adequate.

Thank you for your time.
Chuck Parks

MTC–00014562

From: Schreck, Paul CONT (NASKW 191)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/22/02 9:56am
Subject: Microsoft Settlement

To whom it may concern,

As an Information Technology professional, a US Navy veteran and a citizen of the United States, I feel the proposed settlement if the Microsoft Antitrust case to be a great disservice to the American consumer. The proposed remedies are little more than a 'slap on the wrist'. To truly promote fare competition in the Operating Systems/software market, much stricter constraints must be placed upon Microsoft. My recommended remedies are as follows:

1. Open & standardize the Windows API and file formats:

The Windows API (or ''Applications Programming Interface'') is the set of instructions that Windows applications/programs use to ''talk to'' the operating system. Microsoft provides these APIs to 3rd party software vendors in order for them to develop applications for Windows. However, it's widely known that Microsoft often 'fiddles' with the API, changing things that break competitors'' products. For instance; if a competitor developed a multimedia application, which competes with Microsoft's own Windows Media Player (such as RealPlayer or QuickTime), Microsoft can easily alter the Windows API to allow these competing products to no longer work properly. It's also known that Microsoft's own programmers take advantage of so-called 'hidden APIs' that non-Microsoft developers can't use.

Microsoft's file formats also need to be opened. That is, file formats for it's MS Office applications (Word, Excel, PowerPoint and Access), Windows Media format, along with any other proprietary formats, need to be standardized and publicized. This would allow competitors to build Windows software applications, and operating systems, that compete with Microsoft on a level field.

2. Compliance & adherence with open standards:

The Windows operating system uses many, ''Microsoft only'', proprietary formats and technologies, that make it incompatible with competing products. For instance, Microsoft uses an API called ''Direct 3D'', for all its 3D development/rendering. Direct 3D is only usable on a Windows operating system. If an application were written using Direct 3D, all other operating systems would be unable to take advantage of it. An alternative product such as ''OpenGL'', would be a much better solution, as it is vendor-neutral and governed by a standards committee. In fact, Apple Computer made OpenGL the basis of its 3D API in their new operating system, ''Mac OS X''. Indeed, there are many open source/vender-neutral APIs that could be used in place of Microsoft's proprietary ones.

With Microsoft's APIs and file formats fully standardized, documented and published, and having Microsoft adhere to open, industry standards, other software vendors could compete fairly.

Regards,
Paul J. Schreck
Paul J. Schreck
Lead Computer Technician
Naval Air Station, Key West
CC: 'microsoftcomments(a)doj.ca.gov', 'attorney.general. . .

MTC–00014563

From: Roy Steffey
To: Microsoft ATR
Date: 1/22/02 10:13am
Subject: Microsoft Settlement

On 1/21/02 i faxed a copy of the letter to Attorney General John Ashcroft and a copy to Rep. David E. Bonior.

signed Roy Steffey

MTC–00014564

From: Kevin Ryan
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/22/02 10:15am
Subject: ''Americans for Technology Leadership''

As I'm sure you're aware, Microsoft has started an ''association'' (the title is in the subject line)—actually a captive lobby of MS and whoever it could pressure into lending names, as far as I can tell—to encourage (pro-Microsoft) comment on their case/settlement. At their web site (http://www.techleadership.org/5010/), they have a mechanism for posting comments which will supposedly be posted to the address I'm sending this to. Yesterday (1/21/02) I posted some comments disparaging Microsoft's business practices, and questioning its commitment to software innovation. I thought that you might be interested in checking to see if you receive them; I know I am curious, since I would not rule out the possibility of filtering in the forwarding process. The return address associated with my comments will be the same as the one at the bottom of this note.

The thrust of my comments was that Microsoft got off easy, and that it perniciously exploits its market dominance to stifle potential software competitors and to coerce manufacturers into pre-installing its software, and that the overall effect is to guarantee only MS the opportunity to innovate, as well as to guarantee that they only need to innovate just enough to sell updated versions of their products. If their practices aren't illegal, they should be, but I know that's outside of DoJ's area of responsibility.

Please feel free to forward this to any other government officials seeking public comment on Microsoft. Be aware that these are my own views, not necessarily those of my company. But also be aware that I am a network administrator, with several years'' experience with Microsoft software, and a good deal of knowledge of the software industry.

Kevin Ryan
kevin_ryan@ceiltd.com

MTC–00014566

From: nothanks@aol.com@inetgw
To: Microsoft ATR
Date: 1/22/02 10:11am
Subject: Microsoft Settlement

I think it was fair to the entire computing industry.....

MTC–00014567

From: meyerforest@aol.com@inetgw
To: Microsoft ATR
Date: 1/22/02 10:11am
Subject: Microsoft Settlement

It is time to get on with things that are more important than exerting regulatory control over Microsoft. I believe Microsoft s products and services have benefitted us (consumers)rather than harmed us.

MTC–00014568

From: billeast@cfl.rr.com@inetgw
To: Microsoft ATR
Date: 1/22/02 10:11am
Subject: Microsoft Settlement

There s another issue that no one is taking Microsoft to task for. . . that is in regard to the new XP operating system. Users who purchased it can be denied use of the product and caused hard trouble to get a fix from Microsoft if the software think s you are trying to steal it. But that event is so easily triggered that many innocent and legal users will experience denial of ujse of the product just because they changed components in their computer. It is shameful that Microsoft is so protective of the rare instances of copying that they put their legitimate customers to so much trouble. This copy protection scheme should be required by government to be removed or softened so that it is less drastic.

MTC–00014569

From: tim.balder@hickorytech.com@inetgw
To: Microsoft ATR
Date: 1/22/02 10:11am
Subject: Microsoft Settlement

I think Microsoft is getting off easy. If it is to go through the settlement will GIVE Microsoft an unfair advantage in the schools over Apple. I also remember years ago when IBM was trying to do the same thing. They lost their case as so should Microsoft.

MTC–00014570

From: rtanner@quannon.com@inetgw
To: Microsoft ATR
Date: 1/22/02 10:11am
Subject: Microsoft Settlement

Well done. Thanks for speeding things up and getting to a conclusion.

MTC–00014571

From: dheyl@heylconsulting.com@inetgw
To: Microsoft ATR
Date: 1/22/02 10:11am
Subject: Microsoft Settlement

It s a good deal for all those involved.

MTC–00014572

From: Patricia.Spaleta@i21.com@inetgw
To: Microsoft ATR
Date: 1/22/02 10:11am
Subject: Microsoft Settlement

Enough is enough the settlement agreement needs to be enforced without wasting any more time and money to the public. Everyone seems to be in agreement that the settlement was fair and I hope that no more taxpayers money is wasted on this. Let s get this done!

MTC–00014573

From: lottza—wivez@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/22/02 10:11am
Subject: Microsoft Settlement

It is time to settle a lawsuit that should never have been tried in the first place. The competition was poor and the claim of unfair business practice was fuzzy at best. Close the books on it soon please.

MTC–00014574

From: rmcgill3@neo.rr.com@inetgw
To: Microsoft ATR
Date: 1/22/02 10:11am
Subject: Microsoft Settlement

Microsoft has done more for American Industry and the American People over the last 10 years than most companies do during their entire existance. They offer superb products at fair prices. Unfortunately their whiney butt cry baby competition has seen fit to enlist the Zealot Federal regulators to further their own causes instead of competing on a straight up basis. In my opinion the President of the U.S. should issue an Executive Order to the Federal Trade Commission & the appropriate Judiciary directing that all chargess against Microsoft be dropped and further that Microsoft be allowed to bring suit against both Federal & State Governments for damages. It seems strange to me that the same regulators that are trying to destroy Microsoft are sitting on their hands and doing nothing while foreign interests are being allowed to destroy our steel industry. I AM AN AMERICAN AND THERE IS NO DOUBT IN MY MIND THAT WE ARE THE GREATEST COUNTRY THAT HAS EVER BEEN OR EVER WILL BE. THE REASON FOR THIS IS NOT FEDERAL REGULATION BUT IS FREE ENTERPRISE AND THE HEARTS SOULS AND TENACITY OF THE AMERICAN PEOPLE.

MTC–00014575

From: ccbannister@home.com@inetgw

To: Microsoft ATR
Date: 1/22/02 10:11am
Subject: Microsoft Settlement

I believe that it is in the best interest of the consumer to settle the Microsoft issue. Microsoft has done nothing that is against the interests of the public. Wasting more of my tax money on pursuing Microsoft to benefit companies like Sun Microsystems and others who have difficulty competing because they have inferior products. The market will take care of Microsoft. When they fail to produce a product that the public wants to buy they will no be able to sell it. Going back to the days of multiple operating systems is not in the best interest of the consumer and makes programming from a professional point of view more of a headache. Settle the issue and quit wasting my tax dollars that could be better spent elsewhere.

MTC–00014576

From: parkrs@swbell.net@inetgw
To: Microsoft ATR
Date: 1/22/02 10:11am
Subject: Microsoft Settlement

Clearly the original anti-trust action was politically motivated. Now we are faced with a hobson s choice.

Therefore I concur with the proposed settlement.

MTC–00014577

From: Bagher_Sarabi@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/22/02 10:11am
Subject: Microsoft Settlement

Let s put an end to this lengthy case and prevent wasting more tax payers moneies. Thanks.

MTC–00014578

From: larryf@manatts.com@inetgw
To: Microsoft ATR
Date: 1/22/02 10:11am
Subject: Microsoft Settlement

Leave Microsoft alone and go after some real criminals with our tax dollars.

MTC–00014579

From: smiller@tulsa.net@inetgw
To: Microsoft ATR
Date: 1/22/02 10:11am
Subject: Microsoft Settlement

I am pleased that the Judge put an end to this long and costly suit. I feel Microsoft has made the computer available to the average citizen with an easy-to-use product. If the competition cannot produce equal or better software that is their fault. Government has no place in the supply and demand market.

MTC–00014580

From: kmaljak@washingtontimes.com@inetgw
To: Microsoft ATR
Date: 1/22/02 10:11am
Subject: Microsoft Settlement

The Microsoft settlement seems fair. I would encourage the Justice Department to accept it.

MTC–00014581

From: Dornasor@bu.edu@inetgw
To: Microsoft ATR
Date: 1/22/02 10:11am
Subject: Microsoft Settlement

I support the Massachusetts position of not agreeing to the general settlement. I think the current settlement favors Microsoft at the expense of the consumer competitors and the American public.

MTC–00014582

From: jrooste@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/22/02 10:11am
Subject: Microsoft Settlement

Basically the settlement is a slap on the wrist!

MTC–00014583

From: jhowasso@swbell.net@inetgw
To: Microsoft ATR
Date: 1/22/02 10:11am
Subject: Microsoft Settlement

I am a retired telephone company manager. I feel that the entire problem we are having with tech stocks in particular and all stocks in general started with the Justice Dept s persecution of Microsoft. Why can't a company be large innovative and successful without being criminal? It used to be the American Way. This is another of Bill Clinton s legacies. Thank God and the Supreme Court that it wasn t continue with Al Gore.

MTC–00014584

From: ACcaggiano@aol.com@inetgw
To: Microsoft ATR
Date: 1/22/02 10:11am
Subject: Microsoft Settlement

I think the settlement is too easy on Microsoft and I can not see anything that leads me to believe that it will stop Microsoft from doing the same thing again. Already MS has stopped people who weren t using Internet Explorer for accessing specific sites. MS needs to see that what they are doing is wrong and not in the best interests of the public. Thank you.

MTC–00014585

From: thartman-aci@prodigy.net@inetgw
To: Microsoft ATR
Date: 1/22/02 10:11am
Subject: Microsoft Settlement

Microsoft is and has never been a monopoly. During the Clinton administration they saw a company that was extremly succesful and the left wanted a piece of that money like usual. They have no reason to be involved or break-up divide or try to run their business. They have contributed to this economy they pay high taxes they have created many many jobs. The case should be dropped not settled and the government should pay them a big apology for the left wings greed for power from money.

sincerely
Thomas R. Hartman
Arlington Heights Il.

MTC–00014586

From: rickluc@home.com@inetgw
To: Microsoft ATR
Date: 1/22/02 10:12am
Subject: Microsoft Settlement

Dear Sir/Madam:

Please let the Microsoft settlement with the government stand. It is a fair settlement between the Government and Microsoft.

Thank You

Richard Lucas

MTC–00014587

From: lowellmj@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/22/02 10:11am
Subject: Microsoft Settlement

I strongly endorse the U.S. vs Microsoft settlement. It is time to put this issue aside and get on with the peoples business.

MTC–00014588

From: caudo@aol.com@inetgw
To: Microsoft ATR
Date: 1/22/02 10:12am
Subject: Microsoft Settlement

I believe the case should be settled as proposed. The settlement should bind the other state suits to be settled also. Put an end to this and lets get back to busniss.

MTC–00014589

From: mwylie@abccentralforida.org@inetgw
To: Microsoft ATR
Date: 1/22/02 10:11am
Subject: Microsoft Settlement

I am a personal and business customer of Microsoft as well as several other software companies. I would urge the government to reach a prompt settlement with Microsoft and accept the proposed consent decree. Prolonged litigation is not in the best interest of software consumers the public or the government. The original litigation and district court decision did little to calm the financial markets either. The government should be encouraging free enterprise and open competition. The resources expended on further Microsoft litigation would be much better spent on debacles like Enron.

Thank you for your consideration of my opinion.

MTC–00014590

From: jimbrown3@aol.com@inetgw
To: Microsoft ATR
Date: 1/22/02 10:12am
Subject: Microsoft Settlement

Time to get on with it. There are more important things to devote time energy and taxpayer s dollars to than stifling creativity. ACCEPT THE SETTLEMENT.

MTC–00014591

From: kphillips@tippertie.com@inetgw
To: Microsoft ATR
Date: 1/22/02 10:11am
Subject: Microsoft Settlement

Has there been any other company that has done so much for the economy and the people of this great country in such a short period of time? I think not. Mr Gates created an idea (Microsoft Inc.) that has helped us all in one way or another thru better jobs higher pay self-esteem and a wider of technological advances thru the use of their software. I am for the resolution of this matter as soon as possible.

Thank you.

MTC–00014592

From: ken@abullseye.com@inetgw
To: Microsoft ATR
Date: 1/22/02 10:11am
Subject: Microsoft Settlement

This case has many issues that blur the overwhelming need to get it over with. A fair

settlement was reached but the states representing the businesses that are unable to compete in a very competivite industry are seeking to legislate an unfair advantage for themselves. That s not what America is all about.

America is a FREE Market economy. Let the free market determine the winners and loosers. The longer this case goes on the larger is the damage to my faith in the US legal system to successfully resolve this isasue. Enough is enough! Get it over with! Free Microsoft of the shackeles that are holding it back from maintaining America s leadership in this industry!

MTC–00014593

From: TG-lYNCH@MEDIAONE.net@inetgw
To: Microsoft ATR
Date: 1/22/02 10:12am
Subject: Microsoft Settlement

PLEASE DO NOT PENALIZE A SUCCESSFUL BUSINESS. Microsoft has been good for the consumer the investorand America. As a voter and a taxpayer Iurge that this matter be settled fairly and speedily. I put my faith in the company years ago. Please do not turn it into another Enron.

Thomas G. Lynch

MTC–00014594

From: pholland4@mindspring.com@inetgw
To: Microsoft ATR
Date: 1/22/02 10:12am
Subject: Microsoft Settlement

I would like to see the Microsoft case settled. It is costing the tax payers money and hurting the economy.

Pete Holland

MTC–00014595

From: lhuff@prodigy.net@inetgw
To: Microsoft ATR
Date: 1/22/02 10:11am
Subject: Microsoft Settlement

Enough is Enough. Settle this case now and let the good people of Microsoft get back to work.

MTC–00014596

From: JPi1957@AOL.com@inetgw
To: Microsoft ATR
Date: 1/22/02 10:11am
Subject: Microsoft Settlement

In reference to Mr. Gates Problem: I think the Federal Government went too far in reguards to Microsoft!

I have heard all my life—build a better mouse trap and people will run to your door. I believe Mr. Gates built this mouse trap!! The Federal Government should back off Microsoft!! Case in Point: Banks are getting together and making a great big bank—This could be very bad for the taxpayers if they fail.

However the Government is doing nothing about these mergers. I believe Mr. Gates forfilled the American dream and The American Government should get out of his face. I do not believe there was any wrong doings—so there should be nothing to settle.

MTC–00014597

From: cctimber@msn.com@inetgw
To: Microsoft ATR
Date: 1/22/02 10:12am
Subject: Microsoft Settlement

I endorse the settlement called the Tunney Act.

MTC–00014598

From: joecynthia@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/22/02 10:11am
Subject: Microsoft Settlement

I believe the proposed Microsoft antitrust case settlement is a fair and reasonable compromise and is in the best interest of everyone—the technology industry the economy and especially the consumers.

Please support this settlement.

MTC–00014599

From: sbrod@snip.net@inetgw
To: Microsoft ATR
Date: 1/22/02 10:12am
Subject: Microsoft Settlement

Please settle the case against Microsoft quickly and efficiently. Do not disrupt this country s technology leadership with unnecessary lawsuits or judgements that hamper innovation.

MTC–00014600

From: berkenbile@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/22/02 10:12am
Subject: Microsoft Settlement

I feel the anti-trust case against Microsoft was political and unwaranted. The suit was to protect competitors to Microsoft not to protect Consumers. That being said I know other feel differantly. I strongly believe the settlement is a good compromise and should be embraced. If it is not it could have negative effects on everyone.

Thanks

Dave J Berkenbile

MTC–00014601

From: farkus2
To: Microsoft ATR
Date: 1/22/02 10:23am
Subject: Microsoft Settlement

To whom it may concern:

In regards to the U.S. vs. Microsoft court case, I urge the government to seek stiffer penalties against Microsoft for their anti-competitive practices. As a consumer of Microsoft products and worker in the IT field, it is frustrating to have pc's crash and a buggy windows operating system. The consumer can only benefit by the break up of Microsoft, or something as forcefull, that would allow other companies to compete on a even playing field. For Microsoft to own and market the windows operating system and create products to run on this OS is in my opinion unfair to competing software companies. This advantage I am sure is used to ensure that Microsoft products are ''compatible'' and competing software find their performance degraded.

Also having more competion can only drive prices down and quality up. Microsoft is notorious for releasing buggy software early and then fixing it later. Often selling them as ''upgrades''. I wish they would create an OS that would just work well and not include all the extras that Microsoft thinks everyone needs.

Please do not let this company off with a hand slap. Doing so would only reward its ruthless behavior.

Thank you.

Sincerely,

Robert Marshall

MTC–00014602

From: Edson Mena
To: Microsoft ATR
Date: 1/22/02 10:21am
Subject: Microsoft Settlement

CC:activism@moraldefense.com@i-inetgw,letters @capitalis. . .

MTC–00014603

From: Bokor1933@aol.com@inetgw
To: Microsoft ATR
Date: 1/22/02 10:26am
Subject: Microsoft Settlement.

Dear District Court Judge, M

icrosoft should not be punished in any way whatsoever. It should be honored and congratulated. At the least, the government should apologize to Microsoft for persecuting—-yes persecuting—-that company.

I have been appalled at the government's treatment of one of our most productive enterprises. We should be honoring Microsoft for good work, for raising our standard of living, for increasing employment, for widening the circle of job opportunity, for offering at fair market value products that enhance our lives, for continually expanding our ability to work and play. Microsoft extends each of our lives in countless ways. Microsoft doing its business in freedom and without government interference is in my self-interest, as it is in yours and each US citizen's.

I do hope that the Antitrust laws will be abolished completely. They work only to destroy our country and its economy.

Sincerely,

Sylvia Bokor

CC:activism@moraldefense.com@inetgw

MTC–00014604

From: Robert Bero
To: Microsoft ATR
Date: 1/22/02 10:25am
Subject: Drop It Sir/Madam:

As a supporter of free enterprise (and the non-violent exercise of economic rights) I recommend the government drop its suite against Microsoft completely. I would also ask that the SEC be refocused on the task of providing Congress with recommendations on how they can eliminate all anti-trust legislation now on the books.

Sincerely,

Robert Bero

Xenia, OH

rabero@voyager.net

MTC–00014605

From: John.Fraser@hti.htch.com@inetgw
To: Microsoft ATR
Date: 1/22/02 10:43am
Subject: Microsoft Settlement

Monetary penalties are not the solution for Microsoft. It's like asking a farmer who has 4000 bushels of corn to pay the 10 bushels; a drop in the bucket. The crime is similar to a illegal monopoly. The only solution is to hurt it's market share (of which it's illegal acts helped increase). I few suggestions on how this can be accomplished:

Offer competitor machines to school and have Microsoft flip the bill. AKA Apple (computers), Linux and Unix (servers).

Allow Microsoft to continue current operations but force a price increase in the software (a tax that can go towards all schools.

I don't have all the answers but as a computer use for 75% of my life I understand the need to keep a competitive edge on all fronts including software. Imagine a software company so powerful that Unix Linux and others must be given away free for people to even consider using them. Bottom line, it's unfair to the economy to continue to have Microsoft operate as they plan. Big changes are needed and I suggest action is taken soon. The same issues of which this legal battle started with have only tripled in degree from 2+ years ago.

Thank you for your time and please feel free to include this e-mail in any documents you may need.

John Fraser
Hutchinson Technology
(320) 587–3797
x5348

MTC–00014606

From: Dave Doran-Marshall
To: Microsoft ATR
Date: 1/22/02 10:45am
Subject: Microsoft Settlement

Without going into a multipage document about Microsoft, I will try to sum up by ideas quickly, as you all must have lots to read already.

?MS is a company that has used business practices in the past which are illegal, or at the very least strongarm tactics.

? Much of MS's success is derived from it's constant ability to twist and stretch the rules to its own good. MS is a machine, based on marketshare and $$.

? Companies which are innovative have been shut out by MS, either by buying them or changing their own products to render the innovative ones obsolete, inoperable, or out of the public's mind.

?Most MS products work, but not very well. The entire IT industry is based on the inability of windows and other MS products to work well with others. Look at systems like Linux or the Mac. Mac marketshare is 5% or so, but the IT industry supporting macs is 1/10 that which supports MS products (ie 10 techs to support every 100 Windows Machines, 1 tech to support every 100 Macs)

The inherently flawed systems produce a cyclical motion of buy MS product, get someone to fix it, buy something else, get someone else to fix it. Reminds me of social communes in which factories built cars, that there was no market for, then got paid to take them apart, then reassemble once more. . .

?Microsoft creates the idea in people's minds that there's nothing else out there. In this way, people don't argue to buggy software, or pricey upgrades. They have been sold long before the purchase is made.

? Recently Apple introduced OS X (pronounced Ten). Several months later, MS introduced Windows XP. This is a small infraction that simply adds to the long list of white lies and ''thanks we'll borrow this for a sec'' day to day actions from MS.

If you bought a washing machine, would you not expect it to work for years before having someone come out to service it? Why are personal computers different?

MTC–00014607

From: Ganesh and Sashikala Prasad
To: Microsoft ATR
Date: 1/22/02 10:46am
Subject: Microsoft Settlement
23 January 2002

Dear Sirs,

I wish to submit my comments (attached) to the database of public feedback on the proposed settlement between the Department of Justice and Microsoft, which must reach you before the 27th of January.

I am submitting them in both plaintext and HTML formats for your convenience.

Regards,
Ganesh Prasad

Comment on Microsoft antitrust settlement
Sydney
1 January 2002

Dear Sirs,

I am an Australian citizen with about 15 years in the computer industry. What happens in the US vs. Microsoft antitrust case affects me professionally as well as personally, since I am a fairly heavy user of computer software and technology. I would like to comment on the settlement jointly proposed by the Department of Justice and Microsoft. To be blunt, I believe the proposal is a dishonest one that sells out the public interest. I will explain why, and offer some guidelines for a fairer remedy.

1. Microsoft's main crime (not bundling, but the prevention of bundling) has had lasting anti-competitive effects that the settlement should address but doesn't The argument that has most often been used against Microsoft is the ''bundling'' one, the allegation that Microsoft bundled its browser (and now its media player and instant messaging software) with its operating system. By doing so, it leveraged its monopoly in operating systems to enter other markets. Though this is a classic antitrust argument, people who believe in a free market are not convinced because the remedy does not sound right from the standpoint of the consumer interest. Consumers enjoy greater convenience, not less, when extra software is bundled with the operating system they buy. That is why the harsher remedy proposed by some of the states is also wrong. Forcing Microsoft to unbundle such software needlessly inconveniences the consumer. It also takes away from Microsoft's legitimate right to decide what goes into its products and puts the courts in the avoidable position of having to define the scope of technologies such as operating systems when they are not technically qualified to do so. The only parties that are benefitted by such a remedy are competitors. Doesn't this add credibility to Microsoft's claim that its competitors are inefficient and require government intervention to survive?

However, the prosecution has failed from the start to argue this point with the right emphasis. What Microsoft did that seriously disadvantaged the consumer was not so much bundling its own browser with its operating system, but preventing computer resellers (OEMs) from offering consumers a choice by bundling competing browsers such as Netscape Navigator. Microsoft threatened OEMs such as Compaq with the withdrawal of their Windows 95 license if they dared to bundle Netscape Navigator with the PCs they sold. Given the overwhelming dominance of Windows 95 in the operating system market at that time, a withdrawal of that license could have bankrupted even an OEM as large as Compaq. The threat was credible and secured the compliance of all OEMs. So certainly, Microsoft did leverage its monopoly in operating systems to gain entry into the browser market, and it did so both through the relatively benign means of bundling its own browser, and by the decidedly illegal means of preventing consumers from sampling the wares of its competitors. Any free market advocate can readily see the consumer harm in this latter action of Microsoft's, but the prosecution has damaged its own case by not emphasising this enough.

Microsoft has also had secret agreements with OEMs that prevent them from offering consumers the choice of which operating system to boot when they start up their computers. This is often known as the ''bootloader clause''. Microsoft abused its monopoly in operating systems by threatening OEMs and blocking, at the source, the entry of other operating systems into the market. Consumers have had no opportunity to know about or sample competing operating systems. In other words, Microsoft abused its operating system monopoly to maintain that monopoly, which is another violation of antitrust law. The fact that no OEM except IBM dared to testify against Microsoft during the trial is itself proof of Microsoft's terror tactics. Their silence speaks louder than any testimony.

Microsoft's history is full of such anti-competition and anti-consumer actions. Bristol Technology won a case against Microsoft (over Microsoft's sudden withdrawal of support for their Unix interoperation software Wind/U) but was awarded a laughably poor compensation of one dollar. Caldera had a strong case against Microsoft (over the illegal way in which Microsoft used Windows 3.1 to force consumers to buy MS-DOS rather than Caldera's DR-DOS) but its silence was bought through an out-of-court settlement. The consumer has been the ultimate loser in all these cases because Microsoft's actions removed competitive choice and interoperation options.

The DoJ's proposed settlement shows an awareness of these abuses and aims to prevent their recurrence, but it needs to be far stronger and bolder. The damage to the industry has been done systematically, over more than a decade, and significant network externalities have been created that work to perpetuate the Microsoft monopoly. How can this damage be reversed by a mere forward-looking arrangement? Consumers and Microsoft's competitors now face nearly insurmountable market hurdles to creating a viable alternative computing environment, even though technically good alternatives are available. Even if Microsoft's abuses are halted, the structural and systemic forces

they have created over the past decade will continue to work in their favour. At a time when consumers look to the government to right these historical wrongs, the settlement that the government proposes is inexplicably defeatist. It resigns consumers to the status quo! One would imagine that a prosecution that has had its argument upheld by two courts would have the momentum, confidence and real power to broker a deal that restores genuine choice to the consumer, not step lightly around an entrenched monopoly that was the problem to start with.

2. A criminal should not be allowed to keep his ill-gotten gains

Microsoft's monopoly profits are the direct result of these and other illegally anti-competitive tactics.

The antitrust case established that the absence of competition emboldened Microsoft into charging $89 for Windows instead of $49. In other words, consumers paid extra merely because of a monopoly that was being illegally maintained.

Four eminent economists filed an amicus curiae brief during the remedies phase of the trial in which they showed that Microsoft's rate of return on invested capital was 88%, while the average in other industries was about 13%! [See www.econ.yale.edu/-nordhaus/homepage/Final%20microsoft%20brief.pdf]

Microsoft could never have made such huge profits without its illegal maintenance and extension of its monopoly, and therefore a major part of its current wealth is illegally earned.

There is absolutely nothing in the proposed settlement that addresses the issue of these ill-gotten gains, or how these will be reimbursed to the public from whose pockets they came. This simple omission easily amounts to billions of dollars, and by itself makes the settlement a sellout of the public interest, even without an assessment of its other shortcomings.

3. Ill-gotten gains should not be allowed to influence the outcome of this case It is disturbing to read that many states are settling because they are running out of funds to pursue the case further as they would like to. Meanwhile, Microsoft, with its multi-billion dollar war chest, has no such constraints. They can outlast all their opponents. The world is learning the cynical lesson that the American justice system is a mere extension of the free market—you get as much justice as you can afford to pay for.

What happened to the principle (so successfully applied in the Al Capone case) that criminals should not be able to use their ill-gotten gains to pay for their legal defence? Wouldn't a scrupulous application of that principle prevent the distortion we see here? If a convicted abusive monopolist has more funds than its prosecutors, and that fact is forcing them to settle, can't the monopolist's funds be frozen, or can it not be made to pay the legal costs of its prosecutors? A simple ruling along those lines might see Microsoft scrambling to agree to a fairer settlement, one that will better safeguard the freedom of the consumer.

4. There is no attempt at punishment for wrongdoing

Though it has been established that Microsoft has repeatedly broken the law, the settlement only defines mechanisms to prevent future wrongdoing. What about punishment for past wrongdoing? Are murderers let off scot free with mere provisions to prevent future murders? What kind of example does this set? And what confidence does this inspire in the American justice system? Any remedy must include appropriate punishment.

5. The economy is being used as a bogeyman to prevent punishment

It is being argued that in the current difficult economic climate, Microsoft should not be broken up or otherwise punished, because that will in turn affect the rest of the economy (through a fall in the stockmarket index, a delay in the recovery of hardware sales, more unemployment and hardship, etc.). On the contrary, the lessons of Economics are that monopolies are always bad. They reduce efficiency, innovation and economic activity. In other words, Microsoft's monopoly has already affected the economy adversely. An end to the Microsoft monopoly may result in some churn, but that churn will be the ferment of genuine innovation from the rest of the industry. The impact on the stockmarket from a fall in Microsoft's share price will be more than offset by the rising stocks of independent software companies that can operate without fear of a monopolist's wrath. A decisive curbing of Microsoft's stifling influence will create more confidence in the rule of law, generate more jobs and help the economy.

Therefore, it is dishonest and self-serving on the part of the DoJ to suggest that this settlement proposal is the best one from the viewpoint of the economy. Moreover, the state of the economy should not determine whether or not a crime should be punished.

It takes a statesmanlike judge to see beyond the petty posturing and to do the right and wise thing.

Guidelines for a fair remedy:

Any remedy in a case that has been so clear-cut in its findings must be more assertive in its defence of consumer interests. Regardless of specifics, such a remedy must address the following:

1. Recurrence: Microsoft must not be able to continue to abuse its monopoly the way it has in the past.

2. Reimbursement: Microsoft has no right to retain the excess profits it has earned as a result of its illegal actions. This money should be repaid to the consumer.

3. Reparations: As Microsoft is responsible for the current uncompetitive market in operating systems and related applications, it must underwrite efforts to restore competition and consumer choice. The rest of the market should not have to pay to recover from Microsoft's abuses.

4. Reference: Microsoft must pay punitive damages over and above its reimbursement and reparations obligations, to serve as a warning to deter future monopolists. The remedy must in no case send out a signal that a large enough violator can get off lightly. Future tax dollars can be saved by discouraging abuses instead of having to prosecute them.

The DoJ is supposed to be acting on behalf of the consumer, and they must pursue a remedy that addresses all the above issues.

For example, a remedy that required Microsoft, among other things, to only sell through channels that offer at least one other operating system, could address the reparations issue and break the structural forces perpetuating their monopoly (If an OEM requires training to support another operating system, Microsoft may be forced to subsidise such training).

The proposed settlement goes partway towards addressing the issue of recurrence, but does so only half-heartedly because it creates significant exceptions and loopholes for Microsoft to take advantage of. It completely ignores the other three issues. An impression is created that the DoJ is more sensitive to Microsoft's interests than to the interests of consumers who have been systematically robbed of both their choices and their money.

Therefore this proposed settlement must be rejected as not being in the public interest.

History will be the judge

After the immediate tumult over this case dies down, there will be a dispassionate analysis of all aspects of the Microsoft phenomenon in the computer industry, and the roles of all players will be dissected. It seems fairly certain that the Department of Justice will be likened to a champion boxer who was paid to throw his fight. Judge Jackson will probably be faulted for his many indiscretions, but it may be remembered that his analysis was on the mark, and his verdict fearless. The appeals court will probably be remembered as being fair though it started with a reputation for being consistently lenient towards Microsoft.

What will Judge Kollar-Kotelly be remembered for? Will she be known as the one who meekly accepted an agreement that sold out the public interest, because it was politically expedient to do so? Or will she be remembered as the person who braved the prevailing political winds to do the right thing and restore balance to a corrupted system?

The world is watching to see what she will do. Regards,

Ganesh Prasad
Software developer and web architect
3/1 Doomben Avenue
Eastwood, New South Wales 2122
Australia
Tel: +61–403–902–483
e-mail: sashi@easy.com.au

MTC–00014608

From: John Schreiber
To: Microsoft ATR
Date: 1/22/02 10:46am
Subject: No Deal

Microsoft must pay a significant cash penalty to DOJ in exchange for this emasculated settlement offer.

The DOJ's cost of prosecution is what I would consider the minimum acceptable amount.

John Schreiber

MTC–00014609

From: Anthony Myers
To: Microsoft ATR
Date: 1/22/02 10:33am
Subject: my opinion

My name is Anthony Myers. I work for a company called Service Is Us, Inc. in

Chicago, IL doing general administration. A majority of my job is payroll, however I do make most of the recommendations for our IT system, and I make sure that our network keeps running as it should. In addition, I am training on the side for a career change to be a programmer. I have just a few small observations that I have made with regard to all the ''contraversy'' surrounding Microsoft that I wish to share. In working for a small business, I have had the pleasure of exploring new software trends that come our way, as well as advising the owner on new purchases. Our network server runs on Windows NT 4.0 using Citrix ICA client stations. Although we have had the opportunity to explore many options, it seems that Microsoft has designed their operating systems to intertwine so much with their own applications software, that it is virtually impossible for us (a small company without a full-time IT person) to implement non-Microsoft applications to their full capabilities when the operating system so heavily favors its ''own kind'' Finding software that often better fits our needs, ends up being futile because it would end up being alone in a Microsoft world that does not cooperate. What started off as being a pleasure—looking at new software—ends up being a waste of time.

The other effect Microsoft's monopoly has on us stems from the consumer market. Since this huge monopoly is able to flex its billion-dollar muscles with all of the pc manufacturers, the general public (that are not software experts) end up buying, in every case, new pcs loaded with some version of Windows bundled with none other than Microsoft Applications. The average individual going to a discount store such as Best Buy or Circuit City is not given the opportunity to select basic software, they are going to just use that which comes ''free'' with the computer (not realizing that Microsoft did indeed charge them for it, further up the supply chain). Since people in the past 5–10 years have become so accustomed to this hand-in-hand software bundeling, they do not become exposed to anything else. The manner in which this affects a small business now days, is that if we were to choose non-MS Office software, we would also have to spend the money to train our office staff. With each passing day, Microsoft becomes more and more dominant and tightens its grip on the entire industry, both consumer and business (and each one does influence the other).

These are just the observations of one individual being written down, but I know they exist to some extent in small business across the country. Microsoft should not be allowed to use its dominance in operating systems to feed its growing monopoly on the applications software market, which in turn feeds its growing power in business systems and networks, which in turn ADDITIONALLY feeds the monopoly in software, and back and forth, and back and forth. Will we NOT be happy until this entire country becomes the United States of Microsoft?

Anthony Myers, Office Manager
Service Is Us, Inc.
5347 N. Clark Street
Chicago, IL 60640
773–784–2225
fax:: 773–784–6128

MTC–00014610

From: Dave Sopchak
To: Microsoft ATR
Date: 1/22/02 10:49am
Subject: Microsoft Settlement

Dear Sirs and Madams,

As citizen of the United States, I would like to weigh in with my opinion on the U.S. vs Microsoft trial and judgement: That Microsoft has been found guilty of abusing its monopoly power, first by Judge Jackson, and having that opinion unanimously upheld by an appeals court, I find it both shocking and disheartening that Microsoft has not had to face any penalty nor pay any fines for such a finding of guilt of its past crimes.

I find the settlement proposed by the US DOJ to be a weak and useless compromise, clearly in Microsoft's own interests and plans. Microsoft has shown, time and time again, that it is not only an abusive monopoly, but that it is unwilling and/or incapable of abiding by any remedies for its behavior set forth by the courts.

Microsoft does not innovate. It either buys up, undercuts or blatantly copies the competition. The real losers in this situation are consumers at large, to say nothing of the computer industry. I implore you to find and mete out a punishment and remedy of behavior that fits the magnitude and history of Microsoft's illegal behaviors. To not do so is an injustice to millions.

Thank you.
Sincerely,
David Sopchak, Ph.D.

MTC–00014611

From: GR Sabourin
To: Microsoft ATR
Date: 1/22/02 10:38am
Subject: Microsoft Settlement

Hello,

I use Microsoft products and benefit from them and their features. I resent the government's characterization of me as a helpless victim who cannot choose software that is useful to myself. I do not think that the government has any right to decide what can be in my computer.

I resent the idea that a successful business and its product are a threat to anyone. The complaint against Microsoft originated not with individual consumers, or with Microsoft's partners, but with Microsoft's unsuccessful competitors. Failed businesses must not be allowed to set the rules for the markets in which they failed. Politicians that protect some businesses from others is a dangerous policy. Continued application of the antitrust laws against successful businessmen can only lead to corruption and economic disaster as shown in many other countries.

I want to see an America where success is not throttled, but embraced. I want a free America where anyone with enough intelligence and hard work can be a self-made man like Microsoft Chairman Bill Gates.

And lastly, and most importantly, Microsoft has a fundamental right to its property, and that it is the government's job is to protect this right, not to take it away.

Greg Sabourin
Redding, CA.

MTC–00014612

From: Holland Franklin
To: Microsoft ATR
Date: 1/22/02 10:57am
Subject: Microsoft Settlement

Franklin S. Holland, Jr.
Brenda L. Holland
317 Climax Street
Graham, NC 27253
January 22, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing you today to express my opinion in regard to the Microsoft settlement. This settlement will serve in the best interest of the public. Continuing litigation against Microsoft will accomplish nothing but adverse effects on consumers.

Microsoft is a company that has contributed a great deal to technological advance. This company should not be stifled or restricted any further. This settlement will allow Microsoft to continue designing and marketing their innovative software. At the same time, this settlement will benefit companies attempting to compete. Microsoft must share more information with other companies and must give consumers more choices. Microsoft must design future versions of Windows to make it easier to install non-Microsoft software. Microsoft has also agreed to provide a license to any third party whose exercise of any options provided for by the settlement would infringe on any Microsoft intellectual property right.

This settlement is strict enough to deal with the issues of this antitrust dispute. Please support this settlement and allow this company to get back to business. Thank you for your support.

Sincerely,
Franklin & Brenda Holland

MTC–00014613

From: Harry Salmon
To: Microsoft ATR
Date: 1/22/02 10:59am
Subject: Microsoft & the COMPETITIVE PROCESS

Hello,

It is a shame to see the Government legal activity involved in interfering with the competitive process.

The companies have been outdone and are using the States to accomplish by legal means, what the companies could not achieve on their own merits. THIS IS NOT RIGHT !

Harry Salmon
1244–13 Westerly Pkwy.
State College, PA 16801

MTC–00014614

From: chrismh@wcnet.org@inetgw
To: Microsoft ATR
Date: 1/22/02 11:01am
Subject: Microsoft Settlement

To whom it may concern,

I am writing to you to express my concerns and opinions as a citizen of the United States on the matter of the Microsoft antitrust settlement. I personally have read the transcripts from the entire trial and the finding of fact. The recent attempt by Microsoft to settle this matter was completely unfair and biased in favor of Microsoft. By accepting the terms of that prior settlement agreement, MORE Microsoft computers would have become established in schools, a market that is currently evenly shared between Apple Computer and Microsoft. The end result of this ''punishment'' would have been that Microsoft's market share would have gone UP in the education market and their competitor's market share would have gone down. What I believe, as do others as well, should be the only solution to this matter is as follows:

1. Microsoft should be divided into two independent companies sharing no officers or employees between them. One would be the company that develops the operating system and the other would be the company that develops applications. This would assure that Microsoft would have no leverage in forcing OEM computer manufacturers to bundle Microsoft applications because of unfair advantages or forced disadvantages that would be imposed on computer manufacturers who accept or refuse to bundle Microsoft applications.

2. Bill Gates should be completely removed from any position in the resulting companies, as the evidence in the antitrust trial clearly shows that he was, and is the catalyst for all of Microsoft's aggressive monopolistic/anticompetitive business practices. To further keep him from unfairly influencing these two new companies, all of his stock holdings in them should become ''nonvoting'' holdings.

I am a technology coordinator who uses various computers and operating systems every day. Microsoft, in my opinion and the opinion of many, is in their current position of power, not because they have produced a superior product, but because they have leveraged their monopoly illegally to gain and control market share. Please create a fair and balanced marketplace for computer operating systems and consider my suggestions.

Thank you.
Respectfully,
Christopher M. Hamady
Toledo,
OH
CC:chrismh@wcnet.org@inetgw

MTC–00014615

From: Mack Wilson
To: Microsoft ATR
Date: 1/22/02 11:08am
Subject: Microsoft settlement
900 Duskin Drive
El Paso, TX 79907
January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing today to encourage the Department of Justice to accept the Microsoft antitrust settlement.

The issue has been dragged out for long enough, and it is time to move on. A settlement is available and the terms are fair, the government needs to accept it. Many people think that Microsoft has gotten off easy, in fact they have not. The settlement was arrived at after extensive negotiations with a court-appointed mediator. Microsoft will share information with its competitors and allow them to place their own programs on the Windows operating system. The company agreed to terms that extend well beyond the products and procedures that were actually at issue in the suit, simply to put the issue behind them.

Microsoft has given up much to settle this issue, it is time that the government agrees and moves on.

Microsoft and the industry need to move forward, and the only way to move forward is to put the issue in the past. Please accept the Microsoft antitrust settlement.

Sincerely,
Mack Wilson

MTC–00014616

From: David Thorne
To: Microsoft ATR
Date: 1/22/02 11:12am
Subject: Microsoft Settlement

Dear Sir or Madam:

I work for a national corporation based in Kansas and am very much involved in the computer industry. The proceedings of the Microsoft case have been of particular interest to me and I was pleased to learn that a settlement of this case is likely.

I have many opinions regarding the broad consequences bringing this case has had on the technology sector. However, this is not why I chose to write to you today. Whether this case was just to begin with is of little matter now; instead focus must be on whether this proposed settlement is a good one.

Both Microsoft and the Justice Department deserve commendations for a job well done. The provisions of this settlement that have been made public through the media appear to be fair.

This settlement outlines the creation of a committee that will serve as the enforcement mechanism for the agreement. This committee is an independent one over which Microsoft has no influence. Microsoft will be responsible for the costs of this committee.

Other provisions include the guarantee of freedom for users to select applications from competitors more easily and Microsoft will be required to provide its competitors with technical information making it possible to create compatible, and competing, applications.

Please support this settlement.
David Thorne
(316) 393–8324
southern_reb@hotmail.com

MTC–00014617

From: Rietmann Ricky L
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/22/02 11:15am
Subject: Microsoft Settlement

I support the microsoft settlement.

MTC–00014618

From: Emery(u)A
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/22/02 11:23am
Subject: Microsoft Settlement

Microsoft is one of the cornerstones of our economy. Please don't ruin this icon of capitalism!

Al Emery

MTC–00014619

From: DZyner1@aol.com@inetgw
To: Microsoft ATR
Date: 1/22/02 11:25am
Subject: Microsoft Settlement

Please accept the proposed settlement terms of this case as I believe it will be fair for all parties—and will lay the groundwork to repay the taxpayer for the many dollars spent in trying it as well as their cost of the effect of the monopoly on the marketplace to date.

Regards,
N Beverage

MTC–00014620

From: neo
To: Microsoft ATR
Date: 1/22/02 11:34am
Subject: Microsoft's Penalty

Having read through the documentation and having considered the gross nature of the illegal behaviour engaged in by Microsoft Corporation, it is clear that a large cash penalty is the only solution which will force Microsoft to address and correct its behaviour.

This penalty should be:

1) Payable only in cash, not in cash equivalents, equipment, goods, or services.

2) Microsoft should have no voice in the distribution of this cash penalty. The cash penalty should be administred by and applied by an independent council of non-affected industry experts if it is meant to address industry concerns (such as aid to schools) or renumerative litigation specialists if it is meant to address consumer relief directly.

Any settlement which does involve a drastic monetary penalty for Microsoft will utterly fail to impress upon the company that their behaviour was (and still is while waiting final administration of the current case) not only monopolistic but quite simply illegal.

alan macdougall
branford, ct, usa

MTC–00014621

From: Dom Yarnell
To: Microsoft ATR
Date: 1/22/02 11:39am
Subject: Microsoft Settlement

My name is Dominique Yarnell and I would like to voice my opinion concerning the Microsoft Antitrust case.

Actually, I would like to voice my opinion concerning antitrust law, since it is of a far greater threat to our nation than companies that are arbitrarily defined as monopolies. The very idea of punishing a company for its success is so anti-american that it makes me sick. Unfortunately, such government intervention into the realm of private enterprise seems to be a trend that has been all too prevalent throughout the twentieth, and into the twenty-first century.

Why does the government intervene in the marketplace? As a student of economics, I am familiar with concepts like, ''economic surplus,'' and realize that relatively large firms in any industry will result in less of that surplus. But where is the justfication for maximizing economic surplus? Is our government to ensure that goods and services are to be delivered ''from those of the greatest ability to those of the greatest need?''

Capitalistic competition has led our country to its current state of technological and economic superiority.

Antitrust law, a weapon wielded by comparatively inefficient firms against the most productive firm in a given industry, works to undermine our global superiority. This weapon is not one of free market competition, but of political pull and bullying. As such, antitrust law can only result in a decrease of overall production and an increase in overall corruption.

For the sake of my beloved country, I hope you take my words to heart.

Sincerely,

Dominique Yarnell

MTC–00014622

From: DeCanaday@aol.com@inetgw
To: Microsoft ATR
Date: 1/22/02 11:40am
Subject: Microsoft Settlement
DeArmond E. Canaday
120 Aldridge Drive
Greenville, SC 29607
January 22, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

My name is DeArmond Canaday. I am a resident of Greenville, South Carolina. I am writing with regard to the settlement recently reached between the Justice Department and Microsoft.

The settlement, as I understand it, requires Microsoft to allow competition for such services as Internet access within its Windows operating systems. It is also my understanding that Microsoft has agreed to a pricing structure program that will help level the playing field among computer manufacturers. As you can see, Microsoft did not get off easy. I hope that you accept the settlement in its present form.

Thank you for giving me the opportunity to express my opinion on this subject.

Sincerely,

DeArmond Canaday

cc: Senator Strom Thurmond

MTC–00014623

From: Damon Butler
To: Microsoft Anti-Trust at USDOJ
Date: 1/22/02 11:28am
Subject: Microsoft Settlement

I am writing to urge the USDOJ to *reject* the proposed settlement of the Microsoft anti-trust case. Time and again, Microsoft has been proven *time and again*, in court, to be a monopolist and to have abused that monopoly power. As such, any proposed settlement must be both:

(1) a fair and just *punishment* for breaking the law, and

(2) a powerful inhibitor that prevents Microsoft from continuing its anti-competetive behavior Any settlement that does not satisfy both of these criteria is insufficient. As recent history has proven, court orders, consent decrees, and other out-of-court settlements have failed to prevent Microsoft from abusing its monopoly. ANY SETTLEMENT THAT GIVES MICROSOFT THE SLIGHTEST CHANCE OF CONTINUING ITS ANTI-COMPETITIVE BEHAVIOR MUST BE DISMISSED! Not only does it make real, rational sense, it is also the law.

Why must the currente proposed settlement be dismissed? Because it fails both of the listed criteria.

In regards to point (1), the only real ''punishments'' being levied are minor. If the settlement is accepted, for example, Microsoft would no longer have absolute control over the appearance of the Windows desktop. Is this really a punishment? Windows already has, ''integrated'' into it, software for multimedia applications and Internet access. Windows favors such software whether or not it is prominently displayed, and users are *very* aware, thanks to marketing, about what is and is not ''integrated'' into their computer's operating system no matter what icons appear on the desktop or what items appear in the Start menu. Software from other manufacturers must be independently purchased or downloaded, and then installed. And even then it may not work properly with Windows (witness Microsoft's court-proven attempts to handicap non-Microsoft software). Users are aware of these issues. Do you really think changing the appearance of the desktop will really change the behavior of users and Microsoft? Another prominent ''punishment'' of the settlement: the proposed giveaway of hundreds of millions of dollars of PC-compatible hardware and Microsoft software to school districts, is again NO PUNISHMENT AT ALL!! The value of these giveaways, about $1 billion, is not punishing to a company with many times that amount of cash in the bank! It can be argued that giving computers to needy schools is a good thing. For the sake of argument, I will agree that this is a good thing, but this settlement all but guarantees that such giveaways be of a nature that benefits Microsoft and only Microsoft! IS IT REALLY ''PUNISHING'' TO ''FORCE'' MICROSOFT TO GIVE MICROSOFT'S OPERATING SYSTEM SOFTWARE TO HUNDREDS OF MILLIONS OF AMERICAN CITIZENS WHEN THE COMPANY IS GUILTY OF EXTENDING AND PRESERVING A MONOPOLY OF OPERATING SYSTEM SOFTWARE??!! How can such a move be considered a punishment??!!

In regards to point (2), the settlement does *nothing* to actually inhibit Microsoft's maintenence and extension of its monopoly. In fact, if the settlement takes effect, and Microsoft is allowed to supply Microsoft software to school districts, the government and pursuant states will be actively enabling the extension of Microsoft's monopoly!!

If Microsoft has a monopoly in PC operating systems, as has been proven, then the settlement should do the *opposite*! It should *curtail* Microsoft's monopoly. Such remedies must also be true *punishments* in accordance with point (1).

It is difficult to say what combination of remedies can be specified that are both legitimate, real punishments for a law-breaker that also prevent the law-breaker from continuing in its criminal activities.

But it should be obvious that the current proposed settlement of the case is woefully inadequate.

Damon Butler

Impressions Book and Journal Services, Inc.

(608) 244–6218

dbutler@impressions.com

MTC–00014624

From: Robert Johnson
To: Microsoft ATR
Date: 1/22/02 12:03pm
Subject: microsoft Litigation
January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Microsoft is the best thing that has happened to the IT industry and I cannot imagine where we would be were it not for the innovation of Microsoft and companies like it who are willing to press for change and increased productivity. I recently read a government survey of strong American companies that ranked Microsoft at number two. It is therefore amazing to me that a company that is supposed to be held in such high regard by the government is being pursued so vigorously by the legal system. In my estimation, this type of litigation is in total opposition of the concept of free enterprise and has done a wealth of damage to the country's economy, and the way the country's government is viewed.

Microsoft deems the settlement as fair and has made several strides to honor the terms of this settlement.

They have agreed to make it much easier for competitors to interoperate in the Windows environment, submit the decisions of a technical committee, and have agreed to grant intellectual property license and release internal protocol to competitors. These are small examples of Microsoft's efforts to cooperate with the terms of the settlement.

I am truly looking forward to this matter being wrapped up as soon as possible. There is really no good that can come from continued litigation. In fact, wrapping the case up now will be in the best interest of the economy, as it would give Microsoft the opportunity to refocus all its attention on creating new products.

Sincerely,

Robert Johnson

MTC–00014625

From: Tom Jordan
To: Microsoft ATR
Date: 1/22/02 11:55am
Subject: Microsoft Settlement

Please don't stifle innovation, let creativity flourish!!

Thomas L. Jordan

CC:fin@mobilizationoffice.com@inetgw

MTC–00014626

From: Jinxmercer@aol.com@inetgw
To: Microsoft ATR,fin@
mobilizationoffice.com@inetgw
Date: 1/22/02 12:06pm
Subject: Microsoft
4925 N Calle Bosque
Tucson, Arizona 85718
January 15, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I have had trouble seeing Microsoft as a malicious monopoly. It appears to me that Microsoft is powerful because of the demand by everyday consumers for its products. American economists claim that if you build a better mousetrap, you will experience success under capitalism. This appears to be case, except when dealing with Microsoft.

Although the settlement calls for more concessions than Microsoft may have wanted, it realizes that settling the case sooner is better than later. The longer that this case proceeds, the greater the risk that our country may lose its competitive advantage within the world technology market. Also, let us not forget the devastating effect that a break-up of Microsoft would have on the IT industry as a whole. The loss of standardization and inoperability that would result would almost certainly stalemate the software market for years.

I feel that Microsoft's concessions have gone above and beyond what the states called for. Microsoft is more or less opening its patents and products to its competitors in an effort to stimulate demand for non-Microsoft products. Furthermore, there is a technical oversight committee that will ensure Microsoft's compliance with the terms and conditions of the agreement. Most importantly, competitors will be allowed to sue Microsoft directly when they feel that they have been treated unfairly, thus avoiding another debacle at the federal level.

Thank you for providing this platform for my opinions, and for taking the time to hear my thoughts.

Sincerely,

MTC–00014627

From: Steve Rovell
To: 'microsoft.atr(a)usdoj.gov''
Date: 1/22/02 11:57am
Subject: Microsoft Settlement
USAGRovell—Steven—1053—0112.doc>>
I have faxed this to you as well.
Steve Rovell
January 20, 2002
Attorney General John Ashcroft
Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

I am writing in regards to the Microsoft antitrust case. Let me begin by saying that I do not agree with everything that Microsoft has done, but I understand that in a capitalist economy, the market will choose who is granted success. There may be issues of the antitrust case that have merit, but we should fix these problems and move on. The longer this case goes on, the more that lobbyists'' concerns are put before the end users.''

The Department of Justice and Microsoft have reached a settlement agreement that has already been approved by nine states. This settlement is both fair and reasonable, and the fact is that under the settlement, Microsoft will grant computer makers new abilities to reconfigure Windows to access non-Microsoft software. For software companies, Microsoft has agreed to document and disclose for its competitors various interfaces that are internal to Windows'' operating systems products. This will make the software more efficient, and, as mentioned, the hardware makers will be able to access it easier. That will spur competition. It doesn't make sense to spend scarce resources on issues that have already been resolved. This case has been harmful to the economy and has forced the industry leader to turn their focus from innovation to litigation. It is time to resume business as usual. Let the competitors compete and the leaders lead. The consumers should decide what companies will succeed, not the government.

Sincerely,
Steven J. Rovell
Chief Information Officer

MTC–00014628

From: Sydney Kendall
To: Microsoft ATR
Date: 1/22/02 12:04pm
Subject: Economic Liberty

To the District Court Judge:

When I shopped for my first computer I went to a store that exclusively sold Macintosh. The saleswoman gave me her pitch and let me examine a working computer, yet she was not successful in demonstrating the superiority of the system over my Dad's PC. I'd been told by friends that the Mac was easier to use, was better for graphic art creation, and they had urged me to choose a Mac. But when it came to the hands-on demonstration, I could not see any advantage, and if there was one, the saleswoman didn't know how to show it.

I went to CompuServe and was greeted by a salesman from Packard Bell. He gave me a thorough tour of his product. He answered all my questions clearly and with elaboration, and demonstarted all the product's advantages. I would get more of everything I wanted on that computer for a lower price than the Mac, plus more programs were available. In my judgement I was getting more for my money, so I bought the PC. I'm still happy with it nearly 4 years later.

My Windows system came with the Internet Explorer browser. When I started building a web page, I learned that different browsers display web pages differently, so I went over to Netscape and downloaded the Navigator so that I could view my pages through the two most common browsers, and make sure they'd look good to most viewers. While I was using Navigator to check my pages, I also examined it to see whether I might prefer it to IE. I didn't. My dad also downloaded the Navigator and used it for awhile, but had some problems with it and went back to IE, downloading the latest version off the ''Net for free.

I am a free adult, capable of exploring the market and making my choices without the government interposing itself between me and the companies offering their goods. Microsoft made it possible for me to get more of what I wanted for the price I could afford. I had full access to Mac on the market, as well as to Netscape Navigator. I freely chose to try my options and to buy what I wanted according to my means and my own standards.

That is how the free market is supposed to work. Microsoft did not threaten me or anyone else with fines, imprisonment, or any other form of coercion. I do not see the company as a threat to my or anyone else's liberty.

I cannot say the same for the anti-competitive tool used by the less successful against their more successful competition: Antitrust Law.

Please protect the right of the successful to the fruits of their achievements. Leave Microsoft alone.

Sincerely,
Barbara A. Himes

MTC–00014629

From: Richard Doll
To: Microsoft ATR
Date: 1/22/02 12:12pm
Subject: fair settlement

to whom is concerned,

is the MS settlement adequate?

more than adequate . . .

in my industry, specifically publishing, I would ask . . . where was the gov in the '60s, '70s, and early ''80s.

this was the infancy period when chaos reigned. no common op systems, no common disk formats, no gov effort to establish standards. so what happened? the public ''users'' sorted their way though the mess and selected the system that best provided a clear path to the future.

and what did the future hold . . . legal morass. A gov initiated suit where MS is said to injure ''consumers''. A suit where not one real consumer was called to testify. A suit where only MS competitors whined their laments to a judge who requires 3 names just to know who he is. probably by now you know how I feel.

MS op sys with their Office applications, and Adobe applications, with Intuit, with . . . is the any end to the list, has made my work easy. In the '50s I needed 10 semi-trailers to handle 5,400 fonts, today I hold them in my hand. In the '50s it took 3 people 8 hours to compose a newspaper page . . . today 1 person creates 16 pages in the same time.

I can paginate 500+ catalog pages in 4 hours. I helped create this MS monster . . . and I would have to do it again.

please allow the current judgement stand without alteration.

please don't allow further penalties that will injure MS or injure consumers, especially as in the ''tobacco suits'' where injured smokers are not aided by states languishing in their spoils.

respectfully
richard doll
5935w—200s
danville, in 46122
r.l.doll@worldnet.att.net

MTC–00014630

From: Thomasin LaMachia
To: Microsoft ATR
Date: 1/22/02 12:14pm
Subject: Opinion on Microsoft lawsuit

I have attached a letter expressing my desires to see this suit come to an end.

Thank you,

Thomasin LaMachia

January 16. 2002

Attorney General John Ashcroft

United States Department ?? Justice 950 Pe??sylv??a Avenue.

NW Washington, DC 20530–0001

Dear Mr. Ashero??t

This lawsuit against Microsoft has been co?? from the beginning Instead of fa??ing on ge?? ??sues both sides ??ed in bitter accusations and post??ing.

It is therefore preferable that there is a settlement. It will pro?? for ??rosofit to mend some of its fences by promising to end its retaliatory practices and even change its licensing and software development. Some of the terms are really fa?? drastic such as Microsoft's distribution of its codes, but in is my hope that all the terms ??e ?? to end this debacle.

I am writing to convey my support of this settlement, along with my disappointment that this matter could have ended with a little more gr??ce, and a little less cynicism and spite.

Sincerely.

Thomasin Lamachia

President

MTC–00014631

From: Ron Keller
To: Microsoft ATR
Date: 1/22/02 11:45am
Subject: Microsoft Settlement

(All opinions presented are those of Ronald Keller exclusively and do not neccessarily represent the opinions of any other person or organization)

To whom it may concern;

As a voluntary user of Microsoft products, I think that it is critical that the court hears my opinion. I have been trained in and used Microsoft products for seven years as a computer professional. I have had the opportunity to use products and operating systems from many corporations including Macintosh, Linux, Corel and several others. I have found Microsoft products easier to use, more consistent, more powerful and more compatible than any other companies products. I find Microsofts integration of common computer functions, such as the Internet, Local Area Networking and Multimedia functionality provides a comfortable, simple and entertaining experience.

The court seems to be insinuating in this case that I am somehow a helpless victim forced to use Microsoft's products. This is completely false and insulting. I have freely chosen to use their products after using the products of many different companies. Microsoft, in my opinion, produces the best available. It is patently untrue that I am forced into the Windows environment as the continued popularity of Macintosh products and Linux products attests. I could have used one of these products. I chose Microsoft. As a consumer, I have voted with my wallet. I question that the court has the right in a free market to change that vote. Microsoft's success is a threat to no one. There is no such thing as a true monopoly in the rapidly changing and advancing technology market. Microsoft continues to be successful not through throttling competition, which is not possible, but through producing a superior product. The moment Microsoft stumbles from their high quality standard, which may never happen, another company will be there to pick up and run with the ball they've dropped.

The court should be reminded that it is not consumers which have initiated this suit. Consumers have overwhelmingly shown their support for Microsoft in several polls. This suit was initiated by Microsoft's competitors who have been unsuccessful against Microsoft in the market. Unable to achieve their goals through fair competition, they have come to you, the courts to attempt to do so by government force.

Economic and market policy should not be set by such failed corporations. Such a policy is a condemnation of success and praise for failure.

I do not wish to see my nation enacting policy which punishes success in this manner. The American Dream is the ability of a person to rise based on his ability and willingness to work. If the suit against Microsoft is successful, it sends a clear message,''Don't become too successful or we'll punish you for it.''

We should be praising and looking up to self made men and women such as Bill Gates, not condemning them.

All of this is in direct relation to what our government's, and any government's, most important role is; protection of our individual rights including our right to property. Microsoft has earned its place in the market and its billions through its own productive effort. It has neither stolen nor used force to achieve this. The reason for the existence of government is to make sure that that success is not taken by force. It is not the role of the government to take Microsoft's or Bill Gate's years of hard work and success away from them because a few lesser competitors were unable to be better.

Thank you,

Ronald Keller

Quality Assurance

Qqest Software Systems

CC:activism@moraldefense.com @ inetgw,letters@capitalis. . .

MTC–00014632

From: Travis Butler
To: Microsoft ATR
Date: 1/22/02 12:20pm
Subject: Microsoft Settlement

I am extremely disappointed with the proposed settlement with Microsoft Corporation. Among the reasons why I think this settlement is a bad idea:

1. It appears to contain no significant punitive action for acts that Microsoft has already committed. For all practical purposes, Microsoft has succeeded in the attempt to dominate the web browser market that was the subject of the original complaint; Netscape's browser product has been marginalized in the software market, and Netscape itself was forced to sell out to America Online—at which point it has virtually disappeared as a moving force in the software arena. This is, in my opinion, exactly the sort of anti-competitive act the antitrust laws were intended to prevent. While I admit this is essentially a fait accompli at this point, and that very little if anything can be done to reverse this result, I believe Microsoft should receive a severe punitive judgement for its actions in this case—both from the standpoint of abstract justice, so that it should not ''get off scot-free'' for its successful monopolistic practices, and as an incentive to behave better in the future. I believe the latter point is especially important, as:

2. Microsoft has shown little sign of changing its behavior, even in the face of the ongoing antitrust case, as evidenced by the release of Windows XP. Windows XP contains multiple examples of the exact same behavior that led to the original complaint, taking various functions that were once provided by third-party software and incorporating them into Windows XP. While I am somewhat ambivalent about this point—as the included functionality *does* provide a benefit for the consumer—I believe this could have been accomplished in a more competitive fashion, such as licensing one or more of those third-party software products and including them with Windows XP, instead of putting them out of business by creating their own versions.

3. I have very little faith in the enforcement provisions of the agreement. The 1995 antitrust suit that formed the roots of the current case included similar enforcement provisions, and proved to be singularly useless in preventing Microsoft's anti-competitive behavior.

Thank you for your time.

Travis Butler

tbutler@birch.net

. . . Cats are the proof of a higher purpose to the universe.

MTC–00014633

From: Steve Pfaff
To: Microsoft ATR
Date: 1/22/02 12:19pm
Subject: Microsoft Ruling

Her Honor, Judge Colleen Kollar-Kotelly

I urge you to make a fair and just settlement regarding the Microsoft case. While Microsoft has created many good products and helped standardize the computer industry, they should not be allowed to perform business practices that hinder the free market trade of other companies.

They should not be allowed advantages over other businesses that inhibit fair competition.

I am an accountant and have used Microsoft Products for many years, as well as others, but find it distasteful if they are allowed to do things that wipe out other entrepreneurs trying to create their niche in our market place.

thank you,

Steven M. Pfaff

Senior Accountant—Financial Affairs

George Fox University

Phone: 503–554–2169
Fax: 503–554–2168
Campus Box 6029
CC:nolandpeebles@attbi.com@inetgw

MTC–00014634

From: Clonebook@aol.com@inetgw
To: Microsoft ATR
Date: 1/22/02 12:25pm
Subject: Microsoft Settlement

From:
Lorenz Kraus,
Albany, NY USA

I am vehemently against cutting down successful people to make way for weaklings.

A society that cuts down its most productive for its least productive becomes an inhuman society, where savages like Stalin and Hitler or Bill Clinton rise to the top using hatred and envy as their tool for taking power. Bill Gates has been a weak advocate for himself and his company. That is why this case has dragged on for so long. He is not for freedom and innovation as much as he thinks because he supports the anti-trust laws.

He is not my hero. But, the fact remains that ripping down successful companies allows the Enrons of the world to take over.

How long has the Justice Departement attacked good people and ignored the bad?

All this time Microsoft was producing real new products, while Enron was screwing people over. Where was the Justice Department?

When terrorists were plotting to destroy freedom, the Justice spent its time attacking Elian Gonzalez. The evil of that policy is in the body count at Ground Zero.

There is something viciously wrong and dangerous in the choices made at the Justice Department. Hard-core pro-freedom Americans can see that.

The Microsoft case illustrates that we no longer live in a free country.

It's basically illegal to be ''all that you can be.'' The Anti-trust laws don't allow it.

The anti-trust laws are anti-American.

Microsoft has been attacked for shotty products and for market domination.

Look at that contradiction. A company whose products truly fail the customer loose market share. Yet, the government thinks there's a crime going on there.

There is. It the crime of evading the contradiction.

The crime is the propaganda campaign by liberal fascists who want the state to regulate and dominate the marketplace.

There is injustice in the marketplace. It is the unregulated intervention of government in our lives, in our schools, in our hospitals, and our markets.

The injustice is tipping the balance of good companies towards the bad.

As a court, your job is to ensure justice. Now is the time to publicly absolve Microsoft of any wrong-doing and apologize to the millions of Americans who have lost over $5 trillion in the stock market collapse caused by the USG.

Throw this case out of court.

It's the least you could do.

MTC–00014635

From: Dryjjy@aol.com@inetgw
To: Microsoft ATR
Date: 1/22/02 12:28pm
Subject: Microsoft Settlement
5568 Matt Aaron Lane
Birmingham,Al. 35215
Attorney General John Ashcroft
U.S.Department of Justice
Washington, DC 20530

Dear Mr. Ashcroft:

I write today to give my support to the settlement that was reached between Microsoft and the U.S.Department of Justice. This settlement is fair for all parties involved, and the remaining states should settle instead of pursuing litagation against Microsoft.

Microsoft has agreed to license its Windows to the twenty largest computer makers on identical terms and conditions, including price. These are heavy hitters of the IT industry, and they will now be able to collectively leverage an extreme amount of power against Microsoft. Also, Microsoft has agreed not to retaliate against software or hardware developers who develop or promote software that competes with Windows or that runs on software that competes with Windows.

I urge that no further action be taken against Microsoft on the federal level, and the settlement be accepted by the Justice Department. This settlement is strong enough for any reasonable person.

Sincerely,
Joe Yarbrough
cc: Representative Spencer Bachus

MTC–00014636

From: Edson Mena
To: Microsoft ATR
Date: 1/22/02 12:28pm
Subject: Microsoft Settlement
CC: activism@moraldefense.com @ inetgw,letters@capitalis. . .

Antitrust legislation is immoral, evil and ultimately destructive. Our Supreme Court declared: ''The historic phrase ''a government of laws and not of men'' epitomizes the distinguishing character of our political society. . . .[L]aw alone saves a society from being. . . ruled by mere brute power however disguised.'' This principle is completely flouted by antitrust laws that function in a completely arbitrary manner. Banning ''unfair'' trade practices and ''unreasonable restraint of trade'' is a dangerous and pernicious joke. ''Unfair'' to whom? ''Unreasonable'' by what standard?

Under antitrust one can be punished if you charge less than the competition (dumping), the same as the competition (collusion) and more than your competitor (gouging). The list of companies betrayed by this vicious practice reads like a who's who of success and productive achievement: Microsoft, Intel, McDonnell-Douglas, Northrup-Grumman, Standard Oil, Alcoa, DuPont, IBM, American Airlines, Wal-Mart and many others. All these companies were vilified not in spite of their record of success but because of it.

The American spirit is embodied in the success of the individual who triumphs despite the odds— he who creates wealth through voluntary trade for mutual benefit. Our antitrust laws represent the exact opposite kind of philosophy—the philosophy of envy and of hatred of the good for being good.

Repeal antitrust laws and let Microsoft in peace.

Edson Mena—American Businessman

MTC–00014637

From: Jim Walton
To: Microsoft ATR
Date: 1/22/02 12:34pm
Subject: Microsoft Settlement
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I want to take a moment to express my support for the settlement reached between Microsoft and the Department of Justice. I believe the settlement is clearly in the public's interest and gives everyone involved a chance to move forward.

After looking over the terms of the settlement, I believe Microsoft has made significant concessions that will require major adjustments in their past practices. For example, Microsoft will provide to its competitors various interfaces that are internal to products on the Windows operating system. This provision represents a first for antitrust settlement. But Microsoft realizes that the best course is to put this case to bed and wrap up this suit.

The settlement, in my opinion, will also boost the sagging economy. It will also provide consumers with more choices, which will give them the freedom to choose non-Microsoft products if they so desire. So I hope your support of the settlement will continue without further action on the federal level.

Sincerely,
Jim Walton <mailto:jwalton@brpae.com>
Network Administrator
Butler, Rosenbury & Partners, Inc. <http://www.brpae.com/>
300 S. Jefferson Suite 505
Springfield, MO 65806
417.865.6100 fax: 417.865.6102
YOUR VISION. OUR FOCUS.

MTC–00014638

From: Carole Weston
To: Microsoft Settlement
Date: 1/22/02 10:22am
Subject: Microsoft Settlement
Carole Weston
3241 Newton Falls Rd.
Diamond, OH 44412–9614
January 22, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into

the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Carole A. Weston

MTC–00014639

From: Richard Evans
To: Microsoft ATR
Date: 1/22/02 12:49pm
Subject: Microsoft Settlement
EVANS CONSULTING GROUP
Richard Evans Telephone (770) 772–7377
Fax (770) 772–6354
1690 Spinnaker Drive
Alpharetta, Ga. 30005
2002 January 12,
Attorney General John Ashcroft
U.S. Department of Justice
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I have been in business for some time and have observed that there have been some reasonable settlements that have come from the prosecution of anti-competitive practices cases and there are some that leave consumers and businesses worse than before the settlement. I do not believe that measure proscribed by Judge Penfield Jackson would have helped the consumer or business in general. The proposed settlement appears reasonable to me.

Therefore I support the ending of this three-year litigation. Let Microsoft devote 100% of its efforts to developing and supporting innovative new products that are easy to use and universally compatible. In the past three years the company has diverted too much of its attention to defending themselves in this lawsuit, and the net result is that they have been spending less time innovating. This settlement appears to offer reasonable terms and, bringing it to a close now will be in the best interest of our economy, and the consumers that want to use a rich range of software applications.

The settlement imposes several specific restrictions and obligations on Microsoft's business practices. ''I believe that these restrictions insure that fair competition will not be jeopardized.

Microsoft has agreed to design future versions of Windows that will promote non-Microsoft software within Windows. These are benefits that can help consumers and help stimulate economic growth.

To end this litigation now is in the best interest of American consumers, businesses and the economy in general. Thank you.

Sincerely,

Richard Evans

MTC–00014640

From: Fox Hollow Farm
To: Microsoft ATR
Date: 1/22/02 1:08pm
Subject: Microsoft settlement
FOX HOLLOW FARM
Ed and Linda Sue Schoenharl
3260 S. Saratoga Rd., Langley, WA 98260
e-mail: snarl@whidbey.com tel: 360–730–1720
January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to you today to express my support of the Microsoft antitrust settlement. Three years have now passed since the inception of this case against Microsoft. During this time much money has been wasted over this issue. Considering the recent budgetary deficits, the exorbitant amount of money spent over this antitrust issue is increasingly perplexing. To add to this fact that our nation is currently in a wartime period, any continued waste of funds would be ridiculous. The Justice Department must enact the terms of the settlement at the end of January.

Further, if anyone was to believe that the terms of the settlement were not harsh against Microsoft, they are very wrong. Microsoft will now have to disclose the protocols and internal interfaces of the Windows system. In addition to this, Microsoft has agreed to the formation of a third party technical review board. This board serves the purpose of ensuring that Microsoft complies with the terms of the agreement. Thus, anyone that would worry whether or not Microsoft would enact the terms of the agreement should be reassured.

Finally, I believe that the Justice Department should enact the settlement quickly. No more funds should be wasted.

Sincerely,

Ed Schoenharl

Linda Sue Schoenharl

MTC–00014641

From: corleyman@msn.com@inetgw
To: Microsoft ATR
Date: 1/22/02 1:14pm
Subject: Microsoft Settlement

The views expressed here are my own and in no way represent those of the company I work for or the employees of the company. I work for Microsoft as a tester. Three years ago I was failing in sales and my wife and I were struggling to make ends meet. I took a year's worth of classes and next thing I know I'm working as a contract employee for Microsoft. Hard work, dedication and creativity are rewarded here and in less 7 months I was hired as a salaried employee. I'm now working up to a managerial position, and have just bought a brand new four bedroom home for my family on just my salary. My story is common for a lot of my fellow employees. None of this would be possible if Microsoft wasn't growing and increasing it's market. This company is a prime motivator of the computer industry, it's not far off to say if Microsoft sneezes Silicon Valley catches a cold. Damage Microsoft and what will you do to the small companies struggling to become the next Microsoft?

As for Microsoft being a monopoly? What are you talking about? If Microsoft were the all powerful, industry dictating, monopoly you think it is we would have released Windows 95 and told the world to love it or leave it. There never would have been Win98se, WinMe, Win2000, WinXP and we wouldn't be working on the next version. Everyone here knows that we're in constant, high pressure competition with every brilliant Tom, Dick and Harriet out there with the next big idea.

One thing about the whole browser issue, do you really know what you're talking about? I test our browser and do so with Opera, Netscape, AOL and a load of other lesser known browsers running in tandem with Internet Explorer and MSN Explorer. I regularly delete IE and MSN Explorer from my machine and install one of many other browsers and use them instead. If the browser/OS were such an issue could I do that? Every user can easily download Opera and run it. Every user can sign up for their local Mom and Pop ISP or EarthLink and use them to access the Internet.

Glenn Barfield

CC:activism@moraldefense.com@inetgw

MTC–00014642

From: jill@islandrealtyvacations.com@inetgw
To: Microsoft ATR
Date: 1/22/02 1:19pm
Subject: Microsoft Settlement
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft: I was extremely pleased to find out that the federal government had reached a settlement with Microsoft.

Although I felt commencement of this litigation was unwarranted in the first place, after three years I know the best thing for the country is to settle and move forward. The Justice Department negotiated a very comprehensive agreement with Microsoft that will require numerous concessions from the company. One requirement involves Microsoft designing future versions of Windows that provides a mechanism to make it easy for computer makers, consumers and software developers to promote non-Microsoft software within Windows. This will give consumers the freedom to add access to non-Microsoft software onto their computers. Also, Microsoft will be monitored by a technical committee to assure compliance with their obligations. Ending this needless litigation will allow Microsoft to focus on new and improved products. I am sure these products will continue to be supported by consumers who know that Microsoft products are the best.

Sincerely,

Jill Bowling

MTC–00014643

From: Ohiotax@aol.com@inetgw
To: Microsoft ATR
Date: 1/22/02 1:29pm
Subject: Microsoft Settlement

On behalf of the Ohio Taxpayers Association, and our over 5,000 Ohio members, I would urge that the Justice

Department adopt a settlement with Microsoft and not pursue any further legal action. Thousands of Ohioans are employed in well paying jobs because of the work of Microsoft, in addition, many more Ohioans are shareholders in the company. The only thing these lawsuits have succeeded in doing is to drive share prices of technology companies down, and drive unemployment up. Further litigation would only worsen this situation.

Scott A. Pullins
Ohio Taxpayers Association

MTC–00014644

From: William Richter
To: Microsoft ATR
Date: 1/22/02 1:33pm
Subject: Microsoft Anti-trust

I have been following with interest the current proceedings in the Microsoft Anti-trust trial. While I admit that Microsoft has for the most part, a positive influence in the computer industry over the past two decades, their actions over the past few years have begun to bother me. While I am concerned somewhat about their marketing techniques, which allow them to maintain their operating systems monopoly, I am concerned that the lack of competition is stifling the computer industry in producing solid, stable and secure products.

I have used Microsoft products for years, first with DOS and later with Windows. With each new version, I have heard that this version is more stable than the last. I am a technical user who is always working with my system, installing and removing software. On the older Windows 95/98 platforms, I normally rebuild my systems twice a year when they become unstable. Even with the newer Windows 2000 professional, I still rebuild every eleven to twelve months. Each rebuild costs me at least a day to reload and install software and patches. I also use Linux based systems on a similar basis and do not run into this type of problem at all. I have had Linux systems run for years without the slightest instability. I understand that operating systems are not perfect and have defects. However, Linux has incentive to fix its problems.

Security is also another issue that concerns me. As part of my job, I maintain our organization's anti-virus software. Because of the constant influx of new viruses, this software must be maintained in on a constant basis. Even with constant attention, the release of a new virus can stop the Internet cold until the infected systems are found and disinfected. Looking at the source of the infection, we find that the majority of viruses are caused by defects in Microsoft. Many defects have not been caught though several versions of the products. The damages to a single virus can run into ten to hundreds of millions in damage. This damage is harmful to the industry as a whole and to our national infrastructure because the frailty of the software.

Microsoft has now announced that they will make security a top concern. This comes after major issues with XP that have even gotten the FBI involved. From my long experience with technology, I know that fixing the problem will not be as easy as Microsoft wishes us to believe. As with any design, the further along in the design process, the harder it is to make fixes. After the implementation, the cost becomes prohibitive. Meaning, we might not see a secure version of Windows until the next release, several years from now. I am sure Microsoft were more concerned with pushing Windows XP out the door before the court had a chance to review their latest product. However, this is a bad practice which puts their personal interests above the country's.

The question becomes, what is wrong with the settlement as it now stands. First, the settlement does nothing to address Microsoft's ability to maintain its monopoly in the operating system market. This is bad because Microsoft claims that it innovates it products in response to market needs. However, with no competition Microsoft has grown complacent. Other operating systems such Linux and OpenBSD have already addressed the security and stability issues plaguing Microsoft products. However, because they do not hold market share large enough to threaten Microsoft, as would happen in a thriving open market has not responded to these innovations. In a way, Microsoft's plan for the future reminds me of the old USSR's planned economy. While this plan worked for a while, the lack of open market forces eventually doomed it.

I submit that to follow the current agreement put forth by the Microsoft and the Department of Justice is leading us down a path that has not worked in the past and is not healthy for our country or economy in the long run. A system which promotes healthy competition in the technology industry and does not allow one company to illegally maintain a strangle hold is needed to protect us from this future.

William Richter
Technology Specialist, Edinboro University of PA 814–732–2931

MTC–00014645

From: Brian Hamlin
To: Microsoft ATR
Date: 1/22/02 1:41pm
Subject: Proposed Final Judgement— Insufficient—

Re: Proposed Final Judgement US vs. Microsoft

Microsoft has been found guilty of illegally using monopoly power to further its commercial gains, stifle competition and harm the consumer, and illegally sustaining and extending monopolies in distinct software markets. This letter is to inform you of my own strong conviction that Microsoft Corporation has shown by its past conduct that it cannot be trusted to abide by its own legal settlements. The proposed Final Judgement is weak and contains serious loopholes. It was negotiated in haste and under pressure to settle.

I urge the Federal Government to take the strongest action in this case, including the breakup of Microsoft, to create a level playing field for technology companies and to protect the consumer. Consider the proposals of the States of California (of which I am a resident), Massachusetts, Iowa, et al as reasonable and effective remedy in this case.

sincerely

Brian M Hamlin
US Citizen

MTC–00014647

From: Borden Stevens
To: Microsoft ATR
Date: 1/22/02 1:47pm
Subject: Microsoft Settlement

To the people listening to us out here: Please hear my voice too, I am an amerian citizen and have been following the entire microsoft trial since the beginning with very personal interest. It reminds me so much of my classes long ago on busting up antitrust moguls of long ago, like Bell Telephone or Rockefeller or the railroad barons and its is so important. Please hear my voice: Its time for this example to be closed now, and settled. Enough time and effort and opinions and money have been spent; I'm sure everyone has learned as much as they can, and any further pounding on Microsoft is going to be ignored as the world moves on and has all its attention on the current war we are in and the recession. It is time to close this down and settle it and move on . .Im sure, looking at the history of this country, that there will be more Microsoft companies in the future to use as examples, but this lesson has been learned and its time is over!

Thanks for your time and attention.

US citizen Borden B. Stevens, San Clemente, CA.

MTC–00014648

From: Julieann Willes
To: Microsoft ATR
Date: 1/22/02 1:49pm
Subject: Microsoft Settlement

Dear Department of Justice, It is my humble opinion that now is the time to END the trial against Microsoft. Microsoft is a great company, and has done so much for the way we work and live. It has produced the best software ever made and has put it in the hands of ordinary people. Microsoft may not have been perfect, but they have paid for their indiscretion. What about the indiscretions of the competitors that are making so much noise?? Surely, we don't believe that THEY have none! This is about jealousy, and bringing the leader DOWN. Enough already. Let's get on with it. Let's start moving forward, not standing still. Let's get COMPATIBLE!

People WANT to be compatible. Anyway, we need to put this this behind us. It will be a sigh of relief for more people then the people who are complaining. To them I say, STOP COMPLAINING AND START CREATING A GREAT PRODUCT.

Thank you.
Julieann Willes
Office Manager

Your brain is your computer...your life is the printer.

MTC–00014649

From: KT Srinivas
To: Microsoft ATR
Date: 1/22/02 1:55pm
Subject: Microsoft Settlement.

Settle NOW.

Do not commit economic harakiri!!

MTC–00014650

From: Phil Shinn

To: Microsoft ATR
Date: 1/22/02 1:58pm
Subject: Microsoft Settlement

Microsoft as a corporate entity is a rapacious vindictive convicted monopoly totally out of control.

From the Stacker to Dr. DOS to Netscape and now with their speech engines, they will continue to parlay their monopoly into any and all related areas. I have been a software professional for twenty years and I hate them. No one can stop them but you. Do it.

MTC–00014651

From: Bill Riddell
To: Microsoft ATR
Date: 1/22/02 1:58pm
Subject: Microsoft Settlement
January 18, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing this letter to express my opinions about the settlement that was reached last November between Microsoft and the Department of Justice. I am in favor of this agreement because it brings an end to the three years of litigation that have been plaguing Microsoft, and hampering innovation in the entire IT industry. Microsoft did not get off easy in the settlement, and they have had restrictions and obligations placed on them that were never even an issue in the initial suit. They have agreed to turn over, to their competitors, interfaces that are internal to the Windows operating system, as well as coding in Windows that is used to communicate with other software. These terms go a little far, but what is done is done. We now need to put all of this behind us and move on.

Although I don't feel this case should ever have begun in the first place, I support the settlement since it squashes the litigation that has been hampering the technology industry for years now. The proposed agreement between Microsoft and the Department of Justice must be approved as soon as possible.

Sincerely,
Lawrence Riddell
6 Osio Way, Del Rey Oaks, CA 93940–5510
Phone 831–392–1744

MTC–00014652

From: langtonjbl@cs.com@inetgw
To: Microsoft ATR
Date: 1/22/02 1:52pm
Subject: Microsoft Settlement

Stop this witch hunt against Microsoft. Whenever the government has been involved in business it has made things worse. In my estimation Microsoft has done only good for the public. There has been and always will be compitition in the market. The other software companies just have sour grapes because of Microsoft s success. I remember the days when each computer had a different operating system and that was a nightmare. Microsoft was instrumental in ending that proplem. Stop throwing stones at Microsoft.

MTC–00014653

From: robert@sherweng.com@inetgw
To: Microsoft ATR
Date: 1/22/02 1:52pm
Subject: Microsoft Settlement

The government settlement is a sellout to Microsoft. The company should have been split up in two or three companies. Their monopoly is killing new and better products.

MTC–00014654

From: tlnorris@west.raytheon.com@inetgw
To: Microsoft ATR
Date: 1/22/02 1:52pm
Subject: Microsoft Settlement

The US DOJ should end the abuse of letting Microsoft Competitors use the court system to stifle Microsoft s innovations for their own selfish interests. It is ludicrous to take the position that a company such as Microsoft should be forced to provide a product that is inferior (i.e. removal of certain features) just so the competition can gain market share. This is America what is going on? This would have the consumer buying a lot of products separately working through the technical bugs of each product and buying later revisions of each product rather than have the option of buying all features in one clean package. This increases the complexity and wastes valuable consumer time and money. Oracle has apparently never even read their own advertisement where they brag about how their software package is integrated and replaces the piecemeal approach by a system that uses SAP Peoplesoft etc to handle corporate IT needs. Get real! You would think the government could attack a real monopoly like the Oil companies that truly do use OPEC to rig pricing or the Sugar Growers who are backed by Congress to unfairly elevate US Sugar prices. Now these are monopolies worthy of the name and Congressionally sanctioned. You would think the congressmen would be embarrassed by their own hypocrisy but some people have no shame.

MTC–00014655

From: biehl
To: Microsoft ATR,csfaculty@cuc.edu@inetgw
Date: 1/22/02 2:00pm
Subject: Microsoft Judgement

I glanced over the documents and what I saw made me quite pleased. Microsoft has always said it was ''innovate'' but it has been innovate as far as strong arming non-Microsoft companies. I love the wording that stated that Microsoft can fairly compete based on innovation—boy, are THEY in trouble! :) . . . There are a lot of companies I would consider innovative: Sun, Apple, etc . . . Microsoft doesn't seem to be there—though, to be fair, they probably don't need to be. Like huge coffee companies that distribute ''plain coffee'' leaving the ''special coffees'' to smaller companies like Starbucks, Microsoft can offer ''plain's/w'' andleave ''special s/w'' to smaller companies. Also,breaking the stranglehold on what O/S and applications can be loaded on the PC is also good. If someone wants Linux and NOT Windows, then the OEM should be able to supply that. If someone wants Netscape and NOT Internet Explorer, the OEM should be able to supply that too! Forcing everyone into the same straightjacket for only Microsoft's benefit is not good for anyone—even Microsoft in the long run. Still, like a big kid in the sandbox being told to ''play fair'', Microsoft will continue to ''accidentally'' toss sand at the other kids—even those kids who help make Windows more attractive because it is viewed as ''threatening'' (i.e. non-Microsoft). Having a supervisor on the corner of the sandbox (i.e. a TC representative at Microsoft headquarters) would be a good step to minimize that. Finally, my 2 cents as far as penalizing Microsoft. The settlement for Microsoft to give ''billions'' away of Microsoft s/w and old PC h/w to poor schools sounds good—until you realize that that $495 MS-Office CD costs Microsoft only $2 to manufacture! And putting Microsoft Windows in the Education with Microsoft Software benefits Microsoft far more than the poor schools—I bet Microsoft is wishing for ''more punishment'' like that! Hit them in the pocket book! Make them actually write out a check for $2 billion and not the ''fake money'' they are proposing.

All in all, the judgment looks like a good thing . . . Keep the Microsoft Giant from squishing the little guys! Tony Biehl, Head of Computer Science Department, Columbia Union College

MTC–00014656

From: wvatwogun@aol.com@inetgw
To: Microsoft ATR
Date: 1/22/02 1:52pm
Subject: Microsoft Settlement

without companys finding new ways to serve us and hire people you would not have a job.government has never run anything efficient yet.j m w.

MTC–00014657

From: shaefferevy@aol.com@inetgw
To: Microsoft ATR
Date: 1/22/02 1:52pm
Subject: Microsoft Settlement

Please approve the settlement terms reached on 11/3/01. I believe that it is in everyone s best interest to settle this case now.

MTC–00014658

From: earlsnidely@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/22/02 1:52pm
Subject: Microsoft Settlement

The proposed part of the Microsoft settlement that would allow them to donate computers to schools as payment would only further extend their monopoly power. If their is to be a donation to schools make it in cash so the schools can buy whatever computers they want with whatever operating system they want. Microsoft is indeed a great company with great products. But they often use that power to abuse and take advantage of other companies & the marketplace.

MTC–00014659

From: gpmdhs@cs.com@inetgw
To: Microsoft ATR
Date: 1/22/02 1:52pm
Subject: Microsoft Settlement

OW LONG MUST A WONDERFUL COMPANY THAT PROVIDES JUST ABOUT EVERYTHING USED IN RELATIONSHIP TO COMPUTERS AND IN THE PROCESS PROVIDES MANY JOBS FOR US CITIZENS AS WELL AS TAX DOLLARS BE MADE TO SUFFER BECAUSE IT IS SUCCESSFUL?

CONSIDER IF THIS COMPANY IS MOVED TO ANOTHER COUNTRY BECAUSE OF THE GOVT MEDDLING. THINK ABOUT THE JOBS AND TAX DOLLARS LOSS. THERE HAS BEEN MORE THAN ADEQUATE TIME TO PURSUE THIS MATTER AND WITH EACH PASSING DAY IT JUST PROVES TO BE MORE A SOURCE OF PROVING HOW INEPT OUR GOVT IS.I M SURE OTHER GOVTS LAUGH AT US.I WOULD TOO IF IT WEREN'T SO SERIOUS. SHOW US WE REALLY HAVE PEOPLE WHO AREN'T IDIOTS.GPM

MTC–00014660

From: frankcards@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/22/02 1:52pm
Subject: Microsoft Settlement

I feel the case should end against Microsoft and should have never occured in the first place. . . . My belief for the suit initially was due to Bill Gates not being a contributer to the Democratic party and Bill Clinton made it a personal issue. (I have been a Democrat all my life and had switched and voted for G.W. Bush due to this awful political incident among many others during the Bill Clinton Presidency.)

MTC–00014661

From: mistac1@cox.net@inetgw
To: Microsoft ATR
Date: 1/22/02 1:52pm
Subject: Microsoft Settlement

I wholeheartedly support the settlement so that the technology industry can get back to business full time and the enormous uncertainty in the stock market created by the suit will end.

MTC–00014662

From: macpros@pacbell.net@inetgw
To: Microsoft ATR
Date: 1/22/02 1:52pm
Subject: Microsoft Settlement

It s time for the government to settle and get off of MicroSofts back

MTC–00014663

From: siconn@attbi.com@inetgw
To: Microsoft ATR
Date: 1/22/02 1:52pm
Subject: Microsoft Settlement

basicly I want to say that this thing has draged on long enough. you slaped his hands now boath sides have come to an agrement and you want to keep it going. I say let this thing be settled and maby just maby we can get an operating system that works for a change.

MTC–00014664

From: imzadi32@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/22/02 1:52pm
Subject: Microsoft Settlement

I think that it is time for this case to be settled and for Microsoft to proceed with their plans on improving technology. This whole mess has caused the tax payers money and loss of opportunity only because of the selfishness and greed of a few.

MTC–00014665

From: PAPA2SHORTS@aol.com@inetgw
To: Microsoft ATR
Date: 1/22/02 1:52pm
Subject: Microsoft Settlement

I FEEL THIS SETTLEMENT IS THE BEST FOR THE PUBLIC

MTC–00014666

From: bongojoco@msn.com@inetgw
To: Microsoft ATR
Date: 1/22/02 1:52pm
Subject: Microsoft Settlement

Typical of our courts paradoxes and bottlenecks I thought in america we want success? What did Bill do he became a success! Mr. Gates should fight on!

MTC–00014667

From: skeeeling@redcreek.net@inetgw
To: Microsoft ATR
Date: 1/22/02 1:52pm
Subject: Microsoft Settlement

I agree with the settlement

MTC–00014668

From: rabolduc@capecod.net@inetgw
To: Microsoft ATR
Date: 1/22/02 1:52pm
Subject: Microsoft Settlement

A Judgement has been rendered and to continue on will hinder the operation of similar organizations.

Lets be done with this as the judgement seems proper and just.

MTC–00014669

From: rdh@amaonline.com@inetgw
To: Microsoft ATR
Date: 1/22/02 1:52pm
Subject: Microsoft Settlement

Microsoft should be broken up into at least three parts that is the only way to protect the public from Microsoft.

MTC–00014670

From: Microsoft ATR
To: Microsoft ATR
Date: 1/22/02 1:52pm
Subject: Microsoft Settlement

I BELIEVE THAT THIS ENTIRE CASE WAS SOLELY MOTIVATED BY THE COMPETITORS OF MICROSOFT. IT IS MY OPINION THAT THE JUSTICE DEPT. IS THERE TO PROTECT THE CONSUMERS—NOT THE COMPETITORS. I HAVE NOT HEARD OF ONE OF MY ACQUAINTENCES WHO IS DISATISFIED WITH MICROSOFTS PRODUCTS OR PRICING.

MTC–00014671

From: hcalvin@ieee.org@inetgw
To: Microsoft ATR
Date: 1/22/02 1:52pm
Subject: Microsoft Settlement

I support the 3 November agreement. Let's get government off Microsoft's back and let them get on with business. Maybe I m a bit cynical but I see this as more sour grapes because some of Microsoft's competitors feel they can't compete and need help from Uncle Sam.

MTC–00014672

From: jasjmtch@ix.netcom.com@inetgw
To: Microsoft ATR
Date: 1/22/02 1:52pm
Subject: Microsoft Settlement

I feel it is time to move on and all the various states to sign off on this. Microsoft is being victimized for being too successful. They practiced free enterprise by being innovative and hiring very competent staff. The complainers don't want to compete in the free market. They want business and success handed to them via court settlement.

MTC–00014673

From: jworth@stonesav.com@inetgw
To: Microsoft ATR
Date: 1/22/02 1:52pm
Subject: Microsoft Settlement

The proposed settlement does not come close to being fair to both consumers and competitors. Microsoft must not be allowed to force anyone at any time to utilize their software at the expense of a competitors. Nothing more need be said. To do reduces my job from that of an Information Systems Manager to a simple implementor of Microsoft products. Microsoft needs to be told how to be fair. Their historical behavior proves that they will not do it on their own. We beseech the courts to act fairly in this matter and to reject this harmful settlement.

MTC–00014674

From: lclevel707@msn.com@inetgw
To: Microsoft ATR
Date: 1/22/02 1:52pm
Subject: Microsoft Settlement

I believe that it is in the best interests of consumers and the general public if the settlement reached by the United States Justice Dept. and the majority of the states is implemented. It is a disgraceful waste of taxpayer resources to continue to litigate this case to provide protection for Microsoft s competitors and to further the careers of various states attorney generals. The real losers are the public.

MTC–00014675

From: frsucurtis@aol.com@inetgw
To: Microsoft ATR
Date: 1/22/02 1:52pm
Subject: Microsoft Settlement

The settlment with Microsoft is fair and reasonable and is in the best interest of everyone. I agree lets get on the really great technology that lies ahead.

MTC–00014676

From: glen@newhopemin.org@inetgw
To: Microsoft ATR
Date: 1/22/02 1:52pm
Subject: Microsoft Settlement

It is time to stop the fighting over technology that has made our lives better. We have a war against terrorism that is much more important than a petty fuss with Microsoft. Settle with Microsoft and get to work on something more threatening to our society!

MTC–00014677

From: hovsepi@aol.com@inetgw
To: Microsoft ATR
Date: 1/22/02 1:52pm
Subject: Microsoft Settlement

Let's get this over with!! Microsoft has come up with innovative products that has helped the world and everyone has used the technology. This is a waste of money and we as a country have more important things to concern ourselves with.

MTC–00014678

From: buckyt@wmjonesco.com@inetgw
To: Microsoft ATR
Date: 1/22/02 1:52pm
Subject: Microsoft Settlement

I didn't hear of any litigation against Big Blue when they dominated the computer market during the 60's 70's and 80's. Mr. Gates is living the American Dream bred from successful capitalism. In the process he has helped make many of his employees very wealthy. Apparently success breeds contempt. Leave MS alone.

MTC–00014679

From: erniewd@msn.com@inetgw
To: Microsoft ATR
Date: 1/22/02 1:52pm
Subject: Microsoft Settlement

To whom it may concern: I have purchased many Microsoft products over the years. I do so because I believe Microsoft s products are superior to other products. I don t believe that I have been overcharged. Microsoft has been unfairly drawn into a lawsuit because they manufacture a product line that their competion is unable to compete with. Microsoft has competitors who each year spend billions of dollars trying to develop a product that will compete with Microsoft's products. No one is forced to buy Microsoft products obviously Microsoft has grown to one of the world s largest companies because of customer satisfaction. Please settle the lawsuit against Microsoft and let an innovative company get back to what they do best without the burden of an anti-trust lawsuit burdening the company.

Concerned consumer Ernest Wood

MTC–00014680

From: mmanning73@home.com@inetgw
To: Microsoft ATR
Date: 1/22/02 1:52pm
Subject: Microsoft Settlement

The settlement is a fair and reasonable resolution. No more should be done by the US Government to prosecute the case against Microsoft.

MTC–00014681

From: etspam@tds.net@inetgw
To: Microsoft ATR
Date: 1/22/02 1:52pm
Subject: Microsoft Settlement

I feel the settlement amounts to a slap on the wrist for Micro$oft. Now Micro$oft is back to thier arrogant ways because they know that with a Republican in the Whitehouse they can get away with anything. After all Micro$oft gave them enough money to make the difference. I don't mind Micro$oft being the leader in areas that they have better technology but they have used thier advantage in those areas (Desktop basically) to stifle competition in other areas where there products were/are inferior (Directory Services Word Processing Enterprise Servers). Micro$oft has done some good things but in just about every occasion some other company did it first and Micro$oft merely ripped off thier technology. Thier licencing fees for software are a joke. When people get educated and realize they don't need to pay hundreds of dollars to have the lattest office software and don't need all the bells and whistles for most things they do Micro$oft will suffer. This is especially true in homes with more than one pc. People spend the majority of thier time either cruising the net or reading email. Why buy a new pc with the latest Micro$oft software to do this? Those who do are either foolish ignorant or both.

MTC–00014682

From: dean1948@juno.com@inetgw
To: Microsoft ATR
Date: 1/22/02 1:52pm
Subject: Microsoft Settlement

Remember BATA VCR's. . . . Remember VHS VCR's. Thank God the market place selected and made only one the dominate system. Computers and operating systems also provide a common language that enables anyone to develope competive programs in a common language. Without a dominate system educaters would have an impossable job. Like the English language dominance makes the world more efficient in many ways. The Government should get off the case and let the market place decide the best products.

Curtis Kornegay

MTC–00014683

From: budg3620@aol.com@inetgw
To: Microsoft ATR
Date: 1/22/02 1:52pm
Subject: Microsoft Settlement

I think the settlement should be accepted and the punishing Microsoft be ended. There are other operating systems if a person does not want Windows. Most people have Windows because it works the best.

MTC–00014684

From: Asif tambe
To: Microsoft ATR
Date: 1/22/02 2:01pm
Subject: Microsoft Settlement

The settlement is good for the people, the industry and the American economy. The settlement is also fair and reasonable to all parties involved. I would like to have the microsoft case settled immediately. Asif.

MTC–00014685

From: johnpaul@pikenet.net@inetgw
To: Microsoft ATR
Date: 1/22/02 1:52pm
Subject: Microsoft Settlement

I would hope that the settlement stands as is. I see NO reason what-so-ever for the Federal Government to sue any legitimate company but that has been done to MicroSoft. Now that the deed IS done get on with the settlement and push on. What company will the Justice Department go after next? Aren t there any bad guys out there any more that need prosecuting?

MTC–00014686

From: JbarrRetdc@aol.com@inetgw
To: Microsoft ATR
Date: 1/22/02 1:52pm
Subject: Microsoft Settlement

Settle this case. It has been going on too long. Get the government out of the technology area. The original case was a msitake run by an out-of-control Justice Department and managed by a giased and arrogant judge.

MTC–00014687

From: tehart1@ameritech.net@inetgw
To: Microsoft ATR
Date: 1/22/02 1:52pm
Subject: Microsoft Settlement

The government has no reason to keep the Microsoft case in court. It is a waste of our money to try to break up a non-monopoly. There has always been other avenues to use a computer and to go on line. The American people do have a choice i/e MAC/Apple. The goverment should be there to govern the private sector not run it.

MTC–00014688

From: shaokittom@aol.com@inetgw
To: Microsoft ATR
Date: 1/22/02 1:52pm
Subject: Microsoft Settlement

Punishing Microsoft is a shame to our justice system.

MTC–00014689

From: Kelli M. Adam
To: Microsoft ATR
Date: 1/22/02 1:58pm
Subject: Microsoft Settlement
Kelli M. Adam
11400 98th Avenue NE
Suite 301
Kirkland, WA 98033
January 22, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing you today to encourage you and the Department of Justice to accept the Microsoft antitrust settlement. A settlement has been reached, the terms are fair and the government should accept it. The states that have not accepted the settlement are simply dragging their feet, and I do not wish to see the Federal Government drag their feet also or spend anymore tax payer dollars on this issue.

Many people think that Microsoft is getting off easy, this is simply not true. The settlement was arrived at after extensive negotiations with a court-appointed mediator. Microsoft agreed to terms that extend well beyond the products and procedures that were actually at issue in the suit, simply for the sake of putting an end to the issue.

The settlement is fair and should be accepted. Microsoft, the technology industry, and the government all need to move on. The antitrust case needs to be put in the past and business needs to return to normal. Please accept the Microsoft antitrust settlement.

Sincerely,
Kelli M. Adam

MTC–00014690

From: Lelachance@aol.com@inetgw
To: Microsoft ATR
Date: 1/22/02 2:08pm
Subject: Microsoft Settlement

I think this suit should be settled ASAP. I do not beleive or agree with the 9 states or their politicians who desire further litigation. Let us move on to a more vibrant economy.

Leo LaChance Fargo, ND

MTC–00014691

From: Mbfajones@aol.com@inetgw
To: Microsoft ATR
Date: 1/22/02 2:07pm
Subject: Microsoft Settlement

Dear Mr. Ashcroft:

I am writing you today to express my opinion in regards to the settlement that was reached in November between Microsoft and the government. I support Microsoft in this dispute, and I believe this settlement will contribute to the economy and society.

This settlement contains provisions that not only allows Microsoft to devote its resources to designing and marketing its innovative software, but this settlement will also have a positive impact on competing companies. Competing companies will benefit from receiving more information from Microsoft about software, and companies can sue Microsoft if they feel the company is not complying with the agreement. Microsoft has also agreed to be monitored by a technical oversight committee. Microsoft has also agreed fully to carry out this agreement, for the sake of ending this three-year litigation.

During a time when there are so many issues facing us today, I believe we should rally up our energy and time into dealing with more pressing concerns.

Thank you for your support.

Sincerely,
Mary B. Jones
1 River Birch Lane
Savannah, GA 31411

MTC–00014693

From: Paul, Randal H. M.D.
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/22/02 2:12pm
Subject: microsoft settlement

To Whom It May Concern:

Get government out of the antitrust field entirely. Antitrust litigation has become nothing more than an arena for unsuccessful competitors to cry and whine about the success of market leaders. Microsoft, like Standard Oil, and any number of other high profile antitrust cases is accused of controlling market share while prices to the consumer persistently decline.

Who cares if a company controls 100% of market share if prices decline? In fact, many economists would argue that you can only continue to gain market share if prices are declining.

Microsoft litigation was foolish in the first place and guided by politicians from states that were homes to Microsofts competitors. Not only should the whole mess be dropped but an apology should be issued to Microsoft and the public.

This would be an opportune time for government to vocally and prominently admit the failure of the antitrust paradigm. Please read Armentano's great book, ''The Myths of Antitrust.''

Rand Paul
200 Lakeside Way
Bowling Green, KY 42103

MTC–00014694

From: Horne, Christopher
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/22/02 2:21pm
Subject: Microsoft Settlement

I would strongly urge the Court to propose breaking up Microsoft into separate companies to insure that it does not continue to monopolize on its stranglehold on the PC market. Microsoft has shown that its behavior will not change even in lieu of recent injunctions or possible penalties. Forcing Microsoft to break up into two separate companies, one for the operating system only and one for the middleware such as Office and Explorer, would insure that other software and hardware companies have a fighting chance to compete on a fairly level playing field. I don't think that any other solution would be effective against a company so large and one that dominates a market as much as Microsoft.

Christopher Horne
1817 N. Quinn St., #405
Arlington, VA 22209

MTC–00014695

From: John Costello
To: Microsoft ATR
Date: 1/22/02 2:20pm
Subject: Microsoft Settlement

Jan. 22 2002
Attorney General John Ashcroft
US Dept. of Justice,
950 Pennsylvania Ave. NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

Microsft has been the subject to court action for more than three years inthe antitrust case:as they say, justice delayed is justice denied.You should support the settlement that was recently reached and allow Microsoft to give its attention to software developnent and not legal proceedings. Outside interests with ulterior anti-Microsoft agenda do not want this settlement implemented because they believe it does not harm the company enough.The fact is this settlement is very equitable.The settlement allows competitors to view Microsoft blueprints to create better software.This concession by Microsoft is very generous and only a fraction of the settlement.

Settling this case is the logical action at this point. Microsoft is one of Americ a's most important companies, and is a very large employer.An improvement in Microsoft's situation could improve our nation's situation as well.

Sincerely,
John H. Costello, 3611
Austin Rd. Monroe, NC
28112

MTC–00014696

From: Gene Cook
To: Microsoft ATR
Date: 1/22/02 2:40pm
Subject: Microsoft Settlement

Eugene C. Cook,
17910 Shadow Valley Drive
Spring, TX 77379
Tel. 281–370–5206
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I write today out of concern over the settlement of the Microsoft antitrust suit. I support the settlement you reached. It is past time to get this atrocious lawsuit over with. It is better to grow, better to build, better to innovate, than to destroy. Microsoft has grown its business from nothing, built the best software in the world, and introduced amazing innovations to worldwide audience of computer users. Let's stop the ankle biters who want to destroy Microsoft. Now, with the settlement, Microsoft will become even a better partner to its industry. Sharing internal interfaces and server protocols, while also licensing other intellectual property on reasonable terms; renouncing the standard business practice of exclusive marketing contracts; building flexibility to substitute non-Microsoft software in Windows; publishing a uniform pricing list for large competitors; and having an oversight committee visit its facilities to monitor the situation for five years will lead to growth of the Windows community of companies. I support the settlement and look forward to the end of this case.

Sincerely,
Eugene Cook

MTC–00014697

From: chickadee
To: Microsoft ATR
Date: 1/22/02 2:45pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am strongly opposed to the settlement plan being considered presently by the Department of Justice. I would like to explain why. I am an average home computer user with no special knowledge of computers. Over the years I have been frustrated by the relatively poor quality of Microsoft products and angered by their unfair, and shall I say underhanded, business tactics. There is Microsoft software on my computer (not Windows) that I cannot delete no matter what I do. There is code on my computer that prevents competing products from operating properly. I have found it challenging, to say the least, to NOT use Microsoft products, even though that is my choice.

The thought of children at school being indoctrinated into the world of Windows and Microsoft products gives me shudders. This is not punishment, this is complicity in the strong-arm tactics Microsoft has been using for years. I do not believe this is the intention of the antitrust laws in this country. Schools especially should have a CHOICE as to which products they use to educate our children, whether that's Microsoft, Apple, or other.

If competition is supposed to serve to improve the quality of goods and services, I suggest we allow that process to run it's course. It is simply contrary to our way of life and business to allow one company to succeed because they continually push the limits of what is fair in the marketing of their products. Please do not let us down.

Sincerely,
Sydney Nash
San Francisco, CA

MTC–00014698

From: mearle
To: Microsoft ATR
Date: 1/22/02 2:52pm
Subject: Microsoft Settlement

Microsoft is arguably one of the most innovative companies in existance today. Their undeniable impact on the accessability of computers, and gains in productivity are only one reason Microsoft should be left alone. The people at Microsoft produce things they like, and are good enough at making their goods to earn a profit. What now does it say to the future geniuses of this new century if the life work of others is altered just because others can't come up with something better?

Some say that Microsoft has used its ''monopolistic'' power to prevent other corporations from competing. Microsoft has never had the power (and never could in our republic) to prevent me from buying software from a competing firm. Consumers still willingly, year after year, make Windows their choice over products from Apple, IBM, Sun, and Linux companies. No proposed legal remedy would improve these other companies'' products. Since they can't win freely in the marketplace, their plan is to hamstring their better adversary. Punishing Microsoft only lowers the standards for every one.

MTC–00014699

From: Leonard Simon
To: Microsoft ATR
Date: 1/22/02 2:55pm
Subject: Microsoft Settlement
Leonard Simon
6370 Bixby Hill Road
Long Beach, CA 90815
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

As a supporter of Microsoft, I write you with interest in the recent developments of the settlement in the anti-trust suit. The terms of this agreement are fair and reasonable and should be enforced as soon as possible. These terms include bold changes toward the technology industry and should be allowed to speak for themselves.

Microsoft has agreed to some very bold changes in the technology industry that include licensing and marketing alterations. They have also agreed to make changes in design, which allow non-Microsoft companies to install their software on new versions of Windows. All of these concessions will be monitored by a committee that will oversee the enforcement of this agreement. The technology industry is ready to use this settlement as a guideline to move forward and get back to business. Let us not be the ones to slow down the process that we initiated in the first place. Please help to stop any further actions against this agreement and help get our economy back on track.

Sincerely,
Leonard Simon
Phone: 310–346–3448

MTC–00014700

From: Chris Lake
To: Microsoft ATR
Date: 1/22/02 3:06pm
Subject: Proposed Microsoft Settlement

To Whom It May Concern: This letter is my public response to the Microsoft settlement. Most of my adult life has been influenced by computers and, specifically, Microsoft operating systems and applications software. I have also used several programs that were specifically targeted by Microsoft in its monopolistic fervor. Two that immediately spring to mind are the following:

—DR-DOS, an operating system from Digital Research, was the installed alternative to MS-DOS and PC-DOS (from IBM) on my first IBM-compatible PC, purchased in 1988

—Netscape Navigator, the commercial successor to the NCSA Mosaic web browser, was my first browser, and the target browser platform of choice during my first few years of web design work (1996–1998) Until last summer, I was a devoted Windows user, one of the lucky few who had few problems with compatibility, system crashes, or even email viruses. This track record was in direct contrast to other members of my family who are less technically astute than me: their ignorance of virus scanning software and other difficulties in maintaining their systems resulted in many tales of hardship and confusion. At least three fresh reinstallations of Windows have occurred in their household in the past year; I myself found myself reinstalling last summer, after unexplainable system instabilities began affecting my ability to work. I also discovered that the latest generations of the Linux OS had become significantly more user-friendly, and since it is free, I decided to give it a whirl.

Again, I am technically more capable than the average computer user, and thus the transition to Linux was not difficult. I have found ways to do virtually every task that I used to do under Windows. Free software exists to rival, even exceed, the software that I paid thousands of dollars for in my Windows environment. However, there is one very interesting gap in most free software's capabilities: the ability to read and write Microsoft-compatible file formats. This feature gap is a shining example of Microsoft's monopolistic practices: the large percentage of the world uses Microsoft Office and its proprietary file formats, which encourages, if not requires, other businesses and individuals to purchase Office in order to communicate. Although there are dozens of ways to send a letter electronically, most are unfamiliar to the average typist, and thus the default format, ''Microsoft Word .doc'' is the ubiquitous, de facto standard. Unless a competing software package can flawlessly read and write this format, the public at large will be uncomfortable adopting this software, no matter what other wonderful features the program may have. The result is, obviously, a competitive advantage for Microsoft through predatory proprietary controls.

Until and unless Microsoft is required to publish complete specifications of all of its file formats (both existing and in the future) its monopoly will remain uncontested. Open Source software developers can reverse-engineer the Office file formats at significant cost, but never at 100% accuracy. Moreover, Microsoft can change their file formats at a whim, disseminating the patched code for their software to read and write the new formats via automated update procedures or, better yet, through high-priced ''upgrade releases,'' rendering competitors'' efforts useless. Most of the world uses public file formats and communications protocols; the Internet itself was built using common, open-source software. The proposed settlement's requirement to publish the Windows API is a good start in this direction, but unless all of Microsoft's file formats and protocols are required to be kept in the public domain, competition, as well as cooperation, will be stifled.

Undoubtedly, Microsoft has improved the computer industry in many ways, but it has also used its success and power to crush competitors, stifle innovation, and infiltrate the Internet with proprietary software. The antitrust decision made clear the abuses Microsoft is guilty of. The penalty phase should not be toothless. Without controls, Microsoft will continue to put its own domination over the best interests of the world, resulting not in competition, but stagnation. Left unchecked, we are condemning the high-tech sector of the entire world economy to the direction of one monopolistic company.

I urge you to consider the future of computing in light of the past behavior of Microsoft Corporation. Thank you for your attention.

Sincerely,
Christopher M. Lake
5269 Sugar Ridge Drive
Sugar Hill, Georgia 30518
678–546–5900

MTC–00014701

From: Espey, John
To: Microsoft ATR
Date: 1/22/02 3:00pm
Subject: Microsoft Settlement

Dear sir or mam,

I would like to voice my opinion on the treatment of Microsoft and its founder, Bill Gates. I use a few Microsoft products for things at which they do particularly well (Excel, Windows 2000/XP, Outlook, Internet Explorer, and a few others). These products are excellent products despite the fact that there are no real competitors in the marketplace. None of these products has had any serious competition for the last few years, and yet they continue to get better with each new release. My point is that Microsoft does not think the same way that a typical federal employee or bureaucrat does. That is, Microsoft realizes what so few in our society today do, that in order to remain competitive in the marketplace, one must wake up every morning with a renewed focus on how to add more value for less money to one's customers. This is how Microsoft destroys their competitors, and this is why Oracle, AOL, Sun, IBM, Apple, Novell, et al. are so scared of this company. They are choosing to battle Microsoft in court under the ambiguous veil of the public good, rather than in the marketplace via innovation.

Well, I represent the public, and I do not feel that Microsoft has harmed me in any way. I am not a helpless victim as David

Boies would have you believe; I can make a choice for what software I want to install on my own machine. I do not need a legislator deciding what software needs to be installed on my machine. I want that to be decided in a free market. And if there are no competitors capable of surviving in the market with Microsoft, then so be it. The only way this can occur is if Microsoft provides a vastly superior product. While this may not benefit the owners of the competitors of Microsoft, it is certainly a tremendous benefit to consumers.

I truly resent the idea that a successful business is a threat to anyone. A band of thugs is a threat, a company that seeks to sell me products that are superior to those of their competitor is a good thing. I feel as if Microsoft is being attacked not because they are evil, but because they are good. What kind of message does this send to our children? Don't work too hard, otherwise your jealous competitors will sue you until you see your company broken in two? Please rethink the message you want to convey to the next generation of entrepreneurs.

I love my country because the express purpose of the government is to protect the right to life, liberty, and the pursuit of happiness. What these rights translate into is really one thing: the right to property. Without this right, no other rights can exist. Without this right, we would live in the Dark Ages or worse yet some backwards Middle Eastern country. Every person in this country has a right to their property as long as they aren't using it to coerce others. Why then is this right being denied to the shareholders of Microsoft? I think it is time to rethink the position that has been taken for the past 8 years about Microsoft. The owners, employees, and partners of Microsoft must be afforded the most basic of all rights. They must have the right to their own property and you must protect this for them.

Thank you for your time,
John Espey
Senior Consultant, Tallan, Inc.

MTC–00014703

From: Russel Gauthier
To: Microsoft ATR
Date: 1/22/02 3:18pm
Subject: Microsoft Settlement

I would think that the best way for them to resolve it would be the break up of the company into several companies, and the restrictions of certain extreme alliances occuring between these companies.

MTC–00014704

From: Matt Wills
To: Microsoft ATR
Date: 1/22/02 3:21pm
Subject: Microsoft

This is not so much a comment on the settlement, but a comment on the continued abuses on the part of Microsoft, this one involving the US Postal Service.

The following letter was published in the readers'' comments section of MacInTouch.com.

I think that for the US Postal Service to take part in actively promoting Microsoft products at this point is a disgrace.
Date: Mon, 21 Jan 2002 23:12:35–0600
From: Cliff Crouch
Subject: United States of America ''versus'' Microsoft???

Just when I think events can't get any weirder, they do: I go into a United States Post Office today, and encounter a poster touting, not the latest stamps, but Microsoft Windows XP—*plus* a Windows XP promotional CD–ROM display.

Yes, today is the ''Martin Luther King birthday'' holiday, officially observed throughout the United States, but this is the one post office in my hometown of Houston that stays open regardless (it's at Bush Intercontinental Airport).

I take care of my business with the clerk at the counter and am headed back out when I observe, mounted in the window, a full-size poster (with the ubiquitous ''flat-green-landscape-against-blue-sky'' theme of MS's latest marketing barrage):

Microsoft
THE DIGITAL WORLD IS CALLING.
Please take a free demo CD.
Microsoft Windows XP

I stand there mystified for a minute, and the clerk calls out, ''Did you need something else, sir?''

I motion to the poster and say, ''What's this all about?'' By way of response, she bustles over to a corner of her workplace and fetches a promotional CD–ROM in a pasteboard slipcase: ''Microsoft Windows XP — eXPerience the excitement!''

''Here ya go!'' she says as she hands it to me over the counter.

''So, uh . . . did Microsoft buy the Post Office recently?'' I ask.

''Oh, I think you can get these from UPS or FedEx, too,'' she says blithely, by way of ''explanation,'' and goes back to work.

On my way to the door, I now notice a similarly themed Windows XP ''dump''—that is, a cardboard display with a niche for holding two-dozen or so promotional CDs—sitting atop one of the tables in the customer area.

Neither the poster nor the cardboard dump even pretends to have any tie-in to the U.S. Post Office; it's just plain, unvarnished Windows XP puffery . . . the kind of material that Microsoft pays to run in print media and on TV.

Has anyone else come across anything else like this? And am I simply naive, or is there something profoundly disturbing about such shenanigans going on even as District Court Judge Colleen Kollar-Kotelly allegedly mulls the proper punishment of the Microsoft Corporation, an illegal monopoly, for violating U.S. antitrust law?

Bemused, befuddled, & bewildered, Cliff Crouch

MTC–00014705

From: Bigelow, Willard
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/22/02 3:23pm
Subject: Microsoft Settlement

Please tell the court that I support the independent states (including Massachusetts, California, Utah, etc.) set of sanctions.

Thanks
Will Bigelow

MTC–00014706

From: Kim Potochnik
To: Microsoft ATR
Date: 1/22/02 3:30pm
Subject: Microsoft settlement

Please settle this lawsuit. Enough of my taxes dollars have already been wasted on this!

Kim Potochnik
6927 Woodbury Ct.
Wichita KS 67226

MTC–00014707

From: David Shlapak
To: Microsoft ATR
Date: 1/22/02 3:32pm
Subject: Re: U.S. v. Microsoft: Settlement Information

Lessee, the proposed ''settlement'' ''punishes'' Microsoft by giving it access to millions and millions of school children in one of the few markets it has not (yet) managed to dominate. Hmmm. Why didn't *I* think of that when I was a kid?

''Well, son, what do you think would be an appropriate punishment for breaking all the windows in your school?''

''Dad, I think I deserve to be sent to Las Vegas with nothing but your Platinum Visa and a box lunch. That'll teach me!'' Who's kidding whom here? Microsoft is not just a predatory monopoly, it's an unrepentant predatory monopoly and the proposed settlements *rewards* them for their behavior. What's the point? Better nothing that what has been proposed, but actual punitive measures would be the best policy of all.

Cheers.
David Shlapak
1235 Palo Alto St
Pittsburgh, PA 15212

''If you get confused, listen to the music play''

MTC–00014708

From: sbvandepol@mac.com@inetgw
To: Microsoft ATR
Date: 1/22/02 3:40pm
Subject: microsoft settlement

I am just a citizen who uses computers at home and at work. I have read about the proposed settlement and have the following comments:

1. Microsoft clearly has monopoly power and they use that power to limit choices in operating systems and applications. As a result, consumers have limited choices that are expensive (try paying $500 for a copy of Microsoft Office software—a fantastic price that is sustained only by monopoly market power).

2. Microsoft is wildly profitable because they have used monopoly power to extract an unreasonable price for their products

3. The solution is NOT to allow microsoft to settle the case by printing monopoly money (ie give ''free software'' to schools that costs them $.50 a copy but credits them $500 —the monopoly price) AND extend their monopoly into the last area of the market they do not already control (education).

Microsoft is the Standard Oil of our time.

MTC–00014709

From: Daryl
To: Microsoft ATR
Date: 1/22/02 3:51pm
Subject: Re: U.S. v. Microsoft: Settlement

Information

from what I read concerning the revised proposed Final Judgment, it looks alight to me. I do have a concern however. The portion of a compliance officer sounds good. However, I am concerned about the compliance officer being appointed by Microsoft. I fear that Microsoft may abuse this by appointing somebody to this position who could be easily influenced by Microsoft. Thus determining that actions are compliant with the Final Judgment, even if such actions are questionable.

What I feel would be a good safeguard against this possibility, is that the Technical Committee would serve as a ''supervisor'' for the compliance officer. Meaning that the compliance officer would have to answer to the TC, and the TC making sure that the compliance officer's duties, and findings are unbiased in any way.

Thank you for allowing us, the public to have our input on the proposed Final Judgment against Microsoft. having this avenue to submit our input helps me appreciate the judicial process even more, especially when major companies are on trial.

Sincerely,

Daryl Courtney

MTC–00014710

From: Jim Delong
To: Microsoft ATR
Date: 1/22/02 3:57pm
Subject: Microsoft Settlement—Question About Form

Do you want comments to be in the body of the email itself or can they be attached as a MicrosoftWord or WordPerfect file?

Thanks.

James V. DeLong

Senior Fellow—Project on Technology & Innovation

Competitive Enterprise Institute

1001 Connecticut Ave., NW—Suite 1250
Washington, DC 20036

(202) 331–1010 TEL (202) 331–0640 FAX

MTC–00014711

From: DGorman372@aol.com@inetgw
To: Microsoft ATR
Date: 1/22/02 4:05pm
Subject: (no subject)
David J Gorman
5 Forest Gate
Yarmouth Port, MA 02675–1459
(508) 375–0971
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
January 10, 2002

Dear Mr. Ashcroft:

I want to use this opportunity to extend my support for the settlement concluded between Microsoft and the Justice Department last year. I believe the agreement is good for citizens as it allows both sides to focus their attention to other matters.

The settlement is extremely stringent and will require many changes from Microsoft. One good example is Microsoft's agreement to document and disclose for use by its competitors various interfaces that are internal to Windows'' operating system products. To assure compliance with the settlement's provisions, Microsoft has agreed to the formation of a Technical Committee to monitor Microsoft. This committee will also take complaints from third parties who feel Microsoft is not complying with their obligations.

In the long run, I think the settlement will also be beneficial to our economy. It will free Microsoft to focus their attention on developing new products that will boost efficiency and productivity. Also, by taking no further action at the federal level, the government will be able to use resources for more urgent matters. This company has brought us into the 21st century in a fashion we could only have imagined twenty years ago. When are we going to stop punishing success? Lets put an end to this and get on with life!

Sincerely,

David Gorman

MTC–00014712

From: J. David Freer
To: Microsoft ATR
Date: 1/22/02 4:22pm
Subject: Microsoft Settlement

Your Honor, It is my understanding that the forthcoming settlement involving the anti-trust case against Microsoft in fact does not uphold what other federal courts have determined necessary to break-up this monopoly. It is my opinion that this deal should not be entered into and that an agreement that more closely reflects the rulings of the other courts be enforced. I am certainly no expert, but it would seem that this agreement simply benefits Microsoft and does not really promote free enterprise in their areas of technology and development.

Respectfully Submitted,

J. David Freer
142 North 17th Street
Philadelphia, PA 19103
(215) 563–1322

MTC–00014713

From: Dave Smith
To: Microsoft ATR
Date: 1/22/02 4:25pm
Subject: Microsoft Settlement

To whom it may concern, I fear that the courts decision to force microsoft to donate computers to educational institutions is a mistake. I believe it would give microsoft an unfair advantage to influence educational PC users and young PC users. The educational market has been a large market for Apple, another competitor of Microsoft. I believe this settlement will not punish Microsoft for their illegal doings but only reward them in the long run.

Sincerely,

Dave Smith

MTC–00014714

From: Jim Keller
To: Microsoft ATR
Date: 1/22/02 4:27pm
Subject: Tougher penalities needed for MS

Dear Sir:

There is nothing new in Microsoft's behavior—their predation dates back to before the first finding against them. They showed their stripes back when WordPerfect, the #1 word processor by far (and still arguably technically head and shoulders above MS Word even today) was trying to make the transition from DOS to Windows, and Microsoft was making noises about positive ''co-opetition'' with other vendors of word processors, spread sheets, etc. But WordPerfect was having tremendous problems, continually falling behind schedule because of conflicts with calls to the Windows OS that kept making the program crash. According to Info World insider article I read at the time, the internal slogan of the Windows programming team was ''The Code's Not Done ''Til WordPerfect won't run.'' In other words, so much for the ''Chinese Wall'' between MS Program and Operating System teams. Even if they weren't trying to help their own programmers (which I'm sure they were); and even if the programmers weren't exploiting undocumented API's in programming MS's own applications (they were, and it's said, still are), it was still a joke because the OS team could sabotage the Independent Software Vendors (like W.Perfect) through making the API a moving target, and taking their time in informing the ISV (or possibly misinforming them).

Further, with all their holdings and activities now, they can leverage this kind of behavior much further than back at that time.

If this slap on the wrist is all MS gets after all of their anti-competitive activities, this Justice Department will be immortalized for its total failure to protect the whole American economy from one of the least responsible corporations of all time. I suggest watching the original Roller Ball movie with James Caan for a view of that world. Forget all the government-intrusion heavy remedies, though. The main thing is to open up the API's (not the entire code base) to level the playing field and levy major fines. And forcing a Linux Office?? That just lets MS start to dominate Linux. That's a real help????

Jim Keller
PO Box 84
Orangeburg, NY 10962

PS: I never worked for MS or WP and am only a semi-professional in this industry, but many people care a great deal about this case.

MTC–00014715

From: Ernest A. Beier
To: Microsoft ATR
Date: 1/22/02 4:30pm
Subject: Microsoft Settlement
Dr. and Mrs. Ernest A. Beier, Jr.
23515 Portwood Lane
Zachary, La. 70791
January 22, 2002
Attorney General John Ashcroft
U.S. Justice Department
Washington, DC 20530

Dear Mr. Ashcroft, We would like to take a moment to express our opinions regarding the Microsoft antitrust case. The settlement reached by your Department was fair and reasonable, and is sufficient enough to end this case. We see no need for further action at the federal level, especially while Microsoft is involved in negotiations with the remaining states to reach a conclusion.

Microsoft has made concessions that have set a new antitrust precedent. The company

will more or less allow the success of Windows to be a launchpad for the competitions'' programs. Under the current agreement, Microsoft will allow computer makers to minipulate Windows to allow non-Miccrosoft programs to compete with Microsoft's programs. Most importantly, Microsoft has agreed not to retaliate against any company that engineers programs that compete directly with Microsoft. We fear that this case has had a rather negative impact on the IT industry as a whole and the economy. Putting this case behind us could have only positive ramifications on the market, and would ensure our country's place as the world technology leader.

Sincerely,
Ernest A. Beier, Jr.
Carlette G. Beier

MTC–00014716

From: Scott VandePol
To: Microsoft ATR
Date: 1/22/02 4:42pm
Subject: Microsoft Settlement

To whom it may concern

1. The proposed Microsoft settlement is not fair to the people of the United States. Microsoft will be allowed to print NEW monopoly money to settle its damages arising from the exploitation of the economy through monopoly power (i.e., give away software that costs the company almost nothing for each incremental unit but which is credited towards its damages at wildly overvalued levels due to its monopoly power). It costs microsoft $0.50 to make distribute a copy of Office software that it sells (only through monopoly power) for $500. That is monopoly money, and microsoft should not be allowed to settle its debts on this basis.

2. Microsoft proposes to settle its legal debt to the people by extending its monopoly into the only area it does not dominate—the education market. This is insane. This is rewarding a criminal enterprise. If microsoft were to give away software to the education market outside of a settlement agreement ,the government would rightly see this as an attempt to destroy a competitor—yet this is proposed as a settlement for monopolistic practices. Insane! I am just a citizen who uses computers at home and at work. I do not own any computer stock or work in the industry. Microsoft is clearly the Standard Oil of our time. in 1911 the DOJ had the courage to take on the largest and strongest economic private force in the nation for the sake of the people of the United States. How will history judge the current DOJ in its attempt to protect the people from Microsoft? I think the DOJ should feel the eyes of the future upon it and go for the correct answer that would restore true competition to all areas of the computer industry: break up microsoft. In the long run, only this will restore competition to the marketplace.

Scott Vande Pol
Phone: 216–368–1679
Associate Professor of Pathology
Department of Pathology, BRB 922
Case Western Reserve University
10900 Euclid Ave.
Cleveland, OH. 44106–4943.

MTC–00014717

From: Steve Crandall
To: Microsoft ATR
Date: 1/22/02 4:44pm
Subject: Re: U.S. v. Microsoft: Settlement Information

The proposed settlement seems inadequate considering the magnitude of Microsoft's monopolistic activities. In my mind there are some central issues that relate to the security of the country. The wide-spread adoption of the Windows operating system has encouraged a computational monoculture. Monocultures in complex systems are always more susceptible to attack and recovery is slower. In light of the September 11 event I would like to see a major adoption of a non-trivial number of operating systems and application suites by the government. For example—for a five year period all government purchases (especially in the military and other sensitive areas) would have to include a minimum of three operating systems with none of them accounting for more than 49% of the total. This would constitute enough business for growing players that they could devote the appropriate resources to building world class product. Apple's OS X is clearly good enough now as is Linux and some of the BSD flavors.

Steve Crandall PhD
AT&T Labs-Research

MTC–00014718

From: Rich and Mary Gardner
To: Microsoft ATR
Date: 1/22/02 4:54pm
Subject: USAGGardner—Richard—1069—0116

Richard Gardner
11 Carpenter Lane
Newburg, PA 17240–9219
January 17, 2002
Attorney General John Ashcroft
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am very happy to hear the Department of Justice has reached a settlement. I firmly believe that this settlement is in the best interests of the state, the IT industry, and the economy. Microsoft opponents would like us to believe that Microsoft has gotten off easy in this settlement, but this is not the case. Microsoft has been made to endure three long years of litigation in order to arrive at the terms of this settlement. The terms of the settlement, in my opinion, are fair and reasonable, and, if adhered to, will do much benefit consumers and avoid future anti-competive behavior. Microsoft has already proven its willingness to comply with the terms of the settlement. They have agreed to establish a uniform pricelist, grant intellectual property licensure to third parties, the establishment of a three person Technical Committee consisting of software engineering experts to help with dispute resolution. With the current recession and its devastating effects on the state and federal budget, is very important that the technology industry be allowed to concentrate on business now rather than being distracted by a suit of this magnitude. The public appreciates your efforts to resolve this as soon as possible.

Sincerely,
Richard Gardner

MTC–00014719

FROM: Dale C. Cook
TO: MS ATR
DATE: 1/22/02 5:02pm
SUBJECT: Microsoft Settlement
8 Fruit Street
Woodville, MA 01784
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft: I am writing to urge that the Department of Justice settle the long prosecution of the Microsoft Corporation. As a consumer, I am more than satisfied that I have not been harmed and in fact have greatly benefited from the products and practices of this company. No one disputes that they dominate the software market for PCs in many areas but, at least in my opinion, no one has shown that they have used their position to unfairly price products or prevent others from competing.

Microsoft has agreed to the terms of the settlement and has demonstrated their willingness to change business practices and give more access to competing companies. It seems to me that they have agreed to more than was fair and what was specified in the original suit. Prolonging this settlement will only hurt the consumer, prevent a good company from developing new and innovative products for the consumer and end up costing the tax payer millions. This suit has gone on already much too long. There are other priorities (like a recession, unemployment and the war against terrorists. Please use your good offices to pressure my state and the others who are holding things up to desist and let us all get back to business. Thank you for your time.

Sincerely,
Dale Cook

MTC–00014720

From: edwinmil
To: Microsoft ATR
Date: 1/22/02 5:01 pm
Subject: Microsoft Settlement
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Ashcroft: I strongly feel that it will be in the public's best interest to stop federal action in the Microsoft case. This is why I am writing to urge your approval of the settlement that was reached in the case, and resist calls for those who want to keep the company tied up with litigation. I feel that the agreement is fair and reasonable, and has already proven extensive enough for nine states to approve. The agreement will require Microsoft to change the way it licenses, develops, and markets its software. It has greed to stop retaliating against software and hardware developers that promote products that compete with Microsoft programs. Most importantly, these engineers and computer makers will be allowed to configure Windows so as to promote non-Microsoft programs that compete with the programs already included within Windows. Although these changes

seem to go against the principles of free enterprise and competition, Microsoft is willing to concede this in an effort to move the industry forward. Settling this case sooner, is truly better than later. The longer that the IT focuses on litigation, rather than innovation, the greater the risk that we may jeopardize our country's position as the world technology leader. I see no need for further federal action, and hope your office will see fit to allow the industry and the economy to move on.

Sincerely,
Edwin Miller
124 Burdick Avenue
Syracuse, NY 13208

MTC–00014722

From: DeGrands, Joel
To: Microsoft ATR
Date: 1/22/02 5:03pm
Subject: Microsoft Settlement

I feel that Microsoft has over the years hindered the development and acceptance of technologies because as a company they have refused to work with other industry leaders toestablish standards. Microsoft is an incredible marketing company, but in the process of promoting their products, they have destroyed smaller companies that have often tried to bring amazing technologies to the marketplace.

Joel DeGrands
Director, Webcasting Technologies
703–810–8100 x 239
Medical Consumer Media, Reston, VA
A HealthAnswers, Inc. Company.

MTC–00014723

From: Robaron250@aol.com@inetgw
To: Microsoft ATR
Date: 1/22/02 5:09pm
Subject: Microsoft Settlement

As a senior citizen and a member of the voting public I deplore the intrusion of state governments into a rational Justice Department settlement of the Microsoft litigation.

Surely they've been aggressive—-isn't that the nature of compettiveness in the business world? I feel that the states are not so much seeking redress for their constituents but rather are hopeful of a financial windfall. Enough, if you please!!!

R.J.Corbliss
Barnegat, NJ

MTC–00014725

From: Jessica Gui
To: Microsoft ATR
Date: 1/22/02 5:21pm
Subject: Microsoft Settlement

I'm disagree for the statement that ''Microsoft repeatedly and aggressively violated U.S. antitrust laws and was liable for its illegal conduct.'.

I believe it's common business competition, and it's should benefit for consumers and technical progress.

Sincerely,
J.G.

MTC–00014726

From: Robert Lozonne
To: Microsoft ATR
Date: 1/22/02 5:24pm
Subject: Microsoft Settlement

Hello I want to ask that DOJ leave Microsoft alone! Mr. Gates et.al. have done more for the nation (the world?) than many many people that have come before.I use Microsoft products as well as many others, and they have done nothing but improve,lastly didnt this start because Netscape was losing browser share? Wasnt netscape aquired by AOL who merged with Time/Warner thereby creating one of the largest media and content delivery monopolies in (arguably)history? Please save Microsoft,

Robert Lozonne

MTC–00014727

From: vsun
To: Microsoft ATR
Date: 1/22/02 5:25pm
Subject: Microsoft Settlement

Dear Judge, I am writing because I heard about the Proposed Final Judgment (PFJ), and I do not believe it should go through. Microsoft has infringed on antitrust laws, and allowing and even encouraging this kind of monopoly to occur is not good for the consumers—the American people. Imposing one standard on companies and on home users would not have positive results. Microsoft has already done enough damage to competition—please don't let it do anymore.

Sincerely,
Valerie Sun

MTC–00014728

From: TomBat2@aol.com@inetgw
To: Microsoft ATR
Date: 1/22/02 5:25pm
Subject: MICROSOFT SETTLEMENT

Dear Sirs:

I feel strongly that Microsoft's innovation in computer operating systems has seen the driving force behind the rapid expansion of computers into almost every business and home. Some business practices, while structured to further the growth of their company, have not hurt the consumer. To the contrary, their continuous innovations have consistently expanded the usefulness of computers at continuously lower cost. The antitrust suit may have had some merit relatively to their competitors but little or no value to consumers. The antitrust proceedings seem to have the tone of a vendetta rather than rational legal proceedings. The time has come to end it.

Sincerely,
Thomas and Beverly Thornton

MTC–00014729

From: Margaret Sorrells
To: Microsoft Settlement
Date: 1/22/02 12:42pm
Subject: Microsoft Settlement

Margaret Sorrells
2394 Bold Springs Road
Monroe, GA 30656
January 22, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief. Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Margaret Sorrells

MTC–00014730

From: Jared Nuzzolillo
To: Microsoft ATR
Date: 1/22/02 5:39pm
Subject: Microsoft Settlement

I am writing to you with the hope that one honest voice may be heard above the shouting and screaming of special interest groups across the nation. I'd like to start by stating that I have no financial interest in Microsoft whatsoever, nor do I belong to any organization that has said interests. I am coming to you, specifically, as a freedom-loving American consumer. Microsoft has, time and again, created the cheapest and most efficacious software available in its industry. I use Windows daily, and have found it both easier and faster than alternative products I have used (and there are many). Microsoft's software is, in a single word, superior. Microsoft is currently being penalized by a lawsuit raised, not by the consumers, but by those who failed to compete with them fairly, and seek special help from ''Uncle Sam'' to force their own software into the market. I don't want their slow and unreliable software, and as an intelligent, (mostly) free human being, resent the fact that you are attempting to remove yet another choice from me. Success and innovation should be rewarded in our nation, not penalized. Bill Gates is an icon of the American dream, and to steal/destroy/control his property is an affront to civilized society as a whole. It is your job to protect his, and the other Microsoft shareholders, rights, not to ingringe upon them. Please, take this opportunity to show the citizenry that the government of our proud nation will protect the rights of its people, and not give in to lobbyists and talking-heads. Please, preserve our freedom.

Sincerely,
Jared Nuzzolillo

MTC–00014731

From: John Boone
To: ''Microsoft.atr(a)usdoj.gov''

Date: 1/22/02 5:56pm
Subject: microsoft settlement

please break up this evil company. a slap on the wrist is entirely too lenient. every successful product that ms has ever sold owed its success to the o/s monopoly. that some innovation occurred in the past few years is not enough. the technology world has been held back decades by microsoft's re-gurgitated dos-derivative software products. voice and hand-writing recognition and other advances have been held back because they did not suit microsoft's agenda. wordperfect, netscape communicator, et. al. were all superior products to their ms counterparts, yet all have disappared because ms was able to leverage its o/s monopoly to their destruction.

MTC–00014732

From: ninyrbod@msn.com@inetgw
To: Microsoft ATR
Date: 1/22/02 5:48pm
Subject: Microsoft Settlement

It is obvious to the informed observer, that the Antitrust case against Microsoft is not a case of righting wrongs, but a legally sanctioned method for Microsoft's competitors to achieve, via the courts, what they cannot competently achieve in the open marketplace. Within the group, containing hundreds of persons that I have discussed this issue with, I have yet to find anyone who believes it to be anything else.

Therefore, it is my assessment that this antitrust case has and will continue to set the stage for a publicly accepted establishment of a marketplace of litigation that will supplant the marketplace of competition in the United States and very soon the world at large, and all at the ultimate expense of the consumer.

Even to the uninformed, it is obvious that it is not diffucult to determine if someone or some corporation is and/or has used ''strong-arm'' tactics, instead of open competition, to gain and/or maintain their position in the marketplace. And it is also quite simple to understand that strong-arm, mafia tactics or anything using the same methodology should be punished according to a strict code of justice. On the other hand, open competition via superior quality, lower prices, free products or services, agressive marketing, etc. should be highly encouraged to keep the marketplace healthy and long-lived. Never should such competition be punished as it is being punished in the antitrust case against Microsoft.

If such punishment is allowed to be upheld in the mode desired by Microsoft's competitiors, then we will surely soon see the end of the the business world as we know it. It will become the competition of the strongest litigator and all else that once drove the marketplace will be lost to history.

Allen Dobrynin

MTC–00014733

From: CS
To: Microsoft ATR
Date: 1/22/02 5:55pm
Subject: Microsoft Settlement

Your Honor, I am writing to voice my disapproval to the settlement of the Microsoft Anti-Trust Case. This settlement is insufficient to prevent Microsoft from conducting similar anti-competitive practices that it had been doing for so many years. It does not address the fact that previous court sessions have concluded Microsofts guilt to anti-competitive practices.

I therefore urge you to reconsider the remedies set forth on the settlement and to solicit changes to it so as to prevent Microsoft from conducting business as usual in the future. Most importantly to ensure that the remedies foster and cultivate an atmosphere for future creativity and innovation in the software industry.

Sincerely,
Crispian
A Voice of the Wilderness
The Small Guy
The Sole Vote of Millions
The Insignificant
The Consumer You are Entrusted to Protect

MTC–00014734

From: R Warfield
To: Microsoft ATR
Date: 1/22/02 6:00pm
Subject: Microsoft Settlement

I am writing to express both my disagreement with the judgment against Microsoft in the antitrust suit, and my view that any penalty forced upon Microsoft as a result of this judgment will be unjust and destructive. Everyday people all over the world have chosen to use Microsoft products, not because Microsoft forced them to use the products, not because there are no competing products, not because everyone loves the Microsoft logo, but because the products are superior to their competitors'' products. As a consumer, and as a computer industry professional, I am outraged that the U.S. Government, specifically the Department of Justice, is attempting to control what products are available to me in my profession, based on their views of fair competition rather than my views, and the views of an overwhelming majority of consumers who choose Microsoft products rather than inferior products of their competitors.

This case was not brought about by consumers. This case was brought about by Microsoft's competitors who, rather than focusing their resources on creating better products, and improving their existing products, have chosen to portray their failures as the result of Microsoft's successes. This is complete nonsense. Microsoft's success has led to greater markets for even these competitors; markets the competitors were unable to create on their own, and a flourishing high tech industry.

To punish Microsoft is to punish success, and to reward failure. This is a political position that has led to corruption and destruction throughout history in every region and among every people where it has been implemented. Again, Microsoft has never used force in any way to influence the marketing or sale of products. But the U.S. Government is now in the dangerous position of doing exactly that. Whose interests are to be protected by punishing Microsoft? Obviously not the interests of the consumers, who freely choose which products they purchase. No, it will be the interests of competitors who have failed to produce superior products. The foremost function of the U.S. Government is to protect individual freedom and property. This function should not be abandoned. Microsoft's success is the result of individual choices by individual consumers. This success should be congratulated, not punished.

Richard Warfield
50 Grace St
Jersey City, NJ 07307

MTC–00014735

From: Girish Vasvani
To: Microsoft ATR
Date: 1/22/02 5:58pm
Subject: Microsoft Settlement

Hello, My name is Girish Vasvani, am a software industry employee in California.

My resident address is ,
34144, Kasper Terrace,
Fremont, CA–94555
Ph: 510–742–1549

Over the past three years every federal court that has reviewed the Microsoft antitrust case has found that Microsoft repeatedly and aggressively violated U.S. antitrust laws and was liable for its illegal conduct. The way Microsoft ''Crushed'' Netscape using it's Monopoly power is, pretty evident, and if Microsoft is not punished adequately for this, people in America will not trust Anti-trust Laws any more. I don't agree to Proposed Final Judgement in Microsoft Settlement case for following reasons.

1. The PFJ does not End Microsoft's Monopoly and Even Allows Microsoft to expand its Monopoly into Other Technology Markets. The deal fails to terminate the Microsoft monopoly, and instead guarantees Microsoft's monopoly will survive and be allowed to expand into new markets. Microsoft has always found it advantageous to leverage its operating system monopoly position in order to maximize its own profits, which many of us have experienced firsthand. In other words, to maximize profits (the goal of every public company), monopolists are almost forced to maximize the market power that their monopoly gives them. And this is why all monopolies must be carefully watched to make sure they don't abuse their monopoly position. Indeed, many monopolies are either broken up or carefully regulated in order to protect the public interest. Why is Microsoft allowed a waiver to this general rule? Does the Justice Department think that Microsoft is going to suddenly change its operating methodology? The proposed deal with the justice department does not address the fact that Microsoft has abused its monopoly and is likely to do so again, and again, and again in the future to the detriment of others.

2. The PFJ Does Not Adequately Address Anticompetitive Behavior Identified by the Appeals Court. Retaliation. The proposed settlement does not address Microsoft's proven ability to retaliate against would-be competitors and to, in effect, appropriate the intellectual property of its competitors ? and even its partners ? in fact all who do business with Microsoft. The Appeals court found such past conduct by Microsoft highly egregious yet the Agreement does not address these issues. Again, many of us have been on

the receiving end of these types of Microsoft bullying tactics.

regards,

Girish

MTC–00014736

From: Delfin J Beltran MD
To: Microsoft ATR
Date: 1/22/02 6:01pm
Subject: Microsoft Settlement

The Microsoft Settlement should be completed. Programs developed using Microsoft's proprietary programming code obtained under this settlement should be enjoined from stating that the new, non-Microsoft product is in any way compatible with or certified by Microsoft unless it has been submitted to Microsoft for evaluation, testing and determined to be in-fact compatible with MS software or code and or certified by Microsoft. I have been involved in computation development and consulting since 1970 and feel that this trial was as injudicial as the ATT suit.

Sincerely;

Delfin J Beltran, MD

MTC–00014737

From: brownsm
To: Microsoft ATR
Date: 1/22/02 6:10pm
Subject: Microsoft Settlement

To whom it may concern,

My name is Susan Brown, I am a professional who has been in the Information Technology field since the 1970's. As a consumer interested in using the best and most reliable products available, you must know that I would select Microsoft products any time of the day and for the rest of my life! Those who are leading the attack against Microsoft must stop this crusade against a company that has managed to develop the best products possible for appreciative consumers. The fact that other envious companies have not been able to produce valuable products gives no one the right to attack and to destroy a company who has! Leave Microsoft alone and be glad that Bill Gates and his team have brought the whole world into the enlightened, productive, and efficient time that we, the consumers, enjoy today!

My name is Susan Brown; I am in support of Microsoft and you can contact me directly at (562) 923–7873

MTC–00014738

From: Frank
To: Microsoft ATR
Date: 1/22/02 6:14pm
Subject: Microsoft Settlement

Dear Sir/Madam:bbb

Microsoft is guilty on not just one count but on several counts. First, Microsoft has provided a quality software platform from which hundreds of thousands of American software companies could launch their products. Secondly, as a corrolary directly and indirectly Microsoft has created economic value for the United States of America. providing jobs to millions of Americans. Thirdly, Microsoft has demonstrably, thankfully, and undeniably, led the way in providing stability and growth to the overall economy of The United States of America. Fourth, in a free economy, there are in fact no monopolies since no one is previnted from entering the market with their products. Accordingly, the only monopolies in the United States are the government created monopolies such as the utility companies, and the Post Office. Neither of which should exist as such in a free economy. Fifth, the argument that we need a level playing field is an oxymoron since there is no sports analogy here whatsover. The quality products are not a matter of competition but of productivity. Competition comes into play as a secondary issue and requires no other adjudicator other than the market place. Miocrosoft's detractors would lead you to believe that it has market share because it shoves products down the throats of its customers. This argument belies the fact that customers can purchase whatever they wish to purchase. And, the argument that a consumer would like to see the so called underdog get a fair shake and therefore Microsoft should be made to turn over part of its product to a competitor is the sheer use of government force at the behest of those weak sisters who can not compete in the open market. It is clear that microsoft's detractors are its major competors rather than their customers. Customers do not materialize out of nowhere—they come forth when their is value to be had from the market place. Finally, the argument that Microsoft has a monopoly is belied by simply looking at the market place historically. If large companies could dominate the market place in a free market simply by some sort of intangible force that its detractors allege then we must ask:, ''How did Sears beat Montgomery Ward? How did K Mart beat Sears? How did WalMart beat KMart? And yes, how in the world did little Microsoft take the PC software market hands down away from IBM?.'' The answer is simple.

These companies all had excellent quality products. When other management and its innovators became more productive, American individuals percieved the new source of excellence and made their purchases accordingly. Accordingly, the market place in a free economy guarantees that the best products are always available to the market. Rather than peanalizing Microsoft it should be rewarded for its creation of opulence for America in the form of international economic excellence; better software tools for American industrial production; and the contribution to a higher standard standard of living enjoyed by all. Why is this heroic American company being slapped on the wrist at all. Microsoft should be rewarded for being what it is—one of the best examples of genius and creativity.

Regards,

Frank Schneider

Elkins, West Virginia

MTC–00014739

From: Roger Chamberlain
To: Microsoft ATR
Date: 1/22/02 6:17pm
Subject: Microsoft Settlement
10671 S Willowstone Circle
South Jordan, UT 84095
January 22, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am deeply concerned for the future of America. For the past three years, the Microsoft antitrust case has remained unresolved in the federal courts. America's economy, already declining, has been injured by the costs of the trial, both private and public. The technology industry has lagged during the proceedings because Microsoft fears the products of its innovation will be opened to what amounts to legal plagiarism. Now, when a solution seems imminent, Microsoft's competitors and the states in which they hold sway are actively seeking to undermine the proposed settlement and bring further litigation against the Microsoft Corporation. I find myself questioning the sanity of their motives.

Microsoft was indeed in violation of antitrust laws, and was, by law, required to account for its wrongs. I object, however, to the avarice that now motivates the remaining litigious parties in the suit. Microsoft's wrongs have been justly righted, and the settlement prohibits further antitrust violations. This no longer seems to be a question of fulfilling the requirements of the law, rather, it has become a rally to destroy Microsoft and give the underdogs a piece of the corporation on which to stand. The destruction of Microsoft will not suddenly enable its competitors to produce magnificent software that will blow foreign technologies away. Indeed, were Microsoft to be crippled by the results of this trial, it is quite probable that America would lose its competitive edge in the international market and, instead of driving our own technology industry, we would become driven by those who do not have our best interests at heart.

The settlement is entirely fair. It not only restricts future monopolistic behaviors on Microsoft's part, it also requires the corporation to make a variety of changes in its products and procedures that would enable its competitors to piggyback on Microsoft technology and therefore more easily compete. For example, Microsoft has agreed to reformat upcoming versions of Windows so that the operating system will support non-Microsoft software. Competitors will also be allowed broad rights to reconfigure Windows to their own specifications. Moreover, Microsoft has agreed to provide third parties acting under the terms of the settlement with a license to applicable intellectual property rights. I do not believe any more should be required at the hands of Microsoft. I pity smaller companies who are truly unable to compete. I am sorry Microsoft was successful and they were not. But I do not believe those who made good decisions should be punished for the mistakes of others.

Microsoft was a big part of the computer boom, and a lot of companies were carried with them. Since then, Microsoft has not ceased to put money back into the economy. Antitrust laws are supposed to be in place to protect the consumer. I believe it is time to reconsider the laws and how it will affect America in a global economy. Microsoft's competitors are using the law to further their own interests; if they are successful, the

consumer will suffer terribly. Foreign-based companies have a distinct advantage over American businesses because they do not play by the same rules. It is vital that the American interest is protected, and if that means sacrificing those who are unable to take a hit and keep moving, then so be it. If weak companies are protected at the expense of the strong, the entire industry is weakened. If America continues to punish the frontrunners, we will only succeed in putting ourselves at the mercy of foreign companies. I urge you to support this settlement, and not to allow industrial narcissists to put the entire economy at risk. The future of America is at stake.

Sincerely,
Roger Chamberlain

MTC–00014740

From: Blake Ross
To: Microsoft ATR
Date: 1/22/02 6:21pm
Subject: Microsoft Settlement

My name is Blake Ross. I'm a concerned citizen. I don't believe the proposed final judgment does anything to remedy the monopolistic behavior that Microsoft has engaged in for years. For example, what tangible steps does the judgment making toward preventing Microsoft from using its dominance in the operating system market to leverage its other products? I recently installed Windows XP and was appalled at the prevalence of bundled Microsoft products. Microsoft Windows Media Player, MSN Internet Explorer, Windows Messenger, etc.—they're all over the place, and the user can't uninstall them! In fact, just trying to delete the programs from your file system makes them magically reappear. Why is Windows Messenger so ''tightly integrated'' that I can't even uninstall it? It used to be called MSN Messenger, and it used to be separated—then Microsoft just renamed it Windows Messenger, and it immediately became a ''necessary component'' of Windows. How can companies compete against this monolith? Do something that makes a difference.

Blake Ross

MTC–00014741

From: D R
To: Microsoft ATR
Date: 1/22/02 6:22pm
Subject: Microsoft Settlement

I am writing in response to a call for public comment on the proposed Microsoft settlement.

I use Microsoft products, and I benefit greatly from them. This includes the various versions of their browser over the years. The notion that I'm a helpless victim who can't choose software that's useful to me, is deeply insulting. I don't think the government has any right to decide what can be in my computer, and for the same reason I don't think the government has any right to determine what computer I may or may not buy, or what computer features. I want you to know that I resent the idea that a successful business and its products are a threat to anyone. Remember that the complaint against Microsoft originated not with individual consumers, or with Microsoft's partners, but with Microsoft's unsuccessful competitors.

Failed businesses must not be allowed to set the rules for the markets in which they failed. For politicians to protect some businesses from others is a dangerous policy, leading to corruption and economic disaster as shown in many other countries.

I want a *free* America where anyone with enough intelligence and hard work can be a self-made man like Microsoft Chairman Bill Gates. I want to see an America where success is not throttled but embraced.

Lastly, I would remind the court of its fundamental job. Microsoft, like any other business or person, has a right to its property, and it is the job of the government (including this court) to protect this right, not to take it away.

Sincerely,
David Rowlett
14444 Beach Blvd #18–119
Jacksonville, FL 32250

MTC–00014742

From: Patricia K. Walker
To: Microsoft ATR
Date: 1/22/02 6:24pm
Subject: Microsoft —- Yeah

Microsoft has written off approximately $750 million in Attorney fees and costs on this litigation at the expense of it's stockholders:

1. Under the proposal's terms, Microsoft would have given disadvantaged Public Schools more than $1 billion in funding software, services and training, and around 1 million Windows licenses for renovated PCs.

2. The provisions of the agreement are tough, reasonable, fair to all parties involved, and go beyond the findings of Court of Appeals ruling. Still, while consumers overwhelmingly agree that settlement is good for them and the American economy overwhelmingly want to move beyond this litigation, nine states have refused to join the settlement.

This has been a tremendous cost to the taxpayers because of all states where the Attorney Generals have spent millions of dollars on this case. We feel the settlement is fair and good for the consumers and the economy, in addition to being a tremendous help to the school system.

Sincerely,
Ray F, and Patricia K. Waker
3347- W. Sequim Bay Rd.
Sequim, Wa. 98382
TAXPAYERS

MTC–00014743

From: Donna Brown
To: Microsoft ATR
Date: 1/22/02 6:35pm
Subject: antitrust law abuse

Justice Dept: Please do the right thing and keep the law. Let Microsoft also keep doing what they have been doing....making reasonably priced new programs. I really like their work which is easy for a computer dummy like me to use. Let's keep Mircrosoft in business, please!!!

Sincerely,
Donna Brown

MTC–00014744

From: Peter Skan
To: Microsoft ATR
Date: 1/22/02 6:25pm
Subject: Microsoft Settlement

Dear Sir, I would like to submit the following comments on the proposed settlement of the United States v. Microsoft case.

I believe that the remedies described in the proposed final judgement are woefully inadequate, either as penalties for Microsoft's past abusal of its monopoly power, or to restrain Microsoft from similar behavior in the future.

To be more specific, the proposed settlement:

1. Does nothing to stop Microsoft illegally bundling middleware programs such as media players, browsers and instant messaging software, etc. with the operating system. As can clearly be seen in the recent release of Windows XP, Microsoft continues to extend its monopoly unabated.

2. Does not remedy the damage done to Netscape and other independent browser suppliers.

3. Does not remedy the damage done to the the Java programming language and it's users.

4. Does nothing to lower the ''application barrier to entry'' which was illegally protected by Microsoft.

5. Is ambiguous and contains many loopholes that are subject to Microsoft's interpretation.

6. Lacks a sufficiently strong enforcement mechanism.

7. Will do little to change Microsoft's behavior or restore competition.

In summary, the proposed final judgement is not in the interest of consumers. Much stronger remedies are required if consumer choice, competition and innovation are to be preserved and enhanced. In my view the original remedy, which specified the breakup of Microsoft, was much more in line with the magnitude of the injuries it has caused. N.B. I am a resident of the United Kingdom, but nonetheless feel that my views should be taken into account since Microsoft's conduct has affected both companies and individuals in all parts of the world.

Yours faithfully,
Peter Skan
23 Tarrant Drive
Harpenden
Herts
AL5 1RP
UK.

MTC–00014745

From: D R
To: Microsoft ATR
Date: 1/22/02 6:38pm
Subject: Microsoft Settlement

Dear Sir or Madam: I am appalled by the Department of Justice's ?case? against Microsoft. Even if Microsoft were a ?monopoly? (which it isn?t; the ?Bill Gates controls 90% of the market? claim is false and bizarre), the government should have no right to prevent private monopolies. The Antitrust laws are a mess of contradictory edicts intended by their collectivist originators to punish successful individuals and businesses simply for being successful. Antitrust should be ruled unconstitutional.

To label as ?criminal? business activities that involve superior ability and strategy but

do not involve physical coercion, to declare honest businesspeople to be ?dishonest,? to damn the actual working of the free market, to reject and seek to undo by force of law the legal choices of millions of consumers worldwide ? is a monstrous thing, an intrusion of a gangster into a marketplace, a perversion of justice. Whiners, cry-babies, and losers who oppose Microsoft are running to Washington to ?correct? the free market. Why? Because Microsoft refused to underwrite their aspirations. Because this Big Company didn?t behave like Big Daddy and let every two-bit Mom and Pop outfit ride to riches on its coattails. The opponents of Microsoft are declaring that they are owed not only a living, but also all the glory, success, wealth, and adulation that Bill Gates has. But, for what? The consumers (I am one of them) didn't agree; the suppliers didn't agree; the market, as such, didn't agree. What we?re seeing in the loser companies who complained about Microsoft originally (consumers love Microsoft, only their competitors do not), is no more than a desire for unearned wealth and prestige and an immoral feeling of envy and jealousy when they don?t get it. This leads them to demand government action ? against someone whose only ?crime? has been achieving success in that particular field. The court, at the very least, must uphold the free market and the right of property.

Yes, there will be winners and losers—but as long as no physical coercion, or threat thereof, is involved, the winners and losers deserve their lot. When businessmen are punished for their achievement, and the greater their success the harsher the penalty, society is devoured by envy, and the end of that road is the grim egalitarianism that has ravaged every socialist wasteland.

Patti Rowlett
14444 Beach Blvd, #18–119
Jacksonville, FL 32250

MTC–00014746

From: Ronald C Steorts
To: Microsoft ATR
Date: 1/22/02 6:39pm
Subject: Microsoft Settlement

Please give serious consideration to the attached letter.

MTC–00014747

From: Tomschaffter@aol.com@inetgw
To: Microsoft ATR
Date: 1/22/02 6:44pm
Subject: Microsoft Settlement

The proposed settlement is fair to all parties, is in the public interest and should be accepted by the court. Our free enterprise system is why we have the strongest economy in the world and the most admired society in the world. Let us not hamper this envied position with governmental and judicial intervention. To maintain and advance this strength into the future we need less governmental and judicial intervention-not more. Innovation in all areas of all industries is necessary to maintain and enhance productivity to remain the world's leading economy and power base. This case is an example of innovation being smothered before it has a chance to be judged by consumers. In our free society consumers are the ultimate judge of products offered for purchase. To date consumers have voted in favor of Microsoft products with their purchases. Acceptance of this settlement will allow continued product offerings to consumers for their vote.

Thank you,

MTC–00014748

From: Christy21J@aol.com@inetgw
To: Microsoft ATR
Date: 1/22/02 6:47pm
Subject: Microsoft Settlement

To whom it may concern, Since America was founded on freedom, I find it as my duty as an American citizen to bring up concerns I have with a recent ruling. The Proposed Final Judgement is perhaps the easiest, but not the best answer to this problem. Microsoft should not have the right to cripple modern technology. Our republic and business blood line is based on competition. I urge you to review violations committed by Microsoft.

Loyally,
Christine C. McGill, (352) 846–8578
CNL Investments Marketing Rep

MTC–00014749

From: John Castelein
To: Microsoft ATR
Date: 1/22/02 6:53pm
Subject: MS anti-trust case

Mz. Hesse, I have received a mailing from a Microsoft sympathetic organization that pointed out that there is a public comment period and where I might send my thoughts to best be heard. My supervisor at work encouraged me to pitch in so I thought I'd put in a word from a person intimately familiar with the dynamics of the computing industry. My view of this business'' effects (over the last 20 years I've been associated with its products, primarily in a support role) is that it has admirably worked to create affordable products for mass consumption. I've used the resulting products and supported them for years and though I often wished they'd be of higher dependability and quality, they are flexible enough, powerful enough, and inexpensive enough to be made available widely and positively impact businesses, home computing users, and advanced computing as an efficiency tool worldwide. I think its business practices have been rabidly capitalist (unnecessarily so), and damaging to firms involved with hardware, software, and even creativity in general. The techniques used by it have been seen before at least 100 years ago, and resulted in anti-trust legislation to protect everyone and promote fair and free commerce. Those rules and laws apply very much to the way MS has behaved and I don't feel they have been effectively excersized, at all, by the government regulators and law enforcement whose responsiblity this lies with. I think they should be strongly and immediately employed to once again send a message, to all, that free and diverse commercial activity is desireable for a healthy capitalist economy and desireable to promote and encourage innovation (so that those who create the good may be rewarded and thus continue to do so). The scope of the harm that has already been done to so many companies can only be guessed but is larger than any of us would probably guess. (the ''Its a Wonderful Life'' or ''Scrooge'' effect) Companies, squashed, products stiffled or acquired cheap, lives altered, revenues lost, taxes foregone, jobs eliminated before they were even created. That is the cost of the behavior of an organization on an unchecked monopolistic rampage, and that is the price the world has and will continue to pay as long as just and decisive action is withheld.

From:
JC, Systems Analyst, BS CS, MBA MIS
(319) 373–7744

MTC–00014750

From: Peter Burkholder
To: Microsoft ATR
Date: 1/22/02 6:58pm
Subject: Microsoft Settlement
Hash: SHA1
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse:

I would like to register my oppostion to the proposed remedy in its current form. My comments are based on twelve years experience as a software developer, systems adminstrator and security manager on a variety of hardware platforms and operating systems. Although the problems with the Proposed Final Judgement (PFJ) are many, I will only cite a few here.

1) The PFJ does not require Microsoft to release the format specification for Microsoft Office documents. These formats for spreadsheets (Excel), documents (Word) and presentations (Powerpoint) have become a de facto standard. Competitors in the marketplace need to interoperate with these formats and need access to the format specifications well before changes are released on the market.

2) The PFJ does not prohibit anti-competitive license terms with ''enterprise'' users such as universities, corporations or state and local governments. The license agreements are often written on a ''per-processor'' basis, and remove incentive to use non-Microsoft operating systems on the covered hardware platforms. Such per-processor licenses were prohibited by the 1994 consent decree for OEMS, and should be extended to all end-users.

3) The PFJ defines API narrowly, excluding many important interfaces to the operating system. It should be extended beyone middleware to include all Windows APIs and all network interface protocols, including Microsofts extensions to the Kerberos authentication protocol.

Further discussion of the PFJ's shortcomings are detailed in a comment from my colleague Dan Kegel. I urge the that this remedy be thoroughly revised to adequately curtail Microsoft's historic and continuing anti-competitive practices.

Yours sincerely,
Peter Burkholder
2229 S Gilpin St —o
Denver, CO 80210–4616
(303) 282–7738

MTC–00014751

From: Jean Devereaux
To: Microsoft ATR
Date: 1/22/02 7:05pm
Subject: Microsoft Settlement

Let's put an end to the bickering and settle the case. We don't need more litigation.

L. Jean Devereaux
Soquel, CA

MTC–00014752

From: Peter (038) Linda Smith
To: Microsoft ATR
Date: 1/22/02 7:09pm
Subject: Microsoft Settlement

Gentlemen: The provisions of the agreement are tough, reasonable, fair to all parties involved, and go beyond the findings of Court of Appeals ruling. It is my opinion that the best interest of the public would be served if the case was settled.

Thanks . . . Pete
Peter F. Smith
Vendor Account Manager
Digital Commerce Corporation
860–767–7722 [OFFICE]
860–767–7788 [FAX]
860–227–4433 [MOBILE]

MTC–00014753

From: Scott Leader
To: MS ATR
Date: 1/22/02 7:15pm
Subject: Microsoft Settlement

Dear Judge, The key word here is options. I don't think Microsoft has been fair in allowing other options to make themselves known. Not only would more options be present if Microsoft were heald more strictly to the anti-trust laws, but also the options would be cheaper which in turn would promote spending on more computers from the consumer market. This in turn would stimulate the computer market. I am not saying that Microsoft is a bad company or that their products are bad, I would jsut like to see consumers treated better. Give us otions!!

Thanks For Your Time,
Mr. Leader

MTC–00014755

From: Jordan Zimmerman
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/22/02 7:18pm
Subject: Microsoft Settlement

To whom it may concern: I'm writing because I understand you're soliciting comments on the proposed Microsoft settlement. I want you to know that I am strongly opposed to the Anti Trust attack on Microsoft. I believe that Microsoft has done nothing wrong and is being mugged by its competitors. Bill Gates and Microsoft are entitled to the fruits of their labor and property.

I use Microsoft products every day to make my living. I am not forced to do this. In the past, I've worked on products for Apple's Macintosh. In the past five years, I decided to switch to developing for Microsoft products. The idea that I was compelled to do this against my will is insulting.

Please end this cloud that is hanging over Microsoft and harmed countless people.

Jordan Zimmerman
Altura International
Catalog City

MTC–00014756

From: JeanDavid
To: Microsoft ATR
Date: 1/22/02 7:38pm
Subject: Microsoft Settlement

Please read attached letter on behalf of the Microsoft settlement.

MTC–00014756 0001
37 Crown Point Lane
Williamsville, NY 14221–1865
F MERGEFIELD LCSZ Stuart, FL 34994<>
January 22,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft: It is three years later, and we still are talking about the Microsoft antitrust case. It certainly is a landmark case, and I would like to say that the current settlement agreement is in the public interest. Microsoft has endured prolonged legal proceedings and negotiations to reach the current agreement. Thankfully, it is one that is beneficial to all parties involved. The government was able to ensure that consumers and the computer industry are protected from unfair business practices. Microsoft has now agreed to amend its practices, open up its information, fully allow non-Microsoft applications in Windows, and comply with an oversight committee monitoring its conduct.

This is a remarkable achievement and should remain in its present form. IF MERGEFIELD PARA2 But clever people like me who talk loudly in restaurants, see this as a deliberate ambiguity. A plea for justice in a mechanized society.<>

Microsoft, with its improved practices, is good for our troubled economy. While the technology sector experiences decline, the company continues to create innovative and high-quality solutions. Microsoft supports my work as a computer user, and so I write to you today to support Microsoft. Thank you for your time.

Sincerely,
Jean Macdonald
00014756—0002

MTC–00014757

From: Jim Robichaud
To: Microsoft ATR
Date: 1/22/02 7:27pm
Subject: microsoft settlement

I am often embarrassed admitting I'm a resident of ''The Peoples Republic of Massachussets'' Tom Reilly and other AG's extortion of Microsoft is just another reason to be embarrassed. Microsoft is not an angelic company, but there are valid reason why they achieved thier dominant position. Microsoft provides an excellent product and offers standardization. I remember the days of not being able to transfer data from one application to the other. If microsoft wasn't allowed to expand the utility of thier operating systems as judge Jackson and others have advocated we might still have to be installing print drivers for every application we install instead of letting the OS handle it. What people in the Real World—people that have to be productive—want is what Microsoft has generally offered.

Everyone speaking the same ''language'' has greater benefits than multiple languages that have only minor improvements over one another. The software and OS industry has a built in propensity to standardization and that standardization benefits most users. When a significant advancement comes along people will slowly evolve to that advancement. Technology is always ahead of the masses.

I'm in the HVAC industry and as an example digital thermostats are in every way superior to bi-metal ''round one'' thermostats. Digital and programmable t-stats have been around for thirty plus years, but they are only now becoming common place. Part of the reason for the slow transition is that everyone instinctively knows how to operate a ''round one'' thermostat and because of this Honeywell dominated the market. (Maybe they should have been sued). Ease of use and standardization was more important to people than accuracy, comfort and features. In reality digital thermostats are very easy to use. The problem lies in the lack of standardization. Just because you know how to use your digital thermostat at home doesn't mean you'll have an easy time with the one at work or your neighbors house. Why so many—because each variation has some minor improvement, feature or function that the other doesn't. I'm NOT saying that the Government should get involved to promote standardization here. That's my whole point. In the software industry the people have directed the market toward standardization and someday maybe because of accuracy, comfort and features Microsoft's ''Windows'' may become just like Honeywell's ''round one''. James Robichaud, West Barnstable, MA

MTC–00014759

From: CHAVES,AMY (HP-PaloAlto,ex1)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/22/02 7:42pm
Subject: Microsoft Settlement

Honorable Judge, I am a concerned employee in the high tech industry. Every court has found that Microsoft has used its operating system monopoly to dominate other software markets as well, thus violating anti-trust laws. The many billions of dollars Microsoft earned illegally from its anti-trust violations are being given to the company without penalty. The proposed final judgment also does nothing to prevent Microsoft from continuing in this behavior and would amount to a government mandate of the monopoly. With such serious flaws in the proposed U.S. vs. Microsoft settlement, I urge you to reject it.

Respectfully,
Amy Chaves
170 Tillman Ave.
San Jose, CA 95126
(408) 920–0365

MTC–00014760

From: Feiyun Zhang
To: Microsoft ATR
Date: 1/22/02 7:44pm
Subject: Microsoft Settlement

I heard that a Proposed Final Judgment (PFJ) in the U.S. vs. Microsoft case is being

considered currently. As a software developer and a concerned citizen, I have serious concerns about the proposed settlement. Microsoft has been egregiously abusing its monopoly power to crush competition and stymie innovation. Last year Microsoft decided not to distribute Java technologies with Windows XP. This is yet another example that Microsoft is using it's illegally obtained monopoly power to kill innovation and competition. Because its monopoly position, consumers are forced to use Microsoft technology and software developers are forced to build on Microsoft technology. Other innovative technologies like Java are being forced out of the picture, not because of lacking of technical merits but because of being a competitive technology to Microsoft. This is a very serious issue. However the issue is not addressed at all in the proposed settlement. In fact the settlement does not address the three key elements that my co-workers and I are considered mandatory:

1. Terminate Microsoft's illegal monopoly,
2. Deny to Microsoft the fruits of its past violations, and
3. Prevent any future anticompetitive activity.

I strongly urge you to reconsider the settlement with Microsoft and address the above three elements.

Regards
Feiyun Zhang
600 Oracle PKWY
m/s 6op6
Redwood Shores
CA 94065
Tel 650–5–6–3349

MTC–00014762

From: Ronald Kumon
To: Microsoft ATR
Date: 1/22/02 7:47pm
Subject: Microsoft Settlement
January 20, 2002
Renata Hesse, Trial Attorney
Suite 1200
Antitrust Division
Department of Justice
601 D Street NW
Washington, DC 20530

Dear Ms. Hesse, In accordance with the invitation posted in the Federal Register (Vol. 66, No. 229, p. 59452), I wish to have my comments regarding the proposed final judgment in the United States vs. Microsoft Corporation published in the Federal Register. Microsoft has been found guilty of illegally maintaining a monopoly, in violation of Section 2 of the Sherman Act. As such, the proposed settlement is not sufficient because it does little to address the underlying problem, namely that Microsoft continues to illegally maintain and extend its monopoly.

Any final remedy which intends to truly provide a just and lasting settlement must include the following requirements:

1. All current and future Microsoft products must be required to be extra-cost options on new computers, so that consumers have a realistic option to purchase machines without Microsoft software if they so choose.

2. All current and future Microsoft file formats must be opened to the public, so that consumers and competitors have the ability to use files generated by Microsoft products with other software without the producers of that software being at an immediate disadvantage. For similar reasons, all current and future application program interfaces for Microsoft operating system must also be made public.

3. All current and future networking protocol must be made public and approved by a independent network protocol body.

4. The source code for all Microsoft products must be made public, primarily because there is ultimately no other way for individuals to ensure that their large, complex products are secure. This issue is especially important given their current dominance in both the operating system and application markets.

I believe these kinds of restrictions would let consumers decide on software based the quality, price, timeliness, and support, rather than having to choose based on backward compatibility and unreleased, proprietary information. Microsoft has repeatedly shown resistance to moderate its behavior in the marketplace. Therefore I urge the court to take a firm stand to relieve the current situation and set a precedent so this kind of monopoly does not occur again.

Sincerely yours,
Ronald E. Kumon, Ph. D.

MTC–00014763

From: HERBHOLM@aol.com@inetgw
To: Microsoft ATR
Date: 1/22/02 7:52pm
Subject: Microsft Settlement

Innovation comes from a free market place not one that's run by government. If you force crippling sanctions on Microsoft you will go back to the stone age. Ninety percent of the computers use Microsoft product for a reason. They are affordable on any persons budget consumer friendly, great flexibility. It allows even a seventy year old blue collar worker like myself without great effort to operate it. This settlement on the table is a plus for the consumer. Don't let the states or rivals greed for money stop this.

Herbert L Holm
2821 Fairfield Street
Eureka,California 95501 3524

MTC–00014764

From: Free, Richard
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/22/02 7:55pm
Subject: Microsoft Settlement

Good Day, I must express my concern regarding the current PFJ in the case against Microsoft. I have been in the computer industry for close to a decade and in numerous cases have had occasion to detest some of the practices that I see Microsoft engage in. Many of those practices have had direct detrimental impact upon my trying to establish my own business. They have in the past, on more than one occasion, either been convicted of, or settled out of court for, practices that are anti-competitive. This most recent ruling is only one example of many. In each case the remedies sought have only been effective at curtailing practices based on old technology that no longer has any bearing. The current case is no different. The court MUST find a way to stop their illegal practices in the future. The portions of the current PFJ that I am familiar do not do that. One portion I find particularly distasteful and downright shameful is the requirement that they should donate a certain number of PC's running Windows software to schools that don't have them. That is not unlike requiring the drug pusher to supply drugs and paraphernalia to people that are not users. It gives opportunity to have many more people locked into a platform that has already been determined to be anti-competitive.

A far better solution would be to increase the number of computers being donated by at least a 100 fold with the caveat that those PC's may not be allowed to run any software written, developed or sold by Microsoft. Those computers should run some version of Linux and they should be supported entirely by monies supplied by Microsoft for the entire time that each of the computers are in service. In other words as long as any computer donated as part of a settlement action is still being used in any capacity, Microsoft should pay whatever funds are necessary to support those computers. This should include paying for upgrades to memory and hard drives and replacement of ANY failed components during the entire time the computers are in service.

Microsoft has used illegal practice to beat competitors into the dust. They have been convicted of being a monopolist. Whatever settlement there is should be punitive in nature and should have the effect of stimulating their competition, weak as it may be, and not their user base in any way shape or form. The other effect it should have is to discourage such practices by other companies.

Another suggestion I would make is that they be broken up into several different companies. A personal operating systems company, an applications company, a server company and a services company. These companies should be absolutely separate in all aspects. They should publish those parts of their API's that are required to interoperate with their software royalty free. In this way others will be able to compete on a level playing field that does not currently exist. One last point I should make. One of the definitions (definition U. to be specific) in the PFJ states in part:

... The software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion. Microsoft should not be allowed to determine in its sole discretion anything of the sort. This is tantamount to a crook being allowed to define what theft is and would be a huge hole that Microsoft would then use to redefine what an operating system is. This would in effect sabotage yet another Federal judgment against them as they have done in the past. Instead, outside agencies and experts intimately familiar with software development should be the ones determining that. An excellent example can be found at: http://www.kegel.com/remedy/remedy2.html#fix.defs In the past Microsoft has been convicted of similar practices and the judgments have done nothing to cause them to change their behavior. In fact they

are more arrogant and brazen now than they were in the past. I cannot help but believe that is due in part to past failed and insufficient judgments being crafted. I adjure you to craft a settlement that will actually have teeth to it. Both punitive and preventative in nature. I appreciate the time taken in reviewing this. While I am sure it is not as learned as many other objections are, it is none-the-less submitted with great concern.

Thank you.
Richard Free
IT Manager
Peak Industries

MTC–00014765

From: Steven Miller
To: Microsoft ATR
Date: 1/22/02 7:57pm
Subject: End it!

Dear Ms. Hesse:

I urge acceptance of the proposed Final Judgment offered by the U.S. Department of Justice and endorsed by nine state attorneys general to resolve the antitrust case against Microsoft Corporation. I do this solely because it is long past time that this travesty end. Antitrust law has become a complete farce, a sacrificial pyramid built to the gods of envy and political extortion. It is time to end this rank-smelling mess.

Steven B. Miller
Editorial Director
Nevada Policy Research Institute
Las Vegas, NV (702) 222–0642

MTC–00014766

From: aurelio nunez
To: Microsoft ATR
Date: 1/22/02 7:59pm
Subject: microsoft settlement

LEAVE MICROSOFT ALONE. YOU WON'T GAIN ANYMORE THAN WE TAXPAYERS HAVE PAID OUT. JUST LEAVE THEM ALONE. murio@southwind.net

MTC–00014767

From: Ann Frost
To: Microsoft ATR
Date: 1/22/02 8:05pm
Subject: Microsoft Settlement

To Whom It May Concern:

I wish to express my displeasure with the current Microsoft Settlement. It is much too favorable to this company. I recently purchased a new computer. To get a computer from my manufacturer of choice I had to surrender any choice in the area of operating system. The new XP software is a nightmare of complexity. Surely there are better minds and better systems that exist but are not given equal footing in the consumer market. I wonder if there are fewer problems with XP if you also use the Microsoft Browser. As long as I still have some choice in that area I will refuse to go that route.

I would urge you to return to the original decision in this case and open the market place to all. We need only look at the great advances made in automobiles and telephone service to see how greatly the consumer benefits when competition exists.

Ann P. Frost

MTC–00014768

From: Bob Nystrom
To: Microsoft ATR
Date: 1/22/02 8:05pm
Subject: Microsoft Settlement

I wrote the stuff below the line yesterday. Today I am fit to be tied. The Post Office (Houston, Tx) is distributing Windows XP disks. First off, I can't believe that it is legal to distribute and promote a private ''for profit'' product in the US Post Office (on my nickel, no less). And one from a company that has been declared a monopoly, and is the subject of ongoing anti-trust actions!! Is there anything in the Bush administration that is not for sale? How blatant can you get!

You guys and this lame ''settlement'' should be run out of town.

I am 50 and have been in the electronics business since I was 15. I grew up with computers and have watched the rise of Bill Gates & Co. I have several conclusions on the anti-trust case:

1. There is no one- repeat no one- in this business who doubts for one minute that Microsoft is a monopoly. Everyone is looking over their shoulder to see if they will be the next casualty. Microsoft is not where they are because of good products. The products have been forced upon the consumer by leverage of their operating system monopoly. This monopoly- through licensing and other means- has NOT allowed the consumer to evaluate alternative products. I could not buy a PC without Windows. Dell and the others COULD NOT sell me one. In my informal polls, the average consumer does not understand that Windows 95, 98, 2000, XP, etc even come from the same company. They do not realize that a PC box from Dell, Gateway, IBM, etc are all the same. They think of it as Ford, GM, or Honda- which, of course, it isn't. There is no choice.

2. I would venture that you- the judges, clerks, etc are close to my generation. No where is the computer gap more evident. I can't believe you have even a clue as to the extent of Gates's reach and the significance of complete control of the operating system. This monopoly goes way, way beyond steel or the Bells.

3. The proposed settlement is a joke. It is known in the art that Microsoft is a monopoly. They have been legally declared a monopoly. And what do you do? This is not even a slap on the wrist. And as with every other involvement with Gates, he is telling YOU what YOU are going to do. The three person oversight is completely ludicrous and unworkable.

4. In the trenches, the conclusion is that this is a buyoff with Bush. This is so blatant there can be no other explanation. As sad as Sept 11 was, it provided an excuse for the administration to back off of Microsoft. Software types that I run into just write this off as a complete sell out by the Justice Department. Your department really is the laughing stock of the software community. You can't be this clueless, can you? How does this settlement help me, the consumer? How does it help the innovative companies that have been steamrolled by Microsoft? How? How?

5. I am sure the boogeyman here is we don't want to hurt the economy by upsetting Microsoft. I would posit that 39 billionaires, 900 multi-millionaires, and 100 just plain millionaires would stimulate the economy far more than one ''forty billionaire'' who will stop at nothing to own it all. Microsoft does not partner- Period.

6. As XP becomes entrenched, there will be control of so many systems and points of distribution that it will make past actions look like child's play. It is a Trojan horse. Microsoft is pulling out all stops on this one. They are taking no prisoners. You are way too little and way too late.

7. This is the last chance to stop Microsoft. This settlement is a disgrace to your office and to this country.

Sincerely,
Robert Nystrom
16 Rhonda Rheault Dr
Oxford, MA 01540

MTC–00014769

From: Jay Lieske
To: Microsoft Settlement
Date: 1/22/02 8:08pm
Subject: Microsoft Settlement

To Whom It May Concern—

The following is my Tunney Act comments to the Microsoft antitrust settlement.

I do not think that the proposed antitrust settlements with Microsoft— neither the Dept. of Justice's nor the States'' proposals— goes far enough to remedy Microsoft's monopolistic behavior. There are far too many legal loopholes in the document, so that Microsoft will not have to modify its behavior.

Instead, I believe the best remedy is to force total disclosure of all programming interfaces (APIs), file formats, and network protocols, used in the major, market-leading Microsoft products (including Microsoft Windows, Microsoft Office, Microsoft Internet Explorer, and Microsoft Media Player), so that a third party can create a fully-compatible version of of one or more of these products by following the same interfaces, formats, and protocols. There must be no omission from the disclosures, as would be allowed under the proposed settlement. The key to Microsoft's monopoly is that old customers have become locked-in to the Microsoft products. For example, producers of third-party desktop operating systems cannot compete with Microsoft, because the 3rd party OSs would be incompatible with the software written for Microsoft Windows. But if Microsoft were forced to open up the interfaces, formats, and protocols of Windows, the market would become open, and other competitors could come out with new OSs: perhaps one company could come out with a more secure OS, and another company could sell a more user-friendly OS. Then the companies, Microsoft included, would all be competing in an open market, with customers able to choose the best product based on features and services. Additionally, it is important to remove any language in the settlement that only regards commercial competitors or customers of Microsoft. Many of the products that compete with Microsoft come from the non-commercial world, often created through volunteer labor. Microsoft must also be forced to compete with such products in the

same open market as with commercial products.

Thank you for listening,
Jay Lieske
2625 Adelbert Ave.
Los Angeles, CA 90039

MTC–00014770

From: Doug Sauder
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/22/02 8:06pm
Subject: Microsoft Settlement

Judge Kollar-Kotally,

As a concerned citizen, I urge you to reject the proposed settlement in the Microsoft suit before you. Microsoft's power will not be limited one bit by this proposed final judgment, and the company will be allowed to retain virtually all the profits it made through its anti-trust violations. This solution does nothing to stop Microsoft from continuing in its strong-arm tactics, and I ask you to vote against it.

Sincerely,
Doug Sauder
2398 Bettona St.
Livermore, CA 94550
925–292–6292

MTC–00014771

From: JO ANN HARRIS
To: Microsoft ATR
Date: 1/22/02 8:10pm
Subject: Microsoft Settlement

Let's get on with the settlement. Microsoft has bent over backwards to settle and yet only the lawyers are getting rich. I have been a user of Microsoft and believe will keep serving the best interests of the consumer as they have for years. So the competition can't keep up. . . so what!!!!!! Microsoft has long since complied with the long list of government regulations. If the government ran its business as well as Microsoft we would have a fraction of the taxes, graft, laws, etc

Adam & Jo Ann Schauber
1727 Fountain View Cr
Venice, FL 34292

MTC–00014772

From: Csambenson@cs.com@inetgw
To: Microsoft ATR,fin@
mobilizationoffice.com@inetgw
Date: 1/22/02 8:12pm
Subject: Microsoft Settlement
January 18, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft: This letter is so that I may go on record as being a supporter of the proposed settlement that was reached between Microsoft and the Department of Justice. Although I was not supportive of the lawsuit against Microsoft in the first place, I will stand behind any reasonable agreement that brings an end to the senseless litigation that has been plaguing Microsoft.

There was a time not too long ago, for example, when it took the better part of several long hours to produce a reasonably efficient database application. With the advent of Microsoft's Windows operating system, along with their integrated software suites, this task now takes mere minutes. Microsoft has been extremely beneficial to the economy in the past, and will continue to do so after this settlement. They have agreed not to retaliate against competitors who are making and ship software that competes with Microsoft's software. This will open-up the market, and encourage their competitors to be more innovative.

Why those in our government think that this sort of innovation deserves wrath, rather than praise lies completely beyond my scope of understanding. In any event, there is now a settlement on the table. This settlement is more than fair, given the dubious intentions of the lawsuit to begin with. It is my hope that this settlement will prevail and that those in government can get on with far more important issues.

In addition, Microsoft stock was and is a significant of my retirement portfolio and I am not at all please with what this litigation has done to the value of my Microsoft Investments. Sincerely,

C. Sam Benson
Coach C. Sam Benson
Success Coach
Personal & Business
Human Dynamics Resources
11812 CR 76
Findlay, OH 45840
419–424–0248

MTC–00014773

From: DJ EAsterbrook
To: Microsoft ATR
Date: 1/22/02 8:19pm
Subject: Microsoft Settlement
508 Ridgeway Drive
Bellingham, WA 98225
January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft: I'm writing to urge you to accept the terms of the settlement recently reached between Microsoft and the United States Justice Department. The settlement will result in a much more competitive environment beneficial for all parties involved.

Microsoft has, for example, agreed to grant broad new rights to computer manufacturers and software developers to configure Windows to promote non-Microsoft software programs that compete with Microsoft programs included within Windows. This means computer manufacturers can replace Internet Explorer with Netscape Navigator; Microsoft Media Player with RealPlayer; and Windows Messenger with AOL Instant Messenger. Microsoft has further agreed to not retaliate against computer makers and software developers who choose to take this route, nor will Microsoft retaliate against computer makers who ship competing operating systems. Overseeing the terms of the settlement will be a Technical Committee comprised of three persons who are software engineering experts. This Technical Committee will assist in any dispute resolution, should a complaint be filed.

Based on these facts, I respectfully request you to accept the terms of the settlement.

Sincerely,
Don Easterbrook

MTC–00014775

FROM: Jack Noel
TO: MS ATR
DATE: 1/22/02 8:24pm
SUBJECT: Microsoft Settlement

As a user of a competitor's platform, operating system and Netscape browsers, I'd like to thank the Court for the work that has been done to arrive at a Final Judgment in the Microsoft case. I endorse and applaud the settlement. But, as a citizen of Michigan, (one of the plaintiff states), I am concerned that remedies do not go far enough. Michigan has launched an initiative to promote computer-based education and my investigation shows that past invasive practices of Microsoft has subverted this. Also, as a low-income user of a non-Microsoft platform/OS, I find that I'm significantly impaired and partially barred from enrolling and participating in Michigan's online education program (Michigan Virtual University). I can enroll, I can do course work, but the instructors have no way of monitoring portions of my course work.

So it appears to me that prior monopolistic practices of Microsoft have undly influenced those who planned and created ''MVU.'' The software developed for this education ''institution'' is designed with the assumption that all students and techers will be using a PC with Windows OS installed. This has damaged me, in the sense that I'm hampered in taking online courses here, should I want to do so. When I inquired about this with MVU, I was told that Apple Computer had been unable to come up with software that would make their computers and OS fully inter operable with MVU's system. While this situation may indeed be resolved by Apple Engineering, it will take time and no one cn say how long,it wil take. Still unanswered is the question of why those responsible acted on the assumption that we are in an ''all Microsoft / PC World.''

I can only add that Microsoft's recent self-serving effort to ''make good'' with state education systems by providing another flood of inferior software / hardware was another concern. But I see the states, in their wisdom, rejected this offer. So, my opinion is in favor of imposing the Final Judgment as described in documents posed on the Justice Dept. website.

Thank you,
Jack R. Noel
Ann Arbor, Michigan

MTC–00014776

From: Andrew
To: Microsoft ATR
Date: 1/22/02 8:26pm
Subject: Microsoft Settlement <—Please read all the way through before passing judgement

To Whom It May Concern:

I just wanted to make a comment on the whole concept of placing a lawsuit against Microsoft. It occurs to me that Microsoft simply wrote a program that runs on a computer. Plain and simple; a basic fact. This program can, however, have other programs run from within it that were not written by Microsoft. People sell these programs. This ability is a bonus to those people that write this additional software. Microsoft does not

have to make it easy for other people, besides Microsoft employee's to write software for the main body of the program.

The mere fact that they, (Microsoft), write tools and document how-to's, are a definite sign that Microsoft supports the users that want to take advantage of the OS/Program to its fullest. Suppose for instance that the DOJ wrote a program that ran directly on hardware, written is assembly for the sake of argument, and it took years of development and many revisions. Now, someone found that you made an interface that was easily accessible, and programs could be written to run off of it, making the original software better? They sold this addition and made money based on the current function of the DOJ OS/Software?

Now imagine that you, the writer of the original software wanted to make a change(s), that would enhance the overall operation of the software, helping all those that use the program at the DOJ out, making their lives easier? Now imagine that that programmer that wrote the parasite program sued you because the enhancement you made created a conflict within his software that made it impossible to run? Do you think that this lawsuit is just? What if you, wrote tools to help that programmer make changes to his original software to help him out, make it easier to make a revision? Do you think he should be grateful? Think about it. The suit against Microsoft is ?injustice? by definition.

A programmer,
Andrew S Chadick
Paulson Computer Systems, Inc.
253–581–3150
7501 Bridgeport Way W
Lakewood, WA 98499

By the way, ? the changes that Microsoft is currently making? ie, the ones that are phasing out MS-DOS, are stopping our software from being able to run? Are we complaining? NO. We are thankful that we had a good run using the OS's that Microsoft made, i.e. Dos 5.0 ? Win2k. . . We have made hundreds of revisions over the years.

And, WE will adapt; write the software again new; and make use of the new languages and tools now available by Microsoft.

MTC–00014777

From: Stephen Lucas
To: Microsoft ATR
Date: 1/22/02 8:28pm
Subject: My Comments

This is Stephen Lucas, just a simple computer user, a real estate broker, without ties to the companies involved, and I am voicing my complaint about one issue in the Microsoft lawsuit pertaining to alleged damages to Netscape. I remember when Netscape went public with it's IPO, and that was the first time I learned what this internet thing was about and how to access it. The problem was that Netscape was charging the public for software to access the internet, up to $40. Later, Microsoft came out with a free browser, Internet Explorer, which was distributed with my new computer and was available free through a MSN CD-rom received in the mail. As a consumer, Microsoft did me and millions of other consumers a lot of justice, of distributing this free browser. This is not a crime. Netscape deserved to lose business for gouging the public with their monopoly browser at the time. Leave free market capitalism alone, and dismiss this frivolous law suit. The cost of this lawsuit will only be passed on to us consumers.

MTC–00014778

From: Cheryl Williams
To: Microsoft ATR
Date: 1/22/02 8:33pm
Subject: Public Comment

Dear Sirs:

I believe that Microsoft has been put through enough. As a daily computer user, I feel it is in this nation's best interest. . . and the best interest of the consumer. . . for Microsoft to receive this settlement and to finally end this travesty on our economy. It's time to get on with re-building our economy, especially through the technology and creativity that Microsoft has developed (and will, hopefully continue to develop). Let's end the injustice of persecuting Microsoft. Let's begin the next generation of computer improvements.

Cheryl Williams
1300 Lapwing
Edmond,OK 73003

MTC–00014779

From: Tracy LaGrone
To: Microsoft ATR
Date: 1/22/02 8:35pm
Subject: Microsoft Settlement
January 20, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Re: Proposed Microsoft Settlement

I am a CPA employed by a large computer software company, and I would like to add my two cents to the proposed settlement between the DOJ and Microsoft. First of all, I agree with most of the third party analyses, which came out when the proposed settlement was announced. Most analysts thought that the settlement was highly favorable to Microsoft. I agree with their assessment, and share their puzzlement about why Microsoft deserved a favorable settlement. I could understand giving a favorable settlement to a company that admitted guilt, was a first time offender, and had agreed to change it's ways, but none of those descriptions apply to Microsoft. This is their second time in front of the courts on this issue, having apparently learned nothing from their first brush with the law in 1995. The weak settlement from the first case was directly responsible for the second court case. I am afraid that if the settlement goes through as proposed, there will inevitably follow (if the DOJ doesn't completely play dead) a third case. History and this court case have shown that when it comes to competing in the marketplace, Microsoft is not a company that is greatly troubled about ethics and morals. For example, this fall while their case was on appeal, Microsoft blocked users of a competing Internet browser from accessing the MSN community of websites. Microsoft claimed that the competing browser did not correctly implement some of the Internet standards. Only when it was demonstrated that Microsoft's browser also did not correctly implement the same standards, and that the browser from Opera was more compatible with the standards than Microsoft's did they relent and allow the competing browser to be used. The transparency of some of Microsoft's explanations can leave even the most ardent of Microsoft supporters speechless with embarrassment. Microsoft continues to insist that they are innocent even after losing 8–0 at the Appeals court. Innovation is a word that Microsoft has been hiding behind for quite some time. Microsoft persists in believing that it can take any anticompetitive action it wants as long as they call it ''innovation''. Is an unrepentant, two time offender the kind of company that should get a favorable settlement? The history of this case, and common sense argue quite forcefully that the answer is no.

The DOJ has not provided a convincing ''in the public interest argument'' for their weak settlement. In order to learn to be a good corporate citizen, Microsoft needs a punishment that it cannot rationalize away. Unrepentant companies like Microsoft need a strong punishment that will convince them of their guilt, and that will deter future illegal acts.

Punishment That leads to one of the biggest arguments against the proposed settlement. There is absolutely not punishment in it. Basically, under the terms of the proposed settlement, all Microsoft has to do is to behave legally and ethically, like they should have been doing from the very beginning, for a period of several years and all will be forgiven and forgotten. There is no punishment, not even a small fine for a company that is sitting on 30 billion in cash and cash equivalents. This also means that Microsoft gets to keep the market position it gained from its illegal behavior. Who would propose a policy that let robbers keep the goods they stole as long as they behaved in the future? Yet, that is exactly what this settlement proposes to do. APIs and Interfaces One very specific part of the settlement of the settlement that needs to change are the provisions that call for Microsoft to publish their interfaces and to cooperate with all companies who want their software to run on or in cooperation with their software. Specifically, the settlement says that Microsoft and Microsoft alone get to determine what is, or is not a business. But Microsoft's greatest single threat on the operating system front comes from Linux—a non-commercial product—and it faces a growing threat on the applications front from Open Source and freeware applications.

Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''. . . (c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business''. Not only does

Microsoft get to specifically exclude its biggest competition, it is the judge and jury in deciding what constitutes a business.

This part of the agreement needs to be re-written so that all APIs and interfaces that are necessary to interoperate with Microsoft software are open to everyone, regardless of their status. Java The states opposing the settlement have a very good idea when they want Microsoft to include the Java computer language as a standard part of it's operating system. Java is a powerful force for competition in the computing world because it is platform neutral. That means that a program written in Java can run on any operating system. By forcing Microsoft to include Java, that will encourage programmers to write Java programs which means they will automatically be writing programs for competing operating systems at the same time. Having more programs available for competing operating systems, makes the competing operating system attractive to end users. Microsoft knows that Java has the affect of making the specific operating system less important.

That is why they dropped it from their latest version of Windows even though it costs Microsoft nothing and would make the computing experience for their customers better. To foster competition, the final settlement should force Microsoft to include Java with their operating system for a reasonable period of time. The settlement as it is proposed does not protect the public interest. The court should not rubber stamp a weak settlement for the sake of disposing of the case. The software development portion of the U.S. economy is too important to let wrongs go uncorrected. The American consumers deserve an active and competitive computer software marketplace, and the Microsoft competitors who have played by the rules and been damaged by Microsoft's actions deserve relief and justice.

Regards,
Tracy W. LaGrone
3453 Greystone Dr.
Austin, TX 78731

MTC–00014780

From: Brett James
To: Microsoft ATR
Date: 1/22/02 8:37pm
Subject: Microsoft Settlement

I am opposed to the current line of thinking with the settlement. While I agree it is time consuming and expensive process to bring things to a conclusion, I think that with the high-level of involvement computers have in every business in the country, we are running a serious risk of falling even further behind other countries who are finding themselves more free to use other, more appropriate platforms and applications. Many U.S. businesses are being cornered into a set of products that is often inferior—especially in terms of security—to those used by our european and asian counterparts. In the long run, we will lose the one thing that has kept our trade in check with countries that have less expensive labor: our superior management skills.

Brett James

MTC–00014781

From: Charles Bateman
To: Microsoft ATR
Date: 1/22/02 8:49pm
Subject: Microsoft Settlement

I am a Technology Coordinator at a Knox County Middle School. I spend 3–4 hours every day keeping the computers our teachers and students use up and running. These are relatively new, already upgraded, and are used by a staff that has undergone extensive training. Microsoft's proposal to settle their lawsuit by giving older computers to poor schools is total lunacy. Schools are drowning under the strain of keeping their computers running now. We are the third largest system in the state and we have five technicians to repair all of our computers, TVs, overhead projectors, et al. If Microsoft wants to do something for the schools, let them pay for a technician in each school in the US. Or even better, let them donate Apple products to the schools, they require less experience, less maintenance, and last longer.

Thank you,
Charles M. Bateman

MTC–00014782

From: MIMIPIERCE@aol.com@inetgw
To: Microsoft ATR
Date: 1/22/02 9:00pm
Subject: Microsoft Settlement

The settlement with Microsoft, as now framed, is clearly in the best interests of the public—particularly in the light of our sluggish economy. Whatever its sins have been, it has certainly been whipped enouigh by now—and no-one can deny the contributions Microsoft's inventiveness and innovations have made to our growth and prosperity over the past decade. It's time to free that energy from the constraints of needless ongoing litigation which may serve the egos and ambitions of a few at the cost of the rest of us who are content with the reparations already made and offered.

The prosecutorial energy that seems to abound in the breasts of those who seek to persist in flogging this company would be better directed against the likes of ENRON which has caused real damage to so many, as well as against those whose collaboration or inattentiveness have permitted that company's abuses to go unchecked for so long.

Why has there not been similar scrutiny and attack upon the practices of those major oil interests which have been permitted to join forces and either support or turn a blind eye to the intentional price gouging which i s causing major damage to our economy? Or the ongoing elimination of competition by the unassailed merger of major banking interests?

MTC–00014783

From: Alison Appel
To: Microsoft ATR
Date: 1/22/02 9:01pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally, After a lengthy process, our court system found Microsoft Corporation guilty of violating anti-trust laws in this country. The suggested settlement is nothing more than a slap on the wrist and does not address the future or provide retributions to those harmed. This proposed settlement does not terminate Microsoft's illegal monopoly nor does it force them to change their future business practices to prevent more anitcompetitive actions. It is laden with loopholes that Microsoft will use to continue business as usual. It also does not calculate revenues gained by these practices and provide retribution to those businesses which were affected.

Don't be swayed by the stock market or other pressures. Remember that other people lost their jobs or money by Microsoft's actions and will continue to if you allow the proposed settlement to go through. There is room for competition in the software industry. It is your job now to ensure it and to make a bottom line settlement where Microsoft will remember it's past and not repeat it!

Sincerely.
Alison S. Appel —
437 Hoffman Avenue
San Francisco, CA 94114
415.642.3522

MTC–00014784

From: RobAnn Mateja
To: Microsoft ATR
Date: 1/22/02 9:07pm
Subject: Microsoft Settlement

I'd like to express my opinion regarding the proposed Microsoft settlement. In short, I'd like to see the matter settled, as proposed, so we can all move on. This suit was never about consumers; it was always about Microsoft's competitors. Besides, with Linux and Apple gaining strength, I am not even convinced it is a monopoly, as the courts contend. Please quit wasting the taxpayers'' money and trying to destroy a great American company in the process. Thanks.

MTC–00014785

From: no
To: Microsoft ATR
Date: 1/22/02 9:08pm
Subject: Microsoft Settlement

I dont think the settlement is enough, we need to do one thing: disable any attemps to make the os priopetory or use priopetoryness to squash any sort of opensorce software. If you dont stop them from doing that, they will just enhance their already-bad trust.

MTC–00014786

From: ErnieWelcker@aol.com@inetgw
To: Microsoft ATR
Date: 1/22/02 9:08pm
Subject: MICROSOFT SETTLEMENT
January 22, 2002
From: Ernie Welcker
California U.S.A.
To: Renata B. Hesse
U.S. Department of Justice
Antitrust Division

As I type and e-mail this correspondence, a great deal of gratitude must be extended to Microsoft in providing the means to do so. Continued efforts by Microsoft makes it possible for me to remain on-line with the latest advancements in software technology at no further cost to me. Heck, I don't even have to stand in line for the ongoing, varied practical gratuities that are always offered at great convenience: and that's my contention in morally supporting Microsoft against any anti-trust action.

The point is, nobody at Microsoft put a gun at my head while purchasing their initial required hardware and software. What really irks me is that enviable competitors have decided to grovel at the feet of powerful brokers to—in effect—put a gun at Microsoft's head to cease and desist in their overwhelming superior productivity. I should add that not all my computer and related wireless products are made by Microsoft. A real monopoly, in other words, cannot exist in the business world; only among government entities (and that is precisely where no competition is allowed for fear of going to jail or worse).

America must remain a land of opportunity, even for those individuals who may eventually trump Microsoft at their own game. . . . Meanwhile, private property rights must exist for any ambitious enterprise to succeed—minus any vicious acts of force or fraud.

Hence, I hereby advocate the repeal of all anti-trust laws. Favoring one business over another is not a legitimate function of government in a free world. Don't get me wrong, I have a great deal of respect for the legal profession. A solemn court house is surely preferable over a bloody battlefield to settle any differences objectively.

THANK YOU FOR YOUR TIME

CC:activism@moraldefense.com@inetgw

MTC–00014787

From: Tom B Ballard
To: Microsoft ATR
Date: 1/22/02 9:13pm
Subject: Microsoft Anti Trust Case
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

Thankfully a settlement has been reached in this costly Microsoft Anti Trust case. It seems to me that it is fair for all parties and certainly good for the American consumer. Now is the time for the parties to act on the settlement requirements, shake hands and get on with the important business of working on computer security systems that would stop hackers in their tracks. Now that would be in the public interest!!!

Lets not forget that Microsoft played a key role in giving the American people young and old the tools to waltz right into the computer age. We must be thankful for that just as we are thankful for the Wright Brothers.

Wishing you a pleasant day and thank you for your service to our country.

Cordially,
Wilma Ballard
2600 Briggs Chaney Rd.
Silver Spring, MD 20905
CC:fin@mobilizationoffice.com@inetgw

MTC–00014788

From: John (038) Anna Baker
To: Microsoft ATR
Date: 1/22/02 9:37pm
Subject: Microsoft Settlement

Its about time to close out this litigation. Why are we wasting more taxpayer's money to put down US business. Do we want to make India or some other foreign county the leader in software?

Sun Microsystems should compete in the open market and not use the courts to try to make them competitive.

John C. Baker
4014 Font Hill Drive
Ellicott City, MD 21042–5616
410 465 8558

MTC–00014789

From: Kirk Davis
To: Microsoft ATR
Date: 1/22/02 9:40pm
Subject: Microsoft Settlement

I hate Microsoft!!

MTC–00014790

From: Steve Wright
To: Microsoft ATR
Date: 1/22/02 9:44pm
Subject: Re: U.S. v. Microsoft: Settlement Information

I support severe punishment for microsoft actions, in the amount equal to the size that the company has become. It seems likely that most if this companies gains were made illegally and should be taken away. The damage caused is unlikely to be restored because of its ruthless destruction of smaller members of the computer industry. Untold billions are lost because this monopoly has not needed to produce quality secure programs. Choice is not readily available and competition is stifled. The paid journalists writing in false praise, and lobbyists bribing our government are a corruption of society and a mockery of justice. Our interests are best served by an example being made of them in this case.

Respectively,
Citizen
USA

MTC–00014791

FROM: Home
TO: MS ATR
DATE: 1/22/02 10:00pm
SUBJECT: Microsoft Settlement
1583 Laclede Road
South Eulid, OH 44121–3011
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

It recently has come to my attention that the federal government is considering public comments on the Microsoft antitrust case to determine if the settlement actually serves the public interest. I would like to take this opportunity to express my opinion that the settlement does in fact meet the needs of the public interest.

I have followed this case for years, and I believe it is high time that both the government and Microsoft return to work. Microsoft will return to work with improved business practices that will ensure equity in the computer industry and choice for consumers. The corporation will comply with an impartial technical committee that will monitor its actions and assist in dispute resolution.

The government can return to work with the countless other pressing issues that face us at this time. I would like to see this matter resolved, and I am confident that the current settlement agreement is satisfactory to all involved parties. As a computer user, I support Microsoft and its quality products, and as an American I support the hard work of our public servants such as you.

thank you for your valuable time.

Sincerely,
James Day

MTC–00014792

From: rcmoore—1
To: Microsoft ATR
Date: 1/22/02 9:54pm
Subject: Microsoft Settlement
To : The Department of Justice
From: The Public Consumer

Sir:

Please put an end on this case against MIcrosoft, give Microsoft freedom to serve the consumers. For my point of view, Microsoft had not done anything wrong except protecting there product, making sure that the consumers will have an easy understanding and access on variety of new technology.

Please be on the side of the consumers and not with the competitors.

Thank you and God Bless you.

Sincerely,
Catalina Moore
Consumer

MTC–00014793

From: Don Small
To: Microsoft ATR
Date: 1/22/02 10:09pm
Subject: Microsoft Settlement

Dear Sirs,

Leadership in technology has made America the world leader in virtually all fields. It is with this in mind that I ask you to implement the Microsoft Settlement. Fairness should be the goal, not punishment.

Technology companies are making the market competitive, despite the power Microsoft has gained.

Thousands, like myself, are turning to Linux and other operating systems, because they are better, not because a government lawsuit will cripple Microsoft. Open fair competition will make the difference.

Sincerely,
Don Small
816 Cumberland
Burlington, KS 66839

MTC–00014794

From: Duncan K. Law
To: Microsoft ATR
Date: 1/22/02 10:09pm
Subject: Microsoft Settlement.
January 22,2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

We have learned that a settlement has been reached in the Justice Department's antitrust suit against the Microsoft Corporation. The both of us support this settlement, and think it is in the best interests of the government to accept it.

By accepting the settlement, Microsoft will not be getting off easy, as its critics would like you to believe. The settlement was reached after extensive negotiations with a

court-appointed mediator. Microsoft has agreed to license its Windows operating system products to the 20 largest computer makers on identical terms and conditions, including price. Also, they have agreed to document and disclose for use by its competitors various interfaces that are internal to Windows'' operating system products. Furthermore, Microsoft has agreed to the establishment of a three person technical committee that will monitor Microsoft's compliance with the settlement, and assist with dispute resolution. We ask that the government leave Microsoft alone by not pursuing further legal action against them.

Sincerely,
Flora & Duncan Law
3415 Franklin Avenue
Astoria, OR 97103

MTC–00014795

From: Sallie Rueter, UBC
To: Microsoft ATR
Date: 1/22/02 10:19pm
Subject: Microsoft Settlement
Ron and Sallie Rueter
2113 108th Street S.E.
Everett, WA. 98208
January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The Microsoft Corporation and the Department of Justice have finally agreed to terms on a settlement that will put an end to the antitrust issue which has lasted for over three years. We are writing this letter so that we may go on record as supporting the settlement, and would also like to ask that it be implemented as soon as possible. Enough is enough; this has gone on for too long. The government needs to shift their focus to more relevant and pressing issues such as divesting the Enron executives of the illegal proceeds from their insider stock sales prior to the demise of the company and requiring those funds replace the 401k and retirement fund monies their employees lost when they were barred from selling their stock. I guess it took a huge business failure like Enron and a recession to open-up some eyes in Washington.

We can't understand why Microsoft continues to be under fire, we do not see their competitors being subject to such treatment. Nor do we see their competitors doing much but whining and urging anyone they can get to listen to prolong the issue. Now AOL (was this part of the purchase agreement with Netscape?) has brought suit against Microsoft. That bandwagon is getting mighty crowded.

Where are all of their donations to schools—apparently they spent all their money in Washington DC? Do you really think AOL has any consumers'' interests in their plans? In addition we feel AOL, Sun Microsystems and the other competing businesses in all the hold-out states should also have technical oversight committees assigned to test their compliance with good business practices. The settlement is reasonable, even with the oversight committee, and the government should be satisfied and let Microsoft get back to their business.

The lawsuit is over, but their competitors are still trying to force the issue so Microsoft has to concede even more. It sounds like the agendas of the competitors should be questioned. I would ask that the Enron issues be examined as closely as Microsoft has been, but given Enron's level of political contributions, I'm sure that won't happen. Wouldn't it be nice if the people in Washington DC who could make a difference actually did?

Sincerely,
Ron and Sallie Rueter

MTC–00014796

From: Mr O
To: Microsoft ATR
Date: 1/22/02 10:22pm
Subject: Microsoft's exploits

To the honorable judge Kollar-Kotelly,

I am writing you as many others are in regards to the concern of Microsoft's business practices. Microsoft is a company that hinders the freedom of every computer user out there. As you know they represent a majority of the desktop market in the technology industry. It is only here in the US that the majority of desktop computers actually have a valid license though. Many other countries resort to piracy because of Microsoft's pricing. If you've read technology headlines of any lately you'll notice many countries are making a switch to other operating systems such as Linux.

Linux as you may have heard is generally free. Most major distributors of the linux operating system freely give away their product via download or offer boxed sets with support options. By offering a stable reliable operating system for a cost of next to nothing but time many government agencies around the world including the USA have been embracing this operating system as a means of cutting costs and saving millions upon millions of dollars in licensing costs for years to come. Further evaluation of Microsoft's practices will show they are making every attempt possible to ensure customers are caught in an agreement which guarantees Micro$oft an income while guaranteeing the consumer nothing at all.

Already in place in Microsoft's latest operating system XP and their OfficeXP product are agreements and practices more of an annoyance than a protection. They are only trying to protect themselves in these manners and are causing more of a headache for the consumer.

This letter is of more importance to show you the exploits of Microsoft and to make you aware there are other operating systems and standards available. Microsoft has done it's best to exploit Sun and the Java standards, Apple and it's entire product line, as well as making every effort to conquer AOL in the ISP front by purchasing/forcing many smaller ISP's out of business and even handling ISP account related to QWest's DSL service. Many customers are given little to no choice when such changes are made.

To end, I even sympathize with the poor soul who distributed the notice I received about the Microsoft gameplay as I noticed it was a ''.doc'' type file which is proprietary to Microsoft's Office product. Fortunately I use an Open Source (free) word processing program which allows me to read such a file and even save to such an evil format should I desire.

Thank you for your time and consideration in this matter.

Mike Owen
notanatheist@yahoo.com

P.S. As a final wish. . . The latest settlement requiring Microsoft to pay/donate millions of dollars in equipment to schools should be payed out in ONLY hardware. Surely there are enough companies willing to DONATE an operating system for the hardware. America is freedom is it not? Thank you. God bless.

MTC–00014797

From: DatelineAdrian@aol.com@inetgw
To: Microsoft ATR
Date: 1/22/02 10:27pm
Subject: Please just use your common sense and KNOCK of this stupid witch hunt. . . .

Please use your common sense and knock off this stupid witch hunt. Microsoft has already settle just fine. As a computer user for years I am disgusted at the way Microsoft is being targeted forever. DROP IT. Get over it.

Thank you.
Dr. Adrian Travis
PO Box 7
Jacksonville, FL 32210
(904) 388–0054

MTC–00014800

From: Melissa Parsons
To: Microsoft Settlement
Date: 1/22/02 3:47pm
Subject: Microsoft Settlement
Melissa Parsons
8107 Winsford Avenue
Los Angeles, CA 90045
January 22, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more

entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Melissa Parsons

MTC–00014801

From: Stanley Shimkus
To: Microsoft Settlement
U.S. Department of Justice
Date: 1/22/02 7:36pm
Subject: Microsoft Settlement
Stanley Shimkus
30166 willow springs rd
flat rock, MI 48134
January 22, 2002
Microsoft Settlement
U.S. Department of Justice ,

Dear Microsoft Settlement

U.S. Department of Justice:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Stanley J Shimkus

MTC–00014802

From: Gonzalo H. Iglesias
To: Microsoft ATR
Date: 1/22/02 10:43pm
Subject: Microsoft Settlement
Gonzalo H. Iglesias
66 Gables Boulevard
Weston, FL 33326
954 385–7311
gamaweb@msn.com
January 22, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

The Justice Department and Microsoft have been tied up in a court battle for the past three years, and for the past six months, negotiations have taken place under the supervision of a court appointed mediator.

Microsoft has, I think, been dealt with fairly in the settlement, and I do not believe further litigation is necessary. Unfortunately, nine plaintiff states involved in the case do not agree. They are currently seeking to overturn the settlement and bring further suit against Microsoft. This matter has been pending for far too long , unfortunately to no one's benefit except the highly rewarded lawyers to the detriment of the consumers like myself. Therefore I feel that it is about time for the case to come to a quick conclusion.

I believe Microsoft has the right to remain in control of its own software, but I believe the terms of the agreement are beneficial because they allow more freedom on the part of the user. By comparison, I look at other major Companies Ford, Mercedes Benz, Bacardi. .etc. We could all say that these other companies hold a monopoly as well.Will all these companies be required to comply with policies being asked of Microsoft? Under the terms of the settlement, Microsoft will be required to disclose source code for use by its competitors. Microsoft has also agreed to reformat future versions of Windows so that the operating system will support non-Microsoft software. Now, computer users whose computers run on Windows will have the ability to configure Windows as they see fit. I am pleased that the suit did not result in Microsoft's division into smaller parts, and I believe that this settlement is in the best interest of both computer makers and the consumer.

Mr. Ashcroft, I do not believe further litigation is at all necessary. Such litigation will only increase not only the governments'' costs which in the end is the taxpayers, like myself. Pushing the issue any further would be totally counterproductive and would be, I believe, ultimately detrimental to the economy, the technology industry, and the American people. I urge you to support the settlement.

Sincerely,

Signed,

Gonzalo H. Iglesias

CC:fin@mobilizationoffice.com@inetgw

MTC–00014803

From: Eileen (038) Jack G
To: Microsoft ATR
Date: 1/22/02 10:50pm
Subject: Microsoft Settlement
2649 W Ceyanne Circle
Tucson, Arizona 85741
January 19, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Your unyielding support of the settlement that was achieved in the Microsoft antitrust case is needed.

After three years of holding Microsoft in court the settlement represents the best way to set Microsoft free from federal litigation.

Unfortunately there are those who would like to have this settlement discarded and this case brought right back to court. Their priority is too see Microsoft harmed and impeded in the courts, not to see more competition. Thankfully this settlement will bring more competition to the IT industry. The settlement necessitates Microsoft to share vital code, including internal interfaces, with competitors. With this non-Microsoft companies will be able to create better software and compete better with Microsoft.

It would be a great development if the federal antitrust case could finally terminate. I think that you should promote this settlement and help to end this case so our economy can move forward.

Sincerely,

Jack Glickman & Eileen Glickman

MTC–00014804

From: Lia Olivieri
To: Microsoft ATR
Date: 1/22/02 10:53pm
Subject: Microsoft Settlement

I am the consumer that your ''inquisition'' should be protecting (to improve competition, lower prices, etc.etc.). I, THE CONSUMER, AM SAYING :STOP ! I like Microsoft, I choose Microsoft, I believe the price is fine, so what now ? My government should better spend my tax money going after Bin Laden that Microsoft !

If I could, I would suggest Microsoft to relocate outside the USA : I will continue to purchase its products and another Country will benefit of its success : We, the American, do NOT deserve it !

Regards,

Lia Olivieri

New York

CC:CMDC/activism@moraldefense.com@inetgw

MTC–00014805

From: Haradon Zeb
To: Microsoft ATR
Date: 1/22/02 11:00pm
Subject: In regards to Microsoft antitrust case

It is my understanding that the Department of Justice is seeking public comment on the Microsoft settlement. My intention in this letter is to state my opinion on this matter. First, I would like to explain that I believe any producer (an individual or a business), has the right to produce or legally acquire a product or service and offer it for sale under any conditions they deem fair, if such merchandise is represented accurately. As a consumer, I should have the right to accept their offer or refuse it. In the case of Microsoft, this right has not been infringed. Never have I felt compelled to purchase a Microsoft product or service. I am not aware of any action Microsoft has taken to force me to purchase any of their products or services. I have explored other operating systems, such as MacOS, Unix, and Linux, and have remained a user of Microsoft Windows due to its superior stability and usability. I have also exercised the choice not to use Microsoft products in certain cases. For example, I have used MSN Messenger Service, and ultimately uninstalled it from my system because I was unhappy with it's performance. I now use the competitor's products ICQ and Yahoo Messenger. I will reiterate: Microsoft has never interfered with my choice as a consumer to choose which product I want to use. The reason Microsoft has a large market share in certain areas is because they excel in those areas. I do not consider bundling software (such as the Internet Explorer web

browser) with the operating system to be a limiting of my choices.

On the issue of misrepresentation, if it could be shown that Microsoft has intentionally written code into the Windows Operating System which would cause other applications to not work, without warning consumers of this so that they could make an informed decision, then this would be a case where they had limited consumer choice. To the best of my knowledge, Microsoft has not done this.

For these reasons, I recommend the absolute minimum penalty, preferably none at all, as Microsoft's punishment in this trial.

Thank you for your time,
Zeb Haradon
127 W. Inglenook Drive, Apt. 2305
Midvale, UT 84047

MTC–00014806

From: Bruce Gibby
To: Microsoft ATR
Date: 1/22/02 11:04pm
Subject: Microsoft Settlement

In my opinion this entire prosecution has been a sham and instigated by the wealthy, yet inept, second-tier Silicon Valley billionaires (Oracle, Sun, et.al.). As a user of Microsoft products (home and office) and Oracle Financial products (office), I can unequivocally state that Microsoft products tend to work as promised with a fairly high degree of reliability, whereas Oracle Financial products are complex, poorly designed, overpriced, and therefore, a rip-off. I suggest you contact any of the many Oracle CRP users and obtain their frank and honest reactions. The DoJ has been prosecuting the WRONG company.

Not on any software company's pay sheet,
L. Bruce Gibby, Ph.D.

MTC–00014807

From: Barbara Haugen
To: Microsoft ATR
Date: 1/22/02 11:19pm
Subject: Microsoft Settlement

To Whom it May Concern;

As a Microsoft user, I find it ludicrous that as a consumer of their products, even if I WAS being damaged by their marketing practices, I WOULD NOT RECEIVE A DIME! But, their main competitors will be ''paid off''. . . . Something is wrong with this picture. This suit should NEVER have been brought against Microsoft. It most definitely sets a dangerous precedent, for obvious reasons. Please bring this chapter of economic skulldugery to an end, ASAP. This whole witch hunt has been an acute embarrassment for the Justice Department and a drain on the taxpayers of America. Enough, already.

Sincerely,
Barbara Haugen
Cedar City, UT

MTC–00014808

From: Dan Trevino
To: Microsoft ATR
Date: 1/22/02 11:21pm
Subject: Oppose
Microsoft Settlement

I am against the proposed settlement with Microsoft corp. The judgment does not address the serious anti-competitive practices that Microsoft continues to employ.

I believe Microsoft should be forced to allow other html rendering engines (browsers) to be integrated with all Windows operating environments. Microsoft can continue to assure the (albeit questionable) quality of their customer's experience by making available the Application Programming Interface (API) used to integrate Internet Explorer into Windows. In addition, I believe Microsoft's exclusive licensing practices with OEM computer manufacturers limits customer choice and has been the main limiting factor in the lack of further competition in the Operating System market.

In conclusion, I believe that unless substantial revisions are made to the final judgment, Microsoft will continue to exercise its monopoly power to the detriment of the computer industry and consumers.

Thank you.
Daniel Trevino
President
bluemagnet, llc
5710 Valley Point
San Antonio, TX 78233

MTC–00014809

From: gregory ernst snyder
To: Microsoft ATR
Date: 1/22/02 11:20pm
Subject: Microsoft Settlement

Dear Sirs,

Thank you for permitting me to submit comments on the case of United

States v. Microsoft Corporation. Since I'm sure you don't want to hear arguments about the case (those are for the courtroom) or proof that I know what I'm talking about (that would be tough to provide), I will be brief. You may count me among the Microsoft haters, and I am very pleased that the ''remedy'' of donating computers to schools was struck down. I like the idea of breaking the company into an applications and an operating system division.

Thanks for listening,
Greg

MTC–00014810

From: Kunal
To: Microsoft ATR
Date: 1/22/02 11:22pm
Subject: Microsoft Settlement
To: microsoft.atr@usdoj.gov
From: Kunal Arya (curlewfish@yahoo.com)
Subject: Microsoft Settlement

To Whom It May Concern,

Please be informed that as a concerned citizen and hence concerned consumer of the United States, I would like to side with the Department of Justice against Microsoft Corporation. I have been in the information technologies field for over eleven years now and I have constantly had to submit to the very limitations on innovation that the company has set forth. In fact, throughout the company's history, it has inhibited technological advancement by controlling if not completely subjugating its competition. The company was formed by Mr. Bill Gates with the sole purpose of getting ahead not technologically, but fiscally. His goals have always been to destroy that which opposes him and in their stead dominate the computer market. I have seen competitive operating systems rise, and then fail, causing the collapse of companies as a direct result of Microsoft's monopoly. An example of this is Be Incorporated, a software company that marketed its BeOS (www.be.com). The company was recently forced to sell ''substantially all of its intellectual property and other technology assets to Palm, Inc. and [cause] the dissolution of Be through the adoption of a plan of dissolution.'' (Source: http://www.be.com/) There have been several other attempts to compete against Microsoft, but have failed and resulted in the dissolving of software corporations. Not only does this affect the technology industry, but the gross U.S. economy, as it removes the very competitive viability that defines capitalism. In the best interest of technological and economic growth, I strongly believe that the Department of Justice must curb the overpowering corporation and put an end to the monopolic practices and restricting technologies of Microsoft. As the world moves towards complete electronic commerce, and billions of dollars go into electronic transactions annually, we must ensure that this new marketplace remains corporately viable and economically in tact, open to all who want to expand and grow. Intervention is the safety net for innovation, and the US Government must protect the interests of its domestic industries in order to protect the interests of its consumers. Where do I want to today? Towards technological advancement and away from restricting corporations. Thank you for your time.

Sincerely,
Kunal Arya
curlewfish@yahoo.com

MTC–00014811

From: David Ford
To: Microsoft ATR
Date: 1/22/02 11:27pm
Subject: Comment on Microsoft Settlement

I feel strongly that justice has been blinded by the color of commerce. Each day that passes, Microsoft works to strengthen it's monopolistic holds. Monopoly in itself is not illegal, but the practices Microsoft uses to accomplish it's goals are.

This settlement is nothing but a slap in face of those who seek faith in the Department of Justice. Not only is this settlement a far cry from justice, but it furthers the monopoly of Microsoft.

The citizens of the United States rely on the Department of Justice to mete out and preserve justice. Protect the naive and serve the principles of our country.

Choose wisely and be diligent in your duties. You are the arm of the law.

Sincerely,
David

MTC–00014812

From: Jeremy Green
To: Microsoft ATR
Date: 1/22/02 11:24pm
Subject: Opposition to proposed Microsoft settlement

I believe that the proposed settlement to the Microsoft anti-trust case is unacceptable. The settlement allows, and even encourages,

the advancement of the Microsoft monopoly by requiring them to supply hardware and software to schools. Microsoft does not traditionally carry a majority of the school market share, yet this move would allow them to increase their percentage of the educational market while also allowing them to use roughly 1/4 of the total 'cost' of the settlement to pay for hardware while using the other 3/4 to pay themselves for the software they're providing, which is helping their overall market penetration. This is a settlement that was obviously proposed by a company who has no respect for the justice system and is counting on the system being too stupid to see through their plans. I hope that you all will do the right thing to encourage competition in the US marketplace. While a truly appropriate penalty will be hard to come to, one that rewards a defendant for wrongdoings of which they have been occused is clearly not in the interest of the American people.

I can be reached at this email address (jgreen@dcom-solutions.com), or at the following mailing address:

Jeremy Green
2201 Cottonwood Road
Norman, OK 73071
Sincerely,
Jeremy Green
Jeremy Green
CTO, Digital Commerce Solutions
jgreen@dcom-solutions.com
http://www.dcom-solutions.com

MTC–00014813

From: Matt Squires
To: Microsoft ATR
Date: 1/22/02 11:49pm
Subject: Microsoft Settlement

Hi Renata,

First, let me apologize in the event you have received another email from me with much of the same content. I recently had to reload my Windows due to chronic instability, and after the fresh install of Windows, the Netscape email software I go out of my way to download and install didn't work at all for some reason, and I had to find alternate software. With my new software, I still don't know my way around, and inadvertently hit the ''send'' button on a half-finished email. How embarrassing. Of course, since I'm writing to let you know about the damage Microsoft's abuse of their monopoly has caused the average user, this may be a telling example, and a taste of the average Windows experience. If you can, please remove the other, unfinished copy of my email from your records, as it is disjointed, garbled, and incomplete.

I am a longtime Microsoft Windows user (not by choice), and I have been constantly disappointed over the years by the weak judgments handed out against Microsoft time after time by the legal system. I am even MORE disappointed by the fact that Microsoft has blatantly broken the already lenient terms set out by the government in the past, and has not been amply punished for their disobedience in any way whatsoever. Justice is more than a judgment on a piece of paper. The ''appearance'' of justice is also important, and that is one thing that is sorely lacking, especially in this most recent case. From what I've seen so far, Microsoft has won again, managing to get watered-down restrictions that won't slow their assault on the consumer and their competition in the least. Most people have told me not to even bother writing this letter to you, that the government is either:

a) paid off by Microsoft, or

b) under orders by George Bush to let Microsoft go free regardless of findings of fact This is the current public perception. Of course, I am hoping that neither of these foul possibilities is the case, and that there still is a chance to have a fair and reasonable set of terms and conditions set down in the Final Judgment.

I ask that the Department of Justice strengthens the terms and conditions against Microsoft in the Final Judgment SEVERELY. I have read the information at the DoJ website concerning the Microsoft antitrust case, and I do not feel you have gone far enough to create a level playing field for all parties in the technology marketplace. Looking at the ideas put forth on http://www.usdoj.gov/atr/cases/f9500/9549.htm, I am afraid that these restrictions will not force Microsoft to:

a) change their savage anticompetitive tactics,

b) lose marketshare to superior, more deserving products, or c) understand that they are being punished for their behavior. They have made hundreds of billions of dollars directly because of their abuse of their monopoly, and this judgment should attempt to counterbalance that gain, since the power they have gained in the last 10 years of domination has guaranteed their stranglehold for the next 20. This judgment feels like it is a good step in ''starting clean'', but it does not punish Microsoft for their past offences. They have still profited greatly from their crimes. And the inroads they have made into all walks of digital life are a great barrier to competition, even if a level playing field were miraculously established.

I am a Canadian, so what I say may not hold as much sway with your department. But the results of this case will, and should, have worldwide ramifications. Canadians, Germans, Australians, Africans, Japanese people, and the rest of the world, are ALL feeling the negative effects of the Microsoft monopoly. I personally feel that I have suffered greatly because of Microsoft's business practices. As a user, I DIRECTLY relate their influence and predatory policy to the downfall of many technologies that were superior or more popular at the time of Microsoft's attacks on the competition. I, as a consumer, have suffered because of their abuse of their position. I have had my choice and options restricted by their behavior.

I wish I could switch to another operating system to become Microsoft-free, but Microsoft has been giving out Microsoft Office CD's free with OEM computers long enough that they have pretty much killed Corel's Wordperfect Suite (among others), which used to have the 90% market share that Office now enjoys. And since I receive documents daily in the proprietary Word, Excel, and Powerpoint formats, I am forced to use Microsoft's product whether I like it or not. When a customer sends me a Purchase Order in Word XP format, I not only have to use Microsoft Word to open it, I have to buy the new Microsoft Word ''XP'' version, simply to open the file! And then when I send correspondence to another customer or supplier, they in turn have to buy Word XP in order to open my document. It's a vicious cycle, propagated by one thing— Microsoft's closed, proprietary formats.

I sincerely believe that there is no chance of Microsoft changing their ways unless the API's and proprietary document formats that they rely on to extend and maintain their unfair monopoly are opened up for non-Microsoft use, with a different license than the one offered on MSDN. If Microsoft determines the licensing (as is in your COMPETITIVE IMPACT STATEMENT, they determine how the information can be used. This doesn't help competition with Microsoft, it only helps Microsoft themselves. They may gain additional control through changing their licensing, and nobody can stop them, since we all rely on their droppings of information to survive in the software world. Programmers beg for table scraps of information from MS because we can't get it ourselves. Please promote freer licensing terms and more open spreading of the Microsoft specification sheets so the maximum number of programmers (from ALL Operating Systems) can become compatible with Microsoft's software, thus breaking the reliance on one company for so many electronic transmissions. Please consider forcing open the formats that Microsoft currently holds secret for a reason, or please consider having Microsoft use the most ''open'' format as their default instead of the most proprietary (ie RTF instead of DOC, etc.) There are perfectly good Open formats that can replace Microsoft's predatory and proprietary closed formats. Please give full communication with other vendor's software a chance by pushing for openness rather than secrecy. I would switch to another operating system if I wasn't forced by my customers and the people I deal with to transmit almost all data in specific, proprietary, closed Microsoft-only formats. Microsoft won by forcing their proprietary formats to be the default in the market, thus killing all non-MS software instantly; give competition an opportunity to ''get in the game'' by forcing standardization and openness into the industry that made billions on secretive formats and purposeful exclusion of competitors. Computers and the Internet are tools of communication; Microsoft is the greatest hindrance to open communication in the world today. Please help build a strong and OPEN foundation for the world's communications infrastructure for the future.

As long as they have the weight of their Windows monopoly to use as a club, the situation can only get worse. And if you don't act -decisively- now, we may not get another chance. There will be a lot less evidence in the next Microsoft case, since they're shredding all emails now to prevent them being subpoena'd in the future. This is your one chance to right the wrongs of capitalism gone awry. If this case doesn't break Microsoft's legs, in five years from now, they will have trampled all their

competition to death. That sounds harsh, but only because Microsoft constantly claims they are the victim in this case. They're not. I am. The consumer. The programmer who would compete with Microsoft if there was any hope. If you want, I can name names of companies with superior products that are gone solely because of Microsoft's behavior and the results of their freedom to abuse their monopoly. Microsoft is so far ahead of the competition in this ''free market race'', that the competition Microsoft has already crippled and left crawling, like Apple, Corel, and Netscape, will only catch up if Microsoft's legs are broken in kind. If you have mercy, be certain Microsoft will not. Someone will be broken, you decide if it is Microsoft or another victim.

In the news recently, Microsoft has bought much of Silicon Graphics'' Patent Portfolio, specifically the patents for OpenGL, which is in direct competition with Microsoft's own DirectX. By buying the patents of the dying competition (SGI also has no air supply), Microsoft can LEGALLY kill the 3D and gaming capabilities of ALL non-Microsoft Operating Systems. Apple will die. They based their new operating system on heavily on OpenGL. Linux will die. Like Apple, they don't have access to Microsoft's DirectX (obviously), and rely heavily on OpenGL to give their system functionality. Who will buy a computer if their kids can't play games on it, especially when Microsoft owns the Office genre and won't allow anyone else to communicate with their product? There's nothing else left. Microsoft owns it all. They have their fingers in with hardware producers now, who will have to exclude other operating systems from their designs in order to appease Microsoft. This isn't relevant to your case, but it is an example of the complete lack of respect Microsoft has for your verdict. They aren't worried in the least. And their business plans continue unaffected and unharmed. They will buy everything that is competition and bury it specifically to harm others.

I hope that you will consider my points as you decide what to do to bring equity to the PC market.

I'm sorry for being so wordy (and waxing poetic (badly) in a few places), but as a guy who works on computers 12–15 hours a day, Microsoft has honestly lowered my quality of life, and I'd hate to see them get out of yet another trial unscathed. Which, unfortunately, is what looks like is happening. Bill Gates admitted it when he said ''We haven't changed our business practices at all.''

Think about it. This may be the last Microsoft case that will ever matter.

Best Regards,

Matthew Squires

MTC–00014814

From: Herbert Bruce Dimmitt
To: Microsoft ATR
Date: 1/22/02 11:51pm
Subject: Microsoft Settlement

Based on what I have been informed as to the features of the proposed settlement, it appears not to be monopolistic or anti-competitive. Accordingly, I support adoption of the settlement and urge such action.

Herbert Bruce Dimmitt
9971 Bluejacket
Overland Park, Kansas 66214–2314

MTC–00014815

From: DanielSiemens@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:02am
Subject: Settlement

I believe the settlement of the antitrust case has been somewhat too harsh. Their anticompetive behaviour is not the case. People do have choices and we should not hurt companies for engaging in interest to further the industry.

This industry moves far to fast for anyone to sit still in.

Thank you for noting my coments on the issue.

MTC–00014816

From: Chris Chaves
To: Microsoft ATR
Date: 1/23/02 12:26am
Subject: Microsoft Settlement

Honorable Judge Kollar-Kotally,

As an employee in the high tech industry, I am aware that Microsoft has used its operating system monopoly to dominate other software markets as well. In fact, every court has concluded that Microsoft violated antitrust laws in this manner.

The proposed final judgment does nothing to prevent Microsoft from continuing in this behavior and would amount to a government mandate of the monopoly. Furthermore, the many billions of dollars Microsoft earned illegally from its antitrust violations go untouched. Virtually no penalty is applied.

Due to these serious flaws in the proposed U.S. vs. Microsoft settlement, I ask you to reject it.

Sincerely,
Chris Chaves
170 Tillman Ave.
San Jose, Ca. 95126
(408) 920–0365

MTC–00014817

From: Kbtam888@aol.com@inetgw
To: MS ATR
Date: 1/23/02 12:31am
Subject: Microsoft
6950 Southwest 155th Avenue
Miami, Florida 33193
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr Ashcroft:

The recent settlement between the Department of Justice and Microsoft is in the best interest of the American public because it ends an extremely long and cumbersome litigation and it allows Microsoft to contine to innovate and grow.

Under the terms of settlement, Microsoft will not be broken up, which is a good thing, but they will be forced to comply with a number of harsh stipulations. These concessions include disclosing internal interfaces and protocols as well as improve relations with computer makers and software developers. They have also agreed to form 2-person team to monitor Microsoft's compliance with agreement.

These concessions should appease all opposition. I urge you to show the opposition that no more good can be done by continued litigation, and in fact, how it might even hurt the American economy and IT sector in particular.

Thank you for your time.

Sincerely,
K.B. Tam

MTC–00014818

From: David T. Alexander
To: Microsoft ATR
Date: 1/23/02 12:35am
Subject: The settlement is a joke, Bill Gates is a terrorist that doesn't use bullits,

The settlement is a joke, Bill Gates is a terrorist that doesn't use bullits, his products are either stolen or inferior. The later of the two would be easily fixed by creating competition and not to mention the security holes that appear in all of their software sure woule get fixed much quicker if they had antoerh peice of software to fight with.

MTC–00014819

From: Richard Doll
To: Microsoft ATR
Date: 1/23/02 12:35am
Subject: MS settlement
Richard Doll
5935 W County Road 200S
Danville, IN 46122
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
January 19, 2002

Dear Mr. Ashcroft,

Although I did not agree with this suit in the first place, it should be obvious to everyone by now it is time to move forward. The government should be extremely satisfied because the terms are extremely tough.

For example, Microsoft has agreed to document and disclose for use by its competitors various interfaces that are internal to Windows'' operating system products. This concession represents a first for an antitrust settlement.

As a member of the tech industry for many years, I know what it was like before and after Microsoft arrived on the scene. They have made so many jobs easier and workers more efficient because of their products. Microsoft has become the industry standard and ending this litigation will free them to continue their excellence.

Sincerely
Richard Doll

MTC–00014820

From: Rob Helmer
To: Microsoft ATR
Date: 1/23/02 12:41am
Subject: Microsoft Settlement Hello,

I would like to let you know that I oppose the Microsoft settlement.

I've worked for numerous technology companies, both as a full-time employee and as a contractor, and I've seen first-hand some of the abuses that Microsoft has caused the computer industry due to it's monopoly power.

I've managed to make a living using non-Microsoft application software, and

interoperating with their applications or creating applications of my own as alternatives to their software.

However, I fear that Microsoft will continue to use their desktop operating system and business application control to push into the server software market and eliminate applications that do not feed Microsoft's revenue stream in some way, just as they have done in the desktop and business software markets. I oppose the proposed settlement on the grounds that it does not do enough to restrict Microsoft from using their monopoly power to push out smaller business from any market that they turn their attention to.

Thank you.

Robert Helmer
532 Liberty St.
El Cerrito, CA 94530

MTC–00014821

From: Rob Preston
To: Microsoft ATR
Date: 1/23/02 12:54am
Subject: Microsoft Stetlement

Microsoft Stetlement: Any published programs to date of any plan on how to compensate the millions of people openly ripped off has been a sick joke so far from Microsoft.

Suitable Dream Plan: Recall any and all old Microsoft software disc. Microsoft to be forced to reimburst people 75% of the market price that was in place three months after the different programs came on the market. eg. Win 95 sold for $150.00, so refund would be $112.50 Please don't forget all of those that did not live or purchase their software in the US. In Canada we paid over $ 200.00 for that same programe.

MTC–00014822

From: Nick Bellinger
To: Microsoft ATR
Date: 1/23/02 2:04am
Subject: Microsoft Settlement

To whom in may concern,

I am writing this email as in indicator of my dissatisfaction with the proposed remedy against the Microsoft Corporation as stated in the penalty phase of the antitrust trail. The main issue which is not being addressed in the proposed settlement is the restrictions that the Microsoft Corporation is STILL able to put on third party companies when it comes to creating an equal playing field for other third parties and other non-Windows Operating Systems to partipicate in the software ecomony. The Microsoft Corporation will still be able to apply predatory licencing practices of its software products making it impossible for third party software developers to enter into the Personal Computer Operating Systems, as well as non PC Operatings Systems and software market.

One of the biggest problems that has not been addressed in the proposed settlement is the keeping of the Microsoft Corporation's Microsoft Office Suite files in a propritary format. This is a VERY dangerous road to continue to go down. This means that if buisnesses currently using Microsoft Office get sucked into the next upgrade cycle for Microsoft Office, there is NO way for interopterability of the Microsoft Office file formats between third party software vendors. This means that any public document written and transferred using Microsoft Office will require the recipiant of the document to be using Microsoft Office, or else they will not be able to open the file. This is exactly the type of predatory buisness practices that brought the antitrust suit against Microsoft, and this is one of the issues the proposed remedy does not address. The real solution is the open standardization of the Microsoft Office file formats so all comers can communicate with persons and buisnesses using Microsoft Office, without being forced to use Micrsoft Office or other Microsoft software themselves. Another more important remedy is the forcing of the Microsoft Corporation to license the Microsoft Office suite to third party software vendors so it can be ported to non-Microsoft Operating Systems (ie: Linux and other Open Source Operating Systems) so that everyone is able to communicate using a standardized file format, and no users of non-Microsoft Operatings Systems and Microsoft Software are excluded from communicating with people using Microsoft software.

The second of the largest problems which is not addressed in the proposed remedy is the open publication of the Microsoft Corporation's Microsoft Windows API or Application Programming Interface. The main issue here is that the idea of APIs are very narrow defined in the proposed remedy, and the Microsoft Corpation will continue to be able to change its APIs to suite its own predatory needs, and not the needs of its users, the needs of users of non-Microsoft operatings systems, and the needs of the public as a whole. In addition the proposed remedy makes no mention of the APIs outside of the Windows Operating System for Personal Computers. (ie: it does not address the Microsoft Corporations other Operating Systems such as Windows XP Tablet Edition, Windows CE, PocketPC, or the X-Box Operating Systems). This sets a dangerous presidence as the Microsoft Corpation will be able to continue its predatory buisness pratices outside of the Personal Computer Operating Systems market, therefore making any preposed remedy against its Personal Computer Operating System competely useless, as Operating Systems and Software will not be used on machines resemebling Personal Computers in the next decade. The real and only possible remedy to this problem is the open publication and documenation of ALL Application Programming Interfaces for ALL of the Microsoft Operating Systems regardless of platform. This will allow third party software vendors to create programs to interopt with the Windows Operating Systems and its Programs and File Formats (as previously mentioned). As the proposed remedy currently stands, third party software vendors are prevented from making their products work with the Windows Operating Systems, and allows the Microsoft Corpoation to continue such predatory buisness pratices as making other Microsoft Software not function properly on non-Microsoft Operating Systems, which completly disregards the purpose of the antitrust trial in the first place.

The third of the largest problems which is not addressed in the proposed remedy is the terms the Microsoft Corporation is able license its software under. Under the proposed remedy the Microsoft Corpation will still be allowed to force large companies, state governments and univerties using its Enterprise Licensing Agreement for the number of computers which COULD run an Microsoft Operating System, even for computers running an NON-Micrsoft Operating System. This has already found to be an unlawful practice in the 1994 concent decree, but the proposed remedy does nothing to address this problem. The forcing of OEMs (Orignal Equipment Manufactuers) by the Microsoft Corporation to only ship personal computers with the Windows Operating System, for fear of retaliation from the Microsoft Corpation. The perposed remedy does nothing to address this issue, and will allow the Microsoft Corpation to continue this practice which has already been found to be illegal. This issue holds true for NON Personal Computer Operating Systems as well. The perposed remedy does nothing to prevent the Microsoft Corporation from offering discounts of the Windows Opearting Systems to OEMs based on criteria such as sales of the Microsoft Office suite which allows the Microsoft Corporation to leverage its monopoly in the Personal Computer market to increase its market share in other areas. The only real solution to this problem is allowing ALL OEMs to ship non-Micrsoft Operating Systems along with Microsoft Opeartings on the Personal Computer they will without fear of retaliation from the Microsoft Corporation. This will continue to be a huge issue as OEMs are now faced with such small profit margins (due to the current economic state), and are forced to pay the Microsoft Tax for all machines shipped, without the freedom to ship non-Microsoft Operating Systems. These are extremly important and underlying issues that are NOT addressed as the proposed remedy currenty stands. I hope for the sake of our nation's ecomony and future that these are addressed, or we will all find ourselves in the same posititon a few years down the road, and things might not be so easy to fix then.

Respectfully,
Nicholas A. Bellinger
Citizen of the United States of America
Open Source Kernel Programmer and Security Reseacher
39469 Gallaudet Dr. Apt #311
Fremont, CA, 94538

MTC–00014823

From: collin christensen
To: Microsoft ATR
Date: 1/23/02 1:06am
Subject: Microsoft Settlement

Dear judge,

To tell you the truth i do not know to much about this whole microsoft settlement. I do know what will happen if microsoft takes over though, and that obviously would not be good for anyone. The effects will be devastating. They will take over all computer companies and it will just be microsoft. They will raise the price of everything and the effects of that are easy to figure out. Please do not let the PFJ be passed.

Collin Christensen
540–612–5835

MTC–00014824

From: John Spriggs
To: Microsoft ATR
Date: 1/23/02 1:11am
Subject: Competition At The Crossroads
The Honorable, Judge Colleen Kollar-Kotelly
Your Honor:

Opportunities to ''right'' injustice within our increasingly competitive business culture, today, are a greater challenge, indeed more precious than ever and ones that we dare not let slip away.

The precedent that Microsoft has levied so skillfully in decreasing and sometimes even eliminating the ability to compete within the software industry is one that we have an opportunity to change.

This opportunity requires not only ongoing vigilance but firm action in correcting it now. We must not allow it to inadvertently and forever change the way Americans have traditionally and rightfully enjoyed business environments free from monopolistic harassment.

Allowing Microsoft to continue it's present and purposeful course of monopolizing the software industry squeezes-off the lifeblood of our competitive freedoms and strikes at the very core of what makes, and has made, America markedly special among democratic nations.

Your Honor, you have an historic opportunity in changing this course. Nothing less than a fair and just settlement in the Microsoft matter is the responsibility that has been entrusted into your hands

As a Boeing 757 Pilot for America West Airlines, the needs of my employment and home-life require the use of both Microsoft and Macintosh operating system software. I see possibilities for a creative operating system environment that must not be snuffed out.

I ask for your fairness, your wisdom and clear judgement to prevail in the very critical decisions you face.

Sincerely,
John M. Spriggs

MTC–00014825

From: Tony Evans
To: Microsoft ATR
Date: 1/23/02 1:16am
Subject: Microsoft Settlement Comments

If the current proposed settlement in the antitrust case against Microsoft is implemented, it will shake my confidence in the system of justice of the United States of America. Microsoft was found to have broken the law, and that finding was affirmed unanimously on appeal. To allow them to keep the monopoly they have illegally maintained, extended, and abused is bad enough, but to let them continue the abusive practices is over the top.

I have been an observer of Microsoft and user of their products over the past 16 years. A number of their products, both developed by Microsoft and by companies they have since purchased, are important to the functioning of my small business. They have done a lot of good for me and for users of computers generally. They built a monopoly in large part, fairly and legally. But that extra margin they they gained through nefarious means is the most damaging to consumers because it takes out the marginal players that can make the competitive market work.

The simple fact is that this is a bad settlement. It is a betrayal of the users of software, the software industry, and the American People generally. Microsoft has demonstrated in the past, and in the very language of this settlement that they will abuse the trust that it is based on, and carry on in their illegal ways.

Please do not let this case settle in this manor.

Respectfully, Tony Evans
Tony Evans
Lorton Data Inc
2125 E Hennepin Ave Ste 200
Minneapolis MN 55413
phn 612–362–0204
fax 612–362–0299
tevans@lortondata.com
www.lortondata.com
CC:tevans@lortondata.com@inetgw

MTC–00014826

From: Dawenico
To: Microsoft ATR
Date: 1/23/02 1:24am
Subject: Microsoft
David F. Brown
11698 Eagle Bend Road
Sandy, UT 84094
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 205301
Dear Mr. . Ashcroft:

For over three years now, Microsoft has been undergoing antitrust hearings in the federal courts. For a while, it seemed that the only solution that the plaintiffs would accept was the dissolution of Microsoft. Thankfully, the courts determined that such actions were unnecessary, and appointed a mediator to oversee negotiations between the Department of Justice and Microsoft. It was only after six months of continuous negotiation that Microsoft and the Justice Department were able to settle on a broad range of terms and conditions that would not only prohibit further violations on the part of Microsoft, but also restore fair competition to the technology market.

There is no reason to take additional federal action against the Microsoft Corporation. Were the settlement too lenient, as Microsoft's competitors claim, it would have done nothing to prevent future antitrust violations. But the settlement not only stops Microsoft from engaging in monopolistic behavior, it also extends these restrictive conditions to products and procedures not found to be unlawful by the Court of Appeals. Were the settlement any harsher, Microsoft would suffer severe losses that would be reflected in the economy and the technology industry. I believe this settlement is in the best interests not only of Microsoft and its competitors, but also of America as a whole. Microsoft has agreed to a wide range of restrictions and obligations, all of which will restore a competitive balance to the technology market. For example, Microsoft has agreed to refrain from entering into any contract that would require a third party to distribute or promote Microsoft technology either exclusively or at a fixed percentage. Additional litigation can only mean trouble for the IT industry and the American economy. I urge you and your office to support the settlement and move on.

Sincerely,
David F. Brown

MTC–00014827

From: Ben Schreiber
To: Microsoft ATR
Date: 1/23/02 1:24am
Subject: Microsoft Settlement

I would like to register my oppinion in favor of the proposed settlement with Microsoft. In my oppinion, the settlement is more than adequate to prevent any further anti-trust violations by Microsoft. Furthermore, I think that any of the alternatives that I have heard would serve simply to benefit competitors at Microsoft's expense, rather than benefit consumers in any way.

Respectfully submitted,
Benjamin Schreiber
9431 126th Ave NE
Kirkland, WA 98033

MTC–00014828

From: Ewdison Then
To: Microsoft ATR
Date: 1/23/02 1:26am
Subject: Microsoft Settlement
Dear Sir or Mam,

I'm emailing you regarding my concern on Microsoft Corp case, I'm a student in Univ of North Texas and has been taking Microsoft way of business as my study case and has been folowing it's development since their flagship product release of Microsoft Windows 95 back when i was in Singapore. I feel Microsoft has abused it's position as a leading Operating System developer and manufacture. under any circumstances, Microsoft should be given a much heavier punishment than what it was sugessted by Microsoft Corp themselves. I understand from financial standpoint, Microsoft could contribute to the tech industry from this case, but would ''Justice'' compromise with ''Money'' in this case?

Judge Jackson ordered a breakup in Microsoft Divisions was a very good call, i'm not a biased Microsoft so call ''Hater'', i'm just a student that see from the stand point of a normal human being that could see a little of the Right prospective & the Wrong prospective and i believe more people feels the same way with the controversial product Microsoft Corp released recently, Windows XP.

I hope DOJ would give the heaviest penalty to Microsoft on behalf of ''Justice'', after all, justice is what DOJ stands for.

Have a good day
Regards
Ewdison Then
Univ Of North Texas
edwison@isp.admin.unt.edu

MTC–00014829

From: Chuck Phillips
To: Microsoft ATR
Date: 1/23/02 1:43am

Subject: Microsoft Settlement

I am a software professional of 15 years, having written and supported applications for both Microsoft and competing products.

Dan Kegel would attempt to have loopholes in the Proposed Final Judgment closed as he describes in the following link: http://www.kegel.com/remedy/remedy2.html

Admirable as his intent is, I must respectfully disagree with Mr. Kegel that it is possible, much less practical, to close all of the loopholes Microsoft will inevitably find and employ no matter how careful and well-intentioned and regardless of the technical or legal expertise of the person(s) involved in the attempt. As an experienced repeat offender, Microsoft is too adept for any specific prohibitions to achieve much more than changes in labeling, or worse, cosmetic design changes to products that increase not only the development costs for Microsoft, but also for independent developers of software for Microsoft's Windows as well as those who develop compatible alternatives.

Rather than attempt to restrict actions, I propose the following remedial actions be required:

1. A public acknowledgment, specifically including:

a. Microsoft's deliberately spreading false information regarding competing products.

b. Microsoft's deliberately introducing changes in interfaces for the specific purpose of rendering competing products incompatible.

c. Microsoft's effectively prohibiting resellers of Microsoft products from selling competing products.

d. A reminder these actions can, and have, been pursued in civil courts —sometimes successfully.

e. A general commonsense warning that reliance on any business-critical product for which there is only one source can be detrimental to business continuity and profitability.

Apology optional. This public acknowledgment should include national advertising in the trade magazines most likely to be read by those who authorize purchases of Microsoft products. It should also include national advertising on the major television networks during periods of relatively high viewership ensuring some large minimum number of people have viewed the acknowledgment.

2. A concise mandatory warning label on every Microsoft product that can be read prior to purchase as well as after the product is installed—and made no less accessible or prominent than version and copyright information—preferably in the same manner.

This would include a brief restatement of 1a, 1b, 1c, 1d and 1e. Brevity and simplicity of wording are essential. A lengthy epistle of legalese will be understood only by lawyers.

3. A deadline for implementing 1 and 2 above.

4. The above actions and quarterly reviews for compliance should continue for a period of five years starting from the beginning of compliance. Whomever is responsible for deciding compliance should solicit input from leaders in the industry including, but not limited to, competitors of Microsoft.

No other measures. No fines other than court costs, enforcement costs and the expense of implementing the above. In my humble opinion, Microsoft's gain by deception has been, and will continue to be, only effective so long as the deception is not well known and well understood by business leaders and the general public.

Also, it is my belief the people actually injured by Microsoft's deceptions are more likely to recover their losses in civil court via class action and individual lawsuits than by the changes likely to result from criminal prosecution. One objective of my recommendations is to lower the bar to civil remedies in the face of the considerable resources Microsoft can afford to unleash on the smallest, but well-founded, complaint.

Another objective is to correct the commonly held, but false, assumption that Microsoft has risen to its leadership position entirely because of the quality of its products—the reason most commonly given for not considering alternatives to Microsoft in my fifteen years of experience in the industry. By warning Microsoft's potential clients as directly as practical, they are less likely to make ''no brainer'' decisions based on market share instead of merit.

The last objective is ease of enforcement. The advertisements and warnings are present or not. They either acknowledge the required points in the language of a layperson or they do not. Contrast with a prohibition where the spirit, if not the letter, can be violated with impunity if enough cosmetics are applied—if the past is any indication.

Thank-you for your consideration,

Chuck Phillips

MTC–00014831

From: Jerry and Debbie Kotyuk
To: Microsoft ATR
Date: 1/23/02 1:48am
Subject: Microsoft Settlement

It is past time to stop wasting our tax dollars (and time) in going after a company which has created many thousands of jobs both directly and indirectly. Microsoft, its employees, shareholders, and the American taxpayer have been severely injured by the years of anti-business prejudice of the Clinton administration.

Also, this case was a deterrent to investors and entrepreneurs in the high-tech industry. Let consumers decide who wins or loses on Wall Street, rather than judges and bureaucrats. I strongly urge that the Microsoft settlement be recommended by the DOJ to the court.

Jerry Kotyuk
2300 Orleans Ave
Marietta GA 30062–7214
E-Mail: jdkotyuk@mindspring.com

MTC–00014832

From: Vincent Monaco
To: Microsoft Settlement
U.S. Department of Justice
Date: 1/22/02 10:31pm
Subject: Microsoft Settlement
Vincent Monaco
3050 Gerritsen Avenue
Brooklyn, NY 11229–6031
January 22, 2002
Microsoft Settlement
U.S. Department of Justice
Dear Microsoft Settlement
U.S. Department of Justice:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry.

It is high time for this trial, and the wasteful spending accompanying it, to be over.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Vincent Monaco

MTC–00014833

From: Eric Olson
To: Microsoft Settlement
U.S. Department of Justice
Date: 1/22/02 11:47pm
Subject: Microsoft Settlement
Eric Olson
6 Calle Maria
RSM, CA 92688
January 22, 2002
Microsoft Settlement
U.S. Department of Justice
Dear Microsoft Settlement
U.S. Department of Justice:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Eric Olson

MTC–00014834

From: Joyce Boyd
To: Microsoft Settlement
Date: 1/23/02 12:27am
Subject: Microsoft Settlement
Joyce Boyd
6453 Mercer St
San Diego, CA 92122
January 23, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Joyce Boyd

MTC–00014835

From: Michael Stuhler
To: Microsoft Settlement
U.S. Department of Justice
Date: 1/22/02 9:30pm
Subject: Microsoft Settlement
Michael Stuhler
8 Laurel Road
Lake Ronkonkoma, NY 11779
January 22, 2002
Microsoft Settlement
U.S. Department of Justice

Dear Microsoft Settlement
U.S. Department of Justice:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Michael Stuhler

MTC–00014836

From: Rudy Petorelli
To: Microsoft Settlement
U.S. Department of Justice
Date: 1/22/02 8:16pm
Subject: Microsoft Settlement
Rudy Petorelli
519–1 Joseph Ct
Naples, Fl 34104
January 22, 2002
Microsoft Settlement
U.S. Department of Justice

Dear Microsoft Settlement
U.S. Department of Justice:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Rudy Petorelli

MTC–00014837

From: Marlene Petorelli
To: Microsoft Settlement
U.S. Department of Justice
Date: 1/22/02 8:16pm
Subject: Microsoft Settlement
Marlene Petorelli
519–1 Joseph Ct
Naples, Fl 34104
January 22, 2002
Microsoft Settlement
U.S. Department of Justice

Dear Microsoft Settlement
U.S. Department of Justice:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Marlene Petorelli

MTC–00014838

From: Suzanne Matthies
To: Microsoft Settlement
Date: 1/22/02 11:34pm
Subject: Microsoft Settlement
Suzanne Matthies
5636 Washington Street
Downers Grove, IL 60516–1325
January 22, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Suzanne Matthies

MTC–00014839

From: Richard Eizenhoefer
To: Microsoft Settlement
U.S. Department of Justice
Date: 1/22/02 11:06pm
Subject: Microsoft Settlement
Richard Eizenhoefer
16611 NE 108th Place
Redmond, WA 98052–2707
January 22, 2002
Microsoft Settlement
U.S. Department of Justice
Dear Microsoft Settlement
U.S. Department of Justice:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. The sole motivation for the trial was to benefit Microsoft's competitors. Consumers and the United States economy have suffered irreparable harm, and still only Microsoft's competitors and greedy trial lawyers stand to benfit. I am a Microsoft employee, and more importantly a United States taxpayer.

It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Richard Eizenhoefer

MTC–00014840

From: David Kelly
To: Microsoft ATR
Date: 1/23/02 2:43am
Subject: Microsoft Settlement
Hello,

As a computer professional, I would just like to say that I am in favor of RedHat's proposal to give away it's Linux operating system for free to school districts and make Microsoft pay for the hardware. In addition, none of the hardware should be made by Microsoft (Microsoft mice/keyboards,etc).

The RedHat proposal can be found on RedHat's website at: https://www.redhat.com/about/presscenter/2001/press—usschools.html

Regards,
David

MTC–00014841

From: Kevin Hubbard
To: Microsoft ATR
Date: 1/23/02 2:46am
Subject: MS Settlement

I'm disappointed. Yes I live in Washington State, yes many of my friends and fellow engineers work for Microsoft. For their sake, Washington State sake, and USA economy sake, I should be happy that Bill and Co only got a mild wrist slapping, but I'm not.

Microsoft's business practices are monopolistic, which is surely wrong from a good vs. evil perspective as they put little companies out of business.

What really makes me angry about Microsoft and this ruling is that their monopolistic business practices stifles innovation in the technical arena which I am dependent on for a living. Microsoft is on the verge of taking over access to the web after shutting Netscape nearly out of business. Internet Explorer has been forced onto 90% of the PCs in the land. Now the web-site norm is to support InternetExplorer as a requirement. We're starting to see many web-sites no longer work properly with the underdogs (Netscape, Mozilla, etc.). Just last week my employer installed a Microsoft Proxy Server, which by-the-way, runs just great with Explorer, but when Netscape is used to talk to the Web thru the MS-ProxyServer, you are required to login with a username a password after a 10minute timeout. Is Microsoft shutting out the competition 100%, No, but they are being just annoying enough to pursuade the common user to ditch all products other than theirs. Just like MS-Word before it, nobody loses their job making their web-site talk to InternetExplorer and not Konqueror or Mozilla or some other browser. InternetExplorer is not available for open-source OS's such as Linux. Its not even available for Sun Solaris. Thats a problem. Why is Microsoft giving away InternetExplorer for MS-Windows users but not providing InternetExplorer for alternate OS's, either in compiled binary or source code? Simple. This emerging strangle-hold on web-browsing is positioning alternate OS's out of business. Thats bad.

Best Regards,
Kevin M. Hubbard
Senior Electronic Design Engineer.
4034 251st PL SE
Issaquah, Washington 98029
January 22,2002

MTC–00014842

From: Lars Gilstrom
To: Microsoft ATR
Date: 1/23/02 2:47am
Subject: Microsoft Settlement
Your Honor,

I have been an electrical engineer for 7 years and have been following this antitrust case since 1995. I have purchased Microsofts new XP Windows because my Windows 98 became so unstable (truely a defective product). XP was $99, up from $89 for Windows ME, up from $79 for Windows 98. I can not believe the software that Microsoft has bundle with the operating system. Windows Media alone competes with dozens of other programs you should have to play for. Clearly Microsoft has not changed their ways. I urge the court impose strong sanction on Microsoft so that competition is restore in this vast market. Microsoft charges too much for their software, its products are defective, the singularity of operating systems with single office software and browers running on it poses a huge security risk for the Internet.

Please do the right thing.
Thank you for your time,
Lars Gilstrom 667 College St
Woodland, CA 95695

MTC–00014843

From: Bill Longabaugh
To: Microsoft ATR
Date: 1/23/02 1:42am
Subject: Microsoft Settlement

I am writing to comment on the proposed settlement of United States v. Microsoft. In short, the current proposal is severely inadequate to the point of being a travesty. Despite the fact that this is probably the most significant, complex, and troubling antitrust case of our generation, the Justice Department has apparently now decided to abandon the entire effort, and rush out a fatally flawed settlement full of loopholes that Microsoft can use to avoid any meaningful restrictions on its illegal behavior.

The current agreement is flawed, in that it just concentrates on trying to restrict behavior that Microsoft has used in the past to maintain its current monopoly status. However, it even fails to achieve this inadequate goal.

For example, Sections III.D and III.E state that Microsoft must document its APIs ''... for the sole purpose of interoperating with a Windows Operating System Product.'' This completely ignores the usefulness of having APIs documented to allow Windows applications, such as Office, interoperate with a non-Microsoft operating system, such as GNU/Linux. Also, according to Section III.J.1, Microsoft is allowed to not disclose information if it deems that it would ''compromise ... security''. It is generally recognized within the computing security community that truly secure protocols and algorithms can be publicly distributed and discussed without compromising security. In fact, the public disclosure of this information is a way to allow consumers to determine for themselves if a supposedly secure implementation is truly secure. Thus, this provision merely provides Microsoft with just another loophole that they can use to unilaterally refuse to disclose information about the Windows operating system to independent developers.

Section III.J.2 also contains an egregious error. Since Microsoft has utterly destroyed viable commercial competition, volunteer efforts such as GNU/Linux, the Samba project, and WINE have become the best chance at providing consumer choice in PC software. However, the proposed agreement allows Microsoft to decide who it will share its API disclosures with. Specifically, Section III.J.2 allows Microsoft to decline to provide information to any party that it decides fails to meet ... reasonable, objective standards established by Microsoft for certifying the

authenticity and viability of its business''. Given this provision, Microsoft could easily refuse to share crucial API information to private parties who are trying to build open-source alternatives to Microsoft software.

It is also disturbing that after years of legal proceedings, the Justice Department has allowed Microsoft to continue to state in Section VI.U that ''... the software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion.'' I feel that this belief, which Microsoft adamantly refuses to modify, lies at the core of Microsoft's illegal behavior.

Finally, there is no effective enforcement mechanism. In this regard, I quote Professor Lawrence Lessig, who has stated: ''... the settlement is fatally flawed. There is no effective enforcement mechanism to assure that Microsoft lives up to the terms of the decree. The ''technical committee'' does not have the power to interpret the decree. The only entity that can interpret the decree is a federal court.'' (Quoted from: http://slashdot.org/article.pl?sid=01/12/21/155221)

So, the current proposed settlement, which concentrates on past behaviors, is fatally flawed. Any settlement that has any hope of correcting the imbalance in the market needs to go much further. As a minimum:

1) The settlement should require Microsoft to release Windows API and networking protocol information freely and without limitations. All software developers, be they private, commercial, or in the government, should be able to obtain this information. They should be able to use this information to write software that interoperates with Microsoft operating systems, as well as to develop software that allows Microsoft applications to operate with non-Microsoft operating systems. This would permit the volunteer teams working on GNU/Linux, Samba, and WINE to continue their crucial efforts to provide alternatives to Microsoft monopoly products.

2) In a similar fashion, file formats for the Microsoft Office suite of applications need to be made freely available, without limitations, to allow developers to create other products that interoperate with these applications. MS should be required to support those teams trying to to insure interoperability.

3) Any Microsoft products that are available on new computers must be offered as extra-cost options on those computers, so that consumers have an option of purchasing computer hardware without an operating system. This allows users of free operating systems such as GNU/Linux to avoid having to buy products they do not want or use.

4) The settlement should also provide for an enforcement mechanism with real teeth, so that issues arising over the agreement can be settled without having to resort to the federal courts.

5) There should be a considerable fine imposed on the company for its illegal behavior.

6) Innovative structural remedies, such as requiring Microsoft to sell off their developer tools business and/or their browser business, should not be off the table. These approaches could significantly help to change the currently unhealthy dynamics in the PC software industry.

In summary, Microsoft has had far too much influence on crafting this settlement. The company has shown that it will take maximum advantage of loopholes in any agreements it makes; the 1994 consent decree was a wretched failure at restricting their illegal behavior. Since then, the federal courts have ruled that Microsoft has indeed violated the Sherman Antitrust Act, and yet the Justice Department has again allowed Microsoft great leeway in crafting a settlement. I would argue that any settlement that Microsoft can freely agree to does not go far enough; the Justice Department should use the leverage it has gained to see that the courts impose an agreement on the company that leaves Microsoft without any wiggle room that allows it to continue its illegal behavior.

The bottom line is this: if this settlement is truly adequate, why have half of the plaintiffs in this antitrust action refused to sign on, and instead have decided to continue pursuing the case? The answer is simply that this poor excuse for a settlement is utterly and completely inadequate.

Sincerely,
William J.R. Longabaugh
4047 51st Ave SW
Seattle WA 98116–3616

MTC–00014844

From: Andrew Silvis
To: Microsoft ATR
Date: 1/23/02 2:55am

Your honor,

I'm writing to voice my opposition to the proposed settlement in the U.S. vs. Microsoft case. Microsoft has benefitted from violating anti-trust laws, and this settlement would only increase the company's presence in the market. There is no guarantee that Microsoft, a repeat offender of anti-trust laws as determined by every court, won't continue its anti-competitive behavior. We the consumers pay the price.

Please strike down the proposed final judgment which does nothing to punish Microsoft.

Respectfully,
Andrew Silvis
PO Box 1740
Hawalli, Kuwait 32018

MTC–00014845

From: Andreas Mohr
To: Microsoft ATR
Date: 1/23/02 3:12am
Subject: Microsoft Settlement: deep concerns

Dear Sir / Madam,

I'm deeply concerned about the proposed Microsoft Settlement. I just read that despite its numerous legal and syntactic flaws which allow Microsoft too much freedom in interpreting its rules, it's about to get passed.

It's been clear almost from the beginning to many people that the Settlement as proposed by Microsoft is way too weak. And now people tell me that it's probably going to be passed.

Once this happens, then I'll know what to really think of the American ''Justice'' system.

I'd like you to think again before deciding on this issue.

Yours sincerely,

Andreas Mohr, Open Source programmer

MTC–00014846

From: Stephen R. Savitzky
To: Microsoft ATR
Date: 1/23/02 3:24am
Subject: Microsoft Settlement

As a computer scientist with thirty years'' experience in computer- related industries, I wish to submit my comments under the Tunney Act on the Proposed Final Judgment in United States v. Microsoft.

I agree completely with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html), namely:

* The PFJ doesn't take into account Windows-compatible competing operating systems

* The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

* The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

* The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

* The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

* The PFJ as currently written appears to lack an effective enforcement mechanism.

The PFJ can be summarized briefly as saying that Microsoft agrees to publish some of its prices and license a few of its API's and protocols (possibly at a high price and for strictly limited purposes) while continuing nearly all of its current exclusionary practices and enjoying carte blanche to extend its monopoly into tablet PC's, palmtops, set-top boxes, game consoles, and in fact into every kind of product except desktop PC's, where it already enjoys a monopoly which the PFJ does little to address.

I would add that Microsoft's biggest competitor is the free, community- developed operating system GNU/Linux, and that many provisions of the PFJ (for example, section I, which provides for the payment of royalties for ''any intellectual property rights owned or licensable by Microsoft that are required to exercise any of the options or alternatives expressly provided to them under this Final Judgment'') seem expressly designed to prevent the community of individual developers that constitutes Microsoft's only effective competitor from deriving any benefit or protection under the PFJ. Moreover, I.3. explicitly allows Microsoft to refuse to license its technology for use in open-source software—again its only effective competition.

Worse, Sections D and E include the phrase ''for the sole purpose of interoperability with a Windows Operating System Product'', thus explicitly allowing—indeed, encouraging—Microsoft to prohibit the development of a competing operating system that runs Microsoft applications.

Similarly, more PC's are manufactured and sold by small local and regional ''white box'' dealers than by large OEMs; these small entities similarly derive no benefit from the PFJ.

Then, too, PC's can be expected to be a rapidly-diminishing portion of Microsoft's operating system market: Microsoft operating

systems are built into pocket-sized organizers (the Pocket PC), game consoles (the Xbox), set-top boxes (WebTV), and new products such as ''tablet'' computers and ''web pads'', not to mention servers. The PFJ in its current form explicitly excludes all of these non-PC devices from its proposed remedies.

Finally, a large part of Microsoft's monopoly power is derived from its ability to change file formats and protocols at will. This makes it practically impossible to write software that interoperates with Microsoft applications and operating systems, and allows Microsoft to force users to upgrade continuously in order to maintain access to their own data.

Considering that Microsoft has already been convicted of abusing its monopoly power, and that this conviction has been upheld on appeal, it hardly seems necessary to ask whether it is in the public interest to allow Microsoft to dictate the terms of its own ''penalty'' in a manner almost completely favorable to itself. However, the Tunney Act asks this question, and it seems safe to answer resoundingly in the negative. I've been struggling to find a pithy analogy for this situation, but I can't. It's almost like the old joke in which a convicted murderer is given his choice of execution methods and chooses to die of old age.

But this is monopoly, not murder, and it isn't funny.

What can be done to fix the PFJ? A few obvious improvements come immediately to mind. These can be briefly summarized as:

o require Microsoft to publish all of its prices.

o require Microsoft to publish all of its API's, protocols, and file formats, and allow them to be used for any purpose including the development of free, competing operating systems.

o extend these provisions to all Microsoft operating system products, not just those that run on personal computers.

In particular,

1. Extend the ''Covered OEMs'' of section B to include ALL LICENSEES. Microsoft should publish its prices, period.

2. In section D, replace ''. . . disclose to ISVs, IHVs, IAPs, ICPs, and OEMs, for the sole purpose of interoperating with a Windows Operating System Product,. . . '' with the phrase ''. . . disclose to the public, for any purpose, . . . '', hence making all operating system API's freely available and allowing competing operating systems to run applications originally designed to run on Microsoft operating systems.

3. In section E, replace ''make available for use by third parties, for the sole purpose of interoperating with a Windows Operating System Product, on reasonable and non-discriminatory terms (consistent with Section III.I)'' with ''make available to the public specifications for. . . '' and hence require all communication protocols to be open. It is well known in the computer security community that any communication protocol which is not open to public scrutiny represents a grave risk to the public, because anyone who discovers a hidden flaw can exploit it for a long time before the flaw becomes known to others.

4. Insert a section similar to section E which replaces communications protocols used to interoperate with a Microsoft server operating system with file formats required to interoperate with Microsoft applications.

5. Modify section I.1. to require Microsoft to waive license fees for use in software which is freely given away. Modify section I.3. to allow licensees to freely distribute source code.

6. In VI section O, replace ''Personal Computers'' with ''Computers''.

7. Replace VI section Q with a suitable definition of ''Computer'' as any computing device that is capable of running a Microsoft Operating System Product. In any case, it must include both servers and such consumer products as tablet computerss, pocket PC's, and game controllers.

8. In VI section U, define ''Microsoft Operating System Product'' as any Operating System sold by Microsoft.

I believe that these suggested changes are the minimum required to prevent Microsoft from not only perpetuating its current monopoly on the personal computer, but extending it into other, and indeed larger, areas.

Sincerely,

Stephen Robert Savitzky
Contact information:
Home: 343 Leigh Ave
San Jose, CA 95128
Phone: 408–2994–6492
E-mail: steve@theStarport.org
Work: Chief Software Scientist
Ricoh Innovations, Inc.
2882 Sand Hill Road, Suite 115
Menlo Park, CA 94025
Phone: 650–496–5710
E-mail: steve@rii.ricoh.com
CC:steve@rii.ricoh.com@inetgw

MTC–00014847

From: Ed Howland
To: Microsoft ATR
Date: 1/23/02 3:23am
Subject: Microsoft Settelment

Dear Sirs,

I'd like to voice my opinion on the proposed Microsoft Antitrust settlement as allowed under the Tunney Act.

My main objection to the settlement is that there doesn't seem to be any penalty to Microsoft. As a remedy, it seems worse than the original harm, especially in certain areas dealing with Independant Software Vendors (ISVs) I have been a software engieer with 18 years writing software for Unix and Microsft OSes. It has been my experience that when using Microsoft's products from version to version, new features for ISV developers are seemingly obsfucated and you need to pay more money to get the fix or documentation. I can relate many horror stories about missed project dates due in main to some undocumented ''feature'' (read: bug) in a new Windows API.

Because of the narrow wording of the agreement with regard to APIs in particular, it is pretty easy for Microsoft to publicaly say they are in compliance with the agreement. However, with just a renamed (not a new release) version they can return to their anti-competitive ways. This, in my opionion, does little to reduce my barrier to entry. Indeed, after this goes into effect, I predict Microsoft will release a new application that competes with mine and works much better with XP than mine does.

Section III.H.3 and Section III.D fail to help ISVs like me to develop and deliver competing middleware products because the required technical documentation might not be delivered on time to be included in the next release of the OS. Again, Microsoft's own middleware developers have the advantage of me with advance knowledge and if I'm not very very very good, I will miss the boat and likely the small market window as well.

Because of the hardships placed on me as an independant developer, I have switched completely from Microsoft products to Java and the Linux OS platform. I might like to do both in the future, if as Mr. Ashcroft states, theses barriers to entry will be removed by the settlement. I actually think they will be higher in the end, because I might be led down the primrose path to find that I have to work under even worse conditions to perform the same level I used to.

If that were not bad enough, Microsoft seems to be attacking my new source of income by going after Open Source applications and operating systems. This is my biggest grievance for the future. As Dan Kegel says in his paper on the proposed settlement, Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.
<http://www.kegel.com/remedy/remedy2.html#abe> (1)

There are many other points of contention I find in the PFJ, but these are the most relevant to me and my source of income. I think that the point of an anti-trust settlement should be to redress damages done to to the plaintiffs not to reward the defendant. This settlement seems to say Microsoft will not be allowed to harm me in the future, but clearly I beleive I will be worse off no matter which way I turn. Windows application development will be next to impossible under the restrictions, and Open Source work will be prohibited. It seems my only choice as a software engineer in the coming years will be to submit my resume to Microsoft and hope they hire me, or to flip burgers.

Thank you for taking the time to read my letter and hearing my concerns over this matter.

Sincerely,

Ed Howland
St. Louis, Mo

(1) http://www.kegel.com/remedy/remedy2.html

MTC–00014848

From: Charles S. Pecoraro
To: Microsoft ATR
Date: 1/23/02 3:27am
Subject: Microsoft Settlement

To whom it may concern,

I'm not a CEO or anything like that but I am a college student who believes in a free market but not at the cost of a competitive one where the consumer, who drives the market, becomes the victim of an unregulated

stranglehold upon it. It is vital that competition remains vigerous to porduce the best possible product a the lowest possible price. We can not afford to have Microsoft, which I have nothing against personally, control a market which plays such a large part in the everyday functions of business around the globe. thank you for your time.

Charles S. Pecoraro
1247 w. 30th st. apt 110
Los Angeles, Ca 90007
CC:microsoftcomments@doj.ca.gov@inetgw

MTC–00014849

From: joe3@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 3:34am
Subject: Microsoft Settlement

Dear Renata Hesse:

I am writing to strongly protest the Proposed Final Judgement in the Microsoft antitrust suit. As written, it fails to prohibit significantly anti-competitive practices of which Microsoft has been proven guilty.

As an example of how I, as a consumer, am directly harmed by Microsoft's anti-competitive practices, and how these practices are not restrained by the Proposed Final Judgement, I offer the following fact: I do not use Windows. I choose, instead, to use a competing operating system, Linux, that also uses the popular x86 hardware platform on which Microsoft's Windows operating system was found to have a monopoly. I have no interest in purchasing a computer with Windows installed; instead, I would rather purchase a computer with Linux, and only Linux, installed. I do not want to pay for what I will not use. And yet, according to the Proposed Final Judgement, if the OEM with whom I wish to do business tries to sell me such a computer, Microsoft is fully entitled to retaliate against that OEM. Section III.A.2 prohibits retaliation against an OEM for selling computers that (a) have both Windows and another OS installed, or (b) ''will boot with more than one Operating System'', but does not prohibit retaliation for selling a computer that sells a computer with a single, non-Windows OS installed. Microsoft can raise the prices on every copy of Windows the OEM does install, until the OEM is effectively paying the costs of installing Windows on every machine they sell, whether or not Windows is actually installed! (In effect, this grants Microsoft permission to resume selling the per-processor licenses that were expressly prohibited by the 1994 consent decree in Microsoft's earlier antitrust case.) Far from inhibiting Microsoft's abuse of its monopoly position, the Proposed Final Judgement allows Microsoft to punish OEMs that attempt to provide their customers a choice between Windows and its competitors! Even if an OEM should choose for any reason choose to still offer both Windows computers and non-Windows computers, they would have a financial penalty imposed upon them which they would have no choice but to pass on to the consumer.

With loopholes of this magnitude in the proposed settlement, I do not feel that it adequately represents my interests as a consumer or encourages free market competition.

Sincerely,
Joseph Crowley III
1126 East Street
Dedham, MA 02026

MTC–00014850

From: Ty Norton
To: Microsoft ATR
Date: 1/23/02 3:39am
Subject: Microsoft Anti-Trust

Microsoft cannot be allowed to continually stifle competition in the computer arena. They have already done so without much effort simply by releasing new applications as the default in their operating system; thus, squelching the competition to a meager level.

The most notable example of this is Netscape. They continue to destroy creative and exciting enterprises by releasing competing products for free, and as the default with their Windows operating system brand name. Examples of this are Windows Media Player vs Real Networks, or MSN Instant Messenger vs AOL's AIM or AOL's ICQ. Not to mention the obvious and present security concerns regarding Passport and it's licensing agreement.

I've done my best to avoid their monopolistic practices as best I can, I use Linux. I still find myself frustrated with the amount of effort they have put into making life in the IT profession a living nightmare, especially for a Network Admin.

I fear the day they will dominate web services with their .NET strategy, for that will be the end of all competition if adopted.

Tyler Norton
24323 NE 10th
Sammamish, WA 98074
Sincere Regards, —
Ty Norton √ ty@norton.to
UNIX Network Consultant

MTC–00014851

From: ToeNee21@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 3:37am
Subject: Microsoft Settlement.

Dear Judge,

I feel we live in a nation that has suceeded by entrepreneurs and capitalists who make good on their opportunties and succeed in whatever endeavors they pursue. I ask that you allow Microsoft to continue with their monopoly and not get in the way of capitalism itself. Thank you for your consideration.

T. Souza
(213) 748–7866
CC:microsoftcomments@doj.ca.gov@inetgw

MTC–00014852

From: Rick Stockton
To: Microsoft ATR
Date: 1/23/02 3:48am
Subject: Microsoft Settlement

Due to the fact that the United States Department Of Justice (DOJ) has published an incorrect address for E-Mail comments at least once, I request that the DOJ send one (or more) return E-Mail replies to me containing (1) confirmation that my E-Mail has been properly received; (2) the responses to all of my comments as required by the Tunney Act; and (3) the date on which my comments and their responses have been published in the Federal Register.

Thank you.
Richard S Stockton, U.S. Citizen
1537 Berne Rd NE
Fridley, FIN 55421
EMail: rickstockton@acer-access.com

I object to numerous inadequacies in the Revised Proposed Final Judgement, which, among other failures, provides insufficient relief for injuries suffered by computer buyers and the general public at the hands of Microsoft. As per the Tunney Act, I am providing comments regarding provisions which are present in the document, but are either (a) too unclear; (b) too incomplete; (c) riddled with ''loopholes'' to benefit the guilty defendant (at the expense of the already victimized Plaintiffs and the consumers they represent); or (d) inadequate from a procedural perspective. These provisions are therefore inadequate to prevent Microsoft from abusing its monopoly power again in the future, and/or inadequate to provide a sufficient remedy for Microsoft's past illegal behavior. My comments also deal with inadequacies of omission (areas in which additional provisions are needed, but the Revised Proposed Final Judgement provides nothing).

I hope that my comments will assist the DOJ in arriving at a proposal which is more fair, effective and reasonable. I would like your to pay particular note to my Third Objection, which provides a very clear and reasonable argument for requiring Microsoft to offer versions of Windows Operating Systems without unwanted ''Microsoft Middleware'', at reduced prices, to both OEMs and Retail Customers. Retail customers have been victimized with enormously inflated costs via Microsoft's past abuses, but the current Revised Proposed Final Judgement provides no remedy for them.

If I may answer any questions regarding these comments, please feel free to contact me via EMail.

First Objection from Richard Stockton, regarding ''Prohibited Conduct'' Part 'A':

The second of 3 numbered items prohibits Microsoft from retaliating against an OEM for ''shipping a Personal Computer that (a) includes both a Windows Operating System Product and a non-Microsoft Operating System, or (b) will boot with more than one Operating System;'' This provision is worded to ALLOW Microsoft retaliation against any OEM who ships Personal Computers with (c) a single non-Microsoft Operating System; or (d) no OEM-installed Operating System at all. In order to be protected from retaliation, the OEM is therefore required to load up all such Personal Computers with multiple bootable Operating Systems. More disk space is consumed, user documentation is made more complex; support costs are raised; and systems design/integration work by the OEM is vastly increased.

The OEM and their customers are both forced to pay for the installation of at least one, and perhaps two, undesired Operating Systems in every Personal Computer. Thus, this provision serves to PROTECT Microsoft's ill-gotten Operating System monopoly by imposing large, unfair, and totally unwanted costs on the OEMs (and purchasers) of non-Windows computers. In order to provide adequate remedial value to victimized OEMs,

this provision needs to be rewritten to include computers in my categories (c) and (d) (as described in the preceding paragraph).

Second Objection from Richard Stockton, also regarding ''Prohibited Conduct'' Part 'A': With regard to the requirement for Microsoft providing written notice of reasons and 30 days'' notice before terminating a Covered OEM's license, the Proposed Judgement says: ''Not withstanding the foregoing, Microsoft shall have no obligation to provide such a termination notice and opportunity to cure to any Covered OEM that has received two or more such notices during the term of its Windows Operating System Product license.''

After Microsoft has issued two termination notices, it appears that a third notice is not required (even if the reasons provided in the first two notices were invalid, unfair, or ''cured''). The definition of a ''Covered OEM'' also includes only the 20 largest distributors of Windows Operating System licenses in the entire world. These are large firms, which are likely to need much more than 30 days notice to revise their product lines or distribution channel relationships. This sentence should be removed (Microsoft should be required to give reasons and reasonable notice for such terminations an unlimited number of times), and the minimum length of time from receipt of the notice of reasons until termination of the agreement should not be less than 90 days.

Third Objection from Richard Stockton, regarding many sections within ''Prohibited Conduct') Although the Proposed Final Judgement clearly allows OEM's and End Users to remove and/or replace Microsoft ''Middleware'' Products, nowhere does it require Microsoft to offer a 'stripped-down' versions of Windows Operating Systems at reduced prices. The 'Competitive Impact Statement' states that the DOJ seriously considered a requirement that Microsoft ''manufacture and distribute the Windows Operating System without any Microsoft Middleware or corresponding functionality included'', but provides no reason why such a requirement was not included.

Therefore, Windows Operating Systems customers (OEM and retail) will be forced to continue subsidizing the Microsoft tactic of destroying competition with Windows-Subsidized ''free'' Middleware Products, such as Internet Explorer and Windows Media Player. Microsoft has claimed that the dollar value of Internet Explorer source code is in the billions. What ISV can possibly develop a competitive product when Microsoft remains allowed to ''cut of their air supply'' by shipping ''free'' Middleware within overpriced Windows Operating Systems? And, why would an OEM go the trouble and expense of working with an ISV to distribute a competitive ''Middleware Product'' while the Microsoft Product remains effectively ''free''? The Proposed Final Judgement should be changed to specify a reduced price schedule, to benefit all OEMs and Retail customers, for alternate versions of the Windows Operating System which exclude undesired Microsoft ''Middleware'' Product(s). The current Revised Proposed Final Judgement fails miserably in addressing Microsoft's illegal use of the Operating System monopoly to subsidize the destruction of competitors in Application Middleware markets by ''cutting off their air supply''

Fourth Objection from Richard Stockton, regarding failure to require documentation of file formats.

The Proposed Final Judgement presents the disclosure of ''APIs'' and ''layers of Communications Protocols'' as remedial measures, but fails to include any requirement to document file formats. Any ISV which might attempt to compete in the office document generation marketplace (i.e., word processing, spreadsheets, etc.) must be able to import and export ''Microsoft office'' files. The Court found that Microsoft established and maintained a monopoly in this Application Software market by utilizing its Operating System monopoly to destroy competition from Lotus SmartSuite. Many experts within the computer industry consider Microsoft's ill-gotten Office Suite monopoly to be more dominant than its Operating System monopoly. To provide a remedy for this past abuse, and assist in reconstruction of a competitive marketplace, the content formatting specifications of all such data files must be made available to any ISV who has an interest in developing Software which reads or writes ''Microsoft office'' data files, ''Windows Media Player'' data files, and any other data files utilized by future releases of Microsoft ''Middleware'' and ''Office'' Products.

Fifth Objection from Richard Stockton, regarding the presence of a ''loophole'' allowing Microsoft to withhold vital APIs, documentation, and Communications Protocols. The paragraph J–1 within section III provides loopholes which make all preceding and following ''requirements'' to release APIs and related documentation almost totally ineffective. Nearly every ''Middleware'' Communications Protocol eyecutes within a framework of some authentication and/or authorization criteria, and many Windows APIs implement security features. For example, Windows XP invites its installers to register via Passport. An argument can be made that Passport constitutes a ''particular installation or group of installations'', and therefore is excluded. The 'Competitive Impact Statement' claims that ''this is a narrow exception, limited to specific end-user implementations'' but this text does not appear in the the Revised Proposed Final Judgement.

The clause (a) of this sentence/paragraph provides a loophole, in advance, preventing third party access to vast quantities of information which must be available in order to remedy past illegal behavior of the defendant. The entire clause should be removed and replaced by a section which allows Microsoft to request a waiver from the TC for each specific area of ''sensitive'' security information which Microsoft desires to conceal. Unless granted a waiver from the TC, Microsoft should be required to release all requested information on a timely basis unless directed not to do so by a government agency as per clause (b).

Sixth Objection from Richard Stockton, regarding the presence of two ''loopholes'' allowing Microsoft to condition the licenses of APIs, documentation, and Communications Protocols with unreasonable terms.

The paragraph J–2 within section III places expensive, burdensome, and inappropriate requirements on the Software Development entities for whom the Revised Proposed Final Judgement supposedly attempts to provided remedial relief from past Microsoft abuses. As with my Fifth Objection, the 'Competitive Impact Statement', makes a claim that these burdens are limited to only ''the narrowest possible scope''. But nearly every ''Middleware'' Communications Protocol executes within a framework of some authentication and/or authorization criteria, and no such ''narrowing'' text is present in the Revised Proposed Final Judgement.

Background for Loophole #1: The Findings and evidence in the case, as well as other widely distributed Microsoft documents, indicate that Microsoft considers GNU-Linux to be a serious threat (and perhaps the only remaining viable threat) to its Operating System monopoly. Linux is an Open-Source software project, not controlled by any business entity. Similarly, many of the viable competitors to Internet Explorer depend on the Open-Source Mozilla project for some (and in the specific case of Netscape, nearly all) of the code within their Products.

Loophole #1: In spite of this well-understood situation, clause (c) of the Revised Proposed Final Judgement requires such entities to meet ''. . . reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business''. Since these entities are NOT businesses, it seems very unlikely that they would meet ''objective standards established by Microsoft''. In addition, it is unsound to allow the GUILTY DEFENDANT to establishes the standards by which the already victimized plaintiffs are ''judged'' to qualify for the remedy. This clause should be replace by a clause which allows Microsoft to request that the TC disqualify a specific Software Development entity from receiving the information for specific reasons provided by Microsoft.

Loophole #2: An even more serious problem exists within clause (d), requiring that the Software Development entity submits its Software Programs to a Microsoft-approved third party test organization ''to test for and ensure verification with Microsoft specifications of use of the API or interface. . . ''. As a former professional Software Test Analyst, I can assure you that the amount of testing which can be created to fully verify the functionality of a complex API is nearly unlimited. In the Software business, effective test planning and execution must strike a balance between finding significant errors and completing the testing at within reasonable constraints of time and cost. (A vast majority of leading Professors of Computer Science throughout the World would agree with these statements). Microsoft is given a ''loophole'' to inflict enormous financial costs (and perhaps delays in Software Release) on competing Software Development entities by requiring an amount of testing which is apparently defined by a Microsoft-approved third party. It appears that such a third party

is invited to create an arbitrarily comprehensive and lengthy test plan per Microsoft specifications, but that all of resulting test costs are borne by the ISV. This clause should be removed and replaced by clause which allows Microsoft to perform such testing at its own expense (not the ISV's).

Seventh Objection from Richard Stockton, regarding Section IV.D.9.

The scope of this confidentiality agreement appears to be in conflict with IV.D.4.a: Since the latter provision invites third parties to submit complaints concerning Microsoft's compliance, this provision should be changed to allow for the TC to respond to the complaining third party.

Eighth Objection from Richard Stockton, regarding provisions in Section IV.D.4 (''Submissions to the TC'').

Lettered item ''c'' fails to provide any mechanism for assuring that the TC's ''proposal for cure'' of a meritorious complaint is fully (or even partly) followed by Microsoft. This provision should be expanded to (1) require timely and complete compliance by Microsoft with any ''proposal for cure'' proposed by the TC; and (2) to provide for appropriate punishment, via Court Action, of Microsoft Corporation and/or its Officers for failure to comply with any such ''proposal for cure''. This leads to my objection to the provision in lettered item ''d''. The Revised Proposed Final Judgement, after requiring the TC to investigate, analyze, and specify proposals to cure meritorious complaints, specifies that no ''work product'' may be admitted in any enforcement proceeding before the Court. The TC is required by other Sections to carefully investigate, assess, and resolve any complaints regarding Microsoft behavior. But, the Revised Proposed Final Judgement proposes to remove the possibility of any Court hearing or seeing large amounts of relevant and significant evidence regarding future illegal behavior by Microsoft. By eliminating the use of evidence, testimony, and depositions from the TC in any Court, it appears that the DOJ proposes to put Microsoft (the guilty defendant) beyond the reach of the law.

Ninth Objection from Richard Stockton, regarding the Termination of the Final Judgement. Microsoft has been found guilty (of violating Laws and previous Court Consent Decrees). Many of the abuses which this document is the proposed remedy occurred more than 5 years ago. But Microsoft continues to engage in behavior which appears to violate laws: During the current comment period, in which Microsoft might be expected to be particularly careful to behave as a ''good corporate citizen'', the Corporation failed to disclose meeting with aides of the Senate Judiciary Committee to discuss terms of the settlement before a December congressional hearing on the case. Even at this sensitive time, Microsoft behaves as if the Tunney Act doesn't apply to them.

This guilty defendant, with well documented patterns of recurring illegal and abusive behavior, does not deserve such generous expiration terms. Expiration of the Final Judgement should be either (a) at least 10 years into the future; or (b) at the pleasure of the all of the Plaintiffs, in unanimous agreement.

Tenth Objection from Richard Stockton, regarding inclusion of a requirement that Software be ''Trademarked'' in definitions of ''Microsoft Middleware'' and ''Microsoft Middleware Product''. Definitions J.2 (''Microsoft Middleware'') and K. (''Microsoft Middleware Product'') require that Software Code meet all of the listed conditions in order to be treated as an instance of the defined software classification. The requirements for code to be Trademarked (J.2 and K.2.b.iii) constitute an inappropriate ''loophole'' for Microsoft to claim that vast amounts of software is neither ''Middleware'' nor ''Middleware Product'', and thereby not covered by any terms within the Proposed Final Judgement. Both of these conditions (J.2 and K.2.b.iii) should be removed.

Eleventh Objection from Richard Stockton, regarding the exclusion of ''Windows Explorer'' and ''Network Neighborhood'' from the definitions of J. ''Microsoft Middleware'' and K. ''Microsoft Middleware Product''.

Assuring ISV access to Microsoft Networking (as provided by ''Windows Explorer'', ''Network Neighborhood'', and their descendents) is an important component in providing a remedy for past Microsoft abuses in the Operating System competitive environment. Microsoft is currently in an ill-gotten monopoly position which allows it to destroy any third party software which attempts to take part within a network of Windows PCs and Servers (such as SAMBA), by creating new proprietary protocols. The functionality of Client/Server access (and peer-to-peer access) for file sharing should be included within K.2.a.

Twelfth Objection from Richard Stockton, regarding the definition both M. ''Non-Microsoft Middleware'' and N. ''Non-Microsoft Middleware Product'' in terms of exposing functionality via published APIs and porting to non-Microsoft Operating Systems.

The functionality of Microsoft Middleware Products such as Windows Media Player have very little to do with exposing ''. . . a range of functionality to ISVs through published APIs'', and there is no justification for requiring Non-Microsoft Products to do so. The definition of ''Non-Microsoft Middleware'' should be changed to include any Non-Microsoft software which (a) provides similar functionality to any of the Microsoft Middleware Products listed definition K.1; or (b) provides functionality analogous to (but not limited to) the more general list of general software product categories in K.2.a, as modified by my Eleventh Objection (above) to also include networking middleware.

Thirteenth Objection from Richard Stockton, regarding the ''million-copies within the previous year'' requirement within definition N. ''Non-Microsoft Middleware Product''. This distribution volume requirement is excessively large, and should be reduced to 100,000 copies distributed within the previous year. Also, since other items (such as definition C. ''Covered OEMs'') are worldwide, this requirement should be modified to include software distributions in other countries towards the count of 100,000 copies. Fourteenth Objection from Richard Stockton, regarding the definition of ''Windows Operating System Product''.

The final sentence in definition U, ''The software code that comprises a Windows Operating System Product shall be determined by Microsoft at its sole discretion'' should be removed. With this strongly worded ''loophole'' present, Microsoft will be able to ''bundle'' code which provides middleware functionality within the 'Operating System', solely for preventing ISV access to necessary API and Communications Protocol documentation. Without this sentence, Microsoft would still be able to ''bundle'' code of their choice into the Operating System Product, but ISVs would be provided with at least some protection from abuse of this privilege via the complaint submission and resolution procedures (i.e., Microsoft's discretionary choices would be subject to review by the TC and the Court if complaints are submitted).

MTC–00014853

From: Ty Norton
To: Microsoft ATR
Date: 1/23/02 3:52am
Subject: Microsoft Settlement

Microsoft cannot be allowed to continually stifle competition in the computer arena. They have already done so without much effort simply by releasing new applications as the default in their operating system; thus, squelching the competition to a meager level. The most notable example of this is Netscape. They continue to destroy creative and exciting enterprises by releasing competing products for free, and as the default with their Windows operating system brand name. Examples of this are Windows Media Player vs Real Networks, or MSN Instant Messenger vs AOL's AIM or AOL's ICQ. Not to mention the obvious and present security concerns regarding Passport and it's licensing agreement.

I've done my best to avoid their monopolistic practices as best I can, I use Linux. I still find myself frustrated with the amount of effort they have put into making life in the IT profession a living nightmare, especially for a Network Admin.

I fear the day they will dominate web services with their .NET strategy, for that will be the end of all competition if adopted.

Tyler Norton
24323 NE 10th
Sammamish, WA 98074
Ty Norton ty@norton.to
UNIX Network Consultant

MTC–00014854

From: Duane Mailing
To: Microsoft ATR
Date: 1/23/02 3:55am
Subject: Microsoft Settlement

My opinion may not count in your little consensus here (freedom should not be a popularity contest anyway) as I am from Canada, but I just wanted to point out that you people need to decide whether you want to live in the USA or China. In the USA, as it is supposed to be, achievement and effort are rewarded. In China ambitious people are

''criminals'' who have to bribe officials (people like yourselves) to look the other way so they can do business. Monopolies are strictly products of government intervention (ever heard of the post office) not free markets. The department of injustice needs to earn it's official title or get a new address ending in R.O.C.

Duane Mailing
Hamilton, Ontario, Canada

MTC–00014855

From: Nick Kearney
To: Microsoft ATR
Date: 1/23/02 4:15am
Subject: Microsoft antitrust settlement is bad for the consumers of the world this web site is also of interest to the trial http://www.kegel.com/remedy/letter.html

Now for the start of my statement of Why this is the worst deal for consumers and the competition.

Every deal I have seen as a consumer of Microsoft products since beginning my training as a computer tech has left me with this one nagging feeling stated in the topic. The Deal shows no signs of true punishment, no signs of giving up any of its undue monopoly power that they have.

The recent deal with the Schools ''giving the operating systems to the school'' putting a price tag of 1 billion dollars is a good example of antitrust actions in full swing. these questions should be asked and not ignored!!

Question #1 How does Microsoft giving the OS to the Schools in the other cases benefit competition which Microsoft has hurt and continues to hurt?

Question #2 How does ''close source'' operating system make competition possible when you offer your own Database, Spreadsheet, Presentation software, and your own personal closed source Compiler (C# is a compiler that makes binaries, aka products like Office XP Windows XP) for the microsoft operating system?

Question #3 How can any justice department person not take the very restrictive licenses and wording of the End User license agreement and not say they are attacking the competitors. EULA for the Microsoft operating system states plainly this about Java (Sun Microsystems cross platform computer language)

9. NOTE ON JAVA SUPPORT. THE SOFTWARE PRODUCT MAY CONTAIN SUPPORT FOR PROGRAMS WRITTEN IN JAVA. JAVA TECHNOLOGY IS NOT FAULT TOLERANT AND IS NOT DESIGNED, MANUFACTURED, OR INTENDED FOR USE OR RESALE AS ON-LINE CONTROL EQUIPMENT IN HAZARDOUS ENVIRONMENTS REQUIRING FAIL-SAFE PERFORMANCE, SUCH AS IN THE OPERATION OF NUCLEAR FACILITIES, AIRCRAFT NAVIGATION OR COMMUNICATION SYSTEMS, AIR TRAFFIC CONTROL, DIRECT LIFE SUPPORT MACHINES, OR WEAPONS SYSTEMS, IN WHICH THE FAILURE OF JAVA TECHNOLOGY COULD LEAD DIRECTLY TO DEATH, PERSONAL INJURY, OR SEVERE PHYSICAL OR ENVIRONMENTAL DAMAGE.

Sun Microsystems, Inc. has contractually obligated Microsoft to make this disclaimer. then they strike out at the consumer

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Any supplements or updates to the SOFTWARE PRODUCT, including without limitation, any (if any) service packs or hot fixes provided to you after the expiration of the ninety (90) day Limited Warranty period are not covered by any warranty or condition, express or implied, or statutory.
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YOUR EXCLUSIVE REMEDY. Microsoft's and its suppliers' entire liability and your exclusive remedy shall be, at Microsoft's option from time to time, (a) return of the price paid (if any) for the SOFTWARE PRODUCT, or (b) repair or replacement of, the SOFTWARE PRODUCT that does not meet this Limited Warranty and that is returned to Microsoft with a copy of your receipt. You will receive the remedy elected by Microsoft without charge, except that you are responsible for any expenses you may incur (e.g. cost of shipping the SOFTWARE PRODUCT to Microsoft). This Limited Warranty is void if failure of the SOFTWARE PRODUCT has resulted from accident, abuse, misapplication, abnormal use or a virus.

Any replacement SOFTWARE PRODUCT will be warranted for the remainder of the original warranty period or thirty (30) days, whichever is longer. Outside the United States or Canada, neither these remedies nor any product support services offered by Microsoft are available without proof of purchase from an authorized international source. To exercise your remedy, contact: Microsoft, Attn. Microsoft Sales Information Center at the address specified above, or the Microsoft subsidiary servicing your country.

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EXCLUSION OF INCIDENTAL, CONSEQUENTIAL AND CERTAIN OTHER DAMAGES.

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LIMITATION OF LIABILITY AND REMEDIES. Notwithstanding any damages that you might incur for any reason whatsoever (including, without limitation, all damages referenced above and all direct or general damages), the entire liability of Microsoft and any of its suppliers under any provision of this EULA and your exclusive remedy for all of the foregoing (except for any remedy of repair or replacement elected by Microsoft with respect to any breach of the Limited Warranty) shall be limited to the greater of the amount actually paid by you for the SOFTWARE PRODUCT or U.S.$5.00. The foregoing limitations, exclusions and disclaimers described above shall apply to the maximum extent permitted by applicable law, even if any remedy fails its essential purpose.

This was just in my windows ME EULA

Question #4 Now I may be a lawyer, but this is the Windows 95 / 98 / ME / CE / XP End user license agreements should also be examined for antitrust concerns I liken the wording to Ford not taking any liability in mechanical defects in workmanship for the ford Explorer wilderness series tires that has killed 76 people. So far the windows Operating system has to it's credit Disabling a Navy class destroyer. The destroyer had to be towed to port! Should they not be liable for that in the future?

Question #5 of all the settlement offers i still have to ask myself, Where is the real punishment, the Punishment that does make competition possible? If Microsoft offered to install Imacs in the schools Microsoft wins again Bill gates has invested 100 million dollars into apple computers upon the return of Steve Jobs as then interim president. Microsoft is the only one who makes Macintosh Office 2001 software that is on the shelves as well. These actions as they stand alone may not amount to an antitrust but when you control the compiler, the office software, the database engine, the 3d display patent they recently bought off of SGI, and lock out Corel (Another 100 million dollar Microsoft investment which forced Corel linux off the shelves and forced them to support the Microsoft .net frame work), Netscape (Microsoft gave away their browser and took profits right out of Netscape's browser markets), Java (microsoft developed it's own incompatible version of java middle ware to stop java from gaining ground), borland (who makes a C compiler), and GNU (Who makes a Free C compiler) unless they ''get there programs signed device drivers signed'' which makes it difficult for competition to thrive and Innovate. The true meaning of the word innovate is what Microsoft is trying to control by giving them what they seek you play into their hands. So when applying the Law of the land I suggest you not forget you are representing the consumers of america as well, not just industries Microsoft has harmed, but We the people. I also hope that you can and do see the potential damage Microsoft has done and will do in the future.

Thank you for your reading!

Sincerely;

Nick Kearney

613 Elliott Avenue

New Castle IN 47362–4881 PS Yes it is long winded but it is more direct than Bill Gates on tape questioning.

MTC–00014856

From: Zubin Dittia
To: Microsoft ATR
Date: 1/23/02 4:58am
Subject: Microsoft Settlement

January 23, 2002

Honorable Judge Colleen Kollar-Kotelly
United States District Court for the District of Columbia
333 Constitution Avenue, NW
Washington, DC 20001

Your Honor:

I am a co-founder and the Chief Scientist at a small silicon valley startup company developing software infrastructure for the Internet. I have kept close track of the progress in the Microsoft antitrust case, and would like to take this opportunity to express my views. I would like to emphasize that these are my own views and do not reflect those of my company or any of its officers.

As an industry participant, I feel that the Microsoft monopoly has had a devastating effect on competition and on innovation. Two aspects of this are especially disturbing to me:

1. By applying pressure on PC hardware vendors through exclusivity contracts, threats of increased pricing for Windows products, and other coercive means, Microsoft has successfully been able to keep vendors from selling dual-boot PCs (i.e., PCs which have multiple operating systems installed, and which provide users an option of which operating system to run when the system first comes up). A case in point is Be, Inc., which was recently acquired by Palm. Be's product was a very simple and fast operating system which did not have very many applications, but which was very quick to boot at power on. Their product was designed to be installed alongside Windows in PCs. When the PC was powered up, the user was to be given a choice of whether to run Windows or Be. Thus, if the user wanted only to quickly check email or browse the web, there would be no need to wait a long time for Windows to boot up. Thanks to Microsoft pressure though, the hardware vendors which had been excited about providing such a choice to users had to back off from making any deals with Be, Inc. No one wants to go crosswise with a monopolist when you depend on them for most of your revenues. The end result was that users cannot enjoy a system that starts up in an instant—the losers were the consumers.

Another case in point is the free operating system Linux. It does not cost PC hardware vendors anything to run this OS on the PCs they sell, beyond the very low cost of installation. Thus, one would expect vendors to have rushed to install Linux in addition to Windows on their PCs (in a dual-boot configuration), as an additional ''feature'' that would help them differentiate their products. We haven't seen this happen, except with very small PC vendors that sell their PCs at much higher prices. Again, this is either because of direct coercion, or from fear of retaliation from a company on whom the vendors are completely reliant for their continued existence.

2. Perhaps even more damaging, but hidden from public view and not immediately evident, is the effect the monopoly has on innovation and on progress in the technology sector. Investors are fearful of investing in any project that appears to encroach on Microsoft's turf, and as a result much progress and many improvements in computer technology that could have been may never reach us. The resulting damage to the economy, and to the people, far outweighs the direct damage resulting from over-priced Microsoft products.

I urge the court to consider these points when it makes its decision on this very important case. I for one believe that the proposed settlement hammered out between the DOJ and Microsoft has been politically influenced, and is not in the public interest. It will not help restore competition to the marketplace, and it does not do anything to punish Microsoft for its earlier misdeeds. I urge the court to reject that settlement as inadequate, and opt for a harsher remedy. With respect to point number 1 above, one remedy that I believe would help restore some modicum of competition would be to require Microsoft to adopt uniform and publicly known pricing for its products, to make their vendor contracts public knowledge, and to forbid them from discriminating on pricing or any other basis against hardware vendors that support competing products.

Thank you for your time. I have great trust in the American Legal System, and I'm sure that my trust will again be upheld in this case.

Respectfully yours,

Zubin D. Dittia
Chief Scientist
Jibe Networks, Inc.
3 West 3th Ave., Suite 17
San Mateo, CA 94403.

MTC–00014857

From: Noel deSouza
To: Microsoft ATR
Date: 1/23/02 5:17am
Subject: Microsoft Settlement

I wonder why no one bothers about the Apache server? it's distributed for free with linux and competes with Internet Information server . . . Media player, Disk Defrag, netmeeting etc etc are also bundled with Windows . . . does anyone care??? maybe people who really build good software don't have to worry about free stuff.

Noel deSouza

MTC–00014858

From: Whitehouse, Elaine
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/23/02 5:28am
Subject: MICROSOFT SETTLEMENT

As a PC user, I feel that the witchhunt that you have going on with Microsoft needs to be ended. Since I am a PC user, I do not feel that any harm has come to me by way of Microsoft. You are putting a burden on a company who has been able to use its abilities to move forward in the field. This is the entire concept of marketing what you do best. If the competitors of Microsoft can't do as well, that is not the fault of Microsoft. The best company will keep moving into first place. Why is the government trying to put their hands into this? Please leave Microsoft alone!

Elaine Whitehouse
CC:'aoctp(a)aoctp.org''

MTC–00014859

From: Dennis Daniels
To: Microsoft ATR
Date: 1/23/02 5:43am
Subject: Microsoft Settlement

I think that the proposed settlement is a bad idea. I live and work in France but I am a US citizen. Microsoft is no friend to US international business interests and the proposed settlement does nothing to make the US more competitive in international markets.

Thank you

Dennis Daniels

MTC–00014860

From: rinnan@mac.com@inetgw
To: Microsoft ATR
Date: 1/23/02 5:44am
Subject: Microsoft Settlement

Hello my name is Erik Hill. I have been watching the Microsoft trial with interest. I am a computer programmer, and my livelihood is directly affected by having an abusive monopolist in the field. I feel that in order for any market to thrive, including software, it must be free of the kind of monopoly that Microsoft has proven itself to be. I am dissatisfied with the settlement that has been proposed because it is simply too weak to solve the problem. Simply, it is a band-aid, or less, and this problem requires a far more decisive action.

Erik Hill
Software Engineer
Honolulu, Hawai'i

MTC–00014861

From: Allen Ashley
To: Microsoft ATR
Date: 1/23/02 6:54am
Subject: Microsoft Settlement

I oppose the proposed settlement of the Microsoft anticompetitive lawsuit because I believe that settlement provides neither an adequate penalty for previous unlawful actions nor an assurance that such actions will not continue.

Microsoft will always be able to leverage its operating system dominance into an uncompetitive force in the applications software area. An adequate remedy for the illegal historical practices of Microsoft must either remove their dominance in the operating system, or disable their leverage in applications development.

Much of the ease-of-use features of the Microsoft operating systems come not from Microsoft, but from hardware vendors who must write driver software compatible with Microsoft. There is currently no motivation for these vendors to write drivers for alternative, less used operating systems.

Thank you for this opportunity to present my opposition to the proposed settlement.

My name is Allen Ashley (ashley@alumni.caltech.edu)

MTC–00014862

From: Craig Christophel
To: Microsoft ATR
Date: 1/23/02 5:44am
Subject: Microsoft Settlement

After reading many articles and the settlement, I beleive that there are still far too many loopholes that Microsoft will be able to use to circumvent the intent of the Court case.

Craig.

MTC–00014863

From: J. Paul Reed
To: Microsoft ATR
Date: 1/23/02 5:51am
Subject: Microsoft Settlement—A step in the wrong direction

You probably have a lot of these, so I won't write much: I just want to say I think the proposed settlement is pathetic. It doesn't protect consumers, it doesn't protect competition in the market, and it allows Microsoft to continue the shady and underhanded business practices that made them the monopoly a United States court claimed they are.

The technology sector moves quickly; the remedy provided by the settlement is already moot; the ''browser wars'' that started it all are over. Microsoft has cemented their next foray into new markets with .NET and Windows XP. The only remedy that will even BEGIN to bring competition back to the market is to force Microsoft to open up, COMPLETELY, their source code so competing products may be made compatible with Microsoft-created ''standards.'' Forget trying to break them up (they'll just work together as they always have), and forget trying to have a panel oversee them with sanctions that, if broken, would require the same (useless) sanctions for a longer period of time.

Don't let all your hard work (and our hard-earned tax dollars) to go waste.

Thanks for your consideration.

Later,
Paul

J. Paul Reed preed@sigkill.com √√
web.sigkill.com/preed

What's the point in being nuts if you can't have a little fun?—John Nash, Jr., A Beautiful Mind

MTC–00014864

From: Osric Wilkinson
To: Microsoft ATR
Date: 1/23/02 5:52am
Subject: Microsoft Settlement

Hi,

I am not a US citizen.

I do think that the proposed settlement in the Microsoft Anti Trust case is not sufficient.

I would like to see Microsoft forced to release their source code to the public, so all developers could be on an equal footing (including non-us deveopers).

Thanks for reading.

Osric Wilkinson

''And I think that there's no question but that if someone looked down from Mars on the United States for the last three days, they would conclude that America is what's wrong with the world.'' Donald Rumsfed, US SecDef

MTC–00014865

From: Dan M
To: Microsoft ATR
Date: 1/23/02 5:54am
Subject: Microsoft Settlement

I would just like to say that I have read about the proposed settlement, and I am not in favor of it in its current state. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors, yet unfavorable to Microsoft. I hope the irony of using MS Hotmail to send this does not elude you.

Thank you,
Dan McCartney
4306C Orion Dr
Kapolei, HI 96707

MTC–00014866

From: Jeff Kramer
To: Microsoft ATR
Date: 1/23/02 5:54am
Subject: Microsoft Settlement

I strongly disagree with the proposed settlement in the Microsoft Antitrust case. Handing a company that has repeatedly broken the laws of this country yet another market segment as, of all things, punishment for breaking the laws of this country, is a truly terrible thing.

Jeff Kramer
jeffk@well.com

MTC–00014867

From: kosh
To: Microsoft ATR
Date: 1/23/02 5:56am
Subject: Microsoft Settlement

I disagree with the microsoft settlement that has been proposed since overall I feel it won't do any good long term. I do not think they need to be broken up and financial penalities are not the solution. Short term no solution will really work so what I want is a more permanent solution.

(1) All formats used by microsoft should be completely documented at least 3 months before being used in any application. This includes extensions to the html spec, the word document format, and the smb file sharing format.

(2) They should be required to implement the specificaion(s) in areas where their products work in addition to their own systems. In the case of web browsers they should be required to implement http 1.0/1.1 completely and xhtml 1.0 to the letter of the spec.

For example their support of much of http 1.0 and http 1.1 is shoddy at best and that makes it very hard to work with Internet Explorer as a web browser. All versions of IE so far have a but with the Content-Type header especially when working with the Content-Disposition header however so far as I have been able to find out so far it is the only browser that has this bug. This makes the browser very hard to work with server side. It seems in many cases you can either work with Microsoft IE or you can work with the rest of the world. Unforunately because of their monopoly that puts developers in a very bad position since if you choose the non microsoft option most people can then no longer use the web application. Lynx, Links, Konqueror, Opera, Mozilla, Netscape 4.x, and Netscape 6.x all get those parts of the specificaion correct.

(3) All API information in their products should be fully documented and available for free by download in an open format like html. Microsoft maintains too much of its monopoly power by using hidden APIs and if they where required to disclose all of that then it would get rid of that advantage.

None of these items would hurt microsoft in the next year or maybe even the next two years however that is not the point of the penalty. The point is to restore the balance of the system and to help consumers. Long term this method will give consumers more choice by restoring competition to the market. In the end that is what I think the real purpose of antitrust is. Not to penalize the violators but to help the consumers by restoring the system.

William Heymann

Boulder, Colorado
Web Media Engineering http://webme-eng.com

MTC–00014868

From: Kurt
To: Microsoft ATR
Date: 1/23/02 4:54am
Subject: Microsoft Settlement

It is truely sad to see that after all the damage Microsoft has done to the computer industry that this administration wants to not only let them off, by not breaking up or punishing Microsoft, but will solidify their stranglehold. The settlement needs to make sure afferative action FOR linux and against microsoft takes place.

Please be thtoughfull and honset. Break up Microsoft

Thank You
Kurt Bihler
411 Reedwood dr
Joliet, Il 60187

MTC–00014869

From: John Scothern
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 6:00am
Subject: Microsoft Settlement

Dear Sir,

I think the proposed settlement is a bad idea.

It does not go far enough in punishing Microsoft for their illegal actions, and does not prevent Microsoft from keeping their illegally gained monopoly.

Regards,
John Scothern

MTC–00014870

From: Bill Abbas
To: Microsoft ATR
Date: 1/23/02 6:00am
Subject: Microsoft Settlement

As a computer software professional, I believe that the DOJ proposed final judgement with Microsoft is a bad idea which does not adequately protect the rest of the technology industry from Microsoft's predatory practices.

Bill Abbas

MTC–00014871

From: David Laundra
To: Microsoft ATR
Date: 1/23/02 6:03am
Subject: Microsoft Settlement

I have personally observed over the years, how Microsoft has destroyed it's competitors it the computing field. There used to be so many different companies out there; each offering their vision of what makes a good solution to a particular problem. Now, there are only a few foolish enough to take on the Microsoft giant.

Over and over again we have seen MS take notice of a new technology and then either buy it or reverse engineer it and then give it away. In either case the competition is gone and MS strengthens it's stranglehold on the industry.

Do not let them continue without strict oversight. MS has done so much damage already, don't let it continue.

Dlaundra@concentric.net

MTC–00014872

From: matt
To: Microsoft ATR
Date: 1/23/02 6:02am
Subject: Microsoft Settlement

I oppose the proposed final judgment because it's too vague, contains loopholes that allow the monopoly to continue and does not require require Microsoft to release documentation about the format of Microsoft Office documents.

I don't work for a microsoft competitor.
mks@pobox.com

MTC–00014873

From: Richard Lenoce
To: Microsoft ATR
Date: 1/23/02 6:05am
Subject: Microsoft Settlement

Stop the Settlement. It unfairly works towards MS advantage. This is especially true in the case of giving windows and other software away to education. This will permanently and financially hurt those companies who have their strengths in the education market. Isn't this what the suit was supposed to stop.

MS should be paying a higher price and should be broken up into software and OS businesses.

Richard Lenoce

MTC–00014876

From: Jonathan Walther
To: Microsoft ATR
Date: 1/23/02 6:07am
Subject: Microsoft Settlement

The current proposed Microsoft settlement is extremely bad and harmful. Much more sweeping sanctions need to be made.

Specifically, the secret agreements Microsoft has with hardware manufacturers that prevent any competitors from getting a foothold in the market with alternative software needs to be dealt with, or all other remedies will be toothless.

JUST SAY NO!
Jonathan

MTC–00014877

From: David Bachleda
To: Microsoft Settlement
U.S. Department of Justice
Date: 1/23/02 4:35am
Subject: Microsoft Settlement
David Bachleda
3424 Larks Lake Rd.
Pellston, MI 49769
January 23, 2002
Microsoft Settlement
U.S. Department of Justice

Dear Microsoft Settlement
U.S. Department of Justice:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
David Bachleda

MTC–00014878

From: El Jeffo
To: Microsoft ATR
Date: 1/24/02 12:24am
Subject: Microsoft Settlement

I feel that there should be more careful review and rewording of the settlement. This is not something we want in the long run as is. Microsoft has done a fine job of creating loopholes.

Don't let the world down, work a little longer to reach a better settlement.

Jeff

MTC–00014879

From: Graham Spencer
To: Microsoft ATR
Date: 1/23/02 6:08am
Subject: Microsoft Settlement

The proposed settlement is not tough enough on Microsoft. The settlement has a number of known loopholes which will render it as ineffective as the previous attempts to curb Microsoft's power.

Microsoft has already shown a willingness to use its monopoly power to destroy competing non-profit projects (Linux, Samba, Kerberos, etc.; see http://news.cnet.com/news/0–1003–200–4833927.html where a Microsoft executive calls free software an ''intellectual property destroyer''), yet the proposed settlement offers no protection for future non-profit software.

At the very least, the settlement should penalize Microsoft for the conduct that the court found illegal.

Please consider a settlement that is less favorable to Microsoft. Thanks for listening.

—g

MTC–00014880

From: Zach Pincus
To: Microsoft ATR
Date: 1/23/02 6:10am
Subject: Microsoft Settlement

I wholeheartedly oppose the Microsoft antitrust settlement proposed by the DOJ and Microsoft.

The problems identified above with the Proposed Final Judgment can be summarized as follows:

*The PFJ doesn't take into account Windows-compatible competing operating systems

*Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even

contributes to this part of the Applications Barrier to Entry.

*The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

*The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

*The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

*The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

*The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertized as being ''Windows Powered''.

*The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

*The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

*The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

*The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

*The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

*The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

*Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

*Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

*Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running Linux. (Similar licenses to OEMs were once banned by the 1994 consent decree.)

*The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

*Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

*The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

*The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

*The PFJ allows Microsoft to discriminate against small OEMs— including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

*The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

MTC–00014881

From: Anthony Kilna
To: Microsoft ATR
Date: 1/23/02 6:12am
Subject: Microsoft

It is the opinion of myself and most of my colleagues that the Microsoft settlement as it currently stands is merely a slap on the wrist, and won't get anywhere in terms of actually stopping Microsoft's anti-competitive behavior.

What really needs to happen is the dissolution of the means by which Microsoft leverages its monopolies to elbow their way into other industries. The common Microsoft APIs must be forced to be public (and not through any expensive licensing either, MS's main competitors compete on service, not licensing), and file formats should be forced public (MS has long used file formats to keep a stranglehold on the office applications market). The only way I can see the file formats and APIs being opened in a way reasonable for competitors to use as well as MS itself is a break-up (which will level the playing field and remove the unfair MS advantage that they have been leveraging).

MTC–00014882

From: Chris Machemer
To: Microsoft ATR
Date: 1/23/02 6:13am
Subject: Microsoft Settlement

To whom it may concern,

One of my biggest concerns with the proposed settlement is the fact that there's no predetermined penalties for MS, should they violate the conditions of the settlement.

If they do step over the line, I expect another multi-year trial would be required before a penalty could be handed over. Any list of rules should definitely include the penalties, should those rules be violated.

Thank you for your time.

Chris Machemer

Sr Engineer—R&D Applications Development

Wyeth-Ayerst, Collegeville, PA

MTC–00014883

From: Christopher Lee Fleck
To: Microsoft ATR
Date: 1/23/02 6:09am
Subject: Microsoft Settlement

I am opposed to the Microsoft settlement in its current form because it does nothing to stop Microsoft's anti-competitive practices and because the current settlement does nothing but further solidify the monopoly Microsoft currently has.

Thank you,

Christopher Lee Fleck

MTC–00014884

From: Chuck Stuart
To: Microsoft ATR
Date: 1/23/02 6:15am
Subject: Microsoft Settlement

Greetings.

I believe the proposed settlement with Microsoft in the recent anti-trust case to be profoundly flawed. Under the guise of punishment, the company will be providing substantial amounts of its software to educational institutions, flooding out whatever is already there or what they would normally have purchased or donated. Given that Microsoft already locks people into an upgrade cycle to maintain ''compatibility'' with previous applications and files, the settlement will increase the problem by opening additional markets to the company.

Chuck Stuart
2137 Belle Vernon Drive
Rochester Hills, MI 48309

MTC–00014885

From: Michael Lucas
To: Microsoft ATR
Date: 1/23/02 6:16am
Subject: Microsoft Settlement

Hello,

As a computer professional, I have a strong interest in the outcome of the Microsoft antitrust trial.

Microsoft has done an untold amount of damage with their unethical business practices. I strongly encourage the court to reject this settlement; it falls short in countless ways.

Thank you,
Michael Lucas
Michael Lucas
mwlucas@FreeBSD.org, mwlucas@BlackHelicopters.org

MTC–00014886

From: Scott Traynor
To: Microsoft ATR
Date: 1/23/02 6:17am
Subject: Microsoft Settlement

I think settling is a very bad idea. Having once worked for companies that used to compete with microsoft, it was not economicilly feasable to compete with a company that can use its monoploy to its advantage.

''Power corrupts. Absolute power is kind of neat''

John Lehman, Secretary of the Navy 1981–1987

MTC–00014887

From: Yves Pelletier
To: Microsoft ATR
Date: 1/23/02 6:17am
Subject: Microsoft Settlement

To whom it may concern:

Even though I am not a US citizen, I feel I must make my opinion known, because the results of this case will have an impact on the way Microsoft conducts its business worldwide.

The current settlement proposal is bad for American businesses and it is bad for the consumers. If applied, it would demonstrate to Microsoft that the antitrust laws that it

broke have no teeth and that it can act as ruthlessly as it pleases againts its competitors and even its own customers, with little fear of reprisal. Since it was found guilty of abusing its monopoly position, Microsoft has shown no indication that it had any intention of changing the abusive nature of its core business practices. A much stronger penalty needs to be applied than that which is currently proposed by the DoJ.

Thank you for your attention.

Yves Pelletier
1870 rue Saint-Cyr
Ville Saint-Laurent
Quebec, Canada H4L 3A2

MTC–00014888

From: Tom Allison
To: Microsoft ATR
Date: 1/23/02 6:19am
Subject: Microsoft Settlement

The Proposed Settlement is a really bad idea.

I am not a lawyer, but I can readily see numerous holes and gaps in the settlement which will very quickly render this entire process a futile effort.

There is no real method of enforcement and little definition of any scope in the restrictions.

MTC–00014889

From: James Blackwell
To: Microsoft ATR
Date: 1/22/02 10:20pm
Subject: Microsoft Settlement

To the reader,

I send this email in opposition to the proposed Microsoft Antitrust settlement.

Our country must consider a more severe remedy to the unreasonable size of the Microsoft monopoly. Imagine if 90% of the milk sold in the United States were sold by only one company. That company would be allowed to dictate not only the price of milk, but the terms under which it was sold! So too it is with Microsoft. Americans pay over $300 for Microsoft Office with no other option due to Microsoft's proprietary formats. Americans shell out over $90 for the only consumer targeted operating system.

What does this money buy us? Nothing much. We do not even own the compact discs that the software arrives on. We are forced to agree to the terms of Microsoft's end user licenses that have us agree that their software may not work at all!

How could a company manage such a license unless there were no other choice? While American citizens pay increasingly exorbiant rates for a good that is not even guaranteed to work, Microsoft makes extraordinary profits.

These profits are more than ample to prevent entry into the browser market, or most any other market that Microsoft is interested in. Netscape no more had a chance in survival once the words ''Let's kill them'' were uttered than I would if the Chicago mafia muttered those words for me. Break the company up into three parts: Microsoft Windows, the operating system branch; Office into another company; and all other assets into a third company.

It is only by breaking up Microsoft into seperate parts that the company will be reduced to a size digestible by competition.

Thank you for your time.

James Blackwell

MTC–00014890

From: Paul
To: Microsoft ATR
Date: 1/23/02 6:21am
Subject: Microsoft Settlement

What has been done via the settlement is disgusting. Miscrosoft, obviously, wrote and stands behind these terms, they are not enough. Not even close, the Japanese were not allowed to name the conditions of thier surrender. Why should Microsoft?

They should, at the very least, be made to strip the OS of all thier hooks, and sell it as such. You really should look more too all of thier products as the ''rogue'' states have done, this is not just as OS monopoly, but an Office Monopoly and if we don't get something done soon, a Media Player Monopoly and a Internet(.Net) Monopoly.

This company is afraid of no-one, and will do whatever it takes to make loopholes.

They have dead people writing letters in their support for crying out loud! They will do anything and must be stopped, cold, NOW!

Thank you from a concerned and scared(and alive) citizen of the United States,

Paul Stroud
Network Administrator

MTC–00014891

From: Rocky Stout
To: Microsoft ATR
Date: 1/23/02 6:18am
Subject: Microsoft Settlement

I feel that the settlement between the 9 states will do nothing but hurt the industry. There are to many loop holes that even I, a college student, can see. MS used their monopolistic powers to gain marketshare and money, both in which this act allows to keep. I urge you not to accept the settlement in its current form! Microsoft can not be allowed to win this one!

MTC–00014892

From: Oliver M . Bolzer
To: Microsoft ATR
Date: 1/23/02 6:23am
Subject: Microsoft Settlement

I oppose the settelement with Microsoft in it's current form.

The are many reasons for it, but to just state a few

Steadily increasing prices. Since the settlement-course has come, Microsoft OSs prices are climbing steeply. As in many people's eyes there is no alternative, this abuse of monopoly really hurts the worlds development. Less children can own a computer. It's wrong that for a $1000 PC, $300 is just for the OS.

The settlement is too short-sighted. It only covers current products but does not try to prevent rehappening of anti-competetive movements in next versions of the Microsoft OS. Too narrow definitions of various terms, including API and middleware, handling of Java and more.

The Settlement hinders the development of compatible OSes. The documents Microsfot must make open (not many) can not to be used to block the monopoly

no protection against patents. Even it Microsoft complys with settlement and ''opens'' up the API and other aspects of their products. The use of such information could be protected by dumb software patents (which should not have been granted in the first place) and thus the opening made useless.

intentional incompatibilities are still allowed (like was done with DR–DOS)

OEMs are not liberated. Microsofts monopoly-abusing OEM practices (bundle all PCs with Windows, or we don't sell to you) are still allowed. I really hope that the DoJ doesn't do the biggest mistake in it's after-war history.

Oliver M. Bolzer
oliver@gol.com

MTC–00014893

From: crayz
To: Microsoft ATR
Date: 1/23/02 6:24am
Subject: Microsoft Settlement

I think the proposed Microsoft settlement is a joke. Please do not accept any settlement that does not absolutely prevent this ruthless company from engaging in its anticompetitive practices. As a computer user, as a US citizen, and as a voter, I am sick of seeing the government let Microsoft off with a slap on the wrist. They have shown contempt for the rule of law by consistently breaking the provisions of the previous ruling against them, and to accept a nearly identical punishment this time around is simply idiocy.

Paul Meserve

MTC–00014895

From: Zot O'Connor
To: Microsoft ATR
Date: 1/23/02 6:22am
Subject: Microsoft Settlement

I am opposed the the Microsoft settlement as proposed for a number of reasons.

The simplest is that it will do nothing to a) Fix the wrongs that Microsoft has committed on the IT industry, and b) prevent them from happening in the future.

Microsoft has little incentive to stop using its monoply to thwart opposing companies.

This has hurt consumer, and our national interests.

Only recently did Microsoft *claim* to make security important. That means for the last upteen years the majority of our Operating Systems, browsers, works processors and intranet servers were built with people who did not consider security a high priority.

This puts our country at constant risk for cyber warfare.

Had we had a system of competing companies, with people able to choose from several OSes, browsers, and servers then we would have the choice to use competition to make Microsoft Secure.

I do beleive Microsoft should be broken up. If we look at when break ups were done, the companies (e.g. ATT) performed much greater service and actually maintain a sense of interneal competetion. With Microsoft they have ignored any sense of competetion by driving it out.

Currently Microsoft is continuing it s poor behavior with XP. Little known to users is

the fact that they have to connect to Microsoft's server and register the product AFTER they have bought and entered their local serial number in. If they don't Microsoft will render their data unreadable.

Now, if there was 3 OSes on the market, would consumers allow that?

No.

Zot O'Connor
http://www.ZotConsulting.com
http://www.WhiteKnightHackers.com

MTC–00014896

From: Barbara Dollner
To: Microsoft ATR
Date: 1/23/02 6:25am
Subject: USAGDollner—David—1031—0115
315 Jumping Branch Road
Tamassee, SC 29686–2117
January 15, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

Pursuant to the recently announced public comment period on the Microsoft settlement, I am writing to express my support for the settlement and to ask that the Justice Department cease the Microsoft litigation.

Please understand that I was opposed to this litigation from the beginning. I strongly feel that Microsoft was targeted solely because of their size and their success. Regardless, I understand Microsoft has made some significant concessions in this agreement, including opening its Windows systems to competition from non-Microsoft Internet providers, like AOL Time Warner. This concession, along with its concession of uniform, United States-negotiated, pricing for all major computer makers, should allow additional competition in the computer market. That is all that should be asked of Microsoft. Please accept the settlement reached with Microsoft and order these companies to get back to business.

Thank you.

Sincerely,

David Dollner

cc: Senator Strom Thurmond
Representative Lindsey Graham

MTC–00014897

From: Eric Hultin
To: Microsoft ATR
Date: 1/23/02 6:26am
Subject: Microsoft Settlement

I think the Microsoft settlement is a bad idea. I'm sure that others have stated more eloquent reasons they do not like the settlement, and I will not waste your time by rehashing them.

Eric Hultin

MTC–00014898

From: Jon Niola
To: Microsoft ATR
Date: 1/23/02 6:26am
Subject: Microsoft Settlement

Dear Attorney General Ashcroft et al,

Upon reviewing the propose Microsoft dettlement, I feel inclined to inform you that I as a citizen of the United States do not feel it does enough to prevent future anti-competitive behavior.

While I believe competition in the consumer and business software market is vital to our country, I also believe it would be disastrous if we did not have the compatability within the marketplace that the large installed base of Windows-powered computers provides.

I think a just solution would be to require Microsoft corporation to license their source code to competitors so that other companies may produce compatable, yet competitive versions of the ubiquitous operating system.

The results this would yield are two fold. First off, Microsoft would not be able to bury any hidden functionality in their operating system that makes their applications perform better or have a more robust feature set. Secondly, this will not cause the financial harm that a segmented, incompatable software marketplace would cause.

Though Microsoft has done signifigant harm to other companies in their industry, sanctions have to be cautiously weighed to prevent futher harm to competitors, but at the same time prevent harm to the ancillary, non-affiliated companies that depend on Microsoft status quo. There are many software vendors out there that build their software only for the Windows platform because of costs. Why build for other operating systems for the same costs when you can build for a ubiquitous platform like Windows? Other competitive companies could build Windows compatible software to run on other operating systems if they were legally allowed to license the Windows source code to do so.

Thank you,

—Jonathan Paul Niola

MTC–00014900

From: Ed Schlunder
To: Microsoft ATR
Date: 1/23/02 6:27am
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea.

Microsoft uses many exclusionary licensing practices, many of which are not mentioned in the proposed final judgement. For example, Microsoft discriminates against ISVs who ship Open Source applications. Here is a quote directly from one of their EULAs:

''. . . you shall not distribute the REDISTRIBUTABLE COMPONENT in conjunction with any Publicly Available Software. ''Publicly Available Software'' means each of (i) any software that contains, or is derived in any manner (in whole or in part) from, any software that is distributed as free software, open source software (e.g. Linux) or similar licensing or distribution models . . . ''

Microsoft's only serious, but weak, competitor at the moment is Open Source software. From the EULA above, Microsoft is BLATENTLY excluding Open Source software from participation in their markets. You must not let them get away with this kind of behavior!

Ed Schlunder <eschlund@ajusd.org>

'One Microsoft Way' is unfortunately more than just an address.

MTC–00014901

From: Rob Dunne
To: Microsoft ATR
Date: 1/23/02 6:27am
Subject: Microsoft Settlement

The proposed settlement in its current state is bad.

I have read the proposed settlement, and I think it is not good enough. While the settlement does try to protect retaliation vs. OEMs, ISVs and IHVs who support alternatives to Windows, the settlement does not make sure that Microsoft raises no artificial barriers against non Microsoft operating systems which implement the APIs needed to run application programs written for Windows.

Also too many of the important API's would remain documented. Especially since they can easily claim it is for security reasons.

Another problem is the only real possible competition to MS in the server realm (not even talking desktop) is open source software. However by putting unreasonable restrictions on documentation and by patents covering Windows APIs remaining undisclosed the settlement is not helping the only possible competition to Microsoft's monopoly.

Another thing the settlement ignores is Microsoft's lock in by using undocumented file formats. This creates a High Application Barrier to Entry and creates lock-in. (yes many office file formats are documented, but the documentation is poor, inaccurate, and incomplete.)

Thank you,

Robert Dunne
System Administrator

MTC–00014902

From: Max Bell
To: Microsoft ATR
Date: 1/23/02 6:27am
Subject: Microsoft Settlement

I believe the proposed settlement does not properly punish Microsoft for its frequent and willful violations of anti-trust (and other) law and should not be accepted. The American people deserve more than another whitewash. Not that they'll get more — I expect this letter will not be enough to overcome Gates'' friends in high places (like the White House).

Max Bell

MTC–00014903

From: Herzog <@ppg03.powerpg.com Paul Herzog
To: Microsoft ATR
Date: 1/23/02 6:26am
Subject: Microsoft Settlement

To whom it may concern,

I think the proposed settlement is a bad idea. Microsoft stifles innovation, through it's monopolistic practices. Microsoft seeks to obliterate all competitors, at virtually any cost (and they have the financial means to do so). Microsoft uses it's monopolistic position in one area to spread it's same position to other areas (like online banking, internet connectivity, car and home information, management and entertainment systems, special-purpose embedded computers for manufacturing and commerce, hand held telephones, PDA's, and much more). This settlement will not stop Microsoft from

dominating these industries as well. Microsoft is expert as spreading it's influence into every nook and cranny where a computer (large and small) is used. Face it, every aspect of our lives has now, or is going to be affected by computers—this means Microsoft software.

There are three important world powers: The United States of America, the Peoples Republic of China, and Microsoft. I don;t believe the proposed settlement will be effective at stopping Microsoft's march toward becomming the single most important World Power, and holding all peoples, across all national borders hostage to using it's software, and (here's the dangerous part) and IT'S SOFTWARE ALONE!!! I'm counting on the US Department of Justice to help prevent this terrible organization from dominating all industries, and peoples. The proposed settlement just doesn't come close to addressing the single largest threat against freedom—Microsoft. For the good of the United States, and all peoples around the world, please rethink the proposed settlement with Microsoft, and work toward a settlement that actually addresses the Microsoft threat, and the Microsoft problem effectively.

Sincerely,
Paul Herzog
President
Gapware Systems Inc.
Flanders, New Jersey 07836

MTC–00014904

From: Rocky Stout
To: Microsoft ATR
Date: 1/23/02 6:28am
Subject: Microsoft Settlement

The settlement is bad, and does nothing to stop Microsoft from pushing ahead full steam. This does nothing to protect consumers let alone any company that Microsoft will put out of business. Do not accept the proposal as it stands!

MTC–00014905

From: Aki Helin
To: Microsoft ATR
Date: 1/23/02 6:28am
Subject: Microsort settlement in Tunney Act

I have read about the proposed settlement regarding the Tunney Act and I believe that the current settlement is too favorable to Microsoft. Please consider this as a vote to reconsider the settlement.

Aki helin,
Software engineer,
Oulu, Finland

MTC–00014906

From: Heikki Levanto
To: Microsoft ATR
Date: 1/23/02 6:30am
Subject: Microsoft Settlement

I can not believe Microsoft is getting away with this settlement! In my eyes the ''settlement'' amounts to letting MS off with a warning, after being found guilty. An encouragement to continue unlawful and uhealthy practices, at a cost to both American and international society. At least here in Europe, the American legal system has been the enjoying ever decreasing respect, with lawyers involved in anything, and courts awarding outrageous compensations... We used to joke that Americans get the best justice money can buy. Don't let MS prove that joke right!

Yours sincerely
Heikki Levanto
manager, LSD.
Copenhagen, Denmark
Heikki Levanto
LSD—Levanto Software Development
<heikki@lsd.dk>

MTC–00014907

From: Matthew Sachs
To: Microsoft ATR
Date: 1/23/02 6:30am
Subject: Microsoft Settlement

As an independant software vendor (ISV) and a computing enthusiast, I do not support the proposed settlement. It is an excellent base, but it has several serious problem which prevent it from being a suitable remedy to the case in its current form. Some of the problems which I feel are the most pressing are outlined below.

No part of the PFJ obligates Microsoft to release any information about file formats, even though undocumented Microsoft file formats form part of the Applications Barrier to Entry (see ''Findings of Fact'' paragraphs 20 and 39).

ISVs writing competing operating systems as outlined in Findings of Fact (para. 52) sometimes have difficulty understanding various undocumented Windows APIs. The information released under section III.D. of the PFJ would aid those ISVs—except that the PFJ disallows this use of the information. Worse yet, to avoid running afoul of the PFJ, ISVs might need to divide up their engineers into two groups: those who refer to MSDN and work on Windows-only applications; and those who cannot refer to MSDN because they work on applications which also run on non-Microsoft operating systems. This would constitute retaliation against ISVs who support competing operating systems.

—Matthew Sachs, Merrick, NY, US

MTC–00014908

From: Tobias Reif
To: Microsoft ATR
Date: 1/23/02 6:30am
Subject: Microsoft Settlement

The proposed settlement is bad idea.

MTC–00014909

From: Andrew Chatham
To: Microsoft ATR
Date: 1/23/02 6:33am
Subject: Microsoft Settlement

I am writing to express my disapproval of the proposed final judgement against Microsoft in the current antitrust case, because I do not think it goes far enough to prevent Microsoft from abusing its monopoly powers in the future. While a few parts, such as forbidding intimidation of OEMs and ISVs, are necessary in any effective remedy, the rest of the proposed remedy falls short. In particular, it ignores one of the largest barriers to entry, namely Microsoft's proprietary file formats and protocols. Microsoft has and will continue to abuse its monopoly through its file formats and network protocols (files for Microsoft Office and the SMB network protocol in particular). Without full documentation of these formats, interoperability (and therefore competition) with Microsoft will continue to be practically impossible.

Thank you,
Andrew Chatham
Andrew Chatham
2408 Hideaway Pl.
Jackson, Mississippi 39211

MTC–00014910

From: daniel@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 6:32am
Subject: Microsoft Settlement

To whom it may concern,

The current ''Proposed Settlement'' for the Microsoft case is insufficient. It will not end in any significant change in the way Microsoft does business. I feel that as long as the company is allowed to bundle their applications with their Operating System they will always be able to maintain their monopoly , and artificially eliminate their competition.

The status quo is a very powerful weapon in the desktop market. It's mainly because most people are to scared, or intimidated to try anything other than what is bundled with their computer. This isn't Microsoft fault, but they have taken advantage of it by bundling applications into their OS. I don't feel this topic has been address properly. The key reason that Netscape failed as a company was because Internet Explorer was given away and was bundled with Windows. If these two factors are not address, then Microsoft will continue to maintain they monopoly. In fact, Windows XP should be examined very closely, it has many applications bundled just as Internet Explorer was bundled with Windows 98. Where these applications are included specifically to stop competing products, not to make Windows look more attractive as a product.

I believe that Microsoft should be forced to realize source code to their OS. Without charge to competing products, including open source offering such as Wine (www.winehq.com). This is important to allow for a stable platform of competition. I realize that this can only be implemented as a punishment . Microsoft should be broken into two companies, one for applications and one for their OS . This is not an extreme solution. This would force Microsoft to improve the quality of their OS. May people believe that Microsoft produces a quality OS, which is wrong. They produce an OS that is such a security hazard many countries decline to use it. As we have seen with many worms and viruses , a person using Window should be prepared to share all of their information with the rest of the internet. Yet, not other OS has the same problem. This alone should be construed as harm to consumers, and adequate reason for the company to be broken up.

I would be very disappointed to see Microsoft get off without punishment. The current ''Proposed Settlement'' contains far to many loopholes for Microsoft to continue it's bad and harmful behavior.

Sincerely
Daniel Walker

MTC–00014911

From: Ilan Rabinovitch

To: Microsoft ATR
Date: 1/23/02 6:33am
Subject: Microsoft Settlement
Hello,
Please do not accept the Microsoft settlement it is a bad idea and will hurt both the economy and consumers.
The biggest issue I take with the settlement is that it fails to prohibit many of the anticompetetive practices that brought Microsoft into is position as a monopoly. For example the settlement does not resolve issues regarding anticompetitive licensing. Many of Microsoft's end user license agreements make it illegal to use their software work with open source software.
Another issue is that it does not sufficiently limit Microsoft's ability to bully OEMs and ISVs.
Among other things one solution I propose is for Microsoft to open source their browser (Internet Explorer) as well as discontinued versions of their software (DOS, Windows 3.xx, Windows 95, NT 3.51, Windows NT 4, and 98 when it reaches obseletion).
Microsoft should be required to contribute LARGE ammounts of funds to create a educational program that teaches children around the country how to use the products of their competitors. This should start in lower grades such as kindergarden and continue through the end of high school. It should include Apple's Mac OS and OS X operating system as well as Linux (or any form of Unix such as one of the BSDs). In order to make this training program work Microsoft should pay for the retraining of IT professionals in educational institutions so that they know how to work with Unix (linux,bsd, solaris, etc) and other non-windows environments.
Microsoft should be restricted from entering the home entertainment market (TiVo type devices, set top boxes, and their Xbox gaming console). And if they do enter these markets a percentage of their income should be contributed back into research funding for competitors as well as for training/educational programs previously mentioned.
I have only mentioned a few of the issues I have with the current settlement. I urge you to reject the settlement and find a better solution.
Ilan Rabinovitch
Encino, CA 91316

MTC–00014912

From: Mike Desjardins
To: Microsoft ATR
Date: 1/23/02 6:35am
Subject: Microsoft Settlement
To whom it may concern:
I am writing to urge you to reconsider the settlement against Microsoft in it's antitrust case. The settlement, in its current form, does not punish Microsoft adequately, nor does it help Microsoft's compentitors, who were most hurt by Microsoft's predatory business practices.
Thank You.
Mike Desjardins
Gray, ME

MTC–00014913

From: Rob Hranac
To: Microsoft ATR
Date: 1/23/02 6:36am
Subject: Microsoft Settlement
To Whom it May Concern:
I write to inform you of my strong objection to the proposed Microsoft settlement. The current terms of the settlement, which favor conduct remedies over structural remedies, will not curtail Microsoft's anti-competitive behavior. As past agreements with Microsoft have shown, conduct remedies quickly become ineffective in a fast changing industry and against such a determined and dominant company.
Only a structural separation of the operating systems unit from the rest of the company will take away Microsoft's ability and will to use its monopolistic operating system advantage to the detriment of competitors in all industries and, therefore, the computing world as a whole. The settlement, as it stands, will significantly weaken the U.S. software industry by allowing a single monopolist to continue to stifle innovation on nearly all important computing fronts. At a time when competition from abroad is greater than ever, this is unacceptable.
As a citizen, consumer, and shareholder in the United States, I, therefore, strongly object to the weak terms of the settlement on the grounds that it will significantly hurt our economic system and universally harm U.S. consumers. I am stunned that the government of the United States spent several years winning this complex and important decision, only to concede to Microsoft rather than effecting positive change for consumers and shareholders and I ask you to reconsider. My vote in future elections will only go to those who strive to create a competitive marketplace and this settlement does not do that.
Rob Hranac
120 Berkeley Place, Apartment #2
Brooklyn, NY 11217

MTC–00014914

From: Justin Mahn
To: Microsoft ATR
Date: 1/23/02 6:34am
Subject: Microsoft Settlement
NO settlement. break Microsoft up.

MTC–00014915

From: David Ritter
To: Microsoft ATR
Date: 1/23/02 6:30am
Subject: Microsoft Settlement
The current settlement with Microsoft is not acceptable. A hand slap will not stop this monopoly, please make the punishment appropriate to the size of the problem.
David Ritter

MTC–00014916

From: Selden Thaddeus N DLVA
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 6:38am
Subject: Microsoft Settlement
I would like to voice my complaint with the proposed settlement in the Microsoft Antitrust trial. Simply, I feel that what is proposed does little to either punish or prevent Microsoft from abusing their monopoly powers.
Thank you,
Thaddeus Selden

MTC–00014917

From: Matthew J. Evans
To: Microsoft ATR
Date: 1/23/02 6:39am
Subject: Microsoft Settlement
To whom it may concern:
Being a member of the IT/OEM industry and a small business, I have been greatly affected by the monster that is Microsoft. I feel that this proposed settlement is little more than an license for Microsoft Corporation to continue their un-American monopolistic business practices unabated. Shame on the Justice Department for short-mindedly considering this settlement.
Matthew J. Evans
Matthew J. Evans
Professional Hobbyist
Chimayo, New Mexico, USA
mailto:matthew@chimayo.com

MTC–00014918

From: Jeff Gilmore
To: Microsoft ATR
Date: 1/23/02 6:42am
Subject: Microsoft Settlement
I think the proposed Microsoft Settlement is a BAD idea.
Jeff Gilmore

MTC–00014919

From: Alex
To: Microsoft ATR
Date: 1/23/02 6:41am
Subject: Microsoft Settlement
Hello,
This settlement is not fair and therefore must be re-evaluated.
regards,
Alex Bongers.

MTC–00014920

From: Bill Abbas
To: Microsoft ATR
Date: 1/23/02 6:43am
Subject: Microsoft Settlement
The Proposed Final Judgment does not adequately protect the computer industry from predatory practices by Microsoft.
The nature of a monopoly in a core computer software component such as an operating system provides immense leverage for distributing application level software. As a software professional with over 20 years experience in the field, I have consistently seen Microsoft deliver software applications which are tied to the underlying operating system in a way not available to outside applications, and I have consistently seen Microsoft modify it's operating system to render competing applications inoperable. In my opinion, when Microsoft extols the virtues of ''innovation'', they mean ''Microsoft innovation''; innovative products from other companies are met with coordinated technical/marketing campaigns design to crush them. Specific examples are available upon request, although I suspect you have all the evidence you'll ever need already.
The provision of the PFJ to publish Windows APIs is flawed for a number of reasons. Primarily, it does not fully define all of the APIs which will be relevant in the future. Rather, it specifically defines a

narrow set of current Microsoft applications whose APIs must be published. This set is a) not complete, and b) does not address any future Microsoft products. In addition, since timing is a crucial element of a software product's success, the publication of APIs used by products that are already shipping is of minimal value. The real value of published APIs is in revealing the operating system functionality used by the Microsoft products which are currently planned or in development.

The core problem, as I see it, is that Microsoft is a ''fox guarding the henhouse''. Microsoft has shown neither the inclination or the integrity to segregate their application development from their operating system development. Unless the company is divided into 2 or more independent entities, I am afraid that Microsoft will continue to increasingly dominate the field by leveraging their operating system monopoly.

Bill Abbas
Senior Software Architect
CRM Solutions, Inc.
Sanford, FL

MTC–00014921

From: Rob Ansaldo
To: Microsoft ATR
Date: 1/23/02 6:43am
Subject: proposed settlement with Microsoft

I recently became aware of the Tunney Act and wish to make my opinion known regarding the proposed settlement with Microsoft. The settlement as it stands will be ineffectual in preventing Microsoft from continuing it's anti-competitive business model, it does not foster competition and allows sufficient room for Microsoft to be highly selective (and restrictive) in the information it provides to ISVs. As written, the settlement definitions are either vague or too narrow to be effective. It is my opinion that the Justice Department should go back to the drawing board with this settlement—it will not be effective and will not foster a more competitive marketspace.

Sincerely,
Robert Ansaldo
Leeds, MA

MTC–00014922

From: Brian Fahrlander
To: Microsoft ATR
Date: 1/23/02 6:44am
Subject: Microsoft Settlement

There's so much wrong with the settlement I don't know where to begin.

The typical Microsoft business style is based on lies, leveraging their stance against anyone who might make ''too much'' of a dent in their empire. Case in point: Blue Mountain Greeting Cards, Netscape, and Spyglass software.

And even when there's nothing illegal or unethical involved, they still don't ''get it right'', and that's intentional. Case in point:

TCP/IP is a standard that's been around for decades. There's an RFC on how to do it so that your machines/programs are compatible and everything works. Microsoft coded up (or perhaps stole) a TCP/IP ''stack'' that works in every way but one, as far as I know:

When another host ''pings'' a Microsoft machine by expicit IP address, it answers. (If it didn't, it would be almost useless). When someone sends a ''broadcast ping'' (which all hosts on a subnet are supposed to answer) it does NOT answer the ping. A little odd, but we can live with it.

If the subnet's giving out IP addresses that can change, called ''DHCP'', all hosts are supposed to talk for the duration of their ''lease'' on that address. When the lease expires, and the Microsoft box is supposed to shut up, it still answers. Any machine probing the old address to ensure it doesn't hand out an address that's actually in use (causing nasty problems for the net) will get a response from the Microsoft box, and the old address is marked as ''in use''. Soon, all the addresses available will be marked ''in use'' and the entire network crashes.

Now why would they do this? They want to sell NT for servers.

This is key:

''The old, open, Unix/Linux machines don't support Microsoft. And it's ALL the Microsoft machines, so it's not their fault; your Unix servers can't handle these new machines.''

Then, instead of paying nothing, the management buys two (not one) NT machines, bringing even more non-standard features that require more payments to Microsoft. It requires two machines, costing about $4,000 total because NT isn't stable enough to be counted on 24/7.

This is just one of the hundreds of crooked deals and te way they do business.

But you KNOW all of this. What you fear about Microsoft is what it will do to millions of computer users. Fear not: no one gets any real tech support from Microsoft. They do it all in-house and through the net. Home users SHOULD be going to their local reseller anyway. It's time to put some profitability back in it for the little guys. As much as I'd like to setup a computer store, there's no way- there's almost no profit in it at all.

I've been in computers since CP/M was still going strong, about 1978. When Microsoft began to grow it was fun- every day a new thing, tricks to learn and things got done. Now, it's only about money and the *perception* of value. There are still viruses, even after 18 years of development, and they're making new security holes. . . by policy. . . every day.

It's got to stop. It has, for me. I sworn off Microsoft one day in 1993 and never went back. But it's still the prevailing monopoly and it's no longer funtional. Point out *real* differences and new features about Word95 that differ from those in Word2k or WordXP. There aren't any. But they keep changing the file format so you'll have to buy the new version just the same.

They're holding back technology; it's time to put Word to bed and put those developers on new projects, but they won't. And while Word remains the (undocumented) standard file format for business, other folks who WILL go where the features are can't get a foothold.

The time for the monopoly is over; let someone who has the true needs of the PEOPLE in mind, not the ever-staggering cash crop. Doesn't it bother you that Microsoft now has enough money that they could literally buy their own ''Seventh Fleet''? Just what do you suppose they'll do with that much money? They sure aren't paying programmers to add features or remove viruses.

. . . and people think they're stable enough to hold private, confidential information like credit cards in .NET? It's time. You're bigger than Microsoft, and now you're the only one.

Brian Fahrl?nder
Linux Zealot, Conservative, and Technomad
Evansville, IN
ICQ 5119262
http://www.kamakiriad.com/aboutme.html
LinPhone: brian@aquila.kamakiriad.com

Virus-hackers are open-source; they harness the power of millions of to crack OSes. Their power is legendary. Ask anyone running Microsoft. Doesn't it just make sense to battle that with millions of contributors to combat these problems? That's what Linux and *BSD are all about.

MTC–00014923

From: Jon Lapham
To: Microsoft ATR
Date: 1/23/02 6:46am
Subject: Microsoft Settlement

I am a US citizen living abroad. I believe that the proposed Microsoft settlement is a bad idea.

My proposed solution: levy a heavy fine against MS, use the money to buy computers for schools, running linux.

Jon Lapham
Extracta Molìculas Naturais, Rio de Janeiro, Brasil
email: lapham@extracta.com.br web: http://www.extracta.com.br/

MTC–00014924

From: mark—tracey@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/23/02 6:50am
Subject: Microsoft Settlement

To whom it may concern.

I believe this settlement is not in the public interest.

I believe this settlement does NOTHING to penalize Microsoft for what it has done to companies like Netscape and more importantly I believe that it does NOT prevent them from continuing to dominate and stifle the industry.

Resolving this litigation quickly is not the best way to get the economy going—in fact loosing the Microsoft grip on the industry is the best way to encourage the economy. Once they cannot harm companies more companies will survive and a flourishing fauna and flora will emerge—employing millions of people.

I am myself building a business and I believe it is only time before Microsoft stomps on me like they have done to countless companies—many of whom testified and many more who did not out of fear. They dominate this industry so thoroughly that they impede growth and stifle innovation. They are bad for this industry and they are bad for this country.

The trial has shown they are a monopoly, the trial showed they harmed Netscape—the action you are taking now MUST protect the industry from them, it MUST ensure they

cannot do the same again, it must take steps to ensure a level playing field where they do not have an unfair advantage (being their monopoly). HAVING a monopoly is not illegal, but using it AS THEY HAVE BEEN FOUND TO DO is illegal.

Every court in the land (district up to supreme) has confirmed they did wrong. This settlement is such a poor attempt as redressing the situation, it cannot be considered valid. I do not support it. Having won in all the courts, now the government will lose in the settlement. The industry will continue to suffer and the US economy will suffer along with it. Innovation and growth cannot resume until this monopoly is stopped—and that's YOUR job.

This is an anonymous email because I don't believe my identity will be protected (see the recent incident with the litigation regarding ''Lindows'' where Lindows.com was forced to provide the details of their customers and petitioners to Microsoft).

Sincerely,

Mark.

MTC–00014925

From: Mike Lundy
To: Microsoft ATR
Date: 1/23/02 6:51am
Subject: Microsoft Settlement

Hash: SHA1

Please do not finalize this mistake. The proposed judgment does not do anything toward preventing Microsoft's less than appropriate tactics. Please, I would like to see Microsoft's API's opened (the various office formats, directx, etc) so that Microsoft's stranglehold on the industry can at least be matched. Please, do not let this continue.

MTC–00014926

From: Marco Baringer
To: Microsoft ATR
Date: 1/23/02 6:51am
Subject: Microsoft Settlement

i do not believe the settlement, as it currently stands, will do anything to stop or even weaken microsoft's strangle hold on the IT industry. I am a US citizen who currently works developing software and has to constantly fight against microsoft inorder to do my job. —

-Marco

Ring the bells that still can ring.
Forget the perfect offering.
There's a crack in everything.
It's how the ligth gets in.
-Isonard Cohen

MTC–00014927

From: Bill Brody—CDA Engineering, Inc.
To: Microsoft ATR
Date: 1/23/02 6:55am
Subject: Microsoft Settlement

I think the proposed Microsoft Settlement is a bad idea.

Bill Brody
Electrical Engineer
CDA Engineering, Inc.
550 Stephenson Highway, Suite 310
Troy, MI 48083
(248) 589–3300 voice
(248) 589–8520 fax
billb@cdaeng.com e-mail

MTC–00014928

From: Frankster
To: Microsoft ATR
Date: 1/23/02 6:52am
Subject: comments on ms antitrust trial

Hi,

I think that the proposed settlement seriously fails in a lot of ways. I think the most significant of these is that there is no requirement to disclose file formats of the office line of products.

Microsoft Office is the de facto standard in office software. Therefore any software which seeks to compete must be able to read the MS Office file format completely and accurately. Because MS do not release details of the office format, anyone seeking to write a competing application must reverse engineer the format of the files. Inevitably it will not be possible to understand the format completely and accurately so other software products will come across as inferior if they fail to translate accurately, thus creating a barrier of entry.

I think the remedies could be more effective if they required microsoft to disclose full and complete details of the file formats for all products.

frankie fisher

MTC–00014929

From: Dion Mes
To: Microsoft ATR
Date: 1/16/02 6:49am
Subject: Microsoft Settlement

Hello,

while not being an US citizen I still want to inform you about my ''International'' point of view. From my perspective its important for the US to give a strong signal to the International community that these kind of practices are not allowed.

Even if it is considered to be good for US business I can only say that it is not good to bet on one horse. By making it difficult for other American companies to compete on the ICT market they can not expand to other countries. In the case that MS is not severly punished for its acts there will be a reaction from the International community against MS sooner or later. This will harm the US is a bigger way because its one company which competes on the International ICT market, by sharing this ICT market over more US companies it will be possible for the US to do more business Internationaly with a lot less risk.

However I am not writing this because I think its bad for US business although it is, I am writing this because it should not be allowed for one company to be this powerfull. I think there should be real competition if that is inside or outside the US does not matter.

MS now has the power to infiltrate and take over any market they wish and they will do so in the future. The first actions that they want to infiltrate the consumer electronics market have already started (Xbox). If the US wants a healthy economic state they should not allow for a company to be so powerfull.

Greetings,

Dion Mes

MTC–00014930

From: Noonan, David (SCH)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 6:54am
Subject: Microsoft Settlement

As punishment Microsoft gets to train kids on using their software?

They also get to determine the value of the ''donated'' software? This is a really bad idea. Even the DOJ doesn't seem to like it.

*The DOJ's settlement was brokered by Bush administration appointee Assistant Attorney General Charles A. James, head of the DOJ's antitrust division. But career officials at the Justice Department, who had pursued the case since the beginning, displayed their apparent displeasure with the agreement by not signing it.

Regards,

Dave Noonan
Atlanta, GA
Network Engineer

MTC–00014932

From: Pierre Lamb
To: Microsoft ATR
Date: 1/23/02 6:58am
Subject: Microsoft Settlement

Microsoft has been allowed to squash other in a suitable replacement for its Windos products. While the free enterprise is paramount we must ensure that one company dosen't become a monopoly, our economy depends on computers. Biology has shown us that a diverse pool of genes reduces any effects of virui that is introduced.

Pierre Lamb

MTC–00014933

From: Harris, Gerald
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 6:58am
Subject: Microsoft Settlement

Hello,

I am an American citizen, currently living and working in Germany. From my vantage, with the information available to me, the current PFJ has a large number of failings.

- The new licensing program which is being offered by Microsoft (see the article at http://www.cio.com/archive/011502/meter.html) offers a substantial reduction in fees in return for the agreement not to install any competing software. Surely this cannot be in the spirit of the original judgment in this case!

- Disclosure of SW patents protecting Windows API's is not required. How can a competitor know if his product infringes on a Microsoft patent? Competitors cannot be expected to ''give it a whirl'' and hope that they aren't prosecuted. Lack of disclosure furthers and supports the Microsoft monopoly.

- Microsoft is allowed to retaliate against OEM's that ship PC's containing a competing OS and not containing Windows. Does this mean that OEM's will have to ship their PC's containing BOTH operating systems? And of course the customer is expected to pay license fees for both OS's—even if he didn't want Windows originally. The result of this will be that OEM's shipping Windows will effectively ship only Windows, thus effectively precluding all competition.

This is only a very short sampling of a long list of shortcomings in the proposed judgement. I sincerely hope that major changes are made before this goes into effect.

regards,
Gerald Harris
Leader, Software Architecture Group
Dep. Software Development and Engineering
Harman/Becker Automotive Systems (Becker Division) GmbH
Im St?ckm?dle 1, 76307 Karlsbad, Germany, www.becker.de
tel:+49(0) 7248 71 1873
fax:+49(0) 7248 71 1368
email:HarrisG@becker.de

MTC–00014934

From: ron@rongage.org@inetgw
To: Microsoft ATR
Date: 1/23/02 7:01am
Subject: Microsoft Settlement

To whom it may concern:

I am personally expressing my opinion about the proposed final judgement in the US v. Microsoft antitrust case.

I find it incredible that anyone could consider it ethical, let alone legal, to allow a convicted criminal enterprise to have a hand in the setting of it's terms of punishment. That is exactly what we have here with the proposed final judgement. Microsoft has been allowed to manipulate the process so much that the judgement ends up allowing Microsoft to further it monopoly. Example: Microsoft alone shall be the judge of what constitutes a ''legitimate business model'' with regards to licensing of API documents.

There are numerous other ''gaping holes'' in the proposed judgement that others have expounded on. I am reiterating these concerns to you here. The proposed final judgement, if accepted in it's present form, will give Microsoft an unmitigated license to further it's monopoly and crush or otherwise harm it's competitors.

I hereby express my opposition to the proposed final judgement as currently negotiated between the DOJ and Microsoft.

Ronald R. Gage
Owner—Linux Network Services
527 Ruby Street
Saginaw, Michigan 48602

MTC–00014935

From: Mace Moneta
To: Microsoft ATR
Date: 1/23/02 7:01am
Subject: Microsoft Settlement

Regarding the Microsoft settlement, I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundred, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices.

Similar to the settlement against AT&T, Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level (40%, for example, assuming one of it's competitors is now also at 40%). This must be true for all Microsoft product lines, before regulation is lifted.

Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Imagine the damage to the United States if Microsoft were to fail, as Enron failed. The risks of a monopoly are greater than merely the loss of competition.

Thank you for your time.
Mace Moneta, retired
5 Micki Terrace
Manalapan, NJ 07726

MTC–00014936

From: Mangala Sadhu Sangeet Singh Khalsa
To: Microsoft ATR
Date: 1/23/02 6:52am
Subject: Microsoft Settlement

I do not think that the Proposed Final Judgement in this case is in the public interest.

It doesn't take into account Windows-compatible competing operating systems.

It contains misleading and overly narrow definitions and provisions.

It fails to prohibit anticompetitive license terms currently used by Microsoft.

It fails to prohibit anticompetitive practices towards OEMS.

I hope that you will address these issue before reaching a settlement.

Sincerely,
Mangala Sadhu Sangeet Singh Khalsa
510 N Guadalupe St Ste D
Santa Fe, NM 87501

MTC–00014937

From: Mark Howard
To: Microsoft ATR
Date: 1/23/02 7:02am
Subject: Microsoft Settlement

Dear Sir,

I have read the proposed settlement and am not happy with its current state. In my opinion, the APIs (for windows) and Filetype definitions (For all files—.doc, etc.) should be completely open to allow all companies equal opportunity to develop applications on a level field. Note that I believe this is what should happen as standard, *not* as punishment, which should be completely seperate.

I hope you will take this vote against the current settlement and consider the mentioned points.

Thank you for your time.
Mark Howard
tildemh.com

MTC–00014938

From: Smith, Calvin
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 6:59am
Subject: Microsoft Settlement

I think that the current settlement is a bad idea. It definitely does not go far enough and will not stop or even slow Microsoft's anti-competitive behaviour.

-Calvin Smith, Engineer at Digex

MTC–00014939

From: tigger
To: Microsoft ATR
Date: 1/23/02 7:03am
Subject: Microsoft Settlement

i would like to say that i have read the proposed settlement and am agaist it in its current form. Microsoft Competitors need to have more solid gaurantees for protection. I am more inclined towards the remedy of judge Jackson. I feel that takes a more realistic approach to curbing the monoploy abuses commited by Microsoft that the current settlement. Please consider this a vote against.

thank you
Reiner Peterke
352 NE 52nd st
seattle, WA 98105

MTC–00014940

From: Sean M. McCullough
To: Microsoft ATR
Date: 1/23/02 7:00am
Subject: Microsoft Settlement

The microsoft settlement is bad. Do not let it go through. Microsoft must be punished!

MTC–00014941

From: jamie
To: Microsoft ATR
Date: 1/23/02 7:02am
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea.

It lets Microsoft walk away from the harm they have done to the computer industry and consumers.

Once monopolies finish with their competitors they turn on their customers. If their monopoly is not reined in now they will continue their illegal business practices to the further detriment of us all.

MTC–00014942

From: Dan Carrigan
To: Microsoft ATR
Date: 1/23/02 7:12am
Subject: Microsoft Settlement
To:
Ms. Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I feel the Microsoft Antitrust Settlement is unfair to educational customers and does not address the negative market consequences of allowing Microsoft to continue it business practices.

Regards,
Dan
Dan Carrigan
Reference Librarian
dcarrigan@
antioch-college.edu
Antioch College Olive
Kettering Library
937 767–1240
795 Livermore Street
Yellow Springs, OH 45387–1695
''Civility costs nothing and buys everything'' L. Montagu

MTC–00014943

From: Joris Benschop
To: Microsoft ATR
Date: 1/23/02 7:06am
Subject: Microsoft Settlement

Hi

I think the proposed settlement (''United States v. Microsoft Settlement'') is a bad idea. It will strengtehn the MS monopoly and will not punish this company in any way

Sincerely
Joris

MTC–00014944

From: Mark Jaroski
To: Microsoft ATR
Date: 1/23/02 7:04am
Subject: Microsoft Settlement

Your Honor, Ladies and Gentlemen of the court,

I would like as a U.S. citizen to register a complaint against the proposed settlement with Microsoft on several simple grounds. The settlement would grant Microsoft the monopoly it was found guilty of maintaining, and in fact give it a new platform for marketing it's operating system, by way of the so-called punishment, free distribution to schools.

As a computing professional I am appalled, and consider this settlement a travesty of justice.

Please your honor, reject this settlement.

Thank you,
Mark Jaroski
Senior Software Engineer
World Health Organization
Avenue Appia, 27
CH–1211 Geneva
Switzerland
— mark at geekhive dot net

MTC–00014945

From: Mike Centaur
To: Microsoft ATR
Date: 1/23/02 7:04am
Subject: Microsoft Settlement

Dear Renata B. Hesse,

As a citizen of California, a computer programmer, and even as a Microsoft user, I find the proposed settlement in the Microsoft case to be a bad idea. I think it's incumbent upon the Federal Government to seek a more just disposition of the matter. Microsoft should not get off easy. You must push for greater concessions from Microsoft to ensure that computing innovation continues and that future generations will have greater options in the marketplace than they do now. We must not put all of our eggs in one basket.

Sincerely,
Mike Caetano
1228 O St #104
Sacramento, CA 95814

MTC–00014946

From: Keith Carver
To: Microsoft ATR
Date: 1/23/02 7:02am
Subject: Microsoft Settlement

Hello,

I am writing this Email, because I believe that Microsoft has been let off the hook in it's current trial with the Dept. of Justice.

After reading much documentation on the subject I can only come to one conclusion, This agreement was thrown together As fast as possible so both sides would be happy and the case would be closed.

However the penalties against Microsoft need to be thought out more, and not just by ''Justice Dept. or Politicians''

I would suggest that you setup a panel of Tech. Experts from companies such as the ones that have been at the Mercy of Microsoft ''AOL/Redhat/OEM's'' and by regular People in the Tech. Industry such as ''Reporters/CEO's/Consumers''.

In the end these people will be the ones who have to deal with what you decide here, since you probably won't get another Chance to stop this Monopoly again any time soon.

Remember, Microsoft is great at finding loopholes/clauses in contracts/verdicts etc. that can allow it to continue.

If the remedy in this case, were to benefit the computer Industry as we all hope, Microsoft would have never agreed To it, so something is still very wrong.

Sincerely,
Keith Carver
''Simple Voter From FL''

MTC–00014947

From: Michael Haertjens
To: Microsoft ATR
Date: 1/23/02 7:05am
Subject: Microsoft Settlement

I have read about the proposed settlement, and I feel that it is overly favorable to Microsoft. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors, yet unfavorable to Microsoft.

Michael Haertjens
306 Carol Drive NE
Palm Bay, FL 32907

MTC–00014948

From: Peter Statham
To: Microsoft ATR
Date: 1/23/02 7:05am
Subject: Microsoft

I am a British Citizen and a open source programmer, however Microsoft is a multi-national corporation and the Microsoft trial was important, so I would like to say a few thing regarding it. Microsoft have made life hell for us for years, they have flaunted all important standards such as POSIX (NT's POSIX complience is not as complete as microsoft says), and ANSI, which make it difficult to write software for Windows and even more difficult to port software to and from other operating systems.

Because Windows is used on 90% of all desktop computers, programmers must write for Windows which enforces the above paragraph.

They have also used threats and bribes to prevent competition from producing programs superiour to their own.

Microsoft has also repeatedly stolen ideas from other programmers and companies, this makes Microsoft somewhat hypocritical, Microsoft claim to be all for the American DMCA, yet they steal other people's ideas, their intellectual property, Microsoft call the open source movement (who give full credit to the programmers) a cancer, from this behaviour it would be better to call Microsoft the cancer. Microsoft have held back computer technology 10 years now, they have charged us though the nose for buggy software and then charged us for the bug fix.

Please stop Microsoft, forbid them to make any software releases for 5 years and give us a chance to establish some new standards, but don't let Microsoft off with a slap on the wrist, this is more than a spat between rivel companies, the programmimg community were hoping that you would prevent Microsoft from ruining PCs anymore than they have done.

Thank you.
—Written By Stats—
—stats@ufie.org —

MTC–00014949

From: nirinjan.singh@yogitea.nl@inetgw
To: Microsoft ATR
Date: 1/23/02 7:07am
Subject: Microsoft Settlement

I do not think that the Proposed Final Judgement in this case is in the public interest.

It doesn't take into account Windows-compatible competing operating systems.

It contains misleading and overly narrow definitions and provisions.

It fails to prohibit anticompetitive license terms currently used by Microsoft.

It fails to prohibit anticompetitive practices towards OEMS.

I hope that you will address these issue before reaching a settlement.

Sincerely,
Nirinjan Singh
1238 Upas St.
San Diego CA 92103

MTC–00014950

From: Paul Loveridge
To: Microsoft ATR
Date: 1/23/02 7:07am
Subject: Microsoft Settlement

I think the proposed DOJ / Microsoft settlement is a bad idea, as it takes no account of the open source software movement, and leaves several loopholes that Microsoft are sure to exploit.

Paul Loveridge,
Software Engineer

MTC–00014951

From: Dan Naumov
To: Microsoft ATR
Date: 1/23/02 8:18am
Subject: Microsoft Settlement

Regarding the Microsoft settlement, I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundreds, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices.

Similar to the settlement against AT&T, Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level (40%, for example, assuming one of it's competitors is now also at 40%). This must be true for all Microsoft product lines, before regulation is lifted.

Sincerely,
Dan Naumov

MTC–00014952

From: Caton Gates
To: Microsoft ATR
Date: 1/23/02 7:08am
Subject: Microsoft Settlement

I write to express my concern that the proposed settlement of the Microsoft Anti-trust case falls far short of what is necessary.

Unless much more far-reaching—and specific—measures are imposed, Microsoft

will retain and extend its stranglehold on the market, stifling or absorbing any competition to its monopoly. There appear to be far too many loopholes in the definitions and remedies of the proposed settlement. I encourage you to consult closely with those who wish to compete with Microsoft, and determine with greater specificity ways in which Microsoft's behavior can be best modified.

-c

MTC–00014953

From: trentjarvi@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/23/02 8:15am
Subject: Microsoft Settlement

Greetings

As a small contract software developer http://www.rxtx.org, I would like to suggest the the current proposal undermines the industry I work in. I understand you get a large number of emails from ''anonymous industry supporters.'' Please consider the larger picture and support true competition in this industry by putting an end to the current proposal.

Trent Jarvi
trentjarvi@yahoo.com
CC:trentjarvi@yahoo.com@inetgw

MTC–00014954

From: Benjamin Krueger
To: Microsoft ATR
Date: 1/23/02 7:10am
Subject: Microsoft Settlement

As a Systems Administrator of 4 years on Unix, Windows, Linux, and BSD systems, I wish to comment on the proposed final judgement in United States vs. Microsoft.

It is my opinion that this proposed settlement fails to address some of the most important wrongdoing that Microsoft has committed, fails to prevent Microsoft from engaging in these behaviors in the future, and fails to punish Microsoft for the severe and irreparable damage they have caused to the computer software and hardware industries, as well as the economy of these industries.

Please dispose of this current settlement in its entirety, as it fails to fulfill even the basic criteria of a fair and just settlement. Please consider a settlement that will appropriately give every opportunity to Microsoft's competitors (who currently can not compete) to develop products that benefit the industry and its consumers, rather than Microsoft.

Thank You
Benjamin Krueger
320 Cedar St. Apt 216
Seattle, WA 98121
Independant Party Affiliation

MTC–00014955

From: jose chua
To: Microsoft ATR
Date: 1/23/02 7:21am
Subject: Microsoft Settlement

Dear Sir or Madam:

As a software engineer, the proposed settlement will greatly affect my livelihood. As an American citizen, the proposed settlement will greatly affect my way of life, as it sets the tone for doing business in the new millennium. In its current state, the proposed settlement does not adequately address Microsoft's illegal actions.

There are several loopholes. The definition of ''Windows Operating System Product'' (definition U) excludes other Microsoft Windows Operating Systems such as Windows XP Tablet Edition, Windows CE, and PocketPC. These products are derived or are the progeny of the Windows codebase, and should be included. Also, any future upgrades, service packs and fixes should be part of the definition.

In Section III.A.2., no provision is made for a Personal Computer that ships with a non-Microsoft Operating System but no Windows Operating System. As it stands, protection for OEMs is provided only if an OEM continues to bundle Microsoft products.

In Section III.D., Microsoft is required to provide API documentation to ISVs at the time of the final beta test. This timeframe is not sufficient for ISVs to adapt their products to fit the requirements specified in Section III.H.3., which states that competing middleware can be locked out if it fails to meet requirements seven months before the final beta test.

The proposed settlement is largely insufficient and does not serve the public interest. Please consider this a vote against the proposed settlement.

Sincerely,
Jose B. Chua
2530 Poplar Street
Union, New Jersey 07083

MTC–00014956

From: Thomas M. Albright
To: Microsoft ATR
Date: 1/23/02 7:10am
Subject: Microsoft Settlement

I would just like to say that I have read about the proposed settlement, and I am not in favor of it in its current state. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors, yet unfavorable to Microsoft.

Thank you,
Thomas M. Albright
49 Lucas Pond Rd.
Northwood, NH 03261
(603) 942–7714

Thomas M. Albright (Linux user number 234357)

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

MTC–00014957

From: Andy Murren
To: Microsoft ATR
Date: 1/23/02 7:28am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Having reviewed the proposed settlement I feel that it is seriously flawed. Having been a programmer and a systems administrator for several years I have seen Microsoft force companies out of business or to drop business lines due to their practices. I feel that the proposed settlement does not fully address these practices and prevent Microsoft from continuing them.

Specifically there are three area that need to be rigorously addressed.

1. All APIs must be fully documented and published for use without restriction, by anyone include competitors. The definition of an API must be very broadly stated. They should be published before the product is released for public beta testing, or 120 days prior to sale of the product, which ever is earlier. Also, all changes must be published in a timely manner when updates, patches and revisions are released.

2. All file formats must be fully documented and published for use without restriction, by anyone include competitors. The time frames should be the same as above.

3. Licensing and sales incentive practices of Microsoft are anticompetitive and need to be changed. Microsoft should be brought into line with industry standard practices and not allowed to use its market share and power to cripple competition and drain money from consumers and companies.

These terms should remain in effect until Microsoft has less than 49% of market share.

So long as Microsoft can prevent competition by using its dominate market position it will continue to harm the American economy. By not allowing competitors (both commercial and Open Source) to write compatible software, Microsoft will remain a monopoly. This proposed settlement does not address the short or long term changes needed to end the Microsoft Monopoly.

Andrew J. Murren
Mendham, NJ
Andy Murren
andy@murren.org

MTC–00014958

From: Ed Figarsky
To: Microsoft ATR
Date: 1/23/02 7:10am
Subject: Microsoft Settlement

Dear Department of Justice:

I think the proposed Microsoft Settlement is an injustice. I believe the company should have separated into two, if not three pieces: Operating Systems, Server Software, and Everything Else (Productivity Software). I think Microsoft's ploy of offering to flood schools with their products is ridiculous. (A decade or so ago Bill Gates was noticed because of his large charitable donation—of outdated software, not money. No one saw the irony in that?)

As a software developer, I feel that Microsoft goes against all the principles of best practice and fair play. the world would be a better place without them.

Sincerly,
Edward Figarsky
384 Lower Holland Road
Holland, PA

MTC–00014959

From: m h
To: Microsoft ATR

Date: 1/23/02 7:11am
Subject: Microsoft Settlement

Dear sir,

I would like to register my vote agains the current settlement. I do not it goes far enough in opening up the monopoly. Other companies, need more information from Microsoft. for example, windows developers need to know about the exact details of the windows API, presented in a useful way, so that microsoft is not the only one able to take advantage of the lesser-known features.

howama

howama@mailandnews.com

MTC–00014960

From: St-Pierre, Daniel
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 7:17am
Subject: Microsoft Settlement

I believe the proposed settlement is bad idea.

I think that the best way to restore competition on the desktop would be to force Microsoft to do only two things:

1. Release all documentation relating the formats of their MS Office documents.

2. And probably the most important; have them release all network communication APIs so that other companies can create products able to communicate and interoperate with Microsoft Products.

Also have them document and release any changes at least 3 months ahead of releasing new products or updates.

Thank you.

MTC–00014961

From: Corey Frank
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 7:14am
Subject: Microsoft Settlement

Regarding the Microsoft settlement, I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundred, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices. Similar to the settlement against AT&T, Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level (40%, for example, assuming one of it's competitors is now also at 40%). This must be true for all Microsoft product lines, before regulation is lifted.

Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Imagine the damage to the United States if Microsoft were to fail, as Enron failed. The risks of a monopoly are greater than merely the loss of competition.

Thank you for your time

Corey J. Frank
38472 Casselberry Ct
North Branch MN 55056

MTC–00014962

From: Peter Hartzler
To: Microsoft ATR
Date: 1/23/02 7:13am
Subject: Microsoft Settlement

Greetings—

I oppose the proposed Microsoft Settlement. I think this settlement is a very bad idea. In general, the settlement goes too far to protect Microsoft; it would allow them to effectively protect and extend their monopoly.

In particular, the settlement does not address the single most powerful hold which Microsoft exerts on the market; to wit: document standards.

Additionally, the small provision for publishing interoperability standards is quite weak. I have no doubt that Microsoft will be able to circumvent any such restrictions.

I hope the U.S Department of Justice will reject the proposed settlement. To do otherwise would be disservice to the future of our country.

Respectfully Yours,
Peter Hartzler
2907 Madison Place
Falls Church, VA 22042
(703) 534–6537
<pete@hartzler.net>

MTC–00014963

From: Robert Grabowsky
To: Microsoft ATR
Date: 1/23/02 7:13am
Subject: Microsoft Settlement

I am a United States citizen with about 16 years experience in the computer industry. I am a computer professional and my livelyhood depends on happens in the US vs. Microsoft antitrust case. I have read the proposed settlement, and I am not in favor of it in its current state.

Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors, yet unfavorable to Microsoft. I believe the proposal is a dishonest one that sells out the public interest. I will explain why, and offer some guidelines for a fairer remedy.

1. Microsoft's main crime (not bundling, but the prevention of bundling) has had lasting anti-competitive effects that the settlement should address but doesn't. What Microsoft did that seriously disadvantaged the consumer was not so much bundling its own browser with its operating system, but preventing computer resellers (OEMs) from offering consumers a choice by bundling competing browsers such as Netscape Navigator.

2. Microsoft's monopoly profits are the direct result of these and other illegally anti-competitive tactics. The antitrust case established that the absence of competition emboldened Microsoft into charging $89 for Windows instead of $49. In other words, consumers paid extra merely because of a monopoly that was being illegally maintained. There is absolutely nothing in the proposed settlement that addresses the issue of these ill-gotten gains, or how these will be reimbursed to the public from whose pockets they came. This simple omission easily amounts to billions of dollars, and by itself makes the settlement a sellout of the public interest, even without an assessment of its other shortcomings.

3. Though it has been established that Microsoft has repeatedly broken the law, the settlement only defines mechanisms to prevent future wrongdoing. What about punishment for past wrongdoing? Guidelines for a fair remedy:

1. Recurrence: Microsoft must not be able to continue to abuse its monopoly the way it has in the past.

2. Reimbursement: Microsoft has no right to retain the excess profits it has earned as a result of its illegal actions. This money should be repaid to the consumer.

3. Reparations: As Microsoft is responsible for the current uncompetitive market in operating systems and related applications, it must underwrite efforts to restore competition and consumer choice. The rest of the market should not have to pay to recover from Microsoft's abuses.

4. Reference: Microsoft must pay punitive damages over and above its reimbursement and reparations obligations, to serve as a warning to deter future monopolists. The remedy must in no case send out a signal that a large enough violator can get off lightly. Future tax dollars can be saved by discouraging abuses instead of having to prosecute them.

Sincerely,
Bob Grabowsky

MTC–00014964

From: bob noob
To: Microsoft ATR
Date: 1/23/02 7:13am
Subject: Microsoft Settlement

Regarding the Microsoft settlement, I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundred, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices.

Similar to the settlement against AT&T, Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level (40%, for example, assuming one of it's competitors is now also at 40%). This must be true for all Microsoft product lines, before regulation is lifted. Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Imagine the damage to the United States if Microsoft were to fail, as Enron failed. The risks of a monopoly are greater than merely the loss of competition.

Thank you for your time.

MTC–00014965

From: Frank Field
To: Microsoft ATR
Date: 1/23/02 7:13am
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
US Department of Justice
601 D Street NW
Suite 1200
Washington,DC, 20530–0001

Dear Ms. Hesse:

I am writing to add my voice to the others OPPOSED to the proposed settlement of the

Microsoft antitrust suit. As currently constituted, this settlement fails to establish a basis for competition in the marketplace for PC software. More importantly, elements of the language suggest that the settlement will allow Microsoft to employ several predatory practices to illegally defend its market share—to wit, the apparent limitation of the various ''openness'' decrees to commercial concerns only.

The Open Source software community has demonstrated startling innovation in the face of past predatory behavior by the defendent in this case, largely through the open standards that have been developed by that community. The consent decree does nothing to restrict Microsoft's ''embrace and extend'' strategy, which will cripple innovation in the very sector that our economy depends upon for its success today.

Becasue of this and other well-documented elements of the proposed settlement which fail to ensure a competitive market, I strongly resist the terms of the current settlement, and implore the Department of Justice to reopen the settlement talks.

Frank R. Field, III
Materials Systems Laboratory
Senior Research Associate, MIT CTPID
Associate Director of Education, TPP
Tel: 617–253–2146; Fax: 617–258–7471
e-mail: furd@mit.edu
URL: http://msl1.mit.edu/
CC:furd@mit.edu@inetgw

MTC–00014966

From: Richard Glanmark
To: Microsoft ATR
Date: 1/23/02 7:15am
Subject: Microsoft Settlement

Its a bad idea to make a settlement. Microsoft is clearly a monopoly and should therefor be split up to open up competition. Competition is good for customers as we all know.

Regards,
Richard Glanmark
Richard Glanmark B l u e f i s h
glanmark@yahoo.com fax +46 8 731 80 10
tel +46 709 472 153 icq 33836596
Hjlp mig fixa min fest! http://fixafest.nu

MTC–00014967

From: Claude A. Keswani
To: Microsoft ATR
Date: 1/23/02 7:15am
Subject: Microsoft Settlement

I feel that the proposed settlement would not remedy Microsoft's anti-competitive practices and that Microsoft's behavior will eventually cripple innovation in the software industry.

Claude Keswani
758 East Third St.
South Boston, MA 02127
617.269.0387

MTC–00014968

From: Andrew
To: Microsoft ATR
Date: 1/23/02 7:16am
Subject: Microsoft Settlement

This is an extreamly bad idea.
Andrew Laughton

MTC–00014969

From: Needham, Douglas
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 7:17am
Subject: Microsoft Settlement

In reviewing the findings of the court that have been un-refuted. I don't think that settling with Microsoft is in the overall best interest to me as a consumer or my company. Microsoft has been found guilty of being a monopoly, and have absolutely no respect for the judicial system in america. They have time and again scoffed at any ''terms'' that they had to live by. The release of XP with all of its bundling has shown that they have no intention of changing their ways.

Please do not settle with a guilty company that will not change its ways unless changed by force.

The saying goes speak softly but carry a big stick.

If you always speak softly and never use your big stick then what is the point of having it?

Please do not settle with Microsoft. They need to be punished in such a way that they will not continue their behavior.

I am forced to write you this not from outlook on a Windows 2000 machine. This is not my choice but the choice of my company.

My company chose Microsoft products not because they were the best but because they felt they do not have a choice. Please, punish Microsoft now in a way that allows my company to actually believe it is safe to find an alternative email system without fear that they will be crushed by Microsoft.

Doug Needham
Lockheed Martin Mission Systems
Bldg 102/G70
9255 Wellington Road
Manassas, VA 20110–4121
(703) 367–1563
FAX (703)367–6574

MTC–00014970

From: Adam Schreiber
To: Microsoft ATR
Date: 1/23/02 7:17am
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea. It is but a wrist slap for a company like Microsoft. The American people deserve a better settlement.

Adam Schreiber

MTC–00014971

From: Woodraska, Robert J.
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 7:18am
Subject: Microsoft Settlement

Many smarter people than me have already written comments on the Proposed Final Judgement I am sure, but I thought I would add my two cents. Microsoft has already been proven to introduce deliberate incompatibilities to maintain their hold on different platforms, as evidenced by the 1996 Caldera vs. Microsoft lawsuit. The proposed remedies are far too weak to prevent Microsoft from doing this in the future. In a sense, the Proposed Final Judgement would rely on the willingness of Microsoft to open up to competition, and their track record seems to indicate that this is unlikely. Many definitions, such as API are worded in such a poor manner as to give Microsoft more of an advantage legally than they already enjoy. The Proposed Final Judgement should be overhauled (perhaps rewritten from scratch) or rejected. Thank you for your time.

BoB Woodraska
IB Systems Administrator
PCS
(605) 362–1260

MTC–00014972

From: Chris Kaczor
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 7:18am
Subject: Microsoft Settlement

I agree with the settlement.

MTC–00014973

From: Mike
To: Microsoft ATR
Date: 1/23/02 7:17am
Subject: Microsoft Settlement

Please don't let Microsoft get away with their crimes once again. The last DOJ anti-trust settlement with them was a wrist slap. That's what this new one is shaping up to be as well. The settlement is a joke, allowing them to get away with their abusive practices without any real penalties.

As written, the settlement has too many holes in it, which will allow Gates & Company to continue their arrogant practices. The remedies only protect commercial companies. What about Linux? The biggest competitors to Microsoft are not-for-profit organizations, which aren't covered in the scope of this ludicrous settlement!! Section III(J)(2) pretty much rules out not-for-profit organizations from getting any benefit at all from this settlement, and indeed allows Microsoft to ignore them, not providing them with API's, documentation or comm protocols.

PLEASE PUNISH MICROSOFT!! You won the trial, for crying out loud. Now you're going to let them off the hook?

I urge you to throw out this pro-Microsoft settlement, and come up with something that is strong enough to STOP them from behaving the way they do, and something that has some punitive measures in it!!

Mike Whitney
Systems Analyst/Programmer
Austin, TX

MTC–00014974

From: Chuck Mason
To: Microsoft ATR
Date: 1/23/02 7:18am
Subject: current case

I believe that the current proposed settlement in the Microsoft case is a bad idea.

Charles Mason

MTC–00014975

From: Kevin Swearingen
To: Microsoft ATR
Date: 1/23/02 7:19am
Subject: Microsoft Settlement

I strongly feel that the lack of enforcement of terms will result in a lack of enthusiasm by Microsoft to comply with the terms of the proposed settlement.

I strongly feel that the PFJ requirement for MS to release API documentation to ISVs is poorly defined and inadequate. I feel that API is too narrowly defined.

I strongly feel that most of the conditions and requirements of this settlement are inadequate and will be ineffective in modifying in Microsoft's anticompetitive behavior.

Kevin Swearingen

MTC–00014976

From: scott j lopez
To: Microsoft ATR
Date: 1/23/02 7:19am
Subject: Microsoft Settlement

I think the proposed settlement with Microsoft is truly a shame. Microsoft has let its influence and its money buy their way out of punishment for the crimes they committed. Is the government ''by the people for the people'' or ''by the people for the highest bidder?''

Please count me among the growing number of US Citizens who are unhappy, disappointed and dissatisfied with the ''justice'' brought against Microsoft.

Thank you,

Scott J. Lopez

MTC–00014977

From: hayward@slothmud.org@inetgw
To: Microsoft ATR
Date: 1/23/02 7:19am
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea.

Microsoft keeps saying that they have competitors (namely Open Source Linux). But the settlement completey excludes them from using any of the information the settlement forces them to disclose.

Not only will open source projects not fit the guidelines of who Microsoft is forced to disclose the information too. The release of the protocols without the security information makes them completely useless because if you can't authenticate, you can't use the protocols!

Microsoft needs to be forced to open up their protocols and interchange formats to others in order to really level the playing field. The Microsoft Word document is one example. They have such a lock on the market of word processors just because they are the defacto standard. Microsoft uses these formats to force their customers to upgrade office on an almost yearly basis. Most people I talk to upgrade office because they want to be able to read new word/excel documents—not because office provides any new amazing features that they really want. Microsoft uses these formats as extortion to keep businesses and people upgrading their products. I know, because I'm a programmer, that Microsoft could create a new word document format that is still able to be opened with previous word processors. This is exactly how the HTML/XML formats work. But they choose to not do that.

Microsoft also uses changes in their word document format to keep other word processors from ever being able to compete with them. In the industry today, if you can't open a word document, your word processor is useless.

If you were to force Microsoft to open ALL protocols, formats (including word, excel, powerpoint, networking protocols, asf, windows media, etc formats) then you would go a great distance towards leveling the playing fields.

As a technical expert, looking at the current proposal is just disghusting. It's almost like you let Microsoft write it themselves!

Brian Hayward

MTC–00014978

From: Justin Kao
To: Microsoft ATR
Date: 1/23/02 7:19am
Subject: Microsoft Settlement

Hello,

I am writing to state that I feel the current proposed settlement with Microsoft is insufficient.

In particular:

1. Section III.J.2 exempts Microsoft from disclosing information about authentication and authorization to third parties that Microsoft does not judge to be businesses. This leaves out ALL open-source projects such as Apache, Samba, Wine, etc. which are developed by volunteers yet provide the vast majority of the available alternatives to Microsoft software! Essentially then, this settlement allows Microsoft to continue its anti-competitive practices against its largest competitors.

2. The settlement seems to do little with regards to fixing the results of past anti-competitive practices by Microsoft, namely the domination of Microsoft Office, Internet Explorer, Exchange, and other products. In addition to placing restraints on future behavior, the settlement should do something about the current monopoly. A good start would be to require openly documented file formats for Microsoft Office and openly documented protocols for communicating with Microsoft Exchange.

Thank you.

Justin Kao
Caltech MSC 301
Pasadena CA 91126

They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety.—Benjamin Franklin

MTC–00014979

From: Richard Lawson
To: Microsoft ATR
Date: 1/23/02 7:21am
Subject: Microsoft Settlement

Although the following text is not my own, it adequately summarizes my negative feelings towards the proposed Microsoft settlement and is reproduced with permission of the author:

Regarding the Microsoft settlement, I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundred, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices.

Similar to the settlement against AT&T, Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level (40%, for example, assuming one of it's competitors is now also at 40%). This must be true for all Microsoft product lines, before regulation is lifted.

Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Imagine the damage to the United States if Microsoft were to fail, as Enron failed. The risks of a monopoly are greater than merely the loss of competition.

Thank you for your time.

Richard Lawson

MTC–00014980

From: Jeff Pitman
To: Microsoft ATR
Date: 1/23/02 7:21am
Subject: Microsoft Settlement

To whom it may concern:

Before the public commentary period expires, I would like to, as a U.S. citizen, state my concern about the Microsoft Proposed Settlement. In your settlement, you leave what appears to be many loopholes that can allow Microsoft to continue to practice anti-competition in its current markets.

Two points I would like to make:

1. You fail to consider—if it is possible—markets that Microsoft has entered that do not include its operating systems divisions. Microsoft has exerted undue influence on markets including peripheral hardware, gaming machines, handheld devices (software), etc. Although you speak about IHVs, I think the hardware aspect of the settlement needs to be fully explained and clarified.

2. The discussion about versioning is rediculously open to interpretation and further work around by Microsoft. You talk of Major revisions being whole numbered and Minor revision being numbers followed by the decimal. However, did you ever fathom that they could use a different versioning scheme. Windows 2000 ring a bell? Although it has a 5.00 version. What if they move to another scheme? What provisions does this settlement provide to cover this loophole?

Lastly, I would like to thank you for your efforts in inacting these restrictions on Microsoft. I feel that they've gone too long under pretenses of unfair competition.

If you need to verify my citizenship:
Jeff Pitman
c/o Robert Pitman
2631 NE Laura St
Hillsboro, OR 97124
(503) 844–7227

Thank you,

jeff pitman
support engineer
brooks automation pls/bu
+886–953–275–447

MTC–00014981

From: Lynn Crumbling
To: Microsoft ATR
Date: 1/23/02 7:39am
Subject: Microsoft Settlement

To whom it may concern,

I have read over the proposed Microsoft Settlement, and am NOT in favor of it, in its current state. The settlement does not, in any way, penalize Microsoft for its past

infringements of the law. For many years, OEMs have been under control of this corporation, and simply ''formalizing'' this law in a document is not enough. Microsoft has been declared guilty of past wrongs, and must now be held accountable in some measure. The current proposed settlement is unacceptable. Thank you for your time.

Sincerely,
Lynn M. Crumbling
549 Hillcrest Rd.
York, PA 17403

MTC–00014982

From: Tom Coady
To: Microsoft ATR
Date: 1/23/02 7:22am
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea

best wishes,
Tom

MTC–00014983

From: Jason Zawacki
To: Microsoft ATR
Date: 1/23/02 7:21am
Subject: Microsoft Settlement

I do not believe the proposed settlement will force Microsoft to turn to anti-competitive practices in order to sell their software. This case has been absolutely infuriating how Microsoft can put the same smokescreen (marketing) in front of the courts as it does to the general public. ''Freedom to innovate'', how, by limiting consumers so that all paths flow through Microsoft?

Some examples—

OEM deals where Windows must be installed on all new computers, and that no other alternative is allowed.

Consumers cannot request that a different OS (or no OS) be installed, and are automatically charged for the Windows license. How is this not anti-competitive?

Windows XP—which is an operating system that brings MS a giant step closer to having complete integration with MSN, with no other alternatives—can you replace MSN with AOL and get the same integration? No?

Then it should be a separate product NOT integrated with XP. This would give AOL (and any other similar business) a fair chance at attracting customers, where MS would have to market their merits of MSN vs AOL rather than winning by default.

Active Directory—The LDAP protocol is perfectly capable of handling anything AD can handle. But does MS use LDAP (an open standard?) NO. It takes it, modifies it slightly so that all Windows installations MUST use AD and not LDAP. This increases the realiance on Windows OS as well as AD products from Microsoft. 3rd parties have been effectively cut out of providing an alternative to AD. Yes, there is Novell, but Windows will never be as tightly integrated with Novell than it is with AD. So, once you've decided you like the features that AD provides, you have NO CHOICE but to go with an all Microsft solution. How is this not anti-competitive?

Why must Windows update be run using Internet Explorer, and can never be run by any other browser?

(Since IE is supposed to be JustAnotherBrowser) Why can't we use Netscape, or Opera to do the same thing?

In terms of security, it would be MUCH better if Microsoft was broken up. This would encourage LESS tightly integrated products, which have been the main cause of almost all of the major virus outbreaks and worms in the past year. The excuse Microsoft likes to use is that they are the biggest target, so people who want to cause damage are naturally going to go after them. This argument is flawed since the Apache webserver has nearly DOUBLE the marketshare of IIS (http://www.netcraft.com/survey/), and IIS is what has been the main target of those worms. Using MS's logic, if hackers wanted to cause the most harm, they'd target Apache and not IIS. So why have they targetted IIS? Because it is full of security holes, where Apache is not. IIS is the easiest target simply because of that, it is easy to exploit. Apache is an open source product which is open to peer review, where IIS is not. Coincidence?

And now look at their plans with the X-Box—All in one media center for the home, directly tied into MSN.

Passport—one stop personal info database (which has already been hacked into once). Potentially one of the most valuable databases ever created, call controlled by one essentially unregulated, company, Microsoft, who has a horrible security record.

Microsoft is continuing to make the US court system look foolish (at best) by brazenly ignoring warnings, continuing to tighten their stranglehold on the US business place while this case has been ongoing. Is this how the court system is supposed to work? Bend over backwards for companies that break the laws over because it is more convenient? Microsoft is at the forefront of changing this country into an Orwellian society (if you think I am exagerrating, then just look at the key positions Big Brother Microsoft has in the media today, and realize that the direction they are headed is to force all roads to lead to Microsoft.) If you think that they do not have the money and power to do this, then you do not realize the importance of this Anti-trust case.

Jason Zawacki

MTC–00014984

From: Jemaleddin S. Cole
To: Microsoft ATR
Date: 1/23/02 7:21am
Subject: Microsoft Settlement

I've read through the conditions of the proposed Microsoft Settlement, and I find that it's a bad idea. It gives nothing to those harmed by Microsoft's flagrant violations of antitrust law (as defined Judge Jackson's finding of facts), it provides no remuneration to the public, and it does nothing to hamper further violations of antitrust law. Microsoft has shown time after time in court that their attitude to the law is one of flagrant disregard, if not merely flippancy. There is nothing in the settlement that will change their behavior, and to my mind a slap on the wrist such as this will merely encourage them to proceed in driving other businesses to extinction through anti- competitive practices. Jemal

MTC–00014985

From: Ross Lippert
To: Microsoft ATR
Date: 1/23/02 7:23am
Subject: Microsoft Settlement

I think the proposed settlement with MSFT is a very bad idea. They have stiffled many innovations.

There is no point is developing new applications for popular computers while they are calling the shots, keeping API's closed, forcing OEM's to load their products, giving selective discounts to OEM's, and the most pervasive, engaging in gratuitous product tieing.

r

MTC–00014986

From: OBrien Andrew
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 7:27am
Subject: Microsoft Settlement

I would like to add my voice to the process and say that the Microsoft Settlement, as currently structured, is a bad idea.

Andrew P. O'Brien
1619 Dauphin Ave.
Wyomissing, PA 19610

MTC–00014987

From: Dimi Shahbaz
To: Microsoft ATR
Date: 1/23/02 7:23am
Subject: Microsoft Settlement

Regarding the Microsoft settlement, I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundred, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices.

Similar to the settlement against AT&T, Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level (40%, for example, assuming one of it's competitors is now also at 40%). This must be true for all Microsoft product lines, before regulation is lifted.

Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Imagine the damage to the United States if Microsoft were to fail, as Enron failed. The risks of a monopoly are greater than merely the loss of competition.

Thank you for your time
Dimi Shahbaz

MTC–00014988

From: Zero Sum
To: Microsoft ATR
Date: 1/23/02 7:23am
Subject: Microsoft Settlement

The proposed settlement neither makes up for past sins nor discourages current and future transgressions.

Justice must be seen to be done and this ''settlement'' could only be seen as an ominous traversty.

There must be scope for competition. Standards must be publiscised and used.

Geoff Marshall

MTC–00014989

From: mconway
To: Microsoft ATR
Date: 1/23/02 7:24am
Subject: microsoft settlement

i believe the DOJ settlement proposed with microsoft in inadequate and does not address their abuses.

MTC–00014990

From: Anuj Arora
To: Microsoft ATR
Date: 1/23/02 6:47am
Subject: Microsoft Settlement

I think this settlement is a easy (and, pardon my saying so, lame) way for microsoft to buy their way out.

given the quality of their products (windows . . . anything) and the supressiveness of their licensing schemes, this is neither right, nor fair to anyone.

~A

MTC–00014991

From: Casey McEnaney
To: Microsoft ATR
Date: 1/23/02 7:26am
Subject: Microsoft Settlement

My name is Casey McEnaney and I live in Oregon City, OR. I would like to take this moment to say that I believe that the proposed settlement is a very bad idea, and I believe that it will only serve as fodder for the company's reputation of anti-competitive and anti-consumer practices going into the future.

Thank you,
Casey

MTC–00014992

From: Pohlabel, Christian A, SOBUS
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 7:22am
Subject: Microsoft Settlement

I am writing to express my opinions regarding the propopsed judgement against Microsoft, in the ongoing anti-trust case. From what I have seen, the PFJ does not even begin to address the harm already caused, let alone preventing Microsoft from doing any further damage to their competition in the software arena.

I am a computer professional, and I've worked in this field for 8 years. In my career, I have worked extensively with the end-users of computer systems, answering their computer-related questions and helping them to resolve their computer problems. I also hold an M.S. in Information and Communication Sciences. As a result of these things, I have a strong, practical background on which to base my opinions, as well as an understanding of the business theories underlying competition in the technical arena.

In my opinion, the most serious threat to competition is Microsoft's control of their applied programming interfaces (APIs), and their absolute refusal to allow any other operating system to make use of these APIs. The use of these APIs is required for any competing operating system which hopes to be able to run software originally designed for Microsoft operating systems. At present, Microsoft controls the software market because of the lock-in designed into their products, each product reinforcing their main product: Windows.

For example: a friend sends me a Microsoft Word document. To use this, I not only must have Microsoft Word (the same version), but also a Microsoft operating system on which to run Word. If I choose not to buy any Microsoft operating systems, I am unable to read documents created by Microsoft Word, even if I purchase that program separately! If the APIs required to run Word were publicly available, on the other hand, competitors could produce an emulator which would let me run Word on a different operating system (FreeBSD, for example, or Linux).

The PFJ does not address this need in an adequate fashion. The way in which APIs are defined makes it far too easy for Microsoft to completely ignore this requirement, and continue making it impossible for anyone to run a Microsoft product without the Microsoft operating system. Until the APIs are opened up to competitors, Microsoft will continue to be a monopoly. Once other operating systems can run MS Word, or MS Excel, however, competition will begin to creep into market, and consumers will ultimately benefit. To illustrate this with a similar case: if Intel had been allowed to prevent other chip manufacturers from running programs written for the Intel platform, AMD chips would not exist, and without competition between the two CPU makers, computer speeds would be far lower than they are today. Finally, please note from my email address that I am an AT&T employee. When AT&T was judged a monopoly in 1982, the company was split apart (a far more drastic step than the one proposed in the PFJ against Microsoft). The result of this has been strong competition in the long distance markets, where a monopoly could no longer be sustained by the stable customer base of the local carriers. In the local markets, however, because the decision in 1982 and the Telecom Act of 1996 were either overly lenient or not sufficiently enforced, Verizon, US West (now Qwest) and Bell South have retained effective monopolies in their regions. I believe that the steps taken against Microsoft should be designed to not only remedy the software giant's current monopoly, but also to prevent it from being able to easily re-establish one in the future. By making Microsoft's APIs public-domain property, MS would be forced to focus on providing a good product to win customers rather than relying on lock-in due to their existing position. If any existing Microsoft customer could freely migrate to a new operating system and continue to use their old Microsoft software, it will solve the major problem that many CLECs faced when trying to compete against the Baby Bells.

Thank you for taking the time to read this, and if you have any questions, please let me know.

Chris Pohlabel

MTC–00014993

From: pang@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 7:27am
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea and not in the public's best interest. It does very little to stop Microsoft from continuing its anti-competitive business practices.

Any questions or comments, please let me know.

Thanks,
Greg Panula
Network Security Guru
Dolan Information Inc
612–215–8312

MTC–00014994

From: Greg Baker
To: Microsoft ATR
Date: 1/23/02 7:29am
Subject: Microsoft Settlement

I am a non-current resident of the USA; I may or may not be a member of the ''public'' under the terms of the act, but I am a consumer of and implementor of Microsoft products.

I do see a problem with (III)D. Notably, Microsoft is only required to disclose APIs and documentation in order to support interoperation, and only to IAP, ICP, ISV etc. organisations.

There are two problems here: —generic systems implementors (who do not sell hardware and do not write their own programs) are ''out on a limb''. This constitutes a large number of the smaller consulting firms in the USA, in Australia and in most other countries. Such documentation of APIs and protocols is necessary and needed in order to help such companies install and configure ISV products, for example.

—the wording allows Microsoft to place restrictions on how the IAPs, ICPs, ISVs, etc. may use the information. For example, nothing prevents Microsoft from (for example) allowing access to the MSDN only to users who promise total secrecy (or only to those who pay large amounts of money). To continue ad absurdum, Microsoft could choose to make available the APIs to anyone willing to pay the billion-dollar-per-year fees for accessing the appropriate part of MSDN—i.e. exactly the same situation as exists at the moment.

My suggestion to improve (III)D would be ''Starting at the earlier of Service Pack 1 for Windows XP or 12 months after the submission of this Final Judgement to the Court, Microsoft shall disclose documentation and APIs used by Microsoft Middleware to interoperate with the Windows Operating System Product. Such information will be made available in a free and unrestricted fashion to any individuals or organisations who request it, explicitly including their right to disclose it to other parties.''

This above clause would bring Microsoft's development practices more in line with other software vendor's, such as Apple, IBM, Hewlett-Packard and the open source movements and would help redress the abuses of power that Microsoft have performed in the past.

Regards,
Greg Baker
The Institute for Open Systems Technologies
Email: greg.baker@ifost.org.au

MTC–00014995

From: Tiberiu Atudorei
To: Microsoft ATR
Date: 1/23/02 9:29am
Subject: Microsoft Settlement
It is bad. . . no way

MTC–00014996

From: Christoph Henrici
To: Microsoft ATR
Date: 1/23/02 7:35am
Subject: Microsoft Settlement
Dear Sirs,
i think the Microsoft Settlement is still a very long way away from a truely competative consumer, customer and citizen oriented market agreement, which we deserve. I am against the Microsoft Settlement, because it is essentially in the long run not consumer friendly. It's does not adress the basic and princple right of a citizen of the USA: having the ablility to choose and also being able change his choice. The settlement potentially makes Microsoft's control of the market even stronger, which it has gained through different illegal practices over many years. And this in one of the most essential technicology fields today, which plays a crucial role in the evolution of the free world, which we are fighting for. The adequation is simple: How many Microsoft based desktops are being used today in comparison to competitors. Are there any real competitors? Is this the freedom of choice, which is so crucial for the functioning of the leading democracy of the world? Also there is a very strong threat, that Microsoft will not only dictate the desktop of USA, but also the server side of the market (ISP, ASP etc.) and the consumer market (PDA, Game consoles). So essentially Microsoft has put itself in the position to potentially dicate all essential aspects of the crucial technicologies of our time, through breaking the law of our country. The settlement basically sanctionizes this. And this scares me being a humble citizen of our country.
Kind regards
Christoph Henrici
Im Bungert 10
CH-8306 Br ttisellen
Switzerland

MTC–00014997

From: Adam Jones
To: Microsoft ATR
Date: 1/23/02 7:30am
Subject: Microsoft Settlement
To Whom it May Concern,
I feel that the proposed final judgement in the Microsoft anti-trust case is not sufficient to remedy the problem and should be redrafted. I am a software developer, and I am forced to use Microsoft tools and operating systems, as my customers all use this operating system. It is not possible for me to develop for my customers using any tools other than those provided by Microsoft, as they will not function properly on the Windows Operating System.
Steps must be taken to dismantle this monopoly of the operating system, and to make development for the Microsoft Operating Systems possible using tools and operating systems not provided by Microsoft.
There are two methods that I feel may properly remedy this situation. The first is to create an equal playing ground for developers by making the source code for all Microsoft Operating Systems available to developers. Microsoft would no longer be able to take advantage of insider knowledge of the operating systems to unfairly compete with third party products.
The second remedy would be to seperate the operating system business units from the application business units. Microsoft continues to build applications that were once independent programs into the operating system, making competition with these programs all but impossible. A very good example is with Internet Explorer, but some highly overlooked examples are Windows Media Player, Notepad, WordPad, Calculater, and all of the tools which come bundled with the operating system. Microsoft can afford to give these products away for free as they are profiting from the sale of the Operating System. Competing software developers do not have this resource. By seperating the two business units, Microsoft applications will be forced to compete on a somewhat more even playing ground.
In conclusion, I feel that the proposed final judgement in the Microsoft Anti-Trust case is not sufficient to solve the problem.
Thank You,
Adam Jones
14065 Ashlake Lane
Fishers, IN 46038

MTC–00014998

From: Jim Burneff
To: Microsoft ATR
Date: 1/23/02 7:30am
Subject: Microsoft Settlement
To whom it may concern,
I would just like to say that I have examined the proposed settlement as put forth by the Department of Justice, and I am not in favor of it in its present condition. Please consider this a vote against the current settlement, as well as a vote to seek a decision that is more beneficial to Microsoft's customers and competitors, yet unfavorable to Microsoft.
D. James Burneff
1508 Emerald Lakes Blvd.
Powell, Ohio 43065

MTC–00014999

From: sean@emachine.redhandlocal.com @ inetgw
To: Microsoft ATR
Date: 1/23/02 8:13am
Subject: Microsoft Settlement
Hello,
I am writing because I am very concerned about the current Microsoft settlement. I find it to be wholly inadequate and does very little to curb Microsoft's continued illegal use of it monopoly power. There are many problems with this settlement. The definition of API is too narrow. Many of the other proposed items are so restricted that they won't even apply to future versions of Windows based on Microsoft's already stated intent.
I urge that this proposed settlement be rejected and something far stronger be put in place.
Thanks for your time,
Sean McCune
President, Red Hand Software, Inc.
mailto:sean@sean-mccune.com
2709 Pearl Street
Natrona Heights, PA 15065

MTC–00015000

From: Heidi Shanklin
To: Microsoft ATR
Date: 1/23/02 7:31am
Subject: Microsoft Settlement
The Microsoft Settlement is too little, too late. Do not let them do this.
Heidi Shanklin
Portland, OR 97209

MTC–00015001

From: David HM Spector
To: Microsoft ATR
Date: 1/23/02 7:33am
Subject: re: Microsoft Settlement
To Whom it May Concern:
I would like to express my dismay at what seems to be the Deparment of Justice's lack of seriousness with regard to the prosecution of and penalties to be applied to Microsoft Corporation for their blantant, repeated and un-repentant violations of our country's anti-trust laws. As an American citizen, and an independant software developer, my business has been immesurably hurt by the preadtory and illegal practices of Microsoft. If our country is to succeed economically in the 21st century it will be through innovation in Information Technologies.
That economic success and those future innovations are dependant upon a vibrant economy of ideas and products where companies compete on a level playing field and where Microsoft cannot though the force of its market presence suffocate anyone who might threaten their market share or where innovations are stolen and livelihoods destroyed to line the pockets of unrestrained monopolists.
I hope the US Government will ''do the right thing'' and apply the harshest possible penalties to Microsoft. The future is depending on it.
respectfully,
David HM Spector
Present & CEO
Really Fast Systems, LLC
David HM Spector
President & CEO
Really Fast Systems, LLC
spector@zeitgeist.com/spector@really-fast.com
voice: +1 631.261.5013
Fax: +1 631.262.7497
Supercomputer performance to get the job done.
Commodity pricing to make it affordable.

MTC–00015002

From: Graham Cruickshanks
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/23/02 7:35am
Subject: Microsoft Settlement
I would just like to say that I have read about the proposed settlement, and I am not in favor of it in its current state.
Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to

Microsoft's competitors, yet unfavorable to Microsoft.

I believe Microsoft has hurt the worlds software market, and should be split into Operating systems, and Middleware (Office, SQL server etc)

I also believe Internet Explorer should be open sourced, As It destroyed Netscape's browser illegally.

I also believe ''ALL'' the API's and protocols that Microsoft's software uses between its client and server should be documented and published. So other operating system can be clients and servers. i.e. Sun's Solaris, Red Hat Linux.

I also think that the latest version of Java should be bundle with the operating system, As they illegally tried to brake Java as a standard. Also they should be fined in the 10's of billions, and that cash used for a worthy cause. I would love to see that the money was used to find a cure to cancer.

Regards
Graham Cruickshanks
Technical Director
ItsNotRocketScience
64 Waterloo Street
Glasgow
Tel. +44 141 572 8800
Fax. +44 141 572 8810
http://www.itsnotrocketscience.com
grahamc@itsnotrocketscience.com

MTC–00015003

From: Jesse L. Morgan
To: Microsoft ATR
Date: 1/23/02 7:31am
Subject: Microsoft Settlement hello, I am a simple person.

I say this because I'm not a computer expert. I'm a college student. I'm a student who, because of the college

I attend, am forced to use Microsoft products. I personally think that Microsoft is a threat to not only the American people, but the world at large. Their anti-competitive practices has killed more than their share of competitors. When I was in high school, I got my first computer. I also for the first time had access to the internet. I used WordPerfect by Corel (killed by office) to write my first web page, which was written to work well in Netscape (killed by IE). I bring this up because these are two examples of an instance where I personally was affected by Microsoft. Both of these programs had great futures, but Microsoft's greed cut them short.

I've noticed that even the less computer savvy users are starting to notice that Microsoft has gone too far.

however, I noticed most are apathetic towards the thought of doing anything about it. So I've decided to throw in my two cents.

Short of complete dissolution, Microsoft will always be a threat due to the amount of wealth they've amassed. They'll always be able to buy less than honest politicians. They'll outlast or stall past different presidencies until they find one to their liking. I believe that the best alternative is to knock the company down from it's pedestal would be the best course of action. How?

(1). break them into 3 or more smaller companies.

(2). force them to open current and future API's (how the programs talk together)

(3). force them to make current and future formats open.

The third one is most important to me. each version of Word has used a different saving format, making it impossible for competitors to keep up.

To backtrack a little to how Microsoft could hurt the public, Security is one of the first things to come to mind. there are more virii written for Microsoft office than any other single application I can think of.

Microsoft's code is so buggy that even their ''upgraded'' version of a sound player is a security risk. Even our own government is writing virii (magic lantern) for the windows OS family.

No one is invincible: Microsoft shouldn't be either.

now's your chance to stop them.

Please put them in their place or they WILL replace our government with a digital dictatorship that has more power than any one government. as is, the already set more standards that we realize, and have more economical and political power than any one person will ever will.

Sincerely,
Jesse Morgan

MTC–00015004

From: Thomas and Denise Caudron
To: Microsoft ATR
Date: 1/23/02 7:33am
Subject: The MS Settlement Talks

As a member of the Information Technology community, an experienced programmer, a Microsoft-Certified Systems Engineer, and a voter, I ask that you seriously reconsider /any/ deal with Microsoft that does not substantially limit Microsoft's overwhelming influence in the industry. While I can appreciate that Microsoft must seek profit to satisfy its shareholders'' interests, I have seen all too many good technologies sit unused becuase Microsoft employed unreasonable and illegal practices to leverage its current monopoly of the operating system to create new monopolies in other areas (C.f., the Microsoft Office suite, the Browser, etc. . .) and against its competitors (C.f., the former Be, Inc, the former Stac, Inc., the former. . . you get the idea).

Current settlement suggestions are NOT enough. Might I suggest that Microsoft be penalized heavily by forcing them to make good on their school offer, but instead of having them supply the schools with Microsoft software, force them to purchase hardware and use free software, like Red Hat Linux, perhaps even forcing them to purchase a support contract from Red Hat for the schools. That would give there competitors a leg up at Microsoft's expense. Just a thought.

Either way, I know the government is interested in limiting what Microsoft puts into the core operating system. I'd suggest that it concentrate on what Microsoft pulls out of the OS. for instance, adding the browser to the OS for free is fine by me, as long as they don't use it to crush all competition, then pull it back out and charge for it.

Perhaps the government should be permissive with what MS puts into their OS, but stingy with what it allows them to pull out.

Thomas Caudron
2549 Oconee Avenue
Virginia Beach, VA 23454
caudron@digitalelite.com

MTC–00015005

From: David Mann
To: Microsoft ATR
Date: 1/23/02 7:33am
Subject: Microsoft Settlement

I am a US citizen and my SSN is 447–74–0714. I would like to register a complaint against the Proposed Final Judgement in that it does not come close to touching the real problem of Microsoft's anticompetitive nature.

For example, the license below does not restrict the user when using the software, but rather limits the rights of the user after the use of the software is complete. Example:

An artist encodes an original piece of music using the encoder. The Artist closes the encoder software. The artist would like to distribute hi'/her music to as wide a range of listeners as possible. To do so, he/she packages the music with a player. At this time, the user is no longer using the software, and the data file created using the software is the property of the artist. The artist's right to distribute his own property is limited such that the artist does not have the freedom to bundle legally licensed software with his own property. The Microsoft Windows Media Encoder 7.1 SDK EULA states

. . . you shall not distribute the REDISTRIBUTABLE COMPONENT in conjunction with any Publicly Available Software. ''Publicly Available Software'' means each of (i) any software that contains, or is derived in any manner (in whole or in part) from, any software that is distributed as free software, open source software (e.g. Linux) or similar licensing or distribution models . . . Publicly Available Software includes, without limitation, software licensed or distributed under any of the following licenses or distribution models, or licenses or distribution models similar to any of the following: GNU's General Public License (GPL) or Lesser/Library GPL (LGPL); The Artistic License (e.g., PERL); the Mozilla Public License; the Netscape Public License; the Sun Community Source License (SCSL); . . .

I strongly urge you to reject the Proposed Final Judgement against Microsoft.

Sincerely,
David Mann
David Mann
Global Solutions Architect
david.mann@matrixone.com
PGP Fingerprint: 8C80 0C44 B1FF E069 776B 6299 84EA DE7A F81C 199B
www.matrixone.com

MTC–00015006

From: Melvin Backus
To: Microsoft ATR
Date: 1/23/02 7:33am
Subject: Microsoft Settlement

I feel the proposed Microsoft settlement does little if anything toward correcting the problem, has almost no punitive value, and allows Microsoft to create an entire

generation of Microsoft ''zombies'' my allowing them to place their products in our school systems with governmental approval. Please, Just Say NO!

<mailto:melvin.backus@equorum.com>
Melvin Backus
Sr. Quality Assurance Specialist
770.671.0101
<http://www.equorum.com/> Visit us on the web!

MTC–00015007

From: Georges
To: Microsoft ATR
Date: 1/23/02 7:34am
Subject: Enough!

I am thoroughly disgusted to see Netscape and the 6 governors attempt to squeeze more money out of MIcrosoft. Enough is enough and any sensible judge(s) should throw them all out in the street to lick their wounds. Microsoft is not perfect but it certainly has nost certainly contributed in making this country the most productive in the world. It has a lot more to offer . . . leave it alone!!

Georges Lepoutre
Knoxville, TN
CC:aoctp@aoctp.org@inetgw

MTC–00015008

From: Win Hill
To: Microsoft ATR
Date: 1/23/02 7:36am
Subject: Microsoft Settlement—oppose Dear Sirs,

I strongly disagree with the terms of the Proposed Final Judgment in United States v. Microsoft.

I am profoundly disappointed and disturbed by what can only be characterized as a complete collapse by the government. The proposed terms of the settlement do not serve to unfetter the market from Microsoft's anticompetitive conduct, nor do they terminate their illegal monopoly, nor do they deny to Microsoft the fruits of its statutory violation. And they completely fail to ensure that there remain no practices likely to result in monopolization by Microsoft in the future. Not only does the settlement fail to address the key issues in my opinion, it lacks effective enforcement mechanisms. For this reason, if no other, the settlement should be rejected.

Winfield Hill
36 Hall Road
Stoneham, MA 02180

MTC–00015009

From: Hal Roberts
To: Microsoft ATR
Date: 1/23/02 7:35am
Subject: Microsoft Settlement

I strongly oppose the currently proposed settlement of the Microsoft case.

The shape of our society is increasingly determined by the nature of the technologies we use, and many of the most important technologies are those related to computers and the Internet. The mechanisms for citizens to make decisions about important technologies are through government regulation and through the free market mechanisms of capitalism.

The facts of the Microsoft case have shown that Microsoft has blatnatly flouted the flaw in extending its monopolistic control over some of the most fundamental technologies of our society. Even more importantly, Microsoft has shown neither an understanding that its behavior is illegal nor an inclination to change its behavior in the future.

Microsoft currently has hugely disproportionate power over the nature of the most important technologies in our society. To allow the current state of affairs to continue is to disarm both the governmental regulatory and the free market controls that citizens wield over their technological lives. This settlement would allow a social pariah more control, in many ways, over our society than our deomcractically elected government.

The proposed settlement would do absolutely nothing to change the current state of affairs, since it has no built in mechanisms to enforce its provisions. Requiring Microsoft to open up its API's is one important step in reigning in its proven abuse of its monopoly.

However, the settlement provides no enforcement mechanisms to require Microsoft to change its behavior. In fact, if Microsoft chooses to ignore the requirements of the settlement, the only remedy will be to take Microsoft back to court. If the current case has shown anything, it has shown that the speed of the legal process makes it almost wholly unsuitable for regulating the technology industry (witness the death of the browser market while the current Microsoft case dragged one). Given that Microsoft (1) has been proven to act illegaly in repeated instances, (2) has never admitted any degree of wrongdoing in its illegal acts, and (3) has repeatedly expressed the intent to continue the operation of its business as it sees fit, the most likely result of this settlement is the following. Microsoft will make, at best, nominal but uneffective efforts to follow the settlement provisions. Industry competitors will recognize Microsoft's illegal behavior and, within six months, encourage the government to file suit to require Microsoft to change its behavior. The current Microsoft case will be repeated over the next five years, after which time the government will agree to yet another settlement with unenforceable provisions, which Microsoft will once again blatantly ignore.

Please do not throw away this chance to give the citizens of our country a say the shape of their lives.

Sincerely,
Hal Roberts

MTC–00015010

From: Robert Fowler
To: Microsoft ATR
Date: 1/23/02 7:36am
Subject: Microsoft Settlement

Hello,

I am opposed to the settlement idea. It will not change the short or long term anti-competetive practices of Microsoft. I say this even though I hold 2 Microsoft Certifications and my main area of expertise puts me into daily contact with their server software.

Just another voice,
Robert Fowler

MTC–00015011

From: Lex Mierop
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 7:35am
Subject: Microsoft Settlement

This proposed settlement is BAD. It does little to punish an obvious violation of the Sherman Anti-trust Act. Penalties for violation are supposed to be punitive. This settlement is not.

For a full summary of the problems I have with this summary, please see http://www.kegel.com/remedy/letter.html

Thank you,
Lex Mierop

MTC–00015012

From: Sam Hill
To: Microsoft ATR
Date: 1/23/02 7:36am
Subject: Microsoft Settlement

To Whom It May Concern:

To date all of the remedies proposed in the anti-trust trial against Microsoft have fallen woefully short in punishing, or preventing further monopolistic behavior by a corporation that has demonstrated itself to be uncaring to the consumers it serves.

I submit that the most reasonable course to take would be trifold.

1) Fines must be levied: This would demonstrate that the DOJ and the American public hold Microsoft accountable for their past actions. As a company with over 30 billion dollars in cash reserves, any amount up to 8 billion dollars would serve to get their attention, while not amounting to a hardship to the company. These fines would be paid out within 5 years, with no provisions to extend the payment period allowed.

2) Open the code: Closed systems become poisoned systems, this is a fundamental truth in biology and applies to other systems as well. For more than a decade Microsoft has had ample opportunity to address fundamental issues with their computer operating system, including stability and security, and they have steadfastly refused to do so. The only way to insure that these, and other issues, are addressed, is to open their system to peer review. Only then will users enjoy stability, security and innovation in their daily computing experience once again.

3) Divorce Microsoft from the punishment phase of the proceedings: That they have been allowed to define and influence them is ludicrous, and has cast aspersions on the entire trial. Does a convicted felon get to tell the bench how s/he will serve their sentence? Get Microsoft and their lobbyists out of the way now and regain some measure of dignity to the proceedings.

The solutions are simple, their implementation complex, but time is of the essence. While the wheels of Justice are slow, the Internet and computer code are not. To allow more time to pass before assessing real punishment against Microsoft only gives the company additional opportunity to thumb it's nose at the proceedings, while fattening it's coffers and spinning the truth. As an American citizen I ask that you take action on my behalf, today.

Sincerely,
Sam Hill
Fort Worth, TX

MTC–00015013

From: -rb (Robert T. Brown)
To: Microsoft ATR
Date: 1/23/02 7:36am
Subject: Microsoft Settlement

I strongly believe that the proposed Microsoft settlement is too favorable to the Microsoft Monopoly.

Hello. My name is Robert Brown and I'm a computer software engineer, living in Virginia.

The proposed settlement allows Microsoft to continue to grow their monopoly, at the expense of other companies and fellow hobbyists. Simply put, Microsoft (or any other rich and highly entrenched monopoly) can afford the most & best lawyers to find loopholes for the company to exploit. I acknowledge that eliminating loopholes is a difficult undertaking; however, we citizens rely on the government to do so (no one else can afford to take them on at this point).

I see many weaknesses in the settlement, and I'm not a even a lawyer. Many of the weaknesses are described in this document: http://www.kegel.com/remedy/

This monopolistic situation stifles innovation and competition, and is a serious threat to the continued growth of the computer industry. I personally believe that the computer industry has a chance to revolutionize society, and to reaffirm American leadership worldwide, as the industrial revolution once did. Please strengthen the settlement, for the sake of other American computer companies, and the American people as well.

-rb

http://www.netmentor.com/rbrown

If ''Real programmers use ''cat > a.out'.''

MTC–00015014

From: Cathy Nicoloff
To: Microsoft ATR
Date: 1/23/02 7:37am
Subject: Microsoft Settlement

Dear Sir/Madam,

I would like to enter my opinion into the record as being against the proposed settlement with Microsoft.

Specifically, I am upset to see that the terms of the settlement do not refer to the documentation of Microsoft's endless supply of proprietary file formats such as their Windows Media files,

Outlook mailboxes, Address books, Microsoft Office files, etc. These are a particular barrier to entry for any would-be software vendor, and this potentially knocks out of the market any competing products that would wish to edit/manipulate/import such files.

Also, the sloppy wording of the exemptions to disclosure allowed to Microsoft would mean that they might actually get away with refusing to disclose details about their operating systems and software due to ''security reasons''. I realize that vagueness might be necessary to cover all unforeseen circumstances a long way in the future, but I believe it is possible to make the entire document more specific and add a provision to allow changes at a later date (presumably after lengthy research and communication with the public).

Sincerely,

Catherine Nicoloff

MTC–00015015

From: Riskable
To: Microsoft ATR
Date: 1/23/02 7:38am
Subject: Microsoft Settlement

I would just like to say that I have read about the proposed settlement, and I am not in favor of it in its current state. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors, yet unfavorable to Microsoft.

I hope the irony of using MS Hotmail to send this does not elude you.

Thank you,
Daniel McDougall
10 Prince St.
Beverly, MA 01915

MTC–00015016

From: larryj@mindspring.com@inetgw
To: Microsoft ATR
Date: 1/23/02 7:37am
Subject: Microsoft Settlement

I have reviewed the proposed Microsoft Settlement and would like to share my opinion regarding this lacking solution. This proposed settlement does not penalize Microsoft for past infringements of the law, and I am NOT in favor of it, in its current state.

Microsoft has been declared guilty of past wrongs, and must now be held accountable in some measure.

The current proposed settlement is unacceptable. Thank you for your time.

Sincerely,
Larry Johnston
4020 Dorchester Walk
Kennesaw, GA 30144

MTC–00015017

From: Joe Klein
To: Microsoft ATR
Date: 1/23/02 7:34am
Subject: Microsoft Settlement

** Confidential **
The proposed settlement is a bad idea.
Joe Klein, CISSP
Information Security Consultant
+1.904.403.4369

MTC–00015018

From: Keith Krabill
To: Microsoft ATR
Date: 1/23/02 7:38am
Subject: Microsoft Settlement

Dear sir,

I disagree with the proposed remedy placed before the public for comment in the Microsoft antitrust trial. I am most bothered by the fact that there is no apparent penalty for the past misdeeds of the corporation, making it appear that there is no deterrent to future misdeeds, especially given that some of these failures came following the failure to abide by previous agreements. Further, the proposed weak oversight of the proposed agreement lacks real teeth, and does not inspire confidence that this mechanism would be effective either. Further, by working in secret, the oversight may be prone to undue influence.

Thank you for the opportunity to comment.

Keith Krabill

MTC–00015019

From: Rick Thompson
To: Microsoft ATR
Date: 1/23/02 7:38am
Subject: Microsoft Settlement

I think the proposed settlement with Microsoft is a bad idea.

-Rick Thompson

MTC–00015020

From: Ian Zepp
To: Microsoft ATR
Date: 1/23/02 7:40am
Subject: Microsoft Settlement

The following are my comments to the proposed Microsoft-USDOJ settlement. I am the CEO of a small real-estate development firm, and as a member of the financial sector, find myself using the Microsoft Office suite of programs for most of my daily activities. I would like to switch to using a non-MS office suite, but because of the large numbers of documents that we have saved in Word and Excel formats, I am unable to do so.

Microsoft has made it increasingly difficult over the past few years to use any competitive products, by keeping their document formats secret. For a smaller company this might not be a major grievance, but as Microsoft controls approximately 90% of the desktop market, their actions force me to continue using their products. Were I to switch to a competing product, I would be unable to interact with those who continue to use the Microsoft product.

I sincerely hope that the US Department of Justice reconsiders their proposed settlement.

Respectfully yours,
Ian Zepp
CEO. Zepp, Inc

MTC–00015021

From: Michael Dinsmore
To: Microsoft ATR
Date: 1/23/02 7:40am
Subject: Microsoft Settlement-NO!

I vote NO! to the proposed Microsoft Settlement.

I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundred, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices.

Similar to the settlement against AT&T, Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level (40%, for example, assuming one of it's competitors is now also at 40%). This must be true for all Microsoft product lines, before regulation is lifted.

Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Imagine the damage to the United States if Microsoft were to fail, as Enron failed. The risks of a monopoly are greater than merely the loss of competition.

Thank you for your time.

Michael D
mdinsmore@apple.com
Mac Genius@Clarendon VA
http://www.apple.com/retail/clarendon

MTC–00015022

From: ejfried@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 7:41am
Subject: Microsoft Settlement

To whom it may concern,

The proposed Microsoft settlement is inadequate for any number of reasons. It stops far short of ending the many predatory and monopolistic tactics that have put Microsoft into its current position. One tactic that is particularly galling to me, and that is not addressed by the settlement, is Microsoft's use of language prohibiting ISVs from distributing any ''Freely Available'' (i.e., Open Source) software along with (i.e., installed on the same machine as) any of several ''redistributable components'' that are typically installed as a part of Windows. This effectively bars ISVs from installing any Open Source software on any Windows machine they sell, and forces them to keep any value-added software they have developed as closed source.

From the Microsoft Windows Media Encoder 7.1 SDK EULA: . . . you shall not distribute the REDISTRIBUTABLE COMPONENT in conjunction with any Publicly Available Software. ''Publicly Available Software'' means each of (i) any software that contains, or is derived in any manner (in whole or in part) from, any software that is distributed as free software, open source software (e.g. Linux) or similar licensing or distribution models . . . Publicly Available Software includes, without limitation, software licensed or distributed under any of the following licenses or distribution models, or licenses or distribution models similar to any of the following: GNU's General Public License (GPL) or Lesser/Library GPL (LGPL); The Artistic License (e.g., PERL); the Mozilla Public License; the Netscape Public License; the Sun Community Source License (SCSL); . . .

Ernest Friedman-Hill
Distributed Systems Research Phone: (925) 294–2154
Sandia National Labs FAX: (925) 294–2234
Org. 8920, MS 9012 ejfried@ca.sandia.gov
PO Box 969 http://herzberg.ca.sandia.gov
Livermore, CA 94550

MTC–00015023

From: Scott Johnson
To: Microsoft ATR
Date: 1/23/02 8:04am
Subject: Microsoft Settlement

At this point I believe that Microsoft is trying to buy itself out of a financial nightmare of it's own making. As an IT professional and a US citizen it's nearly impossible for me to support a settlement of this nature. Microsoft as a company has essentially slapped around it's competitors and forced the business community into paying them what amounts to a yearly random in the form of it's EULA's and stranglehold on business software ''standards.'' To support this settlement would be on the order of changing the name of this country to ''The United States of Microsoft.''

Thank you
Scott Johnson
Programmer and Developer
Rome, New York

MTC–00015024

From: gme@ellenburg.org@inetgw
To: Microsoft ATR
Date: 1/23/02 7:41am
Subject: Microsoft Settlement

I do not agree with the settlement.
George Ellenburg

MTC–00015025

From: Damian
To: Microsoft ATR
Date: 1/23/02 7:41am
Subject: Microsoft Settlement

I am deeply concerned with the proposed settlement regarding the Microsoft case. I cannot help but feel that through financial and political manipulation microsoft is getting away with corporate murder. After all, how many of you are using their software right at this minute. My guess 99%. Oh yeah, I bet you are reading this with Microsoft Outlook installed on a Microsoft Windows based machine.

Please reconsider the settlement to impose more strict measures on microsoft.

MTC–00015026

From: James Wartell
To: Microsoft ATR
Date: 1/23/02 7:40am
Subject: Microsoft Settlement

I am against the proposed final judgment in US vs. Microsoft. I feel the damage Microsoft has done to the software and OS marketplace is incalculable, and the proposed settlement does little to correct it. I don't feel the settlement levels the playing field for competing operating systems or office software, and would like to see a much stronger penalty imposed. The proposed settlement does not sufficiently relieve Microsoft of the ability to leverage hardware and computer manufacturers unfairly against competing products, nor does it adequately open the Windows API to programmers.

James Wartell
Tucson, Az

MTC–00015027

From: Homsher, Dave V.
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 7:39am
Subject: Microsoft Settlement

Sirs,

In Regards to the Microsoft settlement, I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Microsoft's business practices have stifled innovation and caused harm to most businesses in the United States through unfair licensing and shoddy workmanship. Unfortunately, businesses (and home users) do not have the opportunity to go somewhere else for their software needs because Microsoft has crushed any competition.

Microsoft has not noticeably changed it's business even after being found guilty of illegal monopoly practices.

I would like to encourage you to allow the best product to win, not the best leveraged product. Do not allow Microsoft to buy out/roll over the US Government. We have a government of the people, by the people, and for the people—not of, by, and for the monopolistic company.

Thank you for your time.
Best Regards,
Dave Homsher, II

MTC–00015028

From: John Bettiol
To: Microsoft ATR
Date: 1/23/02 7:40am
Subject: Microsoft Settlement

I think the proposed Microsoft settlement is a bad idea.

I am a developer for a Java / Linux / Microsoft based company.. I do not wish to see the freedom of our company overridden by the future dominance of Microsoft.

Regards,
John Bettiol
WorldLingo

MTC–00015029

From: David VandeVen
To: Microsoft ATR
Date: 1/23/02 7:41am
Subject: Microsoft Settlement

Microsoft stifles innovation. If a single individual were to engage in this kind of suppression of progress and engineered software with flaws because it was profitable they'd be facing criminal charges. If an individual causes harm to others he is removed from the public.

The proposed settlement is a slap on the wrist, it does not protect the public from Microsoft's frighteningly draconian practices.

-David Van de Ven
Network Engineer/Software Developer

MTC–00015030

From: Andrew Gray
To: Microsoft ATR
Date: 1/23/02 7:40am
Subject: Microsoft Settlement

Pursuant to the Tunney Act, I wish to submit my comments regarding the Proposted Final Judgement for the Microsoft Settlement.

I do not feel that the Proposed Final Judgement goes far enough, or even truely makes a reasonable attempt at slowing Microsoft's anti-competitive practices, more less stopping them all together. I would like to see a final settlement with Microsoft at least stop their current, ongoing, rampant monopolistic behavior, and ideally punish them for having behaved like that. The current proposed settlement does neither, due to the phrasing of many paragraphs in the settlement giving Microsoft numerous loopholes to escape the already loose restrictions. As it has shown in the past with previous injunctions, Microsoft has the resources and the desire to do just this, and will do it again.

Andrew Gray
Las Vegas, NV

MTC–00015031

From: Van Den Bergh Guy
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 7:39am

Subject: Microsoft Settlement
Hi there,
I am not a US citizen, but nevertheless, this issue has consequences for European citizens too. I think the current settlement is far too easy on Microsoft. You say they did something illegal, but you are not really punishing them, and you're not even making really sure they won't do this again.
Best regards,
Guy Van Den Bergh

MTC–00015032

From: Nunayer@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 7:41am
Subject: Microsoft Settlement
Let me add my voice to those OPPOSING the Proposed Final Judgment. While I don't pretend to understand completely all the legal nuances, I DO understand that Microsoft effectively holds a monopoly on the home/corporate desktop. Competition = good, monopoly = bad, for all of us.
Thank you,
Michael Smith

MTC–00015033

From: Bart Raatgerink
To: Microsoft ATR
Date: 1/23/02 7:39am
Subject: Microsoft Settlement
Over here in Europe we also think it's a very bad idea —
Met vriendelijke groeten,
Bart Raatgerink.
eMAXX B.V.
Marssteden 98
P.O. Box 157
7500 AD Enschede
The Netherlands
tel. +31 53 484 83 21
fax. +31 53 484 83 23
http://www.emaxx.nl

MTC–00015034

From: Tommie Giles
To: Microsoft ATR
Date: 1/23/02 7:43am
Subject: Microsoft Settlement
I would just like to say that I have read about the proposed settlement, and I am not in favor of it in its current state. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors, yet unfavorable to Microsoft.
Thank you,
Tommie E. Giles
3600 N. Chouteau
Apt. D
Kansas City, MO. 64117

MTC–00015035

From: Greg.Foster@3x.com@inetgw
To: Microsoft ATR
Date: 1/23/02 7:43am
Subject: Microsoft Settlement
The proposed settlement against Microsoft for their predatory monopolistic practices is very weak and ineffective. I strongly opposed the proposed settlement. Microsoft illegally abused their monopoly position, and they should be punished just like AT&T and IBM were punished when they abused their monopoly positions in the past.
Greg Foster
Senior Consultant—3X Corporation
Collaborative Computing Solutions
614–433–9406
greg.foster@3x.com
http://www.3x.com

MTC–00015036

From: samorgan@mindspring.com@inetgw
To: Microsoft ATR
Date: 1/23/02 7:43am
Subject: Microsoft Settlement
I would just like to say that I am not in favor of the current proposed Microsoft settlement. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors, yet unfavorable to Microsoft.
Thank you,
Scott Morgan
1102 Hoover Street
Annapolis, MD 21403

MTC–00015037

From: pfharlock
To: Microsoft ATR
Date: 1/23/02 7:43am
Subject: Microsoft Settlement
My name is Gary Watson. I wouldn't have known to send this email if I had not been reading slashdot, which I feel is a little irresponsible in a case that primarily involves a matter of public interest, (like an antitrust trial). That being said, I would like to voice my complaint about Microsoft being found guilty of breaking antitrust law and not being punished. Your effectively saying, yup, that's them, they're definately a monopoly, but heck if we know what to do about it. The situation is just as bad as it was before the trial began, or maybe even worse because it gives microsoft an even greater reason to believe that the law will never touch them.
It was at one time suggested that microsoft be cut up into 3 companies, this would do nothing but turn a monopoly into a collective oligopoly, I say that you should cut the company up into no less than 10 serperate competing companies, giving each one the rights to make and produce the windows OS code, each possibly developing a seperate shoot off of windows, and certainly break away all the peripheral arms from the part of the company that does OS design primarily, (ie seperate out the network applications division like IE but which also includes the webservers and the newest .NET component which is slated to kill any chance of competition all over again, the MS office division, the games division, effectively dismantle the marketing division, and let each company take a few members of the marketing team with them as they walk out the door). This would solve the problem, but after this trial I am in doubt if the courts have the resolve to see such an action through.
It appears as though they are completely apathetic to having antitrust laws in the first place.

MTC–00015038

From: Salvador Gonzalez
To: Microsoft ATR
Date: 1/23/02 7:44am
Subject: Microsoft Settlement
Dear Sirs,
I would just like to say that I have read about the proposed settlement, and I am not in favor of it in its current state. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors, yet unfavorable to Microsoft. I hope the irony of using MS Hotmail to send this does not elude you.
Thank you,
Salvador I. Gonzalez
185 Kensington Read
Lynbrook, NY 11563

MTC–00015039

From: Peter J Nesbitt
To: Microsoft ATR
Date: 1/23/02 7:44am
Subject: Microsoft Settlement
Dear Government
In regards to the Microsoft's antitrust case, i write you to respect me and every other individual. Microsoft is one of the noblest companies around. They create and create more. There is ZERO reasons why sucess is bad. Unfortunatly, by trying to ''break up Microsofts'' stanglehold of the marketplace'', you will break the backs of citizens like me. In a time of war, especially teenager's like me, need heroes not martyrs. Microsoft is my hero and always will be. All the other companies who cried ''abuse'' are not for the simple fact of this. Instead of create, the attempt to destroy. Instead of produce, they politic. This is not what we want our businesses to do. In order to have a stable marketplace, we need people to create. By putting the creators out of business, you only hurt us all. I write this in order to plea for a lesser sentence for Mircrosoft. When the government gets to big, the only way to fight it is words. In a world you attempt to create with a heavy hand over Microsoft's ability, you are making a world of looters. Ones who do it legally, ones who work in your Department. Just keep my thoughts in mind.
Peter Nesbitt
2012 S. Cambridge Ave
Sioux Falls SD, 57106
CC:activism@moraldefense.com@inetgw

MTC–00015040

From: mheyes@lincolnfp.com@inetgw
To: Microsoft ATR
Date: 1/23/02 7:44am
Subject: Microsoft Settlement
I think the proposed settlement is a bad idea.

MTC–00015041

From: Chris
To: Microsoft ATR
Date: 1/23/02 7:44am
Subject: Microsoft Settlement
I feel the proposed settlement is not adequate

MTC–00015042

From: T.E.
To: Microsoft ATR
Date: 1/23/02 7:46am
Subject: Microsoft Settlement
The PFJ doesn't take into account Windows-compatible competing operating systems
Microsoft increases the Applications Barrier to Entry by using restrictive license

terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP

Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertized as being ''Windows Powered''.

The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leavesWindows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)

The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

The PFJ allows Microsoft to discriminate against small OEMs— including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

The PFJ as currently written appears to lack an effective enforcement mechanism.

I also agree with the conclusion reached by that document, namely that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

All of this seems to be too little too late. If this was any other Company there would be more to this. I guess that since it is MS and they make more money than GOD this makes it OK.

I look at the AT&T Case and wonder where the Justice has gone! To me, just a poor little guy, it seems that MS has all the balls in their court as they always have had and nothing in the Final Settlement will change this.

At this rate MS will keep doing things their way, which is not legal, and the consumers' don't get what they have been paying for for YEARS. Windows XP is the best example of this. MS pushes this out the door and down the consumers' throats saying that it is the BEST they have ever done. But in fact it is sloppy bug ridden code that should still be in BETA TESTING, not being sold to the public.

Thanks for your time.

Thomas E. Enstall

MTC–00015043

From: Dave Spicer
To: Microsoft ATR
Date: 1/23/02 7:47am
Subject: Microsoft Settlement

Please judge Microsoft by its actions, not the pronouncements and maneuverings of its army of lawyers. I would expect Microsoft to say anything it thought people wanted to hear in order to pursue its own agenda.

Along with the privileges of a near-monopoly position come responsibilities. Microsoft has a long history of valuing the former far above the latter. The consequences have already been enormous. Please seek a fair remedy to this situation. . .

David Spicer
599 N. Louisiana Ave. #84
Asheville, NC 28806

MTC–00015044

From: Anand Srivastava
To: Microsoft ATR
Date: 1/23/02 7:46am
Subject: I am against the Microsoft Settlement

Hi,

I am very much against this settlement. It doesn't do any good to the public. Any good settlement must contain at least some of the following:

1) Force open the API's of the Operating Systems and Data Formats. This is the crux of their monopoly. If this is not opened up properly, Microsoft will continue doing what they have till now. Don't for a time think they have any morals.

2) Do something about their .net strategy.

They want to be the gateway to the Internet. It will affect everybody, there will be no freedom. In addition look at the following document for an in-depth reason about what is wrong with the settlement.

http://www.kegel.com/remedy/letter.html

Well, I don't live in the USA. But still this is a big problem for us in my country. USA tends to force their policies down the throats of people in other countries. It's like misery loves company so the USA tries to send its misery abroad.

Thanks,

—Anand

MTC–00015045

From: Mark Proctor
To: Microsoft ATR
Date: 1/23/02 7:46am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I work for Cisco systems within the UK, while not being a US citizen this case has far reaching proportions and will effect the IT industry on a global scale. I would right pages and pages of how I think the current settlement does nothing to re-balance the wrongs of Microsoft, I have included just a few of these detailed briefly below.

Windows Bundling—The Microsoft Tax

I use GNU/Linux a free operating system. The fact that I cannot buy without great difficulty a machine, from one of the main computer dealers, without a copy of windows is disgusting—you try buying a dell desktop machine, a great computer, without a copy of windows, they just will not do it and I will not pay extra for something that I will not use.

Proprietary Formats, Protocals and API

Microsoft's proprietary formats, such as their famous .doc word documents, and SMB file sharing protocol not forgetting their kerberos extensions are affronts on society—they at every single point hold back society technological development and create customer ''lockin'' by not allowing interoperability . I belive that all formats, protocols and APIs should be open and that closed proprietary ones should be made illegal—there are never any reasons for this other than customer lock in.

Artificially Narrow Restrictions

It is vital when enforcing these that no loopholes are available by artificially narrow restrictions. The open source movement—

including products like OpenOffice, Wine, Samba, Kerboros and Linux—are on the verge on ushering in a new technological era—it is vital that any remedies specifically look after the interests of these projects, that exist for no other reason that public benefit and not corporate greed, and ensure they are capable for getting full unrestricted access and use to these formats, protocols and APIs.

These are my own words, but I would like to add that I strongly agree with everything with the following open letter.

http://crossover.codeweavers.com/mirror/www.kegel.com/remedy/letter.html

Yours Sincerely,
Mark Proctor Beng, Msc
80 Harefield Road,
Uxbridge, Middx,
UB8 1PL
UK

MTC–00015046

From: Steve Clark
To: Microsoft ATR
Date: 1/23/02 7:52am
Subject: Microsoft Settlement

To whom it may concern:

I feel that the current proposed settlement does not go far enough in penalizing Microsoft for the predatory anti-trust behavior.

Sincerely,
Stephen E Clark
2780 Cottonwood Ct.
Clearwater, Fl 33761
727–796–9371

''They that give up essential liberty to obtain temporary safety, deserve neither liberty nor safety.'' (Ben Franklin)

''The course of history shows that as a government grows, liberty decreases.'' (Thomas Jefferson)

MTC–00015047

From: Dave Stoddard
To: Microsoft ATR
Date: 1/23/02 7:48am
Subject: Microsoft Settlement

I have been active in the computing field since before the beginning of the PC era. I have seen Microsoft reach too far into the cookie jar on numerous occasions only to be tapped on the wrist when someone had the courage or the legal support to challenge them.

Should you not institute severe penalties on them and force them to completely restructure the way they do business, it would be a grave disservice to the state of computing and to your office.

My opinion only,
David Stoddard.

MTC–00015048

From: Michael Plump
To: Microsoft ATR
Date: 1/23/02 7:47am
Subject: Microsoft Settlement

I would like to register my dissatisfaction with the current form of the Microsoft settlement. I don't feel that the settlement does enough to provide reparations for those companies that were harmed by Microsoft's monopolistic anti-competitive behaviour.

More importantly, I don't believe the settlement does enough to ensure that they will cease their illegal actions. Even after they were found guilty (and then reaffirmed guilty by the appeals court), they continued to engage in unfair and anti-competitive behaviour.

I believe that this hastily proposed settlement does very little to stop these actions in the future, and also does little in the way of creating means for a competitor to the Windows and Office platforms to emerge. Obtaining a better settlement is in the national interest. Without it, we will be locked into a single company to provide a critical part of our national infrastructure.

Michael Plump
1422 SE 28th Ave.
Portland, OR 97214

MTC–00015049

From: tredolfi@drtusa.com@inetgw
To: Microsoft ATR
Date: 1/23/02 7:47am
Subject: January 23, 2002
January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I travel internationally quite extensively. But no matter where I go, I am almost assured that I will find the quality and reliability of the Windows operating system. Microsoft is a top-notch company; it is one that should be able to continue with its business without being hindered at every step by an overly complex legal settlement.

The company already has agreed to numerous concessions; it has made changes with regard to intellectual property rights, server inoperability, and a uniform price list. The proposed settlement is absolutely adequate to serve the interests of the computer industry and the buying public. Microsoft has indicated its willingness to engage in a fair, competitive business environment.

I would argue that it is now time for the federal government to also conduct itself in a fair and reasonable manner. No more action should be taken on a federal level to penalize Microsoft. It should be allowed to resume its important work of keeping America as the most technologically advanced nation in the world.

Thank you for your time.

Sincerely,
Donald (Tony) Redolfi
Technical Services/Account Manager—Asia
Dayton Reliable Tool & Mfg. Co.
618 Greenmount Blvd.
Dayton, Ohio 45419 U.S.A.
Tel: +937–298–7391 ext. 223
Fax: +937–297–6740
E-mail: tredolfi@drtusa.com

MTC–00015050

From: peter
To: Microsoft ATR
Date: 1/23/02 7:46am
Subject: Microsoft Settlement
To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, we wish to comment on the proposed Microsoft settlement. We agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html), namely:

The PFJ doesn't take into account Windows-compatible competing operating systems??

Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

The PFJ supposedly makes Microsoft publish its secret APIs. but it defines ''API'' so narrowly that many important APIs are not covered.

The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft. NET with competing middleware.

The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertized as being ''Windows Powered''.

The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft ?? Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

Microsoft's enterprise license agreements (used by large companies, state governments,

and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)

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Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

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The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

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The PFJ allows Microsoft to offer discounts on Windows (MD As) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

The PFJ as currently written appears to lack an effective enforcement mechanism. We also agree with the conclusion reached by that document, namely that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

Sincerely,

Dan Kegel, Los Angeles, California; Software Engineer, kegel.com

Jeremy White, Saint Paul, Minnesota; President & CEO, CodeWeavers, Inc.

David Dittrich, Seattle, Washington; Member, The Honeynet Project

Jay Beale, Baltimore, MD; President, JJB Security Consulting

Dave Wreski, Upper Saddle River, NJ; Director, Guardian Digital, Inc.

Rik Farrow, Sedona, Arizona; Security Consultant

Robin Miller, Bradenton, Florida; Editor, Linux.com

Trevor Johnson, Gardena, California; Software Engineer; Contributor, FreeBSD Project

Gary Calvin, Los Angeles, California; Systems Administration Manager, Kenwood Americas Corporation

Clay J. Claiborne, Jr., Los Angeles, California; President, Cosmos Engineering Company;

Founder, lula.org

Ismet Kursunoglu, MD, Manhattan Beach, CA; Founder, linuxatlax.org

Dallas Legan, Downey, California; Member, linuxatlax.org

Michael Fair, Los Angeles; Member, linuxatlax.org

Art Johnson, Los Angeles, California; Member lula.org, linuxatlax.org, CSC-SERC

Ron Golan, Los Angeles, California; Member, lula.org

Ryan Boder, Columbus, Ohio; Student, Carnegie Mellon University

Bill Huey, San Diego, CA; Software Engineer

Brandi Weed, Davis, CA; Consultant

Brad O'Hearne, Irvine, CA; Software Engineer

Amber Jain, Los Angeles, CA; Graduate Student, USC

Brian Lau, Huntington Beach, CA; Software Engineer, Gordian Inc.

Peter Boothe, Laguna Beach, CA; Software Developer, Gordian Inc.

Greg Barnes, Seattle, Washington; Software Engineer, UW

Brian Redfern, Los Angeles, CA; Linux Programmer

Ken Settle, Newport Beach, CA; Software Developer, TransMedia Productions, Inc.

Ian Hall-Beyer, Prairie Village, KS; Consultant

Roger Partridge, West Chester, PA; software development manager; member, IEEE

Drew Poulin, Edmonds, WA; Translator, Sole Proprietor, TransCom Japan

Scott Call, Santa Rosa, CA; Network Engineer

Igor Furlan, San Jose CA; IC Design Engineer, National Semiconductor James Richard Tyrer,

Green Valley, AZ; Consultant; Member, ACM

Dan Trevino, San Antonio, TX; President, bluemagnet, 11c

Jim Belant, Pulaski, Wisconsin; Electrical Engineer, System Engineer

David Mandala, Phoenix AZ; President, THEM Productions

Jeremy Green, Norman, OK; CTO, Digital Commerce Solutions

David Ford, Meriden, CT; Blue Labs Software

John G. Hasler, Elmwood, Wisconsin; Debian Developer

Evan Edwards, Palm Beach, FL; Vice President, Inforule Inc.

Sinan Karasu, Seattle WA; Electrical/Software Engineer, bozuk.com

Mary Pat McDonald, Phoenix, Arizona; Educator, Cartwright School District Robert Bercik,

Washington DC; Computer Science, Georgetown University Robert Helmer, E1 Cerrito, CA;

Systems Administrator, Namodn

Deanna Thompson, Las Vegas, Nevada; System Adminitrator

MTC–00015051

From: Dawson Jerry U (Rick) CNIN
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 9:40am
Subject: Microsoft Settlement

The proposed settlement is a bad idea. The main point of the trial was to restore competition. While that has somewhat taken care of itself, in my opinion, the only way to totally restore the competition would be to take away Microsoft's ability to restrict dual-booting of operating systems installed on OEM machines. Plus, makeing sure that the entire API is open. The sentence in the settlement that gives an exception to opening up API calls in the case of security leaves the whole thing toothless. Security experts have shown that an operating system would be more secure if it was open and reviewed for security breaches anyway.

Rick Dawson

MTC–00015052

From: Vikram Sunkavalli
To: Microsoft ATR
Date: 1/23/02 7:48am
Subject: Microsoft Settlement

This proposed settlement is a bad idea.

MTC–00015053

From: M Grossmann
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 7:48am
Subject: Microsoft Settlement

I am opposed to the proposed remedies in the Microsoft case, as are various States'' Attorneys General and millions of users and consumers. The US Court of Appeals agreed ''unanimously'' that Microsoft had illegally kept its monopoly position, yet the proposed remedies do little to address the past wrongs and nothing to prevent further, similar actions by Microsoft.

Without a Special Master, there will be no enforcement of any remedies laid out, which means that in a few years, DoJ will have to sue Microsoft again. Even if Microsoft's methods are changed, the structure already in place will continue to work in their favour, much as in the AT&T case through 1984. There is nothing in the settlement proposals addressing the improperly-obtained monies explained in Remedies Brief of Amici Curiae (Civil Action No. 98–1232 (TPJ), http://www.econ.yale.edu/nordhaus/homepage/Final%20microsoft%20brief.pdf). Are criminals not required to return illegal gains?

For these and many other reason, I voice my strongest opposition to the proposed remedies.

Sincerely,

M W Grossmann

Opinions expressed herein are my own. They are not, and should not be construed to be, the beliefs of or condoned by my employer.

MTC–00015054

From: mmasino@mitre.org@inetgw
To: Microsoft ATR
Date: 1/23/02 7:48am
Subject: Microsoft Settlement

I would like to add a comment on the Microsoft Settlement. Microsoft has a history of partaking in dubious (and illegal) processes in order to maintain and build it's monopoly and diminish and remove competition. Yet, evey single occurrence of such practices being questioned and challenged has led to, at most, a slap on the wrist for Microsoft. And, by the time everyone has finished the debate over whether they had specificially set out to squash competition unfairly, said competition has already disappeared or has been reduced to an ineffectual remnant of itself. In essense, Microsoft's actions are generally successful once they drag out legal proceedings and debate. The challenge that the DOJ settlement faces is not to simply punish Microsoft for its practices—a slap on the wrist, but to chastise them and then force

changes which will rectify what Microsoft's actions have wrought.

I am concerned that the settlement not only lacks any really punishment for Microsoft, but, more importantly, does very little to rectify the damage done by its actions. All that it seems to do is give Microsoft the option of choosing what they wish to disclose to whom so that they can be considered to be playing nice with others. Nothing in the ruling requires them to disclose enough details about their Office suite or OS to truly allow others to build software to interact or compete. Microsoft may have to reveal some information, but they get to choose what and to whom. In fact, the settlement would legalize Microsoft withholding information to some groups—such as any group not considered a business. Then, should anyone complain, they can hold up the settlement, their ''punishment and rules of conduct'' and point out that they are being such a good little company in following the rules.

I just wanted to express my disappointment with what seems to be an innefectual settlement. I am not saying that Microsoft necessarily needs to be split up or obliterated. But perhaps something which actually seeks to rectify the problems would be better. . .

—Mike Masino

MTC–00015055

From: Michael Poole
To: Microsoft ATR
Date: 1/23/02 7:51am
Subject: Microsoft Settlement

I would like to comment on the proposed Microsoft settlement, and how it fails address the monopoly abuses perpetrated over and over by Microsoft Corporation.

One of Microsoft's oldest tactics in its battle to thwart the government and bleed more money out of consumers is by changing its business just enough for old anti-trust remedies to no longer apply. The proposed settlement has several weaknesses that Microsoft could exploit in this way, many hinging on their (already announced) migration to the .NET platform.

For example, ''Microsoft Middleware'' is defined to exclude code that Microsoft ships as part of a ''Windows Operating System Product'' but which would otherwise fulfill the role of a current ''Microsoft Middleware'' product. Microsoft has announced that the .NET framework will be included in future versions of Windows, and that it is moving its applications to use .NET. The settlement appears to allow Microsoft all its old tricks with .NET.

Further, ''Windows Operating System Product'' is defined to only apply to code for ''Personal Computers,'' and specifically includes server product lines, handheld computers, and set-top boxes (areas where Microsoft is currently expanding its reach—for example, my Compaq iPAQ handheld runs Windows CE and cannot interoperate with Linux over USB because Windows CE uses a non-public communications interface; this would not stand if Microsoft were not the dominant desktop OS vendor). The settlement allows Microsoft to define what does and does not constitute a Windows Operating System Product.

There are many other flaws in the proposed settlement which allow Microsoft to aggressively exploit its monopoly position, to the harm of consumers and competitors alike. Others have pointed them out; I will omit them, to keep this letter brief.

Sincerely,
Michael Poole
Reston, Virginia

MTC–00015056

From: Jon Hartwell
To: Microsoft ATR
Date: 1/23/02 7:52am
Subject: Microsoft Settlement

I am writing to add my statement that I think the proposed Microsoft settlement is an EXTREMELY bad idea. It is quite obvious to me that Microsoft is demonstrating that it is exactly the monopoly that it was proved to be in federal court. I see daily signs of how MS wants to monopolize further areas of current markets and push its products and ideas onto the PC, music, broadband, and gaming markets. I really urge you to consider a severe judgment in this case. I do not want to see a country under the rule of MS and its will.

Jon Hartwell
jh2bm@acegroup.cc

MTC–00015057

From: Morrow, David L
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 7:50am
Subject: Microsoft Settlement

I am very disturbed that the DOJ settlement with Microsoft seems to do nothing to prevent Microsoft from continuing to incorporate into its operating system anything it wants. Microsoft thereby appropriates to itself valuable desktop real estate and denies others an equal chance to compete.

Microsoft also keeps many of its interfaces and formats a secret which also denies others the opportunity to work with its operating system on an equal basis.

The simplest solution would have been to break the company into three parts: operating systems, software applications, internet service.

MTC–00015058

From: Jean-Claude Bourut
To: Microsoft ATR
Date: 1/23/02 7:51am
Subject: Microsoft Settlement

Dear Sir,

To an average software engineer like me, it takes days to figure out how to configure my computer using Microsoft operating system, so probably it is even worse for you or any nonskilled person using a pc. As a result, people follow the easy path of using whatever is already pre installed on their computer. Since ONLY Microsoft defines what is bundled with the OS, people use Microsoft solutions. This gives a Microsoft controlled OS (try to find a PC with Linux+Windows), a Microsoft controlled browser, a Microsoft controlled ISP: aka MSN, and generally the death of all competitors that do not have an alternate source of founding. As long as Microsoft is allowed to use its monopoly on the PC as a launching pad to new markets, there cannot be any fair competition and people will pay too much for old product.

It is sad to see the US Justice Department allowing a proven guilty Microsoft to run business as usual with the release of Windows XP. Only a solution that creates a stone wall between the successful businesses and the new business of Microsoft would allow competition to flourish. MSN, webTV, XBox business should belong to different companies without any technical, marketing or shareholder ties.

As far as penalty is concerned, mass replication of software costs zero, the only thing that matters is money or jail or both.

Regards,
Jean-Claude Bourut

MTC–00015059

From: Bob Bryant
To: Microsoft ATR
Date: 1/23/02 7:51am
Subject: Microsoft Settlement

I have read and listened to the pros/cons of the proposed Microsoft Settlement, and am NOT in favor of it. It must be amended. The settlement does not, in any way, penalize Microsoft for its past transgressions of the law. For many years, OEMs have been under control of this corporation and will continue to be unless a meaningful and just penalty is adjudged. Microsoft has been declared guilty of past wrongs for the second time, and must now be held accountable in some measure. As you can see I believe that the current proposed settlement is unacceptable.

Thank you for your time.
Sincerely,
Robert Bryant
10592 Alderson Ave.
Garden Grove CA

MTC–00015060

From: Imad
To: Microsoft ATR
Date: 1/23/02 7:53am
Subject: Microsoft Settlement

Dear Sir or Madame,

I would like to take just a moment to share my views on the current proposed Microsoft anti-trust settlement. It is my opinion that the proposal, as it now stands, is a slap—nay, a pat—on the wrist approach that fails to truly allow competition in those areas where Microsoft has abused its monopolistic powers.

First and foremost, Microsoft must be forced to make its APIs, file formats, and protocols totally and unequivocably open. As it stands, there is far too much ambiguity in the clause pertaining to this—as interpreter of the document, Microsoft can well claim that, say, Linux developers are not to have this information shared with them as they do not represent a commercial product. Likewise, there is too much leniency granted by the exclusion of remote Windows 2000 administration related protocols. Many of these protocols—SMB/CIFS, for example—are used indirectly for Windows 2000 remote administration but are also crucial for creating products that are interoperable with Windows 2000 server. The ''Reasonable And Non-Discriminatory'' licensing terms hurt Microsoft's biggest competition—the open-source/free-software movement that has

given us Linux, OpenBSD, Mozilla/Netscape, OpenOffice, KOffice, and the like. All standards, API calls, protocols, etc. MUST be open for these valued members of the software community.

Futhermore, the document must be revised to remove the mess of loopholes that exist which allow Microsoft to obey the word of the settlement without conforming to its spirit of non-discriminatory behavior. As it stands, Microsoft can ignore much of the document as it is riddled with technical loopholes. For example, Microsoft is able to force PC makers to associate internet content with Internet Explorer, word processing documents with Microsoft Word, and the like—removing shortcuts doesn't change the underlying behavior when a user clicks on a text document or an internet link. The three-member enforcement crew has two members picked or approved by Microsoft itself, nullifying any usefulness of the group, especially when coupled with the fact that none of the members are allowed to speak of the atrocities they see committed by Microsoft. Such litigation is absurd and meaningless, but could be salvaged by revising the terms of the settlement to preserve the spirit but allow less leeway to Microsoft, which has a history of twisting or disobeying court orders.

Lastly, Microsoft's non-operating system groups must be either internally or externally seperated so that they are not allowed ''backdoor'' entrance to the operating system; the Microsoft Office team should have the same information on operating system-related APIs and protocols as does the competition (e.g., Corel's WordPerfect Office team, Sun StarOffice team, KDE's KOffice team).

Thank you for your time. —
Best,
Imad Hussain
CC:magius@purdue.edu@inetgw

MTC–00015061

From: GH
To: Microsoft ATR
Date: 1/23/02 7:53am
Subject: Spank Microsoft. . .

Sir or Madam,

Below you will find email correspondence with Connecticut Attorney General, Richard Blumenthal. He mentioned that I could also state my opinion to this body as well. That opinion follows directly after the ''GH wrote:'' section below.

Before you get there, however, I would like to make one addition to what I have stated below. I would like to see Microsoft forced into releasing a version of Windows without Internet Explorer welded to the operating system. I mean totally removed, not uninstallable, not leaving ''stubs'' of functionality hidden, totally removed. Of late, Internet Explorer's inclusion has caused no end of grief as we must constantly patch the browser if we want to remain secure on the Internet. Since there is little technical reason, if any, to bolt the OS and browser together, I feel Internet Explorer's removal would actually lead to more secure systems ''out of the box''. This holds true for all current desktop and server versions of the Windows product. Simply put, the Internet Explorer browser, as provided and bolted to Windows, is an insecure addition to an already insecure operating system that satisfies Microsoft's strategic goals while causing more work for systems administrators and exposing millions of consumers world-wide to compromised security.

It is time that Microsoft shoulders the burden for all the ills they have visited upon a thriving Information Technology industry and its consumers.

Thanks for your time,
Geoffrey Harnett
IT Engineer.

—- Richard Blumenthal <attorney.general@po.state.ct.us> wrote:
Date: Wed, 09 Jan 2002 11:44:51 -0500
From: Richard Blumenthal <attorney.general @po.state.ct.us>
To: GH <g—harnett@yahoo.com>
Subject: Re: Spank Microsoft. . .
GH wrote:

Sir or Madam,

In no way do I agree with the proposed DOJ settlement with Microsoft. There are simply no teeth and rest assured, any settlement that Bill Gates is comfortable with is flawed. The only options that will prevent Microsoft from futher hindering competition and abusing its monopoly are those that will hurt. I feel the measures presented by the hold-out states will be more effective as a punishment and deterrent than what has been decided by the DOJ.

However, I think there should be one more area in which Microsoft should be scrutinized. Its code. Specifically, has Microsoft enhanced Windows and application functionality by unlawfully using GPL'd (or other open source licensed) code without adhering to the particular license mandates and in effect, stealing it? There should be a mechanism that allows open source license holders, via a trusted third party, to inspect Windows code in a safe room for infringment on open source code. If caught violating any licensed code they should be sued for damages, which essentially forces them to release their ''enhanced'' code under the violated license. I feel that Microsoft's abject dislike of the GPL license can be directly attributed to fear of being caught using code distributed under that license in Windows yet not freely redistributing enhanced code as the license requires.

Microsoft has proven themselves wholly untrustworthy in business and in the courtroom. If they will lie in Federal court without any remorse then they will certainly abuse open source licenses for their gain.

Thanks for your time,
Geoffrey Harnett
IT Engineer
http://greetings.yahoo.com

Dear Mr. Harnett:

Thank you for your recent thoughtful correspondence concerning the Microsoft antitrust case.

As you know, on November 6, 2001, the United States Department of Justice and Microsoft filed a proposed settlement. I did not join that settlement because I do not believe it would accomplish the goals we set when we filed the case. Nor would it accomplish the remedial goals set by the U.S. Court of Appeals: (1) to prohibit the illegal conduct and similar conduct in the future, (2) to spark competition in this industry; and (3) to deprive Microsoft of its illegal gains.

You may also express your opinion to the judge of the federal trial court considering this settlement by filing written comments with the United States Department of Justice by January 28, 2002, as follows:

Mail: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

[NOTE: Given recent mail delivery interruptions in Washington, DC, and current uncertainties involving the resumption of timely mail service, the Department of Justice strongly encourages that comments be submitted via e-mail or fax.]

E-mail: microsoft.atr@usdoj.gov

In the Subject line of the e-mail, type ''Microsoft Settlement.''

Fax : 1–202–307–1454 or 1–202–616–9937

Please keep me informed of your opinions on the case.

Thank you again for contacting me. —
Sincerely,
Richard Blumenthal
Attorney General

MTC–00015062

From: Tobias Johansson
To: Microsoft ATR
Date: 1/23/02 7:52am
Subject: Microsoft Settlement

I think the proposed settlement, excuse my language, sucks.

Tobias Johansson
webdeveloper
Resfeber Sweden AB
www.resefeber.se
www.reisefeber.no
www.rejsefeber.dk

MTC–00015063

From: Kermit Woodall
To: Microsoft ATR
Date: 1/23/02 7:52am
Subject: Microsoft Settlement

I think the proposed settlement is woefully insufficient and fails to address some of the most problematic areas of Microsoft's behavior.

Kermit Woodall
Nova Design, Inc.

MTC–00015064

From: Andrew Jeavons
To: Microsoft ATR
Date: 1/23/02 7:55am
Subject: Microsoft Settlement

To whom it may concern.

The proposed settlement by the US government with Microsoft is not in the interests of consumers in the USA. Microsoft has consistently abused its position of dominance in the marketplace and this settlement will do nothing to change this. This settlement is a bad idea and should not go forward.

sincerely
Andrew Jeavons

MTC–00015065

From: peter
To: Microsoft ATR
Date: 1/23/02 7:52am
Subject: Microsoft Settlement

Regarding the Microsoft settlement, I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundred, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices.

Similar to the settlement against AT&T, Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level (40%, for example, assuming one of it's competitors is now also at 40%). This must be true for all Microsoft product lines, before regulation is lifted.

Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Imagine the damage to the United States if Microsoft were to fail, as Enron failed. The risks of a monopoly are greater than merely the loss of competition.

Thank you for your time.

MTC–00015066

From: peter
To: Microsoft ATR
Date: 1/23/02 7:53am
Subject: Microsoft Settlement

Dear Sirs:

I am writing to give my comments on the Microsoft antitrust settlement. I believe this settlement is counter to the interests of the American public, deleterious to the American economy, and not adequate given the findings of fact in the trial.

Microsoft's anti-competitive practices are counter to the law and spirit of our free-enterprise system. These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation. Microsoft's monopolistic practices cause the public to bear increased costs and deny them the products of the innovation which would otherwise be stimulated through competition.

The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future.

It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function.

MTC–00015067

From: Eric Kobrin
To: Microsoft ATR
Date: 1/23/02 7:55am
Subject: Microsoft Settlement

The proposed settlement with Microsoft is ridiculous. Microsoft has shone again and again that it DOES NOT follow the rules. They always find a loophole. They released their most anti-competitive OS ever, Windows XP, during the antitrust case. Windows XP forces casual users to buy new software—it suggests Microsoft software of course. If you open any older applications, it presents a dialog box telling you that it may be unstable and that they should upgrade. I have never found this statement to be true. I helped a woman who was in fits over those dialog boxes. Power users and computer consultants know to delve deeper. There is a button that disables the messages and lets you use the software you already own; but most casual users are startled by the warning and just stop using their software. During the antitrust case, Microsoft also removed Java from their OS, thus preventing much cross-platform software from flourishing. They are effectively requiring that if you want to develop for Windows, you must develop programs that run ONLY on Windows, using Microsoft tools of course. What company will develop cross-platform software in Java if they know it won't run under XP with out serious user intervention? Companies deciding between Java and C# will be more likely to use C#—creating yet another pice of software that runs only on Windows and reducing the appeal of other operating systems. Microsoft also released a new version of their Internet Explorer web browser that is incompatible with software developed for other browsers or by other companies. Eventually, other companies were able to rewrite their software to be compatible, but not until Microsoft had embedded their own software using the knowledge that other companies would need to learn the new API whereas Microsoft wrote the API. For example, the new Explorer broke compatibility with Apple's cross-platform multi-media standard Quicktime. Of course compatibility with Microsoft's own competing Windows Media player was never broken. Quicktime is a free and open standard that has lost popularity because of this.

Microsoft IS anti-competitive. The courts agree. Competing developers have known this for a decade. They have not obeyed previous anti-trust rulings. They created more anti-competitive software during the current anti-trust case. The pattern will not stop until Microsoft is either broken up or has their charter revoked. If they were broken up, competitors like Apple would not have to compete against Microsoft developing plug-ins for their own software before anyone else can as they did with Windows Media Player in Internet Explorer. My favorite remedy, but an unlikely one considering Microsoft's massive campaign contributions to both parties is for their charter to be revoked. Yes, their charter should be revoked. The source code should be put in hte public domain. In that upheaval, dozens inf not hundreds of other companies would be given the chance to flourish. Microsoft is like a giant tree overshadowing hundreds of saplings. Pruning the behemoth (breaking them up) would help a little, but cutting the whole tree down would let everyone compete on an even playing field.

Eric Kobrin
eric@spotgrafix.com
305–595–5646

MTC–00015068

From: Munir Nassar
To: Microsoft ATR
Date: 1/22/02 7:26pm
Subject: Microsoft Settlement

I would like to exercize my rights and comment on the proposed settlement in the US vs. Microsoft case. It was proposed by Microsoft that they donate Computer Hardware and software to schools as a punishment for their illegal monopolistic actions. When i was younger a punishment was something that i would remember, usually through pain, either physical or emotional. I, and I would think nobody else, was ever punished by getting gifts. It may seem tempting to take Microsoft up on their offer as it would cost them Millions if not Billions of dollars. But it would also distribute the Windows Operating system to thousands of students expanding Microsoft's monopoly. Additionally the K–12 educational market has always been Apple Computers'' best selling market. To accept this judgement would cause great and maybe even irreparable harm to Apple Computers.

A lot of people believe the proposed settlement is a great thing for our school system as it would bring computers into the hands of the students. A distributor or the Linux Operating System has proposed that Microsoft supply the hardware and RedHat supply the operating system as a suitable punishment. The idea has merit but I propose a small change. Have Microsoft supply a computer to every student in every public school in the country, a move that should liven the economy a bit. And give the schools an option on what type of computer this would be and what operating system, be it RedHat, Linux, Debian GNU/Linux, BeOS, OS/2, QNX or MacOS just to name a few.

In the operating system market there are many companies that market an alternative to Microsoft's Windows, but Microsofts'' anticompetitive practices have kept these alternatives from the hands of the public. It would be fitting that the punishment allow competitors into the playing field.

In short, I think the proposed settlement is a bad idea and I am strongly against it.

-Munir

MTC–00015069

From: Frederick Haab
To: Microsoft ATR
Date: 1/23/02 7:56am
Subject: Microsoft Settlement

As a professional computer programmer for 10 years (20 as a hobbyist), I must express my disappointment with the current state of the ''Microsoft Settlement''. Understanding you are probably receiving hundreds, if not thousands of responses, I will simply say that the current conditions of the settlement are too little, too late. They do nothing to adequately punish or dissuade Microsoft from using unfair business practices in the future. If nothing else, we must learn from the past—the settlement in ''95 did NOT work. This settlement, as written, will NOT work. You must look forward to the future of the industry and prepare for the possible

abuse of monopoly power, not simply ''band-aid'' past transgressions.

Frederick Haab,
Atlanta, GA,
Software Engineer,
Turner Broadcasting.
Frederick Haab
(fred.haab@turner.com)
Turner Studios: Redefining Excellence

MTC–00015070

From: al_t@mindspring.com@inetgw
To: Microsoft ATR
Date: 1/23/02 7:57am
Subject: Microsoft Settlement

To Whom It May Concern:

I strongly disagree with the proposed settlement in the Microsoft antitrust trial for reasons outlined below. I strongly encourage you to bring substantially more severe sanctions against the company to curb its anticompetitive practices.

The remedy is insufficient for these reasons:

The proposed remedy doesn't take into account Windows-compatible competing operating systems.

Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the proposed remedy fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

The proposed remedy Contains Misleading and Overly Narrow Definitions and Provisions.

The proposed remedy supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

The proposed remedy supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

The proposed remedy allows users to replace Microsoft Java with a competitor's product— but Microsoft is replacing Java with .NET. The proposed remedy should therefore allow users to replace Microsoft.NET with competing middleware.

The proposed remedy supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertised as being ''Windows Powered''.

The proposed remedy fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

The proposed remedy requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

The proposed remedy requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

The proposed remedy does not require Microsoft to release documentation about the format of Microsoft Office documents. The proposed remedy does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

The proposed remedy Fails to Prohibit Anticompetitive License Terms currently used by Microsoft. Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows. Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems. Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)

The proposed remedy Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft. Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

The proposed remedy Fails to Prohibit Anticompetitive Practices Towards OEMs

The proposed remedy allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

The proposed remedy allows Microsoft to discriminate against small OEMs—including regional 'white box' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

The proposed remedy allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

The proposed remedy as currently written lacks an effective enforcement mechanism. As a taxpayer and consumer, I demand the government take immediate action to abandon this settlement and seek strong corrective action against Microsoft that addresses the above issues.

Sincerely,
Al Thompson

MTC–00015071

From: Jim Power
To: Microsoft ATR
Date: 1/23/02 7:56am
Subject: Microsoft Settlement

The proposed settlement sends a very cynical message to the general public: anti-trust enforcement, even for the most egregious of offenders, can be killed by the proper political contributions. The current proposal, does nothing to alter Microsofts future actions or punish its past ones. Microsoft has a history of manufacturing phony grass root efforts. I would imagine that any comments you receive in favor of the settlement are heavily weighted by Microsoft PR firms masquerading as private cititzens, or Microsoft employees sending from a non .microsoft account.

Specifically, I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundred, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices.

Similar to the settlement against AT&T, Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level (40%, for example, assuming one of it's competitors is now also at 40%). This must be true for all Microsoft product lines, before regulation is lifted.

Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Imagine the damage to the United States if Microsoft were to fail, as Enron failed. The risks of a monopoly are greater than merely the loss of competition.

Thank you for your time.
-James M. Power

MTC–00015072

From: Robert Crable
To: Microsoft ATR
Date: 1/23/02 7:57am
Subject: Microsoft Settlement

Regarding the Microsoft settlement, I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundred, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices.

Similar to the settlement against AT&T, Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level (40%, for example, assuming one of it's competitors is now also at 40%). This must be true for all Microsoft product lines, before regulation is lifted.

Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Imagine the damage to the United States if Microsoft were to fail, as Enron failed. The risks of a monopoly are greater than merely the loss of competition.

Thank you for your time.
Robert Crable
Assistant Research Engineer
Research Instruments Electronics Shop
Chemistry Department
The Pennsylvania State University
148 Davey Lab
University Park, PA 16802
Phone: 814–865–0254
Fax: 814–863–5319
Email : RMC@chem.psu.edu

MTC–00015073

From: ranieri@argentini.org@inetgw

To: Microsoft ATR
Date: 1/23/02 7:55am
Subject: Microsoft Settlement

I would like to urge the government to prosecute this case as far as possible utilizing the penal system. Settling will be interpreted as a sign of weakness and a sign that the United States of America is willing to tolerate monopolies.

In my opinion, this constitutes a dangerous precedent.

Sincerely yours,
Ranieri Argentini

MTC–00015074

From: Felix, Frances
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 7:57am
Subject: Microsoft settlement

Please, please, please! find a strong, effective way to enforce the Microsoft settlement. I believe that Microsoft has gone on for far too long in beating down and preventing competitors. The problem I see is that if you do not find a way to enforce it, this settlement will be like the Telecommunications act of 1996. Right now, the incumbent phone companies drag their feet and halfway comply constantly. They get fined, but continue to resist. This resistance and all the obstacles they put in front of competitors has been a large factor in all the DSL companies'' bankruptcies. I believe that Microsoft will do the same thing. They will resist fully complying. They will drag their feet and they will try to get away with as much as they can. They are the top dog right now and will resist giving up any of their advantages.

Fran Felix
Covad Communications
NOC Liaison Specialist
Cube 4410 Java Place
Manassas, VA
Cube: 703–530–2182

MTC–00015075

From: Mark Wilson
To: Microsoft ATR
Date: 1/23/02 7:57am
Subject: Microsoft Settlement

Dear Sir or Madam,

I am writing to comment on Microsoft settlement. It is my belief that Microsoft needs to be broken up into two seperate companies. They have a 90% market share in the operating system industry, and this will remain after the proposed settlement. Microsoft should be broken into 2 parts, an operating systems company(to produce windows) and a software applications company(to produce MS Office). The software applications company should then be required to realease versions of every major program it produces for at least 2 non-Microsoft operating systems. This is the only way to restore competition to the market without severly hurting the computing industry.

Thank you for your consideration,
Mark Wilson

MTC–00015076

From: Charles Hood
To: Microsoft ATR
Date: 1/23/02 8:03am
Subject: Microsoft Settlement

According to the Tunney Act, I have the opportunity to comment on the proposed Microsoft settlement. In brief, I think its a bad idea. Specifically, I think the Proposed Final Judgement contains definitions that are too narrow and perhaps misleading. For example, ''API'' is so tightly defined that it might exclude APIs used by the Microsoft Installer for installing software on Windows. Please reconsider.

Thank you.
Sincerely,
Charles Hood
Roswell, GA

MTC–00015077

From: James Tedrick
To: Microsoft ATR
Date: 1/23/02 7:59am
Subject: Microsoft settlement

Like many citizens, I utilize an Intel computer. I use this computer for a variety of purposes, including academic research, personal business and entertainment. Again, like many people, I have followed the proceedings of the Microsoft antitrust trial with interest. Upon reviewing the proposed settlement, I find it inadequate on many counts. It will allow Microsoft to continue its dominance by creating significantly different software (in a manner similar to the migration from Windows 3.1 to Windows 95). Secondly, the definition of API is overly narrow, and third party operating systems are not allowed to utilize these APIs. Finally, this settlement does not address the licensing of other Microsoft applications, which create a de facto barrier to entry by barring their use either with or on third-party operating systems (I am specifically referring to the End User Licensing Agreements of the Microsoft Windows Media Encoder 7.1 SDK and Microsoft Visual C++ applications).

Sincerely,
James Tedrick

MTC–00015078

From: Knoll, Jim
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 7:59am
Subject: Microsoft Settlement

I believe the proposed settlement remedies in the Microsoft antitrust case do not go far enough in protecting consumer rights.

With Microsoft's .NET initiative, I believe a failure to adequately restrain Microsoft's anticompetitive behavior will negatively impact innovation, quality and choice for computer hardware and software consumers.

Regards,
James D. Knoll

MTC–00015079

From: Steve Goldsby
To: Microsoft ATR
Date: 1/23/02 8:03am
Subject: Microsoft Settlement

I would like to comment on at least one area of the proposed settlement, and how it clearly does very little to restrict Microsoft's monopolistic tendencies. The proposed judgement prohibits certain behaviors by Microsoft towards OEMs, but simultaneouly allows the following exclusionary practices: Section III.A.2. allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

Section III.B. requires Microsoft to license Windows on uniform terms and at published prices to the top 20 OEMs, but says nothing about smaller OEMs. This leaves Microsoft free to retaliate against smaller OEMs, including important regional ''white box'' OEMs, if they offer competing products. Section III.B. also allows Microsoft to offer unspecified Market Development Allowances—in effect, discounts—to OEMs. For instance, Microsoft could offer discounts on Windows to OEMs based on the number of copies of Microsoft Office or Pocket PC systems sold by that OEM. In effect, this allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas, such as office software or ARM-compatible operating systems.

By allowing these practices, the Proposed Judgement is encouraging Microsoft to extend its monopoly in Intel-compatible operating systems, and to leverage it into new areas.

Please take action to ensure the ability of other businesses to compete in this space.

Steve Goldsby, CEO
Integrated Computer Solutions, Inc.
www.integrate-u.com <http://www.integrate-u.com>

MTC–00015080

From: Clark Rawlins
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 8:00am
Subject: Microsoft Settlement

Dear Sirs/Madams,

I am writing to say that I think that the proposed settlement to the anti-trust case that Microsoft has lost doesn't have enough teeth in it to preclude Microsoft from abusing its Monopoly power. In my own company I see evidence that Microsoft continues to use its dominance in the desktop operating system arena to extend its influence in other areas of computing, in particular in the embedded systems arena.

I think that the best solution would be to break Microsoft into three separate companies, all of which have full rights to all of Microsoft's Intellectual property. Furthermore, I think that the current officers and primary shareholders of Microsoft should be barred from owning shares in more than one of these three companies.

I realize that my solution will probably not be considered, however I don't think that the current proposal has enough teeth to keep Microsoft from repeating its abuse of monopoly power.

Sincerely
Clark Rawlins
Senior Engineer
Network Services Engineering
OpenGlobe, Inc.
(An Escient Technologies Affiliate)
6325 Digital Way
Indianapolis, IN 46278
317–616–6574
crawlins@openglobe.net

MTC–00015081

From: Beth E. Johnson
To: Microsoft ATR

Date: 1/23/02 8:01am
Subject: Settlement

I am opposed to the current proposed Microsoft settlement. I believe that by the government-sanctioned flood of Microsoft supplied hardware and software into the educational market that the government would be handing Microsoft a significant portion of the educational market for free. I thought that the original action was brought on behalf of *consumers;* consumers like me who bought licenses to use Microsoft products that crash and take my data down with them, that insist on placing themselves on my desktop until I forcibly remove them with a third-party program, who choose to use a better, faster web browser (Opera) but are still forced to let MS Internet Explorer reside on their hard disks because it is required to install security patches and bug repairs to the leaky and fault-ridden products; consumers who run home networks with Linux and Microsoft operating systems to can expect SAMBA connectivity to go down the tubes with every new version of Windows.

My kids already have computers in their school; nice, stable Apples. I wouldn't wish Microsoft computers on any school anywhere. The proposed settlement does nothing for Me and the damage I have suffered. Make Windows Update available without MSIE, open up the APIs so more programs can work with Windows, insist that Windows play nice with other operating systems. That would help me. regards,

Beth Johnson
93 Clayton St.
Springfield, MA 01107 USA —
Beth Johnson
Springfield, MA USA

This message was created and sent completely independent of Microsoft products.

No electrons were harmed in the making of this message.

MTC–00015082

From: David Battle
To: Microsoft ATR
Date: 1/23/02 8:03am
Subject: Microsoft Settlement

I think you are letting Microsoft off far too easily. How is letting them provide equipment to train school children that Windows is the One True Way going to help competition?

Sincerely,
David L. Battle
204 Golfclub Rd
Knoxville, TN 37919–5924
+1 865 588 7763

MTC–00015083

From: Garrett
To: Microsoft ATR
Date: 1/23/02 8:01am
Subject: Microsoft Settlement

The current proposal for the Microsoft settlement will not prevent Microsoft from staying a monopoly in the computer industry. Microsoft employees are spreading this around as ''. .a victory over the government.'' If the government shows they are incapable or unwilling to stop Microsofts monopoly over the software industry, who else is there to stand in Microsofts way?

Since the trial has started Microsofts grip on ISP's and hardware vendors has slowly loosend up for fear of how it would be represented in the case against them. Once Microsoft accepts the current settlement they will go back to their previous methods of forcing the industry to accept their software and force out competitors, but it is not their previous methods the software industry is only worried about. By receiving the current settlement this will show the industry that even the government and it's laws cannot stop Microsoft's monopoly. Microsoft will be able to expand their practices beyond strict EULA's, enforcing proprietary ''standards'' and harassing/buying out small companies. They will be able to stretch more laws, find more loopholes and choose more ''un-ethical'' business means knowing that the most powerful system that could have stopped them was not powerful enough.

Once again I say that the DOJ and US government should be putting a stop to Microsofts monopoly. By forcing them to release their file formats, source code, protocols or something similar that will allow other companies to compete with them. But the current settlement simply shows that the government no longer has the power to enforce the laws that control our capitalist country.

Garrett Banuk
44 Pleasant St.
Cambridge, MA
02139

MTC–00015084

From: jason.c.miller@home.com@inetgw
To: Microsoft ATR
Date: 1/23/02 9:06am
Subject: Microsoft settlement

If you're going to read any mail. . . read this one please.

Please * * * allow me to briefly tell you how tired I am of Microsoft and their practices * * *

INNOVATION:

They use the word ''innovation'' as if they coined it themselves. The Truth of the matter is that they haven't really ever innovated anything. Every big product that they've ever had was either based on an idea concocted from someone else or was material that they forcibly extracted by crushing another company.

SECURITY: 'Security' and 'Microsoft' are two words not often found in the same sentence. I try to fun as much open-source software as I can because I know that if a bug is found, then an army of programmers around the world will flock to fix it by the next day. Microsoft's idea of security is to bribe the world into not vocalizing bugs that they find with MS software. Do I REALLY need to give examples here? How many billions of dollars did businesses lose and how much information was forcibly removed from MS-run sites in the last two years alone by using Microsoft products such as Passport and Internet Information Server? They try to force their products on the rest of the world by using some pretty nasty tactics; the only problem is that their software is inferior.

COMPETITION:

Microsoft has come out with a very interesting method of competing with other viable software solutions. Why should they be motivated to make a better product when they could spend their time lobbying congress for favors or forcing subversive contracts on to the OEMs to crush the resistance to the Microsoft machine.

BOTTOM LINES:

They were found guilty. Why haven't they been punished? I was always under the impression that settlements were for people to decide upon BEFORE a verdict was reached and not after a finding of 'guilty' was found. Also . . . I like CHOICES ON MY SOFTWARE. MICROSOFT OFFERS NONE. And. . . if I'm going to have software forced on me, I want it to AT LEAST BE GOOD SOFTWARE. Competition is born of companies competing with each other and thus improving. MS has found ways around this process and still comes out on top. If you folks let them get away with this, then I guess I really will never understand our government and how they could let a travesty like this happen. Thank you for your time.

MTC–00015085

From: raschend@newsguy.com@inetgw
To: Microsoft ATR
Date: 1/23/02 8:01am
Subject: Microsoft Settlement

I believe that the proposed settlement is not in the best interests of the individual computer user or of the Federal Government. I recommend strongly that the proposed Microsoft settlement be reviewed and that the breakup strategy be revisited.

Thank you,
David B. Raschen
1502 15th Ave SW
Decatur, AL 35601
256–355–4350

MTC–00015086

From: Pat J
To: Microsoft ATR
Date: 1/23/02 8:02am
Subject: Microsoft Settlement

I believe the Microsoft Settlement is a bad idea. It does not serve to restore competition back to the Operating System market. It is a slap on the wrist. It does not stop and may even encourage Microsoft to engage in the same business practices in other markets.

— Pat

MTC–00015087

From: Ben Derr
To: Microsoft ATR
Date: 1/23/02 7:57am
Subject: Microsoft Settlement

I would like to add my voice to those that think that the proposed Microsoft settlement is unacceptable.

Please do not approve the currently proposed settlement. Microsoft has grievously injured the software and computer industries and should not be allowed to continue unchecked. Supplying more of the software that has been used to subvert the industry to the parties that are objecting to that subversion is not the right answer and will not repair any damages, but in fact acerbate the problem.

Sincerely, a concerned US citizen,
Ben Derr
derrb@oclc.org
2400 Backbay Drive

Columbus, Ohio
43235

MTC–00015088

From: John M. Ford
To: Microsoft ATR
Date: 1/23/02 8:03am
Subject: Microsoft Settlement

Dear Sirs:

I am writing to give my comments on the Microsoft antitrust settlement. I believe this settlement is counter to the interests of the American public, deleterious to the American economy, and not adequate given the findings of fact in the trial.

Microsoft's anti-competitive practices are counter to the law and spirit of our free-enterprise system. These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation. Microsoft's monopolistic practices cause the public to bear increased costs and deny them the products of the innovation which would otherwise be stimulated through competition.

The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future.

It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function.

John M. Ford
823 Queen Anne Place
St. Louis MO
63122

MTC–00015089

From: seveyj@wi.rr.com@inetgw
To: Microsoft ATR
Date: 1/23/02 8:04am
Subject: Microsoft Settltment
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I wish to comment on the proposed Microsoft settlement, under the Tunney Act. I believe that the proposed settlement contains many narrow definitions and provisions which will allow Microsoft to sidestep the terms of the settlement in the future.

A simple example of this would be the definition of a ''Windows Operating System Product''. The settlement defines this as simply Windows 2000, Windows XP Home, and Windows XP Professional and their successors. There are no provisions in the settlement which seem to restrict Microsoft from using their monopoly on Intel-compatible PC operating systems to hijack another similar market which isn't covered by the settlement. Microsoft's current entry into the console gaming market via the X-Box is an example of this. Microsoft is willing to lose substantial money on each piece of X-Box hardware for the sole purpose of gaining market share in this similar market.

Once established, Microsoft can use their market dominance, this time including both hardware and software, to push rivals out of the market. After competition has been destroyed, Microsoft can simply add additional hardware to the X-Box, making it a fully-functional PC—a PC who's operating system is not covered by this proposed settlement.

The above scenario may not be likely, but the possibility that it even exists shows that the proposed settlement isn't in the public's best interest. According to the Court of Appeals ruling, ''a remedies decree in an antitrust case must seek to ''unfetter a market from anticompetitive conduct'', to ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future''.

There are many other instances of problems with the proposed settlement, too numerous to mention here. The point that I'd like to make is that I believe the settlement doesn't go far enough to unfetter a market from anticompetitive conduct, terminate the illegal monopoly, deny Microsoft the fruits of its violation, and ensure that there remain no practices likely to result in monopolization in the future.

Thank you for this opportunity to comment on these proceedings.

John Sevey
Sr. Software Engineer
Kenosha, WI

MTC–00015090

From: Chris Holdredge
To: Microsoft ATR
Date: 1/23/02 8:04am
Subject: Displeasure with MS proposed settlement

I'm an IT professional writing to my displeasure with the proposed settlement. Been in this business long enough to remember when there were a dozen or more operating systems and hundreds of viable application vendors. Surprisingly, that situation worked quite well, since interchange formats were de-facto standards shared by all. Now you can only expect your work to be usable by others if you use Microsoft's tools, and the latest versions at that, despite the fact that all that ever changes are the number of useless options on the menus, the file formats, and the pricing scheme. Please take serious, concrete action to restore real competition and innovation to the marketplace. Continuing with this slap-on-the-wrist proposal will leave our of our nation's most important industries in the hands of a stagnating, unmotivated, dinosaur.

MTC–00015091

From: Alan F Larimer Jr
To: Microsoft ATR
Date: 1/23/02 8:04am
Subject: Microsoft Settlement

To Those Reading:

I am very concerned with the proposed settlement. Microsoft ''donating'' computers running M$ software is just furthering the monopoly. It does not properly address the reasons for the anticompetative practices. Address the issue of not releasing Application Program Interface (API) information. Issue one: Donation of computers. If M$ wishes to donate computers to the school systems, let them donate the hardware. DO NOT let them place their software on it. That would just be expanding their control anticompetively. Allow an alternative software company (such as Red Hat, Mandrake, SuSe, etc.) to provide the Operating System. This would encourage young students to look into alternatives.

This would also allow more hardware to be purchased by M$ since they would not be paying for the software. Issue two: API release. In order for other software companies to develop software for use with M$ Operating Systems, the API must be released so that these companies can provide stable and reliable applications. This is maybe the cornerstone of the illegal practice in which M$ partakes.

Releasing the APIs would not only assist other companies in making good, but could also help M$ to promote the vast resources available with their products.

Allowing M$ to place its software on the computer without the option for other companies to provide software would be furthering the anticompetative practices. Forcing them to release APIs now and in the future would take a great bite out of the nature of there illegality. Don't allow M$ to continue such practices. Stop them now.

—Alan
Alan F Larimer Jr
Personal Web Site
See what my day is like
AwFuL, Jr. Productions

Build a man a fire, he will be warm for a day;

Set a man on fire, he will be warm for the rest of his life.

MTC–00015092

From: Iuri Fiedoruk
To: Microsoft ATR
Date: 1/23/02 8:03am
Subject: Microsoft Settlement

I know I'm not from USA, but this is a case that affects all globe, so I tought my opnion would be important. When I first read the proposed settlement, I tought it was good, but reading all little lines I saw soo many holes that in the end I tought nothing on it would actually work. I think the remedies agains Microsoft could be more harder, once it's products are getting higher prices and nothing on this settlement seems to do something against it to protect consumers, but if those remedies are going to be imposed, justice should be 100% sure that they will work and the company that created a monopoly and is trying to extend it will not use dark clausules to avoid them.

Thanks for your precious time and sorry for my bad english.

Iuri Fiedoruk, Santa Maria, RS, Brazil.

MTC–00015093

From: Randy Graebner
To: Microsoft ATR
Date: 1/23/02 8:04am
Subject: Microsoft Settlement

The proposed settlement is a very bad idea. Please rethink it.

Thanks,
Randy Graebner

Atlanta, GA

MTC–00015094

From: Metter, Steve
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 8:04am
Subject: Microsoft Settlement

Bad idea. Very bad idea.

MTC–00015095

From: John C Meuser
To: Microsoft ATR
Date: 1/23/02 8:04am
Subject: Microsoft Settlement

I would like to state my opinion that I believe that the proposed Microsoft Settlement is insufficiant to restrain the monolithic company in any way. Microsoft has a history of getting by loopholes and the proposed settlement leaves gigantic loopholes for them to use. If the settlement goes through, nothing will change, Microsoft will just find more creative ways to extend its monopoly. I am deeply ashamed of how the Department of Justice has allowed Microsoft to practice how it has for so long.

John

My PGP/GPG public key:

http://pgp.mit.edu:11371/pks/lookup?op=get&search=0x64C45A1D

MTC–00015096

From: F. Hunt
To: Microsoft ATR
Date: 1/23/02 8:05am
Subject: Microsoft settlement—NOT ENOUGH REPARATIONS!

Regarding the Microsoft settlement, I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundred, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices. Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Thank you for your time.

Sincerely,
Frances Simmons
7521 NE Netherland Drive #215
Fayetteville, NC 28303

MTC–00015097

From: Michael A. Miller
To: Microsoft ATR
Date: 1/23/02 8:04am
Subject: Microsoft Settlement

Dear Sir or Madam

I have been following the progress of the DOJ's case against Microsoft Corp. in the technology press for some time.

The proposed Settlement should be scrapped.

The proposed Settlement is not in the best interests of the public and needs to be reworked. Two major flaws in the current settlement are

1) insufficient penalty for a company guilty of illegal monopolistic practices, which will not deter Microsoft Corp from changing its behavior, and

2) not enough safeguards to prevent Microsoft Corp. from continuing to lock in and trap current and future computer users. Thank you for your kind attention.

Mike Miller
mike—miller@acm.org (Mike Miller)
http://homepage.mac.com/mike_miller/

MTC–00015098

From: Kene Meniru
To: microsoft.atr(a)usdoj.gov
Date: 1/23/02 8:05am
Subject: Microsoft Settlement

To whom it may concern:

I do not have the opportunity to follow the trial or read the documents comprehensively because of little time from my project but I feel I must say something.

I find it very curious that the government is considering allowing Microsoft to extend their monopoly (by such things as providing computer related stuff to schools), something that the courts claim to have found them guilty of. Don't you know that Microsoft power comes from having many users?

If you claim that we are in a community with a government we should respect as looking after our interest, please do what would be good for your citizens. I can tell you a story of how I bought my recent laptop in which I payed for a microsoft operating system even though I did not ask or want to keep it. This should be a free country and a free market but yet you know all this and you still consider to increase their influence.

Please RECONSIDER this folly. We think highly of the government and would like to continue doing so.

Sincerely,
Kene Meniru
Champlain, New York
Kene Meniru
—keMen@illom.net—

MTC–00015099

From: Joakim Rosqvist
To: Microsoft ATR
Date: 1/23/02 8:04am
Subject: Microsoft Settlement

I dislike the proposed settlement, as I think it will let Microsoft off the hook too easy.

/Joakim Rosqvist

MTC–00015100

From: Kevin Verde
To: Microsoft ATR
Date: 1/23/02 8:06am
Subject: Microsoft Settlement

To whom it may concern:

As a computer industry professional, I must express my feelings about the proposed final judgment in the United States v. Microsoft case.

This punishment is almost beneficial to Microsoft as it will increase its share of the education market (thus depriving even more technologies from entering this market).

I suggest the punishment be fair, but strong. This proposal, as most computer professionals and media representatives agree, is a weak and meaningless punishment. It is a ''slap on the wrist''. As computers become more and more required for a person's survival (work and otherwise), we must not allow such predatory actions (of which the defendant has been shown to be guilty) to take place again.

Sincerely,
A concerned American citizen,
Kevin Verde
phone: +1 972 529 5899
Frisco, Texas USA

MTC–00015101

From: hscobie@Kollsman.com@inetgw
To: Microsoft ATR
Date: 1/23/02 8:07am
Subject: PFJ

The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

The PFJ allows Microsoft to discriminate against small OEMs—including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

The PFJ as currently written appears to lack an effective enforcement mechanism.

MTC–00015102

From: Igor Khavkine
To: Microsoft ATR
Date: 1/23/02 5:06am
Subject: Microsoft Settelment

The settlement in its current form is a very bad idea.

It must not go through.

Igor Khavkine

MTC–00015103

From: Steve Bullwinkel
To: Microsoft ATR
Date: 1/23/02 8:06am
Subject: Microsoft Settlement

I reject the proposed settlement with Microsoft as being inadequate and incomplete. I do not believe that it will overcome or redress the wrongs committed by Microsoft, which has operated as a monopoly far too long. Please review and implement the proposals found in Dan Kegel's excellent analysis found at http://www.kegel.com/remedy/remedy2.html Only with a comprehensive solution, strictly enforced, can we hope to restore competition to the PC industry.

Thank You.

Steven Bullwinkel, Oakland, New Jersey
Managing Member, clear sky thunder, LLC
sbull@speakeasy.net

MTC–00015104

From: Jeff Peiffer
To: Microsoft ATR
Date: 1/23/02 8:07am
Subject: Microsoft Settlement

I would just like to say that I have read about the proposed settlement, and I am not in favor of it in its current state. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors, yet unfavorable to Microsoft.

Thank you,
Jeff Peiffer
4525 Cascade Dr
Powell, OH 43065

MTC–00015105

From: Michael Spencer Jr.
To: Microsoft ATR
Date: 1/23/02 8:12am
Subject: Microsoft Settlement

I am against the proposed Microsoft settlement, for the reasons already outlined in Dan Kegel's comments as per http://www.kegel.com/remedy/letter.html

Michael Spencer Jr.
Council Bluffs, Iowa

MTC–00015106

From: P. T. Kornman
To: Microsoft ATR
Date: 1/23/02 8:07am
Subject: Microsoft Settlement

the proposed settlement is bad idea

MTC–00015107

From: Hobart, Aaron
To: Microsoft ATR
Date: 1/23/02 8:10am
Subject: Microsoft Settlement

To whom it may concern.

I am writing to you in order to inform you of my dissatisfaction with the governments settlement in the Microsoft antitrust case.

Little to nothing is being done to Microsoft in this case, and it is a shame. In my office there are a number of people who have installed windows new operating system, and have nothing but problems with it. They have no other option, because Microsoft goes out of their way to make sure that all software that the average home user will only work on their OS.

The simple way to solve this is to open their source code, so that other people could make an operating system, or ther programs that would interface with programs written for windows.

We are a government by the people, for the people, not for the corporations.

Thank you.
Aaron Hobart.

MTC–00015108

From: Mary Lou Nolan
To: Microsoft ATR
Date: 1/23/02 8:09am
Subject: MSAG.doc.dot
Mary Lou H Nolan
4332 Davidson Avenue NE
Atlanta, GA 30319
January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing you today to express my opinion in regards to the Microsoft antitrust dispute. I support Microsoft in this dispute and feel that this company is being wrongfully punished for being successful.

This continuing legal battle is a waste of precious resources and money. I believe the settlement that was reached in November will serve in the best public interest.

It is my understanding that under this agreement, Microsoft must share more information with other companies and follow procedures that will make it easier for other companies to compete.

Microsoft has agreed to disclose for use by its competitors various interfaces that are internal to Windows'' operating system products. Microsoft has also agreed to make available any protocols implemented in Windows'' operating system. Additionally, Microsoft has agreed to design future versions of Windows to make it easier to install non- Microsoft software.

This settlement is a thorough agreement that is sufficient to deal with the issues of this lawsuit.

Please support this settlement. Thank you for your support.

Sincerely,
Mary Lou H. Nolan

MTC–00015109

From: Jason Parker
To: Microsoft ATR
Date: 1/23/02 8:20am
Subject: Microsoft Settlement

I think the proposed Microsoft Settlement is a bad idea.

Jason Parker
Jasonp55@charter.net

MTC–00015110

From: Bowers, Eric
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 8:06am
Subject: Microsoft Settlement

To Whom it May Concern;

I would like to make the following comments regarding the Microsoft settlement.

The PFJ erodes the Applications Barrier to Entry in two ways: First, by forbidding retaliation against OEMs, ISVs, and IHVs who support or develop alternatives to Windows. Secondly, by taking various measures to ensure that Windows allows the use of non-Microsoft middleware. A third option not provided by the PFJ would be to make sure that Microsoft raises no artificial barriers against non-Microsoft operating systems which implement the APIs needed to run application programs written for Windows.

It is my opinion that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

Eric Bowers
PC Support Specialist
Cooper Bussmann, Black Mountain, NC
Phone: 828–669–6482 ext. 180

The opinions expressed are mine and not necessarily those of Cooper Bussman, Inc.

MTC–00015111

From: Matthew Miller
To: Microsoft ATR
Date: 1/23/02 8:09am
Subject: Microsoft Settlement

I am writing to comment on the proposed Microsoft settlement. The proposed settlement does nothing to punish Microsoft for blatantly unfair business practices and if they are not punished, they will continue such practices as they have demonstrated with the latest version of Windows (XP). At the bank I work for, we tested Windows XP in our enterprise and determined that we did not want to implement it. We put Windows 98 and Windows 2000 workstation on our network. We occasionally need to change a workstation from Windows 2000 to Windows 98 for software compatibility. If our enterprise license was for either Windows 98 or Windows 2000, we would have to purchase an additional license each time a workstation has their operating system changed. Since we purchase a Windows XP license for every workstation, we can put any Microsoft operating system we want onto the workstation. Thus, we have to purchase a product we DON'T WANT in order to keep within Microsoft's demands.

Microsoft has and continues to engage in an embrace, extend and eliminate form of competition. When a competitor comes up with a good idea, Microsoft will first attempt to purchase the idea from the competitor or purchase the competitor itself. If that is not possible, they will build a competing product, extend the format and/or protocols used and eventually make it proprietary. At this point, given that Microsoft's APIs are not well documented except for inside of Microsoft, another party would have a difficult time building a competing product due to software's ''barrier to entry''.

Recently, Microsoft blocked nearly all competing web browsers from Microsoft Network web properties. If there wasn't such a public outcry, I believe they would not have corrected this problem. Microsoft will do everything in it's power to create or extend their monopoly in any business line they are involved in.

Please, punish Microsoft for their unfair business practices, don't reward them by what is essentially forcing them entry into a market they have thus far been unable to penetrate. Open their APIs, open their source code, break them up into smaller companies, each with their ENTIRE line of software products. At least this will ensure some sort of competition in the software and operating system market.

Thank you,
Matthew Miller

MTC–00015112

From: Wes Price
To: Microsoft ATR
Date: 1/23/02 8:08am
Subject: Microsoft Settlement

The current proposed settlement of the Microsoft anti-trust case is woefully inadequate—most of the problems which the settlements purports to address have already been resolved by Microsoft's abuse of its monopolistic influence on the software industry, and it ignores (and may even foster) new problems which have sprung up in their place. As one example, the exclusionary license which is built in to Micrsoft's Enterprise Agreement subscription plan will go a long way towards reducing the ability of anyone to compete with Microsoft, making it impossible for anyone to break ranks without costing their company hundreds of thousands of dollars in ''discounts''—once a

company subscribes, Microsoft will own their future.

The lack of any penalty for what even the courts agreed was substantial, intentional anticompetitive behavior on Microsoft's part, coupled with the lack of any structural remedy which would inhibit Microsoft from engaging in similar behavior in the future, renders this ''solution'' practically worthless— Microsoft will continue to crowd out products which are technologically superior for exactly as long as it is allowed full, unfettered access to a computer's operating system *and* web browser *and* office application suite.

I am politically conservative, but I cannot support this administration's disgraceful attempt to conciliate the Microsoft machine at my expense—the administration's gall in claiming that the proposed solution will do anything substantive to change or limit Microsoft's de facto monopoly is only exceeded by Microsoft's gall in continuing to stamp out innovation and competition while on trial for those selfsame actions.

Wes Price

MTC–00015113

From: BJ Mitchell
To: Microsoft ATR
Date: 1/23/02 11:09pm
Subject: Microsoft Settlement

Hello, I am writing to express my dissatisfaction with the current settlement proposed in the Microsoft antitrust case. I believe that the settlement should see Microsoft punished for its anti-competetive practices, as well as open up the market to competition. Forcing Microsoft to document all their APIs used by the Windows operating system and associated software packages should certainly be one of the requirements. The current settlement proposed does not do this. Thank you for your consideration.

Regards, Brandon Mitchell
bjm@skullcave.com

MTC–00015114

From: Nathaniel Woody
To: Microsoft ATR
Date: 1/23/02 8:08am
Subject: Microsoft Settlement

I find the proposed settlement of the Microsoft antitrust case very disconcerting. The most obvious problems that I see are that the disclosure of API's by microsoft(which I believe would be a ''good thing'') seem to be rather weakly worded. It would appear from the way the settlement is worded that there are several loopholes by which Microsoft would be able to prevent usefull access to the API's that non-microsoft developers would need. The security wording appears very dangerous and appears to allow Microsoft to be able to prevent the distribution of any API's that Microsoft finds most important.

Microsoft has proven in the past a willingness to find and exploit loopholes and this seems to provide a rather easy one. The second serious problem I see is the idea of Microsoft paying the expected fines by providing software to schools. This sounds like a good idea on the face, but I see two major problems.

First distributing software costs Microsoft essentially nothing. T! he only real costs that could be attributed to this are the production costs of the CD's and manuals. The schools that would receive this were not planning on buying Microsoft products so there can be no argued loss of revenue and so the worth of software license is arguable at best. The second problem is that the education market has always been dominated by Apple, particularly the Macintosh now. This provides an excellent way for Microsoft to attack a competitor to their monopoly while paying off monopoly fines.

This whole idea amounts to paying a fine with software license play money. I believe Ralph Nader's essay does a far better job addressing these problems then I can so I will not talk of these any further.

The final problem that I have with the settlement is that there seems to be far too much reliance on good-will practices from Microsoft to prevent further monopoply problems. I have seen little evidence to suggest that Microsoft takes the attitude that they a! re being watched by someone and so most behave better. Instead there seems to be a regular stream litigation both from and againts Microsoft. I do not see how the proposed settlement would in any meaningful way restrict the actions of Microsoft without an internal attitude change. Evidence that Microsoft wishes to maintain it's monopoly appears in their current lawsuit against LindowsOS. Lindows proposes to be a new OS that is capable of running Microsoft apps as well as linux apps(hence the name!). They are being sued by Microsoft for trademark violation. This despite the the plethora of (non-windows competing) apps that incorporate ''win'' or ''windows'' into their name(winzip, winrar,winamp,etc). However, Microsoft instead resorts only to attacking potential competitors.

I hope this statement provides some of the reasons why I am so disappointed in the proposed settlement. This email was written and is sent on behalf of the Chemometrics Research Group at the University of Delaware. I include their names below:

Nate Woody
Tony Myles
Rob Feduale
Huwei Tan

Thank you for the oppurtunity to voice our opinion.

MTC–00015115

From: jrp inthehouse
To: Microsoft ATR
Date: 1/23/02 8:09am
Subject: Microsoft Settlement

Regarding the Microsoft settlement, I do not believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundred, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices.

Similar to the settlement against AT&T, Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level (40%, for example, assuming one of it's competitors is now also at 40%).

This must be true for all Microsoft product lines, before regulation is lifted.

I am sending this email by Microsoft Hotmail, on a Windows 98 machine, in a fully Windows office. I support the company, but I strongly believe that Microsoft's repeated use and abuse of their overwhelmingly controlling monopoly has hurt my business (MS–DOS, Forcing computer manufacturers to pre-install OS, Internet Explorer, et al), and my future, by the sheer fact that I cannot choose any other OS. My freedom to pick and choose the most competent and advanced Operating System has been taken away from me by the de facto standard that Microsoft employs. All of this has been shown in a court of law. Microsoft has been shown guilty; therefore Microsoft should face the consequences.

Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Introduction of WinXP (full of bugs and premature to avoid DOJ injunction), the upcoming .NET initiative, and the continual use of economics of scale, to this day hamper competition. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Imagine the damage to the United States if Microsoft were to fail, as Enron failed. The risks of a monopoly are greater than merely the loss of competition.

Thank you for your time.
J Randolph Plemel
3405 Telford Ave
APT 201
Cincinnati, OH 45220
513.227.5681

MTC–00015116

From: Russell Goyder
To: Microsoft ATR
Date: 1/23/02 8:10am
Subject: Microsoft Settlement . . .

... is awful as it stands.
I do not support it.
Russell Goyder

MTC–00015117

From: Randy Morrow
To: Microsoft ATR
Date: 1/23/02 8:09am
Subject: Microsoft Settlement

Please do not let this settlement move to completion.

The government must find a new remedy to this situation. The consumer will feel the effects of this if Microsoft of is allowed to continue with it's current business practices.

Randy Morrow

MTC–00015118

From: Alan MacDonald
To: Microsoft ATR
Date: 1/23/02 8:09am
Subject: Microsoft Settlement

The settlement is a bad idea, guys.

MTC–00015119

From: Steven P. Cornett
To: Microsoft ATR
Date: 1/23/02 8:09am
Subject: Microsoft Settlement

Gentlemen:

I am writing you to register my disdain over the proposed settlement of the

Department of Justice anti-trust case against Microsoft. Having followed this issue from the beginning, I believe that Microsoft is the most shameless and unrepentent monopolist since AT&T and Standard Oil, and yet the ''settlement,'' for perhaps ''sellout'' or ''carpet sweeping'' would be a better term for it, gives a wink and a nod to them to continue to drive all competition out of every segment of the information industry.

The worst part of this settlement is that your attorney's, while making statements to the press about ''seeking relief for unlawful behavior'', did nothing of the sort and had to *know* that they did nothing of the sort. This still allows Microsoft to keep its operating systems and office software operations in one company, keeps the API (the system calls needed to interface to Windows) safely in Bill Gates'' back pocket, and allows them to expand their monopoly into any segment of the computing industry they do not already have dominence over and to use the strategies they've used to lock in the PC industry.

I'm sure you heard from many, including I suspect many Microsoft sycophants chanting about ''freedom to innovate,'' as well as many others. However, this issue is not about innovation; if this settlement goes through innovation is the *last* thing that will happen in the information industry for a long time to come. Therefore I am asking you to reject this ''settlement'' and formulate a punishment that fits the crime, and truly gives relief to the industry that has been damaged by the expanding Microsoft monopoly.

Yours Truly
Steven P. Cornett
cornetts@siscom.net

MTC–00015120

From: Matt Burke
To: Microsoft ATR
Date: 1/23/02 8:08am
Subject: Microsoft Settlement Hello,

I would like to say that I oppose the settlement because it leaves open the possibility for many APIs to remain undocumented, if they are listed as ''only the interfaces between Microsoft Middleware and Microsoft Windows'' (Kegel). This seems like a loop-hole which will continue to prevent people who do not work for or contract with Microsoft from writing software which will tie-in well with the various Windows operating systems.

One example is remote applications. While Unix platforms employ the MIT X-Window system to allow gui applications to be interactively served over a network, the best Windows equivalent, VNC (by AT&T), is hideously slow and useless for serious work. The VNC website attributes blame for this in question 50 of the FAQ (at http://www.uk.research.att.com/vnc/faq.html#q50): ''Because Windows gives us fewer hints about what it's doing, and because we don't have the source code for Windows in the same way that we do for X, the WinVNC server has to work harder to find out what's changed, and so a really fast machine should make a big speed difference.'' The Linux version runs at a far higher speed on much slower hardware, due to the full availability of the display API used by Linux.

Please do not approve this settlement, as the most important aspect of it (API openness) is fatally flawed.

Thank you,
Matt Burke

MTC–00015121

From: Alan MacDonald
To: Microsoft ATR
Date: 1/23/02 8:11am
Subject: Microsoft Settlement

General veto on interoperability

In section J., the document specifically protects Microsoft from having to ''document, disclose or license to third parties: (a) portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria''

So, basically, they can develop a proprietary system, closed to competitors, and not have to tell them how it works when they have it represented ubiquitously on peoples desktops.

Hello? Competition?
rgds
Alan

MTC–00015122

From: Kevin Vargo
To: Microsoft ATR
Date: 1/23/02 8:10am
Subject: Microsoft Settlement

Dear Sir or Madam,

In today's society, technology is becoming more and more pervasive. Entering, and to some degree structuring, all aspects of daily life. As a Computer Science student, and now as a Computer Programmer professionally, I have a great deal of experience with the software/computer industry. I have recently graduated from Case Western Reserve University, and as a recent graduate, you can be assured that I have surveyed the field to find a company for which I would like to work. One which supports growth in the field as well as an acceptable pay range. The single greatest asset to my learning has been the Linux/Open Source movement. While I work for a company that prides itself on it's patents, I fully recognize the gains and pitfalls accompanying both. I feel that puts me in a decent position to make an educated suggestion on the current topic.

It is —integral— to the future of this field that a wise, far-reaching and Non-Political decision is made. For anyone who has any knowledge of the case, Microsofts blatant disregard for any laws or ethics (doctored video tape, etc) would cause any normal case to become speedily resolved. Why is this not the case for Microsoft? Unfortunately, I do not have any idea. This decision could very well change the entire face of the computer industry. Forever. I don't mean 10-years forever. I mean forever. Just as in research into Chemistry or Biology, so is research into Computer Science. The problem, however, is that Computer Science is not as well delineated into industry segments. Development of new methods and new proceedures occurs throughout the industry, regardless of labs and R&D plants.

Stifiling such growth is detrimental to the entire technology industry. A monopoly stiffles new growth. Microsoft has been found guilty, in a court of law, of maintaining their monopoly on the Operating Systems market. None of this has been disputed. The terms of the settlement, however, do absolutely nothing to change this situation.

Nothing.

There are several points which need to be addressed. The current grip on OEM providers needs to be addressed. To this end, Microsoft's licensing schemes need to be overseen, and further regulated. It is not enough, by virtue of Microsoft's own failure to respect Governmental Authority, to ask them to be nice. This has failed time and again. The choice of recieving a computer, etc, without the operating system of Microsoft needs to be enforced. A consumer purchasing a new system very rarely has the opportunity to do so—and Microsoft leverages their considerable monopoly to ensure that this remains the case. We have all seen the battle played out with various large-scale computer producers.

Microsoft should be forced to compete fairly and ethically with all comers. This should take the form of releasing specifications that are true-to-fact, up-to-date and follow the course of ''the truth, the whole truth, and nothing but the truth'' in restrictive language so that Microsoft cannot continue to hide functionality or mislead people about the nature of their software. This should be enforced on both the APIs of software for the Operating System, as well as the file formats for such things as Microsoft Word, Money, etc.

In no way does a quick settlement aid any consumers. In no way is a quick settlement a matter which ensures domestic tranquility or national security. However, a well determined and thought out solution which forces a company, proven in court of law to be in breach of Anti-trust law, proven time and again in the judicial world to be unethical and completely disregarding of the authority of the courts (doctored video) which ensures the possibility for continued growth throughout the industry, to the aid and betterment of all consumers is a matter which could result in domestic tranquility and national security. In todays world, economy makes a country. Microsoft controls technology which controls a great deal of manufacture and industry in this country. The effects are far reaching and deep.

Please, I implore you as a consumer in the field, a professional in the field, and as an enthusiast in the field, do not fail to make an appropriately corrective conclusion to this penalty phase. Ensure that Microsoft is legally bound, with heavy penalties that are without gray area, to compete fairly, according to the laws of this nation. To do otherwise would be to fail utterly, and render the courts decision about the illegality of maintaining a monopoly utterly meaningless. That is what is at stake.

Please take the time to consider.
Sincerely,
Kevin Vargo

MTC–00015123

From: Yodster
To: Microsoft ATR
Date: 1/23/02 8:09am
Subject: Microsoft Settlement

I don't believe the Microsoft settlement is fair. Microsoft is getting away with far too little a punishment.

Therefor I wish to file a complaint stating that the settlement is a bad idea.

MTC–00015124

From: jeff@jeff-jensen.com@inetgw
To: Microsoft ATR
Date: 1/23/02 8:09am
Subject: Microsoft Settlement

I would like to register my concern and disapproval with the proposed Microsoft Antitrust Settlement. I do not believe the proposed remedies will be adequate to deter or prevent future antitrust behavior.

An effective settlement will need to be more forceful to in preventing or detering unfair business practices. This could include breaking the company into an operating system company, a development tools company, and a package software company.

Jeff Jensen
11555 N. 60 St.
Omaha, NE 68152

MTC–00015125

From: Charles Barilleaux
To: Microsoft ATR
Date: 1/23/02 8:11am
Subject: Microsoft Settlement

Hi!

A am an IT professional, and a computing enthusist. In short, I regard myself as a ''geek,'' though it does afford me a comfortable living.

I wanted to voice my support of the settlement with Microsoft. It is time to get past that. While the creation of a standard platform may have been a battle that went above and beyond the principle of ''all's fair in love and war,'' it did create a standard. In the net, I feel that having a standard is good for consumers, commerce, and the economy at large.

Thank you,
Charles Barilleaux
Cincinnati, Ohio

MTC–00015126

From: Lawrence, Daniel G.
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 8:07am
Subject: Microsoft Settlement

My biggest problem with the proposed settlement is that it is not strict enough.

Have you read the recent .NET license agreement? It basically says that developers release FULL RIGHTS to Microsoft for ANY code developed using .NET. Basically, it means that microsoft will OWN the internet . . . if they can push people to use .NET's ASP2 functionality. If you're not technically saavy, Windows 2000 and ASP are far slower and less stable than BSD and PHP, but Microsoft has leading share; this smacks of powerful influence. When the influence of a company can be used in such a way as to LAY CLAIM TO ALL CODE, I believe that the company should be regulated as a monopoly.

-Daniel

MTC–00015127

From: vladimir@leonora.org@inetgw
To: Microsoft ATR
Date: 1/23/02 8:12am
Subject: Microsoft Settlement

Sirs,

I oppose the proposed settlement because it will not be effective in preventing Microsoft from the behavior deemed illegal by the Court of Appeals. Microsoft will merely stop their current practices and take up new ones which have the same effect.

The only remedies that will be effective are those that prevent Microsoft from engaging in the tactic known as ''ace and Extend''.[1] I think the remedies proposed by the Free Software Foundation[2] would prevent Microsoft from engaing in ''Embrace and Extend'' and would enable competitors to compete technically with Microsoft, while not preventing Microsoft from innovating. These remedies are:

1. Require Microsoft to publish complete documentation of all interfaces between software components, all communications protocols, and all file formats.

2. Require Microsoft to use its patents for defense only, in the field of software.

3. Require Microsoft not to certify any hardware as working with Microsoft software, unless the hardware's complete specifications have been published.

Thank you.

—- Vladimir

I am a U.S. citizen.

[1] Microsoft is well known for its ''embrace and extend'' strategy, in which it adds elements to popular technologies to bind users to its version of the technologies.

—http://www.salon.com/tech/log/2000/05/11/slashdot—censor/

[2] http://www.gnu.org/philosophy/microsoft-antitrust.html

Vladimir G. Ivanovic
2770 Cowper St.
Palo Alto, CA 94306–2447
http://leonora.org/vladimir
vladimir@acm.org
+1 650 678 8014

MTC–00015128

From: Rand Partridge
To: Microsoft ATR
Date: 1/23/02 8:09am
Subject: Microsoft Settlement

I disagree with the proposed settlement of the Microsoft Anti-trust case. Continue litigating, to obtain a more competitive computing industry that will truly benefit consumers.

Rand Partridge
Rand Partridge, Ph.D.
Social Science Department
PartridgeR@hutchcc.edu

MTC–00015129

From: Gerald (Jerry) Rudolph
To: Microsoft ATR
Date: 1/23/02 8:11am
Subject: Microsoft Settlement

I think the proposed settlement will cause harm to the software industry.

Gerald Rudolph, PhD
1038 Corley Mill Road
Lexington, SC 29072

MTC–00015131

From: Peter Stephen Erskine
To: Microsoft ATR
Date: 1/23/02 5:12am
Subject: Microsoft Settlement

Please may I say that I feel the proposed settlement is very unsatisfactory for the public. Microsoft have recently demonstrated dishonesty and predatory anticompetitive practices in the Corel case. They destroyed competing software completely (all the Corel office products) by shutting down Corel.

By offering to give Microsoft-based computers to schools they are magnifying their existing monopoly grip. School pupils need to learn other operating systems and languages—those such as Java and C++ which are designed from the outset to work with ALL computing environments. If you let schools have Microsoft stuff, its designed to NOT WORK with other platforms. This is pretty useless nowadays as the decent servers are Unix based.

Microsofts monopoly over users desktops has all but strangled innovation in computer science.

They have not done anything innovative since 1992 (and even that was questionable as all the concepts were stolen).

Peter Erskine

MTC–00015132

From: John Mignault
To: Microsoft ATR
Date: 1/23/02 8:12am
Subject: Microsoft Settlement

As an American citizen, I urge you to reconsider the all too insufficent remedies proposed in the pending settlement with Microsoft. Microsoft is a dangerous monopoly that has stifled true innovation and competition in the software marketplace for years. Its products enjoy no higher endorsement than volume; they are thoughtless mediocrities designed with barely sufficient functionality in order to quickly capture market share and entrap users in a endless cycle of upgrades. These upgrades supposedly fix problems in software that should not have been present at the time of purchase. To ask that the consumer continue to pay for such repairs borders on fraud.

I ask you to reconsider the settlement to ensure that Microsoft is unable to continue its shameful victimization of the software industry.

MTC–00015133

From: Charles R. Tersteeg
To: Microsoft ATR
Date: 1/23/02 8:11am
Subject: Microsoft Settlement

I think it is a bad idea.

Have a 3rd party without Microsoft, draft one. Maybe guys from IBM, AT&T, RedHat, and Mac could form a committee and have a settlement or I say nothave them pay.

MTC–00015134

From: Brad Garcia
To: Microsoft ATR
Date: 1/23/02 8:16am
Subject: Microsoft Settlement

I don't believe the settlement does enough to punish Microsoft. Nor does it seem to do

enough to encourage competition. I'm afraid that this settlement will do little to change Microsoft's current predatory business practices.

I have read through the settlement, as well as several essays that others have written analyzing the settlement. I will be signing my name to one of the better ones I have read.

Sincerely,

Brad Garcia

MTC–00015135

From: Rob Compton
To: Microsoft ATR
Date: 1/23/02 8:12am
Subject: Microsoft Settlement

Hello,

I would just like to voice my opinion that I feel the proposed Microsoft settlement is not in the best interest of the people and in fact help Microsoft more than encourage it to not practice predatory behavior in the future.

As a systems manager in an educational system the thought of a company taking used computers and software that it makes inflating the value of both and giving it to schools who may need different tools, resources, or money does not seem helpful. Not only does it give Microsoft inroads into a market it has not been able to dominate, but it allows the company to ''buy out'' of its settlement for pennies on the dollar.

Microsoft has proved that it has no intention of changing its behavior by ignoring previous court orders. The only way to stop this kind of behavior is to completely change its corporate structure, as for how to do this ? I don't have a complete answer for this. I would suggest much smaller independent companies being formed from the whole that is Microsoft.

If my views or opinions can be of further assistance to you feel free to contact me. Thank you for giving me the opportunity to voice my feelings in this matter.

Sincerely,

Robert C Compton

Projects Manager, Arts & Sciences Computing

Washington University, in St. Louis

314.935.5684

MTC–00015136

From: v2krause@btv.ibm.com@inetgw
To: Microsoft ATR
Date: 1/23/02 8:13am
Subject: Microsoft Settlement

Settlement is bad for people but good for microsoft.

Say NO!!!!!

MTC–00015137

From: Jim Tatz
To: Microsoft ATR
Date: 1/23/02 8:03am
Subject: Microsoft Settlement

The settlement is TOO kind to Microsoft.

MTC–00015138

From: L. Michael Roberts
To: Microsoft ATR
Date: 1/23/02 8:14am
Subject: Microsoft Settlement

NO to the Microsoft settlement

Even after being found guilty of being a monopoly, Microsoft's behavior has not changed.

Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will work.

Microsoft must be required to all consumers to use any and all software that suits their needs and not force us into using Microsoft software.

L. Michael Roberts

MTC–00015139

From: Softguides
To: Microsoft ATR
Date: 1/23/02 8:14am
Subject: Microsoft Settlement

The current Microsoft Settlement is the WRONG approach and is a VERY BAD IDEA

Please rethink and take account of testimonies not only of individuals but of companies and technologies damaged by malpractice, such as Apple's Quicktime.

MTC–00015140

From: Jeff Amfahr
To: Microsoft ATR
Date: 1/23/02 8:14am
Subject: Microsoft Settlement

I wish to comment on the proposed Microsoft settlement. I do not feel it properly address the actions of Microsoft, nor that it allows for proper enforcement of the proposed actions. I would strongly encourage you to look at far more aggressive and punishable actions in order to correct their egress behavior. Thank you.

Jeff Amfahr

MTC–00015141

From: leber@voicenet.com@inetgw
To: Microsoft ATR
Date: 1/23/02 8:14am
Subject: Microsoft Settlement

NO! The proposed settlement is a bad idea. Vote it down! Microsoft is strangling the world of Information Technology. Set things right now!

-Tom Leber

Wyndmoor, PA

leber@voicenet.com

MTC–00015142

From: Martin E O'Mara
To: Microsoft ATR
Date: 1/23/02 8:14am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. As a small business owner who services home office and small office computers, I find many Microsoft's licensing practices for computer owners into products they neither need nor want (such as Internet Explorer and Outlook).

It is my wish that the not accept the current settlement.

Thank you,

Martin O'Mara

PCright, Inc.

2006 Old Greenbrier Rd.

Ste 1-D

Chesapeake, VA 23320

757–424–3926

MTC–00015143

From: Hotmale
To: Microsoft ATR
Date: 1/23/02 8:15am
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea! Please do not allow the biggest thieves in history to get away with it!

MTC–00015144

From: Ken Beyer
To: Microsoft ATR
Date: 1/23/02 8:12am
Subject: Microsoft Settlement

I am writing this email to voice my opinion under the Tunney Act about the proposed Microsoft Settlement.

I feel the settlement is a disgrace to American business and free competition as a whole, and will result in Microsoft returning to their ways of being monopolistic and to crushing competitive threats and open ideas.

I feel the company should have been penalized harsher and should have been split up, and even some executives should have served some jail time. Microsoft must open it's APIs to all developers well in advance of major releases of their operating systems and development tools. By not doing so, they clearly have an unfair advantage to develop superior products in advance of competitors as well as allowing businesses they so choose to have the same advantages.

The free market, not Microsoft, should be able to decide the fate of emerging technologies.

As I read the settlement (note that I'm not a lawyer, nor do I have 20 hours to wade through 100's of pages of documents), I also feel that there are no provisions in place to closely monitor Microsoft from returning to their ways. I feel that there should be people dedicated to this effort—to watch them like a hawk, so unfair practices don't return.

For what it's worth, I went on an interview at MicroWarehouse, and I asked why they deploy all their server stuff on Microsoft. They said because Microsoft gives them freebies to use, and why should they not take advantage of that rather than go buy stuff from Sun, HP, etc. They said that if they help push Microsoft products, they get the kickbacks. This little tidbit I learned, along with having to buy a PC with Microsoft products bundled on it has very much annoyed me!! Then there's the whole squashing of Netscape, and other strong tactics of buying up competitive threats.

It's quite annoying to see Microsoft basically get off ''scott free'' with this settlement. But more importantly, I envision that over time the world will continue to be Microsoft dominated and will control innovations through continued strong-arm tactics and illegal/crafty partnerships. America deserves better than that . . . we deserve to have open and fair competition in the software marketplace.

—

Ken Beyer

Software Developer—Metatec International, Inc.

32 Highland Dr.

Jackson, NJ 08527

MTC–00015145

From: Perkins, Dennis
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 8:17am
Subject: Microsoft Settlement

One problem with Microsoft is that they change their document formats and API's with every release. Rather than requiring them to make a version of Office available for Linux, require them to publish the document formats for Word and Excel, and the networking protocol for SMB, as well as for any open standard they have modified, such as Kerberos. Require that this be done concurrent with, or prior to the product release. This would make it possible for companies and governments to standardize their systems on standards instead of on Microsoft products.

MTC–00015146

From: Jeffrey A Angielski
To: Microsoft ATR
Date: 1/23/02 8:16am
Subject: Microsoft Settlement

I think the proposed settlement is a very bad idea and does nothing to stop the monopoly that Microsoft has on the software industry.

MTC–00015147

From: Horanburg, Chadd (ISS Southfield)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 8:15am
Subject: Microsoft Settlement

Hello,

I would like to voice my opinion over the proposed Microsoft Settlement. Too many times has Microsoft used it's power and money to do whatever it wants, it's time that we sent a message and made them pay for their crimes. Chadd

Chadd M. Horanburg
Internet Security Systems
Managed Intrusion Detection Systems,
Intrusion Detection Technician
3000 Town Center Dr
Suite 1100
Southfield, MI 48075
P. 877–563–8739 F. 248–352–0301
choranburg@iss.net

MTC–00015148

From: arthur foelsche
To: Microsoft ATR
Date: 1/23/02 8:17am
Subject: Microsoft Settlement

The proposed settlement is a really really bad idea. It totally fails to deal with the issue at stake and does nothing to prevent Microsoft from doing anything in the future. Please do not allow Microsoft to get away with their practicies

MTC–00015149

From: Ajay Shekhawat
To: Microsoft ATR
Date: 1/23/02 8:17am
Subject: Re: Microsoft Settlement

Dear Sir/Madam,

I am vehemently opposed to any settlement with Microsoft Corp. which allows them to walk away without paying severe fines, and without reforming their ways. Microsoft should be punished severely, just like any person would in such a case.

Please do NOT settle with Microsoft.

Sincerely,
Ajay Shekhawat
Buffalo, NY

MTC–00015150

From: Paul Varga
To: Microsoft ATR
Date: 1/23/02 8:17am
Subject: Microsoft Settlement

I'm somewhat bewildered with by how the current actions are going to prevent Microsoft from continuing to bully the market, expand its monopoly to new ones, and trample innovation.

Being a programmer, I have to keep an eye on this situation more than most. Some of the arguments that I've read that I agree with restrict the following areas:

—For better or for worse Microsoft's software has become largely dominant. The business market was taken more than most. To free this entrapped market the easiest solution appears to be releasing the source code to Microsoft's file loading and saving routines. Failing this, a full tried-and-true set of documentation would help. Some of this source code would be in the Windows API, which should be considered for opening as well. In either case, updated source code or documentation should also be released in upcoming years to maintain the effectiveness of this measure. Doing this would alleviate issues with Word Processors, Spread Sheets, Presentation, and Audio/Visual Multimedia formats. That's a large effect for seamingly such a small change.

—Although this is less often thought of the network protocols behind Windows and much of Microsoft's software is a barrier at least as large as Microsoft's file formats. The already existant formats are largely conquered by independent and inquiring minds. The one exception that I know of is Microsoft's DirectPlay, part of DirectX. The protocol documentation behind this released to the public as well.

However, that does not protect the future. Microsoft should be barred from writing protocols that are not open and standardized by internation bodies in the future. Making this enactment retroactive (applying to all existant protocols) would also aid our efforts to make the work seamless and give people choice.

—Microsoft should not be able to so easily bundle its products with new computers that are sold. Not only would this give a chance to competing operating systems, it would lower the effectiveness of Microsoft's ''bundle to make dominant'' strategy with its Windows included products.

Thank you for your time,
Paul Varga

MTC–00015151

From: faisal
To: Microsoft ATR
Date: 1/23/02 8:17am
Subject: Microsoft Settlement

I have read over the proposed Microsoft Settlement, and am NOT in favor of it, in its current state. The settlement does not, in any way, penalize Microsoft for its past infringements of the law. For many years, OEMs have been under control of this corporation, and simply ''formalizing'' this law in a document is not enough. Microsoft has been declared guilty of past wrongs, and must now be held accountable in some measure. The current proposed settlement is unacceptable. Thank you for your time.

Sincerely,
Faisal Rahman
6118 breezewood ct #102
greenbelt, md 20770

MTC–00015152

From: Mike Spenard
To: Microsoft ATR
Date: 1/23/02 8:17am
Subject: Microsoft Settlement

Hi, I am a computer software engineer and I would just like to voice my opinion that the microsoft settlement in my eyes will make things worse. From what has been settled apon it would make such (free) software projects such as Samba illegal or what not. This is a grave injustance for the computing community.

thanks
Mike Spenard
Signull technologies.

MTC–00015153

From: Brent Laminack
To: Microsoft ATR
Date: 1/23/02 8:17am
Subject: Microsoft Settlement

Dear Sirs,

I'm opposed to the Proposed Microsoft Settlement on a number of points. First, let me state that I work part-time as an instructor at the Georgia Institute of Technology's College of Computing. I have twenty years experience in the computer field.

To summarize my objections, the proposed settlement simply doesn't give other software companies enough information to compete. The proposed settlement opens up some ''middleware'' APIs. This is simply inadequate. In order to be truly effective, the settlement must require Microsoft to open all APIs and file formats for all their products, along with all hardware interface specifications they exchage with hardware manufacturers. Microsoft must also provide these APIs and interfaces to everyone who wants them. The current settlement allows Microsoft to provide these only to companies that they deem to be a viable business. Therein lies the proverbial Catch-22. Without the APIs and hardware interfaces, no other company could ever become a viable business.

One other note, the three-person oversight committee must be made of people selected by Microsoft competitors, not Microsoft. Otherwise Microsoft becomes its own policeman.

In short, I believe the proposed settlement does essentially nothing break up the Microsoft monopoly and relieve the consumer.

Thank you for your consideration,
Brent Laminack (brent@cc.gatech.edu)

MTC–00015154

From: Clark Nova
To: Microsoft ATR
Date: 1/23/02 8:17am

Subject: Microsoft Settlement

Wednesday January 23, 05:36AM

I'm writing this email under the auspice of the Tunney Act, and to give voice to my long standing concern that Microsoft has, and continues to act as a criminal, monopolist empire, and will do so in the future if appropriate action is not taken.

The foundations of Microsoft's corporate structure were laid on the work of countless, unsung programmers it defrauded, scammed, and conned into writing system components for them under contract and then used legal and financial leverage to break these contracts, leaving their developers penniless.

Microsoft has been sued successfully for using the copyrighted code from other systems, so this is not in dispute. By stealing the best that countless fine minds had to offer, by strong-arming PC distributors into exclusionary contracts, and by exploiting prejudice and promoting ignorance, Microsoft built a commercial empire that threatens to cheapen, if not demolish some of the greater technological strides made in the last two decades.

It is my belief, born of years of the observation of trends in the computing industry, that Microsoft is quietly plotting to turn the personal computer, an instrument with the power to change human thought, work, and life for the better, to make mankind smarter as it were, into a sort of complex version of the television. Instead of the information processing power of commercial PC systems belonging to their owners, Microsoft is pre-emptively taking control of the consumer PC and turning it into a sort of super-marketing engine, designed to gather and disseminate ever more personal data, and bombard computer users with ever more sophisticated advertising. Indeed, aspects of this plan can already be seen in the latest editions of Microsoft operating systems. ESPECIALLY their XP operating system, which was rushed in development and released early for no other reason than to evade your court's justice.

These ''features'' detract from, and degrade computer performance in much the same way that a gasoline company would weaken the performance of your car by bolting heavy billboards to the side of it. Microsoft partnerships with hardware developers like Intel (often thought of as Microsoft's partner in crime by members of the engineering world) only further expedite this process of degrading our valuable technology. The American people should not have to fight this insidious, deliberate trend. Indeed, it shouldn't even be an issue. However, the greed, corruptibility, and maniacal disregard for the public good of a few powerful men has forced us into this position.

It is my understanding that the anti-trust laws that Microsoft has been successfully prosecuted under were written with the primary intent of dissolving the mob-like power of the meatpacking and steel producing conglomerates of the early part of the last century. The context may have changed but the struggle is the same. These laws were not designed to deliver a slap on the wrist to the offenders. They were written to break utterly the stranglehold that these companies had on large segments of the American working and purchasing population. Please, do not beat the aging sword into a useless flyswatter. I implore your court to render a judgment that cripples Microsoft's power to aggrandize it's own corporate edifice at the expense of the public good. A few suggestions toward achieving this end within the power of your court:

1. That Microsoft be barred from making exclusive license agreements that limit the freedom of PC distributors to sell competing software and operating systems.

2. That Microsoft be barred from ''integrating'' non-essential software packages such as browsers and email clients into their operating systems. Indeed, it may be most practical to simply wrest the research and development parts of the company that design non-essential software away from the parent, and require that they operate autonomously.

3. That Microsoft be required to release their windows source code, or at least the technical developer's information for it into the public domain. as it stands, the proprietary secrecy that enshrouds their code does not act to protect a highly advanced technology from usurpation. Microsoft's operating systems are actually notorious for being the BOTTOM of the industry's standards. No. The only thing that is protected by the cloak of secrecy that surrounds the cores of their operating systems is Microsoft's power to control of who is, and who is not allowed to develop software for their systems.

4. That Microsoft be required to pay restitution to its defrauded developers, and that a standing judicial panel be formed to arbitrate the thousands of potential claims that this action would engender. Please take these words to heart. There has been rumor that Microsoft is using this same Tunney Act avenue to canvas your court with it's own propaganda. This is sure to confuse, confound, and further weaken any action that might be taken against them. Microsoft is a criminal commercial empire and always has been. Its aim is further concentration of financial capital and computing power into itself, and it has little to no regard for the welfare of the computer-reliant public.

Sincerely,

Daniel L. Swartzendruber

MTC–00015155

From: khorton@dante.imagelinks.com@ inetgw
To: Microsoft ATR
Date: 1/23/02 8:18am
Subject: No to Microsoft settlement

To whom it may concern:

Microsoft's proposed settlement is a slap in the face of American justice.

Kenneth J. Horton

Indian Harboun Beach, Florida 32937

MTC–00015156

From: Matt Christoff
To: Microsoft ATR
Date: 1/23/02 8:04am
Subject: Microsoft Settlement

The settlement is a bad idea. A breakup is the only solution to restore competition. There can be no effective solution that doesn't solve the problem of the operating systems complexities being withheld from competing companies who create windows software. These competing companies are always at a hopeless disadvantage. They attempt to compete against the hand that can choose to feed them the information they need to compete, or not to feed them the information. What would anyone do in Microsoft's situation? Not give the potential competitor the information they need to successfully compete with Microsoft of course. With their regular abuse of this power which is decidedly in violation of the Sherman Anti Trust Act, Microsoft's software invariably comes out looking superior when in fact, if they had not withheld the information, they would be on equal footing with other companies developing business solutions, and would no longer be able to create the illusion of superior workmanship and innovation. But why would a corporation whose primary concern is the bottom line share that information?

They will not.

MTC–00015157

From: Paul Varga
To: Microsoft ATR
Date: 1/23/02 8:18am
Subject: Microsoft Settlement

I'm somewhat bewildered with by how the current actions are going to prevent Microsoft from continuing to bully the market, expand its monopoly to new ones, and trample innovation.

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—Although this is less often thought of the network protocols behind Windows and much of Microsoft's software is a barrier at least as large as Microsoft's file formats. The already existant formats are largely conquered by independent and inquiring minds. The one exception that I know of is Microsoft's DirectPlay, part of DirectX. The protocol documentation behind this released to the public as well. However, that does not protect the future. Microsoft should be barred from writing protocols that are not open and standardized by internation bodies in the future. Making this enactment retroactive (applying to all existant protocols) would also aid our efforts to make the work seamless and give people choice.

—Microsoft should not be able to so easily bundle its products with new computers that are sold. Not only would this give a chance to competing operating systems, it would lower the effectiveness of Microsoft's ''bundle to make dominant'' strategy with its Windows included products.

Thank you for your time,
Paul Varga

MTC–00015158

From: (126) (b)
To: Microsoft ATR
Date: 1/23/02 8:18am
Subject: Microsoft Settlement

Regarding the Microsoft settlement, I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundred, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices. Similar to the settlement against AT&T, Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level (40%, for example, assuming one of it's competitors is now also at 40%).

This must be true for all Microsoft product lines, before regulation is lifted.

Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Imagine the damage to the United States if Microsoft were to fail, as Enron failed. The risks of a monopoly are greater than merely the loss of competition.

Thank you for your time.
Matt Turnipseed
0134 Rutherford Hall
Athens, GA 30609

MTC–00015159

From: Daniel Wright
To: Microsoft ATR
Date: 1/23/02 8:18am
Subject: Microsoft Settlement

The proposed Microsoft settlement is bad and should not be accepted.

MTC–00015160

From: jewell@SEISMICMICRO.com@inetgw
To: Microsoft ATR
Date: 1/23/02 8:16am
Subject: Microsoft Settlement

Good morning,

I work as a consultant developing Microsoft Windows applications. In the past, I've wached Microsoft abuse their dominant/monopoly position in the industry. Looking at the proposed settlement where Microsoft gets to seed computers in schools as a ''punishment'' is beyond just wrong... it's offensive to me.

I don't believe the settlement will lead to any positive result.

Sincerely,
James Ewell
45 Hollingers Island
Katy, TX 77450

MTC–00015161

From: Joshua P Harley
To: Microsoft ATR
Date: 1/23/02 8:18am
Subject: Microsoft Settlement

Regarding the Microsoft settlement, I do NOT believe that the current proposal penalizes Microsoft in any way.

Microsoft is a very large and overbearing monopolistic company, so you need to provide very large and overbearing penalty.

The current proposal is way too narrowly defined, giving Microsoft every chance to by pass this attempt at a ''punishment''.

Sincerely,
Joshua Harley
5009 Pioneer Drive
Lafayette, IN, 47905

MTC–00015162

From: Thibault, Steven
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 8:09am
Subject: Microsoft Settlement

This proposed settlement seeks to put Microsoft under restrictions for a time period and if they do not follow the restrictions the time period is extended. What is going to make Microsoft stop doing what has been decided to be in violation of the Sherman Antitrust act if they will simply be put under restrictions of the kind that they have not followed before. Also if they don't follow the restrictions in the first time period, what will extending the time period of those restrictions do. They will just be in violation of the restrictions longer. Still nothing will have changed and nothing is stooping Microsoft from using its monopoly in an anti-competitive way.

I would hope the Department of Justice will seek a way to truly make Microsoft realize that they should not do the things that have been decided as wrong. If I had a chance to decide I know that putting a some sort of large fine on them will definitely make Microsoft at least listen, and think of what can be done with that money. It could be given to schools in the form of grants to help them get caught up in technology. I could be donated to universities for advancing research, or even ease the cost of securing our country from terrorists which is on the front of all our minds after the recent events.

Steve Thibault
Concerned citizen and concerned Software developer.
Steve Thibault
Consultant in Engineering Systems
Engineering Systems—IS Norwood
steve.thibault@fmglobal.com
781–440–8474

MTC–00015163

From: Chris Cleary
To: Microsoft ATR
Date: 1/23/02 8:19am
Subject: Microsoft Settlement

Your Honor,

Microsoft Corporation is a successful company, providing to me as an individual consumer an excellent product. I had the personal choice to purchase other products, other software, and other computers; I chose not to. I selected my computer and loaded my software on it.

From my perspective, I have no problem with Microsoft. It does appear as if its competitors do have a problem with Microsoft's success since they originated the action. If these competitors had shown to me that their product was superior to the Microsoft product and a better value, I would have purchased theirs.

However, based upon my personal needs and situation, the Microsoft product satisfied it better and completely.

As an agent of the government and the government itself, the primary responsibility you have is to protect the property of a citizen. Do so in this case, leave Microsoft's property alone, leave Bill Gates, a model for success for generations of people, and his property in tact, and, most importantly, stay away from my property.

Thank you,
Chris Cleary
Fairfield, OH
CC:letters@capitalismmagazine.com @ inetgw,activism@mor. . .

MTC–00015164

From: Tucker, Phil
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 8:22am
Subject: Microsoft Settlement

its a bad Idea

MTC–00015165

From: Matt Christoff
To: Microsoft ATR
Date: 1/23/02 8:07am
Subject: Microsoft Settlement

The settlement is a bad idea. A breakup is the only solution to restore competition. There can be no effective solution that doesn't solve the problem of the operating systems complexities being withheld from competing companies who create windows software. These competing companies are always at a hopeless disadvantage. They attempt to compete against the hand that can choose to feed them the information they need to compete, or not to feed them the information. What would anyone do in Microsoft's situation? Not give the potential competitor the information they need to successfully compete with Microsoft of course. With their regular abuse of this power which is decidedly in violation of the Sherman Anti Trust Act, Microsoft's software invariably comes out looking superior when in fact, if they had not withheld the information, they would be on equal footing with other companies developing business solutions, and would no longer be able to create the illusion of superior workmanship and innovation. But why would a corporation whose primary concern is the bottom line share that information?

They will not.

MTC–00015166

From: Paul Marcus
To: Microsoft ATR
Date: 1/23/02 8:20am
Subject: Microsoft Settlement

the settlement as it stand is a bad idea because it doesn't fully address the problem in a couple of areas. 1. the monopoly is still in effect. 2. It does nothing to take Microsoft's stranglehold off the PC market. 3. ''Free software'' by Microsoft does basically

nothing as far as damages. I am totally against the judgement as it stands.

Paul Marcus

MTC–00015167

From: Thibault, Steven
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 8:10am
Subject: Microsoft Settlement

I don't like the settlement. I think it is a bad idea.

Steve Thibault
Consultant in Engineering Systems
Engineering Systems—IS Norwood
steve.thibault@fmglobal.com
781–440–8474

MTC–00015168

From: kraxzor
To: Microsoft ATR
Date: 1/23/02 8:20am
Subject: Microsoft Settlement

Hello,

I am writing this e-mail to voice my concern with the proposed Microsoft settlement. First of all, too little too late. Microsoft has been abusing its position as a MONOPOLY for YEARS. First it was Apple, then it was Netscape who's next? It is unfortunately not common knowledge that Microsoft integrated their browser in to their OS there by completely by-passing the need for an alternative, and that was only AFTER they gave it away for free (the browser) which they could afford to. Where as Netscape could not.

Next on the long list of issues is Apple, where on earth do you think Windows got its GUI guidelines from? And it continues to do so just look at MacOS X and Windows XP (one was released about one year before the other, it is needless to say which). Look at QuickTime for Windows, look at Java for Windows, look at OpenGL for Windows, all technologies made by third-parties that have been muscled out by Microsoft. But there is little that can be done about some things so far back in computer history. However we can prevent it form happening in the future. Microsoft's monopoly must be terminated, sharply, very near in the future before more technologies are strangled by this giant.

Although I feel that ALL of the propositions to settle the case are INSUFFICIENT I believe at the very least the company should be broken up in to smaller divisions and fined. In particular seperate the browser for the OS and any add on technologies.

Thank you for reading/listening,
N Stefanov

MTC–00015169

From: proberts@gargoyle. users.patriot.net@ inetgw
To: Microsoft ATR
Date: 1/23/02 8:21am
Subject: Microsoft Settlement

Dear Sir or Madam,

I believe that the proposed settlement with Microsoft is an extremely bad idea. The proposed settlement does nothing to hinder Microsoft from repeating its past abuses of monopoly power and indeed rewards them with an increased user base in the educational market.

Paul D. Robertson

Paul D. Robertson ''

My statements in this message are personal opinions which may have no basis whatsoever in fact.''

proberts@patriot.net

MTC–00015170

From: James Jones
To: Microsoft ATR
Date: 1/23/02 8:20am
Subject: Microsoft Settlement

I hope that you will reject the toothless settlement of the (current) Microsoft antitrust trial; it sounds good in some ways, but the devil is in the details:

—The disclosure requirements very carefully let Microsoft avoid disclosure to Open Source software writers, who are a major source of alternatives to Microsoft products.
—Concerns have even been raised that the language of the settlement allows Microsoft to evade disclosure of its API (Application Program Interface). Microsoft has in the past modified its API as implemented in win32s.dll with the sole intent of breaking compatibility with OS/2, and it has considerable motivation to make similar changes with the sole goal of breaking compatibility libraries such as WINE, Odin, and competing products such as Lindows.
—The settlement does nothing to prevent Microsoft's ''embrace and extend'' tactics that allow it to subvert public standards and perceived threats such as Java.
—The settlement does not prevent Microsoft from retaliating against OEMs that wish to offer computers without any operating system so that the purchaser may choose whatever operating system he or she wishes to run.
—The settlement does nothing to allow competing software to use files with proprietary Microsoft formats, such as Microsoft Word (.doc) files.

Microsoft is notorious for blatantly ignoring prior antitrust settlements, and I have no reason to suppose that it will not do the same with this one.

James Jones
9557 University #14
Clive, IA 50325

MTC–00015171

From: Ben Snyder
To: Microsoft ATR
Date: 1/23/02 8:21am
Subject: Microsoft Settlement

The following statements about the Microsoft-DOJ settlement are submitted under the provisions set forth by the Tunney Act.

Section III.D:

According to the settlement, Microsoft must disclose ''via the Microsoft Developer Network (''MSDN'') or similar mechanisms, the APIs and related Documentation that are used by Microsoft Middleware to interoperate with a Windows Operating System Product.''

It should be made known that the least expensive, also the most basic, MSDN subscription is approximately $200. This may be cost prohibitive to an extremely small software firm, and possibly even more so to an individual who may desire to develop software for the Windows Operation Systems. If someone were developing software for free distribution, it is doubtful the individual would be able to justify the cost of obtaining the documentation for the APIs.

Section III.J.1:

According to the settlement, Microsoft will not be required to ''document, disclose or license to third parties: (a) portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of a particular installation or group of installations of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria.''

Who decides if the APIs in question fall into these categories? If there is no requirement to even document the existence of these APIs, then their existence and purpose may be perceived differently by each individual, and therefore there is no consensus on if the APIs in question fall into the categories listed above.

Overall, it can be said that the settlement overly favors business, even the defendant is given too much favor in some cases. By favoring business rather than the populace, the monopolistic characteristic of difficulty in entering the market still exists, making it difficult for a small firm or individual from competing fairly.

MTC–00015172

From: Timothy Lawless
To: Microsoft ATR
Date: 1/23/02 8:20am
Subject: Microsoft Settlement

I belive that the proposed settlement to the Microsoft Antitrust case is an incomplete solution that will not resolve the underlying businuess practices that have choked out competition out of the PC software markets.

Specificly:

I. The definition of the ''Windows Operating System Product'' is too narrowly defined, and will thus permit microsoft to leverage their past wrongs by slightly changing their Operating System product to fall outside of the definition.

It is proposed that Definition ''U.'' should read: ''Windows Operating System Product'' means any software or firmware code distributed commerically for given away free of charge by Microsoft that is capable of executing any subset of the Win32 APIs or a deritive thereof, including with out exclusion Windows 2000 Professional, Windows XP Home, Windows XP Professional, Windows XP Tablet PC Edition, Windows CE, Pocket PC 2002, and successors to the forgoing, including the products currently code named ''Longhorn'' and ''Blackcomb'' and their successors, including upgrades, bug fixes, service packs, subscriptions, etc.

II. Section E Permits mircoroft to develop propritary APIs for Microsoft products that will enable those products to have an unfair competitive advantage over published, likely less efficient APIs.

It is proposed that Section E be ammended by striking: for the sole purpose of

interoperating with a Windows Operating System Product'' and inserting: for the purpose of interoperating with a Windows Operating System Product or with application software written for Windows,

III. Section III, A, 2 of the Proposed final judgement is worded in such a way that will allow Microsoft to use pricing arrangements to force vendors to continue to sell Micorosft loaded hardware, when other competitive opperating systems are present. It is proposed the section be ammended by adding: or (c) includes a non-Microsoft Operating System but no Microsoft Operating System Product; or

Again, I belive that the settlement is Bad for the Public, Bad for the Compitition, and only good for Microsoft. I urge you to throw out the proposed settlement.

Tim Lawless
Security Consultant,
Sterling VA, 20165

MTC–00015173

From: Jaysyn
To: Microsoft ATR
Date: 1/23/02 8:21am
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea. They have been hurting small companies like the one I work for by disallowing cometition on the desktop. They should go to corporate prison for a few years.

Thanks
Jason Collins

MTC–00015174

From: Chris Peterson
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 8:20am
Subject: Microsoft Settlement

After reading the proposed Microsoft settlement, I feel this does not address all of the issues that pertain too the real world effects of Microsoft's anti-competitive practices. I feel the judgment needs to be revised in favor or a more strict proposal against Microsoft, one which would allow better competition. Thank you for taking the time to read my opinion!

Chris Peterson
Gainey Transportation
IS Department
1–800–669–8658 ext 286
cpeterson@gts.gaineycorp.com

MTC–00015176

From: Steve
To: Microsoft ATR
Date: 1/23/02 8:21am
Subject: Microsoft Settlement

You Honor,

The settlement offer by Microsoft (MS) I consider an insult to the court. Per my understanding there's supposed to be a penalty, but in actuality is, in my professional opinion, a huge business opportunity for MS. MS should not give away free CD's for pennies on the dollar only to have a hole new market opened up for them in five years.

A much better solution, as offered by RedHat, is to have MS spend the same amount buying computers for the schools. Then, RedHat will donate not only the Operating System for free, for life. But also lots of software that can be used in any fashion the schools feel.

This would then create about 70 computers per school rather than the 30 MS solution would.

Sincerely,
Steve Szmidt

MTC–00015177

From: Paul Lupa
To: Microsoft ATR
Date: 1/23/02 8:21am
Subject: Microsoft settlement

Sirs,

As an End user and small reseller of MicroSoft products. The terms of the settlement are not acceptable, nor do they preclude MicroSoft from continuing in it's current mode of Monopolistic behaviour.

Please! this settlement is not good for Me, The computer industry, The US.

I have been hurt by MicroSofts practices and the proposed settlement will NOT address the problem.

Thanks,
Paul Lupa

MTC–00015178

From: Wayne Wylupski
To: Microsoft ATR
Date: 1/23/02 8:23am
Subject: Microsoft Settlement

Dear Sirs:

The proposed Microsoft settlement does not go far enough to prevent Microsoft from engaging in monopolistic practices. The proposed settlement does not consider competing operating systems that are Windows compatible.

This Proposed Final Judgement should not be adopted without substantial revision.

Wayne Wylupski

MTC–00015179

From: Jim Hurd
To: Microsoft ATR
Date: 1/20/02 10:26pm
Subject: Microsoft Settlement

I do not agree with the proposed settlement. I support Dan Kegel's remedy at http://www.kegel.com/remedy/remedy1.html.

Jim

MTC–00015180

From: Richard C Hutchison
To: Microsoft ATR
Date: 1/23/02 8:23am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Richard C. Hutchison, CQIA
Student, George Mason University
Fairfax, VA

MTC–00015181

From: Ric Conley
To: Microsoft ATR
Date: 1/23/02 8:28am
Subject: Microsoft Settlement

The settlement is a bad idea. It will not stop Microsoft's behavior at all.

Richard Conley

MTC–00015182

From: Jason Giglio
To: Microsoft ATR
Date: 1/23/02 8:22am
Subject: Microsoft Settlement

Dear Sirs,

As a worker in the computer field, I am in daily contact with many computer software products. Computers continually amaze me at what they are capable of doing. I am lucky, though; I am savvy enough to be able to seek out alternatives to Microsoft products.

There are millions of other people who use computers, but who are not savvy enough to install their own Operating Systems. Those people just use what comes on the computer, and don't see the other options.

This is a direct result of Microsoft abusing their monopoly power in pressuring OEMs to give them exclusive deals, and pressuring OEMs to exclude any other options on the desktop.

This, however, is just the tip of the iceburg. I am continually confronted with minor ways that MS abuses their monopoly power, ways that less computer savvy people never notice.

One example is the Starband Internet service. Microsoft is a large investor in Starband, and the influence shows. It is impossible to use an operating system other than MS Windows on a computer attached to a Starband satellite Internet system. Advocates of alternate operating systems have asked for the specifications to allow a driver to be written for other operating systems, but Starband has refused.

Another example is the MSN Internet service. It can be used on non-Windows platforms, but one cannot send and recieve email, due to Microsoft using a proprietary standard for email on their service that only works with Microsoft Outlook. Microsoft also blocks the running of one's own mail server, which would allow one to avoid using the Microsoft servers with their incompatible protocol.

Yet another example is the Microsoft File and Print Sharing protocol. A program has been developed for Linux/UNIX operating systems named Samba. Microsoft has consistantly changed subtle parts of their file sharing protocol, in attempts to break any programs that attempt to interoperate with Windows on a non-Windows platform.

We must not allow this monopoly to continue abusing their position of power. An easy settlement of the case, with a mere slap on the wrist of Microsoft, is not enough.

The Proposed Final Judgement fails to address these issues of deliberate incompatibility, it would do nothing to address the important issues that I face every day as a person who has to attempt to design systems to interoperate with Microsoft Systems. The Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

Jason Giglio
Information Technology Coordinator, Smyth Companies, Bedford VA
Phone: 540–586–2311x113
e-mail: jgiglio@smythco.com

MTC–00015183

From: Steve Schmeiser
To: Microsoft ATR
Date: 1/23/02 8:23am
Subject: Microsoft Settlement

I do not agree nor support the Microsoft settlement in its current form. It does not do enough to punish Microsoft, and more importantly it does nothing to encourage innovation in the sector. The information age was built on an open architecture and as a result we experienced a golden age of innovation that brought us the Internet. If Microsoft is allowed to keep our current architecture behind closed doors, innovation will be inhibited and progress will be slow.

Thank you for your time,
Steve Schmeiser
1402 Laurel St.
Iowa City, IA 52240

MTC–00015185

From: Kevin O'Shaughnessy
To: Microsoft ATR
Date: 1/23/02 8:25am
Subject: Microsoft Settlement

I do not support the settlement in Microsoft's antitrust suit. It fails to address the truly anticompetitive stranglehold that Microsoft has on the computing field in general.

MTC–00015186

From: Conlan Adams
To: Microsoft ATR
Date: 1/23/02 8:26am
Subject: Microsoft Settlement

I would just like to say that I belive the proposed Microsoft Settlement is bad. I dont belive it properly punishes a convicted monopolist. Thank you for your time

Conlan Adams

MTC–00015187

From: John (038) Rebecca
To: Microsoft ATR
Date: 1/23/02 8:21am
Subject: Microsoft Settlement

To Whom It May Concern:

I would like to state my opposition to the proposed Microsoft anti-trust case by the US Department of Justice.

As a convicted monopolist, Microsoft needs to be punished for it's actions.

Nothing in the proposed settlement from the DOJ actually punishes Microsoft.

Thank you,
John Jablonski
3750 N. Oak Park Ave
Chicago, IL 60634
773–545–3199

MTC–00015188

From: Will Walker
To: Microsoft ATR
Date: 1/23/02 8:26am
Subject: Microsoft Settlement

As a citizen of the United States I wish to formally make it known that I do not approve of the limited measures that have been done to censure and punish the monopoly Microsoft.

Will Walker
Box B4, North Greenville College, Tigerville, SC 29688

MTC–00015189

From: Robert Minvielle
To: Microsoft ATR
Date: 1/23/02 8:25am
Subject: Microsoft Settlement

To whom it may concern,

I feel that the proposed settlements in the Microsoft case are poor. The punishment in this case does not fit the crime, and I would perhaps compare it to a murder trial where the defendant is found guilty but given one year in jail with the possibility of being let out early on good behaviour as the punishment.

The company is too large and too all-encompasing for this matter to be taken lightly. There is no innovation in the desktop marketplace and dare I say in any marketplace in which Microsoft has a interest. To summarize, I feel that harsher penalties should be imposed on Microsoft. These penalties should be well thought out in terms of competition and the market, perhaps by an entity that has been here for some time and has nothing to gain or loose by this. Perhaps the EFF (electronic frontier foundation)?

Thank you for your time.
Robert Minvielle
Electronics Programmer Specialist
University of Notre Dame

MTC–00015190

From: Poriss, Jason S113
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 8:30am
Subject: microsoft settlement

I would like to make a few short comments regarding the proposed Microsoft anti-trust settlement. I feel that Microsoft should not be allowed to include any middleware products, regardless of whether others are allowed to compete. Microsoft, by all means, should be allowed to create programs such as browsers, MP3 audio players, video players, disk defragmenters, etc. However, they should have exactly the same integration tools available to them as competing companies. In all likelihood the only way to ensure this would be to split the Microsoft OS from the rest of Microsoft, although that apparently is no longer an option.

Let me draw a short picture which illustrates the destructive effect Microsoft has on competition. Several years ago, I bought a Microsoft operating system so that I could use my computer's hardware. Then I bought and installed several programs which allowed me to do tasks I needed to do, for example:

* Audio Player > WinAmp
* Disk Defragmenter > Disk Keeper
* Browser > Netscape Navigator
* Video Player > QuickTime
* System tools > Noton Utilities
* Web Server > Apache The list goes on an on... today however, I don't need to buy any of the above third party tools, my system looks more like this:
* Audio Player > Microsoft Media Player
* Disk Defragmenter > Microsoft Disk Defragmenter
* Browser > Microsoft Internet Explorer
* Video Player > Microsoft Media Player
* System tools > Microsoft Scan Disk
* Web Server > Microsoft IIS

This is not a picture of healthy competition.

Jason T. Poriss

MTC–00015191

From: jim beam
To: Microsoft ATR
Date: 1/23/02 8:27am
Subject: Microsoft Settlement

Regarding the Microsoft settlement, I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundred, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices. Similar to the settlement against AT&T, Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level (40%, for example, assuming one of it's competitors is now also at 40%). This must be true for all Microsoft product lines, before regulation is lifted.

Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition. Imagine the damage to the United States if Microsoft were to fail, as Enron failed. The risks of a monopoly are greater than merely the loss of competition.

Thank you for your time.

MTC–00015192

From: Josh Draper
To: Microsoft ATR
Date: 1/23/02 8:16am
Subject: Microsoft Settlement

I am very unhappy with the proposed settlement between the United States and Microsoft Corporation. The original plan really showed that Microsoft had done

something wrong, and would actually punish the corporation. This one is a slap on the wrist, and seems to say that as long as you've got enough money you don't have to worry about justice. Do the right thing, and don't give in to pressure to settle just because it's a huge corporation.

Thank you,
Joshua E. Draper
Conway, Arkansas, United States

MTC–00015193

From: dstetson@sst.ll.mit.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 8:27am
Subject: Microsoft Settlement

I would like to take this oportunity to address one of the reasons I believe the Proposed Final Judgement is insufficient. Even though the ''Findings of Fact'' paragraph 20 and 39 indicate that the fact that the file formats used by Microsoft applications are undocumented consitutes a barrier to entry, there is is nothing in the PFJ that obligates the documentation of these formats. This leads to a requirement that to communicate within a workplace, if a significant number of people are using Microsoft applications, that everyone must use them, and must therefore use Microsoft operating systems. Microsoft thus uses their monopoly to leverage further application sales. As this is not addressed in the PFJ, the PFJ is therefore insufficient.

The opinions expressed are my own, and not necessarily those of either Lincoln Laboratory or the Massachusetts Institute of Technology.

Douglas E. Stetson
Melrose, MA 02176
Doug Stetson
Staff
MIT Lincoln Laboratory
Voice: (781)981–4530
Email: dstetson@ll.mit.edu
http://www.ll.mit.edu/
Information Systems Technology Group
http://www.ll.mit.edu/IST

MTC–00015194

From: Tom Testa
To: Microsoft ATR
Date: 1/23/02 8:27am
Subject: Microsoft Settlement

Hello,

I just want to send an Email saying that I support the settlement between Microsoft and the U.S. government. It is my strong belief that those companies and individuals who are against this wish only to replace Microsoft, not to stimulate innovation. Companies like AOL, SUN Microsystems, and groups such as the Linux community all have a large stake in seeing Microsoft fail. They seek a shift in the balance of power. This is not good for our economy and it is not good for the consumer. Destroying MS only benefits a small group who will be just as bad, or worse, if they were in the same place. I think the right thing to do is to settle this and to move on.

Thanks for your time
Thomas J. Testa Jr.

MTC–00015195

From: MarenG4@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 8:27am
Subject: Microsoft settlement

I believe that the settlement is a bad idea. I am a WINE user and a U.S citizen. Please find some other way of rectifying the situation.

Mariann Grantham

MTC–00015196

From: Brantley, Paul SWL CONTRACTOR
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 8:27am
Subject: Microsoft Settlement

Please slow this company down, they are going to ruin the US by way of Security breaches.(through security wholes)

MTC–00015197

From: Greg Bossert
To: Microsoft ATR
Date: 1/23/02 8:28am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. In general, I agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html), in summary:

1. The PFJ doesn't take into account Windows-compatible competing operating systems

2. The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

3. The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

4. The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

5. The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

6. The PFJ as currently written appears to lack an effective enforcement mechanism.

As a computing professional of 22 years standing, and as an active member of the Internet Engineering Task Force (IETF) and other international standards bodies, I agree in detail with Mr. Kegel's analysis, which I will not reproduce here. To give one personal example, however, let me give a case of point 4 above: the introduction of intentional incompatibilities to delay or derail competitive development efforts. As part of my efforts with the IETF and the Apache Software Foundation, I participated in the standardization of the WebDAV specification—a mechanism to allow documents to be maintained via the World Wide Web—and worked on developing a freely available references implementations for Apache and for the freely available Perl programming language. Note that the release of a freely available reference implementation is a requirement for IETF standards. Before the standard was officially finalized, and thus before completion of the freely available reference software, Microsoft released support for WebDAV with proprietary extensions and incompatibilities as a fully integrated part of their Windows 2000 operating system. The lack of interoperability between this Microsoft version of WebDAV and the standards-based development effectively stopped significant development of the freely available implementations, in this case before the standard was even officially published. At this point I know of no significant implementation of the actual standardized version of WebDAV that might compete against the Microsoft Windows 2000 version. I believe that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices of this type to continue, and would delay the emergence of competing Windows-compatible operating systems. Therefore, the Proposed Final Judgment is not in the public interest, and should not be adopted without addressing these issues. Many thanks for your attention, and for your efforts on this matter.

Sincerely,
Greg Bossert <bossert@fuaim.com>

MTC–00015198

From: Ben—Carden@lcca.com@inetgw
To: Microsoft ATR
Date: 1/23/02 8:28am
Subject: Microsoft Settlement

Regarding the Microsoft case, I do not believe Microsoft will be properly punished by this ruling. They have created a monopoly that, like the case against AT&T, should now be ran by the government until it's marketshare is reduced to reasonable levels. (e.g. 40%)

Thank you for your time,
Ben Carden
6312 Champion Road
Chattanooga, TN. 37416

MTC–00015199

From: aetius
To: Microsoft ATR
Date: 1/23/02 8:28am
Subject: Microsoft settlement

I take issue with a specific part of the proposed settlement agreeement: ''No provision of this Final Judgment shall:

1. Require Microsoft to document, disclose or license to third parties: (a) portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of a particular installation or group of installations of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria; or (b) any API, interface or other information related to any Microsoft product if lawfully directed not to do so by a governmental agency of competent jurisdiction.

2. Prevent Microsoft from conditioning any license of any API, Documentation or Communications Protocol related to anti-piracy systems, anti-virus technologies, license enforcement mechanisms, authentication/authorization security, or third party intellectual property protection mechanisms of any Microsoft product to any person or entity on the requirement that the licensee: (a) has no history of software counterfeiting or piracy or willful violation of intellectual property rights, (b) has a

reasonable business need for the API, Documentation or Communications Protocol for a planned or shipping product, (c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, (d) agrees to submit, at its own expense, any computer program using such APIs, Documentation or Communication Protocols to third-party verification, approved by Microsoft, to test for and ensure verification and compliance with Microsoft specifications for use of the API or interface, which specifications shall be related to proper operation and integrity of the systems and mechanisms identified in this paragraph.''

Section 1 here is supposed to prevent Microsoft from having to release API documentation that is seen as a security risk. The problem is that almost ALL communications protocols have security provisions as an integral part of the protocol—thus, this section essentially gives Microsoft the green light to block full API disclosure on the grounds that it would violate the security of the protocol. Without full API disclosure, you might as well hang it up, as no competing developers will be able to implement competing products. You can't half-disclose an API; it is an all-or-nothing approach. Half-disclosure, *especially* in relation to security provisions, means only half-functioning ''competing'' products.

Further, this argument about ''protecting security'' is at most debatable. It has been repeatedly shown that Microsoft's proprietary protocols have suffered from numerous security breachs and problems. The term most often used for this in the computer security field is ''security through obscurity'', which is almost universally denegrated as an effective means of securing the product or protocol. There is even a competing argument that full disclosure is a far superior method of ensuring that products and protocols are reasonably secure. Regardless of where you stand on this argument, this section is an easy out that Microsoft can use to continue business as usual.

Section 2(a), (b), and (c) are a license to discriminate against open-source software providers like Red Hat, Inc and the Apache foundation. The term ''willful violation of intellectual property rights'' is nebulous—what does that mean? Does it include companies that license their software under the GNU Public License, which enforces source code revelation? Microsoft certainly sees Free Software and Open Source software to be ''virus-like'' and opposed to intellectual property rights. Microsoft also sees Linux and Free/Open Source software as a primary competitor, so this section is allowing Microsoft free reign to operate against it's greatest threat, and continue to exclude Open Source and Free Software developers from any sort of API disclosure or assistance with inter-operation. It is extremely doubtful that Microsoft will see Free Software or Open Source software as having a ''reasonable business need'' for the API, since most developers in the Free Software/Open Source communities don't have businesses. Links to Microsoft's view of Linux and the Free Software/Open Source community:

http://www.theregister.co.uk/content/1/12266.html

http://content.techweb.com/wire/story/TWB20010110S0006

http://www.suntimes.com/output/tech/cst-fin-micro01.html (use Google cache)

The remedy to this portion of the agreement is simply to enjoin Microsoft to release the API documentation to anyone who asks. Only that will allow the thousands of developers world-wide who participate in Open Source and Free Software development to make their products inter-operable with Microsoft products. If this is not remedied, a huge portion of the competitive market is tacitly eliminated by this agreement. Section 2(d) is ill-defined, and could be abused. The entire agreement seems to be designed around trying to make Microsoft inter-operate with other vendors and not step on them or introduce default competing products/services, or at least that is the way that it sounds. Section 2(d) reduces the effectiveness of all the other provisions because it allows Microsoft to control (through ''compatibility testing'') what software can and cannot be run on Microsoft operating systems. The argument was probably that this would only cause a delay in the release of the software if it was found to be ''incompatible''; however, such ''delays'' could easily turn into delays that put companies under, or the cost could be so high that companies couldn't afford to pay, and of course private individuals would be completely unable to pay (since they can't even produce an ''authentic and viable business need'' to run the software, let alone certify it.

Section 2(d) needs to be redefined, especially with relation to competing Free Software and Open Source products, and with relation to Microsoft approval of what software runs on their OS. The third-party stipulation is worthless (and could even be counter-productive) since it must be Microsoft approved, which would engender an environment where the third-party certfication authority would bow to Microsoft's demands—they either do what Microsoft wants, or they lose the business, and certification is delayed (along with competing products) while Microsoft finds a certification partner that WILL do what they want. There is no stipulation on what constitutes ''approved'' by Microsoft.

In summary, this agreement does not achieve what it seeks to accomplish. It allows Microsoft to force commercial ISV's to get their software approved before it can run on Windows, and it blocks the disclosure necessary for Microsoft's primary competition, Free and Open Source software, to continue to compete against and inter-operate with Microsoft products. Please do not allow this agreement to be settled; it would make the entire anti-trust suit a depressing waste of time and money.

Matthew Drew
1310 Copper Creek Drive
Durham, NC 27713

MTC–00015200

From: Dan Mindler
To: Microsoft ATR
Date: 1/23/02 8:28am
Subject: Microsoft Settlement

Dear Sir/Madam,

Being a software professional for over 15 years, I believe the Proposed Final Judgment in the US v. Microsoft case does NOT go far enough. For over a decade, I've watched Microsoft grow into a monopoly, using its tremendous marketing/financial resource to unfairly crush competition.

I agree with the comments on the PFJ displayed at http://www.kegel.com/remedy/remedy2.html

Respectfully,
Dan Mindler
Somerset, NJ
dmindler@yahoo.com

MTC–00015201

From: Fuchs, Dan 6334 DUR HWS
To: Microsoft ATR
Date: 1/23/02 8:27am
Subject: Microsoft Settlement

The settlement is a bad idea. Caving into microsoft will just lead to more of the same.

Dan Fuchs
Durham, NH 03824

MTC–00015202

From: Brad Rittenhouse
To: Microsoft ATR
Date: 1/23/02 9:24am
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice

I am sending this as a concerned citizen to comment on the proposed Microsoft settlement. I am a professional software developer who has been writing software for the Windows operating system since 1994 and hold a B.S. degree in computer science.

Specifically I am conerned with the portion of the settlement that supposedly makes Microsoft publish its Windows API. I think the idea is great but the settlement defines ''API'' so narrowly that it would do little good to the development community. Microsoft already makes available portions of its API that allow developers to write software for Windows. The settlement defines API to mean the interface between Microsoft Middleware and Microsoft Windows. This doesn't include all other API's that Microsoft uses.

I would propose that Microsoft must make available and document all DLL (Dynamic Link Library) entry points that it's software uses in ALL Microsoft products. This can be checked be easily checked by a layman to know if each function is documented, but of course would require a more experienced person to know if they did this correctly. Please consider updating the settlement and keeping Microsoft from continuing to stiffle competition and software in general.

Thank you,
Brad Rittenhouse (bradr@sunsmoke.org)

MTC–00015203

From: Michael J. Novak Jr.
To: Microsoft ATR
Date: 1/23/02 8:30am
Subject: Microsoft settlement

Hello. Personally, I use both Microsoft Windows 98se and Mandrake Linux. They are both good operating systems. However, any settlement that allows Microsoft to

expand their monopolistic base is a bad settlement. My understanding is that, as part of the settlement, they will donate computers and software (including their operating systems) to schools. By doing so, they are in fact expanding their user base, which would fly in the face of all logic regarding this issue. It doesn't seem like much of a ''penalty'', does it?

If I am wrong about this, then I apologize for wasting your time in reading this. If I am right, then you need to correct this situation, because they are pulling a fast one on you!

Either way, thank you for your time.

Sincerely,

Michael J. Novak Jr.

Parma Hts., Ohio, USA

MTC–00015204

From: Bruce Jeffries
To: Microsoft ATR
Date: 1/23/02 8:30am
Subject: Microsoft%20Settlement

I am writing to you to REJECT the MS settlement. It is too little for such egregious behavior.

MTC–00015205

From: Christopher W. Hunter
To: Microsoft ATR
Date: 1/23/02 8:31am
Subject: Microsoft Settlement

I am writing due to my concern over the very inadequate settlement in the Microsoft case. The negotiated ''slap on the wrist'' settlement is very inadequate for a monopoly on the scale of Standard Oil and the former Bell system. As an American old enough to remember the telephone monopoly I feel that unfortunately that kind of ''draconian'' breakup is the only way to ''open up'' the computer operating system market and break Microsoft's monopoly power.

Christopher Hunter, Augusta, Maine

MTC–00015206

From: Shane Killian
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 8:40am
Subject: Tell Microsoft NO!

Microsoft should not be able to get away with playing unfairly with the industry. At the very least, every single Windows API should be opened, along with every protocol, so that competing companies can build software with the same features and stability as Microsoft can. Currently, Microsoft's claim to superiority in software comes about solely because these APIs and protocols are kept secret, therefore they are the only ones that can benefit from them. All other software manufacturers have to kludge a workaround. This would also allow for competing operating systems—such as WINE and Lindows—to be easily made with full compatibility, finally giving us some competition in the OS market.

Thank you for listening.

MTC–00015207

From: Charlotte Partridge
To: Microsoft ATR
Date: 1/23/02 8:31am
Subject: Microsoft Settlement

Good morning,

The Microsoft Settlement will not stop Microsoft from continuing predatory monopolistic behavior. The solution is to compel Microsoft into offering a bare-bones operating system and porting its Office products to other platforms. The OS is a lever into other markets. This has to be stopped. The alternate proposal offered by the states will be more effective.

Regards,

Charlotte Partridge

1832 Joseph

Ann Arbor, MI 48104

MTC–00015208

From: Utecht, Daniel B
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 8:31am
Subject: Microsoft Settlement

If reference to the Microsoft anti trust settlement: Section III(J)(2) limits who can license Microsoft's API documentation and other intellectual property. Only those companies that Microsoft judges as ''viable'' can license the information. This would exclude smaller companies and non profit organizations, as well as any company that comes up with an original idea that Microsoft doesn't have a strategy to dominate yet.

Section III(D) limits who can get information needed to write software that interfaces directly with Windows and hardware. The Department of Defense, NASA, FBI, and our nation laboratories do not have any rights to the windows documentation needed to interface with Windows. Please reconsider these and other sections of the settlement. Thank you for your time. Daniel Utecht Kennedy Space Center, FL

MTC–00015209

From: jseba@attotech.com@inetgw
To: Microsoft ATR
Date: 1/23/02 8:28am
Subject: Microsoft Settlement

The proposed Microsoft-DOJ settlement is inadequate and insulting.

MTC–00015210

From: Paul Vinson
To: Microsoft ATR
Date: 1/23/02 8:31am
Subject: Microsoft Settlement

Greetings,

In accordance with ''The Tunney Act'', I would like to comment that I think the current Proposed Final Judgement misses the mark in several key areas:

1) Microsoft is not being punished for it's past violations. There is only one way to punish a monopoly: Money. There must be a fine, and it must be huge. This fine should also have no directed purpose other than be contributed to the general revenue fund. There must also be progressive fines for future violations.

2) Applications barriers for competing software companies must be stricken down with strong language that is not limited to certain Microsoft operating systems, and in the PFJ.

3) And finally, if Microsoft has become a monopoly through being a de facto standard, then let the standards be published. All API's and middleware should become an open standard, with specific requirements to publish these standards before releasing new products.

Mr. Paul Vinson (Rep)

Arnold, Missouri

MTC–00015211

From: Glenn Everhart
To: Microsoft ATR
Date: 1/23/02 8:32am
Subject: Microsoft Settlement

I think the Microsoft settlement proposed leaves far too many holes for them to continue monopolistic behavior and should be replaced by something far more drastic. A settlement needs to be forward looking and address their use of a desktop monopoly to get into other markets. TV, home computing and the like, games, and so on should be things they have to hit the same barriers as everyone else. Likewise they should not be permitted to give shortcuts to their Internet services to the detriment of all other such services just by making windows default to MSN.

Allowing that sort of thing is ridiculous.

Glenn C. Everhart, PhD.

MTC–00015212

From: Zachary Schneider
To: Microsoft ATR
Date: 1/23/02 9:00am
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea.

Zachary Schneider

Systems Administrator

Village Press Inc.

MTC–00015213

From: mikee@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 8:32am
Subject: Microsoft Settlement

hello,

the offered settlement will allow microsoft to extend the monoply indefinitely and continue the erosion of competition in software.

mike eschman, etc...

MTC–00015214

From: David Hamilton
To: Microsoft ATR
Date: 1/23/02 8:32am
Subject: Microsoft Settlement

I believe that this settlement is a very bad idea, and will only encourage Microsoft to continue with their illegal anti-competitive actions. Please break this company up, and put a stop to their practices once and for all.

Sincerely,

David Hamilton

Infoworks, Inc

Technical Consultant

MTC–00015215

From: dougr@one.net@inetgw
To: Microsoft ATR
Date: 1/23/02 8:33am
Subject: No to Microsoft anti-trust Proposed Final Judgement

I would like to register my disapproval for the Proposed Final Judgement against Microsoft. As a computer scientist and software developer, I have for years seen Microsoft's dominance and monopoly power as an impediment to the furthering of my trade. Their anti-competitive practices have made it impossible to buy a computer

without Windows (as I attempted to do last year from Dell) or MS Office (of which I already own several legal copies, but was forced to purchase again with my new Dell laptop). These kinds of licencing hurt individual computer purchasers, and will continue to do so under the proposed settlement.

Additionally, their Windows monopoly has successfully prevented other competing operating systems (OS/2, BeOS to name a few) from gaining any reasonable market share. Because of the wording of the judgement, the next version of Windows may well not fall under its terms and Microsoft will be able to continue to abuse their monopoly power with impunity. Please refuse to accept the Proposed Final Judgement and look for a more strict solution that might actually change Microsoft's business practices.

Sincerely,
Douglas Rohrer
Chief Technology Officer
Safe@Work, Inc.

MTC–00015216

From: Bob Tribit
To: Microsoft ATR
Date: 1/23/02 8:33am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I think the current Microsoft settlement is a bad idea. I agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html).

Respectfully,
Robert Klein Tribit
Systems Administrator
2048 Andrea Ave.
Lindenwold, NJ 08021
USA

MTC–00015217

From: Chris Allegretta
To: Microsoft ATR
Date: 1/23/02 8:33am
Subject: Microsoft Settlement

Hello,

I am writing today to voice my disapproval of the proposed settlement in the Microsoft Antitrust trial. I see little if anything in this settlement that will stop Microsoft from further extending its operating system, office suite and web browser monopolies into other areas of computing. Further, I feel that the proposed three person committee is highly unlikely to have any control over a company with the blatant disrespect for the legal system Microsoft has shown. Thank you for your time.

Chris A
Chris Allegretta
http://www.asty.org
''Share and Enjoy''—Douglas Adams, 1952—2001

MTC–00015218

From: Jon Drnek
To: Microsoft ATR
Date: 1/23/02 8:32am
Subject: Microsoft Settlement

To whom it may concern:

I am writing to give my comments on the Microsoft antitrust settlement. I believe this settlement is counter to the interests of the American public, deleterious to the American economy, and not adequate given the findings of fact in the trial. Microsoft's anti-competitive practices are counter to the law and spirit of our free-enterprise system. These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation. Microsoft's monopolistic practices cause the public to bear increased costs and deny them the products of the innovation which would otherwise be stimulated through competition.

The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future. It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function.

Thank you.
Jon Drnek
Jon Drnek
drnek@mindspring.com
http://www.mindspring.com/∼drnek

MTC–00015219

From: Chris Chabot
To: Microsoft ATR
Date: 1/24/03 8:27am
Subject: Microsoft Settlement

Dear Sirs,

I would like to indicate that i am strongly against the proposed Microsoft settlement terms. My personal feelings are that the settlement only allows a company, who has been found to be an monopolist, is allowed to further use, and abuse its powers over the american, and world economy.

As has been shown with the colapse with enron, it is very scary when a corperation has to much power, because every quick and every missstep has a profound influance on the USA and the world as a whole. Microsoft has already been found guilty of being a predator in the market, using unfair techniekes to further propergate their desire to fully conquer the software market. In this proposed settlement we give them a signal to continue doing so!

Chris Chabot
Old county road, Maine

MTC–00015220

From: David Whitcomb
To: Microsoft ATR
Date: 1/23/02 8:33am
Subject: Microsoft Settlement

The proposed Microsoft(R) Settlement does NOT adequately constrain Microsoft(R) from acting in a anti-competitive manner. In fact, it contains many ways that Microsoft(R) could twist the terms of the Settlement to increase its anti-competitive practices.

P.S. Please note the sarcasm in the (R) marks beside Microsoft's name above.

MTC–00015221

From: Ski
To: Microsoft ATR
Date: 1/23/02 8:33am
Subject: Microsoft Settlement

Considering what Microsoft has done, the current settlement proposed by the Justice Department and the courts is a very bad idea. The Justice Department/DOJ should consider taking other action.

Frank Skorupski
ski@w1ski.com
w1ski@yahoo.com
God Bless America

MTC–00015222

From: Thom Sturgill
To: Microsoft ATR
Date: 1/23/02 8:32am
Subject: Microsoft Settlement

As a technician involved with personal computers almost since their conception, I have seen many excesses committed by Microsoft. In today's world, the ''theft'' of code involved in DOS 1.0 would probably have resulted in criminal charges.

Microsoft is often portrayed as ''BORG'' from the Star Trek TV series. This is not far from true. For example when MS decided to add internet connection sharing to their product did they develop it? No, they ''innovated'' by finding the small company with the most compatible product (I believe their were five products on the market) and bought them. The other four companies (I believe) are gone now as are their competing products.

Microsoft *MUST* be reigned in. Oversight of purchases (done with money that should have gone to investors in the form of dividends) should be in place to insure that they do not continue to stifle true innovation by buying and incorporating technologies to the detriment of other companies and ultimately the buying public which is robbed of choice.

MTC–00015223

From: asr@nersp.nerdc.ufl.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 8:34am
Subject: Microsoft Settlement

The PFJ fails to significantly affect Microsoft's ability to use its'' control in office applications against other software sectors. Microsoft has repeatedly displayed a willingness to use dominance in any sector to force advantage in other sectors. Any remedy that does not substantially restrict this, will fail to address the issues over which the suit was raised.

Allen S. Rout

MTC–00015224

From: Charles Lechasseur
To: Microsoft ATR
Date: 1/23/02 8:34am
Subject: Microsoft Settlement

hello,

I am writing to express my view of the proposed Microsoft settlement. in essence, I think it is useless. the main problem I see is that it aims to allow other *commercial* companies to see microsoft's source code, etc. however, it has now become clear that microsoft's greatest enemy is not a particular

company—it is Linux, a free, open-source operating system for PC-based computers. Linux is not maintained by simply one company or individual, but rather by a group of many individuals all over the world, donating their time for the greater good. however, they don't do it for profit, so in the wording of the proposed settlement, wouldn't get to benefit from seeing microsoft's source code, etc.

there are surely many other problems with this settlement (like the fact that MS has a word in saying which company has a business model that's good enough to warrant seeing their source—it's like asking a killer what he thinks should be his verdict, and listening to him!). however, I just wanted to point out that microsoft probably doesn't care all that much if competitors see its source code, as long as those competitors are already way behind them. they probably care about Linux more than anything, and with the settlement, Linux is case aside.

charles lechasseur—danov@sympatico.ca

http://www3.sympatico.ca/danov/marathon/

''The butts of evil are awaiting my bootprints!''

Minsc

MTC–00015225

From: CircuitPunk
To: Microsoft ATR
Date: 1/23/02 8:34am
Subject: Microsoft Settlement

I fully disagree with the leniency afforded Microsoft in this landmark Antiv trust case. The Government is of the people, for the people and by the people. Unfortunately I no longer believe the 1st and third parts of that statement so at least keep our government for the people and hold tough against microsoft.

Will Hamilton
IS Consultant
Park Ridge, IL 60068

MTC–00015226

From: John Anderson
To: Microsoft ATR
Date: 1/23/02 8:34am
Subject: Microsoft Settlement

Good morning. I am writing to express my concern over the proposed Microsoft settlement. My primary concern is that the remedy proposed does nothing to actually penalize Microsoft for past monopolistic behavior, and does little to prevent the same kinds of abuses from occurring in the future.

For a company that has over $35 billion dollars in cash, a ''donation'' of Microsoft licenses and obsolesced hardware in the amount of $1 billion is hardly a drop in the bucket. Microsoft knows that by utilizing this settlement, they can extend their monopoly into one of the few remaining areas over which they have no monopoly power. . . the secondary education system. This is a gross abuse of the proposed settlement as it only allows Microsoft to continue their previous monopolistic behaviors, albeit with a court sanction.

I appreciate you taking the time to read my comments. I urge the court to reject the proposed settlement, as it will not discourage future monopolistic behavior.

Regards,

John Anderson
4104 Masters Way
Alpharetta, GA 30005

MTC–00015227

From: Jack Wallen
To: Microsoft ATR
Date: 1/23/02 8:34am
Subject: Microsoft Settlement

To whom it may concern,

I am writing to express my dismay at what could possibly be the single biggest injustice in the history of the United States consumers. I react in this way partially because of the state of the US economy. . . although there are many reasons.

My foremost issue is that of the state of not-for-profit in this issue. As it stands, in such passages as Section III(J)(2) of the Proposed Final Judgement, not-for-profit organizations have no rights. This is an outrage! Would you allow your church to fall under such state that it has no right to be considered when, say, a large corporation decided it wanted to take over the land where the church stood? Imagine if your church had no say in the issue—it didn't even exist? And that is basically where the not-for-profit organizations (such as the Apache group, the Sendmail group, etc) stand. The biggest ''competitors'' to Microsoft have no rights.

As far as I remember that was a basic foundation of this country—and it is being stripped away because Microsoft has its finger so tightly wound around politics that most all are afraid to de-sanctify this juggernaut.

I ask that you rethink this and give the not-for-profit organization their rights. America is a competitive country and it simply isn't right to remove that competitive nature so one company can go on to destroy all the competition. In a dog-eat-dog world only the strongest survive but we all know we are talking dollars here—not strength—and with Microsoft basically owning the American dollar no one has a chance.

Thank you very much.

Jack Wallen, Jr.
Track Editor—Linux/UNIX and Infrastructure
TechRepublic (CNET Networks) L I N U X
http://www.techproguild.com
502–814–7741 R O C K S

MTC–00015228

From: Francois Morvillier
To: Microsoft ATR
Date: 1/23/02 8:34am
Subject: Microsoft Settlement

I believe the proposed settlement is wrong.

regards,
Fran?ois Morvillier

MTC–00015229

From: Vincent Penquerc'h
To: Microsoft ATR
Date: 1/23/02 8:35am
Subject: Microsoft settlement

Dear Sirs,

I have to voice my opinion against the proposed settlement. Having read different comments on the proposed settlement, and being myself a computer engineer (I in fact have been into computers for more than a decade), here are a few comments on the problems this settlement do not address. The main focus of the original trial was the inclusion of Internet Explorer in Windows 95. After pretending the two could not be separated, they did separate those. Now, however, the new Windows XP includes Internet Explorer, an affront to the DOJ and the American Government. This clearly shows the little respect Microsoft has for American Justice.

One of the companies that has suffered the most from this is Netscape Communications, which was offering a competing innovative browser. AOL, which now owns Netscape Communications, is now in a position to compete with Microsoft over the web services business and Internet services in general. This prompted Microsoft to use this tactic again with Windows XP. Not surprisingly, many AOL users have had difficulties connecting to AOL with Windows XP. Every company that gets in a position to compete with Microsoft is victim of the dominant position of chairman Bill Gates'' firm to leverage the power of holding and misusing their monopoly on the operating system market. The current proposed settlement does nothing to ensure such a power can not be misused against AOL. Being a computer engineer, I see some of the provisions in the proposed settlement as ludicrous in a technical point of view. The provision of disclosing APIs does absolutely nothing to help Microsoft's own software to take advantage of assumptions about its internal working. Such assumptions, which are not part at all of an API, are very important to the building of a stable and efficient system. Only a full source code disclosure and analysis can help overcome this problem.

Last, Microsoft has shown several times that it can and will simulate popular support. The last occurence of this is a poll on ZDNet about the popularity of several web services solutions, including Microsoft's .Net and Sun Microsystem's Java. Microsoft even already used this strategem in this very trial.

For all these reasons, I believe that:

—The proposed settlement is utterly inefficient.
—The reactions in favor of Microsoft should be seen in light of their history of ''popular support''.
—Microsoft's monopoly is a major threat to the American software industry, as every day that passes raises the bar a competitor has to reach to have a chance.

Competition is what has made America what it is. Countries with only one dominating player, as in the communist block, have failed to achieve what America did. In a time of recession, it is even more urgent to restore competition in the software market.

Best regards,
Vincent Penquerc'h
Powered by Microsith Lookout—http://www.microsith.com/

MTC–00015230

From: Jonathan B Volmer
To: Microsoft ATR
Date: 1/23/02 8:34am
Subject: Microsoft Settlement

In regards to the Microspft antitrust case:

In short, I'm against it. It doesn't go far enough.

The longer version:

Microsoft is a highly successful company, and has achevied a large part of that success through making a good product and a well thought out marketing strategy. However, they have contaminated that time-honored and purely capitalist strategy with predatory tactics. Their focus on secrecy has led us to exceptionally insecure systems, and their focus on maintaining their monopoly has led them to restricting OEMs from shipping with competitor's prodicts, and their focus on increasing their capital has led them to seek out and destroy new, competing technology before it enters the marketplace.

This goes against both the spirit of capitalism and the letter of the law. The filing of lawsuits has not changed their practices, they continue as before, and will continue as before after this settlement is enacted. Please reconsider, and increase the restrictions placed on Microsoft. Their practices decrease comptition, with is the driving force of our innovation.

MTC–00015231

From: McArdleK@med-life.com@inetgw
To: Microsoft ATR
Date: 1/23/02 8:35am
Subject: Microsoft Settlement

Microsoft has abused its position of power for far too long. The proposed settlement does not go far enough to stop Microsoft from engaging in monopolistic practices in the future. I feel the settlement should be at the scale of the AT&T breakup.

Kelly McArdle

The contents of this message do not reflect the opinions of my employer.

MTC–00015232

From: mbs@mc.com@inetgw
To: Microsoft ATR
Date: 1/23/02 8:34am
Subject: Microsoft Settlement

The proposed settelment is a terrible idea and it may actually EARN Microsoft money instead f penalizing them for violating antitrust law. by allowing them to give $200 Million in hardware and $800 Million (presumably calculated at full retail price, not volume discount price) what you are doing is giving them a $1 Billion tax deduction in exchange for about a (and I am being generous to Microsoft here) $250 Million cost.

This settlement would also give Microsoft an in in the educational market where they have traditionally not done well along with mind share with our children. All in all, this seems like a money-making venture for Microsoft, as opposed to a penalty for violating Federal Law.

There was a counter-proposal from Red Hat Software for Microsoft to provide $1 Billion in hardware, and Red Hat would provide equivalent (though Linux based) software for free. this solution has the distinct advantage of actually costing Microsoft $1 Billion (although they still get the tax break) while not giving them a leg up in a new market. This settlement would also mean 5 times as many computers would get to the schools, a significant improvement I think.

However, I prefer Option 3. Make Microsoft give $1 Billion (I would prefer $4 Billion) in cash to these schools, to spend as they see fit, with the condition that not $1 can be spent on Microsoft products. Because while I earn my living using computers, they are not very useful to a child who cannot read because his school does not have the resources to teach him how.

Sincerely,
Mark Salisbury —
****
** Mark Salisbury **
** mbs@mc.com **
****

MTC–00015233

From: Eric Stoll
To: Microsoft ATR
Date: 1/23/02 8:35am
Subject: Microsoft Settlement

I do not agree with the proposed settlement. Please reconsider.

Eric Stoll
Software Engineer
Mindex Technologies, Inc.
3495 Winton Place, Bldg. E, Suite 4
Rochester, NY 14623
(585) 424–3590 Ext. 3005
(585) 424–3809 Fax
<http://www.mindex.com>

MTC–00015234

From: kodak@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 8:35am
Subject: Microsoft Settlement

The proposed settlement is not good enough to address Microsoft's flaunting of anti-trust law. As someone in the IT field who has to deal with Microsoft's ubiquitious and yet shoddy products on a daily basis I say: make the punishment sting, so they won't leverage their monopoly any more and make things worse for us.

Jason Balicki
Sr. Network Engineer
Alexander Systems, Maryland Heights, MO.

MTC–00015235

From: Nicholas Meeth
To: Microsoft ATR
Date: 1/23/02 8:35am
Subject: Microsft Settlement Dear Sir/Madam

I am concerned with the proposed settlement with Microsoft and do not think it will benefit anyone except Microsoft. I think the judgement does not reduce the Applications Barrier to Entry faced by new entrants to the market is it's main weakness.

Nick

MTC–00015236

From: Jason Oppel
To: Microsoft ATR
Date: 1/23/02 8:34am
Subject: Microsoft Settlement

I would like to voice my displeasure at the current proposed settlement of the Microsoft Antitrust case. Microsoft has in the past flouted consent decrees that have been handed down and its likely they will flout the proposed final judgement that is currently before the court. The barrier to entry into Microsoft markets needs to be lowered (esp. in operating systems and office suites). There are many artificial barriers that Microsoft has created to raise the barrier of entry into their markets which allow them an unfair advantage over their competitors. One of the barriers is non documented file formats for things such as MS Office files. Another example is non documented MS APIs which if documented would allow other operating systems to run programs written for Windows. There are many more examples but I will leave the two previous anti-competetive behaviors (which I consider the two most egregious). Those two tactics along with many other strong arm tactics has made Microsoft dominating operating system and office suite producer not because they've competed successfully but rather because they have engaged in activities which lock any potential competitors out. The proposed final judgement does nothing to address these problems. I hope you will consider my comments when making your final judgement. Thank you for your time and attention in this matter!

Sincerely,
Jason Oppel
7150 Reynolda Rd. #9
Pfafftown, NC 27040

MTC–00015237

From: kevin lyda
To: Microsoft ATR
Date: 1/23/02 8:11am
Subject: Microsoft Settlement

the proposed settlement won't do much to curb microsoft's anti-competitive actions in the furture, nor deal with their past behavior. this page covers most of the issues that concern me: http://www.kegel.com/remedy/letter.html . i have requested to be listed as a co-signer of it.

kevin lyda (u.s. citizen) ballinvoher caherlistrane co. galway
ireland
+353.93.31036

MTC–00015238

From: Jared Burns
To: Microsoft ATR
Date: 1/23/02 8:34am
Subject: Microsoft Settlement

I would like to add my voice to those raised against the proposed Microsoft settlement. If the proposed settlement is granted to Microsoft, it will be a crushing blow to the computer industry. Microsoft has been found guilty of breaking the law. They must not only be stopped from continuing to break the law (something the proposed settlement attempts but does not ensure), they must be subject to just punishment. I agree with Ralph Nader's open letter (found here: http://www.cptech.org/at/ms/rnjl2kollarkotellynov501.html) 100%. It is my desire that a new penalty be composed based on Mr. Nader's observations.

Thank you,
Jared Burns
Software Developer, Object Technology Inc.

MTC–00015239

From: Bert Collins
To: Microsoft ATR
Date: 1/23/02 8:36am
Subject: Microsoft Settlement

The proposed settlement is flawed and should be rejected. It allows Microsoft to continue its anti-competitive practices based on its linking of operating system and application software. The appropriate solution is the breakup of Microsoft into two companies proposed by Judge Jackson. If that is not possible, the the stat attorneys general's remedies should be considered.

Thank you
Bert K. Collins
24 Thoreau Road
Lexington MA 02420

MTC–00015240

From: Jason B Morningstar
To: Microsoft ATR
Date: 1/23/02 8:36am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I feel that the proposed settlement is seriously flawed on a number of grounds, including the fact that Microsoft discriminates against ISVs who ship Open Source applications. The proposed settlement does not address this problem.

To demonstrate my point, read the Microsoft Windows Media Encoder 7.1 SDK EULA, which states:

. . . you shall not distribute the REDISTRIBUTABLE COMPONENT in conjunction with any Publicly Available Software. ''Publicly Available Software'' means each of (i) any software that contains, or is derived in any manner (in whole or in part) from, any software that is distributed as free software, open source software (e.g. Linux) or similar licensing or distribution models . . . Publicly Available Software includes, without limitation, software licensed or distributed under any of the following licenses or distribution models, or licenses or distribution models similar to any of the following: GNU's General Public License (GPL) or Lesser/Library GPL (LGPL); The Artistic License (e.g., PERL); the Mozilla Public License; the Netscape Public License; the Sun Community Source License (SCSL); . . .

Many Windows APIs, including Media Encoder, are shipped by Microsoft as add-on SDKs with associated redistributable components. Applications that wish to use them must include the add-ons, even though they might later become a standard part of Windows. Microsoft often provides those SDKs under End User License Agreements (EULAs) prohibiting their use with Open Source applications. This harms ISVs who choose to distribute their applications under Open Source licenses; they must hope that the enduser has a sufficiently up-to-date version of the addon API installed, which is often not the case. Applications potentially harmed by this kind of EULA include the competing middleware product Netscape 6 and the competing office suite StarOffice; these EULAs thus can cause support problems for, and discourage the use of, competing middleware and office suites. Additionally, since Open Source applications tend to also run on non-Microsoft operating systems, any resulting loss of market share by Open Source applications indirectly harms competing operating systems. Please take this into consideration when finalizing the settlement.

Sincerely,
Jason Morningstar
421 Melanie Court
Chapel HIll, NC 27514

MTC–00015241

From: Al Grimstad
To: Microsoft ATR
Date: 1/23/02 8:36am
Subject: Microsoft Settlement

It is very bad. Microsoft is a highly anticompetitive monopoly sucking the life out of the software market.

They need to be reformed.
Al Grimstad
PO Box 1198
Hollis, NH 03049

MTC–00015242

From: Edward Pricer
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 8:36am
Subject: Microsoft Settlement

I oppose the currently proposed microsoft settlement.

MTC–00015243

From: dml6@po.cwru.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 8:37am
Subject: Microsoft Settlement

I would just like to say that I have read about the proposed settlement, and I am not in favor of it in its current state. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors, yet unfavorable to Microsoft.

Thank You.
David M. Lukens
757 Tussuck Ct.
Worthington, OH 43085

MTC–00015244

From: abruno@redhat.com@inetgw
To: Microsoft ATR
Date: 1/23/02 8:36am
Subject: Microsoft Settlement

To the DOJ:

I am writing to you so that I may express my dissappointment with the Microsoft case so far. Despite being convicted as a monopolist and submitting remedies that were denied by the courts, Microsoft continues to dodge any attempt to truly sanction and penalize the company for their business practices. I stongly encourage the DOJ to make sure that Microsoft doesn't walk away with a mere slap on the wrist. Microsoft is a very powerful company that influences senators (e.g Senator Byrd from West Virginia stopped depositions during a congressional commitee hearing so that only the Pro-Microsoft side could read their comments and be captured by the media. All of the remaining depositions were entered into the record, but never presented, nor heard live by the media. Let's show the world that Microsoft can't buy favor and influence in the DOJ!

Thank you for your attention,
Alexander Bruno

Entre lo dicho y lo hecho, hay un gran trecho.

MTC–00015245

From: Kirby, Josh
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 8:35am
Subject: Microsoft Settlement

Section III.E / III.I.1–5

I believe that this is an excellent first step to the opening of the protocols used by Windows (eg SMB/etc). The difficulty lies in that their are very few operating systems competing for the desktop these days. One that is the freely available Linux system. It would seem to me that the restrictions to be provided by Microsoft would limit the availability of details that would allow the Samba group to develop their freely available software after getting this information. Microsoft has such market clout now that its protocols are the standards. Further it tends to embrace and extend any current standard to its own desire, hindering efforts at interoperability between other operating systems and its own. Perhaps a more far reaching idea would be that Microsoft open all of its document formatting standards (eg Microsoft Office) which should help ensure the development of a host of competing products in the industry.

It is my personal belief that these ''Microsoft Standards'' (if you will) should be fully open and available to the community at large. I believe this would only help to spur competition in the industry that is currently lacking.

Joshua Kirby
Southwest Power Pool
IT Specialist III
(501) 614–3306
jkirby@spp.org
CC:'tunney(a)codeweavers.com''

MTC–00015246

From: Scott
To: Microsoft ATR
Date: 1/23/02 8:37am
Subject: Microsoft Settlement

To whom it may concern:

It is my belief that the current proposed settlement between the DOJ and Microsoft is hardly a penalty consistent with the crime (past and present). This ''slap on the hand'' will only embolden Microsoft since it represents a surrender by the only entity capable of stopping it's illegal activity. Of particular concern is the exclusion of Open Source projects and non-commercial not-for-profit entities Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''. . . (c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, . . . ''

Section III(D) takes this disturbing trend even further. It deals with disclosure of

information regarding the APIs for incorporating non-Microsoft ''middleware.'' In this section, Microsoft discloses to Independent Software Vendors (ISVs), Independent Hardware Vendors (IHVs), Internet Access Providers (IAPs), Internet Content Providers (ICPs), and Original Equipment Manufacturers (OEMs) the information needed to inter-operate with Windows at this level. Yet, when we look in the footnotes at the legal definitions for these outfits, we find the definitions specify commercial concerns only. Given the actions of Microsoft in the past that mandated this trial, and the fact that they continue to maintain that they DID NOTHING WRONG, do you believe that they will not use to the full extent the opening given to them (above) against their last competitor (The Open Source Community)?

I believe that the correct solution is to break up Microsoft into Operating-System and Application divisions. This would ''open the playing field'' for competition in applications, and encourage Microsoft to develop applications for other platforms. I believe that Microsoft would benefit from being split up. But unlike the current proposed solution, we (the general public) would benefit as well.

Thank you very much,
Scott Nichols

MTC–00015247

From: community@signifer.net@inetgw
To: Microsoft ATR
Date: 1/23/02 8:37am
Subject: Microsoft Settlement

I am writing to comment on the proposed Microsoft settlement, which I feel is wholly inadequate and needs to be revised. I've been an IT professional for five years now, both working with desktop computer systems and programming for them, so I'm aware both of the technical issues surrounding the Windows APIs and the effects they have on software produced for the desktop. In order to truly allow competition in the software market, Windows API specifications need to be provided to the software development community in an unrestricted and timely fashion, and the proposed settlement does not allow for this. Under the proposed settlement, Microsoft is required neither to completely document its APIs, or to release them soon enough that software developers can compete in meaningful ways. What's worse, the restrictions placed on the use of the documentation released are ridiculous, and would require other software vendors to go to extreme and inappropriate lengths to avoid violating those restrictions if they wish to use the information provided by Microsoft under the settlement. Just who is being punished here, anyway? When one also considers the fact that disclosure of the Office file formats—one of the real keys to Microsoft's domination of the desktop market— is not included in the settlement, it becomes clear that the proposed solution is not sufficient either to reign in Microsoft or to effectively encourage competition in the software development industry. I urge you to rethink and rewrite it, and give some of us in the industry a real chance to make some changes in its dynamics. A pro forma resolution like the current draft is useless at best, and at worst an insult.

Sincerely,
Andrew
Seidl

MTC–00015248

From: Robert Freeborn
To: Microsoft ATR
Date: 1/23/02 8:42am
Subject: Microsoft Settlement

The PFJ doesn't take into account Windows-compatible competing operating systems Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry. The PFJ Contains Misleading and Overly Narrow Definitions and Provisions The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered. The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware. The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertized as being ''Windows Powered''.

The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs. The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible. The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows. The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users. The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows. Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.) The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft. Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems. The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

The PFJ allows Microsoft to discriminate against small OEMs— including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software. The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas. The PFJ as currently written appears to lack an effective enforcement mechanism.

Thanks,
Robert Freeborn

MTC–00015249

From: Jen Clodius
To: Microsoft ATR
Date: 1/23/02 8:37am
Subject: Microsoft Settlement

Gentlepeople:

I strongly object to the proposed settlement in the Microsoft antitrust case. As I read it, I see nothing in the proposed settlement that would require Microsoft to change their monopolistic business practices. Moreover, the proposed settlement seems to give Microsoft control over a number of the enforcement decisions. I urge you to reconsider your proposed settlement.

Sincerely,
Jen Clodius
Jen Clodius
Senior Community Involvement Representative
http://www.bnl.gov/
Brookhaven National Laboratory
631–344–2489 clodius@bnl.gov

MTC–00015250

From: mssettlement@p-primary.seanmcpherson.com @inetgw
To: Microsoft ATR
Date: 1/23/02 8:37am
Subject: Microsoft Settlement

Sir or Madam,

I have recently spent a great deal of time reading and attempting to understand the specifics of the proposed

Microsoft Settlement (http://www.usdoj.gov/atr/cases/ms-settle.htm). I have also considered how Microsoft's actions have affected me as a consumer, as well as both a software developer and a systems administrator for a multi-million dollar company. In all instances, I have experienced many situations in which I feel that, due to the many ways in which Microsoft has blatantly abused it's market position, my options have been unreasonably restricted

and my expenditures unreasonably increased. As such, I'd like to state formally that I do not believe the proposed Microsoft Settlement is sufficient or in the best interests of the affected consumers, be they business or personal consumers.

Please consider this statement as a clear message that I oppose the settlement as it currently stands, and would expect to continue to oppose it without rather drastic changes. Thanks for your time and consideration,

Sean McPherson
Systems Administrator/Independent Open Source Developer
Louisville, KY USA
mssettlement@ seanmcpherson.com

MTC–00015251

From: Kirby, Josh
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 8:36am
Subject: Microsoft Settlement

Section III.E / III.I.1–5

I believe that this is an excellent first step to the opening of the protocols used by Windows (eg SMB/etc). The difficulty lies in that their are very few operating systems competing for the desktop these days. One that is the freely available Linux system. It would seem to me that the restrictions to be provided by Microsoft would limit the availability of details that would allow the Samba group to develop their freely available software after getting this information.

Microsoft has such market clout now that its protocols are the standards. Further it tends to embrace and extend any current standard to its own desire, hindering efforts at interoperability between other operating systems and its own. Perhaps a more far reaching idea would be that Microsoft open all of its document formatting standards (eg Microsoft Office) which should help ensure the development of a host of competing products in the industry.

It is my personal belief that these ''Microsoft Standards'' (if you will) should be fully open and available to the community at large. I believe this would only help to spur competition in the industry that is currently lacking.

Joshua Kirby
Southwest Power Pool
IT Specialist III
(501) 614–3306
jkirby@spp.org

MTC–00015252

From: dcombs@mindspring.com@inetgw
To: Microsoft ATR
Date: 1/23/02 8:37am
Subject: Microsoft Settlement

I would like to express my displeasure at the possible furthering the non-competetive environment in the computing community by way of the Microsoft settlement.

The settlement I hahe seen would have Microsoft supplying computers and Microsoft products to school systems. On the surface this is very nice, however I was a young adult when another company almost gave hardware and software away to colleges for use in their computing needs. IBM managed to get a strangle hold on the computing market for years due to the familiarity of the college student having worked on nothing else but IBM equipment. It even created a snobbery of sorts at anyone who would even think of using another vendor.

It is my belief that is the Department of Justice allows this settlement to go through, then we will have exactly the same situation again, amplified by the ''underprivileged youth accomplishment'' call of the liberals in this country.

Please do not step into this trap.
Sincerely
Doyle Combs
850 Brookwood Dr.
Tallahassee FL 32308

MTC–00015253

From: Jon Fether
To: Microsoft ATR
Date: 1/23/02 8:32am
Subject: Microsoft Settlement Objection

Dear Antitrust Department,

It has come to my attention that pursuant to the Tunney Act, there is a period of public input into the settlement Microsoft has proposed. I am writing to state that I believe this settlement has multiple failings of justice.

My first objection is the fact that Microsoft is effectively being handed the right to print the currency this settlement would be paid with. Microsoft would be handing out licenses to use copies of it's products for the bulk of the settlement. It will no doubt count the licenses against the settlement at full retail sales price of their software. This is akin to me jotting down ''$800'' on a cocktail napkin, handing it to the judge and saying I've paid my debt to society. Microsoft must bear some burden from the settlement, permitting them to ''give their software to schools'' only burdens them for a trivial cost of media and printing. I believe a cash settlement would be more appropriate in this regard, as it is a true penalty, however I believe strongly that injunctive relief is the only means appropriate to resolve this case.

The second objection to this settlement is the fact that Microsoft furthers market dominance through this settlement, in fact, through to further generations of Americans. This smacks in the face of the reason this lawsuit was filed. It's like the tobacco industry promising cigarettes to children in schools to make up for secondhand smoke deaths. (I admit, Microsoft has not killed anyone to my knowledge, however I've become frustrated with their products nonetheless. It's almost as bad.) I must object to this marketing ploy.

The settlement also fails to address the problems of Microsoft's customer base at large. I believe a fair settlement should include refunds for the Internet Explorer portion of Windows that many Americans were forced to buy. Microsoft's claim that Explorer is integral to the operating system is a lie; if it were they would not offer Macintosh or Unix versions of this product. Microsoft should also be forced to pay the competitors who were denied these customers by Microsoft's actions.

Finally, Microsoft must be barred from further anticompetitive actions in the future. They must be compelled to provide an Internet Explorer removal option in Windows. They should be barred from including Internet Explorer as a part of the operating system unless it is to be installed seperately. Microsoft should be forced to reduce the price of the monopoly Windows operating system to reflect the amount of money paid for Internet Explorer—OR they should be forced to offer one version with and one version without the browser at different prices if they so desire. They should also be barred from using Office as their distribution mechanism as Microsoft has made great effort to prevent competitors from making compatible products—another antitrust issue entirely. To prevent the ''Those restrictions were 95, we now make XP'' shell game Microsoft has played, the restructions must apply to every flagship Windows operating system made herein. Of course, there should be a ''sunset period'' on these restrictions for the time when the market has recovered from the anticompetitive activities.

In closing, I would like to state that this settlement is of great importance to America and the world at large. I urge care in the consideration of this matter. Thank you.

Respectfully Submitted,
Jonathan Fether
Temecula, CA

MTC–00015254

From: dcombs@mindspring.com@inetgw
To: Microsoft ATR
Date: 1/23/02 8:39am
Subject: Microsoft Settlement

Second Try at sending!!

I would like to express my displeasure at the possible furthering the non-competetive environment in the computing community by way of the Microsoft settlement.

The settlement I hahe seen would have Microsoft supplying computers and Microsoft products to school systems. On the surface this is very nice, however I was a young adult when another company almost gave hardware and software away to colleges for use in their computing needs. IBM managed to get a strangle hold on the computing market for years due to the familiarity of the college student having worked on nothing else but IBM equipment. It even created a snobbery of sorts at anyone who would even think of using another vendor.

It is my belief that is the Department of Justice allows this settlement to go through, then we will have exactly the same situation again, amplified by the ''underprivileged youth accomplishment'' call of the liberals in this country.

Please do not step into this trap.
Sincerely
Doyle Combs
850 Brookwood Dr.
Tallahassee FL 32308

MTC–00015255

From: Matthew McClintock
To: Microsoft ATR
Date: 1/23/02 8:40am
Subject: Microsoft Settlement

Dear Department of Justice,

I believe the tentative settlement of the United States vs. Microsoft antitrust lawsuit

I've read about in the news is bad. I don't think the settlement goes far enough in punishing Microsoft for past anti-competitive behaviour, and I don't think it will do anything to help our nations economy.

Thank you,

Matthew McClintock

MTC–00015256

From: speedy@dca.net@inetgw
To: Microsoft ATR
Date: 1/23/02 8:38am
Subject: Microsoft Settlement

I urge the Department of Justice to reconsider the settlement of the antitrust case against Microsoft. The currently proposed settlement will not adequately punish Microsoft for the anticompetitive actions it has engaged in in the past, nor will it prevent similar or new abuses in the future.

Specifically, the language of the settlement defines significant terms in a way that would allow Microsoft to make simple alterations in they way they provide software, such that they could conform to the letter of the settlement, while still engaging in monopolistic activities.

I urge the DOJ to carefully reconsider the settlement, and to resume the course it had pursued before: the breakup of the Microsoft corporation. At very least, impose significant fines (on the order of 40% of annual revenue) on the company and devote this money to programs to provide adequate competiton to Microsoft.

Thank you,
Robert Parker
67 Crestline Rd.
Wayne, PA 19087

MTC–00015257

From: John Jorgensen
To: Microsoft ATR
Date: 1/23/02 8:51am
Subject: Microsoft Settlement

It is my opinion that the settlement between the DOJ and Microsoft is not enough of a deterant or punishment to Microsoft. Being in the Information Technology field, I've seen Microsoft crush, disolve, or buy out any technology that has any chance of threatening their monopoly. I've also watched as they extend their monopoly into other technologies on the back of their OS lock. The Latter is illegal and the former is dispicable if not illegal. If this settlement gets enacted, Microsoft will not have been punished for their misdeeds and they won't be detered sufficiently from doing it again.

Thank you for your time,
J*
John Jorgensen
R&D Manager, 2gn
Principal IT Engineer, NetManage

MTC–00015258

From: Frank Jaffe
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 8:38am
Subject: Microsoft Settlement To Renata B. Hesse,

I am writing today to indicate my personal opposition to the Proposed Final Judgement of the Anti-trust case with Microsoft, excersicing my rights as a private citizen under the Tunney Act. It is my understanding, that: ''a remedies decree in an antitrust case must seek to ''unfetter a market from anticompetitive conduct,'' to ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future.'' Microsoft, 253 F.3d at 103 (quoting Ford Motor Co. v. United States, 405 U.S. 562, 577 (1972) and nited States v. United Shoe Mach. Corp., 391 U.S. 244, 250 (1968)) (citation omitted).

The above paragraph outlines four specific requirements for the remedies:

1. unfetter a market from anticompetitive conduct
2. terminate the illegal monopoly
3. deny the defendant the fruits of its statutory violation, and
4. ensure that there remain no practices likely to result in monopolization in the future

I believe that the wording and scope of the Proposed Final Judgement fail to achieve any of these four objectives. Specifically, while I understand that the antitrust case can only address the matters which were brought before the court, the settlement, in my opinion, fails to provide an adequate remedy for Microsofts abuses in numerous ways, including:

1. There is no remedy for consumers who have been harmed by Microsofts anticompetitive practices nor is Microsoft required to give back the unfair economic gains achieved by its illegal practices
2. The proposed remedies do not adequately address the damages done to the industry by Microsoft's practices
3. The proposed remedy does not adequately prevent continuing and future misbehavior by Microsoft, and
4. The proposed remedy does not address any of the innumerable additional anticompetitive practices Microsoft has undertaken during the course of the original trial period.

I am sure that expert legal commentors will be able to provide a much more in-depth analysis of the ways in which the Proposed Final Judgement fails to achieve the above objectives. I would like to focus primarily on objective four from the quote above.

Today, as I use my Microsoft Windows 2000 PC, I observe the following behaviors which I believe consitute anticompetitive practices and illegal bundling (binding) of products, none of which appear to be adequately addressed via the proposed settlement

1. Installing a browser also forces the installation of an email package (outlook express)
2. Upgrading a browser places additional Microsoft icons on my desktop
3. Using an email package launches and additional, unrelated program (using outlook express now requires microsoft messenger be running). Microsoft Messenger is also referred to as the MSN Messenger Service, tying the use of the Messenger to the Microsoft Network.
4. Using an email package requires obtaining an email address from Microsoft (since outlook express now requires microsoft messenger, and microsoft messenger requires a passport account which results in a hotmail email account)
5. Logging into certain Microsoft owned websites requires use of a Microsoft passport
6. Windows Update function only updates device drivers and Microsoft provided software, and often ''recommends'' installation of additional Microsoft components.
7. Installing an operating system (Microsoft windows) forces installation of additional components exclusively from Microsoft, such as Windows Media Player. There appears to be no legitimate argument for installing non-critical multimedia components as part of an operating system or upgrade installation, yet Windows Media Player is installed, and no other parties products are offered/included/ or installed in addition or instead.
8. Microsoft has released Windows XP which contains numerous additional examples of exclusive, anticompetitive bundling of services, along with a major push for the Microsoft .NET framework which provides further opportunities for Microsoft to lock in consumers.
9. Microsoft has eliminated or reduced support and ease-of-use for certain competitive functionality such as Java
10. While virtually every other aspect of computing continues to see rapid declines in price, Microsoft has increased the price, and reduced in certain key ways (such as dual processor support) the value of Windows XP as compared to previous releases. The outrageous pricing they have applied to upgrades to Windows XP, particularly from Windows NT and 2000 products, is a clear indication to me of their further abuse of their monopoly to price their products anticompetitively.

And the above list is only the items I am aware of or have encountered today, as an end-user of a Microsoft Product.

It seems to me, based upon Microsofts continuing egregious behavior, and the terms of the proposed remedies, that these remedies completely fail to achieve every single one the four required objectives outlined above. Therefore, as I previously stated, I oppose the settlement as outlined in the Proposed Final Judgement.

Thank you for your consideration.
— Frank Jaffe
—Falmouth, Maine
—<mailto:Frank.Jaffe@clareon.com>
Frank.Jaffe@Clareon.com (V/F) 207–771–3703

MTC–00015259

From: Nate Baxley
To: Microsoft ATR
Date: 1/23/02 8:39am
Subject: Microsoft Settlement

I am writing to express my disapproval of the Microsoft settlement terms. The terms of this settlement seem to be too much in favor of Microsoft who, after all, was found guilty of misusing an ill gotten monopoly. Surely being found guilty of a crime of this magnitude deserves something more than a slap on the wrist, which this settlement appears to be for a company as large and as entrenched as Microsoft is. While I don't seek to punish Microsoft unneccesarily, I do believe that is in the best interest for consumers that the Microsoft stranglehold on the consumer PC be stopped, and not

allowed to spread to other areas of the computer business, including:

Commercial Desktop
Hardware
Server class systems
Gaming
Cable Boxes
Internet Content
Internet Access
etc.

Please don't allow this inexplicably light outcome for a company that has been shown to have so many monopolistic tendencies.

Respectfully,
Nathan Baxley
18409 S. Elm St.
Gardner, KS 66030

MTC–00015260

From: Charles Callaway
To: Microsoft ATR
Date: 1/23/02 8:39am
Subject: Microsoft Settlement

Charles B. Callaway, Ph.D.
(North Carolina State University, Computer Science)
U.S. Citizen from Texas, working in Italy

Dear sirs,

I am writing this comment in accordance with the Tunney Act on the antitrust case against the Microsoft Corporation. Specifically, I am writing to express my disgust at the way the case has been handled since the change of administrations after the last U.S. presidential election.

I am quite unhappy that a convicted monopolist company that does business in my technical field has profited itself at the expense of other legitimite companies by aggressively excluding them from the ''free'' market. Multiple times I have watched economically healthy companies with innovative new products be completely squelched or forced to merge with other near-monopolist companies because Microsoft has taken their innovation, ''incorporated'' it into their operating system, and used their position in the desktop market to exclude the original innovative company from any share of the market. Furthermore, once Microsoft has accomplished this, they then claim that the innovation is now completely integrated into the operating system and to remove it would be catastrophic to their millions of customers.

While Microsoft spokespersons have repeatedly claimed that their company drives innovation, the reality I have seen on the technical side of the issue is that it is patently obvious that they would prefer to take others'' innovations instead. This has a chilling effect on smaller software developers around the world, the sum total of whom innovate far more often than Microsoft and most other large companies. Allowing Microsoft to retain in toto the fruits of their monopolistic practices sends a message to other companies that their innovations will be stifled, and sends a message to large companies that they can freely trample the rights of others. I encourage you to revisit the penalty settlement and ensure that more stringent measures are taken.

Sincerely yours,
Charles B. Callaway, Ph.D.

MTC–00015261

From: John Lewis
To: Microsoft ATR
Date: 1/23/02 8:50am
Subject: Microsoft Settlement

I have read through the proposed settlement in this case and believe that the ''remedy'' offered will generally have no affect on Microsoft's business practices. If this court approves the settlement, it tacitly ignores 20 years of Microsoft acting in bad faith while laboring under previous conduct oriented settlements and court orders. A structural remedy is the only realistic solution for correcting Microsoft's pattern of anti-competitive behavior.

MTC–00015262

From: Jim McCarthy
To: Microsoft ATR
Date: 1/23/02 8:41am
Subject: Microsoft Settlement

The proposed settlement will not limit Microsoft's entrenched monopoly or restrain its penchant for abusing its monopoly power. The only effective solution is to break the company into two separate divisions: Operating Systems and Applications.

James McCarthy

MTC–00015263

From: Tom Buskey
To: Microsoft ATR
Date: 1/23/02 8:41am
Subject: Microsoft Settlement

I disagree with the proposed settlement. It does not provide for government or non profit use. In addition it allows Microsoft to continue its monopolistic practices.

MTC–00015264

From: Matthew Youngblood
To: Microsoft ATR
Date: 1/23/02 8:41am
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea.

-Matthew Youngblood
Rt. 5 Box 224
Littleton, NC 27850

MTC–00015265

From: Daniel Brown
To: Microsoft ATR
Date: 1/23/02 8:40am
Subject: Microsoft Settlement

To Whom It May Concern,

I have been a software engineer for 6 years. I have been an avid computer user for about 20 years. I have used Microsoft's MS-DOS and Windows operatings systems extensively during that time. And over that period of time, Microsoft has done many things that I consider unethical, whether they were all illegal or not.

Microsoft needs to be restrained since its anti-competitive practices have hampered the progress of computer technology. This is clear when looking at the fact that Microsoft operating systems have always lagged behind other operating systems in reliability, usability, and technical capability—and yet Microsoft operatings systems have always dominated the business and consumer markets.

The primary specific acts which I find deplorable are Microsoft's attempts to undermine competing technologies such as Java by duping developers into creating Windows-specific Java applications (through embrace-and-extend tactics), the use of monopoly power to manipulate OEMs, and propoganda letter compaigns in which they attempt to put words in the mouths of ordinary citizens in order to influence the outcome of this very antitrust suit.

The most recent formulation of the Microsoft settlement that I have seen does not restrain Microsoft in any substantial way. This will likely be true of any settlement that Microsoft agrees to. Microsoft is not interested in conforming with the law or with ethical standards or with furthering the common good. They exist only to exist. In addition, I agree with the main points of the open letter to the DOJ on this matter located at: http://www.kegel.com/remedy/letter.html and will be adding my name in support of it.

Sincerely,
Daniel W. Brown
Software Engineer
Gloucester, MA

MTC–00015266

From: Neil Deasy
To: Microsoft ATR
Date: 1/23/02 8:40am
Subject: Microsoft Settlement

I am opposed to the current proposed settlement.

MTC–00015267

From: Tom Wanek
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 8:40am
Subject: Microsoft Settlement

To Whom It May Concern,

I am writing to register my displeasure at the Proposed Final Judgment in United States vs. Microsoft.

As someone who has reviewed Microsoft's business practices with more than casual interest, I am deeply disturbed that the PFJ leaves so many holes open for Microsoft to continue with its history of anti-competitive practices.

Thomas J. Wanek
Program Manager, Telecom Italia
granite systems, inc.
1228 Elm St. 5th floor
Manchester, NH 03101
Phone: 603.625.0100
Fax: 603.625.4812
Office: 603.263.6505
Mobile: 603.303.1025
Email: twanek@granite.com
Text Messaging: www.msg.myvzw.com OR 6033031025@msg.myvzw.com

MTC–00015268

From: Michael Clark
To: Microsoft ATR
Date: 1/23/02 8:41am
Subject: Microsoft Settlement

To Whom It May Concern:

I wish to register my dissapointment in, and my objection to the tentative settlement reached between Microsoft and the US Department of Justice in the United States vs. Microsoft Corporation antitrust lawsuit. I am a computer scientist with over 20 years experience in the computer industry.

I find that the Proposed Final Judgement (PFJ) lacks sufficient provisions to prevent Microsoft from continuing its anticompetetive practices. Any successful Final Judgement must depend on very carefully crafted definitions of the industry specific terms used in the Final Judgement. The PFJ contains definitions of terms that differ in subtle but substantial ways from the Finding of Fact and in common usage; these definitions are apparently in Microsoft's favor.

While agreeing to the PFJ will cause Microsoft to slightly change its behaviour, there is sufficient ''wiggle room'' left by the definitions used in the PFJ to allow Microsoft to continue its anticompetitive practices while claiming that it is meeting the letter of the law.

There are other areas in which the PFJ inadequately addresses the grievances against Microsoft, for example:

1) it fails to cause Microsoft to adequately remove the so-called ''Application Barriers to Entry'' sited in the complaint,

2) it fails to adequately protect Independant Software Vendors (ISV) by requiring full disclosure of information that will allow ISVs to product competitive products,

3) it fails to adequately protect Original Equipment Manufacturers (OEMs) from retalliation if they choose to ship computer systems with non-Microsoft operating systems or applications.

Several alternative proposals have been created that adequately address many of the problems with the PFJ. I am certain that at least some of these alternatives have been brought to your attention. Please do not continue with the PFJ as it currently stands, but rather adopt the provisions of one or more of the alternate proposals (e.g. http://www.kegel.com/remedy/letter.html), which I believe better serves the publics interest in this matter.

Thank you for your consideration,
Michael Clark
213 Dutchess Drive
Cary, North Carolina 27513

MTC–00015269

From: Andy Pastuszak
To: Microsoft ATR
Date: 1/23/02 8:41am
Subject: Microsoft Settlement

I must say that I am deeply troubled by the proposed settlement the US Dept of Justice has proposed in respect to the current anti-trust case against Microsoft. The continued allowance of comingling of software with the Microsoft operating system causes me great concern. It has been impossible since the instroduction of Windows 95 OEM SR2 to uninstall Internet Explorer from with Operating System. And now with the introduction of Windows XP, we see the forced installation of things such as Internet Explorer, MSN Messenger, and Outlook Express. The options AUTOMATICALLY get installed without the consumer having a choice in the matter at all. If Microsoft wishes to provide a SECOND CD with this software on it as an optional install then we may be able to see true competition restored, because then OEM manufacturers would have the option to include CDs with AOL Instant Messenger, Netscape 6, Opera, Eudora and many other competing Internet products.

A true settlement that would be in the best interest of the American consumer would STRONGLY limit Microsoft's ability to comingle software in their operating system and would allow other software manufacturers to easily bundle their products with the Windows Operating System. To really level the playing field, I would strongly urge the Dept of Justice to demand that the Internet Explorer browser be taken away completely from Microsoft and made available as open source so that it can easily be ported to other operating systems. Sure, IE is available for the Macintosh platform as well as Windows, but key features such as VBScript are only made available in the Windows version. When we sites are coded in these IE proprietary features, people are forced to use a Microsoft operating system to view the pages and help extend Microsoft's monopoly power even further.

To reomve IE from Microsoft and to allow it be ported to operating systems such as Macintosh, Linux, BSD, UNIX, BeOS, EPOC, PalmOS and all the other operating systems out there would help alleviate the current monopoly position of Microsoft.

Another major issue is the lack of full documentation of all the Microsoft programming APIs. Without full disclosure of ALL APIs for programming Windows software, Microsoft will ALWAYS have an atvantage in writing software for their own operating system. Allowing Microsoft to have the inside track on it's own APIs will allow them to build software will ALWAYS surpass its competitors in features.

And lastly, Microsoft licenses prohibit the use of Microsoft products against the companby itself. The license to FrontPage 2002 (Microsoft's web development package) prohibits the owner of the product from being able to use the software to create a site that may make negative comments against Microsost. Is this not a violation of my first ammendment rights to free speech? Sure, I have a choice to buy another web development package, but if we allow comingling to continue, some day FrontPage could be part of the operating system and then it would be forbidden to use the operating systems itself to make negative remarks about the company.

Thank you for taking the time to read this. I feel the current settlement proposal is weak and would just allow Microsoft to maintain its monopoly power in the US.

Andy Pastuszak
3600 Valley Meadows Drive
Bensalem, PA 19020
(215) 633–9606
apastuszak@mac.com

MTC–00015270

From: Brian Kreulen
To: Microsoft ATR
Date: 1/23/02 8:41am
Subject: Microsoft Settlement

Dear Renata B. Hesse,

My name is Brian Kreulen, and though I live in France, I am an American citizen who feels very strongly about the current anti-trust trial against Microsoft. Under the Tunney Act, I wish to comment on the Microsoft settlement's inadequacy in improving the competitive environment in the software industry. Some serious shortcomings relate to:

(1) Middleware

The current language in Section H.3 states ''Microsoft Middleware Product would be invoked solely for use in interoperating with a server maintained by Microsoft (outside the context of general Web browsing)'' does nothing to limit the company's ability to tie customers and restrict competition in non Web-based networked services under .NET, as they fall ''outside the context of general Web browsing''. Microsoft has already begun abusing its desktop monopoly to tie customers int .NET revenue streams and set up a new monopoly over the network.

Part 2 of the same section states ''that designated Non-Microsoft Middleware Product fails to implement a reasonable technical requirement. . . '' essentially gives Microsoft a veto over any competitor's product. They can simply claim it doesn't meet their ''technical requirements.''

(2) Interoperability

Under the definition of terms, ''Communications Protocol'' means the set of rules for information exchange to accomplish predefined tasks between a Windows Operating System Product on a client computer and Windows 2000 Server or products marketed as its successors running on a server computer and connected via a local area network or a wide area network.'' This definition explicitly excludes the SMB/CIFS (Samba) protocol and all of the Microsoft RPC calls needed by any SMB/CIFS server to adequately interoperate with Windows 2000. Microsoft could claim these protocols are used by Windows 2000 server for remote administration and as such would not be required to be disclosed. The Samba team have written this up explicitly here: http://linuxtoday.com/news—story.php3?ltsn=2001–11–06–005–20–OP–MS

(3) General veto on interoperability

In section J., the document specifically protects Microsoft from having to ''document, disclose or license to third parties: (a) portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria''

Since the .NET architecture being bundled into Windows essentially builds ''anti-piracy, anti-virus, software licensing, digital rights management, and authentication systems'' into all levels of the operating system, ANY API, documentation, or communication layer can fall into this category. This means that Microsoft never has to disclose any API by claiming it's part of a security or authorization system, giving them a complete veto over ALL disclosure.

(4) Veto against Open Source

Substantial amounts of the software that runs the Internet is ''Open Source'', which means it's developed on a non-commercial

basis by nonprofit groups and volunteers. Examples include Apache, GNU/Linux, Samba, etc. Under section J.2.c., Microsoft does not need to make ANY API available to groups that fail to meet ''reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business.'' This explicitly gives them a veto over sharing any information with open source development projects as they are usually undertaken on a not-for-profit basis (and therefore would not be considered authentic, or viable businesses). These concerns can be met in the following ways:

(1) Middleware: Extend middleware interoperability with a Microsoft server to ALL contexts (both within general Web browsing as well as other networked services such as are those being included under .NET).

(2) Interoperability: Require full disclosure of ALL protocols between client and Microsoft server (including remote administration calls)

(3) General veto on interoperability: Require Microsoft to disclose APIs relating to ''anti-piracy, anti-virus, software licensing, digital rights management, encryption, or authentication systems'' to all.

(4) Veto against Open Source: Forbid Microsoft from discriminating between for-profit and nonprofit groups in API disclosure. Thank you for taking the time to read through my concerns, and I hope you will see the need for change in the current proposal.

Brian KREULEN
Zden France SA
Office: +33 (0) 1 42 04 41 83
Portable: +33 (0) 6 81 67 43 84

MTC–00015271

From: Joe Stevens
To: Microsoft ATR
Date: 1/23/02 8:52am
Subject: Microsoft Settlement

Just want to add my two cents to this Microsoft settlement. Having worked with graphics on computers since long before personal computers and Windows was around, I have seen a lot of good (and bad) programs come and go. And eventually they all went away as Microsoft used it's ever growing influence to force change out of the marketplace. I think they have used unethical and illegal practices to put competition out of business, leaving us with mediocre, insecure, OSs and programs. I think a remedy should be found that prevents them from continuing their practice, and in some way makes whole those who lost their businesses, companies, and livelyhood from MS business practices.

Joe Stevens
500 Springhill Rd.
Rising Sun, MD 21911
302–658–9276
joeathome@dol.net
photoart@delanet.com

Guidelines for a fair remedy:

Any remedy in a case that has been so clear-cut in its findings must be more assertive in its defence of consumer interests. Regardless of specifics, such a remedy must address the following:

1. Recurrence: Microsoft must not be able to continue to abuse its monopoly the way it has in the past.

2. Reimbursement: Microsoft has no right to retain the excess profits it has earned as a result of its illegal actions. This money should be repaid to the consumer.

3. Reparations: As Microsoft is responsible for the current uncompetitive market in operating systems and related applications, it must underwrite efforts to restore competition and consumer choice. The rest of the market should not have to pay to recover from Microsoft's abuses.

4. Reference: Microsoft must pay punitive damages over and above its reimbursement and reparations obligations, to serve as a warning to deter future monopolists. The remedy must in no case send out a signal that a large enough violator can get off lightly. Future tax dollars can be saved by discouraging abuses instead of having to prosecute them.

The DoJ is supposed to be acting on behalf of the consumer, and they must pursue a remedy that addresses all the above issues. For example, a remedy that required Microsoft, among other things, to only sell through channels that offer at least one other operating system, could address the reparations issue and break the structural forces perpetuating their monopoly (If an OEM requires training to support another operating system, Microsoft may be forced to subsidise such training).

The proposed settlement goes partway towards addressing the issue of recurrence, but does so only half-heartedly because it creates significant exceptions and loopholes for Microsoft to take advantage of. It completely ignores the other three issues. An impression is created that the DoJ is more sensitive to Microsoft's interests than to the interests of consumers who have been systematically robbed of both their choices and their money.

Therefore this proposed settlement must be rejected as not being in the public interest.

Ganesh Prasad

Well, Microsoft now appears to be exacting its revenge, leaning this time on the same letter of the old law to not only get a better deal, but literally to disenfranchise many of the people and organizations who feel they have been damaged by Microsoft's actions. If this deal goes through as it is written, Microsoft will emerge from the case not just unscathed, but stronger than before.

Here is what I mean. The remedies in the Proposed Final Judgement specifically protect companies in commerce—organizations in business for profit. On the surface, that makes sense because Microsoft was found guilty of monopolistic activities against ''competing'' commercial software vendors like Netscape, and other commercial vendors—computer vendors like Compaq, for example. The Department of Justice is used to working in this kind of economic world, and has done a fair job of crafting a remedy that will rein in Microsoft without causing undue harm to the rest of the commercial portion of the industry. But Microsoft's greatest single threat on the operating system front comes from Linux—a non-commercial product—and it faces a growing threat on the applications front from Open Source and freeware applications.

The biggest competitor to Microsoft Internet Information Server is Apache, which comes from the Apache Foundation, a not-for-profit. Apache practically rules the Net, along with Sendmail, and Perl, both of which also come from non-profits. Yet not-for-profit organizations have no rights at all under the proposed settlement. It is as though they don't even exist.

Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''. . . (c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, . . . ''

So much for SAMBA and other Open Source projects that use Microsoft calls. The settlement gives Microsoft the right to effectively kill these products.

Section III(D) takes this disturbing trend even further. It deals with disclosure of information regarding the APIs for incorporating non-Microsoft ''middleware.'' In this section, Microsoft discloses to Independent Software Vendors (ISVs), Independent Hardware Vendors (IHVs), Internet Access Providers (IAPs), Internet Content Providers (ICPs), and Original Equipment Manufacturers (OEMs) the information needed to inter-operate with Windows at this level. Yet, when we look in the footnotes at the legal definitions for these outfits, we find the definitions specify commercial concerns only.

But wait, there's more! Under this deal, the government is shut out, too. NASA, the national laboratories, the military, the National Institute of Standards and Technology—even the Department of Justice itself—have no rights. It is a good thing Afghanistan is such a low-tech adversary and that B–52s don't run Windows.

I know, I know. The government buys commercial software and uses contractors who make profits. Open Source software is sold for profit by outfits like Red Hat. It is easy to argue that I am being a bit shrill here. But I know the way Microsoft thinks. They probably saw this one coming months ago and have been falling all over themselves hoping to get it through. If this language gets through, MICROSOFT WILL FIND A WAY TO TAKE ADVANTAGE OF IT.

Robert Cringely, pbs.org

MTC–00015272

From: Joe Anding
To: Microsoft ATR
Date: 1/23/02 8:42am
Subject: Microsoft Settlement

Please take the time to examine all the details and facts in this case. Clearly, the timelyness of the result on the Windows 9x operating system is poor but it will direct the future of operating system development going forward for MS and those still trying to compete.

I can see that the MS model established for operating systems clearly has put the

Windows platform on top. There is nothing wrong with a company pursuing excellence in its'' products and providing exemplary customer service to back them. This strategy has vaulted many firms to success in the past. But using strong arm tactics or any practice that breaks from ethical business operations should be discouraged at all levels.

After examining the evidence provided and staying abreast of current information in the technical field of computer technology, it appears to me that something should be done that will allow MS to write software and provide services but at the same time encourages others to develop along-side them. I am not in a position to make decisions that will impact this case but you can. I greatly appreciate your open mind and thorough approach to examining the facts concerning this and all cases before you. The people of the United States are depending on your completeness. Make the right decision and Americans will be proud and strong. Otherwise, we will become captives.

Regards,
Joe Anding

MTC–00015273

From: Stefanie Gott-Dinsmore
To: Microsoft ATR
Date: 1/23/02 8:42am
Subject: Microsoft Settlement-NO!

I vote NO! to the proposed Microsoft Settlement.

I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundred, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices.

Similar to the settlement against AT&T, Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level (40%, for example, assuming one of it's competitors is now also at 40%). This must be true for all Microsoft product lines, before regulation is lifted. Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Imagine the damage to the United States if Microsoft were to fail, as Enron failed. The risks of a monopoly are greater than merely the loss of competition.

Thank you for your time.
Stefanie Gott-Dinsmore

MTC–00015274

From: Joe Rizzo
To: Microsoft ATR
Date: 1/23/02 8:43am
Subject: Microsoft Settlement

This is a bad settlement.
Joseph Rizzo
Chief Technology Officer
ETS/Financial Campus
116 Middle Road
Southborough, MA 01772
508.481.3578 x36 (office)
215.868.3437 (cell)
jrizzo@financialcampus.com

MTC–00015275

From: Kento
To: Microsoft ATR
Date: 1/23/02 8:42am
Subject: Microsoft Settlement

To whom it may concern:

The proposed settlement is a bad idea. It is not near adequate enough. Period.

A single company having this much control over the huge market that it does can, has, and will continue to result in abusive behaviour towards anyone not in their camp. To co-exist peacefully is not their goal. It is to crush any and all opposition, and I can not stand idly by watch while this continues. It affects us all whether we realize it or not.

Thank you.
Kent Benedict
Iowa City, Iowa

MTC–00015276

From: casey.milford@conwaycorp.net@inetgw
To: Microsoft ATR
Date: 1/23/02 8:41am
Subject: Microsoft Settlement

Dear Sir or Madam,

I have read the proposed Microsoft Settlement, and am NOT in favor of it, in its current state. The settlement does not, in any way, penalize Microsoft for its past infringements of the law.

For many years, OEMs have been under control of this corporation, and simply ''formalizing'' this law in a document is not enough. Microsoft has been declared guilty of past wrongs, and must now be held accountable in some measure.

The current proposed settlement is unacceptable.

Thank you for your time.
Sincerely,
Casey Milford
Conway, AR 72032

MTC–00015277

From: Jake Williams
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 8:44am
Subject: Microsoft Settlement

Sir or Madam,

I am writing this email in order to register my dissatisfaction with the proposed settlement in the U.S. vs Microsoft case. I work with Microsoft products on a daily basis, and am generally happy with their products, but the court has found that they have abused their monopoly position, and must be punished for their actions in order for competition to flourish. The settlement in its proposed state will not hamper Microsoft's business actions, and will not foster competition in the computer industry. Microsoft has hampered innovation since becoming a Monopoly, and our economy would be doing much better if there was competition, and Microsoft's illegal business practices were stopped. A review period and a promise to be a ''good monopolistic company'' did not work with the previous settlement with the U.S.D.O.J. and will not work in this situation. Without harsh penalties for repeated offenses, Microsoft will continue to hamper innovation in the computer industry.

Thank you for your time,
Jake Williams
Jake Williams
Network Specialist, MCSE/CCNA
ELCOM, Inc.
4940 Corporate Drive, Suite C
Huntsville, Alabama 35805
Phone: (256) 830–4001
jake.williams@elcomrep.com
http://www.elcomrep.com <http://www.elcomrep.com>

MTC–00015278

From: Michael Thome
To: Microsoft ATR
Date: 1/23/02 8:45am
Subject: Microsoft Settlement

I am NOT in favor of the current version of the Microsoft Settlement.

Any acceptable settlement must assure that competing products have approximately equal footing with new Microsoft products. This requires full disclosure and *right-to-use* of all Operating System APIs (including all current and future Windows versions).

thank you,
Michael Thome
mthome@bbn.com
1056 Main St
Melrose, MA
02176

MTC–00015279

From: Bruce Ediger
To: Microsoft ATR
Date: 1/23/02 8:45am
Subject: Microsoft Settlement

The proposed settlement of the Microsoft anti-trust case has no merit. The proposed settlement does absolutely nothing to redress all the bad things that Microsoft has done with its monopoly.

Sincerely,
Bruce Ediger
541 Fox St
Denver, CO 80204
720–932–1954

MTC–00015280

From: Mike Fox
To: Microsoft ATR
Date: 1/23/02 8:08am
Subject: Microsoft Settlement

I am writing as a concerned citizen of the United States, and as a computer professional, to inform you of my opinion that the pending Microsoft Settlement is a bad idea. It does nothing to ensure that Microsoft will stop bullying OEM computer manufacturers into selling their computers with Windows as the only possible operating system, and forcing the end users to pay the price of that operating system. It also avoids forcing Microsoft to open up many key APIs for competing application developers to program against. This gives Microsoft a hand up in developing applications for the operating system (thus using their operating system monopoly to expand their application monopoly).

What I would suggest is that Microsoft's APIs be forced open—completely. If any changes are made to their APIs, they must be published. Also, contracts with OEMs stating that any computers sold must have a valid Windows licence should be banned so that OEMs will be free to sell their computers

with the operating systems of their customer's choice.

Thank you for taking the time to read this.

Mike Fox,

Windham, Maine

MTC–00015281

From: Marvel, Michael
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 8:42am
Subject: Microsoft Settlement

I'd like to comment on the proposed settlement between DoJ and Microsoft. I believe that Microsoft is abusing it's Monopolistic position in the marketplace. That is not going to change with a simple settlement. It is going to take some serious action on the governments part to correct Microsoft's business practices.

Microsoft is fond of saying that any action against them will stifle innovation, however, Microsoft uses it's Monopoly powers to stifle any innovation that could compete with it.

They also use this power to create unfair and controlling license agreements. They also add things like the Activation program in Windows XP. This program says that if I upgrade my computer significantly, as many computer professionals are prone to do, I have to call Microsoft and ask them to continue to use the software I purchased with my hard earned dollars.

It appears to me that the government is looking for an easy way out of this. But it is the governments job to do what is right for the people, not big business. What is right for the people in this case is to make Microsoft play on a fair playing field. They should not be able to use heavy handed tactics that they use now.

Thank you for your time.

Mike Marvel

mmarvel@colpipe.com

MTC–00015282

From: Larry Osolkowski
To: Microsoft ATR
Date: 1/23/02 8:43am
Subject: Microsoft Settlement

Sirs,

I believe that the proposed Microsoft settlement is a bad idea. It is not a punishment for illegal monopolistic behavior, but rather a windfall for Microsoft that will enhance its penetration into one of the few remaining markets that the company does not already dominate. Please reconsider this poorly-crafted solution, and propose a plan that will reduce Microsoft's monopoly and improve competition in the personal computer marketplace.

Lawrence S. Osolkowski
Software Engineer
Northrop Grumman Corporation
Electronic Systems
Amherst Systems
30 Wilson Road
Buffalo, New York 14221
Phone: 716–631–0610 Ext. 350
Fax: 716–631–0629

MTC–00015283

From: Tim Enders
To: Microsoft ATR
Date: 1/23/02 8:44am
Subject: Microsoft Settlement
To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

This is my vote AGAINST the proposed settlement. It doesn't sufficiently remedy Microsoft's anticompetitive behavior. A healthy environment for innovation requires diversity in the marketplace—US consumers deserve the power of choice this diversity would provide.

Regards,

Timothy M. Enders
209 Edgerton St
Rochester NY 14607

MTC–00015284

From: John Christie
To: Microsoft ATR
Date: 1/23/02 8:45am
Subject: Microsoft Settlement

To Whom It May Concern,

The proposed settlement with Microsoft is a bad idea. At no time in history has the DOJ so clearly shirked its duty as in this case of a world power monopolist who repeatedly, and without remorse or conscience, egregiously extends that monopoly illegally.

I was prompted to write today as I overheard others arguing the case. While I was listening I noticed that those who are in favor of harsh penalties to Microsoft seemed to have a hard time coming up with specifics on what the monopoly has really cost America. The only rebuttals seem to be, ''It cost competition in the marketplace, which would surely have made things better somehow.'' Unfortunately, that somehow is poorly defined. But, it needn't be that way.

Imagine there was competition in the software marketplace. . . Now, think of all of the little things every day that you put up with in Microsoft products that you do not like but feel that you have to live with—every time something have happened and you said, ''what are you going to do?'' That file is incompatible? my computer crashed! What, another virus! Why is this so slow! Why isn't there an easier solution? You want how much to update Windows! What do you mean I don't own the software!

The list of things that bother Americans day to day here is probably rather extensive. If there were real competition how long do you believe that these problems would last. Or, consider a corollary, imagine if Ford had a world wide monopoly in the automobile market from very close to its inception, and that it was free to extend and maintain that monopoly any way it wished. Does anyone really believe that we would have moved much beyond the Model T?

In addition, there are some real costs that one can assign to this monopoly. Every time you hear on CNN of a Microsoft security hole that cost America 10's of millions of dollars, you can blame the monopoly. Every time there is a virus that chews up millions of hours of labor and internet bandwidth, feel free to blame the monopoly. Every notice about a cost to America for some computing defect that is extremely widespread should cause every American to raise a finger and point it at Microsoft. Would we be putting up with any of this if it were not a monopoly? Would we feel technologically helpless if it were not an illegally enforced and extended monopoly?

Microsoft made over 2 billion dollars last quarter. With that money they could have afforded to clean up all of the security and virus messes they made over the three months. But, they have no accountability on top of being a monopoly. Imagine Ford saying to America, ''if you have a problem with the Firestone tires just go get different ones, we can't be responsible for these kinds of things.''

Microsoft's monopoly has provided political power as well as commercial. Please enforce the Sherman Act to the fullest against this company. There will be no joy in Mudville until that occurs.

John Christie

MTC–00015285

From: Dave@Lopata.Net@inetgw
To: Microsoft ATR
Date: 1/23/02 8:49am
Subject: Microsoft Settlement

Hello. I am against the Proposed Final Judgement against Microsoft. While there appears to be numerous flaws in the overall Judgement, I am particularly concerned that there are no provisions to either require Microsoft to document their file formats (like .doc, .xls, and .wmp) or require them to use open standards based formats (like XML).

As a person who regularly communicates with Microsoft customers, this is the most frustrating aspect of the Monopoly. . .Their proprietary formats essentially close off conversations and information from Non-Microsoft users.

Dave Lopata
5323 Under Way
Sugar Hill, GA 30518

MTC–00015286

From: Maurice Reeves
To: Microsoft ATR
Date: 1/23/02 8:46am
Subject: Microsoft Settlement

I do not currently feel that the Microsoft Anti-trust Settlement is satisfactory.

Please convey my concerns to those in charge of this case that more should be done to protect the end user and developers.

Thank you,

Maurice Reeves
buzzcutbuddha—www.perlmonks.org
Fearless Leader—Harrisburg Perl Mongers
Secretary—Java Users Group

MTC–00015287

From: Costyn van Dongen
To: Microsoft ATR
Date: 1/23/02 8:45am
Subject: Microsoft Settlement

Dear Sir/Madam,

I just would like to voice my opinion that the proposed Microsoft settlement is a bad idea.

Sincerely,

Costyn van Dongen.

MTC–00015288

From: Chris Beachy
To: Microsoft ATR
Date: 1/23/02 9:46am

Subject: Microsoft Settlement

Dear Sirs,

I would like to express my objections to the currently proposed settlement with Microsoft.

I believe the settlement is ineffective, and of little worth.

Some examples are:

Section III.A.2 which allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system. I prefer to buy computers without Microsoft products on them and don't think I should be penalized for this.

Section III.b which requires Microsoft to license Windows on uniform terms and at published prices to the top 20 OEMs, but says nothing about smaller OEMs.

I prefer to deal with smaller OEMs, and support small businesses. A small OEM owned by a friend was told by Microsoft that if they wanted to license Windows at the lowest (and therefore competative) price, they must sell Windows on every Personal Computer they sold, and could not sell any other operating system. This OEM has since gone out of business.

These are just two from a large list of complaints. Please re-consider this settlement!

Thank you,
Chris Beachy
beachy@chrisbeachy.net
2519 Symphony Lane,
Gambrills, Md. 21054

MTC–00015289

From: kt
To: Microsoft ATR
Date: 1/23/02 8:45am
Subject: Microsoft Settlement

For decades Microsoft has used its power over OEMs to force substandard products into the marketplace and assure their dominance. It has been proven that Microsoft abuses its monopoly power to crush potential competitors.

What is needed is a remedy that addresses this behavior of Microsoft's and stops it. We definitely should not reward Microsoft or look the other way.

Karl Tate

MTC–00015290

From: Shafto, Eric
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 8:42am
Subject: Microsoft Settlement

I am a computing professional with over 15 years experience, as well as an enthusiast and industry watcher. I have worked professionally with Microsoft, Macintosh, and Unix operating systems. I oppose the proposed settlement in the MS antitrust case.

If you have received this e-mail in error or wish to read our e-mail disclaimer statement and monitoring policy, please refer to http://www.drkw.com/disc/email/ or contact the sender.

MTC–00015291

From: Doug Loss
To: Microsoft ATR
Date: 1/23/02 4:05am
Subject: Microsoft Settlement

Since Microsoft has been found by the court to have a monopoly and to have illegally used its monopoly status, a finding which has been upheld on appeal, I feel it would be remiss not to have a final judgement that sanctions Microsoft for this behavior and applies real restrictions against its conducting similar behavior in the future. As has been shown in Microsoft's responses to previous judgements against it (the 1994 concent decree in particular), Microsoft can't be trusted to abide by any agreements it enters into without intensive oversight. Indeed, Microsoft's behavior since the findings of fact in this case were handed down clearly show its intent to ignore the court's decisions.

I think a proper final judgement would require Microsoft to publish the complete specifications to all the APIs (application programming interfaces) to all its products and the complete specifications to all its heretofore proprietary data formats, and would enjoin Microsoft from making any changes to those formats without publishing those changes in the same manner. This would not require Microsoft to release its ''crown jewels,'' the source code of its products, but would give other vendors a much better chance of competing with Microsoft on a level playing field.

Doug Loss
Data Network Coordinator
Bloomsburg University
dloss@bloomu.edu

MTC–00015292

From: Jesse Griffis
To: Microsoft ATR
Date: 1/23/02 8:47am
Subject: Microsoft Settlement

The fact that Microsoft should be allowed to continue to utilize proprietary and undocumented file formats in its programs is the major issue I have with the proposed settlement. Were the file formats open and ''honest'', other organizations (companies, or even clubs, hobbyists, and schools) would be able to build new and potentially ground-breaking products building off an existing base, and give other companies a chance to interoperate with Microsoft's.

As things stand, the massive market share held by Microsoft in the OS arena represents a gigantic barrier to entry preventing any other new business-related software from gaining a foothold in the market, which is rotten for consumer choice, and rotten for innovation.

Jesse Griffis
Washington DC

MTC–00015294

From: tripp millican
To: Microsoft ATR
Date: 1/23/02 8:36am
Subject: Microsoft Settlement

I would just like to say that I have read about the proposed settlement, and I am not in favor of it in its current state. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors, yet unfavorable to Microsoft.

Thank you

Tripp Millican
1108 West Franklin Apt 202
Richmond Va 23220

MTC–00015295

From: bubbyUllman@netscape.net@inetgw
To: Microsoft ATR
Date: 1/23/02 8:47am
Subject: Microsoft Settlement

I do not support the proposed settlement between the US government and nine of the original eighteen states. It does not re-kindle competition in the computer industry, nor does it make reparations for their proven criminal acts.

I also do not think that the government should be involved in the decision making within private organizations, hence the three man panel would be against my political beliefs.

Thank you for taking the time to listen.

Sincerly,
''Bubby'' Ullman

MTC–00015296

From: Jason Green
To: Microsoft ATR
Date: 1/23/02 8:48am
Subject: Microsoft Settlement

To whom it may concern:

I feel that the proposed Settlement against Microsoft does not do anything to allow competition to enter the marketplace. They should be required to open their programmable interfaces to allow other companies to write compatible software.

Jason Green
IT Coordinator, Lansing Management
Voice: 517–272–2900, Ext 217
Fax: 517–272–0630
Email: jgreen@kpm-net.com

MTC–00015297

From: Andrew Towle
To: Microsoft ATR
Date: 1/23/02 8:48am
Subject: Microsoft Settlement

The proposed settlement is a very BAD idea!

Andrew

MTC–00015298

From: Jon—Ciesla@aric.com@inetgw
To: Microsoft ATR
Date: 1/23/02 8:50am
Subject: Microsofrt Settlement

This settlement is a joke. Can we have something that actually fosters competition? What's good for Microsoft is not necessarily good for the country, and as such, Microsoft must be treated with more backbone than some mere errant federal bureau.

Jon Ciesla
Des Moines, IA

MTC–00015299

From: jr
To: Microsoft ATR
Date: 1/23/02 8:47am
Subject: Microsoft Settlement

This is a bad settlement

MTC–00015300

From: Joshua W. Burton
To: Microsoft ATR
Date: 1/23/02 8:50am
Subject: Microsoft Settlement

To: Renata B. Hesse
Antitrust Division
US Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse:

I am writing to express my concern about the clear inadequacy of the proposed final judgment in the Microsoft case. As a software engineer and consultant, I would like to offer my customers the widest possible choice of compatible operating systems and file formats on which to run our tools, but the restrictive licensing of the Microsoft Platform SDK, whose EULA asserts:

''Distribution Terms. You may reproduce and distribute . . . the Redistributable Components. . . . provided that (a) you distribute the Redistributable Components only in conjunction with and as a part of your Application solely for use with a Microsoft Operating System Product. . . '' makes this impossible. Equally serious, the file format of Microsoft Word, with which our requirements management tool interoperates, is closed and proprietary, which prevents us from building a cross-platform integration with Word files for open-source operating systems even if the EULA permitted it.

There are many other necessary elements missing from the proposed final judgment: the summary at <URL: http://www.kegel.com/remedy/remedy2.html#isv.oss > is quite good. I urge you to immediately reconsider the settlement.

Very truly yours,
Joshua W. Burton

MTC–00015301

From: Robert N. Lockwood
To: Microsoft ATR
Date: 1/23/02 8:50am
Subject: Microsoft Settlement

I believe that the proposed settlement is not in the best interest of consumers.

Robert Lockwood
Lockwoo9@pacbell.net

MTC–00015302

From: Sebastian Hassinger
To: Microsoft ATR
Date: 1/23/02 8:49am
Subject: Microsoft Settlement

The proposed judgement for settlement with Microsoft is poorly thought-out, ill-informed, and truly a bad deal for American consumers and the computer industry as a whole.

Sebastian Hassinger
Senior Strategist
IBM Pervasive Computing
Route 100 Somers, NY
email: shassing@us.ibm.com
office: +1.914.766.3297 (t/l 826–3297)
fax: +1.425.790.0517
mobile: +1.845.893.9498

MTC–00015303

From: Taliver Heath
To: Microsoft ATR
Date: 1/23/02 8:49am
Subject: Microsoft Settlement

While the majority of remedies are a good start, THEY DO NOT GO FAR ENOUGH for protecting competitors against a shark like Microsoft. If the DoJ had acted back in the early 90's, these would have been sufficient, however, Microsoft now has too much equity for others to compete on a level playing field.

Taliver Heath
Computer Science Grad Student
Rutgers University

MTC–00015304

From: Eric Allman
To: Microsoft ATR
Date: 1/23/02 8:56am
Subject: Microsoft Settlement

I think the proposed settlement is bad idea.

Eric Allman

MTC–00015305

From: Brent Neal
To: Microsoft ATR
Date: 1/23/02 8:39am
Subject: Microsoft Settlement

To whom it may concern:

I am writing to comment upon the proposed final settlement to the Microsoft antitrust trial. I understand that under the Tunney Act, the court is required to consider public commentary before ruling on the settlement.

I do not believe the proposed settlement is sufficient to prevent Microsoft from continuing its illegal practices. The settlement, to my reading, does not prevent Microsoft from pursuing de facto dominance in areas unrelated to the computer software and enterprise desktop industry. One particularly troubling instance of this is Microsoft's push to encourage record companies to use Microsoft's proprietary Windows Media format. Already, Universal has released CDs with the digital music encoded in Windows Media format, thus making them unusable to people without the Windows Operating System. This behavior is of the sort that the Sherman Antitrust Act was designed to prevent, yet the settlement in this case does not explicitly forbid it.

Please rectify this and any other shortcomings in the settlement or even better, prosecute Microsoft fully for their continued violations of antitrust law.

Sincerely,
Brent Neal
Brent Neal
Concurrent Computing Laboratory for Materials Simulations
Dept. of Physics—Dept. of Computer Science
Louisiana State University

MTC–00015306

From: JR
To: Microsoft ATR
Date: 1/23/02 8:50am
Subject: Microsoft Settlement

This is a bad bad bad bad settlement.

MTC–00015307

From: lee sulander
To: Microsoft ATR
Date: 1/23/02 8:50am
Subject: microsoft settlement

Please do not allow the states suing Microsoft nor AOL to proceed in this totally unjustifiable action against a great, innovative company that has proven beyond any doubt that they are a vital part of our dot net world of enterprise. These naysayers are out to destroy this great American success story.

Let them compete on whatever grounds the courts decide, but do not destroy.

Sincerely,
L. Sulander, Naples Florida

MTC–00015308

From: Brock Organ
To: Microsoft ATR
Date: 1/23/02 8:50am
Subject: Microsoft Settlement

Dear Sirs,

I believe the proposed settlement is a bad idea for the following reason:

The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

Thank you for your time,
Regards,
Brock Organ

MTC–00015309

From: Ice, Heath Cruts (UMR-Student)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 8:50am
Subject: Microsoft Settlement

I would just like to take a few moments to voice my non-support of the Microsoft settlement. I do not believe that the current proposal does enough to effectively wane Microsoft's anti-competitive actions. Thank you for your time.

Heath C. Ice
Computer & Electrical Engineering Student
University of Missouri—Rolla
hice@umr.edu
http://www.nonec.com

MTC–00015310

From: Duckett, Tony
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 8:50am
Subject: Microsoft Settlement

I think the proposed settlement is bad idea! Microsoft is a major CROOK and should be punished not rewarded!

Tony Duckett
System Administrator
703–326–2367
tduckett@netsol.com

MTC–00015311

From: Josh Stern
To: Microsoft ATR
Date: 1/23/02 8:32am
Subject: Microsoft Settlement

Dear U.S. Dept. of Justice,

I strongly oppose the proposed settlement with Microsoft corporation, and endorse the criticisms of both Ralph Nader and James Love, http://www.cptech.org/at/ms/rnjl2kollarkotellynov501.html, as well as those by Dan Kegel http://www.codeweavers.com/jwhite/tunney.html

Sincerely,
Joshua J. Stern
SS# 165–52–8424
401 South First St.
Apt. 410
Minneapolis, MN 55401
jstern@citilink.com

MTC–00015312

From: Jason—Titus@bluecrossmn.com@

inetgw
To: Microsoft ATR
Date: 1/23/02 8:51am
Subject: Microsoft Settlement

Hello,

I am writing to voice my opposition to the Microsoft Settlement. Microsoft has used its monopoly power to greatly change the landscape of the computing industry in its favor, at the expense of everyone else, including the public. They should be reprimanded with more than a simple slap on the wrist, and they certainly should not be allowed to settle with terms that are advantageous to them.

Thank you for allowing me to voice my concern.

Jason Titus
Brooklyn Park, MN
763–424–4228

MTC–00015313

From: Smokinn—
To: Microsoft ATR
Date: 1/23/02 8:51am
Subject: Microsoft Settlement

I sincerely believe that this settlement is not in the best interest of the American people for there is a lack of means of enforcement. Microsoft had already been tried and found guilty of unlawful monopolistic actions even though there were restrictions set on their behaviour. Microsoft believes that they are above the law, that they can just buy their way and once they are found guilty after years and years of trial the settlement is one they can very easily break, just like the last one. We need a punishment that can and will be enforced.

Guillaume Thìoret

MTC–00015314

From: Lane Weast
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 8:56am
Subject: Microsoft Settlement

I believe that the proposed settlement is a bad idea because it does far to little to stop Microsoft's exclusionary practices.

Lane Weast
Programmer Analyst I
lweast@leeclerk.org
941–335–2373

MTC–00015315

From: Bob Mileti
To: Microsoft ATR
Date: 1/23/02 8:50am
Subject: Microsoft Settlement

The settlement stinks. You've really let the computer world down!

Bob Mileti

MTC–00015316

From: Jeff Albro
To: Microsoft ATR
Date: 1/23/02 9:02am
Subject: Microsoft Settlement

I would like to object to the currently proposed Microsoft Settlement. Microsoft makes many wonderful products, but they have simply not been willing to compete on those merits. Time and time again they have used unfair and harmful tactics to minimize competition and extract maximum profit.

The proposed settlement does not go far enough and has no teeth for enforcement.

Jeff
Jeff Albro : Interaction Engineerjeff@antistatic.com
Customer-centric Consulting617–835–4153
Interface and System DesignBoston, MA

MTC–00015317

From: Bobby Jones
To: Microsoft ATR
Date: 1/23/02 8:52am
Subject: Microsoft Settlement

I would like to say that I feel the proposed settlement is a bad idea. There needs to be more done to ensure that end users have freedom of choice. For example, encouraging manufacturers to ship dual boot systems.

MTC–00015318

From: Shawn Hooton
To: Microsoft ATR
Date: 1/23/02 8:44am
Subject: Microsoft Settlement

Dear Sirs:

I am writing to give my comments on the Microsoft antitrust settlement. I believe this settlement is counter to the interests of the American public, deleterious to the American economy, and not adequate given the findings of fact in the trial.

Microsoft's anti-competitive practices are counter to the law and spirit of our free-enterprise system. These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation.

Microsoft's monopolistic practices cause the public to bear increased costs and deny them the products of the innovation which would otherwise be stimulated through competition.

The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future.

It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function.

MTC–00015319

From: Vernon.Nemitz@JTAX.com@inetgw
To: Microsoft ATR
Date: 1/23/02 8:49am
Subject: Microsoft Settlement

Hello.

Over the years I have observed Microsoft's strategy to become what it is today.

One part of that strategy is to ''borrow'' ideas from others, modify them very slightly, and then claim legal ownership. For example, the basic ideas for the ''windowing'' environment, in which a person interacts with a computer, seems to have originated at Xerox, were copied by Apple, and copied again by Microsoft. Today one about-to-be competitor is nearly ready to release a ''windowing'' environment called ''Lindows'', but Microsoft is interfering by claiming it owns the concept, and has filed a lawsuit. (Neither does it own the word ''Windows'', because there are plenty of companies that include it in their name, and which have been in business much longer than Microsoft. See http://www.andersenwindows.com for example) Which is more obscene: Microsoft's actions, or the Justice Department's failure to make Microsoft stop?

As another example of the preceding, there were rumors circulating that part of the ''increased stability'' of Microsoft Windows Operating System came from copying code written for the Linux Operating System. The legalese surrounding Linux require that such code be made public. Meanwhile, Bill Gates was making speeches to the effect that such legalese stifled innovation. If the rumors are true, then the implication is that Bill Gates'' definition of ''innovation'' is that of copying the work of others, and then claming ownership, as already described.

Where in the proposed settlement is anything to prevent such ''innovation''? Another part of Microsoft's strategy is to modify its Operating System. Advertised as ''adding improvements'', it is only partly true. As a programmer I know full well that the Operating System is what loads and executes the ordinary software ''application'' that the average person might want to interact with, such as as a word-processor, game, e-mailer, etcetera. In almost every case, an ''application'' program must work with the Operating System, or it will not work at all.

Well, since Microsoft sells both Operating System and application software, it is very easy for Microsoft to plan ahead by ''modifying'' its Operating System to cause competitor applications to no longer work right. Meanwhile, simply by not telling the competition that a modification is in the works, it can equivalently modify its own application software, so that it will continue to work right. Then, when the ''new and improved'' Operating System is released, Microsoft can also release ''improved'' application software, that works with the new Operating System, while all the competitors have to play catch-up, to fix the glitches deliberately introduced by Microsoft.

That is the nutshell-description of what happened to Netscape, Word Perfect, Lotus, Ashton-Tate, Borland, Corel, and other large software houses, because they were never allowed a chance to be ''in'' on forthcoming changes to Microsoft's latest-and-greatest Operating System (regardless of version). The preceding is how Microsoft came to monopolize the desktop computer. The courts have judged that Microsoft does indeed have monopoly status and power. But the proposed settlement does nothing to prevent Microsoft from continuing to implement its overall strategy, which is the basis behind that status and power.

If you would please recall that the intent of the Sherman Anti-Trust Act is to increase competition in the marketplace, and ask yourself if the proposed settlement in the Microsoft case acts to fulfill that intent, then perhaps you would conclude, as I conclude, that the proposed settlement is worthless—except to Microsoft.

The sender believes that this E-mail and any attachments were free of any virus, worm, Trojan horse, and/or malicious code when sent. This message and its attachments could have been infected during

transmission. By reading the message and opening any attachments, the recipient accepts full responsibility for taking protective and remedial action about viruses and other defects. Jackson Hewitt is not liable for any loss or damage arising in any way from this message or its attachments.

MTC–00015320

From: Mark R. Andrachek, Jr.
To: Microsoft ATR
Date: 1/23/02 8:52am
Subject: Microsoft Settlement

I think that the proposed settlement will do nothing to curb Microsofts illegal practices, and thus I am against it, as a harsher penalty should be sought.

Mark R. Andrachek, Jr.
hallow@webmages.com

MTC–00015321

From: Alex Kritikos
To: Microsoft ATR
Date: 1/23/02 8:52am
Subject: Microsoft Settlement

To whom it may concern,

I would like to note that I disagree with the proposed settlement.

Regards,
Alex Kritikos
my-Channels—Technologies working together
http://www.my-channels.com

MTC–00015322

From: Robert Chastain
To: Microsoft ATR
Date: 1/23/02 8:49am
Subject: Microsoft Settlement

This settlement is bad for me both as a consumer and as a computer professional. It has been clear for years (to people in the computer industry) that Microsoft has had monopoly power and has repeatedly used it to bend others to their will. In addition, when the company that holds the monopoly also happens to have a history of some of the buggiest, least secure software ever produced, this is surely a bad thing for our country and our economy.

Sincerely,
Robert Chastain

MTC–00015323

From: Sweeney Jr., John E.
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 8:50am
Subject: Microsoft Settlement

To whom it may concern:

I am writing this letter so that my comments on the Proposed Final Judgement in the Microsoft anti-trust case will be recorded in the public record under the Tunney Act. I am originally submitting this letter as email, with a print copy to follow.

As a consumer of computing products, and a worker in the I.T. industry, I have paid close attention to this case, as I am one of millions of consumers that have been harmed by Microsoft's business practices. After watching several years of legal maneuvering, I am extremely disappointed with the terms of the settlement that has been reached. My reasons are as follows:

The PFJ does not address Microsoft's long-standing strategy to maintain and enhance its monopoly position by imposing restrictive licensing and pricing practices on OEMs who sell Windows-equipped computers. For instance, Microsoft gives discounts on bulk Windows licenses to OEMs based on sales of unrelated Microsoft products, such as Office. They also can penalize OEMs who sell computers pre-installed with competing operating systems, and their licensing terms prevent sales of computers equipped to dual-boot both Windows and a competing system. This hinders consumers who may choose other products, both by reducing the market availability of those products, and substantially increasing the cost to aquire them. The PFJ does not address Microsoft's long-standing strategy to maintain and enhance its monopoly position by breaking compatibility with competing products. It makes gestures in that direction, by supposedly requiring Microsoft to publish it's secret Windows APIs, but then it narrowly defines API, and provides several loopholes so that many important ones need not be disclosed, hindering competitors from being able to design competing, yet compatible products. Furthermore, the disclosure of Windows APIs isn't required until AFTER the deadline for ISVs to demonstrate that competing middleware is compatible. It also doesn't require Microsoft to disclose which APIs are covered by patents it holds, leaving Windows-compatible systems in and uncertain state of legality, which could deter otherwise interested consumers from using them, while if such disclosure were required competing systems could be designed which don't infringe on those patents. Finally, the PFJ does not require Microsoft to release documentation on the format of various output files it's programs create (such as the Word .doc file format, or Excel .xls file format), making it difficult for competitors to design compatible products, and when they do, making it easy for Microsoft to once again subtly change the format so that the competing product doesn't work correctly, and consumers are forced into another costly upgrade cycle.

In addition to these deficiencies, the PFJ as it is currently written does not even appear to be enforceable. There is no mechanism to insure that Microsoft will be forced to comply with its provisions and no penalty for disregarding them (although why it would wish to, since the PFJ allows the company to continue abusing the computing public for its own financial gain with almost no real hindrances, is anyone's guess)

I urge the judge to deny this PFJ and order the DOJ to either propose a new settlement (with some teeth, this time), and quickly, or to continue with the trial. While the object is not to punish Microsoft unnecessarily, the fact remains that the company is guilty of illegal maintenance of a monopoly, and the Final Judgement in this case should end Microsoft's ability to maintain it further. As the PFJ is currently written, it does nothing of the sort

John Sweeney
Systems Administrator
321–799–6033
sweeneyjrj@saic.com

MTC–00015324

From: Bill Lance
To: Microsoft ATR
Date: 1/23/02 8:52am
Subject: Microsoft Settlement

I believe that the current MS settlement seriously flawed. As it stands, it not only does little correct the cost of previous illegal behavior, it actually will create many opportunities for court protected future preditory and destructive behavior.

MTC–00015325

From: Semmy Sebastian
To: Microsoft ATR
Date: 1/23/02 8:52am
Subject: Microsoft Settlement

settlement is a bad idea

MTC–00015326

From: steven@localhost.localdomain@inetgw
To: Microsoft ATR
Date: 1/23/02 8:52am
Subject: Microsoft Settlement

I wish to register my emphatic disagreement with the proposed settlement. From my reading, the settlement does nothing to restore a competitive environment, does nothing to punish microsft for past misconduct, and provides no assurances that microsoft's behaviour will be constrained in the future. There is far too much history of evasion for me [or any rational person] to accept this settlement as effective.

Thanks for your consideration
Steven Filling
California State University, Stanislaus
Sent by Steven's Thinkpad.....
E-Mail: steven@samsara.csustan.edu

MTC–00015327

From: Jason C Penney
To: Microsoft ATR
Date: 1/23/02 8:53am
Subject: Microsoft Settlement

Hello,

I would like to take this time to state that I feel that the currently proposed settlement does not punish Microsoft enough for what they have done. I feel that it is sufficiently vague that it may actually encourage Microsoft to continue further down the path that got them where they are today.

Thank you,
Jason Penney
Dracut, MA
01826
Jason C Penney (jpenney@jczorkmid.net)
Xarton Dragon <UDIC> <http://www.jczorkmid.net>

MTC–00015328

From: Eric Merritt
To: Microsoft ATR
Date: 1/23/02 8:53am
Subject: Microsoft Settlement

Dear Sirs,

I have a few issues with the Microsoft Antitrust resolution and I am taking this opportunity to voice them.

Section III.H.3. of the PFJ requires vendors of competing middleware to meet ''reasonable technical requirements'' seven months before new releases of Windows, yet it does not require Microsoft to disclose those requirements in advance. This allows Microsoft to bypass all competing middleware simply by changing the

requirements shortly before the deadline, and not informing ISVs. In this case, this section is no solution at all. It is simply a way for microsoft to justify it anitcompetitive practices by saying it is conforming to the PFJ.

Section III.D. of the PFJ requires Microsoft to release via MSDN or similar means the documentation for the APIs used by Microsoft Middleware Products to interoperate with Windows; release would be required at the time of the final beta test of the covered middleware, and whenever a new version of Windows is sent to 150,000 beta testers. But this information would almost certainly not be released in time for competing middleware vendors to adapt their products to meet the requirements of section III.H.3, which states that competing middleware can be locked out if it fails to meet unspecified technical requirements seven months before the final beta test of a new version of Windows. Once again the same issues as above. The PFJ's overly narrow definitions of ''Microsoft Middleware Product'' and ''API'' means that Section III.D.'s requirement to release information about Windows interfaces would not cover many important interfaces.

ISVs writing competing operating systems as outlined in Findings of Fact (52) sometimes have difficulty understanding various undocumented Windows APIs. The information released under section III.D. of the PFJ would aid those ISVs—except that the PFJ disallows this use of the information. Worse yet, to avoid running afoul of the PFJ, ISVs might need to divide up their engineers into two groups: those who refer to MSDN and work on Windows-only applications; and those ho cannot refer to MSDN because they work on applications which also run on non-Microsoft operating systems. This would constitute retaliation against ISVs who support competing operating systems.

No part of the PFJ obligates Microsoft to release any information about file formats, even though undocumented Microsoft file formats form part of the Applications Barrier to Entry (see ''Findings of Fact'' 20 and 39).

Section III.I of the PFJ requires Microsoft to offer to license certain intellectual property rights, but it does nothing to require Microsoft to clearly announce which of its many software patents protect the Windows APIs (perhaps in the style proposed by the W3C; see http://www.w3.org/TR/2001/WD-patent-policy-20010816/#sec-disclosure). This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users, as illustrated by this report from Codeweavers, Inc.:

When selecting a method of porting a major application to Linux, one prospect of mine was comparing Wine [a competing implementation of some of the Windows APIs] and a toolkit called ''MainWin'. MainWin is made by Mainsoft, and Mainsoft licenses its software from Microsoft. However, this customer elected to go with the Mainsoft option instead. I was told that one of the key decision making factors was that Mainsoft representatives had stated that Microsoft had certain critical patents that Wine was violating. My customer could not risk crossing Microsoft, and declined to use Wine. I didn't even have a chance to determine which patents were supposedly violated; nor to disprove the validity of this claim. The PFJ, by allowing this unclear legal situation to continue, is inhibiting the market acceptance of competing operating systems.

The PFJ prohibits certain behaviors by Microsoft towards OEMs, but curiously allows the following exclusionary practices:

Section III.A.2. allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system. Section III.B. requires Microsoft to license Windows on uniform terms and at published prices to the top 20 OEMs, but says nothing about smaller OEMs. This leaves Microsoft free to retaliate against smaller OEMs, including important regional ''white box'' OEMs, if they offer competing products.

Section III.B. also allows Microsoft to offer unspecified Market Development Allowances—in effect, discounts—to OEMs. For instance, Microsoft could offer discounts on Windows to OEMs based on the number of copies of Microsoft Office or Pocket PC systems sold by that OEM. In effect, this allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas, such as office software or ARM-compatible operating systems.

By allowing these practices, the PFJ is encouraging Microsoft to extend its monopoly in Intel-compatible operating systems, and to leverage it into new areas. Sections III.F. and III.G. of the PFJ prohibit certain exclusionary licensing practices by Microsoft towards ISVs.

However, Microsoft uses other exclusionary licensing practices, none of which are mentioned in the PFJ. Several of Microsoft's products'' licenses prohibit the products'' use with popular non-Microsoft middleware and operating systems. Two examples are given below.

The Microsoft Windows Media Encoder 7.1 SDK EULA states . . . you shall not distribute the REDISTRIBUTABLE COMPONENT in conjunction with any Publicly Available Software. ''Publicly Available Software'' means each of (i) any software that contains, or is derived in any manner (in whole or in part) from, any software that is distributed as free software, open source software (e.g. Linux) or similar licensing or distribution models . . . Publicly Available Software includes, without limitation, software licensed or distributed under any of the following licenses or distribution models, or licenses or distribution models similar to any of the following: GNU's General Public License (GPL) or Lesser/Library GPL (LGPL); The Artistic License (e.g., PERL); the Mozilla Public License; the Netscape Public License; the Sun Community Source License (SCSL); . . . Many Windows APIs, including Media Encoder, are shipped by Microsoft as add-on SDKs with associated redistributable components. Applications that wish to use them must include the add-ons, even though they might later become a standard part of Windows. Microsoft often provides those SDKs under End User License Agreements (EULAs) prohibiting their use with Open Source applications. This harms ISVs who choose to distribute their applications under Open Source licenses; they must hope that the enduser has a sufficiently up-to-date version of the addon API installed, which is often not the case. Applications potentially harmed by this kind of EULA include the competing middleware product Netscape 6 and the competing office suite StarOffice; these EULAs thus can cause support problems for, and discourage the use of, competing middleware and office suites. Additionally, since Open Source applications tend to also run on non-Microsoft operating systems, any resulting loss of market share by Open Source applications indirectly harms competing operating systems.

The Microsoft Platform SDK, together with Microsoft Visual C++, is the primary toolkit used by ISVs to create Windows-compatible applications. The Microsoft Platform SDK EULA says: ''Distribution Terms. You may reproduce and distribute . . . the Redistributable Components. . . . provided that (a) you distribute the Redistributable Components only in conjunction with and as a part of your Application solely for use with a Microsoft Operating System Product. . . . '' This makes it illegal to run many programs built with Visual C++ on Windows-compatible competing operating systems.

By allowing these exclusionary behaviors, the PFJ is contributing to the Applications Barrier to Entry faced by competing operating systems.

The PFJ places restrictions on how Microsoft licenses its products to OEMs, but not on how it licenses products to large users such as corporations, universities, or state and local goverments, collectively referred to as ''enterprises'. Yet enterprise license agreements often resemble the per-processor licenses which were prohibited by the 1994 consent decree in the earlier US v. Microsoft antitrust case, in that a fee is charged for each desktop or portable computer which could run a Microsoft operating system, regardless of whether any Microsoft software is actually installed on the affected computer. These agreements are anticompetitive because they remove any financial incentive for individuals or departments to run non-Microsoft software.

MSNBC (a subsidiary of Microsoft) offers software called NewsAlert. Its EULA states ''MSNBC Interactive grants you the right to install and use copies of the SOFTWARE PRODUCT on your computers running validly licensed copies of the operating system for which the SOFTWARE PRODUCT was designed [e.g., Microsoft Windows(r) 95; Microsoft Windows NT(r), Microsoft Windows 3.x, Macintosh, etc.]. . . . '' Only the Windows version appears to be available for download. Users who run competing operating systems (such as Linux) which can run some Windows programs might wish to run the Windows version of NewsAlert, but the EULA prohibits this.

MSNBC has a valid interest in prohibiting use of pirated copies of operating systems, but much narrower language could achieve the same protective effect with less anticompetitive impact. For instance,

''MSNBC Interactive grants you the right to install and use copies of the SOFTWARE PRODUCT on your computers running validly licensed copies of Microsoft Windows or compatible operating system.''

An episode from the 1996 Caldera v. Microsoft antitrust lawsuit illustrates how Microsoft has used technical means anticompetitively.

Microsoft's original operating system was called MS-DOS. Programs used the DOS API to call up the services of the operating system. Digital Research offered a competing operating system, DR-DOS, that also implemented the DOS API, and could run programs written for MS-DOS. Windows 3.1 and earlier were not operating systems per se, but rather middleware that used the DOS API to interoperate with the operating system. Microsoft was concerned with the competitive threat posed by DR-DOS, and added code to beta copies of Windows 3.1 so it would display spurious and misleading error messages when run on DR-DOS. Digital Research's successor company, Caldera, brought a private antitrust suit against Microsoft in 1996. (See the original complaint, and Caldera's consolidated response to Microsoft's motions for partial summary judgment.) The judge in the case ruled that ''Caldera has presented sufficient evidence that the incompatibilities alleged were part of an anticompetitive scheme by Microsoft.'' That case was settled out of court in 1999, and no court has fully explored the alleged conduct. The concern here is that, as competing operating systems emerge which are able to run Windows applications, Microsoft might try to sabotage Windows applications, middleware, and development tools so that they cannot run on non-Microsoft operating systems, just as they did earlier with Windows 3.1.

The PFJ as currently written does nothing to prohibit these kinds of restrictive licenses and intentional incompatibilities, and thus encourages Microsoft to use these techniques to enhance the Applications Barrier to Entry, and harming those consumers who use non-Microsoft operating systems and wish to use Microsoft applications software.

Please do not allow this PFJ as it is currently worded

MTC–00015329

From: Heather James
To: Microsoft ATR
Date: 1/23/02 8:53am
Subject: Microsoft Settlement

As a programmer since 1992 and a web developer since 1995, I want to add my voice to the list of folks who feel Microsoft has continually abused its monopolistic position in the software industry. I feel the current settlement gives Microsoft too many opportunities to undermine the free software movement. Free software is a learning tool for current and future programmers as well as a venue for sharing knowledge resources.

Its also important that there be other sources for software, as Microsoft has continually shown that user security is a low priority to them. This is witnessed by all the virus alerts last year due to ''Sircam'', ''Code Red'', ''I Love You'' and many other viruses and trojan attacks that targeted the large security leaks in Microsoft Outlook and the Windows operating system.

It also amazes me that no penalties have been levied against Microsoft considering their many past abuses and the financial resources that they have.

It appears that they have violated the spirit of many previous agreements and as there is no penalty for these violations, what is there to send a message about possible future violations. What is to keep them from future abuses and monopolistic behaviour? Why would they even care about this settlement if it has no ''teeth''?

As Thomas F. Reilly, attorney general of the Commonwealth of Massachusetts said, ''The Microsoft case always has been about simple, American principles: opportunity, competition, and fair play. Our economy is built on those principles. The future of high technology demands that we fight for them.''

Because of the importance of this, the case should not end without a remedy that restores competition.

Heather James
hjames@thewebgal.com

MTC–00015330

From: Kevin Ratliff
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 8:55am
Subject: Microsoft Settlement

To whom it may concern:

Since the start of this case Microsoft has not changed it's business practices and several new complaints have been made against this defendant. From the standpoint of a consumer, Microsoft has always dominated the marketplace for PC operating systems as well as many markets for other software products. The claim by Microsoft that some of the proposed remedies would stifle innovation is in my opinion false. As a computer technician, I work with Microsoft products on a daily basis and can assure you that Microsoft is not the innovator it claims to be. Had this defendant not abused it's position in the marketplace, the market itself would of forced actual innovation, as well as fair competition resulting in a greater number of products, and competitors in the marketplace.

Kevin Ratliff
Woodridge, Illinois

MTC–00015331

From: bbohling@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 8:54am
Subject: disagree with Microsoft settlement

To Whom it May Concern, I must disagree with the Dept of Justice settlement in the Microsoft anti-trust case. While I don't feel the agreement appropriately addresses the issue of Microsoft's misconduct, my primary objection is that the agreement lets Microsoft pay their penalty ''in kind'' by donating software and technical support. Since Microsoft themselves establish the price tag for what the software and support are worth, the agreement basically just says Microsoft has to pay a fine and get to determine how much that fine will be. They have the money; if they want to pay off their debt by helping schools, make them do it with cash. The agreement as it stands is simply a concession to Microsoft on the order of just putting a black star in the book next to their name. If they are indeed guilty of the unfair practices they've been charged with, that's not enough. regards, Bill Bohling

The views espressed in this letter are mine alone and do not in any way reflect the views and opinions of those whose mail server I'm on.

MTC–00015332

From: Mike Skallas
To: Microsoft ATR
Date: 1/23/02 8:54am
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Hello,

I find the current settlement with Microsoft to be very light considering their crimes. A fair settlement would force Microsoft to break-up into an OS company and a software company. Also, a government body must be formed to oversee all API releases and the settlement itself must force MS to releave everything about its OS in regards to APIs for the next 5 to 10 years.

The newly formed second company must release all of its Office file formats to the point where a third-party can create, edit, and read these formats just as well as the current Microsoft can. Again, a government accounting body should oversee this for at least the next 5 to 10 years.

Michael Skallas
6125 N. Talman
Chicago, IL
60659

MTC–00015333

From: cowie@renesys.com@inetgw
To: Microsoft ATR
Date: 1/23/02 8:54am
Subject: Problems with the Proposed Final Judgement [Submitted by email to microsoft.atr@usdoj.gov]
22 January 2002
Renata B Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I appreciate the chance to write to you regarding the proposed final judgment in US v. Microsoft, currently before the public for comment. There are many serious problems with the proposed final judgment, which by itself is insufficient to ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future'' (p.99 of the Court of Appeals ruling). To save space, I shall focus on only one issue here, the disclosure of undocumented interfaces to promote competition on the desktop.

The parties have agreed that Microsoft must disclose the details of their application programming interfaces (API) so that software authors can write new ''middleware'' that works correctly alongside

Microsoft software on the desktop. However, Section III.D of the proposed judgment places arbitrary and undue restrictions on the recipients of this information. For example, they must be commercial concerns, and specific kinds of commercial concerns at that: ISVs, IHVs, IAPs, ICPs, or OEMs. They would be unable to use the APIs to reduce Microsoft's monopoly power in innovative ways that exceed the extremely limited technical scope of the Judgment (for example, by promoting the ability of endusers to run Microsoft applications atop non-Microsoft operating systems).

To constitute an effective remedy to monopoly, a better settlement would require Microsoft to simply open the Windows APIs (though not their proprietary source code that implements those interfaces) as well as their application file formats (though not their proprietary source code that reads and writes those formats) for the unrestricted inspection of the public at large.

Opening up more APIs to the public would have been the least unpleasant and most direct means to open up the Windows desktop for competition, by lowering the artificial barriers to entry for competing middleware applications and operating systems (including those written by individuals, not-for-profits, and for-profit companies not currently covered by Section III.D).

Thank you for your time.
James Cowie
Deering, New Hampshire

MTC–00015334

From: Anthony, Jude J (N-SAIC)
To: 'microsoft.atr(a)usdoj.gov''
Date: 1/23/02 8:54am
Subject: Microsoft Settlement

To Whom It May Concern: This message is my comment to the United States v. Microsoft case, which the court is required to consider under the Tunney Act. I find the Propsed Final Judgement (henceforth the judgement) in the United States v. Microsoft case to be unacceptable. I believe the judgement is too narrow, as it addresses only particular versions of Microsoft's operating systems. I further find that the judgement does not include any means of enforcement.

While I find many other provisions of the judegment to be unsatisfactory, I wish to specifically protest Section III.A.2, , which allow Microsoft to retaliate against OEMs that ship PCs with an operating system other than Microsoft's, and Section III.B, which allows Microsoft to discount products to OEMs based on their volume sales of other products. I find Section III.A.2 to be anticompetive, and Section III.B monopolistic. Both these provisions are offensive when Microsoft's past behavior, and the finding of fact that Microsoft is a monopoly, are taken into account.

Thank You,
Jude Anthony

MTC–00015335

From: Fader
To: Microsoft ATR
Date: 1/23/02 8:36am
Subject: Microsoft Settlement

To whom it may concern: I am writing in regards to the proposed settlement in the Microsoft antitrust trial. I am a recently graduated computer programmer, working in Beckley, WV.

I do not feel that the proposed settlement truly addresses the anticompetitive actions that Microsoft has taken. Speaking for myself, at the moment, I know better than to even try to write a new, unique piece of software. If I write a program that competes with a Microsoft product, they will drive me out of business by integrating their product into their operating system, something I cannot do without access to their source code. If I write a program that adds new functionality, they will quickly write a knockoff version of my product and again integrate it with their operating system. This is not mere paranoia, and this behavior has not stopped since the trial. Ask Kodak, who invested a great deal of time and money into creating digital camera software to work with Windows. They worked closely with Microsoft, and were quite happy—until Windows XP came out, and Microsoft had included a product that mirrored what Kodak had written integrated with the operating system. This is just one example out of many. This trial has implications far beyond Microsoft and Netscape. I know many developers who feel the same way that I do. We are afraid to innovate, because our hard work will be stolen or driven into the ground.

Thank you, and I hope you will do the right thing and reexamine this settlement.

Sincerely,
Ronald McCollam II
108 Ball Street
Beckley, WV 25801

MTC–00015336

From: Barry A. Warsaw
To: Microsoft ATR
Date: 1/23/02 8:54am
Subject: Microsoft Settlement

The proposed Microsoft settlement with the US Department of Justice is a bad settlement, and would hurt consumers and the software industry. It would reduce the amount of choice that consumers have and actually increase and extend the monopoly held by Microsoft. As one example of the problems, the Proposed Final Judgement (PFJ) does not prohibit discriminatory practices in Microsoft licenses. Microsoft's End User License Agreement (EULA) prohibits uses of add-on software and services on competing, Microsoft-compatible operating systems. Such systems (e.g. Macintosh and Linux) are technically able to operate in a compatibilty mode that allows software such as Microsoft Office, to run on non-Microsoft operating systems, however the standard license agreements on Office prohibit this. This is only one of the scores of problems with the PFJ. I urge you to reject the PFJ and to re-negotiate settlement terms that actually address the known monopolistic practices of Microsoft.

Sincerely,
Barry A. Warsaw
Software Developer
403 Belton Road
Silver Spring, MD 20901
301.681.0289

MTC–00015337

From: Nathan Lenz
To: Microsoft ATR
Date: 1/23/02 8:55am
Subject: Microsoft Settlement

Dear Sirs,

I ask you to please not accept the current Microsoft settlement. In its current state, it does nothing to keep Microsoft from keeping its monopoly.

The only way to create fair competition is to force Microsoft to open their file formats, protocols and API's. This would not force them to open up their source code. It would allow others to write competing software that fully integrates with Microsoft products.

Thank you,
Nathan Lenz

MTC–00015338

From: Jim Gruen
To: Microsoft ATR
Date: 1/23/02 8:55am
Subject: Microsoft Settlement

Dear U.S. Department of Justice,

As a student of computer science with 15 years of experience in the computing field, I felt that I should notify you of my concern with the proposed government settlement with the Microsoft Corporation. As highlighted by Dan Kegel's comments (http://www.kegel.com/remedy/letter.html), the proposed settlement will achieve little to restore a healthy and competitive environment in the computing field. Microsoft is not bad because it is a large corporation, but rather because of the startling effects, both economic and social, of its anticompetitive measures. Microsoft Corporation, as proven in the antitrust trial, has taken extreme steps to squelch any competition. This in turn has extended a more fearful consequence: Microsoft's brute dominance over the computing field has taken away much of that field's glamour, deterring many intelligent people from pursuing the study of computing. This indeed has resulted in the stifling of the computing technology of our country. If much stronger action is not taken against the Microsoft Corporation, there can be little hope for our country's technological environment.

Jim Gruen
Computer Science major, Georgia Institute of Technology
Peer Leader, Howell Residence Hall

MTC–00015339

From: Pete Guhl
To: Microsoft ATR
Date: 1/23/02 8:56am
Subject: Microsoft Settlement

The settlement is an incredibly HORRIBLE deal. I have been in the IT/IS field for several years and am, frankly, perplexed that Microsoft might be able to get away with this unlike the Mafia. They must be stopped. Don't let Microsoft keep it's monopoly on PC's!!!

Pete Guhl, MCSE

MTC–00015340

From: Hill-Popper,Carl R.
To: Microsoft ATR
Date: 1/23/02 8:55am
Subject: Microsoft Settlement

Regarding the Microsoft settlement, I don't believe that the current proposal provides

adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundred, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices.

Similar to the settlement against AT&T, Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level (40%, for example, assuming one of it's competitors is now also at 40%). This must be true for all Microsoft product lines, before regulation is lifted.

Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition. Imagine the damage to the United States if Microsoft were to fail, as Enron failed. The risks of a monopoly are greater than merely the loss of competition.

Thank you for your time,
Carl Hill-Popper

MTC–00015341

From: Borgerding, Zachary
To: Microsoft ATR
Date: 1/23/02 8:55am
Subject: Microsoft Settlement

To whom it may concern,

As an everyday computer user, I feel that the proposed Microsoft settlement is not enough. The settlement will continue to allow Microsoft to develop a platform and business model prohibits the existence of competition. Without competition, computer hardware and software would simply fail to improve and continue to be insecure and unstable.

Microsoft, despite having 90% of the computer operating system market continues to fail to innovate and significantly improve their priducts. By allowing Microsoft to continue to have a closed source platform (Windows), Microsoft can continue this trend, ultimately slowing the improvement of computer software. Microsft's control over the computer software market has grown much too powerful. Competition stands no chance... THIS IS A MONOPOLY. Microsoft is breaking the law, and their profits are a result of their illegally anti-competitive business model. The proposed settlement needs to be improved and changed, or else Microsoft's illegal actions will continue. Count me in on the growing list of individuals whom are not content with the proposed settlement decision.

Thank you,
Zach Borgerding

MTC–00015342

From: Colin Cannell
To: Microsoft ATR
Date: 1/23/02 8:55am
Subject: Microsoft Settlement

Hello, I'd just like to add my comments to the proposed settlement. As a longtime Macintosh system administrator, I have firsthand experience with the frustration of trying to get my systems to interlock with Microsoft software. Through the use of proprietary formats and secret APIs, Microsoft has successfully prevented Macintosh users from reading its audio and video formats, opening and editing its document formats, accessing Windows-based network storage, and generally getting anything done_without_the use of software expensively supplied and infrequently updated by Microsoft itself. Based on my work in the field, I concur wholeheartedly with those who argue that the proposed settlement contains artificial restrictions that will effectively castrate it. I would urge you to at the very least reconsider your definitions of ''Windows'' and ''API'' to make them useful and to require Microsoft to publish the format of its MS Office products for all current and future versions of the program.

Regards,
Colin Cannell

MTC–00015343

From: Michael P McGIll
To: Microsoft ATR
Date: 1/23/02 8:55am
Subject: Microsoft Settlement

I think the proposed settlement with Microsoft is flawed. Please see Dan Kegel's comments (http://www.kegel.com/remedy/letter.html).

Michael P McGill
Director, Software Development
HealthASPex, Inc.
Phone: 301–657–8003
Cell: 301–814–2823

MTC–00015344

From: Paul.Belt@LibertyMutual.com@inetgw
To: Microsoft ATR
Date: 1/23/02 8:56am
Subject: microsoft settlement

Breaking up Microsoft won't do anything. They are a computer company. They are distributed by nature.

Breaking up Microsoft will only force upper management to communicate. Do you research. MS wanted Dos... they had MS Word... MS Word 5.5 for Dos has a lovely little line of code in it that asks, ''Am I running on Microsoft Dos?''

If the answer is no, it fails. If one modifies that ONE line of code to ignore the results of that question, the product works fine. How many end-users does that effect? ALL OF THEM! How many end-users know how to even look for that line? Less than 1 percent. Just one example. You want a fast way to out Microsoft's most heinous business habits? Look at the DOJ's history and how many times they have bought their freedom.

MTC–00015345

From: David Greenberg
To: Microsoft ATR
Date: 1/23/02 8:57am
Subject: Microsoft Settlement

The proposed settlement is bad.
David Greenberg

MTC–00015346

From: richard
To: Microsoft ATR
Date: 1/23/02 8:54am
Subject: Microsoft Settlement

The proposed remedy and settlement in this case is much too limited. Microsoft is a very REAL danger to computer competition with respect to Operating Systems and programs. Hit them hard; make a strong statement to desist all such practices.

MTC–00015347

From: Bryce
To: Microsoft ATR
Date: 1/23/02 8:58am
Subject: Microsoft Settlement

I do not support the proposed Mictosoft settlement. I believe that a company who has shown so much disregard for consumers and competitive business will need a much stricter punishment. Microsoft has shown that they will continue to abuse their monopoly if it exist. A perfect example is windows XP with all its new features. Each new feature of XP drives to put small companies out of business. Look at the media player, cd recording software, internet browser (still). The list goes on. I do support making the API for windows open, and making the MS Office file formats available to the public. I do mean public not for license to competing companies. If i wanted to spend a few nights and write software to read a basic MS Word file i want to be able to do that with out being incorporated, every other popular text format is available for this kind of use.

Bryce Hauptman
1316 Wolf Court
East Lansing, MI 48823

MTC–00015348

From: Jeremy Petersen
To: Microsoft ATR
Date: 1/23/02 8:58am
Subject: Microsoft Settlement

I think the proposed settlement is bad idea!
Jeremy Petersen
Manager, Web Application Engineering
TeachStream
800.572.1153 #272

MTC–00015349

From: Chris Baxter
To: Microsoft ATR
Date: 1/23/02 8:58am
Subject: Microsoft Settlement

Under the Tunney Act I wish to comment on the proposed Microsoft settlement. I feel this settlement is extremely favorable to Microsoft and guarantees their continued status as a monopoly. From what I've read, this settlement does nothing to encourage Microsoft to release their proprietary file formats to other developers. Because of Microsoft's market position, their software and data file formats are the de facto standard of data storage and transmission and until they are forced to release the formats of their Office product line to third party competitiors they will remain a monopoly. Thank you.

Chris Baxter
8320 US 23
Risingsun, OH
43457

MTC–00015350

From: Josh Steinhurst
To: Microsoft ATR
Date: 1/23/02 8:57am
Subject: Microsoft Settlement

I do not feel the proposed settlement is either a: 1) a fair punishment for past misdeeds; or 2) an adequate safeguard against future problems. There are other poeple who will state this all much more clearly then I can. However, as a computer science graduate student who has studied the technical issues at stake I can assure you that an unfettered Microsoft is a danger not only to other ISVs and HSVs but to the nation and world as a whole. For example, the ever increasing number of exploits and virii which infect win32 machines is proof that when one platform rules it all there can be no safety.

From a technical standpoint I have seen both in my academic research and my journeys into corporte america just how Microsoft has been stifling innovation, not fostoring it as they claim. Sadly the proposed settlement requires them to do nothing of substance. I am not a lawyer and even I can see the loopholes they willl slide through. The other problem is that the settlement concenrates on the wrong things. None of the requirements will actully punish anti-competative behavior. Furethermore the 3 person team resonsible for investigating claims of misdeeds is not setup in way that gives me any confidance in their autonomy or strength. Only one of the three will be there without Microsoft's approval. Why does the DOJ refuse to stay involved in the matter like it did for IBM? It is my judgement that the proposed settlement is nothing but a sell-out. I urge you to do your job, not Microsoft's and protect the country and the world from a proven law breaker.

Josh Steinhurst
Graduate Student
University of North Carolina at Chapel Hill
CB# 3175; Sitterson Hall
Chapel Hill, NC 27599–3175b

MTC–00015351

From: TJ
To: Microsoft ATR,petition@kegel.com@inetgw
Date: 1/23/02 8:58am
Subject: The Proposed Microsoft Settlement is a Bad Idea.

Why bother having laws if you're only going to enforce them selectively?

Travis Eckman
13 Linden Ave.
Jamestown, NY 14701

MTC–00015352

From: Theodore A. Jump
To: Microsoft ATR
Date: 1/23/02 8:57am
Subject: Microsoft Settlement

I feel that the settlement with Microsoft is insufficient, both in punitive measures and in adding to the legal history of what actions are acceptable by business in general, and will not in reality change any practices of Microsofts in any valuable way. Sinerely,
–Thedore A. Jump
Professional Software Engineer

MTC–00015353

From: Ron Miller
To: Microsoft ATR
Date: 1/23/02 8:57am
Subject: Microsoft Settlement

To Whom It May Concern,

In my opinion, the proposed settlement is a bad idea for the following reasons:

1. It does not restrict Microsoft from continuing to use monopolistic business practices.
2. It does nothing to foster true competition with Windows.
3. It does not restrict or punish Microsoft from ''bundling'' software, like Internet Explorer, which hurts possible competitors.
4. ''Punishing'' Microsoft by making it provide hardware and software to schools is providing it with a future customer base who will then be used to its monopolistic practices and consider them normal.

Thank you,
Ron Miller

MTC–00015354

From: Patrick Nichols
To: Microsoft ATR
Date: 1/23/02 8:58am
Subject: Microsoft Settlement

I wish to express my opposition to the proposed Microsoft settlement. As a developer familar with both Microsoft and Linux in my work, I am certain that this settlement will result in a continuation of Microsoft's monopoly status and ultimately result in the loss of America's standing as the leader in world technology.

Sincerely,
Patrick Nichols
1245 Westover Ave Norfolk VA 23507

MTC–00015355

From: Judd Rogers
To: Microsoft ATR
Date: 1/23/02 8:59am
Subject: Microsoft Settlement.

The settlement negotiated with the Department of Justice is inadequate to the task. Please abandon it. The alternative proposal put forth by the 9 states seems much better but is still not enough. Judge Jackson's original proposal seems best. Section J2 of negotiated settlement is particularly troubling. It allows Microsoft to decide if any competitor is a legitimate and viable business. What about the SAMBA project? It seems likely Microsoft would not regard a non-profit as a viable business. H1 seems to regard all middle-ware as products with specific user interfaces. COM would not be such a middle-ware product. This would seem to permit Microsoft to disable any replacement for their COM product.

Yours,
Judd Rogers

MTC–00015356

From: Blake Ragsdell
To: Microsoft ATR
Date: 1/23/02 8:59am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general. While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Blake Ragsdell

MTC–00015357

From: dhouston@bio.ri.ccf.org@inetgw
To: Microsoft ATR
Date: 1/23/02 8:59am
Subject: Microsoft Settlement

The current proposed Microsoft Settlement is a bad idea. They broke the law. They deserve to be punished. The computer market would be much more dynamic without the monolithic presence of Microsoft in its current unfettered form.

thanks
dale
Dale HoustonMissile Toe
Cleveland Clinic Foundation Jan. 26 @ The Lime Spider
Department of Biostatistics w/King Dapper Combo

MTC–00015358

From: Ty Brewer
To: Microsoft ATR
Date: 1/23/02 8:58am
Subject: Microsoft Settlement

As a computer professional I am quite upset at the proposed Microsoft settlement because it fails to adequately protect the consumers from future Microsoft behavior, nor does it punish Microsoft for their illegal behavior. I am not advocating punishment for the sake of punishment, but as a means of creating more competition in this most vital industry.

Microsoft is without peer in operating systems, consumer applications and back-office server applications. Sadly, we are all too often forced to adopt an ''all or none'' approach when making software decisions because we fear the brute force Microsoft brings to bear on future competitors. It is far safer for us to pick Microsoft products than those from a competitor because Microsoft has clearly shown a willingness and ability to destroy competitors.

Our company picked the Netscape browser as our corporate standard, yet two years later had to reverse ourselves. This decision was not based on the superiority of Microsoft's Internet Explorer, but on the reality that the Netscape browser was more and more frequently being forced off the desktop of

new PCs. This created an additional burden on us to provide the browser that formerly had been installed by default on every new computer. Microsoft, in effect, made that decision for us.

I urge the US government to take action against Microsoft to restore the possibility of competition. If this is not done now, it will most certainly be necessary in the future.

The proposed settlement is bad for everyone except Microsoft.

Ty Brewer

MTC–00015359

From: rogan hamby
To: Microsoft ATR
Date: 1/23/02 8:59am
Subject: Microsoft Settlement

RE: Objections to Microsoft Settlement

Dear Sir or Madam:

I am writing to comment on the proposed anti-trust settlement with Microsoft. The proposed terms of the settlement fail to accomplish the intended task of correcting Microsofts past behavior in the future. The proposed settlement uses such narrow definitions that they are free to continue their activities with new products that internally function differently but have the same market role.

The two most significant of these items concern middleware and APIs. APIs are defined for the settlement as the interface between middleware and the Windows operating system but leave out application APIs such as those for Internet Explorer and Microsoft Office. Because Microsoft bundles OS functionality into these APIs they can hide code that they should be releasing by the spirit of the settlement (but not terms of) there. This also further gives them leverage to bundle and enforce bundling of their products together as they did with IE. This is a thin line between legitimate leveraging and monopolistic behavior but the courts have already determined which it is.

The final definition of middleware used was much more restrictive than that used in the Findings of Fact. There are several faults but the most significant of which is that it uses the title of code to determine whether or not it falls under the power of the settlement, allowing a cosmetic change in the name of code to determine whether or not is falls under the settlements terms.

I know that many others have written far lengthier analysis of the situation but I hope that you will take these comments in the vein of a concerned citizen that has worked in computer technology both for private industry and local government sectors.

Rogan Hamby
Charlotte, NC

MTC–00015360

From: Don Silvis
To: Microsoft Settlement
Date: 1/23/02 8:59am
Subject: ''Microsoft Settlement''

Your Honor, As concerned Americans, we urge you to reject the proposed final judgment in the U.S. vs. Microsoft case. Microsoft should not reap the rewards of its past illegal activities, yet this settlement would do just that. Furthermore, there need to be provisions that assure us that Microsoft will cease its anti-competitive behavior. For these reasons, we ask you to throw out the proposed settlement which is harmful to consumers everywhere.

Many thanks,
Donald Silvis
2103 N. 7th Str.
Sheboygan, WI 53081
Tel. (920) 451 0866

MTC–00015361

From: Bernhard Rosenkraenzer
To: Microsoft ATR
Date: 1/23/02 9:00am
Subject: Microsoft Settlement

Comment on the proposed Microsoft Settlement under the Tunney Act

Being a software developer who has been hurt by Microsoft's illegal monopolist practices in the past and present, I do not think the proposed Microsoft settlement is acceptable.

There are many loopholes that will allow Microsoft to go ahead just as if nothing had happened:

Having to open APIs will not do any good unless API is both

—defined in a much wider range, including but not limited to functions in all important libraries (not just those needed to boot the system), and file formats (most notably the ones used by Microsoft Office. Many non-Microsoft applications need to be able to import and export Microsoft Office files).

—extended to cover patents. For example, Microsoft is currently trying to push ASF as a standard for video files. Since ASF is covered by patents, it is impossible to (legally) create or play back ASF files on non-Microsoft platforms, such as Linux. It is vital that the patents may be used free of charge; if this isn't done, Open Source applications (which are mostly volunteer work) will be shut out.

The limitations on OEM deals are not sufficient either. Almost all larger OEMs have deals with Microsoft that pay Microsoft a fee per shipped computer rather than per shipped computer that is actually shipped with Windows, giving OEMs no incentive whatsoever to even consider alternatives.

Furthermore, the rules must be enforced much better. A committee without any real power is very likely to get ignored by Microsoft.

Their previous conduct shows that they never respected any restrictions imposed upon them unless strictly enforced.

I suggest the committee must

—Be obligated to investigate any violation reports from the public

—Make all their findings public so there is some public control over them to ensure Microsoft does not just buy them out

—Have enough power to make Microsoft take them seriously, such as being able to prevent Microsoft products from being sold as long as they are violating terms AND fining them with fees that will actually hurt a company as large as Microsoft.

Thank you for your attention.

MTC–00015362

From: John Whitson
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 8:59am
Subject: Microsoft Settlement

Good morning.

I have two comments on the Microsoft Anti-Trust case, and its pending settlement.

The first regards access to the secret inner workings of the Microsoft Operating Systems (OSs) and their associated user interfaces. As part of the settlement, Microsoft should be required to publish documentation for all interfaces between all software components, file formats, and communications protocols. For years, Microsoft has implemented various secret and incompatible interfaces, which prevents development of any competitive products. For example, the market leader WordPerfect was quite effectively driven from the market by Word for Windows'' better performance under Windows 95, because the developers of Word had access to complete documentation for the Win9x interfaces, while the WordPerfect team were required to make do with the pittance released to the general public by Microsoft. Internet Explorer was able to push out the market leader Netscape by similar tactics.

Requiring Microsoft to publish all of their interfaces would level the playing ground, and might well eliminate the desire to break up the software giant. Access to the interfaces would allow competitors to write better code, and would benefit end users greatly, as more and better software would become much easier to develop for each OS.

Finally, for my own field, network security, the boon would be great indeed. Microsoft recently announced that they are finally going to start paying some attention to security, but it's too little, too late. Access to Microsoft's interfaces would allow much more thorough probing for security weaknesses and would provide better opportunity for rapid identification and correction of problems.

The second comment is this: Why in the world didn't anyone from the Department of Justice (DOJ) notice Microsoft's greatest concern in the whole Internet Explorer fiasco? Microsoft's spokesman repeatedly said in interviews ''you can not tell us what makes up an operating system.'' In fact, any first-year computer science student can tell you what makes up an operating system. An OS is the interface between applications and hardware. It handles the input and output of various devices. That is all. Internet Explorer is not part of the Operating System. It's an application, like Word, Excel, or my new video game.

This brings me to the crux of Microsoft's fears: Windows is not an operating system, either. Windows is a Graphical User Interface (GUI) laid over an Operating System. Microsoft's desperate prevarication over the ''definition of an operating system'' came because if anyone had made a cogent argument that the GUI and the OS are separate, Microsoft could have been required in a settlement to separate the GUI and the OS. It is quite conceivable that Microsoft could sell the OS (which Microsoft mis-labels the Kernel) from the GUI, which would permit competitors to sell GUIs that would be 100% compatible with all existing software. I could be running the Windows XP kernel

with a Norton GUI on my system, if Microsoft hadn't been allowed to maintain the fiction that somehow the GUI was an integral part of the OS.

In my perfect world the Microsoft GUI and Microsoft OS would be separated. This isn't likely to happen at this late stage in the game, but I would like someone at DOJ to keep it in mind for the next time Microsoft crosses the line.

Thank you,
John Whitson
Network Security Consultant
VeriSign Consulting
Boston
617–308–0325

MTC–00015363

From: Gary Honeycutt
To: Microsoft ATR
Date: 1/23/02 9:00am
Subject: Microsoft Settlement

I am sorry that I do not have time to comment further, but there will be no true justice regarding this case without a breakup of Microsoft. What has been proposed is tantamount to a slap on the wrist for one of the most domineering, anticompetitive monopolies that has ever existed. Please do not give in to corporate pressure. Even while you contemplate this proposed settlement Microsoft continues their domineering ''bully'' tactics on a market without competition. I speak from experience as both a computer network administrator and as a builder of new computer systems.

MTC–00015364

From: Stephen Goguen
To: Microsoft ATR
Date: 1/23/02 9:00am
Subject: Microsoft Settlement

I have read about the proposed settlement, and I am not in favor of it in its current state. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors.

It is in my opinion as a software professional, that the proposed settlement does not do enough to promote the advancement of technology through fair competition and commodity markets. Many of my grievances can be noted on Dan Kegal's website as indicated in his essay http://www.kegel.com/remedy/remedy2.html

Stephen Goguen
155 Lafayette Ave. Apt 14B
Hawthorne, NJ 07506

MTC–00015365

From: Staelin, Carl
To: Microsoft ATR
Date: 1/23/02 9:00am
Subject: Microsoft Settlement

Dear Sir,

I am strongly opposed to the proposed final judgement in the Microsoft anti-trust trial. I think it does nothing to punish a convicted and stridently unrepentant monopolist, and provides no relief to current and future Microsoft competitors. Suppose some whiz kid comes up with a new ''killer app'' like Netscape, and starts a company to develop and market the application. If the company is a success, Microsoft can still use many of its monopolistic practices to squash the upstart, such ''integrating'' a competing application into the operating system, or adding slightly broken APIs for ''security'' reasons which can then be kept secret, and so forth.

Due largely to this scenario, I know that many investors are hesitant to fund any company which might compete with Microsoft because there is no potential profit. Any success will be stolen/squashed by Microsoft. In large part due to funding problems, the most energetic competitors to Microsoft are often found in the OpenSource arena. Unfortunately, the proposed final judgement does nothing to aid this vibrant source of competition. In addition, Microsoft has recently become aware of this competition, and is now starting to add restrictive licensing terms to various products and toolkits to try and prevent users and developers from using OpenSource and Microsoft products together. Since Microsoft is a monopolist, this would effectively squash OpenSource competition also. Any final judgement should do much more to open APIs, file format specification, and documentation to private individuals as well as corporations. It should also prohibit any licensing terms restricting a user or developer's right to use or distribute Microsoft and non-Microsoft code together. In addition, all contractual and licensing terms which effectively remove any financial incentive to use competing products should be prohibited, such as terms which force OEMs or enterprises to pay licensing fees based on the number of computers rather than the number of computers running Windows. In addition, I think it may be necessary to find more creative solutions to Microsoft's conduct, such as forcing Microsoft to license their patents that cover various aspects of Windows to all comers for free, so free alternatives to Windows such as ''wine'' can flourish. I know that this is taking private intellectual property, but it is a mild punishment for felonious conduct. I think the court should also reconsider more extreme measures, such as dividing the company into multiple competing companies, as was done with Standard Oil and Bell Telephone.

Thank you for your time and consideration,

Carl Staelin

The opinions expressed above are strictly my own, and do not necessarily agree with my employer's views. I am a US Citizen working abroad.

Senior Research Scientist
Hewlett-Packard Laboratories
Technion City
Haifa, 32000
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+972(4)823–1237x221+972(4)822–0407 fax

MTC–00015366

From: Michael Bourgon
To: Microsoft ATR
Date: 1/23/02 9:00am
Subject: Microsoft Settlement

I would like to add my voice to the proposed Microsoft settlement, and say that it's a bad idea. Microsoft has continued to exert its monopoly, during the trial and afterwards. This is a company that repeatedly had people lie under oath, threaten competitors, and flat-out abuse its monopoly.

I would love it if the settlement would curb Microsoft's behavior, but I doubt that would be the case. Please reconsider the settlement, and create one that will actually encourage competition and ensure that Microsoft's past practices don't happen again. I'm a fan of the free market, but I also like to see competition in the marketplace. Microsoft has repeatedly tried to stomp out competition. Please reconsider the settlement. Thank you.

MTC–00015367

From: John.Murray@cantire.com@inetgw
To: Microsoft ATR
Date: 1/23/02 9:00am
Subject: Microsoft Settlement

I think that the proposed settlement is a bad idea. It lets Microsoft off the hook for past crimes and allows them to continue to exert a stranglehold on the software industry.

MTC–00015368

From: lachish@pop.dcmindiana.com@inetgw
To: Microsoft ATR
Date: 1/23/02 9:00am
Subject: Microsoft Settlement

I am writing in regard to the settlement proposal for Microsoft. I believe that the settlement does not go far enough to allow Open Source Operating Systems to fairly compete. There are 2 areas that concern me greatly:

1. File formats under this settlement are still not disclosed. This prevents Open Source applications and operating systems from being compatible. Microsoft will still have a stranglehold on the application software market.

2. The APIs are still not opened up far enough to allow other operating systems to either use products like Microsoft Office natively, or to develop competing, compatible products. Please reconsider the scope of the proposed settlement, and provide remedies for these problems.

Thank you,
Daron D. Fraley
IT Manager
DCM Indiana, Inc.
Plainfield, IN 46168
317–839–7347

MTC–00015369

From: Wohlers, John
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 8:54am
Subject: Microsoft Settlement

I really don't think the government should settle for anything less than the breakup of Microsoft. They hold to great a market share to allow any real competition at least in the home market. I believe Linux is managing to squeeze a little into the business market, but as soon as Microsoft turns its attention towards Linux fully they will completely crush it due to their stranglehold on the consumers.

As a personal consumer, I find it atrocious that I have to spend almost $90 every time I replace my pc in order to have a legal copy of Microsoft operating system. I would glady switch to something else, but many of the programs I use for home/work do not run on anything but MS windows. Please do

something about this bullying megacorp asap!

John Wohlers
Library Technology Assistant
Waubonsee Community College
Rt 47 @ Waubonsee Drive
Sugar Grove IL, 60554

MTC–00015370

From: Eric Frey
To: Microsoft ATR
Date: 1/23/02 9:00am
Subject: Microsoft Settlement

Ladies and Gentlemen:

This letter is to indicate my strong opposition to the currently proposed settlement of the Microsoft Antitrust case. I have made my living as a professional in the software industry since 1965, and the currently proposed settlement will not, in my opinion, restore free competition to the marketplace, nor will it prevent Microsoft's continued abuse of monopoly power.

Eric D. Frey
2205 W. Fremont Rd.
P.O. Box 106339
Jackson, WY 83002

MTC–00015371

From: crushing
To: Microsoft ATR
Date: 1/23/02 9:01am
Subject: Microsoft Settlement

I think the Microsoft settlement is a bad idea. I stand as a cosigner of Dan Kegel's comments.

MTC–00015372

From: g botkins
To: Microsoft ATR
Date: 1/23/02 9:01am
Subject: The proposed settlement is bad for America.

The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft.

The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft.

The PFJ Fails to Prohibit Microsoft from merging with a media giant such as ABC.

It is my opinion that Microsoft should be broken up.

MTC–00015373

From: Richard Copeland
To: Microsoft ATR
Date: 1/22/02 9:00am
Subject: Microsoft Settlement

I believe that the proposed settlement is a bad idea. It does not effectively curtail Microsoft's anti-competitive practices and does not penalize Microsoft in any substantive way for their arrogant and unremorseful trampling of anti-trust law.

Thank you,
Richard D. Copeland, Jr.
1803 Riverview Drive
Marietta, GA 30067

MTC–00015374

From: Tony Zahn
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 9:03am
Subject: Microsoft Settlement

The proposed settlement to the Microsoft case, while being aimed in the right direction, is too loose and will allow Microsoft to proceed without changing their actions very much at all. The company has proven time and again that they have no qualms with using every tactic available to them to put competitors out of business, thus furthering their monopoly and preventing the innovations that new companies would bring.

MTC–00015375

From: Justin Hall
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 9:01am
Subject: Microsoft Settlement

I'd like to add my comments about the proposed settlement in the Microsoft antitrust case.

It doesn't seem to me that the proposed remedy does anything about Microsoft taking retaliatory action against OEM's—on the contrary, it seems that it encourages it. In Section III.A.2, Microsoft is allowed to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system. Section III.B. requires Microsoft to license Windows on uniform terms and at published prices to some of the larger OEM's but doesn't do anything to prevent them from taking retaliatory measures against smaller ones. The retaliatory measures are what kept OEM's from being able to place other programs along with Microsoft's on their machines in the first place, and if Microsoft is permitted to continue in these practices, they are still leveraging their monopoly power in a destructive way.

Please reconsider the Proposed Final Judgement. It doesn't do everything that it could and leaves the potential for harm a possibility.

Regards,
Justin Hall
Systems/Network Administrator
Sant Corporation—The Proposal Experts
Office: 513.631.1155 x 250
Mobile: 513.252.6011

MTC–00015376

From: Ward Gerlach
To: Microsoft ATR
Date: 1/23/02 9:02am
Subject: Microsoft Settlement

The proposed settlement IS NOT a good one, and is NOT in the interests of the United States.

Ward Gerlach

MTC–00015379

From: Thomas.Lageson@deluxe.com@inetgw
To: Microsoft ATR
Date: 1/23/02 9:02am
Subject: Microsoft Settlement

The proposed antitrust settlement with Microsoft is a bad idea.

Tom Lageson
1740 North Pascal Street
Falcon Heights, MN 55113
651–647–9057

MTC–00015380

From: Chris Bailey-Kellogg
To: Microsoft ATR
Date: 1/23/02 9:02am
Subject: Microsoft settlement

Greetings:

I am writing to voice my opposition to the proposed Microsoft settlement. This is clearly a bad settlement from the customer's point of view, as it does practically nothing to remedy the anti-competitive behavior that Microsoft has been found to practice (and, in a show of utter contempt, is continuing to practice even now with ''features'' in XP and so forth). There are already available some well-written analyses of the defects in the settlement (e.g. see http://www.kegel.com/remedy/), from a wide variety of viewpoints. I will not repeat them here, but instead request that you add my voice to this crowd of consumers asking our government to stand up for us rather than for monopolistic practices.

Sincerely,
Chris Bailey-Kellogg
Assistant Professor, Dept. of Computer Sciences, Purdue University
West Lafayette, IN

MTC–00015381

From: Chad Rytting
To: Microsoft ATR
Date: 1/23/02 9:01am
Subject: Microsoft Settlement

To whom it may concern,

In regards to the Microsoft settlement, I feel I must disagree with this settlement altogether. I don't think that anything less than a break-up of this company will alleviate the problems that it has created, and begin to restore faith in the market that it can indeed be a competitive arena. In my experience, and through my readings, when Microsoft decides they want to dominate an area, they use business practices that are by definition unfair by setting the prices of their products so low that other companies who cannot rely on sales of other products to make up differences simply can't compete. When this same thing happened with many similar companies, they went through break-ups (Standard Oil, AT&T, etc.). I would politely ask that you consider this solution for Microsoft, or at least that you would make them release the code of their systems to other companies to bid on.

Microsoft uses unfair tactics in their programming, as well. It would seem to me that you would find it of utmost interest if an oil company were to sell gasoline of an extremely low grade to certain stores, while selling the most premium grade gasoline to their own stores. This is how Microsoft programs their system. They document certain things about it, but when it comes to fine tuning an application, they don't give enough information on the internals of the OS to allow those who would write an application to make it run efficiently. This way, when Microsoft decides to attempt to dominate this market, they can write a sleeker, faster, finer tuned application and claim to be the better company for it. When all along, this was their plan.

In summary, I would ask that you consider dividing Microsoft or some other means of making the company compete on a more fair level. If you do not place these type of sanctions on Microsoft, they will continue (as they currently are) their unfair business practices. During this whole case, Microsoft has released numerous new operating

systems, office products, a gaming console, and more. Their latest version of windows (XP) is just another area where Microsoft is using its muscle to overturn more markets (CD writing built into the OS, MS Messenger installed by default, reminds you constantly to sign up for their ''passport'' program on the web which competes with other programs that do similar things on the Internet).

Thank you for your time,
Chad Rytting

MTC–00015382

From: Eric J. Smith
To: Microsoft ATR
Date: 1/23/02 8:42am
Subject: Microsoft Settlement

The proposed settlement does nothing to stifle microsoft's monopoly powers. The proposed settlement is unacceptable.

MTC–00015383

From: Jason M Dunn
To: Microsoft ATR
Date: 1/23/02 9:03am
Subject: Microsoft Settlement

To whom it may concern,

I do not agree with the MicroSoft (hereafter MS) settlement as it stands. I have two changes that should be added.

1.) MS must open their file formats. Competitors must have access to what have become the de facto data storage formats for word processing, spreadsheets, and databases. In the current business environment, the MS file formats are ubiquitous, and therefore new businesses and businesses buying new software are forced to use MS software to be able to have meaningful, efficient communication with vendors, contractors, suppliers, etc.

2.) The business strategy known as ''embrace and extend''—whereby MS uses a standardized, ''open'' file format and then slowly uses its market share to leverage a change to a similar but incompatible, proprietary file format—must be stopped.

J.M. Dunn

MTC–00015384

From: Paul Lussier
To: Microsoft ATR
Date: 1/23/02 9:03am
Subject: Microsoft Settlement

To whom it may concern,

I am writing, under provision of the Tunney Act, to voice my objection to the currently Proposed Final Judgement against Microsoft. Beccause of the many inherent flaws in the current PFJ, this settlement is tantamount to allowing this company (Microsoft) walk away from a finding of fact that they are in violation of the Sherman Antitrust Act with less than the figurative ''slap on the wrist''.

The current settlement makes absolutely no provision for enforcement or technical review. It leaves enforcement upto the legel system, which is quite ill-prepared to deal with such technical situations. Additionally, though the PFJ requires increased disclosure of technical information, there is no provision for advance notice of these technical requirements. As a result, things like API documentation can be released too late to help an ISV. Also, because of the narrow definitions of ''Middleware'' and ''API'', Section IIID's requirement to release this information about Windows interfaces excludes many important interfaces required for seamless integration of ISV products into the Windows Operating Environment. Another major problem is that there is nothing in the PFJ which requires documentation of file formats. This one area is one in which Microsoft has used to their advantage time and again to lock out the competition. Each version of Microsoft Word (not to mention every other Microsoft Office Application) has has a different file format than the previous versions, all incompatible with each other. This has the effect of forcing individuals and companies to upgrade a major part of their infrastructure just so they read documents sent to them. It becomes a vicious circle which repeats itself each time there is a new release of MS Office.

These are but only a few of the flaws with the current settlement proposal. There are many, many more (see http://www.kegel.com/remedy/remedy2.html) In conclusion, I request that this Proposal for Final Judgement be rejected and another, better proposal be drafted with the aid of technically proficient members from the software industry.

Thank you for your time and consideration in this matter.

Sincerely,
Paul Lussier
226 Page Street,
Lunenburg, MA, 01462

MTC–00015385

From: David F. Williams
To: Microsoft ATR
Date: 1/23/02 9:03am
Subject: Microsoft Settlement

As a U.S citizen I am writing under the provisions of the Tunney Act to register my opinion on the proposed settlement between Microsoft and the US Department of Justice. I do not believe that the proposed settlement is an effective remedy for Microsoft's anti-competitive behavior. It does not address the harm done to competitors or consumers and allows Microsoft to benefit from its anti-competitive behavior.

Sincerely,
David F. Williams
1824 W Easton Ct
Tulsa, OK 74127

MTC–00015386

From: Matt Homan
To: Microsoft ATR
Date: 1/23/02 9:03am
Subject: Microsoft Settlement

I am submitting my personal comment regarding the Microsoft settlement. As a common computer user and as a common American citizen my strongest feeling regarding the settlement is pointed at the monopoly factor. If a competitive market can't be up held here in the United States, then where? If this is what we stand for then why, in a most visible display, are we strangling our growth in technologies? It is in these points that we fail, fall behind, and shoot ourselves in the foot? Competition creates better product and technology. Microsoft's product line is an example of how a none competitive arena create mediocrity. Stricter guidelines and punishment should be assessed to reflect the business it is changing. Not enough is being done to open the arena of a competitive market.

God Bless America.

MTC–00015387

From: max@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 9:04am
Subject: Microsoft Settlement

In my opinion, the proposed settlement fails to remedy past abuses of Microsoft's monopoly power, fails to prevent future abuses, and fails to produce a more free market. Stronger measures are required to accomplish these goals.

Mark Maxwell
Cambridge, MA

MTC–00015388

From: Michael J. Sherman
To: Microsoft ATR
Date: 1/23/02 9:12am
Subject: Microsoft Settlement

To whom it may concern;

I have reviewed the proposed settlement, and I find it completely unacceptable.

As a professional computer scientist, I work with software every day. I have seen first-hand the damage Microsoft has had on computing technology. They may say that all they want is the ''freedom to innovate'', but what they really mean is the ''freedom to innovate new ways to making money''.

Computing technology would be leaps ahead right now if it weren't for the illegal practices of Microsoft. Any settlement MUST allow true competition, where Microsoft can be relegated to a 40% market share or so. Dependence on Microsoft is bad for many reasons. One, their security is fundamentally flawed in their OS (I have done extensive research). Two, our business economy would crash if Microsoft were to go out of business (over-dependence). Three, their products are just plain inferior and put all software in a bad light (users ''expect'' programs to crash now!). Please, remedy the situation in a sane manner. Of all the times the government should do something FOR THE PEOPLE, this is it. Do not give in to the Microsoft lobby and believe their lies!

Sincerely,
Michael J. Sherman
Computer Scientist
Sterling, VA

MTC–00015389

From: Brad Smith
To: Microsoft ATR
Date: 1/23/02 9:04am
Subject: Microsoft Settlement

My name is: Brad Smith 1031 W Second Ave Columbus, OH

For reasons extensive and significant, I think the settlement is a poor idea. Chiefly, I strongly believe that MS has been the principle force behind stunting of innovation and competition for the past 15+ years. Not only does the current settlement not recognize that, but places them in a position to extend this reign.

Please side against the settlement.

Brad Smith

MTC–00015390

From: Philip E. Jurgenson
To: Microsoft ATR
Date: 1/23/02 9:03am
Subject: Microsoft Settlement

Sirs,

The proposed judgment against Microsoft totally fails to address their known anti-competitive behavior, and actually helps them extend their monopoly. It ignores the issue of Microsoft's ever-changing (undocumented) file formats, which force end users into an eternal upgrade cycle. This upgrade cycle demonstrably harms consumers! Since Microsoft has been found to have used their monopoly in personal computer operating systems in an abusive manner in a court of law, it would seem that some actual punitive action should be taken. The proposed judgment allows so many loopholes that there is no actual punishment involved! Please, please reconsider your actions!

Sincerely,
Philip E. Jurgenson

MTC–00015391

From: Scott Starkey
To: Microsoft ATR
Date: 1/23/02 9:02am
Subject: Microsoft Settlement

To whom it may concern:

Respectfully, I am against the proposed Microsoft settlement, and have several problems with it. My foremost reason is, Microsoft has proven itself time and time again to be an abusive monopoly, doing almost anything to stifle competition and promote their own products. I have a problem with the fact that Microsoft enters into liscencing agreements with all of the big computer makers (Compaq, Dell, Gateway) so that the maker cannot sell a computer without also selling a copy of Windows. If I want RedHat Linux on a computer from Dell, they would be forced to also sell me a copy of Windows, even if I don't want it. Because of their strict license, I would not be able to resell this unused copy of Windows. Most of the viruses that you hear about on the news today are as a direct result of security flaws from Microsoft products. Microsoft has consistently tried to hide security information from its users until it can fix its mistakes, but the cover-up almost never works. Hackers will find the security flaws first, and exploit them before the public knows about them. Unfortunately, Microsoft treats security flaws like PR problems. This is dangerous when the general public has little choice but to buy a Microsoft product, so the security flaws are just as ubiquitous. Microsoft often uses its propaganda machine to defame other operating systems. Their leadership has spoken freely against Linux and free software, calling it ''viral software'' and telling half-truths against it. Microsoft staff members have been found to doctor on-line polls to improve Microsoft's image. Microsoft manufactures ''grass-roots campaigns'' to support their image. I can imagine the Microsoft PR-machine is flooding you right now with ''The settlement is okay.'' messages. I write you this message with the sincere hope that my letter will cancel out one of those bogus messages.

Thank you for the opportunity to allow me to state my opinion.

Scott Starkey
Computer Support
Purdue University

MTC–00015392

From: Conrad W. Clark
To: Microsoft ATR
Date: 1/23/02 1:02am
Subject: Microsoft Settlement

The proposed settlement is bad and inadequate in that it will not prevent Certain Practices Toward End Users and Toward Independent Software Vendors which will be greatly harmful to end users, ISVs and competition in general. I refer specifically to the capability to restrain Microsoft's typical business practices, which if not impeded, will allow the .net and Passport initiatives to become a Microsoft monopoly in the area of electronic commerce and customer identification and authentication.

MTC–00015393

From: Matt Hucke
To: Microsoft ATR
Date: 1/23/02 9:03am
Subject: Microsoft Settlement

I oppose the self-serving ''settlement'' proposed by Microsoft. It is absurd to think that they can buy their way out of having to take responsibility for their unethical and illegal actions.

MTC–00015394

From: Joe Vandevander
To: Microsoft ATR
Date: 1/23/02 9:03am
Subject: Microsoft Settlement

Please, Don't settle with these jokers. They're making a mockery of the justice system and making fools of the government. Anyone with eyes can see what they've been doing for years is plainly wrong—punish them for it. Don't let political expediency get in the way of what is better for the country in the long haul.

Joe Vandevander
1103–2c Crab Orchard St.
Raleigh, NC 27606

MTC–00015395

From: Don Evans
To: Microsoft ATR
Date: 1/23/02 9:05am
Subject: Microsoft Settlement

As a US citizen I find the proposed govenment settlementwith Microsoft a complete shame. Microsoft has stifled innovation in the computer industry and should be severely punished and restricted from ever doing so again. Competitors that have been damaged by Microsoft's anticompetitive behaviour should be justly compensated by Microsoft.

Do the right thing.
Don Evans
North Andover, MA

MTC–00015396

From: Steve Linberg
To: Microsoft ATR
Date: 1/23/02 9:04am
Subject: Microsoft Settlement

Dear Sirs,

I am writing to state my concerns about the proposed settlement, which I believe are insufficient to curb Microsoft's long history of anticompetitive practice and behavior. The findings of fact confirmed Microsoft's monopoly status—findings of extraordinary gravity whose remedial consequences should carry equal weight. The proposed settlment allows far too many loopholes and ways for Microsoft to avoid its full impact, and continue to create its own self-serving definitions for how it should apply (for example, deciding for itself which Windows APIs to open rather than being compelled to open them all). It also allows Microsoft to continue many anticompetitive practices it has employed for years (like retaliating against OEMs shipping a PC with an OS other than Windows); it also appears to lack any real teeth for enforcement, providing only for investigative capacity of a ''Technical Committee'', but leaving all enforcement to the legal system, where Microsoft has the money and time to stonewall, delay, and avoid justice, which they have already shown their propensity for. If Microsoft in its present 95% market share collapsed like Enron, imagine the catastrophic damage to the US and world economies. Microsoft's anticompetitive practices and monooplistic behavior have illegally crushed competition and stifled innovation, the lifeblood of the American economy. Small businesses (and even large ones) must be given a chance to compete on a level playing field. Microsoft must be stripped of the advantages it gained through its monopolistic practices, and quickly. I believe that the proposed settlement does not go nearly far enough to ensure that this will happen.

Steve Linberg
Programmer and owner
Silicon Goblin Technologies
Steve Linberg, Chief Goblin

Be kind. Remember, everyone you meet is fighting a hard battle.

MTC–00015397

From: Chuck Nixon
To: Microsoft ATR
Date: 1/23/02 9:05am
Subject: Microsoft Settlement

Dear Sirs:

I am writing to give my comments on the Microsoft antitrust settlement. I believe this settlement is counter to the interests of the American public, deleterious to the American economy, and not adequate given the findings of fact in the trial. Microsoft's anti-competitive practices are counter to the law and spirit of our free-enterprise system.

These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation. Microsoft's monopolistic practices cause the public to bear increased costs and deny them the products of the innovation which would otherwise be stimulated through competition. The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future. It is my belief that a very strong set of

strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function.

Sincerely,
Chuck Nixon

MTC–00015398

From: Lalitree Laura Darnielle
To: Microsoft ATR
Date: 1/23/02 9:05am
Subject: Microsoft Settlement

The proposed settlement is a bad idea. Microsoft's practices have resulted in them flooding the market with inferior, buggy products. They have sqeezed out competition, and have cut off the air to smaller companies or those with less of a stranglehold on the desktop. This has effectively forced consumers to settle for Microsoft products. Don't let them get away with it. Don't settle for their horrible business practices. Don't settle.

Lalitree Darnielle
1212 Scott Avenue
Ames, IA 50014

MTC–00015399

From: Paul S. Coan
To: microsoft.atr(a)usdoj.gov
Date: 1/23/02 9:06am
Subject: Microsoft Settlement

Dear Sir or Madam,

I am concerned that the current proposed settlement agreement in the antitrust case against Microsoft is insufficient. The ''penalties'' to be levied seem quite out of scale with the proved misconduct. Also, the proposed settlement does little to prevent the same sort of activities from occurring again. In particular there seems to be little openness in the code review process, where all data is kept secret.

All in all the settlement seems to indicate that many people will have little choice but to buy software only from one source and at inflated prices.

Paul S. Coan
Assistant Professor of Chemistry
Ball State University
Muncie, IN
Phone: (765) 285–2196

MTC–00015400

From: NWA
To: Microsoft ATR
Date: 1/23/02 9:06am
Subject: Microsoft Settlement

The current Microsoft settlement is simply a bad idea and is against the interest of the citizens of this nation and opposed to the very core national interests and laws.

Please do not forget the individuals in making this settlement. While big business deserves to be protected from the unlawful practices of Microsoft so to do the individual non-profit opensource developers of whom this settlement does not protect.

Please do your part in defense of the United States in upholding and enforcing the laws of this nation to provide a fair and just free market.

MTC–00015401

From: kelvin katsumi kang kakugawa
To: Microsoft ATR
Date: 1/23/02 9:06am
Subject: Microsoft Settlement

I think that the proposed settlement is a bad idea.

-Kelvin

MTC–00015402

From: Will Wainwright
To: Microsoft ATR
Date: 1/23/02 9:05am
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea.

Please don't settle on this yet!

Thank you,
Will Wainwright

MTC–00015403

From: Erik Strom
To: Microsoft ATR
Date: 1/23/02 9:04am
Subject: Microsoft Settlement

I agree with the letter bellow from Ralph Nader dated November 5, 2001 about 'RE: US v. Microsoft proposed final order'.

Microsoft continues to destroy any innovation in the computer industry. They have used their monopoly power to destroy company after company. The current ruling will do nothing to stop or slow them down, they have proven this in the past with similar rulings.

Microsoft needs to be broken up into at least 3 companies.

Erik Strom
My view does not refelect the company CMS Inc.

Ralph Nader
P.O. Box 19312
Washington, DC 20036

James Love
Consumer Project on Technology
P.O. Box 19367
Washington, DC 20036

November 5, 2001

Judge Colleen Kollar-Kotelly
United States District Court for the District of Columbia
333 Constitution Avenue, NW
Washington DC 20001

RE: US v. Microsoft proposed final order

Dear Judge Kollar-Kotelly,

Introduction

Having examined the proposed consent final judgment for USA versus Microsoft, we offer the following initial comments. We note at the outset that the decision to push for a rapid negotiation appears to have placed the Department of Justice at a disadvantage, given Microsoft's apparently willingness to let this matter drag on for years, through different USDOJ antitrust chiefs, Presidents and judges. The proposal is obviously limited in terms of effectiveness by the desire to obtain a final order that is agreeable to Microsoft.

We are disappointed of course that the court has moved away from a structural remedy, which we believe would require less dependence upon future enforcement efforts and good faith by Microsoft, and which would jump start a more competitive market for applications. Within the limits of a conduct-only remedy, we make the following observations.

On the positive side, we find the proposed final order addresses important areas where Microsoft has abused its monopoly power, particularly in terms of its OEM licensing practices and on the issue of using interoperability as a weapon against consumers of non-Microsoft products. There are, however, important areas where the interoperability remedies should be stronger. For example, there is a need to have broader disclosure of file formats for popular office productivity and multimedia applications. Moreover, where Microsoft appears be given broad discretion to deploy intellectual property claims to avoid opening up its monopoly operating system where it will be needed the most, in terms of new interfaces and technologies. Moreover, the agreement appears to give Microsoft too many opportunities to undermine the free software movement. We also find the agreement wanting in several other areas. It is astonishing that the agreement fails to provide any penalty for Microsoft's past misdeeds, creating both the sense that Microsoft is escaping punishment because of its extraordinary political and economic power, and undermining the value of antitrust penalties as a deterrent. Second, the agreement does not adequately address the concerns about Microsoft's failure to abide by the spirit or the letter of previous agreements, offering a weak oversight regime that suffers in several specific areas. Indeed, the proposed alternative dispute resolution for compliance with the agreement embraces many of the worst features of such systems, operating in secrecy, lacking independence, and open to undue influence from Microsoft.

OEM Licensing Remedies

We were pleased that the proposed final order provides for non-discriminatory licensing of Windows to OEMs, and that these remedies include multiple boot PCs, substitution of non-Microsoft middleware, changes in the management of visible icons and other issues. These remedies would have been more effective if they would have been extended to Microsoft Office, the other key component of Microsoft's monopoly power in the PC client software market, and if they permitted the removal of Microsoft products. But nonetheless, they are pro-competitive, and do represent real benefits to consumers.

Interoperability Remedies

Microsoft regularly punishes consumers who buy non-Microsoft products, or who fail to upgrade and repurchase newer versions of Microsoft products, by designing Microsoft Windows or Office products to be incompatible or non-interoperable with competitor software, or even older versions of its own software. It is therefore good that the proposed final order would require Microsoft to address a wide range of interoperability remedies, including for example the disclosures of APIs for Windows and Microsoft middleware products, non-discriminatory access to communications protocols used for services, and nondiscriminatory licensing of certain intellectual property rights for Microsoft middleware products. There are, however, many areas where these remedies may be limited by Microsoft, and as is indicated by

the record in this case, Microsoft can and does take advantage of any loopholes in contracts to create barriers to competition and enhance and extend its monopoly power.

Special Concerns for Free Software Movement

The provisions in J.1 and J.2. appear to give Microsoft too much flexibility in withholding information on security grounds, and to provide Microsoft with the power to set unrealistic burdens on a rival's legitimate rights to obtain interoperability data. More generally, the provisions in D. regarding the sharing of technical information permit Microsoft to choose secrecy and limited disclosures over more openness. In particular, these clauses and others in the agreement do not reflect an appreciation for the importance of new software development models, including those ''open source'' or ''free'' software development models which are now widely recognized as providing an important safeguard against Microsoft monopoly power, and upon which the Internet depends.

The overall acceptance of Microsoft's limits on the sharing of technical information to the broader public is an important and in our view core flaw in the proposed agreement. The agreement should require that this information be as freely available as possible, with a high burden on Microsoft to justify secrecy. Indeed, there is ample evidence that Microsoft is focused on strategies to cripple the free software movement, which it publicly considers an important competitive threat. This is particularly true for software developed under the GNU Public License (GPL), which is used in GNU/Linux, the most important rival to Microsoft in the server market. Consider, for example, comments earlier this year by Microsoft executive Jim Allchin: http://news.cnet.com/news/0–1003–200–4833927.html ''Microsoft exec calls open source a threat to innovation,'' Bloomberg News, February 15, 2001, 11:00 a.m. PT One of Microsoft's high-level executives says that freely distributed software code such as Linux could stifle innovation and that legislators need to understand the threat. The result will be the demise of both intellectual property rights and the incentive to spend on research and development, Microsoft Windows operating-system chief Jim Allchin said this week.

Microsoft has told U.S. lawmakers of its concern while discussing protection of intellectual property rights ''Open source is an intellectual-property destroyer,'' Allchin said. ''I can't imagine something that could be worse than this for the software business and the intellectual-property business.'' In a June 1, 2001 interview with the Chicago Sun Times, Microsoft CEO Steve Ballmer again complained about the GNU/Linux business model, saying ''Linux is a cancer that attaches itself in an intellectual property sense to everything it touches. That's the way that the license works,'' 1 leading to a round of new stories, including for example this account in CNET.Com: http://www.suntimes.com/output/tech/cst-fin-micro01.html ''Microsoft CEO takes launch break with the Sun-Times,'' Chicago Sun Times, June 1, 2001. http://news.cnet.com/news/0–1003–200–6291224.html ''Why Microsoft is wary of open source: Joe Wilcox and Stephen Shankland in CNET.com, June 18, 2001.

There's more to Microsoft's recent attacks on the open-source movement than mere rhetoric: Linux's popularity could hinder the software giant in its quest to gain control of a server market that's crucial to its long-term goals Recent public statements by Microsoft executives have cast Linux and the open-source philosophy that underlies it as, at the minimum, bad for competition, and, at worst, a ''cancer'' to everything it touches. Behind the war of words, analysts say, is evidence that Microsoft is increasingly concerned about Linux and its growing popularity. The Unix-like operating system ''has clearly emerged as the spoiler that will prevent Microsoft from achieving a dominant position'' in the worldwide server operating-system market, IDC analyst A1 Gillen concludes in a forthcoming report.

. . . While Linux hasn't displaced Windows, it has made serious inroads. . .]. . In attacking Linux and open source, Microsoft finds itself competing ''not against another company, but against a grassroots movement,'' said Paul Dain, director of application development at Emeryville, Calif.- based Wirestone, a technology services company.

. . . Microsoft has also criticized the General Public License (GPL) that governs the heart of Linux. Under this license, changes to the Linux core, or kernel, must also be governed by the GPL. The license means that if a company changes the kernel, it must publish the changes and can't keep them proprietary if it plans to distribute the code externally. Microsoft's open-source attacks come at a time when the company has been putting the pricing squeeze on customers. In early May, Microsoft revamped software licensing, raising upgrades between 33 percent and 107 percent, according to Gartner. A large percentage of Microsoft business customers could in fact be compelled to upgrade to Office XP before Oct. 1 or pay a heftier purchase price later on.

The action ''will encourage—'force'' may be a more accurate term—customers to upgrade much sooner than they had otherwise planned,'' Gillen noted in the IDC report. ''Once the honeymoon period runs out in October 2001, the only way to 'upgrade'' from a product that is not considered to be current technology is to buy a brand-new full license.'''

This could make open-source Linux's GPL more attractive to some customers feeling trapped by the price hike, Gillen said. ''Offering this form of 'upgrade protection'' may motivate some users to seriously consider alternatives to Microsoft technology.'' What is surprising is that the US Department of Justice allowed Microsoft to place so many provisions in the agreement that can be used to undermine the free software movement. Note for example that under J.1 and J.2 of the proposed final order, Microsoft can withhold technical information from third parties on the grounds that Microsoft does not certify the ''authenticity and viability of its business,'' while at the same time it is describing the licensing system for Linux as a ''cancer'' that threatens the demise of both the intellectual property rights system and the future of research and development.

The agreement provides Microsoft with a rich set of strategies to undermine the development of free software, which depends upon the free sharing of technical information with the general public, taking advantage of the collective intelligence of users of software, who share ideas on improvements in the code. If Microsoft can tightly control access to technical information under a court approved plan, or charge fees, and use its monopoly power over the client space to migrate users to proprietary interfaces, it will harm the development of key alternatives, and lead to a less contestable and less competitive platform, with more consumer lock-in, and more consumer harm, as Microsoft continues to hike up its prices for its monopoly products. Problems with the term and the enforcement mechanism

Another core concern with the proposed final order concerns the term of the agreement and the enforcement mechanisms. We believe a five-to-seven year term is artificially brief, considering that this case has already been litigated in one form or another since 1994, and the fact that Microsoft's dominance in the client OS market is stronger today than it has ever been, and it has yet to face a significant competitive threat in the client OS market. An artificial end will give Microsoft yet another incentive to delay, meeting each new problem with an endless round of evasions and creative methods of circumventing the pro-competitive aspects of the agreement. Only if Microsoft believes it will have to come to terms with its obligations will it modify its strategy of anticompetitive abuses.

Even within the brief period of the term of the agreement, Microsoft has too much room to co-opt the enforcement effort. Microsoft, despite having been found to be a law breaker by the courts, is given the right to select one member of the three members of the Technical Committee, who in turn gets a voice in selecting the third member. The committee is gagged, and sworn to secrecy, denying the public any information on Microsoft's compliance with the agreement, and will be paid by Microsoft, working inside Microsoft's headquarters. The public won't know if this committee spends its time playing golf with Microsoft executives, or investigating Microsoft's anticompetitive activities. Its ability to interview Microsoft employees will be extremely limited by the provisions that give Microsoft the opportunity to insist on having its lawyers present. One would be hard pressed to imagine an enforcement mechanism that would do less to make Microsoft accountable, which is probably why Microsoft has accepted its terms of reference. In its 1984 agreement with the European Commission, IBM was required to affirmatively resolve compatibility issues raised by its competitors, and the EC staff had annual meetings with IBM to review its progress in resolve disputes. The EC reserved the right to revisit its enforcement action on IBM if it was not satisfied with IBM's conduct.

The court could require that the Department of Justice itself or some truly independent parties appoint the members of the TC, and give the TC real investigative powers, take them off Microsoft's payroll, and give them staff and the authority to inform the public of progress in resolving compliance problems, including for example an annual report that could include information on past complaints, as well as suggestions for modifications of the order that may be warranted by Microsoft's conduct. The TC could be given real enforcement powers, such as the power to levy fines on Microsoft. The level of fines that would serve as a deterrent for cash rich Microsoft would be difficult to fathom, but one might make these fines deter more by directing the money to be paid into trust funds that would fund the development of free software, an endeavor that Microsoft has indicated it strongly opposes as a threat to its own monopoly. This would give Microsoft a much greater incentive to abide by the agreement.

Failure to Address Ill Gotten Gains

Completely missing from the proposed final order is anything that would make Microsoft pay for its past misdeeds, and this is an omission that must be remedied. Microsoft is hardly a first time offender, and has never shown remorse for its conduct, choosing instead to repeatedly attack the motives and character of officers of the government and members of the judiciary. Microsoft has profited richly from the maintenance of its monopoly. On September 30, 2001, Microsoft reported cash and short-term investments of $36.2 billion, up from $31.6 billion the previous quarter—an accumulation of more than $1.5 billion per month. It is astounding that Microsoft would face only a ''sin no more'' edict from a court, after its long and tortured history of evasion of antitrust enforcement and its extraordinary embrace of anticompetitive practices -practices recognized as illegal by all members of the DC Circuit court. The court has a wide range of options that would address the most egregious of Microsoft's past misdeeds. For example, even if the court decided to forgo the break-up of the Windows and Office parts of the company, it could require more targeted divestitures, such as divestitures of its browser technology and media player technologies, denying Microsoft the fruits of its illegal conduct, and it could require affirmative support for rival middleware products that it illegally acted to sabotage. Instead the proposed order permits Microsoft to consolidate the benefits from past misdeeds, while preparing for a weak oversight body tasked with monitoring future misdeeds only. What kind of a signal does this send to the public and to other large corporate law breakers? That economic crimes pay! Please consider these and other criticisms of the settlement proposal, and avoid if possible yet another weak ending to a Microsoft antitrust case. Better to send this unchastened monopoly juggernaut a sterner message.

Sincerely,
Ralph Nader
James Love

MTC–00015404

From: Bill Soul
To: Microsoft ATR
Date: 1/23/02 9:04am
Subject: Microsoft Settlement

The proposed Microsoft Settlement is not a good idea. It is important that Microsoft is forced to make the Windows API available and standardized. It would premote fair competition which is what antitrust laws are supposed to protect.

William Soul
A Concerned US Citizen

MTC–00015405

From: Thomas Williamson
To: Microsoft ATR
Date: 1/23/02 9:14am
Subject: Microsoft Settlement

I believe that this settlement is a bad idea. It seems to me that that this type of remedy falls extremely short for a company that is a known multiple offender and in a prior settlement has been less than compliant. It is overly broad in it's language thus leaving much leeway where by Microsoft could obey the letter of the settlement, but blatently defy the spirit of it. I find this especially dangerous when the resources of Microsoft are considered, and their willingness to skirt the law (as was demonstrated in their last settlement). Additionally I find it disturbing that the settlement differs in many of its definitons from the finding of facts. Overall I find this settlement lacking in its ability to protect the intrests of the public. It would be a mistake of the most grevious nature for the Justice Department to accept this agreement.

Sincerely,
Thomas Hall Williamson Jr.
11 South Eutaw St. #1404
Baltimore, MD 21201

MTC–00015406

From: Jason Freeland
To: Microsoft ATR
Date: 1/23/02 9:05am
Subject: Microsoft Settlement

Sirs,

I am of the opinion, that the settlement as written, is unacceptable. It does not go far enough to curtail the anticompetitive practices that microsoft, engages in. A better solution must be found.

Sincerely,
Jason Freeland

MTC–00015407

From: Dieter Bohn
To: Microsoft ATR
Date: 1/23/02 9:05am
Subject: Microsoft Settlement: Reject it.

To Whom It May concern

I oppose the proposed settlement between Microsoft and the Dept. of Justice. As it currently stands, the settlement lacks sufficient penalties for Microsoft's actions. More importantly, the settlement does not provide for any meaningful rectification of the present situation. In fact, in my opinion, it serves only to solidify Microsoft's dominance of the consumer market and to limit growth, innovation, ease of use, progress, and a host of other benefits to the industry. I am an average computer user. My learning curve with regards to computers has been severely hampered by Microsoft's poor software and poor support. This in itself is not a crime. What is a crime is that I have been hampered significantly in my efforts to find alternatives to the Microsoft OS, broweser, office suite, etc. Microsoft has used its monopolistic hold on the OS market to take over other markets. It is once again attempting to do this now with XP, and is publicly planning to again with .Net. Only a settlement that punishes Microsoft for its past actions and seeks to seriously rectify the damage that has been done to the market is acceptable. As it stands, it is nothing more than a slap on the wrist, nay, a pat on the back.

Please reject the proposed settlement.

Sincerely,
Dietrich Bohn
3916 Grand Ave S #3
Minneapolis, MN 55409

MTC–00015408

From: Brian Martin
To: Microsoft ATR
Date: 1/23/02 9:05am
Subject: Microsoft Settlement

The proposed settlement with Microsoft corporation is far too narrow in scope to be effected. The settlement should be revised.

MTC–00015409

From: mmp@panzanella.net@inetgw
To: Microsoft ATR
Date: 1/23/02 9:07am
Subject: Microsoft Settlement

To the Department of Justice:

I would just like to say that I have read the proposed settlement, and I am not in favor of it in its current state.

The current settlement is riddled with loopholes that Microsoft can exploit and continue practices that prompted the antitrust case in the first place. For a technical analysis of the proposed settlement please visit the following web site: http://www.kegel.com/remedy/remedy2.html It was not written by me but represents my views against the proposed settlement. Do not allow Microsoft to hide behind clauses that would protect their API's from full disclosure. One example: security. True security relies on keys and not the algorithm. Encryption algorithms of today are all publicly known. What makes them secure are the secret key combinations that are used by the end user. Open source software by nature publishes the code/API's used in the software security. Yet they are secure because the secret key combinations are what really keeps data secure.

This example merely shows that there is no excuse for some of the clauses that prevent Microsoft from distributing all of their API's. I would like to bring up the issue of file formats. The antitrust case only dealt with the Windows operating system. I would like you to consider that the MS Office document format also enjoys a form of monopoly status. As a computer consultant I believe that Linux is almost capable to replace MS Windows as a desktop operating system. The ''almost'' is due to the poor ability to interact with other businesses/individuals that use MS Word and other Office document formats. There is no application outside of MS Word that can

read/write MS Word documents as good as MS Word does. When one uses competing software such as WordPerfect, StarOffice, OpenOffice, ClarisWorks, etc. to open and save Word files the document layout will always be different from what was used in MS Word. The same is true for the other Office products (Excel, Access, PowerPoint). If the MS Office file formats were to be completely made public then software developers would be able to write software that can correctly read and write documents created by people using MS Office products. I have been reluctant to replace Windows with Linux on the dozen computers currently being used in a Christian private K-12 school. Although this school has about 120 students, it struggles financially. Having to buy Windows and Office licenses for each new computer is expensive. I would love to switch to the Linux operating system and use StarOffice for word/spreadsheet/presentations documents. However, if I switched presently I would be bombarded by support calls from people unable to read/write MS Office documents correctly. Also, many individuals ask me for recommendations on the purchase of computer systems. I cannot presently recommend Linux and a Linux based office suite for the same reason.

Finally, Microsoft has been found guilty of a crime. It has been upheld in a Court of Appeals. All the current remedies and even the ones I mention above are conduct remedies. Where's the fine? Where's the real punishment Microsoft has destroyed companies and put people out of work. All the proposed conduct remedies are equivalent to a ''slap on the wrist''. Has Microsoft hurt consumers? Absolutely. The average computer price for a consumer computer system from 1995 to today the price has halved. The reason is due to increased demand and supply. Computer hardware has become a commodity market with many suppliers. However, the price of MS Windows software from 1995 to today has gone up by around 10%. Most of the computer hardware is sold with MS Windows—a monopoly status found in Judge Jackson's Findings of Facts. Why hasn't MS Windows dropped in price as with PC hardware? The answer is simple—no competition. Consumers are being forced to pay a higher price tag for MS Windows because of a lack of competition.

As a voting citizen (Republican) I will not stand by idly and see this case end in a mere ''hand slap''. You, the DOJ, is supposed to be the public's representative. Every news article I read basically agrees with me and many other computer consultants that the proposed remedy is a joke.

Sincerely,
Marco Panzanella

MTC–00015410

From: Gary Capps
To: Microsoft ATR
Date: 1/23/02 9:05am
Subject: Microsoft Settlement

I am opposed to the currently proposed anti-trust settlement with the Microsoft Corporation because the PFJ contains an overly narrow definition of ''Microsoft Middleware Product'' and ''API'' which means that Section III.D.'s requirement to release information about Windows interfaces would not cover many important interfaces like the Linux SAMBA project. Projects like SAMBA are of critical importance to enable alternative operating systems to survive in a Windows-dominated world.

Gary Capps
505 Parkside Road
Norman, Oklahoma 73072

MTC–00015411

From: Rob Hagopian
To: Microsoft ATR
Date: 1/23/02 9:07am
Subject: Microsoft Settlement

Dear Sir/Madam,

I disagree with the settlement proposed in the Microsoft anti-trust case. I feel that the lack of serious punishment only encourages the company to continue with its anti-competitive behavior. In addition, there is no means of enforcement spelled out, leaving the company free to find new ways to lock out competitors. If the wheels of justice were swift this would not be an issue, but this is generally not the case—Microsoft has been able to continue with its behavior even during the ongoing legal proceedings against it! I hope you reconsider and attempt to strengthen any settlement with the company.

Sincerely,
Rob Hagopian

MTC–00015412

From: Conklin, George (HTSC, IT)
To: ''microsoft.atr(a)usdoj.gov'
Date: 1/23/02 9:07 am
Subject: Microsoft Settlement

Dear Sirs,

I believe that the proposed settlement with Microsoft is not sufficient and that stronger terms should be imposed to prevent future abuse and promote a competitive business environment in the software/computing industry.

George Conklin
57 Sunset Terrace
Unionville, CT 06085

MTC–00015413

From: svandahm@bellsouth.net@inetgw
To: Microsoft ATR
Date: 1/23/02 9:08 am
Subject: Microsoft Settlement

To whomever this concerns,

I understand that I have the ability to comment on the proposed settlement between the Justice Department and Microsoft. I have been using computers daily since the mid-eighties, when my father brought home an early portable IBM computer. I hope to earn my livelihood by working in the computing industry. Consequently, this issue is centrally relevant to my life. It is widely believed among those familiar with the case that the proposed settlement is completely inadequate. It will do little to punish Microsoft for it's plainly illegal conduct in the past, and virtually nothing whatsoever to prevent future violations of antitrust law. As a consumer, it infuriates me to be forced to pay for increasingly expensive software that diminishes in quality with each release. I applauded the Clinton administration's investigation of Microsoft. Their case was an effort to protect consumers and promote economic growth by restoring fairness and competition to the computer industry.

Now that the DOJ is under new management, it has essentially abandoned it's pursuit of Microsoft, suggesting that the DOJ no longer has any concern for either economic growth or the public good. The United States is a successful nation because its free markets encourage firms to compete for customers by producing high-quality, low-cost goods. This system needs to be protected from monopolists who gain so much power that they can destroy the competitive nature of the markets in which they participate. I urge all parties involved to reconsider the proposed settlement. Microsoft deserves more than a slap on the wrist for it's destructive abuse of it's monopoly power. More importantly, American consumers need to be protected against future abuses.

Thank you for your time,
Stephen C. VanDahm
Spartanburg, SC.

MTC–00015414

From: Ryan
To: Microsoft ATR
Date: 1/23/02 8:45 am
Subject: Microsoft Settlement

Do not let Microsoft buy this one off. They broke the law and need to be punished for it.

Ryan Flynn

MTC–00015415

From: William Wise
To: Microsoft ATR
Date: 1/23/02 9:08 am
Subject: Microsoft Settlement

If Microsoft has broken the law as the court has found then they should not only be restrained from committing further crimes (a goal that I do not think the proposed settlement will help to achieve to any large extent) but also PUNISHED for the crimes they have already committed (a goal the settlement ignores completely considering the largess Microsoft has amassed as a result of its illegal activities). When an individual is convicted of theft he or she is not simply placed under oversight by a committee and told to do no wrong. They are ordered to pay restitution if applicable and put on probation with possible jail time. I can see no reason why the same logic should not be applied to Microsoft. Perhaps this reflect my naivete but if justice is blind then this seems the only logical recourse. Thank you very much for considering the comments of a legal laymen but computer expert. I make my living using Microsoft products but, as an industry insider, am not at all comfortable with company's illegal behavior. I would love to see Microsoft a competitive good citizen in the IT industry but can't see it happening without Microsoft and its management receiving a cold slap. The settlement, as I see it, is a joke and am afraid that Microsoft will consider it as such.

A settlement that would sting would:

a) Take from Microsoft whatever portion of their cash reserve profits that can be directly

linked to their illegal behavior as well as damages indirectly associated with their market dominance which was gained through ''giveaways'' that undermined competitors.

b) Put Microsoft on probation under court supervision for 5–10 years. Any infractions would cause a ''suspended'' sentence applied during the original case to come automatically into effect. (Open Sourcing the MS operating system or breaking up the company should be sufficiently strong)

c) Force Microsoft's top management to leave the company without retaining their stock options.

Thanks so much for you consideration of my comments, William Wise Manager, Information Systems

MTC–00015416

From: Jim Priest
To: Microsoft ATR
Date: 1/23/02 9:08 am
Subject: Microsoft Settlement

I fully support and agree with the thoughts and expressions outlined in the following: http://www.kegel.com/remedy/letter.html Something needs to be done about Microsoft's anti-competitive business practices today.

Jim Priest
ClickCulture CTO

MTC–00015417

From: Jed S. Wilson
To: Microsoft ATR
Date: 1/23/02 9:08 am
Subject: Microsoft Settlement

This settlement is a bad idea.
Regards,
Jed Wilson
6609 Rockingham Dr
Fort Wayne, IN 46835

MTC–00015418

From: Stuckey, William E
To: Microsoft ATR
Date: 1/23/02 9:09 am
Subject: Microsoft Settlement

The proposed settlement is a bad idea.
William E. Stuckey
Network & Information System Coordinator
IUPUI School of Liberal Arts
425 University Blvd.
Indianapolis, IN 46202
(317)274–2978

MTC–00015419

From: Mike Hunter
To: Microsoft ATR
Date: 1/23/02 9:09 am
Subject: Microsoft Settlement

Just writing to let you know that I sincerely hope any settelment with MS exerts wide-ranging controls on their ability to stifle competition for a long time, and isn't just the slap-on-the-wrist that is currently being proposed.

Please do as much as possible to stop MS.
Mike

MTC–00015420

From: Leonard Appel
To: Microsoft ATR
Date: 1/23/02 9:08 am
Subject: Microsoft Settlement

Dear Mr. Ashcroft:

I would like to take this time to let you know that I am very glad to hear that a settlement has been reached in the Microsoft antitrust case. The lawsuit was a tremendous waste of time and money and punished Microsoft for being a successful company. The role that Microsoft played is one of creating standards in the Computer industry similar to the role played by IBM and Digital in years past. Technology will eventually be the cause of a Microsoft eclipse not their alleged monopolistic practices.

The proposed settlement is really quite reasonable and it sufficiently addresses Microsoft's problematic issues. I'm convinced they will be changing their business practices, especially yielding to drastic licensing concessions, so that fair competition will be restored in the computer industry. They've given up a great deal in this settlement and I ask that you please do your part to ensure that this settlement is upheld.

Sincerely,
Leonard Appel

MTC–00015421

From: Joseph L Hood
To: Microsoft ATR
Date: 1/23/02 9:16 am
Subject: Microsoft Anti-Trust Case

Dear Sir:

Please revisit your current solution to the Microsoft Anti-Trust, it is not going to help us create better software. One would wonder how Teddy Roosevelt would feel about the your proposed solution.

Sincerely,
Joseph L. Hood

MTC–00015422

From: starcomp
To: Microsoft ATR
Date: 1/23/02 9:09 am
Subject: Microsoft Settlement

The proposed settlement is bad. It does not sufficiently reprimand Microsoft for their decades of commercial abuse. Millions every year are brainwashed into believing that anything stamped with Microsoft is a superior product, when it is known that all competing products were not only copied, but that the originals deserve the business for their innovation. However, forcing Microsoft to release their Windows source code may be the wrong path as well. Quite simply, I hope that Microsoft will be broken up into at least 3 separate companies (Operating Systems, Office, all others), with the addition that none can have any business deals with any of the others for at least 25 years. I feel that this will be sufficient time for the digital economy to recover from Microsoft's tyranny. Thank you for your time, and I hope that our government can be counted upon to carry out this case to a fair and just end.

Loyal Citizen

MTC–00015423

From: Chris Wells
To: Microsoft ATR
Date: 1/23/02 9:09 am
Subject: Microsoft Settlement

The proposed settlement is a BAD idea. Microsoft should be induced to compete in a FAIR and HONEST manner.

MTC–00015424

From: Jared W. Robinson
To: Microsoft ATR
Date: 1/23/02 9:09 am
Subject: Microsoft Settlement

To whom it may concern,

I am disappointed in the Microsoft Settlement because of the unreasonable restrictions on documentation from Microsoft. They disallow this information to be used to create applications that run on non-MS operating systems. This makes it difficult for an ISV to be competitive on more than one operating system, and locks them in to MS products.

Thank you,
Jared W. Robinson
1383 N. 200 E.
Springville, UT 84663

MTC–00015425

From: Doug Franklin
To: microsoft.atr(a)usdoj.gov
Date: 1/23/02 9:09 am
Subject: Microsoft Settlement

Hello, Today I write you to express my dissatisfaction with the Proposed Final Judgement entered in the U.S. versus Microsoft anti-trust trial. In short, the proposed remedies do very little, if anything, to improve competition in the affected markets or ensure that the defendant cannot return to similar or identical anticompetitive behaviors in the future. From my perspective, the Proposed Final Judgement is so flawed that it cannot usefully be amended to reflect the requirements imposed by the Sherman Act and the Appeals Court ruling. I feel that only by imposing much stronger restrictions on the defendant could a Final Judgement in this case approach an effective response to the abusive practices proven against the defendant in the trial.

Thank you,
Douglas N. Franklin

MTC–00015426

From: Scott Purl
To: Microsoft ATR
Date: 1/23/02 9:08 am
Subject: Microsoft Settlement

I wish to comment that the proposed Microsoft settlement is entirely too lenient, and that harsher measures are called for. The recent proposal by Microsoft to give software away to schools is an attempt to get market share in an area that can not normally afford the Microsoft product, and that would probably be interested in a free or less-expensive competing product such as Linux.

If the Microsoft products really are superior products, then let us see them sold seperately, instead of bundled with the operating system, and see what the invisible hand of the market decides.

Yours,
Scott Purl
118 Riss Drive
Normal, IL 61761
309.888.9929

MTC–00015427

From: Scott Collins
To: Microsoft ATR
Date: 1/23/02 9:13 am
Subject: Microsoft Settlement

I wish to express my dismay over the proposed settlement of the antitrust case against Microsoft. I cannot condone any outcome of this case which fails to punish a rapacious and unrepentant monopolist in any way. Please consign this proposal to the dustbin of history and proceed with the prosecution of this criminal organization.

Thank you for your time and attention.

Scott Collins

''BSD and Linux aren't 'what you see is what you get' so much as 'what you get is what you asked for, good and hard, and you deserve it'.' —Dan Sorenson

MTC–00015428

From: Felts, Tom
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 8:59 am
Subject: Microsoft Settlement

Hello,

I have been an active professional in the computing field for the last 7 years, largely supporting Microsoft products in enterprise environments. During this time, it seems that all major 'innovations' by microsoft have actually been the co-opting of others initial work, and then 'building it in to the operating system'. The web browser is one of these 'innovations'. Digital media players is another. Web servers is another, and the list could go on and on, but the real point of this is that with Microsoft's dominant position, they can absorb ANY idea, change it a little, and then build it in to their desktop. This has a rather stifiling effect on the 'little' guys, and has indeed given impetus to Open Licensing, and Free Software. If Microsoft put the effort into Security, rather than 'market dominance', we would all be better off.

The remedy proposed recently does not effectively deal with the reality of the situation. I am opposed to it in it's current incarnation.

Thank you,

Tom Felts

MTC–00015429

From: BJ Premore
To: Microsoft ATR
Date: 1/23/02 9:11 am
Subject: Microsoft Settlement

I do not believe the proposed settlement does enough to prevent Microsoft from throwing its weight around to gain unfair advantage in the future.

BJ Premore
Dept. of Computer Science
Dartmouth College
Hanover, New Hampshire

MTC–00015430

From: Chris Dos
To: Microsoft ATR
Date: 1/23/02 9:10 am
Subject: Microsoft Settlement

This is not a good thing. Microsoft has been strangling the computer industry for years. It's operating system is a monopoly and it must be stopped. Force Microsoft to open up the source code to it's operating systems so other vendors can make competing products. My thoughts are to break Microsoft up into four companies.

1) Operating Systems
2) Applications such as Microsoft Office
3) Internet Portal such as MSN
4) Internet applications such as Internet Explorer, IIS, etc.

Only once this is done, will we see competition brought back to the market.

Sincerely,
Chris Dos
Chris DosPresident
Open Innovations LLC

MTC–00015431

From: J. Erickson
To: Microsoft ATR
Date: 1/23/02 9:10 am
Subject: Microsoft Settlement

Dear Sirs,

Regarding the Microsoft settlement, I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundred, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices.

Similar to the settlement against AT&T, Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level (40%, for example, assuming one of it's competitors is now also at 40%). This must be true for all Microsoft product lines, before regulation is lifted. Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Imagine the damage to the United States if Microsoft were to fail, as Enron failed. The risks of a monopoly are greater than merely the loss of competition.

Thank you for your time.

Sincerely,
James Erickson
St. Paul, MN

MTC–00015432

From: Mark Mynsted
To: Microsoft ATR
Date: 1/23/02 9:10 am
Subject: Microsoft Settlement

I am opposed to the DOJ, proposed Microsoft Settlement. It is a good starting point but allows Microsoft far too much room to continue to act in an anti-competitive way. It is also terminated too quickly.

Microsoft's behavior is and was outrageously unethical, consistent, systematic, and illegal. What is required are sanctions that would cause Microsoft to make a persistent, fundamental change in its behavior. The proposed settlement would not do this. This is a watered down slap on the wrist for Microsoft and is not in the public's best interest.

Mark Mynsted
(972) 354–2521 x1154—voicemail/fax
Lesiville Texas, 75067

MTC–00015433

From: Canyon Russell
To: Microsoft ATR
Date: 1/23/02 9:10 am
Subject: Microsoft Settlement

I believe that the current proposed remedy in the Microsoft Antitrust case is not sufficient to cause ANY serious penalty to Microsoft. I believe that the state of the computer industry and the ability of competitors to to truly compete with Microsoft would NOT be furthered by this proposal. I strongly suggest that the Department of Justice not allow Microsoft to receive such a light penalty that even gives them protections that other companies do not enjoy.

I agree with and have submitted to be co-signed as a supporter of Dan Kegel's Open Letter to DOJ Re: Microsoft Settlement.

Canyon Russell

—Security is directly proportional to inconvenience.—

MTC–00015434

From: Robert
To: Microsoft ATR
Date: 1/23/02 9:09 am
Subject: Microsoft Settlement

Dear Sirs:

I am deeply concerned about the lack of teeth in the proposed final judgement of the Microsoft Anti-Trust lawsuit. As a long time software developer (30+ years), I am frightened by the stranglehold that Microsoft has developed on the software industry. Their predatory, anti-competitive, and seemingly lawless practices threaten the vibrancy of the industry that gave them birth.

My concerns are multiple, but all concern the ability of vendors to compete with Microsoft in either the Operating System or Application areas. For years Microsoft has ''enhanced'' the Windows ''Operating System'' (OS) by incorporation of application software into the OS. By incorporating application software (browsers, media players, etc.), into the OS, Microsoft has blurred the distinction between the two. In many cases, this has discouraged innovation and research in those application areas. Nothing in the proposed final judgement addresses this practice.

Microsoft has poorly documented the application program interface (API). Those parts of the API that are documented are poorly done, but there are large portions of the API that remain undocumented and fervently protected by Microsoft. This practice prohibits any vendor from developing a product to effectively compete with the Windows product line. There would simply be Windows applications that would not work on the competing product. Nothing in the proposed final judgement addresses this practice.

Microsoft continues to hold forth extraordinary control over OEMs and large corporations in their restrictive license practices. Large corporations are forced into agreements that force them to buy Windows licenses for every computer the corporation owns or operates that CAN run the windows OS rather than those that do. OEMs are restricted from distribtuing open source software with their products. Nothing in the proposed final judgement addresses this practice. The proposed final judgement has virtually no enforcement provisions. While a technical committee will be established under the proposed final judgement to watch Microsoft, the technical committee has no recourse but to raise the flag and hopefully force Microsoft to return to court. This hardly

seems like enforcement. Overall, I have been dismayed by the conduct of the justice department in pursuing a judgement against Microsoft that would benefit the American citizen. Discouraging competition in the OS and application software industry, allowing licensing that smirks of monopolistic power, and not enabling the oversight committee with enforcement hardly seems in the best intrust of the American consumer.

Sincerely,
Robert W. Heller
Software Engineer
211 East Hermosa
San Antonio, TX 78212–1779

MTC–00015435

From: Kroells, Daniel D.
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 9:10 am
Subject: microsoft Settlement

If the currently proposed settlement goes through, microsoft will continue to monopolize the computer market. They are not being punished for being found guilty as a monopoly at all.

Dan Kroells

MTC–00015436

From: Dan F
To: Microsoft ATR
Date: 1/23/02 9:10 am
Subject: Microsoft Settlement

To whom it may concern:

I do not agree with the proposed settlement with microsoft in the antitrust trial. Microsoft has used an unfair advantage in the marketplace and this settlement does not fix that unfair advantage.

Daniel Fuhr
2837 SW Engler Ct. Topeka, KS 66614

MTC–00015437

From: Thomas Hunt
To: Microsoft ATR
Date: 1/23/02 9:11 am
Subject: Microsoft Settlement

To whom it may concern:

I do not think Microsoft should be able to get away with a settlement that is, essentially, a slap on the wrist. The company needs to be forced to open up its API's to outside companies and to open up Windows more.

Thomas Hunt

MTC–00015438

From: James Lewis Longhurst
To: Microsoft ATR
Date: 1/23/02 9:11am
Subject: Microsoft Settlement

I believe that the proposed Microsoft settlement is a spectacularly bad idea. In particular, the settlement does not go far enough to make public Microsoft-proprietary software interfaces and formats. If Microsoft continues to hold a monopoly power over its own proprietary software, that monoploy will only increase over time due to the cumulative nature of software development. If the monopoly power is not limited now, it will become even less able to be limited in the future.

As an historian, I've spent a fair amount of time thinking about the development and application of the Sherman Anti-Trust act. This seems to me to be a perfect time for government intervention.

James Longhurst
Carnegie Mellon University
Department of History

MTC–00015439

From: Richard Cooper
To: Microsoft ATR
Date: 1/23/02 9:13am
Subject: Microsoft Settlement

I am against the proposed final judgment in US vs. Microsoft. I feel the damage Microsoft has done to the software and OS marketplace is incalculable, and the proposed settlement does little to correct it. I don't feel the settlement levels the playing field for competing operating systems or office software, and would like to see a much stronger penalty imposed. The proposed settlement does not sufficiently relieve Microsoft of the ability to leverage hardware and computer manufacturers unfairly against competing products, nor does it adequately open the Windows API to programmers.

Thanks
Richard Cooper
Web Developer
Digital Animations Group plc
Hamilton House
Strathclyde Business Park
Bellshill, ML4 3NJ
United Kingdom
tel : +44 (0)1698 503300
fax : +44 (0)1698 503399

MTC–00015440

From: Jeff Willis
To: Microsoft ATR
Date: 1/23/02 9:11am
Subject: Microsoft Settlement

DOJ,

I think the settlement with Microsoft, after weighing in everything, is most likely a bad idea.

MTC–00015441

From: xjimh@mailout6.nyroc.rr.com@inetgw
To: Microsoft ATR
Date: 1/23/02 9:11am
Subject: Microsoft Settlement

I feel that the proposed settlement is a bad idea. It has too many loopholes, too many easy ways for Microsoft to evade restrictions and penalties. And Microsoft, being Microsoft, WILL take advantage of any opportunities for continued monopolistic behavior. One of the WORST provisions is the one allowing Microsoft to be selective in whom they release code, interface specs, and the like to. They are being allowed to select only those who have a significant business profile, the big Fortune-500 and similar companies. Currently, far more innovative programming is being done in the Open Source area, by garage-shop companies and even by individual volunteer programmers.

This is the area Microsoft most fears—it is impossible for them to crush competitors who are NOT driven by profit, it is impossible to sue thousands of individual—and THIS is the group who can do the most good for a competetive market by being given the information that will allow them to build software to give consumers a choice. I feel that the solution being suggested by the nine states that did not agree with the DOJ settlement, while perhaps not perfect, is FAR SUPERIOR to the DOJ settlemnt, and should be taken as the base for the eventual final settlement.

James M. Hartley Jr.
28 Cathy Road
Poughkeepsie, NY 12603

MTC–00015442

From: Rich Gordley
To: Microsoft ATR
Date: 1/23/02 9:11am
Subject: Microsoft Settlement

Persuant to the Tunney Act, I would like to protest the proposed settlement with Microsoft. The settlement does nothing to prevent Microsoft from behaving in the future as they have in the past. In addition, the settlement does not punish Microsoft appropriately for its violations of anti trust regulations.

Rich Gordley
Head Programmer
Diversified Software Technology
West Des Moines IA

MTC–00015443

From: Mike Metzler
To: Microsoft ATR
Date: 1/23/02 9:12am
Subject: Microsoft Settlement

To Whom It May Concern,

I am deeply disturbed by the DOJs apparent lack of gumption in seeing to it Microsoft suffers any real penalties for it's predatory monopolist actions. I am also concerned with the DOJ's 180 degree change of attitude after the Bush administration took over the department. Please help restore my faith in my government in these trying times and throw out this anti competitive settlement. I love my country and am loathe to see it's policies and laws dictated by the companies with the most money and political influence. Sorry for my strong wording, but after the Florida Presidential election ballot box problems, I was concerned there might be a board attempting to decide whether this was a vote for, or against the settlement. I hope my feelings are now clear on this matter.

Thanks
Mike Metzler

MTC–00015444

From: Kenneth Sewell
To: Microsoft ATR
Date: 1/23/02 9:12am
Subject: Microsoft Settlement

As a voting US citizen and as a professional in the computer field, I am voicing my disapproval of the current Microsoft settlement. The proposed settlement is a joke. No real penalty is brought against Microsoft for their monopolistic practices. Microsofts monopoly hurts all computer consumers, including the Federal and State governments. The only way to ensure competition and innovation is to break Microsoft into at least two separate operating system companies (maybe a third for applications). Also, some kind of federal mandate that all government offices use some percentage of open source software such as Linux or FreeBSD. Currently the attitude in federal offices and labs is ''Nobody ever got fired for buying Microsoft.'' You have the

power to level the playing field. Until now the multi-billion dollar cash pile in Redmond has been able to buy ''MS Justice'', I truly hope that you will not accept the current settlement, it will only hurt American computer users for generations.

Thanks.

Ken Sewell

Beavercreek, Ohio

MTC–00015445

From: Tatum, Josh SITI-ITDSAO
To: ''microsoft.atr@usdoj.gov''
Date: 1/23/02 9:08am
Subject: Microsoft Settlement

The proposed settlement is a bad idea.

Josh Tatum

MTC–00015446

From: Gaarde
To: Microsoft ATR
Date: 1/23/02 9:13am
Subject: microsoft settlement

Digital Research

Quarterdeck

Netscape

Almost Symantec... If you can't beat them or buy them... crush them. Microsoft has deeper pockets than the compitition. They don't need to compete. They just buy the compitition or sue them so much the compitition must spend all thier vulture capital on Lawyers instead of R&D. If this is allowed to happen to even one company, it hurts the industry. Unfortunately, the old crones in ''power'' (congress and senate) don't have a clue about these ''new fangled computer thingies.'' How can one make laws based on something they know little or nothing about?

You want to make new laws to stop Microsoft from doing this stuff in the future? Can you say grandfather clause? The damage is already done. How about laws that SEVERELY PUNISH EVERY individual within ANY company that is caught doing ANYTHING unethical. Oh yea... thats right... then you won't get your new library.... just another form of a bribe. Hide behind the truth and call it standard business practice. I can't count the number of times I have heard of unethical business practices Microsoft uses from reputable sources. Yet somehow, the Justice department ALWAYS looks the other way. Hrmmm... Kick backs, bribes... having daddies law-firm purchase judges. Don't pretend ''the system'' is uncorruptable. Shall I bring up ballot stuffing? Yea... they were caught on that one too... but as usual... Microsoft buys its freedom. At what point does the unethical business practices get deemed too much? How much harm must an industry have done to it before the bribes and kickbacks are no longer effective?

The DOJ broke up AT&T... it didn't help... it slowed them down a few years. Now they have a monopoly on Cable-modem access. Breaking up companies with deep pockets doesn't help. Public funds should go into public research and development... not some proprietary software companies pockets. PUBLIC service... not private service.

What message are we sending future generations? ''It's ok to be unethical and irresponcible as long as you have a lot money and can hide behind a corporate name.''

The people have cried out time and time again... but the crones ears are deaf. Revolution, not reform.

MTC–00015447

From: Nick Wesselman
To: Microsoft ATR
Date: 1/23/02 9:13am
Subject: Microsoft Settlement

The proposed settlement is a bad idea. Microsoft must receieve a true punishment for its monopolistic practices.

Nick Wesselman

Milwaukee, WI

MTC–00015448

From: Bort, Paul
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 9:12am
Subject: Microsoft Settlement

The proposed Microsoft settlement should not be accepted because part of the proposed remedy will only serve to continue the Microsoft monopoly. By giving Microsoft software to schools, the company will extend their monopoly by introducing students to their operating systems, applications, and worst of all, marketing. There is nothing in the settlement that prevents Microsoft from giving software to the schools that includes pro-Microsoft advertisements, aside from the natural inclination of the school administrators and teachers to be thankful for the software and equipment they have recieved.

MTC–00015449

From: Barry Wimlett (091) Endless Solutions (093)
To: Microsoft ATR
Date: 1/23/02 9:07am
Subject: Microsoft Settlement

I hope to see a more suitable settlement than the one currently proposed for the Microsoft Monopolies case. Microsoft owns a monopoly for computer desktop operating systems. Steps must be taken to ensure that microsoft does not unfairly leverage this platform to unfairly forward itself in other markets, such as it did with Internet Browsers in the mid 1990s.

OEM Contracts

The only fair way to prevent Microsoft from leveraging this is to firstly look at the contracts and prices it forces OEM computer equipment suppliers such as Dell and Gateway to sign, to ensure that ''unfair'' clauses such as ''No Internet Browser software other than Microsofts shall be shipped with an OEM supplied Microsoft Operating system.'' This prevented companies from shipping Netscape Navigator as well as Internet Explorer with the machine.

All OEM Equipment Supplier MUST be allowed to buy Microsoft Operating systems at the same price, and be free to offer any other software in addition to that supplied by Microsoft without prejudice against them.

Bundled Software

If Microsoft want to ship a version of a product such as say ''Media Player'' bundled with the Windows Operating system then opportunity must be given to other competing products to be included on the Windows CD, or Microsoft must unbundle the product. This ensures that Microsoft and its competitors face the same ''barriers to market'' as each other.

Hope these two suggestions help, they are simple and straight forward I hope.

Barry Wimlett

non US-Resident

MTC–00015450

From: Peter Deweese
To: Microsoft ATR
Date: 1/23/02 9:14am
Subject: Microsoft Settlement

The proposed settlement is a bad idea. Microsoft is the only software company that dosen't have to compete by raising the quality of its products. For example, Windows XP is windows 2000 in new packaging, as compared to Apple's incredible new operating system blows it away but stands no chance against MS tactics.

Peter DeWeese

MTC–00015451

From: rmcmahoniv@attbi.com@inetgw
To: Microsoft ATR
Date: 1/23/02 9:13am
Subject: Microsoft Settlement

Under the provisions of the Tunney Act, I wish to provide my comments before a final decision is made on the proposed Microsoft settlement. Having reviewed numerous press reports on the settlement, and many of the official court documents available to the public, I believe the proposed settlement is unacceptable in light of the findings of fact, and does not go far enough in attempts to remedy the situation. It is too open to interpretation, which is precisely the sort of environment which Microsoft thrives in—twisting and stretching the letter of the law as much as they can to suit their purposes. I sincerely hope the Department of Justice rejects this settlement, and pushes for stricter regulations and punative actions against Microsoft.

Thank you,

Richard McMahon

Fort Worth, Texas

MTC–00015452

From: Rob Lembree
To: Microsoft ATR
Date: 1/23/02 9:13am
Subject: Microsoft Settlement

This communication is pursuant to the Tunney Act period for public comment, and is authored by Robert Lembree, 29 Milk St., Nashua, NH 03064–1651, (603) 880–6768.

The proposed settlement of the anti-trust case against Microsoft by the United States Government is grossly inadequate and does little more than hand Microsoft a government sponsored marketing opportunity. Rather than punish Microsoft for its illegal activities as a monopoly, it strengthens Microsoft's already dominant market position and therefore runs directly contrary to the intention of the anti-trust finding and prosecution.

It is clear that either Microsoft itself or parties biased in Microsoft's favor were involved in the crafting of the agreement. The agreement is riddled with loopholes that not only preserve Microsoft's dominance, but

also which discourage the development of alternative technologies.

A case in point is that while companies may develop alternate technologies, the APIs and access to critical file formats (such as media formats) prevent these alternate technologies from being compatible in any way with Microsoft's dominant technology. This means that Windows Media format files, which dominate the media available on the Internet because of Microsoft's monopolistic practices, remain off limits to those not using Microsoft's operating systems and/or tools. Microsoft's own licensing prohibits the development of open source tools with their software development kits, and prohibits the development of tools for operating systems other than Windows. The settlement fails to remedy in this case.

This is one of literally a hundred cases in point that I can think of, but I don't want to deluge you. The point that I want to get across is that Microsoft's dominance in the marketplace has caused a stifling effect on innovation because if Microsoft doesn't want competitive solutions, it is simple for it to make meaningful competition impossible through any number of means: * obfuscation in its dominant operating system (''we don't supply APIs for that'') * exclusivity deals with content providers (''if you use only MS format files on your website, you get consideration'') * failure to support competing operating systems such as Linux or MacOS with key application (non-OS) technologies And there are more.

Any meaningful remedy will undo some of the damaging effects of Microsoft's anti-competitive practices, such as the publication of important APIs, the removal of restriction on using Microsoft's application technologies on non-Microsoft operating systems, and so on.

regards,
robert lembree

MTC–00015453

From: Paul Keusemann
To: Microsoft ATR
Date: 1/23/02 9:13am
Subject: Microsoft Settlement

The propose settlement with Microsoft is a bad idea. Microsoft has never show any willingness to modify its behaviour of its own accord and the proposed settlement does nothing to end Microsoft's unlawful conduct. The proposed settlement give Microsoft ample room to maintain their current monopoly and extend it into new areas. If nothing else, the concentration of money and power that Microsoft has accumulated is detrimental to national security.

Please do not allow this settlement to be approved.

Paul Keusemann pkeusem@visi.com
4266 Joppa Court (952) 894–7805
Savage, MN 55378

MTC–00015454

From: Michael Jennings
To: Microsoft ATR
Date: 1/23/02 9:14am
Subject: Microsoft Settlement

Microsoft is an extremely abusive company. The abuses presented in the antitrust case against Microsoft are only a small selection of the total. The proposed settlement with Microsoft is government corruption. If it is accepted, those in the DOJ whose names are involved with it will have to live with it for the rest of their lives. Those wanting dishonesty in government will be your friends. Those wanting dishonesty will avoid you and oppose you.

Regards,
Michael Jennings
Futurepower Computer Systems

MTC–00015455

From: Anthony McDowell
To: Microsoft ATR
Date: 1/23/02 9:14am
Subject: Microsoft Settlement

The currently proposed settlement between Microsoft Corp. and the United States is terrible for consumers and the industry; let me explain why. My name is Anthony McDowell. I am a Computer Engineering student and Army cadet at Mississippi State University. My responsibilities within the Army require that I do extensive work with computers and computer systems. Therefore, I feel particularly compelled to respond to this call for public opinion.

I have been involved in the computer industry since I was about nine years old. In that time, I have seen Microsoft evolve from being a rather equal partner in the global computer industry to one which has abused and created circumstances which were unfortunate for their competitors.

Therefore, I believe that the settlement of Microsoft's anti-trust case, as currently proposed, is not strong enough. Microsoft has demonstrated in the past that it does not take legal rulings to heart. During the ramp-up period prior to Microsoft's release of its WindowsXP operating system, Microsoft intentionally worked to cause any legal ramifications to be delayed long enough to allow the operating system into the market. That move alone has done gone great harm to the industry. The ''features'' Microsoft has bundled with this operating system release have already shut out a great many competitors and severely inhibited the abilities of others. For example, Microsoft's ''Windows Media Player'' application has been mutated to a point such that it performs functions previously done by various competitors. Media Player has removed the ''need'' for products such as RealAudio Player from RealSystems, QuickTime Player from Apple Computers, and WinAmp from Nullsoft/AOL-Netscape-Time Warner. Microsoft's web browser, Internet Explorer has also attempted to purge the market of competitors. By developing Microsoft-specific extensions to the HTML web programming language, Microsoft has attempted to ensure that only their browsers are used to connect to web pages. These Microsoft-specific extension not only perform special functions if viewed in Internet Explorer, they also tend to cause non-Internet Explorer browsers to crash, presenting the facade that these competing products are ''buggy'' or of lesser quality then the Microsoft Browser.

This kind of Microsoft exclusivity has also been seen migrating into their software development products such as Microsoft Visual Studio. In Microsoft J++, a component product of Visual Studio used for developing JAVA-based applications, Microsoft has again added Microsoft-specific extensions or functionality which performs reasonably well on a Microsoft platform, but often causes applications to appear buggy or non-functional on competing platforms.

These cases are but a few from Microsoft's extensive and far-reaching dossier of anti-competitive practices. It is by using the practices stated above, circumstances not currently covered by the proposed settlement, that Microsoft will continue to be a monopoly and will continue to control how and when things are done inside the consumer computer market. Under normal circumstances, I would agree that Microsoft is simply being a good competitor by attempting to further their product gains. However, Microsoft holds a trump card which most companies normally don't: they also control the platform which their products are based on. It is like allowing Ford, or Daimler-Chrysler to control how roads are built so that their automobiles run more smoothly on them.

Operating systems are one of the fundamental pieces of software which a computer uses.; no computer will operate without one. As such, I propose the removing of all operating systems from companies currently producing them. This would include Windows (all versions) from Microsoft, MacOS from Apple, and the various Linux/UNIX/Posix compliant operating systems from other smaller companies. Further, I suggest that these companies enter into a government-supervised council which has the sole purpose of developing a platform-independent, consumer-level operating system to be released to the public free of charge. If a computer cannot function without an operating system, then I feel consumers are being placed in ''double jeopardy'' by being forced to pay twice simply to use the computer. A free operating system such as this would allow a consumer to purchase a computer without the worries of licensing on the most fundamental level. This operating system would be platform independent enough to run on Intel/AMD x86 class microsoprocessors, the PowerPC class microprocessors used in Apple-branded computers, and others. Consumers would then have the freedom to purchase software products based on their merits, not on their platform requirements. Unfortunately, while most of the nation is aware of the basic facts in this case, only the few who actually work in this industry are entirely aware of its importance and the legal precedent which stands to be made. If Microsoft is allowed to leave this case with such a simple and un-correcting punishment against them, they will lay the groundwork for other anti-competitive companies to use money and legal tactics in the same fashion. Therefore, I feel compelled to use my knowledge and understanding of this case for the betterment of the public at large. The terms of this agreement are terribly underpowered and un-enforceable. As a soldier in the United States Army, I feel particularly afraid that the

United States legal system is going to allow these kinds of companies to control the very computer systems which I must use to help safeguard the lives of my fellow soldiers and the American populace. In conclusion, I would like to re-iterate Microsoft's passion for ignoring legal proceedings. Unless a stronger ruling is issued against Microsoft, nothing will change. Despite the great costs involved a case of this magnitude, Microsoft has continued to prosper and profit financially from their monopoly in this market. Unless something is done with serious ramifications, the results of this case will be business as usual for Microsoft and fewer choices and less computer security for consumers.

Thank You and Best Regards,
Anthony McDowell
Student, Mississippi State University
Cadet, United States Army

MTC–00015456

From: Donald Grayson
To: Microsoft ATR
Date: 1/23/02 9:14am
Subject: Microsoft Settlement

To whom it may concern.

As a concerned consumer I am deeply troubled by the direction of the proposed settlement in the Microsoft anti-trust trials. Indeed, the way the settlement is worded it only appears to hand Microsoft even more power in the future with regards to thier stranglehold on the publics exposure to computers, the Internet and upcoming consumer electronics devices.

We cannot afford as a nation to have one company be the sole interface to how we communicate to each other. Microsoft has demonstrated that it is incapable of playing by the accepted rules of business in the US and should be punished accordingly.

I feel that the settlement proposed by the states in non-agreement with the current settlement does far more to control Microsoft as a company and to help level the field for competiters in the market.

Thank you.
Donald Grayson
Kentucky

MTC–00015457

From: Andres Moya
To: Microsoft ATR
Date: 1/23/02 9:14am
Subject: Microsoft Settlement

Hello.

I'm not an U.S. citizen, but I feel that this case also affects me as the monopoly of Microsoft is impacting to many countries (included mine). I don't like the proposed settlement, and would like if my opinion could be taken into account.

Thanks.

MTC–00015458

From: Bennett C. Baker
To: Microsoft ATR
Date: 1/23/02 9:15am
Subject: Microsoft Settlement

To Whom It May Concern;

I am writing this letter to express my opinion that the currently proposed Microsoft settlement is completely inadequate in terms of the remedies proposed for Microsoft's blatant, frequent, arrogant, and ongoing abuse of its monopoly position. I am especially distressed to find that the proposed settlement does absolutely nothing to prevent Microsoft from continuing to deliberately and cynically sabotage its implementation of public-domain communications protocols in order to break compatibility with non-Microsoft products and protocols. This behavior, if left unchecked, will create immeasurably high barriers to entry for any entity wishing to work with or create products for the Internet or the World Wide Web. Current basic Internet protocols are in the public domain, and any entity can create equipment or services for use with the internet. If Microsoft succeeds in their attempted Balkanization of formerly public protocols, all would-be players on the Internet field would have to pay a tithe to Microsoft or face an enormously high barrier to entry, thereby effectively destroying the innovation which so often comes from smaller entities.

In closing, I strongly urge that the proposed settlement be amended to provide some real protection to all of us from Microsoft's continued predation. Thank you.

Sincerely,
Bennett C. Baker
B::Ware
bbaker@bware.com
http://www.bware.com
CC:bbaker@bware.com@inetgw

MTC–00015459

From: Cosimo Leipold
To: Microsoft ATR
Date: 1/23/02 9:15am
Subject: Microsoft Settlement

The proposed settlement with Microsoft is a bad idea.

MTC–00015460

From: Tim Maletic
To: Microsoft ATR
Date: 1/23/02 9:15am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I find numerous problems with the proposed settlement, but, for me, two stand out: the lack of a requirement upon Microsoft to publish its APIs, and the wording in III.J.2 that allows Microsoft to decide with whom it must share technical information.

As Ralph Nader has written elsewhere, ''[U]nder J.1 and J.2 of the proposed final order, Microsoft can withhold technical information from third parties on the grounds that Microsoft does not certify the ''authenticity and viability of its business,'' while at the same time it is describing the licensing system for Linux as a ''cancer'' that threatens the demise of both the intellectual property rights system and the future of research and development.'' Is it not obvious how Microsoft will respond to requests for technical information from developers of Open Source software?

I urge you to reconsider your position.

Sincerely,
Tim Maletic, CISSP
Information Systems Security Officer
Priority Health, Grand Rapids, MI

MTC–00015461

From: john@cfa.harvard.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 9:15am
Subject: Microsoft Settlement

Hi,

I am a US Citizen and I feel that the proposed settlement of the Microsoft anti-trust case will do nothing to change the monopolistic practices of Microsoft. Any settlement which does not severly restrict Microsoft from simultanious operation in the OS and Internet, and Applications market will do little to create a fair open computer software arena in which competitors have a chance.

I recently upgraded a computer from Windows 95 to Windows XP. Windows XP is an advertising platform for additional generally unrelated Microsoft products and services.

As a specific example the ''Passport'' advertizement is a carefully worded almost lie. When you attempt to connect to the internet the XP system prompts you popping up a window saying that you MUST have a passport to browse the internet. This is untrue and the average user will be unable to distinguish between the actual wording that says you MUST have a passport for the use of MICROSOFT services the the wording I used above.

There are numerious other advertising features embeded in XP which present Microsoft products and services as the necessary for use of the OS or Internet. These presentations are unfair and continue to bolster Microsofts monopolistic position in the software market.

John Roll
Computer Software Engineer
Smithsonian Astrophysical Observatory
john@cfa.harvard.edu

MTC–00015462

From: Glenn Sokol
To: Microsoft ATR
Date: 1/23/02 9:21am
Subject: Microsoft Settlement

I believe that the current Microsoft anti-trust settlement is ineffective. Microsoft should have to conform to standard file extensions, so that all programs on all operating systems can read a particular file. I also believe that Microsoft should release many of its programs (games, office applications, desktop applications) for other operating systems (not just Macintosh). I hope the Department of Justice recognizes the voices of the public and takes heed to the suggestions.

Glenn Sokol
SGI
Co-op
gsokol@sgi.com
Work: 212.370.8640
Cell: 203.895.5289

MTC–00015463

From: Dave Anderson
To: Microsoft ATR
Date: 1/23/02 9:14am

Subject: Microsoft Settlement

I'd like to add my comments on the proposed remedy of the Microsoft antitrust trial.

The best way to restore healthy competition in the software development industry is to force Microsoft to completely release all source code of all their products as ''open source'' or public domain.

Just like affirmative action policies had to be instituted to compensate decades of descrimination against minorities, a period of compensation needs to be established to restore competition to the software development industry. Although this would be devastating to Microsoft for a period of time they could be allowed to continue to move forward with the other provisions provided in the proposed remedy.

Another area I feel is lacking in the proposed remedy is adequate protection of the small consumer. Microsoft has charged consumers large and small for ''upgrades'' that were really repairs to faulty code. Microsoft needs to be held accountable for their product defects. The consumer should have access to free and unlimitted support. Goverment oversite of Microsoft's problem tracking needs to be implemented just like there is government oversite of utility services. A utility is a publicly approved monopoly and is allowed to be one becaused it is heavily regulated. Microsoft has become an un-approved monopoly and will require regulation until the competition has recovered enough for the market to work properly.

Thank you for considering these ideas

Sincerely

David C Anderson

5011 W 66th St

Prairie Village, KS

MTC–00015464

From: James.Clements1@
VerizonWireless.com@inetgw
To: Microsoft ATR
Date: 1/23/02 9:16am
Subject: Microsoft Settlement

Dear Sirs;

With all due respect any settlement between Microsoft and The United States is doomed to failure for several reasons. First and foremost, Microsoft has not and will not change what and how they do things, no matter what the judgement is, unless a tremendous amount of force is brought to bear, probably more force than the government apparently is willing to use. They will continue to dump ''free'' software, which is not truely free but which has the cost bundled with their products, and thereby damage and destroy competitors, much as other countries have tried to dump steel and microchips in our markets.

Microsoft will continue to bundle these ''free'' items with their operating systems, giving them a tremendous advantage over competitors, even when those same competitors have better products but which are not ''free'' and are not available by default.

They will continue to modify their operating system so that compeating products do not work as well as their own products. There are other issues, but this should be sufficient. Give up, you have lost, and you and I must learn to live in a Microsoft world with limited choices and limited freedoms.

Sincerely,

James Clements

MTC–00015465

From: Ian
To: Microsoft ATR
Date: 1/23/02 9:16am
Subject: Microsoft Settlement

Microsoft is evil.

MTC–00015466

From: Roy Brickley
To: Microsoft ATR
Date: 1/23/02 9:16am
Subject: Microsoft Settlement

Dear Sir or Madam,

I would like to comment on the proposed settlement of the DOJ and nine states attorneys general vs. Microsoft. I consider this a very poor settlement proposal in regards to the findings of the appeals court in this case. The proposed settlement has very little purposeful punishment of the crimes committed by Microsoft. Also, the wording of the settlement provides many cases where Microsoft can effectively continue business as usual, including competetive practices that have been found illegal by the appeals court. I ask that this proposed settlement be rejected and that either the court construct an appropriate judgment or consider the counter-proposal of the nine states that did not sign on to this proposed settlement.

Thank you,

Roy Brickley

31148 Oakhill Way

Hayward, CA 94544

MTC–00015467

From: Bruce Tong
To: Microsoft ATR
Date: 1/23/02 9:16am
Subject: Microsoft Settlement

I'm a software developer at a small company in S. E. Ohio who specializes in nursing education software but who also consults for local businesses. The big companies (Microsoft, Sun, etc.) have no idea who we are, and this opinion in unsolicited.

It is my opinion choice and competition needs to be restored to the desktop operating system market. If this is left to normal market forces, it will be 10 years before the situation will change. To accomplish this, I would break up Microsoft into 3–4 identical companies. Give each of the companies —all— of Microsoft's current technologies and divide Microsoft's other assets equally.

In my eyes, the desktop operating system market would then have no majority player. The various MS children would have to compete to sign deals with hardware vendors and service providers, instead of the current situation where Microsoft can demand terms from those organizations. —

Bruce Tong

Got me an office; I'm there late at night.

Sr. Software Engineer

Just send me e-mail, maybe I'll write.

Electronic Vision / FITNE

zztong@pugsly.ev.net —Joe Walsh for the 21st Century

MTC–00015469

From: Ross A. Knepper
To: Microsoft ATR
Date: 1/23/02 9:16am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I wish to register my opposition to the proposed Microsoft settlement. I object to the proposal for the following reasons:

1) Fundamentally, the settlement would treat the symptoms of the problem, rather than the problem itself. The remedies spelled out in the proposal are overly specific, to the point that microsoft can still find other means not mentioned to continue abusing its monopoly.

2) For example, one omission for the settlement proposal is competing windows-compatible operating systems, such as WINE on Linux. Microsoft intentionally erects a large Barrier to Entry by using restrictive license terms and intentional incompatibilities, which the settlement would not prohibit.

3) As another example, Microsoft currently uses restrictive licensing terms to keep Open Source applications from running on Windows, and they similarly restrict Windows applications from running on other operating systems. The proposed final judgement would prohibit neither of these licensing terms.

4) Beyond the licensing terms, Microsoft uses continuous intentional incompatibilities from one release to the next to prevent applications from running on competing operating systems. Once again, this behavior would not be restricted.

5) Finally, the proposal as currently written lacks an effective enforcement mechanism. There is no real penalty for disobeying its terms. In conclusion, i would like to assert that the proposed settlement is really not settlement at all. If we allow it, we are conceeding to Microsoft, and they win the case. Their abuse of monopoly powers would go on unabated.

As an alternative, I would propose splitting the company up, but not into an operating systems and applications division. Rather, I would suggest splitting it up into two competing Microsofts, each of which inherits all the code of the parent company. They would be forced to develop their code independantly, and any standards would have to be publically announced such that other competitors might write compliant code as well. And best of all, Microsoft would finally have some equal competition.

Thank you for considering my opinion.

Sincerely,

Ross A Knepper

Ross A Knepper

34 Kessler Farm Dr. #574

Nashua, NH 03063

H: (603) 889–7778

W: (603) 884–9088

MTC–00015470

From: Michael Sandford
To: Microsoft ATR

Date: 1/23/02 9:17am
Subject: Microsoft Settlement

I feel that the current proposed settlement for the Microsoft case is too lax and that it requires further strengthening in order to be in full compliance with the law. Microsoft has developed a whole new software development environment called (dot).NET that is not mentioned in the settlement, and that would allow the current settlement to be a setback of miniscule proportions. They have even announced how (dot).NET is the successor to the currently used JVM, and yet the settlement does nothing to make sure (dot).NET will continue to be open. It also does not do enough to make sure that all software vendors can get access to the Windows APIs, nor does it open up access to all APIs that Microsoft currently implements. This would allow Microsoft to shift their focus from the products mentioned in the settlement, to those that are not and continue using restrictive licensing and other unfair anti-competetive practices.

Michael Sandford
EE/CE student at UNF

MTC–00015471

From: gwa@austin.ibm.com@inetgw
To: Microsoft ATR
Date: 1/23/02 9:17am
Subject: Microsoft Settlement

The proposed settlement with Microsoft is inappropriate. While rectifying SOME of the practices which were found to be anticompetitive, it fails to sufficiently restrict further similar anticompetitive practices.

Thank you,
Gregory W. Alexander
12330 Metric. BLVD
Austin, TX 78758
POWER4 Microprocessor Design, IBM Corporation.

The views expressed herein are my own, and not necessarily those of my employer.

MTC–00015472

From: Shawn P. Garbett
To: Microsoft ATR
Date: 1/23/02 9:17am
Subject: Microsoft Settlement
Hash: SHA1

Dear Renata B. Hesse,

I'm against an easy settlement against Microsoft. I've been a programmer in the industry for sixteen years and Microsoft has truly made certain aspects of my job difficult.

Time and time again over these years they have abused their position to their profit. Like for example, they published a developer's standard for versioning. Then when they broke that standard, it forced everyone who was developing for their software to buy upgrades to their development tools if you wished to release products for the Microsoft environment. This not only cost companies across the company major money in forced licensing, but also time in retooling their programming departments. Then after the wave of complaints from developers, they had the nerve to do it again and again and again.

They continue to take industry standards and with a well known strategy of theirs, they adopt the standard. Then once they get a majority of users on their side of the fence using their tools they change the standard. Several times they have attempted to copyright their extensions, so that noone else can interoperate with their software. This causes a wave of programming development throughout the industry for no gain other than increasing Microsoft's dominance. More money and wasted effort on the part of programmers and IT departments throughout the world. With no real benefit to anyone but Microsoft.

A full fifty percent of my time over my career has been spent reworking things that don't need reworking because Microsoft has a plan for industry dominance that forces programmers to rework. During this time, microsoft has not shown much concern for the user with the frequent reboots required and total lack of security in it's products.

The UNIX tools I used when I started have grown and changed some over the years. But the originals still work, the standards they were built upon still work. I can't find a single Microsoft tool or ''standard'' I originally used that would still work in a reasonable manner. Microsoft needs swift and harse penalties for it's anti-competitive policies that have caused years of set back in the industry. This productive energy that has been wasted playing their game could have been spent on innovation.

Proposals for the settlement:

(1) I think if anyone thing comes from the judgement, that Microsoft should not be allowed to ''Adopt and Extend'' any published standard. The adopt part is fine, the extend or change is not. Example: They adopted Kerberose and have created a set of extensions to make their software incompatible. They have copyrighted those extensions.

(2) They should not be allowed to break their own standards for versioning of system libraries. The release of different versions of system libraries with the same version number should be prohibited. This is the dirty trick they used to force upgrades of their compilers and some users.

(3) They should be forced to open their source code to their operating systems (i.e. Windows) to the world. I've written several packages to interoperate with Microsoft products only to notice that their own function in a superior manner. Upon investigation, they were using unpublished back doors. Any software working through the ''front door'' was penalized in perfomance and reliability, while their own development departments were using the secret ''back door''. Published source code would prevent such hamstringing of developers, as any ''back door'' would be immediately apparent. This would also have the effect of ''auditing'' their code for security problems and force them to upgrade many security holes. This would actually benefit users greatly in terms of performance, reliability and security. Any anti-competitive pieces of code would be easily identifiable.

(4) I'm highly in favor of splitting the company between an OS company and a tools company. This be the easiest, lowest policing method of insuring many abuses don't occur in the future. If you don't think this is necessary, then put it as a penalty clause for violating any terms of the final judgement. Then if they go back to their preditory practices, they will be split.

Thank you,
Shawn Garbett
4037 General Bate Drive
Nashville, TN 37204
(615) 292–6496

MTC–00015473

From: Mark Ross
To: Microsoft ATR
Date: 1/23/02 9:20am
Subject: Microsoft Settlement

The Microsoft Settlement is a bad, bad idea. MS has shown repeatedly that they are willing to use their massive financial weight to force their products on the public. Any settlement that does not significantly alter the way MS does business is a mistake and will lead to continued MS homogony.

Thank you,
Mark Ross, Webmaster.
mross@bcefcu.org
(818) 846–1710 x331

MTC–00015474

From: Art Cancro
To: Microsoft ATR
Date: 1/23/02 9:17am
Subject: Microsoft Settlement

Hello,

I would like to express my opposition to the ''settlement'' currently being floated for the Microsoft antitrust case. The proposed settlement is completely one-sided, providing Microsoft with ample opportunity to continue ''business as usual'' (steamrolling any competition that gets in their way) without adding any significant checks or balances to slow them down.

Please reject this settlement and seek actual remedies.

Art Cancro <acancro@xand.com>
System Administrator, XAND Corporation

MTC–00015475

From: Mike Cathey
To: Microsoft ATR
Date: 1/23/02 9:17am
Subject: Microsoft Settlement

Dear Sir;

I co-signed Dan Kegel's open letter, but I would like to express some personal concerns of mine as well.

The PFJ doesn't prevent Microsoft from continuing it's current atni-competetive practices. There is a point at which capitalism can inhibit free enterprise. I believe that Microsoft has reached that point. They have and are currently using their current monopoly—in workstation operating systems—to establish monopolies in other markets (READ internet access, home enteratinment systems, etc). They have restrictive licensing on their development environments that prohibits their use to create non-MS Windows software/applications. Finally, the PFJ would allow them to bring lawsuits against excellent software projects, like samba (see http://www.samba.org/), which are working towards integration—not market domination.

Thank you for listening to the concerns of a voter.

Sincerely,
Mike Cathey

MTC–00015476

From: Judson Holt
To: Microsoft ATR
Date: 1/23/02 9:17am
Subject: Microsoft Settlement

I believe the proposed Microsoft settlement is wrong. It does not go far enough to restore competitiveness.

To me, competitiveness means that there must be a way for a third-party software company to come up with an operating system that is completely compatible with the hardware and applications that currently work with Windows. As I understand it, the best way to do this is to require Microsoft to publish its APIs. I have used Microsoft products for a long time. First MS–DOS on an IBM PC, then Windows 3.1, then Windows95, WindowsNT, and now I'm using Windows2000. However, I have been continually frustrated by the additional ''features'' that have been tacked on with each successive generation of O/S. I would love to be able to buy a ''stripped down'' Windows with few features, low computing overhead, high stability and high security that is still compatible with all the application software that's already available. I doubt Microsoft will ever consider making this kind of OS. In a truly competitive environment I should be able to buy such an operating system from a third-party vendor, assuming people like me formed a large enough niche market.

Judson Holt
MIT Chemistry
(617) 253–6964
judson@mit.edu

MTC–00015477

From: Simon Buckley
To: Microsoft ATR
Date: 1/23/02 9:19am
Subject: Microsoft Settlement

Sirs,

I feel that the proposed settlement in the Microsoft anti-trust case serves as neither punishment nor discouragement. After many years of discussion, we have now reached a point where we all agree that Microsoft has engaged in anti-competitive practices, and circumvented previous attempts at oversight. Please, its time to reign them in and allow a second technology boom.

Sincerely
Simon Buckley

MTC–00015478

From: Linda Welles
To: Microsoft ATR
Date: 1/23/02 9:18am
Subject: microsoft settlement

It's time to wrap this up and let Microsoft get on with running a business. Let's face it, the world of innovation has been in a slump ever since this antitrust started. Think about it ... there has been a gradual slowing down of the economy ever since this began. NOW, let's get this settled as it stands and get on with other things like ENRON and ANDERSON!

MTC–00015479

From: Steve Wright
To: Microsoft ATR
Date: 1/23/02 9:19am
Subject: Microsoft Settlement

Sir or Madam,

I am a software developer who works in a multi-platform environment. It is my belief that Microsoft's actions to attain and keep their monopoly may be good for Microsoft, but that they have a negative effect on the industry as a whole. I am concerned that the current settlement with the company does nothing to address Microsoft's monopolistic behavior. They are being let go with a slap on the wrist. I encourage you to take stronger measures.

Thank you,
Steve Wright

MTC–00015480

From: Gary D. Cupp, Jr.
To: Microsoft ATR
Date: 1/23/02 9:16am
Subject: Microsoft Settlement

To Whom It May Concern,

I believe that this settlement is a bad idea.

Gary Cupp
HelpNet, LLC
P.O. Box 2157
Harrisonburg, VA 22801
''Jesus is Lord!''

MTC–00015481

From: Fredericks, Fred
To: Microsoft ATR
Date: 1/23/02 9:18am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I would like to comment on the proposed Microsoft settlement. I have several problems with the settlement.

(1) The PFJ does not prohibit Microsoft from increasing the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities.

(2) The PFJ contains overly narrow definitions—for example A) it forces Microsoft to publish its secret API's, but defines API so narrowly that Microsoft will be able to avoid disclosure B) it allows users to replace Microsoft middleware with competing middleware but defines ''middleware'' so narrowly that the next version of Windows may not be covered at all. C) The PFJ does not cover Microsoft .NET—it allows users to replace Microsoft Java with a competing product but Microsoft is phasing Java out in favor of .NET. D) The PFJ requires Microsoft to release the API information but prohibits competitors from using it to develop operating systems that are compatible with Windows (and thus could compete with Windows).

(3) The PFJ does not prohibit Anticompetitive licensing terms currently used by Microsoft. Microsoft's enterprise licensing scheme still has large companies paying per machine that *could* run Windows instead of those that do—this type of licensing is similar to those banned by the 1994 consent decree. Microsoft's licensing also restricts vendors from installing other competing operating systems to operate side-by-side with Windows.

(4) The PFJ as written does not contain an effective enforcement mechanism.

I believe that the PFJ should not be adopted without substantial revision to address these problems.

Sincerely,
Michael Fredericks 4773 Tapestry Dr
Fairfax, VA 22032

MTC–00015482

From: Robert Bushman
To: Microsoft ATR
Date: 1/23/02 9:13am
Subject: Opposed to Proposed Settlement

Dear Sir or Ma'am;

I do not support Microsoft's proposed settlement because I do not think it provides sufficient punishment to balance Microsoft's offenses, nor sufficient incentive to prevent them from doing the same in the future. Furthermore, the idea of punishing an abusive monopoly by requiring them to extend their monopoly into the US educational system is incomprehensible.

Much has been said of finding a win/win solution. This ignores the fact that Microsoft broke the law and is supposed to be punished. They are not supposed to win.

Thank you for your consideration.
Robert Bushman
Senior Software Engineer
Apollo Group, Inc.
Research and Development Department

The opinions expressed herein are mine and may or may not reflect the opinions of Apollo Group, Inc. or its subsidiaries.

MTC–00015483

From: Duane Gustavus
To: Microsoft ATR
Date: 1/23/02 9:18am
Subject: Microsoft Settlement

Dear DoJ:

The proposed settlement with Microsoft is fatally flawed and will not accomplish any useful modification of Microsoft's behavior. The evidence mounts that government, and especially the Department of Justice, is loosing credibility with the public. Please do not participate in actions that will be viewed in the light of history as government complicity with what were once termed ''racketeers''. Microsoft has already been found guilty. Please do the duty you ask us to do every time we serve on a jury.

Duane Gustavus
1223 Panhandle St.
Denton, TX 76210
duane@denton.com

MTC–00015484

From: Robert Petrusz
To: Microsoft ATR
Date: 1/23/02 9:19am
Subject: Microsoft Settlement

Dear Sirs,

I have been reading about the progress of the motions against Microsoft in the press in recent days and am alarmed by what appears to be the softening stance of the courts with respect to Microsoft's viciously anti-competitive behavior. I have been working in the Information Technology industry for several years. Everyday I experience first-hand the disruptive and destructive consequences of Microsoft's aggressive behavior in the form of poor perfomance of

Microsoft products that are protected from serious competition from viable alternative products.

Now I see the grim prospect of Microsoft going unpunished in a substantive way for their transgressions. I hope that at the end of the day, the justice department will find a way to restrain Microsoft's anti-competitive behavior and establish a ''level playing field'' in the highly competitive computer industry.

Regards,
Robert Petrusz
Technical Support Center
Fuqua School of Business
Duke University

MTC–00015485

From: Nick Allen
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 9:17am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Nick Allen
IT Engineer
Ohio State Bar Association
(letter c/o grylnsmn)

MTC–00015486

From: Scott Russell
To: Microsoft ATR
Date: 1/23/02 9:29am
Subject: Microsoft Settlement
Scott Russell
Orr's Island, ME
Judge Colleen Kollar-Kotelly, and The Department of Justice

I am an American citizen with over 17 years of experience in software development.

The current Microsoft settlement is inadequate to improve the competitive environment in the software industry. Microsoft holds and has enforced a monopoly on the desktop computer market, and this settlement does not provide sufficient penalty for these misdeeds. Microsoft has failed to abide by the spirit of previous agreements. Providing an oversight committee, but no provision for the ability to penalize Microsoft represents a weak settlement—one that does not protect the consumer or the non-monopolists in this market. This settlement provides inroads for Microsoft to continue to undermine both the software industry in general, and the Free Software movement in particular. In the past, Microsoft has been found to mislead its customers and vendors, the public, and the courts. Logically, we should consider that it may continue to do so now, and will probably do so again the future.

Marketing statements notwithstanding, innovation does not come from forcing a stranglehold on the citizens of the world. It emerges from the free exchange of ideas among organizations as peers. There is nothing wrong with pure competition or free capitalism, and I support both. Imposing operating constraints on an organization should only come into affect when the organization steps outside of the standards of Society and Law. The global community, and Americans in particular, expect a degree of ethical behavior on the part of corporations—The Sherman Act was created to provide recourse to address those situations in which an entity steps outside of the boundaries of acceptable behavior.

Microsoft has crossed this well-defined line, and should suffer a tangible penalty for past misdeeds, the disastrous effects of which are ongoing, and will continue for years. A mechanism for preventing and penalizing attempts at future misdeeds must also be part of this remedy. One who violates the law should not be allowed to keep his ill-gotten gains. The court has found that Microsoft has engaged in activity that is in violation of civil law, by maintaining and extending an illegal monopoly. Microsoft committed these illegal acts with the successful intention of taking money from consumers, competitors, and vendors. The current settlement allows them to keep these gains, which would be measured in billions of dollars. Some solid process must be put into place to ensure that this money, if not returned to those it was taken from, will be used to recover from the damage caused by the illegal actions of this monopolist. Negative impacts upon the economy and technology innovation should not be a reason to prevent a harsh judgment in this case. The impact of a tumble in Microsoft's stock price on the world economy will be offset by the rise of independent software vendors, once they are free of the tyranny of a sitting monopolist. Technology will become more valuable, stable, and secure as more worthy organizations begin to set the pace for this field. Allowing a single organization to have such a strong hand in the survival of a market, and the nation's economy in general must be stopped. It's a simple fact— the tech industry would do better and recover faster without Microsoft controlling its interests. Applying reimbursement and punitive damages to Microsoft serves the national interest—not doing so serves only Microsoft's interests.

I wish to give a few guidelines to help define what would constitute a fair remedy:

Prevention of Recurrence—Microsoft must not be allowed to continue to abuse or enforce its monopoly. Reimbursement—Microsoft must not be allowed to retain the profits it has earned as a result of its illegal actions.

Reparations—Microsoft is responsible for the current uncompetitive market in operating systems and related applications. The should be forced to underwrite efforts to restore competition and consumer choice. Damages—Microsoft must pay punitive damages over and above its reimbursement and reparative obligations, both as punishment for wrongdoing, and to deter future monopolists.

The existing settlement serves to grant Microsoft it's monopoly, and will cause additional damage to many, many industries. It will also ensure that there will be more cases of United States Vs Microsoft in the future, costing more money to taxpayers.

Thank you for your time, cott Russell

MTC–00015487

From: Harry Dellicker
To: Microsoft ATR
Date: 1/23/02 9:20am
Subject: Microsoft Settlement

To whom it may concern,

I am very concerned about the proposed settlement of the Microsoft antitrust case. PLEASE do not let Microsoft ''off the hook'' with a simple slap of the hand. This company has been playing dirty for years now. I am totally incensed about their tactics used in squashing Netscape. The Netscape browser is a good piece of software (unlike that security nightmare MS calls Internet Explorer). I believe Netscape could have remained a viable company had it not been for the illegal tactics of Microsoft.

Having been emboldened by the weak response of the government, Microsoft's latest bombshell is a new subscription software scheme whereby they will require companies to pay an annual subscription cost of 29% of the original purchase price of their software licenses. If they choose not to participate, future upgrades will not be possible; they will have to buy all NEW licenses any time they want to ''upgrade''. In the past we have been able to purchase upgrades at a reduced, upgrade price if and when we felt like it. This is extortion, pure and simple. Microsoft thinks they can get away with it simply because they are virtually the only game in town.

Microsoft has also been guilty for years of putting out poor quality software with little concern for security. We all pay for this every time there is another virus attack which takes advantage of yet another Microsoft software coding error. Please, Microsoft needs more accountability; not less. We need a judgment against Microsoft which is truly meaningful.

Sincerely,
Harry Dellicker
Covington, WA

P.S. While I am at it, we also need to change the laws so that companies can sue a software vendor for damages which can be directly attributed to negligence on the part of the software vendor. Only then will these companies start taking security seriously.

Yes, I know about Mr. Gate's new security initiative. I will believe it when I see it. And of course, if and when they have something ready, I'm sure they will be happy to $ELL it to us.

MTC–00015488

From: Dan Larsen
To: Microsoft ATR
Date: 1/23/02 9:21am
Subject: Microsoft Settlement

I am against the proposed final judgment in US vs. Microsoft. I feel the damage Microsoft has done to the software and OS marketplace is incalculable, and the proposed settlement does little to correct it. I don't feel the settlement levels the playing field for competing operating systems or office software, and would like to see a much stronger penalty imposed. The proposed settlement does not sufficiently relieve Microsoft of the ability to leverage hardware and computer manufacturers unfairly against competing products, nor does it adequately open the Windows API to programmers.

Dan Larsen
Software Developer
Invision Software, Inc.
110 Lake Ave. South Suite 35
Nesconset, NY 11767
631–360–3400 x124
631–360–3268 fax

MTC–00015489

From: Brian M. Fisher
To: Microsoft ATR
Date: 1/23/02 9:20am
Subject: Microsoft Settlement

To whom it may concern,

I think that the proposed settlement with Microsoft is an extremely bad idea and probably would be the largest miscarriage of justice that this country has ever seen.

Sincerely,
Brian Fisher
Brian M. Fisher
Dept Physics and Astronomy
Univ North Carolina at Chapel Hill
Chapel Hill, NC 27599–3255

MTC–00015490

From: Chris Edwards
To: Microsoft ATR
Date: 1/23/02 9:20am
Subject: Microsoft Settlement

I would like to address the Propossed Final Judgment by saying that I feel that as it currently stands, it would not diminish the barrier to entry for Intel/x86-Compatible PC operating systems to compete with Windows. Much software that I use and maintain for my employment as a systems administrator is Free and Open Source Software which is clearly discriminated against by Microsoft and is not addressed in the Propossed Final Judgment.

I depend on software that must interoperate with Microsoft Windows Operating Systems. The developers of the software cannot fully interoperate with a Windows System unless Security APIs are available. By allowing Microsoft to keep document formats (an API) and Security APIs secret for their systems, competing operating systems, server software, and applications cannot interact effectively with Windows Operating Systems or compete against Microsoft Products. I find that this is a fatal flaw in the Propossed Final Judgment and allows Microsoft to continue in their arrogant, heavy handed business practices.

In short, I feel that the Final Judgment is a step in the right direction, however, it is nowhere near complete. This judgement, as it currently stands, is not in the public interest.

Chris Edwards
Abingdon, Virginia

MTC–00015491

From: Jeremy Gilbert
To: Microsoft ATR
Date: 1/23/02 9:20am
Subject: Microsoft Settlement

To whom it may concern:

I am writing to urge you to be harsh with Microsoft. Go for the kill. Either fine them no less than their entire cash reserve ($62 Billion at last count) or break them into no less than 5 pieces. (1. consumer operating systems 2. office productivity 3. enterprise operating systems 4. web server 5. database server) Their anti-competitive practices have hurt the software and computing industry more than could ever be known. The prices we pay for software from them (well, you pay, I stopped buying) is analogous to paying upwards of $15.00 for a gallon of gas from Standard Oil. Free software is available that competes with all of their products, yet through either buying out their competitors or marketing them to death, consumers either no longer have a choice or don't know about their choices. Don't be soft with them. They have been found to be in violation of anti trust law, so now is not the time for weak settlements.

Sincerely,
Jeremy Gilbert

MTC–00015492

From: Andrew Whitcroft
To: Microsoft ATR
Date: 1/23/02 9:21am
Subject: Microsoft Settlement

Dear Sir/Madam—

I am writing to let you know that I think the proposed Microsoft settlement is a BAD idea. This proposed settlement is no more than a token punishment for Microsoft! Please do NOT allow this monopolist to continue their predatory practices. It is important that the software industry be allow to be creative and innovative, without fear that the 800 pound gorilla (IE. Microsoft) will squish them into non-existence!

I believe that Judge Penfield's finding are correct, and that anything less than the strongest possible penalty allowed by law, will be meaningless to Microsoft.

Thank you for time in this matter,
Andrew Whitcroft

MTC–00015493

From: Robert Del Huerto
To: Microsoft ATR
Date: 1/23/02 9:26am
Subject: Microsoft Settlement

Please reconsider the proposed settlement with Microsoft. It does not do enough to prevent Microsoft from continuing its anticompetitive actions. Please contact me if you should need further comment.

Thanking you in advance,

Robert Del Huerto
MIS Coordinator
Laredo, TX

MTC–00015494

From: Jeremy Hise
To: Microsoft ATR
Date: 1/23/02 9:21am
Subject: Microsoft Settlement

Please demonstrate that the US government can't be bought by corporate America! Or is it too late? :

MTC–00015495

From: Chris Worley
To: Microsoft ATR
Date: 1/23/02 9:21am
Subject: Microsoft Settlement

Sir/Ma'am,

I find the proposed Microsoft antitrust settlement to be just short of an apology to Microsoft.

It will do nothing to stop their anticompetitive behavior. It will do nothing to spur competition in the software industry. It gives Microsoft carte blanche to continue to run roughshod over consumers and competition.

The media has well documented that every key provision in this settlement has an ''opt out'' loophole that allows Microsoft to continue it's anticompetitive behaviors.

The future of high technology is at stake. If you allow Microsoft to remain unchecked, then we are entering a new ''dark ages'' where a small minority will control the information vital to innovation. The part of the proposal I'm most concerned with is the ''security'' ''opt out'' in the ''open protocols'' section... ''Security'' has become a buzzword associated with terrorist acts, allowing Microsoft to portray competing vendor's software compatibility with authentication software as an act of treason. It's just not so. ''Security through obscurity'' has never stopped hackers with ill intent, it only keeps those being attacked ''in the dark''. It's much like human viri: we want to know what can infect us, how to keep from getting infected, how to detect the infection, and how to stop the infection (even if it can't be stopped). This information is key to our longevity. For example, the recent anthrax terrorist acts have shown that public information is critical to detection and cure, and the lack of information led to unnecessary infection (of postal workers) and panic among the uninfected, and did nothing to stop the perpetrator.

Software viri/worms require the same publicity to protect and inform the population.

I'm afraid Microsoft has negotiated this loophole in the settlement for a reason other than protecting consumers: they're stopping compatible products from competing under the guise of stopping terrorism. For example, a software package called ''Samba'' competes with Microsoft

NT file servers: file servers compatible with the protocols that provide you with your ''network neighborhood''. If Microsoft can hide the authentication protocol, then the competing file server software can't compete: if you have to have an NT server to authenticate users, then you might as well

use that server to serve files and not use Samba at all (IT departments, in order to simplify their task, would prefer not to run servers with different OSes). For Samba to compete, it must be able to perform all the necessary protocols for Microsoft's network file services. It's all or nothing; it does consumers and competition no good for only part of the protocol to be published. This is similar to their behavior with API's. By not exposing key OS interfaces, they've been able to create special ''hooks'' into the OS that only their applications can use, allowing their applications to have features that the competition can't have. It's the same old trick with a new twist, under the guise of ''protecting consumers''. This settlement is a ruse. It's a trap. And, the DOJ seems overly willing to fall for it, to the detriment of competition and consumers.

Chris Worley
Salt Lake City, Utah

MTC–00015496

From: Bob Ramsey
To: Microsoft ATR
Date: 1/23/02 9:21am
Subject: microsoft settlement

Let me begin by saying that I am appalled that any court would seriously consider Microsoft's proposed settlement. There are two main flaws with the ''operating systems for schools'' proposal. First is the way Microsoft will lie about the amount of money that it donates. Take for example a license for Office XP Professional. The Full Retail Price for this product according to Microsoft is 480 dollars. But the educational price that is paid by schools and students is only $200. So Microsoft will claim that it is donating software worth 2.5 times as much as it would cost for a school to purchase, thus making the court and the Department of Justice look like fools for believing Microsoft. Again. And this does not take into account the discounts that are available with multiple purchases.

Second is the fact that this ''punishment'' will enable Microsoft to push its products deeper into the one niche market where there is still a viable competitor, Apple Computers. Apple has consistently courted the educational market better than Microsoft. A ''punishment'' of the sort outlined by Microsoft would enable them to oust their nearest competitor. Microsoft has broken the law. Microsoft has been found guilty of breaking the law. These are often two different things, so I want to emphasize that point. They are guilty and they have been found by a court of law to be guilty. They must be punished.

One potential way to punish them is to force them to take returns on their operating systems. It is impossible to buy a computer from a major OEM (like Gateway, Dell, Compaq, HP, etc.) without purchasing a copy of Microsoft Windows. And yet I never, not once, use that software. I format the hard drive and install Linux. I do not open the shrinkwrap, I do not accept the license of the Microsoft Operating System and I do not use it. And yet I can not, as it says on the license, return the software. Microsoft will not accept it because I bought the computer from Gateway. Gateway will not accept it because it is Microsoft software. As one part of their punishment, I would force Microsoft to accept unopened OEM versions of their products.

I am sure you will hear many suggestions for punishing Microsoft, so I will limit my suggestions to the one above. There are many other good suggestions though, and I hope someone at the Justice Department does some justice. It's about time.

Bob Ramsey Computer Consultant II
ph: 1(319)335–9956 216 Boyd Law Building
fax: 1(319)335–9019 University of Iowa College of Law
mailto:robert-ramsey@uiowa.edu Iowa City, IA 52242–1113
For Hardware and Software questions, call 5–9124

MTC–00015497

From: Nick Walter
To: Microsoft ATR
Date: 1/23/02 9:28am
Subject: Microsoft Settlement

I'd like to comment that the proposed settlements do not in any way seem to provide any incentive for Microsoft to modify it's behavior or begin competing fairly. They still have closed API's, they can still use their monopoly position to leverage into new monopolies in related markets.

Nick Walter
Interact Incorporated
+1 402 476 8786 ext 365

MTC–00015498

From: Steve Domenico
To: Microsoft ATR
Date: 1/23/02 9:21am
Subject: Microsoft Settlement

I think the Microsoft settlement is bad news for consumers and competition.

Thank you,
Steve Domenico
1409 Courtesy Road
Louisville, CO 80027
stratcat944@qwest.net

MTC–00015499

From: tim@2kind.com@inetgw
To: Microsoft ATR
Date: 1/23/02 9:22am
Subject: Microsoft Settlement

I am writing to express great dismay with the proposed federal settlement of the Microsoft antitrust trial. Past behavior is a good indicator of future intentions, and Microsoft was sanctioned in the past for poor behavior and monopoly abuses. The sanctions did not achieve the goal of preventing the current round of offenses. This latest settlement is even worse. It practically encourages new abuses. The proposed settlement is INADEQUATE and UNJUST.

Without a substantial disincentive to further abuses, a public corporation (chartered to maximize shareholder value and net profits) is inexorably going to be pushed towards leveraging its monopoly or monopolies to prevent competition from eroding revenues. This is very simple. The only way to avoid a repeat performance is to encourage compliance via far-reaching consequences for breach, such as forced publication of APIs and source code for products found to be used to violate antitrust statutes. It's hard to shoot a man without a bullet; it is difficult to leverage a monopoly without a product to do so. I would like to suggest some alternatives to strengthen the settlement. Internet Explorer was ''integrated'' in a spurious and demonstrably false fashion; Spyglass Software was thus deprived of millions of dollars in licensing revenue, despite proof that their licensed product (rebadged as Internet Explorer) was separable from the Windows operating system. This demands punitive action: repackaging of IE as a separate product. Also, the abusive licensing practices of Microsoft will not be ended by the proposed settlement. OEMs will be crushed by other avenues if they defy Microsoft, as has been the case in the past. Given the near-total monopoly held by Microsoft in this market, ALL OEM RESTRICTIONS OTHER THAN INTELLECTUAL PROPERTY STIPULATIONS should be held as null and void in future Windows Operating System EULAs. Finally, all APIs for operating system functions that interact with other computers on a network or workgroup should be made public, and that public documentation enforced by law, with penalties for non-compliance including full publication of the relevant source code in the event of a deliberate obfuscation or non-publication. Perhaps then, stiffer competition will push the entirety of computing forward at a faster pace, and if Microsoft truly is worthy of being the largest and most powerful company in the field, we shall witness this as a result of innovation and invention, rather than illegal stifling of competing technologies (often those with the greatest promise for all). I do not begrudge Microsoft their success; I begrudge them breaking the law and receiving a slap on the wrists (AGAIN!) as punishment.

Yours truly,
Tim Triche
1233 Maryland Avenue, NE
Washington, DC, 20002

MTC–00015500

From: riley@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 9:22am
Subject: Microsoft Settlement

I have been following with dismay the Microsoft antitrust case and think the proposed settlement is a bad idea. The United States Government was originally a protector of the people but has increasingly been moving towards keeping corporations happy and prosperous. Consider this tax-paying, voting consumer unhappy.

Regards,
William L. Riley
riley@technologist.com

MTC–00015501

From: Ben Loftis
To: Microsoft ATR
Date: 1/23/02 9:22am
Subject: Microsoft Settlement

I have read about the proposed settlement, and I am not in favor of it in its current state. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors.

Ben Loftis
301 Honey Ct
Nolensville, TN 37013

MTC–00015502

From: Mike Bush
To: Microsoft ATR
Date: 1/23/02 9:22am
Subject: Microsoft Settlement

To Whom It May Concern:

I have a number of disagreements with the proposed settlement, but one in particular I find unacceptable is the definition of ''Timely Manner''. In my opinion, delaying the release of what will most likely be critical and complicated API information to competitors until after Microsoft has had the opportunity to expose their product to more than 150,000 potential customers is not being competitive. I believe new API information should be provided to Microsoft's competitors much earlier in the development cycle, and an ongoing flow of information regarding API changes and additions should be established.

Thank you for your attention.

Michael Bush
4141 N. Henderson Rd. #1018
Arlington, VA 22203
mike@lizandmike.com

MTC–00015503

From: Sebbo
To: Microsoft ATR
Date: 1/23/02 9:22am
Subject: Microsoft Settlement

Dear Sirs—

As a former user of the now-defunct Be Operating System(BeOS), I was very unhappy that Microsoft was able to abuse its influence on OEMs to prevent my being able to purchase a computer with BeOS preinstalled. This blatant supression of competition clearly stifles trade and prevents innovation.

Microsoft should be banned from making *any* deals with OEMs that stipulate behavior not directly related to their software. Given Microsoft's record of attempting to violate or circumvent previous such restrictions, the full text of all Microsoft OEM agreements should be publicly available.

Yours,
Sebastian Banker

MTC–00015504

From: Ian Callum
To: Microsoft ATR
Date: 1/23/02 9:22am
Subject: Microsoft Settlement

I oppose the Microsoft settlement because I believe it does not do enough to prevent Microsoft from using its dominant position in the OS to put competitors out of business. Look at what they tried to do to Kodak recently. Microsoft originally set up XP so that Kodak digital camera software would not run under XP. Only after Kodak threatened suit did Microsoft back down. Kodak is a large company with legal resources at their disposal, so they are able to fight back against this illegal behavior, but smaller companies might not have that option. Microsoft have behaved like gangsters, using extortion and intimidation to destroy business rivals. They cannot be allowed to continue in this manner, and the settlement does little to rein in their criminal behavior.

Yours,
Ian W. Callum

MTC–00015505

From: Ryan Roehrich
To: Microsoft ATR
Date: 1/23/02 9:22am
Subject: Microsoft Settlement

I just wanted to write in my support against Microsoft in your case against them. In my opinion the US Government has gone way to soft on Microsoft. As we progress as a country, one of the things we need to do to stay on top it to keep developing our technologies so they are better than any other. Microsoft stands in the way of this by having a monopoly and using that monopoly to stifle competition in any way possible. Many businesses have had to close because of Microsoft's monopoly. Some of these businesses could have come up with advances in the field that make sure the US is still ahead of everyone else but are now unable to do that. On a personal note, I am employed as a Unix Administrator. If Microsoft had their way my job, which I have stuck years of training into to, would be eliminated. I have a wife and 2 young children that depend on me solely for financial support. Why should one company, because of their monopoly, have a say on wether I will have a job in the future?

Please think and decide with common sense on this issue, not political donations and lobbyists. Thank you.

Ryan Roehrich
14224 Patrick Ave
Omaha NE 68164

MTC–00015506

From: George, Mark
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 9:22am
Subject: Microsoft Settlement

I have been a Computer Programmer for the last 10 years and I do NOT agree with the settlement proposed by the Justice Department. It is too soft on the Microsoft behemoth that they are. Plus, the ''punishment'' is not immediate, Microsoft gets one year to ''modify'' their behavior after this is approved. They have had 5 years to ''modify'' their behavior. Here is how I see it.....

If I were to start burning down our forests...and we have laws protecting our forest. I still burn it anyways. The Justice Dept. comes in and says ''Stop!'' But I say, I am behaving normally, I should be able to burn all I want. I am going to appeal this law of burning down trees. And while I drag the justice system through the courts for 3+ years, I am still going to burn down the forests. So, after years and years of burning the forest down, and proof that I was acting illegally....I reach an agreement with the Justice Dept. I am no longer allowed to use matches (after one year of reaching the agreement). I pay no fines, I don't have to replant the forest, the lives that were involved with the forest burning....nothing.

Jalute
Mark George
Application Developer
St. Petersburg, Florida

MTC–00015508

From: hal King
To: Microsoft ATR
Date: 1/23/02 9:24am
Subject: Microsoft Settlement

I stand against the Microsoft settlement. It allows Microsoft to police themselves. After the recent Enron mess, the DOJ can not sit by without acting in the public good. Microsoft's cost of software it claims to be donating is zero! All it will cost them is the price of the packaging. Also by ''donating'' their software, they are in fact marketing to children.

Please do not let Microsoft get away without punishment.

Hal King
Unix System Group / The University of Tennessee at Knoxville
pgp key http://web.utk.edu/hck/hal.asc

MTC–00015509

From: Tony Beauregard
To: Microsoft ATR
Date: 1/23/02 9:19am
Subject: Microsoft Settlement

I would respectfully like to suggest that the public and the country are not served by the current proposed settlement to the Microsoft Antitrust trial.

The restrictions put on Microsoft to stop a repeat of the events that have led up to this trial are insufficient and easily circumvented by a company of their size.

Please reconsider and find a settlement that will help the consumer and the industry.

Thank you,
Tony Beauregard
San Antonio, Texas
Manager, Software Development Center

MTC–00015510

From: Josh Wills
To: Microsoft ATR
Date: 1/23/02 9:23am
Subject: Microsoft Settlement

To Whom it May Concern:

I am a a software engineer for the IBM Corporation. In addition to the work I do for IBM, I also work in my free time on several different open source software projects. I am writing you today to comment on the settlement agreement the DOJ has reached with Microsoft.

As you know, IBM is one of the OEMs that uses Microsoft's operating system in the computers we manufacture. IBM is also one of the leading proponents of the Linux operating system, an open source alternative to Microsoft on the x86 hardware platform. My concerns with the Microsoft settlement revolve around three fundamental issues: Microsoft's relationship with OEMs, the availability to ISVs of Microsoft's APIs, and the enforcement of this settlement.

There are alternatives to the Windows operating system, and the settlement needs to take into account the fact that OEMs must have the right to ship computers that do not contain any copy of Windows. Please amend section III.A.2 with this option, so as to prevent Microsoft from including this in their contracts with OEMs.

Microsoft's APIs should be fully standardized, documented, and available to

the public. The ONLY party that benefits from Microsoft's ability to evaluate the ''business plan'' of companies that seek access to the APIs is Microsoft. It will enable them to control the market for software for years in the future by dragging their feet in evaluating companies, or dismissing requests for access to the APIs for spurious reasons. I do not see this option as punishing Microsoft as much as it benefits consumers, who would finally get the competitive market for software that they so richly deserve. Releasing the APIs to the public would create an intellectual property commons that would spur a new era of development and creativity in the software industry, much as the Internet did, with the consumer as the beneficiary.

I strongly feel that Microsoft should have no say in who oversees it during its punishment. Microsoft, as a repeat offender and unrepented monopolist, has lost that right. I strongly suggest that the court appoint a single ''Master'' who can manage and assist the court with overseeing Microsoft. Placing control in a single authority, chosen by and responsible to the court, is the only way that we can even remotely ensure that Microsoft complies with the remedies proposed in the settlement.

I thank you very much for your time, and I pray that wisdom and the spirit of justice will guide you into making a decision that properly benefits all of the victims of Microsoft's monopoly.

Sincerely yours,
Josh Wills
12440 Alameda Trace Circle #2031
Austin, TX 78727

The threads of circumstance that lead to tomorrow are so tenuous that all the fussing and worrying about decisions is futile compared to the pure randomness of existence.

-Nick Bantock

MTC–00015511

From: Bryan Ericson
To: Microsoft ATR
Date: 1/23/02 9:27am
Subject: Microsoft Settlement

Dear Sir or Madam

The settlement proposed by Microsoft in its recent dealings with the U.S. Dept. of Justice is insufficient punishment. If allowed, it will only further Microsoft's monopoly, and will not in any way remedy the harm it has caused to the marketplace and to consumers. I believe a proper remedy involves requiring Microsoft to make public some of its closed standards. I refer you to the following URL as a fair proposal for a proper remedy: http://www.gnu.org/philosophy/microsoft-antitrust.html

Thank you.

Sincerely,
Bryan Ericson

MTC–00015512

From: Carl Marshall
To: Microsoft ATR
Date: 1/23/02 9:24am
Subject: Microsoft Settlement

Instead of spewing forth the same arguments that have been thrown back and forth before, just let me say I'm opposed to this anemic settlement the DOJ has proposed.

Carl Marshall
Madison, TN 37115

MTC–00015513

From: Jeffrey Quinn
To: Microsoft ATR
Date: 1/23/02 9:24am
Subject: Microsoft Settlement

To whom it may concern,

Following September 11th I have pondered much over my status as an American Citizen. For the sake of brevity, allow me to state that there are many aspects of this country that I truely love, but also many that I find inappropriate. This settlement is one of them. It is repulsive to me that a company, by using backhanded and even immoral means, should be allowed to continue without so much as a slap on the wrist. If justice here fails, then we shall only prove that money buys everything; even justice, and our ideals of truth and freedom are compromised. I for one do not wish to live in the United States of Microsoft, or the United States of any other megacorporation.

The real trial isn't about a browser, or an oversized, gargantuan company. The real trial is about the freedom to innovate and freedom from control If innovators are restricted to what Microsoft dictates, then we shall have no real innovation. It is my hope that there are better, stronger things in this world than greed. I have seen that in the open source movement, and such things bring peace to my heart. Please don't let greed be rewarded any longer, and let justice be searved as it should be: with an open, objective mind and not wallet.

Sincerely,
Jeff Quinn

MTC–00015514

From:
Ryan.Headley@cunamutual.com@inetgw
To: Microsoft ATR
Date: 1/23/02 9:23am
Subject: Microsoft Settlement

To Whom It May Concern:

Microsoft currently has a stranglehold on the current computing market which is limiting the end user's choices. I have been in the computing industry for a mere seven years but in that time I have seen several Operating systems start their decline.

Apple: Once very prominent and competitive, they now have little presence in the world. While this is partly their fault due to their business model, it is at such a point now that should Apple ever decide to change their marketing, they would be completely and utterly ''wiped out''. Netscape: What was once the most popular browser anywhere is now virtually NON-EXISTANT due to microsofts, ''bundling'' tactics. Novell: What was one of the worlds most reliable, stable, and popular network operating systems has nearly disappeared in my area. Microsoft has everyone believing that they have a better product. The only reason their product can be considered ''better'' is because their software will only run on Windows forcing people who may want to use some of their other products into using their less than par OS to run their networks. I've worked with Novell for 5 of those seven years, right along side of windows. The two compliment each other very well, but from a standpoint of stability and security, Novell was far above and beyond the level that Microsoft is currently at 5 years ago.

Microsoft has proven time and time again, that nothing is their own. Windows was TAKEN from Apple/(Xerox), Active Directory Services was BORROWED from Novell's Directory Services, and C#/.Net was copied from Sun's Java and J2EE standards.

One has only to look at the source code for Java and C# to see that it is technicalogical PLAGIARISM. We do not stand for PLAGIARISM anywhere else in the business world, why should we on technology?

One has only to setup and administer NDS (Novell Directory Services)and ADS (Active Direcotry Service) to see that what Microsoft has come up with for a network structure as ''new technology'' has been around since 1995!! And finally, lets be honest with ourselves, if it wasn't for Steve Jobs and Apple, would the world even know what a GUI (grahpical user interface) is? I can tell you, that working in the environment even this short period of time, Micosoft has proven its inferiority to me over and over again. My current environment sees its Windows servers crash 50 to 1 when compared to Netware and that statistic has even a larger gap when compared to our Unix servers.

In conclusion, if Microsoft is allowed to continue down its current path, the Corporate world as well as the common public would not only be subject to inflated prices, but inflated prices for a lesser quality products. The american dream? I don't think so. Perhaps if Microsoft were at least forced to develop their software for multiple platforms (not just MSOffice, but networking solutions as well), there will still be some freedom of choice left over at the end of this road.

MTC–00015515

From: Derek Williams
To: Microsoft ATR
Date: 1/23/02 9:23am
Subject: Microsoft Settlement

Dear People,

I am extremely disturbed by the proposed settlement in the Microsoft Antitrust Case. I have may concerns about the current and future behavior of Microsoft which I do not believe will be addressed by this settlement.

My primary concern is the monopoly position that Microsoft is seeking to garner in the sphere of network services. This monopoly position is being obtained through the ''innovation'' of including client services as part of the XP operating system that work only with Microsoft servers and services. The protocols used by Microsoft are proprietary, and predatory in nature and do not seek to allow developers to innovate themselves. This, in addition to Microsoft's extremely poor security and system uptime record, especially recently, should serve to warn us all that our abilities to purchase products, exchange information and to be secure in the knowledge that our personnel records are kept private are all at risk, This goes directly to Antitrust as much as monopolizing rail lines or airline routes, it will impede our economy to a large extent, and allow other nations, who are taking a more reasoned

approach to Microsoft, to prosper while the United States becomes captive to a Microsoft run internet. The proposed settlement will not impede Microsoft's ability to acquire and abuse a monopoly on internet services.

Other systems and protocols have been built, deployed and tested for years. These protocols started with an emphasis on security from their inception, and are currently the favored protocols used by a large percentage of developers. In addition, these systems and protocols continue to be developed in a open standards based fashion which receives inputs from many sources. Many of these systems are already being encouraged by other nations, including the purchasing of non-Microsoft operating systems by universities, corporations, and the governments of these nations. This allows these nations to use the already existing secure and safe protocols that are in place. Allowing Microsoft to continue ''innovating'' and crushing other technologies by ''integrating'' these services into the operating system itself (considered poor practice by developers not in the employ of Microsoft) will put the United States at a distinct economic disadvantage. It is interesting to note that many of the secure operating systems are a fraction of the cost of Microsoft operating systems and allow organizations to spend IT resources on additional services and hardware, further improving the technological capacity of the economies in which these operating systems are deployed. Please take a more reasoned and rational approach to the Microsoft Antitrust settlement. Our Nation's economy and Security is at stake, Microsoft's prosperity is not.

Sincerely,
Derek J. Williams
IT Director
RLE Technologies
208 Commerce Drive
Fort Collins, CO 80524
www.rletech.com
President
Mountain Online Monitoring
416 Peterson St.
Fort Collins, CO 80524
www.mountainmonitoring.com

MTC–00015516

From: Jadrian Johnson
To: Microsoft ATR
Date: 1/23/02 9:23am
Subject: Microsoft Settlement

To Whom it May Concern (and the outcome of this case concerns everyone in America who touches a computer, so listen up!)...

Microsoft's business practices are hurting the field of computer software. Their monopolistic practices should be stopped before the entire e-public is drawn completely into their unfair business practices. Don't let Microsoft victor again over the rest of us.

Jadrian Johnson

MTC–00015517

From: Mark W Brehob
To: Microsoft ATR
Date: 1/23/02 9:17am
Subject: Microsoft Settlement

Why I believe the proposed settlement with Microsoft should not be allowed to go forward: The settlement doesn't force the company to stop doing actions that eight federal judges found illegal. It provides no real penalty for the illegal acts. Telling Microsoft to ''play fair'' has never worked in the past.

Giving computer makers more freedom —is— a useful result. A few weeks ago I ordered a computer from Dell. I wanted a machine which either ran Linux or Windows 2000. They did sell a Linux box, but not in a useful configuration for my purposes. They had exactly zero Windows 2000 boxes. XP is buggy and not yet supported by my workplace (due to security concerns) but I had to buy XP anyways. I'll need to install an older version of windows on top of that.

But even so, Microsoft must be punished for their illegal actions, otherwise others will feel free to ignore anti-trust laws. I personally would suggest a —large— fine (20+ billion) and that most of that money be used to fund open source software development—Microsoft's largest competitor. I'm certain a non-profit organization could be formed to do just that.

A small wrist slap, and a mumbled promise from Microsoft not to sin again is clearly insufficient.

Thank you,
Mark Brehob
Lecturer in Electrical Engineering and Computer Science
University of Michigan
Ann Arbor Michigan

MTC–00015518

From: Nathan Neulinger
To: Microsoft ATR
Date: 1/23/02 9:24am
Subject: Microsoft Settlement

My view on the settlement is very simple—microsoft's practices have prevented me as an independent developer from writing software that can either compete or interoperate with servers that they have written. The settlement does nothing to help this, and in fact, seems to legitimize MS's discrimination against non-microsoft products. Any solution/settlement/etc. that provides less that the capability for full interoperability (i.e. FULL documentation of ALL microsoft network protocols) is worthless to me.

I'd also agree with the requirement for full documentation of any microsoft file formats. And please don't fall for the ''We're changing the format to XML nonsense'', cause microsofts idea of changing the file format's to XML looks something like this:

Old Format:
Beginning of File:
UNDOCUMENTED—BINARY—BLOB
End of File:
New XML Format:
Beginning of File: <OfficeDoc Version=XP>UNDOCUMENTED—BINARY—BLOB</OfficeDoc>
End Of File:

Sure, it's completely legal XML, it's also completely worthless since you can't use it.

I am a Systems Administrator for the University of Missouri—Rolla, and while we are a significant microsoft campus, that does not mean we are happy with the situation. We are CONSTANTLY having to develop nasty workarounds to microsoft interoperability problems because we also have a sizable Unix (HP, Sun, and Linux) infrastructure. I'd hope that whatever solution y'all come up with makes it clear that Microsoft cannot discriminate against free and open-source software just because they are a competitor.

—Nathan Neulinger
EMail: nneul@umr.edu
University of Missouri—Rolla
Phone: (573) 341–4841
Computing Services
Fax: (573) 341–4216

MTC–00015519

From: Darien Graham-Smith
To: Microsoft ATR
Date: 1/23/02 9:24am
Subject: Microsoft Settlement

I am not a US citizen; but Microsoft's behaviour affects the British IT industry just as directly as it does the domestic market. I write therefore in hope of registering my belief that the proposed action against Microsoft is nowhere near sufficient to restore balanced competition to the IT marketplace, either in the US or further afield.

Sincerely,
Darien Graham-Smith MA (Cantab.)
103a Melfort Road
Thornton Heath
Surrey CR7 7RX
ENGLAND

MTC–00015520

From: David Jacques
To: Microsoft ATR
Date: 1/23/02 9:24am
Subject: Microsoft Settlement

I have been a computer professional for over 15 years. What I have heard as to the proposed settlement of this case is absurd. Punishing Microsoft by allowing them to ''donate'' their software to schools and thus reinforcing their monopoly is unjustifiable. To me this smack of the government being corrupt. I have a very hard time believing that you think we are so stupid as to think this concept is a remedy. Therefore I just have to assume that somebody is getting paid off and does not care how bad it all looks. I had a glimmer of hope that the government worked when microsoft was found guilty of being a predatory monopoly. I have had to give away hundreds of hours of free technical support because of this terrible company. I have watched dozens of companies be destroyed by their tactics. Every time I have bought a computer I have had to contribute to their war chest. Do the right thing please the thought of living in MS/America whose capital is MS/Washington B.G. (''bill gates'') turns my stomach but that is what you seem to be wanting. History will remember this decision and those who made it. Rockefeller would own this country if our government had not acted properly. Now it is your turn.

MTC–00015521

From: Daniel Hauck
To: Microsoft ATR
Date: 1/23/02 9:25am
Subject: my vote

I am not in favor of current actions and reactions. Many times our government has been forced to intervene on the public interest's behalf over that of major corporate interests. It is part of the government's constitutional duty to enforce its own laws on behalf of its people. It is part of the government's constitutional duty to promote the general welfare. Microsoft had been judged already. Through their actions, past, present and PLANNED FUTURE actions, they are breaking current law. As such, I feel they are not only responsible to the public, but responsible criminally and in contempt of court as they have failed to cease many such practices as stated in various summaries. (Imagine a court's reaction if I were guilty of some form of electronic fraud and yet to be sentenced only to find that I continued to operate in the same manner in spite of the fact that I have been found criminally guilty?) Microsoft's impunity speaks volumes suggesting that this giant is out of control and simply requires major reconstruction to prevent it from ever happening. No amount of ''oversight'' will be effective because they are persistent and consistent when delivering attempts to squeeze through the cracks in various situations—a perfect example was the premature release of WindowsXP series of operating systems. They knew it was a rush to get that genie out of the bottle before judgement or settlements could be made...all this in spite of the fact that WindowsXP persists in containing evidence of NO CHANGE in spite of their being found criminally guilty of antitrust law in the way they have packaged their software. Again, Microsoft's true colors show brighter than their rhetoric. And contrary to some common belief, I do not forsee further drop in the economy because of this. The same arguments were made regarding the great oil company split ups as well as the phone system. The fact is, I have not seen ANY ill effects resulting from this, and on the contrary, have managed to truly serve their purposes.

My vote is for preventative measures that do not require oversight. SPLIT the company up so that they are barred from using its OS monopoly to leverage other markets unfairly.

Thank you,
Daniel S. Hauck
3737 Brookhaven Club Drive #343
Addison, TX 75001

MTC–00015522

From: Chad Lumpkin
To: Microsoft ATR
Date: 1/23/02 9:25am
Subject: Microsoft Settlement

As an Electronic Technician having worked with Microsoft and competing products for over 10 years. And having read the proposed settlement between Microsoft and the DoJ. I formally submit my disapproval of said settlement based on the following information.

1) The proposed settlement is very similar in word and substance to an agreement made by Microsoft and the DoJ in 1995. Had that agreement been successful there should not have been a need for new remedies.

2) the settlement does not require the full disclosure of the API's needed for 3rd party software companies to create products that can compete on an even footing with microsoft products.

3) the settlement does not require the document formats used to be opened. If there is to truly be competition on the desktop there must be a common language.

Chad Lumpkin
IT Consultant
chad_lumpkin@yahoo.com

MTC–00015523

From: Codepunk
To: Microsoft ATR
Date: 1/23/02 8:36am
Subject: Microsoft Settlement

I am a windows developer and I would like to submit this letter of disapproval to the suggested remedy. During the web browser wars I saw for myself just how ruthless Microsoft's monopoly power was applied. Microsoft needed to win the browser wars so they forced us to install Internet Explorer on almost every computer we deployed a application to. They used us the developer by unnecessarily linking IE into any development code they possibly could, they also put key developer libraries into the IE distribution. If we tried to deploy any application that we had built with Microsoft tools it required us in some way to install Internet Explorer. Microsoft in the proposed judgment is not being punished in the least for it's predatory behavior against Netscape corporation. The court must do the right thing for the people and impose stricter penalties. Please do the right thing for us the people by not accepting the proposed judgment. All business's today are in a perpetual strangle hold by Microsoft and there are no good alternative solutions. The alternative solutions do not exist because the barrier to entry is to high. Competition will never be restored in the market place unless severe restrictive penalties are imposed on Microsoft.

The economy today is in a horrible state, and I personally believe this is due to Microsoft's dominance of the software market. We are now in a situation where one monopoly company automatically consumes most of customer budgets. Restoring competition in the market place will create incredible growth and with this comes new jobs. As I type this letter I am on a broadband based satellite connect provided by a company partly owned by Microsoft. The company will of course support no other operating systems besides windows. It is my desire not to run Windows and or Internet Explorer please help me to have the ability to choose the environment that I run not be forced into it by a monopoly.

Cliff Baeseman
Software Developer

MTC–00015524

From: Jeff
To: Microsoft ATR
Date: 1/23/02 9:25am
Subject: Microsoft Settlement

I do not think that the remedies proposed in the Microsoft case are adequate.

Jeff Thomas
jeff@severus.org

MTC–00015525

From: Tom Rockwell
To: Microsoft ATR
Date: 1/23/02 9:26am
Subject: Microsoft Settlement

Dear Sirs,

I am writing to express my concern that the Proposed Final Judgement in the Microsoft antitrust case does little to punish Microsoft for its illegal behaviour and does not take strong enough action to ensure innovation and competition in software products going forward. Microsoft's illegal behaviour has harmed companies such as Netscape, Real Networks, and computer hardware OEMs. Consumers have been harmed by Microsoft's secret licensing contracts with OEMs that require the OEM to pay for a Microsoft license for every PC they sell—even if the final end user with use a competing OS such as Linux. Microsoft's profits have been enhanced by billions of dollars due to this illegal behaviour, yet the PFJ has no punishments for these actions. The PFJ does not layout a workable and strong mechanism for ensuring that Microsoft with stop their illegal behaviour. The Technical Committee has limited and weak powers to stop anticompetitive behaviour. It is crazy that Microsoft is allowed to appoint one of the three members of the TC. Either the court or the DOJ should appoint all members of the TC.

The PFJ does not adequately address the behaviours that Microsoft engages in to protect its monopoly against open source competitors such as Linux and Samba. By breaking interoperability with these competing products, Microsoft acts to protect its monopoly. Computer users have been greatly harmed and endured large expense (estimated in the billions of dollars) due to security weaknesses in Microsoft products. Microsoft's monopoly has prevented competition in the markets—competition that would likely favor more secure OS products. I see the PFJ as doing nothing to punish Microsoft for its illegal behaviour and letting it off with a mere promise to stop the behaviour in the future. This is not good enough to protect the rights of Americans. The DOJ has in the past reached consent decrees with Microsoft that were supposed to end its illegal behaviour. The decent decrees were all but ignored by Microsoft and led to the current lawsuit. The appearance is that the DOJ is not effectively prosecuting Microsoft.

Sincerely,
Tom Rockwell
Lansing, MI

MTC–00015526

From: Suman Karamched
To: Microsoft ATR
Date: 1/23/02 9:26am
Subject: Microsoft Settlement

I think that Microsoft has too much dominance in the software world. I believe that settlement is a bad idea. Microsoft needs to be punished. ''Once I did bad and that I heard ever. Twice I did good, but that I heard never.''

MTC–00015527

From: Malcolm K. Gin-Hopwood y Silva

To: Microsoft ATR
Date: 1/23/02 9:26am
Subject: Microsoft Settlement
Greetings,
Thank you for your efforts trying to forge settlement with Microsoft to prevent their unduly biasing American technological business. Unfortunately, I disagree that the Proposed Final Judgement will adequately address the extreme measures Microsoft has made a daily part of its business dealings. I think the PFJ is simply inadequate to the task, and I urge you to consider the points made in Dan Kegel's (et al.) open letter regarding the settlement (at http://crossover.codeweavers.com/mirror/www.kegel.com/remedy/letter.html).
Sincerely,
Malcolm Gin
malcogin@allegisgroup.com/perigee@acm.org
Home contact information:
5310 Cedar Lane, #206
Columbia, MD 21044
Phone: 410–884–0988

MTC–00015528

From: mark rauschkolb
To: Microsoft ATR
Date: 1/23/02 9:26am
Subject: Microsoft Settlement
I do not feel that the proposed settlement will solve the problem, nor will it prevent Microsoft from continuing to follow monopolistic practices. The settlement is full of ''legalese'' that has been carefully crafted with definitions and provisions that, on the surface look like they do one thing, but when you look at the real issue, find out that they do something else. Many of the definitions are too narrow to apply to many current Microsoft products, while minor modifications to other products will remove them from the list of items ''covered'' by the settlement.
Mark Rauschkolb
New Jersey

MTC–00015529

From: Scott Fiddelke
To: Microsoft ATR
Date: 1/23/02 9:27am
Subject: Microsoft Settlement
I've read about the proposed settlement, and I am not in favor of it in its current state. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors, yet unfavorable to Microsoft.
Thanks,
Scott Fiddelke
965 Boston Way #4
Coralville, IA 52241

MTC–00015530

From: sneed snodgrass
To: Microsoft ATR
Date: 1/23/02 9:27am
Subject: Microsoft Settlement
NO to the Microsoft settlement. It is an insult to the free peoples of the world!
Sneed Snodgrass
Waterloo
Ontario
Canada

MTC–00015531

From: Michael Vitalo
To: Microsoft ATR
Date: 1/23/02 9:18am
Subject: Microsoft Settlement
This settlement for the Microsoft case is horrible. I think it is a bad idea and that Microsoft is getting away free if you go through with it. It would be better to punish Microsoft. One way to accomplish this is with a multi-billion dollar fine. I believe that half of their 36 billion in cash is certainly appropriate given the amount of damage they have done.
Thank you for your time,
Michael Vitalo
Software Developer
Austin, Texas

MTC–00015532

From: Dennis Anderson
To: Microsoft ATR
Date: 1/23/02 9:28am
Subject: Microsoft Settlement
Dear Sir or Madam,
I believe that the current settlement proposal is a bad idea. The Operating System industry must be opened to serious competition. People must have the freedom to choose, it is the very foundation of our society.
Thank you,
Dennis Anderson

MTC–00015533

From: Keith Blackwell
To: Microsoft ATR
Date: 1/23/02 9:27am
Subject: Microsoft Settlement
The proposed Microsoft Settlement is bad.

MTC–00015534

From: Garnet Ulrich
To: Microsoft ATR
Date: 1/23/02 9:27am
Subject: Microsoft Settlement
This proposed settlement is ludicrous. Please put the screws to Microsoft now.
Garnet Ulrich
TRM Technologies
613.722.8843x112
Quantum materiae materietur marmota monax si marmota monax materiam possit materiari?

MTC–00015535

From: Billy Harvey
To: Microsoft ATR
Date: 1/23/02 9:27am
Subject: Microsoft Settlement
This is a bad settlement. 90% of Microsoft's value is due to its continued predatory business model. Distribution of their own software a situation that only applauds their anticompetitive attitudes, and serves to strengthen their position for their next (and even their ongoing) attempts to simply demolish any sort of competition. If Microsoft wants to distribute software, then the schools in question should be allowed to bill Microsoft for all the software they want that is of no financial benefit to Microsoft—for the next decade. Having to buy a few million copies of their competitor's offerings would encourage Microsoft to behave better in the future—but certainly not allowing them to distribute their own software which costs them nearly nothing in additional expense after it's been initially created. Microsoft should be broken up into multiple companies (or liquidated), and all interfaces between those companies should be made to be public documents for existant software, and also for the next decade. If those companies can survive on their own, then bravo, but Microsoft should not be allowed to enjoy the benefits of the market share they gain through so many examples of theft.
Billy Harvey
Greenville, SC

MTC–00015536

From: Frank Papa
To: Microsoft ATR
Date: 1/23/02 9:28am
Subject: Microsoft Settlement
I am in favor of any decision which keeps government out of the affairs of private business. Whether or not Microsoft is a ''monopoly'' or whether or not it is ''unfair'' that they have been as successful as they are is irrelevant as far as government goes. Private businesses have a right to operate any way they choose as long as they are not physically hurting people or are delibrately defarauding people. Microsoft has done neither. Instead, what they have done is make a great series of products that has become the wordlwide standard. In no way have they ''harmed'' the industry. Instead, they have singlehandedly brought the computer industry from a tiny niche in the early 80's, to one of the primary economic engines driving the US today. There certainly is no monopoly. A monopoly would imply that it is impossible for a competitor to make an entry into the market. This is clearly not the case. There have been many competitors that have successfully entered the marketplace using Linux and FreeBSD in just the past years.
Microsoft has harmed no one and defrauded no one. Therefore, the US government should stay out of it's and it's competitors private business affairs.
Frank Papa

MTC–00015537

From: Adam Holley
To: Microsoft ATR
Date: 1/23/02 9:18am
Subject: Microsoft Settlement
I feel that the proposed settlement is not sufficient in it's restrictions and is vague enough to allow several loop-holes. For example: In Section III.A.2. A computer that only runs a non-Windows operating system is not included. So, for OEMs that sell computers that only have one non-Windows operating system installed, they could be retaliated against.
There are several areas in Microsoft's EULAs that restrict users so that they may not use any Microsoft product in conjunction with any Publicly Available Software. This can serve no other purpose than to be anti-competitive, because it's restricts use based on competition, yet there is no restriction on Microsoft to remove this type of wording from their EULAs. Thank you for your time.
Adam Holley

MTC–00015538

From: Imad
To: Microsoft ATR
Date: 1/23/02 9:28am
Subject: Microsoft Settlement[Revised text]

Dear Sir or Madame,

I would like to take just a moment to share my views on the current proposed Microsoft anti-trust settlement. It is my opinion that the proposal, as it now stands, is a slap on the wrist—nay, a pat on the head—approach that fails to truly allow competition in those areas where Microsoft has abused its monopolistic powers.

First and foremost, Microsoft must be forced to make its APIs, file formats, and protocols totally and unconditionally open. As it stands, there is far too much ambiguity in the clause pertaining to this—as interpreter of the document, Microsoft can well claim that, say, Linux developers are not to have this information shared with them as they do not represent a commercial product. Likewise, there is too much leniency granted by the exclusion of remote Windows 2000 administration related protocols. Many of these protocols—SMB/CIFS, for example—are used indirectly for Windows 2000 remote administration but are also crucial for creating products that are interoperable with Windows 2000 server. The ''Reasonable And Non-Discriminatory'' licensing terms hurt Microsoft's biggest competition—the open-source/free-software movement that has given us Linux, OpenBSD, Mozilla/Netscape, OpenOffice, KOffice, and the like. All standards, API calls, protocols, etc. MUST be open for these valued members of the software community.

Futhermore, the document must be revised to remove the mess of loopholes that exist which allow Microsoft to obey the word of the settlement without conforming to its spirit of non-discriminatory behavior. As it stands, Microsoft can ignore much of the document as it is riddled with technical loopholes. For example, Microsoft is able to force PC makers to associate internet content with Internet Explorer, word processing documents with Microsoft Word, and the like—removing shortcuts doesn't change the underlying behavior when a user clicks on a text document or an internet link. The three-member enforcement crew has two members picked or approved by Microsoft itself, nullifying any usefulness of the group, especially when coupled with the fact that none of the members are allowed to speak of the atrocities they see committed by Microsoft. For such a daunting task as looking over source code, a far larger group is required, but a team of 15 individuals (three picked by Microsoft, three by the Free Software Foundation, and the other nine picked by corporations such as IBM, Sun, and Oracle) could begin to work at such a job. The group's [at least] weekly meetings should be transcribed for DoJ review, and any complaint supported by at least five members should be heard by the DoJ. Current litigation is absurd and meaningless, but could be salvaged by revising the terms of the settlement to preserve the spirit but allow less leeway to Microsoft, which has a history of twisting and disobeying court orders. Lastly, Microsoft's non-operating system groups must be either internally or externally seperated so that they are not allowed ''backdoor'' entrance to the operating system; the Microsoft Office team should have the same information on operating system-related APIs and protocols as does the competition (e.g., Corel's WordPerfect Office team, Sun StarOffice team, KDE's KOffice team).

Thank you for your time.

Best,

Imad Hussain

MTC–00015539

From: Chris Fish
To: Microsoft ATR
Date: 1/23/02 9:23am
Subject: Microsoft Settlement

I think the proposed settlement is a horrible idea. Microsoft has definitely engaged in monopolistic practices and this settlement only furthers their domination. As a consumer, I need choice in operating systems—don't allow them extra opportunities to extend their power.

Sincerely,

Chris Fish

MTC–00015540

From: David.Orgeman@born.com@inetgw
To: Microsoft ATR
Date: 1/23/02 9:25am
Subject: Microsoft Settlement

I am writing to voice my opposition to the proposed settlement in the Microsoft case. I do not believe this settlement is sufficient to remedy the damages caused by Microsoft's prior conduct, and do not believe it is sufficient to prevent much of that conduct from continuing.

David Orgeman

MTC–00015541

From: Mike Stortz
To: Microsoft ATR
Date: 1/23/02 9:28am
Subject: Microsoft Settlement

The current proposed ''settlement'' does not address numerous and substantial issues concerning Microsoft's monopoly on the computer operating system market. It's time to let free market forces take effect, and to do that, Microsoft market forces (i.e. blackmail) need to be substantially moderated.

Thanks,

Mike Stortz

MTC–00015542

From: Fumitaka Hayashi
To: Microsoft ATR
Date: 1/23/02 9:28am
Subject: Microsoft Settlement

To whom it may concern:

I am vehemently opposed to the proposed settlement of the Microsoft Anti-trust Case. I feel strongly that Microsoft is an illegal monopoly which stifles the computer industry with illegal anti-competitive business practices. Please reconsider the settlement.

Thank you,

Fumitaka Hayashi

MTC–00015543

From: Todd Derrenbacker
To: Microsoft ATR
Date: 1/23/02 9:30am
Subject: Microsoft Settlement

Hello,

I wish to state my opinion that I am against the proposed settlement of the Microsoft Antitrust case. The monopoly power that MS has over the other competitors in the operating systems market is downright wrong. I have been using personal computers since the late 80's (for, I am only 20 years of age) and know a great deal about the market and how it has been shaped by MS's monopolistic practices. We'll leave the new AOL-Time Warner monopoly alone for now. To save you time in reading my babble, I will agree with the essay written by Dan Kegel at this web address:

Thanks,

Todd Derrenbacker,

Lynchburg, VA

MTC–00015544

From: Daniel Stein
To: Microsoft ATR
Date: 1/23/02 9:28am
Subject: Microsoft Settlement

This settlement is a bad idea. I don't understand how this will protect us consumers from a multi-billion dollar company with ubiquitous monopolistic control of the computer market. Please find a settlement that will allow competition in the Operative System market again.

Sincerely,

Daniel Stein

MTC–00015545

From: jortiz
To: Microsoft ATR
Date: 1/23/02 9:23am
Subject: Microsoft Settlement

The proposed settlement is a win for Microsoft and huge loss to the people and competing businesses. It shames me that our own government set up to protect it's citizens would turn its back.

This is not acceptable and must be corrected.

Jose Ortiz

MTC–00015546

From: Max.Requenes@sac.com@inetgw
To: Microsoft ATR
Date: 1/23/02 9:29am
Subject: Microsoft Settlement

Dear Sirs and/or Madams,

I strongly oppose the proposed settlement in the Microsoft Antitrust Case.

Thank you

Max Requenes

max.requenes@sac.com

max@requenes.com

MTC–00015547

From: The Icewalker
To: Microsoft ATR
Date: 1/23/02 10:31am
Subject: Microsoft Complaints

To Whom It May Concern,

I'm not even sure where to begin. I'm definitely writing to you because I don't feel that the back out of the Department of Justice was the best thing to do concerning the Microsoft Antitrust Case. To reach a settlement with a giant is only to invite more trouble. The government has settled before on infractions and ''here we are again, back in court, again.''

How have I been hurt by Microsoft's dominance?

Let's see, I definitely feel that my ''FREEDOM'' to do with my own computer what I wish has been compromised by Microsoft and Windows. I've seen product updates change my personal preferences. I'm sorry, but I don't feel like opening my JPG's in Internet Explorer or MS Photo Editor. If I want to use PhotoShop, then those preferences should stay there, not be hijacked by the OS! I know it's petty, but it's also annoying multiplied by millions. It's also unfair to those other companies that have spent the time, asked the user, and are now out of the loop. Yeah Yeah, I can go change them back, but I shouldn't have to do that over and over and over again all becuase I'm now required to Install the latest version of Internet Explorer so I can use my latest Word Processor. Since when were the two required to need each other? They have separate functions and shouldn't require each other!

Secondly, I'm tired of not having the choice of some other OS or no OS at all when I buy a computer. Let's see, there is Dell, Gateway, Compaq, HP, IBM. Try to buy a home computer without Windows and some other MS Word Processing Package. It's dang near impossible. And when I ask, I get the story, ''We can't ship a system without an OS.'' Well that's crap. It costs money to put the OS on, you'd think they would love to be able not to do that. I've decided to build my own. More people should learn to do it so they wouldn't be so ignorant and blind.

Linux is an alternative. How do I know. I've built my own computer, and I've installed Linux. Hmmmmm...I have a nice system for a whole lot less money and I got what I WANT! Not what some operating system company wanted for me. It's about Choice and as long as a predator is allowed to prey on the masses, there is no choice.

It's time to put the sleeping giant to bed an allow the people of this country a little bit more freedom of choice. Afterall, if all software comes from Microsoft, that is a bad thing * * *the ''all your eggs in one basket'' mentality if you ask me!

I pray that somebody in the government wakes up, stop accepting donations, and does what they were elected by the people to do, to serve the people, not the corporate interest! I'm now done with my soapbox lecture!

Sincerely Yours,

James Bruce

Informatics Manager and Linux Advocate
Charleston SC

MTC–00015548

From: Steven K. Reinhardt
To: Microsoft ATR
Date: 1/23/02 9:21am
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

As an assistant professor in the Computer Science and Engineering division of the University of Michigan's Electrical Engineering and Computer Science department, I am writing to protest the terms of the proposed anti-trust settlement with Microsoft.

Microsoft has repeatedly and blatantly leveraged their monopoly of the desktop PC operating systems market to gain a competitive advantage in other markets, and has shown no indication of regret for these actions. It is critical that Microsoft be barred from repeating this behavior for competition in the information technology sector to survive. The next few years will be crucial in the deployment of widespread Internet-based services (such as Microsoft's .NET), and the form that these services take will largely determine the level of consumer choice and privacy available in this domain. I am also concerned about Microsoft's role in digital rights management technology (as embodied in their Windows Media Player). The applications of this technology must tread a fine line between copyright protection and fair use. If the technology is in the hands of a single corporation such as Microsoft, it will be too easy for them to ally with other large media conglomerates to force solutions that erode consumers'' fair use of digital content. While I believe Microsoft has a right to compete in these areas, they must be forced to do so on an equal footing with other corporations.

I feel that the US DOJ settlement is inadequate in its terms and lacks credible enforcement provisions even for the weak concessions it forces on Microsoft. Again, I encourage you to continue to press for a more thorough and enforceable settlement that will provide consumers with choice and freedom in the years to come.

Steven K. Reinhardt
Assistant Professor, EECS
The University of Michigan
email: stever@eecs.umich.edu
phone: (734) 647–7959, fax: (734) 763–4617
www: http://www.eecs.umich.edu/stever

MTC–00015549

From: Brad Midgley
To: Microsoft ATR
Date: 1/23/02 9:29am
Subject: Microsoft Settlement

The proposed settlement sith Microsoft is a bad idea.

Brad Midgley
Salt Lake City, UT

MTC–00015550

From: Matt Smolik
To: Microsoft ATR
Date: 1/23/02 9:29am
Subject: Microsoft Settlement

I feel that the proposed settlement with Microsoft is a very bad idea. This amounts to a slap on the wrist, if that, for Industry wide antitrust violation. Industry wide antitrust violation that continue to this day, with new violation each week.

It is not as much what Microsoft does, but how they do it. In an effort to ''simplify'' their OS they purposfully decieve the user. Even if Microsoft is forced to stop the binding of their own software with their OS, they still have control over which application will open which type of document. They have always hidden this from the user, and it is painfull to use even if you know where to locate it. This is one way that Microsoft will continue to force their own software over all others.

Additionally on point A (Unbinding Microsoft's Software) this will have little to no effect. If the user is unaware that they may obtain a different web browser then they can not choose to. While working as in Internet Technical Support, I have heard many users claim that Internet Explorer —IS— the Internet. They do not know any better, thus use the software that came on their computer blindly. Moreover, I have informed many users that they do indeed have a choice in browser software (just to name one) but this is to no avail for they do not know how to obtain and/or install new software or do not wish to bother learning. Thus it is too late and the user is lost down the Microsoft path.

I hope that my words have not fallen on deaf Microsoft purchased ears. ''I don't mind Microsoft making money. I mind them having a bad operating system.''—Linus Torvalds (''The Rebel Code,'' NY Times, 21 February 1999)

Matthew Smolik

P.S. Since you are probably using Microsoft Outlook to view this, can you name 5 other email programs?

P.P.S It is very unsettling to learn that Microsoft is advertising their monopolistic OS in the United States Post Office.

http://www.macintouch.com/postoffice.html

MTC–00015551

From: Wallace, William
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 9:29am
Subject: Microsoft Settlement

Regarding the Microsoft settlement, I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundred, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices.Similar to the settlement against AT&T, Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level (40%, for example, assuming one of it's competitors is now also at 40%). This must be true for all Microsoft product lines, before regulation is lifted.

Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Imagine the damage to the United States if Microsoft were to fail, as Enron failed. The risks of a monopoly are greater than merely the loss of competition.

Thank you for your time.

William Wallace.

William Wallace
Principal Engineer
InterWorld Corporation
Email:williamw@interworld.com
Phone:212 301 2428 Cell/Fax:973 626 0115.

wind catches lily
scatt'ring petals to the wind:

segmentation fault

MTC–00015552

From: Timothy E Basham
To: Microsoft ATR
Date: 1/23/02 9:24am
Subject: Microsoft Settlement

I think that the proposed settlement is a bad idea, and will merely leave Microsoft to do what they have done to get to this point again.

Timothy E Basham
Timothy E Basham
Programmer AutoSafe Intl.
tim@asiiad.com
(309) 827–6793
http://www.asiiad.com

MTC–00015553

From: Jim Rule
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 9:31am
Subject: Microsoft settlement

While I feel the government and Microsoft's adversaries went too far by attempting to break up Microsoft for supposed antitrust violations, the resolution through settlement is preferable to continued, costly and time consuming litigation.

I believe the settlement is fair and reasonable, and is a very positive development for the technology industry.

It is really a mystery as to why the settlement does not satisfy certain of Microsoft's adversaries. More than likely, it is because Microsoft was not forced to break up and they will never be happy until it is. This attitude is unfortunate and should not be allowed to distract the settlement process. Therefore, I urge you to settle this matter as quickly as possible so the technology industry can get back to innovating. Thank you.

Jim Rule
Critical Technologies, Inc.
100 Park Avenue Suite 500
Oklahoma City, OK 73102
405–235–8400 x105
www.criticaltech.com
<http://www.criticaltech.com>
www.filesonthenet.com
<http://www.filesonthenet.com>
CC:''senator(a)nickles.senate.gov''

MTC–00015554

From: J. Todd Owen, PE
To: Microsoft ATR
Date: 1/23/02 9:28am
Subject: Microsoft Settlement

I do not believe the proposed settlement address the core case issues.

The remedy will not protect consumers in the long run.

J. Todd Owen, PE
IMEC Engineers
434–239–2623
434–237–8295 (F)

MTC–00015555

From: Greg Willden
To: Microsoft ATR
Date: 1/23/02 9:19am
Subject: Microsoft Settlement

I would like to comment on the Microsoft Settlement under the statutes of the Tunney Act.

I think that the settlement is very poor and does not properly address the real issues. There are numerous loopholes in the proposed settlement that will allow Microsoft, who has a history of unethical and illegal actions, to transform this penalty into an advantage for them. In order to restore proper competition I think it necessary for Microsoft to publish the file formats of all their Microsoft Office files. The .doc file format is widely used. If the format were made available then other office productivity suites like WordPerfect, StarOffice, Abiword and OpenOffice could effectively compete with them. Original Equipment Manufacturers (OEMs) must be allowed to sell a computer that can boot up into more than one Operating System. This has been attempted in the past but has been quashed by Microsoft's legal team. It is suspected that Microsoft is forcing the OEMs into single OS bootloader licenses that disallow this behavior.

These are only a few of the things that Microsoft has done to stifle competition and innovation. For all of Microsoft's talk about being able to innovate. They are doing more to hurt it than they are to help it.

The settlement also needs to have some real teeth. The ''independent'' auditors/monitors of Microsoft's behavior need to have complete independence and freedom to discuss any of their findings with the public and press. Unless they are allowed to do this their voices will be too easily silenced.

Microsoft should also have major fines imposed upon it for future violations of the settlement. Fines substantial enough that it will think twice before violating the public trust. And the monies collected from these fines should go to their competitors. I would recommend projects related to the GNU/Linux Operating System. Microsoft has openly acknowledged that Linux is a real competitor. What better way to ensure compliance than to force Microsoft to donate substantial funds to their competitors.

Microsoft has been shown to practice illegal predatory behavior. Do not cave in to them and give them a settlement with so many loopholes. They will exploit it to the detriment of all.

Greg Willden
San Antonio, Texas
Software Engineer

Hofstadter's Law: It always takes longer than you expect, even when you take into account Hofstadter's Law.

MTC–00015556

From: DnA Dvorkin
To: Microsoft ATR
Date: 1/23/02 9:27am
Subject: Microsoft Settlement

To whom it may concern:

We wish to express our disagreement with the proposed settlement in the Microsoft antitrust case. Weak conduct remedies such as those proposed will do nothing to change Microsoft's anti-competitive and anti-innovative business practices. Equally disturbing is the proposal that Microsoft should be able to choose part of the team responsible for enforcement of the settlement (weak as it may be.) This is equivalent to letting a convicted felon choose one of his friends to be his parole officer.

Very simply, Microsoft broke the law, and must be punished.

sincerely,
Daniel and Andrea Dvorkin
Denver, CO

MTC–00015557

From: Andrew Williams
To: Microsoft ATR
Date: 1/23/02 9:44am
Subject: Microsoft Settlement

To whom it may concern,

I am writing to express my vote against the proposed settlement. I won't list every complaint, since I'm trying to keep this short and I tend to ramble. I'll focus on the numerous loopholes in the settlement, specifically the proposed ''limitations'' on Microsoft's behavior in regards to two things: unfairly competing with other products(by integration into Windows, using secret APIs, or whatever) and the ''disclosure of communications protocols necessary to interoperate with Windows''

Regarding the first, Microsoft can easily choose to ''integrate'' anything they like, and in theory, have no problems. I do have issues with regards to the ''forced usage'' that they rely on. Windows XP comes with MSN Messenger, with NO option to uninstall or disable. Why? Do I even have an internet connection at home? Shouldn't I be able to at least uninstall it? The definition of ''Operating System'' is very loose, and cannot be relied upon to limit their actions. Obviously, they have no intention of stopping their own ''absorption'' of other products.

As to the second, the ''disclosure of communications protocols,'' the definition of ''interoperate'' is fairly clear. However, Microsoft could easily choose to have an ''open'' protocol with their ''proprietary'' extensions. This would be legal with the current settlement, as the ''open'' protocol could work. However, I would bet a year's salary that Windows would by default present the options to users to use the ''proprietary'' extensions, thus making them frustrated when they had to give them up to use the ''open'' protocol. Users don't want to ''lose'' features, even if they aren't needed. This is just ONE loophole, and it would result in basically no change from the status quo.

In summary, a more strict punishment MUST be applied. I am tired of others looking at me strangely because I don't have Office. I CHOOSE not to spend hundreds of dollars on an application that I only ''need'' because others don't know that an alternative exists. If its going to be a ''standard'' like that, it should come with the OS, just like IE is now ''standard.'' Though I should mention, the numbers are inflated since users of Windows can't NOT use IE. I personally avoid it as much as possible, and it still pops up all the time. I've found Opera, for example, to be faster, more stable, and easier to use, but I have to identify myself as an IE user to load some pages, because Microsoft has made the world think that IE is the only browser. It is this kind of situation that has to stop. A superior product should never die simply because the competitor is funded by a mammoth entity with a load of cash. The

proposed settlement would not fix this problem, and I don't know of a solution myself. I'm a programmer, and I only see good things being ruined by MS. I can say without reservation that this settlement is a wrist-slap, nothing more. Don't let my money(from taxes to fund the trial) go to waste.

Thank you for your time,
Andrew Williams

MTC–00015558

From: gsoltesz@cisco.com@inetgw
To: Microsoft ATR
Date: 1/23/02 9:31am
Subject: Microsoft Settlement

The proposed settlement against Microsoft is wrong, and I am against it. I was forced to buy a Windows license for a PC I bought recently to a large vendor, yet the hard drive was immediately formatted to put an alternative Operating system on the drive.

Regards,
Gaetan Soltesz

MTC–00015559

From: Duncan Murphy
To: Microsoft ATR
Date: 1/23/02 9:31am
Subject: Microsoft Settlement

I think the current proposed settlement is a bad idea. I am not a lawyer, but it is clear that the remedy is not much more than a ''slap on the hand''.

The Court of Appeals did not turn aside the original judgment, just the proposed split of the company. Any settlement needs to be strong enough to send a message to Microsoft (and any other company contemplating monopolistic business practice), that such practice is not taken lightly.

James Duncan Murphy
Consultant, Owner
Problem Solved!
2638 Spring Station Road
Midway, KY 40347

MTC–00015560

From: Howard Lee Harkness
To: Microsoft ATR
Date: 1/23/02 9:31am
Subject: Microsoft Settlement

The proposed settlement appears to me to be flawed. The idea of breaking Microsoft into two or more separate entities was much better. Microsoft should be split, and *all* communication between the split companies should be made public, which would eliminate the secret APIs.

Howard Lee Harkness
<harkness@procountinc.com>

MTC–00015561

From: Lynne Klopf
To: Microsoft ATR
Date: 1/23/02 9:30am
Subject: Microsoft Settlement

MTC–00015562

From: Alex Hutton
To: Microsoft ATR
Date: 1/23/02 9:26am
Subject: Microsoft Settlement

This is a very bad, bad settlement for the people. Microsoft will be rewarded, not punished.

Alex Hutton

MTC–00015563

From: Alexander Hutton
To: Microsoft ATR
Date: 1/23/02 10:47am
Subject: Microsoft Settlement

Please consider this a voice against the current settlement. Microsoft will only gain from this settlement and it in no way punishes them.

MTC–00015564

From: Ian McLaury
To: Microsoft ATR
Date: 1/23/02 9:32am
Subject: Microsoft Settlement

The proposed settlement is a bad idea. I urge the court to reject the proposed settlement and properly punish the convicted lawbreaker, Microsoft.

MTC–00015565

From: Mike Bakula
To: Microsoft ATR
Date: 1/23/02 9:31am
Subject: Microsoft Settlement

Gentlemen;

I am writing to briefly express my disapproval of the current outlined settlement with Microsoft in the current antitrust proceedings. The changes proposed are far too limited, and completely ignore the damage already done to the computer hardware and software markets, and the threat to the networked comptuing market that is presented by the current Microsoft organization and culture.

Please reconsider the idea of structural changes to Microsoft, or at least some form of strict, preemptive oversight; otherwise, we are all in for ''Internet: a trademark of Microsoft, Inc''.

Thank you for your attention.
Michel J Bakula
839 E Glencoe St
Palatine, IL 60074

MTC–00015566

From: Jesse Burson
To: Microsoft ATR
Date: 1/23/02 10:02am
Subject: Microsoft Settlement

There are a large number of problems I have with the proposed Microsoft sentiment. Here are some letters sent by others with which I agree: Most of all, I agree with the ''Open Letter to DOJ Re: Microsoft Settlement'' found here:

http://www.kegel.com/remedy/letter.html

In addition:

''Regarding the Microsoft settlement, I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundred, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices. Similar to the settlement against AT&T, Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level (40%, for example, assuming one of it's competitors is now also at 40%). This must be true for all Microsoft product lines, before regulation is lifted. Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Imagine the damage to the United States if Microsoft were to fail, as Enron failed. The risks of a monopoly are greater than merely the loss of competition.''

''I believe this settlement is counter to the interests of the American public, deleterious to the American economy, and not adequate given the findings of fact in the trial.

Microsoft's anti-competitive practices are counter to the law and spirit of our free-enterprise system. These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation. Microsoft's monopolistic practices cause the public to bear increased costs and deny them the products of the innovation which would otherwise be estimulated through competition.

The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future.

It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function.''

''I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.''

MTC–00015567

From: Roberts, Bud
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/23/02 9:31am
Subject: Microsoft Settlement

To whom this concerns, Microsoft should not be punished for outperforming its competitors.They should be applauded.

Please leave them alone.
Bud Roberts
mail@budroberts.com

MTC–00015568

From: Jesse Sweetland
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 9:20am
Subject: Microsoft Settlement

Dear Sir or Madam,

I am presently very concerned with the proceedings of the Microsoft Anti-trust case. I am not a lawyer, and I don't understand the finer points of the proposed settlements. I feel that the broad wording of the proposed settlement and failure to accurately define terms in a definite, undisputable, and technical sense contribute largely to this. I will therefore avoid a technical criticism and express more plainly my fears concerning Microsoft's monopoly.

I am currently composing this E-mail on a machine with Microsoft Windows 2000, using the Microsoft Outlook portion of the Microsoft Office 2000 product suite. From my computer it will travel upstream to a Microsoft Exchange E-mail server, where it will in turn be transmitted via the World Wide Web and land in your inbox, presumably a part of another Microsoft Product.

Perhaps the E-mail address I am sending to is an alias for a mailing list, and this letter will find its way to a Microsoft Hotmail account, and a user, authorized using his or her Microsoft Passport, may view it. In the not-so-very-future perhaps this will be done using a Microsoft Homestation over the Microsoft Network, using proprietary protocols and encryption schemes.

And while this hypothetical individual is viewing his E-mail, it is entirely possible that he is listening to music purchased via one of Microsoft's partnerships with various music labels, protected against distribution using Microsoft's Digital Rights Management, which, of course, is built into the hardware/firmware of the Microsoft Homestation and Microsoft Windows XP, which, in accordance with future digital rights management legislation (SSSCA), will be the only hardware/software bundle which conforms to the mandatory digital rights management requirements. Microsoft has a foothold in the hardware, operating system, application, media, services, and development arenas. Like any business, when they see an opportunity to expand their business model to increase profit, they do so. Unlike other businesses, they can move in and sell products at a loss to gain market share until the competition is eliminated. Right now the Microsoft XBox sells for a per-unit loss of $150. This puts them in the same price range as the Sony Playstation 2 and the Nintendo Gamecube. With more advanced hardware and similar development platform as Microsoft Windows, the XBox stands an excellent chance of outselling and stifling the competition in the market. This is Microsoft's first entry into the market, and it will dominate in less than a year.

Right now an individual can sign up for a Microsoft Passport and Microsoft Passport Wallet accounts (indeed they are *strongly* encouraged to do so in Windows XP) and with a single click authenticate themselves on a number of online sites. While this adds convenience it gives Microsoft a disturbing amount of control and influence online. This, combined with national ID card legislation puts Microsoft in a position to be the first to synchronize its own authentication services with the national registry. No other company has the infrastructure or the capital.

Microsoft is aligning itself with the major powers, namely the government and the entertainment industry. It's breaking into new markets with disturbing power and force. Microsoft already controls the form and function of my daily life in the workplace and on my home PC, but it also stands to control what music I listen to how often, where I may shop, and what kind of digital content I may view. It may track my purchasing habits, my financial transactions, and the places I like to visit on the web. Doesn't having all of this power in one company concern you?

Microsoft has called itself ''the Gatekeeper.'' That's scary enough, isn't it? Especially considering their track record for security and stability. I would feel much safer knowing that Microsoft was divided into two if not more separate companies. Opening APIs and promising to be nice is not enough. Microsoft can and will find a way to abuse the wording of this settlement to the detriment of its competition. Look at its track record of legal battles and you will see that there is not much it can't accomplish. Look at how people are balking at the decision to split up Microsoft. They know that doing so would cause a severe disruption in the industry. It would profoundly affect thousands of businesses. Isn't this evidence enough that they *should* be divided?

Please, reject the proposed settlement in favor of a decision to break up
Microsoft.
Thank you.
Jesse Sweetland
Programmer/Analyst
Network Telephone Corporation

MTC–00015569

From: Doug Turner
To: Microsoft ATR
Date: 1/23/02 9:24am
Subject: Microsoft Settlement

I believe the Microsoft settlement is not in the best interest of consumers. Microsoft has repeatedly shown that they will stop at nothing to destroy competitors. It is well past time that Microsoft was broken into seperate companies—one for its Operating Systems, one for the rest of its computer software, and one for its consumer electronics and other hardware.

Regards,
Doug Turner

MTC–00015570

From: scott lewandowski
To: Microsoft ATR
Date: 1/23/02 9:32am
Subject: Microsoft Settlement

To Whom It May Concern:

I am writing to voice my opposition to the proprosed settlement in Microsoft's anti-trust case. As a technology worker who uses Microsoft sotware daily, I am exposed to the lack of choice and increased costs their monopoly has created. The proposed penalty contains enough vague language (e.g. defining middleware) that it does little to prevent them from exploiting their monopoly even further in the future.

Thank you for your time.
Scott Lewandowski
Lincoln, Nebraska

MTC–00015571

From: Tony Rimovsky
To: Microsoft ATR
Date: 1/23/02 9:32am
Subject: Microsoft Settlement

The proposed microsoft settlement is a bad idea.

MTC–00015572

From: jbh@moses.gencon.com@inetgw
To: Microsoft ATR
Date: 1/23/02 9:32am
Subject: Microsoft Settlement

Gentlemen/Ladies,

As a software engineer with 20 years' experience developing software for Unix, Windows, Macintosh, and Linux, I'd like to comment on the Proposed Final Judgment in United States v. Microsoft. According to the Court of Appeals ruling, ''a remedies decree in an antitrust case must seek to ''unfetter a market from anticompetitive conduct'', to ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future'' (section V.D., p. 99). Attorney General John Ashcroft seems to agree; he called the proposed settlement ''strong and historic'', said that it would end ''Microsoft's unlawful conduct,'' and said ''With the proposed settlement being announced today, the Department of Justice has fully and completely addressed the anti-competitive conduct outlined by the Court of Appeals against Microsoft.''

Yet the Proposed Final Judgment allows many exclusionary practices to continue, and does not take any direct measures to reduce the Applications Barrier to Entry faced by new entrants to the market. The Court of Appeals affirmed that Microsoft has a monopoly on Intel-compatible PC operating systmes, and that the company's market position is protected by a substantial barrier to entry (p. 15). Furthermore, the Court of Appeals affirmed that Microsoft is liable under Sherman Act ? 2 for illegally maintaining its monopoly by imposing licensing restrictions on OEMs, IAPs (Internet Access Providers), ISVs (Independent Software Vendors), and Apple Computer, by requiring ISVs to switch to Microsoft's JVM (Java Virtual Machine), by deceiving Java developers, and by forcing Intel to drop support for cross-platform Java tools.

The fruits of Microsoft's statutory violation include a strengthened Applications Barrier to Entry and weakened competition in the Intel-compatible operating system market; thus the Final Judgment must find a direct way of reducing the Applications Barrier to Entry, and of increasing such competition.

The fact that you would consider allowing this proposed farce of a settlement is an

outrage. For goodness sake get a backbone, get off your collective fannies and do the RIGHT thing !

James B. Huber
jbh@gencon.com

MTC–00015573

From: Kevin Yager
To: Microsoft ATR
Date: 1/23/02 9:33am
Subject: Microsoft Settlement

To Whom it may concern;

I disagree with much of the proposed MS settlement. I'm afraid Microsoft will be like a bad dog who has a nieve owner. The Dog (Microsoft) keeps biting people. The owner (DOJ) keeps saying, ''he won't do it again.'', or its ''not the dog's fault.'' I particularly disagree with Section III.A.2., and Section III.B. Don't give MS the power to bully OEM's. Don't give MS ANY power to bully ANY OEM's.

More should be added to Sections III.F. and III.G. MS should not be able to say or limit what other software is distributed with it's own software. MS shouldn't be able to limit what operating systems's their Redistributable Componenets can be run on.

Kevin Yager
2800 Jagger Road
Marion, NY 14505
716 722 5916

MTC–00015574

From: William Fowler
To: Microsoft ATR
Date: 1/23/02 9:33am
Subject: Microsoft Settlement

To whom it may concern,

I have read over the proposed settlement in the Microsoft case and feel that the punishment is not equal to the crime. It almost appears as a slap on the wrist, gives a few new rules they have to operate by, and then allows them to continue from where they are now, minus the new rules. I feel that they should be punished and not allowed to keep the current postition that they have, since they have arrived there because of illegal practises. Its like letting a thief keep what he stole if he promises to not steal anymore.

Thank you,
William S. Fowler
Baton Rouge, LA

MTC–00015575

From: Dan Raasch
To: Microsoft ATR
Date: 1/23/02 9:33am
Subject: Microsoft Settlement

To Whom It May Concern:

The Proposed Final Judgment for Microsoft is ludicrously inadequate. Thousands of companies (along with their innovations) have been illegally destroyed by Microsoft's anti-competitive practices in the past, and the PFJ does nothing to remedy this. It also is bereft of foresight and is self-contradictory—the court defined Microsoft-specific file formats (i.e. Word .doc and other office documents) as barriers to entry, and judged Microsoft a monopoly in part because of this, but the PFJ makes no demands that Microsoft release these file formats so as to let others compete. Additionally, the PFJ supposedly applies to ''Windows'', but defines Windows absurdly narrowly. For instance, the PFJ definition of Windows does not apply to Windows XP Tablet PC edition, even though Microsoft is making aggressive moves toward replacing the traditional PC with tablet PCs. I could go on and on about Microsoft's anti-competitive licensing practices or their attempts to cripple competing software, but these things are all in the court record. The PFJ doesn't significantly limit these practices. I am writing to you to join in the chorus of people shaming this judgment and demanding a better one. I also think that when considering these comments, you should give more weight to anti-Microsoft comments than to pro-Microsoft ones, considering Microsoft has a PR machine unlike any other, while Microsoft's destroyed competitors obviously have no PR machine.

Sincerely,
—Dan Raasch
3410 Surrey Heights Dr. #306
Eagan, MN 55122

MTC–00015576

From: Chris
To: Microsoft ATR
Date: 1/23/02 9:32am
Subject: Microsoft settlement

I think the proposed settlement is bad idea.

MTC–00015577

From: Mark Ward
To: Microsoft ATR
Date: 1/23/02 9:32am
Subject: Microsoft Settlement

The proposed settlement is a bad idea!
Mark Ward

MTC–00015578

From: Brent Bryan
To: Microsoft ATR
Date: 1/23/02 9:33am
Subject: Microsoft Settlement

Regarding the Microsoft settlement, I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundreds of small companies, and many larger companies have been devastated by Microsoft's monopolistic practices. Similar to the settlement against AT&T, Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level (60%, for example) This must be true for all Microsoft product lines, before regulation is lifted.

Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. (Note for instance Internet Explorer's base in the new XP software) The market must be able to return to a state of competition.

Imagine the damage to the United States if Microsoft were to fail, as Enron failed. The risks of a monopoly are greater than merely the loss of competition.

Thank you for your time.
-Brent Bryan
Graduate Student
Yale University

MTC–00015579

From: Carl Alexander
To: Microsoft ATR
Date: 1/23/02 9:32am
Subject: Microsoft Settlement

I think this settlement is a bad idea for the computer and software industries

Carl Alexander

MTC–00015580

From: Jack Cox
To: Microsoft ATR
Date: 1/23/02 9:34am
Subject: Microsoft Settlement

To Whom it may concern,

I dislike to proposed and revised proposed Microsoft Settlements for several reasons:

1) The agreement provides too many simple ways that Microsoft can defeat the penalties stipulated in the agreement.

2) The provision allowing Microsoft to not reveal protocols due to security concerns. Every protocol in the system can be covered by this one exclusion. Any protocol can be used to break a Windows system given the correct circumstances.

3) Licenses the protocol specifications in a reasonable and non-discriminatory fashion leaves too much room for MSFT to charge a high figure for the specification, thereby locking out all startup/individual developers from using the specification.

4) None of the licensing provisions cover non-commericial or open-source development initiatives.

Therefore, MSFT could freely not license their protocols to open-source development groups.

These 4 reasons are just the beginning. Given the proven past behavior of Microsoft, and given its current behavior against current competitors (Real Networks, Novell, Sun/Java, and others), the proposed remedies are not heavy enough.

Thanks for listening.
Jack Cox
Richmond, Virginia

MTC–00015581

From: Curt Pederson
To: Microsoft ATR
Date: 1/23/02 9:34am
Subject: Microsoft Settlement

To whom it may concern,

The settlement with Microsoft is NOT going to change anything. Microsoft has the upper hand and will continue operating as normal. As a US citizen, I do not support the settlement and request a harder line be taken.

Thank you,
Curt Pederson
Madison WI
Curt Pederson
Berbee
5520 Research Park Drive
Madison, WI 53711
pederson@berbee.com
608.298.1259 Fax 608.288.3007
Berbee...putting the E in business

MTC–00015582

From: Kenneth Lewelling
To: Microsoft ATR
Date: 1/23/02 9:34am
Subject: Microsoft Settlement

The current proposal for the Microsoft settlement will not prevent Microsoft from

staying a monopoly in the computer industry. Microsoft employees are spreading this around as ''..a victory over the government.'' If the government shows they are incapable or unwilling to stop Microsofts monopoly over the software industry, who else is there to stand in Microsofts way?

Since the trial has started Microsofts grip on ISP's and hardware vendors has slowly loosend up for fear of how it would be represented in the case against them. Once Microsoft accepts the current settlement they will go back to their previous methods of forcing the industry to accept their software and force out competitors, but it is not their previous methods the software industry is only worried about. By recieving the current settlement this will show the industry that even the government and it's laws cannot stop Microsoft's monopoly. Microsoft will be able to expand their practices beyond strict EULA's, enforcing proprietary ''standards'' and harrassing/buying out small companies. They will be able to stretch more laws, find more loopholes and choose more ''un-ethical'' business means knowing that the most powerful system that could have stopped them was not powerful enough. Once again I say that the DOJ and US government should be putting a stop to Microsofts monopoly. By forcing them to release their file formats, protocols or something similar that will allow other companies to compete with them. But the current settlement simply shows that the government no longer has the power to enforce the laws that control our capitalist country.

MTC–00015583

From: Mike Perham
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 9:34am
Subject: Microsoft Settlement

I believe the Microsoft settlement lets off microsoft with a slap on the wrist. As a software developer, I have seen the effects of Microsoft's monopoly over the last 10 years and hope that the DOJ will impose a much harsher penalty that will truly level the playing field rather than allowing them to simply buy their way out of the current situation.

mike perham
austin, tx

MTC–00015584

From: Jim Barkley
To: microsoft.atr(a)usdoj.gov
Date: 1/23/02 9:34am
Subject: Microsoft Settlement

Dear Sir,

I do not believe that the propose anti-trust settlement properly addresses the harm that Microsoft has inflicted due to its anticomplentive behavior in the past. Nor has there seemed to be any willingness on the part of Microsoft to live up to its commitments to adjust its behavior.

Jim Barkley

MTC–00015585

From: Lang, Jeff
To: Microsoft ATR
Date: 1/23/02 9:34am
Subject: Do not agree with settlement

I do not agree with this settlement

MTC–00015586

From: Green Bryan—bgreen
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 9:35am
Subject: Microsoft Settlement

I am very discouraged with the proposed settlement. Microsoft has violated the sense of fair play that Americans, as a whole, deeply cherish. For a corporation of there size, the punishment does not fit the violations. It will not discourage them from going that route again. They have shown that they do not value the law accept when it benefits them. It is obvious that they view the US legal code as a gamebook whose reading of is to provide insights into how to skirt the rules of the game of fair competition.

Bryan Green

MTC–00015587

From: Eduard Kleyn
To: Microsoft ATR
Date: 1/23/02 9:34am
Subject: Microsoft Settlement

The proposed settlement is a bad idia!
Eduard Kleyn
The LDS Corporation
Tel: (913) 492–5700 x225
FAX: (913) 492–2794
—eddyk@ldsinc.com
: www.ldsinc.com

MTC–00015588

From: John Enters
To: Microsoft ATR
Date: 1/23/02 9:36am
Subject: Microsoft Settlement

I personally believe that the proposed settlement is inconsistent with the findings of the proceedings. In other words it is a bad idea. I also believe that the comments made by Dan Kegel do a thorough job of detailing why this is so. His comments can be found at http://www.kegel.com/remedy/letter.html.

John Enters

MTC–00015589

From: ed@mail.hp.uab.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 9:36am
Subject: Microsoft Settlement

To Whom It May Concern:

Regarding the Microsoft settlement, I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundred, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices.

Similar to the settlement against AT&T, Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level (40%, for example, assuming one of it's competitors is now also at 40%). This must be true for all Microsoft product lines, before regulation is lifted.

Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Imagine the damage to the United States if Microsoft were to fail, as Enron failed. The risks of a monopoly are greater than merely the loss of competition.

Thank you for your time.

MTC–00015590

From: Andrew Reilly
To: Microsoft ATR
Date: 1/23/02 9:34am
Subject: Microsoft Settlement

I have worked in the Internet field since 1992 and found Microsoft on all occasions that I have worked with them, in my personal experience, to be unbashed bullies. I have seen nothing to indicate that this has changed, and believe that the remedies proposed will do nothing to prevent this behaviour in future. I believe that the remedies proposed by the DOJ are completed inadequate, and that the remedies proposed by California, Florida, Iowa, Kansas, Massachusetts, Minnesota, Utah, West Virgina, and the District of Columbia are barely adequate. The dissenting states are closer, but the Judge should strenghten the remedy to ensure beyond a reasonable doubt the safety of inovation and commerce in the United States.

regards,
Andrew Reilly

MTC–00015591

From: Jennifer
To: Microsoft ATR
Date: 1/23/02 9:34am
Subject: Microsoft Settlement

Ms. Renata B. Hesse:

I would like to go on record as opposing the proposed Microsft settlement. I feel that the this ''remedy'' is, in fact, a license for Microsoft to continue monopolizing the market. The settlement has no substantial benefit to consumers, and does nothing to prevent Microsoft from continuing to exploit its current omnipotence in the computer industry. Microsoft has repeatedly demonstrated its arrogant disregard for the laws of the United States, and the introduction of ''licensing 6.0'' and Windows XP demonstrate that, even at this critical moment, they have no intention of changing their ways. To reiterate: this proposed settlement is far too weak to result in any change in Microsoft's monopolistic behavior. The harmful effects to the rest of the computer industry are incalulable; even free software will be seriously damaged, since the wording of the agreement explicitly excludes free software from even the limited protection afforded to other Microsoft competitors. This effectively frees Microsoft to go after the Linux operating system ''hammer and tongs.''

Please reject this token ''remedy'' and seek an agreement that provides real reparations for those harmed, and deterrants to prevent future harm.

Sincerely,
Jennifer Stathakis

MTC–00015592

From: Scott D. Davilla
To: Microsoft ATR
Date: 1/23/02 9:28am
Subject: Microsoft Settlement

As a OS level programmer, I think a the think the proposed settlement is bad idea because it does nothing to prevent the hidden

OS level APIs that Microsoft uses to enhance their applications like ''MSWord'' or ''Excel''. Since Microsoft control both the OS API and the application API, they have access to enhanced API routines that are not published or documented for 3rd party programmers.

It is well known among windows programmers that there is the two ways to program under windows, 1) the documented way and 2) the undocumented way. Much time is spent trying to figure out the undocumented API so that our 3rd party applications can have the same features as Microsoft applications. The only way to level the playing field is to split Microsoft into two logically and physically separate companies. An OS level company and an application level company. There is no communication permitted beyond the documented APIs. The application level company has the same access to the API as everyone else does.

Thanks

Scott D. Davilla
Phone: 919 489–1757 ext 13 (tel)
Fax: 919 489–1487 (fax)
4pi Analysis, Inc.
3500 Westgate Drive, Suite 403
Durham, North Carolina 27707–2534
email: davilla@4pi.com
web: http://www.4pi.com

MTC–00015593

From: Dhaval Patel
To: Microsoft ATR
Date: 1/23/02 9:37am
Subject: Microsoft Settlement

My name is Dhaval Patel. I live at 451 Maplewood Ave Roselle Park, NJ 07204. I am a U.S. Citizen and I feel that the Microsoft Settlement is a bad idea.

MTC–00015594

From: William G. Thompson, Jr.
To: Microsoft ATR
Date: 1/23/02 9:37am
Subject: Microsoft Settlement

The proposed settlement is a bad idea, is not in the public interest and should not be accepted.

Bill Thompson
550 Barrymore St.
Phillipsburg, NJ 08865

MTC–00015595

From: Eric Lorenz
To: Microsoft ATR
Date: 1/23/02 9:37am
Subject: Microsft settlement
Jan. 23, 2002

To the Dept. of Justice employees working on the Microsoft case: The settlement in the Microsoft case is a joke. Microsoft time and again has used its position to manipulate people, manipulate companies, lie, cheat, ignore computing standards or change them so they only work with their own products, and flaunt the law. Especially when it comes to anti-trust law. They have been convicted of breaking the anti-trust laws, but now the penalty proposed for them is mearly a slap on the wrist. It does not go far enough, and will not make Microsoft change its behavior or business practices.

Don't let Microsoft get away with this!

Eric Lorenz

P.S. Listed below are web pages that show different apects of Microsoft's influence and business practices. below are web pages that show different apects of Microsoft's influence and business practices.

—MS own version of TCP/IP; MS breaks navigator functionality; disables Qt functionality; http://www.pbs.org/cringely/pulpit/pulpit20010816.html
—MS fakes support letters in effort to lobby people; http://seattletimes.nwsource.com/html/nationworld/134332634_microlob23.html
—MS prevents free speech (criticism) with EULA; http://www.infoworld.com/articles/op/xml/01/09/17/010917opfoster.xml?0920tham
—How MS registered file types allow them to extend their monopoly and stifle competition; http://www.salon.com/tech/col/rose/2001/10/08/file_monopoly/index.html
—why the US surrendered to MS; http://www.thenation.com/doc.mhtml?i=special&s=moglen20010909
—WinXP prevents installation of 3rd party drivers, and only MS version of software will work; http://www.theregister.co.uk/content/4/20805.html
—Ms and ''smart tags''; http://news.cnet.com/news/0–1003–200–6399150.html?tag=mn_hd
—WinXP incompatibles with other OS; http://slashdot.org/article.pl'sid=01/05/19/2355206&mode=thread
—MS wants only MS OS on new PCs; http://www.aaxnet.com/news/M010425.html
—MS Passport: all data is MS's; http://slashdot.org/article.pl'sid=01/04/03/1535244&mode=thread; http://www.wired.com/news/business/0,1367,42811,00.html; http://news.cnet.com/news/0–1005–200–5508903.html?tag=mn_hd
—MS bullies customers; http://www.internetweek.com/newslead01/lead032901.htm
—MS buries SQL benchmarks; http://www.infoworld.com/articles/op/xml/01/03/05/010305opcringely.xml
—MS non-compete clauses; http://slashdot.org/article.pl?sid=01/01/17/2238249&mode=thread
—IE tracking default bookmarks; http://slashdot.org/article.pl?sid=00/09/13/0023213&mode=thread
—MS forces users to pay twice for software; http://news.cnet.com/news/0–1003–200–2427307.html
—MS IE doesn't follow standards; http://news.cnet.com/news/0–1005–200–2254214.html?tag=st.ne.1002.bgif.ni; http://www.webstandards.org/ie55.txt
—MS forces will on E-bay; http://www.kuro5hin.org/?op=displaystory&sid=2000/5/19/165146/255; http://slashdot.org/article.pl?sid=00/05/29/1542223&mode=thread
—MS embrace and extend on Kerberos; http://www.linuxworld.com/linuxworld/lw-2000–04/lw-04-vcontrol_3.html; http://slashdot.org/article.pl?sid=00/05/02/158204
—MS tries to silence critics; http://slashdot.org/article.pl?sid=00/05/11/0153247
—MS patch breaks Lotus Notes; http://news.zdnet.co.uk/story/0,,s2075190,00.html
—Win2k has problem with standard DNS; http://techupdate.zdnet.com/techupdate/stories/main/0,14179,1016137,00.html
—MS monopoly essay; http://slashdot.org/article.pl?sid=99/06/25/1810223&mode=thread
—MS withheld Win95 Y2K patch; http://www.cnn.com/TECH/computing/9905/03/fix.y2k.idg/
—MS illegal practices against DR–DOS; http://news.cnet.com/news/0,10000,0–1003–200–340587.00.html
—Caldera sues MS for anti-competitive practices; http://techupdate.zdnet.com/techupdate/stories/main/0,14179,1013942,00.html
—MS rigged survey (evidence); http://slashdot.org/article.pl?sid=99/01/15/0948238&mode=thread
—MS overcharged consumers—Consumer Federation of America; http://news.cnet.com/news/0,10000,0–1003–200–337138,00.html
—MS sued for stealing mouse design; http://slashdot.org/article.pl?sid=98/12/16/0950252&mode=thread
—Japan accuses MS of unfair business practices; http://news.cnet.com/news/0,10000,0–1003–200–335638,00.html
—MS and their competition; http://sanjose.bcentral.com/sanjose/stories/1998/09/07/story4.html; The Microsoft Files by Wendy Goldman Rohm
—Bristol sues MS for anti-competitive practices; http://infoworld.com/cgi-bin/displayStory.pl?980819.wcbristol.htm
—AT&T sues MS over NT licensing; http://www.zdnet.com/zdnn/stories/zdnn_display/0,3440,2112360,00.html
—MS bribes ISPs with free software; http://news.cnet.com/news/0,10000,0–1003–200–328268,00.html
—MS like monopoly; http://abcnews.go.com/sections/tech/FredMoody/moody41.html
—MS buy and convert; http://www.wired.com/news/technology/0,1282,9701,00.html
—MS steals code for DOS 6.1; Couldn't find a web page about it. But ask Microsoft if you could purchase a copy of DOS 6.1. When they say ''no'', ask them about the court case against them, and the settlement where they had to stop selling DOS 6.1.

MTC–00015596

From: rtb
To: Microsoft ATR
Date: 1/23/02 9:36am
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice

I'm sending this e-mail to express my displeasure with the proposed judgment of the Microsoft anti-trust case being pursued by the United States federal government. I believe the judgment phase of this case has consistently underestimated Microsoft's destructive impact on its competitors and the computer industry in general, as well as Microsoft's tendencies to blatantly ignore previous court rulings on similar issues. I truly believe that any judgment short of breaking up Microsoft will be completely and totally ineffective in changing how Microsoft uses its monopoly position to unfairly dominate competitors, OEMs and ISVs.

Thank you for listening,
Robert T Bowers

MTC–00015597

From: Barney Evans
To: Microsoft ATR
Date: 1/23/02 9:37am
Subject: Microsoft Settlement

As a home owner and a tax payer and computer user, I feel that the Microsoft Settlement aka The Tunney Act, is a bad Idea. Please log this email as a complaint.
Barney Evans
La Mesa, CA

MTC–00015598

From: David Dahl
To: Microsoft ATR
Date: 1/23/02 9:37am
Subject: Microsoft Settlement

Dear Sir or Madam:

The Microsoft settlement is, in my opinion, a slap on the wrist. Microsoft's business practices have been underhanded and illegitimate for as long as I can remember, and this warrants stronger measures.

Microsoft has single-handedly set back computing by many years with their buggy, slow, virus-prone, monopoly operating system. In fact, almost every time there is a new virus or worm outbreak, it only infects Microsoft systems, causing billions of dollars in damage and downtime. Microsoft has never paid for this either, and it seems to me the public is not aware of this. I still get hits on my Linux server (which remains uninfected, of course) for the ''Code Red'' and ''Code Blue'' viruses, which Microsoft issued a patch for months ago.

Microsoft is trying to spread unwarranted rumors about Open-source software and the GNU Public License, which governs much of the Open-source world. In my opinion, Open-source software is more reliable than anything Microsoft has ever coded, and as a small business owner, I rely on these Open-source tools to compete on even ground. If i had to buy all of my software for development, I would not have a small business because of the costs.

If Microsoft is given a ''slap on the wrist'', I will really fear for the future of computing, Open-source software, and freedom to choose which software I use to program products for my clients. The proposed settlement will only increase Microsoft's monopoly power, and help crush more of the little guys.

You should not ''Settle'' with Microsoft, you should THROW THE BOOK AT THEM.

Highest Regards,
David Dahl
President/Application Developer
ddahl.com, inc
http://ddahl.com

MTC–00015599

From: Roy Cromartie
To: Microsoft ATR
Date: 1/23/02 9:36am
Subject: Microsoft Settlement

Dear sirs:

I wish to take this opportunity to comment on the proposed settlement betwen the DOJ and Microsoft corporation. I have reviewed the documents available via the web. While I am not a lawyer I must comment on the how stricking the proposed remedies are in their absence of addressing the core issues of the findings of fact. I can see no effective remedy to the misuse of monopoly power that was defined in the findings and that has come to catagorize Microsoft. I strongly urge the court to deny approval of the remedies as presently formulated and require the parties to renegotiate an agreement that will address these issues.

Sincerely,
Roy Cromartie

MTC–00015601

From: Olson, Lee
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 9:37am
Subject: Microsoft Settlement

To whom it may concern:

I have read the proposed settlement in the Microsoft antitrust case, and I am not in favor of it in its current state. This is a vote against the current settlement.

In my opinion, the settlement should have provisions which open the market fairly to competitors of Microsoft and include as few loopholes as possible, which Microsoft has abused in the past and will continue to abuse in the future. For example, Microsoft should not be allowed to penalize OEMs who sell computer systems with competing software products.

Thank you,
Lee Olson
2127 29th St NW #11
Cedar Rapids, IA 52405
WABTEC CORPORATION

MTC–00015602

From: Domingo Lopez
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 9:37am
Subject: Microsoft Settlement

Short and sweet.

The settlement as it stands does nothing to curtail Microsoft's monopolistic practices. As a MIS director of a NY Law firm I have seen Microsoft drive prizes of software up while quality suffered. This settlement seems to perpetuate the situation.

Just my opinion.
dll

MTC–00015603

From: Joel Kickbusch
To: Microsoft ATR
Date: 1/23/02 9:36am
Subject: Microsoft Settlement

Hello,

I am a software engineer, working in Florida. I have been in the software business for ~8 years. I utilize both Microsoft products and OS's and non-Microsoft products and OS's. I believe the Microsoft Settlement is not in the best interests of consumers, capitalism or the United States. There are a number of reasons for this, more than I care to list. One of the most egregious oversights is that what little protection is afforded only applies to the current operating systems. As if Microsoft will never release another OS...

Thanks,
joel kickbusch

MTC–00015604

From: Jason Richmond
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 9:38am
Subject: Microsoft Settlement

The settlement is a BAD idea.

MTC–00015605

From: Denny Givens
To: Microsoft ATR
Date: 1/23/02 9:38am
Subject: Microsoft Settlement

Hello,

Please do not give microsoft a pass and let them off with a slap on the wrist. It is critical that one company not control everything with the much ballyhooed digital convergence coming to pass. Please do the right thing!

Denny Givens

MTC–00015606

From: Dave MacDonald
To: Microsoft ATR
Date: 1/23/02 9:37am
Subject: Microsoft settlement

Regarding the Microsoft settlement, I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundred, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices.

Similar to the settlement against AT&T, Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level (40%, for example, assuming one of it's competitors is now also at 40%). This must be true for all Microsoft product lines, before regulation is lifted.

Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Thank you for your time.

MTC–00015607

From: Nate Waisbrot
To: Microsoft ATR
Date: 1/23/02 9:37am
Subject: Microsoft Settlement

I disagree with the proposed final judgment of the Microsoft case. The proposed judgment does not adequately protect consumers from Microsoft's monopoly.

The proposed judgment does not require Microsoft to allow OEMs to sell computers with a competing operating system but without Microsoft Windows. This loophole means that OEMs will continue to bundle Microsoft Windows with their products, and consumers who do not wish to buy Microsoft Windows (because they use a competing operating system exclusively) will be forced to purchase Windows.

Therefore, I do not believe the Proposed Final Judgement should be adopted without substantial revision to address this issue and others.

Sincerely,
Nathaniel Waisbrot
Poughkeepsie, NY
Vassar College student

MTC–00015608

From: kevin.r.taute@mail.sprint.com@inetgw

To: Microsoft ATR
Date: 1/23/02 9:38am
Subject: Microsoft Settlement

Dear Sir.

I am writing in regards to the announced settlement of the Microsoft antitrust lawsuit.

I have read that settlement does not provide for outside non-business entities access to the same provisions as business (for profit) entities. I believe this is incorrect and does not address the core issues of the case. There are many excellent programs and services provided by non-profit groups and/or organizations. Restricting the terms of the settlement to for profit businesses would limit or reduce the ability of the non-profit entities to provide inexpensive services and/or products to low-income or impoverished areas and people. Since Microsoft has billions in the bank, I am sure this does not concern them, but it does concern me.

Thank You
Kevin R. Taute

MTC–00015609

From: Scot Baird
To: Microsoft ATR
Date: 1/23/02 9:37am
Subject: Microsoft Settlement

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. As it stands, it would allow Microsoft to get a larger share of the K-12 education market which it has had a hard time doing. Instead of letting Microsoft provide their software (including operating system) to the education market they should have to provide the actual money and let the education industry decide what to do with it. They can still provide the hardware but cash instead of software would be a fair punishment.

The settlement as written allows and encourages significant anticompetitive practices to continue. The Microsoft settlement should not be adopted without substantial revision to address this problem.

Sincerely,
Scot Baird
Louisville, KY

MTC–00015610

From: Greg Kettmann
To: Microsoft ATR
Date: 1/23/02 9:37am
Subject: Microsoft Settlement

I would like to see strongly punitive action taken against Microsoft and there has been absolutely no indication the government is willing to do that.

Microsoft claims their right to ''innovate'' but this is an absurd statement. The result of their efforts is a dramatic reduction in innovation. Take Windows itself and the Graphical User Interface, that was not a Microsoft ''innovation'' it was stolen technology. This list goes on and on. The Microsoft philosophy of ''embrace and extend'' is a dangerous thing. They find someone elses innovation that they like. They incorporate it into their own product. Then they subtly change it. Their vast presence assures that their changes will be come the defacto standard and the original, truly innovative, company goes out of business, thus ending any further innovation. This method is being used in the browser space as well and it's critical that the web be built on open, not proprietary, standards.

The notion the Microsoft be punished by donating 1 billion in used computers and software is rediculous. ''Please don't throw me in the briar patch.'' They have 31 Billion Dollars of cash on hand. 1 Billion is insignificant to them. Even if 1 Billion mattered the idea of used equipment and their own software truly dilutes the effect. It gives them an opportunity to upgrade their own equipment and to promote their software. If I'm not mistaken Bill Gates himself has donated at least a Billion Dollars to schools already, clearly indicating that this is not a problem to them.

Finally, the API, or Application Programming Interface, of Windows must be truly open, as ordered in a previous trial. A standards body, built up of non-Microsoft professionals skilled in programming, should oversee the API implementations. This should help reduce planned API changes designed to disrupt the competition (As Microsoft did with IBM's OS/2). Furthermore any ''undocumented'' API's found to be used by Microsoft Products such as Office should be met with a heavy fine. Clearly such ability to use features of the OS unavailable to others gives Microsoft and unfair advantage.

MTC–00015611

From: Paul Larson
To: Microsoft ATR
Date: 1/23/02 9:38am
Subject: Microsoft Settlement

I believe that the current proposed settlement in the Microsoft Antitrust case would not effectively deal with Microsoft's anticompetitive behaviour. As a software engineer who has worked in the computer field for about 8 years, I have been a first hand witness to Microsoft's behaviour. I have no doubt that Microsoft has set back the computer industry countless years through their anticompetitive practices.

I tend to be of the opinion that splitting Microsoft 3 ways (or possibly more) is the best way to deal with the problem, while still allowing those companies that form from the breakup good, solid business oppotunities with competitors on equal footing. Although this would have been a win-win situation for Microsoft, its competitors, and especially the consumors, I have been sorry to hear that it was taken off the table for possibilities.

There are too many problems with this proposed settlement to list hear.

It doesn't punish them really, and in fact gives them better opportunity for worse anticompetitive practices in the future. It's no wonder that Microsoft is eager to accept this settlement. Either we can fix the problem now, and fix it right, or we will continually have to revisit these and more problems with Microsoft in the future. Please, for the sake of consumers and businesses alike, DO NOT accept the current settlement with Microsoft.

Sincerely,
Paul Larson

MTC–00015612

From: Jerry Heyman
To: Microsoft ATR
Date: 1/23/02 9:37am
Subject: Settlement objections

I'm a little confused here with the settlement. The judge ruled that Microsoft acted (and continues to act) in with a monopolistic nature, and none of the remedies proposed seem to punish/temper these behaviors.

First objection has to do with who Microsoft has to disclose the the information to (Section III.D): ISV, IHV, IAP, ICP, and OEM—where does it include the Open Software movement? The Samba project (www.samba.org) is he most successful Open Software compatibility product in the world, and based on the wording— they will not be able to get the necessary information to continue their compatibility.

Section III.H.3:

According to my reading, after 14 days, Microsoft can have the system revert to its pristine, Microsoft designed, interface with a simple query to the user. Does it also provide for a return back if the user uses the system for 14 days, decides to try Microsoft's version—and doesn't like it and wants to return to what they had when they first purchased the machine? Many people like to experiment—but they like to be able to go back to the original if the new doesn't meet their needs.

Section III.J.1:

Security issues. Since Microsoft itself cannot yet determine what parts of the Windows Operating System have security issues (see the latest MAJOR problem with Windows XP), how does this agreement stop Microsoft from making the security claim on almost any part of the Windows product?

Section V.B:

If Microsoft fails to live up to the agreement, the penalty is that they have to live with agreement for another two years? I'm confused—that is considered a penalty? If a felon is paroled, and violates parole, the parole isn't then extended for two more years—the individual goes back to prison. Why is this different?

Sincerely,
Jerrold Heyman

MTC–00015613

From:
bret.cullers@us.pwcglobal.com@inetgw
To: Microsoft ATR
Date: 1/23/02 9:46am
Subject: Microsoft Settlement

Dear Justices—

Previously, I have always been in Microsoft's corner of this debate as I have believed this suit was initially devised and supported by Sun Microsystems. However, after reading Scott Rosenberg's column in Salon.com about how well AMD and Intel have competed, I have changed my mind. It is time to force Microsoft to release the API's of its operating system. While it will complain that the API's constitiute its ''intellectual property'', I have now come to the point where I believe that's bunk. If Microsoft wants to focus its efforts on the best operating system (Windows), then split the company with all the software applications being a new company and let Windows concentrate on systems. However, if you leave the applications and the operating systems together, then I have to agree that Microsoft has a monopoly and the

marketplace will not be adequately served in the future by it remaining intact. Just one person's opinion.

Respectfully,

Bret Cullers

MTC–00015614

From: Darren Young
To: Microsoft ATR
Date: 1/23/02 9:38am
Subject: Microsoft Settlement

The proposed Microsoft settlement will only hurt the country and computer industry. They have not become a huge company from hard work but by cheating other companies and people. You can change history for the better.

Darren

MTC–00015615

From: Baker, Kevin
To: Microsoft ATR
Date: 1/23/02 9:39am
Subject: Microsoft Settlement

The proposed settlement does not adequately address the wrongs that Microsoft was convicted for.

Kevin Baker

MTC–00015616

From: Jason Gibson
To: Microsoft ATR
Date: 1/23/02 9:39am
Subject: Microsoft Settlement

The proposed settlement is insufficient. It does not correctly address the issues at hand.

MTC–00015617

From: Tim Wallace
To: Microsoft ATR
Date: 1/23/02 9:40am
Subject: Microsoft Settlement

I am against the proposed settlement of the DOJ suit against Microsoft. Although Microsoft claims that they have innovated, those of us more intimately aware of the truth are not fooled. In fact, they have squashed far more innovative competitors with the kind of illegal actions of which they have been found guilty. Even worse, they have lowered accepted standards of reliability greatly, with the result being tremendous loss of productivity internationally as their operating systems crash and are compromised by numerous viruses. Any settlement needs to prevent Microsoft from continuing on this path of anti-competitive behavior. The proposed settlement seems far too weak to accomplish this necessary goal.

Timothy P. Wallace, PhD
3 Hilda Rd.
Bedford, MA 01730

MTC–00015618

From: sawilson@sawilson.com@inetgw
To: Microsoft ATR
Date: 1/23/02 9:40am
Subject: Microsoft Settlement

Dear DOJ,

I think the proposed Microsoft Settlement is a travesty. With the recent news that Microsoft has cardboard kiosks in Posts Offices around the country, and that US Postal employees are actually helping promote their products, I can't help but think the large amount of soft money donations they've made has helped them purchase a slap on the hand. They are laughing at you, and this country. If I was the CEO of Microsoft, I'd be laughing at you.

Best Regards,

S.A.Wilson

The Digital Millennium Copyright Act in Plain English

http://pineight.evilpigeon.net/rant/dmca/

MTC–00015619

From: Gregory Slayton
To: Microsoft ATR
Date: 1/23/02 9:35am
Subject: Microsoft Settlement

Dear Judge:

I am very concerned about the proposed settlement that the Department of Justice has recommended in the Microsoft case. As a long-time industry veteran, it seems to me that MS has long established its reputation as an abusive monopolist—and the courts certainly agreed with this. Why should MS be left virtually scott-free to continue to abuse its defacto monopoly in Operating Systems? If you take a close look at their Passport concept it is very clear that they are planning to expand their monopoly well beyond the desktop but into every corner of the American economic system. While I don't blame them for trying to do this—they're just trying to maximize their millions (or should I say billions)...it is incumbant upon our government to protect its citizens and offer all competitors an open and level playing field. Thank you for your help in this important matter.

Sincerely,
B. Floyd
78247
4802 Roxton Ave
San Antonio, TX

MTC–00015620

From: Ernst, Ian (GEAE)
To: ''microsoft.atr@usdoj.gov''
Date: 1/23/02 9:39am
Subject: Microsoft Settlement

As a professional in the programming industry, and as a degreed computer scientist, I must comment on the anti-competitive actions of Microsoft. Repeated Microsoft has acted to thwart competition by leveraging it's various products in monopolistic ways which violate current laws. This practice has been, at times, creative and most certainly profitable. While this profit-taking, at the expense of the American public, has harmed them financially. The real damage has been committed on a fundamentally scientific level. Research into programming areas incompatible with Microsoft's operating system products is discouraged because of the barriers of entry to introduce products based on such research. Furthermore, Microsoft has proven that software quality is immaterial. Many times, they have release software which is clearly, and embarrassingly, lacking in even the most basic security features. Now that a significant portion of the infrastructure of American society is based upon these products, we are all at risk of the exploitation of these security flaws.

A fair settlement would:

1) repay the American public for their financial harm

2) allow the American public to access, modify and correct this essential part of our infrastructure (Windows operating systems, Windows Explorer and Windows office file formats) by publishing application interfaces (APIs) and source code for these products. Microsoft has worked diligently to assure that we use their products exclusively and have marginalized the profitability of those who compete with them.

Now, we must act to assure that our computing infrastructure is secure, stable and a foundation for our future society.

Sincerely,

Ian Ernst

Disclaimer:

I am speaking for myself and not my employer.

Ian Ernst
Ian.Ernst@ae.ge.com
GE Aircraft Engines
One Neumann Way MD–BBC7
Cincinnati, OH 45215–1988
Voice, Vmail 513 243 9226
Fax 513 243 8338

MTC–00015621

From: S. Vikram
To: Microsoft ATR
Date: 1/23/02 9:41am
Subject: Microsoft Settlement

Dear Sir,

I have been following the Microsoft Antitrust lawsuit from almost the beginning, and as a user who is well versed with both Windows as well as Unix systems, I didn't have much of a pre-conceived notion about the entire issue. I must say, however, that as I read through all the evidence presented at the trial (I actively followed the case), it became increasingly obvious to me that Microsoft had stifled innovation and the true entrepreneurial spirit. I was also convinced (by the clinical way in which they have constantly refused to do anything at all to correct their behaviour when it wasn't in their interest) that small companies with good ideas are doomed if a monopoly like Microsoft is allowed to persist. The latest settlement falls so short of curtailing their anti competetive behaviour, that I don't even know where to start. Having worked for long enough in the Silicon valley, I know the kind of thinking and the reasons behind the numerous lawsuits filed there for and against infringements of all kinds, as well as the reason why some of them are routinely flouted. Typically this occurs when the rewards are so much greater than the punishment for not complying with the law. I think in the present case, it is a foregone conclusion that the settlement is at best only a minor irritant, rather than a guide to good behaviour on the part of microsoft. I therefore request you to seriously reconsider the settlement, so that the true nature of innovation might not suffer.

yours sincerely,

S. Vikram.

MTC–00015622

From: CJ Kucera
To: Microsoft ATR
Date: 1/23/02 9:39am
Subject: Microsoft Settlement

To Whom it May Concern:

I am writing to express my displeasure at the current state of the proposed Microsft antitrust settlement. I feel that, in its current state, the settlement does not adequately address the problems of Microsoft's anticompetitive behavior. There are so many loopholes that it would be trivial for Microsoft to continue the kinds of activities that got it into this situation in the first place. Please consider this message to be a vote AGAINST the proposed settlement. Specifically, there are problems with the definition of ''API'' that render most of the propositions dealing with APIs to be useless. Microsoft uses licensing schemes to specifically restrict the use of Open Source systems, which is not addressed in the settlement at all. The problem of Microsoft using OEMs to conrol the market is addressed, but doesn't cover several avenues of activity that Microsoft could use to continue its behavior. The list goes on.

Thank you for taking the time to read this message.

Sincerely,
Christopher J. Kucera
pez@apocalyptech.com
Green Bay, WI

MTC–00015623

From: wmenzer@hushmail.com@inetgw
To: Microsoft ATR
Date: 1/23/02 9:41am
Subject: Microsoft Settlement

I am writing to give my comments on the Microsoft antitrust settlement. I believe this settlement is counter to the interests of the American public, deleterious to the American economy, and not adequate given the findings of fact in the trial.

Microsoft's anti-competitive practices are counter to the law and spirit of our free-enterprise system. These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation.

Microsoft's monopolistic practices cause the public to bear increased costs and deny them the products of the innovation which would otherwise be stimulated through competition. The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future.

It is my belief that a very strong set of structures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function.

Thank you for your time.

MTC–00015624

From: Jon Reades
To: Microsoft ATR
Date: 1/23/02 9:37am
Subject: Microsoft Settlement

To Whom It May Concern,

I am writing to express my concern over the proposed terms of settlement for the Microsoft antitrust trial. Based on my understanding of the proposed terms of settlement, it seems clear to me that Microsoft will remain to free to both stamp out competition and extend its existing monopoly into new software segments. My objections to the current proposed settlement fall into three broad categories:

1. Disclosure of existing APIs: the API disclosure terms appear to create financial and IP barriers that will prevent developers for what is currently Microsoft's *only* viable competition on the Intel platform (I speak, obviously, of the Linux operating system) from developing applications and products that are able to compete with Microsoft's own. The definition of Middleware and Middleware Product allow Microsoft not only to arbitrarily evade the intent of the disclosure agreement through the use of alternate distribution channels (e.g. downloading) and restrictive EULAs (such as the ones that do not allow Microsoft products to be used either a) on a non-Microsoft platform, or b) in conjunction with open source or shared source software products), but it also neglects to include the key underpinnings of Microsoft's extant monopoly maintained in large part through products such as Office and Outlook.

2. Disclosure of new APIs: the settlement would also do nothing to keep Microsoft from extending its Windows monopoly into new arenas via both its .NET initiative and its handheld and tablet-based computing initiatives. None of these are covered by the terms of the settlement, but it is clear from Microsoft's own marketing that they consider these areas to be crucial to their long term strategy.

If Microsoft comes to dominate the market for Internet-based services then not only will we have an important piece of the public infrastructure that is, again, dominated by a single corporation instead of a large body of competing companies cooperating through the auspices of a standards setting body, but it will be a piece of infrastructure bound to a single platform and operating system that has consistently demonstrated its disregard for both interoperability and security (see: Code Red, I Love You, Nimda ...).

3. Licensing terms: the proposed settlement does nothing to protect anyone other than the largest 20 OEMs from retaliatory methods by Microsoft— schools, state and local governments, mid- to large-size companies, and so on down.

Nothing prevents Microsoft from insisting that these bodies pay for the number of processors that theoretically *could* run Windows, nor from creating pricing schemes that lock out competing operating systems (such as has already been documented by Microsoft's new licensing terms in which the primary means of securing their best pricing schema is to promise never to use another operating system).

In addition, Microsoft would be able to construct pricing mechanisms that, while not directly affecting the pricing of Windows, would create incentives for OEMs to not supply additional OS options to consumers—discounts could be applied on the basis of sales of a different product such as Office (again!) or their Tablet OS.

In short, I strongly urge the U.S. government to return to the negotiating table with a more stringent and coherent set of demands that will force Microsoft to open their operating system to competitors (who might work for corporations such as Sun or Apple, or who might be involved in the open source movement) in a way that will foster competition *not* through cosmetic changes (adding or removing icons from the desktop, for instance) but through interoperability that enables both non-Microsoft applications to interact effectively (i.e. to have the same access to the API as the MS applications teams) with the Windows OS, and non-Microsoft operating systems to interact effectively with Microsoft applications.

I am not proposing that Microsoft be forced to give away Word, Excel, or Visio (each of which does certain things very well), but I am proposing that they be forced to both a) make available the file formats of these industry-leading applications in a way that would enable competitors to arise, and b) that the APIs be published in a way that would enable competitors to support these applications on their own operating system implementations. Then, Microsoft would be forced to have both its applications and its operating system compete on their own merits (they're faster, more stable, respond more quickly, etc.) rather than on the basis of ''Well, we really don't have any other choice since everyone else uses ...'' Unless the proposed settlement is significantly strengthened I would predict that in less than ten years we'll be reading about another Microsoft anti-trust trial in the news, but by that time it will be too late to create competition in *any* of the fields that really matter.

Sincerely,
jon reades

MTC–00015625

From: Corey Dubin
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 9:39am
Subject: Microsoft Settlement

To Whom it may concern:

I do not believe the proposed settlement of the Microsoft antitrust lawsuit will be effective. The main reason I feel this way is because of the restriction the Proposed Final Judgment places on the use of released documentation. What I mean specifically is that if I am trying to write a piece of code to be compatible or to emulate certain Windows functionality I am not allowed to use the information Microsoft releases as part of the settlement. Now how is this helpful to encourage competition? Furthermore it seems to me that it would necessitate a split between developer teams working on Microsoft solutions and the team working on non-Microsoft solutions. In effect this to me seems like retaliation against companies developing for non-Microsoft solutions. Because of this Microsoft will continue it monopolistic behavior.

Corey Dubin
Network Administrator
Hyper Active, inc.
6221 Riverside Drive
Dublin, OH 43017

MTC–00015626

From: David Harris
To: Microsoft ATR

Date: 1/23/02 9:39am
Subject: Microsoft Settlement

To whom it may concern:

I am concerned that the tentative settlement between the DOJ and Microsoft, in its current form, is not going to be sufficient to keep Microsoft from continuing its abuses of monopoly power.

See http://www.kegel.com/remedy/remedy2.html for a list of concerns with this proposed settlement; I believe it raises some excellent points which merit review.

Yours,
David Harris
phred@io.com
5005 W. Frances Pl
Austin, TX 78731

MTC–00015627

From: Leif
To: Microsoft ATR
Date: 1/23/02 9:42am
Subject: Microsoft Settlement

The current settlement seems not to make adequate reparations to those competitors damaged by Microsoft's business practices. Furthermore, (and worse, in my mind), the settlement makes no significant provisions to prevent similar behavior in the future. This is short-sighted, to say the least.

As it stands, the settlement proposal is very disappointing, and I would encourage its rejection.

Leif Brown
2910 Hampton Road
Austin, Texas 78705–3210

MTC–00015628

From: mary.atkisson@tufts.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 9:41am
Subject: Microsoft Settlement

To whom it may concern:

I am writing to protest the current propsed settlement of the Microsoft antitrust case. This is a bad deal for the consumer and for the software industry.

In specific, I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundred, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices. Neither does this settlement further the goal of preventing similar abuses in the future. Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Sincerely,
Mary S. AtKisson
590 Main Street
Millis MA 02054

MTC–00015629

From: Mark Lenz
To: Microsoft ATR
Date: 1/23/02 9:42am
Subject: Microsoft Settlement

I have read over the proposed Microsoft Settlement, and am NOT in favor of it, in its current state. The settlement does not, in any way, penalize Microsoft for its past infringements of the law. Microsoft has been declared guilty of past wrongs, and must now be held accountable in some measure. The current proposed settlement is unacceptable. Thank you for your time.

Sincerely,
Mark Lenz
2114 South Schaefer Street
Apartment 1
Appleton, Wisconsin 54915

MTC–00015630

From: Tom Janofsky
To: Microsoft ATR
Date: 1/23/02 9:40am
Subject: Microsoft Settlement

As a small business owner in the software development field, I am writing to you to express my opposition to the proprosed Microsoft settlement. I don't believe that the penalties imposed provide enough punishment in regards to illegal acts commited, nor do I think that the proposed remedy provides a strong enough deterent for future illegal behavior.

Thank you.
Sincerely,
Tom Janofsky
Tom Janofsky Consulting
880 N Bucknell St
Philadelphia PA 19130
tom@tomjanofsky.com

MTC–00015631

From: Dale Mensch
To: Microsoft ATR
Date: 1/23/02 9:40am
Subject: Microsoft Settlement

I am opposed to the proposed DOJ settlement because there appears to be no protection from past Microsoft practices that could harm Linux and other open source projects. I rely on this software for my consulting business and greatly fear that they will become difficult or impossible if Microsoft continues in the business fashion that started the antitrust proceedings.

Thank you for your time.

MTC–00015632

From: Jeff None
To: Microsoft ATR
Date: 1/23/02 9:42am
Subject: Microsoft Settlement

Regarding the Microsoft settlement, I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundred, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices. Also, Microsoft has used its dominence to interfer with software that has been legally installed on its customer's machines. It was an axiom in the early 1990s that ''DOS was not done until Lotus would not run.'' Microsoft also used its install programs to interfer with other operating system installs on the computer. I have personally experienced this with DR DOS and IBM's OS/2.

Similar to the settlement against AT&T, Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level (40%, for example, assuming one of it's competitors is now also at 40%). This must be true for all Microsoft product lines, before regulation is lifted.

Microsoft needs to be split into at least two separate companies, with all technical communication between the two taking placed through publically available documentation, to insure that it no longer takes advantage of undocumented programming features that are not readily available to its competitors. Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition. Microsoft entered into a consent decree with the DoJ in, I believe, 1993, and prompty violated the terms of the decree and suffered no penalty for doing so. It is clear that the company has little regard for legal restrictions upon its behaviour, or for the governmental bodies charged with ensuring that compliance.

Microsoft's abuse of its position has harmed the entire computing industry. Prices are higher and competing alternatives are fewer. I say this as a professional programmer with more than 12 year's industry experience. I do no tmind seeing products and companies disappear due to mismanagement and such, but it distresses me when it is due to abusive and illegal practices of a dominent firm.

Thank you for your time.

MTC–00015633

From: Tod Milam
To: Microsoft ATR
Date: 1/23/02 9:43am
Subject: Microsoft Settlement

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement.

I do not believe the measures are strong enough to encourage competition and prevent Microsoft from continuing their anti-competitive practices. One specific example is in section III.2:

''shipping a Personal Computer that (a) includes both a Windows Operating System Product and a non-Microsoft Operating System, or (b) will boot with more than one Operating System; or'' where Microsoft is to be prevented from retaliating against OEMs who ship non-Microsoft Operating Systems in addition to Windows Operating Systems.

As written, this does not stop Microsoft from retaliating against an OEM who ships some Personal Computers with Windows Operating Systems and some other Personal Computers with a single non-Microsoft Operating System. The wording is too restrictive. Any OEM who wants to ship a Windows Operating System with any of their Personal Computers to ship it with *all* of their Personal Computers so that they avoid any retaliation by Microsoft. This completely undermines the original intent of the settlement.

There are many more similar items in the settlement, but even one should be enough to stop this from being accepted as the final settlement.

Sincerely,
Tod Milam
Software Engineer

League City, Texas

MTC–00015634

From: Arnold Hayden
To: Microsoft ATR
Date: 1/23/02 9:43am
Subject: Microsoft Settlement

To whom it may concern,

In regards to the proposed settlement of the US vs. Microsoft antitrust settlement, I believe that it is NOT in the best interest of our nation to go forward with the settlement. I believe that the settlement does nothing to correct the case that was proven against Microsoft. The settlement weakly puts into place safeguards that try to prevent further abuse. These safeguards are so weak and easily manipulated that Microsoft could litigate any possible opposition it wanted into the ground until stopping any infringement was too late. If an oversite committee has any way of enforcing any settlement against Microsoft, it needs real power.

Furthermore, the settlement does nothing to restitute the victims of Microsoft's actions. The net worth of Microsoft, including their 30 someodd billion dollars in liquid funds, is all blood money. This is a company that was built by unlawfully bullying other companies out of a market. Careers and lives were destroyed over the abuses that were upheald against Microsofts, and these wrongs should not go uncorrected any longer. Allowing such restitutions up to the civil courts only allows Microsoft to use their political and financial power, most of which was built upon lies and felonies, to be used to rob the victims once more. I ask for a complete re-evaluation of the proposed settlement. Microsoft must be held accountable for their actions. Microsoft has already violated my trust. Hopefully the Department of Justice and the Supreme Court won't do the same.

Arnold Hayden
Computer Science undergraduate
University of Texas at Austin

MTC–00015635

From: Ben Laakso
To: Microsoft ATR
Date: 1/23/02 9:43am
Subject: Microsoft Settlement

I believe that the proposed settlement is a bad idea, and gives big business the wrong idea.

ben

MTC–00015636

From: Immordino, Sam
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 9:43am
Subject: Microsoft Settlement

I feel the current proposed settlement is a bad idea. I have no affiliation with any of the players in the case. As a consumer I have spent many long nights trying to make software such as Quattro Pro, Lotus, and others work in MS Windows. It was blatantly obvious to me that Microsoft was not going out of its way to make sure these competitive programs worked in its OS. The solution to this problem is very simple.

First, Microsoft should not be allowed to incorporate/bundle any software into its OS that is not absolutely necessary to operate the computer. Any other software packages such as Virus Protection, Firewalls, Browsers, Music Players, etc should be sold separately. Microsoft still gets to innovate and the consumers can choose what they want added to their OS. Second, Microsoft should not be allowed to include any code that either directly or indirectly prevents competitive software from working with their OS. Third, Microsoft should not be allowed to create proprietary file formats for the sole purpose of maintaining their market share; this behavior does not benefit the consumer.

Best Regards,
Sam Immordino
USG Corp. Research and Technology Center
700 North Highway 45
Libertyville, IL 60048–1296
Tel: (847) 970–5140
Fax: (847) 970–5299
email: simmordino@usg.com

MTC–00015637

From: Steve Anichini
To: Microsoft ATR
Date: 1/23/02 9:43am
Subject: Microsoft Settlement

I've been a professional software engineer for 8 years, and by professional necessity I am very familiar with Microsoft's actions over that period. I feel that when Microsoft relies soley on its technical prowress to compete, it helps the industry. The fact is too often Microsoft falls upon questionable legal and business tactics, and this hurts the industry. I feel the proposed settlement does not go far enough to deal with the latter. Specific issues that have affected me and the companies I've worked for: Microsoft discriminates against ISVs who ship Open Source applications: the following license terms accompany many Microsoft APIs and programming toolkits (for example, the Microsoft Platform SDK, the Microsoft Windows Media Encoder SDK, and the Microsoft X-Box SDK): ''... you shall not distribute the REDISTRIBUTABLE COMPONENT in conjunction with any Publicly Available Software. ''Publicly Available Software'' means each of (i) any software that contains, or is derived in any manner (in whole or in part) from, any software that is distributed as free software, open source software (e.g. Linux) or similar licensing or distribution models ... Publicly Available Software includes, without limitation, software licensed or distributed under any of the following licenses or distribution models, or licenses or distribution models similar to any of the following: GNU's General Public License (GPL) or Lesser/Library GPL (LGPL); The Artistic License (e.g., PERL); the Mozilla Public License; the Netscape Public License; the Sun Community Source License (SCSL); ...'' This language, whether or not it actually prohibits the use of Open Source software with various Windows components, produces a chilling effect with the various corporate legal departments of companies I've worked for—they don't want to take the risk of a lawsuit and just blanket prohibit using Open Source.

When working for a company that was entering a business relationship directly with Microsoft, we were told straight out that the product we were developing could not include any Open Source technology and it could not use Sun's Java technology. Microsoft was just one of the many partners we worked with, and Open Source and Java were key elements of the technology we were working with. Removing these elements would have caused great expense to the company without compensation. As a result, the part of the deal which dependend on Java (an interactive CD–ROM product) was cancelled. The company in question laid off 95% of its staff soon after.

I think Microsoft should be prohibited from discouraging/prohibiting use of competitor's products with Microsoft's products.

I think that the settlement needs to be expanded to force Microsoft to give up all its Windows APIs and file formats (Word, Excel) to some standardizing body. Patents that these technologies depend upon should be freely licensible. These formats and APIs should become public property—when this happens, competition can emerge for things such as Office on a more level playing field. Microsoft will still remain competitive in such an environment, but this will allow others to use this information to compete with Microsoft and keep it honest.

Steve Anichini

MTC–00015638

From: chris@chris-133.krsonline.com@inetgw
To: Microsoft ATR
Date: 1/23/02 9:44am
Subject: Microsoft Settlement

I would just like to say that the settlement offered by the 9 states and the DOJ is wholly inadequate to solve the Monopoly Microsoft holds on the software market. Unless there is something done to level the playing field and penalize Microsoft for what it has unlawful gained, then what is the whole point of this trail? Nothing in that settlement accomplished this. I do feel the remaining 9 states settlement offer is a more substantial remedy.

Rather than go into great detail, I refer to the following articles, which I feel speak from my personal perspective:

http://www.cptech.org/at/ms/rnjl2kollarkotellynov501.html

http://www.gnu.org/philosophy/microsoft-antitrust.html

Thanks
Chris Davis

MTC–00015639

From: John Lusk
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 9:46am
Subject: Microsoft Settlement

The proposed final judgement is too lenient; Microsoft will not be prevented from unfairly using its monopoly position to stifle competition.

For open-source software (free software), the price of distributing that software will be determined by accumulated license fees, which can add up fast. This helps Microsoft by effectively raising the price of competing software.

More of Microsoft's APIs, protocols and file formats should be opened, royalty-free.

You should REJECT the proposed final judgement.

Thank you.

John Lusk

(jlusk4@yahoo.com <mailto:jlusk4@yahoo.com> , john.lusk@canopysystems.com <mailto:john.lusk@canopysystems.com>)

MTC–00015640

From: May, David (DW)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 9:44am
Subject: Microsoft Settlement

The settlement as is is completely wrong. Many people's lives were RUINED because of Microsoft's actions. By one company's action, the progress in computer technology has been set back by generations. They should be required to pay something.

Regards,

David W. May

maydw@dow.com

Office: 713–647–4302

Cell: 713–480–5579

Fax: 713–647–4521

MTC–00015641

From: JSchwegler@tnstelecoms.com@inetgw
To: Microsoft ATR
Date: 1/23/02 9:44am
Subject: Microsoft Settlement

To whom it may concern:

The proposed Microsoft settlement is poorly thought out result of years of litigation by the US government, that will do little if anything to modify the company's past flagrant behavior in violation of federal antitrust regulations.

The purpose of antitrust remedies is to allow competition to flourish in a marketplace. Consider three components that comprise significant barriers to effective competition in the US operating system marketplace, which I will discuss below:

1. Compatible file formats.
2. Application availability/compatibility.
3. Network level interoperability.

Compatible file formats

Due to the dual lock Microsoft has on the market for both the operating system and office software, their file formats are used as standards for interchange of data. This is both internal to a company, and for interchange between companies.

Even if a company is willing to change its internal file formats (itself a major expense), it must still be able to communicate and exchange data with other companies. This is a severe lock-in which produces very strong resistance to change.

If Microsoft was required to publish complete and correct file formats for its software products, it would contribute to a significant lowering of the barrier to competition (but not sufficient of itself, see below). This matter is not addressed effectively by anything in the proposed settlement.

Application level compatibility

Consider a company that had sufficient skill available to develop an operating system in competition with Microsoft, perhaps based off of a base set of source code that is commonly available. It develops a set of user interfaces that, while not identical to the Microsoft equivalents, is close enough to shorten the learning curve for new users.

That in itself is a significant piece of work. However, it is not sufficient because most of the use of an operating system is to run applications that allow users to get their daily work done. Providing a set of run-alike applications is an unreasonable burden on a company attempting to compete on the operating system level.

If the company had enough information to ensure that applications written for another operating system would run on the new operating system, then this would allow users to contemplate switching while still retaining the applications they are familiar with.

Application level interoperability requires compatibility in the application programming interfaces (APIs) provided to application programmers by the operating system. While the proposed settlement does provide for release of some APIs, the wording of the settlement and loopholes provided make it insufficient to ensure complete, correct, and timely publishing of APIs.

Network level interoperability

Few companies will carry out a major migration project at the level of replacing the operating system on every computer used in the company. This makes it very important that a new operating system be able to communicate effectively with any incumbent operating system, on matters such as identification, authentication, and data transfer.

The proposed settlement does require that network protocols be release to allow system interoperability, but with the large loophole that security or copy protection be excluded. Correct security implementations do not depend upon details of the algorithms involved (consider past and upcoming federal encryption standards). Instead security is maintained using one of a number of varieties of secret data, which are individual to a particular system or network, and not provided by Microsoft.

The language of the proposal could allow Microsoft to hold back important parts of their network protocols under the security provision, denying other operating systems access to identification and/or authentication by the protocols in use on a network primarily populated by systems (especially servers) running Microsoft operating systems and network protocols.

The settlement should provide severe restrictions on what type of protocol information Microsoft may not release, and that should not be anything as general as ''security information''.

In summary, the proposed settlement will do little to restrict Microsoft's behavior, or to encourage effective competition in the US operating system marketplace. Microsoft has repeatedly demonstrated that it will do anything necessary to dominate its marketplace, including violation of US law. If the settlement is not effective, then the company will have little reason to comply with US law in the future, as it will appear that the cost of violating the law does not exceed the benefits of maintaining and extending their monopoly.

Sincerely,

John Schwegler

email: jschwegler@tnstelecoms.com

MTC–00015642

From: Alen Peacock
To: Microsoft ATR
Date: 1/23/02 9:44am
Subject: Microsoft Settlement

I'd just like to add my voice to those expressing concerns regarding the proposed Microsoft settlement, as per the Tunney Act.

I am against the proposed settlement.

The proposed settlement:

1) does not contain sufficiently defined language to prevent Microsoft from exploiting those definitions (''API'', ''Microsoft Middleware'', etc).

2) does nothing to give redress to Microsoft's current main competitor, namely Linux and other free software, nor does it give appropriate protection or means of recourse to companies built around free software against Microsoft's continuing anti-competitive practices.

3) provides insufficient stimulus for Microsoft to comply with the current, flawed settlement, and in fact gives Microsoft further advantage against competitors even if they don't comply.

For these and a host of other reasons, I encourage the court and the parties involved to rethink the proposed settlement. Microsoft has been found guilty. Justice requires that a fair price be paid.

Alen Peacock

Billerica, Massachusetts

MTC–00015643

From: Aaron Luttman
To: Microsoft ATR
Date: 1/23/02 9:47am
Subject: Microsoft Settlement

Greetings and Salutations,

I am opposed to the proposed Microsoft settlement for two simple reasons. The first is that is does nothing to rectify the situation. In fact, if Microsoft is required to donate software, the justice department will actually be INCREASING THEIR CLIENT BASE. That is supposed to curb unfair competition?

Secondly, it does nothing to punish them. It INCREASES THEIR CLIENT BASE. That is GREAT news for Microsoft. They will more than make up the cost of giving away their software when they sell the upgrades that the schools will need.

I think that the ''Red Hat Proposal'' is best. Require Microsoft to furnish hardware to schools, and let Red Hat supply the software (which is open source and therefore FREE anyway). That way schools will be able to upgrade at will to keep up with the times, without worrying about having to pay for the upgrades.

Aaron Luttman

MTC–00015644

From: Brad Hoyle
To: Microsoft ATR
Date: 1/23/02 9:44am
Subject: Microsoft Settlement

Microsoft is still up to its old tricks and doesn't intend on letting any company deliver an innovative competitive product. Take in point the legal action Microsoft has taken against Linux distributor ''Lindows''.

This product is using an open source operating system that could run some Microsoft applications. Microsoft is arguing based on trade mark infringement and I cant tell for the life of me how they can justify this. I admit that Windows and Lindows rhyme but that's it. If your a user that cant discern the difference between the two you most likely do not use a PC at all. I want more choice! I want more software security! Its up to the Federal Government to make this happen.

Than You
Brad Hoyle

MTC–00015645

From: Shad Gregory
To: Microsoft ATR
Date: 1/23/02 6:43am
Subject: Microsoft Settlement

To whom it may concern:

I feel that the proposed Microsoft settlement is does not do enough to protect the public interest and competition in the IT market. In particular, I feel that it is critical to force MS to share information concerning the Windows family of operating systems. A fair settlement would induce Microsoft to license it's Windows code to outside companies under fair conditions set by the govenment. This will allow consumers a wider choice for operating systems as well as acting as a check on Microsoft's attempts to force unfair licensing practices on its customers.

Whatever the remedies proposed, they will be meaningless if the government is not given the ability to punish Microsoft if they do not conform to the settlement. I see little in the settlement in the way of punitive measures.

Thank you for your time,
Shad Gregory

MTC–00015646

From: Brian Mason
To: Microsoft ATR
Date: 1/23/02 9:44am
Subject: Microsoft Settlement

To Whom it May Concern,

I am truly concerned about the proposed settlement in the current Microsoft anti-trust case. As a professional web developer I deal daily with high tech and the business environment, and am appalled at the lack of choice in the current desktop environment. Not only is the current situation not competitive, but the future of many new niches in the industry are in the sway due to Microsoft's new drive to bundle technology with Windows XP. I have purchased Windows XP, not because I feel it is a good product or because I want to support a company who makes good software, but because of Microsoft's desktop monopoly it is the product I will have to develop for in the future. The range of bundled Microsoft products, and the blatantly misleading and repetitive ''suggestions'' to sign up for further Microsoft services is absolutely amazing, and honestly leaves me more than a little concerned for the future of choice in personal computing. If given the opportunity Microsoft will leverage their current desktop monopoly to extend this reach into every high tech field they see as being potentially profitable in the future.

The settlement as proposed by the DOJ at this point does nothing to actively stop Microsoft from anti-competitive behavior in the future, and seem to lack any real way to hold Microsoft accountable for their actions. Any ruling must look not only to the past but to the future—Windows XP and beyond. Without very strict and enforceable regulations guiding the behavior of this acknowledged monopolist, the American people will have even less choice than they do now. I appeal to you as an American citizen to allow competition to flourish—please do not allow this settlement to go through.

Sincerely,
Brian Mason
Image Mason Design
P.O. Box 174
Hinesburg, VT 05461
(802) 482–6740
info@imagemason.com

MTC–00015647

From: Ed Ackerman
To: Microsoft ATR
Date: 1/23/02 9:45am
Subject: Microsoft Settlement

Regarding the Microsoft settlement, I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundred, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices.

Similar to the settlement against AT&T, Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level (40%, for example, assuming one of it's competitors is now also at 40%). This must be true for all Microsoft product lines, before regulation is lifted.

Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Ed Ackerman
ed.ackerman@films.com
CC:edack@films.com@inetgw

MTC–00015648

From: Mike S.
To: Microsoft ATR
Date: 1/23/02 9:41am
Subject: Microsoft Settlement

As a user of an alternative operating system I believe I am among those who have the most to lose if Microsoft is allowed to continue their anti-competitive practices.

The settlement, as proposed, is worded in such a way that gives Microsoft many opportunities to circumvent any barriers placed on their business practices. Microsoft has done this once before with the 1995 consent decree and based on their attitude throughout these legal proceedings I have no doubt that they will do it again.

Microsoft must not be allowed to continue using their monopoly power to create pseudo standards based only on the fact that anything they do is rapidly distributed to 95% of the computing populace.

Open Standards must be maintained in order to allow people, like myself and the millions of other non-Windows OS users, to have access to the latest technologies and software applications.

Please do not let Microsoft leave with only their word and a loophole laden document to ensure they will change their ways, doing so would be a travesty of justice in this citizens eyes.

Michael Silverman
Plantation, FL

MTC–00015649

From: Harlan Rosenthal
To: Microsoft ATR
Date: 1/23/02 9:46am
Subject: Microsoft Settlement: Too Many Loopholes
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Ms. Hesse:

I am a computer programmer with 22 years of experience in the field, using both Microsoft and non-Microsoft products. In the past few months I have read numerous documents and discussions of the proposed settlement of the Microsoft antitrust case. My reaction is simple:

This settlement is too lenient, and is too easy for Microsoft to escape.

My personal focus is standards. Microsoft has a history of ''embrace and extend'' which renders industry standards useless, and renders any product which actually conforms to the standard similarly useless. In the physical world, people would never buy a product that was nonstandard; would anyone buy a battery that was too short, or a light bulb with a different base? And how often would people change their light sockets? However, with software that is (a) not clearly understood by most people, (b) easily updated yet difficult to revert, and (c) updated ''automatically'' rather than through user understanding and selection, Microsoft has been able to make it appear that their unilateral changes to the standards constitute a new ''de facto'' standard *without* sharing that information either before *or* after the fact.

A simple and well-known example: Microsoft made their web browser accept forward slashes mixed with backward slashes in a particular command, where the standard calls for only one or the other. They said this was an enhancement permitting handling of ''incorrect'' pages; they even made the browser display the original text ''corrected'' if one asked to view the source. Then the next release of their web development tools used mixed slashes in that command. Of course, the pages produced worked fine with the Microsoft browser, but would fail on any other browser. And when users and developers tried to view the source, IT LOOKED CORRECT due to the browser change, even though it failed to comply with the standard. So not only did they break the rules, they DELIBERATELY CONCEALED that breaking of rules, in a way calculated to make other products seem to be at fault. As

I understand the settlement, all Microsoft has to do to escape its terms is change their nomenclature and/or numbering scheme and announce something as a ''new and improved product'', and it will be exempt from the restrictions on ''existing and previous'' products. This is much too weak. They also get to continue weaving applications and operating system together into one big morass, which lowers the quality and generality of both. The industry needs something more like the consent decree placed on IBM years ago, forcing complete separation of the operating system and applications development.

Truly yours,
Harlan Rosenthal

MTC–00015650

From: Larry Norris
To: Microsoft ATR
Date: 1/23/02 9:46am
Subject: Microsoft Settlement

The settlement with Microsoft is not only a bad idea, it could possibly make the situation even worse. Letting Microsoft get off the hook buy letting them further spread their monopoly (giving away copies to schools) is stupid.

An actual settlement would involve something Microsoft would have to do that would benefit their competitors, not them. Microsoft has and is still acting like a monopoly (just try and get a computer from Dell, Gateways, etc.. without Windows). They have done severe damage to the computer industry and the penalty must in turn, be severe.

MTC–00015651

From: Thaddeus J. Beier
To: Microsoft ATR
Date: 1/23/02 9:45am
Subject: Microsoft Settlement

Dear Sir,

I've made my life writing computer applications for the last twenty-five years, and feel that I have to comment on the proposed settlement between the Department of Justice, several of the states, and Microsoft. It must not stand. I was very encouraged to see Judge Jackson's findings of fact and findings of law. While I wish that he had emphasized the Netscape aspect of the case a little more fully, it was clear that Judge Jackson found that Microsoft had violated the law, repeatedly, and without remorse—to the significant cost of the American people. As you no doubt know, these findings of fact and findings of law are still in place, Microsoft's appeal of these findings has failed utterly.

The proposed settlement before you is, simply, a travesty. It does nothing, or next to nothing, to ameliorate the massive abrogations of the antitrust laws that Microsoft perpetrated over the last few years, since the previous agreement with the Justice Department was made. Microsoft has in the past, and will undoubtably in the future, bent any agreement to the point where it has no meaning or restraint whatsoever.

Any agreement between the government and Microsoft should be exceptionally clear, forthright, and unambiguous. While many feel that Judge Jackson's proposed remedy of splitting the company in two was too radical, I disagree. It is unambigous and clear, and no amount of legal hair-splitting would prevent that agreement from having the desired effect.

This desired effect is to prevent Microsoft from abusing its monopoly in Operating Systems to infiltrate and dominate other markets. This must be done, one way or another.

Please reject the current settlement. Allow the case to go to trial. Let a judge make the final verdict, in the best interests of the people of the United States, and with due respect to her laws.

Thaddeus Beier
Hammerhead Productions
January 23, 2002

MTC–00015652

From: Niall Walsh
To: Microsoft ATR
Date: 1/23/02 9:42am
Subject: Do drug dealers have to give free hits (for a while) to kids as a settlement? So why MS?

It is completely insane to allow any aspect of a settlement against Microsoft to allow them to strengthen their monopoly! Please insist that no aspect of the settlement involves anyone acquiring copies of Microsoft products. If any aspect of the settlement is to have a monetary value it should actually be cash with which the benefactors can choose what to do with it. To allow MS to supply (for example) 20 time limited copies of their software to a school is like accepting a settlement with a drug dealer which says he will give the first 20 hits for free to school kids! The settltement is meant to redress the imbalance created by the abusive monopoly OR punish the abusive monopolists, not to re-enforce their position.

Niall

MTC–00015653

From: Benjamin M. Hill 99
To: Microsoft ATR
Date: 1/23/02 9:45am
Subject: Microsoft Settlement

The proposed settlement is very poorly thought out. Microsoft will continue to strangle competition. the only settlement that would remedy the problem, in my opinion, would be to separate Microsoft into OS, Office, and .Net sections, all of which must publish fully open specifications between them.

MTC–00015654

From: Jonathan Vota
To: Microsoft ATR
Date: 1/23/02 9:45am
Subject: MS Settlement

The proposed settlement isn't enough. We need to go further. Microsoft needs to join the free world and should open source it's code for the rest of the world to develop.

MTC–00015655

From: Davin Carten
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 9:40am
Subject: Microsoft Settlement

I won't list my arguements here (the list is too long, and I'm not certain the content of this e-mail will be read), but having followed the case I feel the SETTLEMENT IS NOT ACCEPTABLE. BTW, I own 20 shares of Microsoft stock, and that is the only stock I own that is not in a mutual fund. I should be biased toward MS, but even owning their stock I consider them a threat to the long-term well-being of our country.

Davin Carten
Partner
FG SQUARED
Austin, TX
78701

MTC–00015656

From: Michael Challis
To: Microsoft ATR
Date: 1/23/02 9:08am
Subject: Microsoft Settlement

I think the proposed settlement is shameful. As long as Microsoft can continue to leverage its monopoly to gain unfair advantage in all the arenas it competes in, I will think our government and system of justice is full of empty words but no rightful action. I believe the correct remedy would have been to split Microsoft into three companies. One for operating systems (Windows), one for applications (Office) and one for services (Internet, .NET, consulting and etc.) Then Microsoft couldn't leverage their monopoly in the first two to dominate the third. Please reconsider and do the right thing for America.

Michael Challis

MTC–00015657

From: Sebastian Szyszka
To: Microsoft ATR
Date: 1/23/02 9:42am
Subject: Microsoft Settlement

To whom it may concern,

I feel the proposed antitrust settlement between Microsoft, Inc. and the U.S. Department of Justice is not the right way to go. The last thing we want is to give a company (Microsoft) that has been deemed guilty of anticompetitive practices an even larger stranglehold on the market by contributing software for ''free.'' It doesn't make sense to me to give Microsoft an even larger market share as a punishment for doing unfair things to other companies to gain market share. We should be looking at alternatives. Make Microsoft provide the hardware, and use Linux, a free, stable, secure and public Operating System. Or even make Microsoft purchase Macintoshes instead. No one but Microsoft will benefit from more installed Microsoft software.

Thank you very much for your time.
Sebastian D. Szyszka
Roselle, IL

MTC–00015658

From: John Lusk
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 9:47am
Subject: Microsoft Settlement

Oh, one thing I forgot to mention in my previous email urging you to REJECT the PFJ: you have a lot of mail encouraged by Microsoft urging the opposite. Please bear in mind that corporate email is probably circulating constantly at Microsoft, encourage employees to send you email.

John Lusk.

MTC–00015659

From: Lindell, Thomas
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 9:47am
Subject: Microsoft Settlement
My Sentiments exactly
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, i wish to comment on the proposed Microsoft settlement. We agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html <http://www.kegel.com/remedy/remedy2.html>), namely:

The PFJ doesn't take into account Windows-compatible competing operating systems

Microsoft <http://www.kegel.com/remedy/remedy2.html#abe> increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

The PFJ <http://www.kegel.com/remedy/remedy2.html#def.a> supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

The PFJ <http://www.kegel.com/remedy/remedy2.html#def.j> supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

The PFJ allows <http://www.kegel.com/remedy/remedy2.html#def.k> users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

The PFJ <http://www.kegel.com/remedy/remedy2.html#def.u> supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertized as being ''Windows Powered''.

The <http://www.kegel.com/remedy/remedy2.html#info.requirements> PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

The PFJ <http://www.kegel.com/remedy/remedy2.html#info.timing> requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

The PFJ <http://www.kegel.com/remedy/remedy2.html#info.use> requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

The PFJ <http://www.kegel.com/remedy/remedy2.html#info.formats> does not require Microsoft to release documentation about the format of Microsoft Office documents.

The PFJ <http://www.kegel.com/remedy/remedy2.html#info.patents> does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

Microsoft <http://www.kegel.com/remedy/remedy2.html#isv.oss> currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

Microsoft <http://www.kegel.com/remedy/remedy2.html#isv.atl> currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

Microsoft's <http://www.kegel.com/remedy/remedy2.html#enterprise> enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)

The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

Microsoft has <http://www.kegel.com/remedy/remedy2.html#caldera> in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

The PFJ allows <http://www.kegel.com/remedy/remedy2.html#oem> Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

The PFJ allows <http://www.kegel.com/remedy/remedy2.html#oem> Microsoft to discriminate against small OEMs—including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

The PFJ <http://www.kegel.com/remedy/remedy2.html#oem.mda> allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

The PFJ as <http://www.kegel.com/remedy/remedy2.html#enforcement> currently written appears to lack an effective enforcement mechanism. We also agree with the conclusion reached by that document, namely that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

Sincerely,

MTC–00015660

From: Michael Monasco
To: Microsoft ATR
Date: 1/23/02 9:46am
Subject: Microsoft Settlement

I am against the proposed settlement. It does not punish the convicted monopolist sufficiently. Like the last time this went to court, this judgement will not alter Microsoft's behavior.

Mike Monasco
President
Cycle Software Services, Inc.
952–886–6121

MTC–00015661

From: John Karakash
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 9:46am
Subject: Microsoft Settlement

I believe that a ''slap on the wrist'' settlement with Microsoft is not in the best interests of the software field or, more importantly, that of the citizens of the United States. Using admittedly illegal practices, they have destroyed the competition which is the lifeblood of innovation. I believe that structural changes must be implemented and restitution must be paid for their past crimes and to hamper them in committing similar acts in the future.

John Karakash
Lvl7 Inc

MTC–00015662

From: thouis@pixie.mit.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 9:47am
Subject: Microsoft Settlement

To Whom it May Concern:

In my opinion, the settlement with Microsoft will not be effective at stopping Microsoft from employing anticompetitive practices. It should not be adopted without substantial revision.

Thouis Jones
Cambridge, MA

MTC–00015663

From: Tom Rymes
To: Microsoft ATR
Date: 1/23/02 9:46am
Subject: Microsoft Settlement

I would like to comment that I am personally opposed to the proposed settlement of the Microsoft Anti-trust trial. I feel the, among many other things, the proposed settlement ''Closes the barn door after the horse has run out''.

Essentially, the proposal provides remedies that would have served to stop Microsoft's past violations of the law, but that will not deter the company from committing further transgresssions.

Thank you,
Tom

MTC–00015664

From: Neeraj Tulsian
To: Microsoft ATR

Date: 1/23/02 9:46am
Subject: Opinion on the proposed Microsoft Settlement

Dear Officer of the US Dept. of Justice,

I am a Software Engineer with a Master's in Computer Science. In my opinion the proposed settlement in the Microsoft Anti-trust case is grossly inadequate for the seriousness of the situation.

The stranglehold that Microsoft has on the desktop software industry is painfully obvious to me since 1991 when I first started my career. Managers in companies make decisions to buy Microsoft products not because of the technical superiority of Microsoft's products, but because of the fear that any competing products will soon be driven out of the desktop market by Microsoft's strong arm tactics or their outright purchase of the company. Microsoft at best is a company that borrows ideas from competitors like Apple and quickly takes over all market share by price-cutting, give-away policies and packaging the new products with its operating systems.

As a developer of software I have seen many excellent companies become the victim of this anti-competitive behavior. More-over Microsoft uses its vast resources on drowning competitors in legal battles, thus resulting in smaller companies with limited financial resources quickly losing the battle.

In my opinion it does not make sense that the company with the lowest quality operating system has an ever expanding monopoly over the desktop. The average consumer deserves better than frequent system crashes, constant security problems and lack of a viable choice of the desktop. Microsoft's sole concern is its ability to make money and it has no interest in the long term competitive health of the computer industry, or the interests of the common citizen.

The proposed solution does nothing to remedy these problems and introduce realistic competition in the desktop arena, and punish the company that has already been proven guilty of monopolistic behavior. Similar measures introduced in the past had no noticeable improvement in Microsoft's monopolistic behavior, and I don't see any change in Microsoft's aggressive behavior.

The earlier proposed breakup of the company might be the closest we can get to introducing competition and rectifying the errors of the past.

I would urge the US Dept. of Justice to fight for the common man and not for the monopolistic Microsoft.

Neeraj Tulsian
Austin, TX
Sr. Software Engineer
M.S. Computer Science
ntulsian@ureach.com
US Phone 512–493–7346

MTC–00015665

From: Bryon Rigg
To: Microsoft ATR
Date: 1/23/02 9:47am
Subject: Microsoft Settlement

I just wanted to drop a note to clarify my disgust with the handling ot the MS settlement. Microsoft is guilty of antitrust violations by using there monopoly standing to crush their competition, (see Netscape). While they continue to talk about how they provide innovation after innovation, what they are really doing is finding innovations that others make and then use their monopoly position to manipulate and squash the creators and then take their ideas as their own. Don't believe me? See Apple.

The settlement is nothing more than a joke. What you are really doing is providing MS with the opportunity to increase their market share in the education sector as well as train tomorrow's adults to use MS products rather than expose them to alternatives.

MS whined about being broken up, saying that it destabilize the market and reduce shareholder value. Bull. I am a MS shareholder. The best example that I can think of that this is bull is the breakup of AT&T. At the time, no one was sure if it was the right thing to do. However, any stock holder that hung on to their shares will tell you that the value of their holdings of AT&T as a monopoly did not compare to the value of their holding of AT&T and the Baby Bells. Furthermore, the breakup did open up competition just as it was intended to.

As a stock holder, I would happily see a break-up of MS. I have complete confidence that the consumer, as well as the stockholders, would be better off.

MTC–00015666

From: jasonf@isfabrics.com@inetgw
To: Microsoft ATR
Date: 1/23/02 9:45am
Subject: Microsoft Settlement

I do not believe that the current settlement between Microsoft and the DOJ effectively addresses the problems with Microsoft's monopoly. While it is true that Microsoft worked hard to achieve what they have, they have begun to, in my opinion, abuse their power and act detrimentally towards the American people, American Business, and the computer industry in general. By bundling services with their OS, i believe that they prohobit other versions of that service to be able to market or sell their product effectively. I know you have heard this before, by other people posting letters, lawyers, etc, but I want you to imagine a world with open competition. Companies would have a greater need to innovate to get users to adopt their products and would make competition a little bit more about the product than about the hooks in the background. Other companies are prevented from effectively doing this with the way things are now. In a world of innovation though, new things, that were never before thought of would come to light, perhaps transforming the landscape again and creating new markets and such.

Microsoft is moving towards a subscription based service because it believes that it's customers have no choice but to accept their product and feels free to move in a direction to charge more money for less innovation. Face it, if you have a monthly cash flow and no competition, why innovate? It would be cheaper not to. My proposed remedies are this:

1. Force microsoft to open up their APIs and major protocols to major competitors so they can learn about the OS and develop products that work well.

2. Force Microsoft to completely open up their Speficications for their office file formats to lets competitors create interoperable software.

3. Force Microsoft to put netscape on the desktop as part of their OS software release.

4. Do not force microsoft to sell a stripped down version of the OS, but instead to make those parts of the OS which are not necessary (such as media player and I.E. uninstallable). I think it would be a bad idea to not have a web browser of some type on the desktop, becausing installing a web browser via FTP is hard and beyond the abilities of the average user.

5. Create a committee to oversee microsoft in the other parts of the settlement that the DOJ proposes, but empower this committee to impose large fines for non complience, and enough oversight power to look at whatever needed aspects of the company and the software to do their job properly. This committee should last until microsoft no longer is a monopoly in the OS market.

6. Microsoft should loose the power to bundle their software together for new and emerging industries (such as using the PC for home entertainment), The software to do this should be sold seporately on the shelves in another box at its own price. The oversight committee should be charged with identifying these new industries and the oversight to stop the bundling from happening with very large fines as the enforcement mechanism.

I state again that I disagree with the current settlement and that microsoft is a monopoly with so much power that equally strong measures are needed to put this company back in it's place. I work in the computer industry as a technician and can see first hand the damage that microsoft has placed on this industry.

Thank You for Listening
Jason Fox

MTC–00015667

From: don juan
To: Microsoft ATR
Date: 1/23/02 9:47am
Subject: Microsoft Settlement

I think the proposed Microsoft(MS) settlement is a bad idea. I do not think that it effectively punish's MS for their actions. I think that MS is taking advantage of the judicial system and the amount of time that it takes to get a court case through the system. When the public was first hearing of the anti-competitive practices that MS was using in the browser war against Netscape, Netscape was the #1 browser.

The judicial process took so long and MS continueed in their anti-competitive ways that MS is now the #1 browser. I think MS purposefully dragged out the judicial process in this matter, they knew how long it would take to get the case through court. Due to the highly dynamic and accelerated nature of computer technology, MS would have web browser dominance by time any settlement was reached in court. Once they have browser dominance, what kind of disciplinary action taken against them would matter? They get fined a few hundred million? a few billion? What difference will that make when their browser is on the majority of peoples computers.

Any questions? please feel free to contact me.

Thank You

MTC–00015668

From: David W. Thurston
To: Microsoft ATR
Date: 1/23/02 9:50am
Subject: Microsoft Settlement

Since when in this great country of ours do we allow convicted criminals to decide their own punishment.

David W. Thurston

MTC–00015669

From: Richard Donald Kowalczyk
To: Microsoft ATR
Date: 1/23/02 9:47am
Subject: Microsoft Settlement

I want to make it known that I strongly disagree with the Microsoft anti-trust settlement. While there are numerous significant reasons that I feel this way, I will just mention one here. The settlement only requires Microsoft to disclose APIs to companies, which includes a minimum income, or something similar. Although I dont remember the details exactly, I do know that this would effectively eliminate the possibility of ''free software'' projects being able to properly interoperate with Microsoft products. Since Microsoft has stated, both publicly and in private (leaked memos) that they consider ''free software'' to be it's number one competition, excluding it from the settlement seems ludicrious. There is no reason that the APIs should not be disclosed to everyone, since their only use is to allow other software to properly interact with Microsoft software.

As a student, I cannot afford to buy expensive software. While there are plenty of other software options out there which do not have Microsoft's monopolistic prices attached to them, I am effectively precluded from using these options because of microsofts monopoly in many areas. I hope that a better resolution can be reached then the one currently being considered.

Signed,

Rich Kowalczyk

MTC–00015670

From: Brian J. Taylor
To: Microsoft ATR
Date: 1/23/02 9:36am
Subject: Microsoft Settlement

To Whom It May Concern,

I am writing this email to lodge my complaint against the currently proposed Microsoft Settlement.

After having read the entire proposed settlement located at http://www.usdoj.gov/atr/cases/f9400/9495.htm, I have come to the firm conclusion that the settlement is poorly written. What I have yet to determine is why this judgment has been so poorly written. The amount of problems is abysmal, and finding too little time to elaborate on all of them, I will pick two which I will discuss here.

1. Section III A needs revising to include the prohibition of Microsoft from punishing OEMs who choose to ship computer products which do not use a Microsoft Operating System.

2. The overall settlement should include provisions on Microsoft to release documentation detailing the file formats on files which are used/generated by any Microsoft operating system or application.

Section III A of the settlement

Here the government prohibits Microsoft from retaliating against any computer manufacturer who ships a computer which includes a competing operating system on the computer. However, it never specifies that Microsoft cannot retaliate against a computer manufacturer who ships a computer without a Microsoft operating system.

As a member of the technological community, it is often obvious to me how Microsoft conducts it's business practices. If there is something Microsoft doesn't like, it will use whatever means it can to remove the offending item. We plainly saw this in the case against it's rival in the browser arena, Netscape. Microsoft began to tie their Internet Browser with the operating system, configured it to be the default browser, then made it difficult to remove IE from the desktop. The end result has been that IE now dominates the market.

What are we then to conclude by the lack of restriction on Microsoft, a company which has been found to have engaged in Antitrust practices? Consider a scenario of a computer manufacturer who has a relationship with Microsoft, but chooses to operate a division which distributes PCs without using a Microsoft operating system. I can easily see where such a situation may arise if an OEM chooses to begin a Linux OS division.

Because of the lack of a restriction, Microsoft is left with the ability to exert pressure on the OEM to close down that division, or its business relationship with Microsoft would suffer. The OEM is left with little choice but to stop that division, and the other OS is never given a chance to grow.

Are we then to conclude that the only way an operating system is to grow is along with a dual installed relationship with Microsoft operating systems? Then how does Microsoft NOT influence technology and hurt the consumer? Section III A needs to be amended to include a clause which prohibits Microsoft from retaliating against OEMs who choose to ship computers without a Microsoft operating system.

Releasing Documentation on Microsoft File Formats

Perhaps one of the more egregious tamperings with technology that I find Microsoft capable of is the continual modification of the file formats it uses, making inter operability with other applications and operating systems difficult at best and impossible at worst. Because of the dominance of Microsoft within the operating system market, no other operating system stands a chance if it cannot develop non Microsoft products that work with files generated with Microsoft products. Take for instance Microsoft Word documents. These are normally found with the ''.doc'' file extension. Microsoft continually modifies the structure of the .doc file format to prevent their editing and use with other pieces of software such as Corel WordPerfect.

Corel was a case study in what happens with a company who chooses to compete against Microsoft in the word processing business. I cannot stress enough the number of times I had difficulties in opening and saving documents generated by Microsoft Word under WordPerfect. From a proprietary standpoint, Word documents deserve no protection on their file structure. The way that Microsoft Word operates is the true intellectual property, the files it save are merely pieces of data created by their users. So why does Microsoft continually change the file format? Simple, it makes competing applications and operating systems look like they do not work, thereby misleading customers that they must use Microsoft or Microsoft certified products.

If any other operating system is going to become competitive, it must be able to handle documents generated by Microsoft applications and operating systems. In order for this to occur, the Department of Justice must order Microsoft to open their file structure formats to the public, as they are modified for use within their own applications and operating systems. The lack of such a statement on the part of the Justice Department, makes the settlement that much weaker. I read newspapers, I follow the news, and I participate in several technology information forums. From discussions which arise from colleagues and friends, it amazes me the number of times I hear the opinion that the Department of Justice is settling with Microsoft with easy terms due to the nature of our economy. I find it ludicrous that the Department of Justice could so easily settle this case because there is a sentiment that somehow rightfully punishing an offender of the Antitrust legislation's would hurt the economy, and therefore we must somehow be lenient on the offender. Yet, it appears this may be actually happening.

I believe part of the economy's problems stem from corporation's abuse of business ethics and how they conduct themselves. Business nowadays is tending towards cut-throat maneuvering, decreasing customer care, and the policy that if you can't make a buck under normal conditions, you should litigate-litigate-litigate until you can put a competitor out of business and bring in fanciful amount of revenues through patent infringements.

Microsoft may not be the only company who conducts cut-throat business tactics, but it is a prime example of how a mega-corporation can influence the progression of technology, which ultimately hurts the growth of business and advancement. This settlement offers us the chance to prohibit Microsoft from further negative influences, but the condition in which the settlement currently is in offers nothing more than the Department of Justice could have had several years ago in an out of court settlement with Microsoft. I distrust Microsoft from being able to behave and act responsibly. I look upon the settlement with cynical eyes and believe that it will do NOTHING to punish Microsoft for crimes which it has been found guilty of in our courts of law. Please consider amending this document so that it may serve the purpose which it was originally intended, as a document which will bind Microsoft

from anti-competitive practices and ensures that other businesses, competitive products, and technology are allowed to flourish.

Brian J. Taylor
Software Engineer
Institute for Software Research
1000 Technology Drive
Fairmont, WV 26554

MTC–00015671

From: Scott Meyer
To: Microsoft ATR
Date: 1/23/02 9:48am
Subject: Microsoft Settlement

I would like to add my voice to the avalanche of complaints against the anti-competitive business practices of Microsoft. If there was ever a time to stand up against a tyrant, it is now, while they are still small. If not, we may set a dangerous precedent, allowing powerful corporations to dictate policy to the People of the United States.

Thank you.

Scott Meyer

Whistler: I want peace on earth and good will toward man.

Abbott: Oh this is ridiculous.

Bishop: He's serious.

Whistler: I want peace on earth and good will toward man.

Abbott: We are the United States Government. We don't do that sort of thing.

Bishop: You're just gonna have to try.

Abbott: Ok, I'll see what I can do.

Whistler: Thank you very much. That's all I ask.

1meyers@fontbonne.edu

MTC–00015672

From: Antonio Edmond
To: Microsoft ATR
Date: 1/23/02 9:49am
Subject: microsoft

My name is Antonio and I feel Microsoft should have a harsher punishment then they received. The way the punishment is designed so far is that they still have a lot to gain and nothing to lose. I feel there is no justice for that. If this would have been someone of a lower stature they would have received justice on a higher scale.

Antonio E. Edmond
1405 Galaxie Dr.
Dothan, AL 36301

MTC–00015673

From: John Cole
To: Microsoft ATR
Date: 1/23/02 9:45am
Subject: Microsoft Settlement

I wish to object to the proposed settlement with Microsoft and the DOJ. I find it hard to understand why the DOJ has determined that Microsoft is a company guilty of maintaining it's monopoly illegally, yet offers a settlement with such restrictive language that Microsoft will be able to use the proposed settlement to further it's monopoly in the future.

By allowing Microsoft to narrowly define what is windows in the settlement, and use the same Win32 API and marketing in every product they make, let's Microsoft dead end this settlements goals. Microsoft will simply launch a new Windows products outside of the definition and sidestep all remedies in this settlement.

Personally, I have found that Microsoft's words and actions have proven that this is an untrustworthy company, and any remedies that rely on Microsoft's willingness to live up to the spirit of the settlement will fail. I tend to favor the original ruling of breaking up Microsoft, however, I do not believe that two companies would actually help. I would like to see Microsoft broken into four or five companies (Microsoft Windows Inc., Microsoft Office Inc., Microsoft Development Products Inc., Microsoft Home & Games Inc., Microsoft Internet Applications Inc.) so that it would be impossible for Microsoft to resort to proven illegal tactics against competitors. I would expect all of the Microsoftlets would be very powerful competitors in their respective marketplaces, increase shareholder value, increase innovation over what I believe is the lowered expectations from Microsoft, and finally provide stable and secure software from the companies.

Thank you for your time, and I hope you consider my opinions.

John Cole
Internet Applications Corporation

MTC–00015674

From: Ronald Kronz
To: Microsoft ATR
Date: 1/23/02 9:48am
Subject: Microsoft Settlement

I think the proposed settlement of the Microsoft antitrust case is unwise because it fails to force Microsoft to abandon its long-established anticompetitive practices.

Ronald Kronz

MTC–00015675

From: Todd Stimpson
To: Microsoft ATR
Date: 1/23/02 9:47am
Subject: Microsoft Settlement

To whom it may concern;

I am terrified at the prospect of being held hostage by the Microsoft monopoly. I have the right, as a U.S. citizen, of freedom of choice. The government is required to guarantee that right.

Sincerely,
Todd Stimpson

MTC–00015676

From: Paul Lorenz
To: Microsoft ATR
Date: 1/23/02 9:48am
Subject: Microsoft Settlement

Attn: Justice Department <quoted from R. Cringley> Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...'' </end quote>

Since many of MicroSofts greatest competitors are Open Source, this effectively bars them from competition. Also why is MicroSoft, which supposed to be penalized, being allowed to decide anything, much less who will be allowed access to it's APIs? They are experts at weaseling out of things, and they will doubtless use any cause, however flimsey to show a company is not ''viable'. Any company that is beyond reproach will doubtless not need access.

The settlement is a travesty and helps Microsoft, and does not penalize or address the root cause of the case, that being MicroSoft's monopolistic practices.

A 3 member panel to watch over MicroSoft is also ridiculous. First off, 3 people do not have the resources to watch over the behomoth that is MicroSoft and secondly, why is MicroSoft being allowed to choose it's watchers?

MicroSoft has been found guilty of illegally perpetuating a monopoly. Their monopolizaton should be hindered, not helped. The Justice department should be ashamed. This settlement has nothing to do with Justice and everything to do with pandering to MicroSoft. This is inexusable.

Sincerely,
Paul Lorenz
Rochester, NY
Software Engineer, NetSetGo Inc.

MTC–00015677

From: Fred Lovine
To: Microsoft ATR
Date: 1/23/02 9:47am
Subject: Microsoft Settlement

To whom it may concern,

The proposed settlement is bad idea. A better solution for the businesses, families and individuals of the USA is to break the Microsoft monopoly. Microsoft is an incredibly aggressive company that has regularly engaged in predatory pricing (Internet Explorer is free, which is new technology) and price gouging (Word for Windows 2002 is about $300, which is old technology and should be part of the operating system by now).

I favor a solution that regulates Microsoft's future conduct as well as punishes Microsoft for past monopolistic and illegal activities. I propose that punitive damage be that the source code of some significant Microsoft product be released to the world under the GNU GPL. Either Windows 98 or Word for Windows 2000. Either product released to the world would allow all a choice between freeware and price gouging. This would further enable people and business to redirect cash that was destined for Microsoft to other parts of the troubled economy.

As for the regulation of Microsoft, I leave that for others to contemplate.

Thank you.
Fred Lovine
Chief Technical Officer
CityLinkWeb, Inc.
fred.lovine@citylinkweb.com
Phone: (978) 447–1393
Cell: (617) 750–2484
Fax: (413) 828–8295

MTC–00015678

From: Cory Steers
To: Microsoft ATR
Date: 1/23/02 9:49am
Subject: Microsoft Settlement

Hello.

I'd like to comment on the proposed settlement for the Microsoft antitrust lawsuit. I do not feel that the proposal is severe enough. Previous penalties placed on

Microsoft have failed largely due to the pace at which technology changes. I fear that the current proposal is doomed to a similar fate.

In short I feel that the punishment should be much more severe. Here are some ideas I have.

1. Force Microsoft to make its Windows API available to other software makers. That means all of the APIs available to all competitors.

2. As a possilbe addition to #1, split Microsoft Office into a seperate company from Microsoft Windows. This will further level the playing field for competing products.

Here is a link to a website that has a lot of opinions by people who have thought a lot more about this than I have. I encourage you to take time to read their comments as well. http://www.kegel.com/remedy/ Thank you for taking the time to read my comments, and those of others. I hope it will help shape a more appropriate settlement for the consumer.

Cory Steers
cory@steers.homeip.net

MTC–00015679

From: manof bread
To: Microsoft ATR
Date: 1/23/02 9:48am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

As a citizen of the United States of America, I am writing to voice my dissatisfaction with the pending Microsoft antitrust settlement. It seems that the particulars of this settlement are concerned more with the political will and clout of the moment rather than the letter of the laws upon which the nation operates. I've always appreciated the fact that ours is a nation of laws, not of men. However, it seems in this instance that influence is being exercised more than good judgment. The settlement as proposed would appear to be a mere slap on the hand for monopolistic actions as well as tacit permission for continued strong-arm tactics by Microsoft, rather than a more adequate punishment which this corporation deserves. I would ask that you consider not accepting the settlement as it stands and instead pursue more stringent restrictions of Microsoft's future activities.

Thank you for your time in this matter.

Regards,
James R. Easterling
St. Louis, MO

MTC–00015680

From: Richard Cravens
To: Microsoft ATR
Date: 1/23/02 9:47am
Subject: Microsoft Settlement

I think the proposed settlement is bad idea.

MTC–00015681

From: Nutter, Mark
To: 'microsoft.atr(a)usdoj.gov''
Date: 1/23/02 9:48am
Subject: Microsoft Settlement

With regards to the Tunney Act and comments on the proposed Microsoft settlement...

I find the proposed settlement disturbing. It seems clear from the evidence that Microsoft has used and continues to use a number of anti-competitive practices to establish an effective monopoly in the software marketplace, and is planning to use tactics that are questionable at best to exact payments from large and small companies for license fees that may or may not actually be due. That plus the impact on our economy of the various viruses that exploit all-too-common security weaknesses in Microsoft products combine to give me a dim view of our future should Microsoft's stranglehold on the PC software market go unbroken. And if they succeed in conquering the broadband media market they are currently targeting, then God help us all. If they manage to do to the Internet what they've done to Netscape, and HTML, and Javascript, and what they tried to do to Java, then it will truly be a Microsoft world.

I for one know where I *don't* want to go tomorrow.

Mark Nutter
Manager, IT Applications Development
Marconi
mark.nutter@marconi.com

MTC–00015682

From: Richard L. McKee
To: Microsoft ATR
Date: 1/23/02 9:28am
Subject: Microsoft Settlement

I think the settlement is a bad idea

MTC–00015683

From: Peter Ripley
To: Microsoft ATR
Date: 1/23/02 9:48am
Subject: Microsoft Settlement

I just wanted to voice my opinion on the revised proposed Final Judgment of Nov 6, 2001, US v Microsoft.

I do not believe that the proposal will be effective in restraining Microsoft from anti-competitive practices; they will still leverage their monopoly power on the OS to illegally thwart competitors in other arenas. Please consider strengthening the PFJ to further restrain and penalize Microsoft.

Thank you.
Peter Ripley
839 Carroll Street #5
Brooklyn, NY 11215
Peter H Ripley
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m 917 364–1018
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MTC–00015684

From: James S. White
To: Microsoft ATR
Date: 1/23/02 9:49am
Subject: Microsoft Settlement

Regarding the Microsoft settlement, I do not believe the current settlement proposal is adequate. Microsoft has continued it's abusive monopolistic practices, even in light of the proceedings against them. I would like to see a settlement proposal that has some chance of putting an end to this. If you don't do something to stop them now, we will have to go through this again in a few years.

''I see in the near future a crisis approaching that unnerves me and causes me to tremble for the safety of my country. ... corporations have been enthroned and an era of corruption in high places will follow, and the money power of the country will endeavor to prolong its reign by working upon the prejudices of the people until all wealth is aggregated in a few hands and the Republic is destroyed.''

–Abraham Lincoln

James S. White
GX-Tech Inc.
james@gx-tech.com
Electrical Engineer
http://www.jameswhite.org
Caffeine is my anti-drug.

''The only thing necessary for evil to triumph, is for good men to do Nothing''

–Edmund Burke 1729–1797

MTC–00015685

From: Eric Christiansen
To: Microsoft ATR
Date: 1/23/02 9:48am
Subject: Microsoft Settlement

i think the proposed settlement is bad idea. it does nothing to stop their monopoly.

nepenthe,
-eric

MTC–00015686

From: Alejandro Morales
To: Microsoft ATR
Date: 1/23/02 9:49am
Subject: Microsoft Settlement

I do not support the proposed settlement because I do not think it provides sufficient punishment to balance Microsoft's offenses, nor sufficient incentive to prevent them from doing the same in the future. Furthermore, the idea of punishing a monopoly by requiring them to extend their monopoly into the US educational system is incomprehensible.

MTC–00015687

From: Robert Thornburg
To: Microsoft ATR
Date: 1/23/02 9:49am
Subject: Microsoft Settlement

I would like to comment, under the Tunney Act, on the Proposed Final Judgement of the Microsoft case.

I do not feel that the proposed settlement is restrictive enough. It allows Microsoft many ways to continue anti-competetive behavior. It does not restrict Microsoft's from anti-competetive any business market other than PC software, and Microsoft has shown a great interest in taking over other markets. The proposed settlement does not have sever enough penalties if Microsoft fails to comply with it.

In order for a settlement to be beneficial to the citizens of the United States (and indeed the rest of the world) it must contain severe penalties for failing to comply with it, as well as restricting Microsoft's anti-competetive behavior much more severely, especially by preventing them from using the same illegal/

unethical actions from their past in new markets.

Sincerely,
Robert Thornburg
2574 Mass Ave
Cambridge MA, 02140
robert@thornburg.org

MTC–00015688

From: Jeff Greenfield
To: Microsoft ATR
Date: 1/23/02 9:49am
Subject: Microsoft Settlement

I think that the proposed settlement is a bad idea. There are many others who can better elaborate than I about the issues involved that affect the WINE application development, SAMBA application development, and other software that works with the API interfaces that Microsoft provides. The settlement does not sufficently curb Microsoft's negative effects on these applications.

Jeffrey Greenfield, Grand Rapids, MI, Systems Engineer, Calvin College

MTC–00015689

From: Jaime Riney
To: Microsoft ATR
Date: 1/23/02 9:50am
Subject: Microsoft Settlement

Dear Renata B. Hesse

I am writing today to express my concerns over the Microsoft Anti-trust settlement. I currently operate two computers on more or less a continual basis. I have two other computers that are older and have been salvaged from parts. On my primary machine, I have Redhat Linux installed which I myself use almost exclusively; on my secondary machine, I have Microsoft Windows; the two auxiliary computers are used for testing and developing, and are primarily loaded with Linux operating systems. I want to stress the fact that I am not a Micro$oft Windows user. I have Windows on one machine out of necessity, for some things are more easily achieved through Windows and it is slightly more user friendly for my wife and guests, however, I am not an advocate of Microsoft and I not wish to finance their organization.

Microsoft claims that they are not a monopoly, yet they own ninety-five plus percent of the home user market. Micro$oft claims fair business practices, yet they have been embattled on all sides from corporate interests to end-users. Microsoft claims to offer choices, yet works tirelessly to prevent competition even to the point of advocating laws that would make open-source software illegal.

Everything that Microsoft claims appears to be in opposition to reality. To date I know of only one company that will give you a choice of operating systems that you can receive with your new computer (desktop computers only). Every other company requires the customer to purchase a version of Microsoft Windows on a new computer or laptop. If a customer should require a new computer system, and that user had no intention of using the Windows operating system (as is the case for myself), that user will still be required to purchase a license and pay tribute to Microsoft for the right to buy a mainstream commercial system, or else piece meal a system and pay significantly higher for a comparable machine. This current situation alone, in my opinion, is intolerable. Microsoft, for years, has bilked the government, corporations, and end-users for an operating system that cannot be definitively proven to be superior in performance and capabilities than a free operating system that has largely been worked in peoples spare time, at least until the adoption of companies like Redhat. The only claim to their success is there abusive and strong-arm tactics that they used in the business world. Namely, exclusive licensing agreements, leveraging huge financial and legal assets against smaller struggling companies, and a sustained, false campaign against a free alternative to their proprietary software that likens advocates of open-source software to criminals. Forgive my digression, but can I sue them for libel? Not likely, their flock of legal dogs would squash me in a heartbeat.

I am in favor of sever punitive damages against Microsoft. I would like to see the company broken up into smaller organizations, and fines assessed that are appropriately punishing to a company with enormous cash assets. In my opinion, Microsoft is the single largest impediment to progress in this country. Microsoft says you can advance technologically, however, you must do it their way or not at all. I think it is time to take that choice away from Microsoft and give it back to people and the industry.

I do not feel that the remedies proposed in your settlement go far enough to punish Micro$oft. In fact I am concerned with the idea of recognizing Microsoft as a legal monopoly that is sanctioned and watched over by government. My fear is your solution will give Microsoft a favored status that will actually promote the continued expansion into more and different market shares. Microsoft is a monopoly, the solution is to punish the company and to disable their ability to continue to monopolize markets.

Sincerely
Jamie S. Riney

P.S. These viewpoints are entirely free and may be copied, used, modified, or added to as wished under the principles of an open and free interchange of information and ideas.

CC:members@digitalelite.com@inetgw

MTC–00015690

From: Josh Simon
To: Microsoft ATR
Date: 1/23/02 9:50am
Subject: Microsoft Settlement

I object to the proposed final judgment in the Microsoft case (the Tunney act). It's a bad idea.

–j

MTC–00015691

From: Jason Zwolak
To: Microsoft ATR
Date: 1/23/02 9:50am
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea.

Jason Zwolak (Masters in CS, working towards PhD)
3700 Richmond Ln NW Apt B
Blacksburg VA 24060
Affilliation: Computer Science Department of Virginia Tech

MTC–00015692

From: Jeremy Pastore
To: Microsoft ATR
Date: 1/23/02 9:51am
Subject: Microsoft Settlement

i think this settlement is a bad idea it is too vague and/or lenient and will not solve the issues that it attempts to resolve. with it's approval,

mocrosoft will continue to leverage its operating system in every area of it's business. the public will continue to be forced into buying the same limited line of inferior products that can only be used on the same inferior operating system...

thank you,
Jeremy Pastore

MTC–00015693

From: Matthew Muzzi
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 9:49am
Subject: Microsoft Settlement

Microsoft is a monopoly. This is a simple fact. The settlement is a bad idea.

MTC–00015694

From: Milan Hejtmanek
To: Microsoft ATR
Date: 1/23/02 9:50am
Subject: Microsoft Settlement

To Whom It May Concern:

As a university professor who has used personal computers daily for the past fifteen years, I would like to comment on the proposed settlement.

I am not in favor of it in its current state. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors. Over the past decade I have been appalled at the inhibition of competition created by Micrsoft's business practices: the decline of Netscape Navigator is one example, the lack of choices in word processing programs is another. In many ways, MS Word is bloated and mediocre—in its ability to handle foreign language scripts, for example—but Microsoft's near-complete dominance of the operating system market has given it too much market leverage in application software for other companies to compete successfully. Who would now dare (or could find the capital?) to start up a company marketing a new word processing program, regardless of its manifest superiority? MS competes only against itself at present.

I urge you to find an effective way to force Microsoft to allow genuine competition.

Thank you.
Sincerely,
Milan G. Hejtmanek
2200 Benjamin Franklin Parkway
Apt. 1505A
Philadelphia, PA 19130

MTC–00015695

From: Todd
To: Microsoft ATR
Date: 1/23/02 9:51am
Subject: Microsoft Settlement

To whom it may concern:

I would like to take advantage of the public comment period and speak my opinions regarding the Microsoft antitrust case. I am sure you have received many of these letters, and are not concerned about hashing over Microsoft's guilt or settlement shortcomings, so I will avoid these topics.

First off, I am a network administrator for an outdoor equipment distributor, and I feel that it is not only my job but also my interest to follow this case and be involved. I have been watching this trial closely since its origin, and would like to think I have an educated view from a business and technical standpoint, though not so much from a legal perspective.

In my five years of network administration experience I have used many of Microsoft's operating systems, programs, and equally as many systems from their competitors. Though I will implement any given system that fits the niche in which it is being used for, be it Microsoft or not, it would greatly please me, the corporation that I work for, and all of my colleagues to see a fair market and competition against Microsoft. Therefore I believe it is in the public interest to resolve this case in an effective manner.

Now I would like to make a few comments about Microsoft's monopoly and the settlement that will be implemented. Microsoft has roughly 95% of the desktop Operating System market; this is their cornerstone, and it is huge. They can control what nearly every computer can and can not do. This is not necessarily illegal, until they abuse it. They abused it to win the web browser battle.

And they did win. It is all but over, granted I don't us IE, but I am a small percentage. I think that it would certainly be appropriate to punish them for this action, but far more important to prevent future abuse. They have already won the browser battle, so putting restrictions on them according to what they have done in the past is not enough. We have to predict what they will do in the future to expand their monopoly illegally. To do this, we have to look at who they will compete against next. I think this would be IBM, Red Hat Linux, and other Unix variants. To ensure fair competition there are two major points that must be addressed in any settlement, in addition to the several others that are being proposed concerning vendors and policies.

First point: In almost every corporate computer network nearly 90% of the desktops run a Windows operating system. This is a monopoly, and Microsoft will make attempts to use this monopoly to expand their server market. To prevent this, all network protocols that a Microsoft desktop operating system (Windows9X, WindowsME, Windows XP, Windows 2000 Professional) uses to communicate with a server must be documented, updated regularly with any changes, and most importantly made available to ANYBODY who wants them. If Microsoft gets to pick and choose who gets access to this documentation, then it will not be effective. I should not be forced to buy a Microsoft server just because I have a network of Microsoft desktops. I should have the freedom of choosing an IBM server, a Sun server, a Linux server, or even an Apple server. There is a decent amount of freedom of choice in this area now, and that is why action must be taken now to prevent Microsoft from abusing its monopoly of desktops and gaining a monopoly of server operating systems.

Second point: Businesses should have the freedom to use any other desktop operating system along with Microsoft desktop operating systems. You might say that the freedom is there, but I disagree. Microsoft's monopoly in office applications prevents any user who wants to communicate with others from using an operating system that does not have Microsoft Office (anything other than Windows or Macintosh). Microsoft should be forced to document, and disclose to everybody, all file formats used by Microsoft Office. Microsoft would argue that it is not illegal to have proprietary file formats, and this is true, however I think that Microsoft has abused this illegally. Microsoft constantly changed the file format with the intention of breaking any other application that attempts to read them. A perfect example is Corel. Microsoft's constant changing of their file formats, with the intention of breaking Corel Office's compatibility, has severely damaged Corel's business, and, since I am from Utah, my local economy as well. It comes down to one point: Microsoft has a monopoly in Office software, this monopoly removes my ability to choose another desktop operating system, and therefore illegally maintains Microsoft's monopoly of desktop operating systems. In closing, I say that all are surely in agreement that the resolution of this case is of great importance, not just now but for many years to come.

This suggests a careful and deliberate penalty is far more important to the health of the nation than is a hasty one.

Thank you for listening to my opinions,
Jeffrey Todd Morrey
tmorrey@earthlink.net
3037 E Banbury Road
Salt Lake City, Utah 84121

MTC–00015696

From: Ari Turetzky
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 9:51 am
Subject: Microsoft Settlement

Justice should not have a price tag!

Please do not let Microsoft buy their way out of this.

Thank you,
Ari Turetzky
Systems Support-Development Team Lead
Illinois State University
438–3738
mailto:abturet@ilstu.edu
<mailto:abturet@ilstu.edu>

MTC–00015697

From: tod@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 9:51 am
Subject: Microsoft Settlement

To whom it may concern ->

I'm writing to you about the proposed settlement between the Justice Department and Microsoft.

I like many in my field (I'm a programmer/consultant), I do not feel that the settlement, as proposed, will do much, if anything, to force Microsoft to modify its anticompetitive behavior. There are several outstanding issues that the settlement only (very) narrowly addresses.

If Microsoft has shown anything over the years of interaction w/ the Justice Department is that they will not do anything out of good faith. Any settlements must have clear and succinct behavior modifications in it or it will be meaningless.

For reference: http://www.kegel.com/remedy/letter.html

Thanks,
todd

MTC–00015698

From: JC Pollman
To: Microsoft ATR
Date: 1/23/02 9:51 am
Subject: Microsoft Settlement

The current proposed settlement will strangle the computing industry and ensure a monopoly! Why do you do this?

JC Pollman

MTC–00015699

From: Dan Moore
To: Microsoft ATR
Date: 1/23/02 9:52 am
Subject: Microsoft Settlement

To whom it may concern,

I wrote once before on the topic of Microsoft's proposed donation to public schools and why I felt that the donation of MS software was detrimental to public education, but I would like to add that the Microsoft Settlement as it now stands does little or nothing to limit Microsofts potential for future anti-competitive behavior. Rather than re-inventing the wheel, I'd encourage the careful examination of Dan Kegel's open letter to the DOJ which I have signed. Thank you for your time.

-Dan

Below is the text of my letter of 12/14:

(I'd like to add to this letter that my wife and I have been spending money out of our pockets to make copies of reading packets for her students at the local Kinkos. This is due to the dilapidated condition of the photocopier at her school. We've spent $80 this year on making copies for students. I am currently attending school and working and our resources are limited. My wife is considering cutting things out of her curriculum, because we cannot afford to continue supporting these projects out of our own funds.

The money spent each year on Windows Licenses would easily buy the school a new copy machine, thus relieving us of this burden and allowing my wife to teach her curriculum in the most effective way possible. I believe this misappropriation of public funds to be criminal and call again for public schools to only use software that is freely available.)

To whom it may concern,

I am a computer programmer who has worked as a system administrator and a technical support provider for unix, windows, and macintosh machines. I'm currently working on an electrical engineering degree from the University of Utah. I've been very concerned about the

Microsoft Settlement currently proposed by the Department of Justice. The Microsoft Windows Operating System is uniquely unsuited to the public education sector. I believe this to be true for a number of reasons:

1) There are several very good Operating Systems available free of cost (all of the distributions of both Linux and BSD can be obtained for free, the GNU Hurd will soon be freely available). My wife teaches seventh grade english and I believe it's evident that there are many ways in which the funds allocated for public education could be better spent than on complicated and cripplingly expensive licenses.

2) Microsoft software makes an effort to hide from the user many of the fundamental processes that a computer routinely performs in day to day operation. The objective of hiding these preocesses is to make a computer easier to use and probably accounts, in large part, for Microsoft's success in the market, but does not seem suited to educating young people about how computers work. If a person can use a unix clone operating system (such as Linux, BSD, or Hurd) that person can easily adapt to Microsoft software and is often more competent than life long Microsoft users. As the goal is education it seems apparent that unix clones are the better alternative.

3) Most operating systems in use today (including the MS Dos Operating system upon which the windows operating systems are based) are based on Unix. This makes it a very easy jump from Unix to any other Operating System.

4) The freely available software is most often willing to furnishthe source code for the Operating Systems and all applications. The educational value of this for Computer Programming students cannot be overstated. For students to be able to examine the source code of professionals will help produce a generation of skilled, creative programmers with very professional coding styles.

5) Microsoft is a for-profit corporation. Adam Smith warned of the dangers of Government Sponsored Monopolies. To place Microsoft Software in schools is a government endorsement of their product. This could certainly viewed as a sanction. There are many distributions of opereating systems furnished entirely by not-for-profit volunteer organizations. (Look at www.debian.org for starters). The use of these non-corporate operating systems would help to protect capitalist ideals of a free market and of no government endorsements of corporations.

Taking into account the considerations that makes Microsoft software unsuitable for public education, I feel strongly that the anti-trust settlement ought to be altered such that Microsoft makes their contribution to public education entirely in computer hardware, and that software better suited to public education be selected by schools to be put on those machines.

Dan Moore
Developer
SandStar Family Entertainment

MTC–00015700

From: bart hubbard
To: Microsoft ATR
Date: 1/23/02 9:51 am
Subject: Microsoft Settlement

I believe that the settlement proposed is a poor solution.

-bart hubbard

MTC–00015701

From: Timothy Preston
To: Microsoft ATR
Date: 1/23/02 9:51 am
Subject: Microsoft Settlement

I believe the proposed Microsoft settlement is a bad idea. Microsoft has ignored similar settlement terms in the past, and has shown little regard for the seriousness of their crime throughout the trial. The settlement offer currently on the table represents a negligence in the duty of the Attorney General's office in protecting the American people from this type of criminal behavior. It is sad indeed when a corporation can become large enough to buy out the integrity of the US government.

Tim Preston
tpreston@alumni.princeton.edu
http://homepage.mac.com/tpreston—Tori Amos

''And is your place in heaven worth giving up these kisses?''

MTC–00015702

From: Greg Lim
To: Microsoft ATR
Date: 1/23/02 9:52 am
Subject: Microsoft Settlement

Greetings to the US D.O.J.

I speak for myself and do not represent anyone, though I believe that my opinion matches that of many of my colleagues. Simply put, the settlement does not go far enough.

1. There appear to be little or no penalties for non-cooperation.

2. Loopholes. Someone check this. I've seen plenty of essays on the settlement listing large numbers of possible loopholes.

3. We need *Full* disclosure of *all* API's with extremely heavy penalties for noncompliance. An API is an interface, which provides for interoperability. Disclosing these puts no penalty on a fairly-behaving Microsoft.

4. File formats need to be documented. A user's data belongs to the user. If a user cannot get a format for the file his/her data is stored in, then he is totally dependant on the program used to operate on the data.

5. Non-Microsoft operating systems, and non-Microsoft licensing schemes are discriminated against. I myself have seen EULA's and used products at work (Visual C++ for example) that only allow the creation of programs that run on Microsoft systems, even though there is *no* technical reason for this. These are just a few of the problems with the settlement. I hope that it will be reviewed more carefully. I personally am not in favor of a breakup yet, but if it does need to happen, it should be:

1. in addition to everything listed in the settlement

2. one of the penalties for non-cooperation.

3. along the lines of:

a. development software

b. office and other application software

c. database software

d. operating systems

Here is a final set of suggestions. Microsoft should be legally blinded as to who it is dealing with.

1. All buyers should be able to get the same pricing. For ex. If Monster OEM can get a product for $100 in qty's of 100 then Tiny OEM as well as Joe user should be able to as well.

2. Microsoft should not be able to remove first-sale rights though any means. Once an OS licence is sold to an OEM, the OEM can bundle whatever else on the PC he/she wishes. Resale is *always* possible.

3. Microsoft should be probihited from ever making note of competitors's products, licensing schemes or any other identifying marks in their EULA's and OEM contracts.

Thank you for reading this far!

If you have questions for me, you can contact me at my place of work:

glim@infistar.com
-Greg Lim

MTC–00015703

From: Bernard J. Duffy
To: Microsoft ATR
Date: 1/23/02 9:52 am
Subject: Microsoft Settlement

I am strongly opposed to the proposed anti-trust settlement that the United States has negotiated with Microsoft.

Microsoft has worked hard to make intertwined, inflexible licensing and poor interoperability an industry norm.

Microsoft today is no different than Standard Oil & Carnegie Steel 100 years ago. Please reconsider taking harsher action against Microsoft.

MTC–00015704

From: Mannisto, Keith
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 9:50 am
Subject: Microsoft Settlement

The settlement proposed in this case against Microsoft, does NOT consider the Public interest in the least. It serve only to extent the HOLD that MicroSoft already has on the general computer user.

I would like to propose that a provision to separate the MS-Windows Graphical Users Interface (AKA: GUI) from the underlying Operating System (AKA: OS) also be added to the agreement.

Thank you for your time in this matter.

Sincerely,
Programmer/Analyst
Keith Mannisto
1027 Springfield Dr.
Northville, Mi 48167–3323
CC:''mannisto(a)mediaone.net'

MTC–00015705

From: Tod Schmidt
To: Microsoft ATR
Date: 1/23/02 9:51 am
Subject: Microsoft Settlement

To whom it may concern,

This settlement is a not a good proposal to enhance competetion or bring more choice to consumers. It does not address the main issues regarding Microsoft's monopoly. The best way to do this is to require Microsoft to publish it's file formats and propietary standards to the public. This would allow

people to communicate with Microsoft products using other operating systems, hence allowing a real choice in what to use. This would not hinder Microsoft's ability to compete on it's own merits. The operating issue is not as important as the use of the Microsoft Office products and Outlook/Exchange to further it's monopoly. Opening these standards would allow a level playing field without undue restrictions on Microsoft and it's ability to inovate. This would not require an undue burden of enforcement on the government or Microsoft. I feel this would be an excellent move for consumers and, frankly, Microsoft. I hope these concerns are taken into consideration when reviewing this settlement.

Tod Schmidt
Network Engineer
Cable and Wireless
todd.schmidt@cwusa.com
(wk) 703–760–1765
(cl) 703–869–4994

MTC–00015706

From: Chester Hoster
To: Microsoft ATR
Date: 1/23/02 9:56 am
Subject: Microsoft Settlement

This settlement is a bad idea.

MTC–00015707

From: Kelly, Dan
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 9:47am
Subject: Microsoft Settlement

I have read about the proposed settlement, and I am not in favor of it in its current state. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors.

Dan Kelly
Information Services
ext 9030
BE&K—Delaware
132 Woodlake Drive
Marlton, NJ 08053

MTC–00015708

From: jrennie@ai.mit.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 9:53 am
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea. Although it encourages Microsoft to become less monopolistic, Microsoft's history shows that if there is any legal-ish way for it to retain its monopoly, it will. I would like to see a complete separation of the operating system and applications divisions. Such a separation would help to expose collusion between the divisions for what they really are and may eventually lead to a competitive operating system market. If this is not possible, I would still be happy to see restrictions put on Microsoft's business practices that are stronger than those currently proposed.

Thank you,
Jason Rennie
44 Grove St.
Belmont, MA 02478
CC:jrennie@ai.mit.edu@inetgw

MTC–00015709

From: Andrew.M.Park@clev.frb.org@inetgw
To: Microsoft ATR
Date: 1/23/02 9:50am
Subject: Microsoft Settlement

The American consumer and citizen will be cheated out of justice if the proposed Microsoft antitrust suit is allowed to settle in its current form. Microsoft's business practices are truely anti-competitive and the company must be contained, punished, and reformed. Though I should comment on specific portions on the settlement that I don't agree with, I feel that the following points are the most outstanding:

The PFJ doesn't take into account Windows-compatible competing operating systems:

—Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

The PFJ Contains Misleading and Overly Narrow Definitions and Provisions:

—The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

—The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

—The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

—The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box— operating systems that all use the Win32 API and are advertized as being ''Windows Powered''.

—The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

—The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

—The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

—The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

—The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft:

—Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

—Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

—Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)

The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft:

—Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs:

—The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

—The PFJ allows Microsoft to discriminate against small OEMs—including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

—The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

The PFJ as currently written appears to lack an effective enforcement mechanism.

Thank you for your time. I'm sure you will help protect the rights of American citizens, consumers, and business.

Andrew MooJin Park
andrew moojin park
systems analyst—its
federal reserve bank of cleveland
andrew.m.park@clev.frb.org
216.579.2389

MTC–00015710

From: Andy Ingraham Dwyer
To: Microsoft ATR
Date: 1/23/02 9:52am
Subject: Microsoft Settlement

I am opposed to the proposed settlement between the federal government and Microsoft. I believe it does not do nearly enough to limit the anticompetitive practices of an illegal monopoly.

Please record my disapproval.
Andy Ingraham Dwyer

MTC–00015711

From: ravi pina
To: Microsoft ATR
Date: 1/23/02 9:51am
Subject: Microsoft Settlement

I do not support the proposed settlement because I do not think it provides sufficient punishment to balance Microsoft's offenses, nor sufficient incentive to prevent them from doing the same in the future. Furthermore, the idea of punishing a monopoly by requiring them to extend their monopoly into the US educational system is incomprehensible.

Ravi Pina
Boston, MA
Network Systems Administrator

MTC–00015712

From: jared eisenmann
To: Microsoft ATR
Date: 1/23/02 9:53am
Subject: No on settlement!

I vote NO! to the proposed Microsoft Settlement.

I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundred, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices. The idea that a company found to be a monopoly's punishment is to spread their product to even MORE people, is absolutely ludicrous. Punish them by making them even more of a monopoly? I fail to see how giving them a larger market share is a punishment. It is a reward! The opposite would be a punishment, force Microsoft to pay for its competators (such as Linux or Apple) to put their systems into under-priveldged schools.

Similar to the settlement against AT&T, Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level (40%, for example, assuming one of it's competitors is now also at 40%). This must be true for all Microsoft product lines, before regulation is lifted.

Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Imagine the damage to the United States if Microsoft were to fail, as Enron failed. The risks of a monopoly are greater than merely the loss of competition. Are we to return to the late 19th centruy? Will a few men like JP Morgan and Carnegie control our destiny again? I say Nay! Capitolism is based on competition- and monopolies eliminate competition. The settlement with Microsoft is doing nothing to curtail it's monopolistic practices.

Jared Eisenmann
George Washington U.

MTC–00015713

From: Michael Richey
To: Microsoft ATR
Date: 1/23/02 9:54am
Subject: Microsoft Settlement

To whom it may concern,

I do not think the settlement goes far enough as a punishment for Microsoft's crimes. I'm an unemployed unix software developer, and because of Microsoft's monopoly it is difficult for me to find a new job in my field. I think the settlement is bad, and hope that you create a stronger punishment for Microsoft.

Thanks,
Michael Richey
1776 Park Trail NE
Grand Rapids, MI 49525

MTC–00015714

From: Chris Sexton
To: Microsoft ATR
Date: 1/23/02 9:53am
Subject: Microsoft Settlement

The proposed final judgement for the MS Antitrust case is lacking in several areas but I would like to point out one of the definitions defined in the PFJ is quite weak.

''Microsoft Middleware'' was defined to mean application software that presents a set of APIs which allow users to write new applications without reference to the underlying operating system.

This allows Microsoft to exclude software from being covered by changing product version numbers or changing distribution methods for their software and operating systems. Seems like this is the opposite of what it intended—based on this loose definition, there isnt much of a reason to restrict the deemed ''Microsoft middleware''. It kind of defeats the purpose, doesnt it?

I seriously believe that the proposed final judgement should be revised in many areas or Microsoft will continue their practices as they do today.

Chris Sexton, Student
NC State University

MTC–00015715

From: Doug Kartio
To: Microsoft ATR
Date: 1/23/02 9:54am
Subject: ''Microsoft Settlement''

I wish to voice my option that the restrictions placed on Microsoft are not restrictive enough. Microsoft has for the past 20 years has been lying, stealing and steamrolling every good computer innovation that has been in direct or indirect competition with them.

I have watched great products be pushed out of the market, companies put into bankruptcy, and others threatened with legal action even though Microsoft had no legal right to do so, other then to have them stop competing against them.

Microsoft has made many fortunes off the work and sweat of others and is proving to many people that ?CRIME DOES PAY?. For a company that lied and falsified evidence in the previous trial, it is hard to believe that they have not been severally punished for their crimes. Had this been a small ?Mom and Pop? shop they would have been had accountable and have been punished, but since it is one of the world's largest companies, they are getting away with their actions. The laws of the country are in place to protect ALL people/companies regardless of color, race, creed or religion/size or wealth.

Please do what is right and punish Microsoft for the pain and suffering it has caused to the computer and high tech industry. I have been working in this sector for over 14 years and have never seen a more negative impact on this industry then I have with Microsoft.

Microsoft needs to open its system (APIs and code) so that other companies can write code that works properly with windows. Microsoft has places all types of hidden functions and methods that allow Microsoft developed products to work better and faster then their competitors due to these hidden calls.

Microsoft also needs to be fined in a way that it and all other companies, that may try and monopolize a sector of industry, that crime does NOT pay. This will be largest company fine in history, but for a company that has $30—$70 billion dollars in cash in the bank it needs to be. Anything else would like fining a millionaire $100 for using the carpool lane when he is by himself. Do you really think he cares? Has he learned his lesson? NO! He spends more then that on a drink at the yacht club.

I also personally believe that breaking Microsoft into 3 different groups; one that handles the operating system, one that handles the internet development and another that handles all the desktop publishing and related software is the best way to achieve a truly competitive market within the computer industry. I realize that this options, no longer seems to be on the table, but it is honestly the best way.

Thank You
Doug Kartio
Senior Internet Consultant
Object Partners, Inc.
612–991–4475
CC:kartio@direcpc.com@inetgw

MTC–00015716

From: nicolas caudle
To: Microsoft ATR
Date: 1/23/02 9:53am
Subject: Microsoft Settlment

The proposed settlement between Microsoft and the DOJ will not prevent Microsoft from doing this in the future. Thsi accounts to a mere slap-on-the-wrist for them. I am in favor of Microsoft helping out schools, but let them give the school systems money instead of hardware and MS software. This way the schools *CHOOSE* what types of computer systems they want to use(whether it be Apple, Microsoft, Linux, etc...), as oppossed to Microsoft flatly giving them hardware(antiquated hardware too), and software that automatically means revenue for Microsoft in the future.

thank you,
Nicolas Caudle

MTC–00015717

From: Krishna Donepudi
To: Microsoft ATR
Date: 1/23/02 9:54am
Subject: Microsoft Settlement

I do not agree with Microsoft's business tactics and I believe they should be properly punished. The proposed settlement is a bad idea.

MTC–00015718

From: Michael Harszlak
To: Microsoft ATR
Date: 1/23/02 9:54am
Subject: Microsoft Settlement

I believe the proposed settlement is NOT in the best interests of consumers; will NOT free up competition in the marketplace, and will only provide Microsoft further opportunities to extend their illegal monopolies.

MTC–00015719

From: Bill Christens-Barry

To: Microsoft ATR
Date: 1/23/02 9:54am
Subject: frightened by failure of the proposed Microsoft Settlement to address and deter unlawful activities

As an American citizen and consumer, I am troubled and frightened by the failure of the proposed judgement to address findings in the Microsoft antitrust case. THIS JUDGEMENT FAILS TO IMPOSE ADEQUATE REMEDIES TO THE CASE FINDINGS, and fails to utilize the broader range of remedies that may be legally and prudently availed.

There is NO EVIDENCE THAT THE PROPOSED REMEDIES are adequately punish past illegal or WILL PREVENT FUTURE HARMFUL, ILLEGAL ACTIVITY. It is frightening to consider what lesson might be taken from this failure by other potential monopolists and economic bullies. Is this a country of personal and corporate accountability, or not?

As a user of a broad range of computer software and hardware products, spanning the range of commercially available operating systems, I have found my FREEDOM to choose on the basis of PRICE and PERFORMANCE has been undermined by Microsoft's widespread and apparently instinctive work to the ILLEGALLY SUBVERT COMPETITION.

I request that my government pursue more appropriate and further means of PROTECTING THE AMERICAN PEOPLE AND ECONOMIC SYSTEM FROM MICROSOFT in this matter.

Thany you,
WIlliam A. Christens-Barry
4009 St. Johns Lane
Ellicott City, MD 21042
Bill Christens-Barry, PhD
Equipoise Imaging, LLC
equipoise@rcn.com
http://www.eqpi.net

MTC–00015720

From: Will Backman
To: Microsoft ATR
Date: 1/23/02 9:54am
Subject: Microsoft Settlement

I think the proposed settlement does not go far enough. Microsoft has been found to use its monopoly position in an illegal manner, and it should not be trusted with a monopoly position. More should be done to break the monopoly, not just punish it.

William H. Backman
Waterville, Maine 04901

MTC–00015721

From: Charles Eakins
To: Microsoft ATR
Date: 1/23/02 9:31am
Subject: Microsoft Settlement

Your Honor,

I think the purposed settlement is not enough, to quell Microsoft's anti-competitive behavior. They continue to do the same things they were found guilty of, to this day. That says allot about a corporation, and or even an individual. If the company was serious about complying with the court, they would have changed they're behavior, before they are ordered to do so by the court. To me this seems like a big joke to Microsoft, and I think they need to be punished more, possibly be broken up. I have been in the computer industry for over 10 years, even having worked for Microsoft. It was a fun company to work for, even though I disagree with some of they're ethical things.

Charles Eakins
Senior Quality Assurance Engineer
AppWorx Corp.
1–877-APPWORX
+1.425.644.2121x104
E-mail: ceakins@appworx.com
Website: http://www.appworx.com

MTC–00015722

From: jtopjian@nb.net@inetgw
To: Microsoft ATR
Date: 1/23/02 9:55am
Subject: Microsoft Settlement

To Whom It May Concern:

I would just like to say that I have read about the proposed settlement, and I am not in favor of it in its current state. The proposed settlement will do nothing to change Microsofts monopolistic acts. In that case, what use was the trial?

IMO, Microsoft is not only a monopoly, but a bad company with bad business ethics in general. How much longer do people have to bear putting up with this? I understand that the average person does not fully comprehend whats at stake now or in the future if Microsoft continues its current practices. But You have the power to change that now.

If not now, then when?
Joe Topjian
Oakdale, PA
jtopjian@nb.net

MTC–00015723

From: Chris Zappanti
To: Microsoft ATR
Date: 1/23/02 9:54am
Subject: Microsoft Settlement

I must voice my strong opinion against the current wording of the Microsoft Settlement. Microsoft is convinced it has never done a wrong, is doing no wrong, and will do no wrong in the future. Without a stringent and explicitly worded remedy they'll do exactly what they did before: skirt the issue, push past the spirit of the earlier remedy by parsing every word they can, or flat out ignoring what is not conducive to their behavior in the name of ''consumers.''

Microsoft, as part of the agreement, should be REQUIRED to admit in print its guilt on conduct where the courts have upheld already. If it brings them lawsuits tough luck—if they had chosen to play openly and fairly in the first place they would not be here.

Don't let them off the hook with a slap!!! Too many of us in this field tire of seeing them run rough-shod over companies who had the potential and/or product to solve a problem much more efficiently than Microsoft did, only to see them get run over when the product began to attract attention.

They're like a drunken babbling fool—a good slap to the head is the only way to get their attention.

Thank you,
Chris Zappanti, CNE4 CNE5 A+
Personalized Computer Systems, Inc.
3033 S. Kettering Blvd. Suite 110
Dayton, OH 45439
937.296.7416
937.298.3008 (fax)
czappanti@pcsinconline.com

MTC–00015724

From: Henry W. Miller
To: Microsoft ATR
Date: 1/23/02 9:54am
Subject: Microsoft Settlement

The proposed settlement with Microsoft does nothing to solve the issues that have brought this case to court.

Microsoft has been found to have a monopoly on Intel compatible operating systems, and further they have used this monopoly to destroy competitors. There is nothing in the proposed settlement that would prevent Microsoft from destroying another competitor. As such it is not a good settlement. Microsoft appears to be trying to get clauses in the final settlement that would allow them to keep secret anything related to security. This is unnecessary well designed security measures do not lose their value when the attacker knows how they work. Vaults are rated by how long it would take a thief who has access to the design to break in. In computers we have discovered that secret security measures are eventually broken by the computer criminals who then use them against those who trust them. I urge the court to reject the proposed settlement or modify it so that Microsoft will not use their monopoly to harm competitors.

Henry Miller
(763) 391–1271

MTC–00015725

From: Laura Hale
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 9:52am
Subject: Microsoft Settlement

To Whom it Concerns:

I have read the Proposed Final Judgement in the Antitrust case against Microsoft and still have concerns that this settlement will not keep Microsoft from engaging in illegal and anticompetitive practices. The current proposed settlement includes loopholes that will allow Microsoft to continue to retaliate against companies and end users that choose alternative operating systems, and does not put in place an adequate system for investigating future infringements by Microsoft. As someone who has worked with technology, specifically technology in nonprofit organizations, I have seen the unsatisfactory results of years of monopolistic behavior from Microsoft and I cannot, in good conscience, recommend or support it this proposed final judgement.

However, I do believe that the amendments put forth by the nine states Attorneys'' General and Corporation Counsel from the District of Columbia who did not agree to the proposed settlement is more comprehensive and will curb Microsoft's illegal monopolistic practices. It addresses some of the larger issues missing in the first proposal by creating a ''Special Master'' with investigative powers that will be able to react quickly to future infractions, and broadening some of the narrow definitions given for terms like API and Windows. I support the inclusion of policies to require Microsoft to:

1. offer a version of Windows with minimal preinstalled software, allowing consumers to better choose which software components they want installed on their computers when originally purchased;

2. package ''middleware'' software with Windows XP that will allow software applications to run across different operating systems, which will cut down on the myriad of compatibility issues users currently face.

3. share the programming code of Internet Explorer, the company's Internet browser, with other software developers, preventing Microsoft from monopolizing Internet access; and

4. allow other software developers to port Microsoft's Office software suite for use on non-Windows operating systems, permitting non-Windows users to use Microsoft's other products if they choose.

I whole heartedly urge the Court to find that the U.S. Department of Justice proposed final judgement is not in the best interest of the public and to consider the remedies offered by the Attorneys'' General and Corporation Counsel from the District of Columbia.

Sincerely,
Laura Hale
S. Burlington VT

MTC–00015726

From: Eric Spiegelberg
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 9:58am
Subject: Microsoft Settlement

I think the proposed settlement is an extremely bad idea. The government is clearly bowing to Microsoft special interest groups. The corrective measures are extremely light and will not accomplish any change in anti-competitive behavior. Microsoft has continued to practice anti-competitive behavior even while this case has been before a judicial court. Microsoft has also continued to spread its stranglehold on the technology sector by entering new markets and the continuation of bully tactics. It's a shame that the United States government is afraid to deal with this corporation within the guidelines of the law. I have a BS in Computer Science and work within the software industry. I use Microsoft and non-Microsoft products daily and see this issue clearly without bias. I have formed my opinion after years of industry observation, by being well educated on the subject, and weighing the facts. Obviously Microsoft is buying their way out of the situation and it's unfortunate that most people, including the Justice Department, don't have the technical knowledge to realize what anti-competitive tactics they use to maintain their monopoly.

Sincerely,
Eric Spiegelberg

MTC–00015727

From: Tom Ross
To: microsoft.atr(a)usdoj.gov
Date: 1/23/02 9:55am
Subject: Microsoft Settlement

To whom it may concern

I am opposed to the current proposed settlement in the Microsoft Anti-Trust case. I feel it is not harsh enough and does not do justice. It does not open up any chance for new operating systems in the market.

MTC–00015728

From: Eric Sheffer
To: Microsoft ATR
Date: 1/23/02 6:55am
Subject: Microsoft Settlement

I am against the Proposed Final Judgement in United States v. Microsoft.

I believe that the Proposed Final Judgement (PFJ) is severely flawed. There are many inconsistencies between definitions outlined in the Court's Finding of Fact and those in the PFJ that introduce loopholes in the remedy which will enable Microsoft to continue the monopolistic and anticompetitve behavior that spurred the suit. If these loopholes are not addressed, then the years of litigation and vast sums expended on behalf of American consumers will be for naught.

Specifically, four definitions outlined in the PFJ need to be altered to close these loopholes. They are:

(1) Definition A: ''API''—This PFJ definition of API pertains only to interfaces between Microsoft Middleware and Microsoft Windows, and excludes Windows APIs used by application programs. As written, this definition might omit important APIs such as the Microsoft Installer APIs, or APIs introduced into Windows to specifically support Microsoft application software.

(2) Definition J: ''Microsoft Middleware''—The PFJ definition of ''Microsoft Middleware'' enables Microsoft to exclude any software from being covered by the definition in by changing product version numbers or changing how Microsoft distributes Windows or its middleware. The Court's Finding of Fact definition, which defines middleware as software that itself presents a set of APIs which enable new applications to be written without reference to the underlying operating system, should instead be adopted.

(3) Definition K: ''Microsoft Middleware Product''—This PFJ definition specifically excludes several Microsoft products for or on which developers create applications using underlying APIs. Excluded are Microsoft.NET and Microsoft C#, Microsoft Outlook and Microsoft Exchange, and Microsoft Office and its component applications (Microsoft Word, Microsoft Excel, Microsoft PowerPoint and Microsoft Access). These products should be included in the definition because they provide important APIs for application development.

(4) Definition U: ''Windows Operating System Product''—This PFJ definition includes Windows 2000 Professional, Windows XP Home, Windows XP Professional and their successors yet excludes the operating system products Windows XP Tablet PC Edition and Windows CE. Many applications are available that will run without modification on both the included and excluded operating system products. This definition should include an operating system that an execute programs written to the Windows API. Without modification to these definitions, I believe this PFJ, if adopted, will provide enough loopholes to enable Microsoft to escape justice.

Thank you for your attention.
Sincerely,
Eric Sheffer

MTC–00015729

From: Joe Henley
To: Microsoft ATR
Date: 1/23/02 9:54am
Subject: Microsoft Settlement

The proposed settlement with Microsoft is WRONG! Please push for much stronger penalties for this monopolist. They are hurting consumers such as me who want more choice in our operating and applications systems.

Thanks!
Joe Henley

MTC–00015730

From: Aaron E. Ross
To: Microsoft ATR
Date: 1/23/02 9:53am
Subject: Microsoft Settlement

To whom is may concern,

As a part of the comment process I would like to register my unhappiness with the current proposed settlement.

Unless Microsoft is required to publish open API'S and file formats, it will continue to enjoy an unchallenged monopoly and benefit from the continuing effects of ''lock-in''. On the other hand, as Scott Rosenberg pointed out, With Microsoft's APIs and file formats fully standardized, documented and published, other software vendors could compete fairly—which, after all, is what antitrust laws are supposed to promote. We might then be faced with a welcome but long unfamiliar sight: a healthy software market, driven, as today's processor market is, by genuine competition.

I hope that you seriously consider the remedies laid out by GNU and FSF in the following document: http://www.gnu.org/philosophy/microsoft-antitrust.html, which I have attached.

Thank you,
Aaron Ross
aaron ross
baldwin language technologies
email ross@coreference.com
phone 215 545 6428

With the Microsoft antitrust trial moving toward a conclusion, the question of what to demand of Microsoft if it loses is coming to the fore. Ralph Nader is even [when this was written, in March 1999] organizing a conference about the question.

The obvious answers—to restrict contracts between Microsoft and computer manufacturers, or to break up the company—will not make a crucial difference. The former might encourage the availability of computers with the GNU/Linux system preinstalled, but that is happening anyway. The latter would mainly help other proprietary application developers compete, which would only offer users alternative ways to let go of their freedom.

So I propose three remedies that would help enable operating systems such as GNU/Linux compete technically while respecting users'' freedom. These three remedies directly address the three biggest obstacles to development of free operating systems, and to giving them the capability of running

programs written for Windows. They also directly address the methods Microsoft has said (in the ''Halloween documents'') it will use to obstruct free software. It would be most effective to use all three of these remedies together.

Require Microsoft to publish complete documentation of all interfaces between software components, all communications protocols, and all file formats. This would block one of Microsoft's favorite tactics: secret and incompatible interfaces.

To make this requirement really stick, Microsoft should not be allowed to use a nondisclosure agreement with some other organization to excuse implementing a secret interface. The rule must be: if they cannot publish the interface, they cannot release an implementation of it.

It would, however, be acceptable to permit Microsoft to begin implementation of an interface before the publication of the interface specifications, provided that they release the specifications simultaneously with the implementation.

Enforcement of this requirement would not be difficult. If other software developers complain that the published documentation fails to describe some aspect of the interface, or how to do a certain job, the court would direct Microsoft to answer questions about it. Any questions about interfaces (as distinguished from implementation techniques) would have to be answered.

Similar terms were included in an agreement between IBM and the European Community in 1984, settling another antitrust dispute.

Require Microsoft to use its patents for defense only, in the field of software. (If they happen to own patents that apply to other fields, those other fields could be included in this requirement, or they could be exempt.) This would block the other tactic Microsoft mentioned in the Halloween documents: using patents to block development of free software.

We should give Microsoft the option of using either self-defense or mutual defense. Self defense means offering to cross-license all patents at no charge with anyone who wishes to do so. Mutual defense means licensing all patents to a pool which anyone can join—even people who have no patents of their own. The pool would license all members'' patents to all members.

It is crucial to address the issue of patents, because it does no good to have Microsoft publish an interface, if they have managed to work some patented wrinkle into it (or into the functionality it gives access to), such that the rest of us are not allowed to implement it.

Require Microsoft not to certify any hardware as working with Microsoft software, unless the hardware's complete specifications have been published, so that any programmer can implement software to support the same hardware.

Secret hardware specifications are not in general Microsoft's doing, but they are a significant obstacle for the development of the free operating systems that can provide competition for Windows. To remove this obstacle would be a great help. If a settlement is negotiated with Microsoft, including this sort of provision in it is not impossible—it would be a matter of negotiation.

This April, Microsoft's Ballmer announced a possible plan to release source code for some part of Windows. It is not clear whether that would imply making it free software, or which part of Windows it might be. But if Microsoft does make some important part of Windows free software, it could solve these problems as regards that part. (It could also be a contribution to the free software community, if the software in question could be useful for purposes other than running other proprietary Microsoft software.)

However, having the use as free software of a part of Windows is less crucial than being permitted to implement all parts. The remedies proposed above are what we really need. They will clear the way for us to develop a truly superior alternative to Microsoft Windows, in whatever area Microsoft does not make Windows free software.

MTC–00015731

From: Robert O'Callahan
To: Microsoft ATR
Date: 1/23/02 9:56am
Subject: Microsoft Settlement

To whom it may concern,

I believe the proposed settlement is inadequate and will not be sufficient to redress the antitrust offences of which Microsoft has been convicted, nor will it deter them from committing future offences. The Department of Justice has had very little success in enforcing its previous consent decree with Microsoft; we have no evidence that this decree will fare better. It's particularly outrageous that the penalty for violating this new decree will be to extend the decree for another two years! A toothless decree extended for two years is still toothless.

Furthermore, the terms of the proposed decree, even if adhered to, simply require Microsoft to act more reasonably in the future. They do nothing to punish it for past misbehavior, and thus there is little deterrent effect. Microsoft must be subjected to significant material penalties to deprive it of the fruits of its illegal actions, or it will (correctly) view those actions as profitable, and repeat them.

My background: I am a computer science researcher. I just graduated from Carnegie Mellon University with a PhD in computer science. My thesis won honours in the 2001 ACM Doctoral Dissertation Awards. I have recently joined IBM's Research Division, but of course I speak only for myself.

Sincerely,
Robert O'Callahan

MTC–00015732

From: Wayne McCullough
To: Microsoft ATR
Date: 1/23/02 9:55am
Subject: Microsoft Settlement

I am against the proposed settlement with Microsoft Corporation. Microsoft has illegally used it's monopoly, and the settlement leaves the monopoly fully in the hands of the company that has misused it in the first place.

If a friend of mine were to use my car without permission (ie, steal my car) and then is stopped and found to be in possession of an illegal substance, the federal government would have no problem with depriving me of my property even though I didn't commit a crime. But when a corporation uses it's property to repeatedly commit crimes, as Microsoft has done, the federal government is content to just watch the corporation harder. The justice department has a very strange definition of justice.

Wayne McCullough

MTC–00015733

From: Doug Burks
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 9:55am
Subject: Microsoft Settlement

To Whom it May Concern;

The Proposed Final Judgment in the Microsoft settlement has many flaws. The three most glaring of these flaws are: (excerpted from Dan Kegel's letter at http://www.kegel.com/remedy/letter.html)

(1) ''Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.''

(2) ''The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.''

(3) ''The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.''

It would be greatly appreciated if these three points, as well as the other points made by Mr. Kegel at http://www.kegel.com/remedy/letter.html are taken into further consideration.

Thanks,
Doug Burks
Sytems Administrator
Augusta Service Co., Inc.

MTC–00015734

From: Paul Rydell
To: Microsoft ATR
Date: 1/23/02 9:50am
Subject: Microsoft Settlement

I think the proposed settlement regarding Microsoft is a bad idea.

Paul Rydell

MTC–00015735

From: Paul Danckaert
To: Microsoft ATR
Date: 1/23/02 9:55am
Subject: Microsoft Settlement

As a professional in the computer industry, I have watched for many years how Microsoft's anti-competitve practices have damaged the industry. Microsoft has demonstrated that it will not compete fairly on cost, on packaging/bundling, or on agreements or relationships. This is not an advantage to the end user. Despite the facade of change, the actual rate of change is less, and the small companies or competitors who induce change are bought out or swept away. The only actual competitor appears to be the open-source/Linux environment, and this is because the cost can be ruled out.

Do not hand Microsoft an easy victory, which would be given to them if they only receive a slap on the wrist. They need to be reined in and controlled, much as any other monopoly has been handled in the past.

Thank You,

Paul

MTC–00015736

From: Tom Clark
To: Microsoft ATR
Date: 1/23/02 9:55am
Subject: Microsoft Settlement

I am writing this message to comment on the proposed final judgement in the United States vs. Microsoft antitrust case.

The proposed final judgement does not serve the public interest. In particular, the proposed final judgement does not include an provision allowing users to replace Microsoft.NET with competing middleware. Since Microsoft.NET is central to to Microsoft's new development efforts, the failure to include such a provision renders the proposed judgement ineffective.

Tom Clark
Systems Administrator
Dept. of Mathematics & Computer Science
SUNY Fredonia

MTC–00015737

From: M A Lytle
To: Microsoft ATR
Date: 1/23/02 9:56am
Subject: Microsoft settlement

To whom it may concern,

As a Information Technology worker with 12 years in the business, I am writing to strongly object to the current proposed Microsoft settlement. In every way possible, this document is crafted to reward Microsoft for unethical behavior and give them the green light to continue business as usual. This settlement is not in the public interest, period.

In how many ways is this settlement flawed? In as many ways as possible, and that is no exaggeration. I have watched the toxic effects of the lack of competition in my own company, where prices for Microsoft's software have risen continuously while computer hardware prices have plummeted in the same time period. I have watched company executives bow down before the monopolistic might of Microsoft to install expensive upgrades to the whole computer complement of the company where I work, only to watch the frustration of new users who have regarded the changes as unnecessary and confusing, and the costs were often absorbed by arguing that we have to ''keep up'' as though we were in some kind of a race. The combined capital expenditure of all of the major corporations over the last 10 years has amounted to a hidden tax , that has undoubtedly shown up in higher prices for everything we buy, as individuals or companies. And remember that all major software categories were already present since the early to mid 1990's so no new productivity has been achieved since then, only spiraling(upward) software fees. This has happened because no new software firms, with new ideas, can appear and survive in the current business environment, with the present business and legal tactics of Microsoft unabated.

These are just the effects, the things I have seen, in the real world, far removed from the world of the media and the courts, as this trial has laboriously traveled through the legal system, to be apparently dead-ended as irrelevant, now that the national mood is that the powerful are exempt from law or standards of conduct. As I write this you can see I don't believe this, no intelligent person today lacks cynicism about the justice system, but no intelligent person, can afford to give up, either. If we stop caring, we are truly lost.

In summary, I implore you as a citizen to reject this settlement as ineffective, ingenuous, and destructive of the values of competition and openness that once made us great, as a nation. Please restore us to greatness, greatness as defined by fairness for all, not just for the powerful.

Sincerely yours,
Mark A. Lytle
Network Analyst
Houston, Texas

MTC–00015738

From: Kevin White
To: Microsoft ATR
Date: 1/23/02 9:55am
Subject: Microsoft Settlement

Dear Department of Justice,

I'd like to take a minute of your time to voice my opinion in opposition to the current Proposed Final Judegment against the Microsoft Corporation. As an avid user of OpenSource products, I feel that consumers should have a choice when purchasing a new PC as to what kind of software is loaded on that machine. It has come to my attention that your Proposed Final Judegment still allows Microsoft to stangle OEM's in an anticompetitive way. According to Section III.A.2. Microsoft may retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system. This provision will allow Microsoft to stifle the coice of the consumer.

Consumers should have the right to either purchase a new computer system without any operating system, or with an operating system that directly competes with Microsoft. It has already been argued in the Central District of California court case, Adobe vs Softman, that that consumers can resell bundled software, no matter what the EULA, or End User License Agreement, stipulates. In the case of Microsoft's software, the operating system is tied to the OEM bios hardware of the PC. Even if a consumer wanted to sell their copy of windows to recoup their loss they would be unable to do so. The link between the OS and the OEM bios would prevent a user from installing the software on any other machine, making it impossible for the consumer have a choice at the time of purchase.

In conclusion, I would ask the Department of Justice to stand back and take a look at this situation again. There are MANY more reasons to dislike the proposed final judgement, more than I care to go into. Please take into consideration the letters and concers of the OpenSource community when making your decision.

Thank You,

Kevin White
Newbern, TN
A+ Certified Computer Technician
Linux+ Certified

MTC–00015739

From: Tony Asleson
To: Microsoft ATR
Date: 1/23/02 9:55am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I am opposed to the proposed settlement in the Microsoft antitrust trial. Microsoft has been deemed a monopoly and should be treated as such. The proposed settlement will not make a significant difference to the monopolistic power Microsoft has on the industry.

Competition is good for consumers, because when consumers have a choice they can choose the best solution. Companies in competition must compete to survive. A market absent of competition will stagnate and is not conducive to innovation. Significant changes need to be put in place to restore software competition in the personal software computer industry.

Sincerely,
Tony Asleson

MTC–00015740

From: J. Nathan Matias
To: Microsoft ATR
Date: 1/23/02 9:55am
Subject: Microsoft Settlement

Under the Tunney Act, I would like to comment on the proposed Microsoft settlement.

As a technologist who has to get work done every day and as a person who is trying to escape the grip of Microsoft's monopoly, I have several concerns about the proposed settlement.

First, I find it disturbing that the proposed settlement does not adequately prohibit Microsoft from using monopolistic tactics against Open Source software. Though I do some Open Source programming for corporations, I also spend my personal time writing software for my personal use and the enjoyment of others. Certain Microsoft licensing tactics used in the past could prohibit users from installing my software on their computers or prevent companies from distributing my software on the same media as Microsoft products. This restrictive practice of Microsoft will not be curbed in the proposed settlement.

As a programmer, I am excited about the access to APIs that may result from this settlement, but I find that the definition of API is limited so as to be of little use to me. APIs that are necessary to create a reasonably good application are not included in the definition; these bare patches in the settlement would make my use of Microsoft APIs (as defined in the settlement proposal) nearly impossible.

The proposed settlement rightfully allows users to replace Microsoft's Java software. However, this is a headless arrow, for

Microsoft itself is replacing Java ... with a new technology called .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

This brings me to another point. I find the terms much too specific. This allows Microsoft to continue its long-standing monopolistic tradition of hijacking new technologies when old ones no longer become profitable. It is very likely that within a few years the settlement will no longer apply, since the technology sector innovates so quickly and changes so rapidly. Unfortunately, such progress, which should benefit the average person most of all, would only serve to bring Microsoft out from under the too-specific terms of the proposed settlement.

One place where the settlement proposal is too specific is in the actual Microsoft operating systems that are discussed. Several Windows operating systems, such as Windows CE, the X-Box operating system, Pocket PC, and the Windows XP Tablet PC edition all use the same Windows API, but are not covered in the terms of the proposal. This is a dangerous omission in the proposal, as it would allow Microsoft to refocus on those products not discussed in the settlement, effectively sidestepping the settlement's provisions.

Furthermore, the proposal allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system. Why guarantee Microsoft its monopoly by assuming unequivocal 100% monopoly in the proposal? If you want to ensure competition, then make sure Microsoft cannot apply its old tricks towards OEMs who foster competition by selling computers with other OSs.

Another of Microsoft's old tricks is to include intentional incompatibilities in supposedly standards-compliant software to force users to follow the monopoly. The proposal speaks nothing of this practice, which is one which we technologists feel the bite of every day whenever we look at a web site, connect to the network, or write a piece of software.

We technologists also feel the bite of Microsoft when we attempt to write software that is compatibile with Microsoft Office and other productivity software. File formats used by Microsoft are highly secret, which enforces that one either pay huge licensing prices or just use a Microsoft solution. These file formats are truly the iron grip through which Microsoft extends and keeps its monopoly. Time and time again I have suggested to people that they use competing office or productivity software, and time and time again the response is that if it doesn't work with Office, then it's too dangerous to use.

Unfortunately, the problem is not on the part of the third-party software; the problem lies with Microsoft's monopolistic manipulation of file formats. Thank you for your time and consideration; I trust that the final result of this whole process will be a technology industry that once again is a garden of innovation and flowering beauty rather than the muddled mess we now have on our hands.

J. Nathan Matias

MTC–00015741

From: Matt Graham
To: Microsoft ATR
Date: 1/23/02 9:56am
Subject: Microsoft Settlement

To whom it may concern:

I have read about the proposed settlement, and I am not in favor of it in its current state. The settlement does not address problems with Microsoft's closed file formats, meaning that any business with many documents in these formats have no clear upgrade path or way to escape from Microsoft. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors.

Sincerely,
Matt Graham
5400 W Mall Dr #3113
Lansing, MI 48917

MTC–00015742

From: Chris Blessing
To: Microsoft ATR
Date: 1/23/02 9:56am
Subject: Microsoft Settlement

It is imperative that MS be punished for their doings. I disagree with the settlement proposed thus far.

Chris Blessing
webguy@mail.rit.edu
http://www.330i.net

MTC–00015743

From: Roman Meytin
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 9:56am
Subject: Microsoft Settlement

I think its terrible that a company that so clearly engages in anticompetitive practices is going to get off so easy. If this were happenning in any other industry this would have been stopped long ago.

One of the greatest things that attracted me to computers and computer science was that one person or a small group of people could make a huge impact in the industry and on the rest of the world.

Companies like apple and palm practically grew out of garages. Computer Scientist have sometime individually made contributions that shook the world, yet as long a s microsoft is in ''power'' it seems that it is very difficult for free-thinkers to accomplish anything unless they were playing by MS rules and are using MS tools.

Many other world powers and governments are turning to alternative solutions. And if US does not take a stand on this issue we will soon be left far behind the rest of the world; Using cludgy software because we have little choice.

Regards,
Roman Meytin

Opinions stated in this email are my own and do not necesarally represent those of my employer.

MTC–00015744

From: John Franks
To: Microsoft ATR
Date: 1/23/02 9:56am
Subject: Opposition to Settlement

I wish to record my strong opposition to the proposed settlement of the Microsoft anti-trust case.

While there has been great harm to consumers in general caused by Microsoft practices and the proposed settlement does little or nothing to prevent continuation of these practices, I would like to focus on one single thing.

Microsoft has done nearly irreparable damage to the free exchange of ideas in written form through its monopoly of information formats. There is no need for written documents not to be interchangeable.

Microsoft Word was designed and is maintained in such a way as to make exchange with other programs difficult or impossible. This forces many people to purchase MS Word who do not wish to use it. The same type of monopoly is being pursued in other formats, music and video foremost among them. The monopoly in all these formats is unnatural and created only for financial gain. It could only be created by leveraging the operating system monopoly which Microsoft enjoys. Microsoft has proven its success at creating new format monopolies by bundling software with the operating system which only uses its proprietary formats.

The current proposed settlement does nothing to remedy this.

Sincerely,
John Franks
Professor of Mathematics
Northwestern University

MTC–00015745

From: Richard Sachen, Jr.
To: Microsoft ATR
Date: 1/23/02 9:56am
Subject: Microsoft Settlement

I have read with interest the continuing legal battles over Microsoft's monopoly. While quick resolution has eluded us and the original victim of Microsoft's illegal practices, Netscape, has disappeared as a competitor, the case has made a change in the marketplace. Unlike the early 90s, people with computer related ideas now think of IPOs rather than being bought out by Microsoft.

To the point, I would like to suggest a possible penalty for Microsoft's illegal actions that may have more effect and cost less to enforce than the government's proposed remedy. Since Microsoft has been convicted of abusing their monopoly power, perhaps a suspension of enforcement of their government held monopolies (some or all patents, trademarks, and/or copyrights) for a period of time—say from the release of Windows 95 to 2002, approximately 6 years. By the government simply refusing to uphold Microsoft's monopoly power on patents and copyrights, enforcement costs are zero. The effect of such a move would be to open up competition dramatically.

I am not a lawyer and do not know if this is among the legal remedies available to the court, but removing government enforcement of a monopolist's monopoly power in patents and/or copyrights seems a simple and effective punishment.

Thank you for your consideration,
Richard Sachen

471 Central Avenue
Mountain View, CA

MTC–00015746

From: Jason Gibson
To: Microsoft ATR
Date: 1/23/02 9:57am

The proposed settlement is insufficient. It does not correctly address the issues at hand.

MTC–00015747

From: Bob Laskey
To: Microsoft ATR
Date: 1/23/02 9:57am
Subject: Microsoft Settlement

To Whom It May Concern:

I am writing to you to let you know that I, as a US citizen, am opposed to the proposed Microsoft settlement in the anti-trust case. I having been working in the computer field for over ten years and I have personally witnessed Microsoft go from being an innovator to a monopoly that actively uses its monopoly power to crush competition and artificially raise its prices. One detail of the settlement which I find absolutely ludicrous is the idea of Microsoft donating PC's to schools with its Windows operating system installed on them. This certainly does not punish Microsoft. If anything, this strengthens Microsofts monopoly of operating systems.

It is my opinion that this settlement is much too lenient on Microsoft. It does not do enough to punish Microsoft, or prevent it from abusing its monopoly power in the future.

Sincerely,
Robert Laskey
Annapolis, MD.

MTC–00015748

From: Phillip Bashor
To: Microsoft ATR
Date: 1/23/02 9:57am
Subject: Microsoft Settlement

Dear Sirs,

Please settle this lawsuit as soon as possible. Our country needs to be over such legal turmoil and focus its attention on rebuilding our economy and our national confidence that was so devastated by the events of 9/11 and the crashing of the stock market.

I believe that the fall of the stock market was due to the decision by Judge Jackson against Microsoft. The dates coincide, but in fact his decision stifled innovation and the ability of our greatest inventors to precede with their new ideas.....

As of today, 1/23/02, I just read about a new lawsuit filed by AOL against Microsoft concerning its Netscape browser. I have used Netscape a few times and it is still far inferior to all browsers. Its like the former automobile, the Yugo. I hope no taxpayers money will be wasted on pursuing this new issue which is ludicrous and insensible.

Microsoft is leading the technology race because its products are far superior than anything yet invented. If someone can create a better product, the American people would buy it; as in a few cases they have. But generally most products being sold by other tech companies are inferior clones of already invented products.

I am appalled at the fact that certain companies have used the American legal system to attack and try to destroy a company, Microsoft. They have done this only for the reason that their products are not being bought by the American consumer; for good reason.

350 years ago, Antonius Stradivarius and his student Guisippe Guarnarius figured out how to make a violin that to this day is the violin of choice for every violinist. What would happen if 350 years ago Billy Smith had the savvy lawyers and advisors to convince a government that Stradivarius'' product was too good? Civilization would have taken a giant step backward.

Please don't let this happen, especially in this time of turmoil.

Sincerely your,
Phillip Bashor
7 Highland Ave.
Darien, CT 06820

MTC–00015749

From: Ronald Kronz
To: Microsoft ATR
Date: 1/23/02 9:57am
Subject: Microsoft Settlement

I am bitterly disappointed because the proposed settlement fails to force Microsoft to abandon its anticompetitive practices. Under the proposed settlement, Microsoft would continue to be allowed to characterize any software module as ''part of the operating system'', thereby avoiding their obligation to share programming interface specifications with other companies.

The most clear indication of the ineffectiveness of this proposed settlement is the fact that Microsoft is using Windows XP and its .net initiative to attempt to monopolize internet authentication and e-business. These guys (Microsoft) think they are free to continue extending their OS monopoly. Strong provisions are needed in the settlement of the current case to convince them otherwise.

Ronald Kronz

MTC–00015750

From: Tom Watson
To: Microsoft ATR
Date: 1/23/02 9:58am
Subject: Microsoft Settlement

Please do not go through with the proposed settlement. This would be a travesty to the American people. Microsoft's dominance in operating system and office software has not been won because they are superior products. Their unlawful tactics have smashed many competitors. This has the effect of dramatically slowing the development of software solutions across the board.

Sincerely,
Tom Watson
Senior Consultant
6805 Capital of Texas Highway; Ste 370
Austin, TX. 78731
Ph. 512.735.4351

MTC–00015751

From: Rick Nicoletti
To: Microsoft ATR
Date: 1/23/02 9:58am
Subject: Microsoft Settlement

After reading the proposed settlement with Microsoft, I've come to the conclusion that it's just NOT A GOOD THING. It's got so many loopholes and exceptions as render it ineffective.

Please reconsider this.
Richard Nicoletti
Southborough, MA

MTC–00015752

From: rj bertsche
To: Microsoft ATR
Date: 1/23/02 9:59am
Subject: Microsoft Settlement

i, personally, think that microsoft has given up the notion that they have any responsibility to uphold any sort of law. as a citizen, i cannot steal or threaten others, or extort others into buying things from me. i don't see why they should be held to a different standard than i am. this settlement is so weak as to be laughable. microsoft has demonstrated time and again their lack of respect for the justice system and their previous ''settlements'.. and even now, they buy up property after property, and you aren't stopping them.

i pay taxes, and as a taxpayer, i'm tired of their lawlessness and ego. is our government bought and purchased? fix this injustice.

rj bertsche

MTC–00015753

From: Peter Cullen
To: Microsoft ATR
Date: 1/23/02 9:06am
Subject: Microsoft Settlement

To Whom It May Concern,

As a software engineer with over 13 years of experience, I would like to comment on the Proposed Final Judgement (PFJ) in United States v. Microsoft. I believe the PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft. Microsoft currently uses restrictive licensing terms to keep Open Source applications from running on Windows. Open source development is one the most important software development paradigms in the world today. Microsoft should not be allowed to prevent applications from running on Windows simply because they are licensed as Open Source software. Clearly, Microsoft sees Open Source development as a threat and is taking measures to protect their monopoly. Microsoft has taken this approach in the past with Netscape Navigator and Sun Microsystems Java, to name only two. Their actions have been upheld in the courts an monopolistic, yet the PFJ does not go far enough in preventing Microsoft from using the same behaviors in the future.

Therefore, I believe the Proposed Final Judgment is not in the public interest, and should not be adopted without modifications that address this issue.

Sincerely,
Peter B. Cullen

MTC–00015754

From: dlugo@spot.etherboy.com@inetgw
To: Microsoft ATR
Date: 1/23/02 9:59am
Subject: Microsoft Settlement

Greetings,

I think the proposed settlement with MS stinks. Far better would be to break them up into three companies: apps, OS, and hardware. Once that is done, they would

have a vested interest in interoperability and ''playing well with others''.

Regards,

Dave

MTC–00015755

From: John Finnegan
To: Microsoft ATR
Date: 1/23/02 9:59am
Subject: Microsoft Settlement

I believe that the Department of Justice's proposed settlement with Microsoft is inadequate. It will allow Microsoft to maintain it's monopoly on the PC market and will not end Microsoft's anti-competitive behavior.

John Finnegan
Raleigh, NC

MTC–00015756

From: Walt Berstler
To: Microsoft ATR
Date: 1/23/02 9:51am
Subject: Microsoft Settlement

I have kept up to date and informed regarding the Microsoft settlement and the Tunney Act. I would like to express my opinion that Microsoft does appear to act in a non-professional, anti-competitive manner. I feel that the basis for the stronghold of American capitalism is the ability for everyone to improve the status quo and offer a better product or service than the current provisions. Microsoft does not give that ability to its competition, and therefore the laws in place regarding anti-trust and monopolies must be abided by.

Walt Berstler

MTC–00015757

From: Roger Michael Seip
To: Microsoft ATR
Date: 1/23/02 9:59am
Subject: Microsoft Settlement

I am writing to give my comments on the Microsoft antitrust settlement.

I oppose the proposed Microsoft anti-trust settlement. Microsoft's anti-competitive practices are inconsistent with both American free-enterprise and American law. These practices weaken competition and restrain innovation. The resulting less efficient market employees fewer Americans and produces fewer products. The products that are produced are of lesser quality but higher cost than could be produced in a more efficient and competitive market.

The proposed settlement is too weak. The proposed settlement should be discarded; a new settlement, if sought, should punish Microsoft severely enough to dissuade it from engaging in anti-competitive behaviors in the future.

Thank you,
Roger Michael Seip
5010 Erbs Bridge Road
Mechanicsburg, PA 17050–2430

MTC–00015758

From: Steve Husty
To: Microsoft ATR
Date: 1/23/02 9:57am
Subject: Microsoft Settlement

The current Microsoft-proposed settlement is insufficient and unacceptable.

While I could write volumes about particular points, I won't waste my time. Microsoft cannot, yet again, be allowed to willfully break the laws of the US and go unpunished. Please ''go back to the drawing board'', or whatever court-equivalent process is required in order to recast the punishment for these crimes. I urge the courts to consider the entirety of the crime, and impose an equivalent and representative punishment.

Respectfully,
Steve Husty

MTC–00015759

From: Carl Mueller
To: Microsoft ATR
Date: 1/23/02 9:59am
Subject: Microsoft Settlement

The facts:

—Microsoft has been found guilty

—Microsoft demonstrated contempt for the judicial system and law throughout the proceedings

—Microsoft, even though found guilty, continues those actions which brought the lawsuit in the first place The economic damage:

—Microsoft has intentionally released malfunctioning software (for example, Internet Explorer) that undermines standards, automatically generating more defects in business systems of all industries, which needlessly increased costs across the board.

—Microsoft has prevented the development of competing products by use of ''secret'' APIs, built in non-interoperability, extensive, organized, racketeering-like FUD (aka, lies, deceit, and false advertising), and vendor intimidation. None of these are consistent with free market principles in any shape or form.

—Microsoft has devoted far more resources to maintenance of its OS monopoly, rather than development on the OS, resulting in two decades of significant productivity loss by each and every user of DOS and Windows operating systems.

The current federal resolution:

—has no economic repercussions whatsoever

—has none if any of the terms and conditions are ignored

I am:

—a Computer Science major (Bachelors)

—worked for three years at Andersen Consulting

—worked for one year with IBM

—worked for one year with Deloitte and Touche

—worked for one year with a startup (current job)

—have used DOS, Windows 2.0, 3.1, 95, NT, 98, 2000

—have used Linux, Sun OS, and IBM AIX

—skeptical anyone actually read this.

MTC–00015760

From: Adam Smith
To: Microsoft ATR
Date: 1/23/02 9:59am
Subject: Proposed Microsoft Settlement

To whom it may concern:

As a U.S. Citizen, I have a number of problems with the proposed settlement in the Microsoft anti-trust case. Among its more egregious faults, the settlement allows Microsoft to retaliate against any OEM that ships computers with a competing operating system. This is one of the anticompetitive tactics that Microsoft used to maintain its monopoly in the first place. The fact that it's not only allowed by the proposed settlement, but in fact explicitly provided for, is a fatal flaw in the settlement. For this reason alone (to say nothing of the settlement's many other flaws) the proposed settlement should be scrapped.

Thank you.

Thank you.

Adam Smith

''In theory there's no difference between theory and practice, but in practice there is.''

MTC–00015761

From: Kirk Patton x111
To: Microsoft ATR
Date: 1/23/02 9:59am
Subject: Microsoft Settlement

Hello,

I would like to express my dissapointment with the proposed settlement between the US Department of Justice and Microsoft.

I do not believe the settlement will do anything of substance to curb Microsofts illegal behavior. It has no teeth...

Microsoft maintains its monopoly by controlling the file formats of their bussiness applications like MS-Word, MS-Excel... Users are constantly forced to upgrade to newer versions so they can read documents sent by others who have upgraded.

They managed to produce several applications that have enough attactive features that they won a controlling portion of the market. They maintain this control by keeping the file formats secret. No one will switch to a competing product unless that product can read the files generated by the Microsoft products. Since the file formats are kept secrete, this is not possible.

All file formats must be fully documented and freely available.

Currently, the biggest threat to Microsofts current monopoly is the Free Software movement and the operating system Linux. There is no language in the settlement that would compele Microsoft to open its protocals and file formats to anyone working on an ''open source'' project. To break free of Microsofts control, ''All protocals and file formats must be freely available to anyone to use for any reason.''

Thanks,
Kirk
Kirk Patton
Pixim Inc.
Sr. Systems Administrator
Phone 650 605–1111
Cell 650 224–0739
Fax 650 934–0560
e-mail kpatton@pixim.com

MTC–00015762

From: Jim McCusker
To: Microsoft ATR
Date: 1/23/02 9:58am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
James P. McCusker III
Software Engineer
13684 Bent Tree Circle
Centreville, VA 20121

MTC–00015763

From: Govind Salinas
To: Microsoft ATR
Date: 1/23/02 9:59am
Subject: Microsoft Settlement

I believe that the proposed Microsoft settlement is an incorrect remedy. It does not significantly punish Microsoft and they will have plenty of reason to simply ignore the terms seeing that the opposition will likely let them get away with it. Some terms in the settlement actually make it easier for Microsoft to maintain or expand the monopoly position that they have illegally gained and exploited. This settlement will end up being bad for consumers and competition but good for Microsoft.

Thank You,
—Govind Salinas
Network 1 Financial
gsalinas@eftnet.com
(210)402–4001

MTC–00015764

From: Lee Adams
To: Microsoft ATR
Date: 1/23/02 9:57am
Subject: Microsoft Settlement

The current proposed settlement with Microsoft is weak. You should PUNISH wrongdoers and prevent them from doing the same thing again.

Lee Adams
BOFH
Synergy Southeast, LLC.
407.324.3878

MTC–00015765

From: Jonathan Tappan
To: Microsoft ATR
Date: 1/23/02 10:00am
Subject: Microsoft Settlement

The proposed settlement must qualify as the most ridiculous sellout in legal history.

1) Microsoft has been found guilty of a crime.

2) As punishment, Microsoft must agree not to commit the exact same crime in the exact same manner for the next five years.

3) If Microsoft breaks the agreement, the agreement will be extended for an additional two years.

4) The determination of whether Microsoft is abiding by the agreement will largely be under the control of Microsoft.

Jonathan Tappan

MTC–00015766

From: Zeigler, Tim
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:04am
Subject: Microsoft Settlement

I am opposed to the proposed Microsoft settlement.

I believe that it is insufficient to prevent future abuses of Microsoft's monopoly power. I believe that the company should be broken into an applications group and an OS group.

Timothy W. Zeigler
Computer Engineer
Independence MN

MTC–00015767

From: Ammann Drew
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 9:59am
Subject: Microsoft Settlement

Dear Sirs,

I'' am writing this letter out of concern that the proposed settlement in the Microsoft case will do little or nothing to stop the monopolistic behaviors of this obviously guilty party. To this day Microsoft continues to swallow its competitors or force competitors out of the market by making the rival product part of Windows. The latest example is the inclusion of compact disc burning software into the operating system. This is yet another example of Microsoft taking away my choice as a consumer. If they are allowed to continue to act as a monopolistic predatory company then my choices as a consumer will continue to be limited in a negative way. I'' am not a lawyer but I can tell that they are going to be allowed to continue limiting consumer choices in the marketplace. A settlement full of loopholes and unenforceable remedies will be a waste of taxpayer money and Microsoft will continue to operate in the same manner it has grown accustomed to.

Regards,
Drew Ammann
Lakewood Computer Specialist
ammann-drew@msha.gov
303–231–5665

MTC–00015768

From: Anderson, Mark R
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:00am
Subject: Microsoft Settlement

I think that the Microsoft settlement is a bad idea that does nothing to prevent Microsoft from behaving in a business-as-usual manner.

Mark Anderson
Arizona
Chipset Validation Engineer
Intel Corp.

MTC–00015769

From: Mark_Ericksen@ids-world.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:01am
Subject: Microsoft Settlement

I feel it necessary to voice my opposition to the proposed settlement. As a professional software developer for the Windows and Linux platforms I have had the opportunity to see just how much illegal bundling has been permitted into Microsoft's Windows 2000 and particularly Windows XP.

By experience, I have observed a continual loss of flexibility and freedom with each progressive version of Windows. I have begun to look more towards Linux as a desired platform because my rights as an end user and developer are respected there. Unfortunately, as a professional, I must continue to support the Windows environment at this time despite my personal dislike for the Anti-competitive behavior Microsoft has been exhibiting.

I urge you to reconsider the issues placed before you and reject the settlement for the well stated reasons listed here: http://www.kegel.com/remedy/letter.html As the proposal stands, it would do nothing to curb the illegal behaviors and could possibly even result if a greater monopoly holding.

Don't allow Microsoft to take away more freedoms and also permit more companies to be put out of business through Microsoft's proven illegal behaviors.

-Mark Ericksen
Systems Designer & Software Engineer

MTC–00015770

From: chris@lovemonkey.soservers.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:04am
Subject: Microsoft Settlement

To the Department of Justice,

I am writing to you as an american citizen, not as an advocate of or opponent to Microsft. I am writing to address the injustice of the stipulation III.B.3. Never before in a criminal trial have I ever heard of the criminal being able to select the executors of the settlement, and then allow the criminal to reselect the executor should the U.S. government decide that the original executor was not dilligent. I do not understand how Microsoft gets to decide how its punishment is carried out, and how the law of the United States of America will comply to Microsoft policy.

I will not comment any further on the settlement of this case, though there is still so much that is obviously unfair within. If the Department of Justice allows this ruling to proceede, then it will be in clear defiance of not only the will of the people, but all prescedence set forth by the Justice Department in the past.

Sincerely
Christopher Delaney
Virginia Voter
Tax Payer
Reserve Soldier
CC:chris@soservers.com@inetgw

MTC–00015771

From: jeff

To: Microsoft ATR
Date: 1/23/02 10:06am
Subject: a poor settlement

Greetings,

I have read through the microsoft settlement and find it rather unsatisfactory. The completely lack of real punishment is appalling. Microsoft has clearly mislead and cheated the public, and bullied their competitors to the point of financial failure. Yet, the ''punishment'' seems little more than being told to not do it anymore. Incredibly, even the enforcement methods allowed by the settlement are paltry and weak. I strongly urge you to review and reject the settlement as it now stands.

Thank you,
Jeff Beene

MTC–00015772

From: Denis Dimick
To: Microsoft ATR
Date: 1/23/02 9:59am
Subject: Microsoft Settlement

Under the Tunney Act, I wish to comment on the Microsoft settlement's inadequacy in improving the competitive environment in the software industry.

Mircosoft has proven in the past that it will only follow the settlement to the bare min. of what is required by law. Remember a few years back when we did this the first time? Remember all of the loop holes that allowed Mircosoft to continue the same aactivity? Well I do, I also remember that it was the DOJ that helped Microsoft draft that settlement.. As a voter, and someone who did vote for the current administation, I was not happy with the last settlement and I'm not very happy with this ''settlement''.

The court has found that Microsoft broke the law. It is your job to act on these findings in the best intrest of the American people. This ''settlement'' is not in the best intrest of the American people, it's in Microsoft's best intrest.

Since the events of Sept.11,2001 the current adminstration has had the support of the people. If you remember So did George Bush Sr. after the Gulf War, YET, He lost this support very quickly for makeing one mistake. This very well could be George Bush Jr.'s mistake.

A case for the break up: Microsoft has spent over 3 billion dollars on Windows 2000, this product was over 5 years late, and shipped with over 65,000 known software defects. Currently Microsoft sells all of it's office products tied into it's Windows O/S. If you want all of the features, you need to be running Windows. If Microsoft was broken-up you would see the following, Microsoft would come out with it's own version of Linux. There is nothing stopping Microsoft from doing this today, other then trying to recover it's investment in Windows. Many people would stand in line for many hours, like we saw with Windows 95, to purchase a copy of Microsoft Linux.

This would be a new revenue stream for Microsoft with very little cost or investment. Since Linux is under the GPL, Microsoft would not be able to modify the source code in such a way as to cause the same problems we now are seeing.

Microsoft would be able to modify it's current applications to allow them to run under Linux. This would allow them to sell the same applications, at full price, to Linux users. In less then 10 years the two companies would be bigger then just the one, and the consumers would have a real choice.

So you now have two companies that are able to sell products and continue to compete. AOL/Time Warner have just brought suit against Microsoft based on the current findings of the court. If the DOJ does not act properly on those finding and if AOL/Time Warner ends up being the one to get action based on thoses findings, how do you think thats going to look to the American people?

The DOJ has continued to ''drop the ball'' on many issues. We could blame this on many things, past adminstrations, poor leadership etc. However, If members of the DOJ really felt that things where going the wrong way, I think the DOJ would see many of it's staff leaving. Since the American people are not seeing this, One can only assume that the DOJ and it's staff dont see anything wrong with it's actions.

Maybe it's time change the way things are run at the DOJ? Maybe it's time to stop the''free-ride'' George Bush Jr. has had. The days of being able to slip one thru, are over with the Internet, news travels too fast. What worked back in the late 80's and early 90's no longer works. If you try to slip this one thru, it will backfire.

Thank you,
Denis Dimick
968 Alamo Road
Los Alamos, NM 87544
505–661–8650—Home
505–667–8618—Work

MTC–00015773

From: Carlos Benjamin
To: Microsoft ATR
Date: 1/23/02 10:01am
Subject: Microsoft Settlement

Regarding the proposed settlement with Microsoft:

As a computer professional I am concerned that Microsoft will continue to use anti-competetive tactics to stifle genuine innovation in the computer software arena. Their continued leveraging of their Operating System Monopoly on the Intel (and AMD) platform to block competing software from the channel is wrong.

If the DOJ does not force Microsoft's hand in this matter, there will be no profit incentive for creating new applications, Microsoft will win in the marketplace by default and the consumers will be hurt by ever-decreasing options.

An additional argument could be made that a continued Microsoft monopoly will create a security threat to the computing infrastructure that runs the Internet and much of American business. All of the crippling computer virus and worm attacks over the past couple of years have been against Microsoft products. While part of this can be attributed to the size of Microsoft's installed base making for a large target, much of it must lay at the door of Microsoft and their continual creation of exploitable vulnerabilities in their software products. This is a problem not just for users of Microsoft products, but creates problems for those of us running more secure systems. The Code Red worm attacks and compromises Microsoft IIS servers but affects other servers by diminishing bandwidth, clogging up mail servers with emails trying to replicate itself and by ''pestering'' servers with port scans and attempts to breach security measures.

Having watched while too many companies have created innovative software applications, competed successfully against inferior Microsoft products that followed and were eventually squashed by Microsoft's ability to brow-beat the OEM's and retailers by leveraging their monopoly position in the OS market, I was happy to see the DOJ take on this monolithic giant on the behalf of consumers. Genuine innovation flourishes in a competetive environment.

Microsoft's continued abuses have created a chilling effect in the marketplace that stops innovators by removing the incentives to create something new. It's like the kid on the beach who stops building sand castles because he knows the bully will come along before he can finish and kick it to pieces.

I urge you to reconsider this settlement and break the stranglehold Microsoft has placed on the industry.

Sincerely,
Carlos Benjamin, Jr.
Carlos Benjamin, Jr.
Computer Systems/Network Admin.
Central Arizona Project
23636 North Seventh Street
Phoenix, AZ 85024
Voice 623–869–2364
Fax 623–869–2154

MTC–00015774

From: Darrell Gallion
To: Microsoft ATR
Date: 1/23/02 10:01am
Subject: with a subject of ''Microsoft Settlement

Rochester NY
Software Eng.
First Consulting
Darrell Gallion

I would like to co-sign Dan Kegel's open letter. http://www.kegel.com/remedy/letter.html That Microsoft can be convicted and get away with controlling the Software world, is demoralizing. In many cases their product is inferior, but their strong arm tactics are superior.

They must increase profits to satisfy stock holders. If they had competition this would be limited. With out competition what upper limit is there to their demands and power?

Mr. Gates is the monopoly of the desktop with no place left to grow. He must use his immense power to take over other industries.

—Darrell Gallion
CC:petition@kegel.com@inetgw

MTC–00015775

From: Jason S.
To: Microsoft ATR
Date: 1/23/02 10:01am
Subject: My Opinion

To whom it may concern,

I would like to make my voice heard in the Microsoft Antitrust case. I have been reading through many articles and essays concerning the proposed solution to the problems that Microsoft has been creating for an entire industry, and I am simply not impressed.

The proposed settlement is not sufficient to change the stranglehold Microsoft has in all of the markets it competes in (Operating Systems, Office software, Media formats, etc.). If you do not halt this now, it will only get worse for all of us.

Thank you for your time,
Jason Staph
Internet Administrator

MTC–00015776

From: Daniel Goscha
To: Microsoft ATR
Date: 1/23/02 10:01am
Subject: Microsoft Settlement

Hello,

I believe that the proposed Microsoft settlement is a very bad idea. Why do I believe this? It is clear that Microsoft commands a huge share of the market, and if they are allowed to continue on under the terms of the settlement, they will continue to use their market dominance to crush (or buy out) any competitive companies that threaten their bottom line. Competition is the American way — it is what allows we Americans to have the right to choose. If a company, such as Microsoft, is allowed to continue to use its unfettered force to eliminate consumer choice, then it will truly be a dark day for America. I believe the proposed Microsoft settlement will allow Microsoft to carry on such anti-competitive practices.

I will not re-outline the details of how the proposed Judgment falls short as they are covered very thoroughly in a document by Dan Kegel entitled, ''On the Proposed Final Judgment in United States v. Microsoft'', which can be found at: http://www.kegel.com/remedy/remedy2.html

Best regards,
Daniel Goscha
Research Programmer
University of Illinois / NCSA

MTC–00015777

From: Descendent
To: Microsoft ATR
Date: 1/23/02 9:59am
Subject: Microsoft Settlement

To Whom It May Concern,

I am writing to express my discontent with the current Microsoft Antitrust settlement. The initial case found Microsoft guilty of predatory practises and to be a monopoly, however the punishment was diluted to no more than a slap on the wrist. It has been proven that Microsoft used its Operating System market share and influence to force out competitors in the internet browser market, and good arguments can be made that they have done the same in office/business applications.

The only way to ensure these practises are not continued is to break up the company into operating system and application daughter companies, with oversight to ensure special treatment is not given to ex-MS companies over their competitors in each market. Barring the dismantling of the illegal monopoly, it is imperrative that the operating system APIs become open to all so that competitors in the application markets will be on a level playing field with the Microsoft applications.

Information is power, and third party developers have been specifically kept from full disclosure, thus at a great disadvantage. The monopoly of Microsoft must be ended.

Thank you for your time,
Sincerely,
Barrett Dillow

MTC–00015778

From: Arthur Knoll
To: Microsoft ATR
Date: 1/23/02 10:01am
Subject: Microsoft Settlement

To Whom It May Concern:

Regarding the Microsoft settlement, I do not believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundred, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices.

Similar to the settlement against AT&T, Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level (40%, for example, assuming one of its competitors is now also at 40%). This must be true for all Microsoft product lines, before regulation is lifted.

Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Imagine the damage to the United States if Microsoft were to fail, as Enron failed. The risks of a monopoly are greater than merely the loss of competition.

I feel the damage Microsoft has done to the software and OS marketplace is incalculable, and the proposed settlement does little to correct it. I do not feel the settlement levels the playing field for competing operating systems or office software, and would like to see a much stronger penalty imposed. The proposed settlement does not sufficiently relieve Microsoft of the ability to leverage hardware and computer manufacturers unfairly against competing products, nor does it adequately open the Windows API to programmers.

The current proposed settlement is unacceptable.

Thank you for your time.
Arthur Knoll
6105 Pritchard West
Virginia Tech
Blacksburg, VA 24060–0024

MTC–00015779

From: Michael Engelby
To: Microsoft ATR
Date: 1/23/02 10:02am
Subject: ''Microsoft Settlement

To Whom it May Concern, The settlement does not inflict enough reparations to correct in principle the prior monopolistic actions of Microsoft. It does nothing to curtail future business actions. Microsoft will always act as it has in the past, with ruthless business tactics that in the end—are bad for US (and world) economy.

Please consider this as a vote against the current settlement as it stands now.

Michael E. Engelby
Eden Prairie, MN
(952) 484–0799

MTC–00015780

From: Robert J Brenneman
To: Microsoft ATR
Date: 1/23/02 10:02am
Subject: Microsoft Settlement

To whom it may concern,

I believe the proposed settlement is a bad idea because of the reasons outlined in Dan Kegel's open letter. http://www.kegel.com/remedy/letter.html

Jay Brenneman

The opinion expressed here is my own, and may not reflect the opinion of my employer.

MTC–00015781

From: Robert Hyland
To: Microsoft ATR
Date: 1/23/02 10:02am
Subject: Microsoft Settlement
To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the Microsoft settlement's inadequacy in improving the competitive environment in the software industry. Some serious shortcomings relate to:

1) Middleware.—The current language in Section H.3 states ''Microsoft Middleware Product would be invoked solely for use in interoperating with a server maintained by Microsoft (outside the context of general Web browsing)'' does nothing to limit the company's ability to tie customers and restrict competition in non Web-based networked services under .NET, as they fall ''outside the context of general Web browsing''. Microsoft has already begun abusing its desktop monopoly to tie customers int .NET revenue streams and set up a new monopoly over the network. Part 2 of the same section states ''that designated Non-Microsoft Middleware Product fails to implement a reasonable technical requirement...'' essentially gives Microsoft a veto over any competitor's product. They can simply claim it doesn't meet their ''technical requirements.''

2) Interoperability.—Under the definition of terms, ''Communications Protocol'' means the set of rules for information exchange to accomplish predefined tasks between a Windows Operating System Product on a client computer and Windows 2000 Server or products marketed as its successors running on a server computer and connected via a local area network or a wide area network.'' This definition explicitly excludes the SMB/CIFS (Samba) protocol and all of the Microsoft RPC calls needed by any SMB/CIFS server to adequately interoperate with Windows 2000. Microsoft could claim these protocols are used by Windows 2000 server for remote administration and as such would not be required to be disclosed. The Samba team have written this up explicitly here:

http://linuxtoday.com/news—story.php3?ltsn=2001–11–06–005–20-OP-MS

3) General veto on interoperability.— In section J., the document specifically protects Microsoft from having to ''document, disclose or license to third parties: (a) portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria'' Since the .NET architecture being bundled into Windows essentially builds ''anti-piracy, anti-virus, software licensing, digital rights management, and authentication systems'' into all levels of the operating system, ANY API, documentation, or communication layer can fall into this category. This means that Microsoft never has to disclose any API by claiming it's part of a security or authorization system, giving them a complete veto over ALL disclosure.

4) Veto against Open Source.—Substantial amounts of the software that runs the Internet is ''Open Source'', which means it's developed on a non-commercial basis by nonprofit groups and volunteers. Examples include Apache, GNU/Linux, Samba, etc. Under section J.2.c., Microsoft does not need to make ANY API available to groups that fail to meet ''reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business.'' This explicitly gives them a veto over sharing any information with open source development projects as they are usually undertaken on a not-for-profit basis (and therefore would not be considered authentic, or viable businesses).

These concerns can be met in the following ways:

1) Middleware: Extend middleware interoperability with a Microsoft server to ALL contexts (both within general Web browsing as well as other networked services such as are those being included under .NET).

2) Interoperability: Require full disclosure of ALL protocols between client and Microsoft server (including remote administration calls)

3) General veto on interoperability: Require Microsoft to disclose APIs relating to ''anti-piracy, anti-virus, software licensing, digital rights management, encryption, or authentication systems'' to all.

4) Veto against Open Source: Forbid Microsoft from discriminating between for-profit and nonprofit groups in API disclosure.

Sincerely,
Rob Hyland
87 Summer St
Stoneham, MA 02180
CC:llamapadeast@earthlink.net@inetgw

MTC–00015782

From: ctb@usra.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 11:00am
Subject: Microsoft Settlement

The proposed settlement is a bad idea. It neither alleviates the illegal advantage already obtained by Microsoft nor does it prevent the continuing attempts to extend the Microsoft monopoly into online services, personal digital recorders, cable television and other areas. It allows technological progress to continue to be impeded by entrenched corporate interests at the expense of consumers.

The company's behavior has not changed and it continues to hold back the pace of innovation in the computer industry. I am a 20+ year veteran of that industry and regard the proposed settlement as the most cynical sort of obfuscation and corruption.

Please do not allow this abuse to continue.

Carl Beaudry
629 River Bend Road
Fort Washington, MD 20744

MTC–00015783

From: M M
To: Microsoft ATR
Date: 1/23/02 10:02am
Subject: MICROSOFT SETTLEMENT

Judge KK:

Please undo the potential damage to our entire industry inherent in the Justice Dept's proposed settlement with MS. It is an outrage to see MS get off with little more than a slap on the wrist?and it is a very dangerous precendent for our country.

We are counting on you to do the right thing.

N Biliunas
320 Sweet Creek
Richmond, VA
23233

MTC–00015784

From: Joe P.
To: Microsoft ATR
Date: 1/23/02 10:03am
Subject: [Fwd: Microsoft Settlement]

I agree with what my friend has said. I want to further add that any part of the settlement that involves the public education system should be severely restricted. Microsoft should not be allowed to create a new monopoly in the educational software markets as a result of this settlement. The point of the settlement is to hinder their current monopoly.

Any settlement involving public education should therefore be restricted to Microsoft's payment of actual money to qualifying educational institutions. There should be no donation of hardware or software, and the money should be given without restrictions, consultation, or even suggestions to the public education bodies involved. The schools should be free to use the money in whatever way they choose—for example, increasing teachers'' salaries, hiring additional teachers, building new facilities, or purchasing whatever computer hardware and software the schools prefer.

Thank you for your patient consideration,
Joseph Porter
Software Engineer

Note: My views do not constitute the views of my employer, nor any of its affiliates.

———-Forwarded Message———-

From: Greg Willden <gregory.willden@swri.org>
To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement
Date: 23 Jan 2002 08:18:47 -0600

I would like to comment on the Microsoft Settlement under the statutes of the Tunney Act.

I think that the settlement is very poor and does not properly address the real issues. There are numerous loopholes in the proposed settlement that will allow Microsoft, who has a history of unethical and illegal actions, to transform this penalty into an advantage for them. In order to restore proper competition I think it necessary for Microsoft to publish the file formats of all their Microsoft Office files. The .doc file format is widely used. If the format were made available then other office productivity suites like WordPerfect,

StarOffice, Abiword and OpenOffice could effectively compete with them. Original Equipment Manufacturers (OEMs) must be allowed to sell a computer that can boot up into more than one Operating System. This has been attempted in the past but has been quashed by Microsoft's legal team. It is suspected that Microsoft is forcing the OEMs into single OS bootloader licenses that disallow this behavior.

These are only a few of the things that Microsoft has done to stifle competition and innovation. For all of Microsoft's talk about being able to innovate. They are doing more to hurt it than they are to help it.

The settlement also needs to have some real teeth. The 'independent' auditors/monitors of Microsoft's behavior need to have complete independence and freedom to discuss any of their findings with the public and press. Unless they are allowed to do this their voices will be too easily silenced.

Microsoft should also have major fines imposed upon it for future violations of the settlement. Fines substantial enough that it will think twice before violating the public trust. And the monies collected from these fines should go to their competitors. I would recommend projects related to the GNU/Linux Operating System. Microsoft has openly acknowledged that Linux is a real competitor. What better way to ensure compliance than to force Microsoft to donate substantial funds to their competitors.

Microsoft has been shown to practice illegal predatory behavior. Do not cave in to them and give them a settlement with so many loopholes. They will exploit it to the detriment of all.

Greg Willden
San Antonio, Texas
Software Engineer

MTC–00015785

From: Brian Reichert
To: Microsoft ATR
Date: 1/23/02 10:02am
Subject: Microsoft Settlement

I believe that the proposed settlement in the Microsoft case isn't sufficient. A stronger remedy should be considered.

Brian Reichert

MTC–00015786

From: Dennett, Pete
To: Microsoft ATR
Date: 1/23/02 10:03am
Subject: Microsoft Settlement

The proposed settlement has many problems.

I urge you to rethink it, and develop something that more adequately addresses many of the primary concerns that consumers have with Microsoft.

Pete Dennett
Tacoma, WA

MTC–00015787

From: James Hammond
To: Microsoft ATR
Date: 1/23/02 10:07am
Subject: Microsoft Settlement

Concerning the current United States v. Microsoft antitrust case: I have read over the Stipulation and Revised Proposed Final Judgement of 11/06/2001, and am NOT in favor of it in its current state. The settlement does not, in any way, penalize Microsoft for its past infringements of the law. For many years, OEMs have been under control of this corporation, and simply ''formalizing'' this law in a document is not enough. Microsoft has been declared guilty of past wrongs, and must now be held accountable in some measure. The current proposed settlement is unacceptable.

Thank you,
John H. Hammond
Shawnee, OK

MTC–00015788

From: David Wiley
To: Microsoft ATR
Date: 1/23/02 3:11am
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I am writing to express my deep concern that the proposed final judgment in the US vs Microsoft case is completely unacceptable. While I personally believe each of the individual remedies needs improvement (see http://www.kegel.com/remedy/remedy2.html for example), I have a much greater overarching concern.

When dealing with Microsoft the court has shown a tendency to overlook conduct which at the time of trial appears to then be irrelevant. With the speed at which the technology sector progresses, Microsoft can never be held accountable via legal proceedings when this pattern is followed. By the time the case finally makes it to court, the competition is dead and gone, or the point is now moot for some other reason, and Microsoft walks away with not even a wrist slap. Unless substantive changes are put in place, Microsoft is sure to continue having its way in the market, dragging its feet to court, and getting away with illegal acts year after year. I truly believe that this is not an overstatement, but the very pattern of behavior we will continue to see.

Please do not let the current economic climate dissuade you from doing the right thing. Legal restrictions on practice will not prevent Microsoft from acting illegally again. Only drastic measures which have the effect of structurally, physically, preventing illegal behavior have a chance of preventing further illegal behavior on Microsoft's part. Any lesser remedy is nothing short of government approval to Microsoft to continue acting illegally. I would be happy to discuss my opinion with you further, at your leisure.

Your faithful servant,
David Wiley, Ph.D.
Assistant Professor of Instructional Technology
Utah State University
UMC 2830
Logan, Utah 84322–2830
wiley@cc.usu.edu
CC:wiley@cc.usu.edu@inetgw

MTC–00015789

From: Michael Gates
To: Microsoft ATR
Date: 1/23/02 10:03am
Subject: Microsoft Settlement

This settlement is simply ineffective, since it uses overly-restrictive definitions of terms such as ''Windows OS'', ''API'', and the like. These definitions allow Microsoft to completely escape from the terms of the settlement simply by changing the names of its products, and Microsoft comes up with a new name for every version of Windows anyway.

Michael Falcon-Gates

MTC–00015790

From: Tom Brown
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:04am
Subject: Microsoft Settlement

Regarding the Microsoft settlement, I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Many businesses have ceased to exist because of Microsoft's strong-arm business practices.

Similar to the settlement against AT&T, Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level (40%, for example, assuming one of it's competitors is now also at 40%). This must be true for all Microsoft product lines, before regulation is lifted.

Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Imagine the damage to the United States if Microsoft were to fail, as Enron failed. The risks of a monopoly are greater than merely the loss of competition.

Thank you for your time.

MTC–00015791

From: M M
To: Microsoft ATR
Date: 1/23/02 10:04am
Subject: MICROSOFT SETTLEMENT

Please Judge;

Do the right thing by our country and our world'send the PFJ back to the Dept of Justice to be fixed!!

It is not a fair and equitable settlement?it is in fact completely one-sided. How can they let Microsoft essentially police itself?? That flies in the face of all of the company's history!!

Please do the right thing.
Bev Mozzerolli
247 Wilkins St
Manchester NH
03102

MTC–00015792

From: Edward Chowdhury
To: Microsoft ATR
Date: 1/23/02 10:05am
Subject: Microsoft Settlement

To whom it may concern,

I think that the proposed settlement between the Microsoft and the Department of Justice is a truly bad idea. It will do nothing to restore competition and will in effect be a reward for Microsoft's demonstrably anti-competitive behaviour.

Yours Sincerely,
Edward Chowdhury

MTC–00015793

From: chris-petition@bactram.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:04am
Subject: Microsoft Settlement

The current Microsoft Settlement is a bad idea. Microsoft has been convicted of antitrust behavior. It has already been established that they broke the law. They were supposed to be better corporate citizens after the 1995 settlement, but they continued their anti-competitive actions.

Any fair resolution to this case must address at least these points:

* Oversight to make sure that they don't continue. This oversight must really be able to stop bad behavior.

* Microsoft should publish ALL Application Programming Interfaces to all of its products. This includes standard API calls, file formats and network protocols. And this means ALL API calls, file formats and network protocols. As a programmer I've been blocked by undocumented API features that allow Microsoft's software to do things that I couldn't simply because they wouldn't tell anyone how to do certain things. Basically, all interfaces must be published. They must be available to everyone on a public website, or on a CD for a nominal fee (maximum $50)

* Microsoft must publicly publish all APIs 3 months before they release any product that uses those APIs. This includes alpha or beta software. If the APIs change then they must publish those changes and can not release any version of the software that uses those changes for 3 months. All API documentation must clearly indicate what the changes were.

* Open Source software developers must not be blocked. Open source software is available for free, usually under the GNU General Public License. Open source projects and programmers must have access to APIs to be able to create competing products. Information must not be denied to such projects simply because the projects do not charge a fee. These are only my top issues. There are many more that must be included to reach a fair settlement for something of the magnitude of Microsoft's crimes.

Thank you.
Chris Riley
2104 Jersey Ave
Scotch Plains, NJ 07076

MTC–00015794

From: Ron Standage

To: Microsoft ATR
Date: 1/23/02 10:04am
Subject: Microsoft Settlement

Greetings,

In regards to the proposed settlement, I am opposed to it because it fails to redress past misbehavior by Microsoft.

To be fair, all APIs into the operating system and file formats for any applications with a monopoly market position such as Microsoft Office components, must be made open to all requestors and made available on the WWW with any changes announced in detail at least six months prior to implementation or delivery into the marketplace.

Further, all applications, such as browsers, must be separated from the operating system and able to be removed, or replaced by a competing product, without hindering the operation of the underlying OS.

Finally, consumers who purchase a computer with any Microsoft operating system preinstalled must be able to remove the operating system and receive a refund of that portion of the purchase cost attributable to the expense of the OS.

Thank you for receiving my comments.

Ron Standage
2058 E. Winchester Way
Chandler, AZ 85249
rstandage@garbersoft.net

MTC–00015795

From: Evil E
To: Microsoft ATR
Date: 1/23/02 10:03am
Subject: Microsoft Settlement

Microsoft has every right to include in ''their products'' their own products! christ who can tell a company not to sell or give away anything. sounds like marx and lenin are alive and well in your town buddy. any of us,big or small rich or poor can give away or sell cheaper anything, at our discretion. look what you retards did with at-t now everyone with a phone sufferes becuase the govmt is afraid of big comanies with the wearwithall to oppose their marxist pilcy.soon computer technology becuase of you will cost so much it will be out of the reach of ordinary folks. sorta like 50 dollar ohone bills that used to be 10 dollars.wow that competition huh. GROW A BRAIN!!!!!!!! microsoft is the net and we dont mind. without them technology will grind to a halt(we can heard sheep is that what you want commrade) if they pull their patents, and just stop(and they can) you will have to steal their ideas and force someone to pick up where they left off that is treason and trechery! they have the ball let em run with it! go away.

God help us this shoulnt even be happening. let microsoft pave the way! get the hell out of our lives we dont want you here.we really ,really dont want you here.

E.E

MTC–00015796

From: kevin@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 10:05am
Subject: Microsoft Settlement

From what I have read in the press concerning the proposed settlement, it does not force Microsoft to abandon any of the practices that caused the lawsuit to be applied. Does the three person ''watchdog council'' have any enforcement powers? Does anyone else? I am not aware that Microsoft has shown any change of policy, which appears to be ''we want to control every aspect of computers and their use'', and I don't think the proposed settlement has any power to force them to change.

Kevin Sisson

MTC–00015797

From: Troy Smith
To: Microsoft ATR
Date: 1/23/02 10:04am
Subject: Microsoft Settlement

I think that the proposed settlement regarding the Microsoft will fail to break Microsoft's monopoly. I have co-signed Dan Kegel's comments as to why I feel this way.

Thank You,
Troy Smith

MTC–00015798

From: Michael Patrick Kenny
To: Microsoft ATR
Date: 1/23/02 10:05am
Subject: Please Break Them Up

To Whom It May Concern,

As a concerned citizen and computer user, I found the verdict in the Microsoft anti-trust trial reprehensibly one-sided and a disservice to the Cause of Justice in America.

I urge you to reconsider the verdict. MS having control of the operating system already gives them a monopoly on the desktop. Allowing them to leverage that monopoly to give them unfair advantage in each and every (previously) competitive market on the desktop really stifles innovation, no matter what Bill Gates and Steve Ballmer say.

I actually believe that, in your zeal to protect and preserve entrenched businesses in America you are killing the pioneer spirit of entrepreneureal endeavor, and so the decision to kowtow and cave completely to Judge Penfield's decision, no matter how emotional he became (I believe he was sorely tested) can only be construed as political and Machievellian, in these jaded times.

A breakup of the company is the only viable solution. C'mon, Justice Department, you had the courage to do it in the early 1900's, why can you not see the light now? Please reconsider your terrible and biased decision in the interests of your true consitiuency, the American people.

Thank You,
Michael Patrick Kenny and family

MTC–00015799

From: Bradley Hawkins
To: Microsoft ATR
Date: 1/23/02 10:05am
Subject: Microsoft Settlement

The proposed settlement is not in the best interest of the public. The three points below would address my concerns with the settlement and Microsoft's monopolist practices:

Opening the Windows API falls short of leveling the field; a just settlement would require that Microsoft's file formats be made public.

Computer users who wish to employ a non-Microsoft operating system nevertheless now must pay for Microsoft software when buying a new computer. Any remedy seeking to prevent an illegal extension of Microsoft's monopoly must prohibit preload agreements, placing Microsoft products as extra-cost options, so that the user who does not wish to purchase Microsoft products is not forced to do so.

To encourage competition, a just settlement would enjoin Microsoft from selling its software to anyone at a lower price than it sells it to anyone else. This means that for the price differential between a new computer with Microsoft software and one without, a computer seller must offer the software without the computer.

Bradley Hawkins
bradley@bradleyhawkins.org

MTC–00015800

From: The Doctor What
To: Microsoft ATR
Date: 1/23/02 10:06am
Subject: Microsoft Settlement

I oppose the proposed final judgement for Microsoft. It doesn't address enough of the problems created by Microsoft. The scope of the pfj does very little, and it would seem that Microsoft would happily ignore it, as it has with past judgements.

http://www.kegel.com/remedy/remedy2.html

MTC–00015801

From: Glen Henshaw
To: Microsoft ATR
Date: 1/23/02 10:05am
Subject: Microsoft Settlement

To Whom It May Concern:

I am writing to express my opposition to the proposed Microsoft settlement. Recent events in the software world have shown that one very effective way to encourage competition is to ''open up'' an operating system's API (application programmer's interface) so that other developers can create new operating systems which are compatible with the old one. This is the easiest way to give users a choice of systems, since they are not required to change the applications they already use. There are several such projects already in existence: Wine and LindowsOS are among them. The developers of these products have been extremely hampered by the closed nature of the Windows operating system. Forcing Microsoft to publish their complete API would go a long way in encouraging third party Winodws-compatible products, and is one of the only effective ways to mitigate Microsoft's monopoly. This requirement is not part of the current settlement.

The same goes for file formats. It is impossible to produce a product that competes effectivelt with Microsoft Excel without the ability to open Microsoft Excel files—and Microsoft does not document the format of Excel files (or Word files or Access files... the list goes on). Language requiring public documentation of these files should be present in the settlement. Unfortunately, this is also not a requirement of the current settlement. Another major problem with the settlement is the lack of a strong enforcement

mechanism. Microsoft has shown that it is willing to bend—or break—the rules of agreements in the past if it thinks doing so is to its advantage.

This is a company without scruples. A special master must be in place to monitor compiance and to assist the courts in settling disputes. Finally, Microsoft was found guilty of predatory practices against their competitors. They should be required to pay damages to those competitors. Such a requirement is not part of the current settlement. I urge you to reject the current settlement. This is the best chance to rein in Microsoft's abusive practices. The current settlement will not do that.

Sincerely,
Glen Henshaw
Glen Henshawmachine@ssl.umd.edu
Space Systems Lab
http://www.ssl.umd.edu
University of Maryland(301) 405–7353

MTC–00015802

From: Embery, Nathan
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:00am
Subject: Microsoft antitrust Settlement

To whom it may concern,

I believe it to be sufficiently proven that Microsoft has broken the law. I also believe that no stretch of the imagination is required to believe that Microsoft will break the same laws again. It would be a most egregious mistake to simply dismiss this fact.

I assure you that Microsoft's anticipative, monopolist practices will only continue. This is already evidenced by the recent pricing initiative taken by Microsoft. Apparently they are moving to a model where they can force upgrades at their discretion. This would force nearly *every* business in the *world* to pay several hundred to several million dollars to Microsoft every two years. Actually, at any time MS chooses. This would surely never happen if there were at least one alternative software company. This is elementary economics. Monopolies are *not* good.

The problem is: there is no alternative. No small startup, not even a company like Sun Microsystems, can compete. Because of the propriety file formats MS employs, once a company uses MS Office, they are forced to stay with, or recreate every document they have. That alone, will keep MS in business for quite some time. This is only one example. The list goes on and on. Take .NET, the CIFS protocol, the Kerberos protocol, OEM licensing restrictions, non disclosure of ''hidden'' API's.

I urge you, as a taxpaying citizen, to look at this matter very closely. Any reasonable person can see the illegality of these actions. A punishment fitting the crime is absolutely required. Please don't give anyone the impression you were bought off. I assure you, anything less than harsh, will be viewed in exactly this way. thank you for your time,

Nathan Embery
CrownCastle IT
office (724)–416–2207

MTC–00015803

From: Todd Hanson
To: Microsoft ATR
Date: 1/23/02 10:05am
Subject: Microsoft Settlement

The proposed settlement is a bad idea.

MTC–00015804

From: William Stewart
To: Microsoft ATR
Date: 1/23/02 10:05am
Subject: Microsoft Settlement

I am a software specialist providing computer support to law firms in the Charleston, SC area. Every day I have to deal with issues of compatibility, security, and the replacement of superior software products with inferior Microsoft products whose pernicious spread has been supported by that company's long history of anti-competitive conduct. Microsoft's actions have caused considerable harm both to the progress of the computer industry as a whole, and to the American economy. They have driven competitors with superior products out of the market, have purposely built incompatibilities into their products to lock out competition, with no regard to useability, and have repeatedly and unashamedly lied to their customers, the industry, and the American government. The current remedies under consideration amount to a slap on the wrist that Microsoft will write off as a cost of doing business. They will in no way cause the corporation to alter their behavior (except, perhaps, to encourage them to become more bold in their actions since they will know no fear of reprisals), and will in no substantial way remedy the damage that Microsoft's actions have done.

With sincere concern, I remain,
William James Stewart
843–810–3484
CC:tunney@codeweavers.com@inetgw

MTC–00015805

From: Scott
To: Microsoft ATR
Date: 1/23/02 10:06am
Subject: Microsoft Settlement

Hello, I read these points on the internet and agree these need to be applied to Microsoft.

PFJ Section III: Prohibited Conduct

1. Microsoft will not retaliate against OEMs who support competitors to Windows, Internet Explorer (IE), Microsoft Java (MJ), Windows Media Player (WMP), Windows Messenger (WM), or Outlook Express (OE).

2. Microsoft will publish the wholesale prices it charges the top 20 OEMs (Original Equipment Manufacturers) for Windows.

3. Microsoft will allow OEMs to customize the Windows menus, desktop, and boot sequence, and will allow the use of non-Microsoft bootloaders.

4. Microsoft will publish on MSDN (the Microsoft Developer Network) the APIs used by IE, MJ, WMP, WM, and OE, so that competing web browsers, media players, and email clients can plug in properly to Windows.

5. Microsoft will license on reasonable terms the network protocols needed for non-Microsoft applications or operating systems to connect to Windows servers.

6. Microsoft will not force business partners to refrain from supporting competitors to Windows, IE, MJ, WMP, WM, or OE.

7. (Roughly same as F above.)

8. Microsoft will let users and OEMs remove icons for IE, MJ, WMP, WM, and OE, and let them designate competing products to be used instead.

9. Microsoft will license on reasonable terms any intellectual property rights needed for other companies to take advantage of the terms of this settlement.

10. This agreement lets Microsoft keep secret anything having to do with security or copy protection.

PFJ Section VI: Definitions

1. ''API'' (Application Programming Interface) is defined as only the interfaces between Microsoft Middleware and Microsoft Windows, excluding Windows APIs used by other application programs.

2. ''Microsoft Middleware Product'' is defined as Internet Explorer (IE), Microsoft Java (MJ), Windows Media Player (WMP), Windows Messenger (WM), and Outlook Express (OE).

3. ''Windows Operating System Product'' is defined as Windows 2000 Professional, Windows XP Home, and Windows XP Professional.

I also think they need to openly publish complete specifications for their Office document formats to allow others to import/export these proprietary formats.

— Scott Edlund

MTC–00015806

From: howadani@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 10:06am
Subject: Microsoft Settlement

I feel the proposed settlement is a bad idea.
Danial M. Howard
IT Programmer/Analyst Associate
Idaho State University
Pocatello, Idaho

MTC–00015807

From: Jeremy Cothran
To: Microsoft ATR
Date: 1/23/02 10:06am
Subject: Microsoft Settlement

I think the current settlement is a bad one because it does nothing to truly discourage Microsoft's monopolistic behavior.

MTC–00015808

From: David Crotty
To: Microsoft ATR
Date: 1/23/02 10:07am
Subject: Antitrust Settlement

I wish to express my sentiments against the proposed Microsoft/DOJ settlement. I feel it does not address the issues of the case, will cause no substantial changes in the company's behavior, and provides no means for enforcement.

Shape is always the result of an inquisition process of matter. Freedom is shapeless. Morphology, a word invented by Goethe, has infinite consequences.''

Salvador Dali

MTC–00015809

From: Christian H(00F6)ltje
To: Microsoft ATR
Date: 1/23/02 10:07am

Subject: Microsoft Settlement

I oppose the Proposed Final Jugdement as being much too lenient.

MTC–00015810

From: Scott_Brown@criterioncatalysts.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:06am
Subject: Microsoft Settlement

I would like to express my disappointment with the proposed settlement. It doesn't seem to go far enough. There is no fundamental change happening as a result of this settlement. For all intents and purposes it would seem that Microsoft can continue to do business the same way it always has. It was apparent from the trial that the past behavior in regards to past court mandated orders did not change. The people at Microsoft were smart enough about their product to simply program a way around any restrictions. It was business as usual. I am a long time Microsoft product systems administrator. I like there products and I have built a career around what the have to offer. I am disturbed however by the complete focus of the management at Microsoft on getting that last 10%. It is a given they own 90% of the market, mostly due to products that fit a particular area, not because of exceptionally better products. You would think that a company that has achieved this kind of dominance would be interested in building a better product with the large resources they have., This does not appear to be the case. Their primary focus is driving out competition and getting the last 10% they don't have. Because of their success there business is forced strategy wise to invest and diversify, hence the drive to fill out the remaining uses of there core products, OS and Applications. They are moving into all of the other areas like music players, computer maintenance software like defragment utilities and such. I would not be surprised to hear they are coming out with their own antiviral software.

It would seem the drive and ambition that got them where they are is still there. Unfortunately when you are as large as they are drive and ambition quickly become threats and coercion to companies that are infinitely smaller. At some point a company must mature and shift gears in how it runs its business and relates to the companies around it. Microsoft hasn't reached this type of maturity yet. They have succeeded in alienating almost everyone in this business. It is my hope that the antitrust case will force this maturity upon them. Sometimes you have to make people change for there own good. Its called intervention in the substance abuse circles.

Scott Brown
Systems Admin

MTC–00015811

From: Bob Cantwell
To: Microsoft ATR
Date: 1/23/02 10:06am
Subject: Microsoft Settlement

January 23, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing to you to let you know that I endorse the Microsoft antitrust settlement agreement. The industry can only benefit from a quick resolution to this case. It is in the best interest of the public that Microsoft and the technology industry are allowed to get back to business as soon as possible.

I know and understand the terms of the settlement agreement to be fair, and I would state that they go beyond what should be expected of Microsoft. I am especially concerned about the proposed remedies that the nine ''hold out'' states are looking for. The line has to be drawn somewhere with respect to IP rights, innovation and competition.

The restrictions Microsoft has agreed to will ensure there will be fair competition among the various software companies. In the interest of resolving this suit, Microsoft has agreed not to exercise its intellectual property rights; to make its code available to its competitors; and to not retaliate in any way against those who promote software that competes with Windows.

Microsoft's business practices will dramatically change, with the approval of this agreement. The playing field will be leveled to the point of favoring Microsoft's competitors, and they will be given greater opportunity to compete with Microsoft's Windows operating system. Innovation will be negatively impacted if the lawsuit is allowed to continue. The settlement agreement will allow the industry to continue growing in an unfettered, competitive market place that moves too quickly for any legal proceeding. I know there will be no silver bullet in these matters, but with diligence and fairness, the technology industry, specifically the PC industry should be allowed to help the economy prosper through hard work, determination, healthy (tough) competition and the synergy's that standards provide. Perhaps the government should be more involved in the internet standards bodies, where no one knows what decisions are being made that will greatly impact the direction of the Internet and related business. Lastly, I always hear about consumer choice and how important it is, but as a consumer, I do not want to see the other extreme, where I have to choose every little component of my Computer. People who purchase large ticket items want as much out of the box as possible, so in the spirit of ''Equal Access'' vis a vis AT&T divestiture, I would think that including competitive software (Real Player, AOL client, etc.) within Windows shipped from the hardware manufacturers is a fair remedy, compared to breaking up Windows into multiple components and creating confusion and discordance in the industry.

Many thanks for taking the time to read my comments.

Sincerely,
Robert Cantwell, Jr.
7 Amanda Lane
West Chester, PA 19380
CC: Senator Rick Santorum (PA)

MTC–00015812

From: chad phillips
To: Microsoft ATR
Date: 1/23/02 10:07am
Subject: 'Microsoft Settlement'

Hello,

I am writing to comment on the tentative settlement of the United States vs. Microsoft antitrust lawsuit. I believe the settlement in its current form will do little to remove or even slow down Microsoft's current monopoly over the software market. For years I have seen software from non-Microsoft companies be renedered useless by Microsoft ''upgrades''. Attempts to integrate non-Microsoft software with Windows and other Microsoft products are usually thwarted by Microsoft using its monopoly power.

In order to allow the software industry to thrive, I humbly ask that you reach a settlement that will stop Microsoft from using its monopoly power to kill any and all competitors.

Sincerely
Chad Phillips

MTC–00015813

From: John Burroway
To: Microsoft ATR
Date: 1/23/02 10:06am
Subject: Microsoft Settlement

I have read the proposed settlement, and do not consider it fair or equitable. It appears to be simple appeasement towards Microsoft, as well as acceptance and formalization of their unethical and monopolistic practices that have driven so many competitors out of the marketplace. Microsoft has been found guilty, and they still their behavior has not changed. They have attempted to sway states'' attorneys general with letters apparently sent by the deceased. It has even been reported that they are trying to tilt the comments submitted during this period in their favor. They have demonstrated their lack of moral fortitude time and time again, and this settlement will allow them to walk away with everything they have ever wanted. Please consider this a vote against the current settlement and a vote to seek a new settlement more favorable to freedom and fair competition.

John Burroway
Columbus, Ohio

MTC–00015814

From: Whitworth, Shane
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:07am
Subject: microsoft settlement

The Microsoft settlement as stands is horrific.

In fact, it is a very good example of what is wrong when companies are allowed to buy out the government.

It is a slap in the face to the American people. I personally feel sold out by the DOJ for even considering this.

Anyone who looks at this can tell the difference the Bush administration has had in this case.

SOLD OUT.

I fully agree with the information in the following link.

http://www.kegel.com/remedy/letter.html
Tommy Shane Whitworth
US CITIZEN

1091 Valley Forge Rd.
Clover, SC 29710
803–831–2283

MTC–00015815

From: Patrick McDonald
To: Microsoft ATR
Date: 1/23/02 10:08am
Subject: Microsoft Settlement

Dear Sirs,

I just want to comment that I think the proposed settlement in the Microsoft Anti-trust trial is highly unjust and deserves further review.

Patrick McDonald

MTC–00015816

From: Jason R
To: Microsoft ATR
Date: 1/23/02 10:07am
Subject: Microsoft Settlement

I think the proposed settlement is bad.

MTC–00015817

From: Catherine, Janis
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:06am
Subject: NO on Microsoft Settlement

I vote NO! to the proposed Microsoft Settlement.

I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundreds, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices. Similar to the settlement against AT&T, Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level (40%, for example, assuming one of it's competitors is now also at 40%). This must be true for all Microsoft product lines, before regulation is lifted.

Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Imagine the damage to the United States if Microsoft were to fail, as Enron failed. The risks of a monopoly are greater than merely the loss of competition.

Thank you for your time.

MTC–00015818

From: andaru
To: Microsoft ATR
Date: 1/23/02 10:04am
Subject: Microsoft Settlement

Dear Sirs,

I am a US citizen, and I am opposed to the proposed settlement of the DoJ's case against Microsoft.

Although Microsoft has been found guilty of breaking the law, there is nothing punative in the settlement. Microsoft must be punished for its illegal activities, and greatly discouraged from engaging in illegal activities in the future.

Because of this, I must urge you to reject the proposed settlement with Microsoft, and pursue more aggressive means to ensure justice for the computer-using population.

Sincerely,

Andrew T. Phillips
Andrew T. Phillips
Software Engineer
Email: andaru@pacbell.net
Voice: (415) 695–7640
Fax: (415) 282–5318

MTC–00015819

From: Byron Norris
To: Microsoft ATR
Date: 1/23/02 10:08am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general. While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Byron Norris
Tulsa, Oklahoma

MTC–00015820

From: Burt Schmitz
To: Microsoft ATR
Date: 1/23/02 10:08am
Subject: Microsoft Settlement

Sir:

I am sending earlier this message in re support of the Netscape suit against predatory Microsoft and Bill Gates business practices.

Burt Schmitz
7479 Bollinger Road
Cupertino, CA 95014–4332
11 November 1999
408–252–4724

Letters to the Editor:

In rebuttal to Luther Gipson's attack (Merc. News, 11 November) on Judge Penfield Jackson's defense of me from the predations of Microsoft, let me point out it isn't Bill Gates or anyone else's wealth; it is the computer-destructive content of Microsoft's ill conceived, poorly-developed, untested foisting of destructive junk software on we computer users. I am not alone; the derisive parodies that float around the E-mail world ridiculing the Microsoft technology and destructive non-performance are legion.

One year and six months ago [June 1998], after not allowing the outside world into my computer for years, I surrendered. On the advice of a friend, I went Microsoft and his Explorer. Within two weeks my comuter internal software had been destroyed by continuous destructive failures. I threw him off my system ... and will not let anything tagged Microsoft or Bill Gates back near my computer ... if I have to defend myself at the door with a shotgun!

Within a month, my friend's recommendation proved totally destructive of HIS computer ... the sequence of disasters eventually resulting in physical destruction of his hard drive. I have a friend in Alburquerque whose computer is continuously down because her system is one of Bill Gates'' ersatz-wonderkind; she is not computer-literate, and is continuously being bombed by the Microsoft junk. She doesn't know where to turn; her user group props her up weekly.

An analogy; Bill Gates has, whenever competition has shown a worthwhile innovation, copied it, rushed to market ahead of testing and debugging, much like an auto manufaturer copying and rushing an ill-conceived auto design out to the public before a small town garage can test, perfect, and market its superior innovation.

My son works in a large institution where they once had two computer systems; one Microsoft and one Apple. The people forced to use the Microsoft system hated it, the users of the Apple system loved it ... and it was never down. Bill Gates predatory business practices resulted in elimination of the Apple system. Judge Jackson's decision was relatively mild. Nineteen governors can't be wrong.

Nuff said?
Burt Schmitz
Cupertino

MTC–00015821

From: mwilkers
To: Microsoft ATR
Date: 1/23/02 10:07am
Subject: Microsoft Settlement

The current settlement is garbage. Do not make the same mistake again and allow Microsoft to escape with barely a hand slap. They have been found guilty of monopolistic business practices and it is imperative to the health and future of this nation's computer industry that they be duly punished. A real punishment, not something as laughable as the ''we'll donate a bunch of computers to schools so we can cut into one of our competitor's market shares'. As Americans we expect equal treatment before the law and find it appalling when large companies escape/buy their way out of any real punishment. Hold Microsoft accountable for its crime.

Michael
Michael C. Wilkerson
Software Developer
Command Technologies, Inc.
(210) 520–7973 x 35

MTC–00015822

From: Scrivner, Steve (091)MMI/BOU(093)

To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 10:00am
Subject: Microsoft Settlement

The proposed settlement is a bad idea, and I hope that you will renegotiate it without so many loopholes.

MTC–00015823

From: William Sattler
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 10:08am
Subject: Microsoft Settlement

I cannot support the current proposed settlement. It has a few large loophole, and a some smaller ones that will allow Microsoft to continue to abuse its monopoly on personal computer operating systems. Specifically my main complaint is of III.J.1 which will give Microsoft the loophole they need. In fact they have already started to make use of this. Only as recently as January 16th has Microsoft announced their new ''Trustworthy Computing'' campaign. By integrating unnecessary security in portions of their products that do not require it, they will be able to exempt themselves from the most important parts of the proposed settlement. It is for primarily this reason that I refuse to support the current proposed settlement.

I wish to encourage the courts and involved litigants to find a settlement that will perform as intended. This is an issue far too serious to let such obvious loopholes ruin the works of the Department of Justice that I and many other taxpayers have paid for. Unless changes are made, the Department of Justice will not have met its obligations to the American Citizens.

William Alan Sattler,
Columbia, SC
(803) 748–9876

MTC–00015824

From: RickR1208@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:08am
Subject: microsoft settlement

To Whom it May Concern:

Please settle this case and leave Microsoft alone. Microsoft provides excellent products and services at a very reasonable price. The monopoly I am most concerned about is the Federal Government. It gets its funds by confiscating my money and it has no competition at all.

Richard Reed
1208 Manor Park Ave
Lakewood, Ohio

MTC–00015825

From: POYNTER@adeq.state.ar.us@inetgw
To: Microsoft ATR
Date: 1/23/02 10:08am
Subject: Microsoft Settlement

To Whom It May Concern,

The proposed settlement is NOT appropriate. Any settlement should include cash money (not MS Software) and have a provision for mandatory public disclosure of API's to the OS and BackOffice software.

I have 20 years of experience with computers and have watched the industry fairly closely during this time. MicroSoft has too much control over how PCs are used and should not be trusted. Just look at how well they followed your last decree.

Hammer ''em,
david
David Poynter
ADEQ—Computer Services Division
(501) 682–0754
poynter@adeq.state.ar.us

MTC–00015826

From: Unknown
To: Microsoft ATR
Date: 1/23/02 10:10am
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea. It does not do enough to prevent Microsoft from spreading their Monopoly into other areas, or punish them for the abuses they have already been proven guilty of.

Noah Bast
5912 Petre Drive
Auburn, NY 13021

MTC–00015827

From: M M
To: Microsoft ATR
Date: 1/23/02 10:09am
Subject: MICROSOFT SETTLEMENT

Judge K;

It is essential for the functioning of a free economy that those very rare companies that establish a defacto monopoly in a critical industry be effectively regulated or at least overseen by the Federal government. The current draft of the PFJ completely fails in this regard. Free markets are great but where would our country be with only one supplier of oil, or only one railroad???

Looking forward to your decision in this case.

S Ambron
2490 Sand Hill Road
Menlo Park, CA 94025

MTC–00015828

From: Daniel R. Collins
To: Microsoft ATR
Date: 1/23/02 10:10am
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice

Dear Madam:

As a professional software developer, I find the proposed settlement in the antitrust case between Microsoft Corporation and the Department of Justice to be disturbing in its insufficiency. The most telling detail of the settlement is that it, to my reading, will allow Microsoft to continue using its monopoly position freely in opposition to ''open source'' software developers—that is, software writers who work in a charitable and nonprofit capacity, leveraging the free-copying capacities of the Internet to benefit anyone who wishes to download and use their programs. On the one hand, ''open source'' examples such as the Linux operating system have clearly provided U.S. consumers and businesses with a less-expensive, more robust, more efficient system for running personal computers; on the other hand, the proposed antitrust settlement will allow Microsoft to continue holding documentation, protocols, and APIs in secret from ''open source'' developers, because Microsoft only needs to release them to ''viable businesses'', as defined by the Microsoft corporation.

The fact that this issue is important to Microsoft is best highlighted by the fact that Microsoft Windows Division Vice-President Brian Valentine has written, ''''Linux is the long-term threat against our core business. Never forget that!'' (as reported at http://www.theregister.co.uk/content/archive/22770.html).

However, Microsoft will be able to continue holding operating protocols in secret from the ''open source'' Linux developers, because, according to the proposed settlement's Section J: J. No provision of this Final Judgment shall:

2. Prevent Microsoft from conditioning any license of any API, Documentation or Communications Protocol related to anti-piracy systems, anti-virus technologies, license enforcement mechanisms, authentication/authorization security, or third party intellectual property protection mechanisms of any Microsoft product to any person or entity on the requirement that the licensee: (a) has no history of software counterfeiting or piracy or willful violation of intellectual property rights, (b) has a reasonable business need for the API, Documentation or Communications Protocol for a planned or shipping product, (c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, (d) agrees to submit, at its own expense, any computer program using such APIs, Documentation or Communication Protocols to third-party verification, approved by Microsoft, to test for and ensure verification and compliance with Microsoft specifications for use of the API or interface, which specifications shall be related to proper operation and integrity of the systems and mechanisms identified in this paragraph.''

I hope that you will recognize the importance of extending the protections in Section J to charitable and ''open source'' developers, in addition to those serving as for-profit businesses.

Sincerely,
Daniel R. Collins
Watertown, MA 02472
dcollins@superdan.net
January 22, 2002

MTC–00015829

From: Dale Dixon
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:04am
Subject: Microsoft Settlement

As a Citizen, an Information Services professional and daily user of Microsoft software, I find that the proposed settlement is little more that a slap on the wrist to Microsoft. Microsoft's continuing aggressive tactics have reduced the options available to me, and has hurt me as a consumer. Substantive action needs to be taken now to prevent Microsoft from reducing choice even further and in market areas not currently in its control.

Microsoft has no incentive by competition to create superior products and Microsoft products are commonly known to fraught with security flaws. Because it maintains a monopoly in operating systems and office

software, Microsoft can impose licensing fees and restrictions that cost consumers more than would be acceptable if these markets were truly open. I do not support a breakup of Microsoft, but the remedies proposed are not in proportion to the harmful acts that Microsoft has committed.

Thank you,
Dale L. Dixon
Manager of Computer Operations
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MTC–00015830

From: brian washburn
To: Microsoft ATR
Date: 1/23/02 10:10am
Subject: Microsoft settlement

To Whom It May Concern:

I am a U.S. Citizen and have been a microcomputer enthusiast since the end of the 1970s; since 1991, I have been employed as a writer, editor and industry analyst in the high-tech field.

Over the years, I've observed Microsoft use its market share in computer operating systems as a lever, systematically driving companies that were in its expansionist path out of business. I was encouraged that the Findings of Fact in this most recent Microsoft antitrust case uncovered some of these illegal practices. However, I believe the remedy proposed between the Dept. of Justice and Microsoft is grossly inadequate, and will be ineffectual in preventing the company from continuing its past conduct.

If an effective remedy is not reached in this trial, based on Microsoft's past demonstrated behavior, it will all go back to the courts again in the future. Many more years and taxpayer dollars will need to be spent the next time around to put a more effective remedy into place. In those years, based on Microsoft's past demonstrated behavior, the computer industry will be subject to the company's monopoly hammer. Meanwhile, the potential damage the company can cause by using its operating system monopoly to destroy competition and build monopolies in other markets is immeasurable. I do not own stock or derive an income from computer software companies, whether Microsoft or competitors to Microsoft. I am writing this as a consumer who feels he has been harmed by Microsoft's business practices, and who has grave reservations about the future of consumer choice and the future vitality of the American high-tech economy under an inadequate settlement.

Sincerely,
Brian Washburn
151 Ridge Avenue
Newton, MA 02459
Tel. 617 965 6071
Fax. 617 965 1019
E-mail: bsw@theworld.com

MTC–00015831

From: Seth Heidkamp
To: Microsoft ATR
Date: 1/23/02 10:10am
Subject: Microsoft Settlement

Dear Sir or Madam,

I am writing to share my views on the Microsoft Antitrust settlement. The government has rules that they were a monopoly and acted illegally, and the proposed settlement is a joke. First, there is no way to enforce any of the agreements; the penalty for non-compliance is an extended oversight period. This is like giving a convict parole, but if he doesn't meet the conditions (doesn't show up/consorts with known felons/etc) he just gets a longer parole. Second, Microsofts proposal to pay their fine with software to public schools is also ridiculous. They will be giving away a product at minimal cost to them (assuming that these schools would not have been able to afford the Windows software, Microsoft essentailly pays for the CD, a cost of about $5 for an $800 software package) while getting credit at the monopoly-inflated rates for their donations, while also further increasing their monopoly in one of the few marketplaces they haven't saturated.

I think a more appropriate solution is to open up the API's to developers, the desktop to OEM's and distributors, and have the penalty for non-compliance or further illegal business practices be a breakup of the company.

Seth Heidkamp
Philadelphia, PA

MTC–00015832

From: Chad Eby
To: Microsoft ATR
Date: 1/23/02 10:09am
Subject: Microsoft Settlement

Hello!

As a concerned end-user, I would like to state my belief that the proposed final judgement in United States v. Microsoft is flawed and inadequate in its current form. I am especially distressed that the proposed decision fails to prohibit anti-competitive license terms currently used by Microsoft. The continued prohibition in EULAs and other licenses against open source applications running on Windows platforms, as well as restrictive licensing terms designed to prevent Windows applications from running on competing operating systems is simply unacceptable. For genuine competition to occur, interoperability must be allowed.

Sincerely,
Chad Eby
2531 W Katella Ln
Springfield, MO 65807

MTC–00015833

From: Jim Phillips
To: Microsoft ATR
Date: 1/23/02 10:09am
Subject: Microsoft Settlement

I wish to comment on the proposed Microsoft settlement. I am opposed to the proposed settlement because it fails to effectively prohibit a variety of anticompetitive practices Microsoft has historically employed to propagate its illegal and damaging monopoly, and because it lacks an effective enforcement mechanism. The only effective solution is to break Microsoft into several corporations, separating the OS, internet, desktop, and entertainment application divisions and prohibiting collaboration among them. This alone would allow fair and effective competition.

James Phillips
405 W. Stanage Ave.
Champaign, IL 61820

MTC–00015834

From: Sam Denton
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:09am
Subject: Microsoft Settlement

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement.

It is my opinion that the Proposed Final Judgment fails to prohibit anticompetitive practices towards OEMs.

Section III.A.2. allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

Section III.B. requires Microsoft to license Windows on uniform terms and at published prices to the top 20 OEMs, but says nothing about smaller OEMs. This leaves Microsoft free to retaliate against smaller OEMs, including important regional ''white box'' OEMs, if they offer competing products.

Section III.B. also allows Microsoft to offer unspecified Market Development Allowances—in effect, discounts—to OEMs. For instance, Microsoft could offer discounts on Windows to OEMs based on the number of copies of Microsoft Office or Pocket PC systems sold by that OEM. In effect, this allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas, such as office software or ARM-compatible operating systems.

By allowing these practices, the PFJ is encouraging Microsoft to extend its monopoly in Intel-compatible operating systems, and to leverage it into new areas.

Sam Denton
WAN Technologies, INC.
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Data & Telecommunications Solutions provider
www.wancare.com
Network Management Solutions

MTC–00015835

From: akornick@whg-florida.dyndns.org@inetgw
To: Microsoft ATR
Date: 1/23/02 10:10am
Subject: Microsoft Settlement

To Whom It May Concern,

I have cited below numerous problems with the proposed Microsoft settlement below. Please do not allow Microsoft to continue to enjoy an illegal monopoly by slapping them on the wrist like the last US DOJ/Microsoft agreement.

Sincerely,
Adam M. Kornick

Here is a very rough summary which paraphrases provisions III.A through III.J and VI. of the Proposed Final Judgement to give some idea of how the PFJ proposes to answer those questions:

PFJ Section III: Prohibited Conduct: 1. Microsoft will not retaliate against OEMs

who support competitors to Windows, Internet Explorer (IE), Microsoft Java (MJ), Windows Media Player (WMP), Windows Messenger (WM), or Outlook Express (OE). 2. Microsoft will publish the wholesale prices it charges the top 20 OEMs (Original Equipment Manufacturers) for windows. 3. Microsoft will allow OEMs to customize the Windows menus, desktop, and boot sequence, and will allow the use of non-Microsoft bootloaders. 4. Microsoft will publish on MSDN (the Microsoft Developer Network) the APIs used by IE, MJ, WMP, WM, and OE, so that competing web browsers, media players, and email clients can plug in properly to Windows. 5. Microsoft will license on reasonable terms the network protocols needed for non-Microsoft applications or operating systems to connect to Windows servers. 6. Microsoft will not force business partners to refrain from supporting competitors to Windows, IE, MJ, WMP, WM, or OE. 7. (Roughly same as F above.) 8. Microsoft will let users and OEMs remove icons for IE, MJ, WMP, WM, and OE, and let them designate competing products to be used instead. 9. Microsoft will license on reasonable terms any intellectual property rights needed for other companies to take advantage of the terms of this settlement. 10. This agreement lets Microsoft keep secret anything having to do with security or copy protection.

PFJ Section VI: Definitions: 1. ''API'' (Application Programming Interface) is defined as only the interfaces between Microsoft Middleware and Microsoft Windows, excluding Windows APIs used by other application programs. 2. ''Microsoft Middleware Product'' is defined as Internet Explorer (IE), Microsoft Java (MJ), Windows Media Player (WMP), Windows Messenger (WM), and Outlook Express (OE). 3. ''Windows Operating System Product'' is defined as Windows 2000 Professional, Windows XP Home, and Windows XP Professional.

The agreement can be summed up in one breath as follows: Microsoft agrees to compete somewhat less vigorously, and to let competitors interoperate with Windows in exchange for royalty payments.

Considering all of the above, one should read the detailed terms of the Proposed Final Judgment, and ask one final question:

Is the Proposed Final Judgement in the public interest? In the sections below, I'll look in more detail at how the PFJ deals with the above questions. How should terms like ''API'', ''Middleware, and ''Windows OS'' be defined? The definitions of various terms in Part VI of the PFJ differ from the definitions in the Findings of Fact and in common usage, apparantly to Microsoft's benefit. Here are some examples: Definition A: ''API'' The Findings of Fact (? 2) define ''API'' to mean the interfaces between application programs and the operating system. However, the PFJ's Definition A defines it to mean only the interfaces between Microsoft Middleware and Microsoft Windows, excluding Windows APIs used by other application programs. For instance, the PFJ's definition of API might omit important APIs such as the Microsoft Installer APIs which are used by installer programs to install software on Windows. Definition J: ''Microsoft Middleware'' The Findings of Fact (? 28) define ''middleware'' to mean application software that itself presents a set of APIs which allow users to write new applications without reference to the underlying operating system. Definition J defines it in a much more restrictive way, and allows Microsoft to exclude any software from being covered by the definition in two ways: 1. By changing product version numbers. For example, if the next version of Internet Explorer were named ''7.0.0'' instead of ''7'' or ''7.0'', it would not be deemed Microsoft Middleware by the PFJ. 2. By changing how Microsoft distributes Windows or its middleware. For example, if Microsoft introduced a version of Windows which was only available via the Windows Update service, then nothing in that version of Windows would be considered Microsoft Middleware, regardless of whether Microsoft added it initially or in a later update. This is analogous to the loophole in the 1995 consent decree that allowed Microsoft to bundle its browser by integrating it into the operating system. Definition K: ''Microsoft Middleware Product'' Definition K defines ''Microsoft Middleware Product'' to mean essentially Internet Explorer (IE), Microsoft Java (MJ), Windows Media Player (WMP), Windows Messenger (WM), and Outlook Express (OE). The inclusion of Microsoft Java and not Microsoft.NET is questionable; Microsoft has essentially designated Microsoft.NET and C# as the successors to Java, so on that basis one would expect Microsoft.NET to be included in the definition.

The inclusion of Outlook Express and not Outlook is questionable, as Outlook (different and more powerful than Outlook Express) is a more important product in business, and fits the definition of middleware better than Outlook Express.

The exclusion of Microsoft Office is questionable, as many components of Microsoft Office fit the Finding of Fact's definition of middleware. For instance, there is an active market in software written to run on top of Microsoft Outlook and Microsoft Word, and many applications are deveoped for Microsoft Access by people who have no knowledge of Windows APIs. Definition U: ''Windows Operating System Product'' Microsoft's monopoly is on Intel-compatible operating systems. Yet the PFJ in definition U defines a ''Windows Operating System Product'' to mean only Windows 2000 Professional, Windows XP Home, Windows XP Professional, and their successors. This purposely excludes the Intel-compatible operating systems Windows XP Tablet PC Edition and Windows CE; many applications written to the Win32 APIs can run unchanged on Windows 2000, Windows XP Tablet PC Edition, and Windows CE, and with minor recompilation, can also be run on Pocket PC. Microsoft even proclaims at www.microsoft.com/windowsxp/tabletpc/tabletpcqanda.asp:

''The Tablet PC is the next-generation mobile business PC, and it will be available from leading computer makers in the second half of 2002. The Tablet PC runs the Microsoft Windows XP Tablet PC Edition and features the capabilities of current business laptops, including attached or detachable keyboards and the ability to run Windows-based applications.'' and Pocket PC: Powered by Windows Microsoft is clearly pushing Windows XP Tablet PC Edition and Pocket PC in places (e.g. portable computers used by businessmen) currently served by Windows XP Home Edition, and thus appears to be trying to evade the Final Judgment's provisions. This is but one example of how Microsoft can evade the provisions of the Final Judgment by shifting its efforts away from the Operating Systems listed in Definition U and towards Windows XP Tablet Edition, Windows CE, Pocket PC, X-Box, or some other Microsoft Operating System that can run Windows applications. How should the Final Judgment erode the Applications Barrier to Entry? The PFJ tries to erode the Applications Barrier to Entry in two ways:

1. By forbidding retaliation against OEMs, ISVs, and IHVs who support or develop alternatives to Windows.

2. By taking various measures to ensure that Windows allows the use of non-Microsoft middleware.

A third option not provided by the PFJ would be to make sure that Microsoft raises no artificial barriers against non-Microsoft operating systems which implement the APIs needed to run application programs written for Windows. The Findings of Fact (?52) considered the possibility that competing operating systems could implement the Windows APIs and thereby directly run software written for Windows as a way of circumventing the Applications Barrier to Entry. This is in fact the route being taken by the Linux operating system, which includes middleware (named WINE) that can run many Windows programs.

By not providing some aid for ISVs engaged in making Windows-compatible operating systems, the PFJ is missing a key opportunity to encourage competition in the Intel-compatible operating system market. Worse yet, the PFJ itself, in sections III.D. and III.E., restricts information released by those sections to be used ''for the sole purpose of interoperating with a Windows Operating System Product''. This prohibits ISVs from using the information for the purpose of writing operating systems that interoperate with Windows programs. How should the Final Judgment be enforced? The PFJ as currently written appears to lack an effective enforcement mechanism. It does provide for the creation of a Technical Committee with investigative powers, but appears to leave all actual enforcement to the legal system. What information needs to be released to ISVs to encourage competition, and under what terms?

The PFJ provides for increased disclosure of technical information to ISVs, but these provisions are flawed in several ways:

1. The PFJ fails to require advance notice of technical requirements Section III.H.3. of the PFJ requires vendors of competing middleware to meet ''reasonable technical requirements'' seven months before new releases of Windows, yet it does not require Microsoft to disclose those requirements in advance. This allows Microsoft to bypass all competing middleware simply by changing

the requirements shortly before the deadline, and not informing ISVs.

2. API documentation is released too late to help ISVs Section III.D. of the PFJ requires Microsoft to release via MSDN or similar means the documentation for the APIs used by Microsoft Middleware Products to interoperate with Windows; release would be required at the time of the final beta test of the covered middleware, and whenever a new version of Windows is sent to 150,000 beta testers. But this information would almost certainly not be released in time for competing middleware vendors to adapt their products to meet the requirements of section III.H.3, which states that competing middleware can be locked out if it fails to meet unspecified technical requirements seven months before the final beta test of a new version of Windows.

3. Many important APIs would remain undocumented The PFJ's overly narrow definitions of ''Microsoft Middleware Product'' and ''API'' means that Section III.D.'s requirement to release information about Windows interfaces would not cover many important interfaces.

4. Unreasonable Restrictions are Placed on the Use of the Released Documentation ISVs writing competing operating systems as outlined in Findings of Fact (?52) sometimes have difficulty understanding various undocumented Windows APIs. The information released under section III.D. of the PFJ would aid those ISVs—except that the PFJ disallows this use of the information. Worse yet, to avoid running afoul of the PFJ, ISVs might need to divide up their engineers into two groups: those who refer to MSDN and work on Windows-only applications; and those who cannot refer to MSDN because they work on applications which also run on non-Microsoft operating systems. This would constitute retaliation against ISVs who support competing operating systems.

5. File Formats Remain Undocumented No part of the PFJ obligates Microsoft to release any information about file formats, even though undocumented Microsoft file formats form part of the Applications Barrier to Entry (see ''Findings of Fact'' ?20 and ? 39).

6. Patents covering the Windows APIs remain undisclosed Section III.I of the PFJ requires Microsoft to offer to license certain intellectual property rights, but it does nothing to require Microsoft to clearly announce which of its many software patents protect the Windows APIs (perhaps in the style proposed by the W3C; see http://www.w3.org/TR/2001/WD-patent-policy-20010816/#secdisclosure). This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users, as illustrated by this report from Codeweavers, Inc.: When selecting a method of porting a major application to Linux, one prospect of mine was comparing Wine [a competing implementation of some of the Windows APIs] and a toolkit called 'MainWin'. MainWin is made by Mainsoft, and Mainsoft licenses its software from Microsoft. However, this customer elected to go with the Mainsoft option instead.

I was told that one of the key decision making factors was that Mainsoft representatives had stated that Microsoft had certain critical patents that Wine was violating. My customer could not risk crossing Microsoft, and declined to use Wine. I didn't even have a chance to determine which patents were supposedly violated; nor to disprove the validity of this claim. The PFJ, by allowing this unclear legal situation to continue, is inhibiting the market acceptance of competing operating systems. Which practices towards OEMs should be prohibited? The PFJ prohibits certain behaviors by Microsoft towards OEMs, but curiously allows the following exclusionary practices:

Section III.A.2. allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system. Section III.B. requires Microsoft to license Windows on uniform terms and at published prices to the top 20 OEMs, but says nothing about smaller OEMs. This leaves Microsoft free to retaliate against smaller OEMs, including important regional 'white box'' OEMs, if they offer competing products.

Section III.B. also allows Microsoft to offer unspecified Market Development Allowances—in effect, discounts—to OEMs. For instance, Microsoft could offer discounts on Windows to OEMs based on the number of copies of Microsoft Office or Pocket PC systems sold by that OEM. In effect, this allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas, such as office software or ARM-compatible operating systems.

By allowing these practices, the PFJ is encouraging Microsoft to extend its monopoly in Intel-compatible operating systems, and to leverage it into new areas. Which practices towards ISVs should be prohibited?

Sections III.F. and III.G. of the PFJ prohibit certain exclusionary licensing practices by Microsoft towards ISVs.

However, Microsoft uses other exclusionary licensing practices, none of which are mentioned in the PFJ. Several of Microsoft's products'' licenses prohibit the products'' use with popular non-Microsoft middleware and operating systems. Two examples are given below.

1. Microsoft discriminates against ISVs who ship Open Source applications The Microsoft Windows Media Encoder 7.1 SDK EULA states ... you shall not distribute the REDISTRIBUTABLE COMPONENT in conjunction with any Publicly Available Software. ''Publicly Available Software'' means each of (i) any software that contains, or is derived in any manner (in whole or in part) from, any software that is distributed as free software, open source software (e.g. Linux) or similar licensing or distribution models ... Publicly Available Software includes, without limitation, software licensed or distributed under any of the following licenses or distribution models, or licenses or distribution models similar to any of the following: GNU's General Public License (GPL) or Lesser/Library GPL (LGPL); The Artistic License (e.g., PERL); the Mozilla Public License; the Netscape Public License; the Sun Community Source License (SCSL); ... Many Windows APIs, including Media Encoder, are shipped by Microsoft as add-on SDKs with associated redistributable components. Applications that wish to use them must include the add-ons, even though they might later become a standard part of Windows. Microsoft often provides those SDKs under End User License Agreements (EULAs) prohibiting their use with Open Source applications. This harms ISVs who choose to distribute their applications under Open Source licenses; they must hope that the enduser has a sufficiently up-to-date version of the addon API installed, which is often not the case.

Applications potentially harmed by this kind of EULA include the competing middleware product Netscape 6 and the competing office suite StarOffice; these EULAs thus can cause support problems for, and discourage the use of, competing middleware and office suites. Additionally, since Open Source applications tend to also run on non-Microsoft operating systems, any resulting loss of market share by Open Source applications indirectly harms competing operating systems.

2. Microsoft discriminates against ISVs who target Windows-compatible competing Operating Systems The Microsoft Platform SDK, together with Microsoft Visual C++, is the primary toolkit used by ISVs to create Windows-compatible applications. The Microsoft Platform SDK EULA says: ''Distribution Terms. You may reproduce and distribute ... the Redistributable Components... provided that (a) you distribute the Redistributable Components only in conjunction with and as a part of your Application solely for use with a Microsoft Operating System Product...'' This makes it illegal to run many programs built with Visual C++ on Windows-compatible competing operating systems.

By allowing these exclusionary behaviors, the PFJ is contributing to the Applications Barrier to Entry faced by competing operating systems. Which practices towards large users should be prohibited? The PFJ places restrictions on how Microsoft licenses its products to OEMs, but not on how it licenses products to large users such as corporations, universities, or state and local goverments, collectively referred to as 'enterprises'. Yet enterprise license agreements often resemble the per-processor licenses which were prohibited by the 1994 consent decree in the earlier US v. Microsoft antitrust case, in that a fee is charged for each desktop or portable computer which could run a Microsoft operating system, regardless of whether any Microsoft software is actually installed on the affected computer. These agreements are anticompetitive because they remove any financial incentive for individuals or departments to run non-Microsoft software. Which practices towards end users should be prohibited? Microsoft has used both restrictive licenses and intentional incompatibilities to discourage users from running Windows applications on Windows-compatible competing operating systems. Two examples are given below.

1. Microsoft uses license terms which prohibit the use of Windows-compatible competing operating systems MSNBC (a

subsidiary of Microsoft) offers software called NewsAlert. Its EULA states ''MSNBC Interactive grants you the right to install and use copies of the SOFTWARE PRODUCT on your computers running validly licensed copies of the operating system for which the SOFTWARE PRODUCT was designed [e.g., Microsoft Windows(r) 95; Microsoft Windows NT(r), Microsoft Windows 3.x, Macintosh, etc.] .... ''Only the Windows version appears to be available for download. Users who run competing operating systems (such as Linux) which can run some Windows programs might wish to run the Windows version of NewsAlert, but the EULA prohibits this.

MSNBC has a valid interest in prohibiting use of pirated copies of operating systems, but much narrower language could achieve the same protective effect with less anticompetitive impact. For instance, ''MSNBC Interactive grants you the right to install and use copies of the SOFTWARE PRODUCT on your computers running validly licensed copies of Microsoft Windows or compatible operating system.''

2. Microsoft created intentional incompatibilities in Windows 3.1 to discourage the use of non-Microsoft operating systems An episode from the 1996 Caldera v. Microsoft antitrust lawsuit illustrates how Microsoft has used technical means anticompetitively. Microsoft's original operating system was called MS-DOS. Programs used the DOS API to call up the services of the operating system. Digital Research offered a competing operating system, DR-DOS, that also implemented the DOS API, and could run programs written for MS-DOS. Windows 3.1 and earlier were not operating systems per se, but rather middleware that used the DOS API to interoperate with the operating system. Microsoft was concerned with the competitive threat posed by DR-DOS, and added code to beta copies of Windows 3.1 so it would display spurious and misleading error messages when run on DR-DOS. Digital Research's successor company, Caldera, brought a private antitrust suit against Microsoft in 1996. (See the original complaint, and Caldera's consolidated response to Microsoft's motions for partial summary judgment.) The judge in the case ruled that ''Caldera has presented sufficient evidence that the incompatibilities alleged were part of an anticompetitive scheme by Microsoft.'' That case was settled out of court in 1999, and no court has fully explored the alleged conduct. The concern here is that, as competing operating systems emerge which are able to run Windows applications, Microsoft might try to sabotage Windows applications, middleware, and development tools so that they cannot run on non-Microsoft operating systems, just as they did earlier with Windows 3.1.

The PFJ as currently written does nothing to prohibit these kinds of restrictive licenses and intentional incompatibilities, and thus encourages Microsoft to use these techniques to enhance the Applications Barrier to Entry, and harming those consumers who use non-Microsoft operating systems and wish to use Microsoft applications software. Is the Proposed Final Judgement in the public interest? The problems identified above with the Proposed Final Judgment can be summarized as follows:

* The PFJ doesn't take into account Windows-compatible competing operating systems

* Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

* The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

* The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

* The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

* The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

* The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertized as being ''Windows Powered''.

* The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

* The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

* The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

* The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

* The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

* The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

* Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

* Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

* Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system— even for computers running Linux. (Similar licenses to OEMs were once banned by the 1994 consent decree.)

* The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

* Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

* The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

* The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

* The PFJ allows Microsoft to discriminate against small OEMs—including regional 'white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

* The PFJ allows Microsoft to offer discounts on Windows (MI)As) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

* The PFJ as currently written appears to lack an effective enforcement mechanism. Considering these problems, one must conclude that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, and would delay the emergence of competing Windows-compatible operating systems. Therefore, the Proposed Final Judgment is not in the public interest, and should not be adopted without addressing these issues.

Strengthening the PFJ

The above discussion shows that the PFJ does not satisfy the Court of Appeals'' mandate. Some of the plaintiff States have proposed an alternate settlement which fixes many of the problems identified above. The States'' proposal is quite different from the PFJ as a whole, but it contains many elements which are similar to elements of the PFJ, with small yet crucial changes. In the sections below, I suggest amendments to the PFJ that attempt to resolve some of the demonstrated problems (time pressure has prevented a more complete list of amendments). When discussing amendments, PFJ text is shown indented; removed text in shown in [bracketed strikeout], and new text in bold italics. Correcting the PFJ's definitions Definition U should be amended to read U. ''Windows Operating System Product'' means [the software code (as opposed to source code) distributed commercially by Microsoft for use with Personal Computers as Windows 2000 Professional, Windows XP Home, Windows XP Professional, and successors to the foregoing, including the Personal Computer versions of the products currently code named ''Longhorn'' and ''Blackcomb'' and their successors, including upgrades, bug fixes, service packs, etc. The software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion.] any software or firmware code distributed commercially by Microsoft that is capable of executing any subset of the Win32 APIs, including without exclusion Windows 2000 Professional, Windows XP Home, Windows XP Professional, Windows XP Tablet PC Edition, Windows CE,

PocketPC 2002, and successors to the foregoing, including the products currently code named ''Longhorn'' and ''Blackcomb'' and their successors, including upgrades, bug fixes, service packs, etc. Release of information to ISVs TBD Section E should be amended to read ... Microsoft shall disclose to ISVs, IHVs, IAPs, ICPs, and OEMs, [for the sole purpose of interoperating with a Windows Operating System Product,] for the purpose of interoperating with a Windows Operating System Product or with application software written for Windows, via the Microsoft Developer Network (''MSDN'') or similar mechanisms, the APIs and related Documentation that are used by Microsoft Middleware to interoperate with a Windows Operating System Product .... Prohibition of More Practices Toward OEMs TBD

?III. A. 2. of the Proposed Final Judgment should be amended to read

2. shipping a Personal Computer that (a) includes both a Windows Operating System Product and a non-Microsoft Operating System, or (b) will boot with more than one Operating System, or (c) includes a non-Microsoft Operating System but no Windows Operating System Product; or ... Prohibition of More Practices Toward ISVs TBD Prohibition of Certain Practices Toward End Users TBD

Summary

This document is not yet complete, but it does demonstrate that there are so many problems with the PFJ that it is not in the public interest. It also illustrates how one might try to fix some of these problems.

MTC–00015836

From: Gabriel Gerhardsson
To: Microsoft ATR
Date: 1/23/02 10:06am
Subject: Microsoft Settlement

Hi

I'm not a citizen of the USA. But I feel that in the global society we live in today this settlement effects more than the USA, indeed, I believe it affects the whole world!

I strongly urge you to not accept the settlement in it's current form. It is full of legal ''loopholes'' and vague language that severely limits the effectiveness in many areas.

E.g. Microsoft should be required to disclose ALL of it's (current and future) APIs (Application Protocol Interfaces) and network protocols. It should be released in a totally open way that doesn't set any limits on who's allowed to view, use and distribute the information. Be that a private person or a company, everyone should have full access to the information.

This is a crucial weakness in the current settlement. I truly hope that you take my views in consideration.

Sincerely
Gabriel Gerhardsson, Sweden

MTC–00015837

From: Tom B
To: Microsoft ATR
Date: 1/23/02 10:11 am
Subject: Microsoft Settlement (Opposition To)

To Whom It May Concern:

I would like to express my opposition to the proposed settlement in the Microsoft antitrust trial. The proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. Microsoft went into this case sure that it could buy its way out. Their cocky behavior preceding, during and after the trial only proved that they did not take the situation seriously. At the time I thought this was an egregious error on their part. Then proposed settlement was released and I, and many like me, were stunned.

Any settlement needs to have provisions to deal effectively with Microsoft's ''Embrace and Extend'' attitude towards its competition. In order to continue to flourish, the computer world needs more diversity and more interoperability. That second word, ''interoperability'' is crucial. Microsoft could work with its peers in the industry to make its products work together with new innovations and break-throughs. Instead, Microsoft prefers to crush competitors under the weight of its monopolies in Operating Systems and Office software.

As a developer, I work with Microsoft software consistently and I am aware of the contributions they have made to the industry. That being said, they do not deserve a break on this settlement. Their practices stifle the industry, leave potential innovators afraid to compete, and lock out those Microsoft doesn't favor.

While the Court's desire that a settlement be reached is well-intentioned, this settlement seems content to leave Microsoft as tyrant of the software world. It is unjust and will encourage the sort of behavior that brought this trial about. To encourage another explosion of innovation, Microsoft's monopolistic behavior must be regulated and the company made answerable for its actions.

Sincerely,
Thomas Bellin
Suffern, NY 10901

MTC–00015838

From: Coons, Chip
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:11am
Subject: Microsoft Settlement

Any settlement with a company that has :

*Stolen software from competitors,

*Denied users the basic freedom to choose which software they are allowed to use,

*Destroyed competition by implementing a continuous upgrade/change file format practice to eliminate any hopes of compatibility, and

*Used their monopoly position to eliminate market pressures (decreasing costs to consumers through competition) should not get off with a slap on the wrist.

Either their behavior was wrong (which the courts have found) and they should be punished, or drop the case and stop wasting my tax dollars, since the government will probably need them to upgrade future Microsoft products. Any settlement that allows the company to continue with their predatory practices is unacceptable, and as currently proposed, there are no real, enforceable restraints on Microsoft's current and future behavior. Should this settlement go through, please launch an immediate investigation for fraud and/or undue influence, since someone besides the consumer is benefiting.

Chip Coons

MTC–00015839

From: Jacobs Robert
To: 'microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:10am
Subject: Microsoft Settlement

Sir or Madam,

I would just like to add my voice to those who object to the Microsoft Antitrust Case proposed settlement. This settlement does nothing to punish Microsoft for their anti-competitive practices. Placing a three-man oversight committee on Microsoft's premises (of which one member is selected by Microsoft and the second member is ''approved'' by Microsoft is in no way ''punishment''. How can we this committee rightly be called an ''oversight committee'' when Microsoft is likely to select members who are disposed to their position?)

Where are the penalties levied against Microsoft for ruthlessly bullying their opponents out of the market? Why isn't Microsoft being assessed fines from their ill-gotten gains? How is Microsoft being punished for the practices that have gotten them where they are today? If you do not punish them financially. When a child steals from the cookie jar and you tell the child ''That was wrong, don't do it again...and I'll be watching you'', but you don't take back the cookie, did the child learn anything? The child has not been punished and will, likely, attempt the same manuever again as soon as your back is turned.

For a moment, I was encouraged to see that Microsoft is required to be more ''open'' with their specifications (application program interface (API))—until I read further into the settlement only to see that Microsoft could determine which APIs were critical to their business and should not be released. Have we gotten anywhere with them, then?

Microsoft deserves its bad reputation among computer industry professionals who stand for progress and innovation. Microsoft does not innovate .... Microsoft stamps out competition by offering their products ''bundled'' or ''integrated'' with their operating system and then convincing hardware manufacturers to include their products.

Robert A. Jacobs
Computer Analyst
Northrop Grumman Information Technology
(402) 293–3943 jacobs—robert@prc.com

''...security experts don't pick on Microsoft because we have some fundamental dislike for the company. Indeed, Microsoft's poor products are one of the reasons we're in business.''

— Bruce Schneier, Founder and CTO
Counterpane Internet Security, Inc.

MTC–00015840

From: Dennis Heltzel
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:10am
Subject: Microsoft Settlement
Dennis Heltzel, MBA

Senior Database Administrator
Adolor Corporation
620 Pennsylvania Drive
Exton, PA 19341–1127

I am writing to express my dissatisfaction with the proposed Microsoft Settlement. I am particularly concerned that while the settlement claims to require the publishing of windows API's, it defines and restricts this in a way that Microsoft can use to avoid complying with the spirit of the settlement. If anyone supposes that Microsoft will comply with the spirit of the settlement, they should examine Microsoft's history regarding previous government settlements, where they have consistently pushed the limits of what they themselves agreed to. In fact, that's mostly why they are back here in court now.

I urge you to change the settlement to be fairer to the customers and competitors of Microsoft. This is likely your only opportunity to do so. The amount of effort that the government must expend to bring cases like this to a successful conclusion is enormous and I'm sure any future DOJ will think twice before taking on the Microsoft monopoly. But since you already have the decree and judgments, lets finish the job and make the settlement one that is good for the free market of America.

Thanks you for letting me express my opinion on this matter.

Dennis Heltzel

MTC–00015841

From: Scott ''dolomite'' Leonard
To: Microsoft ATR
Date: 1/23/02 10:11am
Subject: Microsoft (Canadian perspecitve)

While I am a Canadian citizen, after September 11, I feel closer to the US than I ever have, which is why I am sending you this note. In this time of co- patriotism, we must embrace democracy and we must propound quality and we must disdain selfish interests. There must be a passion to work together as countries, and as people. Working together is not something Microsoft does well. They don't behave well with other companies. You should force them to. Microsoft products are getting worse as time goes on. Right now, for example, the end user has no choice but to use a Microsoft product if they own a PC because there simply isn't another operating system good enough to use other than the Microsoft products. When something goes wrong with a Microsoft product, the consumer has no other choice but to accept it and wait for a patch because they can not return it, and even if they could, they would have nothing to work on in the meantime because the damage is done.

Any other product I buy must work or I can return it for a full refund and buy something else like it. This is not the case with Microsoft. Stiffer penalties against Microsoft might not be enough now that the damage is done.

Maybe Microsoft could provide awards to businesses who want to compete with them?

Maybe the state needs to offer some business incentives to companies who want to compete with Microsoft. They can get the money from Microsoft for that. :)

Scott Leonard
Kingston, Ontario
Canada

PS: Would you buy a car from Microsoft if they made one?

MTC–00015842

From: Chuck Hinson
To: Microsoft ATR
Date: 1/23/02 10:10am
Subject: Microsoft Settlement

To Whom It May Concern:

I would like to state that I am opposed to the settlement that has been proposed in the Microsoft antitrust trial. I do not feel that the settlement even begins to address illegal behaviors found by the Court, and leaves Microsoft more or less free to continue operating as they always have. Furthermore, I am upset that while Microsoft has been found to be a monopoly—in violation of law—the settlement provides no real punishments. Simply forbidding the repitition of previously committed illegal acts is in no way a punishment for the illegal activity. Without some sort of redress, Microsoft will have been allowed to get away with and profit from their illegal activities.

Sincerely
Charles Hinson
King Of Prussia, PA 19406

MTC–00015843

From: Timothy Wall
To: Microsoft ATR
Date: 1/23/02 10:11am
Subject: Microsoft Settlement

As a software engineer with a degree from MIT and over 20 years experience developing software for Unix, Macintosh, Windows, and Linux, I'd like to comment on the Proposed Final Judgment in United States vs Microsoft. I think the proposed settlement is a bad idea. It does nothing to punish the company for its proven illegal practices, nor does it do anything to effectively prevent the company from continuing those same practices. The company has proven that it has no respect for the legal system, nor acceptable business practices, except what it can buy or subterfuge. The proposed final judgment allows the company's exclusionary tactics to continue, with no direct measures included to overcome the barriers to entry that the company has established.

I am ashamed of a legal system that can be bought or persuaded of anything easily by a company that has proven itself willing and capable of falsifying evidence in a court of law. I personally have been affected by this compony's monopolistic practices. No innovation is allowed without the company's consent. I have seen excellent research stamped out or bought by the company and shelved, simply because the monopoly did not see it fit with its business interests.

I and my developers are daily forced to work with arcane and poorly designed APIs (methods of writing software), because the monopoly has forced all others out of the market. If the company absolutely *must* be left with its monopoly, then the remedy absolutely *must* address the issues of permitting software developers to have sufficient leverage to change the system in which they are forced to work. There is no current such system in place. If I want to see a bug fixed in the company's operating system, I have to pay simply for the privilege of telling them about it, let alone have it fixed.

The company has been trying for years to leverage its monopoly into other spheres of influence. One with which ! am intimately familiar is embedded systems, where the company has thus far failed to gain any significant foothold, even in the face of their claimed ''innovations'' in the field. Why? Because embedded developers have significant choice, and the company has no compelling offerring in the face of those choices. Its claims of ''innovation'' fall flat when there is something to compare to, if there is the choice of an alternative. Any other company would have long since have run out of money, trying to sell an unwanted product into such a space; but this one, primarily because the embedded space is such a big market, will keep trying. Even given this lack of success, the company claims ''thousands of registered developers'', which, reading between the lines, means someone downloaded their beta evaluation software. I provide this example to show that the company's supposed ''innovations'' and successes in other markets cannot be taken at face value. Any claims of the company need to be closely examined and objectively proven.

Timothy Wall
Director of Software Development
Oculus Technologies, Inc.

MTC–00015844

From: jon herman
To: Microsoft ATR
Date: 1/23/02 10:12am
Subject: Microsoft Settlement

I am against this settlement
— jon Herman

MTC–00015845

From: Steven Schuldt
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:22am
Subject: Microsoft Settlement

I am in favor of the proposed Microsoft Settlement.

Steven Schuldt

MTC–00015846

From: Williford, Blake
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:14am
Subject: Microsoft Settlement

I am against the settlement. The only way to bring back healthy innovative business into the computer market is to reorganize Microsoft into several smaller companies; and not allowing any person to own stock in more than one of the new companies.

Thank you for your time.

''... An omelette, promised in two minutes, may appear to be progressing nicely. ...when it has not set in two minutes, the customer has two choices — wait or eat it raw. Software customers have ... the same choices.'' —Frederick P. Brooks, Jr, The Mythical Man-Month

MTC–00015847

From: Christian Borgnaes
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:10am
Subject: Microsoft Settlement

It's ironic that Microsoft was praised for being a fierce competitor as the company grew and now they're reviled for the same practices. The difference is that they've now got a monopoly and like it or not those competitive practices are preventing further competition!

The settlement as proposed simply does not prevent Microsoft from preserving their operating system monopoly and thereby leveraging it to sell their other products—the very definition of anti-competitive practice. Nothing short of unconditional licensing of their source code will prevent this, even with an oversight committee.

One of Microsoft's suggestions was to provide computers for education. This is the seed of a good idea that ultimately will grow to be in their favor: an entire generation raised on their operating systems. If they are to give something to education have it be cash. There's plenty of school districts that are in need of far more essential things than computers. If it must be computers, insist that all Microsoft's expense goes for hardware and have a different operating system installed, like Linux. This would certainly increase competition in the long run.

Christian C Borgns
(314)729–3079
ChristianB@Amdocs.com
''The way ahead intrigues me, from hell to hallelujah.''—Corwin of Amber

MTC–00015848

From: Michael Piatek
To: Microsoft ATR
Date: 1/23/02 10:11am
Subject: Microsoft Settlement

As a citizen called to comment on the proposed Microsoft settlement, it is clear to me that the current proposal does not agree with the spirit of antitrust in that it fails to punish Microsoft severely enough for its actions and it fails to set up adequate means to eliminate its exercising of monopoly power in the future.

Michael Piatek

MTC–00015849

From: Kim, Won
To: Microsoft ATR
Date: 1/23/02 10:10am
Subject: Microsoft Settlement

The proposed settlement is farcical and counts as a massive betrayal of the public trust. Microsoft's predatory, anti-competitive business practices should be addressed with much more stringent measures that have some bite—that will make Microsoft's board and executives act with a bit more restraint in the future.

MTC–00015850

From: Jon.Beckett.Schreiber@na.manpower.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:19am
Subject: Microsoft Settlement

I would like to voice my displeasure at the settlement proposed for the Microsoft Antitrust case.

With text that determines the defination of a Windows Operating System Product including the following: ''The software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion.'' Indicates that by simply changing the name of a product they could avoid a lot of the restrictions.

Add on Microsoft's tendency to bend ethics in sending support letters from the deceased, I would not be surprised if they would bend words to simply avoid restrictions in the proposed settlement.

Thank You,
Jon Beckett Schreiber
IT Testing Analyst
Manpower

MTC–00015851

From: Johan A. van Zanten
To: Microsoft ATR
Date: 1/23/02 10:12am
Subject: Proposed Settlement Bad

Greetings.

I'm submitting my comments per the Tunney Act, regarding the U.S. governments settlement of the Microsoft anti-trust case. I've been a computing professional for over ten years. Back in 1987, Microsoft profited from the sale of decent software (such as Microsoft Word), and consumers of that software generally benefited from Microsoft's existence and business.

Now, with Microsoft's plainly-apparent goal being to establish a monopoly over all computer-related areas of the economy, this is not the case. In many major categories, such as word processors, consumers have fewer practical choices of software now than they did 10 years ago, simply because Microsoft's dominance.

Further, Microsoft modifies their own products in order to force consumers to ''upgrade'' when such an upgrade does not benefit the consumer. Microsoft is an entirely selfish corporation that is out of control, and the U.S. government is the only entity that can stop it. Microsoft should be broken up in to separate distinct companies that are prohibited from collaborating.

-johan
Johan van Zanten
''And so once again we find that the evil of the past seeps into the present, like salad dressing through cheap waxed paper.''
System Wrangler
Tumbleweed Electron Wranglers, Inc.
johan@ewranglers.com

MTC–00015852

From: Afgncaap
To: Microsoft ATR
Date: 1/23/02 10:12am
Subject: Microsoft settlement

After having read about the proposed settlement, I felt compelled to add my own opinion to the volume of opinions given under the Tunney act.

The settlement, like it or not, smacks of appeasement. It seems to do little to diminish anti-competitive practices. I'm going to make the leap of faith and assume that this was indeed intended; I'm positive that the Department of Justice has sufficient legal resources to determine the numbers and effects of the loopholes present in the settlement as proposed.

Therefore, I have to wonder, what is the DoJ trying to accomplish. My best guess is that concern over the economic state of the United States is at the forefront of the DoJ's collective mind, and that the desire is not to quelch ANY successful business, on the theory that to diminish the power and market share of a major company would be a blow to Wall Street and the economy.

I would ask that you reconsider. Squelching Microsoft's anti-competetive behaviour is in the best interests of the economy as a whole. Even severely limited in her ability to market and dispense her products, Microsoft will still be a strong force in the computing world. Nothing will change that short of destroying the company completely. Enough people know and trust Microsoft, with her unparalleled ease of use and the widespread familiarity with her OS and applications, that Microsoft will continue to be the number one for years to come. On the other hand, permitting competing products like MacOS, Linux, and the various other OSes and products like AOL's Netscape and the lesser known Mozilla the opportunity to prove themselves to the open market can only help the viability of these other companies, and increase job availability and tax revenues.

I don't propose destroying Microsoft. It's a valuable company that it is in the best interests of the United States to keep strong. But Microsoft will not see its strength diminished by the presence of other competitors.

Thank you for your time.
Paul Meixner
Middleton, WI

MTC–00015853

From: Guy Helmer
To: Microsoft ATR
Date: 1/23/02 11:12am
Subject: Microsoft Settlement

Under the Tunney Act, I wish to comment on the Microsoft settlement's inadequacy in improving the competitive environment in the software industry.

I agree with the complaints and proposed resolutions expressed by Zimran Ahmed, which are stated as follows:

1) Middleware

The current language in Section H.3 states ''Microsoft Middleware Product would be invoked solely for use in interoperating with a server maintained by Microsoft (outside the context of general Web browsing)'' does nothing to limit the company's ability to tie customers and restrict competition in non Web-based networked services under .NET, as they fall ''outside the context of general Web browsing''. Microsoft has already begun abusing its desktop monopoly to tie customers int .NET revenue streams and set up a new monopoly over the network.

Part 2 of the same section states ''that designated Non-Microsoft Middleware Product fails to implement a reasonable technical requirement...'' essentially gives Microsoft a veto over any competitor's product. They can simply claim it doesn't meet their ''technical requirements.''

2) Interoperability

Under the definition of terms, ''Communications Protocol'' means the set of rules for information exchange to accomplish predefined tasks between a Windows Operating System Product on a client

computer and Windows 2000 Server or products marketed as its successors running on a server computer and connected via a local area network or a wide area network.'' This definition explicitly excludes the SMB/CIFS (Samba) protocol and all of the Microsoft RPC calls needed by any SMB/CIFS server to adequately interoperate with Windows 2000. Microsoft could claim these protocols are used by Windows 2000 server for remote administration and as such would not be required to be disclosed. The Samba team have written this up explicitly here: http://linuxtoday.com/news—story.php3?ltsn=2001–11–06–005–20–OP–MS

3) General veto on interoperability In section J., the document specifically protects Microsoft from having to ''document, disclose or license to third parties: (a) portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria''

Since the .NET architecture being bundled into Windows essentially builds ''anti-piracy, anti-virus, software licensing, digital rights management, and authentication systems'' into all levels of the operating system, ANY API, documentation, or communication layer can fall into this category. This means that Microsoft never has to disclose any API by claiming it's part of a security or authorization system, giving them a complete veto over ALL disclosure.

4) Veto against Open Source Substantial amounts of the software that runs the Internet is ''Open Source'', which means it's developed on a non-commercial basis by nonprofit groups and volunteers. Examples include Apache, GNU/Linux, Samba, etc. Under section J.2.c., Microsoft does not need to make ANY API available to groups that fail to meet ''reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business.'' This explicitly gives them a veto over sharing any information with open source development projects as they are usually undertaken on a not-for-profit basis (and therefore would not be considered authentic, or viable businesses).

These concerns can be met in the following ways:

1) Middleware: Extend middleware interoperability with a Microsoft server to ALL contexts (both within general Web browsing as well as other networked services such as are those being included under .NET).

2) Interoperability: Require full disclosure of ALL protocols between client and Microsoft server (including remote administration calls)

3) General veto on interoperability: Require Microsoft to disclose APIs relating to ''anti-piracy, anti-virus, software licensing, digital rights management, encryption, or authentication systems'' to all.

4) Veto against Open Source: Forbid Microsoft from discriminating between for-profit and nonprofit groups in API disclosure.

MTC–00015854

From: Rich
To: Microsoft ATR
Date: 1/23/02 10:03am
Subject: Microsoft Settlement

My comments are brief... The Proposed Final Judgement (PFJ) falls short in many ways but some of the more significant points include...

* The PFJ Contains Misleading and Overly Narrow Definitions and Provisions.

These provisions are so narrowly defined that the impact upon Microsoft is almost nil. For instance, releasing API documentation to ISV producing compatible middleware is not mandated until AFTER the deadline for the ISVs to that their middleware is compatible. Not doesn't this make sense, it is just plain silly and is part of a rather obvious attempt to present the appearance of Microsoft being punished when in reality, they are being given added competitive edge.

* The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

Licensing practices have long been an issue with Microsoft. The PFJ does almost nothing to retrict the predatory practices of Microsoft in their dealing with clients. The same licenses and practices were banned once upon a time by the 1994 consent decree.

* The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

This is such a well documented problem that it is hard to believe that the PFJ does not address it to the satisfaction of anyone but Microsoft.

These incompatibilities have hurt consumers and ISVs and are aloowed to continue unabated. Shame on the PFJ for not resolving this issue.

Rich Irvine
Systems Admin
SysAdmin / Senior Systems Consultant
ArchWing Innovations LLC
www.archwing.com

''They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety.''

MTC–00015855

From: Lucas Gonze
To: Microsoft ATR
Date: 1/23/02 10:12am
Subject: comment on Microsoft settlement

Speaking as a senior Internet developer, published author on Internet topics, and an Internet entrepreneur, I believe that the proposed settlement is too little, too late. In my business there is virtually no possibility of building desktop software like word processors or web browsers. Investors won't fund it. The reason is that every such effort has failed whenever Microsoft decided to enter the business themselves.

Due to network effects, achieving a larger pool of users is the largest factor in creating useful software and hence selling software profitably. Microsoft's ability to bundle end user software with Windows means that they can create a larger pool of users at will. The only software developers to escape Microsoft do it by luck, when Microsoft actively decides not to take their market. The default in any desktop software market is for Microsoft to have it; there is simply no way to beat the company's ability to bundle software with the operating system.

This is the definition of a monopoly. There is no possibility of competition, so independent innovation cannot happen.

What independent developers like myself need is for the Justice Department to ensure that we can enter the end user software market. Without intervention by the Justice Department, we cannot. The proposed settlement leaves us locked out of the end user software business.

Sincerely,
Lucas Gonze
CEO
WorldOS Corp.
109 Ainslie Street, Suite 2
Brooklyn NY 11211

MTC–00015856

From: Aurangzeb M. Agha
To: Microsoft ATR
Date: 1/23/02 10:12am
Subject: Microsoft Settlement

Dear Sirs—

I'm writing as the CEO of a Silicon Valley based software consultancy. I am writing to state that I believe that the proposed settlement between the U.S. and Microsoft is flawed and will serve very little in fostering competition and punishing Microsoft. It will in effect, let Microsoft get away with less than a ''slap on the wrist''.

I hope you'll take this opportunity promote capitalism, fairness in commerce, and the growth of technology by pursuing justice and not letting Microsoft walk away triumphantly after having been found guilty by the U.S. courts.

Sincerely,
Aurangzeb Agha
Aurangzeb M. Agha
Email : aagha@mltp.com
CEO
Missing Link Tech. Partners, Inc.
Voice : +1 415 412.4234
236 West Portal Ave. #292
eFax : +1 208 728.2857
San Francisco, CA 94127
USA

MTC–00015857

From: Olga Burger
To: Microsoft ATR
Date: 1/23/02 10:14am
Subject: Litigation

To Whom It May Concern, I as a user of the Microsoft products, disagree with the litigation process US DOJ versus Microsoft. I strongly believe that Microsoft has done nothing illegal. The DOJ should not pursue litigation and waste taxpayers money.

Regards,
Olga Burger

MTC–00015858

From: Susheel M. Daswani
To: Microsoft ATR
Date: 1/23/02 10:12am
Subject: Microsoft Settlement

Dear Sirs and Madams,

I am writing to make known my displeasure with the government's settlement with Microsoft (MS) in the MS antitrust case. MS has used and, more importantly, is still using its monopoly in the desktop Operating System (OS) market to squash competition

and hinder innovation. The current settlement does not solve this problem, and needs to be reevaluated.

Thanks.

Susheel M. Daswani

Software Engineer

MTC–00015859

From: Collective Automatic Shoes
To: Microsoft ATR
Date: 1/23/02 10:13am
Subject: Microsoft Settlement

I want to point out that i feel that the settlement proposed for microsoft is a poor solution. It is too light of a punishment for a company who has abusively monopolized it's market for over 5 years. I hate to see the settlement take longer, but if the time is taken to do it right, it will be worth it.

MTC–00015860

From:
dalcorn@localhost.localdomain@inetgw
To: Microsoft ATR
Date: 1/23/02 10:11am
Subject: Microsoft Settlement

I would like to comment on the Proposed Final Judgment against Microsoft for it's anti-competitive practices and illegal monopoly. According to the Court of Appeals, ''a remedies decree in an antitrust case must seek to ''unfetter a market from anticompetitive conduct'', to ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future'' (section V.D., p. 99). I do not believe the PFJ serve this purpose. As such, I would like to voice my opposition to the PFJ. Specifically, I do not believe the PFJ provides enough protection to Independent Software Vendors (ISV) who attempt to provide compatible operating systems with Microsoft products. Just like the consent decree of 1995, the PFJ provides too many loop holes allowing Microsoft to continue in their anti-competitive practices. For a more detailed analysis refer to these essays:

http://www.kegel.com/remedy/remedy2.html.

http://www.salon.com/tech/col/rose/2002/01/16/competition/index.html

http://www.boston.com/dailyglobe2/015/business/Microsoft_case_key_to_tech_s_future+.shtml

http://computeruser.com/articles/2101,3,1,1,0101,02.html

http://linuxtoday.com/news_story.php3?ltsn=2002–01–02–002–20–OP–MS

http://www.linuxplanet.com/linuxplanet/opinions/3952/1/

http://www.kegel.com/remedy/remedy1.html

http://lwn.net/2001/1213/a/wwn011212.php3

http://www.winterspeak.com/columns/121001.html

http://www.pbs.org/cringely/pulpit/pulpit20011206.html

http://www.netaction.org/msoft/winfish2.html

http://www.cptech.org/at/ms/rnjl2kollarkotellynov501.html

http://web.siliconvalley.com/content/sv/2001/11/02/opinion/dgillmor/weblog/index.htm

http://www.ccianet.org/papers/ms/sellout.php3

http://www.gnu.org/philosophy/microsoft-antitrust.html

http://www.lamlaw.com/DOJvsMicrosoft/WrapAndFlowMain.html

(__) Doug Alcorn (mailto:doug@lathi.net http://www.lathi.net) oo / PGP 02B3 1E26 BCF2 9AAF 93F1 61D7 450C B264 3E63 D543

_/ If you're a capitalist and you have the best goods and they're free, you don't have to proselytize, you just have to wait.

MTC–00015861

From: beumeler@cisco.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:13am
Subject: Microsoft Settlement

The proposed settlement is bad idea. A proper settlement must: provide redress to the companies whose software innovation has been denied access to markets by the continuing illegal monopolistic practices of the Microsoft corporation provide restructuring of Microsoft corporation and restraints on the resulting companies to effectively deny their cooperation to achieve the same result, and provide ALL companies equal and open access to all their products interfaces and formats provide severe punitive economic sanctions to dissuade such egregious corporate injury to free market enterprise in the United States of America ever again.

Respectfully,

Mark Beumeler

beumeler@cisco.com

MTC–00015862

From: frosty
To: Microsoft ATR
Date: 1/23/02 10:11am
Subject: Microsoft Settlement

Please do not allow Microsoft to continue its disregard for the United States justice system by concession. Microsoft is no longer in a position of compromise; the company has been found to have abused its monopoly powers. This settlement approach with Microsoft seems as ludicrous as a child negotiating his way out of a spanking by brokering a deal that he will no longer ''get'' to eat his broccoli. Microsoft has been and continues to be anti-competitive. Their sights are now set on Linux, which stands, perhaps, as the last best chance for a competitor to rise in the market and challenge Microsoft's stranglehold on innovation and value. Please don't let Microsoft fleece us again.

Sincerely,

Michaell Frost

3517 6th Place NW

Rochester, MN 55901

frosty@celluloidnexus.com

MTC–00015863

From: overhoff@mindspring.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:14am
Subject: Microsoft Settlement

To Whom It May Concern:

Regarding the Microsoft settlement, I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundreds, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices. Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment''instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

The United States is a successful nation because its free markets encourage firms to compete for customers by producing high-quality, low-cost goods. This system needs to be protected from monopolists who gain so much power that they can destroy the competitive nature of the markets in which they participate.

Thank you for your time.

Jeremiah Anspach

33 Livingston Avenue

Dobbs Ferry, NY 10522

MTC–00015864

From: Jean-Michel Smith
To: Microsoft ATR
Date: 1/23/02 10:11am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions. Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment''instructions that they cannot commit those acts again, they have still

benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general. While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Jean-Michel Smith
531 S. Plymouth Ct.
Chicago, IL 60605
(Systems Engineer)
CC:tunney@codeweavers.com@inetgw

MTC–00015865

From: kfriesen@ugmstpaul.org@inetgw
To: Microsoft ATR
Date: 1/23/02 3:58am
Subject: Microsoft Settlement

To whom it may concern,

I am against the proposed settlement for two reasons.

1. The way the settlement currently reads: Section III.A.2. allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system. AND Section III.B. requires Microsoft to license Windows on uniform terms and at published prices to the top 20 OEMs, but says nothing about smaller OEMs. This leaves Microsoft free to retaliate against smaller OEMs, including important regional ''white box'' OEMs, if they offer competing products.

The company that builds my computers should be allowed to install any operating system that the customer wants.

2. No part of the PFJ obligates Microsoft to release any information about file formats, even though undocumented Microsoft file formats form part of the Applications Barrier to Entry.

MTC–00015866

From: Nathaniel J Bezanson
To: Microsoft ATR
Date: 1/23/02 10:14am
Subject: Microsoft Settlement
from Nathaniel Bezanson
1820 Briarwood
Madison Heights, MI 48071

I've noticed an anticompetitive practice in use by Microsoft that the Courts seem to have overlooked. Please consider the following:

A friend of mine recently purchased a new computer with Windows preinstalled. I suggested that she should try the Linux operating system. She was open to the idea, and her only reservation was being able to go back to Windows, should she not like Linux. ''Well that's easy enough,'' I said, ''you just take your Windows original CD and reinstall it.'' ''My what?'' came her reply. It turns out that she had a —license— to run Windows, and it was preloaded on her computer, but there was no original media from which to (re)install it.

Without the ability to (easily and legally) reinstall Windows, Linux was a one-way trip. She wasn't about to take that chance. For a user who's curious about alternate operating systems but already comfortable with Windows, that's a formidable deterrent. The practice of preloading Windows but not including original media forms an effective barrier, preventing users from trying alternate operating systems.

I hope this is considered when revising and expanding the Proposed Final Judgement to a version that more accurately addresses Microsoft's anticompetitive practices.

Thanks for your time!
Nathaniel Bezanson

MTC–00015867

From: Jacob M Wilkens
To: Microsoft ATR
Date: 1/23/02 10:14am
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea...

MTC–00015868

From: David Forrest
To: Microsoft ATR
Date: 1/23/02 10:14am
Subject: Microsoft Settlement

I think the settlement is a bad idea since it doesn't require Microsoft to release the documentation on Microsoft Office documents. If the data enclosed in them can only be read by Microsoft programs, then they will have a monopoly on future data access.

Dave
Dave Forrest
fd24800awcf001@sneakemail.com
(434) 296–7283h 924–3954w
http://mug.sys.virginia.edu/drf5n/

MTC–00015869

From: edburges@vartec.net@inetgw
To: Microsoft ATR
Date: 1/23/02 10:08am
Subject: Microsoft Settlement

I'd like to go on record as being opposed to the proposed Microsoft antitrust settlement.

Eric Burgess
Senior Programmer
IT Software Development
VarTec Telecom, Inc.
1600 Viceroy Drive
Dallas, Texas 75235
Phone: 214–424–6534

MTC–00015870

From: Ashok Narayanan
To: Microsoft ATR
Date: 1/23/02 10:14am
Subject: Comments on the Microsoft antitrust settlement

Sir,

Under the Tunney act I would like to submit my comments on the proposed Microsoft settlement for antitrust suits currently sub judice.

In my view the proposed settlement is a very bad solution for consumers. Penalizing an alleged monopolist by providing government-approved mechanisms to expand their monopoly is clearly not a penalty. Further, the proposed cash inflow of $1 billion by Microsoft is a deceptive figure. Software, by it's nature, has a very low marginal cost per unit manufactured, and for Microsoft, the marginal cost of deploying ''$500 million'' worth of software is probably in the range of $250,000–$500,000. This cash penalty is a mere pittance when compared to the billions of dollars Microsoft is holding in its war chests—much of which has been accumulated by the price-fixing and monopolistic distribution and licensing practices which the current trial seeks to stop.

The argument that the license costs for software in this penalty are accurate since otherwise ''these schools would have had to purchase these licenses anyways'' is also flawed. Even if the schools would have had to purchase licenses for software on their computers, it is not clear that they would have had to buy the licenses from Microsoft. Linux and alternative free software solutions have no per-seat license costs, and MacOS is an example of an alternative software which requires licenses. For Microsoft to claim to provide free software is tantamount to their attempting to lock competitors out of this market by giving away free goods. This in itself is a form of monopoly extension. By leveraging their existing monopoly on operating systems and browsers in the workplace, they are giving away their software free in schools in order to expand their monopoly into this area as well.

If this sort of settlement is really on the cards, let Microsoft donate $1 billion of hardware and cash. Allow the beneficiaries to individually select the software that they wish to deploy on these machines.

The tobacco settlement was not paid in cigarettes!

Sincerely,
Ashok Narayanan
—Asok the Intern
Ashok Narayanan
IOS Network Protocols, Cisco Systems
250 Apollo Drive, Chelmsford, MA 01824
Ph: 978–497–8387. Fax: 978–497–8513
(Attn: Ashok Narayanan)

MTC–00015871

From: Lynn Pye
To: Microsoft ATR
Date: 1/23/02 10:13am
Subject: Microsoft Settlement

As a citizen of the United States I am very disappointed with the remedy that had been proposed for the Microsoft settlement. The settlement is intended to accomplish two goals, punishing Microsoft for its behavior and assisting those who might benefit from the proposal. Unfortunately, the settlement, as proposed, accomplishes neither goal.

First, the proposal helps Microsoft more than punishing it. Microsoft has sufficient cash on hand to not have to accrue any debt to fulfill the spirit of the proposal, which was to cost Microsoft $1 billion in cash. However, even this was not accomplished as Microsoft was attributing the retail price of their own software toward the fulfillment of the settlement fund requirements. This is at pennies on the dollar given that they can duplicate the software on CD's at the cost of less than $1 per CD for a software package that can cost $200. In addition, their software would have been forced onto a market which currently is not deeply penetrated by Microsoft. Second, those who are supposed to benefit from this settlement, the schools, won't. The costs are for the initial purchase of software and for a few years of licensing. Afterwards, the software must be relicensed, said cost to be expended by the schools.

Given that they would have had to switch their processes over to the Microsoft software and become reliant on that software, relicensing would have been necessary or additional expenditure would be necessary to switch away from Microsoft. Most business today stay with Microsoft, in spite of the fees, because the short term cost of switching away is not palatable.

I strongly recommend rethinking the proposal such that those who are to be punished, be punished. Those who need help, should be helped. But please don't confuse politics with justice. They are rarely to be found in happy union.

Lynn Pye

MTC–00015872

From: Jeremy Walker
To: Microsoft ATR
Date: 1/23/02 10:14am
Subject: Microsoft Settlement

Dear sirs,

Unfortunately I'm not blessed with the time to fully analyze the court proceedings involving the Microsoft Settlement. That's not my job, it's yours and I have to place my trust in you, that you are doing your job in the best interest of the population of the United States as a whole. The research that I have had time to make, as well as information I have received from other sources I trust point me to believe that, in this case, my trust has been misplaced

The danger of Microsoft's monopolies, in my opinion, do not stem from any individuals personal monetary gain. It stems from the destructive impact that Microsofts anti competitive practice has on the advancement of computer science as a whole. Microsoft has done some great things and in many ways has advanced the usability of computing, but it's practices have inhibited and often destroyed the advances of many. Microsoft may be a large ''one'' that contributes much but the advances and knowledge Microsoft has actively destroyed in the open source, academic and competitive consumer markets are incalculable. You can not calculate the future impact of what has been quashed.

Due to the existing reality of Microsofts practices damaging research in competitive computer solutions, impacting both the financial and scientific advancement of the United States as a whole I must complain that the restrictions/practices proposed in the Microsoft Settlement are in no manner sufficient to the task set before them. The provisions for enforcement of the flimsy restrictions to be placed on Microsoft are as inadequate as the restrictions themselves..

In my mind the goal of this settlement is not to harm Microsoft, but to protect the United States and the field of Computer Science from the damage Microsoft inflicts by attempting to further itself at the cost of others. ''United We Stand'' is our creed and yet we are letting the one defy the will of the many. I encourage you to think of the United States as a whole and to act in its best interest for the future and not the now. A single strong company is an attractive and palpable entity but we must be forward thinking as to how, we the people, are best served for now and the future.

Sincerely,
Jeremy Walker

MTC–00015873

From: Norman Yamada
To: Microsoft ATR
Date: 1/23/02 10:14am
Subject: Microsoft Settlement

The current settlement with Microsoft is unacceptable for many reasons. I have three particular concerns:

(1) that the proposed settlement doesn't force Microsoft to release any of its file formats; (2) the proposed settlement doesn't force Microsoft to disclose which of it's patents protect the Windows API; and (3) that the proposed settlement allows Microsoft to continue its anticompetitive licensing terms against Open Source apps on Windows; and to continue to retaliate against OEMs who ship competiting Operating Systems.

Comment on (1): I consult for a small (Wall Street) financial trading company. We use Linux and OpenBSD for many of our servers (and have used many varieties of UNIX for many years); while our traders and office personnel tend to use Microsoft Office and NT/2000 for their workstations. As Microsoft began its transition from NT to 2000, and now XP, we have been hampered numerous times by problems caused by Microsoft deliberately breaking compatibility in its Office Suite programs and its OSs between these versions.

Worse yet, Microsoft claims its formats are compatible between versions. They're not. A Powerpoint97 document can be opened in Powerpoint 2000, and all the text and pages are readable—but the formatting is not accuately reproduced.

As far as I could see, these compatibility problems were not caused because Microsoft was adding new functionality to its Office Suite programs or to its OS—rather, they just were attempts to force us to upgrade all our systems to Microsoft's latest software.

For most of our needs, a simple (and —accurate—) file converter from Office97 apps to Office2000/OfficeXP apps would suffice. But there isn't such a thing. We don't need the new functionality of these later suites — and we don't want them. But at the moment, we are being forced into a needlessly complex and expensive upgrade of our entire network in order to keep our files compatible with other companies.

Forcing Microsoft to release all its file formats would break this cycle. While some of the Office file formats are well known—Excel and Word, for example—the file format for Powerpoint (PPT) is completely undocumented. Most of our problems are with this format. Needless to say, since Microsoft only releases the specifications of this format to ''approved'' developers, it's unlikely that any company (or private developer) will offer a converter program to change Office XP presentations back to Office 97.

Comment on (2): We would consider purchasing only Office XP, and not convert to Windows XP — but the tight coupling between Microsoft's OS and these applications make it impossible. While I've looked at open source projects such as WINE (and commercial ventures such as CodeWeavers)—which try to let users run binary Windows apps on nonWindows OS (by emulating the Windows API calls)—our company has not used them, since we've heard from MainWin developers that these open source projects ''infringe'' on Microsoft's patents on the Windows API. Since Microsoft is not forced to release patent information—how can these projects know if they're in jeopardy or not?

Comment on (3): Most consumers buy computers pre-installed with software; and don't add much software on their own. As long as they —only— have the choice of pre-installed Microsoft OS and Microsoft Apps—or nothing—I think Microsoft's stranglehold on the industry will continue. This block could easily change, if OEMs offered other OS and applications pre-installed on their computers. Since Linux and the BSDs charge —no— licensing fees for their OSs and applications, consumers would get the benefit of cheaper pre-installed computers, to boot. But since under the proposed settlement, Microsoft is allowed to continue penalizing OEMs who offer non-Microsoft OS computers, OEMs have a strong disincentive to offer other platforms to consumers—and Microsoft's dominance will like continue.

Thank you for your time; but the proposed settlement is (in my view) completely unacceptable.

Norman Yamada
nyamada@pobox.com
338 E. 13th Street, #4A
New York, NY 10003

MTC–00015874

From: Boy Plankton
To: Microsoft ATR
Date: 1/23/02 8:17am
Subject: Microsoft Settlement.

To Whom It May Concern:

I am in favor of the current settlement in the Microsoft antitrust trial. Personally, I am concerned that Microsoft was singled out for prosecution because of lobbying by it's competitors. I am similarly concerned that the current judgement against Microsoft was rendered by a judge who made no attempt to hide his contempt for the company.

Your Truly,
Vincent C. Marcus III
830 N. 500 W. Apt. 64
Bountiful, UT 84010

MTC–00015875

From: Cox, Phillip
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:12am
Subject: Microsoft Settlement

To whom it may concern:

As a long time Apple supporter, I've been fond of watching Microsoft play catch up in the usability department. The only problem is that when Microsoft embraces a standard (say kerberos in W2K), they then extend it with proprietary add-ons that only work with other Microsoft products. Other companies aren't even given the ability to use these so-called features. For end-users, it might not seem like a big deal, but when personal information is being cataloged at Microsoft without my knowledge or consent, that is a bad thing.

Phillip Cox
Mesa, AZ

MTC–00015876

From: Anthony Engel
To: Microsoft ATR
Date: 1/23/02 10:15am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse, As per the Tunney Act, I am submitting my comments regarding the Microsoft Antitrust trial. After having read the proposed settlement, I am extremely concerned that it is not strong enough, and that it will be ineffective in countering the harmful business practices in which Microsoft engages. My largest concerns are with the overly narrow definition of APIs, middleware, and Windows. Important APIs have been overlooked in the narrow definition, such as that used by Microsoft Installer. Middleware such as Microsoft's new .NET initiative (and other future projects) are not covered. Variants of Windows (''Windows powered'') such as Windows CE, Tablet Edition, and the X-Box are not covered. I hope that you will take a close look at the problems with the proposed settlement, and make needed changes to it. If you do not, Microsoft will continue to work in essentially the same fashion.

Thank you,
Anthony Engel
9 Fairfield St Apt 3R
Cambridge, MA 02140

MTC–00015877

From: Joseph D. Foley
To: Microsoft ATR
Date: 1/23/02 10:15am
Subject: Microsoft Settlement

As a member of the Computer Industry, and specifically a Senior Software Developer, I am concerned with the remedies that have been proposed in the Microsoft case. None of them will, in my opinion, have any effect in the real world and could quite possibly make things even worse.

Joseph Foley

MTC–00015878

From: Oscar Merida
To: Microsoft ATR
Date: 1/23/02 10:28am
Subject: Microsoft Settlement

I oppose the proposed settlement in the Microsoft antitrust trial. The current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Oscar Merida

MTC–00015879

From: Branson Matheson
To: Microsoft ATR
Date: 1/23/02 10:05am
Subject: Microsoft Settlement

I think this is a VERY bad idea..
branson
Branson Matheson
Systems Consultant
Windborne, Inc.
($statements = <BRANSON>) ! /Company Opinion/;

''If you are falling off of a mountain, You may as well try to fly.''—Delenn, Minbari Ambassador

MTC–00015880

From: Gordon Fischer
To: Microsoft ATR
Date: 1/23/02 10:15am
Subject: Microsoft Settlement

The Proposed Final Judgment (PFJ) against Microsoft is unsatisfactory. An excellent argument explaining why the PFJ is unsatisfactory is available here [http://www.kegel.com/remedy/letter.html]

In particular the following points make the PFJ undesirable

Failure to prohibit anticompetitive license terms

Failure to prohibit anticompetitive practices towards OEMs

Microsoft's anticompetitive behavior needs to be stopped. Strong measures should be taken to ensure that they will not engage in these business practices again. The PFJ is not enough to ensure compliance.

Thank you,
Gordon Fischer
Austin, TX

MTC–00015881

From: Michael Dale Long
To: Microsoft ATR
Date: 1/23/02 10:15am
Subject: Microsoft Settlement

Dear sirs:

I am writing to express my dissatisfaction with the proposed settlement in the Microsoft antitrust case. It has been proven in court that Microsoft has violated the Sherman act with it's monopoly, yet the current proposal takes no steps to deprive Microsoft of it's ill-gotten gains, and insufficient steps to prevent future corporate misbehaviour. I ask the court to take this into consideration and amend the settlement with a more appropriate punishment and preventative clauses. Thank you for your time.

Sincerely,
Michael Long

MTC–00015882

From: Niedermeyer, Franz
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:15am
Subject: Microsoft Settlement

To Whom It May Concern,

I am writing in opposition to the proposed settlement in the Microsoft antitrust case.

The settlement as written will not serve to curtail Microsoft's future anticompetitive behavior, and does even less (if anything) to punish Microsoft for its many past violations of antitrust law.

This proposed settlement will serve to encourage Microsoft to continue the illegally leveraged destruction of competition in new industry segments, as well as providing an incentive for other industries to engage in this type of behavior. I feel strongly that the computer industry would look vastly different and much improved today without the past decade of Microsoft's increasingly apparent anticompetitive actions. Americans would have a much larger variety of secure and useful software to choose from. All would be able to share information without the proprietary interfaces that effect a loss of control and ownership of one's own data.

Finally, I believe that as Microsoft grows through anticompetitive behavior, the risks to Americans of corporate failure in a firm of such unnatural size could readily cause serious harm to our economy and technological infrastructure.

Thank you,
Franz Niedermeyer

MTC–00015883

From: Donnie Cambre
To: Microsoft ATR
Date: 1/23/02 10:15am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,

Donnie Cambre

doncambre@attbi.com

MTC–00015884

From: Daniel W. Drake
To: Microsoft ATR
Date: 1/23/02 10:36am
Subject: Microsoft Settlement

As part of the Tunney Act comment period, I feel compelled to inform you that the proposed settlement of the Microsoft Antitrust case does nothing to prevent, punish, or alter any of the points that Microsoft was found guilty of during the Antitrust trial. It does in fact merely provide Microsoft with a simple method to circumvent this settlement, thereby allowing them to continue to abuse their monopoly standing without fear of retribution or punishment. As an owner of a software consulting firm, and a developer on applications I must disagree with this proposed settlement, as it does nothing to curb Microsoft's behavior in the market place, and therefore places not only myself, but computer scientists and developers in the U.S. at risk as the world leader in computer innovation, design, development, and research. As such, and in addition to this letter, I have submitted myself as a co-signer of Dan Kegel's comments available at http://www.kegel.com/remedy/letter.html

Sincerely,

Daniel W. Drake

Co-Founder and Board Member of Oak Grove Software, Inc.

Dan Drake

Office: 919–362–1205

Fax : 919–362–1301

Cell : 919–656–7519

ddrake@oakgrovesoftware.com

MTC–00015885

From: Galler, Charles
To: Microsoft ATR
Date: 1/23/02 10:16am
Subject: Microsoft Settlement

Not all schools need more machines running Windows. It may be difficult to integrate into their network.

Charles D. Galler Jr.

Network Specialist

C2C Fiber, Inc.

713.440.4106

cgaller@c2cfiber.com

MTC–00015886

From: Laird Popkin
To: Microsoft ATR
Date: 1/23/02 10:16am
Subject: Microsoft Settlement

CC: laird@3path.com@inetgw

As an engineer involved in the industry professionally for over a decade, I am very concerned about the proposed settlement between the DoJ and Microsoft. I believe that given Microsoft's historic disregard for legal constraints on its behavior, and even simple inability to acknowledge the illegality of its actions, that the proposed settlement will not result in any meaningful change in their anti-competitive conduct. In addition, the settlement does not appear to penalize Microsoft for their past illegal actions.

The prohibited conduct under the agreement does not address the core of the illegal actions. Now that Microsoft has eliminated any significant competition in both the x86-based desktop operating system market and the web browser market, it's of little value to free OEM's from the illegal license terms and pricing models that allowed Microsoft to eliminate that competition.

The agreement needs to penalize Microsoft for those past actions, but be forward looking to prevent similar illegal actions suppressing future illegal actions. The agreement doesn't prevent Microsoft from using exactly the same tactics to suppress future competition in future markets. For example, the Open Source movement is emerging as significant competition in some application markets (web servers, databases), and as an alternative desktop operating system (Linux and WINE). Microsoft is already using their control over licensing terms for operating system to prohibit the distribution of add-in components (SDK's) with open source software in an attempt to hinder this software model. Microsoft even makes it illegal to use their C++ compiler to develop software for non-Windows operating systems, and licenses some software only for running under Windows, prohibiting the application's use under any competing operating system that has the ability to run Windows applications. The agreement does nothing to protect the web server or database markets, or the open source software movement, from continued (illegal, IMO) suppression. And the agreement does nothing to protect the ability of competitors to implement the Windows API's and allow users to run Windows software on competing operating systems.

The agreement does not penalize Microsoft for past illegal actions. The agreement only addresses future actions, and does not asses a penalty. The wording of the agreement is so vague, with so many exceptions, that that it is wide open to abuse. And given that Microsoft historically has taken advantage of even the appearance of slight ambiguity extremely aggressively, it's hard to believe that they would not use the vagueness and exceptions to render the restrictions meaningless. For example, they can avoid the restrictions on their actions for a ''Windows Operating System Product'' by renaming it slightly. For example, if Microsoft shifts its efforts to ''Windows XP Tablet PC Edition'' (which will run Windows applications on desktop PC's with keyboards) then the restrictions become moot. As another example, the requirement that Microsoft publish all API's has the exception that any API can be hidden by Microsoft if the claim that the API relates to security; this is trivial to argue if Microsoft incorporates basic security mechanisms into any API that they wish to keep secret for other reasons.

The term of the agreement, and the lack of enforcement mechanisms, renders it meaningless. Since the agreement is of such limited duration, and violating it has no impact other than a short extension, it will have no significant effect on Microsoft's behavior, and even if it does for the duration of the agreement, that period is too short a time for competitors to come into place and achieve meaningful market presence.

Finally, I believe that leaving Microsoft structurally unchanged, with an oversight committee, cannot result in a fundamental shift in Microsoft's hostile attitude towards fair competition in the marketplace because it cannot have the visibility into the wide range of Microsoft's activities, nor does it have enforcement mechanisms sufficient to compel Microsoft to comply with its rulings; quite simply, given the scale and profitability of Microsoft's business, minor changes in contractual wording aren't gong to meaningfully change the company's direction.

I believe that the only mechanism that can change Microsoft's behavior is to make a separation of the company in which the self-interest of the resulting companies leads to increased competition. The fundamental issue is that there is only a single company that controls the operating system required all participants in the PC industry, and that company does not believe that it has to compete fairly in new markets. Given that Microsoft has consistently rejected attempts to moderate its behavior, I believe that the only remaining options are either to create multiple competing companies in the operating system business, or to strengthen the agreement sufficiently to force Microsoft to behave legally.

STRENGTHENING THE AGREEMENT

I believe that the central need here is to make the Windows API's a completely public document that all participants (Microsoft's operating system team, competing operating system vendors, Microsoft's applications teams, competing application vendors) have equal access to, and against which compliance is independently assured. The documentation of the API, and validation of compliance to it, should be managed by an independent third-party. The agreement would need to draw a clear line between operating system, middleware and applications, and restrict communications between the layers to confirm to publicly documented API's.

Similarly, communication between the operating systems, middleware and applications teams within Microsoft must be restricted so that internal teams are treated on an equal footing with external competitors. For example, whenever the MS Office team needs to discuss an API enhancement with the Windows XP team, it must also discuss that API requirement with the WINE team or any other competing Windows API implementor. For simplicity, it may be better for all API-related communications to be coordinated by an independent third party (e.g. the organization administering the Windows API, for example) to which all participants have equal access. Integration between layers would only be allowed through publicly documented API's, validated by the independent third party—there would be no ''private'' communication channels between the layers.

The agreement would apply to any version of any operating system shipped by Microsoft, under any name.

The agreement would have no termination. Violation of the agreement could be penalized by up to 10% of Microsoft's revenue for the duration of the time during which Microsoft is found not to be in compliance.

The agreement would guarantee the right to produce and distribute competing implementations of the Windows API's. Microsoft would be prohibited from implemented code in operating system (e.g. Windows XP), operating system add-in components (e.g. Windows Media Player) or their applications (e.g. MS Office) that attempts to determine whether it is running over a Microsoft or a competing implementation of the API, would have no dependencies on implementation details of Microsoft's implementations of the API's, and would make a good faith effort to ensure that such add-ons and applications would operate properly over any implementations of those API's. Microsoft would waive all intellectual property rights that would otherwise affect the ability of third parties to implement the API's.

MULTIPLE WINDOWS COMPANIES

In this option, I would propose forming three companies, all with equal rights to all current Microsoft intellectual property (patents, source

MTC–00015887

From: Lora Friedenthal
To: Microsoft ATR
Date: 1/23/02 10:15am
Subject: Microsoft Settlement

The main purpose of the suit against Microsoft seemed, to me, to be about bundling. Yet, the settlement reached does nothing about this, Microsoft's most powerful method to crush competition. WindowsXP has more bundled software than any other Windows release. They make their instant messenger seem like it is part of the operating system. Their browser already feels that it is. Windows has the OS market, there's little chance that that will change, but by bundling every possible internet related application into the operating system, they stamp out any competition. The applications force themselves on the user, and if you sign up for one, you've magically got accounts everywhere. Internet related applications was quite possibly the only software market aside from games that Microsoft didn't already dominate, and now they dominate that as well. The real solution, it seemed to me, would have been to break the company into three different companies and make for some real competition out there. Let one part make the operating system, one make the business applications, and one deal with MSN and it's related internet applications. While I could see including IE with the system so that people could go out and find other software, it's the bundling of everything at once that seals the doom of everything without an MS logo. I was hoping for some drastic and harsh treatment of a company that tries in everyway to squash its competition, including underhanded and illegal means, and I just don't think this settlement goes far enough.

Lora Friedenthal
86 Welisewitz Rd
Ringoes, NJ 08551

MTC–00015888

From: HOUK, LESLIE B. (JSC-ER) (ESI)
To: ''microsoft.atr@usdoj.gov''
Date: 1/23/02 10:10am
Subject: Microsoft Settlement

I am writing to comment on the proposed Microsoft settlement. I believe that the settlement is inadequate on a number of issues:

1. It doesn't take into account Windows-compatible operating systems.

2. It contains misleading and overly-narrow provisions and definitions.

3. It fails to prohibit anti-competitive license terms currently in use by Microsoft.

4. It fails to prohibit intentional incompatibilities historically used by Microsoft.

5. It fails to prohibit anti-competitive practices towards OEMs. Because of these inadequecies, the proposed Final Judgement as written allows and encourages significant anti-competitive practices to continue, delays the emergence of competing Windows-compatible operating systems, and is thus not in the public interest. It should not be adopted without substantial revision to address these problems.

Thank you.

MTC–00015889

From: Rich Pieri
To: Microsoft ATR
Date: 1/23/02 10:14am
Subject: Microsoft Settlement

This short note is to inform you that I believe that the proposed final judgement in the US DoJ v Microsoft case is a bad idea. Among its many problems, the PFJ fails to punnish Microsoft for its actions, it lacks an effective mechanism of enforcement, and due to imprecise or excessively narrow wording it actively encourages Microsoft to further its monopolistic practices.

Signed, Richard L. Pieri; Holbrook, MA; Systems Administrator.

Rich Pieri <pieri@intersystems.com>
Unix Systems Administrator
InterSystems Corporation
CC:Rich Pieri

MTC–00015890

From: Kalin Fetvadjiev
To: Microsoft ATR
Date: 1/23/02 10:16am
Subject: Microsoft Settlement

This is a mail to note that I personally do not feel that the proposed Microsoft settlement is the one that actually would stop Microsoft from abusing the companies monopolly.

Regards,
Kalin Fetvadjiev

MTC–00015891

From: Chris Louden
To: Microsoft ATR
Date: 1/23/02 10:00am
Subject: Microsoft Settlement

I understand this is the address to send comments on the Microsoft Settlement. Here's my comment: The settlement is an embarrassment to our country. At what point to the rule of law become so trivial? How can a company that so egregiously broke so many laws be let off so easy? I suspect somebody did a poll, but that doesn't seem right.

MTC–00015892

From: Birl W. Worley
To: Microsoft ATR
Date: 1/23/02 10:16am
Subject: Microsoft Settlement.

Microsoft, its Officers and Directors need to be punished for their crime. They are criminals just as are bank robbers.

Birl W. Worley, Jr.

MTC–00015893

From: michael
To: Microsoft ATR
Date: 1/23/02 10:17am
Subject: Microsoft Settlement

I think the settlement is a bad idea.

MTC–00015894

From: Shawn Campbell
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:16am
Subject: microsoft antitrust trial remedy.

To Whom It May Concern,

I am a concerned citizen and information technology professional. I am writing to express my opinion that the proposed settlement is inadequate. I have included a url at the end of this email to an essay which expresses many of my reasons for holding to my opinion on the matter. Although I did not write the essay, I have read the essay in it's entirety and I agree with the analysis presented in the essay. I have communicated to the author of the essay my desire to be a cosigner of the essay when it is transmitted to the department of justice. This email is evidence of that intention. Thank you for your time and attention to this email.

The url for the essay is:
http://www.kegel.com/remedy/remedy2.html

Cordially,
Shawn Campbell
Student Network Administrator
Malone College

MTC–00015895

From: Wade Winright
To: Microsoft ATR
Date: 1/23/02 10:17am
Subject: Microsoft Settlement To whom it will concern,

I believe that the settlement against Microsoft should be an agreement that will somehow allow the markets that they participate in to ''catch-up'' to the appropriate shares they deserve in order to compete with the monopolistic giant Microsoft has made themselves.

Thank you for your time,
Wade Winright
P.O. Box 1687
Sandpoint ID
83864

MTC–00015896

From: bane@gst.gst.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:09am
Subject: Microsoft Settlement

I would like to register my objection to the proposed settlement in the United States vs. Microsoft case.

The biggest problem I see is that the settlement is not a structural remedy. Oversight remedies have been tried against Microsoft in the past, and they have coded arounded them, lobbied over them, and legally maneuvered past them every time. The only thing that hasn't been tried yet, and that has a hope of working, is to break them up.

Breaking Microsoft up into OS/Applications/Other divisions wouldn't break their monopoly, but it would make it more difficult for them to use their OS monopoly to create new monopolies in other areas, which they are doing with Windows XP even as I type this.

Robert Bane
Global Science & Technology
6411 Ivy Lane, Suite 300
Greenbelt MD 20770
301–474–9696 FAX:301–474–5970

MTC–00015897

From: Brandon R. Butler
To: Microsoft ATR
Date: 1/23/02 10:16am
Subject: Microsoft Settlement

Dear sirs:

I am writing this to express my opposition to the proposed settlement to the Microsoft antitrust suit.

As a computer professional, this issue is one that is very important to me both personally and professionally. It is my opinion that the proposed settlement does not do enough to thwart Microsoft's unfair business practices or to ensure fair competition in the marketplace. As the situation exists now, Microsoft has been utilizing their monopoly in operating systems to unfairly gain control of other markets, such as Internet browsing, instant messaging, and digital audio. This is the situation that a reasonable settlement must address, and I do not believe the current proposed settlement has any real power to restrict Microsoft's illegal actions in this area. In order to be effective, a solution must prevent Microsoft from tying (or ''bundling'') unrelated software into their operating systems; this is the only way to ensure that all competing products, including Microsoft's, have an opportunity are evaluated fairly by a competitive market on the merits of the products themselves. The current settlement has no real power to do this, and thus will be ineffective in correcting Microsoft's illegal practices.

I am not opposed to Microsoft; anybody who wishes to use Microsoft products should have the free choice to do so, as is proper in a free nation. However, the problem is that people who choose to use non-Microsoft products are severely limited in their options because Microsoft uses illegal tactics to stifle competition. The day that one person can run a fully function system using Microsoft technology, and another person can run an equally functional system using no Microsoft technology at all, will be the day that this suit is settled adequately—not before.

Sincerely,
Brandon R. Butler
Ridgeland, MS

MTC–00015898

From: Randy Smothers
To: Microsoft ATR
Date: 1/23/02 10:22am
Subject: Microsoft Settlement

I have been a information systems developer, software programmer and software user for more than 25 years. Based on my experience and my reading of the ''Proposed Final Judgement'' (PFJ) in United States vs. Microsoft, I am concerned that the PFJ is significantly flawed and insufficient to correct existing monopolistic practices on the part of Microsoft, let alone deter the continuation of such practices in the future.

In particular, I am concerned that the PFJ does not correctly define the terms ''API'' and ''Microsoft Middleware'' and therefore fails to implement protections against Microsoft's continued use of the Windows APIs to maintain or even increase the ''Applications Barrier to Entry'' cited by the Trial and Appeals courts.

Through arbitrary, capricious and often unannounced changes in the Windos APIs and by withholding the full documentation of many Windows APIs and any documentation at all of others, Microsoft has long been able to suppress efforts by other software developers to create applications software that is competitive with software offered by Microsoft in terms of features and/or performance.

Similarly, by not having to clearly and publicly identify the patents applicable to its Windows APIs, Microsoft is able to use vague threats of ''patent infringement'' to inhibit the development and adoption of competing applications.

Having been successful at ensuring the Windows operating system is ubiquitously present in homes, educational institutions, businesses and government offices throughout the USA and much of the rest of the world, Microsoft has shown no reluctance to use that presence to monopolistic advantage whenever it has decided to offer its own product in any area of computing applications. Absent meaningful provisions forcing Microsoft to provide equal and fair access to the Windows APIs, the Proposed Final Judgement fails to adequately address the issue of Microsoft's enhanced Applications Barrier to Entry and as a result also fails to serve the interests of the public through enhancement of the competitive environment for software in the Intel-based computer industry.

Ernest R. Smothers

Note: The opinion(s) or view(s) expressed above are my own and are not intended to represent those of my employer.

MTC–00015899

From: Michael Roberts
To: Microsoft ATR
Date: 1/23/02 10:18am
Subject: Microsoft Settlement

Dear Sirs,

Please register my objection to the proposed Microsoft settlement. The Proposed Final Judgment has already been made obsolete by the fast-moving computer market. The settlement omits Windows operating systems on PDAs, or gaming platforms such as MS XBox, which will undoubtedly provide fertile fields for Microsoft to further leverage its monopoly. Even now, Microsoft is harrassing Lindows.com, a Windows-compatible operating system. There is no evidence whatsoever that Microsoft has learned its lesson, or has any intention of refraining from the illegal activities it has engaged in in the past. Please revise the settlement to include *all* of the market segments that Microsoft's monopoly touches, not just the segments where the competition is already dead.

Sincerely,
Michael Roberts, CTO
MyPrintGuys, Inc.

MTC–00015900

From: esot1@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:17am
Subject: Microsoft Settlement

LET S STOP THE LITIGATION AND RESUME BUSINESS THE GOVERMENT WAS WRONG TO BRING THIS CASE TO COURT IN THE FIRST PLACE.

MTC–00015901

From: W.A. Collier
To: Microsoft ATR
Date: 1/23/02 10:18am
Subject: Microsoft Settlement

Dear Judge,

The proposed settlement is a bad one; please reject it and have the DoJ and the states go back and draft something that will address the facts found in the District court case.

A unanimous US Court of Appeals agreed that Microsoft had illegally kept its monopoly position by preying on other software developers and computer manufacturers. The bottom line is that Microsoft operated illegally, and any settlement or resolution of this case should make sure the company cannot continue its anticompetitive behavior. Unfortunately the proposed solution does not do this. In many ways, it actually reinforces Microsoft's monopoly, and does nothing to restrain Microsoft from acting illegally again in future markets.

Indeed, Microsoft has already shown they intend to continue to piggyback off their illegally obtained operating system monopoly to crush more markets. As an example, look at the ''give away'' of millions of dollars of development effort in their Media Player, which is unnecessarily ''integrated'' into WindowsXP—and is targeted at the RealPlayer product line, in order to crush it, in the same way they did the Netscape Browser. Microsoft, unlike its competitors, simply rolls the development cost into their illegally obtained monopoly operating system, and undercuts the competition unfairly. Yet the proposed settlement does not address preventing this sort of monopolistic behavior at all. Remember, developing a media player, a browser and other software costs money, and Microsoft leverages their monopoly to mask these costs while smashing competition unfairly. The Circuit court in it s 7–0 decision, and lower courts found this ''bundling'' illegal and

monopolistic, yet the settlement does not address this in any sort of meaningful fashion: it allows Microsoft to tightly integrate and bundle its media player, its web browser, and myriad other applications into the Windows Operating System, instead of competing freely against external applications.

Also, the proposed settlement contains no provisions to remedy the unlawful monopolization of the operating system; nothing that will produce competition. Remember that the Circuit court ordered that a remedy must ''unfetter the market from anticompetitive conduct... [and] .. terminate the illegal monopoly''. the proposed settlement does nothing of the sort. Its attempt to open the ''API'' (programming interface) of the Windows operating system will merely reinforce the monopoly, not terminate it as the court called for. Also opening the API is not enough: Microsoft plans only to open a mere a subset. Complete and full disclosure of ALL the source-code is the only ''opening'' that would suffice to terminate the Microsoft monopoly.

Finally, the proposed settlement does nothing at all to address the issue of effective remedy along side enforcement. the proposed penalties are ludicrous—an extension of terms that they have already violated is hardly a punishment. Fiduciary penalties must be applied, as well as structural ones. Also, the solutions proposed for ''competition'' are heavily dependent upon Original Equipment Manufacturers for implementation—the same OEMs who are partners and part of Microsoft's business plans (Such as Dell and Compaq).

In sum, this settlement is wholly inadequate, and should be rejected and the DoJ and the States should be directed to follow the rulings of the Circuit Court and lower courts when crafting a settlement, instead of ignoring the findings of fact and law, and currying favor with an unrepentant lawbreaking monopolist.

Regards,
Winston A. Collier
16731 E Iliff Ave #166
Aurora, CO 80013
303–215–6062
wacollier@wacollier.com

MTC–00015902

From: M M
To: Microsoft ATR
Date: 1/23/02 10:18am
Subject: MICROSOFT SETTLEMENT

Judge;

Please ensure that the rule of law extends even to the richest and most powerful in our great country.

Even in the past few months, as the DoJ has essentially let Microsoft entirely off the hook, they have begun to exercise their monopoly powers in a way that is actually scary (have you seen the new XP release and the Passport junk that you just cannot get away from therein???).

The entire US software industry is depending on you.

Thank you.
Chris Kellerman
Software Engineer
2197 E. Bayshore
Palo Alto, CA
94303

MTC–00015903

From: Gabriel Black
To: Microsoft ATR
Date: 1/23/02 10:15am
Subject: Microsoft Settlement

The proposed settlement is a bad idea. The proposed settlement is a slap on the wrist. Microsoft should be punished severly! We need competition in the marketplace and Microsoft stifles innovation.

A1C Gabriel Black
United States Air Force

MTC–00015904

From: Philip Balister
To: Microsoft ATR
Date: 1/23/02 10:18am
Subject: Microsoft Settlement

After reviewing the proposed Microsoft antitrust settlement, I believe it does little to remedy the problems created in the marketplace by Microsoft prior actions. I believe that it should be much stronger with respect to preventing Microsoft from continuing to use anti- competitive practices. I would suggest a very simple, very direct solution in order to prevent continuing evasive behavior by Microsoft.

Philip Balister

MTC–00015905

From: Chris Freemesser
To: Microsoft ATR
Date: 1/23/02 9:21am
Subject: Microsoft Settlement

Hi there.

I don't believe that the proposed settlement in the Microsoft Anti-Trust case will prevent Microsoft from continuing their illegal practices. If the agreement was powerful enough to do this, you wouldn't have so many states disagreeing with the proposed settlement.

Thanks,
Chris Freemesser

MTC–00015906

From: Scott Clausnitzer
To: Microsoft ATR
Date: 1/23/02 10:18am
Subject: Microsoft Settlement

I wish to comment on the proposed Microsoft Settlement.

Microsoft should not receive just a slap on the wrist. This company made billions of dollars through illegal acts. Unless the penalties are greater than their illegally gotten profits, large monopolistic corporations will see the courts and the anti-trust laws as just another tool to earn money.

If the final outcome of the settlement allows Microsoft to retain even a single dollar earned through illegal activities, then the court system could be seen as partnering with the monopoly in order to allow these activities to remain profitable. Don't put on a show, don't claim false or hollow victories. Send a message, teach a lesson, punish the guilty.

Scott A. Clausnitzer
via e-mail
sclausnitzer@yahoo.com

MTC–00015907

From: Jason W. Strnad
To: Microsoft ATR
Date: 1/23/02 10:18am
Subject: Microsoft Settlement

Renta B. Hesse,

Since the beginning of this most recent case against Microsofts antitrust actions, I have watched and read with interest reports and documents which have been made available to the public. I have read the findings of fact, and the various proposed final judgements, in addition to the many other documents which have been published or released by the courts. I have considered these documents against my own personal and professional experiences with Microsoft and the rest of the technical sector. It is, after consideration of all of the above, my decided and educated opinion that of all of the PFJ's offered to the court, none of them will entirely do justice to the crimes that Microsoft has committed. Nor will any of the PFJ's remedy the situation by creating a fair and level playing field for real competition against Microsoft.

Having said that, of the options being presented to the court, the PFJ being presented by the nine dissenting states seems the best place to start. Also deserving consideration is how to protect competitors who implement software applications and operating systems which are compatible with Microsofts current and previous offerings. This point is keenly important as Microsoft has a proven track record of protecting its monopoly through aggressive actions designed specifically to root out and destroy the marketplace in which potential competitors do business. I feel this matter needs specific consideration so as to allow competition to develop and thrive without reducing potential competitors to welfare recipients dependent on entitlements granted to them by the court.

The effect of this decision and final judgement should not be to give competition a one time ''shot in the arm'' but to create a lasting and level playing field which would allow competition to come about naturally and to prevent Microsoft from taking predatory and unlawful actions to protect their monopoly and destroy competition before it takes root.

Thank you for your time.
Jason W. Strnad
jasons@ehlokitty.org

MTC–00015908

From: Grozdits Gregory G 1stLt AFRL/IFGD
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:18am
Subject: concern with the current motion of the suit

Good day,

First let me point out that these comments are, of course, in no way an official representation of Deparment of the Air Force doctrine or opinion. With the frequent travel invovled in my career, this is the first time I've had internet access and time to write about my thoughts.

Every time I've read recent comments about the DOJ's case against MicroSoft I've been disheartened. Most of what I have to say, I hope, will be said by others with better

experience in the law and more concern for economics.

My experience with Microsoft has led me to believe that Microsoft employees are highly intelligent, extremely motivated and very foresighted. They design a decent product, but the company itself has become so overpowering that it is hurting the US and her technological development.

One example of their malfeasance is their listing of the Dynamic Linked Libraries required for internet connections in their list of files to be removed when uninstalling Internet Explorer. I was very dismayed when the whole system that I wrote, while trying to use only Java to keep the software platform independent, broke simply because I removed Internet Explorer at the request of my Security Officer.

Developing code for a client/server project that was to be independent of Operating System, and which I tried to steer clear of OS specific calls, you can imagine my frustration. On the other hand, it was a brilliant business move.

We all know the effects that Microsoft had on Netscape and Corel's WordPerfect. Still among the die-hard researchers that I work with at various institutions from MIT to Sandia, most have a copy of Word-Perfect that we use for serious correspondence (using LaTeX for photographic ready work), only using a copy of MS Word to read the documents that are sent out by various agencies. I wish that all of them had time to share their feeling on the innovation stifeld by the Microsoft corporation. A second example I have is of a friend doing what I thought to be quality speech recognition research. MS approached him to back his research, with the condition that he couldn't publish without their approval. Though it would have been interesting to speak with a lawyer about their offer; that offer was immediately untennable.

I apologize that I did not have time to argue more cogently, but my life is kept quite busy these days. My summary is that I have seen MS move to stifle competition in a way that I hope to practice as a member of the military against those who would stand against my country. However, I can't imagine that such use of force is fair or just in the world of business. We keep America safe because it allows those with new ideas to grow. I've heard of a few problems that hurts those I work with:

A simulator that veers uncontrollably because MS NT crashes the idea to hand Marine's Windows CE forward fire control units that have frequent fatal execution faults when interfacing with the man-pack radios, because MS wouldn't provide the code for their OS and the current DoD mandate is to use as much commercial off the shelf software as possible I believe that our country have been held back by the practices of MS. The technology that I've seen as a member of the Air Force Research Laboratory has some amazing applications, but most of those that run on MS are effete in some way because of their OS. Other OS's have a plethora of capabilities, but since the procrument process dictates using COTS and ''Current civilian practices,'' we have weakened our defense. That's why we have the DOJ and it's anti-trust division. I wish you the best in your arduous task. In my opinion, MS needs to be reined in. Less of a monopoly on software would make a market that had more innovation and I see benefit in that because it helps me do my job.

Thank you for your time,

Lt. Greg Grozdits

Platform Connectivity Branch DSN: 785–4947 x3402Information Directorate A/C EC–135E 60–0372Air Force Research Laboratory

Personal comments and opinions contained herein are not advice or doctrine of the USAF, the Department of the Air Force or the Deparment of Defense.

MTC–00015909

From: Ed Saipetch
To: Microsoft ATR
Date: 1/23/02 10:18am
Subject: Microsoft Settlement

Hi,

I am writing to tell you that I disagree with the Microsoft settlement terms.

I believe that the Proposed Final Judgement in United Stats vs. Microsoft is shortsighted and overly broad in many of the limitations set for Microsoft. Microsoft has been known for it's ''Embrace and Extend'' philosophy and some of the clauses in the judgement will allow them to do that again.

The proposed judgement applies to ''Windows'', however it does not define products that Microsoft is developing that may extend their monopoly such as Windows CE, Pocket PC, or their X-Box platform.

Also the settlement states that it requires API documentation however competitors are not allowed to use it to help make their operationg systems compatible with Windows.

These clauses just show how loopholes have been created within the settlement that allows Microsoft to escape its grasps with technicalities. To level the playing field with their competitors, Microsoft should be required to publish a complete documentation of all their Windows (*and related products) API's. This does not allow people to steal their technology but to *interface* into it so they can develop products for Windows. What is going to stop them from having API's that have been performance-crippled and API's that only they use which aren't?

Another suggestion mentioned by the GNU organization is allowing them to only use patents for defense. Even if they are allowed to release specifications on their products, what is going to keep them from going after companies for developing things remotely like their products. Right now Embrace & Extend has kept them ahead but if they are not allowed to use this tactic against competitors, what's going to stop them from suing them?

One last comment... It seems that section III(J)(2) contains statements that are pinned against not-for-profit organizations. According to that section it isn't necessary for them to describe, license, document API's and protocols affecting authentication or authorization to companies that don't meet Microsoft's standards as a business. I don't understand how Microsoft is able to determine that criteria... It appears that their own standards of running a business counter that of the U.S. government's.

They seem to constantly be saying that Linux is a threat to them as well as Open Source projects in general, this allows them to not give their API's for authentication away to a competitor.

This mail may not mean much but hopefully someone will understand just as Judge Thomas Penfield Jackson did, that Microsoft interested in their own best interests, not the public's. The company has been permitted to stifle innovation and contribute to competitors demise.

Thank you for your time.

Sincerely,

Ed Saipetch

Indianapolis, IN

MTC–00015910

From: yanez
To: Microsoft ATR
Date: 1/23/02 10:22am
Subject: Microsoft Settlement.

As a computer user and owner of a small business, I believe Microsoft should not be allowed to supply software to public schools as a means of settlement. This would obviously proliferate their monopoly, and further stifle competition in the computer OS market.

There monopoly causes problems for my business and me personally. Because of the Microsoft monopoly, there is a lack of consideration for other operating software and platforms. Security holes, breaches of computers can all be attributed to the proliferation of Microsofts operating system.

If a software monopoly can thrive in a digital age, then there will be more digital attacks. Because of Microsofts monopoly, a single computer user can literally shut down the entire internet with viruses aimed at one operating system.

Their gateways within the Internet specifically the Microsoft exchange hinders sending email attachments. Further more, they have been able to proliferate their Operating System by NOT shutting down software piracy. If the company was willing to stop piracy as they say, then there OS would not be able to become a the monopoly they seek.

Piracy will only become an issue once they have 100% market share and control of all gateways and access to the internet not allowing others access. Once 100% market saturation occurs, they can shift to a business model that requires users to pay for their own data by locking out users who do not wish to subscribe and upgrade to their Operating System.

If the Justice Department is informed as they think, then the break up of Microsoft as Jackson had determined is the right solution.

MTC–00015911

From: Steve Sherwick
To: Microsoft ATR
Date: 1/23/02 10:18am
Subject: Microsoft Settlement

Dear Sirs,

This message is intended to convey my concerns with the proposed settlement between the US and Microsoft. As a

computer professional of 30 years experience I am simply appalled by this proposed agreement. I have watched Microsoft stomp on their competition with abandon through that period and to see a party found guilty by the courts of the United States be allowed to essentially walk free is disheartening.

I find the proposed settlement to be an inadequate penalty for the depths of injustice foisted on the american populace by Microsoft as proven by the findings of fact during the trial. First, the monetary penalties for a company are minimal and frankly non-existent.

Second, the restraint of their use of their monopoly power is inadequate, you might as well have told them to ''go and sin again''. Third, there is no provisions to restrain Microsoft from targeting the Open Source Software community for elimination using the same techniques used against Novell, Netscape and others. There are MANY other concerns but I'm sure most have been brought to light by others.

In my opinion, this proposed agreement is bad law, bad for the american consumer and pretty well written by Microsoft to their own ends.

Best Regards,
Steven P. Sherwick
3937 Williston Road
Minnetonka, Minnesota 55345

MTC–00015912

From: the dogs of war
To: Microsoft ATR
Date: 1/23/02 10:19am
Subject: Microsoft Settlement

Please revise the proposed Microsoft settlement to be harder on Microsoft. As it stands, this settlement will not succeed in bringing equity to the marketplace.

Microsoft does not deserve any special leniency. Please consider this email as a strong vote against Microsoft. They have flaunted the law long enough. Don't let them get away with their behavior any longer.

P.S. Microsoft has faked grassroots movements in the past in order to sway opinion to serve their cause, please seriously consider this possibility when reading the letters you receive.

MTC–00015913

From: Mark Hessman
To: Microsoft ATR
Date: 1/23/02 10:27am
Subject: Microsoft Settlement

I am strongly against the proposed settlement. I have witnessed Microsoft's anticompetitive tendencies firsthand (they blatantly absorbed business and technical ideas from a project my former company—now defunct—demo'ed to them in hopes of enlisting their support) and I suspect that the settlement will actually help them rather than hurt them. For one thing, the language that forces Microsoft to share their APIs and the Windows-desktop real estate includes qualifiers limiting this provision to companies of a certain size, or with a viable business model—language that Microsoft is probably gleeful about, as it gives them license to ignore the grassroots, open-source projects that are currently the only real challenge to its PC monopolies.

The civil suit remedy—Microsoft donating millions in computers and software to US schools—represents, if anything, a Br'er Rabbit (''oh please don't throw me in the briar patch'') type of ''remedy'. The education market is one which Microsoft has had the most difficulties in establishing its monopoly; it's also one of the most potentially promising, as kids who learn to use computers via Microsoft products will be a major source of revenue for Microsoft in the future and the present (as their parents, and later they, buy home machines that they're comfortable using). Further, copies of existing software cost Microsoft close to nothing, so this doesn't even function as a fine.

Also, the remedy says nothing restricting Microsoft's practices in markets other than the OS and the browser. Windows XP finds Microsoft tying more products to the operating system and actively discouraging the use of competitors (permitting the ''ripping'' of music to data files at high fidelity only if the destination format is Microsoft's own). And finally, the three-member panel tasked to confirm that Microsoft is complying with the remedy has very little power. If Microsoft is not complying, there's nothing they can do.

I remember when Microsoft was one company among many, when Windows was one of several graphical user environments on the market and Office was one of several office suites. The pace of innovation then—only a decade ago— was far faster than it is now, despite the fact that raw computer power has been increasing equally fast (or even faster) recently. There has been some truly innovative work being done on the fringes of the industry (look at BeOS for example)—and the reason that these ideas remain on the fringes is Microsoft.

Mark Hessman
Madison, WI

[Disclaimer: this email represents my views, not necessarily my employer's.]

MTC–00015914

From: Ryan Calder
To: Microsoft ATR
Date: 1/23/02 10:52am
Subject: Microsoft Settlement

I wish to take advantage of the Tunney Act provision for public comment regarding the Microsoft case.

I am a systems programmer/analyst in Kansas City, Missouri, working with Java, Oracle, and a wide range of open source database products in a variety of UNIX environments, ranging from GNU/Linux to Solaris to BSD and Mac OS X. Since I work in a midwestern market significantly dominated by Microsoft technologies, I am regularly impacted by Microsoft, their products, and their business practices. Based on my experience in the Microsoft-dominated Kansas City market, it is my position that the proposed final judgment falls far short of a remedy to the Microsoft antitrust problem. For many reasons, it is important that Microsoft's behavior be controlled more adequately than is provided in the proposed final judgment. Microsoft must not be allowed to engage in anticompetitive licensing practices with enterprise customers.

—Microsoft must not be allowed to engage in anticompetitve licensing practices with US governmental agencies or other non-profit organizations.

—Microsoft must not be allowed to engage in anticompetitve licensing practices with individual consumers.

—Microsoft must be required to publish the specifications of any new non-standard networking protocols they plan to incorporate into their operating systems.

—Microsoft must be required to publish the specifications of their common file formats. i.e. Word, Excel, etc.

—Microsoft must be required to comply with published standards for file formats such as HTML when labeling files as files of that standard file type.

—Microsoft must be forbidden from ''bundling'' into their operating systems any functionality currently provided by third-party software packages. i.e. digital photography, security, streaming media, etc.

—Microsoft must not be allowed to use any antitrust remedy to strengthen their monopolistic position. For example, the free distribution of their product, or of hardware intended to use their product, should not be part of any final settlement.

—License agreements between Microsoft and end users which serve anticompetitive purposes must be terminated and replaced with more appropriate licenses.

—No US government agency should accept advertising or ''free'' giveaway displays unless the interests of competing parties are available and displayed in an equitable manner. For example, the current XP displays in US Post Offices are outrageous, and should be removed.

Thank-you for your consideration of this matter.

Ryan Calder
Kansas City, Missouri
ryan@the-calders.com

MTC–00015915

From: Ben Farley
To: Microsoft ATR
Date: 1/23/02 10:18am
Subject: Microsoft Settlement

The Microsoft Settlement is a travesty! To allow a corporation that has so quintisentially used abusive and illegal practices in the software market would be a sin. The Product that Microsoft has provided in its nearly death grip hold on the market share for home Operating Systems is disgustingly buggy and broken. If a sufficient penalty is not placed on Microsoft than alternative Operating Systems that are more secure such as Linux will not be allowed to flourish.

MTC–00015916

From: Bruce Stephenson
To: Microsoft ATR
Date: 1/23/02 10:19am
Subject: Microsoft settlement

To whom it may concern:

I would like to state my opinion that the proposed settlement of the Microsoft antitrust litigation is farcical, and would serve no purpose except to buttress the monopoly position that Microsoft has already built. If Microsoft manages to escape with

this settlement, the U.S. government will look ridiculous in the eyes of the world.

Regards,

Bruce Stephenson

Bruce Stephenson, Ph.D.—cbs3@midway.uchicago.edu

Curator, History of Astronomy

Adler Planetarium & Astronomy Museum

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+1 312–341–9935 (fax)

*** Opinions expressed do not represent official

*** positions of the Adler Planetarium.

MTC–00015917

From: Dusty Jones
To: Microsoft ATR
Date: 1/23/02 10:19am
Subject: Microsoft Settlement

The proposed judgment in the Microsoft antitrust case is flawed. Microsoft has been found guilty of using anti-competitive behaviors to advance its monopoly and should be dealt with appropriately. The settlement as proposed does not deal with Microsoft's past behavior and will not curtail future aggressive monopolistic behavior.

Though I believe the settlement is flawed in other areas, I will focus my comments on the requirements that Microsoft document its middleware. My main argument with this requirement is that file formats used by Microsoft remain undocumented. Microsoft has a monopoly in operating systems and office suites. By forcing Microsoft to document file formats, there will be more competition in the marketplace. There exist products which compete with Microsoft Office, these include Sun's StarOffice, AbiWord, and Gnome's Gnumeric. These products can not truly compete until they are able to exchange documents with Microsoft applications. As the judgment stands Microsoft can modify file formats with every version release (as they have in the past) forcing competitors to continuously play the catch-up game.

Now is the time to level the playing field. The court has the ability to force Microsoft to make reparations for its past monopolistic behavior. The nine state's Attorneys General have done a disservice to the people of America, and the software companies that have been harmed by Microsoft's behavior in the past and those that will be harmed by Microsoft's behavior in the future. Please revise the settlement to truly change Microsoft's aggressive monopolistic practices.

Thank you,

d.

Dusty Jones

Concerned American Citizen

Round Rock, Texas 78664

MTC–00015918

From: Jon C
To: Microsoft ATR
Date: 1/23/02 10:19am
Subject: Microsoft Settlement

I feel that the Proposed Final Judgement is not restrictive enough. There are too many loop holes that fail to prohibit Anticompetitive practices against OEMs, large user groups (Enterprises), and Windows-compatible competing operating systems. As one small example of the many missing pieces I propose an amendment:

III. A. 2. shipping a Personal Computer that (a) includes both a Windows Operating System Product and a non-Microsoft Operating System, or (b) will boot with more than one Operating System, OR (C) INCLUDES A NON-MICROSOFT OPERATING SYSTEM BUT NO WINDOWS OPERATING SYSTEM PRODUCT; or The amendment in all CAPS would prohibit anticompetitive practices against OEMs who distribute non-Microsoft operating systems.

The Proposed Final Judgement is merely a slap on the wrist to Microsoft and allows them many avenues to continue their illegal Anticompetitive practices. Microsoft is now a convicted Monopolist and strict rules must be placed on them to prohibit any further Monopolistic/Anticompetitive practices.

Thank you,

Jonathan Covin

Software Engineer

Fairfax, Virginia

MTC–00015919

From: eyebum
To: Microsoft ATR
Date: 1/23/02 10:18am
Subject: Microsoft Settlement

My name is Chris Sexton. I am a US resident. I am not employed by Microsoft or any of its competition. I want to independantly add my voice on the Microsoft Antitrust settlement decision. I think that the court decision should comprise a suitable punishment for Microsoft's demonstrated past and continuing behaviour, and serve as an effective deterant against continued anti-trust abuses by the company. It should be harsh, reflective of the abandonment of law that Microsoft has demonstrated.

According to the Court of Appeals ruling, ''a remedies decree in an antitrust case must seek to ''unfetter a market from anticompetitive conduct'', to ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future'' (section V.D., p. 99). I believe in free and fair trade. If Microsoft truly had a superior product offering that they offered to the public via competition alone, I would hope for market domination.

Yet Microsoft has not only ignored the rules of fair trade, when they are asked to provide a settlement on the issue, they offer up a farce that extends their monopoly, while preying on the idea that they are enabling and assisting the disenfranchised. Suddenly the government is a bad guy when they deny Microsoft their custom, swanky ''briar patch''. Though I am often critical and even cynical when it comes to the government, I am hopeful that the court will see fit to come down hard on Microsoft. The implications of the computer and the internet have already changed our lives, and will do so in increasingly bigger ways in the future. To allow one company to control this through its illegal behaviour is simply not acceptable.

The computer industry is one which changes daily-innovations and new technology are ever forthcoming at a rate which is nearly incomprehensible compared to a legal proceeding. Microsoft would further line its coffers with its unlawful practices while delaying the outcome of this case, no matter what.

There are many problems with the Proposed Final Judgement in its current form. In regards to competition, the document is lacking in many fundamental areas. These areas are nothing unique to the Microsfot situation, it is the way the rest of the computer industry operates and interacts. Some of these problems are:

1. The PFJ fails to require advance notice of technical requirements. Section III.H.3. of the PFJ requires vendors of competing middleware to meet ''reasonable technical requirements'' seven months before new releases of Windows, yet it does not require Microsoft to disclose those requirements in advance. This allows Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs. The PFJ needs to require Microsoft to release this information well in advance. Again, this is nothing new to the computer industry, but based on Microsoft's past and continuing behaviour, they need to be required by law to make this happen.

2. API documentation is released too late to help ISVs. Section III.D. of the PFJ requires Microsoft to release via MSDN or similar means the documentation for the APIs used by Microsoft Middleware Products to interoperate with Windows; release would be required at the time of the final beta test of the covered middleware, and whenever a new version of Windows is sent to 150,000 beta testers. But this information would almost certainly not be released in time for competing middleware vendors to adapt their products to meet the requirements of section III.H.3, which states that competing middleware can be locked out if it fails to meet unspecified technical requirements seven months before the final beta test of a new version of Windows.

3. Many important APIs would remain undocumented. The PFJ's overly narrow definitions of ''Microsoft Middleware Product'' and ''API'' means that Section III.D.'s requirement to release information about Windows interfaces would not cover many important interfaces. Microsoft needs to be forced to document fully all aspects of all API's necessary for vendors to create effective products for the Windows platform.

4. Unreasonable Restrictions are Placed on the Use of the Released Documentation.

ISVs writing competing operating systems as outlined in Findings of Fact (52) sometimes have difficulty understanding various undocumented Windows APIs. The information released under section III.D. of the PFJ would aid those ISVs—except that the PFJ disallows this use of the information. Worse yet, to avoid running afoul of the PFJ, ISVs might need to divide up their engineers into two groups: those who refer to MSDN and work on Windows-only applications; and those who cannot refer to MSDN because they work on applications which also run on non-Microsoft operating systems. This would constitute retaliation against ISVs who support competing operating systems.

5. File Formats Remain Undocumented. No part of the PFJ obligates Microsoft to release

any information about file formats, even though undocumented Microsoft file formats form part of the Applications Barrier to Entry (see ''Findings of Fact'' 20 and 39). This is a critical piece of one of the technical barriers that Microsoft has erected against competition. File formats lie very near the heart of OS operations, and interaction with the kernel and OS structure. This documentation is critical to developers hoping to create software that is innovative and effective.

6. Patents covering the Windows APIs remain undisclosed. Section III.I of the PFJ requires Microsoft to offer to license certain intellectual property rights, but it does nothing to require Microsoft to clearly announce which of its many software patents protect the Windows APIs (perhaps in the style proposed by the W3C; see http://www.w3.org/TR/2001/WD-patent-policy-20010816/#sec-disclosure). This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users and developers. While it would seem to hurt Microsoft, in fact, it keeps the Microsoft monopoly intact through Fear, Uncertainty and Doubt. The PFJ, by allowing this unclear legal situation to continue, is inhibiting the market acceptance of competing operating systems.

Microsoft has an army of lawyers that will seek to narrowly define every aspect of any proposed judgement in such a way that it becomes academic for Microsoft to step around the bounds of the settlement. They have demonstrated this behaviour before. I ask that the court educate itself on the terms and definitions, and strive to discourage loopholes based on interpretation of the language. Any settlement needs to have binding power that goes beyond the current Microsoft product offering, and address the behaviour of the company.

Thomas Reilly, the Attorney General for Massachusetts, said this: ''The case against Microsoft is the most important antitrust action of our generation and one that will determine the future of the new economy. Because of its landmark importance, this case should not end without a remedy that restores competition.''

Please make a judgement that is effective and enforcable. The computer and the internet have fundamentally changed our lives. To allow one company, through unlawful activities, dictate where this technology will take us, is simply not acceptable. These directions need to be decided by market forces. Please take heed of the many pitfalls that Microsoft will place for its competition, and the desire of this company to avoid any sort of compliance with existing laws.

MTC–00015920

From: pace@pacew.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:19am
Subject: Microsoft Settlement

I have read about the proposed settlement with Microsoft, and I do not think that it will be effective in protecting the public against future anti-competitive behavior by Microsoft.

I hold a bachelor's degree in Computer Science and Engineering from MIT, and have 20 years of experience as a software engineer. I'd like to comment on just two of problems I see in the PFJ. I'm aware of many more problems than these, but since this is not my primary line of work, I can only afford the time to respond to these items. I don't claim that these are the two most important problems—they are just two which have affected me professionally in the past. I trust that you'll receive comments from other people on the other issues.

The PFJ should require Microsoft to disclose file formats. A huge barrier to the acceptance of GNU/Linux based systems as competitors to Windows on the desktop has been the lack of a word processor compatible with Microsoft Word. In a related area, Microsoft should be required to disclose network protocols. One can see how documented protocols directly aid competition by noting that the SMB file sharing protocol was documented (at least to some extent) by Microsoft, and there is now a thriving market for file servers that can be used by Windows systems but that are implemented on other platforms. These file servers offer different features from any Microsoft product, and the market has shown that there is a demand for them.

To make this sort of requirement meaningful, there must be a way to penalize Microsoft if it can be shown that essential documentation is missing, camouflaged or delayed.

Another issue is that Microsoft should never be allowed to specify in an End User License Agreement that a program can only be used on a Microsoft operating system. In addition, Microsoft should not be allowed to restrict a third party who uses Microsoft program development tools from being able distribute the resulting executables to users of other operating systems. In practice, this means that if Microsoft allows a third party user of one of its development tools to redistribute a DLL at all, then that user should be allowed to redistribute the DLL to anyone.

Thank you for your attention,
Pace Willisson
4 Spruce Road
Medway, MA 02053
508 533 6430
pace@alum.mit.edu

MTC–00015921

From: Tom Davis
To: Microsoft ATR
Date: 1/23/02 10:20am
Subject: Microsoft Settlement

I think the proposed settlement will just further Microsoft monopoly. If the students in school just learn Microsoft, then that is what they will use. Also, Microsoft controls the pricing for its software so they set any price they want for their software, so the monetary penalty is meaningless.

Tom Davis

MTC–00015922

From: Phil Hilton
To: Microsoft ATR
Date: 1/23/02 10:20am
Subject: Microsoft Settlement

I feel that the proposed settlement is a BAD idea.

Phil Hilton
philip.hilton@maine.edu racle—You need a database. Larry needs a new boat.

MTC–00015923

From: Jeremy Garff
To: Microsoft ATR
Date: 1/23/02 10:08am
Subject: Microsoft (fwd)

To whom it may concern,

Based on the information I have read regarding the Microsoft antitrust trial, I believe that the current proposed remedy negotiated by the Justice Department is nothing short of a givaway.

I am not familiar with the policital motives behind the settlement, however it appeared to change 180 degrees overnight. First, the department of justice went aggressively against Microsoft for its anticompetitive practices, then changed suddenly to take the break up rememedy off the table and propose the current settlement. The settlement now before the court is nothing more than a slap on the wrist. This toothless settlement will do nothing to stop Microsoft from changing its behavior, as it is filled with too many loopholes and grey areas granting Micorosft too much power.

I find it ironic that Microsoft can constantly sing the praises of innovation and competition in its public and political relations, while at the same time, they unfairly leverage their operating system in an effort to extend marketshare. We've seen this behavior crush competition such as Netscape, Novell, Word Pefect, etc. Microsoft must be stopped before other markets fall prey to .NET and newly released Windows XP. I for one, want to use an operating system, or browser based on its technical merit, not the companies ability to abuse its market power.

I am fully behind the work in the ongoing trial against Microsoft. I feel that a break-up of the company would be a fair and just remedy which would restore competition to the marketplace. I have seen settlements with Microsoft in the past that led to little or no change in its corporate behavior. I kindly ask that if a settlement is reached, it be one that can guarentees a stop to Microsofts abuse of its monopoly position.

In sending this e-mail, I ask that it be kept anonymous.

Thanks in advance,
Jeremy Garff

MTC–00015924

From: Joseph F. Lingevitch
To: Microsoft ATR
Date: 1/23/02 10:20am
Subject: Microsoft Settlement

I am writing to comment on the proposed judgment against Microsoft for their illegal conduct in abusing their monopoly in desktop operating systems. In summary, I think the penalties are excessively light and furthermore they do nothing to punish Microsoft for it's illegal behavior or correct the damages that have occurred. The settlement is unacceptable because it is far to lenient on Microsoft.

My main frustration with Microsoft (I own Windows 95 and MS Office 97 software) is

their unwillingness to accurately document the details of their file formats for their office products and network protocols for sharing files. Their reason for doing so is to strengthen their monopoly status and prohibit competitors from producing products that challenge Microsoft market share.

The power of network computers is in their ability to exchange meaningful information in a heterogeneous environment. Microsoft does not make sufficient allowances in it's software for intercommunication between computers other than those running Microsoft Operating system. Examples of the close protocols with inhibit this connectivity are the closed Microsoft Word file formats and the Microsoft's poorly documented NetBui protocol implementation. I urge you to strengthen the penalties against Microsoft to be commensurate with their violation of the law and to open up the desktop operating system market to competition. We would all benefit from the increased competition.

Sincerely,
Joseph F. Lingevitch
U.S. Naval Research Laboratory
Washington, DC 20375
E-Mail: jfl@aslan.nrl.navy.mil
Phone: (202) 404–4820
FAX: (202) 404–7732
CC:Joseph F. Lingevitch

MTC–00015925

From: Ralph Stevens
To: Microsoft ATR
Date: 1/23/02 10:20am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I believe that the proposed settlement as written does not fully redress the actions committed by Microsoft in the past. The proposed settlement does not adequately address their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their illegal acts and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an settlement just for sake of reaching a settlement. The settlement much provide for redress of past abuses, and incentive to prevent future abuses. A wrong that is not corrected is compounded.

Sincerely,

MTC–00015926

From: NEWBOLR@Nationwide.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:20am
Subject: Microsoft Settlement

Hello,

I am against this settlement agreement. It does not sufficiently prohibit Microsoft from raising barriers against competitors.

Richard Newbold

MTC–00015927

From: Chris C. Larson
To: Microsoft ATR
Date: 1/23/02 10:20am
Subject: Microsoft Settlement

The settlement proposed in the Microsoft Antitrust case is a bad idea. It forces no real change on Microsoft's part. It creates an environment where the people responsible for monitoring Microsoft's compliance are Microsoft employees. These people don't eat unless Microsoft tells them so, and yet they're supposed to be relied upon to report violations?

As a registered voter in the state of Michigan, I find this settlement to be unacceptable.

Please note that this e-mail is sent as my comment on the proposed Microsoft Settlement, as is allowed during the Tunney Act public comment period.

Chris Larson
1103 East Woodfield Dr SE #12
Grand Rapids, MI 49508
CC:miag@michigan.gov@inetgw

MTC–00015928

From: Sam Hostetter
To: Microsoft ATR
Date: 1/23/02 10:19am
Subject: Microsoft Settlement

I am concerned that the remediation proposed by the Justice Department does not go far enough to end the monolopy Microsoft enjoys in the software industry. Microsoft has a tendency to take an open protocol, such as Kerberos, and ''extend'' it in such a way as to make competing products unable to use the now closed protocol. For reference, this article appeared on Slasdot.org on March 2, 2000: http://slashdot.org/article.pl?sid=00/03/02/0958226

This is a classic case of Microsoft ''racing, extending, & extinguishing'' and open protocol to destroy competition. If Microsoft's API (or Application Programming Interface) were made public, this would go a long way toward ending their strangle hold on the market place. We would then have an opportunity for a truly competitive product to challenge Microsoft's dominance.

Competition in the marketplace drives innovation. Microsoft's ''release often, patch often'' business model would surely fail in the face of competition from nimble companies releasing superior, more secure products. The American consumer wins.

Sam Hostetter
5710 Manning Road
Indianpolis, IN 46228–1640

''If you design for the exceptions, the rules fall into place.''

Sam Hostetter

MTC–00015929

From: Silvert, Stan
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:20am
Subject: Microsoft Settlement

I would like to express my disapproval of the proposed Microsoft Settlement.

Thank you,
Stan Silvert

MTC–00015930

From: Chad Kidder
To: Microsoft ATR
Date: 1/23/02 10:21am
Subject: Microsoft Settlement

I feel that the DoJ settlement with Microsoft is a bad idea. They have proven that they will not abide by restrictions placed on them (look at prior court cases). There needs to be a non-Microsoft enforcement mechanism in place for whatever is reached. We need to make sure that it has teeth. A company with $40 billion in the bank will not take small fines seriously.

I find section III.J of the settlement particularly onerous. This leaves loopholes that Microsoft will use to make sure that their APIs are still unknown. To correct this problem, Microsoft should be required to document all APIs that interact with any external software in a timely manner prior to Microsoft's release of them. This should go further to the office market where Microsoft has effectively used obfuscated file formats to stop compatibility with 3rd party software.

We have let Microsoft crush the competition and we are now paying the price. If you want to use most computer programs, there is only a windows version. If you want to write some type of document, most people will only accept an office document. The current remedies do nothing to help stem this tide. As the government you are obliged to help right this. What we currently have negotiated does not.

Chad Kidder
College Station, TX

MTC–00015931

From: Ted Wood
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:12am
Subject: Microsoft Settlement

Sirs,

I think that the proposed settlement to the Microsoft case is bad and will not do anything to significantly alter Microsoft's behavior. It is a mere slap on the wrist and will allow them to continue to do all they can to gouge consumers and destroy the free software movement. Thank you.

Ted Wood

MTC–00015932

From: Jetzer, Bill
To: Microsoft ATR
Date: 1/23/02 10:21am
Subject: Microsoft Settlement: Not enough

I have read the proposed settlement, and I do not think it is appropriate in its current state. It describes no punishment for Microsoft's past illegal activities, and leaves loopholes such that the letter of the settlement may be followed while the spirit of the settlement is not. I urge you to read and consider the content at http://www.kegel.com/remedy/, especially Mr. Kegel's essay which thoughtfully analyzes the proposal and explains these loopholes in

detail. His analysis is at http://www.kegel.com/remedy/remedy2.html. By the way, I am also cosigning Mr. Kegel's petition, as described at the top of http://www.kegel.com/remedy/letter.html.

Sincerely,
Bill Jetzer
2822 Richardson St
Madison, WI 53711

MTC–00015933

From: Randy Carpenter
To: Microsoft ATR
Date: 1/23/02 10:20am
Subject: Microsoft Settlement

I believe the proposed settlement is a bad idea. It is not strong enough to break the monopoly Microsoft holds.

Randy Carpenter, http://www.cc.gatech.edu/~randy
Georgia Institute of Technology, randy@cc.gatech.edu
College of Computing, (404) 894–9046
Computing and Networking Services Group, http://www.cc.gatech.edu/cns

MTC–00015934

From: jecto@juno.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:21am
Subject: Microsoft Settlement

I feel that the settlement proposed for Mcrosoft is not appropriate. It is not enough of a punishment for a company who has been an abusive monopoly for several years. It can, in some ways, even be interperted as to help support Mcrosoft, rather than punish it.

Thank you for your time,
Kevin Rayhons
San Antonio, TX

MTC–00015935

From: Fiedler, Jon
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:22am
Subject: Microsoft Settlement

Hi,

I would like to go on the record as opposing the Proposed Final Judgement in the US v Microsoft case.

I don't think that the Proposed Final Judgement will do anything to foster competition in the marketplace as there are too many loopholes (specifically, the ''security exemption'' in disclosing APIs—this is not specifically defined, and is therefore open to lengthy court cases for interpretation). Put this together with the fact that the proposed remedies will expire in 5 years (with a possible 2 year extension), and it would be easy for Microsoft to simply wait out the term of punishment and then continue it's illegal and anticompetitive practices. (And with $36 billion in the bank, Microsoft definitely has the cash to survive that long). Once again, I would like to voice my strong opposition to this Proposed Final Judgement.

Thank you,
Jon
Jon Fiedlervoice- 216.368.6075fax-216.368.3395
Net AdminCase Western Reserve University jmf9@po.cwru.edu

MTC–00015936

From: RW Salnick
To: Microsoft ATR
Date: 1/23/02 10:22am
Subject: Microsoft Settlement

I have read about the proposed settlement, and I am not in favor of it as it currently stands. Please consider this a vote against the current settlement.

RW Salnick
PO Box 45117
Seattle, WA
98145

MTC–00015937

From: Ben Hartsell
To: Microsoft ATR
Date: 1/23/02 10:22am
Subject: Microsoft Settlement

I have read about the proposed settlement, and I am not in favor of it in its current state. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors.

Bennett Hartsell
Houghton, MI

MTC–00015938

From: R. D. Porcher
To: Microsoft ATR
Date: 1/23/02 10:22am
Subject: Microsoft Settlement

To whom it may concern:

I am taking this time to do what I believe is my duty in this matter by voicing my opinion on the matter of the Microsoft antitrust case. It is absolutely unthinkable that an entity with a record of anticompetative behavior as Microsoft has should be allowed to essentially walk free to continue to play dictator to the computing world. MS must be punished for their actions, and the current settlement is not the way to do it. If MS is allowed to go through with their ''generous'' offer of donating 1 billion in hardware and software to US schools, they will, in fact, be playing the government and the citizens of the US as fools. Such an action would make hardly a dent in their armor. Yet it would make that armor even stronger by giving them a foothold in the one market that they have yet to dominate. Apple computer, on of MS'' chief rivals, has long kept itself afloat by holding on to a tenuous lead in the education market. Allowing Microsoft to by punished by giving to US schools would, in effect, give them dominance in that market as well.

So, you see, this so called punishment, is actually a thinly-veiled attempt by MS to further their monopoly. They must not be allowed to do this. We rely on our government to protect us from those who would oppress us. Do not fail us here.

Sincerely,
Richard Dwight Porcher, III

MTC–00015939

From: John Holland
To: Microsoft ATR
Date: 1/23/02 10:22am
Subject: Settlement

Dear Sirs;

I would like to briefly state my opinion about the Microsoft Anti-Trust settlement.

The remedies that have been proposed will have no effect on the behavior of this company. The history of their disregard for previous consent orders and decrees should make that clear. It should also be clear that they are using their monopoly position on desktop operating systems to aggressively pursue similiar total dominance of other markets such as multimedia transmitted over the Internet (''Windows Media Player''), security infrastructures (''Passort'') and so on.

It may make sense for their to be only one maker of desktop operating systems. If so, then that company should be _effectively_ analyzed and regulated to ensure the needs of its customers (consumers and businesses) are being properly served, possibly in a manner like for public utilities. Judge Jackson's Findings of Fact and the ridiculous behavior of Microsoft in the trial (ie the videotape debacle, Gates'' deposition) should make it clear that this is a company that needs to be aggressively reined in.

Sincerely,
John Holland
CC:jholland@tomsw.com@inetgw

MTC–00015940

From: jmpeterson@alum.mit.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 10:15am
Subject: Microsoft Settlement

The lawsuit should never have been brought in the first place. It is only another scheme to pump funds to trail lawyers who will then payoff the cooperating AG s with campaign contributions. The only reason the settlement isn t acceptable to the AG s is that it will help the schools more than it will meet their original plan. If this sounds cynical—it is!

MTC–00015941

From: Sander Wolf
To: Microsoft ATR
Date: 1/23/02 10:23am
Subject: Microsoft Settlement

The proposed settlement with Microsoft is a farce. There are no punishments in it that will keep Microsoft from continuing to do what it has always done —stifle competition unfairly.

Sander Wolf

MTC–00015942

From: Frank_Riha@KeyBank.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:22am
Subject: Microsoft Settlement

To Whom it May Concern:

I writing in regards to the proposed Microsoft Settlement. I have serious reservations regarding the proposed settlement. It appears to be full of holes that any moderately inventive group of lawyers could use to render the document nearly useless. I agree with all the points raised in the fine document at http://www.kegel.com/remedy/letter.html, and would respectfully request that the proposed settlement be refined to include the modifictions included therein.

As a computer professional, I ask that you to take the time and care necessary in understanding such a complex industry, and realize that Microsoft, being guilty of monopolistic practices, should be punished in a way that is meaningful and lasting. Thank you for your time and effort.

Frank Riha

8119 Spring Garden Rd.
Parma, OH
44129
email: fkze_riha@ameritech.net
email: frank_riha@keybank.com
phone: 216–813–5734

MTC–00015943

From: Mike Schiraldi
To: Microsoft ATR
Date: 1/23/02 10:22am
Subject: Microsoft Settlement

I would just like to say that I have read about the proposed settlement, and I am not in favor of it in its current state. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors, and less favorable to Microsoft.

Sincerely,
Michael Schiraldi
20851 Isherwood Terrace
Apt. #203
Ashburn, VA
20147

MTC–00015945

From: Reuben.S.Partida@
banetworkdata.com@inetgw
To: microsoft.atr@usdoj.gov
Date: 1/23/02 10:23am
Subject: Microsoft Settlement

Bad idea. Don't accept it. It basically lets Microsoft off the hook, and allows them to actually gain market share in the education arena.

MTC–00015946

From: dlazorsr@ameritech.net@inetgw
To: Microsoft ATR
Date: 1/23/02 10:15am
Subject: Microsoft Settlement

Regarding the case of the 9 States settlement with Microsoft I believe this is fair and needs to be settled. This entire fiasco over the last several years has cost the taxpayers far too much. It s time to settle and put those who think litigation is the American way in their place. Litigation only helps the lawyers and parasites who want to get a free ride. Prolonged litigation doesn t help the American economy or taxpayer. It s time to resolve and put this to an end.

David M Lazor Sr

MTC–00015947

From: Jeff Born
To: Microsoft ATR
Date: 1/23/02 10:14am
Subject: Microsoft Settlement

The Microsoft settlement seems extremeley watered down to me. I have been using computers for nearly two decades now and never remember one companies products showing up on a OEM computer as much as Microsoft's. I would have liked to see the original settlement with the breakup of Microsoft into two separate companies take place.

Some not an intire list of grievences I have as a computer programer:

Not every win32 in documented. Microsoft programmers have access to system call the rest of the world doesn't have.

Registered File Types. On a brand new computer the mp3 extension is registered with the Windows Media Player. Try explaining how to use some other product to listen to mp3s to a novice computer user.

Contracts Microsoft can force on OEM computer retailers. Some won't even sell Lynux on a computer because of this, let along another OS.

Ask a novice computer user to list any known OSs, or office suites. My guess is 90% won't even know that a choice exists. Let along ask them to open a file from a competing company.

Our country has been made great by competition, but also by having the goverment step in and restore balance when our choices have been taken away.

Thanks for reading,
Jeff Born

MTC–00015948

From: surra
To: Microsoft ATR
Date: 1/23/02 10:23am
Subject: Microsoft Settlement

The settlement does not open up competition—it still allows Microsoft? to bully & exclude others from developing software that would give us— the consumer—choices. A mild example is their recent activity concerning a Linux (an operating system) application that would allow Linux users to run Windows? products within a Linux environment. The app is called Lindows and Microsoft's? reasoning is that the consumer would be ''confused'' between Windows? and Lindows! They have demanded & gotten the email list (including the messages—not just the addresses!) of anyone that wrote Lindows expressing an interest in the product! This is a mild example of the type of behavior Microsoft? is known for within the industry (intimidation via legal suits etc. that many small companies simply cannot afford to fight!) & was supposedly being stopped. Please modify the settlement to make it clear to Microsoft? that competition is acceptable but being a bully is NOT!

thank you
s shoaf
screcat@northstate.net

MTC–00015949

From: frankr@bigfoot.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:15am
Subject: Microsoft Settlement

This was a political case from the begining M/S is an american copr. by & for americans.End it now in favor of M/S. If an inves. of a monopoly is needed it is of the U.S postal service.

MTC–00015950

From: cajowomk@cox-intrtnet.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:15am
Subject: Microsoft Settlement

I request that this judicial battle be ended and Microsoft be left alone to continue to improve my computer operation.

MTC–00015951

From: Mighty Mik
To: Microsoft ATR
Date: 1/23/02 10:22am
Subject: Microsoft Settlement

This settlement is a bad idea, and lets a monopoly win. Since when does DOJ bow down before Microsoft?

M.J. Ishmael
Berkeley, California

MTC–00015952

From: Michael Dunlap
To: Microsoft ATR
Date: 1/23/02 10:23am
Subject: Microsoft antitrust case

To Whom It May Concern,

As a U.S. citizen and IT professional, I need to object in the strongest fashion to the proposed settlement with Microsoft. The company is a monopolist which shows no intention of ceasing its illegal behaviour, and the settlement does little to prevent Microsoft from engaging in this behaviour. If this settlement is allowed, it will just be a matter of time before Microsoft is brought up on antitrust charges again, forcing the U.S. to waste more of its taxpayers'' money and time. Microsoft needs to be forced to comply with standards and cease monopolistic behaviour since they have no intention of voluntarily doing so. The settlement does not adequately address this aim.

Thank you for your time,
Michael Dunlap
(The opinion stated here does not necessarily reflect that of Yale University.)

MTC–00015953

From: cnfjennings@home.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:15am
Subject: Microsoft Settlement

I am addressing the people who find fault with Microsoft. If it were not for Bill Gates and his company Microsoft I would never have purchased a computer in the first place. Because of his genius and foresight to make the computer easy to use and understand I am now learning more and using the computer everyday. I plan to take a course at my local High School and try to get a job paying more than the minimum wage. I thought the American Way was to let the average citizen develop a product find a way to sell it and make a profit. I see the phone companies doing it the cable company has total control over us and PA and no-one is even bothering to look into their business. For instance a Walgreen just opened right down the street from and Eckerd Drug and that is called the American Way.

Stop Netscape and whoever else has a problem with Microsoft& Bill Gates moving ahead with his genius programs and ability to hire the right people to help the average person get ahead. Shame on those that would stop the American Dream.

MTC–00015954

From: susan.boni@prudential.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:23am
Subject: Microsoft Settlement

The proposed settlement is bad idea.

MTC–00015955

From: Derek Martin
To: Microsoft ATR
Date: 1/23/02 10:23am
Subject: Microsoft Settlement

To whom it may concern,

The proposed settlement between the Department of Justice and Microsoft is not a good thing.

My name is Derek Martin. I am an electrical engineering Ph.D. student who will shortly be joining the corporate work force for an American semiconductor company. I use computers regularly (including Microsoft products and competitors, including but not limited to free software). I currently enjoy the environment of (some, though I would like to see more) competition among software vendors/design philosophies/market philosophies, etc.

The proposed settlement does not do enough to ensure that this type of competition can continue. Microsoft just has too much market share and unfortunately continues to unfairly leverage this fact to push out potential competition, by moving standards and computer usage paradigms away from situations that allow competition. Many people such as myself agree that the world is better off with Microsoft products AND Apple products AND Linux AND Solaris AND Internet Explorer AND Netscape AND Office AND Free Office equivalents than it will be if Microsoft gets their way and we have only Windows+Office+Internet Explorer with whatever other so-called ''innovations'' they want to force onto our computer and charge us lucratively for.

There is competition, now. I can use Linux (for now, until Microsoft ''innovates'' some new proprietary thingy that I would *need* their software for, with competition being pushed out by designed incompatibilities with other Microsoft products). I could buy an Apple system (for now, until the chip makers decide not to produce PowerPC chips anymore because Microsoft has efficiently dominated the market, and decides to exhort computer makers to only sell their products on other platforms). These alternatives will soon disappear, in my opinion, if Microsofts previous actions which were found to violate Antitrust law, are effectively *encouraged* by applying weak, outdated, and otherwise ineffective remedies, as the current settlement proposal would do.

Regards,
Derek Martin

MTC–00015956

From: wharpen@in-touch.net@inetgw
To: Microsoft ATR
Date: 1/23/02 10:15am
Subject: Microsoft Settlement

We support the settlement it is fair to all. It s time to get on with business especially during present economic downturns

Walter Harpen

MTC–00015957

From: pwknopp@pacbell.net@inetgw
To: Microsoft ATR
Date: 1/23/02 10:15am
Subject: Microsoft Settlement

I am satisfied with the proposed outcome as outlined on this website and I look forward to a speedy conclusion to this long and tedious legal affair.

MTC–00015958

From: fjb8@cornell.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 10:15am
Subject: Microsoft Settlement

I am writing as a consumer taxpayer student and proud user of multiple Microsoft products. While I find many problems in the proposed settlement especially the creation of the independent Technical Committee (TC) and the dangerously high amount of power and resources given to it and the incentives given by the settlement to Microsoft s competitors to delay progress and innovation by filing multiple complaints and thus delay product launches I nevertheless support this settlement as the lesser of two evils the greater evil being continued harassement of Microsoft and the American consumer through further baseless and meritless litigation. Of course the preferred course of action is for the dropping of all action against Microsoft and the dismissal of any verdicts against it. Thank you very much.

MTC–00015959

From: Roger Cordes
To: Microsoft ATR
Date: 1/23/02 10:22am
Subject: Microsoft Settlement

As a shareholder of Microsoft corporation, I am conflicted in this anti-trust matter; however, I can not, in good conscience, allow my worries over stock prices to overshadow my sense of business ethics. Microsoft has proven, time and time again, that they will stoop to any business practice without regard to class, morality, or even law. They have stolen (if it were not for Apple Computer, Microsoft would have absolutely no product whatsoever), they have cheated (an online poll at ZDNet concerning consumer satisfaction with Microsoft products was shown to have skewed results, due to a suspiciously enormous number of votes coming in from Microsoft employees), and worst of all, they have boxed out the free market of the personal computer industry.

Article IV of the U.S. v. Microsoft: Court's Findings of Fact (http://www.usdoj.gov/atr/cases/f3800/msjudgex.htm), concerning cross-platform Middleware architectures and Microsoft's utter distaste for any such business practice, is of particular interest to me. Microsoft has proceeded to seek out any and all sources of cross-platform product, then ''made them an offer they couldn't refuse.'' Microsoft warned middleware manufacturers that if they did not abandon their cross-platform ways, Microsoft would be forced to punish them. Microsoft showed great interest in becoming the only platform available; this is just the type of behavior we needed this anti-trust case for.

Microsoft has clouded the minds of countless millions who have been duped into thinking that there is no viable alternative to Windows. And in the current market, that may be the case. However, we the people, of the United States, have at our fingertips the opportunity to change this. Let us not miss this chance.

Roger L. Cordes, III
Raleigh, N.C.

MTC–00015960

From: Lake, Daniel
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:29am
Subject: Microsoft Settlement

I am a PC user from Portland, Oregon. I feel that the proposed settlement with Microsoft is unacceptable. In the past 5 years, choices in PC software have been taken away by Microsoft and I have been forced to use their products by default. They are all that is available due to licensing or bundling with hardware. The quality of MS products have gone downhill terribly, security and privacy are non-existent in their software, and because of company buy-outs or licensing tactics, I am forced to use MS software for virtually every task on my PC. Please find another settlement that allows for competition and lets microsoft know that they must compete fairly in the PC software market. Thank you,

Dan Lake
Portland, OR
mail@lakepage.com

MTC–00015961

From: Howard Abbey
To: Microsoft ATR
Date: 1/23/02 10:23am
Subject: Microsoft Settlement

Hello,

I believe the proposed settlement between the U.S. government and Microsoft is inadequate, inappropriate, and unacceptable.

If particular, I take issue with the settlement's failure to stop Microsoft from using many of the anti-competitive licenses (such as the Enterprise licenses). These effectivly restrict companies from using both Microsoft and competing operating systems.

I also take great issue with the fact that the settlement does not cover the monopoly over document formats that Microsoft currently enjoys. The Word file format, and all other formats of programs where Microsoft has greater than 90% market share, should be released to the public in a timely manner. As a consumer, I have tried to choose products that best fit my requirements. However, when dealing with others during my current job search, I am required to give resumes in Word format. Because of the ever changing and highly secretive format, I am forced to abandon my chosen software on my own system, and use Microsoft Word at the local library. If the Word format was public and an open standard, the software I use could support it, and this would be remedied.

This agreement is not in the public interest, and should be discarded or reworked.

Thanks for counting my opinion,
Howard Abbey

MTC–00015962

From: M M
To: Microsoft ATR
Date: 1/23/02 10:24am
Subject: MICROSOFT SETTLEMENT

Hello Judge;

I'm just going to ask you to let justice actually be done in the case of Microsoft vs. the USA.

It makes no sense to allow Microsoft to decide which of its applications must be part of the operating system?and it makes even less sense to allow them to decide which companies are legitimate competitors and which are not. In fact, this entire Agreement makes very little sense. I trust you will do what is right.

Sincerely,
Bozena I.
428 Bayberry Ct.
Englishtown, NJ 07726

MTC–00015963

From: Ron.Milliner@powhatan.k12.va.us@inetgw
To: Microsoft ATR
Date: 1/23/02 10:15am
Subject: Microsoft Settlement

Leave Microsoft alone. They produce a good quality product and by integrating their programs together they provide better services to their customers. Move on to something else.

MTC–00015964

From: jeffrey@selway.umt.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 10:15am
Subject: Microsoft Settlement

My comments will be brief. I strongly support the current settlement with Microsoft and urge Judge Kotelly to bring a close to this litigation. The settlement is in the public interest which may be thought of as action that will bring about a greater public good for society. In my view the settlement achieves this noble goal. To drag the settlement out longer cannot help our economy or serve to advance innovation particularly during a time of international crisis and economic recession. If the settlement is not brought to a close the only winners will be attorneys and a few states that want more money more concessions and whose preference appears to be to punish Microsoft beyond what anyone could rationally perceive as fair. Judge Kotelly has a fair settlement to approve. I hope to see this chapter in American history brought to a close and let the courts and nation move on to the more important and threatening affairs that we currently face. There can be little doubt that nation faces far more threatening matters than Microsoft.

Jeffrey Greene
Professor of Political Science
University of Montana.

MTC–00015965

From: Peng Zang
To: Microsoft ATR
Date: 1/23/02 10:24am
Subject: Microsoft Settlement

I think this settlement is a bad idea. It does indeed make an effort in softening the application barrier, however, so many holes exist (eg. API documentation can be changed late in the development stage, or undocumented file formats) that rather much of the power behind the settlement is lost. It is my belief that this settlement will make it harder (or rather take more money, which, I would like to point out that Microsoft has) for Microsoft to maintain the monopoly, but will not prevent the continuation of the monopoly. Stronger measures should be taken. Thank you for your time.

Peng Zang
zangp88@hotmail.com

MTC–00015966

From: awgaskins@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:15am
Subject: Microsoft Settlement

I believe the current settlement is a very good one. Responsible people have endorsed this settlement. Microsoft has been a leader in the technological industry and has been a major contributor to it s growth. Those who oppose this settlement are not acting in the best interest of our country. I urge the settlement to be approved by everyone concerned. It is in the best interest of our country.

Sincerely
Marvin Risley

MTC–00015967

From: ejmms@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:15am
Subject: Microsoft Settlement

Lets settle this without wasting more time and money. This has gone on long enough.

MTC–00015968

From: O'Brien, Michael
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:23am
Subject: Microsoft Settlement

Dear Sirs,

I would like to add my comments regarding the Microsoft Settlement. I find the article written by an Austrailian to summarize my thought quite well—found at:

http://linuxtoday.com/news_story.php3?ltsn=2002–01–02–002–20-OP-MS The current settlement does nothing to stop, slow or punish the monopoly power of Microsoft. This needs be address.

Thank you
Michael O'Brien
Software Engineer

MTC–00015969

From: danny
To: Microsoft ATR
Date: 1/23/02 10:24am
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea. It does not correct existing anti-trust behavior problems and even provides an opportunity to expand with government approval.

thankyou for your time.

MTC–00015970

From: Robert Thielke
To: Microsoft ATR
Date: 1/23/02 10:19am
Subject: Microsoft Settlement

Renata B. Hesse
Antitrust Division
U.S. Department of Justice

I am writing to express my concern for the Department of Justice proposed settlement with Microsoft corporation. I believe the settlement contains overly narrow definitions of Microsoft products in terms of their restrictions. It leaves out programs like Microsoft Outlook that are ingrained in many corporations. The definitions of API and Middleware leave lots of wriggle room for Microsoft in terms of what they must make available to competitors. I realize it is difficult to pin these things down in the ever changing world of software but I think that more must be done to put some teeth into these rules.

Microsoft has shown a history of not fully documenting API's making it more difficult for programmers to write software and system managers to maintain it. An effort should be made to ensure there is documentation released for products in a timely manner.

Microsoft's new primary goal of security is a good one. However, if they use it to try to exclude software from third parties they will be locking down their hold on the desktop even further. I definitely do not want to discourage an effort to make systems more secure but Microsoft must still make an effort to share information so that creating drivers for hardware and writing software that runs well with Windows is not so difficult. I believe it is in Microsoft's best interest to pursue the above issues and I hope there would not have to be much enforcement of the settlement. They have achieved a position through illegal business practices that warrants steps be taken to prevent them from further damaging othher businesses.

Thank you,
Robert Thielke
2570 N. 84th St
Wauwatosa, WI 53226

MTC–00015971

From: rick—weiss—cpa@qwest.net@inetgw
To: Microsoft ATR
Date: 1/23/02 10:15am
Subject: Microsoft Settlement

Justice Dept.:

Enough already! The settlement is fair to all so quit fucking around and close it already.

The state attorney generals still fighting this are a bunch of cry baby fucking liberals!!

MTC–00015972

From: rsalexander@satx.rr.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:15am
Subject: Microsoft Settlement

I believe the proposed settlement is fair and should be accepted. Particularly since I believe the Justice Dept action occurred in large part because Microsoft did not hire an expensive lobbist or contribute heavily to either political party. I have long wondered why they have not pursued a company like TimeWarner—a total monopoly of practically all media—instead. As a consumer who uses Microsoft products I think the offered settlement should be accepted. In our current economic situation we should not be trying to bring down a great company that is good for the consumer for education and that gives so generously to charity.

MTC–00015973

From: www.Aneycourt@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:15am
Subject: Microsoft Settlement

Microsoft should be freed from all litigation and allowed to do business in the American way in a capitalist economy country

MTC–00015974

From: falconbridge44@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/23/02 10:15am
Subject: Microsoft Settlement

It is time to stop litigation and get our economy back on line. You do not have to

be a rocket Scientist to figure this out. STOP LITIGATION NOW!!

MTC–00015975

From: Diapadon@webtv.net@inetgw
To: Microsoft ATR
Date: 1/23/02 10:15am
Subject: Microsoft Settlement

I feel the Government was very unfair in prosecuting Microsoft. I fail to see where Microsoft has committed any violation of Federal laws.

MTC–00015976

From: jojame36@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:15am
Subject: Microsoft Settlement

my comment for msft is few egg head try tu run down the best co in the world many foreign co laugh at us the way we handle .so bad

MTC–00015977

From: everett@cwnet.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:15am
Subject: Microsoft Settlement

Leave Microsoft alone! This market is competitive and I am not aware of any artificial barriers to entry. Already their market share is in danger from many competitors. They must continue to meet consumer demands in order to survive. Take no further action. The settlement is enough.

MTC–00015978

From: dev@aamu.net@inetgw
To: Microsoft ATR
Date: 1/23/02 10:15am
Subject: Microsoft Settlement

Attacking Microsoft to encourage innovation is like having sex to encourage virginity. End this pointless and unwarranted witch hunt now before the damage to our economy gets worse!

MTC–00015979

From: jojame36@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:15am
Subject: Microsoft Settlement

The way the goverment and judges are handling is bad. leave MSFT alone with out it we have no progress.the world is laughing at US.

MTC–00015980

From: Don Davis
To: Microsoft ATR
Date: 1/23/02 10:24am
Subject: Microsoft Settlement

To whom it may concern:

It appears that the Proposed Final Judgment allows significant anticompetitive practices to continue, and would delay the emergence of competing Windows-compatible operating systems. My opinion is that the Proposed Final Judgment is not in the public interest, and should not be adopted as it presently stands.

1. The PFJ doesn't consider the issue of Windows-compatible competing operating systems.

2. The PFJ contains misleading and narrow definitions and provisions.

3. The PFJ fails to prohibit anticompetitive license terms currently used by Microsoft.

4. The PFJ as written seems to lack an effective enforcement mechanism. You need to toughen it up quite a bit. Examine any proposals from Microsoft with an eye toward how their proposal would restrict the effect of the judgment to smaller contexts and fewer products, and then adjust the language to broaden the effect to more (and future) products and larger contexts.

Regards,
Don Davis / Tel: 937.235.0096

MTC–00015981

From: ragni@webtv.net@inetgw
To: Microsoft ATR
Date: 1/23/02 10:15am
Subject: Microsoft Settlement

The Nation needs to be strong at home as we have much more serious crises to take care of. The settlement proposed by the J.D. is adequate and should be accepted by all parties involved. Let us move on for the good of the Nation and the U.S.economy. V.T.Y.

Anthony Ingargiola

MTC–00015982

From: The Herring
To: Microsoft ATR
Date: 1/23/02 10:24am
Subject: Microsoft Settlement

Dear Sir or Madam:

I'm writing to express my disagreement with the terms of the antitrust settlement with Microsoft. The issue for me is that the settlement, while superficially inflicting a penalty on Microsoft, does nothing to change the firm's behavior from this point onward. In fact, donations of software to schools only help Microsoft to cement its dominance of the desktop operating system market.

Rather than focusing on financial penalties for Microsoft's past activities, the settlement should require the firm to either adopt open standards or publish detailed specifications of its own standards so that any skilled individual can understand them. This would allow interoperability between Microsoft's Windows and Office software and competing products, such as UNIX-based operating systems and Sun's StarOffice. Creating interoperability is a necessary condition for restoring competition in the software industry.

Thank you for your attention to this matter.

Sincerely,
David Geffen

MTC–00015983

From: louisceli@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:15am
Subject: Microsoft Settlement

I DON T FEEL THAT THE GOVERNMENT SHOULD GO AFTER MICROSOFT. THE CASE SHOULD BE SETTLED AND WE SHOULD STOP THROWING TAXPAYERS MONEY TO ATTORNEYS. MICROSOFT SHOULD NOT BE PENALIZED FOR BEING INNOVATIVE.

MTC–00015984

From: haroldm@netonecom.net@inetgw
To: Microsoft ATR
Date: 1/23/02 10:15am
Subject: Microsoft Settlement

We always thought we had a free enterprise system in this country. We believe the government s involvement in this was un-necessary.

MTC–00015985

From: KFCrabtree@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:15am
Subject: Microsoft Settlement

I tried to understand the legal description of this case but with my limited legal understanding I found myself lost to really understand all the aspects of the judgement.

MTC–00015986

From: Peppeansy@AOL.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:15am
Subject: Microsoft Settlement

We believe that the government and all the state attorney generals should stop any further action against this great American company. Microsoft is too important a company for the economic health of the entire country the inordinate amount of time and money required to defend itself could have been better used for the development of even better products that benefit the national economy in general and the consumer and the stockholders in particular. Antitrust laws were not enacted to protect other companies let them compete in the free economic arena by offering products whose quality would make them acceptable to the consumer. If they lost in that arena it was because the consumer preferred Microsoft products not theirs! The USA DOJ should not come to the defense of any sore loser who comes to them crying uncle Sam!

MTC–00015987

From: jtgilbert@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:15am
Subject: Microsoft Settlement

For the good of the country I support the settlement achieved with Microsoft. GET IT DONE.

Thank you.
JOhn T. Gilbert

MTC–00015988

From: jeffnjohn@starpower.net@inetgw
To: Microsoft ATR
Date: 1/23/02 10:15am
Subject: Microsoft Settlement

As someone who has worked with Microsoft products since the mid 1980s I have seen how marketing muscle has won out over far superior products. It s time for the Microsoft monopoly to end and true innovation to enter the microcomputer market.

MTC–00015989

From: Lawrence
To: Microsoft ATR
Date: 1/23/02 10:24am
Subject: Microsoft Settlement

I think you should not punish Microsoft for being good at business and winning markets over. I am even more encouraged by the whining of their competitors to never use non-Microsoft products ever. We will continue to sell and stand by Microsoft products no matter what the government tries to do to them.

CC:askbill@microsoft.com@inetgw

MTC–00015990

From: njaygold@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:15am
Subject: Microsoft Settlement

Microsoft was a scape goat. Future technological debuncles will be the proof of the puddin.

Leaders are leaders.

MTC–00015991

From: mossafer@oz.net@inetgw
To: Microsoft ATR
Date: 1/23/02 10:15am
Subject: Microsoft Settlement

close the case now.

MTC–00015992

From: cshank5585@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:15am
Subject: Microsoft Settlement

To whom it may concern

I believe the Microsoft settlement is fair and constructive. Please uphold the settlement.

Charles F. Shank
Clearwater Fl.

MTC–00015993

From: franlindberg@msn.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:15am
Subject: Microsoft Settlement

The Microsoft settlement is a fair and reasonable compromise. Settle the Microsoft case.

MTC–00015994

From: severio@peoplepc.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:15am
Subject: Microsoft Settlement

stop harraisng microsoft let thecknology grow let microsoft make new inventions we need it now dont ruin our economy

MTC–00015995

From: jpderykel51@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:15am
Subject: Microsoft Settlement

We don t feel that Microsoft has done anything wrong. The government has done more harm than good.

Microsoft has created innovative products and created thousands of jobs. They should not be punished.

MTC–00015996

From: howlanhr@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:15am
Subject: Microsoft Settlement

I am glad that a settlement has been reached. This has gone on to long and a lot of money has been wasted on both sides. I still back Microsoft and think that the states should have never did what they did.

Lets fight the real crime and work on the homeless and teenage crime.

MTC–00015997

From: jonathan@proxy.dmz.orem.verio.net@inetgw
To: Microsoft ATR
Date: 1/23/02 10:24am
Subject: Microsoft Settlement

Under the Tunney Act I wish to submit my comments in reguards to the currently purposed Microsoft settlement.

There are many problems with this settlement and I cannot possibly discuss them all with any proper length. I would like to focus on one particular item.

The currently proposed settlement with Microsoft does not prevent Microsoft from continuing the practice of intentional incompatibilities. Microsoft has historically used this practive to protect and extend its monopoly. This behavior was set forth in the 1996 Caldera vs Microsoft lawsuit where the judge ruled in the case that ''Caldera had presented sufficient evidence that the incompatibilties alleged were part of an anticompetitive scheme by Microsoft.''

Microsoft continues this practice today by makeing changes to its SMB/CIFS networking protocols to prevent any non-Microsoft OS to be able to interoperate with Windows 2000. In fact, section III(J)(2) of the proposed final settlement actually seems to give Microsoft the continued right to hide and modify these communication protocols.

The proposed final settlement does nothing to prohibit Microsoft from continuing this practice of constantly creating incompatibilities to enhance the Application Barrier of Entry.

Jonathan Call

MTC–00015998

From: ETSU
To: Microsoft ATR
Date: 1/23/02 10:24am
Subject: Microsoft Settlement

I do NOT support the settlement between Microsoft and the DOJ in its current form. I believe that the language used in the settlement proposal leaves to many loopholes which Microsoft has a history of using to continue in their anti-competitive practices.

Charles McMackin
1304 Spring St.
Johnson City, TN 37604

MTC–00015999

From: William Ogus
To: Microsoft ATR
Date: 1/23/02 10:25am
Subject: Microsoft Settlement

Dear Sirs,

I believe that the terms of the proposed Microsoft Anti-Trust settlement are completely inadequate. They are counter to the interests of the American people and the economy as a whole. They do nothing to address the behavior that Microsoft has been convicted of. They neither punish past behavior sufficiently nor do they prevent similar behavior in the future.

This is a bad settlement.

MTC–00016000

From: Andrew Lundberg
To: Microsoft ATR
Date: 1/23/02 10:24am
Subject: Microsoft Settlement

I am writing to let you know that I think the proposed settlement is a bad idea.

Andrew Lundberg, PhD
Staff Engineer
Equinox Corporation
Baltimore, MD
lundberg@equinoxsensors.com

MTC–00016001

From: Pete Flugstad
To: Microsoft ATR
Date: 1/23/02 10:21am
Subject: Microsoft Settlement

The proposed final judgement does absolutely NOTHING to punish Microsoft for past anti-trust violations, and does NOTHING to prevent more anti-trust violations in the future. It's a joke, written BY Microsoft lawyers, FOR Microsoft, and rubber stamped by the DoJ. It's a tremendously bad idea and will set competition in the computer field back by decades.

Pete Flugstad
Iowa City, IA

MTC–00016002

From: Eric Carlson
To: Microsoft ATR
Date: 1/23/02 10:24am
Subject: Microsoft settlement

To whom it may concern—

The proposed Microsoft settlement is unacceptable in its current form.

The settlement does not adequately penalize Microsoft for its past infringements of the law. For many years OEMs have been under control of Microsoft, and simply ''formalizing'' this law in a document is not enough. Microsoft has been declared guilty of past wrongs, and must now be held accountable.

Thank you for your time.

Sincerely,
Eric Carlson
2901 Ashby Ave
Berkeley, CA 94705

MTC–00016003

From: Nathan W. Labadie
To: Microsoft ATR
Date: 1/23/02 10:05am
Subject: Microsoft Settlement

After reading over the proposed settlement for the Microsoft case, I'd like to say I am in complete disagreement with the proposed solution. Microsoft is a company that has done irrepairable damage to the computer industry as a whole. This is nothing more than a slap on the wrist to them.

Nathan W. Labadie
Sr. Security Specialist
Wayne State University
ab0781@wayne.edu
313/577.2126
313/577.1338 fax
C&IT Information Security Office: http://security.wayne.edu

MTC–00016004

From: maemae@myexcel.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:16am
Subject: Microsoft Settlement

Please accept the settlement agreed to by Microsoft. I feel this is a fair settlement and it is time to let technology start working again. We cannot stand anymore litigation.

Thanks
MLH

MTC–00016005

From: tc100@mediaone.net@inetgw
To: Microsoft ATR

Date: 1/23/02 10:16am
Subject: Microsoft Settlement

I am not a Microsoft stockholder and do not even use Internet Explorer very often but I support the Dept. of Justice settlement. The anti-trust suit against Microsoft was a politically motivated abuse of the law by Microsoft s competitors who attempted to use the DOJ to win what they could not win in the marketplace.

The proposed settlement preserves Microsoft s ability to continue to innovate. Microsoft has been largely responsible for making the world of computers accessible to the average person and should be encouraged instead of being persecuted by the US government. The nine States that are resisting this settlement including Massachusetts are perfporming a legalized extortion and deserve to be condemned.

Sincerely
Anthony Conte

MTC–00016006

From: Jacob Rose
To: Microsoft ATR
Date: 1/23/02 10:25am
Subject: Microsoft Settlement

Greetings and thank you for reading my comments.

As a citizen who has been burned again and again by Microsoft's anti-competitive practices, I feel the Proposed Final Judgement is inadequate in addressing Microsoft's egregious behavior.

Both in my former capacity as a local government computer systems manager and as an individual citizen, I have been forced to spend taxpayer money and my own money to buy Windows licenses when Windows was not even a product my department or I required or wanted. I have seen applications which used to function on competing operating systems, such as Microsoft Office on OS/2, drop support. I have seen important applications software such as Internet Explorer weaseled into dominance by Microsoft using their desktop OS monopoly, and then be deliberately withheld from a competing OS like Linux, even though it is made available for non-threatening Solaris, which is so very compatible with Linux that many Linux applications run unmodified on it. I have seen all competition systematically wiped out of local government by steadily expanding license agreements, as Microsoft positioned its products to be completely interdependant and completely incompatible with its competitors. These competitors range from former heavyweights like Novell, WordPerfect, Borland, and briefly, Netscape, to longtime educational giants like Apple Computer, which pioneered personal computing. All have been swept aside not by better products, but by Microsoft's clever—but illegal—business practices.

I believe that Microsoft will find ways to weasel out of the Proposed Final Judgement which has been drafted, in part due to its specificity. It must be generalized to describe Microsoft's practice of proprietization which Microsoft calls ''Embrace and Extend.''

Public standards are the root of the Internet itself; it would not have been possible for the Internet to exist, sharing data amongst thousands of different types of computers, from digital telephones to mainframes and supercomputers, without the system of public ''RFC'' standards. Microsoft's ''Embrace and Extend'' policy is simply to make their software compatible with these RFCs, and other standards developed publically (often at public expense), and then introduce specific incompatibilties to make non-Microsoft software fail, often at the same time that new features are added to the Microsoft software that require the tainted upgrade. To meet this challenge, you must force the *interface*—any interface— which Microsoft defines or employs, now or in future, to be public domain, published and available for use without limitation. This must include all file formats, APIs, communication protocols, and interpreter specifications.

These interfaces are the very essence of compatibility: For competition to exist in the applications area, competitors must be able to read Microsoft files to be able to offer products that can be used concurrently with Microsoft products, and they must be able to take advantage of the same Windows services (API) that Microsoft itself uses in its products.

For competition to exist in the operating systems area, competitors must be able to replicate the functionality of the Windows API reliably so that products written for Windows may operate elsewhere. Finally, for competition to continue in the Internet realm, the protocols and interpreters that are used by Microsoft products must be available to those who would create applications and services that talk to these Microsoft applications.

Since Microsoft has already decimated the innovative space that was the web browser market, the Web itself is already changing to conform to just one browser; Microsoft's. Many sites no longer function in other browsers, which face the Sisyphean task of duplicating Microsoft's ever-changing Javascript interpreter without its (ever-changing) specifications. Where do you think the Internet will be in a decade, if Microsoft's interfaces remain undisclosed, or even partially proprietary? I can tell you: all the hot new services of the future will operate using proprietary Microsoft protocols, and anyone who wants to compete in the online services market will have to accept Microsoft's license terms and write systems that only run where Microsoft wants them to run, because the potential customers will all be locked into a system of Microsoft products.

Microsoft has made its interfaces de-facto standards, and you must now make sure that they face that fact by converting them into complete and public standards.

Thank you,
Jacob Rose
A voting citizen from Fairfax, Virginia, 22033, U.S.A.

MTC–00016007

From: jonathan@killobyte.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:25am
Subject: Microsoft Settlement

I am writing to give my opinion of the proposed Microsoft Settlement, as allowed under the Tunny Act.

I do not believe the settlement in it's current form does enough to redress the wrongs that Microsoft as a company has done in the past, nor does it prevent similar wrongs in the future. Specifically, it's ability or inability to function as a destructive monopoly. Please revise the settlement so that competition in the ''desktop'', ''browser'', ''office suite'' and other markets, can be restored.

Thank you,
Jonathan Haskins
Web Designer
Los Angeles, CA

MTC–00016008

From: crm14e@optonline.net@inetgw
To: Microsoft ATR
Date: 1/23/02 10:16am
Subject: Microsoft Settlement

The government should not restrict product inovation. This should be decided by the markets. If a Corporation produces a superior product consumers and corporate users will purchase the product.

Government intervention should be limited.

MTC–00016009

From: jprandisi@cs.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:16am
Subject: Microsoft Settlement

I think that the case against Microsoft should be brought to a quick and final conclusions. I recommend the current settlement. Thanks.

MTC–00016010

From: dmgreene@ucla.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 10:16am
Subject: Microsoft Settlement

I am a Pre-Economics major at UCLA. I am a user of Microsoft products and they seem fairly priced.

My observation is that the anti-trust litigation brought against Microsoft has not been good for consumers. Furthermore I feel it negatively impacted the economy of the United States. And the sooner this matter can be settled the sooner our economy and country can move forward.

MTC–00016011

From: ehickson.geo@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:16am
Subject: Microsoft Settlement

I can t say that I m sorry to hear that Microsoft has lost a little ground but as everybody knows Bill Gates pretty much stole the software from his once partner and as they say What goes around comes around. As far as I m concerned Bill Gates has been allowed to have too much go on and thought that he wouldn t get caught at it. If only the penalty toward him could be greater I don t think too many people would shed a tear over his loss!

MTC–00016012

From: cornedog@bellsouth.net@inetgw
To: Microsoft ATR
Date: 1/23/02 10:16am
Subject: Microsoft Settlement

Dear Sirs

I find it difficult to discuss the settlement when I never agreed with the merits of the lawsuit. It troubles me that we are able through mechanisms beyond my control to tear down a company that has done no wrong except outperform all others. Whenever I think of Americans trying to rip down Microsoft I am reminded of the novel Atlas Shrugged. Where would our business and manufacturing efforts be if Microsoft pulled a John Galt or a (?) Reardon and just left the face of the earth? And we were all so worried about Y2K at least then Microsoft was there to help us. Imagine every server and pc running a Windows variant not having a bit of manufacturers support tomorrow? Yet as troublesome of a picture that lends many of us are trying to do just that. In summation short of the suit never seeing the courthouse steps any action against Microsoft is too much!

Thank you for your time.

MTC–00016013

From: tonyfriendly@iscweb.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:16am
Subject: Microsoft Settlement

This has been the biggest waste of time and money. At the most MS should have been issued a cease and desist. They a are big boy company that has provided a lot of wealth for many began and industry and has made Seattle a versitle city and not being dependent on Boeing. Perhaps there are a few winers out there that could not compete but for heaven sake lets get on with this. We need to get our economy going and stop worrying the outcome of MS and will this mean the JD is going to examine everything that is done in American free enterprise business.

MTC–00016014

From: garypjones@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/23/02 10:16am
Subject: Microsoft Settlement

I understand that Microsoft was found guilty of a couple of anti trust violations. I believe that the proposed settlement (that has been accepted by the DOJ and nearly half of the At. Gen s) is above and beyond what is due for violations of the argruably outdated Sherman Act. It is time to settle this case and get it behind us as Americans and as a country—and focus on more important and obvious violations against our Nation.

MTC–00016015

From: JOSEPHWL@msn.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:16am
Subject: Microsoft Settlement

I feel the settlement is rather hard on Microsoft when one considers that the suit should never have been bought in the first place. But if Microsoft is satisfied I guess it is okaye.

MTC–00016016

From: maddog338@home.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:16am
Subject: Microsoft Settlement

I think that the government should leave Microsoft alone. All that they have done is waste the tax payers money. Microsoft is only done what every company has done. Is the government going to go after AOL or Exxon or some of the other companies that have gotten big ? No they won t

MTC–00016017

From: Goldengatehats@cs.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:16am
Subject: Microsoft Settlement

In my business I use some Microsoft products as well as their competitors products. In particular I prefer a word processing program made by Corel. I last paid over $300 for the program. A similar Microsoft product came with my computer for free. How are consumers being hurt by Microsoft? This litigation against Microsoft seems ridiculous and should be settled immediately in order to save taxpayer dollars benefit consumers and inevitably help our economy. Settle now!

MTC–00016018

From: eagle1941@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:16am
Subject: Microsoft Settlement

Every time I think this is settled I hear someone else doesn t want to accept the settlement.

Enough already. I think this whole thing was blown out of proportion from the start. Accept the settlement and get back to business.

MTC–00016019

From: leo244@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:16am
Subject: Microsoft Settlement

We would like to take a stand on solving the Microsoft case.

MTC–00016020

From: mvwolf@juno.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:25am
Subject: Microsoft comments

I have tried both netscape and microsoft web browsers, It turned out that microsoft has a more friendly and consistently performing program. There is nothing to prevent people (like us little users) from making their own choice.If AOL can't be competive on the performance of their system, Then boot them out of our legal system with all their hassle suits

M. Wolf
mvwolf@juno.com

MTC–00016021

From: herb-nancy@worldnet.att.net@inetgw
To: Microsoft ATR
Date: 1/23/02 10:17am
Subject: Microsoft Settlement

I believe the case filed against Microsoft was initiated by competitors who are locked in a fierce competitive industry which needs far less federal meddling. I also believe this act precipitated the tech meltdown. I suggest less interference from government on all levels. I also want the government to downsize. Comment: All industry has benefitted by applying computer technology except the government which indeed did add computers but it continues to grow so fast that it s size rivals private industry. If this case is dropped or settled promptly it could be the catalyst to haul the country out of the recession.

MTC–00016022

From: Steven DeVault
To: Microsoft ATR
Date: 1/23/02 10:38am
Subject: Microsoft Settlement

The current remedies proposed in the DOJ v. MS trial are laughable. As an american citizen and software developer, I have suffered firsthand due to MS's juggernaut design tactics. Microsoft's power as a corporate gatekeeper is unacceptable, and threatens the stability of the global marketplace.

Punish them, while you still can.

No Peace Without Justice.

Steven DeVault
10600 Bloomfield Dr. #1029
Orlando, FL 32825

MTC–00016023

From: chipan413@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:16am
Subject: Microsoft Settlement

goverment should leave microsoft alone.

MTC–00016024

From: mehbud@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:16am
Subject: Microsoft Settlement

Please end the litigation against Microsoft in Microsoft s favor. Help the economy by not persecuting Microsoft.

MTC–00016026

From: mgfredkick@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:17am
Subject: Microsoft Settlement

I feel it is about time for the case to disappear from the lime light. The settlement of the case is only in the publics interest it will save the taxpayer money Microsoft can focus on its job innovate bring new and better technology to market prvided tech jebs earn tax dollars help provide a more favorable trade balance etc. The special interes that opposes the settlement have the same right as microsoft to build a better mouse trap. Thanks for listening

M.G. Fred Kick

MTC–00016029

From: root@localhost.localdomain@inetgw
To: Microsoft ATR
Date: 1/23/02 2:19am
Subject: Microsoft Settlement

Do not sell us out to Microsoft. Please!

Robert Lorenzini Pres
Newport Harbor Net

MTC–00016030

From: kshedd@indy.rr.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:17am
Subject: Microsoft Settlement

I am encouraging the courts to settle with Microsoft under the proposed agreement. I think Microsoft has benefitted the economy and the country and should not be punished for that.

MTC–00016031

From: bikesarelife@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:17am
Subject: Microsoft Settlement

I believe that it is time for the Federal goverment to stop listening to the whining of companies that can t compete due to their ineptitude. Capitalism is driven by companies that produce the best product for the best price which Microsoft clearly does. Its time to drop this foolishness and quit wasting the taxpayers money.

MTC–00016032

From: dyankee@chartermi.net@inetgw
To: Microsoft ATR
Date: 1/23/02 10:17am
Subject: Microsoft Settlement

I AM IN TOTAL FAVOR OF THIS SETTLEMENT !

MTC–00016033

From: TS@hazleton.net@inetgw
To: Microsoft ATR
Date: 1/23/02 10:17am
Subject: Microsoft Settlement

It is my view that this settlement with the Federal Government and state attorneys is fair. I feel there should be no further sanctions against Microsoft these sanctions are enough and are just to all parties involved.

MTC–00016034

From: drwho38@bellsouth.net@inetgw
To: Microsoft ATR
Date: 1/23/02 10:17am
Subject: Microsoft Settlement

I truly believe it is in the best interest for the Country and also myself for the Federal Government to end this case against Microsoft as soon as possible. I see no purpose and especially no value to the people of the USA in destroying a well run company that has done absolutely nothing illegal. Being agressive and competitive is not against the law the last time I checked. Please end this matter NOW.

John J. Pritchard

MTC–00016035

From: stetse@northarundel.org@inetgw
To: Microsoft ATR
Date: 1/23/02 10:17am
Subject: Microsoft Settlement

Dear Renata Hesse:

As a citizen of the United States of America from the state of Maryland I would like to urge you to settle the antitrust case with Microsoft. The settlement that was reached between the federal government and microsoft on November 3 2001 in my opinion was a fair and reasonable compromise. As a IT professional working in a hospital there are more pressing issues that needed to be addressed than this antitrust case. Seeing relatives and friends became unemployed recently because of the declining economy makes settlement of this antitrust case more urgent and necessary.

Sincerely
Stephen Tse

MTC–00016036

From: ribozo@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:17am
Subject: Microsoft Settlement

I DO NOT support the current settlement. Microsoft should be broken up in the public interest. Thank you.

MTC–00016037

From: Stephen Mencik
To: Microsoft ATR
Date: 1/23/02 10:26am
Subject: Microsoft Settlement
To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html).

I also agree with the conclusion reached by that document, namely that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

Stephen Mencik
1002 Red Harvest Road
Gambrills, MD 21054

MTC–00016038

From: Emery Ford
To: Microsoft ATR
Date: 1/23/02 10:26am
Subject: Microsoft Settlement

The settlement does not do enough to punish Microsoft for its anti-competitive behavior. Nor do the rememdies seem particularly effective, especially considering that Microsoft has a track record for intrerpreting such laws according to their own interpretation.

Sincerely,
Emery Ford, Software Developer
Kensington, MD 20895
H.Emery Ford
emery—ford@bigfoot.com

MTC–00016039

From: nancid6652@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:17am
Subject: Microsoft Settlement

I wish our Iowa Attorney General would focus his time and resources on the good state of Iowa instead of trying to promote his good name at the expense of taxpayers. This law suit has gone on long enough and needs to end. People like Tom Miller have made Microsoft out to be a bad guy when there products have revolutionized business and home computing. We Americans have a choice to buy any product we also have the choice not to buy. May be Tom Millers and his State Cronies should spend there time on the likes of Enron and Arthur Anderson.

MTC–00016040

From: brijones@qwestinternet.net@inetgw
To: Microsoft ATR
Date: 1/23/02 10:17am
Subject: Microsoft Settlement

I am a retired senior citizen that was employed for many years in industry. The accusations brought against Microsoft by our justice department never seemed to ring true in my mind. I had witnessed in the working world the productivity improvements of Windows Word and Excel. It appeared to me that a group of almost great companies such as AOL Time Warner Sun Etc. had conspired to limit or slow down the progress of Microsoft. As our government and nine other states have settled I ask with the economy in the worst shape it has been in years with little or no help from our government. Should the AGof a few states be putting our economic recovery at risk because they dont agree with what was a more than fair settlement?

Brian W Jones

MTC–00016041

From: Matthew Strait
To: Microsoft ATR
Date: 1/23/02 10:35am
Subject: Microsoft Settlement

I believe that the proposed settlement does not adequatly adress the problem of the Microsoft monopoly and the harm it does to the quality of software.

Sincerely,
Matthew Strait

MTC–00016042

From: Sean Corliss
To: MS ATR
Date: 1/23/02 10:25am
Subject: Microsoft Settlement

To Whom it May Concern:

I almost decided not to submit my comments regarding this antitrust suit, since I've pratically given up hope that Microsoft might actually become a positive corporate member of the United States, and I personally feel powerless to change their behavior. I've been working in the computer industry for about 8 years. before I was computer literate, I actually started out very pro-Microsoft. I've been watching this case very closely.

I have come to realize that Microsoft is currently a huge liability to the future of our country. I've concluded that they have and will continue to erode the spirit, which founded America as a land of opportunity. They have abused the system, and have made it extremely difficult for individuals to live in a Microsoft free environment. Every day it takes more effort to keep Microsoft out of my home life. Be assured that they will continue to to dominate other markets even as they continue to delay these proceedins. .Net platform, X-Box, Passport, IE, and other Microsoft initiatives will convince illiterate consumers that Microsoft has their best interest at heart. After all, they are selfless enough to donate $1 billion dollars to the education market!

I strongly urge you to reject the proposed settlement, the language of which comes from Microsoft's own lawyers. This settlement will only justify Microsoft's

actions when it attempts to force the open source movement to its death, since the settlement allows Microsoft to determine the meaning of ''viable business'. This settlement only strengthens Microsoft's ''delay and deny'' tactics, since the oversight committee has only the illusion of actual power to keep Microsoft from continuing its illegal practices. Who would have thought that one word ''bundling,'' would have been the undoing of the last antitrust settlement?

In conclusion, did you ever hear the story about the scorpion that asked the frog for a ride across the water? When the frog asked why the scorpion had stung it, midway across the river, the scorpion replied, ''It's in my nature.''

It's also in Microsoft's nature to abuse the spirit of our legal system for it's own purposes. They have shown many times that they cannot be trusted, and will continue to abuse it's monopoly. Microsoft knows that we will not hurt them. Many believe that hurting Microsoft will hurt our economy, security, and stability of our country. This only reinforces the urgency to foster alternatice solutions, so that our country does not experience a ''single point of failure,'' as well as enhancing consumer choice.

I strongly urge you to objectively reject the proposed antitrust settlement, with all of your heart and mind.

Sincerely,
Sean Corliss
Sr. Support Analyst/Web developer

MTC–00016043

From: Steven Lewis Maxson
To: Microsoft ATR
Date: 1/23/02 10:24am
Subject: Microsoft Settlement

Dear Sirs and Madams,

I very strongly believe the proposed settlement in the Microsoft antitrust case is a travesty of justice: When was the last time you heard the loser in a case (which is essentially a criminal trial) call the outcome fair? Below I will add some factual basis for my opinions.

1. I have an acquaintance who was an officer at IBM when the Internet Explorer web browser first was released ''for free''. (He is now a vice president at IBM.) When he joined management at IBM, he was given some antitrust schooling, and part of their advice was ''if you ever give anything away for free, plan on spending the rest of your life in jail''. At that time, IBM had only about 60% market share, or a much smaller market share than Microsoft has. The clear presumption is that when a market leader gives things away for free that directly compete with a competitor's product, thay are trying to destroy the competitor. You should be starting criminal antitrust proceedings against Microsoft management, not letting the company off of the hook.

2. The fact that the Internet Explorer web browser is tightly integrated into their operating system product makes all computers using Windows and Internet Explorer more vulnerable to remote exploits (''cracking''), even when the web browser is not in use. This is well known in the computer security community, and it is well known than with this degree of integration there is no way whatsoever of making such computers even appproximately or reasonably secure. By permitting ''tight integration'' of their web browser into their operating system, you leave the world naked to computer hackers, crackers and terrorists. These matters are not talked about in public, but every computer connected to the internet and using the Microsoft Windows operating system products with tightly integrated Internet Explorer web browser intact is naked to the world and it is not possible, even in principle, to make them secure against remote exploit. (We have been fortunate so far that no really low level exploits have been developed and/or deployed against the Windows/IE vulnerabilities, as this would probably be the death of the internet.)

3. INtegration of the web browser into the operating system is laargely irrelevant from the perspective of providing customer service and features which customers desire. There are well known ways of providing ''fascile interoperability'' which do not go as far as direct tight integration. I have indicated above that the mere presence of a web browser *within* the operating system raises well known inherent security risks. (You not only have the web browser as a pathway into the very heart of the machine itself, but its incorporation in the heart of the machine means you are necessarily precluded from taking other protective measures any reasonably prudent operating system designer would include in his design This means that there are necessarily going to be ways to take control of a Windows/IE machine which is connected to the internet without sending an email and without the user visiting a hostile site, etc.). Web browsers are notorious for the new exploits always being discovered for them, and this means the consequences of visiting a hostile website on the internet can be far more serious for a Windows/IE user. Tight integration also increases the possssible seriousness of the consequences of computer viruses, worms, trojans and other hostile agents.

4. The conclusion is that the tightly integrated web browser's sole function is to destroy competition, since it is not necessary for providing customers features and services which might be desireable, it incorporates many features which are hazardous to the customer's interestsand the computer using community as a whole, and since it violates good design principles and derogates security simply by its existence.

5. In addition to the tight integration of web browsers into the operating systems issue (which was the pre-eminent issue of the trial, as I understand it), the general lack of documentation and the widespread existence of undocumented features in the operating system products is a substantial barrier to competition raised by Microsoft, which was found to be a monopoly. Even if the Internet Web browser were to be removed from its position of tight integration into the various Windows operating systems, a competing browser (Netscape, for instance) would never be able to obtain competitive ''facile interoperability'' with other software on the computer if that facile interoperability depends in large part on otherwise undocumented features of the operating system. No product, however well designed and implemented, will be able to offer the samme level of ease of use and performance if there are significant undocumented features of the operating system such as ther are today.

The essence of the antitrust laws is to preserve competition, and nothing in the proposed settlement does this.

Respectfully submitted,
Prof. Steve Maxson
DEpartment of Physics
University of Colorado at Denver

MTC–00016044

From: Matthew Rechs
To: Microsoft ATR
Date: 1/23/02 10:25am
Subject: Microsoft Settlement

I'm writing to express my concern and alarm at the terms of the proposed Microsoft settlement. As a computer software professional, a PC owner, and a software and operating systems consumer, I believe that the Microsoft monopoly has done a great deal to harm consumers. I feel that the remedies proposed by the settlement will fall far short of punishing the company for its actions, and fails to deny the company the benefits of its illegal behavior.

Furthermore, the proposed remedy fails to address Microsoft's continued use of onerous and restrictive licensing terms. Most importantly, it fails to adequately define the many of the terms and provisions, to the extent that the company will easily be able to avoid many of the most effective consequences of the settlement.

It is not in the public interest to adopt this settlement until these any other problems are resolved.

MTC–00016045

From: jcelie2@home.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:17am
Subject: Microsoft Settlement

Settle as proposed.

MTC–00016046

From: carlclifton@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:17am
Subject: Microsoft Settlement

Settle now and move on. This whole trial was ridiculous.

MTC–00016047

From: Gabriel Winter
To: Microsoft ATR
Date: 1/23/02 10:27am
Subject: Microsoft Settlement

To whom it may concern:

I am a partner and senior developer in a small startup company that is developing a web application technology for multiple platforms. We are one of many small businesses that are working hard to develop retail software products that will provide the industry with much needed software innovation. At the moment, we have spent hundreds of thousands of our personal dollars to fund the development of a technology that will run on multiple operating systems using Sun's Java technology. As part of our plan, we are

targeting a release to the Microsoft Windows family of operating systems.

With the release of Microsoft .NET, and the refusal of Microsoft to ally with Sun Microsystems in support of its Java product, the Java application support in Windows XP is sketchy at best. Microsoft has made it nessesary for our customers on Windows to download a Java Plugin from Sun Microsystems for our software to run on that system. Due to the application barrier to entry that Microsoft uses, there is much industry doubt as to the stability and reliability of the Sun Java Plugin for Windows XP.

This doubt, generated by Microsoft's clear domination of the operating systems market, absolutely hinders my company's abilities to market our technology to Windows users, effectively cutting us out of the Windows desktop market before we have even had a chance to get started.

Microsoft's answer to this is to tell us to develop our technology with Micrsoft's .NET tools, which are only supported on Windows platforms. By doing this, our product would no longer interoperate with other operating systems and web browsers such as Netscape Navigator, again, considerable hurting our entry into especially the web hosting market which primarily uses Linux and Apache servers.

Microsoft has basically stated that we either comply and conform only to their own development technologies, or lose the Windows server and desktop markets completely, effectively putting us out of business.

I disagree with the current proposed settlement, becuase I feel that it does not provide an adequate ''leash'' on Microsoft. I believe that companies with alternative development technologies such as Sun Microsystems or Borland be given the same level of development support from Micosoft as its own development tools, such as .NET, are afforded. Only by doing so will be gauranteed of a safe market entry with our own Java based products.

Thank you!
Respectfully,
Andy Carrasco
CIO/Cheif Software Architect
Chirasu Corporation
gabrielwinter@mac.com

MTC–00016048

From: adesmara@bellsouth.net@inetgw
To: Microsoft ATR
Date: 1/23/02 10:17am
Subject: Microsoft Settlement

Microsoft has been make a joke at the justice since the first indictment in 1993. Now they are punish by keeping the status quo. As a monopoply company they control the software market. Next thru their software they will control how any hardware will work and they will charge the people for that product as they wish. The infrastucture of the business sofware is Microsoft. Try to use another operation system & a none microsoft suite. I hope you will inject more competition is the system then we have now.

MTC–00016049

From: dex dexy
To: Microsoft ATR
Date: 1/23/02 10:26am
Subject: Microsoft Settlement

Regarding the Microsoft settlement, I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundred, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices.

Similar to the settlement against AT&T, Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level (40%, for example, assuming one of it's competitors is now also at or above 30%). This must be true for all Microsoft product lines, before regulation is lifted. Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition. Imagine the damage to the United States if Microsoft were to fail, as Enron failed. The risks of a monopoly are greater than merely the loss of competition.

Thank you for your time.

MTC–00016050

From: David Stokes
To: Microsoft ATR
Date: 1/23/02 10:28am
Subject: Microsoft Settlement

I am writing to speak out AGAINST the proposed Microsoft settlement.

I am a professional computer system administrator so I am familiar with computers and the computer industry. I see the adverse effects of Microsoft's monopoly practices on the industry.

I have read the proposed settlement and I am convinced it does not serve the interests of the American public, is harmful to the American economy, and does not promote justice given the facts of the trial. Another high-tech industry—computer processor chip manufacturing— currently enjoys heated competition between rival companies competing on equal footing. As a result consumers have enjoyed rapid innovation and lower prices. This competition, and the benefits for consumers, does not exist in the computer operating system market. As a result consumers wait longer for innovation and pay higher prices.

The DC Circuit ruled that a remedy must ''unfetter [the] market from anticompetitive conduct'' and . . . ''terminate the illegal monopoly,'' but the DOJ deal does nothing to restore competition with Windows. Nor does the settlement contain provisions directed towards new markets where Microsoft is using the same bundling and restrictive practices to preserve and extend its monopoly.

Companies that attempt to offer competing products are not given a chance to fairly compete. The failure of these companies results in lost jobs, lost revenue, and lost activity in the U.S. economy. Fair competition is the essence of the free enterprise system. Economic history has shown time and again that the absence of fair competition is bad for the economy as a whole.

As a point of justice, a criminal should not be allowed to keep his ill-gotten gain. The appeals court has verified that Microsoft's activities are illegal. There is nothing in the proposed settlement that addresses the issue of these ill-gotten gains, or how these will be reimbursed to the public from whose pockets they came. This simple omission easily amounts to billions of dollars, and by itself makes the settlement a sellout of the public interest, even without an assessment of its other shortcomings.

A better remedy is needed. A more effective remedy would be one that required Microsoft to standardize and publicize the entire set of Windows APIs and the file formats of its Office applications with the express goal of allowing competitors to build Windows software applications, and operating systems, that compete with Microsoft on a level field.

The outcome of this case will have a huge effect on the American economy for years to come. The proposed settlement will allow Microsoft to continue with most of their illegal practices, harming consumers and the national economy along the way. A stronger remedy will allow competition, and give consumers free choice and better prices. Therefore, a stronger remedy than the proposed settlement is needed.

Thank you for the chance to comment.
David Stokes
4009 Inwood Drive
Durham, NC 27705

MTC–00016051

From: Bryan Walker
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:28am
Subject: Microsoft Settlement

Please reconsider the proposed settlement with Microsoft. The wording that includes only ''for profit'' organizations will limit the ability of the open source community to share in the knowledge about Microsoft products. Without this it will be impossible to produce low cost alternatives to this monopoly.

Bryan Walker
Solutions Architect
Harrah's Entertainment, Inc.
(901) 537–3851
bwalker@harrahs.com

MTC–00016052

From: Richard Bullington-McGuire
To: Microsoft ATR
Date: 1/23/02 10:29am
Subject: I oppose the Proposed Final Judgement

The Proposed Final Judgement in United States v. Microsoft does not offer adequate relief to the plaintiff and the American people. Its definitions of how Microsoft must share API information with its competitors are too narrowly tailored.

It fails to consider Windows-compatible operating systems, and allows Microsoft to stifle the development of Open Source software by imposing restrictive licensing terms on its APIs and software development kits. The definition of Windows is too

restrictive—it should extend to all Microsoft Win32 API implementations, including Windows CE and the Xbox. The settlement should address more of the issues raised in the findings of fact, including disclosure of file formats that form part of the Applications Barrier to Entry (See ''Findings of Fact'', ?20 and ?39).

A summary of the major defects in the settlement (and some proposed amemdments) may be found here:

http://www.kegel.com/remedy/remedy2.html

Overall, the settlement is not in the public interest and I urge the court to reject the Proposed Final Judgement.

Richard Bullington-McGuire <rbulling@obscure.org>

Fearless Leader of The Obscure Organization <http://www.obscure.org/>

PGP key IDs: RSA: 0x93862305 DH/DSS: 0xDAC3028E

MTC–00016053

From: Stuart Stock
To: Microsoft ATR
Date: 1/23/02 10:27am
Subject: Microsoft Settlement

I am a Computer Security engineer with 8 years of experience in various computing fields. I would like to comment on the Proposed Final Judgement (PFJ) Section III ''Prohibited Conduct'' Paragraph E regarding the licensing of ''Communications Protocols''.

This paragraph's intention appears to counter the practices of ''embrace and extend'' in which Microsoft perverts an industry standard protocol by adding proprietary and undisclosed extensions.

The settlement terms are too vague and too lenient. Specifically: ''Microsoft shall make available for use by third parties, for the sole purpose of interoperating with a Windows Operating System Product...any Communications Protocol that is...used to interoperate natively (i.e., without the addition of software code to the client operating system product) with a Microsoft server operating system product. '' This language allows Microsoft to hold back key protocols from initial product distribution and then provide them as ''Service Packs'', updates, or new products bypassing the intent of the above paragraph. More disturbing is the separations of ''client'' and ''server'' made in the above language. Not all protocols have a client and server paradigm, yet they remain important. Peer-to-Peer protocols are an excellent example of a fundamental protocol not covered by the above PFJ language.

My proposed revision to Section III.E is:

''Starting nine months after the submission of this proposed Final Judgment to the Court, Microsoft shall make available for use by third parties, for the sole purpose of interoperating with a Windows Operating System Product, on reasonable and non-discriminatory terms (consistent with Section III.I), all Communications Protocols utilized to transmit data to or from a Microsoft product.

MTC–00016054

From: David Wiebe
To: Microsoft ATR
Date: 1/23/02 10:29am
Subject: Remedies flawed

To whom it may concern;

I believe the remedies are flawed for two reasons:

1) They do not adequately ensure that Microsoft will follow industry standards. As shown in the Findings of Fact, Microsoft has repeatedly subverted standards to their benefit with significant damage to their competitors.

2) They do not adequately penalize Microsoft for their actions over the past 15 years. I recognize that given the temporal nature of software it is very difficult to determine actual damage to competitors and their shareholders, but am convinced that Microsoft will only change their actions if it affects their bottom line. I would have expected some attempt to determine actual damages and punitive damages. Somehow Microsoft needs to come out of this suit less well off than if they hadn't done the anti-competitive actions in the first place.

David Wiebe
309 W 11th St.
Newton, KS 67114
(316)-284–0578

MTC–00016055

From: ron@corbey.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:28am
Subject: Microsoft Settlement

I am writing to express my reservations regarding the proposed Microsoft settlement. Specifically, I am afraid that the proposed settlement would not significantly change Microsoft's ability to maintain and abuse a monopoly position.

I would propose that the single best remedy to allow a level playing field in the computer software industry would be to require Microsoft to publish complete specs of any interface, communication protocol, or file format used by Microsoft software that is not a format already considered an ''open'' format as documented in an RFC.

I am concered that the language in the proposed settlement at this time would discriminate against non-profit groups, and open source in general.

Thank you for your consideration.
Ron Pedde
401 Isom Road
Suite 500
San Antonio, TX
78216

MTC–00016056

From: ekj@Hex2.privnett.uib.no@inetgw
To: Microsoft ATR
Date: 1/23/02 10:30am
Subject: Microsoft Settlement

Dear Sirs !

I am a student of Computer Science, and a programmer. I write to you in order to point out several gross problems with the proposed settlement for the Microsfot case.

According to the Court of Appeals ''a remedies decree in an antitrust case must seek to 'unfetter a market from anticompetitive conduct', to ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future'' (section V.D., p. 99).'' The proposed settlement does none of this, if anything it further strengthens Microsoft monopoly, and does not in any significant way hinder them from continuing their illegal bussiness-practices. Nor does it significantly lower the barriers to entry.

I urge you to reconsider this ineffective remedy.

Sincerely,
Eivind Kjo-rstad

MTC–00016057

From: Young, Paul
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:29am
Subject: Microsoft Settlement

The following is my complaint against the Microsoft Settlement:

Failure to address Ill Gotten Gains

Completely missing from the proposed final order is anything that would make Microsoft pay for its past misdeeds, and this is an omission that must be remedied. Microsoft is hardly a first time offender, and has never shown remorse for its conduct, choosing instead to repeatedly attack the motives and character of officers of the government and members of the judiciary.

Microsoft has profited richly from the maintenance of its monopoly. On September 30, 2001, Microsoft reported cash and short-term investments of $36.2 billion, up from $31.6 billion the previous quarter—an accumulation of more than $1.5 billion per month.

It is astounding that Microsoft would face only a ''sin no more'' edict from a court, after its long and tortured history of evasion of antitrust enforcement and its extraordinary embrace of anticompetitive practices—practices recognized as illegal by all members of the DC Circuit court. The court has a wide range of options that would address the most egregious of Microsoft's past misdeeds. For example, even if the court decided to forgo the break-up of the Windows and Office parts of the company, it could require more targeted divestitures, such as divestitures of its browser technology and media player technologies, denying Microsoft the fruits of its illegal conduct, and it could require affirmative support for rival middleware products that it illegally acted to sabotage. Instead the proposed order permits Microsoft to consolidate the benefits from past misdeeds, while preparing for a weak oversight body tasked with monitoring future misdeeds only. What kind of a signal does this send to the public and to other large corporate law breakers? That economic crimes pay!

Please consider these and other criticisms of the settlement proposal, and avoid if possible yet another weak ending to a Microsoft antitrust case. Better to send this unchastened monopoly juggernaut a sterner message.

Paul Young
Webmaster
NetSolve, Inc.
http://www.netsolve.com <http://www.netsolve.com/>
paul__young@netsolve.com
W 512.340.3159

M 512.825.7203

MTC–00016058

From: Lee Kennedy
To: Microsoft ATR
Date: 1/23/02 10:28am
Subject: Microsoft Settlement

I am very concerned over the Proposed Final Judgement (PFJ) in the Microsoft case. The judgement as it stands neither prevents prevoius anti-competitive behavior that Microsoft has engaged in, nor adequately prevents them from using large loopholes to justify behavior that is supposedly prevented. The specific problems are too numerous to fully detail here, but I will outline several as an example:

1) The PSJ includes terms to increase Microsoft's disclosure of technical information to Independent Software Vendors. However there are a number of obvious shortcomings in the terms:

a) Microsoft is not required to give any advance notice of technical requirements. Middleware vendors are required to meet reasonable technical requirements by a set deadline, but nothing prevents Microsoft from making last minute changes to the technical requirements and claiming that vendors have not met the requirements.

b) Microsoft is required to release documentation for APIs, but not before competing middleware vendors are required to meet the unspecified technical requirements. Vendors need access to the documented APIs in time to use them effectively before the deadline.

c) The definitions of MS Middleware Product and API are so narrow that many crucial elements of the Windows interface could be excluded from release, effectively negating the use of the APIs that are released.

d) The restrictions on how the published APIs can be used specifically prevents many of the uses that fight against the MS monopoly. The APIs can only be used to write Windows-only software, not software for Windows-compatible or non-Windows operating system. This actually allows MS to —increase— the leverage of their OS monopoly on vendors creating applications.

e) There are no requirements for MS to release information about the file formats being used. The proprietary formats, which are changed frequently for little end-user benefit (i.e. Microsoft Word), are a signifigant barrier to entry for applications. This has not been addressed at all.

2) The PFJ also does not protect against a number of anti-competitive tactics MS has used in the past which directly hurt end users. Specifically:

a) MS uses license terms on software that explicitly prohibit the use of the software on non-Windows operating systems. This license specifically prohibits the use of competing windows-compatible operating systems.

This clearly creates a barrier to entry for competing operating systems that is based on the MS Windows OS monopoly.

b) MS has in the past used incompatibilities that are built-in to products specifically to disrupt the use of competing products (the DR-DOS case). This type of behavior allows MS to create further artificial barriers for competing windows-compatible operating systems and further extend its monopoly.

This behavior is not addressed at all in the PFJ.

These are only a few of the long list of flaws that I see in the PFJ, but should be sufficient to demonstrate that the PFJ as it stands is simply NOT ACCEPTABLE to either redress the wrongs that have been done in the past or to prevent their reoccurrence in the future. Though I am not a US citizen the world-wide effect of the MS monopoly makes this case of international importance, and I hope that my condemnation of this PFJ will be given due consideration.

Thank you,
Lee Kennedy
Product Manager
Open Text Corporation
Ottawa, ON Canada

MTC–00016059

From: Alan Grover
To: Microsoft ATR
Date: 1/23/02 10:27am
Subject: Microsoft Settlement

23 January 2002

Sirs,

Under the Tunney Act, I'd like to comment on the proposed Microsoft settlement. I have been developing software for more than 20 years for many operating systems. I personally have experienced the difficulties resulting from Microsoft's monopoly and anti-competitive behaviors, restricting my ability to compete in the market place.

I object to the proposed Microsoft settlement. The clear finding of fact (Microsoft is a monopoly) is not addressed by the settlement. It allows Microsoft, as an entity, to continue unchanged, with minor modifications to it's behavior, and does not address the barrier-to-entry.

In my opinion, it is laughable that the settlement applies only to Windows 2000 Professional, Windows XP Home, and Windows XP Professional. As we saw in the previous consent decree, Microsoft merely moves on to the next generation of a product/operating-system to evade the restrictions. Microsoft can, and will, avoid the entire settlement by merely producing the next version of their operating system and renaming it. The finding of the monopoly was based on Microsoft's operating system running on Intel hardware, and is thus not addressed.

The manipulation of definitions similarly allows Microsoft to avoid meaningful restrictions on API's (limiting it to a few specific application-support layers, instead of applying to all interfaces between programs and the operating system). Further, even the limited definition allows Microsoft to exclude significant middleware such as Outlook (as opposed to the more limited, consumer oriented, Outlook Express). As well, the new .NET platform, claimed to be central to Microsoft's future direction by Microsoft, is not included in the settlement.

The settlement does not appear to address monopolistic practices expressed in several Microsoft EULA's (end user license agreements) that attempt to lock-out open-source or other free software. Various leaked memos have Microsoft identifying open-source, et. al., as a competitive solution that they wish to combat.

Along the same lines, the Microsoft development system (Microsoft Platform SDK), used to write programs, attempts to stifle competition by preventing the resulting programs from being distributed for use with any other operating system (by means of placing a license restriction on ''components'' which are required to run the programs).

Finally, the settlement provides an (absence of) enforcement mechanism that overwhelmingly favors Microsoft. There is no actual enforcement specified in the settlement, leaving it to the legal system which will allow Microsoft to use it's huge financial and monopolistic advantage to discourage and intimidate any who attempt to bring suit.

The Proposed Final Judgment should not be adopted. A judgment, in the public interest (as required), should be written, adopted, and enforced. Many others have proposed such judgments.

For reference, please see http://www.kegel.com/remedy/remedy2.html with further information on many of these points.

Alan Grover
awgrover at mail.msen.com
515 Cherry St.
Ann Arbor, MI 48103

MTC–00016060

From: Howard Berg
To: Microsoft ATR
Date: 1/23/02 10:27am
Subject: Microsoft Settlement

The settlement is wrong. Microsoft appears to be avoiding federal corporate taxes. Microsoft appears to be illegally retaining profits from shareholders. Microsoft appears to be illegally distributing a ''End User License Agreement'' (EULA). I request that the case be properly investigated, the EULA be required to be rewritten, an injunction stopping campaign contributions and other bribes distributed by Microsoft, and a Special Prosecutor installed to investigate the failure of government officials to enforce the current laws when Microsoft is involved.

Howard Berg

MTC–00016061

From: Marc Midura
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:26am
Subject: Microsoft Settlement

Dear Sirs,

The proposed Microsoft settlement does not adequately address past actions given their severity.

The proposed settlement does nothing to stop Microsoft's predatory practices.

I urge you to abandon the current settlement and seek measures that better fit the situation.

Thank you for your attention,
Marc Midura
Somerville, MA

MTC–00016062

From: Paul Gutwin
To: Microsoft ATR
Date: 1/23/02 10:27am
Subject: Microsoft Settlement

There are several thing wrong with the Microsoft settlement. As an engineer/programmer with 20 years experience, I believe the restricted definitions of ''API'', ''Microsoft Middleware'' and ''Windows Operating System'' effectively give Microsoft the legal authority to continue the anticompetitive behavior they were found guilty of. Specifically, the definition of API allows Microsoft to add highly valuable access to the Windows Operating System without disclosing this to it's competitors in the vast markets not included in the ''Microsoft Middleware'' definition.

Microsoft in effect sacrifices a few highly mature markets (those defined as Microsoft Middleware), for the freedom to continue it's anticompetitive behavior in all other markets. This is, at best, a phyrric victory for the US Government.

MTC–00016063

From: MARTIN JONES
To: Microsoft ATR
Date: 1/23/02 10:29am
Subject: Microsoft Settlement

Dear Sirs and Madams:

I wish to comment on the proposed settlement between the Justice Department and Microsoft.

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

Microsoft's monopolistic practices cause the public to bear increased costs and deny them the products of the innovation which would otherwise be stimulated through competition. The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future.

It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function. It will do little to punish Microsoft for it's plainly illegal conduct in the past, and virtually nothing whatsoever to prevent future violations of antitrust law.

Thank you,
Martin K. Jones
Birmingham AL

MTC–00016064

From: Chris Beattie
To: Microsoft ATR
Date: 1/23/02 10:27am
Subject: Microsoft Settlement

To Whom It May Concern:

What is the point to spending millions of dollars to prosecute Microsoft, finding them guilty of violating the Antitrust Act, and then commuting the sentence to a wrist slap?

It was demonstrated by the 1995 Consent Decree that Microsoft will not find itself burdened enough by such punishment to operate according to the fair business practices set forth to protect the consumers of this country.

Sincerely,
Christopher M. Beattie

MTC–00016065

From: Jeff Otterson
To: Microsoft ATR
Date: 1/23/02 10:27am
Subject: Microsoft Settlement

I am opposed to the currently proposed Microsoft anti-trust settlement.

The settlement does not properly address *punishment* for Microsoft's anti-competitive practices, which have damaged consumers by creating less choice and higher prices for personal computer operating systems and applications software.

I believe that a heavy fine as well as refunds to consumers should be added to the settlement.

Thank you for your careful consideration
Jeffrey Otterson
3543 Tritt Springs Way
Marietta, GA 30062

MTC–00016066

From: mark
To: Microsoft ATR
Date: 1/23/02 10:29am
Subject: Microsoft Settlement

I have read about the proposed settlement, and I am not in favor of it in its current state. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors.

Mark Reed
Cincinnati, Ohio

MTC–00016067

From: dsr11@cornell.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 10:28am
Subject: Microsoft Settlement

I think the proposed MS settlement is bad for a number of reasons, but one in particular is the restrictive of the EULA and how that is being treated by the settlement. Under the current EULA, Microsoft APIs are prohibited for use in open source software. Since open source software can run on a number of platforms, including Linux, Microsoft would be afraid of losing markest share for Windows. However, since the EULA prohitbits this, they are stifling competition by putting up a barrier of entry in the market and not allowing open source projects to use Microsoft APIs. Two such products that would greatly benefit are Star Office and Netscape Navigator, both of which run on a variety of platforms but are stifled in the Windows market because they do not integrate as tightly with Windows as MS Office and Internet Explorer. The proposed settlement does not address this issue, and therefore does not knock down barriers of entry into the Microsoft monopoly.

As an open source developer, this concerns me greatly. And this is only one of a large number of problems with the proposed remedies. Microsoft is getting off way too easy, please reconsider.

Daniel Rabinovitz

MTC–00016068

From: Twp121@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:27am
Subject: Microsoft Settlement

I belive that the current proposed final judgement in the Microsft Anti-trust case, as it stands, is a bad idea. The current proposal allows Microsoft to continue in it's anti-competitive practices.. Microsoft has a history of anti-competive practices as shown in the 1996 Caldera V. Microsoft case where a judge found that ''Caldera has presented sufficient evidence that the incompatibilities alleged were part of an anticompetitive scheme by Microsoft.'' (UNITED STATES DISTRICT COURT DISTRICT OF UTAH—CENTRAL DIVISION Case No. 2:96–CV–645 B) If the current proposal passes, the people of this nation will have been done a dis-service by their legal system.

Thank you,
Matthew Messenger

MTC–00016069

From: Lisa Carr
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:28am
Subject: Microsoft Settlement

The Microsoft ''settlement'' is a bad deal, not just for the United States, but the entire world, as the Windows operating system has become a forcibly imposed international standard. And not because it is the best operating system, but because Microsoft has engaged in criminal behavior—and done so repeatedly.

Why are we settling for anything less than punishing this criminal behavior? The current settlement allows Microsoft to basically go about business as usual, while their way of doing business has been shown to be unethical and illegal.

Patent cross-licensing agreements would go a long way towards leveling the playing field and encouraging innovation and price competition that would benefit consumers in the U.S. and around the world.

Force Microsoft to provide the Windows APIs, immediately and without foot-dragging or deception. The oversight required will be worth the cost.

Lisa
lisa carr
senior content developer 214.224.1065
lisa@imc2.com <mailto:lisa@imc2.com>
<http://www.imc2.com/> imc2.com
7505 john carpenter frwy
dallas, texas 75247
214.224.1000
fax/214.224.1100

MTC–00016070

From: John Holland
To: Microsoft ATR
Date: 1/23/02 10:29am
Subject: Microsoft Settlement

Dear Sirs;

I would like to briefly state my opinion about the Microsoft Anti-Trust settlement.

The remedies that have been proposed will have no effect on the behavior of this company. The history of their disregard for previous consent orders and decrees should make that clear. It should also be clear that they are using their monopoly position on desktop operating systems to aggressively pursue similiar total dominance of other markets such as multimedia transmitted over the Internet (''Windows Media Player''), security infrastructures (''Passort'') and so on.

It may make sense for their to be only one maker of desktop operating systems. If so, then that company should be —effectively— analyzed and regulated to ensure the needs of its customers (consumers and businesses) are being properly served, possibly in a manner like for public utilities. Judge Jackson's Findings of Fact and the ridiculous behavior of Microsoft in the trial (ie the videotape debacle, Gates'' deposition) should make it clear that this is a company that needs to be aggressively reined in.

Sincerely,
John Holland

MTC–00016071

From: M M
To: Microsoft ATR
Date: 1/23/02 10:29am
Subject: MICROSOFT SETTLEMENT

Judge K;

I am a lawyer by training and profession. As I have read the findings of the courts in the Microsoft trials ? and then the PFJ offered by the DoJ ? it strikes me that they are not talking about the same case or the same company.

The fact that multiple courts have found Microsoft guilty makes it very hard to understand the DoJ's essentially hands-off attitude. I understand that this is a Republican administration, but in this case they have simply gone way too far in one direction while forgetting the rule of law in the other.

I look forward to your ruling in this important matter.

Marshall Slayton
706 Nelson Dr.
Charlottesville, VA
22902

MTC–00016072

From: Drew Taylor
To: Microsoft ATR
Date: 1/23/02 10:29am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Andrew Taylor
Drew Taylor JA[P√m—p√SQL]H
http://www.drewtaylor.com/ Just Another Perl√mod—perl√SQL Hacker
mailto:drew@drewtaylor.com *** God bless America! ***

MTC–00016073

From: John Engel
To: Microsoft ATR
Date: 1/23/02 10:26am
Subject: Microsoft Settlement

Dear Sir/Madam

I object to the proposed final judgment in the Microsoft antitrust case. It appears to me to do little to remove the applications barrier to entry that is the heart of the Microsoft monopoly. I strongly object to the term ''for the sole purpose of interacting with a Windows Operating System product'' in the proposed final judgment. This allows Microsoft to maintain its monopoly to the detriment of anyone wishing to use a program written for Windows regardless of whether they wish to use the Windows OS itself. The problem is the APPLICATION barrier to entry, not the OS barrier to entry.

The final judgment should require Microsoft to publish, not license or disclose under NDA, its file formats and communications protocols. Let Microsoft earn its dominance by its programs, not by the elaborate strategy of vendor lock in and commercial intimidation that it uses now.

Sincerely,
John R. Engel
125 Bramble Bush Ln
Springboro OH 45066

MTC–00016074

From: Stephan Zaniolo
To: Microsoft ATR
Date: 1/23/02 10:30am
Subject: Microsoft Settlement

I personally believe the proposed settlement in the Microsoft anti-trust case is a bad idea and will cause more harm that good. As a software developer and security consultant my primary complaints are:

—There are no provisions to create competition in the OS market to break up Microsoft's illegal monopoly. By allowing firms better access to the Windows API's, all that's being done is the Windows monopoly is being reinforced!
—There are no provisions to prevent Microsoft from extending its Windows monopoly into new markets.
—It does nothing to prevent the practices Microsoft was found to have illegally used to maintain it's illegal Windows monopoly.

Thank you for your time,
Stephan Zaniolo
Forest Park, Illinois

MTC–00016075

From: Hatcher, Kelly
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:29am
Subject: Microsoft Settlement

As a software engineer with 17 years'' experience developing software for Unix, Windows, Macintosh, and Linux, I'd like to comment on the Proposed Final Judgment in United States v. Microsoft.

* The PFJ doesn't take into account Windows-compatible competing operating systems
* The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

-The definition of API fails to meet the definition actually used in the industry by being overly restricitive and limited.

-The definition of ''Windows Operating System Product'' fails to mention all of the ''Operating Systems'' listed by Microsoft on their website

* Windows XP
Windows XP
Windows XP Professional
Windows XP Home
* Windows 2000
Windows 2000 Professional
Windows 2000 Server
Windows 2000 Advanced Server
Windows 2000 Datacenter Server
* Windows Embedded
Windows Embedded
Windows CE .NET
Windows XP Embedded
Windows XP Tablet PC Edition

Considering these problems, one must conclude that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, and would delay the emergence of competing Windows-compatible operating systems. Therefore, the Proposed Final Judgment is not in the public interest, and should not be adopted without addressing these issues.

Kelly Hatcher 512.741.1115
Vignette Austin, TX

MTC–00016076

From: estevan@mac.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:29am
Subject: Microsoft Settlement

From my perspective, Microsoft has willfully engaged in monopolistic practices and must be punished. The proposed settlement will do little if nothing to stem this behavior. There are many problems. To point out one, Microsoft should have no voice in choosing the panel that will be charged with oversight to ensure that Microsoft complies with the rulings.

MTC–00016077

From: Tom Daniels
To: Microsoft ATR
Date: 1/23/02 10:29am
Subject: Disagreement with Microsoft Settlement

I hereby register my complete disagreement with the proposed Microsoft settlement as allowed for in the Tunney Act.

As Dan Kegel and many others have pointed out, the settlement defines many aspects of the Microsoft remedies so specifically that it will be trivial for Microsoft to evade them. The needed remedies should be broad and have oversight mechanisms that allow for ''special case'' exceptions after the fact. The barriers to entry should be lowered by requiring all API's to be well documented

and said documentation released for no charge in a non-Microsoft controlled format. All file formats used by Microsoft should be opened in the same manner. All patents covering API's should be spelled out by Microsoft and those not explicitly described and linked to an API should not be litigable by Microsoft. Microsoft should be required to SELL their operating systems and other software instead of licensing it. OEM's should have equal access to Windows regardless of size of the OEM. OEM's should be allowed to bundle any software with their goods without the control of Microsoft whether the computer includes Windows or not.

Microsoft should have been broken into many more than 2 independent entities, but it's too late for that!

Thank you for your time,
Thomas E. Daniels
Lafayette, Indiana
Tom Daniels

MTC–00016078

From: Bryan Carpenter
To: Microsoft ATR
Date: 1/23/02 10:30am
Subject: Microsoft Settlement

I am writing even though I have repetitive stress injuries to my shoulders and wrists that make it somewhat painful for me to do so. I feel that Microsoft's free-market-stifling behavior over a significant number of years has had a disastrous effect on the ability of innovative Americans to access the American dream which is supposed to allow an individual to create a better way of doing something, expose his or her creation to consumers, price it at a level that gives it a competitive advantage, and make a good living from the effort. I am a software developer, and my wife is a law student who in her mid-forties is working on her second career after being a mostly-full-time mom for 15 years. Both of us have significant difficulties almost daily with the Microsoft software that we need to use to accomplish our daily work. The reason we have these difficulties is simply that Microsoft doesn't care enough to get things really right. They don't have to. So users go on year after year getting by with poorly-written software while Microsoft moves on to the next field that they want to concentrate on monopolizing. How does this relate to the proposed settlement?

The reason why we have to keep using MS software even though it is often maddening is because MS has effectively squashed the ability of new innovators to have a chance to build their success by creating a better product and exposing real users to its advantages.

I am a rabid advocate of free-market economics, but just as a professional football game would turn to mush and be uninteresting in the absence of rules and referees, a free-market economy also needs rules and referees. Microsoft is the equivalent of a football player who uses illegal tactics to seriously injure, maim, and kill opposing players while the refs only call him for occasional minor penalties and never really give him a reason to change his approach to the game.

Although there are many problems with the proposed Microsoft settlement, I would like to concentrate on the continued ability of Microsoft to retaliate and/or apply leverage to the OEM's that are dependent on MS for the operating system that they realistically have to have in order to sell the bulk of their computers. MS should not be able to exert any leverage over these OEM's to keep them from adding non-MS features and/or products to the computers they sell. Sections III.A.2 and III.B of the proposed settlement have significant deficiencies that allow MS to continue to strongarm the OEM's that buy from them and therefore prevent innovation that has the potential to weaken their monopoly.

I strongly advocate that my Federal government do more than slap Microsoft on the wrist at this critical juncture. This is really the last opportunity to keep MS from becoming the sole dictator of the majority of American's opportunities to innovate and succeed in the computer/Internet field.

Sincerely,
Bryan Carpenter
2345 Lake Drive
Loveland, CO 80538

MTC–00016079

From: Brent Pitts
To: Microsoft ATR
Date: 1/23/02 10:31am
Subject: Microsoft Settlement

With the deadline for comments approaching, I realized the now is the time to make my opinion known. I am a professional software developer and use Microsoft products daily, as I have for many years. I have become frustrated by Microsoft's declining quality and lack of alternate choices for software tools. Because of this I would like to register my opposition to the proposed settlement which I feel does too little to restore fair competition to the marketplace. Once again, I say no to the proposed settlement.

Thank you,
Brent Pitts
Tallahassee, FL

MTC–00016080

From: box010831
To: Microsoft ATR
Date: 1/23/02 10:30am
Subject: Microsoft Settlement

I am strongly opposed to the proposed settlement of the Microsoft antitrust case on the grounds that it does not adequately protect consumers or redress past misconduct.

Sincerely,
DC, U.S. Citizen

MTC–00016081

From: Guy Speier
To: Microsoft ATR
Date: 1/23/02 10:29am
Subject: Microsoft Settlement

The proposed settlement is a terrible idea.

MTC–00016082

From: Matthew Gessner
To: Microsoft ATR
Date: 1/23/02 10:30am
Subject: Microsoft Settlement

Greetings,

I'm writing to express my feelings on the proposed Microsoft Settlement. Personally, I think that ANY settlement that does not involve the breakup of Microsoft, in whole or in part, will not be a just settlement for consumers, corporations, or the various governments involved. Failing to act against Microsoft at this time puts peoples'' jobs and lives at risk. My reasons are below: Microsoft has used its monopoly power to push dangerous software on millions of unknowing users. The most recent of these incidents centers on Microsoft Windows XP, which, as touted by Microsoft, is the most secure version of Windows. However, it came to light only a few months after its release that Windows XP had a security hole in it so large as to allow anyone on the internet to take over a Windows XP machine connected to the internet.

How can anyone NOT see that this company simply does NOT care about the products it sells (oh, the exception might be a few quality games)? They're aren't motivated to do a better job (to use their word, ''innovate''—WHAT A JOKE!) because their is simply too little competition. The evidence has been entered in court: when Microsoft senses a product that might compete with theirs, they either a) buy the company producing the product or b) steal key technologies by reverse-engineering the code or c) perform some other possibly unrelated action to undermine the desirability by cutting their own price on a product. Their monopoly power and wealth allow them to undercut other companies'' efforts (I won't use the term ''competition'' because Microsoft sadly has very little).

Additionally, consider how long before Microsoft has products that are placed into important, everyday use besides the typical PC. With the poor quality of software they produce (which again, is a function of little competition), what are the consequences if Microsoft manages to use its market pressure to put a product in something like a health appliance or an aircraft? I'm not saying they have plans to do that, but Microsoft seems to have a pretty insatiable appetite when it comes to new market opportunties. They've already entered the embedded systems market (systems used typically in control applications, like process control, telecommunications, etc), and that frightens me a great deal. In summary, Microsoft has continually expressed its lack of respect for consumers by producing poor quality software, and its lack of respect for the law by continual violations of its past agreements. Microsoft needs to be broken into little, manageable pieces, none of which would be large enough to pose a serious concern to the public. THEN they can see how their ''practice'' of their so-called ''innovation'' will take them.

Thank you for your time reading this email.

Regards,
Matthew Gessner to put the company

MTC–00016083

From: frank delin
To: Microsoft ATR
Date: 1/23/02 10:30am
Subject: Microsoft Settlement

The loophole that troubles me most in the proposed remedy in this case is the lack of

any language which prohibits Microsoft from intentionally creating incompatibilities in their software that make it difficult if not impossible to compete with a similar Microsoft product. This practice began as early as the DR-DOS detection routines in early versions of Microsoft's Windows OS and has appeared as recently as minor, nonfunctional changes in Microsoft's networking protocols that disabled compatibility with the Samba interplatform file sharing system. As an individual who works in the industry I am confounded on an almost daily basis by the inane changes that I must acquiesce to in order to make my products compatible with Microsoft software such as Internet Explorer's less than standard take on concepts such as HTML and javascript.

I am hopeful that a new remedy might take practices, such as those I have outlined, into account to allow for a more competitive environment for us all.

Thank you for your time,
Frank Delin
Programmer
The University of Iowa Hygienic Laboratory

MTC–00016084

From: John Jacobsen
To: Microsoft ATR
Date: 1/23/02 10:30am
Subject: Microsoft Settlement

I feel that the Proposed Final Judgement in United States v. Microsoft—though a step in the right direction—is deficient in one major are: Many important API's and file formats would remain undocumented! This is important as an Senior Software Engineer with over 12 years of experience. I have been developing applications on many platforms and a common thread in the development process is understanding exactly what you are trying to make your program ''talk'' to. If Microsoft is allowed to continue to keep propietary standards and API's for their operating system and middleware products, it will be increasingly difficult for software development companies and independent developers alike to compete with the monopoly that Microsoft has created.

The only true way to solve this problem is to make Microsoft document ALL of the API's and file formats that the Windows operating system and middleware products use.

Thank you in advance for your consideration in this matter
John Jacobsen

MTC–00016085

From: Brody
To: Microsoft ATR
Date: 1/23/02 10:30am
Subject: Microsoft Settlement

I think that the proposed settlement is a very bad idea. How deeply into our government do Microsoft's tentacles go?

MTC–00016086

From: Jo.Fenstad@corusgroup.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:27am
Subject: Microsoft Settlement—bad for US businesses

Dear DOJ

I work for a company in the UK, but my story concerns US businesses as well, the problems related to Microsoft reach—as the Internet—beyond borders.

1) Only Internet Explorer is available from my PC desktop.

2) Company IT policy expressively forbids users (i.e. ordinary employees) from adding any software products to our PC, hereunder browsers.

3) My company will only install new software if a ''similiar'' product is not initially available on the PC, and even then only after a series of written ''formalia''.

4) Effectively this means that there is no way I (as a user) can choose to employ products that compete with Microsofts, hereunder Netscape. The proposed settlement with MS will not act to improve this situation.

5) When buying av PC for home use, I could choose between all kinds of PC producers, several kinds of hard drives, several kinds of monitors (standard and LCD) and I could adjust the price by including and excluding different choises. All in the same shop! That's competition! But only one OS vendor was available, and I could not get any lower price by choosing not to buy any of this vendors products. Remarkably, MS software was more tightly ''bonded'' to my PC than any piece of the PC hardware ... The proposed settlement with MS will not act to improve this situation.

6) Appearently, large corporate customers have more of a choise than any individual user. However, the proposed settlement will allow MS to present even these customers with a contract that dictates payment of fees and punitive damages (disgused as ''increased'' subscription fares) to MS if customers at some point decide to test alternatives to any individual Microsoft product. The only way out of the racket is to drop all Microsoft products simultaneously. Even the mightiest corporations will not dare to do this. Any software start-up, offering even the best product, the lowest prices and full MS compatibility, will not be able to reach their customers under such conditions, unless MS buys them first. Obviously, the proposed settlement make a mockery out of the Sherman Act.

best wishes for your work on this case
J. F.

MTC–00016087

From: Michael Bauer
To: Microsoft ATR
Date: 1/23/02 8:23am
Subject: Microsoft Settlement

I had an early Internet company and believe that Microsoft's anti-competitive practices had a material adverse effect on the ability of my company to receive adequate financing. I don't believe any settlement with Microsoft is appropriate.

Michael Bauer me@michaelbauer.com
http://www.michaelbauer.com

MTC–00016088

From: dylan@easystreet.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:32am
Subject: Microsoft Settlement

I think the settlement, as currently phrased, does not serve the consumer's, nor the country's best interest. In my experience (not opinion), Microsoft's anti-competitive behavior has reduced innovation and resulted in higher prices. A more significant step has to be made to keep them from pursuing these practices with renewed vigor. Please reconsider the settlement, and level the playing field for all US technology companies. thanks,

Dr. Dylan McNamee
TrueDisk, Inc.
dylan@truedisk.com

MTC–00016089

From: Colin Melville
To: Microsoft ATR
Date: 1/23/02 10:15am
Subject: Microsoft Settlement

Greetings,

In accordance with ''The Tunney Act'', I would like to comment on the current Proposed Final Judgement in the US vs Microsoft Anti-Trust case.

1) Microsoft is not being punished for it's anti-trust violations. There must be a fine, and it must be in the $B range. The fine should also have no purpose other than be contributed to the general revenue fund. There must also be progressive fines for future violations.

2) Applications barriers for competing software companies must be stricken down with strong language that is not limited to certain Microsoft operating systems, as in the PFJ. It must encompass all of Microsoft, it's subsidiaries, current and future versions of Microsoft operating systems.

3) All Microsoft API's and middleware should become an open standard, with specific requirements to publish these standards before releasing new products.

Mr. Colin Melville (Ind)
Clayton, Missouri
Recover, rebuild, revenge!

MTC–00016090

From: Kelsey Edwards
To: Microsoft ATR
Date: 1/23/02 10:31am
Subject: Microsoft Settlement

Men and women of the Department of Justice,

You have requested public comment before closing the Microsoft Antitrust case.

First, to prosecute any person, or company in this case, under a law with no defined standards, under which a person's actions may be declared illegal although they were not prohibited before he performed them, is a terrible blow to the justice and protection of individual rights upon which our nation and legal system were founded. Disgruntled competitors can not be allowed to declare the actions of a more successful company illegal simply because it was successful and they were not. Laws under which such post de facto prosecution can take place are more reminiscent of a Fascist regime than a free democratic republic.

Second, I would like to ask you to consider whom you are trying to protect. If, in your eyes, prosecuting Microsoft is an attempt to protect the average consumer, then I must disagree, both with the means and the end. Any average consumer that buys a Microsoft product does so voluntarily. For myself, I

choose to use Windows as opposed to, say, Linux, but I choose to use Lotus instead of Microsoft's Word. Microsoft has no power to physically compel a person to buy its product instead of a competitor's. In actuality, the only institution with the power of physical enforcement is the government, and it is through that means that Microsoft's less capable competitors wish to shackle them. The government has no right to interfere with free trade.

The last thing I would like you to consider is the broadest scope and ramifications of your actions. At a time when we are suffering a recession and commentators frequently ask if industry will be able to recover, you propose to punish the most successful corporation in the nation. What will that do to the economy? Further, what message does that send to other large corporations, such as General Electric, and AT&T (which has already been prosecuted)? It warns them not to be too successful, not to make too much money, not to boost the economy too much, not to do their jobs too well, because a less successful competitor might cry ''monopoly'' out of contempt for his own incompetence. And how do such businesses know how much is too much? Under such arbitrary laws as antitrust, they can't. The Microsoft case should be dismissed. The antitrust laws are unconstitutional. The consumers deal with the company voluntarily. Economic success should not be punished, but rewarded. Microsoft produces life-enriching products that people want to buy and supports the nation's economy. It deserves not a lawsuit, but a commendation

Thank you,
Kelsey Edwards
Ravenna, OH

MTC–00016091

From: Steve Dockter
To: Microsoft ATR
Date: 1/23/02 10:30am
Subject: Microsoft Settlement

Dear Sir or Madam,

I understand that I have the ability to comment on the proposed settlement between the Justice Department and Microsoft. I have read about the proposed settlement, and I am NOT in favor of it in its current state. Please consider this a vote AGAINST the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors.

The proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The proposed settlement does not sufficiently relieve Microsoft of the ability to leverage hardware and computer manufacturers unfairly against competing products, nor does it adequately open the Windows API to programmers. The DOJ and US government can put a stop to the Microsoft monopoly by forcing them to release their file formats, source code, protocols, or something similar that will allow other companies to compete with them. The market must be able to return to a state of competition.

Thank you for you time,
Steve Dockter
215 Sulky Way
Chadds Ford, PA 19317

MTC–00016092

From: jbeamon@ens1.eatel.net@inetgw
To: Microsoft ATR
Date: 1/23/02 10:31am
Subject: Microsoft Settlement

I am a Systems Administrator at a local ISP outside Baton Rouge, LA. I have been in IT professionally for 3-plus years, using a mix of Windows, NT, Solaris, and Linux. I must object, under the provisions of the Tunney Act, to the proposed settlement offer extended toward Microsoft. The original ''suit against Microsoft'' was all about Netscape's Navigator web browser. Microsoft banned PC vendors from installing Netscape onto new PC's and placed their own Internet Explorer (ie) logo on the desktop. As a subtle maneuver directed at people new to the computer market, ''hortcuts'' from non-Microsoft products placed on the computer's desktop bear a small white arrow, indicating their role as an artificial pointer to some add-on product. Microsoft's ie and Outlook shortcuts were engineered to not bear the little white arrow, making them appear built-in and native to the OS. Right-clicking a third-party shortcut gives you the shortcut's properties: where it leads to, what sort of screen environment it runs in. Right-clicking a Microsoft shortcut gives you the application's properties: connection type, advanced settings, email accounts, home page. These may appear small thing, but they present a profound psychological influence on new computer users that is not beyond the intentions of Microsoft.

Microsoft has made their Office product's file formats a moving target for competing developers for years. This would not have been such an issue, had their not been prepackaged bundling of Office onto retail PC packages, built-in compatibility with the Wordpad application provided free with Windows, and so on. Working in an all-Solaris department, I once received memos and timesheets in digital formats from my HR and Payroll departments as .doc and .xls documents. Without Microsoft's Word and Excel products (I probably just violated a trademark by typing that...), I could not open my company's own communication. Had they been web-based or in plain text or in some easily translatable format that other applications could open, I would not have had the problem. It's not about whether I get Granny's letter or pictures, it's about whether I bundled or purchased Office to open the file formats that were included with her machine. If she were sending me encrypted pictures of her nuclear sub, I'd understand, but this is common ''plain text'' messaging. It shouldn't be any more difficult or expensive to read than the text on a pager.

MSNBC offers versions of its news-update application for Windows and Macintosh, but the End User License Agreement (EULA) states that the applications MUST be run on a version of the Windows operating system. As an internet systems admin, I face the routine task of cleansing my server logs from intrusion and denial-of-service (DoS) attacks. Nearly 100% of these attacks are searches for ''winnt/cmd.exe'' or ''winnt/root.exe'', leftover from the CodeRed and Nibda worms. Their IIS product (web server) has been inherently vulnerable and insecure since day one, and there have been only an endless stream of patches and quick fixes to deal with it. Producing a product that is secured by default has not been a priority. The inclusion of automatic application execution, ActiveX controls, and Visual Basic scripting in their Outlook mail program has only served to exacerbate the problems by enlarging the base from which these worms can operate. Granted, my apache (www.apache.org) web server, open sourced and developed with security in mind, has never suffered from these attacks directly, but my drives fill up with log files recording each ill-gotten request they must answer. I'm certain you've heard most of this before, but I had to make my voice heard. Credit http://slashdot.org for reminding me that the Tunney Act comment period was expiring. I will be a co-signer of Dan Kegel's open petition, hosted online at http://www.kegel.com/remedy/letter.html, to see this proposed settlement redeveloped with some actual teeth to solve the problems that were originally brought to court in the first place... like smaller firms coming up with better ideas, being barred from inclusion in retail PC's until they're starved and bought out, then having their ideas ''innovated'' into Windows as Windows-only software products.

John Beamon
Systems Administrator
Baton Rouge, LA
johnb@eatel.com

MTC–00016093

From: John Holcomb
To: Microsoft ATR
Date: 1/23/02 10:31am
Subject: Microsoft Settlement

To Whom it May Concern,

I dissagree with the definition given for API by Definition A. As a software Developer, I believe ALL Windows APIs should be disclosed, thus all operating system interfaces for application programs should be made public. Thus the current PFJ definition for API is not sufficient, since the interfaces between Microsoft Middleware and Microsoft Windows are possibly only a subset of all Windows APIs.

If all operating system interfaces were made public and documented this would take the edge away from Microsoft, but also allow all developers, not just Microsoft engineers with special knowledge of system APIs, to create programs that use the

Windows OS more efficiently, thus giving the end users a better product experience.

John Holcomb

MTC–00016094

From: Don J. Rude
To: Microsoft ATR
Date: 1/23/02 10:32am
Subject: Microsoft Settlement

Don J. Rude, Gaithersburg, Maryland, Owner of Steem, LLC (www.steem.com) I am writing to say that I will stand as a co signer of Dan Kegel's open letter to the DOJ. http://www.kegel.com/remedy/letter.html There are many problems with the way Microsoft has conducted themselves over the years and I feel that the PFJ is inadequate and often inaccurate. I greatly appreciate Dan Kegel's work on his letter. If I had confidence that my letter would be thoroughly read by the DOJ I would freely express my own opinions and understanding of this case but instead I feel resigned to simply co sign this open letter and hope that the Mr. Kegel's work is more effective than my own voice. I feel I must also say ''Thank You'' to Jeremy White for his call to action:

http://www.codeweavers.com/jwhite/tunney.html

Don J. Rude C.T.O.
V 301–208–1658 x11 F 301–208–1930
Build your world. http://STEEM.com

MTC–00016095

From: Douglas Barnes
To: Microsoft ATR
Date: 1/23/02 10:13am
Subject: Microsoft Settlement

I first started programming computers in 1979, and I have been involved with the computer industry in one way or another for most of my career. I have used and programmed for Microsoft products since the early releases of DOS. I've also used and programmed for a wide range of other operating systems, and I worked as a developer of Unix-based operating systems for IBM and Tandem (now Compaq). In addition, I have co-founded a number of companies here in the California Bay Area, including C2Net Software, which is now part of Red Hat. I recently changed careers and I am now working as a litigation paralegal and preparing to go to law school. The trial court has ruled that Microsoft committed serious violations of anti-trust law, and this decision has been upheld in its initial appeal. Moreover, nobody disputes that previous attempts to restrain Microsoft failed utterly. Clearly it is necessary to go beyond the type of remedy used previously in order to prevent Microsoft from continuing its anti-competitive behavior. The executives at Microsoft are extremely clever people, and their cleverness is hardly confined to solving technical problems—they have proven exceptionally adept at wriggling out of legal restrictions as well.

Given Microsoft's history and the rapdily changing nature of technology, it is very doubtful that you can craft a remedy that will have any effect absent close supervision by persons committed to the intent of the remedy In addition, the current proposed remedy—even ignoring issues of enforcement and supervision—is full of loopholes that Microsoft can (and certainly will) drive a truck through.

I am attaching the draft of an essay by Dan Kegel that I have reviewed and strongly agree with. It is somewhat technical and dense, but this is a technology company that you're attempting to restrain. In my opinion, he does an excellent job of showing that the proposed remedy doesn't even accomplish what it sets out to accomplish. Please reconsider the current settlement. It is abundantly clear that if you do not fashion a better remedy than the current proposal, Microsoft will continue to break the law with impunity.

Sincerely,
Douglas Barnes
douglas@salguod.com
5529 Kales Ave.
Oakland, CA 94618

On the Proposed Final Judgment in United States v. Microsoft Contents

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Introduction

As a software engineer with 20 years'' experience developing software for Unix, Windows, Macintosh, and Linux, I'd like to comment on the Proposed Final Judgment in United States v. Microsoft.

According to the Court of Appeals ruling, ''a remedies decree in an antitrust case must seek to 'unfetter a market from anticompetitive conduct', to ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future'' (section V.D., p. 99) .

Attorney General John Ashcroft seems to agree; he called the proposed settlement ''strong and historic'', said that it would end ''Microsoft's unlawful conduct,'' and said ''With the proposed settlement being announced today, the Department of Justice has fully and completely addressed the anti-competitive conduct outlined by the Court of Appeals against Microsoft.'' Yet the Proposed Final Judgment allows many exclusionary practices to continue, and does not take any direct measures to reduce the Applications Barrier to Entry faced by new entrants to the market.

The Court of Appeals affirmed that Microsoft has a monopoly on Intel-compatible PC operating systmes, and that the company's market position is protected by a substantial barrier to entry (p. 15). Furthermore, the Court of Appeals affirmed that Microsoft is liable under Sherman Act ? 2 for illegally maintaining its monopoly by imposing licensing restrictions on OEMs, IAPs (Internet Access Providers), ISVs (Independent Software Vendors), and Apple Computer, by requiring ISVs to switch to Microsoft's JVM (Java Virtual Machine), by deceiving Java developers, and by forcing Intel to drop support for cross-platform Java tools.

The fruits of Microsoft's statutory violation include a strengthened Applications Barrier to Entry and weakened competition in the Intel-compatible operating system market; thus the Final Judgment must find a direct way of reducing the Applications Barrier to Entry, and of increasing such competition.

In the following sections I outline the basic intent of the proposed final judgment, point out areas where the intent and the implementation appear to fall short, and propose amendments to the Proposed Final Judgment (or PFJ) to address these concerns. Please note that this document is still evolving. Feedback is welcome; to comment on this document, please join the mailing list at groups.yahoo.com/group/ms-remedy, or email me directly at dank-ms@kegel.com. Understanding the Proposed Final Judgment In crafting the Final Judgment, the judge will face the following questions:

a.. How should terms like ''API'', ''Middleware'', and ''Windows OS'' be defined?

b.. How should the Final Judgment erode the Applications Barrier to Entry?

c.. How should the Final Judgment be enforced?

d.. What information needs to be released to ISVs to encourage competition, and under what terms?

e.. Which practices towards OEMs should be prohibited?

f.. Which practices towards ISVs should be prohibited?

g.. Which practices towards large users should be prohibited?

h.. Which practices towards end users should be prohibited? Here is a very rough summary which paraphrases provisions III.A through III.J and VI. of the Proposed Final Judgement to give some idea of how the PFJ proposes to answer those questions: PFJ Section III: Prohibited Conduct

1.. Microsoft will not retaliate against OEMs who support competitors to Windows, Internet Explorer (IE), Microsoft Java (MJ), Windows Media Player (WMP), Windows Messenger (WM), or Outlook Express (OE).

2.. Microsoft will publish the wholesale prices it charges the top 20 OEMs (Original Equipment Manufacturers) for Windows.

3.. Microsoft will allow OEMs to customize the Windows menus, desktop, and boot sequence, and will allow the use of non-Microsoft bootloaders.

4.. Microsoft will publish on MSDN (the Microsoft Developer Network) the APIs used by IE, MJ, WMP, WM, and OE, so that competing web browsers, media players, and email clients can plug in properly to Windows.

5.. Microsoft will license on reasonable terms the network protocols needed for non-Microsoft applications or operating systems to connect to Windows servers.

6.. Microsoft will not force business partners to refrain from supporting competitors to Windows, IE, MJ, WMP, WM, or OE.

7.. (Roughly same as F above.)

8.. Microsoft will let users and OEMs remove icons for IE, MJ, WMP, WM, and OE, and let them designate competing products to be used instead.

9.. Microsoft will license on reasonable terms any intellectual property rights needed for other companies to take advantage of the terms of this settlement.

10.. This agreement lets Microsoft keep secret anything having to do with security or copy protection. PFJ Section VI: Definitions

1.. ''API'' (Application Programming Interface) is defined as only the interfaces between Microsoft Middleware and Microsoft Windows, excluding Windows APIs used by other application programs.

2.. ''Microsoft Middleware Product'' is defined as Internet Explorer (IE), Microsoft Java (MJ), Windows Media Player (WMP), Windows Messenger (WM), and Outlook Express (OE).

3.. ''Windows Operating System Product'' is defined as Windows 2000 Professional, Windows XP Home, and Windows XP Professional. The agreement can be summed up in one breath as follows: Microsoft agrees to compete somewhat less vigorously, and to let competitors interoperate with Windows in exchange for royalty payments. Considering all of the above, one should read the detailed terms of the Proposed Final Judgment, and ask one final question:

a.. Is the Proposed Final Judgement in the public interest? In the sections below, I'll look in more detail at how the PFJ deals with the above questions. How should terms like ''API'', ''Middleware, and ''Windows OS'' be defined? The definitions of various terms in Part VI of the PFJ differ from the definitions in the Findings of Fact and in common usage, apparantly to Microsoft's benefit. Here are some examples: Definition A: ''API''

The Findings of Fact (? 2) define ''API'' to mean the interfaces between application programs and the operating system. However, the PFJ's Definition A defines it to mean only the interfaces between Microsoft Middleware and Microsoft Windows, excluding Windows APIs used by other application programs. For instance, the PFJ's definition of API might omit important APIs such as the Microsoft Installer APIs which are used by installer programs to install software on Windows.

Definition J: ''Microsoft Middleware''

The Findings of Fact (? 28) define ''middleware'' to mean application software that itself presents a set of APIs which allow users to write new applications without reference to the underlying operating system. Definition J defines it in a much more restrictive way, and allows Microsoft to exclude any software from being covered by the definition in two ways:

1.. By changing product version numbers. For example, if the next version of Internet Explorer were named ''7.0.0'' instead of ''7'' or ''7.0'', it would not be deemed Microsoft Middleware by the PFJ.

2.. By changing how Microsoft distributes Windows or its middleware. For example, if Microsoft introduced a version of Windows which was only available via the Windows Update service, then nothing in that version of Windows would be considered Microsoft Middleware, regardless of whether Microsoft added it initially or in a later update. This is analogous to the loophole in the 1995 consent decree that allowed Microsoft to bundle its browser by integrating it into the operating system. Definition K: ''Microsoft Middleware Product'' Definition K defines ''Microsoft Middleware Product'' to mean essentially Internet Explorer (IE), Microsoft Java (MJ), Windows Media Player (WMP), Windows Messenger (WM), and Outlook Express (OE).

The inclusion of Microsoft Java and not Microsoft.NET is questionable; Microsoft has essentially designated Microsoft.NET and C# as the successors to Java, so on that basis one would expect Microsoft.NET to be included in the definition. The inclusion of Outlook Express and not Outlook is questionable, as Outlook (different and more powerful than Outlook Express) is a more important product in business, and fits the definition of middleware better than Outlook Express.

The exclusion of Microsoft Office is questionable, as many components of Microsoft Office fit the Finding of Fact's definition of middleware. For instance, there is an active market in software written to run on top of Microsoft Outlook and Microsoft Word, and many applications are deveoped for Microsoft Access by people who have no knowledge of Windows APIs.

Definition U: ''Windows Operating System Product''

Microsoft's monopoly is on Intel-compatible operating systems. Yet the PFJ in definition U defines a ''Windows Operating System Product'' to mean only Windows 2000 Professional, Windows XP Home, windows XP Professional, and their successors. This purposely excludes the Intel-compatible operating systems Windows XP Tablet PC Edition and Windows CE; many applications written to the Win32 APIs can run unchanged on Windows 2000, Windows XP Tablet PC Edition, and Windows CE, and with minor recompilation, can also be run on Pocket PC. Microsoft even proclaims at www.microsoft.com/windowsxp/tabletpc/tabletpcqanda.asp: ''The Tablet PC is the next-generation mobile business PC, and it will be available from leading computer makers in the second half of 2002. The Tablet PC runs the Microsoft Windows XP Tablet PC Edition and features the capabilities of current business laptops, including attached or detachable keyboards and the ability to run Windows-based applications.'' and

Pocket PC: Powered by Windows

Microsoft is clearly pushing Windows XP Tablet PC Edition and Pocket PC in places (e.g. portable computers used by businessmen) currently served by Windows XP Home Edition, and thus appears to be trying to evade the Final Judgment's provisions. This is but one example of how Microsoft can evade the provisions of the Final Judgment by shifting its efforts away from the Operating Systems listed in Definition U and towards Windows XP Tablet Edition, Windows CE, Pocket PC, X-Box, or some other Microsoft Operating System that can run Windows applications.

How should the Final Judgment erode the Applications Barrier to Entry? The PFJ tries to erode the Applications Barrier to Entry in two ways:

1.. By forbidding retaliation against OEMs, ISVs, and IHVs who support or develop alternatives to Windows.

2.. By taking various measures to ensure that Windows allows the use of non-Microsoft middleware.

A third option not provided by the PFJ would be to make sure that Microsoft raises no artificial barriers against non-Microsoft operating systems which implement the APIs needed to run application programs written for Windows. The Findings of Fact (?52) considered the possibility that competing operating systems could implement the Windows APIs and thereby directly run software written for Windows as a way of circumventing the Applications Barrier to Entry. This is in fact the route being taken by the Linux operating system, which includes middleware (named WINE) that can run many Windows programs.

By not providing some aid for ISVs engaged in making Windows-compatible operating systems, the PFJ is missing a key opportunity to encourage competition in the Intel-compatible operating system market. Worse yet, the PFJ itself, in sections III.D. and III.E., restricts information released by those sections to be used ''for the sole purpose of interoperating with a Windows Operating System Product''. This prohibits ISVs from using the information for the purpose of writing operating systems that interoperate with Windows programs.

How should the Final Judgment be enforced?

The PFJ as currently written appears to lack an effective enforcement mechanism. It does provide for the creation of a Technical Committee with investigative powers, but appears to leave all actual enforcement to the legal system.

What information needs to be released to ISVs to encourage competition, and under what terms?

The PFJ provides for increased disclosure of technical information to ISVs, but these provisions are flawed in several ways:

1. The PFJ fails to require advance notice of technical requirements

Section III.H.3. of the PFJ requires vendors of competing middleware to meet ''reasonable technical requirements'' seven months before new releases of Windows, yet it does not require Microsoft to disclose those requirements in advance. This allows Microsoft to bypass all competing

middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

2. API documentation is released too late to help ISVs

Section III.D. of the PFJ requires Microsoft to release via MSDN or similar means the documentation for the APIs used by Microsoft Middleware Products to interoperate with Windows; release would be required at the time of the final beta test of the covered middleware, and whenever a new version of Windows is sent to 150,000 beta testers. But this information would almost certainly not be released in time for competing middleware vendors to adapt their products to meet the requirements of section III.H.3, which states that competing middleware can be locked out if it fails to meet unspecified technical requirements seven months before the final beta test of a new version of Windows.

3. Many important APIs would remain undocumented

The PFJ's overly narrow definitions of ''Microsoft Middleware Product'' and ''API'' means that Section III.D.'s requirement to release information about Windows interfaces would not cover many important interfaces.

4. Unreasonable Restrictions are Placed on the Use of the Released Documentation

ISVs writing competing operating systems as outlined in Findings of Fact (?52) sometimes have difficulty understanding various undocumented Windows APIs. The information released under section III.D. of the PFJ would aid those ISVs—except that the PFJ disallows this use of the information. Worse yet, to avoid running afoul of the PFJ, ISVs might need to divide up their engineers into two groups: those who refer to MSDN and work on Windows-only applications; and those who cannot refer to MSDN because they work on applications which also run on non-Microsoft operating systems. This would constitute retaliation against ISVs who support competing operating systems.

5. File Formats Remain Undocumented

No part of the PFJ obligates Microsoft to release any information about file formats, even though undocumented Microsoft file formats form part of the Applications Barrier to Entry (see ''Findings of Fact'' ?20 and ? 39).

6. Patents covering the Windows APIs remain undisclosed

Section III.I of the PFJ requires Microsoft to offer to license certain intellectual property rights, but it does nothing to require Microsoft to clearly announce which of its many software patents protect the Windows APIs (perhaps in the style proposed by the W3C; see http://www.w3.org/TR/2001/WD-patent-policy-20010816/#sec-disclosure). This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users, as illustrated by this report from Codeweavers, Inc.:

When selecting a method of porting a major application to Linux, one prospect of mine was comparing Wine [a competing implementation of some of the Windows APIs] and a toolkit called 'MainWin'. MainWin is made by Mainsoft, and Mainsoft licenses its software from Microsoft. However, this customer elected to go with the Mainsoft option instead. I was told that one of the key decision making factors was that Mainsoft representatives had stated that Microsoft had certain critical patents that Wine was violating. My customer could not risk crossing Microsoft, and declined to use Wine. I didn't even have a chance to determine which patents were supposedly violated; nor to disprove the validity of this claim.

The PFJ, by allowing this unclear legal situation to continue, is inhibiting the market acceptance of competing operating systems.

Which practices towards OEMs should be prohibited?

The PFJ prohibits certain behaviors by Microsoft towards OEMs, but curiously allows the following exclusionary practices:

Section III.A.2. allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system. Section III.B. requires Microsoft to license Windows on uniform terms and at published prices to the top 20 OEMs, but says nothing about smaller OEMs. This leaves Microsoft free to retaliate against smaller OEMs, including important regional 'white box'' OEMs, if they offer competing products.

Section III.B. also allows Microsoft to offer unspecified Market Development Allowances—in effect, discounts—to OEMs. For instance, Microsoft could offer discounts on Windows to OEMs based on the number of copies of Microsoft Office or Pocket PC systems sold by that OEM. In effect, this allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas, such as office software or ARM-compatible operating systems.

By allowing these practices, the PFJ is encouraging Microsoft to extend its monopoly in Intel-compatible operating systems, and to leverage it into new areas. Which practices towards ISVs should be prohibited? Sections III.F. and III.G. of the PFJ prohibit certain exclusionary licensing practices by Microsoft towards ISVs.

However, Microsoft uses other exclusionary licensing practices, none of which are mentioned in the PFJ. Several of Microsoft's products'' licenses prohibit the products'' use with popular non-Microsoft middleware and operating systems. Two examples are given below.

1. Microsoft discriminates against ISVs who ship Open Source applications The Microsoft Windows Media Encoder 7.1 SDK EULA states

... you shall not distribute the REDISTRIBUTABLE COMPONENT in conjunction with any Publicly Available Software. ''Publicly Available Software'' means each of (i) any software that contains, or is derived in any manner (in whole or in part) from, any software that is distributed as free software, open source software (e.g. Linux) or similar licensing or distribution models ... Publicly Available Software includes, without limitation, software licensed or distributed under any of the following licenses or distribution models, or licenses or distribution models similar to any of the following: GNU's General Public License (GPL) or Lesser/Library GPL (LGPL); The Artistic License (e.g., PERL); the Mozilla Public License; the Netscape Public License; the Sun Community Source License (SCSL); ... Many Windows APIs, including Media Encoder, are shipped by Microsoft as add-on SDKs with associated redistributable components. Applications that wish to use them must include the add-ons, even though they might later become a standard part of Windows. Microsoft often provides those SDKs under End User License Agreements (EULAs) prohibiting their use with Open Source applications. This harms ISVs who choose to distribute their applications under Open Source licenses; they must hope that the enduser has a sufficiently up-to-date version of the addon API installed, which is often not the case. Applications potentially harmed by this kind of EULA include the competing middleware product Netscape 6 and the competing office suite StarOffice; these EULAs thus can cause support problems for, and discourage the use of, competing middleware and office suites. Additionally, since Open Source applications tend to also run on non-Microsoft operating systems, any resulting loss of market share by Open Source applications indirectly harms competing operating systems.

2. Microsoft discriminates against ISVs who target Windows-compatible competing Operating Systems

The Microsoft Platform SDK, together with Microsoft Visual C++, is the primary toolkit used by ISVs to create Windows-compatible applications. The Microsoft Platform SDK EULA says: ''Distribution Terms. You may reproduce and distribute ... the Redistributable Components... provided that (a) you distribute the Redistributable Components only in conjunction with and as a part of your Application solely for use with a Microsoft Operating System Product...'' This makes it illegal to run many programs built with Visual C++ on Windows-compatible competing operating systems.

By allowing these exclusionary behaviors, the PFJ is contributing to the Applications Barrier to Entry faced by competing operating systems. Which practices towards large users should be prohibited? The PFJ places restrictions on how Microsoft licenses its products to OEMs, but not on how it licenses products to large users such as corporations, universities, or state and local goverments, collectively referred to as 'enterprises'. Yet enterprise license agreements often resemble the per-processor licenses which were prohibited by the 1994 consent decree in the earlier US v.

Microsoft antitrust case, in that a fee is charged for each desktop or portable computer which could run a Microsoft operating system, regardless of whether any Microsoft software is actually installed on the affected computer. These agreements are anticompetitive because they remove any financial incentive for individuals or departments to run non-Microsoft software. Which practices towards end users should be prohibited? Microsoft has used both restrictive licenses and intentional incompatibilities to discourage users from

running Windows applications on Windows-compatible competing operating systems. Two examples are given below.

1. Microsoft uses license terms which prohibit the use of Windows-compatible competing operating systems

MSNBC (a subsidiary of Microsoft) offers software called NewsAlert. Its EULA states ''MSNBC Interactive grants you the right to install and use copies of the SOFTWARE PRODUCT on your computers running validly licensed copies of the operating system for which the SOFTWARE PRODUCT was designed [e.g., Microsoft Windows(r) 95; Microsoft Windows NT(r), Microsoft Windows 3.x, Macintosh, etc.]. ...''

Only the Windows version appears to be available for download. Users who run competing operating systems (such as Linux) which can run some Windows programs might wish to run the Windows version of NewsAlert, but the EULA prohibits this. MSNBC has a valid interest in prohibiting use of pirated copies of operating systems, but much narrower language could achieve the same protective effect with less anticompetitive impact. For instance, ''MSNBC Interactive grants you the right to install and use copies of the SOFTWARE PRODUCT on your computers running validly licensed copies of Microsoft Windows or compatible operating system.''

2. Microsoft created intentional incompatibilities in Windows 3.1 to discourage the use of non-Microsoft operating systems

An episode from the 1996 Caldera v. Microsoft antitrust lawsuit illustrates how Microsoft has used technical means anticompetitively.

Microsoft's original operating system was called MS-DOS. Programs used the DOS API to call up the services of the operating system. Digital Research offered a competing operating system, DR-DOS, that also implemented the DOS API, and could run programs written for MS-DOS. Windows 3.1 and earlier were not operating systems per se, but rather middleware that used the DOS API to interoperate with the operating system. Microsoft was concerned with the competitive threat posed by DR-DOS, and added code to beta copies of Windows 3.1 so it would display spurious and misleading error messages when run on DR-DOS. Digital Research's successor company, Caldera, brought a private antitrust suit against Microsoft in 1996. (See the original complaint, and Caldera's consolidated response to Microsoft's motions for partial summary judgment.) The judge in the case ruled that

''Caldera has presented sufficient evidence that the incompatibilities alleged were part of an anticompetitive scheme by Microsoft.'' That case was settled out of court in 1999, and no court has fully explored the alleged conduct.

The concern here is that, as competing operating systems emerge which are able to run Windows applications, Microsoft might try to sabotage Windows applications, middleware, and development tools so that they cannot run on non-Microsoft operating systems, just as they did earlier with Windows 3.1.

The PFJ as currently written does nothing to prohibit these kinds of restrictive licenses and intentional incompatibilities, and thus encourages Microsoft to use these techniques to enhance the Applications Barrier to Entry, and harming those consumers who use non-Microsoft operating systems and wish to use Microsoft applications software.

Is the Proposed Final Judgement in the public interest?

The problems identified above with the Proposed Final Judgment can be summarized as follows:

a.. The PFJ doesn't take into account Windows-compatible competing operating systems

a.. Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

b.. The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

a.. The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

b.. The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

c.. The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

d.. The PFJ supposedly applies to ''windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertized as being ''Windows Powered''.

e.. The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

f.. The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

g.. The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

h.. The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

i.. The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

c.. The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

a.. Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

b.. Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

c.. Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system— even for computers running Linux. (Similar licenses to OEMs were once banned by the 1994 consent decree.)

d.. The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

a.. Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

e.. The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

a.. The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

b.. The PFJ allows Microsoft to discriminate against small OEMs -including regional 'white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

c.. The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

f.. The PFJ as currently written appears to lack an effective enforcement mechanism. Considering these problems, one must conclude that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, and would delay the emergence of competing Windows-compatible operating systems. Therefore, the Proposed Final Judgment is not in the public interest, and should not be adopted without addressing these issues.

Strengthening the PFJ

The above discussion shows that the PFJ does not satisfy the Court of Appeals'' mandate. Some of the plaintiff States have proposed an alternate settlement which fixes many of the problems identified above. The States'' proposal is quite different from the PFJ as a whole, but it contains many elements which are similar to elements of the PFJ, with small yet crucial changes. In the sections below, I suggest amendments to the PFJ that attempt to resolve some of the demonstrated problems (time pressure has prevented a more complete list of amendments). When discussing amendments, PFJ text is shown indented; removed text in shown in [bracketed strikeout], and new text in bold italics.

Correcting the PFJ's definitions

Definition U should be amended to read

U. ''Windows Operating System Product'' means [the software code (as opposed to source code) distributed commercially by Microsoft for use with Personal Computers as

Windows 2000 Professional, Windows XP Home, Windows XP Professional, and successors to the foregoing, including the Personal Computer versions of the products currently code named ''Longhorn'' and ''Blackcomb'' and their successors, including upgrades, bug fixes, service packs, etc. The software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion.] any software or firmware code distributed commercially by Microsoft that is capable of executing any subset of the Win32 APIs, including without exclusion Windows 2000 Professional, Windows XP Home, Windows XP Professional; Windows XP Tablet PC Edition, Windows CE, PocketPC 2002, and successors to the foregoing, including the products currently code named ''Longhorn'' and ''Blackcomb'' and their successors, including upgrades, bug fixes, service packs, etc. Release of information to ISVs TBD Section E should be amended to read

... Microsoft shall disclose to ISVs, IHVs, IAPs, ICPs, and OEMs, [for the sole purpose of interoperating with a Windows Operating System Product,] for the purpose of interoperating with a Windows Operating System Product or with application software written for Windows, via the Microsoft Developer Network (''MSDN'') or similar mechanisms, the APIs and related Documentation that are used by Microsoft Middleware to interoperate with a Windows Operating System Product. ...

Prohibition of More Practices Toward OEMs TBD

1. III. A. 2. of the Proposed Final Judgment should be amended to read

2. shipping a Personal Computer that (a) includes both a Windows Operating System Product and a non-Microsoft Operating System, or (b) will boot with more than one Operating System, or (c) includes a non-Microsoft Operating System but no Windows Operating System Product; or ... Prohibition of More Practices Toward ISVs TBD Prohibition of Certain Practices Toward End Users TBD

Summary

This document is not yet complete, but it does demonstrate that there are so many problems with the PFJ that it is not in the public interest. It also illustrates how one might try to fix some of these problems.

Dan Kegel

21 January 2002

Return to ''On the Remedy Phase of the Microsoft Antitrust Trial''

MTC–00016096

From: Thomas Keitel
To: Microsoft ATR
Date: 1/23/02 10:31am
Subject: Microsoft Settlement

Dear Sirs,

I feel that the settlement between the United States and Microsoft should not go forward. Microsoft is a company that leverages it's incredible bulk and power upon fledging industries and companies and has no peer and no challenger other than the United States government. I have seen many of my personal choices as a consumer limited due to Microsoft's ''Embrace and Extend'' farce of a philosophy. The protocols are open, yet there is no competition. Does this not make anyone with the ability to remedy the problem concerned?

Why can you not buy an Intel PC compatible product with an operating system other than Microsoft Windows preinstalled? Simply, because Microsoft has closed those doors to the competition illegally leveraging it's market position to strong arm PC manufacturers.

Kind Regards,
Thomas Keitel

MTC–00016097

From: arh14@cornell.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 10:31am
Subject: Microsoft Settlement

To whom it may concern:

I have been working in the software industry for three years as a Java software developer, and have been writing software for around seven years. I have been using Microsoft products (often by choice, often only by sheer necessity because of the de facto standard it has become), from DOS 4.0 in 1989, through Windows 2000. For as long as I've been using Microsoft products, Microsoft has shown its flagrant disrespect for the competitive marketplace, from snuffing out competitors to its DOS and Windows operating systems (e.g. Dr. DOS, OS/2), by engaging in predatory, secret, non-disclosable OEM deals to prevent OEMs from shipping alternative products, by engaging in ''embrace-and-extinguish'' practices to consume and later kill emerging threatening technologies (e.g. Java), and by intentionally introducing incompatibilities in its products which either make it difficult for competing third party applications to run, make it difficult for its protocols and formats to be reversed engineered for the sake of compatibility, or keep consumers upgrading needlessly. In parallel, Microsoft has shown a likewise lack of concern for the multitudinous security problems that have plagued its products, only recently claiming to be sincerely interested in security now that viruses and worms based on insecure but ubiquitous Microsoft products are flooding the net. Just recently the FBI became worried enough about a security flaw in Microsoft Windows XP, that it issued an alert. Microsoft's pitch of web services is even more worriesome, in that Microsoft may end up holding the personal information of millions of users who patronize web sites which are based on Microsoft PassPort and HailStorm.

In light of Microsoft's behavior I think that the Proposed Final Judgement is not sufficient. It is too weak, and too ambiguous and leaves Microsoft plenty of room to exploit loopholes (details at: http://www.kegel.com/remedy/letter.html). It is nothing more than a slap on the hand. The software industry has seen a steady stifling of innovation, whereas before Microsoft's dominance it was diverse and fertile. We cannot bring back all the technologies, companies, or bright ideas Microsoft suppressed, but we can do the right thing in evening the playing field again, by rejecting the Proposed Final Judgement, and revising it to close many loopholes, clear up ambiguities, and once again make the marketplace competitive.

Thank you,
Aaron Hamid
Ithaca, New York
Java Applications Developer
Cornell University

MTC–00016098

From: proclus@iname.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:21am
Subject: Microsoft Settlement

I am writing to voice my opposition to the proposed settlement and my support of the ''hold out states''. The settlement would be a reward for Microsoft, not a remedy, by imposing ''the Microsoft way'' on America's children. Education is one arena where Microsoft does not dominate, but this settlement would expand their monopoly power into a market where it did not previously exist. This is bad for all of Microsoft's competitors, such as Apple and RedHat, and the court should not be in the business of putting Microsoft's competitors out of business. Please to not sacrifice our children to the evil empire.

Regards,
Michael L. Love
MacCHESS
Cornell University
http://www.gnu-darwin.org/

MTC–00016099

From: Albertson, Brett
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:34am
Subject: Microsoft Settlement

To whom it may concern,

I disagree with the proposed remedy of the Microsoft Anti-trust trial. This remedy would seem to extend, not limit, Microsoft's Monopolistic power. Any remedy should inately *decrease* their Monopolistic power. Maybe an alternative would be to make Microsoft fund billions of dollars worth of *competitors* softare, such as Apple, Linux, and StarOffice. That would be a remedy which would increase competition at least. Or even better, would be to break Microsoft into two companies: Operating Systems and Applications. The Operating System business would then be enjoined from entering into any other business ventures outside of the Operating System arena. thank you,

Brett Albertson
Senior Research Analyst
Strategic Technologies
vs lbh pna ernq guvf, lbh'er n pevzvany gunaxf gb gur QZPN.
brett.albertson@stratech.com
voice (919) 379–8449
fax (919) 379–8100

MTC–00016100

From: Jeff Nathanson
To: Microsoft ATR
Date: 1/23/02 10:31am
Subject: Microsoft Settlement

I don't think enough has been done to prevent Microsoft from future anti-competitive practices. It would be good to see a settlement which assures competition in

the OS and browser markets, as well as in other software which Microsoft sells. —
Jeff Nathanson
jeff@metrolink.com
voice: (954) 660–2434
http://www.metrolink.com/
Metro Link, Inc
5807 North Andrews Way
Fort Lauderdale, Florida 33309

MTC–00016101

From: Jeff Easter
To: Microsoft ATR
Date: 1/23/02 10:33am
Subject: Re: Tunney Act comments

Dept of Justice:

I wanted to make a coment on the proposed ''final settlement'' of the Microsoft Antitrust Trial. I am a Unix system administrator, and have been involved in the computer industry for the last 6 years. In saying that, I also feel I am no more nor less qualified to make comment on this settlement than any other citizen. I see several problems with the settlement, but the most troubling are the extremely narrow definitions that have been agreed to when defining what pieces of Microsoft's software, code, and product line will be affected. I think it will be all to easy for them to change a version number here, a name there, and continue to monopolize the market as they have always done, and will continue to due unless the DOJ steps in and applies real restrictions to them.

Thank You for your time and consideration.

Jeff Easter
PO Box 11813
Chandler, AZ 85248
480–649–0333

MTC–00016102

From: nosettlement@
mem.mailshell.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:33am
Subject: Microsoft Settlement

The proposed settlement is an extremely bad idea for a multitude of reasons. Section III(J)(2) contains some very strong language against not-for-profits. These include Apache, Perl, PHP, Sendmail, Samba and the like. All could be excluded because the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...''

Section III(D), concerning middleware, again allows Microsoft to exclude Open Source vendors entirely and the US government. There are a large number of other failures in the proposed settlement. I oppose it strongly.

MTC–00016103

From: jeff@landunknown.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:33am
Subject: Microsoft Settlement

The proposed settlement is a discrace. It doesn't punish Microsoft in any real way at all, and will allow this juggernaught to continue to stomp out innovation and real competition.

I sincerly hope this slap on the wrist isn't the final solution...

Thank you,
—Jeff C.
jeff@landunknown.com

MTC–00016104

From: Benjamin Trent
To: Microsoft ATR
Date: 1/23/02 10:33am
Subject: Microsoft Settlement

I don't believe that the proposed settlement is sufficient due to the vague outline regarding enforcement. I think there should be a more definite structure in place concerning how this settlement will be enforced before it is finalized.

MTC–00016105

From:
ralph.s.thomas@mail.sprint.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:33am
Subject: Microsoft Settlement

As a US citizen, I support and endorse the Microsoft Settlement, and encourage the US DOJ to resolve this matter quickly. Thank you.

Ralph S. Thomas
Product Technical Support
Sprint LTD I.T. Field Services
Desk: 913–345–6808
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Mailto:ralph.s.thomas@mail.sprint.com

MTC–00016106

From: Aaron Manela
To: Microsoft ATR
Date: 1/23/02 10:33am
Subject: Microsoft Settlement

To Whom it May Concern,

In accordance with the Tunney act I wish to complain that the proposed settlement in the Microsoft case is not in the public interest, or even in the economic interest of this nation.

I work in the IT industry, and I know from personal experience that Microsoft's anti-competitive behavior has cost businesses across this nation huge sums of money.

The proposed settlement lacks effective enforcement. It fails to enforce anticompetitive licensing terms, intentional imcompatibilities in the Windows OS's, discriminatory behavior against OEMs and open source software.

It fails to prevent predatory monopoly practices in the future.

The Proposed Final Judgement also uses definitions of the Windows ''API'' that leave out many Microsoft Windows products which are part of the Microsoft Monopoly.

Microsoft should be broken up into at least two entities, one for the OS and one for the applications. Anything short of this will simply allow Microsoft to continue its business as usual policies.

Thank You,
Aaron Manela
1329 Creekside Drive
Charlottesville VA 22902

MTC–00016107

From: Don Davis
To: Microsoft ATR
Date: 1/23/02 10:33am
Subject: Microsoft Settlement

To whom it may concern:

I am against the proposed final judgment in US vs. Microsoft. I feel the damage Microsoft has done to the software and OS marketplace is incalculable, and the proposed settlement does little to correct it. I don't feel the settlement levels the playing field for competing operating systems or office software, and would like to see a much stronger penalty imposed. The proposed settlement does not sufficiently relieve Microsoft of the ability to leverage hardware and computer manufacturers unfairly against competing products, nor does it adequately open the Windows API to programmers.

Regards,
Don Davis / Tel: 937.235.0096

MTC–00016108

From: C. Schmidt
To: Microsoft ATR
Date: 1/23/02 10:33am
Subject: Microsoft Settlement

To whom it may concern (anyone who wants a tested reliable product):

I do not believe that allowing Microsoft to ''donate'' $1 billion worth of computers and software is a fair punishment. Apple Computer, for example, dominates the education market. Allowing Microsoft to enter this education market without competition , but as a ''punishment'', is ludicrous. This costs Microsoft nothing, and only serves to strengthen their grip. The problem here is you have an entire country (globe?) now conforming to one standard (Wintel). You cannot change this. However, crippling someone who does not play fair by threatening the weak, is an option. You have to hit them where it hurts—TAKE THEIR CASH. In light of the recent filing by AOL/TimeWarner, I hope Microsoft is punished for the illegal strategies it used to push Netscape (a superior product at the time) out of the market.

C. Schmidt

MTC–00016109

From: Khalid Qureshi
To: Microsoft ATR
Date: 1/23/02 10:33am
Subject: Micro$oft $ettlement

Dear DOJ-

I am opposed to the current Microsoft settlement as it does nothing to change the way that Microsoft illegally opresses innovation through it's predatory practices.

The problem is not totally that Microsoft is quite large and it's software is well distributed, but that they use their size and market penetration to enforce practices designed to hurt competitors. There was ample evidence of these practices in the Anti-Trust trial, in which Microsoft was found guilty of being a monopoly and using unfair tactics to assure that it remained so.

For example, the open-source SAMBA project implements a network interface allowing non-Microsoft operating systems to connect to computers running Microsoft Windows operating systems for the purpose

of moving files, distributing email, and sharing printers, among other things. This project has lead to incresed adoption of non-Microsoft operating systems within corporations. This is a threat to Microsoft, so they are changing the protocol WITHOUT providing any details on how the protocols will change.

Add to the this the new draconian liscencing scheme which requires companies to upgrade software or face harsh penalties by Microsoft, an you can see that Microsoft is using its size to push all non-Microsoft products out of the market place. This is the problem with Microsoft, and one that the USDOJ has chosen not to address.

These tactics continue even as we speak because the USDOJ caved into pressure to basically drop the case. I am ashamed of the DOJ for the way that they ''settled''. Many economists, laywers, computer industry specialists, and computer users have poured over the document and found that the ''settlement'' amounts to this:

Promise to be nice for at least five years, and if not, then we will send someone to look after you, and this person will not have access to any of your code and will thus be unable to gauge the impact of your business decisions. Effectively, we will do nothing but have a symbolic post to address your practices.

It was a great Christmas present to Microsoft, but a signal to the Computer Industry that the Goverment is not willing to enforce any real remedy. That is why nine states (I am ashamed to say that my state, OHIO, did not participate) did not join the ''settlement'', and scores of companies (most recently Netscape/AOL) have brought suits against Microsoft. The Goverment has shown incredible cowardice, and people are dissatisfied and will not take that cowardice for for a true settlement.

Please implement a fair remedy for the good of the computer industry. I use Linux, and I love it because it provides what I need, including interoperability with Microsoft products. At work, I am forced to use Microsoft because of the liscencing structure and the closed (i.e. Word *.doc and Powerpoint *.ppt) formats. Open these formats, and at least the engineering staff would jump at the chance to switch from the bug-ridden Microsoft Windows systems to a more robust and cheaper alternative ... like Linux. This cannot happen unless Microsoft is made to open the only thing that keeps them a monopoly—not good products, but closed formats pushing others out of the way.

Thank you for your time,
Khalid Qureshi
Cincinnati, OH

MTC–00016110

From: Douglas Rowe
To: Microsoft ATR
Date: 1/23/02 10:34am
Subject: Microsoft Settlement

This settlement is very bad and does little to remedy the real problems in Microsoft's business practices.

MTC–00016111

From: Rob
To: Microsoft ATR
Date: 1/23/02 10:33am
Subject: Microsoft Settlement
Hash: SHA1

This Proposed settlement is not in the best interests of the public nor business at large.

—The PFJ doesn't take into account Windows-compatible competing operating systems

Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

—The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered. The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

—The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.) I also agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html).

G. Robert Mattix
502 Dartmouth Lane
Allen, Texas 75002
214–547–8551
reply@chickenhut.org

MTC–00016112

From: Brandt Deakin
To: Microsoft ATR
Date: 1/23/02 10:34am
Subject: Microsoft Settlement

I feel that the input of the public can be crucial to the democratic process, and I think that the proposed settlement is a bad idea.

Brandt Deakin
Salt Lake City, Utah

MTC–00016113

From: Brent Cook
To: Microsoft ATR
Date: 1/23/02 10:34am
Subject: Microsoft Settlement

To Whom it Concerns,

I have read the proposed settlement in the Microsoft antitrust trial and am opposed to it. The settlement does not remedy the actions currently being committed by Microsoft, nor does it inhibit its ability to commit similar actions in the future. Many of the provisions are vaguely worded and do little to reduce Microsoft's status as a monopoly.

For instance, provision C.3 states that Microsoft may restrict any OEM licensee from automatically launching at boot time any product that has a user interface of similar size and shape to a user interface provided by a Microsoft Middleware Product. This provision does not prevent Microsoft from producing a product that matches the size and shape of any other vendor's product, thereby excluding its inclusion as an automatically launched product by an OEM. Skinning technology such as that used in Microsoft Media Player would suit this purpose well for Microsoft. I have the utmost concerns, however, with section J.1. This section prohibits a Final Judgement from requiring Microsoft to document, disclose or license to third parties portions of APIS or Documentation or portions or layers of Communications Protocols that would ''compromise security of a particular installation or group of installations of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems...'' This provision allows Microsoft to prevent product interoperability with any third party vendor's product which provides security, digital rights management, anti-virus, encryption, communication or authentication services. In short, Microsoft is under no obligation to provide documentation for APIs required for any other product to share files, play digital media, communicate, authenticate or interoperate with any future Microsoft Operating System, Application or Middleware.

Please consider this my vote against the proposed Microsoft antitrust settlement and my vote for a stronger, more specific settlement that opens Microsoft to competitors and eliminates its monolopy status.

Brent Cook
1801 S. Lakeshore Blvd. #104
Austin, TX 78741

MTC–00016114

From: Rod Richeson
To: Microsoft ATR
Date: 1/23/02 11:30am
Subject: Microsoft Settlement

I am opposed to the current settlement between the United States Government and Microsoft Corporation, specifically Section III(J)(2) Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business.'' For this settlement to be fair Microsoft should not be making decisions on the openness of the API, but allow all interested parties to use calls previously unavailable to them, but available to Microsoft applications

Thanks You,
Rodney S. Richeson
Hillsboro, OR

MTC–00016115

From: Don Davis

To: Microsoft ATR
Date: 1/23/02 10:34am
Subject: Microsoft Settlement

To whom it may concern:

I am writing to give my comments on the Microsoft antitrust settlement. I believe this settlement is counter to the interests of the American public, deleterious to the American economy, and not adequate given the findings of fact in the trial.

Microsoft's anti-competitive practices are counter to the law and spirit of our free-enterprise system. These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation. Microsoft's monopolistic practices cause the public to bear increased costs and deny them the products of the innovation which would otherwise be stimulated through competition.

The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future.

It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function.

Regards,
Don Davis / Tel: 937.235.0096

MTC–00016116

From: Eli.Dourado@furman.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 10:34am
Subject: Microsoft Settlement

Dear Sir or Madam,

I believe the proposed settlement with Microsoft will not reduce their predatory behavior. I propose two further additions.

1. Microsoft ought to be required to open all file formats so that third-party applications will be able to view and edit them in a FULLY functional manner.

2. Microsoft ought to be prohibited from charging more for its products ''off the shelf'' than it does to original equipment manufacturers. Without these two restrictions, the problem is not solved.

Regards,
Eli Dourado

MTC–00016117

From: Keith D Wissing
To: Microsoft ATR
Date: 1/23/02 10:34am
Subject: Microsoft Settlement

I belive the proposed settlement to the Microsoft anti-trust case is a bad idea. It leave too many terms define in ways that will allow Microsoft to continue their anti competative behavior.

Keith D. Wissing
<hitiek@iname.com>
<hitiek@bigfoot.com>

MTC–00016118

From: Michael Johnsen
To: Microsoft ATR
Date: 1/23/02 10:35am
Subject: Microsoft Settlement

To Whom it May Copcern:

I would like to submit these comments on the Proposed Final Judgement in United States v. Microsoft.

As a long-time computer user, I operated a Bulletin Board System (BBS) for several years in the mid-80's and currently maintain a couple of websites. I use computers daily, and have extensive experience with a variety of platforms and software systems.

I am astounded that after found guilty of what Attorney General Ashcroft says is ''Microsoft's unlawful conduct,'' in operating a monopoly, the remedy solution in the Proposed Final Judgment (PFJ) fails to BEGIN to address serious issues and practices. After reading Dan Kegel's (and many others in a wide range of media) points about some of the failures in the PFJ, even if 1/3 of these concerns are legitamate I am astounded at how weak this ''remedy'' is worded. There are holes in here Microsoft can drive a tractor trailer through. The wording doesn't include Windows XP??? Obviously, this was composed by someone sympathetic to Microsoft or by someone who doesn't have a clue. The lack of punishment here is laughable and only adds to the appearance that the legal process is corrupt. On behalf of the American legal system, I suggest you address these probelms, or you set the example that breaking U.S. laws results in no punishment- not a good example for our youth, Microsoft, or future monopolisitic companies.

Thanks for your consideration of my brief comments.

Michael Johnsen

MTC–00016119

From: Aaron Sakowski
To: Microsoft ATR
Date: 1/23/02 10:35am
Subject: Microsoft Settlement

I have read about the proposed settlement and am against it in it's current state. I feel that it is very weakly worded and requires unsubstantial concessions from Microsoft. Please consider this as my vote against the proposed settlement.

Aaron Sakowski
2489 Overlook Rd., 211
Cleveland, OH 44106

...and I know that if I'm going to have any life anymore it's because I'm still willing to fight and die for that inch. Because that's what living is. It's the six inches in front of your face.

—Tony D'Amato (Al Pacino)
Any Given Sunday

MTC–00016120

From: turnerwm@excite.com
To: MS ATR
Date: 1/23/02 10:32 am
Subject: Microsoft Settlement

Dear Sir or Madam:

The proposed settlement is a bad idea. Please consider requiring Microsoft to publish complete documentation of all interfaces between software components, all communications protocols, and all file formats as a possible solution.

Sincerely,
William Turner, Ph.D.

MTC–00016121

From: W. Chris Shank
To: Microsoft ATR
Date: 1/23/02 10:35am
Subject: Microsoft Settlement

I think the proposed Microsoft settlement is a very bad idea. I am a computer professional (BS Computer Engineering from Penn State, software engineer by profession) so I see negative effects of Microsofts dominance every day. I urge you to reject this settlement for one that actually punishes Microsoft and opens the industry to competition. For some reason, it is thought that Microsoft was the main driver behind the technological economic boom of the late 90's, when in fact we experienced a technological economic boom due to the innovation of the internet and world-wide-web, in spite of Microsoft. Microsoft has never been on the leading edge of technology. The consistently reinvent the wheel and claim Eureka! Opening the market to competition will allow the technical community to really innovate which will in turn spur the economy. Please consider my concerns and reject the settlment.

Thank you,
William ''Chris'' Shank
1560 Greenlawn Rd
Paoli, PA 19301

MTC–00016122

From: Twp121@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:34am
Subject: Microsoft Settlement

I belive that the current proposed final judgement in the Microsft Anti-trust case, as it stands, is a bad idea.

The current proposal allows Microsoft to continue in it's anti-competitive practices.. Microsoft has a history of anti-competive practices as shown in the 1996 Caldera V. Microsoft case where a judge found that ''Caldera has presented sufficient evidence that the incompatibilities alleged were part of an anticompetitive scheme by Microsoft.'' (UNITED STATES DISTRICT COURT DISTRICT OF UTAH— CENTRAL DIVISION Case No. 2:96-CV-645 B)

If the current proposal passes, the people of this nation will have been done a dis-service by their legal system.

Thank you,
Matthew Messenger
10122 copeland dr
Manassas VA, 20109

MTC–00016123

From: Josh Staiger
To: Microsoft ATR
Date: 1/23/02 10:36am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Josh Staiger

MTC–00016124

From: Whitehead, Myron MD
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:29am
Subject: Microsoft Settlement Comment

Hello,

I just wanted to take this opportunity to express my opinion regarding the proposed Microsoft antitrust settlement. In my opinion, the proposed settlement falls well short of what is needed. In fact, in many ways, it may actually facilitate Microsoft's monopoly position by integrating Microsoft software products into the educational system even earlier and more than they currently are. We need competition and choice in the operating system marketplace; Microsoft has been shown to use unfair practices and a substantial part of their current success is reasonably attributed to those unfair practices. The proposed settlement is, at best, an annoyance for Microsoft, and, at worst, an ally in sustaining their stranglehold on the operating system market.

Sincerely,
Myron E. Whitehead

MTC–00016125

From: Jason Pellerin
To: Microsoft ATR
Date: 1/23/02 10:35am
Subject: Microsoft Settlement

The proposed final judgement is nothing more than a rehash of the 1995 consent decree. It fails in numerous ways:

http://www.kegel.com/remedy/remedy2.html

to restrict Microsoft's abuse of its monopoly. It should also be remembered that it was Microsoft's failure to comply with the 1995 consent decree and the conduct remedies therein, that caused the US to begin the current case. A structural remedy is required in this case:

Microsoft must not be encouraged to obey the law, it must be rendered incapable of breaking it.

The proposed final judgement is not in the public interest.

Sincerely,
Jason Pellerin

MTC–00016127

From: M.A.DeLuca
To: Microsoft ATR
Date: 1/23/02 10:35am
Subject: Microsoft Settlement

Having considered the Proposed Final Judgement (PFJ) in the Microsoft antitrust case, and speaking as a computer industry professional who has been actively engaged in the technology since before the rise of Microsoft, I would like to offer the following comments:

The PFJ does —not— address key issues of the monopolization violations affirmed by a unanimous 7–0 Court of Appeals in June 2001. It is my understanding that Microsoft's violations of antitrust law are beyond question and that legal action taken at this point should be intended to curtail any effort by Microsoft to continue with these activities. Thus, as an industry professional, I oppose the proposed settlement.

Despite the rejection by the Court of Appeals of Microsoft's petition for rehearing on how Microsoft unlawfully maintained its monopoly with contractual tying and middleware bundling, the proposed Department of Justice (DOJ) settlement does nothing to address this issue.

The settlement makes no effort to restore competition in the Operating System (OS) market that Microsoft monopolized unlawfully. Recommendations from the DC Circuit ruled that a remedy must ''unfetter the market from anticompetitive conduct'' and ''terminate the illegal monopoly.'' Proposed solutions included source code licensing and provisions to allow OEMs (Original Equipment Manufacturers) to make changes to the OS itself, yet the settlement does nothing to address the issue.

The current version of Windows XP engages in the same predatory practices that are harmful to competition as earlier versions were to Netscape. There is no indication that, despite having engaged in unlawful behavior, Microsoft has changed their practices to compete in the market lawfully. There is no protection against favorable pricing deals to OEMs that support Microsoft policies or the ''commingling of code'' that the Court of Appeals claims violated the Sherman Act.

The settlement gives Microsoft the ability to stifle competitors'' legitimate access to interoperability data by allowing Microsoft too much flexibility to withold information for security reasons. This could have disasterous consequences for the burgeoning open source software movement in general, and Microsoft's most likely competitive rival, the Linux OS, in particular.

Microsoft also has, under the terms of the settlement, participation in the Technical Committee overseeing compliance with the settlement. A committee which works within Microsoft's headquarters, is paid by Microsoft, and which cannot tell the public how well Microsoft is complying with the settlement!

In short, Microsoft has repeatedly demonstrated a tendency to employ creative means of circumventing or delaying legal action, and yet this PFJ is riddled with opportunities for Microsoft to continue to abuse its monopoly and further impede competition in the IT industry. It does little or nothing to address Microsoft's unlawful practices, ill-gotten gains, or restrict continued similar behavior.

Did Microsoft write this document?

Michael A. DeLuca II
3415 W. Mill Road
Hatboro, PA 19040

MTC–00016128

From: Matt Giger
To: Microsoft ATR
Date: 1/23/02 10:36am
Subject: Microsoft Settlement

Dear Sirs,

I disagree strongly with the proposed settlement of the Microsoft case. It is a travesty that they, a corporate entity, is allowed to effectively kill other corporate entities, be found guilty and just play legal and political hardball to get off without any realistic punishment or even serious oversight.

It is as if a murderer was given a slap on the wrist and a reloaded gun at his trial. The Department of Justice has a responsibility to enforce *all* of the laws that it was created to enforce, not the ones that are politically expedient.

Matthew Giger
President
Lunar Software, Inc.
PO Box 14664
Portland, OR 97293
mgiger@lunarsoft.com

MTC–00016129

From: James F. Schmitz
To: Microsoft ATR
Date: 1/23/02 10:35am
Subject: Microsoft Settlement

I am not impressed with the proposed settlement at all. This isn't even a slap on the wrist to Microsoft and they are laughing all the way to the bank and back. Please reconsider.

James F. Schmitz
IT Manager

MTC–00016130

From: scott coughlin
To: Microsoft ATR
Date: 1/23/02 10:35am
Subject: Microsoft Settlement

I find the proposed antitrust settlement with Microsoft tries but fails to demand that Microsoft do more to open up its APIs to competitors. The fine print makes it clear that Microsoft could pretty much continue with business as usual.

A more effective remedy would be one that required Microsoft to standardize and publicize the entire set of Windows APIs and the file formats of its Office applications (another key to Microsoft's monopoly ''lock-in'')—with the express goal of allowing competitors to build Windows software applications, and operating systems, that compete with Microsoft on a level field.

Please consider this when making your decision.

Thanks,
Scott Coughlin

p.s. the text of this letter was taken from the article that Scott Rosenberg wrote in Salon.

MTC–00016131

From: vatavian@clear.vatavia.net@inetgw
To: Microsoft ATR
Date: 1/23/02 10:44am

Subject: Microsoft Settlement

I feel that the proposed Microsoft settlement falls short in many ways. Firstly, I agree with Dan Kegel's comments in his open letter, which I am sure you have and which is available at: http://www.kegel.com/remedy/letter.html

I do not see such a provision in the revised proposed Final Judgment, but I would also like to say that any offer by Microsoft to ''give'' Microsoft products to schools is in fact a transparent attempt by Microsoft to preserve and extend their software monopoly rather than an effective remedy for their past and current monopolistic practices.

Mark Gray
Atlanta, GA

MTC–00016132

From: Agris Taurins
To: Microsoft ATR
Date: 1/23/02 10:36am
Subject: Microsoft settlement

Simply put, the purposed settlement in the Microsoft vs DOJ is bad.

Since Microsoft has been convicted of violating the anti-trust act, it needs to be actually punished for doing so. The purposed settlement can barely be considered a slap on the wrist, let alone a punishment. Furthermore, I can see very little in the proposed settlement that will actually rectify Microsoft's predatory business practices.

I'm advocating that Microsoft be run out of business, but neither should they profit from a ''punishment''. Punishment should be just that, something that is unpleasant and perhaps painful.

Agris Taurins
5101 South 54th Street
Lincoln, NE 68516

MTC–00016133

From: John Forr
To: Microsoft ATR
Date: 1/23/02 10:47am
Subject: Microsoft Settlement

I think that the proposed settlement idea for the Microsoft case is a bad idea.

John Forr
New Cumberland PA

MTC–00016134

From: Robert Stromberg
To: Microsoft ATR
Date: 1/23/02 10:36am
Subject: Microsoft Settlement

I am against the proposed final judgment in US vs. Microsoft. I feel the damage Microsoft has done to the software and OS marketplace is incalculable, and the proposed settlement does little to correct it. I don't feel the settlement levels the playing field for competing operating systems or office software, and would like to see a much stronger penalty imposed. The proposed settlement does not sufficiently relieve Microsoft of the ability to leverage hardware and computer manufacturers unfairly against competing products, nor does it adequately open the Windows API to programmers.

Sincerely,
Robert Stromberg
Riverton, UT

MTC–00016135

From: Chad Hurley
To: Microsoft ATR
Date: 1/23/02 10:36am
Subject: Microsoft Settlement

I would like to add my comment that I think the Microsoft settlement is a bad idea. This settlement will allow a large corporation to buy their way out of trouble and continue their dishonest practices as in the past.

MTC–00016136

From: bopbone@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:37am
Subject: Microsoft Settlement

To Whom It May Concern:

I am against the proposed settlement. The Proposed Final Judgement is not in the public interest. Simplistic restrictions that fail to perceive or deal with the infrastructural nature of Microsoft's products are ineffective.

We are in a situation where Microsoft's products are a monopoly because the products have become a national infrastructure. The ubiquitous nature of the Microsoft operating system makes its use similar to the requirements to drive on roads or speak on a telephone in order to engage in effective commerce. Obviously roads are good; a common language is good. However, abusive monopolistic control of roads or control of language is bad.

Think back to the days when our country built paved roads. If one company had dominated that process, owned all the roads and controlled access to them, controlled the business allowed to operate next to them, that situation would be comparable to the software world with Microsoft today. That road-owning company would have controlled which gas stations were allowed, what they were allowed to charge for gas, etc. The road company could license roadside lots only to stores that sold products approved by the road company.

Microsoft has built a railroad or a toll road system. It is ubiquitous and they control the access. Because of the monopoly nature of Microsoft's products, people cannot engage in effective commerce without using the ''roads'' Microsoft has built.

A piecemeal approach does not correct the problem. Any approach that focuses on one product or practice is comparable to focusing on the national road company at one intersection. Perhaps you force a reduction in tolls along one stretch of highway. The road company raises tolls elsewhere. You force the road company to allow stores nationwide to sell coffee. The road company starts giving away coffee with each toll paid.

The judge didn't think of forbidding the road company from giving away coffee and, if she had, the road company would've done something slightly different but equally effective. As long as the road company is not restricted to roads, there are too many options, too many ways to attack and respond, for overly-specific restrictions to be effective.

The problem is that the road company does not focus solely on roads. In real life, the building of roads is considered important enough that, although companies are paid to build them, no company owns them. With only a small percentage of exceptions, the people, represented by their governments, own the roads.

Consider another example that is appropriate here only because Microsoft is in a monopoly situation. Most people in this country use English to communicate. They depend upon the language. They invent new words or use words in new contexts as needs arise. However free they are to invent new words or use other languages, they must rely on using basic English when engaging in commerce.

Because of its monopoly, Microsoft's operating system software is comparable to the English language in this context. To the extent that people use computers to communicate, whether via email to their mother or via inventory software to communicate how many widgets are in stock to their purchasing department, that usage is similar to using English to communicate the same information via telephone or in person. They rely on the constructs built from language—human or machine - to communicate.

Imagine if one company owned the English language and could place enormous restrictions upon its use. The thought seems ridiculous but the similarities are strong.

Railroads, roads and English comprise an infrastructure whose use is, by virtue of a monopoly, a requirement for commerce in the USA. Microsoft's monopoly software comprises a national infrastructure, one that is written in computer languages and is used by people to communicate.

Simplistic restrictions that fail to perceive or deal with the infrastructural nature of Microsoft's products are ineffective. Road companies shouldn't control every roadside business. No company should have any control over language used for commerce. Microsoft should not be able to place restrictions on the use of their products.

Specifically: Microsoft's Windows Media Encoder 7.1 SDK EULA prohibits distribution with Open Source software; yet it is Open Source software that offers the best alternatives to Microsoft Software. The DOJ proposal does nothing to correct this. In all instances, Open Source and any other product offering an alternative to Microsoft's software must be allowed to interoperate with Microsoft's. People must be allowed to mix and match Microsoft's software with other software in any and all fasions, unrestrained by Microsoft's ideas about what is appropriate. Period, for all products in all situations, until a period of time after the monopoly has ended.

The proposed settlement fails to require advance notice of technical requirements. API documentation is released too late to help ISV's. Many important API's would remain undocumented. Unreasonable restrictions are placed on the released documentation. File formats remain undocumented. Patents covering the Windows API remain undisclosed. Innovative competition undoubtedly will come from smaller companies and yet smaller OEM's aren't given the same protections as the top 20 OEM's.

Microsoft discriminates against ISV's who target Windows-compatible operating systems. Microsoft uses license terms which

prohibit the use of their products with Windows-compatible operating systems. Microsoft created intentional incompatibilities in Windows 3.1 to discourage the use of non-Microsoft operating systems.

The Proposal Final Judgement is not in the public interest.

Sincerely,
Jeff Caldwell
348 W. Crestview Avenue
Boalsburg, PA 16827

MTC–00016137

From: Christian Nielsen
To: Microsoft ATR
Date: 1/23/02 10:38am
Subject: Microsoft Settlement

I don't really know that much about the current state of the DOJ's case against Microsoft, but as the UNIX System Administrator at a small liberal arts college in St. Peter, MN, I know that Microsoft has certainly made my life difficult on multiple occasions. It is next to impossible to inventory licenses for 3000+ Windows machines, and all it takes is one disgruntled person on our campus to make a call to the Business Software Alliance, a Microsoft backed organization, and we get slapped with an audit (which we have to pay for, no less!).

Also, Microsoft's refusal to publish thorough APIs for things such as their implementation of the SMB protocol prevent prevent other operating systems from being fully integrated with the ''Microsoft'' part of our network. SAMBA, the open-source implementation of the SMB protocol works great for most things, but Microsoft keeps changing something with each new release of Windows that breaks SAMBA. A month or two after later, the SAMBA team usually has reverse engineered Microsoft's changes so everything works great again, but 2 months is not a trivial wait! If Microsoft was forced to publish good APIs for their products and protocols, I have no doubt that free, open source, GPL software such as SAMBA could and would provide a much higher and more immediate level of compatibility with MS products.

Same story with Microsoft's line of Office products. Compatibility providing products for Linux such as AbiWord and StarOffice generally have no trouble reading MS-Word formatted documents, as long as the MS-Word document was created with an older version of MS-Office.

Microsoft intentionally obfuscates the way MS-Office writes documents so that competing products will not be able to properly render MS-Word documents. Again, reverse engineering of Microsoft's products eventually leads to compatibility with open source and free products, but the wait can be prohibitive. If Microsoft would simply publish their APIs, products like StarOffice could be re-written to be compatible *while* MS-Office is being written, not *after* it has been released.

Thanks for your time, I hope my input will be useful during this comment period provided by the Tunney Act. Also, please make sure that you can verify the source of comments. I wouldn't put an attempt to fake support past certain groups.

Chris Nielsen
Unix Administrator
Gustavus Adolphus College
cnielsen@gac.edu
(507) 933–7064
IT Department
800 W. College Ave
St. Peter, MN 56082

MTC–00016138

From: jay ball
To: Microsoft ATR
Date: 1/23/02 10:33am
Subject: Microsoft Settlement

To The Justice Department,

I would like to express my concern that Microsoft is essentially receiving a slap on the wrist for illegal deeds performed that are more ominous that those done by Standard Oil a hundred years ago. I do hope that Microsoft is both punished and must pay retribution to the level of their crimes.

In reading the Proposed Final Judgment, I find that it abounds with narrow definitions and gaping loopholes. Here I present some of the points which stuck out to me:

The settlement still does not solve the problem of people and small businesses being forced to purchase Microsoft Windows along with a new computer even though I and others will never use it. Their EULA forbids me from upgrading my computer by taking the operating system from the old machine and installing it on the new machine. The settlement specifically allows Microsoft give OEM discounts based on the quantity of other Microsoft products that they offer. So, for a computer manufacturer, it makes sense to only offer only Windows. On a similar note, Microsoft's enterprise license system bills by the number of computer which could run Windows, not by the number of systems that actually do run Windows. So, to use the enterprise scheme, you still have to pay for a Windows license on any Linux or x86-Solaris machine. This was banned once in 1994 by the consent decree, but it is no longer enforced. What other consent degrees has Microsoft violated? The settlement does not apply to any Pocket PC, Ultimate TV, or X-Box operating system although all claim to be ''powered by Windows'', use the same 32bit API, and can share many files. The X-Box for instance is a PC with the same DirectX Graphic, Sounds, and general Windows APIs and Microsoft has even advertised it as being very easy to program since it is just like Windows. But, it is not covered under the settlement.

The definition is paraphrased as application software that itself presents a set of APIs which allow users to write new applications without reference to the underlying operating system. Microsoft Java is middleware, but Microsoft.NET and C# are advertised as the next generation Java—yet they are not middleware. Outlook Express is middleware, but a program which does the exact same thing and has a larger API interface, Outlook, is not middleware. And what about Office? For me to run some software, I am required to have a certain DLL included with Office but not Windows. A DLL by definition is middleware, yet Office's DLLs do not apply. Why are some obvious products excluded from being middleware?

For there to truly be competition, Microsoft needs to publish and release the file formats of Office. Office has a near monopoly on any written document, however it runs only on Microsoft's operating systems (x86 Windows and Pocket PC Windows). Microsoft bundles Windows and Office for many OEMs. For any company to enter the business OS space, they need to offer a Office+OS bundles when Microsoft can extend and expand Office to run only on Windows at anytime (like Windows 3.1 on DR-DOS). However, if Office's file formats were public, other companies could make a compatible version of Office and offer a non-Microsoft groupware+OS solution.

In the arena of 3D graphics, Microsoft's DirectX does have some good competition, OpenGL. However, just this month (Jan-2002), Microsoft purchased all of the patents on OpenGL. Will Microsoft now crush this competitor by suing them out of existence? Microsoft has used threat of patent violation lawsuit in the past to drive competition out of business or to force others to not even create their product.

But, what patents does Microsoft own and to what products does think they apply to? The settlement should address patent-product disclosure. Enforcement does not exist in the document. A technical committee can supervise and recommend, to what end? Another five year trial? Penalties, restriction, and yes, even criminal incarceration is needed to prod this company into following the law and their own agreements.

In closing, I am sure others put similar complaints more elegantly, but I am sorely disappointed in the proposed settlement. As a Software Engineer, I can see myself how to get around many of restrictions that will be imposed. Might I suggest, in addition to the restrictive with ''letter of law'' of which the document is comprised, the proposal should add a plain English ''spirit of law'' section stating what this document is trying to accomplish. That way, the common person will know when Microsoft violates us again.

Jay Ball
Senior Software Engineer
US citizen, Hoboken, NJ

MTC–00016139

From: vesscular@juno.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:38am
Subject: Microsoft Settlement

I would like to inform you that I am displeased with the settlement brought about against Microsoft. In fact, ''against'' almost feels like the wrong word. As it is worded now, the settlement proposed could actually help microsoft retain their monopoly for future years. I agree with the statements laid out on this page: http://www.kegel.com/remedy/letter.html and feel that at least a few, if not all of these items be considered when there is to be a new proposed settlement against microsoft.

In this time of economic downturn, we can not let a monopoly to continue to stife the market and overcharge for services.

Thank you for your time.
James Markson
Digital Graphic Artist
San Antonio, TX

MTC–00016140

From: Jeff Messner
To: Microsoft ATR
Date: 1/23/02 10:39am
Subject: Microsoft Settlement

To whom it may concern,

I am writing to express my deep concern regarding the Proposed Final Judgment in the US v Microsoft antitrust case. I've been a professional software engineer since 1995 and have experience developing software on a variety of operating systems, including Windows. In my qualified opinion, Microsoft's current status as a monopoly has caused unimaginable harm to the advancement and innovation of software technology. In my unqualified opinion, I think this monopoly has caused unimaginable harm to the economy of this country, and the entire world. Microsoft was indeed found guilty in this case, therefore, the monopoly must be brought to an end.

If the PFJ is anything but the most absolutely watertight, loophole-free document, Microsoft's infinite riches will pay for the most brilliant legal minds to help them wiggle out of any restriction it seeks to impose. And given Microsoft's behavior during the trial, we all know that they will do this without shame. I'm very concerned that the current PFJ will fail to prevent this from happening. Rather than detailing my specific concerns, I instead refer you to this webpage which serves as an adequate proxy to my concerns. http://www.kegel.com/remedy/letter.html

Regards,
Jeffrey D Messner

MTC–00016141

From: drox
To: Microsoft ATR
Date: 1/23/02 10:37am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
J. Mark

MTC–00016142

From: duncan
To: Microsoft ATR
Date: 1/23/02 9:58am
Subject: Microsoft Settlement

I think the microsoft settlement is a terrbile thing. i dont have a solution... i think thier solution that offers software and hardware that is valued at what they say it is, only furthers thier monopoly and helps them penetrate one more market, one that they have had a struggle with, schools.

please fight for freedom, in this case.
duncan shannon

MTC–00016143

From: M Carling
To: Microsoft ATR
Date: 1/23/02 10:37am
Subject: Microsoft Settlement

The proposed settlement is inadequate because because every provision contains gaping loopholes. I will choose just one to illustrate: The requirement to publish APIs is of little value without a similar requirement to publish document formats. Document formats are the more important interoperability interface. Additionally, exclusion of ''security'' APIs renders the requirement completely valueless. Publishing well-engineered security APIs in no way compromises their security. M Carling CEO, Codeworks

MTC–00016144

From: Jeff Strang
To: Microsoft ATR
Date: 1/23/02 10:39am
Subject: Microsoft Settlement

The proposed Microsoft Antitrust settlement is not a sufficient remedy for the injustices Microsoft has engaged in and is a bad idea.

Thanks and regards,
Jeff Strang

MTC–00016145

From: John Robert Arras
To: Microsoft ATR
Date: 1/23/02 10:39am
Subject: Microsoft Settlement

Dear Sir or Madam,

I am writing to you about the proposed Microsoft antitrust settlement. I do not believe the company should be broken up, but certain steps should be taken to make sure that neither Microsoft (nor any other company) can hold people hostage to their whims, and they should not be able to prevent other people from expressing their thoughts or writing their own software.

Microsoft should be able to add whatever it wants into its operating system, and it should not have to disclose source code to anyone.

However, it should be forced to sell its OS at one price to anyone who wants it, and once functionality is in the OS, it must not be removed or downgraded. Microsoft should also be able to sell ''server'' OSes for more money if they have more functionality, but again the software should be available to anyone who wants it at a single price.

The following two things are more general thoughts that apply to Microsoft, but which can be abused by anyone. Their existence can allow any software maker to exert too much control.

Another danger is the movement from single-time payments for software to software rentals or ''software as a service''. Companies, including Microsoft, should not be able to declare that their software is only available for rental because that gives them too much power over customers. They can shut off the software at any time. This is too much power for something as essential as an OS, Microsoft should be forced to sell the software at a reasonable price. (No more than several times the yearly rental rate.)

Another weapon that Microsoft might be able to use is the software patent. If software patents continue to exist and if Microsoft gets their other avenues of control shut off, they may be able to use patents to prevent people from writing software. If Microsoft can get enough patents on core ideas, they can prevent smaller companies from making competing software products. This is a problem with the whole software patent system in that it is not possible to make nontrivial software without violating some patents. Thus, a small company that wants to make software cannot stop Microsoft from stealing their ideas because Microsoft can hold patents on so many core technologies that they can just shut down the little company. Using software patents, a small company can make Microsoft stop making a single product, but Microsoft can make a small company stop producing its only product.

The only way software patents help the little guy is if the little guy isn't making software. If he is merely getting patents and then never doing the actual work of making software (since software patents are just vague descriptions of software without the actual work and details (source code) necessary to allow someone to implement the algorithms) then he can drain money from companies doing the actual work. However, this isn't the same thing as making software.

It is my hope that implementing some or all of these ideas will keep Microsoft from controlling too much of the software industry.

Sincerely,
John Arras

MTC–00016146

From: Brian Moore
To: Microsoft ATR
Date: 1/23/02 10:39am
Subject: Microsoft Settlement

Hi,

The proposed settlement to the Microsoft antitrust case will do little (and very possibly nothing) to prevent Microsoft from behaving exactly as it has in the past. The proposal as it stands will not seriously effect Microsoft's ability to use it's functional monopoly through the Windows operating system to give it illegal advantages in the wider software market. Microsoft as a company has consistently demonstrated the will and ability to twist fair business practices to give

themselves unfair (and sometimes illegal) advantages in almost every major category of software. Doing anything less than splitting them into independent companies will leave them room to twist the terms of the settlement proposal to their advantage in the same way they have twisted many other market factors.

There are rumors that both Sun and Microsoft have ''encouraged'' large numbers of people to contribute to the comment process. You probably have no way to verify this, so it probably doesn't matter a whit, but I want to state for the record that I have no association with either company and am submitting this comment solely as a result of having read many troubling news items in the past few months that compel me to involve myself in one tiny way in the legal process.

Thanks,
Brian Moore
1600 S. Joyce St.
#1702
Arlington, VA 22202

MTC–00016147

From: Eric Hays
To: Microsoft ATR
Date: 1/23/02 10:37am
Subject: Microsoft Settlement

I think that the proposed settlement is a bad idea.

Eric Hays

MTC–00016148

From: Sullivan, Michael
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:36am
Subject: Microsoft Settlement

Greeting's...

As a knowledgeable and respected administrator of Microsoft goods and services, I have seen/experienced first hand some of the rather questionable business practices employed by Microsoft over the years. Until recently, I have frequently supported and recommended Microsoft as a quality product distributed at a reasonable price, regardless. Lately though, their Development, Licensing and Upgrade policies have thoroughly convinced myself of the criminal nature of the tactics and devices used to stifle competition, increase revenue, and punish current users for not lock stepping directly into the Microsoft doctrine...

Once a company ''owns'' a market, as Microsoft currently does (Isn't it almost 94% of PC software used world wide ?), they have no real options for gaining new business/income other than re-tapping their current customer base, and eliminating ANY competition. This basically means ''Extortion''. No that's not too harsh a word.

For Instance...

Business was given a choice on the WindowsXP release... Upgrade to our new (Un-Proven, barely released) software now, for a significant price...Or Upgrade later at an increased price. Either way, Microsoft was going to make billions for the release of software which in my mind, and many others, was not worth the price. Features vs Upgrade cost were not economically feasible nor warranted. Typical ''End-Users'' were sold basically ''Windows Dressings'' (Forgive the Pun) complete with built in monitoring tools and services which allow Microsoft to collect un-precedented amounts of information on it's customer base with no solid guarantees on it's usage...(I read the agreement)

It's become apparent since the findings of wrongdoing by Microsoft, that they are trying to lobby a settlement that is not a punishment. All that I've heard/read so far would indicate an almost favorable reaction by Microsoft, in that goods and services and visibility would actually expand to Microsoft's eventual benefit. This should not be allowed to happen, and I urgently request strong action which will induce Microsoft into changing its ''own'' policies regarding the intentional domination of competing technologies.

Just think....94% of the worlds drivers all owning the same car, and only one company makes any of the parts....

Michael J. Sullivan
IS/ON2/PDE Support
248–377–7880
sullivmj@frc.com
<mailto:sullivmj@frc.com>

Putting Information In Motion...

MTC–00016149

From: Christopher Matthew Smith
To: Microsoft ATR
Date: 1/23/02 10:39am
Subject: Microsoft Settlement

To whom it may concern,

The proposed settlement between the Department of Justice and the Microsoft Corporation is, by far, letting Microsoft go with a slap on the wrist. More drastic action must be taken to help ensure that Microsoft cannot dominate the computer software industry in an anti-competetive way. Where as many of Microsoft's competetive practices are indeed done in legitimate ways (such as hiring programmers and other people responsible for making competing products away from their employers), other practices are not. Because the DoJ has not actively kept Microsoft in check during the anti-trust suit, Microsoft has increased their market share of personal computers running Microsoft software. Whether major business restrictions or other such actions are imposed, Microsoft must be stopped before they control the computer software industry in an anti-competitive way.

Christopher M. Smith

MTC–00016150

From: John Seals
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:37am
Subject: Microsoft Settlement

Greetings:

I just wanted to add my voice to the rising number of complaints against the proposed settlement the Department of Justice has tentatively reached with the Microsoft Corporation.

Keeping Microsoft in its current state will slow the pace of technology growth, and thereby the US economy if something isn't done. I can't understand how it was deemed necessary to break up the Phone Company monopoly but not the Operating System Monopoly.

This settlement will go a long way in smothering the free market in the Information Technology sector. Microsoft has demonstrated again and again predatory business practices aimed solely at keeping their software and operating systems at the top of the sales charts, but often at the bottom of the performance charts.

I strongly ask that this settlement be re-evaluated and that the Department of Justice consider splitting up this giant Monopoly and letting the free market choose the best product available.

Sincerely,
John Seals
Consultant
Solution Design Group
wk: 651–994–7210

''If the automobile had followed the same development cycle as the computer, a Rolls-Royce would today cost $100, get a million miles per gallon, and explode once a year, killing everyone inside.''—- Robert X. Cringely

MTC–00016151

From: Paul and Gail Hein
To: Microsoft ATR
Date: 1/23/02 10:39am
Subject: Microsoft Settlement

Sirs,

I feel that the proposed settlement is not well defined. There are too many parts of it which can be interpreted in different ways. It seems to me that Microsoft can interpret in a pretty broad way. I don't think there is very much limitting about the document. I request that you reconsider this settlement.

Paul Hein

MTC–00016152

From: The Langleys
To: Microsoft ATR
Date: 1/23/02 10:43am
Subject: Microsoft Settlement

I strongly oppose the ''Proposed Final Judgment'' in the Microsoft antitrust case. There are many, many things wrong with it ranging from poor definitions of technical terms which significantly weaken the impact of the remedy, to virtually no specification of how the remedies should be enforced, the result of which is that the entire remedy is rendered moot and next year we the people will be back in court spending hard earned tax dollars to confront Microsoft's well funded Legal Team (funded by moneys derived from an illegal monopoly). With over twenty years of personal experience developing innovative software products, both in California's Silicon Valley and on Massachusetts'' Route 128, two of the countries most innovative regions, I fear that this Proposed Final Judgment will result in the end of an era of software innovation. Microsoft's well documented and now legally recognized stifling of competition and thereby innovation will spell the demise of one of the shining stars of our economy. Too much power has been concentrated in this one franchise to detriment of our entire nation.

I will be cosigning the excellent review offered by Dan Kegel at http://www.kegel.com/remedy/letter.html which does an excellent job detailing many of the

weaknesses of the current proposal. Please, I cannot stress enough, this Judgment is flawed and the impact of passing it will have a monumental result on one of our nation's most valuable treasures, our ability to innovate, do not allow this judgment to proceed in its current form!

Sincerely,
John Langley
205 South Merrimack Rd.
Hollis, NH 03049

MTC–00016153

From: aric@mail.codeweavers.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:37am
Subject: Microsoft Settlement

I am a software developer and I feel that the currently proposed settlement is a VERY BAD IDEA.

The settlement does nothing to address the issues of Microsoft as a Monopolistic power and simply serves to strengthen there market position. Please reject the settlement.

-Aric Stewart
aric@codeweavers.com

MTC–00016154

From: Brian Stevens
To: Microsoft ATR
Date: 1/23/02 10:37am
Subject: microsoft settlement is wrong

Dear Sir or Madam:

The proposed settlement put forth by the Department of Justice is not nearly enough to remedy the damage done to the computer/software industry. Microsoft exists as it is today for no reason other than the extensive manipulation it has wreaked on the industry. In order to provide an environment where innovation can flourish and where users have a choice of software, microsoft must be severly penalized. Even as the government's case against Microsoft is proceeding, the company thumbs its nose at justice by releasing even more software that will further cement their stranglehold on the market and is clearly aimed at extending their grip to other sectors. Please do what is necessary to stop Microsoft from stealing any more of my freedom.

Sincerely,
Brian Stevens
Lebanon, NH 03766
Brian Stevens
HB 7560
7200 Vail Building
Dartmouth College
Hanover, NH
USA

MTC–00016155

From: Jeremy Gebben
To: Microsoft ATR
Date: 1/23/02 10:39am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions. Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Jeremy Gebben

MTC–00016156

From: Mark Halegua
To: Microsoft ATR
Date: 1/23/02 10:39am
Subject: Microsoft Settlement

To Whom It May Concern:

After reading the settlement of the MS vs DOJ case I feel compelled to respond. The settlement is way too soft and favors Microsoft, essentially rewarding them for anti-competitive behavior. It allows MS to control hardware vendors in the same ways as before, it allows MS to continue to hold captive users by controlling the hardware vendors, and gives them too much control over the committee which supposedly oversees their activities.

MS should have NO people on the committee they suggest or desire. All oversight committee members should in fact be selected by non-MS (perhaps all should be selected by anti-MS) computer industry experts, including the academic, legal, and open source community.

MS must make ALL API information available immediately upon creation. MS should not have even one (1) day of advantage on API calls. Dessemination of API calls should be through the internet on their own web pages (in easy to reach, not hidden or layered areas) and on public web pages, i.e., Freshmeat.com, IDG.net, and other open news web pages. Further, all industry news (i.e., Computerworld, Infoworld, PC Magazine, etc.) outlets and their associated internet outlets must also receive this information.

MS must NOT be allowed ANY time advantage regarding the API calls. A mechanism must be set up whereby a user purchasing a system with Microsoft Windows Operating Systems may return the Operating System to either Microsoft or the hardware vendor and receive, within 60 days of said return and request of payment, payment equivalent to the payment made to MS for the OS. The EULA currently states a user may do this, but no mechanism exists and MS and the hardware vendors do NOT make refunds for the OS.

The situation exists that a computer user wants to use an Operating System (OS) not made by Microsoft, but wants a computer from a vendor where the computer only ships with a Microsoft OS. The user is forced to pay for the OS, even though the user will delete the MS OS and install another OS (i.e., Linux, Unix, FreeBSD, etc.). The End User License Agreement (EULA) states the user may request a refund for the OS if not used, but neither MS nor the hardware manufacturers abide by the EULA. Setting up a mechanism where they are forced to do so, and abide by the EULA.

MS must also be disallowed from in ANY way modifying pricing of product to different vendors. Pricing must be uniform, as this is a method of controlling vendors. The current settlement agreement leaves too much leeway in pricing and thereby still allows MS to use pricing as a weapon against vendors who may want more controll over how they install MS products on their systems.

There is so much more wrong with the settlement I wonder if the DOJ didn't make a backdoor deal with MS for items and issues the government doesn't want the public to know about, like government backdoor access to the OS for law enforcement and other items. The settlement as currently proposed punishes MS for anti-trust violations not at all, and Microsoft's behavior over the last 10 years has harmed the industry and the public. Contrary to their claims of innovation, MS innovates not at all, they copy other company's innovations, and generally copies them poorly. They have corned the desktop OS market (over 90 percent) and the desktop office suite market (over 80 percent), they have cornered these markets using illegal and anti-trust violation, and the settlement does little to correct these issue and nothing to punish MS.

Mark S. Halegua
FarSight Data Systems
Information Technology Consultant

MTC–00016157

From: Saul Farber
To: Microsoft ATR
Date: 1/23/02 10:38am
Subject: Microsoft Settlement

To whom it may concern,

I am writing to express my concern that the settlement between Microsoft and the DOJ is not in the public interest. Particulary disturbing is the clause which requires Microsoft to open it's APIs in exchange for a license ''on reasonable terms.'' What are the implications of this clause for the free software movement? There is a large ''grassroots'' orginization of computer programmers who invest their own time (for NO pay) in order to make powerful software available for FREE to businesses like IBM, Sun and Oracle. These free software products need to be provided the specifications and information to interoperate with Windows and other Microsoft products, in order to provide for the possibility of successful free software products with Windows.

Thank you for your time,
Saul Farber

MTC–00016158

From: channic@kcco.com@inetgw

To: Microsoft ATR
Date: 1/23/02 10:37am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions. Most important, the proposed settlement does little to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

Sincerely,
Tom Channic
Mokena, Illinois

MTC–00016159

From: matt(a)mattleonard.com
To: Microsoft ATR
Date: 1/23/02 10:37am
Subject: Microsoft settlement

Regarding the Proposed Final Judgement (PFJ) in the Microsoft anti-trust case, I must say that I find many aspects of it disturbing and insufficiently stringent in terms of holding Microsoft accountable for illegal practices. To pick just one, not requiring Microsoft to pay significant fines for years of ''ill-gotten'' gains is astounding. When a company is found guilty of abusing its monopolistic power to become even more rich and powerful, they should be heavily fined. Time and again, monetary penalties have been used to good effect to demonstrate to wrong-doers that their actions will not be brooked and this is an excellent time to do just that.

Thank you,
Matt Leonard
Denver, CO
matt@mattleonard.com
http://mattleonard.com

A little nonsense now and then is relished by the wisest men.

We are the music makers, and we are the dreamers of dreams. —Willy Wonka

MTC–00016160

From: Mike Courington
To: Microsoft ATR
Date: 1/23/02 10:39am
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea. It does not punish Microsoft in any lasting way that they can't get around eventually, whether through ''careful interpretation of the law'', intense lobbying, or creative spending. If they get away with this now, there will be no stopping them in the future.

Once again, I think the propsed settlement is a BAD IDEA.

Mike Courington

MTC–00016161

From: Stefan Gagne
To: Microsoft ATR
Date: 1/23/02 10:37am
Subject: Microsoft Settlement

As a citizen of Maryland, I wish to register my complaint. I do not approve of the current settlement; it does not place sufficent penalty on the shoulders of Microsoft and will allow the monopoly to continue to abuse its power in the marketplace.

-Stefan Gagne
Boyds, MD

MTC–00016162

From: ascott@humana.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:39am
Subject: Microsoft Settlement

The current Microsoft Settlement proposal is a bad idea. I strongly urge the court to not accept this settlement proposal. The settlement agreed to between Microsoft the and Federal Goverment is a ruse. It amounts to nothing more than a skillfull manipulation of the justice system by Microsoft to turn a potential punishment in a reward. By providing this so-called billion dollar donation of equipment and software (mostly software) to schools, Microsof is doing two things:

1. Ensuring their monopoly continues and even grows by locking the educational market, previously a bastion of diversity between Apple and Microsoft, onto their products.

2. Escaping punishment by providing billions of dollars in software licenses, a product which has market value, but is of absolutely no actual cost to Microsoft.

Thank you,
Andrew Scott
Louisville, KY

MTC–00016163

From: Curtis Simonson
To: Microsoft ATR
Date: 1/23/02 10:39am
Subject: Microsoft Settlement

Hello,

I am writing to tell you of my displeasure for the proposed Microsoft Settlement. I feel that the wording is too loose, allowing Microsoft to keep practicing it's Monopolistic ways. Please mark me down as objecting to this settlement.

Thanks
Curtis Simonson
InterOperability Lab
Bridge Functions Consortium
(603) 862–3525

MTC–00016164

From: Jason L. Shiffer
To: Microsoft ATR
Date: 1/23/02 10:34am
Subject: Microsoft Settlement

To whom it may concern,

I personally feel that the settlement that you are making with Microsoft Corp. is severely lacking. I am a long time computer professional and have been appalled by the utter disregard for the law that Microsoft has taken when attacking it's competitors.

I understand that many believe that we should get this behind us, that we should hope that by letting Microsoft go this time we can stimulate growth. However this would be a mistake. We cannot let a tyrant off the hook because it benefits us in the short run. Please reconsider the settlement and go after tougher restrictions on Microsoft's future actions.

Thank you,
Jason L. Shiffer
1214 Ware St.
Vienna, VA 22180
703–242–9624

MTC–00016165

From: Jeremy McMillan
To: Microsoft ATR
Date: 1/23/02 10:48am
Subject: Microsoft Settlement

I am a computer system administrator with a professional interest in compatibility issues between computer systems. My name is Jeremy McMillan, and I live at 3537 N. Wilton Ave. Apt. #1, Chicago, IL 60657. I think that the antitrust violation settlement proposals submitted by Microsoft are inadequate, and in some ways counterproductive. Overly narrow definitions of ''API'' for disclosure will legally entrench Microsoft's current stranglehold on software development and the omission of restrictions on hardware OEM contract terms leaves Microsoft in more stable monopoly power than before the initial antitrust filings.

Please list me as a cosignor of the Dan Kegel comments entitled ''Open Letter to DOJ Re: Microsoft Settlement.''

Jeremy McMillan <aphor@speakeasy.net>
CC:petition@kegel.com@inetgw

MTC–00016166

From: mring@dotech.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:39am
Subject: Microsoft Settlement

To whom it may concern; pI oppose the proposed Microsoft Settlement, as it is currently written. I believe that the proposed settlement is weak in both its punitive and preventative content. The most serious problem that I see with the proposed settlement is that it does not seem to provide any relief for competitive operating systems and applications that seek to be (somewhat) compatible with Microsoft Windows. Indeed, it appears that Microsoft will be able to continue its use of legal and licensing policies to erect barriers to free competitors, such as Linux, Samba and WINE.

I urge you to modify the proposed settlement to include specific prohibitions against any Microsoft practices that erect artificial barriers to entry for competitive operating systems and applications that seek to be compatible with Microsoft Windows.

These prohibitions should, at the least, bar Microsoft from:

1) Creating and/or enforcing end user license agreements (EULAs) that prohibit

users from running the licensed software on non-Microsoft operating systems and Windows compatibility applications. I think computer users in the United States should be allowed to run Microsoft Outlook, Internet Explorer or even Excel under Linux and WINE if they want.

2) Prohibiting the use of Microsoft's public API documentation by competitors to enhance the Windows compatibility of their products. This is needed to support both competition in the office productivity software space as well as the operating system space. What's the point of providing documentation to developers, if then they are not allowed to use the information provided?

In closing, I hope that my comments have helped convince you that, without modification, the proposed settlement with Microsoft does not adequately protect the US consumers who have been harmed by the company's past anti- competitive actions.

Thank you.

Matthew S. Ring

Software Engineer

Rochester, NY

MTC–00016167

From: Jason Grider
To: Microsoft ATR
Date: 1/23/02 10:39am
Subject: Microsoft Settlement

The proposed settlement is a truely bad idea

Jason Grider

IS Manager

Fiskars Home Leisure—Opelika

jgrider@fiskars.com

MTC–00016168

From: Law Albert-Y17934
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:40am
Subject: Microsoft Settlement

Hello,

I wish to voice my opinion about the Microsoft (herein referred to as MS) settlement. However, a summary of my thoughts would be ''the USA justice system has no teeth''. I must expound, but I shall keep it concise.

The beginning of this trial saw MS accused of unfair trade practices. The middle saw MS guilty of monopolistic practices. At this point, one may point to the fact that monopolistic practices are illegal. To do so would be to rein down justice from the Department of Justice (DOJ). Many companies and involved employees found this reassuring. An illegal practice was found to be harmful to competition and to US citizens. Justice was going to be done.

The debate of the possible remedies was understandably long. MS is a very large company. Any impact on them might be too sweeping to remedy the main problem—unfair trade practices. The past has shown many drastic remedies. AT&T was broken up. IBM was forced to do business in a fundamentally different manner. The past showed that justice was not only brought upon the small companies. No one company was above the law. No one company could be side step the remedy and continue with their unfair trade practices. Competing companies, involved employees, and the faceless citizen were all thought of as the victims. The victims were given justice. Moreover, each company survived the remedy regardless of their turmoil. A remedy was not a poison pill.

However, I feel that justice will not be done, the wronged will not be righted, and MS will not change in any manner. The current proposed remedy is much too light on MS and doesn't even start to address the concerns of the competition nor those affected. Indeed, the remedy is full of loop holes. Moreover, it does not restrict MS's ability to continue its unfair trade practices in the future. One can easily expect MS to illegally leverage its way into other competing markets with the exact same business strategy. Nothing will change, but there's everything to lose.

I am aware that my opinion is not very forthcoming with facts and the such. Though I can be more articulate and supportive in my statement, I find that there is enough legal and technical opinions from the States who oppose the current proposed remedy. They make very good arguments. I sympathises with them. Regardless, my main objection to this remedy is that there is no perception of how this will stop MS from continuing to act illegally or how this will compensate the wronged. Both are quite flimsy at best. I support a hefty cash fine on MS in the tune of billions. Similarly, I support restricting MS's business actions with a government body who can unilaterally impose fines on MS or cancel any and all MS trade contracts with any company. Lastly, I support opening up competition for offending MS products by fragmenting MS into at least 3 different and independent entities. These products would include but would not be exclusive to: MS Windows 2000, MS Windows XP, MS! !

Windows CE (aka: Pocket PC), and MS Windows 9x (including MS Windows Whistler). These remedies are quite harsh, but I find that MS's conduct and attitude in this trial was equally but conversely light. Justice must be done. The DOJ must restore confidence in the justice department. The wronged must feel righted. US citizens cannot be oppressed in such a manner as to stifle innovation and competition.

Albert Law

Programmer

Motorola

MTC–00016169

From: bob
To: Microsoft ATR
Date: 1/23/02 10:38am
Subject: Microsoft Settlement

To Whom It May Concern,

I feel that the current settlements proposed to remedy the Microsoft Anti-trust settlement are not going far enough. What essentially is happening is that they are not even receiving a slap on the wrist for criminal action.

For Microsoft to make sugestions to settle the case would not be prudent. Microsoft has shown from its past actions that it cannot be trusted.

Microsoft has ZERO accountability in their gurarantee of software quality. This would not be as great of an issue if their software was not in virtually every home and office desktop. Unfortuntately, their stronghold on computers available for us to purchase at the local store virtually forces us to buy their products. If MS Windows crashes, and am lose irreplacable work worth money, can't Microsoft be liable for these damages? If virtually everybody drove Ford cars with Firestone tires, and those cars crashed at a rate of twice a day, I am sure that Ford and/or Firestone would be held accountable. To make matters worse, it seems as if a substantial part of their revenue comes from the ''support'' of their products. I am not asking for Microsoft to open their source code, or anything of the like. None of that will not so us any good. Plenty of good software is already written by non-Microsoft companies and individuals. I am asking that Microsoft be watched, or even regulated as any large company/utility is. I am asking that there be a Federal Department overseeing single companies with more than 50% market share of any single software arena. This can range from Operating Systems, to Office Productivity suites. If the same company has the greatest market share in more than one category, then they should be watched on both fronts by separate entities.

Please ensure that a settlement not only punishes Microsoft for their anti-competitive behavior, but also prevents FUTURE anti-competitive infractions. Microsoft can be seen rearing a bad seed: they will continually test their limits with authorities, and if their acts go unpunished by those in charge, they will continue to act the way the have, only this time they will push their limits even more. Please keep in mind, Microsoft did not become #1 because of their ''quality software.'' they became #1 by ignorance, intimdation, and brute force. America's technological future is at stake.

Sincerely,

Bob Alvarez

Software Consultant/Human Factors Engineer

Chicago, IL

MTC–00016170

From: Patrick Earnest
To: Microsoft ATR
Date: 1/23/02 10:40am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a

''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

A better settlement would include one of the following:

1) Microsoft having to open up all its APIs to anyone who may request them, with a severe penalty for nondisclosure.

2) A breakup of Microsoft

3) Being forced to give all versions of MS Windows prior to a settlement into the public domain.

4) A fine in the area of $30 billion dollars.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Patrick Earnest
Chicago, IL

MTC–00016171

From: Steve Holdener
To: Microsoft ATR
Date: 1/23/02 9:30am
Subject: Microsoft Settlement

To whom it may concern:

Providing *choice* in operating systems and productivity applications (such as Word and Excel) is the only way to truly free the public from Microsoft's monopolistic stranglehold. There are applications available for Windows as well as other operating systems which would suit most users'' needs quite well. Unfortunately, Microsoft's market share is so great, many computer users feel that sending Word or Excel documents is a ''standard'' form of communication. Some projects have attempted to decode the secret formats of these files, but none have done so perfectly, and Microsoft tends to change them every few releases to ensure that this moving target is never hit. As long as these documents remain unreadable to other applications, users wishing to communicate with others (especially when in a supplier or vendor mode) are forced to use Microsoft products. They often, in turn, rely on these same mechanism for communicating with others. This effectively creates a word processor market, for example, open only to applications which can perfectly read and write the Microsoft Word file format. Of course, there is only one such application available.

To provide true freedom of choice for Americans, Microsoft-software-generated files must conform to an open standard, allowing other software to correctly read and write in the same format used by the Microsoft products. This is certainly feasible today; the recommended format would be XML, which is easily read on any computing platform. Therefore, I would recommend an addition to the section entitled ''III. Prohibited Conduct'':

To provide interoperability with non-Microsoft applications, Microsoft shall not use proprietary or closed formats for documents generated by its word processors, spreadsheets, and presentation applications (like PowerPoint). Rather, standard formats, agreed upon by an independent standards body, of which Microsoft will be a part, shall be used for the persistence or transmission of any of these documents.

Thank you.
Steven Holdener
1529 Louisville Ave.
St. Louis, MO 63139

MTC–00016172

From: Pete Loshin
To: Microsoft ATR
Date: 1/23/02 10:42am
Subject: Microsoft Settlement
To: Renata B. Hess
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

This message is my personal comment on the proposed Microsoft settlement. Very briefly, I believe this settlement is NOT in the public interest, and can only serve to strengthen rather than weaken, Microsoft's monopolies.

Not only will it be ineffective in remedying the harm done by Microsoft's business practices in the past, but it will likely assist Microsoft in the future as it seeks to increase its market share. Microsoft's licensing practices, in particular the way hardware vendors are required to bundle Microsoft software with new PCs, as well as limited in their practical ability to sell hardware unbundled, tend to artificially inflate hardware costs. Purchasers of hardware must pay for Microsoft Windows whether they plan to use it or not.

Further, the provisions of the proposed settlement that give commercial ventures preference over non-commercial ones is a clear threat to Microsoft's most recent—and most threatening—competitor: the open source software community.

The public interest can not be served by allowing any corporation to control what software or hardware products I use as long as I respect that corporation's intellectual property rights; neither is the public interest served by allowing Microsoft to not only avoid any negative consequences from its actions but to reward it by allowing it to draft its own settlement.

In large part, I agree with Dan Kegel's assessment and his suggestions for improvement, as expressed in his open letter (see http://www.kegel.com/remedy/letter.html).

I am a US citizen, as well as an independent writer covering technology and computing. My column on open source software appears monthly in Computer Power User (CPU) Magazine.

submitted respectfully,
-pl
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writing about Internet protocols since 1988

Federal Register

5–3–02 Friday
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Book 6 of 12 Books
Pages 26207–26843

Part II—Continued

Department of Justice

Antitrust Division

United States v. Microsoft Corporation; Public Comments; Notice

MTC–00016173

From: Sage Major
To: Microsoft ATR
Date: 1/23/02 10:41am
Subject: Microsoft Settlement

Hello

I am a software engineer in San Diego California. And as such I am very much involved with computers. What I have recently heard about the Governments choice to settle the Anti trust case against Microsoft is disheartening. I expected that the government would take put the consumers who have been harmed by Microsoft first. In the last 5 years I have purchased 8 new computers, each one came with a Microsoft operating system, of those 8 I still use 3, but only 1 is running a Microsoft OS, OS as part of their bundling requirements I effectively purchased 8 copies of the same software to run on one computer. I believe that as part of their settlement Microsoft should be required to follow open standards prevented by law from extending those standards in a closed fashion. For example, the Keberos spec, which they embraced then changed so that their OS'' would not inter operate properly with other operating systems such as Solaris and Linux. They should also be required to open their standards for many of their products such as the networking so that SAMBA can be made to work properly with windows.

Also I feel that Microsoft should be required to open the source of the operating systems they are no longer supporting, thus allowing anyone to fix the problems that Microsoft will no longer fix, I am not suggesting that they give away their current or previous OS (XP and 2000/ME) but rather that they open windows 95, 98 and NT which they no longer support.

Respectfully
Sage Major
Sage Major Software Engineer
Email: smajor@vertel.com
web: http://www.vertel.com
Phone: (858) 824–4158
Mail: 5825 Oberlin Drive suite 300
San Diego CA, 92121

MTC–00016174

From: Keith Hudson
To: Microsoft ATR
Date: 1/23/02 10:41am
Subject: Microsoft Settlement

I believe that what is going on is shameful. I do not see the place for politics in legal matters.

Fact: Microsoft has hurt people. They have hurt you and have hurt me. Was this law suit brought forth on legit reasons? Or was it just to find a temporary source of revenue?

I get the feeling it is like the lawsuit brought against the tobacco companies. We now have a legal to sell class 1 carcinogen, which requires no licensing to purchase. Why because people do not matter even when the issue is cancer and death. What matters is money (note 1). So given that Microsoft only hurt people and no one actually died... I expect this to end up just the same.

I want Justice. Will I get some???
I can guess the answer...No.
Microsoft owns you.

Keith Hudson
(Registered Voter)

note1: Some people have referred that the ill effects of lost economy/jobs to certain areas are reason enough to maintain the tobacco industry. I stand affirmed that the people and economy of tobacco is smaller then the population dying from it.

MTC–00016175

From: Chris Vargas
To: Microsoft ATR
Date: 1/23/02 10:40am
Subject: Microsoft Settlement

I'm writing to express my strong concern that the proposed settlement with Microsoft does not go far enough to punish Microsoft for proven monopolistic activities. Not only that, it actually includes wording that could threaten other operating systems'' existences, thereby strengthening Microsoft's monopoly.

In a recent column, industry expert Robert Cringely points out that Microsoft will not have to open its APIs to non-commercial entities; that could easily be seen as allowing Microsoft to lock out Linux and FreeBSD developers from allowing access to Microsoft servers via a tool called Samba. This same tool allows my Macintosh to access Microsoft servers; it could easily be locked out if this settlement goes through. Everyone in the computer industry knows that Microsoft takes advantage of its monopolistic position on a daily basis. We hoped that the remedies would try to reign Microsoft in. These remedies do not do so, and in fact set up the possibility of killing off one of the best non-Microsoft OSes currently available.

Christopher Vargas
2205 N Pollard St
Arlington VA 22207–3813

MTC–00016176

From: Miles Pickering
To: Microsoft ATR
Date: 1/23/02 10:41am
Subject: Microsoft Settlement

I am opposed to the proposed Microsoft settlement. My main objection is that the settlement lacks sufficient enforcement provisions and is an invitation to further legal proceedings that could take decades to resolve. A three person team is hardly sufficient to monitor the activities of a multi thousand person organization.

There are many other objections that I have, but that is the simplest.

Thank you,
Miles Pickering
851 Florida St.
San Francisco, CA 94110
www.4by6.com

MTC–00016177

From: Robert L. Scala
To: Microsoft ATR
Date: 1/23/02 10:41am
Subject: Microsoft Settlement

Dear Justice Department,

I believe that the proposed Microsoft Settlement falls short of its goal of restoring comptition to the operating systems and middleware markets. I have been a software engineer for 22 years, and have watched this nascent industry go through many changes. One of the distressing developments is software vendors'' use of their products as agents to influence customers'' future purchases. This is similar but not identical to electric razors working better with ''compatible'' razor blades, thus influencing future purchases. The difference is that while other companies can easily produce competing razor blades, software is so complex that producing a compatible product can be impossible.

I have been frustrated by the proprietary protocols of many software products produced by many companies over the years, not just Microsoft. But those products were all vulnerable to competing products that sold both razor and blade. But with Microsoft's monopoly on operating systems and office software, effective competition is impossible. If microsoft makes a better razor, that's fine, as long as others can compete to make a better blade.

The problem I see with the proposed settlement is that in some ways it also acts as an agent to ensure that customers purchase more Microsoft products. This may sould like a bit of a stretch, but the fine print may grant Microsoft broad powers, such as certifying the authenticity and vitality of a competitor (III.J.2.c) before providing that competitor with information required in other sections of the agreement.

This settlement stinks. Like the Trojan Horse, it looks good on the outside, but the details make it ineffective, and give Microsoft some powers it did not have in the first place. It's time that the software I buy stops working against me. That's what I hoped from this agreement. The whole agreement needs to be tightened up. In particular: P.III.A This section should include a prohibition against retaliation against OEMs that supply a single non-Microsoft operating system on their products. As a customer, I would like the option to purchase a computer from a major vendor with a non-Microsoft operating system, without also purchasing Windows.

I believe that this section misses the mark because dual-boot machines are niche-market items and not a threat to Microsoft's operating systems monopoly. It is the single-boot, non-Microsoft machines that challenge this monopoly. P.III.J.1.a These exceptions should be eliminated, as true security does not depend on the obscurity of the protocols. Secure systems, and the trust of the general public, are better served by using only published and well documented encryption systems. P.III.J.2 This is the big one. This provides Microsoft the vehicle to withhold APIs and interoperability protocols from, for example, vendors of free software. Since recently Microsoft has declared Linux the single biggest threat to Windows, it is strange that Microsoft will be allowed to shut out this important segment of the competitive landscape.

I don't see any added burden to Microsoft if they are required to put the APIs and interoperability protocols in the public domain. That way their main rivals will be able to compete fairly in their effort to provide customers better software. And isn't this what the whole Settlement Agreement is all about? I know little about antitrust law, so I can't comment on the details of this antitrust case or the appropriateness of the

proposed remedy. But I know software, and I'm sure that if the goal of the proposed remedy is to restore competition to the software industry, it will fail.

Sincerely yours,
Rob Scala
Robert Scala
Scala Systems—custom software development
860–443–5702
http://www.scalasystems.com

MTC–00016178

From: Mark Shepard
To: Microsoft ATR
Date: 1/23/02 10:42am
Subject: Microsoft Settlement

To whom it may concern:

As a software engineer with over 10 years experience, I believe the Proposed Final Judgement should —NOT— be approved, for the following reason: The PFJ too narrowly defines ''API''. Undocumented APIs allow Microsoft to prevent third-parties from creating software for Windows. Instead, the PFJ should require this: Each time and in every case where Microsoft releases ANY ''object code'' to anyone or any group, Microsoft should also be required to release ANY AND ALL source-code which defines the INTERFACES the aforementioned ''object code'' depends on, requires and/or optionally is able to use. Further, this ''interface source-code'' (a.k.a. ''header files'') should be released under a license which allows unrestricted copying, re-publishing in any form, and use of the information by anyone, whether part of the original group to which Microsoft released it or not.

I believe the current definition of API is such a serious defect in the PFJ that it alone will negate the value of the entire PFJ.

Thank you.
Sincerely,
Mark Shepard
Software Engineering Consultant
Member IEEE and ACM
B.S. Computer Engineering
Dallas, TX
mns@ieee.org

MTC–00016179

From: damon.schmidt
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:43am
Subject: Microsoft Settlement

Problems with the Proposed FInal Judgment in summary:

* The PFJ doesn't take into account Windows-compatible competing operating systems

* Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

* The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

* The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

* The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

* The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

* The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertized as being ''Windows Powered''.

* The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

* The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

* The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

* The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

* The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

* The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

* Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

* Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

* Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running Linux.

(Similar licenses to OEMs were once banned by the 1994 consent decree.)

* The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

* Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

* The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

* The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

* The PFJ allows Microsoft to discriminate against small OEMs— including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

* The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

* The PFJ as currently written appears to lack an effective enforcement mechanism.

Therefore, the Proposed Final Judgment is not in the public interest, and should not be adopted without addressing these issues.

sincerely,
-Damon A. Schmidt

MTC–00016180

From: dan gavin
To: Microsoft ATR
Date: 1/23/02 10:43am
Subject: Microsoft Settlement

This settlement is an awful bad idea.

Not only are you letting Microsoft buy a verdict from their software, but now they are also begenning to try to monopolize even more markets with their closed API Windows Media format that DVD makers are starting to support.

All I ask, is that you please look into just what Microsoft is trying to do with their posistion with their market power to monopolize more than just software.

Thank you for your time.
Dan Gavin
339 North Ave.
Wood-Ridge, NJ 07075

MTC–00016181

From: Thomas Hays
To: Microsoft ATR
Date: 1/23/02 10:42am
Subject: Microsoft Settlement

Six word summary: The settlement is a bad idea.

Details:

I work for as a network administrator for a company that predominately uses Microsoft software for our business. We recently purchased Office XP and Windows XP Pro with some new Dell computers. The problem that I have with this is that resellers are calling me constantly (most recently to say the BSA is doing an audit in our area, and asking if I'm sure my company is legal?) and ''advising'' us to discard our OEM license and buy the ''real'' open license. Of course they want to sell us upgrade-assurance which is the first step in subscription based software.

Want another problem area? Look at the security mess we have to deal with concerning Outlook. It may look nice and be intuitive, but is it secure? Even after what 5 or 6 years of development, it's still not secure. Yet Outlook is the predominant email software in business because it comes ''bundled'' with several versions of Office. I believe it could be successfully argued that Netscape/Mozilla, Eudora, or Pegasus mail are all more secure, yet how many people use them. How many people even know there are other email software packages besides Outlook.

A final complaint, the push of passport. With Microsoft's terrific security record I'm really thrilled with the idea of all my logins and a considerable portion of my personal information being stored by them so I can access common financial packages like

Microsoft Money (the newest version nags you to set up a passport account) or Ebay and other web sites which are offering Passport logins.

What would help the consumer the most would be competition. Competition would drive us towards more affordable and better written software.

Thank you.

Thomas Hays

thomas@thays.com

MTC–00016182

From: Greg Wold
To: Microsoft ATR
Date: 1/23/02 10:42am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Dept. of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Ms. Hesse,

I wish to add my voice to the chorus of those disappointed by and opposed to the proposed settlement with Microsoft Corp. for their proven anti-competitive practices. I find the proposed settlement to be inadequate, and hope that it will be thrown out. The current proposal provides for no substantive punishment for the proven, illegal activities carried out by Microsoft; it provides no effective constraints on Microsoft's future practices; and it provides no effective means of enforcement for it's provisions.

Sincerely,

Gregory R. Wold

96 Katie Dr.

Langhorne, PA 19047

MTC–00016183

From: Bill Dugan
To: Microsoft ATR
Date: 1/23/02 10:48am
Subject: Microsoft Settlement

The settlement is a bad idea.

Bill Dugan

MTC–00016184

From: Eric Stechmann
To: Microsoft ATR
Date: 1/23/02 10:42am
Subject: Microsoft Settlement

In my opinion, the situation is precisely this:

Microsoft acted illegally. They knowingly and flagrantly violated US antitrust regulations. The company ''thumbed its nose'' at the laws of the United States. Justice demands that their punishment be swift and severe. Microsoft must be shown that such violations can not and will not be tolerated.

Sincerely,

Eric Stechmann

These opinions are mine and are not necessarily those of my employer.

MTC–00016185

From: Timothy Miller
To: Microsoft ATR
Date: 1/23/02 10:42am
Subject: Microsoft Settlement

Dear Department of Justice:

I wish to register my objection to the proposed settlement between Microsoft and the DOJ.

As capitalists, we recognize how vital it is that there be vigorous competition in every marketplace. Consider the competition between Intel and AMD. I suspect that without AMD, Intel would be putting more energy into maintaining its already huge market share, rather than putting that energy into improving their products. The result of the competition has been that Intel and AMD have been fighting tooth-and-nail to compete based on the QUALITY of their products, and everybody wins. Microsoft has no such competitor. There is no one who directly competes with Microsoft in the same market, so Microsoft gets comfortable and lazy and takes action only to maintain their position by precluding any other company from entering their market. Consider the recent events involving LindowsOS. Microsoft's primary concern is that since LindowsOS can run Windows software, it might compete with them, so they will find any excuse they can to tie their would-be competitor up in court so they can't function.

And that is the crux of the matter. Microsoft has been declared a monopoly, and they have been found to have acted anticompetitively. Desptite this, they continue to act as they always have.

The objective of the DOJ and the Court should be to protect competition, because competition is what benefits consumers and the economy. I have read the Proposed Settlement, and I, like everyone else I know, have found it to be filled with loopholes. It does nothing to repair any of the past damage that Microsoft has caused, and it does very little to prevent them from acting inappropriately in the future. In fact, it has wording that implicitly protects Microsoft from revealing trade secrets to Open Source developers. The Open Source movement is the one of the few thing that has been able to survive and grow against Microsoft in recent years, mostly because there's no one specific that can be sued into oblivion. I was very sad the day I read that the break-up order had been taken off the table by the Bush administration.

Honestly, I think the Proposed Settlement does more harm than good because it gives Microsoft license to continue their past behaviors with government sanction. The Settlement is not helpful to consumers and should be rejected.

Thank you.

Timothy Miller

MTC–00016186

From: Aaron Patterson
To: Microsoft ATR
Date: 1/23/02 10:43am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. Microsoft was found guilty of antitrust violations for using monopoly power to extend their influence into other markets. Leaving Microsoft intact with windows, office, internet explorer, and the ability to continue bundling, continue unfair pricing, and continue creating undocumented APIs in the name of security will not bring competition into these markets. Creating a settlement that relies on further protracted litigation to correct future transgressions will not provide just, expedient results.

If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general. While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,

Aaron Patterson

130 W Gilman Apt 1

Madison WI 53703

MTC–00016187

From: Bill Dugan
To: Microsoft ATR
Date: 1/23/02 10:49am
Subject: Microsoft Settlement

The Microsoft settlement is a bad idea.

bdugan.

MTC–00016188

From: kiez@speakeasy.net@inetgw
To: Microsoft ATR
Date: 1/23/02 10:28am
Subject: Microsoft Settlement

To Whom It May Concern...

I'm wondering when the law stopped being about doing right and achieving justice and instead turned to ''settling''. Especially settling with —Microsoft—, a known and repeat offender which has shown nothing but contempt (when it has cared at all) for the ongoing litigation against it. Since when do law-breakers have to agree to their punishment?

Microsoft corp is guilty of the premeditated bludgeoning Netscape corp to a bloody pulp (with a killer app). Or, from another point of view, the Mafia is guilty of ''anti-competitive behavior''. The remedy for this Microsoft situation and the ongoing situation (try uninstalling Windows Media Player or Windows Movie Maker from Windows XP—I certainly can't figure out how) shouldn't involve Microsoft agreeing to it [I've not seen them admit any guilt] or rely on Microsoft changing internal behavior to abide by it [see also ''consent decree''].

But also consider:

1) All current Microsoft sales contracts to OEMs are null and void. Microsoft must write a new, open contract that anybody can take advantage of to purchase any software that Microsoft makes avaialble in an OEM fashion. Volume discounts not allowed as—according to them—there are no barriers to entry in the software market, ergo minimal distribution costs in the OEM channel, therefore nothing to discount. (Dell will be charged the same amount for a Windows license as the corner parts shop down the road.)

2) Prior to releasing a version of Windows, Microsoft must submit its entire source code to a government compliance committee. If

said committee cannot make the code compile in a way that makes it look the same as the ''gold'' Windows code, the Windows product cannot be released. Further, committee will be allowed to freely redistribute their findings about the current state of Windows interfaces (APIs) as a standard to allow other people to adopt the Windows standard. (Or is it ''embrace and extend'' the Windows standard? Anyway, the difference with this suggestion is that Microsoft isn't allowed to sell a new version of Windows until the APIs are in the public domain so compliance will be rather less of an issue.)

3) Just as a side suggestion, the fees Microsoft charges for support can never be more expensive than what Microsoft charged for a specific application. For example, if Outlook Express (free, bundled with Windows, haven't figured out how to uninstall it—but the splash screen says Outlook Express, not Windows XP) is giving you problems, you can get support for it for free. Windows is giving you problems? Support costs are maxxed out at the OEM price of Windows. This would give Microsoft an incentive to deal quickly and directly with consumers in a manner that rapidly resolves the consumers'' problems—as opposed to telling them to ask their hardware vendor. (Really, what does Dell know about Outlook Express?)

Anyway, the first two points would be the most important: Microsoft cannot do business as usual anymore because their usual business is —illegal—. Point 3 is just a remedy for my personal frustration with Microsoft products.

The point is is that this is a real rememdy, not something that Microsoft can say ''no'' to because they don't feel like it, not something that they can look back on in a few years and say ''see how nice we are?''

Quite frankly, if wrongdoing is found in the Enron case, we're not going to fine Mr. Lay $50 and send him out to be a motivational speaker at high schools. (''Hi Kids! Creative accounting more or less worked for me, and it can work for you too! Oh, and stay of drugs—they're expensive.'' It just wouldn't happen.)

So why should we consider giving such treatment to a company that won't even admit it's bad behavior?

Sincerely,
Jason Miller
e-Business Application Developer
Portland, Oregon

MTC–00016189

From: Bruce McCready
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:43am
Subject: Microsoft Settlement

To whom it may concern:

I am opposed to the Proposed Final Judgment to the United States v. Microsoft Corp. As a software engineer, and a computer enthusiast, I have followed the Microsoft antitrust trial closely, and have been aware of the impact of Microsoft Corporation's anti-competitive practices for much longer. In my opinion, the Proposed Final Judgment does not go far enough to prevent Microsoft from continuing these anticompetitive practices. In particular, the Proposed Final Judgment too narrowly defines the ''Microsoft Middleware Product'', and eliminates from definition U: ''Windows Operating System Product'' several important Microsoft operating systems. In order to effectively limit Microsoft's ability to stifle competition, the definition of ''API ''should probably be expanded to include many other API's that a conservative interpretation of the existing definition might exclude. I believe that, in addition, Microsoft's overly restrictive licensing that discriminates against Independent Software Vendors who develop solutions for open source operating systems, or ship open source software must be effectively remedied in any acceptable Final Judgment.

Sincerely,
Bruce McCready
Software Engineer
Advertising.Com
410–244–1370 x13726

We bring innovation to interactive communication.

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MTC–00016190

From: Troy
To: Microsoft ATR
Date: 1/23/02 10:41am
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea. Microsoft has long been a thorn in the side of independent achievement. While I use their products regularly, I find that I use them because no other company can produce an equivalent or better product without being pounded into the ground by MS or bought out. I would like to see their practices change, it would be better for us and better for them in the long run.

Troy Daley

MTC–00016191

From: Randy Walton
To: Microsoft ATR
Date: 1/23/02 10:43am
Subject: Comments regarding the Microsoft Settlement

To reviewers of public comments regarding the Microsoft Settlement, I understand that I have the ability to comment on the proposed settlement between the Justice Department and Microsoft. I have been using computers daily since the mid-eighties, when my father brought home an early portable IBM computer. I hope to earn my livelihood by working in the computing industry. Consequently, this issue is centrally relevant to my life.

It is widely believed by those familiar with the case that the proposed settlement is completely inadequate. It will do little to punish Microsoft for it's plainly illegal conduct in the past, and virtually nothing whatsoever to prevent future violations of antitrust law. As a consumer, it infuriates me to be forced to pay for increasingly expensive software that diminishes in quality with each release. I applauded the Clinton administration's investigation of Microsoft. Their case was an effort to protect consumers and promote economic growth by restoring fairness and competition to the computer industry.

Now that the DOJ is under new management, it has essentially abandoned it's pursuit of Microsoft, suggesting that the DOJ no longer has any concern for either economic growth or the public good.

The United States is a successful nation because its free markets encourage firms to compete for customers by producing high-quality, low-cost goods. This system needs to be protected from monopolists who gain so much power that they can destroy the competitive nature of the markets in which they participate.

I urge all parties involved to reconsider the proposed settlement. Microsoft deserves more than a slap on the wrist for it's destructive abuse of it's monopoly power. More importantly, American consumers need to be protected against future abuses.

Thank you for your time,
Randall Walton

MTC–00016196

From: The Rowlands
To: microsoft.atr(a)usdoj.gov
Date: 1/23/02 10:45am
Subject: Microsoft Settlement

In my opinion, the proposed settlement in the Microsoft case is a very bad thing. Microsoft has been found guilty of criminal behavior, and seems quite unwilling to change its ways. I object to the leniency of the proposed settlement.

Trase Rowland
Ft. Pierce, FL

MTC–00016198

From: Bill Owens
To: Microsoft ATR
Date: 1/23/02 10:39am
Subject: Microsoft Settlement

I am writing as a private citizen and a computer professional to object to the currently proposed settlement of United States v. Microsoft. I believe that the settlement both in its details and its overall makeup is insufficient to relieve the monopolistic behavior that Microsoft continues, to this very day, to evidence. A stronger, more complete and thorough settlement, and one that addresses the roots of the problem rather than its symptoms, is in my opinion essential. This settlement should be rejected.

Bill.

MTC–00016199

From: M M
To: Microsoft ATR
Date: 1/23/02 10:44am
Subject: MICROSOFT SETTLEMENT

Judge;

As a long-time banker to many software industry clients, I can personally attest to the pernicious power and influence of Microsoft in this, one of America's most important industries. No company in my lifetime has exerted such a strong and frequently negative influence over its industry as Microsoft has done over the past 10 years. I will not be giving you my full name, as I fear the wrath of the folks up in Redmond. But I will ask you to look carefully at the facts in this case. They will speak for themselves.

Thank you.
E. J.
San Francisco, CA

MTC–00016200

From: felix@crowfix.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:43am
Subject: Microsoft Settlement

This Proposed Final Judgement is a travesty of injustice. Have you learned nothing from the previous settlement? Look at Microsoft's behavior since all the verdicts. They have changed their attitude not a whit. They have no remorse, they still deny their guilt, they stall the legal process at every opportunity, they stll step on competitors, they still accumulate an incredible cash reserve (''What? A monopoly? Nonsense, we earn this incredible gross margin through innovation!''), they are, in short, as bad a monopoly as the country has ever seen. And this settlement might well have been written by Microsoft. It is full of weasel words and loopholes. Nothing is pinned down. There are far too many vaguely defined adjectives. This was written with the sole intent of providing grounds for any and all interpretations. Microsoft will argue and debate and stall and obfuscate just as they have always done.

The oversight committee is a joke. They have no powers, and Microsoft gets to aoopoint one of their own choosing. Pardon me, can I go commit a major crime and appoint my own parole board? Better yet, let me write the terms of my own parole. And O By The Way, let this parole board have no power whatsoever. As far as actually serving any hard time, ha ha ha, fooled you!

Felix Finch: scarecrow repairman & rocket surgeon / felix@crowfix.com

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I've found a solution to Fermat's Last Theorem but I see I've run out of room o

MTC–00016201

From: James Risner
To: Microsoft ATR
Date: 1/23/02 10:43am
Subject: Microsoft Settlement

I am writing to you about the Microsoft settlement.

I am James Risner from 1600 Woodspring Court, Lexington KY. I have owned an ISP since 1995 in Kentucky. The 1995 Consent Decree is nearly identical to the settlement. It is my belief that they will violate the settlement just as they did they decree. Microsoft destroyed Netscape because it was a threat to their OS system.

Microsoft put code in that would post an error and fail to run Windows 3.1 when ran with a a DOS other than MSDOS or IBMDOS at the time. This prevented the use of Dr DOS at the time.

Microsoft copied Stac compression for their own compressed filesystem code. Stac sued and won $120 million settlement, but by the time the money was delivered Stac no longer had a product since Microsoft produced a clean room version of the code.

The settlement requires ''secret'' API to be published but defines it narrowly so that not all API would be required to be published. Many other narrow provisions allow Microsoft to place independent software vendors in the position of not being able to keep their product supported in newer Windows version since they do not get advance warning of significant operating system changes. The 1995 consent decree prohibited anticompetitive license terms, but did so narrowly such that these type of terms continued in Microsoft's Internet products, media players, software development products, and enterprise purchasing license agreements. The same action considered bad and anticompetitive in one situation, should be consider bad in all instances.

It is my belief that Microsoft has no intention of obeying this command and will continue to attempt to interpret loopholes they can use to continue their actions using their $40 billion in cash to defend against any action the government attempts to curtail their illegal behaviour.

Microsoft has done more hard to the economy that healing. I wish I could say there was a viable alternative to their product that I use daily, but I would be lying. This is certainly not due to any effort of the part of their competitors.

Risner

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MTC–00016202

From: Jay Dun
To: Microsoft ATR
Date: 1/23/02 10:43am
Subject: Disapprove of MS Settlement

Our group disapprove of MS Settlement the government.

MTC–00016203

From: Nat Budin
To: Microsoft ATR
Date: 1/23/02 10:44am
Subject: Microsoft Settlement

I think Microsoft's proposed settlement is a very bad idea; it would only serve to increase Microsoft's monopoly at virtually no cost to them (since the proposed settlement's figured value includes retail license costs of Microsoft software, which in actuality costs them next to nothing). Please do not allow Microsoft to get away with this!

Thanks for listening,
Nat Budin
natb@brandeis.edu

MTC–00016204

From: Jay Laprade
To: Microsoft ATR
Date: 1/23/02 10:44am
Subject: Microsoft Settlement

Dear Sirs or Maam,

I am a US citizen and I wanted to excersise my rights under the Tunney Act in reagrds to the Microsoft Trial. Here is my feelings, I believe that Microsoft was let of easily. While I believe that it is necessary to maintain the stability of a company within the bounds of the US. ie Keep the company reasonably happy and not drive it away. I think it is necessary to set specific standards and laws that help the average US citizen. Not the company. I believe that this ruling did the best thing for Microsoft. It was too leanent and needs to be more firm. Microsoft is slowly killing it only reasonable competitor. And it's competitor is free. In my humble opinion it is also killing off other competitors. Nullsoft was bought by AOL. Their product is free. Netscape is gone. All these products are continuing to disappear.

Jay Laprade
Information & Communications Analyst
Paramount International
Telecommunications
(800)829–8694 X214
jlaprade@paramountint.com

MTC–00016210

From: Carlos Eberhardt
To: Microsoft ATR
Date: 1/23/02 10:44am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Hello,

As a concerned citizen and professional software developer, I wish to comment on the proposed Microsoft settlement. I do not feel the Proposed Final Judgement (PFJ) would prevent Microsoft from continuing anticompetitive practices, and I do not believe it would level the playing field for competing Windows-compatible operating systems. Specifically, although the PFJ forbids retaliation against OEMs, ISVs, and IHVs who support or develop alternatives to Windows, it does not ensure that Microsoft could raise no artificial barriers against non-Windows operating systems which implement the APIs needed to run application programs written for Windows. Therefore it should not be adopted without considerable revision.

Sincerely,
Carlos Eberhardt
5336 East Street
White Bear Twp, MN 55110–2312

MTC–00016212

From: Dave Newcum
To: Microsoft ATR
Date: 1/23/02 10:41am
Subject: Microsoft Settlement

Microsoft deserves more than a slap on the wrist for its destructive abuse of its monopoly power. Similar to the settlement against AT&T, Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level (40%, for example, assuming one of it's competitors is now also at 40%). This must be true for all Microsoft product lines, before regulation is lifted. Microsoft's monopolistic practices cause the public to bear increased costs and deny them the products of the innovation that would otherwise be stimulated through competition. It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function.

Sincerely,
David Newcum
Rockford, IL
Software Engineer

MTC–00016213

From: Rick Sipin
To: Microsoft ATR

Date: 1/23/02 10:44am
Subject: Microsoft Settlement

Dear Department of Justice,

I'm writing to comment on my negative opinion of the Proposed Final Judgement to the Microsoft Anit-trust case. Specifically, the judgement seems to be completely oriented towards Microsoft's licensing practices with third party (OEM and the like) vendors, and does nothing to prevent Microsoft from completely circumventing the judgement by their licencing practices with the end users. Specifically current Microsoft volume licensing policies, require that once subscribed to their new licensing structure that no contracts may be entered into that allow an end user to install or use competing software from what Microsoft offers. Now I may not be taking the language straight from the horses mouth, but according to many sources, including CIO magazine (see attached link below), this is their current licensing practice. In my opinion, this is in response to the DOJ settlement, and appears to be done by Microsoft to continue their unfair and monopolistic practices. As a software developer, systems designer and integrator, my business will be under significant additional stress from this kind of monopolistic practices, if Microsoft is allowed to continue to put undue, and in my opinion, illegal pressure on it's end users to use no products which compete with their own. Clearly, in my mind, Microsoft wishes to work in an envvironment where the only choices are Microsoft, or nothing at all. I would like to see a settlement which specifically addresses this kind of anit-competitive practice, and which does something more tangible that what the current proposed settlement offers, to enforce fair competitive practices, and penalize Microsoft for failing to comply with these terms.

Thank you for your consideration.

Rick Sipin—Owner
Thinking Edge Design
2575 S Lafayette St
Denver, CO 80210
http://www.thinkingedge.com
rsipin@thinkingedge.com
(303) 282–8427

Link to CIO Magazine reference of 15 Jan 2002:

http://www.cio.com/archive/011502/meter.html

MTC–00016214

From: Eric Busboom
To: Microsoft ATR
Date: 1/23/02 10:45am
Subject: Comments on Microsfot Settlement

The PJF is disastrously weak, as many commentators have already noted over the last few months. As a programmer who has suffered with the poor quality operating systems that Microsoft has distributed for the last 20 years, I am disgusted that my government would allow Microsoft to continue to strangle the software industry. Many of the key restrictions in the PFJ relate to Microsoft middleware, but the definition of ''middleware'' is weak and the the restrictions are easy to avoid. Specifically,

* Because a software unit will cease to be defined a middleware a year after it is incorporated into the Operating System, the PFJ encourages Microsoft to integrate more functions into the OS. I had hoped the PFJ would discourage this, not promote it.

* Programmers need the APIs in the OS published more than the APIs to middleware. Without documented OS APIs and program document formats, Microsoft can continue to stifle development from ISVs.

The PFJ was clearly constructed so that Microsoft could avoid any hindrance to its predatory business practices, and if it becomes final, it will only serve to maintain status quo.

Eric Busboom.

MTC–00016215

From: Eric Butler Evans
To: Microsoft ATR
Date: 1/23/02 10:44am
Subject: Microsoft Settlement

Tunney Act comment:

My comments concern the enforcement provisions of the Proposed Final Settlement. The provisions seem to assume that Microsoft will make a good faith effort to comply with the provisions of the PFS. This assumption is not justified. Microsoft has demonstrated contempt for the Court in all of its interactions with the Court; there is no reason to believe that it will comply more effectively with the PFS than it did with the 1994 consent decree.

The enforcement provisions provided in IV, B of the Proposed Final Settlement are inadequate for the following reasons:

1) The enforcement provisions rely on ongoing monitoring efforts by the states acting as a committee. (IV, B, 1); this system of governance will result in a reduction in the efficiency of the monitoring process as the states have already demonstrated that their interests are not identical by splitting in their acceptance of the Proposed Final Settlement.

2) The enforcement provisions prevent the states from disclosing information revealed by Microsoft in the process of enforcement (IV, A, 2, b).

3) Microsoft is given a role in the selection of the Technical Committee (IV, B, 3). Given Microsoft's previous history of disregard for consent decrees and other legal sanctions, the likelihood that Microsoft will use its appointment power to undercut the effectiveness of the TC is high.

4) Given the powers of the TC (IV, B, 8), it will require an extremely large staff. The expense of monitoring Microsoft's compliance, especially given the company's past history of grudging and incomplete compliance with the 1994 consent decree, will be very substantial.

5) Microsoft is given the power of appointing the Compliance Officer (IV, C, 1). Given the company's past history of grudging and incomplete compliance with the 1994 consent decree, it is unlikely that the company will appoint a CO who will attempt to comply with the present settlement in good faith.

6) The powers to the TC and CO do not extend beyond acceptance of complaints from 3rd parties which can be forwarded to Microsoft to ''accept or reject'' (IV, D, 3, c) or proposing cures (IV, D, 4, c). Without the authority to mandate cures, the enforcement authority will be ineffective, given Microsoft's history of evading consent decrees.

Microsoft's crimes demand a structural remedy, not the establishment of a powerless ''compliance'' authority.

Sincerely,
Eric
Eric Evans

MTC–00016216

From: James Bearden
To: Microsoft ATR
Date: 1/23/02 10:45am
Subject: Microsoft Settlement

Hello,

I feel that the proposed settlement with Microsoft in it's current form will do little to hinder Microsoft's affirmed monopoly practices. The problems are too numerous to mention here, but the three person ''oversight'' committee gag decree is especially henious.

James

MTC–00016217

From: Chris Parrinello
To: Microsoft ATR
Date: 1/23/02 10:46am
Subject: Microsoft Settlement

To Whom It May Concern,

I am writing with regards to the proposed settlement between Microsoft and the Department of Justice. I believe that the settlement in light of the fact that the courts have decided and upheld the fact that Microsoft has violated the law, is not a punishment at all nor it is strong enough to modify the illegal and anti-competitive behavior of Microsoft. The proposed final judgement (PFJ) has the following flaws:

The PFJ doesn't take into account Windows-compatible competing operating systems

* Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

* The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

* The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

* The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

* The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertized as being ''Windows Powered''. The PFJ fails to require advance notice of technical requirements,

allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

* The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

* The PFJ requires Microsoft to release API documentation— but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

* The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

* The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

* Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

* Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

* Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)

The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

* Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

* The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

* The PFJ allows Microsoft to discriminate against small OEMs—including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

* The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

The PFJ as currently written appears to lack an effective enforcement mechanism.

With these flaws taken in part or in whole, the PFJ does not serve justice nor does it address the damage that has been done in the high-tech industry with respect to the innovation that Microsoft has PREVENTED because of its anti-competitive behavior.

Sincerely,

Chris Parrinello
Software Engineer
214 Travis Court
Apt. 305
Schaumburg, IL 60195
(847) 490–1935

MTC–00016218

From: Carmine F. Greco
To: Microsoft ATR
Date: 1/23/02 10:45am
Subject: Microsoft Settlement

Dear Sir or Madam:

I disagree with the proposed Microsoft judgement. I don't think this judgement will prevent Microsoft from monopolistic practices. Just look at the current MSN/AOL competition and how Microsoft is forcing MSN on people.

Carmine
Carmine F. Greco

MTC–00016219

From: Aaron McBride
To: Microsoft ATR
Date: 1/23/02 10:45am
Subject: Microsoft Settlement

I think the Microsoft Anti-trust settlement is a bad idea. While it may help to deter them from further violations, it doesn't do enough to restore competition to the market. I suggest either breaking them up into at least 4 companies (OS Core, OS GUI, Applications, and hardware), or force them to expose all OS, and application APIs—including Microsoft Office file formats. They should also not be allowed to break the cross-platform nature of the Internet by implementing platform specific ''plug-ins'' (ActiveX components) in their web browser.

-Aaron McBride

MTC–00016220

From: Shawn Stricklin
To: Microsoft ATR
Date: 1/23/02 10:46am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I am submitting this comment, as permitted by the Tunney act, regarding the remedies proposed as the outcome of the Microsoft Antitrust trial. As a scientist in training, I must work with non-Microsoft operating systems and products every day. The proprietary and ever-changing FILE FORMATS used by Microsoft, however, make even the exchange of simple text files between Microsoft and non-Microsoft programs incredibly cumbersome. Any proposed Microsoft remedy which does not include the absolute requirement for openly published data file formats falls far short of the required public benefit.

On the day-to-day office work level, it is this intentional file format incompatibility which forces purchase of Microsoft products, and further, it is the artificial incompatibility BETWEEN VERSIONS OF THE SAME MICROSOFT PRODUCT which forces purchase of ever newer Microsoft products, EVEN THOUGH THEY FREQUENTLY ADD NO RELEVANT FUNCTIONALITY OVER THE OLDER PRODUCTS.

Publicly available Microsoft file format specifications would allow third-party developers to produce file conversion tools which completely obviate this unfair Microsoft practice.

Thank you for the opportunity to respond to this judgment.

Shawn Stricklin
Shawn L. Stricklin sls@genetics.wustl.edu
Washington University, Dept. of Genetics
Phone: 314.747.8207
4566 Scott Ave, Box 8232 St. Louis, MO 63110 Fax: 314.362.7855

MTC–00016221

From: Lund, Kenneth
To: Microsoft ATR
Date: 1/23/02 10:45am
Subject: Microsoft Settlement

I think the proposed settlement is bad idea.

/< Ken Lund

MTC–00016222

From: Chris Winberry
To: Microsoft ATR
Date: 1/23/02 10:45am
Subject: Microsoft Settlement

I would like to register my objection to the proposed settlement in the United States vs. Microsoft case.

MTC–00016223

From: Lucas MacBride
To: Microsoft ATR
Date: 1/23/02 10:45am
Subject: Microsoft Settlement

DOJ's ''NEVERMIND'' WAFFLE

The proposed settlement with Microsoft is completely unconscionable. After having won the case on nearly all accounts, the DoJ has handed out a resounding ''nevermind''. What a complete waste of public funds. Highly suspicious, as well, considering the amount of influence big business in general has had over the past few elections. Something here just doesn't add up.

MICROSOFT FRAGMENTS AND DERAILS THE WEB

As a freelance Web site designer I suffer daily from the lack of choice in operating systems and Web browsers available today. Microsoft continues to short-circuit and preempt efforts by the World Wide Web Consortium (W3C) to standardize Web technologies that would make interoperability between different operating systems and Web browsers very simple. Instead, I need to code my pages (scripting and Document Object Model, specifically) at least three redundant ways so they work in MSIE and Netscape 4, as well as the new standards-compliant browsers such as Netscape 6 and Opera. Netscape has done the right thing; Microsoft needs to be forced to adhere to Web standards, rather than continue to slyly compel Web designers to continuing to use proprietary coding which only serves to maintain Microsoft's monopoly.

OPERATING SYSTEM CHOICE

The settlement does nothing to protect other operating systems which might

compete with Microsoft, specifically Open Source OSes like Linux.

SECURITY

The continued lack of security in Microsoft products creates horrendous situations regarding national security, business security and personal data security. If there were diverse OSes and Web browsers, virii could not take out such large portions of the world's tech infrastructure in one fell swoop.

I hope the DoJ will reconsider this joke of a settlement and rein in Microsoft. Reneging on the judgment sends an unsavory message to other tech businesses—that it's okay to misbehave, the DoJ doesn't care.

Lucas MacBride
lucas@macbridedesign.com

MTC–00016224

From: Glenn Patterson
To: Microsoft ATR
Date: 1/23/02 10:45am
Subject: Microsoft Settlement

As a software developer I believe this settlement is a bad idea. It has been shown time and again that MS will do anything to keep it's monopoly. It is obvious to anyone involved in software/hardware that MS uses it's monopoly to drive companies to buy their products and then locks them. Once a company begins developing with MS products they are forced to continue because of the high cost they would face to switch to other solutions. Further, MS will then upgrade it's products, forcing anyone using them to buy the next release or their lose support for the version they are on.

There are many issues with regard to this settlement and I refer you to http://www.kegel.com/remedy/letter.html for more information. If this settlement is allowed to go through it will have been a waste of time, money, and great energy on the part of the government and all involved.

Sincerely,
Glenn Patterson

MTC–00016225

From: Jim Leonard
To: Microsoft ATR
Date: 1/23/02 10:46am
Subject: Microsoft Settlement

I am writing to OPPOSE the current proposed settlement. In my opinion it appears to do little to realistically open up the market to competition nor does it appear to have any credible enforcement capabilities.

Victor Leonard
6708 Concourse Dr
Columbus OH 43229

MTC–00016226

From: Troy Daley
To: Microsoft ATR
Date: 1/23/02 10:42am
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea. Microsoft has long been a thorn in the side of independent achievement.

While I use their products regularly, I find that I use them because no other company can produce an equivalent or better product without being pounded into the ground by MS or bought out. I would like to see their practices change, it would be better for us and better for them in the long run.

Troy Daley

MTC–00016227

From: Jason Spangler
To: Microsoft ATR
Date: 1/23/02 10:46am
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea, and is not strict enough to curb Microsoft's monopolistic behavior.

MTC–00016228

From: Scott Pepple
To: Microsoft ATR
Date: 1/23/02 10:45am
Subject: Microsoft Settlement

To Whom It May Concern,

As a consumer of Microsoft products for over 15 years and a citizen of the United States, I've got a few opinions I would like to share with the Department of Justice, The Federal Court and the general public.

The progression of the Microsoft Anti-Trust trial over the past couple of years has filled me with hope that we were after all a nation ruled by laws rather than by money. The decision of the Department of Justice to conclude the proceedings with a hastily negotiated settlement after they had all but won the day has been a sad realization for me that we still have a long way to go.

Any person with sense can see consumer choice is limited when the same company that produces the operating system used by 80% of the desktops in the country also produces software to run on that operating system. Name any competitive Word Processing Program on the market. There are none. Is that because Word Processing Programs are so tough to write? Is that because Microsoft's Word Processing Program is so good? It's because Microsoft is constantly making efforts towards it's prime goal—the creation of a unified, monolithic Desktop under their control. Whether by coding practices, marketing practices or by manipulation of the legal system, they have been more successful than not in achieving their prime directive.

Regardless of the lack of acceptability of the current situation, it appears that the current administration is less than ardent in pursuing justice at the risk of their campaign and whatever other contributions they can expect from Microsoft.

Given that situation, the current structure of the initial agreement between the Department of Justice and Microsoft should be modified to expand the portions on interoperability. A strong emphasis in the resolution on this one area will yield the greatest longterm benefits to the industry and the consumer. If Microsoft's standards and interfaces were well known natural competition will follow. To state that such information is a security risk is merely covering the weaknesses of an insecure platform.

Second, any penalties that should be levied on Microsoft need to be recompensed in Cash! Anything but goods and services! The very nature of Microsoft's business model seeks deployment of the maximum amount of software to obtain dependency among the greatest number of people. By exacting payment in goods and services you will simply be helping them to achieve their prime objective. Simply put, your settlement should try harder to make the bad guys work with the rest of us in a fair manner and your penalties should not let the bad guys do more bad.

Scott Pepple

MTC–00016229

From: Jack Park
To: Microsoft ATR
Date: 1/23/02 10:46am
Subject: Microsoft Settlement

May I please offer a comment, one that I think addresses the primary issue in relation to Microsoft's ability to remain a monopoly. If is this: If competitors have the ability to create and offer for sale truly compatible products, I believe that the capability to maintain a monopoly position in the market will be greatly reduced.

Of greatest importance is the Microsoft Office product. I strongly believe that the Microsoft Office file format specification should be completely documented and those documents kept completely in synch with any version changes Microsoft makes. Those documents must be made public domain, usable without any restrictions. This, I believe, will make it much easier for competitors to guarantee file compatibility with Microsoft products.

I am certain that there are other issues at stake here. I have chosen to focus on the particular issue I think most important.

Sincerely
Jack Park
Independent Software Developer
Brownsville, California

MTC–00016230

From: Warren Ferguson
To: Microsoft ATR
Date: 1/23/02 10:46am
Subject: Microsoft Settlement

The Microsoft Settlement is bad. We need a better solution, not an advertisement package for the Microsoft robber barrons. Open source operating systems need to be promoted. Considering the dependency America has on Microsoft products, the poor reliability of Microsoft products, and the unfair trade practices of Microsoft, it is time for a major innitiative to promote alternatives like linux.

Warren Ferguson
213 Marilyn Circle
Cary NC 27513
Title: Senior Software Engineer
Affiliation: Master of Computer Science, Wright State
University, Ohio

MTC–00016231

From: David
To: Microsoft ATR
Date: 1/23/02 10:46am
Subject: Microsoft Settlement

Dear Sir or Madam,

I am writing in regards to the proposed settlement of the Microsoft Anti-trust case.

In my considered opinion as a Computing Systems Manager I must disagree with the proposed settlement as it is currently written. While I agree with the decision that Microsoft is in violation of anti-trust laws, I feel that the current proposed settlement

needs additional work and review before it will effectively curtail these monopolistic practices. In broad strokes, my primary objections are as follows.

1. The wording of restrictions need further examination for loopholes and easy methods of circumvention. I suggest that the attorney's involved seek additional techinical/computing advisement in understanding the details and ramifications of these issues. Example: The Definition of Microsoft Middleware is overly exclusive and appears to be avoidable by changing version numbering or distribution methods.

2. API and Protocol sharing are too limited to insure that other developers and operating systems can compete with MS products. The limits placed on what must be shared/revealed does not address the issue of ''porting'' software designed to run on the Windows line of MS operating systems to other OS's or support for software designed to run Windows based applications on systems running a non-Microsoft Operating system.

Example—This would not reduce the application barrier to entry for such software as the WINE project that endeavors to allow the use of software written for Windows on a computer running the Linux OS.

3. Enforcement of the decision and the watchdogging of MS's compliance needs further review and strengthening. The specifications for who can serve in this role need greater definition and the position needs more ability to enforce the settlement and curtail further monopolistic practices.

4. The settlement does not address proprietary digital document formats. This is a very specific issue but very important. One of the greatest barriers to competition with MS Software is the proprietary nature of documents created using the MS Office Suite software. The MS Word document format has become the de facto standard in business. Due to the proprietary nature of its encoding no other developer of word processor software can gain significant entry into the market due to the inaccessibility of this format. In practice a business MUST use MS Office to do business with other companies. This also has the effect of effectively reducing the choice of operating systems to be used by businesses to those OS's that run Microsoft Office, thus reducing competition in the OS market as well.

There are many other issues that seem to make the current settlement less than effective. Please consider researching some of the excellent commentaries and essay's available by other concerned parties as they far exceed my modest research.

To restate, I can not advice acceptance of the current proposal and strongly suggest continued revision and strengthening of the measures taken to rectify the damage already done by Microsoft's anti-competitve practices and prevent their use in the future. Please feel free to contact me if I may be of help in any way.

Thank you,
Sincerely,
David Ehle
Computing Systems Manager
CAPP CSRRI
Illinois Institute of Technology
Chicago IL 60616
312–567–3751
ehle@iit.edu

MTC–00016232

From: Nothingface
To: Microsoft ATR
Date: 1/23/02 10:46am
Subject: Microsoft Settlement

I would like to express my concern that the Proposed Final Judgement is not adequate to solve the problems it attempts to address. I think in many cases, the Proposed Final Judgement is structured is such a way as to encourage and support Microsoft continuing business practices that are harmful to the economy and society.

I agree with Dan Kegel's analysis and proposed solutions; his comments can be found here: http://www.kegel.com/remedy/letter.html

// Darius Rad, Electrical Engineer, Reading, MA

MTC–00016233

From: wayne barker
To: Microsoft ATR
Date: 1/23/02 10:46am
Subject: Microsoft Settlement

To whom it may concern,

This email is being written to express my deep disappointment with the proposed settlement of the Microsoft Antitrust case.

I am a systems administrator at a design firm. As a computer professional, I have used Microsoft products for years—I am typing this email on one now. Over the 10+ years that I have used computers professionally, I have often been amazed at the unfair and inhibiting practices that Microsoft engages in. Their reputation as the ''Evil Empire'' is not a title lightly given nor is it undeserved. There have been an inconceivable number of times that I have had to patch a system/server/application due to shoddy programming by Microsoft, or worse yet to try to work around an intentional disabling of a feature that made a competitors product unusable.

Microsoft is certainly capable of producing a quality product—I use several, in fact the majority of the computers I personally own run legally purchased copies of Microsoft operating systems and applications. However, I strongly support a the use of penalty, forced restructuring, and individual user remuneration, in order to convince Microsoft, in a definitive way, that they will no longer be allowed to manipulate and (more often than not) impede technological and social advancement in this country solely in order to maximize their profits.

There is an attitude, from Bill Gates down, that we work for them, that they will give us what they want to give us, and damn America if they don1t like it. As has been suggested in a recent initiative to expand broadband access throughout this country as a means to enhance economic rejuvenation, the technological health and robustness of this country IS a national security interest. I do not believe for one second that Microsoft would fail to take advantage of any opportunity to further their market dominance, at the expense of ANY other concern, including and specifically those that threaten the reliability and independence of the computers users of this world. Indeed, the cynical nature of their proposed settlement, given that it would seriously degrade one of their few competitors small niche markets (Apple in education, where Apple is a much better suited product) is just one example of a DAILY litany of abuse, neglect, and misinformation.

Our society, more than almost any other on this planet, has embraced the Technological and Computer revolutions. Our future is CLEARY tied to these areas, as our dominance in other resources and arenas wanes in an ever-more free-market world.

Given this, we as a country simply cannot afford a behemoth of this stature and hubris to define and manipulate our progress. Standard Oil was a ubiquitous force which controlled vast stretches of our countries energy supplies, but was dethroned in a move that strengthened our nations health and enhanced progress. AT&T WAS the ''phone company'', but their breakup, in allowing and encouraging competition and innovation in the communications infrastructure, was a significant force in encouraging our current technological revolution.

It is now the time to restructure, penalize, and otherwise mollify Microsoft's ambitions, so that the health, wealth, and opportunity of our future is that much more realizable. We have enough threats and issues to deal with outside of this country, please deal effectively with this internal one, and place us on a firmer more secure footing for the trials that lie ahead.

And thank you very much for allowing a member of the public to express their concerns over this issue—I am honored.

Sincerely,
Wayne Barker
Systems Administrator
Savage Design Group, Inc.
wayne barker—systems admin—savage design group, inc.
4203 yoakum—houston, tx 77006—713–522–1555
wbarker@savagedesign.com—www.savagedesign.com

MTC–00016234

From: Michael McCafferty
To: Microsoft ATR
Date: 1/23/02 10:48am
Subject: Microsoft Settlement

I wish to comment on the proposed settlement in the case of US vs. Microsoft.

While I believe that there are several shortcomings of the proposed settlement, I feel the greatest oversight is the weak provisions for enforcement of future conduct. The settlement as written provides many loopholes, and Microsoft's management have demonstrated their willingness to exploit any such loopholes in pursuing the letter of the law, at the expense of the spirit. Any company whose leadership would introduce false evidence into court, get caught, and replace it with other false evidence, cannot be counted on to abide by laws or codes of conduct which permit any ambiguity.

The current proposed settlement is tantamount to the DOJ walking away from a case that they've already won. Microsoft

gained its current monopoly status illegally, and must be forced to behave like a monopolist. This proposed settlement will not significantly influence the behavior of Microsoft's executives. A new remedy should be sought.

Sincerely,
Michael McCafferty
2860 California St #10
San Francisco, CA 94115

MTC–00016235

From: support@404Browser.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:47am
Subject: Microsoft Settlement

I support Microsoft on the case of AOL Vs. MS. I am not an Microsoft employee, but after seeing the way AOL operates, I support Microsoft. I also develop my own web browser, 404Browser, 404Browser.com. One of the arguements that I heard that AOL used against Microsoft is that they underpriced their web browser (free). On the internet it is a joke if someone charged money for there web browser. AOL is even a bigger monopoly that Microsoft is. AOL's software will not even allow you to run alternitive internet applications outside their program.

Steven Hicks
404Browser Support

MTC–00016236

From: Antonio J. Alvaradorivera, III(059) A+, B. Sc., CCNA, RHCE
To: Microsoft ATR
Date: 1/23/02 10:49am
Subject: Microsoft Settlement

This settlement does nothing to prevent MS from abusing its power in the future with future product releases. Somehow this needs to be addressed, monitored, and PREVENTED (not just caught). MS has held the computer industry back in all areas that it is not ready to compete, and that needs to stop.

Antonio Jose Alvaradorivera, III
A+, B.Sc., CCNA, RHCE
RackSpace Managed Hosting

Let us look out not only to our own interests, but also to the interests of others. This is not Rackspace's official opinion, but rather an opinion of the author.

MTC–00016237

From: Dylan Tack
To: Microsoft ATR
Date: 1/23/02 10:48am
Subject: Microsoft settlement

To Whom It May Concern:

I have read, and am opposed to, the proposed settlement in the Microsoft Antitrust trial. Please consider a vote against it.

In particular, I am opposed to the overly narrow definition of ''API'' in the proposed final judgment. Microsoft should be required to document ALL Windows interfaces, so that competing vendors (such as Codeweavers, makers of WINE) can compete fairly in the market.

Also, the proposal does little to redress Microsoft's past actions, and only places (inadequate) restraints on future behavior. Heavy fines should be assessed, with the proceeds used to support Open Source development of alternatives to Microsoft products.

Sincerely,
Dylan Tack
Dylan Tack
The Coordinated Laboratory for Computational Genomics and Parallel Processing Laboratory
Dept of Electrical and Computer Engr.
University of Iowa
Iowa City, IA 52242 (USA)
email: dylan-tack@uiowa.edu
URL http://genome.uiowa.edu

MTC–00016238

From: Lucas Marshall
To: Microsoft ATR
Date: 1/23/02 10:47am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Robert L. Marshall
2603 Circle Drive
Santa Clara, UT 84765

MTC–00016239

From: Mike Long
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:48am
Subject: My opposition to some elements of the Microsoft/Sun settlement

I am a software developer with 19 years of experience and I am really glad to be free from having to use the Window's operating system. I am opposed to the jusdgements here which would prohibit me from running licensed Windows software on another operating system such as Linux.

Sincerely,
Mike Long
Senior Software Developer
Net Decisions

MTC–00016240

From: Zachary D. Noffsinger Erbaugh
To: Microsoft ATR
Date: 1/23/02 10:49am
Subject: Microsoft Settlement

To Whom it may Concern,

I am a professional in Information Technology, and am writing to you as part of the Tunney Act comment process about the proposed settlement of the antitrust case against Microsoft.

I am severely concerned about the proposed settlement. One of the most striking problems is the lack of any provision for disclosure of Microsoft protocols to not-for-profit organizations (as determined by Microsoft—cf. Section III(J)(2), Section III(D).) This would allow Microsoft to deny access to the most important competitors to Windows, including Linux (operating system), Apache (web server), and SAMBA (network server.) These systems provide consumers with options that are less expensive (both in terms of purchase price and Total Cost of Ownership) and more secure than the software Microsoft produces.

The current settlement would allow Microsoft to effectively destroy some or all of the above systems by denying them access to Windows standards, simply because they are not ''businesses'' in the traditional sense. It is ironic that such organizations are not being recognized by the U.S. government in this settlement, since they are more democratic and egalitarian than their for-profit counterparts. Furthermore, free and ''Open Source'' (www.opensource.org) software has been repeatedly shown to be more secure than Microsoft's (often flagrantly) insecure products, and provide the impetus for increased security and reliability, which are important considerations in the world in which we now find ourselves.

I urge you to not let the proposed settlement stand. Seek further technical counsel on the implications of any proposed settlement. With appropriate advice from within the industry, the settlement can be written in such a way that the options of computer users, the viability of non-profit innovators, and the security of computer networks in this country are protected.

Sincerely,
Zachary D. Noffsinger Erbaugh,
Computing Support Specialist, Bethany Theological Seminary and Earlham School of Religion

615 National Road West, Richmond, Indiana 47374, (765) 983–1262 (Office), (800) BTS–8822, FAX (765) 983–1840

228 College Ave., Richmond, IN 47374, (765) 983–1423, (800) 432–1377, FAX (765) 983–1866

mailto:erbauza@earlham.edu, http://www.bethanyseminary.edu/, http://esr.earlham.edu/.

MTC–00016241

From: Jason Jobe
To: Microsoft ATR
Date: 1/23/02 10:48am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html).

I have signed the aforementioned petition but I wanted to reinforce my concern about how Microsoft has negatively impacted the software industry and strongly urge you to reject the current settlement offer.

Sincerely,
Jason Jobe
President
Datalore, Inc.
Purcellville, VA 20132

MTC–00016242

From: Park, Christopher
To: Microsoft ATR
Date: 1/23/02 10:47am
Subject: Microsoft Settlement

First, thank you for taking the time to read this letter. After reviewing some of the proposed solultion to the Microsoft anti-trust settlement, I feel it leaves much to be desired.

I am an independant software programmer, and I feel stifled by the anti-competitive practices Microsoft has engaged in for many years. Many of my feelings on this subject can be summed up in Dan Kegel's Open letter to the department of Justice (http://www.kegel.com/remedy/letter.html)

Thank You,
Christopher Park

MTC–00016243

From: Cathal Stockdale
To: Microsoft ATR
Date: 1/23/02 10:47am
Subject: Microsoft Settlement

MTC–00016244

From: Sherri McConaghy
To: Microsoft ATR
Date: 1/23/02 10:47am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Sherri McConaghy

MTC–00016245

From: Chris Shenefiel
To: Microsoft ATR
Date: 1/23/02 11:06am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions. Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Chris Shenefiel

MTC–00016246

From: david boswell
To: Microsoft ATR
Date: 1/23/02 10:49am
Subject: microsoft settlement

i am writing to express my feelings about the proposed remedies for the microsoft settlement before the public comment period closes in a few days. it is my opinion that it has been proven that microsoft is a monopoly and that it has used predatory practices in the past to further and extend that monopoly.

my concern is that no adequate remedy will be chosen to address this situation. although i don't have any specific solutions to propose, i believe that many people have come up with many good ideas that would be effective. for instance, i agree with the sentiment of a recently published article in salon.com: http://www.salon.com/tech/col/rose/2002/01/16/competition/index.html

thank you for taking the time to read and consider this message.

david

MTC–00016247

From: Jim Rankin
To: Microsoft ATR
Date: 1/23/02 10:50am
Subject: Microsoft Settlement

I am a consulting engineer at Apple Computer, concerned about how Microsoft's anticompetitive behavior could hinder my company's ability to reach customers with the creative and innovative products for which Apple is known. I also speak as one who wants a future where technology innovation cannot be held back by a single corporation's anticompetitive behavior. This message does not necessarily reflect Apple's views.

I am concerned that the proposed final judgment in the Microsoft antitrust proceeding does not accomplish what it claims to accomplish. The language is drafted loosely enough to allow Microsoft to avoid following the intent of the judgment in many points. Specifically, see the issues raised at http://www.kegel.com/remedy/letter.html.

The stated intent of the proposed final judgment is an appropriate response to Microsoft's crimes. But if this intent cannot be enforced and allows Microsoft alternative ways to engage in anticompetitive behavior, it is worthless. Please revise the proposed final judgment to truly prohibit and appropriately punish any future anticompetitive acts by Microsoft.

Mistakes made now may never be undone. The proposed final judgment seems to require bringing entirely new proceedings to address any future anticompetitive actions by Microsoft. There may never again be the political will or opportunity to correct flaws in this proposed final judgment later if they are not corrected now.

Sincerely,
Jim Rankin
1159 Ovington Avenue #2
Brooklyn, NY 11219
718 232–2763

MTC–00016248

From: elijah wright
To: Microsoft ATR
Date: 1/23/02 10:49am
Subject: Microsoft Settlement

I am upset with the way that the PFJ fails to punish Microsoft for its historical pattern of illegal action and monopoly driven dominance of the computing industry.

In particular, the Proposed Final Judgment seems to do very little to actually ''punish'' Microsoft. The entire agreement is vague, punishment is easily evaded, and the ''punishment'' does very little to strike at the heart of their core business (which, unfortunately, seems to be the maintenance of their monopoly).

Those with more than five years of experience in the industry are fully conversant with MS's poor behavior and tendency to slide toward proprietary lock-in; I, as well as others, would be happy to comment upon their past indiscretions if need be.

Thanks so much for your time.
Elijah Wright

MTC–00016249

From: Mike Savage
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:39am
Subject: Microsoft Settlement

I believe the currently proposed settlement regarding the Microsoft Antitrust case is a

disservice to every American citizen, even those who are a part of Microsoft Corporation. I would urge the DOJ to push for stiffer penalties.

Thank you,
J. Michael Savage
Database/Systems Administrator
datastream.net portal development team
<mailto:savagem@dstm.com>
(800) 955–6775 x7646

MTC–00016250

From: Joe Bowers
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:51am
Subject: Microsoft Settlement

I would like to register my objections to the Proposed Final Judgement of the United States vs. Microsoft.

As a professional software developer with experience working in Microsoft Windows and non-Windows environments, it is my opinion that by adopting very narrow definitions of ''API'', ''Microsoft Middleware'', ''Microsoft Middleware Product'', and ''Windows Operating System Product'', the proposed settlement offers ample opportunity for the Microsoft corporation to continue, and continue to profit from, anticompetitive conduct at the expense of software developers like myself, the distributors of computer hardware, and ultimately end users. Microsoft has illustrated great ingenuity and a true flair for ''innovation'' when it comes to discovering and perpetrating new damaging and illegal practices by which it can leverage its monopoly in one market into a monopoly in another market. Only by adopting much broader definitions that can include presently unforseen technologies, development patterns, and release strategies, can we as a nation prevent Microsoft from continually throwing stumbling blocks in the way of competitive commerce and the advance of the state of the art of computing.

In addition, the amount of information the proposed settlement requires Microsoft to reveal and the required timeframes for revealing that information are respectively too little and too late. The various practices explicitly allowed by the settlement including limitations on the use of published APIs, the withholding of patent information by Microsoft, the ability for Microsoft to legally discriminate against OEMs not in the ''top twenty'' for distributing non-Microsoft products, and continued tolerance of limitations on the development of publicly available software in Microsofts licensing all contribute to my belief that the proposed judgement will do nothing but block further legal recourse with respect to Microsoft's illegal and damaging practices.

Please, consider the state of the art and the state of the business of software and software development before committing to such and ineffective settlement with a criminal organization.

Thank You,
Joseph Bowers
600 A North Greensboro Street
Carrboro, NC 27510

MTC–00016251

From: Cal Evans
To: Microsoft ATR
Date: 1/23/02 12:05pm
Subject: Microsoft Settelment

To whom it may concern:

I have read about the proposed settlement in the Microsoft Anti-Trust case and am disappointed in it. The settlement, as currently proposed will do nothing to curb the anti-competitive behavior. Please consider this a vote against the current settlement and I am asking that you seek a new settlement that is more closely aligned with the crimes they have been convicted of.

Thank you,
Cal Evans
P.O. Box 1281
Nashville, TN 37011
cal@calevans.com
Cal Evans
Senior Internet Dreamer
http://www.calevans.com

MTC–00016252

From: Sioux Bellinder
To: Microsoft ATR
Date: 1/23/02 10:51am
Subject: Microsoft Settlement

Make the right choice.

Re: the Tunney Act, my comment

The Proposed Microsoft Final Judgment as written allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

Sioux Bellinder
Hasten Computer Solutions
3204 Hillside Dr
Wonder Lake, IL 60097
815–653–0902
fax 815–653–8841

MTC–00016253

From: James Bayer
To: Microsoft ATR
Date: 1/23/02 10:51am
Subject: Microsoft Settlement

To whom it may concern,

I am 25 year old software developer. I feel that the outcome of the proposed Microsoft Settlement will directly impact my career for many years to come, and therefore I have a responsibility to voice my concerns about the settlement.

I do not like the terms of the settlement. I do not think that as they are written, that the terms will preclude Microsoft from behaving in a monopolistic manner or benefit the end consumer. The most glaring problems I see with the settlement are in the terms that are designed to help remove the barriers to entry in the marketplace by providing additional information about the way Windows works. A more stringent standard than is being proposed by the final judgment will be necessary to meet the goal of having ISV successfully utilize the Windows APIs. Microsoft should be required to update documentation to ISVs whenever the API requirements change. Currently, the final judgment says that Microsoft has to notify ISVs seven months in advance of a new release, but not keep them up to date about changes. Additionally, many APIs under the current finally judgment will remain undocumented because of the narrow Microsoft Middleware Product'' and ''API'' definitions.

By making the APIs more accessible to ISVs, consumers will benefit with more choice of platforms which to run their software and more software to choose from. I sincerely hope that the problems with the current final judgment, specifically the Windows API portions are addressed.

Thank you,
James Bayer
jambay@yahoo.com
844 W. Grace St.
Apt. G
Chicago, IL 60613
773–755–8129

MTC–00016254

From: Jeff Dutkofski
To: Microsoft ATR
Date: 1/23/02 10:50am
Subject: Microsoft Settlement

I wanted to voice my concerns with the proposed settlement agreement in the Microsoft case.

It appears that efforts have been made in Sections III.F. and III.G. of the PFJ to prohibit certain exclusionary licensing practices by Microsoft towards ISVs.

These Sections are as not strong as they could be. In its present wording, Microsoft's End User License Agreement (EULA) uses restrictive terms that stops Open Source/GPL/Artistic License/SCSL derived software and applications from running on Windows. These licensing terms also prohibit Windows applications from running on competing operating systems. In the interest of fairness and an open market, Sections III.F. and III.G. of the PFJ should be worded to allow ''open source'' applications to run on Windows, and allow Windows applications to run on competing operating systems. Open up the market and allow the end users more choices and more options.

Respectfully submitted,
Jeffrey J. Dutkofski

MTC–00016255

From: Joel Martin
To: Microsoft ATR
Date: 1/23/02 10:49am
Subject: Microsoft Settlement
To: United States Department of Justice
From: Joel Martin

I would like to comment on the Proposed Final Judgement in the United States vs. Microsoft according to the terms of the Tunney Act.

INTRODUCTION:

The Proposed Final Judgement (PFJ) does almost nothing to limit Microsoft's illegal practices. In fact, many aspects of the PFJ encourage Microsoft to continue in their long history of limiting competition and harming the public good. The problems with the PFJ are so numerous that the entire PFJ should be scrapped and re-written. In this document I will enumerate a subset of the many problems with the PFJ.

DEFINITIONS (PFJ section IV):

API—API is so narrowly defined that Microsoft will simply change their naming

scheme to evade the remedies. API should be defined in the industry accepted manner to include all interfaces to all software products that Microsoft distributes.

Microsoft Middleware Product—at the very least this list should include all of Microsoft's .NET family of products. A more reasonable change would be to actually define this so that new middleware products that Microsoft introduces are covered by this definition.

Windows Operating System Product—again, the definition in the PFJ is a list of specific products. First of all, this term should be changed to ''Operating System Product''. A proper definition should be developed that covers all Windows XP versions, all Windows 2000 versions, all portable versions of Windows such as Windows XP tablet PC and the X-Box Operating System. All of these products need to be covered so that the judgement protects and corrects now and into the future.

ACTIONS TOWARDS THIRD PARTIES:

The remedies outlined in the PFJ that apply to Microsoft's actions towards other parties need to be expanded and strengthened. In the current form it is impotent and narrow. Microsoft should not be able to punish any OEM or third party for the way they customize their systems with or without Microsoft software. Microsoft should be required to publish their prices for all OEM's and third parties, NOT just the largest 20 OEMs as stated in the PFJ. Also, Microsoft should be prohibited from retaliating against OEMs and third parties in other ways than just price gouging. For example, Microsoft should not be allowed to give discounts on other products to OEMs that do not sell pre-configured systems with alternate operating systems. One particularly glaring problem in the PFJ is Section III.A.2 which allows Microsoft to retaliate against an OEM that sells systems with a competing Operating System but no Microsoft Operating System. This hole in the PFJ is subtle but pernicious and is reason enough to nullify this version of the PFJ.

EULAS (End User Licenses):

Microsoft has a history of using EULAs to create fear and uncertainty for competitors. These agreements regularly prohibit interoberability, exclude Open Source products, and the prohibit the development of certain types of competing and interoperating products. The PFJ does not address this issue of Microsoft's anti-competitive EULAs.

PROPOSED CHANGES:

The list of problems goes on and on but I will conclude with some recommendation for some additions to the PFJ that may help get this document to a state that will actually contribute to the public good.

- Microsoft must fully document all their APIs including the following: all OS APIs and OS utility APIs including the Windows Installer, Internet Explorer APIs, Outlook APIs, all Office APIs, the DirectX suite of APIs, etc.

- Microsoft must document all document formats fully. This includes the following document formats: MS Word, MS Powerpoint, MS Excel, MS Visio, MS Publisher, MS Project, etc.

- Microsoft must fully document their network protocols including: Outlook to Exchange, SMB/CIFS protocol, Advanced Directory services, etc.

- Microsoft must provide the above documentation on APIs in a reasonable time frame. This means that the documentation must be available to competitors as soon as it is available to other product groups within Microsoft to do developement. This will prevent other product groups within Microsoft from having an unfair lead time on product development compared to Microsoft competitors.

- Microsoft must port all their major desktop applications to non-Microsoft Operating Products that hold the three largest desktop market shares. The versions of the applications on those Operating Products shall not be released more than two months after the release on Microsoft Operating Products. This would mean that the MS Office suite, MS Visio, MS Publisher, MS Project, MS Internet Explorer, MS Outlook, MS Outlook Express, etc, would be ported and up to date on the Macintosh, and probably Linux, etc. They must be available for similar pricing as on Microsoft Operating Products.

- Microsoft must port all their major server applications to non-Microsoft Operating Products that hold the four largest server market shares. The versions of the applications on those Operating Products shall not be released more than two months after the release on Microsoft Operating Products. This would mean that the MS Exchange, MS IIS, MS Enterprise Server, MS Small Business Server, MS SQL Server, MS Systems Management Server, MS Content Management Server, MS Commerce Server, MS Proxy Server, MS SharePoint Portal Server, MS BizTalk Server, MS Host Intergration Server, etc. would be ported and up to date on Linux, Sun Solaris, HP HP/UX, etc.

Joel Martin—System Software Engineer
Compaq Computer Corporation
110 Spit Brook Rd, ZKO3–3/U14
Nashua, NH 03062–2698
joelm@zk3.dec.com 603.884.5061

MTC–00016257

From: Josh Bright
To: Microsoft ATR
Date: 1/23/02 10:50am
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea.

MTC–00016258

From: Will Foy
To: Microsoft ATR
Date: 1/23/02 10:50am
Subject: No to the Settlement

As part of my duty as a citizen, I respond to your request for public comment regarding the proposed settlement to the US v Microsoft, as well as the assorted state cases v. Microsoft.

I call for the US Government to stand firm in its resolution against an illegally maintained monopoly. Do not settle without firm— and severe—consequences for Microsoft should it violate any other law. Microsoft has shown repeatedly its disdain for United States Law, as well of that of many states. It is likely and expected that if Microsoft emerges from these Anti-trust proceedings relatively unscathed, then it will violate the law again, it will cost US taxpayers and consumers, and it will stagnate innovation in the PC platform.

Instead of allowing Microsoft to have a wonderful outcome to this case, force them instead to open their API's, force them to open their source code. Even if the source is open, they may still compete. Let the best software development companies win. It opens the marketplace, and it is NOTHING close to corporate communism as recent Microsoft-sponsored ads and lobbying have suggested.

Regardless of what you do after this, I urge you in the strongest possible way to reject the proposed settlement and try again, this time, acting in the best interest of consumers, not business.

Thanks so much for your time and attention in this very crucial matter to the whole technology industry.

Yours,
William Andrew Foy
9757 Concord Church Rd
Lewisville, NC 27023—NC Fifth District
336.946.2606

MTC–00016259

From: joe@laffeycomputer.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:50am
Subject: Microsoft Settlement

The proposed settlement is not adequate punishment for previous and continued blatant abuse of monopolistic power by Microsoft. I am a small business owner (10 years). These actions set precendents. Please consider a more dutiful punishment

Sincerely,
Joe Laffey

MTC–00016260

From: John Kroll
To: Microsoft ATR
Date: 1/23/02 10:50am
Subject: Microsoft Settlement

Having reviewed the proposed settlement for the Microsoft, I am appalled on how it fails to address many of the illegal business practices listed in the findings of fact. Additionally, the wording of the proposed settlement is so soft, that allows many potential avenues for Microsoft to exploit to evade the spirit of the proposed settlement. Given Microsoft's past behavior regarding consent decree's, it can be safely assumed that they are aware of this and caused the wording to be structured in this manner for exactly this reason.

One specific example of this is the Technical Committee. Since Microsoft gets to select one committee member who essentially has veto power over the third member of the committee, this review committee is unlikely to actually accomplish anything. Since essentially this committee is supposed to serve as a parole board to monitor Microsoft's future behavior, why are they permitted to have any input into the committee composition at all? Certainly they

should be permitted to submit evidence or other material to the committee for review, but why are they allowed to have input into the selection of a majority of the board members?

Another example is the limitation that ''No provisions of this Final Judgment shall:

1. Require Microsoft to document, disclose or license to third parties: (a) portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of a particular installation or group of installations of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria; or (b) any API, interface or other information related to any Microsoft product if lawfully directed not to do so by a governmental agency of competent jurisdiction.'' This limitation would permit Microsoft to hide many APIs needed for a competitor to build a product by claiming the API or protocol specification is restricted due to security considerations. Since the proposed agreement makes no attempt to define or limit what material would be subject to this restriction, it is apparently left to Microsoft to make this determination.

Contrary to Microsoft's advertising, they have not produced much in the way of actual ''innovation'' to the computer industry. In fact, they have significantly stifled innovations by other companies where those innovations would threaten Microsoft products.

The Findings of Fact in this case clearly show that Microsoft has abused its monopoly position in the software market. The proposed settlement does little to address these past abuses or prevent future abuses. In my opinion, the settlement in its current form is definitely not in the public interest.

Very respectfully,
John Kroll
Systems Analyst
Milwaukee, WI

MTC–00016261

From: Drew Kime
To: Microsoft ATR
Date: 1/23/02 10:50am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. The current proposed settlement does not redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions. Most important, the proposed settlement does nothing to address Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts.

That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Drew Kime

MTC–00016262

From: R. Sean Fulton
To: Microsoft ATR
Date: 1/23/02 10:51am
Subject: Microsoft Settlement

As a citizen of the United States of America, I find the Microsoft/Justice Department proposed settlement utterly unacceptable.

Richard Sean Fulton
Pittsburgh, PA

MTC–00016263

From: Dave Damianakes
To: Microsoft ATR
Date: 1/23/02 10:51am
Subject: Microsoft Settlement

I wanted to register my opinion about the Microsoft settlement. Just for the record, I am an Apple user. I have known for a long time that Microsoft has had a defacto monopoly and has exercised unfair practices to remain dominant. Until the trial, no windows user that I knew had any idea that there were other operating systems available for Intel machines. In fact, they still are unaware of IBM's OS 2, although Linux has been getting more air play. And since the trial I have listened to venture capitalists and startup owners who have been complaining that money will not be invested in a company if they investors think that MS would not like the software that would be produced, due to its competitiveness. I think more and more, the world are coming to rely on computers, just as they were doing with oil during the Standard oil trial. And I think that any remedy short of breaking the company up is grossly unfair and uncompetitive. (By the way, Microsoft has never been innovative. They buy other, innovative, company's products finish them, poorly by the way.) I think the company should be broken up into a application company, an OS company and a networking (or enterprise) company. It should not remain intact. To do other that break the company up is to encourage its stranglehold on the marketplace.

Dave Damianakes
daved@nacus.net

Never trust a new endeavor that requires you to buy new clothes.

Dave Damianakes
daved@nacus.net

MTC–00016264

From: Ryan Smith
To: Microsoft ATR
Date: 1/23/02 10:58am
Subject: Microsoft settlement inadequate

The proposed Microsoft settlement is a travesty. It would be laughable if this weren't such a serious matter. Microsoft's behavior requires serious remedy, not just a slap on the wrist. The future of the computer and internet industries is at stake.

Ryan Smith
Creative Director, Monster Labs, Inc.
ryan@monsterlabs.com

MTC–00016265

From: Curtis Wood
To: Microsoft ATR
Date: 1/23/02 11:11am
Subject: Microsoft Settlement

This proposal is not nearly strong enough or -restictive- enough. The problem here isn't wether or not the Winodws operating system can or should put this icon here, there or even (GOD forbid) let you do it— that is just simply and plainly stupid!. The problem is the business practices of Bill Gates—this ''proposal'' does nothing, he will simply find a way around it or even ignore it—that is what he does; he's a shark and he eats what he wants...

Curtis Wood
System administrator
Bluedomino hosting
Website: www.bluedomino.net
Office#: (361)887–7778x205
Email: curtis@bluedomino.net

MTC–00016266

From: Ryan Todd
To: Microsoft ATR
Date: 1/23/02 11:15am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts.

That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Ryan Todd
Network Administrator

EFO Holdings, Inc.

MTC–00016267

From: Mark Horn
To: Microsoft ATR
Date: 1/23/02 10:50am
Subject: Proposed Settlement is a bad idea...

Dear Sirs and Madams:

I am a network security engineer and US citizen. I've been working with computer networking for 13 years. During that time, I've seen Microsoft's ascendancy to power. During that time, I've seen innumerable potential competitors get swallowed up by Microsoft's anti-competitive practices. But most importantly, during that time, I've seen friends and co-workers forced into using software, not becuase it best met their needs, but because they had no other practical choice. I've seen Netscape be the have the highest demand amongst users, only to see that option precluded when they tried to buy new computers.

Consumers have been directly harmed by Microsoft's anticompetitive business practices. So I was very encouraged when the Department of Justice filed suit, won the case, and prevailed on appeal.

I am, however, disappointed that my government has decided not to seriously consider the harm that this company has done to the US economy through the maintenance of their illegal monopoly. The proposed final judgement is woefully inadequate. It will do nothing to increase competition in the computer software marketplace, and in some cases will help to preserve Microsoft's monopoly.

I believe that the current proposal is grossly inadequate given the findings of fact. I urge you to throw it out and replace it with one that will effectively restore competition to the computer software marketplace.

Sincerely,
Mark J. Horn
Charlotte, NC

MTC–00016268

From: James W Foster III
To: Microsoft ATR
Date: 1/23/02 10:51am
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Renata,

I have seen Microsoft so totally crush any competition by not building a better product but by threatening anybody that bought the competitions product.

I agree that you have worked hard on this agreement, but I think it falls short of enforcing the open economy the USA enjoys.

Also, I agree with Dan Kegel's analysis.

James

James W Foster III <j.foster@wcom.com>
Manager of Intra/Internet Development
Boss Jeffrey R. Allegrezza
<Jeff.Allegrezza@wcom.com> vnet4605845
Corporate Intra/Internet Systems
WORLDCOM—http://www.worldcom.com/—NASDAQ:WCOM
500 Clinton Center Drive (Corporate Headquarters)
Clinton, Mississippi (MS) USA 39056
(601)460–5589 / vnet4605589 / (800)844–1009 / FAX(601)926–5589

MTC–00016269

From: Ted M
To: Microsoft ATR
Date: 1/23/02 10:50am
Subject: Microsoft Settlement

To Whom It May Concern:

I have read the proposed Microsoft settlement and am astonished that it addresses only future conduct, including no meaningful punishment for Microsoft's past illegal conduct proven during the trial phase of this case. Microsoft has effectively driven a steamroller at 100mph through a 30mph zone, leaving crushed businesses and the bloody remains of its competitors in its wake, and the facts of that case have been proven in court.

What sane Court would let such a perpetrator go free without severe punishment, warning them only to keep to the rules of the road in the future, utterly disregarding that Microsoft accomplished its goal of clearing its competitors off the road?

Punishment must be levied on Microsoft so the competition can get back on the road—and—back in position to succeed in the race. Microsoft must not only play fair (which it should have been doing anyway!), but must be competitively handicapped for a significant period to compensate for its illegal gains.

Gravely concerned,
Ted McManus
1624 Fordem Ave #202
Madison, WI 53704

MTC–00016270

From: Richard Finney
To: Microsoft ATR
Date: 1/23/02 10:51am
Subject: Impose harsh penalties on Microsoft, please!

Ms. Hesse,

I believe the government should come down hard on Microsoft. They use their illegal monopoly to stifle competition. They hurt American middle class working folks. Strong regulation and pushisment are in order to assure access to the desktop for competitors.

Microsoft is like having only one cable TV company, or one long distance phone company, or one cell phone company, or one airline, or one car company. We need competition and fair access for the little guy to the market.

Please impose harsh penalties and break up the Microsoft monopoly. Guarantee the right for the little guy to place his products on the desktop.

Richard Finney

MTC–00016271

From: Benjamin Blair
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:51am
Subject: Microsoft Settlement

I am writing in regards to the Tunney Act public comment period on the proposed Microsoft antitrust settlement.

The proposed settlement will not prevent Microsoft from maintaining its monopoly in the computer industry. The findings of fact clearly described a pattern of corporate behavior that evidenced little respect for antitrust law or public sentiment. Though the proposed remedies themselves may be adequate, the enforcement measures will not provide enough incentive for Microsoft to fundamentally alter its behavior. History demonstrates that Microsoft will not alter its behavior unless it is clearly in its competitive interests to do so. The proposed remedies attempt to force Microsoft to change its behavior in order to reduce its power in the market place. This will not succeed.

The only measures that can be effective are those that immediately change the competitive landscape, and then free Microsoft to struggle for power in this new, more level playing field. I agree with the court that a structural remedy is cumbersome and not likely to be effective. A technological remedy, with objective, quantifiable measures, is the only remedy that can be both effective and in the public's interest.

The competitive advantages of an operating system monopoly are twofold. First, Microsoft negotiates from a very powerful position with OEMs and ISPs. Second, their application software can be developed with special knowledge of the operating system and (optionally) delivered with the operating system to gain better market penetration. Any remedy must address both of these monopolistic advantages.

While I do not claim to be able to construct a better remedy myself, I think it is clear that any remedy must involve forcing Microsoft to open all of its APIs and file formats. Any time two pieces of MS software communicate out-of-process, the protocol for their communication must be public.

Enforcement could come in the form of a court-appointed authority that had the right to demand to see the source code of any MS-published software and compare the documented APIs to the source code. If they were not the same or if the source code is not delivered within a few days, MS should be fined 1/356th of it's profit (this can be calculated after the fact at the end of each quarter) per-day until it satisfies the requirements. This would ensure that the applications of Microsoft's competitors have the same opportunity to succeed on the Windows platform as those of Microsoft itself. Microsoft may maintain its operating systems monopoly, but it will not be able to use to establish new monopolies in other market segments.

Thank you very much for reading and considering my comments.

Regards,
Ben Blair
474 N. Lake Shore Dr. APT 4606
Chicago, IL 60611
312–464–1743 (home)
312–362–2478 (work)

A little about myself:

24 years old, and have been working in the computer industry for the past 8 years. I have been developing software for the Windows platform for the past 6 years. I am currently employed as a lead software developer and system architect for an options trading firm in Chicago, IL. I graduated from the University of Chicago in 1996 with a BS in Computer Science and a BA in Physics.

MTC–00016272

From: Chris Lamothe
To: Microsoft ATR
Date: 1/23/02 10:52am
Subject: Microsoft Settlement

Please do not move away from a structural remedy, which I believe would require less dependence upon future enforcement efforts and good faith by Microsoft, and which would jump start a more competitive market for applications. If Microsoft is left to exercise its own good faith, then self interest will prevail, and we cannot allow this from a known monopoly.

Christopher Lamothe
Vermont

MTC–00016273

From: Joel Haynie
To: Microsoft ATR
Date: 1/23/02 10:51am
Subject: Microsoft Settlement

To Whom It May Concern:

I feel that the Microsoft Settlement does not punish Microsoft enough for it blatant miss use of power. I also feel that the settlement is only going to allow Microsoft to further squelch the all ready loose grip of the Open Source movement.

Thank you for your time,
Joel Haynie
Joel@Haynie.com
www.joel.haynie.com

MTC–00016274

From: Mikael Laakso
To: Microsoft ATR
Date: 1/23/02 10:51am
Subject: Microsoft Settlement

I think the proposed settlement is NOT enough to bring back basic rights like freedom of speech and freedom of choice to opensource software developers.

Yours, sincerely
Mikael Laakso
Bitstream Ky
Nelj's Linja 2c90
00530 Helsinki
email: mikael.laakso@bitstream.fi
tel: +358 44 5651805

MTC–00016275

From: Jed Harris, Pliant Ventures
To: Microsoft ATR
Date: 1/23/02 10:51am
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Renata Hesse,

I am deeply concerned that the current proposed settlement fails to move the United States toward a competitive desktop OS and middleware regime.

As we have seen the current lack of competition poses major risks to national security, as well as imposing major unnecessary burdens on software innovators, businesses, and consumers.

Many analyses have shown clearly that the current proposed judgement fails to constrain Microsoft's current abuses of its monopoly power and permits tactics that will allow Microsoft to maintain and extend this power.

Unfortunately, Microsoft has already demonstrated that it will interpret such settlements in ways that make a mockery of their intent. Any agreement reached must clearly and enforceably redefine the playing field. Otherwise this process will only undermine and call into contempt the effectiveness of our legal and regulatory institutions.

Without an effective agreement we will not meet our needs for a reliable software infrastructure, essential to national security. We will not sustain a competitive and innovative software marketplace, essential for economic vitality and our international competitive position. We will not enable businesses and consumers to make the most effective, and most cost-effective, use of computers. For all these reasons I wish to register my disagreement with the proposed settlement in the strongest possible terms.

Sincerely,
Jed Harris
Managing Member, Pliant Ventures

MTC–00016276

From: Schnitzer Productions LLC
To: Microsoft ATR
Date: 1/23/02 10:52am
Subject: Microsoft Settlement

To Renata B. Hesse:

I am e mailing you to express my support of Microsoft in the current anti trust case against it. I believe that the only thing Microsoft has done wrong is to be ''too'' successful, and also to neglect contributing to Congressmen's re-election campaigns.

As a user of Microsoft software, I have found the power and convenience and ease of use of their products to be exemplary. Their prices are low. Example: A simple product like Microsoft Publisher, which cost me $60 several years ago, has revolutionized my business, making it possible for me to design all my advertisement, web sites, order forms, brochures, etc. Microsoft was good at running it's business, while it's browser competitor, Netscape, was good at running to Washington. I don't think Netscape should be rewarded for that.

And I don't think government has any business punishing businessmen who are ''arrogant'' enough to believe that they have a right to run their businesses as they see fit, as long as they don't forcibly interfere with anyone else's right to do likewise.

If you want to prosecute a true monopoly, then go after a coercive monopoly like the Post Office. Now THERE is an institution which harms consumers and forcibly excludes competitors from the market. Ignoring the Postal Monopoly while persecuting Microsoft reflects a concern about political power and authority, not about protecting ''consumers''.

Yours,
Gary Schnitzer
5521 Greenville Avenue
Suite 104–565
Dallas, TX 75206
Schnitzer Productions LLC dba Violin Romance Recordings
www.moodmusic.com

MTC–00016277

From: Dave Damianakes
To: Microsoft ATR
Date: 1/23/02 10:53am
Subject: Microsoft Settlement (one other thing)

One other thing: What is the point of having anti trust laws and laws against monopolies, if we just leave the monoply intact?

Dave Damianakes
daved@nacus.net —

Never trust a new endeavor that requires you to buy new clothes.

Dave Damianakes
daved@nacus.net

MTC–00016278

From: Danny Espinoza
To: Microsoft ATR
Date: 1/23/02 10:52am
Subject: Microsoft Settlement

To whom in may concern:

The proposed settlement between Microsoft and the US does not sufficiently punish the company for its proven illegal, anti-competitive actions. Microsoft's flagrant abuse of their monopoly has forever altered the technology marketplace. The penalty must reflect this fact.

Thank you,
Danny Espinoza
2601 Woodley Pl NW Apt 903
Washington, DC 20008

MTC–00016279

From: Dave Lyon
To: Microsoft ATR
Date: 1/23/02 10:53am
Subject: Microsoft Settlement

Just to add my two cents on the settlement ideas being discussed: I feel that every ''remedy'' that has yet been suggested has been not a penalty but at best a delay for Microsoft's monopolistic methods.The whole ''give software to schools'' thing is ridiculous. Making copies of their own software costs Microsoft maybe a penny per CD and makes a whole new generation of computer users learn things the Microsoft way. If anything this is an added bonus.

The remedy should not so much focus on a payment or compensation of some kind as it should a restraint on Microsoft's business practices. While this case has been going on, Microsoft has released a new Operating System that integrates like no other before it a slew of Microsoft programs like the Internet Explorer browser and the Windows Media Player. In addition, built into the system are hooks that tie into Microsoft's new push called .Net which aims to remake the world wide web in the image of Microsoft. Any remedy should in some way monitor .Net and assure fair business practices. .Net will succeed (if it succeeds) because the whole model is based on the idea that the normal person's operating system is Windows and Microsoft leverages that fact to make it easier for other businesses to implement .Net instead of competing platforms. In the past Microsoft has bundled their own programs. Now they will effectively be bundling the ''Microsoft Internet'' in the operating system itself. That is wrong and must be dealt with in the settlement.

Dave Lyon
TeachStream Web Engineer

www.teachstream.com

MTC–00016280

From: Piehl, Curby A.
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:49am
Subject: Microsoft Settlement

In the opinion of this technician, the proposed final judgement in the Microsoft anti-trust case is not in the public interest. It allows Microsoft to continue anti-competitive practices while providing for no effective enforcement mechanism should Microsoft violate the already weak terms of the agreement.

I ask you to read and consider the information in the link below.

http://www.kegel.com/remedy/remedy2.html

Thank you for your time,
Curby Piehl
Help Desk Analyst

MTC–00016281

From: Fred T. Metcalf
To: Microsoft ATR
Date: 1/23/02 10:52am
Subject: Microsoft Settlement

To whom it may concern,

I am greatly saddened by the so-called ''slap on the wrist'' remedy being offered in the Microsoft anti-trust case. What has been proposed is not even a slap on the wrist, it is a release into the public sector of an unrepentant criminal corporation. Criminal? Yes, having been found guilty implies having broken the law, i.e., having commited criminal acts. I sugget that the court make the strongest possible review of the proposed settlement in light of the court decisions already made, and in light of the damage done to parts of the computer industry over a period of many years by Microsoft.

The proposed settlement should be rejected, and Microsoft be made to pay for their breaking of the law—both financially and in very strong conduct restrictions placed on their business practices.

Frederic T. Metcalf

MTC–00016282

From: Myke Komarnitsky
To: Microsoft ATR
Date: 1/23/02 10:52am
Subject: Microsoft Settlement

I believe the proposed settlement is a bad idea. I work in the computer industry (I own my own company, focusing on web development), and in my opinion, I believe the settlement would be a net negative for my industry, and for the overall economy. I hope that the responsibility you have in this issue will be discharged correctly.

Thank you,
Myke Komarnitsky
President, Komar Consulting Group
Michael Komarnitsky Komar Consulting Group
303.818.3718 http://www.komar.biz
http://climbingboulder.com -

MTC–00016283

From: Marshall Lewis
To: Microsoft ATR
Date: 1/23/02 10:52am
Subject: Microsoft Settlement

In my opinion, the proposed settlement does little to force Microsoft to change it's monopoly behavior, and in fact will allow (even help) Microsoft gain a stronger market share.

Marshall Lewis
Senior Programmer
ScholarOne Inc.
(434)817–2040x172

MTC–00016284

From: Andrew.Klopp@ulte.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:53am
Subject: Microsoft Settlement

The proposed settlement is bad.

Microsoft buys-out or crushes competition and needs to be stopped.

Andrew Klopp
Helpdesk Supervisor
Ultimate Electronics
(303)412–2525 ext. 1192

MTC–00016285

From: Mark and Connie
To: Microsoft ATR
Date: 1/23/02 10:53am
Subject: Microsoft Settlement comment

Greetings,

I am dissapointed that your court has not adopted a structural remedy in the Microsoft case, which I believe is the only long term solution to adressing Microsofts past, and sure to be future abuses. I have personally been affected by Microsofts actions. Previous laptop computer purchases have forced me to purchase Microsoft operating systems with the systems, which I neither want nor need. Typically, Microsoft operating systems installed with new PC's are ''tied'' to the BIOS, making it impossible to sell the unwanted operating system to recoup my additional costs. In addition, Microsofts EULA prohibits secondary license transfers of unwanted operating systems that users are forced to purchase.

Last year I purchased an intel server from the second largest intel computer vendor, which ''builds to order'', with the intention of running a custom written security application on OpenBSD. I requested a machine without a Microsoft operating system license to lower the cost, as normally the systems were preloaded with Windows 2000 and IIS. I was told that my only option was to have it loaded with Linux, at an extra cost of $1,000 over the cost of the system with Windows 2000! I found it incredible that by eliminating a Microsoft server license, and replacing it with something free,would raise the cost by $1,000. I was told that the extra cost was due to the extra ''integration costs'' of linux. Since I had no intention of running Linux on the system anyway, and intended on running OpenBSD, I insisted that it be shipped with no operating system for a cost less than the Windows 2000 preload. I was told that their agreement with Microsoft prohibited sending any system without a Microsoft operatnig system, for less than the cost of a Microsoft preloaded system.

In addition, Microsoft also currently is limiting computer makers from installing other operating systems in ''dual boot'' configurations, due to restrictions on the boot loader. This effectively removes customer choice, and insures further customer ''lock in''. I realize your language tries to adress this practice, but without an enforcement mechanism with more power, vendors will simply cave in to Microsoft demands. Your proposed pricing and technical disclosure language is riddled with loopholes which will accomplish nothing to address future abuse by Microsoft.

Thank you for your consideration

MTC–00016286

From: Greer Pedoe
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:50am
Subject: Microsoft Settlement

I am Canadian, so I'll keep it short. Look around you: if it's not owned by Microsoft, then it's going bankrupt at their hands. They do not deserve a settlement such as the one proposed. Be as merciless to them as they are to their competitors.

Thank you for your time,
Greer Pedoe
Computer Science Co-op Student
University of Waterloo
Waterloo, Ontario
N2L–3G5

MTC–00016287

From: The Real Enchilada
To: Microsoft ATR
Date: 1/23/02 10:54am
Subject: Microsoft Settlement

My name is Hal Black, I am a resident of Columbia, HID, and am the Directorof Software for a small internet security company. I think the proposedsettlement for the Microsoft anti-trust suit is insufficient and will not break Microsoft's trust. Rather than reiterate what has already been written, I have encluded excerptsfrom Dan Kegel's excellent essay on the problems with the settlement whichoutlines some of the major flaws with the settlement.

How should terms like ''API'', ''Middleware, and ''Windows OS'' be defined?The definitions of various terms in Part VI of the PFJ differ fromthe definitions in the Findings of Fact and in common usage, apparantlyto Microsoft's benefit. Here are some examples:Definition A: ''API''The Findings of Fact (¶ 2 define ''API'' to mean the interfacesbetween application programs and the operating system. However, the PFJ's Definition A defines it to mean only the interfacesbetween Microsoft Middleware and Microsoft Windows, excluding Windows APIs used by other application programs. For instance, the PFJ's definition of API might omit important APIs suchas the Microsoft Installer APIs which are used by installer programsto install software on Windows. Definition J: ''Microsoft Middleware''The Findings of Fact (¶ 28) define ''middleware'' to mean application software that itself presents a set of APIs which allow users to writenew applications without reference to the underlying operating system. Definition J defines it in a much more restrictive way,and allows Microsoft to exclude any software from being coveredby the definition in two ways:

By changing product version numbers. For example, if the next version of Internet

Explorer were named ''7.0.0'' instead of ''7'' or ''7.0'' it would not be deemed Microsoft Middleware by the PFJ. By changing how Microsoft distributes Windows or its middleware. For example, if Microsoft introduced a version of Windows which was only available via the Windows Update service, then nothing in thatversion of Windows would be considered Microsoft Middleware, regardlessof whether Microsoft added it initially or in a later update. This is analogous to the loophole in the 1995 consent decree thatallowed Microsoft to bundle its browser by integrating it into theoperating system. Definition K: ''Microsoft Middleware Product''Definition K defines ''Microsoft Middleware Product'' to mean essentiallyInternet Explorer (IE), Microsoft Java (MJ),Windows Media Player (WMP), windows Messenger (WM), and Outlook Express (OE). The inclusion of Microsoft Java and not Microsoft.NET is questionable;Microsoft has essentially designated

Microsoft.NET and C# as the successors to Java, so on that basis one would expect Microsoft.NET to be included in the definition.

The inclusion of Outlook Express and not Outlook is questionable, asOutlook (different and more powerful than Outlook Express) is a moreimportant product in business, and fits the definition of middlewarebetter than Outlook Express. The exclusion of Microsoft Office is questionable, as many components of Microsoft Office fit the Finding of Fact's definition of middleware. For instance, there is an active market in software written to runon top of Microsoft Outlook and Microsoft Word, and many applicationsare deveoped for Microsoft Access by people who have no knowledge ofWindows APIs.Definition U: ''Windows Operating System Product''Microsoft's monopoly is on Intel-compatible operating systems. Yet thePFJ in definition U defines a ''Windows Operating System Product'' to meanonly Windows 2000 Professional, Windows XP Home, Windows XP Professional,and their successors. This purposely excludes the Intel-compatibleoperating systemsWindows XP Tablet PC Edition andWindows CE; many applications written to the Win32 APIs can run unchanged onWindows 2000, Windows XP Tablet PC Edition, and Windows CE,and with minor recompilation, can also be run on Pocket PC.Microsoft even proclaims atwww.microsoft.com/windowsxp/tabletpc/tabletpcqanda.asp: ''The Tablet PC is the next-generation mobile business PC, and it will beavailable from leading computer makers in the second half of 2002. TheTablet PC runs the Microsoft Windows XP Tablet PC Edition and featuresthe capabilities of current business laptops, including attached ordetachable keyboards and the ability to run Windows-based applications.'' and Pocket PC: Powered by WindowsMicrosoft is clearly pushing Windows XP Tablet PC Edition and Pocket PCin places (e.g. portable computers used by businessmen) currently servedby Windows XP Home Edition,and thus appears to be trying to evade the Final Judgment's provisions. This is but one example of how Microsoft can evade the provisions ofthe Final Judgment by shifting its efforts away from the Operating Systems listed in Definition U and towards Windows XP Tablet Edition, Windows CE,Pocket PC, X-Box, or some other Microsoft Operating System thatcan run Windows applications. How should the Final Judgment erode the Applications Barrier to Entry?The PFJ tries to erode the Applications Barrier to Entry in two ways: By forbidding retaliation against OEMs, ISVs, and IHVs who support ordevelop alternatives to Windows.

By taking various measures to ensure that Windows allows the useof non-Microsoft middleware. A third option not provided by the PFJ would be to make sure thatMicrosoft raises no artificial barriers against non-Microsoftoperating systems which implement the APIs needed to runapplication programs written for Windows. TheFindings of Fact (¶52)considered the possibility that competing operating systems could implement the WindowsAPIs and thereby directly run software written for Windows as a way of circumventing theApplications Barrier to Entry. This is in fact the route being taken by the Linux operatingsystem, which includes middleware (named WINE) that can run many Windows programs.

By not providing some aid for ISVs engaged in making Windows-compatibleoperating systems, the PFJ is missing a key opportunity to encouragecompetition in the Intel-compatible operating system market.Worse yet, the PFJ itself, in sections III.D. and III.E., restrictsinformation released by those sections to be used ''for the sole purposeof interoperating with a Windows Operating System Product''. This prohibits ISVs from using the information for the purpose of writing operating systems that interoperate with Windows programs. How should the Final Judgment be enforced?The PFJ as currently written appears to lack an effective enforcement mechanism. It does provide for the creation of a Technical Committee withinvestigative powers, but appears to leave all actual enforcement tothe legal system. What information needs to be released to ISVs to encourage competition, and under what terms?The PFJ provides for increased disclosure of technical informationto ISVs, but these provisions are flawed in several ways:1. The PFJ fails to require advance notice of technical requirementsSection III.H.3. of the PFJ requires vendors of competing middlewareto meet ''reasonable technical requirements'' seven months before newreleases of Windows, yet it does not require Microsoft to disclose thoserequirements in advance. This allows Microsoft to bypass all competing middleware simply by changing the requirements shortly beforethe deadline, and not informing ISVs. 2. API documentation is released too late to help ISVsSection III.D. of the PFJ requires Microsoft to release via MSDN or similarmeans the documentation for the APIs used by Microsoft Middleware Products to interoperate with Windows; release would be required at thetime of the final beta test of the covered middleware, and whenever a new version of Windows is sent to 150,000 beta testers. But this information would almost certainly not be released in time for competing middleware vendors to adapt their products to meet therequirements of section III.H.3, which states that competing middlewarecan be locked out if it fails to meet unspecified technical requirementsseven months before the final beta test of a new version of Windows. 3. Many important APIs would remain undocumentedThe PFJ's overly narrow definitions of ''Microsoft Middleware Product'' and ''API''means that Section III.D.'s requirement to release information about Windows interfaces would not cover many important interfaces.4.

Unreasonable Restrictions are Placed on the Use of the Released DocumentationISVs writing competing operating systems as outlined in Findings of Fact (¶ 52)sometimes have difficulty understanding various undocumented Windows APIs. The information released under section III.D. of the PFJ would aid those ISVs—except that the PFJ disallows this use of the information. Worse yet, to avoid running afoul of the PFJ, ISVs might need to divide up their engineers into two groups: those who refer to MSDN and work on Windows-only applications; andthose who cannot refer to MSDN because they work on applications which also run on non-Microsoft operating systems. This would constitute retaliation against ISVs who support competing operating systems.5. File Formats Remain UndocumentedNo part of the PFJ obligates Microsoft to release any information about file formats,even though undocumented Microsoft file formats form part of the ApplicationsBarrier to Entry (see ''Findings of Fact'' ¶20 and ¶ 39).6. Patents covering the Windows APIs remain undisclosedSection III.I of the PFJ requires Microsoft to offer to license certainintellectual property rights, but it does nothing to require Microsoftto clearly announce which of its many software patents protect the Windows APIs(perhaps in the style proposed by the W3C;

seehttp://www.w3.org/TR/2001/WD-patent-policy-20010816/#sec-disclosure).This leaves Windows-compatible operating systems in an uncertain state:are they, or are they not infringing on Microsoft software patents? This can scareaway potential users, as illustrated by this report from Codeweavers, Inc. :When selecting a method of porting a major application to Linux, oneprospect of mine was comparing Wine [a competing implementation of someof the Windows APIs] and a toolkit called ''MainWin'. MainWin is made byMainsoft, and Mainsoft licenses its software from Microsoft. However, thiscustomer elected to go with the Mainsoft option instead. I was told that one of the key decision making factors was thatMainsoft representatives had stated that Microsoft had certain criticalpatents that Wine was violating. My customer could not risk crossingMicrosoft, and declined to use Wine. I didn't even have a chance todetermine which patents were supposedly violated; nor to disprove thevalidity of this claim. The PFJ, by allowing this unclear legal situation to continue, is inhibiting the market acceptance of competing operating systems. Which practices towards OEMs should be prohibited?The PFJ prohibits certain

behaviors by Microsoft towards OEMs,but curiously allows the following exclusionary practices:

Section III.A.2. allows Microsoft to retaliate against any OEM that shipsPersonal Computers containing a competing Operating System but noMicrosoft operating system.

Section III.B. requires Microsoft to license Windows on uniform termsand at published prices to the top 20 OEMs, but says nothing about smaller OEMs. This leaves Microsoft free to retaliate against smaller OEMs, includingimportant regional 'white box'' OEMs, if they offer competing products. Section III.B. also allows Microsoft to offer unspecified Market Development Allowances—in effect, discounts—to OEMs. For instance, Microsoft could offerdiscounts on Windows to OEMs based on the number of copies of MicrosoftOffice or Pocket PC systems sold by that OEM. In effect, this allowsMicrosoft to leverage its monopoly on Intel-compatible operating systemsto increase its market share in other areas, such as office software or ARM-compatible operating systems.

By allowing these practices, the PFJ is encouraging Microsoftto extend its monopoly in Intel-compatible operating systems, andto leverage it into new areas.Which practices towards ISVs should be prohibited?Sections III.F. and III.G. of the PFJ prohibit certain exclusionarylicensing practices by Microsoft towards ISVs. However, Microsoft uses other exclusionary licensing practices, none of whichare mentioned in the PFJ.Several of Microsoft's products'' licenses prohibit theproducts'' use with popular non-Microsoft middleware and operating systems. Two examples are given below. 1. Microsoft discriminates against ISVs who ship Open Source applicationsThe Microsoft Windows Media Encoder 7.1 SDK EULA states.., you shall not distribute the REDISTRIBUTABLECOMPONENT in conjunction with any Publicly Available Software. ''PubliclyAvailable Software'' means each of (i) any software that contains, oris derived in any manner (in whole or in part) from, any software thatis distributed as free software, open source software (e.g. Linux) orsimilar licensing or distribution models ...Publicly Available Software includes, without limitation,software licensed or distributed under any of the following licenses ordistribution models, or licenses or distribution models similar to any ofthe following: GNU's General Public License (GPL) or Lesser/Library GPL●LGPL); The Artistic License (e.g., PERL); the Mozilla Public License;the Netscape Public License; the Sun Community Source License (SCSL); ...Many Windows APIs, including Media Encoder, are shipped by Microsoft asadd-on SDKs with associated redistributable components. Applications thatwish to use them must include the add-ons, even though they might laterbecome a standard part of Windows. Microsoft often provides those SDKsunder End User License Agreements (EULAs) prohibiting their use with Open Source applications. Thisharms ISVs who choose to distribute their applications under Open Sourcelicenses; they must hope that the enduser has a sufficiently up-to-date version of the addon API installed, which is often not the case. Applications potentially harmed by this kind of EULA include the competingmiddleware product Netscape 6 and the competing office suite StarOffice;these EULAs thus can cause support problems for, and discourage the useof, competing middleware and office suites. Additionally, since Open Source applications tend to also run on non-Microsoft operatingsystems, any resulting loss of market share by Open Source applications indirectly harms competing operating systems. 2. Microsoft discriminates against ISVs who target Windows-compatible competing Operating SystemsThe Microsoft Platform SDK, together with Microsoft Visual C++,is the primary toolkit used by ISVs to create Windows-compatible applications. The Microsoft Platform SDK EULA says: ''Distribution Terms. You may reproduce and distribute ... the Redistributable Components... provided that (a) you distribute the Redistributable Components only in conjunction with and as a part of your Application solely for use with a Microsoft Operating System Product...'' This makes it illegal to run many programs built with Visual C++on Windows-compatible competing operating systems. By allowing these exclusionary behaviors, the PFJ is contributingto the Applications Barrier to Entry faced by competing operating systems. Which practices towards large users should be prohibited? The PFJ places restrictions on how Microsoft licenses its products to OEMs, butnot on how it licenses products to large users such as corporations, universities,or state and local goverments, collectively referred to as ''enterprises'.

Yet enterprise license agreements often resemble the per-processor licenses whichwere prohibited by the 1994 consent decree in the earlier US v. Microsoft antitrust case,in that a fee is charged for each desktop or portable computer which couldrun a Microsoft operating system, regardless of whether any Microsoft software isactually installed on the affected computer. These agreements are anticompetitivebecause they remove any financial incentive for individuals or departments to run non-Microsoft software. Which practices towards end users should be prohibited? Microsoft has used both restrictive licenses and intentional incompatibilitiesto discourage users from running Windows applications onWindows-compatible competing operating systems. Two examples aregiven below.1. Microsoft uses license terms which prohibit the use of Windows-compatible competing operating systemsMSNBC (a subsidiary of Microsoft) offers software called NewsAlert. Its EULA states ''MSNBC Interactive grants you the right to install and usecopies of the SOFTWARE PRODUCT on your computers running validlylicensed copies of the operating system for which the SOFTWAREPRODUCT was designed [e.g., Microsoft Windows(r) 95; MicrosoftWindows NT(r), Microsoft Windows 3. x, Macintosh, etc.]. ...'' Only the Windows version appears to be available for download. Users who run competing operating systems (such as Linux) which can run some Windows programs might wish to run the Windows version of NewsAlert, but the EULA prohibits this.

MSNBC has a valid interest in prohibiting use of pirated copiesof operating systems, but much narrower language could achieve the same protective effect with less anticompetitive impact. For instance, ''MSNBC Interactive grants you the right to install and usecopies of the SOFTWARE PRODUCT on your computers running validlylicensed copies of Microsoft Windows or compatible operating system.'' 2. Microsoft created intentional incompatibilities in Windows 3.1 to discourage the use of non-Microsoft operating systemsAn episode from the 1996 Caldera v. Microsoft antitrust lawsuitillustrates how Microsoft has used technical means anticompetitively. Microsoft's original operating system was called MS–DOS. Programs used the DOS APIto call up the services of the operating system. Digital Research offered acompeting operating system, DR–DOS, that also implemented the DOS API, andcould run programs written for MS–DOS.

Windows 3.1 and earlier were not operating systems per se, but rather middleware that used the DOS API to interoperate with the operating system. Microsoft was concerned with the competitive threat posed by DR–DOS, andadded code to beta copies of Windows 3.1 so it would display spurious and misleadingerror messages when run on DR–DOS. Digital Research's successor company, Caldera, brought a privateantitrust suit against Microsoft in 1996. (See the original complaint, andCaldera's consolidated response to Microsoft's motions for partial summary judgment.)The judge in the case ruled that ''Caldera has presented sufficient evidence that the incompatibilitiesalleged were part of an anticompetitive scheme byMicrosoft.'' That case was settled out of court in 1999, and no court has fully exploredthe alleged conduct. The concern here is that, as competing operating systems emerge whichare able to run Windows applications, Microsoft might try to sabotageWindows applications, middleware, and development tools so that theycannot run on non-Microsoft operating systems, just as they did earlierwith Windows 3.1. The PFJ as currently written does nothing to prohibit these kindsof restrictive licenses and intentional incompatibilities,and thus encourages Microsoft to use these techniquesto enhance the Applications Barrier to Entry, and harming those consumers who use non-Microsoft operating systemsand wish to use Microsoft applications software. Is the Proposed Final Judgement in the public interest?The problems identified above with the Proposed Final Judgment can be summarized as follows:

The PFJ doesn't take into account Windows-compatible competing operating systems Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, andeven contributes to this part of the Applications Barrier to Entry.

The PFJ Contains Misleading and Overly Narrow Definitions and Provisions The PFJ supposedly makes Microsoft publish its secret APIs, butit defines ''API'' so narrowly that many important APIs are not covered.

The PFJ supposedly allows users to replace Microsoft Middleware withcompeting middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should thereforeallow users to replace Microsoft.NET with competing middleware.

The PFJ supposedly applies to ''Windows'', but it defines that term sonarrowly that it doesn't coverWindows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box —operating systems that all use the Win32 API and are advertizedas being ''Windows Powered''.

The PFJ fails to require advance notice of technical requirements,allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

The PFJ requires Microsoft to release API documentation to ISVsso they can create compatible middleware—but only after thedeadline for the ISVs to demonstrate that their middleware is compatible.

The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation tohelp make their operating systems compatible with Windows.

The PFJ does not require Microsoft to release documentation aboutthe format of Microsoft Office documents.

The PFJ does not require Microsoft to list which software patentsprotect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents?This can scare away potential users. The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft Microsoft currently uses restrictive licensing terms to keepOpen Source apps from running on Windows. Microsoft currently uses restrictive licensing terms to keepWindows apps from running on competing operating systems.

Microsoft's enterprise license agreements (used by large companies,state governments, and universities) charge by the number of computerswhich could run a Microsoft operating system—even forcomputers running Linux. (Similar licenses to OEMs were once banned by the1994 consent decree.)

The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft Microsoft has in the past inserted intentional incompatibilities inits applications to keep them from running on competing operating systems.

The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs The PFJ allows Microsoft to retaliate against any OEM that ships PersonalComputers containing a competing Operating System but no Microsoftoperating system.

The PFJ allows Microsoft to discriminate against small OEMs—including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMsbased on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

The PFJ as currently written appears to lack an effective enforcement mechanism. Considering these problems,one must conclude that the Proposed Final Judgment as writtenallows and encourages significant anticompetitive practices tocontinue, and would delay the emergence of competing Windows-compatibleoperating systems. Therefore, the Proposed Final Judgment is not in the public interest,and should not be adopted without addressing these issues. Strengthening the PFJThe above discussion shows that the PFJ does not satisfy the Court of Appeals'' mandate.

Some of the plaintiff States have proposedan alternate settlement which fixes many of the problems identifiedabove. The States'' proposal is quite different from the PFJ as a whole,but it contains many elements which are similar to elements of the PFJ,with small yet crucial changes. In the sections below, I suggest amendments to the PFJ that attempt to resolve some of the demonstrated problems(time pressure has prevented a more complete list of amendments).When discussing amendments, PFJ text is shown indented;removed text in shown in [bracketed strikeout],and new text in bold italics.Correcting the PFJ's definitionsDefinition U should be amended to read U. ''Windows Operating System Product'' means [the software code (asopposed to source code) distributed commercially by Microsoft for usewith Personal Computers as Windows 2000 Professional, Windows XP Home,Windows XP Professional, and successors to the foregoing, including thePersonal Computer versions of the products currently code named ''Longhorn''and ''Blackcomb'' and their successors, including upgrades, bug fixes,service packs, etc. The software code that comprises a Windows OperatingSystem Product shall be determined by Microsoft in its sole discretion.]any software or firmware code distributed commercially by Microsoftthat is capable of executing any subset of the Win32 APIs, includingwithout exclusion Windows 2000 Professional, Windows XP Home,Windows XP Professional,Windows XP Tablet PC Edition,Windows CE,PocketPC 2002,and successors to the foregoing, including theproducts currently code named ''Longhorn'' and ''Blackcomb'' and theirsuccessors, including upgrades, bug fixes, service packs, etc.Release of information to ISVsTBD Section E should be amended to read... Microsoft shall disclose to ISVs, IHVs, IAPs, ICPs, and OEMs, [for thesole purpose of interoperating with a Windows Operating System Product,]for the purpose of interoperating with a Windows Operating System Productor with application software written for Windows,via the Microsoft Developer Network (''MSDN'') or similar mechanisms, theAPIs and related Documentation that are used by Microsoft Middleware tointeroperate with a Windows Operating System Product. ...

MTC–00016288

From: Rob Leary
To: Microsoft ATR
Date: 1/23/02 10:55am
Subject: Microsoft Settlement
To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement
To: Renata B. Hesse Antitrust Division U.S. Department of Justice 601 D Street NW Suite 1200 Washington, DC 20530–0001

Dear Ms. Hesse:

I believe that the proposed Microsoft antitrust settlement is not a powerful enough remedy for the personal computer market or U.S. consumers in general. The proposal, as written, is technically flawed, and does not provide enough mechanisms to penalize Microsoft for violating the spirit, if not the letter, of the law.

In particular, I believe that Microsoft must provide significant technical details, a minimum of 6 months in advance, to all software vendors regarding changes to the Windows APIs. Without this, Microsoft will be able to make changes to the APIs, effectively disabling non-Microsoft products, while introducing their own competing products that work. I strongly urge the Justice Department and federal courts to instead use the proposed remedy from the nine dissenting states (http://www.naag.org/features/microsoft/ms-remedy—filing.pdf) as a more reasonable, robust remedy that will truly help promote competition and innovation in the marketplace. Otherwise, Microsoft will continue to use it's monopoly power to stifle progress, something we cannot afford in today's society and economy.

Sincerely,
Robert Leary
rob@leary.net

MTC–00016289

From: t.gauslin
To: Microsoft ATR
Date: 1/23/02 10:54am
Subject: Microsoft Settlement

I have read the proposed settlement to the Microsoft Antitrust case and feel that it does not provide adequate reparations to the competitors and consumers harmed by Microsoft's business practices. Their behavior has caused a good deal of harm to the computer industry's landscape. A choice of one is not a choice at all.

Sincerely,
Anthony Gauslin
tgauslin@pacbell.net

MTC–00016290

From: David Orman
To: Microsoft ATR
Date: 1/23/02 10:55am
Subject: Microsoft Settlement

I am opposed to the current MS settlement agreement. The current settlement does nothing to remedy to current situation which only seems to be getting worse as time goes on. The language of the current settlement is much to weak and allows infinite loopholes for Microsoft run through.

I also find the naming of specific products in section III to be counterproductive. If Microsoft merely comes out with a new version with a different name and a slightly

changed API the entire section becomes pointless. Section VI suffers from a similar problem. By the time this settlement goes into effect none of the ''Windows Operating System Products'' (definition U) will be relevant to the market anymore. Microsoft has scheduled 2 more OS upgrades in the next 2 years, merely giving them a different name will remove them from this judgment.

David Orman
Network Administrator
ISU Center for NDE

MTC–00016291

From: Marshall Reeves
To: Microsoft ATR
Date: 1/23/02 10:54am
Subject: Microsoft Settlement

Dear Sir or Madam,

I am upset about the Microsoft settlement and the appearance that the company can get away with a minor handslap after running many competing software development companies out of business. I feel that as long as Microsoft is allowed to, they will continue to incorporate software functionality that was previously a feature of a commercial non-operating system product, into their operating system. Since the various versions of Windows are pervasive on the desktop, consumers will not buy competing software products when their functionality has been bundled into Windows, apparently for free. Microsoft has had a habit of doing this as evidenced by disk compression software when MSDOS was the pervasive operating system and with browsers and multimedia software in Windows. This practice will continue to cause smaller software companies to evaporate or be swallowed whole by Microsoft.

I feel that a much better remedy would be to define what an operating system is and place restrictions on moving other software content into it. This would force Microsoft to sell products in a fair and competitive market rather than disguising them as components of operating system that is purchased by virtually all pc users.

Sincerely,
Paul M. Reeves

MTC–00016292

From: ereth
To: Microsoft ATR
Date: 1/23/02 10:55am
Subject: Microsoft Settlement

I am writing in response to the Proposed Final Judgement in the anti-trust case against Microsoft Corporation. I am opposed to this judgement and feel that it does little, if anything, to deter the sorts of practices that Microsoft has used to maintain the monopoly it has obtained through anti-competitive practices.

By way of background I am currently a Systems Administrator who has began working with computers in college in 1977. I have worked on a variety of systems, both with and without Microsoft Operating Systems or applications, from micros to minis to mainframes. One of the things the Proposed Final Judgement fails to address is the proprietary, undocumented file formats that Microsoft uses to hold a users data hostage. An office which creates all their documents in Word and Excel for a year, but decides to change operating systems or even applications, immediately discovers that those proprietary secret file formats are holding their data hostage. Microsoft file formats are notoriously difficult to reverse-engineer and no application currently shipping on any computing platform can reliably open and save to (without losing any features or formatting) a Microsoft file format, other than a Microsoft application.

Companies with thousands of documents find they must continue to use Microsoft applications, at whatever price Microsoft chooses to charge, in order to have access to their own data. The alternative is to rekey everything, a tremendous burden both financially and in terms of productivity.

In fact, many purchases of Microsoft Office upgrades are forced on end users because someone they deal with sends them a file from a new version that their old version can't open.

Microsoft should be forced to make publicly available their file formats, and adhere to them. There is nothing special about a file format and it will not harm Microsoft to have these available, except in that it prevents vendor lock-in and people would have the freedom to choose their application based on price, performance and support. Adobe maintains it's position atop the graphics industry and the Photoshop file format and the Portable Document Format (PDF) are widely known and used in their competitors applications. In fact, the graphics industry uses almost exclusively open formats, so that files can be viewed and edited on any platform by any application.

MTC–00016293

From: rdike@ilsmart.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:57am
Subject: Microsoft Settlement

The settlement as proposed is a bad idea. It does provide for the creation of a Technical Committee with investigative powers, but appears to leave all actual enforcement to the legal system. Microsoft has proven that it can keep the legal system tied up for years. It has poor definitions for key terms like ''API'', ''Middleware'', and ''Windows OS''.

It does not provide for advanced notice of changes in API. This is bad because it allows competting middleware to be locked out if it fails to meet unspecified technical requirements seven months before the final beta test of a new version of Windows, but the changes to the api do not have to be documented until the final beta test. There are many places where the specific section sounds fine, but when definitions and requirements from other sections are taken into account, the final results is an agreement that does little to change the way Microsoft does bussiness.

Reece Dike

MTC–00016294

From: Kevin Rayhons
To: MS ATR
Date: 1/23/02 10:54am
Subject: Microsoft Settlement

I am mailing you to cite my view that the settlement proposed for Microsoft is not enough. I have been informed and encouraged to send this because of the reasons laid out on this site http://www.kegel.com/remedy/letter.html

I feel that this settlement is worded very weakly, and that the punishments for disobeying the settlement have no force at all. If Microsoft does not follow the rules in the first place, nothing will make me think they will start to follow them if the rules against them last longer. I feel it's like convincing a child to not do something by telling them not to do it. Then when they do it, they are just told not to do it again.

Please take the time to do this right. Look at the ideas put forth on the webpage I mentioned, and make a better judgment that will not potentionally benefit Microsoft.

thank you

MTC–00016295

From: Eric Cook
To: Microsoft ATR
Date: 1/23/02 10:54am
Subject: Microsoft Settlement

I'd like to state my opinion that the proposed settlement with Microsoft is insufficient, and truly a bad idea for the competitive welfare of our country's economy.

I agree with and stand by Dan Kegel's well-written set of objections, located at:

http://www.kegel.com/remedy/letter.html

Thank you for your time,
—Eric Cook
ecook@simulated.net
Editor, Simulated.net, Allsound.org

MTC–00016296

From: Joshua Crone
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:54am
Subject: Microsoft Settlement

I DISAGREE with the proposed Microsoft Antitrust settlement.

Joshua Crone
Unix Systems Administrator
Advertising.Com Inc.
www.advertising.com
410.244.1370 x13778
Public key available by request
perl -e

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MTC–00016297

From: Alan B. Heirich
To: Microsoft ATR
Date: 1/23/02 10:55am
Subject: Microsoft settlement

Dear Department of Justice,

I am writing to you under the Tunney act to express my concerns about the proposed settlement of the Microsoft Antitrust case. As a software engineer with 20 years experience, PhD trained computer scientist, and senior architect for a major computer manufacturer, I have first-hand experience with Microsoft executives and the business practices that govern the PC and enterprise computing industries. It is my opinion that the proposed settlement will have no effect on Microsoft conduct and will lead to a continuation of the status quo monopoly in the market for

desktop operating systems and applications. This belief is based on several observations:

1. Microsoft is deceitful—in the past Microsoft has shown its willingness to evade governmental restrictions. Any proposed settlement should acknowledge that the company behaves in ways that fail to meet high ethical standards, and remedies should be designed in anticipation of attempts at evasion.

2. Linux faces unreasonable barriers to entry—I am writing this note as a private citizen and am not speaking for my employer, a major computer vendor. My experience in developing products for the industry has taught me that at the present time it is impossible to ship computers containing Linux without paying Microsoft for a Windows license. This is not explicitly due to retaliation, but instead is a result of the status quo of installing Windows on every computer to be shipped. The cost for labor to remove Windows and replace it with Linux is higher than the cost of a Windows license. Since Linux is a free operating systems users do not expect to pay for it, and in particular do not expect to pay for the cost of a Windows license plus the cost of the labor to install Linux. As a result Linux faces a de facto barrier to entry in desktop and server markets that is not addressed by the proposed antitrust settlement. This barrier is a result of the monopolistic practices that the courts have held to be in violation of antitrust provisions. As a result I fell the settlement should explicitly address this barrier.

3. The proposed settlement does not adequately require Microsoft to disclose APIs, and gives the company too much latitude in defining what it will disclose. In light of the past history of evasion by this company this can only be described as a loophole big enough to drive a truck through, and we should assume that Microsoft will exploit this loophole in ways that are inconsistent with the spirit of the settelement.

4. The settlement focusses on too narrow a range of products, specifically recent and current products, and fails to account for future products that are intellectual derivatives of current products. In software all that is necessary to create a ''new'' product is to develop a new source code base. This source code base may simply be a rewrite of an existing product, and this is in fact the case with the ongoing evolution of the Windows operating system. Microsoft can circumvent many of the important restrictions in the course of their normal practice of upgrading their products. I feel the settlement should be written to cover all present and future Microsoft operationg systems.

Thank you. I hope that the department of justice will understand the importance of a competition in the computer industry, and will take effective steps to permanently change the behavior of this convicted monopolist.

MTC–00016298

From:
Bradley.Showalter@rich.frb.org@inetgw
To: Microsoft ATR
Date: 1/23/02 10:54am
Subject: Microsoft Settlement

I am disgusted at Microsoft's ability to buy immunity. Government officials have a duty to place the good of the people before all else. Do your duty.

Brad Showalter
Richmond, VA

MTC–00016299

From: Don Hugo
To: Microsoft ATR
Date: 1/23/02 10:54am
Subject: Microsoft Settlement

I do not believe that the Proposed Final Judgement in the Microsoft Anti-trust case will affect their current monopoly in the software industry.

The DOJ's settlement was brokered by Bush administration appointee Assistant Attorney General Charles A. James, head of the DOJ's antitrust division. But career officials at the Justice Department, who had pursued the case since the beginning, displayed their apparent displeasure with the agreement by not signing it.

This is just one example of many things that I believe are wrong in this case.

Sincerely,
Donald D Hugo III

MTC–00016300

From: Timothy MacDonald
To: Microsoft ATR
Date: 1/23/02 10:56am
Subject: Microsoft Settlement

To Whom It May Concern,

I find the proposed Microsoft settlement unsatisfactory. For instance:

—The definitions of ''API'' and ''Microsoft Middleware Product'' are overly narrow, not covering many important interfaces. This would allow Microsoft to obscure key information and thereby render that information that was released useless.
—No part of the PFJ obligates Microsoft to release file format information, even though undocumented file formats form part of the Applications Barrier to Entry.

Regards,
Timothy MacDonald
timm1973@yahoo.com

MTC–00016301

From: Erich Bratton
To: Microsoft ATR
Date: 1/23/02 10:55am
Subject: Microsoft Settlement

Regarding the Microsoft settlement, I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundred, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices.

Similar to the settlement against AT&T, Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level (40%, for example, assuming one of it's competitors is now also at 40%). This must be true for all Microsoft product lines, before regulation is lifted. Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition. Imagine the damage to the United States if Microsoft were to fail, as Enron failed. The risks of a monopoly are greater than merely the loss of competition.

Thank you for your time.

MTC–00016302

From: Pam Farr
To: Microsoft ATR
Date: 1/23/02 10:56am
Subject: Proposed Microsoft Settlement

As a person who's livelihood is testing software, I have to let you know that the recently proposed settlement with Microsoft is a bad idea.

Microsoft is a monoculture. We would not plant the same strain of corn, or culture all the same trees or husband only one breed of cows across the country for fear of a devasting disease wiping out the entire group. Anything that allowing the expansion of one system (to the degree Microsoft currently holds) guarantees contraction of all other systems and this ruling smacks of that. In this case, one of the side issues here is national security which needs to be aggressively addressed.

This is potentially bad, bad management.

Sincerely,
Pam Seals

MTC–00016303

From: Perry, Philip
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:56am
Subject: Microsoft Settlement

To whom it may concern:

I'm a computer programmer who works with Microsoft technology at work, and Linux at home. As one who works with both technologies, I think I'm somewhat familiar with Microsoft and how it affects other companies and competition in my industry. And, I'm writing to tell you that settling the case with Microsoft is a bad idea. A really bad idea.

First of all, Microsoft wants above all else to put this case behind it and get back to its main business—squelching innovation by other companies. I've been following this field for years now, since at least 1991, and this company is absolutely without scruple. Whenever they think even a tiny bit of profit may be squeezed out of a potential business, they move in, buy up any companies they can and destroy any companies they can't buy, and seize control of it. This destroys competition, and consumers like me have to settle for Microsoft's inferior version of whatever technology is being seized. It's happened again and again, and now with XP it's happening with media players and plugins. If you look over the situation, you'll see that this company isn't going to stop its behavior unless you, in the DOJ, force it to. They're even breaking into the market for appliances—their XBox is only a first step, the end result of which will be Microsoft products throughout a person's home, and the destruction of competition in a number of other industries like the appliance industry (do you really want to end up with a Microsoft refrigerator? Do you want a

Microsoft television? What will Microsoft be able to do to competitors when it is able to levy that much reach into a users home? And, don't kid yourself about this being a natural result of their current efforts—their manufacturing facilities are able to tool up for any product at all rather quickly, primarily because they outsource everything instead of trying to build it themselves). The sooner you realize that the XBox's radically new manufacturing approach (outsourcing the manufacturing and design, etc) is almost certainly a pilot program for future plans. If it succeeds, there's no telling how far they can take this. I for one don't want to be stuck with only one manufacturer for computers and appliances, and I don't think you want to be either. But if Microsoft isn't dealt with now, that's exactly what's going to happen in a few years.

Consider this: if Microsoft really thought your settlement would hamper their anticompetitive efforts, would they be willing to sign it in the first place? Of course not—they think they've negotiated a way out, and you're going to give it to them if you go through with this settlement. And, remember what happened the last time a conduct remedy was levied. It was broadly ignored.

Please, for the sake of the industry, IT workers, and end users in general, don't agree to a settlement. Pursue this case. Let history remember you as a DOJ that had grit, and followed through on your work, rather than as the DOJ that accepted a settlement with no teeth, allowing Microsoft to further hurt the U.S. IT industry.

Thank you for your time,

Philip Perry.

MTC–00016304

From: Vel Johnson
To: MS ATR
Date: 1/23/02 10:56am
Subject: Microsoft Settlement

Florida Should Support Free Enterprise and Settle with Microsoft.

By Edwin H. Moore

Participation in the Microsoft case by Florida's government has alays seemed a bit out of character for a state governed by conservative principles favoring free markets. Now when the prospects of settling this antifree market case are readily available, the attorney general of Florida appears unwilling to join the settlement agreed to by the U.S. Department of Justice. Florida should be a state that encourages innovation, exploartion, and progress, not one that acts a s a hindrance to these ideals.

Slightly fewer than 200,000 Floridians are Microsoft shareholders. Millions more have benefited from the innovative line of products offered by this creative company. Microsoft has gained a dominant share of the software market because it is very good at what it does. Consumers enjoy their products and willingly buy them. Their products are user-friendly because Microsoft spends almost $4 billion annually in research and development. Instead of standing in opposition to Microsoft, Florida should be seeking partnerships with a foward looking company, trying to attract it to spend some of its research and development funds in the state.

Attorney General Bob Butterworth has been recognized as a man of trust and respect. He has accomplished this by staying the course on issues that are of great importance to Florida. In the Microsoft situation, it is hard to see where the greater interests of Florida are served by continuing to contest the case. Frankly, it could be easily argued that the settlement places too many restrictions by government on a company that seeks to expand into new markets, create jobs, develop new products, and serve the public. Moreover, Microsoft contributed about $7 million in charitable contriubtions to Florida in 2000. The other states that are also resisiting settlement here seem to be seeking radical remedies designed to be destructive.

One has to wonder if the intent is to destroy success.

Some states are served by attorneys general who seek to use this case to improve their public position, posing for cameras at every opportunity and doing more posing than policymaking in their approach to this issues. This has not been Butterworth's style. He has never pandered to the media and never appeared to grandstand. Even in this case he has remained low-key and studious. Now is the time for his refelction to determine that this case should be placed on the dust pile of history as a bad idea.

The greatest threat of this case in the first plcace was that an overzealous, antifree market federal government under the former administration would go too far and force a major breakup of what many consider as one of the most innovative organizations in history.

This scheme was rejected by the appellate court and, with a change in administrations, by the federal plaintiffs as well. The current agreement is acceptable because it serves the public's best interest. Microsoft is forced to disclose part of its code, is limited on how it relates to computer makers, and is forced to fund a technology oversight committee to oversee the settlement, responde to complaints, and report to the court. The head of the antitrust division of the U.S. Department of Justice has agreed that the public is well served by this agreement stating, ''The goals of the government were to obtain relief that stops Microsoft from engaging in unlowful conduct, prevent any recurrence of that conduct in the future, and restore competition in the software market. We have acheived these goals.''

It is time for Florida to agree.

Edwin H. Moore is president and CEO of the James Madison Institute in Tallahassee, a Florida based non partisian, noprofit research and educational organization.

MTC–00016305

From: daniel.juliano@rainhail.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:55am
Subject: Microsoft Settlement

I am sending this email in reference to the US Gov't settlement of the Microsoft Antitrust case. My name is Daniel Juliano, and I live in Urbandale, Iowa. I am a Visual Basic programmer for an Insurance company here, which means I spend the bulk of my time programming computer application for various Microsoft environments.

I am not happy with the settlement. It was proven that Microsoft is indeed a monopoly. It is my belief that the settlement will be unable to prevent Microsoft from continuing it's unfair business practices. Have a look at section ''IV. Compliance and Enforcement Procedures'' subsection ''A. Enforcement Authority'' in the final ruling. The first part reads:

''The Plaintiffs shall have exclusive responsibility for enforcing this Final Judgment. Without in any way limiting the sovereign enforcement authority of each of the plaintiff States, the plaintiff States shall form a committee to coordinate their enforcement of this Final Judgment. A plaintiff State shall take no action to enforce this Final Judgment without first consulting with the United States and with the plaintiff States'' enforcement committee.''

And so on and so forth. The problem with enforcement is it all come down to the courts again. Which means Microsoft has the ability to dispute all claims of infraction, as well as drag out the punishment process. Microsoft loves the fact that it can take years in a courtroom to resolve an issue. By that time, the companies they've mauled have long since gone bankrupt. Can't you see that this is the reason the original antitrust lawsuit took so long in the first place?

The only way to enforce the ruling against a monopoly is to break up the monopoly. The longer you wait, the more Microsoft will claim all of its parts are too closely knit with its operating system. Now is the US Gov't chance to strike, please don't let the taxpaying citizens (remember us, the ones who are paying for the trial?) down.

Thanks,

Daniel Juliano

Programmer II

MTC–00016306

From: Grace Loggins
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:56am
Subject: Microsoft Settlement

The Proposed Final Judgment as written allows and encourages Microsoft to continue in its current anticompetitive behavior. It allows Microsoft to retaliate against OEM's who provide non-windows operating systems on new hardware. It allows anticompetitive licensing. It allows Microsoft to create intentional incompatibilities to maintain its monopoly hold on the desktop and applications. It should not be adopted without substantial revision to fix this.

I am a developer who has worked in the computer industry for the last 11 years, programming on Windows and Unix.

I am also a consumer who resents being forced to buy a Microsoft OS in order to buy new hardware.

Grace Loggins
800 John's Landing Way
Lawrenceville, GA 30045

MTC–00016307

From: Michael O'Connell
To: Microsoft ATR
Date: 1/23/02 10:56am
Subject: Microsoft Settlement

Dear Sirs:

I am writing to give my comments on the Microsoft antitrust settlement. I believe this

settlement is counter to the interests of the American public, deleterious to the American economy, and not adequate given the findings of fact in the trial.

Microsoft's anti-competitive practices are counter to the law and spirit of our free-enterprise system. These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation. Microsoft's monopolistic practices cause the public to bear increased costs and deny them the products of the innovation which would otherwise be stimulated through competition.

The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future.

It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function.

Sincerely,
Michael O'Connell
123 West Cliff St.
Somerville, NJ 08876
1–908–722–3387
CC:michael.oconnell@kiodex.com@inetgw

MTC–00016308

From: Trevor D. Manning
To: Microsoft ATR
Date: 1/23/02 10:57am
Subject: Microsoft Settlement

The proposed settlement is NOT a good idea, as it is riddled with loopholes which a company such as Microsoft will clearly take advantage of.

Be just, and fair. Don't let them dictate their punishment in a swiss cheesed proposal.

Trevor D. Manning
Using Debian GNU/Linux...
and falling off DMR Bikes since 1998.

MTC–00016309

From: Andrew Sterian
To: Microsoft ATR
Date: 1/23/02 10:53am
Subject: Microsoft Settlement

I am writing to comment upon the proposed Microsoft settlement. I am disappointed at the proposed settlement and believe that it does not provide sufficient remedies to restore meaningful competition to the marketplace.

I am an Assistant Professor of Engineering at Grand Valley State University in Grand Rapids, Michigan. In the field of engineering, there are several important software tools that define the state-of-the-art in engineering practice. The majority of these tools require the Microsoft Windows operating system. In effect, the future of American engineering depends upon Microsoft. This places the U.S.A. in a very precarious position.

When our engineering department buys a new computer, we have no choice but to buy it pre-installed with the latest Microsoft operating system. By charging computer manufacturers for an operating system license for each computer sold, regardless of whether the computer actually has the operating system installed, the computer manufacturer faces extreme pressure to do as Microsoft says and pre-load the computer with the most recent release of the Microsoft Windows operating system. Previous versions of the operating system are simply not available. This is the cause of the ''upgrade treadmill.'' Engineering software developers must spend considerable resources to upgrade their software for compatibility with the newest release of the Microsoft Windows operating system. Engineering departments and students must pay for the newest operating system version and for new versions of the software.

This ''upgrade treadmill'' benefits no-one except Microsoft. The software developers must run fast just to keep up, purchasers of the software must upgrade to the latest version in order to maintain compatibility with the latest Microsoft operating system, and our higher education system, both the universities and the students, must pay for both the new operating system and the new version of the engineering software. There are simply no other options as long as Microsoft continues to force its upgrades on us.

The proposed Microsoft settlement does nothing to break this cycle. Until engineering software developers have a choice of whether or not they must support the latest Microsoft operating system, this costly treadmill will continue, and the engineering skill and talent of Americans will become vulnerable to foreign competition and to the whims of Microsoft.

Sincerely,
Andrew Sterian
Assistant Professor
Padnos School of Engineering
Grand Valley State University
<steriana@claymore.engineer.gvsu.edu>
<http://claymore.engineer.gvsu.edu/steriana>
(616) 771–6756

MTC–00016310

From: kristen-maxwell@cox.net@inetgw
To: Microsoft ATR
Date: 1/23/02 10:56am
Subject: Microsoft Settlement

As an adcanced computer user and United States Citizen, I must dissent with the Proposed Final Judgment in the Microsoft AntiTrust Settlement. The terms of the settlement are both too narrow (only citing 5 middleware components without regard to future implementations) and too short-sighted (addressing specific incarnations of the software and not the underlying practices of the Microsoft dynasty that makes fair competition nearly impossibl). This country has had the wool pulled over its eyes by so-called antitrust legislation before, in what amounted to pats on the head to the rabble-rousers who saw the corporations'' unfair practices for what they were. But in this information age, do not be fooled into thinking that we, the masses, can be placated by token gestures and empty, unenforced policies. Your responsibility lies not in satisfying the corporations, but in upholding the standards of the people of this country. We're watching- do not let us down.

Kristen Maxwell
Kris Maxwell
CC:tunney@codeweavers.com@inetgw

MTC–00016311

From: Dale
To: Microsoft ATR
Date: 1/23/02 10:57am
Subject: Microsoft Settlement

I am severely disappointed with the ''Proposed Final Judgement'' (PFJ) in United States vs. Microsoft. I feel that Microsoft has had nearly complete control in crafting a document that is highly favorable to their position, and that it allows them nearly unrestrained activity as a penalty for their behavior.

I would really like to see something that directly addresses Microsoft's monopolistic behavior against OEM's and other vendors. I would like to see tha the document allows (interesting use of the word in a free society) OEM's who sell computer systems the unrestrained ability to sell them in any configuration the buying public should choose. As it stands now, OEMs are still afraid to sell a computer system unless it meets with Microsoft's approval, that approval being the ability to sell their operating system at all.

Please address this, and a host of other issues as you substantially revise the PFJ so that it is not a Microsoft-favorable document, but a document that favors the whole computer industry, and indeed, ourwhole society. Punish Microsoft appropriately (which, sadly, the PFJ does not do), and allow the rest of the computer industry to move ahead unrestrained. This is the most American thing we can do, to encourage freedom of choice, and allow our whole economy to progress, free of the stain of monopolistic restraint.

Thank you for allowing me to express my feelings on the issue. —

No one is completely useless. They can always serve as a bad example. — Dale L. Handy, P.E.
dale@srv.net

MTC–00016312

From: Nicolas—
Turk@learningtree.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:56am
Subject: Microsoft settlement

Having examined the proposed consent final judgment for USA versus Microsoft, we offer the following initial comments. We note at the outset that the decision to push for a rapid negotiation appears to have placed the Department of Justice at a disadvantage, given Microsoft's apparently willingness to let this matter drag on for years, through different USDOJ antitrust chiefs, Presidents and judges. The proposal is obviously limited in terms of effectiveness by the desire to obtain a final order that is agreeable to Microsoft.

We are disappointed of course that the court has moved away from a structural remedy, which we believe would require less dependence upon future enforcement efforts and good faith by Microsoft, and which would jump start a more competitive market for applications. Within the limits of a conduct-only remedy, we make the following observations.

On the positive side, we find the proposed final order addresses important areas where Microsoft has abused its monopoly power, particularly in terms of its OEM licensing practices and on the issue of using interoperability as a weapon against consumers of non-Microsoft products. There are, however, important areas where the interoperability remedies should be stronger. For example, there is a need to have broader disclosure of file formats for popular office productivity and multimedia applications. Moreover, where Microsoft appears be given broad discretion to deploy intellectual property claims to avoid opening up its monopoly operating system where it will be needed the most, in terms of new interfaces and technologies. Moreover, the agreement appears to give Microsoft too many opportunities to undermine the free software movement.

We also find the agreement wanting in several other areas. It is astonishing that the agreement fails to provide any penalty for Microsoft's past misdeeds, creating both the sense that Microsoft is escaping punishment because of its extraordinary political and economic power, and undermining the value of antitrust penalties as a deterrent. Second, the agreement does not adequately address the concerns about Microsoft's failure to abide by the spirit or the letter of previous agreements, offering a weak oversight regime that suffers in several specific areas. Indeed, the proposed alternative dispute resolution for compliance with the agreement embraces many of the worst features of such systems, operating in secrecy, lacking independence, and open to undue influence from Microsoft.

OEM Licensing Remedies

We were pleased that the proposed final order provides for non-discriminatory licensing of Windows to OEMs, and that these remedies include multiple boot PCs, substitution of non-Microsoft middleware, changes in the management of visible icons and other issues. These remedies would have been more effective if they would have been extended to Microsoft Office, the other key component of Microsoft's monopoly power in the PC client software market, and if they permitted the removal of Microsoft products. But nonetheless, they are pro-competitive, and do represent real benefits to consumers.

Interoperability Remedies

Microsoft regularly punishes consumers who buy non-Microsoft products, or who fail to upgrade and repurchase newer versions of Microsoft products, by designing Microsoft Windows or Office products to be incompatible or non-interoperable with competitor software, or even older versions of its own software. It is therefore good that the proposed final order would require Microsoft to address a wide range of interoperability remedies, including for example the disclosures of APIs for windows and Microsoft middleware products, non-discriminatory access to communications protocols used for services, and nondiscriminatory licensing of certain intellectual property rights for Microsoft middleware products. There are, however, many areas where these remedies may be limited by Microsoft, and as is indicated by the record in this case, Microsoft can and does take advantage of any loopholes in contracts to create barriers to competition and enhance and extend its monopoly power.

Special Concerns for Free Software Movement

The provisions in J.1 and J.2. appear to give Microsoft too much flexibility in withholding information on security grounds, and to provide Microsoft with the power to set unrealistic burdens on a rival's legitimate rights to obtain interoperability data. More generally, the provisions in D. regarding the sharing of technical information permit Microsoft to choose secrecy and limited disclosures over more openness. In particular, these clauses and others in the agreement do not reflect an appreciation for the importance of new software development models, including those ''open source'' or ''free'' software development models which are now widely recognized as providing an important safeguard against Microsoft monopoly power, and upon which the Internet depends.

The overall acceptance of Microsoft's limits on the sharing of technical information to the broader public is an important and in our view core flaw in the proposed agreement. The agreement should require that this information be as freely available as possible, with a high burden on Microsoft to justify secrecy. Indeed, there is ample evidence that Microsoft is focused on strategies to cripple the free software movement, which it publicly considers an important competitive threat. This is particularly true for software developed under the GNU Public License (GPL), which is used in GNU/Linux, the most important rival to Microsoft in the server market. Consider, for example, comments earlier this year by Microsoft executive Jim Allchin: http://news.cnet.com/news/0–1003–200–4833927.html ''Microsoft exec calls open source a threat to innovation,'' Bloomberg News, February 15, 2001, 11:00 a.m. PT One of Microsoft's high-level executives says that freely distributed software code such as Linux could stifle innovation and that legislators need to understand the threat. The result will be the demise of both intellectual property rights and the incentive to spend on research and development, Microsoft Windows operating-system chief Jim Allchin said this week.

Microsoft has told U.S. lawmakers of its concern while discussing protection of intellectual property rights ...

''Open source is an intellectual-property destroyer,'' Allchin said. ''I can't imagine something that could be worse than this for the software business and the intellectual-property business.'' ... In a June 1, 2001 interview with the Chicago Sun Times, Microsoft CEO Steve Ballmer again complained about the GNU/Linux business model, saying ''Linux is a cancer that attaches itself in an intellectual property sense to everything it touches. That's the way that the license works,'' 1 leading to a round of new stories, including for example this account in CNET.Com: http://news.cnet.com/news/0–1003–200–6291224.html

''Why Microsoft is wary of open source: Joe Wilcox and Stephen Shankland in CNET.com, June 18, 2001.

There's more to Microsoft's recent attacks on the open-source movement than mere rhetoric:

Linux's popularity could hinder the software giant in its quest to gain control of a server market that's crucial to its long-term goals

Recent public statements by Microsoft executives have cast Linux and the open-source philosophy that underlies it as, at the minimum, bad for competition, and, at worst, a ''cancer'' to everything it touches.

Behind the war of words, analysts say, is evidence that Microsoft is increasingly concerned about Linux and its growing popularity. The Unix-like operating system ''has clearly emerged as the spoiler that will prevent Microsoft from achieving a dominant position'' in the worldwide server operating-system market, IDC analyst A1 Gillen concludes in a forthcoming report.

... While Linux hasn't displaced Windows, it has made serious inroads...] .. In attacking Linux and open source, Microsoft finds itself competing ''not against another company, but against a grassroots movement,'' said Paul Dain, director of application development at Emeryville, Calif.-based Wirestone, a technology services company.

... Microsoft has also criticized the General Public License (GPL) that governs the heart of Linux. Under this license, changes to the Linux core, or kernel, must also be governed by the GPL. The license means that if a company changes the kernel, it must publish the changes and can't keep them proprietary if it plans to distribute the code externally...

Microsoft's open-source attacks come at a time when the company has been putting the pricing squeeze on customers. In early May, Microsoft revamped software licensing, raising upgrades between 33 percent and 107 percent, according to Gartner. A large percentage of Microsoft business customers could in fact be compelled to upgrade to Office XP before Oct. 1 or pay a heftier purchase price later on.

The action ''will encourage—'force' may be a more accurate term—customers to upgrade much sooner than they had otherwise planned,'' Gillen noted in the IDC report. ''Once the honeymoon period runs out in October 2001, the only way to 'upgrade' from a product that is not considered to be current technology is to buy a brand-new full license.'''

This could make open-source Linux's GPL more attractive to some customers feeling trapped by the price hike, Gillen said. ''Offering this form of 'upgrade protection'' may motivate some users to seriously consider alternatives to Microsoft technology.'' . . .

What is surprising is that the US Department of Justice allowed Microsoft to place so many provisions in the agreement that can be used to undermine the free software movement. Note for example that under J.1 and J.2 of the proposed final order, Microsoft can withhold technical information from third parties on the grounds that Microsoft does not certify the ''authenticity and viability of its business,'' while at the

same time it is describing the licensing system for Linux as a ''cancer'' that threatens the demise of both the intellectual property rights system and the future of research and development.

The agreement provides Microsoft with a rich set of strategies to undermine the development of free software, which depends upon the free sharing of technical information with the general public, taking advantage of the collective intelligence of users of software, who share ideas on improvements in the code. If Microsoft can tightly control access to technical information under a court approved plan, or charge fees, and use its monopoly power over the client space to migrate users to proprietary interfaces, it will harm the development of key alternatives, and lead to a less contestable and less competitive platform, with more consumer lock-in, and more consumer harm, as Microsoft continues to hike up its prices for its monopoly products.

Problems with the term and the enforcement mechanism

Another core concern with the proposed final order concerns the term of the agreement and the enforcement mechanisms. We believe a five-to-seven year term is artificially brief, considering that this case has already been litigated in one form or another since 1994, and the fact that Microsoft's dominance in the client OS market is stronger today than it has ever been, and it has yet to face a significant competitive threat in the client OS market. An artificial end will give Microsoft yet another incentive to delay, meeting each new problem with an endless round of evasions and creative methods of circumventing the pro-competitive aspects of the agreement. Only if Microsoft believes it will have to come to terms with its obligations will it modify its strategy of anticompetitive abuses.

Even within the brief period of the term of the agreement, Microsoft has too much room to co-opt the enforcement effort. Microsoft, despite having been found to be a law breaker by the courts, is given the right to select one member of the three members of the Technical Committee, who in turn gets a voice in selecting the third member. The committee is gagged, and sworn to secrecy, denying the public any information on Microsoft's compliance with the agreement, and will be paid by Microsoft, working inside Microsoft's headquarters. The public won't know if this committee spends its time playing golf with Microsoft executives, or investigating Microsoft's anticompetitive activities. Its ability to interview Microsoft employees will be extremely limited by the provisions that give Microsoft the opportunity to insist on having its lawyers present. One would be hard pressed to imagine an enforcement mechanism that would do less to make Microsoft accountable, which is probably why Microsoft has accepted its terms of reference.

In its 1984 agreement with the European Commission, IBM was required to affirmatively resolve compatibility issues raised by its competitors, and the EC staff had annual meetings with IBM to review its progress in resolve disputes. The EC reserved the right to revisit its enforcement action on IBM if it was not satisfied with IBM's conduct.

The court could require that the Department of Justice itself or some truly independent parties appoint the members of the TC, and give the TC real investigative powers, take them off Microsoft's payroll, and give them staff and the authority to inform the public of progress in resolving compliance problems, including for example an annual report that could include information on past complaints, as well as suggestions for modifications of the order that may be warranted by Microsoft's conduct. The TC could be given real enforcement powers, such as the power to levy fines on Microsoft. The level of fines that would serve as a deterrent for cash rich Microsoft would be difficult to fathom, but one might make these fines deter more by directing the money to be paid into trust funds that would fund the development of free software, an endeavor that Microsoft has indicated it strongly opposes as a threat to its own monopoly. This would give Microsoft a much greater incentive to abide by the agreement.

Failure to address Ill Gotten Gains

Completely missing from the proposed final order is anything that would make Microsoft pay for its past misdeeds, and this is an omission that must be remedied. Microsoft is hardly a first time offender, and has never shown remorse for its conduct, choosing instead to repeatedly attack the motives and character of officers of the government and members of the judiciary. Microsoft has profited richly from the maintenance of its monopoly. On September 30, 2001, Microsoft reported cash and short-term investments of $36.2 billion, up from $31.6 billion the previous quarter—an accumulation of more than $1.5 billion per month.

It is astounding that Microsoft would face only a ''sin no more'' edict from a court, after its long and tortured history of evasion of antitrust enforcement and its extraordinary embrace of anticompetitive practices—practices recognized as illegal by all members of the DC Circuit court. The court has a wide range of options that would address the most egregious of Microsoft's past misdeeds. For example, even if the court decided to forgo the break-up of the Windows and Office parts of the company, it could require more targeted divestitures, such as divestitures of its browser technology and media player technologies, denying Microsoft the fruits of its illegal conduct, and it could require affirmative support for rival middleware products that it illegally acted to sabotage. Instead the proposed order permits Microsoft to consolidate the benefits from past misdeeds, while preparing for a weak oversight body tasked with monitoring future misdeeds only. What kind of a signal does this send to the public and to other large corporate law breakers? That economic crimes pay!

Please consider these and other criticisms of the settlement proposal, and avoid if possible yet another weak ending to a Microsoft antitrust case. Better to send this unchastened monopoly juggernaut a sterner message.

MTC–00016313

From: Amy Enders
To: Microsoft ATR
Date: 1/23/02 10:56am
Subject: Microsoft Settlement

Please don't let Microsoft continue to rule over the U.S. Government and the buying public.

MTC–00016314

From: James Miskiewicz
To: Microsoft ATR
Date: 1/23/02 10:55am
Subject: Microsoft Settlement

Dear Sirs:

I am writing to give comment on the Microsoft Settlement as per the Tunney Act. I am a systems manager at a publishing company, and I use and recommend software on a daily basis.

I do not feel that the proposed Microsoft settlement will have a positive effect on the American economy, because the settlement leaves many areas where Microsoft can get around the restrictions. I feel that the settlement, in its current form, will actually more deeply entrench Microsoft as a monopoly that cannot be shaken, because they will know exactly how to get around the proposed restrictions. As shown with the collapse of Enron, a monopoly does not only hurt competition but can have disastrous effects on the economy as a whole.

Particularly, Microsoft needs to release information pertaining to the Application Programming Interfaces (APIs) used in all Microsoft products, including any operating system that can execute Windows-based code (this includes Microsoft Windows 95, 98, 2000, XP, CE, XP Tablet Edition, X-Box and Pocket PC) with sufficient time for competitors to re-engineer their programs to be interoperatible with those Microsoft products.

Microsoft's monopolistic practices cause everyone to suffer, by hindering growth and innovation in the rapidly changing (and generally very competitive) technology industry. The findings of fact, which confirmed Microsoft is a monopoly, need strict measures to remedy their past abuses and prevent those practices from continuing into the future.

Thank you for your time,
James Miskiewicz
800 Kimberton Rd., Apt. B4
Phoenixville, PA 19460

MTC–00016315

From: Erich Bratton
To: Microsoft ATR
Date: 1/23/02 10:55am
Subject: Microsoft Settlement is BAD

Microsoft broke the law and continues to break the law, as has been ruled. The current settlement does NOT force Microsoft to open its API to any and all comers. This is unacceptable and a mere slap on the wrist, versus the full punishment that an aggressive monopoly company that flaunts the law deserves.

Erich Bratton

MTC–00016316

From: Jeff Jennings
To: Microsoft ATR
Date: 1/23/02 10:55am
Subject: Microsoft Settlement

To whom it may concern:

I would like to register my opposition to the Proposed Settlement. Microsoft has been found guilty of anti-competitive practices, which were upheld on appeal. The Settlement does not prevent Microsoft from continuing these anti-competitive practices.

Thank you,
Jeff Jennings
Advisory Firmware Engineer,
Benchmark Storage Innovations
Boulder, Colorado

MTC–00016317

From: David Haas
To: Microsoft ATR
Date: 1/23/02 10:56am
Subject: Microsoft Settlement

Hello. I would like to comment on a problem I see with the proposed Microsoft settlement.

The remedies of the proposed settlement are specifically geared to protect commercial organizations—companies in business to make a profit. However, Microsoft has stated that their biggest threats come not from competing companies, but from Open Source initiatives such as the Apache web server or the Samba file & print sharing server.

This proposed settlement provides no protection whatsoever to these initiatives. In fact, Section III(J)(2) specifically states that Microsoft need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business. Section III(D) of the settlement also limits knowledge of API's for incorporating non-Microsoft ''middleware'' (such as web or file servers) to only commercial entities—not open, non-profit initiatives such as Apache or Samba. Any settlement which doesn't prevent Microsoft from arbitrarily changing protocols or API's on its Windows platform to shut out such open initiatives would be a terrible mistake. Microsoft has been found guilty of unfairly using its monopoly in operating systems to extend into other areas and lock competition out. Any settlement with the company should ensure this practice doesn't continue.

Thank you.
David Haas
Graduate Student
University of Wisconsin—Chemical Engineering
1415 Engineering Dr.
Madison, WI 53706
(608) 262–1090
Fax: (608) 262–5434

MTC–00016318

From: Patrick Gearman
To: Microsoft ATR
Date: 1/23/02 10:57am
Subject: Microsoft settlement

To whom it may concern:

Under the provisions of the Tunney Act, public opinion on proposed settlements can be considered by the court. Therefore, again under the provisions of the Tunney Act, I am sending the following comments to be considered by the court.

I feel that the current proposed settlement against Microsoft is not in the public's interest. Among my issues with the Revised Proposed Settlement are the following:

1) Section IV: Compliance and Settlement Practices, Part C: Appointment of a Microsoft Internal Compliance Officer. I feel that the Microsoft Compliance Officer should not be a person designated by Microsoft, and not an employee. Microsoft has shown a pattern of action that has demonstrated that they will lie when it is their best interest. The testimony during the initial trial by Microsoft corporate officers, especially regarding the supposed interdependency of the Windows OS and the Internet Explorer web browser was shown to be falsified. Because of this, and other reasons, I personally feel that Microsoft will not hold to the proposed settlement with regards to this position.

2) Section V: Termination, Part A: The length of the settlement, at five years, prior to any extension ordered by the court, in my opinion, is too short. Given the position that Microsoft is in, as regards the desktop OS market share, five years is not long enough, in my opinion, to be enough of a timespan in order to ensure Microsoft complies fully with the ordered settlement.

3) Section III: Prohibited Conduct, Part J: The proposed settlement does not require Microsoft to document, disclose, or license any of their APIs, Documentation, or portions or layers of communications Protocols the disclosure of which would compromise the security of a particular installation or group of installations of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria.

This portion allows Microsoft to continue to ''cut out the middle-man'' by continuing to obfuscate their code, make it more difficult for other software makers to create programs that work with the Windows OS, and hide security flaws with their OS software, as they have already done in the past. It is not in the public's best interest for this to continue, and I believe that a harsher punishment is required in order to effectively curtail Microsoft's previous behavior.

Patrick Gearman
1230 Pendleton Street, Apt. 14–D
Columbia, SC 29201

MTC–00016319

From: John Kehoe
To: Microsoft ATR
Date: 1/23/02 10:56am
Subject: Microsoft Settlement

The proposed settlement as it stands does nothing remedy the actions of Microsoft, which has been found guilty of being a monopolist. The high tech field is an important arena for the US to be competitive is we are going to retain our economic and political power. Microsoft has been found guilty of hindering the innovation the US needs to survive in this area.

The proposed settlement will continue the status quo and puts the United States at risk.

Regards,
John Kehoe

MTC–00016320

From: Trey Merrell
To: Microsoft ATR
Date: 1/23/02 10:56am
Subject: Microsoft Settlement

The proposed settlement is bad idea .

MTC–00016321

From: Jesse DeFer
To: Microsoft ATR
Date: 1/23/02 10:58am
Subject: Microsoft Settlement

Greetings,

I find it distributing that the settlement makes no mention of file format problems. Microsoft continually changes it's file formats causing incompatibility within it's own products and other's products. They do not publish specifications of their file format so that others can write software which can work with them. This forces users to buy Microsoft products even though they may not want to, or cannot afford to buy a modern computer or all of the Microsoft software they will have to buy. Simple releasing specifications of their file formats would allow others to write competing software which would encourage innovation, and improve the computing experience for many people.

Thank you for your time.
Jesse DeFer
Concerned Citizen

MTC–00016322

From: Dr. David Milner
To: Microsoft ATR
Date: 1/23/02 10:58am
Subject: Microsoft Settlement

Sirs:

I feel that the proposed remedies in the Microsoft antitrust case are not sufficient.

Sincerely,
Dr. David Milner

MTC–00016323

From: Mark Histed
To: Microsoft ATR
Date: 1/23/02 10:44am
Subject: Microsoft Settlement

The settlement proposed by the US Department of Justice in the civil anti-trust action they have brought against Microsoft is badly flawed. This remedy does nothing to prevent Microsoft from leveraging its monopoly on operating system software to give the company's other software a (large) advantage over its competitors.

The Department of Justice has an obligation to enforce effective remedies with respect to Judge Jackson's findings of fact as affirmed by the US Court of Appeals for the DC Circuit. At the very least, they should:

a) allow OEM's to bundle whichever software they like with Windows and b) prevent Microsoft from changing features of Windows to promote their own application software or middleware to extend their illegal monopoly.

Let me draw an analogy. Imagine that the government left the building of the interstate highway system up to private enterprise. For a while, many different companies built different kinds of roads and different kinds of cars that could run on those roads.

(Imagine that some roads had different kinds of grooves that only certain tires could fit into.) Over time, a dominant kind of road emerged. Many companies built cars that would run on those roads and not others. Therefore, one type of road, built by one type of company, became dominant.

This is analogous to what happened in the computer industry in the 80s and early 90s. Many OS's existed, but eventually Microsoft's OS became dominant. There is one key difference, however. Microsoft could roll out a new version of its OS every two or three years, and people would quickly upgrade! This is equivalent to the road company being able to build roads so quickly that they could replace all the roads in the US every two or three years. Now imagine this road-building company started building cars. Of course, it would design the roads so that they would work best with its cars, and so that they would make other competitors'' cars run more slowly. Their cars would enjoy a huge competitive advantage.

This is roughly equivalent to the situation in the desktop computer software market today. Except things are even worse! (This is due to the speed and ease with which software can be distributed.) Netscape once made the best ''browser'' cars, for free, but you had to pick them up at its store (by downloading it). Microsoft starting parking free browser cars all over the roads right up in front of people's driveways. Why would anyone want to go pick up a ''browser'' from Netscape when another one from Microsoft was right there at hand? Netscape tried to park its ''browser cars'' on to the roads, too, but Microsoft prevented them from doing that. (By preventing OEM's from bunding Netscape with Windows.)

Was that a huge advantage? Yes.

Will Microsoft be prevented from doing that in the future by the proposed remedy? No.

For example, Microsoft is still allowed to prohibit OEMs from changing Windows at all—they can still park their free cars right in front of every house. Why would anyone use any other car?

The best remedy in this case would be a market-based one—a capitalistic remedy that separates two different companies from each other so that they can compete rather than collude. In short, that would be Judge Jackson's proposed remedy.

Thanks for reading this.

I can be contacted at the address below.
Mark Histed
PhD student, MIT
histed@mit.edu
US Mail:
MIT, E25–236
Cambridge, MA 02139

MTC–00016324

From: David D. Latham 01
To: Microsoft ATR
Date: 1/23/02 10:58am
Subject: Microsoft Settlement

To Whom It May Concern,

I wanted to give my opinion to the court about the proposed Microsoft settlement, under the Tunney Act.

I do not believe the settlement to be a good resolution of the case. I do not think it will act as a deterrent for Microsoft to not abuse its power again. I think that if Microsoft knew this would be the punishment for its crime of abusing its monopoly position, that they would not hesitate to do it again, because they gained much more by doing so than they will lose in this settlement. I think that in order to allow competitors to compete, Microsoft should be required to open and document all of the APIs used to communicate between their programs as well as the document formats those programs use. This would allow there to be competing programs which would interoperate with Microsoft programs and provide a fair mechanism for competition. I would be disappointed with anything short of this.

Sincerely,
David D. Latham
U.S. Citizen
david.d.latham.01@alum.dartmouth.org
3125 Wisconsin St.
Oakland, CA 94602

MTC–00016325

From: Steve Damer
To: Microsoft ATR
Date: 1/23/02 10:59am
Subject: Microsoft Settlement

I think the proposed settlement is ridiculous. Microsoft abused their monopoly, and it paid off for them. The only way to stop them from doing it again is to either make them incapable of doing it again (and I don't mean just make them promise to stop), or to punish them so severely that they regret having done it. The proposed settlement doesn't make it impossible for them to do it again (all they have to do is break their promise, and we know they're willing to do that), and it doesn't punish them particularly harshly. I think a much more appropriate punishment would be to require them to publish the Windows API (with further sanctions if someone discovers a discrepancy between what they publish and what the API does). This would strongly reduce their ability to use their operating system monopoly to gain an unfair edge in the sale of other types of software.

Steve

MTC–00016326

From: Thomas Dyar
To: Microsoft ATR
Date: 1/23/02 10:40am
Subject: Microsoft Settlement

To Whom It May Concern:

As a concerned citizen, university student, and professional software engineer, I believe the proposed settlement between the collective states and Microsoft, Inc. is a bad idea. Although it does seem to address some issues effectively, more emphasis needs to be placed on counterweights that will likely ensure Microsoft's future behavior abides by legal norms and that the goals of a ''healthy'' software market are achieved.

For example, Microsoft is known for its strategy of ''embrace and extend'', very recently exhibited in its employment of the industry-standard kerberos open source authentication protocol within its products. Rather than just ''playing along'' with established standards which have only solidified through many years of work by a wide range of volunteers, university researchers, and individuals at private corporations, Microsoft ''extended'' the kerberos protocol so that Microsoft-kerberos is slightly different from everybody else's kerberos. Just so nobody is confused about the likely ultimate goal Microsoft was pursuing with this modification, the changes made were kept under Microsoft-held copyright, and make interoperability without Microsoft approval impossible.

In order to prevent this ''tinkering'' to inhibit ongoing open source work, the settlement should require that Microsoft publish and license ALL API's on a non-discriminatory basis so free access to these API's and standards is available to both Microsoft employees and the open source community. Currently, the settlement only specifies these API's be ''disclosed''. Compulsory licensing will allow the open source community to implement alternative versions of the published Microsoft API's and go much farther towards a ''level playing field''.

Thank you for your consideration of my remarks,

Thomas Dyar

MTC–00016327

From: Dane Johnson
To: Microsoft ATR
Date: 1/23/02 10:58am
Subject: Microsoft Settlement

Hello,

As both a US citizen and a Software Engineer, I feel it important to express my concern over the proposed settlement in the Microsoft case. I have so many problems with and concerns about it that I don't know where to begin.

Let me just say that, if this settlement is accepted, Microsoft, which has been shown in court to be guilty of illegally maintaining a monopoly, will neither be punished for it's past behavior nor will it be realistically kept from similar behavior in the future. The proposed remedy will at best perpetuate the status quo, and at worst actually enhance some of Microsoft's tactics.

In short, the proposed settlement is little more than a travesty of justice and I find it disagreeable in the strongest of terms. I expect more from my government.

Thank you for your time. —

Dane Johnson—danger@visi.com—http://www.visi.com/danger/

''You ALMOST got away with it, too, but for ONE THING: EVIL isn't ISO 9000 certified!!!''—Lisa Higgins

MTC–00016328

From: Elliott Gorelick
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:58am
Subject: Microsoft Settlement

The proposed settlement is a bad idea. The original DOJ consent decree failed. The proposed settlement would fail for the same reasons. In my opinion, MS perjured themselves during the trial so they are not going to honestly police themselves.

Elliott Gorelick

MTC–00016329

From: Owen Evans (Technology Services)
To: ''microsoft.atr(a)usdoj.gov''

Date: 1/23/02 10:58am
Subject: Microsoft Settlement

I think the MS settlement amounts to little more than a joke and a shameless cave-in to corporate whim. Thanks for allowing Microsoft to force its shoddy products on us for a little longer.

MTC–00016330

From: Alan M. Overton
To: Microsoft ATR
Date: 1/23/02 10:59am
Subject: Microsoft Settlement

I don't have anything more to add than has been published in numerous documents before, but I want to add my voice to the many who believe that Microsoft's ongoing anti- competitive practices have injured the general public through the reduction of the number of software solutions available to meet their innumerably varied needs.

Alan M. Overton
Center for Rehabilitation Technology
Georgia Institute of Technology

MTC–00016331

From: Nathan Willis
To: Microsoft ATR
Date: 1/23/02 10:43am
Subject: Microsoft Settlement

I would like to add my comments to the Tunney Act ''public input'' regarding the proposed settlement of the Microsoft case. I am unhappy with the settlement in its current form. The remedies proposed contain loopholes, and to assume that they will not be exercised by Microsoft to the detriment of their competitors is naive, turning a blind eye both to the evidence of Microsoft's prior behavior and to their behavior in response to the previous settlement.

I would favor a settlement that imposed strict separation of Microsoft's products (''unbundling''), without exception. The settlement before the Court now does not do this in any meaningful, enforceable way.

Sincerely,
Nate Willis
nathan.p.willis
npw@babel.acu.edu
IM nick: n8willis

MTC–00016332

From: Christensen, Carl M.
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:59am
Subject: Microsoft Settlement

I would like to publicly comment on my relief that this case is resolved and that the government will not further persecute Microsoft.

I publicly support Microsoft. I think that many of the details of this cased demonstrate not illegal practices but rather differences in IDEOLOGY. Too many people think that their ideological view is grounds to destroy one of the most successful US companies ... especially during an economic downturn now!

MTC–00016333

From: Ed Starback
To: Microsoft ATR
Date: 1/23/02 10:58am
Subject: Microsoft Settlement

I am writing in regards to the Microsoft anti-trust settlement. It is ineffective at best. The process of litigation did more to deter there monopolistic practices than this settlement will. Stronger measures need to be put in place to ensure a competitive environment. The fact that they are a repeat offender should also be taken into account. They will see the current settlement as just the price of doing business, and they will continue in their monopolistic ways. Since it will be harder to sue them after this settlement goes into effect, they will probably become even more predatory. A more effective settlement will increase competition, resulting in lower prices and better software, which is to the benefit of everyone.

Thank You
Edward Starback

MTC–00016334

From: revery@mindspring.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:00am
Subject: Microsoft Settlement

I am not satisfied with the current settlement. I have read multiple essays, both for and against the current proposal and I have read the proposal. I appreciate the government's desire to regulate unfair business practices, and typically I am one to favor minimal governmental involvement. However, I do not believe that the current settlement adequately addresses the situation. Primarily, Microsoft is left with too much power to keep its competitors from competing. Not as much in the OS department, but specifically in the middleware (components for the OS) department. By having the freedom to change critical API's and not disclose them until the last major beta release, and not having to release some API's that their own products have full access to, creates an environment that would competition difficult, and in some circumstances untenable.

I appreciate your consideration of this matter.

Charles Churchill II
Durham, NC
revery@mindspring.com

MTC–00016335

From: Lightning
To: Microsoft ATR
Date: 1/23/02 11:09am
Subject: Microsoft Settlement

The DOJ and the US government should put a stop to Microsoft's monopolistic actions. The current proposal is not sufficient to stop Microsoft's actions and is being sent around as a victory due to many loopholes.

Microsoft has not changed their actions much since the trial started. They have continued their actions, even being allowed to release XP which contains so many things built into XP that they can effectively wipe out their competition due to no one needing to go search the net for a movie player, chat program, or other applications that are much better than Microsoft's version. Normal computer users use what the computer comes with. This means that Microsoft can continue being a monopoly until someone else grows larger but Microsoft makes that impossible by making it extremely difficult for anyone, other than

Microsoft, to talk and interface with the OS from another OS. The same is true for their applications. Microsoft needs to be forced to release all protocols and file formats. There is no reason for them not to release a protocol due to security. Such an entry in the proposal means that they can implement security into all protocols then not release any. If an operating system is designed well, then at least the protocols and file formats it uses can be released without worry about security as it will still exist. Microsoft is continueing to be a monopoly and has so many loopholes in the current proposal that they don't have to change at all. Proposals do not have to be complicated. The more complicated, the easier to find and use a loophole. If the government can not stop Microsoft from what they are doing, who will?

Samuel Seay

MTC–00016336

From: Jason M. Felice
To: Microsoft ATR
Date: 1/23/02 11:03am
Subject: Microsoft Settlement As a consultant and business owner in Cronosys, LLC (http://www.cronosys.com/),

I have taken a keen interest in the Microsoft Anti-trust case. As well as reading most of the news reporting of the subject, I've read most of the court transcripts.

As consultants, our business is multi-faceted, one of the things that we do is install Linux Internet servers. Over the years we have had numerous problems with clients'' forced upgrades suddenly preventing communications from the client machine to one of our servers (I'm speaking of all different kinds of servers, not just one particular package—mail servers, file servers, web servers, LDAP servers). A lot of times this is because Microsoft has bent or broken the open standards on which the Internet was built for its own short-sighted gains.

The current settlement does nothing to remedy this. In fact, most of the restrictions mentioned in the settlement, in my personal opinion, will be obsolete shortly after such a settlement agreement is signed—Microsoft is already poised to make it so. With .NET Microsoft can move all of the offending APIs out of the operating system and into a pay-per-use service provider. With the XBox (which the settlement as I interpret it seems to ignore) poised to invade the living room, and then replace set-top boxes, then replace most families'' Internet access—couple this with .NET and they have technologically completely avoided any anti-trust remedy but still avoided any competition.

The best proposal I have heard comes from Richard Stallman, summarized here, but the full text is available at:

http://www.gnu.org/philosophy/microsoft-antitrust.html

1. Require Microsoft to publish complete documentation of all interfaces between software componenets, all communications protocols, and all file formats. 1a) Prevent Microsoft from using non-disclosure agreements.

2. Require Microsoft to use its patents for defense only.

3. Require Microsoft to not certify any hardware as working with Microsoft

software, unless the hardware's complete specifications have been published.
Jason M. Felice
Consultant and Business Owner,
Cronosys, LLC
14701 Detroit Avenue
Lakewood, Ohio 44107

MTC–00016337

From: cap@jfk.CES.CWRU.Edu@inetgw
To: Microsoft ATR
Date: 1/23/02 10:56am
Subject: Microsoft Settlement
I think the proposed Microsoft settlement is a really bad idea.
C. Papachristou
CC:cap2@po.cwru.edu@inetgw

MTC–00016338

From: Don ''Duck'' Harper
To: Microsoft ATR
Date: 1/23/02 11:00am
Subject: Microsoft Settlement
I believe the current proposed settlement does nothing to discourage Microsoft from its core business pratices of flexing monolopy powers to stiffle free competention in the area of commercial computer operating systems, web browsers, and the new market of cusumer-driven multimedia.
Thank you,
Donald Harper,
Information Director, Medical Present Value, Inc.
Austin, TX
Don Harper, RHCE, MCSE
DoD #0520 email:
duck@duckland.org
http://www.duckland.org

MTC–00016339

From: Sheilagh
To: Microsoft ATR
Date: 1/23/02 11:00am
Subject: Microsoft Settlement
Hello,
I am writing as a concerned citizen and will copy this email to paper and US mail as appropriate.
I would like to see Microsoft admit to understanding of the letter of the law, or at least pay some damages. Their size may well have contributed to current economic issues, and here in Austin, TX, it sure would be nice to have the software market opened up again. That is, it would be most beneficial to have Microsoft held to open more of its resources to other software creators, working more cooperatively with open-source developers.
Rather than make a comprehensive answer in this message, I will hope that others add other details, and simply use this message as a ''vote'' to be cast in favor of requiring Microsoft to work more cooperatively with other companies.
thanks,
Sheilagh O'Hare

MTC–00016340

From: Francois Cote
To: Microsoft ATR
Date: 1/23/02 11:00am
Subject: Microsoft Settlement (against)
Dear Sirs:
I am writing to give my comments on the Microsoft antitrust settlement. I believe this settlement is counter to the interests of the American public, deleterious to the American economy, and FAR from adequate given the findings of fact in the trial.
Microsoft's anti-competitive practices are counter to the law and spirit of our free-enterprise system. These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation. Microsoft's monopolistic practices cause the public to bear increased costs and deny them the products of the innovation which would otherwise be stimulated through competition.
The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future.
It is my belief that a very strong set of structures AND punishments must be placed on convicted monopolists to insure that 1) they are unable to continue their illegal activities and pay for past transgressions to the full extent of the law. I do not think that the proposed settlement is strong enough to serve either of these functions.
Thank you for your patience
Francisco

MTC–00016341

From: Tuinstra, Aaron
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:00am
Subject: Microsoft Settlement
To whom it ma concern,
I'm a systems administrator for a large corporation.
Daily I have to deal with the poor quality software provided by Microsoft. I feel that users both personal and corporation disserve a better product.
The Security is also very poor in their systems. By giving Microsoft a option to put More PC's in schools only advances their market share more!
Please, do something about this problem, I feel that our economy is stagnate because of the time and money corporations spend on fixing Microsoft's problems.
Aaron Tuinstra
Midnight Software
N11546 Old us 41 RD
Daggett, MI 49821

MTC–00016342

From: John Koetsier
To: Microsoft ATR
Date: 1/20/23 11:00am
Subject: This Microsoft Settlement Is Bad
The Microsoft settlement is bad for consumers, bad for business, and bad for government.
The slap on the wrist so far extracted from Microsoft in no way compensates for the many and serious harms this company has caused to companies such as Netscape, Apple, innumerable others, and consumers all over the United States and beyond.
Also, any settlement by which Microsoft simply has to distribute MORE of its products in the marketplace ... one of the very problems that occasioned this entire legal battle ... is simply too ludicrous to credit. A proper settlement would be paying for installations of competing products such as Linux servers and Macintosh computers. Microsoft argues that the US economy would suffer if it was restrained.
The opposite is true. Rid the marketplace of Microsoft's stranglehold, and you will see a flowering of creativity, investment, start-ups, and ideas the like of which we haven't seen since the glory days of the dot-coms. This renaissance, however, would have a chance to take root and flower.
john koetsier

MTC–00016343

From: CurtisJudd@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:01am
Subject: Microsoft Settlement
The proposed settlement does very little to prevent Microsoft from future infractions of antitrust law. Additionally, MS has benefitted monetarily as a result of their practices and this settlement does little to enforce any sort of compensation to those companies and individuals that have sufferedas a result (Netscape, for example has been all but stifled out of the market—theyhave received no compensation for MS's anticompetitive practices).
Curtis Judd
10511 E Eleanor Maldonado Pl
Tucson, AZ 85747

MTC–00016344

From: Eric Aitala
To: Microsoft ATR
Date: 1/23/02 10:59am
Subject: Microsoft Settlement
HI,
I believe that the Mircosoft settlement was just a slap on the wrist. They should have a far more severe penalty imposed.
The company has practiced predatory business tactics for far too long and should be stopped..
Eric Aitala
Eric Aitala—University Webmaster
aitala@olemiss.edu—http://www.olemiss.edu/depts/it/webmaster
321 Powers Hall 662–915–7822

MTC–00016345

From: Robb Greathouse
To: Microsoft ATR
Date: 1/23/02 11:00am
Subject: Microsoft Settlement
The settlement is unfair. Microsoft has used its monopoly power to destroy competitors and has set back the field of computing years.
I am on a project that used XML. We have found that integrating with Wordperfect and all other wordprocessing programs has only taken a fourth of the time that integrating with Microsoft's word product. The product is built to make it deliberately difficult to integrate with it. This makes it difficult for competing products to provide Word compatibility.
I believe that Windows should be put in the public domain and that Microsoft should be barred from further purchases.
Robb Greathouse.

MTC–00016346

From: commercialkurt99@att.net@inetgw
To: Microsoft ATR
Date: 1/23/02 11:00am

Subject: Microsoft Settlement

Ladies and gentlemen,

I followed the Microsoft anti-trust case in newspaper accounts as it wound its way through the legal system. I thought that Judge Penfield did a good job of arbitrating the interests of justice in this case—to me it was clear that Microsoft is a predatory monopoly, always pushing to find the absolute maximum line of profit, regardless of ethics or the interest of the public. They have sought to achieve dominance in every aspect of the high-tech world, and their sheer size guarantees that other more innovative players get coerced or shoved aside.

I believe that the only just resolution to this case would have been to break Microsoft into two companies— an operating system company, and an applications company. I am also particularly outraged that one of the ''remedys'' proposed is to have Microsoft donate a large chunk of product to the school system. That comes from the school of ''Well, if you gotta pay, you might as well pay in a way that hurts your competitors more.'' I urge the Department of Justice to take a hard line on

Microsoft.

Kurt Liebezeit

MTC–00016347

From: brian@i33.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:58am
Subject: Microsoft Settlement

To Whom It May Concern:

I am writing today to express my disapproval of the current settlement against Microsoft.

I have read through the settlements, and I feel it is not effective in reducing the monopolistic actions of Microsoft, nor is it effective in encouraging competition.

I beleive that a stronger and stricter settlement is in order to prevent this monopoly from perpetuating.

Sincerely,

Brian Yee

MTC–00016348

From: Craig Van Degrift
To: Microsoft ATR
Date: 1/23/02 11:02am
Subject: Microsoft Settlement

Department of Justice,

I have used computers since 1961 and owned them since 1978. It is with great frustration that I watched excellent software and innovations be destroyed by Microsoft's strongarm tactics.

Their forcing of IBM to stop supporting OS/2 was especially painful as I had been using OS/2 for 6 years and had written a Japanese-English Electronic Dictionary program for OS/2. OS/2 was an excellent operating system, far superior to any offering from Microsoft at the time.

I now teach computer programming languages and the Linux operating system at Los Angeles City College Community Services. Much effort is expended working around Microsoft's secret or deviant protocols.

The greatest exercise of their monopoly position, however, is with computer hardware manufacturers. It is extremely difficult for competing operating systems to gain market share when the manufacturers are strong armed by Microsoft licenses.

Capitalism does not work when there are monopolies and Microsoft is most certainly a monopoly that must be broken up. It must be forced to obey published industry standard interfaces. It must be prevented from using its monopoly power against hardware manufacturers. It must be prevented from selling both an operating system and the applications that interface with it. A monopoly in the computer industry moves too fast to be treated with the same process as Standard Oil a century ago.

Craig Van Degrift
Kanji-Flash Softworks
2121 Redrock Court
Los Angeles, California 90039–3549

MTC–00016349

From: John Helms
To: Microsoft ATR
Date: 1/23/02 10:55am
Subject: Microsoft Settlement

I write today to express my concern for the proposed settlement in the Microsoft/DOJ anti-trust case. The settlement reached by the DOJ and Microsoft is FAR short of the goal of addressing Microsoft's abuses in the marketplace.

Please readdress this matter and include not only tougher sanctions against Microsoft, but actually punish them for their abuses against this nations consumers and other companies.

Until Microsoft is brought under control, we consumers will see continuing reduction in choice and steady increases in price for Windows based software. I also write from the unique viewpoint of a Linux user. Because of Microsoft's dominant monopoly position in the market, I find it incredibly hard to use my chosen system in a productive manner. Without government intervention I will find myself facing a steady barrage of Microsoft's proprietary file formats (.doc, .xls, polluted java, C#, MS XML, etc) that require the use of Microsoft products. As well, in the hardware arena it becomes increasingly difficult to find devices that have device drivers that work in my chosen operating system, even though my OS runs on exactly the same .x86 platform.

This settlement should require the following of Microsoft:

1. Force them to open their proprietary file formats used in MS Office, Internet Explorer, and Outlook, Outlook Express and Exchange.

2. Create a watchdog group that keep track of Microsoft's attempts at further efforts to ''lock'' the consumer into future proprietary file formats.

3. Fine Microsoft for all of their past illegal activities and make sure it goes back to all of the parties, consumers AND companies, wronged by their unscrupulous deeds.

4. Take a hard look at their activities in the ''boot sector'' and ''dual boot'' arena, such as their actions against BeOS and attempts to block computer manufacturers from selling multiboot systems. By ''boot sector'', I mean the fact that Microsoft has designed their operating systems to overwrite any previously loaded operating system entrys in the boot sector thereby attempting to restrict consumer choice.

5. I am also a computer tech. Microsoft claimed their introduction of Internet Explorer into Win98 was for the consumers benefit and caused no harm to the consumer. This is completely untrue! Any technician who had the misfortune to have to work on Windows 98's first version can attest to how often the system failed BECAUSE of Microsoft's shoddy attempt to include Internet Explorer in the operating system. This cost consumers an immense amount of money, probably into the billions of dollars in repair costs, data loss, and lost productivity.

6. Microsoft also claimed that Internet Explorer was not a seperate application and could not be removed. You simply have to go to http://www.98lite.net to find the truth. Yes it can be removed and once it is removed the problems I mentioned in number 5 are greatly reduced.

7. There is an open source project called Wine. This project is an attempt by open source programmers to recreate an environment in Linux and other operating systems to be able to run Windows applications without the use of any of Microsoft's intellectual property. They have made great progress but without help from Microsoft, may never have the ability to run applications with the same quality as they run in Windows. Please consider forcing Microsoft to give up this much needed information so that Wine can run Windows apps. Doing this will allow consumers and developers a choice in the marketplace.

In closing let me say that the current settlement reached by the DOJ and Microsoft stops far short of stopping their monopolistic efforts. I can think of NO other sector of our economy where a single company has so much control. I can think of NO other product where there is not at least ONE other competitor on the store shelf next to it. The computer and software industry in this country is ill and Microsoft is the disease. Please, for the good of the consumer and this nations economy, STOP MICROSOFT ONCE AND FOR ALL!

John Helms
107 Chase Ave.
Cashmere, Wa. 98815
jhelms@crcwnet.com

MTC–00016350

From: Tadas Osmolskis
To: Microsoft ATR
Date: 1/23/02 9:45am
Subject: I oppose the proposed settlement

I am a citizen of the United States, and a computer professional with 22 years of experience in the field.

Having read the proposed remedy, I am deeply concerned that it will not address the pattern of misbehavior that Microsoft has been engaged in consistently for the past decade. I also believe that the proposed remedy does not address the concerns of one of the major potential and actual competitors that Microsoft has: the free software/open-source software communities.

While I am not in full agreement with some of the rhetoric, I agree with the first two of the three remedies proposed by the Free Software Foundation (which can be found at http://www.gnu.org/philosophy/microsoft-antitrust.html).

A summary of these is:

1) Microsoft would be required to publish complete documentation for all programming interfaces and file formats, and would be prohibited from using any interface or file format which is not fully-documented.

2) Microsoft would be required to use any patents in the field of software for defensive purposes only.

In addition to providing a level playing field for *all* Microsoft competitors, the two proposed remedies above would be far less administratively burdensome, involve much less involvement by the government in Microsoft's management, and would go a long way in preserving Microsoft's ''freedom to innovate''.

Thank you for your consideration of my views in this matter.

Tadas Osmolskis
11801 Rockville Pike
Apartment 1409
Rockville, MD 20852

MTC–00016351

From: Patrick Finerty Jr.
To: Microsoft ATR
Date: 1/23/02 11:04am
Subject: Microsoft Settlement

Hello,

I am writing to express my dissatisfaction with the Microsoft Settlement reached by the DOJ and Microsoft. This settlement inadequately addresses the overly broad market power wielded by Microsoft while simply establishing another bureaucracy that is supposed to police Microsoft's behavior.

Recent history has demonstrated the inability of the courts to address the anticompetitive practices of Microsoft in a time frame suitable to the pace at which Microsoft and other so-called tech companies conduct business. By the time any action has been taken, some companies no longer exist and Microsoft has effectively won the battle. It is doubtful that any other group would be able to act more rapidly when faced with the overwhelming legal resources of a company like Microsoft.

I encourage you to implement a more effective remedy.

Sincerely,
Patrick J. Finerty, Jr., Ph.D.
http://finerty.net/pjf

MTC–00016352

From: dabailey@neubayern.net@inetgw
To: Microsoft ATR
Date: 1/23/02 11:04am
Subject: Microsoft Settlement

The proposed Microsoft settlemnet is a bad idea. MS has a past history of unfair competetive practices and ignoring previous rulings against them. I don't believe the proposed settlement will fix the current problem.

MTC–00016353

From: WendtinMD@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:04am
Subject: Microsoft settlement

I am glad the DOJ has followed the example of the individual states that have settled. For the sake of of the thousands of people employed by the technology industry, and agreat American company, please finalize this settlement and end the lawsuit for good. Microsoft has contributed a great deal to our economy and we owe it to them to end this controversy.

I am a home computer user and like the compatibility of Microsofts different programs. I have no desire to use a combination of their competitors products that do not work together. Microsoft has agreed to share some of their technology with their competitors, as well as give billions of dollars of their products to schools. Please finalize this settlement and save our tax dollars from being wasted on needless lawsuits.

Gary Wendt

MTC–00016354

From: Martin Euerle
To: Microsoft ATR
Date: 1/23/02 11:03am
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea for number of reasons, some of which are:

1) It provides to many loopholes for Microsoft to continue their previously court proven illegal behavior.

2) Their previously court proven illegal behavior prevents many companies from developing new products because they know that they can not fairly compete against Microsoft, this lack of a level playing field hurts our economy and our country's future.

3) The proposed settlement makes our government look weak, susceptible to improper influence or at best incompetent. All of these undermine our citizens belief in our governing system which is far worse in the long run for our country than having 1 company strictly dealt with for a decade of illegal behavior.

Thank you for your time,
Martin Euerle

MTC–00016355

From: dunbar@cyberspace.org@inetgw
To: Microsoft ATR
Date: 1/23/02 11:05am
Subject: Microsoft Settlement

I am already leaving Microsoft products behind, and turning to Linux; beware that the decision made regarding this settlement will have great significance to Linux's future: beware that DOJ does not create precedent whereby Microsoft can manufacture issues with Linux. That would take on the apearance of scandal, to consumers such as myself. Somewhere, DOJ hasn't seen the issue from my perspective, I hope now you will:

Try to uninstall Macromedia Flash from Internet Explorer 5 thru 6. Cannot use traditional uninstall, results of non traditional removal results in a different irritation in place of the Flash upgrade messages.

Microsoft excludes whatever it wishes to exclude; and as any other entity would also act, Microsoft buys whatever functionality it wishes to incorporate. Internet Explorer is based on Mosaic, from University of Indiana,

Urbana-Champlain campus; not developed by Microsoft—what browser development costs are involed when college students created the core? Rhetorically speaking, What development efforts have been expended by Microsoft? I'll answer that: efforts to embed Mosaic, under a new name, into Windows. Consider also that the mechanisms whereby new software is created has been a stronghold of Microsoft: most programming languages which are in widespread use are Microsoft owned. Yet information is not exchange in a timely fashion unless the destination is a Microsoft entity—then the information flows freely.

Consider the licensing issues regarding new PCs, the company manufacturing the PC must suffer if they do not install Microsoft products?

Is any of the activity regarding Microsoft's .net activity regarding exclusion of Opera Browser considered fair and open by the people using Opera?

Consider the generoosity of corporations who donate older PCs: Microsoft placed a new retroactive license restriction on the software, but without any licensee agreeing to it! What kind of contract is Microsoft drawing up?

Really—the perception of benevolence has already slipped from association with the Microsoft name; the multibillion dollar status of the founder is clearly caused by overdone profit margins: divide a percentage of those billions by the number of licensed Microsoft products, then deduct that amount from each license.

Personal Reply is not expected—definitive DOJ suppression of Microsoft—I mean action—is expected. Currently, the computing public sees difficult times ahead of them, Windows XP (eXtra Profitable) places people further into Microsofts enslavement. Because people cannot tell Microsoft how to develop a product (the homeowner surveys are few and acceptable responses are predefined), because the people fear the learning curve associated with the only other operating system which will work on their hardware (x86 architecture), they will not seek a change. Was the south much different before Lincoln freed those slaves??

MTC–00016356

From: John D. Ballentine III
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:03am
Subject: Microsoft Settlement—do not agree that it goes far enough

I believe that the proposed settlement in the Microsoft anti-trust proceeding does not go far enough to prevent future monopolistic behavior. The part that concerns me is that there are no mechanisms in place to prevent a repeat of the actions described in Caldera vs. Microsoft. In that case, they added code to Windows 3.1 specifically designed to make it appear to fail when run on top of DR–Dos, an alternative to MS–Dos. They have never apologized for this behavior, and still show tendancies to do this again. Unless outside intervention happens, they will have no incentive to stop this. As currently written, I see no mechanisms in place to stop this in the proposed settlement.

Thank you.
John D. Ballentine III

MTC–00016357

From: Gary L. Withrow

To: Microsoft ATR
Date: 1/23/02 11:04am
Subject: Microsoft Settlement

The proposed DOJ Microsoft Settlement is NOT in the public interest and should not be approved by the court.

Thank you,
Gary

MTC–00016358

From: Kelly Byrd
To: Microsoft ATR
Date: 1/23/02 11:02am
Subject: Microsoft Settlement

The proposed settlement is bad idea. There are many problems with the settlement, I'll focus only on one here.

Under the proposed settlement, Section III.A.2 Microsoft is not prevented from taking action against an OEM who ships Personal Computers that includes a non-Micorsoft Operating System. A proposed change to the section is:

2. shipping a Personal Computer that (a) includes both a Windows Operating System Product and a non-Microsoft Operating System, or (b) will boot with more than one Operating System, or (c) includes a non-Microsoft Operating System but no Windows Operating System Product; or ... The Personal Computer market flourishes when OEMs can offer a variety of products to customers.

These OEM should not be punished for offering choices. If the OEM choose to sell Personal Computers with a Microsoft Operating System and also Personal computers with a non-Microsoft Operating System.

The market should determine whether or not they are successful. Section III.B. requires Microsoft to offer unspecified Market Development Allowances to the top 20 OEMs. Why not all OEMs? Historically the Personal Computer market has been full of players and this extreme competition has benifited the consumer in many ways.

KB

Do or do not. There is no try''

MTC–00016359

From: King, Michael
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:03am
Subject: Microsoft Settlement

I am in full agreement with the objections raised by Dan Kegel at:

http://www.kegel.com/remedy/letter.html

Michael

Michael King mking@zebra.com

QA Software Tester

Zebra Technologies Corporation ph: 847–955–6942

333 Corporate Woods Parkway fax: 847–821–1795

Vernon Hills, IL 60061

MTC–00016360

From: Joseph M Siegmann
To: Microsoft ATR
Date: 1/23/02 11:05am
Subject: Microsoft Settlement

I think the proposed settlement is bad idea

MTC–00016361

From: Aaron Charlwood
To: Microsoft ATR
Date: 1/23/02 11:07am
Subject: Microsoft Settlement

Hello—I'd like to voice my feelings on the proposed Microsoft anti-trust settlement.

To truly open up competition in the operating systems arena, I feel that ALL of Microsoft's existing and future APIs should be publicly published, that their license agreements should be rewritten to eliminate any restrictions on redistributing components critical for the operation of competing products on all existing and future Microsoft operating systems, and that an independent, non-Microsoft affiliated enforcement body should be appointed to ensure that Microsoft remains compliant with revised terms of its settlement.

Diversity and competition are crucial elements of a successful ecosystem. Monocultures do not encourage robustness in the face of disease or predation. I urge you to encourage innovation, and discourage ethically questionable business practices.

Sincerely,
Aaron Charlwood

These opinions do not necessarily reflect those of my employer, nor have these opinions been approved or sanctioned by them.

MTC–00016362

From: kenk@boxerlearning.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:01am
Subject: Microsoft Settlement

To whom it may concern.

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The settlement does not solve the problem. Microsoft would be allowed to keep the profits it gained through actions the court has shown to be illegal. Competitors who were unfairly treated would not be compensated. The monopoly that Microsoft illegally created would be allowed to continue unchecked. Microsoft has broken the law. That has been shown clearly in the courts. The response here is essentially to create new laws to restrict Microsoft's actions. If the only punishment for breaking a law is to have new laws enacted, then what dis-incentive is there for breaking the new laws? Microsoft has made it clear that it will do anything it can to increase its monopoly. It has taken virtually every legal action available, and has taken several illegal actions as well. This was demonstrated clearly in the court case. It is not appropriate to trust them to change their actions. They must be forced into compliance with the law.

The problem is that Microsoft will do anything that it feels it will make a profit from. If it sees that it will make a profit from taking actions that happen to be illegal, it will do so. This corporation has demonstrated repatedly for several years that the only issue driving it is profit. Therefore, it is vital that the government make it clear to Microsoft that violating the law is not profitable. This settlement does not do that. It leaves Microsoft with a hefty profit, and it leaves Microsoft's competitors crippled by Microsoft's illegal actions. This in no way presents a disincentive to Microsoft to continue their illegal activities.

Thank you,
Ken Kelley

The opinions expressed here are my own personal opinions and do not necessarily represent those of anyone else at this or any other corporation.

Ken Kelley
Senior Programmer
Boxer Learning, Inc.

MTC–00016363

From: jwwerpy@mmm.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:05am
Subject: Microsoft Settlement

I feel compelled to write about the Microsoft Settlement because I feel that the settlement reached between the Justice Department and Microsoft wholly and completely fails to address the issues of the case. The settlement will be ineffective and unable to stop any future illegal monopoly practices undertaken by Microsoft.

I feel the Justice Department has been fooled by Microsoft into accepting an agreement that has been crafted by Microsoft to be extremely vague and almost completely unenforceable. I also foresee that if certain actions that may be called for in the settlement occur, that Microsoft will take exception and head back to court to stall any type of enforcement against their business practices. I believe that the court should decide Microsoft's punishment because over time they have shown no desire nor any ethics or fairness in any negotiations. Only a severe court mandated punishment will be enough to force Microsoft to stop its anti-competitive practices. Only the court will be able to stand toe to toe with Microsoft and force them to obey. I believe that given any opportunity to skirt any responsibility Microsoft will. The decision of the court should be firm and binding on Microsoft from now on for all current and future products they may release.

Microsoft's practices have irreparably harmed the IT industry in ways that may never be known. They have continually destroyed or subverted competitors who if they had survived and/or thrived could have generated truly great innovations for IT.

The only fair punishment is to make them play fair. Microsoft should be forced by the court to release the full API (application programming interface) to all of it operating systems. A independent group should be formed to monitor their performance in this area, any undocumented interface found by the group should subject Microsoft to very large fines for every day the API specifications are not complete. This action would truly unbind the entire IT industry from what has been the core of Microsoft's strategy, making their software incompatible with everything except their software and subverting open standards within the IT industry.

Thank you for your consideration,
Jason Werpy
werpy@brookings.net

MTC–00016364

From: Thomas, Stuart P—Raleigh, NC

To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:02am
Subject: Microsoft Settlement

The proposed settlement applies no damages for past misconduct, which it should. I DISAGREE with the proposed settlement.

Stuart P. Thomas

MTC–00016365

From: nuage@asc3fda4.hydro.qc.ca@inetgw
To: Microsoft ATR
Date: 1/23/02 11:00am
Subject: Microsoft Settlement

Hi,

I am a canadian citizen but I feel anybody it the world who was at anytime forced to use MS-Windows should have the right to disagree with the settlement.

I really wish IBM OS/2 had not been ''killed'' by Microsoft monopoly. After reading the court's findings of facts anybody should realize that Microsoft is ''Pure Evil'' and should be treated as such.

I wish that the Judgment should last at least FOREVER and not for a little five year. MS has harm the PC industry for way more than five year, and it's not finished yet.

How could MS repay the harm done? It's impossible to calculate. It's a shame death penalty is not applicable to companies because It's the only settlement that would satisfy me. MS has ''murdered'' so many other companies.

Sorry to be so rude, I am always filled with hatred when talking about Microsoft and if you knew me you would be supprised I can feel this way because I am a very calm and non-aggressive person.

Best regards.

MTC–00016366

From: gfejer1@pobox.mot.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:04am
Subject: Microsoft Settlement

To Whom it may concern,

I am writing to express my opposition to the proposed settlement in the Microsoft antitrust case. Microsoft's anti competitive practices have not changed, and past actions show that Microsoft has no intention on changing it's practices. The proposed settlement does nothing to insure that this will change.

Microsoft said that they'd behave themselves when it was discovered that they were using undocumented Application Programing Interfaces (APIs) to speed up their own programs while not disclosing those APIs to competitors. They said that they would behave when it was discovered that they had threatened original equipment manufacturers (OEMs) that tried to sell competing office suites.

Microsoft has continued it's anti competitive behaviors in a long list of ''strange coincidences'' that were conveniently timed to help Microsoft while hurting its competition. When installing Windows 95, America Online (AOL) ceased to work properly at the same time that Microsoft started pushing their competing Microsoft Network. Palm's hot-sync stopped working properly under Windows 98 when Microsoft was pushing Windows CE, their palmtop operating system. MS Java was found incompatible with the Java standard when MS realized that this technology would allow applications to be independent of a specific operating system.

I have repeatedly heard the question, ''When has Microsoft hurt the consumer?'' They have cost companies billions in security problems. Consumers were, in effect, not allowed to use a competitive Office suite because of MS's illegal tactics to expand its monopoly. Many consumers were forced to spend hours with tech support to solve problems with their internet connection (AOL) or Palm device or cave in and switch to the corresponding Microsoft product.

Most importantly, the proposed settlement does not punish Microsoft for repeated prior offenses. Under the current proposed settlement, Microsoft merely gets a stern warning to not repeat the crime in the future.

Sincerely,
Gergely Fejer
Software Engineer Cary, IL

MTC–00016367

From: H
To: Microsoft ATR
Date: 1/23/02 11:05am
Subject: Microsoft Settlement

I believe the proposed settlement will do little to curb Microsoft's monopolistic domination of desktop computer software. There is much in the proposed settlement that is ambiguous and would allow Microsoft to define terms, e.g., ''API'' and ''Microsoft Middleware'', and then state they are in compliance based on their definitions. I also believe the proposed settlement will be harmful to Open Source software. Since Open Source applications tend to be on non-Microsoft operating systems, any resulting loss of market share by Open Source software indirectly harms competing operating systems.

Sincerely,
Henry A. Greer
1511 E Mead
Spokane, WA 99218

MTC–00016368

From: mattsimerson@mac.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:04am
Subject: Microsoft Settlement

Call me old fashioned but shouldn't the punishment fit the crime? From a consumer perspective, I've been forced to pay for dozens of Microsoft licenses that I've never used and couldn't sell (OEM bundled) without challenging Microsoft lawyers. This is not a consumer friendly policy of Microsoft's and I couldn't blame Dell either because they were force fed that agreement in order to install a Microsoft OS on any of their systems. They further abused their monopoly with the bundling of IE with the OS that consumers were forced to purchase with their PC hardware. Microsoft has been been found guilty of abusing their monopolistic powers. In such a case the ideal sentence is one that will:

a) compensate those affected by the abuse of power.

b) prevent the occurrence of such abuse in the future.

c) satisfy the general publics insistence that justice be served.

With these concerns in mind, I propose a two tiered solution. The first is compensation to those already affected by the abuse. It would be nearly impossible to determine a specific dollar amount to distribute to each abused consumer and then identify each consumer to compensate. Such a process would also require so much beauraucracy that it would negate the consumers benefit. Instead, a dollar amount ($x) should be determined that represents the amount of money Microsoft received from consumers through less than legal business practices. Since direct distribution of that sum to consumers is impractical, the money should be distributed in a fashion that will directly benefit consumers. There are several possibilities here but the ones I would prefer would not just punish Microsoft but enhance competition in the OS market.

1. My first suggestion is using ($x) to fund alternate OS development. In the desktop OS market, Microsoft only has one real competitor and that's Apple Computer. Some fans of other OS's (myself included) would be quick to champion other OS's like Linux or FreeBSD but the facts are simple. Consumers can't walk into CompUSA and buy a machine running anything but a version of Windows or Mac OS. However, making Apple the sole benefactor of a Microsoft punishment would only benefit a small number of those affected by Microsoft's ill behavior. We have to keep in mind that our primary goal is not to simply punish Microsoft but actually encourage competition in the computer software industry and thus benefit consumers. With that goal in mind, I would recommend taking ($x) and placing into a trust. The trust's charter should be drawn up with the sole objective of encouraging the development of alternate operating systems for consumer desktops.

There are currently quite a few organizations that could benefit from having a big brother with deep pockets to assist them in their OS development work. A few examples of such organizations would be:

Open Software Foundation for their work on the Mach microkernel. (portable OS bootstrapping code)

Central Michingan Univ.: Contributions to Mach and kernel portability

Apple Computer: Sponsors of Darwin and Authors of Mac OS

RedHat: Sponsors and distributors of Linux

FreeBSD foundation: Sponsors of FreeBSD

There are quite a few other ''stub'' projects out there that have promise but these are the only projects that have had any impact at all on consumers. Each of the aforementioned companies has an OS that a consumer can install and use. Apple is the only one with a polished OS product the masses can use. RedHat and FreeBSD have stable OS platforms but their primary focus is on the server side. They would have an attractive alternative to Windows if they were financially enticed to do so.

2. The next issue to address is keeping Microsoft from abusing their monopoly in the future. There's a lot of potential for different ideas here but lets adopt a Keep It Simple S approach. One of the main advantages

Microsoft has in the software marketplace is their OS monopoly status. A simple way to help negate this is mandate that all their software releases (for programs like Internet Explorer, Office, etc.) ship concurrently on each of the three most popular OS platforms. An example of this would be their next version of Microsoft Office or Windows Media Player would have to ship simultaneously for Windows, Mac OS, and Linux and include full interoperability between the OS platforms. This mandate would accomplish a lot for the consumers. Microsoft has a knack for inventing or altering standards when they make something for Windows. If their software applications had to support other OS's, they'd have to either adopt the communities standards (a win for everyone) or make their alterations common across all platforms (and thus a new standard that the community can choose or ignore). I think those two measures would impose a fair penalty upon Microsoft, allow them plenty of room to innovate and stripping them of their Monopolistic advantages. It will also leave the community with more choices.

Matt Simerson
397 4th Street
Atlanta, GA 30308

MTC–00016369

From: Duncan Lowne
To: Microsoft ATR
Date: 1/23/02 11:03am
Subject: Microsoft Settlement

Microsoft must not be allowed to buy their way out of causing irreparable damage to the software industry. Aside from the previously highlighted unfair business practices that have run rampant in the Redmond Giant, their manipulation of the justice department and their blatantly contemptuous attempt to use the settlement for their own gain is reprehensible, and must not be ignored. I appreciate that the proposed settlement was rejected, but I strongly believe that a COMPLETELY impartial 3rd party must be brought in to craft a fair settlement for all sides involved.

Sincerely,
Duncan Lowne
Software Engineer
Cleveland Medical Devices, Inc.
Cleveland, OH

MTC–00016370

From: Ethan Hartman
To: Microsoft ATR
Date: 1/23/02 11:05am
Subject: Microsoft Settlement

The proposed Microsoft Settlement is unfortunately, far too weak and will not resolve any of the problems created by the MS monopoly. In fact, the settlement may well act as a tool for further anticompetitive practices: for example, the provisions for disclosing technical specifications are only for commercial interests—this would exclude many nonprofit and free software projects, especially the Samba group, which makes software critical for interoperation with MS windows.

Check out http://samba.org for more information on their critical work. This is software I and many other people use every—if MS could use the proposed settlement to deny requests for specifications (and perhaps even fight efforts at reverse-engineering under the DMCA) then this settlement would be doing real damage instead of helping to fix the MS problem.

Microsoft must be heavily restructured, or have the source code of its operating system forcibly opened. The prevalence of their software has made them unprecedentedly powerful—this company, which has a history of ruthlessly misusing its influence, cannot be allowed to continue along its course towards total monopoly. This settlement will allow MS to do exactly that. I hope for all of our sake that an effective solution can be found. We will all regret a mistake in this case.

MTC–00016371

From: Paul Bennun
To: Microsoft ATR
Date: 1/23/02 11:03am
Subject: MS Settlement

I write to state my opposition to the proposed settlement of the MS case. I can see no way that the short- or long-term economic prosperity of the US is helped in this instance.

paul bennun

MTC–00016372

From: Geoff Peacock
To: Microsoft ATR
Date: 1/23/02 12:07pm
Subject: Microsoft Settlement

I think the proposed settlement with Microsoft is a bad idea. It does not do enough to stop their unfair business practices.

Geoff Peacock
geoff@acan.net

MTC–00016373

From: Derek Flynn
To: Microsoft ATR
Date: 1/23/02 11:07am
Subject: Microsoft Settlement

To Whom It May Concern:

I am strongly opposed to the proposed settlement in the Microsoft antitrust case. The software industry is young and a competitive marketplace will re-emerge if companies are willing to compete fairly. I feel that the only way to ensure that companies will compete fairly is to make it clear that they will not profit from illegally manipulating the marketplace. Microsoft should not be allowed to profit from its illegal actions, or else others will try to follow in Microsoft's footsteps. The proposed settlement is a slap on Microsoft's wrist and will encourage others to use similar illegal business practices.

Sincerely,
Derek M. Flynn
801 S. Wells #1011
Chicago, IL 60607

MTC–00016374

From: Robert C. Ramsdell III
To: Microsoft ATR
Date: 1/23/02 11:06am
Subject: Microsoft Settlement

Dear Sir or Madame,

As a business user of Microsoft operating systems and software products, I am very concerned that the proposed final judgment in the United States vs. Microsoft antitrust lawsuit is not in the public interest. I am writing to express my concern over this judgment. The ways that the final agreement fails to restore a competitive software and operating system marketplace include, but are not limited to, the following:

1) The Judgment defines too narrowly the applications and APIs the terms of the settlement apply to. As defined, only listed Microsoft middleware programs are considered to have APIs of interest. This means that Microsoft is free to obstruct the development of competing products by changing the APIs of important programs that are not listed as ''Microsoft Middleware''. The list of applications that the Judgment refers to is similarly narrow, and leaves out important programs such as Microsoft Outlook, Microsoft installer programs, etc. In addition, it appears that Microsoft can avoid even the restrictions on listed products by simply renaming or replacing the programs.

2) Microsoft is not required to release API information in a timely manner. Microsoft is only required to consider the interests of competing software vendors whose products meet ''reasonable technical requirements'' seven months before new releases of Windows. However, Microsoft is not required to disclose the API information these vendors need in anything like enough time to meet those requirements (whatever they may be). Indeed, since Microsoft is only required to release information at the time of the final beta release of it's software, these requirements can be evaded by simply scheduling the beta release less than seven months before the final release!

3) Microsoft is not required to document file formats. These formats are a crucial interface to Microsoft software that the Judgment fails to address at all. As it stands, Microsoft can use undocumented file formats to ''lock up'' not only the software customers use, but the customers'' own data in the files. Moreover, under the DMCA, Microsoft can write it's licenses in such a way that customers are not even allowed to ''reverse-engineer'' the file formats to retrieve their data.

4) Microsoft is not required to disclose any patents it holds, thus exposing competing vendors to uncertainty about any patents they may be infringing, even when they use information provided by Microsoft under the Judgement.

5) The enforcement provisions are too soft. As it stands, a Technical Committee is set up with investigative powers. However, the committee has no power to enforce any of it's findings. Thus if Microsoft decides to ignore, evade or obstruct the Committee, the only remedy would be to return to court. In the past, Microsoft has shown both the willingness and the capacity to subvert court decrees against it. Unless strong enforcement powers are built into the Judgment, Microsoft has every incentive to subvert this Judgment as well, and take it's chances in court while continuing any anti-competitive practices.

Please take these comments into consideration and strengthen the Judgment to truly restore a competitive operating system and application software market.

Sincerely,

Robert C. Ramsdell III
5528 Middaugh Avenue
Downers Grove, IL 60516

MTC–00016375

From: Alex Fajkowski
To: Microsoft ATR
Date: 1/23/02 11:06am
Subject: Microsoft Settlement

I am very opposed to the Microsoft Settlement that allows them to write off their debt to society by ''donating'' their badly written and over-valued software to our schools. Forcing a decision down our schools throats like this only makes them repeat customers of bad software in the future.

Please let schools make better decisions instead of tying their hands. Instead, the settlement should be paid out completely in cash to schools for better libraries, facilities, and budgets to purchase whatever they need.

Do not make the mistake of letting Bill Gates corrupt America's youth just like he has corrupted the rest of corporate America.

-Alex Fajkowski
801 N Monroe St, Apt. 414
Arlington, VA 22201

MTC–00016376

From: bucky@phantom.keystreams.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:08am
Subject: Microsoft Settlement

As an American citizen, I want to voice my opposition to the proposed settlement for the Microsoft anti-trust case.

I feel that the proposed settlement gives Microsoft too much freedom to damage and undermine the Free Software movement. I feel that the future of the internet and computing in general depends on having a viable open-source alternative, and Microsoft should not be allowed to prevent that.

Sincerely,
David Brandt
60 Harriet Avenue
Belmont, MA 02478

MTC–00016377

From: eric@mantis.styx.org@inetgw
To: Microsoft ATR
Date: 1/23/02 11:09am
Subject: Microsoft Settlement

Hello,

I'm writing to express my extreme dissatisfaction with the proposed Microsoft Settlement. It does nothing to prevent the company from leveraging its monopoly power in future, nor does it punish them for all he grief they caused in the past.

As a U.S. Citizen, I feel that it is important to preserve competition in a real sense in the world of human creativity. This agreement only pays lip-service to ideals of competition, while really giving MS a blank slate on which to define how they want the computing world to be.

It is unacceptable. It must *not* be the settlement. It fixes nothing, and stifles creativity.

Yours sincerely,
Eric Moncrieff eric@groovy.net

''Their imaginations insisted that nobody changed much from day to day. Their imaginations were flywheels on the ramshackle machinery of the awful truth.''
—Kurt Vonnegut, Jr., ''Breakfast of Champions''

MTC–00016378

From: Marcia Baczynski
To: Microsoft ATR
Date: 1/23/02 11:06am
Subject: Microsoft Settlement

I am writing to voice my opposition to the proposed Microsoft settlement. My two main objections are as follows:

1. APIs are too narrowly defined, which will easily allow Microsoft to flout the spirit of the settlement.

2. The settlement does not cover the intentional incompatibilities that Microsoft has historically introduced into accepted standards specifically for competitive purposes (as opposed to technological improvements).

Thank you for your consideration.
Marcia A. Baczynski
Jersey City, NJ 07302

MTC–00016379

From: Jon LeBlanc
To: Microsoft ATR
Date: 1/23/02 11:08am
Subject: My Opinion on Proposed Microsoft Settlement

Under the provisions of the Tunney Act I wish to make my concerns over the proposed Microsoft settlement known to you. I am a Canadian citizen who travels and does business in the U.S.A. frequently. I consider the proposed Microsoft settlement to be insufficient to redress the harm done by Microsoft to consumers and competitors in the past, and unsatisfactory to prevent future harm by Microsoft. Specifically but briefly, the proposed settlement fails to acknowledge or take into account competing operating systems such as Linux. This is an astonishing oversight, causing provisions of the proposed settlement to act as barriers of entry to such Microsoft competitors. Essentially, the proposed settlement guarantees Microsoft the capability to thwart the success of competitors'' operating systems by withholding critical inter-operability information.

I am absolutely opposed to the proposed Microsoft settlement.

jon.leblanc@mybc.com

MTC–00016380

From: Dharm Kapadia
To: Microsoft ATR
Date: 1/23/02 11:09am
Renata B. Hesse
Antitrust Division
U.S. Department of Justice

I am vigorously opposed to the proposed settlement in the Microsoft antitrust trial. The proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. Also, the proposal provides inadequate reparations to those injured by Microsoft's anti-competitive behavior. Hundreds, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices.

I applauded the Clinton administration's courage to prosecute Microsoft for their anti-competitive behavior and was disgusted by the Bush administration's decision to acquiesce when the government had the superior position by rule of the full bench of the U.S. Court of Appeals. The Department of Justice's (DOJ) settlement was brokered by Bush administration appointee Assistant Attorney General Charles A. James, head of the DOJ's antitrust division. But career officials at the Justice Department, who had pursued the case since the beginning, displayed their displeasure with the agreement by not signing it. Also, the Attorneys General of 9 states and the District of Columbia found the proposed settlement to be substantially inadequate.

The market must be able to return to a state of healthy competition. One can look at the market for PC microprocessors to see the value of true competition. Intel Corp. had a large market lead in microprocessors, but Advanced Micro Devices (AMD) was able to gain market share with superior products at a lower price. Both of which were in the public's interest. There were no anti-competitive moves by Intel. In fact, Intel was pushed buy the quality and public acceptance of AMD's products to make a better microprocessor at a lower price. At no time was the consumer public ever harmed by this healthy competition.

Microsoft is another story. Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. They use predatory business practices, restrictive licenses, and threats to OEM's, ISV's and their customers to maintain their monopoly. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions, their lack of remorse, and their arrogance towards the law and the general public.

More importantly, the proposed settlement does nothing to correct or punish Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' only the instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust and speedy settlement just for settlement's sake. A wrong that is not corrected is compounded and magnified. The proposed settlement it is obviously a sham, a Bush administration sanctioned gift. Not even a slap-on-the-wrist, this proposed settlement does not address past wrongs nor does it prevent future anti-competitive behavior. The finding of fact which

confirmed that Microsoft is a monopoly requires strict measures which address and punish the practices they have engaged in the past while at the same time prevent them from engaging in other monopolistic practices in the future.

Thank you for your time,
Dharmendra Kapadia
Software Consultant

MTC–00016381

From: John Post
To: Microsoft ATR
Date: 1/23/02 11:07am
Subject: Microsoft Settlement
1/23/2002

Dear DOJ,

I am writing to express my disappointment with the proposed settlement for Microsoft. The current settlement does nothing to address the real problem, which is Microsoft's abuse of its monopoly position on the desktop computer.

I am very proud to be an American, and I hope all Americans hold their freedom as dear as myself. When a company abuses a monopoly position, it is an action which threatens the freedoms of all American citizens.

Please discard the current proposal and ask for industry assistance to arrive at a fair and productive judgment. I gladly offer my time to serve the public on a board to organize and present possible solutions that restores our freedoms.

Sincerely,
John Post
Assistant Professor
Arkansas Tech University
Russellville, AR 72821
john.post@atu.edu

MTC–00016382

From: Jim Begley
To: Microsoft ATR
Date: 1/23/02 11:08am
Subject: Microsoft Settlement

I'd like to register my comments on the proposed settlement in the Microsoft antitrust case. I'm a software developer with 18 years of professional experience in the industry. Simply put, I'm strongly opposed to the proposed settlement. There are a number of specific problems that I see, but a couple of the biggest are: the proposed settlement's enforcement mechanism is inadequate; the mechanism for release of information to independent software vendors is flawed; and the definitions used in the proposed settlement are too narrow or too misleading to be effective. In general, I feel the proposed settlement does not go far enough to punish Microsoft for its past anti-competitive practices, nor does it go far enough to prevent Microsoft from repeating the behavior. Today, Microsoft is again attempting to use its monopoly in desktop operating systems to establish monopolies in other areas, areas in which there are better third-party products available, just like it did with web browser software. Some examples include audio and video media players (Windows Media Player), online authentication (Microsoft Passport), and instant messaging (MSN Messenger). If these Microsoft products obtain dominant market positions in the next few years, it will NOT be because of technical superiority, more features, or better customer support. It will simply be the result of Microsoft's bundling of these applications with each operating system sold and limiting access to competing applications through agressive licensing tactics.

Thank you for your time.
Sincerely,
Jim Begley

MTC–00016383

From: Walter
To: Microsoft ATR
Date: 1/23/02 11:09am
Subject: Microsoft settlement

One of the things that bothers me about the proposed settlement is that one is still FORCED to purchased a license from Microsoft for any computer sold by a mainstream computer manufacturer.

I have reviewed the proposed settlement and one of the MANY loopholes is that this problem is not addressed. I have no need for Microsoft products but must still pay for them. I, in effect, must contribute to maintenence of the Microsoft monopoly.

Why?

I oppose this proposed settlement.
Walter MacArthur
Dallas, TX 75238

MTC–00016384

From: Bob Marriott
To: Microsoft ATR
Date: 1/23/02 11:09am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I would like to express my opposition to the Proposed Final Judgment in the Microsoft case. Microsoft is a monopolist who will take advantage of the wording in this document and continue to use its monopoly to the detriment of consumers and competitors. I have believed for several years that the company needs to be broken up into multiple companies with appropriate oversight into its ongoing activities.

Sincerely,
Bob Marriott
3 Brook Way
Westborough, MA 01581
bob@marriott.cncfamily.com

MTC–00016385

From: Coyote
To: Microsoft ATR
Date: 1/23/02 11:04am
Subject: Microsoft Settlement

The proposed settlement is a bad idea
Christopher Michael Werner
1870 East 38th Street
Brooklyn, NY 11234

MTC–00016386

From: David F. Reynolds
To: Microsoft ATR
Date: 1/23/02 11:07am
Subject: Microsoft Settlement

I think the settlement that Microsoft is proposing is a bad idea. The ''donations'' of hardware and software to schools does nothing but erode the user base of other vendors (both commercial and open source) in what is now their main venue. This in effect rewards Microsoft for anti-competitive behavior.

David Reynolds

MTC–00016387

From: Dan Garthwaite
To: Microsoft ATR
Date: 1/23/02 11:09am
Subject: Microsoft Settlement

Thank you for this moment to be an active citizen, I'll be brief. Here I sit, working for a Fortune 500 company, using Microsoft's Outlook email client, the number one propagator of modern computer worms, viral or not. I am, by trade, a UNIX Administrator, but am forced to use the very product that causes myself and my company's resources so much energy to clean up after, time and time again.

When, in computer's short history, did we become subservient to the software? I believe it was when it left the hands of researchers, academia, and hobbyist, and left the ''courts'' of peer review. Not that our company doesn't generate a large portion of its revenues from developing closed source software, but our products are designed by engineers according to procedures of peer review and built upon accepted standards that were borne of the purpose of interoperability between computing efforts. Microsoft, with it's constant onslaught of Embrace and Extend, and/or simply annihilation of its competition via acquisition, and its understandable position of subservience to it's shareholders to ever maximize its shareholder value, expose themselves to no such review.

Indeed, they mustn't, for to do so is to open themselves to litigation by those shareholders. In this capitalistic republic, what investment firm doesn't own a piece of Microsoft, and in that light, what Market participating American? Microsoft is forced to continuously break the law for the purpose of self-preservation unless a stronger motivator (government regulation) suppresses the ability of its shareholders to litigate.

The proposed settlement does nothing to curb Microsoft's future actions, certainly does nothing to reprimand past actions, and the proof of both is that even in light of Judge Jackson's findings, and the proposed settlement, it hasn't changed any of it's illegal monopolistic leveraging. That alone should be proof that the proposed settlement is entirely un-enforceable, and in-effectual.

-Dan Garthwaite
Science Applications International Corporation
An Employee Owned Company

Opinions stated in this document do not reflect the opinions of SAIC, it reflects the opinion of one of SAIC's many employee owners.

MTC–00016388

From: Barden, David R
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:08am
Subject: Microsoft Settlement

bad settlement. it will not accomplish the intent. MS has not mended it's abusive

domineering ways one iota. They are the 800lb gorrilla stanidng in the way of innovation and healthy competition. We consumer have little choice but to be led about by the nose by MS as they continue to pour out new versions of buggy insecure bloatware. Only by viable true competition will they be forced to focus on improving their product not just their bottom line.

MTC–00016389

From: Kalanga@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:06am
Subject: Microsoft Settlement

Dear Sir-

I have read the proposed settlement, and have the following comments:

1. J.1 and J.2 of the proposed final order, Microsoft can withhold technical information from third parties on the grounds that Microsoft does not certify the ''authenticity and viability of its business. This seems like letting the fox guard the hen house and will allow Microsoft to effectively get around this sanction. I believe either the court or some non-microsoft entity be allowed to make the necessary findings

2. Microsoft is given the right to select one member of the three members of the Technical Committee, who in turn gets a voice in selecting the third member. The committee is gagged, and sworn to secrecy, denying the public any information on Microsoft's compliance with the agreement, and will be paid by Microsoft, working inside Microsoft's headquarters.

Again this seems like letting the fox guard the hen house. Microsoft should have no ability to influence the membership of the technical committee. The court should appoint independent members and should pay for the committee from a fund established for the purpose. Microsoft should pay for this fund but it is the court that should determine its disbursement.

Sincerely,
Larry Galka

MTC–00016390

From: Josionroad@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:08am
Subject: Microsoft settlement

Everyone is working to get the economy back on line. Why are you continuing to harass Microsoft? Please get with it and get off their back so we can get on with building the economy. Thanks. Josi Roth

MTC–00016391

From:
russell.petree@mail.sprint.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:09am
Subject: Microsoft Settlement

I am an American citizen by birth, a tax payer by virtue of that citizenship, and a taxpaying citizen who feels that I am about to be betrayed by the very agency that was established to provide me justice as defined by the Constitution and the laws of the land.

The courts found Microsoft to be a monopoly and to have illegally used that monopoly power. As that is the findings of the court your job is to remedy that finding. The proposed settlement by the Department of Justice does not even begin to address the issues of contractual bundling, middleware bundling, restoring competition to the operating systems market or deal with Microsoft's latest assault on the free market of the United States, Windows XP.

I call upon you today as a US citizen to act in the best interest of myself, my children, and my fellow citizens and hold Microsoft accountable for their illegal activities. Turn away from the modus operandi of the Clinton era that fails to punish criminals and actually encourages criminal activity. Do not reward Microsoft for their illegal activities as the current settlement does.

Even if you fail to compensate the legions of companies and people who's livelihood was destroyed in the wake of the illegal ramagings of the 2-ton gorilla that is Microsoft, at least protect us from further assault on our free market and Microsoft's attempts to undermine the infrastructure of capitalism as we know it. Let us be frank and realistic. Microsoft's tentacles are quickly extending into and engulfing various other markets fueled by their illegal manipulation of the operating system market.

The future of capitalism itself is now in YOUR hands. Do yourselves, your department, and your country proud, hold Microsoft accountable.

Russell Petree
PC Life Cycle Management Technical Lead
Sprint Asset Management Repository (SAMR) Technical Lead

MTC–00016392

From: mdj@shufflemasterrd.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:07am
Subject: Microsoft Settlement

I think the MS settlement is a bad idea. Bad for consumers, bad for the future...

Mark Jackson
Shuffle Master, Inc.
724 Whalers Way Bldg H Suite 200
Ft. Collins, CO 80525
Phone: (970) 377–4131
email mjackson@shufflemaster.com

MTC–00016393

From: Aaron Pavao
To: Microsoft ATR
Date: 1/23/02 10:58am
Subject: Microsoft Settlement

The Proposed Final Judgement contains misleading and overly-narrow definitions and provisions, as illustrated by the following points. The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered. The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all. The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET.

The PFJ should therefore allow users to replace Microsoft.NET with competing middleware. The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertized as being ''Windows Powered''. The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs. The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible. The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows. The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents. The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

Thank you for your consideration.

MTC–00016394

From: Charles Coffing
To: Microsoft ATR
Date: 1/23/02 11:08am
Subject: Microsoft Settlement

I wish to express my dissatisfaction with the proposed Microsoft settlement. In particular, my complaint is this: No part of the PFJ obligates Microsoft to release any information about file formats, even though undocumented Microsoft file formats form part of the Applications Barrier to Entry (see ''Findings of Fact'' ?20 and ? 39). I use Open Source software exclusively at home, yet Microsoft still does indirectly pressure me to use their products, due to their proprietary and undocumented file formats, used by others. Microsoft makes it clear: Either use their products, or be cut off from the rest of the computing world. This ties many to the Microsoft monopoly. If neither the open source community nor other commercial software vendors have access to documentation of Microsoft's CURRENT file formats, the barrier of entry is huge. The proposed settlement will do little to increase competition. It must be reworked to force Microsoft to open file formats, to both commercial and non-commercial entities.

Sincerely,
Charles Coffing
Software Engineer
home: clc@alum.mit.edu

MTC–00016395

From: Roy Milican
To: Microsoft ATR
Date: 1/23/02 11:09am
Subject: Microsoft Settlement

Greetings,

I am writing concerning the current proposed Settlement with Microsoft for its flagrant anti trust violations. The current settlement is completely unacceptable. Not only are they not being held responsible for enough money in damages they have caused to the many companies they have hurt or destroyed wielding there monopolistic

powers. There is nothing put in place to prevent them from doing it again. Since the swearing in of President Bush they have already relaxed and gone back to there old ways. I have been in the computer industry since I was 14 years old (now 25) and seen there damage over the years. I truly believe they need something as strict as the AT&T breakup to really open up competition in the operating system and software industries. This will be the only way a computer maker could put a OS on there machine other than Windows without fear of repercussions from Microsoft. I urge you do not settle like this. Do something that will actually make a difference. If you don't in another 5–10 years it will just be back again to haunt you.

Sincerely,
Roy James Milican
San Diego, CA
Roy Milican
rmilican@anonymizer.com
Network/System Administrator
http://www.anonymizer.com

MTC–00016396

From: David Vollmer
To: Microsoft ATR
Date: 1/23/02 11:10am
Subject: Microsoft
From: David Wednesday, January 23, 2002

The antitrust trial record on the Netscape demise is a monopolist's cookbook, a chronicle of bad faith and anti-competitive acts. Microsoft saw a threat to its dominance and responded with a ferocity that would merely have been ugly before it had a monopoly but which was illegal afterward.

Please act to provide the public with alternatives to Internet Explorer!

David Vollmer
4801 Thurber Lane
Santa Cruz, CA 95065

MTC–00016397

From: Pry Tim—tpry
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:07am
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea.

Tim Pry
Unix Systems Admin
Acxiom Corporation
tpry@acxiom.com
Office:(501) 342–8004
Pager:(888) 420–8626

MTC–00016398

From: David Brownell
To: Microsoft ATR
Date: 1/23/02 11:10am
Subject: Settlement is barely a slap on the wrist!

Hi,

I'm working on a more detailed response, but just in case It has problems getting in before your deadline, I wanted to make sure at least this comment got in.

The proposed settlement, and even to a large degree the amended version proposed by states including California, is too weak. It does not provide effective redress, penalty, or prevention. Rather than deterring an illegal monopoly, it is taking legal steps to institutionalize it.

Rather significantly from my perspective, it is also strongly biased against non-commercial software development, such as Free Software initiatives. Its rules on disclosure of interface material make it possible to hide information from organizations that are organized for the public interest rather than for money-making. And the lack of requirement for Microsoft to meet conformance tests for their specifications means that the true standard will need to include a buglist from Microsoft—where that buglist is under stronger controls against disclosure (to those that most need it) than even the original specifications.

This proposed settlement is flawed, anti-competitive, and anti-consumer.

- David Brownell
Software Engineer
Palo Alto, CA

MTC–00016399

From: Bailey, Jason (NBA)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:55am
Subject: Microsoft Settlement

The currently proposed settlement with the Microsoft corporation is a travesty of justice for consumers worldwide. Microsoft's constant maneuvering and anticompetitive practices must be stopped if we are to ever have alternatives in the software market. Attorney General John Ashcroft could not be farther from wrong in stating that this decision will end ''Microsoft's unlawful conduct.'' This decision will have little to no impact on Microsoft's damaging and illegal business practices.

The settlement, most significantly, fails to restrict Microsoft from including anticompetitive terms in its licensing agreements. Microsoft would still be permitted to restrict what types of applications run on Windows, as well as making it illegal to run Microsoft applications on any other operating system. This convenient non-restriction of licensing directly goes against the nature of this settlement: it does not stop Microsoft from continuing anticompetitive business practices. It has been shown in court that Microsoft has purposely induced software incompatibilities in order to harm a competitor's product. Why does this settlement take no stance in forbidding these intentional attacks on Microsoft's competing software providers?

This settlement fails to protect Original Equipment Manufacturers (OEMs) from retaliation by Microsoft that would negatively affect their businesses. The settlement would allow for Microsoft's continued persecution of OEMs that choose to ship computer systems that are not re-installed with a Microsoft operating system. If there is to be any change in the consumer market, OEMs must be allowed to offer consumers viable choices without fear of retribution from Microsoft. This settlement needs to contain provisions to that effect.

Also, the settlement does very little to extend the provisions of this settlement to Microsoft products developed in the future, allowing illegal anticompetitive practices to continue with new versions of Windows and Windows-based products, such as Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertised as being ''Windows Powered.''

The proposed settlement allows and encourages significant anticompetitive practices to continue, allows for Microsoft to continue to delay the emergence of competing Windows-compatible operating systems and software. This settlement should not be adopted without substantial revision.

Sincerely,
Jason Bailey
Network Administrator
St Louis, MO

MTC–00016400

From: chelsie1@bellsouth.net@inetgw
To: Microsoft ATR
Date: 1/23/02 11:11am
Subject: Microsoft Settlement

TO WHOM IT MAY CONCERN:

MY HUSBAND AND I WANT TO SAY, NO WE DO NOT SUPPORT THE SETTLEMENT BUSH MADE WITH MICROSOFT.

THANKS GEORGE AND CYNTHIA HIMMER

CC:CHELSIEHI@YAHOO.COM@inetgw

MTC–00016401

From: dfarrand@wyoming.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:09am
Subject: Microsoft Settlement

Dear Sirs,

I'm writing this to express my opposition to the proposed Microsoft Settlement. Microsoft in my view and in the courts view is a illegal monopolist who has seriously damaged many companies and the software/computing industry in general.

Microsoft Word and Excel are the defacto standards for document exchange. You cannot be in business without owning these applications. Most people get these apps when they buy their computer. Generally Word and Excel are included if you are buying Microsofts operating system on a new system.

However, if you do not buy windows, you have to purchase Office through retail and the cost is $500.00. This is an outrageous price and proves the lie that the MS monopoly has been benign for the consumer. A similar application called Apple Works that provides 80% of the functionality sells for $79.00. MS is able to maintain it's price point for Office because they control the document format and you have to be able to read and write in that format to do business.

Any settlement of the MS monopoly should force MS to make the complete document format for WORD and EXCEL public domain—they should also be forced to provide translator code for all competing platforms.

I think there are also serious problems with MS's active suppression of JAVA and it's .Net initiatives.

Recently it has been reported that many of the patents for Open GL (a competitor to MS directX 2D/3D imaging model) have been transferred to MS by SGI for the purpose of damaging Open GL. Much of the vulnerability of the internet is directly

related to the unnatural dominance of MS products on desktop and servers. Any settlement must recognize the huge costs that have been indirectly inflicted on people through their negligent attitude toward security. It is their monopoly status that permits them to ignore the poor quality of their products without suffering in the market place.

The proposed remedy is no remedy at all and in fact will further damage competitors, consumers and the computing industry in general

Regards
Dan Farrand
President, Green River Computing
PO Box 1101
Pinedale, Wyoming 82941
307–367–2276

MTC–00016402

From: Knox North
To: Microsoft ATR
Date: 1/23/02 11:06am
Subject: Microsoft Settlement

Hi,

I am writing to let you know that I strongly desire that the settlement with Microsoft should go through. I believe that the resources applied to this effort should be refocused in other areas.

Monopolies are all about restricting choice. In my non-legal view, it's silly to say that Microsoft is a monopoly as long as there is choice. If I want a better operating system, I can choose Apple's. I'll pay more, but it is better. If I want to pay less, I'll choose Linux. It's not as good, but it's free. It would seem that Microsoft has successfully found the sweet spot of not-too-expensive and good-enough. I don't think they should be punished any further than what you have negotiated.

Thank you for considering my views.
Sincerely,
William K. North
(Retired)

MTC–00016403

From: George King
To: Microsoft ATR
Date: 1/23/02 11:10am
Subject: Microsoft Settlement

The proposed Microsoft settlement is bad idea. This company continues to abuse it's monopoly power even while claiming to be trying to settle.

George King
Columbia, SC 29209

MTC–00016404

From: Carl Youngblood
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:13am
Subject: Microsoft Settlement

I think the proposed settlement between the U.S. Dept. of Justice and Microsoft Corporation is a bad idea. Microsoft has used its monopoly power to eliminate the market share of many good companies that have offered better software than it has.

Cordially,
Carl Youngblood
98 E 600 S #21
Orem, UT 84058

MTC–00016405

From: David Gabler
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:11am
Subject: Microsoft Settlement

My name is David Gabler,

I am writing you to tell you my disappointment with the proposed Microsoft settlement.

There are many loop holes written into the agreement that allow Microsoft ways to not abide by the intent of the agreement. Some examples are:

—Enforcement. There is no method/means of enforcement. What is to keep Microsoft from breaking the rules. There need to be stiff penalties.
—Microsoft is trying to shift their market to next generation products however this agreement does not cover those products, e.g. tablet pc's.
—The definition of API omits many useful and necessary API's In addition to this a very large barrier to entry remains, file formats. No file formats are required to be disclosed.

Please do not agree to this proposal with out taking into consideration the comments on Dan Kegel's webpage, http://www.kegel.com/remedy/letter.html.

David Gabler

MTC–00016406

From: Kevin Caldwell
To: Microsoft ATR
Date: 1/23/02 11:11am
Subject: Microsoft Settlement

no to microsoft

MTC–00016407

From: Elias Lutfallah
To: Microsoft ATR
Date: 1/23/02 11:13am
Subject: Microsoft Settlement

Hello,

If the goal of the settlement is to end the Microsoft monopoly, then the proposed settlement is inadequate for the task.

One of the proposed items as I understand is to require Microsoft to open their code to allow handheld devices, servers, and networks so that smaller companies have a chance to compete. Initially this may help companies get a foothold in the industry, but ultimately this will only reinforce the Microsoft stranglehold on the world as it relies on the existence of Microsoft.

One practice of Microsoft has been to ''embrace and extend'' publicly accepted protocols. For instance they may take the publicly discussed and agreed upon protocol for wireless networking, and add their own features. While the features may or may not be worthwhile, by disregarding the RFC for the given protocol, they now have their own proprietary protocol that undermines the rest of the industry.

I suggest that any changes to a standard set by the RFC process that they wish to implement must be proposed and accepted into the RFC standard before acting on the change. At least this way people would have a chance to react and influence the desires of Microsoft, as well as be prepared for changes.

This is just one aspect of the settlement that I have chosen to respond to, hoping that my contemporaries will address the other issues.

Thank you for your time,
Elias Lutfallah
Chicago, IL

MTC–00016408

From: John Klapp
To: Microsoft ATR
Date: 1/23/02 11:12am
Subject: Microsoft Settlement

The settlement is a sham and demonstrates contempt of the law. It will do nothing to prevent or deter Microsoft from continuing their corrupt, illegal and damaging business practices.

John Klapp

MTC–00016409

From: Kevin Butler
To: Microsoft ATR
Date: 1/23/02 11:12am
Subject: Microsoft Settlement

I am writing in opposition to the proposed final judgment in United States v. Microsoft. As a professional software engineer, I have repeatedly seen Microsoft abuse its market position to extend its monopoly into new markets and to destroy upcoming competitors. Microsoft has used various means to do this, including:

—hiding technical information (delaying or not publishing APIs, protocols, and file formats)
—introducing technical incomatibilities (introducing artificial limitations in compatibility and extending standards in incompatible ways)
—restrictive license agreements (requiring use of products only on Microsoft operating systems)
—restrictions in contracts with resellers (preventing modifications to Microsoft operating systems or inclusion of 3rd-party products)

The proposed final judgment does not include sufficient penalties or restrictions to either reduce the gains Microsoft has received from these illegal actions, or to prevent Microsoft from performing similar abuses in the future.

Kevin J. Butler
Software Architect
Campus Pipeline, Inc.
1073 S 2230 E
Spanish Fork, UT 84660

MTC–00016410

From: Dennis Roberts
To: Microsoft ATR
Date: 1/23/02 11:12am
Subject: Microsoft Settlement

Hi, my name is Dennis Roberts. I do not agree with the proposed settlement. I do not think Microsoft should be broken up or fined. My view is so other companies and properly complete that all of the Microsoft file formats (i.e. Word, Excel, Powerpoint, etc.) must be made publicly available. In my opinion the operating system doesn't matter. Microsft Office matters. People use Microsoft's operating system so they can use Microsoft Office. They do this because everyone uses Microsoft Office. If the file formats are open

then other products that not only run on Microsoft Windows but other operatings systems as well (i.e. Linux) will be able to interoperate with Microsoft Office thus allowing competition from products like Sun's StarOffice suite.

Thank you for your time.

Dennis Roberts
16520 North Road Apt. B106
Bothell, WA 98012
Home number: 425–741–0427
Work number: 425–288–4262
e-mail: dennisr@spacerodent.org

MTC–00016411

From: Puga, Jim
To: Microsoft ATR
Date: 1/23/02 11:09am
Subject: Microsoft Settlement

By settling the antitrust case against Microsoft, the government has handed over the keys to the kingdom. The settlement is a bad idea and I hope that the powers that be take another look and realize how bad things will become if the settlement goes through.

MTC–00016412

From: Bill Lipa
To: Microsoft ATR
Date: 1/23/02 11:12am
Subject: Microsoft Settlement

To Whom It May Concern,

I am a software engineer and entrepreneur with 15 years'' experience in the field of personal computer software development, including the cofounding of a successful Internet company that was sold to Electronic Arts for more that $40 million.

I read the news of the Microsoft settlement with great dismay. It appears certain that under this settlement, Microsoft's predatory and criminal behavior will continue unabated. I believe that the continued existence of the Microsoft Windows monopoly is a direct personal threat to my earning power. That is because venture capitalists are extremely reluctant to fund any company that might compete in a market that Microsoft enters. Since Microsoft enters pratically every revenue-generating software market, there are a greatly reduced number of opportunities for entrepreneurs like myself.

I believe that Microsoft has already leveraged its operating system monopoly into a monopoly in Internet browsers. This is an extremely dangerous development because despite the collapse of the dot.coms, the Internet will continue to grow in importance to American businesses and consumers, becoming a fundamental utility like water and electricity. I urge that the settlement terms be amended to mandate that Microsoft make the following inclusions in its Windows distributions:

—include the second most popular Internet browser, in a manner where it is as prominently displayed and as easy to use as the Microsoft browser.
—include the latest version of the Java Runtime Engine, again in a manner where it is as prominently displayed and as easy to use as any comparable Microsoft technology.

Sincerely,
William Lipa

MTC–00016413

From: Bryce Verdier
To: Microsoft ATR
Date: 1/23/02 11:12am
Subject: Proposed Settlement is a bad idea

Dear DOJ;

I have been following the microsoft case since the beginning, and recently it has come to my attention that I can voice my opinion about how badly you are handling the punishment that is due to microsoft for their unethical practices.

Please do something, this company was proved to use monopolistic practices to keep their company on top. In my own humble opinion this is a form of terrorism, a company takes illegal measures to help fulfill its goals, stepping on everyone and everything that gets in its way. Including the American Government.

You, my govnerment, are the only ones that can stop this, now would you please help me to put some faith back into the system!

Sincerely,
Bryce Verdier

MTC–00016414

From: Dan Rozinsky
To: Microsoft ATR
Date: 1/23/02 11:12am
Subject: Microsoft Settlement

To whom it may concern:

I feel that the settlement reached in the Microsoft anti-trust lawsuit does not address the true issue. Microsoft seems to be punished for their behavior, in a limited sort of way, while avoiding the creation of a competitive marketplace.

For this lawsuit to be truly successful in breaking the Microsoft monopoly it must insure that competitive and compatible operating systems be allowed to exist. At this time microsoft is taking legal action against lindows.com, a project which aims to create a compatible, competitive operating system to windows.

The steps I would recommend are as follows.

1) Take direct and immediate action to protect Lindows, WINE and other windows emulators from Microsoft lawsuits and interference.

2)Force Microsoft (and ANY Operating Systems manufacturer) to make the complete specifications of their operating systems available so competing projects can create compatible and competitive products in the future. This does not mean that source code must be released. That is copywriteable and can be confidential. What is important is to realese the details of WHAT the OS does, not HOW the code does it.

3)Prohibit ANY Operating Systems manufacturer from producing brand specific software. IE: if it runs on Microsoft Windows, it should also run on Lindows, WINE, or any other OS built to the Microsoft Standard. The final consideration is where to draw the line between Operating System and application. It seems to me to be a bad idea to prevent the manufacturer from packaging applications (word processors, web browsers, games, etc) with the operating system. This is one method of offering the consumer added value. Quality of support would be another. It comes down to this: No Operating System developer can be allowed to keep the specification of any part, module, or element of their OS secret. No operating system manufacturer can be allowed to inseparably integrate the Operating Sytem with the Application. The Operating System will be known as the code which controls the computer's hardware, volatile memory, non-volatile memory, inputs, outputs, and provides a code interface for the development of applications.

If these rules are implemented MOST of Microsoft's product would be legal, requiring only small adjustments and some release of documentation. Elements of windows, such as the graphical interface, Internet Explorer, Wordpad, notrepad, Paint, the phone dialer, would be protected as Microsoft's property, available only in Microsoft products. However, Internet Explorer would be removable and replaceable. The Office suite of products would be available to run on any competing OS. The Windows GUI could be replaced by competing products.

Perhaps a fourth and final consideration, that no software be available exclusively with the operating system should be considered. As I read your decision I see that some of this has been addressed, though the OS market does not seem to be opened to competition. Please reconsider this.

Yours in competitive practices,

Daniel Rozinsky
1545 Route 9W, Apt 1A
Marlborough, NY 12542
danr@bestweb.net
(845)236–3549

MTC–00016415

From: Windes, Edwin
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:03am
Subject: Microsoft Settlement

I'm opposed to the revised proposed Final Judgment to resolve the United States'' civil antitrust case against Microsoft.

The definitions and terms used in many areas of the PFJ are overly narrow, and thus will not require Microsoft to alter its behavior. I'm specifically concerned that Microsoft will be able to frustrate attempts by ISVs to create compatible middleware.

Ed Windes
Software Architect
OpenTV, Inc.
Naperville, Illinois

MTC–00016416

From: Donald Daugherty
To: Microsoft Settlement U.S. Department of Justice
Date: 1/23/02 9:36am
Subject: Microsoft Settlement

Donald Daugherty
6225 SW 170 Ave
Aloha, OR 97007
January 23, 2002
Microsoft Settlement U.S. Department of Justice

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the

wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies. Thank you for this opportunity to share my views.

Sincerely,
D.R. Daugherty

MTC–00016417

From: Al Barrs
To: Microsoft Settlement U.S. Department of Justice
Date: 1/23/02 9:10am
Subject: Microsoft Settlement
Al Barrs
4731 Georgia Road
Greenwood, FL 32443–1839
January 23, 2002
Microsoft Settlement U.S. Department of Justice,

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Al Barrs

MTC–00016418

From: Tom Malone
To: Microsoft ATR
Date: 1/23/02 11:12am
Subject: Microsoft Settlement

To Whom It May Concern:

The proposed settlement in the Microsoft antitrust trial does not even attempt to address all of the anti-competitive practices that Microsoft is engaged in. Nor does it force Microsoft to correct its actions. Microsoft as a company is built on the credo ''All computers everywhere running Microsoft software and only Microsoft software. And they have done a good job of reaching that goal.

Most of the ''settlement'' only helps to keep the Microsoft monopoly alive. While the rest of the ''settlement'' does nothing to prohibit Microsoft from abusing its current position in the operating system market. These are important oversights given the seriousness of Microsoft's past practices.

Microsoft was and is an extremely big player in the operating system/software market. As such they should be forced to open up and allow people to take full advantage of their innovations. By intentionally disabling and crippling other companies software any hope for innovation is lost. US citizens deserve more. They deserve the right to choose how and what they do with their computers. By allowing Microsoft to continue in its current manner that choice is lost.

Sincerely,
Thomas Malone
Manager of IT Systems and Administration
Lancer Insurance Company
370 West Park Avenue
Long Beach, N.Y. 11561
Phone: (516) 431–4441 x3230
Fax: (516) 889–5111
E-mail: tmalone@lancer-ins.com

MTC–00016419

From: Jonathan Younger
To: Microsoft ATR
Date: 1/23/02 12:08pm
Subject: Microsoft Settlement

I have read the Microsoft Settlement and I do not believe that it will curtail the illegal practices of a convicted monopolist. As a U.S. citizen I do not think that the U.S. should be bending over for any company and it appears that is exactly what is happening with this ''settlement''. Microsoft, acquired and maintains their monopoly position through the use of illegal business practices and this ''settlement'' does nothing to prevent future abuses.

I am against this settlement.

Concerned Unites States Citizen,
Jonathan A. Younger
1419 Crystal Springs Drive
Woodland, CA 95776–5779

MTC–00016420

From: Frank Shotwell
To: Microsoft ATR
Date: 1/23/02 11:13am
Subject: I disapprove of the proposed Microsoft settlement

The proposed Microsoft settlement, which is up for public review, does not do nearly enough to open up the playing field for software competition. With the entrenched monopoly that Microsoft now holds, I don't think anything short of requiring Microsoft to fully expose it's software API will be successful in encouraging important competition in OS and software markets.

Thank you for considering my opinion. I hope that you'll continue to work with Microsoft in dismantling the most extensive and dangerous monopoly of our time.

Respectfully,
Frank Shotwell
1418 Jenifer Street
Madison, WI 53703
fshotwell@yahoo.com

MTC–00016421

From: Michael McNeany
To: Microsoft ATR
Date: 1/23/02 11:17am
Subject: Microsoft Settlement

TWTMC:

I think the proposed settlement is a bad idea. The settlement does not do enough to level the proverbial playing field.

—Michael McNeany

MTC–00016422

From: Fullmer, Boyce
To: Microsoft ATR
Date: 1/23/02 11:12am
Subject: Microsoft Settlement

I have reviewed the documents related to the settlement of the Microsoft antitrust case and have to comment.

I am deeply disturbed that the revised ''Proposed Final Judgement'' will be completely ineffective as it currently exists. The definitions therein are often so restrictive that the judgement would eliminate any benefit to those it harmed the most. It currently ignores the most significant opponent Microsoft has which is the not-for-profit organizations, which include the Linux development coalitions. It also contains several loopholes that Microsoft is already planning to use. But most of all it is too narrow that it only restricts anti-competitive activities dealing with the operating system, browser, and middleware thereby allowing them to assert their illegal monopolistic influence in several other emerging markets. If I could enact a remedy, I would invalidate all their patents and have them publish the source code for every product they have produced. I realize this is a bit draconian and would never happen, but it would be much more effective in reducing the entry into Microsoft dominated fields by competing interests.

Please do give Microsoft additional opportunities to abuse their monopoly under the guise of a settlement to ''unfetter a market from anticompetitive conduct''.

Thank you for your efforts in doing what is best for all concerned.

Sincerely,
Boyce Fullmer
Systems Architect

MTC–00016423

From: Joshua Gruber
To: Microsoft ATR
Date: 1/23/02 11:13am
Subject: Concerns about the proposed Microsoft settlement

I am very concerned about the proposed settlement with Microsoft. We have seen that Microsoft is more than willing to use dirty tactics to subvert or avoid restrictions imposed by the court or in written agreements. Microsoft has broken the law and a clear and unavoidable consequence of

their actions must be a punishment that will actually force Microsoft to consider changing their contempt for the law. In addition to ignoring Microsoft's history of contempt for the law, the proposed settlement contains as one of its conditions a huge boon to Microsoft: penetration of a new market. In effect this settlement allows Microsoft to dictate that the fines it should rightfully be paying for its criminal actions must be used to purchase Microsoft products for use in schools. Instead of allowing schools to purchase the software and hardware that best suits their needs, Microsoft is pulling off a coup. Microsoft is forcing schools to spend money in a way that aids Microsoft. This is money that Microsoft should legally have forfeited all control over because of Microsoft's criminal actions.

Please do not allow Microsoft to get out of this situation so easily.

Sincerely,
Joshua Gruber
Partner
i-Xplosion.com, Inc.

MTC–00016424

From: marc
To: Microsoft ATR
Date: 1/23/02 11:15am
Subject: Microsoft Settlement

I am an american citizen registered to vote in Texas. I believe the only true resolution to microsoft's crimes is to split the company up. The current settlement will not stop microsoft, and will hurt me as a consumer. marc micro$oft is the path to the Dark Side. Windows leads to bluescreen. Bluescreen leads to downtime. Downtime leads to suffering. I sense much micro$ft in you.

paraphrasing yoda

MTC–00016425

From: John Fawcett
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:11am
Subject: Microsoft Settlement

I am opposed to the proposed settlement. I am a programmer with over 22 years in the field. I have watched Microsoft rise from being a small, fiercely competitive company in a crowded operating systems market to being the sole survivor who is willing to either absorb or exterminate any potential competitors. While I may not have liked their tactics in the early years, I had a choice of using them or using CP/M, Dr. DOS, or any of half a dozen other products. Over time, Microsoft's licensing agreements with hardware vendors have worked to systematically deny me the right to choose any operating system than Microsoft. If I do choose a different operating system, I still have to pay the price to license a copy of Windows, as the licensing agreements often prohibit the hardware being shipped without any operating system. This means that I have to pay twice to get the operating system of my choice, and Microsoft wins regardless. This is not competition on merit.

I have worked for companies that are scared stiff of competing with Microsoft. I've worked on projects that were canceled on the mere rumor of a competing product from Microsoft. I've seen products that were commercially successful, but were then crushed by the free release of a technically inferior product that came bundled with the Microsoft operating system. Again, this is not competition on merit. It is using the position as the only vendor allowed to be installed on many computers, along with the absolute control of how that operating system and it's components are presented to the end user, to take choice away from the consumer. I believe that Microsoft should be broken up into at least two units, and preferably more. The most important task is the separation of the operating system business from the other products. The process for including products in an operating system release should be competitive and unbiased. This should include everything from the Internet browser to simple things like Notepad and the Solitaire. If Microsoft is forced to account fully for the development, marketing, and support of each component, other companies would have the opportunity to compete on a level playing field.

Operating systems are nothing more than the way applications interact with the hardware. They have nothing to do with end user applications like Graphical User Interfaces, Internet browsers, scratch pads, or games. Contending that the user interface is an integral part of the operating system is nonsense. Contending that the Internet browser is part of the operating system in ludicrous. Allowing one company to redefine terms for an entire industry is criminal.

Best Regards,
John W. Fawcett
Senior Software Engineer
unixpro@ufie.org

MTC–00016426

From: Richard Wolfe
To: Microsoft ATR
Date: 1/23/02 11:06am
Subject: Microsoft Settlement

As a minority in the computing word, a Macintosh user, I feel the direct power that Microsoft has over the computing word everyday. The Macintosh platform only survives in the eyes of the consumer as long as Microsoft continues to supply the Office productivity suite. Microsoft supplies the Office productivity suite but ensures that key apps [Access, Outlook, FrontPage, Publisher, Project, Visio, MapPoint, Data Analyzer, and PhotoDraw] are not available to the Macintosh audience. This lets the consumer know that if you really want the power of office then you had better use the Windows OS. Note: Outllook for the Mac is available as a separate download, but it still lags in feature/interoperability parity with the Windows version.

PC Office
http://www.microsoft.com/office/programs/default.htm
Mac Office
http://www.microsoft.com/mac/officex/default.asp?navindex=s16

The recent shift in Internet Explorer's reliance on ActiveX as opposed to the Netscape PlugIn architecture to display rich media within the browser benefits only Microsoft, and has far reaching future consequences in its platform specific nature. See the effects of this direction in the link below:

http://developer.apple.com/quicktime/compatibility.html
http://www.mayim.com/wdk/docs/whatsnew.html

Also the tying of ActiveX and the new .Net initiatives to both Internet Explorer and the Windows OS, is leading to the demise of ''Internet for Everyone.'' The internet by it's shear nature was platform agnostic. Microsoft is on the road to change that, if not by making certain sites work only under Internet Explorer and Windows OS, but by also giving the appearance that sites ''work better'' if you use Windows OS. This appearance issue weighs in heavy with the average consumer when it comes down to platform of choice. Sites where this is of great concern are the online banking/billpayment/financial management systems. [the links below are old but illustrate the point]

http://www.heidsite.com/macshame/default.html
http://www.google.com/search?q=cache:vHGblQbPmbgC:www.latimes.com/technology/consumer/macfocus/la-000011724jun30. story%3Fcoll%3Dla-business-mac—focus+web+sites+that+don%3Bt+work+with+macs&hl=en

Microsoft's behavior in the past suggests that the Macintosh platform is allowed to survive so as to give the appearance of OS competition. Sure there are the *nix's but only Macintosh directly competes on the desktop. One wonders how much longer the Macintosh platform will be around given that Microsoft has be proven to be a monopolist but the remedy, thus far provided, lacks no real bite and seems to give the company the right to continue business as usual—or as Microsoft would put it ''continue to innovate.''

The remedy that I would prefer to see put in place is one that places Microsoft back on playing field, let alone a level one. Other people have come up with remedies that I agree with, so I'll quote them rather than claim them to be my own:

''With Microsoft's APIs and file formats fully standardized, documented and published, other software vendors could compete fairly—which, after all, is what antitrust laws are supposed to promote. We might then be faced with a welcome but long unfamiliar sight: a healthy software market, driven, as today's processor market is, by genuine competition. ''Scott Rosenberg http://www.salon.com/tech/col/rose/2002/01/16/competition/index.html and the comments of Robert X. Cringely http://www.pbs.org/cringely/pulpit/pulpit20011206.html http://www.pbs.org/cringely/pulpit/pulpit20011108.html and finally the comments of Mr Nader http://www.cptech.org/at/ms/rnjl2kollarkotellynov501.html

I'm sorry if this has gone on too long, but I just wish to have a say in what will be our future... a future that will probably be controlled by Windows.

Thank you
Richard Wolfe

MTC–00016427

From: Sean Hertzsch
To: ''microsoft.atr(a)usdoj.gov''

Date: 1/23/02 11:04am
Subject: Microsoft Settlement

Not being completely legal savvy, you will have to forgive my, perhaps brutish, interpretation of this case.

To my understanding, Microsoft(R) is being sued with an Anti-Trust suit because they are not allowing competition into the market. That, I can see quite readily. The proposed settlement looks to be more in Microsoft's(R) favor than the people of this country that want to ensure a choice. From what I can interpret, (again, not being legal savvy) this settlement only accounts for allowing shortcuts on the desktop of the Windows(R) OS, releasing the adaptability code for software to be run on the Windows(R) OS, and not allowing Windows(R) to punish OEM's for not selling exclusively Microsoft(R) OS.

None of this addresses the issue of Microsoft(R) software that runs exclusively on the Windows(R) OS (to my understanding, part of the reason for this case) nor does it address the inablility of other operating systems to obtain, even a minor foot hold in the market, even as a free OS. I truly believe that there are several ways to resolve these issues without denegrating the Windows(R) OS.

First, allow portablility for all Microsoft(R) software to other Operating Systems. This includes Microsoft Office(C), VISIO(C), or any other Microsoft(R) product. Right now there are several projects working on this functionality but are being done under duress. I know that the Lindows(R) project has just fallen under legal scrutiny from Microsoft(R). Granted this is for the name (which I can't see anyone mistaking) but, this will siphon financing from the development process to the legal suit. Possibly causing inablilty to push forward with the project.

Second, I believe an optimum solution was granted from Red Hat Inc(R). for the settlement.

http://www.redhat.com/about/presscenter/2001/press—usschools.html

This will allow children, in their formative years to be introduced to a different operating system than Windows(R). Also, this will provide support for a much longer duration without causing exessive duress on the schools to provide the money for upgrading the software and updating licensing. This also allows students to become more aware of a real life, business situation, as the computers will be inherently networked.

(As I said, I am not the most legal savvy and I hope I got all of the copyright and trademark etc.. in their appropriate place. If I failed to do so, I trust you understand that their position was intended.)

Thank you!!
Sean P. Hertzsch
Qwest Essentials Certified
Dedicated Accounts Rep. A-G
sean@svmg.com
phone (419) 867–0227
pgr (888) 983–9901
fax (419) 867–0427
www.svmg.com

MTC–00016428

From: jef@bomb.acme.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:14am
Subject: Microsoft Settlement

The proposed settlement is ridiculously lenient. It seems like people keep forgetting that Microsoft was found GUILTY, GUILTY, GUILTY, and that the verdict was AFFIRMED by the appeals court. All that is at issue now is their punishment. Letting them off with the proposed slap on the wrist would be a travesty, and would irreparably harm the entire computer industry.

Microsoft must be punished severely. Their monopolistic and predatory practicies must be slapped down HARD so that this time they won't come back in a few years and start pulling the same tricks. Please don't cave in. Make this criminal corporation feel the pain of justice.

Jef

Jef Poskanzer jef@acme.com http://www.acme.com/jef/

MTC–00016429

From: Todd Klemm
To: Microsoft ATR
Date: 1/23/02 11:11am
Subject: Microsoft Settlement

This settlement is a bad deal for consumers. It rewards Microsoft for anti competitive practices.

MTC–00016430

From: Binu Parayil
To: Microsoft ATR
Date: 1/23/02 11:14am
Subject: Microsoft Settlement

To Whom it May Concern,

The proposed Microsoft settlement, as it stands, is a disgrace. To allow Microsoft to continue as a monopoly with a mere slap on the face is downright ridiculous.

The fact that I can buy a car from any manufacturer and drive it on any road is indicative of a healthy, competitive environment. A more applicable example would be that the purchase of any car allows me to have any type of sound system from any manufacturer—I am not FORCED to purchase a specific sound system in order for me to receive FM radio. This is not true in the desktop computing world. I am forced to rely on Microsoft products if I am to continue interoperating with my fellow colleagues or associates.

How did we get here? Microsoft has BECOME a monopoly, as determined by the courts, and will continue to be a monopoly if the current settlement proceeds. Furthermore, Microsoft will continue to use it's (now government-sanctioned) monopoly to leverage itself into handhelds, game consoles, cable tv, etc, until we are all FORCED to live in a Microsoft-enabled world, or else, go live in a cave.

Binu Parayil
binu@email.com

MTC–00016431

From: Philip Gladstone
To: Microsoft ATR
Date: 1/23/02 11:13am
Subject: Microsoft Settlement

Dear Sir,

I believe that the Proposed Settlement does not repair the consequences of Microsoft's past illegal activities, and it seems unlikely to prevent future illegal activities. There are too many exclusions—for example, security—that make it possible for Microsoft to avoid complying with even the spirit of the Settlement.

I am proud to be from a state whose AG is not signing on to this Settlement.

Philip Gladstone
Framingham, MA

MTC–00016432

From: Michael Coyle
To: Microsoft ATR
Date: 1/23/02 11:14am
Subject: Microsoft Settlement

To Whom It May Concern:

Given the past behavior of Microsoft, I ask that you impose a penalty that will finally stop the behavior for which they have been found guilty.

The remedies proposed so far do not even begin to address the problem.

Sincerely,
Michael Coyle

MTC–00016433

From: Peter Venable
To: Microsoft ATR
Date: 1/23/02 11:14am
Subject: Microsoft Settlement

The proposed settlement is a bad idea! It will just let MS buy us off and continue to strangle the computer industry.

—Peter Venable

PhD student in computer science, Carnegie Mellon University

MTC–00016434

From: sellch.jonathan@noctrl.edu@inetgw
To: Microsoft ATR
Date: 11/22/01 12:41pm
Subject: Microsoft Settlement

Hello, my name is Jon Ellch and I am a u.s. citizen residing in Naperville, IL. I just wanted to point out my biggest problem with the current settlement, although I dont know how to fix it exactly. The EULA on MS-Visual C++ specifically prohibits redistributing any program developed with it for use on an MS operating system. While this may not be a huge problem currently since there are no functioning implementations of the windows api other than MS's that situation could change fairly quickly.

I also do not understand how MS could have the right to stop you from distributing your own product. To me it seems perfectly reasonable to write code on one os but sell it for however many it will execute on. Not allowing this seems to me like a steel company selling to a distributor, but only as long as the distributor resold to GM or one of its subsidiaries. I dont think that is legal..is it? Thank you for your time

Jon Ellch

MTC–00016435

From: Matthew Olson
To: Microsoft ATR
Date: 1/23/02 11:15am
Subject: Microsoft Settlement

The proposed settlement is a bad idea. It must be re-thought and re-worked in order to more of an effect.

Matt Olson

MTC–00016436

From: mickeydog@zianet.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:16am
Subject: Microsoft Settlement

To whom it may concern:

It is my opinion that the settlement proposed for this antitrust cased is inadequate in breaking the monopoly established by Microsoft.

MTC–00016437

From: Tracy S. Ruggles
To: Microsoft ATR
Date: 1/23/02 11:15am
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea. Period.

—Tracy
Tracy Ruggles
tr@outputlinks.com
512/858.2150

MTC–00016438

From: JS Smith
To: Microsoft ATR
Date: 1/23/02 11:16am
Subject: Microsoft Settlement

I am absolutely opposed to the Microsoft settlement. The idea that a large company can buy there way into, or out of, any situation they please is exactly what brought them to this point. Regardless of party or political affiliation, I will vote against any state, local or federal representative who backs the settlement with Microsoft; in any current of future election.

Jeff Smith
Portland, OR

MTC–00016439

From: Thernes Keith (cohlkrt)
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 11:16am
Subject: Microsoft Settlement

This letter from Ralph Nader and Judge James Love accurately reflects my feeling on the subject of the Micro$oft/DOJ settlement. The current ''settlement'' proposal has the US Department of Justice essentially ''Looking the other way''. Micro$oft has never taken DOJ action seriously and has actively ignored DOJ actions in the past. In my opinion, they will continue to act the way they have been acting and do whatever they want anyway.

Let's see you do something that will force compliance and stop Micro$oft from stomping on their competition and their customers.

November 5, 2001.

Letter from Ralph Nader and James Love to Judge Colleen Kollar-Kotelly regarding the USDOJ/Microsoft proposed settlement

Ralph Nader
P.O. Box 19312
Washington, DC 20036
James Love
Consumer Project on Technology
P.O. Box 19367
Washington, DC 20036
November 5, 2001
Judge Colleen Kollar-Kotelly
United States District Court for the District of Columbia
333 Constitution Avenue, NW
Washington, DC 20001
RE: US v. Microsoft proposed final order
Dear Judge Kollar-Kotelly,

Introduction

Having examined the proposed consent final judgment for USA versus Microsoft, we offer the following initial comments. We note at the outset that the decision to push for a rapid negotiation appears to have placed the Department of Justice at a disadvantage, given Microsoft's apparently willingness to let this matter drag on for years, through different USDOJ antitrust chiefs, Presidents and judges. The proposal is obviously limited in terms of effectiveness by the desire to obtain a final order that is agreeable to Microsoft.

We are disappointed of course that the court has moved away from a structural remedy, which we believe would require less dependence upon future enforcement efforts and good faith by Microsoft, and which would jump start a more competitive market for applications. Within the limits of a conduct-only remedy, we make the following observations.

On the positive side, we find the proposed final order addresses important areas where Microsoft has abused its monopoly power, particularly in terms of its OEM licensing practices and on the issue of using interoperability as a weapon against consumers of non-Microsoft products. There are, however, important areas where the interoperability remedies should be stronger. For example, there is a need to have broader disclosure of file formats for popular office productivity and multimedia applications. Moreover, where Microsoft appears be given broad discretion to deploy intellectual property claims to avoid opening up its monopoly operating system where it will be needed the most, in terms of new interfaces and technologies. Moreover, the agreement appears to give Microsoft too many opportunities to undermine the free software movement. We also find the agreement wanting in several other areas. It is astonishing that the agreement fails to provide any penalty for Microsoft's past misdeeds, creating both the sense that Microsoft is escaping punishment because of its extraordinary political and economic power, and undermining the value of antitrust penalties as a deterrent. Second, the agreement does not adequately address the concerns about Microsoft's failure to abide by the spirit or the letter of previous agreements, offering a weak oversight regime that suffers in several specific areas. Indeed, the proposed alternative dispute resolution for compliance with the agreement embraces many of the worst features of such systems, operating in secrecy, lacking independence, and open to undue influence from Microsoft.

OEM Licensing Remedies

We were pleased that the proposed final order provides for non-discriminatory licensing of Windows to OEMs, and that these remedies include multiple boot PCs, substitution of non-Microsoft middleware, changes in the management of visible icons and other issues. These remedies would have been more effective if they would have been extended to Microsoft Office, the other key component of Microsoft's monopoly power in the PC client software market, and if they permitted the removal of Microsoft products. But nonetheless, they are pro-competitive, and do represent real benefits to consumers.

Interoperability Remedies

Microsoft regularly punishes consumers who buy non-Microsoft products, or who fail to upgrade and repurchase newer versions of Microsoft products, by designing Microsoft Windows or Office products to be incompatible or non-interoperable with competitor software, or even older versions of its own software. It is therefore good that the proposed final order would require Microsoft to address a wide range of interoperability remedies, including for example the disclosures of APIs for Windows and Microsoft middleware products, non-discriminatory access to communications protocols used for services, and nondiscriminatory licensing of certain intellectual property rights for Microsoft middleware products. There are, however, many areas where these remedies may be limited by Microsoft, and as is indicated by the record in this case, Microsoft can and does take advantage of any loopholes in contracts to create barriers to competition and enhance and extend its monopoly power.

Special Concerns for Free Software Movement

The provisions in J.1 and J.2. appear to give Microsoft too much flexibility in withholding information on security grounds, and to provide Microsoft with the power to set unrealistic burdens on a rival's legitimate rights to obtain interoperability data. More generally, the provisions in D. regarding the sharing of technical information permit Microsoft to choose secrecy and limited disclosures over more openness. In particular, these clauses and others in the agreement do not reflect an appreciation for the importance of new software development models, including those ''open source'' or ''free'' software development models which are now widely recognized as providing an important safeguard against Microsoft monopoly power, and upon which the Internet depends.

The overall acceptance of Microsoft's limits on the sharing of technical information to the broader public is an important and in our view core flaw in the proposed agreement. The agreement should require that this information be as freely available as possible, with a high burden on Microsoft to justify secrecy. Indeed, there is ample evidence that Microsoft is focused on strategies to cripple the free software movement, which it publicly considers an important competitive threat. This is particularly true for software developed under the GNU Public License (GPL), which is used in GNU/Linux, the most important rival to Microsoft in the server market.

Consider, for example, comments earlier this year by Microsoft executive Jim Allchin: http://news.cnet.com/news/0–1003–200–4833927.html

''Microsoft exec calls open source a threat to innovation,'' Bloomberg News, February 15, 2001, 11:00 a.m. PT One of Microsoft's high-level executives says that freely

distributed software code such as Linux could stifle innovation and that legislators need to understand the threat. The result will be the demise of both intellectual property rights and the incentive to spend on research and development, Microsoft Windows operating-system chief Jim Allchin said this week.

Microsoft has told U.S. lawmakers of its concern while discussing protection of intellectual property rights ...

''Open source is an intellectual-property destroyer,'' Allchin said. ''I can't imagine something that could be worse than this for the software business and the intellectual-property business.'' ... In a June 1, 2001 interview with the Chicago Sun Times, Microsoft CEO Steve Ballmer again complained about the GNU/Linux business model, saying ''Linux is a cancer that attaches itself in an intellectual property sense to everything it touches. That's the way that the license works, ''1 leading to a round of new stories, including for example this account in CNET.Com: http://news.cnet.com/news/0–1003–200–6291224.html

''Why Microsoft is wary of open source: Joe Wilcox and Stephen Shankland in CNET.com, June 18, 2001.

There's more to Microsoft's recent attacks on the open-source movement than mere rhetoric: Linux's popularity could hinder the software giant in its quest to gain control of a server market that's crucial to its long-term goals Recent public statements by Microsoft executives have cast Linux and the open-source philosophy that underlies it as, at the minimum, bad for competition, and, at worst, a ''cancer'' to everything it touches. Behind the war of words, analysts say, is evidence that Microsoft is increasingly concerned about

Linux and its growing popularity. The Unix-like operating system ''has clearly emerged as the spoiler that will prevent Microsoft from achieving a dominant position'' in the worldwide server operating-system market, IDC analyst A1 Gillen concludes in a forthcoming report.

... While Linux hasn't displaced Windows, it has made serious inroads...].. In attacking Linux and open source, Microsoft finds itself competing ''not against another company, but against a grassroots movement,'' said Paul Dain, director of application development at Emeryville, Calif.-based Wirestone, a technology services company.

... Microsoft has also criticized the General Public License (GPL) that governs the heart of Linux. Under this license, changes to the Linux core, or kernel, must also be governed by the GPL. The license means that if a company changes the kernel, it must publish the changes and can't keep them proprietary if it plans to distribute the code externally.

Microsoft's open-source attacks come at a time when the company has been putting the pricing squeeze on customers. In early May, Microsoft revamped software licensing, raising upgrades between 33 percent and 107 percent, according to Gartner. A large percentage of Microsoft business customers could in fact be compelled to upgrade to Office XP before Oct. 1 or pay a heftier purchase price later on. The action ''will encourage—'force'' may be a more accurate term—customers to upgrade much sooner than they had otherwise planned,'' Gillen noted in the IDC report. ''Once the honeymoon period runs out in October 2001, the only way to 'upgrade'' from a product that is not considered to be current technology is to buy a brand-new full license.'''

This could make open-source Linux's GPL more attractive to some customers feeling trapped by the price hike, Gillen said. ''Offering this form of 'upgrade protection'' may motivate some users to seriously consider alternatives to Microsoft technology.'' ...

What is surprising is that the US Department of Justice allowed Microsoft to place so many provisions in the agreement that can be used to undermine the free software movement. Note for example that under J.1 and J.2 of the proposed final order, Microsoft can withhold technical information from third parties on the grounds that Microsoft does not certify the ''authenticity and viability of its business,'' while at the same time it is describing the licensing system for Linux as a ''cancer'' that threatens the demise of both the intellectual property rights system and the future of research and development.

The agreement provides Microsoft with a rich set of strategies to undermine the development of free software, which depends upon the free sharing of technical information with the general public, taking advantage of the collective intelligence of users of software, who share ideas on improvements in the code. If Microsoft can tightly control access to technical information under a court approved plan, or charge fees, and use its monopoly power over the client space to migrate users to proprietary interfaces, it will harm the development of key alternatives, and lead to a less contestable and less competitive platform, with more consumer lock-in, and more consumer harm, as Microsoft continues to hike up its prices for its monopoly products.

Problems with the term and the enforcement mechanism

Another core concern with the proposed final order concerns the term of the agreement and the enforcement mechanisms. We believe a five-to-seven year term is artificially brief, considering that this case has already been litigated in one form or another since 1994, and the fact that Microsoft's dominance in the client OS market is stronger today than it has ever been, and it has yet to face a significant competitive threat in the client OS market. An artificial end will give Microsoft yet another incentive to delay, meeting each new problem with an endless round of evasions and creative methods of circumventing the pro-competitive aspects of the agreement. Only if Microsoft believes it will have to come to terms with its obligations will it modify its strategy of anticompetitive abuses.

Even within the brief period of the term of the agreement, Microsoft has too much room to co-opt the enforcement effort. Microsoft, despite having been found to be a law breaker by the courts, is given the right to select one member of the three members of the Technical Committee, who in turn gets a voice in selecting the third member. The committee is gagged, and sworn to secrecy, denying the public any information on Microsoft's compliance with the agreement, and will be paid by Microsoft, working inside Microsoft's headquarters. The public won't know if this committee spends its time playing golf with Microsoft executives, or investigating Microsoft's anticompetitive activities. Its ability to interview Microsoft employees will be extremely limited by the provisions that give Microsoft the opportunity to insist on having its lawyers present. One would be hard pressed to imagine an enforcement mechanism that would do less to make Microsoft accountable, which is probably why Microsoft has accepted its terms of reference. In its 1984 agreement with the European Commission, IBM was required to affirmatively resolve compatibility issues raised by its competitors, and the EC staff had annual meetings with IBM to review its progress in resolve disputes. The EC reserved the right to revisit its enforcement action on IBM if it was not satisfied with IBM's conduct.

The court could require that the Department of Justice itself or some truly independent parties appoint the members of the TC, and give the TC real investigative powers, take them off Microsoft's payroll, and give them staff and the authority to inform the public of progress in resolving compliance problems, including for example an annual report that could include information on past complaints, as well as suggestions for modifications of the order that may be warranted by Microsoft's conduct. The TC could be given real enforcement powers, such as the power to levy fines on Microsoft. The level of fines that would serve as a deterrent for cash rich Microsoft would be difficult to fathom, but one might make these fines deter more by directing the money to be paid into trust funds that would fund the development of free software, an endeavor that Microsoft has indicated it strongly opposes as a threat to its own monopoly. This would give Microsoft a much greater incentive to abide by the agreement.

Failure to address Ill Gotten Gains

Completely missing from the proposed final order is anything that would make Microsoft pay for its past misdeeds, and this is an omission that must be remedied. Microsoft is hardly a first time offender, and has never shown remorse for its conduct, choosing instead to repeatedly attack the motives and character of officers of the government and members of the judiciary. Microsoft has profited richly from the maintenance of its monopoly. On September 30, 2001, Microsoft reported cash and short-term investments of $36.2 billion, up from $31.6 billion the previous quarter—an accumulation of more than $1.5 billion per month.

It is astounding that Microsoft would face only a ''sin no more'' edict from a court, after its long and tortured history of evasion of antitrust enforcement and its extraordinary embrace of anticompetitive practices -practices recognized as illegal by all members of the DC Circuit court. The court

has a wide range of options that would address the most egregious of Microsoft's past misdeeds. For example, even if the court decided to forgo the break-up of the Windows and Office parts of the company, it could require more targeted divestitures, such as divestitures of its browser technology and media player technologies, denying Microsoft the fruits of its illegal conduct, and it could require affirmative support for rival middleware products that it illegally acted to sabotage. Instead the proposed order permits Microsoft to consolidate the benefits from past misdeeds, while preparing for a weak oversight body tasked with monitoring future misdeeds only. What kind of a signal does this send to the public and to other large corporate law breakers? That economic crimes pay!

Please consider these and other criticisms of the settlement proposal, and avoid if possible yet another weak ending to a Microsoft antitrust case. Better to send this unchastened monopoly juggernaut a sterner message.

Sincerely,
Ralph Nader
James Love

Cc: Stanley Sporkin, Judge Thomas Penfield Jackson, Anne K. Bingaman, Joel I. Klein

1 http://www.suntimes.com/output/tech/cst-fin-micro01.html ''Microsoft CEO takes launch break with the Sun-Times,'' Chicago Sun Times, June 1, 2001.

MTC–00016440

From: Jeff DuDeVoire
To: Microsoft ATR
Date: 1/23/02 11:07am
Subject: Microsoft Settlement

I would like to comment on the Microsoft settlement as provided in the Tunney Act. Microsoft's products need to be made as transparent as possible so that developers can create software that works just as well with any Windows OS as any other Microsoft product. This means opening the API to all middleware developers and allowing them to see how best to interface with OS.

Also, API must be defined so that it is open to all to see and use. Without complete access to the Windows API outside developers will be at a disadvantage and Microsoft will be able to maintain its monopoly. Finally there does not seem to be any effective enforcement of the judgment. Microsoft has been found guilty of destroying competition and harming the market place. This has resulted in inferior products to consumers and the stunting of innovation in the market place. Was a product like Netscape better then Internet Explorer, we will never know because of Microsoft's actions. What other ideas and innovations that could have revolutionized the market place were stopped dead because of Microsoft's actions. An excellent example of competition has been the chip wars between Intel and AMD. They have pushed each other to create better and better processors at lower costs. The result has been that today we have processors that perform at speeds unthinkable a few years ago. What would the market be like if other OS's and software developers had a level playing field? Microsoft must open its API's and be forced to conduct their business in the most transparent way possible. If others cannot compete fairly it is Capitalism, Consumers, and the Marketplace that lose.

Thank you for you time,
Jeffrey C. DuDeVoire

MTC–00016441

From: tmac2000
To: Microsoft ATR
Date: 1/23/02 11:16am
Subject: Microsoft settlement

To whom it may concern,

The government's proposed settlement with Microsoft is much too lenient, to the point of being almost criminal. Microsoft had its day in court and was found guilty of anti-competitive behavior. There is no telling how many people were hurt because of its actions, not just the people who worked for the companies that were bullied out of the marketplace, but consumers as well. Microsoft could be the poster-boy for why there is government oversight and regulation. It has proven itself to be one of the most rapacious of American corporations, the embodiment of profit over ethics, time and time again. It is remorseless in its mission of wiping out fair competition.

The punishment must fit the crime, if we the public are to have any confidence in our institutions, especially in these times when a Republican administration is seen, rightly or wrongly, as being soft on corporate ethics. The public is well aware that Microsoft attorneys stalled the case until a new administration was installed.

I've lived in countries where the public had no confidence in their governmental and judicial systems—those are sad and scary places.

Tim McDonald
184 NE Withla Bluffs Way
Lee, FL 32059
850–971–9974
tmac2000@digitalexp.com

MTC–00016442

From: Stan Zulaski
To: microsoft.atr(a)usdoj.gov
Date: 1/23/02 11:16am
Subject: Microsoft Settlement

I believe that the existing settlement is much to lenient towards Microsoft. I would like to see Microsoft broken up into more easily regulated companies.

Thanks for allowing me to vent my frustration.

Stan Zulaski

MTC–00016443

From: Antone Roundy
To: Microsoft ATR
Date: 1/23/02 11:17am
Subject: Microsoft Settlement

I feel that the proposed settlement with Microsoft does not go far enough to solve a chronic problem in the software industry—that it is too vague in some areas, and too narrow in others.

Microsoft has shown time and time again that they will exploit any legal loophole, anything they believe they can make appear to be a loophole, or anything that they believe they can claim in court that they thought appeared to be a loophole in order to maintain and expand their monopoly powers. They have also shown that they would like to expand their domination to cover a wider range of products.

While it is, of course, not a crime to expand one's business into new areas nor to be the market leader, I fear that unless the settlement either provides clear, watertight, quick remedies in the event that Microsoft attempts to continue their old ways in both the markets where they currently compete, or in markets new to them; or creates barriers to keep Microsoft from even being able to use illegal means to expand their control; that the time and resources spent on this case thus far will have been largely wasted, and that many more businesses and consumers will be injured by Microsoft's actions in the future.

Perhaps I'm being hypocritical by not being more specific in this letter, but I have seen plenty of comments by other individuals which point out issues that concern me. One in particular that I will mention is Dan Kegel's comments, which may be found at http://www.kegel.com/remedy/remedy2.html. I agree with the comments in that document, and have asked to be listed as a co-signer there.

Please take the time to consider the objections that are being raised and to fine tune the settlement to ensure the time and resources already expended in this effort result in the meeting of the goals for which they were undertaken.

Thank you,
Antone Roundy
Manager, Software Engineer, Systems Administrator
Mouken, L.C.
http://www.mouken.com/
Spanish Fork, UT

MTC–00016444

From: Liz Petty
To: Microsoft ATR
Date: 1/23/02 11:17am
Subject: Comment on the Microsoft Antitrust Settlement

My comment on the Microsoft Antitrust Settlement:

Microsoft should be broken up into a Desktop OS and Server OS Company. Neither should own an interest in the other. All API should be published and sold for the same price or given away free. Desktop OS Peer to Peer Networking should be limited to file and print. This would create two companies that will have to really innovate and will have to encourage outside 3rd party involvement to survive. If the two new companies are really as good as they claim, they should have no problem continuing to innovate. Presently, everyone else has the same access to the two OSs as they do.

MTC–00016445

From: Lee Druxman
To: Microsoft ATR
Date: 1/23/02 11:17am
Subject: Microsoft Settlement

To whomever this concerns,

I understand that I have the ability to comment on the proposed settlement between the Justice Department and Microsoft.

I have been using computers daily since the mid-eighties, when my father brought

home an early IBM-compatible computer. I hope to earn my livelihood by working in the computing industry. Consequently, this issue is centrally relevant to my life.

It is widely believed by those familiar with the case that the proposed settlement is completely inadequate. It will do little to punish Microsoft for it plainly illegal conduct in the past, and virtually nothing whatsoever to prevent future violations of antitrust law. As a consumer, it infuriates me to be forced to pay for increasingly expensive software that diminishes in quality with each release. I applauded the Clinton administration's investigation of Microsoft. Their case was an effort to protect consumers and promote economic growth by restoring fairness and competition to the computer industry. Now that the DOJ is under new management, it has essentially abandoned its pursuit of Microsoft, suggesting that the DOJ no longer has any concern for either economic growth or the public good.

The United States is a successful nation because its free markets encourage firms to compete for customers by producing high-quality, low-cost goods. This system needs to be protected from monopolists who gain so much power that they can destroy the competitive nature of the markets in which they participate.

I urge all parties involved to reconsider the proposed settlement. Microsoft deserves more than a slap on the wrist for its destructive abuse of its monopoly power. More importantly, American consumers need to be protected against future abuses.

Thank you for your time,

Lee Druxman

MTC–00016446

From: Big Endian
To: Microsoft ATR
Date: 1/23/02 6:05am
Subject: Microsoft Settlement

This settlement is merely a slap on the wrist and is no more than a reissue of the settlement for the previous case over IE integration into Windows 98. Microsoft needs to be limited in such a way that they cannot use their monopoly in any one market to gain monopoly power in a second market. The markets involved include but are not limited to: Operating Systems, Productivity (MS Office), Internet (IE, MSN, MSN Messenger). These are seperate, distinct markets that microsoft has employed its monopoly power in one to leverage the other. Their monopoly with DOS allowed them to make Windows 3.1 not work with Digital Research DOS (DrDOS). Their monopoly with Office has allowed them to force users to upgrade their OS and hardware in order to be compatible with files from users of a newer version of the software. Microsoft believes it is above the law and routinely abuses the legal system to stifle competition (see microsoft vs lindowsos.com)

Daniel Mayfield

MTC–00016447

From: Benjamin Watkins
To: Microsoft ATR
Date: 1/23/02 11:16am
Subject: Microsoft Settlement

I am very concerned about the proposed settlement with Microsoft Corporation regarding a remedy to their gross violations of antitrust law. I do not believe that this remedy comes close to the legal requirements set forth by the Court of Appeals ruling: ''a remedies decree in an antitrust case must seek to ''unfetter a market from anticompetitive conduct'', to ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future'' (section V.D., p. 99). The proposed settlement will allow Microsoft Corporation to continue many of the same practices that put it in violation of antitrust law in the first place, this time with the blessing of the US Department of Justice. In effect, the Department of Justice would be sanctioning further monopolistic practices and consequently causing a stronger lock-in of the market, the exact opposite of the requirements of any remedy. I believe that Microsoft Corporations's past deceptive and anti-competitive practices warrant a much harsher and more thorough remedy that addresses these concerns, and truly represents the protection of consumers that is at the heart of antitrust law.

Benjamin Watkins
Concerned Consumer
North Kingstown, RI

MTC–00016448

From: Adam Keys
To: Microsoft ATR
Date: 1/23/02 11:16am
Subject: Microsoft Settlement

I believe the proposed settlement is bad, settles nothing, does not adequately protect citizens and does not protect businesses competing with Microsoft sufficiently. It is my belief that a component of the success of American capitalism is treating businesses more or less like citizens. Treating multi-billion dollar companies with huge lobbying power (Microsoft) ''more equally'' than other businesses or citizens is the quickest way to ruin this country. Do not let Microsoft's lawyers or public reputation people mislead you.

akk

MTC–00016449

From: Jason King
To: Microsoft ATR
Date: 1/23/02 11:17am
Subject: Microsoft Settlement

Regarding the Microsoft settlement, I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundreds, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices. Similar to the settlement against AT&T, Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level (40%, for example, assuming one of it's competitors is now also at 40%). This must be true for all Microsoft product lines, before regulation is lifted. Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Thank you for your time.

Jason King
12405 Cassady Drive
Austin, TX 78727

MTC–00016450

From: Jeremy Ellington
To: Microsoft ATR
Date: 1/23/02 11:18am
Subject: Microsoft Settlement

I am writing to express my opposition to the proposed Microsoft settlement. Specifically, I find the settlement lacking in its address of Microsoft's behavior towards not-for-profit organizations. Some of Microsofts biggest competitors in the software world (Apache, SAMBA, Sendmail, etc) are maintained by non-profit organizations. The language of the settlement makes it clear that Microsoft would not have to provide documentation or license APIs or communication protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business. See Section III(J)(2). Of course, the non-profit organizations competing with Microsoft will not meet this criteria. This is entirely unreasonable. These organizations are the biggest threats to Microsoft's monoply, and they should be given the opportunity to compete. This is just one example of how the Microsoft settlement does not go far enough to address the stranglehold Microsoft has on the entire software community.

Sincerely,
Jeremy Ellington

MTC–00016451

From: Rob Becker
To: Microsoft ATR
Date: 1/23/02 11:18am
Subject: Microsoft Settlement
01–23–2002
Robert L. Becker
11401 Holly Court
Kansas City, MO 64114

To Whom it May Concern,

The proposed settlement between the Microsoft Corporation and the Department of Justice in the antitrust case against Microsoft does not adequately punish Microsoft. The settlement also appears to do little to put in place controls to prohibit Microsoft from continuing to act to harm consumers and competition in the United States and global economies. Microsoft has held the personal computer industry in a stranglehold for far too long. Despite claims to the contrary made by their marketing machine, Microsoft has stifled innovation and strongly curtailed one of the vital economies of today and the future. Please throw out this settlement and draft one that puts in place serious controls on Microsoft. An effective settlement would at very least require that they release only products that conform to the technology standards set forth by such bodies as the World Wide Web Consortium and the Internet Engineering Task Force, that they offer a version of their operating system that is free of such integrated applications as Internet Explorer, MSN Messenger and

Windows Media player, and that they open the file format specifications and possibly the source code of their Office suite to allow for competitors to better interoperate with these products. Microsoft has approximately 97% of the personal desktop computer operating systems market. With this overwhelming majority comes tremendous power to influence the direction of technology and our economy simply by default. Microsoft has recently been able to drive tremendous traffic to their MSN search engine by simply modifying the way that Internet Explorer behaves when it receives an error page from a web server. This demonstrates the power of their defaults perfectly. Behaviors such as this cannot be allowed by a company with as much sway over the market as Microsoft. Competition breeds innovation and advancement. Microsoft has squashed competition in one of our vital present and future markets. As such, they have hindered our advancement. Should we as a country choose to ignore their past anticompetitive actions and let them settle this case without severe penalties and constraints, we can very likely look forward to losing our position of economic strength in the global market as those in other countries move forward unhindered by the shackles of Microsoft's monopoly. Please do not let this case come to a close with this settlement. Microsoft has hurt us and our economy and will continue to do so should we choose to allow it. I do not choose to allow it and you should not allow it either. Stand firm and punish them, then put in place restrictions that will actually keep them from harming us further in the future. Thank you for your time. Please do the right thing.

Sincerely,
Robert L. Becker
11401 Holly Court
Kansas City, MO 64114

MTC–00016452

From: Chris McKenna
To: Microsoft ATR
Date: 1/23/02 11:16am
Subject: Microsoft Settlement

I think that the proposed settlement does not go far enough.

—Chris McKenna

MTC–00016453

From: Jeremiah Buckley
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:13am
Subject: Microsoft Settlement

The settlement is bad. It does not do enough to curb Microsofts proven attempts at crushing fair competition.

Thanks.

MTC–00016454

From: Rich Cox (Online)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:10am
Subject: Microsoft Settlement

Greetings,

Please don't allow Microsoft to settle the antitrust case with this kind of ''penalty'. Donating refurbed computers and MS Software to schools while a laudable action, isn't what needs to be done with this issue. The software basically costs MS nothing, and allows MS a toehold into one of their competitors last remaining competitive areas.

Microsoft needs to be penalized in a severe and uncompromising manner. They must not be allowed to continue their software monopoly and anticompetitive practices.

1. MS code needs to be opened up to EVERYONE, not just who MS specifies or allows with very narrow language.

2. MS needs to fined.

3. MS needs to be broken into separate companies.

4. MS's deals with hardware vendors with respect to licensing and only allowing windows to be installed on new PC's needs to be nullified. People must be allowed ot choose their OS, or not buy one at all when they buy a computer.

5. Internet Explorer needs to be removed from the OS, there isn't any need ofr it to be so tightly integrated.

6. MS needs to be financially responsible for serious bugs/security problems in their software. Outlook/Exchange and IIS is a nightmare, there have been several high profile incidents in the past year alone. MS's culpability in these is very apparent. They need to design their software with security in mind.

MS is working very hard to expand their monopoly into the hardware and services area, please stop them now! There needs to be competition and fairness in the software/hardware market.

Thanks!
Rich Cox
Database Administrator
University of Phoenix Online
Phone: 602–758–1977
Email: Rich.Cox@Phoenix.Edu
<mailto:Rich.Cox@Phoenix.Edu>

MTC–00016455

From: ldillon@imt.net@inetgw
To: Microsoft ATR
Date: 1/23/02 11:16am
Subject: Microsoft Settlement

Greetings,

I'm just writing to let you know that the proposed settlement is a total cave-in on the part of the DOJ. It's not going to do much of anything to stop Microsoft from continuing their illegal monopolistic practices.

What we really need is totally open, free and unencumbered standards for information interchange. It's Microsoft's de-facto, proprietary ''standards,'' like the Word format for documents, HTML that only works with Microsoft's Internet Explorer, and the SMB protocol that keep other players from competing.

Microsoft must be made to release either the API's or enough source code so that competing products can interoperate and exchange data with Microsoft products. Then these conpeting products can compete on their own merit. The exceptions for ''security'' in the proposed settlement is totally contrary to interoperability.

We do not need a break-up of Microsoft, we just need them to be forced to release enough information so that others can make products that can work and compete.

Thank you.
Larry Dillon—
Assistant Systems Manager—
Computers Unlimited
(c) 2002Assistant Web Administrator—
Internet Montana

MTC–00016456

From: Markland J. Benson
To: Microsoft ATR
Date: 1/23/02 11:10am
Subject: Microsoft Settlement

Renata B. Hesse:

I have recently read the revised final judgement in the case of United States of America vs. Microsoft Corporation dated November 6, 2001 and I have concerns regarding the proposed resolution of this case. The monopolistic behaviors found as fact in the case cannot be curtailed by an oversight committee that does not have authority to stop product shipments or impose significant monetary fines for infractions against the terms of the settlement. To say that a business with predetory practices should be curtailed simply by this committee's access into its day-to-day business, is to say that a lion will stop killing because we watch the lion's every move. In this case, as in the situtation of the hunting lion, direct and forceful action must be taken against the offender. Metaphors aside, the historical and effective work that the United States has done against monopolies within its borders has been carried out via the breaking apart of the monopolistic entities into smaller, less-powerful entities. This remedy should be applied in United States of America vs. Microsoft Corporation as well. It has been proven effective over time and such a solution would show evenhandedness of the government rather than favoratism.

A note on appearances—without necessary regard to fact. As it is now, it appears that Microsoft has purchased the opinions of the opposition and has nearly escaped with barely a hand-slap. Even the technical committee will not be immune to the enticements of the billions at the disposal of Microsoft Corporation.

I hope that this short commentary can be of assistence in redering justice.

Regards,
Markland J. Benson
1536 Hyatt Ave
Morgantown, WV 26505
(304) 284–9718
m.j.benson@ieee.org
CC:m.j.benson@ieee.org@
inetgw,tlahoda@fentech.com@ine. . .

MTC–00016457

From: Andy McCown
To: Microsoft ATR
Date: 1/23/02 11:19am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I'd like to comment on the proposed Microsoft settlement. Since I'm sure you have plenty of these to go through, I will keep my comments short.

As a software developer of many years, who has programmed on Unix, Linux,

Windows, and Mac platforms, I feel the proposed settlement does little to remedy the situation. If the proposed settlement is followed, it will go a small way towards improving the situation. However, some areas will not be aided at all because the proposed settlement terms are too narrow (no opening of file formats, no stop of intentional incompatibilities). These issues have been well addressed by other people.

My goal is to point out that the proposed settlement seems to do nothing as a penalty to Microsoft. It kindly asks them to behave better in the future, places difficult to properly enforce measures on them, and then, in the end, allows them or even encourages them to keep the monopoly that they illegally built! Is this justice? I'm afraid the only way to make headway against their illegal gained monopoly is indeed to break up the company—but not as originally proposed. It should be broken into three companies, each one with the same set of source code and products. Then there will be competition!

Just my comments that the proposed settlement does not go far enough and does not address all the issues that it should. The proposed settlement is not in the public interest, and needs significant revisions.

Andrew McCown

MTC–00016458

From: Bill Thorn
To: Microsoft ATR
Date: 1/23/02 11:19am
Subject: Microsoft Settlement

Dear sirs,

I think the settlement with Microsoft is a fair one. A lot of the criticism that is raised seems to come from competitors who were not able to compete in the market. Microsoft has a good product at a fair price so let's move forward.

Thank you,
Bill Thorn

MTC–00016459

From: Michael Kenning
To: Microsoft ATR
Date: 1/23/02 11:15am
Subject: Microsoft Settlement

To whom it may concern,

In regards to the proposed settlement between Microsoft and the DOJ, I would like to make something clear. I absolutely oppose this arrangement. Specifically, I feel that if the US government feels that this is an appropriate punishment for violating the law, then I will make my voice heard with my wallet and my vote. If a citizen acted in this manner they would be in jail. At the very least see to it that the people who make the decisions at Microsoft are held appropriately accountable. That means you don't slap them on the wrist with a horrifically simple punishment. Do you really think the proposed settlement is a punishment?

Michael Kenning
mjkenning@yahoo.com

MTC–00016460

From: John C. Daub
To: Microsoft ATR
Date: 1/23/02 11:19am
Subject: Microsoft Settlement

I believe the proposed settlement is a bad idea. I believe it only contributes further to the problem it's supposedly remedying.

John C. Daub
Grand Pooh-Bah, Hsoi's Shop
<mailto:hsoi@hsoi.com> <http://www.hsoi.com/>

MTC–00016461

From: Wieland, Alexis P.
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:22am
Subject: Opposed to the Proposed Microsoft Settlement

Dear Judge Kollar-Kotelly,

Having read and considered the the proposed consent final judgment for USA versus Microsoft and feel compelled to voice my opinion that it is inadequate. It appears to neither adequately redress past wrongs by Microsoft nor put in place significant barriers to future abuses.

My personal passion is in reducing the detrimental effect that Microsoft's monopolistic practices have on on the computer industry. It is my conviction that the proposed judgement is woefully inadequate in this regard. While attempts were made to open product API's, provisions J.1 and J.2 apprear to allow Microsoft great latitude in withholding information on security grounds.

Further, the bundling practices that are so central to this case continue to stifle inovation by removing the financial incentives and rewards of innovation. A remedy along the lines of making Microsoft products as explicit extra-cost options in the purchase of new computers would seem necessary to remove this barrier. This would both allow consumers meaningful choises and make competition feasible.

It would still seem that the simplest and fairest solution is the structural remedy. In the absence of that it seems necessary to carefully craft a much tighter and much more comprehensive responce to Microsoft abuses.

Sincerely,
Alexis Paul Wieland, Ph.D.
2647 Glendon Avenue
Los Angeles, CA 90064

MTC–00016462

From: Olivier Crete
To: Microsoft ATR
Date: 1/23/02 11:18am
Subject: Microsoft Settlement

Hi,

I'm not American, but I am still extremely worried about the proposed settlement between the US, DOJ, and MSFT and I believe that it is not in any way strong enough to restore the competition in the Desktop Operating Systems market or browser market and it cannot even protect the existing competition in the existing applications market. Any solution must include completely opening the Microsoft Office file formats because they are a core aspect of the monopoly maintenance, and also limiting the abilities of Microsoft to act in online service to block them from using their monopoly power to leverage in another market.

Olivier Crete
oliviercrete@videotron.ca
Montreal, Canada

MTC–00016463

From: Andrew Shea
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:09am
Subject: Microsoft Settlement

The Microsoft settlement is a BAD idea. More stringent and punitive measure must be taken.

Andrew Shea
1265 East University Drive #3075
Tempe, AZ 85281

MTC–00016464

From: Mike Yost
To: Microsoft ATR
Date: 1/23/02 11:19am
Subject: Microsoft Settlement

The proposed settlement is an incredibly bad idea, and

I strongly oppose it. Make the punishment fit the crime.

Mike Yost
1010 Cup Leaf Holly Court
Great Falls, VA 22066
=====
Mike Yost
michaelbyost.at.yahoo.com

MTC–00016465

From: Matthew H. Ray
To: Microsoft ATR
Date: 1/23/02 11:19am
Subject: Microsoft Settlement

I believe the proposed settlement with Microsoft is an extremely weak punishment for a company that has acted with such arrogance and unabashed indifference to previous attempts to reform its behavior. Microsoft is a monopoly and has continued to leverage its market position to drive out competition, even during the trial, knowing nothing would ever come from the case against it. The proposed settlement is a waste of all the time and money that has gone into the case. Microsoft was found guilty and as a repeat offender a more serious punishment should be considered.

Matthew H. Ray
Software Developer

MTC–00016466

From: norman@hydra.atc.lmco.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:19am
Subject: Microsoft Settlement.
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

It is fairly obvious that Microsoft has used its monopoly to destroy competition in both its existing markets as well as anticipated future markets. The damage to all of these destroyed potential new companies exceeds billions of dollars. Why then is the DOJ backing off from its job of prosecuting criminals? You even considered helping Microsoft with a judgement that extended its monopoly by giving its products to children. I can't help but wonder who might be issuing your paychecks, Microsoft or Enron?

Break up Microsoft!
Norman Strampach

MTC–00016467

From: peter@liftingmind.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:20am
Subject: Microsoft Settlement

Esteemed seekers of justice:

I am opposed to the proposed settlement with Microsoft. The findings of fact indicate they have behaved unlawfully, and experience and common sense tell me they will continue to do so until effective measures are taken to prevent them from doing so. Other software companies must be given the opportunity to compete on an equal footing for the OS market and the applications market, without having to contend with Micorsoft's anti-competitive agreements with computer manufacturers and unlawful bundling of applications into their OS.

I support the original order to break Microsoft up into separate companies that will then be truly free to compete on their merits.

Thank you for your consideration.

Peter H. Schmidt
Lifting Mind Inc.
2 Ewell Avenue
Lexington, MA 02421
peter@liftingmind.com
www.liftingmind.com
fax: 781 863–8858
tel: 781 863–5200
CC:Peter Schmidt
Speaking for myself

MTC–00016468

From: Ian Penney
To: Microsoft ATR
Date: 1/23/02 10:50am
Subject: Microsoft Settlement

I feel the recent Microsoft Antitrust settlement is seriously flawed, mainly because the Proposed Final Judgement Fails to Prohibit Anticompetitive License Terms currently used by Microsoft. Particularly, Microsoft discriminates against ISVs who ship Open Source applications.

The Microsoft Windows Media Encoder 7.1 SDK EULA <http://www.kegel.com/remedy/wmenco.txt> states ''. . . you shall not distribute the REDISTRIBUTABLE COMPONENT in conjunction with any Publicly Available Software. ''Publicly Available Software'' means each of (i) any software that contains, or is derived in any manner (in whole or in part) from, any software that is distributed as free software, open source software (e.g. Linux) or similar licensing or distribution models . . . Publicly Available Software includes, without limitation, software licensed or distributed under any of the following licenses or distribution models, or licenses or distribution models similar to any of the following: GNU's General Public License (GPL) or Lesser/Library GPL (LGPL); The Artistic License (e.g., PERL); the Mozilla Public License; the Netscape Public License; the Sun Community Source License (SCSL); . . .''

Applications potentially harmed by this kind of EULA include the competing middleware product Netscape 6 and the competing office suite StarOffice; these EULAs thus can cause support problems for, and discourage the use of, competing middleware and office suites.

As a systems administrator this directly effects the quality of software I can expect and the integration levels they can achieve with Microsoft Products. This cripples them in several ways.

Thank you for your consideration.

Ian Penney/
Systems Administrator
ian@mindbin.net

MTC–00016469

From: Chris Hiner
To: Microsoft ATR
Date: 1/23/02 11:19am
Subject: Microsoft Settlement

I don't think the proposed settlement will make any difference in Microsoft's future behavior. Please come up with a better solution.

Chris Hiner
Franklin, MI

MTC–00016470

From: Shawn Teague
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:19am
Subject: Microsoft Settlement

I have been very disappointed by the way the Microsoft settlement is being handled. The entire purpose of anti-trust cases to keep a single entity from welding to much power over the citizenry and to render ''Equal Justice for All''. A corporation should not be immune from having to obey the laws of the land, and when that corporation breaks those lows they should be punished in accordance to the laws they broke. I a corporation then proves that is has no intention of obeying laws it finds inconvenient to it's business practices, that corporation should be dissolved.

I do not think that it is necessary at this time to dissolve MS. (Despite their apparent complete disdain for the judicial process, and willingness to perjure themselves.) However the ramification of their misdeeds need to have some substance to them. They MUST not be allowed to continue to disregard the laws of the land. MS is swift and harsh with software pirates (including government agencies that exceed license counts) I see no reason that the judgment against them be any different.

Shawn Teague O
Firewall Support
766–0364
mailto:shawn.teague.i9tr@statefarm.com

MTC–00016471

From: John Reyst
To: Microsoft ATR
Date: 1/23/02 11:21am
Subject: Microsoft Settlement

Per the Tunney Act, I would like to add my comments re: the Microsoft Trial. These are reasons I am against the settlement as written:

—Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

—Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

—Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system— even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)

The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered. The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware. The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible. The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system. The PFJ allows Microsoft to discriminate against small OEMs—including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas. The PFJ as currently written appears to lack an effective enforcement mechanism. Thank you for your time,

John Reyst
Owner, Net-Mechanics.com
311 North Edgeworth
Royal Oak, MI 48067

MTC–00016472

From: Wade Hought
To: Microsoft ATR
Date: 1/23/02 11:20am
Subject: Microsoft Settlement

To whom it may concern,

I am a software developer with 15 years experience in Windows and Unix-related systems development. I also pride myself as being an early adopter of more than a few Microsoft technologies back in the early 1990's when they (Microsoft) were the outsider with better technology. The arguments to the proposed settlement are many. I don't feel that these need to be detailed yet again here. The following URL http://www.kegel.com/remedy/remedy2.html details my arguments quite well. I will say simply that Microsoft has broken antitrust law, and deserves remedies that effectively place their entire business back under competitive pressure.

Let us remember also that competitive pressure didn't begin as a concept in a free-market system. It began as the foundation of

an effective government—democracy. Please address the Microsoft antitrust issue for what it truly is—the antithesis to our way of life.

Sincerely,
Wade Hought

MTC–00016473

From: Todd Fritz
To: Microsoft ATR
Date: 1/23/02 11:22am
Subject: A Vote against the proposed settlement

After reading the proposed settlement, I am NOT in favor of it in its current state. Therefore, please consider this a vote against the proposed settlement. I suggest a settlement that is more favorable for Microsoft's competitors, and unfavorable for Microsoft. The proposed settlement contains only flimsy and lightweight mechanisms for addressing competitive issues which will not significantly impact Microsoft's methods of conducting business. The settlement also lacks sufficient penalties for microsoft's harmful and anti-competitive behaviors. I suggest the following rule as a starting point: No settlement shall include any product, service or good, provided either from or of, Microsoft.

I am also strongly of the opinion that Microsoft should be divided into at least two (ideally three) separate and independent companies.

Sincerely,
Todd Fritz
885 Briarcliff Road NE, #8
Atlanta, GA 30306
404–378–3872

MTC–00016474

From: Michael Townsend
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:20am
Subject: Microsoft Settlement

I am writing to voice my opinion that the Proposed Final Judgement for the United States vs. Microsoft is not an effective remedy for the harm caused by their predatory use of their monopoly. There are several key holes that it leaves for Microsoft to keep the Applications Barrier to Entry as insurmountable as is stands today. I agree with the assessments made by Dan Kegel at http://www.kegel.com/remedy/remedy2.html. Some of them that I feel are worth highlighting are the poor definitions used in the Proposed Final Judgement. If definitions are going be changed from the courts Findings of Fact, they should be altered to cover more in the remedy not less. The changing to the scope of things like API and Middleware to include only a specific list of APIs and applications covered by the remedy, explicitly excludes all others, as well as any changes to the existing ones if they are rebranded and marketed as a ''new'' product. The second point that I felt should be considered is insuring that all necessary APIs are available so that non-Microsoft operating systems can implement them for interoperability. That should be ALL APIs. The exclusion of the software that deals with Security and Copy Protection is ridiculous. Years of open source software has shown that public review of security interfaces leads to a more secure piece of software. Likewise any use of the knowledge gained by published Copy Protection documentation, if implemented would be in direct violation of the Digital Millennium Copyright act, among other applicable laws. The main effect of keeping these secret is to prevent interoperability on both an application level and a networking level. Since arguably, any interface involves some security implications, this clause alone is an umbrella for obscuring any number of key pieces of protocols specifically marked in the remedy for publication. Another key bit of information that should be disclosed to ensure a fair marketplace for non-Microsoft products is file formats. Keeping these formats incompatible prevents users from switching to a competing product if they wish to continue to use their existing data. Microsoft should also be required to disclose implementation specific information to any public API that they modify to insure interoperability. Some examples of this would be the MS implementations of Kerberos , Java, and many W3C approved web standards. These are some of the weaknesses in the Proposed Final Judgement that I feel need to be addressed if the remedy is truly to be in the public interest.

Sincerely,
Michael A. Townsend
Software Maintenance Engineer
Pegasystems Inc.

MTC–00016475

From: Dennis Feuerbacher
To: Microsoft Settlement U.S. Department of Justice
Date: 1/23/02 10:09am
Subject: Microsoft Settlement

Dennis Feuerbacher
6035 Newport Avenue
Norfolk, VA 23505–4701
January 23, 2002

Microsoft Settlement U.S. Department of Justice,

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers’ dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies. I would like to add a word about the new AOL Time Warner lawsuit. I was a Netscape user and was determined to use Netscape. But I found that it was awkward and when I had the opportunity to use Internet Explorer, I found that it was very easy to use. My Mother currently uses Netscape and is constantly thwarted in her efforts to use the Internet. Thank you for this opportunity to share my views.

Sincerely,
Dennis G. Feuerbacher

MTC–00016476

From: Brian J. Dowd
To: Microsoft ATR
Date: 1/23/02 11:16am
Subject: Microsoft Settlement

This proposed settlement must have the MS lawyers laughing at the naiveti of the DOJ attorneys. I'm sorry, but this settlement advances only their company rather than allowing other competitive (Solaris, Mac, Linux, etc.) operating systems to have any chance of being taught in the school systems. Educational instruction should be focusing on diversity rather than hegemony.

Brian J. Dowd
(But I'm an MS stockholder, so I'll win whatever you do!)

MTC–00016477

From: Aaron Dale
To: Microsoft ATR
Date: 1/23/02 11:21am
Subject: Microsoft Settlement

I object to the Microsoft settlement as it currently stands, as it is overly lenient on Microsoft. As a programmer on Win32, I must deal with Microsoft's poor software—made unavoidable by its monopoly— and would directly benefit both as a consumer and as a software professional from a settlement not created by John Ashcroft's wallet. Furthermore, a settlement harsher on Microsoft would be good for taxpayers, given that Microsoft does not pay federal income tax (Tim McDonald, E-Commerce Times, 10/12/00).

Sincerely,
Aaron Dale
1623 N. Winchester #2R
Chicago, IL 60622

MTC–00016478

From: Michele and George
To: Microsoft ATR
Date: 1/23/02 11:21am
Subject: Microsoft Settlement

As a consumer of Microsoft products, I feel dirty . . . . their software products are mediocre, but I have really have no choice but to buy and use them in order to function in an electronic medium. However, it is their ABSOLUTE LACK OF CUSTOMER SERVICE that takes the cake! They have no regard for the customer—keeping people on hold, passing the buck, not resolving technical issues, billing errors, etc. They just don't care about the customer, and that makes me sick. Only an abusive monopoly can get away with this sort of behavior.

Thanks for reading,
George and Michele
Morgan Hill, CA

MTC–00016479

From: Andrew S. Zbikowski

To: Microsoft ATR
Date: 1/23/02 11:21am
Subject: Microsoft Settlement

To whomever this concerns,

I understand that I have the ability to comment on the proposed settlement between the Justice Department and Microsoft. I have been using computers daily since the mid-eighties, when my father brought home an early portable IBM computer. I hope to earn my livelihood by working in the computing industry. Consequently, this issue is centrally relevant to my life.

It is widely believed by those familiar with the case that the proposed settlement is completely inadequate. It will do little to punish Microsoft for it's plainly illegal conduct in the past, and virtually nothing whatsoever to prevent future violations of antitrust law. As a consumer, it infuriates me to be forced to pay for increasingly expensive software that diminishes in quality with each release. I applauded the Clinton administration's investigation of Microsoft. Their case was an effort to protect consumers and promote economic growth by restoring fairness and competition to the computer industry. Now that the DOJ is under new management, it has essentially abandoned it's pursuit of Microsoft, suggesting that the DOJ no longer has any concern for either economic growth or the public good.

The United States is a successful nation because its free markets encourage firms to compete for customers by producing high-quality, low-cost goods. This system needs to be protected from monopolists who gain so much power that they can destroy the competitive nature of the markets in which they participate.

I urge all parties involved to reconsider the proposed settlement. Microsoft deserves more than a slap on the wrist for it's destructive abuse of it's monopoly power. More importantly, American consumers need to be protected against future abuses.

Thank you for your time,
Andrew S. Zbikowski
1435 Hampshire Ave S, #120
St. Louis Park, MN 55426
Andrew S. Zbikowski
http://www.ringworld.org
Home: 952.591.0977
Wireless: 612.306.6055

''Only two things are infinite, the universe and human stupidity, and I'm not sure about the former.''—Albert Einstein (1879–1955)

MTC–00016480

From: Alex Bratton
To: Microsoft ATR
Date: 1/23/02 10:39am
Subject: Microsoft Settlement

Dear Sirs:

As a member of the technology community I must say that I do not agree with the proposed Microsoft settlement. Microsoft has had a tremendous impact on the technology world in both positive and negative ways but this settlement amounts to barely an acknowledgement of their manipulative business practices and the monolopy power they have abused. Two major areas must be addressed that are not sufficiently covered by this proposed settlement: 1—the guilty must be punished for the massive damage they have done to the competitive landscape in the technology sector and 2—much more significant measures need to be taken to ensure that they cannot continue to abuse their market position. I hope that you will reject the proposed settlement as not reaching far enough to address these problems.

Thank you,
Alex Bratton
CEO, The Net Squad

MTC–00016481

From: Dagny Haug
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:16am
Subject: Microsoft Settlement

The settlement is *not* a good idea.

Dagny Haug
Associate Program Director
Edina Technical Education Center
University of Minnesota
http://www.cce.umn.edu/infotech/

Time is the coin of your life. It is the only coin you have, and only you can determine how it is spent. Be careful lest other people spend it for you.

Carl Sandburg

MTC–00016482

From: John McCutcheon
To: Microsoft ATR
Date: 1/23/02 11:20am
Subject: Microsoft settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I am submitting this comment, as permitted by the Tunney act, regarding the remedies proposed as the outcome of the Microsoft Antitrust trial. As a scientist in training, I must work with non-Microsoft operating systems and products every day. The proprietary and ever-changing FILE FORMATS used by Microsoft, however, make even the exchange of simple text files between Microsoft and non-Microsoft programs incredibly cumbersome. Any proposed Microsoft remedy which does not include the absolute requirement for openly published data file formats falls far short of the required public benefit.

On the day-to-day office work level, it is this intentional file format incompatibility which forces purchase of Microsoft products, and further, it is the artificial incompatibility BETWEEN VERSIONS OF THE SAME MICROSOFT PRODUCT which forces purchase of ever newer Microsoft products, EVEN THOUGH THEY FREQUENTLY ADD NO RELEVANT FUNCTIONALITY OVER THE OLDER PRODUCTS. Publicly available Microsoft file format specifications would allow third-party developers to produce file conversion tools which completely obviate this unfair Microsoft practice.

Thank you for the opportunity to respond to this judgment.

Sincerely,
John P. McCutcheon
Program in Computational Biology
Washington University
St. Louis, MO

MTC–00016483

From: Administrator
To: Microsoft ATR
Date: 1/23/02 11:22am
Subject: Microsoft Settlement

To whom it may concern,

I am a concerned citizen asking that a reasonable judgment be found against Microsoft. I think a reasonable settlement of this affair should include the open sourcing of Windows code. It's too late for the competition to take hold now. Everyone is used to used Windows as an operating system. Every new system out there ships with it, and Microsoft is reported to even track companies who DON'T ship with it.

To put an end to their predatory practices and for security reasons, it is clear that Windows needs to be opened up so others may design competing operating systems. After years of delay and legal manuverings, this is your chance to finally do something to punish Microsoft and throw open the doors to true operating system competition.

Sincerely,
Charles T. Hunnefield
Technology Coordinator
Linden Hall School for Girls

MTC–00016484

From: Thomas Pluck
To: Microsoft ATR
Date: 1/23/02 11:20am
Subject: Microsoft Settlement

I am writing to say that I think the proposed settlement for the Microsoft Anti-trust case is too lenient. Microsoft has had a stranglehold on the market for a very long time and their habit of stifling innovation and crushing competition is infamous. They continue to use their monopoly to springboard into other markets and to avoid fixing serious security issues with their products.

Sincerely,
Thomas Pluck

MTC–00016485

From: Keith Allington
To: Microsoft ATR
Date: 1/23/02 11:22am
Subject: Microsoft Settlement

I have read through the proposed settlement with Microsoft and felt it necessary to notify you of my feelings. I urge the DOJ to abandon the proposed settlement in its current form. The proposed settlement looks to me to be the same type of ''slap on the wrist'' that Microsoft received in the last anti-trust finding against them. It does not truly address Microsoft's anti-competitive behavior nor does it offer any incentive for Microsoft to change its behavior in the future.

Thank-you for your time.
Norman K. Allington
944 W Cambridge
Fresno, CA 93705

MTC–00016486

From: mca32@email.byu.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 11:18am
Subject: Microsoft Settlement

As a computer user, and supervisor of a computer department at our university, I see

the microsoft settlement as VERY harmful to consumers. They have been declared a monopoly, and have been shown to use monopolistic practices. Worse, in our dealing with their company, they have treated us as if they were a monopoly. Most damaging is that most people treat them as if they were a monopoly, saying ''We have to accept their policies on software licenses because what else can we do''. If nothing is done now, when are we going to do it. Their policies on Windows XP prove that they are never going to fix their problems without a big hammer hanging over their heads. If we let them off now, we will be forced to take even more drastic actions later.

Please reject the current settlement.

Dr. Matthew Asplund

Department of Chemistry and Biochemistry

Brigham Young Univeristy

Provo, UT 84606

MTC–00016487

From: David Wheeler
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:17am
Subject: Microsoft Settlement

Regarding the proposed Settlement of DOJ vs. Microsoft,

I would like to place these comments on the record in accordance with the Tunney Act.

I believe the proposed settlement is a bad one. As a professional software engineer I understand the Microsoft's monopoly position is sustained though the use of private standards only available to Microsoft. These private standards include aspects of the Windows API and the file formats of the popular Microsoft Office software suites. Competition to the Windows OS will not be possible unless either the Office Suite is made to run on any competing OS or a competitor to the Office Suite can be created. Neither is possible as long as the information required to create this compatibility remains proprietary to Microsoft. The private API's in the Windows OS are the tools Microsoft used to extend its monopoly from the OS market into the software applications market. Since this settlement does nothing to open those private standards. Therefore, Microsoft will remain in control of its monopoly and competing ventures will be at a distinct disadvantage in emerging markets. For these reasons I believe this settlement should be rejected so that a more satisfactory conclusion can be reached. Thank you.

Respectfully,

David Wheeler

David Wheeler, Megisto Systems, Inc.

Principal Software Engineer, (W) (301) 444–1791

MTC–00016488

From: Scott
To: Microsoft ATR
Date: 1/23/02 6:25am
Subject: Microsoft Settlement

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html), namely: The PFJ doesn't take into account Windows-compatible competing operating systems:

—Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry. The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

—The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

—The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

—The PFJ allows users to replace Microsoft Java with a competitor's product— but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

—The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertized as being ''Windows Powered''.

—The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

—The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

—The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

—The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

—The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users. The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft :

—Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

—Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

—Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.) The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft:

—Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

—The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

—The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

—The PFJ allows Microsoft to discriminate against small OEMs—including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

—The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas. The PFJ as currently written appears to lack an effective enforcement mechanism. I also agree with the conclusion reached by the Kegel document, namely that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems. Sincerely,

J. Scott Hofmann

J. Scott Hofmann, http://www.seas.gwu.edu/student/shofmann/

mailto:shofmann@mindspring.com

MTC–00016489

From: mrlee@neo.rr.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:18am
Subject: Microsoft Settlement

To whom it may concern,

Please do not let yourself be bought off by the monopoly that is Microsoft. Their business practices are stifling the creativity and consumer options that we as Americans have been blessed with for hundreds of years.

Please stop them now.

Sincerely,

Lee McLain— Remove *NOSPAM* from email address when responding to this message!

MTC–00016490

From: John August
To: Microsoft ATR
Date: 1/23/02 11:22am
Subject: Microsoft Settlement

The settlement currently proposed to resolve the Microsoft antitrust case is not any where near severe enough for the unlawful actions and disruption of normal commerce that Microsoft has caused. I would urge that the settlement be revamped and strengthened to insure that Microsoft is not put in a position where they can't be trusted again. They've proven to us as a people that time and time again they'll abuse the strength they have at any point they see fit.

Thank you.

MTC–00016491

From: gibson@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 11:22am
Subject: Microsoft Settlement

The proposed settlement is BAD for two reasons: It will not affect that fact that it is almost impossible to buy a pre-built PC

without a Microsoft Operating System on it. It will not affect Microsoft's use of licensing to restrain choice in the marketplace for software.

* Joseph W. Gibson, Lead Software Engineer *

* ''Surf the Wave of Chaos'' *

* gibsonjw@earthlink.net, C/Unix/X *

MTC–00016492

From: Mr Z
To: Microsoft ATR
Date: 1/23/02 11:22am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. Microsoft's actions since being declared an illegal monopolist have not changed. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Andrew Zimmerman

MTC–00016493

From: Armstrong, Bob
To: Microsoft ATR
Date: 1/23/02 11:23am
Subject: Microsoft Settlement

I still support the breakup of Microsoft along the lines of Judge Jackson's original ruling. At the least, I support the alternative settlement proposed by the states who have not agreed to the wrist-slap agreed to by the current administration. Microsoft continues to abuse their monopoly position in the computer market and have stalled all computer innovations that have any future chance of success that don't increase the Microsoft monopoly.

Venture capital money has completely dried up for anything that might be interesting enough to get Microsoft's attention (and that is almost everything). They have leveraged their OS monopoly to gain monopolies in word processing and general ''office'' productivity applications as well as browsers. Their stated interest in ''speech recognition'' has stalled development of this critical technology by the few firms that have pushed it to the current state of the art. Breaking up Microsoft so that the Operating System business cannot be leveraged with the Applications businesses is the right remedy. Forcing Microsoft to ship a stripped version of the OS (for a significantly reduced price) is a poor substitute but better than nothing. Microsoft was found guilty of serious crimes. The appropriate remedy should both return competition to a fair level plus strip them of their ill-gotten gains. Find a remedy that does this. The current settlement does not.

Bob Armstrong
Compaq Computer Corp.

MTC–00016494

From: russell.ritenour@att.net@inetgw
To: Microsoft ATR
Date: 1/23/02 11:23am
Subject: Microsoft Settlement

Per the following link: http://www.kegel.com/remedy/, I believe the the proposed settlement is not in the best interests of the public. As a software developer for more than 15 years, would like to see an open API for the Windows operating system. This would allow software to be developed in a truly competitive environment (both operating systems and applications).

My favorite computer book of all time is the ''Advanced Programming in the Unix Environment'' by Stevens. This book enumerated the Unix APIs and allowed many developers to see into the API and develop their own applications. It is a shame that a similar book does not exist for the Windows Operating system. The Java programming language is predicated on a ''virtual machine''. Having an open API for all machines would make the need for JAVA less (and that is a huge segment of the software development community).

Sincerely,
Russell Ritenour

MTC–00016495

From: LSemel@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:24am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions. Most important, the proposed settlement does nothing to correct Microsoft's previous actions.

There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general. While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Lee Semel

MTC–00016496

From: Marcus I. Ryan
To: Microsoft ATR
Date: 1/23/02 11:22am
Subject: Microsoft Settlement

I will not attempt a point-by-point refute of the agreement, as people much more articulate than I am have already submitted detailed comments such as:

http://www.kegel.com/remedy/letter.html

I would, however, like to say that I don't believe the settlement penalizes Microsoft in any SIGNIFICANT way, and more importantly does nothing to restore competition. Yes, there are penalties and inconveniences in the agreement, but none force Microsoft to behave in a way more appropriate to a corporate leader and ''innovator'' in the field of computing. Instead they are still allowed to buy out, undersell, or basically destroy anyone who tries to compete. Without competition they still hold too much power over their customers and the market as a whole. In this situation everyone but Microsoft suffers. Most applications are written for Windows—it is a popular and very usable operating system. However, because it is exclusively available through Microsoft, anyone that wishes to run Windows software MUST by a Microsoft operating system. It is difficult at best to run more than one operating system on a computer, so competitive software is nudged out of the market. With less competition, they gain more power; with more power they overpower more competitors, and the cycle continues.

Are there better solutions? Many, but I think two major changes in Microsoft's business practices need to be mandated:

(1) They need to be restricted from charging customers and resellers as though Windows is installed on any machine that can run Windows— why would people run a competing product if they have to pay for the Microsoft product anyway? Also, this way if they do run a competing product, and it gains popularity, Microsoft still makes money on a product it had nothing to do with developing.

(2) They need to be forced to provide all Application Programming Interfaces and patent rights needed to allow other operating systems to build their own emulators of Microsoft software. The idea is that the companies and organizations (including Linux, FreeBSD, and other free projects) would be able to develop API translators, so they, too, can run Windows software.

Microsoft wouldn't have to provide an implementation, simply a document that says ''here are all the calls programs can make, and here is the expected behavior''. Each competitor would be responsible for their own implementation. This way Microsoft could legitimately maintain their market position by being the best implementation—the fastest, easiest to use, most secure, etc.—without making it impossible for other competitors to do a better job than Microsoft.

I think Microsoft was, many years ago, quite an innovative company. I used to be thrilled at each new release of every Microsoft product because they included many new features that I needed and would use. Over the last decade they have lost that innovative spirit.

Each revision of their products looks nicer, but appearance is more art and advertising than innovation. They add many new features to their products each revision, but how many of these were original ideas on the part of Microsoft? I can't think of a feature Microsoft has developed and actually released in a product in the last five years that they didn't buy, license, or borrow from a competitor or partner.

They have gotten lazy because they don't need to work hard anymore. They can buy any idea, code, or company they like. If the creator or innovator won't sell the idea or their company, Microsoft can throw literally billions of dollars and making the idea theirs or nobody's through litigation, reverse engineering, or marketing practices.

In summary, Microsoft controls such a vast portion of the market, and has such enormous cash reserves and revenues it can survive and maintain its power through little technical effort of its own. Without government-mandated restrictions on their predatory behavior, they will never be forced to innovate on their own again. They can continue to be lazy, and keep others from releasing their own innovations, and in that market, no one but Microsoft (and their lawyers) benefit.

Marcus I. Ryan, M.S.
Computer Engieer & Network/Security Administrator
Ames, IA 50010

MTC–00016497

From: Andre Ervin
To: Microsoft ATR
Date: 1/23/02 11:22am
Subject: Microsoft Settlement

To Whom It May Concern:

I am a Macintosh user since 1986. (I also use Windows on a regular basis at work.) I feel that my computing experience (on both platforms) has been severely impacted numerous times by Microsoft's anti-competitiveness. I think the current settlement as it stands is toothless, gutless, and most importantly, ineffective as a solution. Since so much of the taxpayers'' money has been tied up in pursuing this case, I would think that anything less than major sanctions on Microsoft similar to the AT&T solution would be a waste of said money. As a guideline to a more effective settlement, I would suggest using the following documents as a guideline:

* http://www.kegel.com/remedy/remedy2.html

* http://www.salon.com/tech/col/rose/2002/01/16/competition/index.html

* http://linuxtoday.com/news_story.php3?ltsn=2002-01-02-002-20-OP-MS

As a Mac user, I would be remiss if I did not also suggest the following:

Microsoft should be required to continue developing current and future applications for the Macintosh platform These applications *must* have *feature parity* and *same-time availability* with the Windows versions. Features that require proprietary solutions should use an approximate equivalent already on the Macintosh platform Microsoft should also be required to prominently display the cross-platform interoperability of these apps on their website, any ads, and on shrink-wrapped boxes It would be a start.

Thank you for your time,
Andre Ervin

MTC–00016498

From: Andy Richardson
To: Microsoft ATR
Date: 1/23/02 11:11am
Subject: Microsoft Settlement

I am opposed to the Microsoft settlement. I have been a shareholder of Microsoft stock, and I support their desire to integrate additional functions into Windows (web browser and other internet-aware apps), but their business practices are unethical.

Specifically, I feel that MS should not be able to require computer manufacturers to bundle a copy of Windows on all their computers. For instance, if I want to purchase a Dell PC and run Linux rather than Windows, I basically have to buy Windows and pay for software that I never use. The argument is that a computer sold without a copy of Windows is simply going to have a pirated copy of Windows installed, but a significant number of people would prefer to run Linux. Their choice is voided by Microsoft's force of will. Dell would be in serious trouble with MS if they sold me a computer with no operating system installed, and MS would also oppose any effort by Dell to sell me a computer with Linux preinstalled.

I also feel that data file formats in apps like word processors and spreadsheets are arbitrarily changed from version to version. This is a form of planned obsolescence that forces users to upgrade their software every 18–24 months. You can't even choose an older version and stick with it because the older version is typically not available for purchase when the new version comes out. That is especially true if you purchase a new computer and attempt to buy software preinstalled by the manufacturer.

Lastly, MS frequently adopts industry standards and proceeds to change them to the point that they are proprietary to MS. For instance, Java, Kerberos authentication, web browser standards for viewing HTML, and the list goes on.

Please take considerations like the above into account before settling this case. A settlement is preferable to a court-ordered breakup, but the settlement has to advance the interests of the typical consumer, business owner, and it has to level the playing field within the software business.

Thanks,
Andy Richardson
Network Manager/Information Security Officer
Key Financial Systems
5770 Roosevelt Blvd.
Bldg. 410
Clearwater, FL 33760
(727) 524–8410x216

MTC–00016499

From: Robin Dowell
To: Microsoft ATR
Date: 1/23/02 11:24am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I am submitting this comment, as permitted by the Tunney act, regarding the remedies proposed as the outcome of the Microsoft Antitrust trial. As an engineer in training, I must work with non-Microsoft operating systems and products every day. The proprietary and ever-changing FILE FORMATS used by Microsoft, however, make even the exchange of simple text files between Microsoft and non-Microsoft programs incredibly cumbersome. Any proposed Microsoft remedy which does not include the absolute requirement for openly published data file formats falls far short of the required public benefit.

On the day-to-day office work level, it is this intentional file format incompatibility which forces purchase of Microsoft products, and further, it is the artificial incompatibility BETWEEN VERSIONS OF THE SAME MICROSOFT PRODUCT which forces purchase of ever newer Microsoft products, even though they frequently ADD NO RELEVANT FUNCTIONALITY over the older product. Publicly available Microsoft file format specifications would allow third-party developers to produce file conversion tools which completely obviate this unfair Microsoft practice.

Thank you for the opportunity to respond to this judgment.

Robin Dowell
Biomedical Engineering
Surface Mail:
c/o The Eddy Lab
Washington University, Dept. of Genetics
Phone: 314.747.8207
4566 Scott Ave, Box 8232 St. Louis, MO 63110 Fax: 314.362.7855

MTC–00016500

From: Rob Elshire
To: Microsoft ATR
Date: 1/23/02 11:24am
Subject: Microsoft Settlement

To whom it may concern, I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for

settlement's sake. A wrong that is not corrected is compounded. I believe this settlement is counter to the interests of the American public, deleterious to the American economy, and not adequate given the findings of fact in the trial.

Microsoft's anti-competitive practices are counter to the law and spirit of our free-enterprise system. These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation. Microsoft's monopolistic practices cause the public to bear increased costs and deny them the products of the innovation which would otherwise be stimulated through competition. The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future.

It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function.

Sincerely yours,
Robert J. Elshire

MTC–00016501

From: clarke@qx.net@inetgw
To: Microsoft ATR
Date: 1/23/02 11:25am
Subject: Microsoft Settlement

I think the proposed settlement with Microsoft would let them get off with less than a slap on the wrist. I think the proposed settlement is a very bad idea.

MTC–00016502

From: Kerner
To: Microsoft ATR
Date: 1/23/02 11:23am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I would like to comment on the proposed Microsoft settlement. There are several faults with the proposed Microsoft settlement. I will list these faults as well as a brief discusson of why the fault is important to me as an independent software developer (I speak here both for myself, my company, and my staff).

1. The settlement requires Microsoft to publish its secret APIs, but it does not provide a definition of API that Microsoft must disclose all APIs. As a software developer we use the APIs on our target operating systems to make our software compatible. Our software runs on Windows, Linux, and Mac OS. The performance of our software on Windows is severely limited because of limited access to certain APIs. These secret APIs allow competing Microsoft software to outperform our offering on their platform.

2. The settlement requires Microsoft to publish information, but allows Microsoft to determine to whom it distributes that information. Microsoft is given the ability to only publish information to viable companies as defined by Microsoft. Previous Microsoft activities would show they will limit the definition of a viable company as much as possible. My company, which provides Internet education tools, has a limited, but profitable, operating history. Because of our limited history we would most likely be excluded from any Microsoft defined list of viable companies.

3. The settlement applies to Windows, but it defines Windows in such a way that Windows XP, Windows CE, Pocket PC, and the X-Box (all of which use the Win32 API and are advertized as being ''Windows Powered'') are not included. It is important that Microsoft is not able to continue their monopolistic abuses on other platforms. Under the proposed settlement all Microsoft must do is migrate users to a new platform. This new platform does not represent a substantial change from the previous Windows platforms except that they are not included in the settlement.

4. The settlement fails to prohibit anticompetitive license terms currently used by Microsoft.

Many Microsoft tools are provided to developers in such a way that restricts use of those tools with Open Source Software. Our products rely on Open Source middleware. In order to provide a good user experience on Windows certain Microsoft tools are required. Microsoft's licensing structure for those tools prohibits us from distributing them solely because of our association with Open Source Software. The core platform for our application is Linux. Microsoft's enterprise license agreements (which are used by large companies, state governments, and universities) charge by the number of computers that could run a Microsoft operating system, not by the number of computers actually running a Microsoft operating system. This means that our larger clients must pay a Microsoft license on a computer running the Linux operating system for our software. This type of license was banned for OEMs by the 1994 consent decree, however it remains in place for Microsoft enterprise licensing.

5. The settlement as written appears to lack any type of enforcement mechanism. The settlement calls for the creation of a Technical Committee, yet this committee seems to have no real power over Microsoft activities. The core enforcement of the settlement is left to the judicial system. As Microsoft has proven in the past (the 1994 consent decree), they are unwilling to behave in a manner that does not abuse their monopoly position. The current enforcement mechanism allows Microsoft to behave as it sees fit until further judicial intervention is taken. While this list of shortcomings in the proposed Microsoft settlement is in no way complete, it does clearly illustrate areas where the settlement is not in the public interest. The settlement continues to allow Microsoft to define the terms under which it operates, terms that will allow it to continually abuse its monopoly status. We cannot allow a confirmed, abusive monopolist to dictate its own terms for this settlement. These practices will not be resolved by the proposed settlement and as such leave software vendors, OEMs, and our customers to fend for ourselves against Microsoft. The proposed settlement allows Microsoft to receive a slap on the wrist as the judicial system looks the other way.

Sincerely,
Matthew Kerner
President, Educara Software Corporation
Educara Software Corporation
573–442–3936

MTC–00016503

From: Marc W. Pound
To: Microsoft ATR
Date: 1/23/02 11:23am
Subject: Microsoft Settlement

To Whom It May Concern: I am opposed to the proposed settlement in the Microsoft antitrust trial. The current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors.

Marc Pound
College Park, MD

MTC–00016504

From: gamblej@minn.teradyne.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:23am
Subject: Microsoft Settlement

The proposed Microsoft Settlement is NOT an acceptable solution to the blatant predatory business practices currently used by Microsoft Corp. Any real solution MUST force a clear and distinct separation between any company offering the operating system used on such a large majority of machines and that providing the applications used on those machines. Any other option puts Microsoft right back in the same monopolizing position giving them free reign to crush opposition and stifle innovation with impunity.

JG
ACE@visi.com

MTC–00016505

From: Gregory R.Warnes
To: Microsoft ATR
Date: 1/23/02 11:24am
Subject: Proposed Microsoft Settlement Unacceptable

The proposed settlement betweent the Department of Justice and Microsoft does not adequetly address the anti-competitive behavior outlined in the findings of fact. In particular, it does not effectively remove barriers to competing operating systems and software products, nor does it deny microsoft the benefits of its monopolistic activity. I believe that several fundimental changes must be made to the proposed settlement before it would be effective. Below I have attempted to capture a minumum set of behavioral requirements that would prohibit offending anti-competitive behavior, remove barriers to entry, and encourage competition in the operating system, middleware, and applications software markets. <start>

Definitions: A Dominant Software Product is any microsoft software product with 25% or more market share. An Applications

Programming Interface (API) shall be the function names, addresses, parameter lists, storage, communications formats, timings an all other details necessary to for one software component to interact with another.

Settlement or Ruling Conditions

1. API's

Requirement: —All— API's used to communicate between or with any Microsoft operating system, middleware product, or Dominant Software Product must be fully and completely disclosed without restrictions on use 6 months —prior— to the final beta release of the product. If a product becomes a Dominant Software Product, said documentation must be provided within 6 months of gaining 25% or more market share.

Remedy: Any product with APIs that are not documented in this way shall be prohibited from (further) general distribution and from sale.

2. File Formats

Requirement: All file formats for Microsoft Dominant Software Products must be fully and completely disclosed without restrictions on use 6 months —prior— to the final beta release of the product. If a product becomes a Dominant Software Product, said documentation must be provided within 6 months of gaining 25% or more market share.

Remedy: Any product with APIs that are not documented in this way shall be prohibited from (further) general distribution and from sale.

#3: Patents

Requirements: Any and all patents (regardless of filing status) required to use, interact with, emulate, or implement a competing operating system, middleware product, or Dominant Software Product must be fully disclosed and documented by providing the specific services, APIs, file formats, or features effected 6 months —prior— to the final beta release of the product.

Remedy: A perpetual royalty free license to any requesting organization shall be granted for any and all patents that are not documented in this way.

#4: Licensing Fees

Requirement: A uniform license pricing scheme for operating systems, middleware, and Dominant Software Products, based solely on the number of licenses and sales location (country, state, etc) should be applied to all purchasers, whether OEM, corporate, or individual. Discounting schemes based on customer behavior, including but not limited to bundling of other Microsoft products and supporting non-microsoft products, are be explicitly forbidden. Further, the exact licensing terms shall be made publicly available at least 6 weeks prior to the date when they may be applied and once applied must remain fixed for a term of not less than 6 weeks.

Remedy: All sales of software products without a published license pricing scheme meeting these requirements shall be prohibited from general distribution and from sale.

Gregory R. Warnes, Ph.D.

The views expressed in this email are strictly my own and are independent of those of my employer.

MTC–00016506

From: Rick Mason
To: Microsoft ATR
Date: 1/23/02 11:25am
Subject: Microsoft Settlement

To Whom It May Concern;

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

In addition, the remedies in the Proposed Final Judgement specifically protect only companies in commerce, that is, organizations in business for profit. However, Microsoft's greatest single competitor on the operating system front comes from Linux, a non-commercial product. The biggest competitor to Microsoft Internet Information Server is Apache, which comes from the Apache Foundation, another not-for-profit. Yet not-for-profit organizations have no rights at all under the proposed settlement. According to Section III(J)(2), Microsoft is not compelled to disclose or license API, documentation, or communications protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business. Therefore Microsoft has the ability under this settlement to deny information to any non-profit competitor, and thus the settlement will actually increase Microsoft's unlawful monopoly.

Thank you for your time.

Sincerely,
Richard C. Mason
809 Meadow Ln SW
Vienna, VA 22180

MTC–00016507

From: Kevin Fitch
To: Microsoft ATR
Date: 1/23/02 11:24am
Subject: Microsoft Settlement

I feel that the proposed settlement does not go nearly far enough to remedy the immense irreperable damage done to the computer industry by Microsoft. In particular I feel that the settlement does not go nearly far enough at allowing independent software companies to produce products that can compete fairly with those made be Microsoft.

In order for independent software companies to compete they must be able to interoperate (with —both— the OS and other software) as well as Microsoft produced products can. This requires full upfront knowledge of numerous API's —AND— file formats. In particular the settlement makes no mention of documenting such things as Microsft Office file formats. It is an unfortunate reality that the Microsoft Word format has become a defacto standard for exchanging documents electronically. As a result every office needs at least one copy of Microsoft Word (in order to deal with .doc files they recieve), and since for most offices it is unreasonable to purchase/upgrade/maintain multiple office suites Microsoft operating systems become a near necesity to run an office in today's society. There other file formats that are vendor neutral (Postscript, PDF, RTF, HTML), but of course all of these are either poorly supported on Microsoft Operating Systems or have been curupted (with ''Extensions'') by Microsoft in order to be less vendor neutral, and so they again will only be guarenteed to work on Microsoft Products.

Also the settlement very narrowly defines which APIs need to be diclosed and when they need to be disclosed. Microsoft only needs to disclose APIs used by the products currently defined as middleware. This would allow Microsoft to expand into a new area creating an expansion of their monopoly without having to disclose any of the APIs involved.

Kevin Fitch

MTC–00016508

From: Victor Marks
To: Microsoft ATR
Date: 1/23/02 11:25am
Subject: Microsoft Settlement

The proposed Microsoft settlement is fraught with problems. I am absolutely against the settlement as proposed. The settlement is little more than a slap on the wrist to a company that knows no bounds which it will respect.

Thank you,
Victor Marks
Raleigh NC, 27609

MTC–00016509

From: MEDBERRY,DAVID (A-Loveland,ex1)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:25am
Subject: Microsoft Settlement

The Microsoft settlement is ineffective. The punitive portions are virtually non-existent—Microsoft is being rewarded for it's bad behavior by getting in-roads at the primary and secondary school level. This is historically not their market. Giving it to them is a reward, not a punishment. The other aspect of the settlement, on-site observers, is not an effective deterrent. No one, no three, no twenty people would be sufficient to monitor software development and business tactics in a corporation the size of Microsoft. I'm not sure ''observation'' is a good plan. Why not rely on external businesses, conscientious Microsoft employees, and the press to identify any violations of the terms of the agreement. A ''whistle blower'' type of approach (both internally and externally) would be a better solution.

Another option, apparently thrown out by the Justice Department and the current administration, would be to break up Microsoft. This would certainly serve as an example, punitive, and also a preventative for at least a portion of the newly created companies.

David Medberry
Software Engineer
4331 Sweetgrass Dr
Loveland, CO 80537

MTC–00016510

From: tim lindner
To: Microsoft ATR
Date: 1/23/02 11:26am
Subject: Microsoft Settlement

I think the purposed Microsoft settlement is a bad idea. I think the company should be split in two: One company to create operating systems and applications. One company to create development tools.

tim lindner
''Life. Don't talk to me about life.''—Marvin, the android

MTC–00016511

From: Dan Nuffer
To: Microsoft ATR
Date: 1/23/02 11:25am
Subject: Microsoft Settlement

To whom it may concern:

I am a software engineer and am familiar with computing and the computer industry, and the adverse effects of Microsoft's monopolies in these areas. I cannot see how the proposed settlement to the antitrust case even pretends to remedy the antitrust violations for which Microsoft has been found culpable.

The company has already been found guilty. This is the penalty phase of the case, but the settlement contains no penalties and actually advances Microsoft's operating system monopoly. I think that a just penalty would enforce the following:

—Microsoft must sell their products for the same price to all OEM customers. They must not be allowed to punish OEMs who sell or bundle competitive microsoft software. Microsoft must sell their products to any OEM who wants to purchase their products.
—Microsoft must allow OEMs to install non-Microsoft software such as Netscape Navigator or Red Hat Linux on computer systems.
—The specifications of Microsoft's present and future document file formats must be made public, so that documents created in Microsoft applications may be read by programs from other makers, on any operating system.
—Microsoft must completely document the Windows application program interface (API, the set of ''hooks'' that allow other parties to write applications for Windows operating systems), which is already part of the proposed settlement.
—Any Microsoft networking protocols must be published in full and approved by an independent network protocol body. This would prevent Microsoft from seizing de facto control of the Internet.
—Microsoft must sell their products at a fair price. As is obvious by the amount of money they have in reserve, they have been severly overcharging consumers. Their prices are greatly inflated in relation to their competitors. For example, Microsoft Office costs many time more than WordPerfect Office does, and Windows XP costs much more than Red Hat Linux does. This is only possible because they are taking advantage of their monopoly status. If Microsoft products were not the de-facto standard, no one would buy them, because they are so expensive.
—As much as possible, Microsoft must send refunds to all customers who have been overcharged because of Microsoft's exploitation of their monopoly.

Respectfully yours,
Daniel C. Nuffer

MTC–00016512

From: Lamar Prosser
To: Microsoft ATR
Date: 1/23/02 11:26am
Subject: Microsoft Settlement

I think the proposed settlement with Microsoft is a bad idea.

Lamar Prosser
IT Coordinator
Center for Health Care Research at MUSC
Department of Neurological Surgery
Ext: 6–1206

MTC–00016513

From: David Pereverzoff
To: Microsoft ATR
Date: 1/23/02 11:26am
Subject: Microsoft Settlement

Please stop Microsoft from taking over more of our great country (and the rest of the world).

I am particularly concerned about their recent monopoly expansion into the future of HDTV DVD encoding that has recently been included in 90% of the new chips.

Not to mention their strangle hold on the Operating system and desktop application market.

Thank you
David Pereverzoff

MTC–00016514

From: Scott Ricketts
To: Microsoft ATR
Date: 1/23/02 11:25am
Subject: Microsoft Settlement

To Whom It May Concern:

My name is Scott Ricketts, I am a 13-year veteran of the United States Air Force, now a civilian, and I would like to comment on the ongoing proceedings in the United States vs. Microsoft remedy phase now underway.

I would like to begin, by saying that I have a Bachelor of Science degree in Information Systems Technology, I have been a computer user since 1982, and a personal computer enthusiast since 1992. I am currently employed as computer professional, and the majority of my work involves using and designing programs for use on Microsoft operating systems and development platforms.

I would first like to comment on, what I believe, the good that Microsoft has done for the personal computing industry. Microsoft has successfully created standard Application Programming Interfaces that have allows software and hardware makers alike to create devices and programs that can easily and successfully interface with devices created by other programmers and designers without ever seeing or touching the other persons work. I feel this standardization is what helped the personal computing industry become the giant economic and social force that it is today.

However, in creating these standards, I believe that Microsoft has overreached the bounds of common decency and abused the defacto standards they helped create. Previously, the United States settled with Microsoft in regards to their practice of Original Equipment Manufacturer licensing fees and contracts and the bundling of Internet browsing software designed to increase the market share and adoption of Microsoft proprietary technology. This was to prevent what the United States government saw as Microsofts abusing of its monopoly among personal computer operating systems and productivity software.

The years since that settlement have seen Microsoft grow in its demands towards Original Equipment Manufacturer and the recent exclusion of non-Microsoft Internet browsers from Microsoft websites. In my opinion, this does not reflect the behavior of a company that understands its duty to not abuse its position as a monopoly. In reading both proposed settlements from the Department of Justice and the remaining states, I feel that while neither goes to the lengths that I would recommend, the states proposal goes much father in the right direction in reaching a state whereby Microsofts position cannot be leveraged against any potential competitors again. The Department of Justice settlement has, to my mind, a major flaw that prevents it from being considered as an acceptable remedy. Microsoft has shown, by its conduct regarding the previous settlement, and its behavior that was upheld by the appeals court which branded Microsoft an illegal monopoly, that it will, whenever possible, circumvent rules, laws, and any barriers that prevent it from controlling its areas of interest. There are no provisions for actually punishing past or future infractions of the law by Microsoft. If Microsoft continues to abuse its position as an illegal monopoly, the Justice Departments remedy merely lengthens the term of surveillance. The states settlement, however, provides a very exacting and appropriate punishment: disclosure of computer source code for the offending program. This would be an extremely painful measure for Microsoft, as they view their copyrighted and closely guarded computer source code as their crown jewels: very simply this is how they generate revenue. If that revenue stream is blocked, or they are forced to reveal how their programs work, that opens a new area for competition.

Microsoft has shown repeated contempt for legal agreements, hiring armies of legal minds to comb over documents trying to find potential weak areas. In 1996, when Netscape Navigator was the number one Internet browser, Microsoft signed a licensing agreement with a company called Spyglass. In exchange for a small sum of money upfront and a portion of each sale, Microsoft would receive the computer source code for Spyglass Internet browser. This would allow Microsoft to quickly get a functional and full-featured browser into the marketplace without a lengthy development delay. However, the anticipated revenue stream Spyglass expected never arrived. Why? Because Microsoft chose not to sell their Internet browser, they gave it away for free. This allowed them to not pay further royalties to Spyglass, achieve quick market penetration for their product, which they could then use to leverage their proprietary technologies (such as ActiveX) into defacto standards. This deal, I think, creates a very compelling picture of Microsofts corporate character. In an interview regarding past dealings with Utah-based software company Novell, Microsoft CEO Steve Ballmer smugly commented They made a mistake, they trusted us. I am writing this letter in the

hopes that my government does not make the same mistake that Novell did. Any settlement must contain explicit, detailed language that leaves no room for ambiguity, and exacting, painful punishment for future and past infractions.

Thank you for time.

Scott Ricketts
17 N. Sherry Lane
Bellevue, KY 41073
Email: scott—rickets@yahoo.com

MTC–00016515

From: Christopher Blake
To: Microsoft ATR
Date: 1/23/02 11:25am
Subject: Microsoft Settlement

Regarding the Microsoft settlement, I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundred, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices. Similar to the settlement against AT&T, Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level (40%, for example, assuming one of it's competitors is now also at 40%). This must be true for all Microsoft product lines, before regulation is lifted.

Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Imagine the damage to the United States if Microsoft were to fail, as Enron failed. The risks of a monopoly are greater than merely the loss of competition.

Thank you for your time.

Christopher M. Blake, New Jersey

MTC–00016516

From: Todd Martin
To: Microsoft ATR
Date: 1/23/02 11:25am
Subject: Microsoft Settlement

Dear USDOJ, Please count me against the Microsoft Settlement. I do not feel that the Microsoft Settlement is an appropriate remedy. Microsoft needs far more punitive damages to prevent them from continuing their illegal, monopolistic business practices.'' I am the person responsible for computer hardware and software purchasing decisions—and support—for our small company. I feel most frustrated with the poor quality of Microsoft software and windows software in general. I don't really have much of a choice of software to use considering Microsoft's monopoly.

Respectfully,

—Todd

MTC–00016517

From: Glenn Crocker
To: Microsoft ATR
Date: 1/23/02 11:14am
Subject: Microsoft Settlement

I wish to comment on the proposed settlement with Microsoft (under the Tunney Act).

As a computer professional and entrepreneur, I have been involved directly with Microsoft as a partner, party to non-disclosure agreements, and competitor. I?ve seen first-hand the ways the company abuses its monopoly position in the Operating System market. In general, the proposed settlement does a few things wrong:

1. Remedies are insufficient
2. Prohibitions on future behavior are insufficient
3. Mistakes of the past are repeated

In one section of the proposed settlement, Section III.B., there are a number of ?loopholes? that remove the teeth from the agreement. Specificially, Microsoft must license Windows on uniform and published terms to the top 20 OEMs, but smaller OEMs can be punished at Microsoft's sole option. In view of Microsoft's history of doing just this, it would seem that this section is flawed, insufficient, and toothless. Further, III.B. allows Microsoft to continue its blatantly illegal ?tying? of other products to its monopoly! By allowing Market Development Allowances, the settlement provides exactly the tool Microsoft needs to tie future products to the Operating System.

One last OEM-related comment: Section III.A.2. allows retaliation against OEMs that sell Personal Computers that do not include a Microsoft operating system. Clearly, this is intended to prevent lower-priced operating systems like Linux from gaining a foothold in the US the way they are in Europe and Asia.

-glenn

Glenn Crocker
12337 Horton St.
Overland Park, KS 66209
Netmud http://www.netmud.com
913–451–7785, glenn@netmud.com

MTC–00016518

From: mds@2ndset.net@inetgw
To: Microsoft ATR
Date: 1/23/02 10:38am
Subject: Microsoft Settlement

I'm writing to log my opinion about the Proposed Final Judgement (PFJ) in the United States v. Microsoft antitrust trial. My name is Mario D. Santana. I have been writing software for Windows, Unix, Macintosh and other operating systems for 18 years. I am a US citizen registered to vote in Florida.

I believe that many provisions in the PFJ would be ineffective in achieving the stated goals of the PFJ. In my opinion, the main flaw is the lack of provisions guarding against predatory license practices. These practices leverage Microsoft's monopolies to force other businesses such as OEMs and ISVs to use Microsoft products and enhance Microsoft's monopolies still further. There are other flaws, such as the very narrow definitions of various key terms.

Time constraints prevent me from restating all the relevant technical and historical facts. These are available all over the internet, see for example Dan Kegel's excellent collection of resources at http://www.kegel.com/remedy/

Microsoft has abused rights protected by the Constitution and statutes of the United States, rights meant to benefit the public by protecting innovation. I hope changes are made to the PFJ to give back to the public the fruits of that abuse, and to keep such abuses from happening in the future.

Yours,

Mario D. Santana
819 E. 35 St.
Hialeah, FL 33013

MTC–00016519

From: Andrew W Potter
To: Microsoft ATR
Date: 1/23/02 11:25am
Subject: Microsoft Settlement

Please add my voice to those who are dissatisfied with the proposed government settlement with Microsoft.

In my mind it is bad because:

—It allows Microsoft to continue its practice to consume software technologies into the ever increasing maw known as Windows. Browsers, performance utilities, now firewalls and virus scanner companies are all at risk of extinction because of Microsoft's activities. Remember, this will lead to less incentive to innovate and less diversity in the software environment.

—The ''education'' settlement is a major slap against the one small market place Apple computer has a nontrivial market share. By encouraging the cost sensitive education market to take huge numbers of ''free'' Microsoft based computing systems, Apple will quickly lose what tiny market share they have been able to garner in education. Perhaps an alternative would be to require Microsoft to purchase Apple computers for education.

—Microsoft's legal strategy is to delay, obfuscate and then when public attention has diminished, negotiate a favorable settlement. With the billions they have invested in their legal department, they have far more resources than any competitor could hope to have. The Justice department is the last hope at re-establishing a fair playing field. Please reverse this terrible settlement and break Microsoft up into smaller companies that can give the software industry the competitive spirt it needs to jumpstart the stalled Internet revolution.

Andrew W. Potter
Network Architect, Infrastructure Services Delivery & Support
IBM Global Services—Network Services
1630 Long Pond Road, Rochester NY 14626
(716) 720–7116/TIE 433–7116
FAX 720–7655
Pager: 1–800–SKY–8888: Pin: 1785972;
Email Subject: 1785972@skytel.com

MTC–00016520

From: Jason Dujardin-Terry
To: Microsoft ATR
Date: 1/23/02 11:25am
Subject: Microsoft Settlement

To Whom It May Concern: It is my opinion that the proposed settlement with Microsoft would be a BAD idea. I pledge full protest of the proposed settlement. I trust that the United States Government will hear the voice of the people and act on our behalf.

Thank You,

Jason Dujardin-Terry

MTC–00016521

From: Marc Allen
To: Microsoft ATR

Date: 1/23/02 11:27am
Subject: Microsoft Settlement

Dear fellow American,

I am writing this to voice my absolute amazement that my government it planning to settle this lawsuit with Microsoft. I have been a member of the community affected by microsoft's draconian practices for 15 years. I have watched them illegally destroy technologies which would have benefited myself and millions of others. The most notable of these being the Netscape web browser (believe me it is dead. It would take an act of god to bring it's market share back to where it was when what mattered was quality). If you need a simple current example just examine the way they are hamstringing their ''windows media player'' into windows XP in such a way that makes it highly cumbersome to use any of their competitors products. Thank you for your attention.

Attentively;
Marc Allen

MTC–00016522

From: Alan Hecker
To: Microsoft ATR
Date: 1/23/02 11:28am
Subject: Microsoft Settlement

To Whom It May Concern,

I am writing to inform you of my opion re: the pending Microsoft settlement. The historical—as well as antitrust—history with Microsoft is glaring clear: they have used every tactic at their disposal to gain an unfair advantage in their market space; indeed, through dominance in the computer software marketspace, they have begun to expand out of their initial space and take on other markets (media (MSNBC, video game consoles, etc.). They have also flagrantly delayed and dragged their feet against the federal government *during the anitrust proceedings*; to expect that they will suddenly come into compliance with any verdict that they do not deem meets their liking without a significant amount of oversight and strict, severe (read: large monetary) penalties for violation of any infractions is naive in the extreme.

In addition, the inability of the federal government to bring any entity under its governance into compliance with laws, statutes and verdicts handed to said entitiy will be perceived by all astute entities (be they individuals, corporations, other governments, etc.) as a weakness and an opportunity to take advantage of the United States the way that Microsoft has done. The setting of such a precedent, especially in the current social, economic and political climate of today's world, could do inestimal damage to the United States. I realize that Microsoft is a corporate entity like none other in history; it has shown the largest profit, the largest growth and the largest abuse of its position and power of any corporation in history. However, it is still a corporation like any other in the coutry. The antitrust laws, as they are on the books today, still apply to it. Microsoft has unfairly gained advantage over competition and, in turn, used this edge it created to further its dominance over the market. As it gains speed, as it expands further and further out from the base of software development and Operating Systems, it threatens to bring its strong-arm tactics to other areas. The threats to innovation—and to say that innovation, in a capital economy, must perish because those who innovate can't compete with a barrelling juggernaut is a specious argument at best—and competition are real and large. Ultimately, the consumer pays the highest price: expensive, single-source software (and now hardware and media options) that only allow for what Microsoft decides is good for itself. This kind of future is specifically what the antitrust laws were put in place to prevent. If there was innovation, fair competition and a variety of choice in the software industry, there would be no need of antitrust proceedings or a judgement against Microsoft; market forces and competitor vying for consumers would shape the outcome. This is how it was in the 1980s, but that was about the last time there was that level of real capital competition.

In closing, I believe that only by forcing Microsoft to submit to stringent, rigorous monitoring and being subject to real, stiff and enforced penalties will fair market forces be able to once again reign in the software industry. Microsoft must be made to fully describe and open its Windows API and fully disclose the format of its Office suite of products. This would foster faster and stiffer competition than would splitting the company into parts. The Findings of Fact have not been disputed. Microsoft is a monopoly, possibly the largest and fiercest one this country has ever encountered. To treat it as anything but such is folly and is folly that ultimately plays itself out on the United States government as a whole and the consumer, who is ultimately the benefactor of antitrust protection.

- Alan Hecker

''Never send a Monster to do the work of an Evil Scientist.''

MTC–00016523

From: Bill Hay
To: Microsoft ATR
Date: 1/23/02 11:26am
Subject: Microsoft Settlement

Dear Sir, I am writing to you with regard to the Proposed Settlement in the Microsoft Antitrust case. Although I am a US Citizen I live in Britain and as such I am rarely concerned with the details of the US government and justice system. However the outcome of this action affects me here in Britain as Microsoft's monopoly is extant throughout most of the free world.

As a computer professional I am familiar with the practical means by which Microsoft has abused its monopoly power to crush the competition. Having examined the proposed judgement I do not think it will provide sufficient restraint on Microsoft's Conduct to prevent it from abusing its position.

In order to allow other companies, groups or individuals to compete fairly against Microsoft they need access to details of the currently undocumented APIs, network protocols and file formats that Microsoft uses. Companies that are not monopolies do not benefit from concealing this information as evidenced by the far more liberal distribution of such information by Microsoft when its monopoly was less complete. With the advent of the internet and print-on-demand technologies providing this information without restriction to all who might want it can be done cheaply and efficiently.

The proposed judgement:

i) Does not require disclosure of file formats.

ii) Greatly restricts the APIs which must be disclosed and the purposes for which this information can be used.

iii) Leaves the disclosure of network protocols subject to an unspecified license on ''reasonable terms''. There are few bodies other than the US government with the resources to litigate whether a Microsoft license is reasonable. The proposed judgement should be revised to ensure that details of all APIs, file formats and network protocols are available for use by competitors, both commercial and non-commercial, both open-source and closed source.

Yours Sincerely
William S Hay

MTC–00016525

From: Michael P. Jones
To: Microsoft ATR
Date: 1/23/02 11:27am
Subject: Microsoft Settlement

The current proposed settlement is not good. It does not take into account Windows-compatible competing operating systems.

-Michael Jones
Ruckersville, VA

MTC–00016526

From: Nicholas Perez
To: Microsoft ATR
Date: 1/23/02 11:27am
Subject: Why I think the Proposed Settlement is Wrong.

Perhaps I am going out on a limb here, but with a convicted monopolist why are you even considering listening to their ''proposal'' for a ''settlement''. Would you listen to a murderer talk about restrictions on his daily life in the hopes of not getting the chair? It is painfully clear that the judge should simply ignore anything that comes from the convicted monopolist, and develope her own remedies that seek to punish Microsoft for it's ill gotten gains. Suppose the Microsoft settlement is accepted, does microsoft lose any of the —billions— of dollars it has gained from breaking the law?? Does microsoft retain its market position as a monopoly that has stiffled innovation and bullied other competing businesses? A convicted criminal would say or do anything to get his sentence reduced, even lie, cheat, or threaten the court. I simply do not see the ''proposed remedy'' being a remedy any more than one inch bandaid being a proper dressing for a deep bleeding gash. As a law abiding, tax paying citizen, I strongly oppose my tax dollars being —wasted— on such an endeavor as this proposed settlement. That is all.

Nicholas Perez
303.871.5446
Denver University
1901 E. Illif Ave.
Denver, CO

80210

MTC–00016527

From:
jonathan.cole@mindspring.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:26am

I wish to raise my objections to the Proposed Final Judgement in United States v. Microsoft. There are many areas that the proposal fails to protect the public and the computer hardware and software industry from the deliberate monopolistic practices of Microsoft. I wish to call the department's attention to http://www.kegel.com/remedy/letter.html for a comprehensive analysis of the Proposed Final Judgement and it's inadequacies. For the sake of brevity, I shall make a statement to the necessity of a fair and open software market. To achieve a market that offers robust, secure, and innovative computer systems, both for the public at large and private industry, it is imperative that any agreements force Microsoft to cease practices that create artificial barriers for Independent Software Vendors. Microsoft should be prohibited from placing overly restrictive terms in licenses. For example, such terms should not disallow the distribution of Redistributable Components with applications targeted for Windows-compatible competing operating systems. The Microsoft Platform SDK EULA states, ''Distribution Terms. You may reproduce and distribute ... the Redistributable Components... provided that (a) you distribute the Redistributable Components only in conjunction with and as a part of your Application solely for use with a Microsoft Operating System Product...'' This is an anti-competive practice and limits the public's choices when choosing an operating system to run on computer hardware they have purchased. Unless such restrictions are removed from Microsoft licensing, Microsoft will not find it necessary to compete in the operating system market on criteria of quality. The public will have no real choice, because of limited application software availability, but to continue to purchase Microsoft operating systems which for many years have been known for their instability and general poor quality. Such licensing terms restrict entry into the market and constitute an anti-competitive, monopolistic practice. It is only because of their monopoly that Microsoft can place such terms in their licenses without limiting the sales of their own products. Finally, I would alert the Departement of Justice to the inadequacy of the definitions within the Proposed Final Judgement. I am concerned that many of the definitions, eg the definitions of ''API'' and ''middle ware,'' create loopholes in the agreement that will allow Microsoft to avoid even the limited prohibitions.

Best regards,
Jonathan Cole

MTC–00016528

From: Mark Saward
To: Microsoft ATR
Date: 1/23/02 11:27am
Subject: Microsoft Settlement

I am an Australian concerned with the current settlement in the Microsoft settlement. It seems to me that the company is not being punished anywhere near the level required to restore damages done. Not only that, it seems to be encouraging the opposite: any opposition badly damaged because of Microsoft's illegal actions are going to be finished off in this settlement which helps increase the monopoly of Microsoft.

I am not sure why such a settlement could be proposed, and it seems to me insanely inadequate. The reason why I, an Australian, feel compelled to write is because the decisions that affect Microsoft today in America affect computing here in Australia immensely.

Thank you for reading,
Mark Saward

MTC–00016529

From: chris.gamble@CPBINC.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:23am
Subject: Microsoft Settlement

Microsoft has done untold amounts of damage to the IT industry. They have driven many software companies out of business, and prevented many others from even starting due to fear of being attacked. This company was rightly convicted of being an illegal monopoly and if our industry is ever expected to grow in a secure and stable manner, something must be done. The settlement proposed does nothing to rectify this situation. There are many points that the proposed settlement falls short, but the most important is granting Microsoft the right to choose who should have access to their API set. The language in the settlement is so vague that Microsoft will more than likely continue to do business exactly as they are doing it now. Please consider that one company can not employ every technical worker out there. One company can not secure our nations most important infrastructure. Microsoft needs to have a settlement that will allow other companies to grow.

Thank you,
Chris Gamble
2112 Pritchard
Grapevine, TX 76051
p: 817–410–7352

MTC–00016530

From: Robert Gomez
To: Microsoft ATR
Date: 1/23/02 11:27am
Subject: Microsoft Settlement

As a network engineer, I feel that the proposed settlement doesn't go far enough. Microsoft has already formed a monopoly and the actions taken against it should focusing on breaking Microsoft's existing monopoly not just on preventing future problems. I would suggest either forcing Microsoft to aid it's former competitors or splitting Microsoft in to several pieces.

Robert Gomez
Senior Technical Analyst
Neurosource
515 North State Street, Suite 1700
Chicago, IL 60610
Phone: (312) 670–3944

MTC–00016531

From: Eric St. Onge
To: Microsoft ATR
Date: 1/23/02 11:28am
Subject: Microsoft Settlement

I think that the proposed Microsoft settlement is a very very bad idea. It has too many loopholes. In particular, why should Microsoft be allowed to change the desktop to whatever they please after 30 days of use? It seems like a joke.

Thanks,
eric

MTC–00016532

From: Ethan Ligon
To: Microsoft ATR
Date: 1/23/02 11:28am
Subject: Proposed Microsoft Settlement

I would to take advantage of the provisions of the Tunney Act to register an objection to the proposed Microsoft settlement. As an economist with an interest in antitrust issues, I regard the settlement's provisions regarding alternative operating systems with alarm—-in particular, Microsoft is *not* forbidden from taking a variety of retaliatory actions against OEMs who ship machines pre-loaded with an alternative operating system, or for that matter, without any operating system at all.

My research involves considerable computation, and I have never used any version of Microsoft windows on any of the many computers I've purchased. Nonetheless, I have been compelled to pay for various versions of MS Windows, as Microsoft tends to compel system vendors to install MS Windows on all machines they ship.

Sincerely,
Ethan Ligon, Assoc. Professor
Dept. of Agricultural & Resource Economics
University of California
Berkeley, CA 94720–3310, (510)643–5411

MTC–00016534

From: Ken Baker
To: Microsoft ATR
Date: 1/23/02 11:28am
Subject: Microsoft Settlement

I am strongly against the proposed settlement between the DoJ and Microsoft. I am an IT professional who has, over the past several years, watched as Microsoft has bullied, coerced, and generally forced their products on the public. They have also bullied, coerced, and generally forced their products on the various OEM computer manufacturers. I have watched as Microsoft, using the huge financial resources available to them, bundled and given away their products as a method of effectively removing competition from the marketplace.

I have watched as Microsoft has gobbled up competing companies, thereby destroying that company's product(s). I have watched as Microsoft has taken Public Domain standards and modified the technology of those standards, effectively making them proprietary. This can, and has, damaged interoperability between Microsoft systems and systems from competing vendors. I have cleaned up damage done to Microsoft products because the products are not, by design, secure. This has cost my customers large sums in my labor charges, as well as the cost of downtime during the cleanup.

Finally, and in yet another example of monopolistic behavior, Microsoft appears to be trying to slowly take control of the Internet (a public resource) and the public's dollars through its .NET initiative and Microsoft Passport.

I strongly urge the court to reject the proposed settlement and take the necessary steps to break the stranglehold that Microsoft has on this industry.

Ken Baker
Ken Baker Consulting

MTC–00016535

From: Scott Milliken
To: Microsoft ATR
Date: 1/23/02 11:27am
Subject: Microsoft Settlement

I would like to register my disagreement with the proposed settlement of the Microsoft Anti-Trust case. With the new licensing model that Microsoft has adopted with Windows XP, it is quite clear that their settlement proposal is merely an investment in future license renewals. What would seem like a windfall to the poorly financed school districts throughout the United States will turn into a recurring nightmare of license renewals for what was originally pitched as free software.

Security is also of major concern here. It is a well documented fact that the majority of viruses are written specifically for Microsoft Windows operating systems and the bundled features within those operating systems. The settlement proposal does not address the need for a full time administrator to handle the constant virus scans and system updates that are part of the daily care and feeding of a Windows system.

Sincerely,
Scott Milliken

MTC–00016536

From: David Brickner
To: Microsoft ATR
Date: 1/23/02 11:24am
Subject: Microsoft Settlement

As allowed by the Tunney Act I am commenting upon the proposed settlement to the Microsoft Anti-Trust trial. I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. It has been ruled that Microsoft has an abusive monopoly and has performed anti-competitive behavior to the detriment of US corporations, US citizens and customers, and, by extension, the world market. These abuses drove such companies or products as Stac Compression, DR DOS, Netscape, WordPerfect, and Lotus SmartSuite out of business or to bare existence levels. There is nothing in the ruling that compensates these companies, or their customers, for the price gouging and loss of innovation that Microsoft's actions have caused. Specifically, why is it that the cost of Microsoft Windows and Microsoft Office Suite are rising at the same time that hardware prices have dropped to commodity levels? Dell, Gateway, Compaq, HP, and IBM are all competitors for our hardware dollar and they get that dollar with quality products, low prices, and excellent service. Microsoft, in their monopoly position, uses proprietary formats that do not allow for direct competition on the aforementioned quality, low price, and service. They are able to charge high prices (thus protecting their fantastic profit margins) without fear of strong retribution from the customers or loss of revenue. WordPefect, as an example, cannot compete with Microsoft, because their product cannot read and write to Microsoft document formats without loss of information or formatting. They cannot compete on a level playing field, and customers cannot switch because their data, their business, is tied to Microsoft formats. Microsoft has cried foul when the Department of Justice has sought to curtail it's ''innovations'' and prevent additional software from being added to the Windows Operating System. But, innovation has suffered more because of Microsoft's abusive monopoly. Nearly evertime a truly new, or innovative idea has emerged in the computer market Microsoft has either attempted to buy the technology or subvert it to their own ends. In many cases, they do both, they buy the technology and push it under the rug, then introduce their own proprietary version that they then foist upon the unsuspecting world. In all cases Microsoft is not the innovator they are the deep pocketed megacorporation who is seeking to extend their monopoly.

Examples of this abound:

(1) Stac created a disk compression technology that was incredibly useful because hard disk sizes were so small. Microsoft created a competing product that came bundled with DOS and Windows that was actually based upon the Stac technology. They stole from Stac and used it to increase their own Windows market. A trial and settlement later insued, but Stac was never a viable company or technology again.

(2) MP3 files are all the rage for music sharing. Regardless of the possibly illegal implications of sharing such files, it is a viable technology in widespread use in the world, a de-facto standard. Microsoft will have none of this and has introduced it's own compressed media playing format that you can only get from Microsoft. In it's latest incarnation you cannot play it on Windows 95 because Microsoft has decided that they want to force users of that operating system to upgrade to later editions. MP3 files can play on nearly any OS in existence, encouraging diversity and giving people what they want on the operating system they prefer to use. Windows Media Format does not allow for this. Microsoft is also pushing their format onto hardware vendors to replace popular MP3 players, and onto home sterio equipment. Who, other than Microsoft, is really be served by this?

(3) Real practically created the online media streaming content, and briefly their future was bright. Then Microsoft decided that they also wanted this market. How is a small unknown company to compete with the monopoly that owns the platform the access?

(4) Microsoft decided to get into the game market and is now one of the #1 vendors of video games on the PC (they are also seeking dominance in the game console market). By owning the platform, Windows, they are able to modify the very code of the operating system to support their own gaming efforts, no othamer vendor can compete with that. Competing game companies, barely surviving between game titles, are an easy purchased by the exceeding wealthy Microsoft.

(5) Hardware vendors who might have been encouraged to use competiting operating systems such as BeOS, Linux, GeoWorks, OS/2, and such were not allowed to by exclusive contract deals with Microsoft that they were practically forced to agree to. Without these deals they could not have been competitive with those vendors who signed them. Dell, without such a deal, would have always had hardware prices consistently higher than Compaq with the deal because they would not have gotten the same price levels for the Windows Operating System or Microsoft Office despite ordering the same volume. This controlling of the ''boot sector'' is a major reason for the continued dominance of the Windows Operating System.

(6) By virtue of tie-ins to their operating system (the platform) Microsoft gains an automatic advantage over competitors. Who is to say that Microsoft doesn't do things that inhibits competition? They have already had a lawsuit that they had to settle with relation to DR DOS. DR DOS was an operating system that competed with MS DOS. Microsoft deliberately put code into its Windows 3.0 system, that ran on top of DOS products, to make it less stable when the DOS version was DR not MS. That is akin to AT&T owning all the telephone lines and creating switches that automatically put static on the lines with a customer uses Sprint or MCI.

In fact, that is how Microsoft Windows, and possibly Microsoft Office should be considered. Ubiquitous products that should have fair use laws placed on them. If Windows is to be the dominant desktop system, then all competitors should have fair access to it, just like competitors have access to telephone lines, highways, airlines, and railroads. My preference though is to not see Windows in this role, but an operating better suited for such a task, such as Linux, or the technology innovative BeOS.

Microsoft must be punished with both monetary charges and structural changes that will force it to not be able to use it's ownership of the platform (Windows) to push its other product offerings. Monetary charges must be severe, and reflect the overcharging they have been able to do for the past 12 years at least. Structural changes must be sweeping and create immediate entry for competitors to either compete on the Windows platform, or against the Windows Operating System. Anything less that changes such as these means that US government has not performed the necessary actions in protecting free commerce in this nation.

Thank you.
David Brickner
512 School St
Belmont, MA 02478
(617)489–7492

MTC–00016537

From: Alexander Baldwin

To: Microsoft ATR
Date: 1/23/02 11:29am
Subject: Microsoft Settlement

Dear Sirs:

I am writing to give my comments on the Microsoft antitrust settlement. I believe this settlement is counter to the interests of the American public, deleterious to the American economy, and not adequate given the findings of fact in the trial.

Microsoft's anti-competitive practices are counter to the law and spirit of our free-enterprise system. These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation. Microsoft's monopolistic practices cause the public to bear increased costs and deny them the products of the innovation which would otherwise be stimulated through competition.

The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future. It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function.

Alexander Baldwin
home: 617–254–6118
email: hagbard@bu.edu

MTC–00016538

From: Craig Pennington
To: Microsoft ATR
Date: 1/23/02 11:44am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. Firstly, I would like to note that I believe that all of the problems noted in Dan Kegel's analysis, which can be found at <http://www.kegel.com/remedy/remedy2.html>, are flaws so severe as to make the proposed settlement unacceptable. Particularly, I would like to object to the practices which would still be allowed toward OEMs. The proposed settlement allows Microsoft to penalize OEMs who ship a Personal Computer with no operating system or one competing operating system. That is, under section III.A of the proposed settlement, Microsoft is prohibited from penalizing OEMS who ship a PC with a Microsoft operating system and another operating system, or who ship a PC with multiple non-Microsoft operating systems but does not prohibit Microsoft from penalizing OEMs who ship a PC with one competing OS or no OS at all. This has the indirect effect of penalizing consumers like me, who obtain install media for other OSes from other sources who would like to buy a PC without paying for an OS that I will not use.

It also penalizes consumers like my employer who purchase Intel based computers with one non-Microsoft operating system pre-installed. I do not object to Microsoft rewarding those OEMs who sell a lot of Microsoft products, but I do object to Microsoft being allowed to penalize OEMs who choose to also sell hardware without a Microsoft product installed.

Until this and the other flaws noted by Dan Kegel are corrected, I oppose the settlement.

Sincerely,
Craig Pennington
Craig Pennington
900 North Liberty Street
Arlington, VA, 22205
(703) 536–4399
cpenning@plasticFish.net

Corollary to Clarke's Third Law: Any technology distinguishable from magic is insufficiently advanced.

MTC–00016539

From: Brian LaMere
To: 'microsoft.atr(a)usdoj.gov',' petition(a)kegel.com'
Date: 1/23/02 11:28am
Subject: Microsoft Settlement

The purpose of th trial is because Microsoft has a stranglehold on the market with its monopoly. The ''settlement'' in NO way changes that. The settlement is rediculous. In fact, the settlement furthers the problem by engraining microsoft more into the society. What we need is not more copies of microft operating systems out there, we need to stop the unethical practices of microsoft. They do not lose anything by giving away copies of their software, they gain.

Brian LaMere
4860 Clairemont Mesa Blvd #8
San Diego CA 92117

MTC–00016540

From: Kevin—The Alchemist—Sonney
To: Microsoft ATR
Date: 1/23/02 11:28am
Subject: Microsoft Settlement

To whom it may concern—

I would like to voice my opinion AGAINST the proposed settlement with Microsoft. The terms, I believe are no more than a slap on the wrist, and will, over the next five years, actually increase the monopoly power already held by Microsoft.

This will be bad for everyone—except Microsoft.

Kevin ''The Alchemist'' Sonney
ICQ: 4855069
AIM: ksonney
320C 0336 3BC4 13EC 4AEC 6AF2 525F CED7 7BB6 12C9
CC:petition@kegel.com@inetgw

MTC–00016541

From: Steven Lucas
To: Microsoft ATR
Date: 1/23/02 11:29am
Subject: Microsoft Settlement

I believe that the Microsoft settlement, as proposed, is a very bad idea. The settlement amounts to an endorsement of Microsoft's continuing anti-competitive behavior and will do nothing to prevent future transgressions. Please reconsider the settlement and its effects.

Thank You
Steven Lucas

MTC–00016542

From: Nick Aubert
To: Microsoft ATR
Date: 1/23/02 11:28am
Subject: Microsoft Settlement

Hi,

I am writing to express my disagreement with the current terms of the Microsoft settlement. Intellectual property and copyright laws applied to the technology industry should foster healthy competition and encourage development, which benefits consumers and business.

Microsoft uses intellectual property laws and it's virtual monopoly over the desktop operating system market to crush competion at every oppertunity. If Microsoft is allowed to have it's way, it may very well succeed in it's efforts to deny consumers the right to choose from among competing products. This would be bad for U.S. intrests, as well as bad for the world at large.

The IT industry is too important for any single company to be allowed to dominate it, the way Microsoft currently dominates the desktop. Microsoft must be made to fully disclose it's Windows applications programming interface (''API'') set, as well opening it's file formats to competing companies and operating systems.

Thanks for your attention.
Nick Aubert
Network Technician

MTC–00016543

From: John Cartin
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 11:25am
Subject: Microsoft Settlement

I do NOT agree with the current settlement agreement between the DOJ and Microsoft. The reasons below are my primary concern. . .

1. The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

2. The PFJ allows Microsoft to discriminate against small OEMs—including regional 'white box' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

3. The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

If these practices are allowed to continue, I believe that the anti-competitive behavior of Microsoft will most certainly continue to increase the barriers of entry to the market and will eventually strengthen its place in the computer market.

Thank You,
John B. Cartin

MTC–00016544

From: Chris Corayer
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 11:28am
Subject: Microsoft Settlement

I am writing to oppose the current settlement proposed. In my opinion it will change little, if anything.

What I would rather see happen is the following:

1) ALL file formats should be documented and open. This will allow FULL compatibility with competing office suites such as Sun's Staroffice. Full compatibility will by it's very nature force competition into the marketplace. The MS product suite will have to prove to its userbase that it is worth spending the money to buy said product when there are other products out there that can read/write their format. This should apply to file formats other than just the office products.

2) Full disclosure/documentation of protocols. This would allow such things as the SAMBA group to allow full windows features on UNIX/BSD/LINUX machines and allow simple integration of those machines into a windows based network.

3) In the rare case where Microsoft may claim security risks, I would respectfully point out that many of the other UNICES, like FreeBSD and the different Linuxes, do not seem to have many problems with full disclosure. In any event, it should not be sufficient for Microsoft to claim security and not furnish information. They should be forced to PROVE that something would be completely rendered vulnerable if certain protocols were fully documented. This process should be overseen by at least half of Microsoft's competitors who should be able to determine if this were the case.

4) Microsoft API's should also be fully documented. This will prevent such things as company A being put out of business should Microsoft decide to implement a similar program that uses ''undocumented features'' to make the Microsoft product run better or more stable.

5) No bundling should be allowed in a default install. There SHOULD be an option to install additional software during the install process, but this should not be the default option. Most other OS's allow a simple base install. This will not generally include web browsers, multimedia, or instant messaging clients.

6) No exclusive licensing on the boot loader. Microsoft should not be allowed to require that only Windows be installed or that the only option shown upon booting be Windows. There should also be safeguards in place to prevent retaliation by Microsoft on this point.

The first two points I consider absolutely critical. The internet was based on fully documented, and freely available protocols. Microsoft's Active Directory is a minor modification of LDAP and Kerberos. Both of these are widely used protocols, but they will NOT work with the Microsoft versions.

This prevents competition. The Office Suite is so engrained in the corporate sector that there will not be any competition until competitors can make a fully compatible product. This will not happen until the file formats are fully documented.

The remaining points are optional. I include the third just in case exceptions for security are allowed. I am however willing to make allowances if there is some property that Microsoft licensed from another party and the license does not allow use in another product or similar situations. The fourth point I made is much like the browser issue. For a while Netscape would crash often. Certain instant messaging clients were very unstable.

The fifth point is simply to promote users to try non MS software. The option to install Internet Explorer would be available during the install, but it would no longer be mandatory. I include this due to recent events where Microsoft's website was made inaccessible to users who used the competing Opera web browser. Behavior such as this makes me extremely suspect of any guarantees by Microsoft regarding their behavior without outside oversight.

The final point is one that was already in the proposed settlement. I feel that this requirement be kept in any future proposal.

Thank you for your time.

-Christopher Corayer
Information Services
ADE Technologies
77 Rowe Street
Newton, MA 02466
p.617.831.8043
f.617.243.4443

MTC–00016545

From: Dale Carlson
To: Microsoft ATR
Date: 1/23/02 11:29am
Subject: Microsoft Settlement

I see a 3 part solution:

1. Force Microsoft to open their APIs to anyone who wants them.

2. Prohibit Microsoft from requiring every PC manufacturer who ships a Microsoft-based OS compatible PC to purchase a licence for EVERY machine they make. For example, if someone wishes to purchase a Dell PC to run Linux, they should not be forced to pay for a copy of Windows that they will never use.

Most importantly:

3. Limit the number of technologies Microsoft can purchase every month/year. Since they do not innovate, but rather swallow up other companies and technologies, they destroy competition. This is a fundamental part of their business strategy. Instead of developing a better competing product, simply buy out the competition. It is impossible to eliminate Microsoft's existing monopoly. Preventing it from continuing is the key. Financial penalties only drive up costs for those who are forced to use the entrenched MS products, and fail to serve any purpose. Requiring Microsoft to donate their technologies to schools does nothing but strengthen their monopoly. The settlement must prevent the continued spread of Microsoft's stronghold on the industry. It can be summed up very simply. In the case of Apple computer, potential Macintosh computer customers are often most concerned about whether or not the Mac runs Microsoft Office. In fact, some people don't purchase Macs because they believe they can't run Office (Word, Excel, etc). The fact that they can run Office, yet this fact is poorly advertised is irrelevant. What is relevant is that people are so dependant on Microsoft technology that it influences multi-thousand dollar decisions.

This dependancy on software from a company whose track record on security is not exactly excellent is a scary thought indeed. Support diversity in the industry.

Dale Carlson

MTC–00016546

From: Michael Pryor
To: Microsoft ATR
Date: 1/23/02 11:29am
Subject: Microsoft Settlement

I would like to make some comments concerning the Microsoft settlement.

I believe that the proposed settlement between the Department of Justice and Microsoft should NOT be accepted in its current form. Reasons for this are:

—Microsoft has been proved in court to be a monopolist

—Nothing in the settlement will prevent Microsoft from erecting further barriers to entry to compete in the operating system market

—Microsoft has sufficiently large ''mind share'' amongst customers that no company can effectively compete against Microsoft unless they have the same amount of financial resources to bring to bear to compete. Microsoft has $30 billion dollars in cash to create competing products in any marketplace they choose. They are adding to that hoard at the rate of about $1 billion per month. A good deal of this cash hoard was accumulated due to their monopolistic practices.

Suggested solutions to help correct the problem:

—A large cash fine should be applied to Microsoft. Some sources suggest that Microsoft has accumulated this large a cash hoard illegally by not giving out dividends which are taxed by the receivers. To my understanding, Microsoft has not paid taxes on this level of retained earnings. A large fine would reduce the resources that Microsoft has to erect more barriers to entry.

—Require changes to all Microsoft licenses that currently prevent their tools from creating executable programs that run on other operating systems and prevent their applications from executing on other operating systems. All licenses for all Microsoft products should allow usage on any operating system. Microsoft uses the current license terms to help prevent the growth of competing operating systems.

—Require that Microsoft provide timely (within 1 month of their release into any publicly available product, including beta products) any additions or changes to operating system interfaces. This includes ALL interfaces, including security interfaces. The language in the current settlement document allows great leeway to Microsoft to withhold information for certain APIs. This act of withholding does not level the playing field.

—Remember that with Microsoft's large cash hoard, it is only a matter of time before they are able to create a monopoly in other areas of computer hardware and software. This kind of legal action will quite likely be required in the future unless appropriate action is taken now to prevent the inherent behavior that brings rise to the problem.

Thank for listening.

Michael Pryor
431 Stone Fence Rd.
Rochester, NY 14626
(716) 227–0086

MTC–00016547

From: David Ashley
To: Microsoft ATR
Date: 1/23/02 11:30am
Subject: Microsoft Settlement

I am disheartened by the news that the case against microsoft will be settled shortly. It is clear that justice is not being done, and that once more microsoft will get away with committing corporate murder.

Microsoft cannot be trusted. The only solution to microsoft's abuses is to divide the company into at least two new companies, one part owning the OS, and the other owning everything else. Also microsoft must be required to compensate the many companies it has already either harmed significantly or destroyed completely.

I urge the DOJ to reconsider ending this case now without any real penalties imposed against microsoft. Better to cure the cancer that is microsoft now, rather than lull ourselves into a false sense of security.

Sincerly,
David Ashley
dash@xdr.com

MTC–00016548

From: Vincent Keunen
To: Microsoft ATR
Date: 1/23/02 11:31am
Subject: Microsoft Settlement

Dear Sir,

Please excuse any language errors, I am not a native English speaker. I am the manager of a small company in Belgium, Europe. I am strongly against the proposed settlement. I am really and honnestly convinced that it will not do much to prevent Microsoft from conducting its aggressive and illegal business (let alone unethical). There has been several very clear demonstrations in the past that Microsoft does not hesitate to have such behaviours. It is also very clear to me that, already now, they are seriously preparing other kinds of such ''competitors eliminations''. What Microsoft has done in the browser market to Netscape, it is also doing it with its Windows Media Player to Real Player and Apple's quicktime; with its Instant Messenger to AOL's Instant Messenger; with its MSN network to other News networks on Internet; with Outlook to all other email and agenda systems; etc... Not as visible but also important is that all those ''client'' applications need server software. If Microsoft illegally controls all those client software, it will also very easily promote its server software (like IIS, Exchange, Media server, IM server,...), preventing others from developing such server software. This is also true, although to a lesser extent, for development tools.

Our company is betting on Java to develop faster, easier and in a more portable way various software systems. Microsoft is trying as hard as they can to kill the Java platform (not to be confused with Java, the language). So Microsoft is, again, going against our own interests, our clients interests and the good health of the software industry in illegal ways.

Please do consider real solutions to this several years long problem. Time is in favor of Microsoft. They know it. They do all they can, as fast as they can, to quickly capture the various new markets I mentioned above and kill competition as they did with the browser.

I can't help but feeling pretty insecure that the tool (the internet browser) used to access the vast amount of information, data and entertainment of the Internet is today belonging to a unique, monopolist, abusive, private, commercial company. This gives them an enormous power and ability to control so much of the information society. I really fear for my kids: they will live in a world controlled by a small number of private, commercial companies known to do many illegal things to get more power.

Please keep my testimony as anonymous as possible, because currently, the software world being so dependant on Windows and Microsoft that if it were known widely that we are against Microsoft, we would probably lose a significant part of our business.

Thank you.

—

!try; do()

—

Vincent Keunen, Ir, http://vincent.keunen.net Manex, rue Wagner 93, BE-4100 Boncelles, Belgium http://www.manex.be

MTC–00016549

From: Brandon
To: Microsoft ATR
Date: 1/23/02 11:27am
Subject: Microsoft Settlement

I would like to register my opposition the the proposed Microsoft settlement, I feel that it does not do enough to adequatly prevent Microsoft from abusing its monopoly power. I feel that an effort should be made to COMPLETELY open all protocols and API's related to Windows and it's variants, thereby allowing competitors to compete on the desktop.

Thanks for your time,
Brandon Neill
Westminster, Colorado

MTC–00016550

From: Pat Wheaton
To: Microsoft ATR
Date: 1/23/02 11:31am
Subject: Microsoft Settlement

I believe that the proposed settlement with Microsoft is a bad idea. They have not done nearly enough, and have not abided by the spirit and letter of earlier agreements.

It is time to stop letting MS break the law because of their power and influence. Making this happen is your job, in my opinion.

Thank you,
Pat Wheaton

MTC–00016551

From: Breland, Martin (US MC)
To: Microsoft ATR
Date: 1/23/02 11:28am
Subject: Microsoft Settlement

To Whom it May Concern,

It is my heartfelt opinion that the proposed settlement in the Microsoft Anti-Trust case is not a good resolution to this matter.

Microsoft has violated the law, and needs to be made to understand that this is a situation that is taken very seriously, both by the government and by the people of the United States.

Sincerely,
Martin V. Breland
Grand Bay, AL

MTC–00016552

From: John T. Shaw
To: Microsoft ATR
Date: 1/23/02 11:31am
Subject: Microsoft Settlement

Dr. Sirs,

The current idea for settlement with Micrsoft over there anti-trust violations is a very disturbing one.

Nothing in the settlement either 1) discourages Microsoft from increasing there monopoly or 2) forces Microsoft to give up market share.

What you will get from this settlement is more of a monopoly in the education sector from Microsoft and little else. The education sector is one of the few left that Microsoft doesn't have almost complete control over so such a penalty could be devistating to competitors.

What needs to be done is the following:

1) Microsoft must be forced to open the important standards and libraries so it is possible for competitors to be on a level playing field. This is not to say they must make there operating system open source, but they should open the libraries that allow such products as Office or Internet Explorer to be integrated so well with Windows.

2) Microsoft must no longer be allowed to bundle more and more programs into Windows forcing 3rd party vendors out.

3) All OEM contracts with Microsoft that do not allow OEM's to install multiple OS's on a machine that contains Windows should be modified such that OEM's have this freedom.

4) Microsoft should be forced to give 1 Billion dollars in hardware to schools. The hardware should be delivered in working condition running with only competitors software and hardware. No Microsoft products should be allowed in this penalty.

I am sure you will consider these thoughts, and those thoughts of all others and see that Justice and the best interests of the people are served here. Thank you for your time.

John T. Shaw

—-

Computer Engineer, Georgia Institute of Technology
jtshaw@resnet.gatech.edu
Cell: (404) 432–3983

MTC–00016553

From: Bruce Timberlake
To: Microsoft ATR
Date: 1/23/02 11:31am
Subject: Microsoft Settlement

I am writing to voice my concern, in accordance with the Tunney Act, over the proposed Microsoft settlement. I am a user and supporter of free and open source operating systems like Linux, FreeBSD, and OpenBSD, and of open source applications like OpenOffice, KDE, and Gnome.

I am convinced that not enough effort is being spent really ensuring that Microsoft is

(1) punished for their outrageous and damaging monopolistic practices in the computer industry, and (2) prevented by airtight legal terms from being able to stray down that path again. It is tough to do given the nature of the computer industry: rapidly changing, and not necessarily easily understood by the average person.

Nor, possibly, by those who must make the final decisions. I hope that once the key elements of an acceptable settlement are repeated over and over by those of us in the industry, they will be incorporated. I am all for capitalism, and the best company/product/idea becoming successful in the marketplace on its own merits. But when the playing field isn't equal, due to marketing, ''backroom'' negotiations, unequal licensing terms for manufacturers who may not ''toe the line,'' etc, then the best company isn't necessarily the one that wins. The best company might have never had a chance from the beginning.

I don't want to pretend that I have all the answers, or even many of them. But as a part-time programmer, I think a few key ideas have to be part of the settlement, and they must be written in straightforward, airtight language, so that Microsoft cannot ''figure out a way around them'' at any point in the future:

1. All file formats—past and present (as of the date of the settlement)—ever used by any Microsoft operating system or program, and specifically any member of the Office suite (Word, Excel, Powerpoint, Outlook), must be made completely and immediately available as ''public knowledge'' in a way that does not require any money or identifying information to be given to Microsoft by any person, company, or organization that wants the information.

2. All file formats created and used after the date of the settlement by any Microsoft or subsidiary company's operating system or program, and specifically any member of the Office suite (Word, Excel, Powerpoint, Outlook), must be made completely available as ''public knowledge'' no later than the date the product is avaiilable to manufacturers for bundling onto computers, and in a way that does not require any money or identifying information to be given to Microsoft by any person, company, or organization that wants the information.

3. All APIs used to communicate between any Microsoft products (operating systems and/or applications) shall be completely divulged to enable the complete and unrestrained interaction of non-Microsoft operating systems and/or applications, or replacement of Microsoft operating systems. This shall specifically include the Exchange and SMB protocols. This information will be made available as ''public knowledhe'' in a way that does not require any money or identifying information to be given to Microsoft by any person, company, or organization that wants the information.

4. No computer manufacturer who offers Microsoft operating systems pre-installed on their computers can be penalized in any way (through fee increases, contractual obligations, etc) if they wish to offer alternative operating systems for customers who desire one either in place of, or in addition to, a Microsoft operating system.

There are many other issues that I don't feel competent to suggest a remedy for, but which I would like to state as a concern anyway: The oversight committee needs to have the staffing and authority to report to the public what Microsoft is doing to ''make good'' on the terms, and the ability to truly punish Microsoft in some fashion if it does not comply with both the letter and the spirit of the settlement.

One idea proposed by Ralph Nader seems especially appropriate: ''The level of fines that would serve as a deterrent for cash rich Microsoft would be difficult to fathom, but one might make these fines deter more by directing the money to be paid into trust funds that would fund the development of free software, an endeavor that Microsoft has indicated it strongly opposes as a threat to its own monopoly. This would give Microsoft a much greater incentive to abide by the agreement.''

I also heartily agree with and endorse the GNU Foundation's suggestions, some of which mirrors my own ideas at the opening of this letter:

1. Require Microsoft to publish complete documentation of all interfaces between software components, all communications protocols, and all file formats. This would block one of Microsoft's favorite tactics: secret and incompatible interfaces. The rule must be: if they cannot publish the interface, they cannot release an implementation of it.

2. Require Microsoft to use its patents for defense only, in the field of software. It is crucial to address the issue of patents, because it does no good to have Microsoft publish an interface, if they have managed to work some patented wrinkle into it (or into the functionality it gives access to), such that the rest of us are not allowed to implement it.

3. Require Microsoft not to certify any hardware as working with Microsoft software, unless the hardware's complete specifications have been published, so that any programmer can implement software to support the same hardware.

To close, I would like to quote the summary by the Computer and Communications Industry Association of the DOJ settlement compared to that ordered by the DC Circuit Court of Appeals: ''The settlement being prepared by Charles James (1) would not prevent the central ways Microsoft was found to have illegally maintained its Windows monopoly, (2) does nothing to restore competition in the OS market, an express Court of Appeals requirement for a Microsoft remedy, and (3) has no provisions directed to Windows XP and other new endeavors of Microsoft to extend and protect its monopoly to new markets in the future, another express Court of Appeals requirement for a Microsoft remedy. The proposal is so far outside the mainstream of antitrust law, and so completely contradicts the DC Circuit's unanimous opinion affirming Microsoft's guilt, that the only explanation must be political pressure. Whether or not the public learns of the backroom activities will be the responsibility of Judge Kollar-Kotelly under the Tunney Act public hearings that are required before approval of anti-trust settlements.''

Thank you for taking the time to read this.
Bruce Timberlake
Carlsbad, CA

MTC–00016554

From: elisabeth.kock(a)excite.com
TO: MS ATR
DATE: 1/23/02 11:29am
Subject: Microsoft Settlement

to Whom it may Concern,

I find the proposed settlement to be a bad idea. Do something about it!

MTC–00016555

From: Smith, Wayne (TBC)
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 11:31am
Subject: Microsoft Settlement

To Whomsoever this may prove to concern,

The Microsoft settlement as proposed, is a very bad idea.

Thank you for your time,
Wayne Smith

MTC–00016556

From: Benjamin Smith
To: Microsoft ATR
Date: 1/23/02 11:31am
Subject: Microsoft Settlement

This is to make my voice heard:

I oppose the current form of settlement in the Microsoft anti-trust trial. While there are glimmers of remedy in there, it does virtually nothing to remedy the actual anti-competetive nature of Microsoft's past actions. Having won the case, having proven Microsoft's illegal conduct, and obtained a judgement that has withstood significant legal challenge, I just don't understand the logic in a ''slap on the wrist'' and letting Microsoft free to resume their activities.

Since no justice has been served, this agreement amounts to nothing more than ''don't do it again'' (again), this is a settlement for the sake of settlement.

This only compounds the problem, as this sets a social and legal precedence to allow vicious acts of this nature to continue unchecked!

Please reconsider this settlement!
-Benjamin Smith
Chico, California.

MTC–00016557

From: Dominic Giampaolo
To: Microsoft ATR
Date: 1/23/02 11:31am
Subject: Microsoft Settlement

Hello,

I would like to voice my opinion on the Microsoft Settlement. I am encouraged by many of the restraints the settlement imposes on Microsoft's behaviour. As a software developer however, it is clear that a few additions and modification need to be made for the settlement to offer a viable development path for third parties.

The biggest stumbling block to developing competing products is that Microsoft does not document their file formats well enough (or in a timely fashion) nor do they always document all of their API's completely. Without this critical information developers can not make products that work well with Microsoft tools nor can they do it in a reasonable time frame.

Consider the case of a Microsoft Word document (a ''.doc'' file). If you want to develop software to read or write that file format you must reverse-engineer the format or use Microsoft's woefully inadequate documentation of the format. This insures that your products will be perceived as inferior to Microsoft's. Further their published documentation often does not match what their applications write out in practice since they regularly change the file format and do not document the changes. This is a costly area of development for a third party and one that is a never-ending battle. Unless the file format information is accurate and complete you can never develop a product that the market will perceive as anything other than a second class citizen to Microsoft's products.

In the area of Windows API's, the same thing happens. Microsoft applications will use undocumented API's, lending them features that require external developers considerable more time to implement.

I feel that the settlement proposal should include provisions to ensure that Microsoft releases complete, correct file format and API documentation in a timely fashion *before* the commercial release of a product. Without this, third party developers will never be able to compete on a level playing field with Microsoft.

I hope that my opinions echo those of others and that you'll consider my remarks carefully.

thank you,

—dominic giampaolo

MTC–00016558

From: Chris Hadley
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 11:31am
Subject: Microsoft Settlement

I think settling is a really bad idea. It doesn't attempt to fix the problem, that Microsoft has an almost complete monopoly on computer operating systems. They are still using that monopoly to crush software makers and other operating systems. So what if they have to pay billions? They'll just make it back in a year or so, and in that same year will increase their profits and their stranglehold even more. Any remedy that does not increase competition for Microsoft is a joke.

Thanks,
Chris Hadley
Microsoft Certified Professional

MTC–00016559

From: Michael Meckler
To: Microsoft ATR
Date: 1/23/02 11:31am
Subject: Microsoft Settlement

I would like to comment on the currently proposed Microsoft settlement. I write software for a living. Much of my time is wasted working around flaws in Microsoft's code and operating systems.

Microsoft is a monopoly, and they abuse their monopoly power to gain and retain market share. People who write software know how difficult it truly is to work with Microsoft. If Microsoft truly cared about innovation, if they designed APIs and tools that truly advanced the state of the art, then the vast cloud of animosity directed towards Microsoft would dissipate.

But that's not the case. Microsoft directs the vast majority of its resources towards simply increasing revenue, at the cost of the quality of its product. But we, the technology workers, are forced to deal with it. It costs us time, and money. The entire American economy suffers. Microsoft must be forced to allow true competition on the desktop.

American consumers and software developers need true choice, not the anemic alternatives offered by Macintosh and Linux. The current settlement does nothing to address these concerns; in fact, the proposal seems almost ludicrous.

Thank you,
Michael Meckler
7239 Pacific View Dr.
Los Angeles, CA 90068

MTC–00016560

From: Dale Hawkins
To: Microsoft ATR
Date: 1/23/02 11:30am
Subject: Microsoft Settlement

Hello. I am writing to express my discontent with the Microsoft settlement. I am especially concerned with the inability to read, edit, or otherwise interact with various Microsoft document formats without the use of Microsoft's proprietary tools. This effectively limits the ability of myself and other consumers to choose an alternative computing platform. In effect, people are ''locked-in'' because of the vast amounts of personal data which is only available through their continued use of Microsoft products. Furthermore, with the ''creative'' licensing proposed with Microsoft's latest operating systems, the customer is at an even greater risk of his or her data becoming unaccessible without renewing various licenses on a regular basis.

In essence, forcing a disclosure of the various document formats seems to be one of the few alternatives to countering the current monopoly status of the Microsoft corporation.

Thank you,
Dale K. Hawkins
Littleton, CO

MTC–00016561

From: Andrew Kuster
To: Microsoft ATR
Date: 1/23/02 11:40am
Subject: Microsoft Settlement

Dear sir or madam,

Acting under the Tunney Act, I hereby publicly submit my comments about the Microsoft settlement. I feel that the proposed settlement with Microsoft is a very bad idea.

Considering the anti-competitive damage that Microsoft has done, as has been well-documented in your records, I think the fairest settlement involves opening the document formats for Microsoft Office programs, making public the source code for all past and future versions of Microsoft Windows and Internet Explorer, and offering cash to every licensee of a Microsoft Windows product.

Thank you for the time you take with this e-mail.

Sincerely,

Andrew Kuster
2414 Leslie Circle
Ann Arbor, MI 48105

MTC–00016562

From: ryan quigley
To: Microsoft ATR
Date: 1/23/02 11:32am
Subject: Microsoft Settlement

The proposed settlement is a bad idea.

Ryan Quigley
Dan Miller Design

MTC–00016563

From: Matthew Miller
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:31am
Subject: Microsoft Settlement

To Whom it may Concern;

The proposed settlement in the antitrust case against Microsoft does not reprimand Microsoft's past illegal behavior, nor does it prevent or account for such behavior in the future. As a consumer of software products, this is disappointing and disturbing. As a software engineer, this can endanger my ability to work in my chosen field. The Proposed Final Judgement also has many openings similiar to the first agreement with Microsoft. I cannot support this judgement in its current form, and sincerely wish that you would reconsider this settlement.

Thank you,
Matthew A. Miller
790 N. Euclid, Apt. 316
Anaheim, CA 92801

MTC–00016564

From: Joseph Crook
To: Microsoft ATR
Date: 1/23/02 11:31am
Subject: Microsoft Settlement

The settlement is AWFUL. As a consumer, it guarantees that my choices will continue to be stifled by MicroSoft. I need choices.

Respectfully,
Joseph Crook
752 Mount Pleasant Rd.
Kingston Springs, TN 37082
Joe Crook
Oracle8i Certified DBA
Consultant, Keane, Inc.
PH: 615–741–7195
Cell: 615–584–0029
Email: joseph.crook@mail.state.tn.us

MTC–00016565

From: klb26@cornell.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 11:32am
Subject: Microsoft Settlement

Dear Sirs—

I am very concerned with the proposed judgement in the Microsoft anti-trust case. There seem to be a great number of problems with the ''solution'' that has been put forth, and I fear unless new action is taken MS will only become more entrenched as a solo power in the field.

One of the specific problems I have with the judgement is the fact that, although vendors of competing software packages are required to meet ''reasonable technical requirements'' seven months before a new release of a Microsoft-OS, MS is not required to disclose what those requirements will be. It is certainly not inconceivable that

Microsoft would change those requirements close to a release date, considering it's track record to date.

There are numerous other problems with the judgement, and I sincerely urge you to reconsider your current stance on the issue. Thank you for your time and consideration.

Ken Bromberg
klb26@cornell.edu

MTC–00016566

From: craig z
To: Microsoft ATR
Date: 1/23/02 11:33am
Subject: Microsoft Settlement

the proposed settlement is a bad idea.

The PFJ doesn't take into account Windows-compatible competing operating systems.

The PFJ Contains Misleading and Overly Narrow Definitions and Provisions.

The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft.

The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft.

The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs.

signed,
/craig znamierowski
charlton, ma

MTC–00016567

From: Joel Gilbertson-White
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:32am
Subject: Microsoft Settlement

Hi there-

I think the current settlement with Microsoft is a bad idea. Something seems amiss that they're being let off so lightly.

The world of computers is going to stagnate instead of flourish, all so that Microsoft can make a better profit at the expense of the market.

Thank you,
Joel Gilbertson-White
Madison, WI

MTC–00016568

From: Johnson, Robin
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:31am
Subject: Microsoft Settlement

I have been following this action quite closely and I am very disturbed by the proposed settlement. It fails to address one of the most damaging behaviors of Microsoft—the lack of an Open API to a monopoly operating system critical to a large majority of private and public daily operations.

Since the source for the API is not open, Microsoft can make hidden changes in the source to ''break'' competitors products in the area of Office Applications, Browsers, etc. Worse, Microsoft often delivers these changes in the form of ''necessary'' security patches. This happens on a frequent basis and even if it is entirely ''accidental'' it seems to be routine for Microsoft and clearly harmful.

The routine problems with Microsoft products in the area of security is also related to their lack of transparency in their API. Independent experts cannot find the problems before the crackers do. The crackers simply decompile the source code to find the security holes. Computer professionals cannot do the same thing because it is illegal and unethical to decompile the API source code without permission. Making the API source open for review to at least independent security engineers is vital for reasons of national security. Cyberterrorrists are not deterred by copyright laws. We shouldn't cripple the computer community's ability to defend our vital computer systems from attack because Microsoft would rather hide the problem for PR purposes.

Thank you.
Robin Johnson
Office: 678–352–1307
Cell: 678–414–3473

A reasonable explanation will trump the ugly truth every time.

MTC–00016569

From: jfrincon@mindspring.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:33am
Subject: Microsoft Settlement comments

Dear Judge Kollar-Kotelly,

I write to express my dissatisfaction with the Proposed Final Judgment (PFJ) for USA vs. Microsoft.

While time limitations prevent me from conducting an exhaustive review of all the aspects of the provisions of the Final Judgment that I find to fail the public interest, allow me to focus on two particular issues that are of crucial importance:

(1) The exclusion of Microsoft's handheld version of Windows (i.e. Windows CE and variants, Windows for Automotive, Windows NT Embedded, and Windows XP Embedded from the definition of ''Windows Operating System Product'' delineated in Section VI, Item U of the PFJ;

(2) Provisions of Section III, Item J which give Microsoft broad discretion on determining which parties are eligible to receive API, Documentation or Communications Protocol information.

(1) Handheld and embedded operating systems

I have been working as a user of handheld devices for almost ten years and have been an applications developer for three of those ten. It has been very clear to me that portable devices will be a fundamental domain of computing technology, perhaps even replacing the desktop computer as a central unit of processing, in the near term. While there are various players in the handheld and mobile marketplace, Microsoft is a competitor that has historically used its weight to stifle innovation in this marketplace until it was ready to embrace it.

In terms of its APIs, the embedded versions of Microsoft's operating systems are modeled closely—sometimes even ported directly—on its Win32 API for desktop operating system development.

These versions of the operating system, designed to be stored in quickly-accessible RAM or ROM rather than on disk, and with an apparently closer connection to the hardware in which they're operating, are not significantly technically different from the existing desktop Windows technology, save for their portability. Microsoft itself, when advocating for the Embedded version of its operating system, argues that this close tie provides one of the main reasons why developers should adopt its solution: ''Windows XP Embedded is the componentized version of the leading desktop operating system, enabling rapid development of the most reliable and full-featured connected devices. Based on the same binaries as Windows XP Professional, Windows XP Embedded enables embedded developers to individually select only the rich features they need for customized, reduced-footprint embedded devices.''

[http://www.microsoft.com/windows/embedded/xp/evaluation/overview/default.asp—accessed Jan 23, 2002]

The versions of the Microsoft OS for handheld and mobile devices, (Windows CE and derivatives including Windows CE for Handheld PC, Windows CE for Palm-size PC, Windows CE for Desktop PC) are tied equally closely in Microsoft's eyes:

''The Windows CE operating system is based on the Microsoft Win32(R) application programming interface. Therefore, you can enhance your applications by using exposed APIs from bundled applications.''

[http://www.microsoft.com/mobile/developer/downloads/ppcsdk2002.asp—accessed January 23, 2002]

Microsoft's own behavior in the handheld and mobile marketplace reflects similar actions to those presented in the Court's Findings of Fact, including concerted action to protect applications barrier to entry by performing ongoing modifications to its handheld data storage methodologies, by modifying established connectivity protocols (including the infrared communications protocols between competitors'' handheld devices), and by maintaining its own data transfer protocols closed, thus thwarting the efforts of middleware vendors and non-Windows handheld device manufacturers to provide connectivity solutions that make full use of the capabilities of users'' desktop computer hardware to connect with mobile devices.

Because of the rising capabilities and reduction in size of microprocessors, along with the quickly falling cost of flashable (rewritable) ROM and high-capacity RAM, it is very likely indeed that what we call embedded or mobile systems today will come to replace wholly desktop-based solutions for everyday users in the near and mid-range future. Embedded systems will (and do) reside in automobiles, household appliances, communications devices, and just about every other type of device that uses electronics to perform complex functions.

Allowing Microsoft to extend its monopoly into the embedded and mobile marketplace while remaining unfettered by the consequences of its previous anti-competitive behavior in the desktop operating systems marketplace is detrimental to the public interest.

(2) This point is much more brief, but equally important. In giving Microsoft the power to determine that a company ''meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business'' before receiving API and Documentation, or Communication Protocol information, it effectively gives Microsoft the power to exclude open source and free software developers from building

systems that are fully interoperable with existing solutions provided by Microsoft, mostly because these developers are not engaging in ''viable business''. Indeed, many of these companies are not engaged in business at all, but are working through the concepts of sharing and widely disseminating usable code and applications. Powerful and open public goods such as the Internet and Linux grew through this kind of non-business activity. This item effectively shuts out the public interest in interoperability and standards compliance by giving Microsoft the power! to define what is authentic and viable. Microsoft CEO Steve Ballmer's rhetoric regarding Linux as a cancer demonstrates their predisposition to exclude open source systems from any and all consideration for interoperability and access:

''The only thing we have a problem with is when the government funds open-source work. Government funding should be for work that is available to everybody. Open source is not available to commercial companies. The way the license is written, if you use any open-source software, you have to make the rest of your software open source. If the government wants to put something in the public domain, it should. Linux is not in the public domain.''

[http://www.linuxmax.net/maxnews.php?ArticleID=26—Accessed January 23,2002]

Aside from Mr. Ballmer's odd reasoning that an operating system for which the source is open and available to anyone is not in the public domain, his reasoning that open source licenses are not commercially viable makes a statement of predisposition that I have no doubt would be used as legally acceptable parameters, under the PFJ, to thwart public efforts at building an interoperable, free operating system.

I sincerely hope that Microsoft will have to atone for its extensive history of anticompetitive behavior.

However, it is clear to me, and to those of us in the technology industry who have seen Microsoft as a company uninterested in cooperating, that this PFJ would do little to force that atonement and would do much to provide Microsoft a legal platform from which to continue its anticompetitive behavior.

Sincerely,
Juan Felipe Rinc'n
Arlington, Virginia

MTC–00016570

From: Neil Bliss
To: Microsoft ATR
Date: 1/23/02 11:33am
Subject: Microsoft Settlement

Tunney Act comment

Folks,

Microsoft must be made to cease it's monopolistic behavior with regard to the use of it's Software development kits, compilers and Integrated Development environments. In the License Agreement, a purchaser of Microsoft Visual C++ is forced to agree that they will *only* use this compiler to build code to run on a ''Microsoft Operating Sysytem Product.'' Why? There is absolutely NO technical excuse for this sort of behavior.

Code compiled under this compile can easily run under other operating systems. Microsoft is attempting to use thier dominant position in the Compilers marketspace to effectively remove all other Operating Systems from the market. This is wrong. Please make this change.

Thanks,
Neil

MTC–00016571

From: Ken Miller
To: Microsoft ATR
Date: 1/23/02 11:33am
Subject: Microsoft Settlement

I would like to express my strong opposition to the proposed Microsoft settlement.

I urge you to support the alternative settlement proposed by those states that refused to sign on to the proposed settlement. The proposed settlement will not appreciably curtail the illegal actions through which Microsoft has maintained its monopoly over desktop computing. The single most important item needed is that all API's and file formats, both of Windows and of applications such as Word, be available openly to the world of programmers at the same time and in the same detail as it is available to Microsoft programmers.

This is the only way that competition has a chance to thrive. The proposed settlement falls far short of this goal, allowing Microsoft to pick and choose who will have access to this technical information, to restrict which things will be documented, and to provide documentation only at the last minute (if then), and furthermore has no effective enforcement procedures even for these very limited measures. There are many many other failings of the settlement as well, as is made clear by a comparison to the settlement proposed by the dissenting states.

Sincerely,
Kenneth Miller
Kenneth D. Miller
Associate Professor
Dept. of Physiology, UCSF
513 Parnassus
San Francisco, CA 94143–0444
telephone: (415) 476–8217
fax: (415) 476–4929
internet: ken@phy.ucsf.edu
www: http://www.keck.ucsf.edu/ken

MTC–00016572

From: Kirk L. Duffin
To: Microsoft ATR
Date: 1/23/02 11:34am
Subject: Microsoft Settlement

This purpose of this letter is to express my concern over the proposed settlement in the U.S. vs. Microsoft lawsuit.

I don't profess to be an expert in these matters, but the things that I've read lead me to believe that the proposed settlement will do little to truly curb the anti-competitive practices that Microsoft has demonstrated time and again.

As a proponent of quality software and alternative operating systems, I feel that the proposed settlement is *not* a good idea.

Kirk L. Duffin
Computer Science Department
Northern Illinois University
DeKalb, IL 60115
phone: (815) 753–2628
fax: (815) 753–0342
office: PM 567
e-mail: duffin@cs.niu.edu

MTC–00016573

From: Clark Christensen
To: Microsoft ATR
Date: 1/23/02 11:34am
Subject: Microsoft Settlement

I do not support the current settlement to the Microsoft Anti-Trust suit.

The current settlement does not guarantee interoperability or published protocols, nor does it prohibit Microsoft from violating the Anti-Trust tenent that an existing monopoly cannot be leveraged to create another monopoly in an adjacent market. Under the current settlement Microsoft is protected from divulging Intellectual Property. This will protect them from having to reveal protocols and interfaces to services that use their technology. Anyone who wants access will have to license the technology, and effectively allowing Microsoft to determe the type of competition it will have to face. Since Open Source alternatives, which Microsoft fears as it's greatest competitor, have no budget for licenses they can essentially eliminate this competition through exclusive/expensive licenses. Furthermore, any ability by Microsoft to require such licenses will preclude any Open Source alternatives since the licensee will not be permitted to divulge any of the Intellectual Property (i.e. the code)—the very anti-thesis of Open Source.

The new MSN browser and passport services shipped with Windows XP (a seperate browser from Explorer) illustrates exactly how Microsoft hopes to create a new vertical monopoly by leveraging their current operating system monopoly. With .NET, users will be forced to Microsoft's software or proprietary software that licenses Microsoft's technologies to access any of their services. Vendors may thus be bullied into using Microsoft technologies for fear of losing market share, and desktop users who use any of these tied in services will have little choice but to continue with Windows on the desktop.

These issues must be addressed in order to keep the computing market competitive. The internet thrived because of openness, lets keep it thriving.

Sincerely,
Clark Christensen
602 Cottage St. SW
Vienna, VA 22180
(703) 242–3970

MTC–00016574

From: Brian.J.Alvarado@mw.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:34am
Subject: Microsoft Settlement

Excerpts from: http://web.siliconvalley.com/content/sv/2001/11/02/opinion/dgillmor/weblog/index.htm

The next step is a Tunney Act hearing, where the judge is supposed to determine if the settlement is in the public interest.

The last judge who held a Tunney Act hearing on a Microsoft antitrust settlement

was so incensed by what he saw that he, like the judge in the trial, shot off his mouth and got tossed off the case.

Will the states fold, too? Many will, no doubt.

Mere state governments don't have the money to fight a monopolist that generates more than $1 billion in extra cash every month, just a portion of the profits that even in an economic downturn keep rolling into the coffers.

Some states will probably keep fighting. Despite having won a case that showed Microsoft to be a sneering, brutal lawbreaker—with no intention of reforming—they're now total underdogs.

There needs to be some feedback. To many companies are looking at M$ as the business stratagey of the century. We don't want this. I can't even fathom 1 billion a year, let alone a month.

Don't be a sham. If this was your last case what would you want people to say. Yea, he bent. That is what everyone is saying now. Don't lose your cool.

You will only be tossed from the case. Let them know that Justice is blind. You have your scales and you have the sword. Do what you know is right.

Not right for you and your family, but what is right in the big picture. I think you know what the big picture is.... the future. Let them know they can line lawyers and politicians pockets with money, but not the judge.

In support: Excerpts. http://www.cptech.org/at/ms/rnjl2kollarkotellynov501.html

Failure to address Ill Gotten Gains

Completely missing from the proposed final order is anything that would make Microsoft pay for its past misdeeds, and this is an omission that must be remedied. Microsoft is hardly a first time offender, and has never shown remorse for its conduct, choosing instead to repeatedly attack the motives and character of officers of the government and members of the judiciary.

Microsoft has profited richly from the maintenance of its monopoly. On September 30, 2001, Microsoft reported cash and short-term investments of $36.2 billion, up from $31.6 billion the previous quarter—an accumulation of more than $1.5 billion per month.

This is astounding. It isn't a matter of if they can pay, becasue we know they can, it is a matter of penalty.

The penalty should make them stop and think about what they are doing. They are getting rich from it. It has already been shown what they did was wrong. 8 Judges have said so.

Don't let Politics get under the Lady Justices'' blind fold. None of that should matter.

It is all in your hands now.

Brian Alvarado
mWired
626 568 6376

MTC–00016575

From: Aquiles.Luna@UniBw-Hamburg.DE@inetgw
To: Microsoft ATR
Date: 1/23/02 11:34am
Subject: Microsoft Settlement

To whom it may concern:

The ''settlement'' is a total surrender on your side. The main reason: you leave untouched the many provisions in the Microsoft-OEM contracts that were from the very beginning the basis for building a monopoly and later to abuse of the same.

Judge Jackson had copies of such contracts in his hands, but utterly failed to understand the role they have played. Not even their status as ''trade secret'' was questioned; of course, the only secret protected by such status, is the arm-twisting methods that MS uses to force their low-quality products on OEMs and consumers.

Bottom line: due to the contracts, no OEM installs other operating systems besides Windows in the same computer, and very few offer computers *without* Windows, because the have to pay for the OEM-licence anyway.

This is just another botched, alibi settlement.

THE CONSUMER STILL HAS NO CHOICE

My best regards, Aquiles Luna

MTC–00016576

From: Matt Heinzen
To: Microsoft ATR
Date: 1/23/02 11:34am
Subject: Microsoft Settlement

I believe that the proposed antitrust settlement with Microsoft is not in the best intersests of consumers or the software industry. Reasons why the settlement is bad for consumers

1. Microsoft has been shown to break compatibility of 3rd party products running on MS operating systems (DR-DOS and Lotus 1–2–3). This discourages consumers from buying third party software when MS products are available because the 3rd software will not run as effectively as the MS software even if whether the MS is of lower or equal quality.

2. ''Monoculture'' software means that vulnerabilities are widely deployed. Internet worms such as ''Code Red'', ''Sircam'', ''Melissa'', and ''I Love You'' were specifically designed to target flaws in MS applications many people were unaware were even running on their computers (the IIS server program automatically enables on some versions of Windows) or in programs that are capable of running untrusted code without the users consent or knowledge (Visual Basic scripting enabled by default in MS Outlook). The exploits for these inherint vulnerabilities were so widespread largely because of the MS monopoly.

3. Forced upgrades. MS has not introduced features that are really critical to most consumers in its latest home versions of Windows, yet consumers are forced to upgrade Windows to be able to get technical support. This also usually means upgrading their computer hardware because each version of Windows requires more powerful resources than previous versions. Alternative free operating systems such as Linux and BSD support modern software but also can be run ''stripped down'' on systems five or even ten years old, meaning that it is possible to produce systems that do not require constant hardware upgrades. This model is just not in the best interests of MS, because it would not generate as much revenue.

Reasons why the settlement is bad for the software industry

1. MS has been found to, and will likely continue to, leverage their monopoly against computer manufacturers. Most people buy their computer and install very little software on it after the fact. Very few people install new operating systems. MS has used these facts to work exclusive licensing deals with computer manufacturers that virtually guarantees that any non-Macintosh PC purchased from any big name vendor will come with a version of MS Windows installed, regardless of what the consumer wants. Although installing a different operating system is a viable alternative, this would mean that the consumer has already payed money for a product they will never use. Manufacturers would like to provide alternatives, but MS could stop licensing Windows to these manufacturers. Although this would clearly be illegal given MS is a monopoly, the PC manufacturer would go bankrupt by the time the matter could be resolved legally.

2. Lack of competition causes stagnation. MS has very little reason to improve their products with no viable competitiors available for typical consumers. Most of the changes in recent additions of Windows have been visual improvements and application improvements not specifically requiring a new operating system, such as improved multimedia applications. There is little incentive for competitors to create new operating system alternative as long as MS is allowed to continue their monopolistic business practices, meaning that true technological innovation is being stifled.

For these reasons I believe that stronger actions are needed against MS. Alternative operating systems and application software must be allowed to compete on an even level with MS products, and PC manufacturers must be allowed to sell alternative that customers really want.

Matt Heinzen
heinz015@umn.edu
(612) 332–9594
1400 S 2nd St Apt B608
Minneapolis, MN 55454

MTC–00016577

From: Brian Templeton
To: Microsoft ATR
Date: 1/23/02 11:33am
Subject: Microsoft Settlement

The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system— even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)

Brian Templeton

MTC–00016578

From:

Mark.Juliano@AutoTrader.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:34am
Subject: Microsoft Settlement

I would like to take just a moment to comment on the pending Microsoft judgement. Having worked in the computer industry in many different capacities over the last 10 years I have come to understand how strong Microsoft's monopoly on the desktop really is. I must say that the current judgement and penalty being considered is far from adequate.

I have seen several companies with strong and viabale products pushed out of their market space by Microsoft's use of their monopolistic position. These include more recent examples such as Netscape and Apple, to older examples such as Wordperfect and Lotus 1–2–3. By using undocumented features in their Windows operating system in their products, Microsoft was able to produce spreadsheet and wordprocessing products, that ran faster and were more readily avaliable than their competitor's. By bundling software with their operating system, and calling it ''free'' they managed to gain significant market share over other web browsers.

Despite a consent decree in the mid 90s that was aimed at changing their predatory behavior in relation to their OEM contracts and the desktop Microsoft has consistently shown that they are unwilling to change their behavior. I feel that the solution currently being considered is far from a viable tool to ensure compliance with current anti-trust statutes. Leaving the company intact with some ''oversight safegaurds'' is akin to leaving Iraq intact and its leader in power, and trusting that they follow the agreements they made. We know where the situation in Iraq has gone, and judging by the actions of the past, I can determine where the future will go with Microsoft. Let me put it another way, it is being suggested that we give a habitual offender a slap on the wrist and probation. A criminial act is a criminal act regardless of who commits it. We should treat it as such.

Two additional points.

First, I find it highly interesting that Microsoft is almost eager to persue the judgement being considered. That would hardly allow it to be defined as punishment. Second, I also find it highly interesting that the DOJ's position on the case changed after a change in the leadership of the executive branch. Justice is supposed to be blind, following the dictates of some greater definition of right and wrong, not holding its finger in the wind to figure out which it should go.

Thank you,
Mark Juliano
Mark Juliano
Unix Administrator
Autotrader.com
mark.juliano@autotrader.com voice: 404–269–8010

MTC–00016579

From: Sean C. Malloy
To: Microsoft ATR
Date: 1/23/02 11:35am
Subject: Microsoft Settlement

I am a US citizen with over 10 years of software engineering experience living in Austin, Texas. I have read the Proposed Final Settlement in the case of US v. Microsoft.

I am very much opposed to it, as it:

1) Allows Microsoft to continue harming consumers by retaining the advantages they have illegally gained through anticompetitive business practices

2) Does not go far enough to ensure that Microsoft will compete fairly in the future

3) Is worded in language such that Microsoft will be able to continue their monopolistic behavior by technically complying with the settlement, but violating its spirit

4) Lacks adequate enforcement provisions

I urge the court to reject this proposed final settlement.

Sincerely,
Sean C. Malloy
smalloy@jump.net

MTC–00016580

From: Andy Lubbers
To: Microsoft ATR
Date: 1/23/02 11:35am
Subject: Microsoft Settlement

The PFJ contains misleading and overly narrow definitions and provisions, such as the following:

The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

The PFJ allows users to replace Microsoft Java with a competitor's product— but Microsoft is replacing Java with .NET.

The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertized as being ''Windows Powered''.

The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

The PFJ requires Microsoft to release API documentation— but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents?

This can scare away potential users.

MTC–00016581

From: Stephen Peters
To: Microsoft ATR
Date: 1/23/02 11:35am
Subject: Microsoft Settlement

I am writing to express my concerns (under the Tunney Act) on the Proposed Final Judgement (PFJ) in the Microsoft settlement.

I feel that the PFJ does not go far enough, either in punishing Microsoft for its previous anticompetitive behavior or in preventing such behavior in the future. Among the problems:

* The definition of Microsoft Middleware Products seems to be overly limiting, since it doesn't mention (for example) the very popular Microsoft Office suite or Microsoft's new .NET platform. It seems clear to me that these are platforms that Microsoft is hoping to leverage for new development, and could use these loopholes to prevent competitors from interoperating with these technologies.

* Although the APIs for some products will be opened, the issue of file formats is unaddressed. This is one of the issues that forms part of the barrier to entry for competitors, as touched on by the court's Findings of Fact (paragraphs 20 and 39). As long as it's difficult to, for example, read a Word document in another word processor, Microsoft will maintain a substantial advantage over its competitors.

* Although the licensing agreements for OEMs are improved, no mention is made of the licensing agreements for large customers of Microsoft. For example, Microsoft often charges 'enterprise'' customers licensing fees based on the number of machines that are capable of running their software, rather than on those that actually do.

In short, I feel the PFJ is currently not in the public interest, and needs to be revised before acceptance.

Thank you,
Stephen Peters

MTC–00016582

From: Phillip D Jones
To: Microsoft ATR
Date: 1/23/02 11:35am
Subject: Microsoft Settlement

I am a 25-year old java developer for IBM, in RTP, North Carolina.

I feel the need say that the DoJ's settlement with microsoft does nothing—In fact, it provide for years of mis-inturpataion and renews litiagation with out stoping the criminal Micosoft practices. Please find a more strigent set of controls against such unlawfull acts.

In short, I think this proposed settlement is a bad idea.

/s/
Phillip Jones

MTC–00016583

From: Kelly Guimont
To: Microsoft ATR
Date: 1/23/02 11:36am
Subject: Microsoft Settlement

I strongly disagree with the current proposal for resolution of this case. I do not think that Microsoft should be allowed to

leverage their monopoly into the education market, nor do I believe that any decision other than splitting the company up will be a wise one.

Sincerely,

-Kelly Guimont

MTC–00016584

From: Matt Brown
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:42am
Subject: Microsoft Settlement

Any proposed settlement that doesn't compel Microsoft to actually change it's business practice is a waste of time and another victory for the overbearing company. A Very Large Fine would get their attention, but actual enforcement and action that prohibits Microsoft from squeezing out competitors is important. Competition based on quality of product is one thing, but based on illegal business practices should not be rewarded with a wrist-slap.

Any settlement involving free software, like the recently rejected proposal, should not be considered as it just gives Micorosoft an inexpensive foothold into additional markets.

Thank you.

Matt Brown

Public Information Specialist (Webmaster & Video Production)

PAWS

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matt@paws.org—www.paws.org

MTC–00016585

From: Gordon Meyer
To: Microsoft ATR
Date: 1/23/02 11:36am
Subject: Microsoft Settlement

To Whom It May Concern:

I am writing to urge you to reject the proposed settlement with Microsoft Corporation.

I am a computer professional, a customer of Microsoft and their competitors, and a concerned citizen. I have carefully examined the proposed settlement and believe that it is not punitive and will primarily serve to extend the Microsoft monopoly and further damage their competitors.

A more appropriate settlement would involve a large cash-only fine and restrictions on Microsoft's entry into markets in which they can use their monopoly power to eliminate competition, as they have historically done.

Please, reject this settlement.

Respectfully,

Gordon Meyer

2208 Lenox Place

Santa Clara CA 95054

MTC–00016586

From: Andrew Chaplin
To: Microsoft ATR
Date: 1/23/02 11:34am
Subject: Microsoft Settlement

I believe the proposed settlement is not favorable towards the public's interest.

Thank you.

Andrew Chaplin, Lead Operator/System Admin I

Information Technology Services

Canisius College

2001 Main St.

Buffalo, NY 14208

Phone: (716)888–2447 Fax: (716)888–3223

MTC–00016587

From: terry@threetoe.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:49am
Subject: Microsoft Settlement

To Whom it may concern:

I have a Bachelor of Science in Computer Science and have been a software developer for over 10 years. My main objection to the proposed Final Judgement in the United States v. Microsoft is that it does nothing to stop Microsoft from continuing it's ''Slash and Burn'' method of growing its business. Presently, in my opinion Microsoft has three ways to squash, ''Slash and Burn'', a competitor:

1. Buys the competitor's technology or company and uses it as its own.

2. Buys the competitor's technology and then don't support it in the future. If it's not supported by Microsoft then nobody uses it.

3. Duplicates the technology and offers it free.

A most recent example of this is Microsoft's recent acquisition of SGI's technology. SGI created an OpenGL technology that most Video card manufactures adhere to. Microsoft has their own DirectX technology. The DirectX technology is only supported on Windows operating system. OpenGL technology is supported on almost all Desktop Operating Systems. Since Microsoft has purchased this technology all they have to do is ''slash'' support for it. If there is no support for it, video card manufacturers don't need to build support for it. If Video card manufacturers don't have support for it then non-Microsoft operating systems will have no hardware 3D support. Thus making Microsoft the only Operating system that PC games can run on. Theoretically, Microsoft can then close the API for DirectX and be the only creator of 3D software games.

In my opinion, the one way to stop this activity is to make ALL of the source code for the kernel of its operating systems open to the public. If the source to the kernel of the operating systems is open, then any company, or person, can create API's to that source. Another way to stop this activity is to separate the core operating system business from the other software business.

Sincerly,

Terence W. Grantges

MTC–00016588

From: Mac Michaels
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:36am
Subject: Microsoft Settlement

I am a software developer. I know from first hand experience that Microsoft makes changes to its operating system just to make it incompatible with the previous version. This requires me to make my own product more complicated and expensive to the customer. This additional cost provides no improvement. Changes must be made since all new systems ship with the latest version of Microsoft's software.

Microsoft fails to fully disclose the Application Programming Interface (API). This hurts software developers since we do not have all the information required to build an efficient interface with Microsoft products. Microsoft further obfuscates this interface by errors in the documentation and errors in their implementation of the API. Microsoft creates undocumented interfaces and file formats only in house Microsoft developers know about.

It might be inappropriate to require new operating systems to support all APIs. There should be some limitation on API changes that provide no real benefit. Requiring Microsoft to make all the source code available to developers is a reasonable solution to this problem. Developers can easily figure out what API documentation and implementation is in error. Undocumented APIs are clearly visible in the source code. This solution will provide a level playing field for all software developers. This will not give anyone a license to change the Microsoft product and deliver an altered product. It does give developers an opportunity to determine exactly what happens when they use a Microsoft API so that they can use it correctly.

Wilson M. Michaels

12601 Trails End Road

Leander, TX 78641

MTC–00016589

From: Powers, Jonathan
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:36am
Subject: Microsoft Settlement

I think that the proposed settlement is a bad idea. You should be ashamed.

Jonathan A. Powers

Digital Designer, Harris Corp.

MTC–00016590

From: Douglas Kirkland
To: Microsoft ATR
Date: 1/23/02 11:36am
Subject: Microsoft Settlement

The proposed settlement is bad idea.

Douglas Kirkland

Des Moines, WA 98198

User of the internet and Technical support for a internet company.

MTC–00016591

From: Blake—
Woolbright@ariusa.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:36am
Subject: Microsoft Settlement

To Whom It May Concern,

As per the Tunney Act, I am voicing my disdain for the current Microsoft settlement.

It is insufficiently punitive, and it allows them to further their existing monopoly while doing nothing to quell it.

T. Blake Woolbright

Mission, Kansas

MTC–00016592

From: Russell Valentine
To: Microsoft ATR
Date: 1/23/02 11:37am
Subject: Microsoft Settlement

I believe the proposed settlement for Microsoft has serveral holes in it that will

allow Microsoft to act just as they are today. One of the most important aspects that I think the settlement is missing is the Microsoft file formats still remains undocumented. Now that a large majority of the United States population is using Microsoft applications for everyday work (which happened because of Microsofts illegal monopolistic practices), Microsofts file formats stop people from changing to other software because they can not read other peoples documents. I think this and many other aspects need to relooked at.

Russell Valentine

MTC–00016593

From: Jim VanBrocklin
To: Microsoft ATR
Date: 1/23/02 11:37am
Subject: Microsoft Settlement

The proposed settlement changes NOTHING. Perhaps even exacerbates the problem by forcing MS into the education market. There will never be a ''good'' time to reign in Microsoft, but the longer we wait the harder it will be when finally, everyone realizes what is at stake here.

A good start would be to wean the government off of MS products. Then, maybe start with education. Proprietary file formats are used as a means to force upgrades and lock consumers into a single product.

Please—reconsider the settlement.

jim vanbrocklin
jimvanbrocklin@yahoo.com

MTC–00016594

From: BoyCottPapaJohns@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:37am
Subject: Microsoft Settlement

I think the proposed settlement is a very bad idea, please reconsider.

MTC–00016595

From: David Deen
To: Microsoft ATR
Date: 1/23/02 11:37am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I am submitting this comment, as permitted by the Tunney act, regarding the remedies proposed as the outcome of the Microsoft Antitrust trial. As a professional in the software development and computer graphics fields, I must work with non-Microsoft development tools and products every day. The proprietary and ever-changing FILE FORMATS used by Microsoft, however, make even the exchange of simple text files between Microsoft and non-Microsoft programs incredibly cumbersome.

Any proposed Microsoft remedy which does not include the absolute requirement for openly published data file formats falls far short of the required public benefit. On the day-to-day office work level, it is this intentional file format incompatibility which forces purchase of Microsoft products, and further, it is the artificial incompatibility BETWEEN VERSIONS OF THE SAME MICROSOFT PRODUCT which forces purchase of ever newer Microsoft products, EVEN THOUGH THEY FREQUENTLY ADD NO RELEVANT FUNCTIONALITY OVER THE OLDER PRODUCTS.

Publicly available Microsoft file format specifications would allow third-party developers to produce file conversion tools which completely obviate this unfair Microsoft practice.

Thank you for the opportunity to respond to this judgment.

David Deen

MTC–00016596

From: Shawn Yarbrough
To: Microsoft ATR
Date: 1/23/02 11:37am
Subject: Microsoft Settlement

Hello,

I am a professional computer programmer who has been negatively affected in the past by Microsoft's predatory and illegal business practices. I wish to comment on the Proposed Final Judgement (PFJ) regarding the U.S. vs. Microsoft case.

Although the PFJ is filled with problems that will allow Microsoft to avoid most of it's intended effects, I wish to point out one of the very worst problems: Micrsoft is currently able to offer different prices for Windows to different customers. This allows Microsoft to use a variety of monopoly tactics to reward OEMs and distributors who support the Microsoft monopoly and to retaliate against those who don't (i.e. by raising prices only for those who don't).

One possible solution to this problem is simple and elegant: require Microsoft to sell Windows at a uniform price to any and all interested customers. Microsoft could still offer discounts for volume buyers but would have to offer the exact same price to all customers desiring to buy any given number of copies of Windows. Of course ''hidden discounts'' such as rebates or other financial incentives (especially discounts on other Microsoft products) would have to be disallowed.

This is only one example of something that is wrong with the PFJ. There are (at least) dozens of other major problems. Because of this, I oppose the current PFJ and I sincerely hope that a better settlement will be proposed. Microsoft deserves no leniency in this case.

Thanks for your time,
Shawn Yarbrough
454 Dresden Dr.
San Antonio, TX 78213–3651
shawn@nailstorm.com

MTC–00016597

From: Greg Roy
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:37am
Subject: Microsoft Settlement

To whom it may concern,

The proposed settlement is a bad idea.

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement.

I agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html)

Thanks.

Greg A. Roy
PentaSafe Security Technologies, Inc.
200 Cordwainer Dr.
Norwell, MA 02061
http://www.PentaSafe.com
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(781) 982–0200 x316
(781) 982–8076 (fax)
''Experior, ergo sum''

MTC–00016598

From: Duane Pawson
To: Microsoft ATR
Date: 1/23/02 11:37am
Subject: Microsoft Settlement

I think the proposed Final Judgement is a very bad idea. It will not stop the abuses and the justice department is allowing Microsoft to use the fruits of the monopoly (i.e. $$$) to buy it's way out of the case.

MTC–00016599

From: Brett Johnson
To: Microsoft ATR
Date: 1/23/02 11:38am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement.

I am a software engineer with approximately 10 years experience developing system software and applications for the Windows, Unix and Macintosh operating systems. It is my opinion that the proposed Microsoft settlement (http://www.usdoj.gov/atr/cases/ms-settle.htm) will have absolutely no effect whatever on the anticompetitive and monopolistic practices of Microsoft, and does nothing to protect consumers from the predatory nature of the Microsoft company. In fact, the proposed settlement appears to give Microsoft a free hand to extend its near total domination of the desktop operating system market to other markets as well (such as server operating systems, internet protocols, handheld computers, etc...).

I urge you to reject this settlement proposal and pursue a course that will protect consumers, rather than just protect Microsoft.

Thank you,
Brett Johnson—Software Engineer
36763 Brian Ave.
Windsor, CO 80550

MTC–00016600

From: Steve Murtha
To: Microsoft ATR
Date: 1/23/02 11:38am
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

re: United States v. Microsoft Corp., Civil No. 98–1232

I do not feel that the Stipulation and Revised Proposed Final Judgment, in the current form, is in the public interest.

Microsoft has consistently used and continues to use strong-arm tactics to maintain their monopoly in desktop

operating systems and applications. The Prohibited Conduct section enumerates many detailed restrictions on Microsoft behavior but it appears to leave excessive maneuvering room for the Microsoft.

I fear that the Judgment underestimates the power that Microsoft holds with it's monopoly position. The Users of Software and Developers of Software must have Freedoms which are enumerated. We depend too much upon Software Applications to allow one company to control the functionality and deployment of the Operating Systems and Software Applications.

Sincerely,
Steve Murtha
www.simtools.com
Simulation Tools, Inc.
PO Box 160, West Long Branch, NJ 07764
(732) 229–6050

MTC–00016601

From: James Riordan
To: Microsoft ATR
Date: 1/23/02 11:38am
Subject: Microsoft Settlement

To Whom It May Concern-

I am writing to comment upon the Microsoft antitrust settlement. I write to you both as an American and as a computer security expert.

In the latter capacity, I am currently employed by IBM Research but have also worked for Counterpane Systems and for The Secure Computing Corporation. The opinions herein are mine, and should not be taken as representing IBM as a whole.

I believe the proposed settlement runs strongly against the interests of the American public. It does so both from a short term economic standpoint and from longer term standpoint of promoting a stable and secure information infrastructure. Microsoft's predatory business practices have consistently stifled innovation and superior technologies in favor of a business plan that abuses the Windows monopoly as to lock consumers and business into interminable upgrade cycle.

In this system, Microsoft has no business interest in creating stable, secure, well-debugged and tested software. The bugs force users and businesses to upgrade; the upgrades, in addition to producing revenue, help maintain and expand the monopoly.

Having been found guilty, Microsoft's practices have actually gotten worse. This is evidenced by the release of Windows XP, Passport, and the .NET architecture. Should these technologies succeed, Microsoft's strangling grip will be extended to the entirety of the information based consumer economy (all of e-commerce, music, movies, literature, computer games, et cetera).

Allowing such a monopoly-abusive company effective control over such a large domain is extremely dangerous and, quite simply, unconscionable.

The most effective solution to the current problem would include:

1. Disallowing operating system (Windows) sales agreements to hardware vendors that either preclude the addition of an alternate operating system or force Windows to be installed on all machines.

2. Force the strong separation between fundamentally different layers: operating systems (Windows) , middle-ware (.NET), services (Passport, msnbc and hotmail) and applications.

3. Disallow the forced bundling of components and services from different these layers.

If anything in this message has been unclear, I invite you to contact me via either of the included addresses.

Thank you for your time,
Dr. James Riordan
IBM Forschungslaboratorium
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email: rij@zurich.ibm.com
Tel +41 (0) 1 724 89 81
Fax +41 (0) 1 724 89 53

MTC–00016602

From: Robert Mahon
To: Microsoft ATR
Date: 1/23/02 11:38am
Subject: Microsoft Settlement

Microsoft IS stiffling competition.

Judge Jackson's finding's of Law are correct.

The only thing left now is stop Microsoft before it's too late.

Thank you
R.Mahon

MTC–00016603

From: Dave Hayes
To: Microsoft ATR
Date: 1/23/02 11:37am
Subject: Microsoft antitrust settlement

To Whom It May Concern,

I vote NO on the proposed settlement. Microsoft has not been punished for monopolistic business practices, nor has their future activity been curtailed to prevent more of the same.

How many companies no longer exist because of MicroSoft's practices? How much innovation has not been brought to fruition?

Please protect the technology and my pocketbook.

Dave Hayes
Oregon

MTC–00016604

From: Edward Hagen
To: Microsoft ATR
Date: 1/23/02 11:39am
Subject: Microsoft Settlement

To whom it may concern

(Please forward these comments to the court as well)

It is obvious to everyone that Microsoft illegally used its monopoly power to crush a competitor (Netscape), that the proposed settlement does nothing to punish this and the other crimes that Microsoft was found to have committed, that Microsoft will continue to use its monopoly power to crush or disadvantage competitors, and that the proposed settlement does little to prevent such future abuses. The settlement also contains clauses that appear to specifically preserve Microsoft's ability to discriminate against the open source software community.

It is also obvious that Microsoft's monopoly power is extraordinarily intimidating to other companies (for example, Microsoft could destroy Apple by simply refusing to release their Office software for the Mac), and that this intimidation inhibits the competition that has driven the development of the software industry since its inception.

The lack of competition in the software industry will soon have a deleterious impact on consumers, if it hasn't already (why must EVERY business and institution purchase MS Word for $$$? Because there isn't any competitive product due to Microsoft's illegal, monopolistic behavior).

The proposed settlement should be rejected by the court.

Sincerely,
Dr. Edward Hagen (US citizen)
Institute for Theoretical Biology
Berlin, Germany

MTC–00016605

From: teck@charter.net@inetgw
To: Microsoft ATR
Date: 1/23/02 11:46am
Subject: Microsoft Settlement

Please don't let Microsoft buy their way out of this. You must think of the long term effects of what we are doing now. Microsoft is not a monopoly because they have the best product, they are a monopoly because legislators don't yet understand the field of computer science.

Thank You
Bob Davis

MTC–00016606

From: Steven K. Watkins
To: Microsoft ATR
Date: 1/23/02 11:39am
Subject: Microsoft Settlement

To whom it may concern,

As a 30 year old Electrical Engineer, I have been a part of the ''computer revoloution'' all of my life. I would like to comment on the current state of the Microsoft trial and my experiences during my career.

Microsoft has been a spectacular business and an amazing example of the american dream, but has stifled innovation and creativity in the computer industry for as long as I remember. Every day I think that Microsoft has pushed the industry to its limits, and every day I am surprised and dissappointed at what Microsoft gets away with.

I have seen Mirosoft develop from a computer OS monopoly, into a power that is greater than most governments (maybe our own). I do not know of everything that Microsoft has influenced, but I do know that they are spreading their sphere of influence dramatically to include TV stations, news media, Radio stations, control of computer applications (every successful game/application seems to shortly get a Microsoft clone or be incorporated into Windows), control of the Internet, console game systems, set top boxes, computer periphials, PDA, schools, ... (and the list continues).

I was elated when Microsoft was deemed a monopoly. I have worked for companies and been told horror stories about how Microsoft has used thier product to make other companies ''bend to thier will.'' This influence has sometimes been indirect (but intentional) and sometimes shockingly direct. I also know about the frustration of

being passionate about the computer industry and revolution but having no choice as a consumer except to choose an inferior product because of a powerhouse of a monopoly.

I was very disappointed with the proposed final judgement against Microsoft. I can see no hope that the innovation and creativity will be allowed to flourish if the proposed judgement is accepted.

Please reconsider the final judgement to strengthen some of the known issues so that Microsoft can become a beneficial competitor in a healthy market instead of the sole occupant in that market. I consider such matters when I vote (and I vote regularly). I will consider a light sentence for Microsoft a sign of a weakening government and a need to stregnthen the oversight of corporations for the good of the American public.

Concerned,

Steven K. Watkins

MTC–00016607

From: Pete Border
To: Microsoft ATR
Date: 1/23/02 11:39am
Subject: Microsoft Settlement

Dear Sirs:

I feel that the enforcement provisions of the proposed Microsoft settlement are not adequate. A committee of three people is not enough to prevent a corporation of thousands, especially a corporation with a culture like Microsofts, fromdoing whatever they please. I would suggest a much larger oversight committee.

Thank you;

Dr. Peter Border
University of Minnesota
Physics Department

MTC–00016608

From: wrb@gw1.corp.hiscorp.net@inetgw
To: Microsoft ATR
Date: 1/23/02 11:38am
Subject: Microsoft Settlement

Hello,

I must protest the proposed settlement.

It is a bad idea.

Please address issues <http://www.kegel.com/remedy/letter.html>

Respectfully,

Bill Bishop

Bill Bishop, V.P. Information Technology/Chief Developer
H.I.S. Financial Services Corporation
Premier Electronic Payment Solutions
Tel:719.633.7005/Fax:719.633.7006

MTC–00016609

From: Marshall Lewis
To: Microsoft ATR
Date: 1/23/02 11:39am
Subject: Microsoft Settlement

Hello,

My name is Marshall Lewis and I am an avid computer tech and end-user. I think the Settlement is a very bad idea. Microsoft has their way with the market, the product, (in many cases) the competitors product, and very much so the end-users whole grasp on the way computing should be. How about if Ford bought out every other car manufacturer, made it illegal to drive one without paying out a fortune per year in extras. Then when Toyota moves in to try and relieve some of the end-users who already know what a crock the Ford operation is and how another manufacturer may very well be a cheaper and most likely more desireable product. But when Toyota does this they are shut down by the governments lack of authority towards a monopoly. They keep showing how they have exposed Microsoft as a monopoly but what has been changed that has actually made an impact on their market share.

Anyway back to work and I hope my opinion counts.

Marshall Lewis

MTC–00016610

From: David Brower
To: Microsoft ATR
Date: 1/23/02 11:39am
Subject: Microsoft Settlement

Dear DoJ,

I am adamantly opposed to the proposed settlement with Microsoft. I believe that the remedy found by the trial judge was, in fact, appropriate. The conduct remedies will not punish Microsoft, nor will they adequately stop the pattern of illegal predatory behaviour proven at trial. The previous history of antitrust litigation with Microsoft shows that without a structural change, Microsoft will find ways to evade conduct restrictions. The limits and wording in the settlement are not narrow enough to begin to control this corporation.

thank you

David Brower
290 Livorna Heights Rd
Alamo CA 94507

MTC–00016611

From: Austin Ziegler
To: Microsoft ATR
Date: 1/23/02 11:38am
Subject: Microsoft Settlement

The proposed settlement does nothing to prevent the further illegal expansion of Microsoft's monopoly, and in fact encourages actions against various open source projects.

-austin, a US citizen in Canada

— Austin Ziegler, austin@halostatue.ca on 2002.01.23 at 11.24.27

MTC–00016612

From: Jef Barnhart
To: Microsoft ATR
Date: 1/23/02 11:40am
Subject: Microsoft Settlement

Microsoft should be held responcible for there actions. They have for to long been able to do any thing that they want. They have already thumbed there nose at you. Will you stand for that? They are making a mockery of the justice sytem.

I for one do not wish to live in a Microsoft world.

Jef Barnhart

MTC–00016613

From: Sam Steingold
To: Microsoft ATR
Date: 1/23/02 11:41am
Subject: Microsoft Settlement

I am opposed to the proposed settlement because I believe it will have no effect on the Microsoft monopoly.

Much tougher measures are necessary.

Sam Steingold, Boston, MA
Senior Analyst, Xchange Inc.

MTC–00016614

From: Todd Kusterer
To: Microsoft ATR
Date: 1/23/02 11:41am
Subject: Microsoft Settlement

The proposed Settlement is Bad.

* The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

* The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

* The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

* The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

* The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

* The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

* Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

* Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

* Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running Linux. (Similar licenses to OEMs were once banned by the 1994 consent decree.)

* The PFJ as currently written appears to lack an effective enforcement mechanism. The last two taken together leads me to believe that there will be no change to Microsofts illegal use of its monopoly.

Todd Kusterer
868 New Mark Esplanade
Rockville, MD 20850

MTC–00016615

From: Robert Morris
To: Microsoft ATR
Date: 1/23/02 11:33am
Subject: Microsoft Settlement

To whom it may concern:

I am writing to oppose the currently proposed settlement of United States v. Microsoft. As a 10 year veteran of application development for the Intel platform, I have personal experience with the anticompetitive practices brought to light in the case, both blatant and subtle. After a careful reading of the proposed settlement, it is my conclusion that it does not meet the goal of preventing further anticompetitive practices by Microsoft.

I am in substantive agreement with the points raised by Dan Kegel (http://www.kegel.com/remedy/letter.html) and therefore will not repeat them here.

On a personal note, my company, despite not competing with any current or proposed Microsoft product, still faces integration and interoperability issues —constantly— due to the current state of affairs, namely the exclusive binding of MS applications to and with the operating system. A simple example of this is that anyone whose office uses Microsoft Proxy to control access to the Internet cannot use our product, as the authentication method Microsoft has chosen is undocumented, and is changed with each new version to prevent Netscape and others such as ourselves from reverse-engineering it. Which in any sane world would cause MS Proxy to fail as a product. That it does not is due to it being bundled with the operating system, and working successfully with all Microsoft net-based applications. This situation is a clear case of anti-competitive behavior which will not be resolved by the current settlement proposal (as it excludes ''security'' API disclosures, and does nothing to prevent giving away integrated applications).

In short, while the proposed settlement is a step in the right direction, it will not prevent future monopolistic behavior, merely make it less visible and somewhat less egregious.

Regards,
Robert Morris
VP of Engineering
Eyetide Media, Inc.
Carrboro, NC
rob@eyetide.com

MTC–00016616

From: Glenn Chundrlek
To: Microsoft ATR
Date: 1/23/02 11:40am
Subject: Microsoft Settlement

To Whom it May Concern,

I am currently employed as a Systems Administrator. I have been working with computer systems for almost fifteen years. I would like to comment on the proposed settlement

The proposed settlement would have almost no effect upon the business practices of Microsoft. If adopted in its current form them the result will be negligible change in Microsoft's behavior, and yet another protracted court case in the not too distant future.

Any effective settlement must concentrate on opening up the markets that Microsoft has effectively closed by its use of proprietary interfaces, file formats and protocols.

I hereby respectfully submit these comments for your consideration.

Glenn Chundrlek
6616 N. Toronado Court
Peoria, IL 61614

MTC–00016617

From: Richard Bretschneider
To: Microsoft ATR
Date: 1/23/02 11:41am
Subject: Microsoft Settlement

I'll try to be brief.

I've used every product listed in the DOJ case against Microsoft. I feel fairly expert in the field, and was an active audience in the browser wars. I'm convinced that although aggressive, Microsoft1s dominance was due to providing superior products, on better schedules, that met more customers needs.

It seems tragic that political forces, driven by industries in their constituency, would manipulate the system to fight a competitor when they failed to do so by producing better products.

I believe that the case so far has harmed Microsoft and the industry in ways we won't know for years to come. I point towards Europe's growing eagerness to attack American companies as evidence that our government is not working in our best interests here. They sense that our government will not only refrain from protecting it1s business assets, but will in fact paradoxically and masochistically set its own citizenry up for the fall.

I don't know what the settlement should be. The one proposed sounded fine to me. Amending it such that schools would have equal access to Apple software would be interesting, but from my experience with helping out at local schools most of them consider Apple products unmerited luxury items. Please consider that Microsoft has already been damaged from the proceedings so far. Recognize that superior products win out over inferior products and inferior products should not be protected from that. Be wise.

Richard Bretschneider

MTC–00016618

From: Skip Egdorf
To: Microsoft ATR
Date: 1/23/02 11:42am
Subject: Microsoft Settlement

I have many objections to the proposed Microsoft/DOJ antitrust settlement. Foremost among these is the issue of allowing open-source development efforts access to Microsoft Application Programming Interfaces (APIs). The proposal only allows access to ''business'' parties where Microsoft gets to determine the ''business'' status. Microsoft has already stated that it considers open source systems such as the Linux operating system to not be valid ''business'' entities.

Open source development efforts MUST be acknowledged in the settlement as a valid recipient of Microsoft information.

If Microsoft is allowed to remain intact as a monopoly, all of its programming interfaces, file formats, and network protocols MUST be considered to be freely available published standards. I am not a lawyer, but I believe that the guiding principle would be the notion of a critical facility controlled by a monopoly as described in the early 20'th century supreme court decision where a single railroad controlled all bridge traffic over the Mississippi river and that the monopoly must make such a critical resource available to all on an equal basis.

The critical facility in this case is the published interface specifications to Microsoft's APIs, file formats, and network protocols.

Thank you for your consideration of these comments.

H. W. Egdorf
Technical Staff Member
Los Alamos National Laboratory
Los Alamos, NM

MTC–00016619

From: Jon Shiring
To: Microsoft ATR
Date: 1/23/02 12:45pm
Subject: Microsoft Settlement

To Whom It May Concern,

This email is to note my objection to the government-proposed settlement. I feel it does not adequately restore competition to the PC world. In fact, I think it legitimizes some very anticompetitive practices, such as their constantly-changing closed office formats that prevent any non-Microsoft office packages from reading Word, Excel, and Powerpoint files.

I feel that the settlement does nothing to actually punish Microsoft for their past abuses. Microsoft has been found guilty of violating a law in specific instances and the punishment is being told ''never do that again''. Allowing a criminal to benefit from violations of the law is an insult to any notion of ''justice'' and a slap in the face to the American public.

I feel this settlement is woefully inadequate. Any fair settlement will punish them for past abuses and help level the playing field for competition to begin. I do not feel this settlement accomplishes either of these goals.

Sincerely,
Jon Shiring
44016 Ferncliff Ter
Ashburn, VA 20147

MTC–00016620

From: Matthew Johnson
To: Microsoft ATR
Date: 1/23/02 11:42am
Subject: Microsoft Settlement

Hash: SHA1

I would like to complain about the proposed settlement in the Microsoft Antitrust case. Although the settlement has several good points, I feel that it does not go far enough. Microsoft have been proven to use unfair marketing tactics, and of leveraging their monopoly, and I don't believe this solution will prevent this happening again, this time into the digital media and streaming arena.

I am very anxious that problems such as the incompatibility with their Office file formats which have for a long time kept other software out of that market, due to the necessity of interoperability with other companies. It has been suggested by many people knowledgeable in the field that all that is necessary for competing programs to have a fair chance, would be the requirement that Microsoft release the details of their file formats, enough to make it easy to produce a program that can read the files with equal reliability to their own products. I strongly support this view, and would urge that you consider it before making a decision

Thank you

Matthew Johnson. <mjj29@cam.ac.uk>

Why the EU–CD is bad—don't let this become law!

http://eurorights.org/eudmca/WhyTheEUCDIsBad.html

''They that would give up essential liberty for temporary safety deserve neither liberty nor safety.'' —Benjamin Franklin

''Those who desire to give up Freedom, in order to gain Security, will not have, nor do they deserve, either one.'' -—Thomas Jefferson

My PGP public key: http://www.srcf.ucam.org/mjj29/content/aboutme/cam.pgp PGP Key ID: 0x5BE86FB9

MTC–00016621

From: Jeremy Van Veelen
To: Microsoft ATR
Date: 1/23/02 11:41am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses.

This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Jeremy Van Veelen
Americian Citizen Living in Canada
Jeremy Van Veelen, MCP+I, MCSE
James Evans and Associates
Systems Administrator, Oracle DBA Tel: (250) 380–3811
j—vanveelen@jea.ca
Fax: (250) 380–0091
Tel: (250) 389–2766
http://www.jea.ca

MTC–00016622

From: Gary Schulte
To: Microsoft ATR
Date: 1/23/02 11:42am
Subject: Microsoft Settlement

There are a number of problems others have discovered and brought to my attention about the Proposed Final Judgement in the Microsoft Antitrust suit.

I expect you, as officials representing the best interest of the citizens of the United States, to reconsider said judgement in light of these points:

a.. The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

a.. The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

b.. The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

c.. The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

d.. The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertized as being ''Windows Powered''.

e.. The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

f.. The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

g.. The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

h.. The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

i.. The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

b.. The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

a.. Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

b.. Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

c.. Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system— even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)

Thank you,
Gary Schulte

MTC–00016623

From: lowgun@optonline.net@inetgw
To: Microsoft ATR
Date: 1/23/02 11:42am
Subject: Microsoft Settlement

The proposed settlement is a very bad idea for it is only helping Microsoft monopolize the operating system market.

A better settlement would be to agree to not split Microsoft, in exchange for the abolition of all agreements Microsoft has made with any PC or electronics manufacturer.

MTC–00016624

From: Brian McFadden
To: Microsoft ATR
Date: 1/23/02 11:44am
Subject: Microsoft Settlement

The proposed final judgment in the United States v. Microsoft treats Microsoft with too much leniency.

Please reconsider it.

MTC–00016625

From: shawnm@wsp008010wss.inprise.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:43am
Subject: Microsoft Settlement

Microsoft has consistently used monopolistic practices to subvert other operating systems from thriving in the market, and has at every turn tried to subvert open standards in favor of proprietary protocols. This is destroying innovation in the market.

The settlement is a BAD idea.

MTC–00016626

From: Jim Miller
To: Microsoft ATR
Date: 1/23/02 11:43am
Subject: Microsoft Settlement

The Proposed Final Judgment for this case is completely inadequate. It allows Microsoft to go unpunished for it's proven crimes.

Microsoft must be punished more than this, which is barely even a slap on the wrist, if we expect to see any real change from their past and current illegal practices.

Jim
—
Jim Miller
magnan@xinu.nu

MTC–00016627

From: Jim Cassidy
To: Microsoft ATR
Date: 1/23/02 11:43am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a

''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
James P. Cassidy
Jim Cassidy
Celebrate national pi day,
JimCassidy@mail.com
Mar 14, at 1:59.26 am.

MTC–00016628

From: Will McKenna
To: Microsoft ATR
Date: 1/23/02 11:50am
Subject: Microsoft Settlement

To Whom it may concern:

I would just like to say that I have read about the proposed settlement, and I am not in favor of it in its current state. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors, yet unfavorable to Microsoft.

Most of my concerns about this settlement are aptly described in this article:

http://www.pbs.org/cringely/pulpit/pulpit20011206.html

Thank you,
William J. McKenna
6810–A Thorncliffe Drive
Austin, TX 78731

MTC–00016629

From: gene livingston
To: Microsoft ATR
Date: 1/23/02 11:43am
Subject: settlement

23 January 2002

I have read about the proposed settlement, and I am not in favor of it in its current state.

Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors.

Gene Livingston
1222 Commerce St #1611
Dallas, TX 75202

MTC–00016630

From: Jim Sanford
To: Microsoft ATR
Date: 1/23/02 11:43am
Subject: Microsoft Settlement

I am a full time internet software developer using Windows based tools (IIS, Interdev, VB, VBScript, ASp and others).

For the most part these tools are adequate to accomplish the tasks I need to get done.

However, I AM OPPOSED to the current proposed Microsoft settlement. One of the main reasons I use the Microsoft tools is that there no others available that are easy to use or integrate with the existing Microsoft OS and existing Microsoft products.

I am also appalled at the business behavior of the Microsoft Corporation. I think the playing field needs to be leveled and Microsoft must be made to make amends for the laws they have broken. The proposed settlement does not do that but in many ways actually rewards them for bad behavior.

James Sanford
2004 Hudson Ave
Norwood, OH 45212
jimsanford@wdsvc.com

MTC–00016631

From: dan
To: Microsoft ATR
Date: 1/23/02 11:43am
Subject: Microsoft Settlement

Hello, I am adding a comment under the provision of the Tunney Act. I feel very strongly that the settlement is tipped far in the favor of a large, horrid company that cares not one bit about fairness, decency, or even quality products. Microsoft should be punished, split, and exposed as the ruthless, rotten money grubbing weasels that they are.

Thanks.
Dan Norton

MTC–00016632

From: Kirk
To: Microsoft ATR
Date: 1/23/02 11:43am
Subject: Microsoft Settlement

Greetings;

I've been a long time Microsoft developer as well as Java developer. I just don't understand how the settlement in the Microsoft case could have come about in the way that it did to become such an ineffective judgement. It is obvious that Microsoft wields monopoly power over so many areas, and though I do personally benefit from some of their practises, I really think as a whole the population is not. I wholeheartedly do NOT agree with the current settlement in the case against Microsoft. It is too broad, provides no real penalties for their past and present actions and in the long run will be quite ineffective. So please, i ask you to get a different settlement, one that makes microsoft answer for this practises that are harmful to it's own industry and in the long run to the population at large. I don't think we want our tax dollars to have been spent for so many years proving Microsoft's predetory practises, just to have Microsoft continue on with these same practises that they were found of guilty of. Otherwise we have wasted the DOJs time and the taxpayer's (people like me) money.

Thanks
Matthew Kirkconnell
Ashburn, Va.

MTC–00016633

From: Dyas, Greg
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:43am
Subject: Microsoft Settlement

Dear Sirs,

The purpose of this letter is to express my opinion during the comment period mandated under the Tunney Act, which requires the court to consider public opinion before ruling on any settlement.

The settlement proposed is entirely unacceptable and represents a giveaway by the government when it stood in an advantageous position in the case, but I'd like to focus specifically on the fact that Microsoft would be permitted to keep its Windows and Windows API source code private. To allow Microsoft to keep hidden the code behind the instrument it's used to bludgeon Netscape Navigator is akin to letting a murderer get off with a warning, then choosing to give him his gun back because, after all, it is his gun. The code used at the operating system level of a computer determines how any other program is permitted to interact with it. Microsoft has been proven before, not only with Netscape but previously with Caldera's DR-DOS, to have no ethical problems using this OS-level control to ''break'' other programs. To prevent this from occurring again, Microsoft must somehow be forced to open its code, or failing that, to separate its Windows business from its other software & hardware concerns.

Opening up the code would also allow increased competition with the Windows platform and reduce Microsoft's abused monopoly position. Such projects as the volunteer-driven WINE software project, that seeks to allow Windows programs to run on machines running the Linux operating system, would be able to thrive and would provide a non-Windows arena for Windows programs to run in.

Lastly, there's the simple fact of security. Many sensitive projects, run by individuals, companies, and the government itself, are driven by Windows operating systems. Simply by seeing the code, computer programmers for businesses and the government would be able to close for themselves the numerous holes constantly discovered in the Windows OS. Let's diminish their ability to use the weapon they've used again & again to inhibit competition. Let's introduce a true level playing field to the Operating System market. Let's look at the code. Any settlement that doesn't allow the people to see what's been used against them is incomplete.

Thank you for your attention to this comment.

Yours,
—Gregory Dyas
1429A Poli St.
Ventura, CA 93001
(805) 641–1109

MTC–00016634

From: Shemano David A Contr AFRL/SNJM
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:43am
Subject: microsoft settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms Hesse,

I am writing to you to exercise my right as an American citizen to comment on the proposed final judgment in the United States vs. Microsoft during this period of public comment, and I would like to thank you personally for the opportunity to do so. My concern with the proposed final judgment is the way it fails to present a remedy to the strong-arm tactics Microsoft has used in the past against OEM's who would sell computers that include operating systems other than Microsoft's. While the proposed final judgment does make an attempt at a

remedy (note: I am not a lawyer, so I may be using the term ''remedy'' in a vernacular sense that is its a legal sense) it seems to me that some blaring loopholes remain.

Section III.A.2. Seems to allow Microsoft to retaliate against an OEM who sells a computer with only a non-Microsoft operating system.

Section III.B.3. Seems to allow Microsoft to provide a discount to an OEM who ''plays along'' with Microsoft's wishes, which amounts to punishing those who do not. My other concern is that the proposed final judgment fails to disallow Microsoft's licensing agreements that prohibit interoperability with non Microsoft products. Currently the Microsoft Visual C++ end user license agreement prevents me from using their supposedly ANSI standards compliant development system and compiling my program for a non Microsoft Operating System.(!) Microsoft also currently prohibits users from using non Microsoft tools to develop for their .NET platform. Many web sites use the PERL and Python and Java (and others) languages to script the user's experience, but Microsoft wants to put an end to this practice as soon as they start to deploy their .NET web servers. I believe the Proposed Final Judgment fails to address this clearly anti-competitive practice. This is something like GM requiring that you buy their tools to work on their cars and if you use some other vendor's tools your car will be confiscated.

Finally, I believe Microsoft should be compelled to publish the file formats used by Microsoft Office. Microsoft Office is in general a great suite of programs that can compete successfully with any other offerings and those who use it do not need to be shackled to it by its proprietary formats. (What I really believe is that the United States Government should refuse to buy any office applications that do not have an open and published file format, but that is beyond the scope of the proposed final judgment.)

In general, the proposed final judgment is pretty good, and I hope the comments gathered during this public period will be used to craft a final judgment that levels the playing field for everyone and genuinely prevents Microsoft from unfairly leveraging their monopoly any further.

thank you again for this opportunity to participate in this public comment period.

Sincerely,
David Shemano
Scientist
Optimetrics Inc.
under contract to
Air Force Research Laboratories
Sensors Directorate
afrl/snjt
(937) 255–9609 x225
david.shemano@wpafb.af.mil

MTC–00016635

From: dr buford
To: Microsoft ATR
Date: 1/23/02 11:43am
Subject: Microsoft Settlement

Dear Sirs:

I believe this settlement is a bad idea. Think about the already-frightening ramifications: I am writing this on a computer running MS Windows, emailing you using Internet Explorer, using MSN Hotmail as my conduit. In fact, I'm not even sure that this will arrive, considering how Microsoft has bullied things in the past. I am a research chemist, and I shudder to think that a corporate behemoth could bring to a halt much of the research in the world if they deemed it would be better for their business.

Sincerely:
Dr. Buford Lemon

MTC–00016636

From: Jason Samsa
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:46am
Subject: Microsoft Settlement

The proposed Microsoft settlement is a bad idea, it does not do enough. More must be done to keep Microsoft from using the obfuscation of software to introduce incompatabilities into competing products. They have a position in the software market which allows them to crush any competition that they wish. Microsoft's practices discourage innovation and often take the fun out of being a computer professional.

Jason Samsa
Appleton, WI
Database Administrator
Airadigm Communications

MTC–00016637

From: mace
To: Microsoft ATR
Date: 1/23/02 11:44am
Subject: Microsoft Settlement

Microsoft steals business opportunities from (ANY sized) potential competitor by brute force. Flooding the market with a usually inferior product for free.

Thus making most people if they know better of not just use the free replacement product that is right at hand.

Examples are: Windows ME has built in Picture viewers and software for digital camera functionality. (a nice addition to the OS but a stolen opportunity from a software company) Microsoft Media player, a stolen opportunity from real player or many other Software Companies. Netmeeting—no place in a real OS IE a well documented case of MS stealing business from another company with monopoly power.

These are just a small collection of examples the full list is well documented from previous cases against MS. The real tragedy is that MS spends all of the resources to make these (non-inovative and usually inferior) products that are made possible by and strengthen their monopoly instead of making a sound secure OS. If this was a tobacco company they would be putting ammonia in the kernel.

Microsoft is hurting the world economy more than you can imagine, holding us all back, please stop them.

Chris Marckel

MTC–00016638

From: Kevin L
To: Microsoft ATR
Date: 1/23/02 11:44am
Subject: Microsoft Settlement

The settlement is a very bad idea. Please don't let big business (MIcrosoft) buy our government. It is bad enough that they have put many competing businesses out of business. The scary thing about Microsoft is that if we don't have the courage to level the playing field right now, it will be too expensive to level the playing field later.

Kevin Leavell

MTC–00016639

From: Charles Lewis
To: Microsoft ATR
Date: 1/23/02 11:43am
Subject: Microsoft Settlement

My perspective from IT services in Education: The Microsoft settlement is a BAD idea.

Charles Lewis
Dir of Adminstrative Computer Services
Southwestern Adventist University
817–556–4720
lewisc@delta.swau.edu

MTC–00016640

From: Tom Pitts
To: Microsoft ATR
Date: 1/23/02 11:44am
Subject: Microsoft Settlement

I am opposed to the Microsoft settlement as it does nothing to resolve the current anti-competitive situation, but only presents a weak attempt at preventing a similar situation in the future. There is no punishment for the commission of illegal acts, which seems to be rewarding Microsoft for those unlawful acts.

Tom Pitts
2603 St. Alban's Circle
Apt 106
Naperville, IL 60564

MTC–00016641

From: Friedrich, Robin K
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:45am
Subject: Microsoft Settlement

The settlement represents no solution to the long standing problem of anti-competitive policies and actions taken by Microsoft over the years. Microsoft have not added much at all to the general technology base of the industry. They have only accomplished the reduction in choices I and my business have. The settlement is a rotten idea as it does little to keep Microsoft from continuing to benefit from their monopoly.

Robin Friedrich

MTC–00016642

From: Chris Hendrickson
To: Microsoft ATR
Date: 1/23/02 11:43am
Subject: Microsoft Settlement

I am writing to discuss my displeasure in the current proposed final settlement is a case of ''too little too late''.

It it my opinion that the current proposed settlement does little to truly address the two major problems with Microsoft's current monopoly, or rather how they are capable to maintain that monopoly, despite the public perception of low quality.

Those two major issues are the Windows API (Application Programming Interfaces), and the Microsoft Office Document formats. Several years ago, A company by the name of IBM created the ''IBM PC'', this, just like all other computers of the era was a proprietary architecture unique to IBM. It is

because of Compaq's reverse engineering of the IBM BIOS and the subsequent opening of the architecture that computers are the way they are today. I can get a Motherboard from one of many companies (Gigabyte, Asus, Epox, etc.), CPU from one of another (Intel or AMID), Disk Drives from yet another (Seagate, Maxtor, Western Digital, etc.) Memory from others, Video Sound and other expansion cards from a plethora of other providers, put it all together and get a working machine. In fact, from the hardware standpoint, the only thing that is interdependent is the CPU (since AMD and Intel use different Processor interfaces). It does not matter whether I use a Gigabyte or Asus Motherboard, as long as the board supports the processor, and supports the standard interfaces such as AGP (Video), DIMM (RAM), IDE (Hard Disk and CD–ROM Drives), PCI (Misc. expansion cards). These are open standards that are fully documented and that any company can create a product that can fully interface with them. The specifications for there interfaces are often not controlled by one company, but often, by groups of companies, and the specifications are open and available for access and comment. It is this openness and standards that make the PC hardware what it is today.

Software is a different story. The ''standard'' is the Microsoft Windows Operating System, the Application interfaces are not open for all to see, many are closed and only available internally in Microsoft. The majority of users use Windows because they have no choice, because Windows is the only system that runs the applications they want, yet since Windows is the most commonly used Operating System, most companies will develop exclusively for it. This is the ''Application barrier to entry'' that was mentioned in Judge Jackson's finding of fact. The problem is the same for the Microsoft Office suite, businesses will use distribute documents in the MS Office format because it's what almost everyone uses, and almost everyone uses that format because almost everyone uses MS Office.

The Resolution to the problem mentioned above is simple. Opening the IBM PC architecture went a log way in encouraging competition in hardware (not only in manufacturers of individual components but also on the level of System integration such as Gateway, Dell, Compaq, etc.). The resulting competition in turn also reduced costs and prices (costs because the providers of the fabrication and raw materials were better able to compete, and price because of the competition between the manufacturers). Likewise, the opening of the Microsoft Windows API's (all of them, including but not limited to Microsoft's JAVA, DirectX, ''Win32'' and ''Win16'' WinG, and any other such Interfaces that are available to applications, either third party or Microsoft's that are available on any standard Windows computer), and of the Microsoft Office formats, would encourage and stimulate competition in the Operating System and Office Suite arenas. First, there is currently a project called ''WINE'' (http://www.winehq.org/—an application wrapper to run Windows applications on UNIX-like Operating Systems, most notably Linux) that is synonymous with Compaq's effort to reverse engineer the IBM BIOS, however, this project is far from complete, and still continues to have major problems in developing a system that will run anything more complicated than solitaire without problems. The opening of the Windows API will go a long way in not only improving the compatibility of projects such as wine, but it would allow them to run Windows applications almost identically as windows would natively. This would allow Operating Systems such as Linux and BSD (and the ill-fated BeOS and OS/2) to incorporate those API's into the System itself. This would have the effect of almost overnight, allowing many systems to run Windows applications as well as Windows itself does (if not better). This would allow for much greater competition in the Operating System market, such as users today do not have to worry about getting the video card that works with Epox, or Gigabyte motherboards, but rather only have to be sure that is uses the standard AGP interface. In the same way, a user would not have to worry about whether an application would work on Windows, or Linux, or perhaps even MacOS, but would only need to be sure that it uses the standard Universal Application Interface.

The same reasoning applies to the Microsoft Office, if the Office formats were made open, then any application could integrate those formats into it's own file handling routines and be able to read and write Microsoft Word or Excel documents as well as Word or Excel itself. When that happens, just as with Windows, users will no longer have to get Microsoft Office to communicate with the rest of the business community, but rather only need to find an Office Suite that meets their needs and is capable of dealing with the standard Universal Document Formats.

A one time opening however would not be enough to ensure further competition, Microsoft could easily circumvent the API's in the next version of Office and Windows, by making older API's continue to work, but with the stipulation that if a developer wants to use the new features of the latest versions of Windows and/or Office, then that developer would have to access the new closed proprietary API's (this is commonly referred to as Microsoft's embrace and extend strategy, by embracing a standard, then adding Microsoft Proprietary extensions to it so that Microsoft's implementation will work partially with other implementations, but only fully be able to work with other Microsoft implementations.) Therefore, it would be my suggestion that a standards committee be appointed to oversee the opening of the Windows API, and Office Document format, and then continue to oversee the further development of the new standards. Such a body, while could contain Microsoft representation, should also include other companies with an interest in those protocols. Comtpanies such as Apple Computer, RedHat, IBM, Sun Microsystems, and other companies that would have an interest in a Universal Application Interface would have equal vote in the committee, similarly, companies such as Sun Microsystems (StarOffice), Corel, IBM (Lotus), and other companies that would have in interest in a common Document format, would have positions on the Universal Document Format committee. Additionally, it is my opinion that if such a remedy were to be put in place, that Microsoft should then be required, for a period of perhaps five to fifteen or more years, to adhere to these standards and not be allowed to incorporate proprietary extensions. This period would allow competing Operating Systems to adhere to the standards, and allow for the market to adjust itself accordingly.

It is my opinion, that any remedy short of the forced opening of the Application and Document interfaces and formats will not be adequate to fully address the lack of competition in the Operating system and Office suite markets. While this same remedy might also be applied to other areas of Microsoft's monopoly as well, such as their Internet Explorer browser, the primary area of concern for is currently the Windows Application Interface, and the Office Document Formats.

Chris Hendrickson
Computer Professional
Chris Hendrickson
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MTC–00016643

From: Jim Rucker
To: Microsoft ATR
Date: 1/23/02 11:44am
Subject: Microsoft Settlement

I think that the proposed settlement with Microsoft is a terrible idea. It will not only NOT curb their anti-competitive practices, but will actually further them. For example, the proposed solution of Microsoft donating computers and software to schools will eliminate one of the last places in America where Apple still has some marketshare. How will Apple compete with a company that is giving away what they are trying to sell?! Had Microsoft done this outside of this settlement I would consider it to be an act of unfair business practice worthy of investigation, but to make it a part of an anti-trust settlement is ludicrous!

As a software developer I know that if I have an idea for an incredible application that will change the world I wont make a penny on it. The reason why is that if I develope the product for Windows and Microsoft sees what a great idea it is they will make their own version. Then they will integrate it into the operating system and give it away for free. Their teams of lawyers will prevent me from receiving any settlement from them and Microsoft in the past has all but ignored judical decisions, amazingly without recourse. Their marketing department will make it appear as though they invented the idea and that my product is a blatent rip-off. Knowing this has caused me to cancel several projects that I have started since without a financial reward I would not be able to entice any investors to fund the creation of this software. There is no doubt in my mind that Microsoft has

shown little innovation in their entire company history, but has instead acted in a predatory and destructive manor. This antitrust lawsuit is the chance to finally slow Microsofts anti-competative behavior but unfortunately I read day after day of Microsofts undermining the whole process through proposed settlement that cause more harm than good being given the nod by people that either dont understand the issue or have been unduely influenced by Microsoft (such as the lawyers who have received floods of mail and email that has its origin from Microsoft).

I hope this email is used to help influence those involved in the Microsoft antitrust suit into imposing more effective legislation.

Sincerely

James D Rucker

MTC–00016644

From: Patrick Mowry
To: Microsoft ATR
Date: 1/23/02 11:44am
Subject: Microsoft Settlement

Good Day,

Here are my main complaints about the proposed final judgement. I will keep it brief. IT prohibits certain behaviors by Microsoft towards OEMs, but allows the following exclusionary practices:

Section III.A.2. allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

Section III.B. requires Microsoft to license Windows on uniform terms and at published prices to the top 20 OEMs, but says nothing about smaller OEMs. This leaves Microsoft free to retaliate against smaller OEMs, including important regional ''white box'' OEMs, if they offer competing products. I have worked for these smaller OEMs in the past. They are no longer in business because of practices like this.

Section III.B. also allows Microsoft to offer unspecified Market Development Allowances—in effect, discounts—to OEMs. For instance, Microsoft could offer discounts on Windows to OEMs based on the number of copies of Microsoft Office or Pocket PC systems sold by that OEM. In effect, this allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas, such as office software or ARM-compatible operating systems.

By allowing these practices, the settlement is encouraging Microsoft to extend its monopoly, and to leverage it into new areas. This settlement is of no use to those it is supposed to protect, the people of the United States. I support measures defined in the state alternative settlement, but it also needs further review.

Thank you for your time,

Patrick M. Mowry
1721 East Bruce Ave.
Gilbert, AZ 85234

MTC–00016645

From: E THEJUDGE
To: Microsoft ATR
Date: 1/23/02 11:44am
Subject: MICROSOFT SETTLEMENT

Judge;

We need a fair and level playing field in the US software industry. We surely do not have one now!

I have been in the industry for almost 15 years, and I have seen Microsoft again and again abuse their monopoly power. Please ensure that Microsoft (they?re not called ?the beast of Redmond? for nothing) is obliged to honor the law just like everyone else.

Your courageous stand on this difficult issue will be deeply appreciated.

Sincerely yours.

Mark Keckis
4440 Rosewood Dr.
Pleasanton, CA
94552

MTC–00016646

From: Jeremiah Gilbert
To: Microsoft ATR
Date: 1/23/02 11:44am
Subject: Microsoft Settlement

I feel that the proposed settlement with Microsoft is a bad idea.

Jeremiah Gilbert, Moriah New York

MTC–00016647

From: Mike Heath
To: Microsoft ATR
Date: 1/23/02 11:43am
Subject: Microsoft Settlement

I am deeply concerned with the proposed settlement in the Microsoft Antitrust case. I was very enthused to discover the Proposed Final Judgment requires Microsoft to finally open its APIs to Windows but after further investigation I discovered that the PFJ does not in fact require Microsoft to open the Windows APIs. It merely requires them to open the interfaces between Microsoft Middleware and Microsoft Windows. Opening the APIs should be opening the door all the way open and not just letting someone get their foot through the door only to find that's as far as they can go. The wording in the PFJ does not solve the problem. It helps but it's more of a dong and a dance than a real solution.

Thank you for hearing my voice.

Mike Heath
1255 South Alpine Way
Provo, Utah

MTC–00016648

From: Jaron Abbott
To: Microsoft ATR
Date: 1/23/02 11:44am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not provide adequate reparations to the hundreds of companies injured by Microsoft's anti-competitive practices, nor does it limit its ability to commit similar actions in the future. Microsoft is still allowed to benefit from all their illegal acts, so long as they don't commit those acts again. This is not justice for their victims or the American people as a whole.

Microsoft should become a government-regulated monopoly, at least until its market share drops below an acceptable level (e.g. the level of one of its competitors). This is the only way they will curtail their practices. Even when found guilty, they did not change their behavior. Microsoft's practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation. The United States is a successful country because a free market has encouraged firms to compete by producing high-quality, low-cost goods. This system needs to be protected from monopolists who gain sufficient power to destroy the competitive nature of the market in which they participate. One possible solution would be forcing them to release source code, protocols, or something similar, so that other companies could compete. The current settlement shows that the government no longer has the power to enforce the laws that control our capitalistic country.

Sincerely,

Jaron Abbott

MTC–00016649

From: Dave Grogan
To: Microsoft ATR
Date: 1/23/02 11:43am
Subject: Microsoft Settlement

This is not enough to punish Microsoft. The last few months the internet has been overwhelmed by the code red and nimda worms, which are directly related to sloppy code. We don't even want to talk about the outlook ''features.'' No one would use MS's products because there are much better alternatives out there, except that they have no choice.

My opinion on a sufficient remedy:

Break them up, so that each piece produces the same as the other pieces. Each pice would produce applications, operating systems, web browsers, etc. This will cause some healthy competition.

OR

Make them release all of their code under the GNU General Public License. This will at least let the entire programming population help secure their products.

Microsoft's current state is unacceptable and needs major, major modification. This settlement is not enough.

David Grogan

MTC–00016650

From: Brien Dieterle
To: Microsoft ATR
Date: 1/23/02 11:39am
Subject: Microsoft Settlement

I am taking a Public Speaking class at Arizona State University. I was the only person shocked and appaled that we are required to use MS PowerPoint Presentations and MS Word documents. Required. There was no alternative.

State Funded Universities should embrace free software, at the very least tolerate it and allow for diversity. The proposed settlement will only entrench these practices that are already in place.

I disagree.

Sincerely,

Brien Dieterle

MTC–00016651

From: William Kilgore
To: Microsoft ATR
Date: 1/23/02 11:45am
Subject: Microsoft Settlement

To whom it may concern,

I am writing to urge that you reject the proposed settlement in the Microsoft anti-trust case. I cannot fathom a legitimate reason why the Department of Justice, having won a decision that Microsoft was inviolation of the anti-trust laws, felt compelled to offer its unconditional surrender. The settlement will not only allow Microsoft to continue its abusive practices, it will offer them the legitimacy of doing so under a consent agreement that does not force them to change their ways.

Please reject this settlement!

William Kilgore

Port Jefferson, NY

MTC–00016652

From: Hodgers, James
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:45am
Subject: The proposed Microsoft settlement

The proposed settlement is definitely poor and unworkable. the restraints on Microsoft (MS) are meaningless, especially when you consider the lack of conformance by MS in preceeding actions.

The have proved again and again that they consider themselves to be above the law. The flaws in the safeguards proposed in the settlement give MS ample room to negate any santion in the settlement. Also I believe this settlement does nothing to redress the losses to the community suffered as a result of MS's blatent use of their monopoly to gouge the consumer. In the period after the judgement they have continued to act in an illegal fashion to move their monopoly into other areas, using the monopoly in operating systems to force these new thrusts into the monopoly.

James M. Hodgers
Staff Associate, Controls Dept.
Stanford Linear Accelerator Center
2575 Sand Hill Rd
Menlo Park, California
jmh@slac.stanford.edu
www.slac.stanford.edu

MTC–00016653

From: Pete Border
To: Microsoft ATR
Date: 1/23/02 11:45am
Subject: Microsoft Settlement

Dear Sirs:

I would like to register my objections to the proposed Microsoft settlement. I believe that the proposed ''oversight committee'' is much too small, and much too restricted to have any effect. The Microsoft company culture is quite capable of ''wballing'' the committee and, since the committee is bound by NDAs, it would be unable to get any help. I would recommend these changes:

1. Increase the size of the oversight committee and include more outside people
2. Publicize their deliberations on the web in pdf format
3. Require the committees approval on all products shipped by Microsoft.

I believe that anything less will not be effective.

Thank you;
Dr. Peter Border
School of Physics and Astronomy
University of Minnesota

MTC–00016654

From: Patrum, Frank
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:43am
Subject: Microsoft Settlement

To Whom It May Concern,

I am writing this letter to protest the proposed settlement in the Microsoft antitrust case. This settlement proposal does not address the previous actions Microsoft has taken, but rather, tries to prevent them from committing these same illegal acts in the future. Microsoft has held little regard for the law in the past, and it is my belief that they will continue this attitude in the future. The settlement needs to be harsher towards Microsoft and actually punish them for their actions. The settlement also needs to set forth strict guidelines on Microsoft's future business practices, to allow their competitors fair and legal opportunities to produce their own products without fear of repercussions from Microsoft.

I use several operating systems from Microsoft as well as Linux, and Solaris so I do not feel that Microsoft is an evil empire. I do believe, however, that their business practices are corrupt and that the Department of Justice (DOJ) needs to stand fast against the power of the almighty dollar and deal with Microsoft using a firm hand and the full force of the law. This settlement is an unacceptable breach of trust by the DOJ with the citizens of the United States and needs to be amended to hold more weight against Microsoft, else there will be more suits like this in the future. Law suits that will, in the long run, waste government time and tax-payer money.

I sincerely appreciate your time in reading this letter, and hope you take it as some confirmation that citizens of the United States do not believe that Microsoft should be spared harsh punishment for their breach of the law. Thank you.

Frank Patrum
Electrical Engineer II
Raytheon
7700 Arlington Blvd. Mail Stop N202
Falls Church, VA 22042–2902
(703) 560–5000 x4696
(703) 208–1208 fax
frank—j—patrum@raytheon.com

MTC–00016655

From: jlucien@erols.com
To: microsoft.atr(a)usdoj.gov
Date: 1/23/02 11:45am
Subject: Microsoft Settlement

I am a software developer, have been a network administrator, and have been PC enthusiast since childhood. I will keep my comments on this situation short and to the point. I'm not going to try and list all of Microsoft's transgressions—they have already been found guilty of illegally using monopoly power. What I would like to impress upon you is the effect of their actions on the average computer user. How many times has your computer crashed without warning? How many times have you lost work because of a crash, costing you valuable time and effort? How many times has your computer done things without your knowledge or asking you? Have you ever wanted to just throw your computer out of the window because it's so difficult to work with?

Everyone you and I know would answer yes to all of those questions. I bet everyone at the time was using the Windows operating system of some version or other. My point is, everyone (i.e. consumers) who have had these experiences and wished they could use something else, have not easily been able to, and considering this is America, that's ridiculous. I bought a new laptop a few months ago and could not buy one without Windows already installed (meaning I *had to pay* for something I did not want). Where is the choice in that? Why should I have to buy that awful operating system when all I wanted was the computer? I can install my own operating system—I don't need or want theirs. Not only that, I got a bum deal because I didn't even get the disks to reinstall it should it break, which it will, based on all my previous Microsoft Windows experience.

It's not fair on the consumer, and the proposed settlement will only propagate that power. It's quite obvious that Microsoft are using this ''settlement'' to break into a portion of the market they don't actually dominate. Please do not let Microsoft do this. Punish them properly, and then stop the continuation of use of the monopoly leverage. Do not let them force computer manufacturer's to sell their product. Do not let them cripple software to only work properly with their own products without clearly informing the buyer/user.

Do not let them force the user's of their products register their names, addresses, e-mail addresses and computer hardware with them just to ''use'' their operating system. Please rectify this intolerable situation so that ''average'' computer users can make choices without fear of purposeful non-interoperablity. If consumers cannot be monetarily compensated, then please compensate them with actually stopping the illegal use of monopoly power, and opening up the barriers to entry so that other companies may compete with them on an even playing field.

Thanks,
Veesa Norman,
Washington DC.

MTC–00016656

From: holbrook@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 11:45am
Subject: Microsoft Settlement

Microsoft has been found a monopoly. The DOJ settlement with Microsoft does not go nearly far enough to contain the anti-competitive practices of Microsoft. Microsoft has continued to use its operating system monopoly on the desktop to unfairly compete with other software application and operating system companies by bundling applications. This has resulted in harm to the consumer by reducing competition and choice.

Thank you,
Mark Holbrook
5770 W. Antelope Rd
Pocatello, ID 83201
CC:Mark Holbrook

MTC–00016657

From: Fish Christopher G Contr 46 TS/OGET
To: ''microsoft.atr(a)usdoj.gov''

Date: 1/23/02 11:05am
Subject: Microsoft Settlement

I am a software developer. I am very concerned that the judgment against Microsoft is not in anyway strict enough. I do not believe it has sufficient power to lower the entry barriers to competing products that Microsoft has created by abusing it's monopoly. Specifically I believe it is very necessary to have 100% disclosure of the windows API. The definition currently being used for API is limited to the API as it relates to middleware products. If it is going to be possible for us to make software the competes reasonably with the software that Microsoft puts in its operating system as middleware it is VERY necessary to have full knowledge of the entire win32 API. (for instance the installer API).

Failure on this point will make the Judgment against Microsoft almost completely ineffective.

MTC–00016658

From: Ryan Swartzendruber
To: Microsoft ATR
Date: 1/23/02 11:45am
Subject: Microsoft Settlement

I think the settlement with Microsoft is a bad deal for the public. Settling by allowing Microsoft to solidify its position of dominance with donations to schools is outrageous.

-Ryan Swartzendruber

MTC–00016659

From: Ethan Schlenker
To: Microsoft ATR
Date: 1/23/02 11:46am
Subject: Microsoft Settlement

The proposed Microsoft is a ''Bad Thing'' as the punishment does not fit the crime. Rather than actually suffer for their transgressions, they would benefit from the long term outcome of the settlement. So please reconsider the decision.

thank you for your time.

Sincerely,

Ethan Schlenker

MTC–00016660

From: H. William Connors II
To: Microsoft ATR
Date: 1/23/02 12:30pm
Subject: Microsoft Settlement

I just wanted to express my opinion on the proposed Microsoft settlement. I do not believe that the proposed settlement will effectively curtail the Microsoft monopoly. Unlike the AT&T monopoly and breakup I don't believe the proposed Microsoft solution doesn't have sufficient provisions for eliminating or even preventing future monopolistic practices.

I feel a better solution would more closely mimic the AT&T solution. I would suggest that breaking the company up and then applying some additional constraints to those individual companies is the right solution. I would therefore break the company into the following 2 or 3 pieces. I would split the company into an Operating Systems company and an Applications company. If the decision is made that Internet Explorer is an integral part of the Operating System, I would create a third company which is comprised of the Microsoft Services such as MSN and its E-commerce components and technologies such as passport.

Constraints for the Operating Systems company:

I would required that all technical documentation (i.e. API specifications, etc) be licensed in a manner similar to that specified at http://www.kegel.com/remedy/remedy1.html ''Microsoft shall disclose and license to ISVs, IHVs, IAPs, ICPs, OEMs and Third-Party Licensees, on an ongoing, basis and in a Timely Manner, in whatever media Microsoft customarily disseminates such information to its own personnel, all APIs, Technical Information and Communications Interfaces that Microsoft employs to enable:...'' where: ''The aforementioned license shall grant a royalty-free, non-exclusive perpetual right on a non-discriminatory basis to use this information to create independent implementions of the APIs so disclosed.'' and: ''ISV'' means any entity (including without limitation the Open Source community) other than Microsoft... This documentation should be made available to all interested parties at the same time as it is made available to the Microsoft applications company.

In order to ensure equality for all application developers, I feel that the microsoft development suite (i.e. Visual Studio) should remain with the operating system groups. This creates a level playing field in that all application developers will have access to the same optimizations and development libraries to access core OS resources.

In addition the service aspects of the .NET technologies should be removed from Operating systems group. This technology and its corresponding services are extremely powerful and useful. I fear however that they are the next major area of monopolistic concern. As the internet becomes even more pervasive, these technologies have the potential to lookout other technologies, applications, and platforms from the internet. The fact that microsoft is bundling this technology with the operating system almost guarantees them a monopoly on the internet. The internet has to be kept an open and level playing field.

Constraints for the Applications company:
I feel that it is important to offer individuals the ability to run an operating system free of choice and not be limited by application availablity. While I would like to see the Office suite available on multiple operating systems, I don't know that that is necessary to be enforced by a court. Instead I think interoperability is more important and thus I feel the file format should be made public. This will allow other application (cross operating systems) to be able to reliably and accurately interchange data. This format should be made available under a license similar to that describe for the operating systems API. In addition the file format should be available to those interested parties atleast by the release date of office.

I also feel it is important that if a process is put in place for the Applications group to request features and/or report bugs in the operating system that that process be made available to those interested parties which licensed the operating system API. In addition this process should implemented in such a manner as not to biased to the Microsoft applications company.

Constraints for the Services Company:

The more I think about .NET and some of the services it provides, the more I think the right solution is to create a services company. Again this company should be forced to license their API's under a similar agreement to that of the OS APIs.

Bill
H. William Connors II
bconnors@rochgrp.com
Software Engineer
The Rochester Group, Inc.

MTC–00016661

From: Joseph Lyman
To: Microsoft ATR
Date: 1/23/02 11:46am
Subject: Microsoft Settlement

To whom it may concern:

Over the past several years my attention has been drawn to the questionable business and political practices of Microsoft Corporation, the high profile company involved in this case. As an informed consumer, and as a business owner in the technologies industry it has become increasingly apparent that Microsoft is unable to operate in a manner condusive to our free market.

One concern that stands out in particular is the manner in which Microsoft Corp. handles its dealer relations with Original Equipment Manufacturers (OEM's). These OEM companies are responsible for an increasingly large percentage of all North American computer sales and are thus an important and key distribution point for any software makers.

Microsoft has repeatedly shown that it cannot act responsibly in its relations with OEM dealers. The settlements that have been proposed do address this matter, but with very little resolution or restriction and thus very little assurance that anything will change.

Below are a few arguments that have been made in general concerning this matter (quoted): ''The PFJ prohibits certain behaviors by Microsoft towards OEMs, but curiously allows the following exclusionary practices:

''Section III.A.2. allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

''Section III.B. requires Microsoft to license Windows on uniform terms and at published prices to the top 20 OEMs, but says nothing about smaller OEMs. This leaves Microsoft free to retaliate against smaller OEMs, including important regional ''white box'' OEMs, if they offer competing products.

''Section III.B. also allows Microsoft to offer unspecified Market Development Allowances—in effect, discounts—to OEMs. For instance, Microsoft could offer discounts on Windows to OEMs based on the number of copies of Microsoft Office or Pocket PC systems sold by that OEM. In effect, this allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas, such as office software or ARM-compatible operating systems.

''By allowing these practices, the PFJ is encouraging Microsoft to extend its monopoly in Intel-compatible operating systems, and to leverage it into new areas.''

I agree wholeheartedly with these arguments and would encourage the Departement of Justice to reconsider its actions with Microsoft Corp. Futhermore I would recommend that any action taken should address the above concerns and help restore the market that Microsoft has destroyed.

Thank you for your time in this matter.

Sincerely,

Joseph Daniel Lyman

Partner, CIO Exacura Professional Technologies

Tigard, OR 97223

jlyman@exacura.com

MTC–00016662

From: David Buzz Bryant
To: Microsoft ATR
Date: 1/23/02 11:46am
Subject: Microsoft Settlement

The settlement is a terrible idea. They cannot be allowed to walk away from the damage they've done to the industry.

In the mid-90s I co-owned a small computer graphics company. As a sideline, we also built computers for some of our clients, and had registered with Microsoft as an OEM. We only built about a dozen machines a year, though, and after two years decided it wasn't profitable enough to continue offering this service. As a result, we stopped ordering OEM packs.

Soon we received a letter from Microsoft's lawyers claiming that, since we were no longer ordering copies of Windows 95, we must be pirating their software. (This was completely baseless, by the way. I'm a straight shooter.) They actually stated in their letter that the only way we could avoid legal action by Microsoft was to immediately begin ordering copies of Windows 95 at our former rate.

In other words, Microsoft was going to take us to court because we weren't buying as much of their product as they thought we should. I believe that to be extortion. My partner had a lawyer friend contact them, and they called off the dogs. But it left a sour taste in my mouth, and has turned me into someone no one wants to mention Microsoft around.

These people are arrogant, vicious greedheads that will do anything to win. They think they are above the law. Please don't prove them right. They are criminals that have destroyed a lot of lives in the technology sector, and they must be dealt with harshly.

Anything less than a breakup is capitulation.

Sincerely,

David Bryant

P.S. Please don't fall for their P.R. ''innovation'' nonsense. Ask any good programmer.

MTC–00016663

From: Brendan Byrd/SineSwiper
To: Microsoft ATR
Date: 1/23/02 11:46am
Subject: Microsoft Settlement

The current proposed settlement (PS) is flawed. Because of many different legal loopholes in the PS, Microsoft will be able to find ways to easily exploit their customers and OEMs to their advantage. Microsoft has already extended, or tried to extend, their monopoly since the start of the trial, such as:

* Microsoft .NET and MS's plans to force everybody to sign for a MS Passport (which has already been proven to be a very insecure system)

* The failed attempt to turn an educational lawsuit into a way to inject their software into yet another market

* Imposing highly-restrictive EULAs and license agreements in XP to try to milk as much money as possible from the end user and businesses, which has already forced other governments (such as the UK and China) to consider other options besides MS software

* Using PR stunts to hide the fact that security was never a major concern of any of their products, and never will be (even though recent developments in Windows XP and Internet Explorer have proven this)

* Starting petty lawsuits to snuff out competition, in the hopes of running them out of money (such as the recent Lindows lawsuit)

* Rigging web polls and writing fake letters (from people already long dead and buried) to influence business and DoJ decisions

The government's intentions in the PS are in good faith, but the language puts too much faith in MS's interpretation of it. Dan Kegel has a great analysis of the flaws found in the PS here: http://www.kegel.com/remedy/remedy2.html In short, I feel that it's the DoJ's duty to revamped the PS and/or return to the drawing board, as its current revision is not enough to stop Microsoft's anti-competitive practices.

Brendan Byrd/SineSwiper
<SineSwiper@ResonatorSoft.org>
Web Programmer @ Resonator Software
(www.ResonatorSoft.org)

MTC–00016664

From: Karl Bellve
To: Microsoft ATR
Date: 1/23/02 11:46am
Subject: Microsoft Settlement

I believe the proposed settlement is wrong. It does nothing to limit Microsoft in the future.

Microsoft must done the following: 1) Make Windows OpenSource 2) No longer include programs such as Explorer as part of the base distribution of windows. 3) If microsoft must include Explorer, then includer competing programs. 4) Microsoft must make Office available to any OS with a large distrubtion including Linux. Released versions of Office must be the same for every OS.

Cheers,

Karl Bellve, Ph.D.
ICQ # 13956200
Biomedical Imaging Group TLCA# 7938
University of Massachusetts
Email: Karl.Bellve@umassmed.edu
Phone: (508) 856–6514
Fax: (508) 856–1840
PGP Public key: finger
kdb@molmed.umassmed.edu

MTC–00016665

From: George Smith
To: Microsoft ATR
Date: 1/23/02 11:47am
Subject: Microsoft Settlement

To Honorable Judge Kollar-Kotelly,

As a citizen of the United States, and a worker in the computer software industry for over 20 years, I would like to provide you with my comments on the Federal governments proposed settlement with Microsoft. Please, please, call upon God to provide you the wisdom and the courage to arrive at a moral and just decision in this case. With this prayer, I am sure you will not go wrong. In addition, I must tell you my view: it is plainly obvious to anyone that Microsoft is a monopoly, has abused this position to the detriment of the entire world and especially to it's competitors, that the current remedy proposed by Microsoft and the Federal representatives is woefully inadequate, and that since Microsoft has been given much, much must be expected from it. Please consider these comments in your deliberations. God speed.

George B. Smith
gbs@k9have.com

MTC–00016666

From: Rod Smith
To: Microsoft ATR
Date: 1/23/02 11:46am
Subject: Microsoft Settlement

Hello,

I am writing to express my concern over the proposed settlement in the United States v. Microsoft case. In my opinion, the proposed settlement is an ineffectual ''slap on the wrist'' for a company that has repeatedly demonstrated a lack of respect for both the law and prevailing free market practices.

As I understand it, the proposed settlement places various minor restrictions on how Microsoft may do business, such as requiring that they offer the same terms to all OEMs who license their OS. In last decade's big Microsoft case, however, similar restrictions were imposed on Microsoft, and the company managed to find loopholes to carry on as it had done before. I see no reason why Microsoft would not do the same this time around, ensuring another 5–10 years of its predatory business tactics.

Indeed, I am very concerned about the growing influence of Microsoft in society as a whole. Microsoft has been releasing proprietary products, tools, and services is so many areas that, if even a tiny fraction of them gain the sort of dominance that Windows and Office have in the general computing field, Microsoft will possess an unacceptable amount of power over society at large. Microsoft has proven by its actions (both legal and illegal) that it is not above using (in fact, I would argue, ABUSING) the power it has to increase its profits and crush all competition, without regard to the needs or rights of its customers.

Finally, I believe that Microsoft's dominance of the computer industry not only stifles innovation but is a threat to the security of all information systems. The past year has seen the release of increasingly powerful viruses and worms, such as Code

Red and Nimda. These worms can do significant damage only in what's known as a ''monoculture''—an environment in which a single system dominates the landscape. If Microsoft faced real competition, the security of the Internet would be greatly enhanced, because no one worm or virus could damage more than a few percent of the Internet's computers.

In sum, I believe that the proposed settlement will be ineffectual at correcting Microsoft's behaviors. Microsoft has repeatedly demonstrated a lack of respect for the law, and so the remedy should take much more radical steps to correct Microsoft's past wrongs and ensure that the company doesn't fall into its old behaviors. The states' proposed remedy is better able to meet these goals, but there are also many other proposals from which to choose.

Rod Smith
rodsmith@rodsbooks.com
http://www.rodsbooks.com

MTC–00016667

From: psyfybre@netscape.net@inetgw
To: Microsoft ATR
Date: 1/23/02 11:47am
Subject: Microsoft Settlement

The Microsoft Settlement is a bad idea.

MTC–00016668

From: tim.conway@philips.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:47am
Subject: Microsoft Settlement

It's not right, and I expect you know it.

If most roads were designed to be easily usable by only one make of car, and that manufacturer began to include gasoline with the cars, noone would consider letting him get away with it. For most people, windows is not optional. For instance, even though I have the skills to do without it, i'm forced to use it in my work by my company's choice of applications. It's not better, just unavoidable, and Microsoft has used that position to prevent competition. I can't imagine destroying them, but they should be prevented from cheating in the future. This means actually prevented, not allowed to sign a ''consent decree'', ignore it, and then be forgiven.

Tim Conway
tim.conway@philips.com
303.682.4917
Philips Semiconductor—Longmont TC
1880 Industrial Circle, Suite D
Longmont, CO 80501

MTC–00016669

From: coats@ntrnet.net@inetgw
To: Microsoft ATR
Date: 1/23/02 11:49am
Subject: Microsoft Settlement

Dear Sirs:

It is my considered opinion as a mathematician and computer scientist of long standing (Ph.D., MIT: 1978) that the combination of Microsoft's software design practices and continued aggressively linking monopolies across software disciplines constitutes a serious risk both to the national security and to the economic interests of the United States as a whole.

Microsoft has aggressively pursued a strategy of tying across its entire product line. This is evident not only in its sales practices but also in the behavior of its upgrades: for example, it has been all but impossible for ordinary users to upgrade —any— Microsoft product (whether operating system or office software) without both installing Microsoft's ''Outlook'' email software and also overriding the user's installed email software with ''Outlook''.

This tying across product lines affects both the national economic interest ant the national security because of inherent vulnerabilities in Microsoft's software design practices. This past year has been a bad year for so-called ''worms'' and ''viruses'' damaging information systems and causing denial of service all over the Internet. Network consulting guru Jakob Nielsen (see http://www.useit.com/) estimates this past year's consequent economic damage as in excess of $170 Billion.

I have personally experienced two days of complete network outage due to serious Outlook-worm attacks to backbone provider Verozon (who have not admitted it publically; however, MCNC is responsible for backbone load analysis for the southeast, and the load-signature of these attacks is unmistakeable.)

More than 80% of those attacks are ''Outlook'' specific: they do not affect other email software (such as the previous market-leader ''Eudora'') at all. More than 98% of the attacks are Microsoft specific. The reason for these vulnerabilities is inherent in Microsoft's ''active content'' document design, where documents are no longer simply data to be processed or viewed, but are actually programs (written in ''Visual Basic'' with ''ActiveX'' controls) that can take over the user's computer and compromise it. This makes it easy for Microsoft to provide ''glitz'' but at the expense of using an approach which is inherently insecure. (Of the remaining 2% of network attacks, a large majority are due to other—cross-platform—''active content'' attacks, specifically employing JavaScript and Java!)

Hundreds of billions of dollars in consequent damages to the national information infrastructure mean that it is in the national interest to prevent this kind of cross-system tying. Furthermore, it is in the national security interest to ensure that Federal Interest Computers are not subject to the kinds of attacks that Microsoft has made possible. I think the following remedies are in order:

1. Microsoft must be made to stop the software-level tying between different kinds of software systems. Specifically, there should not be shared content between:

(a) operating systems;
(b) application software;
(c) network server software.

If achieving this means splitting the company along these lines into three separate entities, then so be it.

2. Microsoft software, with its vulnerable cross-system ties, should not be allowed on Federal Interest Computers. Arguably, it should not be allowed on any system networked to a Federal Interest Computer, but that latter is admittedly a rather drastic step.

3. Microsoft's ''patches'' and ''upgrades'' should be required to confine themselves to the ostensible purpose that they have; they should be forbidden to change other software systems on the user's computer without express notice and consent.

4. Microsoft's upgrade practices, in which the upgrade-system silently replaces the user's email software setup with ''Outlook'', has had that effect on current Federal Interest Computers that historically used (for example) ''Eudora'' but have been forced into using ''Outlook''. Arguably, this upgrade-with-change constitutes felonious unauthorized access to a Federal Interest Computer. This felony should be prosecuted aggressively.

Sincerely,
Carlie J. Coats, Jr., Ph.D.
coats@emc.mcnc.org
MCNC-Environmental Modeling Center
phone: (919) 248–9241
North Carolina Supercomputing Center
fax: (919) 248–9245
3021 Cornwallis Road
P.O. Box 12889
Research Triangle Park, N.C. 27709–2889
USA

''My opinions are my own, and I've got *lots* of them!''

MTC–00016670

From: Sam Mertens
To: Microsoft ATR
Date: 1/23/02 11:45am
Subject: Microsoft Settlement

I oppose the proposed settlement with Microsoft. Among many other shortcomings, it fails to address the contempt for the legal process shown by the Microsoft Corporation in the past and takes no steps to discourage it in the future.

Sincerely,
Sam Mertens

MTC–00016671

From: Ty Hedrick
To: Microsoft ATR
Date: 1/23/02 11:47am
Subject: Microsoft Settlement

Dear Sirs,

Summary: The proposed settlement is too favorable to Microsoft, much stronger measures are required to keep the company from abusing its monopoly. I believe this settlement is counter to the interests of the American public, deleterious to the American economy, and not adequate given the findings of fact in the trial. Microsoft's anti-competitive practices are counter to the law and spirit of our free-enterprise system. These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation. Microsoft's monopolistic practices cause the public to bear increased costs and deny them the products of the innovation which would otherwise be stimulated through competition. The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future. It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think

that the proposed settlement is strong enough to serve this function.

Sincerely,
Ty Hedrick
Tyson L. Hedrick
ph: (781) 275 1725 x17
Concord Field Station
Harvard University
Old Causeway Road
Bedford, MA 01730

MTC–00016672

From: user@domain.invalid@inetgw
To: Microsoft ATR
Date: 1/23/02 11:47am
Subject: Microsoft Settlement—NO

The proposed Microsoft settlement terms are ridiculous. Microsoft still hasn't even admitted any wrongdoing or made any changes to their behavior, despite the courts finding them guilty of illegal monopolistic activities. The settlement would allow Microsoft to not only continue their illegal behavior, but would reward them with increased visibility and market share by letting them ''donate'' their unsold products to schools, at essentially zero cost to them! Remember, software doesn't cost anything to copy, and any old PCs have already been depreciated to zero. And where are the schools going to purchase software upgrades? The settlement also doesn't require Microsoft to pay any damages to the companies it hurt through its illegal acts.

The whole point of having a court case at all is to make Microsoft stop doing illegal things, not to reward them for it!

Please REJECT this settlement in favor of one that would actually punish Microsoft and make them change their behavior in the future.

Dr. William F. Richardson
495 Wildwood Way
Santa Clara, CA 95054

MTC–00016673

From: Thomas Streeter
To: Microsoft ATR
Date: 1/23/02 11:48am
Subject: Microsoft Settlement

To whom it may concern:

I am a published scholar on the history and regulation of communication technology.

I am writing to register my objection to the current proposed settlement in the Microsoft case. The Microsoft monopoly—which is a byproduct of network externalities, not the quality of the company's software—stifles innovation, pure and simple; start up companies can not get funded if they will compete with microsoft, innovative progams that conflict with Microsoft policies are marginalized, etc. The current proposed settlement does not get to the cause of the problem nor will it result in any substantial improvement.

There are many different possible remedies, but the current proposal is not one of them. I strongly urge you to reconsider the Justice Department's current stand on the issue.

Thank you for your time and consideration.

Thomas Streeter

MTC–00016674

From: Jeffrey Bridge
To: Microsoft ATR
Date: 1/23/02 11:48am
Subject: Microsoft Settlement

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Jeffrey Bridge

MTC–00016675

From: Evan Coyne Maloney
To: Microsoft ATR
Date: 1/23/02 11:48am
Subject: Microsoft Settlement

Microsoft will continue to be a monopoly as long as Microsoft Office remains a ''closed'' system. Office is ''closed'' in that its file formats are known only to Microsoft and are not available to the general public.

This is a barrier to entry because everybody uses Microsoft Office currently. The documents get e-mailed around within companies and between companies. Owning Office is required to read these documents fully, so therefore buying Office is a cost of doing business, like buying phones or a fax machine. (Except that you can get phones or a fax machine from multiple vendors.)

Microsoft's stranglehold on businesses in this regard would be reduced if: 1. In the short run, they were forced to publish the file formats and make them freely available. 2. In the long run, they should be forced to give up control of the file formats to a standards body, much like the W3C is a standards body for HTML and XML. Further, Microsoft should be forced to use the recommendations of the standards body as their file format, with fines levied if it is determined that they are ''not fully compatible'' with the standard. (Being partially compatible with HTML is a trick that Microsoft used to beat down Netscape.) They should be enjoined from shipping Office until the file formats are opened up.

This would be a reasonable solution, since Microsoft would retain their assets (Office), but at the same time, other companies could build products that are compatible with Office without having to pay ''the Microsoft tax'' in the form of licensing fees.

Evan Coyne Maloney
evancm@nac,com

MTC–00016676

From: Tom Arons
To: Microsoft ATR
Date: 1/23/02 11:48am
Subject: Microsoft Settlement

I do not believe that the proposed settlement will in any way inhibit Microsoft from behaving in the same anti-competitive, predatory way that they have in the past. Tom Arons Director of Computing Center for Image Processing and Interactive Computing University of California Davis, CA 95616

MTC–00016677

From: rbw@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 11:56am
Subject: Microsoft Settlement

I believe that the proposed settlement with Microsoft is nothing more than a sell-out to Microsoft and a betrayal of justice. To refer to the settlement as a remedy is almost laughable, especially as Microsoft continues to strengthen and grow its monopolistic power with Windows XP, Product Activation, Digital Rights Management features, License 6.0, etc. I realize that the will of the people is irrelevant in the face of the political power of Microsoft and its supporters, but I still wish to go on record opposing the alleged settlement with Microsoft.

Thank you.
Robert B. Wamble II
622 G Street
Ramona, CA 92065

MTC–00016678

From: Yanchou Han
To: Microsoft ATR
Date: 1/23/02 11:48am
Subject: Microsoft Settlement

I think the proposed settlement is a very very bad idea!

Best Regards
Yanchou Han
Thanks
Yanchou Han

MTC–00016679

From: Scott
To: Microsoft ATR
Date: 1/23/02 11:48am
Subject: Microsoft Settlement

This is a vote against the current settlement in the Microsoft case. The current settlement does not reprimand Microsoft for it's past illegal actions and will not stop Microsoft from continuing it's monopolistic practices.

Scott Blichfeldt
618 Palm Bay Ct. #109
Orlando, FL 32825

MTC–00016680

From: hands
To: Microsoft ATR
Date: 1/23/02 11:50am
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea! It is imperative that Microsoft is not

allowed to continue with its anticompetitive and monopolistic tactics.

MTC–00016681

From: Artur Kedzierski
To: Microsoft ATR
Date: 1/23/02 11:49am
Subject: Microsoft Settlement

I do not agree with the settlement. It does not stimulate competition and is not effective in punishing them.

Artur Kedzierski
US Citizen
Graduate Student in Computer Science
1059 Horseshoe Bend
Walnut, CA 91789–4414
Kedzierski, Artur@cs.ucr.edu
Computer Science Graduate Division
University of California, Riverside

MTC–00016682

From: Cushing Whitney
To: Microsoft ATR
Date: 1/23/02 11:48am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

As provided for by the Tunney Act, I wish to add to the public record my comments on the Proposed Final Judgment (PFJ) in the cases of US v Microsoft and State of New York ex. rel. v Microsoft.

As an Economist by training (undergraduate and graduate degrees in economics from Carnegie Mellon University and Columbia University respectively) and an IT professional by career choice, It is clear to me that the provisions supplied by the PFJ will not be sufficient to undo the existing distortions in the market for Intel-compatible operating systems and software, not will they spur the competition necessary to induce the market to reverse the distortions itself. Furthermore, the lack of substantive financial penalties undermines the deterrent effect of future anti-trust action in the future against Microsoft or other companies. Therefore, I urge the court to reject the PFJ as not being in the public's best interest.

The key to Microsoft's market power lies in the fact that it has two interlocking monopolies. First is its monopoly in the market for Intel-compatible operating systems. Second is its monopoly in the market for Office-Productivity Applications. Either of these alone represent substantial distortions in the marketplace. Together, they represent an almost irresistible force for the ''lock-in'' of consumers. Given that a large measure of the value in Information Technology comes from the positive network externalities of being able to communicate with other computer users. This communication is only feasible when the disparate systems understand the same ''language'' in addition to being able to just contact each other. The PFJ ignores that fact that while the TCP/IP protocol and the Internet have made it easy for heterogeneous computer systems to contact each other, there are still substantial barriers to the exchange of content-rich communications due to proprietary file formats. Thus, while it is easy for two users of Microsoft Windows and Office to exchange richly-formatted documents, They are unable to have the same sort of exchange with a user of another system due to the closed nature of Microsoft's file format. It is this network effect that provides the power in Microsoft's interlocking monopoly. In order to exchange documents with the majority of other users in the network, one must use Microsoft Office. Because Microsoft Office only runs on Microsoft Windows on Intel-compatible machines (a version is available for machines using Motorola's PowerPC architecture running MacOS), then the user must use Windows as well. Thus, each monopoly supports the other by forcing a user to adopt both in order to receive the benefit of the network effect.

This problem can and should be addressed by two means: enabling file format compatibility and enabling API compatibility. The PFJ does not address the former and ineffectively addresses the latter. By requiring that Microsoft fully and openly document, in a timely fashion, the file structure used by Microsoft Office applications, competitors could create filters in their applications to read and write Microsoft formats effortlessly. Not only would this spur competition in the Office Productivity application market under Microsoft Windows, but this would allow application developers using other Intel-compatible operating systems to create Office Productivity applications on their respective platforms that could inter-operate with Microsoft Office. Having Microsoft Office-compatible applications would give other operating systems the power to compete with Microsoft Windows in terms of providing positive network effects to its users, thus enhancing competition in the Intel-compatible operating system market. Barring the above solution, competition in the operating system market could be enhanced by ensuring that Microsoft Office is available for multiple Intel-compatible operating systems either by requiring that Microsoft produce the suite for additional platforms, or by requiring that they auction off or license the rights to ''port'' Microsoft Office to other platforms. Such a move is less desirable than the compatibility route because, while it enhances competition in the Operating System market, it leaves the market for Office productivity applications untouched and still monopolized.

The issue of API compatibility is addressed by the PFJ by requiring Microsoft to disclose its APIs to interested parties with a number of provisos. It is these conditions that make the disclosure of Microsoft's APIs unlikely to have a significant effect on enhancing competition. First, Microsoft will be allowed to withhold the disclosure to APIs where such disclosures would ''compromise the security of a particular installation or group of installations of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria'' (section 3.J.1). The language in the PFJ is broad enough that Microsoft would be able to shoehorn large portions of the Windows API into the exemption, thus subverting the spirit of the measure. In addition, while the goal of ensuring the security of computer software is laudable, many information security experts agree the open disclosure of security-related APIs generally results in more secure and robust software than does the procedure of ''security through obscurity''. Microsoft would also be allowed to limit to whom they disclose their APIs based on whether the requester meets ''reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business'' (section 3.J.2). By allowing Microsoft to choose its competitors based on business model, the PFJ undermines the ability of open-source software developers, the one group that presents a significant competitive challenge to Microsoft, to create software that is competitive but inter-operable with Microsoft products. Such developers are generally either individuals or small groups who are developing such products to suit their own needs, but, in the process of openly releasing their code, provide value to all users. These developers rarely create such software for commercial purposes and those that do tend not to be large operations that would pass Microsoft's scrutiny. To allow Microsoft to exclude such developers based on the fact that they are not producing software as a business would represent a great loss to the ability to enhance competition in the market.

Finally, the lack of financial penalties in the PFJ allows Microsoft to keep all of the ''ill-gotten gains'' of its monopoly position. While it is vitally important to correct market distortions and restore competition going forward, Microsoft should not be allowed to benefit from the past and its illegal monopoly. An approach similar to environmental regulations, where polluters bear the costs of remediating the environment they spoiled, could be employed here. By using monetary fines from Microsoft to create a development fund, the government, or other trustee, could help fund projects that would create freely-available software that would compete and inter-operate with Microsoft products, while forcing Microsoft, in effect, to remediate the business environment that it spoiled. Such a move would not only bring competition into the market, but would provide a large return to society as whole in the availability of high-quality, free software to help in reducing the digital divide.

In summary, the PFJ does not represent a viable means of remedying the illegal actions of Microsoft as determined by Judge Jackson and as unanimously approved by the full Court of Appeals. Based on this, I once again urge the court to reject the PFJ and quickly proceed to a new remedy hearing.

Sincerely,
Cushing Whitney
Information Security Consultant
Hoboken, NJ
917–328–7263

MTC–00016683

From: Chris Chuter
To: Microsoft ATR
Date: 1/23/02 11:49am

Subject: Microsoft Settlement

Dear sirs,

I am a US citizen and I would like to respond to the proposed microsoft settlement. In the aftermath of the Enron debacle, we, as citizens, need our justice department more than ever to protect us from the avarice of big business. It's is clear to me, that this settlement does extremely little. It appears that the Attorney Generals are either scared of Microsoft or unduly influenced by Microsoft's money.

Microsoft has been found guilty of a crime. Now it's time for the punishment phase. Please punish Microsoft. The settlement as it currently stands does more to encourage Microsoft to continue its monopolistic practices than punish. Hopefully, you've received enough letters by now to provide proper analysis and details to prove that this settlement is laughingly weak. I know my words are inadequate. But, Please understand, this is an emphatic,heartfelt plea to do right by your fellow citizens and punish a wrong doer.

Thank for your time and this public forum,

Chris Chuter

4608 Ave H

Austin, TX 78751

''Any sufficiently advanced technology is indistinguishable from magic.'' –Arthur C. Clarke

Chris Chuter

Magic Earth, LLC

cchuter@texas.net

http://www.magic-earth.com/

MTC–00016684

From: Dan Berger
To: Microsoft ATR
Date: 1/23/02 11:46am
Subject: Microsoft Settlement

After reading and careful consideration of the proposed Microsoft Settlement, I felt the need to stand up and be counted. The proposed settlement has many fatal flaws, each of which alone would be enough to render it ineffective.

Dan Kegel has written a well considered analysis of many of these flaws, which can be found at http://www.kegel.com/remedy/letter.html

Dan Berger [dberger@ix.netcom.com]

http://home.ix.netcom.com/dberger

Inter arma silent leges

''Experience should teach us to be most on our guard to protect liberty when the government's purposes are beneficent. Men born to freedom are naturally alert to repel invasion of their liberty by evil minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding.''

Justice Louis Brandeis, dissenting, Olmstead v US (1928) A982 E6B1 CB2F 7A49 843A 9297 DA73 4371 1F54 8D0C

MTC–00016685

From: jeffrey@diddl.firehead.org@inetgw
To: Microsoft ATR
Date: 1/23/02 11:49am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,

Roscoe Harris

MTC–00016686

From: Sven Nielsen
To: Microsoft ATR
Date: 1/23/02 11:39am
Subject: Microsoft Settlement

Hi,

I believe that the proposed settlement with Microsoft is a bad idea, because while the courts have found real evidence of monopoly action, all that the proposed settlement will do is slap Microsoft on the wrist while doing nothing to actually change or alter their business practices will allow them to remain a monopoly power, and make it that much more difficult for others to stop Microsoft's monopoly activities in the future. Also remember that the axiom ''any settlement the opponent likes is probably a bad one'' is quite true.

Thank you for allowing me to comment,

–Sven

MTC–00016687

From: Jake Cromley
To: Microsoft ATR
Date: 1/23/02 11:49am
Subject: Microsoft Settlement

I believe that the Proposed Final Judgment is a BAD idea.

I feel that it will in NO WAY remedy the effects of its past unlawful conduct.

MTC–00016688

From: cappmonkey@mac.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:50am
Subject: Microsoft Settlement

PLEASE PLEASE PLEASE! DO THE RIGHT THING FOR AMERICAN FREEDOM AND COMPETITION DON'T LET THIS CORPORATE GIANT GET AWAY WITH THE TACTICS IT HAS BEEN USING FOR YEARS TO ATTEMPT DOMINATION OF THE COMPUTER MARKET.

I have been experimenting and it is almost IMPOSSIBLE to do business on the internet now without using microsoft in some way. Microsoft is the worst sort of corporate monster, they havent payed any corporate income taxes in years! please dont let them get away with stifling our future!

Capp Maberry

204 w Simpson #3

Eureka CA 95501

MTC–00016689

From:
Scott.Narowetz@bakerbotts.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:46am
Subject: Microsoft Settlement

To Whom It May Concern:

I believe that the proposed settlement is not in the best interests of the citizens of the US. The courts have declared Microsoft a monopoly and yet even pro-Microsoft industry analysts have considered the DOJ settlement nothing more than a wrist slap. I believe that Microsoft stifles competition.

Scott Narowetz

MTC–00016690

From: Jeffrey Bridge
To: Microsoft ATR
Date: 1/23/02 11:50am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,

Jeffrey Bridge

MTC–00016691

From: John McCain
To: Microsoft ATR
Date: 1/23/02 11:49am
Subject: Microsoft Settlement

I oppose the proposed Microsoft settlement. I do not believe the settlement does anything to impede Microsoft's ability

to maintain its monopoly, and in fact that it will help to further it. It is my desire that the issue be decided in court and that an appropriate penalty for Microsoft's monopolistic business practices be rendered. Furthermore, I am hopeful that a judgment against Microsoft will contain sufficient punitive measures to dissuade other like minded individuals and organizations from engaging in the kind of illegal activity Microsoft has perpetrated.

MTC–00016692

From: Daniel Boyd
To: Microsoft ATR
Date: 1/23/02 11:49am
Subject: Microsoft Settlement

I am a resident of the state of New York, and I work as a computer system administrator at the State University of New York at Buffalo. I am writing to you as a private citizen; the University does not review or endorse this e-mail.

I believe the proposed settlement to the Microsoft antitrust case does not usefully lower the applications barrier to entry. It should require the disclosure of file formats; it should require the disclosure of network protocols; and it should forbid Microsoft from prohibiting reverse engineering in license agreements.

DISCLOSURE OF PROPRIETARY FILE FORMATS

Proprietary file formats, such as the Microsoft Word .DOC format, or the Excel .XLS format, form a powerful part of the Applications Barrier to Entry. Since their documentation is only available from Microsoft under Non-Disclosure Agreements, it is not possible for third parties to write software to reliably interoperate with Word or Excel.

You can try to write a program that will edit a .DOC file—and many people have—but unless you're working from the Microsoft documentation on the precise format of the file, you must determine the file format through the difficult process of reverse engineering. Microsoft should be required to disclose the file formats for its products, especially Microsoft Office. Such disclosure should be required seven months in advance of the release of any product which relies on such a format.

DISCLOSURE OF NETWORK PROTOCOLS

It is not currently possible for another manufacturer to compete directly with the Microsoft Outlook e-mail client product, nor with the Microsoft Exchange e-mail server product, because the protocol by which the Outlook client communicates with the Exchange server is not disclosed.

Were the protocol disclosed, it would be possible to write alternate client implementations for use with the Exchange server; and it would be possible to write alternate server implementations for use with the Outlook client.

Microsoft should be required to disclose the file formats for its products, especially Microsoft Exchange and Microsoft Outlook. Such disclosure should be required seven months in advance of the release of any product which relies on such a protocol.

PROHIBITION OF REVERSE ENGINEERING

As the Microsoft Windows product has been shown to have a monopoly share of the market for desktop operating systems, it forms such a large part of the competitive environment for any other product as to be like a force of nature. For meaningful competition to exist, it must be possible for other entities to discover as much information about Windows as is necessary for them to write a competing product; Microsoft prohibits such discovery through the use of clauses in license agreements forbidding reverse engineering.

Microsoft should be enjoined from prohibiting reverse engineering of its Operating Systems, Middleware, and Office Automation products.

Thank you for your attention to this comment.

Sincerely,
Daniel F. Boyd

MTC–00016693

From: Asch
To: Microsoft ATR
Date: 1/23/02 11:50am
Subject: Microsoft Settlement

To whom it may concern . . .

I just want to voice my opposition to the (current) proposed settlement in the Microsoft Anti.trust case.

As the settlement stands, it will only stop Microsoft from continuing to abuse its power without doing anything to correct or punish its past actions. Microsoft has already benefited from their illegal acts and this settlement does nothing about that.

While I'm sure the Court wants to reach a settlement quickly, that is no reason to rush into a settlement that does not adequately address the problems and fails to provide a decent solution. Thank you for your time.

Garth Rademaker
1320 N. Veitch St. #1532
Arlington, VA 22201

MTC–00016694

From: Randall Hansen
To: Microsoft ATR
Date: 1/23/02 11:51am
Subject: Microsoft Settlement

As a computer professional with over 10 years of experience, I would like to comment on the Proposed Final Judgment in United States v. Microsoft. To be frank, I view the Proposed Final Judgment as a gigantic loophole, ripe and ready to be abused by Microsoft. I'll raise one specific objection: Section III.A.2 (''Prohibited Conduct'') prohibits Microsoft from retaliating against an OEM for shipping a computer with Windows and a non-Microsoft operating system. This section does not, however, prohibit Microsoft from retaliating against an OEM who ships a computer without a Microsoft operating system at all.

This is exactly the kind of loophole that Microsoft has exploited in the past and will continue to exploit. If, for instance, Dell shipped a Linux-only computer, Microsoft would be free (under this provision) to retaliate in any way it saw fit. In the regular course of business this behavior is expected; from a predatory monopoly this behavior is illegal.

I urge you to review this settlement with a more critical eye.

Thank you,
Randall Hansen

MTC–00016695

From: Ben Hines
To: Microsoft ATR
Date: 1/23/02 11:51am
Subject: Microsoft Settlement

I disagree vehemently with the proposed MS settlement. Microsoft lost the case—they were declared a monopolist. Thus, it is time for Punishment, not further ''restrictions'' or ''time periods'' that they have to behave ''or else''.

–Ben
http://homepage.mac.com/bhines/

MTC–00016696

From: Josh Arnold
To: Microsoft ATR
Date: 1/23/02 11:50am
Subject: Microsoft Settlement

To Whom It May Concern:

I am writing to give my comments on the Microsoft antitrust settlement.

I believe this settlement is counter to the interests of the American public, deleterious to the American economy, and not adequate given the findings of fact in the trial.

Microsoft's anti-competitive practices are counter to the law and spirit of our free-enterprise system. These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation.

Microsoft's monopolistic practices cause the public to bear increased costs and deny them the products of the innovation which would otherwise be stimulated through competition.

The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future.

It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function.

Sincerely,
Joshua Arnold

MTC–00016697

From: MICHAEL WASSIL
To: Microsoft ATR
Date: 1/23/02 11:51am
Subject: Microsoft Settlement

The case against Microsoft should not end without a remedy that restores competition. The current settlement will not accomplish this. Nine states, and the District of Columbia have asked the federal court to order remedies that will restore competition in the PC operating system market and curb Microsoft's unlawful practices. I support their petition and ask that the current settlement be set aside.

Sincerely, Michael Wassil

MTC–00016698

From: Lounsberry, David
To: Microsoft ATR

Date: 1/23/02 11:50am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
David B. Lounsberry

MTC–00016699

From: Chris Nash
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 11:52am
Subject: Microsoft Settlement

To whom it may concern:

I am a software developer. I must use Microsoft's SDKs and development products on a daily basis. I have watched over the past 4 years as Microsoft furthered its monopolies within the software industry. I think that the proposed settlement is a bad idea as it provides little or no protection from future monopolistic practices by Microsoft. Microsoft has demonstrated, in past, present and projected future actions, that it has little or no regard for the laws and penalties that make up our legal system. This proposed settlement defines its terms so narrowly that future products will easily find loopholes. Even if they don't, Microsoft still enforces its monopoly and strangles competition while the judicial processes drag on for years. Allowing this settlement to go through would undermine our nation's judicial system, making it apparant to the American people that justice is for sale.

This cannot be allowed to happen.

Christopher Nash
Applications Developer
TDC Solutions, Inc.

MTC–00016700

From: Jim Kaufman
To: Microsoft ATR
Date: 1/23/02 11:51am
Subject: Microsfot Settlement

My current understanding of the proposed settlement is that it doesn't go far enough. Microsoft has done more than be a successful company. They have crushed competitors using secret clauses in contracts with their OEMs. For example, they forbid system manufacturers from providing alternative operating systems.

They adopt open standards that are essential for wide use of the Internet, and then they co-opt them, changing them so they are no longer standards, but are Microsoft-specific.

They include an Internet browser that uses proprietary extensions. What user is really going to spend the time to download an alternative browser that is 15MB in size to replace a functioning Internet Explorer?

The problem is that those of use who use alternate browsers find that we are getting locked out of more and more Internet sites because the site developers chose to use a Microsoft enhancement, ie a non-standard function.

The settlement as currently conceived is a bad idea.

Jim Kaufmanmailto:jmk@kaufman.eden-prairie.mn.us

Linux Consultant, CCNAcell: 612–481–9778

public key 0x6D802619fax: 952–937–9832

MTC–00016701

From: Whit Blauvelt
To: Microsoft ATR
Date: 1/23/02 11:50am
Subject: Microsoft Settlement

The proposed settlement is insufficient remedy for the wrongs committed, and in progress, by the Microsoft monopoly.

Sincerely,
Whit Blauvelt
Transpect
Brooklyn, NY

MTC–00016702

From: herb@aoainc.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:23pm
Subject: Microsoft Settlement
To: The United States Department of Justice
Re: The Microsoft Settlement Greetings,

As a software professional, it has been with a profound sense of relief that I have watched the U.S. Government discover what we in the computer business have known for years: Microsoft is an illegal monopoly with the power to destroy competitors at a whim. While the proposed settlement shows a broad understanding of the problem, I believe that it does not go far enough to protect consumers, and nowhere near far enough to ensure that developers can produce products which can reasonably expect to succeed on their own merits without encountering legal entanglements. In particular, consider the following points:

Microsoft holds a VERY large number of patents, but they have not been compelled to reveal what patents protect the Windows Application Programming Interfaces (APIs). Without this knowledge, programmers such as myself can create what we believe are original and innovative applications, only to have Microsoft pull out an obscure patent and crush our honest efforts.

The proposed settlement requires Microsoft to release the specifications for its APIs, but then prohibits developers from using this information to give other operating systems the ability run Windows applications and give us all a choice!

Microsoft uses restrictive licensing terms and intentional incompatibilities to reduce or eliminate the ability of developers to produce compatible applications for both Windows and operating systems which could otherwise be made compatible with the large number of existing Windows applications.

The settlement with Microsoft is an historic opportunity to free computer users and developers around the world from the shackles that Microsoft has spent millions of dollars of monopoly profits fitting us with. Please give the settlement the power to make a difference, and speak to the future of computing, which could be very bright indeed.

Sincerely,
Herb DaSilva
Senior Software Engineer
Adaptive Optics Associates
Cambridge, Massachusetts

MTC–00016703

From: Ted Kisner
To: Microsoft ATR
Date: 1/23/02 11:52am
Subject: Microsoft Settlement

To whom it may concern,

I believe Microsoft should be punished to the full extent of the law (don't settle!) for its blatant monopolistic tactics.

My name is Theodore Kisner, and I am an experimental physicist at the University of California, Santa Barbara.

Every day I encounter problems and setbacks that are a direct result of the monopolistic stranglehold that Microsoft has on the entire computing world.

These problems range from hardware that only comes with ''Windows'' drivers (I use Linux for everything). To specialized software that only runs on Windows. (Software companies have no reason to make a version that runs on any other operating system, because Microsoft is so dominant).

The only partial competition Microsoft has (and only in the server market) is from Linux. If the only way an operating system can compete with Windows is if it's FREE, then that's a good indication of a monopoly! If Microsoft is continually allowed to get away with Murder, the big losers will be the citizens of the this (supposedly) free country. Right now the only freedom I have is the freedom to buy more Microsoft products...

Thank you for your time,
-Theodore Kisner

MTC–00016704

From: jrock@mail2go.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:51am
Subject: Microsoft Settlement

Dear Sir or Madam,

I do not expect that this letter I write to you will make any difference. I have absolutely no faith in the ability or determination of the courts to deal with the Microsoft Corporation. In countries around the world this court battle has made the U.S. justice

system a joke in professional computing and business circles. For 4 long years courts have decided again and again that Microsoft is guilty and then nothing has happened. The only remedy that I can see being effective for dealing with Microsoft is a legally enforced adherence to open standards for all API's, transfer protocols, file formats, and any other interaction with other software. Anything less will not suffice and will result in another 4 years of lousy, insecure, buggy, and overly expensive software all supplied by the only company you can purchase from if you wish to do business in the computing world today.

I do not expect that this letter I write to you will make any difference, however, because I believe that Microsoft has already bribed and bullied the U.S. courts into submission. It is the only explanation I can see that explains why no one has stopped their ridiculously uncompetetive business practices.

Sincerely,
-Joseph Rock

MTC–00016705

From: William Bishop
To: Microsoft ATR
Date: 1/23/02 11:51am
Subject: Microsoft Settlement

Please reconsider the settlement; there are many loopholes that allow MS to continue their predatory practices.

One simple example: Section III.A.2. allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system. and Section III.B. also allows Microsoft to offer unspecified Market Development Allowances—in effect, discounts—to OEMs. For instance, Microsoft could offer discounts on Windows to OEMs based on the number of copies of Microsoft Office or Pocket PC systems sold by that OEM. In effect, this allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas, such as office software or ARM-compatible operating systems.

By allowing these types of practices, MS is being encouraged to extend its monopoly in Intel-compatible operating systems, and to leverage it into new areas.

MS has destroyed many good small businesses with their practices. Please help American small business!

Thank you,
William R. Bishop

MTC–00016706

From: Chris Hamilton
To: Microsoft ATR
Date: 1/23/02 11:42am
Subject: Microsoft Settlement

This settlement is weak and slanted towards Microsoft. Recent events have shown that even if corporations have heavy political influence, for the good of the US they must be kept in check. I don't think that Microsoft should be broken up, but I do think that they should pay 10s of billions (their cash assets) back to the US and open source Internet Explorer(IE) using a BSD(see www.opensource.org) like license. Removing IE from Windows now would mean that Microsoft can just push it back on compliant windows versions by letting/making the user install it with their windows update system.

The only way to rectify the incompatiblity and market share Microsoft has caused with its browser is to make it open to all other operating systems to use and restrict how Microsoft can alter it. Forcing Microsoft to release IE and all future changes using a BSD style license can correct most of these problems.

Thank you,
Chris Hamilton—Ohio

MTC–00016707

From: Stafford A. Rau
To: Microsoft ATR
Date: 1/23/02 11:45am
Subject: Microsoft Settlement

The proposed settlement in the Microsoft anti-trust case is a bad idea. It will do absolutely nothing to prevent Microsoft from further abusing its monopoly position in the computer software market, and will not prevent Microsoft from gaining and abusing a monopoly position in the numerous new markets that it is targeting.

Thank you for hearing my comments on this very important case.

Sincerely,
Stafford A. Rau
5506 SW 50th Ave
Portland, OR 97221

MTC–00016708

From: bios@adelphia.net@inetgw
To: Microsoft ATR
Date: 1/23/02 11:49am
Subject: Microsoft Settlement

To whom it may concern,

Greetings. Let me start by stating I feel that Microsoft should be penalized as heavily as possible within the present antitrust proceedings as possible. I feel that the company has shown time and again a lack of respect for both the judicial branch of the american government, and the security/computing needs of its user base.

I am a techinally oriented individual, but I will attempt to keep this email as readable as possible. Over the years I have watched Microsoft take defined and accepted internet standards and craft them to their own ends, to the extent that similar applications using the standard are unable to communicate with the Microsoft application. While this in and of itself is not per se bad, it is when they then begin introducing new applications with this problem and start to push entire product lines out, making it impossible for third party vendors to tie their applications into the given application. This is what creates their monopoly. I dont think that they should be forced to stop creating their software, or even making use of thier closed proprietary protocols and standards, but they should be forced to open communications which define a standard interface to those applications.

I see that the present agreement does call for this, but in such a narrow scope as to be irrelevant. With a few minor changes to the way they do things, and the present settlement does nothing to constrain their disrespectful attitude. If anything I believe that the settlement should be unnecessarily broad as opposed to uselessly narrow.

I mean no disrespect to the Justice Department. The individuals within your orginization do and know things in regards to the laws which I will never have the time to inclination to understand. But by the same note, there are many individuals in this country and abroad, which know about computers and network communications which the Justice Department individuals have neither the inclination or time to learn about. It is these individuals the Justice Dept. should listen to.

It is very easy for a multi billion dollar corporation to ''persuade'' people and corporations to state in microsoft's favor. While each email like my own is a statement from the peoples of the Tech/IT industry, which no deeper political motivation than simply requesting a fair and even judgement, with appropriate penalties for unacceptable behavior in our industry. We work day in and day out with software produced from this software giant, and must constantly deal with its short commings. If this settlement could be more than a simple slap on the wrist, and a truely enforceable strict judgement, then the software industry and the technical industry in general could and more than likely would see a huge turnaround and improvement. Imagine if Microsoft were forced to have its code reviewed prior to releaseing it out to its customer base. Instead of getting a new and improved version ''Windows <place next generation here>'' with numerous security issues to be found and exploited by malicious users, you could have the same version a few weeks/months later with possibly more robust and secure features. You then wouldnt have ISPs going bankrupt due to Distributed denial of Service attacks by malicious user who spent 30–45 minutes looking for something fun to do. <see http://www.ispreview.co.uk> (Granted the ISP in question was located abroad, but the fact remains that the ISP was shut down, and unable to continue business. I would shudder to see this happen within the US itself, where the economy is hurting as bad as it is right now.)

I am aware that Microsoft has not been found guilty of being a monopoly, and while I do not agree with that fact, no software comapny should be able to basically flip the justice dept. the proverbial bird and be able to just shrug it off. This is probably a major turning point within the tech industry, and should be treated with the utmost scrutiny. If we allow them to simply stomp on the ruling now, drag their feet with complying with the terms for a given period, and pick up at full swing at the far end, then what was the point in the first place of raising the issue?

Please do not allow money to overrule justice in this case.

Sincerly,
Eric Concepcion
Eric M. Concepcion
Adelphia IPDCOPS (Unix Dept.)
http://www.adelphia.net
Email: bios@adelphia.net
Phone: (814) 274–1399
A+ Certified Technician
Sun Certified Solaris 2.6 System Admin

MTC–00016709

From: Larry Brinley

To: Microsoft ATR
Date: 1/23/02 11:53am
Subject: Microsoft Settlement

Ladies/Gents:

The proposed settlement with Microsoft in this current anti-trust case is, to be brief, aggriegiously inadequate. These inadequacies include, but are not limited to the following:

1. The definintions of ''technical'' terms, such as Application Programming Interface (API), Microsoft Middleware, Windows, et. al., are so narrowly targeted that they permit Microsoft's circumvention of the spirit of the proposed settlement at Microsoft's sole discretion. Microsoft must not be allowed to determine what does and does not fall within the scope of the settlement. The continued anti-competitive behavior of Microsoft after the watered-down 1994 Consent Decree is evidence of this fact (see 2. below).

2. The proposed settlement does not address current anti-competitve practices the Microsoft (MS) employs, let alone future practices that they may devise. For example, the enterprise license agreement that MS currently uses for its MS Office applications and operating systems bases pricing for the licenses on the number of computers that could run an MS operating system, rather than the number that actually do run an MS operating system. This practice when used against Own Equipment Manufacturers (OEMs) was specifically prohibited by the 1994 Consent Decree. This pattern of behavior clearly indicates that MS will abide only by the letter of the settlement, while continuing its efforts to quash free competition in contravention of the spirit of the settlement.

3. The question of enforcement of the proposed settlement is completely open-ended. Although the settlement calls for the creation of a ''Technical Committee'' with investigative powers, I see no provision for enforcement actions of any kind that the ''Technical Committee'' may take. Remember, Microsoft is guilty of violation of the Tunney Act already as a matter of law. They've already had benefit of due process and have lost the right to the presumption of innocence in this matter. The consumer should not have to wait for independent findings of fact from the courts to address ongoing misconduct. When MS chooses to violate the settlement—and, as history indicates, they certainly WILL choose to do so—the ''Technical Committee'' should be able to impose severe and immediate fines or other penalties with impunity. Place the fines in escrow and let them accrue interest until such time as Microsoft can substantiate its innocence to a court of law. Further, all costs of enforcement should be born by Microsoft. They broke the law; we should not have to pay a cent to keep them honest in the future.

That's my $.02. Please put some teeth in the settlement this time. Of course, you could always wait for the next heinous anti-competitive act from Microsoft. My bet is with the way the .NET innitiative is shaping up, none of us will have to wait long.

Sincerely,
Lawrence M. Brinley
SOHO Solutions, Inc.

MTC–00016710

From: Jeremiah Jahn
To: Microsoft ATR
Date: 1/23/02 11:53am
Subject: Microsoft Settlement

No to Microsoft

I do not believe that the Microsoft Settlement is in the best interest of the citizens of the United States. The settlement is unnecessary, the findings of fact which were upheld support that Microsoft is a monopoly. Why then is a settlement necessary? I find it more and more difficult every day to stand behind the decisions of my country, because of the influence of corporations. Don't let this be another nail in the coffin of democracy.

A corporation is not a citizen. Its decisions do not reflect the needs of the American. They are based on the declared desire to maximize profits. Corporations do not represent citizens. Only a citizen can represent his or her self. Corporations do not reflect the interests of citizens. A citizen declares his interests by casting his or her single vote. If a citizen stands to lose money because of harm done to Microsoft, then he or she needs to call his or representative or send and email to you. It is not a corporation's right to do that for them.

I don't know what the perfect solution to all of this is. I do have a few suggestions though. I believe that Microsoft should be forced to open and keep open all of its file formats and protocols, both internal and external, so that their services and files can be used by competing software. This would give people a huge choice and not affect Microsoft adversely. Second, distribution of Microsoft's software should not be considered part of a solution, but only furthering the problem by expanding their monopoly. Finally, if a fine is issued then it should be substantial enough to put them on a level playing field with their competitors.

Jeremiah E. Jahn
3624 Hwy 51
Makanda, IL 62958

Fascism should more appropriately be called Corporatism because it is a merger of State and corporate power. —Benito Mussolini

MTC–00016711

From: Daniel W. Headington
To: Microsoft ATR
Date: 1/23/02 11:54am
Subject: Microsoft

Good Day. I do not have time to read or understand all the legal language in the files, but from what I understand and have been told about the case there will be no easy answer. The biggest question I have is what happen to the American Dream of being able to create something and have the sole rights to that product for a number of years if they wish. Microsoft has done some things wrong like making hardware companies only offer there product on there machines. I think that has been conceded. The part I don't like is the thought of tearing apart the most advanced and aggressive software company in the world. We have kids and ''sick'' individuals out there trying to tap into different systems and destroy or steal peoples information. We need to keep a company like Microsoft running at peak performance to help seal up these loopholes. I as a consumer do not mind paying for a superior product. The old saying usually holds true, ''you get what you pay for''. When I forget that I usually find out the hard way. In the case of Microsoft they are offering a superior product for a pretty pricey fee when bought individually. Microsoft has so many different areas that it is hard to point them all out. The main areas that I use is the operating system and office software. I have used the competition for the office software and they are still trying to catch up and are cheaper, but personally I would spend the money for the better product.

My only solution to offer is to fine them for their faults like the monopoly with the hardware manufacturers and monitor them so it will not happen again in the future. For the other areas of software like the internet software, if a company can offer it for free how is that bad for consumers. If you look at any other industry there are always options that companies offer for free to intice people to use their product. My only thing would be to set pricing controls on Microsoft explaining that if they offer it now for nothing and the competition does fall out then the software still will remain the same and only able to increase by the standard of inflation for that time period.

I will not feel sorry for the AOL of the world because you look how they got what they have and they did not invent or master their product line, they bought their way into the businesses. They have a monopoly on the cable industry along with there so called competitors but no one has pushed the envelope there. YOU ALSO HAVE TO REMEMBER THAT THE COMPUTER AND INTERNET ARE OPTIONS TO THE CONSUMER AND THE INTERNET WAS INTENDED TO BE FREE, BUT TAKE A SERIOUS LOOK AT WHO REALLY IS TRYING TO CASH IN ON THE TECHNOLOGY WAVE. MICROSOFT WAS A STANDARD LONG BEFORE THIS CRAZE STARTED. AOL IS STILL TRYING TO BUY OR LOBBY THERE WAY IN.

Daniel W. Headington
First National Bank of Platteville
3525 Percival Street
Hazel Green, WI 53811
(608) 854–2090

MTC–00016712

From: perk@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 11:53am
Subject: microsoft settlement

I strongly believe ANY settlement with Micro$oft is a bad idea, for the future of the computing environment—and for personal liberty.

Christopher Perkins
Maine Linux Users Group
Disabled Vietnam Combat Veteran

MTC–00016713

From: Matthew Bogosian
To: Microsoft ATR
Date: 1/23/02 11:53am
Subject: Microsoft Settlement

To whom it may concern:

I would like to voice my disapproval of the proposed Microsoft Settlement. I would like to refer to Dan Kegel's comments as reflective

of my own views: http://www.kegel.com/remedy/letter.html

The proposed settlement does not go nearly far enough to prevent Microsoft from using their monopolistic position to maliciously and without merit destroy competitive products/companies/industries/etc.

Thank you for your time.

Matthew T. Bogosian

matt@bogosian.net mail.

http://www.bogosian.net/~matt/

Key fingerprint = b5aa6447 e4c2942c 5f06f6ed 249247f3 2417bf82

Please send encrypted

PGP Public Key available upon request.

Walk softly and carry a megawatt laser.

MTC–00016714

From: maczilla
To: Microsoft ATR
Date: 1/23/02 11:54am
Subject: Microsoft Settlement

To Whom It May Concern:

This email is being written in accordance of the Tunney Act. I am a 35 year-old US citizen residing in Northern Virginia. I have been involved in the computing field since 1980.

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. I also feel that the current settlement would end up giving Microsoft yet another monopoly; this time over the computing environment used by public school systems.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous and continuing actions. There are no provisions that correct, redress or punish their previous abuses. They only prohibit the future repetition of a few specific abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit some of those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded. I find many areas of the settlement highly disturbing:

1. It does not take into account Windows-compatible competing operating systems

2. It does not take into account intentional incompatibilities with well-known APIs (eg, kerebos authentication).

3. The settlement too narrowly defines what an API is, de-fanging the portion of the settlement that supposedly makes Microsoft publish it's APIs.

4. The settlement too narrowly defines what the Windows OS is. Various versions of XP, CE/Pocket PC and even the Xbox are not covered by the settlement's definition. It is likely that Microsoft would work it's way around the definition in ALL future operating systems.

5. The settlement does not force Microsoft to open the file formats used by Office software (such as Word, Excel, etc).

6. The settlement does not go into prevention of future abuse via services, such as .Net.

7. My largest concern with the settlement is that, through noble-sounding intentions, it effectively gives Microsoft total control over the education market (one of the few they do no dominate at this time).

In my opinion, what any settlement needs to do is:

1. Force Microsoft to open all APIs, with a clear and broad-reaching definition of what is an API.

2. Force Microsoft to stop any ''extend and extinguish'' extensions to well-known standards.

3. Have the settlement apply to any and all Microsoft products and services.

4. Force Microsoft to open any and all file formats for current and future products.

5. Force Microsoft to open and document any and all interfaces to present and future service-type offerings (such as .Net, PassPort, MSN Messenger).

6. Force Microsoft to publish all these APIs, formats, interfaces, et al with a NON-RESTRICTIVE license. Many of Microsoft's current licenses forbid the use of GPL'd libraries, code, etc. These licensing terms must be stopped.

In conclusion; I feel that the settlement, as written, will do nothing to stop Microsoft from continuing the practices that this suit was instigated by and in many ways would have the opposite effect. The settlement allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted in the current form.

Sincerely,

Jeff Barger

Systems Administrator/Engineer

Maczilla Heavy Industries

Mason's Neck Virginia

MTC–00016715

From: ejones@bu.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 11:55am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. The proposed settlement does little to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only seek to provide vague assurances against future repetition of those abuses.

Microsoft has continued to flout previous consent decrees and refuses to recognize the court's findings of fact.

Sincerely,

–Eric Jones

Eric Jones Sr. Systems and Applications Programmer

Boston University

Office of Information Technology

Scientific Computing & Visualization

ejones@bu.edu

Office: (617) 358–0030

FAX: (617) 353–6260

MTC–00016716

From: Matthew Davidson
To: Microsoft ATR
Date: 1/23/02 11:55am
Subject: Microsoft Settlement

The Proposed Final Judgement (PFJ) as currently worded is insufficient, and contains too many loopholes to adequately prevent Microsoft from abusing its monopoly position. It contains misleading and narrow definitions, does not address anticompetitive license schemes currently used by Microsoft, and fails to fully prevent Microsoft from punishing OEM's.

The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered, and may not even include the next Windows version. Or how about this for a Catch-22? The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible. It also requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows, and to prevent Windows apps from running on other Operating Systems. Furtermore, the PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system. It also allows Microsoft to discriminate against small OEMs—including regional 'white box' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

Considering these problems, the Proposed Final Judegement as it currently stands is clearly not in the general interest. It should not be adopted without addressing these issues.

Sincerely,

Matthew Davidson

MTC–00016717

From: Jeff Benjamin
To: Microsoft ATR
Date: 1/23/02 11:38am
Subject: Microsoft Settlement

To whom it may concern,

RE: The relief is not significant.

I have been a software developer for 11+ years, and I have watched since 1993 as the Justice Department did its probe that culminated in a proposed final judgmeent. This judgment finds that Microsoft did commit wrongdoings, and states that it will provide prompt, certain and effective remedy

for their violations. I personally have benefitted greatly by selling services on top of Microsoft products, so it is with much grace that I state: I do not believe for a second that the relief provided by this judgment is certain or effective, simply because it is outdated.

Microsoft will comply with the relief without much pain. They are so far down the technology highway that a majority of the relief points are insignificant, or no punishment at all for their wrongdoings. In fact, the worst punishment mentioned are the points that require Microsoft to disclose communications protocols and technical interfaces. Even these points are easily circumvented by ''creative packaging'', especially with Microsoft's new ''software as a service'' concept. The only interfaces they will be disclosing is the HTTP or SOAP protocols, as that is sufficient to invoke a service residing on Microsoft servers. If they were monopolizing and creating lock-in scenarios before, just watch them this next decade.

I would urge the court to reconsider the punishment in this case and weigh it against the damage Microsoft has done in the last decade. Many companies have fallen due to their unethical practices, and I trust that you will find the punishment is not on par with the violations. The punishment is based on old technology, and at current technology levels the punishment is worth far less in penalty value than it was when the wrongdoings were committed.

I would also add that, in my opinion, Microsoft treats its products as ''products'' in the marketplace, but treats them as ''intellectual property'' or ''services'' in the legal arena. Perhaps a review of this treatment from a product law perspective would be refreshing. I for one believe it would solve the problem of technology's pace reducing the penalty value of any punishment that is prescribed, but then again, I'm not a lawyer.

Sincerely,
Jeff Benjamin, Sr. Technical Architect
Ivertex Internet Solutions, Inc.
phone: 602–717–1890
email: jbenjamin@ivertex.com

MTC–00016718

From: Russ Poldrack
To: Microsoft ATR
Date: 1/23/02 11:55am
Subject: Microsoft Settlement

To Whom it May Concern:

I am writing under the auspices of the Tunney Act in opposition to the proposed settlement of the US vs. Microsoft case. My vantange point is as a biomedical researcher who has for years been a user of Apple Macintosh computer systems, and more recently as a user of Linux and other open-source software. I am strongly opposed to the features of the proposed settlement that would allow Microsoft to continue to withhold crucial technical information. This technical information (such as file formats and API's) is important to allow the unfettered development of third-party software that can interoperate with Microsoft products, which is essential for the survival of non-Microsoft products given the predominance of Microsoft in the marketplace. I am also very worried that the lack of significant penalties to Microsoft for their past anticompetitive practices. I have seen these practices in action firsthand as both an Apple users and more recently as a Linux user, and I can personally attest to the degree to which they have handicapped these competitive operating systems. I hope that a revised settlement will address these important issues.

Sincerely,
Russell A. Poldrack, Ph. D. Assistant Professor of Radiology, Harvard Medical School
MGH-NMR Center
Building 149, 13th St.
Charlestown, MA 02129
Phone: 617–726–4060
FAX: 617–726–7422
Email: poldrack@nmr.mgh.harvard.edu
Web Page: http://www.poldracklab.org
CC:poldrack@nmr.mgh.harvard.edu@inetgw

MTC–00016719

From: Kurt Sellner
To: Microsoft ATR
Date: 1/23/02 11:54am
Subject: Microsoft Settlement

I am opposed to any judgment in United States v. Microsoft that allows Microsoft to restrict the ability for computer resellers to include any operating system they choose with any computer they sell, including the option to sell a computer without an OS installed. The price paid for the installation of Windows (or any operating system) should be known to the computer purchaser and be able to have the price paid refunded if the installed OS is not used or wanted.

Microsoft currently restricts what computer makers may install on their systems before shipping them to the customer. This prevents the computer makers from differentiating their computers from the competition's, restricting them from including any value added software, offering dual boot systems, or removing any undesired Microsoft software. Any judgment should address this fact.

Kurt Sellner

MTC–00016720

From: strattonp@att.net@inetgw
To: Microsoft ATR
Date: 1/23/02 11:55am
Subject: Microsoft Settlement

Microsoft is getting off way to easy. They destroyed competition in the internet browser and e-mail client markets. Now they are going after the streaming media and music software markets, and web publishing. Don't let them add any new ''features'' that crush competition.

thx—Stratton Penberthy

MTC–00016721

From: Alfred Hartzler
To: Microsoft ATR
Date: 1/23/02 12:07pm
Subject: Microsoft Settlement

I believe that the proposed settlement of the Microsoft antitrust case is VERY bad because it permits Microsoft to continue using its monopoly power to prevent users like me from getting efficient and secure computer application software. James Hartzler 1250 S. Washington St. #203 Alexandria, VA 22314

MTC–00016722

From: Armstrong, Jason
To: 'microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:55am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Jason Armstrong
Network Systems Engineer
Technica Corporation
Cell: 703–868–2676
jarmstrong@technicacorp.com
Global Crossing
Desk: 602–357–6248
jason.armstrong@globalcrossing.com

MTC–00016723

From: A.J. Tolland
To: Microsoft ATR
Date: 1/23/02 11:56am
Subject: Microsoft Settlement

To whom it may concern,

I am opposed to the proposed settlement in the Microsoft antitrust case. This settlement does not do enough to force Microsoft to cease its anticompetitive behavior.

sincerely,
A.J. Tolland
911 E. 56th St. #3
Chicago, IL 60637

MTC–00016724

From: joel grimes
To: Microsoft ATR
Date: 1/23/02 11:56am
Subject: Microsoft Settlement

I wish to express my reservations about the proposed settlement. I am firmly convinced that Microsoft have trampled on my rights and the rights of all consumers and they have no intention to change.

The prosposed settlement does not punish Microsoft for the considerable wrongs they have committed, and does not do enough to prevent them from similar behaviors in the future. Microsoft has stifled competition. To redress this, the settlement must proactively foster competition. It must tip the scales farther away from Microsoft's favor. In its current form the settlement, combined with the reality of Microsoft's monopoly position, is so ineffective that the needle barely budges.

My primary objection is that Microsoft is not punished. It is only given weak behavior restrictions, and only for a very short period of time. Microsoft should be fined very heavily. The unlawful gains they have made at the expense of consumers should be confiscated. They should not be allowed to enjoy the fruits of their illegal activities. Also, Microsoft should not be permitted to select the compliance officer or any member of the technical committee.

Where is the punishment? Where is the penalty for non-compliance? Microsoft quite happily found ways to continue their abusive behavior after their last settlement so it is a virtual certainty that they will do so again. The only penalty stated in the agreement is a possible 2 year extention of the settlement! This is maddeningly innefectual. The settlement should specify severe punishment for any infraction. Make no mistake, Microsoft would be very pleased with this settlement. It leaves them most of their power and all of their money.

Thank you for your time.

Joel Edward Grimes

MTC–00016725

From: Mase Warner
To: Microsoft ATR
Date: 1/23/02 12:05pm
Subject: Microsoft Settlement

I am against the proposed final judgment in US vs. Microsoft. I feel the damage Microsoft has done to the software and OS marketplace is incalculable, and the proposed settlement does little to correct it. I don't feel the settlement levels the playing field for competing operating systems or office software or the Internet browser market and would like to see a much stronger penalty imposed. The proposed settlement does not sufficiently relieve Microsoft of the ability to leverage hardware and computer manufacturers unfairly against competing products, nor does it adequately open the Windows API to programmers. Until a reasonable competitive market place has been achieved the government has not done justice to its constituents.

Mason Warner
Foster City, CA 94404

MTC–00016726

From: Tom Witmer
To: Microsoft ATR
Date: 1/23/02 11:55am
Subject: Microsoft Settlement

My comments about the Microsoft settlement:

The proposed settlement does not appear to prevent any of the discovered problems from being prevented in the future. Also, the fuzzy definitions of so many terms render it essentially meaningless. Almost every restriction on Microsoft has an ''out'' that lets Microsoft evade the terms by simply claiming they needed to do whatever they wanted to do out of ''security''.

As anyone who is familiar with Microsoft's handling of viruses alone over the last few years, Microsoft does not, and never has, cared about security of the consumer.

Further, as one who's been in many disputes over the meaning of well-written and clear software requirements, it's obvious that this poorly worded one will never render satisfaction to either side.

Worst of all, the enforcement provisions are essentially meaningless. Microsoft has repeatedly failed to govern its own behavior in the past. What has changed that provides an impression that Microsoft is suddenly capable of doing this ethically?

–Tom Witmer
Software Developer, Evolving Systems, Inc.
Englewood, Colorado

MTC–00016727

From: Mark Merten
To: Microsoft ATR
Date: 1/23/02 11:59am
Subject: Microsoft Settlement

To the Department of Justice,

I feel it is necessary to voice my strong opposition to the Proposed Final Judgement in the United Status vs.. Microsoft Anti-trust case. I have spent some time reading the judgment and reading some opinions on the judgment. Many issues are debated, but the issue I find most concerning is the lack of enforcement setup in the Proposed Final Judgement. I was unable to find any particular methods of enforcement or how an organization is going to verify that Microsoft is following all the rules setup by the Proposed Final Judgment.

I have worked in the computer industry for 10 years. My first job was doing phone support for a value add reseller, that sold Microsoft products. Over the course of my employment I had opportunity to communicate with several Microsoft support engineers. I heard one story that is a good example of Microsoft's blatant misuse of power. A support engineer once boasted to me how Microsoft specifically, incorrectly documenting windows 3.1 memory usage, such that 3rd party vendor products would crash windows 3.1 while attempting to use certain memory locations. Microsoft would document such areas available, and still use the memory locations, thus causing 3rd party vendors to struggle to release stable software for windows 3.1.

Overall, I feel the Proposed Final Judgment is far to inadequate, and stronger measures need to be taken to correct the unfair practices Microsoft has been implementing over the years. Thank you for your time. I hope the courts ruling will be fair and just.

Mark Merten

MTC–00016728

From: Partha Narasimhan
To: Microsoft ATR
Date: 1/23/02 11:57am
Subject: Microsoft Settlement

The current proposed settlement is full of loopholes that give Microsoft enough room to continue operating the way they have been all these years. Except it will now give them the aura of 'legal legitimacy'. Anyone that understands Microsoft's practices, and its effect on the software/computer industry, knows that this is more harmful for the entire industry. Given that the nation's economy is increasingly dependent on the tech industry, this has the potential to impact our economy adversely.

I request the DOJ to re-negotiate the terms of the settlement with terms that will truly help the tech industry and the economy.

Thanks,
Partha Narasimhan

MTC–00016729

From: System Administrator
To: Microsoft ATR
Date: 1/23/02 11:57am
Subject: Microsoft Settlement

I believe that the Microsoft settlement was improperly crafted and has several large issues either handled poorly or not at all. Since most of these issues have been commented on by other people. I will not list them here. However sites such as http://www.kegel.com/remedy/letter.html do a good job of listing the major issues. I believe this settlement to be totally unacceptable and is just lip service to addressing the improper conduct and monopoly Microsoft carries on. Another settlement needs to be drafted, addressing the shortcomings of this settlement and other facets of this case that were not addressed.

Sincerely,
Terry Melton
Terry Melton
Junior Network Administrator
Engineering Information
Elsevier Science
1 Castle Point Terrace
Hoboken, NJ 07030
Telephone: (800) 221–1044 x680
Mobile: (917) 443–0123
t.melton@ei.org

MTC–00016730

From: Marc Levine
To: Microsoft ATR
Date: 1/23/02 11:49am
Subject: Microsoft Settlement

Dear Sirs,

I am writing to protest about the proposed Microsoft settlement. It is toothless and ill-conceived, apparently written by Microsoft lawyers, and does little to punish Microsoft for past illegal behavior or proscribe future illegal behavior. Indeed, Microsoft is proceeding to do business as they always have, clearly showing no remorse or desire to change its ways. If this settlement is approved, Microsoft will continue to pursue its illegal monopoly, this time with the court's blessing!

Sincerely,
Marc Levine
Systems Analyst—Programmer
Mendocino County

MTC–00016731

From: American Chevrolet Oldsmobile Cadillac
To: Microsoft ATR
Date: 1/23/02 11:56am
Subject: Microsoft Settlement

The proposed settlement is a bad idea for the entire human race.

The more power we give to microsoft, the less power we have for ourselves. Please, split the company into 3 separate entities as the previous judge requested. This will be the only way we can stall Microsoft's takeover of the world.

If we don't take action now, we'll settle for nothing later.

Joseph Alek Piasecki

Systems Administrator/GM-Buypower Manager

Danville Holdings, Inc

dba American Chevrolet Oldsmobile Cadillac

Phone: (888) 417–6484

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MTC–00016732

From: marcus cole
To: Microsoft ATR
Date: 1/23/02 11:57am
Subject: Microsoft Settlement

To whom it may concern:

I would like to express my opposition to the proposed settlement of the Microsoft antitrust trial.

It fails to redress the harm the company has inflicted on the software market as a result of leveraging its monopoly position as demonstrated in the Findings of Fact.

One of the most significant results of this illegal activity is 'vendor lock-in'. Consumers have become tied to Microsoft products because of the lack of alternatives. In order to remedy this situation, I believe that the best solution is to force Microsoft to publish is document formats and programming interfaces, and make these available to the public and competitors 6 months before any proposed changes.

Importantly, the public and competitors must be allowed use of copyrighted and patented interfaces and formats for the purpose of interoperability. This single step would leave Microsoft free to innovate while allowing competition from other software vendors based on the merits of the product, rather than any historical market share earned through illegal means.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake.

Sincerely,

Marcus Cole

MTC–00016733

From: Werckmeister, Robert
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 11:54am
Subject: Microsoft Settlement

I am in opposition to the terms of the settlement with Microsoft.

Robert Werckmeister

MTC–00016734

From: Jonathan B. Anglin
To: Microsoft ATR
Date: 1/23/02 11:53am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,

Jonathan B. Anglin

MTC–00016735

From: Chip Sockwell
To: Microsoft ATR
Date: 1/23/02 11:56am
Subject: Microsoft Settlement

This letter is addressed to the District Court Judge handling the Microsoft Settlement.

Dear Sir or Madam:

The matter of the Microsoft settlement now before your court is something that concerns me deeply. I grew up in a time of emerging computer and technology giants. I followed technology like my peers followed comic books. To me technology had the same great story line: good vs. evil, brainpower vs. brute force, innovation vs. stagnation. Superheroes and villains blinked in and out of existence always to be knocked aside by the next greatest advancement. Reading about these adventures carved my definition of American spirit. With the backdrop of the American free market the spirit of these heroes unprecedented creativity, innovation and efficiency helped opened a new era in history. I still struggle to understand the infinite complexities that took place only a decade ago and I only hope to keep a finger on the countless decisions and maneuvers that take place in todays technology market.

It is an appeal to your American spirit that I write this letter today. From my own experience I have seen a troublesome decline in American spirit and optimism due directly to the Microsoft case and its premise. Before the events in the Microsoft trial unfolded I had been completing my college degree in Information Systems. Looking back at the spirit of my classmates I noticed a palpable and enthusiastic I'm going to show everyone and make a million attitude. This American spirit and enthusiasm for technology bleed through into most every topic the class and the teachers discussed. The number of technology classes could not meet the demand of philomaths lining up at the business schools doors. That is until the courts decided to entertain the pleas of Microsofts fallen competitors. By the time the verdict had been read most students knew that the situation would not blow over by graduation.

Technology became the topic of failure and a seat in a technology class was no longer prized possession. Many students were depressed by the subsequent downturn in the economy, but some were left questioning the fundamentals that gave Americans their optimistic spirit: the rights to life, liberty and the pursuit of happiness. The Microsoft case was and is in direct violation to the latter two. The DOJ has sent a clear message: Microsoft, you have had enough liberty and happiness. Microsoft exhibited the same competitive behavior that we were studying in textbooks, yet their troubles seem to stem from one un-American axiom. If you become moderately successful, your business practices will be labeled as competitive; if you become very successful, your practices will become the subject of anti-competitive scrutiny and jealousy.

The anti-trust laws are not being applied fairly in this case and their very nature prevents them from ever being applied objectively. Has it come to pass that we now define the legality business practices by the success of the producer? Will the courts now be a competitive tool for the incompetent? Leaving the puerile comments and verdict of Judge Jackson aside, justice in America cannot be served until every business knows that it is free to produce and compete. The weakness of DOJs case has only proven that this freedom is subject to whim and jealousy. The American spirit will not be restored until this case removes the limits on liberty and the pursuit of happiness.

Sincerely,

Chip Sockwell (Devoted Microsoft user—until the next greatest thing comes along)

17 Mohawk CT

Cromwell, CT 06416

(860) 635–4061

MTC–00016736

From: Simpson, Mike
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 11:47am
Subject: Microsoft Settlement

Hello,

I would like to express my displeasure with the Microsoft antitrust settlement proposal. I feel that the single biggest issues affecting competition are the facts that 1) Microsoft has an effective monopoly of the ''office productivity suite'' class of applications, and 2) they make it very difficult for other vendors to interoperate with their product (Microsoft Office). Potential new vendors must support the Office document formats because they are the de facto standard, but they are undocumented, and thus it is almost impossible for any potential new vendors to support them well. As a result, the consumer has no choice but to buy Office, and because it only runs on Windows, he has no choice in operating systems either.

I feel that any effective settlement must include the following conditions: 1) Microsoft must release full documentation for the existing Office file formats; 2) Microsoft must be prohibited from introducing changes to these formats without releasing full documentation of the changes; 3) Microsoft must be release said documentation in advance of their actual support for the changes, to prevent other vendors from having to play catch-up. 4) Microsoft must participate in the development of new, open document formats, preferably based on XML and governed by an independent standards body.

The effect of these conditions would be to allow other vendors to develop a product competitive to Microsoft Office for the first time in years. This in turn would open the door to competition in many other areas.

Mike Simpson

Typed with the Dvorak keyboard layout: http://www.mwbrooks.com/dvorak/

MTC–00016737

From: fud@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 11:57am
Subject: Microsoft Settlement

The proposed settlement is a bad idea.

MTC–00016738

From: Garrick James
To: Microsoft ATR
Date: 1/23/02 11:57am
Subject: Microsoft Settlement
23 January 2002
Garrick James
6909 Weeding Place NE #A202
Seattle, WA 98115
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Mr. Hesse:

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I agree with an analysis provided by Mr. Dan Kegel (available on the Web at http://www.kegel.com/remedy/remedy2.html).

- The PFJ doesn't take into account Windows-compatible competing operating systems
- Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.
- The PFJ Contains Misleading and Overly Narrow Definitions and Provisions
- The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.
- The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.
- The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.
- The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertized as being ''Windows Powered''.
- The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.
- The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.
- The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.
- The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.
- The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.
- The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft
- Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.
- Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.
- Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)
- The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft
- Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.
- The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs
- The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.
- The PFJ allows Microsoft to discriminate against small OEMs—including regional 'white box' OEMs which are historically the most willing to install competing operating systems—who ship competing software.
- The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.
- The PFJ as currently written appears to lack an effective enforcement mechanism.

I also agree with the conclusion reached by Mr. Kegel, namely that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

Sincerely,
Garrick James

MTC–00016739

From: hermest@thebestisp.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:57am
Subject: Microsoft Proposed Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
January 23, 2002

Under the Tunney Act, I write to comment on the proposed Microsoft settlement. I will begin by stating my agreement with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html), which thoroughly covers a variety of substantial weaknesses in this proposed settlement that would render it largely ineffective for providing remedies to the Microsoft Corporation's illegal anti-competitive practices.

I urge the Department of Justice to consider the technical issues discussed widely in the analysis of Mr. Kegel and others. The proponents and creators of alternative operating systems such as Linux and Windows software compatibility applications such as WINE have a unique perspective to understand the issues of technical barriers that can be exploited by the Microsoft corporation to continue its illegal practices while obeying the technical demands of the proposed settlement.

Finally, I join Mr. Kegel in many others in urging the Department of Justice to more clearly delineate the mechanisms and processes for enforcing this agreement. The Microsoft Corporation has repeatedly demonstrated a notorious disregard and disrespect for the law, and there is every reason to believe that it will take advantage of any opportunity to engage in behaviors that will erode the intent of this judgement.

Without appropriately defined oversights, authorities to lead and oversee remedies for failure to comply, and the insurance of penalties sufficient to force compliance, it is unlikely that the proposed settlement will result in any true creation of greater competitive environments in the markets currently dominated by the Microsoft Corporation's illegal monopolistic business practices.

Thank you for your attention in this matter.

Sincerely,
Jonathan M. Hamlow
2555 Washington St. NE #2
Minneapolis, MN 55418

MTC–00016740

From: Doug Weathers
To: Microsoft ATR
Date: 1/23/02 11:57am
Subject: Microsoft Settlement

The proposed settlement is a terrible idea.

Doug Weathers,
Network Administrator
St. Charles Medical Center

MTC–00016741

From: Andrew B. Peterson
To: Microsoft ATR
Date: 1/23/02 11:58am
Subject: Microsoft Settlement

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. There are many problems with the proposed settlement, namely: The PFJ doesn't take into account Windows-compatible competing operating systems:

- Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

The PFJ Contains Misleading and Overly Narrow Definitions and Provisions:

- The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

- The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

- The PFJ allows users to replace Microsoft Java with a competitor's product, but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

- The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertised as being ''Windows Powered''.

- The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

- The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

- The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

- The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

- The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft:

- Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

- Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

- Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)

The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft:

- Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs:

- The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

- The PFJ allows Microsoft to discriminate against small OEMs—including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

- The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

- The PFJ as currently written appears to lack an effective enforcement mechanism.

I believe that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

Sincerely,
Andrew B. Peterson
Andrew B. Peterson, M.A., M.S., President
Vital Net Ventures Corporation
Internet Site Design and Hosting
email: andy@vitalnet.com—aim: VNVAndy
web site: http://www.vitalnet.com/
phone: 561–393–1297
toll-free: 1–888–458–4825
toll-free fax: 1–888–866–4721
mobile: 561–302–1297

MTC–00016742

From: Pavlo
To: Microsoft ATR
Date: 1/23/02 11:56am
Subject: Microsoft Settlement

The settlement is a bad idea.

Pavlo Rudakevych
Pismo Beach, CA.

MTC–00016743

From: Mark_H_Martin@elementk.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:53am
Subject: Microsoft Settlement

If Micorsoft is guilty, they should be punished. No company should be punished for being successful, but if that company became successful by breaking the law then they should be punished, not for their success but for their crime.

I was a mac user that had to become a windows user due to its ever growing dominance in the world. Please dole out a fair punishment

Mark Martin
Experience Designer
Element K
''e-Learning with a human touch''
www.elementk.com
585–240–7686

MTC–00016744

From: Wilson, Eric
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 11:54am
Subject: Microsoft Settlement

Sir / Madam;

I simply wish to voice my opinion with regard to the Microsoft anti-trust suit. Clearly Microsoft have already been found guilty. The only thing that remains is restitution, and divergence from previous business tactics.

Allowing Microsoft to flood the educational markets with free rein is clearly a step in the wrong direction. Judgments should be in the form of penalty not reward. This must include the assurance that no further anti-trust activity can continue.

Regards;
Eric Wilson
IBM CATE AIX / SP Systems Administration
Anheuser-Busch Companies, Inc.
One Busch Place
1CC-8
St. Louis, MO
Voice: 314.589.7601
Cell: 314.486.8443
Facsimile 314.632.6901
email: Eric.Wilson@Anheuser-Busch.com
pager: Eric.Wilson@PageBUD.com

MTC–00016745

From: Marc Rassbach
To: Microsoft ATR
Date: 1/23/02 12:05pm
Subject: Microsoft Settlement

I do not see how the proposed settlement goes ANY way to redress the past monopolistic actions of Microsoft.

Nor does it stop them in the future.

Late 1980's. I could not buy a machine w/ o MS-DOS (and later windows) I ran Xenix 286 and Xenix 386, and did not need thier product, yet was forced to buy it.

Last year I needed a laptop. I could not buy a new laptop unless I *ALSO* paid for some form of windows. That laptop boots FreeBSD, and *I* have never booted Windows on it.

As a consultant, I do not need, nor want to be forced to buy their products just so I can have hardware to run FreeBSD. Yet, that is exaclty what is happening. And has been happening for years. Microsoft has used the dominance of DOS/Windows to now levelrage the browser market. Next up is they

will use this dominance to leverage payments out of consumers to view content. The windows media player being built into DVD drives is an example. The use of the DMCA to prevent decryption of the specs to thier re-implementation of kerberos (causing breakage with the standard) is another example of ''business as usual'' for Microsoft. I know that if *I* created false evidence in court, I would have be behind bars right now. Judges do not like people lying under oath. Yet, the end result for Microsoft is remains another day in monopoly paradise for Microsoft, with the governments help.

Part of the rhetoric of 0 /bin/ladin is that the US government backs its corporations. The proposed settlement is more business as usual where the US government helps to back corporations. Show some backbone. Do your job. Work to stop the illegal microsoft monopoly.

Linux is for people who hate Microsoft.

FreeBSD is for people who love UNIX.

Windows: ''Where do want to go today?''

Linux: ''Where do you want to go tomorrow?''

BSD: ''Hey, are you guys coming or what?!?''

MTC–00016746

From: dpuggie@sprintpcs.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:58am
Subject: Microsoft Settlement

To whom it may concern;

I am against the proposed final judgment in US vs. Microsoft. I feel the damage Microsoft has done to the software and OS marketplace is incalculable, and the proposed settlement does little to correct it. I don't feel the settlement levels the playing field for competing operating systems or office software, and would like to see a much stronger penalty imposed. The proposed settlement does not sufficiently relieve Microsoft of the ability to leverage hardware and computer manufacturers unfairly against competing products, nor does it adequately open the Windows API to programmers.

David Puggie
Mesa, Az

MTC–00016747

From: Larry Childers
To: Microsoft ATR
Date: 1/23/02 11:58am
Subject: Microsoft Settlement

I am a US citizen, and after hearing of the opportunity for the public to comment on the case I felt compelled to do so. In my opinion the settlement isn't good for the US, it's citizens, consumers, the economy, or the computer industry as a whole. It its also my opinion that in fact the settlement does more to help Microsoft than punish it. Microsoft can not, and should not continue on it's current course without dire consequences to the US economy, and more so the global economy. It has already been proven Microsoft is guilty of anti-competitive practices, yet no real form of punishment has been proposed. As a US tax-payer, and computer user, I insist the government I support place much harsher penalties on Microsoft to prevent them from continuing with the business practices they have been found guilty of.

Thank you for your time.
Larry Childers
South Charleston, WV

MTC–00016748

From: Michael Hasse
To: Microsoft ATR
Date: 1/23/02 11:59am
Subject: Microsoft settlement

I find the Microsoft settlement to be quite unacceptable not only as a computer professional, but also as a United States citizen. We are setting a poor example for the rest of the world if this is the best we can do.

Sincerely,
Michael Hasse
425–330–7583

MTC–00016749

From: John Ousterhout
To: Microsoft ATR
Date: 1/23/02 11:58am
Subject: Microsoft Settlement

I am writing this message as part of the ''public comments'' on the proposed Microsoft antitrust settlement.

The proposed settlement is not in the public interest and must be rejected. It neither corrects the damage that has resulted from Microsoft's abuse of its monopoly position, nor does it provide effective measures to restrain Microsoft from future abuses.

In considering this proposed settlement, please consider Microsoft's past behavior. Microsoft is a ruthless organization that will exploit every opportunity and loophole, legal or otherwise, to gain advantage. The company is utterly unrepentant about its past illegal behavior and has that behavior wired into its to corporate genes; I doubt that the company could change its behavior even if it wanted to (which it doesn't).

Therefore, it will require exceptional measures to prevent abuses in the future; the measures in the proposed settlement are nowhere near strong enough to restrain a company like Microsoft. For example, the technical committee has its no teeth whatsoever; it can't even go public with its findings!

Imagine a similar case in the criminal domain, with a similar settlement. A gang of criminals has robbed a series of banks, making away with millions of dollars before eventually being apprehended. After an extended trial, the criminals are found guilty. Then, before the sentencing hearing, the prosecutor agrees to a settlement: no jail time for the criminals and they get to keep all the money they stole. However, they do promise not to rob any more banks, and they also agree to the formation of a ''technical committee'', which will follow the gang around to make sure they don't rob any more banks. However, the technical committee is not allowed to say anything in public if they see that the gang has indeed started robbing banks again. Would such a settlement be considered to be in the public interest? No way! And the proposed Microsoft settlement shouldn't be either.

I believe that the proposed settlement would actually encourage Microsoft to engage in unlawful activities in the future, because the penalty for the unlawful activity is minuscule compared to the business benefits derived from the unlawful behavior.

What has really happened here is that Microsoft has worn down its opponents to the point where they lost their will to proceed (and the Bush administration had no interest in this case anyway). This is exactly the sort of situation where we depend on a strong judiciary to stand up for the public interest and make sure that justice is done. Please do the right thing and reject this appalling settlement.

MTC–00016750

From: marcgiannoni@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/23/02 11:58am
Subject: Microsoft Settlement

Attorney General:

As a private US citizen, and a practicing software engineer, I want to express my disappointment with the proposed Microsoft settlement. Please note my expressed dissatisfaction with Microsoft's rapacious business practices, and the weakness of the remedies outlined in the settlement.

Microsoft, a monopolist, refuses to embrace any meaningful correction, soldiering on in denial without offering the public any apology following their resounding defeat at trial. Microsoft's incredible display of innocence is surprisingly eclipsed by their cynical jab at Apple as outlined in their attempts to settle the Civil Lawsuits from California.

Please send this intransigent defendant one very clear message. They are guilty and they will pay the price for lawbreaking. Respect for the Judiciary and The Rule of Law is a critical factor when calculating remedies for Microsoft.

In my opinion, the only remedy Microsoft will understand will require some ''crown jewels'' provision like placing Windows Operating Systems in the public domain. Take a page out of the Drug War playbook: ''the fruits of illegal activities cease to be private property and become subject to seizure.''

Sincerely
Marc Giannoni

MTC–00016751

From: Bryant, Doug
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:59am
Subject: Microsoft Settlement

I believe the proposed settlement is a BAD idea. It is bad for consumers.

It will not alive Microsoft's stranglehold on the industry.

Doug Bryant
Arthur D. Little
5300 International Blvd.
North Charleston, SC 29418
email: dbryant@scra.org
voice: (843)760–3635
fax: (843)207–5444

MTC–00016752

From: Michael Bowen
To: Microsoft ATR
Date: 1/23/02 11:05am
Subject: Microsoft Settlement

I am writing to you under my rights contained in the Tunney act concerning the

proposed settlement in re the Unites States vs. Microsoft. I believe the proposed settlement does a poor job in reducing Microsoft's monopolistic power and in providing at least a level playing field to competitors.

In brief, I feel Microsoft has and exercises monopolistic power through its operating system and application products in what may be one of this country's most important industries—computer software. It is generally understood that software is what drives hardware development and sales. Information technology in all of its ramifications is crucial to our competitive position in the world. To leave one company with over 95% control of the basic software used by our IT infrastructure is dangerous.

This danger is compounded by virtue of Microsoft's having attained its position by using monopolistic and anti-competitive practices. It is further compounded by Microsoft's products being inferior in design and structure to other alternatives.

How do we rectify this serious problem? I realize this is a complex question, but the simple answer would be to force Microsoft to place its Windows Application Programming Interface and the file formats of its Office programs IN FULL into the public domain. Over time, programmers and other various interested parties would be able to use this information to provide some credible competition to some, but not all, of Microsoft's monopolistic products. This would foster and preserve our country's strength in IT and would offer competitive products.

Therefore, my request is please make the Windows API and Office file formats publicly available.

Yours sincerely,
Michael C. Bowen
mbowen@well.com

MTC–00016753

From: Brian D. Elliott
To: Microsoft ATR
Date: 1/23/02 11:59am
Subject: Microsoft Settlement

To whom it may concern,

I believe that the proposed settlement against Microsoft is too weak. The findings of fact by Judge Jackson clearly find that Microsoft is a monopoly, and the remedy phase of the trial should include some kind of punishment against the company. This is a company that, based on past experience, will have no trouble complying with the letter of the law in the settlement while blatantly violating its spirit. To them, it doesn't really matter. It'll be another 5 or 6 years before the government brings up another antitrust suit for Microsoft's anticompetitive actions in say, 2001.

The proposed final judgement also does not give adequate powers to the oversight committee. First, how will the oversight committee be chosen? There should be a panel of objective industry experts who understand the software industry in detail. Even so-called experts from places such as AOL and Sun Microsystems all have a personal agenda. Second, what powers will the oversight committee have to punish Microsoft if more anticompetitive practices are found? They should be given powers to levy extremely heavy fines on Microsoft if this is the case. The fines should be based on a percentage of the revenue they derive from the products or services in which the company exhibited the anticompetitive practices. Something needs to be done to keep Microsoft on an even playing field.

Reject the proposed final judgement. It does far too little to have any impact on Microsoft.

Sincerely,
Brian Elliott

MTC–00016754

From: afsheenb@bu.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 11:59am
Subject: Microsoft Settlement

I'd like to take this opportunity to show my dissatisfaction with the current microsoft settlement.

In my mind, it only perpetuates the same crimes that microsoft was supposed to atone for—by extending the monopoly into the education market.

MTC–00016755

From: Christopher Mende
To: Microsoft ATR
Date: 1/23/02 12:01pm
Subject: Microsoft Settlement

To whom it may concern:

I think the current proposed settlement is a sell-out and a continual example of compromise to Microsoft.

CSM

MTC–00016756

From: Laura Wick
To: Microsoft ATR
Date: 1/23/02 11:59am
Subject: Re: Microsoft settlement

Dear Sirs:

Under the provisions of the Tunney Act, I respectfully ask that my comments, outlined below, be considered by the court before finalization of the settlement of the Microsoft Anti-Trust Case.

The proposed settlement is, in my opinion, a travesty. In order for there to be even a semblance of justice, a proper settlement must:

1. Provide redress to the companies whose software innovation has been denied access to markets by the continuing illegal monopolistic practices of the Microsoft corporation. It is actually frightening to consider all the innovations the computing public will never have because these companies have been denied access to the markets. Not only can their existing products not get to us, but they have been denied the resources to develop additional products that probably would be far superior to the Microsoft products so vulnerable to viruses that we use today.

2. Require restructuring of Microsoft Corporation and require restraints on the resulting companies to effectively deny their ability to achieve the same result yet another time, and provide ALL companies equal and open access to all their products'' interfaces and formats.

3. Provide severe punitive economic sanctions to discourage and prevent such an outrageous corporate injury to the free market enterprise in the United States of America from ever happening again.

Sincerely,
Laura B. Wick
San Diego, California

MTC–00016757

From: August Zajonc
To: Microsoft ATR
Date: 1/23/02 11:59am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

The fact that nine states despite a natural tendency to work to settle these cases have not joined the settlment speaks volumes.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. This comment period is a part of the process written into law, and I hope the court at leasts finds a chance to read through some of these comments.

Sincerely,
August

MTC–00016758

From: Iaquinta, Larry
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:57am
Subject: Microsoft Settlement

I do not like the proposed settlement with the Microsoft Corp. Microsoft business practices have been hurting the computer industry for years, and Microsoft should be held accountable. Our government should stop Microsoft from their unethical and illegal business practices, and not let them off with a slap on the wrist. This will only encourage this type of business practices.
Larry Iaquinta

MTC–00016759

From: Esben Nielsen
To: Microsoft ATR
Date: 1/23/02 12:00pm
Subject: Microsoft Settlement

I am not an American Citizen and I do presently not live in the USA, although I have stayed there for 16 months in total as a student and as a scientist. But Microsoft's monopoly is worldwide so I feel I too should have a right to comment.

Now I work as a software developer in Denmark and I feel the enormeous pressure on companies and employees for using Microsoft products, not because they are better but because of interoperability problems and lack of support of other platforms by third party products. Simple things like browsing the companies intranet with anything but Internet Explorer because the authorization scheme used by the Microsoft server is not compliant with the

HTTP-protocol. Thus deploying other clients into the company is impossible without redoing the whole infrastructure first. At home we use Linux as the platform, although we still keep an Windows 98 around to run programs only available on Windows. It can be done but due to a lot of interoperability problems and lack of support it is a hard -and mostly impossible for a non-technical home user. Not because Linux in itself is that hard to use, but because the homeuser can't get any help with simple things like setting up his internet dialup and stuff like that simply because those companies don't have supporters who know Linux. They are thus locked into using Windows even though other products in itself might be better.

But in itself Linux is a good product. Which is very surprising considered that it is developed in according to communist principles: Linux itself and much of the software ussually comming along with it is developed according to the economical model, where people work and share because they want to do so—not for money. And the result can compete with Windows, the frontrunner of the capitalistic system!! How can that be? All experience tells us that free competition is much better than communism and socialism. So what is wrong? The answer is obivious from the previous sentense: Free competition. We don't have free competition. If we had this situation would never have occured.

Therefore I beg you to do your duty and restore free competition to the software market. As others have said (for instance http://www.kegel.com/remedy/letter.html) the settlement is totally inappropiate in doing that. In my view only a split up of Microsoft into into smaller companies—basicly one for each product they have. First then will these and other vendors truely start to compete.

Esben Nielsen
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MTC–00016761

From: Daniel Berlinger
To: Microsoft ATR
Date: 1/23/02 12:00pm
Subject: Microsoft Settlement
To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the Microsoft settlement's inadequacy in improving the competitive environment in the software industry. I would also suggest a reading of the essay posted here: http://www.kegel.com/remedy/remedy2.html

Some serious shortcomings relate to:

1) Middleware.—The current language in Section H.3 states ''Microsoft Middleware Product would be invoked solely for use in interoperating with a server maintained by Microsoft (outside the context of general Web browsing)'' does nothing to limit the company's ability to tie customers and restrict competition in non Web-based networked services under .NET, as they fall ''outside the context of general Web browsing''.

Microsoft has already begun abusing its desktop monopoly to tie customers int .NET revenue streams and set up a new monopoly over the network. Part 2 of the same section states ''that designated Non-Microsoft Middleware Product fails to implement a reasonable technical requirement...'' essentially gives Microsoft a veto over any competitor's product.

They can simply claim it doesn't meet their ''technical requirements.''

2) Interoperability.—Under the definition of terms, ''Communications Protocol'' means the set of rules for information exchange to accomplish predefined tasks between a Windows Operating System Product on a client computer and Windows 2000 Server or products marketed as its successors running on a server computer and connected via a local area network or a wide area network.'' This definition explicitly excludes the SMB/CIFS (Samba) protocol and all of the Microsoft RPC calls needed by any SMB/CIFS server to adequately interoperate with Windows 2000. Microsoft could claim these protocols are used by Windows 2000 server for remote administration and as such would not be required to be disclosed. The Samba team have written this up explicitly here: http://linuxtoday.com/news—story.php3?ltsn=2001–11–06–005–20–OP–MS

3) General veto on interoperability.—In section J., the document specifically protects Microsoft from having to ''document, disclose or license to third parties: (a) portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria'' Since the .NET architecture being bundled into Windows essentially builds ''anti-piracy, anti-virus, software licensing, digital rights management, and authentication systems'' into all levels of the operating system, ANY API, documentation, or communication layer can fall into this category. This means that Microsoft never has to disclose any API by claiming it's part of a security or authorization system, giving them a complete veto over ALL disclosure.

4) Veto against Open Source.—Substantial amounts of the software that runs the Internet is ''Open Source'', which means it's developed on a non-commercial basis by nonprofit groups and volunteers. Examples include Apache, GNU/Linux, Samba, etc. Under section J.2.c., Microsoft does not need to make ANY API available to groups that fail to meet ''reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business.'' This explicitly gives them a veto over sharing any information with open source development projects as they are usually undertaken on a not-for-profit basis (and therefore would not be considered authentic, or viable businesses).

These concerns can be met in the following ways:

1) Middleware: Extend middleware interoperability with a Microsoft server to ALL contexts (both within general Web browsing as well as other networked services such as are those being included under .NET).

2) Interoperability: Require full disclosure of ALL protocols between client and Microsoft server (including remote administration calls)

3) General veto on interoperability: Require Microsoft to disclose APIs relating to ''anti-piracy, anti-virus, software licensing, digital rights management, encryption, or authentication systems'' to all.

4) Veto against Open Source: Forbid Microsoft from discriminating between for-profit and nonprofit groups in API disclosure.

MTC–00016762

From: Ben Brown
To: Microsoft ATR
Date: 1/23/02 12:01pm
Subject: Microsoft Settlement

Microsoft has CONTINUALLY engaged in monopolistic business practices, and they have become more obvious in the last few years. I think this settlement is a joke! The terminology is not specific enough and only covers a narrow window of products or items. Without more specific terms, do you really want us to believe that ANYTHING with Microsoft is going to change? They have already started implementing .NET, which will essentially give them more control over the Internet. They are already placing restrictions in their EULAs that make it so you cannot run their software legally on anything other then Windows machines, and you cannot run their software with open-source or free software. Where does this leave the competition? Where does this leave the consumer, of all people? As a professional in the industry, I can tell you that Microsoft has the biggest security holes and the worst prices. Why give them even more room to exploit that? Let's shut them down now, while we still can. Even the playing field so that new technologies cannot be crushed by mere purchasing power. Make the computer industry a fair place to do business.

Ben Brown
Network Administrator
The Video Journal of Education & TeachStream
ben.brown@teachstream.com
Office: 800.572.1153
Fax: 888.566.6888

MTC–00016763

From: Sam Gorton
To: Microsoft ATR
Date: 1/23/02 12:03pm
Subject: Microsoft Settlement

Hello; I am a US Citizen living in Massachusetts, and I would like to comment on the proposed Microsoft settlement as per the Tunney act. Regardless of the wisdom of

settling with Microsoft, I see two major problems with the settlement as written:

1) There is no enforcement mechanism within in the settlement—if Microsoft violates the settlement, what recourse does the public have? In particular, what —timely— recourse does the public have, without starting a new multi-year anti-trust suit?

2) The settlement allows Microsoft the latitude of determining who to disclose its APIs to—which allows is to arbitrarily exclude competitors and also makes it possible for Microsoft to use ''anticompetetive'' practices against Open Source solutions.

As a computer security professional, I can tell you that overly secretive software combined with poor quality control are a significant source of vulnerabilities. Because of how many civilian goverment and Department of Defense computers rely on Microsoft software, I believe it is critical to the health of the US information infrastructure to require some level of openness and competition from Microsoft.

Sam Gorton
sgorton@grey-havens.net
624 Boston Ave #9B
Medford, MA 02144

MTC–00016764

From: root@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 12:00pm
Subject: Microsoft Settlement

Microsoft is obviously guilty of breaking the law. As a de facto monopolist, they are not allowed to engage in such predatory practices.

The exclusionary contracts they struck with PC manufacturers have damaged many companies.

MS products are often designed to exclude the use of applications created by competitors, and MS knows that with their market dominance (to the point of monopoly position) will cause users to have to use MS applications in order to have access. They often take advantage of recognized standards for interoperability and modify them so as to interoperate only with MS products, excluding any competitors. They realize that many of their customers are unaware of this interoperability problem, and will assume that it's the competitors'' problem; their solution: just use MS products.

The proposed settlement, allowing MS to continue such anti-competitive methods while still maintaining their monopoly position provide no remedy at all. As a result, law-breaking is rewarded by acceptance of the status quo.

Dave Brown Austin, TX

MTC–00016765

From: sara maamouri
To: Microsoft ATR
Date: 1/23/02 12:02pm
Subject: proposed settlement

I have read about the proposed settlement, and I am not in favor of it in its current state. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors.

Thank you for your time.
Sara Maamouri

MTC–00016766

From: guy@albertelli.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:01pm
Subject: Microsoft Settlement

I think the Microsoft settlement is a bad idea, it does very little to stop Microsoft from continuing to harm competition in the operating systems market, to stop microsoft from continuing to leverage it's monoply into other markets, and very little to punish them for previous illegal behaviour.

I think a new settlement is in order.
albertel@msu.edu
Guy Albertelli

MTC–00016768

From: Steve Holder
To: Microsoft ATR
Date: 1/23/02 12:01pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Stephen Holder

MTC–00016790

From: Tom Johnson
To: Microsoft ATR
Date: 1/23/02 12:01pm
Subject: Microsoft Settlement

To whom it may concern:

When Microsoft gets it right their software is great: as a writer I worship Microsoft word and I feel the Microsoft Office Suite is excellent. I also prefer Microsoft's pocket program for the handheld PC's over Palm's. But Microsoft doesn't always produce the best software, and their browser is a great example.

I use Netscape Communicator because I feel it is more intuitive and user friendly than Internet Explorer. I have twice tried to convert to Internet Explorer—once for a YEAR!—and both times gone back to Netscape as my preferred browser. Admittedly Internet Explorer is at this point as good a browser as Netscape's, but only because Microsoft has been forced to equal the competition they squashed.

I recently was forced to install Internet Explorer's latest version into my OS in order to install Microsoft Outlook 2000, which is necessary to have installed in order to sync my Journada 520 handheld with my PC. Now how insidious is that? Microsoft Outlook 2000 is a SEPARATE program from Internet Explorer: at least it's sold that way— it is NOT BUNDLED with Internet Explorer. When I installed the upgraded Internet Explorer it converted all my files saved in Netscape to Internet Explorer files! Thanks a lot! Since I downloaded the I.E. upgrade for free, and it looked pretty good, I actually tried it for awhile. Without going into the details of the various frustrations I ran into with it, suffice it to say I went back to Netscape Communicator within a week.

User preference aside, another reason I prefer Netscape is the security issue: because it is NOT integrated with the windows system my OS is less susceptible to attack from viruses transmitted over the internet.

My personal preference would be for there to be a stripped down, and cheaper, Windows OS available to which I, and computer manufacturers, could add the software they liked: Microsoft's OR a competitor's. This is the only way I can imagine innovation sparked by competition can continue in software. If Microsoft wants to offer their ''souped up'' system with everything bundled in—fine—but I think it would be surprising how many consumers would opt for the ''stripped down'' alternative if it was available.

Microsoft's monopolistic practices must be stopped, and in my opinion they should pay compensation to Netscape for the business they stole by giving away their inferior product as an alternative in order to kill their competition. Their intent is so transparent it's ridiculous. I wish you the best of luck in trying to craft an equitable solution which will result in the return to true free enterprise competition in the digital world.

Thomas P. Johnson
2599 Warwick Lane
Santa Cruz, CA 95065
(831) 464–3120

MTC–00016791

From: Carolyn Thurlow
To: Microsoft ATR
Date: 1/23/02 12:02pm
Subject: Microsoft Settlement

To Whom It May Concern:

I have read the proposed settlement and have kept track of the findings of the court over the last several years. I did not author the following comment, however I agree wholeheartedly with its content. I would also like to add that, given Microsoft's track record of lobbying tactics and poll-rigging, it may be of some interest to the court to verify that the people sending in comments are not deceased.—CLT

I am opposed to the proposed settlement in the Microsoft antitrust trial.

I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft'' s previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses.

This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Carolyn Thurlow
2239 Flower Tree Cir
Melbourne, FL 32935

MTC–00016792

From: Jamie Siglar
To: Microsoft ATR
Date: 1/23/02 12:01pm
Subject: Microsoft Settlement

DOJ/Microsoft Anti-Trust case personnel,

As a concerned citizen, voter, and someone who's already been negatively impacted by Microsoft's licensing shenanigans, I'd like to comment on some elements that seem to be missing from the proposed final settlement.

A little over a year ago, I was preparing to buy my new ''box'' (PC); as my previous PC was a custom-configured box from Dell, I went up to www.dell.com and attempted to configure my new box there. However, Dell was unable to configure my box the way I needed it; specifically, to sell me a shrink-wrapped (''full) copy of Windows2000 instead of a ''recovery disk''. Said recovery disk would only support the original configuration of the machine, as shipped to me by Dell. And they couldn't sell me a ''bare'' box that I could install my own Win2K shrink-wrap version onto.

I'd been alerted to this by a Microsoft-published article, describing to OEM's the ''danger'' of selling bare boxes—which only experienced developers would ever want...

I complained to Microsoft regarding this licensing problem; as a computer multimedia consultant, I have to reconfigure my box on the order of once per month—testing video, audio, and similar specialized boards (game controllers, video-capture, etc.) for compatibility with my clients'' software. Their licensing scheme would, in effect, put me out of business, unless I buy 2 copies of their software for each box.

A member of Microsoft's marketing replied to my complaint, reiterating that bare boxes were dangerous because people could pirate Microsoft's software; however, he never addressed the issue of my business, which I described explicitly.

Instead of buying from Dell, I had a ''bare'' box built locally; it's never worked as well as my old Dell, and it cost several hundred dollars more than the Dell box would have, could I have obtained the configuration I needed.

I've also had to manually remove pieces of Microsoft software from my boxes; specifically, Outlook Express and Exchange, because the security leaks they pose would force my clients to drop me as a vendor. ''Manually'' in this case includes deleting the relevant .EXE files and going into the Registry via RegEdit and altering the base configuration so Microsoft doesn't attempt to re-install these applications from the Web. I use compatible mail software (''The Bat'' from RitLabs) that does not include the various security holes reported for Outlook in the popular and trade media.

The proposed settlement does not prohibit Microsoft from requiring customers who obtain their software from OEM channels from requiring the purchase of a second copy in order to reconfigure the PC.

The proposed settlement does not prohibit Microsoft from requiring OEMs to sell an OS—not necessarily a Microsoft OS, it could easily be a flavor of Unix—with every PC; nor does it prohibit Microsoft from including intrusive ''activation'' software within it's OS that attempts to notify Microsoft every time the configuration is changed. I've experienced this with my clients'' new XP boxes, and decided against using that OS because of this.

The proposed settlement does not address Microsoft's continuing anti-competitive behavior that allows them to product-dump—the inclusion of OutlookExpress and Internet Explorer specifically—by including their own software for ''free'' as part of the OS. This has already driven Netscape out of business, and with some of the aspects of the Windows Media Player may be targeted at Adobe, Macromedia, and Real.

The proposed settlement does not prohibit Microsoft from using an ''upgrade'' to included software from crippling third-party software; this past fall, upgrades to the Windows Media Player and Internet Explorer caused failures in old code (produced in Director ''Shockwave''and Authorware ''WebPlayer'' from Macromedia, and ''RealAudio'' from RealPlayer) when I attempted to view year-old sites I'd created using the brand-spanking-new IE6. They still work perfectly under IE5.5.

In closing, while I believe the intent is good, I don't see that the current proposed final settlement does enough to curb Microsoft's anti-competitive behavior; but I think that the proposal could be adjusted to make it closer to ideal.

Whether Microsoft, the AG's office, and the states can all agree to changes is another story entirely. Obviously. Thanks for your patience and consideration,

Jamie Siglar
Computer Multimedia Consultant
Somerville, Massachusetts

MTC–00016793

From: geoff@www.uslinux.net@inetgw
To: Microsoft ATR
Date: 1/23/02 12:05pm
Subject: Microsoft Settlement

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. As an experienced technical consultant and business owner, I would like to point out the following reasons why I do NOT support the proposed settlement:

I. The PFJ doesn't take into account Windows-compatible competing operating systems

A) Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

II. The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

A) The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

B) The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

C) The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET, and subsequent similar products with competing middleware.

D) The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertized as being ''Windows Powered''.

E) The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

F) The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

G) The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

H) The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents or other similar applications.

I) The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users and non-Microsoft developers, and opens the doors to potential future lawsuits against Microsoft competitors.

III. The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

A) Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

B) Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

C) Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux!

(Similar licenses to OEMs were once banned by the 1994 consent decree.)

IV. The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

A) Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems. Modified implementations of Java and the Kerberos authentication protocol immediately come to mind.

V. The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

A) The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

B) The PFJ allows Microsoft to discriminate against small OEMs— including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

C) The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

VI. The PFJ as currently written appears to lack an effective enforcement mechanism.

Thank you for your time.

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MTC–00016796

From: Grell, Brian D
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 12:02pm
Subject: Microsoft Settlement

I do not agree with the proposed final judgement in the Microsoft case. It is true the the proposed judgement will lift some barriers on OEMs, it does not take into account the changing business model of Microsoft. Microsoft, with its new .NET technology, will be starting its subscription service, which will require people to ''pay'' for a product that is many years old, and could potentially contain very little new material.

Any third party application that is made to run on the OS will be subject to this subscription, whether or not the third party software requires a subscription of its own. So, a third party application that is made to run indefinetely, will be subject to the term limits under Microsofts subscription. This is wrong. Third Party applications that have no term limits, and should be accessable forever, independent of the OS. The final judgement does not even mention this, and hopes to solve the problems of yesterday, with OEM licensing and releasing APIs to the Microsoft OS. Until the judgement takes into account all aspects of the Microsoft business (past and future) it needs to be reworked.

Brian Grell
Fab15 Automation
Office: (503)642–0724
Pager: (503)921–4425

MTC–00016797

From: Kevan Burnfield
To: Microsoft ATR
Date: 1/23/02 12:02pm
Subject: Microsoft Settlement

To Whom it may concern:

As a citizen of the United States of America I am writing to voice my opinion and objection to the proposed settlement with Microsoft. Microsoft has been found guilty of the charges brought against them in a court of law. These charges were proven and since that time Microsoft has continued to practice the same disregard for the law that they showed before the Department of Justice found them guilty. Microsoft obviously cannot be trusted to police themselves even after the verdict was handed down and cannot be trusted to do so under a settlement that soley benefits them and grants them massive loopholes to continue their monopolistic practices.

It was shown over and over again in the trial that Microsoft hindered inovations of the other companies in their own interest. They used their monopoly in the operating system market to force computer manufacturers to offer ONLY their products and used their relationships with software developers to develop only for their products under harsh penalties. The Microsoft settlement is a disservice to the people of not only the US but of the world. It will not address the issues in a manner that will prevent or deter Microsoft from continuing their current aggendas and will give them license to do so.

As I said above, even after the verdict was handed down against them Microsoft has continued to be caught in the same illegal practices they committed before. Does this not show a deliberate disregard for the law and for the judgement against them? This settlement should not be allowed to hamper the hands of the Justice Department in protecting the citizens of the United States.

Sincerely,

Kevan L. Burnfield
6043 Cedar Court
Monmouth Junction, NJ 08852

MTC–00016798

From: Alan Post
To: Microsoft ATR
Date: 1/23/02 12:01pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea.

Alan Post

MTC–00016799

From: Erik Schmidt
To: Microsoft ATR
Date: 1/23/02 12:02pm
Subject: Microsoft Settlement

The proposed Microsoft settlement is a bad idea. Please do not allow it to move forward in its current form. Microsoft is once again using the terms of an agreement to wipe out competition. Specifically, because Microsoft maintains an operating system monopoly, Section III(J)(2) will leave Open Source projects such as Apache, Samba, and Sendmail very vulnerable to Microsoft's predatory practices. Because under the terms of this agreement, Microsoft would not be forced to describe or license protocols that affect companies that don't meet Microsoft's criteria as businesses. This would effectively allow Microsoft to write code in such a way as to make it impossible to use with Open Source code, thereby forcing users of Microsoft operating systems to use only software that Microsoft creates itself or allows non-competitors to create.

Microsoft is doing what it has done many times in the past. It has squashed competitors through tactics of intimidation, buyout, and outright theft. Now it is attempting to reverse the initial verdict which declared unequivocally that they were a monopoly, back to their advantage.

As a taxpayer, I find it disgusting that Microsoft is allowed to act in such a cavalier manner toward the US justice system. They continually display an arrogance that shows they have no regard for the law. Please, do not allow them to remap the playing field to their advantage. It is not in the interests of the United States for one company to exert so much control over the electronic infrastructure of our country—as ongoing and extremely alarming security problems with Microsoft products demonstrate.

Thank you,

Erik Schmidt
744 Nobel Drive
Apartment C
Santa Cruz, CA 95060

MTC–00016800

From: Alan Eshelman
To: Microsoft ATR
Date: 1/20/23 12:03pm
Subject: Microsoft Settlement

Microsoft calls the open source software movement a threat to innovation and is being given permission to withhold interoperability information from any open source developer if Microsoft deems them lacking in ''authenticity and viability of its business,'' while at the same time calling Linux (an open source operating system) a ''cancer.'' This is a huge hole which will be exploited by microsoft, please fix this and make Microsoft accountable for their past actions and prevent future abuses by this monopoly.

Even more disturbing is this from Ralph Nader's letter: ''Even within the brief period of the term of the agreement, Microsoft has too much room to co-opt the enforcement effort. Microsoft, despite having been found

to be a law breaker by the courts, is given the right to select one member of the three members of the Technical Committee, who in turn gets a voice in selecting the third member. The committee is gagged, and sworn to secrecy, denying the public any information on Microsoft's compliance with the agreement, and will be paid by Microsoft, working inside Microsoft's headquarters. The public won't know if this committee spends its time playing golf with Microsoft executives, or investigating Microsoft's anticompetitive activities. Its ability to interview Microsoft employees will be extremely limited by the provisions that give Microsoft the opportunity to insist on having its lawyers present. One would be hard pressed to imagine an enforcement mechanism that would do less to make Microsoft accountable, which is probably why Microsoft has accepted its terms of reference.''

Please repair these things, Microsoft is not being punished, monitored, or restricted in its illegal practices by the ''US v. Microsoft proposed final order.''

Alan Eshelman—
alan.eshelman@cesoft.com
Network Administrator—CE Software, Inc.
http://www.cesoft.com—515–221–1801

MTC–00016801

From: Ted Kisner
To: Microsoft ATR
Date: 1/23/02 12:02pm
Subject: Microsoft Settlement

Dear DOJ,

Please don't settle with Microsoft! Take away their monopolistic powers and make sure justice is done! Don't let down the people of this great nation!

Sincerely,
Erin Riley

MTC–00016802

From: peter.hiltz@gm.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:01pm
Subject: Microsoft Settlement

I would like to make my comments on the proposed Microsoft settlement and will try to avoid the normal rhetoric from either side.

The legal decision has been rendered that Microsoft is a monopoly. That creates certain responsibilities that do not apply to a non-monopoly holder. Given Microsoft's position and the critical nature of their software in the current US economy, I believe the most important requirement is publishing and documenting the API for everything. That allows programmers to write programs to connect with and interact with Microsoft's programs and operating systems.

I do not believe giving Microsoft the ability to decide which APIs it will publish is in the best interests of the country or the economy or the consumers. Giving such control away to Microsoft effectively gives them the ability to limit any competition. Lack of competition is bad for the consumer. (If the consumer was not being overcharged, Microsoft would not be increasing its cash by an estimated $1.5 billion/month). The documentation needs to be sufficient that programmers can write programs that connect with the Microsoft operating systems, ''middleware'' and applications products on a level playing field with the Microsoft programmers.

However, I also don't believe that Microsoft should have to publish anything which is behind the API. Such an action would be too much interference with Microsoft's ability to compete itself.

I object to being forced to buy computers with Microsoft software (with a built in price increase) that I have no intention of using. I also object to discovering language in EULA,s that limit my ability to use the software that I have ''licensed'' to a single computer, that I cannot modify without the permission of Microsoft, that I cannot use for purposes that Microsoft finds objectionable (e.g., using their word processing program to write a letter critical of Microsoft), and that effectively asserts some type of control over hardware that I, not Microsoft, own. (By the way, I do find it incongruous that Microsoft and other ''applications software'' developers claim property rights based on licensing, not sales, but then want to pay customs and income taxes based on ''sales'', not ''licenses''.)

Very truly yours,
Peter F. Hiltz
GMAC Tax Counsel

P.S. The opinions voiced are not necessarily the opinions of General Motors; I have'nt asked.

MTC–00016803

From: Dave Bauer
To: Microsoft ATR
Date: 1/23/02 12:02pm
Subject: Microsoft Settlement

The settlement with Microsoft will not alter this convitcted monopolists practice or allow for real freedom of choice for consumers. Please rethink and come up with a settlement that is fair for consumers instead of big business. Corporations are not equal to citizens. The government was formed to serve the citizens not corporations.

The settlement will not help consumers at all.

David Bauer
728 County Route 7
East Schodack NY 12063

MTC–00016804

From: Joseph L. Brown
To: Microsoft ATR
Date: 1/23/02 12:02pm
Subject: Microsoft Settlement

To whom it may concern;

Please consider this a vote AGAINST the current Microsoft anti-trust settlement. I feel that the current settlement will do little to stem the rising tide of Microsoft monopoly abuses; in its current form Microsoft can easily pay tremendous fines unfazed; or pay lip service to any well intentioned restrictions while doggedly pursuing (as they are currently with Windows XP) further abusive strategies while ''redefining'' the market, products, and tactics to make those abuses technically not covered by the settlement. Microsoft has shown itself to be an abusive monopoly, willing to pursue even the most reprehensible courses of action to ensure their dominance. I strongly suspect that only fundamental structural changes to Microsoft (ie, a breakup) will have any lasting benefit for the citizens of the USA.

Sincerely
Joseph L. Brown
105 Ross Blvd., Apt. F–2
Hattiesburg, MS 39401–6924

MTC–00016805

From: Lauren Peterson
To: Microsoft ATR
Date: 1/23/02 12:02pm
Subject: Microsoft Settlement

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. There are many problems with the proposed settlement, namely:

The PFJ doesn't take into account Windows-compatible competing operating systems:

Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

The PFJ Contains Misleading and Overly Narrow Definitions and Provisions:

The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

The PFJ allows users to replace Microsoft Java with a competitor's product, but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertised as being ''Windows Powered''.

The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft:

Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)

The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft:

Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs:

The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

The PFJ allows Microsoft to discriminate against small OEMs—including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

The PFJ as currently written appears to lack an effective enforcement mechanism.

I believe that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

Sincerely,

Lauren

lauren@vitalnet.com—Lauren Peterson

Vital Net Ventures Corporation

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MTC–00016806

From: pauld@egenera.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:03pm
Subject: Microsoft Settlement

To Sir or Madam:

It is my belief that the proposed Remedy for the Microsoft Anti-trust violation is insufficient to alleviate the situation. It fails to adequately ''unfetter a market from anticompetitive conduct'', terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future'' (Court of Appeals ruling, section V.D., p. 99).

Please consider a stronger remedy. Microsoft to date has shown us little to no reason to think it capable of self governance in these areas.

Anti-competitive practices continue unabated.

Thank you for your consideration,

Philip R. Auld, Ph.D.

MTC–00016807

From: Alex Deucher
To: Microsoft ATR
Date: 1/23/02 12:03pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea. Microsoft's monopoly is stifling innovation in the PC world.

Alex Deucher

Arlington, VA

MTC–00016808

From: Seth House
To: Microsoft ATR
Date: 1/23/02 12:04pm
Subject: Microsoft Settlement

Greetings,

I am writing because the proposed Microsoft settlement is no where near harsh enough a punishment. In fact, it very much appears that they are buying their vindication.

The injustices caused by Microsofts anti-competitive business practices are much too great. Companies have died because of it, good technologies have been forgotton because of it.

Please rethink your decision to let them off with a slap on the wrist.

Sincerely,

Seth House

SLC, UT

MTC–00016809

From: Tony Spears
To: Microsoft ATR
Date: 1/23/02 12:09pm
Subject: Microsoft Settlement

I think the settlement is a bad idea. The reasons are fairly obvious.

Anthony Spears

aspears@unitech-ia.com

MTC–00016810

From: Conder, Daniel
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 12:03pm
Subject: Microsoft Settlement

Short Answer: I urge to not settle.

Long answer: but very worthy of reading. simply explains A conflict of interest arises if the company writing the operating system (OS) is the same company that writes applications (APPs). The intermingling of OS and APPs gives MS a huge unfair advantage. MS will argue that they are simply making their OS better. Do not be fooled by this. They can still do all of the features they want and include them in their OS.

Solution: These additional functionalities to the OS are offered via the API (application program interface.) This published non-visible interface can then be used by all software application manufactures including MS to write software.

A good place to draw the boundary between OS and APP is where the code has a GUI (graphical user interface) or in laymen's terms if you can see it on the screen.

Any settlement should have a provision to address this problem.

Daniel Conder

CC:'allutah(a)liberate.com'

MTC–00016811

From: Houghton, Adam
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 12:03pm
Subject: Microsoft Settlement

I think that the proposed settlement is a bad idea. Microsoft deserves to be punished more harshly for its behavior.

Sincerely,

Adam Houghton

MTC–00016812

From: Walt
To: Microsoft ATR
Date: 1/23/02 12:03pm
Subject: Microsoft Settlement

This a message to voice my concern and opposition to the revised proposed Final Judgement against Microsoft.

There are many flaws (legal technicalities perhaps) in the proposal. For example, definition U (Windows Operating System Product) is too narrowly defined and leaves much room for Microsoft to maneuver and avoid disclosure of information. Without much effort Microsoft can make sufficient changes to declare that their next WOSP is sufficiently different from its precursors that it is not a successor to any of them. The definition also does not include other products such as its PocketPC and TabletPC operating systems.

I am also concerned that the proposal does not provide any substantive mention of Microsoft.NET. This is a potentially massive market that Microsoft has publically stated is their main focus. The potential for anticompetitive behaviour is great and Microsoft has the capability to create a very high barrier to entry for the market in short order.

I would like to provide more but the major arguments have been well thought out and detailed at http://www.kegel.com/remedy/remedy2.html . I would encourage you to visit the link.

walt

MTC–00016813

From: John (038) Trudy Phillips
To: Microsoft ATR
Date: 1/23/02 12:02pm
Subject: Microsoft Settlement

As a citizen of the US and a long time computer user, I am distressed over the proposed Microsoft Settlement. Most of the settlement allows Microsoft to continue their monopolistic practices.

I will address two issues which are indicative of the greater problems with the proposed settlement. One, all the restrictions

only address commercial competitors. Not for profits, such as Apache, the major competitor in server software, and Linux, an operating system competitor, have no rights as the settlement is written.

Two, the proposal to give schools Microsoft technology or ''credit to purchase other products'' only allows Microsoft to monopolize the education market. The education system is so grossly underfunded that it would be forced to take the larger number of Microsoft refurbished products rather than purchase a lesser number of non-Microsoft products at retail value. Please consider modifying the settlement to truly solve Microsoft's monopolistic practices.

Sincerely,
Trudy E. Phillips
Lynchburg, VA

MTC–00016814

From: David Kingsbury
To: Microsoft ATR
Date: 1/23/02 12:04pm
Subject: Microsoft Settlement

I am opposed to the proposed Microsoft settlement. The company was found guilty and this finding was upheld. It would be a waste of taxpayer money to let the results of this trial be thrown out by not imposing sanctions that are equal to the crime committed. Microsoft has had similar ''wrist-slaps'' in the past and both past and current actions indicate they will not change their way of doing business unless more stringent penalties are enacted. I personally have been impacted in harmful ways by Microsoft's past (and current) actions. While I would prefer the market to penalize Microsoft for their actions, the market in this case is so damaged that other remedies are needed. They have been tried and found guilty. Please do not let them off the hook yet again.

David Kingsbury
Eagan, MN USA

These views are my own and do not necessarily reflect those of my employer.

MTC–00016815

From: me here
To: Microsoft ATR
Date: 1/23/02 12:05pm
Subject: Microsoft Settlement

To whom it may concern,

This is my voice on the proposed Microsoft Settlement. I feel that the proposed settlement will have little impact on Microsoft as a Monopoly or the way in which they conduct business. Microsoft has proven to me, from the beginning of this trail, that they care little for consumers best interest, but simply their best interest that all consumers run ONLY their software. They have also shown that they have never cared about the voice of the people who feel that they are not just in their actions, nor do they feel that our government will have any effect to them or their business practices. When I read the proposed settlement, I find that latter could very well be true.

I am not going to begin to bring out specific points in the settlement that I feel need altered, removed, or any that need added simply due to the fact that there are documents that have already adequately described my feelings. These documents I am in the process of co-signing and they will be delivered to you as well.

I am one voice. A single voice that cries out that justice be served. A single voice that hopes that it can help make a difference. A voice that does not have great material assets to directly challenge the powers that I disagree with. But I am a voice that cries out what I believe, and when joined with the voices of others that feel as I do, I am a voice that hopes that together we are heard. Most important, I am a voice that cries out because our country is founded on the belief that everyone has a right to express their concern on issues, and that their concern can be heard, and considered when decisions are made that will ultimately effect our lives, and the lives of every citizen.

Thank You,
Brad Myers

MTC–00016816

From: Simons, Nathan P
To: Microsoft ATR
Date: 1/23/02 12:04pm
Subject: Microsoft settlement

Dear Sirs,

Microsoft has done irreparable damage to the computing industry as a whole, and inestimable damage to the American economy. To let them continue to practice their anti-competive practices is unthinkable, yet this is exactly what they intend to do. Since Microsoft does not have the wisdom and foresight to control itself, it is obvious that other measures must be taken before it is too late. I believe that the proposed settlement is bad. It is nothing more than yet another indulgence to a company that has had far too many. I believe that much stricter and harsher consequences must be levied upon Microsoft to bring them back into line and to help re-open the door to innovation and healthy competition that is the hallmark of American business.

I say this as an expert in technology; I have a Bachelor's of Science in Computer Science and I have been very familiar with technology for nearly a decade. I have seen many better companies and many better products than the ones that Microsoft produces be wiped out of existence merely to sustain Microsoft's profit margin. Please do not let them continue to stand in the way of progress and freedom.

MTC–00016817

From: richard_burk@hushmail.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:05pm
Subject: Microsoft Settlement

B. Appointment of a Technical Committee

8.The TC shall have the following powers and duties:

c.The TC shall have access to Microsoft's source code, subject to the terms of Microsoft's standard source code Confidentiality Agreement ...

This seems unreasonable to me. ''subject to the terms of Microsoft's standard source code Confidentiality Agreement''.

This lets Microsoft define terms of this agreement via a back door. They could theoretically design multiple agreements and have the TC member(s) essentially denied access to anything of Microsoft's choosing. They technically could have a separate agreement for each piece of code. Have the confidentiality agreement be a standard military confidentiality agreement or some other recognized unbiased confidentiality agreement. In addition, which ever confidentiality agreement is chosen will be fully reviewed to the extent that it does not compromise the TC member(s) but does protect Microsoft from TC member abuses.

What???? I just finished reading the REVISED PROPOSED FINAL JUDGMENT. What is this a slap on the wrist? What were they found guilty of? A misdemeanor? I believe that the Microsoft Corporation was found to be guilty of egregious violations of the Anti-Trust Laws. As such punishment should be comenserate or example setting as they have been found guilty of being a monopoly and for monopolistic practices.

A proper settlement would include but not be limited to requiring full source code disclosure for all products that are delivered to non-microsoft personnel the moment that they are made available to any group within the Microsoft Corporate other than the group having developed the software. This includes documentation as well. The delivery of source code as well as documentation shall be provided separatly and simultaneously at a minimum on the same media as the product.

In addition, all patents held by Microsoft, or any subsidiary, shall become public domain, without the possibility of reinstatement. Further, all applications for patents for software (including hardware encoded software) shall be summarily rejected for the duration of this judgment.

In addition, Microsoft shall warranty all of their software for a term of no less than 10 years, and shall provide full, unhindered support for all of their warrantied software for twice the duration of the warranty on said software. This provision will be in effect in perpetuity for no less than 50 years from the effective date of this final judgment.

In addition, Microsoft shall not retaliate against any OEM that seeks to alter a base installation of any Microsoft Operating System Product. Further Microsoft shall not retaliate nor require in any agreement, verbal, written, or understood the bundling of software. Microsoft shall not retaliate against any OEM for choosing to offer or install non-Microsoft products in a bundle or separately with any Microsoft Operating System Product. Microsoft shall not require payment for any Microsoft software that is not delivered as a part of an OEM offering whether the offering purchased or not. Microsoft shall not enter into exclusive agreements with OEMs. Microsoft shall not enter into agreements with OEMs which restrict OEMs from any type of non-Microsoft agreement(s).

Microsoft shall not discriminate with respect to purchasers of their software, whether it is for development, or use, or any other reason. Microsoft shall retain copyrights and trademarks for their software. Microsoft shall define those programs that constitute the Microsoft Operating System. Those programs cannot be unbundled from the Microsoft Operating System. This will form a baseline. Any programs that are added

above and beyond this base installation shall not be bundled with the Microsoft Operation System(s). They shall be offered separately at a cost greater than the cost of media plus the cost of applying said programs to the media. Additional functionality cannot be added to the baseline at a future time. This is primarily for purposes of new dlls or other executable pieces of code or software.

Changes can be made for purposes of fixing bugs/errors. Additional features shall not be added to the baseline software installation.

Sincerely,
Richard Burk

MTC–00016818

From: Greg Hanson
To: Microsoft ATR
Date: 1/23/02 11:55am
Subject: Microsoft Settlement

To Whom It May Concern:

I am against the proposed settlement for Microsoft. I believe this settlement will not bring any harm to, or even slow down Microsoft. Microsoft has an illegal monopoly that should be punished for what it has done.

Some of Microsoft's biggest competitors are not-for-profit companies. The number one competitor of Microsoft's Internet Information Services is the Apache web server, run by the Apache Foundation, a non-profit organization. A large reason that businesses these days are changing to Linux is because of its interoperability with Microsoft products. Samba interfaces with networked computers running Windows. Wine runs software made for Windows in Linux. If Microsoft is allowed this settlement, they can use there monopolistic powers to crush Samba and Wine, making Linux look much less appealing to businesses. The non-profit companies, such as Samba and Wine, need to be able to access Windows source code in order to be able to interface properly. Without the obligation to publish source code, Microsoft will change enough code with every release too crush these companies.

These free open-source projects are the future of software. This settlement is not enough. All companies, commercial or not, need to have access to Microsoft source code and protocols. Free software is a competitor to Microsoft, but will soon be dead if the proposed settlement goes through.

Greg Hanson
SPO 900
Luther College
700 College Drive
Decorah, IA 52101

MTC–00016819

From: Muruga Simmonds (by way of Muruga Simmonds (060)muruga(a)gill.co
To: Microsoft ATR
Date: 1/23/02 12:04pm
Subject: Microsoft Settlement

I am vigorously opposed to the proposed settlement in the Microsoft antitrust trial. The proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. Also, the proposal provides inadequate reparations to those injured by Microsoft's anti-competitive behavior. Hundreds, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices. Microsoft seeks to stifle competition, rather than produce a better product.

I applauded the Clinton administration's courage to prosecute Microsoft for their anti-competitive behavior and was disgusted by the Bush administration's decision to acquiesce when the government had the superior position by rule of the full bench of the U.S. Court of Appeals. The Department of Justice's (DOJ) settlement was brokered by Bush administration appointee Assistant Attorney General Charles A. James, head of the DOJ's antitrust division. But career officials at the Justice Department, who had pursued the case since the beginning, displayed their displeasure with the agreement by not signing it. Also, the Attorneys General of 9 states and the District of Columbia found the proposed settlement to be substantially inadequate.

I hope that the results of this settlement will incourage more innovation and competition in the software industry. No one wants Microsoft to disappear, just to allow others to compete with them.

Thank you.
Muruga Simmonds
Software Engineer

MTC–00016820

From: Andy Mroczkowski
To: Microsoft ATR
Date: 1/23/02 12:03pm
Subject: Microsoft Settlement

I disagree with the proposed settlement with Microsoft and think that another solution should be sought.

Andy Mroczowski
212 N. 34th St.
Philadelphia, PA 19104
267–248–1067

MTC–00016821

From: Peter Mastren
To: Microsoft ATR
Date: 1/23/02 12:05pm
Subject: Microsoft Settlement

I am concerned about the lack of credible competition in the home PC marketplace. A perfect example of Microsofts total dominance in this area can be found in the Fry's Electronics advertising supplement to the Houston Chronicle on two successive Fridays, Jan 11, 2002, and Jan 18, 2002. In the January 11 issue there appeared an ad for an ''Internet Ready Multimedia PC'' complete with ''Linux 1.3 Shell with Web Browsing, E-mail and Word Processing capabilities'' for $299.00 with a feature bullet item stating ''Upgradable to Windows XP''.

In the January 18 issue there appears the very same ''Internet Ready Multimedia PC'' but now ''With Bonus: Windows XP'' for $399.00. The computer is $100.00 more than it was just a week before and Windows XP is no longer an option but comes included in the ''In Store Price''.

The computer advertised on January 11 would satisify the needs of many home computer users but it is no longer available. They must now pay an extra $100.00 for the same computer and get a copy of Windows XP that they might not need nor even want.

How is this good for the consumer? How is this good for anyone but Microsoft? Where can I, as a consumer, go to find a computer that does not include Microsoft Windows? It's not possible, short of building my own computer from component parts, which is way beyond the abilities of most consumers!

Microsoft must be prohibited from including Windows in the purchase price of a new computer but should be required to offer it as an additional cost, optional upgrade. I demand the right to purchase a computer with the software I want, or no software at all, instead of being forced to pay for something I will not use.

I am concerned that the proposed settlement does nothing to prevent this type of abuse and that it will continue to be business as usual. Thank you for the opportunity to express my opinion.

Peter F. Mastren
Peter@Mastren.org
See Our Twins
http://www.Mastren.org/Twins
Houston Chronicle
Peter.Mastren@chron.com
Phone: (713) 220–7689
Fax: (713) 354–3114
If you're happy
you're
successful

MTC–00016822

From: warren thomason
To: Microsoft ATR
Date: 1/23/02 12:05pm
Subject: Microsoft Settlement

The way things are looking now Microsoft is not being punished. The company has used its monopoly power to the detriment of the public. The punishment should be much stronger.

Thanks,
Warren Thomason

MTC–00016823

From: Joshua Jensen
To: Microsoft ATR
Date: 1/23/02 12:05pm
Subject: Microsoft Settlement

Hello,

I don't like the proposed Microsoft settlement. If the crime is ''monopoly'', then the punishment can't be ''give your monopolistic software to our school kids''. What better way to support the propagation of monopolistic software and practices? Also, what would the actual cost be to Microsoft if they give a market value of 1 billion in software to schools? The cost of software without support is very low... because Microsoft has already paid for all the costs associated with creating the software. For every $300 boxed set of Win2000 they ''give away'', it probably costs them $5 to $10 to produce. This isn't punishment.

Thank you,
Joshua Jensen
4281 The Oaks Drive
Raleigh, NC 27606

MTC–00016824

From: Fish Christopher G Contr 46 TS/OGET
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:28am
Subject: Microsoft Settlement

Please please read the article

http://www.salon.com/tech/col/rose/2002/01/16/competition/index.html

It is very important to the software industry as a whole that the points raised in this article are not overlooked.

And the author put my concerns much more eloquently then I have time too.

Sincerely,

Christopher fish

MTC–00016825

From: Bruce Armstrong
To: Microsoft ATR
Date: 1/23/02 12:06pm
Subject: Microsoft Settlement

I do not believe the proposed settlement is adequate. I add my voice in support of Dan Kegel who has created a comprehensive analysis of the problem (see http://www.kegel.com/remedy/remedy2.html). I also give support to his petition (see http://www.kegel.com/remedy/letter.html)

Bruce Armstrong
Orem, Utah
Software Quality Assurance Engineer
NTT/Verio

MTC–00016826

From: Marc Hughes
To: Microsoft ATR
Date: 1/23/02 12:06pm
Subject: Microsoft Settlement

I believe the current microsoft settlement is a BAD settlement

MTC–00016827

From: Frank Summers
To: Microsoft ATR
Date: 1/23/02 12:06pm
Subject: Microsoft Settlement

I would like to voice my objection to the proposed settlement of the Microsoft ant-trust case. It is not a fair settlement and it will have no real effect on Microsoft's predatory behavior.

Microsoft has shown a long history of putting other companies out business by using their operating system monopoly. No applications software product stands any chance if Microsoft incorporates similar functionality into the operating system, bundles their own version with the operating systrem, or can provide deals to OEMs to use their software as part of operating system licensing.

The only remedy that will promote a fair playing field for software vendors is to distinctly separate the operating system from the applications. Microsoft's operating system group must be split off into a separate company from their applications group.

Only when the operating systems group does not have such extreme conflict-of-interest in favoring one group of applications over another can the software market be open to innovation. Without it, the operating system can always be written to favor Microsoft's own software and disadvantage everyone else's. It doesn't matter how many people are watching over them, by the time the damage has been done, it is irreparable. The software market moves too quickly for after-the-fact remedies. You must take steps to pre-empt the predatory behavior from ever starting.

It has happened before, most notably in the web browser, and Microsoft has begun to usurp system control in favor of its .NET services. Can any other internet services provider compete against an application that is repeatedly offered and re-offered by the operating system itself? That is already a fact in Windows XP. No one would fund a start-up software company that might even approach competing against .NET. The next generation of innovation has already been stifled.

Reject this flawed settlement and do some real good for the economy. Force Microsoft's applications and internet services and every other division to compete on a level playing field. Separate them from the operating system and stop letting them stack the deck in their favor.

Frank Summers
Astrophysicist
Space Telescope Science Institute
3700 San Martin Drive
Baltimore, MD 21218

MTC–00016828

From: Michael Christiansen
To: Microsoft ATR
Date: 1/23/02 11:51am
Subject: Microsoft Settlement

To whom it may concern,

I am taking the time to add my voice in protest to the proposed settlement of the DOJ's action against Microsoft. Briefly, I am disturbed that no real action is being taken to correct or constrain the monopoly that Microsoft has illegally used to build and maintain its near-total domination of the personal computer industry.

I for one felt that the original judgment breaking Microsoft into two or more separate business entities was a workable solution. So long as sales of the operating systems can be tied to sales of applications and services (eg Office and IIS), Microsoft will continue to dominate this industry.

Microsoft's operating systems must be limited to basic services upon which new products and services can be built. An operating systems provider should not be allowed to develop or market products and services as it has an unfair advantage. The operating system provider has access to the underlying code and developers (special knowledge of the operating system), and it is able to offset the cost of developing new products and services with revenues derived from operating systems sales.

The current solution does not address any of these concerns and permits Microsoft to continue to dominate an important sector of our economy. I feel confident that if Microsoft were properly constrained, they would commit to building a quality operating system that the rest of the world could use to base new ideas and inventions upon. As it stands, the monopoly that Microsoft yields like a club will continue to stifle the innovation that they are so vocal about promoting.

Thank you for your time,
Dr. Michael Christiansen
3720 Trilogy Drive
Plano, TX. 75075

MTC–00016829

From: Joe Sislow
To: Microsoft ATR
Date: 1/23/02 12:07pm
Subject: Microsoft Settlement

To whom it may concern:

I am writing to express my displeasure with the proposed Microsoft Settlement. The simplest reason is that there is no effective enforcement laid out within the scope of the settlement. Basically, it seems that Microsoft is free to break the rules with nothing but another long court case as a possible repercussion. All the while, Microsoft is free to continue eroding the competition until it is next to impossible to revive.

In addition, the main way that Microsoft has established and maintained its monopoly is by creating an Applications Barrier to Entry. The sections of the settlement do little to prevent Microsoft from continuing this behavior. The key area for this would be to establish that Microsoft not only open its API layer, but also any data formats that it develops. In this way, they cannot prevent rival applications from developing software that is compatible with their system or their applications.

Thank you for your attention.

''...if you drink much from a bottle marked ''poison,'' it is almost certain to disagree with you, sooner or later.''—Lewis Carroll

Joe Sislow
flynn@madopal.com

MTC–00016830

From: Kevin O'Mahoney
To: Microsoft ATR
Date: 1/23/02 12:07pm
Subject: Microsoft Settlement
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

To Whom It May Concern;

I have been outraged at the seemingly weak willed and weak minded actions my United States Government Justice Department is taking in the Microsoft antitrust actions. I have personally worked for companies and been exposed to Microsoft both on the business realm and with product related issues as a developer and as a user. I have worked for start-up companies which were damaged by Microsoft's business actions. And now I see my Government throwing in the towel after my fighter has scored a major blow to the opponent.

The current proposed settlement to the Microsoft Antitrust case is a sham. It is amazing that my government would even consider this as a just result.

As an example, the consideration that the implied enforcement of this settlement will be overseen and ensured by a Microsoft employee is ludicrous. This is equivalent to catching a fox eating a chicken in your hen house and then leaving the fox's little brother to insure it does not happen again, WHILE LETTING THE OFFENDING FOX STAY IN THE HEN HOUSE.

What are you thinking at the Justice Department? Have you all given up? Have you sold out? If so then save us taxpayers a lot of money, resign from your posts and go home. The vacuum you leave will be filled, hopefully with someone more interested in working for the good of the citizens.

Kevin O'Mahoney.
919 Moreno Avenue
Palo Alto, CA 94303

MTC–00016831

From: Eric Zander
To: Microsoft ATR
Date: 1/23/02 12:07pm
Subject: Microsoft Settlement

Hello,

I am a grad student studying for my MBA and am also quite geeky - i.e. I live and breath computers. I also think settling with Microsoft in the fashion you have proposed is a really, really bad idea.

Microsoft should be forced to either:

1) Be broken into seperate companies or,

2) Be forced to open source their operating system under the GPL.

Thank you for your attention to this matter,
Eric Zander

Running to him was real. It was all joy and woe, hard as diamond; it made him weary beyond comprehension. But it also made him free.

John L. Parker, Jr.

MTC–00016832

From: Tetrick, Scott
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 12:06pm
Subject: Microsoft Settlement

In my view, the remedies proposed for Microsoft are wholly invalid. The proposal do nothing to punish past behavior, and little to deter future transgressions. In order to remedy the situation, Microsoft should be required to:

*release publically all APIs, file formats, and compliance tests of the same, without compensation. The public release of information must be prior to the release of a product using those APIs and formats.

*eliminate bundling of features into the OS. All incremental features must be removable and replace-able, both by OEMs and users.

*eliminate OEM licenses that require purchase of Windows with each computer, even if this is eventually deleted.

*eliminate EULAs, retroactively, for all Microsoft products. This will allow Microsoft to benefit from its monopoly status only if it provides quality and service. Failure to provide such service by a monopoly should be punishable.

Respectfully submitted
R. Scott Tetrick

MTC–00016833

From: Paul Pelzl
To: Microsoft ATR
Date: 1/23/02 12:08pm
Subject: Microsoft Settlement

To whom it may concern:

I am an electrical engineering graduate student who has logged many hours both using and programming computers. I have used Microsoft operating systems as well as several Open Source operating systems, and thus am intimately aware of the difficulties associated with making a transition away from Microsoft software. I feel strongly that the proposed Microsoft settlement will do little to repair the damage of past monopolistic practices, or to prevent future antitrust law violations.

I see many problems with the proposed settlement, but I will bring up just one important issue here. Microsoft Office file formats have become the industry standard. Consequently, it is impossible to correspond with many businesses without the use of MS Word and MS Excel files. I believe that a fair settlement must require Microsoft to open up the specifications for these file formats (both present and future versions), so that competing software products can interact with these files. Without this additional action, I see little hope for fair competition in the office software market.

Thank you for your attention.
Sincerely,
Paul Pelzl
1733 Broadview Ln. #405
Ann Arbor, MI 48105
Paul J. Pelzl
Office Hours (EECS 2336)
EECS 215 GSI M 5:00–7:00
<pelzlpj@eecs.umich.edu>
Tu 5:30–6:30
Mailbox: EECS 3411

MTC–00016834

From: Ben Goren
To: Microsoft ATR
Date: 1/23/02 12:06pm
Subject: Microsoft Settlement

I am writing to oppose the proposed final judgement in the Microsoft antitrust case.

This proposal is, at its heart, in no way significantly different from the previous judgement against Microsoft which was all but ignored. A slap ont the wrist means nothing to Microsoft; stern admonitions they blithely ignore.

Far more appropriate would be forcing Microsoft to fully disclose, royalty free to the entire world, all information necessary to create products that can read and interpret all Microsoft file formats and communications protocols. That way, anybody would be fully capable of competing with Microsoft on a level playing field. As it stands, Microsoft uses its monopoly power to prevent any meaningful interoperation with its products. Potential competitors can't even get started.

If you should wish to discuss this matter further, please feel free to contact me via email; telephone at +1 (480) 966 9472; or postal mail at Post Office Box 964, Tempe, Arizona 85280–0964.

Sincerely,
b&
Ben Goren
mailto:ben@trumpetpower.com
http://www.trumpetpower.com/
icbm:33o25'37''N—111o57'32''W

MTC–00016835

From: Kenneth Kang
To: Microsoft ATR
Date: 1/23/02 12:06pm
Subject: Microsoft Settlement

I feel the proposed settlement does not protect consumers and competing companies from newer technologies like media, digital rights management, instant messaging. While Microsoft does not yet have monopolies in these areas, I believe that the agreement does not prevent them from leveraging their monopoly into these industries.

Kenneth S. Kang
P. O. Box 11741
Stanford, CA 94309
(650) 497–6387
Castano 308

MTC–00016836

From: David Muir Sharnoff
To: Microsoft ATR
Date: 1/23/02 12:07pm
Subject: Microsoft Settlement

I am opposed to the proposed settlement because I do not think it will change Microsoft's behavior.

I belive Microsoft's behavior needs to be changed for a whole bunch of reasons that all stem from one basic truth: Microsoft does not play fair. The Findings of Fact are true. Microsoft has enourmous natural advantages because of its resources, and market position. Dispite these advantages, they feel that the must leverage their monopoly position in illegal ways to gain further advantage.

The proposed settlement does not make the expected costs of continuing to their behavior high enough for the cost-benifit calculations to shift their point-of-view to a new position where they would not try to get illegal leverage from their monopoly position. It doesn't come close because there is no stick. There are no big fines and there is no breackup. There isn't anything that will make them scared.

Why do I care?

I care because Microsoft technology is bad. Microsoft does well in terms of integration—making many things work together—but it does badly in terms of reliability; flexibility; scalability; and security. This last point is particularly important in this post-911 world we live in. The Internet infrastructure that so much of our economy depends on is vulnerable to many kinds of denial- of-service attacks. Most of these vulnerabilities exist because of one thing: secuirty problems with Microsoft products.

The security problems with Microsoft products do would not be a big deal if there weren't so many computers running Microsoft products. The infrastructure itself is mostly non-Microsoft but because there are so many systems that can be used to attack from at once (compromised Microsoft systems) the sheer volume of attack can overwhelmn any part of the Internet.

I avoid using and buying Microsoft products as much as possible. I cannot avoid them altogether because people I interact with create documents that cannot be viewed without using Microsoft products. This is very much unlike the rest of the software that I use. The rest of the software that I use attempts to use standards so different programs can still access the same content.

Microsoft may employ many programmers but Microsoft is not a technology company. Microsoft's primary expertise is in marketing. Much of their technology is purchased. In their recent PR work, Microsoft has asked for the ''freedom to innovate''. The freedom to innovate that they are asking for is the freedom to innovate in marketing. Technology they can just buy, but a marketing using unfair tactics requires a lot of freedom.

Who am I?

I am a computer programmer; the owner of a Internet Service Provider; and the CTO of

an Internet startup that is attempting to diintermidiate the academic publishing process and thus make academic journals more timely and more affordable.

Thank you,

David Sharnoff

MTC–00016837

From: Christophe de Dinechin
To: Microsoft ATR
Date: 1/23/02 12:06pm
Subject: Microsoft Settlement

As a software engineer with over 15 years'' experience, I would like to comment regarding the Proposed Final Judgment in United States v. Microsoft.

The proposed remedies fail to restore a competitive environment: their weakness actually encourages Microsoft to continue with the anti-competitive practices which have successfully killed or harmed competitive products and companies such as Apple (QuickTime), Be (BeOS), Digital Research (DR-DOS), Geoworks (Ensemble), IBM (OS/2), Netscape (Communicator), Novell (Netware), and many others. All of these products were vastly superior to what Microsoft could offer at the time, and some of them had the backing of large and competent organizations. In all cases, ''dirty tactics'' from Microsoft have been demonstrated and documented widely.

To help consumers, a settlement must restore competition in such a way that the tactics applied by Microsoft against the products cited above would no longer be possible. The current settlement fails by that measure. As such, I consider it insufficient. I therefore ask you to reconsider the settlement and to take the time to ensure that it is effective.

Regards,

Christophe de Dinechin

MTC–00016838

From: PCross@gcc.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:06pm
Subject: Microsoft Settlement

I believe that the settlement with Microsoft is bad. The people of the United States will not stand for big business trampling the rights of others. I have a feeling you will be very suprised when Americans come together as one to correct this wrong. Please be careful with your decision as it not only affects us but our children.

MTC–00016839

From: Jeremiah Stanley
To: Microsoft ATR
Date: 1/23/02 12:11pm
Subject: Microsoft Settlement

Hash: SHA1

Dear Sir

Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''* * * (c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, * * *''

This affects my job and my hobby. I use Open Source software as a major facet of my work. Microsoft holds all the keys to software interoperating with their software, this makes things very very difficult for those of us who need to write custom solutions to complex problems.

Sincerely,

Jeremiah Stanley

Arvada, CO

MTC–00016840

From: Yuriko Horvath
To: Microsoft ATR
Date: 1/23/02 12:08pm
Subject: Microsoft Settlement

To Whom it May Concern,

I disagree with the proposed Microsoft's antitrust settlement.

By not correcting Microsoft's past and current actions you are allowing them to continue in the future with the safty net of the court's present decision.

Sincerely,

yuriko horvath

MTC–00016841

From: Ross Beyer
To: Microsoft ATR
Date: 1/23/02 12:07pm
Subject: Microsoft Settlement

Hello,

I'm writing to express my opinion of the Proposed Final judgement in the United States v. Microsoft case. I feel that the Proposed Final Judgement is too narrow, if not downright misleading, in it's definitions. An example is the way that it requires Microsoft to release API documentation, but competitors that might wish to make their operating systems compatible with Windows are prohibited from doing so, making the release of the API documentation an empty gesture. This is just one of the many problems with the Proposed Final Judgement, which I believe are proof that the Proposed Final Judgement does not satisfy the Court of Appeals'' Mandate. As such, I feel that the Proposed Final Judgement is not strong enough and should be reconsidered.

Ross Beyer

Tucson, AZ

MTC–00016842

From: Eric Eslinger
To: Microsoft ATR
Date: 1/23/02 12:08pm
Subject: Microsoft Settlement

I feel that the Proposed Final Judgment in the Microsoft Antitrust case will do very little to benefit the people of the United States. The PFJ is essentially a wrist slap that allows Microsoft to continue its predatory business practices.

I feel that the crux of the matter is that third party developers of competing software and ''middleware'' are not protected at all by the PFJ. The definition of API and Middleware are overly narrow, and the actual disclosure is not sufficient.

Microsoft did a Bad Thing, and was found to be in violation of Antitrust laws. The punishment should be uncomfortable for them. Forcing them to completely open and disclose all of their operating system and application APIs would foster much healthier competition. In this market, where Microsoft tends to view bugs and security flaws as publicity problems rather than development problems, this kind of openness and the plugability it would foster would tremendously benefit not only the myriad smaller businesses that would better be able to compete; it would also benefit the end users of Microsoft software.

This is a single point about the PFJ that I feel is problematic. I do have other problems with the PFJ, and if you are interested in hearing more, feel free to contact me at any time.

Eric Eslinger,

Oakland CA

I can see a dream in your dance. I can see tomorrow in your dance! We can call it our hope!

MTC–00016843

From: Jason Smith
To: Microsoft ATR
Date: 1/23/02 12:08pm
Subject: Microsoft Settlement

As an active member of the computer science industry and academia, the Proposed Final Judgement is truly disturbing, and seems to offer no real punishment for a company that *has been found guilty*. The restrictions are vague, and the limitations are minimal (and easily worked around). Please see Dan Kegel's excellent synopsis of comments here <http://www.kegel.com/remedy/letter.html>. Thank you for your time, and please bolster our faith in our judicial system by rejecting this PFJ in favor of one that actually punishes the guilty.

Jason McColm Smith

PhD Candidate

University of North Carolina at Chapel Hill

MTC–00016844

From: Pear
To: Microsoft ATR
Date: 1/23/02 12:08pm
Subject: Microsoft Settlement

Dear Honorable Justices,

Please support the proposed Microsoft Federal Antitrust Settlement as it mitigates the issues that led to this suit, and allows Microsoft to focus on innovation and not litigation. Providing good relations and flexibility with computer makers, uniform pricing, and disclosure of Windows? interface will allow the necessary competition so that a host of products can be unveiled for the benefit of all consumers. The Three-Person Technical Committee will provide the crucial oversight for compliance more effectively than any judicial reorganization.

Using Californian's money to pay for continuing a costly trial is not prudent at this juncture. Please finalize the Microsoft Settlement so that all concerned parties can move forward with the crucial economic issues.

Thank you.

Matt Pear

Mountain View City Council Member and Businessman

MTC–00016845

From: Jeff Bitgood
To: Microsoft ATR
Date: 1/23/02 12:08pm
Subject: Microsoft Settlement

Although these aren't my own words, they sum up my feelings on the settlement so well that I'd like to repeat them here:

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,

Jeff Bitgood

MTC–00016846

From: Andy Poggio
To: Microsoft ATR
Date: 1/23/02 12:09pm
Subject: Microsoft Settlement

The settlement currently proposed in the Microsoft case does not restore competition in the computer industry, will not prevent Microsoft from continuing its illegal practices, and is not in the public interest. It should be rejected and replaced with a plan that will accomplish these objectives.

One such plan is the following: divide Microsoft into six companies. Three of the companies have full rights to Microsoft's operating system intellectual property and three of the companies have full rights to Microsoft's application intellectual property. The three operating system companies will have no choice but to compete with each other on price, capabilities, and innovation; similarly, the three application companies will have to compete. None will have a monopoly in their respective areas.

This plan is no more radical than the ATT breakup and such a plan is the only solution to the current situation with Microsoft.

Andy Poggio

CC:Andy.Poggio@Sun.COM@inetgw

MTC–00016847

From: sstremc@imap2.asu.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 12:09pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am NOT SATISFIED with the proposed settlement in the Microsoft antitrust trial. I will simply provide you with a link to an essay written which can describe the problems identified with the proposed settlement much more thoroughly and eloquently than I could, but are in perfect alignment with my own thoughts on the subject matter at hand. http://www.kegel.com/remedy/remedy2.html

As stated in the essay, the problems are as follows:

''1. The PFJ (proposed final judgment) doesn't take into account Windows-compatible competing operating systems.

2. The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

3. The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

4. The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

5. The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs''—Dan Kegel

Sincerely,

Steven Stremciuc
19728 N. 79th Ave
Glendale, Az 85308
623.572.8422

MTC–00016848

From: JoViKo@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:08pm
Subject: Microsoft Settlement

DOJ-ers,

I am opposed to the proposed settlement in the Microsoft antitrust trial. I would suggest that the officers of Microsoft be forced to personally spend time in community-improvement programs, just like other criminals do. I further suggest that the time spent be commensurate with the scope of the crimes committed. To my mind, this implies that Bill Gates would spend the rest of his life servicing recalcitrant Windows computers at community shelters around the country (and perhaps at the DOJ).

Sincerely,

John Koger

MTC–00016849

From: Dan Zubairi
To: Microsoft ATR
Date: 1/23/02 12:29pm
Subject: Microsoft Settlement

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. As an experienced technical consultant, I would like to point out the following reasons why I do NOT support the proposed settlement:

I. The PFJ doesn't take into account Windows-compatible competing operating systems

A) Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

II. The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

A) The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

B) The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

C) The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET, and subsequent similar products with competing middleware.

D) The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertized as being ''Windows Powered''.

E) The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

F) The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

G) The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

H) The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents or other similar applications.

I) The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users and non-Microsoft developers, and opens the doors to potential future lawsuits against Microsoft competitors.

III. The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

A) Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

B) Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

C) Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux!

(Similar licenses to OEMs were once banned by the 1994 consent decree.)

IV. The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

A) Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems. Modified

implementations of Java and the Kerberos authentication protocol immediately come to mind.

V. The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

A) The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

B) The PFJ allows Microsoft to discriminate against small OEMs— including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

C) The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

VI. The PFJ as currently written appears to lack an effective enforcement mechanism.

Thank you for your time.

Daniel F. Zubairi
President and Chief Architect
SydanTech LLC
7272 Wisconsin Ave, Suite 300
Bethesda, MD 20814
301–530–8590

MTC–00016850

From: Michael Arick
To: Microsoft ATR
Date: 1/23/02 12:09pm
Subject: Microsoft Settlement

To whom it may concern:

I am opposed to the proposed Microsoft Settlement and pursuant to the Tunney Act, I am declaring my feelings now. When I have more time, I will send further e-mails detailing why I feel the settlement is so horrible, but for now, let's just leave it as that I am opposed to it.

Sincerely yours,
Michael Arick

MTC–00016851

From: Richard Sorak
To: Microsoft ATR
Date: 1/23/02 12:09pm
Subject: Microsoft Settlement

Hello microsoft,

I think that the Justice dept's handling of the MS case borders on incompetence. To have only prosecuted MS on the Browser issue is overlooking a whole host of other violations that MS has committed over the years. MS's treatment of OEM computer manufacturers by requiring them to buy a copy of Windows for every PC they sold regardless of wether the purchaser wanted it or not is certainly criminal.

I think that the proposed settlement is entirely inadequate and toothless. MS needs to be punished in some meaningful significant way and not let off with a slap on the wrist.

Take care,
Richard Sorak
mailto:rsorak@midsouth.rr.com

MTC–00016852

From: Paul Lindner
To: Microsoft ATR
Date: 1/23/02 12:06pm
Subject: Microsoft Settlement

Hi,

The proposed Microsoft settlement does not provide an adequate remedy for Microsoft's anti-competitive behavior and flagrant violation of court orders.

The current settlement provides too many loopholes and will quickly gather dust like the other consent decrees issued in the past. I urge you in the strongest possible terms to reject this settlement and seek stronger action against Microsoft.

Paul Lindner lindner@inuus.com

MTC–00016853

From: jaf
To: Microsoft ATR
Date: 1/23/02 12:10pm
Subject: Microsoft%20Settlement

Dear DOJ,

I am against the currently proposed settlement with Microsoft—it has no ''teeth'' and will not keep MIcrosoft from repeating their past abuses (which I believe was the whole point of the anti-trust proceedings). At the very least, it should be modified so that Microsoft's future actions will be subject to strict oversight and timely control should they abuse their monopoly again. Better still, the settlement should promote conditions that reduce the nation's dependence on Microsoft, by promoting interoperability and open standards.

Thank you for your time,
Jeremy Friesner
339 South Catalina Ave #214
Pasadena, CA 91106
jaf@lcsaudio.com

MTC–00016854

From: Josh Oakes
To: Microsoft ATR
Date: 1/23/02 12:12pm
Subject: Microsoft Settlement

To Whom It May Concern-

I would like to express my dis-satisfaction with the proposed Microsoft settlement. In addition to having a number of problems discussed at length in editorials, and the internet (http://www.kegel.com/remedy/remedy2.html), I don't believe that the settlement will work to remedy Microsoft's behavior. Their monopoly power has a stranglehold on the industry and will continue to expanding into other areas, as it is even now as they leverage their weight to dominate other industries and markets. Their monopoly on the desktop OS allows them to leverage that influence to not only extend that monopoly, but to move their technologies into other industries, which they are doing with their X-box, Windows Media Player, their Desktop Applications, and the .Net strategy— all to the detriment of users and competitors, giving Microsoft the upper hand.

Joshua Oakes
915 Pacific Apt B
Morro Bay, Ca 93442

MTC–00016855

From: Betsy Byrd
To: Microsoft ATR
Date: 1/23/02 12:13pm
Subject: Microsoft Settlement

The current proposed settlement (PS) is flawed. Because of many different legal loopholes in the PS, Microsoft will be able to find ways to easily exploit their customers and OEMs to their advantage. Microsoft has already extended, or tried to extend, their monopoly since the start of the trial, such as:

* Microsoft .NET and MS's plans to force everybody to sign for a MS Passport (which has already been proven to be a very insecure system)

* The failed attempt to turn an educational lawsuit into a way to inject their software into yet another market

* Imposing highly-restrictive EULAs and license agreements in XP to try to milk as much money as possible from the end user and businesses, which has already forced other governments (such as the UK and China) to consider other options besides MS software

* Using PR stunts to hide the fact that security was never a major concern of any of their products, and never will be (even though recent developments in Windows XP and Internet Explorer have proven this)

* Starting petty lawsuits to snuff out competition, in the hopes of running them out of money (such as the recent Lindows lawsuit)

* Rigging web polls and writing fake letters (from people already long dead and buried) to influence business and DoJ decisions

The government's intentions in the PS are in good faith, but the language puts too much faith in MS's interpretation of it. Dan Kegel has a great analysis of the flaws found in the PS here: http://www.kegel.com/remedy/remedy2.html In short, I feel that it's the DoJ's duty to revamped the PS and/or return to the drawing board, as its current revision is not enough to stop Microsoft's anti-competitive practices.

Betsy Byrd
Director of Member Relations
Kentucky Restaurant Association

MTC–00016856

From: Brian Street
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 12:06pm
Subject: Microsoft Settlement

I stand against the proposed settlement regarding the Microsoft case. It does not punish the guilty (the tax write offs will exceed their actual cost of delivering software).

It does not provide relief to those they damaged with their practices.

Brian C. Street
8965 Cloverleaf Cir.
Parker, CO 80134

MTC–00016857

From: Jason Nyberg
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 12:11pm
Subject: Microsoft Settlement

I am opposed to the settlement proposed by the US DOJ and nine settling states for several reasons:

A) It lacks an effective enforcement mechanism. Any violation of the settlement by Microsoft would be met with swift... nothing. Only after a long delay and more court time could any violation be addressed. The three-person oversight committee is effectively gagged, disallowing public

knowledge of potential Microsoft wrongdoings.

B) File formats for various Microsoft applications remain secret, disallowing effective interoperability for potential competing software.

C) Microsoft can retaliate against OEMs that provide systems that have been configured with only a non-Microsoft operating system.

D) The settlement contains numerous loopholes that could allow Microsoft to effectively bypass prohibitions on some practices that are intended to be eliminated by the terms of the settlement.

E) The settlement does nothing to deny Microsoft the fruits of the abuse of its monopoly position. Microsoft is a convicted monopolist. The 1995 consent decree against Microsoft was ineffective due to its ineffective enforcement mechanisms, and Microsoft's blatent disregard for its terms. Microsoft has shown that it can, and will, protect its monopoly by stretching and breaking the law.

Jason Nyberg (My views do not necessarily represent the views of my employer.)
8 Plasic Rd.
Merrimack NH 03054
jnyberg@gothamnetworks.com

MTC–00016858

From: Brian L. Feathers
To: Microsoft ATR
Date: 1/23/02 12:11pm
Subject: Microsoft Settlement

To the legal representatives for the United States public, I would like to have it publicly noted that I am personally dissatisfied with the proposed settlements issued for the case of Microsoft(TM) vs. the United States. The proposals issued would not only allow Microsoft(TM) to continue its current practices, but would also allow further ''misguided'' interpretations of the restrictions that result in further exploitations by the Microsoft(TM) Corporation. As such, the proposed penalties do not appear to coincide with the best interests of the American public. I would like to thank you in advance for considering my opinion in this matter.

Respectfully,
Brian L. Feathers

MTC–00016859

From: Greg Recine
To: Microsoft ATR
Date: 1/23/02 12:12pm
Subject: Microsoft Settlement

Dear Sir/Madam:

I disagree with the proposed DOJ settlement with Microsoft. The settlement does not do enough to address the unfair business practices engaged in my Microsoft, an as a result, is bad for the computer community (manufacturers, programmers, users, etc.) in general.

Thank you for your time.
Gregory Recine
Lyndhurst, NJ
grecine@stevens-tech.edu

MTC–00016860

From: Steve Cox
To: Microsoft ATR
Date: 1/23/02 12:11pm
Subject: Microsoft Settlement

Regarding the porposed Microsoft Anti-trust settlement:

This settlement is a joke. It does nothing to stop their behavior. The Justice Dept. needs to go for a punishment that is a real punishment, and not a slap on the wrist.

Such as:

a.. Break them up

b.. force them to Open Source their code

c.. force them to document ALL Windows API's

d.. fine them and donate then money to Open Source projects

Please do not let them off so lightly. They have cost this country billions with their bug-infested, virus-friendly shoddy software.

Thank you
Steve Cox
241 West Summer Street
Greeneville, TN 37743

MTC–00016861

From: jhosage@virtc.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:12pm
Subject: Microsoft Settlement: Opposed

To whom it may concern:

I am opposed to the Microsoft settlement as I don't feel that it addresses the problem of Microsoft being a monopoly. If they are allowed to provide their software to the schools as part of the settlement, it only furthers their strangle hold on the market.

I support Redhat's offer to provide the software and have Microsoft provide the hardware.

Any settlement should seperate the offering of the operating system from the applications. All of the API's to in the operating system should be public knowledge, at the same time that they are available to the Microsoft application people. Vendors should not be required to bundle any software with the operating system.

Thanks you,
John Hosage

MTC–00016862

From: Ford Prefect
To: Microsoft ATR
Date: 1/23/02 12:07pm
Subject: Microsoft Settlement

The Proposed Final Judgment allows many exclusionary practices to continue, and does not take any direct measures to reduce the Applications Barrier to Entry faced by new entrants to the market.

The PFJ as currently written appears to lack an effective enforcement mechanism. It does provide for the creation of a Technical Committee with investigative powers, but appears to leave all actual enforcement to the legal system.

The definitions of various terms in Part VI of the PFJ differ from the definitions in the Findings of Fact and in common usage, apparantly to Microsoft's benefit.

For these and many other reasons, the judgement appears slanted sharply in Microsoft's favor, and is an unacceptable remedy to the company's past abuses. In fact, the computing industry as a whole is rallying against this proposed judgement, just take a look at the Computer & Communicaions Industry Assoc. website: http://www.ccianet.org/papers/ms/sellout.php3

The PFJ suffers from a serious problem of ineffectiveness. And even its limited provisions (API disclosure, icon removal, etc.) rely exclusively on OEMs to provide a competitive alternative to Windows.

gene
Gene Merrill
Portland, OR
503.450.5722

MTC–00016863

From: Aubrey Alexander
To: Microsoft ATR
Date: 1/23/02 12:20pm
Subject: Microsoft Settlement

To whom it may concern:

Microsoft is a very important company and a lot of other companies rely on them. They definitely should not be able to stifle business, but realize a lot of businesses count on Microsoft to be able to do their own business. Hopefully there is a middle of the road that keeps Microsoft doing what they do good and stops them from what they do bad. Thank you for your valuable time,

Aubrey S. Alexander
Orr's Island, Maine 04066

MTC–00016864

From: Randy Ward
To: Microsoft ATR
Date: 1/23/02 12:40pm
Subject: Microsoft Settlement

I don't think the proposed microsoft settlement will accomplish anything towards curbing Microsoft's antitrust powers.

MTC–00016865

From: markbisaha@mac.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:11pm
Subject: Microsoft Settlement

Ladies and Gentlemen:

I've been a computing professional for over 15 years. It is my considered opinion that the proposed settlement with Microsoft is inadequate. It will not restore competition to the market, nor will it curb Microsoft's agressive tendencies.

Kind regards,
Mark Bisaha

MTC–00016866

From: Gray, Tim
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 12:12pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am against the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully address the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past antitrust activities.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or address their previous abuses. They only prohibit the future repetition of those abuses.

This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake many of the states have offered a revised settlement that addresses many of the problems in this original settlement and therefore this settlement must be rejected.

Sincerely,
Timothy D. Gray
3044 Westland Drive
Rosevelt Park, MI 49441

MTC–00016867

From: John Kindt
To: Microsoft ATR
Date: 1/23/02 12:15pm
Subject: Microsoft Settlement

Doj,

The proposed settlement with Microsoft is flawed in many ways. I find that microsoft routinely removes compatibility with other companies'' software from theirs, making it nearly impossible to use files and programs from other systems. Microsoft should be split into an operating systems company and a software company.

John Kindt
Systems
The Tennessean
1100 Broadway
Nashville, TN 37203
615–664–2187
jkindt@tennessean.com
www.tennessean.com

MTC–00016868

From: mike B
To: Microsoft ATR
Date: 1/23/02 12:13pm
Subject: Microsoft Settlement

I am a System Administrator in California. I work on Windows and Solaris servers.

It is my opinion that the antitrust settlement has some fine points in it but does not provide for adequate regulation or penalties for violations. This settlement will NOT prevent Microsoft from further participating in anti-competitive actions. This settlement does NOT provide for adequate punishments for past anti-competitive actions.

Michael Billups
System Administrator
Agoura Hills Ca

MTC–00016869

From: Eric Gold
To: Microsoft ATR
Date: 1/23/02 12:13pm
Subject: Microsoft Settlement

The proposed settlement is a political cop-out. I am against it.

Eric Gold MD
Albuquerque, NM
University of New Mexico

MTC–00016870

From: Andrew Bond
To: Microsoft ATR
Date: 1/23/02 12:13pm
Subject: Microsoft Settlement

The settlement sucks!

Andrew H. Bond
ahb@cisco.com
OMU
p: 707–285–5843
cisco Systems, Inc.
f: 707–285–5340

MTC–00016871

From: Stephen Bishop
To: Microsoft ATR
Date: 1/23/02 12:13pm
Subject: Microsoft Settlement

To whom it may concern:

My name is Stephen Bishop, and I am a senior in Computer Engineering at the University of Oklahoma. I am writing to express my dissatisfaction with the proposed Microsoft Settlement. I hope to point out the problems I see in this proposed settlement, and offer my own thoughts as to a possible satisfactory resolution.

(Problem 1) Availabilty of alternative OS

I am currently in the market for a new laptop computer, based on the x86 architecture. I use the GNU/Linux operating system almost exlcusively. Also, because of my concerns about Windows XP's Product Activation feature, I refuse to use it. However, there are no vendors in the US that offer laptop to non-corporate customers without a Windows OS. And it only 1 vendor (IBM) will allow individual sales of anything other than Windows XP. So essentially, I am being forced to pay for a Microsoft product I will never use.

Since the proposed remedy must make requirements upon Microsoft, not independent OEMs, I can see only one satisfactory solution: Microsoft must be willing (and provide a convinient means) to accept returns-for-refund of unused software, particulary when the user will not accept the license terms or refuses to ''active'' their product. Currently, attempts to return unused software are either redirected to the OEM, or threatened with software license audits.

(Problem 2) Corporate Licensing

Microsoft Licensing version 6.0 has caused a great deal of concern among corporate clients (http://www.cio.com/archive/011502/meter—content.html). A satisfactory rememdy must require Microsoft to offer a variety of license choices to corporate customers, including ones that allow the customer to set the upgrade pace. Remedies that allow Microsoft to require that customers always adopt the newest software version are completely unacceptable.

Possible Solution:

I am not a lawyer, simply an engineer, so this may not be feasible. Microsoft was granted a copyright for their products ''to promote the Progress of Science and useful Arts.'' It could be argued that by using their copyrights in an illegal manner (maintence and extenstion of a monopoly), that Microsoft's patents are no longer enforceable. This punishment could be applied only to those software products which Microsoft had used in an illegal fashion. Following this approach would level the playing field for competitors, and require no long-term oversight by the government. Additional steps could be proposed (such as the open release of future Windows APIs), but I will reserve comment on them. I am certain that case law exists to support the revocation of copyrights for their use in illegal acts, so it might not be necessary to argue the case on constitutional grounds.

I hope you will consider my comments, and revise the proposed remedy to address the issues I have raised. I will be available at this email address, and would be very willing to further discuss the proposed settlement.

Regards,
—Stephen Bishop

MTC–00016872

From: Ben Eavey
To: Microsoft ATR
Date: 1/23/02 12:12pm
Subject: Microsoft Settlement

My response: NO.

I'm adding my voice to the thousands of people who KNOW that the proposed Microsoft settlement is a bad idea. The settlement does NOT prohibit Microsoft from continuing its anti-competitive practices, and in fact it may actually HELP them to further dominate and control the industry, to the detriment of the general public.

The settlement does not punish Microsoft in any way for past offenses! It simply attempts to prohibit them from abusing their monopoly further in the future. The problem is that the language of the settlement doesn't actually prohibit them from doing anything! With a few simple changes to their licensing policies, and a few minor adjustments to their operating system, they will easily outmaneuver anything laid out here.

How can a company commit illegal acts, benefit greatly both financially and in market-share, and then not be punished for those actions? Break the law, and then be told, ''well, just don't do it again?'' Ridiculous.

It appears that the court is simply agreeing to a settlement to make the whole thing go away. The settlement is unfair, unjust, and does not accomplish ANYTHING as far as controlling an anti-competitive, illegal monopoly. A settlement that is unjust is simply compounding the wrong that brought Microsoft here in the first place.

I believe this settlement is counter to the interests of the American public, deleterious to the American economy, and not adequate given the findings of fact in the trial.

Sincerely,
Benjamin Eavey
Kentwood, MI

MTC–00016873

From: Jason Duvel
To: Microsoft ATR
Date: 1/23/02 12:13pm
Subject: Microsoft Settlement

To Whom it may concern,:

I am writing to give my comments on the Microsoft antitrust settlement. I believe this settlement is counter to the interests of the American public, deleterious to the

American economy, and not adequate given the findings of fact in the trial.

Microsoft's anti-competitive practices are counter to the law and spirit of our free enterprise system. These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation.

Microsoft's monopolistic practices cause the public to bear increased costs and deny them the products of the innovation which would otherwise be stimulated through competition.

The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future.

It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function.

Thank you for your time, and please give this issue the time and thought it requires beyond ''we must settle soon.'' As the clich goes—''haste makes waste'' and it'd be a waste of the taxpayers dollars. Thanks.

Jason Duvel
13490 County Rd 7160
Rolla, Mo. 65401
shadow@rollanet.org or duvel@umr.edu

MTC–00016874

From: Gregory A. Kirkendall
To: Microsoft ATR
Date: 1/23/02 12:13pm
Subject: Microsoft Settlement

Dear Sir/Madam:

I am writing to give my comments on the Microsoft antitrust settlement. I believe this settlement is counter to the interests of the American public, deleterious to the American economy, and not adequate given the findings of fact in the trial.

Microsoft's anti-competitive practices are counter to the law and spirit of our free-enterprise system. These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation.

Microsoft's monopolistic practices cause the public to bear increased costs and deny them the products of the innovation which would otherwise be stimulated through competition.

The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future.

It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function.

Gregory Kirkendall

MTC–00016875

From: Jon Abbey
To: Microsoft ATR
Date: 1/23/02 12:13pm
Subject: Comments on Microsoft settlement

To whom it may concern,

I am a computer professional who has worked in the industry for a decade, and who has closely observed Microsoft's practices in the industry since the early 1980's. I am writing to request that the settlement proposed by the DOJ, Microsoft, and the consenting states be rejected as inadequate to the damage done by Microsoft. Microsoft has been so successful in driving out all competition from the market through the power of their control over the PC platform that in many cases the only viable remaining sources of competing innovation has come from so-called free software. Free software, or Open Source, refers to software products like Linux or Apache or Mozilla, or FreeBSD, in which a global community of developers contribute their time and energy to sustaining software projects as a resource to the public.

It is unacceptable, therefore, that the proposed settlement stipulates that Microsoft be obliged to share details of their secret data formats and networking protocols only to those commercial interests that Microsoft deems worthy to receive that information. Such language in the proposed settlement is designed entirely to shield Microsoft from the volunteer workers who can not be bought or put out of business by Microsoft's huge cash reserves and industry leverage.

It is likewise unacceptable that Microsoft be given the ability to withhold any protocol information that might be related to their security mechanisms. It is, of course, true that information that could lead to the compromise of access controls on computer systems running Microsoft software would be damaging to Microsoft and the public. It is not true, however, that any revelation of protocols will have this result. Every web browser that supports encrypted communication with a web server does so through an open, industry standard protocol known as TLS. TLS is an extraordinarily well documented standard, and there are scores of individual programs on many different computer and operating systems that work with TLS. This does not in any way negatively impact the security of the TLS protocol. A security protocol is not secure because it is secret, it is secure because the mathematics of the system make it vastly impractical that anyone could muster enough computer power to decrypt a given communications stream.

Microsoft should be required to document their networking protocols in full, so that others, both commercial interests and volunteer developers, can create products to fully interoperate in a compatible fashion with Microsoft systems.

At the very least, independent technical experts not under Microsoft's pay or control should be consulted so that these two loopholes in the proposed settlement may be properly closed.

Thank you,
Jonathan Abbey
—Jonathan Abbey—
jonabbey@burrow.org—Austin, TX

MTC–00016877

From: mike@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 12:13pm
Subject: Microsoft Settlement

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement.

The settlement is flawed. It has too many loopholes and is overall too lax. Microsoft is the kind of company that will take advantage of that. I fully agree with Dan Kegel's analysis at http://www.kegel.com/remedy/remedy2.html

Thank you,

MTC–00016878

From: robertr@pobox.mot.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:13pm
Subject: Microsoft Settlement

I have been using computers for about 16 years now, having started on the Commodore line of computers. I have actively watched the computer industry over the years and have seen Microsoft turn into the most predatory and dominant company in the computer industry. I have read the proposed settlement and it does nothing to prevent their predatory and illegal actions nor to penalize them for illegal actions past. I strongly urge that this proposal be rejected and tougher restrictions and penalities for past illegal activies be drafted into a new agreement. Again, I am against this settlement.

Sincerely,
Rob Rati
2540 Crooked Creek Rd, Apt 202
Schaumburg, IL. 60173

MTC–00016879

From: Doug Gibbs
To: Microsoft ATR
Date: 1/23/02 12:14pm
Subject: Microsoft Settlement

Hello,

I would like to comment on the DOJ settlement with Microsoft. I am a software developer and manager. I am writing to say the judgment against Microsoft needs to be strictly enforced, and to punish the company for their past monopolistic acts.

The proposed final judgment allows Microsoft to continue to keep competing operating systems from being sold by OEMs. The specific practice of modifying the computers boot sector when installing all Microsoft operating system makes building a dual boot system very difficult. The Microsoft product will hide the location of other operating systems, like Linux, when the Microsoft operating system is installed.

This is the equivalent of saying, if you use our product, you can use no other. Please be fair and rule for true competition in the future.

Thanks,
Doug Gibbs
SpectraLink

MTC–00016880

From: Kimura Kalidor
To: Microsoft ATR
Date: 1/23/02 12:13pm
Subject: Microsoft Settlement

First I'd like to state who I am. My name is Krisztian Szabo, a resident of Lewis Center, Ohio. I am not a Microsoft zealot, if anything I advocate open source such as linux. My server infact runs linux as a safegaurd for the

web services and against microsoft virii. For the past four years I have been working at General Electric Lighting and General Electric Superabraisives as a Network Specilist and assistant to the previous CIO.

I write here in responce of this website : http://www.codeweavers.com/jwhite/tunney.html and many like it produced by Linux zealots, who, sad to say see the entire case as an episode of Star Wars rather then cold hard facts. Microsoft is not a big ruthless empire, it is a business that makes decent to semi-decent software, but more then this, it has been for the past 20–25 years a standard for the computer industry. Already the ramifications of this trial have been felt. Computer manufacturers have dropped the ''Made for Windows XXXX'' logo, and hardware has started becoming incompatible and expensive as it was in the seventies and even in the early eighties.

Many believe Microsoft is infringing on the rights of other companies by bundling their software with windows. First a majority of the companies that have files complaints make substandard software, and second most of them offer it for free. Case and point is Netscape. I have not know anyone who was only allowed to buy a copy of Netscape and didn't download it claiming they were an educational institution. However many people have expressed these veiws, our senators and representatives, didn't even bother to respond or listen. I am sorry to say even Sen. Voinavich whom I have known since I was in highschool turned a deaf ear.

While my fath in US judicial system had been very weak, especially with the decision of the Microsoft Case, it should have been dismissed, or at least heard by someone who understands modern day technology, of which there is no one presently in the supreme court. I still implore you to use the current settlement. It is the best way of keeping the computer industry from stagnating, it may infact fix the damage done to the economy. In addition it keeps the standards that most computers are built on, and reinforces the idea that Microsoft isn't the only company, the standards it has set on the hardware industry should not be thrown out.

Thank you very much for your time,
Krisztian Szabo
Handle: Kimura Kalidor
Address: 2770 Big Sur Drive
Lewis Center Ohio 43035

MTC–00016881

From: Randy Jenkins
To: Microsoft ATR
Date: 1/23/02 12:15pm
Subject: Microsoft Settlement

Please, carefully review this final judgement against Microsoft. I believe the wording of the document leaves sufficient loop holes and gray areas that it would allow Microsoft to continue its practices of market domination that have cost so many other companies their solvency.

I am a computer professional with over 20 years experience in the field of Information Technology. I believe that if the same barriers to the space program existed as those Microsoft has imposed upon I.T., we never would have learned to fly, much less put a man on the moon.

Randy Jenkins
St. Peters, MO

MTC–00016882

From: steve@easystreet.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:14pm
Subject: Microsoft Settlement

The proposed settlement with Microsoft is an extraordinarily bad idea. Microsoft has reached a very dominant and monopolistic position in the computer software field and, much like the old Bell system, must be controlled somehow. They are choking the life out of computer software innovators. Besides this, they use illegal business practices to do it. I believe strongly in capitalism, but there are certain monopolistic situations where the gorvernment must step in and control.

—Dr Steve Otto

MTC–00016883

From: Bob Pendleton
To: Microsoft ATR
Date: 1/23/02 12:14pm
Subject: Microsoft Settlement

I oppose the proposed Microsoft Settlement.

I have read the proposed settlement agreement and I see nothing in it that will actually reverse Microsoft's predatory actions or open the market to non-Microsoft products. I am particularly worried about the way they have chosen to allow businesses limited access to the actual specifications of Windows. That part of the agreement gives a small number of businesses access to the true specifications, but it BARS access to the same specifications by individuals and groups involved in nonprofit activities.

I believe that the only correct course of action is to break Microsoft up into several different companies and to declare the specification of Windows to be an essential facility. Since it is unlikely that Microsoft will be broken up then the specification of all Windows APIs must be declared an essential facility, fully documented and fully disclosed.

With the specifications posted on a public web site with paper copies sent to anyone who requests them. And, Microsoft MUST be required to fully publish changes to the APIs at least 6 months in advance of the release of any products that use or provide those APIs. This would give competitors a chance to take advantage of those APIs to compete with Microsoft.

Bob Pendleton
2410 Sparrow Drive
Round Rock, Texas 78681
Independent developer
Owner of Gameprogrammer.com

MTC–00016884

From: Swan, Brian
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 12:09pm
Subject: Microsoft Settlement

The Microsoft settlement is a bad idea. After the settlement was announced they continued about their old ways.

Brian R. Swan
ThruPoint, Inc.

MTC–00016885

From: Robert Burcham
To: Microsoft ATR
Date: 1/23/02 12:15pm
Subject: Microsoft Settlement

The ''settlement'' is terrible. MS is a monopoly, has been found to have violated federal law, and should be PUNISHED. The ''settlement'' does not amount to punishment, and in fact appears to be more of a business dealing between two partners, rather than a resolution to a criminal proceeding.

It is shameful that this company is allowed to buy it's way out of everything. It is shameful that this monopoly has struck a deal to advertise its wares in United States Post Office storefronts.

Robert Burcham
Kansas City, MO

MTC–00016886

From: james douglass
To: Microsoft ATR
Date: 1/23/02 12:15pm
Subject: Microsoft Settlement
To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement.

I agree with Apple Computer CEO Steve Jobs. ''We think a far better settlement is for Microsoft to give their proposed $1 billion—in cash—to an independent foundation, which will provide our most needy schools with the computer technology of their choice,'' Jobs said in the statement. source of quotation : http://news.com.com/2100–1040–276722.html?legacy=cnet&tag=tp—pr

Sincerely,
James Douglass, Center Conway, New Hampshire; Concerned Citizen

MTC–00016887

From: Lawrence Gohar
To: Microsoft ATR
Date: 1/23/02 12:15pm
Subject: Microsoft Settlement

To whom it may concern,

As a server engineer, I am constantly faced with the undue burden that Microsoft places on my IT department. According to the terms of their varied licensing agreements, it is difficult, if not impossible in some cases, to be able to perform my professional duties. Although I am not well versed in law, I would like to point out some examples of how their anti-competitive business practices hurt the IT industry, and the population at large:

1) When negotiating with Hardware Vendors, it is often difficult to purchase a server or desktop running a competing operating system. Although I could purchase, for example, a high end server from Sun, in many cases it would make financial sense to purchase a less expensive Intel-based machine with an alternative OS preinstalled on it, or a ''blank'' machine which I could then install upon the OS of my choice. Since

MS leverages its monopoly power against hardware vendors, I usually have to pay for a license of Windows that I will never use.

2) In cases where it is deemed necessary to utilize a Microsoft operating system or product (for example Microsoft Exchange), IT professionals, are forced to also use Microsoft Outlook, which invariably means that they are also forced to use Microsoft Windows if they choose to use the Intel platform.

3) As a result of Microsoft's lack of attention to the stability and security of their products, an inordinate amount of time (therfore money) is spent patching and repairing their products to minimize downtime and to recover from catastrophic failures, viruses, and unauthorized entry into systems that the IT department is ultimately responsible for. While constant vigilance is required of any IT department regarding the maintenance of any software or hardware product, Microsoft's monopoly in this arena allows them the lattitude to be negligent without fear of reprisal from their customers.

4) As a result of Microsoft's monopoly, end users cannot easily mix and match technologies to suit their particular needs. This is especially infuriating when one considers that many people are dissatisfied with the quality of their products and services, but have no choice but to continue using them, due to the fact that their standards prevent people from taking their existing work and moving it to another system. Microsoft Office is an excellent example of this, where I cannot easily use a Word document with a different word processing package, because much of the work I had already done would need to be re-created. As a hypothetical situation, consider the scenario where Ford or General Motors created cars that crashed frequently or were overly easy to steal due to design faults; they would suffer because the car buying public would simply switch to a competitor. The public would be satisfied in this case because their transportation needs would be met, without being forced to still contribute to the offending company. In other words, if we are dissatisfied with Ford, we could buy a GM without having to buy Ford gas, Ford oil, Ford air-fresheners, etc. Free competition would guarantee that any company would ultimately be responsible to ensure that it produces a quality product with the satisfaction of the end user in mind.

5) Upon inspection, the prescribed remdies are too narrow in their focus to prevent this sort of behavior in the future. For example, many of the remedies are in regard to Microsoft software as it is applied to Intel hardware, however it is painfully obvious that they have many interests outside of the Intel marketplace, to which the remedies would not apply. Microsoft could just as easily switch their focus to, let's say, Apple and abandon the Intel platform. Because so many people are dependant on their software, they would have little choice but to follow them and be subjected to the same behavior that they currently employ. Ultimately, anyone who chooses to create a competing product revolving around the Intel platform would find themselves with very few customers. Organizations would find that they now have the added burden of throwing out their existing hardware for which they will get no return on investment, and be forced to spend additional money to switch to Microsoft's hardware vendor of choice. In closing, I realize that I'm stating the obvious, which countless others have noted before me. However, if my two cents worth can contribute to a positive outcome in this matter, I'll sleep better at night knowing that I still have freedom of choice.

Sincerely,
Lawrence Gohar

MTC–00016888

From: Scott Ames
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 12:10pm
Subject: Microsoft Settlement

The settlement proposal is unsatisfactory. I don't have time to point out the problems—I'm quite sure others have already done so. I realize it's difficult to do anything more than slap them on the wrist and say ''Bad giant megacorporation! Bad!''—but something else really needs to be done. Our entire economy is going down the toilet. You could probably pay for a whole lot of sorely-needed public education out of Microsoft's nearly bottomless coffers. Nothing you can do to them will hurt them - they're like an oil company, only they don't have a non-renewable resource. They have software, which can be copied. Over, and over. And sold for $100 a box. Takes a lot of oil to make $100, and look at how powerful the oil companies are.

They won't learn from this. Hit them hard enough that they remember that they can't just hide behind a staff of well paid lawyers and continue to operate their ''software mafia'' without being much more careful.

(When was the last time they were looked over by the IRS..?)

MTC–00016889

From: kapa@ingres.ws@inetgw
To: Microsoft ATR
Date: 1/23/02 12:15pm
Subject: Microsoft Settlement

Hello,

I would like to make a commentary on the Microsoft settlement as is my right under the Tunney Act.

The current settlement is a bad idea and not nearly hash enough.

Thank You,
Kenneth Apa

MTC–00016890

From: R. Jeff Garcia
To: Microsoft ATR
Date: 1/23/02 12:14pm
Subject: Microsoft Settlement

The proposed settlement is a very bad idea. I have not recently heard of such a bad deal. Your department must hide in shame that you would agree to such a lopsided agreement. If you want specific points, then here are my objections:

1) Punishing a monopoly abuser by helping them extend that monopoly into schools is dumb. This is hardly a punishment, and that is painfully obvious.

2) Opening up Microsoft to competition is not well addressed by this agreement. To really open them up to competition, make them publish all of their windows APIs or force them to abide by decided upon standards.

Regards,
Jeff Garcia

MTC–00016891

From: Gael Marshall Chaney
To: Microsoft ATR
Date: 1/23/02 11:52am
Subject: Microsoft Settlement

Dear Sir or Madam:

I oppose the Microsoft settlement because it contains no enforcement mechanism and it allows Microsoft to continue some of its anticompetitive, retaliatory practices. Especially repugnant is the way it allows retaliatory practices against small original equipment manufacturers. Also, it does not address the problem of the anti-competitive way Microsoft sells its Microsoft Office software. I especially have a problem with Word. I use Corel WordPerfect because it is a much better product, but Microsoft has a near monopoly on the market by making Word and Excel documents incompatible with other word processor programs. There also may be behind-the-scene practices that I'm not aware of, but people in the Justice Department ought to be.

Thank you very much.
Gael Marshall Chaney
55 General Longstreet Court
Martinsville, VA 24112
gmchaney@alumni.duke.edu
276–638–3542

MTC–00016892

From: Russell Beattie
To: Microsoft ATR
Date: 1/23/02 12:12pm
Subject: Microsoft Settlement

I work in the IT industry and feel that the proposed Final Judgement in US vs. Microsoft does not punish the company enough for its monopolistic practices and the remedies proposed do not restore competition. It is my opinion that since any punishment given will need to be enforced and it has been shown in the past that typical methods of enforcement have not worked with Microsoft, that it is clear to me that an irrevocable and unavoidable punishment should be given: All Windows, middleware and browser source code should be released to the public and Microsoft should forfeit all copyrights and patents to this code. They can then compete fairly with any other company in improving this code in the future.

Thanks,
- Russell Beattie
11116 Vinevale St.
Garden Grove, CA 92841
415–820–7700
russ@russellbeattie.com

MTC–00016893

From: Seon Lee
To: Microsoft ATR
Date: 1/23/02 12:16pm
Subject: Microsoft Settlement, comments from a US Citizen

Dear Sirs,

The current Proposed Final Judgment is insufficient in thwarting or preventing the unfettered monopoly practices of Microsoft. In its current state it still allows for many exclusionary practices to continue.

- The PFJ doesn't take into account Windows-compatible competing operating systems
- The PFJ Contains Misleading and Overly Narrow Definitions and Provisions
- The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft
- The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft
- The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs
- The PFJ as currently written appears to lack an effective enforcement mechanism.

Please reconsider the PFJ in its current state.

Seon Lee

MTC–00016894

From: Randy Overbeck
To: Microsoft ATR
Date: 1/23/02 12:16pm
Subject: Microsoft Settlement

I believe the Microsoft Settlement is a bad idea. One idea that stands out in my mind is that there is no proposed monetary amount that Microsoft is being fined. They were found guilt of a Monopoly in operating systems market and guilty of overpricing their operating system which I think should translate into a hefty (it must exceed the amount of overpricing X number of units sold as to convince them not to continue the practice in the future.)

Thank you for your time and attention
Charles R Overbeck
548 Firloch Ave, Unit #2
Sunnyvale, CA 94086
(I am a US Citizen).
Charles R Overbeck,
charlesoverbeck@mac.com

''One's mind, once stretched by a new idea, never regains its original dimensions.''—Oliver Wendell Holmes

MTC–00016895

From: jdmc2@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 12:16pm
Subject: Microsoft Settlement—bad idea.

The microsoft settlement is clearly a bad idea. I could rant for hours, but won't, as many others already have. Suffice to say, it does not serve its purpose.

James.

MTC–00016896

From: Josh Buermann
To: Microsoft ATR
Date: 1/23/02 12:14pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am writing in regards to the Tunney Act public comment period on the proposed Microsoft antitrust settlement. I am a US citizen and an IT professional.

If any true innovation is to occur in the existing market policies must be enacted to foster interoperability through open formats, protocols, and standards. Microsoft stands now as it as stood in the past, in the way of any such possibilities. I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Respectfully,
Josh Buermann
Northwestern University: ISP, English (fprefect@isp.nwu.edu—http://www.isp.nwu.edu/fprefect/)
University of Chicago—ARTFL Program (buermann@origin.uchicago.edu—http://origin.uchicago.edu/buermann/)

MTC–00016897

From: Paul Ramsey
To: Microsoft ATR
Date: 1/23/02 12:15pm
Subject: Microsoft Settlement

Dear Ms. Hesse:

I do not agree with the current settlement proposed for the MicroSoft antitrust case. MicroSoft was found to have been a monopoly and to have abused its monopoly power by the trail judge. The root of MicroSoft's monopoly power is its control over the desktop programming instructions within its Windows operating systems. Any settlement which allows MicroSoft to retain control of the desktop programming marketplace (via the Windows APIs) will not remedy the fundamental ability of MicroSoft to abuse its monopoly.

Thank you,
Paul Ramsey
pramsey@refractions.net
(250) 885–0632

MTC–00016898

From:
jason.a2.greene@mail.sprint.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:16pm
Subject: Microsoft Settlement

Do not accept this settlement. If Microsoft has agreed to it the is can't be good for the people. A punishment should be just what it says...a punishment.

Microsoft will continue to dominate the Operating System market and not allow competition to develop and grow. Microsoft has already file lawsuits against the Operating manufacturer Lindows, which is Linux based and will directly compete with Microsoft in the operating system market.

The punishment imposed on Microsoft should significantly change the company in a manner that will not allow them to continue to operate in their current capacity.

This settlement does not impose that type of punishment.

Sincerely,
Jason Greene
Kansas City, KS
913–461–5221

MTC–00016899

From: Will Secrest
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 12:20pm
Subject: Microsoft Settlement

it sucks big
Will Secrest
Development Manager—IS Projects
Intercall
''Your First Choice for Voice and Internet Conferencing''
Desk: (404) 720–2617
Cell: (678) 557–7798
Office Email: wsecrest@intercall.com
Mobile Email: wsecrest@voicestream.net

Quote of the moment: ''using windows as a server platform is like using a yugo to deliver pizzas on the autobahn—it'll work, but...''

MTC–00016900

From: Adam Bovill
To: Microsoft ATR
Date: 1/23/02 12:14pm
Subject: Microsoft Settlement

Dear Sir or Madam;

I am just writing to let you know that I, as a taxpayer/voter/citizen, feel that the settlement with Microsoft does not go far enough in limiting Microsoft's actions. I feel that they have taken advantage of their position as the controling producer of operating systems with the sole purpose of making money. They have an unfair advantage and use that to control other markets. I personally think that they should be required to provide any and all information needed for a competitor to write software that can function in their operating system. Office applications are a prime example of this. Competing developers did not have enough information about the operating system to be able to create products that ran as smoothly or were integrated at tightly with the OS as M$ did.

Adam Bovill
Charlotte, VT 05445

MTC–00016901

From: Geoff Butterfield
To: Microsoft ATR
Date: 1/23/02 12:16pm
Subject: microsoft has acted selfishly

Microsoft should not be allowed to simply buy or walk away from the anti-trust action.

Thank you,
Geoff Butterfield

MTC–00016902

From: Matthew Manor
To: Microsoft ATR
Date: 1/23/02 12:16pm
Subject: Microsoft Settlement

I think this settlement is an absolute travesty. After finding a company guilty of so many things, and then developing a

settlement that does not fit the findings of fact, is a complete injustice. Please reconsider.

-Matthew Manor

MTC–00016903

From: Greg Copeland
To: Microsoft ATR
Date: 1/23/02 12:16pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am greatly opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current settlement on the table does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize and perpetuate the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions. Most importantly, the proposed settlement does nothing to correct Microsoft's previous actions. Actions, I might add, which have repeatedly shown Microsoft does not acknowledge the authority and has no respect for the courts. There are no provisions that correct or redress their previous and willful abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general. While the Court's desire that a settlement be reached is well-intentioned, it is simply wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Please, I respectfully demand satisfaction be delivered and justice be served. Please allow competition by standing behind the American way of life. Force them to compete and innovate in the market place. Hold them accountable to the highest degree allowed for by law. Only then will justice and the American people of been properly served and protected by the courts.

Sincerely,
Greg Copeland

MTC–00016904

From: Jeff Avila
To: Microsoft ATR
Date: 1/23/02 12:18pm
Subject: Microsoft Settlement

Dear Sirs,

I cannot endorse the current settlement proposal. Contrary to what knee-jerk antiregulatory business commentators might tell you, Microsoft has a history, detailed exhaustively, of preferring to manipulate markets and consumer options to stifle competition rather than appealing to consumers with better products. They must be deprived of the use of a operating system —distribution— monopoly to ensure competition.

Thank You for your time.
Jeff Avila
Systems Analyst
San Diego Supercomputer Center
University of California, San Diego

MTC–00016905

From: Tim Tate
To: Microsoft ATR
Date: 1/23/02 12:20pm
Subject: Microsoft Settlement

Dear Sirs:

I am writing to give my comments on the Microsoft antitrust settlement.

I believe this settlement is counter to the interests of the American public, deleterious to the American economy, and not adequate given the findings of fact in the trial.

Microsoft's anti-competitive practices are counter to the law and spirit of our free-enterprise system. These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation.

Microsoft's monopolistic practices cause the public to bear increased costs and deny them the products of the innovation which would otherwise be stimulated through competition.

The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future.

It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function.

Tim Tate

MTC–00016906

From: Rebecca
To: Microsoft ATR
Date: 1/23/02 12:17pm
Subject: Microsoft Settlement concerns

To whom it may concern,

I am a citizen and a voter in this great nation. Additionally, I am an avid computer user. I am gravely concerned about the status of the Microsoft Settlement.

Microsoft Corporation, as shown by he courts, holds an unfair and illegal monopoly. The company pursues business practices that are in antithesis to the competitive spirit of American business. Their business practices, contrary to anything their Public Relations office may say, stifle innovation. Microsoft has successfully foisted upon computer users an operating system that is insecure and unstable. Businesses that dare speak out against their shady business dealings soon find that they are declaring bankruptcy.

The settlement as proposed has no teeth. It is in essence a slap on the wrist. Furthermore there are no concrete provisions for enforcement. As the settlement stands now, an internal compliance officer will be hired. I don't think it takes a psychic to see how effective that would be. If I as a private citizen broke the law, the court would not assign my uncle as the probation officer.

I am opposed to the current settlement. My tax dollars funded the prosecution of the antitrust case, and to see such a paltry settlement angers me greatly. I urge you to rethink the settlement.

Sincerely,
Rebecca Cordova
511 Broadway
Santa Cruz, CA 95060

MTC–00016907

From: Joe Nebel
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 12:20pm
Subject: Microsoft Settlement

Hello,

I am strongly opposed to the current Microsoft settlement.

In the past, Microsoft has used its power of monopoly to extend & embrace new technologies. This is not my opinion, its a finding of fact in US courts. Also, Microsoft has made public comments that they intend to continue this practice in the future. And why not? It will make them a lot of money. But the customer will suffer for two reasons, a lack of competion and a lack new technologies.

Competitors are already afraid to develop competing products to MS applications like MS Office and MS Exchange because Microsoft has used their control of the OS to integrate their products better than any competitor. Many of these competitors have quit and their is little financing for any new competitor. Without competition, what will pressure MS to keep their prices and features 'competitve'?

Advancement of technologies will also suffer. Anyone financing any new technology (in a startup or an established company) must contend with the possiblity (probabilty) that MS can ''extend and embrace'' any technology that they deem profitable and that MS will use it OS to do it. This has created a very high barrier of entry into the market.

I believe MS must publish all of its APIs and file formats for its OS and applications. It must also freely license the use of this API. Unless this is done, I believe MS will eventually become the only profitable desktop software company, and maybe the only server software company. I'm sure thats great for MS, but its bad for the consumer.

John Nobel

MTC–00016908

From: Jason Waterman
To: Microsoft ATR
Date: 1/23/02 12:18pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions. Most

important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Jason Waterman
11 Yale Road
Arlington, MA 02474

MTC–00016909

From: Douglas M Jennewein
To: Microsoft ATR
Date: 1/23/02 12:18pm
Subject: Microsoft Settlement

Regarding the Microsoft settlement, I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundred, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices.

Similar to the settlement against AT&T, Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level (40%, for example, assuming one of it's competitors is now also at 40%). This must be true for all Microsoft product lines, before regulation is lifted.

Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Imagine the damage to the United States if Microsoft were to fail, as Enron failed. The risks of a monopoly are greater than merely the loss of competition.

Thank you for your time.

MTC–00016910

From: Rick Halpert
To: Microsoft ATR
Date: 1/23/02 12:18pm
Subject: Microsoft Settlement

I disagree with the settlement in it's current form. For the following reasons:

Microsoft has used both restrictive licenses and intentional incompatibilities to discourage users from running Windows applications on Windows-compatible competing operating systems. Two examples are given below.

1. Microsoft uses license terms which prohibit the use of Windows-compatible competing operating systems MSNBC (a subsidiary of Microsoft) offers software called NewsAlert. Its EULA states ''MSNBC Interactive grants you the right to install and use copies of the SOFTWARE PRODUCT on your computers running validly licensed copies of the operating system for which the SOFTWARE PRODUCT was designed [e.g., Microsoft Windows(r) 95; Microsoft Windows NT(r), Microsoft Windows 3.x, Macintosh, etc.]. ...''

Only the Windows version appears to be available for download. Users who run competing operating systems (such as Linux) which can run some Windows programs might wish to run the Windows version of NewsAlert, but the EULA prohibits this.

MSNBC has a valid interest in prohibiting use of pirated copies of operating systems, but much narrower language could achieve the same protective effect with less anticompetitive impact. For instance, ''MSNBC Interactive grants you the right to install and use copies of the SOFTWARE PRODUCT on your computers running validly licensed copies of Microsoft Windows or compatible operating system.''

2. Microsoft created intentional incompatibilities in Windows 3.1 to discourage the use of non-Microsoft operating systems An episode from the 1996 Caldera v. Microsoft antitrust lawsuit illustrates how Microsoft has used technical means anticompetitively. Microsoft's original operating system was called MS–DOS. Programs used the DOS API to call up the services of the operating system. Digital Research offered a competing operating system, DR–DOS, that also implemented the DOS API, and could run programs written for MS–DOS. Windows 3.1 and earlier were not operating systems per se, but rather middleware that used the DOS API to interoperate with the operating system. Microsoft was concerned with the competitive threat posed by DR–DOS, and added code to beta copies of Windows 3.1 so it would display spurious and misleading error messages when run on DR–DOS. Digital Research's successor company, Caldera, brought a private antitrust suit against Microsoft in 1996. (See the original complaint, and Caldera's consolidated response to Microsoft's motions for partial summary judgment.) The judge in the case ruled that ''Caldera has presented sufficient evidence that the incompatibilities alleged were part of an anticompetitive scheme by Microsoft.'' That case was settled out of court in 1999, and no court has fully explored the alleged conduct.

The concern here is that, as competing operating systems emerge which are able to run Windows applications, Microsoft might try to sabotage Windows applications, middleware, and development tools so that they cannot run on non-Microsoft operating systems, just as they did earlier with Windows 3.1. The PFJ as currently written does nothing to prohibit these kinds of restrictive licenses and intentional incompatibilities, and thus encourages Microsoft to use these techniques to enhance the Applications Barrier to Entry, and harming those consumers who use non-Microsoft operating systems and wish to use Microsoft applications software.

Richard N. Halpert
Lotus Notes Administrator/Architect

MTC–00016911

From: Amine Korch
To: Microsoft ATR
Date: 1/23/02 12:17pm
Subject: Microsoft Settlement

I think the proposed Microsoft settlement is bad idea. It is too soft on Microsoft given the anti-competitive way it has run its business for the past 10 years. It will not prevent Microsoft from continuing its monopoly over the Internet Browser and Operating System market. Also let's not forget that the first Microsoft OS product (DOS) was stolen from IBM, and Microsoft has never been punished for it.

Amine Korch
Java developer/IT
Infosat Telecommunications, Inc.

MTC–00016912

From: Colin Wilson
To: Microsoft ATR
Date: 1/23/02 12:17pm
Subject: Microsoft Settlement

Per the Tunney Act, I am writing to express my disbelief that the proposed settlement is even being considered. Microsoft stands convicted of illegal behavior, and has more than 37 billion dollars of excess profit in the bank gathered during years of illegal conduct, yet the settlement terms include no fine. Crime should not be made profitable.

The other major problem with the settlement is the lack of effective remedies to prevent future illegal product tying behavior that was at the root of the current case. This ineffective settlement should be set aside. I am a Microsoft stockholder, and have a financial stake in the outcome of this case, but the best interests of the citizens of the United States are not served by this misguided settlement. Justice should not be so obviously corrupted by wealth—a fair remedy wll include a substantial fine for past behavior as well as an effective constraint on future behavior.

Colin Wilson
San Diego, CA

MTC–00016913

From: pat@www.purdueriots.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:20pm
Subject: Microsoft Settlement

This is formal notice that I feel that the proposed Microsoft settlement is unjust and unfair.

Patrick Finnegan
West Lafayette, IN, Student—Purdue University

MTC–00016914

From: Andrew Gilber
To: Microsoft ATR
Date: 1/23/02 12:19pm
Subject: Microsoft Settlement

Please accept my comment on the proposed Microsoft settlement. I believe the agreement is inadequate and does little to remedy the monopoly situation Microsoft enjoys.The remedy does not adequately protect the consumer, and does not ensure freedom in choosing hardware, operating systems, and applications. It does not adequately ensure interoperability and adherence to public standards.

Finally, and most importantly, I feel the continued monopoly power of Microsoft threatens the open source programming community. This community is now the only viable supplier of alternatives, and is clearly their next target. Microsoft's own public comments are frightening in this regard. Please exercise your trust more wisely. The proposed agreement is a sell out, and not in the public interest.

Thank you.

Andrew Gilbert
117 Century Mill Road
Bolton, MA 01740
978–779–9968

MTC–00016915

From: Ian Felton
To: Microsoft ATR
Date: 1/23/02 12:18pm
Subject: Microsoft Settlement

To Whom It May Concern,

Please do not allow Microsoft to continue to keep their stranglehold on a siginificant part of the future of America and the developed (and developing) world.

Do more than what is currently proposed or else all of the efforts to curb their practices will have been in vain.

Sincerely,
Ian Felton

MTC–00016916

From: Ian Ragsdale
To: Microsoft ATR
Date: 1/23/02 12:20pm
Subject: Microsoft Settlement

I'd just like to voice my opinion that there are serious problems with the proposed settlement in the Microsoft case. It is my belief that this judgment would not do anything to significantly curb Microsoft's power. They have already shown on many occasions to be willing to use their monopoly power to hurt competitors & consumers, and need to be stopped. For a comprehensive list of reasons of why this proposed settlement falls short, see Dan Kegel's open letter to the DOJ here:

http://www.kegel.com/remedy/letter.html

Ian Ragsdale
Software Engineer (SKYLIST.net)
11511 Quarter Horse Trail
Austin, TX 78750

MTC–00016917

From: Eric
To: Microsoft ATR
Date: 1/23/02 12:19pm
Subject: Microsoft Settlement

I oppose the settlement with Microsoft. Several of my reasons are similar to those listed in this document http://www.kegel.com/remedy/remedy2.html . This document contains several good revisions, especially the revisions to Definition U , and section III.A.2.

If Microsoft can punish vendors who ship a computer that uses a non Microsoft OS, what vendor that currently ships computers with a Microsoft product will risk the loss of the Microsoft liscense? None. Another weakness of the Proposed Final Judgement is the lack of independant oversight of Microsoft. Just as the courts do not allow a convicted felon to monitor his/her own parole, Microsoft should be barred from the position of monitoring their own parole. Microsoft has shown no reason that it should be it's own parole officer.

Eric Tompkins

MTC–00016918

From: Brian Olsen
To: Microsoft ATR
Date: 1/23/02 12:20pm
Subject: Microsoft Settlement

Dear Sirs—

I believe Microsoft to be guilty of actively and maliciously abusing its monopoly power in detriment to the market. After reading the proposed judgement, it appears that Microsoft's punishment consists of being told (yet again) that they must play fair and the rules for playing fair are stated in the settlement.

I in NO WAY how this is even appropriate to the crime of abusing their position in the marketplace, and the message that is sent to other companies is that they may act as predatory and illegally as they desire, with the result that they will be taken to court to only be reminded what it means to be a moral player in the marketplace. This is totally outrageous.

Microsoft has deliberately and continually followed this course of abuse of their position in the marketplace. The punishment should be swift and harsh and hit them in the appropriate place, the loss of their ability to continue abusing their position in some fashion or another appropriate to the scope of their violations, so that other players in the marketplace will not continue to be harmed to the detriment of their owners and stockholders.

Thank you,
Brian Olsen
bnolsen@attbi.com

MTC–00016919

From: Wesley Fonvergne
To: Microsoft ATR
Date: 1/23/02 12:19pm
Subject: Microsoft Settlement

I would like to place a comment in approval of the Microsoft settlement. Working in the computer industry, I realize Microsoft has abused the power they have. However, in the same sense, I still fail to see any suitable replacement for Microsoft Windows.

As a software engineer, I can appreciate the amount of time that was spent in bringing Windows to its current form. In my opinion, an alternative doesn't exist because there has not been a company yet who is willing to devote the amount of time and dedication required to bring a truly usable alternative operating system to the computer industry. Microsoft's entire API is available, and a compatible operating system could be constructed support most modern applications, if a company were willing to do it.

I feel this settlement would fairly police Microsoft, while still allowing them the corporate freedom they are entitled to.

Sincerely,
Wesley Fonvergne
27940 Solamint Rd.
Apartment #8–101
Canyon Country, CA 91387

MTC–00016920

From: Sean Redmond
To: Microsoft ATR
Date: 1/23/02 12:15pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Sean Redmond
Sean Redmond
Brooklyn Museum of Art

MTC–00016921

From: Christopher Weuve
To: Microsoft ATR
Date: 1/23/02 12:19pm
Subject: Microsoft Settlement

Hello,

I am writing today to voice my opposition to the proposed Microsoft settlement.

There are numerous flaws with the settlement as porposed. It doesn't prevent Microsoft from taking anti-competitive action, other than Microsoft ''promising'' not to do things that it already claims it isn't doing. And the entire idea of Microsoft paying damages by donating free hardware and software to one of the last bastions of non-Microsoft systems is appalling—it's the equivalent of letting the tobacco companies pay off their lawsuits by donating free cigarettes to schoolchildren.

Please, don't go through with this plan. Microsoft for year's has believed that the laws governing fair competition simply do not apply to it. They've consitently lied and manipulated the data and public opinion. Please show that the rule of law still means something in America.

Best regards,
chrisw
Christopher Weuve [caw@kentaurus.com]
PO Box 11261
Alexandria, VA 22312

703–597–5293 mobile
703–824–2406 work
CC:caw@kentaurus.com@inetgw

MTC–00016922

From: Damon Raphael
To: Microsoft ATR
Date: 1/23/02 12:19pm
Subject: Microsoft Settlement
Attention:
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
I am:
Damon S. Raphael, MD
1601 N Tucson Blvd, #35
Tucson AZ 85716–3409
Phone: 520–321–4345
Email: w7md@arrl.net

I am a physician and a long time licensed user of Microsoft software since 1978. I am an advanced computer user having studied computer programming at Pima Community College and continue to program, build and use computers for my business and personal pleasure.

I am a founding member of the Tucson Free Unix Group (http://www.tfug.org) and use Redhat Linux version 7.2 as my OS of choice. My business uses MS Windows 98 SE. My wife uses a Macintosh G3 with OS 9. I wish to point out to you one of the most annoying and typically disruptive practices of Microsoft:

I recently purchase a Dell Latitude CPt laptop computer directly from the manufacturer. I installed my Redhat Linux system on it and was unable to configure the modem to dial out. After many hours of trying to rectify the problem, I called Dell for help. I was informed that the modem chip on the motherboard was a ''Winmodem'' and not compatible with any other operating system except Microsoft Windows.

The same problem exists with ''Winprinters''. These dedicated ''Win'' devices use code from within the Microsoft Windows OS to implement the operation of the printer rather than code that ordinarily would be found in a chip on the motherboard of all the other kinds of printers available to consumers. Microsoft has influenced most of the printer and modem manufacturers to produce these ''Win'' devices which, when purchased unknowingly by the consumer, render it impossible to tryout or use a non Microsoft OS.

Microsoft will not release the code which drives these ''Windevices'' nor will they provide a software driver which would allow competing operating systems to use these devices. The potential loss in monetary value, lost time and aggravation to the consumer is staggering when one considers the large number of such devices out there. This is only one illustration of Microsoft's stranglehold on the consumer's options in the OS universe.

Microsoft should be forced to release the code which drives the ''Windevices'' and manufacturers such as Dell, Canon and HP should be fined for producing and selling thse devices without warning the unsuspecting consumer of the consequences of their purchase. Better still, ''Windevices'' should be illegal.

Yours truly,
Damon S. Raphael, MD
Tucson, AZ
CC:tfug-list@tfug.org@inetgw

MTC–00016923

From: Oliver Stacey
To: Microsoft ATR
Date: 1/23/02 12:19pm
Subject: Microsoft Settlement

I believe the proposed settlement with Microsoft is a bad idea. Why? As a computer software professional, I've seen first hand the effect that Microsoft has had on the software industry, using their unfair monopolistic practices to push inferior, unstable, and buggy products on the world. I believe what they have done is wrong, and I believe that it is up to the US government, specifically the Department of Justice, to punish them for their illegal acts. The proposed settlement is nothing more than a slap on the wrist; it doesn't go far enough, it does very little to prevent future anticompetitive behavior, and isn't enforcible enough.

MTC–00016924

From: Dorine
To: Microsoft ATR
Date: 1/23/02 12:19pm
Subject: Microsoft Settlement

I would like to express my displeasure at Microsoft for trying to get out of their due punishment for unsavoury business practices. They have already been convicted for anti trust violations....now I think they should have to pay for their crimes. Please restore my faith in the US Justice Department and do not let them buy their way out of this one. Free software is not enough to restore their integrity and our (as the consumers) confidence in their integrity.

Thank you.
Sincerely
Dorine Leisz

MTC–00016925

From: Brian Miller
To: Microsoft ATR
Date: 1/23/02 12:19pm
Subject: Microsoft Settlement

I am writing to express my disagreement with the proposed settlement in the case of US (Plaintiff) vs. Microsoft (Defendant) (Civil Action No. 98–1232).

As has been expressed by many others, the proposed settlement does little to discourage Microsoft from continuing the anti-competitive actions for which it has been found guilty. The opportunities for continued abuse by the Defendant under the proposed settlement are many and varied. As an example, I would like to direct your attention to the following:

Revised Proposed Final Conduct, Section III(J)(2)(c): ''No provision of this Final Judgment shall:...prevent Microsoft from conditioning any license...on the requirement that the licensee:...meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business,''

This clause allows for Microsoft to continue to dictate who and on what terms they will open their API to. All currently shipping versions of Micrsoft operating systems (Windows 98/ME, Windows 2000, Windows XP) are Network Operating Systems by design, meaning that authorization and authentication security are designed into most of the APIs.

Allowing Microsoft to make the determination of what constitutes a ''business'' provides them the opportunity to keep in place market barriers to entry almost arbitrarily. This will have a deleterious impact on numerous commercial and Open Source projects such as SAMBA (SAMBA is an Open Source implementation of Microsoft's network storage protocols, which includes, by necessity,interfaces to Microsoft's User Authentication services). SAMBA is widely used throughout numerous US companies as it allows almost seamless integration with existing IT infrastructure while providing increased reliability compared to Microsoft's own solutions.

I humbly ask that this proposed judgment be deemed faulty and other remedies to conduct be imposed.

Very Respectfully,
Brian Miller
Arlington, Virginia

MTC–00016926

From: Lee Willoughby
To: Microsoft ATR
Date: 1/23/02 12:20pm
Subject: Microsoft Settlement

The PFJ doesn't take into account Windows-compatible competing operating systems

The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

The PFJ as currently written appears to lack an effective enforcement mechanism.

Considering these problems, one must conclude that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, and would delay the emergence of competing Windows-compatible operating systems. Therefore, the Proposed Final Judgment is not in the public interest, and should not be adopted without addressing these issues.

Please refer to http://www.kegel.com/remedy/remedy2.html#fix for suggested changes.

Lee Willoughby
6424 Morningside Drive
Kansas City, MO 64113

MTC–00016927

From: Michael N. Obenchain
To: Microsoft ATR
Date: 1/23/02 12:21pm
Subject: Microsoft Settlement

Dear Sirs,

I would like to ad my voice in support of imposing real penalties in the Microsoft case. If jail time was an option there might be hope of reform. In this case I have not seen any remorse from Microsoft and the very activities that got them in trouble have only slightly been reined in. Everything up to this point looks like someone trying to buy their

way out of trouble. Personally I feel that a break up of the company would be the only way to really slow Microsoft down. I am particularly disturbed by the arrogance shown by Microsoft in trying to dictate its own punishment. For example:

''The proposed remedies submitted today by the nine holdout states are extreme and not commensurate with what is left of the case,'' the company said. ''The court of appeals decision drastically narrowed the liability issues and provides the best road map as we move forward with these remedy proceedings. The settlement we reached with the Department of Justice and nine of the plaintiff states is a fair and reasonable compromise that is good for consumers and will be good for the economy. We are committed to complying fully with the proposed decree and remain hopeful that we can resolve any outstanding issues as quickly as possible in the interest of consumers and the industry.''

As this case will most definitely set future precedent, it is of the utmost importance to get it right. Do not let Microsoft off with a settlement that will play to their advantage. Did not the United States government in District Court and the unanimous seven-member Court of Appeals find them guilty? The proposed settlement would be acceptable only if Microsoft had been found innocent (of course then no penalty is applied). They have been caught and need to be taught that the public will not stand for illegal behavior of any kind. Am I optimistic that this will happen? No.

Yours truly,
Michael N. Obenchain
Michael Obenchain
Web Coordinator
Library Systems
University of Wyoming
obenwan@uwyo.edu

MTC–00016928

From: Jeff Smith
To: Microsoft ATR
Date: 1/23/02 12:20pm
Subject: Microsoft Settlement

I am taking this opportunity to comment on the proposed Microsoft settlement. I have many issues with the settlement as it stands. Most importantly, the Proposed Final Judgement:

Does not take into account Windows-compatible operating systems.

Microsoft increases the applications barrier to entry in this market by using restrictive license terms and intentional incompatibilities and yet the Proposed Final Judgement fails to prohibit this, and even contributes to it.

Fails to prohibit anticompetitive licensing terms. Microsoft currently uses excessively restrictive licensing terms to keep competing applications from running on Windows. Similarly, Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems. Furthermore, Microsoft's enterprise licensing agreements (used by large companies, state governments, and universities) charge by the number of computers which COULD run a Microsoft operating system, not for the number that actually DO. For universities especially, assuming that all PCs run Windows is absurd, and a bald attempt to extort money. Similar licenses to outside equipment manufacturers (OEMs) were once banned by the 1994 consent decree, and yet Microsoft continues the practice.

Appears to lack an effective enforcement mechanism. The Proposed Final Judgement fails require advance notice of technical requirements. Fails to force Microsoft to document many of its APIs (the interfaces between application programs and the operating system).

These are not the only problems that I see with the PFJ, but merely the most striking. I beleive that the Proposed Final Judgment as written allows, and even encourages, significant anticompetitive practices to continue, delays the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should NOT be adopted without SUBSTANTIAL revision to address these problems.

Yours,
Jeffrey Smith

MTC–00016929

From: phatix
To: Microsoft ATR
Date: 1/23/02 12:12pm
Subject: Microsoft Settlement

I personally oppose the settlement currently proposed by the Dept. of Justice. Please consider a more suitable punishment than the current settlement.

Mike Overbo
St. Paul, MN

MTC–00016930

From: Tony Perkins
To: Microsoft ATR
Date: 1/23/02 12:21pm
Subject: Microsoft Settlement

Please do not complete the Proposed Final Judgement without taking into consideration Microsoft's historic abusive practices of intentional incompatibilities and specifically prohibiting them. Please also consider very severe consequences for future abuses of this nature. You are probably looking at this as a big long project that you have nearly finished. Wouldn't you rather look back upon this project knowing you have actually done something to help the problem? Don't just let it run its course. I strongly urge you to look at it as a way that one company can put another company out of buisness. Or, look at it the way I do, as a programmer, as one company trying to put me out of a job.

Thank you.
Tony Perkins
QA Software Engineer
NTT/Verio, Orem UT
tperkins@verio.net
801–437–7567

MTC–00016931

From: K. O.
To: Microsoft ATR
Date: 1/23/02 12:22pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea.

Microsoft is a monopoly.

The settlement still leaves Microsoft with the ability to maintain and even extend its monopoly, a fact that only works against competition, consumers, and the American people in general.

(I am a United States citizen.)

MTC–00016932

From: ralph@dosser.org@inetgw
To: Microsoft ATR
Date: 1/23/02 12:22pm
Subject: comment on Proposed Final Judgment—U.S. v. Microsoft

Dear Sirs,

I wish to comment on the Proposed Final Judgment in the case of U.S. v. Microsoft. I am a world-wide-web engineer with 6 years'' experience. In and before this time, I have spent a great deal of time using computers, running Microsoft's software and others.

Throughout this time I have been appalled beyond measure at Microsoft's practices—particularly its practice of leveraging its monopoly power to ruthlessly destroy any business or technology that threatens it. In this way, Microsoft has reduced—if not elminated— competition, and prevented the distribution of superior (or at least alternative) technologies. It has generally staked claim to exclusive control of a vast sector of the American economy, to the extent that no other enterprise dare attempt to enter the field.

The proposed settlement is not even a slap on the wrist. Microsoft itself clearly knows this, and continues to behave as though it had not been found guilty in a court of law—engaging in anticompetitive conduct and further entrenching its illegal monopoly. In essence, Microsoft will have been found guilty, and then allowed to walk free with no punishment, and with no real mechanisms to prevent further abuses. Why should the company hesitate to continue to break the law both in letter and spirit in the face of such impotence of the American the justice system?

I am optimistic. I have hope that the United States Departement of Justice—at its fundamental level—cannot be bought. If the settlement goes forward as currently proposed, I will have a great deal of trouble maintaining this belief.

Sincerely,
Ralph Dosser

MTC–00016933

From: Christian B. Lahti
To: Microsoft ATR
Date: 1/23/02 12:22pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am strongly opposed to the proposed settlement in the Microsoft antitrust trial as it fails to address the following:

a.. It does not adequately penalize them for past transgressions

b.. It does not provide mechanisms to correct their anticompetitive behavior

c.. It does not inhibit their ability to commit similar actions in the future.

d.. It does not allow their competition adequate measures to overcome Microsoft's current monopoly.

Regards,
Christian B. Lahti
NeoMagic Corp.
3250 Jay Street
Santa Clara, CA 95054

MTC–00016934

From: Jay Coggins
To: microsoft.atr(a)usdoj.gov
Date: 1/23/02 12:21pm
Subject: Proposed Microsoft Settlement

Dear Sir or Madam:

I am a long-time user of OS/2 and Linux and I have paid careful attention to developments in the Federal/State antitrust action against Microsoft. I have read about the proposed settlement and I do not feel that it will provide the kind of relief necessary to restore competition to the software industry.

I would like to register my dissatisfaction with the proposed settlement. Please consider this a vote against the settlement. I would like to see the Department of Justice obtain a much stronger settlement, one that effectively reins in Microsoft's anticompetitive behavior.

Thank you.

Jay Coggins
University of Minnesota

MTC–00016935

From: Josef Zeevi
To: Microsoft ATR
Date: 1/23/02 12:22pm
Subject: Microsoft Settlement

Hi. If at all possible, please do not let Microsoft off the hook. Yes, they're a big company. Yes, they've done good things. Yes, they violate anti-trust (based on the court-ruling and my own personal sense). Do not let them get away with it in a meaningless settlement.

MTC–00016936

From: Jason Peel
To: Microsoft ATR
Date: 1/23/02 12:22pm
Subject: The Microsoft Case

Dear Department of Justice,

I am in total disagreement with the proposed Microsoft settlement. I feel that the proposal will not significantly change the way Microsoft operates, which is to aggressively neutralize any and all competition. This proposal doesn't actually hurt them in any way that matters; I urge you to reconsider.

Sincerely,
Jason Peel
Senior Network Architect
Network Thought Co.

MTC–00016937

From: John Langford
To: Microsoft ATR
Date: 1/23/02 12:22pm
Subject: Microsoft Settlement

I've been amazed while watching the Microsoft vs. DOJ court case. First, I was amazed at how adept the US DOJ's prosecution appeared to be, and then I was amazed by how badly the US DOJ has failed in the penalty phase of the trial. I have studied the proposed settlement in a semithrough manner and I am aware of no clause which will inhibit MS in any significant manner.

I consider the penalty phase to be very important because MS is currently essentially in the position of an unregulated utility monopoly. This is a dangerous enough that I expect the market distortion which Microsoft generates to affect other industries in significant ways soon. I believe the US experiment with capitolism has been remarkably succesful, and I'm alarmed to see the US giving up on it. If a restoration to a real marketplace can not be achieved, please consider at least regulating Microsoft in some semieffective manner.

-John

MTC–00016938

From: Mark Wagner
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 12:23pm
Subject: Microsoft Settlement
To: Renata B. Hesse Antitrust Division U.S. Department of Justice 601 D Street NW Suite 1200 Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I agree with the problems identified in Dan Kegel's analysis (on the Web at <http://www.kegel.com/remedy/remedy2.html>), namely:

*The PFJ doesn't take into account Windows-compatible competing operating systems

*Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry. <http://www.kegel.com/remedy/remedy2.html>

*The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

*The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered. <http://www.kegel.com/remedy/remedy2.html>

*The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all. <http://www.kegel.com/remedy/remedy2.html>

*The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware. <http://www.kegel.com/remedy/remedy2.html>

*The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X–Box—operating systems that all use the Win32 API and are advertized as being ''Windows Powered''. <http://www.kegel.com/remedy/remedy2.html>

*The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs. <http://www.kegel.com/remedy/remedy2.html>

*The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible. <http://www.kegel.com/remedy/remedy2.html>

*The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows. <http://www.kegel.com/remedy/remedy2.html>

*The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents. <http://www.kegel.com/remedy/remedy2.html>

*The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users. <http://www.kegel.com/remedy/remedy2.html>

*The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

*Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows. <http://www.kegel.com/remedy/remedy2.html>

*Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems. <http://www.kegel.com/remedy/remedy2.html>

*Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.) <http://www.kegel.com/remedy/remedy2.html>

*The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

*Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems. <http://www.kegel.com/remedy/remedy2.html>

*The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

*The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system. <http://www.kegel.com/remedy/remedy2.html>

*The PFJ allows Microsoft to discriminate against small OEMs— including regional 'white box' OEMs which are historically the most willing to install competing operating systems—who ship competing software. <http://www.kegel.com/remedy/remedy2.html>

*The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas. <http://www.kegel.com/remedy/remedy2.html>

*The PFJ as currently written appears to lack an effective enforcement mechanism. <http://www.kegel.com/remedy/remedy2.html>

I also agree with the conclusion reached by that document, namely that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, would delay the

emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

Sincerely,

Mark Wagner, Fremont, California; Database Administrator, IBM /CrossWorlds

MTC–00016939

From: wbevis@knox.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 12:22pm
Subject: Microsoft Settlement

Settling with Microsoft is a bad idea. I think that allowing Microsoft to donate computers to classrooms around the nation would be counterproductive, to say the least. I'm not using a Microsoft machine right now because I grew up using something different. A settlement involving donation to schools would limit choice for students, and ultimately widen Microsoft's slice of the pie.

Bill Bevis, Galesburg IL

MTC–00016940

From: Michael W. Shaffer
To: Microsoft ATR
Date: 1/23/02 12:23pm
Subject: Microsoft Settlement

I would like to add my personal voice in OPPOSITION to the currently proposed settlement in the case of U.S. vs. Microsoft. As an IT professional and a citizen, I feel that the settlment as it is currently drafted does not address the critical issues of the case, will not put an end to the offensive, condescending, and criminal behavior of the defendant, and does not serve the interests of either my industry or the citizenry of this country.

Sincerely,
Michael W. Shaffer
Network and Security Administrator
Agilent Technologies
Palo Alto, California

MTC–00016941

From: Joe merhar
To: Microsoft ATR
Date: 1/23/02 12:24pm
Subject: Microsoft Settlement

I agree with the settlement that has been reached between the Department of Justice and the nine states. This settlement is fair for the consumers and is generously fair to the competitors. I am not in favor of the competition using litigation that is costing us taxpayers and consumers money for the agenda of Microsoft competitors. The competition needs to compete like all other companies in our capitolistic system and may the best products win the competition. Lets settle this case now and focus our energies on more important issues such as the economy and the security of this country.

MTC–00016942

From: profg1@bellsouth.net@inetgw
To: Microsoft ATR
Date: 1/23/02 12:21pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division 601 D Street NW, Suite 1200 Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
William Greene
3285 Windgate Dr.
Buford, GA 30519–1942

MTC–00016943

From: D.A. Mazzella
To: Microsoft ATR
Date: 1/23/02 12:24pm
Subject: Microsoft Settlement

I would like to express my displeasure with the Microsoft antitrust settlement proposal. I feel that the single biggest issues affecting competition are the facts that

1) Microsoft has an effective monopoly of the ''office productivity suite'' class of applications, web browser application and operating system (Windows)

2) they make it very difficult for other vendors to interoperate with their product (Microsoft Office), and stray from standards in ''embracing and extending'' them.

Potential new vendors must support the Office document formats because they are the de facto standard, but they are undocumented, and thus it is almost impossible for any potential new vendors to support them well. As a result, the consumer has little choice but to buy Office, and because it only runs on Windows, he has no choice in operating systems either.

Microsoft has forced all other web browsers into a ''nitch market'' by bundling the browser with the operating system Microsoft forces PC manufacturers to put Windows on new PC's, without the choice of alternative operating systems like Linux (Redhad, Mandrake, SuSE, etc) Solaris x86 (Sun Microsystems) or BSD (the Open BSD Group).

I feel that any effective settlement must include the following conditions:

* Microsoft must release full documentation for the existing Office file formats;

* Microsoft must be prohibited from introducing changes to these formats without releasing full documentation of the changes;

* Microsoft must be release said documentation in advance of their actual support for the changes, to prevent other vendors from having to play catch-up;

* Microsoft must participate in the development of new, open document formats, preferably based on XML and governed by an independent standards body.

* Microsoft must open the source code to their Windows operating system, there by allowing others access into the internals for better competition.

* Microsoft must release a fully functional version of Microsoft Office for Linux, Macintosh, Solaris and BSD

* Microsoft must bundle the Mozilla Web Browser with the operating system

* Microsoft must stop forcing new PC manufacturers from bundling Windows with a new PC

* Microsoft must allow the reselling of unwanted software (the website Ebay.com closes all acutions that sell Microsoft products)

The effect of these conditions would be to allow other vendors to develop a product competitive to Microsoft products for the first time in years. This in turn would open the door to competition in many other areas.

Thank you
Dan Mazzella
209 Opera House St
Henderson, NV
89012

MTC–00016944

From: Matt Hartshorn
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 12:16pm
Subject: Microsoft Settlement

I do not support the proposed settlement because I do not think it provides sufficient punishment to balance Microsoft's offenses, nor sufficient incentive to prevent them from doing the same in the future. Furthermore, the idea of punishing a monopoly by requiring them to extend their monopoly into the US educational system is incomprehensible.

Much has been said of finding a win/win solution. Please keep in mind that Microsoft broke the law and is supposed to be punished. They are not supposed to win.

Matt Hartshorn—Sr. Software Engineer
Internet—matt.hartshorn@apollogrp.edu
Voice—(480) 966–5394 ext. 1723
Fax—(480) 449–2802

MTC–00016945

From: kim lee
To: Microsoft ATR
Date: 1/23/02 12:24pm
Subject: Microsoft Settlement

I used the early versions of Netscape and it was a good product. It made accessing the internet easier in the early years of the internet's evolution. I then purchased a new IBM computer with Windows 98 installed. Every time I accessed the internet, Windows would try to change my web browser to Internet Explorer. It was annoying to say the least. It also took extra steps to erase/delete the Explorer from my files. I think many people would just click on the ''OK'' button and have the browser changed, wihtout thinking about it.

Suppressing competition is a long term project at Microsoft. Just look at Microsoft's history, even the historic operating system MS–DOS was purchased from some other company in Washington state, not developed by the people at Microsoft. The core ideas behind GUI were developed by XEROX, who didn't know how to use it to their advantage.

The government lost interest, for whatever reason, in pursuing this case to a just

resolution. The punishment should be much larger than the proposals reported in the newspapers. This type of illegal activity continues to be pursued by Microsoft. Letting them donate ''free'' software to the schools is the stupidest idea possible. It'll probable have a security bug in it, hust like Windows XP. Here's hoping you find the courage to fix this problem.

MTC–00016946

From: Mark
To: Microsoft ATR
Date: 1/23/02 12:24pm
Subject: Microsoft Settlement

I've watched Microsoft grow to it's position of supreme dominance in the PC operating system and software over the last 20 years. I have watched Microsoft destroy many innovative companies and products through means that I consider unfair and unethical. I believe that Judge Jackson's findings of fact and his remedy are unprejudiced and warranted. Microsoft ''is'' a monopoly and must be disassembled. There needs to be fair competition, and Microsoft should not be allowed to continue as it has. Microsoft's proposed settlement of donating software does nothing to remedy it's wrongs. I believe that settlement is a very bad idea.

MTC–00016947

From: Dale Luck
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 12:19pm
Subject: Microsoft Settlement comment

This is my public comment on the proposed antitrust settlement between the DOJ and Microsoft.

I earned a Bachelor of Science Degree in Computer Science from Michigan Technological University in 1979. Have been in the business of creating commercial computer software for more than 20 years.

Since the 1980's I've observed Microsoft success in the computer software area. In the 1990's it became clear to me that their strategy had moved from creating competitive software to restricting others from competing against them.

I believe the proposed settlement is definitely not in the best interest of the public. It does not go far enough to promote the creation of an environment where software programs that are better than microsofts programs will be allowed to compete in a fair marketplace.

Under ''Prohibited Conduct'', Microsoft is prevented from penalizing an oem, vender, etc. if they choose to include non-microsoft software in their product offering that also includes Microsoft Windows. This is a good start, however this does not address the problem of the implied penalty Microsoft applies to a non-Microsoft product that competes with something that Microsoft has chosen to now include with their base operating system. The penalty being that the OEM is required to pay for Microsoft's version even though the oem does not want to include it.

Why is this a problem? Microsoft, is able to further its monopoly position and even more so its monopolistic pricing by forcing customers to buy things they don't want and then charging what it thinks is its fair market value. The first example of this was Microsoft's Internet Explorer vs Netscape's Browser.

The latest example of this is Microsoft's audio media player vs RealNetworks Media Player.

It costs money to develop software. Microsoft pays for the development of its software by bundling it with the OS and then forcing the customer to pay for it, regardless of how well it works.

Companies that do not have the fortune of owning the OS for which their application will run must charge money for their software and to pay for development and return a reasonable ROI for its investors. This puts them at a disadvangate and forces almost all software developers to stay away from any products that they fear would compete with a similar product that is, or could ever be bundled with the OS.

How to fix that? The only way to fix that is to level the playing field between Microsoft and all the other software developers and companies.

To level the playing field requires 2 things:

First—Microsoft must be required to offer a stripped down Operating System without all the of Microsoft's versions of features that OEMS and customer don't want.

That will level the pricing playfield.

Second—Microsoft must publish and make available to the software development community the API's and rules used by these unbundled Microsoft applications when talking to the Basic OS.

And that will level the development playfield.

Why do we want this? Who will benefit? The true beneficiary of the above is the consumer. It is only in a truly competive software development and market environment will we see better products become available for the consumer. The present environment stifle competition, and leaves it up to Microsoft to dictate the direction of software development. It is because of Microsoft's dominance that we are inundated by viruses, spam, and slow and buggy programs. Microsoft has no incentive to improve its products because it lives in a monopoly, able to sell any halfdone program to the consumer because they can bundle it in with the OS and then charge a little more for the OS.

There are thousands of highly qualified and motivated software developers and companies that can produce better products than Microsoft for email, web browsing, realtime audio, etc. yet they are not allowed to do this for the dominate OS, Microsoft Windows.

So because of this, the American consumer can never enjoy the fruits of those talented programmers.

I agree that the proposed settlement would benefit those disadvantaged schools, but at to great a cost for the American consumer now, and in the long term it is a bad deal for the schools as well. Those schools would get technology dictated by a monopolist that is intended to benefit the monopolist.

If this were such a good deal for the schools, Microsoft should go ahead and make the donations, however those donations should not be considered part of the settlement for this anti-trust issue.

Thanks for listening to me,

I trust that the right decision will be made. It is really obvious to nearly all the rest of the computer software industry.

Dale Luck
Shoreline Communications
d.luck@ieee.org

MTC–00016948

From: spencerpries@
mclmx.mail.saic.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:30pm
Subject: Microsoft Settlement

As a concerned US Citizen and computer user, I am OPPOSED to the Proposed Final Judgment.

Microsoft has been clearly found guilty of monopolistic practices. However, the PFJ does not impose penalties upon Microsoft for the illegal gains it has obtained. The PFJ takes inadequate steps to restrain Microsoft from the same or similar monopolistic practices. And the PFJ, which expires after only a few years, does nothing to restrain Microsoft from the same monopolistic practices in the future.

The Department of Justice was mistaken to either propose or accept an offer of settlement with Microsoft. The PFJ must be discarded, and adequate measures crafted to penalize Microsoft for their illegal gains and restrain their monopolistic practices. As a minimum, I advocate the breakup of Microsoft into an Operating Systems division, an Applications division, and possibly an ''Other'' division. In addition, I advocate that Microsoft be required to open ALL its APIs and file formats, allowing genuine competition and innovation.

I am a co-signer of the Dan Kegel petition.

Steven Spencer-Priebe
Crofton, Maryland
Telecom Systems Engineer, Science Applications International Corporation.
SAIC is not responsible for these opinions.

MTC–00016949

From: David C. Smith
To: Microsoft ATR
Date: 1/23/02 12:23pm
Subject: Microsoft Settlement

It is bad!

David C. Smith, MCSE, CCNP, Oracle OCP (DBA)
Principal Architect/CEO
24x7Monitored.Com—Perfected Internet Monitoring Services
Web: www.24x7monitored.com
Email: dcsmith@24x7monitored.com
Cell: 703–629–0652

MTC–00016950

From: s.hellman@isti.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:22pm
Subject: Microsoft Settlement

To whom it may concern,

I am writing to voice my concerns about the Proposed Final Judgment in United States v. Microsoft case.

I am president of Instrumental Software Technologies, Inc. We are a software consulting firm who specializes in writing custom software for the geophysical research community (Many US Universities and the US Geological Survey are our clients.) We

write software that runs under Microsoft OS's (NT, 2000, me, etc) as well as Linux and Solaris. Three quarters of our company works develops software primarily under the Linux operating system.

The Proposed Final Judgment in United States v. Microsoft prohibits certain behaviors by Microsoft towards OEMs, but curiously allows the following exclusionary practices:

Section III.A.2. allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

The problem I have with this is as a commercial software development firm, we need to buy our computers from reputable sources. While we prefer to buy from companies like Dell, the effects of the above section may effectively force us to buy an OS from Microsoft for every computer in our office, even though all but 4 of our computers have had their hard disks cleared upon arrival in our offices and have Linux installed on them instead. This section effectively forces us to spend our precious monetary resources on Microsoft products that we have no intension of using.

If you have any questions, please feel free to contact me.

Best Regards,
Sid Hellman
President
ISTI
Sidney Hellman
s.hellman@isti.com
http://www.isti.com
(518)602–0001—office
(518)602–0002—fax
Instrumental Software Technologies, Inc.
Systems Integration and Software Development Specialists
CC:s.hellman@isti.com@inetgw

MTC–00016951

From: Sean Patrick Burke
To: Microsoft ATR
Date: 1/23/02 12:23pm
Subject: Tunney Act Comment

To whom it may concern:

I would like to voice my complete dissatisfaction with the proposed settlement with Microsoft. It is clear to all sides of this matter that the original limits imposed on the company were ineffective and ignored. Re-imposing them will only prolong the stranglehold they have over the software industry.

As an American, a college student and a computer programmer, I beg you to revise your proposal. Please consider breaking the company apart. The only way that we, the software industry, can breath is if you force apart the 800 pound gorrilla that now sits upon our chests.

Thank you for your time.
Sean Burke
28 North Street
Geneseo, NY 14454

MTC–00016952

From: Erik Burd
To: Microsoft ATR
Date: 1/23/02 12:24pm
Subject: Microsoft Settlement

The settlement with Microsoft shouldn't be allowed. It will not remedy the core problem of Microsoft's unethical and anticompetitive business practices. The only thing it will do is extend their monopoly into schools, which the last place any real competition really exists.

Microsoft won't care a bit, as it will do nothing more than get more people using their products, who would most likely be buying their software. I see this as a big bribe offered by someone with a lot of cash burning a hole in their wallet, as they have nothing better to do with a whopping $35 billion. It's like a police officer accepting a payoff from the mob or crime ring to look the other way.

What really needs to be done is to level the playing field and allow small companies to compete in the marketplace. Many companies have been shut out of the market by Microsoft's product bundling with Windows. These small companies are the real innovators, and they are the companies that must be allowed to exist. Otherwise, we will all lose the innovation that's required for us to make the next big step forward. Microsoft couldn't come up with an original innovation if it's existance depended on it.

I was extremely disappointed with the DOJ, as they snatched defeat from the jaws of victory. I'm happy that the nine states are going ahead on their own lawsuit to set things straight. I hope something does happen, but I have some doubts in the back of my mind. A very strong action must be taken, or Microsoft will only continue with their monopoly.

My thoughts on restoring competition:

1) Remove all bundling of Internet Explorer from all versions of Windows. Make it an optional download.

2) Additionally, remove any tying in of their other products (Windows Media Player, etc.) to Windows. There was a recent security bug in Internet Explorer which was fixed, ironically, by updating Windows Media Player. Make them optional downloads, too.

3) Punish Microsoft for their anticompetitive behavior, and hard

4) Ensure that small startup companies are allowed to innovate and create the next generation of software, without being bullied around by Microsoft.

5) Create a marketplace that will allow the computer users to determine who has the best product.

6) Take strong steps to protect competition.

Thank you for taking the time to read my letter.

Erik Burd
Sunnyvale, CA

MTC–00016953

From: Sean McAdam
To: Microsoft ATR
Date: 1/23/02 12:24pm
Subject: Microsoft Settlement

To whom it may concern:

I write this as a computer professional who makes a living by consulting in the computing field.

I find it hard to believe that after Microsoft was found guilty of monopolistic practices that the settlement proposed by the DOJ would simply let them off the hook with—NOT—even a slap on the wrist. The settlement only serves to entrench the status quo, basically allowing MS to continue their current practices while paying lip service to the consumers.

As an avid computer user, and someone who makes his living from providing computer consulting and services to my clients I can see first hand how boxed in we as a nation are by the continuation of the monopoly that is Microsoft. The citizens of this nation deserve better.

Some alternative possible remedies:

Spin off the development tools section of MS, so that the tools and the OS cannot be tightly integrated. This would allow for other software product developers to have a fairer shake at competing with MS.

Force full disclosure of the windows API, both win32 and the native API. Force full disclosure of the various document formats used in Word, Excel, Access, etc. Require that any changes are published in advance.

Without a settlement with some teeth in it we are worse off then we were before the trial started. As you can tell I am very much opposed to the settlement, if you can call it that, in its current form.

Thank you for your time.
~Sean

MTC–00016954

From: Mark Jacob
To: Microsoft ATR
Date: 1/23/02 12:25pm
Subject: Microsoft Settlement

To whom it may concern:

I believe that the current proposed settlement the the Microsoft Antitrust case is inadequate, and needs major revisions.

Mark Jacob

MTC–00016955

From: Matt Dew
To: Microsoft ATR
Date: 1/23/02 12:29pm
Subject: Microsoft Settlement

I strongly believe that the proposed settlement with Microsoft is a very bad idea. They have shown their sole interest is Microsoft's profits and stock value and not the consumer.

thank you,
Matt Dew

(Any comments above are strictly my own and not necessarily in agreement with my employer.)

Matt Dew
SEAKR Engineering, Inc
6221 So. Racine Circle
Centennial, CO 80111
Ph: (303)790–1305 x238
Fx: (303)790–8720

MTC–00016956

From: Asiel
To: Microsoft ATR
Date: 1/23/02 12:25pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea.

MTC–00016957

From: Keith Anderson
To: Microsoft ATR
Date: 1/23/02 12:24pm
Subject: Microsoft Settlement
January 23, 2002
Judge Colleen Kollar-Kotelly
US District Court for the District of Columbia

Comments about US v. Microsoft proposed settlement

I feel the remedies suggested by the proposed settlement do little to deter or punish Microsoft for actions and behaviors proven to be anticompetitive and illegal. Most egregious in my mind, however, is the position Microsoft will be in to stifle and lock out the Open Source movement.

As a developer of Internet solutions, I am quite familiar with the long and brutal conflict between Open Source tools and Microsoft tools and the gulf created between the two camps. Microsoft has been making steady inroads to the server and Internet markets simply by the virtue of their monopolistic position. By breeding ubiquity in the desktop market, they have orchestrated lock-in to the server market using closed and inoperable APIs, proprietary protocols and (even worse) embracing open protocols and modifying them with non-open extensions. All of these tactics are designed to put third party, and specifically, Open Source tools at a disadvantage when used with their desktop systems.

The settlement stipulates that Microsoft open ''the APIs and related Documentation that are used by Microsoft Middleware to interoperate with a Windows Operating System Product'' (section D) as well as ''any Communications Protocol that is, ... (i) implemented in a Windows Operating System Product installed on a client computer, and (ii) used to interoperate natively ... with a Microsoft server operating system product'' (section E). Both sections are a step in the right direction and force Microsoft to allow independent developers the ability interoperate with Microsoft systems freely.

However, section J.2 limits this condition by requiring that for anything related to ''anti-piracy systems, anti-virus technologies, license enforcement mechanisms, authentication/authorization security, or third party intellectual property protection mechanisms'', a third party developer must meet these requirements in order to gain access to said information:

(a) has no history of software counterfeiting or piracy or willful violation of intellectual property rights,

(b) has a reasonable business need for the API, Documentation or Communications Protocol for a planned or shipping product,

(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business,

(d) agrees to submit, at its own expense, any computer program using such APIs, Documentation or Communication Protocols to third-party verification

These conditions are applicable to businesses and for-profit entities, but specifically lock out any Open Source projects or anyone who does not have 'reasonable business needs'. Additionally, with Microsoft focusing on its new '.NET' strategy of distributed application programming, almost EVERY aspect of development will fall under 'authentication/authorization security' since almost EVERY aspect of the protocol, API or documentation will run across public, untrusted networks.

Given Microsoft's record of finding miniscule loopholes in past judgements and exploiting them to further their control and flout the law, this one strikes me as particularly onerous (not to mention ironic). It wouldn't surprise me to learn that Microsoft's complicity with this proposed settlement is based quite largely on the fact that .NET will make the entire thing moot on this point, and at the same time provide an absolutely crushing blow to the Open Source movement which they deem such a threat.

I sincerely hope that this settlement is rejected or at least amended to address these concerns. Thank you for your time.

Sincerely,

Keith M. Anderson

MTC–00016958

From: Kathleen Much
To: Microsoft ATR
Date: 1/23/02 12:25pm
Subject: Microsoft Settlement

I strongly oppose any settlement that allows Microsoft to maintain its predatory monopolies in software and Internet access.

Rather than donating Microsoft software and Wintel hardware to schools, the company should be required to donate Unix and Apple software and equipment. Even a very large donation wouldn't dent Microsoft's monopoly position, but it would be more just than Gates's proposal, which merely entrenches it.

Microsoft's arrogance and unconcern for its customers should not be encouraged in any way. Its software is shoddy, full of bugs, vulnerable to hackers, and hopelessly behind its competitors, but its vicious practices have made it supreme in the marketplace.

For the record, my retirement plan owns Microsoft stock. I still strongly oppose the company's practices.

Stop the insanity. Break up Microsoft.

Kathleen Much
128 Hillside Ave.
Menlo Park, CA 94025
(650) 321–2052

MTC–00016959

From: Michael Winecoff
To: Microsoft ATR
Date: 1/23/02 12:25pm
Subject: Microsoft Settlement

Dear Sir/Madam,

The proposed Microsoft settlement is inadequate, and I believe it is inadequate because it has been influenced by lobbyist. While it may often be true that the fat cat with the biggest pockets can buy the best defence, ''this proposed settlement'' is being watched with shame by many Americans who may own a computer, but live financially at the poverty level, such as myself.

The whole thing is disgraceful.

Michael Stowell Winecoff, LMP

MTC–00016960

From: Allan Folz
To: Microsoft ATR
Date: 1/23/02 12:25pm
Subject: Microsoft Settlement

I am writing to express my dissent with the proposed Microsoft Antitrust settlement. The area I find it most lacking is assurances to the non-commercial developer community (GNU/Linux, Apache, sendmail, etc.) that they will be able to write software that interoperates with Microsoft products, and likewise Microsoft products will not be written so as to actively interfere with non-commercial software. This has demonstrably happened in the past, the most notorious of which was Windows 95 interference with the LILO boot loader program.

In fact, the whole judgement is geared towards commercial interests, the systems and procedures commercial interests share in common, and the financial redress commercial interests can objectively compute. The non-commercial community has its own unique characteristics and requirements that don't easily follow with those of commercial interests. However, the non-commercial software community is so vital to the high-tech economy and society of modern America that putting in place the special rules required of it is just as important as those required of commercial interests.

Sincerely,

Allan Folz
901 Sw King Ave Apt 1012
Portland OR 97205

These views are my own and should in no way be construed as necessarily endorsed by my employer.

MTC–00016961

From: Stuart Beaton
To: Microsoft ATR
Date: 1/23/02 12:24pm
Subject: Microsoft Settlement

As allowed under the Tunney Act, I wish to register my protest to the Proposed Final Judgement in the U.S. vs Microsoft case.

The PFJ will do little to restrain the anti-competitive behavior of Microsoft. This company has shown its disdain of the courts in its non-compliance with previous court orders and in its behavior during this proceeding. The PFJ suffers from many faults; choosing one example would be that the PFJ places restrictions on how Microsoft licenses its products to OEMs, but not on how it licenses products to large users such as corporations, universities, and goverments, collectively referred to as ''enterprises''. Yet enterprise license agreements often resemble the per-processor licenses which were prohibited by the 1994 consent decree in the earlier US v. Microsoft antitrust case, in that a fee is charged for each desktop or portable computer which could run a Microsoft operating system, regardless of whether any Microsoft software is actually installed on the affected computer. These agreements are anticompetitive because they remove any financial incentive for individuals or departments to run non-Microsoft software.

I urge all parties involved to reconsider the proposed settlement. Microsoft deserves more than a slap on the wrist for it's destructive abuse of it's monopoly power. More importantly, American consumers need to be protected against future abuses.

Thank you for your time,

Stuart Beaton
Research Scientist
ADA Technologies, Inc.
8100 Shaffer Parkway, Suite 130
Littleton, CO 80127

MTC–00016962

From: Hatton, Robert J

To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 12:25pm
Subject: Microsoft Settlement

I'm concerned that the proposed agreement won't be enough to change the reality of Microsoft's domination of the industry. We need the kind of decisive action that was taken against AT&T to make a difference!

Rob Hatton
BillXchange Developer
robert.j.hatton@usa.xerox.com
310.333.2364

MTC–00016963

From: Brett Sanger
To: Microsoft ATR
Date: 1/23/02 12:26pm
Subject: Microsoft Settlement

As an American citizen and computer user, I am opposed to the proposed settlement of the current Federal Microsoft antitrust case.

I am a strong proponent of capitalism. History has proven that capitalism is the most effective way to create a strong industry that provides service for the consumer. History has also shown that capitalism fails if a company gains a monopoly in their industry, and focuses their efforts on crushing competition using methods OTHER than providing superior or more efficient service.

Microsoft is just such a monopoly, and the courts have accepted that they have done exactly such actions. The proposed settlement does nothing to prevent them from continuing such actions. Microsoft's treatment of the 1995 consent decree and their actions in the courtroom show that they have little respect for such settlements. Since the proposed settlement would allow Microsoft to essentially choose their own definitions for certain terms, and has little in the way of enforcement, it will have little to effect in preventing their criminal actions.

I cannot accept the proposed settlement as an effective remedy to the criminal acts that Microsoft has been found guilty of.

MTC–00016964

From: Jacoby, David
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 12:26pm
Subject: Microsoft Settlement

I'm very concerned about the settlement, especially the requirements for opening the APIs. Those requirements don't seem to cover most of the Windows APIs, and would easily be sidestepped.

Dave Jacoby
jacobyd@arnett.com

Microsoft treats security vulnerabilities as public relations problems.

—Bruce Schneier

MTC–00016965

From: jtraver@liberate.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:25pm
Subject: Microsoft Settlement

I believe the settlement with Microsoft is inadequate to prevent them from continuing their illegal practices.

John Traver

MTC–00016966

From: Jeb Campbell
To: Microsoft ATR
Date: 1/23/02 12:26pm
Subject: Microsoft Settlement

This settlement is bad.

Force them to open office api's and windows api's to give people a choice. This is asking very little, they open the api's, we will do the hard part of coding replacements.

Also no major distributor (Dell or Gateway), can sell computers that boot into Windows and another os because of their oem agreements. Microsoft's only punishment should be that they must compete—make them open the office and windows api's, and let major distributors sell linux and windows—and let consumers decide if they want to (they don't have a choice now) spend $400 dollars a year to type a letter.

Jeb Campbell
Small business owner
College student—Engineering major
Concerned Citizen that Microsoft will not have to compete

MTC–00016967

From: Ben Rolling
To: Microsoft ATR
Date: 1/23/02 12:26pm
Subject: Microsoft Settlement

I think all of the settlements proposed so far in this case are lacking. Anything that lets Microsoft continue to use their monopoly to remove any fair competition (as they have continued to do throughout the course of this trial) is NOT good enough.

Please don't settle until you find a punishment that fixes the problem.

Thank you for your time.

Ben Rolling
Los Angeles, CA

MTC–00016968

From: Robert Melton
To: Microsoft ATR
Date: 1/23/02 12:26pm
Subject: Microsoft Settlement

I am an application developer at the DC Metro Police Department. One of the things which the Proposed Final Judgment in United States v. Microsoft does not cover is file formats. This single omission makes the judgment weak.

File formats are one of the driving forces trapping consumers with windows and removing their freedom of choice. It causes a chicken and egg problem. Your workplace can not switch away from Microsoft because it is what you have at home. You can not switch away from Microsoft because it is what you use at work. This cycle leaves consumers feeling trapped; they need Microsoft just to be able to function.

If Microsoft file formats remain undocumented, third party developers will never be able to make a dent in their monopoly, and third party operating systems will never have a chance. Undocumented file formats create a much higher barrier to entry.

Robert Melton
2400 S. Glebe Road
Arlington, VA, 22206

MTC–00016969

From: Trevin Beattie
To: Microsoft ATR
Date: 1/23/02 12:26pm
Subject: Microsoft Settlement

While most of the text under section III, ''Prohibited Conduct'', looks good; I believe there are problems with some of the definitions listed in section VI. To wit:

A: ''Application Programming Interfaces (APIs)'' is defined too narrowly by restricting it to those APIs used by Microsoft Middleware. The general definition of API is ''the interface (calling conventions) by which an application program accesses operating system and other services.'' In the context of the PFJ, the definition should apply to interfaces used by Microsoft and non-Microsoft middleware and applications.

D: ''Covered OEMs'' does not cover all OEMs.

J: The definition of ''major version'' is easily misconstrued; for example, a version number of 7.0.0 would not be considered a major version under the given definition. The major version number is the part of the number to the left of any decimal point. Therefore, a major version must be identified by a whole number or by the part of the number to the left of any decimal point.

The version numbering of a product should not be used to determine whether that product constitutes Middleware.

—Trevin Beattie
930 N. Palm Avenue #238
West Hollywood, CA 90069

MTC–00016970

From: Dan Willson
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 12:27pm
Subject: microsoft settlement

Fellow Americans at the Department of Justice:

The proposed final judgement (PFJ) in the Microsoft antitrust case fails to prohibit anticompetitive license terms currently used by Microsoft. This is just one of many problems with the proposed settlement—other problems include but are not limited to the PFJ failing to prohibit anticompetitive practices towards OEM manufacturers, failing to prohibit intentional incompatibilities historically used by Microsoft, and the misleading and overly narrow definitions and provisions outlined in the PFJ.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions. More importantly, the PFJ does nothing to correct Microsoft's past actions or redress their previous abuses.

Microsoft currently uses restrictive licensing terms to keep Open Source applications from running on the Windows platform. Open source software is the technological equivalent of free speech, so this is an area which must be addressed with regard to the Constitutional liberties of American citizens. All products should be given a fair chance to succeed in the marketplace—licensing terms currently used by Microsoft do not allow this to happen.

EULAs (End User License Agreements) which absolve Microsoft of all liability are a

disgrace to the free enterprise system, as they leave users with no rights for products and/or services they have purchased with their hard earned money. Imagine if Ford and Firestone made computer software—both companies would be free from their responsibility in the rollover deaths attributed to the Ford Explorer incident. Imagine dining at a restaurant and getting food poisoning, only to discover that the establishment can not be penalized because there are no health and safety laws to protect the consumer from gross neglect. Now imagine that your small business has paid a king's ransom for Microsoft software and services, gets hacked and loses data (I.E. loses business) because of a security hole in the Microsoft software, but they can not gain financial restitution for goods and services they have purchased. Clearly there is a double-standard with the computer software industry when it is compared to other service industries. The PJF should take such matters into consideration and hold corporations like Microsoft accountable for their neglect, as they are providing a service. Microsoft's enterprise license agreements—those used by large corporations, state governments, and educational institutions charge by the number of computers which ''could'' run a Microsoft operating system—even computers running the open-source Linux or BSD-based operating systems.

Similar licenses to OEMs were once banned by the 1994 consent decree. Clearly these are monopolistic tactics—how else could a corporation force their clients to purchase goods and/or services that are not necessary?

Please take these points into consideration and reconsider how they affect the United States Constitution with regard to personal liberties. Computer software manufacturers should not be allowed to dictate the progress of this nation for the sake of their profit margins, all while hiding behind the facade of progress—allowing such practices to continue not only disregards the essential liberties of the typical American consumer, but disregards volumes of American legislation to curb monopolistic practices. The opinions expressed above are my own—with some assistance from the Web-based community of information-technology professionals—and does not represent the opinions of my employers. Thank you for your time.

Daniel Willson
Web Content Coordinator
UAB Media Relations
University of Alabama at Birmingham
ponyboy@uab.edu
(205) 975–2825
http://www.uab.edu/news/

MTC–00016971

From: Leif Steinhour
To: Microsoft ATR
Date: 1/23/02 12:27pm
Subject: Microsoft Settlement

Hi:

I'm writing to let you know that I think the proposed Microsoft Settlement is a bad idea. There aren't any teeth in the proposal and I don't feel that it is in the public interest. There are lots of reasons for why I feel this way: you should read an excellent article at http://www.kegel.com/remedy/remedy2.html#public—interest that describes some of the many ways the current proposal fails. To me it seems like a company that has violated numerous statutes (the Sherman Act among others) is going to walk away without any real punishment because the new settlement too narrowly defines the API's, has all kinds of holes in what Microsoft must disclose, etc.

My vote is that you scuttle this proposed settlement.

Let me know if you have any questions...

MTC–00016972

From: Paul V Gestwicki
To: Microsoft ATR
Date: 1/23/02 12:27pm
Subject: Microsoft Settlement

Please add mine to the myriad voices crying out against the proposed settlement. More time needs to be spent on creating a settlement that gives proper recompense to those who were hurt by Microsoft's previous actions.

Thank you,
Paul Gestwicki
1525 Amherst Manor Dr, Apt 311
Williamsville, NY 14221

MTC–00016973

From: jim.quinn.b@bayer.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:27pm
Subject: Microsoft Settlement

Being a casual observer of the Microsoft antitrust case over the past years, I have found at least one ,what I consider to be, extremely serious flaw in the proposed settlement. The settlement involves giving away micrisift products to schools, one of the very few markets Microsoft still has viable competiton in (by apple which they own a part of). Giving their product away in this manner will only serve to increase their monopoly in the operating systems market, by marrying their product to the national education system, by creating more, wider, exposure (and hence proficiency, and dependance) to the Microsoft products. Giving away ones product well below cost is an illegal tactic used by businesses to gain market dominance, and drive competitors out of business. Microsoft has used this tactic in the past to dominate the operating system and office suite market by providing extremely weak copy protection on their products ensuring that they could be easily copied and distributed by casual computer users to their friends. I do not find this a suitible punishment for a corporation convicted of violating antitrust laws. In my opinion, having microsoft purchase, and donate a competing product to the schools, or better yet, providing support for open source software in the public schools would do infinitely more to remedy the monopoly situation.

In addition, due to recent laws making it illegal to reverse engineer a product like microsofts windows operating system (like was done with the IBM PC leading to the ''IBM Compatible''), I believe Microsoft should be forced to publish and document ALL of their API's to facilitate the production of a compatible, competing product that can run the same software applications on the same hardware.

Sincerely,
Jim Quinn
Jim Quinn
Getronics
Desktop Support on site at
Bayer Pharmaceuticals
203.812.3097 PHONE
203.812.3668 FAX
jim.quinn.b@bayer.com EMAIL
(Embedded image moved to file: pic09931.gif)

MTC–00016974

From: Grant Hulbert
To: Microsoft ATR
Date: 1/23/02 12:27pm
Subject: Microsoft Settlement

I object to the proposed Microsoft settlement for many reasons, but one of the biggest is that Microsoft charges large institutions site-licenses based on the number of machines that *could* run Windows, even if they happen to be running other operating systems like Linux. This in turn causes those large institutions to rethink their OS strategy, and in many cases they *require* all users to use Windows because ''Hey, we're already paying for it''. This is inherently anti-competetive.

Grant Hulbert
Director of Engineering
Blue World Communications, Inc.
<mailto:GrantHulbert@blueworld.com>
''bring business to the internet''

MTC–00016975

From: Lee Nelson
To: Microsoft ATR
Date: 1/23/02 12:27pm
Subject: Microsoft Settlement

I oppose the proposed microsoft settlement as it is full of wide open gaps for Microsoft to further exploit their monopoly, and they will if history is any indication. Please consider this a vote against the current settlement, I believe it will harm both American businesses and American consumers and will hinder the development of competition and technological innovation. I would encourage the court to seek a solution that would try to re-level the playing field so unjustly tilted by Microsoft in all desktop PC software arenas (OS, office suites, media, communications, internet, and others) by enforcing a policy of open (to all) source-code and open (to all) standards in all of these areas, including file formats, interfaces, features, etc.

Thank you.
Dr Lee Nelson
29 Sprague Rd
Scarsdale NY

MTC–00016976

From: Kyle Hasselbacher
To: Microsoft ATR
Date: 1/23/02 12:28pm
Subject: Microsoft Settlement

Under the Tunney Act, I want to comment on the proposed Microsoft settlement.

The PFJ supposedly forces Microsoft to publish its secret APIs, but the way it defines ''API'' is so narrow that there are many

important APIs that MS would not have to publish.

Everything I've heard about the proposed settlement makes me think that it will make no difference to MS. They'll continue to play the same dirty tricks they always have, using loopholes like this one. Please settle this case in a way so that MS really does have to play fair in the future.

Thank you for your time.

Kyle Hasselbacher

kyle@toehold.com

MTC–00016977

From: Steve Schiff
To: Microsoft ATR
Date: 1/23/02 12:25pm
Subject: Microsoft Settlement

As a technology professional, I have been following the Microsoft case in the news fairly closely. I am writing to express my deep dissatisfaction with the setllement of the case as it stands today.

I believe that Microsoft wields near monopoly power through the monopoly of the desktop operating system, which they have extended to a monopoly on office applications, the browser, and now, through the .net initiative, to the very infrastructure of the Internet.

Having been a party to many business planning sessions as a technology professional, I can tell you that it is tantamount to career suicide to propose writing end user applications to any platform except Windows. It is becoming increasingly difficult to propose infrastructure alternatives to windows in the data center.

In my view, left inftact, Microsoft will eventually own the end to end application environment. This ownership will allow Microsoft to extend it's dominance to services albeit at a slower pace.

While I believe a structural remedy to be the most productive resolution to the case, and one which would unlock the most shareholder value, I believe that an alternative exists, which is quite simple to enforce and to demand:

Microsoft should be required to provide their applications and application services on a minimum of three alternative operating systems.

This would have the effect of increasing acceptance and adoption of alternative operating system and processor options, and would in turn create an environment where alternative server operating system and applications could compete on a more level playing fiele.

Please focus on this case. It is critical that the government do more than the present settlement to assure a competitive technology environment which will continue to secure the US dominant role in technology innovation.

Regards,

Steve Schiff

MTC–00016978

From: Ricky Musci
To: Microsoft ATR
Date: 1/23/20 12:28pm
Subject: Microsoft Settlement

I feel the current Microsoft settlement in no way deals with the problems of their monopoly. This is barely even a light slap on the wrist. As an American, I care about quality in the products I use. Microsofts total dominance in a number of fields gives them a license to ignore quality. They have no competition, so they have no need to improve their products. Please reconsider the Microsoft settlement.

It ignores the consumer and feeds an unreliable company.

Ricky Musci
System Administrator
The Nautilus Institute
(510) 295–6119

MTC–00016979

From: Howard, Chris
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 12:28pm
Subject: Microsoft Settlement

I personally think the Microsoft antitrust proposed settlement does not go far enough in it's attempts to limit future monopolistic activity, or even current monopolistic activity, by Microsoft.

This may or may not be the position of my employer... I haven't asked them.

Chris Howard
CIS Database Administrator
Platte River Power Authority
(970) 229 5248

MTC–00016980

From: John Ivory
To: Microsoft ATR
Date: 1/23/02 12:28pm
Subject: Microsoft Settlement

It seems to me that there's a lot more than a single anti-trust issue at stake; it's the general faith that people can or should put in their government.

If Microsoft is allowed to walk away with the minimal sanctions and punishment that have been proposed, it will be an injustice on a scale similar to the crimes of Enron against it's employees and stockholders.

Please, look at the facts here, and not the spin generated by people on Microsoft's payroll. They abused their monopoly, and will have every inclination to continue doing so.

I've been a software engineer for 20+ years. I've started two succesful software companies. I'm not some young hacker. Microsoft is a wart on our industry. Please take action.

Thank you,
John Ivory
Integrated Sensors
http://www.sensors.com
ivory@sensors.com
315–798–1377
CC:John Ivory

MTC–00016981

From: Michael Bowen
To: Microsoft ATR
Date: 1/23/02 12:19pm
Subject: the proposed settlement between the Justice Department and Microsoft

Greetings,

I would like to comment on the proposed settlement between the Justice Department and Microsoft.

The proposed settlement does not adequately address the damage that Microsoft has done to the computing industry. For example, the definition of an API is too narrow. In order for there to be a level playing field, all of APIs of the Windows operating system must be completely documented. This way, Microsoft will not have an unfair advantage over third party vendors who wish to write applications. The settlement also fails to address file formats. It is very important that Microsoft releases information about its currently undocumented file formats (like word documents ''.doc''). Microsoft has an unfair advantage over third party vendors when writing office software because these vendors can only guess when it comes to reading or writing word documents, excel spreadsheets, and others.

I feel that the settlement should be reworked, so that it will prevent Microsoft from engaging in any more monopoly practices.

Thank you,
Michael Bowen
software engineer at St. Jude Medical
Sunnyvale, CA
CC:mike@darkhalls.org@inetgw

MTC–00016982

From: Dexter C. Palmer
To: Microsoft ATR
Date: 1/23/02 12:23pm
Subject: Microsoft Settlement

To Whom It May Concern—

I am a United States citizen, and have been a frequent computer user since 1985. Over time, because of Microsoft's increasing monopoly of the marketplace, I have found it increasingly difficult to conduct my daily necessary business without resorting to Microsoft products (which are often poorly coded and insecure when compared with competing software). This is mostly because of Microsoft's well-documented monopolistic business practices, as well as incompatibilites (intentionally created by Microsoft) between its software and that of most other software and operating systems, as well as earlier versions of Windows. By now, it is literally impossible for me to communicate with anyone else in my workplace, or most others, without using Microsoft products (since Microsoft now has an effective monopoly with the ''office suite'' class of applications: in the case of Microsoft these include Word, Excel, Outlook, Entourage, and Powerpoint).

I feel that the proposed Justice Department settlement does not adequately redress the wrongs committed by Microsoft, for it does not sufficiently prohibit future abuses, nor does it offer remedy to the end user for previously committed infractions. I respectfully ask that it be reconsidered.

Sincerely,
Dexter Palmer
24 Quarry St.
Princeton, NJ 08542

MTC–00016983

From: Tom Termini
To: Microsoft ATR
Date: 1/23/02 12:27pm
Subject: Microsoft Settlement—break up the company

As an Apple developer, I support a settlement that is fair and results in undoing

the damage done by Microsoft's illegal actions in the marketplace. Obviously the impact on the internet by MS's illegal tying of IE has limited choice, stiffled innovation, and slowed the spread of the beneficial technological resources engendered by the net.

As far as a critical BROADBAND resource being adversely impacted, Apple's QUICKTIME digital video technology has been shut out by MS's on-going efforts to dominate this niche.

In the area of education users, the proposed (and now rejected) settlement where MS would donate software to schools would have just improved MS's hold on an important market niche.

We struggle every day to educate potential customers about the pitfalls of a MS-only environment. The company has been unfair and used their (derived from illegal monopoly revenues) warchest to lock out open competition and eliminate choice. We can see from the security issues surrounding MS that having no choice doesn't just cost consumers more money—it also opens the door to malicious and potentially huge damage from miscreants.

Ubique,
Tom Termini
BlueDog
http://www.bluedog.net

MTC–00016984

From: nikhil dhruva tilwalli
To: Microsoft ATR
Date: 1/23/02 12:27pm
Subject: On the Proposed Final Judgement

To Whom It May Concern:

In accordance with the Tunney Act I am submitting my opinions on the proposed government settlement with Microsoft in regards to the pending anti-trust case.

I am firmly opposed to the current proposed settlement term in the Microsoft case. The terms do no fully redress the actions committed by Microsoft in the past, nor their ability to commit similar or anti-competitive actions in the future.

Many of the provisions in the current settlement will not effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. In view of Microsoft history of anti-comptetitive practices correcting this is vitally important.

A few issues that have been brought to my attention are:

1) The settlement does not take into account Windows-compatible competing operating systems. Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the settlement fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

2) The settlement Fails to Prohibit Anticompetitive License Terms currently used by Microsoft. Microsoft currently uses restrictive licensing terms to keep Open Source applications from running on Windows.

3) The settlement Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft. Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

4) The settlement Fails to Prohibit Anticompetitive Practices Towards OEMs. The current settlement allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

Please refer to http://www.kegel.com/remedy/remedy2.html for other issues that must be addressed for the settlement to be fair and equitable to all interested parties.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. I implore you to look into these and the other issues before before pursuing closure on this matter.

Sincerely,
Nikhil Tilwalli
Assistant to the Dean
College of Engineering
University of Illinois, Urbana

MTC–00016985

From: Bruce E. Birch
To: Microsoft ATR
Date: 1/23/02 12:27pm
Subject: Microsoft Settlement

I feel that the rate of technological growth has been retarded due to Microsofts illegal Monopolistic practices. Competition promotes growth and is one of the more important attributes to the U.S. Microsofts crimes have had a profound negative impact on how we know and utilize technology. This effect will continue to happen if the settlement is not as profound. I feel the proposed remedy will not effectively promote fair business practices and competition.

Technology is our future, and to trust our future with one establishment will be disasterous. Please re-evaluate with our future in mind.

Thank you
Bruce E. Birch
U.S. Citizen, Information Systems Administrator, Open Source Software Advocate

MTC–00016986

From: Tim
To: Microsoft ATR
Date: 1/23/02 1:26am
Subject: Microsoft Settlement—BAD!

The terms of the settlement that the DOJ reached with Microsoft are BAD! MS has proven they will not respect the spirit of any court decree, and will bend and push the letter of that decree until there are enough loopholes to let them continue with business as usual.

MS has built a huge pile of cash reserves, mostly on the back of the consumers who were the victims of the monopoly MS built. If I robbed a bank and invested the money, I wouldn't get to keep the interest when I was caught. Thus, I think extremely heavy fines are needed to show that crime does not pay. Something in the 10, 20,30 billion dollar range would do nicely.

Finally, one of the biggest impediments to anyone competing with MS is the totally hidden nature of file formats for things like Word, Excel, Access, Powerpoint, Windows Media Player, etc. MS continually changes and manipulates these formats, so anyone attempting to interoperate with MS formats is always behind. Please require MS to completely and totally document *every* file format, *every* communications protocol and *every* API, and divulge to the public that documentation with no licensing requirements, and to publish changes at least 6 months in advance, so that other companies can have a chance to update their products to work with the new format. Do NOT leave any loophole that would allow MS to not disclose something for ''security'' reasons—if a protocol is insecure because someone knows how it works, then it's not really secure at all. Truly secure protocols are widely reviewed, and withstand public scrutiny without any problems.

As a member of the IT industry, I feel very deeply that MS's illegal tactics have harmed the industry and reduced innovation. The rise of Free Software such as Linux as the only real viable competitors to MS show how MS have poisoned the commercial software industry.

Thank you for your time,
Tim Wasson
1620 Vallejo Drive
Hollister, CA 95023

MTC–00016987

From: Payne Simpson
To: Microsoft ATR
Date: 1/23/02 12:28pm
Subject: Microsoft Settlement

Dear Sirs:

I am writing to give my comments on the Microsoft antitrust settlement.

I believe this settlement is counter to the interests of the American public, deleterious to the American economy, and not adequate given the findings of fact in the trial.

Microsoft's anti-competitive practices are counter to the law and spirit of our free-enterprise system. These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation.

Microsoft's monopolistic practices cause the public to bear increased costs and deny them the products of the innovation which would otherwise be stimulated through competition.

The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future.

It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities.

I do not think that the proposed settlement is strong enough to serve this function.

Best regards,
H. Payne Simpson, III
1232 W. Boxelder Circle
Chandler, AZ 85224

MTC–00016988

From: Andrew James
To: Microsoft ATR
Date: 1/23/02 12:28pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the

current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Andrew I. James
University of Florida
ajames@ufl.edu

MTC–00016989

From: Jake Donham
To: Microsoft ATR
Date: 1/23/02 12:29pm
Subject: comment on proposed Microsoft judgment
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Microsoft uses its monopoly power to limit competitors'' access to the market, and the consumer software industry is stagnating because of lack of competition.

The proposed judgment against Microsoft fails to redress its past abuse of monopoly power and fails to prevent future abuse. The judgment draws many provisions misleadingly or too narrowly, providing numerous loopholes by which Microsoft can continue its anti-competitive practices.

A fair judgment would open up all aspects of the consumer software market to competition, by forcing Microsoft to publish all APIs and file or document formats of any kind, and allowing users and OEMs to replace any part of the Microsoft software.

Sincerely,
Jake Donham
194 Adelphi St #1
Brooklyn, NY 11205

MTC–00016990

From: Travis Anderson
To: Microsoft ATR
Date: 1/23/02 12:28pm
Subject: Microsoft Settlement

To whom it may concern:

As a citizen of the United States of America, I feel that the proposed settlement of the Microsoft antitrust case is unacceptable. Much more must be done to ensure that the abuses Microsoft has commited and contiunes to commit are stopped. As a citizen of Minnesota, I am proud that my state is leading the way in this continued fight for survival. Please look at the facts, consult the experts, ignore all their money and influence, and finally, DO THE RIGHT THING!

Travis Anderson
Full-time Student
Part-time Land Surveyor
809 5th St. NE
Minneapolis, MN 55413
travis@neodreams.com

MTC–00016991

From: Rez
To: Microsoft ATR
Date: 1/23/02 12:29pm
Subject: Microsoft Settlement

The proposed settlement is a joke, as anyone in the computing field knows. Microsoft gets to grab yet another monopoly market (schools) at NO REAL COST TO THEMSELVES. This is hardly a punishment or restriction — it's an enhancement to MS's existing market monopoly!!

Please STOP this bogus settlement from going through. It hurts consumers AND it hurts MS shareholders, who must bear the losses when MS's image goes into the toilet from being allowed to be the 800 lb. gorilla.

K.V. Moffet
comuter tech, registered voter, and MS shareholder

MTC–00016992

From: Jeremy Sparks
To: Microsoft ATR
Date: 1/23/02 12:30pm
Subject: Microsoft Settlement

To whom it may concern,

As a Systems Programmer for Willamette University in Salem Oregon, I have worked recently to create a Windows 2000/XP login client (or GINA) that would be able to authenticate against our existing LDAP directory. The process, was overly obtuse and time consuming primarily because the API's used by Windows are not available and their example source code (at least with regard to my project) does not work. I think it is clear that Microsoft wants to give the appearance that it allows third party programmers to extend it's operating systems without actually giving them the ability to do so. The final result of my work does not extend Windows 2000 as I had hoped and in fact must add a security risk to our existing Windows systems in order to work at all. Instead my work must necessarily rely on the existing Windows login dll (msgina.dll) to interface with the operating system.

Given that I have first hand experience, I wish to offer my opinion that any remedy which does not give programmers access to the information they need, specifically Windows system APIs, only allows Microsoft to leverage it's operating system to gain monopolies in other areas. In my example they are making it difficult for us to continue to use our existing Unix based servers with their Windows desktop computers. Moreover it is rumored that they intend to remove SMB file sharing from future Windows operating systems. If this happens, and the APIs are not opened, we will have NO CHOICE but to use Microsoft server software. This is not right. I oppose any settlement which allows Microsoft to force companies and universities to use their software.

Jeremy C. Sparks-Willamette University
phone:503–370–6016/fax: 503–375–5456
Systems Programmer-Network Services Consultant
email: jcsparks@willamette.edu

MTC–00016993

From: Ross Youngblood
To: Microsoft ATR
Date: 1/23/02 12:26pm
Subject: Microsoft Settlement

I am concerned that the DOJ settlement will not be good for the technical development community in the US. Companies attempting to produce compatable operating systems or bridges from Mirosoft to other operating systems are not protected from retaliation by Microsoft.

Ross Youngblood
480–917–1432
Applications Engineer
ross_youngblood@credence.com
Credence Systems Corporation
Chandler, Az

MTC–00016994

From: Anand Srivastava
To: Microsoft ATR
Date: 1/23/02 12:30pm
Subject: Microsoft Settlement

To whomsoever it may concern,

I am against this settlement.

I am actually against the very idea of settling with the guilty party. The guilty party must be given punishment. I don't why the judge even asked for a forced settlement. The judges job must be to find a remedy, not a settlement.

The judge must do what was done against AT&T. Microsoft must be broken into several parts. At least as many parts as neccesary to bring its monopoly to a manageable level.

Or their should be penalty, and criminal liability. They have already breached courts orders.

How can they be let go without giving adequate punishment. The punishment must be severe, some percentage of their revenue must go as fine. They should have a review every year and if found guilty their income should be confiscated. There is no possibility that any settlement can be fair to the public.

thanks,
-anand

MTC–00016995

From: Easton Beymer
To: Microsoft ATR
Date: 1/23/02 12:28pm
Subject: Microsoft Settlement

I AGREE with the terms of the Microsoft—DOJ settlement. Lets get this wrapped up!

MTC–00016996

From: Eric Carter
To: Microsoft ATR
Date: 1/23/02 12:30pm
Subject: Microsoft Settlement

I'm not so sure if the proposed microsoft settlement is such a good idea. I don't think that it will effectively redistribute the gains which microsoft has acquired through it's successful use of unfair monoply powers. It is apparent from the final judgement and the various pieces of evidence show that it will be difficult for any company or organization to compete against microsoft as long as it's ''pushing it's weight around''. Additionally, no reference is made to casual groups in the final judgement. The Open Source community is the only group which is currently a major competetor with Microsoft(AIM, Linux, BSD, Netscape/Mozilla), yet they are not mentioned(and apparently given no rights) under the final judgement. Microsoft API's and standards should be open for ALL programmers who want to produce a product that will be compatible with Microsoft programers, not just those who want to make a profit off that product. I was disappointed that the expected term of the final judgement was shorter than the trial which created it. I feel that 10 years(if not indefinately until microsoft losses it's Operating System Monopoly) is more suiting and would give the industry enough time to recoup from microsofts stranglehold. With opposition and honest,

Eric Carter

Voting U.S. Citizen of California,

Currently representing the U.S. in Germany as a Congress-Bundestag Student Ambassador.

MTC–00016997

From: itzdandy
To: Microsoft ATR
Date: 1/23/02 12:29pm
Subject: Microsoft Settlement

To Whom it may concern,

The public voice, which includes mine, knows that any settlement without significant changes in the company of Micosoft Anti-trust suit is unacceptable. It will damage any and all competition for desktop operating systems because it will allow Microsoft to continue is anti-competative actions.

thank you for your time.

Daniel C Denson

MTC–00016998

From: Don Atkinson
To: Microsoft ATR
Date: 1/23/02 12:26pm
Subject: Microsoft Settlement

I believe the settlement is flawed. I don't have the time or fortitude to wade through the entire body of documents related to this case, but in order for the settlement to be meaningful and enforcable, Microsoft must be obligated to fully document all file formats and programming interfaces required to integrate products with any and all present and future versions of all of their software.

I develop software professionally. I know how difficult it is to coordinate with cooperating team members on complicated products. Anything short of full disclosure on Microsoft's part will allow them to maintain the fruits of their anti-competitive practices through delay and obfuscation tactics.

Philosophically, I'm a Libertarian, and question whether this should be in court at all. I am not an anti-Microsoft zealot, but over the past few years, I have become fed up with the restrictions that Microsoft places on the competetive environment, and if we are going to pretend to enforce a competitive market place through legislation and court rulings, let's get to the point.

An anecdote:

Our company recently had a number of laptops stolen. When placing an order with Dell to replace the machines, we made our decision on which model to purchase based on Dell's refusal to ship certain models without a specific Windows OS version. Some of our users are developers who work under Linux and have no need for a Windows operating system at all. Our business is wasting time and energy dealing with restrictions enforced by Microsoft and its weight in the industry. Since much of our development is done under government contract, this amounts to a waste of tax dollars.

MTC–00016999

From: achofer@netscape.net@inetgw
To: Microsoft ATR
Date: 1/23/02 12:30pm
Subject: Microsoft Settlement

Dir Sir or Madam:

I have a simple point to make regarding Microsoft's business practices. Microsoft is comprised of three distinct entities: Programming languages, applications and operating systems. It is extremely clear that Microsoft has made business decisions that affected the internal structure of their software to the detriment of consumers and competition that they would not have made, were each of these entities separate. If you need further explanation or documentation, please feel free to respond to this e-mail.

Thank you for your time.

Andrew Hofer

MTC–00017000

From: Ken Kirchner
To: Microsoft ATR
Date: 1/23/02 12:30pm
Subject: Microsoft Settlement

Hello ladies and gentlemen,

I would like to add my voice to those who are displeased with the current proposed settlement with Microsoft. Microsoft is so large and diversified they can easily assimilate any sector of the software market they want. As it was clearly demonstrated in the Internet Explorer versus Netscape Navigator war, you cant compete against a company that can afford to give away its product longer than you can. Microsoft's pockets are too deep for any new software company to try and assault. Microsoft's interpretation of innovation is buying other companies that have innovative products (ex: Visio) instead of producing their own. They are definately the 300 pound gorilla of the industry.

As far as proposed solutions, I am afraid I dont have the sure-fire solution, but I think forcing them to offer free access to their current and future data structures (Microsoft Office documents, Visio files, etc) would at least prevent them from shutting out other software companies by hiding behind proprietary file formats. I'm sure this suggestion needs more scrutiny than I have given it. I think software purchases should be judged on how efficeintly and effortlessly it manipulates your data, not what format it saves it in.

Ken Kirchner : kenk@shreve.net

Assistant System Administrator : Tel (318)222–2638

ShreveNet, Inc. : Fax (318)213–2650

ShreveNet—Your Premium Internet Service Provider!

MTC–00017001

From: Chris J. Harmon
To: Microsoft ATR
Date: 1/23/02 12:30pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea.

MTC–00017002

From: Dave Polenychko
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 12:30pm
Subject: Microsoft Settlement

The proposed settlement is too narrowly worded as to have any real effect on the anti-competitive practices of Microsoft.

David Polenychko
2443 Hinge
Troy, MI 48083
248–689–5947

MTC–00017003

From: mark.stout@L-3com.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:29pm
Subject: Microsoft Settlement

Hail!

I am an engineer supporting a US Air Force project. Our group uses MS-DOS on a system for the Air Force and Windows on our main server and desktops. One print server runs Linux and my own desktop dual-boots Windows and Linux.

It is my understanding that the Government is considering a settlement that would compel Microsoft to open it's application interfaces to commercial competitors. Great as it sounds, this leaves out two important entities, the US Government and non-commercial competitors. If the government, or a hospital, requires software that can be reviewed by a large group to ensure that it is defect-free, such as that protecting nuclear materials or keeping people alive, that should be a possibility available to us.

The current plausible threats to Microsoft are Linux and BSD. The Government already contributes to these; most of the network drivers were written by a NASA employee. The government already uses Linux and BSD in many places where Windows is cost prohibitive and the programmers need access to the source code. This access is a very important component. Presumably, Microsoft's source code is going to be protected as a trade secret. It's widely known that little of it was ever Microsoft's, so they need to keep it secret to stay out of jail. Anyhow, the application interfaces have to be open in order for anybody to write a program that communicates with Microsoft's products. Releasing them to a commercial competitor might've been useful 20 years ago,

but today, these have to be available to the U.S. Government and the the Open Source (Linux, BSD) community.

The course before us now is a straight, short path to dictatorship. Already, the licenses for Microsoft Frontpage and Microsoft Internet Information Server (commonly IIS) forbid thier use in disparaging Microsoft. If the alternatives to these are lost, as this settlement offers, Bill Gates could run for president and be unopposed; it would be illegal to suggest that another person could better fill that position. Once in place, any suggestions that Mr. Gates had about changing the way laws are made, interpreted and enforced would immediately become law; it would be illegal to suggest that Democracy is better than dictatorship.

Microsoft's arguments that they had to shut down Netscape, IBM, Borland, etc. as a matter of survival are reminiscent of Hitler's 1924 arguments that if he didn't start eliminating Jews he'd have to compete with them for food, clothing and shelter. Microsoft's arguments that they can't work within any consent decree with the government because they need freedom to innovate ignore the fact that Microsoft's last innovation was to offer the best implementation of BASIC for the CP/M operating system in the late seventies. Everything else that Microsoft has sold since then was invented outside of Microsoft, usually by a company with less than fifty employees. I could agree to Microsoft being free with it's innovations; they can make and sell BASIC interpeters for other people's operating systems forever; I won't begrudge them a nickel that they earned legitimately.

Good luck,
-Mark

MTC–00017004

From: David J Brumley
To: Microsoft ATR
Date: 1/23/02 12:31pm
Subject: Microsoft Settlement

I am opposed to the microsoft settlement. Anything that leaves the company in tact will ultimately lead to future illegal activity. Remember, microsoft was found guilty of illegally using a monopoly. This means to me that in fact they have a monopoly and have maniuplated it to great profit. Any settlement that does not realize microsoft has made an effort to do things that are illegal and must be curtailed immediately is not acceptable.

For example, here at Stanford we use kerberos for authenticating our computers. MIT does likewise. When we wanted to encorporated Windows 2000 into our domain, we found they had changed the standard subtley so Microsoft software worked with our current infrastructure if we used microsoft servers. Never mind we had unix servers that never crashed and previously worked fine.

Microsoft will push the competitive edge until there are no more competitors. This is american business. American law dictates that these activites be checked, and curtailed when necessary. Please do something to curtail the current activity as well as future anti-trust violations.

Signed,
david brumley
David Brumley
650.723.2445

MTC–00017005

From: Jonathan Miller
To: Microsoft ATR
Date: 1/23/02 12:31pm
Subject: Microsoft Settlement

I object to the proposed settlement. Microsoft has too much power in the computer industry. I would like to see a settlement where all of their API's are published, also their ever changing file formats in Word, Excel, Access.

Jonathan Miller
Spokane, WA

MTC–00017006

From: Matthew L Daniel
To: Microsoft ATR
Date: 1/23/02 12:31pm
Subject: Microsoft Settlement

Dear Sirs:

I am writing to give my comments on the Microsoft antitrust settlement. I believe this settlement is counter to the interests of the American public, deleterious to the American economy, and not adequate given the findings of fact in the trial.

Microsoft's anti-competitive practices are counter to the law and spirit of our free-enterprise system. These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation.

Microsoft's monopolistic practices cause the public to bear increased costs and deny them the products of the innovation which would otherwise be stimulated through competition. The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future.

It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function.

Thank you,
Matthew L Daniel,
Atlanta, Georgia
Matthew L Daniel
Director of Technology,
Still Current Development, Inc.
mdaniel@scdi.com

MTC–00017007

From: kpayne (w)
To: Microsoft ATR
Date: 1/23/02 12:32pm
Subject: Microsoft Settlement

Greetings,

I am writing to express my dissatisfaction with the proposed Microsoft AntiTrust settlement. Microsoft is a convicted monopolist who deserves to be punished. They have used their monopoly in certain markets (operating system, web browser, office productivity suite) to extend their grasp into other markets (internet services, video game consoles). Microsoft has demonstrated that they do not intend to stop this behavior. I ask that you reconsider the proposed settlement for one that better protects the public.

Thank you,
Kerry Payne

MTC–00017008

From: David Dolinar
To: Microsoft ATR
Date: 1/23/02 12:32pm
Subject: Microsoft Settlement

The current settlement proposed is a VERY BAD IDEA. Microsoft should not be allowed to integrate anything with their OS unless *ALL* of their API's are forced open & other software companies can integrate their products to the same degree as MS's software. OEMs should also be able to package this other software integrated with Windows & the computers they distribute.

— David Dolinar

MTC–00017009

From: Mike Bednowicz
To: Microsoft ATR
Date: 1/23/02 12:33pm
Subject: Microsoft Settlement

I oppose the proposed settlement.
Michael Bednowicz
881 Ford Avenue
Elgin, IL 60120

MTC–00017010

From: Andrew Ball
To: Microsoft ATR
Date: 1/23/02 12:29pm
Subject: Microsoft Settlement

I would like to add my voice to the mountain of concern regarding the proposed settlement with Microsoft. While I have significant concerns about all aspects of the proposal, there are two which deeply trouble me. I am the Systems Administrator for a small non-profit arts organisation of 65 employees. Out of necessity, we work in a very mixed environment of Windows and Macintosh computers, with a few Unix boxes thrown in for good measure. We use Open Source and GPL software on our servers because these licenses allow us to be able to afford the tools required to seamlessly pass documents between all our environments using a tool called Samba.

The other day, I read this on the Samba team's development site.

The settlement states:

''E. Starting nine months after the submission of this proposed Final Judgment to the Court, Microsoft shall make available for use by third parties, for the sole purpose of interoperating with a Windows Operating System Product, on reasonable and non-discriminatory terms (consistent with Section III.I), any Communications Protocol that is, on or after the date this Final Judgment is submitted to the Court, (i) implemented in a Windows Operating System Product installed on a client computer, and (ii) used to interoperate natively (i.e., without the addition of software code to the client or server operating system products) with Windows 2000 Server or products marketed as its successors installed on a server computer. '' Sounds good for Samba, doesn't it. However, in the ''Definition of terms'' section it states :

''Communications Protocol'' means the set of rules for information exchange to

accomplish predefined tasks between a Windows Operating System Product on a client computer and Windows 2000 Server or products marketed as its successors running on a server computer and connected via a local area network or a wide area network. These rules govern the format, semantics, timing, sequencing, and error control of messages exchanged over a network. Communications Protocol shall not include protocols used to remotely administer Windows 2000 Server and products marketed as its successors. '' If Microsoft is allowed to be the interpreter of this document, then it could be interpreted in a very broad sense to explicitly exclude the SMB/CIFS protocol and all of the Microsoft RPC calls needed by any SMB/CIFS server to adequately interoperate with Windows 2000. They would claim that these protocols are used by Windows 2000 server for remote administration and as such would not be required to be disclosed. In that case, this settlement would not help interoperability with Microsoft file serving one bit, as it would be explicitly excluded.

We would hope that a more reasonable interpretation would allow Microsoft to ensure the security of its products, whilst still being forced to fully disclose the fundamental protocols that are needed to create interoperable products.''

The Samba team's concerns seem well founded to me. Were Samba to be stopped in development, our day to day operations would be significantly hampered. Additionally, there would be a significant impact on our budget as are unable to afford commercial tools that perform as well as Samba does. Indeed, we have yet to find a commercial tool that offers the same quality that Samba does.

My second concern involves those aspects of the proposal that entail Microsoft ''giving away'' millions in software and hardware to educational institutions. That this proposal isn't seen as simply ludicrous is beyond me. Surely Microsoft's lawyers must be wringing their hands with glee at the prospect of indoctrinating young minds to the ''Microsoft way'' at so young an age. Simply put, this is akin to allowing Coke to supply free sugar water beverages to kindergarten. It's a cynical attempt to grab mindshare, nothing more.

Additionally, you do the educational institutions no favour. Why? Because those machines as they degrade over 12 months, will eventually become unusable and require maintenance. Without suitably trained staff and available Systems Administrators, the computers and the software are nothing more than time wasters, requiring hours of tinkering by non-technical staff in order to make them actually work. You're dooming the English teacher to trouble shooting the broken WindowsXP box in the corner because few school boards have the Systems Administrator resources to keep the machines up and running all the time.

Surely this aspect of the proposal must be seen for what it is: a hollow advertising scheme, propped up with assets that will cost Microsoft nothing (but which will undoubtedly be written off in the following tax year), assets that will suck the already limited resources of local school boards dry.

Please, reject the proposal.

Andrew Ball aball@acttheatre.org
Systems Ringmaster / Technology Sherpa
ACT Theatre
700 Union St.
Seattle, WA 98101
(206) 292–7660 x1337 voice
(206) 292–7670 fax

MTC–00017011

From: Rodney Smith
To: Microsoft ATR
Date: 1/23/02 12:37pm
Subject: Microsoft Settlement -against

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. You have been bamboozled by techno-talk. The defininitions are too loose. Microsoft will wiggle free as if there was no ''settlement''. Why sign a ''settlement'' when it will settle nothing and achieve no lasting effects? Attorneys may disagree with me, but I am a software developer active in the retail software industry for the last 12 years. I see the effects of predatory behavior, disrepect for other's IP rights, and restrictive OEM agreements that prevent alternatives from seeing a level playing field.

The proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only intend to prohibit the future repetition of those abuses. And poorly at that. Where is the punishment for lying in court? Where is the oversight with teeth? Where are monetary relationships broken? Trimmed and tweaked is what I see, not substantially changed. While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. Open my industry!

Sincerely,
Rodney Smith
19451 SE 57th Place
Issaquah, WA, 98027

MTC–00017012

From: Bob Miller
To: Microsoft ATR
Date: 1/23/02 12:32pm
Subject: Microsoft Settlement

The proposed final judgement on Microsoft is too lenient. Microsoft has repeatedly engaged in criminally monopolistic activity, and it needs a judgement severe enough that it will be dissuaded from more criminal behavior in the future.

The proposed final judgement is too narrow. It treats specific symptoms, some of which are already obsolete, but it does not attack the root of the problem. It should restrict Microsoft's ability to use its PC monopoly to enter new markets, but it does not. It should restrict Microsoft's ability to shut out competing software vendors in the PC market by requiring Microsoft to release API information well before software using those APIs is released, but it does not. It should specify how it will be enforced, with Microsoft bearing the burden of proving it is not abusing its monopoly powers, but it does not.

Most importantly, Microsoft should be prohibited from discriminating against open source software. Microsoft should be required to make its APIs available to the public, not just to licensees. Microsoft should be specifically prohibited from licensing any of its products in ways that exclude open source software.

The proposed final judgement is not justice. It's barely a slap on the wrist.

Bob Miller K<bob>
kbobsoft software consulting
http://kbobsoft.com kbob@jogger-egg.com

MTC–00017013

From: Michael Enos
To: Microsoft ATR
Date: 1/23/02 12:32pm
Subject: Microsoft Settlement

To whom it may concern:

I am opposed the current MicroSoft Settlement for many reasons. As the President and CEO of a Financial Services company, we have built leading edge technology COMPLETELY on open source platforms (Linux, Postgres, Samba, GNU compilers and utilities, TCL, Python, MySQL, PHP, Apache, etc.).

We have achieved processing speeds that exceed ALL Microsoft applications and most mainframe applications. We were recently purchased for many times earnings by a multi-billion dollar payment processor because of our processing capabilities. Microsoft applications would have never worked. We know this because be gave it a valiant attempt but gave up.

The Federal Reserve has also shown interest in our applications and we are currently preparing a proposal for the Feds. The Justice Department must not allow Microsoft to continue to monopolize the computing industry. We expect the Justice Department to represent those of us pioneering technologies in real world applications.

Please do not hesitate to contact me.

Michael Enos
Michael L. Enos, President
H.I.S. Financial Services Corporation
102 South Tejon Street, Suite 920
Colorado Springs, Colorado 80903
Ph. (719) 633–7005 / Fax (719) 633–7006
Premier Electronic Check Processing Services

MTC–00017014

From: Damon A. Brown
To: Microsoft ATR
Date: 1/23/02 12:32pm
Subject: Microsoft Settlement

To whom it may concern:

I find that the entire scope and promise of Microsoft's OS (Windows) to be that as a platform of functionality and control for a computer terminal. While Microsoft has chosen to add services provided by their internal development process or acquired from outside sources, they have also chosen a deliberate path to directly confront and destroy other equal opportunity developments, either through acquisition or pure malice. The Halloween documents should attest to the blatent malcontrived view of the intelligence and faith of the consumers, and further, the monopolistic instinct of the Microsoft Corporation. Please consider this e-mail to be a formal complaint

of the proposed settlement—let unfettered justice be served.

Damon Andrew Brown
Alexandria, VA

MTC–00017015

From: EXT-
Peter.harbeson@nokia.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:33pm
Subject: Microsoft Settlement

Hello,

I would like to submit my opinion that the proposed settlement of the Microsoft antitrust lawsuit is NOT in the public interest. I believe it leaves far too much leeway for Microsoft to continue and even extend their illegal activities, particularly with regard to Independent Software Vendors (ISVs).

Please feel free to contact me if additional details would be helpful.

Best Regards,
Peter J. Harbeson
3 Victor Road
Hampton, NH 03842
Peter J. Harbeson
Nokia Research Center, Boston
XML Knowledge Center
781.993.5774 desk
603.264.0027 mobile

MTC–00017016

From:
Jordan.Peterson@us.delarue.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:33pm
Subject: Microsoft Settlement

I think the proposed Microsoft antitrust case settlement is inappropriate and should not be accepted.

Sincerely,
Jordan Peterson
Network Administrator II
IT Support Services
De La Rue Cash Systems, Inc.
920–206–6800
jordan.peterson@us.delarue.com

MTC–00017017

From: Matthew Sahr
To: Microsoft ATR
Date: 1/23/02 12:34pm
Subject: Microsoft Settlement

In the Proposed Final Judgement Section VI:

Definitions, several definitions allow Microsoft too great a latitude to continue its monopolistic practices.

Definition K: ''Microsoft Middleware Product'' Definition K defines ''Microsoft Middleware Product'' to mean essentially Internet Explorer (IE), Microsoft Java (MJ), Windows Media Player (WMP), Windows Messenger (WM), and Outlook Express (OE).

The inclusion of Microsoft Java and not Microsoft.NET is questionable; Microsoft has essentially designated Microsoft.NET and C# as the successors to Java, so on that basis one would expect Microsoft.NET to be included in the definition. The inclusion of Outlook Express and not Outlook is questionable, as Outlook (different and more powerful than Outlook Express) is a more important product in business, and fits the definition of middleware better than Outlook Express.

The exclusion of Microsoft Office is questionable, as many components of Microsoft Office fit the Finding of Fact's definition of middleware. For instance, there is an active market in software written to run on top of Microsoft Outlook and Microsoft Word, and many applications are developed for Microsoft Access by people who have no knowledge of Windows APIs. In total, Definition K is too narrow. The Findings of Fact (28) define ''middleware'' to mean application software that itself presents a set of APIs which allow users to write new applications without reference to the underlying operating system. The definitions used in the Final Judgement should reflect common usage and be consistent with the Findings of Fact.

Matthew Sahr
mattsahr@yahoo.com

MTC–00017018

From: Richard Kiss
To: Microsoft ATR
Date: 1/23/02 12:33pm
Subject: Opposition to Microsoft Settlement

In my opinion, anything short of break-up is a slap on the wrist to Microsoft. This company has shown time and time again that it regards agreements with anyone—including the government—to be convenient mechanisms to serve itself while continuing to apply illegal pressure through monopolistic tactics against hardware vendors and engaging in inappropriate and illegal bundling to serve its own ends. Microsoft's agreement to settlement is evidence enough that the settlement is toothless—after all, this is a company that, to this day, has maintained that it has done nothing wrong, disagreeing with the finding of fact that it is a monopoly that has broken the law. I oppose the proposed settlement agreement in its current form, and support the effort of the nine dissenting states. Look at what happened after the 1995 agreement. Microsoft immediately started to brag that it would not change their behavior one bit, and then immediately began to prove it.

Richard Kiss
him@richardkiss.com
H: 408–481–9621
W: 650–559–1010

MTC–00017019

From: Ron
To: Microsoft ATR
Date: 1/23/02 12:33pm
Subject: Microsoft Settlement

I don't believe that the proposed antitrust settlement is in the public interest.

Given the fact that the Microsoft has been convicted of monopolistic behavior, with that conviction upheld on appeal, any settlement should effectively control that behavior. Instead, this settlement allows Microsoft to continue to leverage their operating system monopoly into unrelated sectors. It allows most of their anticompetitive behavior to continue unabated. It also ignores Microsoft's behavior with respect to previous scantions.

The settlement is so flawed that I cannot simply suggest changes that would fix it. It's so favorable to Microsoft that they might as well have written it themselves. My suggestion is to throw the entire settlement out let the court decide the appropriate sanctions.

Ronald Tansky

MTC–00017020

From: Burhman Gates
To: Microsoft ATR
Date: 1/23/02 12:34pm
Subject: Microsoft Settlement
January 23, 2002
Judge Colleen Kollar-Kotelly
United States District Court for the District of Columbia
333 Constitution Avenue, NW
Washington, DC 20001
RE: US v. Microsoft proposed final order

Dear Judge Kollar-Kotelly,

The proposed consent final judgment for USA versus Microsoft will be an ineffective remedy for the abuse of Microsoft's monopoly power. If a remedy is to be composed to prevent the abuse of Micrsoft's monopoly, then the remedy must address Microsoft's means of maintaining their monopoly, extending their monopoly, and abusing their monopoly power. Specifically, Microsoft should be compelled to:

—Open their file formats (an important tool in maintaining and extending their monopoly)
—Publish communication protocols between objects embedded in office productivity documents
—Interoperate with other vendors (they punish any of their customers who attempt to use other vendors) This is not a complete list of needed remedies. Also, the proposed consent final judgment doesn't do anything to punish Microsoft for their crime. Please accomodate the American public and punish Microsoft and make a meaningful remedy to their means of extending, maintaining, and abuse of their monopoly.

Burhman Gates
Vicksburg, Mississippi
Electronics Engineer
Small computer store / consulting firm owner

MTC–00017021

From: JKleier@madison.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:30pm
Subject: Microsoft Settlement

I believe that the current version of the settlement scheme is not in the best interest of the Public. Many Definitions of terms are ambiguous or straightforwardly directly beneficial to Microsoft. I think it should be taken under review further, and clarifications made on certain points. Obviously, if Microsoft has done this in the past (i.e, Caldera in the 90's) they will continue to do it in the future.

Intent should also be looked at. Obvioiusly, their intentions are to go as far as they can ''within the law'' without actually breaking the law. Well, they broke it, and should pay the consequences. But their outlook on the whole thing has not changed. their intentions are the same. They just have to be even more devious now.

Jorden R. Kleier
IT Support Specialist

MTC–00017022

From: rederin
To: Microsoft ATR
Date: 1/23/02 12:32pm
Subject: proposed microsoft settlement

I vote NO! to the proposed Microsoft Settlement.

I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundred, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices.

Similar to the settlement against AT&T, Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level (40%, for example, assuming one of it's competitors is now also at 40%). This must be true for all Microsoft product lines, before regulation is lifted.

Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Imagine the damage to the United States if Microsoft were to fail, as Enron failed. The risks of a monopoly are greater than merely the loss of competition.

Thank you for your time.

MTC–00017023

From: lcopley@equator.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:33pm
Subject: Microsoft Settlement

Microsoft is effectively a monopoly which has engaged in a series of anti-competitive practices, often in violation of previous court-ordered remediation. Given this history, it is unlikely in the extreme that Microsoft will cease this behavior in the face of any remediation other than separating the operating system business from the rest of the company. I strongly urge the court to do the right thing in making this monopoly compliant with US law in the one way which can structurally insure compliance—break off the operating system.

Lane Copley
Contract Technical Writer
408–369–5249

MTC–00017024

From: Kharabe, Amol (Soliance)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 12:34pm
Subject: Microsoft Settlement

Hello,

I wanted to add my comment that the Microsoft settlement that is being proposed is a *very bad* idea, since it will only succeed in *increasing* Microsoft monopoly, not *decreasing* it, as was the whole aim of the exercise.

Thanks.

MTC–00017025

From: Dan Christian
To: Microsoft ATR
Date: 1/23/02 12:35pm
Subject: Microsoft Settlement

The proposed settlement does little to punish Microsoft for its wrongdoing.

Giving Microsoft a government mandated entry into the school system is a reward, not a punishment.

There is no incentive for Microsoft to behave better in the future.

Daniel Christian
Mountain View, CA

MTC–00017026

From: David Meriwether
To: Microsoft ATR
Date: 1/23/02 12:34pm
Subject: Microsoft Settlement

I believe the settlement is too weak, and does little to restrict Microsoft's leveraging of it's OS monopoly onto other markets areas. What is the purpose of the court's review of the settlement? What is the purpose of the legal proceedings at this point? If it is to ignore the problems leading to the lawsuit and to bury the issue while retaining the veneer of having ''solved the problem'', perhaps this settlement would come to mind.

If the purpose of the legal action is to restore some possibility of competition in fields threatened by Microsoft's domination of the OS market, I would say that this settlement FAILS. The settlement, with it's peculiar definition of terms seems quite behind the times and focused on the past. The definitions of terms such as API, Middleware, and Windows Operating System are twisted and narrowed to the point of absurdity. Further, as I understand what I have read, the settlement (weak as it is) will be obsolete in little more than a year.

To my understanding, this settlement is so weak and filled with omissions and twists that it is irrelevant to the issues it is intended to address.

Please REJECT the settlement. Thank you for any time you spent reading this.

James Meriwether
500 Bonsall Rd.
Ridley Park, Pa. 19078

MTC–00017027

From: Juan Carlos Castro y Castro
To: Microsoft ATR
Date: 1/23/02 12:34pm
Subject: Microsoft Settlement

Dear Sirs,

Software buyers in countries other than the USA will be driven to non-USA products if the USA government is perceived as ''soft on corporate crime''. This settlement is a bad idea.

Best regards,
Juan Carlos Castro y Castro
jcastro@vialink.com.br
Rio de Janeiro—Brazil

MTC–00017028

From: Andrew Hyatt
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 12:37pm
Subject: Microsoft Settlement

This letter is a comment on the Microsoft settlement.

While the settlement does implement some needed changes, such as OEM licencing, the overall settlement is far too weak. This is not an opinion I hold on my own; rather, most descriptions of the settlement in the press and other places have remarked on how lenient it is with Microsoft. A remarkable amount of the settlement is open to broad interpretation, and potential loopholes abound. For example, with the open-source project Wine (http://www.winehq.org <http://www.winehq.org>) be able to access Windows API? No one seems to know for sure. Even without the loopholes, the penalties for non-compliance do not seem like penalties at all. There are too many ways for Microsoft, with it's excellent legal team, to get away with basically whatever it wants. This is especially disheartening, since it seems as if Microsoft will soon use it's same tried and true tactics to promote it's .NET platform.

With Microsoft's repeated and widespread abuse of it's monopoly power, drastic remedies are needed. It is not in the interests of the public to deal gently with Microsoft. The trial has been long, and will be the last chance for a while to change Microsoft's anticompetitive business practices.

This trial is simply too important to let an inferior settlement stand.

I strongly urge the court to reject the settlement.

MTC–00017029

From: Bill Costa
To: Microsoft ATR
Date: 1/23/02 12:35pm
Subject: Microsoft Settlement

Dear Department of Justice,

First off, let me affirm that I am a citizen of the United States and wish to exercise my right to comment on the recent Microsoft settlement as allowed by the Tunney Act comment process. (Please see my signature below for full name, address and contact information.)

I feel it is important that Microsoft be prevented from introducing intentional incompatibilities in their software to discourage the use of non-Microsoft operating systems. In 1996 the operating system vendor Caldera brought a private antitrust suit against Microsoft over this very issue. The judge in this case ruled that:

''Caldera has presented sufficient evidence that the incompatibilities alleged were part of an anticompetitive scheme by Microsoft.''

I have every reason to believe that Microsoft will continue to use such tactics if allowed to, but unfortunately the current settlement does nothing to prevent this. In fact as an e-mail system administrator at the University of New Hampshire, I believe I am already beginning to see efforts by Microsoft to make it difficult to exchange e-mail messages between non-Microsoft e-mail programs and Microsoft's own e-mail clients.

This is an important issue. Without open publication of the the operating system's API and the assurance that Microsoft will not introduce such intentional incompatibilities, it will be impossible for other companies or open source software developers to create software that directly competes against Microsoft's own offerings.

Because of this I feel a provision to explicitly prohibit Microsoft from engaging in such practices is vital in helping to stop such predatory actions in the future.

Thank you for your time and attention.

Later....BC

William Costa
33 College Road—CIS
University of New Hampshire
Durham, NH 03824–3591 USA
FAX: +1–603–862–4778
PHONE: +1–603–862–3056
No good deed...goes unpunished.

MTC–00017030

From: Chris Meyers
To: Microsoft ATR
Date: 1/23/02 12:31pm
Subject: Microsoft Settlement

To whom it may concern,

I am writing to voice my oppostion to the proposed settlement in the Microsoft antitrust trial. I think that any settlement between Microsoft and the Department of Justice should do at least 2 things, promote healthy competition in the computer operating system/software market, and impose reasonable punishments on Microsoft for their past abuses of their monopoly status. I do not think that the current proposed settlement will do either of these things.

There are many ways to promote more competition in the os/software market. I believe that one way is to force Microsoft to share their API's with other software companies. If other software vendors could have access to the Windows API's it would quickly be shown how farcical Microsoft's claims of necessary integration are. Users would be able to ''integrate'' any software that they wanted into their operating system rather than having it just sit on top of Windows.

Another way to promote more competition is to allow other vendors to have their operating systems installed on new pc's along with Windows. True choice in the operating system market would allow me to buy a computer with Windows, Linux, BSD, or any number of other operating systems pre-installed on it.

However Microsoft's contracts with Original Equipment Manufacturing companies prevents anything like this from happening. This must be changed to promote competition. As far as Microsoft's punishment for abuse of their monopoly, I do not have any real answers for that. I do not think that a fine will be enough of a deterrent, but I don't that that drastic measures such as the break-up of the company would be good for either the software industry or the world economy. I believe that the 3 person oversight panel is a good start as long as they have the authority to act quickly and prevent monopoly extending products from being introduced into the market. If it cannont act quickly and pre-emptively, then I don't think that the panel will be effective at all. I thank you for your time and I hope that the current proposed settlement will be modified to allow more competition and punish Microsoft in a way that fits the crimes the for which the company has been found guilty.

Sincerely,
Chris Meyers
Programmer
Huttleston Data Design
7941 Tree Lane Suite 200
Madison WI 53717

MTC–00017031

From: Pat Kelley
To: Microsoft ATR
Date: 1/23/02 11:33am
Subject: Microsoft Settlement

I wish to add my voice to those disagreeing with the proposed settlement in the Microsoft Antitrust case. The settlement does not adequately punish Microsoft for the many anti-competetive practices that Microsoft has been found guilty of, and, more importantly, does not do enough to prevent future violations, which I believe continue to this date.

Thak you for your attention.
Charles P. Kelley
Firmware Engineer
Enrev Power Solutions, Inc.
680 Engineering Drive, Ste 180
Norcross, GA 30092

MTC–00017032

From: Orlando Echevarria
To: Microsoft ATR
Date: 1/23/02 12:33pm
Subject: Microsoft Settlement

To whom it may concern,

I am web developer for the School of Engineering for the University of Connecticut. I am e-mailing you in regards to the Microsoft Anti-trust trial settlement. As a follower of this case since Netscape and Microsoft were adversaries in the browser market, I am appalled by the settlement that was reached with the nine attorney generals. I am appalled that the interest of the taxpayer and consumer was ''waived.'' I am distressed that with the settlement, Microsoft is literally unscathed by the remedies(settlement). There are three examples that the settlement does not go far enough to punish Microsoft for it's illegal behaviour.

The first example is that Microsoft is allowed to continue it's anti-competitive behaviour through forcing OEM's to sign contracts that forces them to use no other rival browser or software. Microsoft claims that they are for consumer choice and freedom, but yet they will not allow me to choose what operating system or software I choose to run on my PC because they manipulate their contracts to fit their(Microsoft) needs and not the consumer. Am I hurt by this? The answer is yes because I can not go to a store and buy a PC and choose the software I want on it. I am forced to accept and buy something that I am not going to use, but yet it is forced down my throat.

The second example are the API's. I believe in the interest of fairness, Microsoft should make public ALL API's. They have hidden API's that allow them to maintain a leverage over their competitors and as a result, leave the competitors out of a loop. I propose that Microsoft open the source code to their flagship OS, Windows 98, Windows 98 SE, Windows Millenium and Windows NT 4.x series. This remedy will fit the crimes that they have committed against the consumer and competition.

My two cents,
Orlando Echevarria

MTC–00017033

From: Silvanis
To: Microsoft ATR
Date: 1/23/02 12:35pm
Subject: Microsoft Settlement

I, and a large number of my peers, do not believe that the proposed settlement will hinder Microsoft's monopolistic practices. Since someone else has put it much better, I am linking to Dan Kegel's analysis. http://www.kegel.com/remedy/remedy2.html

Thank you for your time,
John Markle
2730 NW Palazza Way
Hillsboro, OR 97124

MTC–00017034

From: Nick Fisher
To: Microsoft ATR
Date: 1/23/02 12:35pm
Subject: Microsoft Settlement

Hello,

First let me say that I am a Microsoft Certified Systems Engineer (MCSE) and as such work with Microsoft and their products every day. I firmly believe that Microsoft will act immorally and in their own interest until they are stopped (Much as they have done up to this day). At every turn Microsoft work to block independent innovation and force the use of their products. I fear for the future of the computer industry if they are not stopped and I DO NOT believe that the current proposed solution will do anything more than slow them down for a few years. I personally think that now Microsoft have enforced themselves as a standard, that they should be forced to open that standard to other developers and allow competition.

Nick Fisher

MTC–00017035

From: Kevin Theobald
To: Microsoft ATR
Date: 1/23/02 12:36pm
Subject: Microsoft Settlement

I am a U.S. professor of Computer Engineering with industry experience in software engineering, and I would like to register my opposition to the proposed settlement in the Microsoft antitrust case. I have examined the proposal, and it fails to address the problems of Microsoft's monopoly position in many important ways. For instance, the settlement contains prohibitions intended to curb some of Microsoft's current anti-competitive practices, but relies on definitions that are too restrictive and provide too many loopholes. As one with experience in software development, I can see many ways to exploit these loopholes in order to circumventing the restrictions. For instance, Section III(J) allows Microsoft to keep security-related APIs secret. It is easy to see that Microsoft will simply declare that every API now includes security features (recent Microsoft announcements that they will focus more on security suggest they are already planning this). Microsoft has a proven track record of creatively exploiting every loophole imaginable. Their integration of Internet Explorer into their OS in order to bypass the ''Consent Decree'' is one example of how much they can be trusted to follow the ''spirit'' of an agreement.

The settlement does not punish past behavior already proven illegal in court or

remedy the effects, but merely restricts Microsoft from continuing some of this behavior in the future. This sends the message that illegal behavior is tolerated and profitable until eventually stopped by a court, and will only encourage further lawbreaking by Microsoft and other potential monopolists. Furthermore, the enforcement mechanism is also very weak, and relies on a Technical Committee which is at best prone to chronic deadlock since Microsoft effectively has 50% control. In conclusion, the current proposed settlement is worse than no settlement at all. It is only a fig leaf, which will present the illusion that it is restoring competitiveness to the industry while actually doing very little. Microsoft will continue to use its control of the OS to gain control of other markets, while claiming that competitors and consumers are now duly protected by the law.

Sincerely,
Dr. Kevin B. Theobald

MTC–00017036

From: corvair@mindspring.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:35pm
Subject: Microsoft Settlement

I have been an information systems professional for more than a decade. In my opinion, the proposed Judgement is not an adequate remedy to the issues cited in the findings of the case. It is insufficient because: a) it allows Microsoft to charge developers a fee for interoperability information and allows Microsoft to set limits to its dissemination. This immediately disallows any open-source development using Microsoft-supplied data, and open source ''free'' sofware is one of the few possible competititors to a monopoly with the power and scope Microsoft wields. b) Microsoft is left completely un-hindered in its ability to leverage existing market dominance in its pursuit of monopolies in other markets using precisely the same business practices cited in the finding.

For these reasons I regard the proposed remedy as inadequate.

Radford Davis
Pittsburgh, PA

MTC–00017037

From: David Niehoff
To: Microsoft ATR
Date: 1/23/02 12:36pm
Subject: Microsoft Settlement

I feel that the proposed settlement in this case is a very bad idea. It shows just how easily America is controlled by big corporations. Proposing a much more strict settlement would send a message to the corporate community that the people aren't going to sit down and let Large Corporations like Microsoft get away with infringing on our rights as U.S. Citizens.

Thank you
David Niehoff
Boone, NC

MTC–00017038

From: coslor@technomancers.org@inetgw
To: Microsoft ATR
Date: 1/19/02 11:11am
Subject: Microsoft Settlement
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Attn: Renata B. Hesse

Mr. / Ms. Hesse:

Please accept this letter as a comment on the proposed Microsoft settlement, under the Tunney Act. I oppose the current proposed settlement, for a number of reasons. One that stands out is the fact that the current proposed settlement does not prevent Mcrosoft from imposing barriers to entry for operating systems which use or replicate Windows API's. I feel that the current proposed settlement is inadequate and does not properly address the issues posed in the initial finding of fact. Again, this letter is a comment opposing the current Microsoft settlement.

My name is Chris Coslor, and I am a citizen of the United States, and a registered voter in Jefferson County, Colorado. My address is:

Chris Coslor
5421 S. Federal Circle #105
Littleton, CO 80123

Thank you for your time.

MTC–00017039

From: Brian Knotts
To: Microsoft ATR
Date: 1/23/02 12:35pm
Subject: Comments regarding the Revised Proposed Final Judgment

Althought the Revised Proposed Final Judgment does address some of the tactics Microsoft used to illegally maintain and extend its monopoly position, I am concerned about this portion:

Nothing in this provision shall prohibit Microsoft from enforcing any provision of any license with any OEM or any intellectual property right that is not inconsistent with this Final Judgment.

While this may seem to be standard disclaimer language, I am afraid it will be misused by Microsoft to excuse behavior that they will almost certainly engage in, in an attempt to bypass the intent of the Judgment. One of the OEM licensing practices Microsoft has used to build its operating system monopoly is the prohibition of any ''non-Microsoft screens'' between the BIOS screen and the launch of the Windows desktop. This prevents hardware manufacturers from shipping machines in a ''dual-boot'' configuration, which would allow consumers to choose the operating system they wish to use when they turn on their computer, because the operating system selection screen is a ''non-Microsoft screen.''

With the rapidly increasing size of computer hard disks, and availability of non-royalty operating systems such as Linux, ''dual-boot'' configurations could be very attractive to OEMs as a means of offering value-added differentiation from other vendors. As the Judgment language stands, I believe that Microsoft would still be able to prohibit this practice through its license, which would be a disservice to consumers.

The Judgment should explicitly prohibit Microsoft from doing anything to prevent OEMs from shipping ''dual-boot'' configurations.

Brian Knotts
P.O. Box 37
Bridal Veil, OR 97010
bknotts@slappy.org

MTC–00017040

From: John Tyner
To: Microsoft ATR
Date: 1/23/02 12:35pm
Subject: Microsoft Settlement

Regarding the Microsoft settlement, I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundred, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices. Similar to the settlement against AT&T, Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level (40%, for example, assuming one of it's competitors is now also at 40%). This must be true for all Microsoft product lines, before regulation is lifted.

Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Imagine the damage to the United States if Microsoft were to fail, as Enron failed.

The risks of a monopoly are greater than merely the loss of competition.

Thank you for your time.

MTC–00017041

From: Jack Ulmer
To: Microsoft ATR
Date: 1/23/02 12:35pm
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea!!

J. Ulmer
OS/2 for 10 years.

MTC–00017042

From: Debian User
To: Microsoft ATR
Date: 1/23/02 12:38pm
Subject: Microsoft Settlement

To Whom it May Concern:

Having read the proposed final judgement for USA versus Microsoft, I respectfully submit that the remedies it proposes are not sufficient to stop Microsoft's unlawful anti-competetive practices. The partial opening of Microsoft's APIs, for example, might make it easier for some developers to write some software for Windows (which can only serve to increase Microsoft's operating system market share), but it includes specific restrictions that would make it difficult or impossible for non-commercial and Open Source developers to have access to these APIs. Nor does it address a core issue: the intentional obscurity of Microsoft's constantly changing file formats, which makes it extremely difficult to write applications that operate on Microsoft-generated files, such as Microsoft Word documents.

Additionally, the settlement does not address Microsoft's illegal contractual tying and bundling of middleware to the operating system, even though the Court of Appeals

specifically rejected Microsoft's petition for a rehearing on this issue.

Indeed, the settlement provides no penalty whatsoever for Microsoft's past unlawful behavior.

During the course of the anti-trust trials, Microsoft, far from being repentant, has sought to expand its monopoly positions even further with its .NET, Passport, and Windows XP Activation schemes. It seems clear that Microsoft considers the Department of Justice and the U.S. Government to be paper tigers, and the acceptance of this proposed settlement by the Court would only serve to prove that to them.

I strongly urge you to reject the proposed settlement and to insist on stronger and more effective remedies.

Respectfully,
Jason Grimes
Software Developer and Systems Administrator
155 Hood Ave.
Syracuse, NY 13208
jason@grimesit.com

MTC–00017043

From: Brad Bechtel
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 12:38pm
Subject: Microsoft Settlement

This is a bad idea. Please don't do it.

MTC–00017045

From: William McKee
To: Microsoft ATR
Date: 1/23/02 12:37pm
Subject: Microsoft Settlement

Dear Ms. Hesse:

As an independent software developer and long-time personal computer enthusiast, I am writing to voice my concerns about the Proposed Final Judgement in the case of the United States v. Microsoft.

In particular, I am concerned with Microsoft's practices towards end-users such as restrictive licensing agreements (e.g., inability to use software on non-MS operating systems), intentional incompatibilities with non-Microsoft operating systems (e.g., Caldera), and non-backwards-compatible software upgrades. It is vital to the existence of a free market that no individual company control the marketplace. The law of the United States has determined that, by its business practices, Microsoft has established monopolistic powers over the personal computer industry.

This monopoly injures computer users by stiffling innovation and competition. Personal computer users are thus left with unreliable, insecure software (e.g., Outlook) and operating systems (e.g., Windows XP). To make users buy the latest version of their software, Microsoft stops releasing updates whether or not the newer software is better for the user or not.

As currently written, the Proposed Final Judgement does not, in my professional opinion, redress the problems which have established Microsoft's monopoly nor its business practices toward personal computer users who suffer the consequences of a monopolistic company. I refer you to the letter written by Dan Kegel for a more complete review of the problems with the proposed judgement.

I wish you wisdom in finding a solution that better addresses the public interest.

Respectfully yours,
William McKee
Lead Developer
Knowmad Services
Charlotte, NC
cc: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

MTC–00017046

From:
Paul_Eberle@bluecrossmn.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:37pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea.

Paul Eberle,
New Prague, MN
Software Developer
BlueCross BlueShield of MN

MTC–00017047

From: erbo@silcom.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:41pm
Subject: Microsoft Settlement

Dear Sirs:

As a professional software engineer, I am writing to provide input on the proposed Microsoft antitrust settlement. I believe that the settlement as proposed is not in the best interests of the American public. I further believe that the settlement would be harmful to the American economy, and is completely inadequate given the findings of fact in the trial—findings of fact which have been upheld by the Court of Appeals.

Microsoft's anti-competitive practices run counter to the law and spirit of our free-enterprise system. These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation.

Microsoft's monopolistic practices cause the public—including the Federal Government itself—to bear increased costs, and deny them the products of the innovation which would otherwise be stimulated through competition.

The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future. This was a serious problem in the 1995 consent decree, and is even more serious of a problem with this settlement.

It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function. Not only that, but the proposed settlement has *no* provision for punitive damages against Microsoft for its actions in the past. An illegal monopoly should not be allowed to retain its ill-gotten gains while merely being warned against such conduct in the future. Due to Microsoft's size and large amount of cash reserves, any fine levied against them should be in the billions of dollars, else it will merely be ''shrugged off'' and the message will remain unheard. I urge the plaintiffs in this lawsuit to stand fast and not accept this settlement, which amounts to a slap on the wrist for Microsoft and a kick in the crotch for the American public. Thank you.

Sincerely yours,
Eric J. Bowersox, Denver, Colorado
Technical Director, Electric Minds Community <http://www.minds.com>
Eric J. Bowersox (Erbo)—<erbo@silcom.com>
Electric Minds—virtual community since 1996. <http://www.minds.com> ''The sands of time were eroded by the river of constant change...''

MTC–00017048

From: Chris Giancaterino
To: Microsoft ATR
Date: 1/23/02 12:38pm
Subject: Micrsoft settlement

the current 'settlment agreement' is a terrible idea. Under the Tunney Act, we wish to comment on the proposed Microsoft settlement.

The PFJ doesn't take into account Windows-compatible competing operating systems

Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered. The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware. The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertized as being ''Windows Powered''.

The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs. The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows. The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems. Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)

The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

The PFJ allows Microsoft to discriminate against small OEMs—including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software. The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems.

This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas. The PFJ as currently written appears to lack an effective enforcement mechanism.

Regards,
Chris Giancaterino
wcg@metronews.com

MTC–00017049

From: Matthew Hornyak
To: Microsoft ATR
Date: 1/23/02 12:39pm
Subject: Microsoft settlement: doesn't go far enough

Dear Sir or Madam,

The 1980s were a time of diversity and competition in the computer industry. There were many different computer platforms, each with its own unique strengths. Innovation was strikingly rapid. Sadly, that time has passed because one company dominates the industry: Microsoft.

As a director of technology for a large regional consulting firm, I am forced to spend a considerable amount of money on systems which barely advance over last year's systems, just to stay compatible with my clients. Worse, this money could be used for our firm to develop innovative products.

Today, Microsoft is even getting worse; they are forcing large firms to move away from perpetual licensing of their software to yearly ''subscription'' licenses. They are doing this because people were not upgrading their Microsoft software because it was not innovative enough to merit spending the money to do so. Hence, Microsoft is now building a system in which they get yearly revenue from their customers, even if they do not sufficiently improve their products.

I urge the Department of Justice and the Court of Appeals to reconsider the settlement and to strongly consider the revised settlement offered by some of the states.

Only then will the software industry be innovative again.

Thank you,
Matthew Hornyak
CTO, rTheory
245 Melwood Ave #108
Pittsburgh, PA 15213

MTC–00017050

From: seth_lytle@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:39pm
Subject: Microsoft Settlement

I am opposed to the settlement of the Microsoft case. MS has repeatedly abused their monopoly position and great wealth to drive competition out of business. In doing so they have expanded their monopoly time and again. The proposed settlement is far too mild, neither appropriate for the henious crime, nor a sufficient deterent to prevent similar actions in the future.

The monopoly has been abused at the cost of citizens and corporations, be they competitors, partners, or customers, on a scale beyond compare—in terms of over charging, forced migrations, forcing the adoption of less-fit solutions, and products that are intentionally faulty. MS is a drag on the entire economy, the primary reason that the productivity increases that we all expected computers to provide has failed to materialize. Specifically, MS'' unfair and illegal destruction of competitors is a discouragement to current and future innovators.

seth lytle
seth_lytle@yahoo.com
46 josephine ave. #2
somerville ma 02144
617–666–6330

MTC–00017051

From: Mark Lewis
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 12:39pm
Subject: Microsoft Settlement

My name is Mark Lewis, and I am a software engineer at Business Logic, a small software company in Chicago, Illinois.

I do not believe that the proposed final settlement in the Microsoft anti-trust suit is sufficient to stop Microsoft from continuing it's monopolistic practices. Specifically, in order to re-establish competition in the operating systems market, it is necessary to publish and document all API's between an application program and the host operating system. Without a requirement that ALL such API's be documented and available, no other operating systems vendor will be able to provide a third-party implementation of these API's, and Microsoft will continue to hold a monopoly in the operating systems market much as it does today. The Findings of Fact make it clear (paragraph 2) that Microsoft abuses private API's in a monopolistic fashion. The definition of APIs used in the Findings of Fact is effectively the same as the common definition of the term in the software industry, namely, ''. . . The interfaces between application programs and the operating system.''

However, the definition of the term ''API'' in the proposed final judgement is much more limited. It does not include all interfaces between application programs and the host operating system, and therefore the provisions for reasonable and non-discriminatory disclosure of APIs (section III.D) do not sufficiently address the issue. Since Microsoft would not be obligated to release all API's under the terms of the proposed final judgement (speaking of APIs in the sense commonly understood in the software industry), it will be able to continue to maintain its monopoly by releasing private API's under restrictive licenses to only those vendors it chooses.

—Mark Lewis

MTC–00017052

From: xero@dns1.provide.net@inetgw
To: Microsoft ATR
Date: 1/23/02 12:38pm
Subject: Microsoft Settlement

I believe that the prprosed settlement is a bad idea.

MTC–00017053

From: Geoffrey Costello
To: Microsoft ATR
Date: 1/23/02 12:38pm
Subject: Bad Settlement.

Dear Sir,

I am writing to you to voice my displeasure over the proposed deal with Microsoft. Microsoft is a company that has failed to follow the restrictions set upon it by previous judges and is beyond any doubt, untrustworthy. Microsoft has continued it's predatory tactics and the situation is worsening. With XP Microsoft is seeking to shut out competitors from the Desktop arena and to force consumers to upgrade to future Microsoft operating systems, even if no upgrade is desired by the consumer. If this company receives a slap on the hand after their previous behavior—which is exactly what the current remedy is—then they will have no reason not to engage in the same anti-competitive tactics they've used for the last decade. They will then use dominance on the Desktop to monopolize the server arena (with .NET).

Capitalism is a great system, so long as the companies in the economy are playing by the rules. Unfortunately, these rules are broken by some to the detriment of the vast majority of Americans. Phillip Morris, and Enron are extreme cases of bad behavior by US corporations. Microsoft is not in the same category as these companies, but they have broken the law, they are a monopoly, and several of their witnesses (including their founder) have committed perjury in attempting to maintain their monopoly. They must be punished severely.

If this deal goes through, it will significantly lower my opinion of, and confidence in the Justice Department as well as President Bush's administration.

Regards,

Geoffrey Costello

MTC–00017054

From: neil@peekshows.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:40pm
Subject: Microsoft Settlement

i think the proposed settlement is bad idea

MTC–00017056

From: Anthony Skipper
To: Microsoft ATR
Date: 1/23/02 12:39pm

Subject: Not a complaint about MS. Support for MS.

Hi,

I just wanted to write in and voice my support for Microsoft. Though they may have played unfair and did some stuff people didn't like they did help to unify the industry. To me that is the most important thing they could have done. I don't care if something costs more or doesn't have as many features. What I care about is that I don't have to worry that a web page designed for one browser isn't compatiable with another. The best thing that could have happened was someone won the war of the browser. Even better is that the most technologically sophisticated browser one.

Anyway, could you please leave Microsoft alone. I'm tired of my taxes being spent on this crap. I don't mine monopoly practices when the make my life better. (The goverment is also a monopoly and they make my left better so I don't complain about the goverment either)

Thank You,

Anthony Skipper

MTC–00017057

From: Jeebus
To: Microsoft ATR
Date: 1/23/02 12:41pm
Subject: Microsoft Settlement

CC: activism@moraldefense.com@inetgw,letters@capitalis...

DOJ,

Your fallible and spurious pursuit of Microsoft does my, and many others, hearts, wallets, and American way of life a great disservice. What you have chosen to do is attack a company for perceived improprieties and anti-trust accused—not by consumers—but by competitors. Those who could not make a product affordable, user-friendly, or customizable enough for the market have used you, the DO J, as a device to focus their enmity and commercial jealousy. They lost; that is one of the side effects of capitalism—simple enough.

I have used Microsoft products for the past nine years; I am now a Microsoft Certified Professional and network securities enthusiast. I began my computer life using Tandy and Apple lie computers. They loaded their entire software suite from a floppy disk; to change a program required the computer to be shut off and restarted...each and every time. Microsoft created a full-fledge graphical user interface that allowed spreadsheets, documents, calculators, and vast panoply of Microsoft and 3rd-party software followed. Was Microsoft the first with a GUI? No. Was Microsoft the first with spreadsheets, word programs and games? No. What Microsoft created—and still creates—was an affordable easy to use solution for the mainstream public. Most people could neither afford UNIX-based machines nor did they have the inclination to learn to use the vastly complex UNIX operating system. Microsoft changed that.

Cheap machinery; cheap, easy to use software; ''double-click and go'' ease was what Microsoft brought to the marketplace. I currently run Windows 2000 Advanced Server at home for my Microsoft training and I happen to like it. Click here, click there, from time to time a written command at a DOS prompt and everything falls in line. Contrast that with my Linux machine and that is non-stop reading, non-stop typing, and an intricate and sometimes evil, if you will, operating system to troubleshoot. I appreciate the ease of use that Microsoft has brought me and millions of others.

In my time as a network administrator, I have seen the ease and comfort that Microsoft brings users and administrators alike. After watching my boss of many years Novell training struggle and fight using Novell 5.0 and then watching the ease with which he took to NT server and 2000 server, I cannot make the claim that Microsoft is a superior product; what I can do is claim that it is the superior product for the end-user experience and configuration. With Microsoft, an installed server can be up and running set to use DHCP, NAT, routing, print sharing and the like in under two hours. With others operating systems (IRIX, LINUX, SCO-UNIX), that could take a work day.

When I spent my money on parts for my computer that would go in my home for my personal use and my enjoyment, I did not expect the government to sit back and punish a company that made a great product and attempt to dictate what goes on my computer. They bundle IE...so what? It's free anyway.

If Netscape were so great, people would download it, uninstall IE and use Netscape only. Consumers are driven by excellence and ease of use. The Yugo was an easy to use car but it was a horribly Spartan and an unreliable machine—compare that to Hyundai, a manufacturer of also easy to use machines that happen to be reliable. My point is, the consumer will dictate where the market will go. If television viewers grow weary of reality TV, the executives of the station see that fact in the ratings and simply show something else. If a user does not like a web browser, they will undoubtedly search for another one until they feel they have something that befits them. The arrogance of the DOJ in dictating to me what I can use, if I find it excellent or not, is overwhelmingly anti-capitalist. I make the decision of what I want to buy; I make the decision as to what I want to use, not the DOJ. If I find it lacking, then that company has simply lost another customer. If enough share my opinion, the company will cease that product or die a free-market death as they should.

One overwhelming flaw in the DOJ's case is that the charges against Microsoft were not brought by the consumer, but by Microsoft's business rivals. SUN, unarguably, makes fantastic servers and mesmerizing stable operating systems. What they do not do, however, is bring a product to the mainstream consumer level. If they really cared about competing they would make an x86-compatible operating system. They recently decided to scrap that notion. I severely want to learn to use the SUN OS for my future computer work but why would I buy a $4,000 entry-level workstation to play with when I could enjoy the fruits of an OS for free or some trivial price? There is simply no incentive as an end-user to spend so much money on the hopes of having a satisfying experience with a computer.

Netscape is a company with numerous product failures and encryption flaws. There software is bloated, unresponsive, and prone to crash. They force users to register an email address and user name to use their latest software. They thusly inundate one with email and sell user names and email addresses to their advertisers. Microsoft does none of these things. To use IE you choose 'No'' to set up an internet account and you are done.

This next point may seem trivial but after watching end-users for three years on this issue, I have a good idea of what I am writing: people hate Netscape. When they click on the Netscape icon, 9 times out of 10 it will load successfully (and this is on the latest and best from Dell); when Netscape cannot load a page properly, it hangs and does not allow the user to press 'stop'' or 'reload'; it simply holds them in suspense while IE allows you to press 'stop'' and go on to another page.

Netscape, upon loading, takes a good six seconds on even the fastest machines. IE opens before you realize the mouse button after clicking its icon. Users make note of these things. I watched an entire department bemoan and spew forth mountains of rancor against Netscape because they were forced to use it for its email incorporation. Only for email would they use this product and at every turn they would complain to me about it. Just because a product has a huge market share does not mean the product was put their through illegal avenues. SUN dominates certain sectors of the server market because they make fantastic systems; why not haul them in for anti-trust charges of dominating the market?

A much more important issue evidenced by the DOJ's action against Microsoft is the perception amongst the public that the DOJ is attacking excellence and ingenuity. I'll try not to belabor the point but it is quite evident to anyone who can read or think that this type of action leads to socialist and communist states. If you attack and besmirch those who excel in the name of those who fail, then you punish achievement and laud failure. What example does this set for a capitalist society? The reason for America's success (as opposed to others failures) is its free and open market. With millions of points of ingenuity and creativity, we have secured ourselves in a system that, should one point fail, others will step in and take its place—with the government, there is one, inculpable point of failure and no good can come of that. What the DOJ is doing is saying that no point can ever go out, no flame ever extinguished.

I do not know if this is the product of bleeding-heart liberalism or people who do not even understand their own economy. Take, for example, SGI. SGI used to have a monopoly on high-end graphics for movie special effects. With Moore's Law and the decreasing price of computer hardware (coupled with the increase in graphical power), SGI is a dinosaur. The SGI seems to only exist for massive render farms (e.g., Los Alamos nuclear research) and FAA virtual airports. HP's line of PA-RISC and fx chips; Intel and AMD getting strong floating-point performance; nVidia and 3D Labs with affordable and extremely powerful hardware; and Microsoft and Linux clustering ability have made SGI a thing of the past for most corporations and movie studios. Why spend $30k for one machine when you could buy four machines, one with graphics card and three to support rendering, that would be geometrically faster than the SGI for a fraction of the price? It's called innovation. SGI failed to adjust for the low-end market and they have rightly suffered. Should you punish the collective of HP, Intel, AMD, nVi dia, 3D Labs, Microsoft and Linux, for excelling where SGI fails? I think not. It would be foolish and an instantaneous blockade to our free market. Why then, do you attack Microsoft for excelling where Netscape and other competitors fail? You really believe that bundling software is some brazen act of anti-trust? That would be laughable were it not so arrogant. Realplayer bundles a host of, to me, chintzy and useless software. What do I do with them if happen to need the basic Realplayer? I uninstall them.

While you might make not that IE cannot completely be uninstalled because the registry of Windows is closely coupled with the IE kernel, deleting the icons to IE is, to most people, the same as uninstalling it.

Don't like it, don't Use it. I have some forks and spoons that I don't like; I do not sue them for being in the drawer, I just ignore them.

I used to remember a time when I and others were encouraged to excel. Seems times have changed. In America, with the 'progressive'' and politically correct movement, there are no definitive wrongs or absolutes—except that the unapologetically wealthy and anything remotely Western civilization are bad. If I were poor, I would be embraced. If I wrote a book or invented something and became wealthy, ! would be repugned and hated by the very people who used to love me because they considered me to be oppressed by America. The DOJ is taking this same stance. By attacking Microsoft for its excellence, you embrace losers, yes ''losers'', and say to them that you'll take care of them because failure is alright and nothing to ashamed about—and two plus two equals five.

The federal government, other than national defense, does nothing as well or efficiently as the private sector. It is proven over decades and decades of empirical evidence—look at public schools; mountains of failure and no one to hold responsible. Why now then, does the DOJ believe it can put the hand of the government in the private sector and make things better? The government will only destroy our economy. The private sector is the economy. The government is a tool of the people, to serve our needs, not to mollycoddle and pander to the losers of our free market. There is nothing quite as bad as an untouchable, inculpable government overseer asserting power where it has proven, time and again, its incompetence. When the government fails, there is no one to hold responsible. The knowledge of such has proven to be quite the intoxicant for the DOJ.

Please cease this case against Microsoft. You only do American citizens and the economy harm.

MTC–00017058

From: guinevere liberty
To: Microsoft ATR
Date: 1/23/02 12:40pm
Subject: Microsoft Settlement

I, as a concerned citizen, must express my concerns regarding the proposed Microsoft Settlement or Proposed Final Judgement (PFJ).

The idea of punishing a monopoly by requiring them to extend their monopoly into the US educational system is incomprehensible and distressing.

Furthermore, I do not support the proposed settlement because I do not think it provides sufficient punishment to balance Microsoft's offenses, nor sufficient incentive to prevent them from doing the same in the future.

Also, some of the definitions are too narrow to fulfill their purpose or do not cover all areas in question. For example:

Definition A: ''API''

The Findings of Fact (2) define ''API'' to mean the interfaces between application programs and the operating system. However, the PFJ's Definition A defines it to mean only the interfaces between Microsoft Middleware and Microsoft Windows, excluding Windows APIs used by other application programs. For instance, the PFJ's definition of API might omit important APIs such as the Microsoft Installer APIs which are used by installer programs to install software on Windows.

another example:

The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft :

1. Microsoft discriminates against ISVs who ship Open Source applications

The Microsoft Windows Media Encoder 7.1 SDK EULA states ... you shall not distribute the REDISTRIBUTABLE COMPONENT in conjunction with any Publicly Available Software. ''Publicly Available Software'' means each of (i) any software that contains, or is derived in any manner (in whole or in part) from, any software that is distributed as free software, open source software (e.g. Linux) or similar licensing or distribution models ... Publicly Available Software includes, without limitation, software licensed or distributed under any of the following licenses or distribution models, or licenses or distribution models similar to any of the following: GNU's General Public License (GPL) or Lesser/Library GPL (LGPL); The Artistic License (e.g., PERL); the Mozilla Public License; the Netscape Public License; the Sun Community Source License (SCSL); ... Many Windows APIs, including Media Encoder, are shipped by Microsoft as add-on SDKs with associated redistributable components. Applications that wish to use them must include the add-ons, even though they might later become a standard part of Windows. Microsoft often provides those SDKs under End User License Agreements (EULAs) prohibiting their use with Open Source applications. This harms ISVs who choose to distribute their applications under Open Source licenses; they must hope that the enduser has a sufficiently up-to-date version of the addon API installed, which is often not the case.

Applications potentially harmed by this kind of EULA include the competing middleware product Netscape 6 and the competing office suite StarOffice; these EULAs thus can cause support problems for, and discourage the use of, competing middleware and office suites.

Additionally, since Open Source applications tend to also run on non-Microsoft operating systems, any resulting loss of market share by Open Source applications indirectly harms competing operating systems. Additionally, there are sections of the PFJ that effectively encourage, rather than dismay, the monopolistic practices in question:

Section III.A.2. allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

Section III.B. requires Microsoft to license Windows on uniform terms and at published prices to the top 20 OEMs, but says nothing about smaller OEMs. This leaves Microsoft free to retaliate against smaller OEMs, including important regional ''white box'' OEMs, if they offer competing products.

Section III.B. also allows Microsoft to offer unspecified Market Development Allowances—in effect, discounts—to OEMs. For instance, Microsoft could offer discounts on Windows to OEMs based on the number of copies of Microsoft Office or Pocket PC systems sold by that OEM. In effect, this allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas, such as office software or ARM-compatible operating systems.

By allowing these practices, the PFJ is encouraging Microsoft to extend its monopoly in Intel-compatible operating systems, and to leverage it into new areas. Please give serious consideration to these and similar problems with the current version of the Poposed Final Judgement or Settlement.

Thank you very much,

guinevere liberty nell

MTC–00017059

From: Francois Bradet
To: Microsoft ATR
Date: 1/23/02 12:40pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo.

Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,

Francois Bradet

MTC–00017060

From: hproctor@www.lssi.net@inetgw
To: Microsoft ATR
Date: 1/23/02 12:40pm
Subject: Microsoft Settlement

The current proposed settlement through it's narrow definitions and its inability to quickly act allows Microsoft to simply side-step the injunctions against it and, by changing very little and relabeling its practices, allows Microsoft to continue anti-competitive practices as well as punish consumers and further business developments in increased costs and tighter licensing requirements.

Please ammend the settlement to truly open the standards so that America can truly benefit from fair competition and fair business practices.

Thank You.

HAP Proctor

MTC–00017061

From: Stephen Reppucci
To: Microsoft ATR
Date: 1/23/02 12:40pm
Subject: Microsoft Settlement

I'm writing to voice my opposition regarding the proposed settlement of the US Department of Justice's antitrust case against Microsoft. As a professional software developer, with over 20 years of experience in this field, I have watched Microsoft grow from a company which made marginally useful software into a colossus which uses its considerable weight to bully the software industry into making its products the only choice that a non-expert can turn to.

The proposed settlement does nothing to punish Microsoft for its past sins. From my understanding of the settlement, the most serious consequence for Microsoft in this settlement is that they are being asked to promise that they won't act in a non-competitive manner again. As history shows from past agreements from Microsoft, they have no fear of breaking promises such as this one as soon as the media focus shifts elsewhere and they feel they can again get away with their heavy-handed tactics.

Microsoft has an undeniable monopoly on the operating system market for Intel based PCs, a fact that has been determined by the courts, and one that's painfully obvious to me.

For further proof of this monopoly, I've personally had to pay for copies of Microsoft OSes four times in my life, even though I never use their operating systems. If one were to call Dell, Gateway, Compaq, or any of the other major PC vendors, and ask to buy a computer system without paying for a Microsoft operating system, they'd find that it's impossible to do. That is proof enough of a monopoly in my eyes.

Microsoft uses this operating system monopoly to advance the market share of other software applications it produces. The dominance of MS Office, Internet Explorer, Excel, and other applications, even in the presence of other applications that are at least as good, if not better than the MS products is further proof that Microsoft continues to use its monopoly.

The only reasonable settlement that I can envision breaking this cycle is to force Microsoft to split into two companies, one producing operating systems, and a separate one producing applications.

In addition, I'm in favor of seeing a settlement that punishes Microsoft for its past sins. Allowing them to keep the money they made while behaving in an illegal manner is not a fair settlement to me.

Thank you for considering my opinion on this matter. —

Steve Reppucci
sgr@logsoft.com
Logical Choice Software
http://logsoft.com/
My God! What have I done?

MTC–00017062

From:
m2caudi@postoffice.pacbell.net@inetgw
To: Microsoft ATR
Date: 1/23/02 12:40pm
Subject: Microsoft Settlement

About four years ago my wife and I bought an Aptiva PC. We bought it because of the IBM name. It came with the Windows 95 operating system. We had a coupon to upgrade to Win 98 but many articles and talk show interviews said that there were many bugs in the system so we opted out. Later, we bought a scanner. It is a UMax. The software that came with the unit defaults to Microsoft IE when attempting to attach a document to an email. We are using Netscape as a browser and had to get technical support and a couple of books to learn how to attach a document to an email. If we were using IE it required dragging the wanted document to an icon and zip it was done. We replied to an offer by AT&T to subscribe to their Worldnet. It came with Microsoft IE5.5. We refused it. In all of these examples it would be so easy for my wife and I to just accept IE and MSN and all of the Microsoft stuff but then it would eliminate our opportunity to get what we wanted.

Our thoughts are that if Bill Gates made lug nuts we would all be driving a Gatesmobile. The customer should have the opportunity to select the software that they desire and not be manipulated by technical strategies that are designed to make people conform to one product.

Thank you. Richard & Maya Caudill, 839 Loyalton Dr., Campbell, CA 95008

MTC–00017063

From: Gita Sukthankar
To: Microsoft ATR
Date: 1/23/02 1:42pm
Subject: Microsoft Settlement
To Renata B. Hesse
Antitrust Divsion
U.S. Department of Justice
601 D. Street NW
Suite 1200
Washington, DC 20530–0001

I believe that the proposed settlement in the U.S. vs. Microsoft anti-trust case is woefully inadequate and will not achieve the desired effect of curbing Microsoft's monopolistic practices.

Certain terms are defined too narrowsly in the settlement; unless these definitions are amended to include future products Microsoft will be able to skirt around the spirit of the settlement and continue with its monopolistic and predatory behavior.

Definition K: ''Microsoft Middleware Product''

This definition should be amended to include .NET, given that Microsoft is touting C# and .NET as the middleware of the future. Open source implementations of .NET standards have to be able to compete effectively with Microsoft. Definition U: ''Windows Operating System Product'' This definition should also include Intel-compatible operating systems Windows XP Table PC edition and Windows CE. Given that Microsoft is focusing on the Tablet PC as the future business platform of choice, omitting these operating systems will mean that future court cases about handheld OSs are inevitable.

Gita Sukthankar
Gita Sukthankar
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Compaq Computer Corporation
617–551–7651
Cambridge Research Laboratory
One Cambridge Center
Cambridge, MA 02142

MTC–00017064

From: Ron Ralston
To: Microsoft ATR
Date: 1/23/02 12:40pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am strongly opposed to the settlement proposed in the Microsoft antitrust trial.

What is contained in that proposal provides neither adequate oversight and review to prevent recurrences of such actions in the future nor adequate penalties for those of the past.

Microsoft has been found to be a monopoly and to have used that position to illegally increase their fortunes at the expense of competitors, their own OEM customers, and the American public.

The proposed settlement seemingly accepts that Microsoft has behaved illegally, requires no meaningful compensation for their

victims, and requires that they behave very slightly differently in the future—and then only on specific and enumerated products. This sort of settlement will do little to discourage Microsoft from similar activities in the future and will do nothing to keep them from using their vast financial resources to circumvent it.

The proposed settlement does not apply to any and all products, of any sort whatsoever, designed, manufactured, or marketed by any company either partially or wholly owned by Microsoft, its heirs, successors, or assignees, past, present, and future—it should. It does not require full and open disclosure of all APIs and file formats to developers of products which might compete with Microsoft products—it should. It does not prohibit the predatory practice of releasing Microsoft products which ''cripple'' competing products—it should. It does not prohibit software licenses which prohibit (or seriously restrict) packaging of non-Microsoft products by OEMs—it should. It does not prevent them from using their nearly absolute control of the end-user computer interface to sell other Microsoft products and services—it should.

Finally, the proposed settlement seems to allow Microsoft to provide second-hand computers to under-financed school systems and supply them with Microsoft software. This is amazingly inadequate for several reasons:

First, there is absolutely no shortage of used computers in this country. I've worked for computer manufacturers and I can assure you that used computers are next to impossible to give away to school districts—they want want current models.

Private individuals, corporations, and government agencies scrap thousands of functional two or three year old computers daily and many of them end up in landfills because no home can be found for them.

Second, although the development cost of software is high, the manufacturing cost of the distribution media is negligible.

The out-of-pocket cost to Microsoft for operating system and application software CDs is only a few cents each.

Lastly, the concept of a settlement which requires that Microsoft's punishment for monopolistic acts be to actually extend the monopoly to include new victims who have escaped it in the past because of lack of funds verges on the surreal.

Find a settlement which protects us from Microsoft and is so painful to them that they never think of acting illegally again.

Ron Ralston
23704 El Toro Rd. #5–285
Lake Forest, CA 92630

MTC–00017065

From: Josh Thompson
To: Microsoft ATR
Date: 1/23/02 12:48pm
Subject: Microsoft Settlement

To whom it concerns:

I dislike the proposed settlement with Microsoft. Specifically, I dislike that, rather than punishment for things already done, the settlement mainly focuses on future ''restrictions''. I put that word in quotes because Microsoft will still be able to carry on many of their practices against the ''small guy'' because these people will not be able to bring a lawsuit against the monolith of Microsoft—they are simply to big and have too much power. I would like to see something that would actually prevent this kind of bully like behavior rather that just restrict it.

Sincerely,
Josh Thompson
Raleigh, NC

MTC–00017066

From: Jon McClintock
To: Microsoft ATR
Date: 1/23/02 12:41pm
Subject: The proposed DOJ settlement with Microsoft, Inc.

Hello,

I'm am writing to voice my opinion that the proposed DOJ settlement with Microsoft Corporation is a bad idea. I do not believe that it is nearly sufficient to ensure equitable behavior on the part of Microsoft.

Sincerely,
Jon McClintock
El Cerrito, CA

MTC–00017067

From: Mike Van Wyk
To: Microsoft ATR
Date: 1/23/02 12:41pm
Subject: Microsoft Settlement

I would just like to say that I have read about the proposed settlement, and I am not in favor of it in its current state. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors and the public. The settlement does not do enough to curtail Microsoft from abusing it's monopoly power in the future nor does it address many of their past abuses.

Fair competition in software development benefits us all.

Thank you,
Mike Van Wyk
242 14th St SE
Auburn, WA 98002

MTC–00017068

From: Christopher Flynn
To: Microsoft ATR
Date: 1/23/02 12:40pm
Subject: Microsoft Settlement

I personally feel that microsoft should be forced to open up it's code so that developers can write emulators and libraries to bring microsoft code to other platforms such as mac and UNIX instead of having to create slow emulators that don't emulate things 100%, thus restricting the operating system to a user depending on the programs they want to run.

-Christopher Flynn

MTC–00017069

From: Tim Butterfield
To: Microsoft ATR
Date: 1/23/02 12:42pm
Subject: Microsoft Settlement

To whom it may concern,

I wanted to add my voice to those who disagree with the proposed judgment against Microsoft. I agree with Dan Kegel's comments on many points, though I will address just a few of these here. As a software developer working on Windows, Solaris and Linux, the proposed definitions of API, Middleware, Middleware Product, Windows OS and the non-disclosure of proprietary file formats are troublesome. I define API as an application programming interface. This is not limited to only operating system interfaces. For example, applications, libraries, other development tools and even web services like Passport have interfaces which can be programmed to. These are all APIs, which appear to be excluded under the proposed definition. Middleware should not be defined or limited by a version number, but by how the software is architected. Many web enabled applications I have worked on have a middleware component as do many desktop applications. With development using the new .NET architecture, these portions of the applications will still be considered middleware. As that middleware may use .NET, .NET must therefore be either middleware itself or part of the underlying ! operating system. However, .NET does not appear to be classified this way in the proposal. As for the file formats, they should be open and documented sufficiently to allow the use of those file formats on other operating systems and by other applications. The current proposal is lacking in this requirement.

One other area that I find particularly heinous is the practice of prohibiting the sale of computers without a Microsoft operating system installed. It is impossible or nearly impossible to buy a computer, especially a laptop computer, without it having some variety of Microsoft operating system installed. I would like that option to be available in the marketplace and the current practices make it prohibitive for manufactures to do this.

I hope that a more amenable solution can be arrived at.

Sincerely,
Tim Butterfield

MTC–00017070

From: Stephen Moehle
To: Microsoft ATR
Date: 1/23/02 12:42pm
Subject: Microsoft Settlement

I am opposed to the proposed Microsoft settlement. I believe that it does not do enough to penalize Microsoft for past anticompetitive behavior, nor does it do enough to prevent Microsoft from engaging in such behavior in the future.

In particular the definitions of the terms ''API'' and ''middleware'' are much too narrowly defined and would allow Microsoft to withhold a great deal of information necessary for a competitor to fully use the APIs and integrate with Windows.

Further, many Microsoft APIs may be covered by software patents. All APIs must be licensed free of charge to all developers but in particular to open-source developers, and any relevant patents must be licensed royalty-free.

Also, the proposed settlement does nothing to prevent Microsoft from retaliating against OEMs that sell computers with non-Microsoft OSes installed, most notably Linux. OEMs must be free to sell computers with any

operating system they wish and still be able to purchase the Microsoft OSes at the same prices as any other OEM.

Stephen Moehle
Berkeley, CA
Software Engineer

MTC–00017071

From: cary roys
To: microsoft.atr(a)usdoj.gov
Date: 1/23/02 12:41pm
Subject: Microsoft Settlement

I believe that the proposed settlement with Microsoft is a bad idea, and contrary to what you may think, will actually worsen Microsoft's stranglehold upon the computing industry.

—Cary Roys

MTC–00017072

From: Danny Calegari
To: Microsoft ATR
Date: 1/23/02 12:44pm
Subject: Microsoft Settlement

As a consumer of computer software, and a person who uses computers and computational tools in essential ways in my work (I am a professor of mathematics at Harvard), I would like to strongly suggest that the proposed Microsoft Settlement is a bad idea. My specific objections are numerous, but I will restrict myself to just one: the PFJ does *not* go far enough in prohibiting exclusionary licensing practices by Microsoft towards ISV's. For example, programs developed with Microsoft Visual C++ may not be distributed with windows-compatible operating systems; in particular, the Microsoft Platform SDK EULA says: ''Distribution Terms. You may reproduce and distribute ... the Redistributable Components... provided that (a) you distribute the Redistributable Components only in conjunction with and as a part of your Application solely for use with a Microsoft Operating System Product...'' This is only one of many examples; in order for the PFJ to have substance to it, it must comprehensively uphold the abilities of consumers to pick and choose combinations of free, open-source, and proprietary software to use with each other in whatever manner they see fit.

I hope you find this opinion useful.

Yours sincerely,
Danny Calegari PhD

MTC–00017073

From: Ed Silva
To: Microsoft ATR
Date: 1/23/02 12:43pm
Subject: Microsoft Settlement

To whom it may concern:

The proposed settlement of the Microsoft anti-trust case is simply unacceptable. It would reward them, not punish them, and allow them to further expand their monopoly to a market which is not completely controlled by them. How can expanding their monopoly be punishment?

Please, go back to the drawing board on this one. The future of the computing world is at stake here, and there are many who dread the thought that Microsoft will have a strangle hold on it.

Yours,
Ed Silva

MTC–00017074

From: Waterman, Bryan
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 12:40pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am completely opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not come even close to redressing the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

Microsoft has been convicted of anti-trust violations. The proposed settlement provides no punishment that will convice Microsoft to change their corporate behavior, or does it provide adequate releif for the injured party: namely myself and millions of other computer users that are litterally forced to use Microsoft products.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded. This fact must be evident, given the huge public outcry against the proposed settlement, as well as the fact that many of the States Attorneys General have publically said that the proposed settlement does not provide any measure of justice. The follow is a list of minimum remedies that court should consider. Remember, Microsoft is guilty, do not let them buy their way out.

Proposed remedies $4 billion in fines, payable to the US government

Microsoft Windows, 2000, XP source code must become government property.

Rights to lisence this code will be auctioned off just as the FCC auctions off spectrum rights. Microsoft will be allowed to keep the applications as copyrighted works, with the copy-right experation date to be 2006.

All EULA agreements with Microsoft are declared void.

All licensing contracts with Microsoft are to be voided, and new contracts must be made publicly availible. No more secret discounts.

Any prohibition against ''dual boot'' computers must be declared void and immediately removed from any contracts with Microsoft. This provision should be implemented immediately, irrespective of the time line of other penalties.

If Microsoft violates the terms of the above remedies, they are to be broken up as a company

Sincerely,
Bryan Waterman

Using Microsoft products is like dealing with a cross between Marvin the Paranoid Android, HAL, and a VCR that always blinks 12:00.

MTC–00017075

From: aljmc@alhpx2.agere.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:42pm
Subject: Microsoft Settlement

Speaking for myself and NOT my employer: As a computer scientist with more than 20 years of experience I am astounded at the MS—DOJ settlement proposal. Aside from the money spent to hold the trial and the subsequent negotiations essentially nothing has or will change and MS will suffer no pain or penalty for their monopolistic manipulation of the software industry.

My suggested course of action is to retry the case and this time allow some of us who understand just what MS is doing wrong to participate in the trial.

Joseph M. Cassano

MTC–00017076

From: Shawn Grant
To: Microsoft ATR
Date: 1/23/02 12:42pm
Subject: Microsoft Settlement

I believe that the proposed settlement with Microsoft is insufficient. Microsoft has been found guilty yet it does not seem as though they are going to be punished at all. The settlement only attempts to force Microsoft to act a fair manner without punishment for its transgressions, and still fails to do that. I feel one of the main problems with the settlement is the lack of protection afforded to the Open Source community. At this point, Linux and other Open Source projects appear to be the only viable competition to Microsoft, yet the settlement allows Microsoft to decide on their viability as a business and withhold access to Microsoft APIs, documentation, and communications protocols.

I call for further restrictions and punishment in the settlement with Microsoft. Thank you for your consideration.

Shawn Grant
Software Engineer
Ventura, California

MTC–00017077

From: Wilson, Harry
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 12:45pm
Subject: No

After careful analysis. I ask that you not approve the Microsoft Settlement.

Harry H. Wilson
Director of Information Services
Standard & Poor's Financial Communications
711 Atlantic Avenue
Boston, MA 02111
(617)357–6235
http://fc.standardandpoors.com

MTC–00017078

From: Deven Phillips
To: Microsoft ATR
Date: 1/23/02 12:43pm
Subject: Microsoft Settlement

In the settlement proposal in the case of US Department Of Justice v. Microsoft Corp. there are many weaknesses. Below is a list of some of the more glaring misgivings I have concerning the case:

I. How should terms like ''API'', ''Middleware, and ''Windows OS'' be defined?

The Findings of Fact (? 2) define ''API'' to mean the interfaces between application programs and the operating system. However, the PFJ's Definition A defines it to mean only the interfaces between Microsoft Middleware and Microsoft Windows, excluding Windows APIs used by other application programs. For instance, the PFJ's definition of API might omit important APIs such as the Microsoft Installer APIs which are used by installer programs to install software on Windows.

The Findings of Fact (? 28) define ''middleware'' to mean application software that itself presents a set of APIs which allow users to write new applications without reference to the underlying operating system. Definition J defines it in a much more restrictive way, and allows Microsoft to exclude any software from being covered by the definition in two ways:

1. By changing product version numbers. For example, if the next version of Internet Explorer were named ''7.0.0'' instead of ''7'' or ''7.0'', it would not be deemed Microsoft Middleware by the PFJ.

2. By changing how Microsoft distributes Windows or its middleware. For example, if Microsoft introduced a version of Windows which was only available via the Windows Update service, then nothing in that version of Windows would be considered Microsoft Middleware, regardless of whether Microsoft added it initially or in a later update. This is analogous to the loophole in the 1995 consent decree that allowed Microsoft to bundle its browser by integrating it into the operating system.

Definition K defines ''Microsoft Middleware Product'' to mean essentially Internet Explorer (IE), Microsoft Java (MJ), Windows Media Player (WMP), Windows Messenger (WM), and Outlook Express (OE).

The inclusion of Microsoft Java and not Microsoft.NET is questionable; Microsoft has essentially designated Microsoft.NET and C# as the successors to Java, so on that basis one would expect Microsoft.NET to be included in the definition.

The inclusion of Outlook Express and not Outlook is questionable, as Outlook (different and more powerful than Outlook Express) is a more important product in business, and fits the definition of middleware better than Outlook Express.

The exclusion of Microsoft Office is questionable, as many components of Microsoft Office fit the Finding of Fact's definition of middleware. For instance, there is an active market in software written to run on top of Microsoft Outlook and Microsoft Word, and many applications are developed for Microsoft Access by people who have no knowledge of Windows APIs.

Microsoft's monopoly is on Intel-compatible operating systems. Yet the PFJ in definition U defines a ''Windows Operating System Product'' to mean only Windows 2000 Professional, Windows XP Home, Windows XP Professional, and their successors. This purposely excludes the Intel-compatible operating systems Windows XP Tablet PC Edition and Windows CE; many applications written to the Win32 APIs can run unchanged on Windows 2000, Windows XP Tablet PC Edition, and Windows CE, and with minor recompilation, can also be run on Pocket PC. Microsoft even proclaims at www.microsoft.com/windowsxp/tabletpc/tabletpcqanda.asp: ''The Tablet PC is the next-generation mobile business PC, and it will be available from leading computer makers in the second half of 2002. The Tablet PC runs the Microsoft Windows XP Tablet PC Edition and features the capabilities of current business laptops, including attached or detachable keyboards and the ability to run Windows-based applications.'' and Pocket PC: Powered by Windows Microsoft is clearly pushing Windows XP Tablet PC Edition and Pocket PC in places (e.g. portable computers used by businessmen) currently served by Windows XP Home Edition, and thus appears to be trying to evade the Final Judgment's provisions. This is but one example of how Microsoft can evade the provisions of the Final Judgment by shifting its efforts away from the Operating Systems listed in Definition U and towards Windows XP Tablet Edition, Windows CE, Pocket PC, X-Box, or some other Microsoft Operating System that can run Windows applications.

II. How should the Final Judgment erode the Applications Barrier to Entry?

The PFJ tries to erode the Applications Barrier to Entry in two ways:

1. By forbidding retaliation against OEMs, ISVs, and IHVs who support or develop alternatives to Windows.

2. By taking various measures to ensure that Windows allows the use of non-Microsoft middleware. A third option not provided by the PFJ would be to make sure that Microsoft raises no artificial barriers against non-Microsoft operating systems which implement the APIs needed to run application programs written for Windows. The Findings of Fact (?52) considered the possibility that competing operating systems could implement the Windows APIs and thereby directly run software written for Windows as a way of circumventing the Applications Barrier to Entry. This is in fact the route being taken by the Linux operating system, which includes middleware (named WINE) that can run many Windows programs.

By not providing some aid for ISVs engaged in making Windows-compatible operating systems, the PFJ is missing a key opportunity to encourage competition in the Intel-compatible operating system market. Worse yet, the PFJ itself, in sections III.D. and III.E., restricts information released by those sections to be used ''for the sole purpose of interoperating with a Windows Operating System Product''. This prohibits ISVs from using the information for the purpose of writing operating systems that interoperate with Windows programs.

III. How should the Final Judgment be enforced?

The PFJ as currently written appears to lack an effective enforcement mechanism. It does provide for the creation of a Technical Committee with investigative powers, but appears to leave all actual enforcement to the legal system.

IV. What information needs to be released to ISVs to encourage competition, and under what terms?

The PFJ provides for increased disclosure of technical information to ISVs, but these provisions are flawed in several ways:

1. Section III.H.3. of the PFJ requires vendors of competing middleware to meet ''reasonable technical requirements'' seven months before new releases of Windows, yet it does not require Microsoft to disclose those requirements in advance. This allows Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

2. Section III.D. of the PFJ requires Microsoft to release via MSDN or similar means the documentation for the APIs used by Microsoft Middleware Products to interoperate with Windows; release would be required at the time of the final beta test of the covered middleware, and whenever a new version of Windows is sent to 150,000 beta testers. But this information would almost certainly not be released in time for competing middleware vendors to adapt their products to meet the requirements of section III.H.3, which states that competing middleware can be locked out if it fails to meet unspecified technical requirements seven months before the final beta test of a new version of Windows.

3. The PFJ's overly narrow definitions of ''Microsoft Middleware Product'' and ''API'' means that Section III.D.'s requirement to release information about Windows interfaces would not cover many important interfaces.

4. ISVs writing competing operating systems as outlined in Findings of Fact (?52) sometimes have difficulty understanding various undocumented Windows APIs. The information released under section III.D. of the PFJ would aid those ISVs—except that the PFJ disallows this use of the information. Worse yet, to avoid running afoul of the PFJ, ISVs might need to divide up their engineers into two groups: those who refer to MSDN and work on Windows-only applications; and those who cannot refer to MSDN because they work on applications which also run on non-Microsoft operating systems. This would constitute retaliation against ISVs who support competing operating systems.

5. No part of the PFJ obligates Microsoft to release any information about file formats, even though undocumented Microsoft file formats form part of the Applications Barrier to Entry (see ''Findings of Fact'' ?20 and ? 39).

6. Section III.I of the PFJ requires Microsoft to offer to license certain intellectual property rights, but it does nothing to require Microsoft to clearly announce which of its many software patents protect the Windows APIs (perhaps in the style proposed by the W3C; see http://www.w3.org/TR/2001/WD-

patent-policy-20010816/#sec-disclosure). This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users, as illustrated by this report from Codeweavers, Inc.:

When selecting a method of porting a major application to Linux, one prospect of mine was comparing Wine [a competing implementation of some of the Windows APIs] and a toolkit called 'MainWin'. MainWin is made by Mainsoft, and Mainsoft licenses its software from Microsoft. However, this customer elected to go with the Mainsoft option instead. I was told that one of the key decision making factors was that Mainsoft representatives had stated that Microsoft had certain critical patents that Wine was violating. My customer could not risk crossing Microsoft, and declined to use Wine. I didn't even have a chance to determine which patents were supposedly violated; nor to disprove the validity of this claim.

The PFJ, by allowing this unclear legal situation to continue, is inhibiting the market acceptance of competing operating systems.

V. Which practices towards OEMs should be prohibited?

The PFJ prohibits certain behaviors by Microsoft towards OEMs, but curiously allows the following exclusionary practices:

Section III.A.2. allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

Section III.B. requires Microsoft to license Windows on uniform terms and at published prices to the top 20 OEMs, but says nothing about smaller OEMs. This leaves Microsoft free to retaliate against smaller OEMs, including important regional 'white box'' OEMs, if they offer competing products.

Section III.B. also allows Microsoft to offer unspecified Market Development Allowances—in effect, discounts—to OEMs. For instance, Microsoft could offer discounts on Windows to OEMs based on the number of copies of Microsoft office or Pocket PC systems sold by that OEM. In effect, this allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas, such as office software or ARM-compatible operating systems.

By allowing these practices, the PFJ is encouraging Microsoft to extend its monopoly in Intel-compatible operating systems, and to leverage it into new areas.

VI. Which practices towards ISVs should be prohibited?

Sections III.F. and III.G. of the PFJ prohibit certain exclusionary licensing practices by Microsoft towards ISVs.

However, Microsoft uses other exclusionary licensing practices, none of which are mentioned in the PFJ. Several of Microsoft's products'' licenses prohibit the products'' use with popular non-Microsoft middleware and operating systems. Two examples are given below.

1. Microsoft discriminates against ISVs who ship Open Source applications

The Microsoft Windows Media Encoder 7.1 SOFTWARE DEVELOPMENT KIT END USER LICENSE AGREEMENT states: ... you shall not distribute the REDISTRIBUTABLE COMPONENT in conjunction with any Publicly Available Software. ''Publicly Available Software'' means each of (i) any software that contains, or is derived in any manner (in whole or in part) from, any software that is distributed as free software, open source software (e.g. Linux) or similar licensing or distribution models ... Publicly Available Software includes, without limitation, software licensed or distributed under any of the following licenses or distribution models, or licenses or distribution models similar to any of the following: GNU's General Public License (GPL) or Lesser/Library GPL (LGPL); The Artistic License (e.g., PERL); the Mozilla Public License; the Netscape Public License; the Sun Community Source License (SCSL); ...

Many Windows APIs, including Media Encoder, are shipped by Microsoft as add-on SDKs with associated redistributable components. Applications that wish to use them must include the add-ons, even though they might later become a standard part of Windows. Microsoft often provides those SDKs under End User License Agreements (EULAs) prohibiting their use with Open Source applications. This harms ISVs who choose to distribute their applications under Open Source licenses; they must hope that the enduser has a sufficiently up-to-date version of the addon API installed, which is often not the case.

Applications potentially harmed by this kind of EULA include the competing middleware product Netscape 6 and the competing office suite StarOffice; these EULAs thus can cause support problems for, and discourage the use of, competing middleware and office suites. Additionally, since Open Source applications tend to also run on non-Microsoft operating systems, any resulting loss of market share by Open Source applications indirectly harms competing operating systems.

2. Microsoft discriminates against ISVs who target Windows-compatible competing Operating Systems

The Microsoft Platform SDK, together with Microsoft Visual C++, is the primary toolkit used by ISVs to create Windows-compatible applications. The Microsoft Platform SDK EULA says: ''Distribution Terms. You may reproduce and distribute ... the Redistributable Components... provided that (a) you distribute the Redistributable Components only in conjunction with and as a part of your Application solely for use with a Microsoft Operating System Product...'' This makes it illegal to run many programs built with Visual C++ on Windows-compatible competing operating systems.''

By allowing these exclusionary behaviors, the PFJ is contributing to the Applications Barrier to Entry faced by competing operating systems.

The Preceding examples are only but a few of the potential loop-holes in the Proposed settlement. For a more complete listing, please refer to : http://crossover.codeweavers.com/mirror/www.kegel.com/remedy/remedy2.html

Mr. Dan Kegel has performed a great deal of research and speaks for a large number of software developers, systems engineers, and various other information technology professionals with his misgivings. Al so, more information can be found at:

http://www.salon.com/tech/col/rose/2002/O1/16/competition/index.html

http://www.boston.com/dailyglobe2/O15/business/Microsoft_case_key_to_tech_s_future+.shtml

http://computeruser.com/articles/2101,3,1,1,0101,02.html

http://linuxtoday.com/news_story.php3?ltsn=2002–01–02–002–20–OP–MS

Please take these items under consideration prior to approving the proposed settlement, as the PFJ as it stands will not only fail to acheive the goal set forth by the findings in the case; but it may in fact drive Microsoft's anti-competitive practices to an all time high.

Respectfully,

Joseph B. Phillips, CISSP
Senior Information Security Analyst
Computer Sciences Corporation
RITSC Hawaii Information Assurance
350 Ward Ave. #106–193
Honolulu, HI 96814
PH: (808) 348–0885
E-Mail: cytronix@lava.net

MTC–00017079

From: JBurkhard@icfconsulting.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:44pm
Subject: microsoft settlement

The Proposed Final Judgement in United States v. Microsoft is a BAD IDEA. This judgment allows many exclusionary practices to continue, and does not take any direct measures to reduce the Applications Barrier to Entry faced by new entrants to the market.

John C. Burkhard
John C. Burkhard
ICF Consulting, Inc.
9300 Lee Highway
Fairfax, VA 22031

MTC–00017080

From: Nic Simonds
To: Microsoft ATR
Date: 1/23/02 12:44pm
Subject: Microsoft Settlement

Dear Sirs:

I am writing to give my comments on the Microsoft antitrust settlement. I believe this settlement is counter to the interests of the American public, deleterious to the American economy, and not adequate given the findings of fact in the trial.

Microsoft's anti-competitive practices are counter to the law and spirit of our free-enterprise system. These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation.

Microsoft's monopolistic practices cause the public to bear increased costs and deny them the products of the innovation which would otherwise be stimulated through competition.

The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past,

but which also prevent them from engaging in other monopolistic practices in the future.

It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function.

Nicolas Simonds
763.551.6517
nic@tricord.com

Computer Science—n.—A study akin to numerology and astrology, but lacking the precision of the former and the success of the latter.

—Stan Kelly-Bootle, The Computer Contradictionary

MTC–00017081

From: Spencer Roedder
To: Microsoft ATR
Date: 1/23/02 12:42pm
Subject: Microsoft Settlement

I would like to put on record my opposition to the Proposed Final Judgment in the Microsoft anti-trust case as inadequately restrictive of Microsoft's anti-competitive behavior.

As just two examples:

1. The PFJ requires Microsoft to release internal API specifications to Independent Software Vendors only at the time the software goes into beta release. This gives inadequate time for ISVs to make their software compatible (or competitive). Further, Microsoft can easily manipulate the schedule or labeling of pre-releases (e.g., ''alpha'' releases) to circumvent this requirement even further.

2. Nowhere does the PFJ require Microsoft to release undocumented file formats, even though it was established in the Findings of Fact that these undocumented formats form part of the barrier to entry for ISVs. Thank you for your attention.

MTC–00017082

From: Reid Young
To: Microsoft ATR
Date: 1/20/23 12:43pm
Subject: Microsoft Settlement

This settlement is a horrible idea. I'm adding my voice against it.

-Reid Young
Student @ Purdue University

MTC–00017083

From: Robert Feldbauer
To: Microsoft ATR
Date: 1/23/02 12:43pm
Subject: Microsoft Settlement

I believe definition U. should be ammended as follows: ''Windows Operating System Product'' means any software or firmware code distributed commercially by Microsoft that is capable of executing any subset of the Win32 APIs, including without exclusion Windows 2000 Professional, Windows XP Home, Windows XP Professional, Windows XP Tablet PC Edition, Windows CE, PocketPC 2002, and successors to the foregoing, including the products currently code named ''Longhorn'' and ''Blackcomb'' and their successors, including upgrades, bug fixes, service packs, etc.

Sincerely,
Robert Feldbauer

MTC–00017084

From: Bret Jordan
To: Microsoft ATR
Date: 1/23/02 12:42pm
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea. I truly believe that they have to much power in forcing us to use their products and do things their way. For example, even though they claim that you can remove IE from their new WinXP product. You really can not. Their remove mechanism that they offer only removes the ICON from the desktop.

I am also not saying that you just dissolve the company to the point where the stock market suffers. But there has to be more stringent guidelines that could be put in place that will protect the end users and Microsoft's intellectual property.

Thanks for listening.

Bret Jordan
2175 S TEXAS
SLC, UT 84109
Bret Jordan
Dean's Office
LAN Manager
College of Engineering
801.585.3765
University of Utah
223 KENNB
bret.jordan@utah.edu

MTC–00017085

From: Michael Darrin Tisdale
To: Microsoft ATR
Date: 1/23/02 12:43pm
Subject: Microsoft Settlement

I have decided to write this email to voice my opposition to the DOJ's proposed settlement with Microsoft. There is one key provision in it which I feel makes many of the other provisions null and void; thereby rendering much of the agreement worthless and the market effectively more anti-competitive.

One of the key definitions in the Agreement allows Microsoft to determine to whom it will license access to APIs and the like. Section III (J)(C) allows Microsoft to reject licensors from accessing its APIs, Documentation, or Communication Protocols to those that meet Microsoft's criteria for a business: the licensor must ''...(c) meet(s) reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...'' Further, Section III (D) restricts the types of licensors for its ''middleware'' by defining independent software vendors, and others to only those that specify a direct commercial concern—in effect, a profit oriented organization. Lastly, even the US Government would be disqualified from licensing the technology for its solutions, as the US Government would not meet those requirements.

Of course, the major challenge to Microsoft today is not from businesses but from the Open Source community, one in which people do not desire to directly profit from their works. Since products like SAMBA, an interoperable version of Microsoft's file sharing system, are not from a business according to Microsoft, Microsoft would be able to kill off its primary competitor by refusing to license any information about its protocols. SAMBA depends upon this information to make its product compatible. Without access to that information, they would be unable to continue producing their product. Strangely enough, then, Microsoft gets to determine its competitors, something I have never known any company to be able to do in its market. Only companies which meet Microsoft's standards for a business would be accepted; as these businesses would be at a clear distribution, marketing, and licensing disadvantage compared with Microsoft, the opportunity for real competition would fade away.

As a developer who uses both Microsoft and non-Microsoft products together, I have always struggled to achieve my goals as Microsoft has always hoarded its proprietary formats so that they control the information. I depend on interoperability, not single source solutions. That approach gives my clients a choice, the key advantage to a market, in their operations. If the current Agreement is approved, I am sorely afraid that I will no longer be able to offer that choice to my clients. Sadly, the market will become more monopolistic and ultimately defeat the goal of the Agreement.

I therefore do not support the approval of the Agreement, and I strongly urge you do reject it.

. . . M. Darrin Tisdale

MTC–00017086

From: Michael Bosland
To: Microsoft ATR
Date: 1/23/02 12:42pm
Subject: Hi,

Hi,

I'd like to add comments to this landmark case which will greatly affect me and most other Americans.

There are many problems with the settlement the DOJ is proposing. I won't go into them here, but instead concentrate on one area that it does not address.

Microsoft has been judged in the past to have intentionally modified it's products to degrade the user experience of end users attempting to use a competitor's product. An example is the 1996 Caldera vs. Microsoft case. This example shows how Microsoft diliberatly degrades it's product to both harm end users and competitors. The second harm feeds back into an even greater harm on end user by effectively destroying competition. One of the DOJ's primary missions is to ensure that competition is not illegally suppressed in this fashion.

The Proposed Final Judgement does nothing to prohibit or even discourage this behavior. Therefore the Proposed Final Judgement should be either discarded or redrafted to address this issue.

Thank you for taking the time to hear my view,

Michael Bosland
Kirkland, WA

MTC–00017087

From: Brian Rudden
To: Microsoft ATR
Date: 1/23/02 5:45am
Subject: Microsoft Settlement

To whom it may concern, I have read about the proposed settlement in the Microsoft

anti-trust case, and am not in favor of it in it's current state. In the past, I have been particularly appalled at Microsoft because of it's rampant anti-cometitive and monopolistic nature. In my views, the settlement does little to correct Microsoft's past actions, and does very little to prevent (or discourage) future anti-competative actions. Even during the proceedings, Microsoft has flamboyantly persued markets outside of it's core market (Operating systems and Applications), all the while hampering competition.

As an example: Microsoft's recent move into telecommunications, Broadband, and Internet Service, with Qwest Communications is indication enough that they have no plans to cease their anti-competetitive nature. In the process, they are injuring the economy of local service providers, by making it more difficult to obtain Broadband DSL service through another provider.

I respect the ideas of capitalism and free market, however, there has to be a limit to the amount one corporate entity can control the market—before the market is no longer free.

Thank you for your time,
Brian Rudden
4850 Osceola St.
Denver, CO 80212
modec@modec.net
modec@4dv.net

MTC–00017088

From: Christopher Palmer
To: Microsoft ATR
Date: 1/23/02 12:44pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am writing to express my opposition to the proposed settlement in the Microsoft antitrust trial. The current settlement proposal does not redress the actions committed by Microsoft in the past, nor stop them committing similar actions in the future.

The provisions within the current settlement only serve to formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses.

This, in my opinion, goes against the very foundation of the law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

I too want to see a settlement come sooner, rather than later, but it is wrong to reach an unjust settlement just for the sake of settling.

Sincerely,
Christopher T Palmer

MTC–00017089

From: Tony Notto
To: Microsoft ATR
Date: 1/23/02 12:39pm
Subject: Microsoft Settlement

Dear Sirs,

I am writing to protest the proposed settlement with Microsoft. One of the many reasons I am opposed to this settlement is that it fails to, as the court of appeals stated in their ruling (section V.D., p. 99), ''...ensure that there remain no practices likely to result in monopolization in the future.''

For example, the proposed Final Judgement's definition of the term ''API'' is overly narrow and excludes Windows APIs used by other application programs. This means that Microsoft would be able to continue to build means of interaction between its operating system and its other software packages, without having to make the specifications for that same interaction available to developers of competing software packages. Thus, Microsoft's anti-competitive practices would continues as they have in the past.

The fact that the Proposed Final Judgement does not address many of Microsoft's anti-competitive practices is very serious. Please review the PFJ in light of the comments you have received, and amend it so that it will no longer have any shortcomings that would allow Microsoft to continue it's discriminatory and anti-competitive practices. You can find a much more thorough evaluation of the PFJ in Dan Kegel's essay available at http://www.kegel.com/remedy/remedy2.html and mirrored at http://crossover.codeweavers.com/mirror/www.kegel.com/remedy/remedy2.html

Sincerely,
Tony Notto
Student, University of Minnesota

MTC–00017090

From: RW Hawkins
To: Microsoft ATR
Date: 1/23/02 12:44pm
Subject: Microsoft Settlement

I am writing in regards to the Microsoft settlement. I have been an avid computer user all my life and have seen good technologies come and go. That is just the facts of life. I am extremely discouraged however when large monopolies such as Microsoft make it all but impossible for the little guys to have any chance of success.

In particular Microsoft's historical actions to make their software incompatible such as in the 1996 Caldera v. Microsoft example is disheartening. I hope one day to be a member of a successful computer company that gives users total choice over their hardware, software and applications. I foresee a future where this is impossible if some measures are not taken against Microsoft.

Additionally I see Microsoft moving into areas where they have not been before in order to control the games our kids play, the music we listen to even the photographs we take. As a photographer I am shocked about the new digital photography software they have introduced in Windows XP for free that will do to Kodak what Internet Explorer did to Netscape, all but destroy it.

I hope you will listen to my opinions in calling for a remedy that somehow levels the playing field for us ''small guys''. Any settlement must have some aspect of punishment for past regressions but more importantly imposed controls to prevent Microsoft from doing what they have done in the past in todays very different and changing environment.

Thank you,
Richard Hawkins
Sunnyvale, CA

MTC–00017091

From: Steven Patt
To: Microsoft ATR
Date: 1/23/02 12:44pm
Subject: Microsoft Settlement

I am writing to object to any proposed settlement of the suit against Microsoft which does not deal with the future consequences of past ill-gotten gains. Microsoft has gained billions upon billions of dollars by employing tactics which have been determined to be illegal.

Our company is a successful company developing software for Palm handhelds. Microsoft, which most certainly does not have a monopoly in the handheld market, and is also for the most part (at least as far as I can tell, but I may be wrong) not using ''linking'' with their existing monopolies to extend their reach into the handheld market (i.e., they are not including a PocketPC handheld with each copy of Windows), STILL is using its billions in ill-gotten gains to market that product and gain market share from Palm, to the detriment of Palm, Inc. and to companies such as ours which develop software for PalmOS handheld units.

In my opinion, the ONLY equitable solution would be to confiscate (i.e., fine) ALL of Microsoft's ill-gotten gains and ''level the playing field''.

Steve Patt
President, Stevens Creek Software
slp@stevenscreek.com

MTC–00017092

From: Peter Clark
To: Microsoft ATR
Date: 1/23/02 12:43pm
Subject: Microsoft Settlement

To Whom It May Concern:

The basic finding that Microsoft is guilty of anti-trust violations screams for much broader remedies than those currently proposed. Microsoft must not be allowed to return to anticompetitive behavior as a normal way of doing business. I strongly reject the proposed settlement and request the court to reconsider options to better restrict the ability of Microsoft to return to its monopolistic ways.

Thank you.
Peter Clark
550 Greenwich Street
San Francisco, CA 94133
(415) 433–5033

MTC–00017093

From: Dan Wood
To: Microsoft ATR
Date: 1/23/02 12:45pm
Subject: Microsoft Settlement

I am the founder of a small, struggling computer software company. I do not believe that the proposed final judgment against Microsoft goes nearly far enough. Microsoft

has done so much to damage the computer industry; their punishment must be *far* greater than the proposal that I have read.

Dan Wood
dwood@karelia.com
http://www.karelia.com/
Watson for Mac OS X: http://www.karelia.com/watson/

MTC–00017094

From: Scott Cuyle Fritzinger
To: Microsoft ATR
Date: 1/23/02 12:46pm
Subject: Microsoft Settlement

I am writing to voice my opposition to the proposed Microsoft anti-trust settlement. The settlement is inadequate in several areas, but in particular is the disclosure of the Application Programming Interfaces (API's) in Microsoft products.

The provision of the settlement dealing with disclosure of the API's does NOT provide adequate language to enforce full-disclosure, nor does it even require full-disclosure. The language is too tightly worded such that it limits exactly what Microsoft must document to other developers. It lists specific Microsoft programs and operating systems that are required to be publicly documented in regards to the API, but this is not satisfactory.

Most noticeably missing from the API disclosure list is Microsoft SQL Server, which is their flagship database server. Microsoft has been using their desktop monopoly to leverage their server software, which has been succeeding to the detriment of competition from other server products. If allowed to continue, this illegal practice will allow Microsoft to further force its insecure server software onto consumers. What happens if most Fortune 500 businesses have to run SQL Server and a bug/vulnerability is found in that software? The core businesses that are the landmark of commerce in this country will be left vulnerable to hackers worldwide.

That would be an embarrassment to this country.

Another problem with the settlement is that, by specifying specific software names and versions, you allow Microsoft to simply rename/rebrand products after the settlement goes into effect and therefore circumvent the API disclosure protections. Consider what happens if they were to rename Windows Media Player to ''Windows Media Runner'' or something else? It is no longer the same official product, therefore not bound to the API disclosure protections.

I will not even go into the problems this creates in regards to Microsoft.NET. .NET is a ''next generation'' platform that, if not properly documented publicly, will yet again lock people into Microsoft products. This is already happening because Windows XP has .NET capabilities already included. This is simply scary.

To fix this, you would have to remove the restrictive language from the settlement and have Microsoft release the API for ALL of their operating systems, regardless of middleware/applications. By restricting API disclosure to middleware/operating-system combinations, you are giving Microsoft a way around any sort of API disclosure requirement built-into the settlement.

What people are missing through-out this trial is that an operating system is simply a foundation for computing. It provides the structure for which to run/build other applications. If Microsoft keeps secret the part of the foundation that is the strongest and uses it only for their applications (secret API's), then competitors start off at an EXTREME disadvantage. That's what this boils down to and Microsoft knows this.

Scott Fritzinger
Reno, NV

MTC–00017095

From: Joseph Manojlovich
To: Microsoft ATR
Date: 1/23/02 12:43pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am taking the time to write this email to voice my concern over the proposed Microsoft antitrust settlement. I am a graduate student at the University of Pittsburgh School of Information Sciences, and also a consumer of computer products. As both an information technology specialist and a consumer, I feel that Microsoft has caused great harm, and this proposed settlement in my opinion does very little to prevent current and future antitrust violations by Microsoft. In fact, the numerous loopholes in the current agreement may very well increase Microsoft's power in certain markets.

I may not be a legal expert, but I fail to understand how this settlement falls within the realm of established crime and punishment. When somebody robs a bank, and are subsequently caught, they not only pay back all the stolen money and goods, but are fined and imprisoned. If a large company steals billions from consumers by leveraging their monopolies, they should be forced to repay their illegal gains and also divest themselves of their monopolies. This proposed settlement is hardly a punishment for Microsoft, and will allow them to continue to dominate current and new markets, adding their illegal profits to an ever-growing war chest that runs in the tens of billions of dollars now.

In my opinion, the proposed settlement is simply an illogical attempt to help the current economy by letting a large company off with a slap on the wrist. It does nothing to curb current and future illegal behavior by Microsoft, and certainly provides nothing in the way of repriations for past illegal behavior. A much better way to help this weak economy would be to really punish Microsoft: break up their monopolies, and return their ill-gotten gains to consumers.

A settlement best serves the needs of all involved in this case. Without one, this case will continue to drag out over the next few years, with continuing antitrust violations by Microsoft. However, this proposed settlement should not be seen as a solution.

Let us not forget history. Microsoft is in this antitrust trial only because they willfully violated a consent decree that was a settlement in a past antitrust trial. Microsoft will violate this settlement 5 minutes after the signatures are dried. They are a predatory company that cannot compete without violating the law. As an American citizen, I vote to reject this proposed settlement and replace it with one that will both punish Microsoft and restore real competition to the marketplace.

Sincerely,
Joseph Manojlovich

MTC–00017096

From: Patrick Joyce
To: Microsoft ATR
Date: 1/23/02 12:45pm
Subject: The proposed settlement to the Microsoft antitrust case does absolutely

The proposed settlement to the Microsoft antitrust case does absolutely nothing to prevent them from continuing their illegal activities. In fact, it condones them continuing and expanding these practices.

A few examples:

Section III.A.2. allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

Section III.B. requires Microsoft to license Windows on uniform terms and at published prices to the top 20 OEMs, but says nothing about smaller OEMs. This leaves Microsoft free to retaliate against smaller OEMs, including important regional 'white box' OEMs, if they offer competing products.

Section III.B. also allows Microsoft to offer unspecified Market Development Allowances—in effect, discounts—to OEMs. For instance, Microsoft could offer discounts on Windows to OEMs based on the number of copies of Microsoft Office or Pocket PC systems sold by that OEM. In effect, this allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas, such as office software or ARM-compatible operating systems.

Aren't these textbook examples of anti-competitive practices? Hasn't the Justice department slapped Microsoft on the wrist for these before? The time for a ''slap on the wrist'' is long past. The time for real, effective punishment is now.

In addition to my vehement rejection of the proposed settlement as fair and equitable, I would call into question Mr. Ashcroft's motives in this case.

Anyone with basic knowledge of computers and the law can see how this settlement does nothing but support Microsoft's monopoly status. Certainly the Attorney General of the United States knows this as well, and a investigation into his relationship with Microsoft should take place immediately.

MTC–00017097

From: Jeff Jones
To: Microsoft ATR
Date: 1/23/02 12:44pm
Subject: Microsoft Settlement
To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW Suite
1200 Washington, DC 20530–0001
23 January 2002

I would like to comment on the proposed settlement in the antitrust case against

Microsoft Corporation, as provided for in the Tunney Act. I believe the proposed settlement will operate to prevent, rather than foster, competition in the market for operating systems and applications, and will allow Microsoft to continue its prior anticompetitive behavior with little restraint. For example:

—Section III.H.3 of the proposed judgement requires independent vendors (ISV's) who offer competing middleware to meet ''reasonable technical requirements'' seven months before new releases of the Windows operating system, but it makes no requirement on Microsoft to—disclose—those requriements before this deadline. ISV's are thus dependent on the simple goodwill of Microsoft to voluntarily disclose those requirements, and Microsoft can prevent ISVs from meeting the seven-month deadline by simply failing to disclose the requirements in advance.

—Definition U of the proposed judgement limits the definition of ''Windows Operating System Product'' to a limited subset of the OS products currently offered by Microsoft. It excludes current OS products such as Windows CE, Pocket PC, and Windows XP Tablet PC Edition. This overly narrow definition allows Microsoft to maintain its monopoly on Intel-compatible operating systems simply by basing some part of its future OS development on these excluded OS products and claiming that they are exempt from the restrictions of the proposed judgement because of that lineage—even if such future products are targeted to the desktop/portable computer market currently served by the OS products restricteds in the judgement.

For these reasons and others, I believe the proposed judgement will allow Microsoft's current anti-competitive behaviors to continue and will thereby prevent the entry of viable competitors into the operating systems market. The settlement is therefore not in the public interest and should not be adopted without thorough revision.

Jeffry Jones
Senior Internet Application Developer
weather.com
Marietta GA

MTC–00017098

From: Andy Zbikowski
To: Microsoft ATR
Date: 1/23/02 12:44pm
Subject: Microsoft Settlement

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement.

I agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html), namely:

• The PFJ doesn't take into account Windows-compatible competing operating systems

• Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

• The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

• The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

• The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

• The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

• The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertized as being ''Windows Powered''.

• The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

• The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

• The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

• The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

• The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

• The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

• Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

• Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

• Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)

• The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

• Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

• The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

• The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

• The PFJ allows Microsoft to discriminate against small OEMs—including regional 'white box' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

• The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

• The PFJ as currently written appears to lack an effective enforcement mechanism. I also agree with the conclusion reached by that document, namely that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

Sincerely,
Andrew S. Zbikowski, Minneapolis, MN;
Information Technology Specalist
University of Minnesota Computer Science Dept.
Andy Zbikowski <andyzb@cs.umn.edu>
Computer Science/ITLabs Systems Staff
University of Minnesota, Twin Cities
Office: AHPCRC #154 Phone: 626–8090
When in danger, or in doubt, run in circles, scream and shout!

MTC–00017099

From: Eric Murray
To: Microsoft ATR
Date: 1/23/02 12:50pm
Subject: Microsoft Settlement

Microsoft must be punished for their crime and not be swept underneath carpet. Corporate and government department must learn that the law is for the people and not these large money laiden groups. They are guilty and should be punished, but forced to play ball like everyone else.

Their domination of the market is not helping the consumer, but causing more trouble then it is worth. Security holes, buggy software, and lack of revealing information to developers to allow them to be at the same level as MS's products with hidden APIs and other bits of information that would allow others to release better apps.

The OS market should be rip from their hands and sold off.

Thank you and don't let our rights be trampled over....

MTC–00017100

From: Rich Salz
To: Microsoft ATR,Rich Salz
Date: 1/23/02 12:45pm
Subject: Comments on proposed settlement

The proposal is seriously insufficient. It assumes they will act in good faith, when history clearly shows otherwise; they have yet to admit guilt, as a most recent example! A secret three-member panel is incapable of enforcement over the world's largest software company. I am not a lawyer, and I was able to find many ways to obey the letter of the agreement, while still violating the spirit such that they could continue to illegally

monopolize large portions of the computer industry; I cannot begin to imagine what loopholes they will find. Finally, I am offended that they are being allowed to keep ALL of their illegally-obtained profits.

Zolera Systems, http://www.zolera.com
Information Integrity, XML Security

MTC–00017101

From: Bill Graham
To: Microsoft ATR
Date: 1/23/02 12:39pm
Subject: Microsoft Settlement

Hello

I would just like to say that I disagree the proposed settlement.

I'm annoyed that part of the settlement is that Microsoft will be giving away millions of dollars of software to educational institutions. This is fine, but Microsoft is deciding how much it is worth, not the DOJ. Also, this is furthering the monopoly, the exact thing Microsoft was convicted of. This is like punishing a car thief by sending her out to steal more cars. This fixes nothing, and actually causes more damage.

I am also very nervous about words in the settlement which say that Microsoft is essentially allowed to discriminate against Open Source projects, vis a vis publishing of APIs.

The whole settlement document is written in such a way that there is absolutely no curtailing of Microsoft's monopolistic practices, and, frankly, it looks to me that this document actually *rewards* Microsoft instead of punishing it.

Sincerely,
William E. Graham

Bill Graham—Software Engineer/GIS Analyst
CompassCom, Inc.
6770 South Dawson Circle, Unit 1A
Centennial, Colorado 80112–4224 USA
Phone—303.680.3221
Fax—303.766.2488
Email—billg@compasscom.com
Web—www.compasscom.com

MTC–00017102

From: Andy Vander Meulen
To: Microsoft ATR
Date: 1/23/02 12:45pm
Subject: Microsoft Settlement

I am 69 years old. I am the second of ten children from Dutch immigrant parents. I was born in California and moved to Washington state when I was 16 years old. My Dad and family were in the dairy business and I dropped out of high school to help my Dad on the farm he purchased at Sumas, WA. I served my country in the Korean conflict and went into the dairy business after I was discharged from the service.

I evolved into milk marketing and it has been my occupation for 30 years. I had a good understanding of milk pricing numbers but was afraid of computers. In 1984 I lost my job with the cooperative and cheese plant operation I had put together and had to start all over again. I took a class at Skagit Valley College to learn to operate a computer.

I started a new producer cooperative and began marketing their milk. I was able to learn to do pricing and spreadsheets using Microsoft's ''Works'' program and I still use it today. I run this small producer cooperative from my office in my home and we have our operating costs the lowest in our area. Microsoft products are the most reasonably priced products on the market. I have made a good living for my family and I say Microsoft made that possible by lowering the cost of software and the products that are available to us consumers. My computer and my Microsoft software are the cheapest investment I have in my business and what I'm able to do with it.

We say we are a nation of ''rule of law''. It appears to me that we are becoming a nation of ''abused by law''. We had a corrupt administration who catered to the cry-baby competitors of Microsoft and a bunch of money grubbing attorney generals who are just after the money like they did in the tobacco debacle.

It is time to end all this lawyer waste of time and money and let competition determine the winners and losers. Microsoft should be applauded, not persecuted for what they have made available to us average American consumers.

In closing I would suggest the DOJ keep an eye on AOL. I can't hardly watch anything on my satellite dish but it's AOL Time Warner. If they have their way, they will control our TV, movies, music, internet, software, and computer operating systems.

Microsoft used their elbows to defend their business against a group (including AOL) who sat down together and said ''Let's slay the dragon at Redmond''. I say they were guilty of collusion.

I believe the settlement with Microsoft by the DOJ and nine of the states is fair to Microsoft, and we the consumers. I would ask that the Judge approve this settlement and let's all get back to work.

Respectfully,
Andy Vander Meulen
P.O. Box 753
Mount Vernon, WA 98273
360/428–1989

MTC–00017103

From: Doug LaRue
To: microsoft.atr
Date: 1/23/02 12:45pm
Subject: Microsoft Settlement

Dear Sirs,

I have over 15 years of experience in the electronics industry and I find it very difficult to see Microsoft get away with impeding progress every year, with producing inferior product, with jeopardizing our national security, with outright control of how we communicate. And it's not stopping there. Today they, the Microsoft Corporation is selling a computer system at a price lower than the cost of production and calling it a ''game console''. This ''game console'', running Microsoft Windows operating system, is the latest effort to control not only how we communicate but what we see and hear through our entertainment systems. They have used constantly changing file formats of it's office applications to keep out competition to the point that PLAIN TEXT is about the only common denominator left for written/electronic communications and soon they will use their billions in illegally obtained funds to finance the control of the media formats brought into our homes via cableTV and telephone lines. They used constantly changing operating system API's to make sure the competition in the application market was months behind them that existing product stopped working when a ''new'' upgrade to the operating system was released. I could go on and on about how they controlled the market and systematically eliminated competition without the consumer being able to make a REAL choice.

As you can tell, I don't think the current ''settlement'' addresses much of what harm has been done by the Microsoft Corporation. I'm amazed that there could be such a settlement without the majority of the States. After all the States were going to include Microsoft Office and applications in their own case but agreed to drop that for a combined effort with the DOJ. Another monopoly issue was dropped to get this PROBLEM behind us (the people of the USA) and move on. But then the DOJ settles on it's own without the States? A settlement with no teeth no less.

Just look at Section III.A.2. It allows the Microsoft Corporation to retaliate against any OEM it wants to that ships/sells personal computers which contain a competing operating system but not one of the Microsoft Corporations operating systems.

There is almost nothing in this ''settlement'' which restores competition and PREVENTS the Microsoft Corporation from continuing is behavior in the personal computer, business server, home entertainment, and handheld computing markets. I'm sure there are others too.

The damage the Microsoft Corporation has done has actually reduced our productivity. The IBM Corporation shipped an operating system back in 1991 which used as it's desktop foundation a technology called CORBA. The operating system was years ahead of the Microsoft Corporation in it's design and function.

Where is it today? Why were so many companies ''attacked'' my Microsoft Corporate employees to the point that billions of dollars could be brought to bear on them if they continued to support the superior products from the IBM Corporation? Today it is Linux and PalmOS. What about the fact that Microsoft built it's own 3D graphics system even though there was an industry standard called OpenGL? It took them more than 6 years to get something close to OpenGL's capabilities but now again, they eliminated competition because the Microsoft Corporations 3D graphics systems ONLY RUN ON MICROSOFT operating systems and is incompatible with OpenGL. Reinventing the wheel and then only allowing the new wheel to fit one buggy/cart is NOT progress.

Where is the progress if all the Microsoft Corporation does is make products/systems which will only run on their operating systems? There is a well known term for this in the computer industry. It's called:

EMBRACE/EXTEND/EXTINGUISH

The proposed settlement does NOT solve the problem or fix what damage was done.

IMHO.

Kind regards,

Doug
Doug LaRue
President
Pellico Systems
San Diego, CA.
phone: 858.272.7509 fax: 858.483.1096
email: dlarue@pellico.com
http://www.pellico.com

MTC–00017104

From: Chris Jones
To: Microsoft ATR
Date: 1/23/02 12:44pm
Subject: Microsoft Settlement

Dear Sirs:

I think the currently proposed Microsoft settlement is bad. It allows Microsoft to continue to act in an illegal manner and does not punish them enough for their past transgressions.

Regards,

MTC–00017105

From: Gaylord Holder
To: Microsoft ATR
Date: 1/23/02 12:45pm
Subject: Microsoft vs. DOJ Settlement

I have been a computer professional for more than 20 years, working for the US Air Force, several universities, and priviate companies.

When I began, Microsoft, and Microsoft products where an island of stability in the confusing chaos of PCs. By buying the operating system and office suite from the same company, one often got a more stable machine than one might have getting DR–DOS, and Word Perfect. I liked those early versions of MS-Word, and Excel.

Soon, I began hearing that Microsoft wasn't fixing bugs—not just in Word, or Excel, but in more important things—such as the compiler, or communications drivers. Developers I worked with refused to use Microsoft products because they were buggy and crashed their systems. In the ''90's I started having first hand experience developing software with Microsoft products. I soon found I could triple my productivity if I developed the software on Unix platform and back ported the code to PCs. The Microsoft development environment provided no way to integrate a 3rd party editor, no way to track revisions to the code, the debugging was primative and often wrong, and the compiler often didn't work as documented. All of these problems had be dealt with under Unix 5–7 years previously. It was a toy development environment.

Since then, Microsoft has increased its presence in my professional life. I am bombarded with MS-Word and MS-Excel attachments, my customers are required to use MS-Windows to do their jobs. At every turn, I have consistantly found Microsoft software be buggy, bloated, insecure, and difficult to administer.

For the last 10 years of my professional life, Microsoft products have consistantly demonstrated the function of their software is not to help my user's do their jobs, but to premote Microsoft and its commerical partners. Whether it is the Internet Connection Wizard plugging Microsoft's Email accounts, or SmartTags trying to push browsers to Microsoft sites, Microsoft doesn't care for the person or business who bought their products, only their next source of revenue.

Microsoft has been proven to be a monoply. It should be treated like one. Splitting the company into operating systems, applications, and networking, would break the costly, and wasteful cycle of having to upgrade the OS to run Microsoft Office and having to upgrade Microsoft Office to run on the new OS. Most of all, it would certainly Microsoft Office make compete with other Office suites on technical terms. It would certainly force Microsoft to listen to its customers in a way I haven't seen it do since the early 1980s, and it could well let loose a new wave of computer innovation.

Sincerely,
Gaylord Holder

MTC–00017106

From: Jennifer Teig von Hoffman
To: Microsoft ATR
Date: 1/23/02 12:46pm
Subject: Microsoft Settlement

To whom it may concern,

Regarding the Microsoft settlement, I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Many small companies have ceased to exist because of Microsoft's business practices.

Similar to the settlement against AT&T, Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level (40%, for example, assuming one of its competitors is now also at 40%). This must be true for all Microsoft product lines, before regulation is lifted. Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Imagine the damage to the United States if Microsoft were to fail, as Enron failed. The risks of a monopoly are greater than merely the loss of competition.

Thank you for your time.
Yours,
Jennifer Teig von Hoffman
50 Dighton Street
Boston, MA 02135

MTC–00017107

From: Jerry W. Walker
To: Microsoft ATR
Date: 1/23/02 12:45pm
Subject: Microsoft Settlement

Dear Sir or Madam,

Microsoft has been convicted of breaking antitrust laws. In breaking these laws, they've hurt hundreds of companies and thousands of employees. Worse, they've hurt the general public in pushing substandard software into a market in which nearly any other software choice, no matter how much better that software might be, pits the user against compatibility with the rest of the world.

This substandard software includes Microsoft Outlook which, despite industry knowledge of effective security measures that dates back for more than a decade, still manages to distribute computer viruses whose total damage to the US economy probably outweighs any penalty that could be imposed on Microsoft.

This is not the first time that Microsoft has been tried for such behavior. In the earlier trial, they agreed to a consent decree which they flouted. This second case comes directly from their flouting the orders of the court in the earlier case and continuing the damage to the industry and to the public that they were first charged with.

The proposed settlement does not punish Microsoft for this behavior, but rather supports their arrogant flouting of the law by pushing their substandard products into the education market with government support. Further, by specifying the ''punishment'' as a mandate to put so many millions of dollars of software into the schools, the court allows this criminally arrogant company to set the monetary value of their own punishment as best befits their marketing plans. They can set the value of that software at any price that pleases them.

If I were charged with assault for beating up my neighbors when they parked their cars on my street making it less convenient for me to park there, and the courts decided that to punish me they would make me paint lines anywhere I wanted on the street to mark where I would like to park, I would probably have little incentive to follow the law the next time it was inconvenient for me to do so.

The courts, we hope, provide incentives to follow the law, not vice-versa. Please reject this settlement and demand something that serves as a deterrent to Microsoft and to other corporations that choose to flout the law.

One hopes that in our democracy such companies don't obtain royal concessions for behavior that harms the populace.

Sincerely,
Jerry W. Walker
—Jerry W. Walker
Software Process Manager, c o d e f a b
jwalker@codefab.com
212 462 1004 [116] office
212 462 1043 fax

MTC–00017108

From: Joe Wright
To: Microsoft ATR
Date: 1/23/02 12:45pm
Subject: MICROSOFT SETTLEMENT

To Whom It May Concern:

I'm writing to oppose the antitrust case against Microsoft. Antitrust contradicts the free enterprise system and is a violation of the rights of business owners, their stockholders and consumers. No one is or ever has been forced to buy Microsoft products. And no one at Microsoft has forcibly stopped anyone from buying non-Microsoft products. There is a free market in software though Microsoft's competitors would like you to believe otherwise.

Consider the fact that, if I'm looking for an operating system I have a choice of Apple, OS/2, Unix and Linux among others. For word processing, I have Wordperfect and others. For web browsing, I can still get Netscape or use AOL's juvenile interface. In fact I use Netscape and like it better than MS-Internet Explorer.

Microsoft is being prosecuted for monopoly. Yet not so long ago, Netscape had

100% of the browser market and the antitrust warriors did nothing about it. If 80% or 90% of a market is considered monopolistic, than why wasn't 100%? But that would be assuming a degree of rationality and logic that is unknown to antitrust.

Of course what Netscape really had is what Microsoft now has: market dominance. As soon as IE came on the market, consumers voted with their dollars and chose it over Netscape to the point that IE became the dominant product and Netscape fell so far by the wayside that it basically went out of business, to be ''saved'' by AOL. Did Microsoft force it out of business? No. The sum total of consumer choices in the free market put it out of business.

Instead of focusing on, filing suits against and lobbying antitrust officials to charge Microsoft with evil acts, the gang of competitors should look at their own failure to penetrate the market. Instead of griping and enlisting the power of the government to punish Microsoft for succeeding, they should look at the reasons for their own failure. And they are failures. They put products, software and services on the market in competition with Microsoft. The market voted with it's dollars and they lost. They are losers, not because of some alleged Microsoft skullduggery, but because of the market rejected them. The market considered Microsoft products superior and theirs inferior. That's the American way. But the cabal composed of loser competitors and money grubbing attorneys general would like to subvert this system and impose force and regulation upon the free market. They want to deny Microsoft's rights to produce a product and present it to the market for sale. The want to deny consumer's rights to buy Microsoft's products on a free market. They want to force products on the market which have already been rejected by the market.

Sun Microsystems, Netscape, Oracle and now AOL want to use the predatory power of government to skew the market in their favor. They want the government to protect them from the free market. They have no interest in being competitive. They're doing all they can to get a competitor, Microsoft, choked to death by antitrust. Strangely, this is not considered a violation of the antitrust laws. It is not even considered bad conduct. In fact these are praised by many, including such institutions as the vaunted New York Times. But that's the nature of antitrust: contradiction and irrationality. When one company does something, it is praiseworthy; when another company does exactly the same thing, it is accused of being a criminal.

In fact, neither the losers nor the attorneys general believe in a free market at all. What they believe in is fascism, a political system in which there is nominal ownership of property, but under which decisions about the use of the property are made by the government. The political system in the USA today is a peculiar admixture of fascism and socialism, not the republic of limited government power that the Founders designed.

A monopoly exists only when a company has the power to prohibit competition. They only way any company can gain that kind of power is through the power of government via regulations, exclusive licensing arrangements, tariffs and taxes. No company can achieve, much less maintain, a monopoly on the free market, without assistance from the government. No company ever has and no company ever will.

Take the case of AT&T prior to de-regulation and divestiture. This was a classic case of monopoly. The arrangement AT&T had with the local, state and federal governments was such that it was illegal to sell competing products and it was illegal to connect them should you somehow obtain them. You couldn't even provide an alternative telephone directory without violating the law. There were many companies capable of providing telephones and telephone service and many who wanted to. But it was illegal for them to do so. Competition with AT&T was prohibited by law.

In no way is Microsoft like pre-deregulated, pre-divested AT&T. In no way is Microsoft a monopolist.

A company may attain market dominance through offering better products and/or lower priced products, by providing better customer service and by being aggressively competitive. But that's not monopolization. Any other company is free to produce a better product, provide better service, charge lower prices and be even more aggressively competitive and itself become the dominant company. That's the way the free enterprise system works.

Antitrust is a notorious contradiction of the principles of free enterprise involving violations of property rights on a massive scale. The history of antitrust is one of incredible irrationality and injustice. Rather than continue this immoral course of action, it should be stopped dead. Antitrust laws should be repealed.

For all the reasons cited above, I oppose the imposition of any penalties on Microsoft. They have done nothing wrong, they have violated no one's rights, they have broken no legitimate law. The case should be thrown out of court.

Sincerely,
Joe Wright
81 Irving Place—Apt. 6G
New York, NY 10003
Tel: 212–244–5488 x134

MTC–00017109

From: Miles, Dave
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 12:45pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating systems, Internet browsers, desktop applications, application development languages, and (soon) networking markets, nor limit its ability to unfairly dominate new markets such as game consoles, personal video recorders, and Internet service providers.

The proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. The provisions weakly attempt to prohibit the future repetition of those abuses. The provisions do not even attempt to address serious issues such as application file formats which Microsoft changes only to limit competition. This, in my opinion, goes against the very foundation of justice. If a person or organization is able to commit illegal acts, benefit from those acts, and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses, and not for the American people.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Yours Very Truly,
David Miles
KPMG LLP
Risk and Advisory Services
Office: 602.452.4266
Cell: 602.820.4109
dwmiles@kpmg.com

MTC–00017110

From: Matthew S. Woodworth
To: Microsoft ATR
Date: 1/23/02 12:46pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea.

MTC–00017111

From: Wouter Van Hemel
To: Microsoft ATR
Date: 1/23/02 12:46pm
Subject: Microsoft Settlement

Dear Sir, Madam,

I would hereby like to express my doubts about the effectiveness of the proposed settlement in the Microsoft case. I am sincerly concerned about Microsoft's position in the software market, and I don't believe the proposition lives up to the harm done in the past, nor does it provide enough of a remedy for the future. Mellow as it is, half a punishment will reduce itself to no punishment at all with a company that has the financial power Microsoft has; words will be bent, restrictions circumvented, new tricks will be learned, and legal statements adapted, reducing what's already too small a price to pay, to basically nothing. Strong, adequate measures should be taken against Microsoft—being fully accountable for their actions—so as to ensure that at least something's left after Washington lobby'ing and stretching legal phrases beyond recognition. It should not be let off easily, clearly still not having understood the message.

Thanks for listening.
Wouter Van Hemel

MTC–00017112

From: George Talbot
To: Microsoft ATR
Date: 1/23/02 12:46pm
Subject: Microsoft Settlement

To whom it may concern:

My name is George Talbot, a software designer from Philadelphia. I work for Lucent, Inc. My opinions stated here is not intended to reflect the opinions of my employer.

I'm rather discouraged at the Microsoft settlement. The current settlement, as proposed does nothing about Microsoft using its combined dominance in operating systems and office products to restrict the spread of new and possibly competitive software technolgies by coercing vendors into Microsoft-only solutions via restrictions and pricing of said operating system and office products.

Thank you for your time.

George T. Talbot

MTC–00017113

From: krisb@ender.ring.org@inetgw
To: Microsoft ATR
Date: 1/23/02 12:46pm
Subject: Microsoft Settlement

Dear Sirs

I am opposed to the proposed settlement of the Microsoft anti-trust case. In my opinion, Microsoft used its monopoly power over the years to suppress technology that would have provided great benefit to consumers across the United States. One example of this is the ''NSP'' initiative that Intel proposed, but was forced to discard because of monopoly pressure tactics from Microsoft.

The proposed settlement is carefully worded by Microsoft's own lawyers to provide loopholes so that Microsoft can continue these tactics for any activity Microsoft considers important in the future. This will not foster innovation or improved technology for the user, but only tighten Microsoft's grip on access to important new technology by ordinary consumers.

Please revisit this case and form a settlement that will limit Microsoft's ability to prevent new technology and ideas from reaching consumers that do not know what they have been denied.

Thank you.

Kris Bosland
503–324–0573
12711 NW Maplecrest
Way Banks, Oregon 97106

MTC–00017114

From: Matt DAHLMAN
To: Microsoft ATR
Date: 1/23/02 12:50pm
Subject: Microsoft settlement

As a US citizen, I feel strongly that the proposed Microsoft settlement will not be beneficial to the citizens of the US. I urge the Department of Justice to continue its prosecution of the case and to continue pursuing the originally recommended resolution of breaking Microsoft into 2 separate companies.

Thank you.

Sincerely,
Matt Dahlman
mdahlman@netonomy.com

MTC–00017115

From: Gordon Tetlow
To: Microsoft ATR
Date: 1/23/02 12:43pm
Subject: Microsoft Settlement

I'm very disappointed in the PFJ that has been put forth by the DOJ to punish Microsoft for it's actions. It is no more than a slap on the wrist. In fact, I'd go so far as to say that it helps to continue and extend the monopoly power that Microsoft has over home/office computing sector. There is one simple thing in the PFJ that I believe helps Microsoft's monopoly. The PFJ allows Microsoft to raise artificial barriers to those that are interested in creating a Windows-compatible operating system. While the PFJ does mandate that MS must publish its APIs ''for the sole purpose of interoperating with a Windows Operating System Product''. This clause specifically disallows companies/individuals to use the information that Microsoft is compelled to disclose to create an alternative operating system which would still be able to run applications created for Windows, thus helping competition and giving consumers an alternative to a Microsoft operating system.

There are other points that I have contention with, but I do not have time to read the entire PFJ and critique them all. I sincerely hope that the DOJ does the right thing when it comes to the final judgement and gives the public a choice when it comes to home/office operating systems.

Sincerely,
Gordon Tetlow
UNIX System Administrator

The opinions that I express here are my own and don't reflect in any way the opinions of my employer.

MTC–00017116

From: John Hawks
To: Microsoft ATR
Date: 1/23/02 12:46pm
Subject: Microsoft Settlement

Microsoft Antitrust Comments
c/o Antitrust Division
U.S. Department of Justice
601 D Street NW
Washington, DC 20530–0001

Dear Sir or Madam:

I am writing as a public comment to the proposed settlement in the case of U.S. v. Microsoft. As a background, I am employed by the University of Utah and currently work as a research scientist in paleoanthropology. I would like to comment on the settlement in terms of its effect on me as a consumer and as a researcher working with public funds. In brief, the proposed agreement does not address several distinct areas in which the illegal extension of Microsoft's operating systems monopoly harms the public interest.

One of the largest research expenditures both by universities and by individual researchers using NSF or NIH monies is computer-related technology. Currently, much of the public money spent by researchers is wasted on Microsoft products that are never used. Here in my laboratory, there are five copies of Microsoft Windows software that are sitting unopened and unused. These are software that ''came with'' the computers that we use in the lab, but that we do not use and have never used. However, Microsoft has agreements with many systems vendors to package a copy of Microsoft Windows with every computer sold, regardless of whether the customer wants it or not. Even if the customer requests that Microsoft Windows not be included with the computer, the manufacturer is still required by agreement to pay Microsoft for a copy of the software for that computer. Manufacturers do not provide discounts for systems that lack Windows. Other Microsoft software, such as Microsoft Office, is also often included by manufacturers under agreement to Microsoft, again whether the customer wants it or not.

For my own use, and in cases in the laboratory where I have the choice, I build my own computers from components, thus avoiding the unnecessary expenditure on unused Microsoft products. However, most universities, including mine and the University of Michigan where I formerly worked, have purchasing agreements with computer manufacturers, providing discounts for volume purchases, where individual computers may be requested by many different departments during the year. Small manufacturers exist who do not require the unnecessary purchase of Microsoft products, but the large manufacturers able to supply the needs of a research university are also the ones most likely to have exclusive agreements with Microsoft. Thus, universities using public money and individual researchers inside those universities are predominantly forced to purchase Microsoft products, whether they are wanted or not. The retail cost of the Microsoft Windows software, purchased with public money but unused in my laboratory, is over five hundred dollars. This is a cost imposed on the public and consumers by Microsoft's illegal extension of its monopoly.

The proposed settlement does not restrict Microsoft from pursuing exclusive agreements with systems vendors, and it does not allow any recourse for consumers or institutions who would like to purchase a computer from a large systems manufacturer without Microsoft software. There are many reasons to choose such a manufacturer instead of a smaller shop, including availability of support, rapid replacement of defective units, and volume discounts. However, consumer choice in this matter is limited by the illegal licensing used by Microsoft. I would propose that the agreement be extended to forbid these contracts, so that any consumer may choose to purchase a system without Microsoft software.

Instead of Microsoft products in my laboratory and home, I use Linux, free operating system alternative. Again, there are reasons why a consumer would choose to use a Microsoft product instead of Linux despite its zero price, including ease of use and availability of software titles. I would not expect Microsoft to provide applications software on other platforms to erode its monopoly, as some might propose. However, one aspect of Microsoft's operating systems strategy stands out as harmful to consumers, and an illegal extension to its monopoly power. This aspect is the creation and spread of proprietary standards and file formats.

Users who create content with Microsoft products often use the software to create digital copies of the content with Microsoft's proprietary formats. For example, users of

Microsoft Word save documents in ''.doc'' format. The encoding scheme used by such formats is secret and undocumented by Microsoft. Users who wish to use other software packages will be unable to read the complete content of documents created with Microsoft software in this way. Nevertheless, the monopoly of Microsoft has allowed it to make its proprietary file formats into de facto standards, so that many companies and universities use ''.doc'' format for internal correspondence, for example. This extension of monopoly power to file formats has inhibited the adoption of non-Microsoft operating systems like Linux, because no Microsoft applications product exists on that operating system to perfectly read Microsoft file formats. It has been reported that abuse of file formats may be more widespread, with applications like the web-document producing FrontPage producing content for public use that can only be interpreted by Microsoft Internet Explorer, for example, and not by alternative products like Netscape Navigator. Microsoft changes these proprietary formats with almost every new release, so that users are forced to upgrade their software in order to continue to interchange documents with other users. All of this inhibits the use of non-Microsoft operating systems and applications. Further, Microsoft has attempted to extend proprietary standards to public operational systems, such as networking protocols and interoperability software including Java. Indeed, after Sun corporation brought suit against Microsoft for illegally creating its own proprietary version of Java, Microsoft changed its interoperability strategy to a new proprietary standard that it controls. If left to extend its monopoly in this way, Microsoft will limit the ability of alternative operating systems like Linux to interact with public applications, including internet banking and secure transactions of all kinds. The public standards now used as the basis of the Internet were developed largely with public money and are free for anyone to use. If Microsoft is allowed to extend its operating systems monopoly to public Internet standards, it will limit the ability of other operating systems to use public networks.

What is worse, it will also put the security of all public computers at unnecessary risk. Public standards are free for anyone to inspect, so that security problems may be circumenvented and no secret features are available to be exploited by criminals. In contrast, Microsoft's proprietary standards are secret, so that people of malicious intent can exploit secret holes to invade computer systems, causing millions of dollars in damages. No operating system platform is immune to security violations. However, in my laboratory, having five computers with continuous Internet connections, it would be a serious security risk to use Microsoft software instead of Linux. Even if the content of my computers was left unharmed by those who would break into them, they could install malicious software without my knowledge that could be used to attack computer systems elsewhere. We saw this happen many times to companies and universities using Microsoft products last year. Further, my computers cannot be affected by e-mail and macro viruses that attack users of Microsoft Outlook and Microsoft Word through attachments with the ''.doc'' format. In short, the extension of proprietary formats creates an unnecessary security risk, which I cannot afford in my laboratory, and the U.S. cannot afford in the current war.

Finally, it is possible to alter operating systems like Linux to run Microsoft applications, or other applications written for the Microsoft Windows operating system, without needing the Windows software to be purchased or installed. This alternative provides a good compromise for many people, who wish to use products available only for the Windows platform, but do not wish to risk the security holes or other problems with Windows itself. However, this kind of interoperability is inhibited by the proprietary secret format that Microsoft uses to allow applications to interact with its operating system. It is necessary for applications to use undocumented features of the operating system to be useful, but no non-Microsoft implementation of these undocumented features is possible without breaking Microsoft confidentiality agreements.

I would propose that the settlement be extended to force Microsoft to publicly release the standards used to create its file formats, networking protocols, applications frameworks, and operating system toolkits. If the details of these proprietary standards were publicly available, it would be possible for programmers outside of Microsoft to provide secure implementations of public interfaces such as networking protocols. It would also be possible to write programs that could read content created by Microsoft software, and to extend other operating systems to run software configured for Windows. The proposed settlement allows for people external to Microsoft to inspect some of these proprietary standards, but it does not make the standards public. The difference is that a public standard can be implemented without fear of violating a Microsoft copyright and can be inspected by anyone who uses or wants to use Microsoft products, while a standard merely open to inspection may make any public implementation vulnerable to a lawsuit. As it stands, the agreement may allow it to continue to be impossible for a person saving his or her crucial documents with Microsoft's ''.doc'' format to even know how those documents are encoded, or to be able to recover those documents if the user should later choose to use non-Microsoft products instead.

Without minimally these alterations, the settlement does not address the problems I find in lay work with Microsoft's operating systems monopoly. This makes the proposed settlement a failure in addressing the harm that Microsoft has done to consumers by the illegal extension of its monopoly. I hope that the settlement will be altered to address these concerns.

John Hawks
Department of Anthropology
University of Utah
http://www.prehistory.net/hawks.html

MTC–00017117

From: Zachary Schneirov
To: Microsoft ATR
Date: 1/23/02 12:46pm
Subject: Concerning the Settlement with Microsoft

To whom it may concern:

I believe that the U.S. government must not and cannot allow the Microsoft monopoly to continue its current business practices without some major punitive action. Microsoft sees any standard over which they do not hold total control as a clear and present threat to their Windows monopoly. Throughout the years they have repeatedly, systematically, and unabashedly set out to undermine and ultimately destroy all computing technologies that had the chance to interfere with Microsoft's stranglehold on desktop computing. Often the company accomplishes this through a policy of ''embracing'' a standard (in which they integrate it into one of their products) and subsequently ''extending'' the standard, at which point making the standard incompatible with competing products. End-users are consequently forced to use Microsoft's solution, as Microsoft has bundled software that makes use of this standard into their Windows operating system.

We have seen this occur with the proprietary Microsoft Word document format, numerous internet protocol applications including the Netscape and Internet Explorer web browsers, and we are now seeing it with digital video playback solutions—QuickTime and Windows Media Player. When Microsoft began bundling new versions of Windows Media Player that made use of new, proprietary, and patented media formats, web sites had no choice but to begin offering most of their video content in Windows Media Player format. It has become increasingly difficult to do any type of desktop computing without running into Microsoft-controlled formats and software.

If Microsoft continues with this trend (and there is no reason that they will not) it will soon become literally impossible to use any emerging technology that is not available on Windows; Microsoft will have finally taken over the entire field of computing.

This must not be allowed to happen. A strong, crippling punishment is the only solution.

Regards,
Zachary Schneirov

MTC–00017118

From: Devon Jones
To: Microsoft ATR
Date: 1/23/02 12:46pm
Subject: Microsoft Settlement

To Whom it May Concern,

I am a programmer, and computer specalist. And I heartily feel that the courts accepting the Microsoft settlement is a travesty of justice. The proposed settlement does little to mitigate the damage that the Microsoft OS monopoly does to many sectors of the computer economy. Even more damaging is the effect on the Open Source/Free Software community and businesses.

Probably the single most damaging aspect of the remedy is that it does not force

Microsoft to disclose publically the workings of it's file formats. The cornerstone of the MS monopoly is it's applications.

Those applications create a giagantic barrier to entry, and allow Microsoft to decide which Operating Systems will be taken seriously in the office. No other operating system will be able to compete on an even footing unless the file formats are made public. This will facilitate competing packages such as StarOffice, Lotus Smartsuite, and Corel Office being able to actually enter the market place, and still be able to read documents from the incredibly large installed base of Microsoft Office. Only when this has happened will competing desktop operating systems be able to even have a chance in the market.

The second most damaging issue about the settlement is that it almost seems designed to legalize the status quo of microsoft's monopoly control of the industry. Steps need to be taken in a final settlement to not only open the application business to competetion (so that situations such as that surrounding Netscape do not happen again), but to also open the marketplace to other operating systems.

Please do not allow this settlement to go through that not only keeps many of the barriers to entry that MS has created, but also errects some new berriers to entry.

thank you,
Devon Jones
Integware Inc.

MTC–00017119

From: John Craig
To: Microsoft ATR
Date: 1/23/02 12:06pm
Subject: Microsoft Settlement

As a US Citizen, taxpayer, and technology consumer, I want to express my opposition to the proposed settlement of the Microsoft Antitrust case. The main reason for my opposition is that the proposed remedies do nothing to deprive Microsoft of the ill-gotten gain which they obtained by breaking the law. There is nothing to discourage Microsoft from breaking the law again to suit their needs. They can certainly extract large enough illicit profits to pay for the legal fees associated with a new trial. They did it before, with DOS, and they will do it again (perhaps this time with .NET). For Microsoft, violating antitrust law is a very lucrative practice. Where is the concern for law and order? The Department of Justice must insist that Microsoft forfeit ill-gotten gains which resulted from antitrust violations.

Sincerely,
John Craig Gainesville, Florida

MTC–00017120

From: Scott McCormick
To: Microsoft ATR
Date: 1/23/02 12:47pm
Subject: Microsoft Settlement

Dear Judge Hesse,

I strongly oppose the proposed settlement of the Microsoft anti trust case. Some of the proposed remedies are in fact so favorable to Microsoft that they are akin to throwing Br'er Rabbit into the briar patch. I agree with the analysis of Dan Kegel which can be found at http://www.kegel.com/remedy/letter.html

Yours truly,
Dr. Scott McCormick
President
ESM Software
Dr. Scott McCormick
drscott@esm-software.com
ESM Softwarehttp://www.esm-software.com/
2234 Wade Court(513) 738–4773
Hamilton, OH 45013(216) 274–9026 (fax)

MTC–00017121

From: Castro, David
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 12:47pm
Subject: Microsoft Settlement

I am not happy with the Microsoft settlement as proposed. There seem to be a number of problems with it.

One problem that bothers me is that the settlement does not do enough to limit the way Microsoft exercises monopoly power over OEMs and ISVs. Microsoft retaliates against vendors who ship hardware with competing OSs and software; they do not allow vendors to ship their software along with competing (eg. open source) software. In particular the settlement allows microsoft to retaliate against small, local vendors. As a result, vendors who ship microsoft software and Windows-compatible hardware (ie. most vendors) shy away from competing software; microsoft's competition and the market are hurt by this.

In general I feel that the settlement preserves the status quo in terms of MS's anticompetitive behavior. The goal is to have a competitive software market, in which the user has a choice of products. This goal is not served by the current settlement, which allows microsoft to continue its behavior to the customer's detriment.

MTC–00017122

From: Nigel Olding
To: Microsoft ATR
Date: 1/23/02 12:47pm
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea. There are too many loopholes for Microsoft to continue its'' predatory business practices.

Nigel Olding
Consultant
Folsom, CA.

MTC–00017123

From: Nick Zajerko-McKee
To: Microsoft ATR
Date: 1/23/02 12:48pm
Subject: Microsoft Settlement

I do not believe the current settlement offer is correct—it gives MS no real penalty.

MTC–00017124

From: Walsh, Steve (SIS)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

Dear Sirs:

I am writing to give my comments on the Microsoft antitrust settlement. I believe this settlement is counter to the interests of the American public, deleterious to the American economy, and not adequate given the findings of fact in the trial.

Microsoft's anti-competitive practices are counter to the law and spirit of our free-enterprise system. These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation. Microsoft's monopolistic practices cause the public to bear increased costs and deny them the products of the innovation which would otherwise be stimulated through competition.

The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future.

It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function.

MTC–00017125

From: Charles Wiltgen
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 12:46pm
Subject: Microsoft settlement

The proposed Microsoft settlement is a bad idea.

I fully support Dan Kegel's open letter to the DOJ.

http://www.kegel.com/remedy/letter.html
Charles Wiltgen
Product Manager
PacketVideo

MTC–00017126

From: Justin Miller
To: Microsoft ATR
Date: 1/23/02 12:48pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW.,
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I would like to comment on the proposed Microsoft settlement.

As a computer professional involved with the industry for the last 15 years, I can only express my dismay at the proposed Microsoft anti-trust settlement. I have watched for the last 15 years as Microsoft has relentlessly used its monopoly power to squash all possible competition, through such means as purposefully introducing incompatibilities with competing products, inadequately documenting API's, not providing enough advanced notice to outside developers of changes in the API's such that they could modify their products to work properly on new OS versions, product dumping, and forcing illegal, anti-competitive distribution agreements on distributors, among many other tactics.

The remedy proposed by the Justice Department will not stop any of these practices. Through overly narrow, ridiculous definitions of terms like ''API''; the allowance of Enterprise licensing agreements similar to OEM licenses banned by the 1994 consent decree; the failure of the agreement to prohibit purposefully introduced

incompatibilities; the failure of the agreement to require timely dissemination (i.e., months prior to release of betas) of technical documentation such that it can be ensured competing products work on new OS versions; the failure of the agreement to make allowances for open source and third-party Windows-compatible operating systems (which, under current Microsoft End-User license agreements, may not be used in conjunction with Windows systems or run Microsoft software in any way); inadequate protections against anti-competitive distribution agreements with OEM's and distributors; and, finally, the lack of any effective enforcement mechanisms, the proposed agreement will be yet another feather in Microsoft's hat. By no means is the remedy one that will ''unfetter a market from anticompetitive conduct'' or ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future.''

As a concerned citizen I would ask that the proposed remedy be reconsidered and a more stringent and effective remedy be designed. One might ask, ''Has Microsoft's monopoly hurt the public interest?'' The unequivocal answer I must give is ''Yes!'' Many superior, better-designed, more reliable products have been released and fallen by the wayside over the years, as Microsoft has shut their makers out of the market. The next time Word crashes and you lose your document, the next time the computer eats your spreadsheet, please keep in mind that Linux and Sun's Solaris operating systems have built their reputations by going multiple YEARS between crashes, and that many people run text editors like GNU Emacs continuously for months at a time without a crash, and have never had a lost document. The reliability issues most Windows users experience has nothing to do with inherent complexity, and everything to do with shoddy software engineering. Competition in a fair marketplace is the key to improving quality, regardless of who in the end makes the software.

Sincerely,
Justin Miller
Senior Software Architect
Oculus Technologies Corp.
Boston, Massachusetts

MTC–00017127

From: Eric Wallin
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 12:47pm
Subject: Microsoft Settlement

I am in support of the proposed Microsoft settlement. I work in the technology industry, and deal with Microsoft and its competitors, and see no distinction between the business practices of either group. This is America, and capitalism will prevail.

Eric Wallin—Technology Architect
Rare Medium Atlanta
email: eric.wallin@raremedium.net
phone: 770.576.4328

MTC–00017128

From: Gary
To: Microsoft ATR
Date: 1/23/02 12:42pm
Subject: Microsoft Settlement

I am writing this email to indicate that I am opposed to the proposed settlement in relation to the Microsoft antitrust case.

MTC–00017129

From: David Whedon
To: Microsoft ATR
Date: 1/23/02 12:48pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotelly,

Microsoft maintains its monopoly power by keeping file formats proprietary and thus preventing interoperability. The PFJ should do more to enable interoperability through open file formats.

–David Kimdon
Berkeley, CA

MTC–00017130

From: John Vann
To: Microsoft ATR
Date: 1/23/02 12:48pm
Subject: Microsoft Settlement

I, John Vann, object to the settlement. It is not well defined enough to assure Microsoft's compliance with anti-trust laws.

MTC–00017131

From: Adam Rakunas
To: Microsoft ATR
Date: 1/23/02 12:48pm
Subject: Microsoft Settlement

To Whom It May Concern:

I think the settlement the Department of Justice has made with Microsoft, Inc., is a bad idea. In its current form, it will not open up the market to true competition. Thank you.

Sincerely,
Adam Rakunas
1044 14th Street
Santa Monica, CA
90403
310.394.7404

MTC–00017132

From: Eric Laffoon
To: Microsoft ATR
Date: 1/23/02 12:49pm
Subject: Preserve our future by restraining a bully

Hello,

I've read that you are still receiving comments by law in this case. As someone who has suffered long with Microsoft I would like to say something. While the outcome of the case is decided it is meaningless without applying penalty and restriction. Perhaps there may be some restraint looking fully into their history? during the trial there were many people paraded through telling of the ''trail of broken bodies'' left by Microsoft tactics. The fact that they have been in antitrust litigation three times in the last decade (if memory serves) is telling. What it says is ''all previous attempts to restrain illegal monopolistic behavior have failed''.

Here is one brief illustration from the early 90s of what to expect. I was working on a business proposal on a friends DOS based computer and saved it to a file. I went to import it to a Microsoft word document at Kinkos. It tried to save the document to the floppy as the imported file. However the Word document was so bloated (big surprise) that it would not fit and it produced an error dialog saying it could not be saved with a button saying ''OK''. But it was not okay! It was an endless loop and did not even offer me to abort. This is just plain terrible programming.

During this time Lotus Ami Pro was a PC Magazine editor's choice three years running. They achieved, if memory serves, less than 5% market share. certainly less than 10%. Finally Microsoft produced a version that beat them and Ami Pro drifted into history. Why did people choose word? Because while Ami Pro could read and write Word documents Word could not write Ami Pro. Because people are inherently too lazy to be expected to remember to select a document type when they save a file Ami Pro was considered ''incompatible'' when in fact it was the other way around. During this time the other prevailing attitude was that as flakey as software was you were safer with Microsoft since at least they knew the internals of Windows.

Two years later I read that the KNOWN bug that had ruined my day had been fixed in a maintenance release of the next version of Word. I encountered the problem on 1.0. I believe the release was 2.04g. Why did it take so long? Wasn't the focus on quality software? No! It was on a fractured feature set that would sufficiently impress journalists that did not actually use the programs for work... This would be read by managers who did not actually understand the programs who would then sign purchase orders. Of course none of this mattered that much since the bundled Office with everything back then. Currently I use Linux. I do so for several reasons. One is that during the 90s I computed the cost of down time from Windows and realized i could have bought a new computer every few months with the money I was losing. I also found that Microsoft software was far less efficient and more expensive than other solutions. Among those I found that free software was actually what the internet was based upon and it allowed me to have far more software than I could ever afford. I now receive documents in proprietary Microsoft formats. It is assumed everyone has them. I have to use other programs that can read them... painfully aware that mild encryption or some absurd patent (like Amazon's ''One Click'') could litigate away even free and open solutions. Document formats of information exchange should be free and open formats like HTML or structured XML. They should fall under standards committees so that more than one player could be there. At the very least they should be published if they are proprietary... especially if they are from a company found guilty of abusing monopoly status.

The future of our world hangs in the balance. Not since Gutenberg introduced movable type has there been such an opportunity to make such cultural and information based leaps in society. The internet offers so much to so many... but a company with total control of information formats and with the low morals and ruthlessness demonstrated by Microsoft puts that at risk. If their monopoly is codified by a limp settlement what will happen? The PC market is pretty flat and rather expensive to

pursue... but the internet, if key parts could be subverted, could be a cash resource for them like no other. If you do not serve to protect the interest of the American people (and in this case really the whole world) where shall we turn? I implore you to stop the bully.

Force them to open their file formats!

Restrict their advances into other monopolies!

Put some teeth in any review board formed!

Take action to limit their demonstrated behaviors!

Think about forcing them to make restitution to consumers. Actions must have consequences and we look to you to protect our interests.

Thank you for your attention.

Eric Laffoon

Virtual Artisans

Web development for E-Business

http://virtualartisans.com

MTC–00017133

From: Brooke Callahan
To: Microsoft ATR
Date: 1/23/02 12:49pm
Subject: Microsoft Settlement

It is clear that Microsoft has engaged in anti-competitive practices.

The only issue is what to do about it.

1. If we are to correct Microsoft's practices we MUST open the market to the competition. Microsoft should not be allowed to require a license to sell their products. This allows them to take that license away from companies that choose to sell competing products, potentialy crippiling these vendors.

2. Once a vendor has paid Microsoft for the OEM software to be installed on a computer it should be up to the vendor to add or subtract software from the default installation however they deem fit. This supposes that any changes to the default microsoft installation are made known to the customer that they might reverse them if they choose. Also, it allows the vendor to give their customers the best service possible—making sure everything works as it should and placing these applications where the customer might easily find them.

3. To compensate for its crimes Microsoft should be submitted a full IRS audit for which it would be stripped of it's deductions during it's time of poor business practices. If Microsoft is allowed to use it's software to compensate for it's actions the Courts should set the price of the software.

Example: Windows XP. Microsoft would say that donating this to a school is worth well over $200. But this high price is only accepted because of the very business practices we are trying to reverse! R&D costs should not be considered either, only the cost of printing the disk.

thankyou,

Brooke Callahan

MTC–00017134

From: Nathan Roach
To: Microsoft ATR
Date: 1/23/02 8:04am
Subject: Microsoft Settlement is flawed

This message was transferred with a trial version of CommuniGate(tm) Pro

I am concerned that the proposed settlement does not sufficiently protect innovation from non-profit software developers. Robert Cringley's comment on the PBS website sums up my concern accurately: ''If this deal goes through as it is written, Microsoft will emerge from the case not just unscathed, but stronger than before.

Here is what I mean. The remedies in the Proposed Final Judgement specifically protect companies in commerce—organizations in business for profit. On the surface, that makes sense because Microsoft was found guilty of monopolistic activities against ''competing'' commercial software vendors like Netscape, and other commercial vendors—computer vendors like Compaq, for example. The Department of Justice is used to working in this kind of economic world, and has done a fair job of crafting a remedy that will rein in Microsoft without causing undue harm to the rest of the commercial portion of the industry. But Microsoft's greatest single threat on the operating system front comes from Linux— a non-commercial product—and it faces a growing threat on the applications front from Open Source and freeware applications.

The biggest competitor to Microsoft Internet Information Server is Apache, which comes from the Apache Foundation, a not-for-profit. Apache practically rules the Net, along with Sendmail, and Perl, both of which also come from non-profits. Yet not-for-profit organizations have no rights at all under the proposed settlement. It is as though they don't even exist.

Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...''

So much for SAMBA and other Open Source projects that use Microsoft calls. The settlement gives Microsoft the right to effectively kill these products.''

Please take action to ensure that the final settlement is stronger and more effective than the current proposal.

Nathan Roach

San Antonio, Texas

MTC–00017135

From: Doug Simpkinson
To: Microsoft ATR
Date: 1/23/02 12:49pm
Subject: Microsoft Settlement

I will try to keep this brief.

I feel that the proposed settlement with Microsoft does not go far enough in curtailing the anti-competitive behavior of Microsoft's monopoly. Here are a few quick points, but in general the settlement must go farther.

Microsoft's file formats for Office documents should be disclosed, but this is not required under the proposed settlement.

Microsoft would still be allowed to discount Windows based on sales of other products, allowing them to extend their Windows monopoly into other product areas (e.g. PocketPC)

Microsoft's licensing mechanism should be restricted—currently Microsoft uses licensing agreements to prohibit their software from being used on competing operating systems. Any software they sell should be usable on any compatible operating system.

I truly hope that others who have more time are able to fill in the details a bit better, but if you need to contact me please feel free.

Regards,

Doug Simpkinson

Software Engineer

Sunnyvale, CA 94087

MTC–00017136

From: Brian Burrington
To: ''microsoft.atr(a)usdoj.gov(060)microsoft.atr(a)usd...
Date: 1/23/02 12:48pm
Subject: Microsoft Settlement

Hello,

I wish to have you note my displeasure at the Microsoft vs. Department of Justice Settlement Agreement.

As an I.T. professional for the past 8 or so years, I feel understand all issues surrounding this lawsuit and it's proposed settlement better than the average citizen.

In my humble opinion the settlement is flawed because:

1) it does not properly implement it's own proposed measures of forcing Microsoft to share in a fair and even manner APIs to competing vendors for it's middleware

2) the phrase ''license on reasonable terms'' in relation to Microsoft's required licensing of it's network APIs is particularly vague

3) various and sundry other detailed reasons that I'm certain you will recieve in other like-minded communications

SUMMARY: I feel (as do many of my fellow I.T. friends and coworkers) that Microsoft products are indeed needed for the continued economic success of the United States. However, none of us feel that strict and specific restrictions on their corporate business practices, a strong requirement of Microsoft to share their network and application APIs, and ZERO loopholes (such as the ''security and copy protections'' one) are necessary for the further growth and success of the I.T. industry.

Microsoft's unconscionable behavior is inexcuseable and has hurt this industry severely; this state of affairs cannot be alowed to continue. In my humble opinion, this settlement agreement is only window dressing and will not solve any problems in the long term.

Sincerly,

Brian Burrington

MTC–00017137

From: Driz N
To: Microsoft ATR
Date: 1/23/02 12:49pm
Subject: Microsoft Settlement

This is my comment with regard to the Microsoft Settlement, in accordance with the Tunney Act. I believe the current proposed settlement is a good solution. M.E.

MTC–00017138

From: Greg Johnson
To: Microsoft ATR
Date: 1/23/02 4:45am
Subject: Microsoft Settlement

Dear Sir, This letter is to let you know of my opposition to the Microsoft Settlement of the anti-trust trial. I feel that the currently proposed settlement will do nothing to protect the consumer from the misuse and abuse of Microsoft's monopoly power.

Nothing in the provisions have any ''teeth'' to prevent Microsoft from continuing to use its established monopoly in the Operating System market to leverage and obtain a monopoly in other markets. The technical comitee, while having investigative powers, does not have any enforcement powers except through a Judge—where Microsoft has proven itself willing and able to delay and appeal any final judgement for as long as possible until the product is already released to the public, competitors are bankrupt, and the damage is done. Unless the technical commitee has the power to enforce the provisions (without appeal or until an appeal overrides them)—including the ability to prevent the release of a Microsoft product I am afraid that they are only a paper tiger.

There are also several other problems with the proposal relating to the Windows API, knowledge of which is —required— in order for a competitor to produce a product which competes with a Microsoft product (such as Internet Explorer and Office). While it requires that the APIs be publicized it allows Microsoft to either change the APIs just before shipping the product or to place such restrictions on the use of the publicised APIs that a competitor cannot use it without serious cost (for example having 2 seperate development teams) which would need to be reflected in the final price of their product.

Microsoft's behavior since the anti-trust trial has not changed. And I totally reject the idea that the anti-trust trial is ''hurting'' the economy. Or ''caused the dot-com crash'' (as stated by a representive from my own state—Washington). Microsoft itself is hurting the economy by preventing innovation and the creation of new ideas and products due to its secret APIs (which the provisions do not fully address), changing file formats which also the provisions fail to address, OEM License ''requirements'' (I do not call the agreements), the EULA, and fear that ''Microsoft will just steal the idea and then change their APIs so that my product will no longer work...'.

What I think should happen?

1) Require Microsoft to public *all* APIs and file formats in a product 6—9 months before its release —and— delay the release until that time has passed after the APIs have been changed.

2) Prevent Microsoft from requiring ''per-seat'' licensing from enterprises (Corporations, Businesses, etc.....).

3) Treat Microsoft as a ''essential utility'' much like the telephone company was and regulate it—or at least the portion of Microsoft which is a Monopoly (Windows and possible Office).

4) Give the technical comittee the power to punish microsoft (by preventing the release of a product or by requiring documentation be publicised openly, or by changing the language of any license agreements).

Hmm... In conclusion I feel that the conduct of Microsoft during the Anti-Trust trial (introducing bogus and fraudulant videos, lying, etc...) treated the court, and the US Justice system with contempt.

I do not feel that the DOJ should come to an agreement just for agreement sake.

That is all I have to say.

Thank you for this opprotunity to

I would urge the DOJ to review the Findings of Fact before signing off on this agreement and check of which if the findings the provisions fully address.

Greg Johnson

johnsong@gregjohnson.org

MTC–00017139

From: Sean Hafeez
To: Microsoft ATR
Date: 1/23/02 12:50pm
Subject: Microsoft Settlement

I am very unhappy about the MS settlement. It does not go far enough to prevent MS from doing what it has done in the past. As a developer of applications for BeOS (which is no more), MS business practices hurt me directly. MS required that Windows be the only bootable OS on a PC. So companies that agreed to place the BeOS on their system were forced to hide that choice and make the end user jump thru hoops in order to be able to boot the BeOS. I feel that this help cause the down fall of Be, Inc. and hurt me financially. As an independent developer MS has hurt my ability to earn a living.

Thanks,

Sean Hafeez

MTC–00017140

From: Phil Greer
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

This settlement is a bad idea.

It is no better than the consent decree of 1995, and we all know how well that worked to curb Microsoft's anti competitive practices.

A monopoly needs to be punished more.

Phil Greer

MTC–00017141

From: S. Harrison
To: Microsoft ATR
Date: 1/23/02 12:50pm
Subject: Microsoft Settlement

I want to voice my dissatisfaction with the proposed Microsoft settlement. I feel that Microsoft will not be subject to enough restrictions on its monopoly, and the text of the settlement does not account for many of the technical details which Microsoft will leverage in order to, essentially, continue its rampant assimilation of competing technologies into its operating system, as well as grow its business unfairly into too many markets (internet news, access, home entertainment, etc).

Sam Harrison

Seattle WA

Independent Software Author

www.treyharrison.com

MTC–00017142

From: Francis A Bleecker
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

I really do not understand why microsoft (msft) has gotten away with what it has done and then to subvert the government via bribes and to make everything ok. I have always had a problem with the way microsoft has done business all the way back to cdrom standards in the late 1980's. They spent 4 years trying to subvert the hardware/software side of that fine media. Of course I also witnessed the compiler wars during that time with borland and the likes (borland who?).

This is simply a email to voice my complaint about the company.

CC:naheed@neomatic.com@inetgw

MTC–00017143

From: David Friedman
To: Microsoft ATR
Date: 1/23/02 12:49pm
Subject: Microsoft Settlement

I am concerned about certain deficiencies in the Proposed Final Judgment in the Microsoft case.

Specifically, it appears to me that the PFJ may not offer sufficient protection to development of middleware to allow Microsoft applications to interoperate with non-Microsoft operating systems, particularly Linux.

The substance of my concern is spelled out in a document available on the Web at the following URL:

http://www.kegel.com/remedy/remedy2.html#abe

The text below is a verbatim reproduction of the pertinent paragraph:

The PFJ tries to erode the Applications Barrier to Entry in two ways:

1. By forbidding retaliation against OEMs, ISVs, and IHVs who support or develop alternatives to Windows.

2. By taking various measures to ensure that Windows allows the use of non-Microsoft middleware.

A third option not provided by the PFJ would be to make sure that Microsoft raises no artificial barriers against non-Microsoft operating systems which implement the APIs needed to run application programs written for Windows. The Findings of Fact (?52) considered the possibility that competing operating systems could implement the Windows APIs and thereby directly run software written for Windows as a way of circumventing the Applications Barrier to Entry. This is in fact the route being taken by the Linux operating system, which includes middleware (named WINE) that can run many Windows programs.

By not providing some aid for ISVs engaged in making Windows-compatible operating systems, the PFJ is missing a key opportunity to encourage competition in the Intel-compatible operating system market. Worse yet, the PFJ itself, in sections III.D. and III.E., restricts information released by those sections to be used ''for the sole purpose of interoperating with a Windows Operating System Product''. This prohibits ISVs from using the information for the purpose of writing operating systems that interoperate with Windows programs.

David H. Friedman

dhfx@realtime.net

MTC–00017144

From: Rob Riggs

To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

I am opposed to the Proposed Final Judgement (PFJ) by the Justice Department in the Microsoft case. It does not come close to addressing the harm caused to the marketplace by this monopoly. The most glaring problem with the settlement is that it only applies to Microsoft's Windows operating system, and then goes on to so narrowly define ''Windows'' as to exempt the majority of Microsoft's operating systems based on Windows APIs. There is absolutely no need to define it narrowly at all. All of Microsoft's potential operating systems should be covered under any settlement with the DOJ.

Robert Riggs
Erie, Colorado

MTC–00017145

From: John Hall
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

To whom it may concern;

I am utterly and completely opposed to the proposed settlement in the Microsoft Anti-Trust Issue. My opposition is based upon such a large number of loop holes and non binding statements that I simply do not have the time to list them all at this juncture. If for any reason you do wish to hear a list of my problems with the settlement feel free to ask and I will respond when I have time to quote almost every sentence in the ''non-settlement'' to you.

Thank you for your time.

John Hall
Programmer
University of Alaska
910 Yukon Drive
Fairbanks, AK 99775
(907) 474–6264
mailto:john.hall@alaska.edu

MTC–00017146

From: ssullivan@sirbasolutions.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Seamus Sullivan

MTC–00017147

From: Bryce Schober
To: Microsoft ATR
Date: 1/23/02 12:55pm
Subject: Microsoft Settlement

Please consider my comments with regard to the Proposal of Final Judgement for the Tunney Act proceedings in this case. In summary, I declare that the PFJ is insufficient, both to ensure Microsoft's compliance with Antitrust laws, and to remedy the effects of their breaking of said laws. This insufficiency is caused my many factors, and my viewpoint is very accurately reflected by Dan Kegel's essay, opinions, and open letter at http://www.kegel.com/remedy/letter.html. I urge you to seriously consider his viewpoint, which I, an informed US citizen, share.

Sincerely,
Bryce Schober

MTC–00017148

From: Steve Speck
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

I am a citizen of the United States of America and the state of Florida. I have read the proposed settlement and do not believe it will do anything to prevent Microsoft from continuing to use it's monopoly power in operating systems to extent monopoly into other areas.

Below are few of the many problems I find with the settlement. I am a programmer by profession and the definition of API is much too narrow, allowing many critical API's to remain proprietary. Microsoft has in the past and continues to manipulate such APIs to cause incompatibilities between Windows and non-Microsoft application programs when Microsoft decides to take over a particular application category. The agreement defines ''Windows'' too narrowly, the definition should include all operating systems based on the Windows API, such as Windows CE and the X-Box operating system.

Microsoft will still be able to craft license agreements that prevent Windows software from running on other operating systems. Microsoft will continue it's practice of requiring enterpirse customers to pay a license fee for each computer capable of running Windows, whether or not it actually does so. Such contracts with OEMs were prohibited as unfair in the 1994 settlement between Microsoft and the United States of America, and they are still unfair no matter who the customer.

Stephen Speck

MTC–00017149

From: mturyn@world.std.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:50pm
Subject: Microsoft Settlement

Hello; I should like to express my objection to the current Microsoft settlement. Microsoft has a history of skirting the very edge of legality whenever it is to their advantage; as such, any settlement which does not unambiguously restrain their ability to illegally use their monopoly is worse than useless, as it gives the impression of restraint without actually doing so.

In particular, as long as Microsoft has access to sections of the Windows APIs that are not available to the general developer, it will be able to develop applications the latter will not be able to match.

Here, characteristically, there is the appearance of competition without its real dangers to Microsoft. Thank-you for your time, and consideration of our comments, as well as the cognizance that Microsoft are bankrolling an high-pressure ''astroturf'' (as in ''fake grass-roots'') campaign to see the settlement stay as written.

—Michael Turyn.

MTC–00017150

From: Jeff Melby
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

I would like to express my disappointment at the Justice Department's apparent attempt to favor business interests over the good of the people. The proposed Microsoft Settlement does very little to protect consumers and should be rejected. It is clear that the change in leadership at the Justice Department brought special business interests to the forefront at the sake of consumer protection.

Jeff Melby

MTC–00017151

From: Joe Cotellese
To: Microsoft ATR
Date: 1/23/02 12:48pm
Subject: Microsoft Settlement

To whom it may concerned:

I am writing this e-mail to express my disgust at the proposed Microsoft settlement.

Specifically with regard to documenting APIs and file formats. As a software developer I have spent many hours trying to determine how Microsoft APIs function. In many cases, functionality that is built into the operating system and used by Microsoft applications is either documented poorly or completely undocumented. The effect of this is it give Microsoft application developers an unfair advantage over ISVs. A possible remedy would be to either split the company into application and operating system units or release the source code to the APIs. This would level the playing field for internal Microsoft developers and ISVs who are competing with them.

Regards,
Joe Cotellese

MTC–00017152

From: darren.scott@ihs.com@inetgw
To: Microsoft ATR

Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

To whom it may concern,

AFter reading (and rereading) the proposed settlement in the Microsoft Anti-trust case, I must say that I am appalled. The proposed settlement is inadequate, unenforceable, filled with loopholes, and would have an insignificant effect on bringing these convicted monopolists to justice. If we as a society treated all criminals in the same manner in which we are treating Microsoft, then we would have no need for prisons. In short, please add my voice to the mass of other voices firmly against this settlement.

Thank you for your time
Darren C. Scott
U.S. Citizen and Registered Voter.

MTC–00017153

From: david.henning@dsic-nsg.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement
To: Renata B. Hesse

I agree with many of the reasons Dan Kegel and others have stated as to why the proposed settlement in this case is unacceptable to me as a consumer and end user of computer software. I take this time to write you about my particular concerns regarding this case.

I feel the monopoly Microsoft currently holds has hurt not only the country but the entire world with regard to the over all security and useability of the Internet. The homogeneity of Microsoft software has lead to larger numbers of virus outbreaks and ''hacking'' which cost billions of dollars to fix and recover from. The fix should be something that stops Microsoft from creating an environment which prohibits other vendors from entering the market. If Ford had prevented other manufacturers from entering the automobile market we could all be driving in Pintos and Explorers on bad tires!

I have also read that part of what Microsoft proposes is to give away its software to schools around the country. This is not a move to make restitution as much as to get more people using their product over the small number of competitors who might be trying to make inroads to the market. I see this as being no different than a drug dealer that gives away the first ''hit'' for free just to further their own business. I feel a better solution would be to make Microsoft pay for copies of competitor products and give them away to the schools.

I truly wish to see Microsoft punished properly for their crimes. I fear that they will simply use the money gained from these illegal activities to buy off the right people in our government. Please prove me wrong by making the penalties stiff and enforceable.

Thank you,
David Henning
Principal Information Security Engineer
CACI formerly DSIC-NSG www.dsic-nsg.com
301–306–2680 x1110

MTC–00017154

From: Ray Clouse
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

The settlement that the DOJ and Microsoft have reached is not acceptable to me as a United States citizen. It will not properly punish Microsoft for the damage it has done to the operating system and browser markets.

Ray Clouse
Cypress, CA USA
Ray.Clouse AT boeing.com
clouse AT rayclouse.org

MTC–00017155

From: Sashikanth Chandrasekaran
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

The microsoft settlement is a bad idea. It will only give them a bigger monopoly. They must pay for breaking the law, instead the settlement is a reward for them.

Please reconsider.
-sashi.

MTC–00017156

From: Adele.Moore
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 12:49pm
Subject: Microsoft Settlement

Judge Kollar-Kotally,

I am writing to express my concern regarding the recent Microsoft anti-trust settlement. I work in the advertising industry and do not agree with the Proposed Final Judgement simply because it does not provide ample protection for competitors of the Microsoft giant. Anyone that uses a computer on a regular basis is hard pressed to find alternatives to Microsoft software and services. The company is ubiquitous and far-reaching. The Proposed final judgement must do more to limit Microsoft's ability to crush competition and protect America's free market.

Adele C. Moore
P.O. Box 2343
Alameda, CA 94501
(510) 749–3687

MTC–00017157

From: Allan Metzler
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 12:57pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Allan Metzler

MTC–00017158

From: bts@akamai.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

I wish to comment on the Proposed Final Judgment. I believe that, as written, it will not solve the problems it is intended to solve. The two largest issues are these:

* The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft.

* The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft.

Please do not allow this settlement to proceed with these problems; I believe they will materially impact the security of the US computer networks.

Sincerely,
Brian Sniffen, Citizen of the United States
61 Medford St.
Medford, MA 02155
Brian Sniffen
Security Engineer day:
Akamai Technologies
bts@akamai.com
(617) 613–2642 cel: (617) 721–0927
eve: (781) 874–0699 pi: (314) 159–2654

MTC–00017159

From: mbelnap@proxy.
dmz.orem.verio.net@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

I feel that I must comment on the proposed final judgement (pfj). I feel that there are a tremendous number of flaws with this settlement, but I will limit this complaint to the lack of enforcement capability. I feel that with Microsoft's history of repeatedly and openly defying any and all agreements it makes with the DOJ, it should be essential that in any agreement. The provisions in the pfj are incredibly toothless.

For this as well as numerous other reasons, I would ask that the pfj be rejected, and the doj should properly craft a settlement that does more to EFFECTIVELY remedy the harms inflected by microsoft in the past and prevent future abuses that are inevitably going to happen.

Mark Belnap
Pleasant Grove UT

MTC–00017160

From: bryan.davis@rapistan.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

I don't agree with the DOJ's proposed settlement with Microsoft. Among myriad reasons, the two most important reasons to

push for a more stringent settlement and even punishment of Microsoft are:

* The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

* The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

and

* The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

* Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

I and others in the computer community have watched Microsoft crush innovative new companies, such as Netscape and WordPerfect, and see the government as faltering in its duty to protect consumers from the Microsoft monopoly. Microsoft was found guilty. Please take advantage of a situation that will never come around again and make Microsoft behave and play fair!

Cheers,

Bryan M. Davis

MTC–00017161

From: samb@medrgrp.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:39pm
Subject: Microsoft Settlement

Thank you for the opportunity to comment on this case.

Microsoft has the capability to terminate any other competing company in the PC industry by integrating features into their own operating system. It is possible that, if Microsoft integrated not just the web browser, but a photo editor, a drawing package, the word processor and office suite, and so on, that a whole handful of large software companies that currently provide these tools would cease to exist overnight. This has been and continues to be the policy of Microsoft (i.e. Netscape and/or Java). Much of this has come to light in the trial.

The resolution seems to be a good first step. However, in five years, the entire enforcement expires. Microsoft has enough cash that it can wait five years and develop strategies in the background during that time. When this judgement expires, the same behavior will reappear, in an even more vigorous and prepared form. I am sorely disappointed in the limited term of this judgement.

Please consider extending the duration of enforcement for this judgement.

Sincerely,

Sam W. Bowman

Name: Sam Bowman, Engineer at Large

Company: Medtronic Minimed, Northridge, CA

Phone: 818–576–4954

E-mail: Sam Bowman <samb@medrgrp.com>

MTC–00017162

From: shaun arral
To: Microsoft ATR
Date: 1/23/02 12:56pm
Subject: Microsoft Settlement

RESTORE some competition in the computer field. If microsoft shared and played nice with other vendors, OS's, Apps, Languages, Protocols, Standards the computing industry would be better for all, not just one. And to make it worse this ONE has the worst OS, Apps out there. THEY HAVE NO RELIABILITY in their software. So you always have to upgrade...what a joke. PLEASE punish Microsoft and help resotore competition to the computer industry and watch technology, innovation really explode !!!

What if it was a secret held by the biggest electric company which wire is ''hot''...????

What if there was a standard (use red), but the big company said ''white w/red stripe also'' but didn't tell others. I don't know if this example is true but it works. See what Microsoft does?

Shaun

MTC–00017163

From: Kevin M. Lowe
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

As a developer for Microsoft's technologies, servers, and client systems, I have reviewed with interest the proposed settlement. I understand that there have been a number of complaints, and wished to note that I find very little to be wrong with the settlement as proposed. In fact, its terms may actually damage developers by being too harsh (for example, III.C.3 allows for alternate interfaces of ''similar size and shape'' on Middleware; interface continuity is something very much relied on by developers,) or unnecessarily delaying Microsoft from fulfilling obligations related to the maintenance of their software (III.D, tying the release of a Service Pack—an endeavor regularly scheduled at a six-month interval and coming due in mid-April to an effort to prepare internal documentation for external distribution that could conceivably delay the release of the Service Pack, including vital security fixes, by several months.)

I also disagree with the concept of allowing users to remove components of the operating system. Again, developers take for granted that certain portions of the system will be available, with their own unique API's. For example, the playback of digital media through an HTML document is accomplished using an ActiveX control (a link to a small program on a user's hard drive.) If said control is not in place, or if an OEM-approved replacement does not support Microsoft's API completely, such functionality might not work. Such components would have to be added to the redistributable package, increasing install package sizes in a time where high-speed internet is still disappointingly unavailable in many areas and decreasing the amount of available space on physical install media. Alternately, developers would have to detect and code for several major API's, severely adding to development time.

However, these complaints are insufficient for me to voice disapproval for the settlement, and as such I wish to voice my approval in contrast to the dissenting comments also received.

Sincerely,

Kevin M. Lowe

MTC–00017164

From: Smith, Nathan
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 12:54pm
Subject: Microsoft Settlement

Dear Sir or Madam,

I disagree with the proposed settlement because I do not believe that it adequately addresses future behavior, including licensing and fair disclosure of interoperability requirements. Furthermore, it explicitly attempts to exclude the open source software markets from having access to the required information.

Sincerely,

Nathan Smith

703.588.0069

MTC–00017165

From: Michael.Ahlf@mail.uh.edu@inetgw
To: microsoft.atr@usdoj.gov
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

I am writing in to contribute my opinion, as a U.S. Citizen and taxpayer regarding the proposed Microsoft settlement.

In short: this thing stinks to high heaven. It does absolutely NOTHING to repair the results of Microsoft's years of flagrant antitrust abuses, and does very little to prevent them from using the advantages they have gained from those abuses in the future. It also does almost nothing to stop Microsoft from moving into other fields and doing the same thing.

Microsoft has moved in a predatory manner with its operating system business, edging competitors out of the way by adding its own proprietary products into the operating system. The obvious case involves the conflict between Microsoft's Internet Explorer browser and Netscape's, but there are others. We have witnessed the flap over Windows XP, which was to include CD burning software and does include products like Microsoft's MSN Messenger, a direct competitor with AOL's Instant Messenger, Yahoo's Yahoo Messenger, and other messaging products. We have also seen Microsoft using the power it holds on the operating system to nudge users towards the Hotmail service and using Hotmail, one of the largest email services, forcing Hotmail users to sign up for the ''Passport'' service. Microsoft has also used its control of the operating system to force OEM vendors to offer Microsoft's other products like Microsoft Office, removing competitors like IBM's Lotus suite and WordPerfect from the forefront. Microsoft is also predatory in their pricing: by holding so much of the market, Microsoft is able to leverage this and force users to ''upgrade'' to the next OS sooner than normal, as well as at a much higher cost than a competitive market would provide. ''Upgrade'' packs for the home user edition of Windows XP come at $99; the price is more than double that for a full installation disk not requiring the purchase of an older Microsoft OS. This is the only pricing scheme where the price of the upgrade is on the same level as the original purchase.

To actually solve the problems Microsoft's violations of antitrust law have caused, there

need to be heavy restrictions on Microsoft's conduct regarding the operating system, and a stop to the predatory restrictions on OEM publishing that bundle MS Office and other programs together. There need to be provisions to aid companies like Sun and Netscape, who have been harmed by Microsoft's illegal exploitation of its operating system monopoly, in regaining their lost market share to provide a truly competitive market.

The proposed settlement, by contrast, is the equivalent of sending a three-year-old to sit in the corner for 10 minutes before he goes right back to drawing on the walls. He doesn't learn a thing, and all you'll teach Microsoft is that it can get away with breaking the law. Don't let it happen.

Sincerely,
Michael Ahlf
4361 Wheeler QT333
Houston, TX 77004

MTC–00017166

From: Matthew Carpenter
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Response to the proposed Microsoft settlement

To whom it may concern-

Hello, my name is Matthew Carpenter and I am from Grand Rapids, Michigan. As one who is intimately familiar with computers and related technology, I would like to express my concern about the proposed settlement in the US vs. Microsoft case. I will spare you the ''techno-jargon'' which I'm sure you have most likely recieved already. Basically, the way I read it, the settlement does not fulfill the requirements of ''penalty'' and indeed benefits the software monopolist.

Microsoft has been convicted of maintaining a monopoly through illegal and unfair means. Remedies need to address the illegal behaviors, their affects, and overall demand a penalty which at the very least will dissuade Microsoft and others from similar activity in the future. Please don't allow Microsoft to convince you that it is in the best interest of the public to let them off easy. They have contributed a lot to the furthering of the computer industry... but the cost has been great as well, not only for their competitors, but for the public in general. The free-market system, for all its weaknesses, is still the best thing for America. Microsoft would, in my experience, say that their contributions are great and the cost is little, but by making our choices for us, they don't allow us the chance to prove otherwise.

In my opinion, remedies must address the following things to attempt restitution for the damages, or at least to allow the damage to be healed: *

Microsoft's underlying technologies should to be made available to everyone openly. If the ''standards'' which Microsoft touts (eg. the format for .doc, .xls, .ppt files, etc...) are to continue, making them ''open standards'' in which all parties can participate openly should allow for a little competition to build. Currently products which attempt this do a poor job due to flaws in ''reverse-engineering''. This should be the case going forward for old and new file-formats and other such for at minimum of 5 years. Potentially, their file-formats would be a good thing to open to a standards body like ISO.

* Microsoft's ''innovations'' should be kept under watch, to avoid their standard behavior of ''extending'' open-standards, which only breaks the standard. If they are to ''extend'' open-standards, they should be made to do so with the consent of a standards body which could limit changes between official standards timeframes, to promote interoperability.

* Microsoft's Application Programming Interfaces(API's) should be made available completely, not in part as has been the case, to all partners and developers. This is the goal which splitting the company was to address. The ''internal API's'' currently include much better ways of solving a problem than the API's made available to many companies, putting everyone else at a disadvantage and allowing Microsoft Desktop and Server technologies an unfair advantage over technologies developed by anyone else.

* Microsoft should be made to pay the costs for all of the above to be implemented, and any administrative fees for such.

To sum up the situation, Microsoft is the playground bully of the Computer Industry. They have already caused a great deal of damage to the industry, costing even more than they have contributed, in my opinion.

The resolution needs to attempt to make them ''play nicely with the other children'' so-to-speak, while encouraging them and any future potential monopolists to avoid incurring the ultimate damage to the American people (and the world over): using their monopoly to take away the possibility of our having other choices.

Obviously this is a difficult decision as it does not seem like a normal thing to force a company to open up its ''intellectual property.'' But this is not a normal situation. The company in question is a monopoly whose ''intellectual property'' has become a commodity to information systems. A monopoly who has proven itself capable of abusing its monopoly in order to maintain it. A monopoly who through doing so has deprived us of countless technologies which may have made our lives better. A monopoly who would have us only have one choice: a choice proven to have more security and stability problems than any systems in the past. A monopoly who in doing so, artificially enlarged the number of products which require their software, because there are no other viable choices. Even if it may appear that there are beginning to be other viable options now that the lawsuit has stayed some of the more blatant illegal activities, the penalty should be made with regards to the circumstances at the beginning of the lawsuit.

Please reconsider allowing the proposed settlement to go forward. Please consider what is best for the public. Encouraging competition in a free market is what's best. Microsoft has shown that they don't have to consider what's best for us and that is why we are here now.

Thank you for your time and consideration.

Sincerely,
Matthew Carpenter
Enterprise Information Systems
matt@eisgr.com
matt@e-i-s.cc
616.813.5103
231.834.9228

MTC–00017167

From: Robert Baruch
To: Microsoft ATR
Date: 1/23/02 1:01pm
Subject: Microsoft Settlement
Hash: SHA1
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Renata Hesse,

Under the Tunney Act, I am writing to comment and to express my concern and dissatisfaction about the Proposed Final Judgement (''PFJ''). Among other concerns, I have a few primary concerns.

1. I am dissatisfied about the PFJ's definition of ''API'' (Definition A). The PFJ defines an API to mean an interface between Microsoft Middleware and Microsoft Windows. I do not understand why this definition is limited to middleware published by Microsoft. Reducing Microsoft's monopoly would be better implemented by requiring Microsoft to document, for no fee, all of its API's, including undocumented API's, between Microsoft Windows and any other piece of software.

Even the definition of ''middleware'' (Definition J) is unsatisfactory, due to its loopholes, and I would prefer to keep the original definition as set forth in the Findings of Fact, paragraph 28.

2. I am dissatisfied with the way the PFJ allows Microsoft to erect competitive barriers through the use of patents. Not to get into a debate on the validity of intellectual property patents, but I feel that allowing Microsoft to set the licensing fee for a Microsoft patent to even one dollar per developer erects a barrier to their use by non-Microsoft developers to develop software that will work with either Microsoft Windows or other software that works with Microsoft Windows (e.g. software developed by existing licensees).

API's, protocols, and file formats are the methods one piece of software uses to communicate with another piece of software. By allowing these methods to be patented at all chills entry, but even given an existing patent, any licensing agreement short of royalty-free chills entry as well. Microsoft cannot be allowed to select the license terms of their patents which apply to API's, protocols, and file formats. And those license terms must be royalty-free.

3. I am dissatisfied with the way the PFJ treats API's as the only method of communications between one piece of software and another. I would prefer that any mechanism of communications be included, including protocols (such as .NET and SMB) and file formats (such as Microsoft Word's .doc and Microsoft Excel's .xls). Allowing these mechanisms to remain undocumented sharply increases the entry barrier to non-Microsoft developers and to developers who are not Microsoft licensees.

Thank you for your time and effort in helping to prevent a continuation of Microsoft's monopolistic practices.

Yours,
Robert Baruch
76 Collins Lane
Rising Sun, MD 21911

MTC–00017168

From: elmlish
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement: Illegal Behavior: Proven. Punishment Urges More Illegal Behavior?

Dear Justice Department,

I am truly frightened by the situation highlighted by the Microsoft Antitrust Trial. I have read the many variations of settlements that have been published and have been disturbed by the lack of force inherent in the proposed remedies. Most do nothing that would conceivably deter Microsoft from continuing it's Proven Illegal anti-competitive practices and furthermore, would do next to nothing that would reasonably punish them for their illegal actions nor would it do anything to help rectify the situation (i.e. make the computing market a more competitive one).

My impression is that any settlement that Microsoft agrees to would be one that does the minimum amount of damage to their business model. My Question to you is this: would you try to come to an agreement with a murderer about his proposed sentence after being proven guilty? Would you truly let the Criminal have a say in their punishment? It strikes me as a Parent asking their child what sort of punishment they should have for doing something bad. The Child will very often opt for a punishment such as letting them watch more tv or some other action they like. It's silly.

Please do your best to be just and fair. If a corporation can be considered to possess the rights of a natural person then they should be considered burdened with the same responsibilities. Illegal actions should lead to sanctions aimed at first stopping the illegal behavior and then to a rectification of the situation. Efforts should not be wasted on appeasing the ''wounded'' transgressor. Please help me have faith in our government. Please do your job to the best of your abilities. I know that your position is a difficult one, but the fate of all of us, in some part, is in your hands.

Your's in seeking justice and fairness,
Israel C. Evans.

MTC–00017169

From: Coy Thorp
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

I have read the terms of this settlement, and do not feel that it is comprehensive enough. Microsoft has created a barrier for other companies to enter into the desktop/intel PC market, and this PFJ does nothing to prevent this.

Coy T. Thorp
Network Systems Administrator
MDL Information Systems, Inc.
14600 Catalina St.
San Leandro, CA 94577
800.955.0051 x1190
coyt@mdli.com

MTC–00017170

From: stephan
To: Microsoft ATR
Date: 1/23/02 12:53pm
Subject: Microsoft Settlement

To Whom It May Concern:

I would like to state my opposition to the proposed settlement in the Microsoft antitrust trial. The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future. The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, there are no provisions that correct or redress their previous monopoly abuses. The proposed settlement only attempts to prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Stephan M Reed
152A Ximeno
Long Beach CA, 90803

MTC–00017171

From: Julia Christianson
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

I would like to add my voice to those who are very concerned about the terms of the Proposed Final Judgement in the Microsoft case. I agree with those who believe that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

There are many areas of concern, but my greatest concern is that no part of the PFJ obligates Microsoft to release any information about file formats, even though undocumented Microsoft file formats form part of the Applications Barrier to Entry (see ''Findings of Fact'' ?20 and ? 39).

I am also concerned that under the terms of the PFJ Microsoft may still impose penalties on OEMS (large or small) which choose to provide computers loaded with a competing operating system in addition to, or in place of, Windows.

I am in charge of office automation for a mid-sized non-profit human services organization in Northern Virginia. In the face of continuing funding cuts we can simply no longer afford to run Microsoft software, and we have found open source a very reasonable alternative for our server applications. However Microsoft's refusal to make public their file formats and APIs is keeping us from making the switch to open source on the desktop. Given Microsoft's long history of questionable business practices, the only hope for us in the long term is for the Justice Department to insist upon a full set of remedies for the numerous violations of the laws of the United States identified in the Findings of Fact.

Thank you for your consideration.
Julia Christianson
ICON Community Services, Inc.
110 N. Royal St., Suite 508
Alexandria, VA 22314
juliac@iconservices.org

MTC–00017172

From: Juha-Pekka.Laesvuori@qpr.fi@inetgw
To: Microsoft ATR
Date: 1/23/02 12:54pm
Subject: Microsoft Settlement

One comment,

Bigger companies that have strong positions like Microsoft try to influence surronding area and make it more suitable for company and it's product.

One act for this is to get people to get used something. If you have been playing aroung with Windows from the kid it is much harder to jump to something else. So if Microsoft is allowed to ''compensate'' it's restrictions to other companies by giving some of it's product as a ''free'' it is not a any punishment.

Of course Microsoft is claiming that it will loose some money because the those universites/schools don't buy Microsoft's products.

That is partly true, if you check only small picture, but if you check what Microsoft is doing at the same time volantary on console markets. They are selling consoles with loss, just to be able to sell games later with good profit. Everything that company does cannot make profit but it can still be a part of the plan.

Microsoft is also already started to move it's product to centraliced system. (e.g. MS Passport and yearly billing.)

If they get more companies (including schools and universities) to use their product then those will get guarented bills from this forward and settlemet moneys will end on some time and then microsoft has managed to arrange cash cows.

If they will get people to use their system now then they will also get those people get used to it and to left their information to there.

So actually they will just create future income. So I see that court cannot agree any settlement that would support strategic goals of Microsoft.

Real punishment would be to put Microsoft to pay some other operating system installation to schools & universities

(But actually it could be favoring something so better to be just and not to favor to support any specific company)

Regards,

JP

MTC–00017173

From: Trail Potter
To: Microsoft ATR
Date: 1/23/02 12:54pm
Subject: Microsoft Settlement

Microsoft's new subscription plan is flagrantly anticompetitive by preventing companies from using competing products. When the CIO signs up for Microsoft, the agreement becomes exclusive.

This is the very definition of Monopoly.

To allow this to continue is a slap in the face to the rule of law.

Trail Potter
Field Manager
Smartdentalbenefits.com
TrailP@smartdentalbenefits.com
323–822–1900 mobile
PO Box 69248
Los Angeles, CA 90069

MTC–00017174

From: Don Rogers
To: Microsoft ATR
Date: 1/23/02 9:48am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general. While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust

settlement just for settlement's sake.

A wrong that is not corrected is compounded.

Sincerely,
Don Rogers
drogers@shasta.com

MTC–00017175

From: David Aronchick
To: Microsoft ATR
Date: 1/23/02 12:54pm
Subject: Support for the MS decision

I realize that you're probably getting an enormous amount of spam regarding the settlement with MS. I for one just want to show my support for a lighter sentence. I'm an entreprenuer myself, and I fail to see the justification for a harsher penalty.

Point 1) MS has a monopoly in the operating system market. No argument there.

Point 2) MS did include an internet browser with their operating system. But they never charged for it, they never released it as a separate download. It was an augmentation to the OS, not a bundling.

Point 3) Open sourcing or forcing a stripped down version of Windows offers no substantial benefit to the competitive marketplace. Yahoo currently releases a messenger which is small to download, changes all the settings to adjust to yahoo's sites, and allows yahoo fully competitive offerings.

MS has not moved to prevent this or change yahoo's offering in any way. I think this is a prime example of a fully competitive marketplace.

In summary, please don't listen to all the nay sayers. The important point is that with the observation body in place, the settlement as it currently stands will be more than enough.

MTC–00017176

From: Kevin Butler
To: Microsoft ATR
Date: 1/23/02 12:54pm
Subject: Microsoft Settlement

I am writing a follow-up letter to my previous submission to indicate my support for and agreement with the Dan Kegel, et al, joint ''Open Letter to DOJ Re: Microsoft Settlement''. As of 2/23/2002, the letter is available on the World-Wide Web at http://www.kegel.com/remedy/letter.html and it will be submitted to the Department of Justice.

Please read and consider that letter and its large number of co-signers.

Thank you
Kevin Butler
Software Architect
Campus Pipeline, Inc.
1073 S 2230 E
Spanish Fork, UT 84660

MTC–00017178

From: Jim Straus
To: Microsoft ATR
Date: 1/23/02 12:55pm
Subject: Microsoft Settlement

Hello—

I am against the proposed settlement with Microsoft. The terms are too loosely defined, the remedies if the settlement is not followed are ineffective, and the settlement does not restore competition in the market place. I do not believe this settlement is in the public interest.

Thank you
Jim Straus
Austin, TX

MTC–00017179

From: Paul Koenigsberg
To: Microsoft ATR
Date: 1/23/02 12:49pm
Subject: Microsoft Settlement

To Whom It May Concern:

As a web programmer, I am opposed to the settlement in its proposed form, the primary reason being its wording that amounts to Microsoft's complete discretion over which entities can access their Application Programming Interfaces (''APIs''). Such discretion effectively allows Microsoft to control which technologies can interact with its products, further strengthening their leverage in current and future markets.

I would also warn that this settlement, if allowed to proceed, will have damaging consequences in the long run for Microsoft and the U.S. technology sector itself. Governments, businesses, and technologists in foreign countries are watching this case with a keen interest. What they see is Microsoft's political coming-of-age, via the Bush administration, via their soft money contributions, and the leniency of the settlement. Microsoft can be perceived as having a new, close relationship w/ the U.S. government and U.S. national interests. As a consequence, and against the backdrop of a security-conscious world, foreign governments and businesses will seek non-U.S., non-Microsoft technology solutions for their critical and widely deployed applications in the name of security, as some are doing already. Domestically, companies and individuals who are privacy-conscious will no doubt step up their efforts to find alternative software solutions to Microsoft as well.

Microsoft is already in trouble with their small to medium-sized business customers in regards to their new price-gouging software licensing, costing 25 to 30% more annually in most cases. Please don't let them shoot themselves in the other foot with a settlement that rewards them for anti-competitive behavior and sends a message to the world that Microsoft is in bed with the U.S. government.

Cordially,
Paul Koenigsberg
335 West 19th St. #C12
New York, N.Y. 10011
email: paul@sloangroup.com
<mailto:paul@sloangroup.com>

MTC–00017180

From: Robert Lucas
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

To Whom It May Concern:

From what I have heard of the Microsoft settlement I do not feel it will prevent future abuses of monopoly power that Microsoft has been conducting, nor do anything to even slightly make up for the past transgressions.

The idea of having Microsoft give out free copies of Windows to schools seems noble at first, but is about as ludicrous as punishing a drug dealer by having him give out cocaine to school children for free. Further spreading Windows as it is currently designed will only foster addiction as the company has a unabashed reputation for creating products that quickly become obsolete and require expensive upgrades (try typing ''Hello Mom'' in one of the later versions of Microsoft Office and opening it up with even a year old

copy!) Furthermore, unlike tangible assets, the giving away of ''intellectual property'' like Windows in bulk is virtually costless to Microsoft and is not a suitable punishment.

Windows currently has a monopoly on the desktop and any solution to restore competition will take years. However the only way that this competition could even start would be for companies and individuals to at the very least understand how to work with Windows machines. By this I mean that the APIs and protocols used to network various Windows machines must be made public knowledge FOR EVERYONE. Furthermore, resellers and others should have the right to modify purchased copies of Windows to better suit their needs and their costumers needs. The monopoly power of Microsoft allows them to implement closed systems that impair innovation and are even probably illegal to try to reverse engineer out these days. The Internet works primarily using the TCP/IP protocol, if this protocol were protected the same way the protocols Windows uses to attach to something as simple as a printer the Internet would never have become what it is today.

Microsoft continues to try to abuse their monopoly stance by squashing competing companies like Netscape and then redirecting every mis-typed web page address to their home portal. They add hooks to many of their media programs that encourage you to sign up for their Passport system with deceptive messages that make it sound like these two things are somehow related. They create new encryption protocols for the honorable goal of digital security, then ensure that software for these protocols only works under Windows rendering any other alternative operating system useless.

As I see it, the only way to stop Microsoft from abusing their power is to stop them from oppressive licensing schemes for resellers and to stop making software and protocols that only work under Windows. I'm not sure how I would punish them for their past deeds, but I think that any punishment should be designed to help those companies and individuals wronged by Microsoft's actions to succeed in creating competition against the company. I also strongly favor the idea of the creation of some sort of oversight committee to help ensure Microsoft starts acting responsibly.

Sincerely,

Robert

Department of Molecular Biology & Biochemistry (\

University of California Irvine, Irvine, CA 92697–3900

Phone: (949) 824–1933, FAX (949) 824–1954

Email rlucas@uci.edu

http://www.ags.uci.edu/rlucas

MTC–00017181

From: Dan B. Mann
To: Microsoft ATR
Date: 1/23/02 12:55pm
Subject: Microsoft Settlement

I don't agree with the settlement terms.

Dan Mann

MTC–00017182

From: Mike Moose
To: Microsoft ATR
Date: 1/23/02 12:53pm
Subject: Microsoft Settlement

DOJ:

I am against the proposed settlement with Microsoft. I do not think the settlement does enough to make sure that Microsoft raises no artificial barriers against non-Microsoft operating systems.

Furthermore it is entirely unbelievable that the government would accept the solution proposed by Microsoft, namely that it be able to extend its monopoly by distributing free copies of its softward to the public school systems.

Mike Moose

www.glaserworks.com

architecture & urban design

MTC–00017183

From: Benjamin Cressey
To: Microsoft ATR
Date: 1/23/02 12:55pm
Subject: Microsoft Settlement

I believe that the proposed settlement with Microsoft is woefully misguided and will do nothing to curb Microsoft's anticompetitive practices.

Benjamin Cressey

Systems Architect

MTC–00017184

From: Ross J. Reedstrom
To: Microsoft ATR
Date: 1/23/02 12:55pm
Subject: Microsoft Settlement

I am a research scientist in the computer and Information Technology Institute at Rice University, in Houston, TX. I have been doing research and development in the field of information technology for over 5 years. I find the Proposed Final Judgment (PFJ) to be not in the public interest, for many reasons. One principle objection I have is the usage limitations placed on the information that Microsoft Corp. (MSC) is being required to release by section II.D of the PFJ, to wit:

''for the sole purpose of interoperating with a Windows Operating System Product,''

This restriction serves to enhance, rather than remove, the monopoly MSC holds in on Intel-compatible PC operating systems, as affirmed by the Court of Appeals. It excludes a valid mechanism by which the Court could reduce MSCs monopoly: encouragement and support of ISVs and others to develop software that allows applications designed to run on the Windows family of operating systems to run on top of other operating systems, thereby directly competing with MSC in the area they hold an illegal monopoly. Such products have —not— been written by commercial ISVs, however, non-commercial efforts to develop such software have started, with great difficulty, discovering the secret parts of the Windows APIs by trial and error. One such project is WINE, designed to allow Windows applications, even MSCs own applications, to run on Linux and other Unix-like operating systems on Intel-compatible hardware. This is only one example of how the PFJ has been limited and restricted to the benefit of MSC. The finding of law is clear: the Court of Appeals affirmed it—MSC is an unlawful monopolist. Yet, the PFJ has no effective enforcement mechanisms, even though the violator (MSC) has shown a history of ignoring and blatantly violating court judgments. The restrictions that —do— exist in the PFJ are so weak, with unusual, narrow definitions of common terms of art, such as ''API'' or ''Middleware'', such as to gut what little power they might have had.

In short, I agree with the State Attorneys General who found this settlement completely unacceptable—it does nothing to ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future'' (Court of Appeals ruling, Section V.D.) As a citizen of this country, I am disheartened that the government department whose purpose is to enforce the law of the land, whose very name is composed of one of the great moral principles our country is founded on, Justice, would offer such a complete capitulation to lawbreakers, in the name of expediency. In this time when our nation and its principles are under attack by forces who seek to deny us our fundamental freedoms, it is imperative that we stand firm, and support the principle of rule of law, in both letter and spirit. Even if the proposed final judgment fulfilled the letter of the law, which I do not believe it does, it clearly violates the spirit.

Ross J. Reedstrom

Ross Reedstrom, Ph.D.

Executive Director

Gulf Coast Consortium for Bioinformatics

Rice University MS-39

Houston, TX 77005

reedstrm@rice.edu

phone: 713–348–6166

fax: 713–348–6182

MTC–00017185

From: Kevin Fitch
To: Microsoft ATR
Date: 1/23/02 12:55pm
Subject: Microsoft Settlement

I feel that the Proposed settlement is insufficient. In order to get an appropriate resolution I feel that we need to look toward a healthier segment of the technology industry: hardware. In the hardware industry their are several standards bodies that allow for interoperability and competition. These include JEDEC and IEEE. Some of the things that these bodies require includes discosure of patents. Just look at the recent incidents with RAMBUS to see how these organisations are helpfull to maintain competition. Also these standards bodies force companies to work together to generate standards very early in the development of new technologies. This prevents the ''first kid on the block'' from becoming the only kid on the block.

The main area in the hardware industry where there is little competition is with CPUs. This is in my opinion a result of the Microsoft monopoly.

Kevin Fitch

MTC–00017186

From: Matt Rowland
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 12:55pm
Subject: Microsoft Settlement

To whom it may concern:

As should already be clear to justice department officials, the proposed Microsoft Anti-trust settlement appears to be a travesty, a measure that in fact remedies none of the complaints raised against the software giant while providing the comforting appearance that Microsoft has been reprimanded. I imagine that's fine with Microsoft. They know the value of publicity and no doubt PR spin-meisters are already framing a picture of a reinvented Microsoft that encourages competition and innovation above all else. The company will come out of this with renewed vigor, knowing it can even take on the federal government and win.

The losers, meanwhile, are consumers and competitors. Based on what I've seen of Microsoft's behavior in the press, the primary goal is profit derived from market domination, with innovation and quality seemingly secondary. One can't deny that Microsoft has changed the landscape, in many respects for the better, but if its strategy for retaining market share is to put the industry it has helped to define in a strangehold, it must be restrained.

How will consumers benefit? How will the tech industry benefit? The efficacy of the proposed settlement must be considered carefully in light of these two questions to ensure that it has the desired effect. The issues are quite complex, but since you are the ones tasked with understanding what's involved and evaluating the settlement proposal, I trust your decision in this will be the best one for the general public and the tech/software industry.

I'm sure you've been sent this link previously, but it summarizes key sticking points in the settlement: http://www.kegel.com/remedy/letter.html

I'd be wasting my time to attempt to recount the problems with the settlement when such a clear exposition of them sits right there.

Respectfully yours,
Matt Rowland
TaxWise Technical Support
mrowland@taxwise.com
matt@paperlove.org
www.paperlove.org

MTC–00017187

From: Ken
To: Microsoft ATR
Date: 1/23/02 1:06pm
Subject: Microsoft Settlement

To whom it may concern:

I am writing to add my comments on the Microsoft antitrust settlement. I was not surprised when Microsoft was found guilty of engaging in anti-competitive practices. I do not know any computer professional that does not believe that Microsoft is in fact a monopoly.

Unfortunately the settlement that has been proposed seems to be a rehash of the previous ineffective measures that were levied against them 10? years ago.

I believe that the only truly effective solution is a breakup, similar to the settlement against AT&T. It is clear that Microsoft is a monopoly. Perhaps as a regulated monopoly real competitors can emerge and flourish.

Ken Goldenberg
Stoneham, MA
Sr. Software Engineer

MTC–00017188

From: Jason Metz
To: Microsoft ATR
Date: 1/23/02 12:55pm
Subject: Proposed Microsoft settlement
January 23, 2002
Judge Colleen Kollar-Kotelly
United States District Court for the District of Columbia
333 Constitution Avenue, NW
Washington, DC 20001
RE: US v. Microsoft proposed final order

Dear Judge Kollar-Kotelly,

First of all, I think that Microsoft is an excellent business and an American icon, and as such they should be encouraged to act in a way that we all be proud of. They are among the best corporations in the world at taking established technologies, packaging, and marketing them to the mainstream market. They are also, as the Department of Justice has proved, adept at the illegal use of their desktop OS monopoly to manipulate the access their competitors have to the desktop market.

As a user of computer products and a US citizen, I feel it my civic duty to comment on the proposed settlement, as I feel it has shortcomings. The settlement as it stands has been obviously crafted to avoid a structural remedy, and while it proposes some strong remedies in the area of conduct, I feel they are not enough to be effective in ensuring that Microsoft will not become a repeat offender.

Where is the penalty? Microsoft has enjoyed an enormous financial windfall through their decade of illegal practices, and now they are asked to donate $1.4 billion of obsolete hardware running Windows to schools? This has been a marketing tactic used by both Microsoft and Apple for years.

Increased familiarity with their products in the school translates to strong consumer preference in the years to come.

Surely there can be some effective penalty arrived at that will not severely damage the US economy and yet will not be merely a marketing opportunity for the. This settlement, as proposed, sends a strong message to the computing industry that it is ''business as usual'' and will obviously represent less of a deterrent to Microsoft than their lawyers'' fees.

Under the current version of the settlement, Microsoft appears be given broad discretion to deploy intellectual property claims to avoid opening up its monopoly operating system API and file formats.

Based on their past performance, I do not believe this will be an effective solution. I think that Microsoft should be forced to standardize, disclose and license the entire set of Windows APIs and the file formats of its Office applications to any entity on a non-discriminatory basis, so that it will no longer be a secret how to interoperate with Windows. Any Microsoft networking protocols should be published in full and approved by an independent network protocol body to ensure the independence of the internet. I do not feel confidence in the tribunal as proposed and feel it should be more independent in nature.

I hope the Department of Justice has been following the revising of Microsoft's Windows XP business liscencing scheme following undertarget acceptance by the business community. Industry is saying they will not be gouged as Microsoft moves to an ASP model. There is a similar remedy for the average consumer (ie. to stick with Windows2000), but for how long? There must be interoperability and backwards compatibility assurances included in this settlement to ensure that Microsoft does not use new applications to leverage the adoption of their new, more lucrative, revenue model.

I close in saying that I appreciate the hard work and consideration that the Department of Justice has given this matter on behalf of myself and all Americans. It is vital to the national interest that innovation and business opportunity at all scales of entry be preserved in the face of Microsoft's current domination of the desktop.

Please consider these and other criticisms of the settlement proposal, and procede as your conscience dictates, keeping in mind the trust we all place in you.

Jason Metz
5636 Montgomery Place,
Vancouver BC, V6T 2C7
Canada

MTC–00017189

From: Ben Messinger
To: Microsoft ATR
Date: 1/23/02 12:55pm
Subject: Microsoft Settlement

To Whom it may concern,

Thank you for giving me the opportunity to comment regarding the proposed DOJ settlement with Microsoft corporation. In my opinion there are many serious shortcomings in the proposed settlement. I will take this opportunity to point out only a select few.

1) The proposed final judgement does not address the issue of ''file format'' documentation. The DOJ identified non-disclosure of Microsoft Office file formats as an Applications Barrier to Entry (findings of fact, paragraphs 20 and 39)—by withholding file format specifications, Microsoft prevents competitors from developing applications which can read or write Microsoft Office compatible files—thus preventing the exchange or sharing of documents between Microsoft Office users and users of competitive software products. This strengthens Microsoft's monopoly by hindering the exchange of information with non-Microsoft products.

2) The proposed final judgement so narrowly defines ''API'' (application programming interface) that the requirement of Microsoft to disclose it's API's will be interpreted in such a way that many of the most important API's will be excluded from disclosure.

3) The proposed final judgement defines ''middleware'' and ''Windows'' so narrowly that very slight changes by Microsoft virtually guarantee Microsoft the ability to circumvent the proposed restrictions by simply altering their products slightly.

4) The proposed final judgement fails to address anticompetitive licence restrictions

currently in use by Microsoft which among other things:

a) prevent the use of certain windows components in conjunction with competing software. For example: The Microsoft Windows Media Encoder SDK (a tool for creating windows software)End User Licence Agreement states in part ''... you shall not distribute the REDISTRIBUTABLE COMPONENT in conjunction with any Publicly Available Software. ''Publicly Available Software'' means each of (i) any software that contains, or is derived in any manner (in whole or in part) from, any software that is distributed as free software, open source software (e.g. Linux) or similar licensing or distribution models ... Publicly Available Software includes, without limitation, software licensed or distributed under any of the following licenses or distribution models, or licenses or distribution models similar to any of the following: GNU's General Public License (GPL) or Lesser/Library GPL (LGPL); The Artistic License (e.g., PERL); the Mozilla Public License; the Netscape Public License; the Sun Community Source License (SCSL); ...''

What this means is that software developers can use the Windows Media SDK to develop their software, but they are not allowed to do so if their software is made ''publicly available'' under the above definition.

b) Microsoft attempts to prevent the developement of software that is compatible with alternative operating system products. The Microsoft Platform SDK, together with Microsoft Visual C++, is the primary toolkit used to create Windows-compatible applications. The Microsoft Platform SDK EULA reads in part: Distribution Terms. You may reproduce and distribute ... the Redistributable Components... provided that (a) you distribute the Redistributable Components only in conjunction with and as a part of your Application solely for use with a Microsoft Operating System Product...'' this makes it illegal to run many programs built with Visual C++ on Windows-compatible competing operating systems. By allowing these exclusionary behaviors, the proposed final judgement is contributing to the Applications Barrier to Entry faced by competing operating systems.

It is my deepest hope that you will reconsider the proposed judgement, and rewrite or amend it in such a maner as to remove the many many loop-holes and inadequate provisions which will, if implemented as currently proposed, virtually guarantee that Microsoft will continue in it's tradition of anti-competitive and publicly arrogant disregard for both the letter and spirit of the law.

Sincerely,
Ben Messinger
Kennewick, WA
CC:LUG,tunney@codeweavers.com@inetgw

MTC–00017190

From: Jeff Johnson
To: Microsoft ATR
Date: 1/23/02 12:56pm
Subject: Microsoft Settlement

Folks,

Don't let Microsoft buy their way out of this one. If we're going to pretend that we don't support monopolies, let's not support the company that everyone knows is a monopoly.

Also, please be aware, when you are reading the comments you are collecting regarding this settlement, that Microsoft is a masterful marketing machine, and that they successfully use every opportunity they get to sell their products. This includes ''grass-roots'' marketing, in which they ''stuff the ballot box'' with people who express their desire for Microsoft to be let alone to ''innovate.''

Anything in the settlement that enables Microsoft to further expand their customer base (through the distribution of free software licenses, etc) undermines the very aim of the case itself. While they obviously should be allowed to continue doing business, I believe it would be wise to focus more on limiting the ways in which they can use their market presence to crush competition.

Thanks for your time.

Jeffrey Johnson

MTC–00017191

From: Falatko, Jerry (CAP, PTL)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 12:56pm
Subject: Microsoft Settlement

I believe the proposed settlement is far too lax and will fail to be effective.

MTC–00017192

From: jeff147(a)excite.com
To: microsoft.atr(a)usdoj.gov
Date: 1/23/02 12:56pm
Subject: Microsoft Settlement
CC: jjacobs@dagger.net@inetgw

MTC–00017192—0001

I would like to voice my opinion of the proposed settlement of the antitrust cases against Microsoft. I am a Systems engineer by profession and from the wording of this proposal various software applications that are forcefully included in all of the operating systems from Microsoft are defined totally incorrectly.

Some of these software applications are the media player, Internet explorer, notepad, wordpad as well as many others.

All of these software applications are misrepresented as middleware. Middleware programs are in the simplest term's translators nothing more and nothing less. These middleware programs take input in one form and make it available for use by any program that can fully support the API (application programming interface) for a universal way to exchange information between different systems. Middleware allows for systems to be changed to another manufactures software easily. This is possible because the API's to most middleware programs are made fully available to anyone wishing to make their product to be compatible.

Microsoft should be required to fully disclose to the general public on a public accessible website the entire API's the programs they want to be defined as middleware and be required to make any additions or changes available for 90 days before any microsoft program may be released can use this change. This requirement would help in making completion possible in these areas of the market.

In closing the current proposed settlement should be rejected and rewritten leaving no loopholes or areas were the guilty defendant (Microsoft) can dictate who and what the API's can be used for.

Jeff Jacobs
Systems engineer
Dallas, Texas
MTC–00017192—0002
01/29/2002 9:51 A

MTC–00017193

From: Kevin Loechner
To: Microsoft ATR
Date: 1/23/02 12:57pm
Subject: Microsoft Settlement

Dear Sirs:

The proposed Microsoft settlement amounts to a slap on the wrist for Microsoft's predatory business practices. This settlement does nothing but preserve the status quo, which allows Microsoft to continue exploiting their situation as before. First of all something must be done to end the ''Microsoft Tax'', in which OEM's are charged a licensing fee by Microsoft for each computer they produce, regardless of a Microsoft Operating System product being installed on a given machine. This fee is then passed along to consumers, who assume they are getting Windows for free with their machine. Microsoft must also be forced to open up it's APIs and document formats, so third party software companies actually are given a fair opportunity to produce a product that works as well as Microsoft's products on the Windows Operating Systems. With the control that Microsoft is given in keeping their document formats and APIs closed, no other company really has a chance to compete with Microsoft since they control the Operating System. Thank you for taking the time to take my comments into consideration.

Sincerely,
Kevin A. Loechner
105 Mt. Washington St.
Lowell, MA 01854
(978)452–7982
dtfan579@yahoo.com

MTC–00017194

From: Eugene Regad
To: Microsoft ATR
Date: 1/23/02 12:34pm
Subject: Microsoft Settlement

The proposed settlement fails to meet the public interest in a very critical way:

Microsoft executives have identified Linux as its number one competitor. They vigorously used Linux before the trial court as proof of the existence of competition. The trial judge did not accept that claim as fact, but did agree the potential was there. The settlement does not even acknowledge open source as potential competition. The settlement further allows Microsoft to define what competition is (solely in the form of ''viable'' companies) and hence prevent or suppress open source movement competition.

It would make sense for the settlement to permit that ''competitor'' to actually

compete. Linux is just the name for the most prominent competing operating system kernel. Many other components make up a usable system. Many of these are also released under the same or similar ''free'' (GNU GPL) or ''open source'' license provisions.

The most useful means of encouraging competition (open source or otherwise) is to make it feasible for other parties to write, release, and sell competing or complementary products, from the kernel through all kinds of end-user applications. To this end, three provisions must be added to the settlement:

1. Microsoft must be required to publish its file formats.

2. Microsoft must be prohibited from breaking competitive products.

3. A system of financial penalities must be implemented for violations.

Item 1.

Microsoft must publish, for free use by anyone, without any license, all the file formats used by it's operating systems and applications. File formats are just the parameters required to read or write a information to the hard drive, or for transmission to another program or computer. Knowledge of file formats is essential to write or use a competitive or complementary product.

All the variants of such formats must be included, and all changes must be promptly published. ''Promptly'' means at the moment when Microsoft management determines that a change is necessary and provides such formats to its own programmers. Publication must include posting to an internet web site accessible to all, without any license, registration, or prior consent from Microsoft. Any person must be free to copy and republish, document or comment upon the formats without any consent of Microsoft.

This does not give anyone access to the program code used for such purposes; Microsoft can still keep its programs, and methods of programming secret.

Item 2.

Microsoft has a history of breaking competitive programs by falsely claiming compliance with ''standards'' and adding features which prevent competitive products from working properly. The most common method is ''embracing and extending'' standards (ISO, IETF, etc). Embracing and extending is actually the practice of announcing support for a standard, and then adding features which are not documented, are proprietary, copyrighted or patented. These ''extensions'' are specifically designed to break competing products. One example is ''smart quotes'', which is little more than a toy feature to help incompetent writers properly close quotes. It is done by changing (corrupting) the standard ISO fonts used by the word processor to something different than the ISO standard. It shows up in unaware programs by displaying a question-mark or a garbage character. Other e&e practices are much more pernicious.

The settlement should require Microsoft to announce which standards it will support, and prohibit Microsoft from claiming compliance with any standard that is not supported. These adopted standards must be listed on the internet for open reference without registration, or prior consent from Microsoft.

Microsoft must be prohibited from ''extending'' any supported standard by adding features not present in the standard. It is not necessary to require Microsoft (or any competitor) to adopt any standard, or to fully support all features of the standard. For many uses, partial support is sufficient. The key to preventing unfair competition is to ban Microsoft from breaking programs which do comply with standards.

Item 3.

In light of the fact that the present case originated in Microsoft's failure to comply with an existing consent decree, DOJ should establish a schedule of severe financial penalties for violations. Otherwise, Microsoft might well find it advantagous to cause competitors to ''spin their wheels'' by publishing false, incomplete, or misleading information. Violations should be considered to begin with the publication of any information which is subsequently found to be false, incomplete or misleading. The longer the violation period, the greater the penalty. The violation is proved by the use of a non-published file format or the perversion of an adopted standard in any Microsoft product.

The use of these methods of encouraging competition have a number of advantages:

1. They are essentially free of financial costs, both to Microsoft and the Government. Microsoft already has to document it's file formats for it's own use, and almost certainly on-line. Publishing the same documentation on the internet is almost zero—cost.

There is no cost (indeed a saving) in NOT perverting the implementation of a standard.

DOJ could accept being a digitally-signed copy of each such publication, transmitted at the time of publication to a DOJ computer. The digitial signature should be considered binding for purposes of determining perjury.

2. Enforcement may be simplified. It seems likely that competitors will closely monitor Microsoft's publication of file formats and standards announcements, and compare closely what Microsoft programs actually do. In both cases, compliance is only a matter of determining facts which can be recognized by any competent person.

DOJ could maintain a web site devoted to receiving documented complaints. DOJ might consult commerical and non-commerical competitors to establish a structure for entering complaint information in a way that DOJ finds useful in summarizing observations into facts.

Eugene D Regad
nachost@adelphia.net
854 Riverview Drive
Morgantown, WV 26505
304–599–2889

MTC–00017195

From: chiron@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 12:57pm
Subject: Microsoft Settlement

To whom it may concern:

I do not agree with, or support the proposed settlement procedures in regards to the Microsoft Antitrust Settlement Trial. Microsoft has blatantly and callousy engaged in a business plan which intentionally—without remorse—violates current Antitrust laws.

The punishment applied to Microsoft needs to be FAR more severe than what is currently being proposed.

Thank you.

Rev. Christopher B. Garcia

MTC–00017196

From: Andre Vrignaud
To: Microsoft ATR
Date: 1/23/02 12:56pm
Subject: Microsoft Settlement

Just a short note to say that I think the proposed settlement with Microsoft is a travesty—don't let them get away with dominating the future as much as they have the past.

AV

Andre Vrignaud √ andre@ozymandias.com

MTC–00017197

From: Rob La Raus
To: Microsoft ATR
Date: 1/23/02 12:56pm
Subject: Microsoft Settlement

To Whom It May Concern,

I am writing to express my dissatisfaction with the proposed settlement between Microsoft Corporation and the United States Department of Justice; I do not think the settlement is just. The fact of the matter is that Microsoft has been charged with bundling applications with it's ubiquitous operating system to improperly leverage that software's market dominance.

They do the exact same thing again with Windows 2000 and Windows XP that they did in Windows 98 that got them sued in the first place, displaying such disregard for the law that they continued disputed practices AS they were being found actionable. The proposed settlement is a slap on the wrist and will only serve to intensify an already gross corporate arrogance. I encourage you to consider a settlement with much more likelihood to have real consequences on Microsoft's competition-inhibiting behavior.

Thank you very much for your work on this matter,

Rob La Raus
IT Specialist
OHSU Foundation, Portland, OR
Rolaraus@hotmail.com

MTC–00017198

From: Martin Gelfand
To: Microsoft ATR
Date: 1/23/02 12:58pm
Subject: Microsoft Settlement

I am grateful for this chance to express my opinion concerning the Proposed Final Judgement in US vs Microsoft.

Let me put it plainly: I believe the proposed remedies are entirely inadequate, and need to be thoroughly reconsidered in order to effectively prevent Microsoft from using anticompetitive tactics to retard the development and application of Open Source software.

An lengthy discussion of the PFJ from this point of view has already been provided to your office by Dan Kegel, and is available on the WWW at http://www.kegel.com/remedy/

remedy2.html . Let me focus on just one item.

At work (I am an Associate Professor at Physics, at Colorado State University) and home I run GNU/Linux operating systems on my computers. A real annoyance I have to deal with on a regular basis is being sent or referred to Word, Excel, and Powerpoint files, which in many cases cannot be nicely interpreted using the software available on my computers. Much of the monopoly power associated with Microsoft lies not in its control of operating systems but in its control of the Office suite. The undocumented file formats associated with Office are a major Applications Barrier to Entry (as discussed in the Findings of Fact) and, in the absence of any guaranteed way to run Microsoft Office natively on a GNU/Linux system (WINE may work at some point in time, but there is nothing in the PFJ to stop Microsoft from working against WINE's success by various technical and legal means) there are considerable barriers to introduce GNU/Linux systems into office environments which have chosen to standardize on Microsoft's Office suite.

Requiring Microsoft to fully document the file formats associated with Office, which will allow Open Source office suite developers to more readily generate effective input/output filters for Microsoft document formats, ought to be part of any remedy for its illegal anticompetitive practices.

Sincerely,
Martin Gelfand
Department of Physics
Colorado State University
Fort Collins, CO 80523–1875

MTC–00017199

From: Ed.Dale@ey.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:55pm
Subject: Microsoft Settlement

If Microsoft has a monopoly on the Intel PC OS market, and they have abused that monopoly power, then the remedy as submitted is insufficient to curb their behavior. I find it offensive that the government, having found that a monopoly exists and that Microsoft has abused their monopoly position , is satisfied with a slap on the wrist for this firm. They have shown an inability to curb their behavior in the past and no intention of curbing their behavior in the future. This settlement should be rejected.

Thank you,
Ed
Ed Dale
Ernst & Young Center for Business Knowledge
1200 Skylight Office Tower
1660 West Second Street Cleveland, Ohio 44113
Work Phone: 216–583–1116
Fax: 216–622–0199

MTC–00017200

From: larry@smith-house.org@inetgw
To: Microsoft ATR
Date: 1/23/02 12:54pm
Subject: Microsoft Settlement

The proposed settlement is no punishment, and no restraint whatsoever on future abuses. It is unacceptable. Microsoft is the most arrogant corporation ever prosecuted for anti-trust actions, it must be made an example or the anti-trust laws might as well be tossed in the dumpster. regards, —

Wild Open Source Inc.
Making the bazaar just a little more commonplace.''
home: www.smith-house.org
work: www.wildopensource.com

MTC–00017201

From: root@uvamann.uvamann@inetgw
To: Microsoft ATR
Date: 1/23/02 1:01pm
Subject: Microsoft Settlement

No (healthy) competion leads to a decay of any society.

It will encourage bribery and other criminal activity. Besides , that much power in a single company will lead the USA to a political situation which will work against the USA in the future.

If you break up that company now ... people around the world will benifit from that breakup.

regs
HGM Duijker

MTC–00017202

From: Jonathan C. Detert
To: Microsoft ATR
Date: 1/23/02 12:56pm
Subject: Microsoft Settlement

To whom it may concern,

I would like to make known my concern with the ''Proposed Final Judgement''.

I don't think the settlement is just, and I don't think it will make any useful change. In my opinion, it amounts to a warning rather than a disciplinary action or a retribution. I.e. ''if you do illegal monopolization things again, you'll be in trouble''. They did those things, why are they not in trouble now?

The fact that I can't buy an intel-based computer without a MicroSoft Wiindows o.s. installed makes me blood boil. Why must I subsidize MicroSoft when I have no intent of using it's operating system or other software on my computer?

MicroSoft's practices are NOT in my best interest. If I want to buy an Intel based computer, I am forced to subsidize MicroSoft. Why?

Happy Landings,
Jon Detert
Unix System Administrator, Milwaukee School of Engineering
1025 N. Broadway, Milwaukee, Wisconsin 53202

MTC–00017203

From: Geoffrey Plitt
To: Microsoft ATR
Date: 1/23/02 12:58pm
Subject: Microsoft Settlement

I think it's a horrible idea.
-Geoffrey Plitt

MTC–00017204

From: Curt Sahakian
To: Microsoft ATR,attorney.general@po.state.ct.us@inet...
Date: 1/23/02 12:58pm
Subject: the proposed Microsoft Settlement Rewards Microsoft instead of punishes it.

Gentlemen,

Please see the attached article that explains how the proposed Microsoft Settlement Rewards Microsoft instead of punishes it.

You have been snookered. Shame on you if you understand this. Shame on you if you don't.

Curt Sahakian

At 1/23/02 12:15 PM, OpenSource@bdcimail.com wrote:
RUSSELL PAVLICEK: ''The Open Source''
InfoWorld.com
Wednesday, January 23, 2002
REWARDING PUNISHMENT
Posted January 18, 2002 01:01 PM Pacific Time

I'VE RECEIVED A number of requests to address the pending (as of this writing) settlement of the civil anti-trust lawsuit against Microsoft. Under the pending agreement, Microsoft will be obligated to provide hardware and software to thousands of underfunded school districts across the country. The logic, if you can call it that, is that such schools could benefit greatly from receiving the technology they lack.

Undeniably, there is an emotionally compelling case for this. A gigantic company, found guilty of doing wrong, is ordered to help the underprivileged. ''We need to do it for the children,'' cry the politicos. ''Think of the children!''

''For the children.'' That's the phrase politicians in Washington use to justify an action so irrational that it cannot be justified any other way.

How can I properly characterize this solution? It is like a court ordering a convicted drug dealer to give out more free samples of heroin to underprivileged children to ensure that their poverty does not deprive them of the opportunity to become addicted.

Sure, public classrooms need more technology. And it is especially important that children who don't have as many opportunities in life get assistance. But that is not adequate justification for assigning the fox to guard the hen house.

Personally, I like the counterproposal put forward by Red Hat: Let Microsoft donate money for computing resources for underfunded schools, but let those donations go toward hardware only; then populate those machines with open-source software.

Why open source? Consider the future: What will the schools do when they need to upgrade? If you give schools Microsoft software, they will be caught in the endless upgrade cycle that has characterized life in the Microsoft world. Those upgrades will cost money, money that these targeted school districts, by definition, cannot spare.

Instead, arming schools with open-source software will have two benefits. First, it will set schools down a long-term path that they can afford. The cost of obtaining open-source upgrades is trivial. Without low-cost software upgrades, all those nice shiny computers run the risk of becoming boat anchors in short order. I'm sure someone is saying, ''But open source is too difficult to administer!'' Such does not have to be the case, but I'll deal with that issue in a future column.

Also, the Red Hat proposal does not reward Microsoft in the long term. If a company is

convicted of overpowering markets, why would you reward them by putting one of the few markets they don't lead under their control? This sounds a lot like a seed-unit program for education, not the penalty imposed from losing a trial.

Corporate misdeeds are supposed to earn punishment, not long-term investment opportunities. I believe we would all be better off if the courts acknowledged the difference between the two.

Would our schools be better off with open source? Let me know at pavlicek@linuxprofessionalsolutions.com, or sign on to my forum at InfoWorld.com.

MTC–00017205

From: Khouri Giordano
To: Microsoft ATR
Date: 1/23/02 12:58pm
Subject: Microsoft Settlement is bad idea

MTC–00017206

From: Rick Romero
To: Microsoft ATR
Date: 1/23/02 12:57pm

To whom it may concern,

I would like to comment on the propsed settlement in general, and how it relates to Microsoft's monopoly status. In my opinion, some monopolies are perfectly tolerable. Those such as Power Companies and Water Companies, where ''laying proprietary groundwork'' would be too burdonsome to the community to necessitate competition. Imagine competition in Water or Power, each company with it's own lines. In that form, monopolies can be a good thing.

When it comes to Microsoft and technology in general, this groundwork can be reused, and competition can flourish. Microsoft has been found, in prior cases, to have tampered with that groundwork in order to pursue, and/or maintian it's monopoly status. Perhaps the largest example is the Caldera case. Microsoft was accused of purposely ensuring that Microsoft Windows would not run on DR-DOS. At that time, Microsoft Windows was simply a DOS application. Any DOS application would run on any flavor of DOS, be it MS-DOS, IBM-DOS, or DR-DOS. Except in the case of Microsoft Windows, where the application would specifically check the MAKER of the installed DOS, and run based on that alone.

What has happened now, is that Microsoft has extened it's Microsoft Windows application into an OS. Now that Microsoft own the OS itself, it has ensured that Microsoft Windows applications will not run on any other Operating System. This has severely hampered the OS market, because applications must be written twice, or only one platform is chosen. It's obvious that Microsoft Windows would be the OS of choice, because of it's large installed base.

I feel that the proposed settlement must address this issue, for it is the root cause of Microsoft's monopoly, and the method by which this monopoly is abused. Specifically, the Win32 API (API = The ''language'' a program talks to the OS in.) should be allowed in competing Operating System's, without undue license restrictions. WINE is a good example of an attempt to bring that API to Linux. Odin is WINE's counterpart for OS/2. Both of these OS's are competing with Microsoft Windows, and the availability of an alternative Operating System for the average user, would be greatly enhanced if Microsoft were to disclose much of that information to those competitors. I feel the proposed remedy doesn't touch on application compatibility as it should, to allow for competition in the marketplace on the desktop level.

Thank you for your time.

Rick Romero
IT Managerph: 262.685.4841
Valeo, Inc.fax: 262.695.4850
rick@valeoinc.com

MTC–00017207

From: Andy Pfiffer
To: Microsoft ATR
Date: 1/23/02 12:58pm
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea.

0) The definition of Windows Operating System Product appears to be whatever Microsoft wishes it to be.

1) The Proposed Final Judgement (''PFJ'') doesn't take into account Windows-compatible competing operating systems.

2) The PFJ contains misleading and overly narrow definitions and Provisions.

3) The PFJ fails to prohibit anticompetitive license terms currently used by Microsoft.

4) The PFJ fails to prohibit intentional incompatibilities historically used by Microsoft.

5) The PFJ fails to prohibit anticompetitive practices towards OEMs.

6) The PFJ as currently written appears to lack an effective enforcement mechanism.

Please register my opposition to the Proposed Final Judgement.

Thank you for your time.

Andrew Pfiffer
Citizen, United States of America
19745 SW Page Court
Aloha, OR 97007

MTC–00017208

From: Tom Jones
To: Microsoft ATR
Date: 1/23/02 12:58pm
Subject: Microsoft settlement

I am a computational biologist at Washington University in St. Louis Medical School. I am in favor of ruling as strongly as possible —against— Microsoft in the current case.

Microsoft is clearly an abusive monopoly, or near-monopoly. If Microsoft is not reined in, it will continue to swing its weight around, taking all it can for itself like an arrogant, champion weighlifter in a 2nd grade lunch line.

If you do not draw lines, and demonstrate that unacceptable behavior has real consequences, then you have given every megacorporation a pass that says:

** Do Whatever You Like **

As two trivial examples of how Microsoft continues to exploit their position in the market to shut out competition, even in the face of the ongoing DoJ trial:

(1) Microsoft blocked ''independent'' web browsers (Opera, Mozilla) from accessing their MSN site, demanding that users download Internet Explorer to view the web site. (Oct, 2001)

Ref:

http://news.com.com/2100–1023–274980.html?legacy=cnet&tag=tp—pr

(2) Microsoft's April ''01 deal with Qwest will move current qwest.net ISP customers over to MSN. After the transition, Netscape mail will no longer function for these customers!

''MSN e-mail is not compatible with the Netscape e-mail client''

—from: www.qwest.net/nav4/msn/faq.html#services Further, the correspondence sent to qwest.net customers leads the customer to believe that they must use a Microsoft email client after the move to MSN. Anecdotal evidence suggests that persistent tech support calls may provide non-trivial solution that allows use of a non-MS email client.

Ref:

i) http://slashdot.org/article.pl'sid=01/10/17/143230&mode=thread

ii) personal communication with a qwest.net customer in Oregon This is only the tip of the iceberg of Microsoft's insulting, galling, arrogant, monopolistic behavior that they continue to engage in. If you crumple, and you only give Microsoft a light slap on the wrist, you are smashing a bottle of champagne over the prow of a new era of American monopolistic greed.

Punish Microsoft!

Sincerely,

Thomas A. Jones
tajones@genetics.wustl.edu
Washington University Medical School
Genetics Department
314–747–8207

MTC–00017209

From: Tod Harter
To: Microsoft ATR
Date: 1/23/02 1:04pm
Subject: Microsoft Settlement

Dear Sirs:

I beg you to consider the following arguments in favor of more drastic action in regards to settling the current litigation against Microsoft. As a highly experienced software engineer, IT professional, and entrepreneur the proposed remedies are entirely inadequate.

Any engineering group, in this context Microsoft's various application development teams working on Microsoft products, gain a very substantial advantage from having a special working relationship with the developers of the underlying system software. While the proposed remedy attempts to mitigate this advantage it is only common sense that the best possible result one could hope from these remedies would be that 3rd party developers would achieve parity with Microsoft's internal developers. In fact this result is not particularly likely. The greatest source of these advantages is not in having access to priviledged information. It is in fact the working relationship which exists between these two groups. Microsoft's developers would continue to have an intimate working knowledge of the processes, procedures, persons, and techniques characteristic of the operating system development teams. Many of these people

have worked closely together for many years. Any MS product development team would be bound to continue to maintain these lines of communication and understandings with their collegues in operating system development. The result is that Microsoft would continue to gain a very substantial advantage for its own developers. They would know who to talk to, what questions to ask, how to request new features, and where to go for problem resolution. How will anyone else compete against them? Given that Microsoft has a virtually complete monopoly on desktop operating systems the result of the currently proposed remedies under these conditions amounts to allowing Microsoft to continue to leverage its monopoly into other markets. This process could have extremely dire results for the future of the entire IT industry, and more broadly for the entire economy as a whole.

Consider the following likely scenario:

Microsoft continues to dominate the dosktop OS market (virtually a given). They furthermore continue to integrate their server and desktop OS products ever more tightly (a trend in the industry regardless of any monopoly situation). Given the proprietary nature of these integration technologies and protocols no other server OS vendor will be able to provide the same level of integration. This integration is a high value-add. Thus Microsoft will continue its pattern of growing dominance of the server OS market. Once a critical mass of the server market relies entirely on MS's software there will be NO incentive (indeed a huge disinsentive) for MS to deploy client/server technologies which are non-proprietary and available for use by non-microsoft products. Essentially MS will own both ends of the network and will be in a position to dictate how, when, where, and at what cost these technologies are deployed and used. It is highly likely that most business process and indeed most communications technology will eventually be based on these techniques. Is it really wise to construct a public policy which eventually leads to the complete domination by one private entity of all of society's communications and IT infrastructure? Personally I can hardly imagine a more foolhardy and unwise policy, either as a business person or as a citizen of this country.

Respectfully
Tod G. Harter
Chief Technology Officer
Aptus Ventures, LLC

MTC–00017210

From: Read, Danny
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 12:59pm
Subject: Microsoft Settlement

Summary: I am against this settlement.

The current settlement fails to restrict Microsoft from capitalizing on its monopoly in the operating systems arena. Competitors face an anti-competetive environment as Microsoft continues to leverage its OS monopoly to restrict access to application development, to give software away in an attempt to price customers out of the market and to pursue restrictive licensing agreements. Please do not allow this mild slap of the hand to masquerade as justice for what the court has already found to be anti-competitive practices.

Thank you,
Danny Read

MTC–00017211

From: nuresejane@worldnet.att.net@inetgw
To: Microsoft ATR
Date: 1/23/02 12:50pm
Subject: Microsoft Settlement

As planet earth and technology are no longer local but global may I suggest the strong American company Microsoft be lifted from past constraints. This would allow this company in our great nation to continue to provide their capabilities through out the world be it in technology itself or in its various assists to underdeveloped nations.

Thank you

MTC–00017212

From: joelunchbucket@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:50pm
Subject: Microsoft Settlement

I think that Microsoft must be stopped and that the only way it can be done is for the government to break them up fine them very heavily and make them open up all their programming API so that everyone can partake in technology for America.

MTC–00017213

From: judithregan2000@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:50pm
Subject: Microsoft Settlement

I think the settlement with Microsoft is fair. It s time to get on with things rather than take this further.

Just because one company is more successful than another is no reason to penalize them.

MTC–00017215

From: k@nh.ultranet.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:50pm
Subject: Microsoft Settlement

Have never owned Microsoft stock. I feel what the government did to that company was an abomination. One only has to look at what happened to the best telephone system in the world when they broke up AT&T. That is progress? Have you ever tried to make a call at an airport? Simply from the security aspects for our country it would have been best left alone. If it ain t broke don t fix it. Or better I m from the Government and I m here to help you . Save us from the do-gooders .

MTC–00017216

From: eagassoc@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:50pm
Subject: Microsoft Settlement

Dear Ms. Hesse

The sooner this Microsoft case gets resolved the better it will be for American business and the public. Please help the economy move on. \The economy is fragile enough at this time without being held hostage to the judicial system.

Thank you.

MTC–00017217

From: Malcolm Fox
To: Microsoft ATR
Date: 1/23/02 12:58pm
Subject: Microsoft DOJ Settlement January 23, 2002 Renata B. Hesse Antitrust Division U.S. Department of Justice 601 D Street NW Suite 1200 Washington, DC 20530–0001

Dear Ms. Hesse, I am opposed to the proposed DOJ / Microsoft remedy. As a manager of a small municipal water system I am responsible for a variety of computer hardware and software systems that are used to supply water to our customers. Some of these software applications are non-Microsoft middle-ware products. I am concerned about the future viability of the companies that produce this software if Microsoft continues its anticompetitive behavior that it has exhibited. I am also concerned about future file format compatibility issues.

The settlement that the US Department of Justice reached with Microsoft will do little, if anything to remedy the many behaviors that Microsoft has been found guilty of engaging in. The oversight committee that was to be formed is too small to be effective. This group also needed sufficient resources to properly monitor and control illegal practices in a timely manner. I urge the Court to seek a settlement that would provide benefit to software customers and the public.

Thank you for your consideration.
Sincerely,
Malcolm Fox II
Mt. Pleasant, MI.

MTC–00017218

From: wrljr2@earthlink.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:50pm
Subject: Microsoft Settlement

Very simply stated this settlement serves both the industry overall the economy and the public that has reaped the benefits of a technology developed in the true Free American tradition.

MTC–00017219

From: sixkidsb@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:50pm
Subject: Microsoft Settlement

Please get this case resolved. It has gone on too long and is wasting taxpayers money. Our economy is suffering and getting this case settled would give it a boot up. Thank you.

MTC–00017220

From: Ted Oliver
To: Microsoft ATR
Date: 1/23/02 12:59pm
Subject: Microsoft Settlement

I am a US citizen who is very concerned that the proposed DOJ settlment of the Microsoft Antitrust trial will not have any positive impact on redressing the wrongs Microsoft was convicted of. Microsoft has shown their contempt for past consent decrees, so I don't see why the new one will be any different. Additionally, at this point in time, despite their proven illegal acts, Microsoft still holds the market ''rewards'' they accomplished via those illegal acts. I do not see how the proposed settlement will

help restore competition in the crucial areas of desktop operating systems and office applications. At this point, I feel there needs to be an effort to *restore* competitive balance, not to let Microsoft continue forward without any credible competition.

Thank you for your time,
System Administrator
Center for Desert Archaeology
http://www.cdarc.org
Database Manager
Desert Archaeology Inc.
ted@cdarc.org/ted@desert.com

MTC–00017221

From: nsxjb@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:50pm
Subject: Microsoft Settlement

I fewel government is too involved in our lives. Where attention is needed is is lacking like controlling terrorists in this country. Microsaoft is a business and should be allowed to operate as such. What about a free enterprise system and competition? Why are public utilities allowed to operate as they do?

Microsoft has excellent products and I haven t found anything worth changing too. They should be allowed to motor along at their own pace without the interruption and input of our fine government.

MTC–00017222

From: lori_aulds@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:50pm
Subject: Microsoft Settlement

I believe a settlement would serve the best good of the economy the public and the technology industry. This case has been a waste of tax payer money and has gone on too long. We need to let Microsoft get back to business and continue producing excellent software.

MTC–00017223

From: larry.james@crbusa.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:50pm
Subject: Microsoft Settlement

I am personally thankful the Microsoft antitrust case has come to a satisfactory end. Microsoft has achieved an enviable position in the software industry based on quality products that have dramatically improved the quality and accessibility of modern computer technology to the public. I believe the antitrust case was fueled by parties resentful of Microsoft s success in the market. With little to offer in the way of innovation these parties sought to use the judicial force of the US government to achieve what they could not achieve through the free-market economy. As an employee in the U.S. biotechnology industry I look upon the legal precedents set in other high tech industries as a model for potential biotech industry regulations. For the US to maintain its strength in technology three requirements must be met: 1.

Protection of intellectual property 2. A free market economy 3. A supportive rather than antagonistic federal government. I believe the settlement in the Microsoft case is fair and reasonable. Had the ruling been otherwise I fear that each of these requirements would be forever compromised and we would be witnessing the beginning of the decline in US technology leadership.

MTC–00017224

From: onrobb@brightok.net@inetgw
To: Microsoft ATR
Date: 1/23/02 12:50pm
Subject: Microsoft Settlement

I believe that the Nov 3rd settlement with Microsoft is fair and reasonable and will be in the best interest of all concerned.

MTC–00017225

From: Timothy J. Wood
To: Microsoft ATR
Date: 1/23/02 12:59pm
Subject: Microsoft Settlement

I would like to comment on the proposed Microsoft settlement, under the Tunney Act. The PFJ does not contain broad enough restrictions on Microsoft. Under this proposal, Microsoft will continue to exert monopoly power in the PC market and will use the monopoly power to gain monopolies in handheld computers (WinCE/PocketPC) home entertainment systems (X-Box), server computing (.NET) as well as other markets.

Since Microsoft has monopoly power, they should be required to expose their programming APIs, programming languages, file formats, and network protocols to use by any possible competition. The requirements need to be clear and broad to avoid having Microsoft hide behind some loophole.

The current proposal does not offer these restrictions and thus is not sufficient to dissuade Microsoft from continuing its practice of anticompetitive behavior. This proposal is not in the public interest.

-tim

MTC–00017226

From: bevtal@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:50pm
Subject: Microsoft Settlement

The government NEVER should have gone after Microsoft in the first place a travesty of justice that we believe was instigated by Clinton at the behest of his campaign contributors who were Microsoft s competitors. The war against Microsoft certainly hasn t helped consumers or investors and it started the market and economy downturn. Far better had the government gone after criminal activities and accounting malpractices in the ENRON debacle. The Microsoft settlement was fair. Let the settlement stand and put an end to this madness.

MTC–00017227

From: fwsherman@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/23/02 12:50pm
Subject: Microsoft Settlement

I hope that this will end this witch hunt. In my opinion Microsoft has been unfairly trampled upon. It is fortunate that we have an Attorney General who has the clear vision to right a most terrible wrong which has been handed to Microsoft in the interests of politics.

MTC–00017228

From: lrinaz@msn.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:50pm
Subject: Microsoft Settlement

Microsoft was the company who has been in the forefront of the industry. There were no rules due to the newness of the industry. It it a shame that the competitors who followed were allowed to use the government to compete with this company instead of using American ingenuity. Free Enterprise isn t so free these days. It s time to settle this case. I believe if the competitors had the knowledge and creative minds Mr Gates does they would be able to draw the comsumer to them. It is time to let the open market deceide which company is their choice. There has been enough tax dollars spent on case that should never have come about in the first place.

Thank you
Lynn Russ

MTC–00017229

From: paul-henry.hyppolite@sandvik.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:50pm
Subject: Microsoft Settlement

I think the justice department should take a harder line with Microsoft

MTC–00017230

From: sebolt@cybolt.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:50pm
Subject: Microsoft Settlement

Can t we all just get along?

MTC–00017231

From: Leonard Hoffnung
To: Microsoft ATR
Date: 1/23/02 12:59pm
Subject: Microsoft Settlement

To whom it may concern:

I am writing to give my comments on the Microsoft antitrust settlement. I believe that this settlement is counter to the interests of the American public, deleterious to the American economy, and inadequate given the findings of fact in the trial.

Microsoft's anti-competitive practices are counter to the law and spirit of our free-enterprise system. These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation.

Microsoft's monopolistic practices cause the public to bear increased costs and deny them the products of the innovation which would otherwise be stimulated through competition.

The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future.

It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function.

Leonard Hoffnung
1608 University Ct A-212
Lexington, KY 40503

MTC–00017232

From: MCGPatty@cs.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

Dear Sir or Madam: While I appreciate the fine work of our DOJ and can only imagine how difficult it must be a times I do believe that your efforts in the MICROSOFT case were mis-directed. I m old enough to remember when the first home and small office computers were made available...and how impossible is seemed to be to purchase software that would work properly with the system installed on the computer. After a while the concerted call from most consumers was why don t they make a common language that is recognizable by all (or most) computers or why can these software packages be easier to install and use. Well MICROSOFT listened...as any vendor or company intent on profitability would listen. Over time they developed the common system and the easy to install software that we now take for granted. I work for a small business I know what research and development costs are all about...MICROSOFT led the way to this common base of understanding...probably spending some big bucks to do so...and left everyone else in the dust. How do I see it? I see a lot of disgruntled tech-heads who felt that the field would never accept the MICROSOFT way...and continued on their blind path to obsolence. And then when it became apparent even to them that no one wanted their unique systems...they cried foul and looked to the government for help. Let me ask them this...who helped the mom & pop drug stores when the big chain drug stores hit the street? Now you ve got Walgreens and Osco and many others of that size all catering to our pharmacuetical needs...for less money than the smaller drug stores could ever imagine...but no one is helping them.

Leav

MTC–00017233

From: vince.arcaro@swgas.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

This in no way reflects the opinions of Soutwest Gas Corporation. This is my personal opinion: GET OVER IT! I may not agree with how Microsoft was started or survives without them we would still be in the dark ages of computing. If Microsoft gives consumers bits and pieces of scaled down applications good for us. This should spur on complaining companies to strive to make a more robust product to sell us as a third party vendor. Also the government wouldn t have wasted its time and money if Microsoft didn t have such deep pockets! I deal with several different software companies and I don t hear any Microsoft employees complaining about the way they are treated either!

MTC–00017234

From: counterprt@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

I believe that the Federal suit against Microsoft is completely unfounded. I consider MSFT to be a strategic American resource that is being needlessly enfeebled by the protracted legal challenges being brought against it. The current settlement offer should be quickly approved so that Microsoft can re-focus on retaining American dominance in its commercial sector.

MTC–00017235

From: SMichelle
To: Microsoft ATR
Date: 1/23/02 12:59pm
Subject: Microsoft Settlement

I am very concerned that the currently proposed Microsoft settlement will not ensure a competitive marketplace. I am especially concerned with developments in the next phase of internet services in the form of proprietary protocols used in .Net—without open communication standards and authentication protocols, internet services will be de facto ''owned.''

Regards,
/Sharon Lake

MTC–00017236

From: fred@ncpharmacists.org@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

Please settle the microsoft case.

MTC–00017237

From: lceola@atstrans.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

I believe the government should let Microsoft continue to create inovastive software. Why should they be penalized if the competition cant keep up or do as well. I know if Microsoft continues to bring to my business software designed to integrate with one another I will be much better because of it.

MTC–00017238

From: markow@execpc.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

The Gov. had no business even going after Microsoft. They should stick to the business that they are supposed to be doing & not going after businesses!

MTC–00017239

From: dwilliams@admgt.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

This case should be settle as you have proposed. It has cost way too much tiem and money already. Those that are trying to prolong it are doing it for their on personal agrandizment and not for the benefit of users as a whole.

MTC–00017240

From: David Petersen
To: Microsoft ATR
Date: 1/23/02 12:59pm
Subject: Microsoft Settlement

I am writing in regard to the public comment period on the proposed Microsfot antitrust settlement.

After reviewing the proposed settlement, I feel that it is inadequate in punishing Microsoft for past actions and in fostering a more competitive environment. The proposed settlement should be rejected and more consideration should be given to the findings and rulings of the Circuit Court and lower courts.

David Petersen
Senior Systems Administrator
SME Hosting, NTT/Verio

MTC–00017241

From: dkmck@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:50pm
Subject: Microsoft Settlement

Microsoft has revolutionized the computer industry and but not for MS DOS we wouldn t be doing this. Integrated programs make things easier for the user. The suit should never have been brought in the first place but let s settle this without splitting Microsoft. If the settlement is the best the government has to offer let s do it.

MTC–00017242

From: guru242@attbi.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:50pm
Subject: Microsoft Settlement

I feel that the states are trying to prolong this case. I feel that the remidies recommended by the US Department of Justice are fair and should be adopted by the remaining plantifs.

MTC–00017243

From: daniel@finalfrontiers.org@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

As the CEO of an OEM system builder and compter service company we rely on Microsoft software and support anything that hurts Microsoft also hurts us. Microsoft has always been open generous with us and has never penalized us for using other operating systems such as Linux and FreeBSD. We also use Microsoft software because of it s high reliability and low cost. I think I speak for most of the tech world when I say let s get this finished so we can all get back to work. This is hurting all of the tech industry not just Microsoft it also hurts the tax payers as well.

Daniel Nelms
CEO BeThere Inc.

MTC–00017244

From: winnie.anthony@valley.net@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

As MICROSOFT goes so goes the NASDAQ and hence the Big Board and the whole economy. If government would get out of trying to control free enterprise and innovation especially with technology this country could move forward once again. I would like to see the judge throw out these latest appeals by visibility-seeking attorneys general. They are all on their private power-plays. She should acknowledge that a settlement has been reached with the DOJ and simply rule that it will stand. She could note that the settlement has not had a chance to be proven right and she was ruling to give it that chance now.

Winifred Anthony Stearns

MTC–00017245

From: dkelliher@carterprinting.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:50pm
Subject: Microsoft Settlement

First let me say that from where I sit apparently some infractions were committed by MS with respect to fair trade practices. MS should be slapped down for that. Second if not for the aggressive practices of MS we would not now have the choices of programs from other software companies. They were spurned on by the might of MS and not put out of business. Competion is important on all endeavors of commerce. I feel that the courts have gone far enough with regards to the current case. The States must back off and look elswhere for sources of income and not from MS. I have no stock or holdings in MS.

Dan Kelliher

PS...I do think the quicker this is properly resolved the sooner the econemy will recover. You can almost say that our decline in the econemy started when the federal and state brought suite!

MTC–00017246

From: calexander1@satx.rr.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

It is time to settle and get on with business I expect that the government went after Microsoft because they didn t give a lot of big contriubutions to Washington politions get off their case.

MTC–00017247

From: Alan Oursland
To: Microsoft ATR
Date: 1/23/02 12:59pm
Subject: Microsoft Settlement

I think the proposed Microsoft settlement is a bad idea.

Sincerely,
Alan Oursland
1750 TImber Ridge Rd #114
Austin, TX 78741

MTC–00017248

From: null at spack.org
To: Microsoft ATR
Date: 1/23/02 12:59pm
Subject: Microsoft Settlement

To Whom it May Concern,

I am writing this as a technically aware consumer opposed the proposed settlement with Microsoft. Having read the settlement, I see numerous problems.

—as was the case with the 1994 consent decree, the ''products'' and terms are defined so specifically that Microsoft could easily change a product name, or in the case of IE change it's versioning schema, and completely and totally bypass any restrictions this settlement seeks to enforce.

—the requirements for Microsoft's release of documentation is entirely in favor of Microsoft. Should they choose to make a change to the documentation days before the deadline for release to ISV's, they can then exclude any ISV that doesn't meet the new requirements. How is that helpful to ISV's? Microsoft has shown in the past (see Caldera vs Microsoft) that they will ''hobble'' or otherwise change their product to ''break'' a competing ISV's product.

—Microsoft's new licensing agreements with Enterprise customers require them to

A) pay a yearly license fee for all of their desktops, running Windows or not, or

B) agree that in exchange for discounts on selected products, they will not use, or even test, *any* competing products. This is especially harmful for businesses that are outgrowing Microsoft's SQL Server product.

Or,

C) pay full price for every desktop, running windows or not, when they choose to upgrade. There is no longer upgrade pricing separate from this ''New and Improved'' licensing program from Microsoft. In the interest of brevity, I will stop here. I could easily go on for several more pages, however. The main problem I have with the proposed settlement is that, again, Microsoft has managed to skew language to their benefit, get sections watered down for their benefit, and otherwise change the settlement for the purpose of expanding their monopoly into areas not specifically covered by the agreement.

Thank you for your time,
Joel C. Sadler
303.568.0899
joel sadler—null@spack.org—gpg keyid: 0x3736B612

MTC—00017249

From: woolfolk@outerbounds.net@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

I believe the settlement purposed is fair and equaliable. The parties should expedite the settlement to decrease further spending on this matter. The dollars spent thus far exceed what is reasonable and it is time to put this matter to rest and move on.

MTC–00017250

From: daslowpoke@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:50pm
Subject: Microsoft Settlement

Let s get this settlement deal done. You ve wasted enough of my tax money killing the American Dream already!

MTC–00017251

From: mcgranew@krause.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

It is in the best interest of my business to invoke the settlement of November 3 2000.

MTC–00017252

From: Nick mckinney
To: Microsoft ATR
Date: 1/23/02 12:50pm
Subject: Microsoft Settlement

I have some comments regarding the proposed Microsoft settlement that I would like to share. In paragraphs D and E under Prohibited Conduct, the settlement states that Microsoft must make available ''the APIs and related Documentation'' and ''Communications Protocols''. This is good, but, if I'm reading it correctly, paragraph I (the paragraph about the licensing terms) leaves out one very important group: the open source programmers. The settlement in no way guarantees that any intellectual property licensed from Microsoft can be included in any open source software. Two things prevent this. One is allowing Microsoft to collect a royalty for use of its intellectual property.

The other is that ''an ISV's, IHV's, IAP's, ICP's, or OEM's right may be conditioned on its not assigning, transferring or sublicensing its rights under any license granted under this provision''. The very nature of open source software requires the source code written to be made publicly available, but this might qualify as transferring the IP license to anyone who receives the source code.

I have no problem with Microsoft collecting a royalty if the end product that uses Microsoft's IP is sold for a profit. However, if all of the IP is licensed to organizations or people who are able to abide by the proposed licensing requirements, it leaves open source software with no way to interoperate with Microsoft's products, which is the whole point of requiring that Microsoft license its IP. If Microsoft is allowed to remain a controlled monopoly, then any organization that wishes to compete on equal ground with Microsoft must be able to write software that interoperates with Microsoft's software. I think all programmers, including open source programmers, should be guaranteed the ability to compete with Microsoft on equal ground.

Nick McKinney

MTC–00017253

From: vip—quilter@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

THE GOVERNMENT SHOULD STOP SPENDING TAYPAYER MONEY IN IT S PURSUIT OF MICROSOFT. THIS IS A FREE ENTERPRISE SYSTEM IN OUR COUNTRY & MICROSOFT S SUCCESS SHOWS IT WORKS WITHOUT GOVERNMENT INTERVENTION. JUST LEAVE BUSINESS ALONE.

MTC–00017254

From: kmbrink@regence.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

While I haven t read all of the documents exhaustively my position as Lead Server Engineer for our Utah plan has given me ample opportunities through the years to see and feel the strong-arm tactics that many companies and individuals have talked and written about. I feel that even more punitive measures should be in place in order to stop them from getting a monopoly in many different areas in the computer arena.

It s difficult to say how best to accomplish this but experience has shown us that Microsoft s business tactics certainly need some constraint. As the competition dwindles we will be ever more at their mercy.

MTC–00017255

From: pinsonfamily@attbi.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

Please stop the prosecution and the persecution of Microsoft! Especially since 9/11 America needs for our businesses to succeed and not continue to be subjected to the predations of the Clinton years.

Further moves against this American success story will only serve to choke an economic engine that we all need to function. Stop the madness!

MTC–00017256

From: cddorsett@puetzamc.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

Ms. Hesse

I strongly urge the Federal Government to accept the agreement with Microsoft. It is in the best interest of the DOJ and the nation to bring an end to this situation. We ve spent enough taxpayers money on this and there is no good reason to spend more. The longer this case drags on the negative impact on the national economy will increase. It is time to stop.

Charles Dorsett

MTC–00017257

From: jcoyle@capecod.net@inetgw
To: Microsoft ATR
Date: 1/23/02 12:50pm
Subject: Microsoft Settlement

I have been a computer user for a long pereiod of time and feel that Microsoft have provided me one of the largest bargins I have ever had from any other provider.I also believe that when the Clinton administration started the court action my 401k went south and has not yet returned.Please leave them alone and let us all benifit from their brain power !

MTC–00017258

From: pjallen@triad.rr.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:50pm
Subject: Microsoft Settlement

The lawsuit against Micosoft was totally without merit. It only protected companies that make inferior products and did nothing but cost the tax payers money. The settlement is fine.

MTC–00017259

From: Brett Carter
To: Microsoft ATR
Date: 1/23/02 12:59pm
Subject: Microsoft Settlement

I find the proposed settlement with Microsoft to be completely unsatisfactory. The proposed settlement still leaves Microsoft with too many ways to have an unfair advantage in the marketplace. I believe nothing less than splitting up the company into different businesses will suffice.

Brett Carter

MTC–00017260

From: jerry@amusement consulting.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

Why perpetuate the endless process that allows government to intervene in the private sector. While anti-trust protection is important we must look at overall benefit Microsoft has provided to the USA economy over the past decade. Who else has demonstrated leadership in this technology beside Microsoft? Others have meager Research and Development budgets and have fallen to the superior product developed through intense R & D efforts. Why should anyone else continue to reap benefit (settlements) from Microsoft? Has the general public complained and refused to purchase Microsoft products? What would the final effect be on the USA citizens if the Government Agencies pursuing this issue forced Microsoft into ineffective management structure or even out of business? At some point the letter of the law must be compromised to ensure the effective tools are available that fuel the small-business engine as it concerns the overall economy. Large mainframe computers and their technology do not drive the economy today the way it might have when laws were written. Let it go and perhaps Microsoft will have enough financial resources to continue to provide the tools we all need. It would be a travesty of justice if state governments realized financial gain from this process.

MTC–00017262

From: Jim Potter
To: Microsoft ATR
Date: 1/23/02 1:00pm
Subject: Microsoft Settlement

We feel that the proposed Microsoft Settlement is inappropriate. Please set it aside and either (a) prosecute the case, or (b) develop a settlement that will not further entrench the monopoly.

Sincerely,
Jim Potter
45th Parallel Processing
(503) 769–9138
jrp@wvi.com

Those that would give up a necessary freedom for temporary safety deserve neither freedom nor safety.

Ben Franklin

MTC–00017263

From: Tekakwitha.Conference@worldnet.att.net@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

I agree with the statements that have been given/presented.

MTC–00017264

From: petec@aquascience.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

It is important to concentrate on curbing antitrust behavior rather than persuing punitive settlements.

MTC–00017266

From: verell@rahab.net@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

Why the big fuss about Microsoft s so-called monopoly? Why not prosecute those companies that are tying up U.S. food companies into mega-monopolies—i.e. Cargill WalMart Phillip Morris Tyson-Smithfield (including IBP) ADM Nestle s ties into U.S. companies etc. These are the people who are sacking the consumer! Please use taxpayer resources for protecting the taxpayers—not for protecting your friends in big businesses

Oracle Netscape Sun Micro et al.

MTC–00017267

From: Dean Lythgoe
To: Microsoft ATR
Date: 1/23/02 12:57pm
Subject: Microsoft Settlement

Consumer Input...

As a software engineer, I believe that Microsoft has acted only in their best interests. I understand their position and their argument. But their monopoly is obvious.

My input...

Please make sure that the monopoly practices are stopped. This can only happen with specific and general restrictions and penalties. There needs to be a system set up to investigate and resolve any further misdeeds. We are talking about Billions of dollars—so misdeeds will happen. There must be measures in place to handle this.

Thank you,
Dean Lythgoe

MTC–00017268

From: harryvanderburg@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

Competition is something for the marketplace. Please leave the software industry alone and spend the millions on better subjects such as education and defense. A slowdown in IT technology developoments could have a dramatic impact on the world s economy.

MTC–00017269

From: Bkent0711@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

It s appauling that Microsoft should even have to defend themselves in this frivolous display of Government Bureaucracy. Gates had more insight than the rest and should be rewarded justly for it. He built the system we all benefit from it everyday. It s called being a capitalist in an entrepreneurial society. You want to talk about anti-trust and monopoly take a look at the US postal service for God s sake. They are the worst run quasi-Government organization and have a monopoly on the delivery business yet are too bureaucratic to make a profit. The same customers (retail printers)that send them billions of dollars worth of postage every year they are now trying to unfairly compete with.

Their website offers direct mail fulfillment and printing. Talk about an area where the Government should focus time. Leave Microsoft and Gates alone and look behind your own doors first!!

MTC–00017270

From: lyllacarter@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

I fully support the settlement in this case. Enough already! Let s settle this and move on to more important matters.

MTC–00017271

From: dimbrogno@eshores.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

I strongly disagree that Microsoft violted anti-trust regulations as they were originally structure. Microoft s actions actually aided consumers nd business by providing a universally recognized platform and standard in the computer world. Without it we would likely be faced with many incompatable programs with subtantial expense requried for conversion when transacting business with other companies.

The settlement goes beyond any needed redress and should either be reduced or at most let stand as is if acceptable to Microsoft.

MTC–00017272

From: kevin—ryan@ceiltd.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

I think that the settlement did far too little to curb Microsoft s exploitation of its dominant market position. When the Mafia uses tactics like those MS uses it s called the protection racket or just plain extortion. If MS cared about maximizing techological development in PC software it would stop suppressing competition (especially by buying up competitive products only to cease all development) and embrace a competitive environment. The only reason that Windows has gone as far as it has is that MS has been able to consistently strong-arm PC manufacturers buyers just assume that whatever the manufacturers install is required for their PCs to work. If there is a next time do the job right:

Provide for the real possibility of competition in PC software instead of renewing MS s license to force manufacturers to install its OS (and only its OS). This sets the stage for PC maufacturers to agree to bundle MS s application packages because they run better under Windows than any others. Of course they run best—MS uses its inside knowledge of the OS to make sure that they do because they don t want competitors (which are necessary to maximize innovation) they want market share any way they can get it.

MTC–00017273

From: mikeschwitz@msfinancial.net@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

Implementation of the settlemnt should take place as quickly and efficiently as possible. It serves no purpose to allow special interest groups to continue to ask for more and more from the settlement.

Microsft is at the top of the hill in its field That will not always be the case. I hope the next king of the hill attains that position by providing products that we the people buy not through litigation that atempts to destroy what has been built.

Sincerely
Michael Schwitz

MTC–00017274

From: Erin McClellan
To: Microsoft ATR
Date: 1/23/02 12:58pm
Subject: Microsoft Settlement

the settlement is terrible. please if you have any love for your country listen to thosewho are attempting to make people realize what is really happening.

MTC–00017275

From: dlb@mail.uark.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

I d believe the case against Microsoft should be settled now. It should never have been brought against the company. I am indebted to Microsoft for providing software that works. When I go to other brands of software I still face problems that I can t resolve as I m experiencing now with Symantec s Norton SystemWorks 2002.

MTC–00017276

From: Bart McPherson
To: Microsoft ATR
Date: 1/23/02 1:09pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea. It will not stop their anticompetitive behavior.

Thank you,
Bart McPherson
Cleveland, Ohio

MTC–00017277

From: sburman1@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

Unnecessary lawsuits against technology co. will decrease compettition in Hi.Tech. and consumers will pay higher prices. Additional lawsuits by states will benefit only lawyers.

MTC–00017278

From: rmjackso@gfherald.infi.net@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

Settle and get on with letting to company do it s business. Time wasted is not helping any one.

MTC–00017279

From: Neal@Amideigroup.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

I beleive Microsoft has been victimized for the last three years by sore-loser competitors(especially Sun and Oracle whose attorneys browbeat Justice into filing this meritless suit) by Federal prosecutors out to make a name for themselves and by state attorney generals seeking publicity by coattailing on the action.

Enough! The settlement reached in November is more than appropriate and should be concluded. Ridiculous amounts of taxpayer dollars and Microsoft shareholder resources have been wasted on this groundless action. It s time the Justice Department concentrated on some of the real monopolistic threats like airlines oil companies and media mergers instead of harassing a company that has done more to empower consumers and enhance our economy than any other in the last 50 years.

L. Neal Amidei

MTC–00017280

From: rlstout@aosi.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

I believe this was started by Bill Clinton at the request of his campaign contributor Netscape. It is illegal harassment of Microsoft and should be dropped immediately. Microsoft has every right to market their products as they see fit.The US Government should not get involved in the marketing practices of private companies.

MTC–00017281

From: jophus@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

I am not sure why the people are allowed to comment. This is a legal issue about which 99.99% of the people know absolutely nothing. However here are my thoughts. First Microsoft products drive me nuts. They screw up at the most inopportune times and I am stuck with them because everything runs on them. There service is lousy and expensive. In fact I don't think they want to deal with customers at all.

Therefore it would be nice to see them spanked. But this lawsuit makes no sense to me at all. I do not see why it was brought in the first place. The idea of breaking up the company was so incredibly stupid that Democrats had to be involved. Bill Gates pushed his business to the hilt just as I did before going out of business. I did not break any laws and I don't see where Gates did either. If the competing internet company was not based in Orrin Hatch's state this lawsuit may never have happened. End it with the least possible damage to Microsoft because no one else can keep us going. If the settlement can get them to be more careful and thorough before sending products to the market please do so. If you can get them to be more responsive to us users please do so. None of us gain if Microsoft gets hurt.

MTC–00017282

From: jhektner@optonline.net@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

I endorse the MSFT settlement. The case should be closed and the settlement agreed to for the good of all of the U.S. It will help the economy and be a fair thing to do for all concerned.

MTC–00017283

From: jerichelsing@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

I think that the opposition to the settlement is the work of competitors of Microsoft who are simply looking to gain any kind of advantage they can. Microsoft is a fine American company that should be permitted to innovate for the benefit of the consuming public. The public is in favor of this settlement and in favor of a new look at anti trust law so that truly creative companies can thrive and not be the subject of legal actions from their less innovative competitors.

MTC–00017284

From: jhektner@optonline.net@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

I believe the Microsoft settlement is a reasonable compromise. We need Companies like Microsoft to maintain our technical leadership position in the world. Actions that damage that position are just plain self-serving and stupid.

MTC–00017285

From: bwebs@attglobal.net@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

Get it over with. Microsoft should not have been prosecuted in the first place

MTC–00017286

From: jeanne_k_curtiss@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

I support Microsoft. The govt. should not be involved.

MTC–00017287

From: tdclark@therepublic.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

Please settle the case with Microsoft ASAP. There is nothing to be gained by further litigation except lining the pockets of the attorney. Too many tax dollars have been spent on this suit already. Microsoft's competitors would like to prolong the case to keep them from improving their own products. In our new global economy Microsoft provides the opportunity for America to lead the computer markets. Without Microsoft we would be using a Chinese operating System not Solaris.

MTC–00017288

From: ricklaurence@msn.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

I am writing to express my hope that the Microsoft settlement be approved. I am a user of Microsoft Office and the Microsoft Windows Operating System and am relieved that the company will remain in one piece so that the integration of features found in these software programs may continue. Microsoft has an office near my home and they have shown a mindfulness to the community by providing free information meetings that help their customers develop computer skills. In addition Microsoft has provided free of charge resources that have helped the disabled to find employment. After the September 11 attacks Microsoft also provided about $10,000,000 worth of software and personnel to aid in mobilizing the recovery effort. I believe these evidences of civic responsibility should be remembered. I can be reached at my e-mail telephone and address listed above.

Sincerely
Maurice Laurence jr.

MTC–00017289

From: steve@sanguinettico.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

The Department of Justice as well as other agency's of the federal government should get off the backs of business let business have some air without always suffocating business so that business can keep people working and put the unemployed to work. It appears that government will not give up until it breaks both the will of the people and drains there pocket books. The only thing that government believes is right and correct is when it extorts money from the citizens and passes more laws to eliminate the freedoms that the founders of this country came here to preserve.

MTC–00017290

From: recarter@interserv.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

Please settle this case with Microsoft ASAP. The sooner this case is settled our tax dollars can be used for other more important purposes. Thank you for your earliest action on this matter.

MTC–00017291

From: raokent@juno.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

No one has ever forced me to purchase a Microsoft product. I have purchased them by choice. I do not believe that their products are overpriced. I agree that this case against Microsoft should be settled with no more litigation.

MTC–00017292

From: eMurphTheSurf@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

I believe the prior settlement between the U.S. (and other involved state governments) and Microsoft is fair and equitable and the whole affair needs closure. I agree that Microsoft should not have leveraged and embedded software and especially its own browser into its platform operating systems they were licensing and selling and those that came preloaded on new computers. CONSUMERS should have had full disclosure and opportunity to decide the use thereof accordingly. But I personally do not agree that the remedy for those receiving the settlement should be extended and I definitely have not seen anything personally yet that merits Microsoft being busted up or divided in anyway. Unless there is something new to report it is time to move on.

MTC–00017293

From: gccoor@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

The American government assault on the successful American enterprise Microsoft represents to me an appalling and flagrant misuse of taxpayer funds. It is counterproductive in these weak economic times and is government at its worst. I demand that the DOJ cease immediately its assault on Microsoft and stop shaking down American businesses.

MTC–00017294

From: Pequipment@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement

My family and I support the settlement reached November 3rd between MicroSoft and the Federal Government.

MTC–00017295

From: Charles Lewis
To: Microsoft ATR
Date: 1/23/02 1:00pm
Subject: problems with Microsoft settlement

Please consider carefully Dan Kegel's ''Open Letter to DOJ Re: Microsoft Settlement'' You can find it at http://www.kegel.com/remedy/letter.html

Charles Lewis
Dir of Administrative Computer Services
Southwestern Adventist University
817–556–4720
lewisc@delta.swau.edu

MTC–00017296

From: Liz Vogel
To: Microsoft ATR
Date: 1/23/02 1:00pm
Subject: Microsoft Settlement

I am writing to express my opposition to the proposed settlement in the Microsoft anti-trust case.

As a computer professional, I routinely work with Microsoft products—not because they are the best for the tasks at hand, but because they are so ubiquitous in the industry as to be unavoidable. I frequently encounter novice users who think that Microsoft Windows and a computer are the same thing, who believe that Internet Explorer *is* the internet, who don't realize that there are alternatives to Word, PowerPoint, or Access, let alone have ever tried these alternatives. The proposed settlement will do nothing to address this monopoly of the public mind; the average computer user will still see Windows, Internet Explorer, Office, and all the rest as a package that they have no choice but to accept.

Many small companies have offered products that are superior to the equivalent Microsoft offerings. Most of these companies have been bought out or driven out of business by Microsoft's restrictive OEM licensing, deliberate introduction of ''bugs'' that only affect non-Microsoft software, and other unethical actions. The proposed settlement will not significantly redress these past wrongs. Many of the remaining competitors are fighting economic and even

legal battles for their continued existence—not because their products are inferior, but because Microsoft's pockets are deeper. The proposed settlement will not adequately level the playing field for these companies; indeed, depending on how some of the terminology of the settlement is interpreted, it may even end up endorsing the status quo.

Most significantly, the proposed settlement fails to provide effective enforcement options and meaningful penalties to dissuade Microsoft from continuing its anti-competitive and unfair business practices in the future.

I urge you to discard the proposed settlement, as it does not serve the public interest.

—Liz Vogel
U.S. Citizen

MTC–00017297

From: jaeger@oakharbor.net@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

I am totally behind Microsoft. Get it out of the courts and quit wasting a bunch of tax-payers money.

MTC–00017298

From: sanramon@airmail.net@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

please stop nonsense lawsuit let the company innovate to help our country (USA) and the consumers to be productive!!!

MTC–00017299

From: dkenton@oregontrail.net@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

My Opinion I believe it has been totally wrong in the first place of any of the States and or the U.S. Government to ever go after Microsoft in any way. Including trying to discredit Microsoft suggest fining them or breaking the company in half. How many millions of dollars has the U.S. Government spent of our tax money? I personally think it is American Politics at its best or worst. I have sent letters to the Attorney Generals about the U.S. Post Office of their price fixing and fraud. Our Government never acknowledges any Correspondence as if nothing is wrong.

Sincerely
Arch Lang

MTC–00017300

From: yourwishes@i2k.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

I believe anytime trial lawyers are involved any suit against private parties it is to suck the private sector dry of money and give those monies to some tax and spenders in the Federal or State governments.

MTC–00017301

From: Eric_P_Ingram@msn.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

Trial took way to long for a settlement such as this trial should have been thrown out long ago. While trial was in progress no issues was made of AOL purchase of Time Warner given them unlimited funds that'll topple Microsoft's. I pray and hope Microsoft make purchase of MGM studios.

MTC–00017302

From: jerry@electromotion.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

Very poor and 1-sided arguments put forth by this ATL group. Obviously analysis is not representative of the full spectrum of opinion on this matter. USA settled for too little!!

MTC–00017303

From: doldomcel@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

The settlement reached with Microsoft seems equitable. It is time to move on and allow free enterprise to continue to help our country grow.

MTC–00017304

From: leonard@raintreenursery.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

The action taken by the Justice Department against Microsoft should stand. Those who do not sign on to it should be not receive any further consideration. Microsoft made a generous offer which will benefit many children in our country who should not have had an opportunity to learn with the computers and soft-ware offered in the settlement. Lets move on and allow Microsoft to continue to innovate and broaden our minds through the products they invent and bring forward in the future.

MTC–00017305

From: lameyj@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

Leave Microsoft ALONE!!!

MTC–00017306

From: Nick Bender
To: Microsoft ATR
Date: 1/23/02 12:04pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW Suite 1200
Washington, DC 20530–0001

I strongly disagree with the proposed settlement. Rather than detailing all the areas of disagreement in a this email, I have joined with others to co-sign the open letter at: http://www.kegel.com/remedy/letter.html

A far more effective set of remedies is proposed here: http://www.gnu.org/philosophy/microsoft-antitrust.html which contains the following main points:

1. Require Microsoft to publish complete documentation of all interfaces between software components, all communications protocols, and all file formats.

2. Require Microsoft to use its patents for defense only, in the field of software.

3. Require Microsoft not to certify any hardware as working with Microsoft software, unless the hardware's complete specifications have been published, so that any programmer can implement software to support the same hardware.

I am a free market supporter, but disagree with those that feel the free market can function without effective regulation.

Regards,
Nicholas Bender
Norton, MA

MTC–00017307

From: dansereaurj@msn.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

Please settle the Microsoft case. They are a great company and have made our lives much better and revolutionized how we do business.

MTC–00017308

From: wdcameron@attbi.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

I support settlement of the Microsoft case.

MTC–00017309

From: dwnowlin@msn.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

I strongly agree with the latest court decision in the Microsoft anti trust suit. I feel the free market is good for competition and that Government should not play a roll in this particular suit.

MTC–00017310

From: taa@greensboro.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

It is the attorneys general who are not playing fair. Giving software away isn't a bad thing. I do hate that you had to have IE installed to use other MS products though!

MTC–00017311

From: speedy39@attbi.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

After a very fair Microsoft settlement it is troubling to hear the continued vicious attacks by over zealous prosecutors jealous competitors and members of the house and senate. These are egotistical squabbling groups seeking more compensation and control of commerce. I have benefited from Microsoft Software I have found it to be very reasonable and most of all I like the way it minimizes compatibility problems leaving the developers the options to freely design other competitive applications consumers are looking for. Last Thursday Microsoft announced 4th earnings which included a charge of $660 million three quarters of a billion dollars or 8 cents a share.

Friday after reporting the stock fell another 4 points. Folks that is roughly 16 billion in market value 25 times the amount of

Microsoft's earning charge. This litigation has impacted every consumer directly or indirectly. Charities retirement funds and our struggling economy. It is disgusting and shameful to allow this money to go into the pockets of the greedy ruthless lawyers. Let the consumer sort it out unnecessary lawsuits against technology is choking innovation and the consumers are paying the higher costs of all goods.

MTC–00017312

From: fredrik1@zoominternet.net@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

I believe there should be tougher sanctions against microsoft. controlling 92% of desktop software is too much for competitors and bad for product innovation.

MTC–00017313

From: catemilano@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

I believe the settlement reached in November 2001 between Microsoft and the DOJ is in the very best interests of all concerned parties: the public the government and Microsoft. I strongly urge the DOJ to terminate any further antitrust proceedings against Microsoft. At this time when the economy is in such a downswing it is folly to continue to agitate against a corporation that has given so much to the consumer and in which so many consumers have placed their trust by becoming shareholders. I am of the opinion that Microsoft will take those measures necessary to ensure that action of the type taken against it will not be repeated.

MTC–00017314

From: HERBHOLM@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

This settlement is in the best interest of everybody. Its time the that the government get off the company back. Let them proceed and bring new technology forward.

MTC–00017315

From: rosken9306@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

Leave microsoft alone to do their business. They did not break any anti-trust laws.

MTC–00017316

From: hburton@neo.rr.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

I support the settlement reached this past fall. I say it is time to quit wasting more (our we the people) money call a halt to any further prosecution or lawsuits and let the country get on with business.

Harvey G. Burton

MTC–00017317

From: Liegeois@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

Dear Sir:

I think it is about time that this law suite against Microsoft be left as settled. Let us get on with productive business.

Sincerely yours

MTC–00017318

From: rosken9306@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

I think that the settlement is fair and just.....

MTC–00017319

From: ptros@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

The Department of Justice needs to speedily resolve the case against Microsoft. This is an unreasonable taxpayer burden. In no way should Microsoft ever be forced to allow anyone to see the source code of any of their software programs. In fact all charges should be dropped. Microsoft and Mr. Bill Gates have done more for computing have made business productivity greater than it has ever been before and Microsoft should be allowed to continue unabated. The US Department of Justice needs to drop this case and all charges NOW! ps. I am not in any way associated with the Microsoft Corporation. I simply buy and use their products.

MTC–00017320

From: sak2131@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

The settlement with the Fed Gov was just and should be completed with all the other States and settled once for all and have closure immediately

MTC–00017321

From: iveycrft@bellsouth.net@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

It is important that the internet remain unencumbered and free from oversight by those who would seek to legislate ahead of it's growth. As a person who has just begun to experience the effects of it's use I would hope that those who seek to control it would also seek to see it through to whatever wonders are as yet unknown.

MTC–00017322

From: mikemartin1@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

The settlement doesn't mean DICK! Microsoft has learned nothing from it and they are using the same bullying tactics as always—witness their latest lawsuit against the makers of Windows in the name of preventing consumer confusion . They re still the same old uncaring monopoly and the settlement is just an old toothless dog that they will ignore.

MTC–00017323

From: kjb.ims@juno.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

As an entrepreneur developer of high tech systems I believe it is important to provide to our children immediately the tools to enable them to develop skills to equip them for their future. That we seem to be more concerned about whether the services offered in settlement bear the name Microsoft or Sun or Apple or Linux smacks of politics above the needs of children. Let's get the systems into the schools NOW! The fact that Windows is by the far the most dominant operating system in the world is a pretty clear indicator that children schooled in systems based on Windows will not exactly be trained in an outmoded or marginal system. Get with it!

MTC–00017324

From: mdk@twcny.rr.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

Whereas I generally feel that competition and commerce should be left alone and not influenced by governmental interference. I am one to go on record to say HELP in the battle against the monopolistic practices that Microsoft has implemented in it's quest to become THE computer software company.

Many offenses are already catalogued and rehashed so no need to recount. MY concern here is to point the need for open source support as a basis for other products to be able to compete and yet integrate with Microsoft products. In the HARDWARE field standards allow multiple vendors to have a chance to produce components that interchangeably work in a computer. The ISSUE here should be the same open standards that give XYZ a chance to develop a better software component that can be interchanged with the Microsoft version. If I like Netscape then I should not need a tech degree to replace Internet Explorer with Netscape for a browser. I should be able to have options on the software application vendor even though we are GLAD that Microsoft did standardize Operating Systems with Windows products. No penalties to the computer vendors no pressure on me or others should prevent me from having choice enabled and allowed and that means open source access to code for developers and no exclusiveness of ALL Microsoft or NO software! Please push the accessibility for all developers and allowance for creative sources. Additionally whatever happens don't allow Microsoft to get off with simple payment to schools that allows more monopolizing practices to be launched on a new generation but rather require payment to CUSTOMERS wronged and the COMPANIES that have been harmed through the MICROSOFT practices!

Thank you.

MTC–00017325

From: Chris
To: Microsoft ATR
Date: 1/23/02 1:01pm
Subject: Microsoft Settlement

I'm am writing to express my outrage and disapproval of the Proposed Final Judgment

in United States v. Microsoft. While I find most of the remedies proposed in this settlement with out any value as a deterrent to Microsoft's anti-trust behavior, I am greatly concerned about provisions that not only don't act as a deterrent, but will help to enhance and encourage further anti-trust, anti-competitive behavior in the future.

Specifically, Microsoft's right to appoint a member to the oversite board and that member's right to influence the selection of the third member. Where else would someone guilty of so many criminal acts be allowed to chose and pay(!) their judges and jailers! This ''oversite board'' has no responsibility to report their findings to the public, no resources, freedom of access, or motivation to fully investigate further anti-trust behavior, and no teeth to punish Microsoft if it happens to find that behavior. So, I have to conclude that the only function they will serve is to provide effective camouflage for continued and ongoing anti-trust and anti-competitive behavior on the Microsoft campus.

I am also appalled by Microsoft's right to circumvent requirements to disclose API and interoperability information by claiming it discloses ''secret'' information or by claiming the group or individual requestion the information is a legitimate business. As an Open Software developer and advocate, Microsoft's stated belief that GPL licensed software is ''a cancer'' and that Open Source Software degrades ''legitimate'' software development business, would leave any reasoning person to conclude that GNU/Linux developers would never qualify, in Microsoft's opinion, to receive API or interoperability information. Since Microsoft has publicly stated that GNU/Linux is a serious competitive threat to it's server business, this settlement provide a very effect method to attack and injure one more of it's competitors. As one of many, many programmers that depend on Open Source Software for their livelihood, I ask you to, please, not approve this settlement. Thank you for your time, respectfully,

Chris Jackson
www.91courtstreet.net
Augusta, Maine

MTC–00017326

From: APace27@juno.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

I hate to see Government State Local or Federal persicute private interprise.

MTC–00017327

From: thomasmbrooks@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

Microsoft has shown over and over that it can get away with breaking the law and only getting a slap on the wrist. In addition to Browser and Word processor issues currently under consideration Windows 3.0 had special software to prevent Borland s C compiler from running. Breaking Microsoft into a Browser company an Operating System company and a Software company is the best way to see that Microsoft does not continue to violate the law. At least any future violation would be at the expense of other Microsoft companies in addition to the rest of the world. Microsoft loudly claims that breaking them up will result in higher prices to the consumer. One major software package has increased in price year after year under Microsoft s current monopoly—the Windows Operating System. Breaking up Microsoft would help see this trend reverse. Microsoft s predatory and illegal tactics WILL continue as long as the cost of such practices is less than the anticipated profit. In my opinion the current settlement continues this.

People who currently defend Microsoft and oppose breaking up the company have a vested interest in maintaining the status quo at the expense of the consumer and other companies attempting to engage in fair competition. I hope someone at the state or federal level will agree that the rule of law and a fair playing field is more inportant than Microsoft s profits.

MTC–00017328

From: Eron Lloyd
To: Microsoft ATR
Date: 1/23/02 1:03pm
Subject: Microsoft Settlement

To whom it may concern,

I, Eron Lloyd, an active and concerned U.S. citizen, request that the Department of Justice take more serious action in the settlement agreement against Microsoft corporation. Along with many others, which unfortunately will probably not make a stand and state their opinion, I feel that justice has NOT be served on the part of the people of this country. To me, the penalties (or lack thereof) imposed represent a mere ''wrist slap'', and only make it seem like the company CAN get away with more monopolistic practices and predatory business tactics, and in doing so remain above the law of the land.

Furthermore, with the near future of some of their new strategies on the horizon, we'll see these actions become more abstracted from the public's viewpoint, so the ability to raise a red flag will be nearly impossible. I foresee wider control of the Internet access market through MSN, online service and identity entrenchment with Passport and .NET, Digital Rights Management exclusive powers through the preposterous patent on DRM for operating systems given to them by our very own USPTO, market-cornering of consumer and media convergence technologies through X-Box second generation and proprietary Windows Media implementations.They want a stronghold on every major market. I do NOT want my children growing up in a Microsoft-governing information society with a single corporation trying to become the thought police.

I also dislike the fact that my government itself is almost completely reliant on Microsoft technology for its intellectual and business process property. I want to see more investment and support for open technologies and government contracts for companies developing DEMOCRATIC solutions using things such as Linux, standard networking protocols, and open hardware. On the state and local level I want to see Microsoft barred from competitive bidding, and contracts given to local technology solutions providers.

I support the settlement recommendations presented at http://www.kegel.com/remedy/letter.html and stand firmly as a co-signer to these recommendations. I am angered by the fact that one of the penalties imposed is requiring Microsoft to pour more Microsoft products into our public education system. This does nothing but solidify their standing and give them another legitimate way of exposing and influencing the next generation of the consumer market. It does not teach children how to think for themselves. If you want real technological solutions for our schools, come to the communities that truly care, us, who have the future in mind.

We are all counting on you, the DOJ, to serve swift and heavy-handed justice for the good of the people, and we will hold you accountable for the final outcomes. You must represent us. Thank you.

Eron Lloyd
Computer Professionals for Social Responsibility
Technologist, Activist, Community Builder, Citizen
elloyd@communitycode.org

MTC–00017329

From: Luke Brady
To: Microsoft ATR
Date: 1/23/02 1:01pm
Subject: Microsoft Settlement CC: dkleinkn@yahoo.com@inetgw

MTC–00017329—0001

Dear Judge,

It is clear to me (a user of some MS products) that MS is violating antitrust laws. What upset me the most is how MS has put internet explorer on with it's operating sytem. I belive in the future MSN messenger will also be put on windows as well. This is destroying other companies'' chances of succes in the MS Monapolized world. Please re-evaluate the Proposed Final Judgement.

Luke Brady
14001 Old Peartree Rd.
Huntsville AL 35803
256–880–9046

MTC–00017329—0002

MTC–00017330

From: SmyersN@whitko.org@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

I would appreciate this matter of U.S. vs. Microsoft to be over! Microsoft has great products and the competitors don t like the idea that they can t compete so it would appear they want to drag this out as long as possible. Enough already and let s keep moving forward in technology. Those who choose to come along for the ride will do well! Thank you for listening! Nathan Myers

MTC–00017331

From: Justin Anderson
To: Microsoft ATR
Date: 1/23/02 1:01pm
Subject: Microsoft Settlement

I believe that any of the proposed settlements with Microsoft will fail to solve the major roadblocks to innovation they

currently enjoy as a majority operating system vendor. They have used their position and raw money to halt competing products in their tracks. They have historically announced products which are never released, doing so to kill interest in any startup competitor's new idea that might eventually erode Microsoft's control. Microsoft uses highly anti-competitive licensing agreements with its software application developers which prevent the feasible release of most Windows application on any competing operating platform.

There are an enormous number of further complaints I have about Microsoft and their practices, but others have said it better and more clearly, particularly Dan Kegel <http://www.kegel.com/remedy/remedy2.html> and David K. Every <http://www.mackido.com/Innovation/SoftwareDevelopmentCycle.html>.

Thank you for taking the time to consider my opinions and those of my fellow citizens. I am a computer programmer, and I sincerely believe that Microsoft's practices are what killed the economy. Hopefully we can prevent them from stifling any more great ideas.

Justin Anderson Student/Programmer
University of Massachusetts Amherst

MTC–00017332

From: Michael Schultheiss
To: Microsoft ATR
Date: 1/23/02 1:01pm
Subject: Microsoft Settlement

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html), namely:

* The PFJ doesn't take into account Windows-compatible competing * operating systems

Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertized as being ''Windows Powered''.

The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows. The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows. Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems. Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)

The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

The PFJ allows Microsoft to discriminate against small OEMs—including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software. The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

The PFJ as currently written appears to lack an effective enforcement mechanism.

I also agree with the conclusion reached by that document, namely that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

Sincerely,
Michael Schultheiss
CEO / CIO
Amellus Enterprises, Ltd.

MTC–00017333

From: barry.lesley@jandmmortgage.com @inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

America became a great nation because individuals had the self motivation and encouragement to seek new frontiers not only in geography but in technology medicine science etc. It made its most substantial gains where there was an environment where government encouraged rather than discouraged discovery and the hope and expectations for future profits were not considered negatives.

MTC–00017334

From: Sam Johnston
To: Microsoft ATR
Date: 1/23/02 1:01pm
Subject: Microsoft Settlement

I strongly oppose the settlement in its currently form and am of the opinion that the worst is yet to come. The following areas in particular concern me:

—blatant disregard for security
—lack of accountability for faulty software
—inflated prices of office suites, diagramming, project management and other desktop software
—lack of acceptance of existing standards (proprietary kerberos extensions for example)
—creation of new ''standards'' (C# programming language, VBscript as a client side scripting language)
—forced upgrades where not required
—subscription model pricing
—passport/.net security issues which are crucual given the sensitive data being held
—passport/.net anticompetitive behaviour
—increasing reliance on centralised microsoft services (passport, support, windowsupdate, etc.)
—instability on the internet (raw packets from XP, viruses, trojans)
—anticompetitive site design (barring access to popular sites like msn.com for non IE users)
—anticompetitive OEM agreements (all workstations bundled with windows without choice)
—interoperability problems (difficult to multiboot, integrate as deeply as IE, etc.)
—xbox and the related anticompetitive behaviour associated with it

I sincerely hope that a more appropriate remedy is found,
Sam Johnston

MTC–00017335

From: Colby Rice
To: Microsoft ATR
Date: 1/23/02 1:01pm
Subject: Microsoft Settlement

I believe that the proposed settlement will not hender microsofts illegal ways. As someone that does not use microsoft products it is very hard for me to find ways to do things that most take for granted because of steps microsoft has taken to limit who can enter markets. One such example is watching DVD's. Another example is the fact

that now microsoft is attempting to take over the set top box market along with the game console market —AND— the embeded OS market. Left unchecked we could end up living in a world were everything depends on Microsoft to provide for us. Allow me to provide some examples:

I am taking for granted that the readers of this have all used Microsoft Operating Systems such as Windows 2000, XP, and the like. Also Im guessing that you have all had times when that operating system crashes for no reason what so ever. With that in mind lets look at a possable reality when microsoft has taken over the embeded market and most/all devices require a Microsoft Windows XP Embeded OS to run (such as the computers that control reactors and the like)

Now lets assume that someone you love is involved in a car crash or something else and must be put on life support. All of the equipment used to keep your loved one alive relies on embeded tech. to work and because microsoft has killed all compatition in that market your loved ones life now relies on the fact that that microsoft product will not crash for some unknown reason. This scares me. it really does. Lets look at another example, Microsoft is currently pushing its .Net project to be —THE— company to goto when you need to establish an online ID such as what is used to identify you to your bank for online banking and to buy things online. After _ALL_ of the security problems microsoft has had would you really want to trust all of your personal information to a system that the same people came up with? I dont. When you consider this settlement please keep in mind that for all the good (and I use the term loosly) that microsoft has done they have done much worse for the world. (Did you know that there was a time when computers did not crash many times a day?)

Colby Rice
1267 Hudgins
Grapevine Tx 76051
Network Security Engineer

MTC–00017336

From: dukejack@bellsouth.net@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

I totally support the settlement agreement made by Microsoft. I belive Microsoft is a great American company that has acted responsibly in an ever changing and highly conpetitive field. Further fines and punishment would NOT be in the best interest of the American economy or the American free enterprise system. Enough is enough. Let Microsoft continue to create great ideas for America and the world.

MTC–00017337

From: root@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 1:01pm
Subject: Microsoft Settlement

This is in response to the proposed settlement of the Microsoft antitrust case.

I believe the settlement falls fall short of being an effective remedy for Microsoft's past misdeeds and does little to prevent further misdeeds in the future. By stifling in the marketplace at large the innovation that they claim to champion, Microsoft has silenced any effective attempts to compete. This is a classic case of monopolistic behavior—not unlike that of Standard Oil, for whom the Sherman Act was written—and has got to be stopped.

The settlement needs more teeth:

1. There needs to be a stiff penalty for past misdeeds.

2. There needs to be a structural remedy that insures against future misdeeds. Microsoft has already demonstrated that it can't abide by behavioral remedies. Why should we assume they will in the future? The computer and software marketplace has become a much poorer place since Microsoft's ascendency to monopoly status. A more effective remedy in this case could only help to reinvigorate the wasteland left in their wake.

Thank you.
Respectfully yours,
Philip C. Pilgrim
President Bueno Systems, Inc.

MTC–00017338

From: Zerafa, Doug
To: Microsoft ATR
Date: 1/23/02 1:01pm
Subject: Microsoft Settlement

Here is my opinion of the Settlement, The settlement as it is written now rewards Microsoft for its illegal practices as the settlement will allow Microsoft to crush the open source movement and for profit competition. The following below are excerpts from others letters about this case. I wholeheartedly agree with the content of the following statments and present them as my own opinion : Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...'' This section should be reworded as ''...(c) meets reasonable, objective standards established by the government (or other as yet defined independent body) for certifying the authenticity and viability of its business'' The agreement provides Microsoft with a rich set of strategies to undermine the development of free software, which depends upon the free sharing of technical information with the general public, taking advantage of the collective intelligence of users of software, who share ideas on improvements in the code. If Microsoft can tightly control access to technical information under a court approved plan, or charge fees, and use its monopoly power over the client space to migrate users to proprietary interfaces, it will harm the development of key alternatives, and lead to a less contestable and less competitive platform, with more consumer lock-in, and more consumer harm, as Microsoft continues to hike up its prices for its monopoly products.

Other comments : Any remedy seeking to prevent an extension of Microsoft's monopoly must place Microsoft products as extra-cost options in the purchase of new computers, so that the user who does not wish to purchase them is not forced to do so. This means that for the price differential between a new computer with Microsoft software and one without, a computer seller must offer the software without the computer (which would prevent computer makers from saying that the difference in price is only a few dollars). Only then could competition come to exist in a meaningful way. I personally believe that PC Manufacturers should allow customers to choose which non operating system components to install when purchasing a new PC, much like when you purchase a new car. I would like the choice of having pre-installed either Windows or Linux, Windows Media Player or Real Player or some other media player, Internet Explorer, Netscape, and / or Opera as my internet browser, AOL or MSN or other as my internet service provider. PC Manufacturers have the choice as to which of these packages they offer to consumers pre-installed at what price. The specifications of Microsoft's present and future document file formats must be made public, so that documents created in Microsoft applications may be read by programs from other makers, on Microsoft's or other operating systems. This is in addition to opening the Windows application program interface (API, the set of ''hooks'' that allow other parties to write applications for Windows operating systems), which is already part of the proposed settlement. Any Microsoft networking protocols must be published in full and approved by an independent network protocol body. This would prevent Microsoft from seizing de facto control of the Internet. Microsoft should also be forced to divest its holdings in Apple. This investment effectively means that Microsoft not only controls the 90% + of the PC market but the remaining market of Apple computer users.

Failure to address Ill Gotten Gains

Completely missing from the proposed final order is anything that would make Microsoft pay for its past misdeeds, and this is an omission that must be remedied. Microsoft is hardly a first time offender, and has never shown remorse for its conduct, choosing instead to repeatedly attack the motives and character of officers of the government and members of the judiciary. Microsoft has profited richly from the maintenance of its monopoly. On September 30, 2001, Microsoft reported cash and short-term investments of $36.2 billion, up from $31.6 billion the previous quarter—an accumulation of more than $1.5 billion per month. It is astounding that Microsoft would face only a ''sin no more'' edict from a court, after its long and tortured history of evasion of antitrust enforcement and its extraordinary embrace of anticompetitive practices—practices recognized as illegal by all members of the DC Circuit court. The court has a wide range of options that would address the most egregious of Microsoft's past misdeeds. For example, even if the court decided to forgo the break-up of the Windows and Office parts of the company, it could require more targeted divestitures, such as divestitures of its browser technology and media player

technologies, denying Microsoft the fruits of its illegal conduct, and it could require affirmative support for rival middleware products that it illegally acted to sabotage. Instead the proposed order permits Microsoft to consolidate the benefits from past misdeeds, while preparing for a weak oversight body tasked with monitoring future misdeeds only. What kind of a signal does this send to the public and to other large corporate law breakers? That economic crimes pay! Please consider these and other criticisms of the settlement proposal, and avoid if possible yet another weak ending to a Microsoft antitrust case. Better to send this unchastened monopoly juggernaut a sterner message.

Thank You
Doug Zerafa

MTC–00017339

From: Anthony Coleman
To: Microsoft ATR
Date: 1/23/02 1:02pm
Subject: Microsoft Settlement

MTC–00017339—0001

The proposed settlement is a bad idea. It does not limit or punish microsoft enought for what it did.

They are guilty.

They should be punished!!

MTC–00017340

From: Fritz Geier
To: Microsoft ATR
Date: 1/23/02 1:00pm
Subject: Microsoft Settlement

Dear Sir/Madam:

The proposed settlement of the Microsoft case does not contribute to the expansion of options or alternatives to the Microsoft operting system or range of productivity software. The settlement amounts to a slap on the wrist; there needs to be a more suitable settlement that encourages and protects the development of non-Microsoft software solutions. Witness the proliferation of viruses and worms that affect only MS systems. As a user of both Intel and Macintosh systems, I can assure you that the Mac side of the computing world is far less affected by the proliferation of such security problems. The promotion of Miscrosoft's operating system and other software through minimal penalties only encourages such corporate behavior further and serves to discourage other superior software (witness Be OS) development. Please reconsider the implementation of the proposed settlement terms.

Respectfully,
Fritz Geier

MTC–00017341

From: owner@thehitechgroup.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

Enough! You have more controls to insure the settlement is enforced than is sane now. The foes of Microsoft wish to disband the company why are you so intent in helping them? Enough I say! Settle for the current settlement and let the computer industry go on.

MTC–00017342

From: bonzelet@voyager.net@inetgw
To: Microsoft ATR
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement

I feel the the current settlement is more than sufficient and should be accepted by the Federal and State governments.

MTC–00017343

From: Brian Schwarz
To: Microsoft ATR
Date: 1/23/02 1:02pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future in any significant way.

Sincerely,
Brian Schwarz

The opinions expressed here are may expressed here are my own, and do not reflect those of my employers—past, present, or future.

MTC–00017344

From: Burnett, Mark Michael (UMKC-Student)
To: Microsoft ATR
Date: 1/23/02 1:02pm
Subject: Microsoft Settlement

Regarding the proposed settlement of Microsoft's illegal business practices:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

I have read stories (which I believe) indicating that Microsoft is actually calling their customers telling them to submit comments on the settlement in favor of Microsoft during the Tunney Act comment period. Microsoft claims that the trial itself is the real cause of strain on the economy and that supporting Microsoft for a quick, unrestricted settlement is the best way out.

This is absurd. Microsoft is merely using its unprecedented marketing (read monopolistic) power to try and win this uphill legal battle. Because of this propaganda, the people are not being fairly represented— no one is calling Microsoft clients and telling them the other side of the story. That's simply too expensive.

This propaganda of Microsoft's may gain them popularity, but what's popular is not always what's right. I argue that this abuse of their resources to further their legal position shows us unequivocally that Microsoft will continue to abuse their position in the market after this settlement is finalized.

Mark Burnett
1024 NE Hunter's Ridge
Lee's Summit, MO 64086

MTC–00017345

From: Bob Hardy
To: Microsoft ATR
Date: 1/23/02 1:02pm
Subject: Microsoft Settlement

Dear officials of the court:

I think that the proposed settlement of the Microsoft case is slanted in favor of Microsoft. It permits them to continue doing many of the same anti-competetive things they've done for many years. This is more specifically outlined in the following document: http://www.kegel.com/remedy/letter.html It seems that there's far more in the settlement that's favorable to Microsoft's continuing monopoly and anti-competetive tactics than there is to the entire remaining software development world—and that is bitterly wrong. Microsoft should not be crushed out of existence, but they should have to live in the same world as everyone else in their business, which has not been the case for far too long.

Thanks for your attention!

MTC–00017346

From: David Caldwell
To: Microsoft ATR
Date: 1/23/02 1:02pm
Subject: Microsoft Settlement

To whom it may concern,

I think the proposed Microsoft Settlement is a bad idea. I believe much harsher restrictions need to be applied to Microsoft. Please reconsider.

David Caldwell

MTC–00017347

From: dawson—d@mail.daxcon.com@inetgw
To: Microsoft ATR
Date: 1/23/02 1:20pm
Subject: Microsoft Settlement

In my opinion, the proposed settlement is a bad idea. It amounts to a slap on the wrist and allows Microsoft to continue with business as usual. Let us do the right thing and let the punishment suit the crime.

Regards,
Don Dawson
Systems Administrator,
DAXCON Engineering, Inc.
5607 S Washington St.
Bartonville, IL 61607
email: dawson—d@daxcon.com
http://www.daxcon.com
Phone—309–697–5975
Fax—309–697–5976

MTC–00017348

From: Ryan Leigland
To: Microsoft ATR
Date: 1/23/02 1:02pm
Subject: Microsoft Settlement

The proposed Microsoft settlement (Civil Action No. 98–1232 (TPJ)) is flawed because it grants no rights to open source software, which is generally acknowledged to be the main competitor to Microsoft. Any proposal that does not give those rights is destined to fail.

MTC–00017349

From: R
To: Microsoft ATR
Date: 1/23/02 1:02pm
Subject: Microsoft Settlement

I am against the proposed settlement in the Microsoft case. I do not think it achieves the goal of preventing Microsoft from stifling competition. Competition leads to better

products, more choices, and cheaper prices for goods.

Several areas not well covered by the agreement in my opinion include: Incompatibilities that have been documented as introduced by Microsoft into their products to crush competition and limit consumer choice. And penalties Microsoft has levied on sites that choose to run non-Microsoft operating systems in their environment.

Thank you.

Robert Danford
109 Abertdeen Ct
Carrboro, NC 27510

MTC–00017350

From: George Tucker
To: Microsoft ATR
Date: 1/23/02 12:56pm
Subject: Microsoft Settlement

Dear DOJ,

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I feel that the settlement is weak and full of holes that Microsoft has already begun to take advantage of. Microsoft should not be permitted to migrate their dominance on the desktop to control of the internet.

The current settlement allows Microsoft to determine standards and gives Microsoft veto power over the areas of interoperability, middleware development, and the Open Source environment.

Giving one corporation, that has already been found guilty of monopolistic practices, control of the entire computing universe is the antithesis of what you should be trying to accomplish.

George Tucker

MTC–00017351

From: Bruce Mohler
To: Microsoft ATR
Date: 1/23/02 1:02pm
Subject: Microsoft Settlement

Dear Department of Justice,

While I heartily approve of what you are doing in many, many areas (especially in your participation in the war on terrorism), I believe that the proposed ''settlement'' with Microsoft is a bad idea.

While the Court of Appeals affirmed that Microsoft has a monopoly on Intel-compatible PC operating systems and while the Court of Appeals affirmed that Microsoft is liable under Sherman Act for illegally maintaining its monopoly by imposing licensing restrictions on OEMs and others, by requiring ISVs to switch to Microsoft's JVM (Java Virtual Machine), by deceiving Java developers, and by forcing Intel to drop support for cross-platform Java tools, there is essentially no penalty being placed on Microsoft for this behavior. Please, please review the penalty and do something to free our computer industry from the unrestrained influence of Microsoft.

Thank you.

Bruce Mohler

Software guy...Of course my password is the same as my pet's name. My dog's name is rit5%ang, but I change it every 90 days.

MTC–00017352

From: Morgan Hall
To: Microsoft ATR
Date: 1/23/02 1:02pm
Subject: Comment on Microsoft Settlement

Greetings,

Thank you for the opportunity to comment on the pending Microsoft anti-trust settlement.

I am not learned in law, but I am opposed to the settlement proposed by the Department of Justice for several reasons:

1. First and most important—Microsoft's past actions have shown them not to be trustworthy. As I understand it, this case came about because they found a loophole in the earlier judgement and did violence to the spirit of it while barely following the letter. Common sense tells me that one cannot reasonably assume that their corporate culture will change in a very short time.

2. Microsoft's present behaviour shows that they are still attempting to leverage their monopoly into more and more areas.

3. Even I, a total novice in points of law, can see several glaring loopholes in the proposed settlement. For example, by declaring certain interfaces as sensitive to security breaches, it may be possible to totally disable programs such as ''samba'' that allow non-Microsoft software to interoperate with Microsoft software.

I would suggest that some sort of relief be crafted that would accomplish the following:

1. Ensure that non-Microsoft software could operate easily and fully (all functions work!) with Microsoft software.

2. All Microsoft file formats be fully documented and open. Thus other applications could be crafted to seamlessly interoperate with Microsoft products.

3. Establish some form of interoperability oversight body that has real teeth. A body consisting of at least five experts in the art of programming, which Microsoft has no voice beyond a single non-voting representative. Independent developers could take problems with Microsoft interoperability, documentation of interoperability, file formats, and documentation of file formats to this board. The board should have the authority, should Microsoft be recalcitrant, to stop shipments and sequester all income until the problem is resolved.

4. Establish that whatever prices Microsoft charges for software will be applied uniformly (with volume discounts as appropriate). This should include such things as co-operative advertising and other forms of non-cash renumeration to VAR's and retailers. Should a VAR (for example) be ''punished'' by Microsoft for using or reselling non-Microsoft products, the person or business should be entitled to at least triple damages.

I feel that unless there is a real, strong, incentive to comply, Microsoft will continue acting barely within their interpretation of the letter of the law and ignoring the spirit of it, as well as ignoring any sembalance of ethical behaviour.

Thank you again, for this opportunity to comment.

Morgan Hall

MTC–00017353

From: Braz Brandt
To: Microsoft ATR
Date: 1/23/02 1:03pm
Subject: Microsoft Settlement

To Whom It May Concern:

Looking at my calendar, I took notice of today's date and the rapidly approaching end to the period alloted for public comments regarding the Proposed Final Judgement against Microsoft as negotiated by Microsoft and the Department of Justice. Realizing that I have not yet taken the time to respond to the Proposed Settlement, I feel compelled to do so now, before the period alloted expires.

I want to express my extreme displeasure with the Proposed Final Judgement, and stress to all parties involved with the review of the Proposed Final Judgement that this settlement, as currently written, does little to address the issues raised by Judge Jackson and further upheld during appeal. Indeed, the settlement can be seen as ineffectual, given the tendencies of Microsoft to frequently redefine and at times even ignore the directives of the Department of Justice and established US Laws.

Unlike many people in my line of work, I will not take the time to raise the issues that fall outside the scope of both the Department of Justice's case against Microsoft. Instead, I would like to focus on what I feel is the primary problem with the settlement, and highlight this problem as just one of several.

The Court of Appeals upheld Judge Jackson's Findings of Fact, which stated that Microsoft holds a monopoly in operating system software, and additionally, that Microsoft has used that monopoly power to stifle competition and even destroy competitors. Further, Microsoft was found to have used its tight control over the operating systems ''APIs'' to prevent competition with its own products, by creating an artifically high barrier for would-be competitors to overcome.

To that end, the Proposed Final Judgement should remedy this situation. Specifically, my concerns are regarding the imposed publication of Microsoft APIs. If defined and implemented properly, this action would have a significant effect not only on middleware vendors, but also on operating system developers; said developers could use those APIs to provide the underlying functionality of Windows without the currently-necessary reverse-engineering required to extract and implement these standards. As it currently stands, an operating systems developer must spend quite a large amount of time examining, studying and interpreting the API calls any application makes to the Windows family of operating systems. Once this is done, the developer can then implement and design replacement operating system services, so that these applications can run as seamlessly as possible on new, ''Windows-compatible'' operating systems. Obviously, the development of Windows-compatible operating systems would be detrimental to Microsoft's sales and market-share. To prevent the growth of such alternatives to Windows, Microsoft has refused to publish their Windows APIs to the public, and has taken great pains to make the reverse-engineering of those APIs a difficult task. Microsoft routinely and with great care makes changes to the Windows APIs, and

then releases products that take advantage of these new, unpublished APIs. Therefore, any development efforts invested in deciphering Windows API calls are rendered useless with each new version of Windows.

To remedy this situation, the Department of Justice has attempted to force Microsoft to open their APIs to developers. However, while the gesture is one that is welcome, its implementation leaves much to be desired. First, the proposed settlement narrowly defines APIs as the interfaces between Microsoft Middleware Products and Microsoft Windows Operating System Products. Furthermore, the settlement then further narrows the scope of ''Middleware Products'' to be a subset of existing Microsoft technologies— Internet Explorer, Outlook Express and Windows Media Player, for example— and ''Windows Operating System'' as Windows 2000, Windows XP and their successors.

If Microsoft didn't have a history of both creating/purchasing new operating systems technologies and also shifting focus away from current operating systems in favor of other technologies, these definitions might only be considered questionably narrow in scope. However, as Microsoft has shown in the past, it is more than willing to shift, redefine and create and/or purchase new technologies in order to reinforce its monopoly powers. The Department of Justice has ignored Microsoft's growning incroachment into the handheld and newly-emerging tablet PC markets, where Microsoft promotes and develops Windows CE and Windows XP for Tablet-PCs, respectively. The Proposed Final Judgement, with its narrow definition of ''Windows Operating System'', leaves Microsoft free to both continue its illegal and predatory business practices in the handheld computer market, but also to, at some future date, shift its operating system focus away from ''Windows 2000, Windows XP Home, Windows XP Professional and their successors'' to Windows CE, Windows XP Tablet-PC Edition or some third, as-of-yet undeveloped technology. Doing so would eliminate any legal requirements Microsoft would have to follow the terms of the proposed settlement. Additionally, with its narrow definition of ''Microsoft Middleware Products'', Microsoft isn't prevented from adopting new, emergining technologies—as it did with Internet Explorer—and incorporating them into the ''operating system'' to avoid the Middleware label. Furthermore, Microsoft could simply redefine these portions of Microsoft Middleware as essential parts of the operating system, and thereby refuse to publish any future APIs.

While I'm confident that the Department of Justice is interested in enforcing the Sherman Act and the Findings of Fact of the US District and Appeals Courts, the Proposed Final Judgement as currently written accomplishes neither of those goals. I hope that my brief overview of just one of the many problems with the proposed settlement brings to light the issues involved in dealing with Microsoft, a company with a history of ignoring law and judicial decree where they prove inconvenient. I also hope that the tide of company-sponsored statements, both for and against the proposed settlement, do not drown out the concerns of consumers and computer professionals like myself.

I would like to thank you for taking the time to review my comments. I look forward to any opportunity to discuss my comments further, and welcome each and every opportunity to provide input into the fair and equitable settlement of the Department of Justice's case against Microsoft.

Braswell Brandt, MCSE
Network Engineer
CC:senator@warner.senate.gov @inetgw,senator@allen.sen...

MTC–00017354

From: Edan Dalton
To: Microsoft ATR
Date: 1/23/02 1:03pm
Subject: Microsoft Settlement

The Microsoft settlement is a Bad Thing. Do not sell out the work of so many people in bringing Microsoft to justice by bending over bakcwards to give them a light punishment.

Edan Dalton

MTC–00017355

From: VicBerzins@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 1:03pm
Subject: Microsoft Settlement

To whom it may concern:

The proposed settlement, in my opinion, is woefully inadequate, and should be rejected.

As a computer professional for over 15 years, I have seen repeated examples of Microsoft using its clout (monopoly influence) in inappropriate, anticompetitive ways. This is what the court's findings of fact support. The sanctions offered in the proposed settlement may actually encourage companies to engage in these types of practices—because even when litigation is lost, the remedies will remain inconsequential and easy to circumvent—at least in the high-tech field.

I trust that this proposed settlement does not become an example of the protection from monopoly abuse we are to witness from the current judiciary. Thank you for considering my opinion,

Victor J. Berzins
76 Old Webster Rd.
Oxford, Ma. 01540

MTC–00017356

From:
rahuls+@postbox.ius.cs.cmu.edu@inetgw
To: Microsoft Anti Trust Trial
Date: 1/23/02 1:04pm
Subject: Microsoft Settlement

Under the Tunney Act, I would like to comment on the proposed Microsoft settlement.

Section III(J)(2) specifies that Microsoft need not describe nor license its API to companies that don't meet Microsoft's criteria as a business—which can be interpreted as including open source projects.

The proposed final judgement also fails to address the concern that Microsoft may introduce intentional incompatibilities (as it has done in the past) into its applications that will make it difficult (or impossible) for users on non-Windows platforms to run the software. I also encourage you to examine several other serious issues raised in the analysis at: <http://www.kegel.com/remedy/remedy2.html>

Sincerely,
Rahul Sukthankar
Cambridge, MA
CC:Rahul Sukthankar

MTC–00017357

From: Russell Edward Dekema
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:04pm
Subject: Microsoft Settlement

Dear Sir or Madam,

I would like to say that I am not in favor of the current proposed final judgment in this case. I feel that it does not go nearly far enough in preventing future anticompetitive acts by Microsoft, and many of the definitions contained within it are either too vague or incorrect. Insofar as you take public opinion into consideration on these matters, please count this as a ''vote'' (so to speak) against the current proposed settlement.

Sincerely,
Russell Dekema
1200 E. Ann #4227
Ann Arbor MI 48109

MTC–00017358

From: Kevin Ruddy
To: Microsoft ATR
Date: 1/23/02 1:04pm
Subject: Microsoft Settlement

I am against the proposed settlement. One of the biggest failures in the settlement is that file formats remain undocumented. It is extraordinarily difficult to reverse engineer a file format to be compatible with Microsoft's constantly-shifting Office suite, for example. In order to foster interoperability between Microsoft and its competition, and to create new competition, these file formats must be available to all.

There are many additional shortcomings, and I hope the Department of Justice makes a more serious and significant attempt to curtail Microsoft's monopoly and open the software industry to additional competition, which will help the United States in countless ways. It is poorly served by Microsoft's monopoly as it stands today.

Kevin Ruddy
42 Pantry Rd
Sudbury, MA 01776

MTC–00017359

From: Geoffrey Sanders
To: Microsoft ATR
Date: 1/23/02 1:04pm
Subject: Microsoft Settlement

I disagree with the current Microsoft/DOJ Settlement. This problem should be revisitied as the current settlement is not satisfactory.

G. Sanders
San Diego, CA 92129

MTC–00017360

From: Eric
To: Microsoft ATR
Date: 1/23/02 1:04pm
Subject: Microsoft Settlement

1 Microsoft has spent many years eliminating the competition through underhanded tactics. They started the BSA,

an orginization that publicly fights piracy through Federal Marshal-assisted raids and has a tendency to force businesses to convert to Microsoft software through thunder and bluster. Splitting up is too good for them.

MTC–00017361

From: wleddy
To: Microsoft ATR
Date: 1/23/02 12:16pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html), namely:

The PFJ doesn't take into account Windows-compatible competing operating systems Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

The PFJ Contains Misleading and Overly Narrow Definitions and Provisions The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered. The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertised as being ''Windows Powered''. The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible. The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows. The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

The PFJ Fails to Prohibit Anti-competitive License Terms currently used by Microsoft. Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows. Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems. Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)

The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

The PFJ Fails to Prohibit Anti-competitive Practices Towards OEMs The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

The PFJ allows Microsoft to discriminate against small OEMs—including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas. The PFJ as currently written appears to lack an effective enforcement mechanism.

I also agree with the conclusion reached by that document, namely that the Proposed Final Judgment as written allows and encourages significant anti-competitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

In summary:

The PFJ (a) does not punish Microsoft for crimes committed, (b) does not provide for restitution for its criminal actions (c) does not restrict Microsoft from continuing established criminal behavior, (d) does not restrict Microsoft from future criminal behavior, (e) ignores Microsoft's disregard for earlier consent decrees and its demonstrated contempt of the legal process as demonstrated by its flagrant misbehavior in court, (f) greatly impedes and restricts the efforts of competing systems, especially non-commercial competitors collectively referred to as ''Open Source''.

It amazes me that these criminals even have a say in their punishment, I can't recall any other crime where the criminals can negotiate their punishment. The PFJ is a travesty of justice.

Sincerely,
Bill Leddy
Director, Information Services
St. Stephen's & St. Agnes School
400 Fontaine St.
Alexandria, VA 22302
wleddy@sssas.org
(703) 212–2732 (v)
(703) 683–5930 (f)

MTC—00017362

From: Harold L. Brooks
To: Microsoft ATR
Date: 1/23/02 12:56pm
Subject: Microsoft Settlement

I object to the settlement. I am a network administrator. I deal with Microsoft's anti competitive practices everyday. Viruses, rebooting, crashing, reinstalling, corruption of standards (kerberos), software pricing, strongarm tactics, lack of security and much more. Justice must be served.

Harold L. Brooks
Network Administrator
Telecom solutions for a global marketplace. TM
Scitec, Inc.
1212 E. University Ave.
Urbana, IL 61802 USA
Telephone 217–384–6041, Fax 217–384–6501
Pager 217–261–0118
hbrooks@scitecinc.com
www.scitecinc.com

MTC–00017363

From: HolliePeter KounalisGiles
To: Microsoft ATR
Date: 1/23/02 1:04pm
Subject: Microsoft Settlement

MTC–00017363_0001

Dear DOJ representative,

I think the proposed Microsoft settlement is a bad idea. Microsoft deserves more than this mere slap on the wrist. I strongly agree with the criticisms of this settlement voiced here: http://www.kegel.com/remedy/remedy2.html

Sincerely,
Peter Giles

MTC–00017364

From: Matt Curtis
To: Microsoft ATR
Date: 1/23/02 12:50pm
Subject: Microsoft Settlement

To whom it may concern:

I feel that the proposed Microsoft settlement falls short in many ways, in its goal to remedy Microsoft's monopoly position. There are many loop-holes Microsoft can use (as it surely will, given its history of outright law-breaking) to continue its exclusionary and predatory business practices. For an excellent document describing many of the problems in detail, please see Dan Kegel's comments at http://www.kegel.com/remedy/remedy2.html. I whole-heartedly agree with his sentiments as stated in that document. The proposed settlement does not force Microsoft to release its stranglehold—it merely forces it in some cases to use loopholes, and leaves many problems untouched. I believe that unless a much stronger solution is put in place, Microsoft will continue to hold its monopoly and the technical industry will continue to suffer. There will be no forward progress in

the computing industry as long as a there is a giant to stomp out every flame of innovation that does not line its pocketbook in some way.

Matt Curtis,
American Fork, Utah
Software Engineer at Clearstone Corporation, Lindon, Utah

MTC–00017365

From:
coyote@anim.dreamworks.com@inetgw
To: Microsoft ATR
Date: 1/23/02 1:05pm
Subject: Microsoft Settlement

I am writing to indicate that I, as a US citizen and experienced software developer, object to the currently proposed final judgment in the United States vs. Microsoft case. My biggest objection is the lack of a requirement for clearly and publicly documented file formats. The use of undocumented file formats results in users, typically without their knowledge, being locked into using Microsoft or Microsoft approved software for accessing and sharing their data.

I have made the personal choice to not use Microsoft products. This has resulted in a significant amount of difficulty when I try to access information that other send me or to produce information that others can easily use. It causes even bigger problems when I try to access information that no one is actively maintaining and yet is in essence encrypted by Microsoft without the explicit permission of the owner of that data.

Requiring that all file formats be publically documented would significantly improve the ability for other products to compete effectively in the areas that Microsoft has been judged to engage in monopolistic practices.

Sincerely,
Nathan Wilson
1037 N. Rose St.
Burbank, CA 91505
velosa@cinenet.net

MTC–00017366

From: Ken Kimball
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 1:05pm
Subject: Microsoft Settlement

To Whom It May Concern:

In regards the currently proposed settlement in the Microsoft anti-trust case:

The proposed Microsoft settlement is completely inadequate in my opinion. As the Director of MIS of a small ($10 million) company, I deal with Microsoft and their business tactics each and every day. If there was any reasonable way that we could purchase and use competing products, we would. However, Microsoft has basically crushed any company and/or product that would make that possible. The currently proposed settlement would ultimately do nothing to alleviate this problem; therefore, Microsoft will not loose any of its monopoly power.

Please spend my and my colleague's tax money wisely and offer a settlement that alleviates the problem.

Sincerely,
Ken Kimball [kkimball@mossinc.com]
Director of MIS
Moss Inc [http://www.mossinc.com]

MTC–00017367

From: Michael Broggy
To: Microsoft ATR
Date: 1/23/02 1:11pm
Subject: Microsoft Settlement

To whom it may concern,

I have been using home computers for nearly 20 years, now, and have been increasingly frustrated as a consumer over the past decade or so whenever the idea of purchasing a new computer came up. Every system sold seems to come with a requisite ''Microsoft tax'' in the form of a bundled copy of Windows which I cannot refuse or get a refund for, which is extremely unfair as I never would choose to use Windows myself. Only by building my own systems from individual components can I get around this extra cost, but that often results in a more expensive system when all is said and done, as I don't benefit from volume discounts on computer components.

I haven't had the time to look into the nuances of the settlement, but I do agree with the essay written by Dan Kegel, found at http://www.kegel.com/remedy/remedy2.html—I have signed his petition and wanted to add my own opinion to the case, as I think capitalism is all well and good but there *are* rules and Microsoft has consistently sought to put itself on top by hook or by crook. Competition is *necessary* for progress and innovation—without it, Microsoft will seek to bleed their customers for as much money as possible without adding anything in the way of improvements with each successive version of their software.

If I were to break the law, I know I'd be punished—it seems unfair that any company or corporation can escape justice for *any* reason. They must be punished; they should be punished in such a way that they'd regret breaking the law in the first place and actions should be taken to ensure they could not do the same again.

Thank you for your time and attention,
Michael Broggy
Michael M. L. Broggy
System Analyst
Output Systems
The New York Times
212–556–8383

MTC–00017368

From: Gary Myers
To: Microsoft ATR
Date: 1/23/02 1:06pm
Subject: Microsoft Settlement

January 23, 2002
1110 Reynolds Blvd
Winston-Salem, NC 27105
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse,

The Proposed Final Judgement in the Microsoft Antitrust case is flawed in several ways. I will address one flaw that affects me personally. Sections III D and III E are good sections in that force Microsoft to allow competing software developers equal access to information reguarding system API's and communication protocols. However, I feel that these sections should go farther than they do in two ways.

First, file formats should be included. Microsoft has a history of using incompatible file formats for coerse users of Microsoft software to upgrade to newer versions. This same tactic same tactic can be used against competing software packages that attempt to interoperate with Microsoft products. Second, the only entities entitled to access the information made available by sections III D and III E are ''ISV's, IHV's, IAP's, ICP's and OEM's''. Granted that the definition provide for ISV is fairly broad (anyone involved in software development), the Final Judgement should make this information availble to the general public. As it stands, PFJ excludes private citizens who do not get paid to work in the software development field. As an owner of a Microsoft Operating System, I would like to be able to create software for my own personal use that will interact with my system correctly.

Thank you for taking the time to read my comments, and for your consideration is this matter.

Gary Myers

MTC–00017369

From: Dan Devine
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 1:07pm
Subject: Microsoft Settlement

Greetings,

My name is Dan Devine and I would like to voice my dissatisfaction with the current Microsoft settlement agreement between the United States of America and the Microsoft Corporation.

I believe that this settlement is lacking in the following ways:

A) It does not go far enough in preventing further illegal conduct and provides ample legal loopholes for them to continue past business practices under the guise of a settlement.

B) It allows Microsoft to benefit from past illegal practices both monetarily and through market position. Under the ''Findings of Fact,'' it has been determined that Microsoft is a monopoly and that they have improperly used their power to maintain and expand that monopoly. The proposed settlement does not provide a concrete remedy to this situation and therefore is ''not in the public interest.'' After viewing the proposed settlement, I was struck by the number of legal loopholes written into it. For each proposed requirement, there were options that Microsoft could use to continue thwart competition. These loopholes are unacceptable in light of Microsoft's past business practices, and would allow them to prevent competition in the future.

It is my belief that competition can be restored to the marketplace without unfairly harming/damaging Microsoft and without breaking the company into two or more smaller companies. I further believe that the alternative settlement offered by the state of California and others, is more in the public interest.

I further believe that the operating system (the software which governs the operation of electronic hardware) should either be ''open sourced'' for public view or be considered a ''Public Utility,'' and be regulated as such. This belief is not taken lightly, and I would only consider it given that Microsoft controls 90% of computer operating systems. As an analogy, imagine what would happen if the ''interface'' for consumer and industrial electricity was controlled by private a corporation with legal protection on it's specifications. Such a corporation could modify the specifications of it's power at will, making competing products incompatible according to business interests. Under the ''public utility'' analogy, specifications on the voltage and frequency are public thereby allowing competing firms to make safe and compatible consumer devices which benefit us all. Microsoft has been shown to create deliberate roadblocks to competition through ''incompatible file formats'' and ''degradation'' of file quality on competing products. The ability of one corporation to determine the direction of desktop computing has ominous implications, and should be curbed through government oversight.

As a conclusion, I hope that the proposed settlement is rejected as not being in the public interest.

Thank you for your time,
Dan Devine
4033 29th Ave. W
Seattle, WA 98199
(206)282–1958

MTC–00017370

From: Michael McHenry
To: Microsoft ATR
Date: 1/23/02 2:07pm
Subject: Microsoft Settlement

I'm writing to express my dismay at the proposed settlement which I believe will do little to curb the negative impact that Microsoft's monopoly has had on the computer software industry. I find the proposed remedies weak, and with little prospect of strong enforcement. Microsoft should be required to release all information regarding its file formats, should be required to have uniform terms for all OEMs not just the 20 largest, and its restrictive licensing which keeps Microsoft products from running on competing operating systems should be eliminated.

Sincerely,
–mike mchenry
CC:mchenry@rossumtech.com@inetgw

MTC–00017371

From: Robert Witcher
To: Microsoft ATR
Date: 1/23/02 1:09pm
Subject: Microsoft Settlement

The proposed settlement is a giveaway to Microsoft. I do not believe in this settlement.

Robert Witcher
Dovebid Computer Group
505–471–5211

MTC–00017372

From: John Berger
To: Microsoft ATR
Date: 1/23/02 1:07pm
Subject: Microsoft Settlement

The current settlement is bad for the country and for consumers. I have worked as a computer engineer for over twenty years, and have made my living servicing Microsoft products. Microsoft has abused their monopoly position, has violated previous court orders, and has falsified evidence. There is not sufficient oversight in the current agreement, nor is there sufficient remedy. The company should be split.

John Berger
6441 Balcom Ave
Reseda, CA

MTC–00017373

From: Scott Sesher
To: Microsoft ATR
Date: 1/23/02 1:02pm
Subject: Microsoft Settlement

Rather than go into the painful detail on every point where this proposed settlement falls short of protecting U.S. citizens from Microsoft's monopoly, I will instead focus on the one thing strangely absent from the proposed settlement.

Microsoft has been found to have abused it's monopoly power, hurting consumers, other businesses and open source developers. Yet there seems to be no real punitive measure in this proposed settlement. If I were to have been found guilty of a crime I would not expect the judge at sentencing to say only ''Don't do it again, we will be watching you.'' (Though in Microsoft's case this seems to be ''Don't do it again, you will be paying people to watch you, who can't say whether your naughty or nice). I would expect some punitive action. That seems to be missing here. Microsoft has made billions by exploiting its monopoly position and this proposed settlement seems to have no problem with them keeping it. Most bank robbers don't get to keep their loot, why should monopolist? Without the addition of some substantive punitive action, this proposed settlement rewards Microsoft's previous misdeeds.

Let me just add one thing further. Not to long ago the Justice Department seemed to have Microsoft on its knees, from the terms of this proposed settlement things seem to be the other way round now. Any speculation as to how this could come about in such a short time, and whether any laws were broken, is left to the reader as an exercise.

Thanks you for your time and consideration,

Scott Sesher
703 S. Sunset Lane
Raymore MO 64083

MTC–00017374

From: Jonathan Rippy
To: Microsoft ATR
Date: 1/23/02 1:06pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Per The Tunney Act I am emailing my comments on the Microsoft Settlement.

The proposed settlement is a bad idea. It is totally and completely a pro Microsoft Settlement; in their favor, without sufficient compensation or remedies for their violation of the Sherman Anti-Trust Act. In essence, settling for what Microsoft thinks it's own punishment should be and thus allowing them ways to circumvent and remove themselves from the penalties.

Dan Kegel provides some excellent insights into how this situation should be remedied. I offer a link to his web site for your review. http://www.kegel.com/remedy

I agree with his conclusion, namely that the Proposed Final Judgment as written allows and encourages significant anti-competitive practices to continue, would delay the emergence of competing Windows compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

Thank you for your time and attention in these matters.

Sincerely,
Jonathan Rippy

MTC–00017375

From: John Silver
To: Microsoft ATR
Date: 1/23/02 1:07pm
Subject: Microsoft Settlement

Dear Sir or Madam:

I think the proposed settlement is bad idea. It does little to punish Microsoft, does little to insure they will ''toe the line'' moving forward, and does not address the substantive issues which lead to creation of the Microsoft hegemony in the first place.

The settlement is little more than a wink and a nod towards corporate malfeasance, and an abrogation of the duties of the responsible government agencies.

I thank you for your consideration.
–John Silver

MTC–00017376

From: Jason Henriksen
To: Microsoft ATR
Date: 1/23/02 1:07pm
Subject: Microsoft Settlement

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. This settlement is widely perceived as a non-punishment for Microsoft. By allowing this settlement to go forward, the government sends the message that it is ok to break corporate law because you will not truely be punished for it. Many computer enthusiasts and business people are watching this trial and will base future behaviour around the outcome. If Microsoft is given a non-punishing settlement, people wil reason that it is ok to commit a crime so long as you have the the clout to avoid punishment. The courts must enforce a real punishment on what has been proven to be a real crime. If the courts do not enforce a truely behaviour changing penalty on Microsoft the rule of law over corporate america will be drastically weakened. A capitolist system depends on the rule of law to ensure a level playing field and promote competition. The people of the United States have charged the justice system with ensuring fair capitolist competition. Please do not let us down.

Jason Henriksen President, Hardy Henriksen Hughes Consulting Inc.

MTC–00017377

From: Chris Jeffries
To: Microsoft ATR
Date: 1/23/02 1:07pm
Subject: Microsoft Settlement

Dear Sir or Madam:

I believe that the following passage expresses my general concerns regarding the proposed settlement between the Department of Justice and Microsoft. I am sure that if I were to more completely research the agreement I would find even more which disturbs me; however the implications outlined below are quite disturbing even when unaccompanied by the rest of the settlement.

Thank you in advance for your time.

Sincerely,

Chris Jeffries

Taken from Robert X. Cringely's article published on December 6, 2001, at his website

(http://www.pbs.org/cringely/pulpit/pulpit20011206.html):

''Those who followed the case closely will remember that one of Microsoft's chief claims during the trial was that times and the nature of business have changed, and that anti-trust enforcement ought to be different today than it was when the laws were first passed in the early part of the last century. This is a fast-moving industry based on intellectual, rather than industrial, capital, goes the argument. Sure, Microsoft is on top today (and every day since it got bigger than Lotus around 1986) but, hey, that could change in a Redmond minute. This argument evidently didn't resonate with the court, though, since Microsoft was found guilty. Keep repeating to yourself: ''Microsoft is guilty.''

Well, Microsoft now appears to be exacting its revenge, leaning this time on the same letter of the old law to not only get a better deal, but literally to disenfranchise many of the people and organizations who feel they have been damaged by Microsoft's actions. If this deal goes through as it is written, Microsoft will emerge from the case not just unscathed, but stronger than before. Here is what I mean. The remedies in the Proposed Final Judgment specifically protect companies in commerce—organizations in business for profit. On the surface, that makes sense because Microsoft was found guilty of monopolistic activities against ''competing'' commercial software vendors like Netscape, and other commercial vendors—computer vendors like Compaq, for example. The Department of Justice is used to working in this kind of economic world, and has done a fair job of crafting a remedy that will rein in Microsoft without causing undue harm to the rest of the commercial portion of the industry. But Microsoft's greatest single threat on the operating system front comes from Linux—a non-commercial product—and it faces a growing threat on the applications front from Open Source and freeware applications.

The biggest competitor to Microsoft Internet Information Server is Apache, which comes from the Apache Foundation, a not-for-profit. Apache practically rules the Net, along with Sendmail, and Perl, both of which also come from non-profits. Yet not-for-profit organizations have no rights at all under the proposed settlement. It is as though they don't even exist.

Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...''

So much for SAMBA and other Open Source projects that use Microsoft calls. The settlement gives Microsoft the right to effectively kill these products.

Section Ill(D) takes this disturbing trend even further. It deals with disclosure of information regarding the APIs for incorporating non-Microsoft ''middleware.'' In this section, Microsoft discloses to Independent Software Vendors (ISVs), Independent Hardware Vendors (IHVs), Internet Access Providers (IAPs), Internet Content Providers (ICPs), and Original Equipment Manufacturers (OEMs) the information needed to inter-operate with Windows at this level. Yet, when we look in the footnotes at the legal definitions for these outfits, we find the definitions specify commercial concerns only.

But wait, there's more! Under this deal, the government is shut out, too. NASA, the national laboratories, the military, the National Institute of Standards and Technology—even the Department of Justice itself—have no fights. It is a good thing Afghanistan is such a low-tech adversary and that B-52s don't run Windows. I know, I know. The government buys commercial software and uses contractors who make profits. Open Source software is sold for profit by outfits like Red Hat. It is easy to argue that I am being a bit shrill here.

But I know the way Microsoft thinks. They probably saw this one coming months ago and have been falling all over themselves hoping to get it through. If this language gets through, MICROSOFT WILL FIND A WAY TO TAKE ADVANTAGE OF IT.''

MTC–00017378

From: Biker Grrl
To: Microsoft ATR
Date: 1/23/02 1:07pm
Subject: Microsoft Settlement

Dear Sirs,

As a US Citizen, I would like to take a moment to share my opinion on the proposed Microsoft Settlement as per my legal rights according to the Tunney Act. There are so many things wrong with this settlement that I don't know where to begin.

Although I believe that forcing Microsoft to make Window's API available to competitors is a start, the settlement gives Microsoft far too much leeway in determining who deserves this information. Why does the court assume that Microsoft will do the right thing here when they have violated the law so blatantly in the past ? Microsoft could refuse to share the Windows APIs with any company it wanted. This settlement would force many companies/organizations to take Microsoft to court to get these APIs. Frankly, these small lawsuits would be of little consequence to Microsoft. After all, litigating against the behemoth has drained the states coffers, what chance does a small to medium sized business have against it ? On that topic, I am outraged that Microsoft isn't being penalized for their illegal activities. Do drug dealers get to keep the money they made from the sales of their illicit substances ? No. Why is it that Microsoft made millions of dollars gauging customers on the price of their products because they were leveraging their Monopolistic power and yet get to keep every penny. Ironically, it is that money that is buying their way out of this. And don't think for a second that their donation to the schools ordered in the civil trial is a penalty. Let's face it, its an opportunity for the giant to gain market share in the only area they don't own. Here's an idea: how about Microsoft is forced to pay the states for costs associated with the lawsuit. As I see it, taxpayers have gotten screwed twice on this. Once when we were gouged on the software and again after we had to pay to take them to court to stop their terrible practices. How about we right this wrong and make them pay court costs ? I could continue on for quite some time about the problems with the proposed settlement, but I believe my previous arguments are sufficient to indicate that I am very much against his settlement. thank you for your time, Mindy Billingham 532 Tibet Rd Columbus, Ohio 43202.

MTC–00017379

From: Jason Robinson
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:09pm
Subject: Microsoft Settlement

To whom it may concern My Name is Jason Robinson. I am a US Citizen, age 26. Beyond those facts, no amount of justification should be necessary to accept the following as valid opinion. I do not agree with the currently proposed settlement. While it does appear to solve a few problems that led to microsoft becomming the Monopoly that it currently is, it does not propose adequate restrictions to bring back fair competition to the arena of computer operating systems, nor does it propose adequate repercusions to Microsoft for their past injustices. I am not a microsoft hater. I use their products every day just like you.....wheter we like it or not. Please provide a remedy that will provide just penalties to a company of Microsoft's size and wealth, and will restore the ability for companies and individuals to gain entry into the Operating System Market. Thank you for your time, Jason Robinson

MTC–00017380

From: Vijay Brian Gupta
To: Microsoft ATR
Date: 1/23/02 1:06pm
Subject: ''Microsoft Settlement''

First off, I would like to have my comments listed anonymously if possible. (I imagine many folks are holding off from contacting you for fear of upsetting Microsoft) It seems to me that the proposed settlement seems to be pretty useless in preventing future abusive behavior from Microsoft. Look at this way: Microsoft is a monopoly, they have been shown to abuse

that monopoly power in the past, despite court injunctions and consent decrees. My question is, how can this really to be solved without some sort of drastic measure. I.E.: Splitting up the company, or at least force them to standardize and release ''ALL'' APIs, protocols and file formats to the public. (No exceptions, especially security) The problem with the settlement is that it is incredibly vague, and allows Microsoft to basically go about business as usual. (They have proven through past behavior to have little concern for the intent of the law, and will bend and occasionally outright break any rules). You don't have to be a technology wizard to see this. Why does this bother me? I have been using computers for almost 20 years, and have seen the industry evolve and grow. I have known of, and followed many technologies since then, including those of Microsoft. Microsoft has systematically destroyed great technology after great technology. (More accurately, they destroy the company that invented the great technology, and ''invent'' it themselves). This was a way of life for them when they were a smaller player, and wasn't really breaking the rules. (It may have been consider playing dirty, but it was legal) Now that they are truly a monopoly (as proven in court) they must be held accountable for these actions. (As well as prevented from doing so in the future.) It is one thing for Microsoft to be able to spend more money on R&D to attempt to build a better product (Which invariably they seem to eventually pull off, after the innovator of said technology is destroyed or bought out). But for them to use bundling and such to extend their desktop monopoly into new areas is unforgivable. If they were required to sell these products separately like their competitors, It would keep their competitors alive longer so that thriving competition will keep products improving and the pressure on the monopolist to innovate. Not to mention, keep the incentive for innovation alive. One more point to consider in the proposed settlement is that Open Source applications and competitors are excluded from protection. (Check Section III(J)(2)... Competitors must meet Microsoft's criteria as a business for the settlement to apply. They must not bundle, they must release all API's, protocols and file formats to the public (and comply to these standards as released, only being allowed to change them if they publish the changes first.) If this is deemed too much to keep track of and non enforceable (being a drain on DOJ resources), I suggest you follow the original plan of breaking up Microsoft into separate companies. Please come up with a more equitable solution then has been proposed. (More enforceable, specific, and drastic).

Thank you,

Brian Gupta US Citizen

MTC–00017381

From: Rick Pufky
To: Microsoft ATR
Date: 1/23/02 1:08pm
Subject: Microsoft Settlement

To Whom It May Concern:

I would like to add some comments about the Proposed Settlement for the Microsoft Antitrust case. I do not believe that the Proposed Settlement will not effect many changes in its current state.

One area where a more fulfilling settlment could be made is in the area of Windows APIs. Currently, the definition of an API, in the Proposed Settlement, is too restrictive to be of any use. The current definition in the Proposed Settlement defines the API as an interface between Microsoft Middleware and Microsoft Windows. This definition does not include any of the other Windows APIs that are used by other applications. By changing this to include ALL Windows APIs, will open up the software field to other developers who have not previously had access to these APIs.

This is just one example of the changes that could be made to the Proposed Settlement to level the field between Microsoft and other software companies.

Thank you for listening,

Richard R. Pufky

Rochester, NY

MTC–00017382

From: John Biederstedt
To: Microsoft ATR
Date: 1/23/02 1:07pm
Subject: Microsoft Settlement

Under the provision of the Tunney Act I would like this communication to be considered to be a complaint against the proposed settlement. The proposed settlement relies on definitions which deviate from the court's finding of fact in respect to operating systems, middleware, application programming interfaces, and software. The settlement's definitions are narrow enough to allow Microsoft to utilize restrictive licensing and concealment of APIs to protect and extend its current monolopy in some cases by simply changing the versioning format of a middleware software product. Clearly, the proposed settlement will not significantly prevent Microsoft from continuing its harmfull monopolistic bahaviour.

The proposed settlement also does not even try to address problem of undisclosed file formats which earlier courts found to be one of Microsoft's tactics to protect its monopoly. I do not beleive the proposed settlement will remedy or improve Microsoft's monopolist practices.

As a further comment, I find it disheartening that a corporation can so selectively choose its final legal remedies after violating US law.

MTC–00017383

From: Peter Vessenes
To: Microsoft ATR
Date: 1/23/02 1:11pm
Subject: Microsoft Settlement

Dear US DoJ,

I'm a business owner who uses a mix of closed and open sourced products, and I believe that the PFJ for Microsoft is bad for my business (10 employees), and bad for the economy as a whole. A significant percentage of the US population is employed by a small business—While I don't claim to speak for all small businesses, I imagine my situation is a common one.

I'm not a lawyer, and I can't analyze the PFJ in any legally meaningful way, but I do know what things are bad for my business. The letter at http://www.kegel.com/remedy/letter.html details much better than I could many problems with the PFJ.

For example, the note ''The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents'' is astounding to me. As a small business, each new computer costs us about $1,000, or about 10% of our hiring and training costs. If we add in the costs for Microsoft operating systems and applications, that number rises to about $1,800—8% of our cost for hiring an employee go directly to Microsoft!

The straight truth right now is that there are no competitors to Microsoft in the Office arena, which offer sufficient functionality to run our company. Our business must have software that reads and writes standard Microsoft Office file formats if we are to connect with other companies. Open Source programs like StarOffice keep up with Microsoft's changing file standards as well as they can, but it's a part of Microsoft's strategy to introduce backward incompatibility in software products.

This only hurts the economy, and finally the consumer! I do not need the new features of Microsoft Office XP, in fact I would be quite content to use the features found in Office 97, or Office 95. What I do need is to be able to send and receive documents in a format other companies can understand.

If Microsoft were to open their file formats, by writing _complete_ technical descriptions of them, other companies would be able to introduce competing products which could interoperate, thereby nullifying one aspect of Microsoft's Office monopoly in corporate America. The competition would reduce the cost of those software products, and let me put my money into things like salary and corporate giving, rather than Microsoft's multi-billion dollar cash coffers.

Thank you for your time! I would be pleased to discuss this matter with you further if you are interested.

Peter Vessenes

President, Ybos Corporation

617–621–7787

http://www.ybos.net

MTC–00017384

From: Greg Licon
To: Microsoft ATR
Date: 1/23/02 1:09pm
Subject: Microsoft Settlement

Please don't allow this case to be settled without the separation of Microsoft from Windows. They can still make or break a company just by entering the market. Look at WebTV, Netscape, (Sony PlayStation soon), and numerous others.

One of the reasons Apple can't get beyond 5% market share is the applications barrier. Microsoft makes Office and Internet Explorer for the Mac...other than that there are no current enterprise applications written by Microsoft for the Mac platform or any other platform except Windows. If Microsoft had Windows taken away from them there would be no bias against which platform to develop their applications and the platforms could each compete with a level playing field. Greg Licon Concerned Professional (925)825–4765

MTC–00017385

From: Charles Kerr
To: Microsoft ATR
Date: 1/23/02 1:08pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the Revised Proposed Final Judgement in the Microsoft antitrust trial. While it is an improvement over the previous proposal, the revised proposal still has many stipulations that are unlikely to be enforced.

Here are the stipulations that I find questionable, from section III, ''Prohibited Conduct'', of the revised proposal.

A. ''or by withholding newly introduced forms of non-monetary Consideration (including but not limited to new versions of existing forms of non-monetary Consideration)'' This does not address the possiblity of Microsoft witholding existing forms of non-monetary considerations from OEMs for supporting non-Microsoft products.

A. 2. ''shipping a Personal Computer that (a) includes both a Windows Operating System Product and a non-Microsoft Operating System, or (b) will boot with more than one Operating System;'' Does not address the possiblity of an OEM shipping some computers without any Microsoft Operating System at all.

C. 1. ''except that Microsoft may restrict an OEM from displaying icons, shortcuts and menu entries for any product in any list of such icons, shortcuts, or menu entries specified in the Windows documentation as being limited to products that provide particular types of functionality, provided that the restrictions are non-discriminatory with respect to non-Microsoft and Microsoft products.'' Microsoft could claim that a product that competes with their own product has a prohibited type of functionality. It's easy to take two programs that provide a similar, but not identical, functionality and add the difference to the list of prohibited functionality. To be plain, I don't see what possible positive use this condition could have. Surely if the OEM wants to add value by including software, that's should be the OEM's decision?

C. 3. ''Launching automatically ... any Non-Microsoft Middleware if a Microsoft Middleware Product that provides similar functionality would otherwise be launched automatically at that time'' Seems to allow Microsoft to limit middleware functionality to only the set provided by Microsoft middleware.

If a .NET competitor added extra functionality for a competitive advantage, could an OEM be restricted from bundling it?

C. 3. ''provided that any such Non-Microsoft Middleware displays on the desktop no user interface or a user interface of similar size and shape to the user interface displayed by the corresponding Microsoft Middleware Product.'' This forces competing software vendors to follow Microsoft's lead in these type of products and again seems to restrict functionality to only that supported by Microsoft middleware.

D. It's been commented on elsewhere that this section allows Microsoft to shut out noncommercial concerns, such as Free Software projects and government agencies, from docuementation. The definition of ISV seems to be wide enough to address these concerns, but I include this point here in case my interpretation is in error.:)

E. ''and (ii) used to interoperate natively (i.e., without the addition of software code to the client operating system product) with a Microsoft server operating system product.'' This clause seems to add a loophole without any apparent benefit.

F. 2. ''Except that Microsoft may enter into agreements that place limitations on an ISV's development, use, distribution or promotion of any such software if those limitations are reasonably necessary to and of reasonable scope and duration in relation to a bona fide contractual obligation of the ISV to use, distribute or promote any Microsoft software or to develop software for, or in conjunction with, Microsoft.'' What is the interpretation of ''reasonable''? Would it be reasonable, for example, for Microsoft to place limitations on an ISV's ability to distribute Linux if the ISV entered into a contractual obligation to distribute Windows?

G. 1. This stipulation is contradictory. It claims that Microsoft may not enter into a contract that will force the other party to exclusively or favorably deal with Microsoft products as opposed to competing products. Then it says that they actually can do this as long as they can provide numbers that show it is reasonable to favor the Microsoft product. Since Microsoft has such a large percentage of the market they will always be able to produce numbers that show this. The DOJ must never let them enter into an agreement that removes the other parties right to use a competing product.

H. 3. ''without first seeking confirmation from the user'' The entire idea of automatically altering an OEM's configuration of icons, shortcuts, or menu entries seems to be nothing more than a way of circumventing section III C, and should be prohibited. Barring that, there should be constraints on what form this confirmation will take. Will it pop up each time Windows is booted after the first 14 days? Will it be explain the choice, or simply say ''Your Windows configuration may not be correct. Would you like to correct it?''

J. 1. This clause would seem to break other interoperability clauses. How, for example, will third-party tools be able to interoperate with the Microsoft platform if the authentication protocols are closed?

J. 2. ''(b) has a reasonable business need for the API, Documentation or Communications Protocol for a planned or shipping product'' ''(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business'' ''(d) agrees to submit, at its own expense, any computer program using such APIs, Documentation or Communication Protocols to third-party verification, approved by Microsoft, to test for and ensure verification and compliance with Microsoft specifications for use of the API or interface''

This condition will allow Microsoft to close off documentation from free software developers, such as Linux and its tools like Samba. These are non-commercial programs, and therefore have no ''business need''. Likewise, not many free projects will have the funds to comply with J.2.(d).

Moreover, this agreement only limits Microsoft's future behavior. It does nothing to punish them for past behavior that has been found to be anticompetitive.

Thank you for your time.

Charles Kerr
Software Developer

MTC–00017386

From: tkeith@mindspring.com@inetgw
To: Microsoft ATR
Date: 1/23/02 1:08pm
Subject: U.S. v. Microsoft
Re: U.S. v. Microsoft

It is ironic that the FBI has moved to prevent Enron from destroying documents, yet Microsoft which was declared guilty by our Federal judiciary system has succeeded in invoking Constitution liberties which were intended for the sole protection of individuals against strong interests, to advance their own corporate greed. Why is it that Enron is dirty rotten scum, yet Microsoft has somehow gained the confidence of the masses, that even Conservatives commonly believe that Microsoft is an example of the little guy who made it big.

Regards,
Tim Keith
28501 Bonn Mountain Drive
San Antonio TX 78260
CC:tkeith@mindspring.com@inetgw

MTC–00017387

From: ross.wentworth@
ascentialsoftware.com@inetgw
To: Microsoft ATR
Date: 1/23/02 1:25pm
Subject: Microsoft Settlement

The proposed settlement in the Microsoft Antitrust case, if implemented, would be an outrage. Microsoft has consistently shown contempt for the law by acting as if they are not bound by any settlements. Furthermore, the settlement would not punish Microsoft for illegal behavior they have been found guilty of, nor would it prevent any future anti-competitive actions by Microsoft.

A reasonable settlement would include the following at the minimum:

1. A fine of no less than one billion dollars, CASH, no donations to public schools in obsolete hardware and Microsoft software, which would only further Microsoft's monopoly.

2. Break Microsoft into two companies, seperating the operating system portion from all other software divisions. Internet access 3. software such as ''Internet Explorer'' should never be considered part of the operating system.

4. Require Microsoft to make the operating system API publicly available in full.

5. Disallow the non-OS divisions of Microsoft from using hidden/non-public API features.

6. Disallow exclusive OS contracts with retailers and OEMs. This was attempted before, but was ignored by Microsoft.

7. Require Microsoft to implement uniform licensing fees and to the pricing system public (to prevent further abuses of point 6).

Thank you for listening.

Rossz Vamos-Wentworth
Dublin, California
925–803–8310

MTC–00017388

From: Bill Amend
To: Microsoft ATR
Date: 1/23/02 1:09pm
Subject: Microsoft Settlement

To whom it may concern,

I have been informed that under the Tunney Act, comments from the public may be taken into account. This is to express my unease with the proposed terms of a settlement with Microsoft over its monopolistic practices. It seems clear to me that any settlement must favor Microsoft's competitors more than what is being proposed.

Please reject the proposed settlement terms.

Sincerely,
William Amend
Kansas City, MO

MTC–00017389

From: David (038) Laura Totten
To: Microsoft ATR
Date: 1/23/02 1:10pm
Subject: Microsoft settlement

Most, if not all, countries want to have companies like Microsoft. Some countries even work with their industries to develop dominate industry positions. It is bewildering to me that our government, via lobbyist money, is trying to interfere with business. This interference can only lead to higher prices to the consumer, while our legal system and other governments bleed money and resources away from business (Microsoft). In effect, our government is harming its own citizens and country while trying to ???spin??? this action as protection. Protection from what—better value, better pricing and better competition?

It is a mystery to me why the federal appeals court did not throw out the whole case Judge Thomas Penfield Jackson was involved in. This judge was prejudice against Microsoft before the case began. According to our legal system Microsoft can not even give away its product to the needy or to the schools. Who is the judicial system trying to help, the citizens or special interests? I do not believe Microsoft is harming US consumers. I do not believe business should not be run by lobbyists in the government. Allowing competing companies to, in effect, lobby the judicial system to gain advantage can only hurt consumers and our economy.

The problem is some other companies did not, and do not, compete as well as Microsoft. Microsoft is only dominate in its operating system and office software. It appears that competitors to Microsoft want an unfair advantage so they don???t have to be as competitive. This harms a free economy.

CC:Daryl Totten

MTC–00017390

From: Marv Pribble
To: Microsoft ATR
Date: 1/23/02 1:09pm
Subject: Microsoft Settlement

I am a software consultant. I am aware everyday of the increased cost of doing business caused by Microsoft's monopoly. Many of my customers would be much better served in a more competitive environment. The proposed settlement is an insufficient solution and should be modified to ensure competition.

Marv Pribble

MTC–00017391

From: rich@lesh.net@inetgw
To: Microsoft ATR
Date: 1/23/02 1:10pm
Subject: Microsoft Settlement

Hello,

I am writing because I believe that the proposed Microsoft Settlement is a very bad idea.

You are obviously aware of all the arguments on both sides so I won't go into them all. But basically my opinion is this... Microsoft is a convicted predatory monopolist. They have not admitted to their wrongdoing, do not seem to understand what they have done wrong and continue to figure out ways around the law to monopolize other markets. They have been convicted more than once, one would think they would learn. Because of this, a behavioral remedy is out of the question. It is too costly and difficult for the court to manage, and as Microsoft's past behavior has shown, they will work around the remedy.

A structural remedy is the only effective solution. To restore competition to this market and to stop the predatory behavior, Microsoft must be broken into competing OS and Applications companies, maybe three OS and three Applications companies. This worked in the Standard Oil case and monopolizing the computer market is equivalent to the wrong Standard Oil did in monopolizing the oil market. The computer market is as critical to our economy as the oil market was 100 years ago. It can not be left in the hands of a twice convicted monopolist for the sake of our economy. Breaking Microsoft into an OS company and an Applications company as was the previous remedy is flawed because it creates two monopolies. It is as bad as the AT&T break up which did not create competing entities with the regional Bells. The whole purpose of anti-trust laws is to restore competition. Please do this by breaking Microsoft into competing units.

Rich Lesh
St. Peters, MO
Software Developer, Small Business Owner

MTC–00017392

From: Ralph Rodkey
To: Microsoft ATR
Date: 1/23/02 1:05pm
Subject: Microsoft Settlement

I'm a Computer Science major at a small private college in Indiana, so these Microsoft hearings have a potentially serious impact on the landscape of the industry that I've chosen to spend the rest of my career in. I have several major concerns concerning the Proposed Final Judgment. First, I would love to see the middleware APIs opened, but the Proposed Final Judgment has flawed definitions that would allow Microsoft to easily re-close the APIs by changing version numbers. Second, the provisions concerning OEMs do not limit Microsoft's ability to extend its monopoly, specifically on Intel hardware. Third, and most important, no consideration is made of any Open Source software. The PFJ only places limits on commercial operating systems. Microsoft itself has stated that Linux is its prime competitor at the moment, yet the PFJ makes no mention of limits in this area. I consider this issue to be extremely important. The developers of Open Source generally work on their own time and money, and thus have nothing approaching the resources that Microsoft can bring to bear, both financially and legally. Many cutting-edge technologies are developed through the Open Source process, and allowing Microsoft to subsume this would be a grievous hurt to the entire industry. Please consider these issues, and thank you for your time and effort.

Ralph Rodkey
rodkeyrr@rose-hulman.edu

MTC–00017393

From: Jannes Pockele
To: Microsoft ATR
Date: 1/23/02 1:11pm
Subject: Microsoft Settlement

Dear Sir, Madam,

I would hereby like to express my doubts about the effectiveness of the proposed settlement in the Microsoft case. I am sincerely concerned about Microsoft's position in the software market, and I don't believe the proposition lives up to the harm done in the past, nor does it provide enough of a remedy for the future. Mellow as it is, half a punishment will reduce itself to no punishment at all with a company that has the financial power Microsoft has; words will be bent, restrictions circumvented, new tricks will be learned, and legal statements adapted, reducing what's already too small a price to pay, to basically nothing. Strong, adequate measures should be taken against Microsoft—being fully accountable for their actions—so as to ensure that at least something's left after Washington lobbying and stretching legal phrases beyond recognition. It should not be let off easily, clearly still not having understood the message.

Kind regards,
Jannes

MTC–00017394

From: Erin Towner
To: Microsoft ATR
Date: 1/23/02 1:11pm
Subject: Microsoft Settlement

proposed settlement is bad idea.

MTC–00017395

From: Sasha Zucker
To: Microsoft ATR
Date: 1/23/02 1:11pm
Subject: Microsoft Settlement

To whom it may concern,

I feel that the proposed settlement for the Microsoft anti-trust case is a bad idea as it does not even begin to address problems caused by the monopoly in the operating system and web browser industry that the aforementioned corporation has been found to possess.

thank you,
Sasha Zucker
szucker@mac.com

MTC–00017397

From: Damon Richardson

To: Microsoft ATR
Date: 1/23/02 1:11pm
Subject: MS Settlement.

I find that I am outraged over the purposed settlement with MS.

There are too many loop holes. And as I read it... It's in favor of MS. I feel that many of the terms in the document will actually help Microsoft keep control of their monopoly.

I also feel that the persons in charge of the proceedings are not qualified to stand in judgment of Microsoft and lack a basic understanding of how Microsoft has conducted it's self in regards to crushing competition. Also there does not seem to be any understanding of how Microsoft has used proprietary protocols to lock out NON Microsoft client software.

Thank you,
Damon C. Richardson
9810 hudson
St. Louis, MO 63119
Software Developer

MTC–00017400

From: Brian Degenhardt
To: Microsoft ATR
Date: 1/23/02 1:11pm
Subject: Microsoft Settlement

Hello.

I would like to add my comments to the proposed Microsoft settlement and point out that there are serious flaws in the settlement. For example, in section III A.2 it states that Microsoft shall not retaliate against an OEM for:

''shipping a Personal Computer that (a) includes both a Windows Operating System Product and a non-Microsoft Operating System, or (b) will boot with more than one Operating System...'' but it says nothing about shipping a personal computer without the Windows Operating system. Due to Microsoft's anti-competitive practices, it is virtually impossible to buy a computer that does not contain Microsoft Windows, yet the proposed settlement does not explicitly forbid Microsoft from continuing the retaliation towards non-windows computer manufacturers.

This is unacceptable.

—bmd

MTC–00017409

From: clandres@mindspring.com@inetgw
To: Microsoft ATR
Date: 1/23/02 1:11pm
Subject: Settlement

Please don't allow the proposed settlement go through!

The proposed settlement does nothing to stop Microsoft from continuing to maintain their monopoly illegally and, in fact, allows them to continue their illegal practices and opens markets that they haven't yet taken over.

Microsoft has wrecked a large number of companies and is attempting to take over all access to the internet!

Please, you are our last hope for freedom on the internet and our computer desktops.

Chuck Landress
2664 James Road
Douglasville GA 30135
770–947–1817

MTC–00017410

From: Jim Laurin
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:07pm
Subject: Microsoft Settlement

My wife and I strongly oppose the Microsoft Settlement agreement. We believe it is the government's duty to set limits and enforce penalties against companies who practice anticompetitive practices. We are very disappointed that the government caved in on this. We suspect it was for political reasons because of the short term economic results that may occur that could reflect negatively on the current Administration. As a life long Republican, I would like to see the Justice Department enforce the rule of law so that other companies don't see this as an opportunity to do the same thing.

Sincerely,
Jim Laurin & Alynn Laurin
Sunnyvale, CA

MTC–00017411

From: vorck
To: Microsoft ATR
Date: 1/23/02 1:11pm
Subject: Microsoft Settlement Commentary

I wish to avail myself of the opportunity made to the public by the Tunney Act and wish to comment on the proposed Microsoft settlement. The PFJ fails to prohibit anticompetitive license terms currently used by Microsoft (see e.g. The Microsoft Windows Media Encoder 7.1 SDK EULA). Microsoft currently uses and will continue in the foreseeable future to use restrictive licensing terms to keep Open Source programs from running on Windows.

Conversely, the PFJ fails to prohibit anticompetitive license terms for development tools. The Microsoft Platform SDK, together with Microsoft Visual C++, is the primary toolkit used by independent software vendors to create Windows-compatible applications. The Microsoft Platform SDK EULA says: ''Distribution Terms. You may reproduce and distribute...the Redistributable Components...provided that (a) you distribute the Redistributable Components only in conjunction with and as a part of your Application solely for use with a Microsoft Operating System Product...''

The settlement simply does not go far enough to end unacceptably restrictive EULA terms.

Respectfully submitted
Frederick D. Vorck

MTC–00017412

From: Michael Spurlock
To: Microsoft ATR
Date: 1/23/02 1:12pm
Subject: Microsoft Settlement

To whom it may concern,

The proposed settlement in the case against Microsoft is unacceptable and will only serve to further their control in the marketplace. There are many experts who are more than willing to be consultants in this case who can help achieve a fair but proper settlement. If you have any questions or if I may be allowed to assist in location and talks with said consultants, please let me know. Please do not continue with the current settlement as it is completely lacking in substance that will affect Microsoft's business practices. Thanks for your time.

Michael Spurlock
mspurlock@nc.rr.com

The opinions expressed above are mine alone and are not necessarily shared by my employer.

MTC–00017414

From: Arne Romo
To: Microsoft ATR
Date: 1/23/02 1:12pm
Subject: Microsoft Settlement

To Whom It may concern:

I am a software engineer at Hewlett Packard (my words may not represent official company position) for the past 16 years in Fort Collins, CO. I am a US citizen.

It is clear that a good attempt was made to address significant issues by the propose settlement with Microsoft.

What is equally as clear is that the settlement as written falls short of the mark at prevent MS from dancing around the letter of the settlement and still achieving the same results at they have pre-settlement. Likewise enforcement seems very weak and open to stalling tactics.

The rules are not rigorous enough and the authority/independence of the enforcement efforts is not powerful/empowered sufficiently.

—Arne Romo

MTC–00017425

From: Kristina Pfaff-Harris
To: Microsoft ATR
Date: 1/23/02 1:12pm
Subject: Microsoft Settlement

Hello.

Just a note to say that I don't believe the Proposed Final Judgment in the Microsoft antitrust case is in the public interest, and should be re-evaluated on several levels, including enforcement mechanisms and definitions of various things.

Thanks.
Kristina Pfaff-Harris

MTC–00017427

From: Shanan Levin
To: Microsoft ATR
Date: 1/23/02 1:12pm
Subject: Microsoft Settlement

The ''revised proposed final judgement'' is NOT a valid or appropriate solution to the findings of fact regarding Microsoft's monopolistic business practices. An enforcement authority, a technical committee and a single Microsoft internal compliance officer (that has no real power to change anything) is not a just/fair solution to the continuing Microsoft monopoly. The aforementioned entities will have no real power, other than to slap Microsoft on the wrist for competing unfairly. None of the changes mentioned in the revised proposal force Microsoft to compete in the free market, simply because they have become so widespread and ubiquitous. Over time, some of the changes called for in the revised proposal may help loosen Microsoft's monopolistic stranglehold on the market, but the amount of time is unknown. The only real way to encourage and bring healthy competition back to the market today is to

force the Microsoft policy/operation changes to include not just future products/services, but to include the products and services (ie. proprietary protocols) that helped them achieve the massive control over the (PC and software and services) market in the first place. Force existing and future Microsoft products to interoperate with non-Microsoft products using open, standard documented protocols. Only then can a real change be made to the existing marketplace, rather than giving Microsoft ample time to find other ways of controlling and growing around the revised proposed final judgement.

MTC–00017428

From: Brian Bonfiglio
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 1:13pm
Subject: Microsoft Settlement

If it weren't for microsoft, I wouldn't have a job. I support them 100%.

MTC–00017429

From: Ben Morse
To: Microsoft ATR
Date: 1/23/02 1:13pm
Subject: Microsoft Settlement

I do not approve of the current proposed Final Judgement in the case of United States vs. Microsoft. In particular, the proposed Final Judgement does not provide enough protection for Microsoft-compatible operating systems, nor does it force Microsoft to open up their file formats, which is a key tool they've used to maintain their monopolies. I endorse the recommendations put forth in Dan Kegel's open letter to the DOJ, to be found at http://www.kegel.com/remedy/letter.html

Thank you for your time.

Ben Morse
45 Concord Ave. #31
Somerville, MA, 02143

MTC–00017430

From: Jared Kidd
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:09pm
Subject: Microsoft Settlement

First of all, I am NOT happy with the proposed settlement for this case. Most of the terms in this look like things that any company should follow anyway. Microsoft pushes as far as they can and when ''ped on their hands'' and told to back down they do so for a little while and then push again to see how far they can go this time. This settlement seems to put them back in their place and hold them there for a while. So where is the punishment? Microsoft has damaged this industry by suppressing innovation and competition, and slowly twisting standards so they will be on top with the only software that supports the ''standards (according to MS)'' correctly. And while all this is going on Microsoft buys some 3D patents from sgi (http://www.theregister.co.uk/content/54/23708.html). I know that SGI were the ones to sell them but anyone who is into 3D graphics and gaming would start to wonder what MS means to do with these patents. My guess would be to crush openGL, which is used on many platforms in favor of their DirectX/3D, which only works on Microsoft operating systems. They should be punished in a way that doesn't further their monopoly.

I am not running Windows as my main operating system on my home PC but with the new ''.NET'' junk and them forcing it down our throats I fear that someday there will no longer be any alternative operating systems. So I sincerely ask that you rethink the settlement and come up with a more effective plan that will hopefully restore and sustain our freedom of choice.

MTC–00017431

From: Aaron Lambers
To: Microsoft ATR
Date: 1/23/02 1:13pm
Subject: Microsoft Settlement

While I do not have the time to go into much detail on this I must at least make it known that I believe the currently proposed settlement to be a Bad Thing (tm). Microsoft cannot be let off so easily.

Aaron Lambers
Boise, ID

MTC–00017432

From: GAMatthews03@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 1:12pm
Subject: Microsoft suite

Along with EVERY one of my co workers, friends and family are getting pretty fed up with this government lawsuit. Its NOT about protecting the consumers, it's about giving Microsoft competitors UNFAIR advantage against MS, so that they do not have to spend research money of their own. LET THE INDUSTRY AND THE CONSUMERS DETERMINE IF THEY ARE BEING HURT. Making MS software ''open'' would create chaos for the vast majority of consumers. There would be NO stablility or responsibility.

Quit spending our taxpayers money on this lawsuit and let the companies get on with business.

Gary Matthews
131 Greenmont Ln
Cary, NC 27511

MTC–00017433

From: John Starrett
To: Microsoft ATR
Date: 1/23/02 1:13pm
Subject: Microsoft Settlement

Please do not let the Microsoft Corporation get off easy. They must not be allowed to flood the schools with PCs running Windows to the detriment of Apple and Linux. I have how they push out other os'' when they get a foothold.

John Starrett

MTC–00017434

From: Alan Dickey
To: Microsoft ATR
Date: 1/23/02 1:13pm
Subject: Microsoft Settlement

''I do not support the proposed settlement because I do not think it provides sufficient punishment to balance Microsoft's offenses, nor sufficient incentive to prevent them from doing the same in the future. Furthermore, the idea of punishing a monopoly by requiring them to extend their monopoly into the US educational system is incomprehensible.'' —

Alan F. Dickey—Interaction and Realization
http://www.intac.com/afdickey
mailto:afdickey@intac.com
VOX: 908–273–3232 Cell: 908–334–0932

MTC–00017435

From: Jonathan Morris
To: Microsoft ATR
Date: 1/23/02 1:13pm
Subject: Microsoft Settlement

The proposed settlement is not acceptable.

Jonathan Morris, CSQE
Portland, OR

MTC–00017436

From: calde@charter.net@inetgw
To: Microsoft ATR
Date: 1/23/02 1:21pm
Subject: Microsoft Settlement

The proposed ''settlement'' is a joke. It doesn't do anything to address what the suit was about.

MTC–00017437

From: plawson@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 1:14pm
Subject: Microsoft Settlement—Oppose

I oppose the Microsoft Settlement.

There are many, many problems, but two key ones are:

(1) The distribution of Windows software to poor schools only serves to deepen Microsoft's monopoly while giving them a P.R. opportunity. Instead I support the RedHat proposal in which Microsoft supplies hardware and RedHat supplies the operating system software. This would be an appropriate remedy.

(2) Provisions to partially open the Windows code base are worded to exclude non-commercial software, specifically Microsoft's chief competition, Linux, from access to the code. I believe Microsoft is threatened by the GPL implementation of SMP, Samba. They plan to change the protocol enough to break Samba (thereby forcing servers to use Windows) without having to reveal their code changes to free software developers. If Windows code is to be open it should be open to all.

Thank you for your attention.

Peter Lawson
Peter W. Lawson, Ph.D.
1206 SW Abbey
Newport, Oregon 97365
pnjreid@newportnet.com

MTC–00017438

From: krukar@boolean.net@inetgw
To: Microsoft ATR
Date: 1/23/02 1:13pm
Subject: Microsoft Settlement

I find the Proposed Final Judgment in the Microsoft antitrust case to be a shameful sellout of all Americans. I can only hope that the reason for this is that the court is unable to understand what is being perpetrated.

For me, Microsoft's most objectionable anti-competetive practice is the ''embrace, extend, eradicate'' process used to subvert various public standards. Examples are the intentional incompatibilities inserted into the Kerberos security protocols, Lightweight Directory Access Protocol (LDAP), and the Hypertext Markup Language (HTML).

The HTML incompatibilities have been used to force competitive internet browser programs off the market. The court should be well aware of that.

The LDAP incompatibilities are being used to take control of internet directory services in general. Directories are specialized databases which are very useful for maintaining remotely accessible user information. The Microsoft version of LDAP is at the core of their Active Directory product and .NET services.

The more computers an organization runs, the more it has a need for a directory in order to maintain the computers and network efficiently. Most companies are forced to run Microsoft operating systems for word processing, spread sheets, or other applications. Microsoft operating systems, by speaking a special version of LDAP, force those organizations to use a Microsoft directory product (Active Directory) or a Microsoft directory service (Passport and .NET). Both of these products are designed to operate well only with other Microsoft products. The proof is that they could have used the standard LDAP protocol without proprietary extensions.

Kerberos is a transaction protocol for securing the data exchanged between computers. Controlling the security protocols and keeping them secret enables Microsoft to prevent any non Microsoft product from using the information. It was mathematically proven, back in the 1970s, that secret protocols do not lead to greater security. Subverting Kerberos must therefor support a business goal. The message is that by controlling the protocols for exchanging data, Microsoft controls who and what may access that data. That is a major threat when coming from a monopolist.

Sincerly
Richard Krukar
4717 Bali Ct NE
Albuquerque, NM 87111

MTC–00017439

From: Moffitt, Garrett J
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 1:13pm
Subject: Microsoft Settlement

To whom it may concern,

I am writing this email as a response to the Microsoft Settlement. I feel that the remedies proposed are inadequate as a way to re-establish fair competition in the software industry.

To bring back competition to a level it was 15 years ago, Microsoft must release ALL its API's in time for other companies to make the appropriate changes and make releases. The ruling , as it stand now, does not give companies enough time to make the changes required to stay competitive. Competitiveness should be about the quality of software, not about making changes that could effect up to 90% of the PCs in the US in a way that prevents competition.

Another problem with the proposed remedy is that computer manufactures will be prohibited from selling computer that have Publicly Available Software installed on it.

To create real desktop competition, Microsoft must be forced to release the specifications to all products that are part of there Office package. These should include, at a minimum, Word, Excel, Outlook and PowerPoint. Doing so would allow business and home users a reasonable opportunity to chose what products they want to run, instead of being forced to use Microsoft's ''Office''.

To sum up, the only way to actually get real competition going in the computer industry is to force MS to release all there APIs in a timely manner, allow computer manufacturers the opportunity to install Publicly Available Software without penalty from Microsoft's License, and to completely open up Microsoft's ''Office'' product for not less then 10 year. I believe this must be done for the sake on the consumer.

Thank you for your time,
Garrett Moffitt

MTC–00017440

From: ssparish@mail.pittstate.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 1:14pm
Subject: Microsoft Settlement

Department of Justice Representative,

I believe the proposed settlement with Microsoft to be insufficient in protecting consumers and other businesses from the tactics of Microsoft. In brief, I believe the settlement does not go far enough to insure that future versions of Microsoft operating systems and products can not evade the terms of the settlement.

I also believe that disclosure of API's (including the Win32 API and future OS API's) and file formats (specifically Office, but not limited to the Office products) should be required and very few limits placed on their use. These are critical pieces of information for competitors to design products that interoperate with Microsoft products.

I have submitted my name electronically to be added to an Open Letter. The letter can be found at the following URL: http://www.kegel.com/remedy/letter.html. I endorse the recommendations presented in the Open Letter of Dan Kegel and request that the Department of Justice read and consider the options presented.

There must be more considered wording in the settlement so that Microsoft can not evade the intent of the settlement. Past history says that they will look for any loop hole to get around constraints placed upon them. They operate by the letter not the spirit of the settlement.

Thank you for your time and consideration.

Scott Parish
111 S 8th St
Arma, KS 66712

Scott Parish, Systems Administrator, Pittsburg State University Peace on Earth, good will toward men? Not exactly.

MTC–00017441

From: Neil Rotstan
To: Microsoft ATR
Date: 1/23/02 1:12pm
Subject: Microsoft Settlement

To whom it may concern:

As a co-founder of a small computer and network services company, which primarily maintains networks, computers, software, and other related equipment for small businesses, it might appear that a market dominated by a single vendor would be in our favor. After all, it would mean a common platform with well-known issues that my company could quickly become experienced with and skilled at troubleshooting or preventing. However, we feel that such a situation is not at all to our advantage or, most importantly, that of our clients. Many small businesses have unique needs and very restricted budgets. Sure, it's the Microsofts, Fords, and Walmarts of the world that get all of the attention. But what really drives the business economy are the myriad small and home-base businesses operating on the hard-earned savings of a few individuals. For most of these, it's critical that they minimize the costs of their computing infrastructure while maximizing its benefit, usefulness, and performance. And let's face it: the biggest vendor is rarely the cheapest or the best. Most of my clients want to utilize alternatives wherever possible, because they're usually cheaper and better—sometimes even free and superior. Competition in the market place not only provides a better opportunity for my clients to choose a configuration of hardware and software that works best for them, it also gives my company an opportunity to provide that service. It makes everybody happier all-around.

It's easy to believe that the effect of lack of competition in the software market is limited to software. But its not: it's incredibly widespread, and very detrimental. Not only are consumers and small businesses deprived of choice, and not only is Microsoft given the opportunity to produce poorer software and charge higher prices, but it also turns services such as those offered by my company into mere commodities. After all, if everyone has the same computing configuration, and if everyone is an expert in it, then what difference does it makes who does the work? Viable choices and alternatives let my company differentiate ourselves and make our clients happier in the process.

Most of all, competition benefits those who do decide to use Microsoft products exclusively. Because once people have a viable choice, and Microsoft recognizes this, then it must suddenly work to improve the quality, price, and attractiveness of its products—something it hasn't needed to for quite a while now.

I urge you to not allow Microsoft to walk away from this and continue business as usual. As technologies continue to integrate with each other and our society, computing will become even more critical to the success and everyday life of businesses and consumers. No matter who creates the innovative products and services to bring it all to us, Microsoft will eventually note that it's profitable and leverage its monopolies to bully itself into the niche and smother the innovators and creative thinkers. And that's not good for anybody but Microsoft.

Thanks for your time,
Neil Rotstan

MTC–00017442

From: Jim Bullock

To: Microsoft ATR
Date: 1/23/02 1:14pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW.,
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, we wish to comment on the proposed Microsoft settlement. We agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html), namely:

The PFJ doesn't take into account Windows-compatible competing operating systems

Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

The PFJ Contains Misleading and Overly Narrow Definitions and Provisions The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box— operating systems that all use the Win32 API and are advertized as being ''Windows Powered''.

The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents?

This can scare away potential users. The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux!

(Similar licenses to OEMs were once banned by the 1994 consent decree.)

The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

The PFJ allows Microsoft to discriminate against small OEMs—including regional 'white box' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

The PFJ as currently written appears to lack an effective enforcement mechanism. We also agree with the conclusion reached by that document, namely that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

Sincerely,

MTC–00017443

From: Michael McNeany
To: Microsoft ATR
Date: 1/23/02 1:18pm
Subject: Microsoft Settlement

To Whom this Matter Concerns,

I oppose the current resolution to the Microsoft Anti-trust case. It does nothing to address the problem of Internet browser compatibility issues.

Currently Microsoft is giving away tools which make web pages offensive to users with browsers other than Internet Explorer. In many cases these sites actually cause the ''other'' browsers to crash completely. Out of frustration the user is forced to use Internet Explorer to view these webpages. And Microsoft has taken over one more user. Microsoft is clearly using their Monopoly to make as many web pages as they can usless in anything other than Internet Explorer. I do not know of anything more I can do except write this letter to you.

One Website in question: http://www.BucknellBison.com

Please try to visit this website with Netscape and with Javascript turned ON (Default)

Sincerely,
Michael McNeany
IT Director
Audio-Video Corporation
New York

MTC–00017444

From: Tim Huffman
To: Microsoft ATR
Date: 1/23/02 1:15pm
Subject: Microsoft Settlement

I respectfully submit my comments on the proposed settlement in the case of United States v. Microsoft Corp. Unfortunately, I feel that the proposed settlement does little to put an end to Microsoft's monopoly, and has no provisions for enforcement.

I would strongly recommend that Microsoft be forced to publicly document the API's for it's various Windows operating systems, and that it be required to make publicly available any changes to those API's at least six months before releasing software based on those changes.

Publicly documenting the Windows API's does not mean that anybody could easily replicate Windows or reverse-engineer it, but it would mean that other Independent Software Vendors (ISV's) would be able to compete on equal ground with Microsoft's own software running on Windows. This is an effective solution because while it still allows Microsoft to innovate and create new products, it also means that Microsoft cannot further leverage its monopoly by giving it's other projects unfair access to secret software code.

Thank you for your time, and thank you for considering my opinion.

Timothy M. Huffman
12722 Short St.
Crown Point, IN

MTC–00017445

From: John Bryan
To: Microsoft ATR
Date: 1/23/02 1:17pm
Subject: Microsoft Settlement

Under the Tunney Act, I need to comment on the proposed Microsoft 'settlement.

I am writing as an individual consumer, who is greatly concerned about the current and future state of the tehcnology industry in the United States and how it can hinder or elevate the well being of everyone around the world.

That Microsoft was found to be so egregiously, blatantly anti-competitive over many years, to be brought before anti-trust charges twice now, and this most recent trial so clearly demonstrating the need for genuine significant action to be taken to stop Microsoft's continued anti-competitive proactices, for which an en banc Appeals Court agreed with the Findings of Fact, and then to have this Casper Milktoast of a ''settlement'' at the hands of a new Executive administration, and concomittant head of Department of Justice, is itself a crime against the citizens of the United States of American, present and future.

How dare you!? How could you!? I can tell you I am voting anything but Republican

until this is rightly resolved. And I am an old Reaganite!! This sham of a settlement is a disgrace to the justice system at the highest level, and demostrates that corporate power carries more weight with those that serve this country as civil servants, than the true interests of the people. I am outraged.

I most emphatically agree with the problems identified in Mr. Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html), summarized here:

—The Proposed Final Judgement doesn't take into account Windows-compatible competing operating systems
—The Proposed Final Judgement Contains Misleading and Overly Narrow Definitions and Provisions
—The Proposed Final Judgement Fails to Prohibit Anticompetitive License Terms currently used by Microsoft
—The Proposed Final Judgement Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft
—The Proposed Final Judgement Fails to Prohibit Anticompetitive Practices Towards OEMs
—The Proposed Final Judgement as currently written appears to lack an effective enforcement mechanism.

I also agree with the conclusion reached by that document, namely that the Proposed Final Judgment as written ALLOWS AND ENCOURAGES SIGNIFICANT ANTICOMPETITIVE PRACTICES TO CONTINUE, would delay the emergence of competing Windows-compatible operating systems, and is therefore NOT IN THE PUBLIC INTEREST. It should NOT be adopted without SUBSTANTIAL REVISION to address these problems.

With all Earnestness, Urgency, and Sincerity,

John Bryan
johnb@austin.rr.com
Austin, Texas USA

MTC–00017446

From: Loendorf, Chris
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:14pm
Subject: microsoft settlement

I am a tax paying citizen of the United States who is extremely disappointed with the proposed Microsoft settlement. This settlement may greatly hinder future development of the computer industry, and represents a great miscarriage of justice. I don't believe the settlement will restore competition in the computer industry that has been eliminated by the illegal actions and practices Microsoft has already been convicted of.

MTC–00017447

From: Jeffrey Polaski
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:14pm
Subject: Microsoft Settlement

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Jeff Polaski

MTC–00017448

From: david sowerby
To: Microsoft ATR
Date: 1/23/02 1:20pm
Subject: microsoft settlement

A unanimous US Court of Appeals found that Microsoft had illegally used its monopoly position by preying on other software developers and computer manufacturers. Microsoft operated illegally, and any settlement that does not reflect this will just allow the company to continue this behavior. Unfortunately the proposed solution does not do this. In many ways it reinforces Microsofts monopoly, If they were found guilty of a crime (and they were) punish them and make sure they do not commit the same crimes in the future. This governments policy of allowing large corporations to do whatever they feel like with no worries about the law has got to stop.

Thank you
David Sowerby

MTC–00017449

From: James Cheezem
To: Microsoft ATR
Date: 1/23/02 1:15pm
Subject: The Mircosoft settlement is unacceptable

To Whom it may concern:

After reading the proposed settlement in the Microsoft anti-trust case, I noticed many areas that do not assign damages that are in line with the damage that Microsoft has caused. As an independent software developer, I have many issues as to the quality of Microsoft's products. If I cannot have full and unfettered access to the Application Program Interface (API) of a specific operating system, I cannot use the full potential of the system that is running this OS. Therefore, Microsoft encourages badly written software by obscuring the API from scrutiny. Section J of the settlement's prohibited conduct section addresses the API and provides Microsoft a loophole to keep this important information to themselves: security. In my opinion, this is the one area of the API that should be forced to be open. Given Microsoft's poor performance in the area of security in the past, they should not be allowed to hide anything behind the mantle of ''security concerns.''

Thank you for your time.
James Cheezem
Greenville, SC

MTC–00017450

From: hrobinson@psychedout roadrally.com@inetgw
To: Microsoft ATR
Date: 1/23/02 1:15pm
Subject: Microsoft Settlement

Please reconsider the proposed final judgement with Microsoft, for the following reasons, as stated at http://www.kegel.com/remedy/letter.html The PFJ doesn't take into account Windows-compatible competing operating systems The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

The PFJ as currently written lacks an effective enforcement mechanism.

Thank you,
Herb Robinson

MTC–00017451

From: Alistair Cullum
To: Microsoft ATR
Date: 1/23/02 1:22pm
Subject: Microsoft Settlement

Renata B. Hesse
Antitrust Division
U.S. Department of Justice

Dear Ms. Hesse,

I would like to register my disagreement with the proposed settlement in the antitrust suit against Microsoft. The remedies proposed are, on the whole, too mild, too vague and ignore the concerns of some competing technologies and smaller vendors. I urge you to reject this settlement as ineffectual.

Sincerely,
Alistair J. Cullum
http://biology.creighton.edu/faculty/cullum/
Department of Biology
Phone: 402–280–3080
Creighton University
Fax: 402–280–5595
2500 California Plaza
acullum@creighton.edu Omaha, NE 68178–0324

MTC–00017452

From: gdg@soco.agilent.com@inetgw

To: Microsoft ATR
Date: 1/23/02 1:14pm
Subject: Microsoft Settlement

The proposed final judgment in the Microsoft case is seroiusly flawed because it allows Microsoft to reltaliate against OEMs that ship competing operating systems. This is equivalent to allowing the schoolyard bully to bludgeon the kid who passes the basketball to someone else.

Thanks
Gordon Guthrie

MTC–00017453

From: Erin Quill
To: Microsoft ATR
Date: 1/23/02 1:15pm
Subject: Microsoft Settlement

I must tell you that the proposed MS settlement most be changed. I've work in the Computer industry for over 15 years and the entire time I have had to put up with MS's unfair practices. I remember 10 years ago when MS was in the practice of 'Shipping' press releases for products they had not even started to develop only to stall companies from looking at competing products.

It really does not matter what you impose on MS because, just like in the past, they will not follow any rules placed on them.

They need to be stopped and be told they cannot ignore the courts as they have in the past.

Erin Quill
Corporate Technology Strategist
Novell Inc.

MTC–00017454

From: Bill Gordon
To: Microsoft ATR
Date: 1/23/02 1:15pm
Subject: Microsoft Settlement

Hello,

I'm writing to say that I believe that settling with Microsoft is a bad idea. It is clear to me that Microsoft acted in violation of the Sherman act and that action should be taken to prevent further violation. Even now, Microsoft is pursuing ''business as usual'' and, after a settlement, we can expect it to continue. For example, the pricing for Windows XP is ridiculous given that it is for all practical purposes functionally equivalent to Windows 2000 with a few new applications thrown in.

Just some thoughts,
Bill Gordon
Vancouver, BC,
Canada

MTC–00017455

From: Jungalwala, Jay
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:16pm
Subject: Microsoft Settlement the proposed settlement is bad idea

Jay Jungalwala
12 Atherton Road
Hudson, MA 01749

MTC–00017456

From: Andrew Lasiter
To: Microsoft ATR
Date: 1/23/02 1:16pm
Subject: Microsoft Settlement

I have read about the proposed settlement, and I am not in favor of it in its current state. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to consumers and Microsoft's competitors.

Andrew Lasiter
531 Carver Lane
Lebanon, TN 37087–8631
alasiter@softek.net

MTC–00017457

From: Conger, Chris A.
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:17pm
Subject: Microsoft Settlement

Hi, I feel that the proposed settlement of the Microsoft monopoly is a Bad Deal. This settlement does not deal with the tying of the OS to the purchase of a computer. I don't like MS Windows, and don't think it's fair that I should be required to buy a copy with each computer I purchase. It is an additional tax on my purchase with the proceeds going to Microsoft. I use linux and don't think I should be required to subsidize Micosoft!

Chris Conger
SAIC
2109 Air Park Rd. SE
Alb, NM 87106

MTC–00017458

From: Christopher Kemp
To: Microsoft ATR
Date: 1/23/02 1:17pm
Subject: Microsoft Settlement

To Whom It May Concern:

I strongly oppose the settlement proposed in the antitrust case against Microsoft. I believe that their predatory business practices have caused a great deal of harm to the computer industry and American business as a whole, and that the proposed settlement does little or nothing to remedy this abuse of power, nor insure that it will not continue. Indeed, Microsoft has continued conducting ''business as usual'' even in the face of the charges against them, which I believe shows flagrant disregard and contempt for the protections put in place in our legal system. I urge you to reject this settlement, so that the courts may decide how to best remedy the situation.

With Thanks,
Christopher Kemp
Stone Mountain, GA

MTC–00017459

From: Bill Davis
To: Microsoft ATR
Date: 1/23/02 1:17pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions. Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Bill W. Davis

MTC–00017460

From: Bryan Housel
To: Microsoft ATR
Date: 1/23/02 1:22pm
Subject: Microsoft Settlement

I want to express my agreement with Dan Kegel's comments on the Microsoft Settlement, found here: http://www.kegel.com/remedy/letter.html Bryan Housel, Philadelphia, PA, Software Engineer

MTC–00017461

From: John Jarvis
To: Microsoft ATR
Date: 1/23/02 1:18pm
Subject: Microsoft Settlement

The proposed judgement benefits only Microsoft. By continuing Microsoft's monopoly technical inovation will be stunted. An adequate remedy: Make the APIs and file formats of any operating system, application program, internet program, ... that has more than 10% (?) market share subject to industry wide standards. Include a provision insuring no single firm can have more than 25% (?) membership on each standards committee. Obviously, numeric details and safeguards must be worked out.

John F. Jarvis
533 Regent Road
Augusta, GA 30909

MTC–00017462

From: Paul Cox
To: Microsoft ATR
Date: 1/23/02 1:18pm
Subject: Microsoft Settlement

I am writing to voice support for a stonger DOJ final judgement in response to Microsoft's anticompetive practices.

Microsoft's established domination in the desktop market is now slowly working it's way into other software markets: digital media distribution, embedded appliances, video game and television entertainment, and others. Certainly ''innovation'' should be permitted and even encouraged, but leveraging on an established monopoly to raise its new products and services above normal market forces is beneficial only to those who gain wealth by the enlarged monopoly. The consumer, the market, and real innovation suffers. If the remedy the court seeks does not sanction on the court's own terms, the anticompetive practices that Microsoft continues to this day, the effort will be worst than futile. A weak final

judgement will say to Microsoft and other present and future monopolists that gaining a illegal monopoly has it's collateral damage, but the effort is worthwhile and sustainable. That could have a terrible effect on our free market system.

All of the terms in the settlement should be defined purely by DOJ and not negotiated by Microsoft. The DOJ should be ''breathing down their necks'' for years after the settlement to ensure that Microsoft is in compliance and the burden should be on Microsoft to show immediately and completely that they have not repeated their illegal conduct. And the punishment from wavering from the law a second time should be established in this final judgement; and it should be severe, all-encompassing and swift.

Please revise the proposed final judgement based on the following issues:

* The PFJ doesn't take into account Windows-compatible competing operating systems

* The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

* The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

* The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

* The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

Thanks for your time,
Paul Cox

MTC–00017463

From: Pablo Estevas
To: Microsoft ATR
Date: 1/23/02 1:19pm
Subject: Microsoft Settlement

I think the settlement is a bad idea. Microsoft should be punished for it's actions.

MTC–00017464

From: Kerry Kopp
To: Microsoft ATR
Date: 1/23/02 1:17pm
Subject: Microsoft Settlement

I would just like to say that I have been following the Microsoft case, read about the proposed settlement, and as a long time computer user/programmer/builder, I am not at all in favor of it in its current state. Please count this as a vote against the current settlement, as well as a vote to seek a settlement that is a reasonable punishment to Microsoft, as well as giving Microsoft's competitor's a chance to compete fairly.

Thank you,
Kerry Kopp
2051 Cliff Drive #7
Santa Barbara, CA 93109

MTC–00017465

From: Michael Greenberg
To: Microsoft ATR
Date: 1/23/02 1:18pm
Subject: Microsoft Settlement

As a programmer, the way in which Microsoft defines its APIs is incredibly important to me. The current settlement doesn't require advanced technical notification. If I am not informed of Microsoft's changes, it hurts my business.

In addition, the majority of my computers do not run Windows, though I do develop for it (most products are in fact cross-platform, allowing the client to choose). The current settlement does not open up Microsoft document standards—which are more important to the common user than a APIs—and allows Microsoft to insert deliberate incompatibilities (as it has done in the past [Word 97 to Word 2000, for instance]) forcing users to upgrade or to at least stick with the Microsoft platform. My ability to work in an environment that I choose is hindered by Microsoft's monopolistic practices, and the current settlement allocates no repair for this.

Most importantly, however, I fail to see any real method of enforcing the proposed changes. While I do not doubt the effectiveness of the Technical Committee in finding breaches by Microsoft, leaving the solution of such practices to the legal system holds no hope for reform. Already Microsoft has spent years contesting the very terms of this settlement, and it is certainly willing (and easily able) to combat every infringement lawsuit.

The above are but three of sundry reasons that the DOJ settlement must be more forceful.

Thank you,
Michael Greenberg.
204 Prospect St.
South Orange, NJ 07079

MTC–00017466

From: Norris Lauer
To: Microsoft ATR
Date: 1/23/02 1:19pm
Subject: Microsoft Settlement

I do not like the minor hand slap that Microsoft is going to get with the proposed settlement.

Norris Lauer
2908 white oak drive
Plano, TX 75074

MTC–00017467

From: Fred A. Miller
To: Microsoft ATR
Date: 1/23/02 2:14pm
Subject: Microsoft Settlement

The existing settlement with Microsoft is a sham. The best interests of all consumers has been severely injured.

Fred A. Miller
Systems Administrator
Cornell Univ. Press Services
fm@cupserv.org

MTC–00017468

From: Achim Wengeler
To: Microsoft ATR
Date: 1/23/02 1:17pm
Subject: Microsoft Settlement January 23, 2002 A.G. John Ashcroft U.S. Department of Justice 950 Pennsylvania Avenue, NW Washington, DC 20530

Dear Mr. Ashcroft,

I would like to begin by saying that the antitrust suit against Microsoft thus far has not yet affected my business. But I don?t know what the future will hold for my technology-based business if litigation was to continue. I believe that the settlement reached between Microsoft and the Department of Justice is a rational and even-handed.

Even thought the settlement may seem to stifle free enterprise, it is better to settle this case and move on to other pressing matters. The settlement implements the establishment of a three-person ''Technical Committee,'' which will monitor Microsoft's compliance to the settlement. Microsoft has also agreed to make all future versions of its Windows operating system to be compatible with non-Microsoft software.

I strongly advise you to put an end to this money-wasting issue. It is a time of peculiar difficulty in our nation's history; it would be beneficial to cut out any unnecessary spending. It is vital that this settlement is finalized.

Sincerely,
Achim Wengeler
Director of Special Projects

MTC–00017469

From: Will Grzanich
To: Microsoft ATR
Date: 1/23/02 1:19pm
Subject: Microsoft Settlement

Dear Judge,

The proposed settlement is a bad one; please reject it and have the DoJ and the states go back and draft something that will address the facts found in the District court case. A unanimous US Court of Appeals agreed that Microsoft had illegally kept its monopoly position by preying on other software developers and computer manufacturers. The bottom line is that Microsoft operated illegally, and any settlement or resolution of this case should make sure the company cannot continue its anticompetitive behavior. Unfortunately the proposed solution does not do this. In many ways, it actually reinforces Microsoft's monopoly, and does nothing to restrain Microsoft from acting illegally again in future markets.

Indeed, Microsoft has already shown they intend to continue to piggyback off their illegally obtained operating system monopoly to crush more markets. As an example, look at the ''give away'' of millions of dollars of development effort in their Media Player, which is unnecessarily ''integrated'' into WindowsXP—and is targeted at the RealPlayer product line, in order to crush it, in the same way they did the Netscape Browser. Microsoft, unlike its competitors, simply rolls the development cost into their illegally obtained monopoly operating system, and undercuts the competition unfairly. Yet the proposed settlement does not address preventing this sort of monopolistic behavior at all. Remember, developing a media player, a browser and other software costs money, and Microsoft leverages their monopoly to mask these costs while smashing competition unfairly. The Circuit court in it s 7–0 decision, and lower courts found this ''bundling'' illegal and monopolistic, yet the settlement does not address this in any sort of meaningful fashion: it allows Microsoft to tightly integrate and bundle its media player, its web browser, and myriad other applications into the Windows Operating System, instead of competing freely against external applications.

Also, the proposed settlement contains no provisions to remedy the unlawful monopolization of the operating system;

nothing that will produce competition. Remember that the Circuit court ordered that a remedy must ''unfetter the market from anticompetitive conduct... [and] .. terminate the illegal monopoly''. the proposed settlement does nothing of the sort. Its attempt to open the ''API'' (programming interface) of the Windows operating system will merely reinforce the monopoly, not terminate it as the court called for. Also opening the API is not enough: Microsoft plans only to open a mere a subset.

Complete and full disclosure of ALL the source-code is the only ''opening'' that would suffice to terminate the Microsoft monopoly. Finally, the proposed settlement does nothing at all to address the issue of effective remedy along side enforcement. the proposed penalties are ludicrous—an extension of terms that they have already violated is hardly a punishment. Fiduciary penalties must be applied, as well as structural ones. Also, the solutions proposed for ''competition'' are heavily dependent upon Original Equipment Manufacturers for implementation—the same OEMs who are partners and part of Microsoft's business plans (Such as Dell and Compaq). In sum, this settlement is wholly inadequate, and should be rejected and the DoJ and the States should be directed to follow the rulings of the Circuit Court and lower courts when crafting a settlement, instead of ignoring the findings of fact and law, and currying favor with an unrepentant lawbreaking monopolist.

Regards,
William Joseph Grzanich II
3854 N. Damen Ave, #1
Chicago, IL 60618
(773) 832–1394
wgrzanic@yahoo.com

MTC–00017470

From: Jlawrence@tacfuel.com@inetgw
To: Microsoft ATR
Date: 1/23/02 1:18pm
Subject: Microsoft Settlement

Please proceed with caution with regards to your proposed settlement with Microsoft. It is, indeed, a very BAD idea. Better remedies have been thought up, yet no attention is given to them. DO NOT allow Microsoft to provide schools with anything; this only increases market share. Strip the browser, and restore competition. And by all means, make them stick with it!

Josh Lawrence
Help Desk Services
Truman Arnold Companies
(903) 794–3835

MTC–00017471

From: David Rysdam
To: Microsoft ATR
Date: 1/23/02 1:43pm
Subject: Microsoft Settlement

Dear Sirs:

I am writing to give my comments on the Microsoft antitrust settlement. I believe this settlement is counter to the interests of the American public, deleterious to the American economy, and not adequate given the findings of fact in the trial.

Microsoft's anti-competitive practices are counter to the law and spirit of our free-enterprise system. These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation.

Microsoft's monopolistic practices cause the public to bear increased costs and deny them the products of the innovation which would otherwise be stimulated through competition.

The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future.

It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function.

David Rysdam
8 Westchester Drive
Milford, NH 03055

MTC–00017472

From: Paul Gardner
To: Microsoft ATR
Date: 1/23/02 1:18pm
Subject: Microsoft Settlement

To Whom it May Concern,

The proposed settlement is a bad idea. It would enable Microsoft to strengthen it's current monopoly and enable it to do even more damage to the public interest than it already has.

For the good of everyone 3rd parties must be able to produce new and replacement software components for monopolist Microsoft's systems. Toward this end Microsoft must be forbidden from impeding the development, distribution, sale, or use of non-Microsoft components in any way, and further must be required to COMPLETELY disclose ALL component interfaces. ''Component'' and ''interface'' should be broadly defined by the settlement, with specific instances left to the judgement of a disinterested watchdog, NOT Microsoft itself.

Sincerely,
Paul Gardner
Software Engineer

MTC–00017473

From: Joel Carr
To: Microsoft ATR
Date: 1/23/02 1:19pm
Subject: Microsoft Settlement

Microsoft has hurt too many companies and individuals to be let off the hook this easily. I am for a much heavier penalty for the company possibly even splitting the company up.

Joel Carr
jecarr2@mac.com

MTC–00017474

From: Boykin, Dennis
To: Microsoft ATR
Date: 1/23/02 1:29pm
Subject: Microsoft Settlement

I am writing to voice my personal objection to the proposed settlement in this case. As a practicing professional in the information technology industry, I have seen first-hand the damage caused by the anti-competitive actions of the Microsoft corporation.

I have three specific areas of disagreement:

1) Lack of enforcement: The proposed remedy does not, in any fashion that I could determine, deter the Microsoft Corporation from continuing it's monopolistic practices. They have proven, time & again, that it is in Microsoft's best interests to disregard the laws of the United States, and the best interests of the industry. Isee nothing in this document that forces them to change the way they do business.

2) Middleware & Interoperability: (Sections III H.3, III J, and specificaly III J.2.c) does not take into account that substantial amounts of today's software is developed on a non-commercial basis by nonprofit groups and volunteers. As I read this document, open source groups have no standing, and therefore are at risk to be put out of business by the monopoly. In it's current form, this remedy allows Microsoft to INCREASE it's market dominance, and continue it's monopolistic practices.

3) Veto power: According to the proposed remedies, Microsoft does not need to make ANY API available to groups that fail to meet ''reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business.'' This explicitly gives them a veto over sharing any information with open source development projects as they are usually undertaken on a not-for-profit basis (and therefore would not be considered authentic, or viable businesses). ANY solution that allows the Microsoft Corporation to determine who does, and who does not, qualify to receive API's is unconscienable.

SUMMARY: The Microsoft Corporation has been found guilty of anti-competitive practices; it has settled a similar case ten years ago, and now the government is allowing the guilty party to choose it's punishment? What's wrong with this picture?

I recommend that the judge reject the proposed settlement outright.

Dennis B. Boykin IV
Vice President, Operations
NCI Information Systems, Inc.
1–888–409–5457 (Toll Free)
(703) 903–0325 (Switch)
(703) 903–9750 (Fax)
(703) 346–4857 (Cell)

MTC–00017475

From: Ed.Dale@ey.com@inetgw
To: Microsoft ATR
Date: 1/23/02 1:16pm
Subject: RUSSELL PAVLICEK: ''The Open Source'' from InfoWorld.com, Wednesday, January 23, 2002

This article against the proposed settlement was published in a well respected journal of the computer field.

Ed Dale
Ernst & Young Center for Business Knowledge
1200 Skylight Office Tower
1660 West Second Street Cleveland, Ohio 44113
Work Phone: 216–583–1116
Fax: 216–622–0199

RUSSELL PAVLICEK: ''The Open Source''
InfoWorld.com
Wednesday, January 23, 2002
REWARDING PUNISHMENT

Posted January 18, 2002 01:01 PM Pacific Time

I'VE RECEIVED A number of requests to address the pending (as of this writing) settlement of the civil anti-trust lawsuit against Microsoft. Under the pending agreement, Microsoft will be obligated to provide hardware and software to thousands of underfunded school districts across the country. The logic, if you can call it that, is that such schools could benefit greatly from receiving the technology they lack.

Undeniably, there is an emotionally compelling case for this. A gigantic company, found guilty of doing wrong, is ordered to help the underprivileged. ''We need to do it for the children,'' cry the politicos. ''Think of the children!''

''For the children.'' That's the phrase politicians in Washington use to justify an action so irrational that it cannot be justified any other way.

How can I properly characterize this solution? It is like a court ordering a convicted drug dealer to give out more free samples of heroin to underprivileged children to ensure that their poverty does not deprive them of the opportunity to become addicted.

Sure, public classrooms need more technology. And it is especially important that children who don't have as many opportunities in life get assistance. But that is not adequate justification for assigning the fox to guard the hen house.

Personally, I like the counterproposal put forward by Red Hat: Let Microsoft donate money for computing resources for underfunded schools, but let those donations go toward hardware only; then populate those machines with open-source software.

Why open source? Consider the future: What will the schools do when they need to upgrade? If you give schools Microsoft software, they will be caught in the endless upgrade cycle that has characterized life in the Microsoft world. Those upgrades will cost money, money that these targeted school districts, by definition, cannot spare.

Instead, arming schools with open-source software will have two benefits. First, it will set schools down a long-term path that they can afford. The cost of obtaining open-source upgrades is trivial. Without low-cost software upgrades, all those nice shiny computers run the risk of becoming boat anchors in short order. I'm sure someone is saying, ''But open source is too difficult to administer!'' Such does not have to be the case, but I'll deal with that issue in a future column.

Also, the Red Hat proposal does not reward Microsoft in the long term. If a company is convicted of overpowering markets, why would you reward them by putting one of the few markets they don't lead under their control? This sounds a lot like a seed-unit program for education, not the penalty imposed from losing a trial.

Corporate misdeeds are supposed to earn punishment, not long-term investment opportunities. I believe we would all be better off if the courts acknowledged the difference between the two.

MTC–00017476

From: Phillip Padden
To: Microsoft ATR
Date: 1/23/02 1:19pm
Subject: Microsoft Settlement

I have read the proposed settlement and feel it does not truly represent the will of the people on this matter. From my experience most windows users belong to a camp that thinks dammed if we do dammed if we don't. They do not believe their is an adequate alternative to windows. This proposal does not face this issue at all. MS will continue to hold the power of a monopoly as long as the consumer believes they are the only thing, alternatives must be made visible to the public. Until the public believe that alternative exist MS must be watched. For this reason I suggest an amendment to the Sect ''V. Termination'' of the proposal. The ground for termination of the TC would not be five years with a potential one year extension, instead the ground for termination would be 5 years with a potential two year extension following the fist fiscal quarter when Microsoft's Primary OS no longer has a majority of the market. That is to say when 50 % or more of the general populace use an OS other Microsoft XX. Microsoft can still maintain the largest piece of the pie, however it's piece can not exceed 50%.

Phillip Padden

MTC–00017477

From: Rick Wittstruck
To: Microsoft ATR
Date: 1/23/02 1:19pm
Subject: Microsoft Settlement

In regards to Microsoft settlement, I feel that Microsoft has clearly abused its monopoly power over the computer industry and harmed U.S. consumers. Microsoft has been found to be at fault in a court of law, and now it's time to determine the penalty. The individual consumer has little ability to protect themselves against gigantic corporations with billions of dollars in the bank. That's where the U.S. government comes into the picture.

You are the only hope of the U.S. citizen in protecting fair commerce. If the U.S. government willing lets corporations have their way (and many people already think this is happening) then the government may find someday that the great unwashed masses have turned against it. We pay taxes for a government that represents the citizens, not corporations. In the most recent presidential election, approx. 50 million voted Democratic and another 50 million voted Republican. Those are large numbers of voters, but even the combined number of voters of approx. 100 million is smaller than approx. 180 million Americans who chose not to vote.

Letting Microsoft off the hook will not do much to convince Americans that their government is OF, BY, and FOR the people, not corporate profits. The U.S. government works for its citizens, and if the courts have found Microsoft business practices harmful to citizens, then punishment is required. Do NOT backpedal, debate, or appease Microsoft. They are so feared by competitors that some refuse to comment on Microsoft's business practices! This is not the American way of doing business, by any stretch of the imagination.

Firmly believe Microsoft should be PUNISHED to the full extent,

Rick Wittstruck

B.S. in Computer Science, University of Nebraska-Lincoln, 1993

6501 Yankee Hill Road

Lincoln, NE 68516

MTC–00017478

From: Bruce McFarland
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 12:58pm
Subject: Microsoft Settlement

To Whom It May Concern,

The proposed settlement with Microsoft shows me that:

1)Microsoft can buy anything they want

2)Justice is dead in America unless you have big money to purchase it with

3)The executive branch of government is more interested in campaign contributions than punishing wrongdoing

4)The Microsoft monopoly, with government support, will continue it's stranglehold on the computing industry

5)The previous government ''settlement'' with Microsoft shows that Microsoft just says what the lawyers want to hear, and go ahead and do whatever they damn well please.

Bruce McFarland

125 Catalpa Ave

Wilmington, DE 19804

302–994–8850

CC:'mbmcf(a)bellatlantic.net''

MTC–00017479

From: Svein Ove Aas
To: Microsoft ATR
Date: 1/23/02 1:20pm
Subject: Microsoft Settlement

I'm not a US citizen, but I don't need to be to see that this settlement is a bad idea, both for your economy and the world's.

Don't do it.

MTC–00017480

From: tim@seakr5.seakr.com@inetgw
To: Microsoft ATR
Date: 1/23/02 1:24pm
Subject: Microsoft Settlement

Hello,

I'd like to take a few moments to comment upon the proposed Microsoft Antitrust Settlement as allowed for by the Tunney Act. I wish I had more time to research all of the factors that one comes across in trying to intelligently articulate an argument against the proposed settlement but my time is limited. However, having been a user/administrator of Microsoft software for over a decade, and having followed the DOJ case against Microsoft from the very beginning, as well as reading through the proposed settlement itself I have to say I have enough information to offer an informed opinion.

The proposed settlement is way out of proportion for what Microsoft has done to it's competitors, customers, as well as the computer software market as a whole. The proposed settlement is nothing more than a mere ''slap on the wrist'' and merely *encourages* Microsoft to continue its grossly blatent abuse of its monopoly powers without fear of any responsibility for its crimes. The fact that these nine states can even consider this to be a settlement is a

completely inexcusable waste of taxpayer money.

The problem has already been identified and affirmed *twice* in court. Microsoft IS a monopoly. The solution is to allow others to fairly compete with Microsoft so that competitive forces (i.e. consumer choice) drive the computer software market, not Microsoft's monopoly. I didn't see anything within the proposed settlement that I believed would change Microsoft enough to even make a dent in the monopoly it currently manages. Until there is some real competition in the computer market security and innovation within this market will continue to be abyssmal. Like any monopoly Microsoft only cares about its profits. As it stands, Microsoft can pretty much charge whatever it wants for it's software, the software market has little, if any input into the equation. The only way to change the monopoly's behavior is to make it unprofitable.

Again, there is nothing in this settlement that will change Microsoft's behavior because there is NO financial incentive for Microsoft to do so. I greatly urge you to reject this proposed settlement on the basis that it will neither change Microsoft's behavior nor noticably limit Microsoft's ability to continue managing its highly profitable monopoly. To consider this agreement to be a settlement in the US citizens'' best interest is a grave misjustice.

Thank you for your time,
Timothy J Flower
14861 E Adriatic Pl
Aurora, CO 80014

MTC–00017481

From: Dave Ruske
To: Microsoft ATR
Date: 1/23/02 1:21pm
Subject: Microsoft Settlement

January 23, 2002

As a someone who has made their living developing software for the last 16 years, most of it on Microsoft platforms, I would like to offer my opinions on the proposed settlement in the Microsoft antitrust case.

Several weeks ago I received a phone call from someone with Microsoft's ''Freedom to Innovate Network.'' This person asked if I had heard about the proposed settlement, and after asserting that prolonged litigation would cost taxpayers money and be bad for consumers, he asked my opinion. When I declined to give it, he politely ended the call.

I write today because I believe the proposed settlement falls far short of what is necessary to restrain Microsoft and foster competition in the software industry. Moreover, I am deeply concerned about Microsoft's expanding reach even outside the industry. It is clear that their ''Freedom to Innovate Network'' spreads propaganda, manipulating public opinion for political gain. I expect that many of the comments you have received are the direct result of these manipulations. Will dissenting voices even be heard above the din Microsoft has created?

I do believe that prolonged litigation would be costly, and that Microsoft would fight with tenacity. Nonetheless, this fight is necessary. Not only does the proposed settlement fail to deprive Microsoft of the fruits of their past illegal practices, it is weak on enforcement for the future. Why should Microsoft refrain from further violations? By the time violations are caught and acted upon, the damage may be irrepairable to competitors and the market may be locked in to yet another Microsoft-entangled technology. As a software developer, freedom to innovate means choosing the best technology for the job. That implies choice.

Microsoft is free to innovate technology. They should not, and must not, be free to innovate new ways to skirt antitrust laws and illegally crush their competitors.

They should not, and must not, be free to manipulate any settlement to their advantage.

Respectfully,
David John Ruske
dave@ruske.net

MTC–00017482

From: Patrick McMahon
To: Microsoft ATR
Date: 1/23/02 1:55pm
Subject: Microsoft Settlement

The proposed Microsoft Anti-Trust Settlement is a very, very bad idea. I am a computer professional employed by the University of Delaware and

I feel I must write and submit my comment on the proposed Microsoft Anti-Trust settlement.

The proposed remedy to give schools more Microsoft products is an unbelievable miscarrage and wholly inappropriate way to punish a company for monopolistic behavior! This only helps Microsofts monopolistic stance, and denys the public any right to choose the educational tools for their school systems.

There are far too many loopholes allowing Microsoft the ability to declare theire development API's closed or ''security related'' hurting all but ''sanctioned'' development on their products. The proposed settlement does very little to provide any remedy to the public for the actions committed by Microsoft to the public.

Patrick McMahon

MTC–00017483

From: Brad
To: Microsoft ATR
Date: 1/23/02 1:20pm
Subject: Microsoft Settlement

The settlement is a bad idea. Microsoft has stifled the tech industry and deserves more than a slap on the wrist and an empty promise never to do it again.

-Brad Hall
Systems Programmer
TD/Network Systems
Rutgers University

MTC–00017484

From: alex shepard
To: Microsoft ATR
Date: 1/23/02 1:20pm
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea.

Please, don't make me lose what little faith I have left in my government.

Alex Shepard
Seattle, WA

MTC–00017485

From: Kent Bunn
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:23pm
Subject: Microsoft Settlement

I think the current settlement, as it's proposed, is a VERY bad idea.

Kent Bunn
Senior Network Engineer
Access Communications
(415) 844–6282
(415) 786–3562 Cell
kbunn@accesspr.com
<mailto:kbunn@accesspr.com>

MTC–00017486

From: Jamie Yukes
To: Microsoft ATR
Date: 1/23/02 1:20pm
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea.

Jamie Yukes
Independent
St George, Utah

MTC–00017487

From: Matthew Sienko
To: Microsoft ATR
Date: 1/23/02 1:20pm
Subject: Microsoft Settlement

Hello,

I have been looking at the proposed settlement in the Mocrosoft antitrust trial and have become very concerned that it does not address important issues. In the end, this settlement fails to restrict Microsoft's anticompetitive behavior and would be a very negative outcome of this case for everyone except Microsoft. I would like to reirerate comments made by Dan Kegel in his essay that can be found at the link below: http://www.kegel.com/remedy/remedy2.htm

The problems identified above with the Proposed Final Judgment can be summarized as follows:

* The PFJ doesn't take into account Windows-compatible competing operating systems

Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

* The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-

Box—operating systems that all use the Win32 API and are advertised as being ''Windows
Powered''.

The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

* The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running Linux. (Similar licenses to OEMs were once banned by the 1994 consent decree.)

* The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

* The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

The PFJ allows Microsoft to discriminate against small OEMs—including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

* The PFJ as currently written appears to lack an effective enforcement mechanism. Considering these problems, one must conclude that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, and would delay the emergence of competing Windows-compatible operating systems. Therefore, the Proposed Final Judgment is not in the public interest, and should not be adopted without addressing these issues.

Please do not allow this settlement to stand in its current form as it does little, at best, to limit Microsoft's anticompetitive behavior.

Thank You,
Matthew D. Sienko

MTC–00017488

From: Jeremy Tietsort
To: Microsoft ATR
Date: 1/23/02 1:21pm
Subject: Microsoft Settlement

I would like to voice my disapproval of the proposed judegment. There are many areas where it does not serve the public interest, but I will point out one in particular.

There is no mention of remedies for the use of undocumented file formats. Microsoft uses the file format of its popular Office programs for two things. First, by changing file formats with each version, they can ensure that people using two different versions of the software will not have seamless interoperability. By doing this, if one person upgrades, then the person that they are communicating with must upgrade also.

Second, competing software currently has to figure out each version of the Microsoft file formats in order to be interoperable with Microsoft Office. This practice usually means that they are months or years behind in trying to keep up with Microsoft's ever changing format. By forcing Microsoft to publish its file formats, other competing software packages would have a chance to be interoperable and remove the current Applications Barrier to Entry.

—Jeremy Tietsort

MTC–00017489

From: xanadu@mutant.net@inetgw
To: Microsoft ATR
Date: 1/23/02 1:48pm
Subject: Microsoft Settlement

Dear Sir,

Considering the past record of Microsoft Corporation in failing to obey agreements concerning their abuse of their monopoly position we feel that the proposed final judgement is woefully inadequate.

Microsoft has clearly abused their monopoly position in several areas and has never shown any sign of changing their behaviour. The proposed final judgement suggests a body checking Microsofts behaviour with two out of the three appointments to that body being suggested by Microsoft, and no actual power.

This is only one of the many problems with the proposed final judgement, but it is bad enough.

Yours,

Adam and Christie Morris, Milwaukie, Oregon.

MTC–00017490

From: Bill Tonkin
To: Microsoft ATR
Date: 1/23/02 1:14pm
Subject: Microsoft Settlement

Hello,

I am of the opinion that the Proposed Finial Judgment (''PFJ'') does not go far enough to deter Microsoft from engaging in anticompetitive conduct. My reasons for this follow:

o The PFJ's overly narrow definitions of ''API'' and ''Microsoft Middleware Product'' is likely to result in important Microsoft interfaces remaining secret and, therefore, anticompetitive barriers.

o The PFJ does not obligate Microsoft to release information about undocumented file formats. Undocumented Microsoft file formats are a significant Applications Barrier to Entry.

o The PFJ does not obligate Microsoft to list which software patents protect the Windows APIs. The threat of infringement litigation will scare away potential users.

o In the past, Microsoft intentionally created incompatibilities to discourage the use of non-Microsoft operating systems, e.g. the 1996 Caldera v. Microsoft antitrust lawsuit. The PFJ does nothing to prohibit these kinds of intentional incompatibilities from being used to create Applications Barrier to Entry.

Best Regards,
Bill Tonkin

MTC–00017491

From: rhartley@ics.com@inetgw
To: Microsoft ATR
Date: 1/23/02 1:22pm
Subject: Microsoft Settlement

Hello,

I find that the propsed settlement does not do enough to dissuade Microsoft from continuing its predatory practices.

They make it very hard for an honest hardworking person to ply their trade.

Software development, and computers in general are supposed to be liberating for people. They provide an opportunity for someone with interesting ideas to develop products to sell. Microsoft acts to impede the progress of others unless it helps themselves.

Thank you,
Robert

MTC–00017492

From: Kleinbach, Rod
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:17pm
Subject: Microsoft Settlement

The final judgment as written today is a mere handslap for a company that has covertly ruined numerous competitors. With only a five year term before termination of the judgement it would not surprise me to see Microsoft resume its predatory practices again.

MTC–00017493

From: John K. Walsh
To: Microsoft ATR
Date: 1/23/02 1:20pm
Subject: Microsoft Settlement

The proposed settlement against Microsoft does not go far enough to promote free competition in the PC market. Microsoft will be able to return to ''business as usual'' unless additional constraints are placed upon them.

MTC–00017494

From: Bill Warner
To: Microsoft ATR
Date: 1/23/02 1:21pm

Subject: Microsoft Settlement

The current settlement is a bad idea and needs to be reworked to actually punish microsoft for the crims they have commited

Bill Warner
Unix/Linux Admin.
Direct Alliance Corporation

MTC–00017495

From: Clayton S. Chan
To: Microsoft ATR
Date: 1/23/02 1:21pm
Subject: Microsoft Settlement

I can't believe you're actually thinking of letting Microsoft just walk away on this one. Haven't you guys learned from Enron yet? This settlement is an incredibly bad idea, and Microsoft hasn't changed anything about their business practices. All theyve learned is that they can buy anything they want.

MTC–00017496

From: Nigel Herbig
To: Microsoft ATR
Date: 1/23/02 1:23pm
Subject: Microsoft Settlement

The proposed settlement with Microsoft does not address any of the problems of the case. I think that you must reexamine the case, and come to a more appropriate solution.

Thank you,
Nigel Herbig
4748 Latona Ave. N.E.
Seattle, WA 98105

MTC–00017497

From: dalbuc@netscape.net@inetgw
To: Microsoft ATR
Date: 1/23/02 1:22pm
Subject: Microsoft Settlement

I am opposed to the current PFJ.

The Court of Appeals found that Microsoft has a monopoly on Intel-compatible PC operating systems and that monopoly has significant barriers to entry. The Court also found that Microsoft illegally maintaining its monopoly, accoridng to the Sherman Act, by imposing licensing restrictions on OEMs and ISVs (Independent Software Vendors.

These violations constitute a major breach of anti-trust laws and yet the punishments found in the PFJ are so weakly constructed as to amount to little more than a slap on the wrist.

First, the PFJ does nothing to aid potential competitors in the Windows OS world. The critical API's competitors need are not required to have advance release. These competitors would not, most likely, meet the middleware requirements of having a product meet MS defined technical requirements seven months before the final beta test of a new version of Windows. So, competitors will have the burden of delivering working software BEFORE MS has to give them the information needed to do so.

Equally important, many API's do not, or at least MS could argue they do not, meet the narrow API middleware definitions.

Second, MS is under no requirements from the PFJ to release technical information on their propritary file formats. Formats like.doc, .xls and .ppt form the core or (respectively) Word, Xcel and PowerPoint.

MS's productiveity software monopoly remians wholly unchallnged in the PFJ as result of not opening these formats.

Finally, MS ''broke'' it's own OS before in order to prevent competitors'' systems from working. This references the Caldera v. Microsoft case in which MS was found to have rigged MS–DOS to prevent a compeitors DR–DOS from running middleware applications without getting errors. The PFJ has nothing in it to stop such behavior from occuring again. In a monopoly setting if MS tweaks their OS to not run competitors software most people will assume there is an issue with the competiution since ''every thing else'' runs right on MS's operating systems.

The PFJ fails to do the very things an anti-trust settlement should do—either break up a monopoly or else restrain the monopoly in such as way to create competition. From a philosophical sense, the PFJ fails becuase it fails to deliver the kind of compeitive free market environment that gives the most benefit to consumers and instead aloows a single compnay to define for the conusmer what is progress and innvoation.

The settlement must be rejected in its current form.

Sincerly,
Craig Fisher

MTC–00017499

From: Jason Shupe
To: Microsoft ATR
Date: 1/23/02 1:22pm
Subject: Microsoft Settlement

This settlement is a bad idea . . . Let me count the ways. First it isn't harsh enough to even count as a slap on the wrist. Secondly it sends the wrong message. Thirdly it provides no remedy to any of the hundreds of companies who have been damaged or destroyed by Microsoft. Fourthly because the punishment is so weak it fails to discourage further evil by Microsoft.

Fifthly it actually helps Microsoft to cement it's monopoly by giving it entrance to schools which have traditionally been the realm of Apple. Both you and I have a limited amount of time, so I'll suspend my counting of the ways at this point.

Sincerely,
Jason Shupe

MTC–00017500

From: D Scott Grove
To: Microsoft ATR
Date: 1/23/02 11:21am
Subject: Microsoft Settlement

Regarding the Microsoft settlement, I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundred, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices.

Similar to the settlement against AT&T, Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level (40%, for example, assuming one of it's competitors is now also at 40%). This must be true for all Microsoft product lines, before regulation is lifted.

Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Imagine the damage to the United States if Microsoft were to fail, as Enron failed. The risks of a monopoly are greater than merely the loss of competition.

Thank you for your time.

MTC–00017502

From: Ned Brush
To: Microsoft ATR
Date: 1/23/02 1:24pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I am a Computer Engineer who has used both Microsoft and Linux operating systems. I feel more stringent limitations should be placed upon Microsoft. I feel the current proposed settlement still gives Microsoft too much room to exercise their overwhelming power.

It seems silly to me that the U.S. Department of Justice would so willingly accept any proposal generated by Microsoft. There appear to be many loop holes within the settlement that will only continue to allow Microsoft to crush competition. I would feel more comfortable with a settlement that had input from experts with a technological background, including Microsoft competitors.

Sincerely,
Edward Brush

MTC–00017503

From: Matt
To: Microsoft ATR
Date: 1/23/02 1:13pm
Subject: Microsoft Settlement

To Judge Kollar-Kotelly and whom it may concern,

I fear the Microsoft antitrust trial is deeply misunderstood, by the prosecution and the public at large. The consequences could be dire if a settlement is reached too early and in Microsoft's favor. This case has a lot in common with the trials of the railroad monopolies. By their end, public infrastructure in the form of superhighways and was at hand. People no longer depended on the railroads as the only means of transportation cross country, and federally funded interstate roads provided an alternative to moving people and goods only by tracks. The introduction and assistance of cross country roads from the government helped resist the price fixing from the railroads and gave people a choice. Ultimately that choice resulted in heightened interstate commerce and heavy population of the west coast of the United States.

Like the railroad companies, closed source operating system companies will always gravitate towards monopolistic unified control. This is in part because of the difficulty of building a new operating system

infrastructure (building a new set of cross country tracks) and partially because it lowers the parent companies costs. Any remedy must be ongoing until the United States congress sees fit to address the cost of building, obtaining, or securing a open source software infrastructure.

Any assistance from the government helps drive back the very real market force of fear of obsolescence, which helps repair the psychological damage caused by previous competition being wholly futile. Compare the argument, ''why should I buy a car when there are plenty of trains and their are no roads'' to the modern application obsolescence quandary, ''Why should I buy an operating system when there are no applications, and Windows is free?'' (Windows is not free, but that is the public perception).

Like moving goods, only when people can choose to manipulate information in the fashion which proves most efficient for them will the free market flourish. At the least, Microsoft license terms and prices must be predictable and uniform for however long it takes for a federal infrastructure to be made readily available for use by Americans. Then the market can choose once again.

Thank you for your time.

Matthew Newhall
President of LILUG
Long Island Linux Users Group
president@lilug.org
http://lilug.org
1750 Yale Ct
Wantagh NY 11793

MTC–00017504

From: Seth Buckley
To: Microsoft ATR
Date: 1/23/02 1:23pm
Subject: Microsoft Settlement

January 23, 2002

Dear Sirs:

I do not believe that the Microsoft settlement, in its current state, will provide adequate recompense to those injured by the anti-competitive behavior exhibited by Microsoft.

From the time Microsoft was found to be monopolistic until today, their behavior has not changed. I only need to point to Microsoft's proposed settlement for their class action suit. What other company would seek to give schools the software which caused the suit to begin with?

I firmly believe that regulation of Microsoft's practices with strict penalties for non-compliance is the only solution which will stop them.

Thank you for your time,

Seth Buckley
Raleigh, NC

MTC–00017505

From: Ben Wilson
To: Microsoft ATR
Date: 1/23/02 1:29pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses.

This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

To a more detailed point, there is no provision against Microsoft's non-documented ''closed'' file formats. One thing that will force a user into using one certain program over another is a closed format information. Let the application that uses that data be the divining point, not the format of the information.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,

Ben Wilson
Systems Designer
CORVUS
Turn Process into Profit
2200 Ampere Drive
Louisville, KY 40299
(502) 214.4359 direct line
(502) 515.1920 fax
http://www.corvusdigital.com

MTC–00017506

From: Helen C. O'Boyle (091)HCOA(093)
To: Microsoft ATR
Date: 1/23/02 1:23pm
Subject: Microsoft Settlement
CC: Helen C. O'Boyle [ASI]

Greetings,

I am writing to note my dissatisfaction with the proposed remedies in the MS anti-trust case. I am a consultant who works as a software developer, network support engineer, educator and writer. My customer base generally consists of smaller organizations and/or individuals.

I am a Microsoft fan. I use their products daily, recommend them to customers, have an equity stake in the corporation and am a Microsoft Certified Systems Engineer and Developer. At the same time, I recognize that the company has occasionally overstepped its bounds in its enthusiasm to be at the top of the charts, and that enough people take substantial offense at this that unless SOMETHING is done to put an end to the arguments, the industry (and the government) will waste tremendous amounts of resources pursuing Microsoft without accomplishing anything. I therefore feel that some degree of remedy that discourages anti-competitive behavior while not constraining Microsoft's ability to add new, innovative functionality to its products would be beneficial to both Microsoft and the other parties involved in this legal proceeding, so that all concerned can stop spending money and intellectual capital on this.

Unfortunately, I cannot support the proposed remedy as written, for a variety of reasons both in regards to exact content, and in regards to the philosophical approach it seems to be trying to take. One specific clause of the remedy document with which I personally take issue is:

III. Prohibited conduct

D. Starting at the earlier of the release of Service Pack 1 for Windows XP or 12 months after the submission of this Final Judgment to the Court, Microsoft shall disclose to ISVs, IHVs, IAPs, ICPs, and OEMs, for the sole purpose of interoperating with a Windows Operating System Product, via the Microsoft Developer Network (''MSDN'') or similar mechanisms, the APIs and related Documentation that are used by Microsoft Middleware to interoperate with a Windows Operating System Product. In the case of a new major version of Microsoft Middleware, the disclosures required by this Section III.D shall occur no later than the last major beta test release of that Microsoft Middleware. In the case of a new version of a Windows Operating System Product, the obligations imposed by this Section III.D shall occur in a Timely Manner.

The reasons I take issue with this directive are:

1. IMPRECISE SPECIFICATION OF COST. The directive does not specify a cost for this information. It is well known that MS provides access to key technologies, including Windows program source code itself (the MS Crown Jewels, to hear them speak of it) to its most significant customers. What if MS decides to limit access to the materials specified in (D), by requiring that companies spend $200,000/yr on MS products before they can have access to this material, or by charging $50,000 for it? Smaller shops, not having the $ to invest in procuring details of API's that may or may not be useful in their development efforts, would be squeezed out of access to these details, thus limiting MS'' potential competition to a ''short list'' of big businesses. (Tell me, did the AOL lobbyists, Sun and Red Hat jointly recommend this clause that carefully omitted the cost of the API information? It seems to me that it could unfairly provide a near-monopolistic advantage to those large companies at the expense of smaller ones like mine, due to a significant financial barrier of entry to the competitive information.)

2. IMPRECISE SPECIFICATION OF WHAT MS SOFTWARE IS SUBJECT TO THESE CONSTRAINTS. It leaves the door open for MS to define the boundary between Middleware and applications anywhere it chooses. So, Microsoft will use its low-level knowledge of Windows internals to build middleware-like functions into applications themselves, instead of in a separate middleware layer, and insist that those mechanisms which are part of the applications are protected as application source code, not part of the OS or

middleware. Even worse, if they embed middleware into the operating system itself, the API's that communicate between the lower levels of the OS, and the former middleware become no longer subject to disclosure.

3. IMPRECISE SPECIFICATION OF TIMELINESS. The text states that the obligations ''shall occur in a Timely Manner''. Who will determine what a ''Timely Manner'' is, and how long (and how much government/taxpayer money) will it take to do so, when Microsoft puts off providing the info? I believe that there needs to be a hard-and-fast deadline stated in the proposed remedy, that is not open for debate/re-interpretation later. For example, a more specific statement might be, ''no later than the last major beta test release of any Windows Operating System product/update, and no later than 90 days prior to the final release of that Windows Operating System product/update, whichever is earlier''. To get around the restriction in the original proposed remedy, Microsoft could release the ''last major beta test release'' the DAY before the final product is available for sale, thus giving its applications groups multiple months of head-start in using new API information, before third parties can incorporate the new API information in their own applications. In addition to nailing down the time limit involved, the remedy should recognize the ability for MS to change these API's via ''Service Packs'' or ''Updates'' to the Windows Operating System, and explicitly include the changes that result from those updates in this remedy—or things will start to slip through the cracks without being disclosed, as the court intends.

Notice that the common thread here is IMPRECISE, because it is that lack of precision that will render this portion of the remedy at best ineffective and at worst unenforceable. We've seen over and over again during this case that interpretation of even the most unambiguous statements is cause for debate by one side or the other. There's thus ample incentive to try to make the remedy as specific as possible, and as non-open to multiple interpretations as possible.

In regards to the philosophical approach that this proposed remedy seems to take. . . . Really, I (and many others in the tech community) want to see a remedy that resolves this issue for the forseeable future, because it's a distraction. That so much of this remedy appears to specifically address the browser wars, which Microsoft won years ago, is unfortunate. Microsoft has already conquered that territory with a superior product, and most savvy users wouldn't run any browser on the Windows platform other than Microsoft's. I'm sorry if that makes AOL's investment in Netscape a bad call on their part, but it's a fact of life that bad investments sometimes happen in business (especially lately, in anything related to the Internet!).

I truly believe that full disclosure of Windows and middleware API's, and how to use them, will go a long way toward preventing something similar from happening in the future, in another application domain. With disclosure, third parties will have the same access to timesaving pre-built functions that Microsoft's internal application developers have, and it'll be that much more challenging for Microsoft to produce an application that is leaps and bounds, months or even years, ahead of its competition, leaving the competition as far back in the dust as Microsoft left Netscape several years ago. It's still quite doable, but the bar would be raised. A company being challenged to succeed based on innovative uses of intellectual property is just the thing to create wins for consumers, and thus for the industry at large. The FUTURE, not hand-wringing over the past and trying to make something up to AOL and/or Sun that realistically cannot be made up at this point, and which was at least in part a problem to them because of their own suboptimal strategic decision-making, is what the remedy should be about. Thank you for considering my comments on this matter,

Helen C. O'Boyle
Consultant
Kent, WA

MTC–00017507

From: Devin Carraway
To: Microsoft ATR
Date: 1/23/02 1:24pm
Subject: Microsoft Settlement

Pursuant to the Tunney Act, I wish to comment on the proposed Microsoft antitrust settlement. I make these comments as a software engineer with 17 experience in the field, having developed software for many applications, including Microsoft's Windows, Apple's Macintosh OS, Linux and other flavors of UNIX. These comments relate to the Proposed Final Judgement (http://www.usdoj.gov/atr/cases/ms-settle.htm) in US v Microsoft. I urge rejection and abandonment of the proposed final judgement, as an ineffective instrument which will have make no perceptible improvement to the state of competition in the relevant computer software industries, while potentially leaving Microsoft in a position of still greater power than without the settlement. I further suggest that at the behest of the current presidential administration, the prosecution in this case is being made (directly or indirectly) to deliberately scuttle a successful case brought against this monopolist.

This settlement is almost perverse in its empowerment of the convicted party to dictate the details of its own ''punishment.'' Microsoft will be left in a stronger position as a consequence of this, free in most cases to selectively exempt itself from enforcement the prohibitions levied by the judgement.

The settlement does not even adequately address in its particulars the relevant list of operating systems in existence today—for example, exempting the most popular Microsoft operating systems, the Windows 95, 98 and ME series, from the definition of ''Windows Operating System Product.'' It also excludes likely future avenues of exploitation in other sectors of the computer industry, most notably the mobile and embedded computing sectors, by ignoring all MS products in these areas, and consequently exempting them from defense, even in this settlement's inadequate and ineffectual fashion, from Microsoft monopoly practices, both within and without.

The settlement poses a particular threat by leaving Microsoft in a stronger position than ever with respect to some of its most serious potential long-term competition, that of the Open Source movement and its products. This movement frequently arises from academic and hobbyist circles; I find it highly improbable that Microsoft would willingly acknowledge these independent engineers when exercising ''its sole judgement'' of fitness to receive API information as dictated by the proposed jugement. Microsoft has also in the past used cooperation with the Open Source movement as justification to discriminate against ISVs and OEMs, and would be free to continue to do so.

The settlement ignores completely Microsoft's application file formats, e.g. those used by the Microsoft Office productivity suite, despite Microsoft's historical use of these formats to advance its monopoly position.

Finally, and more generally, this settlement relies upon historical ignorance of Microsoft's practices—the antitrust case arose in part through their violation of the 1994 consent decree regarding these practices. Microsoft has displayed utter contempt and disregard for restriction of its behavior by the courts or the US Dept. of Justice, conduct agreements or not, and will in my estimation continue to do so under this settlement, under the shield of immunity afforded them by this agreement. It is profoundly illogical to award a convicted monopolist a settlement which amounts in all significant effects to a total capitulation of the prosecution's case.

Thank you for your attention.
Devin Carraway
Software Engineer
Berkeley, California

MTC–00017508

From: Porter, Marcus (NINDS)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:24pm
Subject: Microsoft Settlement

I'm writing to say that I believe the proposed settlement is not only inadequate, but will lead to more and greater abuses of the same sort as it is trying to address. Please consider Dan Kegel's essay on the matter (http://www.kegel.com/remedy/remedy2.html) as I believe it clearly defines the problems with the settlement.

Thank you,
Marcus Porter

MTC–00017509

From: Stewart
To: Microsoft ATR
Date: 1/23/02 1:17pm
Subject: Microsoft settlement

This settlement is a bad idea!
Stewart B Lone
stewartb@snip.net

MTC–00017510

From: Wang, Daniel
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:25pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am writing to express my disapproval of the proposed settlement in the Microsoft antitrust suit. As a California resident I completely support the efforts of the California Attorney General to press ahead with antitrust suit in the face of a stunning retreat from victory by the US DOJ.

Microsoft's antitrust violations are well documented in the Findings of Fact, and the proposed settlement is little more than a slap on the wrist that allows Microsoft to keep its ill-gotten gains and is full of loopholes that allow them to illegally maintain their monopoly.

Specifically I would like to point out a flaw in Sections III.D and III.E which relate to disclosure of APIs and communications protocols ''to ISVs, IHVs, IAPs, ICPs, and OEMs''. This complete fails to consider that much of the software that powers the Internet and one of the biggest competitors to Microsoft is free software written by individuals, non-profit foundations and government research laboratories. Apache, Samba, and BIND are three examples of such free software that need to interoperate with Microsoft and would be denied access to APIs and communications protocols under the settlement.

I urge you to reject the settlement and seek stronger remedies.

Daniel Wang
Network Engineer
Veridian Information Solutions
Email daniel.wang@veridian.com

MTC–00017511

From: Deron Graham
To: Microsoft ATR
Date: 1/23/02 1:24pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,

Deron Graham

MTC–00017512

From: Jeffrey Goff
To: Microsoft ATR
Date: 1/23/02 1:25pm
Subject: Comment on the Proposed Final Judgement

Among other concerns, I am concerned with the definition of ''Microsoft Middleware Product'' in Part VI, pgh. 28 of the settlement. According to trade papers and various public comments, it is fairly apparent to me that Microsoft intends to migrate people away from Microsoft Java to the new ''Microsoft .NET'' api, which, while it is at least partially documented, is not mentioned in the definition of ''Microsoft Middleware Product.''

While the Final Judgement may have been written before the release of .NET, this is a major omission, as Microsoft has made it clear that platform developers are strongly encouraged to move to this middleware layer. This should be included within the current Middleware product.

Thank you for your time,
Jeffrey Goff,
Software Engineer at Blackboard Inc.
Jeffrey Goff, <jgoff@blackboard.com>

MTC–00017513

From: Hagerty, Edward (UK—London)
To: Microsoft ATR
Date: 1/23/02 1:24pm
Subject: Microsoft Settlement

I believe that Microsoft's practices towards large users should be prohibited.

The PFJ places restrictions on how Microsoft licenses its products to OEMs, but not on how it licenses products to large users such as corporations, universities, or state and local goverments, collectively referred to as ''enterprises''. Yet enterprise license agreements often resemble the per-processor licenses which were prohibited by the 1994 consent decree in the earlier US v. Microsoft antitrust case, in that a fee is charged for each desktop or portable computer which could run a Microsoft operating system, regardless of whether any Microsoft software is actually installed on the affected computer. These agreements are anticompetitive because they remove any financial incentive for individuals or departments to run non-Microsoft software.

Please do not let the settlement as it stands move forward. Why have so many found it reasonable to go to such lengths to comb over the remains of Enron, while at the same time letting Microsoft spend over 20 years manipulating the software market to their gain and their gain alone?

Thank you,
Ed Hagerty
4287 Beltline
Addison TX, 75001
Owner, General Knowledge Corporation

MTC–00017514

From: Fyffe
To: Microsoft ATR
Date: 1/23/02 1:24pm
Subject: Microsoft proposed settlement

Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
January 23, 2002

Dear Mr. Ashcroft:

I am writing in support of the recent settlement between Microsoft and the U.S. Department of Justice. Although I am a Microsoft supporter, I think their heavy-handed marketing tactics needed to be tempered to protect the consumers rights. Now that a settlement is possible, I believe that the concessions agreed upon AND the one I added, will effectively allow other vendors to promote their own products and protect consumers.

Under the terms of the settlement, Microsoft has agreed to not retaliate against software developers and computer makers who develop or promote non-Microsoft products. They have also agreed to document and disclose for use by their competitors interfaces that are internal to Windows operating system products.

Futher, I suggest microsoft be required to support by toll-free telephone all of their products for 6 months after purchase and 6 months after each upgrade. And Microsoft should be required to offer continuing support toll-free for the reasonable annual fee of $25 (indexed for inflation).

These stipulations are more than fair and will ultimately be in the best interest of the American public. Especially the one I added. Please finalize the settlement and I thank you for your time.

Sincerely,
James Theodore Fyffe
3506 San Luis Street
Tampa, FL 33629
813–837–1382

MTC–00017515

From: bdbinatl@bellsouth.net@inetgw
To: Microsoft ATR
Date: 1/23/02 1:26pm
Subject: Microsoft Settlement

Greetings:

I am OPPOSED to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement neither fully redresses the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement seem to only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially troublesome in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does NOTHING to correct Microsoft's previous actions. There are NO provisions that correct or redress their previous abuses. They only prohibit the FUTURE repetition of those abuses. This, in my opinion, goes against the very foundation of our criminal justice system. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is NOT justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to

reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded and, if the Court is perceived to be wrong, then faith in the Court as the instrument of justice is diminished.

Sincerely,
Bruce D Burnaman
1310 Bass Drive
Woodstock, GA 30189

MTC–00017516

From: Ted Halmrast
To: Microsoft ATR
Date: 1/23/02 1:24pm
Subject: Microsoft Settlement

Hello,

The Microsoft Settlement is an absolute failure on the part of our government to take to task a known monopolist. Microsoft has repeatedly throughout its career demonstrated unethical business practices including but not limited to the crushing of numerous competitors and introduction of a proprietary, rather than open standards-based, status quo for computing. Microsoft's monopolistic tendencies have done so much damage to the free market of software development that it is telling that the only products still around competing with Microsoft products are those given away for free under open source. They are effectively killing the technology industry by reducing the number of companies that can effectively compete. This is bad for the consumer because it reduces choice and innovation, this is bad for the worker because there are fewer jobs, and this is bad for the economy because there are fewer companies and innovative ideas being developed to raise the financial markets.

Microsoft is a menace which must be dealt with before it can cause more damage.

Thank you,
Ted Halmrast
Software Developer
Shakopee, Minnesota, USA
Republican
tedh@tera.teralink.com

MTC–00017517

From: Roy Stogner
To: Microsoft ATR
Date: 1/23/02 1:27pm
Subject: Microsoft Settlement

I am writing to register my disappointment at the proposed Final Judgement settlement in the U.S. v. Microsoft anti-trust case. The most glaring deficiency of the proposed settlement, of course, is that it is utterly ineffectual at even elaborating on the existing legal restrictions that antitrust law places on Microsoft. Doubtless the DoJ has been flooded with explanations of these problems, but I refer you to Dan Kegel's excellent essay on the subject (already submitted as a Tunney act comment, and archived at http://www.kegel.com/remedy/remedy2.html) as the most intelligent elaboration of the settlement's loopholes and problems which I have seen. Because Microsoft has a record of finding such technical loopholes to legal restrictions (or, failing that, ignoring the restrictions outright), it is my belief that the proposed settlement will do nothing to prevent Microsoft from continuing it's current use of the Windows monopoly to maintain and extend that monopoly market share through illegal licensing and exclusionary agreements. In order to prevent Microsoft from abusing it's control over monopoly software products in the future, nothing short of uniform licensing for all it's products will suffice. Microsoft must not be allowed to license it's products differently to different customers, because even in the most benign cases of such special licensing it has and will continue to hold special pricing and special allowances as a bully's stick with which to control the behavior of other software and hardware companies. When I can get a Windows license via Dell computer more cheaply than I can get it from a retail store, I am coerced into buying from Dell (and other major PC assemblers), and they in turn must agree to whatever illegal restrictions Microsoft imposes or risk their very survival. Microsoft is aware of this power they have, and they use it. It must be removed. Microsoft must be required to release it's software at a constant price for any customer, OEM or individual, and they must be prevented from allowing any restrictions on the use or resale of that software beyond what is allowed by copyright law. Nothing less will suffice to prevent the continued illegal exploitation of their market position. Even this restriction is necessary but not sufficient; it should be added to the proposed settlement and should not replace it.

There is one thing that I feel must be added to Mr. Kegel's comments, which in his essay was completely absent: even if the proposed settlement were completely free from loopholes, it would be insufficient. Microsoft repeatedly broke both U.S. law and court orders, and has profited to the extent of tens of billions of dollars and dozens of destroyed and crippled competitors in the process. If the only punishment they face is a set of restrictions designed to make the continuation of these acts harder, then they really have not been punished at all. The settlement against Microsoft must ''deny to the defendant the fruits of its statutory violation'', or it does not act as a disincentive to further violations at all.

The most direct way of enacting such a punishment is simply to fine Microsoft at a level commensurate with their criminal gains. Fortunately, Microsoft holds a cash (and cash equivalents) reserve of over thirty billion dollars, and so such a fine could be levied without requiring any business-disrupting liquidation on their part. Microsoft has repeatedly demonstrated that they are motivated by money and not by the law; they will cease illegal behavior once it becomes financially unwise, and not a moment sooner.

Roy Stogner

MTC–00017518

From: John Bittenbender
To: Microsoft ATR
Date: 1/23/02 1:26pm
Subject: Microsoft Settlement

Dear Sirs,

The current settlement against Microsoft is totally unacceptable to me as both an everyday computer user and a tax-payer. I would like to see stronger measures brought against Microsoft with strict and close supervision of the company to verify that it is complying with the mandates brought against it. Please do not allow Microsoft to get off easy by performing philanthropic acts that will only extend its monopoly by distributing its products for free to schools.

I urge you to reconstruct the settlement against Microsoft in such a way that it is fair an foolproof, without loop-holes and lack or foresight.

Thank You,
John Bittenbender
Exario Networks

MTC–00017519

From: David Kramer
To: Microsoft ATR
Date: 1/23/02 1:26pm
Subject: Microsoft Settlement

As a software engineer with 18 years'' experience using or developing software for Unix, Windows, Macintosh, and Linux, I'd like to comment on the Proposed Final Judgement in United States v. Microsoft. I am concerned that the Proposed Final Judgement will not be effective in stopping Microsoft from illegally maintaining its monopoly. Specifically, I am most concerned that no part of the Proposed Final Judgement obligates Microsoft to release any information about file formats, even though undocumented Microsoft file formats form part of the Applications Barrier to Entry.

I believe that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, and would delay the emergence of competing Windows-compatible operating systems. The Proposed Final Judgment is not in the public interest, and should not be adopted without addressing these issues.

Thank you,
David Kramer

MTC–00017520

From: Sean Porth
To: Microsoft ATR
Date: 1/23/02 1:42pm
Subject: Micrpsoft Settlement

I don't have much to say, due to my lack of writing skills. But I can say please do not let this monopoly go unpunished, the settlement as it stands does not hurt Microsoft as it should. Simply put they broke the law and they should be punished, just as any other violator of any of our laws should.

—

Sean Porth
System Admin
Tortus Technologies
www.tortus.com
413–788–5080

MTC–00017521

From: Tom Mensch
To: Microsoft ATR
Date: 1/23/02 1:19pm
Subject: Microsoft Settlement

I think this settlement does not do enough. It is also critical that Microsoft also open up their proprietary file formats to allow compitition to their Office product. There can be no true compitition until users have an actual choise of what operating system they use. For example, most business users are required to use Microsoft Word to view

and create documents. If it is a standard that business people use Microsoft products to communicate then the file formats should be governed by standards commities like other communication standards.

Thank you,
Tom Mensch
Oakland CA, 94618

MTC–00017522

From: Eric Allison
To: Microsoft ATR
Date: 1/23/02 1:25pm
Subject: Microsoft Settlement

To Whom it may concern:

I am writing to express my displeasure at the proposed settlement of the case against Microsoft. I feel that, based on the merits of the case and previous judgments, a ruling more in line with the proposal by the 9 states dissenting states is appropriate.

Especially bothersome is the penalty for non-compliance and the loopholes (such as secure software) that are glaringly apparent. The penalty should be real—like forcing them to open up source code, as proposed by the dissenting states. A real penalty is more likely to ''encourage'' the desired behavior—I know this personally from my experiences as a child!

Sincerely,
Eric Allison
Stanford, CA

MTC–00017523

From: Barry Rountree
To: Microsoft ATR
Date: 1/23/02 1:26pm
Subject: Tunney Act comments AGAINST proposed settlement

Dear Sir or Ma'am,

I would like to register my opposition to the propsed Microsoft settlement with the DOJ. If for no other reason, allowing Microsoft to hide API's at their sole discretion based on their unreviewed claim of a possible security risk is a model of worst practices. The market moved beyond this years ago. Please do not allow a change in the White House to impede the just resolution of this case.

Respectfully,
Barry Rountree
Software Engineer
San Diego, CA
(858) 509–0993
rountree@san.rr.com

MTC–00017524

From: RandShurts@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 1:26pm
Subject: Microsoft Settlement

To the Department of Justice:

I am an American citizen and a long-time beneficiary of Microsoft products, and I believe as strongly as I have ever believed anything that what you have been doing to this company is wrong. It was wrong to have brought this suit in the first place. It was wrong for any judge to have ever found them guilty of anything, and it would be a grave injustice for the Department of Justice to impose a penalty of any kind.

Microsoft's only ''crime'' was to be too good at what it does. I use Windows 2000 every day (in fact I am using it right now), and I can't imagine how different my life would have been the last 20 years if Microsoft had never existed or hadn't been as successful as it is. The only thing you are doing in persecuting these people, (and make no mistake, it is people you are persecuting. The company name may be Microsoft but all Microsoft is is a whole lot of people pursuing their lives and their careers to the best of their abilities), is making my life and the lives of millions of Americans who have come to rely on Microsoft products more expensive and more difficult.

How dare you be so condescending as to believe that I need your ''protection'' from these people? The only thing I need protection from is a government that continues to usurp more and more power while increasingly dictating how the lives of its citizens should be led.

Start doing your legitimate job of protecting my individual rights of life, liberty, property and the pursuit of happiness, and stop persecuting some of the most productive, most moral people on earth; the owners, managers and employees of the Microsoft Corporation.

Russell W. Shurts
19031 E. Progress Lane
Centennial, CO 80015–4862
H—303–690–6542
W—303–416–1087
randshurts@aol.com
CC:activism@moraldefense.com@inetgw

MTC–00017526

From: Rich Morin
To: Microsoft ATR
Date: 1/23/02 1:28pm
Subject: Microsoft Settlement

I have been working in the computing field for a little more than three decades. When I entered the field, IBM ''owned the waterfront'', making it essentially impossible for any competition to thrive. Microsoft now holds that position, with even more market share than IBM held back then.

This is clearly a bad situation for the computing industry. Microsoft is able to dominate the field, while producing mediocre and dangerous (e.g., unreliable and insecure) software. They also use their power to discourage standardization efforts that would allow more competition. I am not well versed in the legal aspects of this case, so I will not try to suggest the exact shape of the settlement. Please count me as an opponent of the current proposal, however; it is FAR too lenient.

Yours, Rich Morin

email: rdm@cfcl.com; phone: +1 650–873–7841

http://www.cfcl.com/rdm—my home page, resume, etc.

http://www.cfcl.com/Meta—The FreeBSD Browser, Meta Project, etc.

http://www.ptf.com/dossier—Prime Time Freeware's DOSSIER series

http://www.ptf.com/tdc—Prime Time Freeware's Darwin Collection

MTC–00017527

From: Christopher LaVeglia
To: Microsoft ATR
Date: 1/23/02 1:25pm
Subject: Microsoft Settlement

To whom it may concern.

I believe that Microsoft's EULA is unfair in that it prevents me from implementing ''best of breed'' solutions. Specifically, it prevents me from using microsoft applications on a competing operating system. Furthermore the EULA allows Microsoft to audit my personal system, to ensure compliance.

Christopher M. LaVeglia

MTC–00017528

From: HILL, WILLIAM
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:26pm
Subject: Microsoft Settlement

Any settlement that does not include both a breakup of Microsoft and harsh fines is inadequate to protect general computing in the United States. Microsoft has shown the way to abuse programing's natural tendency toward standardization of code and interface. They have done nothing that others can not and will not do unless sound financial disincentives are offered.

MTC–00017529

From: Ben Wilson
To: Microsoft ATR
Date: 1/23/02 1:27pm
Subject: microsoft settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

To a more detailed point, there is no provision against Microsoft's non-documented ''closed'' file formats. One thing that will force a user into using one certain program over another is a closed format information. Let the application that uses that data be the divining point, not the format of the information.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Ben Wilson
admin—thelocust.org
ben@thelocust.org

MTC–00017530

From: T Carey
To: Microsoft ATR
Date: 1/23/02 1:24pm
Subject: Microsoft settlement

As a technology user I have been following the Microsoft legal issues from the very beginning. Overall I see the litigations against Microsoft to have limited merit and it is time to put the current case to rest. The ongoing nature of this case is detrimental to the technology industry as well as the consumer. A swift and fair conclusion to the current issues would be a great benefit to all involved.

It is time that our country stops punishing people and the companies for which they work for doing a good job. With foreign competition and our weak economy companies that are innovative and try to make products that are easy to use should be praised not punished.

Thank you
Thomas A Carey

MTC–00017531

From: Alon Harpaz
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:40pm
Subject: Re: Open Letter by Dan Kegel of Los Angeles, CA
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

This e-mail is to confirm my support and signature on a letter written by Mr. Kegel, concerning the proposed settlement with Microsoft in the anti-trust litigation.

I would especially like to voice my concern regarding the publication and release of Windows API information. The proposed settlement makes no attempt to provide this information to the general public. This contradicts Microsoft's stand that Windows is a de-facto standard in Information Technology, as it does not allow all who wish to develop programs for Windows to do so at their discretion.

In addition, such hiding prevents others from developing competing alternatives to Windows that would run applications designed for Windows.

Thanks, Alon Harpaz
Ashland, MA
Electrical Engineer at Dover Instrument Corporation

MTC–00017532

From: ddpruitt@att.net@inetgw
To: Microsoft ATR
Date: 1/23/02 1:26pm
Subject: Microsoft Settlement

I believe the proposed settlement with Microsoft is detrimental to the public interest and that it is a bad idea.

Darren Pruitt

MTC–00017533

From: Jacob Sayles
To: Microsoft ATR
Date: 1/23/02 1:27pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am officially opposed to the Microsoft settlement. It does not punish them for breaking the law and it's efforts to prevent such abuse of power in the future are misguided. I too would like to see and end to this case, but this settlement is not the correct course of action.

Thank you,
Jacob Lynn Sayles
6541 20th Ave NE
Seattle, WA 98115

MTC–00017534

From: Clancy, Mark L.
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:27pm
Subject: Microsoft Settlement

Dear U.S. Department of Justice Antitrust Division, I am writing to express my concern over the proposed Final Judgement against Microsoft in the case of United States v. Microsoft Corp., Civil No. 98–1232.

The proposed terms of settlement do not provide sufficient safeguards that specifications for Microsoft platforms and middleware will be publicly available to me as a software developer in the IT department of a large corporation that is not a software vendor. It's important that such documentation is available to the software development community as a whole, not just selected software vendors. The corporate IT infrastructure I support is large, diverse, and largely internally developed. The quality and value of our services is driven by the availability of valid technical software information, just as for a software vendor.

Section III.D of the proposed Final Judgement states ''...Microsoft shall disclose to ISVs, IHVs, IAPs, ICPs, and OEMs, for the sole purpose of interoperating with a Windows Operating System Product, via the Microsoft Developer Network (''MSDN'') or similar mechanisms, the APIs and related Documentation that are used by Microsoft Middleware to interoperate with a Windows Operating System Product''. While MSDN is an invaluable resource to software developers, I often find dissembling, biased, propagandistic, and coercive commentary in place of straightforward, unbiased technical information in its articles. Also, Microsoft is notorious for reorganizing its content to be consistent with Microsoft's market interests, deprecating and concealing legacy documentation. MSDN is a fine resource, but I am skeptical that without oversight, it could easily become simply another marketing vehicle for Microsoft.

Unbiased, detailed technical specifications for the Windows platform and its interfaces are far more helpful than market-generated literature in IT infrastructure strategy and development, especially when the market is distorted, as in this case. Publishing this information, actively monitoring its quality, ensuring it is valid and usable, and making it widely available to software developers in every setting is in the public interest.

While it may be politically expedient to settle this case as quickly as possible, it is in the interest of the software development community, the larger community of corporate software users, and of the public at large, to provide effective remedies which allow effective cooperation and competition in the software marketplace. Attorneys General of several states, including Minnesota, my home state, are agreed that the proposed Final Settlement is inadequate.

Thank you for considering my position.
Mark Clancy
Senior Analyst/Programmer
Mayo Clinic
Laboratory, Pathology and Extramural Applications Division
mclancy@mayo.edu
(507) 266–4489

MTC–00017535

From: Richard Turk
To: Microsoft ATR
Date: 1/23/02 1:27pm
Subject: Microsoft Settlement

I OPPOSE the proposed final judgement. It is inadequate. I just read through the proposed settlement, and I have listed some comments below. I acknowledge that these comments could be considered nitpicky, but bear in mind that Microsoft does not have a history of operating in ''good faith'': they will attempt to exploit any weakness or ambiguity. Also, remember that time and money are on Microsoft's side: even if they are ultimately held accountable for a breach, it might take many months and many dollars to push the suit through the courts. The language of this agreement must be sufficiently strong and clear that violations can be determined quickly (summary judgement) by the trial court. Otherwise, Microsoft will be able to use the intervening time to extend its monopoly and suppress competition.

Problem 1. The term ''Windows Operating System'' is inadequate: it omits a large variety of products currently available or under development. Also, Microsoft could rename a future product to avoid this definition. (e.g. Windows CE is now PocketPC; the XBox could become an exempt computing platform)

Remedy 1. The anti-monopoly restrictions should be placed on *all* Microsoft products, both hardware and software.

Problem 2. The settlement allows Microsoft to choose which companies can gain access to their API's and protocol specifications. This will permit Microsoft to withhold information from Open Source or volunteer programmers, thus suppressing competition and consumer choice.

Solution 2. Microsoft should publish API's and protocol specifications publicly, for all developers; the notion of ''legitimate business interest'' should be dropped.

Problem 3. The definition of ''bona fide joint venture'' is not given. Without a clear indication, Microsoft can bottle up suits in court.

Solution 3. Provide a very narrow, explicit definition.

Problem 4. Section VI(U) Gives Microsoft discretion as to what comprises a ''Windows Operating

System Product''. Microsoft could make unreasonable claims of exclusion and then fight in court, thus delaying fair competition.

Solution 4. Either remove this section, or let the Technical Committee decide what comprises the OS.

I could come up with more specifics, but I'm sure others have done a more thorough

job. Also, it might help to create a punishment for ''parole violation'': if Microsoft loses a certain number or percentage of lawsuits relating to specifics of this judgement, then there would be automatic and severe monetary penalties and additional restrictions. This might deter them from using the courts as a delaying tactic.

MTC–00017536

From: Kendall Whitlatch
To: Microsoft ATR
Date: 1/23/02 1:27pm
Subject: Microsoft Settlement

I feel that the proposed settlement offered by the DOJ does not adequately address Microsoft's ability to act in a monopolistic manner. There are far too many loopholes and terms have been too narrowly defined. If this settlement is implemented, I believe that we will see another scenario like this last one where MS acts within the legal boundary of the settlement, but still monopolizes the industry.

I urge you to review Dan Kegel's petition and implement those fixes he addresses. http://www.kegel.com/remedy/letter.html

Best regards,
Kendall Whitlatch
mailto:whit@dubhlinn.com
14801 Kennedy Place NE
Duvall, WA 98019
425–844–4094

MTC–00017537

From: Chris Kantarjiev
To: Microsoft ATR
Date: 1/23/02 1:27pm
Subject: Microsoft settlement

The proposed settlement is ridiculously lenient. It seems like people keep forgetting that Microsoft was found GUILTY and that the verdict was AFFIRMED by the appeals court. All that is at issue now is their punishment. Letting them off with the proposed slap on the wrist would be a travesty, and would irreparably harm the entire computer industry.

Microsoft must be punished severely. Their monopolistic and predatory practicies must be slapped down HARD so that this time they won't come back in a few years and start pulling the same tricks. Please don't cave in. Make this criminal corporation feel the pain of justice.

Christopher Kantarjiev
1530 Portola Avenue
Palo Alto, CA 94306
cak@dimebank.com

MTC–00017538

From: Jamie Dillon
To: Microsoft ATR
Date: 1/23/02 1:27pm
Subject: Microsoft settlement

Thanks for listening,

My primary concern with the proposed Microsoft case solution is the idea of Microsoft flooding public schools with their software, as well as Windows-based hardware, as a penalty. Their suggestion here is typically disingenuous, and a bad plan. I've made a career in public schools, where we have the strength of a variety of platforms. The Justice Dept has made great strides in pursuing this long course.

Thanks for the work.

Jamie Dillon

Jamie Dillon, speech pathologist, Gonzales Schools <*>

<jdillon@monterey.k12.ca.us> http://www.winepress.com/jd1.htm

''Did you ever see a wolf in spats?''—G. Marx

MTC–00017539

From: Russell Hemati
To: Microsoft ATR
Date: 1/23/02 1:28pm
Subject: Microsoft Settlement

Dear Sir or Madam,

I was originally very excited about a proposed settlement between the DOJ and Microsoft. I mainly thought it was a good idea since after having the crimes of the company upheld by an appeals court, I naturally assumed that this was the only way to keep the upper echelons of the company out of federal prison. Imagnie my surprise when I found out that the DOJ had lost their nerve in prosecuting the most illegal monopoly of all time.

After reading the proposed settlement between the DOJ and Microsoft, I am convinced that it must be rewritten from the ground up. After 15 years of computer consulting, including developing for Windows as well as Linux and helping support those who develop on the Apple platform, I still do not consider myself to have mastered every nuance of systems integration—much less the computer market as a whole. I do, however, know enough to realize that regardless of how brilliant or qualified the lawyers who drafted this settlement are, they require more training in computer terminology and software engineering. They also require themselves to ask seriously—is this settlement There are numerous technical problems with this settlement, the most important being that it allows Microsoft to keep the monopoly it already has and at best attempts to limit the speed at which it aquires new monopolies. Having watched Windows XP turn into a way to market Microsoft's other products (usually offered at a loss) and the sale of the X-Box—under— cost (as much as $100), it seems that any software company (and now with the X-Box—any hardware company) that does not have the ability to sell its products under cost or give them away for free while being kept profitable by inflating the prices of other products that often the consumer cannot refuse to buy—any company that cannot do this will not succeed. Even if they can (such as the possible exception of Java), because their ''competitor'' is the company that they depend on to make the system that runs their program, they will not succeed because this ''competitor'' makes their system incompatible with yours while simultaneously offering their own alternative to your customers. Standard Oil was nailed to the wall for this, the proposed settlement is not just lenient—its SILENT!

We are nearing the point when nobody, not even the government of the US, can stand up to Microsoft. The settlement is a joke, it doesn't do anything at all about the illegal monopoly Microsoft already has (a ruling upheld by the appeals court). No other criminal I know could settle this easily after already being declared guilty. No convicted bank robber would be told that he can keep his money and should just rob fewer banks per month.

Also, when Microsoft asked for part of its settlement to include government mandated installation of its software in one of its few last competitor's main market (schools—Apple), it demonstrated its brazen practices. Any reasonable person should be able to realize the predatory nature of such a company. Please do not let the difficulties in the economy cloud this decision. Microsoft is a very valuable company—if you have any tech related mutual funds you probably own a piece of them anyway. They have managed to hire a great many intelligent and qualified people. Microsoft —can— compete in an open market. To say that they can't compete in an open market is to say that they haven't been, since they are indeed successful. One of the reasons that the software market is so bleak is because most of the incentive for creating and then profiting from software has been and is still being sucked dry by a company that will not stop until it is the —only— technology company. A free market cannot exist without competition. If the intention of the DOJ is to do their part in restoring the computer technology market, they cannot hide behind Microsoft.

I am a capitalist. I believe in business both big and small. I also believe that we are a nation of laws. Because the DOJ is about to allow one of the most nefarious criminal entities to go free, it is in danger of presenting itself to history as only attempting to prosecute the little guy—the individuals and small companies while the big guy—the one who could influence their own pocketbooks with it success or demise—this one they are too scared to touch.

You are the United States government. You are there to protect individuals and companies. You are there to protect our free market. Do your duty and protect us. Stop the Microsoft monopoly with more than this travesty. Make them give back what they illegally took from the people, the companies, and the market. Make them give back what they took from you—the DOJ—since you are undoubtedly one of their customers and have been suffering from lack of choice and poor quality. Do your duty. Make us all proud we elected your superiors.

Russell Hemati

MTC–00017540

From: Jason File
To: Microsoft ATR
Date: 1/23/02 1:28pm
Subject: Microsoft Settlement

I am writing to complain that at present, the negotiated settlement does not permit software developers such as the Wine project to create the capability of running Windows applications on Linux. Only with this component included in the agreement will the settlement have a real effect on market competition. As it stands now, it is relatively toothless.

Best wishes,
Jason File
Yale Law School

MTC–00017541

From: Steven Boothe

To: Microsoft ATR
Date: 1/23/02 1:34pm
Subject: Microsoft Settlement Dear Sir/
Ma'am, or to whom it may concern:

My name is Steven Boothe and I am a citizen of the United States since birth. I currently reside in the beautiful state of California. I am writing because I just learned that I have the opportunity (expiring Monday, January 28) to air my comments (in accordance with the Tunney Act) on the justice and efficacy of the proposed Microsoft Settlement. For this privilege to engage the judicial system I am truly grateful to be a citizen of the United States of America. So for those that may be in a hurry, in short: I find this proposed settlement appalling and disgraceful. No I do not approve. I herewith cast my vote against this proposal, and for reference, respectfully request that the short-comings highlighted in the following paragraphs be rectified as my suggestion for how to adequately meet out justice and retain our country's dignity in this case. Here are the paragraphs of which stand out so clearly stated as the problems I whole heartedly agree need attention:

''The remedies in the Proposed Final Judgments specifically protect companies in commerce—organizations in business for profit. On the surface, that makes sense because Microsoft was found guilty of monopolistic activities against ''competing'' commercial software vendors like Netscape, and other commercial vendors—computer vendors like Compaq, for example. The Department of Justice is used to working in this kind of economic world, and has done a fair job of crafting a remedy that will rein in Microsoft without causing undue harm to the rest of the commercial portion of the industry.

!!!!!!!!!!!!!!!! emphasized content below !!!!!!!!!!!!!!!!!!!!!!

But Microsoft's greatest single threat on the operating system front comes from Linux—a non-commercial product—and it faces a growing threat on the applications front from Open Source and freeware applications.

The biggest competitor to Microsoft Internet Information Server is Apache, which comes from the Apache Foundation, a not-for-profit. Apache practically rules the Net, along with Sendmail, and Perl, both of which also come from non-profits. Yet not-for-profit organizations have no rights at all under the proposed settlement. It is as though they don't even exist.

Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''. . .(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, . . .''

So much for SAMBA and other Open Source projects that use Microsoft calls. The settlement gives Microsoft the right to effectively kill these products.

!!!!!!!!!!!!!!!! emphasized content above !!!!!!!!!!!!!!!!!!!!!!

Section III(D) takes this disturbing trend even further. It deals with disclosure of information regarding the APIs for incorporating non-Microsoft ''middleware.'' In this section, Microsoft discloses to Independent Software Vendors (ISVs), Independent Hardware Vendors (IHVs), Internet Access Providers (IAPs), Internet Content Providers (ICPs), and Original Equipment Manufacturers (OEMs) the information needed to inter-operate with Windows at this level. Yet, when we look in the footnotes at the legal definitions for these outfits, we find the definitions specify commercial concerns only.''

Hence: ''If this deal goes through as it is written, Microsoft will emerge from the case not just unscathed, but stronger than before.'' Please do not allow our tax dollars and dignified judicial system to be displayed as a wasted effort by leaving this proposed settlement in a status quo.

(http://www.pbs.org/cringely/ pulpit/ pulpit20011206.html)

Thank you very much for your time,
Steven Boothe

A concerned husband, father, and computing professional.

MTC–00017542

From: Matt Jurach
To: Microsoft ATR
Date: 1/23/02 1:28pm
Subject: Microsoft Settlement

The problems identified above with the Proposed Final Judgment can be summarized as follows:

The PFJ doesn't take into account Windows-compatible competing operating systems

Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

The PFJ allows users to replace Microsoft Java with a competitor's product— but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box— operating systems that all use the Win32 API and are advertised as being ''Windows Powered''.

The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

The PFJ requires Microsoft to release API documentation— but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents?

This can scare away potential users.

The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running Linux. (Similar licenses to OEMs were once banned by the 1994 consent decree.)

The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

The PFJ allows Microsoft to discriminate against small OEMs —including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems.

This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

The PFJ as currently written appears to lack an effective enforcement mechanism.

Considering these problems, one must conclude that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, and would delay the emergence of competing Windows-compatible operating systems. Therefore, the Proposed Final Judgment is not in the public interest, and should not be adopted without addressing these issues.

A thorough and thoughtful propisition of remedies for the above issues has been assembled by Dan Kegel at:

href=''http://www.kegel.com/remedy/ remedy2.html''>http:// www.kegel.com/ remedy/remedy2.html

Thank you,
Matt Jurach
href=''mailto:mgjurach@ucdavis.edu

MTC–00017543

From: rcsadmin@teralogic.tv@inetgw
To: Microsoft ATR
Date: 1/23/02 1:29pm
Subject: Microsoft Settlement

To Whom It May Concern:

I believe the proposed Microsoft antitrust settlement is counter to the interests of the American public, deleterious to the American economy, and is not adequate, given the findings of fact in the trial.

Microsoft's anti-competitive practices are counter to the law and the spirit of our free-enterprise system. These practices inhibit competition and reduce innovation, decreasing employment and productivity in our nation.

Microsoft's monopolistic practices cause the public to bear increased costs and deny them the products of the innovation which would otherwise be stimulated through competition.

The findings of fact which confirmed that Microsoft is a monopoly require strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future.

I do not think that the proposed settlement is strong enough to prevent Microsoft from engaging in monopolistic behavior, both now and in the future.

For more specific examples of deficiencies in the current proposed settlement, please refer to Dan Kegel's ongoing analysis at: http://www.kegel.com/remedy/remedy2.html

Sincerely,
Tim Vogt
Sunnyvale, CA
Sr. Software Engineer
Tim Vogt
tvogt@synaptick.net

MTC–00017544

From: Sam Nilsson
To: Microsoft ATR
Date: 1/23/02 1:19pm
Subject: Microsoft Settlement

this is inexusible in a ''democracy''. this is no democracy, this is a corporate controlled money state. only the money is represented. please do not settle with microsoft.

BREAK THEM UP.
Sam Nilsson
Santa Cruz, CA 95060

MTC–00017545

From: Adam Goldstein
To: Microsoft ATR
Date: 1/23/02 1:29pm
Subject: Microsoft Settlement

I would like to express my strong feelings on the Microsoft Settlement.

I believe that Microsoft has illegally used its power to make itself into a monopoly by trying to quietly destroy competition. I believe that Microsoft should be split into two companies, one for the Windows operating system and related files, and one for Office software and other software, not only as a punishment for its illegal actions, but also to prevent such abuses in the future.

MTC–00017546

From: Michael McNeany
To: Microsoft ATR
Date: 1/23/02 1:33pm
Subject: Microsoft Settlement

TWIMC,

I feel the proposed settlement redarding the Microsoft Anti-Turst case is not effective enough.

I feel that stronger regulations need to be imposed to force Microsoft to disclose information regarding file formats and their interoperability with the applications and furthermore, the operating system.

Michael McNeany

MTC–00017547

From: Mick Crouch
To: Microsoft ATR
Date: 1/23/02 1:31pm
Subject: Microsoft Settlement

I am unhappy with the Microsoft Settlement.

I feel that Microsoft has gotten off too easy. No significant changes will occur as a result of the proposed settlement.

Mick Crouch

MTC–00017548

From: Bob Pesall
To: Microsoft ATR
Date: 1/23/02 1:32pm
Subject: Microsoft Settlement

Dear sir/ma'am,

I would like to add my disapproval to the proposed settlement with Microsoft corporation currently open for public comment. To resolve this situation with any monopoly still intact, and to leave the software industry unable to provide competition that might end such a monopoly is to do a disservice to consumers.

MTC–00017549

From: Andrew Haas
To: Microsoft ATR
Date: 1/23/02 1:30pm
Subject: Please Throw Out the Microsoft Settlement

This is a letter appealing the government to not only throw out the Microsoft settlement, but further penalize Microsoft for its anti-competitive business practices and poor quality software. Microsoft has undermined the security of the United States, wasted billions of taxpayer dollars and gone against everything this country is founded upon. What is the foundation of the United States? What has made this country so great?

If you were to ask me, I'd say it's the constitution of the U.S., the excellence of the people who founded this country, the commitment of the many men and women who have given their lives to make this a great country, and the principles they stand for.

How does Microsoft violate these principles? By their first-to-market business methodology, where they bring to market poor quality software and leverage their Windows monolopoly to become dominant, they stifle competition. In so doing, they have introduced software with security holes and software that requires constant fixes and upgrades. They waste the time of millions of people.

What if the founders of the country, the writers of the constitution, brought it to market before it was ready? What if they said, ''Well, this is good enough?'' What if the people who fought in our world wars said, ''Well, we tried to be secure. We tried to make your country secure,'' while all the while leaving tons of security holes? What if our intelligence organizations did a slipshod job?

The answer is our country would have fallen long ago to the forces that seek to undermine it.

Why should we reject any settlement with Microsoft and further penalize the company to the full extent of the law:

A) Microsoft's poor software quality has undermined national security.

B) Microsoft's poor software quality has wasted billions of taxpayer dollars.

C) Microsoft has shown no remorse, worse, only arrogance, and has never taken responsibility for its actions.

D) Microsoft has created a marketplace where in order to compete, companies have to follow its model of producing poor quality products and rushing them to market too quickly.

Let's look at each of these points more closely:

A) Microsoft's poor software quality has undermined national security. Microsoft software has been shown to be extremely vulnerable to viruses and have numerous security holes. In addition, it has been shown to be bug-ridden and crash often. The news is filled with reports of problems. For example, a warship had its weapons systems offline for 5 hours due to a problem with Windows. Nuclear materials have been misplaced or ''lost'' due to bugs in Microsoft's database software. The NSA was infected by a virus that harmed its employees ability to communicate with each other.

B) Microsoft's poor software quality has wasted billions of taxpayer dollars. As a professional software developer, I work with Microsoft products daily. Unfortunately there is no way around this, because my employers require it. I waste approximately an hour a day on slow software, bugs in software. I waste another hour due to incompatibilities in software and trying to work between Unix systems, which are used on the server side because they are stable, and Windows, which is used on the client side because of Microsoft's monopoly. If IT professionals in government waste an equal amount of time as I do, then Microsoft is costing the taxpayers billions of dollars.

C) Microsoft has shown no remorse nor taken any responsibility for their actions. In testimony before the government, Microsoft has denied all the charges against them and made it sound like the government or the taxpayer is at fault. They have made few efforts if any to fix these problems. When Windows 2000 was released, Steve Ballmer made the statement, ''Windows is finally stable.'' Well what was it before? Microsoft was penalized by the government in the 1994 consent decree, but made no efforts to change their actions. Microsoft considers itself above the law.

D) In order to compete with Microsoft, the entire software industry has made a habit of

rushing products to market before they are done. In addition, since products built upon buggy operating systems are themselves buggy, it's almost impossible to produce very stable software that runs on Windows operating systems. It's like trying to build a house on foundations of sand—when the sand shifts the house will fall. There are numerous examples of this— Lotus Notes, Corel, Sun Java—all of these products have had problems because they were built on a buggy operating system—Windows. The Solaris versions of Java have always been better than Windows, because Solaris is a much more stable operating system. So my plea to the government is this.

If the founders of our country, and all the men and women who have given their lives to make this country the place it is had done their business the way Microsoft has, this country would have fallen long ago.

Microsoft has undermined national security and wasted billions of dollars. It has created an anti-competitive environment where companies have to produce poor quality software to compete. It has made the computer industry much harder to work in and good quality solutions hard to implement.

Please penalize Microsoft to the full extent of the law, as you would anyone who commits a crime against the people. Please do not let Microsoft's dominant position cloud your judgement. Please do the right thing.

Thank you very much,
Andrew Haas

MTC–00017550

From: domenic.ippolito@e-acumen.com@inetgw
To: Microsoft ATR
Date: 1/23/02 1:31pm
Subject: Microsoft Settlement

I'm very surprised that the decision to break up Microsoft was reversed. Until the OS division is separated from the other divisions of Microsoft, their de facto OS monopoly will continue to be leveraged to help them gain dominance of other markets. The currently proposed settlement does not sufficiently address the competition issues.
Sincerely,
Domenic Ippolito
Engineering Manager
e-Acumen, Inc.

MTC–00017551

From: Matthew Chastain
To: Microsoft ATR
Date: 1/23/02 1:31pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Matthew Chastain
109 NW Broadway St Apt 4
Bend, OR 97701–2640

MTC–00017552

From: P. Dworkin
To: Microsoft ATR
Date: 1/23/02 1:32pm
Subject: Microsoft Settlement

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement.

The tentative settlement of the United States vs. Microsoft antitrust lawsuit does not address the reasons Microsoft was found guilty of violating antitrust statutes and protects neither consumers nor businesses.

I am strongly against the proposed settlement.

Paul Dworkin
paul@heyho.com;
www.heyho.com;
ftp.heyho.com
79 Hancock, Somerville MA 02144
617–625–4224
Fax 508–519–0729

MTC–00017553

From: David Cutler
To: Microsoft ATR
Date: 1/23/02 1:30pm
Subject: Microsoft Settlement
To: U.S. Department Of Justice,

I appreciate the right to speak on this issue, which I feel very strongly about. As a U.S. citizen, I believe I have a responsibility to defend the rights and freedoms we enjoy as Americans. The current settlement does not effectively prevent Microsoft from using its current monopoly in the desktop operating system market to create a monopoly in other markets. One obvious example is the browser market. I believe Microsoft should be required to offer a version of its operating systems which does not contain middleware software like Internet Explorer tied into the operating system.

Also, Microsoft should be required to remove software from its operating system which causes incompatibilities with rival companies'' software. Microsoft should also be prevented from using its passport services in Windows XP to force users to use Microsoft technologies to access online services. I believe Microsoft's .NET program is their plan to completely control PC users'' access to the Internet and e-commerce.

This is clearly a threat to computer users and competing companies. I reiterate that the currently settlement does not go far enough to limit and prevent Microsoft's anti-competitive and monopolistic behavior.

Sincerely,
David Cutler
David J. Cutler
(703) 242–3970
cutlerd@earthlink.net

MTC–00017554

From: Rick Silton
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 1:32pm
Subject: Microsoft Settlement

I would like to voice my position which, in brief, is that the proposed final judgment against Microsoft will not adequately prevent Microsoft from abusing its monopoly power.

There are many reasons such as those listed below, but ultimately it comes down to the fact that Microsoft is both the supplier of the monopoly operating system and a supplier of applications that use the operating system.

The Proposed Final Judgment needs to be amended because: Hurts the not-for-profit competitors (Linux, Apache, etc.) Fails to remove restrictive licensing terms to keep Open Source apps from running on Windows.

Requires that users of the APIs share their code with Microsoft. The APIs are needed to use the OS features but the OS vendor does not need to know how the applications work and so there is no need for Microsoft to have access to the code. This is especially true when they are also producing competing applications!!!

The proposal for Microsoft to donate equipment to schools must be a joke—it doesn't punish Microsoft at all and in fact takes market share away from the competitors that Microsoft has been hurting.

* API & Middleware definitions are too narrow.

* It does not prevent Microsoft from intentionally sabotaging Windows applications, middleware, and development tools so that they cannot run on non-Microsoft operating systems.

Please take these comments into consideration—Microsoft has been doing anti-competitive behavior for many years and there is absolutely no reason to believe they will stop on their own. Their corporate culture is obviously to crush the competition with no regard for fair and reasonable business practices.

Rick Silton
2655 Fanieul Hall Ct
Herndon, VA
20171

MTC–00017555

From: bbarton@ashland.com@inetgw
To: Microsoft ATR
Date: 1/23/02 1:31pm
Subject: Microsoft Settlement

To whom it may concern,

I do not think the Microsoft Settlement goes far enough to ensure that Microsoft's non-competative behavior will not be allowed to continue. Of the many problems I have with the settlement, I think the most

important is the barrier to applications. It is not enough to stop at opening APIs for middleware. APIs must also be opened for applications.

While I am happy that the settlement makes an effort at keeping Microsoft from hindering the development of cross-platform middleware, it needs to ensure that there is a cost effective alternative to the Microsoft Windows operating system. By allowing Microsoft to keep its Windows APIs secret/undocumented, users who wish to use the vast majority of applications written for Intel-Compatible PCs will still be forced to use Windows. The reason that most applications are written for Windows is that there was no viable alternative; if most developers wanted to be able to make a profit selling their products, Windows is the only operating system that has an installed base large enough for the application to have enough possible customers.

The WINE project is an open-source, ongoing effort to create an environment that runs Windows applications under Linux, an open-source, free operating system. It is already possible to run many Windows applications using WINE, but not all and not perfectly. The progress is slow because much of the necessary code is under lock and key at Microsoft. Because WINE is open source, all work done to make Windows applications run in Linux also benefits other operating systems, particularly UNIX and UNIX-like operating systems.

Until Microsoft is forced to allow all developers access to its API and their full documentation, users who wish to use most applications written for Intel-compatible PCs will be forced to have a copy of Windows. Microsoft would rather keep this unfair advantage and not share the entire library of APIs, but be allowed to pick and choose. This is non-competative behavior. MIcrosoft can still be allowed to innovate with respect to the layout and functionality of its operating system without keeping other operating systems from running applications written for the Windows environment.

Respectfully,

Brett Barton

Dublin, OH 43017

Pricing Coordinator, Ashland Distribution Company

MTC–00017556

From: djsmith@checkfree.com@inetgw
To: Microsoft ATR
Date: 1/23/02 1:30pm
Subject: Microsoft Settlement

Dear sirs:

I have thoroughly read the ''Proposed Final Judgement' (PFJ) in the United States vs. Microsoft, and would like to comment pursuant to the Tunney Act and its provisions for public comment.

There are several points which I would like to make concerning the PFJ. First, I believe this proposal would still allow Microsoft to manipulate licensing agreements such that Windows applications would be unable to run on non-Microsoft operating systems(OSs). If OS users are not able to run Windows applications on an OS other than one of the flavors of Windows, this provides a Application Barrier to Entry to any OS wishing to provide a product in direct competition to Windows. Since the Windows OS and the applications running within it were determined by the Court to be distinct entities, it seems unfair that users couldn't choose to use one without the other.

Secondly, being a software professional for the last 15 years, I have seen my share of Windows and non-Windows products. On several occasions during this period, a non-Windows solution would have been the clear favorite if we could have had open access to the structure and definition of the Windows Application Programming Interfaces (APIs). The language of the PFJ limits the disclosure of Windows APIs by defining the terms ''API'' and ''Microsoft Middleware'' such that Microsoft would be able to exclude APIs used by other application programs (not expressly in the ''Microsoft Middleware'' definition). This would also prevent other application developers from being able to write applications to use these interfaces correctly, which would also prohibit competition.

Lastly, the wording of the PFJ specifically omits other Intel-based operating systems such as Windows XP Tablet PC Edition, Windows CE, Pocket PC, and the X-box. I don't understand why these systems should be allowed to appear under the radar of the Judgement, since many of the same applications which could run on other Windows environments could also run on these. Therefore, if Microsoft is allowed to produce applications which can run on these operating systems as well as the included Windows systems, aren't they able to gain an unfair advantage, since their applications are now by definition more universal? By excluding them and their APIs from the PRJ, aren't we allowing unfair competitive practices?

These are the main issues I am in opposition with at this time. As I continue to digest all that this agreement encompasses, I may find more to mention.

Thank you for your time and consideration.

Donald J Smith

CC:djsmith@checkfree.com@inetgw

MTC–00017557

From: JeepBoy
To: Microsoft ATR
Date: 1/23/02 1:28pm
Subject: Microsoft Settlement

I believe the proposed settlement is unacceptable. The Court found that Microsoft did indeed engage in anti-competitive practices. That being settled, the proposed remedy leaves much to be desired.

I believe that the original idea of breaking the company up into three separate companies is the best solution.

Thank you.

Bill Nienaber

Minneapolis, MN

MTC–00017558

From: Raul Miller
To: Microsoft ATR
Date: 1/23/02 1:21pm
Subject: Microsoft Settlement

I'd like to comment on the judgement I've read at http://www.usdoj.gov/atr/cases/f9400/9495.htm:

[1] While this judgement, if it had been issued some years ago, would probably have prevented the current set of problems involving microsoft and the computer industry, I don't see that this judgement will repair the damage which has been done.

[2] While this judgment addresses some issues relevant to OEMS, ISV/IHV's, IAP/ICP's and End Users, it does not address issues of critical significance to software developers.

When developing software, one must make many choices and decisions with long-lasting consequences. In general, this means that once a decision has been made it is not changed without good reason. Microsoft's unlawful actions mean that there have been good economic reasons to make development decisions which would otherwise violate good design practices.

Resolving this issue will require documentation which is not generally available (and which may not exist) about Microsoft's operating system. It will also require dealing with issues raised by existing contracts and business arrangements with respect to software development tools and development environments. It will also require dealing with changes in software oriented training and business practices—changes which have been necessary for a business to survive in the face of Microsoft's market dominance.

Software developers are the people who are technically literate in computer languages and who are responsible for creating applications which must run on an operating system. The proposed remedy does not address software development needs in supporting competitive operating systems.

Failing to address the needs of software developers means this judgement cannot remove the barriers which microsoft has put in place with its unlawful actions. As software developers provide the software which which End Users, IAP/ICP's, ISV/IHV's, and OEMS, use on an operating system, it's extremely unlikely that any of these groups will experience economic relief from this judgement.

I recommend this judgement be rejected in favor of one which will additionally provide remedies for software developers who develop software for Microsoft and/or non-Microsoft operating systems.

Raul Miller

MTC–00017559

From: Joshua J. Berry
To: Microsoft ATR
Date: 1/23/02 1:27pm
Subject: Microsoft Settlement

To whom it may concern:

I do not think the Microsoft settlement is nearly harsh enough. Instead of attempting to correct the underlying issues (the anticompetitive practice), the settlement instead simply slaps Microsoft's hand with a fine they can easily shrug off. There will be no change in behavior from Microsoft after this settlement is implemented—none at all. All you're doing is giving Microsoft the opportunity to extend their monopoly. The whole idea behind the settlement is to stop these practices, and this settlement does nothing towards that end.

Sincerely,
Joshua J. Berry
Student, Cal Poly State University
Joshua J. Berry
California Polytechnic State University
San Luis Obispo, CA

MTC–00017560

From: David Goodwin
To: Microsoft ATR
Date: 1/23/02 1:31pm
Subject: Microsoft Settlement

I think the proposed Microsoft settlement is a very bad idea. At most, the proposed terms will be a minor annoyance to Microsoft, and they will continue as they have in the past. What is being done to aid all those that were crushed by Microsoft's illegal acts? Simply saying that all will be fair from here on out is not enough, Microsoft has such a dominant position that competition in many areas will remain non-existent.

David Goodwin

MTC–00017561

From: Peter Loron
To: Microsoft ATR
Date: 1/23/02 1:30pm
Subject: Microsoft Settlement

I believe that the proposed settlement of the Microsoft antitrust case is a very bad choice. It will not punish Microsoft, it will instead give them an even larger market share and help push out one of their few competitors, Apple Computer.

A much more fair solution would be to have Microsoft pay the billion dollar 'fine' in cash to be used to buy equipment and software for schools from other companies, or some other worthy goal (paying down the National Debt, perhaps).

Peter Loron

MTC–00017562

From: diana@dontcare.ked@inetgw
To: Microsoft ATR
Date: 1/23/02 1:32pm
Subject: settlement

I think the settlement is a bad idea. The government should not go soft on people or corporations that bend and manipulate U.S. laws in order to profit. No one is above the law.

Diana Kedzierski

MTC–00017563

From: Nathaniel Cosgrove
To: Microsoft ATR
Date: 1/23/02 1:30pm
Subject: Microsoft Settlement

I find the proposed settlement with Microsoft not only inadequate, but insulting. It provides too many loopholes through which Microsoft can jump to effectively circumvent most, if not all of the provisions set forth by the settlement. For instance, in section III(J), there is a provision for Microsoft to keep all security APIs secret. An easy way to circumvent this is to add security features into every API. Please note that Microsoft recently announced an initiative to focus more on security; a move which would suggest that they are already planning such a strategy.

In the past, Microsoft has shown considerable ingenuity in circumventing such measures. For instance, the integration of Internet Explorer into Windows to circumvent the ''Consent Decree'' shows their willingness to abide by the ''spirit'' of such an agreement.

Please do not allow this settlement to go forward.

Sincerely,
Nathaniel Cosgrove
Research Assistant II
Center for Composite Materials
University of Delaware
(302) 831–6928
cosgrove@ccm.udel.edu

MTC–00017564

From: Mark Ferlatte
To: Microsoft ATR
Date: 1/23/02 1:31pm
Subject: Microsoft Settlement

I believe that the proposed final judgment is lacking an important remedy: Microsoft should be required to provide public and open documentation on their application file formats with enough detail to allow other software developers to develop file readers and writers for those formats. In my experience as a Linux developer and system administrator, the largest remaining issue with converting a site from running Microsoft Windows and Office is the ability to work with legacy Word and Excel documents. These undocumented formats form part of the Applications Barrier to Entry (see ''Findings of Fact'' pp20 and pp39). If these file formats were made available, it would be possible for consumers to switch to an alternative office suite (such as OpenOffice) which could allow them to switch to an alternative operating system if it were compelling enough. This choice should be able to be made by the consumer, as opposed to any operating system or application developer.

Sincerely,
Mark Ferlatte
Berkeley, CA

MTC–00017565

From: Mike Youngstrom
To: Microsoft ATR
Date: 1/23/02 1:31pm
Subject: Microsoft Settlement

I believe the Microsoft settlement is a bad idea. This settlement will not stop Microsoft from anti-trust violations.

Mike

MTC–00017566

From: .MAtt Butler
To: Microsoft ATR
Date: 1/23/02 1:35pm
Subject: Microsoft Settlement

Leave MS alone.

MTC–00017567

From: Teresa M Hermiz
To: Microsoft ATR
Date: 1/23/02 1:31pm
Subject: Microsoft Settlement

Dear Renata Hesse:

My computer came with Microsoft which has made my life fuller, more efficient, and fun. I am delighted that Bill Gates has achieved so much success. He deserves it. Nothing should be done to hamper him or his company. The government should be protecting his business not interfering with it.

Bill Gates' success in no way threatens anyone. In the long run progress is in everyone's best interest. You should suspect the motives of anyone who wants to get in his way.

Everyone, including Bill Gates, has a right to his own property.

Sincerely,
Teresa Hermiz
9118 Mandel Drive
Centerville, OH 45458

MTC–00017568

From: James Muguira
To: Microsoft ATR
Date: 1/23/02 1:34pm
Subject: Microsoft Settlement

I do not like the settlement proposed with the Microsoft corp. Allowing the company to just donate some stuff (computers & software) is useless and all other elements of the settlement are bad business.

Since I don't like to just complain here is a suggestion:

1. zap Microsoft with a huge fine (10 billion)

2. Use the fine to establish a trust (oversight by dept of Education and NSF) that Microsoft staffs and operates at their expense (for say 10 years))

3. The trust has the goal of giving away as much of it's yearly earnings as possible in 1 year (say $2000, what I pay today) scholarships to 2nd, 3rd and 4th year college students. the math... assume a 5 % rate of return from the investment market for the next 10 years ($10,000,000,000 * 0.05) / 2000 = 250,000,000 scholarships awarded per year.

That's a goal of up to 250 million scholarships. If the trust could award 200 million and retain a little income to grow the thing could perpetuate. seems so simple to me, I guess I live in utopia.

James A. Muguira
1719 Beach Road Hampton, Virginia 23664
757–851–0569

MTC–00017569

From: RDavis
To: Microsoft ATR
Date: 1/23/02 1:38pm
Subject: Microsoft Settlement

To whom it concerns,

I do not feel that the proposed settlement will do enough to change the practices of the Microsoft Corporation. Remember that this company used loopholes in the 1994 consent decree to continue their monopolistic practices. The final remedy needs to carefully close loopholes and include continous monitoring and severe penalties for continued monopolistic practices. As one example, the current proposal is very specific to particular versions of Microsoft software and operating systems. What will happen to the settlement if one month after it is finalized, Microsoft changes the names of all their products?

There are many other things not addressed in the proposed settlement, I'm sure many others will do a better job explaining them than I will, but just to mention a few that concern me: Closed proprietary file formats for things such as word processing

documents, Licencing agreements that force organizations to pay for Microsoft products that they do not use, End user licence agreements that prohibit using competing software or open source software, Continued ''embrace, extend and extinguish'' practices where open standards are weakened by Microsoft, etc.

Thank you for your time.

Rob Davis
Database Programmer / Analyst
1200 Academy St.
Kalamazoo Michigan 49006

MTC–00017570

From: Richard Dynes
To: Microsoft ATR
Date: 1/23/02 1:10pm
Subject: Microsoft Settlement

Hi,

I've been informed that you are soliciting public feedback on the Microsoft settlement.

I'm very disappointed in the settlement between the DoJ and Microsoft. As far as I can see, it does nothing to address the proven illegal and continuing anti-competitive practices of Microsoft.

Microsoft has twin operating monopolies: Desktop Operating Systems, and Office Automation software. Microsoft used their OS monopoly to force Internet Explorer onto consumers, crushing Netscape in the process. This is not the first time Microsoft has manipulated their ownership of the OS to affect the competitiveness of competitors in other spaces: Lotus'' 123 product comes to mind.

Microsoft continues this practice today: Since their office automation applications are only available on their operating system, they are using these twin monopolies TODAY to take over the mobile and palmtop computing market. You can read ads in the trade magazine InfoWorld where Microsoft proclaims PocketPC as superior because it's the only mobile computing solution where Microsoft's office automation applications run.

They are, today, using their twin monoplies to build a third: mobile computing platforms.

The proposed settlement doesn't address past OR current behavior. Allowing computer manufacturer's some freedom in what they put on the Microsoft Windows desktop merely codifies the status quo.

The proposed remedies would not have prevented what Microsoft did with Netscape, and will not prevent Microsoft from constructing further monopolies from their existing ones.

Microsoft did real harm to, and has inhibited innovation and competition in the industry. Today we have software that has security risks, defects, and instabilities, yet we truely have no alternatives, because that software is from Microsoft. The rash of viruses that have cost untold hours of lost productivity are largely Microsoft's doing, yet are accepted because there simply is no alternative.

The proposed remedy is inadequate, and I feel it is a capitulation of the DoJ to Microsoft in this matter.

Richard Dynes
rdynes@silkspeed.com

MTC–00017571

From: ney@akamai.com@inetgw
To: Microsoft ATR
Date: 1/23/02 1:33pm
Subject: Microsoft Settlement

I believe that Microsoft is a monopolist and uses technical strategies (e.g. avoiding open standards) to keep and extend their monopoly.

I object to the proposed settlement, as I think it allows Microsoft to continue these kinds of practices.

Neal Young
12 Rockingham St
Cambridge, MA

MTC–00017572

From: logan@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 1:33pm
Subject: Microsoft Settlement

To whom it may concern:

I'm writing to express my disappointment with the proposed settlement of the Microsoft Antitrust suit. Microsoft has repeatedly shown that it will do anything in its power to maintain their monopoly hold on the desktop operating system market and to (ab)use this monopoly to further it's penetration into other markets. Many of these abuses occurred while they were already under supervision for compliance with previous anti-competitive judgements. Indeed, Microsoft has made numerous changes in their licensing agreements since the start of this lawsuit that to further their monopoly and use their monopoly to gain advantage in other markets.

Although there is sufficient power to monitor Microsoft, the proposed settlement does not provide sufficient power to the Technical Committee to prevent further abuses by Microsoft. The Technical Committee's only recourse is to turn evidence over to the legal system. As indicated by the three years that were necessary to reach this proposed settlement, such turnaround as provided by the legal system will not protect the interests of other companies or users.

The proposed settlement does not ''punish'' Microsoft for their abuses. While the donation of computers to schools is a nobel cause, Microsoft will hold the value of the computers donated as a tax write-off. The value of the donation is set by Microsoft, itself, and this donation allows Microsoft to push their monopolic hold on the software used by the schools.

Finally, there is no recompense in the proposed settlement to the competitors and users harmed by Microsoft's anti-competitive practices. There are some business practices that would be prohibited under the proposed settlement, but these are not broad enough to cover the expanse of abuses that Microsoft has perpetrated against its competitors and users. Additionally, the opening of APIs does not sufficiently reduce the barrier to entry into the markets that Microsoft competes in. The listing of APIs to be opened is not broad enough, file formats are not required to be open, and the method for ISVs to request access to the APIs does not fully ensure that these APIs will reach the ISVs in a timely-enough manner for them to be able to release compatible products to their customers. In conclusion, I request that the current settlement proposal as written be rejected .

Sincerely,
Logan Hansen
Network Administrator
Adams State College
208 Edgemont Blvd.
Alamosa, CO 81102
(719) 587–7790

MTC–00017573

From: dave@allunix.com@inetgw
To: Microsoft ATR
Date: 1/23/02 1:58pm
Subject: Microsoft Settlement

Please do not allow Microsoft to buy it's way, once again out! I still have three boxed sets of IBM's OS/2 as a reminder and as evidence of Microsoft's preditory buisness practices.

David DeTinne
916–997–1157

MTC–00017574

From: Jay Turner
To: Microsoft ATR
Date: 1/23/02 1:34pm
Subject: Microsoft Settlement

Would like to express my opposition to the proposed Microsoft settlement.

The proposed settlement falls far short of punishing Microsoft in any way.

The final settlement needs to go much further in the punitive stage.

Microsoft must be brought back to the business procedures that the rest of the software companies in the world are working with, and the proposed settlement does nothing more than serve as a slap on the wrist.

Thanks,
jkt
Jay Turner, QA Manager
jkt@redhat.com
Red Hat, Inc.

MTC–00017575

From: Hetrick, Brian
To: Microsoft ATR
Date: 1/23/02 1:33pm
Subject: Proposed Microsoft settlement not in the public interest

I am Brian Hetrick, a resident of Manchester, New Hampshire. I am employed as a software engineer and have been continuously so employed for over twenty years. I believe the proposed settlement in United States v. Microsoft is not in the public interest.

Microsoft's history of predatory anti-competitive behavior is long established, and seems to be a fundamental corporate philosophy. Microsoft has routinely used its position in one area of the computer market to force entry into and dominance in other areas of the computer market. This practice of leveraging demand for one product into demand for other unrelated products has been a keystone of Microsoft's corporate strategy and behavior. I believe the only remedy for this predatory anti-competitive strategy is to break Microsoft up into a minimum of three separate companies—operating system, office products, and consumer products—to forbid collusion or ''strategic cooperation'' between these

resultant companies, and to forbid these resultant companies from producing products in the areas assigned to the other companies.

This arrangement would make the successes of Microsoft in one area independent from successes in other areas, and would permit competition within each of the product lines. Without a back-door mechanism to get special functionality into Microsoft Windows, Microsoft Office—to pick only one example — would have to compete on a level playing field with competitors. It would no longer be able to offer functionality unavailable to competing office suites. With Microsoft Office expanding its customer base by supporting the two highest volume platforms—Windows and Linux on Intel—Microsoft Windows would no longer be able to depend on demand for Office resulting in demand for Windows. Microsoft would be deprived of the major technique by which it has established a predatory stranglehold on the entire PC software market.

Thank you for your attention.

Sincerely,

Brian Hetrick

CC:Brian Hetrick (E-mail)

MTC–00017576

From: Eric Jergensen
To: Microsoft ATR
Date: 1/23/02 1:34pm
Subject: Microsoft Settlement

I find that the proposed settlement has a number of problems. To make best use of your time, let me highlight only what I consider to be the most significant problem:

Microsoft has long used secret agreements with resellers and OEMs to limit their ability to sell and install competing products. Revisions should be made to eliminate this behavior. The further ability to leverage existing monopolies into addition market share in other areas via discounts or other coersions for OEMs based on sales of products like Pocket PC systems should be eliminated.

Eric Jergensen

President

da Vinci Network Services

MTC–00017577

From: Filip Sneppe
To: Microsoft ATR
Date: 1/23/02 1:34pm
Subject: Microsoft Settlement

Hi,

I think the settlement proposed by Microsoft is a bad idea: if anything, it will only give them a tighter grip on consumers. Hence they will come out as stronger monopoly in the long run.

Please don't be misled by short-term narrow-mindedness; the USA has become a blooming economy and, more specifically, a world leader in IT and software development through openness. Do not fall prey to a state of mind that does not tolerate others and what they stand for or believe in.

Regards,

Filip Sneppe

IT Consultant

Belgium

MTC–00017578

From: stan@alpha.hyperusa.com@inetgw
To: Microsoft ATR
Date: 1/23/02 1:34pm
Subject: Microsoft Settlement

Microsoft has consistently and ruthlessly exercised it monopoly power over the entire information industry. They should be not only prevented from continuing these practices, but also be punished (i.e., fined heavily) for what they have done already. Please don't let this monopoly continue or it will use its power to spread to other industries—-as it is now doing.

Regards,

Stan Gatchel

MTC–00017579

From: nealr@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 1:34pm
Subject: Microsoft Settlement is very bad

You guys are falling flat—let the monopolist pay for their sins by giving ''free'' software to schools? How about letting me print some $100 bills if I get a fine in court?

Neal Rauhauser CCNP, CCDPvoice: 402–391–3930

http://AmericanRelay.comfax : 402–951–6390

mailto:nealr@AmericanRelay.comfcc : k0bsd

MTC–00017580

From: Thane Walkup
To: Microsoft ATR
Date: 1/23/02 1:35pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,

Thane Walkup

MTC–00017581

From: Cuny, David(a)DSS
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:18pm
Subject: Microsoft Settlement

I'm writing this e-mail in response to the Proposed Final Judgement (United Stated v. Microsoft). I'm especially concerned about the use of the terms ''Middleware'', ''API'', and ''Operating System Product''.

Historically, Microsoft has shown that it will go to great lengths to comply with the letter of the law, while completely ignoring the intent. An obvious example was the release of version of without IE. Other examples include embedding and spreading the IE API calls throughout the Windows DLLs, and renaming ''Applications'' to ''Operating System components''.

The current definitions of ''middleware'', ''API'', and ''Operating System Product'' make it trivial for Microsoft to sidestep the law by making minor changes in their product, or by simply redefining what the product is. For example, by changing product version numbers or how they distribute middleware, Microsoft can completely sidestep any remedy which addresses middleware.

There are many other issues I have—such as not releasing file formats— but I have chosen to focus on these features to highlight my concern that the remedy proposed against Microsoft is essentially toothless and easily sidestepped.

Thank you.

David Cuny

MTC–00017582

From: Carey Dalton
To: Microsoft ATR
Date: 1/23/02 1:35pm
Subject: Microsoft Settlement

I do not believe that the current Microsoft Settlement goes far enough in punishing Microsoft's monopolistic behavior in the past or enough to curb their monopolistic behavior it in the future.

Thank you for your time.

Sincerely,

Carey Dalton

Programmer

209 Golfclub Rd.

Knoxville, TN 37919

865–558–9597

MTC–00017583

From: eabolden@mac.com@inetgw
To: Microsoft ATR
Date: 1/23/02 1:34pm
Subject: Microsoft Settlement

I have a problem with undocumented file format API's. I work in a mixed platform environment of PC's Unix Boxes, X-terms, Macintoshes. The need to share documents between the platforms relies on translation software and compatible office productivity software. Changes to Microsoft Applications Document structure which are not documented greatly slow the ability to share work outside of a Microsoft world. The pushes the single platform Microsoft box solution due to adminstrative decisions, instead of the better task-matching diverse systems supported by research. [Eric Bolden University of Wisconsin—Madison

eabolden@facstaff.wisc.edu

MTC–00017584

From: scott schmidt
To: Microsoft ATR
Date: 1/23/02 1:34pm
Subject: Microsoft Settlement

I would like to voice my opinion against the proposed settlement in the Microsoft case. After reading the relevant documents, I have concluded that the remedy in no way fits the crime and conviction. There is no real punishment for past ill-gotten gains, nor is there any real material substance in preventing MS from engaging in prior illegal practices in new markets.

I agree much more with the alternative settlements offered by the opposing states.

I thank you for taking my opinion into consideration.

Sincerely
Scott Schmidt
618 654 8611

MTC–00017585

From: Richard W. Lipp
To: Microsoft ATR
Date: 1/23/02 1:29pm
Subject: Microsoft Settlement

Greeetings:

As an information technology professional, and as an American citizen, I feel it is my duty to provide comment, as provided for in the Tunney Act, on the proposed final judgement in the Microsoft anti-trust case.

In essence, my opinion is that the proposed final judgement provides so many loopholes that it provides no effective means to prevent Microsoft from continuing to engage in anti-competitive monopolistic behaviors. As one reads text of the proposed final judgement, and analysis of the proposed final judgement, one cannot help but wonder if Microsoft were allowed to write the document in whole! Specious definitions and narrow catagorizations result in a document that fails to properly address Microsoft's past behavior. The result is a document that provides very few obstacles to continued monopolistic behavior, and even those are easily circumvented by the exact same sort of tactics used by Microsoft to get around past efforts to control its behavior.

Microsoft has previously used the tactic of renaming a version or product to remove it from the scope of legal agreements. Microsoft has previously used the tactic of claiming, and claiming falsely as has been shown, that a governed product is an essential part of another ungoverned product to remove it from the scope of legal agreements. Microsoft has repeatedly shown that any rules dependent on their agreeing to ''play nice'' are effectively worthless. Still, the proposed final judgement retains several loopholes that will allow Microsoft to use the exact same tactics again. Microsoft claims a ''freedom to innovate'', but the proposed final judgement does not even require them to innovate new methods of circumvention. We might as well rename the document the ''New England Migratory Waterfowl Breeding Act''. In the final analysis, the proposed final judgement is about as effectual in either arena.

Respectfully,
Richard W. Lipp
Information Systems ManagerVoice:913/236–8110 x1223
List & Clark Construction CoFax:913/236–4052
Holliday Sand & Gravel CoeFax: 413/480–3723
Central Plains Contracting Co E-mail:RWLipp@List-Clark.com

MTC–00017586

From: Michael Morris
To: Microsoft ATR
Date: 1/23/02 1:36pm
Subject: Microsoft Settlement

I am against the proposed final judgment in US vs. Microsoft. I feel the damage Microsoft has done to the software and OS marketplace is incalculable, and the proposed settlement does little to correct it. I don't feel the settlement levels the playing field for competing operating systems or office software, and would like to see a much stronger penalty imposed. The proposed settlement does not sufficiently relieve Microsoft of the ability to leverage hardware and computer manufacturers unfairly against competing products, nor does it adequately open the Windows API to programmers.

Michael Morris
Glendale, AZ
memorris@christsgarden.org

MTC–00017587

From: Vicki Brown
To: Microsoft ATR
Date: 1/23/02 1:39pm
Subject: comments on Microsoft Settlement

MicroSoft has been found guilty of being a high-handed monopoly. The only way to stop them is to stop them in truth. Their punishment must be severe— severe enough for MicroSoft to get the message, severe enough for any other company to get the message, severe enough for the people who use their products to get the message.

We must not say ''Oh, you did wrong, but gee, so many people use your products''. We must only say ''You did wrong. It's not acceptable. Your practices will not be tolerated.'' MicroSoft needs more than a wink, a nod, and a slap on the proverbial wrist.

MictoSoft needs to know that their type of business practices are NOT acceptable.

—Vicki
Vicki Brown
P.O. Box 1269
San Bruno, CA
94066 USA
Journeyman Sourceror:
Scripts & Philtres
Peri, Units, MacOS

MTC–00017588

From: Jeremy Padfield
To: Microsoft ATR
Date: 1/23/02 1:36pm
Subject: Microsoft Settlement

The existing settlement proposed in the Microsoft antitrust trial is insufficient to prevent Microsoft's past conduct from continuing in the future. Such conduct harms the market, stifles new and innovative technologies, and reduces the operating systems and applications choices available to end-users.

Any acceptable settlement in this case must impose tighter restrictions and penalize Microsoft heavily for any continued anti-competitive violations. Any acceptable settlement must also include an effective enforcement mechanism that Microsoft cannot dodge or ignore. Microsoft has been known to flagrantly ignore external authorities in past cases and this kind of corporate arrogance must be curtailed.

For the sake of customers, partners and competitors alike, please reject this proposed settlement and seek more stringent remedies against this monopolist.

MTC–00017589

From: Weigert, Daniel
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:32pm
Subject: Microsoft Settlement

To whom it may concern:

I feel that the proposed Microsoft judgement is fatally flawed. If they wish to remain a monopoly, then they must accept the consequences of being a regulated monopoly.. If they want to be on their own, then they must be held accountable for their abysmal behaviour in the computing industry. The proposed settlement is nothing more than a reward for their bad behaviour. If nothing else, they should be broken into four or five different companies to make sure that they don't concentrate this much influence again.

Daniel Weigert
Cirqit
100 South Jefferson Rd, 3rd Floor
Whippany, NJ 07981
Phone: (973) 257–8781
Fax: (973) 257–8764
dweigert@cirqit.com

MTC–00017590

From: William Warner
To: Microsoft ATR
Date: 1/23/02 1:38pm
Subject: Microsoft Settlement
To: The United States Department of Justice

Re: Proposed Final Judgement in United States v. Microsoft

I have read numerous newspaper articles and web pages regarding the PFJ, most notably the DOJ's web site and Dan Kegel's web site. I am an electrical engineer writing software for a large wireless company with eight years experience in the field. I am a consumer of software for personal computers, some from Microsoft, some from other vendors, and some free and open source.

First, I want to endorse Mr. Kegel's open letter to the DOJ. http://www.kegel.com/remedy/letter.html

I agree with Mr. Kegel in that the PFJ is too narrow and technical to limit Microsoft's anti-competitive practices. Second, let me describe how Microsoft harms me, the consumer and citizen, and what the results of a Microsoft penalty should be.

Microsoft prevents me from buying quality software. While Microsoft has some desirable products, such as its desktop office suite, there are many that are both inferior and expensive, such as its personal internet information server. By forcing OEM into exclusive contracts, Microsoft prevents them from competing with one another to deliver the best software package to me. I would like to buy a computer with the Microsoft Office suite and the apache web server (which is

free, secure, efficient and scalable) preinstalled and configured, and I am sure that major manufacturers like Dell and Compaq would offer this combination if they could, as it's a combination frequently deployed by individuals and corporations. Microsoft prevents developers from producing quality software. In a competitive market place, software developers should win by giving consumers the most value. The fact that Microsoft applications only run on run on Microsoft Windows is a sign that the software market is less than competitive, since in a competitive market their application market would expand if applications were ''ported'' to other platforms. This is harmful to me, the consumer, in that it prevents me from choosing the best platform on which to run a selected Microsoft application. Likewise, it prevents developers from creating applications that run on the Microsoft platform.

Finally, Microsoft weakens the national information infrastructure. While

I credit Microsoft for making computers affordable and accessible to consumers, and hence creating a good deal of the information infrastructure, their anti-competitive practices have shielded them from the market forces that would naturally result in better software for everyone. The ''nimda'' computer worm is an excellent example. It was not a subtle bug in Microsoft's web server, it was more like an invitation to vandals, and it is costing individuals and their internet providers many millions of dollars. I am certain that this overlooked security hole would have been found and secured in a competitive software market. As it is, we all suffer as a result of Microsoft's arrogance.

Thank you for your consideration.
William Warner
Seattle, Washington
wwarner@yahoo.com

MTC–00017591

From: Peter Smith
To: Microsoft ATR
Date: 1/23/02 1:34pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

This is a ''Tunney Act'' comment on the proposed Microsoft settlement. If Microsoft, found guilty of a serious crime, despite their perjured testimony during the trial, is punished by a settlement so light, how can we with a straight face ever give anyone any harsh punishment? In an age where ''three strikes and you're out'', and no parole, and mandatory jail time, how can this settlement be justified? They were found guilty by a court. They were found guilty by an appeals court. Their appeal to the Supreme Court was denied.

Why back down now? Why, after a reasonable punishment was determined (that Microsoft be split up) is the new, ''fixed'' version so light?

My specified beef are

(1) Microsoft may decline to expose any particular API by declaring that it's used for ''security''. However, this includes most of the profitable third party industries. How can anyone inter operate with, for example, Microsoft's Exchange email server without the necessary technical details?

(2) The definition of ''Windows'' is absurdly narrow. Microsoft currently sells at least five different operating systems (X Box, WebTV, Windows CE, the ''Windows 95'' version of windows and the ''Windows NT'' version). Most of these are not covered. Microsoft can escape from most penalties by simply making a new operating system. Given that they have created so many operating systems in the last ten years, it's not hard to see them making more.

(3) Microsoft is not prevented from refusing to sell their OS to the different PC manufacturers. It was well documented at the trial that they have used their OS power to push other products; this is the very nature of anti-competitive behavior that should be stopped.

Thank you for listening,
Peter Smith

MTC–00017592

From: Rachael Esterkin
To: Microsoft ATR
Date: 1/23/02 1:37pm
Subject: Microsoft Settlement

I would just like to say that I have read about the proposed settlement, and I am not in favor of it in its current state. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors, yet unfavorable to Microsoft.

MTC–00017593

From: Anthony Valentine
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:38pm
Subject: Microsoft Settlement

Ms. Hesse,

I would like to inform you of my objections to the Proposed Settlement in the Microsoft Anti-Trust case.

As a Linux user, I frequently attempt to convince people to try Linux. Very few people actually do. Most people I talk to about it say that they need Microsoft Office, and since it doesn't run on Linux, they won't try it.

I have come to the conclusion that the average person doesn't seem to care about the Operating System that runs on their computer, they care about the applications. The people I talk to say that they like what Linux can offer them in terms of cost, security and stability. However, they are willing to endure the crashes and viruses so rampant in Windows, simply because everybody else runs Office, so they have to also in order to exchange documents.

The Proposed Settlement does not require Microsoft to disclose it's Office document formats. I think that it should. This one small addition would allow people to use competing software and still be able to exchange MS Office documents. If people were able to this, most of the objections to trying Linux (or any other OS) would go away.

Openness is the key here. One of the reasons that Open Source Software is successful, is that everything is based on open standards. This openness allows anybody to write new or extend old software. The effect of this is a large number of different software packages that all do the same thing a lightly different way, giving the users a large pool of options to choose from. Which is the whole point: let the users choose what they want to run, instead of forcing them all to use one package.

I would also like to make a brief comment on the state of the economy and it's possible impact on the Settlement. I am not an economist, however some articles that I have read alluded that the Proposed Settlement is purposely lenient because the DOJ doesn't want to cripple a major US corporation in times of economic downturn. I do not know if this is true or not, however I can say that I would disagree with it if it were. Large monopolistic companies are bad for the economy (more so during an economic downturn), which is the entire purpose behind the Anti-Trust laws in the first place.

Thank you.
Anthony Valentine
Spenard Builders Supply
System Administrator
amv@sbsalaska.com

MTC–00017594

From: Jason Hill
To: Microsoft ATR
Date: 1/23/02 1:28pm
Subject: Microsoft Settlement

I believe the proposed settlement to be a bad idea.

Jason Hill
jhill@weblinc.com
215.925.1800 x102 http://weblinc.com

MTC–00017595

From: Brad Baggett
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:37pm
Subject: Microsoft Settlement

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

Brad Baggett
Network Engineer
CST, Inc.
256–890–3011

MTC–00017596

From: Brian C. Cunningham
To: Microsoft ATR
Date: 1/23/02 1:37pm
Subject: Microsoft Settlement

I do not like the settlement that someone in the government has made after lining their pockets with Microsoft dollars. Break them up.

Brian C. Cunningham
Pittsburgh, PA, USA

MTC–00017597

From: newquist@ speakeasy.org@inetgw
To: Microsoft ATR
Date: 1/23/02 1:24pm
Subject: Microsoft Settlement

To Whom It May Concern:

I've been watching the proceedings of the Microsoft anti-trust case for years now, and respectfully disagree with the proposed settlement. There are too many points to address fully, so I'll just point out the one that bothers me the most.

The proposed settlement doesn't do much to foster competition in the software market. We should require Microsoft to standardize and publicize the entire set of Windows APIs and the file formats of its Office applications, with the express goal of allowing competitors to build Windows software applications, and operating systems, that compete with Microsoft on a level field. This would greatly reduce the lock-in that Microsoft has on the consumer and businesses.

As an example, Intel and AMD have been successfully competing, with great benefits to the consumer, based on the open X86 CPU instruction set. I firmly believe that creating open standards out of the core Windows infrastructure would create similar benefits to consumers.

Sincerely,
Jeff Newquist
Computer Engineer
Hillsboro, Oregon, USA.

MTC–00017598

From: Tom (q)spot(q) Callaway
To: Microsoft ATR
Date: 1/23/02 1:39pm
Subject: Microsoft Settlement

The proposed settlement does not punish Microsoft, it rewards them for being a monopoly.

This is a mockery of justice, and is a terrible idea. spot

—-

Tom ''spot'' Callaway <tcallawa@redhat.com> Red Hat Sales Engineer

Sair Linux and GNU Certified Administrator (LCA)

Red Hat Certified Engineer (RHCE) GPG: D786 8B22 D9DB 1F8B 4AB7 448E 3C5E 99AD 9305 4260

The words and opinions reflected in this message do not necessarily reflect those of my employer, Red Hat, and belong solely to me.

''Immature poets borrow, mature poets steal.'' —T. S. Eliot

MTC–00017599

From: Michael Bishop
To: Microsoft ATR
Date: 1/23/02 1:38pm
Subject: I do not agree with the proposed settlement

Under Definition U: The definition of Windows Operating System Product is too narrow.

It should include any OS that allows programs written to the Win32 API to run. The way it stands now, Microsoft could evade the provision by turning its efforts toward developing a different operating system or focusing on an operating system not covered that still supported the Win32 APIs.

— michael
Michael Bishop
Oakland, CA

MTC–00017600

From: Ronny Smith
To: Microsoft ATR
Date: 1/23/02 1:38pm
Subject: Microsoft Settlement

I'll try to keep from ranting, but when it comes to this issue, that's easier said than done.

Fact: THE GOVERNMENT (for the people) told Microsoft in no uncertain terms in 1995 how they had to act to avoid BREAKING THE LAW.

Fact: They did it anyway. A judge has ruled.

Fact: Microsoft, in breaking the law, has made more money from its ILLEGAL activity than the mind can comprehend.

Fact: The settlement does NOT punish the criminal on a level equal to the profits made, and the damage done to hard working computer professionals the world over. Fact: Criminals are doing time for offenses where one person was damaged hundreds or thousands of dollars. You have criminals at Microsoft, who ran up damages into the millions or billions, and affected the livelyhood of possibly hundreds of thousands of people. Why don't they do time as part of the ''settlement''?? Fact: The ''proposed settlement'' is basically saying, ''don't break the law again''. Please. Give me a break, and THROW THE BOOK AT MICROSOFT! They should be treated with all the respect due a common CRIMINAL!

Sincerely,
Ronny Smith

PS All public comment should be scrutinized very carefully to make sure it is PUBLIC comment.

Microsoft has a mighty PR team of low lives, and have been known to have financial ties to people submitting ''public'' comment. Just ask the LA TIMES.

MTC–00017601

From: Rob Bos
To: Microsoft ATR
Date: 1/23/02 1:40pm
Subject: Microsoft Settlement

I am a citizen of Canada who believes he will be harmed by any settlement decision of the Court that will allow Microsoft to continue abusing and extending the monopoly power that they have illegally acquired and maintained.

Please let it be known that the decision of the Court will affect many people outside the Court's jurisdiction.

MTC–00017602

From:
wolff@speakeasy.crc.ricoh.com@inetgw
To: Microsoft ATR
Date: 1/23/02 1:36pm
Subject: Microsoft Settlement
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

To Whom It May Concern,

As a professional research scientist in the IT field having given careful consideration and study to the terms of the proposed final judgment I must respectfully disagree with the conclusions of Department of Justice and strongly urge you not to proceed with the settlement in this form. Contrary to being an effective remedy, I believe that as currently written the proposed final judgment would strengthen Microsoft's monopoly and further damage competition.

The current proposed remedy relies on the concept of ''middleware'' to promote competition. By defining middleware in terms of API's and other documentation published by Microsoft, the PFJ presupposes and encourages the continuance of Microsoft's dual monopoly in operating systems and applications. As the original Finding of Fact rightly pointed out, Microsoft's monopoly stems from the market need for a critical threshold of available applications before an operating system can be accepted. Likewise developers create applications only for accepted operating systems.

The current proposal frees Microsoft to continue existing dependencies and create new dependences between applications and Microsoft's proprietary operating systems. This leaves Microsoft's monopoly power intact and unfettered. In fact, the PFJ sanctions these dependencies. For example, sections III.D. and III.E., restricts information released by those sections to be used ''for the sole purpose of interoperating with a Windows Operating System Product''. Thus information which could be used to create competition for operating systems is expressly denied from being used for that purpose.

By defining the basis of competition at the middleware layer, the PFJ guarantees there will be no competition. Microsoft has already shown that it is willing to sacrifice any revenue opportunities at this layer in order to protect the the revenues associated with both sides of the middleware where it holds monopolies on the operating system and application. Since no competitor has access to these revenue sources, and there is no chance of severing the dependence between applications and operating systems, there is no economic incentive for competition to enter. Hence there will be no competition.

To be an effective solution that benefits the public interest, any settlement must break the proprietary dependence between applications and operating systems. For example, applications like Microsoft Word must be able to run on non-Microsoft operating systems. Microsoft currently prevents these applications from being used on non-Windows platforms through a variety of technical and legal means. I believe it is possible and within scope of law for the DOJ to create remedies that accomplished this goal. However the current proposed final judgment will not achieve this and in all probability will lead to continued monopolistic practices and harm to consumers and the market.

Please note that while I am an employee of Ricoh Innovations, Inc. the opinions expressed here are solely my own and not those of Ricoh Innovations, or its parent company.

Sincerely,
-Gregory J Wolff
Gregory J. Wolff wolff@rii.ricoh.com
Ricoh Innovations, Inc http://rii.ricoh.com/wolff/

2882 SandHill Rd. Suite 115 phone: +1.650.496.5718
Menlo Park, CA 94025–7022 fax: +1.650.854.8740

MTC–00017603

From: Clark McGrew
To: Microsoft ATR
Date: 1/23/02 1:39pm
Subject: Microsoft Settlement

Dear Sirs,

I am writing to express my dissatisfaction with the propose Department of Justice Settlement of the Microsoft Antitrust case. The drafted settlement does little to address the core monopolization violations that were affirmed by the unanimous Court of Appeals in June 2001.

The DC Circuit Court found that a remedy should ''unfetter [the] market from anti-competitive conduct'' and ''terminate the illegal monopoly''.

This coulde be facilitated by Section III.D which requires that ''the APIs and related Documentation that are used by Microsoft Middleware to interoperate with a Windows Operating System Product''. However, the limitations in III.J seem to render the provision meaningless.

The current settlement will allow Microsoft to maintain tight control over the community which develops products that interoperate with Microsoft Windows System APIs. Further, it allows Microsoft to decide who will compete against it's middleware products by requiring a ''reasonable business'' need for the API documentation which will allow Microsoft to prevent competition from OpenSource software (e.g. software developed in a manner akin to the Linux operating system). I suggest that Microsoft should be required to publicly document all Microsoft Windows APIs without requiring non-disclosure agreements, or undue publication fees.

Finally, the security concerns mentioned in III.J.1 provide no justification for weakening the API documentation requirements. The field of computer security has demonstrated through many years of experience that security cannot depend on obfuscation and is best maintained using well documented security measures. This section provides Microsoft Middleware with another unfair advantage to compete against third party products. I ask that III.J.1.a be struck completely.

Sincerely,
Clark McGrew
clark.mcgrew@sunysb.edu

MTC–00017604

From: Sean Riley
To: Microsoft ATR
Date: 1/23/02 1:39pm
Subject: Microsoft Settlement

I believe the proposed deal does not go far enough in punishing Microsoft and should therefore be rejected.

Sean Riley
SeanJRiley@Yahoo.com

MTC–00017605

From: John R.
To: Microsoft ATR
Date: 1/23/02 1:38pm
Subject: Microsoft Settlement

Good afternoon,

I am writing in response to the Proposed Final Judgement to the currently open anti-trust case against Microsoft. I have read large portions of the proposal and related information and have found numerous problems with it.

I find that it is at best, rediculous, and at worst insulting to the American public. I'll center my complaint on a single issue in the spirit of brevity.

The Microsoft Platform SDK EULA says:

''Distribution Terms. You may reproduce and distribute ... the Redistributable Components... provided that (a) you distribute the Redistributable Components only in conjunction with and as a part of your Application solely for use with a Microsoft Operating System Product...''

This makes it illegal to run many programs built with Visual C++ on Windows-compatible competing operating systems. I find it to be more than a bit wrong to force developers to exclude target platforms based on whether Microsoft chooses to admit that it is a compatible platform.

Please deny this proposal and move forward with a course of action that would actually eliminate (rather than complicate) the anti-competitive practices of Microsoft.

John D. Rothe
johnr@sanctuary.org
Bloomsburg, PA.

MTC–00017606

From: boojack@tubbs.net@inetgw
To: Microsoft ATR
Date: 1/23/02 1:37pm
Subject: Microsoft Settlement

For a number of reasons, this settlement is a bad idea. As a U.S. Citizen, I do not support it.

MTC–00017607

From: Bill Pela
To: Microsoft ATR
Date: 1/23/02 1:39pm
Subject: microsoft settlement

Dear Sirs,

I would like to offer a few comments on the state of the microsoft settlement.

1. I had/have a very hard time accepting the reversal of Judge Jackson. As far as his comments about mocrosoft executives, I agreed. The execs. that ''testified'' sounded like idiots that MUST have found their riches under a rock they tripped over, I.E. 'I don't understand the question'.

2. microsoft itself MIGHT, in fact, be sealing it's own fate with concepts like XP but, with their past history of total want of control of all things computer, and now internet, I fear for average users.

3. Bill Gates doesn't come across as a person that is either intelligent or compassionate. I believe ''power mad'' is the closest description I can imagine, it can't be about money anymore, can it?

Steve Ballmar sounds like a very unreasonable person, profit as the motive or not.

Yes, I am a LinuX user, in part because of the actions of microsoft, please don't let these people ''off'' to continue to treat average users the way they have in the past and indicate they will treat them in the future. A lot of consumer income hangs in the balance.

Thanks for your time, Bill Pela
5113 Turtle Cove Rd.
Garland, Tx 75044

MTC–00017608

From: Robert Nevitt
To: Microsoft ATR
Date: 1/23/02 1:39pm
Subject: Microsoft Settlement

I think this settlement is bad. I'm voted for Bush in the election, but because he apointed the DOJ head who made this settlement I won't vote for him again.

Robert Nevitt
generati@onebox.com—email
(415) 430–1269 x9783—voicemail/fax

MTC–00017609

From: Elliott, Geoffrey R
To: 'microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:39pm
Subject: Microsoft Settlement

To whom it may concern...

I would like to add my voice to the opposition of the settlement with Microsoft. I feel that it does very little to ensure that the anti-competitive (and illegal) behavior of which Microsoft has been convicted will not continue. I also feel that it does not properly punish Microsoft for its behavior, and that in regards to both concerns the action proposed by the nine states better serves the interests of our country.

I am a web developer; I have been aversely affected by Microsoft's illegal actions. With their ill-gotten dominance in the browser market I fear that they will feel no need to improve their products because they have no competition. Without competition, markets stagnate, and we all suffer.

I do not want to see Microsoft's anti-competitive and illegal behavior continue unchecked, and believe that the current settlement will allow just that.

Geoffrey Elliott
geoff.elliott@pnl.gov
509.372.4325

MTC–00017610

From: J. Jentink
To: Microsoft ATR
Date: 1/23/02 1:40pm
Subject: U.S. v. Microsoft

Dear Sirs——

I have been in the US computer industry since the late sixties and there exists no threat to the long term American economy that approaches where Microsoft is headed. Allowing them to continue their shady practices and underhanded tactics based on monopoly and monetary power must stop. We must come down on them hard and immediately. The proposed settlement is less than a hand slap. We need some real teeth in terms of immediate penalties to aid those harmed, a prohibition of Microsoft expanding their tentacles into new areas and a totally independent mechanism for makes certain their practices are brought back into the norm of honest and fair business practices.

1) The quality and reliability of Microsoft products are at a level that would be unacceptable in any field without monopoly control.

2) Any company that choices to partner with Microsoft has brought about their own

death. Some are bought but for most, their intellectual property is usurped by Microsoft.

3) Almost no innovation is happening within the areas of Microsoft control. Companies know that every innovation they introduce will eventually be taken by the evil monopoly. For example, it is almost impossible to get venture capital for software development today. The people with the money know that Microsoft will use its power to take it for their own and then they will have to pay the costs of fighting a legal battle with the big money machine. They know historically that there is not winning, eventually Microsoft will prevail.

4) The only things that Microsoft seems to be afraid of today are truly open standards that they can not ''embrace and extend'' and the Linux ''free and open'' operating system. One should note that Linux is a essentially a product of Europe and often associated with their institutions of higher learning. There is little input from US institutions since our universities take our public money but instead of giving new technologies and software developed using this money back to the public, they sell or license them for additional income.

If these trends continue, the world will eventually need a solution to the high cost and low quality of Microsoft products. By that time, only countries like India and China or the EU will have the ability to produce systems and products independent of Microsoft's control. Such a turn of events will dramatically reduce our now dominant position in computing, networking and information engineering to that of a third rate contributor, with a heavy toll on our economy and quality of life.

Thank you for your attention,

J. Jentink

MTC–00017611

From: Darryl Davidson
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 1:37pm
Subject: regarding Microsoft Settlement

To whom it may concern;

My name is Darryl Davidson. I am a computer professional, with 20 years of involvement in the industry, and I have spent a considerable amount of time monitoring this case. I'm writing to voice my grave disappointment at the settlement being offered Microsoft in their ongoing antitrust trial.

As a consumer, I've watched Microsoft repeatedly add features to their various operating systems that made for compelling upgrade sales, then abandon these features a version or two later. The price climbs, the quality stays mediocre, and the market value earned by Microsoft's monopoly has literally exploded.

If Microsoft is to be treated as a legal monopoly like many public utilities, a profit margin that is literally orders of magnitude above the cost of goods produced (hundreds of dollars retail for OS copies that cost a few dollars) needs to be a targeted, regulated outcome of their monopoly status.

If, as this settlement allows, there will be no public protections against the gouging that Microsoft is busily doing, and if the remedies presented are going to be this toothless, antitrust has become a travesty.

The remedies need to provide direct and immediate punitive damages at a level that acts as a corporate deterrent to the abusive practices Microsoft has been found guilty of. None of the remedies offered do this. This decree should be setting a new record for damages. Instead, it is less than a slap of the hand.

The remedies need to act to regain the balance and competition Microsoft has squelched though anticompetitive measures. Ignoring for a moment the patheticness of creating a 3 person board to monitor this settlement, allowing Microsoft ANY position in the regulatory board is ludicrous. One man can stymie a 3 person committee or board. Add in the lack of true, unassailable enforcement strengths given to this board, and you've nearly guaranteed we'll just be starting antitrust proceedings again in a few years.

In short, this settlement should be completely thrown out. It does nothing to remedy damages to consumers, nothing to deter anticompetitive acts in the future, and nothing toward enriching competition. It is a paper tiger, and will never accomplish a damn thing for those of us damaged by Microsoft's illegal acts.

–Darryl Davidson

PS: My only vested interests in any of these procedings are 10 shares of Microsoft stock. I am not now, nor have I ever been, an employee of any of the primary companies involved in these procedings. My interest is strictly as a consumer and as an industry member who empathizes with those caught in the crosshairs of large, anticompetitive corporations.

CC:'darryl(a)cableone.net'

MTC–00017612

From: David Wood
To: Microsoft ATR
Date: 1/23/02 1:40pm
Subject: Microsoft Settlement

As a software developer for over 10 years, and an entrepeneur in the software and media (video game) industries, I feel I must offer my comments on the proposed settlement between Microsoft and the Department of Justice.

In summary, the Proposed Final Judgment allows many exclusionary practices to continue, and does not take any direct measures to reduce the Applications Barrier to Entry faced by new entrants to the market.

It is my firm belief, and one shared with many of my colleagues, that Microsoft has, by virtue of its status as a monopoly, been a massively pernicious influence on the computer industry, and by direct result, on our nation's economy. The insulation from real challenge which Microsoft has enjoyed over the past 15 years has been felt uniformly in its products, services, and conduct toward its customers, let alone towards its competitors. Had Microsoft been obliged to compete on the basis of technical merit alone, our everyday computing experience would be staggeringly different—with a net effect of what I believe to be hundreds of billions of dollars in cumulative productivity gains.

When Bell Telephone was still the nascent nervous system of our country, regulators saw the necessity of strong remedies, despite some now familiar scare tactics. Had they not, phone calls would cost dollars instead of cents, and the world would be a very different place; dependent on the imaginations of a single organization which is insulated from threats and fears change.

Developing a remedy for the computer industry will be even more difficult than for the telecommunications industry, and it will be even more essential.

In short:

* While the government cannot maintain an operating system standard, or pick a winner from the marketplace, it can have a massively beneficial effect by encouraging competition through a remedy which directs Microsoft to providing some aid for ISVs engaged in making Windows-compatible operating systems.

By inducing Microsoft to make full disclosure about its products, especially its operating systems past and present, and to support competitors who wish to make compatible products, competition can be reintroduced to the marketplace. This will force developers to compete on the basis of merit, instead of through obscurity, lack of standardization, incompatibility, and patent lawsuits—the current way things are done.

The Findings of Fact (P52) considered the possibility that competing operating systems could implement the Windows APIs and thereby directly run software written for Windows as a way of circumventing the Applications Barrier to Entry. This is in fact the route being taken by the Linux operating system, which includes middleware (named WINE) that can run many Windows programs.

To the contrary, the PFJ as it currently stands, in sections III.D. and III.E., restricts information released by those sections to be used ''for the sole purpose of interoperating with a Windows Operating System Product''. This prohibits ISVs from using the information for the purpose of writing operating systems that interoperate with Windows programs, and it would virtually ensure Microsoft never need fear meaningful competition on the basis of technical merit.

* The PFJ as currently written appears to lack an effective enforcement mechanism. It does provide for the creation of a Technical Committee with investigative powers, but appears to leave all actual enforcement to the legal system.

* The PFJ provides for increased disclosure of technical information to ISVs, but these provisions are flawed in several ways: The PFJ fails to require advance notice of technical requirements, API documentation is released too late to help ISVs, many important APIs would remain undocumented, unreasonable restrictions are placed on the use of the released documentation, file formats remain undocumented, and patents covering the Windows APIs remain undisclosed.

* The PFJ prohibits certain behaviors by Microsoft towards OEMs, but curiously allows the following exclusionary practices: Section III.A.2 allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

Section III.B requires Microsoft to license Windows on uniform terms and at published prices to the top 20 OEMs, but says nothing about smaller OEMs. This leaves Microsoft free to retaliate against smaller OEMs, including important regional ''white box'' OEMs, if they offer competing products.

Section III.B also allows Microsoft to offer unspecified Market Development Allowances—in effect, discounts—to OEMs. For instance, Microsoft could offer discounts on Windows to OEMs based on the number of copies of Microsoft Office or Pocket PC systems sold by that OEM. In effect, this allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas, such as office software or ARM-compatible operating systems.

By allowing these practices, the PFJ is encouraging Microsoft to extend its monopoly in Intel-compatible operating systems, and to leverage it into new areas.

* Microsoft still engages in EULA practices which discriminate against competitors, specifically any windows-compatible alternative operating system. Specifically, I provide two examples: the Microsoft Windows Media Encoder 7.1 SDK EULA discriminates against ISVs who ship Open Source applications, and the Microsoft Platform SDK EULA prohibits use of necessary components on non-Microsoft products. There are numerous others, as this is a systematic anticompetitive strategy on the part of Microsoft. The PFJ does nothing to discourage these onerous practices.

* Microsoft's enterprise license agreements often resemble the per-processor licenses which were prohibited by the 1994 consent decree in the earlier US v. Microsoft antitrust case, in that a fee is charged for each desktop or portable computer which could run a Microsoft operating system, regardless of whether any Microsoft software is actually installed on the affected computer. These agreements are anticompetitive because they remove any financial incentive for individuals or departments to run non-Microsoft software.

* The PFJ's definition of API might omit important APIs such as the Microsoft Installer APIs which are used by installer programs to install software on Windows.

* The definition of ''Microsoft Middleware'' (P28) is unnecessarily restrictive and contains significant loopholes, such as exclusion based simply on version numbers or distribution methods.

* ''Microsoft Middleware Product'' does not include .NET, Outlook, or Office. I should note that these and other objects have been excellently detailed further at the following URL: http://www.kegel.com/remedy/remedy2.html I hope that these matters will be seriously considered.

Microsoft's belligerent behavior and our-way-or-the-highway quality standards have been a terrible burden on our workplace, our industry, and our lives. We hope the court has the imagination to understand what better alternatives exist, and to understand the dramatic good effect that strong, intelligent, proper solutions can have. With the high costs and dramatic failures the press has recently observed, I trust the disaster of the status quo is obvious.

Best Regards,
–David Wood

MTC–00017613

From: Andrew Sayman
To: Microsoft ATR
Date: 1/23/02 1:41pm
Subject: Microsoft Settlement

The current judgement seems to do little to affect the market that Microsoft has illegally dominated. I disagree with this judgement and think significant revision is in order

MTC–00017614

From: Kahli R. Burke
To: Microsoft ATR
Date: 1/23/02 1:40pm
Subject: Microsoft Settlement

To whom it may concern:

I have been watching the progress of the antitrust case against Microsoft for many years now. While I am not an expert in law, I do believe I have a valid and useful perspective as both a software engineer and American citizen. It is clear to me, and this has been proven in a court of law, that Microsoft has been engaged in anticompetitive practices for a long time. It has used its market position, obtained by bullying smaller companies, to bully more companies and increase its market share further. It has abused its power, and should be punished for its tactics and the harm it has done. Aside from reparations, there should be strong rules put in place to stimulate competition and open opportunities for others to compete in this market.

I believe, and there are many who would agree with me, that the current proposed settlement does not do enough to right Microsoft's wrongs. I will not take the time now to go over all the areas that could be improved, but simply touch on a few major issues.

1. The language for non-discrimination against OEMs that sell computers with an OS other than Windows does not seem strong enough, specifically in terms of smaller OEMs.

2. Microsoft must be forced to open proprietery APIs and document formats for Windows and Microsoft Office to stimulate competition in this area.

3. Microsoft routinely discriminates against open source software in it's EULAs, disallowing open source software that operates with the Windows operating system to be shipped with certain Windows add ons that it may depend on. This creates a barrier to the market for open source software, based solely on the license for the software.

4. Microsoft has a proposal for donating some of its software to schools as reparation for past ills, but this serves as a way to increase its market share in education, at minimal cost to Microsoft. Perhaps Microsoft should pay the money it says its software is worth, and allow the schools the choice of which hardware and software platform makes the most sense.

It seems likely that unless more is done to prevent illegal practices, Microsoft will continue to have a stranglehold on the software industry, and derivatives, such as internet services. I strongly urge you to take this letter as evidence that the American people do not agree with this proposed settlement, as for every one that communicates with you, there are probably a few hundred more who feel the same.

Thank you,
Kahli Burke
1675 Long Island Dr.
Eugene, OR 97401

MTC–00017615

From: Steve Russo
To: Microsoft ATR
Date: 1/23/02 2:58pm
Subject: Microsoft Settlement

I don't believe that the settlement is fair. We have lost many great companies because of the predatory nature of Microsoft. I have been forced to buy their operating systems with new pcs, even though I don't use their operating systems, I use linux.

I am currently in the process of signing up for the class action suit in Minnesota. Please do not let them get off of the line this easily. We cannot bring our lost companies back, but we CAN do something about the companies that are left.

Also, in my opinion, their sales will not affect our economy as much as the lost companies would have. They are being boycotted in many countries because of their practices. We are losing our market share in these remote locations because of them.

Thanks,
Steve Russo
http://www.fixyoursink.net
http://users.fixyoursink.net/stephen.russo

MTC–00017616

From: Richard Huffman
To: Microsoft ATR
Date: 1/23/02 1:37pm
Subject: Microsoft Settlement

Perhaps I am misunderstanding, but how can it be a good thing to take small measures to re-introduce competition in application software while legitimizing the near monopolistic control of the operating system market that they used to get in trouble in the first place? If someone commits a robbery, do we return the weapons to him before he has even served his sentence, or at all??

Microsoft leveraged a monopoly in one market to create a monopoly in another. Shouldn't an effective remedy curtail *both* monopolies?

Thank you for your patience
Richard Huffman

MTC–00017617

From: John B. Pormann
To: Microsoft ATR
Date: 1/23/02 1:40pm
Subject: Microsoft Settlement

As a computer professional, I would like to add my comments to those being collected towards the final settlement with Microsoft Corporation. Please note that these opinions are my own and should not be construed to reflect on my employer, Duke University.

Ralph Nader and James Love put forth a number of good comments in their open letter, available at: http://www.cptech.org/at/ms/rnjl2kollarkotellynov501.html Perhaps most critical of these points is the fact that Microsoft has repeatedly used proprietary file formats to thwart interoperability efforts with other platforms. In some cases, this

obfuscation of file formats has been extreme enough that THEIR OWN PRODUCTS have not interoperated across different versions. One particular example occurred when their MS Word 5 product could not read files created under MS Word 6. This apparently happened again between Word 6 and the Office 97 release.

By repeatedly changing file formats and NOT publishing the new formats in a timely manner (if ever), Microsoft imposes a significant hurdle upon other companies that wish to compete in the marketplace. Such competition is simply not present in the market today, with the end result that users have THEIR OWN DATA tied up in Microsoft's proprietary file format. By tying a user's data into a proprietary format, Microsoft inhibits a user's ability to move, or even test, their business operations on other vendor products. If a budget spreadsheet is in the MS Excel format, you must use MS Excel to read or analyze it, even though other, perhaps better, analysis methods could be developed outside of MS Excel. Note that this is THE USER'S DATA, not Microsoft's. This is data that could be critical to the operation of their business, and it is tied up in Microsoft proprietary file formats. Thus, the user must spend additional resources, both time and money, to regain access to THEIR OWN DATA if they switch to a competing vendor.

I suggest that additional thought be given to imposing some form of standards to Microsoft's file formats, either:

1. forcing Microsoft to only use file formats approved by an INDEPENDENT standards body; or

2. forcing Microsoft to publish their file formats, including a reference implementation, to encode and decode such formats, available in a platform-independent source code format

In either case, Microsoft's adoption or creation of a new file format should be published WELL BEFORE the sale of any new computer program so that competing vendors have the opportunity to interoperate with the standard at the time the Microsoft product hits the market.

Thank you for the opportunity to share these thought with you.

John

John B. Pormann, PhD Phone: 919–660–5171

Dept. of Electrical Engineering Fax: 919–660–5293

Duke University Email: jpormann@ee.duke.edu

Box 90291, Durham, NC, 27708–0291

MTC–00017618

From: Josh Simmons
To: Microsoft ATR
Date: 1/23/02 2:06pm
Subject: Microsoft Settlement

For a fair and just conclusion to the Microsoft Settlement, I feel Microsoft should have to provide restitution in the form of competitors products. They should provide to federal, state and county institutions and schools products such as hardware from Apple Computer, Sun Microsystems, SGI and Novel, as well as software from Apple Computer, Oracle, Netscape and Britannica.

Any donations, contributions and or reduced rate sales of Microsoft hardware and or software would only further their monopoly in the computer hardware and software markets.

These are my opinions, comments and suggestions on the matter of the Microsoft monopoly.

Josh Simmons
Reno, NV

MTC–00017619

From: David Johnson
To: Microsoft ATR
Date: 1/23/02 1:38pm
Subject: No! to Microsoft Settlement

Dear Sir or Madam:

I would like to register my disagreement with the proposed antitrust settlement with Microsoft. More should be done to reduce the power of Microsoft against its rivals—power that Microsoft has used repeatedly to cripple or destroy competitive products. Microsoft must also be obliged to pay a substantial penalty—one more commensurate with the damage done to the competitors and the costs imposed on consumers.

Thank you for your time.

Sincerely,
David Johnson
David R. Johnson, Ph.D.
Research Scientist, Department of Pathology
454 BCMM, 295 Congress Avenue
Yale University School of Medicine, New Haven, CT 06510 USA
Tel.: 203/737–2298, Fax: 203/737–2293

MTC–00017620

From: William C. T. Van Hecke
To: Microsoft ATR
Date: 1/23/02 1:40pm
Subject: Harsher punishment necessary.

The company has abused its monopoly power, and deliberately failed to comply with the already lenient punishment assigned to them. Such an infraction does not deserve a ''slap on the wrist'' punishment, a fine that will barely dent Microsoft's enormous supply of cash. Nor does it deserve the chance to further its monopoly via software ''donations'' that cost next to nothing to produce. ''Infinitely more than nine'' jetfuel@metalbat.com http://www.metalbat.com

MTC–00017621

From: JD Frazer
To: Microsoft ATR
Date: 1/23/02 1:41pm
Subject: Microsoft Settlement

The proposed settlement appears not only ineffective, but sets a precedent for Microsoft to do as it wishes with little fear from the government.

I recommend scrapping the settlement and taking Microsoft to task.

JD Frazer
illiad@userfriendly.org

MTC–00017622

From: Brandon Stephens
To: Microsoft ATR
Date: 1/23/02 1:41pm
Subject: Microsoft Settlement

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general. While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Brandon Stephens
Network Security Administrator
CFD Research Corporation
215 Wynn Drive
Huntsville, AL 35805
Tel: (256)726–4890
Fax: (256)726–4806
Email: bxs@cfdrc.com
http://www.cfdrc.com

MTC–00017623

From: Steve Bratt
To: Microsoft ATR
Date: 1/23/02 1:40pm
Subject: Microsoft Settlement—Not in Favor

I am a computer professional who has been a user of all forms of software on various platforms for years. I have always felt that Microsoft abused it's position in the marketplace in various ways, and was happy to see action taken by the government to document and curtail this behavior. Unfortunately, my opinion of the proposed settlement is that it will do little or nothing to curb Microsoft's core behavior. It may make it harder for them abuse monopoly power in a few specific segments of the market defined in the settlement, but it will not make it impossible, and does nothing to curtail this behavior in other areas.

Please register me as a citizen NOT IN FAVOR of the proposed settlemt agreement.

Thank you for your time.

Steven Bratt
Brush Prairie, WA

MTC–00017624

From: tack
To: Microsoft ATR
Date: 1/23/02 1:30pm
Subject: Microsoft Settlement

I disagree with the proposed settlement to Microsoft antitrust case. It contains loopholes designed to let Microsoft continue to act as

a bully and a monopolist. As we have seen that it's 1994 consent decree did not deter Microsoft from engaging in heavy handed illegal business practices outlined in the findings of fact in the current case, we must conclude that any settlement in this action may not deter Microsoft from doing so in the future.

I believe that the proposed settlement is inadequate as a means of stopping the illegal, economically damaging business practices at Microsoft corporation. By not offering any form of punishment for past illegal acts and introducing a series of loopholes, vaguearities and secrecy provisions, it offers no relief from past wrongs and fails to prevent it from committing further illegal acts.

Microsoft is a convicted illegal business practicioner which has damaged our economy. It should not be allowed to get away with it or continue to do so in the future. The current settlement does nothing to address this, and will likely lead to continued illegal activity. It must not stand.

Daniel Trudell
Castro Valley, CA

MTC–00017625

From: Gary D. Young
To: Microsoft ATR
Date: 1/23/02 1:43pm
Subject: Microsoft Settlement

Hi,

I just want to comment that I feel accepting a settlement with Microsoft is a bad thing. One thing which Microsoft is known to do in the present (not legally proven, but widely known among technical professionals) is to threaten (sometimes legal) action against companies which attempt to provide alternate emulations of Microsoft's products. What this means, is that companies without the deep pockets necessary to develop something from scratch, or companies without the corporate muscle of Microsoft in pushing standards are unable to provide working alternatives. Accepting a settlement of any sort with them, only encourages Microsoft to continue the games they played with browsers, hard drive error scanning software, compression software, authentication, and other niches that reduce consumer options. If consumers having options is considered a good thing in the marketplace, decline the settlement. If consumers having no choice is a good thing, then we are all vulnerable to the same windows viruses, and all vulnerable to whatever corporate whim Microsoft may decide upon.

Gary D. Young
US Citizen, resident of SF Bay Area, CA.

MTC–00017626

From: carmine mangione
To: Microsoft ATR
Date: 1/23/02 1:43pm
Subject: Microsoft Settlement

The proposed Microsoft settlement must be stopped for the following reasons: It fails to address the single most significant factor in Microsoft's abuse of monopoly power: their use of file formats to limit alternatives to their products, force consumers to upgrade to the latest version, and extend their hegemony to other markets.

Microsoft's word processing product, Word, uses an unpublished, undocumented and non-standard compliant .doc format. Microsoft has changed this format no less than 5 times over the past 10 years. These changes force everyone in an organization to upgrade to the latest version of Word if a single user upgrades. These upgrades are often forced with purchase of new equipment or upgrades of seemingly unrelated components such as the operating system as Microsoft only supports the latest versions of their software.

Microsoft's half-hearted attemtps to allow users save documents in previous versions fail for two reasons. First, the ''save as'' option often loses valuable formatting information and second, they do not change the extension name of the format as other vendors do. For example, .doc95, .doc98, and .doc00 make it clear which version a file is saved in so a user can send the correct version out. Microsoft, mysteriously saves all files as .doc. Most other vendors change their extensions when they make changes to file formats that may break older version.

The solution:

1. Require microsoft to publish their file formats and to publish and open for review any format changes through one of the independant standards bodies.

2. Require Microsoft to provide free upgrades to all previous versions of thier software that will allow those versions to read any new formats flawlessly.

Thank you,
Carmine Mangione

MTC–00017627

From: Hartley, Jonathan
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:43pm
Subject: microsoft proposed final judgement

I appreciate the great amount of work that has gone into producing the proposed final judgement to date. However, the settlement in its current form seems to overlook several important issues, and as such it is inadequate in curtailing Microsoft's past and current anti-competative practices, to the great detriment of consumers, rival technologies, and the computing industry as a whole.

In particular, I would like to see measures taken to prevent Microsoft from penalising OEMs who choose to ship PCs with other operating systems pre-installed. As far as I can see, section III.A.2 allows them to continue doing this. This practice effectively stifles any competing operating system from gaining a significant foothold in the marketplace, regardless of the merits of functionality, price or reliability that other operating systems may have to offer. Section III.B also seems to allow unfair penalizing of OEMs that choose to offer competing products.

Additionally, I would like to see steps taken to prevent Microsoft end-user licence agreements from prohibiting my choice of using non-Microsoft operating systems or products. The PFJ as currently stated does not prohibit these kinds of overly-restrictive EULAs.

Sincere thanks for this opportunity to express my views,

Jon

Ten years experience in the software industry
Senior Software Engineer
SchlumbergerSema
Denver, USA
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80111–4743 Home:(303) 777 8925
ICBM: 39 36'1.6≥N, 104 53'28.7≥W
Cell:(303) 475 6780

MTC–00017629

From: Billy Fuller
To: Microsoft ATR
Date: 1/23/02 1:39pm
Subject: Microsoft Settlement

I am for the proposed settlement even though I think the case should be dismissed because the court incorrectly narrows the ''industry'' being monopolized to just Microsoft's customers. If the same reasoning were applied to, say, Oracle then the ''industry'' would then be narrowed to just Oracle's customers and, lo and behold, Oracle is then a monopoly. Like Sun. Like IBM. Like the corner shoe repair shop.

Why on earth would you limit the huge computer software industry to just the tiny sliver that runs on computers that are arbitrarily labeled desktops? A computer is a computer. Software is software. All together they are an industry. Why draw the line at just Microsoft's customers? This whole case is nothing but a sham, an unjust way of using the courts to reward the uncompetitive practices of Microsoft's rivals.

Billy Fuller
Microsoft Employee

MTC–00017630

From: Peter Somu
To: Microsoft ATR
Date: 1/23/02 1:42pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea

MTC–00017631

From: Josh Cockey
To: Microsoft ATR
Date: 1/23/02 1:41pm
Subject: Microsoft Settlement

The proposed settlement in the Microsoft case is a bit like assigning a fox to guard your chicken coop in that it virtually guarantees Microsoft a lock on an endless series of software upgrades that the recipients can ill afford. If they could afford the technology, they wouldn't need the handout and if they can't afford the upgrades, the computers and software will rapidly become obsolete and of limited use.

The counterproposal put forward by Red Hat makes much more sense: ie, Let Microsoft donate money for hardware computing resources for underfunded schools, then load those machines with open-source software.

Open-source software will have two benefits. First, it will set schools on a course that they can afford. The cost of obtaining open-source software and upgrades is

minimal. Secondly, the Red Hat proposal does not reward Microsoft in the long term.

The currently proposed settlement merely provides Microsoft with a guaranteed long-term cash cow instead of punishment for corporate misdeeds resulting in market domination.

Josh Cockey E-Mail: jcockey@crosslink.net

MTC–00017632

From: Mark Hernandez
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:43pm
Subject: Microsoft Settlement

I am opposed to the present settlement terms offered to the Microsoft Corporation as doing nothing to prevent or limit the ability of Microsoft to act as a monopoly, or to prevent or limit the ability of Microsoft to act adversely against those that it deems to be competitors or critics.

The long and well-documented history of Microsoft parallels that of many of the trusts and monopolies that it has been the policy and practice of the United States to prevent or, in the worst of cases, dismantle and separate.

Likewise, this settlement does not provide for the free market economy that it is the policy of the United States to support; by failing to actively limit the monopolistic actions of Microsoft, already determined in a court of law, the Department of Justice is endorsing the concept that ''competition is bad'' and that no other software developer or vendor may be able to compete with the burgeoning Microsoft structure. Consumers, as well as commercial enterprises, will be forced not to pay market prices based on competition, but prices set at already arbitrary levels that are likely to go even higher in relation to future sales.

Please do not allow the settlement to be completed as it is currently written, nor with the thrust of its offer standing in any future version of it.

With this settlement, the Microsoft monopoly will continue to stifle competition and stagnate the computer industry by closing any avenue that Microsoft does not approve of, as historical documentation clearly indicates is the Microsoft pattern of preserving itself.

Mark Hernandez, A+, APS, CCSP—Technician

Valley Network Solutions—Providing Excellence in Technology(tm)

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364 West Fallbrook Avenue, #101 * Fresno, California 93711–6148

MTC–00017633

From: M.A.
To: Microsoft ATR
Date: 1/23/02 1:43pm
Subject: I don't think it would be a fair settlement. It doesn't have enough

I don't think it would be a fair settlement. It doesn't have enough teeth to stop them from future monopolistic abuses.

Nelson P. Wolf

MTC–00017634

From: Dhillon, Apperjit
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:43pm

I am not in favor of the proposed settlement with Microsoft. This is not punitive in anyway, and does NOT benefit the public interest. The DOJ is allowing a company that has been determined a monopoly to supply schoolchildren with software that will ensure their continued monopolization of their market.

MTC–00017635

From: Stan Hunter
To: Microsoft ATR
Date: 1/23/02 1:44pm
Subject: Microsoft Settlement

Don't let Microsoft off the hook so easily. I am founder of a company that makes programs for Palm-Pilot devices, and we already see the illegal sorts of tactics Microsoft used to crush Netscape coming up to crush Palm OS.

Unless Microsoft is split up, this will never stop, and no other company or technology will be able to compete and survive.

Stan Hunter
Founder, Xenware
stan@xenware.com
phone: (617) 216–9814
fax: (617) 547–5297
http://www.xenware.com/
http://store.yahoo.com/xenware

MTC–00017636

From: jkey@elm.ssec.wisc.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 1:38pm
Subject: Microsoft Settlement

To Whom it May Concern:

I would like to express my concern over the proposed settlement in the U.S. Department of Justice vs. Microsoft case. I use both open source and proprietary software, Linux being my primary operating system for work and Microsoft Windows being the choice for our family's home computers. I was brought up with both Unix and Microsoft operating systems, so I feel that I can speak objectively, at least from a technical perspective.

My reactions and recommendations are in response to the fact that Microsoft was found by the legal system to have broken the law. It grew to and maintained a monopoly by illegal means, so actions must be taken to restore a competitive environment.

I have two recommendations:

1. Force Microsoft to document their proprietary file formats. This is probably the single most effective way to restore competition. Microsoft has a stranglehold on the word processing (MS Word) and presentation (MS Powerpoint) markets, not because its products are superior but because of illegal practices. The need to read and write files in those formats is now critical for the exchange of information. If other software companies could effectively and completely import and export Word and Powerpoint files, competition would be restored.

2. Do not allow Microsoft to give software and hardware to schools as their ''punishment''. This proposal is a gift to them, not to the country! It is anything but punishment. Imagine all the schools that will be locked into future upgrades of Microsoft products, and the way our youth will be conditioned to working the Microsoft way. If Microsoft truly wants to help our educational system, have them donate the money, not the software or hardware, with no strings attached.

Thank you for your attention in this matter.

Jeffrey R. Key
4959 Blue Spruce Circle
Middleton, WI 53562
(608) 798–4998

MTC–00017637

From: Mark Hammer
To: Microsoft ATR
Date: 1/23/02 1:44pm
Subject: Comment on Microsoft Judgement

To whom it may concern:

This is likely to be one of the more far-reaching cases in recent memory.

I am not a lawyer. ''I don't know a Habis from a Corpus,'' the old movie line says. However I think I know justice, and this settlement just does not feel like justice. It fails the duck test. ''If it looks like a duck...''

There are several things that concern me with the proposed settlement. The first being Microsoft's past behavior.

Have they shown any inclination to respect the rule of law, except where it benefits them? Have you forgotten the arrogance they showed in Judge Jackson's courtroom? The arrogance that caused even that conservative, pro-business Reagan appointee to roll his eyes in disbelief? Have you forgotten the doctored video evidence? How about Bill Gates'' taped testimony?

Have they shown any inclination in the past to honor ''Gentlemen's Agreements'' when it was to their advantage not to? What happened to the original agreement between Microsoft and the DOJ? What has happened to countless companies large and small that Microsoft has cajoled down the garden path, then turned and ruthlessly stabbed in the back? So what has changed? What causes the DOJ to think that Microsoft will now honor the spirit as well as the letter of your settlement? Is it just ''a scrap of paper'', as Churchill said about another agreement with a ruthless predator.

I am also concerned about the principle that no one is above the law. What will happen if Microsoft gets off with a wrist slap and is free to go on their merry way, especially in light of the Enron mess? What will the perception be?

At the very least, Microsoft should be forced to release to the public the programming interfaces and the data formats of all their software. This includes data packets and files. AT&T was required to provide access to their system to their competitors. Microsoft should be required to do the same.

The pre-package agreements with the OEMs are used by Microsoft to restrain trade and maintain their monopoly. A simple solution is to require Microsoft to buy back at published retail prices any software the end-user does not want that comes bundled with a computer. This must be made the responsibility of Microsoft, not the OEMs. They must not be able to duck it. This solution has the simple elegance of solving the core problem, without major upheaval.

Remember, the DOJ won, Microsoft lost. If the Government of the United States has to go down this path again, it will be a lot harder next time. That ''scrap of paper'' eventually led to World War II.

Sincerely,
Mark B. Hammer

MTC–00017638

From: B. Charles Reynolds
To: Microsoft ATR
Date: 1/23/02 1:44pm
Subject: microsoft settlement

I would like to add my name to the long, long list of those who are dissatisfied with the proposed settlement of the Department of Justice vs. Microsoft antitrust case. I am especially concerned in the light of the following: http://www.macintouch.com/postoffice.html

I am deeply dissatisfied in the entirety of how this case was handled. No attempt was made to convict under the Rice Anti-Organized Crime act even though the evidence presented at trial shows a long and flagrant history of criminal activities (predicate fellony: copyright violation in MS DOS 1.0 and no attempt to license the plagiarized code.)

The proposed settlement does not include prison time for the officers or board of directors [of Microsoft.]

It does not include a siezure of all assets of the criminal organization [Microsoft.] It does not include a revocation of all patents and copyrights of the criminal organization [Microsoft.] It does not include a complete dissolution of the criminal organization[Microsoft.]

Furthermore, the federal government maintains software contracts with the criminal organization [Microsoft.] This is not excusable. It encourages the the criminal organization [Microsoft] to continue its activities. Revoking these contracts en masse and replacing the software with alternatives—there may be no competition, but there are alternatives—will inform your employers, the People of the United States of America, that you are actually interested in doing business with legitimate business entities, rather than criminal organizations such as Microsoft.

However, since the prosecution failed to present a case for the Rice Anti-Organized Crime Act and limited prosecution to anticompetitive practices, all of this is immaterial. Still, the settlement is not strong enough. Microsoft Corporation is wealthy enough that no monetary settlement (such as the proposal to supply schools with computers, software and training—which will only INCREASE Microsoft's position in the marketplace) will satisfactorily harm the company.

Definitions of terms such as API, Microsfot Middleware, Microsoft Middleware Product and Windows Operating System Product are not strong enough and leave too many holes for the criminal organization [Microsoft] to exploit to the continuation of the Applications Barrier to Entry (Findings of Fact, Paragraph 52.)

I hope my comments are helpful.

B. Charles Reynolds
P.O. Box 3341
Seward, AK 99664–3341

MTC–00017639

From: Dan Meriwether
To: Microsoft ATR
Date: 1/23/02 1:43pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I feel that the proposed remedy for Microsoft's anticompetitive and monopolistic practices is inadequate in the extreme. I believe the proposed settlement not only doesn't deter Microsoft, but because of the complete lack of any realistic punishment, encourages Microsoft to continue acting in an illegal, monopolistic and anti-competitive manner.

By not prohibiting or reparing any of the staggering amount of damage caused by Microsoft's illegal conduct, such as failure to prohibit intentional incompatibilities, while lacking an effective enforcement mechanism in the actions it does require, the proposed final settlement is not even a slap on the wrist, but rather a sly wink or pat on the back.

There are so many problems with the proposed final settlement that, in my opinion, it is not in the public interest.

Dan Meriwether
6114 La Salle Ave. PMB222
Oakland, CA 94611–2820

MTC–00017640

From: Kelly White
To: Microsoft ATR
Date: 1/23/02 1:45pm
Subject: Microsoft Settlement

I am a software developer, a consumer, and a concerned citizen, and I believe that the proposed settlement doesn't go far enough in stopping Microsoft from extending their monopoly into other markets. Microsoft has crushed its competitors and in doing so can be viewed as one of the causes of the current recession.

If Microsoft is allowed to enter other markets and continue its practice of illegally crushing the competitors there, what will the future economy look like?

I ask you, why isn't Microsoft being punished for their illegal actions? How am I supposed to teach my daughter not to break the law, when Microsoft does so and is then given the blessing of the government to continue doing so? Where is justice? Why does the American government spend so many resources going after Osama Bin Laden when they don't even punish the company that has single-handedly ransacked America. Microsoft—by their illegal actions—has ruined hundreds of companies and caused the unemployment of thousands of people. What kind of faith can I put in my government when I see that this will be allowed to continue to happen?

I want consumer choice, I want to be able to purchase software and other products based on the merit that matters to me, not because Microsoft is the only choice available. Please restore this ability to me by discarding the proposed settlement and punishing Microsoft as they need to be punished.

Sincerely,
Kelly McKhendry White
305 Cottage Place
Idaho Falls, ID 83402
(208) 524–2043
mckhendry@acm.org

MTC–00017641

From: Dexter Graphic
To: Microsoft ATR
Date: 1/23/02 1:45pm
Subject: Microsoft Settlement

To whom it may concern,

United States Department of Justice, Antitrust Division: You asked for public comments under the Tunney Act on the Microsoft Antitrust Settlement, well, here is my opinion.

Microsoft has already been found guilty of misusing their monopoly power. Now punish them for it! The currently proposed settlement is a joke, it does not address any of the core issues. The only way other software companies can compete with Microsoft, or even survive in its shadow, is if the API (Application Programming Interface) which Microsoft uses to write programs that work with Windows is made available to all parties, free of charge, without licensing restrictions. These interfaces are what every programmer needs to know and use if they want to write Windows software; by exercising proprietary control over the APIs Microsoft effectively controls all the software that is written for Windows and holds dominion over every company or individual programmer, like myself, who wants to innovate in the computer technology field. This is the key to Microsoft's monopoly power! And by requiring them to openly publish the Windows API's (just the programming interface specifications not the program's source code) other software companies and individual programmers will be able to compete with them on a level playing field.

Any settlement that does not require this is just a waste of time and money. It's a minimum requirement, in my opinion, for achieving competitive fairness and fostering an industry-wide environment of real software innovation. Thanks for asking (and hopefully listening.)

Dexter Graphic
Independent Computer Consultant and Systems Analyst
Eugene, Oregon

MTC–00017642

From: Mark Lanz
To: Microsoft ATR
Date: 1/23/02 1:45pm
Subject: Microsoft Settlement

The proposed settlement fails to accomplish any real protection to consumers or other corporations. Microsoft will be free to continue their anticompetitive practices.

Thank you for your consideration of my comments,

Mark Lanz

MTC–00017643

From: mitchell@ncar.UCAR.EDU@inetgw
To: Microsoft ATR

Date: 1/23/02 1:46pm
Subject: Microsoft Settlement

Greetings,

I am writing in order to submit my comments on the Revised Proposed Final Judgement. While the settlement makes a good start, I feel it is inadequate overall and leaves possible loopholes open for exploitation. The past behavior of the guilty party indicates that it is likely to do everything in it's power to minimize the effect of the proposed settlement. This behavior includes the guilty parties behavior with respect to the last ''Consent Decree'' which it agreed upon with the Government as well as it's current refusal to admit guilt or even concede that it has misbehaved at all. In all respects, Microsoft behaves as an unrepentant career criminal. As such, it is not deserving of mercy from the court. I fear that the Proposed Judgement may allow the guilty party to escape relatively unscathed.

Section III, Prohibitied Conduct, attempts to address the guilty parties relationship with OEM vendors. It is well known that this has been a well-used tool in the past to keep OEM hardware vendors in line. It can be expected that Microsoft will take advantage of any loophole it finds in Section III in order to continue this behavior. As such, Section III should be as simple as possible. I would suggest modifying paragraph B with two changes. First, the ''schedule'' of prices should be publicly available via the web. There is no reason to keep the prices confidential. The end consumers of Windows have every right to know the true value of that component of their computer. I also feel that clause 3. (''the schedule may include market development allowances...'') should be stricken. Despite the attempt to close the obvious loophole, I doubt that it will prevent the guilty party from resuming past behavior. Microsoft is literally making more money than it knows what to do with. I can very well pay it's own marketing and development costs. Allowing it to make these side agreements with OEMs only serves the purpose of giving it an avenue to reward favored OEMs at the expense of other OEMs. The relationship between Microsoft and OEMs should consist of the act of selling software period. Allowing any other relationship simply opens an avenue for abuse.

Paragraph D should also be modified. While it is a good idea to require Microsoft to publish the API's used by Microsoft Middleware, there is no reason to allow the guilty party to restrict access to the ''MSDN''. The simply gives the guilty party an avenue to require developers to agree to licenses or terms of use. For example, access to ''MSDN'' now requires a ''Passport'' account. It is entirely inappropriate to allow Microsoft to condition access to the API's upon accepting their attempt to extend their monopoly to online authentication. Microsoft should be required to publish the API's on the web without any need for either registration or authentication.

An oversight of the API provisions is that it does not apply to file formats. One of the goals of the Judgement should be to try and restore competition to the desktop operating system market. One of the anchors of the Microsoft monopoly which was not specifically addresses in the most recent case is the Microsoft Office product. One of the greatest stumbling blocks for potential competetors on the desktop is the need of people to be able to read and write files in the various Office formats (Word, Excel, PowerPoint, etc.) By constantly changing these formats with each upgrade and not providing comprehensive documentation on their structure, Microsoft has been able to maintain a significant barrier to entry into the desktop operating system market. By including file formats along with API's and communication protocols the Court can greatly enhance the opportunity for competing products to become established in the operating system market. Paragraph J should be stricken entirely. It has at least two fatal flaws.

One is the axiom that security thru obscurity is no security at all. By allowing Microsoft to use security as an reason to refuse to release communication protocols and APIs it encourages them to design security solutions which do not provide strong security, but rather merely the illusion of security. Given the predominance of Microsoft operating systems and the past abysmal security performance of their products, it isn't wise to provide an incentive for them produce poor solutions going foreware. The second fatal flaw, which is perhaps more important, is that this clause provides a loophole which will allow Microsoft to avoid paragraphs D thru I. Recent pronouncements from the guily party and Bill Gates indicate that security will be given the highest priority going forward. Most significant uses of network protocols involve some amount of authentication. Digital rights management and virus protection can be incorporated into virtually all aspects of operating system functionality. In fact, these technologies work best when they are prevalent thruout the system. These facts, along with the guilty parties abuse of loopholes in previous agreements, indicates that paragraph J will likely be used as a method of invalidating paragraphs D thru I. The court should either strike paragraph J, or strike paragraph D thru J. The current agreement will end up imposing little to no restraint on the convicted party.

Section IV, while it contains a good start, falls a little short. While the Judgement contains good provisions for determining if the convicted party is complying with the Judgement, there are no clear penalties for breaking the agreement. In fact, the extent of refusing to comply with the court ordered judgment seems to be the application of more court orders. To date, court orders have not had any significant impact on the convicted parties conduct. Rather, it has managed to accumulate profits at an almost unbelievable rate. Any significant penalty should involve significant monetary fines. While the need and amount of fines for previous criminal actions could be argued endlessly, the court should at a minimum include provisions for significant fines going forward should Microsoft refuse to yield to the authority of the court. Such fines should be commensurate with the revenues and profits of Microsoft. In the most recent quarter, the guilty party profited at the rate of about $20,000,000 per day. Revenues were about four times that amount. In order for a fine to have any sting, I feel that at a minimum it should accrue at the rate of their profits. In other words, the Judgement should contain language which would impose a fine of at least $20,000,000 per day that the convicted party is not in compliance with the Judgement. To date, Microsoft has employed a strategy of legal delay at almost every turn. The reason is clear: while issues are dragged out in court the damage is being done in the market. By the time the court is able to issue a remedy, Microsoft has already accomplished whatever it set out to do in the first place. By imposing significant fines, the court can discourage such delays in the future in addition to ensuring actual penalties for violation of the Judgement.

In conclusion, I hope the court takes some of these ideas into consideration before rendering a final judgement. To be honest, I am amazed at the lengths to which the Court has gone to please the convicted. The fact is that Microsoft is not simply guilty, but is a repeat offender who has shown no signs or remorse nor even acknowldged that it has broken the law. Rather than issuing a swift and severe punishment as befits such a disrepectful repeat offender, the Court seems to be bending over backwards in order the please the convicted. Quite frankly, in this day and age, I see no reason to be soft on such a criminal organization whose disrespect for the Court includes the falsification of evidence and who shows no signs of even understanding the relevant law much less admitting that the law applies to them.

—David Mitchell

David Mitchell (mitchell@ucar.edu)
Network Engineer IV I
I Tel: (303) 497–1845 National Center for
FAX: (303) 497–1818 Atmospheric
Research I

MTC–00017644

From: Knipp, Eric
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:44pm
Subject: Microsoft Settlement

The microsoft settlement does not address the concerns of illegal and unfair practices in pushing its products onto its distribution partners. Microsoft has used its dominant position in the software market to unfair advantage, locking potential compeitors out of the picture by arm-twisting and flat-out threatening its distribution partners. This has resulted in a severe imbalance in the software market, creating a scenario where Microsoft increasingly wields more power to dictate what consumers are ultimately able to buy; no longer are we in a free market where software is concerned, we are rather entering into an era where one company decides what all consumers have the priviledge to buy, and now Washington is going to help them do it.

I am not satisfied with the government's handling of the Microsoft case and I want to see it revisited. Unless Microsoft is truly punished and prevented from continuing its unfair practices, I do not see a bright future for the software industry (except where Microsoft alone is concerned).

Eric Knipp

MTC–00017645

From: Dewey Paciaffi
To: Microsoft ATR
Date: 1/23/02 1:42pm
Subject: Microsoft Settlement

I have read about the proposed settlement, and I am not in favor of it in its current state. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors.

Dewey Paciaffi
76 Main Street
Englishtown, NJ 07726

MTC–00017646

From: surina@ds02e00.
directory.ray.com@inetgw
To: Microsoft ATR
Date: 1/23/02 1:44pm
Subject: Microsoft Settlement

Jan. 23, 2002

To: Renata B. Hesse, or other concerned parties

Re: Microsoft Antitrust Case

Thanks for taking public comments on these types of activities.

I think it is of value to get a feel for public opinion. Although I often value the opinions of those around me, there are certain times when the application of logic, rational behavior, and extraction and analysis of fact is quite approprite.

Such as in cases like this, for example. The facts are that this company's key stakeholders and practices, and those of other closely related industries such as media, combined with the actions of the trading community and elected represenatives have now put a substatial portion of federal, state and teacher pensions at risk.

Coupling content and the wire puts objective journalism at risk, which compromises the integrity of our country. It is time for the Judiciary to step up to the plate and fix some problems here, related with this company and some of the other trusts and associations that have cornered markets and brutalized civil liberties in the interest of policing their businesses.

There is no free market economy now. From a systems perspective, our national and global economies are now self limited, and unless the markets are tuned with proper regulation designed to actually set free Adam Smith's invisible hand, (admittedly a contradiction at first read), several national economies will self destruct. Quite probably our own will be among them.

Consider, if nothing else, the data that is coming out of our federal accounting offices. Difficult times are ahead of our nation now, for the decedance and lack of proper regulation over the last decade, particularly the lack of disciplined monetary policy. It's time to properly tune the system and work to re-establish a healthy, diverse national and hopefully a healthy global economy will follow.

Please work to bring these players in check. They are out of control and are destroying this country.

Kindest Regards,
Dave Surina B.S.E.E.
McKinney, TX

MTC–00017647

From: Philip Labut
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:44pm
Subject: Microsoft Settlement

The settlement is a bad idea, and only benefits Microsoft who are the ones at fault!

Philip Labut
1820 Falls Ave
Cuyahoga Falls, Ohio 44223

MTC–00017648

From: Bruce Mallett
To: Microsoft ATR
Date: 1/23/02 1:41pm
Subject: Microsoft Settlement

Renata B. Hesse
U.S Dept. of Justice Antitrust Division
601D Street NW—Suite 1200
Washington, DC 20530–0001

I'd like to add my comments to the proposed Microsoft settlement as permitted under the Tunney Act. Briefly let me say that I agree with the comments made by Mr. Dan Kegel (see http://www.kegel.com/remedy/remedy2.html) and encourage you to have a look at his analysis. I too do not believe that the proposed settlement is in the public interest.

I believe that a competitive marketplace is better for both the consumer and for the advancement of the market. Microsoft, as a monopoly, has repeatedly worked to stifle such competion, clearly succeeding to the detriment of the market. Innovation is key to the advancement of the computer software industry, but in a stifled, monopolized market this process ceases; the word instead is co-opted as a marketing term.

I hope that you will reconsider the proposed settlement with Microsoft.

Sincerely,
Bruce A. Mallett
NightStorm Software Systems, Inc.
25 Indian Rock Road #10
Windham, NH 03087

MTC–00017649

From: Rick Richardson
To: Microsoft ATR
Date: 1/23/02 1:46pm
Subject: Microsoft Settlement

The current proposed Microsoft settlement is a bad idea, and flawed in many areas. It does not punish Microsoft, and it does not equalize the marketplace by providing all independant software developers access to the documentation and source code for Microsoft file formats and operating systems.

Instead, I urge you to accept the ''Red Hat Proposal to Enhance Microsoft Settlement Offer By Providing Open Source Software to All U.S. School Districts''. http://www.redhat.com/about/presscenter/2001/press—usschools.html

I believe this proposal will effect a real punishment to the Microsoft Corporation, a punishment that is sorely missing from the current settlement agreement.

In addition, this settlement proposal will have a real benefit to school districts across the nation, who will be able to focus their limited resources on computer hardware purchases.

Microsoft's current settlement proposal is completely flawed. For Microsoft it is not a donation at all. Once they've written the software, each particular copy only costs them the price of a CD—a mass-produced one at that, probably $0.50. By making more copies of MS-Windows to give away, they essentially print money: money in the form of a tax writeoff. Each copy of MS-Windows donated to a charity gets Microsoft a $300 tax writeoff (charitable donation) for a 50-cent disk, and serves to expand the Microsoft platform dominance.

Giving away Windows is win-win-win for Microsoft. Just be aware: using their pricing for copies of Windows distributed as part of the settlement inflates the actual value of that settlement by a factor of about 500, and helps to perpetuate their monopoly.

If you cannot bring yourself to accept RedHat's proposal as is, then consider an alternative: let Microsoft donate $1.1 billion worth of software to the school systems. But demand that it be their competitor's software (preferrably Linux and other commercially-available Open-Source software). For example, let Microsoft donate approximately 10,000–20,000 boxed sets of either RedHat, Mandrake, Suse, etc, for the existing PCs in the schools. This will put significant cash flow in the high-tech industry, help further their competitors, and actually punish Microsoft.

—Rick Richardson

Rick Richardson rickr@mn.rr.com http://home.mn.rr.com/richardsons/

MTC–00017650

From: Alwin Hawkins
To: Microsoft ATR
Date: 1/23/02 1:46pm
Subject: Microsoft Settlement

I would like to express my misgivings over the settlement in the Microsoft case. It seems to me that nothing short of requiring Microsoft to standardize and publicise it's API's and Office file formats will allow other operating systems to compete in the marketplace.

Other findings/settlements will put cash in the pockets of attorneys but do little to encourage other companies to write software that provides a functional alternative to Microsoft-authored products.

Yours very truly,
Alwin Hawkins
18550 McCall Court
Gladstone, OR 97027
alwin@mac.com

MTC–00017651

From: Ryan Neil Gillespie
To: Microsoft ATR
Date: 1/23/02 1:47pm
Subject: Microsoft Settlement

I feel that the court's actions against Microsoft are essentially ineffective and allow Microsoft to continue its monopoly practices. I urge the court the reconsider their decision and deliver a truly just punishment.

Thank you,
Ryan Gillespie

MTC–00017652

From: Rlamorgese@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 1:46pm

Subject: Microsoft settlement

To: Dept. of Justice

Good day. I would like to thank you in advance for considering my, and other citizens', opinions in this matter. It is rare that the democratic process is applied so directly to a specific issue. Yet in this case I do beleive it to be justified. The Microsoft issue is one which affects every American, whether they are conscious of this fact or not.

It is no surprise that computer technology has become an ever increasing component of our economy. Rare is the worker in this nation that would not have some interaction with a computer on any given day.

This could refer to myself, who works in an office. It could refer to a high school kid who uses the computer register at a coffee shop or restaurant. My point being, if an American citizen wishes to work in this country, the computer is inescapable. It is a tool most every American will have to use in some capacity. Therefore, it is a tool which must be open to innovation. A tool which must be secure.

Microsoft has for too long stifled others from developing competing programs. Now, I will confess. I am not a computer guy. I don't write code. Have never opened up a computer to install anything.

Don't even subscribe to Wired. But I do know that when I have attempted to run non-MS applications with Windows, I have run into compatablity issues. When an application that does run well on MS OS, within a year or two it is beaten out of the system. I have seen the death of Netscape at the hands of Internet Explorer. I have seen WordPerfect killed by Word. I have seen this countless times with other applications. And this is not because MS products are the best. It's because I wake up one day to find I have no choice but to use Internet Explorer. My other options have been taken away, or so marginalized that in order to view web-sites, I need IE. This is not consumer choice. This is consumer blackmail. Now, I'm not here to disparage MS products. Personally I have found that they crash just as frequently as anyone else's. I'd just like to have a proper settlement that allows me to choose the crashes I like. And finally, with recent events in September, there does seem to be a national security issue here.

Regardless of how great MS might claim to be, regardless of how ''saintly'' there business acts, it is dangerous to have one company's code control so much of the computer market. If a foreign or domestic terrorist were to go after our computer network, what system model would you want? 90% controlled by one set of code. Only one set of code to infect. Only one set of code to find the weakness in. Or multiple codes, distributing the network across many OSes. This need not mean incompatability. I can read a Word doc on a Mac or a PC. Yet it would be difficult to infect the Mac and the PC with the same virus/hack. Maybe not impossible, but more time consuming. We currently have loaded our target into one convenient location for any of our country's enemies. We should no better now. The military knows this kind of strategy already. Spread yourself out so that in event of attack you may lose a portio n, but not the whole.

In conclusion, the current settlement with Microsoft poorly defines their software for legal purposes, does not truly prevent further monopolization of the market by Microsoft, and has no punitive measures for the damage Microsoft has already inflicted on other companies and the American people. This is unacceptable. Teddy Roosevelt did better than this last century with breaking up a newly emerged economic monopoly. I suggest we study our history on this one.

Thank you for your time and consideration of this letter.

Sincerely,

Robert S. LaMorgese

Citizen

MTC–00017653

From: Patrick St. Jean
To: Microsoft ATR
Date: 1/23/02 1:46pm
Subject: Microsoft Settlement

Hello,

I am writing you today in response to the public comment period on the proposed settlement. I am opposed to that settlement for various reasons, but one of the more important ones, that affects many businesses, is that the settlement doesn't ensure that Microsoft cannot use preferential licensing agreements to influence OEMs decisions to install software.

For example, I work for a large telecommunications firm that uses Windows for some of its internet needs. We have a site license with Microsoft for all of their products, but are completely unable to buy a server without purchasing another Windows license. This costs us many thousands of dollars a year. Whenever I've pressured hardware vendors to not include a license in the cost, they have refused, stating that their contract with Microsoft (signed in order to get preferential pricing) requires them to sell a license with every machine. This is bad for big business, but even worse for small ones. At least we have a large enough budget that it doesn't influence our purchasing decisions. I can't say the same for some smaller companies that I've worked for.

Please reconsider this settlement. The only one who will benefit from this is Microsoft. The consumers are going to continue to be taken for every dollar Microsoft can get until stronger protections, like the ones in the Posner Draft 18, are implemented.

Thank you for your time,

Patrick St. Jean

p.s. If you would like to contact me to verify that I am a real person, my contact info is on my web site. The URL is provided below.

Pat in Lewisville ''97 XLH 883 (Rocinante) http://www.pat-st-jean.com/stjeanp

MTC–00017654

From: Doerksenr@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 1:46pm
Subject: Microsoft Settlement

To whom it may concern:

I don't think that Microsoft is being punished for its reprehensible behavior as a anti-competitive monopoly. They have abused their power and apparently have strong-armed the DOJ. When I see Steve Balmer having coffee with the President and then the punitive measures are withdrawn it has the appearance of impropriety and makes me lose faith in the American judicial system. Money should not be a means to abrogate justice.

—Richard Doerksen

MTC–00017655

From: RMcCaughey@jsa-architects.com@inetgw
To: Microsoft ATR
Date: 1/23/02 1:46pm
Subject: Microsoft Settlement

Sirs:

Microsoft should be compelled to open/document fully its API to other software vendors.

The current solution as proposed by DOJ assumes that Microsoft will behave in a lawful manner, which it has demonstrated through the last ten years that it does not feel obliged to do.

Real competition will make the U.S. software market stronger.

Ray McCaughey, AIA, NCARB Team Leader

412.788.1971 x236 Vice President—JSA Architects

f 412.787.5960 http://www.jsa-architects.com

MTC–00017656

From: Richard A. Milewski
To: Microsoft ATR
Date: 1/23/02 1:47pm
Subject: Microsoft Settlement

Please place me on record as opposing the proposed settlement in the Microsoft antitrust case. The proposed settlement does not effectively require Microsoft to openly document the Application Programming Interface (API) of the Windows operating system in a meaningful way. If allowed to stand, this settlement will perpetuate the Microsoft practice of having a secret, documented API for use by Microsoft applications developers, and a less complete, partially documented API for use by independent software developers.

Additionally, allowing Microsoft to continue to engage in licensing agreements with large corporations that give Microsoft licensing revenue for each machine owned by a corporation that could run Windows, instead of each machine that is actually running windows, the settlement effectively imposes a tax on non-Windows computers and gives the proceeds of that to Microsoft. This artificially raises the cost of computers which do not run Windows, and those costs are passed on to the customers who use the products and services of the licensing corporations. As a consumer, I deeply resent having the cost of virtually every product I buy increased simply to subsidize the Microsoft monopoly.

Richard A. Milewski

CTO, RamPage.Net

Sunnyvale, California 94087

MTC–00017657

From: Jeff Watkins
To: Microsoft ATR
Date: 1/23/02 1:45pm
Subject: Microsoft Settlement

Wednesday, 23 January, 2002

Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Ms. Hesse:

I would like to add my voice to those crying out against the proposed settlement between the Department of Justice and Microsoft. I have found no provisions in the settlement that would effectively curb Microsoft's rapacious appetite and anticompetitive behaviour. My experience with Microsoft has led me to believe they will stop at nothing to own every market in which they compete: even at the expense of their customers and partners. A great example is their recent attempt to ask the court to grant them a monopoly of the education market.

As a veteran of the software industry with more than a decade (yes, in the software industry that does qualify one for veteran status) of experience building software for numerous platforms including Microsoft Windows, I have never encountered a company with such a callous disregard for right and wrong as Microsoft. I have experienced their deceitful nature while working for a ''partner'' organisation (Attachmate) and during a brief contract within their own Internal Tools Group. In recent years I have been party to discussions regarding new products or services that were abandoned for fear Microsoft would disapprove and try to put the company out of business. Very few of us have the capital necessary to withstand an attack by Microsoft as have Apple, Sun and Netscape. This culture of fear can not be good for any environment; nor is it good for the consumer for it stifles innovation like nothing else can.

Please consider a remedy with actual teeth that serves the consumer rather than Microsoft. Do not forget the way Microsoft mocked the original consent decree which started this whole process. What could possibly make one believe they would not mock the court again?

Respectfully,
Jeff Watkins
1522 Post Alley #209
Seattle, WA 98101
206–619–0809

MTC–00017658

From: xela@MIT.EDU@inetgw
To: Microsoft ATR
Date: 1/23/02 1:41pm
Subject: Microsoft Settlement

I am writing to oppose the proposed settlement of the Microsoft Antitrust case. As a computer systems manager I have been buying Microsoft products for my users for years —- not because they were good, which they generally aren't, but because there was no practical choice. I read Judge Jackson's findings of fact with great interest, and when I was done reading them was hopeful, for the first time in many years, that the computer industry had a chance to become competitive and innovative again. The findings of fact describe a repeated, continuous practice of egregious anticompetitive behavior.

The findings, along Microsoft's behavior in the trial court and all of its history make it clear that Microsoft's rapaciousness cannot be reined in save by the strongest measures. People far better informed than I have pointed out repeatedly that Microsoft stifles innovation across large swathes of the software industry.

In the absence of competition, Microsoft has never felt any need to engage in good engineering practice, and their products have been vulnerable to the likes of code red, nimda and sircam as the result. In a competive market, those viruses wouldn't even make the front page, let alone pose the serious threats to the economy and to national security. The findings of fact provide a solid basis for the Department of Justice to persue a judgement that would restore competition to the software industry, which would in turn reduce the security risks posed by software monoculture. Yet the The Department of Justice's proposed settlement is barely a slap on the wrist. I realize it is impossible for a bureaucracy, but the Department of Justice should be ashamed; it has not only failed in its duty in this matter, it has abdicated it.

I am a co-signer of Dan Kegel's letter, and you may find my criticisms of specific elements of the proposal there. The point I wish to make here is that the entire offer is barely worth grossly inadequate.

Carl Alexander
Watertown, Massachusetts
carlmsdj@terc.edu

MTC–00017659

From: cconrad@vasoftware.com@inetgw
To: Microsoft ATR
Date: 1/23/02 1:47pm
Subject: Microsoft Settlement

Hello,

After reading and reviewing the proposed settlement, I cannot in good faith, support it. This settlement not only does not punish Microsoft, but it could possibly give it more power in the software industry. For every clause in the settlement that appears to limit Microsoft's power, another clause gives them a loophole out of it. It is in my opinion that a much harsher penalty is necessary to curb Microsoft's illegal behavior. They have ignored one settlement very similar to this one already (which is the entire reason this lawsuit began), don't give them the opportunity to ignore a second.

Sincerely,
Christopher Conrad
SourceForge Engineering
VA Software Corporation

MTC–00017660

From: km
To: Microsoft ATR
Date: 1/23/02 1:47pm
Subject: Microsoft settlement
Karen Morod
34808 NE Moss Creek Way
Carnation, WA 98014
January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I would like to see the Microsoft antitrust case resolved. I do not believe Microsoft did anything wrong in the first place. Notwithstanding this belief, I think the terms of the settlement agreement are more than fair, and will address concerns about any perceived anticompetitive behavior on Microsoft's behalf.

For those who are of the opinion that Microsoft has acted in a predatory fashion, concessions have been made that will essentially change the way Microsoft conducts its business. Microsoft agreed to disclose its internal code information to its competitors in an attempt to increase server interoperability.

They also agreed not to retaliate against software developers who promote the competitions'' software. Microsoft has really gone above and beyond what should reasonably be expected of them.

I hope to see the settlement agreement approved by the Court. Continuing with the litigation process will serve no one's best interests.

Sincerely,
Karen Morod

MTC–00017661

From: Kevin A Sesock/cis/evp/Okstate
To: Microsoft ATR
Date: 1/23/02 1:47pm
Subject: Microsoft Settlement

Dear Sir or Madam:

I am writing in regards to the proposed Microsoft Anti-Trust Settlement, and my thoughts and feelings regarding this issue. As per the Tunney Act, I am formally submitting my opinions regarding this proposed settlement, and how it will affect the IT Community, and specifically the Open Source Community at large.

As a consumer, technician, and private developer regarding Open Source and Microsoft Products, I feel that the proposed settlement between the Department of Justice and the states involved in the lawsuit, and Microsoft Co. itself, is in need of revision. It is my opinion that some parts are worded incorrectly, and may either be too burdensome in some places, and too ineffectual in others.

To generalize, I believe that the Microsoft Corporation has wronged the American consumer, business, and computer user by engaging in anti-competitive behavior, partly because of their secrecy, lack of security, and poor design, and partly because of their wild marketing and sales of products that do not meet the advertising and expectations put forth by these departments (a.k.a. false advertising). I also believe that they have been a major component in setting back the continued development of computer science, program and Operating System design, and the study and applicative use of computers in the world around us in a scientific and academic environment.

It is my recommendation, as a U.S. Citizen, concerned technician, and Open Source advocate, that the proposed Microsoft Corp. Anti-Trust Settlement be revised to include certain items. I have reviewed and thoroughly considered Mr. Dan Kegel's Proposal (this proposal is located at the World Wide Web address http://www.kegel.com/remedy/remedy1.html and http://www.kegel.com/remedy/letter.html). I

believe that these proposed changes tot the Settlement will be sufficient in ensuring that Microsoft Corp. cannot continue in anti-competitive behavior in the future, and will help to once again encourage growth and advancement in academic and business related computer and IT environments.

Thank you for your time and assistance.

Kevin A. Sesock

Deskside Computer Support Specialist

MTC–00017662

From: Jason Simpson
To: Microsoft ATR
Date: 1/23/02 2:00pm
Subject: Microsoft Settlement

Don't let Microsoft walk away with just a light rap on the knuckles. They quash competition at every opportunity. They have no right to be a governement sponsored monopoly.

MTC–00017669

From: Brian ''Bex'' Huff
To: Microsoft ATR
Date: 1/23/02 1:48pm
Subject: Microsoft Settlement

I personally believe that the antitrust settlement currently being proposed is woefully inadequate. If ever there was a monopoly that abused its power to crush competition and illegally leverage itsself to move into other markets, it is Microsoft.

And now, to add insult to injury, they suggest as ''punnishment'' that they be forced to give billions of dollars worth of software to schools. The education market has always been Apple's core market, and this decision will allow them to get a huge stranglehold onto that market as well.

More likely than not, they will arrange a draconian lease arrangement and ensure that the schools will be forced to upgrade within 3 years. Even if the lease has no such clause, they will probably have to upgrade in that time frame anyway in order to be able to run the latest software.

This ''punnishment'' will simply cost the schools, the children, the taxpayers, and the government more money, it will seriously hurt Apple computers (Microsoft's only real competitor), it will enable them to get a stranglehold into a new market, and not in any way cost Microsoft a dime.

THE PROPOSED MICROSOFT SETTLEMENT MUST BE REJECTED.

Brian ''Bex'' Huff
bex@stellent.com
Phone: 952–903–2023
Fax: 952–829–5424

MTC–00017670

From: cpdavis@student.umass.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 1:49pm
Subject: Microsoft Settlement

My name is Colin Davis. I am a Computer Science Student, in Amhest, Massachusetts. I would like to start by saying I am very much against the Microsoft proposed settlement.

I am very concerned regarding the microsoft settlement. They ahve shown over and over that they are unscruplous, and will do whatever is necessary to make money, regardless of the legalities involved. They were proven guilty in the court of law. But this settlement does not punish them at all. It ASSISTS their position. It helps them to further entrench their monopoly.

I'm not sure what the right thing to do is. Im only a student. But I would like to go on record as saying I believe Microsoft should be forced to open their APIs. This was part of the proposed states settlement.

What this means is that Microsoft would have to document, and document properly, how to access any system call that their programs use. This would stop them from using their monopoly on the desktop to help their other programs, because Everyone would have equal access to the system calls.

Early in the history of Microsoft, Microsoft Office would run much faster than competing applications, because Microsoft used system calls that no-one else was told about. This would stop that, as well as allowing Linux, and Apple Imacs to run programs written for windows.

PLEASE, hoever, don't accept the proposed settlement. It only further extends their monopoly.....

MTC–00017671

From: Joel Waterman
To: Microsoft ATR
Date: 1/23/02 1:48pm
Subject: Microsoft Settlement

To whom it may concern,

I feel that the proposed settlement of the Microsoft anti-trust case will do little to change the monopolistic practices of Microsoft. Any settlement which does not severely restrict Microsoft from building its products in the Operating Systems, Internet, and Applications market will do little to create a fair open computer software arena in which competitors are allowed to compete.

Windows XP has been used as an advertising platform for Microsoft products and services, and to lock out competing products. Microsoft's unfair practices (oft-referred to as strong-arm) leave precious little room for competitors in this environment.

You needn't look any further than to the open-source community for clues as to the state of the software industry. Thousands of developers donating their time and valuable skills in order to compete against the giant Microsoft. Why would thousands of computer programmers take time out of their busy lives to do for free what they easily could be paid for elsewhere? Because they want to see the project (linux) succeed in the face of MS.

Because they want an alternative to Windows. Because they aren't as naive as the typical home user who has no alternative to Microsoft, and they are not satisfied to use a product that forces them (or tries to force them) to use software inferior to that which they could write or have written...

To continue to let Microsoft bully their way around the software industry is to let that industry die a slow stagnant death. Competition and alternative is the only way to keep this huge part of the American economy thrive. Without a fair settlement of the MS case, this may not be possible. With MS allowed to compete unfairly against its rivals in Application and Internet markets by using its OS, is to allow them to squash any rival they wish. Please do not let this continue to happen.

Thank you,
Joel Waterman
software engineer
123 Boylston St
Watertown, MA 02472

MTC–00017672

From: phutnick@peakpeak.com@inetgw
To: Microsoft ATR
Date: 1/23/02 1:48pm

Dear Sirs:

I am writing to express my disappointment with the proposed settlement with Microsoft.

The settlement addresses only a small fraction of the findings of fact.

Those few issues are addressed in an unenforceable manner. The economic production of this monopoly is NOT WORTH THE PRICE in innovation, progress and freedom. Always bear in mind that when Microsoft uses the word innovate they mean taking the sort of standard protocols that have allowed the internet to flourish and BREAKING compatibility with other vendors software, creating lock-in to their platform. Witness DHTML, NTLM authenticated telnet, Microsoft's ''Java'' implementation, the Exchange IMAP connector, Jscript (Microsoft's broken JavaScript interpreter), IE HTML extensions, the list goes on. This is separate from their practice of application, and by extension, OS lock-in with byzantine, poorly documented, constantly changing file formats and proprietary communications protocols such as ''.doc'' (and other Office formats), Exchange/Outlook communication, secret APIs for use only by Office and other Microsoft software, SMB, et cetera. SMB is a particularly nasty piece of work, which has clearly been manipulated for the purpose of crippling work-alike software (i.e. Samba) for the purpose of maintaining the fileserver/desktop client tie that they worked so hard to oust Novell to achieve.

The situation only looks to get worse if this settlement is finalized. Microsoft's two-way lock-in with Windows and Office is solid. They have been attempting to add a third leg. First with the server, then with the browser, now with .NET.

Microsoft wouldn't be ABLE to abuse OEMs if THEY DIDN'T HAVE A MONOPOLY. The settlement denies them one avenue of abuse of their monopoly, it doesn't address the monopoly.

Is this monopoly in the public interest? Is it necessary for interoperability? Is it needed to motivated Microsoft to continue blessing us with their ''innovations''? I am 26 years old, and I can just remember my parents being forced to lease their ugly, featureless phone from ''The Phone Company.'' Bell made the same arguments about interoperability and innovation that Microsoft makes today.

Today I have a cell phone, I pay less for the cell phone (accounting for long distance) than my parents paid for their featureless home phone. I can call Japan for less than my parents paid to call half way across the U.S. My parents suffered cross-talk, I enjoy digital quality over fibre optic lines. My parents called on a leased phone labeled ''Property of Bell Telephone''. If you fail, my children will compute with leased software labeled ''Property of Microsoft''. If you succeed, my

children will find the fact that I had to run Windows so that I could run Office so that I could open .doc attachments so that I could get a job . . . quaint.

This monopoly serves only the monopolist.

It is the government's job to serve the people. If the government fails to act on the people's behalf it is failing to act as a government of the people.

DO NOT ACCEPT THIS SETTLEMENT.

Sincerely,

Peter Hutnick

Citizen

MTC–00017673

From: Ron Voss
To: Microsoft ATR
Date: 1/23/02 1:49pm
Subject: Microsoft Settlement

My comment:

I suggest that Microsoft's proposal to donate equipment and services to schools be modified such that Microsoft would spend an agreed amount of money to buy Apple products and services for the schools.

Ronald N. Voss

1645 Lloyd Way

Mountain View, CA 94040–2924 —

MTC–00017674

From: Baker, Fred
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:48pm
Subject: Microsoft Settlement

I would just like to say that I have read about the proposed settlement, and I am not in favor of it in its current state. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors, yet unfavorable to Microsoft.

Thank you,

Fred Baker

505 Cypress Point Drive #34, Mountain View, CA 94043

MTC–00017675

From: Brian Strand
To: Microsoft ATR
Date: 1/23/02 1:48pm
Subject: Microsoft Settlement

The proposed final judgement (PFJ) in the Microsoft antitrust case is a very, very bad idea. Any reasonable settlement must a) end Microsoft's unlawful conduct (Microsoft's completely predictable denials of said conduct notwithstanding), and b) deny Microsoft any reward stemming from their unlawful conduct. The PFJ achieves neither of these objectives.

The restrictions placed on Microsoft by the PFJ are far too narrow and brittle to effect any changes in Microsoft's behavior.

The DOJ needs to scrap the fatally flawed PFJ and start over. The crime has been established, now is the time to determine the punishment.

Since when did the convicted criminal get to negotiate the punishment? There is no need for Microsoft to enjoy or agree with their sentence; they merely have to abide by it, subject to the usual law enforcement mechanisms.

Sincerely,

Brian Strand

CTO Switch Management

Oakland, California

MTC–00017676

From: Gardiner Allen
To: Microsoft ATR
Date: 1/23/02 1:48pm
Subject: Microsoft Settlement

To whom it may concern,

I vehemently disagree with the currently proposed Microsoft settlement. I urge those involved in this decision making process to reconsider alternatives. Microsoft is an enormously oppressive corporation whose power is restricting the great American inventive and entrepreneurial spirit. The currently proposed settlement is an affront to freedom.

Sincerely,

taxpayer Gardiner Allen

MTC–00017684

From: Jerry Cantwell
To: Microsoft ATR
Date: 1/23/02 1:49pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea. Microsoft has been convicted of serious offenses against competitors in the computer industry and against the American people as well. They have not been repentant, but rather defiant. They despise the Department of Justice, the Court system, and the American people—their customers!

Please break Microsoft into the smallest pieces possible.

Sincerely,

Gerald E. Cantwell

MTC–00017686

From: Josh Levenberg
To: Microsoft ATR
Date: 1/23/02 1:49pm
Subject: Microsoft Settlement

The proposed Microsoft settlement is a bad idea. It fails to restore competition in the market place. It does little to prevent Microsoft from engaging in unfair business practices. Microsoft has shown itself to be all too willing to abuse its position and take advantage of loopholes.

Josh Levenberg

US Citizen

California resident

MTC–00017687

From: Mike Scheidler
To: Microsoft ATR
Date: 1/23/02 1:49pm
Subject: Microsoft Settlement

To whom it may concern,

I feel that the terms of settlement outlined in the Proposed Final Judgment are grossly inadequate. They do little to punish Microsoft for its past monopolistic actions and allow too many loopholes to keep them from continuing these practices in the future.

As a computer professional with over 20 years of experience, I have seen firsthand the effect Microsoft has had on the computing environment. Through their predatory business practices, undisclosed file and interface formats (APIs), and tying of applications to the operating system, Microsoft has run its competitors out of business and practically eliminated the consumer's choice of software products in all of the major application categories. This should never have been allowed to happen. To make matters worse, they are currently looking to extend their domination to the area of online services. For the good of the entire world, this cannot be permitted!

Any settlement in this case should do much more to punish Microsoft for its past actions. In my opinion, a harsh punishment (perhaps monetary) is essential to make them less likely to engage in predatory practices. Also, any settlement must be forward-looking enough to ensure that they can't continue to thwart healthy competition in the future. The current PFJ does neither of these.

Please reject the proposed settlement.

Sincerely,

Michael T. Scheidler

Unix/NT Engineering System Administrator

Delphi Automotive Systems—IS&S

PHONE: (765) 451–0319

Email: c23mts@eng.delcoelect.com

Home Address: 9021 Deer Creek Road, Greentown, IN 46936

MTC–00017688

From: E. Jason Scheck
To: Microsoft ATR
Date: 1/23/02 1:49pm
Subject: Microsoft Settlement

To whom it may concern:

Regarding the Microsoft settlement, I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundred, even thousands, of small companies have been adversely affected over the past fifteen years because of Microsoft's business practices.

Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior (plus appropriate punative actions), with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Thank you for your consideration.

Jason Scheck

Portland, OR

jasons+doj@homemail.com

MTC–00017690

From: Trey Chandler
To: Microsoft ATR
Date: 1/23/02 1:50pm
Subject: Microsoft Settlement

I am writing to strongly oppose the proposed Microsoft settlement. I believe that the entire proposal is a farce as it only covers a few of the laws microsoft was and still is breaking. There are several unlawful activities specified in the Findings of Fact that are not even mentioned in the settlement. It does not make half an effort to lower the barrier of entry for competitors. There are even exclusions in certian sections that are clear violations of the law.

Please inform the court of my disapproval of this settlement and my hope that a real punishment for Microsoft will be realised.

Thank you

Charles Chandler

MTC–00017691

From: cpartin@smcvt.edu@inetgw
To: Microsoft ATR

Date: 1/23/02 1:46pm
Subject: Microsoft Settlement.

I am against the current terms of the Microsoft Settlement. I do not believe that the penalties are strict enough. Microsoft is still using it's power to stifle competition, as evidenced by it's recent actions toward Java/Sun. More needs to be done to stop this behavior.

Sincerely,
Craig Partin

MTC–00017692

From: Joshua Swickard
To: Microsoft ATR
Date: 1/23/02 1:48pm
Subject: Microsoft Settlement

I think the settlement is a good and fair.
Joshua Swickard

MTC–00017693

From: David Wheeler
To: Microsoft ATR
Date: 1/23/02 1:51pm
Subject: Microsoft Settlement

Dear DOJ,

I think that the Microsoft settlement is a bad idea.

Regards,
David Wheeler
President
Kineticode, Inc.
David Wheeler AIM: dwTheory
david@kineticode.com ICQ: 15726394

MTC–00017694

From: Nathan Hokanson
To: Microsoft ATR
Date: 1/23/02 1:40pm
Subject: Microsoft Settlement

Dear Sirs,

I am writing to you as a concerned citizen of the United States, a professional in the IT industry and a taxpayer. I am very concerned and alarmed at the apparent laziness of the Department of Justice. Microsoft has displayed monopolistic attitudes and practices for a long time. Simply slapping their hand for past behavior is not going to stop the monopolistic practices. If anything, the current settlement will send a message to the management of Microsoft that they can get away with anything for a price.

The behemoth that is Microsoft must be stopped! If Micorsoft is allowed to continue to operate as in the past the market suffers, the industry suffers, the consumer suffers, and ultimately the tax payer suffers. Since your salaries are paid by the taxpayer, I would think it would be in your interests to see Microsoft's monopolistic practices curbed.

If the DOJ is not able to follow the will of the people then where do we turn for justice? The American people expect those in positions of responsibility to act responsibly. Please do so by not accepting a settlement that will hurt the economy in the long run. The American way of life is at jeopardy, even if you refuse to acknowledge that fact.

Sincerely,
Nathan Hokanson
Denver, CO

MTC–00017695

From: Bob Dehnhardt
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:51pm
Subject: Microsoft Settlement

I wish to record my objections to the Proposed Final Judgment under the Tunney Act in Microsoft Antitrust Case.

The PFJ fails to completely address many areas of conduct which Microsoft has employed to abuse and enhance their monopoly. Half-measures are being taken in many cases which leave glaring loopholes that will allow Microsoft to continue their ''business as usual'' stance.

One area where this is the case is the Barrier to Entry. The PFJ appears to address this section well, forbidding retaliation against OEMs, ISVs and IHVs who chose to offer or support alternatives to Windows, and ensuring that Windows allows for the use of non-Microsoft middleware applications.

However, this section falls short by not providing for a competing operating system that could run Windows applications. Indeed, sections III.D and III.E enhance Microsoft's monopoly in the desktop OS by restricting release of information on Windows APIs to ''the sole purpose of interoperating with a Windows Operating System Product''. This effectively precludes the existence of a competitive operating system that can work with Windows applications, and guarantees a continued Microsoft desktop monopoly. This combined with Section III.A.2, which allows Microsoft retaliation against OEMs that ship PC containing a competing OS but no Microsoft OS, amounts to no change in the Microsoft desktop monopoly whatsoever.

The PFJ also limits its scope to Microsoft Windows 2000 Professional, XP Home, XP Professional, and their successors, all of which run on Intel-compatible processors. This appears to ignore the Windows server editions, as well as Windows versions written for other processors, namely Windows CE and Windows XP Tablet PC Edition. As handheld and tablet devices become more widely used and available, Microsoft's interest and presence will be felt more strongly. Their own website makes mention of this fact at http://www.microsoft.com/windowsxp/tabletpc/tabletpcqanda.asp <http://www.microsoft.com/windowsxp/tabletpc/tabletpcqanda.asp>, noting ''The Tablet PC is the next-generation mobile business PC, and it will be available from leading computer makers in the second half of 2002. The Tablet PC runs the Microsoft Windows XP Tablet PC Edition and features the capabilities of current business laptops, including attached or detachable keyboards and the ability to run Windows-based applications.'' By failing to address this area, the PFJ is again handing Microsoft an unrestricted monopoly for its operating system suite.

Finally, there is no effective enforcement system in the PFJ. The proposed Technical Committee has investigative powers, but enforcement is left to the judicial system, which as this case has shown, can take years in trials and appeals before a final judgment is reached. To a company with deep pockets for legal fees, and a large legal staff, this is no deterrent at all.

I urge you to re-read the Findings of Fact, look at the Barriers to Entry that were found to exist, at Microsoft's business practices vis-?-vis retaliation against and pressure on OEMs, ISVs and IHVs, at Microsoft's anticompetitive business and development practices, and do not issue a PFJ until each finding has been fully and completely addressed.

For a far more comprehensive assessment of the PFJ, I urge you to look at http://www.kegel.com/remedy/remedy2.html <http://www.kegel.com/remedy/remedy2.html> .

Thank you for your consideration.
Bob
Bob Dehnhardt
IT Operations Manager—Reno
Voice (775) 327–6407 Fax (510) 352–6480
Cell (775) 232–2820
TriNet
ePowered HR for Fast Companies
http://www.trinet.com <http://www.trinet.com>

MTC–00017696

From: paulickn@execpc.com@inetgw
To: Microsoft ATR
Date: 1/23/02 1:50pm
Subject: Microsoft Settlement

I believe that the proposed settlement with Microsoft is a bad idea. It does not sufficiently prevent anticompetetive practices by Microsoft towards competitors and OEMs who would include non-Microsoft products.

Sincerely,
Nicholas Paulick
Oshkosh, WI

MTC–00017697

From: Jake Lauritzen
To: Microsoft ATR
Date: 1/23/02 1:55pm
Subject: Microsoft Settlement

Please break up Microsoft. Microsoft continues to use their monopoly power to stifle competition and innovation by other firms. This settlement is a complete travesty. Microsoft has already violated earlier restrictions on their conduct, and it ought to be apparent to anybody by now that there is only one option: Microsoft should be broken up, AND have severe conduct restrictions imposed. they should be forced to use open file formats in all their products. they should be forced to use open networking protocols in all their products. And they should be forced to open up their development APIs to EVERYONE.

Most of all, Microsoft should not be allowed to weasel their way out of this again.

thanks,
Jake Lauritzen

MTC–00017698

From: John Stillwagen
To: Microsoft ATR
Date: 1/23/02 1:51pm
Subject: Microsoft Settlement

I believe to settlement with Microsoft is wrong and should be reevaluated.

John Stillwagen
jstillwagen@uscd.edu
San Diego, CA

MTC–00017699

From: Tom Price
To: Microsoft ATR

Date: 1/23/02 1:52pm
Subject: Microsoft Settlement

The proposed settlement with Microsoft is NOT in the public interest. Rather, it seems to be a blatant attempt to create an even larger Microsoft monopoly.

Several suggestions:

1. While I support Gate's ''freedom to innovate'', I've also seen a number of good companies constrained from doing just that because vital information like application program interfaces (APIs) was simply withheld by Microsoft.

Microsoft should be required provide this information free, upon request, to anyone who wants it. And, there should be independent monitoring. Microsoft has demonstrated time and again that they cannot be trusted to do the right thing. If it can be demonstrated that they have developed separately-sold applications that utilize these so-called secret APIs, there should be substantial penalties, including release of the Windows source code.

To do anything less, is to hand them a government-endorsed monopoly on whatever software they choose to produce (now or in the future).

2. Make it possible to buy a computer without an operating system and without compensating Microsoft. Why should Microsoft profit if I plan to install Linux or freeBSD?

3. The services portion of the business (MSN, Microsoft consulting, Hotmail and future ''dot Net'' services) should be spun off. Leaving them as part of Microsoft as we know it is particularly dangerous to the consumer. Consumer purchase of these services (and exclusion of others) might be dictated by future releases of the OS.

4. Microsoft should be required to provide unbundled releases of their OS.

5. More technical people and fewer lawyers need to be involved in the wording of this document. It is not sufficiently broad to cover future advances in the technology.

6. ALL future acquisitions, expansions of business, price increases, and changes to licensing terms should be reviewed by DOJ to determine whether they are in the public interest.

I hope that SOMETHING can be done and that this agreement as it current stands will NOT be ratified.

Thank you for the opportunity to comment.

Thomas A. Price
PO Box 18941
Raleigh, NC 27619–8941

MTC–00017700

From: Ted Mielczarek
To: Microsoft ATR
Date: 1/23/02 2:58pm
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea. It does not offer punishment for past transgressions by Microsoft, nor does it adequately offer protection against future abuses. I think more action is needed in this matter.

Sincerely,
Ted Mielczarek
530 Montclair Ave
Bethlehem PA 18015

MTC–00017701

From: G.S. Lyons
To: Microsoft ATR
Date: 1/23/02 1:58pm
Subject: Microsoft Settlement

Microsoft has been found guilty. Microsoft is a monopoly. Microsoft continues to flirt with monopoly in it's buisiness practices, even while under increased scrutiny resulting from the antitrust findings. I strongly urge the DOJ to pursue a penalty that will truly prevent Microsoft from continuing to unfairly dominate the American consumer PC marketplace.

Gregory S. Lyons

MTC–00017702

From: Jonathan
To: Microsoft ATR
Date: 1/23/02 1:53pm
Subject: Microsoft Settlement

The proposed settlement is a BAD idea.

Jonathan Bernard
Network Administrator
www.microlnk.com
866–795–6565

MTC–00017703

From: Kadam, Darshan
To: Microsoft ATR
Date: 1/23/02 1:51pm
Subject: Microsoft Settlement

To Whomsoever it Concerns: I'm a citizen of the United States ''by choice'' and not by birth. While there are plenty of reasons I can cite for making this choice, one thing that really seems unfair to me is the way the entire Microsoft Antitrust trial has played out. I hope the proposed settlement is amended for stricter restrictions on Microsoft since I believe that Microsoft will take full advantage of the current ''slap on the wrist'' settlement and gobble up any competition.

And yes, I'm sending this email using MS Outlook, however, if I had a ''choice'' I would use a more secure mail application.

Thank You.
Priyadarshan Kadam
Atlanta, GA 30340

MTC–00017704

From: popa@alibaba.East.Sun.COM@inetgw
To: Microsoft
ATR,val.popa@sun.com@inetgw
Date: 1/23/02 1:51pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW Suite 1200
Washington, DC 20530–0001

I am a computer citizen and I have been following the Microsoft saga from the very beginning.

The fact that the above company is utilizing tactics that not only have created a monopoly in the computing industry, is also strive with all its resources to create a ''Microsoft addiction'' just like the tobacco industry did and any other illegal substance peddlers do. I think this is wrong and creates an atmosphere of futile hope for progress.

Our industry, society and country can and must progress, and the progress is brought by competition and creativity, not by deceiving tactics , false promises or hidden agendas.

Another slap on the hand is not enough; you must set an example. I sincerely hope that you would not allow Microsoft's tactics to continue, and also you will set an example for future generations to applaud.

Regards,
Val Popa

MTC–00017705

From: John Justice
To: Microsoft ATR
Date: 1/23/02 1:53pm
Subject: Microsoft Settlement

Hello, I'm writing a quick note with some thoughts on the proposed settlement in the Microsoft case.

As a developer, I write applications every day. But I (and thousands of others) would never dare to write programs that compete directly with Microsoft, as there's no way to win that battle. The problem is that any application written by Microsoft will inevitably work better on Windows, because the Microsoft application can use parts of the Windows APIs (application programming interfaces) that no one but Microsoft knows about. Without making these APIs completely public (and the file formats of the Microsoft Office applications public as well), the playing field will never be level between Microsoft and independent software developers (me). Thank you for your time. Please don't allow this weak proposed settlement to go through.

''The number you have dialed is imaginary. Please rotate your phone 90 degrees and try again.''

John Justice
jjustice@acm.org

MTC–00017706

From: Drew Bertola
To: Microsoft ATR
Date: 1/23/02 1:45pm
Subject: Microsoft Settlement

I think the proposed settlement is bad idea. It is far too lenient and simply plays into Microsoft's hands.

Andrew C. Bertola
Sunnyvale, California

MTC–00017707

From: Brian Whitecotton
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:53pm
Subject: Microsoft Settlement

I think the proposed settlement is bad idea!!!

Brian R. Whitecotton
Research Scientist
Quantum Magnetics, Inc.
7740 Kenamar Court
San Diego, CA 92121–2425
(858) 566–9200 ext. 423
brian.whitecotton@qm.com

MTC–00017708

From: Yehuda E. Ben-Shamai
To: Microsoft ATR
Date: 1/23/02 1:52pm
Subject: Microsoft

The current terms of settlement between the DOJ and Microsoft are not satisfactory. This long standing illegal monopoly is being given a free pass on their criminal behaviour. This is not acceptable. You, the Justice Department, should more vigorously pursue

a far more wide ranging and punitive judgement against Microsoft.

Ali Al-Beheshti

MTC–00017709

From: Sam Byrne
To: Microsoft ATR
Date: 1/23/02 1:53pm
Subject: Microsoft Settlement

I am contributing this comment to be considered in the case of US vs. Microsoft. As I am intimately involved in the day to day activities of maintaining a corporate network, I feel qualified to comment on the injustice that is being suggested in the Proposed Final Judgement. My daily tasks are multiplied in levels of difficulty simply because our organization attempts to use competing open source products. The number of obstacles Microsoft has placed in the way of interoperability demand that they be restricted from this type of activity in the future.

Microsoft should be prevented from imposing anti-competitive measures in their licensing agreements. I would refer to Kegel's statements as documented at http://www.kegel.com/remedy/remedy2.html#abe for further information regarding this particular issue.

As it is put forth, the PFJ is inadequate and will prove useless in preventing anti-competitive measures by Microsoft; measures that do not just hurt corporations trying to compete with Microsoft, but also the consumers like myself.

Thank you for your attention.

Sam Byrne

Network Administrator—H.I.S. Financial Services Corporation.

102 S. Tejon, Ste. 920, Colorado Springs, CO 80903

Phone: 719–633–7005x217 Fax: 719–633–7006

MTC–00017710

From: Frederick Geers
To: Microsoft ATR
Date: 1/23/02 1:52pm
Subject: Microsoft Settlement

Please help ensure that Microsoft does not become the only operating system or software tools provider.

MTC–00017711

From: Wade Franklin
To: Microsoft ATR
Date: 1/23/02 1:53pm
Subject: Microsoft Settlement

I am opposed to the proposed settlement with Microsoft. I believe that they should be punished much more strongly. I am a software developer and I have observed their predatory tactics for over 15 years.

Wade Franklin

MTC–00017712

From: Newbury
To: microsoft.atr(a)usdoj.gov
Date: 1/23/02 1:53pm
Subject: Microsoft Settlement

What were you thinking?

The proposed settlement fails in so many respects it is incredible. The agreement gives all the power to MS to decide what the agreement means.

In particular, the agreement has no sanctions to stop Microsoft from requiring that OEM customers must not offer other Operating Systems, or to stop Microsoft from being able to charge OEM customers for every unit, whether or not an OS is requested.

As a result of Microsoft's monopolistic conduct, it is now impossible to buy, for example, a Toshiba laptop, which does not have, and never had, an operating system on it. Toshiba will not remove the wincrap, and will not rebate the price, because to do so would be in breach of its contracts with Microsoft. So *everyone* who wants Toshiba hardware, *must* pay the Microsoft tax.

The settlement agreement is sadly broken, and should not be ratified.

R. G. Newbury

MTC–00017713

From: groovus@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 1:53pm
Subject: Microsoft Settlement

This settlement is a bad idea. Barely a slap on the wrist for Microsoft. They should be held accountable for their abusive buisness pratices.

Thank You,
Robert Martin
4024 W Park Pl
Oklahoma City, OK
73107

MTC–00017714

From: Scott Yewell
To: Microsoft ATR
Date: 1/23/02 1:52pm
Subject: Microsoft Settlement

To whom it may concern,

I feel that the proposed settlement of the Microsoft anti-trust case will do little to change the monopolistic practices of Microsoft. Any settlement which does not severely restrict Microsoft from building its products in the Operating Systems, Internet, and Applications market will do little to create a fair open computer software arena in which competitors are allowed to compete.

Windows XP has been used as an advertising platform for Microsoft products and services, and to lock out competing products. Microsoft's unfair practices (oft-referred to as strong-arm) leave precious little room for competitors in this environment.

You needn't look any further than to the open-source community for clues as to the state of the software industry. Thousands of developers donating their time and valuable skills in order to compete against the giant Microsoft. Why would thousands of computer programmers take time out of their busy lives to do for free what they easily could be paid for elsewhere? Because they want to see the project (linux) succeed in the face of MS.

Because they want an alternative to Windows. Because they aren't as naive as the typical home user who has no alternative to Microsoft, and they are not satisfied to use a product that forces them (or tries to force them) to use software inferior to that which they could write or have written...

To continue to let Microsoft bully their way around the software industry is to let that industry die a slow stagnant death. Competition and alternative is the only way to keep this huge part of the American economy thrive. Without a fair settlement of the MS case, this may not be possible. With MS allowed to compete unfairly against its rivals in Application and Internet markets by using its OS, is to allow them to squash any rival they wish. Please do not let this continue to happen.

Thank you,
Scott Yewell
Software Engineer
Newfound Communications
Lawrence, MA 01840
(978) 794–3878

MTC–00017715

From: Wagner Ralph
To: Microsoft ATR
Date: 1/23/02 1:54pm
Subject: Microsoft Settlement

Dear Sir or Madam,

I write to you today to express that I am against the current Microsoft Settlement. It seems to me that this ''settlement'' is not in the best insterests of the US Consumer, but rather is in the best interests of Microsoft—the convicted monopolist. Any attempts to justify this settlement in the interests of the economy are also a Red Herring. Microsoft has already affected the economy with it's monopoly by destroying innovative companies and promoting self-serving proprietary standards. Given this settlement, Microsoft would persue it's utopia of a monthly Microsoft bill—akin to your monthly telelphone or electric bill. There are several problems with the settlement as it currently exists, some of the points that I find particularly troublesome are:

1. The fact that no remedy is offered for the illegally obtained majority share in the internet browser market. They should not be permitted to keep the gains they have made by illegally exploiting their monopoly.

2. Any settlement that *had* sufficient remedies should be longer than 5–7 years, especially in the case of a repeat-offender such as Microsoft. The minimum term should be at least 10 years, with a maximum of 20. Microsoft has snickered at the US DOJ before as it walked away after a ''wrist-slap'' remedy (1995). Don't let it do so again.

3. The continued ability of Microsoft to ''bundle'' whatever it wants with the ''operating system'. This is exactly how Microsoft gained market share in the browser market. This practice must be stopped, and Microsoft will not do so on it's own.

In closing, I would refer you to a (very short) article that addresses (most) of these concerns quite well—http://linuxtoday.com/news_story.php3?ltsn=2002–01–02–002–20–OP–MS

Thank you for your time.
Ralph Wagner
8251 Greensboro Drive #413
McLean, Va 22102
703.902.5335 (O)
703.902.3457 (F)

MTC–00017716

From: Matthew Jenove
To: Microsoft ATR
Date: 1/23/02 1:48pm
Subject: Microsoft Settlement

Summary: The proposed judgment falls short of intended goals.

To whom it may concern:

I am concerned that the proposed Final Judgment against Microsoft fails to end its anticompetitive practices for a number of reasons:

* Narrow Definitions of Terms

The terms ''API'', ''Microsoft Middleware (Product)'', and ''Windows Operating System'' are defined quit explicitly; so explicitly that it leave numerous loopholes through which Microsoft can continue many of its current practices.

* Proprietary File Formats

One of the ways Microsoft perpetuates the dominance of its Office suite is by not disclosing the way that files (word processing documents, spread sheets) are formatted. As a consequence, if you wish to share the documents that you have created, those computer users must have also purchased MS Office. And again, when Microsoft releases new versions of Office and changes the file format, one is forced in to buying the latest Office version in order to continue to read files created by others.

* Anti-Competitive Enterprise Licensing

Enterprise (i.e. schools, businesses, governments) license agreements often charge a fee for each desktop or portable computer which could run a Microsoft operating system, regardless of whether any Microsoft software is actually installed on the affected computer. This removes any financial incentive to use alternative operating systems or software.

These are but a few of the things that appear to not be sufficiently addressed in the proposed Final Judgement. I urge the Department of Justice to review the proposed judgement and not let Microsoft continue its anticompetitive practices.

Sincerely,
Matthew Jenove
Software Engineer

MTC–00017717

From: Josh Fishman
To: Microsoft ATR
Date: 1/23/02 1:54pm
Subject: Microsoft Settlement

Dear Madam and/or Sir,

I'd like to register my distaste for the proposed Microsoft settlement. The proposed settlement would allow Microsoft to continue its worst practices unabated, while pretending to have paid for its crimes.

Here is a partial list of the practices which must be stopped by any real settlement or judgement:

1) Software Bundling AND Exclusion: by selectively disallowing and mandating what software is provided with a new computer, Microsoft controls which 3rd party software will be allowed to flourish.

2) Boot Loader Exclusion: by forcing Windows to boot before loading any other software, Microsoft prevents vendors from offering systems loaded with more than one operating system. Consumers who would like Windows and Linux or BeOS or OS/2 (or any other operating system) are forced to do the second installation themselves.

3) Punitive Pricing: by punishing vendors who do not load Windows on every system, Microsoft creates an artificial barrier to entry for competing operating systems.

4) Gag Clauses: by disallowing discussion among those who own or otherwise know the performance characteristics of their software, Microsoft guarentees that the only voice heard will be that of their advertising dollar—not the voice of reason or experience.

5) Misleading Advertisments: by advertising features and / or products which do not exist, Microsoft sows fear about the viability of real products which would compete.

There are some obvious solutions to these problems:

1) Disallow Microsoft from writing contracts which prohibit OR mandate any particular software.

2) Disallow Microsoft from writing contracts which prohibit OR mandate any particular boot sequence.

3) Publish all Microsoft software prices. This will make the DoJ's job significantly easier, as all vendor pricing will be instantly available for inspection.

4) Disallow Microsoft from writing contracts with gag clauses. Declare all such clauses null and void, and allow customers to discuss their expereiences with and benchmarks of Microsoft software.

5) Prohibit advertisments for products and / or features which do not exist. Enforcement would be problematic; perhaps offer a bounty to citizens, which Microsoft would pay directly, for spotting such ads? These remedies would not completely fix Microsoft. For example, the company would still be able to use its patents to intimidate competing vendors and open source projects. However, any remedy which does not address these issues is insufficient and lacking, and not worthy of this nation's Justice Department.

Thank you,
Joshua Fishman
144 West 10th St.
New York, NY 10014
fishman@cns.nyu.edu

MTC–00017718

From: Dwight N Buchanan
To: Microsoft ATR
Date: 1/23/02 1:53pm
Subject: Microsoft Settlement

I believe this settlement does not remedy the key issues. Microsoft continues to squash competors by bundling for free programs that do the same as commercially available software. It's hard to compete with free. Please do not let Microsoft stifle imagination and innovation.

MTC–00017719

From: Edward (q)Niko(q) Nichols
To: Microsoft ATR
Date: 1/23/02 1:55pm
Subject: Microsoft Settlement

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. As a computer professional, in the field for over 16 years, I have had the unique opportunity to watch the industry mature from novelty and hobby machines, to become a ubiquitous part of business. Much of our countries growth in the last decade is solidly attributable to computers. Sadly, I have also seen a trend of anti-competitive practices by a few corporations. I have been affected first hand by Microsoft's criminal business practices. When the anti-trust suit against Microsoft was proven, I believed that Microsoft would forced by law to end their unfair practices. However, the settlement reached by the government does little to address Microsoft's near monopoly powers. Specifically I find issue with the following specific points of the settlement.

On the issue of middleware replacement. The definition of ''middleware'' is so narrow, that it is not applicable to future version of Microsoft's operating systems. On the issue of restricting anti-competitive practices. Microsoft has continued to use restrictive licensing to prevent outside developers, specifically Open Source developers, from either creating software for Windows, or allowing for Windows software to run on another operating system. This is the key to Microsoft's ability to bend the market to it's whim. And the settlement proposed does nothing at all to address these issues. Microsoft continues its practice of harming competitors. Microsoft has branched into Personal Video Recorders, Cell Phone Operating Systems, Home Automation, Home Entertainment Consoles, Cell Phone Applications, Embedded Operating Systems and many other areas. Each of these niches is already developed, and competing in a free market. There are no new restrictions on Microsoft's ability to conduct business, and I believe that Microsoft will eventually dominate and control these and many other emerging markets, based on their past behavior.

I urge the government to take a fresh look at Microsoft, and consider carefully the terms of this settlement. I believe after due consideration and review, that the terms of the proposed settlement will be found to be unsound.

MTC–00017720

From: Whitney, Dennis
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:54pm
Subject: Microsoft Settlement

Hello to all,

The current Microsoft ''settlement'' is a very bad idea.

Why should we give MS another method of strangling competition as a way to settle a case?

If we are really serious about ending the anti competitive practices of MS, this is not the way to do it.

Thank you.
Dennis Whitney

''Those who would give up essential Liberty, to purchase a little temporary Safety, deserve neither Liberty or Safety''
Benjamin Franklin

MTC–00017721

From: Mike Bryant
To: Microsoft ATR
Date: 1/23/02 1:55pm
Subject: Microsoft Settlement

Dear DOJ, Of course you are seeing a large number of messages being sent in today due to a number of forums being told the deadline for comments is running out. Please do not let that detract from what I am saying.

Unfortunately, the proposed remedy that has been submitted regarding the monopoly practices of the Microsoft Corporation does not truly address the problem, but only some of the symptoms. Historically, Microsoft Corporation has taken the stance of ''bundling'' or ''folding into the operating system'' products that perform the exact same task as competitor products taking advantage of the inertia of the common user—what I like to call ''My Mom Factor''. My mom is frugal and doesn't understand computers very well. Going out and purchasing software that did not come with her machine is something she will do if advised by the computer professional in the family (me) that it is the only way, but downloading software from the internet is beyond her comfort level.

What this does is limit her to the software that generally comes bundled with a typical home PC (i.e. Microsoft solutions) and she won't venture beyond that range. For products to have any chance of competing within the My Mom Factor, they have to either ship with the PC or be on the shelf at the local software store and have no alternative sitting on the computer.

The proposed settlement should not allow the ''bundling'' of Microsoft Office or any other Microsoft products that do not specifically apply to the OS—web browsers and mail clients are not OS specific, even though there are hooks at that level to allow the other Microsoft products to interact. I would suggest looking back a few versions of Windows to Windows 3.1 to find what is specific to the Windows operating system.

Opening up all of the OS APIs so that developers can compete on the same level would also be a good move and it needs to take into account that Microsoft already has a head start in this. A real settlement should be ''leveling the playing field'' so that everyone is more or less equal for a while. The best example showing the current situation that I can think of is Ford builds an engine and makes it available for GM and Chrysler to use in their vehicles as well. All the vehicles perform okay and get 25 mpg.

Then Ford starts selling a new vehicle using the same engine that gets 40 mpg and go from 0–60 in 2.3 seconds. An independent investigation finds that all the vehicles weigh the same, are built from the same materials, etc. but the Ford vehicles have a special setting on the engine that lets the Ford transmission transfer power from the engine to the wheels much more efficiently. Would it be a good solution to tell Ford to pay a fine and tell about the wiring of how the engine indicates that it can run better, or should there be something more substantial?

I do ask that the DOJ please take a second look at the proposed settlement and ask the questions ''How does this make it level?'' and ''How does it prevent the My Mom factor?'' Thank you in advance for taking that second look.

Cordially,
Michael A. Bryant II
mikeb@casaichiban.com
Contact Information:
Michael A. Bryant II
1874 Elkwood Drive C
oncord, California 94519
(925) 521–1967

MTC–00017722

From: Richard W. Howe
To: Microsoft ATR
Date: 1/23/02 1:53pm
Subject: Microsoft Settlement

Dear Sir/Madam,

I am very unhappy with the proposed settlement with Microsoft. This company has been found to break the law in a major way, and yet it is proposed that it will escape with very little real penalty. We need diversity and competition to ensure a thriving and innovative computer market. Microsoft has clearly shown that it prefers to stifle innovation and competition.

Sincerely,
Richard
Dr Richard W. Howe
Research Scientist
Calcareous Nannofossil Biostratigraphy
Energy & Geoscience Institute
The University of Utah
423 Wakara Way, Suite 300
Salt Lake City UT 84108
USA
801–585 3539 Direct
801–581 5126 Reception
801–585 3540 Fax
http://www.egi.utah.edu/

MTC–00017723

From: Michael Boer
To: Microsoft ATR
Date: 1/23/02 1:55pm
Subject: Microsoft Settlement

The proposed settlement is deeply disturbing to me. I am opposed to the proposed settlement.

I believe that Microsoft should be ordered to provide versions off all Office applications that will run on the Linux platform as well as the Windows and Macintosh platforms. This would help equalize the OS market and would benefit the entire industry.

Sincerely,
[X] Michael Boer
9504 Ravenna Ave NE #103
Seattle, WA 98115
[X] Michael Boer —> IM:MBoerSEA

MTC–00017724

From: Brian Stults
To: Microsoft ATR
Date: 1/23/02 1:56pm
Subject: Microsoft Settlement

Dear Sirs and Madams:

I am writing pursuan to the Tunney Act public comment period to express my dissatisfaction with the Microsoft antitrust settlement. The proposed settlement will not prevent Microsoft from maintaining its monopoly in the computer industry. The findings of fact clearly described a pattern of corporate behavior that evidenced little respect for antitrust law or public sentiment. Though the proposed remedies themselves may be adequate, the enforcement measures will not provide enough incentive for Microsoft to fundamentally alter its behavior.

History demonstrates that Microsoft will not alter its behavior unless it is clearly in its competitive interests to do so. The proposed remedies attempt to force Microsoft to change its behavior in order to reduce its power in the market place. This will not succeed.

The only measures that can be effective are those that immediately change the competitive landscape, and then free Microsoft to struggle for power in this new, more level playing field. I agree with the court that a structual remedy is cumbersome and not likely to be effective. A technilogical remedy, with objective, quantifiable measures, is the only remedy that can be both effective and in the public's interest.

The competitive advantages of an operating system monopoly are twofold. First, Microsoft negotiates from a very powerful position with OEMs and ISPs. Second, their application software can be developed with special knowledge of the operating system and (optionally) devivered with the operating system to gain better market penetration. Any remedy must address both of these monopolistic advantages.

While I do not claim to be able to construct a better remedy myself, I think it is clear that any remedy must involve forcing Microsoft to open all of its APIs and file formats. Any time two pieces of MS software communicate out-of-process, the protocol for their communication must be public. Enforcement could come in the form of a court-appointed authority that had the right to demand to see the source code of any MS-published software and compare the documented APIs to the source code. If they were not the same or if the source code is not delivered within a few days, MS should be fined 1/356th of it's profit (this can be calculated after the fact at the end of each quarter) per-day until it satisfies the requirements. This would ensure that the applications of Microsoft's competitors have the same opportunity to succeed on the Windows platform as those of Microsoft itself. Microsoft may maintain its operating systems monopoly, but it will not be able to use to establish new monopolies in other market segments.

Thank you very much for reading and considering my comments.

Sincerely,
Brian Stults Brian J. Stults
Department of Sociology
3219 Turlington
PO Box 117330
Gainesville, Florida 32611–7330
phone: (352) 392–0265 x286
fax: (352) 392–6568
e-mail: bstults@soc.ufl.edu

MTC–00017725

From: maladon
To: Microsoft ATR
Date: 1/23/02 1:56pm
Subject: Microsoft Settlement

I oppose the proposed settlement. It is bad public policy and only serves Microsoft's interests.

As written, there are many ways in which Microsoft can repackage their software to avoid meeting the definitions in the settlment.

By not including all of Microsoft's current operating systems the settlment allows Microsoft to move consumers from a covered OS to a new OS and bypass the settlment entirely.

Phil True

M.S. System Architect
Eagan, MN

MTC–00017726

From: Chris Storer
To: Microsoft ATR
Date: 1/23/02 1:57pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,

Chris Storer \ Infiniti Systems Group, Inc.
IT Consultant \ A Weatherhead 100 Company
cstorer@infinitisystems.com \ An Inc 500 Company
440–668–6225 440–546–9443 FAX \ www.infinitisystems.com

MTC–00017727

From: Hayslette, Steve
To: Microsoft ATR
Date: 1/23/02 1:56pm
Subject: Microsoft Settlement

Do not let Microsoft get away with what they have done to the IT community.

They should not allowed to sell apps and the OS in the same company period. They should be broken up into two (or more) separate *competing* companies.

Here's why: As long as Microsoft has control of the OS they can still strong-arm and push obtrusive proprietary technologies to corporate and home users leaving companies and individuals at the mercy of Microsoft and forced to pay exorbitant fees.

Stephen C. Hayslette

MTC–00017728

From: Malaska, Ted
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:56pm
Subject: Microsoft Settlement

The Settlement is bad.

A. it does nothing to correct the problem of Microsoft being to powerful.

B. It does not help competition, and competition bring out the best in every thing.

C. the settlement involves Microsoft give software to school for free. This helps Microsoft more then it hurt them. Think the fixed cost in developing a Microsoft product is already spent. The variable cost the Microsoft is being made to make for this settlement it less then 5 cent a CD. Plus remember be giving there software to school they are now getting free access to kids which will grow up and buy the software they used in school.

The settlement is bad because it does not hurt Microsoft at all but in the long run helps them.

MTC–00017729

From: Brendan Andersen
To: Microsoft ATR
Date: 1/23/02 2:04pm
Subject: Microsoft Settlement

I strongly disagree with the proposed Microsoft antitrust settlement for the reasons listed here: http://www.kegel.com/remedy/letter.html.

Brendan Andersen

MTC–00017730

From: Bernadine M Brown
To: Microsoft ATR
Date: 1/23/02 1:56pm
Subject: Microsoft Case

While I do believe in free competition, I don't believe Microsoft does. It is my belief that they did in fact violate anti-trust laws and as a result we are all paying more money for inferior software. It is very bad for the consumer when there is no alternative out there. We end up paying a lot of money for software that has no decent security, that crashes computers many times/day which effects productivity, and the cost of which is getting higher and higher especially with the new licensing arrangements.

There is no incentive for Microsoft to provide anything better. Who do they have to be better than? Noone. Who suffers? The American citizen. Allowing Microsoft to bail out by providing more proprietary software to our schools only increases the monopoly. Why don't they provide books for libraries, or musical instruments or computers that run another OS. Their fine doesn't even hurt and just increases their monopoly.

This isn't free enterprise.

Bernadine M. Brown

MTC–00017731

From: Chris Parker
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:57pm
Subject: Microsoft Settlement

I am against the Microsoft settlement. I don't feel that it provides enough remedy, and tells Microsoft to do pretty much what they are doing already.

What good is that? It needs to be more drastic.

MTC–00017732

From: Randy Strauss
To: Microsoft ATR
Date: 1/23/02 1:56pm
Subject: Microsoft Settlement

I found out this morning you are seeking public comment. Please excuse me if I tell you things you already know. I am a programmer, with an masters in CS Stanford from the early 1980's. I have worked on many platforms and now have a Mac and a dual boot Windows/Linux machine. I worked at Frame Technology and stayed with FrameMaker when Adobe bought them, working on all 3 platforms though mostly on the Unix product, mostly on the UI.

To me, Microsoft is best known for lowering software standards. They didn't invent the term ''vaporware'' or ''FUD'' (fear, uncertainty and doubt), but they were the first ones to make a constant profit from selling vaporware and beta software and from using FUD to consistently stop others from penetrating a market. Companies constantly wait for MS to move in a market because they know that MS will come up with incompatible technology and everyone else will have to change. Customers would rather not change. No other company has the power to stop progress and move standards like MS.

In case you don't know FrameMaker, it is the leading professional long/technical document software. People use it to write manuals from 50–100 pages to thousands of pages. It is also used to automate the publishing of documents and forms. Though I've left Adobe, I probably shouldn't say how big the market is—but FM has always made well under $100M/year. $100M/year was seen as the whole market size and we had a decent piece of it. Luckily, it was always too small to attract MS attention.

Note that lots of people use Word to write manuals, because it's ubiquitous—essentially free since it either comes with most machines or is a std corp package. Yet people complain that Word is abysmal for these documents—often crashing. We successfully lured writers to use FM, but then these writers had huge problems getting content into FM. We wrote filters and partnered with filter writers, but MS is the lone DTP (desktop publisher) vendor that doesn't believe in having a decent exchange format.

Every company thinks it's important to exchange documents except MS. They kept their format not only secret, but constantly changing. At Frame, we couldn't afford bugs. Our number one goal was never, ever to lose user data. Crashing was merely horrible.

When MS came along and made crashing an everyday activity, making ''Blue Screen of Death'' a commonly heard phrase, we were astounded. Over the years they have consistently lowered software standards. Why could they afford to make shoddy software when no one else could?

One great example of this is in computer security. In the 1980s, all the unix companies worked on security. Leaving holes in a system wasn't an option. MS doesn't have to do that. Companies lose billions of dollars a year to viruses but still have to use MS products. Any other company would fill the holes. Sun spent huge resources to assure that Java applets woudln't damage a computer—so you don't hear of Java viruses. MS doesn't care. It's cheaper these days to fool customers, to make buggy software that has security problems. And MS can get away with it because they've created a culture

where it's expected. Companies expect to pay a tax for virus-prevention software. Even the ones that do realize it's a cost of Windows, they can't leave Windows. (MS is the only company I know of that advertises that their software releases are ''less buggy than the last one''. It's absolutely astonishing.)

Adobe spends lots and lots of effort making its partners happy, people who create add-on software. Several times they avoided very good acquisitions because it would have meant competing against partners. I know Sun is also very, very careful in this area. Adobe is the 3rd largest commercial software company. Sun is huge. Yet Microsoft thinks nothing of putting their partners out of business. They certainly encourage help, but where others worry about earning a reputation of being hostile to partners, MS does not. Why can they afford to be differeng?

I was so happy when Java came along. Soon I would finally be able to write cross-platform software—same file formats, same UI software. I have two great ideas for developing innovative, useful software. But it means learning MS's very peculiar UI development environment. If MS hadn't stopped Java, I could write it once, simply. I did write an interesting game that my kid loves—but there's no point trying to sell it. Any consumer first has to download Java—and that's too difficult. Once again, MS has stopped innovation and made it harder to compete. Any decent OS manufacturer would have been happy to incorporate Java. Any OS maker who cared about innovation or quality products or making software better or better software, that is.

FrameMaker has an API so that one can write a program to control FM. Adobe had a project a few years ago to put an easy-to-use UI atop FM to make a SOHO (small-office/home-office) DTP product. The FM back-engine was superior to anything in the market. The front-end (UI) was novel and made it easy to create great documents. The only other big player in the $250M SOHO publish market is MS, with MS Publisher. Our product was nearing alpha when MS announced a new version. Our product would still be way ahead, but Adobe didn't want to get in a marketing war with MS—they were much richer and we didn't want to compete with that bottom line.

The rumors I heard were that Adobe didn't want to be seen as a company that MS should squash. If MS wanted to, they could start buying, marketing and launching graphics products to compete against Adobe's core business. Adobe turned tail and halted the project. Customers suffered.

Early in the days of the lawsuits, I heard talk about MS being innovative. Yet only a tiny fraction of ''their innovations'' are really theirs. They buy innovation, kill most of it, and gut the rest. If these companies were allowed to compete and grow, we'd have much better software solutions.

I don't see how any settlement with Microsoft will change their practices. One thing I learned through 19 years in corporate environments is that a company's culture reflects management's personality. Consciously and unconsciously, Microsoft employees know how their company works.

Their attitudes are not going to change unless huge changes happen at the company. I've heard Gates talk over the years. He has grandiose ideas about bringing the world into the future, integrating with TV and appliances. He doesn't talk about doing it with others, just about what he and MS will do. MS does not have a culture of working with others, certainly not one of fair competition.

I've talked to people who worked at MS and at other tech companies. At other companies, people, even at the bottom of the ladder, talk about being part of the team, part of the vision. Not at MS. There only the programmers are part of the team. At other companies QA is central, testing is part of the foundation of software production. MS thinks nothing of alienating its QA people. Where other companies want their QA people to be full-time and really know the product, MS insisted (maybe still does?) that QA people be contractors and go elsewhere after a 2-year maximum.

Though it would help explain their shoddy products, it's still astounding.

I have been a MS stock owner at times. I'm not now. If the company would be broken up, I'd be interested again. I'd be interested in a company that wants to make a good OS. I'd be interested in a company that wants to make good products. MS just isn't that company.

MS seems to have gotten their early monopoly through fair competition and business practices. But then they abused it to develop other monopolies and lower the software standards for everyone. Requiring computer makers to bundle their softare, breaking their Java license and giving their browser away free to beat Netscape were just the most visible instances. My wife worked at 3Com for years and the stories were everywhere. MS is a bully and could get away with it not because they were big, but because they had a monopoly and if you did not put up with their bullying, you didn't play. She had tons of stories about planned conferences where MS would change the schedule at the last minute to shut out 3com or agree on a press release and then release something else. MS doesn't care about decent business practices because they can use their monopoly to cow almost all companies.

And the DOJ will only hear cases coming to court from people that tried to fight back, not the thousands of cases where people sold out, buckled under or just recognized the playing field and played along.

I remember when the anti-trust suits against IBM changed their business practices. It was wonderful for the industry and turned them into a much better company for all of us. This needs to be done with Microsoft. Bush sold us all out with the federal settlement.

I have a dual boot machine with Windows and Linux. The modem, a new, high-end modem, doesn't work for me—it almost works and others have had it work, but theres no tech support for Linux use because the vendor need only care about Windows. If it was a law-abiding monopoly, I wouldn't complain. It's not. I don't get cable TV because it's too expensive. I'd be willing to pay $100/year for a few good channels, but $600/yr is much too much. Cable TV is a monopoly I resist, even though I have 2 pretty main-stream kids. At the moment I would not own Windows unless I had to. I looked for a Linux machine that would just work, but couldn't find one. Every other PC had Windows pre-installed. Because of MS's monopoly, and the ruthless, illegal ways they've kept and expanded it, there're very yew choices on the market. If I can't make it work in another month or so, I'll consider spending a bunch more money and get a Mac with OSX.

MS has made choice very, very expensive.

Thanks for the ear.

Your decision is our best hope at the moment.

Take care,
Randy Strauss
1815 Walnut Dr
Mountain View, CA 94040
650–381–6078 (work, at Nominum)
650–279–6849 (cell)

MTC–00017733

From: James R. Leu
To: Microsoft ATR
Date: 1/23/02 3:52pm
Subject: Microsoft Settlement

The settlment is a bad idea, it does not address the real problem which is that the Microsoft corporation has a monopolist hold on the desktop software industry. Something needs to be done about there past actions to prevent them from squashing the innovations of the future.

Mr. James R. Leu
Allison Park, PA 15101

MTC–00017734

From: Jim Pullaro
To: Microsoft ATR
Date: 1/23/02 1:58pm
Subject: Microsoft Settlement

The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET.

The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertized as being ''Windows Powered''.

The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

The PFJ requires Microsoft to release API documentation to ISVs so they can create

compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

MTC–00017735

From: Ray Berry
To: Microsoft ATR
Date: 1/23/02 1:58pm
Subject: Microsoft Settlement

To whom it may concern—

I have been reading about the proposed Microsoft settlement, and I am against it in its current form. I do not see that it punishes Microsoft adequately for past wrong-doings, and simply formalizes the status-quo. I would appreciate it if you would consider this a vote against the current settlement, and also a vote to seek a settlement that is more favorable to Microsoft's competitors.

Thank you,
Ray Berry
Evergreen, CO 80439

MTC–00017736

From: Holly Robinson
To: Microsoft ATR
Date: 1/23/02 1:58pm
Subject: Microsoft Settlement

I strongly believe that the proposed settlement is a bad idea. It falls short of addressing key issues that Microsoft relies upon in its unfair business practices, so these will continue into the future, making the whole lawsuit pointless. The settlement must cut to the root of the problem, and not let Microsoft slither away with a slap on the wrists and no weaker for the ordeal.

Sincerely,
Holly S. Robinson

MTC–00017737

From: Roger mach
To: Microsoft ATR
Date: 1/23/02 1:58pm
Subject: Microsoft Settlement

After following the progress of the Microsoft anti-trust trial with great interest and hope, I have been very disapointed to see the proposed settlement, which does little or nothing to punish Microsoft for their illegal actions and may instead actually serve to further increase their market share. In short, I believe the settlement does not serve the public interest.

In my opinion, any settlement should include massive fines against Microsoft, and possibly prison time for certain corporate officers. I would even suggest that revocation of Microsoft's corporate charter would be appropriate action against a company which behaves as they do, especially given their attitude of having done nothing wrong even after the findings of fact were upheld on appeal. It is clear to me that Microsoft will use any loophole to ignore restrictions on its business practices and therefore the penalty should not focus exclusively on such restrictions but also include substantial immediate actions such as those I mention above. It is my hope that with such penalties, the playing field will be leveled such that other competing technologies besides Microsoft's may gain market acceptance, and that in an environment of fair competition the best technology will win on its own merits.

Sincerely,
Roger Mach
5445 NW Burning Tree Ct.
Portland, OR 97229
rmach@iname.com —

MTC–00017738

From: John Schuch
To: Microsoft ATR
Date: 1/23/02 1:58pm
Subject: Microsoft settlement

To whom it may concern:

I would like to express my strong desire for the court to REJECT the settlement proposed by the DOJ and Microsoft.

The proposed settlement will do nothing to prevent the monopolistic practices of which Microsoft has been found guilty.

I urge the court to take a strong stand to enforce the law as it is written, and not to be swayed by the political forces currently in power at the DOJ.

Sincerely,
John Schuch

MTC–00017739

From: Matt Harrigan
To: Microsoft ATR
Date: 1/23/02 1:58pm
Subject: Microsoft Settlement

Look, I'm not a lawyer. I'm not a big corporate hotshot. I'm a concerned citizen and frequent user of computers. The bottom line in all this is that while Microsoft is a big company with alot of money, and they try very hard to make decent products for consumers, they fail. Alot. As a matter of fact the machine from which this is being sent is running Windows ME, and i'll be extremely surprised if I can complete this email message before something bad happens. On the other hand, the windows environment provides an interface which is popular because of it's ease of use, so alot of applications get written for it, both by Microsoft and by companies which will eventually be bought by Microsoft. Right now, sitting next to me is a linux machine which also runs an email program called pine. It's existed for about a decade with about 15 different revisions (a relatively small number for a piece of software), and i've been using it since then. It has never crashed.

I have never lost an email from using pine. This happens for three reasons:

1. Pine is written well.

2. It sits on linux which is a stable platform.

3. It's open source, so it works on everything.

Microsoft does not make products which do not crash.

Microsoft does not support open source standards.

Microsoft does not care.

Projects like WINE, StarOffice, etc . . . will suffer greatly if Microsoft is not actively encouraged by the US government to do the right thing. This is why we have a department of justice. You broke up the bell system, you privatized airlines, now please understand that the same thing needs to be done for the computer reliant public.

Matthew G. Harrigan
Retired .com guy who has nothing better to do than write the DOJ
mharrigan@viawest.net
CC:mtiffany@winfirst.com@inetgw

MTC–00017740

From: Bill Murray
To: Microsoft ATR
Date: 1/23/02 2:02pm
Subject: Microsoft Settlement

I am opposed to the current Microsoft settlement. The following points are examples of problems that I have:

Microsoft's business practices have reduced the amount of choice available to consumers. Splitting the company into OS and Application divisions would have placed Microsoft's applications group on equal footing with other software companies but this idea was abandoned.

Why has the definition of middleware been tied to specific version numbers of Microsoft products? Just because a new version of Internet Explorer or Windows Media Player comes out does not mean the product is no longer middleware.

The same flaw as the point above exists for the definition of Operating System. Why are the successors to Windows XP not considered to be Operating Systems?

Microsoft has used it's Windows monopoly to make Microsoft Office the standard productivity suite used in business. A word processor that can not open and save a Microsoft Word document has zero chance to gain market share today. The file formats for Office files should be released to the public to insure that competing products can open and save Office formatted documents.

Microsoft should not be allowed to retaliate against OEM's that ship some computers without a Microsoft OS. If the customer wants a PC with Linux installed the manufacturer should not face higher Windows licensing prices. Microsoft should be forced to set one standard price for Windows licenses to ALL OEM's. Not just the top 20 OEM's. This price should not relate to the number of licenses purchased. Rebates should not be available to OEM's that bundle other Microsoft products (e.g. Office) with their computer. Microsoft should not be allowed to sell it's compilers with a end user license agreement that prohibits software developers from using the compiler to create software that can be run on Windows compatible operating systems. Microsoft is not prohibited from intentionally creating incompatibilities with the products of competitors in new versions of it's OS or Middleware. These are some of the problems that I have with the current Microsoft Settlement.

Bill Murray

MTC–00017741

From: Paul Bradley
To: Microsoft ATR
Date: 1/23/02 1:58pm
Subject: Microsoft Settlement

Hello,

Microsoft needs to be broken up into several different companies. They have way too much power at this time and any ''punishment'' they are given that allows them to stay as one company will be side stepped and they will continue to squash innovation. Bill Gates has proved he is no idiot, he will do whatever he can (and believe me, he can do it) to screw the world and get more money for Microsoft. The good of the world, the advancement of technology, putting computers in schools, making software more secure, easier to use, whatever: these are means to an end for Bill Gates. This man is more powerful than the president and that is not right. End this disgusting display of control this one man has over the world as we know it and break up Microsoft.

Sincerely,
Paul Bradley
Portland, Oregon

MTC–00017742

From: Andrew Shuvalov
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 1:58pm
Subject: Microsoft Settlement

Dear Justice Department Officer,

When a criminal is robbing the bank, he is not offered any settlement option. Microsoft is robbing its customers, which are the majority of U.S.A. population, and many companies.

I beleive that any settlement with Microsoft, whatever it is, is morally wrong.

Sincerely,
Andrew Shuvalov
Information Architects

MTC–00017743

From: Jim Hardwick
To: Microsoft ATR
Date: 1/23/02 2:16pm
Subject: Microsoft Settlement

Hello,

Under the Tunney Act, I wish to comment on the proposed final judgement (PFJ) against Microsoft.

I believe the PFJ does little to address the Findings of Fact (FoF) made by Judge Thomas Penfield Jackson and upheld on appeal. It does not define terms such as ''API'', ''middleware'', and ''Windows Operating System'' in a manner consistent with the FoF or accepted industry and academic definitions, allowing Microsoft to circumvent much of the PFJ. It does not provide a method for enforcing any of the outlined remedies. Most seriously, the PFJ does not encourage competition nor reduce the Applications Barrier to Entry.

I have mentioned a few of my concerns with the PFJ. I agree with the analysis and essay by Dan Kegel (on the Web at http://www.kegel.com/remedy/remedy2.html). I have also submitted my name for addition to the ''Open Letter to DOJ Re: Microsoft Settlement'' (available at http://www.kegel.com/remedy/letter.html) which will be sent along with a copy of Dan Kegel's essay to the Department of Justice.

Sincerely,
James Hardwick
Salt Lake City, Utah
Embedded Software Engineer, GE Medical Systems
Linux Programmer
Windows Programmer

MTC–00017744

From: Chris Linstid
To: Microsoft ATR
Date: 1/23/02 2:00pm
Subject: Microsoft Settlement

As a consumer of Microsoft products (forced and voluntarily) and as a citizen of the United States, I believe it is my duty to inform the Justice Department (as I'm sure many have before me) that the ''Revised Proposed Final Judgement'' is too weak as to keep Microsoft from continuing its monopolistic business practices and does not thoroughly punish Microsoft for its many years of antitrust activities. Many of the provisions of the settlement are a good step in the right direction, but they are not forceful enough and some require more clarfication.

My specific comments are as follows:

1. In Section III, C, 4: An installation of a Windows operating system should at least ask before it re-writes the master boot record (MBR) on a hard drive. Currently, all Windows operating systems (after and including Windows 95) re-write the MBR upon installation, which disables most boot loaders for alternate operating systems, leaving only Windows bootable.

2. Microsoft should allow use of a non-Microsoft browser to download Windows update patches. Currently with Windows 98 and above, Microsoft's Internet Explorer is required to update Windows, including fixing most security holes and basic functionality.

3. After installation of a Windows operating system, activation of access to the Internet should not require deletion of the ''MSN Icon'' in order to not have to go through signing up for MSN's ISP. (this was still the case with Windows 98 and Windows ME)

Though I have not provided any suggestions on how to make this settlement more effective at stopping Microsoft's monopolistic practices, I am not a business person or a lawyer so my knowledge of antitrust law is somewhat limited. However, I am a software engineer and I understand that these ''flaws'' in Microsoft's software are not mistakes, they are purposely done to promote Microsoft software to the point of anticompetitive practices. I hope these comments will help bring Microsoft to justice.

Chris Linstid
System OS Group
Mercury Computer Systems, Inc.
phone: (978) 256–0052 x1345
email: clinstid@mc.com

MTC–00017745

From: Craig Gulow
To: Microsoft ATR
Date: 1/23/02 2:00pm
Subject: Microsoft Settlement

Sirs,

What comments need to be made? Microsoft has been found to be guilty of breaking the law. This finding has in no way altered Microsoft's corporate behavior. Mircosoft has proven themselves to be untrustworthy through their actions and shenagins during the various trials. Could any so-called remedy that merely slapped a fine (even a billion dollar fine) cause Microsoft as a corporate entity to behave ethically? I doubt it.

The best possible punishment I can think of is that they should be made to actually compete on level ground. Failing the breakup of Microsoft, I would hope that at least the closed systems (OS code, Office formats, etc) would be opened up and allows other companies to create software that could actually provide real competition.

I would hope that a settlement against Microsoft would be just that; AGAINST MICROSOFT. If Microsoft is slapped with a velvet glove, then I see no reason why soemone who robs a bank should be punished. Or the corporate ''leaders'' of Enron.

Craig Gulow

MTC–00017746

From: Phil Grapes
To: Microsoft ATR
Date: 1/23/02 1:58pm
Subject: Microsoft Settlement

To Whom it May Concern,

I just wanted to drop a line concerning the Microsoft settlement. I feel that most of the proposed settlements are VERY lenient and will only serve as a slap on the wrist. They defintely won't deter Microsoft's agressive and damaging business practices in the future. I don't even understand why a settlement is being offered to a company that is clearly an anti-competitive monopoly. I feel that the only real solution will be to break them up into at least 3 parts (OS, Apps/Games, and Hardware), but I somehow doubt that will happen. They must have severe restrictions on pricing, business practices, and expansion into new markets for this entire proceeding be any sort of protection from the Microsoft monopoly.

In other words, settlement is definitely a bad idea!

Thank you listening to my opinion,
Zac Feuerborn
Boise ID

MTC–00017747

From: Janet Chen
To: Microsoft ATR
Date: 1/23/02 2:00pm
Subject: Microsoft Settlement

To whom it may concern:

I am writing to comment on the proposed Microsoft antitrust settlement. Given the finding of facts in the Microsoft trial, I believe the proposed settlement is inadequate and will do little to change Microsoft's behavior in the future.

For instance, although the proposed settlement forbids Microsoft from retaliating at OEMs that ship computers with multiple operating systems; however, it has no provision for OEMs who ship computers with a single non-Microsoft operating system. In addition, the proposed settlement does not

force Microsoft to release information about file formats, although Microsoft's use of undocumented file formats prevents competitors from entering the market.

More troubling, the proposed settlement allows Microsoft to keep secret anything relating to security or copy protection. However, almost any API can be made to have some relation to security, so this renders many of the other provisions useless.

I hope that the proposed settlement will be rejected or amended to ensure that Microsoft does not engage in anti-competitive behavior in the future.

Thank you for your time,

Jy-Ying Janet Chen

MTC–00017748

From: Andy Jaquysh
To: Microsoft ATR
Date: 1/23/02 2:01pm
Subject: Microsoft Settlement

To Whom it May Concern:

I feel the proposed settlement in the Microsoft case is a poor one. Microsoft in the past has shown an aggressive desire to work around any and all structural remedies. Any person of intelligence and imagination can find many ways to work around the structures given in the proposed settlement and continue to pursue anti competitive behavior. This is why Microsoft is so agreeable to the proposed terms. Microsoft has been found guilty of engaging in monopolistic behavior. Any solution must not only prevent this behavior from occurring in the future, it must also not allow Microsoft to benefit from it's prior actions. Any less than this flies in the face of long term public interest.

Sincerely,
W. Andrew N. Jaquysh
777 W. Middlefield Road
Apt #132
Mountain View, CA 94043

MTC–00017749

From: pj ponder
To: Microsoft ATR
Date: 1/23/02 2:00pm
Subject: Microsoft Settlement

To whom it may concern,

Thank you for allowing public comments on this important subject. I support stronger sanctions against Microsoft and I think the Settlement Agreement does not and will not do anything substantial to change the status quo. Absent strong and effective measures, the monopoly that Microsoft enjoys and exploits now will only worsen, depriving us all of technological benefits we could gain from a more competitive industry.

I am particularly concerned that the process of settling this case is too heavily influenced by people who do not have a strong background in technology, and who perhaps have not spent much time thinking about the long range implications of letting the status quo go on. That sounds more negative than I had intended, my concern is that technological experts should play a significant and meaningful role in this case. It's not just legal issues that are being debated here, and I have been continually disappointed by how the states, the Justice Department, and the judges have failed to identify and analyze the technological issues at stake in this case.

The outcome of this case can have a tremendous impact on how people use technology and how data is managed for ourselves and the future. The monopoly business practices of Microsoft have already had a significant and detrimental impact on the free exchange of information, the development of free or affordable information systems, and have placed vital information resources at risk. The settlement agreement should do something to change the way things operate now—in a fundamental way.

MTC–00017750

From: Anthony R. Cassandra
To: Microsoft ATR
Date: 1/23/02 2:01pm
Subject: Microsoft Settlement

Monopolies are one of the market failures of capitalism. As such, it is one of the governments prime tasks to prevent them from forming and to dismantle them when they do materialize. The supression and elimination of monopolies is the governments duty, regardless of the immediate economic implications. This has to be done for the long term benefit of our country. Failure to do this, is the goverment failing to do its job. Monopolies restrict people's freedom, and to sacrifice freedom for econoic reasons is not only wrong, but against the principles of the people that created and gave their lives for this country.

Microsoft has been stifling innovation by sucking up companies that had been creating innovative technology, to bring them under the umbrella of a corporation whose main focus is to monopolize every segment of the software market, not on creating innovative and quality products. To those that truly understand technology, the inadequacies of their software is so obvious as to not even warrant debate. Only those that do not understand the technology, or that have remained ignorant, sheltered in a world where there is only Microsoft software, do not see the deficiencies in their products.

Microsoft has used a blunt and powerful instrument to monopolize the marketplace, while the proposed judgement attempts to finesse its way to correcting the problems. This will not work. Attempting to micromanage the individual issues that led to Microsoft's monopoly will fail. All that will be done is to ensure that Microsoft and their extensive resources find loopholes in the agreement that allow them to continue their illegal business practices.

I am very upset with the settlement of this case as it shows that money and lawyers, and not citizens or principles, yield the most power in this country. It is not the justice department's job to engage in economic prediction, nor base their actions on such things. The justice department should make the punishment fit the crime and not let other peripheral factors dictate their actions.

Tony Cassandra, Ph.D.

MTC–00017751

From: Ted Hunter
To: Microsoft ATR
Date: 1/23/02 2:00pm
Subject: Microsoft Settlement

Microsoft uses the advantage the number of systems that run Windows gives them to force their customers to constantly upgrade to new but still severely flawed operating systems.

MTC–00017752

From: alta
To: Microsoft ATR
Date: 1/23/02 2:01pm
Subject: Microsoft Settlement

Department of Justice:

During my 25-year span as a computer professional, I have watched Microsoft grow. I continue to be appalled that Microsoft has been able to sell unreliable, defective products using the following practices:

-Advertising non-existent products to kill legitimate competition.
-Buying companies in order to kill them
-Forcing large distributors to install Microsoft, only.
-Covering defective product internals with glitter and gold.
-Licenses that give them immunity to damage from defective products.
-Large campaign contributions to buy protection from government.

The result has been:

-Many innovative companies have been destroyed.
-The world-dominant operating system (Windows) is defective,
-Users have come to expect that software crashes are normal.
-Due to licensing practices allowed in our (and other) countries, Microsoft is the only business of its size that is unaccountable for damages due to defects in its products.
-Windows is a serious threat to national security and to businesses.
-Now under investigation, they STILL continue these practices.
-Even the US government seems unable to touch this monopoly.

I ask that you do what needs to be done with Microsoft. Please protect our national security, and give technological users and innovators a chance.

Thank you for considering my view.

Sincerely,
Reed I. White
ALTA RESEARCH

MTC–00017753

From: Cameron La Rue
To: Microsoft ATR
Date: 1/23/02 2:13pm
Subject: Microsoft Settlement

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. The following areas should be examined further:

1) The PFJ doesn't take into account Windows-compatible competing operating systems

Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

2) The PFJ Contains Misleading and Overly Narrow Definitions and Provisions The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertized as being ''Windows Powered”

The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

3) The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)

4) The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

5) The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

The PFJ allows Microsoft to discriminate against small OEMs—including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

6) The PFJ as currently written appears to lack an effective enforcement mechanism.

These points are all discussed further at this URL: http://www.kegel.com/remedy/remedy2.html

Regards,
Cameron La Rue,
Phoenix, Arizona;
Software Engineer,
LSI Photomask

MTC–00017754

From: kieran hervold
To: Microsoft ATR
Date: 1/23/02 2:02pm
Subject: Microsoft Settlement

To whom it may concern,

Thanks to the heroic efforts of the Department of Justice in its case against Microsoft, there is room for hope for a of future technological progress unencumbered by Microsoft's monopolistic rule. However, the Settlement currently under consideration falls will not succeed in preventing future abuses by Microsoft. Most glaringly absent from the settlement is any mention of punitive measures available to the Technical Committee; the committee, therefor, has no recourse but another expensive and slow round of court hearings.

Thank you for taking the time to consider the public's input,

Kieran Hervold
San Francisco, CA

MTC–00017755

From: Access
To: Microsoft ATR
Date: 1/23/02 2:02pm
Subject: Microsoft Settlement

I oppose the proposed settlement of the Microsoft case because I believe it is insufficient to restore a competitive marketplace and because the proposed settlement does not hold Microsoft adequately accountable.

Thank you.
Mark C. Onstad
Access Music
1537 Garnet Avenue
San Diego, CA 92109
http://accessmusicstore.com
http://LLcrew.com
access@accessmusicstore.com
858–270–3987 phone
209–755–5968 fax

MTC–00017756

From: Jim Cromie
To: Microsoft ATR
Date: 1/23/02 2:02pm
Subject: Microsoft Settlement

Gentlemen,

I appreciate this opportunity to add my voice against the Microsoft Settlement.

My one fear of this feedback process is that you will be buried by email generated by a concerted grass-roots lobbying effort by Microsoft, who are no doubt enlisting the support of ''interested parties'', such as shareholders, employees, business and marketing partners, etc.

The idea that the ''remedy'' is to allow Microsoft to ''give'' their product to grade schools all over the country is a thinly veiled marketing ploy.

They are giving away hardware only, the software has strings attached. Schools are where Apple products are most competetive with Microsoft, and this plan is a way to subsidize their competitive battle with Apple. I much prefer a settlement along the lines described by the CEO of Red Hat, Fines levied against Microsoft are used to grant cash to the school systems, who can then purchase what they want, w/o strings attached. Microsoft then competes with Apple and everyone else on a level playing field, based on the cost of their bid, and the features and support it includes.

thank you

MTC–00017757

From: Michael D. Pritchett
To: Microsoft ATR
Date: 1/23/02 1:54pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement.

I have a few concerns with the REVISED PROPOSED FINAL JUDGMENT (RPFJ) [found at the following web address http://www.usdoj.gov/atr/cases/f9400/9495.htm]. On the whole, I do not believe that it will remedy Microsoft Conduct.

1. The RPFJ Section III—D release of the API has two basic issues. The release of the information is via (''MSDN'') or similiar is current status quo. MSDN is a subscription system—so release of such information is not readily available. The timing of the release is not competitive. It allows Microsoft (i.e. Microsoft Office) access to such APIs across its product line before other have access to it, yielding unfair advantage in software development for Microsoft in any area of competing software.

2. The RPFJ Section III—J provides an escape mechanism for the disclosure of Microsoft API, Documentation and/or Communications Protocols, by labeling such as security compromises. This broad loophole may be used to hide certain API and can place a significant burden on Enforcement Authority to oversee differences between general and security.

3. The RPFJ does nothing for opening up other areas (i.e. File Formats) where Microsoft uses its OS monopoly as an ufair advantage.

Sincerely,
Michael D. Pritchett
Senior Software Engineer
STI-Inc.

MTC–00017758

From: Kenneth Smelcer
To: Microsoft ATR
Date: 1/23/02 2:02pm
Subject: Microsoft Settlement

Dear Sirs,

I do not feel the proposed settlement agreement between the DoJ and Microsoft should be allowed to stand. Microsoft has been determined by the courts to be a monopoly in the PC browser and operating system marketplace and therefore should be held to a higher standard of conduct. I do not believe the current settlement will keep Microsoft from exploiting its monopoly status when competing in other PC application arenas. Any settlement needs to require Microsoft to fully disclose all interfaces (APIs, file formats, etc.) and to have strong enforcement support to make sure Microsoft follows these directives.

Sincerely,

Kenneth T. Smelcer

MTC–00017759

From: Bear Giles
To: Microsoft ATR
Date: 1/23/02 1:59pm
Subject: Microsoft Settlement

I am writing you to express two major concerns about the proposed Microsoft settlement.

First, Section III.J paragraphs 2(b) and 2(c) allow Microsoft to condition disclosure of API, Documentation and Communcations Protocol of the authentication system on the basis of Microsoft's determination of the viability of the requestor's business and product. As I, and many others, read these clauses Microsoft could unilaterally refuse to provide any documentation to the widely used SAMBA tools since this is an open source project with neither a business nor a viable ''commercial'' product.

Yet this free software—of no commercial value—is widely used to replace Microsoft Windows file and print servers with Unix servers running SAMBA. The companies benefit from reduced license fees and a perceived (and probably real) increase in reliability.

With these clauses, Microsoft could unilaterally render SAMBA sites obsolete by implementing a new authentication method for file and print sharing and refusing to disclose it to the SAMBA team on the basis of the lack of a viable commercial product. This harms the interests of the SAMBA team and of countless third-party users of their software. The sole beneficiary is Microsoft itself, since it can anticipate increased licensing fees to replace the free alternatives. Given the conflict of interest, I would like to see the proposed settlement modified to accomodate legitimate open source projects in addition to viable commercial businesses. I understand and accept that there may need to be reasonable restrictions on what a legitimate open source project is to avoid it being used as an end-run around the commercial viability clause, but SAMBA and other major programs should certainly qualify by whatever criteria is adopted.

Second, more generally Section III.J paragraph 1(a) allows Microsoft to avoid disclosing APIs, documentation and communications protocols related to various security, encryption and rights management systems. History has repeatedly shown that systems with documented APIs and protocols are more secure than those that keep this information secret. Public disclosure ensures that problems are detected AND FIXED as early as possible as the ''white hats'' quietly notify the responsible parties before public disclosure of the need to update the software.

Nondisclosure, in contrast, does little to slow down a dedicated attacker. The results are far more catastrophic since the ''black hats'' will not only attack anyway, they'll attack victims who have been lulled into a false sense of confidence by the ''secrecy'' around the API and protocols. Ideally, I would like to see the sense of this clause reversed. Perhaps something along the lines of:

This Final Judgement shall:

1. Require Microsoft to fully document, disclose and license to third parties any and all portions of the API or Documentation or Communications Protocols related to the anti-piracy, anti-virus, software licensing, digital rights management, encryption and authentication systems, unless lawfully directed not to do so by a governmental agency of competent jurisdiction.

2. Permit Microsoft to keep confidential the specific keys and authorization tokens used with the APIs and protocols discussed above.

Respectfully,

Bear Giles
Coyote Song LLC
Boulder, Colorado
bgiles@coyotesong.com

MTC–00017760

From: Bob Steward
To: Microsoft ATR
Date: 1/23/02 2:03pm
Subject: Microsoft Settlement

Dear Sirs:

I have been saddened to see that the DoJ seems to have caved in to the demands of Microsoft in a proceeding which is supposed to be a penalty phase for them after having been ruled against in Court.

It is widely seen in the personal computer field that Microsoft's attitude and actions are obviously those on a major monopoly wielding their ''big stick''. From the mid-eighties on, the industry comment on Microsoft's tactics with the operating system against its competitors was ''DOS isn't done ''til Lotus won't run!''

Where there used to be a large number of major competitors in such things as word processors and spread sheets, there is now essentially only Microsoft Office. Not even all die hard Microsoft cheerleaders will say that Microsoft Office is a superior product to the Lotus 1–2–3 and Word Perfect products that Office were created to compete against. So if it isn't a ''superior product'', why has it stamped out all other competing programs? Because of insidious ''features'' like proprietary formats that change with each release, requiring that everyone who exchanges documents must also ''upgrade'' in order to continue to work together.

They have relentlessly crushed new innovation and existing competitive products with tactics that included announcing that the features of a competitor's product would be ''free'' in the next release of Windows. This has had the effect of removing the financing of companies because of announcements that the next Microsoft release would ''give away'' the product that a particular company had developed. Many excellent products were destroyed in the name of ''competition'' from Microsoft. Even startup companies with no current product for sale were destroyed by this tactic. If the word went out from Redmond that some feature would be in a future release, then the startup would be at the nearly insurmountable disadvantage of having conceived of an idea and worked to develop a feature set and screen shots in order to make an announcement to the public (and potential backers) that they were going to release a particular program, only to Microsoft suggest that this was a ''new feature'' to be incorporated into Windows. This announcement might or might not actually come to fruition on Microsoft's part, but it stopped the would be competition dead in their tracks since they knew they could not survive a direct frontal assault by Microsoft. Consider the Stacker vs. Microsoft case in which Stacker won a multi-million dollar judgement against Microsoft for having stolen Stacker's code for use in Microsoft's DoubleSpace drive compression, and yet Stacker was forced out of business and bought by Microsoft without Stacker ever collecting the judgement.

There are many other examples, such as the wholesale re-use of Mosaic code to create Internet Explorer and the subsequent bundling of it with Windows causing the brilliant innovator Netscape to collapse. Even today years after Internet Explorer was bundled with Windows, Netscape remains a superior product with a better user interface, but changes in Microsoft code continue to damage users of Netscape because Microsoft's Monopoly allows them to break ''standards'' and thus cause other products to spend large amounts of manpower to keep their code working with the latest Microsoft changes.

I personally feel that money damages alone would not effectively level the playing field for all that wish to compete for the public's computer software dollar. Rather, it would seem that Microsoft should be given a dose of their own medicine and be barred from developing or releasing ANY internet applications or in bundling applications with the operating system such that for a period of say 5 years they can not enter the market place with anything that is an internet application. This would have the effect of letting other competitors build a lively marketplace and encourage innovation and competition such that at some future date when (if?) Microsoft is allowed back into the arena, they will have to PROVE their product is superior, and not just under bid and pre-bundle to kill off their established competitors.

The plainly biased offer by Microsoft to provide a billion dollars in computer hardware and software to schools as a ''penalty'' is ludicrous. This only enables them to snare the next generation of computer users at an even younger age and train them up to be experienced at using ONLY Microsoft's products. Further their accounting would value the software at some ''retail'' price which effectively puts profit back in Microsoft's pocket. Rather if a

''sanction'' like this were to go forward, the hardware should be purchased by Microsoft from non-affiliated companies, and the software should be a mix of Open Source alternatives, such that Microsoft is not further extending its monopoly at the expense of other computer innovators.

The effects of letting Microsoft ''own'' commerce on the internet with their ''.NET'' initiative and several other projects (Hailstorm) that seem aimed at REQUIRING Microsoft to be an integral partner in matters they have no business in seem pressing enough to prod even the most jaded bureaucrat into action to turn back the juggernaut which Microsoft has become to the detriment of PC users everywhere.

While much more could be said about this, I can only hope that your time will be more productively spent STOPPING the collapse of sanctions against Microsoft, so I shall rest.

Sincerely,
Bob Steward
Birmingham, AL

MTC–00017761

From: Dan Gary
To: Microsoft ATR
Date: 1/23/02 2:02pm
Subject: Microsoft Settlement

I believe that the proposed Microsoft settlement is a bad idea and must be reconsidered. Microsoft has been found guilty of monopolistic practices and should be punished. Microsoft is still continuing their practices today and should be punished in an appropriate manner to make them stop.

MTC–00017762

From: Brian Roderick
To: Microsoft ATR
Date: 1/23/02 2:04pm
Subject: Microsoft Settlement

Dear Sir or Madam,

I am writing to express my concern over the proposed Microsoft settlement. I do not think that the settlement provides strong enough remedies to prevent Microsoft from continuing its mopolistic behaviors. The remedy should include opening of the Windows source code. Please do not let Microsoft ''get away with murder,'' as it were.

The Microsoft settlement is a BAD idea.

Thank you,
-brian

MTC–00017763

From: Nasal, Caroline A
To: Microsoft ATR
Date: 1/23/02 2:03pm
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea.

Caroline Nasal

MTC–00017764

From: David Gustafson
To: Microsoft ATR
Date: 1/23/02 2:03pm
Subject: Microsoft Settlement

I believed that Microsoft is a monopoly that is using it's power to squash competition. In order to see a healthier OS marketplace I would like to see them punished for their anti-competitive acts.

Companies like Enron and Microsoft should be punished for causing people like me to lose faith in the ''free market'' system. In order for conservatives to be able to continue to say ''the market will solve the problem'' Microsoft must be punished. Otherwise it is all just empty talk by people who are robbing us all. I say go after them for racketeering.

David Gustafson
System and Network Administrator
davidg@us.autonomy.com

MTC–00017765

From: Dallas Pesola
To: Microsoft ATR
Date: 1/23/02 2:02pm
Subject: Microsoft Settlement—

I Chose Internet Explorer over Netscape I worked at IBM and Netscape was the only browser on our workstations. I loved Netscape! I used it when others were talking about using Internet Explorer (probably because it came with their home PC operating systems). I didn't have a home PC, only an IBM Thinkpad provided to me at work. I decided to download Microsoft Internet Explorer (MSIE) to try it for myself. I started using it and noticed features of the browser that provided me benefits that Netscape could not offer with their currently package. The more I used MSIE, the more I liked it. The point is...I made my own choice to use MSIE because I felt that it was a superior product. I am the user, I use the software and I make my own choice as to which I prefer. I prefer MSIE. With that said, if Netscape ever releases a browser that functions in a manner in which I find beneficial to me, the user, then I may switch back. Until then.....

Sincerely,
Dallas Pesola
2712 U.S. 41 West
Marquette, MI 49855

MTC–00017766

From: mchaney@carlisleschool.org@inetgw
To: Microsoft ATR
Date: 1/23/02 1:56pm
Subject: Microsoft Settlement

To whom it may concern:

I am the system administrator for Carlisle School, a small independent school in Southwest Virginia. We have over 200 computers in active use with a variety of operating systems, most of which are versions of Microsoft Windows. I am deeply concerned about the current state of the Microsoft anti-trust settlement. We rely heavily on donations of money and hardware in order to continue to provide our students with the computing background they need for college and later in life. The biggest obstacle to my job is the lack of viable alternatives for expensive Microsoft products. The current settlement will not do anything to address the major problems that we face with our computers: Microsoft Office.

The school adopted Microsoft Office 2000 as its office suite shortly before I was hired. We would very much like to be able to look at alternatives such as Wordperfect Office from Corel, which offer better features and/or pricing that is more friendly to small academic institutions. Unfortunately Microsoft's closed document formats make this all but impossible. If a student saves a document in Word at home they won't be able to print it out and turn it in here at school unless we also have Word. I am unable to recommend alternative products to students asking my advice on computer purchases because they need to be compatible with what we have here at school. If Microsoft's office document formats were made public, then I would be free to shop around and find the solution that best served the students'' needs. I could tell students about a variety of office suites and help them make informed decisions. As it stands, I am terrified of the day when Microsoft changes its format to something Office 2000 cannot read, forcing us to deal with expensive and restrictive licenses on software that will likely not run on 65% of our machines. The current settlement does nothing to address the issue of opening up MS document formats, and therefore does little to help the students of Carlisle School.

Marshall Chaney
System Administrator/Videographer
Carlisle School
300 Carlisle Road
P. O. Box 5388
Martinsville, Virginia 24115
CC:gmchaney@alumni.duke.edu@inetgw

MTC–00017767

From: R.S.Giner-Sorolla
To: Microsoft ATR
Date: 1/23/02 2:03pm
Subject: Microsoft Settlement

As a US citizen, I believe the settlement does not go far enough. Count me against it.

No payment was received in exchange for this email.

Roger Giner-Sorolla, Ph.D.
Lecturer, Department of Psychology
Keynes College A2.1
University of Kent at Canterbury
Canterbury, Kent CT2 3NP
United Kingdom
tel +44 (0)1227 823085
fax +44 (0)1227 827030
omit +44 when calling from inside UK
omit (0) when calling from outside UK

MTC–00017768

From: Adam Riggs
To: Microsoft ATR
Date: 1/23/02 2:03pm
Subject: Microsoft Settlement

The Microsoft settlement is not a good idea since it has no real remedy power or future limitation of monopoly exploitation. Please add me to the Tunney comment petition.

Adam Riggs

MTC–00017769

From: Robert D Vincent
To: Microsoft ATR
Date: 1/23/02 1:57pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Washington, DC 20530
23 January 2002

Dear Ms. Hesse:

I'm writing to comment on the proposed settlement in the U.S. Department of Justice's action against Microsoft.

I strongly feel that the tentative settlement should be rejected. It needs to be strengthened in many areas in order to restore real competition in the software marketplace.

One particular thing I would like to see added to the settlement is a requirement that Microsoft publicly document the file formats for all Microsoft Office documents, including Microsoft Outlook. In addition, Microsoft's licensing practices need to be reformed across the board. This includes their end-user licenses, site licenses, developer licenses for redistributable components

Thank you for your attention in this matter.

Sincerely,
Robert Vincent
40 Cummings Rd
Newton, MA 02459

MTC–00017770

From: William M. Shubert
To: Microsoft ATR
Date: 1/23/02 2:04pm
Subject: Microsoft Settlement

To Renata Hesse,

I am writing in regards to the proposed settlement with Microsoft. In short, I find it appallingly weak. I have been in the computer industry for over ten years now, and have seen up close what Microsoft's business practices have been. When I heard Judge Jackson's ruling, that Microsoft was not only a monpoly but had used its monopoly status to harm its competitors, I was relieved. I have long felt that Microsoft is not only willing but eager to do anything it takes to take away market share from its competitors; usually this is not a problem, in fact it may be considered admirable determination in most companies. The difference is that Microsoft's operating system monopoly (and more recently the monopolies in word processing and spreadsheets) gives it opportunities to ''win'' a market not by producing a better product but by sabotaging the products or marketing plans of its competitors, and Microsoft has used these tecniques repeatedly, to the detriment of both consumers and the overall computer industry. This relief at Judge Jackson's ruling turned to dismay when I read the new settlement.

The new settlement, in my view, does little or nothing to prevent Microsoft from continuing its current practices. Most parts of the settlement ''sound right'' if you skim over it, but in fact every single part has loopholes or weaknesses that render the entire settlement ineffective. In fact, the settlement reads as if it were written by Microsoft itself, trying to find a document that would do nothing but provide a smokescreen that Microsoft can hide behind as it continues its business as usual.

What follows is a couple specific examples of problems with the settlement; I could have written many more!

First, Part III.E of the settlement states that Microsoft must provide information to others about its communications protocols. This sounds good; one of the things preventing people from switching to non-microsoft operating systems is the difficulty of getting non-microsoft systems to work together with the existing microsoft-based computers. But when this paragraph is read carefully, it is found to be lacking; for example, the protocols must be distributed, but only under ''reasonable and non-discriminatory terms.'' But reasonable and non-discriminatory in whose view? The free unix variants are now Microsoft's biggest competitors, but any non-disclosure or per-sale fee would be completely impossible for these competitors to meet due to their open source and freely distributed nature! Thus one of the paragraphs which will do most to enable Microsoft's current competitors to compete is made completey useless.

Second, there is absolutely nothing in the settlement to deal with Microsoft's past abuses of its monopoly status. Microsoft had been put under restrictions for its monopolistic practices before, and it was found to be still acting as a harmful monopoly, but yet it's punishment is only more restrictions? What is the point of placing restrictions on Microsoft if when they are violated the punishment is essentially nonexistant? It seems that Microsoft must be given a punishment, not out of spite, but just to ensure that this new set of restrictions will not be ignored as the previous ones were.

Sincerely,
William Shubert,
Computer Engineer
2014 NW Glisan St. #510
Portland OR 97209

MTC–00017771

From: Jones Daniel E USARPAC DCSINT
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 2:04pm
Subject: Microsoft Settlement

You've got to be joking.

The terms of the proposed ''settlement'' seem little more than an outright surrender. Guess that the DOJ is too worried about homeland security now to care about the fact Microsoft has established and is maintaining one of the most extensive and aggressive monopolies in decades.

Let's recall that Microsoft has been found guilty, repeatedly, by various courts and judges, of criminal violations. Let's recall that their behavior hasn't changed a bit throughout the period. Let's recall that its representatives have been caught telling outright lies to the courts. And now let's ask ourselves if extracting a promise to be better is really an effective solution. The answer should be obvious. Alas, it appears to have eluded our fine DOJ. So just in case you couldn't guess, the answer is ''NO''.

I'm surprised the judge would allow her intelligence to be insulted in this manner.

Dan Jones
Kailua, Hawaii

MTC–00017772

From: James Dornan
To: Microsoft ATR
Date: 1/23/02 2:04pm
Subject: Microsoft Settlement

I think that the proposed settlement does much more harm than good, does not help those harmed by Microsoft, and in fact, does only help Microsoft.

James H. Dornan
2724 E. 11th Street
Long Beach, CA 90804

MTC–00017773

From: Mark J. Miller
To: Microsoft ATR
Date: 1/23/02 2:04pm
Subject: Microsoft Settlement

Hello,

I am currently a 4th-year student in Electrical Engineering / Computer Science at the University of California, Berkeley. I am writing to comment on the Proposed Final Judgement in the Microsoft Antitrust case. In reading over the PFJ and commentary regarding it, I have come across many loopholes and frailties in the proposed settlement.

Chief among my concerns is the complete and total disregard for publishing file formats. I use KDE (http://www.kde.org) on top of a FreeBSD kernel (http://www.freebsd.org), and I have found it nearly impossible to interact with any sort of Windows documents. These proprietary formats have changed greatly over the years and across Windows versions, and without sufficient documentation, other applications have no way to interact with the files.

Add to this the near-complete monopoly Microsoft has in the business world, and people like me who choose not to use Microsoft products are punished severely. As I mentioned, I'm a 4th-year student, about to graduate and trying to find a job. I have been appalled at how many potential employers demand Word documents for resumes. I have also been consistently irritated by receiving Microsoft documents via email without an effective way to read them. All of this makes the cost of switching to competing products a very painful process for anybody contemplating a change.

Secondly, the PFJ does nothing to prevent Microsoft from introducing unnecessary incompatibilities to gain an edge on other products. I use Samba, a Windows-compliance package that allows my computer to transfer files to and from Windows machines on my network, but it does not work with all versions because of Microsoft's insistence on changing the protocol with each new version of Windows. Samba is perpetually playing a game of blind catch-up, because the changes occur without notification or documentation. This behavior encourages others in my situation to migrate from my preferred platform because of monopolistic reasons, and should be a target of the settlement.

Third, Microsoft licensing provisions make it very difficult for software vendors to write software that runs on platforms other than MS Windows. This produces a chicken & egg problem that discourages consumers from trying other products because of a lack of usable commercial software. Please consider these comments carefully. Microsoft is widely considered to have a hold on more than 90% of the desktop market. Microsoft has proven itself unwilling to obey the spirit of the court's ruling before—I can recall several incidents off the top of my head, such as their rigged demo of Windows without IE, their flagrant theft and broken reimplentation

of disk compression back in the days of DOS... this settlement has to be airtight. Remember that Microsoft has attained its current position by illegal means, and the results have meant poorer quality software for consumers.

Thank you for reading this.

Mark Miller
Student, UC Berkeley
Berkeley, California

MTC–00017774

From: Jason T. Collins
To: Microsoft ATR
Date: 1/23/02 2:05pm
Subject: Microsoft Settlement

I disagree with the proposed final judgement in United States v. Microsoft. It does not go far enough in reducing Microsoft's ability to extend their monopoly illegally. Splitting Microsoft into two companies (Applications and Operating Systems) would be an ideal solution, since it would enable applications such as Microsoft Office to be developed for alternate operating systems, allowing them to be competitive with the Windows platform.

In addition, there's a lack of an effective enforcement mechanism. Perhaps an independent committee with investigative powers would be appropriate.

Please reconsider the settlement if at all possible—as it currently stands, it will impede the progress of freedom, fail to give justice for innovations crushed by the Microsoft machine, and hurt the economy.

Please contact me if you have further questions.

Jason T. Collins
Software Engineer

MTC–00017775

From: Steve Sarette
To: Microsoft ATR
Date: 1/23/02 2:02pm
Subject: Microsoft Settlement

Hello,

I'm writing to voice my opinion that the proposed Microsoft settlement is a bad idea. Any settlement that does not force Microsoft to open its file formats and it's API set is a bad idea.

I've been working in the computing industry for 17 years now so I've seen a lot of the history of this thing. As I see it, the fundamental problem with Microsoft's monopoly is not the cost of their products or the ''innovation'' that they bring to software development. Instead, it is the control they exert over the data on the machines. After all, for most of us the data is the central point of computing. It is the reason why we use a computer in the first place.

By data I mean the word processing file that you are working on. Or your email. Or your personal/business finances, or the website that you are developing. It is that new song you wrote and want to digitally record. It is the research that you want to do online.

By allowing Microsoft to maintain an unsupervised monopoly on the desktop, we are handing them the ability to control how data is recorded, edited, and accessed. We allow them to determine how we can speak our minds, run our businesses, even build our products. And when we do that, we give them the ability to levy a tax on, effectively, our ideas.

For example, today when people want to collaborate on a document it is not unusual for them to use Microsoft Word to do so. After all, Word is bundled with most machines that come pre-loaded with MS Windows (which is to say over 95% of all computers sold). Almost everyone has it. It is convenient to do so.

But what if I don't want to use Windows? What if I prefer to use an Apple Macintosh instead? Sure Word is available for the Mac—for a few hundred dollars.

Or what if, instead, I'm one of the millions of users of Unix operating systems and their variants? While there are plenty of products like Microsoft Word for those platforms, Word itself is not available there. Yet because Microsoft keeps its file formats a secret, the interoperability between those products and Word is difficult at best. So because 95% of the work force is using Word, the rest of us are forced to use it as well. If I want to use a Unix machine to do my job, I still have to purchase a windows machine in order to collaborate with my colleagues. Even worse, if one of my colleagues decides to purchase a new Windows machine, most likely he will receive a new version of Word on that new box. But because Microsoft does not provide compatibility even between different versions of their own products, that means everyone else will also have to upgrade Word (at no small cost) if we want to effectively continue to collaborate on documents.

Ultimately this is how Microsoft's continued monopoly and habit of bundling software with their operating system hurts consumers. I can't use a low-cost alternative to Microsoft's software because it is too difficult to make that software work with Microsoft. So my alternative is to purchase expensive hardware and software that I don't want and then forever after to be on Microsoft's upgrade path.

By the way, I already see this pattern repeating with Internet Explorer. Most website today are tuned to work best with IE. If you tend to access the web with browsers other than IE, you will find websites that do not render properly or refuse you access altogether. I wonder how long it will be before the entire web is an IE-only experience, if only because that is the most convenient, and inexpensive, thing to do? I wonder how long after that it will be before I am forced to start paying for IE upgrades?

Please reject any settlement that does not require Microsoft to open its file formats and its API set (the two are joined at the hip). The settlement should require this of all current and future Microsoft products. Further, there should be external auditing and supervision to ensure that Microsoft complies with any such settlement.

Thank you for your attention.

Steve Sarette
1206 Rousseau Drive
Sunnyvale, CA 94087

MTC–00017776

From: Barron Richard J
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 2:02pm
Subject: microsoft settlement

Microsoft abhors competition. They are bullies about it. That needs to change before we will see any improvement in the way their software works and in innovative new products that people enjoy using.

Regulate the heck out of them until their market share falls and other companies that aren't influenced by Gates/Balmer get some breathing room again. Their software isn't that great. If you had some other options you would see that.

The problem is that now they have so much money they can buy influence, stuff comment boxes like this one, and have the audacity to try to apologize by further increasing their market share in schools—one of the last bastions of hope for Apple computer. That makes about as much sense as ''punishing'' someone who took too many slices of pizza by making him take another slice!

Imagine the possibilities in computing if the competition weren't bought out, litigated away, or had their brain trusts stolen from under them by Microsoft. You might not have viruses, you might enjoy using your computer again, and you probably wouldn't be facing the prospects of ''renting'' your software through an on-line service for the sole sake of squeezing each last dime out of you to stuff the pockets of the richest man on earth.

Rich Barron
Cypress, Ca

MTC–00017777

From: sam@ziegler.org@inetgw
To: Microsoft ATR
Date: 1/23/02 2:05pm
Subject: Microsoft Settlement

I have two issues with the current Microsoft settlement:

1. Section III.E limits the disclosure of Commications Protocols to the entities described in Section III.I. This is insufficient. A provision must be made such that these Commications Protocols are fully documented and available to anyone. Specifically, the current wording excludes open source software projects.

2. A new provision regarding disclosure of file and filesystem formats should be added. By doing this, the barrier for entry for competing applications is lowered. This measure would not inhibit Microsoft's ability to innovate since the file format of an application is seperate from the features of the application. Additionally, disclosure filesystem formats would promote Operating System competition by reducing the cost of switching from one Operating System to another. Finally, this disclosure must also be available anyone. Specifically, open source software projects must be included.

TIA,
Sam Ziegler
Senior Software Engineer
Xpedion Design Systems
Address: 1825 Lincoln Ave
San Jose, CA
95125

MTC–00017778

From: Robert (038) Linda McGraw K4TAX
To: Microsoft ATR

Date: 1/23/02 2:05pm
Subject: Microsoft Settlement
I think this is a bad deal.
Bob McGraw
171 Grandview Dr.
Sparta, TN 38583

MTC–00017779

From: George and Edie Wallace
To: Microsoft ATR
Date: 1/23/02 2:05pm
Subject: Microsoft Litigation
Edith Wallace
3428 Sorrel Lane
Huntingdon Valley, PA 19006
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

The time has come for the Microsoft litigation to come to an end. I use Microsoft's products, and am quite satisfied with what the company has done for the consumer. Continuing the litigation will only impede Microsoft's ability to continue developing new products. I would much rather see Microsoft's resources put toward research and development rather than toward legal fees. Further, I think the government has more important issues to pursue, such as the Enron affair.

The settlement agreement will achieve the goal of ensuring no future antitrust violations occur. A technical review committee will monitor Microsoft. Complaints may be lodged with the committee, and the committee may assist with dispute resolution, if that is necessary. Additionally, Microsoft has agreed to disclose its code to its competitors, and to not enter into agreements with third parties to exclusively distribute or promote Windows. I do not see how continuing the lawsuit will do any more than what the settlement agreement will achieve.

I am hopeful the Court will approve this settlement agreement. Nothing will be gained by dragging this case on further. Thank you.

Sincerely,
Edith Wallace
cc: Senator Rick Santorum
CC:fin@mobilizationoffice.com@inetgw

MTC–00017780

From: John Long
To: Microsoft ATR
Date: 1/23/02 2:07pm
Subject: Microsoft Settlement
To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
John Clayton Long
Tallahassee, Florida

MTC–00017781

From: Nikolai Barov
To: Microsoft ATR
Date: 1/23/02 6:27am
Subject: Microsoft Settlement

According to what I have read about the proposed Microsoft settlement, I believe it will be mostly ineffective, amounting to just a slap on the wrist.

The most damaging thing Microsoft does is to ''embrace and extend'' other people's technologies, as happened with kerberos and Java, and to keep their own data protocols in a constant state of flux, so that only their applications can access the data.

Not only does this cause a great deal of frustration for the end-user, but it also confirms that Microsoft's products can't stand on their own merits, and need these dirty tactics in order to compete. Here's what I would find satisfactory:

The provisions within the settlement that address the opening up of protocols should be radically strengthened. And this information needs to be made available to any interested party, not just other big companies. An inquiry should be made about the extent to which the federal and state governments can limit the money they spend on information products relying on proprietary or unpublished protocols and data formats.

This should come as a package deal as part of the settlement.

Thank you,
Nick Barov
Chicago, IL

MTC–00017782

From: Robert (038) Linda McGraw K4TAX
To: Microsoft ATR
Date: 1/23/02 2:06pm
Subject: Microsoft Settlement
Too many big companies, too much influence equals a bad deal for everyone.
Bob McGraw

MTC–00017783

From: paul pettus
To: Microsoft ATR
Date: 1/23/02 2:06pm
Subject: Microsoft Settlement
I think the proposed settlement is a bad idea.
Paul Pettus

MTC–00017784

From: A.W.
To: Microsoft ATR
Date: 1/23/02 2:05pm
Subject: Microsoft Settlement
The proposed MS settlment is in my opinion toothless and will further tie the success and growth of the entire field to the whims of one company.
Aaron. Woodard.

MTC–00017785

From: geels@cs.berkeley.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 2:06pm
Subject: Microsoft Settlement
I would like to comment on the proposed settlement to the Microsoft Anti-trust settlemnt. Allowing Microsoft to pay its debt to society with its own software seems to artificially inflate the true penalty they pay and increases their market share in new fields. I agree with the arguments published by Microsoft's business competitors, Apple and RedHat, which propose that the schools should receive cash and buy their own (possibly non-Microsoft) software and hardware.
Dennis Geels
Dennis Geels
geels@cs.berkeley.edu

MTC–00017786

From: Carlos Gonzalez
To: Microsoft ATR
Date: 1/23/02 2:06pm
Subject: Microsoft Settlement
I am writing to express my disappointment with the proposed settlement against Microsoft, Inc. As a long-time software developer and computer user, it has been clear to me that Microsoft has been acting as a monopoly- I was pleased to see when the government came to this conclusion as well. However, the proposed settlement does not alleviate this problem, nor does it limit Microsoft from continuing much of the same monopolistic behavior it practices today.

I feel that any settlement needs to guarantee the ability of software developers to interface with the Microsoft operating system. Specifically, I was disappointed to read the definition of API being used in the settlement, as well as the limiting of what information Microsoft needs to publish about its operating system. There exist many loopholes that Microsoft could use to ensure that a third-party developer would not be able to bring their application to Windows due to incomplete documentation.

I also feel that any settlement needs to give an OEM free reign in terms of what software and operating system they place on their hardware. Again, loopholes exist in the settlement such that Microsoft could offer discounts to OEMs that ship their software exclusively. Also, licenses to developers seem to limit what they can work on to Windows-only software. There was also the well publicized case of the Microsoft Front Page license, which seemed to prohibit someone from working on a website that was critical of Microsoft.

Again, these issues will continue to exist if the proposed settlement is accepted. Please take the time to ensure that any settlement

will actually prevent Microsoft's anti-competitive practices and will allow the computer industry to flourish. All I am asking is that two factors be considered:

1.) Developers should be able to create software that works with Microsoft's operating systems. This means they must have access to necessary documentation and be permitted to create applications which compete with Microsoft's own.

2.) Companies and individuals should be given the right to choose non-Microsoft software if they want. Locking in an OEM or a developer or a user to Microsoft-only solutions will only serve to strengthen Microsoft's monopoly. Thank you for your time.

Carlos Gonzalez

MTC–00017787

From: David Prosper
To: Microsoft ATR
Date: 1/23/02 2:09pm
Subject: Microsoft Settlement

To whom it may concern,

I wish to add my voice to the growing number of people concerned with this case. I for one feel that Microsft has commited many illegal actions in the past and it continues to do so to this day. With the release of Windows XP Microsoft has demonstrated that the findings of fact in now way mean anything to them, and they continue to follow their tried-and-true predatory business practices. Another, even greater concern lies in the privacy-or lack of it-of their customers with their integration of Passport services directly into the OS. One student who recenty purchased a Windows XP laptop said to me, ''They're forcing me to get one of these Passports.'' The incessant reminders and nags on the desktop had driven him to point of relenting and signing up for a service that he neither wanted or needed. Is this good business?

At work I use Windows NT, but at home I use BeOS, an operating system produced by a company that no longer exists. Be Inc. was a victim of Microsoft's ''Bootloader'' restriction on OEMs. Companies such as Hitachi and Compaq were intersted in installing BeOS along with Windows in a dual-boot configuration, and such pre-installation would have had the potential to greatly expand the BeOS user base. However, after Microsoft heard of this they dispatched their legal team to each vendor that was going to offer the BeOS, and subsequently no vendor offered the BeOS (with the exception of Hitachi, who installed the BeOS but were obligated to not have a boot menu with a choice of the two operating systems, and who were fearful of even telling their customers that there was an alternative OS on their computers. Most of the customers booted into Windows without ever knowing there was an alternative). As a consequence Be Inc. bled money throughout the 90's and vainly tried to refocus their efforts in the last year on Internet Appliances before being bought out by Palm Inc..

Microsoft is an arrogant and dangerous force not only in this country but around the world. Their predatory business practices must be checked for the good of the computer industry, the economy, and society as a whole. This cannot be achived with a mere slap on the wrist but with a settlement or judgement that has real teeth. The settlement proposed by the nine states refusing to go with the original settlement looks very interesting...

Sincerely,
David Prosper
Victim of Microsoft

MTC–00017788

From: Jon Bondy
To: Microsoft ATR
Date: 1/23/02 2:08pm
Subject: Microsoft Settlement

I've written software professionally all of my life. I remember when Microsoft did not exist. In my opinion, Microsoft's practices have been predatory and unfair for decades. The settlement reached by the government with MS neither punishes MS enough nor does it provide safeguards that similar problems will not occur in the future. With MS products crashing all around us (MS servers and the new MS Windows XP are full of bugs), MS should NOT be given any advantage in the marketplace. There is a sense in which our national security depends on reliable software, and MS is not providing it. The settlement should be much more harsh, and should include specific oversight functions to ensure compliance. MS should NOT be trusted to comply.

Jon Bondy
Fletcher, Vermont

MTC–00017789

From: Duvel, Cynthia Y.
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 2:08pm
Subject: Microsoft Settlement—Just Say No!

As a member of the computing community at large, I have to say I cannot agree with this settlement. It leaves too much power in the hands of Microsoft, and still leaves them with the leeway to continue to crush any other program that happens to get in their way. I believe in healthy competition, not the wanton destruction of companies that just might happen to have something that isn't Windows-friendly. As an avid Netscape user, I have frequently known microsoft products and microsoft sponsored websites to crash my system if I'm using Netscape, and the PFJ completely fails to prohibit intentional incompatibilities historically used by Microsoft. That's just one many of my complaints against Microsoft in general, but having been a web programmer in the past, it's one of my more vocal objections.

Please do not allow this to pass. Microsoft needs far more restrictions placed upon it before I will even begin to think that it has ceased to attempt to crush the rest of the computing world. Like the Bell monopoly, MS needs to be taken down, or eventually there will be nothing else left. And once there is no more competition, MS would no longer need to attempt to improve their product, leaving the public with a substandard product (which is what I consider it currently to be), and no way to improve.

C.Y.D. Shelby
Engineer III
BAE Systems
Burke, VA

MTC–00017790

From: Sarah H Brown
To: Microsoft ATR
Date: 1/23/02 2:08pm
Subject: Microsoft Settlement

I think the proposed Microsoft Settlement is a bad idea.

Sincerely,
Sarah Brown

MTC–00017791

From: Jones, Philip B. (LNG)
To: 'microsoft.atr@usdoj.gov'
Date: 1/23/02 2:07pm
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea. It does nothing to punish MS for bad past behaviour and does too little, too late to effect change going forward.

Phil Jones
Senior Software Engineer Science Direct
1–800–227–9597 x8774 phil.jones@lexis-nexis.com

A witty saying proves nothing—Voltaire

MTC–00017792

From: Eric Nichols
To: Microsoft ATR
Date: 1/23/02 2:06pm
Subject: Microsoft Settlement

To whom it may concern:

I recently found out that the DOJ is considering opinions from the public regarding the Microsoft anti-trust case. I have reviewed the documents related to the case. Frankly, I was shocked and dismayed by what I read. I have identified numerous serious concerns which MUST be addressed before any final settlement can take place.

To me, it appears as if the US Department of Justice has allowed Microsoft to write it's own settlement. I find it difficult to believe that any judge or laywer who knows anything at all about the computer software industry could have agreed to these terms. Note for example that under J.1 and J.2 of the proposed final order, Microsoft can withhold technical information from third parties on the grounds that Microsoft does not certify the ''authenticity and viability of its business''. Not only does this wording blatantly leave room for abuse of the Microsoft monopoly, but it even goes so far as to place Microsoft in charge of deciding who is an authentic/viable business. This is comparable to letting a fox guard the hen house. This is never a good thing, it will always come back to bite you somewhere down the road... just look at what happened with Enron.

''The overall result is that the proposed settlement, which (make no mistake about it) would grant Microsoft its operating system monopoly, contains, statements which say that it would no longer be illegal for Microsoft to maintain its monopoly, while saying that if Microsoft wants to, it can make it easier for people to write Windows applications, but it's by no means required to do so. In short, the settlement is a travesty, an ill-advised embarrassment that flings down and dances upon the law and upon all but the most twisted notion of justice.''1

Thank you for taking the time to read my opinion,

Sincerely,
Eric Nichols
Marlbough, MA
Programmer/Analyst
Raybeam Solutions, Inc,
http://www.raybeam.com
1 Dennis Powell—LinuxPlanet.com

MTC–00017793

From: Nathan Cohick
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 2:07pm
Subject: Microsoft settlement

Microsoft created intentional incompatibilities in Windows 3.1 to discourage the use of non-Microsoft operating systems An episode from the 1996 Caldera v. Microsoft antitrust lawsuit illustrates how Microsoft has used technical means anticompetitively. Microsoft's original operating system was called MS-DOS. Programs used the DOS API to call up the services of the operating system. Digital Research offered a competing operating system, DR-DOS, that also implemented the DOS API, and could run programs written for MS-DOS. Windows 3.1 and earlier were not operating systems per se, but rather middleware that used the DOS API to interoperate with the operating system. Microsoft was concerned with the competitive threat posed by DR-DOS, and added code to beta copies of Windows 3.1 so it would display spurious and misleading error messages when run on DR-DOS. Digital Research's successor company, Caldera, brought a private antitrust suit against Microsoft in 1996. The judge in the case ruled that: ''Caldera has presented sufficient evidence that the incompatibilities alleged were part of an anticompetitive scheme by Microsoft.''

That case was settled out of court in 1999, and no court has fully explored the alleged conduct.

The concern here is that, as competing operating systems emerge which are able to run Windows applications, Microsoft might try to sabotage Windows applications, middleware, and development tools so that they cannot run on non-Microsoft operating systems, just as they did earlier with Windows 3.1. The PFJ as currently written does nothing to prohibit these kinds of restrictive licenses and intentional incompatibilities, and thus encourages Microsoft to use these techniques to enhance the Applications Barrier to Entry, and harming those consumers who use non-Microsoft operating systems and wish to use Microsoft applications software.

This should be changed in the PFJ so that Microsoft cannot use this against the non-Microsoft users.

Thank you,
Nathan Cohick,
Design Engineer
Advanced Bionics
California, USA

MTC–00017794

From: mate@sci.brooklyn.cuny.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 2:09pm
Subject: Microsoft Settlement
Wed Jan 23 01:23:50 PM EST 2002
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. The settlement as it is currently negotiated has no teeth in it, and it will not restrain Microsoft's abuse of its monopoly power. Microsoft's abuse of its monopoly are still continuing. A recent example is the transfer of Silicon Graphics Inc.'s key 3D patents to Microsoft; see

http://www.theregister.co.uk/content/54/23708.html Silicon Graphics used to be in the forefront of producing graphics software; the movie industry is still very much dependent on Silicon Graphics software. The destruction of Silicon Graphics is connected with the tenure as chief executive officer of Richard Belluzzo, when Silicon Graphics was trying to move its software from a Unix environment to a Microsoft environment. Since then Richard Belluzzo moved to Microsoft Corp., where he became president and chief operating officer. The background to this move would be well worth investigating by the Justice Department. On Richard Belluzzo, see http://www.microsoft.com/presspass/exec/belluzzo/default.asp In any case, the free world, meaning the world outside Microsoft, is terrified that the patents that were handled responsibly by Silicon Graphics, might be used to corner the computer workstation and computer game markets.

I am a Linux user, and I have been using Unix or Linux for over 15 years. I prefer Linux to Microsoft software for practical, and not ideological reasons. There is a lot of valuable software that is available under Linux but not under Microsoft. This software may not have the wide market appeal of Microsoft software, but it is indispensable for technically oriented users.

If Microsoft is able to retain its monopoly position, it is likely to do everything in its power to suppress Linux and other free software, and this would be a great loss to technically oriented users. For this reason, the Microsoft settlement needs to be renegotiated, so that free software should have a chance to survive.

The main importance of free software is not that it is free; its importance is that it is written by expert programmers enthusiastic about contributing to the public good. This enthusiasm does not exist in programmers writing for a Microsoft platform. The Web site http://linuxtoday.com/ is a good one to follow concerning the alarm created in the free software community by Microsoft's predatory practices.

Sincerely yours,
Attila Mate
Professor of Mathematics
Brooklyn College of CUNY
USA Citizen
Home address:
77 West 15th Street, Apt. 5J
New York, NY 10011–6832
mate@sci.brooklyn.cuny.edu
http://www.sci.brooklyn.cuny.edu/mate/
Home phone: (212)929–0966

MTC–00017795

From: Brandon Booth
To: Microsoft ATR
Date: 1/23/02 2:09pm
Subject: Microsoft Settlement

Hello

Everything I've read concerning the proposed settlement of the Microsoft anti-trust case leads me to believe it is badly flawed. I think this settement should be rejected and a stronger one put in place.

Sincerely,
Brandon Booth
Silver Spring
Maryland

''I don't see much sense in that,'' said Rabbit. ''No,'' said Pooh humbly, ''there isn't. But there was going to be when I began it. It's just that something happened to it along the way.''—Winnie the Pooh

MTC–00017796

From: Paul Hoehne
To: Microsoft ATR
Date: 1/23/02 2:11pm
Subject: Reasons to reject Microsoft settlement

There are many technical reasons why the Microsoft settlement should be rejected and are detailed very well by in http://www.kegel.com/remedy/letter.html. My reasons for objection are based on the prior behavior of the defendant.

Over the years Microsoft has shown that they intend to dominate the operating systems space on both the client and the server. They have shown from their prior behavior that will: Redefine terms to avoid compliance. If something doesn't fall under a strict interpretation of the terms of the settlement, then Microsoft will deem itself not bound to the settlement on that issue.

Add non-standard extensions to standard protocols. If the industry-standard protocol is extended with proprietary, secret additions, then it no longer operates with non-Microsoft products. Use highly restrictive licensing. If something violates the license of a software vendor or service provider then non-Microsoft products can be excluded.

Use legal channels as a delaying tactic. In an industry where dominance can be established in months, they can tie up an issue for years. Install intentionally incompatible software. Use a ''free'' addition to the operating system that will disable, alter, or break a feature used by a competing product.

Vapor-ware to prevent competing products from gaining market share. Microsoft has often promised software in order to prevent customers from adopting software from competitors, and delivered late or not at all. Even re-engineer their products. They can make programs that are not traditionally part of operating systems an integral part of Windows, thereby tying products to the OS.

All this they can do to avoid having to comply with conduct remedies. I have no faith that the Department of Justice will be able to enforce the remedies stipulated in the settlement.

It is sad to see the DOJ adopt a settlement that will be meaningless because it is unenforceable. It would be sad to see Microsoft continue to bully vendors,

constrain developers, and use their dominant position to drive competing products from the market. However, more than just ''sad'', this situation is dangerous. In an age where Microsoft products are constantly being battered by security concerns, it would seem that healthy competition in the Operating Systems space would be vital to ensure that if one OS is highly vulnerable consumers have other choices available. Finally, when Microsoft avoids compliance, the credibility of the DOJ will suffer. Any law functions if the probability of meaningful enforcement is high. The defendant will avoid compliance and their behavior will diminish the effectiveness of anti-trust laws in general.

Please do more to ensure that the US software industry is not subject to the whims of the defendant. Please re-work to the settlement to provide some real effective relief against Microsoft. Please ensure that the software industry in the US is open for innovation and not dominated by a single player who can use numerous tactics to drive competitors from the marketplace.

Paul Hoehne
Manager,
T4 Consulting Group
phoehne@t4cg.com

MTC–00017798

From: narrowhouse@netscape.net@inetgw
To: Microsoft ATR
Date: 1/23/02 2:09pm
Subject: Microsoft Settlement

I would like to go on record as opposing the current settlement with Microsoft. The settlement fails to provide substantial protections against the tactics that Microsoft has employed in the past to unfairly compete with other companies. Most specifically, though not exclusively, the settlement does not prevent Microsoft from offering discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

Mr. Stephen Wilson
Hamilton, Ohio 45015
Independent

MTC–00017799

From: brian@cali.ixlabs.com@inetgw
To: Microsoft ATR
Date: 1/23/02 2:10pm
Subject: Microsoft Settlement

This settlement is a BAD idea.

MTC–00017800

From: Steve Frank
To: Microsoft ATR
Date: 1/23/02 2:10pm
Subject: No to Microsoft settlement

I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundreds, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices. Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Allowing one large company to control the internet and software made available to the masses will mean that development will be in the direction of what is good for that one company. With a diverse market, many more needs will be met and new ideas will abound.

Steve Frank
Salt Lake City, UT

MTC–00017801

From: Mike Thompson
To: Microsoft ATR
Date: 1/23/02 2:07pm
Subject: Microsoft Settlement

To Whom it May Concern:

I object to the proposed settlement between the DoJ and Mirosoft. It does not sufficiently punish Microsoft and it does too little to keep them from continuing to use their monopoly to stifle fair competition. At a minimum, Microsoft should be required to publish and maintain full specifications for their application file formats, including Word, Excel and Powerpoint. These file formats form a major part of the Applications Barrier to Entry.

Michael Thompson

MTC–00017802

From: Sean J. Vaughan
To: Microsoft ATR
Date: 1/23/02 1:21pm
Subject: Microsoft Settlement

The proposed anittrust settlement will not change Microsoft's behavior and will not be good for consumers or the software industry. I am a software professional with a Computer Engineering degree from the University of Washington. As a student, I interned with Microsoft. I've worked for an Internet startup and did some consulting work with Microsoft. I currently work at the University of Washington as a lead of a Software Engineering group.

If the success of a company is to be measured by the rate of increase to shareholder value then Microsoft is the most successful company in civilization's history. They have achieved this *because* their highest and possibly only motivation is to increase shareholder value. In software, you get tremendous value when you have a wide base of code and are able to integrate your code in elegant ways. For example, in a web browser, you need (at least) a networking stack and a reasonable Graphical User Interface as a software foundation before you can proceed. The problem is that it is almost invariably cheaper for an operating system company (Microsoft) to own the software foundations then license this technology from another company. If the operating system company does not have some sort of monopoly on distribution this situation isn't necessarily a problem.

The problem arises because Microsoft controls the distribution channels. The cost to consumers in terms of time and money of getting software that doesn't come with the computers they buy is high. In any new software market where Microsoft has a competitor, the only thing they need to do in order to take control and destroy the market is to put the software into their operating system. They then get to reap the future benefits of integration without the cost of competition.

This hinders competition because if a competing software company has software that becomes popular then sooner or later Microsoft will choose to enter the market. After Microsoft enters the market, the only way for a company to provide shareholder value is to sell the company to Microsoft or move into a different market.

The proposed settlement does very little to change this system.

Good Luck!
—Sean

MTC–00017803

From: Todd Marzolf
To: Microsoft ATR
Date: 1/23/02 2:09pm
Subject: Microsoft Settlement

To Whom it may Concern,

I would like to add my voice to those in adamant opposition to the proposed Microsoft Settlement. As a student with a Bachelor's degree in Computer Science and about to complete a Master's Degree in Information Systems it is painfully clear to me the extent to which Microsoft has abused the public trust with its monopoly power. Please, for the sake of us all, reject this proposal in favor of a much stronger remedy.

Today's information based society is particularly hard hit by Microsoft's crimes. The most cursory review of my day finds several obvious examples of the price that we all must pay for Microsoft's monopoly. For example; websites often display properly only under Microsoft Internet Explorer because they were created with Microsoft tools. My email accounts are regularly bombarded with spam from the latest Microsoft Outlook virus because there is no program which compete on the Microsoft platform despite Outlook's many security vulnerabilities and weaknesses. Cross platform collaboration with my peers at school is nearly impossible because Microsoft Office continues to incomparable file formats in order to lock in its customer base. When I recommend to my friends and family that they buy a prebuilt computer from a major hardware vendor I must explain that it can only be bought bundled with Microsoft Windows. These problems exist, not because of a lack of consumer demand for a solution, or lack of a willingness to pay, but because Microsoft does not allow it.

The proposed settlement does not come close to recouping the illegal gains which Microsoft has made off American consumers much less come close to penalizing Microsoft for the illegal abuses. While it is doubtful that the true losses can ever be recovered from Microsoft any settlement The beginnings of a fair settlement should include the preeminent opening of all Windows and Office API's and file formats as well as a large cash payment to open source programming efforts which compete with Microsoft products. In this way Microsoft's ill gotten gains can be used for the public good.

Sincerely,
Todd Marzolf

MTC–00017804

From: Naglich, Don
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 2:10pm
Subject: Microsoft Settlement

The ''solution'' is anything but a solution.

Russell Pavlicek said it best: ''It is like the court ordering a convicted drug dealer to give out more free samples of heroin to underprivileged children to ensure that their poverty does not deprive them of the opportunity to become addicted.''

Worse, Section III(J)(2) contains some very strong language against not-for-profit companies. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by Microsoft (italics are mine) for certifying the authenticity and viability of its business, ...'' This will kill SAMBA and other Open Source projects that use Microsoft calls. This is the only real competition to Microsoft, and they know it. How can the government protect the interests of the consumer and business users by giving Microsoft the right to set the criteria for what constitutes a business?

THIS IS MADNESS.

I, and others, implore you to rethink this setlement. At the very least, Micorsoft should be broken up. Let the Office Suite company compete and the Operating Systems company compete in the real world.

Donald Naglich

MTC–00017805

From: Donald King
To: Microsoft ATR
Date: 1/23/02 2:14pm
Subject: Microsoft Settlement

In my opinion as a citizen of these United States, the proposed settlement in the case of United States vs. Microsoft Corporation is not acceptable. Microsoft Corp. has an established history of violating the spirit (and occasionally the letter) of prior legal judgments. The proposed settlement leaves too many openings for Microsoft Corp. to maintain their monopoly power. In particular, the proposed settlement does little to correct the current situation with regard to the predatory pricing of Microsoft products.

Microsoft should be prohibited from using its Non-Disclosure Agreements (NDAs) with Original Equipment Manufacturers (OEMs) and corporate end users to enable it to price its software in a predatory manner. Specifically, Microsoft should be required to publish all contracts and licensing agreements which it enters to provide Microsoft software, and Microsoft should be prohibited from using any criteria except the number of licenses purchased to change the price of its software to a customer. The free market cannot be restored so long as Microsoft uses predatory pricing to lock OEMs and corporate end users in.

Donald King, http://chronos.dyndns.org/

12:47pm up 87 days, 16:42, 2 users, load average: 0.23, 0.17, 0.11

MTC–00017806

From: Kurt Watson
To: Microsoft ATR
Date: 1/23/02 2:10pm
Subject: Microsoft Settlement

Hello,

I wanted to voice my concern that the current settlement under discussion is entirely too lenient on Microsoft. It does not deprive them of the profits of their illegal behavior, it does not lessen the barrier to entry for small competitors and it does not restore or encourage competition in the operating system market.

I'd ask that the primary goal of the settlement be to rectify the current operating system market as quickly as possible, to bring more competition to bear on Microsoft. Please note that operating system should include any currently available operating system offering from Microsoft. I would recommend publishing the entirety of Windows XP, 2000 and CE source code, as well as all developmental code in Microsoft's possession, would most quickly level the playing field.

Thank you.

Kurt Watson
kertw@flash.net

MTC–00017807

From: Justin Scott
To: Microsoft ATR
Date: 1/23/02 2:09pm
Subject: Microsoft Settlement
Justin Scott
10514 Woodley Ave.
Granada Hills, CA 91344
jmscott42@earthlink.net
23 January 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Ms. Hesse,

I am writing regarding the proposed settlement of the Microsoft antitrust lawsuit. As a professional in the computing field, I must say that I find the current settlement unacceptable, as do a majority of my colleagues I have spoken to about the issue. The settlement does little to change Microsoft's future actions, and what few proposed remedies exist, tend to remedy situations that no longer exist (due to Microsoft's monopolistic actions).

This remedy does not penalize Microsoft for its past actions, and for all of the smaller competitors it has destroyednot out of having better products, but by leveraging its monopoly. Furthermore, the proposed settlement leaves many of the key provisions (opening of API's, which products fall under the settlement) up to Microsoft! This will allow them to simply continue their current actions, claiming that whatever they want to do is not covered by the settlement. Microsoft's actions have hurt, not helped, innovation in the computing field. At every turn, they have proved to be out for one goal only: the enlargement of Microsoft to control the entire industry. If another company proves competitive, they either buy them out, or destroy them by leveraging their monopoly (see: Netscape, the Caldera vs. Microsoft ruling, etc.) Microsoft must be kept under close government control and scrutiny until such a time that their monopolistic powers are diminished, and fair competition can once again rule the industry.

Until a remedy is proposed that gives competition back to the industry, consumers will be hurt. Fair market competition is the cornerstone of our economy, giving companies a chance to survive on the merits and value of their products. Consumers must be protected from future abuses. I ask that the current settlement be abandoned, in favor of a truly forward-thinking settlement that frees the industry of Microsoft's overbearing shadow.

I would propose that a fair remedy entail Microsoft being required to open up ALL proprietary file formats and structures to any competitor, of any size, specifically requesting them. As well, Microsoft should only be allowed to use its sizable collection of patents for defensive purposes, not as leverage to force companies to do Microsoft's bidding. Furthermore, Microsoft must be required to provide this information into the future, and it must extend to any products that Microsoft either has created, or will create.

Microsoft's monopoly is so widespread that only sweeping actions will make a difference. For example, no sizable competitors to Microsoft Word exist as Word is a closed format, so to be compatible, you must use Word. There are no sizable competitors to Windows as specific, proprietary knowledge is closely guarded. Microsoft makes use of ''secret'' API calls in their OS and software applications that no other developer can use. If these problems are removed, and everyone is put back on a fair playing field, competition will bloom.

Thank you for your time reading this.

Sincerely,

Justin Scott

MTC–00017808

From: Adam
To: Microsoft ATR
Date: 1/23/02 2:09pm
Subject: Microsoft Settlement

Microsoft is a monopoly. There is nothing wrong with that. Microsoft is using that monopoly to strangle the rest of the computer industry. There is something wrong with that. I don't care about ''punishing'' Microsoft. I want to not have to think about Microsoft at all. Perhaps I should explain why.

I am a software professional. I program software for a living. I am passionate about my enterprise. I am also a patriot. I have a Degree in Computer Science from a small technical school on the Banks of the Hudson River, The United States Military Academy at West Point. I was commisioned into the Infatry and Served with the 25th Light Infantry Division in Hawaii. After my Army time, I returned to the civilan sector and began work as a programmer. My Army time not that far behind me, I was constantly reminded of things I could use my new skills to solve that would have helped in the military, everything froim planning for training to recording the army physical fitness test. But there was one reason why I wonld not have been able to do that.

Security. You see, I was working with Microsoft technology at the time. I was writing netwrok software for accessing an IBM based mainframe system. The clients were MS Windows machines. It became apparent that security went as far as the end of the OS/390 system. Once we were in the MS realm, we were on our own. The problem was, there was no access into the layers to ensure security. To summarize, building on a microsoft system, we were stuck with a single way to do things, and no options to do the things we needed to do.

The settlement must ensure one thing. That no one company, person, or organization have a strangle hold on an industry that is vital to insterstate commerce on so many levels. The internet was a product of the US govenrment. To turn control over to one Company would be comparable to opening Yosemite National Park to quarrying. Microsoft currently owns the client end of internet connectivity by owning both the Desktop Operating System of Choice, and the two primary Interet Client Applications, the Internet Explorer Web Browser and Outlook Email Client. This puts every other business that is dependant on those tow things, dependant on one company.

1) The settlemnent should provide for the splitting off of IE and Outlook from the main operating system.

2) The Mozilla Browser should be installed by default. Mozilla is available as Free/Open Source software and will not cost Microsoft anything to install. Mozilla shall be inspected by a government agency to ensure it complies with open standards.

3) The propoesd distribution of MS software to Schools shall be stopped. Any financial burden placed on MS should be in straight finacial terms, and not allows them to further their Monopoly.

4) MS will be required to include the Java Run Time from Sun or from IBM, or from another 3rd party with it's operating system. Java is the most powerful cross platform application framework, and this will allow people to devlop code that will not tie them to the Microsoft platform.

Very Respectfully,
Adam Young

MTC–00017809

From: Marvin Bellamy
To: Microsoft ATR
Date: 1/23/02 2:10pm
Subject: Microsoft Settlement

Your handling of this case is horrible. You've won the case and because you're too lazy to finish the race, history's worst monopoly is going to walk with the weakest slap on the wrist you think you can get away with. Look at the damage they've done to the industry, legitimate smaller businesses, the software they've coerced/stolen, and make a firm stand! They should have been split up into 3 parts, *NOT* just two. And, you cowards have already backtracked out of that decision.

Grow a pair or go home.

MTC–00017810

From: Brian Kirkbride
To: Microsoft ATR
Date: 1/23/02 2:11pm
Subject: Microsoft Settlement

To Whom it may concern:

I am strongly opposed to the current settlement agreement in the Microsoft anti-trust case. I am using this email to voice that opposition under the requirements of the Tunney Act. I strongly believe, as a member of the IT industry that deals with Microsoft products and the effect of their practices each day, that the most effective solution to this case and the underlying problem involves forcing Microsoft to extend the same development information to all companies as it currently does to it's internal application development teams.

Sincerly,
Brian Kirkbride
dj—hobbes@hotmail.com
703–568–6330

MTC–00017811

From: Jason Lee
To: Microsoft ATR
Date: 1/23/02 2:18pm
Subject: Microsoft Settlement

I would like to voice my discontent and even alarm at the proposed settlement in the Microsoft anti-trust case. The proposed settlement does little to effectively end the strongarming of other by Microsoft. Their proposed settlement (with the States Attorneys General, I believe) of donating software ''for the children'' only goes to show the lack of regard they have for the process, and goes a long way toward revealing the corporate mentality of Microsoft: dominance at any cost. Their history is replete with examples of shulduggery (e.g., DR-DOS, exclusivity agreements with PC makers), their current actions show no signs of changing, and the proposed settlement does nothing but maintain the status quo. The terms are often vague, and rarely have enough teeth in them to affect an adequate solution to the problem. I would strongly urge, perhaps, a structural remedy, or, at the very least, a much stronger settlement that would offer MS fewer holes to slink through, as the consent decree proves they most certainly will, if given the chance. We have before us an historic opportunity to put to rest a huge market inequity. Let us stay the course and do this right. Return fair competition back to the computer industry, lest it spread to other markets (e.g., X-Box, WebTV, .Net/Passport/Wallet). Make Microsoft a number of Baby Bills. Make them play fair.

Thank you for your time.
jason lee

Sin is real, it doesn't feel. It always, only always, steals. Run to the cross
the only joy that's real

MTC–00017812

From: Andy Lawrence
To: Microsoft ATR
Date: 1/23/02 2:11pm
Subject: Microsoft Settlement

Hello,

Please rethink your settlement with MS... Because of their prevalence in the market, they can force people to use only MS products for communication. Because they make the best products for using a fileformat (for instance a Microsoft Word document) which, while owned by them, is now a defacto standard for a lot of people. The problem is that Microsoft does NOT publish instructions on how to read those documents programatically, and therefore no one can complete effectively to make a competitive product.

Even in cases where they do use an freely available standard in their products, they tamper with the implementation of that standard in their products so that, once again, only their products will work with it (see Kerberos auth in Win2k, and the use of LDAP in their ActiveDirectory product). It is my understanding that they are going to now use XML (another freely available standard) in future office products for their fileformats, but that those formats will once again be modified slightly so that nothing but MS products can read/write them. There is nothing ''innovative'' about the results of this bending, other than as a way to lock in customers.

In short—asking for money from them (much less the idea of them *donating* software—which is free for them to duplicate—to schools) isnt going to change any behaviors. Requiring use of published standards (as written) and allowing one and all (NOT just commercial entities) to inter operate with their products fairly is the only way for a bahavior change and a healthier computing industry.

Thanks.
Andy Lawrence
MedVantx, Inc.
andy@medvantx.com

MTC–00017813

From: Dr. Dean Kohrs
To: Microsoft ATR
Date: 1/23/02 2:12pm
Subject: Microsoft Settlement

I am writing to give my comments on the Microsoft antitrust settlement.

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement grossly fails to either redress the actions committed by Microsoft in the past, or inhibit their ability to commit similar actions in the future. Furthermore, I believe this settlement is counter to the interests of the American public, deleterious to the American/Global economy, and inadequate given the findings of fact in the trial.

Microsoft has been found guilty of illegally causing injury, and sometimes the destruction, of other corporations. If a human being destroys another human being they are either placed in prison or given a death sentence. Why are corporations not treated the same? When the state gives corporations more rights and privileges then the people, the state ceases to server the people.

I am astonished that the proposed settlement does nothing to correct Microsoft's previous actions. There is not one provision to correct or redress their previous abuses. The proposed settlement only prohibits future repetition of those abuses. If a corporation can commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice.

Justice is breaking the company up. Justice is removing the Board of Directors responsible for these actions. Justice is opening up their API code. There are lots of possibilities, some great some small, but they must be just.

Dr. Dean Kohrs
809 Pine St.
Clearwater Fl 33756

MTC–00017814

From: sy0005@unt.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 2:11pm
Subject: Microsoft Settlement

To whom it may concern:

I find the proposed final judgment for the Microsoft antitrust case to be unsatisfactory. The PFJ would allow Microsoft to engage in clearly anticompetitive behaviors without violating the settlement. For example, there is nothing in the PFJ to prevent Microsoft from programing artificial incompatibilities that would make it difficult or impossible to run Microsoft applications on non-Windows operating systems that are able to run software that was written for Windows operating systems. This has already been done in the past by Microsoft in the mid 1990's with Windows 3.1. That case was taken to court and was ruled to be anticompetitive behavior. So the proposed settlement does not restrict out examples of anticompetitive behavior that have already been used by Microsoft in the past. This is one of many problems with the PFJ that I can see but for the sake of brevity I will leave you with the thought that it would be better to take the extra time now to make sure that your solution will accomplish it's goals than to regret a hasty and ineffective settlement in the future. I implore you to reconsider the settlement now before it is too late. Thank you for your time and patience.

Sincerely,
Shane Yeargan
Student
U of North Texas

MTC–00017815

From: Jeff Rankine
To: Microsoft ATR
Date: 1/23/02 2:12pm
Subject: Microsoft Settlement

I believe the Microsoft settlement as it currently stands is completely inadequate as far as a remedy is concerned. The must troubling aspect of the remedy for myself as a software engineer, is the number of loopholes in the language referring to open API's. Microsoft is not under obligation to reveal interfaces if that interface is related to security. Unfortunately this allows Microsoft itself to determine what is or isn't a security interface, e.g. is disk access security related? What if the file has permissions attached? I think Microsoft should be forced to open all API's for their system, with oversight related to true security interfaces.

—Jeff Rankine
Senior Developer

MTC–00017816

From: Stan Mulder
To: Microsoft ATR
Date: 1/23/02 2:11pm
Subject: Microsoft Settlement

Dear DOJ,

Microsoft must sustain effective punishment for breaking the law. Not to do so would be wrong.

When laws do not apply to the most powerful, it makes me lose faith in my government.

Please do the right thing and impose an effective settlement that holds Microsoft accountable for its actions.

Sincerely,
Stan Mulder

MTC–00017817

From: Martin Moss
To: Microsoft ATR
Date: 1/23/02 2:12pm
Subject: Microsoft Settlement

DOJ,

I am the President and Managing Partner of a small software company located in Chicago, IL. I am a vehement opponent of the proposed settlement with Microsoft Corporation. Microsoft abuses its size and monopoly power in every industry it touches; to the greatest extent within the desktop software and operating system markets. Their malicious, anti-competivite behavior destroys innovation within the market, and causes great risk (in the form of security problems with their operating system and network-based products) for their customers. Their corporate arrogance and ability to manipulate the complexity of this case to their advantage have already made a mockery of anti-trust enforcement in the US—more so if the case is settled in a way that does nothing to punish them for their misdeeds.

Sincerely,
Frederick Lowe
President, Managing Partner
Period Seven Communications, Inc.
Chicago √ Los Angeles

MTC–00017818

From: spot@draves.org@inetgw
To: Microsoft ATR
Date: 1/23/02 2:12pm
Subject: Microsoft Settlement

the current settlement is too easy on microsoft. they should be forced to release their source code as free software, and pay a large fine, and be broken into two companies (one for OS, one for everything else).

MTC–00017819

From: Kevin Eye
To: Microsoft ATR
Date: 1/23/02 2:12pm
Subject: Microsoft Settlement

I am an American citizen and would like to voice an opinion on the proposed settlement of the Microsoft anti-trust trial. I do bot believe the proposed settlement includes strong enough assurances that Microsoft will not continue to be the monopoly it has been found to be. Please consider this a vote against the proposed settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors, yet unfavorable to Microsoft.

The United States is a successful nation because its free markets encourage firms to compete for customers by producing high-quality, low-cost goods. This system needs to be protected from monopolists who gain so much power that they can destroy the competitive nature of the markets in which they participate. Microsoft has directly used its monopolies to repeatedly extend its domination into other markets. For example it used its monopoly of the operating system market to take over the web browser market. And it is currently attempting the same ''bundling'' techniques to try to dominate the ISP market with its MSN service, the digital media market with its Windows Media Player product, the instant messaging market with its Mircosoft Messenger product. To preserve the open market, and to promote high-quality, low-cost goods, strong actions must be taken against Microsoft to curtail the abuse of its monopoly, and eventually to reduce its market share to acceptable levels that once again allow healthy competition. I do not believe the proposed settlement adequately addresses these issues.

Thank you for your time,
Kevin Eye
Williamsville, NY

MTC–00017820

From: Michael D. Kersey
To: Microsoft ATR
Date: 1/23/02 2:12pm
Subject: Microsoft Settlement

I am opposed to the settlement with Microsoft. Microsoft has displayed monopolistic business practices far longer than it is generally acknowledged. a story I am familiar with is a case in point:

Circa 1980, I knew a Rice University professor who, with with several other professors, had a company called ''Clear Lake Software''. They had written specialized software (numerical processing) for the Apple MacIntosh computer and were successfully selling it as a software package. Microsoft expressed an interest in buying the product and sent lawyers to ''negotiate'' with the professors. There was no negotiation: the lawyers offered them a fixed dollar amount for all rights to the software. When the professors, who wanted a better price, asked what would happen if they didn't sell, the lawyers told them that Microsoft would establish a team of programmers and duplicate the specialized software within a short period, eliminating Clear Lake Software's product niche from the marketplace. The professors accepted the Microsoft offer, needless to say.

If Microsoft acted this way with a company composed of a few Rice University professors, I cannot imagine how they would act against a more significant challenge in the marketplace. Microsoft must be dismantled.

Sincerely,
Michael D. Kersey

MTC–00017821

From: Tim Bray
To: Microsoft ATR
Date: 1/23/02 2:13pm
Subject: Microsoft Settlement

My name is Tim Bray. I am founder and CEO of a software company named Antarcti.ca Systems Inc. I have been in the software business continuously since 1981 and have co-founded another comany, Open

Text Corporation, that is now publicly listed (Nasdaq:OTEX). I have contributed an open-source software module named ''Bonnie'' that is now a part of virtually every Linux distribution. Working under the auspices of the World Wide Web Consortium, I was one of the leaders in development of Extensible Markup Language (XML), now becoming a key internet standard, serving as co-editor of the specification of XML itself and one of its key supporting technologies. I currently serve as a member of the Web Corsortium's Technical Architecture Group, its architectural oversight committee for Web technologies as a whole.

I have read the full text of the original judgement in the MS case, the full text of the appeal judgement, and the full text of the proposed settlement.

I consider that the proposed settlement deficient in several respects. I limit comments to areas where my expertise and experience may lend them some standing:

1. The definitions of terms such as ''API'' and ''Middleware'' are insufficiently detailed and far-ranging and would allow the defendent considerable maneuvering room to mount legal defenses for continuing the behavior found illegal. Also it is troubling that the definition of ''Middleware'' is not particularly consistent with those in the original court's Findings of Fact.

2. The settlement's attempt to force Microsoft to open up its APIs seems very unlikely to bring a stop to the practices in this area that were found illegal. In particular —the requirement for disclosure is much to late in the product development cycle, effectively allowing Microsoft to continue to use secrecy and manipulation of APIs as an anticompetitive weapon in the software industry. —the limitations of the use to be made of the API disclosures are too far-reaching and it is hard to understand what benefit they convey to anyone. —the undocumented binary file formats used by many Microsoft applications are in effect part of the API but are not covered by the definitions

My decades of experience in the development and marketing of software products have led me to the opinion that the veiling and manipulation of APIs has been among the primary weapons used by Microsoft to extend their Windows monopoly into the domain of other unrelated software products. I would go so far as to predict that if this problem can be cleared up, market forces and the high level of creativity in the software business would probably suffice to bring a general halt to the illegal behavior without further court intervention.

3. There is reason for strong doubt whether the ''Technical Committee'' will prove effective as an enforcement vehicle. Problems include: —the requirement that members not have been employed by MS or a competitor to MS in the past year doesn't work. First, it is very difficult to work for a technology company that doesn't compete with Microsoft in some area. Second, the only way to acquire the necessary insight into the business is to have worked for MS or a competitor.

—The level of compensation is not specified—what motivation does the defendent have for providing a level of compensation necessary to attract people with the right qualifications? —the gag order on the TC members seems counter-productive. One of the most effective disincentives to continuing illegal behavior on the part of the defendent would be the threat of throwing the light of day on such practices.

Cheers, Tim Bray, Founder, Antarcti.ca Systems

+1–604–873–6100 (o) +1–604–785–8532 (m)

http://antarcti.ca http://map.net

MTC–00017822

From: Brent Dill
To: Microsoft ATR
Date: 1/23/02 2:13pm
Subject: Microsoft Settlement

In my opinion, the Microsoft Antitrust settlement is greivously inadequate to redress Microsoft's demonstrated prior harm to the industry and economy, and does nothing to insure against further harm. Working in the IT field for the past 11 years, I have seen first-hand what Microsoft's artificial market dominance has wrought: poor quality of product, with no better choices ever coming to market, and those choices which already existed in the market have long since been driven out of business.

Microsoft now exists as the SOLE recourse for my industry, and it is woefully inadequate. A simple perusal of recent computer virus outbreaks demonstrates this—nearly every virus propogated in the past two years has done so as an exploit in Microsoft's operating systems and productivity tools. Worse, they are exploiting aspects of these tools that no reasonable piece of software should possess, and yet these softwares are not modified to remedy the threat.

Microsoft is willfully negligent in its duty, as a monopoly, to protect the consumers from the negative and inescapable effects of its decisions. If Microsoft is to have a 90% share of the computer desktop market, then Microsoft should be held 90% responsible for any problems that develop as a result of computer desktop software flaws. A proper injunction, at the very least, should allow peer or experct judicial review of Microsoft's production methods [i.e., their source code]. If Microsoft is allowed to continue their 90% stranglehold on the market, they should be forced to provide the market with a higher quality of service than the market would otherwise receive from competition.

Of course, the preferrable method would be to de-couple Microsoft's NT/XP kernel development from the rest of the corporation, allowing the resulting desktop/productivity development [the IE desktop/browser and the Office productivity suite] to be developed on multiple base operating system platforms. As both the Telephony industry and California's power grid have demonstrated, a government-regulated monopoly is seldom preferrable to a regulated free market.

MTC–00017823

From: ordorica@ieebc.org.mx@inetgw
To: Microsoft ATR
Date: 1/23/02 2:18pm
Subject: Microsoft Settlement

To Department of Justice: (I Think)

The following text reflects my feeling and thinking about the MS antitrust trail

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general. While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Antonio Ordorica
IT Network Management
grayman@mail.com

MTC–00017824

From: Bill Biese
To: Microsoft ATR
Date: 1/23/02 2:15pm
Subject: Microsoft Settlement

Leaving a Monopoly intact as this settlement proposes is a remedy in name only. Just because we are not talking about a tangible product like steel or petroleum, as in other historical antitrust cases, doesn't mean the DOJ should cave in and not demand the correct TRUST busting remedy that is best for the consumer.

Unbundle the Microsoft products and force Microsoft to offer them for sale separately and parts that have no competition sell that source code to highest bidders. For example force Microsoft to sell as an option a stripped down feature poor version of windows.

My monopoly cable company must offer me a cheaper 13 channel only option not forcing every consumer to buy their whole package. Thus the consumer can then shop around for functions they need from other software companies.

Unbundle the MS Office product also offering Word/ Excel/ Access etc separately saving the consumer the full spectrum cost.

And the source code for Word and the Base OS since they have no real competition should be sold as stated above.

Thanks,
Bill Biese
Systems Analyst/Programmer

bbiese@cmsins.com
1–920–497–1589 ext. 1207.

MTC–00017825

From: Todd Kofford
To: Microsoft ATR
Date: 1/23/02 2:14pm
Subject: Microsoft Settlement

To Whom It May Concern:

I would like to comment on the Microsoft Settlement. The settlement as proposed has more legal loopholes that Swiss cheese blasted with a shotgun. Microsoft has historically displayed an unwillingness to adhere to any court-ordered consent decree, or to try and twist the actual intention of the decree to their own benefit. In other words, the only law that Microsoft respects is the Microsoft corporate agenda and culture, which is ''win at all costs as long as it is good for Microsoft''. Their executives during the anti-trust trial showed great disrespect and disdain for the district court and many of them blatantly lied under oath. This all goes to show that Microsoft cannot be trusted to ''do the right thing'' when it comes to playing by the rules (i.e., the LAW). That is why I am writing this letter.

As a person who makes his living in the IT industry, I would LOVE to see some competition restored to the industry. Microsoft could easily compete on an even playing ground and the merits of the products they produce alone, but they simply will not. No consent decree or technology expert overlooking their actions will change this. A better solution must be found! It's kind of like the NBA Champion LA Lakers saying, ''OK, now we're the best! Next season we will start each game with a 25 point head start over our opponents, because we are the best and we can!''. Please think again before letting this settlement be finalized.

Competition MUST be restored to the IT industry and Microsoft cannot be trusted to change on their own. Thank you for your time.

Sincerely,
Todd Kofford
Todd Kofford
710 N Michigan Cir
Lawrence, KS 66044
tkofford@bigfoot.com

MTC–00017826

From: Milind Rao
To: Microsoft ATR
Date: 1/23/02 2:15pm
Subject: Microsoft Settlement

I think that this is a really bad idea. Microsoft has with its predatory practices hurt genuine competition. They virtually killed OS/2 and most application developers on Windows. Please ensure that this doesn't happen in the future.

Regards
Milind

MTC–00017827

From: James Jaworski
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 2:16pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

MICROSOFT IS GUILTY

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html)'' I also agree with the conclusion reached by the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems. I agree with Robert X. Cringely in his article ''He's Not in It for the Profit Steve Satchell for Microsoft Anti-Trust Compliance Committee!'' (on the web at http://www.pbs.org/cringely/pulpit/pulpit20011206.html)

...''I think he should get the position. With a background in computer hardware and software that dates back to one of the very first nodes on the Arpanet 30 years ago, Steve Satchell knows the technology. He has worked for several big computer companies, and even designed and built his own operating systems. And from his hundreds of published computer product reviews, he knows the commercial side of the industry. He is glib and confident, too, which might come in handy while attempting to keep Microsoft honest. Sometimes there is a distinct advantage to being the first to apply for a job, so I think Satch should be a shoo-in for one of those compliance gigs. And the boy looks mighty fine in a uniform.

The job will be a challenge, that's for sure. The committee has the responsibility of settling small disputes and gathering the information needed to prosecute big ones. They are supposed to have access to ALL Microsoft source code, and their powers are sweeping. If it goes through, I only hope the court picks three tough but fair folks like Satch. ...''

James Jaworski
Instructional Lab Technician LRC-Instruction/Reference

MTC–00017828

From: Bryan Logan
To: Microsoft ATR
Date: 1/23/02 2:12pm
Subject: Microsoft Settlement

I am against the settlement with Microsoft. They need to be fined and truly punished for all the other companies they've hurt. Break them up into separate companies and also require them to release information (API's, protocols, file formats) of current MS products so other companies have a chance in the market.

Thank you.

MTC–00017829

From: bob
To: Microsoft ATR
Date: 1/23/02 2:15pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Sirs,

The Problem:

Your proposed settlement with Microsoft does not address the problems for consumers and suppliers of IT products and services caused by Microsoft's illegal actions.

In fact your proposed settlement is little more than a description of the current business practices of Microsoft Corporation. Requiring Microsoft to publish the APIs to the Windows platform has been Microsoft's policy for many years. So it fails the test of whether Microsoft is being punished for its past illegal actions, and fails to control Microsoft from pursuing similar strategies in the future. Publishing APIs simply enables other software companies to build products that run on Microsoft products thereby making those products more successful in the marketplace.

The Solution:

There is only one remedy that will work to empower consumers of technology, to restrain Microsoft's anti-competitive behavior in future, and to protect Microsoft's ability to continue to compete in the market. That is to require Microsoft to publish the source code to their products that are deemed to be monopolies, specifically the family of Windows operating systems.

Microsoft can (and arguably should) retain full proprietary and exclusive rights to their software. Publishing the source code will allow others (including future department of Justice investigators) to inspect these products for evidence as to whether Microsoft has been using their absolute power over these products to extend their monopolies and reduce choice and raise prices to consumers.

The old saying ''power corrupts, and absolute power corrupts absolutely'' is applicable in Microsoft's case. They are the only ones who know what goes on inside, and have the exclusive ability to arbitrarily change products that own monopoly positions in the market such as Windows. They will use, and have used, this power to force consumers to behave in ways that benefit Microsoft corporation at the expense of consumers and other suppliers in the market. The only way to ensure they do not continue to behave this way in the future is to hold them accountable. The only way to make them accountable is to enable inspection of the code that has monopoly control over the PC market.

Please do not hesitate to contact me if you have any questions about this letter or the ideas it contains.

Sincerely,
Bob Young,
CEO, Lulu, Inc., (919) 833–5858, or bob@lulu.com, www.lulu.com

MTC–00017830

From: Kent Florian
To: Microsoft ATR
Date: 1/23/02 2:17pm
Subject: Microsoft Settlement

To Whom It May Concern,

I would like to take a moment to express my concern with the proposed settlement terms in the Microsoft antitrust case. As a

computer professional who has worked in the field for over fifteen years, I have been witness to Microsoft's abuses of its market position countless times. I have also seen the government attempt to put an end to Microsoft's unfair practices in the past, to no avail.

The current settlement agreement does nothing to address the harm that Microsoft has already caused in the marketplace, including companies that have folded due to uncompetitive practices and consumers that have been forced to pay for products that they are not using due to bundling agreements.

Microsoft has proven over and over again that they are not a good corporate citizen, that they are perfectly capable of finding ways around any minor restictions placed in their path, and that they have no interest in obeying both the letter and the spirit of the law. Now is the time to hold Microsoft accountable for their abuses, not to merely shake a finger at them and tell them that they have misbehaved. If the proposed settlement agreement is accepted as it now stands, it will do nothing but reinforce the fact that it is perfectly acceptable for a monopolistic corporation to implement any abuses it sees fit, and even if they are caught, the punishment will be so minor that it will be an acceptable tradeoff. This option is just plain wrong.

Thank you for your time,

Kent Florian

Director of Integration, Testing and Support

TekNow, Inc

Phoenix, AZ

kentf@teknow.com

MTC–00017831

From: Stephen Hooper
To: Microsoft ATR
Date: 1/23/02 2:14pm
Subject: Microsoft Settlement

Microsoft is a monopoly. There is no doubt in my mind of that fact. It has not acted in the best interests of consumers. Again, I can say this with no doubt in my mind.

The problem I have is this:everyone (except Microsoft) seems to agree on these two statements, yet the court and the states seem to be willing to let Microsoft continue the practices that have allowed it to become a monopoly, and that have allowed it to squash any viable competition it has.

I am not a believer in retirbution. I don't think we should try to take revenge upon Microsoft for acting the way it did. What I do believe in, is letting other companies that would normally be crushed under Microsoft's weight have a chance to survive and bring their products to market.

For this reason, I believe that Microsoft must have stronger regulations set to keep it in line. I do not like it, but Microsoft controls ninety percent of the worlds desktops. Without stronger regulations than those proposed, Microsoft will still be free to stifle competition by using this power base, and cause a long period of declining technical accomplishment.

Microsoft does not invent anymore. It simply refines the labour of others, markets it as Microsoft's own, and undercuts the true pioneers of whatever field it chooses to enter.

This would not be so horrible, if Microsoft were just going to let others live and die by the process of natural selection present in all business dealings, but the fact that they purposefully try to murder competition (i.e. Netscape, WordPerfect, OS/2, RealPlayer), and leave consumers with no choice but to use Microsoft products, makes it abundantly clear to me that the government must step in and level the playing field.

For that reason, I believe that Microsoft should be forced in perpetuity to release to any one who wants it, information pertaining to file formats, protocols, or any API's it has, without any charge, and without any contractual obligations against using such information.

Microsoft has taken care of killing off companies that would have given us choice in the matter of which tool to use for which job. By doing so, I believe they have taken on the responsibility of assuring us, that any tools that we need will be able to seemlessly operate in the environment they have now created, without the need to buy into using Microsofts tools.

MTC–00017832

From: Brian DeRosa
To: Microsoft ATR
Date: 1/23/02 2:15pm
Subject: Microsoft Settlement

I just wanted to voice that I feel the current proposed settlement is not adequate and equates to insufficient penalty against Microsoft. Microsoft as a company has used anti-competitive practices to grow into a monopoly, and is, by witnessing the terms of the proposed settlement, using more of its power to avoid justice. Please add my voice to the count *against* the proposed settlement under the Tunney Act.

Thank you.

Brian DeRosa

DeRosa—Principal, Senior Consultant

The Net Squad—http://www.thenetsquad.com

Technology vision, strategy and development for net businesses

630.929.6607 voice & fax, derosa@thenetsquad.com

MTC–00017833

From: Jon Yarden
To: Microsoft ATR
Date: 1/23/02 2:14pm
Subject: Microsoft Settlement

I OPPOSE the Microsoft settlement on the following grounds:

1. Microsoft has a long history of UNDERMINING COMPETITION by either ''buying up'' and shelving competing products, or by threats of restriction of Windows licenses to PC manufacturers who use competative products.

2. Microsoft has poured extensive money into false and misleading lobbying campaigns, including the use of DEAD PEOPLE as signatories in lobbying campaigns.

3. Microsoft willfully and purposefully distorted and misled the Justice Department in regards to the rulings of Judge Jackson in the 1990's and DELAYED final ruling until Netscape Communications and other Internet pioneers were destroyed by Microsofts marketing and bundling tactics.

I personally find the behavior of Microsoft and it's chief officers appalling and DEMAND that my goverment act in the interests of it's CITIZENS and pushing Microsoft for it's arrogant, willful and purposeful monopolistic behavior. BREAK MICROSOFT UP!

Jonathan Yarden, Senior System Administrator, BluegrassNet

BluegrassNet

520 South Fourth Street

Suite 400

Louisville, KY 40204

502–589–4638

MTC–00017834

From: C. Vance Shannon
To: Microsoft ATR
Date: 1/23/02 2:15pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
Greetings,

I am absolutely appalled at the continuing attack against Microsoft. It's disturbing that competitors airing false charges against Microsoft receive favorable treatment from the press and from many members of the United States Congress. It's even more disturbing that several states are continuing with their phone lawsuits against Microsoft.

Microsoft has revolutionized the computer business. They have made it possible for the average citizen of this country, as well as multitudes around the world, to readily gain access to computers and the world-wide network that computers offer. I'm recall the days of ''DOS'' and it's complexities, along with the difficulties of simply wandering around the computer world. Without Microsoft's contributions, the average citizen would never have become so computer literate; nor would we all enjoy the benefits of lower computer hardware and softward prices.

It's time to call a halt to the attack on one of America's most successful businesses. There are many more issues of concern for the Department of Justice; and likewise state prosecutors. The on-going attack on Microsoft from private and governmental representatives is not only hurting Microsoft, but also hampering our country's economic recovery!

Hopefully, the U.S. Department of Justice will bring an end to the frivolous Microsoft lawsuits, issue firm punishment for any wrong-doings actually committed by Microsoft, and let the company resume their efforts of bringing wondorous products to the American people and others around the globe.

Sincerely,

C. Vance Shannon,

1290 San Pablo Ct

Minden, Nevada

775–267–9394

CC:aoctp@aoctp.org@inetgw

MTC–00017835

From: chris
To: Microsoft ATR
Date: 1/23/02 2:22pm
Subject: Microsoft Settlement

To Whom it May Concern,

I wish to object to the proposed final settlement in the Microsoft Antitrust case, under the Tunney Act. While there are many points that merit reformation in the proposed final judgment, one that i find particularly odious is the definitions of several terms upon which information sharing will be based. specifically, defining ''Microsoft Middleware'' as a handful of existing products rather than a generic category of software leaves open the possibility of simple renaming as an evasive manoever that would be within the letter but hardly the spirit of the law.

I am extremely glad the DOJ is tackling this issue, but I think the proposed settlement needs much revision before becoming the final word on the matter.

Thank you for your attention and ongoing vigilance.

Chris Mccraw,
2500 S York St #302
Denver, CO 80210

MTC–00017836

From: Brandon Pearce
To: Microsoft ATR
Date: 1/23/02 2:16pm
Subject: To whom it may concern,

To whom it may concern,

I am quite concerned with the proposed settlement of the Antitrust case against Microsoft. After reaching the point having an established monopoly engaging in established anti-competitive practices, it seems that the proposed settlement fails to significantly curtail Microsoft's behaviors. It seems that there are many significant technical loopholes that will allow Microsoft to continue many of the practices that have led to the current situation.

For example,

1. The proposed settlement fails to require Microsoft to provide advance notice regarding technical information, while requiring middleware vendors to meet ''reasonable technical requirements'' seven months before new releases of Windows. How are the middleware vendors supposed to meet these requirements?

2. Many APIs would not be properly documented, as they would not meet the overly narrow definition of API in the proposed settlement.

3. The restrictions of use of the information of the APIs create unacceptable burden on ISVs developing for multiple operating systems.

4. The formats of Microsoft Office documents remain undocumented—this is probably one of the single largest barrier to entry for a competing operating systems and for Office competitors.

The list of problems with this settlement are extensive, and disturbing. If changes are not made to this settlment, it does not seem that there will be a significant change in the behavior of Microsoft.

Thank you for your time,
Brandon Pearce

MTC–00017837

From: Jimmy Rimmer
To: Microsoft ATR
Date: 1/23/02 2:16pm
Subject: Microsoft Settlement

To whom it may concern:

The settlement offer is awful.

Microsoft has built a massive Great Wall of Control around the software industry, and they guard the portcullis. To all who would pass through, these bandits put forth the following edict: No Innovation Shall Pass That Is Not Microsoft's. And all who pass through must pay a fee to the gang who runs it. The settlement offer maintains this Great Wall of Control. The settlement offer ensures that Microsoft alone decides what technology the people will be allowed to use. The settlement offer ensures that the software industry in America is not free.

The leader of the people of the land made a stand against the bandits, and defeated it—yet rather than destroy the Great Wall of Control, assuring freedom and prosperity for his citizens, will he now offer a truce to these bandits? These thieves? These self-appointed censors of ideas? More is at stake here than the jobs of American citizens. America's ability to compete with the rest of the world in software is at stake; because if we do not allow our own citizens to innovate, some other country will. And such steps are clearly beginning in Europe and Japan.

This settlement harms industry. This settlement harms individuals. This settlement harms America. We have already lost so many good ideas due to the Microsoft Bandits; how many more can we afford to lose?

James B. Rimmer
San Diego, California

MTC–00017838

From: Rob Alwood
To: Microsoft ATR
Date: 1/23/02 2:16pm
Subject: Microsoft Settlement

I am opposed to the proposed settlement in the Microsoft antitrust trial.

I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Robert Alwood
Richmond, Virginia

MTC–00017839

From: Abraham Ingersoll
To: Microsoft ATR
Date: 1/23/02 2:16pm
Subject: Microsoft Settlement

I think the proposed settlement with Microsoft is a sham. The proposed settlement does very little to make up for the wrongs Microsoft has committed in the past and will very probably be ineffective in fighting their abusive tendancies in the future.

Thank you.
Abraham Ingersoll
P.O. Box 384
Venice, CA 90294–0384
310–450–7930

MTC–00017840

From: Bear Lehenbauer
To: Microsoft ATR
Date: 1/23/02 2:16pm
Subject: Microsoft Settlement

MS practices seek to hurt the company I currently work for. From sending out marketing materials to our clients that contain both false and ''misleading'' statements, to coding MS products to stop working with our products (DR-DOS, the NetWare Client, to name two), Microsoft attempts to crush us through devious means.

Now that MS has been found to have acquired and misused ''Monopoly Power'', shouldn't they suffer the penalty under law that other monopolies have been subject to? With the current settlement, we're essentially patting Microsoft on the back and ''forcing'' them to expand their market share in the educational arena. The settlement is weak. It's almost conspicuously set in their favor. The settlement must reduce them somehow from continuing as a monopoly.

Thanks,
Bear Lehenbauer
System Test—Net Directory
(801) 861–4657
Novell, Inc., the leading provider of Net services software. www.novell.com

MTC–00017841

From: Patrick Bowman
To: Microsoft ATR
Date: 1/23/02 2:16pm
Subject: Microsoft Settlement

I am opposed to the proposed settlement for the Microsoft anti-trust case. It is not punishment, but merely a requirement that the company halt doing what it has been doing in the past. I have little doubt that, if an opportunity presents itself, Microsoft will find a loophole that allows it to continue with actions that are harmful to consumers, against the spirit of the settlement and anti-trust law, but sufficiently close to the letter of this settlement that it will be able, once again, to spend years in court while it ''cuts off the air supply'' to yet another market. It ultimately doesn't change anything about the marketplace and will not help consumers.

Thank you,
Patrick A. Bowman

MTC–00017842

From: Formanek, Chris

To: Microsoft ATR
Date: 1/23/02 2:17pm
Subject: microsoft settlement

Why should the public like this settlement? It does not change a single thing about how Microsoft will run their business and the consumers will be the ones to pay the price. Every time we have to go and spend $200—$250 for a OS that is full of bugs and problems because there is no choice of OS's for us, we lose.

Here is a perfect example of why this settlement needs to be stiffer. I checked out the price for windows 98 and after over 2 yr. on the market it is still the same price as when it came out. Why is that, who does MS have to worry about concerning pricing. No one. They have bled every company out that could or would compete with them for years, it is time too stop this and allow for other company's to do their own thing and provide the consumers a choice in products at a fair price.

Chris Formanek

MTC–00017843

From: Peter Szulik
To: Microsoft ATR
Date: 1/23/02 2:16pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general. While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Peter L Szulik

MTC–00017844

From: Mike Owens
To: Microsoft ATR
Date: 1/23/02 2:16pm
Subject: Microsoft Settlement

To whom it may concern:

I wish to state that I think the proposed settlement is fundamentally flawed in that it does not adequately address the behaviors and practices of Microsoft that led to it being found guilty of being an illegal monopoly.

Thank you.
Mike Owens
mike.owens@state.nm.us

MTC–00017845

From: Michael S. Tashbook
To: Microsoft ATR
Date: 1/23/02 2:17pm
Subject: Microsoft Settlement

To whom it may concern:

This letter is in response to the proposed settlement in the Microsoft antritrust case. Please add this message to the collection of comments on this settlement, as covered under the Tunney Act.

As a citizen of the United States and a computer scientist (I am currently pursuing my doctorate at the University of Virginia), I strongly object to the proposed sanctions on Microsoft for its anticompetitive behaviors. They do not go nearly far enough in punishing Microsoft for its actions, and they completely ignore one of the main ways in which Microsoft used its power as an operating system vendor to unfairly gain an advantage in the application market. Even more disturbing is the fact that these proposed remedies have opened a significant loophole that Microsoft is already preparing to exploit to the fullest. To wit, section III(J) of the proposed settlement states, in part, that: ''No provision of this Final Judgment shall:

1. Require Microsoft to document, disclose or license to third parties: (a) portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of a particular installation or group of installations of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria; or (b) any API, interface or other information related to any Microsoft product if lawfully directed not to do so by a governmental agency of competent jurisdiction.'' In other words, Microsoft has no obligation to release their APIs to third parties. To a large extent, Microsoft was able to obtain its current anticompetitive position in the marketplace as a result of this behavior (keeping APIs secret). It should be obvious that Microsoft's in-house application developers had a significant advantage over third-party developers,due in no small part to the fact that the former had access to, and employed, undocumented API calls. If I have information that you do not, it should come as no surprise that my software will outperform yours. Requiring Microsoft to release all of its APIs to the developer community would provide everyone with equal footing, and would be a step towards correcting the current competitive imbalance.

The section quoted above should also be of concern in light of the recently-publicized memo from Bill Gates to the employees of Microsoft. In his memo, Mr. Gates stated that Microsoft would begin to place a much higher priority on security measures in their products. This is a laudable goal (especially after the continuing saga of worms and viruses propagated by Microsoft's Outlook mail client), but it also provides an easy escape hatch for Microsoft. If Microsoft declares that the security of all of its code would be harmed by publishing API documentation (which is not inconceivable), then, under section III(J), they may keep all of their API documentation to themselves, perpetuating the circumstances (undocumented APIs) that produced the current situation.

The proposed settlement does not go far enough; in particular, it allows Microsoft to continue their monopolistic, anti-competitive behavior. For these reasons, I strongly object to the proposed settlement.

Sincerely,
Michael S. Tashbook
mst2f@cs.virginia.edu

MTC–00017846

From: Caldwell, Jack
To: Microsoft ATR
Date: 1/23/02 2:17pm
Subject: Microsoft Settlement

Hi,

I believe that this proposed settlement is a bad idea for the Technology segment, in particular, those involved with computer operating systems, or any industry segment that competes with Microsoft. Evidence has clearly shown that MS will participate in activities that maintain their monopoly by stifling competition. This settlement is a disgrace to our country and its justice system.

Jack Caldwell

MTC–00017847

From: peter allen
To: Microsoft ATR
Date: 1/23/02 2:15pm
Subject: Microsoft Settlement

I oppose any settlement which is not structured so that all developers will have equal access to the underlying system. Splitting Microsoft in to two parts is a minimal way to create a situation in which the interface to the operating system will be consistently available to all.

Peter Allen

MTC–00017848

From: Jay A. St. Pierre
To: Microsoft ATR
Date: 1/23/02 2:17pm
Subject: Microsoft Settlment

I would like to express my opinion that the proposed settlement does nothing to either punish Microsoft for their transgressions, nor prevent them from doing so again.

The fundamental problem with Microsoft is that they sell the dominant desktop operating system AND the applications that run on top of it. The only way to create a even playing field for competitors is to expose the interface between the applications and the operating system. This would truly allow for competition among applications AND among operating systems, as competitors could create either applications or operating systems that met the published standard.

In any event, just telling Microsoft that they were bad and they must not do it again is in no way going to either punish Microsoft, nor prevent a recurrance of their behavior.

-Jay St. Pierre

MTC–00017849

From: namebase@satx.rr.com@inetgw
To: Microsoft ATR
Date: 1/23/02 2:17pm
Subject: Microsoft Settlement

To Whom It May Concern:

I recommend the wholesale rejection of the proposed terms of settlement, and the imposition of a structural remedy. I've been using Microsoft products since 1982 in various nonprofit, public-interest, computer-related projects. My experience is that Microsoft completely ignored the public interest with respect to their versions of DOS. With the advent of Windows, Microsoft has worked with renewed energy against the public interest, in favor of maximizing its private profit.

With DOS, through version 3.3 as late as 1990, Microsoft failed to include adequate hard-disk petitioning software, failed to include memory-optimization software, and failed to include full-screen navigation software. Third parties provided this software, which ran on top of DOS. Microsoft soon realized that third-party software was able to provide a better computing experience. Rather than compete with a better product, Microsoft began moving in the direction of disallowing such software. A case in point was the DR DOS situation.

Then with the advent of Windows, Microsoft began offering competing versions of all popular desktop applications. These included spread sheets, word processors, accounting programs, and database programs. Windows was much more exclusionary in terms of the ability of third-party software houses to compete with Microsoft products. Microsoft essentially controlled the interface (the API, or Application Programming Interface) to Windows, and could use this as a club to insure that competing products were inferior, or even nearly impossible to develop.

The Internet was first recognized by Microsoft as a significant development only in 1995. Microsoft then moved in on Netscape with their own knock-off browser, in order to insure that Netscape would be unable to evolve their own APIs for the Internet. According to my logs, Netscape now has about ten pecent of the browser market, while Microsoft has 85 percent. It was the other way around just about four or five years ago. Microsoft has proven again and again that they have nothing but contempt for the public interest. A structural remedy is the only remedy that will address this attitude at the level that it needs to be addressed.

Regards,
Daniel Brandt,
PIR founder and president
Public Information Research, PO Box 680635, San Antonio TX 78268–0635
Tel:210–509–3160 Fax:210–509–3161
Nonprofit publisher of NameBase
http://www.namebase.org/
namebase@satx.rr.com

MTC–00017850

From: E THEJUDGE
To: Microsoft ATR
Date: 1/23/02 2:17pm
Subject: MICROSOFT SETTLEMENT

January 8, 2001
8671 Clarance Center Road
Clarence Center, NY 14032
Judge;

Thank you for taking the time to review this note. I write in opposition to the proposed deal that the department of justice has completed with Microsoft. The agreement seems to me to be flawed in many, many ways ? including the fact that Microsoft is hardly penalized at all for many years of predatory behavior. This cannot be a good signal for other potential monopolists. I would ask that you ensure that this glaring weakness is addressed.

Thank you.
Katherine Johnson

MTC–00017851

From: hulcher1@home.com@inetgw
To: Microsoft ATR
Date: 1/23/02 2:18pm
Subject: Microsoft Settlment

I would like to voice my opinion that the proposed settlement for the Microsoft antitrust trial does not go nearly far enough in correcting the abuses committed by Microsoft. In fact, I think that it would only serve to encourage future similar behaviour by allowing Microsoft to keep gains that dwarf any ''penalty'' imposed. I also find it very disconcerting that a proposed penalty would have very possible effect of assisting Microsoft against competitors in new areas. Thank you for your work in helping to ensure that large companies cannot use their weight in illegal ways to crush smaller competitors.

Sincerely,
Stephen R. Hulcher
hulcher1@home.com

MTC–00017852

From: Jeremy Radlow
To: Microsoft ATR
Date: 1/23/02 2:23pm
Subject: Microsoft Settlement

The proposed Final Judgement (PFJ) is not in the public interest because it is crucial that Microsoft's document formats (such as the format of Microsoft Office documents) be open and unencumbered by patents, enabling others to freely create competing software which operates on documents in those formats. The PFJ would allow Microsoft to keep its document formats secret and to protect them with patents, creating an enormous Barrier to Entry for competing applications.

Sincerely,
Jeremy Radlow
96 Cedar Street
Bangor, Maine 04401

MTC–00017853

From: Jim Hines
To: Microsoft ATR
Date: 1/23/02 2:22pm
Subject: Microsoft Settlement

To whom it may concern,

I am a computer professional and have been so for 13 years. I am totally against the settlement that has been proposed by the DOJ and feel it is nothing more than a slap on the hand to Microsoft. Please do not let Microsoft get away with this crap settlement! They must pay for their actions or they will keep doing them over and over again.

Thanks,
Jim Hines
IT Mgr, WDTV NewsChannel 5
Your Hometown News
TEL:304.848.5000
FAX:304.842.7501jhines@wdtv.com
<http://www.wdtv.com>
<jhines@wdtv.com>
WDTV NewsChannel 5 is a CBS Affiliate

MTC–00017854

From: Nicholas Robbins
To: Microsoft ATR
Date: 1/23/02 2:20pm
Subject: Microsoft Settlement

I feel that the settlement against Microsoft is horrendously flawed. It does not really solve anything, it only allows Microsoft to continue with unlawful practices. Everyone is hurt by a Monopoly, take me, for instance. I don't like to use Windows, I down right despise it. I still have it installed. I have to. Nothing is released on my operating system of choice. I can do almost everything I need to, but there are those few applications that I cannot use, after all, why would someone release a niche application for an OS with only %2 desktop share? So, here I am, booting into Windows for my one application, that was $300 not very well spent. Although it does allow me to remember what a crashing computer looks like. So now the real problem. I utterly fail to understand how our legal system can allow this to occur. I was brought up believing that our legal system is the greatest in the world, how no other system is as just as the mighty U.S.. I personally don't care if the trial takes another 3 years, so long as the right thing is done.

Nicholas Robbins

MTC–00017855

From: Nitin Borwankar
To: Microsoft ATR
Date: 1/23/02 2:19pm
Subject: Microsoft Settlement is bad for competition in marketplace

To USDOJ,

I sincerely feel that the proposed settlement with Microsoft is not good for long term competition in the software marketplace as it a) does not effectively address past anti-competitive behavior in its proposed form, essentially allowing it to continue b) additionally promotes Microsoft market expansion in segments that currently have effective competition i.e. the education segment essentially further promoting Microsoft dominance in the marketplace.

Any remedy for criminal behavior needs also to address return of the profits due to criminal activity. While it will be difficult to calculate this amount accurately, OS monopoly leverages all of Microsofts profits so a substantial fraction of current Microsoft cash reserves e.g. 10–20 billion should not be considered excessive.

Taxes levied on cigarettes are used to promote anti-smoking advertisements. Similarly this money should go to directly strengthen market influence of competitive forces via such means as a) Informational advertisement about the negative effects of Microsoft's monopolistic behavior b) Strong support of Open Source efforts by direct grants to such projects as a. The worldwide

Linux community b. The Apache foundation c. Project JXTA d. The Wine project c) Promotion of alternative Office suites such as Hancom Office and Star Office d) Grants to overseas organizations that promote the use of computers in education, specifically to enable the use of Linux in schools, colleges and universities in the Third World.

Nitin Borwankar,
President and CEO
Borwankar Research Inc.
nitin@borwankar.com
510–872–7066
CC:nitin@borwankar.com@inetgw

MTC–00017856

From: andy@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 2:19pm
Subject: Microsoft Settlement

Don't do it! This corporation forced me to buy a license for their software, even though I did not want it and do not use it. (Laptop: when I notified the manufacturer that I did not accept the End User License Argreement, I was told my only option was to return the hardware.) This kind of market domination and coercion of consumers will not be rectified by the Settlement as it stands. Please reconsider.

Yours,
* James (Andy) Stroble, Ph.D.
* Honolulu, HI *
* http://www2.hawaii.edu/?stroble/ *

''I have long feared that my sins would return to visit me, and the cost is more than I can bear.''

The Patriot

MTC–00017857

From: Vic Parekh
To: Microsoft ATR
Date: 1/23/02 2:20pm
Subject: Microsoft Settlement

I believe that the proposed Microsoft settlement is a bad idea. Microsoft's activities, which have been ruled illegal, have led to a decrease in competition. The field of Operating Systems has suffered. Systems like BeOS have not had a fair chance of succeeding. I am a US Citizen, and therefore please consider my comments when making your decision.

Thanks,
Vic Parekh
1616 N Fuller Ave Apt 230
Los Angeles, CA 90046
Vic Parekh √√ vic@vicparekh.com √√ 213–944–2340

Hello, I am a leading provider of repurposed leading-edge vortals(c) and orchestrating bleeding-edge relationships(c). I also allow you to click(c) and shop(c) on the Internet(c). If you would like some more information(c), please visit vicparekh.com(c) and buy(c) something today. Thank You(c)

MTC–00017858

From: David Graser
To: Microsoft ATR
Date: 1/23/02 2:20pm
Subject: Microsoft Settlement

You present settlement is a joke. If this is creating an even playing field, then I am alien from Mars.

There is no competition. Microsoft dictates whatever price they want to sell their operating systems for. The upgrades are continually overpriced and usually create more problems than they solve. If OEM's do anything that displeases Microsoft, they are threatened with some strong arm tactics. How is this possible? No competition, no threat! If others had access to secret or poorly documented Win32 API's, others could port these API's to other operating systems enabling these systems to execute Windows programs. Thus, one would not need Windows to operate a Windows programs and this would give others an opportunity to check out and use possibly a better operating system. Show you are an American and want good honest competition. Don't accept the settlement as it is right now.

Regards,
David Graser
Port Neches, TX
Chemical Plant Operator

MTC–00017859

From: Jack and Joan Crawford
To: Microsoft ATR
Date: 1/23/02 2:19pm
Subject: Microsoft settlement

Dear Mr Ashcroft,

Attached is a letter asking to stop further action against Microsoft.

Jack Crawford
CC: fin@mobilizationoffice.com@inetgw
@—++—P-yd
15239 Barrett Road
Mount Vernon, Washington 98273
January 11, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing you today to express my opinion in regards to the Microsoft settlement issue. I feel the settlement reached in November is reasonable, and I strongly favor an end to litigation against Microsoft.

This settlement contains provisions that will make it easier for companies to compete with Microsoft. Microsoft has pledged to share more information with other companies and create more opportunities for them. This settlement will allow Microsoft the opportunity to finally devote 100% of their resources to doing what they do best—designing innovative software, rather than litigation.

I sincerely hope there will be no further action against Microsoft at the federal level. Thank you for your attention to this matter.

Sincerely,
Jack Crawford

MTC–00017860

From: Melissa Heischberg
To: Microsoft ATR
Date: 1/23/02 2:19pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am writting in response to the Proposed Microsoft Settlement, in accordance with the Tunney Act on public commentary. I am strongly opposed to the settlement of the Microsoft Antitrust Trial in its current form. This provisions of this settlement do not adequately restrict Microsoft from future misbehavior, nor does the settlement provide sufficient penalty for the profit and marketshare that Microsoft has gained in the past by use of the anti-competative practices for which they were brought to trial. Specifically, as a software developer myself, I find that the articles concerning middleware development and the release of applicable documentation to middleware developers do not outline what I would cosider to be reasonable timetables and restrictions to allow competing middleware developers to create and test software that is designed for compatability with Micosoft Operating Systems. Also, I am extremely concerned by the apparent lack of penalty being imposed on Microsoft for their past abusive business practices. I strongly feel that this settlement lacks an aspect of justice. While the court's desire to negotiate a settlement is laudable, I feel that the current proposal does disservice to those menbers of the american public who daily use, or develope for, Microsoft products.

Sincerely,
Melissa M. Heischberg
Software Developer
Crystal Lake, IL

MTC–00017861

From: DC
To: Microsoft ATR
Date: 1/23/02 2:19pm
Subject: Microsoft Settlement

Preface:

The US Constitution makes it very clear that copyrights are not an inherent right, but merely a short term incentive designed to bring information into the public domain after a limited monopoly on copying is granted to the makers of a creative work.

Suggested Punishment:

It should be self evident that Microsoft has violated this trust, and as punishment the government should no longer be required to enforce their copyright holdings on the Windows NT/95,98 operating systems, Internet Explorer, and possibly MS Word.

This would be a very simple, but fair and effective punishment that would be self enforcing, require no oversight, and would provide intense motivation for this to never happen again.

Sincerely,
David Christy
dc@linuxonlocation.com

MTC–00017862

From: Furnish, Trever G
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 2:21pm
Subject: Microsoft Settlement

I wish to state for the record that I believe the existing Microsoft settlement proposal is inadequate in its remedies against Microsoft, and that I share in the sentiments listed in Dan Kegel's comments, which can be found on the following web page:

http://www.kegel.com/remedy/letter.html

Trever Furnish, tgfurnish at herff-jones.com, 317.329.3397 x3519
Unix Administrator, Herff-Jones, Inc.

MTC–00017863

From: shirkbt
To: Microsoft ATR
Date: 1/23/02 2:20pm
Subject: Microsoft Settlement

I don't have much time in between classes and trying to keep up with life in general, but this is basically in line with my beliefs about the Microsoft settlement.

Dear Sirs:

I am writing to give my comments on the Microsoft antitrust settlement. I believe this settlement is counter to the interests of the American public, deleterious to the American economy, and not adequate given the findings of fact in the trial.

Microsoft's anti-competitive practices are counter to the law and spirit of our free-enterprise system. These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation. Microsoft's monopolistic practices cause the public to bear increased costs and deny them the products of the innovation which would otherwise be stimulated through competition.

The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future.

It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function.

Brian Shirk
2730 Braithwood rd
Atlanta, GA 30345

MTC–00017864

From: Ben Johnson
To: Microsoft ATR
Date: 1/23/02 2:21pm
Subject: Microsoft Settlement

Greetings!

I'm an independent software developer, and I'm concerned that the proposed remedies for the unlawful and unethical actions of Microsoft will no be enough to put the computing filed back on a level playing field. Microsoft has systematically destroyed any competition to it's desktop dominance—and has hurt my customers due to the lack of a viable alternative due to their illegal actions. Please be a bit stronger in the defense of us consumers and those hurt by Microsoft. Thanks for your time. Pease feel free to contact me at any time, and for any reason.

Yours,
Ben Johnson
5025 156th Ave SE
Bellevue, WA 98006–3629
425 785 0802

MTC–00017865

From: Robt. Miller
To: Microsoft ATR
Date: 1/23/02 2:21pm
Subject: MicroSoft Settlement

Whatever you do, don't let MicroSoft settle, don't let them ''pay'' with software liscences. Make them pay cash or pay for competing operating systems. Thank you.

MTC–00017866

From: Jason E Seegert
To: Microsoft ATR
Date: 1/23/02 2:22pm
Subject: Microsoft Settlement

To Whom It May Concern:

Having been a user of micro-computers for well over 12 years, and having been acquainted with many different operating systems, web browsers, and other various software packages, I would officially like to submit my comments on the Microsoft Anti-Trust Settlement. As excerpted from the Court of Appeals Ruling ''a remedies decree in an antitrust case must seek to ''unfetter a market from anti competitive conduct'', to ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future'' (section V.D., p. 99).''

Many in the public realm, including the Attorney General seem to agree that any settlement must seek to remedy the anti-competitive situation which has gone on for far too long with the Microsoft Corporation. I happen to fully agree with this statement, yet I have some reservations about the Proposed Final Judgement which has been presented the public for comment.

First, much of the wording (incl. definitions and provisions) in the Proposed Final Judgement is misleading to consumers, and in certain cases is overly narrow. This provides many loopholes by which Microsoft can, and will work around in order to maintain and strengthen further their monopoly. Secondly, the PFJ does not attempt to remedy the anti-competitive licence terms which Microsoft currently includes with it's software. By not providing an restrictions on anti-competitive licence terms which prohibit the entry of open-source applications for Windows, and which do not allowed Windows applications to be run on open-source operating systems. Third, many of the requirements of the PFJ will not restore competition to the included software markets. This issue deals with the requirements of releasing the APIs to other vendors so that competing products could not enter the market in time to compete with Microsoft's counterparts (i.e. Internet Explorer, Office, Media Player, etc.). Section III.D. of the PFJ requires Microsoft to release via MSDN or similar means the documentation for the APIs used by Microsoft Middleware Products to interoperate with Windows; release would be required at the time of the final beta test of the covered middleware, and whenever a new version of Windows is sent to 150,000 beta testers. But this information would almost certainly not be released in time for competing middleware vendors to adapt their products to meet the requirements of section III.H.3, which states that competing middleware can be locked out if it fails to meet unspecified technical requirements seven months before the final beta test of a new version of Windows.

For the reasons outlined above, I strongly believe that new, stronger, and yes....even HARSH language needs to be drafted to truly make this PFJ meet the requirements outlined by the Court of Appeals. Many of the states involved in the settlement have proposed some more harsh pentalties, and many of them are not only viable, but desirable in order to return competition to the market. It is my sincere hope that Microsoft will not be allowed to wield its largesse and power over the DOJ. We need to send a strong message to Microsoft to let them know, that we as consumers and business do not agree with their practices, and that we feel they should be punished severely for it.

Most Sincerely,
Jason E Seegert

MTC–00017867

From: Matthew Rees
To: Microsoft ATR
Date: 1/23/02 2:22pm
Subject: Microsoft Settlement

I strongly urge you to reject the proposed settlement between Microsoft and the Department of Justice. I agree with every word of dissent outlined in Dan Kegel's letter (http://www.kegel.com/remedy/letter.html) though I could not myself so thoroughly document the many problems associated with the proposed settlement.

Thank you for your attention.
Sincerely,
Matthew C. Rees
15 Greenbrier Road
Greenville, RI 02828

MTC–00017868

From: Naglich, Don
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 2:22pm
Subject: Microsoft Settlement

Th settlement is a horrible idea. It hurts all consumers and business users. It will kill Apple and the Open source movement

MTC–00017869

From: Gautam Golwala
To: Microsoft ATR
Date: 1/23/02 2:22pm
Subject: Microsoft Settlement

The proposed settlement between Microsoft and the DOJ is a very bad idea. The lack of penalty for past misdeeds by Microsoft is going to make it look like they are getting away without paying a price. In the eyes of the common person, this just looks like the ability of a big corporation being able to buy its way out of trouble with the help of money and political connections. Please do not let the common person lose faith in the justice system.

Thank you,
Sincerely,
Gautam Golwala

MTC–00017870

From: Rory Stark
To: Microsoft ATR
Date: 1/23/02 2:20pm
Subject: Microsoft Settlement

I have followed the Microsoft anti-trust case closely. I was pleased to see the Justice Department and Microsoft come to a settlement. My reading of the settlement indicates that it does in fact address the actual abuses upheld by the appellate court. As a consumer I feel well served by the settlement.

I strongly encourage you to uphold the settlement and put an end to at least this part of the litigation.

Randall Stark
8411 NE 20th Street
Clyde Hill, WA 98004

MTC–00017871

From: Ness, Zoltan
To: Microsoft ATR
Date: 1/23/02 2:22pm
Subject: Microsoft Settlement

I am opposed to the proposed Microsoft Settlement. It is not a true penalty for Microsoft. Giving away software that costs Microsoft little beyond distribution, yet is counted at full price, reduces the penalty to literally a penny or less per dollar. Each copy costs less than one dollar to distribute, but claimed worth is hundreds of dollars for some of the software.

It also serves to further Microsoft's monopoly into an industry (education) which has traditionally had a healthy, competitive mix of personal computer alternatives (Apple, for example).

Rather than a having to live with the legal consequences of it's anticompetitive behavior, Microsoft would be given a less than token penalty AND given a DOJ mandated reason to extend it's monopoly into one of the few remaining strongholds of desktop OS competition.

Thank you for your consideration,
Zoltan Ness

MTC–00017872

From: Jim Martin
To: Microsoft ATR
Date: 1/23/02 2:21pm
Subject: Microsoft Settlement

I have given this a lot of thought and I feel that your proposed settlement does NOT go far enough to protect citizens from monopoly abuse by Microsoft.

It it is common saying among Independent Software Vendors that developing for the Microsoft market is like ''picking up dimes in front of a steamroller''—you can make some money for a while, but if you try to pick up too many coins, Microsoft will flatten you.

I am VP of product development of a software product company that is a current Microsoft Partner (so please keep my identity confidential if possible), I was once a Microsoft Certified Solutions Developer, and I am fairly seasoned in the software dev business having written and sold commercial business software applications for over 18 years for Mainframe, DOS, Mac and all flavors of Windows—3x,9x NT,2000. XP. I sat in a meeting in Redmond in 1998 where Bill Gates stated he believed it was his goal for Microsoft to someday own virtually the entire software marketplace in the US, vertically and horizontally. At that point every other software vendor would be just a custom integrator of Microsoft licensed components. (I signed a Non-disclosure before the meeting but I assume that talking to the DOJ concerning possible crimes is a protected exception).

I dont think you will be able to successfully monitor and enforce on-going compliance by Microsoft, nor do I favor splitting off the Operating Systems group in to a separate company.

I propose that you break up Microsoft into multiple fully competiting ''Babysoft'' companies who start out with the all current Microsoft products. Consumers would instantly have something they dont have now— choice (as well as compatiblity with their existing apps). Each ''Babysoft'' would then need to work hard to innovate and compete with the other ''Babysofts'' on price and features in order to prosper.

Thanks for your time.
Jim Martin
President, Inquisite.

MTC–00017873

From: Nick Betcher
To: Microsoft ATR
Date: 1/23/02 2:21pm
Subject: Microsoft Settlement

Dear DOJ

I believe that from everything I've read, heard, and seen that Microsoft winning this one will send innovative companies, people, and ideas down the drain. There is no excuse for a monopoly, and this is the worst of them all. I only say as much as I do because I speak the true facts and no bloat. This is real, we have one chance, so lets not blow it.

Nick Betcher

MTC–00017874

From: Paul Sumedinger
To: Microsoft ATR
Date: 1/23/02 2:19pm
Subject: Microsoft Settlement

Strong remedies are required to mitigate the strong findings of fault upheld by the courts.

Simple remedies are likely to appear as a political buyout. Enough damage has been set upon users though corporate neglect. The security problems resulting from the products forced upon users by unfair licensing agreements is world laughable.

Many years ago AT&T and IBM were required to submit to strong remedies. No less remedy should be prescribed in this settlement.

Paul Sumedinger
PO Box 208
Towner, ND 58788

MTC–00017875

From: matt@mac.com@inetgw
To: Microsoft ATR
Date: 1/23/02 2:22pm
Subject: Microsoft Settlement

Under the Tunney Act, I want to add my voice to those who affirm that the settlement in the Microsoft case is woefully inadequate. The settlement will not create an environment that will prevent Microsoft from using their monopoly to stifle competition in the future, as they clearly have in the past. Unless the Microsoft applications are constrained to work under the same conditions as non-Microsoft apps (that is, by only using publicly documented APIs to the Windows (NT, XP, CE, and future OSs), Microsoft will have an unfair advantage. The most maintainable solution would be to break MS up into two companies, an OS company and an Apps company—that would ensure a level playing field.

If that is not going to be the solution, it will take on-going Federal vigilance to make sure Microsoft is not succumbing to the temptation to use the inherit advantages of making both the roads (OS) and most of the vehicles (Apps) that use the roads to its advantage, and prevent other companies from building vehicles that work as well or better than MS's.

Sincerely,
Matt Morse

MTC–00017876

From: billa@mx.lsn.net@inetgw
To: Microsoft ATR
Date: 1/23/02 2:22pm
Subject: Microsoft Settlement

The proposed MS settlement is not only a bad idea, but will not have ANY effect on the behavior that it is attempting to stop. Please let the PEOPLE of the world have a choice. The Tunney Act is providing a way for folks like myself to speak out about this issue. Listen to the people.

William Alewine
Systems Administrator
Grande Communications
San Marcos, Texas

MTC–00017877

From: Jonathan Dick
To: Microsoft ATR
Date: 1/23/02 2:28pm
Subject: Microsoft Settlement

Dear Sir or Madam,

As a user of computer software, I strongly oppose the proposed settlement between the DOJ and Microsoft. The settlement prohibits many objectionable practices by Microsoft, but defines many of these so narrowly that it will be easy for Microsoft to obey the letter of the settlement while consciously violating its spirit.

In the past, Microsoft has shown itself to be incapable of voluntarily following court-imposed settlements. Thus, a special master must be appointed to oversee and enforce Microsoft's compliance with any proposed settlement.

Thank you for your consideration in this matter,

Jonathan Dick, PhD
Fresno Pacific University
Division of Natural Science
1717 S. Chestnut Ave.
Fresno, CA 93702
jpdick@fresno.edu
ph 559.453.2095
fax 559.453.2007

MTC–00017878

From: Wes Henry
To: Microsoft ATR
Date: 1/23/02 2:23pm
Subject: Microsoft Settlement

Hello:

I have read about the proposed settlement in the Microsoft anti-trust case, and I am not in favor of it in its current state. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors.

I do not feel the proposed settlement adequately prevents Microsoft from utilizing its monopoly status in unfair and illegal ways in the future, nor does it adequately address the gains Microsoft has received by abusing is monopoly status in the past.

Without appropriate penalties for its previous behavior, Microsoft will not be discouraged from acting similarly in the future. Likewise, without appropriate measures taken to prevent continuing

monopolistic behavior, Microsoft will not be prevented from acting similarly in the future.

So, in effect, nothing changes, and the proposed settlement amounts to nothing more than a slap on the wrist to Microsoft. The damages Microsoft has caused to the software industry, the computer industry as a whole, and to everyone and every business who uses computers in some fashion in their daily activities is incalculable.

For example: Microsoft Windows and Microsoft Outlook are the two primary weaknesses in the spread of computer viruses. It is estimated that costs of recovering from and dealing with two viruses: Nimda and Code Red just in the last year were nearly $1 billion.

That is a very significant burden to the US and even the world economy. And represents only two of the tens of thousands of viruses that affect Microsoft Windows and Microsoft Outlook.

But it doesn't even begin to estimate the losses caused by the monopolistic destruction or assimilation of companies like Netscape and countless others who developed competitive software to Microsoft products. Innovation is what fuels the US technology marketplace and Microsoft acts counter to innovation in the marketplace. In fact Microsoft has never created an innovative product in its entire existence. Instead it simply copies the products and/or features of its competitors and then uses its monopoly powers to ram its products down the throats of consumers and drive its competition out of the marketplace.

Choice is the power consumers must have in order to keep innovation alive. Without choice, without the freedom to choose the products they want, consumers are trapped in the Microsoft monopoly.

I ask you to abandon the currently proposed settlement and think about what it is that would return the marketplace to a fair and competitive state now, and in the future.

Specifically I would like to recommend:

(1) Microsoft be split into (at least) three separate and completely independent corporations: Operating Systems / Applications / Other Products

(2) Microsoft be forced to open up the COMPLETE source code to all windows versions, with a process for review such that industry experts can inform the DOJ when they find omissions or errors in the source code released by Microsoft and have these issues resolved by the DOJ through forced compliance and additional fines for each infraction such as errors or omissions in the source code released.

(3) Microsoft be forced to release the specifications for all file formats used by Microsoft products and be prevented from using file formats which are not openly documented for a period of at least 10 years (or a period corresponding to the time Microsoft has been a monopoly, whichever is longer.)

(4) Individual policy makers within the company should be held accountable for further monopolistic actions. Hiding behind a corporate veil makes it easy for the administration to direct Microsoft to further abuse their monopoly. But being held personally responsible for directing the company or its employees to act against the law would go further than any penalties faced by the corporation as a whole towards curtailing further abuse of the Microsoft monopoly.

A new and more fair settlement also needs to address the damages caused by Microsoft to its competitors and to its customers. Specifically, I would like to recommend:

(1) Severe fines for abuse of its monopoly position

(2) Settlement fines paid to companies like Netscape, Sun, and others who have been unfairly damaged by Microsoft in the past Microsoft has proven themselves to be abusers of their monopoly position. And they've shown over and over again their eagerness to act unfairly or unethically in an effort to strengthen their monopoly even further. Only the strongest of actions.can even have a hope of restoring the marketplace to a fair and competitive environment. Only the strongest of actions can even start to undo the wrongs caused by the monopolistic abuses of Microsoft.

Sincerely,
Weston Henry
1535 27th Ave. S, #201
Fargo, ND 58103
CC:wes@puah.org@inetgw

MTC–00017879

From: Joe Fish
To: Microsoft ATR
Date: 1/23/02 2:23pm
Subject: Microsoft Settlement

Dear Sir / Madam:

Regarding the subject settlement, please be advised that there a large number of voting citizens who consider the settlement as currently proposed to be wholly unpalatable, and that, if it is implemented, we plan to express our displeasure with our votes in the rapidly approaching congressional elections.

As one employed in the IT field, I have seen the way in which the unlawful, anti-competitive nature of Microsoft's business practices have harmed nearly everyone in the community in some way, from individual consumers of electronics products, up to the behemoth-sized companies that directly compete with Microsoft for some markets (Sun, IBM, AOL-Time Warner, etc.) Unfortunately, any settlement you propose comes too late to the party. Individuals have lost jobs, products have disappeared from consumer's lists of choices while the lawyers in Washington have wrangled. As this is unquestionably the case, you at the DOJ have the responsbility to at least ATTEMPT to ensure that Microsoft will not be allowed to use the same unlawful business practices on anyone they deem unfit to make profits in the IT business.

The settlement as currently structured does, in my view, little to nothing to curtail Microsoft's previous behavior, except possibly as it relates to competing Internet Browsing technologies, of which there are now none, thanks to Microsoft. While I feel that the IDEA of a 3-person panel dedicated to reviewing Microsoft actions is a good one, they need a much broader charter of powers and clearer definition of their ability to implement corrective measures than I was able to discern from the proposed settlement agreement. In my view, the terms, details, and especially EXCEPTIONS listed in the agreement appear to have been drafted by Microsoft's bevy of lawyers, working closely in concert with Waggoner-Edstrom and the host of other various and sundry marketeers, PR flacks, and other unscrupulous characters charged with ensuring Microsoft's continued march towards domination of all consumer spending decisions in the developed world.

Please consider the revision of this proposed agreement to be more in line with what many industry insiders consider to be a fairer solution, as detailed on this page.

Thank you for your time and attention.

Joe Fish (jfish@dctkc.com)
DataCapture Technologies Inc.
510 Southwest Boulevard
Kansas City, KS 66103
http://www.dctkc.com
P: 913.831.7226 F: 913.831.7233

MTC–00017880

From: Steve Rapaport
To: Microsoft ATR
Date: 1/23/02 2:23pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea, we will all regret it when mediocre microsoft products rule our lives.

Steve Rapaport
CTO, A-Tono Inc.
http://www.a-tono.com/

MTC–00017881

From: twitchy wonderpig
To: Microsoft ATR
Date: 1/23/02 2:24pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I believe the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement based solely on settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Eric Byrd
Edmonds, WA

MTC–00017882

From: Jason Crist
To: Microsoft ATR
Date: 1/23/02 2:23pm
Subject: Microsoft Settlement

This settlement is a bad idea, and will have negative effects to the development of technology.

I would appreciate your help as would so many in this world.

Jason Crist

MTC–00017883

From: Leo Hejza
To: Microsoft ATR
Date: 1/23/02 2:24pm
Subject: Microsoft Settlement

The settlement currently proposed in the Microsoft case does not restore competition in the computer industry, will not prevent Microsoft from continuing its illegal practices, and is not in the public interest. It should be rejected and replaced with a plan that will accomplish these objectives.

One such plan is the following: divide Microsoft into six companies. Three of the companies have full rights to Microsoft's operating system intellectual property and three of the companies have full rights to Microsoft's application intellectual property. The three operating system companies will have no choice but to compete with each other on price, capabilities, and innovation; similarly, the three application companies will have to compete. None will have a monopoly in their respective areas.

This plan is no more radical than the ATT breakup and such a plan is the only solution to the current situation with Microsoft.

Leo A. Hejza
CC:Leo.Hejza@Sun.COM@inetgw

MTC–00017884

From: marilyn@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 2:25pm
Subject: Microsoft Settlement

This is a Tunney Act response to the proposed Microsoft settlement: The proposed settlement apparently will extend Microsoft's monopoly since as part of the settlement they will have the opportunity to place their products in schools. If fountain pen dealers had a lawful opportunity to place their products in schools for the use of students and no other commercial entity had a similar opportunity, we would find that nearly all school children would continue to use fountain pens in adulthood, and pencil and ball-point pen manufacturers and sellers would suffer. It will be nearly impossible under this settlement for students to gain knowledge of operating systems and software other than that produced by Microsoft. Few students will bring their computers running other systems into class.

Microsoft has been judged to be a monopoly but the proposed settlement only aggravates and extends their monopoly position. A much better settlement will require that Microsoft give cash payments, not products, to schools so that each school can purchase a variety of hardware and software. This way the students will be exposed to other operating systems such as UNIX, Linux, MacOS, and the applications that run on those systems. In addition this more open settlement will allow schools the freedom to use settlement funds to try other systems which may come along in the next few years.

I will be happy to answer any questions about this response. Please contact me by email.

Very truly yours,
Marilyn W. Sweet
6540 Bradley Boulevard
Bethesda MD 20817

MTC–00017885

From: Markus Lamminm(00E4)ki
To: Microsoft ATR
Date: 1/23/02 3:25pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea!

Markus

MTC–00017886

From: The Real Bev
To: Microsoft ATR
Date: 1/23/02 2:22pm
Subject: Microsoft Settlement

I am strongly opposed to this settlement. In view of the chilling effect that Microsoft's predatory practices have had on the entire PC software development community, which in turn unduly limits, for all practical purposes, the software to which the general public has access, it is wholly inadequate.

Sincerely,
Beverly Ashley
Pasadena, California

MTC–00017887

From: Ben Conner
To: Microsoft ATR
Date: 1/23/02 2:25pm
Subject: settlement comments

Gentlemen,

Having been in the computer field for over 30 years, I have watched with interest as Microsoft has gained their current market position. Never have I seen a more classic case of abuse of monopoly position. I spend a good deal of my time helping clients clean up messes left by Microsoft applications that break or ignore standards set by the industry. After several versions of released code, one can only draw the conclusion that it is their intent to cause this. It can't be explained away by ignorance or stupidity on their part. Given that this arrogance is part of their corporate culture, assigning a few ''code cops'' is going to be as effective as having a handful of auditors to look over returns at the IRS.

They have already proven they can't be trusted—what makes you think keeping them intact will improve their policies? If you believe this is speculation, take the acid test—try and order a PC without Microsoft products on it from any major manufacturer. It isn't possible. And under your new guidelines, nothing will change.

If you haven't noticed yet, do you know how Microsoft says ''Screw You!''?

''Trust Me!''
+ Ben Conner
+ Web World, Inc.
+ PO Box 6548–107 +
+ Orange, Ca 92863 +
ben@webworldinc.com +
(888) 206–6486 voice +

MTC–00017888

From: Richard Congdon
To: Microsoft ATR
Date: 1/23/02 2:27pm
Subject: Microsoft Settlement

I would like to express my dissatisfaction with the Proposed Final Judgement (PJF) currently before your division vis-a-vis Microsoft(MS). I don't know ifs it is relevant, but I want to give a brief essay on why this would unjust. Unlike some others you will be hearing from, I am no MS-hater. They usually produce software of equal or superior quality to their competitors, and for that they should be commended. More than that, if they do produce a superior products, I think that they should dominate the market. That is, as long as this superiority is not achieved by secret knowledge and manipulation of the underlying infrastructure. While monopolies such as MS enjoys with it's various Windows OS's can sometimes be (and in this case is) beneficial, they should be treated as such. In order to allow for the possibility of innovation in non-OS software, MS must be compelled to reveal —all— of the particulars on how MS OS's work. Otherwise, it is virtually impossible for MS competitors to compete, simply because MS not only holds all the cards, but is also the one with the card printing press.

This problem would have been solved if Judge Jackson's breakup had occured. Since there will be no breakup, I dearly hope that the Justice Department will come to some sort of agreement that restrains MS's behavior, and also provides real penalties for non-conformance.

Richard Congdon
Harvard School of Public Health
617/432–0995

MTC–00017889

From: Ross Rannells
To: Microsoft ATR
Date: 1/23/02 2:25pm
Subject: Microsoft Settlement

Over the past 12 years Microsoft has done everything it could both legally and illegally to control the desktop computer market. They have stolen software from companies, used their monopolist position to put companies out of business and eliminate competative software. They have used the courts to put companies out of business that have won court cases against them.

They have significantly stiffled development of new software and hardware. They have even managed to bankrupt a company by declaring they were developing a competitive product that they never released, which is why there is no longer a light pen interface in DOS/Windows even though they were on the market in the early 1990.

The only software product to increase over time in the entire computer industry are those produced by Microsoft. Every other company, whether they produce hardware or software, managed to increase performance while dropping prices. Today Windows takes longer to boot, is less stable and the root cause for every maor computer virus outbreak since 1990. Microsoft complete disreguard for thier clients and computer security has lead to a state of complete

paranoia over computer system security. Microsoft has managed to ignore the cries for more secure and more stable Operating Systems and system level software du to their monopolist position in the market. Currently the US leads the world in computer technology, that will not continue if Microsoft is allowed to keep in its monopolist position in the computer industry. The US has already fallen behind in wireless web and cell phone technology due to Microsoft's influence over new development eviroments. In many European and Asian contries the development of Linux and other OS's is starting. Sooner or later someone will hit on the right combination of price, features and stability. Then the US will be topled off the top position in the computer industry.

Microsoft must be dealt with now. They need severe penalties and limitation put on their ability to control the computer market. Forcing them to divest of their hardware production division, their game consul devision, their communications holding, and they putting a wall between the OS and other software development divisions will go along way to reinvigerating the computer industry in the United States. Additionally, making them publish the prices the OEM's pay for the OS and other software as well as eliminating the restrictions on OEM distributing other OSes would also be needed. Over the past couple years we've seen Be, NeXT and IBM eliminated from the desktop OS market even though they had superior products and were less expensive. Microsoft's exclusive agreements with OEM that limited the OEM capability to sell other systems made it impossible for the other companies to have a chance.

Microsoft was found guilty of monopolist practices and that conviction was unanamously upheld by an appeals court. Why are you allowing Microsoft to dictate the terms of the settlement. Their powers need to be limited and their abuses eliminated. If not the US will no longer be able to control the computer industry.

Ross Rannells
Computer Technology Professor
Purdue University

MTC–00017890

From: Lawrence Kestenbaum
To: Microsoft ATR
Date: 1/23/02 2:25pm
Subject: Microsoft Proposed Final Judgment
To: Department of Justice Re: Micosoft
Proposed Final Judgment

The Proposed Final Judgment is deeply flawed and should NOT be put into effect as it stands. In my opinion, it allows too many exclusionary practices to continue, and does not reduce barriers to entry. In general, I agree with the analysis posted online at http://www.kegel.com/remedy/remedy2.html and I support the amendments he proposes.

Lawrence Kestenbaum
Attorney
Owner, PoliticalGraveyard.com web site
Washtenaw County Commissioner
(mentioned as identification only; the County has not taken a position on this)
Lawrence Kestenbaum,
polygon@potifos.com
Mailing address: P.O. Box 2563, Ann Arbor MI 48106

MTC–00017891

From: Shawn Gatchell
To: Microsoft ATR
Date: 1/23/02 2:25pm
Subject: Microsoft Settlement

To whom it may concern:

I am opposed to the settlement that the USDOJ and Microsoft have arranged. I do not believe that it prevents Microsoft from continuing to exhibit the behaviors that have supported its monopoly thus far, including bundling with its OS software that can be clearly defined as belonging to another market (Internet browsing, instant messaging, and audio/video players are among these applications). I advocate a provision that at least allows competitors'' applications to receive equal visibility wherever Microsoft tries to extend its OS into other markets. It is the responsibility of a monopolist in one market to acknowledge market boundaries, rather than blur them. I am a software developer for a small company, and I am afraid of a time in the future when Microsoft bundles with their OS software for building Internet portals. I even refuse to disclose the identity of my employer in this letter for fear that Microsoft's aggressive retaliatory tactics may affect our sales and my future.

It is also inherently flawed that Microsoft's partners must pursue legal action if Microsoft discontinues a partner's contract due to the partner giving a Microsoft competitor presence on the OS that Microsoft considers undesirable. The reality is that it costs money to pursue legal action, which has a stifling effect on such action when Microsoft has such deep pockets. I would be mollified by a contract where the loser in such a dispute is required to pay all legal fees. Otherwise, litigious remedies to such disputes are shown to be inherently and unjustly favorable to the party with more money. I would also like the remedy to include language that advises injunctive relief for future suspected behaviors in order to provide timely remedies for the aggrieved.

The area of the settlement that involves monetary compensation is anticompetitive itself and laughable. The idea that Microsoft gets a mandate to distribute its own software to schools, where it has heretofore had to deal with fair competition, is ironic. If removed from the context of an antitrust settlement, it looks like an initiative from Microsoft to expand into new markets, giving away software to influence the next generation of computer users. It comes at little cost to Microsoft, as they are free to valuate their own software. It also does nothing to compensate those who have been damaged by Microsoft's anticompetitive action. I would rather see Microsoft continuously paying hard cash for a larger oversight committee for the extent of their lifetime as a monopoly. This remedy would more accurately influence Microsoft's behavior than a one-time charity handout.

In closing, I am shocked at the way Microsoft's unyielding arbitrators have consistently stonewalled attempts at generating fair settlement. I feel that they have taken advantage of the USDOJ's and the US legal system's faith in the arbitration process. A judge should not be afraid to reject this settlement and impose remedies that precisely target both the monopolistic behaviors of which Microsoft was found guilty and the processes in the legal system that have been inefficient in checking these behaviors.

Sincerely,
Shawn Gatchell

MTC–00017892

From: Lord Moskrin
To: Microsoft ATR
Date: 1/23/02 2:25pm
Subject: Microsoft Settlement

I don't agree

MTC–00017893

From: Adam Megacz
To: Microsoft ATR
Date: 1/23/02 2:21pm
Subject: Microsoft trial Tunney Act comment

I strongly oppose the current MS/DOJ settlement. I'm sure you've recieved plenty of standard replies, so I'll leave out the things that I'm sure many others have already said. However, here is a suggestion you probably haven't heard yet: ''Smallest useful unit''

Microsoft must divide Windows into a set of ''smallest useful components'' (browser, kernel, shell, media player, etc), and attach a *single* price to each one. Any entity (businesses, OEMs, consumers, resellers) must be allowed to purchase any number of licenses for any combination of these components, paying only for the components licensed. Licenses must be transferrable and resellable. Interfaces between components must be fully and publicly documented.

The Windows source code should be made available under NDA to a few leading computer science universities (I suggest Carnegie Mellon, MIT, Berkeley, CalTech, Stanford, and UW), whose expert faculty will be responsible for determining if Microsoft has artificially made components interdependant, and if the inter-component interfaces are sufficiently documented.

Thank you for your time.
—a

MTC–00017894

From: Jimba830@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 2:26pm
Subject: Microsoft Settlement

Dear Department of Justice:

My Word! Please settle this case soon. This is getting ridiculous. Microsoft has expressed sincere cooperation in trying to get this matter resolved. Why not accept a reasonable proposal. In today's Wall Street Journal (1–23–02), it was implied that these continuous litigation cases is just an attempt to keep Microsoft tied up in court and prevent them from innovating. I have to agree. These other companies just can't stand the fact that Microsoft has out-innovated them. It is in the public's best interest to get this thing over with. Continued litigation and compromises is just going to make the computer a more difficult and expensive product to use.

Thank you for hearing me.
Sincerely,
Dr. Jim Rodgers

MTC–00017895

From: Carl Holmberg
To: Microsoft ATR
Date: 1/23/02 2:26pm
Subject: Microsoft Settlement
Carl M. Holmberg
213 Mehani Circle
Kihei, HI 96753
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW.,
Suite 1200
Washington, DC 20530–0001
22 Jan, 2002

Dear Ms. Hesse,

I would like to state several of my objections to the Microsoft Anti-trust settlement as it stands as of 01/22/2002.

1. The settlement would not restrict the core way in which Microsoft unlawfully maintained its Windows operating system (OS) monopoly, namely bundling and tying competing platform software (known as ''middleware'') like Web browsers and Java, to the OS.

2. The settlement has no provisions to create competition in the OS market that Microsoft unlawfully monopolized, particularly through it's illegal contracts with computer manufacturers.

3. The settlement has no provisions directed to new markets where Microsoft is using the same bundling and restrictive practices to preserve and extend its Windows monopoly.

4. The settlement makes no allowances for non-profit software developers. As a researcher with the Air Force Research Laboratory's Maui High Performance Computing Center, I can tell you that the majority of innovation in the software field today springs from non-profit (ie. open source) development efforts.

No settlement at all is better than a flawed settlement such as the DOJ is currently proposing. At least with no settlement, no one is fooled into thinking that the problems caused by Microsoft's past and current actions are being adequately dealt with.

Sincerely,
Carl M. Holmberg

MTC–00017896

From: David Shultz
To: Microsoft ATR
Date: 1/23/02 2:25pm
Subject: Microsoft Settlement

This settlement is a complete sham. The current proposed agreement simply isn't a good idea for anyone but M$.

D. Shultz

MTC–00017897

From: Kyle S. MacLea
To: Microsoft ATR
Date: 1/23/02 2:28pm
Subject: Microsoft Settlement

To whom it may concern:

I would like to voice my concern with the proposed settlement in the Microsoft Anti-Trust case. The proposed settlement allows and encourages significant anticompetitive practices to continue and as such is a poor ending to a succesful finding of guilt on the part of Microsoft. It is my feeling that it should not be adopted.

Regards,
Kyle S. MacLea

MTC–00017898

From: Sean M. Clifford
To: Microsoft ATR
Date: 1/23/02 2:28pm
Subject: Microsoft Settlement

I believe that the proposed anti-trust settlement does not sufficiently protect consumers or businesses, nor does it adequately address the abuses of Microsoft. Note that Microsoft abuses continue, despite the antitrust case.

Thank you,
Sean M. Clifford

MTC–00017899

From: Harry Bulbrook
To: microsoft.atr(a)usdoj.gov
Date: 1/23/02 2:28pm
Subject: Microsoft Settlement

I encourage the Justice department to reject the current proposed judgement against Microsoft.

One example instance of Microsoft's anticompetitive strategies: As the network administrators for a large network in 1995, we prepared for many machine to upgrade to windows95. This would be beneficial for many reasons, not least of which was technical weaknesses of its predecessor, windows 3.1. Windows95 was not compatible with our existing tcpip stack. Fine, since windows95 came with it's own. But, being in a large environment required automatic assignment of IP addresses, something we had been doing with BOOTP for several years. Windows 95 supported DHCP (BOOTP's successor), but not BOOTP, even though DHCP explicitly provided for BOOTP support in the RFC. Therefore, to aviod moving to completely static IP assignment, a DHCP server must be setup. The only DHCP server available at the time was included in WindowsNT 3.51, which we did not have, being a NetWare shop. NT was therefore purchased, requiring specialized support classes and budgetary consideration. In effect NT was forcibly introduced, and when explanations were demanded as to why two network operation systems were required, the decision was made to move completely to NT, eliminating NetWare.

This experience was the first of several of its kind. I strongly recommend a harsher penalty for Microsoft, preferably requiring the publishing and documentation of its APIs for windows, word/excel/powerpoint/access save file formats, and the establishment of stronger strictures against this kind of behavior.

Thank You
Harry Bulbrook
Instructor, Durham Technical Community College
1637 Eaast Lawson St.
Durham NC 27707

MTC–00017900

From: Curtis Rey
To: Microsoft ATR
Date: 1/23/02 2:36pm
Subject: Microsoft Settlement

More restraints!

MTC–00017901

From: mercado@phys-ha5sca-2.SFBay.Sun.COM@inetgw
To: Microsoft ATR
Date: 1/23/02 2:29pm
Subject: Microsoft Settlement

To Whom it May Concern:

As a concerned citizen, PC consumer, and voter I would like to express my disagreement with the proposed settlement in the Microsoft case. The proposed settlement is a slap in the wrist to a montrous monopolistic empire.

In my opinion Microsoft continues to hold the PC market hostage. Its newest operating system is so intrusive that it should not be made legal to use. It intrudes in the privacy of customers and it monopolizes the use of any type of information acquired by the OS.

The proposed judgement does not guaranties that Microsoft won't continue to maintain its current monopolistic grip of PC operating systems. Thus, the PC sector as well as the consumer suffer due to the lack of market and technological competition. It is very simple. Go to ANY computer store (Fry's, Office Depot, Dell, Compaq, IBM, etc)

What is the operating system they sell? Simple: Microsoft Is it possible for them to install other operating system and sell it?: NO. The market is owned by Microsoft.

Please continue litigation of the Microsoft Antitrust Case. Microsoft Corporation can't be allowed to continue as the PC monopoly that continues to be.

Hector Mercado
Sunnyvale, CA
408–735–8842

MTC–00017902

From: Derek Bastille
To: Microsoft ATR
Date: 1/23/02 2:29pm
Subject: Microsoft Settlement

To Whom it May Concern,

I am composing this email to express my strong concerns with the proposed Microsoft settlement. Unless Microsoft is reigned in more tightly than proposed in the settlement, they will continue to sacrifice all other aspects of their buisness in their quest for marketshare. This can easily be seen in several areas:

(1) Preannouncements. Whenever a potential competitor announces an upcoming product that could potentially compete with an existing Microsoft product, Microsoft will pre-announce that they have something already in the works, thus squashing the newcomer via the pre-announcement.

(2) Standards hijacking. Time and again, Microsoft has shown an unwillingness to ''play nice'' and use standards created by industry. Some examples are: Kerberos, Java, HTML, XML, etc. They constantly strive to lock users into proprietary Microsoft product and solutions and often use slightly modified standards to do so.

(3) Hidden APIs. Part of the antitrust ruling was devoted to the fact that Microsoft uses APIs internal to Windows to give other Microsoft projects advantages over the competition. Office is the best known example. However, recent examples of this behavior include: creating special APIs to make data transfers and syncing. easier for

PocketPC systems than for PalmOS systems, built-in APIs for Windows Media Player that disadvantage third-party media players.

In sum, all companies suffer to a certain extent from the ''Not-Invented-Here (NIH)'' syndrome. However, none of them have taken NIH to the level that Microsoft has where NIH is used as a way to bludgeon any potential competitors. Microsofts corporate culture is one that only believes in a zero-sum game, that is, anything less than 100% market share in every area will do.

I believe that, while Microsoft should not be forced to break up, that they need to do at least be forced to do the following:

—Publish and stabilize all APIs currently in Windows that are used by other internal Microsoft projects (Office, Money, IIS, etc). Further, any changes to these APIs must be documented for future versions of Windows.

—Ensure that all .Net APIs, schemas and protocols are fully documented and freely available.

—Reincorporate a fully functional, real java VM into Windows. Apple has done this with MacOSX, Linux has this, IBM's AIX and HP's Unix all have this. Microsoft refuses to do this solely to avoid competition with its own .Net and C# initiatives (another case of NIH running amok).

Thank you for your consideration of this letter and of my opinions.

Best Regards,

Derek Bastille

(Current contact info is in my signature block)

Derek Bastille, Phone: (907)474–5793

PO Box 756020, Fairbanks AK, 99775, Fax: (907)474–5494

Region Supercomputing Center, email: bastille@arsc.edu

User Services Consultant/ISSO-Accounts, http://www.arsc.edu/bastille

Visit WWW page for my PGP public key

ARSC Help Desk: email: consult@arsc.edu voice: (907)474–5102

MTC–00017913

From: Darin Thomas
To: Microsoft ATR
Date: 1/23/02 2:30pm
Subject: Microsoft Settlement

Dear Sirs,

I have reviewed the documents on the proposed Microsoft settlement and I feel that it doesn't go far enough to prevent Microsoft from continuing its monopolistic practices.

Joseph D. Thomas Sr.
dthomas@destinresorts.com
darin@partydogentertainment.com
2846 Old Mill Way
Crestview Fl. 32539

MTC–00017930

From: Ed Storm
To: Microsoft ATR
Date: 1/23/02 2:30pm
Subject: Microsoft Settlement
Edward R. Storm
7974 Sunkist Dr.
Oakland, CA
94605
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW., Suite 1200
Washington, DA 205030–001

Under the Tunney Act, I wish to comment on the Microsofts settlement's inadequacy in improving the competitive environmenbt of the software industry. I am sure you have recieved many such comments, my main concern is with the lack of consideration for open source projects whose goal is to interoperate with the MS-Windows platform. Specifically the stipulation in the settlement (Section J.2.c) Microsoft does not need to make ANY API available to groups that fail to meet ''reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business.'' This basically allows Microsoft to refuse to share ANY information with open source projects, as these projects are usually undertaken on a not-for-profit basis. I suggest that the languge be added to the above section specifically prohibiting Microsoft from discriminatiing against not-for-profit open-source projects.

Regards,

Edward Storm

MTC–00017940

From: Brian Teague
To: Microsoft ATR
Date: 1/23/02 2:30pm
Subject: Microsoft Settlement

Dear Department of Justice Antitrust Division

Upon perusing the proposed final judgement for the Microsoft antitrust trial, I wish to draw your attention to what I consider a grevious omission. The proposed final judgement includes no provision that Microsoft disclose the file formats employed by such applications as the Microsoft Office suite of productivity tools. No doubt through the exclusionary practices for which Microsoft currently stands trial, the Microsoft Office suite has become the defacto standard for creation and transfer of documents in business, industry and education. The inability (or, through much trial and error, imperfect ability) to interoperate with these file formats poses a major liability to corporations such as Corel and AbiSoft who wish to offer competetive products, not to mention open-source projects such as Gnumeric and Kylix.

Even though Office 2000 claims to operate with the industry-standard XML file format, Microsoft has not released the Document Type Definition (DTD) that defines the structure of these documents. Thus, they are still not accessible by non-Microsoft applications. If your intent is truly to lower the barrier-to-entry into the desktop computing market that Microsoft has imposed, I urge you to include a provision that Microsoft disclose its proprietary file formats just as it must disclose its APIs.

Regards,

Brian Teague

Baker ''04

Rice University

MTC–00017942

From: Aaron Hall
To: Microsoft ATR
Date: 1/23/02 2:30pm
Subject: Microsoft Settlement

To whom it may concern:

As a computer professional who works primarily with personal computers and low-end servers, I have severe reservations about the proposed DOJ settlement with Microsoft.

The defining characteristic of Microsoft's behavior has been that the company is able to structure products and agreements to lock customers in, in a way that they simply would not dare to do (or even be able to), if they did not have the advantage of a virtual monopoly.

For example, Microsoft has recently introduced new licensing schemes for large installations, called ''Volume Licensing 6.0'' and ''Software Assurance''. These are, essentially, subscription plans for software. Rather than paying for one license which is good indefinitely, Microsoft seeks to require one to renew the license annually. Estimates I've heard suggest that this would raise the average cost of software 25 to 30 percent, over the time a standard license would generally be in use.

There is a way to recieve discounts, called an ''Enterprise Agreement''. To recieve discounts, a company must agree not to use any competitive products! In order to make software upgrades affordable in the short term, a company essentially gives up any real method of transitioning away from Microsoft in the long term. This could have a devastating effect on Microsoft's competitors.

This, to me, is what anti-trust codes are supposed to prevent. Microsoft is using its monopoly position to dictate terms to its customers. (The above is just one technique. I'm sure you are hearing of many others.) It is brazenly coercing customers into abandoning any other options. I am very concerned that the current proposed settlement does not impose any real penalty on Microsoft for past and current actions such as this, and doesn't implement more than trivial safeguards against it happening again. Microsoft obviously does not take seriously the current actions against it, to be acting in such a manner as this while settlement proceedings continue.

I believe that Microsoft's monopoly advantage will serve as insulation against even the government's attempts to curb its illegal behavior, unless the DOJ implements restrictions that fundamentally change the way Microsoft does business, at least temporarily. Others can speak to specific methods far better than I.

Without significant change, I fear that Microsoft will continue to be able to force restrictions on individuals and businesses alike, and there will be very little the rest of the market (or their customers) can do to stop them.

Please take this into consideration.

Sincerely,

Aaron Hall

<aaron@vitaphone.net>

MTC–00017943

From: Jeff Adams
To: Microsoft ATR
Date: 1/23/02 2:32pm
Subject: Microsoft Settlement

To whom it may concern,

I oppose the proposed settlement with regard to Civil Action No. 98–1232. Because

the United States Court of Appeals for the District of Columbia Circuit upheld the conclusion that Microsoft abused it's monopoly power, Microsoft should have —no— say in the remedy phase. It's my opinion that Justice is not served if the guilty are allowed to define their ''punishment''.

Respectfully,
Jeff Adams
Kyle Tx

MTC–00017944

From: Bill
To: Microsoft ATR
Date: 1/23/02 2:30pm
Subject: Microsoft Settlement

I think the propopsed settlement is a BAD IDEA! Microsoft should not be allowed to weasel their way into a market segment that has not traditionally been theirs when they are supposed to be punished!!! By allowing them into schools you are INCREASING their market segment by surrounding students with MS products. Those students will continue to use and purchase MS products later in life.

William S Manro
Bloomington, MN 55420
Technical Support

MTC–00017945

From: Vinu Arumugham
To: Microsoft ATR
Date: 1/23/02 2:30pm
Subject: Microsoft Settlement

Microsoft skimmed billions from consumers by violating the law. Now it looks like they will buy their way out of trouble. They have paid off the Bush Administration and Congress. Are there any ''Untouchables'' left?

Vinu Arumugham
1860 Bexley Landing
San Jose CA 95132

MTC–00017946

From: Stuart Schneider
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 2:35pm
Subject: Microsoft Settlement

I would like to comment on the proposed settlement of the Microsoft case. From what I've read of the proposed settlement online and in the media, the ''settlement'' is a joke and doesn't even give Microsoft a slap on the hand. None of the requirements in the proposed settlement will cause Microsoft to change their business practices.

Thank you,
Stuart Schneider
Portland, OR
schneis@dvl.net

MTC–00017947

From: Thor Brickman
To: Microsoft ATR
Date: 1/23/02 2:31pm
Subject: Microsoft Settlement

To whom it may concern,

After reading the proposed final judgemens in United States v. Microsoft, it is my opinion that, given the obvious nature of Mircosoft's transgression, the judgement does not do enough to rectify the situation and, if implemented, might even make it worse.

There are ways the judgement could be strengthened:

(1) The definition of ''Windows Operating System Product'' needs to be more inclusive and far reaching. The language of the current definition could be easily circumvented with mere marketing.

(2) The release of information to ISV's needs to be broader in it's statement of the purpose for the disclosure, again to insure that Microsoft does not use nomenclature to exclude information from the provision.

(3) The Prohibition of More Practices Toward OEMs needs to include some statement about computers with a non-Mircosoft Operating System without any Windows Operating System Product, or the prohibition leaves anyone not doing business with Microsoft open to predatory practices. The judgement should also take into account Windows compatible operating systems, which it neglects to mention entirely. many of the definitions are too narrow or use language that could be misleading. In addition, the judgement does not address many of the license terms Microsoft is using, even though those are anticompetitive. There is also no comment about intentional incompatibilities, which Microsoft as repeatedly used to hamper the development of competing technologies.

Even with the suggestions above, the judgement does not seem to do enough to guarantee competition in a market like the one Microsoft has created using predatory practices and I think it needs to be reconsidered.

Thank you for reading,
Thor Brickman
Systems and Network Administrator
University of San Diego

MTC–00017948

From: Walter Wood
To: Microsoft ATR
Date: 1/23/02 2:31pm
Subject: Microsoft Settlement

I am opposed to the proposed settlement between Microsoft and the DOJ. My reasons for this are several.

* The penalty proposed is not really a penalty. It only amounts to a slap on the wrist. The behavior MS has exhibited should bring much stronger sanctions.

* I believe MS has abused their power to stop innovation and to keep new products from competing companies from successfully coming to market.

* While the cost of all other computing products has come down, the cost of Windows has actually gone up. For example, I purchased a new computer and Windows 3.11 in 1994. The cost was $79.95 for the full product (not an upgrade). The cost of the equivalent product, Windows XP Professional Edition is now $299.95. This is a price increase of 375% in eight years.

* The percentage of the total cost of a computer that goes toward the operating system (Windows) is much higher now than eight years ago. When I purchased my first new computer in 1994 it cost $2500 the OS was $50 (Windows 3.1) or 2% of the total cost. You can now buy a computer for $800 but the OS now costs $200 or 25% of the total cost.

* Microsoft is reported to have $30+ billion in cash reserves while many other companies are going under. While this is not a crime, it does indicate that they can do anything they want to anyone including consumers. The only thing that can stop them are criminal or civil penalties. If their products had competition, they would have to lower prices and they would not have this huge cash reserve.

* Microsoft is now adding repressive features to its programs that will enable them to prevent your using the product in the future that you pay for today. The example here is Product Activation. I recently had to repair an old computer using Windows 95. I was able to reinstall the OS without a problem. With Product Activation, will I be able to do that four or five years from now? Or will MS force you to upgrade to their newest OS by denying Activation to older products? While I agree MS has a right to protect their investment, if I had a choice I would choose a product without this feature. I don't trust them at all!

Sincerely
Walter D. Wood
599 Heather Brite Circle
Apopka Florida
wwood@cfl.rr.com

MTC–00017949

From: dave campbell
To: Microsoft ATR
Date: 1/23/02 2:32pm
Subject: Microsoft Settlement

Microsoft has already become the software monopoly, and without something done at this point to rein them soon they will be the hardware monopoly too. Please rethink this settlement.

Sincerely
Dave Campbell

MTC–00017950

From: Christy
To: Microsoft ATR
Date: 1/23/02 2:15pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Christina West
1311 E. Beech Rd.
Sterling, Va 20164

MTC–00017951

From: Ryan Anderson
To: Microsoft ATR
Date: 1/23/02 2:32pm
Subject: Microsoft Settlement

I have been following the MicroSoft anti-trust trial on and off, and largely, I have been saddened by the complete collapse of the case after the Appeals court disagreed with the original set of remedies. Rather than go into a lengthy discussion of what I feel is wrong with the settlement, let me simply say that I agree with what Dan Kegel has posted at http://www.kegel.com/remedy/letter.html regarding this proposed settlement.

Furthermore, I would like to point out that the settlement does not sufficiently punish MicroSoft for the illegal actions it has taken in the past, let alone prevent future ones. That such a company can flaunt the law, and be given a slap on the wrist in return is a painful event to watch.

Thank you for your consideration,
Ryan Anderson
37237 Tamarack
Sterling Heights, MI 48310–4163
586–979–0016

MTC–00017952

From: Sean Spillane
To: Microsoft ATR
Date: 1/23/02 2:37pm
Subject: Microsoft Settlement

I belive that the proposed settlement is a poorly considered solution to a major problem. We should not allow a rich company to decide what we want to run on our computers.

Sean Spillane
seans@olf.com
toku@optonline.net

MTC–00017953

From: Troy Baer
To: Microsoft ATR
Date: 1/23/02 2:33pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotelly:

I feel it is my responsibility as an American to object in the strongest possible terms to the proposed antitrust settlement between Microsoft and the U.S. Department of Justice. The proposed settlement does little to punish Microsoft for past wrongdoings or to curb future antitrust violations.

The settlement includes a number of loopholes which Microsoft can exploit to hamper competitors. Probably the worst of these from my perspective is Section III, Subsection J:

J. No provision of this Final Judgment shall:

1. Require Microsoft to document, disclose or license to third parties: (a) portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of a particular installation or group of installations of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria; or (b) any API, interface or other information related to any Microsoft product if lawfully directed not to do so by a governmental agency of competent jurisdiction.

2. Prevent Microsoft from conditioning any license of any API, Documentation or Communications Protocol related to anti-piracy systems, anti-virus technologies, license enforcement mechanisms, authentication/authorization security, or third party intellectual property protection mechanisms of any Microsoft product to any person or entity on the requirement that the licensee: (a) has no history of software counterfeiting or piracy or willful violation of intellectual property rights, (b) has a reasonable business need for the API, Documentation or Communications Protocol for a planned or shipping product, (c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, (d) agrees to submit, at its own expense, any computer program using such APIs, Documentation or Communication Protocols to third-party verification, approved by Microsoft, to test for and ensure verification and compliance with Microsoft specifications for use of the API or interface, which specifications shall be related to proper operation and integrity of the systems and mechanisms identified in this paragraph.

This is a ''get out of jail free'' card for Microsoft as far as API and protocol disclosure goes. By not disclosing how the security and authentication portions of Microsoft's APIs and protocols work, Microsoft is trying to hamper interoperability with their authentication methods (including Microsoft Passport as well as their bastardization of the standard Kerberos authetication library from MIT) from being implemented on other platforms such as UNIX and Linux. Furthermore, it gives them ''carte blanche'' to deny documentation on *any* API or protocol, simply by claiming it's related to security or authentication. Even worse is the fact that trying to keep something secure by not describing how it works (a technique known as ''security through obscurity'' in the computer/network security community) is well known as unworkable with software as widely used as Microsoft's products.

For an example of why this is a problem, consider the Samba project (http://www.samba.org/). This is a worldwide cooperative (and largely volunteer) open source effort to independently implement Microsoft's file and printer sharing protocols for UNIX and Linux systems. Under the proposed settlement, Microsoft could deny the Samba developers access to Microsoft's authentication protocol documentation because doing so could potentially compromise the security of their software. This may not be what the authors of the proposed settlement intended, but I would not be surprised to see it used in such a way.

Also conspicuously absent from the proposed settlement is any mention of a mechanism by which Microsoft would be punished if they are found to be in violation of any part of the settlement. It would appear that any violations must be tried once again in court. I would submit that specification of a large fine (eg. $1 million per day of noncompliance) would act as a significant deterent to further antitrust abuses.

I hope that you will take these comments into consideration before enacting a final judgment in the Microsoft antitrust case. You will find a much longer commentary on the proposed settlement at http://www.kegel.com/remedy/remedy2.html, with which I agree almost in its entirety.

Sincerely,
Mr. Troy Baer
5687 Snow Drive
Hilliard, OH 43026
(614) 850–7328 Troy Baer, MS(AAE)
tbaer@columbus.rr.com
http://home.columbus.rr.com/tbaer/
CC:senator_DeWine@DeWine.senate.gov
@inetgw,

MTC–00017954

From: COBURN,JEFF (HP-Loveland,ex1)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 2:33pm
Subject: Microsoft Settlement

I don't feel the proposed settlement is adequate. From what I understand, the following problems are not being addressed:

1. It is well known Microsoft has intentionally ''broken'' their software so it wouldn't interoperate with competitors products. I don't see anything in the settlement that would prevent this from happening in the future.

2. Their end user license agreement (EULA) for some of their products states the product is only licensed for specific operating systems (all Microsoft). Applications exist to be able to run windows applications on other operating systems, but this would be illegal do to the terms of the license. If microsoft refuses to support the application on a different os that's one thing; letting them make it illegal to run it on a different operating system is clearly unacceptable.

3. The settlement doesn't go far enough in opening up API's. Not all API's need to be documented, and it doesn't even mention file systems. This kind of ties back to my first point above.

4. Not enough has been specified to prevent Microsoft from punishing vendors who offer alternatives. They would have to specify prices for the top 20 OEM's, which helps, but leaves smaller companies vulnerable. Wouldn't it be better to specify prices by volume? If you buy so many licenses, it costs X amount of dollars...

Please consider these issues before considering this settlement final.

Jeff Coburn

MTC–00017955

From: Schemmel, Grant
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 2:32pm
Subject: Microsoft Settlement

Dear Sirs:

I would like to register my objection to the Proposed Final Judgement (PFJ) in the Microsoft Antitrust case.

Specifically, I object to the provision in definition U, which does not include ALL Microsoft OS products as part of the definition for Windows Operating System Product. I feel this gives Microsoft an unfair advantage in future technologies which could replace existing ones.

I also object to the PFJ's proposals to eliminate entry barriers for Independent Software Vendors. There should be no restrictions on the use of disclosed data, which should also be released at least 6 months prior to any formal release by Microsoft.

Thank you for your time.

Sincerely,

Grant Schemmel

Principle Test Engineer, BSEE, MSCS

1451 R Street

Penrose, CO 81240

MTC–00017956

From: Calvin Taylor
To: Microsoft ATR
Date: 1/23/02 2:33pm
Subject: Microsoft Settlement

To whom it may concern,

This is a bad idea. A better solution would be to split Microsoft into an operating systems company, and an applications company.

Calvin Taylor

11510 SW Terrace Trails Dr.

Tigard, OR 97223

MTC–00017957

From: Michael D. Mooney
To: Microsoft ATR
Date: 1/23/02 2:27pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market, the office applications market, or the Web Browser market. This is especially important in view of the seriousness of Microsoft's past transgressions through aggressive OEM licensing, intentional ''de-commoditizing'' of open standards (Kerberos, java, HTML, javascript, DNS, BOOTP, etc.), introducing ''Vaporware'' in response to competitor products (Caldera vs. Microsoft: http://www-cs-students.stanford.edu/kkoster/microsoft/caldera.html), and including code in its system software for the sole purpose of producing incompatibilities (Caldera vs. Microsoft again). Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,

Michael Mooney

1007 S. Congress Ave., #1028

Austin, TX 78704

MTC–00017958

From: Derek Young
To: Microsoft ATR
Date: 1/23/02 2:33pm
Subject: Microsoft Settlement

The biggest problem with this settlement is that is is taking so long. There is a lot of things Microsoft has done that is totally wrong. I could fill an entire email with things I find to be anti-competitive. Microsoft will use the defence that they just want to innovate, but I can promise you they have never ever innovated. Everything they have they stole or purchased from someone else.

At this rate, by the time the courts go through the thousands of cases there will be no chance for any competition.

Here is my suggestion that would remedy this solution. My experience is the fact I have over 15 years of programming experience. The reason Microsoft is a monopoly is that if you go to the store, all software there is for Windows. Even if a competitor made a better Opearting System it would fail because there would be no programs the new Operating System could run. Here is the key tho, Microsoft ripped off Sun Microsystems and created a CLR (Command Language Runtime) to run Windows applications in. It opeartes almost exactly like the Java Virtual Machine. I think the reason Microsoft has gone this way is so they can make a monopoly in the embedded device market, or possibly they are paving the way so that windows can move to a processor besides the Intel x86 platform.

If Microsoft was forced to make a fully stand alone open source CLR, and then was forced to implement that CLR on other operating systems such as Linux, OS/2, FreeBSD, etc then those other operating systems could run all modern windows applications that used the CLR.

The reason the CLR implemention would have to be open sourced is because I would not trust Microsoft to release it closed source. How could I trust they would't put a worm or backdoor in it? Even worse, I doubt they would really support it that well. If it was open source we could fix bugs ourself as time went on.

This seems fair. the CLR has NOTHING to do with Windows operating system. Forcing them to open up the CLR would give us nothing in the internals of the Windows OPERATING SYSTEM. This would simply make it so people could go to the store, purchase a program and run it on almost any computer with any operating system.

Thank you for taking the time to read my letter.

Derek Young

bleach@orcacom.net

MTC–00017959

From: Thor Brickman
To: Microsoft ATR
Date: 1/23/02 2:34pm
Subject: Microsoft Settlement

To whom it may concern,

After reading the proposed final judgemens in United States v. Microsoft, it is my opinion that, given the obvious nature of Mircosoft's transgression, the judgement does not do enough to rectify the situation and, if implemented, might even make it worse. There are ways the judgement could be strengthened:

1) The definition of ''Windows Operating System Product'' needs to be more inclusive and far reaching. The language of the current definition could be easily circumvented with mere marketing.

2) The release of information to ISV's needs to be broader in it's statement of the purpose for the disclosure, again to insure that Microsoft does not use nomenclature to exclude information from the provision.

3) The Prohibition of More Practices Toward OEMs needs to include some statement about computers with a non-Mircosoft Operating System without any Windows Operating System Product, or the prohibition leaves anyone not doing business with Microsoft open to predatory practices. The judgement should also take into account Windows compatible operating systems, which it neglects to mention entirely. many of the definitions are too narrow or use language that could be misleading. In addition, the judgement does not address many of the license terms Microsoft is using, even though those are anticompetitive. There is also no comment about intentional incompatibilities, which Microsoft as repeatedly used to hamper the development of competing technologies. Even with the suggestions above, the judgement does not seem to do enough to guarantee competition in a market like the one Microsoft has created using predatory practices and I think it needs to be reconsidered.

Thank you for reading,

Thor Brickman

Systems and Network Administrator

University of San Diego

MTC–00017960

From: Jose Marinez
To: Microsoft ATR
Date: 1/23/02 2:34pm
Subject: Settlement

To whom it may concern:

Please stop this madness.

I would like to use other operating systems, but I can't. Not because these systems are technically inferior nor user friendly, but because of technical and ''cultural'' restrictions that have come about due to the Microsoft monopoly. In a world of open standards and free market economies there should be no need for a monster of the size and influence of Microsoft. Take for example the IE scenario. Back in the early days of the internet, Netscape was king of the browser market. People were very satisfied with the level of ease that all of a sudden you could

browse the web. Netscape on the other hand was making money the all fashion way: producing a product that offered obvious value. Then comes Microsoft, after realizing that they were late to the latest economic and social revolution; decides to ''compete'' in the browser market. So what is wrong with that you say, well nothing, for the exception of how it was done. Microsoft as it has always done with most of its technologies, when out and bought a browser. But let me give you an example of the kind of negotiation that was involved in these acquisitions.

Microsoft: We want the best browser available on the market to compete with Netscape. What do you have?

Browser owner: Well, we have a product that can compete with Netscape head on. As a matter of fact, no other company can match us.

Microsoft: Can we test your technology and see your code?

Browser owner: Yes, under certain agreements.

Microsoft: No problem, after all, we are Microsoft.

Browser owner: I believe that our technology is worth $X millions of dollars. Your company as well as any other competitor would agree.

Microsoft: We like what we see. But we are not willing to pay that much for it.

Browser owner: Sorry, but we really can't sell for less.

Microsoft: You don't understand. Since we control 95% of the OS market, what ever browser we bundle with our OS will become the defacto standard. It will only be a matter of time. Do you and your browser want to ''make history'' or will we have to go to another competitor and make them the history makers. What do you say? I think this is a ''sweet and innovative'' deal.

Browser owner: It seems like I don't have much of a choice. I either sell to you at your price and with your conditions, or I'm out of the game for good because eventually you'll control the whole market. I think the choice is clear.

This is a very simple and classic scenario of what Microsoft can do to competitors and rivals. I'm not even mentioning the fact that there were other companies that probably had better technology but due to the competing obstacle of Microsoft ceased to produce a better product. As a consumer, I'm stuck with what may be mediocre technology and with no choice or hope of making a change.

Please stop the insanity. Don't sell out. This is more than just a complicated monopoly case. The future of technology as well as our economy for the next 20yrs. is at stake.

Thank you,
Jose Marinez

MTC–00017961

From: Hunter Dixon
To: Microsoft ATR
Date: 1/23/02 2:36pm
Subject: microsoft settlement

I am firmly against this settlement.
Hunter Dixon
hunter@thelocust.org

MTC–00017962

From: John Martin
To: Microsoft ATR
Date: 1/23/02 2:33pm
Subject: Microsoft Settlement

I feel that the proposed settlement is a bad idea. Past behavioral remedies have had no effect on Microsoft, and there is no reason to believe this one would be different.

MTC–00017963

From: Armando Di Cianno
To: Microsoft ATR
Date: 1/23/02 2:35pm
Subject: Microsoft Settlement

The proposed settlement is an awful plan. As a college student focused on computer science studies, I have long been aware of the strangehold Microsoft has put on innovation, and it hurts me just to be aware of it.
——Armando Di Cianno
diciaa@rpi.edu

MTC–00017964

From: Jeremy Black
To: Microsoft ATR
Date: 1/23/02 2:36pm
Subject: Microsoft Settlement

I'm not an expert, but the settlement doesn't seem to compensate victims of Microsoft's actions in the past, account or punish for illegal actions continuing today, nor prevent or discourage future illegal activity. In short, it stinks!
-Jeremy Black

MTC–00017965

From: Crews, Ford G ERDC-ITL-MS Contractor
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 2:35pm
Subject: Microsoft Settlement

Dear Sir:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses.

This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely
Ford Crews

MTC–00017966

From: Jimba830@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 2:35pm
Subject: Microsoft Settlement

Dear Department of Justice:

It is time to settle this case. It has gone on far too long. You will never please everyone, including the nine states that have refused to accept the proposed settlement. I think the judge should just tell those nine resisting states that his/her decision will be final and binding. Let's just get this over with. Microsoft has made a generous settlement offer. The judge can offer modifications to the proposal if needed. But, please decide something and close the case. It is costing the consumer in terms of dollars and confusion to keep this ongoing.

Sincerely,
Dr. Jim Rodgers

MTC–00017967

From: Robert Weiler
To: Microsoft ATR
Date: 1/23/02 2:34pm
Subject: Do not approve this settlement
Robert Weiler
Perfectsense Software
536 Marin Ave
Mill Valley, CA 94941
January 23, 2002
Microsoft Tunney Acts comments
US Department of Justice

Dear Sir or Madam,

I am writing to express my opposition to the proposed final settlement of the Microsoft antitrust case. I have been a software developer for over 20 years and I am currently an executive of a start up corporation and have extensive experience with Microsoft's products as well as those of Microsoft's competitors. In addition, I have followed the trial very closely and have read the relevant documents. I would like to remind the court that the Microsoft has committed extraordinary public relations resources in an effort to influence public opinion, and ultimately, the court. Thus, it is likely that the overwhelming majority of pro-settlement comments were bought and paid for by the criminal. I trust that the court will take this into account and treat those comments accordingly.

Microsoft corporation has committed a serious federal crime. They received a fair trial, and the decision was unanimously upheld by a Court of Appeals. Microsoft has been repeatedly warned for past violations of the law and indeed the entire reason that this case is presently before the court is that Microsoft is unwilling to change their business practices to conform to the law. Microsoft is understandably reluctant to abandon those business practices as they are extremely effective and have allowed Microsoft to illegally eliminate competition and subsequently raise prices. Consequently, Microsoft has been able to make and retain extraordinary profits even despite the current recession. The Proposed Final Judgment is flawed for the following reasons:

1) It will do nothing to restore competition.

Microsoft corporation has effectively eliminated competition on the desktop due to illegal practices. Apple computer holds less than 5% of the desktop market. OS/2, as a direct result of Microsoft's violation of the law, holds almost nothing, and Linux, the only likely future competitor, has perhaps 1%. Since Bill Gates, a founder and CEO of Microsoft, publicly derided the quality of past releases of Microsoft Operating Systems products at the Windows XP launch, and has recently derided the security of all Microsoft products, it is fair to say that Microsoft's success has not been due to having a superior product. Instead, their success is due to illegal licensing terms and the application barrier to entry. The Proposed Final Judgment allows Microsoft to continue discriminatory licensing practices and to continue to maintain the application barrier to entry. In addition, the language contains so many loop holes as to be unenforcible. I propose the following language for section IIIb:

''Microsoft shall offer all of their products to all customers at the same price. Microsoft may set a lower limit on the number of copies that are purchased directly from the corporation, but may not set any terms for distributors that buy a large number of copies and redistribute them in smaller volume. Microsoft may not enter into any discriminatory Market Development Agreement'' Once a Microsoft product has been legally purchased, Microsoft should have absolutely nothing to say about how that product is subsequently resold. For section IIIC, I would propose the following wording: ''Microsoft shall impose no additional terms on its OEM's or distributors regarding subsequent resale of Microsoft products.''

Section IIID appears to attempt to reduce the application barrier to entry, but does not do so in any way that is effective. In addition, it contains serious loopholes that would not allow developers to develop for any platform other than Windows, nor does it take into account Microsoft's other monopoly in desktop productivity software. For section IIID, I would propose the following wording:

''Upon release of any Microsoft software product, Microsoft will provide complete documentation of any protocols, file formats, and APIs. In addition, Microsoft will license any intellectual property required to implement such protocols, file formats,and API's under a royalty free and non discriminatory basis to any interested party.''

In addition, section III.J.2 must be dropped in its entirety. The only logical reason for this provision is for Microsoft to prevent competition from GNU Public License software, which Microsoft views as its primary competitor. Microsoft should not be able to select its desired competitors.

2) It imposes no penalty on Microsoft for past violation of the law. As a direct result of illegal business practices, Microsoft has amassed a cash pile of over 35 billion dollars. Some of that money belongs to the taxpayers due to the expense of the trial. In addition, Microsoft should pay some sort of fine for past violation of the law.

3) It fails to recognize that Microsoft posses two monopolies; one in desktop operating systems and another in office productivity software.

I addressed this in my previous comments, but it bears repeating. The proposed final judgment deal only with Microsoft's operating system monopoly. In addition, Microsoft possesses a monopoly in desktop productivity software. To a large extent, this monopoly was also illegally obtained by bundling Microsoft office with the operating system at greatly reduced cost, and using the operating system profits to offset the loss. Once the competitors were eliminated, Microsoft raised prices. Microsoft currently views the Linux operating system as it's biggest competitive threat. The largest factor preventing Linux from competing on the desktop is the lack of a 100% compatible office suite. Microsoft must publish and license their Office protocols and file formats on a non discriminatory royalty free basis. In addition, Microsoft must not be allowed to use Office licensing fees as a club to prevent operating system competition.

4) It contains no effective provisions for enforcing the judgment. The technical committee proposed would have no actual power to enforce the agreement. In addition, the committee members would have a clear conflict of interest since one of the members is chosen by Microsoft and they would paid by Microsoft. Any violation found by the committee would still need to be brought to court before a remedy could be imposed. I would propose the following:

''The Plaintiffs will appoint a special master with the poser to enforce this judgment. Microsoft shall have the right to appeal decisions of the special master at their expense. The special master and staff will be employed and paid by the Department of Justice. Microsoft will reimburse the Department of Justice for reasonable expenses incurred by the special master and staff incurred in the performance of their duties.''

5) The term of the agreement is too limited.

I would like to point out that the term of the agreement is not tied to any goals. The agreement should remain in effect until there is effective competition in desktop operating system and office productivity software markets. Microsoft can hardly complain about this as if the remedy is ineffective, it hardly matters. If it is effective, it will only serve to undo the effects of past illegal conduct and this should be the goal.

Robert Weiler

MTC–00017968

From: Erik Van Benschoten
To: Microsoft ATR
Date: 1/23/02 2:36pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Erik Van Benschoten

MTC–00017969

From: Brian Ray
To: Microsoft ATR
Date: 1/23/02 2:36pm
Subject: Microsoft Settlement

I'm familiar with the phrase ''Blind Justice'' but perhaps I misunderstood it's meaning all of these years...

Microsoft is trying to do to the US legal system exactly what it has been doing to the entire computer industrie for as long as it's been around... Control it.

The proposed judgment is a joke. It is as clearly full of holes as Microsoft is guilty. Microsoft and its lawyers are trying to pull a fast one and the Government is playing right along. Many of the proposed judgments clearly HELP Microsoft!

Please reject the proposed judgment and continue the suit.

Thank you,
Brian Ray

MTC–00017970

From: Un L'Unique
To: Microsoft ATR
Date: 1/23/02 2:36pm
Subject: Microsoft Settlement

Hello

As ancien progammer and Chief system adminstrator, I am currently against the proposed settlment because:

1) http://www.kegel.com/remedy/remedy2.html, I share most of there complain

2) it will not break the current Microsoft monpoly

3) it will not prevent Microsoft to extend its monoply to other software as for example, www

browser,

office application or langage.

Sincerely,
Un L'Unique

MTC–00017971

From: Toby
To: Microsoft ATR
Date: 1/23/02 2:36pm
Subject: Microsoft Settlement

I would like to register my objection to the proposed settlement in the United States vs. Microsoft case.

The biggest problem I see is that the settlement is not a structural remedy. Oversight remedies have been tried against Microsoft in the past, and they have coded around them, lobbied over them, and legally maneuvered past them every time. The only thing that hasn't been tried yet, and that has a hope of working, is to break them up.

Breaking Microsoft up into OS/Applications/Other divisions wouldn't break their monopoly, but it would make it more difficult for them to use their OS monopoly to create new monopolies in other areas, which they are doing with Windows XP and WMA even as I type this. Thank you.

MTC–00017972

From: darmok@ supernova.dimensional.com @inetgw
To: Microsoft ATR
Date: 1/23/02 2:36pm
Subject: Microsoft Settlement

Dear Sirs,

In my opinion, the proposed settlement regarding the federal antitrust case against Microsoft is not in the best interests of the public. There are many reasons why I do NOT support the proposed settlement as it stands. I refer you to http://www.kegel.com/remedy/remedy2.html for a partial description of those reasons.

Thank you for your attention.

Steve Genoff
Software developer
Attached: web page cited above

MTC–00017973

From: George Robinson II
To: Microsoft ATR
Date: 1/23/02 2:36pm
Subject: Microsoft Settlement

As a computer professional, Microsoft's operating system monopoly has been the pain of my work for the last six years. I am elated that justice is being sought against them, but it is not justice for the guilty to determine the punishment. As a watch these procedings, it has been clear that they hold the courts in contempt and have no interest in co-operating with the courts. The guilty should be punished for the gross irreperable harm they have caused the market and the consumer. The proposed settelment does not do this; it may even benifit the guilty party. Do NOT settle.

George Robinson II
San Clemente, Ca

MTC–00017974

From: Rexford Hill
To: Microsoft ATR
Date: 1/23/02 2:36pm
Subject: Microsoft Settlement

Dear Department of Justice,

I am writing to express my deep concern over the proposed settlement with Microsoft. This agreement, specifically secition III(D), will give Microsoft the right to hide operating system calls that are currently used by various open source software projects like Samba. Samba is critical to my business, as it allows me to mix and match the best products (Linux for my engineer's workstations, and Microsoft servers for my back-end data storage). If Microsoft is allowed to hide their operating system calls in such a way, it will mean that I may no longer be able to buy Linux workstations for use in my network. This would be a direct exercise of their monopoly power in the operating system market to stifle innovation in the engineering workstation market.

Please do not go forward with this fundamentally flawed settlement agreement.

Rex Hill
14360 Janal Way
San Diego, CA 92129
rhill@troikanetworks.com

MTC–00017975

From: people@gaffle.com@inetgw
To: Microsoft ATR
Date: 1/23/02 2:24pm
Subject: Microsoft Settlement

I beg you to reconsider this settlement. It is a VERY bad idea. The world is watching this, and it's outcome will not only reflect on our justice system, and the integrity of our government, but will send the message to all people, both young and old, that our government does not exist to serve it's citizens, but only to defend the wealth of corporate monopolies. Even in these darks times, it becomes more and more obvious each day.

I beg off all of you to reconsider this.

Thankyou for your time,
Concerned U.S. Citizen.

MTC–00017976

From: Damian Yerrick
To: Microsoft ATR
Date: 1/23/02 2:33pm
Subject: The Microsoft settlement may backfire

To whom it may concern:

The United States Department of Justice has proposed a settlement with Microsoft Corporation in the anti-trust case, the terms of which include Microsoft donating software licenses to schools. I consider this settlement a bad idea because it is highly likely to backfire and strengthen Microsoft's monopoly. For one thing, the restrictions placed on Microsoft are overly narrow.

See http://www.kegel.com/remedy/letter.html For another, the ''retail value'' of Microsoft software named in descriptions of the settlement is highly inflated, as it costs less than a dollar to press a disc, the balance attributed to the monopoly that the Congress has already granted to Microsoft under copyright law. (I consider a 95-year copyright term under the Bono Act more than a bit excessive for software that generally becomes obsolete within five years, but that's another letter for another day.)

Even worse, the proposed settlement gives Microsoft even more mindshare and more power among the most intellectually vulnerable of American citizens, namely our children. Microsoft's predatory tactics named in the findings of fact included ways of convincing consumers that no worthwhile operating system exists other than Microsoft Windows. In fact, Microsoft is willing to take a loss in order to get this point across: witness free copies of Windows XP given out at offices of the U.S. Postal Service. Exposing children to Microsoft software and only Microsoft software sends a subconscious message to children that Microsoft software is all that exists, which only serves to strengthen the barriers to entry against other operating system publishers such as Red Hat, MandrakeSoft, Apple Computer, and Sun Microsystems. The notorious lack of security in Microsoft's Windows, Outlook, and Office product lines can potentially compromise academic integrity by encouraging students to learn to exploit security defects in Microsoft software instead of learning reading, writing, arithmetic, and some semblance of honor.

If the Department of Justice wants to punish Microsoft with damages, I suggest that these be cash damages. I'd also want to be able to study the source code of Windows in order to develop other operating systems that can run applications programmed to the Windows interface or to replace parts of Windows with independently developed modules.

Sincerely,
Damian Yerrick
a student at rose-hulman.edu

MTC–00017977

From: pheonix1t
To: Microsoft ATR
Date: 1/23/02 2:39pm
Subject: Microsoft Settlement

This settlement is a bad idea. It gives microsoft gov't permission to increase it's monopoly. This isn't a solution to the problem, its a reward for acting like a bully in the market-place. Please reconsider this settlement....I make a living supporting MS products.....I know what I'm talking about!

You think MS security is bad now.....just wait!! It won't get better if this settlement goes through.

Oskar Teran

MTC–00017978

From: mike stephen
To: microsoft.atr(a)usdoj.gov
Date: 1/23/02 2:37pm
Subject: Microsoft Settlement

Please I beg of you to consider the separation of hardware and software from all sales of computer systems. This will put competition back in the operating system arena. Right now when you go to a store to buy a computer it already has windows preinstalled. The customer has not any choice but to buy it with windows preinstalled. Even if he/she wants to run OS/2, or Linux, he/she must pay for a copy of Windows then delete it and install their preferred operating system. This is double paying for two operating systems when only one is needed.

Separating the two purchases (the computer hardware as one, and the operating system as the other) will help to level the field from pricing fluctuations that Microsoft currently uses to maintain the position in the marketplace. A company like Compaq can be forced to ''get into line'' with what Microsoft wants them to do and as a result can enjoy a significant discount on purchases on Microsoft product. Separating the costs would put an end to this. If computer users want to have windows on the machines they bought, then they can purchase a copy at the time of purchasing the hardware (or later if they choose) and install it when they take the purchase home.

When we buy a car today we all realise it needs gasoline to run. We all know we are going to buy gasoline. However we buy a car from a car dealer, then we choose to buy gasoline from any number of vendors. In the computer world, it is like buying a car and buying prepaid gasoline to run the car. We might want to buy gasoline from our chosen vendor, but we already have paid for gasoline at the time we purchased the car. This method makes no sense and microsoft has screwed the marketplace with poor quality software that is both poorly designed and poorly written. Please put a modicum of competition back into the marketplace.

Separate the hardware and software sales.

Mike Stephen

mikestp@telus.net

MTC–00017979

From: Darin Keever
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 2:36pm
Subject: Microsoft Settlement

I don't agree with the proposed settlement. It is too much in favor of Microsoft.

MTC–00017980

From: Chris ''Xenon'' Hanson
To: Microsoft ATR
Date: 1/23/02 2:46pm
Subject: Microsoft Settlement

I believe that the proposed Microsoft settlement is one of the worst legal blunders in recent history. I don't believe it is necessary for me to describe all of the reasons why this is the case, our industry has done a much more eloquent job of that.

If this settlement is accepted, all I can say to the victims of the disastrous fate of the computer industry is, ''You brought this on yourselves.''

Though I am impacted daily by the problems of Microsoft's monopoly, (most are not even recognized by this suit) I am glad for every day that goes by that my company is too small to be noticed by Microsoft. The day that changes is the day I look for a new job in a new industry.

Chris—Xenon

Chris Hanson √ Xenon@3DNature.com √ I've got friends in low latitudes!

New WCS 5 Demo Version! http://www.3DNature.com/demo/

''There is no Truth. There is only Perception. To Perceive is to Exist.''—Xen

MTC–00017981

From: D. K. Smetters
To: Microsoft ATR
Date: 1/23/02 2:37pm
Subject: Microsoft Settlement

I think the current Microsoft Settlement is badly designed, and will not prevent Microsoft from continuing to extend and abuse its monopoly power. There are a wide range of specific points on which this settlement agreement fails to curb Microsoft's egregious business practices, and even where the settlement attempts to take a stand on what Microsoft can and cannot do, it presents no real enforcement mechanism.

Experience with prior consent decrees against Microsoft shows that the company will attempt to thwart the justice department in any way that it possibly can; and that therefore an effective settlement against them must be water-tight, and easy to monitor and enforce. It must prevent Microsoft from replacing its current mechanisms to strongarm OEMs into promoting Windows and IE to the detriment of other options with new mechanisms that achieve the same effect but escape the language of the settlement. You cannot hope to do that if you don't start with a settlement that effectively limits their current illegal practices.

Please see http://www.kegel.com/remedy/letter.html for a well-written discussion of many of the problems of the current settlement. I believe this list only begins to cover the problems of creating an effective settlment; such an effective settlement must be constructed to not only prevent Microsoft from continuing their current offenses, it must keep them from changing the ''look and feel'' of their offenses slightly to escape the settlement.

thank you,

Diana Smetters, Ph.D.

Member of the Research Staff

Palo Alto Research Center

MTC–00017982

From: Chris Bartle
To: Microsoft ATR
Date: 1/23/02 3:31pm
Subject: Microsoft Settlement

I would like to register my disappointment of the proposed Microsoft settlement. Microsoft continues to leverage their monopoly in the PC industry in very creative and powerful ways that will eventually cause great pains for us consumers. This settlement does nothing to stop it; the US government needs to place severe restrictions on Microsoft's activities and actually enforce them. I think there is the potential for the government to accomplish some good here, but not through this current settlement.

Chris Bartle

Westminster, CO

MTC–00017983

From: Josh Litherland
To: Microsoft ATR
Date: 1/23/02 2:37pm
Subject: Microsoft Settlement

I am writing with respect to my concerns with the settlement reached with Microsoft in the DoJ suit, regarding anticompetitive practices and abuse of monopoly power. I am a professional working in the field of computer network security, and I have witnessed throughout the years a host of situations in which the American public have been victimized by Microsoft's abuse of their overwhelming monopoly. Based on my reading of the proposed settlement, I feel obliged to comment that the remedies put forth thereby will be greatly inadequate to reintroduce competition into the numerous markets currently owned by Microsoft, or to mitigate the tangible damage in terms of both direct financial loss and, indirectly, through an absence of customer service, attention to security and stability and the end-user's rights of fair use.

As an alternative remedy, I favor the suggestion put forth by the honorable judge Thomas Penfield Jackson, that Microsoft be required to provide accurate disclosure of, and support for, their programming interfaces (APIs, see Jackson's Finding of Facts), enabling third parties to develop interoperable systems with Microsoft's own offerings. This would, in my opinion as a computing professional, reintroduce customer choice into the marketplace and encourage merit-based competition, ultimately benefiting consumers through improved value offerings as well as a more rapid pace of innovation, which has been largely stifled during the period of Microsoft's unshakeable dominance.

In short, I wish to cast my voice into the pool of those who, as registered voters and as active participants in the United States economy, insist that Microsoft's transgressions be dealt with fairly, decisively, effectively, and expeditiously.

Josh Litherland (fauxpas@temp123.org)

MTC–00017984

From: brian@rentec.com@inetgw
To: Microsoft ATR
Date: 1/23/02 2:37pm
Subject: Microsoft Settlement

I think the microsoft settlement is a bad idea. They broke the law (sherman anti-trust act) and should be held accountable.

Brian Childs

23 Stadium Blvd

East Setauket NY 11733

MTC–00017985

From: Jason Howard
To: Microsoft ATR
Date: 1/23/02 4:10pm
Subject: Microsoft Settlement

Greetings,

I am writing you today to express my utter distaste with Microsoft's monopolistic attitude and operating procedures. I feel that Microsoft has, in the past and also in the present, used immoral (and at times illegal) tactics to crush would be competition. Microsoft, it seems, has an almost infinite capability for destruction of ideas and philosophies that some how pose a potential risk to their bottom line.

The Microsoft set of operating systems are by far the most widely used operating systems on this planet. A large portion of the software application today run on (and only on) a Microsoft operating system. Now this in and of itself is not a bad thing as a software company (if they want to make any money) will write software for the platform in which the largest user base is possible. Microsoft became a monopoly when they decided to try and force out of business companies that are creating products that would allow average Windows users to use their windows applications on an operating system that they had no control over. Two recent events come to mind very easily: the WINE case and the Lindows case. (Lindows is being sued by Microsoft for trademark violation, claiming that Lindows could be mixed up with Windows. However what I see happening is a sort of legal bullying. Microsoft is putting shear legal force on Lindows that will make its efforts turn from its goal, writing a reasonable alternative to the Windows operating system, to simply defending itself.)

Government involvement in the software industry is a very difficult decision for me (as

well as quite a few software engineers) to make. I would not normally lean to the side of government as I feel that the government should stay out of software practices. However in this case I am willing to support the governments actions against Microsoft as they have simply become too large to affect by any other means. That said, I am very unhappy with the way in which the government is handling the case. It seems that to some degree even the United Stated Government can be partially corrupted by Microsoft's power.

I look forward to your reasonable solution to this unreasonable company,

Thank You,

Jason Howard

Software Engineer

MTC–00017987

From: Michael Warnock
To: Microsoft ATR
Date: 1/23/02 2:38pm
Subject: Microsoft Settlement

Having only skimmed the PFJ, I cannot make a comprehensive comment on it, but i can tell right off that the definitions are far too narrow to do any good. Specifically the definitions of windows and API prevent any of the provisions from affecting the emerging markets, like ASP(.net), handhelds, webpads and set tops (x-box) I'm sure emotional plees are being ignored in general, but I'd like to mention that im typing this despite the pain of a fresh and rather deep wound at the base of one of my fingers. This settlement is too important for the future of the country, tech industry and even human race for me to hope that the other informed people making comments will outnumber those who microsoft paid to compose wordy snail mail.

Please act out of responsibility to the common american.

Michael Warnock—Artificial Life Programmer—InOrbit Entertainment

Total hard disk crash—O pestilence!

Now is the winter of our disk contents!

MTC–00017988

From: David A. Rogers
To: Microsoft ATR
Date: 1/23/02 2:35pm
Subject: Microsoft Settlement

I do not agree with the proposed Microsoft Settlement. It is too lenient and does not address many of the issues that started the suit in the first place.

David A. Rogers

darogers@xnet.com

MTC–00017989

From: Joe Bayes
To: Microsoft ATR
Date: 1/23/02 2:41pm
Subject: Microsoft Settlement

I am against the proposed Final Judgement in the United States v. Microsoft case. I believe it is unenforceable and does not go far enough towards restricting Microsoft from further anticompetitive practices.

Sincerely,

Joe Bayes

701 Kingman Ave.

Santa Monica, CA 90402

jbayes@spoo.mminternet.com

Joe Bayes—jbayes@spoo.mminternet.com

MTC–00017990

From: clyvb@dal.asp.ti.com@inetgw
To: Microsoft ATR
Date: 1/23/02 2:39pm
Subject: Microsoft Settlement

I think the settlement is bad. It is insufficient punishment and encourages Microsoft and others to continue. Microsoft needs to be split up to encourage no make that... allow .... competition. best regards

Clive Bittlestone, Lucas, Texas
clyvb@pobox.com

MTC–00017991

From: A Pavelchek
To: Microsoft ATR
Date: 1/23/02 11:39am
Subject: Microsoft Settlement

Regarding the proposed Microsoft Settlement, I oppose it as a bad idea, a bad deal and inappropriate given the patently abusive and stifling, let alone illegal, business practices of Microsoft. It falls far short of requiring that Microsoft enable others to develop software that can reliably interface to their operating system. The document is a formula for a disaster for the development of innovative software with consequences for the economy and society. In particular, the requirements to provide API access are too weak, let alone the lack of adequate enforcement mechanisms which gut the whole thing.

Andrew Pavelchek

MTC–00017992

From: crossno@linkline.com@inetgw
To: Microsoft ATR
Date: 1/23/02 2:40pm
Subject: Microsoft Settlement

As one who has struggled to keep my system(s) working, in spite of Microsofts deliberate attempts to sabotage any other OS, I disagree with the proposed settlement.

My problems with MS goes back to the days of Digital Research DOS, where every minor fix to Win 3.0 would cause it to no longer work with DR DOS until Digital Research provided a patch. In one case, and the code was actually posted on a BBS (sure wish I could have copied it) that did NOTHING but check to see if MS DOS was being used before it would start Win 3.X. This practice has continued by MS to the present day, not withstanding the legal problems that have been on-going. JAVA is a very good example that your department should use to judge that they have no intention of becoming anti everything that does not have MS income potential.

Gary Crossno

MTC–00017993

From: Dan Eastman
To: ''microsoft.atr@usdoj.gov''
Date: 1/23/02 2:51pm
Subject: Microsoft Settlement

I am a registered Republican, voted for Bush and am a strong supported of most of what he has been doing. One of the things that I cannot support is his administration's stand on the Microsoft settlement that has been offered. Having spent most of my working, adult life in high technology companies in Silicon Valley, I am well aware of what has happened in this arena and believe Microsoft has grown not only because of their innovative products but because of their predatory and illegal approach to competition.

They should be hammered!

Dan Eastman

408–867–9616 0ffice

13745 Pierce Rd.

Saratoga, CA 95070

MTC–00017994

From: Morss, Charlie
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 2:40pm
Subject: Microsoft Settlement

This settlement is very BAD very little to remedy the problems/practices that Microsoft has been found to be guilty of.

MTC–00017995

From: Lou Schmidt
To: Microsoft ATR
Date: 1/23/02 2:41pm
Subject: Microsoft Settlement

Hello—

I am a technologist and market analyst for a major telecommunications equipment vendor. Here, however, I speak for myself: The proposed Microsoft Settlement is not a good idea. It is not good for the consumer and it is not good for the United States as a whole. Microsoft must open it's API's, or we'll be going through this whole trial again in another 5 years.

By opening the API's for Windows, Microsoft will not be prevented from ''innovating''. Rather, the field will be open for others to innovate in the space, so Microsoft will have actual competition and a reason to fix things. I must point out that the continued existence of Microsoft as an unregulated monopoly is very dangerous for the economy of the United States; Microsoft will have no real reason to patch it's numerous security holes without vigorous competition. How much money has the U.S. economy lost from the ''Code Red'' and ''Nimda'' virusii? Despite recent announcements from Mr. Gates, Microsoft will not take security seriously until it is a competitive threat. Does the U.S. government make extensive use of Microsoft products? Do you really think they are secure?

Thank you for allowing me to comment on this settlement.

— Lou Schmidt

— Technical Synergist

MTC–00017996

From: Chris Radcliff
To: Microsoft ATR
Date: 1/23/02 2:41pm
Subject: Microsoft Settlement

I am opposed to the proposed settlement to the Microsoft antitrust trial in its current state. As it stands, the settlement would do little to remove Microsoft's monopoly hold on the Intel-based PC operating system market, let alone discourage the company from leveraging that monopoly to force competitors out of related markets. The Proposed Final Judgement doesn't take into account Windows-compatible competing operating systems. It contains misleading and overly narrow definitions and provisions, even compared to the Findings of Fact. The PFJ also fails to prohibit anticompetitive

license terms currently used by Microsoft. It fails to prohibit intentional incompatibilities historically used by Microsoft, and as currently written it appears to lack an effective enforcement mechanism. Until these problems are addressed, the Proposed Final Judgement will remain an inadequate solution. I urge you to reconsider this action.

Sincerely,
Chris Radcliff
San Diego, CA
chris@velocigen.com

MTC–00017997

From: Valdis.Kletnieks@vt.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 2:41pm
Subject: Microsoft Settlement

Dear Sirs:

I wish to register my comments regarding the proposed settlement. In particular, although the Findings of Fact, paragraphs 29 and 30, show that undocumented file formats are a barrier to entry, there is no requirement in the PFJ that such formats be documented. This is a major barrier to software that wants to compete with Microsoft Office (such as the OpenOffice software project). This means that if I wish to be able to exchange Office-format documents, I have to run a Microsoft operating system so I can use *MICROSOFT* Office, since the OpenOffice project cannot support undocumented features in the file format. This is an onerous burden on those of us who wish to use other operating systems (quite possibly not even on Intel-based computers) where OpenOffice would be quite suitable and able to run, if the file formats were documented. This has been *directly* against my interests, as it means that quite often, if I am send a Microsoft Word document, I must go and find a machine that has a Microsoft operating system on it so I can use Microsoft Word to read it (or have an entire seperate computer in my already-small cubicle just for this one purpose). And the *only* reason I cannot open all documents with OpenOffice (which is supported on the computer that I *do* have) is that the file formats are not documented. In addition, I find that the proposed ''Definition J: Microsoft Middleware'', and ''Definition K: Microsoft Middleware Product'' are poorly written, and have major problems with them, allowing Microsoft to avoid any real control on its continued behavior. Microsoft should not be allowed to exempt version 7.0.0 as middleware, merely because the definition specified 7.0. I also concur with most of the rest of the points commented on by Dan Kegel at http://www.kegel.com/remedy/remedy2.html.

Valdis Kletnieks
Computer Systems Senior Engineer
Virginia Tech

MTC–00017998

From: Larry Lesyna
To: Microsoft ATR
Date: 1/23/02 2:40pm
Subject: Microsoft Settlement

I believe that the proposed settlement provides inadequate compensation to the public. I urge that the proposed settlement be rejected because it is against public interest.

Sincerely,
Larry Lesyna

MTC–00017999

From: pereira@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 2:42pm
Subject: Microsoft Settlement

Dear Ms. Hesse:

I must object to the agreement you have reached with Microsoft. As I understand it, your agreement will still force consumers to purchase only computers with Microsoft's operating systems. Being forced into purchasing something you do not want is my biggest beef with the way Microsoft has done business, and, as I understood, is a principal reason for your legal action. As a minimum, any sensible agreement should ensure that, in purchasing a computer, you can specify the operating system you want that computer to run.

Then, the price of the operating system should be charged explicitly. So, if Microsoft charges a computer maker (say, Dell) $ 25 for Windows XP (as an example), I should pay Dell $ 25 to give to Microsoft, $ 5 for their profit (whatever), and $ 10 for installing the OS (or something: installing costs time). Then, if I want Linux, I should pay Dell $ 10 for installing Linux. And, if I prefer to do that myself, I save $ 10. You can do it this way with memory, with extra disks, etc. Why not with the OS? Only because of anti-competitive behavior of Microsoft.

Isn't this the type of thing you wanted to address with your lawsuit?

Sincerely,
Nino R. Pereira, Ecopulse
PO Box 528 Springfield VA 22150, 703 644 8419
pereira@speakeasy.org, www.ecopulse.com

MTC–00018000

From: Imad Elimam
To: Microsoft ATR
Date: 1/23/02 2:42pm
Subject: Settlement Support

Thank god that the DOJ has realized that we just need them to innovate instead of drain all the company resource on litigation, I would really support the settlement deal and would like to voice out to other state (Just put politics away let us give those guys a break to do something good in this life for our children and not follow the foot steps for money campaign, but think about the tax payer and the future of the economics otherwise will have a company like Enron that is like balloon of air that is supported by bunch of politicians. please let the market drive our economic and the freedom to innovate and bundle an add on software is always a plus to regular users).

Our freedom to choose that drive me to write this and to choose Microsoft as a my favorite software provider company. please keep our choices alive. Imadeldeen Elimam

MTC–00018001

From: Ralph Hogaboom
To: Microsoft ATR
Date: 1/23/02 2:43pm
Subject: Microsoft Settlement

To the United States Department of Justice;

I would like to take this time to voice my dissent at the proposed settlement between Microsoft & the DOJ. For the last three years, I have witnessed Microsoft's continued monopoly in the US market, and have personally and professionally suffered because of it. I do not feel that the tentative settlement that has been reached adequately addresses the problems of Microsoft's monopoly, nor does it provide adequate protection for consumers. I believe that this settlement should be dismissed in favor of a new settlement that protects and meets the needs of American consumers, and that actually punishes Microsoft for its monopolistic actions.

Ralph Edward Hogaboom
American Citizen
1324 14th Street
Port Townsend, WA 98368
360–379–2014

MTC–00018002

From: Josh Burroughs
To: Microsoft ATR
Date: 1/23/02 2:42pm
Subject: Microsoft Settlement

I would like to express my feeling that the proposed settlement is wholly inadequate, and not at all in the public interest. In particular, the settlement does not set out any protections for those developing Windows compatible operating systems. The settlement provides for API disclosure, but only for ensuring compatibility /with/ Windows, which is to say /not/ compatibility with Windows applications for a Windows compatible OS. A Windows compatible operating system, capable of running Windows applications, is one of the most likely ways that a true competitor to the Windows monopoly can develop. Without leaving the door open for direct, compatible competition with Windows, the settlement will help cement Microsoft's monopoly in place.

Joshua Burroughs
Sarasota, FL

MTC–00018003

From: Gwen L. Veneskey
To: Microsoft ATR
Date: 1/23/02 2:43pm
Subject: Microsoft Settlement

Dear Sirs:

This note is to add my voice to others who think the proposed settlement on the Microsoft case is a terrible miscarriage of justice. Microsoft has clearly abused it monopoly to destroy competition. This abuse has forced companies to close, cost jobs and hurt many people.

Microsoft's products, although, often times, inferior are being forced on the public because better products cannot compete with Microsoft's money and monopoly. This settlement does not address the problem and would do nothing to help those harmed or even to punish

Microsoft for its criminal behavior.

Sincerely,
Gwen Veneskey
219 Fingal Street
Pittsburgh, PA 15211

MTC–00018004

From: Steve Milton
To: Microsoft ATR
Date: 1/23/02 2:46pm

Subject: Microsoft Settlement

I oppose the proposed settlement with Microsoft. It fails to address many of the most vexing issues of Microsoft's business practices, and needs to be re-worked.

Stephen Milton
14115 NE 71st Place
Redmond, WA 98052

MTC–00018005

From: teh cheng
To: Microsoft ATR
Date: 1/23/02 2:43pm
Subject: Microsoft Settlement

The Federal Microsoft settlement terms are near farcical. It's bad enough that Microsoft is getting a minor hand slapping... despite the fact that the court found them to be guilty of anti-competitive practices.

You now claim to be ''punishing'' Microsoft by ''forcing'' them to expand their market share in the educational segment?!?!

Ignoring the fact that this allows Microsoft to continue to pursue market share in the education segment (while claiming this is their ''act of contrition''), how does this deter Microsoft from repeating this behaviour?

Make Microsoft fund an education program with real dollars (aka no stock, equipment and/or software donations). Then keep Microsoft completely out of the administration of that fund. Have non-biased 3rd parties manage the fund and allow the beneficiary schools to make the purchasing decision that's best for that educational institution.

After spending years and millions of tax dollars, this is very dissapointing.

Teh Cheng

MTC–00018006

From: negge
To: Microsoft ATR
Date: 1/23/02 2:43pm
Subject: Microsoft Settlement

I think settling with Microsoft is a bad idea.

Nathan Egge

MTC–00018007

From: Jeff Jenkins
To: Microsoft ATR
Date: 1/23/02 2:44pm
Subject: Microsoft Settlement

To whom it may concern:

The settlement proposal with Microsoft is ridiculous. Please re-submit something that will allow competition to be un-restrained in the tech industry.

Jeff Jenkins
San Jose, Ca.

MTC–00018008

From: Ted Bardusch
To: Microsoft ATR
Date: 1/23/02 2:43pm
Subject: Microsoft Settlement

I am writing to express my concern with the proposed settlement in the Microsoft anti-trust case.

I have been a professional software developer for 24 years, in the Seattle-Redmond area. I have seen Microsoft grow from a small group in a Bellevue bank building to the huge firm they are today.

In my personal and professional opinion, Microsoft has done major harm to its customers and to US citizens by abusing its monopoly position in the market. It has restricted choice, forced bad solutions on customers, and caused major expenditure that was unnecessary.

However I am loathe to bind the company from doing what it does do well—produce software profitably.

Therefore I suggest as a solution:

Require Microsoft to issue full specifications six (6) months before releasing any software in which they have a monopoly position (operating systems, office software, browsers). This would allow true competition while not causing any undue burden on Microsoft, and would not hinder their innovation nor their profits, unless some other firm did something better that was built on their monopoly products.

Thank you for your consideration

Ted Bardusch
Mill Creek, WA

MTC–00018009

From: Mark Connolly
To: Microsoft ATR
Date: 1/23/02 2:43pm
Subject: Microsoft Settlement

I believe the remedy presented in this letter would result in dissolving a company with tremendous ability and desire to protect a counterproductive monopoly while preserving (and making stronger) the positive economic impacts of the company known for now as Microsoft. Microsoft would be partitioned into three new companies that would own:

1. The host operating systems, including the DOS-based Windows variants, Windows NT, and Windows NT followers (Win2K Professional, Server, Advanced Server, Enterprise Server, and XP). This partition would include such things as IIS, SQL Server, clustering services.

2. The network operating system, including .Net, Active Directory, MSMQ, OutLook.

3. Development environments and desktop applications. This includes the integrated development environments (Studio, etc), the team development repositories, the computer aided design tools, as well as productivity tools (Microsoft Office, etc).

For a period of seven years, each would be prohibited from getting into the others'' particular domain (the ones without an operating system product at the time of the breakup would not be able to produce their own operating system, etc).

At first, these three entities would be highly reliant on each other, as each has technology required by the other. They would also have a bit of advantage over other companies for forging relationships among themselves. The fact they are separated would force more openness for design and interfaces, however, and over time this openness coupled with competitive efficiencies should result in a broader market with many players. It is possible one of these companies would not survive in the long term, but that is okay, and a reflection of real competition.

As far as for fines for past misdeeds, real dollars should be taken from Microsoft, not bartered software and hardware. Making schools recipients is fine, as long as the side effect is not Microsoft expanding it presence in school systems. The delivery of largesse should be decoupled from the source of the largesse. A general fund should be opened for supporting education. The dollars should not be restricted to spending on technology (books and supplies are needed in too many places to worry about technology; a good fundamental education makes picking up the intricacies of using a spreadsheet a trivial exercise, while training on how to navigate the menus of a spreadsheet program does not require any real learning). Microsoft can be one of the contributors to the general fund, say one billion real dollars to start with, but Microsoft has nothing further to do with the dollars. Of course, they are welcome to contribute in the future.

Mark Connolly
8804 Red Oak Court
Raleigh, NC 27613
919–676–6165
mailto:mark—connolly@acm.org

MTC–00018010

From: pmitros@MIT.EDU@inetgw
To: Microsoft ATR
Date: 1/23/02 2:43pm
Subject: Microsoft Settlement

I believe the current settlement is overly weak, and does not answer most of the antitrust issues relevant to the current market situation. At this point, the only real remaining competitors to Microsoft's operating systems monopoly are Macintosh and Linux. Microsoft is keeping Apple in its back pocket through it's Office monopoly. The wording of the settlement does absolutely nothing to prevent Microsoft from continuing antitrust tactics against Linux. It is absolutely critical that Microsoft be forced to publically open its protocols and proprietary file formats. If getting access to the specs requires NDAs or a strong commercial presence, it is completely pointless, as free/open source software cannot respect those NDAs. NDAs do nothing to protect Microsoft's legitimate actions, as the reason for releasing those specs is so it's competitors can develop competing products.

The rest of the settlement seems far too weak as well. Microsoft pushed achieved its monopoly position through illegal antitrust tactics. It continues to use illegal tactics to hold this position. It is absolutely critical that the government take real action to, at the very least, stop Microsoft from continuing these tactics, and ideally, make remedies for actions already taken. The current settlement doesn't even stop Microsoft from continuing.

Quite frankly, I'm fed up with the repeated antitrust lawsuits against Microsoft, resulting in only changes no longer relevant to the current marketplace. It's critical that the actions taken this time around be stronger, and flexible enough to match the current market; not just that of five years ago.

—Piotr Mitros
MIT Artificial Intelligence Laboratory

MTC–00018011

From: friend—rick@ucwv.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 2:41pm
Subject: Microsoft Settlement

I would like to point out two major problems with the PFJ. The PFJ doesn't take

into account Windows-compatible competing operating systems. This is a glaring omission that should be addressed. Also, Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. The PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry. The PFJ should help eliminate the Applications Barrier to Entry, not contribute to them.

MTC–00018012

From: four5zero@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/23/02 2:43pm
Subject: Microsoft Settlement

Hello from Canada,

I'm a member of the Montreal Linux User Group http://www.mlug.ca/ and provide free software to community centers on used computers. The BIOS is replaced with a DiskOnChip from http://www.m-sys.com/ and flashed new boot code to load Linux http://www.linuxbios.org/ MicroSoft sells Pocket PC devices with Windows CE embedded today & will continue to do so to control a market with their own code. MSN is a ATM based private network of services combined together AOL is a ATM based private network of services combined together Linux is not a new company or isp provider http://www.kernel.org/

http://www.linuxdevices.com/ Hardware
http://www.directfb.org/ Interface
http://www.tvlinuxalliance.org/ TV
http://www.linux.org/groups/ Users
http://www.openprojects.net/ IRC
http://www.linuxdoc.org/ Documentation
http://www.schoolforge.net/ Education
http://www.linuxcertification.com/ Exams
http://www.linuxtoday.com/ NEWS

MTC–00018013

From: Adam Jenkins
To: Microsoft ATR
Date: 1/23/02 2:44pm
Subject: Microsoft Settlement

I am writing to express my opinion that the proposed settlement is a fair and efficient means to ensure the public's interests are protected in future. It addresses the concerns of the original action, and I feel too many of Microsoft's competitors are really just trying to urge the DOJ to do as much damage to Microsoft competitively as possible, in order to bolster their own interests. The losers of a harsher settlement would be the consumer, and ultimately businesses all over the world. Please by all means monitor Microsoft's accounting and business practices/plans to make sure they are not taking unfair advantage, but also please ensure that the often very innovative work of a great company does not suffer in the process.

Regards,
Adam Jenkins
Melbourne, Australia —
Adam Jenkins (jenky@suburbia.net)

Those who make peaceful revolution impossible will make violent revolution inevitable.

—John F. Kennedy

MTC–00018014

From: Jim Landon
To: Microsoft ATR
Date: 1/23/02 2:45pm
Subject: Microsoft Settlement

My concerns and comments regarding the final judgment of U.S. v. Microsoft:

1) MSFT should be required to allow their Internet Explorer and Office products to function seamlessly under alternative operating systems designed to operate in an x86 platform (Intel, AMD processors). Examples of alternative operating systems include Solarix x86, *BSD, and Linux.

2) MSFT should not be allowed to load any MSFT Windows based operating system on the machines that Microsoft is donating for educational purposes. Rather, I highly encourage the government see to it that an open source operating system be used on these machines. Open source is defined as application source code being made freely available for review by anyone.

3) Exclusively for security purposes, MSFT should be required to relinquish core operating system source code to any government agency that operates any Microsoft operating system internally. Thank you for your concern and for granting me the opportunity to voice my opinion.

Respectfully,
James Landon
9154 Riggs Lane
Overland Park, KS
(913) 383–1085
''Absolute Power Corrupts Absolutely.''

MTC–00018015

From: SI Reasoning
To: Microsoft ATR
Date: 1/23/02 2:45pm
Subject: Microsoft Settlement

Please do not allow the farce that is the Microsoft Settlement to be implemented. I am the CTO of a small business and I also do a lot of purchasing. I know firsthand the outrageous amount of money we are forced to spend on Microsoft products because of a lack of competition that has been created by Microsoft's monopolistic behaviors. Here are some of the problems I run against.:

We have been trying to implement a terminal server based system in the office. We have been forced to use Microsoft products because of the interaction necessary with several of our business partners. We are way to small to be able to lead in this area, even though we know better. The problem is, it used to be that you would consider software to be about 20–30% of your overall purchase of the machine, but because of competition in the market place in hardware and monopolistic tendencies in the software domain, the cost of buying our operating system, alone, is now 50% of the system costs. I recently bought a PIII 750 Compaq Server with 2 gig ram, 3 scsi Ultra2 36 gig 10,000 rpm hard drives, raid, etc for around $1000. To update to an older version of Windows server (Windows 2000 with 25 CAL's) will cost us over $1000. Then if we want to do a terminal server solution, the cheapest price I have seen is $1,400 for 20 terminal server licenses. Then we have to buy the office software to run it. The cheapest price to buy an upgrade to Office XP is $255 each! So that would be an additional $5,100 for 20 users. The unfortunate thing is, it does not stop there. Because of the lack of competition, Microsoft forces us to buy over DOUBLE the licenses we need to implement the system. The problem is that we want a system that is available to our employees both in the office and away from the office. But because of the way they form the licenses you do not buy it per user but per computer. This means that we have to have a license for the office, for the home, and if they are on the road and need access in a hurry, any other computer that they end up having to use. It is a pricing nightmare and a huge strain.

As you can well imagine this puts an incredible hardship on small companies like us, esp during depressed times when we are having to cut costs in many areas. The pricing scheme is very predatory and it is obvious by looking at hardware what healthy competition does to pricing.

Please do your part to restore competition in the software industry!

SI Reasoning
Chief Technology Officer
Protection Products, Inc.

MTC–00018016

From: Justin W Rude
To: Microsoft ATR
Date: 1/23/02 2:44pm
Subject: Microsoft Settlement

I would just like to say that I have read about the proposed settlement, and I am not in favor of it in its current state. Please consider this a vote against the current settlement.

MTC–00018017

From: Collinge, Douglas TRAN:EX
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 2:44pm
Subject: Microsoft Settlement

I am a Canadian but the Microsoft monopoly is a global issue. The software market is so perverted by Microsoft's business practices that it will be impossible to call it a ''free market'' for years, regardless of the remedies ultimately imposed. The current proposed ''remedy'' is nothing more than a license for Microsoft to continue business as usual, which will eventually result in extension of their monopoly to nearly every aspect of the Internet infrastructure.

Douglas J. Collinge,
Victoria, BC,
Canada

MTC–00018018

From: peter.jolles@ps.ge.com@inetgw
To: Microsoft ATR
Date: 1/23/02 2:51pm
Subject: Microsoft Settlement

I am writing to express my disaproval of the proposed Microsoft antitrust settlement.

I feel that the ruling will do nothing to correct or punish Microsoft's previous actions. The damage to many other companies has already been done, and while there may be little that can happen to undo what Microsoft has done, it itsn't just that Microsoft should benefit from their previous actions.

Sincerely,
Peter Jolles
1745 Hickory Grove Way
Acworth, GA 30102

MTC–00018019

From: David Walker
To: Microsoft ATR
Date: 1/23/02 2:44pm
Subject: Microsoft Settlement

Dear DOJ

I have been working in technology for the past 15 years, and feel compelled to write you to regarding the U.S. v. Microsoft proposed final judgment. In the early 90's there were many companies selling products to enhance and extend the computing experience. At the time I was working for InfoWorld where I was responsible for finding and reviewing these products. It was at InfoWorld that I saw these products fall to Microsoft predatory practices. Microsoft began selling their Office suite, at a loss to gain market share, and one by one competitors fell because could not match the pricing.

Undercut by so much, they had to stop making their products. Lotus, Borland and others simply got out of the business of productivity software. Microsoft made late changes in Windows 3.1 to make it incompatible with DrDos (an OS competitor) just before release. This forced users of DrDos to purchase DOS.

We at InfoWorld discovered this incompatibility, and broke the story at the time. And the list goes on....

It is clear to me, and many Americans as well as the court, that these actions by Microsoft were illegal. The current judgment against Microsoft is not sufficient to stop these practices.

I believe that any judgment that does not include splitting Microsoft into two companies, OS and Applications, is not sufficient. At the very least, however, the current judgment needs to be strengthened to provide more protection against Microsoft's ability to create barriers to ISV's creating non-Microsoft operating systems. In order to compete in the OS space ISV's will require the ability to emulate the windows API. The settlement needs to take this into account and provide some protection against Microsoft for these companies trying to compete in the OS market.

Specifically the judgment needs to be amended to ensure:

1. Microsoft provides timely notice of all API changes (at least 8 months)

2. Microsoft must document all API's used by their products

3. Microsoft must disclose all software patents that apply to the windows API

4. These requirements must be applied to all Microsoft operating system products (XP, Pocket PC, and any other current or future OS product) Without strengthening the judgment in this way ISV's will fall prey to continued predatory and monopolistic practices of Microsoft.

Thank you for your time.

David Walker
PO box 51
Pescadero, CA
94060

MTC–00018020

From: Geoffrey
To: Microsoft ATR
Date: 1/23/02 2:44pm
Subject: Microsoft Settlement

Regarding the proposed settlement I have many concerns, but will voice the greatest failings I find in this document.

1. There is no provision/requirement that Microsoft must share/publish the Microsoft software file formats. This is in regard to, but not limited to Microsoft Office software package which includes Word, Powerpoint and Excel formats. Microsoft routining changes these formats which makes it very difficult if not impossible for vendors of similar products to compete with the imbedded base of Microsoft Operating Systems, which use, for the most part, Microsoft Office based software packages.

2. Although there is a provision that Microsoft may not stop OEM computer manufacturers from providing dual booting Operating Systems on there machines, there is no wording that would stop Microsoft from contractually forbidding the OEMS from selling computer systems that have soley a non-Microsoft operating system.

3. There is no provision to permit a end user to sell his/her ''share'' of their version of Microsoft Operating Systems. An end user should be permitted to do so.

4. Microsoft licensing should not dictate what Operating System the user must used when purchasing software packages. For example, if I purchase Micrsoft word, I should be able to run it on any Operating System I deem fit.

5. The continuation of Microsoft ownership of the dominant and monopolistic operating system market as well as the dominant and monopolistic Office software package (Microsoft Office) will continue to enforce Microsoft's current monopoly strangle hold on the current computer desktop. A reconsideration should be made in revisiting the possibility of breaking this company up.

6. The primary executive staff of the Microsoft corporation, which includes Bill Gates, Steve Ballmer and others that should be determined, should be removed from the control of this company. They should be barred from having any ownership, influence in any computer related business. This company has virtually destroyed the computer desktop environment. We could be so much further along, so much more productive if it were not for this innovation stifling company. 3. —

Until later: Geoffreyesoteric@3times25.net

''...the system (Microsoft passport) carries significant risks to users that are not made adequately clear in the technical documentation available.''

- David P. Kormann and Aviel D. Rubin, AT&T Labs—Research

- http://www.avirubin.com/passport.html

MTC–00018021

From: huott@suntest2.crd.ge.com@inetgw
To: Microsoft ATR
Date: 1/23/02 2:45pm
Subject: Microsoft Settlement

To whom it may concern:

I am strongly opposed to the Proposed Final Judgment in United States v. Microsoft (http://www.usdoj.gov/atr/cases/ms-settle.htm). I do not believe it will remedy the wrongs caused by the Microsoft monopoly nor will it do enough to prevent Microsoft from continuing monopolistic behavior in the future. As an engineer and consultant who has worked for many years in the computer and software industry, I believe Microsoft's past and ongoing behavior has done and continues to do serious damage to competition and innovation in the field. It has had a negative impact on my livelihood and, worse, my ability to propose the best, most reliable and cost effective solutions for my customers and employers.

The drawbacks to the proposed settlement are many and have been well documented by many others far more articulately than I can express here. The following link is a good place to start for reading some of these opinions, the majority of which I agree with wholeheartedly (see the section ''Essays''):

http://www.kegel.com/remedy/

Please do not let this flawed settlement turn Microsoft into an effective state sponsored private monopoly. That is the absolute *last* thing our down economy needs right now.

Sincerely,

<ED> —
Ed Huott
Information Management Services
GE Corporate Research & Development
Schenectady, NY
(518) 387–6541

*Note: The opinions expressed here are my own and do not necessarily reflect those of my employer or the General Electric company.

MTC–00018022

From: Doyle Seppala
To: Microsoft ATR
Date: 1/23/02 2:45pm
Subject: Microsoft Settlement

The settlement must not stand. Over one hundred years ago, the combination of lawmaking (Congress) and law-defining(Supreme Court) bodies laid down the antitrust laws that say despite the fact that we are a free enterprise based society, we are not free as corporations to do whatever we like. One can draw the comparison of personal freedoms. We have pretty much free reign to do most anything we like so long as it does not harm others. I can freely walk down Main Street with an arm tied behind my back, wearing a silly look on my face, and skipping every third step. People might consider me odd, but I can do it. If I choose to do this with the added strangeness of firing a bazooka into the air every third step, I should hope that I would be rapidly stopped from endangering others.

Microsoft should have the right to bundle whatever they wish into a software package. That is their right. They should not, however, then force OEM's to make us buy that package, which is the current situation. The proposed settlement would codify Microsoft's behavior, encouraging them to require that all software sold by their partners be Microsoft software. The record shows quite clearly that this convicted monopolist will take whatever steps necessary to circumvent or eliminate any person, company, or law which stands in the way of Microsoft's goal of total ownership of all software markets, including the Internet.

Please take future generations into consideration when deciding this issue. I don't want my children to be force-fed a specific company's idea of software. I want there to be fair choice.

Thank you,

Doyle R. Seppala

MTC–00018023

From: Emmett the Sane
To: Microsoft ATR
Date: 1/23/02 2:45pm
Subject: Microsoft Settlement

NO on Microsoft Settlement!

I do not condone the settlement with Microsoft currently under public comment. The antitrust case has been so clearly and painstakingly laid out against this company that anything short of a structural remedy would be an obvious sell-out.

Even as a conduct-only remedy, the proposed settlement is weak and ineffectual. It has been demonstrated that Microsoft achieved a leading market position with many software products through serious antitrust infringements, and not through honest business practice.

Under the proposed settlement, Microsoft would simply continue that practice with very minor changes. The OS, desktop, server, web browser, word-processing, spreadsheet, and other markets would look exactly the same in five years: barren of serious competition.

Thanks for your time,

D. Emmett Pickerel
524 Monterey Rd #1
Pacifica, Ca 94044

MTC–00018024

From: Roger Sinasohn
To: Microsoft ATR
Date: 1/23/02 2:45pm
Subject: Microsoft Settlement

I and my family are opposed to the proposed settlement with Microsoft for many reasons. Especially concerning is the failure of the settlement to address Microsoft's potential use of intentional incompatibilities as a means to sabotage competing operating systems and applications. Microsoft has in the past used this technique to eliminate competition from Digital Research's DR-DOS operating system.

As one who spends a fair bit of time supporting computers in public schools and the teachers that use them, I have seen first-hand the problems with Microsoft's monopolistic acts. As a computer professional for over 20 years, I have seen the stagnation of innovation in the computer industry caused by Microsoft's anticompetitive practices.

Please reject this settlement and develop something which will adequately censure and penalize Microsoft while ensuring that they are unable to continue their illegal acts.

Thank you.

Uncle Roger
roger@sinasohn.com
Roger Louis Sinasohn & Associates
San Francisco, California
http://www.sinasohn.com/

MTC–00018025

From: Alan Beagley
To: Microsoft ATR
Date: 1/23/02 2:46pm
Subject: Microsoft Settlement

To Whom it May Concern:

I wish to record my opposition to the proposed settlement in the Microsoft Antitrust case.

I oppose any settlement that will make it easier and cheaper for educational institutions to use Microsoft operating systems and application software, as this will result in even greater numbers of students coming to believe that Microsoft products are the only things that make a computer work at all.

I believe that Microsoft must be prevented from penalizing computer manufacturers who choose to offer computers with non-Microsoft operating systems or without an operating system at all. I believe that Microsoft must be prevented from imposing licensing restrictions that prevent users from using Microsoft application software (or programs created with the aid of Microsoft programing tools) on Windows-compatible non-Microsoft operating systems such as OS/2, eComStation, and Linux.

Yours truly,

The Reverend Alan Beagley, B.A., B.D. (Honours), Ph.D. Pastor, Researcher, and Computer User

MTC–00018026

From: Jeff Sturm
To: Microsoft ATR
Date: 1/23/02 2:46pm
Subject: Microsoft Settlement

I'dd like to add my voice to those citizens opposed to the proposed Microsoft settlement. The proposed remedy is inadequate in numerous ways, including:

1. Inadequate protection for OEMs who ship competing products

2. Insufficient disclosure of trade secrets (Windows APIs) that Microsoft leverages to maintain its monopoly status

3. No real enforcement mechanism, other than the legal system For these and other reasons I feel the settlement as it stands cannot prevent Microsoft from continuing to abuse its monopoly power.

Jeff Sturm
i33 Communications LLC
Detroit, MI
jeff@i33.com

MTC–00018027

From: Liam Cross
To: Microsoft ATR
Date: 1/23/02 2:45pm
Subject: Microsoft Settlement

I'm bothered by the language in section III(J)(2) against not-for-profits. Why does Microsoft get to treat these worse than it has to treat for-profit competitors? This shouldn't be written into the settlement, especially since Microsoft's biggest OS competitor is Linux, a free piece of software.

-William Cross
4100 Bison Ave #52A
Irvine, CA 92612
wcross@uci.edu

MTC–00018028

From: Patrick Dufour
To: Microsoft ATR
Date: 1/23/02 2:46pm
Subject: Microsoft Settlement

I really believe the settlement is a bad idea and an incentive to promote unethical behavior in the business environment.

Patrick Dufour
OnLine Learning International
37 Thoreau St.
Cambridge, MA 02140
(978) 371–4952

MTC–00018029

From: Mark Deckert
To: Microsoft ATR
Date: 1/23/02 2:46pm
Subject: Microsoft Settlement

I believe that the proposed settlement isn't enough. The National Association of Attorneys General (www.naag.org) has a much better alternate settlement proposal.

Mark Deckert
4629 Utah St. #6
San Diego, CA 92116

MTC–00018030

From: Charles Hixson
To: Microsoft ATR
Date: 1/23/02 2:46pm
Subject: No.

The settlement proposed is grossly biased towards Microsoft. They should not be so rewarded for their criminal activities. The limitations imposed seem to be rather trivial considering the gross and severe and repetitive nature of the offenses. This is not the fist time that Microsoft has engaged in monopolistic abuse. I don't believe that it's even the first time they have been convicted. And considering the amount of time and effort that needs to be expended to even bring such a mamoth beast to court, to impose a trifling penance is at best unwise.

A fair decision would break Microsoft into pieces, each one no larger than the largest of its remaining competitors (basically Apple Computer). I recognize that this is politically unacceptable, but this appears to be less than a slap on the wrist.

I suppose that it could be argued that Apple is basically a hardware company, in that case I would argue that the pieces of Microsoft should be no larger than the software division of Apple.

I have been quite offended by Microsofts blatant abuse of it's monopoly. I've also be somewhat injured, though just how much would, I admit, be difficult to determine. But I count perhaps 1/3 of the system crashes and lost data events as injury by Microsoft. I count perhaps 1/2 of the time spend fighting and recovering from computer viruses as injury by Microsoft. They have blatently and persistently ignored pre-existing standards of good professional practice. They have cut corners in a way that would have put a contractor out of business quite quickly. They have sabotaged their competition in markets both large and small. They have leveraged monopolies in some areas into first advantage and then monopoly in other areas. They have misappropriated code, and when the owner complained, put them out of business. Etc.

Sincerely,

Charles Hixson

MTC–00018031

From: Robert Kennedy
To: Microsoft ATR

Date: 1/23/02 2:47pm
Subject: Microsoft Settlement

I am writing to comment on the the proposed final judgment in the Microsoft settlement. I do not believe that the proposed settlement addresses enough of Microsoft's practices for it to be effective. It also appears to leave ''loopholes'' that Microsoft can use to manipulate its business partners.

My main concern is with the mystery of the Microsoft file formats. In my mind the stranglehold Microsoft has on the format of office documents prepared with their software presents the greatest barrier to entry for alternative office products and alternative operating systems. The proposed final judgment has no provisions for the ability to reverse the damage of years of anticompetitive practices in this arena. I added my name to the petition put forth by Dan Kegel which addresses this and many other concerns about the proposed final judgment.

Thank you for your time,
Robert Kennedy

MTC–00018032

From: Bill Werle
To: Microsoft ATR
Date: 1/23/02 2:48pm
Subject: Microsoft Settlement

To whom it may concern,

This settlement is a bad idea and will only serve to enhance Microsoft.

Bill Werle
Interlink Advantage
509–455–3443

MTC–00018033

From: Najati Imam
To: Microsoft ATR
Date: 1/23/02 3:47pm
Subject: Microsoft Settlement

Perhaps the most unsettling thing I see is that due to the lack of provisions to open the market the monopoly will not be resolved. Namely, due to their present file formats not being opened competing software development companies will not be able to create software to offer to end-user companies already entrenched in Microsoft software as viable options. Due to the volume of information already stored in closed formats, unless these formats are opened the entire settlement will be for naught.

Thank you for your time,
Najati Imam
''Mustard?! Don't lets be silly.''
-The Mad Hatter

MTC–00018034

From: Curtis C. Chen
To: Microsoft ATR
Date: 1/23/02 2:17pm
Subject: Microsoft Settlement

I believe the proposed Microsoft settlement is flawed, and should be reconsidered.

Curtis C. Chen

MTC–00018035

From: Vlad Imshenetskiy
To: Microsoft ATR
Date: 1/23/02 2:42pm
Subject: Microsoft Settlement

I don't think that the proposed settlement will do much for the companies competing with Microsoft and thus antitrust in the US.

Sincerelly,
Vladislav Imshenetskiy
Vlad Imshenetskiy
Kernel Developer, Netcool/Precision
Micromuse, Inc.
New York, NY
Tel: 212–635–3131 ext.123
E-Mail: vim@micromuse.com

MTC–00018036

From: Andrew Abdalian
To: Microsoft ATR
Date: 1/23/02 2:47pm
Subject: Microsoft Settlement

Dear Sir or Ma'am,

Pursuant to the Tunney Act, I am addressing this letter to you to state my opinion concerning the current case pertaining to Microsoft's violations of the Sherman Antitrust Act.

I have followed this case closely, as I have been concerned about Microsoft's anticompetitive practices for years. The case seems very simple, in my estimation. Microsoft blatantly used its influence as owner of the Windows operating system (OS) to ''encourage'' users to switch Internet browsers from Netscape's Navigator/Communicator to its own Internet Explorer. This is only one of many in a series of anticompetitive practices:

-the theft of Apple's graphical user interface (GUI) on which Windows is based
-the threat of cutting support for the Macintosh version of its Office suite because Apple refused to stop using its QuickTime technology, which competed directly with Microsoft's own Windows Media Player.

All these and more are evidence enough that Microsoft cannot be trusted to use its influence only in accordance with the law. Now, a proposed settlement has come about which does little more than ensure that Microsoft plays by the rules. I think that this is the first step the government has taken in the right direction, but it should not be the last. In the proposed settlement, there is no section which requires that Microsoft be reprimanded in any way for the harm they have caused to the free market, competitive economy. Microsoft has spent years regaling in stomping out small upstart businesses, either by buying them out, or with such examples as Netscape, which grew too big to simply stamp out, using their operating system to effectively lock competitors out. Code in Windows was manipulated in such a way that no browser could be as efficiently implemented in the Windows operating system as internet explorer.

Stronger action must be taken against Microsoft considering its history of success and most of its gains have been enabled solely by illegal and anticompetitive means. The company must be restricted in some manner, not just slapped on the wrist and told to play nice from here on out. Microsoft has shown that it has no intention of playing nice, and that it knows how to bend the rules to its benefit. This can only be prevented through stricter restraints on the company. I leave it up to the Department of Justice to determine what these restraints entail; whether they choose to split up the company as Judge Jackson wisely recommended, or whether they only choose to restrict its ability to market internet-capable applications as a part of its Windows software is a matter to be worked out with the states who are filing the complaint. Microsoft's proposal of ''donation'' of computers to underprivileged schools, which would result in Microsoft's subsequent domination of the education portion of the computer market, would completely undermine the purpose of this case. Such an act, or any variation on that theme, would strengthen Microsoft's monopoly power and allow it to muscle around the competition more than it already does. If such a remedy is achieved, another antitrust suit will surely become necessary in the near future. With taxpayers in mind, please exclude this possibility from your list of possible remedies.

Thank you for reading and considering the suggestions of the public as you come to your decision, instead of relying only on Microsoft's near-perfected tactics of presenting its own favorable—and completely fabricated—version of public opinion.

Sincerely,
Andrew Abdalian, a concerned citizen.

MTC–00018037

From: rossi@math.udel.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 2:47pm
Subject: Microsoft Settlement

Dear Ms. Renata B. Hesse,

I am writing to express my concern about the Department of Justice's proposed settlement in the Microsoft Antitrust case. There is no question that Microsoft has done irreparable harm to the US economy and US consumers by stifling or ''acquiring'' superior products and technologies, and limiting consumers'' choices of operating systems. This matter has been decided in federal court.

Unfortunately, the settlement proposed does not effectively curb Microsoft's monopoly power. They still integrate and bundle Explorer into their operating system forcing Netscape, which is a comparable if not superior product, into an ''add-on'' status. The same is true with their media player product. In fact, Windows is riddled with a variety of services (called middleware) that are bundled in with their OS in an attempt to wipe out competition by reducing them to ''add on'' status.

The key issue is that the manufacturer of an OS is using their position unfairly to make their applications more competitive. In the past, they have hobbled their standard API's that competitors must use, and reserve more optimal ''back door'' subroutine calls for their own products. Developers need full access to Windows API source code. OEMs ought to be allowed to high third parties to modify Windows to suit their hardware needs. Finally, the current DOJ deal relies on OEMs to provide a competitive alternative to Windows while the settlement does nothing to restore competition as is usually the case with antitrust resolutions.

I think Microsoft makes a fine product, but their actions have caused many other fine products from ever appearing on computers.

This activity is un-American and serious controls should be placed on Microsoft to control their practices. Sadly, the settlement hardly comes close. Please serve the American people by revising this settlement.

Sincerely,
Louis Rossi
CC:rossi@math.udel.edu@inetgw

MTC–00018038

From: Christopher Nebergall
To: Microsoft ATR
Date: 1/23/02 2:46pm
Subject: Microsoft Settlement

To Whom It May Concern:

I have read the current proposed settlement with Microsoft and I disagree with it in its current state. While it does try to prevent Microsoft from continuing its anti-competitive practices, it does nothing to punish them for their past actions. The mere presence of a monopoly like Microsoft damages competition. Since any plans to break up the company seem to have been abandoned at least consider altering the settlement to help level the playing field between Microsoft and its competitors.

Sincerely,
Christopher Nebergall
2620 S. Lightfoot Rd
Farmington IL 61531

MTC–00018039

From: Jeff Post
To: Microsoft ATR
Date: 1/23/02 2:47pm
Subject: Microsoft Settlement

Dear Sirs,

Regarding the proposed settlement in the Microsoft antitrust trial, please record my opinion that the proposed settlement does little if anything to protect consumers and businesses from the crushing forces of Microsoft, and I oppose the settlement.

The reason my opinion is significant is because I am not affiliated with any of Microsoft's competitors, the amount of money I have given to Microsoft, along with my reasons for my ''change of heart''. I am a computer enthusiast, and programmer. In years gone by, Microsoft courted developers, and I was eager to learn and use Microsoft technologies. I have purchased (not copied!) MSDos5.0, MSDos6.0, Windows3.1, Windows95, Windows98, isualBasic5.0, VisualBasic6.0, VisualC++5.0, VisualC++6.0, Excel97, and Word97. I have purchased indirectly (through the purchase of new computers) additional copies of Windows98, Windows95, and Word2000. I would seem to be one of Microsoft's biggest fans. It seems that Microsoft has no real competition in the PC market, and now that they dominate, they are trying limit MY right to innovate. They also want to control my personal information and my access to online marketplaces. This must not be willing promoted!

As a citizen of the United States, I urge the Justice Department to protect me, and other consumers and businesses from the rapidly expanding monopoly called Microsoft.

Sincerely,
Jeff Post

MTC–00018040

From: Matt Rehder
To: Microsoft ATR
Date: 1/23/02 2:47pm
Subject: Microsoft Settlement

The Proposed Final Judgment in the Microsoft settlement is terribly lacking in its scope of coverage, and in its abilities adequately enforce the rules it sets. The language of the agreement is far too vague, and allows for far too many loopholes. The Judgment does nothing regulate Microsoft.NET or the C# programming language, and it also fails to mention Micrsoft's latest push into the tablet PC industry and their strangle hold on the Pocket PC industry. The Judgment barely covers Microsoft's monopolistic business practice over the last five years, but it does absolutely nothing to slow Microsoft's monopolistic powers in the present and future market.

The Judgment as it stands now is an utter failure. It will do very little erode the Applications Barrier to Entry, because of its vague language, and outdated status. Also, the Judgment provides no special mean beyond law enforcement to enforce the settlement. The Judgment should at a minimum provide for a technical committee with investigative powers to ensure that Microsoft is following the new rules laid down. If this Final Judgment is agreed upon it will do nothing to hinder Microsoft's monopoly, and only lead to more legal action by Microsoft's many crushed competitors in the future.

Matthew Rehder
Network Operations
University of Washington

MTC–00018041

From: Jena
To: Microsoft ATR
Date: 1/23/02 2:48pm
Subject: Microsoft Settlement

According to the Court of Appeals ruling, ''a remedies decree in an antitrust case must seek to ''unfetter a market from anticompetitive conduct'', to ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future'' The wording is too broad in regard to specific vendor issues. This is an easy exploit to take advantage of. There should be a uniform pricing structure.

The proposal in no way denies the fruits of the violation to Microsoft. The company has in effect stolen billions of dollars and countless technological innovations and placed itself as the governing body of computing. These billions should be distrubuted back into the hands of former competing companies and the trade secret file formats used by Microsoft should be opened to the public in order to even the playing field and give other companies a fair chance this time.

With the market control Microsoft enjoys, only strict government fines in the billions of dollars at the first sign of misconduct is enough to sway Microsoft from repeating its hostile takeover of the computing world. This is in addition to fines Microsoft, in my oppinion, owes for previous misconduct.

Thank you,
Jena Perkins

MTC–00018042

From: Matt Wright
To: Microsoft ATR
Date: 1/23/02 2:48pm
Subject: Microsoft Settlement

I oppose the settlement.

Matt Wright (mw@mattwright.com) http://www.mattwright.com/

MTC–00018043

From: Steven Fuller
To: Microsoft ATR
Date: 1/23/02 2:52pm
Subject: Microsoft Settlement

Hello,

I do not think the idea of having Microsoft provide their products to schools serves as a punishment, but more as a promotion.

1. Microsoft software is already heavily used in schools; this will allow them to have a larger presence.

2. This is an area Apple has tried to cater to, with special promotions to help schools afford hardware/software.

3. Software is something that can be shoveled out for free, because it is not a physical resource. (Example: Internet Explorer vs. Netscape Navigator, which was sold in commercial markets at the time) So, Microsoft is not paying for anything, even though they were supposed to be ''punished.''

4. The deal is only temporary, as after a few years, the licenses will expire and the schools will then have to pay Microsoft. If these schools are considered ''poor,'' where are they going to get the money in a few years? What a nice gift.

5. The idea that introducing Microsoft software into schools to provide students with the tools used in the workplace is a joke. It is unforunate that Microsoft software is so dominate that people see this as acceptable practice. Computer literacy is not about knowing how to use Microsoft Word; it's about knowing how to use a computer, and software/hardware diversity is an important part of this process.

Please try to find something that actually would work and not try to appease Microsoft.

Steven Fuller

MTC–00018044

From: Dan Cohen
To: Microsoft ATR
Date: 1/23/02 1:47pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotelly,

The proposed settlement between Microsoft and the DOJ is inadequate and should be rejected.

The settlement fails to levy any fine against Microsoft. Microsoft should be forced to relinquish any ill-gotten gains from its illegal behavior. Any revenue gained from the sale of products or services that could not have been sold if Microsoft had not illegally extended and maintained its monopoly should count towards these ''gains''. Interest on the revenue should count too.

All of this money should be given back. It is likely that the amount is in the tens of billions of dollars. So be it. The fine must be large enough to effect a behavioral change on Microsoft's part, otherwise it will be seen as a mere ''cost of doing business.'' Corporate

crime must not pay. In addition to the aforementioned omission, the existing terms of the proposed settlement have multiple flaws. The most significant are these two:

1. The Technical Committee put in place by the terms of the settlement would have no real enforcment authority. It cannot fine Microsoft for noncompliance. It cannot make public statements about its activities. Without either ability, it is unlikely that it will be able to change Microsoft's behavior in any way.

At best, the Technical Committee can extend the terms of the final judgement for two additional years. Since the TC's enforcement powers are insufficient, extending the duration of enforcement would be senseless and a waste of taxpayer money.

2. Microsoft may withhold technical information on ''security'' grounds. However, security is a pervasive aspect of technology at all levels. Thus the loophole of section J.1(a) is total.

Failing to provide an adequate punishment for a major corporate criminal will set a bad precedent for future cases, including whatever cases may emerge from the Enron debacle. No corporation, no matter how influential or economically significant, should be above the law.

Yours Truly,
Daniel Cohen
Senior Application Developer
(781) 266–2258
Knowledge, Inc. 430 Bedford St., Lexington, MA 02420
http://www.iknowledge.com

MTC–00018045

From: John Fusek
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 2:48pm
Subject: Microsoft Settlement

Gentlemen;

It is my opion that the settlement as proposed is a bad idea. It would have a negative effect on the software industry and the country as a whole.

John Fusek

MTC–00018046

From: KStormberg@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 2:47pm
Subject: Microsoft settlement

Dear Sirs:

I am a Republican, voted for G. W. I like a lot of what he has done since being in office. However the Justice department seems to be in another camp. First the Microsoft debacle and then Enron and allowing them to shred documents even up to last week.

Software was my field before retiring and I can see what Microsoft has done to competition maybe better than some others. Anybody can see how arrogantly monopolistic they are, just from their public behavoior. Please start doing what you are appointed to do. Take care of our business environment. Enforce the law! This is not a difficult situation to analyze, especially for good, honest, Republican lawyers.

The proposal that they donate their software to schools is so much of an ''in your face'' gesture that anyone should be offended.

If anyone has taken the trouble to read this, thank you.

Regards, Bob Stormberg

MTC–00018047

From: Maurice Rickard
To: Microsoft ATR
Date: 1/23/02 2:49pm
Subject: Microsoft Settlement

I am deeply concerned about the DOJ's proposed settlement with Microsoft. The remedies outlined in the Proposed Final Judgement (PFJ) fail to address a number of Microsoft's anticompetitive practices, and ignore completely the many venues in which Microsoft pursues, protects, and extends its monopoly:

The PFJ doesn't take into account Windows-compatible competing operating systems

The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered. The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all. The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertised as being ''Windows Powered''. The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows. Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems. The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

The PFJ as currently written appears to lack an effective enforcement mechanism.

Until these and other problems with the PFJ are corrected, its remedies for Microsoft's anticompetitive behavior are indeed no remedies at all.

Maurice Rickard
http://mauricerickard.com/

MTC–00018048

From: Peter Smith
To: Microsoft ATR
Date: 1/23/02 2:50pm
Subject: Microsoft Settlement

I am deeply disheartened by the actions Microsoft has taken to solidify their current market position. I feel letdown by the DOJ in their lackluster quest to impose just punishment on Microsoft. Although Microsoft has been found to be a Monopoly, who used it's dominance to destroy their competitors, they continue with their old antics; for example, in Microsoft's latest release of Windows XP they have integrated Windows media player into the OS... sound familiar? How can Real Player and Quick Time compete with this? The DOJ must take into consideration the consumers'' perspective. The consumer will use what is given to them; they won't pursue an alternative to the integrated functionality of the Operating System. How about the content providers?

Why would they use any other media utility? Once Windows XP is mainstream, Microsoft will have nearly 100% market share in the media player market... Why would the content providers use any other media utility? Furthermore, with Microsoft's dominance and potential saturation of the media market, what are users of non-Microsoft operating systems to do? How are the development communities of Open Source software and Mac OS Developers to compete? Can we allow Microsoft to embrace standards and ''extend'' them into incompatibility with legacy systems, furthering the divide between traditional UNIX servers and Microsoft's desperate attempt to dominate the server market (i.e. Kerberos)?

I propose this resolution that Microsoft be ordered to publish all APIs', Frameworks', Server Protocols, File Formats, or any such information (perhaps excluding the Intellectual Property that is source code) that the development community needs to interface with or create emulation of all current/future Operating Systems and their related services.

Thank You,
Peter Smith

MTC–00018049

From: Steven Grimm
To: Microsoft ATR
Date: 1/23/02 2:50pm
Subject: Microsoft Settlement

I'm writing to express my displeasure with the proposed settlement with Microsoft. It fails to address a critical issue that will allow Microsoft to continue to shut out competitors: Microsoft's tendency to use proprietary, undocumented file formats for the output of its applications and its operating system components. I believe Microsoft should be required to fully document all its file formats. This will level the playing field in many Microsoft-dominated areas.

A simple but ubiquitous example is Microsoft Word. If I compose a Word document and send it to you, you have three choices. You can read it with your copy of Word (which means you'll have to go and buy Word). You can read it in a stripped-down, but still essentially correct, form using Windows'' built-in Wordpad application. Or you can try to read it with StarOffice or another competing program. I say ''try'' because chances are if I've done anything unusual in the document, the non-Microsoft products won't be able to interpret it correctly and will give you garbled results. This is a direct consequence of the fact that

the develolpers of competing applications must all reverse-engineer Microsoft's document format, and given the format's complexity, that's next to impossible to do perfectly.

Requiring Microsoft to document its file formats would allow competing developers to build tools that would interoperate with Microsoft's. And it wouldn't be a crippling blow to Microsoft; they would still be free to produce the most feature-rich, efficient software for reading their documents, and they'd be free to innovate as they saw fit, so long as the results of their innovation were made public.

There would be other important benefits as well. A lot of corporate and government documents will become lost to future historians if they're in a format that Microsoft has long since stopped supporting. Making the formats public means it will always be possible to go back and correctly decode old documents.

There are other problems with the settlement as well, but for me this one is the biggie, and without addressing this problem, Microsoft will be free to continue making minor changes to its ubiquitous file formats such that competing products don't work well enough to be usable.

Thanks for your time.

–Steven Grimm

Computer programmer

Sunnyvale, CA

MTC–00018050

From: Ingles, Raymond
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 2:50pm
Subject: Microsoft Settlement

Like many other developers, I am rather disappointed with the Proposed Final Judgement in several respects. I feel that it does not punish Microsoft sufficiently for anticompetitive practices, but more importantly it will not effectively prevent such practices in the future.

To list a few brief examples: (1) The definition of ''API'' used in the PFJ is too narrow and does not include many critical features. (2) The PFJ does not mandate the publication of Microsoft file formats, which are critical to providing interoperability with the monopoly's products. (3) The PFJ does not require sufficient advance notice by Microsoft of technical requirements and API changes.

For these and many other reasons, I wish to register my dissatisfaction with the Proposed Final Judgement as it currently stands. Thank you for your efforts on behalf of the citizens of the United States.

Sincerely,

Ray Ingles (248) 737–7300

raymond.ingles@compuware.com

The above opinions are probably not those of Compuware, Inc. Yet.

MTC–00018051

From: fidvo ovdif
To: Microsoft ATR
Date: 1/23/02 2:49pm
Subject: Microsoft Settlement

As a professional computer programmer and hobbyist, I was shocked to hear about the grossly insufficient proposed settlement in the Microsoft Antitrust case. The proposed settlement only puts a few restrictions on Microsoft which will do nothing to encourage competition.

The danger of a monopoly in the computer industry is compatibility. Software must be compatible with hardware. Programs must be compatible with the operating system. I use Windows at home, not because it's the best operating system, but because all of the programs I run are compatible with and only with Windows. Any settlement that encourages competition must at the very least address this issue.

If there were ten different operating systems on which I could run my programs, there would be competition, and Microsoft could not use its monopoly unfairly. I do not necessarily mean that Microsoft should be broken up. If they were forced to publish all of their API's (Advanced Programming Interface— the code that links the programs to the Operating System) without copyright or patent, with a clause barring Microsoft from litigation against those who use these API's to develop competing operating systems, this would be sufficient. It would allows third parties to develop ! operating systems that would run the same programs, thus encouraging competition. Microsoft would then be forced to compete on the merit of its product, which is what true competition is about.

Once again, I consider this to be the bare minimum, without even addressing the numerous other issues. Any settlement that does not at least do this much is a statement that the Microsoft is more important than the law or the free market.

Sincerely,

Todd Hadley

77722 Dugan Rd.

Cottage Grove, OR 97424

MTC–00018052

From: Gabriel Wilkins
To: Microsoft ATR
Date: 1/23/02 2:49pm
Subject: the proposed Microsoft Settlement

This settlement is exceedingly unfair to everyone except Miscrosoft. Big business has no more rights than any American citizen, and we need to stop acting as if they do. Microsoft's arguments that if they are punished, the economy will suffer as a result are ridiculous: Microsoft's stranglehold on the market has already killed a vast amount of innovation as PROVEN in the findings of fact already. To allow in any manner a further stranglehold will be to delay the innovation that brings the future closer, and prove to the American people once again just how much corporate interests are the only thing that matters anymore.

The right choice, the economically sound choice, the American choice is to stand up to those who have wronged you, your friends, and your countrymen, and deal with them appropriately. This proposed settlement is not appropriate, it is limp-wristed, and plays directly back into Microsoft's original goals.

–Gabriel Wilkins

MTC–00018053

From: McCann, Joe
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 2:51pm
Subject: Microsoft Settlement Dear Sirs,

I am quite upset at the Microsoft Settlement that was recently announced. Why was there no mention of Microsoft's illegal agreements with system integrators to keep other operating systems from being available at boot time. This is a key component of keeping a boot heel on the neck of your competitors, and all under the guise of ''trade secrets''. This is no different than a street thug extorting money from a small business owner.

The true difference as the OJ Simpson trial proves is you can get away with anything, if you have enough money to buy enough lawyers and lobbyists. I am quite disappointed with this settlement in every aspect. You have sold out the American people for NO GAIN. You spent millions of dollars researching and prosecuting the this case only to fold like a spineless slug when the inevitable heat was turned up. I guess as an American I should be used to my government selling me out, but I am not. I wonder if this will be in history books as the trial that set the tone for the next century.

J. McCann

MTC–00018054

From: Bill Kristan
To: Microsoft ATR
Date: 1/23/02 2:51pm
Subject: Microsoft Settlement

I oppose the proposed settlement in the Microsoft antitrust case. Microsoft has already been found guilty of antitrust violations, and any remedy should prevent them from such violations in the future. The current settlement does not prevent them from continuing to illegally maintain their monopoly in any way. Any remedy for their illegal practices must at a minimum include the following:

1. Microsoft Windows should be provided as an extra-cost option when I purchase a computer. It is currently nearly impossible to buy an IBM-PC compatible computer without also buying MS-Windows, thereby forcing me to pay Microsoft for a product I do not want. Microsoft's willingness to punish computer manufacturers for offering computers with alternative operating systems, or computers with more than one operating system preloaded, is apparently responsible for this fact, and the practice should be discontinued.

2. Microsoft's file formats should be completely documented so that other software companies can write programs that are able to read and write native Microsoft files. Although I do not regularly use the Microsoft Office package, for example, the fact that it is not possible for me to read and write the binary MS-Office files that others send me has forced me to keep a copy of the MS-Office installed on one of my computers just to allow me to read the files. Furthermore, since MS-Office file formats are frequently not backwards-compatible I have in the past had to upgrade my copy of MS-Office even though I would prefer not to own it in the first place. The ''filters'' that other companies write for MS-Office files vary in quality, but none are able to preserve all of the formatting and content of the files. This

is not a technical necessity, but is rather a strategy by Microsoft to induce customers to buy MS-Office instead of competing packages, and force them to upgrade when they would otherwise be content with their current version.

Making the file format API public would solve this problem. I trust that in the Government's desire for a rapid resolution to this case that it will not abandon an attempt at an effective remedy. Microsoft has already been found guilty of illegally maintaining their monopoly position, and I hope that the Government chooses to honor its responsibility to the American consumer to prevent Microsoft from continuing in their illegal behavior.

Sincerely,
William B. Kristan, III
925 Camas St.
Moscow, ID 83843

MTC–00018055

From: John Courte
To: Microsoft ATR
Date: 1/23/02 2:50pm
Subject: Microsoft Settlement

The settlement sucks. You know it, I know it, and the rest of the country would know it too if this issue had gotten the attention it deserved. Do not put up with this settlement. It is wrong. However many billions in trumped-up retail charges for software that costs them basically nothing is not a settlement. It's crap.

Make them open-source windows or give every business in the US free upgrades for the next 10 years.

MTC–00018056

From: Kevin Ruml
To: Microsoft ATR
Date: 1/23/02 2:53pm
Subject: Microsoft Settlement

I am writing in to let you know my point of view on why the settlement agreement is completely inadequate. I am in the computer industry, and have my MCSE (Microsoft Certified Systems Engineer), which I received to advance my salary at my previous job. I got it shortly after entering the computer field, because Microsoft was almost all we worked with—there was some Novell, but not worth mentioning. Prominent in the MCSE training books are sections on migrating to Microsoft servers from Novell servers. It seemed pretty neat at the time that Microsoft made it so easy. As I continued on working with computers, I learned a little more about Novell, and then got into Linux.

I realized that Microsoft was really a substandard operating system for servers, but completely owned the desktop. With this they did to me what they probably do to a great many computer technicians—lead them up the Microsoft food chain to their server operating system and away from anything else. A good friend of mine did this also, but unlike him I learned more than what Microsoft told me, and learned there was more and better out there.

Most people using computers do not learn more, but just enough to do their job. They do not care, or necessarily need, to know more. So the technicians and administrators do what they are told by their bosses, who use microsoft on the desktop and say to use Microsoft, or believe what Microsoft tells them about their products and wants to use them.

Is this a bad thing? Not necessarily, until you look at what Microsoft has done in the past. They were handed their desktop operating system monopoly by IBM, then proceeded to continually illegally maintain that monopoly.

Numerous stories, from the DRDOS issues to the more recent Netscape Navigator, show how Microsoft killed other products and companies. I think most people do not want to destroy Microsoft, just to make them compete fairly on the merits of their products. The remedies in the proposed settlement does not accomplish this. There are too many loopholes that even a simple change of terminology can get through, and not take into account possible future abuses. All remedies should take into account and apply to any new products Microsoft releases (XBOX, .NET, etc.).

So what to do? I do think that monetary punishment is necessary. Microsoft has been very successful and made a great deal of money with their illegal practices, and should be made to pay some back. How much and to whom? I do not know, but maybe free software to all U.S. government agencies for a period of time (Five years? Ten years? How long were they abusing their monopoly?) would be a good start. I am sure the U.S. government has been one of Microsoft's largest customers, if not THE largest. This would basically be giving the U.S. taxpayers, proven in court to have been harmed by Microsoft, money without all the administrative problems.

And as for remedies to keep them from abusing their monopoly in the future, I think the best idea is to simply have them reveal all Windows APIs and Office formats without discrimination. It should be published on their website for all to use freely for whatever reason. Standard ''document'', ''spreadsheet'', ''presentation'', etc. formats that every program uses, regardless of what company made it, would mean that the program that worked the best with the best features would do the best in the marketplace. That is competition, not trying to keep up with changes in Microsoft Office formats to keep upgrades regular. Microsoft Office is probably the biggest reason they keep their monopoly. Yes, it is available on the Mac, but the difference in price from Macs to PCs makes the difference to companies and consumers.

Also, Windows should not be pre-installed on all computers as default. A choice should be offered so that Microsoft does not get money for every computer sold. The consumer should have the choice of operating system, or none at all. Just a few thoughts.

Thank you for your time.
Kevin Ruml

MTC–00018057

From: hawks@night-hawks.com@inetgw
To: Microsoft ATR
Date: 1/23/02 2:50pm
Subject: Microsoft Settlement

I would like to submit my comments reguarding the proposed settlement of the case of the United States of America vs. Microsoft Corp. Action No. 98–1232 as provided by the Tunnely Act.

In my opinion, as a worker in the computer industry for over 7 years familiar with Microsoft (MS) products as well as a large number of other Operating Systems (OSs) and products, I do not feel the proposed settlement will significantly impact MS's current monopoly or its illegal activities as a monopoly.

While the settlement does provide for the release of API's for the Windows OS and communications protocols itself, it does not provide for the release of documentation of file formats used in its other products, specifically but not limited to the Microsoft Office Suite. MS's other software products besides the OS are a very large part of why MS has become a monopoly and can use that power in an illegal mannor. The vast majority of work done in the corporate world, is done using MS Office. Competing Office suites from Apple Computer, Sun Microsystems and others can not accuratly and completly interoperate with electronic documents produced using MS Office due to the closed file format. Forcing MS to release full and complete documentation of the file formats used for all of its products would have no direct effect on MS's ability to market or sell such products. It would however allow competing products from other manufactuers to properly interoperate with the defacto standard for electronic documentation in the corporate workplace. This single remedy would do more to halt microsofts illegal practices than any currently listed in the proposed settlement.

The settlement also limits to whom MS must release documentation about the Windows OS and communications protocols APIs to third parties that ''meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business'', from Article III, section J, paragraph 2, subsectoin c. From the same paragraph, subsection d, the settlement proposes that any 3rd party ''agrees to submit, at its own expense, any computer program using such APIs, Documentation or Communication Protocols to third-party verification, approved by Microsoft, to test for and ensure verification and compliance with Microsoft specifications for use of the API . . .''. Both of these provision can very easily be used by MS to prevent Open Source Software (OSS) projects from obtaining and using APIs from MS OSs or middleware products.

OSS projects have no viable business per se, as they are written almost exclusevly for the purpose of free distribution with out commercial gain. Also OSS projects are written by volenteers with out financial backing. MS can very easily use the previously mentioned articles of the proposed settlement to only ''Approve'' 3rd party verification that has excessive costs involved further preventing OSS projects from ever being able to provide interoperable and or competing products to MS's OS or middleware products.

The proposed settlement has more such loopholes that work solely in the favor of MS and do nothing to provide remedies for MS's

illegal actions as a monopoly. As such, it is my opinion that the proposed settlement be declared invalid by the Federal Courts and a proper remedy including the release of full and complete documentation of file formats, OS APIs, Middlware APIs and communications protocols be made public and freely availble, without restrictive or exclusive licensing or verification procedures to all 3rd parties including, but not limited to ISV, HSV, OEM, OSS projects and manufacturers of competing products for the purpose of interoperability.

While further remedies may also be required to ensure MS's complience with a final judgement and to enforce monetary or punitive damages for their past illegal actions, any finaly remedy that does not address the issues I have mentioned will fail to effectively alter MSs monopoly possition or its continued illegal actions.

MS has a documented history of breaching previous agreements reached with the US DOJ and during the trial exhibited nothing but contempt for the trial and the legal process, including falsifying testimony and evidence.

Any and all loopholes in this settlement will be exploited by MS to further their illegal monopolistic actions. To prevent this, MS's lawyers, or employees direct or indirect should have no input on the final remedy.

Sincerly,
Alan Palmer
hawks@night-hawks.com

MTC–00018058

From: Ted Chiang
To: Microsoft ATR
Date: 1/23/02 2:50pm
Subject: Microsoft Settlement

I consider the Proposed Final Judgment in U.S. vs Microsoft to be an ineffective remedy to Microsoft's anticompetitive behavior.

As currently written, the PFJ doesn't give developers of competing operating systems a reasonable opportunity to create compatible products; it still allows exclusionary practices against hardware retailers; it doesn't address unfair licensing practices toward enterprise customers; and it allows discrimination against users of non-Microsoft products.

I believe limiting Microsoft's power will create more competition in the computer industry and will ultimately benefit the consumer, and I hope you will take steps to make this happen.

Sincerely yours,
Ted Chiang
technical writer

MTC–00018059

From: Chen, Edwina
To: Microsoft ATR
Date: 1/23/02 2:51pm
Subject: Microsoft Settlement

To the Department of Justice
Antitrust Division

I respectfully object to the settlement of the Microsoft case in the Tunney Act.

The best interest of the citizenry has not been served In the atmosphere of emerging technology, information is power Microsoft, the company, has been masterful at controlling the flow of information to the general public the lack of public outcry is not due to services well-rendered but to the ignorance of the populace when full disclosure comes to light, there will be far reaching ramifications, especially if the government had the opportunity to act, but chose not to another recent prime example is the Enron case it is the government responsibility to safeguard the best interest of it citizenry and not be blinded by short term goals of one company

Sincerely,
Edwina Chen
American Society of Civil Engineers

MTC–00018060

From: eudchhu@
newman.exu.ericsson.se@inetgw
To: Microsoft ATR
Date: 1/23/02 2:51pm
Subject: Microsoft Settlement

I think the settlement is a bad idea. Please don't allow a settlement.

Thank you,
Chris Hutchison
System Administrator, Ericsson Berkeley
chris.hutchison@am1.ericsson.se

MTC–00018061

From: Paul Fernhout
To: Microsoft ATR
Date: 1/23/02 2:52pm
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea because it does not require Microsoft to document all file formats Microsoft products use.

This lack of documentation of file formats (and other related communication formats such as for data transfer over sockets) is a major barrier to competition, essentially locking users into the Microsoft product suite in order to read or modify documents others generate.

Ideally, Microsoft should be required to document all file formats concurrently or before the release of new versions of products such as Microsoft Word or other Office products.

Paul Fernhout
Kurtz-Fernhout Software

MTC–00018062

From: Halsey, Roger
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 2:51pm
Subject: Microsoft Settlement

Although I am sending this from work, this is my private opinion. From what I've read about the Microsoft settlement, it does not remedy the monopoly. It is imperitive that this one company not be allowed to maintain a stranglehold on our future.

I believe that the part of Microsoft that produces and sells Windows should be broken apart from the parts that produce and sell programs that operate in Windows. With that interface exposed to competition, there will be competitio—on both sides of the interface.

Roger Halsey
Project Support Services
Environmental, Safety and Health Services
Bechtel Systems and Infrastructure, Inc.
voice (865) 220–2143 fax (865) 220–2124
<mailto:RLHalsey@Bechtel.com>

MTC–00018063

From: Torrey Hoffman
To: Microsoft ATR
Date: 1/23/02 2:52pm
Subject: Microsoft Settlement

I'm writing to express my concern and disappointment with the proposed judgement in the Microsoft Antitrust case. It seems that the Department of Justice has won the case, only to concede defeat at the end.

As a software engineer, I've watched with disappointment for years as Microsoft has leveraged their desktop operating system dominance to crush one competitor after another.

I believe that few informed purchasers choose Microsoft products on their merits alone—rather, people buy Microsoft mainly because they need to exchange Microsoft Word and Excel documents.

One way to restore competition to the market would be to require Microsoft to completely specify and fully document their Microsoft Office file formats. No changes should be allowed without several months notice and complete documentation in advance. This would allow competitors to create viable alternatives with the ability to interoperate with Microsoft, and would restore competition to an industry that badly needs it.

Please, consider a judgement which forces Microsoft to allow competitors to interoperate with their products.

Thank you for your consideration.
Torrey Hoffman

MTC–00018064

From: Bryan Dyck
To: Microsoft ATR
Date: 1/23/02 2:55pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses.

This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is hardly justice, and is a severe blow to those who have suffered from Microsoft's wrongdoing!

Though the legal proceedings for the case are taking place within the United States, the course of action chosen by the Court will have an effect outside its borders. Microsoft's

products are not used only by Americans, but by computer users worldwide, including people such as myself—a Canadian citizen. I ask that the Court keep this in mind when determining its rulings—Microsoft's actions have not only harmed Americans but also people from around the world.

I applaud the Court's desire to reach a settlement in this long-running case, and I hope that desire does not lead to a rushed and possibly unjust settlement simply for settlement's sake. A wrong that is not corrected will only be compounded in the future.

Sincerely,
Bryan Dyck
Vancouver, B.C. Canada

MTC–00018065

From: McCarthy, Brendan (Space Systems)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 2:51pm
Subject: Microsoft Settlement

The proprietary secrets locked up in Microsoft's software have made my job much more difficult, and have impeded the exchange of information between computer programs. The uncooperative nature of MS software has slowed the integration of systems, and has hidden and continues to delay the benefits that our modern computing infrastructure has the potential to offer.

Sincerely,
Brendan McCarthy
The opinions expressed herein do not necessarily reflect the opinions of my employer

MTC–00018066

From: Paul Arndt
To: Microsoft ATR
Date: 1/23/02 2:52pm
Subject: Microsoft Settlement

To Whom it may concern:

This letter is in regard to the proposed Microsoft penalties in the DOJ case against Microsoft Corporation.

I feel the US Department of Justice is doing the US public a huge disservice by not requiring Microsoft to change their UNFAIR licensing practices. I work in a large Fortune 100 Corporation and first of all, trying to decipher the Microsoft licensing is almost impossible for any normal (read non-lawyer) person to figure out. I have also called Microsoft directly with licensing questions and the Microsoft person had to get more information and return my call. Thus, even the people hired by Microsoft to handle licensing cannot sometimes figure out the proper licensing requirements are.

The fact that Microsoft is the only company that licenses software per machine rather than per user is ludicris. They want you to license a copy of Microsoft software for any machine that could possibly run the software which includes in many cases Unix (Linux, HP–UX, Sun) workstations not even running a Microsoft operating system if you are using the Microsoft Terminal Server application. Microsoft should be forced to go to a simple per user licensing model like all other software companies that I am aware of use.

This strange licensing practice costs US corporations and small businesses billions of dollars each year to enrich MS executives pockets. It also costs the US Government additional taxpayer money to license Microsoft Operating Systems and applications which I object to.

This practice is truly unfair and Microsoft should be penalized and made to change their licensing to a per user license model.

I realize that this will have no effect as the US Government does not care what US Citizens have to say in matters like this, but this is truly unamerican and robbing billions of dollars each year that could be spent on other things.

Thank you.
Paul Arndt
Technical Computing IT
Information Technology
Agilent Technologies, Inc.
24001 E. Mission Ave., MS 3WU–482
Liberty Lake, WA 99019
509 921 3702 Tel
509 921 3500 Fax
www.agilent.com

MTC–00018067

From: Charles Wheelus
To: Microsoft ATR
Date: 1/23/02 12:51pm
Subject: Proposed Settlement is Unjust

To Whom it may concern:

I feel strongly that the proposed settlement is very unfair to all consumers of PC software and hardware. As a computer and Internet professional, I deal with Microsoft products on a daily basis.

Unfortunately, Microsoft has gained a position that makes it nearly impossible for any company to compete with them on a level playing field. This situation is not much unlike the ''old'' AT&T before they were broken up many years ago. Innovation was stifled. While there are many viable alternative operating systems available, none of them run software which was developed for Microsoft natively. This requires a software vendor to make 2 or more versions if they choose to support any other operating system costly.

This is really only a problem in the ''onsumer'' or desktop market (retail market). This would be like one retailer (Sears, Walmart, etc.) locking up the entire retail market and controlling the flow of goods to the consumer. Obviously this would not be good for the consumer.

I do not advocate the break up of Microsoft. Instead I believe the only real solution to this problem is to force Microsoft to release it's API (application interface) into the public domain. This would enable other companies (Sun, Apple, etc.) and operating systems (Linux) to build a API which could run Windows Applications natively on other operating systems.

I applaud and support the ongoing state and federal effort to re-introduce a truly competitive environment into the Personal Computer market.

Sincerely,
Charles Wheelus
Charles Wheelus
charles@wheelus.com
Office: (561) 395–6655

MTC–00018068

From: Felker, Daniel Paul (UMKC–Student)
To: Microsoft ATR
Date: 1/23/02 2:52pm
Subject: Microsoft Settlement

I am writing this email to voice my opinion on the Proposed Final Judgement(PFJ) for the Microsoft anti-trust lawsuit. What I found after pondering if the PFJ was truly in the public interest was that there still exist many loop holes that could lead to the same problems we are currently seeing, Although I feel there are many others one area of real concern are some of the definitions put forth, as an example consider the current definition of ''Windows Operating System Product''. This current definition seems to exclude both Windows XP tablet edition and Windows CE, both of which can run many of the current Win32 APIs without any changes.

My second concern is in the area of application barrier to entry, I don't feel that there has been any effort to allow for non-Microsoft operating systems to implement APIs needed to run application programs written for Windows.

By not allowing this, it would appear Microsoft would continue to be able to exclude other Operating Systems from running their application software. By continuing to not provide a way in which Microsoft applications can be run on non-Windows Operating systems, there will continue to be the same level of control on desktop environments that we currently experience.

I would like to thank you for listening to my concerns, And I sincerely hope a reasonable solution is met.

Dan Felker
dfelker@umkc.edu

MTC–00018069

From: Adam Brown
To: Microsoft ATR
Date: 1/23/02 2:52pm
Subject: Microsoft Settlement

The proposed settlement in the Microsoft anti-trust case is a horribly bad solution to the problem. In fact, it's not a solution at all. It continues to give Microsoft all of the monopolistic power they've been proven to have as well as allowing them to abuse this power just as easily as before.

What needs to be done is to force Microsoft to open up the API's to all of its programs and document formats. This way competitors can interoperate with Microsoft software and the customer can choose which program or solution to purchase based off of the quality and service behind the product.

Thank you for taking the time to hear my thoughts on this matter.

Adam Brown
connor@dicebag.com
http://www.dicebag.com

MTC–00018070

From: Curtis C. Chen
To: Microsoft ATR
Date: 1/23/02 2:17pm
Subject: Microsoft Settlement

I believe the proposed Microsoft settlement is flawed, and should be reconsidered.

Curtis C. Chen

MTC–00018071

From: Dan Petermann
To: Microsoft ATR

Date: 1/23/02 2:52pm
Subject: Microsoft Settlement

The proposed settlement is a joke. You will, in effect, be REWARDING them. They do not currently dominate the school market, your settlement will hand them the market on a silver platter.

I cannot believe that the judge actually said that a harsher penalty will be bad for the economy! Since when is economic concerns be an issue? What court would buy that as a defense? I could just see it now, Well, your honor, I know I committed murder but putting me in jail would be bad for the economy! What a load of crap.

My proposal would be to break Microsoft into at least 2 companies, force them to publish their source code, pay Netscape for every copy of their browser downloaded for free, make them ship a stripped out version of Windows, free of everything but the OS itself, and pay 15,000,000,000 in fines plus court costs.

Dan Peterman

MTC–00018072

From: David Marston
To: Microsoft ATR
Date: 1/23/02 2:53pm
Subject: Microsoft Settlement—I DON'T AGREE!!

Given Microsoft Corporations ''History'' of ''failing to comply'' and the mindset of the current officers of the Corporation I fully believe that ''an example'' should be set that we are still a nation of law and that the Government is still the ''enforcer'' of that law! The ENRON failure is a glaring example of what happens when the Government ''fails'' in its duty to enforce on business entities with equal force what it enforces upon its citizens! ''We the people'' wait and watch for Justice!

David J. Marston, III
3139 E. 4th Street
National City, CA 91950–3010
Phone: (619)474–4874
FAX: (619)470–0802
E-mail: ddavidnc@pacbell.net

MTC–00018073

From: Bill11001@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 2:53pm
Subject: MICROSOFT SETTLEMENT

THIS HAS GONE ON LONG ENOUGHT,LET AOL/TIME WARNER CONTINUE THIS BATTLE.

WILLIAM J GORMAN, HOLIDAY FLORIDA.

MTC–00018074

From: James Overly
To: Microsoft ATR
Date: 1/23/02 2:53pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW Suite 1200
Washington, DC 20530–0001

I am writing to express my concern about the weakness in the proposed settlement in the case US vs. Microsoft. The settlement contains enough loopholes to make it barely a slap on the wrist.

While there have been many people saying that we should leave Microsoft alone, and damaging Microsoft will damage our economy, this is NOT a prudent course of action. With Microsoft as the dominant supplier of PC based operating systems we are needlessly placing our eggs in one basket. Look at the number of small to mid-size companies that were bought our or driven out of business by Microsoft. Wouldn't the economy be stronger as a whole with several competitors then one?

Microsoft tells us that as one company they can deliver a better software product. This statement goes against any study of the business world where competition among distributors encourages innovation.

Microsoft continues to use its dominate position to lock out competition. This is hurting the economy and the software market by reducing inovation.

The Internet was founded through the work of several individuals, companies and universities. They developed standards that allow computers of dis-similar hardware and dis-similar operating systems to communicate.

Microsoft is working to reduce this inter-operatibility by promoting its own priority file formats. These formats in general can only be read by Microsoft products, which can in general only be run on Microsoft operating systems.

While in a perfect world file formats would be developed by a standards committee and followed by software companies, I hold no illusion that Microsoft would at best drag its feet in following said standards and at worst improperly implement these standards so they could tout the superiority of their propriety formats. In this case the damage has been done and we are forced to use the Microsoft formats as the De-facto standard.

To this end Microsoft should be REQUIRED to publish its file format descriptions so non-Microsoft software can be developed to read the formats. It will only be when there are enough non-Microsoft solutions that sane universal and open standards can be developed.

Perhaps it can be argued that Microsoft has obtained it monopolistic position through legal means, I am not in a position to argue that point, however, now that they are a monopoly they must NOT be allowed to use their position to maintain it. They also must NOT be allowed to illegally profit from their position as well.

There is no need for one large company to control the software market. This is hurting business and consumers alike.

Thank you for your time.

James Overly
Harvard-Smithsonian Center for Astrophysics
60 Garden St. MS 81
Cambridge MA 02138
(617) 496–7544

MTC–00018075

From: Jason Alexander Crosswhite
To: Microsoft ATR
Date: 1/23/02 2:54pm

To Whom It May Concern,

I am very unsatisfied with the current verdict for the following reasons: Microsoft is a monopoly. I have seen the whole industry suffer for it. I would like to see a structural remedy rather than a conduct-only remedy. I see their current arguments as more of what we have seen from Microsoft for years. You might as well have not have even tried to prosecute them. Its not even a slap on the wrist. Interoberability enforcement needs to be stronger. Not only does Microsoft need to make its formats and protocols openly available (especially, for instance the file format for Word, Excel, etc.), but it needs to make it available for the open/free software community. Wording in the settlement precludes this, and open/free software is starting to be some of the only real competition to Microsoft in several areas.

There is no penalty for Microsoft's past misdeeds. This is astonishing!

Microsoft has consistently not lived by the intent or spirit of past aggreements, and has consistently been a bad member in the software community. The settlement relies on elements that will play directly in to their hands: secrecy, lacking independence, and able to be influenced by Microsoft.

The provisions in J.1 and J.2 give Microsoft too much leaway. They should have to justify secrecy to a high degree. I am especially worried in this regard to the free/open software community. The internet relies on this typ of software (For instance, ''bind'' is free software, which is universally used on the internet to transfer domain names (like usdoj.gov) to numbers computers can understand (like 128.223.95.56). Apache is a free web server that runs on the majority of servers on the internet.). Any type of encumbrence on this community would allow the Microsft verdict to be used —for it's advantage—!!!!!

Please seek a better resolution to these matters. Hopefully a structural one in addition to the problems listed above.

Jason Crosswhite
Graduate Research Assistant
Department of Geosciences
University of Oregon
jason@newberry.uoregon.edu
http://darkwing.uoregon.edu/jacrossw
(541) 346–4653 Cascade, room 124

MTC–00018076

From: Andy
To: Microsoft ATR
Date: 1/23/02 2:53pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotelly,

I am displeased with the direction of the MS anti-trust case. With the pending settlement it seems that many of the most pertinent issues will not be handled adequately.

Quoting Dan Kegel:

''The PFJ prohibits certain behaviors by Microsoft towards OEMs, but curiously allows the following exclusionary practices:

Section III.A.2. allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

Section III.B. requires Microsoft to license Windows on uniform terms and at published prices to the top 20 OEMs, but says nothing about smaller OEMs. This leaves Microsoft free to retaliate against smaller OEMs,

including important regional ''white box'' OEMs, if they offer competing products.

Section III.B. also allows Microsoft to offer unspecified Market Development Allowances—in effect, discounts—to OEMs. For instance, Microsoft could offer discounts on Windows to OEMs based on the number of copies of Microsoft Office or Pocket PC systems sold by that OEM. In effect, this allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas, such as office software or ARM-compatible operating systems. By allowing these practices, the PFJ is encouraging Microsoft to extend its monopoly in Intel-compatible operating systems, and to leverage it into new areas.''

To me this is unacceptable. Because of Microsoft's market position, allowing them to retaliate against an OEM for shipping a competing Operating System but no Microsoft operating system virtually determines that no OEM will be willing to do so. Because of Microsoft's monopoly, it would in fact be suicide for any consumer PC distributor to defy Microsoft. In particular these rules are extremely inept at protecting small business from further damage.

Thank You for your time,
Andy Somerville
Computer Science Student,
Pennsylvania State University.

MTC–00018077

From: Jason Whittington
To: Microsoft ATR,w7md@arrl.net@inetgw
Date: 1/23/02 2:53pm
Subject: RE: Microsoft Settlement

Actually I don't think it's fair to blame MS for the prevalence of WinModem style devices; rather it's shrewd marketing on the part of the device manufacturers. Said manufacturers have figured out that using the CPU as a sort of DSP lets them offload parts off their boards and make them cheaper. Nobody notices until they try to play quake online and all of the sudden their computer can't hack it :) I haven't priced modems in years but it used to be that winmodems were less than half the price of real modems, which is the only thing that explains your popularity (Intel was able to sell the 486SX for basically the same reason).

The manufacturers then don't bother to release drivers for other OS's because they see it as a waste of time—windows drivers allow them to cover 80–90% of the market with just two drivers (one for the 16-bit platforms, one for the NT family). The target audience of the Winmodem is bubba who buys his computer at Wal-mart, not sophisticated buyers.

My current complaint about Windows is the retarded way it handles TCP connections. Let one patch cable slip out for 1 second and the stupid OS drops all your net connections. Never mind that TCP/IP was *specifically designed* to handle transient net failures. Stupid . . .

Jason
CC:tfug-list@tfug.org@inetgw

MTC–00018078

From: Mark Fasheh
To: Microsoft ATR
Date: 1/23/02 2:54pm
Subject: Microsoft Settlement

I am against the proposed Microsoft settlement in it's current form. I do not believe the proposed restrictions will change Microsoft's behavior and restore competition to the market.

Mark

''A haircut and a real job. Now you know where to get one!''—Robotfindskitten
Mark James Fasheh
<mfasheh@linux.ucla.edu>
President, UCLA LUG

MTC–00018079

From: Andy Shih
To: Microsoft ATR
Date: 1/23/02 2:55pm
Subject: Microsoft Settlement

To Whom This May Concern,

I was informed that I would be allowed to submit my opinion on the current proposed settlement between the Department of Justice and Microsoft for the ongoing antitrust case by what I consider to be a reputable mailing list. Please accept my apologies if this is not the case. However, if there is even the possibility that my voice may be heard, I will most gladly take the opportunity.

I feel that none of the proposed settlements and resolutions offerred so far by either side is adequate. In fact, I feel that all the proposals I am aware of so far is far from acceptable. They all lack any regulations that will require a change in the anticompetitive behavior we have all witnessed committed by Microsoft. I congratulate Bill Gates and Microsoft with their achievement in creating products that are very useful to the majority of the world community. However, to leverage that success so that no one else can follow in their footsteps and rise to achieve what we all commonly call the American Dream is simply dispicable. Using special API's (Application Programming Interfaces) so that Microsoft products work better and faster than products made by other companies is unethical. Requiring hardware vendors to promote and use only Microsoft products is unethical. Bundling software, so that a comsumer is forced to purchase is unethical. Basically, what Microsoft has done is to take away one of the most fundimental rights of not just all Americans, but all human kind. This is the inherent right to choose. By Microsoft's standards, it is either their way, or no way. That becomes the only choice. This is why whatever decision is made about the anticompetitive nature of Microsoft, this issue must be addressed.

In light of recent events, the only item of the three I have listed that I have seen addressed is the requirement by Microsoft that hardware vendors who promote Microsoft are rewarded, while those who do not are punished. However, to ignore the other two aspects of Microsoft's monopoly is to doom all of us to repeat this process all over again. To insure that the playing field is level for all, Microsoft must be forced to reveal —ALL— API's that come with all their applications, not just their OS. In this manner, any software and hardware vendor will have the ability to create new and innovative products that will be fully compatible with any Microsoft product. This should also not just be limited to established businesses, but the public in general. This is the most important point because at some point, any institution had to begin as an idea in the mind of an individual. Individuals must not be forgotten in this process, and be given the same rights as any established institution.

Another issue I had raised is the bundling of software. The best example of this is what Microsoft had done with their operating systems and Internet Explorer. While I think that integrating and bundling a web browser with the operating system is something useful and innovative, the fact that Microsoft made it impossible for any other web browser to achieve this level of integration is what make the practice unethical and anticompetitive. Users need choice. If Microsoft wishes to integrate a web browser into their operating system, then so be it. However, the same opportunity must be present for other web browsers as well. There would not be an issue if users were able to choose among other browsers, such as Netscape or Opera, as their web browser of choice in the operating system, the the playing field will be level again for all competitors in this arena.

Microsoft may complain about the amount of work needed to bring about these changes, but it was due to their actions that we are mired in such a state. It is the responsibility of Microsoft as a corporation to bring about the changes necessary to fix this situation. If they are unwilling or afraid of the work required, then they can leave this industry. Capitalism and a free market dictates that someone will fill the void that they leave, have no fear of that.

This is my view of how the situation with Microsoft may be resolved.

Thank you for your time.
Sincerely,
Andy Shih

MTC–00018080

From: Tim Smith
To: Microsoft ATR
Date: 1/23/02 2:55pm
Subject: Microsoft Settlement

I believe that the proposed settlement terms with Microsoft do nothing to limit their abuse of the marketplace, and may actually enhance their market position as a monopoly in the computer operating systems and Internet/productivity applications market. My feelings are a result of industry experience as an administrator of Macintosh and Solaris SPARC servers and workstations in primarilly Windows environments. I would be happy to expand on my feelings and findings at your convenience.

Tim Smith,
Systems Administrator,
KKLH–FM kklh.com,
Springfield, Missouri
#30 TLS

MTC–00018081

From: Jeff Anderson
To: Microsoft ATR
Date: 1/23/02 2:55pm
Subject: proposed settlement is unfair to everyone but Microsoft

I do not support the proposed settlement because I do not think it provides sufficient

punishment to balance Microsoft's offenses, nor sufficient incentive to prevent them from doing the same in the future. Furthermore, the idea of punishing a monopoly by requiring them to extend their monopoly into the US educational system is incomprehensible.

Further, I believe that Microsoft continues to steal from the citizens of the world and cheats the other businesses/corporations of the world.

I believe that Microsoft will stop at nothing short of market domination. Microsoft has caused us enough damage already, let's stop them before it is too late.

Jeff Anderson
Nashville, TN

MTC–00018082

From: Stefan Wasilewski
To: Microsoft ATR
Date: 1/23/02 2:55pm
Subject: Microsoft Settlement

My name is Stefan Wasilewski. I am a professional in the computer industry. I am strongly opposed the the proposed settlement.

Here are some reasons why:

Microsoft holds a dominant position throughout the software industry. A remedy which deals exclusively with ''middleware'' is not sufficient. All Microsoft software should be covered.

There should be no restrictions on pricing or product tying. Microsoft should be left free to develop and sell its products as it sees fit. The only exception to this are the rules which cover OEMs ability to include competing products instead of Microsoft ones.

Microsoft's monopoly position is founded on its control of proprietary interfaces. Microsoft products are linked through a network of proprietary interfaces, making it difficult for competitors to produce software that will inter-operate with Microsoft software. If the proprietary interfaces were published then competitors could produce software that competed directly with Microsoft without the expensive and error-prone process of reverse engineering.

These proprietary interfaces are in the form of file formats, network protocols and APIs. All three need to be made available to competing products.

Where two Microsoft products work together the interface between them can best be made available by setting up a ''Chinese wall'' between the development groups responsible for them, and then requiring Microsoft to publish all the technical data that is exchanged between these groups.

Where one copy of a product communicates with other copies of the same product (such as when an MS word document is sent to another MS Word user) the file format or communication protocol should be published in a form which allows independent verification that the product conforms to the published description.

Special consideration should be taken of Open Source Software development over the questions of cost, trade secret status and patent licensing.

The ''security related'' exception to disclosure should be narrowed to include only keys, passwords and similar security tokens.

Thank you,
Stefan Wasilewski
smw@etherforge.com
1401 Gulf Stream Circle
Brandon, FL 33511

MTC–00018083

From: Gregory Bradford
To: Microsoft ATR
Date: 1/23/02 2:56pm
Subject: Microsoft Opinion

To whom this concerns,

Thank you for your attention to this matter.

As a California resident I am very disappointed that the US Attorney General has settled with Microsoft on such an important issue in such a minor manner.

I have many friends who have lost jobs because of Microsoft's unfair trade practices. Please be fair to my friends, give them some justice. Many of California's high tech firms, which have been very innovative (such as Netscape for example) and have brought us all great wealth, have been driven out of business or something close to that by Microsoft's monopolistics practices.

It is not in California's, or the US's interest, to let Microsoft go essentially free once again. I urge you to adequately address Microsoft's illegal practices.

Otherwise, I truly fear that our technology industry will be crippled by being handed over to a monopolistic corporation which seems to extend it's reach on a week by week basis.

If you need proof of this reach please take the time go down to you local software store. It would be a safe bet that one out of every two software titles there will carry the Microsoft name. In some categories of software there is no longer any competition. Please try to buy a spreadsheet product that is not made by Microsoft. Or try to buy a piece of business presentation software not made by Microsoft. It is virtually impossible Go to your local electronics store. Microsoft has now built a large presence in palm-top computers. It is only a matter of time before Palm will be gone just like Netscape.

At your local electronics store take note of the new X-Box technology. A company even as large as Sony will have a hard time competing in game consoles when Microsoft is deliberately losing hundreds of dollars for each X-Box sold. Recently, a Morgan Stanley analyst, Mary Meeker estimated Microsoft will lose $1 billion on the X-Box. Who can afford to lose $1 billion dollars? A monopolist can since it can subsidize busineses that would otherwise fail. This is not in the consumer's interest.

A couple of months ago I was purchasing a digital video recorder called a TIVO. Microsoft competes with this product with their Ultimate-TV product. I was directly told by a Microsoft salesperson in a retail electronics store that I would regret my purchase because TIVO would soon be out of business because Microsoft is going to put them out of business. Even the lowest Microsoft employees understand that they hold all of the cards at the moment.

Take note of Microsoft's balance sheet. If their balance sheet is accurate, then it is a smoking gun. Compare it to IBM's, Sun Microsystem's, Oracle's, Borland's, Corel's, Amazon's, AOL's, and other's balance sheets. Not one of these other companies has the wealth and influence that Microsoft retains. It is only a matter of time before several of those companies are forced out of business because there is no way for them to compete on an equal footing. Lastly, note Microsoft's effort's to control access to the Internet via it's Passport and .Net strategies. These strategies are designed to slowly wear down the consumer into submission to Microsoft's desires. Much like Microsoft has done to the DOJ it will attempt to do with consumers. Microsoft is very patient. It is the key to their survival.

Please, do not allow them to do this. It is readily apparent that justice is not being served. It has been discarded by the Department of Justice in favor of moving on to less than adequate remedies. I urge everyone involved to carefully consider my comments, and those of others, to arrive at a conclusion to this case that will serve the interests of all.

If Microsoft is not reigned in quickly you will be buying all of your software, electronics, information services, and anything else Microsoft desires to take-over from one vendor. Think about it! This is a national crisis that can be avoided!

Thank you,
Gregory Bradford
AirportTools
22434 Creston Drive
Los Altos, CA 94024 USA
Phone: 1–408–736–5898
Fax: 1–408–736–5898

MTC–00018084

From: mds@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 2:56pm
Subject: Microsoft Settlement

Hi,

I've been programming computers for twenty-five years. And for about the last ten, I've been feeling that Microsoft has been making my life progressively more difficult. I acknowledge that some of Microsoft's actions have simply been annoying rather than illegal. However, I believe that some have been illegal. I was disappointed in the limitations in the scope of the antitrust trial to begin with. I was frustrated by the repeated delays that Microsoft used to further their monopoly. And I am further disappointed by the slap-on-the-wrist nature of the proposed settlement.

Microsoft has demonstrated time and again that they do not actually believe they are capable of doing any wrong. They have indicated that they do not believe that the US justice system has any real jurisdiction over them.

I believe that the original two-part breakup itself would have been inadequate to prevent Microsoft from illegally exercising and extending its monopolies. At this point I believe that Microsoft has three monopolies: (1) desktop operating systems (Windows), (2) office suites (Office), and (3) web browsers (Internet Explorer). And they are competing strongly in several other areas, without yet having gained dominance: (1) internet access

(MSN), (2) web site design (Front Page), (3) palmtop operating systems (Windows CE), (4) server operating systems (Windows Professional), (5) web services (.NET), (6) game systems (XBox), (7) digital video recorders (UltimateTV, now apparently being folded into the XBox), (8) computer peripherals (IntelliMouse, Natural Keyboard, etc), (9) streaming media (Windows Media Player), (10) instant messaging (Windows Messenger), (11) webmail (Hotmail), and probably many more that I'm not familiar with or not remembering offhand.

Short of massive structural remedies (I was a fan of the 4-way breakup), the only chance I see of a world not effectively owned by Microsoft is the rise of open source software (also known as free-as-in-speech software). Open source can be nearly free, which is pretty much the only price point that Microsoft cannot match in the long term. (Since once software is written, it is nearly free to duplicate, the actual price of software that will have tens of millions of copies sold can be made very small, while still being profitable, which is how Microsoft built up its billions of dollars in cash reserves.) Linux has the potential of commoditizing the desktop (and server) operating system.

Similarly, Star Office has the potential of commoditizing the office suite. (Oddly enough, to compete against Netscape, Microsoft itself deliberately commoditized the web browser. They then followed by adding various proprietary extensions, such as ActiveX controls, which have only been moderately successful so far.)

Therefore I believe that the primary focus of the settlement should be in assuring that open source software can compete fairly with Microsoft. This is done by assuring that Microsoft software is standards-compliant when possible, and that Microsoft's APIs, file formats, and network protocols are openly published. If this is done, then it follows that other proprietary software companies can compete as well. More important to me, it means that open source projects can compete. Also, it is important that computers can be shipped with non-Microsoft software installed.

The most important of many changes I would make to the settlement as proposed is this: Microsoft should be required to publish without any licensing restrictions full documentation on all file formats, network protocols and APIs used by its current software or hardware. Further, they should publish formats, protocols and APIs used by future software or hardware at least two months before the release of that software or hardware.

There should be no restrictions on this publication. It should not just be licensed to competing software companies, but just put up on a public web site and so on. There should be no restrictions due to security issues, either. There are no good reasons that, given a decent security model, the publication of format, protocol or API information should harm the security. In cases where it would, there is very little real security to begin with. To help enforce this, there should be clear and severe penalties for failing to publish.

The second major change I would make is the addition of some form of punishment for past abuses, which does not seem to be part of the settlement at all.

Thank you,

Marc Shapiro

Hey! madas@home.com is changing to madas@comcast.net soon

Marc Shapiro, BaltoLUG, http://www.baltolug.org/, 410–308–0199

madas@home.com, 9 Cormer Ct. #302, Timonium MD 21093

JHU, mds@lions.med.jhu.edu, 410–502–6207

MTC–00018085

From: Peter H. Putman
To: Microsoft ATR
Date: 1/23/02 2:56pm
Subject: Microsoft Settlement

I agree with the decision that Microsoft has unfairly restricted competition by their ''tight'' and exclusionary bundling of operating systems and software.

I would prefer to see the browser software offered as a completely separate product from any operating system. In addition, I would like to see all software code removed which automatically deletes icons from the desktop, restricts hardware upgrades to a system, and establishes preferences (without asking) for navigating to Internet sites and service providers.

Peter H. Putman
President
ROAM Consulting, Inc.

MTC–00018086

From: Randy Lawrence
To: Microsoft ATR
Date: 1/23/02 2:56pm
Subject: Microsoft Settlement

Per the provision of the Tunney Act I am making my voice heard. I oppose the REVISED PROPOSED FINAL JUDGMENT settlement (http://www.usdoj.gov/atr/cases/f9400/9495.htm) that the Department of Justice and Microsoft Corp. have reached in the case of the United States vs. Microsoft antitrust lawsuit (Civil No. 98–1232.)

MTC–00018087

From: Andrew Burke
To: Microsoft ATR
Date: 1/23/02 2:57pm
Subject: Microsoft Settlement

The proposed Microsoft Settlement in the US vs. Microsoft Corporation suit is wholly unacceptable. In many ways it will actually HELP Microsoft maintain its monopoly. It is painfully obvious (as any annoyed Windows user knows) that Microsoft is a monopoly and its lack of competition is nothing but bad for the consumer. Microsoft has used its status to leverage company after company out of existance. It is time to put a stop to it and the proposed settlement will do no such thing.

Please reject the settlement.

Andrew Burke
Systems Administrator
Univ. of Rochester
Dept. of Physics and Astronomy

(The opinions expressed above are my own and not necessarily those of my employer)

MTC–00018088

From: Logan, Patrick D
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 2:57pm
Subject: Microsoft Settlement

To whom it may concern,

I am writing to you as an individual concerned about the illegal damage Microsoft has done and continues to do. I object to the recent settlement between Microsoft, the Bush administration, and some of the states. Clearly the settlement lets Microsoft off the hook after so many justices consirmed that significant antitrust violations were made by Microsoft.

As a software developer, I want to see justice done, to restore a healthy software industry. Stronger actions must follow this conviction.

Sincerely,

Patrick Logan

MTC–00018089

From: Josh Bauguss
To: Microsoft ATR
Date: 1/23/02 2:57pm
Subject: Microsoft Settlement

To whom it may concern,

I wish to briefly address the proposed settlement that is currently in review. I firmly believe that what has been suggested is merely a slap on the wrist for Microsoft. It will do nothing to change the face of competition in the PC software industry.

I wish to offer a little proof of this. Since they have been deemed a monopoly by our court system, they have continued their business practices. (It actually seems very apparent that they have accelerated them) In Windows XP, there is a simple feature of being able to look at zip files.

Now, zip files have become a mainstay in computing and especially with transferring files over the internet. However, just like they did to Netscape with Internet Explorer, they just effectively made compression programs by a third party unnecessary. (i.e.. winzip.com, winace.com) These are two companies that I know of that do not have a bright future.

There is then the issue of Microsoft Office. It has been the standard for desktop publishing for many years now. However, these programs use file formats that are proprietary. They change this file format with every upgrade to make it nearly impossible for third party office suites to be compatible. Computing has become something that is almost second nature in today's society. There should be no reason why I should not be able to choose which operating system or which desktop office suite I wish to use.

Right now there really isn't a choice. If you want to do business and send people documents or other forms of correspondence, you are left with little choice but Windows and Microsoft Office. It has also become the norm that you must have the latest version of office in order for your documents to be viewable by others. (and likewise to view documents sent to you) I think there is a much better solution that can be worked. I don't think it would be fair necessarily to limit Microsoft's ability to do business.

However, for certain things like Word documents or DirectX, these should become Open Standards. (look where having open standards in the pc hardware industry has gotten us. There is a level of competition

there that causes great innovation and offers nothing but great benefits to consumers) It should not matter what OS or what Office suite I choose to use. If I want to write a simple letter (other than an e-mail which thankfully is open) I should be able to send that letter to anybody I choose. That person should be able to open it easily. I shouldn't have to think twice about it.

Another example I want to address is that of the gaming industry. This industry is left with little choice if they wish to make a product that has a chance to be profitable. They have been forced into writing games for Microsoft Windows and now they must use DirectX. While the DirectX standard is a good thing, such a standard should not be closed. If this were an open standard, any other OS maker could implement their own version of it. This would enable game makers to deploy their products without having to target an operating system. (and currently, if you want to make money, you MUST target Windows)

We must empower the consumer. By giving them the choice to choose which OS they use, which Office suite they use, we can recreate competition which has really been lacking in the PC industry for over a decade. No business can currently start a software product without fearing that Microsoft will only brace and extend it, make it their own, and incorporate it somehow into their OS which is the monopoly part of their business.

Microsoft can still benefit from well thought out solutions. A solution such as creating standards will make it possible for Microsoft to implement them in their own way. If consumers choose to go with Microsoft's solution, then that is good for them. However, consumers should not be forced into their choice.

Thank you for your time,
Josh Bauguss
Albuquerque, New Mexico
Josh Bauguss
Web-Galleries
www.Web-Galleries.com
Tel: 505.891.8878

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Web Consulting
Web Hosting
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MTC–00018090

From: alobao@microsoft.com@inetgw
To: Microsoft ATR
Date: 1/23/02 2:59pm
Subject: Microsoft Settlement

I think that a democratic state should not interfere in commercial issues but, if it needs to, it can never punish an enterprise in a way that would force it to give less quality services to its customers. And that's what's happening now: Microsoft is with its back against the wall just because it tried to give the best services and products to their users.

CC:alobao@microsoft.com@inetgw

MTC–00018091

From: Mitch Krayton
To: Microsoft ATR
Date: 1/23/02 2:59pm
Subject: Micosoft Settlement

Renata B. Hesse,

The settlement is wrong. It does not compensate members of the injured class. It creates new damages to innocent parties, like Apple Computer.

Please reject the settlement as it now stands and find a more effective way to punish Microsoft.

Microsoft is not taking this trial or the guilty finding seriously.

They have done little to change their business behavior. In fact they flaunt their will, in the computer trade press and in the way the do business with partners, despite their wrong doing.

They have shown little regard for past settlements. This settlement will not alter their behavior in any significant way either.

It does not provide a remedy to the injured classes.

This makes a mockery of your court and the entire process of anti-trust justice.

Thank you,
Mitch Krayton
Mitch Krayton, Sales & Marketing
1st K I O S K
24307 Magic Mountain Parkway, #245
Valencia, CA 91355 USA
661–297–9150 voice * 661–297–4044 fax
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1st K I O S K
Your 1st Choice for Interactive Kiosks & Dynamic Digital Displays
Home of 1stTouch(tm), iPedestal(tm) and KlearKiosk(tm)
http://www.1stKiosk.com/

I pledge allegiance to the United States of America,

one nation, indivisible, with freedom and justice for all.

Take the pledge and pass it on...

MTC–00018092

From: G.Richard Raab
To: Microsoft ATR
Date: 1/23/02 2:59pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
G. Richard Raab

MTC–00018093

From: Jim Cromie
To: microsoft.atr
Date: 1/23/02 2:58pm
Subject: Microsoft Settlement

Gentlemen,

Ive just read an interview with Judge Robert Bork, where he says.. http://www.linuxplanet.com/linuxplanet/opinions/4020/2/ ''My initial response was, break ''em up,'' he replied. ''A structural remedy. Dissolution into parts that could compete with each other. ''But that seems to be not in the cards now; I don't think the judge is going to do that if the government doesn't ask for it, and may not do it even if the government did ask for it.

''That's not going to happen, so I think we're stuck with a behavioral remedy which would have to be—even if it tried to do something, even if it tried—hard to write because as the technology changed Microsoft has shown a great ingenuity in getting around things in the past. But whatever difficulties there would be in a properly drawn behavioral remedy, this is not a properly drawn one.''

''And I think it gives it a clear road to further monopolies. They can do to all kinds of products now what they did to the browser.'' ''What's likely to come out if it? I have no idea. It depends entirely upon how seriously the judge takes this thing. I hope she doesn't share the government's evident desire just to kick the thing away and get rid of it. This is a painful case—I don't think Judge Jackson wanted to see it again. It's a lot of work, and it's hard to understand, and if she takes the line that ''if the government's satisfied, the hell with it,'' then it's all over. I don't know her well enough to know how she'll react.''

As Im sure youre aware, Judge Bork is not known for being a judicial activist.

There is no political axe being ground by him. The Government won their case in open court, and now it must pursue proper remedies.

According to the Court of Appeals ruling, ''a remedies decree in an antitrust case must seek to ''unfetter a market from anticompetitive conduct'', to ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future'' (section V.D., p. 99).

To fail to do so leaves the DOJ open to suspicions of back-room dealings between the politicians (the DOJ in this case) and the politically connected. Whether or not it happened is irrelevant, the public perception, particularly in light of the Enron debacle, will not look favorably upon a weak settlement.

Thank you.
James Cromie

MTC–00018094

From: David Cortesi
To: Microsoft ATR
Date: 1/23/02 2:57pm
Subject: Microsoft Settlement

To whom it may concern:

The proposed settlement in the Microsoft antitrust case is DEFICIENT as written.

Any remedy MUST create conditions under which small companies and individuals can design and sell new software without fear that Microsoft can, at its arbitrary choosing, preempt and swamp their business with free software ''integrated'' into the Microsoft system.

If this condition is not met, soon the only innovation in technology will be the innovation that Microsoft permits to exist.

Thank you,
David Cortesi
dcortesi@mindspring.com

MTC–00018095

From: Bovy, Stephen
To: Microsoft ATR
Date: 1/23/02 2:56pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general. While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Stephen Bovy

MTC–00018096

From: Bill Repke
To: Microsoft ATR
Date: 1/23/02 2:54pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

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While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Bill Repke
System Administrator
Costa Mesa, California

MTC–00018097

From: Bovy, Stephen
To: Microsoft ATR
Date: 1/23/02 2:56pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Grace Pang Bovy

MTC–00018098

From: chrish@sandbox.cnet.com@inetgw
To: Microsoft ATR
Date: 1/23/02 2:58pm
Subject: Microsoft Settlement

I would just like to say, that I consider the the proposed Settlement with Microsoft to be lacking to the point of absurdity. It doesn't make nearly enough provisions to prevent the continuation of (or future) anticompetitive practices.

Chris Hostetter
Software Engineer
chrish@cnet.com
415.344.2212
235 Second Street
San Francisco CA 94105

MTC–00018099

From: Jason Woolever
To: Microsoft ATR
Date: 1/23/02 3:00pm
Subject: Microsoft Settlement

Please note: I think the settlement is a bad idea.

Jason Woolever
Sunnyvale, CA
Sr. R&D Engineer
Synopsys, Inc.

MTC–00018100

From: Nick Calton
To: Microsoft ATR
Date: 1/23/02 3:00pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001 ,

I would like to take this opportunity to comment on the proposed final settlement as allowed by the Tunney Act. I have been a programmer, mostly for Windows and Unix, for these past five years. Of late I have primarily adopted the Java programming language. I am strongly against the Proposed Final Judgement, on several grounds. I feel that while it may be corrective, it is no way punitive, and Microsoft has made its empire with criminal behavior. Even if the proposed remedy halts future transgressions, it does nothing to punish Microsoft for the means of acquiring its wealth. I would like to see monumentally large fines levied against it, the government should do what they think best with the money.

I think the PFJ falls down though even with regard to reining in future bad behavior in several places, please allow me to mention a few specifically. First, in not requiring Microsoft to fully document all of its file formats, so that binary compatibility could be made much easier by competitors.

Second, in not requiring that MS disclose its software patents regarding the Windows API, this could allow them to pretend to offer a level playing field, but later they could sandbag the competition who may have sank resources into attempting to compete in a software field owned by Microsoft patents. I'm specifically thinking of Mono and .NET here. Quite frankly if it were up to me I would require Microsoft to release all of its software patents in the most contested fields

into the public domain. If it were up to me there would be no software patents at all. All of the ones I have seen, except the patent for the RSA encryption technology, now expired, have seemed obvious. At the least, it can be seen that they are inherently anti-competitive.

Third, and I'll stop here and thank you for reading this far, as mentioned by Dan Kegel whose excellent critique of the PFJ can be found at http://www.kegel.com/remedy/remedy2.html , the PFJ allows Microsoft to retaliate against OEMs that ship PCs with competing operating systems, such as Linux, but without a Microsoft operating system. As I understand it, this would hurt OEMs ability to provide the public with a PC of their choice and the operating system of their choice. This is the very definition of anti competitive behavior, and I feel that a future draft should most certainly anticipate and prevent this, and that this current version of the PFJ must not be allowed to stand.

Thank you,
Nicholas Calton
New York, New York
Student, Columbia University

MTC–00018101

From: root@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 2:52pm
Subject: Microsoft Settlement

Microsoft has done more harm to consumers then any company before. It has stymied research and development other then it's own products. It has killed competition through illegal business practices. It has been branded an illegal monopoly. Their business practices are deplorable. They do all they can to prevent consumers having any other choice then Microsoft. These practices should not be rewarded but come to a harsh end. People living in a so called free country should have real choices and not have to be faced with a modern variant of Hobson's choice.

They are an illegal monopoly with unethical business views, they should be punished, not rewarded.

Sincerely,
N Heikamp
CC:nicoh@ispwest.com@inetgw

MTC–00018102

From: Jonathan
To: Microsoft ATR
Date: 1/23/02 3:00pm
Subject: Microsoft Settlement

To whom it may concern,

The current proposal for the Microsoft settlement will not prevent Microsoft from staying a monopoly in the computer industry. Microsoft employees are spreading this around as ''..a victory over the government.'' If the government shows they are incapable or unwilling to stop Microsofts monopoly over the software industry, who else is there to stand in Microsofts way?

Since the trial has started Microsofts grip on ISP's and hardware vendors has slowly loosend up for fear of how it would be represented in the case against them. Once Microsoft accepts the current settlement they will go back to their previous methods of forcing the industry to accept their software and force out competitors, but it is not their previous methods the software industry is only worried about. By recieving the current settlement this will show the industry that even the government and it's laws cannot stop Microsoft's monopoly. Microsoft will be able to expand their practices beyond strict EULA's, enforcing proprietary ''standards'' and harrassing/buying out small companies. They will be able to stretch more laws, find more loopholes and choose more ''un-ethical'' business means knowing that the most powerful system that could have stopped them was not powerful enough.

Once again I say that the DOJ and US government should be putting a stop to Microsoft's monopoly. By forcing them to release their file formats, source code, protocols or something similar that will allow other companies to compete with them. But the current settlement simply shows that the government no longer has the power to enforce the laws that control our capitalist country.

Thank you,
Jonathan Ard

MTC–00018103

From: Todd Eshler
To: Microsoft ATR
Date: 1/23/02 3:00pm
Subject: Microsoft Settlement

The proposed Microsoft Settlement is a bad idea.

Thank you
Todd Eshler

MTC–00018104

From: Juan Lang
To: Microsoft ATR
Date: 1/23/02 3:01pm
Subject: Microsoft Settlement

I would like to comment on the proposed final judgment against Microsoft. I have signed Dan Kegel's open letter, as it addressed many points I had not considered. However, I felt that adding my own words was also important.

The main problem I see with the proposed judgment is that it only seems to protect competing companies. However, this misses a key point of the software industry: competition can come from competing software products that do not necessarily produce revenue. Two key products that pose serious competition to Microsoft are Wine and Samba. Both allow Windows-compatible applications to run on non-Windows platforms. The leaders of both projects have expressed concern that their ability to continue could be significantly threatened under the terms of the proposed final judgment. The judgment does try to protect access to APIs, which could protect competing software products regardless of whether they produce revenue. However, the definitions of APIs were written such that the above mentioned products, and others, might be precluded from accessing them. I am writing this because I am concerned that without access to these APIs, the software industry itself is threatened. The company for whom I work depends on open source products in order to achieve the gross margins it does. At previous companies, this has also been true. Restricting free products'' ability to compete, as I believe the proposed final judgment does, restricts the software industry's competitiveness while enhancing Microsoft's position in the marketplace. Such an outcome is clearly not in the interest of the American public.

Sincerely,
Juan Lang
Director of Software Engineering
Cranite Systems, Inc.

MTC–00018105

From: parasite@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 3:02pm
Subject: Microsoft Settlement

I feel it necessary to take time out of my busy schedule to comment on this case which is of dire importance, especially with respect to the entirety of the computer world. The foundation of our society in this day and age, the very progress of science, rest very much upon this issue.

Microsoft is the greatest singular contributor to the means by which knowledge is distributed and disseminated across the word. Mind you, their software underlies a considerable portion of the internet, the very way by which this e-mail was delivered. By virtue of their profits alone, it is clear no other company has delivered so many essential and comprehensive software solutions. It is clear that the companies that stand to gain from any punishment of Microsoft all produced inferior products—the free market place made this abundantly clear. It would be impossible to rationally say that Microsoft prevented competition—so long as an arm of the government wasn't coercing people to use Microsoft's software. And indeed, this was not the case, the computer industry is one of the few havens from which the government had abstained taking such power, while Microsoft progressed ever higher, by viture of it's SOFTWARE alone.

I'm certain that you will receive a great many e-mail in support of GREATER punishment from Microsoft, especially those involved in computer/technical fields. The proposition of any further damning settlement, and even of the punishment Microsoft themselves proposed is a reprehensible perversion of morality. While I am myself seeking a degree in Computer Science—I must warn you that the words of the others involved in computers do not speak for the masses for whom I so speak, and for whom Microsoft has always aimed its products. Those who are involved in computers and oppose Microsoft have agendas behind their actions, with no moral or ethical basis for their arguments. They despise Microsoft because it is TOO good, and (for some) it threatens their jobs by making it possible for even a mediocre computer technician to handle what otherwise would be a task requiring exceeding technical expertise. This is analogous to a group of mathematicians asking the government to punish Texas Instruments for making calculators because they make advanced math problems more accessible to even those of a much lesser intellectal capacity. Other's motivation may be simply that with Microsoft's continued

existence, their own mediocrity cannot stand a chance. Whatever new fields arise in the computer industry, it is sure that Microsoft will make it's best attempts pushing forth its best minds to forge onward with innovative new solutions. If, however, they are punished then those inferior solutions presented by much lesser companies will serve only to stagnate progress, and allow the mediocrites to bring the world down to their level.

I would now like to make a short analogy, and state that this is especially true because a company is not a faceless entity (as so many claim) but is a collaboration of individual minds seeking a specific objective, one which always entails fulfilling their customer's needs— by necessity of existence and motive of profit. Now considering that a company is INDEED comprised of individuals it is therefore an extension of their individual rights to pursue wealth. Thus I would say this settlement is akin in EVERY facet to finding the person of most haughty moral status, and taking them into a courtroom—and terribly decrying their deeds—NOT because they weren't virtuous deeds, indeed—I mean to say that their deeds were of the MOST virtuous type, but yet to decry them because their basking in the limelight of extreme virtue has prevented the morally inferior and lesser persons from having a chance in such light. This is the perversion of ANY settlement against Microsoft. Therefore I thoroughly oppose any and ALL settlements aside from an apology to Microsoft for the damage already caused by the likes of the United States government—not on behalf of the people, but on behalf of those who are only jealous of Microsoft's sucess.

Thank you.
Justin Wilson
815 4th St. Apt 7
Bowling Green, OH 43402

MTC–00018106

From: Nick Austin
To: Microsoft ATR
Date: 1/23/02 3:01pm
Subject: Microsoft Settlement
Hash: SHA1

I would just like to say that I have read about the proposed settlement, and I am not in favor of it in its current state. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors, yet unfavorable to Microsoft.

Thank you,
Forrest N. Austin
1624 Burrows
San Francisco, CA 94134

MTC–00018107

From: Jon Rust
To: Microsoft ATR
Date: 1/23/02 3:01pm
Subject: Microsoft Settlement

To whom it may concern,

The proposed MS settlement is not nearly enough, and just completely misses some of the very reasons why MS is a monopoly. Here are just a few of my problems with it:

+ MS apparently had a big voice in deciding what definitions be applied to API, Middleware, etc. For example, although MS is touting their ''.NET'' initiative as a replacement for Java, Java and .NET are classified in completely different categories. How can that be? Outlook Express and Outlook, which are very similar products, are in different categories. Allowing them these leeways will only increase their grip on the market.

+ Entire Windows OS versions have been excluded from the official classification of Windows OS. These OS's that were excluded are so closely related, many applications can run on them and the Official Windows OS's unchanged.

+ Although undocumented file formats formed part of the Applications Barrier to Entry, no where is MS required to make file formats more open.

+ Section III.A.2. allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

There are many other shortcomings in the Settlement that need to be addressed. Please do address them, or this will just be another slap on the wrist to MS, similar to the one in the early 90's (that MS totally ignored).

Thanks,
Jon Rust
VCNet, Inc

MTC–00018108

From: Mike McClelland
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 3:04pm
Subject: Microsoft Settlement

I wonder how much of our government has already been bought by Microsoft. Prolly makes ENRON look 2-bit.

MTC–00018109

From: Leif Myers
To: Microsoft ATR
Date: 1/23/02 3:01pm
Subject: Microsoft Settlement

I believe Microsoft needs a harsher punishment, the current settlement isn't enough.

Leif Myers

MTC–00018110

From: Bryan Stalcup
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 3:02pm
Subject: the settlement with microsoft

the settlement proposal is horrible.

microsoft will continue to expand and control more markets if they are not halted here. they should have the browser broken off into a separate company, with the original company banned from making a browser. they should also be forced to document all file formats and protocols thoroughly, i.e., no more proprietary file formats or protocols.

bryan stalcup
—-
bryan stalcup
technophile
classic graphics
charlotte, nc
704.597.9015

MTC–00018111

From: Hasan Muhammad
To: Microsoft ATR
Date: 1/23/02 10:04am
Subject: Microsoft Settlement

The proposed settlement is an ineffective remedy.

Hasan Muhammad

MTC–00018112

From: Geff Underwood
To: Microsoft ATR
Date: 1/23/02 3:02pm
Subject: Microsoft Settlement
Hash: SHA1

I disapprove of the proposed settlement in the Microsoft antitrust case. It will not do anywhere near enough to punish Microsoft's crimes, or to prevent future offenses. I agree with Dan Kegel's analysis, which can be found on the web at <http://www.kegel.com/remedy/letter.html>.

MTC–00018113

From: Roberto Dohnert
To: Microsoft ATR
Date: 1/23/02 3:02pm
Subject: Microsoft Settlement

I feel that the major problem with the Microsoft suit is that Microsoft wishes to give away free computers and software. by doing this you are giving them an open door to invade the one market where they dont have Monopoly power. Even tho I think it is a great gesture for them to offer to do this for the poor schools. I think this needs to be an industry effort more than the job of 1 company. A company that has broke the law and continues to do so.

MTC–00018114

From: William R. Mussatto
To: Microsoft ATR
Date: 1/23/02 3:01pm
Subject: RE: Proposed Settlement

I believe the proposed settlement would encourage Microsoft to continue the behavior for which it has been found guilty. Requiring Microsoft to provide its software to schools would put the schools at its mercy since it can, at any time, render the software and hardware obsolete and unsupportable. It has just done this with Windows 95 (interestingly, just after the courts removed breakup as a remedy). My recent upgrade from windows 95 to windows 2000 require extensive replacement of hardware, even though the test program, provided by microsoft assured me that no hardware upgrades would be required. Reverting to windows 95 was not an option unless I completely reformatted the hard drives. Do we want to put schools through this?

Schools are one of the few areas where Microsoft faces significant competition. The proposed settlement would allow them to increase their marketshare, thus further rewarding their monopolistic behavior. A better alternative would be to require the company to fund the computers and allow them to chose between Microsoft's competitors, specifically excluding Microsoft software. This would compensate the competitors and increase, not decrease future competition.

Unless the performance part of the settlement includes provisions to specifically block the kinds of integration which was found to be in violation of law (i.e., browser, and in the case of XP sound and multi-media) Microsoft will continue to use its

desktop monopoly to exend its reach into the area of servers. They should be required to recall XP and remove this integration, since the OS was built after they had been found guilty of the initial breach. Failure to do so again is rewarding their continued illegal activity.

The company I work for hosts web sites. The various flavors of Internet Explorer (beginning with 4.x) have difficulty connecting to a non-microsoft secure web server (in our case apache-SSL). This is because they fail to follow internet standards for this connection (timingout early, or late depending on the version). Rather than reporting that the browser failed, they report that the web site is down. I find it interesting that this failure only effects web severs who pose a significant threat to Microsoft's ability to expand into the server market.

When faced with an adverse court ruling in their case with Sun concerning java, they stopped supporting a common standard when the courts ruled that they could NOT manipulate the standard to increase their market share but had to compete on a level playing field.

I hope that you will take this into consideration.

The opinion expressed are my own and in no way reflect those of my employer. I can be reached at 276 E. Green St. Claremont CA 91711.

You are specifically enjoined not to release any personal information to a non-DOJ party. Thank you.

Sincerely,

William Mussatto, Senior Systems Engineer

ph. 909–920–9154 ext. 27

MTC–00018115

From: Bovy, Stephen
To: Microsoft ATR
Date: 1/23/02 2:49pm
Subject: Microsoft Settlement a government rollover !!!!

The Settlement sucks !!!

What ever happened to the founding fathers concept of the ''balance of power''

The government is no longer in control !!!

Now a days the government is a paltry ruber stamp patsy For un-accountable uncontrollable greedy corporate empires.. Microsoft is the ultimate example .... Microsoft and Enron are bussum buddies. Both are symptomatic of the fact that, there is nothing And know one to hold back or restrain the power Corporations have. There is no longer a balance of power .... Remember one thing Absolute power corupts absolutely. Even the puffed up pridefull misconcieved perception Of absolute power gurantees that sinfull coruptible men Will fall into temtation.

Microsoft and Enron two peas in a pod.....

Both grew out of the same pot of greedy selfishness.

MTC–00018116

From: Jason D. Kelleher
To: Microsoft ATR
Date: 1/23/02 3:01pm
Subject: Microsoft Settlement

To Whom It May Concern,

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. More importantly, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions redress their previous abuses or compensate the affected parties. This, in my opinion, goes against the very foundation of law.

The provisions within the settlement only formalize the status quo in their strictest interpretation and at worst increase the monopoly power of Microsoft. None of the provisions effectively prohibit Microsoft from abusing its monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions. If a person or organization is able to commit illegal acts, benefit from those acts, and then receive as a punishment instructions not to commit those acts again, there is no incentive to follow those instructions. That is not justice. While the Court's desire that a settlement be reached quickly is understandable, it is wrong to approve an unjust settlement merely for the sake of expediency.

Sincerely,

Jason D. Kelleher
314 Christina Mill Dr
Newark, DE 19711

MTC–00018117

From: RFC-822=hbarrett@lsanca1-ar2–000–125.lsanca1-dsl.gtei.net@inetgw
To: Microsoft ATR
Date: 1/23/02 4:06pm
Subject: Microsoft Settlement

To whom it may concern,

While I am not an attorney, I wanted to take the time to convey that I DO NOT AGREE with the proposed Microsoft settlement. The settlement needs to be written from the ground up.

HOPEFULLY, THE JUSTICE DEPARTMENT WILL HEAR OUR WORDS AND RE-WRITE THE ENTIRE SETTLEMENT!

Harry Barrett
Canyon Country, Ca.
United States Citizen
CC:tunney@codeweavers.com@inetgw

MTC–00018118

From: Eric George
To: Microsoft ATR
Date: 1/23/02 3:02pm
Subject: Microsoft Settlement

Under the Tunney Act, I would like to comment on the inadequacy of the proposed Microsoft settlement.

My largest concern is that of software compatibility between Windows-based systems and future Windows-compatible operating systems. The requirement to publish Windows APIs is flawed. As we have seen again and again, Microsoft is capable and willing to say one thing and do another, leaving the door open for ''published'' APIs to be irrelevant or constantly out of date.

The only way to be sure of compatibility is to require Microsoft (or another entity) to create a compatibility test suite based on the published APIs. The ability to use the ''Made for Windows'' logo (or other branding) would then be dependent on conformance to the test suite, and not merely the published APIs. This test conformance would apply to Microsoft as well as competitors and would give competitive operating system vendors a true, testable baseline on which to base their products.

In addition, the test suite should be accessible by any software vendor for a minimal cost, and Microsoft should not be allowed to release a test suite and new software so quickly together as to keep competitors from utilizing the test suite. Perhaps a moratorium on software releases for a reasonable time after a new version of the test suite is released.

Eric George
egeorge@placebosoft.com
hm: 720–855–0484
cell: 720–231–2335

MTC–00018119

From: Keith Copenhagen
To: Microsoft ATR
Date: 1/23/02 3:03pm
Subject: Microsoft Settlement

Please do not allow Microsoft to continue to flaunt the laws protecting consumers.

Microsoft is unlawfully using it's monopoly to avoid competition, (overwriting suffix links, avoiding the dual boot). It is clear to me that Microsoft will use every tool, unethically and unlawfully to dominate every market it enters.

I feel that any claims of standardization and market cohesion are misleading, and simply rewrite history from the view the monopoly strangling any alternatives.

The proposed settlement is a clear example of using the legal wrangling to force-feed Microsoft products into the schools regardless of existing needs or educational value.

Microsoft does not deserve the overarching market position it has brutally acquired, I think we would all be better served if the Anti-trust laws were applied to the robber barons of the information age.

Keith Copenhagen
Copenhagen Technical Services
California, USA

MTC–00018120

From: Sten
To: Microsoft ATR
Date: 1/23/02 3:04pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html), namely:

o The PFJ doesn't take into account Windows-compatible competing operating systems

o Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even

contributes to this part of the Applications Barrier to Entry.

o The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

o The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

o The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

o The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

o The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertized as being ''Windows Powered''.

o The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

o The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

o The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

o The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

o The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

o The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

o Microsoft currently uses restrictive licensing terms to keep Open Source applications from running on Windows.

o Microsoft currently uses restrictive licensing terms to keep Windows applications from running on competing operating systems.

o Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)

o The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

o Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

o The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

o The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

o The PFJ allows Microsoft to discriminate against small OEMs —including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

o The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

o The PFJ as currently written appears to lack an effective enforcement mechanism.

I also agree with the conclusion reached by that document, namely that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

Sincerely,
Sten Michael Drescher
Software Support Engineer, IBM
PO Box 18371
Austin, TX 78760–8371

MTC–00018121

From: Matthew T Reinke (Humphrey Bogart)
To: Microsoft ATR
Date: 1/23/02 3:05pm
Subject: Microsoft Settlement is Bad

I think the proposed Microsoft Settlement is a bad idea. I hope you will take my opinion and those of others into account when making your decisions.

Matthew Reink

MTC–00018122

From: matt
To: Microsoft ATR
Date: 1/23/02 3:05pm
Subject: Microsoft Settlement

i believe the proposed settlement is bad idea! it would hurt the consumer and be bad for america. microsoft is a monopoly something must be done!

MTC–00018123

From: maurice
To: Microsoft ATR
Date: 1/23/02 3:08pm
Subject: Microsoft Settlement

This settlement is a slap in the face of every American citizen! Not only is this a ''slap'' on the wrist for microsoft, it's actually more of a ''pat on the back''... The whole settlement is like a back-room deal made by some ''good old boys'' and then spun to look like a punishment at first glance. I feel that this is the type of issue that gives the youth of this nation the idea that it's alright to be ''underhanded'' as long as you can afford the lawyers and lobby the right law makers once caught breaking the rules. I feel completely let down by the federal judicial system at this time—please be sure to do the right thing and make microsoft accountable to the law.

Maurice P.
Buckfield ME

Technology Manager

MTC–00018124

From: Paul Michael Reilly
To: Microsoft ATR
Date: 1/23/02 3:06pm
Subject: Microsoft Settlement

I am writing to, even at this late date, implore the DOJ to reject the settlement and pursue even stronger remedies against Microsoft. Microsoft has shown time and again that it knows of only one way to do business —- to exploit it's Windows monopoly with abandon to crush, eliminate, or in any way conceivable to remove competition from the markets it chooses to enter. The findings of fact of the lower court are indisputable. What is disputable is that the settlement will have any effect whatsoever on the conduct of Microsoft's business practices.

As a small software business executive, I implore you to look to my welfare and create a level playing field so that my company and millions more like mine have a chance to grow and thrive lest we are eliminated once Redmond's radar sees us as a threat.

Sincerely,
Paul M. Reilly
President and CEO
Pajato Systems Group

MTC–00018125

From: Stahl Family
To: Microsoft ATR
Date: 1/23/02 3:05pm
Subject: Microsoft Settlement

Historically monopolies have have bad for the country regardless of the product sold. Never in the history of the World has one company held as much market share of what has become a necessary tool. Allow me a few points about the proposed settlement.

When you win a point, you don't surrender to the other side. The settlement is basically this action

Allowing such a monopoly to continue can only be bad for the country in the long term. Yes, disolving Microsift might hurt in the short term. Better we all take our medicine now, and get it over with.

Microsoft is a bad corporate citizen. In every court judgment it has been given it has whined, dragged it feet and, broken the agreement before the lawyers have gotten out of the courthouse. Why do you expect this pattern of behavior will change? A settlement will not work in the best interest of the people. Microsoft ''promises'' are not worth the ink they are signed with.

Microsoft has behaved in a criminal manner. Since when do criminals get to set their own ''punishment''?

Garry Stahl
6940 Mead Dearborn, MI

MTC–00018126

From: James E. Flemer
To: Microsoft ATR
Date: 1/23/02 3:06pm
Subject: Microsoft Settlement

I find the proposed settlement inadequate in protecting the public interest. The terms are far to weak in several areas, providing far too many loop holes and exclusions. The definition of API and ''middleware'' simply do not cover all that should be. The

exclusions to ''middleware'' in Definition J are far too broad, specifically excluding patches, service packs, and updates from ''Windows Update''. The definition of ''Microsoft Middleware Product'' excludes Microsoft Outlook, Microsoft.NET, and Microsoft Office, three significant products that Microsoft has and will use to maintain their monopoly.

Several other topics are excluded such as the publication of all proprietary file formats, and several instances of EULA that prohibit the use of products on non-Microsoft operating systems.

Please tighten up the loop holes in the settlement. This settlement is intended to protect the public interest, but that will certainly not be the case if Microsoft can simply sidestep the stipulations of the settlement, and continue its unfair practices.

Thank you,
-James Flemer
Rensselaer Polytechnic Institute
Troy, NY

MTC–00018127

From: theflame
To: Microsoft ATR
Date: 1/23/02 3:05pm
Subject: Microsoft Settlement

Dear U.S.D.O.J:

I really think that the proposed settlement is a bad idea. I encourage you to do the right thing and throw it out.

Derek L. Ramsey
Philadelphia, PA

MTC–00018128

From: sharris@mail00.cdocs.com@inetgw
To: Microsoft ATR
Date: 1/23/02 3:05pm
Subject: Microsoft Settlement

Ms. Hesse and Associates:

One could (and I believe some have) written enough on the proposed Microsoft settlement to fill a book. You have undoubtedly been made aware of the details of these complaints so I will keep my comments brief.

1. The proposed settlement does not address the main issue of the case — namely, that Microsoft used illegal and anticompetitve business practices to achieve and maintain a virtual monopoly. The settlement does nothing to address the damage done to the market nor does it prevent the continuance or repetition of these practices.

2. Not only does the settlement fail to address past and present behavior, but I fear that its general impotence will only encourage Microsoft and others to continue to flout the law and to seek revenge on those who have testified against them.

3. If accepted, the proposed settlement will be a public relations fiasco. The Justice Department under John Ashcroft will be seen as ''soft on crime'' at best. The abrupt change in direction in this case following Ashcroft's appointment may well be linked to campaign donations and presented as evidence of corruption. (There are courts other than those of law, and some of them will accept rumors as evidence). The Ashcroft administration—and by extension, perhaps the President's—will be viewed as being for sale The software industry as a whole already views the American court system as generally corrupt and untrustworthy, and this proposal will only strengthen that perception.

It is my hope that this travesty of a settlement will be rejected.

Sincerely,
Scott Harris

MTC–00018129

From: kilroy@copland.rowan.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 3:06pm
Subject: Microsoft Settlement

The proposed settlement is ridiculous. I'm a Computer Science professor, and continued advancement of this field as a science requires that anyone with a good idea be able to have access to the market and get investors to support it. Microsoft's behaviour, which was found illegal (a finding which was upheld by the appeals court), has already had a significant quelling effect on those with new ideas trying to begin new companies and advance the state of the art. As proposed, the settlement will contribute nothing toward opening up the computer business further and allowing new and smaller companies to get the oxygen they need to live.

Those at Microsoft have clearly decided that they do not care about the advancement of computing as a science, or advancement of the computing industry, so long as their own profits remain in place. They would rather rule in Hell than serve in Heaven.

Please do not cave in, and allow their vision of only one operating system, controlled by only one company, to stifle the computing field. One hundred years ago, London was the most important financial center on earth. Now it is New York. If Microsoft has their way, twenty years from now it will be Tokyo. Don't make the judgment which lets that happen.

Darren Provine / provine@rowan.edu

MTC–00018130

From: (u)
To: Microsoft ATR
Date: 1/23/02 3:05pm
Subject: Microsoft Settlement

Stop microsoft.

They are destroying us all.

Where once I could get a $40/hr job in one hour, I have now been unemployed for over a year. Why? Because Microsoft technology has taken over the market, and being a unix person, there is nothing left for me, even though my state-sponsored school insisted everything would be Unix.

Thanks for nothing.

If the supreme court has any sense of justice, microsoft will be broken up. One OS? I don't think so.

MTC–00018131

From: Roy Pollock
To: Microsoft ATR
Date: 1/23/02 3:06pm
Subject: Microsoft Settlement

As a professional software developer, I am very concerned with the proposed Microsoft settlement and how it will impact the global software market.

I am concerned by the apparent lack of enforcement provisions in the current settlement. Without giving the oversight commitee the power to impose restrictions without a legal battle, we are basically back in the same position, except Microsoft has grown even bigger and exerts even more leverage to assimilate or destroy rivals.

Thank you,
Roy Pollock
Software Developer, Green Hills Software
Santa Barbara, CA

MTC–00018132

From: Peschko, Edward
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 3:02pm
Subject: tunney act—settlement proposal by government

To whom it may concern:

I read, with deep horror, the DOJ-Microsoft proposed ''settlement'' to US vs Microsoft. Microsoft has basically killed any competition in my industry (I work as an independent consultant, constantly trying to dodge microsoft products and failing), was shown to do so both in Judge Jackson's court, and in the court of appeals, and shows absolutely no sign of changing any of their business practices to help restore competition in the industry. And yet they just might get away with a ''slap on the wrist''—the DOJ has proposed a consent-decree like settlement, when Microsoft has ignored all consent-decrees in the past. In addition, the consent decree is so loosely worded that Microsoft could follow it to the letter and not change a thing about their business practices.

Anyways, I—and pretty much the rest of the computer industry not affiliated with Microsoft—implore your office to please deeply consider both the wording and the effect that the settlement would have on an industry already woefully devoid of competition. We cannot afford to have one entity run roughshod over what should be highly competitive—namely the computing infrastructure of this country. And that is what is going to happen if Microsoft is not given severe enough punishment for its crime—it will leverage its monopoly in the desktop arena and office applications to try to reach a monopoly in home computing appliances (ie: xbox), computing services (.NET), palm appliances (PocketPC), and so on. And even if they fail in doing so, their business practices in the past ensure that they will greatly harm the remaining competition—and the weak economy will only serve to help Microsoft crush the competition better, and further consolidate an already too-consolidated industry. So the settlement proposed does not go nearly far enough—the dissenting states are more on the right track.

Ed

(ps—as an independent consultant I am not affiliated with any of the parties that testified at trial. And I'd be happy to expound on the opinion mentioned—if you want, I can be reached at 650.464.2156)

MTC–00018133

From: Greg Shrack
To: Microsoft ATR
Date: 1/23/02 3:06pm
Subject: Microsoft Settlement

To Whom It May Concern:

As a US citizen, I would like to express my views on the proposed Final Judgement in the United States vs. Microsoft Settlement. I have been in the software development field for 7 years. I have felt for many years that Microsoft has monopolistic market positions and tendencies, and has continued these practices even through the current anti-trust investigations. I believe that these practices have hindered innovation and hurt consumers and businesses.

In general, I thing that the proposed Final Judgement is too soft on Microsoft and will not resolve the anti-trust issues at all.

In particular:

* Section 3.A.2 of the proposed Final Judgement appears to prevent Microsoft from strong-arming OEMs that ship dual-boot machines, but offers no protection for OEMs shipping a single-boot machines that do not boot to Microsoft Windows.

* Definition K of the proposed Final Judgement covers Microsoft's Java Virtual Machine, but does not affect Microsoft's .NET strategy. .NET, and the C# language specifically, appear to be designed to woo existing Java programmers with a minimum of new training. While C# is a documented standard, Microsoft's standard method of operation is to extend the standard with Microsoft-only features which eliminate any opportunity for inter-operability. If C# becomes as widely accepted as C++ or Java, I fully expect that there will quickly be divergent ''Microsoft C#'' and ''Standard C#'' implementations.

* There appears to be no solution to the issue of Microsoft proprietary file formats in the proposed Final Judgement. This is huge hindrance, as more and more email attachments are being sent as Microsoft Word documents, etc. File formats were covered in the ''Applications Barrier to Entry'' section of the ''Findings of Fact''.

These are just three of the issues that I was immediately drawn to in the proposed Final Judgement. I am also very concerned with Microsoft's continuing efforts to extend their stranglehold on US consumers and businesses including: * New Microsoft XP licensing schemes which may raise costs for US consumers and businesses. As part of the XP licensing, consumers will not be allowed to load multiple copies of XP on their own hardware. And licensing costs may increase for 59% of businesses (see article in CIO magazine, ''Software Licensing Debate'',

http://www2.cio.com/research/surveyreport.cfm?id=50)

* Microsoft's forays into home entertainment (UltimateTV, XBox)

* Microsoft's new effort to be at the center of the Internet (.NET and Passport)

Thank you for reviewing my opinions. I hope that any Final Judgement in the United States vs. Microsoft trial will be carefully considered.

Greg Shrack
15140 Jessie Drive
Colorado Springs, CO 80921
greg.shrack@usa.net

MTC–00018134

From: Joshua D. Clark
To: Microsoft ATR
Date: 1/23/02 3:07pm
Subject: Microsoft Settlement

The current proposed settlement in the Microsoft antitrust case is UNACCEPTABLE. It does little to prevent the future use of their unfair and unlawful business practices, and nothing at all to punish their past arrogance and greed. Every one of the handful of antitrust trials brought against Microsoft in the last decade has established the same thing: that Microsoft, in one or another of its markets, has used illegal practices to gain an unfair advantage or force competitors out of business. I, and millions of others, are tired of paying artificially inflated prices for insecure, bug-riddled software from a *convicted* monopolist. We can NOT allow Microsoft off this time with a mere slap on the wrist. They have committed great wrongs and caused great harm to the PC software market; the punishment must be equally as great. They must be made to pay reparations to the system vendors and internet providers which they have entangled in dictatorial contracts, and to the businesses, schools, and individuals whom they have bilked with outrageous licensing schemes and inflated prices. Microsoft owes an immesurable amount of its ill-gotten fortune to corporations such as Netscape, Digital Research, Stac Electronics, Symantec, and a host of other companies long since vanished—all due to MS'' blatantly selfish and anticompetitive dealings. The era of Microsoft arrogance and dominance must end, and it must end NOW.

Joshua D. Clark
a concerned citizen

MTC–00018135

From: David Charlap
To: Microsoft ATR
Date: 1/23/02 3:07pm
Subject: Microsoft Settlement

I disagree strongly with the propsed settlement that is about to be used against Microsoft. It is far far too weak to have any impact on the industry.

Microsoft has signed several consent agreements with the DoJ over the past decade, and they have violated many of them. This is not in question—it was proven in court during their antitrust hearings. Because of their past history of violating consent agreements, they can not be trusted to adhere to any new consent agreements. Your proposed remedy does nothing to change Microsoft's business practices. The people responsible for their anticompetitive behavior will remain in charge of the company, and their monopoly market position remains in place. Asking them to stop will accomplish nothing, because they have already disregarded several other past consent agreements. In other words, I believe that the propsed remedy will be completely ineffective. Microsoft will provide only token compliance with it, and will blantantly disregard any aspect that it considers overly restrictive. Any attempt by the government to prevent them from doing this will be ineffective, since all such procedures will very be time consuming. During the time it takes for the government to punish Microsoft for violating the terms of this agreement, they can run competitors completely out of business.

I believe that the only solution that will permenantly curb Microsoft's repeated abuses and contempt for the legal system is to either break the company up into three divisions (operating systems, development software, and application software), or to remove all senior officers from their positions of power. I believe that the public is best served by the former remedy.

— David

MTC–00018136

From: Andrew Louis Perez-Lopez
To: Microsoft ATR
Date: 1/23/02 3:08pm
Subject: Microsoft Settlement

To Whom it may Concern:

I have read the documents associated with the Microsoft anti-trust case. As a user of a non-Microsoft operating system, I feel that more should be done to allow for the interoperation of non-Microsoft operating systems with Windows, and also with programs, particularly the MS Office Suite. I'm not sure what the best solution would be, but I have personally seen the effects of closed file formats on operating systems. I have known people who have been prevented from trying non-Windows operating systems by the fear of not being able to run MS Office. They need to run MS Office, because none of the many freely available word processing systems can properly understand Microsoft's closed file formats. If these formats were to be publicly documented, then free alternatives could support the files, and other operating systems would not be unfairly disadvantaged. In light of this, I think more needs to be done before Microsoft is let off the hook for years of anticompetitive business practices that have put so many companies out of business. That said, I want to thank you all for working diligently on my behalf in this matter. I am confident that you will be able to come up with a new agreement that better serves the public interest and that will make Microsoft play fair and allow it to succeed by excellence, innovation and competition rather than dishonest business.

Sincerely,
Andrew Perez-Lopez
Charlottesville, VA

MTC–00018137

From: Ocie Mitchell
To: Microsoft ATR
Date: 1/23/02 3:07pm
Subject: Microsoft Settlement

I would like to briefly state my objections to the proposed final judgement (PFJ) between the doj and Microsoft.

Microsoft's file formats would remain secret under the PFJ. This aids Microsoft in maintaining its monopoly and forcing users to upgrade to the latest software. Microsoft's APIs would also not be effectively opened by the PFJ. Apis that Microsoft must disclose on a reasonable and non-discriminitory basis effectively rule out any free-software, university research, or any non-commercial use of the information.

Programmers would not be able to make their own middleware to emulate a windows environment because the PFJ prevents them from using the API information provided by

Microsoft, and because the APIs are covered by several patents, which are not disclosed. Finally, Microsoft can continue to have undocumented APIs which implement ''security'' or ''content control'', and are thus too vague and widespread.

Business practices that are still allowed under the PFJ include allowing Microsoft to discriminate agains OEMs that ship PCs without a Windows operating system. The PFJ requires Microsoft to offer the same terms to the top 20 OEMs, but makes no mention of smaller OEMs. Microsoft would also be allowed to offer discounts to OEMs that sold other products such as office, or pocketPC, thus extending/strengthening their monopoly into these areas.

I believe the PFJ is weak in these and other areas and it should be written to be more inclusive and not as narrowly defined. Microsoft found and exploited loopholes in the 1995 consent decree, and there is no reason to believe that they will act differently this time. Microsoft has been found guilty of violating anti-trust law, but is not being fined for this violation.

Thank you for your time,
Ocie Mitchell
Pasadena, CA.

MTC–00018138

From: greg@dignus.com@inetgw
To: Microsoft ATR
Date: 1/23/02 3:07pm
Subject: Microsoft Settlement

I disagree with the ''revised proposed final settlement.'' The prohibited conduct as it applies to OEMs has already been determined to be illegal, so prohibiting it does not change MicroSoft's position in any way. They have been found in violation and simply restating the law to them will not impact them. The situation must be altered such that MS is no longer in a position to exert this form of pressure on OEMs.

The requirement of the publishing of various MicroSoft APIs (III.D) through MS Developer Network is also incorrect. It allows, primarily, MicroSoft to make arbitrary demands (of money, identification, and technological capability) before you are allowed to view any of their information. Also, they already publish the overwhelming majority of their APIs. The trouble is that their publications are lies (''in error'', ''mistaken'', or ''outdated'', the result is the same: only MicroSoft knows how it really works). Forcing more publications will not cause MicroSoft to cease distorting standards with their current policy of ''embrace and extend''. It will not eliminate MicroSoft's defacto standard status.

Such language as ''timely manner'' is completely unacceptable in a contract with MicroSoft. MS has, in the past, demonstrated an eagerness to act in bad faith. No vaguaries of language are acceptable, then. A distinct number of days needs to be allowed before they are found in violation, and once they are in violation a clear, simple, and financially lethal course of action should be described such that MS has no way out but to follow the contract. I.e., if MS ships Windows 2002 before it provides API documentation, you must not allow them to provide it in a ''timely manner'' before beginning to decide whether anything should be done. Once a specific number of days elapses (say 5) from release, MS should immediately be found in violation of the agreement, their current advertising budget must be reappropriated to informing the public of the crimes MS has commited, and their product must be removed from the shelves until such time as compliance is established. Anything less and MS will NOT act in a timely manner no matter how lax your definition. They will spend years, then, in litigation to decide what should be done to them for a violation that, by the time it is settled, is irrelevant. You may note that the current lawsuit originated with Netscape, and it is nowhere near finished even though Netscape long ago disappeared.

III.E is similarly flawed. Their email product, for example, operates with protocols described in already public ''Request For Comments'' publications (RFCs). When asked to publish their protocols MS will simply republish these documents that are already available. However, MS does not simply follow the standard described in these documents, they embellish and distort in order to make their product more popular and then, over time, no longer interoperable. They will, in bad faith, pretend that this is an accident, or necessary for proper software evolution, but it will happen nonetheless.

The differences between the currently published standards and the way MicroSoft software operates are minor enough that it would take a jury of programmers to decide if MicroSoft is in compliance with its own documentation, but major enough that it renders operability with MicroSoft software nearly impossible. By the time any technical audit is performed to prove that an MS product is not in compliance, the product will already have been adopted in the marketplace. Once convicted they will simply release a new version of the product that complies on the points in question and features new ''accidental'' features that again violate the standard.

MicroSoft will act in bad faith. A ''be good'' document will not change anything. Punishment is imperative. My recommendation is that MicroSoft lose all intellectual property rights.

Greg Alexander
103C Hanna St
Carrboro, NC 27510 USA
Programmer
Dignus, LLC. (Raleigh, NC)

MTC–00018139

From: James Luzenski
To: Microsoft ATR
Date: 1/23/02 3:08pm
Subject: Microsoft Settlement

I disagree with the Microsoft settlement, it needs to be much tougher on Microsoft by making amends far and above what damage was done.

James Luzenski

MTC–00018140

From: Ian Bennett
To: Microsoft ATR
Date: 1/23/02 3:07pm
Subject: Microsoft Settlement

Hello,

I am writing to register my dissatisfaction and personal objection to the proposed settlement in the United States vs. Microsoft case. I do not believe that such a settlement would be in the public interest. The Proposed Final Judgement would allow Microsoft to increase the barrier to entry for competing products by allowing Microsoft to continue implementing increasingly restrictive licensing terms for its Windows OS. This would not be of benefit to consumers, and would only serve to promote Microsoft's anticompetitive practices.

Thank you for your time,
Ian R. Bennett
Network Administrator

MTC–00018141

From: Marc Prudhommeaux
To: Microsoft ATR
Date: 1/23/02 3:08pm
Subject: Microsoft Settlement

I think the proposed settlement will have no impact whatsoever on Microsoft's behaviour. Please reconsider a more appropriate settlement. As a computer programmer in a language that is unpopular with MS (Java) on a platform that is more unpopular with them (Linux), and am very worried that they will destroy my career by destroying the technologies that I rely on. My ISP, QWest, as bought by microsoft, and already I am seeing how they are trying to prevent me from running Linux (they don't let me send or receive mail, not may I real newsgroups).

If you want me to describe these things in any more technical detail, please let me know and I will happily provide you with more information.

Sincerely and Hopefully,
Marc Prud'hommeaux
mwp1@cornell.edu

MTC–00018142

From: Bob Ellis
To: Microsoft ATR
Date: 1/23/02 3:08pm
Subject: Microsoft Settlement
Bob Ellis Inc.
2417 Bayfront Parkway
Orlando, Florida 32806–7337
Tel: (407) 859–5883..Fax 859–5350..Cell 247–9072 ''mailto:rellisl@cfl.rr.com''
rellis1 @cfl.rr.com
January 23, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Ave.
Washington, DC, 20530

Dear Mr. Ashcroft,

I am pleased to know that the federal government has reached a settlement with Microsoft. After three years of litigation, the settlement is fair to both sides and should be beneficial to consumers. The agreement is extremely comprehensive and mandates many adjustments in the way Microsoft carried out their business in the past. Microsoft has agreed not to enter into any agreements obligating any third party to distribute any portion of Windows exclusively. Also, the company has agreed not to enter into agreements relating to Windows that obligate any software developer to refrain from developing or

promoting software that competes with Windows. Finally, the government assured compliance by negotiating for the creation of a Technical Committee to monitor Microsoft's compliance. IF MERGEFIELD PARA2 But clever people like me who talk loudly in restaurants, see this as a deliberate ambiguity. A plea for justice in a mechanized society. ??

I believe Microsoft and Bill Gates have done tremendous good for the United States. Their products are used by millions of citizens and help make the economy stronger and more efficient. I commend you for your efforts to settle this case and hope no further action will be taken on the federal level.

I must say that I am very happy that Bill Gates is an American and that he was not a citizen of another foreign country as if he was, we would be sending checks from the United States to that county to purchase the excellent products that Bill Gates and Microsoft has delivered to our good citizens.

Sincerely,

Robert M. Ellis, President

But is suspense, as Hitchcock states, in the box. No, there isn't room, the ambiguity's put on weight.

CC: Representative Ric Keller

MTC–00018143

From: Nate Bowler
To: Microsoft ATR
Date: 1/23/02 3:05pm
Subject: Microsoft Settlement

I am a software engineer that has worked in the computing industry for over 8 years. The proposed settlement between the DOJ and MS is, in my opinion, a complete sellout on behalf of the DOJ that will do NOTHING to increase competition in the PC software marketplace! Nothing in this settlement prevents MS from leveraging their monopoly in desktop operating systems into new areas. In fact, during the course of this very trial, MS has released Windows XP with an integrated Media Player, Instant Messanger, and hosting service signup that exploits the exact same position as the browser integration which began this proceeding.

Please reject this settlement.

Nate Bowler
2352 S. Dakota Ave.
Provo, UT
84606

MTC–00018144

From: Prashanth Siddalingaiah
To: Microsoft ATR
Date: 1/23/02 3:08pm
Subject: Microsoft Public Comment

To Whom It May Concern:

I have read many letters and emails sent to me by friends regarding the Microsoft Settlement. This letter written by a close friend shows how I feel also. Please remember that your role is to protect us; the citizens of this nation from monopolies that constrict a free market. Take the time to revisit these issues. It would be a great loss if you did not. Thank you for your time and effort in this settlement.

Sincerely,

Prashanth S.

''I am firmly opposed to the current proposed settlement term in the Microsoft case. The terms do no fully redress the actions committed by Microsoft in the past, nor their ability to commit similar or anti-competitive actions in the future.

Many of the provisions in the current settlement will not effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. In view of Microsoft history of anti-competitive practices correcting this is vitally important. A few issues that have been brought to my attention are:

1) The settlement does not take into account Windows-compatible competing operating systems. Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the settlement fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

2) The settlement Fails to Prohibit Anticompetitive License Terms currently used by Microsoft. Microsoft currently uses restrictive licensing terms to keep Open Source applications from running on Windows.

3) The settlement Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft. Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

4) The settlement Fails to Prohibit Anticompetitive Practices Towards OEMs. The current settlement allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

Please refer to http://www.kegel.com/remedy/remedy2.html for other issues that must be addressed for the settlement to be fair and equitable to all interested parties.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. I implore you to look into these and the other issues before before pursuing closure on this matter.''

MTC–00018145

From: Bob Weiner
To: Microsoft ATR
Date: 1/23/02 6:04pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am a high-tech executive and software architect with 16-years of experience developing software on a dozen different operating systems including versions of Microsoft Windows, UNIX and Linux. I and most of the technology industry people I know feel confident that the proposed settlement of the Microsoft anti-trust case in which Microsoft was convicted of monopolist behavior will have little if any effect in preventing the corporation from continuing to pursue strategies which illegally discredit and bankrupt firms which choose to compete in its industries (eventually, anything digitally-driven). At a minimum, any settlement agreement must include the following terms if it is to prevent Microsoft from doing further harm to the once vibrant software industry in this country:

It must preclude Microsoft employees and contractors from utilizing *any* APIs (application programming interfaces) prior to having such APIs anounced and published in an open format, e.g. HTML, on the World-wide Web for at least one month. Otherwise, Microsoft application developers will always use their internal knowledge of new releases of Microsoft's operating systems to both add new features to their applications and make it more difficult for competitor's products to run properly as Microsoft changes the programming frameworks upon which they rely. It must not allow Microsoft any say in the enforcement of the punishment, i.e. selection of 50% of the oversight team put in place to oversee its implementation of any actions. It must include significant go-forward penalties if Microsoft is declared by the oversight team or by the judicial system to be in violation of any settlement agreement, e.g. its operating system technologies placed in the public domain. It must force Microsoft to publish all available internal documentation and APIs on all of its file and data formats for all of its programs on the World-wide web in perpetuity. It must allow royalty-free use of this information in the development of alternative technologies which read, write and execute such formats.

Without such stringent declarations the settlement will have no significant impact on Microsoft or the industries and consumers from which it has already taken considerable wealth and future opportunity.

Best regards,

Robert Weiner
bob@deepware.com

MTC–00018146

From: Fen Labalme
To: Microsoft ATR
Date: 1/23/02 3:09pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. Please, for the sake of us all, reject this proposal in favor of a much stronger remedy. The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for

settlement's sake. A wrong that is not corrected is compounded. While it is doubtful that the true losses can ever be recovered from Microsoft, a fair settlement should include the permanent opening of all Windows and Office API's and file formats so that competition becomes possible.

Sincerely,
Fen Labalme
1899 California Street #9
San Francisco, CA 94109

MTC–00018147

From: Kathy Wheeler
To: Microsoft ATR
Date: 1/23/02 3:09pm
Subject: Microsoft Settlement

I am not a US citizen or resident, but I hope you will not discount this communication out of hand—just because I am not a potential voter in your elections.

I live and work in Australia. For years my computer operating systems of choice have been non-windows, non-microsoft systems. Because of Microsoft's buisness practices and our comparatively small market, it has been increasingly difficult to get the products and support I require for non-microsoft products. I DO NOT WISH TO USE MICROSOFT PRODUCTS AND FEEL STRONGLY THAT BEING FORCED TO USE THEM IS A VIOLATION OF MY BASIC RIGHTS.

The settlement you have reached with microsoft is known worldwide within the industry to be politically motivated. It is also recognised worldwide as woefully inadequate. It will make no appreciable change to microsoft practices—especially overseas out of your direct jurisdiction. The discarded solution of splitting microsoft up was never going to work. microsoft were way ahead of you there as well. I will not pretend to know of an effective solution, but I will say that if you do not act wisely and decisively now, you will be instrumental in creating an enormous rod for everyone's back—not just your own.

Please put aside political pressure if that is at all possible, and try to do what is best for ALL IT innovation, not just microsofts'. I have some hopes that a positive and forward thinking result in the US anti-trust case may convince microsoft to reconsider it's practices worldwide, or at the very least open the eyes of the technically naive public to microsofts'' underhanded tactics. As it stands, every decision to date has been mis-interpreted by a high proportion of the general community as a vindication of microsofts'' position—flying in the face of the evidence to the contrary. That is the power of the microsoft spin-machine. That is one of the biggest challenges you face.

Good luck and regards,
Katherine Wheeler
kathyw@albury.net.au

MTC–00018148

From: Charles Kerr
To: Microsoft ATR
Date: 1/23/02 3:08pm
Subject: Microsoft Settlement

Dan Kegel's discussion of the proposed final judgement, located at http://www.kegel.com/remedy/remedy2.html, which covers issues with the proposal in remarkable detail. I strongly recommend that the issues raised in Mr. Kegel's document be taken into consideration.

Thank you for your time.
Charles Kerr

MTC–00018149

From: rcooper
To: Microsoft ATR
Date: 1/23/02 3:07pm
Subject: Microsoft Settlement

I am the IT director for James Coney Island, a small fast food chain in Houston Texas. We have been in business since 1923 and have 23 Locations in the Houston area. I Am writing because as a concerned citizen of the United States I feel I have an obligation to complain about the proposed settlement with Microsoft.

I have been in the computer industry for over 23 years and have seen the landscape change a lot over the years. I find it very alarming that Microsoft seems to get away with doing what it wants in an industry it rules with an iron fist. No where in the proposed settlement agreement do I see where Microsoft is being punished violating the Sherman Antitrust act. No where do I see any reasonable solutions that will keep Microsoft from violating the law again.

If the court really wishes to solve the Microsoft problem and allow a level playing field in the industry, it would require that Microsoft's closed binary office formats (such as Word and Excel) be opened up to everyone. In this way, the average consumer and business can freely communicate with anyone using software of their choice and not being forced to use Microsoft products.

Currently, I conduct a lot of business via Email and because of Microsoft's monopoly, I get a lot of Email attachments in either Excel or Word formats. The problem is I do not wish to use Microsoft's products. Their Monopoly status has ensured I have no choice in using tools of MY choice that I make my living and conduct business with.

Another problem is the Internet. Because Microsoft has a monopoly on the Desktop and because it illegally tied Internet Explorer into its Operating system, much of the web is being designed to view content correctly only under a Microsoft Browser. This is just wrong. No one company should have this kind of power over me.

There are many reasons to be concerned. I have yet to see any American company hated as much as Microsoft. Why is this? Their actions speak louder than words, they are so big they feel if they are above the law. Now is the time to set the example to everyone that breaking Federal Monopoly laws will NOT be tolerated. Please rethink the settlement and give this company the monitoring and punishment it deserves after having put countless competitors out of business and price gouging world wide consumers for years through illegal monopolistic, anti-competitive practices.

This HAS to stop now if the computer industry is to make any progress in the future.

Thank you
Ron Cooper
James Coney Island Inc.
Houston Texas.

MTC–00018150

From: Douglas Moore
To: Microsoft ATR
Date: 1/23/02 3:08pm
Subject: Microsoft Settlement

Letting Microsoft get away with it's previous behavior with such a timid hand slap is counter to the principles of justice that this great nation is built on. I encourage those involved on the side of the Department of Justice to reconsider this settlement proposal, and either put forward another which includes real consequences for Microsoft, or recommence the case itself to a punishment phase.

Consider this a tally against this settlement proposal.

Thank you

MTC–00018151

From: Stephen Verstraete
To: Microsoft ATR
Date: 1/23/02 3:09pm
Subject: Microsoft Proposed final judgement

The proposed final judgement on the Microsoft Anti-Trust issue should be thrown out as it is lacking for several reasons.

1. The Final Judgement does not constitute any admission by any party regardy any issue of fact or law. Microsoft should be bound to admit that their practices are anti-competitive.

2. In Section D, ''Starting at the earlier of the release of Service Pack 1...'' is faulty as Microsoft could simply get around the idea by calling Service Pack 1 by a different name.

3. Provisions should be made in section H to not only remove access to the products but remove the products wholly from the system without otherwise affecting the use and stability of the operating system.

MTC–00018152

From: Alan Santos
To: Microsoft ATR
Date: 1/23/02 3:10pm
Subject: Microsoft Settlement is a bad idea

Microsoft has broken the law. There are no realistic remedies being proposed to right the wrongs they have committed. I am voicing my complaint at the lack of a real settlement. Please re-evaluate all of the options and find a more suitable settlement that prevents microsoft from abusing its monopoly in the future.

Thank you.

MTC–00018153

From: B Collins
To: Microsoft ATR
Date: 1/23/02 3:24pm
Subject: Microsoft Settlement

Microsoft has used its effective monopoly of the computer operating system to establish and conduct anti-competitive practices in other parts of the software industry. This has been shown to be illegal use of its monopoly power. The remedies should effectively prevent such behavior in the future, and should prevent Microsoft from profiting from its illegal behavior.

The remedies contained in the proposed settlement do not do any of these things, and will allow Microsoft to continue and expand its anti-cmpetitive practices, to the detriment of competitors and the public. The proposed settlement should not be approved.

Much stronger remedies are required.
William G. Collins, Jr.
2 Spyglass Drive
Aiken,SC 29803

MTC–00018154

From: Jim McBeath
To: Microsoft ATR
Date: 1/23/02 3:08pm
Subject: Microsoft Settlement

I think the proposed settlement is not effective as either a deterrent or a punishment. There is little in the settlement to prevent Microsoft from continuing their anticompetitive practices, and there is no effective enforcement of what little is there. http://www.kegel.com/remedy/letter.html points out quite a few problems with the settlement. There is a large sentiment out here that the DOJ has given up, ''rolled over and played dead'', and that Microsoft is laughing. The settlement needs to be substantially revised.

Jim McBeath
jimmc@nwlink.com

MTC–00018155

From: Jonathan Graehl
To: Microsoft ATR
Date: 1/23/02 3:10pm
Subject: Microsoft Settlement

I have read and am opposed to the proposed settlement of your suit brought against Microsoft (http://www.usdoj.gov/atr/cases/ms-settle.htm). I feel the end result will be little more than another protracted court case five years down the line as Microsoft continues to abuse its monopoly position with little fear of meaningful consequences.

A better settlement would ensure that Microsoft's monopolies in unrelated software markets (for example, Microsoft has a monopoly or dominant position in a different category of software with each of these: Windows, Internet Explorer, Outlook/Exchange, Word, Excel, PowerPoint, Visio) cannot be leveraged to gain monopolies in new categories of software, or exclude competition from interoperating on the level of communication protocols, file formats, and application programming interfaces—especially by volunteer Open Source software. Provisions for RAND licensing of patents held by Microsoft aimed at denying interoperability are not sufficient; the licensing must be free to the public.

Technical communications between different Microsoft applications (new and existing) should be performed only through a ''Chinese Wall'' where APIs, file formats, and protocols are available to the public as well as to the Microsoft teams. Enforcing this would require oversight by software engineering experts—the level of detail available must be sufficient to allow interoperable products to be created without any obstacles from patents, nondisclosure, or necessity for reverse-engineering.

Any file or network communication that is sent between different installations of a Microsoft product must be publicly documented as well, in sufficient technical detail to allow, without any encumbrance, other programmers to create from those specifications a replacement for the Microsoft product that can interoperate without any limitations compared to the original Microsoft article.

Loopholes allowing Microsoft to dictate in any way the terms of use of this technical information (including NDAs and non-royalty-free patent licensing), who to make this information available, or what information to make available would kill the benefit of this settlement, and result in another court case years down the road as Microsoft continues to illegally leverage its monopoly (to the detriment of the economy).

Regulating the price at which Microsoft may sell or bundle products would not benefit consumers, as the actual marginal cost for a copy of software is zero dollars.

I also do not believe that forcing disclosure of the source code of Microsoft Internet Explorer is necessary or fair. It would be more useful to force Microsoft to make publicly available the technical specifications for the APIs that integrate Internet Explorer functionality with basic Operating System Shell (Explorer) and its Office Suite, again, sufficient that competitors, Open Source or commercial, can offer competing browsers that can benefit equally with Internet Explorer with the web-browser integration in other Microsoft products. This would require modification of all Microsoft products that use Internet Explorer directly to use a new public API that would allow a replacement browser to fill the same role.

It is most important that Microsoft be forced to make public technical specifications that allow interoperable competition to their various products, which would have immeasurable benefits to the economy and to consumers, as real (even free) alternatives to the Microsoft monopoly will inevitably arise, and result in competition ensuring better software from Microsoft (and their competitors) for a lower price than we would see under the current, flawed settlement.

There is always the risk that no matter what the settlement dictates, Microsoft will drag its feet and intentionally provide poor quality technical information in order to continue to make it prohibitively costly to compete in its monopoly arena. An excellent concrete test of the quality of Microsoft's compliance has been proposed by Dan Kegel, which in addition to costing Microsoft more money as the quality and accuracy of their documentation decreases (thus creating a financial incentive for satisfaction of its duties), would provide great benefit to consumers by allowing them to use Microsoft Office without being forced to use Microsoft Windows (the dominance of Microsoft's Office suite in the business arena is the primary reason that many users are locked into using a Microsoft operating system): (begin quote)

I recommend that subsections 14b and 14c be struck, and replaced with a new subsection reading ''Contracting with a Third Party to Enhance Wine to Support Microsoft Office. Within 60 days of entry of this Final Judgment, Microsoft must contract with one or more outside firms to enhance the Open Source Windows Emulator WINE to be able to install and run Office 2000 under Linux. The work shall continue, with new releases of Wine occurring every 30 days, until completed, or until the expenses incurred by the outside firms reach 1 percent of the total development and marketing costs of Office 2000. The resulting enhancements to Wine shall be released under the same license used by Wine itself. Furthermore, as soon as practicable, but in no case later than 60 days prior to the date each new version of Office becomes commercially available for use with a Windows Operating System Product, Microsoft shall again contract with one or more outside firms to enhance the Open Source Windows Emulator WINE to be able to install and run the new version of Office under Linux. The work shall continue, with new releases of Wine occurring every 30 days, until completed, or until the expenses incurred by the outside firms reach 1 percent of the total development and marketing costs of the new version of Office. The resulting enhancements to Wine shall be released under the same license used by Wine itself.''

Furthermore, the license agreement for Microsoft Office and all other Microsoft products sold separately from a Microsoft Operating System shall not require the user to own any other Microsoft Software or Microsoft Operating System. (end quote)

Let's not repeat the mistakes that were made in the previous consent decree, which Microsoft has made a mockery of since, by leveraging their monopoly into new territory without regard for the law. One need only look at the increased sales of their products, combined with the prices to buy them, compared to the fixed development costs, and their resulting cash reserves, to see that Microsoft is profiting at the rest of the economy's expense. Making Microsoft a government-regulated monopoly and telling them what products they can and cannot sell, for what prices, is not a good solution (although they should not be allowed to coerce OEMs into distributing software package A without software package B). The solution with the most benefit to the economy, while still allowing Microsoft to compete by producing software as well as it can, is requiring Microsoft to publish technical specifications sufficient to allow the creation of competing products (Open Source or commercial) without any impediment due to Microsoft's monopolies in several categories of software. I cannot emphasize enough that any remedy that does not allow the creation of Open Source alternatives to all of Microsoft's software components will result in higher prices and lower quality software. Microsoft should not in any case be allowed to dictate the licensing of competing products, just as we should not compel Microsoft to give away its products (or their source code).

An ineffectual settlement that allows Microsoft to continue to shut out competition, rather than beating it with a better product at a better price, will be an embarrassment for the DOJ, for this administration, and for the people.

A concerned citizen of the United States of America,
Jonathan Elijah Graehl
jonathan@graehl.org
2885 Denise Ct.
Newbury Park, CA 91320

MTC–00018156

From: Kari Massarene
To: RFC-822=microsoft.atr@usdoj.gov (with a subject of...
Date: 1/23/02 3:09pm
Subject: Microsoft Settlement

Dear Sirs:

I do not feel that the proposed settlement in the case of DOJ vs. Microsoft provides sufficient safeguards to ensure that Microsoft's monopolistic business practices be stopped. Microsoft is still allowed to write end user licenses that prevent users from legally running some Microsoft applications on open source operating systems.

Very respectfully,
Kari A. Massarene
San Diego, CA 92154

MTC–00018157

From: Bob St.John
To: microsoft.atr(a)usdoj.gov
Date: 1/23/02 3:11pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

As a professional software vendor and publisher, I'm deeply effected by this settlement. I need to support users on Windows and other operating systems. The most important thing to me is to have Microsoft clearly and publicly document Windows APIs, so I can assure that software is designed and works properly.

MS has a history of using undocumented APIs to leverage and control vendors. Causing applications to ''break'' and users to suffer. Eventually the vendors suffer and we all suffer.

This really has to stop. The materials need to be clearly documented and failure to comply should be punished severely.

Regards,
Bob
Bob St. John
Dir, New Business Development
Serenity Systems International
a Managed Systems company
214 222–3414, ext 101 (outside USA)
888 299–6483, ext 101 (USA only)
http://www.Serenity-Systems.com

MTC–00018158

From: chuck418@space.com@inetgw
To: Microsoft ATR
Date: 1/23/02 3:10pm
Subject: MS settlement offer

I'm glad you've asked the public to comment on the recently proposed settlement. While I appreciate many of the things Microsoft has done with it's monopoly position, I feel that their business tactics have hurt American competitiveness in the technology sector in two main ways:

A). Competing products do not have an opportunity to prove their worth in the marketplace in the face of the types of opposition MS generates. Most smaller companies have to close their doors in the face of MS lawyers rather than fight. And many good, income and efficency producing ideas are lost to American business because of that.

B). There is a hidden MS tax in every computer product we build or sell. Licencing agreeements force hardware manufacturers to sell a slew of Windows products with each computer, reguardless of it's intended use. If I want a seperate computer for just multimedia, I still have to buy Windows, MS Office or MS Works, even if I use OPenBSD or Linux. Meanwhile, someone in China can sell just the hardware itself (without the ''usual'' OS and Office Aps) much cheaper. Same machine, just cheaper from our foreign competitors. I mean, just from a pure marketplace analysis, you can buy a cutting edge system CHEAPER from a communist nation than from the USA (who invented the technology)! And it's primarily these restrictive licencing agreements from MS that are hobbling our market share.

The US economy needs the freedom to innovate, and the current proposed settlement does not free MS partners and competitors from thses burdens. And don't even start me on viruses, Active scripting and ports left open by default! That's just carelessness on MS's part. We need a better solution for American competitiveness.

Best,
Charles Landau, MPH & JD

MTC–00018159

From: Lionel Artom-Ginzburg
To: Microsoft ATR
Date: 1/23/02 3:11pm
Subject: Microsoft Settlement

Dear Department of Justice:

The proposed settlement with Microsoft is wholly unacceptable. It fails to remedy their illegal actions (a breakup of the company or loss of intellectual property rights on the offending products would be far more suitable), and places ''restrictions'' on them that they have already, with the release of Windows XP, ignored.

When I took Antitrust law two years ago, I was taught that Antitrust law was the mechanism which kept market competition honest, and that remedies for its violation must go to the source of the violation. The reason for the current suit was in part Microsoft's violation of an earlier consent decree. It is obvious that they do not take the law seriously, nor do they feel they have done anything wrong. (The sheer arrogance of attempting to appeal findings of fact was unbelievable.)

I suspect that because of the financial importance of the company to the American economy, the truly heinous acts they have committed are being ignored (you of all people should know how hard it is for a company to lose on rule of reason counts!). The state attorneys general are right— there is nothing here that will prevent them from the same acts in the future. They've already started. Windows 2000, ME, and XP, all released since the initiation of the suit, have all continued the monopolization of the desktop and browser market.

The provisions of the Tunney Act permit citizens to comment on proposed settlements. As I'm in the midst of studying for the Pennsylvania Bar at the moment, I don't have time for a legal analysis of this settlement. But as a consumer and former computer consultant, aside from my law degrees, I know that I must speak against it.

Sincerely,
Lionel Artom-Ginzburg (JD, LLM, Temple University School of Law)
1720 Spruce St. Apt. 8
Philadelphia, PA 19103

MTC–00018160

From: DH Walker
To: Microsoft ATR
Date: 1/23/02 3:10pm
Subject: Microsoft Settlement

The proposed settlement is an outrageous sellout engineered for the benefit of a convicted monopolist and against the interests of computer users and America's technological future. Please reject it and require a settlement that actually addresses the facts found in the District court case.

The US Court of Appeals unanimously agreed that Microsoft had illegally kept its monopoly position by preying on other software developers and computer manufacturers. Microsoft operated illegally and greatly benefited from its illegal behavior. The proposed settlement does nothing to punish Microsoft for its past illegal behavior, nor to effectively discourage further illegal activity in the future. Microsoft has already shown that it has learned nothing from the findings against it. To take just one small example, look at the millions of dollars of development effort in their Media Player, which is unnecessarily ''integrated'' into WindowsXP—and is targeted at the RealPlayer product line, in order to crush it, in the same way they did the Netscape Browser. Microsoft, unlike its competitors, simply rolls the development cost into their illegally obtained monopoly operating system, and undercuts the competition unfairly. Yet the proposed settlement does not address preventing this sort of monopolistic behavior at all. Remember, developing a media player, a browser and other software costs money, and Microsoft leverages their monopoly to mask these costs while smashing competition unfairly. The Circuit court in it s 7–0 decision upheld lower courts in finding this ''bundling'' illegal and monopolistic, yet the settlement does not address this in any meaningful fashion: it allows Microsoft to tightly integrate and bundle its media player, its web browser, and myriad other applications into the Windows Operating System, instead of competing freely against external applications.

Also, the proposed settlement contains no provisions to remedy the unlawful monopolization of the operating system; nothing that will produce competition. Remember that the Circuit court ordered that a remedy must ''unfetter the market from anticompetitive conduct . . . [and] . . . terminate the illegal monopoly''. the proposed settlement does nothing of the sort. Its attempt to open the ''API'' (programming interface) of the Windows operating system will merely reinforce the monopoly, not terminate it as the court called for. Also opening the API is not enough: Microsoft plans only to open a mere a subset. Complete and full disclosure of ALL the source-code is the only ''opening'' that would suffice to terminate the Microsoft monopoly.

Finally, the proposed settlement does nothing at all to address the issue of effective

remedy alongside enforcement. The proposed penalties are so ridiculous that they call into question the integrity of the DoJ and the states that agreed to them. An extension of terms that they have already violated is hardly a punishment. Fiduciary penalties must be applied, as well as structural ones. Also, the solutions proposed for ''competition'' are heavily dependent upon Original Equipment Manufacturers for implementation—the same OEMs who are partners and part of Microsoft's business plans (Such as Dell and Compaq). The propaganda effort from Microsoft and its allies has been to treat this case as just another instance of government intervention in the private sector. In reality, the outcome will be pivotal in shaping American society for decades to come. Computer technology runs not just our desktop computers, the Internet and our communications system—it is rapidly becoming integrated into every aspect of life, from cellphones to news and entertainment systems to household appliances. The outcome of this case will determine whether the promise of breathtaking new technology is fulfilled and available to all, in the process keeps America at the cutting edge of development, or whether the promise fails because one company is allowed to keep stifling innovation as a means of holding onto its ill-gotten power.

The proposed settlement is so inadequate as to be an obscenity. It should be rejected and the DoJ and the States directed to follow the rulings of the Circuit Court and lower courts instead of ignoring the findings of fact and law, and currying favor with unrepentant monopolist outlaws.

An awesome decision has fallen to you. I trust you will vote for the future and for America.

Sincerely,
David H Walker
Keyword Communications
2017 W Touhy
Chicago IL 60645

MTC–00018161

From: Barak Pearlmutter
To: Microsoft ATR
Date: 1/23/02 3:11pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not in any substantial way redress the actions committed by Microsoft in the past, or inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none would effectively prohibit Microsoft from abusing its monopoly position. This is especially important in view of the seriousness of Microsoft's past transgressions.

The proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses, and that in a fashion which is unlikely to be effective. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' a request to not commit such acts again, they have still benefited from their illegal acts.

That is not justice.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement merely for settlement's sake. A wrong that is not corrected is compounded.

Yours Truly,
Prof Barak A. Pearlmutter
Department of Computer Science
University of New Mexico
Albuquerque, NM 87131

MTC–00018162

From: Chris Bednara
To: Microsoft ATR
Date: 1/23/02 3:12pm
Subject: The settlement does not go far enough and lacks the teeth to enforce what little it does.

The current DOJ settlement in the Microsoft Antitrust suite is lacking in both form and function. Microsoft clearly enjoys a monopoly in the Desktop Computer market. The evidence presented in the case clearly showed that Microsoft has repeatedly leveraged their OS dominance to both protect that position and expand their company into other non-PC/OS fields.

The settlement needs to make it IMPOSSIBLE for Microsoft to give ANY incentive or penalty to an PC manufacturer/vendor for putting a Microsoft OS on their PC's or not installing and Microsoft OS. Due to Microsoft's great power it can wield, this ban must be absolute!

The settlement must also keep Microsoft from leveraging it's OS dominance to help it's own OS interests and other software interest. This means that they need to be banned from using any API's that aren't public knowledge, banned from requiring any licensing agreement that restricts where software may be ported to, or what other software can be used on the same system with said licensed products, and banned from giving incentives to companies for agreeing to not use or publish non Microsoft products. Even in the settlements flawed form, the method of upholding the settlement is wishful thinking at best. Hard concrete punishments need to be stipulated for each infraction by Microsoft. Penalties such as LARGE financial penalties and even a real threat of company division, must be put in place. These need to be administered by Jury of some sort that is picked out of candidates that are picked from the industry.

There needs to be a procedure that is set up that makes it easy for a company to file a complaint that will be ruled on if it believes that Microsoft is abusing it's market monopoly.

Thank you,
Christopher I Bednara
chris@bednara.com
97 Spring Glen
Collinsville, IL 62234

MTC–00018163

From: Concerned Parent
To: Microsoft ATR
Date: 1/23/02 3:12pm
Subject: Microsoft Settlement

NO!!!!!

THE CURRENT PROPOSED MICROSOFT SETTLEMENT IS A TRAVESTY OF JUSTICE.

Section III.A.2. allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

THIS IS COMPLETELY AND UTTERLY UNACCEPTABLE! WHAT DOES IT TAKE FOR YOU PEOPLE TO DEFEND YOUR CITIZENS AGAINST SUCH PROFOUNDLY OFFENSIVE MONOPOLY PROTECTIONISM? IT IS ABSOLUTELY ASININE THAT SUCH A PROVISION CAN BE FOUND IN AN OPERATING SYSTEM MONOPOLY SETTLEMENT. WHO WAS BRIBED? WHO WAS WEAK? WHO WAS EXASPERATED?

Back to the drawing board, people.

SUCH PROVISIONS PROMOTE AND EXTEND MICROSOFT'S POSITION AS A MONOPOLY.

FOR THE GOVERNMENT TO ACCEPT SUCH PROVISIONS INDICATES THAT THE MICROSOFT MONOPOLY IS SANCTIONED BY THE UNITED STATES GOVERNMENT. THIS PROVISION (AMONG OTHERS) MUST BE REMOVED.

Christopher Penrose—U.S. Citizen
Whittier, California
cp@leisuresonic.com

MTC–00018164

From: Bob
To: Microsoft ATR
Date: 1/23/02 3:14pm
Subject: Microsoft Settlement

To whom it may concern:

The Proposed Final Judgement (PFJ) in United States v. Microsoft Corp., Civil Action No. 98–1232 fails to properly address Microsoft's behavior. There are so many problems with it, I feel it is a disservice both to the public and Microsoft. Philosphically (but not paradoxically), Microsoft would be better served by having their behavior modified more dramatically. They will produce better product and be a better company for it. The public gains by having better product at lower prices.

The PFJ is most emphatically NOT in the public interest. Nonetheless, here are some of the problems:

There is no monetary penalty. Microsoft has broken the law. You cannot put a legal fiction in jail, nor would it be appropriate to apply the death penalty to it (dissolve the corporation). The only penalty left is the language Microsoft understands—money.

There is no discussion of enforcement. The technical committee has reporting powers only. Given Microsoft's penchant for stalling and delay tactics, this is unacceptable.

The PFJ doesn't take into account Windows-compatible competing operating systems. The PFJ's overly narrow definitions of ''Microsoft Middleware Product'' and ''API'' means that Section III.D.'s requirement to release information about Windows interfaces would not cover many important interfaces. No part of the PFJ obligates Microsoft to release any information about file formats, even though undocumented

Microsoft file formats form part of the Applications Barrier to Entry (see ''Findings of Fact'' paragraph 20 and paragraph 39).

Microsoft is not required to disclose which of its patents cover the Windows operating system. This should be changed to allow potential competitors to determine whether they are violating Microsoft patents.

Microsoft's End User License Agreements (EULAs) often times contain provisions that prohibit companies from using Microsoft's tools to develop software that competes with Microsoft. This should be addressed.

Microsoft's EULAs discriminate agains software that is free. Free as in cost, and free as in liberty. For an example, see the Microsoft Windows Media Encoder 7.1 SDK EULA.

Microsoft's EULAs prohibit the use of software written (using Microsoft tools) by third parties on anything but a Microsoft product. This is wrong. Similarly, Microsoft products that might run well on a Windows emulator are not permitted to do so, according to Microsoft's EULAs.

ISVs writing competing operating systems as outlined in Findings of Fact (52) sometimes have difficulty understanding various undocumented Windows APIs. The information released under section III.D. of the PFJ would aid those ISVs—except that the PFJ disallows this use of the information.

Worse yet, to avoid running afoul of the PFJ, ISVs might need to divide up their engineers into two groups: those who refer to MSDN and work on Windows-only applications; and those who cannot refer to MSDN because they work on applications which also run on non-Microsoft operating systems. This would constitute retaliation against ISVs who support competing operating systems.

Section III.A.2. allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

Why does section III.B only cover the ''top 20'' OEMs? This leaves Microsoft free to retaliate against smaller OEMs, including important regional ''white box'' OEMs, if they offer competing products. Small businesses drive the American economy, yet Microsoft is free to penalize them to their heart's desire.

Section III.H.3. of the PFJ requires vendors of competing middleware to meet ''reasonable technical requirements'' seven months before new releases of Windows, yet it does not require Microsoft to disclose those requirements in advance. This allows Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

Section III.J.1.a offers Microsoft a blanket exception to disclosing anything, under the guise of security. Security through obscurity is rarely effective. In this case it allows them to argue for continued behavior of the kind that has already been declared illegal. Unless I've parsed all the competing word negation in section III.J.2 wrong, section III.J.2 allows Microsoft to condition release of information on spurious terms. E.g. (b) ''reasonable business need''. This allows Microsoft to cut out someone doing pro bono work. (c) allows Microsoft to set the standards, except they've already proven their criteria for licensing is illegal. All of section 2 needs rewritten or better, thrown out.

Section IV.B.9 is unreasonable. This action is a public procedure, Microsoft was convicted through the use of public money, and the long term results should be available to the public. There is no justification to keep the results secret. The United States Government of the people, by the people, for the people brought this action.

Definition J is wrong. All code should be covered, not just ''major version[s]''. Major versions are a fiction made up by marketing departments.

Definition K covers product that existed when the action started, but fails to address new software released before the final judgement is entered. Again, all Microsoft products should be covered. Nothing is stopping Microsoft from taking a product that already exists, gutting it and rewriting it with code that again demonstrates illegal behavior, but is not covered by the PFJ. As another example, the PFJ covers Outlook Express, but not Outlook. Why is Microsoft Office excluded?

Definition U unnecessarily restricts ''Windows Operating System Product'' to a few pieces of software. Cover all Microsoft code, not just software that runs on machines the size of a large block of wood. My personal ''organizer'' is a personal computer. It is much more powerful than desktop machines from ten years before it. It has an operating system, RAM, ROM, static storage, communications, a keyboard, a screen; in short, every element that defines a personal computer. Microsoft is powerful. Using that power to jump from Intel-compatible systems to something else would be one way out of the PFJ.

Please throw out this judgment and direct the plaintiffs to come up with something stronger. Microsoft (the defendant) should have little say in the matter. They are guilty, adjudged so in a proper court of law.

Bob Schulze

MTC–00018165

From: Jesse Boyes
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 3:13pm
Subject: Microsoft Settlement

Hi,

I believe that the proposed Microsoft settlement does not do enough to discourage its monopolistic activities. Also, I feel that the Microsoft API should become a standard in the public domain, much moreso than proposed.

Yours,

J. Boyes

MTC–00018166

From: Mark Earnest
To: Microsoft ATR
Date: 1/23/02 3:14pm
Subject: Microsoft Settlement

Hash: SHA1

I do not approve of the US/Microsoft settlement. As a professional in the technology industry I have witnessed first hand the damaging effect that Microsoft's monopoly has had. Please reconsider this settlement.

Mark Earnest
Senior Systems Programmer
OAS-Infrastructure
Penn State University
Email: mxe20@psu.edu
Office Phone: 814–863–2064
Public Key—http://mearnest.oas.psu.edu/gpgkey.txt

MTC–00018167

From: C. Vance Shannon
To: Microsoft ATR
Date: 1/23/02 3:13pm
Subject: Microsoft Settlement

Good Afternoon,

Please forgive the retransmission of the enclosed note. I was obliged to exit the internet and therefore did not ''proof'' my letter. Herewith is a corrected version.

Vance

Renata B. Hesse
Antitrust Division
U.S. Department of Justice

Greetings,

I am absolutely appalled at the continuing attack against Microsoft. It's disturbing that competitors airing false charges against Microsoft receive favorable treatment from the press and from many members of the United States Congress. It's even more disturbing that several states are continuing with their phony lawsuits against Microsoft.

Microsoft has revolutionized the computer business. They have made it possible for the average citizen of this country, as well as multitudes around the world, to readily gain access to computers and the world-wide network that computers offer. I recall the days of ''DOS'' and it's complexities, along with the difficulties of simply wandering around the computer world. Without Microsoft's contributions, the average citizen would never have become so computer literate; nor would we all enjoy the benefits of lower computer hardware and software prices.

It's time to call a halt to the attack on one of America's most successful businesses. There are many more issues of concern for the Department of Justice; likewise state prosecutors. The on-going attack on Microsoft from private and governmental representatives is not only hurting Microsoft, but also hampering our country's economic recovery!

Hopefully, the U.S. Department of Justice will bring an end to the frivolous Microsoft lawsuits; issue firm punishment for any wrong-doings actually committed by Microsoft, and let the company resume their efforts of bringing wondrous products to the American people and others around the globe.

Sincerely,

C. Vance Shannon,
1290 San Pablo Ct
Minden, Nevada
775–267–9394

MTC–00018168

From: Ashley Jones
To: Microsoft ATR
Date: 1/23/02 3:13pm
Subject: Microsoft Settlement

Hello,

I think the proposed settlement is a bad idea. DOJ should reconsider it's decision.

adj
Ashley Jones
Verge Works
ashley@vergeworks.com
http://vergeworks.com
510.593.6890

MTC–00018169

From: Afam Agbodike
To: Microsoft ATR
Date: 1/23/02 3:13pm
Subject: Microsoft Settlement

To Whom It May Concern:

I do not believe that the settlement proposed in the Microsoft antitrust case sufficiently addresses the crimes that have been committed against the American poeple. I feel that the settlement does nothing to punish Microsoft for what they have already done, and is not strong enough to stop them from doing it in the future. Microsoft has already shown that they will honor only the letter of the law, not the spirit, and therefore the settlement should be much stronger to ensure they have no loopholes to work around. Ideally I believe Microsoft should be heavily fined and broken into several parts, which are then government regulated for the next 3–5 years.

Thank you for reading my letter.

Sincerely,
Afam Agbodike
2520 College Ave. #206
Berkeley, CA 94704

MTC–00018170

From: george—lunsford@haileymcnamara.com@inetgw
To: Microsoft ATR
Date: 1/23/02 3:13pm
Subject: Microsoft Settlement

I think that Microsoft needs a more strict judgement than the proposed settlement. They were repremanded in much the same way in the mid-90's, and this just amounts to another slap on the hand for their illegal business practices. If the proposed settlement goes through, they will be back to their old ways in a matter of years. Thank you for your time.

George Lunsford

MTC–00018171

From: Aaron S. Brewster
To: Microsoft ATR
Date: 1/23/02 3:13pm
Subject: Microsoft Settlement

This settlement is bad news. Microsoft will not change it's practices until others are allowed to truly compete with them. Force them to open the APIs and allow organizations like WINE and Lindows to continue developing operating systems that run windows code. Compitition is what will break the Microsoft monopoly, not donations of windows based computers or fines or even breaking Microsoft up into smaller companies.

Concerned,
Aaron S. Brewster
OSU Undergrad in Computer Science and Biology
aaronbrewster@hotmail.com
http://www.engr.orst.edu/brewster

MTC–00018172

From: Erik Vered
To: Microsoft ATR
Date: 1/23/02 3:14pm
Subject: Microsoft Settlement

I believe the proposed settlement is a bad idea, and ultimately will have little or no effect.

My name is Erik Vered and I live in Indianapolis Indiana where I have worked as a software engineer/software systems anylyst for over 15 years. Most of that time was spent working with Microsoft tools and systems.

I can tell you with confidence that the proposed settlement will do more to protect Microsoft than it will to curb anti-competitive practices.

I hope the court will be wise and NOT enact this settlement. thank you for your time,

Erik Vered

MTC–00018173

From: Torsten Pihl
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/23/02 3:15pm
Subject: Microsoft Settlement

I oppose the proposed final judgment. It is lame. Please require much more from Microsoft. For one thing, please require anti-monopoly restrictions on ALL Microsoft products. Not just ''Windows Operating System'' because they can simply repackage products under different names (i.e. ''Windows CE'' has been renamed to ''PocketPC''). Remember that Microsoft has a history of not operating in good faith.

Sincerely,
Torsten Pihl
I.S. Coordinator & Webmaster
OSU Bookstore, Inc.
http://www.osubookstore.com

MTC–00018174

From: johnathanjames@netscape.net@inetgw
To: Microsoft ATR
Date: 1/23/02 3:13pm
Subject: Microsoft Settlement

Hello..

I am writing to voice my vote AGAINST the proposed Microsoft Settlement. I do not think it goes far enough in keeping Microsoft from abusing the power that they obtained through their Windows monopoly. It is a monopoly simply because all they have to do is include a piece of software in Windows, and nobody can do anything to compete with that. Who is going to seek out other software that you would have to pay for if Windows gives it to you free. And for each person that they get in their camp that way, thats another person that the entire industry can no longer compete for.

It doesn't even have to be that they include something in Windows. With their Passport service, they could control the identifying information like account numbers, names and password, for every user of Windows. Then charge other websites to access that data. The ones that decide to pay, stay in business. The ones that don't pay, don't stay in business because Microsoft's customers move to other areas.

Their new licensing plan for Windows XP gives significant discounts to users if they agree not to use any other products by competing companies. This is the same thing they did with IBM and other PC manufacturers. They told them if they didn't install competing products on their PCs with Windows, that Microsoft would charge them less for each copy of Windows. But if they did put competing products on the PCs, Microsoft would charge them significantly more, thus making that companies PC non-competetive with other companies.

Their control of Windows gives them too much power and too much control over the marketplace. Restrictions must be put in to place that control this power that they have so that other companies can flourish in their own right, and have an equal playing field, not a field dictated by Microsoft.

The settlement does not go far enough! The public needs more.

Thank you,
Johnathan James

MTC–00018175

From: eileen hamilton
To: Microsoft ATR
Date: 1/23/02 3:15pm
Subject: Microsoft Settlement?
microsoft.atr@usdoj.gov
Subject: Microsoft Settlement

The proposed Microsoft settlement is a bad idea. Please do not allow it to move forward in its current form.

Microsoft is once again using the terms of an agreement to wipe out competition. Specifically, because Microsoft maintains an operating system monopoly, Section III(J)(2) will leave Open Source projects such as Apache, Samba, and Sendmail very vulnerable to Microsoft's predatory practices. Because under the terms of this agreement, Microsoft would not be forced to describe or license protocols that affect companies that don't meet Microsoft's criteria as businesses. This would effectively allow Microsoft to write code in such a way as to make it impossible to use with Open Source code, thereby forcing users of Microsoft operating systems to use only software that Microsoft creates itself or allows non-competitors to create.

Microsoft is doing what it has done many times in the past. It has squashed competitors through tactics of intimidation, buyout, and outright theft. Now it is attempting to reverse the initial verdict which declared unequivocally that they were a monopoly, back to their advantage.

As a taxpayer, I find it disgusting that Microsoft is allowed to act in such a cavalier manner toward the US justice system. They continually display an arrogance that shows they have no regard for the law. Please, do not allow them to remap the playing field to their advantage. It is not in the interests of the United States for one company to exert so much control over the electronic infrastructure of our country—as ongoing and extremely alarming security problems with Microsoft products demonstrate.

Thank you,
Eileen Hamilton, J.D.
Planned Giving Counsel
UC Davis Health System
4900 Broadway, Suite 1150
Sacramento, CA 95820
916.734.9418

MTC–00018176

From: Don Fairchild

To: Microsoft ATR
Date: 1/23/02 3:16pm
Subject: Microsoft Settlement
To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
From: Donald R. Fairchild
Fairchild Software Inc.
11801 Riverpark Way
Chesterfield, VA 23838

Under the Tunney Act, we wish to comment on the proposed Microsoft settlement.

Just two comments regarding this settlement.

1. Irreparable damage has been done to the industry as a whole due to Microsoft's actions. The last decade being the greatest potential growth years of an American Industry, is now lost forever. Numerous unnamed commercial entities shall never ever prosper in light of Microsofts past behavior, as well as the proposed future behavior.

2. If Microsoft is allowed to remedy this case as proposed, then we American citizens can only assume that once again ''money can buy anything''.

MTC–00018177

From: Matthew Dharm
To: Microsoft ATR
Date: 1/23/02 3:14pm
Subject: Microsoft Settlement

As a computer professional and a Microsoft shareholder, I strongly object to the proposed settlement between the US DoJ and Microsoft Corporation.

I believe that the methods and tactics used by Microsoft have not only been illegal and anti-competitive, I believe that they have hurt the entire computer industry and anyone who works in it. I personally estimate that innovation in the computer field has been set back at least five (5) years by their actions, as well as robbing customers of billions of dollars over a several year period.

Matthew Dharm

Matthew D. Dharm Senior Software Designer

Momentum Computer Inc. 1815 Aston Ave. Suite 107

(760) 431–8663 X-115 Carlsbad, CA 92008–7310

MTC–00018178

From: JMassengill
To: Microsoft ATR
Date: 1/23/02 3:14pm
Subject: Microsoft Settlement

I believe that the Microsoft settlement lets microsoft off easy.

There whole company history isn't about inovation but about how to buy or push others out of business.

PLEASE CONSIDER A HARSHER PUNISHMENT!

Johnny L. Massengill

MTC–00018179

From: Jonathan Broadwell
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 3:17pm
Subject: Microsoft Settlement

I oppose the proposed settlement with Microsoft.

Jonathan A. Broadwell
Jon Broadwell
Logikos Senior Software Engineer
4550 Jonathan Moore Pike
Columbus, IN 47201
Phone: (812) 342–3894 Fax:(812) 342–3895

MTC–00018180

From: Shimone
To: Microsoft ATR
Date: 1/23/02 3:13pm
Subject: Microsoft Settlement

I would just like to say that I have read about the proposed settlement, and I am not in favor of it in its current state. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors, yet unfavorable to Microsoft.

Excuse my words being lifted from my coworker. Consider this a ''ditto''.

Thank you,
Shimone Samuel
17 Salada Ave.
Pacifica, CA 94044

MTC–00018181

From: Christian
To: Microsoft ATR
Date: 1/23/02 3:10pm
Subject: Microsoft Settlement

The proposed settlement is bad idea. Unfortunately I do not have time to elaborate, but I feel the settlement is too easy on Microsoft.

Christian Brink
CTO
ONSITE! Technology
www.onsitetech.com
503.233.1418
cb@onsitetech.com

MTC–00018182

From: David Carter-Tod
To: Microsoft ATR
Date: 1/23/02 3:15pm
Subject: Microsoft Settlement

The settlement is a bad idea.

Opening Microsoft's APIs and document formats is critical to fair competition.

David Carter-Tod
David Carter-Tod
<wccartd@wc.cc.va.us>
Instructional Technologist/Distance Education Contact
Wytheville Community College, 1000 E. Main St.,
Wytheville, VA 24382
(wk) 276–223–4784
http://www.wcc.vccs.edu/
Online certificate in web site design: http://www.wcc.vccs.edu/websiteDesign

MTC–00018183

From: E
To: Microsoft ATR
Date: 1/23/02 3:17pm
Subject: Microsoft Settlement

The ''settlement'' is a joke, although not a funny one. Microsoft was found guilty of abusing it's monopoly power and now you are allowing them to entrench themselves even more with this wholly inadequate method of ''punishment.''

Everyone who actually understands the workings of Microsoft and their products KNOWS how mediocre and downright dangerous their practices and products are.

They outright LIED to and tried to deceive a federal judge in the courtroom, to say nothing about what they do daily to the American public and corporations who, for whatever misguided reasons use their products and services.

Talk about contempt—repeated, deliberate, organized, blatant and conspiratorial contempt. And you roll over and offer your soft underbelly for Bill and company to scratch and say ''nice doggy.'' Shame on you!

Do your duty, scrap this ''settlement,'' and instead punish them, to the FULLEST extent of the law.

Thank you.
Regards,
N. Ienatsch

MTC–00018184

From: Brad Bleier
To: Microsoft ATR
Date: 1/23/02 3:17pm
Subject: Microsoft Settlement

In light of the coming expiration of the comment period, I feel compelled to write. Microsoft has proven to be one of the greatest impediments to innovation in recent memory. Mr. Gates has demonstrated that he, and his company are flout laws of the first order, having largely disregarded the first consent decree, and continuing their anti-competitive behavior even during the course of litigation. Were a criminal accused to demonstrate so complete a lack of remorse, most judges would apply maximum punishment. In fact, Mr. Gates even at the time declared that the earlier consent decree would have very little effect on Microsoft, and that only a few of his employees even needed to read it. Now the Department of Justice has elected to permit a far too conciliatory settlement with a company that clearly has no intention of abiding by the law. Without substantive enforcement, the conduct of Microsoft will not change.

The Department of Justice should also consider further investigations of Microsoft. For example, Microsoft perpetrated a fraud on the market recently, selling Windows XP as a purportedly ''secure'' operating system. While they continued this fraudulent sales pitch, Microsoft knowingly, and with malice, suppressed information regarding substantial security flaws. The ostensible purpose for this failure was that public information might suppress sales.

At the very least, the Department of Justice should end Microsoft's predatory use of litigation. If Microsoft is to be let off the hook after such egregious findings of fact have been upheld on appeal, they should not be heard to take any action against other companies. Microsoft has obtained, purchased or otherwise developed software and process patents that may be used in a predatory manner against its competitors. Microsoft is not a competitive company. Whatever their current protestations, there is nothing Bill Gates and Microsoft fear more

than a truly free market. Their current crocodile tears over the government demands should not be believed, and Microsoft should be put to the proof. Please consider real remedies, not poorly and incompetently drafted settlements that would prove meaningless.

Best wishes,
Brad Bleier
Member, California Bar
110 Blue Ravine Road, Suite 201
Folsom, CA 95630
916.454.2100

MTC–00018185

From: Eric Knudstrup
To: Microsoft ATR
Date: 1/23/02 3:15pm
Subject: Microsoft Settlement

I find the current draft of the Microsoft settlement to be grossly in the defendant's favor.

The items that concern me most are:

1. The current settlement prohibits competitors from using the proposed release of API documentation. Use of the APIs should be completely open. The current definition of API is too narrowly defined.

2. The term ''Windows'' is used too narrowly.

3. The current settlement fails to prohibit Microsoft from inserting intentional compatibilities into its software.

4. The current judgment allows Microsoft to retaliate against OEMs who install operating systems other than Microsofts

5. From Dan Kegels comments: Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)

6. ALL network APIs and protocols should be released to the public with no restrictions

7. All application file formats should be released to the public with no restrictions

Thank you,
Eric Knudstrup
12810 Lantana Ave
Saratoga, Ca 95070

MTC–00018186

From: Kenneth P. Stox
To: Microsoft ATR
Date: 1/23/02 3:17pm
Subject: Microsoft Settlement

Dear Sirs:

I am writing to give my comments on the Microsoft antitrust settlement.

I believe this settlement is counter to the interests of the American public, deleterious to the American economy, and not adequate given the findings of fact in the trial.

Microsoft's anti-competitive practices are counter to the law and spirit of our free-enterprise system. These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation.

Microsoft's monopolistic practices cause the public to bear increased costs and deny them the products of the innovation which would otherwise be stimulated through competition.

The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future.

It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function.

Kenneth P. Stox
Director of Technology
Imaginary Landscape, LLC.
5121 North Ravenswood
Chicago, Illinois 60640

MTC–00018187

From: Shawn.Kinzel@deluxe.com@inetgw
To: Microsoft ATR
Date: 1/23/02 3:17pm
Subject: Microsoft Settlement

I am contacting the DoJ to indicate my displeasure with the current proposed Microsoft Settlement. I feel it is lacking in many areas and is a bad idea.

-Shawn Kinzel

MTC–00018188

From: Ben Eastwood
To: Microsoft ATR
Date: 1/23/02 1:09pm
Subject: Microsoft Settlement

I think that the proposed settlement with microsoft is bad idea.

Ben Eastwood
Albany CA. —

MTC–00018189

From: Lee R Boynton
To: Microsoft ATR
Date: 1/23/02 3:23pm
Subject: Microsoft Settlement

To whom it may concern,

I am a senior software engineer, and have been in the business for 20 years. I have extensive experience both using and programming for Microsoft products, as well as many alternative platforms, and am well aware of the problems that Microsoft's anticompetitive behavior has caused.

I am upset by the proposed settlement with Microsoft. I believe it doesn't address Microsoft's anti-competitive behavior in any substantial way.

The definition of terms like ''Middleware Product'', ''Microsoft Middleware Product'', ''Windows Operating System Product'', and ''API'' are defined so narrowly as to be useless for enforcement— Microsoft can easily reposition new software to fit whatever category they choose. In the case of ''Middleware Product'', the definition excludes precisely the new ''.Net'' technology while including its competitor ''Java''. The ''.Net'' technology is by far the most important middleware for Microsoft at this time. The definition of ''API'' doesn't even include all of the Win32 API itself, which is hard to understand. I do not see how a competing yet compatible operating system could be safely constructed with the current definition. The definition of terms like these are well understood to be much broader by the industry.

Other problems include omissions of things like file formats (a significant barrier to entry for alternative office applications), unreasonable restrictions on the use of released documentation, non-disclosure of patents covering the Win32 API, and lack of any timeliness requirements for released information.

Overall, I don't feel that the settlement imposes much of any real penalty for Microsoft, and in fact encourages much of the same anticompetitive behavior that I thing should be addressed. As a developer, Microsoft's grip on the industry appears to be stronger after this settlement, not weaker, and I think as such would not be a fair resolution to the illegal behavior Microsoft has demonstrated.

Sincerely,
Lee Boynton
500 Milburn Court
Lake Oswego, OR 97034

MTC–00018190

From: Bill Dueber
To: Microsoft ATR
Date: 1/23/02 3:14pm
Subject: Microsoft Settlement

I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Repeated findings of anticompetitive behavior have not changed Microsoft's activity; their file formats and APIs are still closed, and incursion into yet more markets in which they could leverage their monopoly continues unabated.

Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Thank you for your time.
Bill Dueber
720 W 17th street
Bloomington, IN 47405–3332
812 331 0897
Bill Dueber * wdueber@indiana.edu *
Ph.D. student in IST at IU
Graduate Assistant, BEST

MTC–00018191

From: Mark Schoenbaum
To: Microsoft ATR
Date: 1/23/02 3:18pm
Subject: Microsoft Settlement

Please consider the attached letter with my opinion regarding the issue of the Microsoft Settlement.

Thank you for your attention to this matter,
Mark
Mark Schoenbaum
Chief Technology Officer
Spot Systems, Inc.
(415) 982–8150 x217 √
marks@spotsystems.com

January 23, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

If I am correct, it has been generally accepted that the free enterprise system allows for the creation of competitive products or services that will replace older

similar products. This is true in all aspects of American commerce, and the IT industry stands as one excellent example of this. There is a seemingly endless variety of innovation and product upgrades available to the consumer.

But here I get a bit confused.

It appears as if Microsoft's competitors have so far been unsuccessful in their attempts to create a better line of products than Microsoft has. Many of them have tired in their efforts to do so through the front door of competition, and have instead formed an alliance with the federal government to shut Microsoft down through the dubious charge that Microsoft has violated some antitrust law. Forget that most consumers have any number of choices other than Microsoft products, and forget that most consumers actually prefer the simpler integration that Microsoft products provide with its OS.

This entire lawsuit has been odious from the beginning. This should have been dismissed long ago. However, now that there is a settlement in place, one that regulates virtually every facet of Microsoft's work, so that there is no doubt that Microsoft is playing fair. I am hoping that it will be accepted and sustained. Let's all put this mess behind us.

Sincerely,
Mark Schoenbaum
Chief Technology Officer
Spot Systems, Inc.

MTC–00018192

From: Chris Johnson
To: Microsoft ATR
Date: 1/23/02 3:19pm
Subject: Microsoft Settlement

Please do not accept any settlement or resolution that assumes Microsoft is trustworthy.

It is insulting to us all to pretend that an entity which faked evidence in open court (thanks to David Boies for spotting this) is trustworthy, and entitled to interact with its own sentencing.

Please bear their fundamental dishonesty in mind.

Chris Johnson
PO Box 1218
24 E. Main St. #7
Wilmington VT 05363

MTC–00018193

From: Anne Watson (Home)
To: Microsoft ATR
Date: 1/23/02 3:20pm
Subject: Microsoft Settlement

This is not good for the consumer, or anyone who trys to compete against microsoft. Please don't settle so easily.

MTC–00018194

From: E
To: Microsoft ATR
Date: 1/23/02 3:19pm
Subject: Microsoft Settlement

The ''settlement'' is a joke.

Microsoft was found guilty of abusing it's monopoly power and now you are allowing them to continue their abuses and even entrench themselves more with this wholly inadequate method of ''punishment.'' They outright LIED to and tried to deceive a federal judge in the courtroom, to say nothing about what they do daily to the American public and corporations who, for whatever misguided reasons use their products and services.

Talk about contempt—repeated, deliberate, organized, conspiratorial and BLATANT contempt.

Shame on you!

Please scrap this ''settlement,'' do some good and actually punish them, to the FULLEST extent of the law.

Thank you.

Regards,
E. Eberle

MTC–00018195

From: Casey Gordon
To: Microsoft ATR
Date: 1/23/02 3:18pm
Subject: Microsoft Settlement

Hello,

I am a US citizen who is concerned about the proposed Microsoft settlement. I do not work for Microsoft nor any of its competitors. I have worked in computer support and computer related industries for over 10 years, using Windows, Mac OS, and Linux.

I believe the proposed settlement is inadequate and inappropriately designed. I don't believe it will restrict Microsoft's anti-competitive practices, nor do I believe it serves the public interest.

I have watched over 10 years time, as Microsoft has destroyed its competitors through:

1) licensing restrictions.

2) deliberate introduction of software incompatibilities to disable competing products (''Windows ain't done till Lotus won't run''—this is an old running joke among everyone I know in computer support).

3) leveraging income derived from sales of Windows and Microsoft Office to finance ''free'' software such as Internet Explorer and Windows Media Player, software that is intended to displace competitors such as Netscape and Real.

4) false claims of integration of software i.e. MS Internet Explorer and MS Windows. These programs can be installed and uninstalled as separate products and exist as discrete unintegrated applications (IE), such as IE for the Mac operating system.

Anyway, I believe the proposed Microsoft settlement has the following flaws:

The settlement fails to prohibit intentional incompatibilities historically used by Microsoft.

Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the settlement fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

The settlement supposedly makes Microsoft publish its secret APIs, but it defines ''I'' so narrowly that many important APIs are not covered. The settlement supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all. This has been a common practice of Microsoft's—write new software to avoid old agreements.

The settlement fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before deadlines, and not informing ISVs until it's (practically speaking) too late.

The settlement does not require Microsoft to list which software patents protect the Windows APIs. This leaves software developers in limbo as to whether they are infringing on Microsoft software patents.

The settlement doesn't require Microsoft to release documentation about the format of Microsoft Office documents.

In conclusion, I urgently request the reconsideration and restructuring of the proposed Microsoft settlement

Thank you,
Casey Gordon
Web Administrator
College of Family & Consumer Sciences
The University of Georgia
333 Hoke Smith Annex
Athens, GA 30602–4356
ccgordon@arches.uga.edu

MTC–00018196

From: Matt Haffner
To: Microsoft ATR
Date: 1/23/02 3:20pm
Subject: Microsoft Settlement

As a avid user, consumer, and developer of computer resources for the past twenty years, I strongly urge the Department of Justice to *reject* the current Microsoft settlement. Please seek to craft a much stronger resolution, not only appropriate to the crimes that they have already been found guilty of, but also *without* the current loopholes that allow the company to continue their monopolistic practices by redefining their primary development focus.

The current resolution specifically mentions ''Security'' as a development focus that is immune to further disclosure. And, as has been leaked to the media, Bill Gates has already had the gall to officially recommend that this be the company's focus for the next phase of their software enterprises.

During the entire resolution of the case that you have brought before the courts, Microsoft has continued to flaunt its superior market position and wealth, purchasing rights and patents to software standards in broad areas. The only thing that has changed is their rhetoric and their massive public relations effort to appease the citizenry and appeal to the taxpayer that your efforts are wasteful. Such a response is appalling and a flagrant abuse of free speech to quench protection afforded to the average citizen provided by your offices.

Thank you for your efforts on this case to date, but I do strongly urge you to reconsider the current proposal for the health of the entire computer and information technology industry.

mh —
Matt Haffner, University of Wisconsin
Dept. of Astronomy, Madison
haffner@astro.wisc.edu

MTC–00018197

From: Michael Kale
To: Microsoft ATR

Date: 1/23/02 3:22pm
Subject: Microsoft Settlement

I am a US citizen and I live in Seattle, WA.

I oppose the current Microsoft settlement. It does not do enough to ensure competition in the computer industry, which is of utmost importance. Competition is the single most important thing which ensures that consumers win. Competition spurs innovation, lower prices, more consumer friendly products, and a whole slew of things that nine out of ten people would agree are a benefit to everyone.

If Microsoft is allowed to abuse its monopoly power to further squish its competitors, the consumer will lose big time.

I can go into much detail about —why— I think the current settlement does not do enough to ensure competition, but I want to make sure that someone on the other end of this email is actually reading this message and wants to listen to what I have to say. If so, please write back and I will be happy to oblige. Until then, the most important objection I have is that the settlement does not force Microsoft to open up it's networking protocols and API implementations. Internet standards are what allow computers from many different vendors to talk to each other and work together. Microsoft would like to ignore computing standards and only allow windows machines to talk to windows machines. This creates ''lock-in'' where it becomes very difficult to operate a heterogeneous computing environment with more than one type of computer. Thus, once you have windows machines, it becomes very difficult to have any OTHER kind of machines, and competition is hampered unnecessarily.

Thanks a lot for your time,
Michael Kale

MTC–00018198

From: Jon Kropf
To: Microsoft ATR
Date: 1/23/02 3:21pm
Subject: Microsoft Settlement

I am a software developer and I am against the proposed settlement with Microsoft. I feel that any solution that does not open up Microsoft's file formats and middleware communication protocols is unacceptable. These closed and proprietary formats are a very large impediment to interoperating between Microsoft and non-Microsoft systems. Without opening these formats, Microsoft's monopoly on the desktop will continue to exclude competitors from having a viable chance of challenging Microsoft's products. Thank you for accepting my input.

Jon Kropf
Jon.Kropf@wipfom.com
1120 Holly St.
Denver, CO 80220

MTC–00018199

From: ee
To: Microsoft ATR
Date: 1/23/02 3:22pm
Subject: Microsoft Settlement

The ''settlement'' is a joke, although not a funny one. Microsoft was found guilty of abusing it's monopoly power and now you are allowing them to entrench themselves even more with this wholly inadequate method of ''punishment.''

Everyone who actually understands the workings of Microsoft and their products KNOWS how mediocre and downright dangerous their practices and products are. They outright LIED to and tried to deceive a federal judge in the courtroom, to say nothing about what they do daily to the American public and corporations who, for whatever misguided reasons use their products and services.

Talk about contempt—repeated, deliberate, organized, blatant and conspiratorial contempt. And you roll over and offer your soft underbelly for Bill and company to scratch and say ''nice doggy.''

Shame on you!

Do your duty, scrap this ''settlement,'' and instead punish them, to the FULLEST extent of the law.

Thank you.

Regards,

An concerned American citizen

MTC–00018200

From: G. Minette
To: Microsoft ATR
Date: 1/23/02 3:21pm
Subject: MicroSoft settlement opposition opinion

The proposed settlement for the MicroSoft antitrust case isn't even a slap on the wrist. It is blatantly a gift from the government to MicroSoft, handing them the education market segment currently held by Apple and (in universities) other various operating systems. MicroSoft has been judged —guilty— of being a monopoly. They should be punished for their business practices, not rewarded!

Garth Minette, Senior Applications Engineer, Verisity Inc.

MTC–00018201

From: chwtoy@attbi.com@inetgw
To: Microsoft ATR
Date: 1/23/02 3:21pm
Subject: Microsoft Settlement

The ''settlement'' is a joke, although not a funny one. Microsoft was found guilty of abusing it's monopoly power and now you are allowing them to entrench themselves even more with this wholly inadequate method of ''punishment.''

Everyone who actually understands the workings of Microsoft and their products KNOWS how mediocre and downright dangerous their practices and products are.

They outright LIED to and tried to deceive a federal judge in the courtroom, to say nothing about what they do daily to the American public and corporations who, for whatever misguided reasons use their products and services.

Talk about contempt—repeated, deliberate, organized, blatant and conspiratorial contempt. And you roll over and offer your soft underbelly for Bill and company to scratch and say ''nice doggy.''

Shame on you!

Do your duty, scrap this ''settlement,'' and instead punish them, to the FULLEST extent of the law.

Thank you.

Regards,

An concerned American citizen

MTC–00018202

From: Brian Wood
To: Microsoft ATR
Date: 1/23/02 3:21pm
Subject: Microsoft Settlement

The proposed final settlement between the United States and Microsoft Corporation is a terrible blow to the information technology industry. Microsoft, a company found guilty of violating U.S. anti-trust law, has held fast and diluted whats left of justice in this country into a settlement that provides a vehicle for continuing their monopoly.

Knowledge is power, even more so in the I.T. industry. Microsoft has demonstrated time and time again, that it will withhold documentation, embrace and extend protocols and standards, to keep its competitors incompatible and in the dark (Caldera DR–DOS and the Kerberos implementation in Windows 2000 are two examples that come to mind).

Section J of the settlement specifically provides Microsoft the ability to withhold the inner-workings of its operating system and other products from anyone. Wheres the settlement part here? This allows Microsoft to go on, as they always have, documenting only what they feel like, when they feel like. This keeps other companies and groups (such as Wine, the windows emulator project for Linux) in the dark on certain portions of the Windows API, and prevents Wine from ever becoming a fully compatible emulator, and thus a viable alternative to the Windows operating system. Microsoft should be REQUIRED to document ALL portions of its operating system, from the APIs to the communications protocols. Only when competitors can produce compatible alternatives, can a competitive marketplace be re-established.

Microsoft must not be allowed to continue to withhold information from their competitors (including non-profit organizations, open source projects, etc). To allow them to continue to withhold information is no settlement at all, but a protection of their existing monopoly.

MTC–00018203

From: Keith Robinson
To: Microsoft ATR
Date: 1/23/02 3:22pm
Subject: Microsoft Settlement

To Whom it May Concern,

Regarding the Microsoft settlement, I have read the proposed settlement and I do NOT believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundred, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices.

Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

The current proposal is not nearly strong enough to protect the long-term interests of

this country's businesses and consumers. Failure to increase the penalty will merely encourage Microsoft to continue its anti-competitive practices and ensure that a non-competitive climate will exist and stifle innovation for future generations as well.

Thank you for your time.

Keith Robinson
41 Grafton St #2
Arlington, MA 02474

MTC–00018204

From: Brian Powell
To: Microsoft ATR
Date: 1/23/02 3:21pm
Subject: Microsoft Settlement

To whom it may concern,

I have been working in the information technology field for 14 years and have become very concerned about your proposed settlement in the Microsoft anti-trust case.

It is widely believed by those in the information technology field that the proposed settlement is completely inadequate. It will do little to punish Microsoft for it's plainly illegal conduct in the past, and virtually nothing whatsoever to prevent future violations of antitrust law. As a consumer, it infuriates me to be forced to pay for increasingly expensive software that diminishes in quality with each release. I applauded the Clinton administration's investigation of Microsoft. Their case was an effort to protect consumers and promote economic growth by restoring fairness and competition to the computer industry. Now that the DOJ is under new management, it has essentially abandoned it's pursuit of Microsoft, suggesting that the DOJ no longer has any concern for either economic growth or the public good.

The United States is a successful nation because its free markets encourage firms to compete for customers by producing high-quality, low-cost goods. This system needs to be protected from monopolists who gain so much power that they can destroy the competitive nature of the markets in which they participate.

I urge all parties involved to reconsider the proposed settlement.

Microsoft deserves more than a slap on the wrist for it's destructive abuse of it's monopoly power. More importantly, American consumers need to be protected against future abuses.

Very Sincerely,
Brian S. Powell
Senior Systems Manager,
The Ohio Supercomputer Center
1224 Kinnear Road
Columbus Oh, 43212
bpowell@osc.edu

MTC–00018205

From: Steven Evans
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 3:22pm
Subject: Microsoft Settlement

i dont like the proposed settlement. it stinks and makes me ashamed of calling myself a American citizen.

The settlement is a retoric of an undemocratic agreement that will let one company take away my freedom of choice and replace it with a government sponsored retoric that provides bad products and holds the United States economy to random.

No sir, do not let this pass. Listen to the other 9 states and use their settlement.

Do not be the fool.

Regards,
Steven

MTC–00018206

From: Carter Butts
To: Microsoft ATR
Date: 1/23/02 3:16pm
Subject: Microsoft Settlement

I am writing to express my opposition to the proposed settlement in the Microsoft antitrust trial. As a scientist, I spend much of my time developing data analysis software for multiple platforms, including both UNIX and Microsoft Windows Operating Systems. My work is thus directly affected by the current proceedings, and I am concerned that a judgment be reached which is in the best interests of myself and other science and technology professionals.

I am particularly concerned that the Proposed Final Judgment does not adequately address the problem of Independent Software Vendors who ship Open Source applications. The Microsoft Windows Media Encoder 7.1 SDK EULA, for instance, states in part that

''. . . you shall not distribute the REDISTRIBUTABLE COMPONENT in conjunction with any Publicly Available Software. ''Publicly Available Software'' means each of (i) any software that contains, or is derived in any manner (in whole or in part) from, any software that is distributed as free software, open source software (e.g. Linux) or similar licensing or distribution models . . . Publicly Available Software includes, without limitation, software licensed or distributed under any of the following licenses or distribution models, or licenses or distribution models similar to any of the following: GNU's General Public License (GPL) or Lesser/Library GPL (LGPL); The Artistic License (e.g., PERL); the Mozilla Public License; the Netscape Public License; the Sun Community Source License (SCSL); . . .''

This and other similar EULAs severely limit the potential for software makers to build Open Source software which is compatible with, or which makes legitimate use of, Microsoft tools. Since scientific software is often ''Publicly Available'' as per the above definition—in keeping with the duty of scientists (especially those with public funding) to make their work available to American government, business, and academic institutions—it follows that such behaviors on the part of Microsoft serve to impair the ability of the scientific community to meet its public responsibilities. Given the finding of fact that Microsoft holds a monopoly on Intel-compatible PC operating systems, it is especially important to guarantee that Microsoft will not be able to use its monopoly power to control Independent Software Vendors. The Proposed Final Judgment does not succeed in accomplishing this.

The United States Department of Justice was in the right to take action against Microsoft initially, and—as a taxpayer—I certainly hope they will see that justice is served. The Proposed Final Judgment, however, is insufficiently strong to prevent the abuses which resulted in the initial action, much less the potentially actionable practices already proposed by Microsoft in the coming years. A strong judgment, possibly including the breakup of Microsoft, is the only viable means of restoring the benefits of free competition to the American software industry.

Carter T. Butts
ctb@andrew.cmu.edu
Carnegie Mellon University
Pittsburgh, PA

MTC–00018207

From: Dennis E. Hamilton
To: Microsoft ATR
Date: 1/23/02 3:23pm
Subject: Microsoft Settlement

I am concerned that the proposed Microsoft Settlement does not accomplish the desired remedy. I find that it essential that any remedy require Microsoft to publish complete documentation of all interfaces between (independently usable or substitutable) software components, all communications protocols, and all file formats.

My greatest concern is about the proprietary file formats that users currently use to record their content and to interchange information with other parties. The importance of common formats in interoperability among enterprises and different computing communities, and the dependence on these formats in the preservation of electronically-originated information, has created a barrier to entry for competing products. It has also created a hazard for those who rely heavily on these formats in order to interchange information with other users. As some users are motivated to upgrade Microsoft products, other users in the community are ultimately forced to upgrade in order to continue to participate. Likewise, as support for the software that operates with older versions of the formats is withdrawn, users are not assured of a way to continue to operate with their own information and to preserve their investment in recorded information, except by converting ot later versions.

This form of the ''network effect'' in which product choices are made by users to ensure their continued ability to interwork in an extended community also creates barriers to substitution, even for the purpose of preserving usability of content that is the user's own.

I agree that the functionality, features, and overall appeal of Microsoft products is valuable and a symbol of competitive approach to the market. My concern is that the barriers to substitution erected by the reliance on proprietary formats has contributed to a monopoly position due to the nature of electronic documents and information and the necessary mediation of software for their use. Without separating the formats from specific, proprietary software for operating with them, the public interest is ill-served and there is no opportunity for competitive innovation now that such a monopoly exists.

Converting to a competitive product with a different proprietary format is not viable in most situations, since it neither advances interoperability and inter-usability of the information nor assures the continued usability of already-recorded electronic information. It is not a meaningful substitution.

Thank you,

I am

Dennis E. Hamilton

Consultant

Software System Architect

Member, Association for Computing Machinery

DMware Interoperability Exchange Technical Coordinator for the Association of Information and Image Management, Incternational.

4401 44th Avenue SW

Seattle, WA 98116–4114 USA

tel: +1–206–932–6970

mailto:dennis.hamilton@acm.org

MTC–00018208

From: Ivar Christopher
To: Microsoft ATR
Date: 1/23/02 3:24pm
Subject: Microsoft Settlement

To whom it may concern,

In brief, I believe that the proposed settlement has far too many loopholes to effectively prevent, or even hinder, Microsoft's consumate anti-competitive behaviour. They have shown, through their years of actions, that they are very skillful at this behaviour. This settlement is, simply put, too weak a document in the face of that skill.

Thank you,

Ivar Christopher

MTC–00018209

From: mike@UDel.Edu@inetgw
To: Microsoft ATR
Date: 1/23/02 3:25pm
Subject: Microsoft Settlement

Dear Sir or Madam,

I would like to comment on the proposed settlement of the United States vs. Microsoft antitrust lawsuit.

The first point that we must not lose sight of is that the Microsoft Corporation willingly committed a series of very serious crimes that cost the citizens of the United States a great deal of money and affected untold numbers of lives. A crime was committed; punishment must be metted out such the the behavior of the entity is modified so the offense is not repeated. The current settlement does not do so. The settlement was largely written by Microsoft and is geared towards minimizing the financial loses of Microsoft, while maximizing future profits. Hardly a punishment designed to modify behavior.

Microsoft has never admitted that it engaged in criminal behavior. Given that the proposed settlement does not make it unprofitable to engage in illegal behavior in the future, it is reasonable to assume Microsoft will continue to engage in criminal behavior in the future. The proposed settlement seems to place numerous restrictions on Microsoft's business practices, but the restrictions really just force Microsoft to act in a legal fashion. In short, where is the pain? We send a person to jail when he or she commits a crime in hopes that they person will learn to modify their behavior and not commit crimes in the future.

We do not tell the person ''do not rob banks'' and let them go. How does the proposed judgment ensure that Microsoft's behavior— its corporate culture—is going to be modified? The settlement does not even provide for monitoring the weak restrictions it seeks to implement.

The only reasonable solution to the Microsoft problem is to break the company into seperate pieces. By breaking Microsoft into pieces, the individual companies will be forced to compete with other companies. The settlement implementing the breakup will not have to delve into arcane details such as ''what is an API'' and ''what is middleware''. Market forces alone will dictate what the Microsoft companies will have to document and disclose in order to remain competive in an open market. Good punishment is simple, straight forward and directly addresses the crime. Microsoft manipulated the market, let the market decide the punishment.

Remember—everyone thought the telephone system was going to collapse when the breakup was ordered back in the 80s. And, for a few years, the benefits were few and far between. Now days, I am not sure how cheap I can make a long distance call; the price is dropping faster than I can keep up with. A breakup of Microsoft will cause pain in the technology sector in the short term. In the long term, it will bring great benefits in the same way that diversity in any system brings great benefits. Sincerely,
Michael Porter Senior Systems Programmer
University of Delaware

MTC–00018210

From: Britt Turnbull
To: Microsoft ATR
Date: 1/23/02 3:23pm
Subject: Microsoft Settlement

Dear Sir,

I suffer daily from the detremental effects of the immoral. illegal and disgusting practices that Microsoft have been using for several years . . .

The current proposed settlement is a joke, having no real effect at correcting the current situation . . .

DO SOMETHING . . .

DO IT NOW . . .

AND DO IT RIGHT . . .

regards,

Britt

MTC–00018211

From: Michael Buice
To: Microsoft ATR
Date: 1/23/02 3:22pm
Subject: Microsoft Settlement

Dear DOJ,

I would like to urge you to consider the comments of Dan Kegel and others concerning the Microsoft trial settlement. An excellent resource concerning many informed opinions is the following site:

http://www.kegel.com/remedy/

The PFJ as written only helps extend Microsoft's monopoly. It is not sufficiently broad and it does not allow for the entrance of true competitors into the software playing field. In particular, I would like to stress the importance of allowing and enforcing a ''Window's compatibility'', so that other operating systems, without fear of retaliation, could run programs using the Windows API's. This would easily allow for a variety of operating systems to viably enter the intel-compatible market (Mac OS X and Linux) as competitors to Microsoft's current unjust reign over the desktop.

Again, please consider this.

Michael Buice

Graduate Student,

Dpt. of Physics

University of Chicago

MTC–00018212

From: Richard Ibbotson
To: Microsoft ATR
Date: 1/23/02 3:23pm
Subject: Microsoft Settlement

Hello

Although I am not a U.S citizen I feel that I have to strongly object to the proposed settlement which is between the U.S. Government and the Redmond giant which is Microsoft.

Over here we find that in daily business and personal life we are pressurised by the careful brainwashing methods that MS UK and their parent company use on both our business community and on the home user community. It doesn't stop there. It is a known thing that Bill Gates is Priminister Tony Blair's friend. We are clearly told that the recent 50 deal between MS and our National Health Service ''saved the tax payer a great deal of money''. At the same time the Ministry od Defence who have an agreement with the U.S Government to use cruise missiles with the Royal Navy were allowed to use one licence for the whole of their network. Why is it that Microsoft ripping off the poorly and infirm and elderly people of this country?

It has reached the point where people are seen to be social outcasts if they do not use Microsoft software. For me; someone who believes that other people should be allowed to make their own choice, this is intolerable.

Since I am myself someone who wore the Royal Air Force uniform back in the 1980s I find it to be wholly unacceptable that a multinational monopoly that has been found to be in breach of some serious federal laws should be let off with a slapped wrist or something similar. I do hope that the U.S Government will reconsider the present intention to let Microsoft get away with all kinds of things that are normally associated with organised crime and at an international level.

Thank you

Mr Richard Ibbotson

170 Bolehill Road

Sheffield S6 5DE

United Kingdom

http://www.sheflug.co.uk/seminar.html

MTC–00018213

From: marco
To: Microsoft ATR
Date: 1/23/02 3:24pm
Subject: Microsoft Settlement

I think the proposed settlement is bad idea because there is no punishment in it for the

crime they commit, something they realy feel and make sure they will not do it again and something that will give the competition a change to win some ground back that was taken from them illegal

Marco Meijer
The Netherlands

MTC–00018214

From: lisab@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 3:22pm
Subject: Microsoft Settlement

Dear DOJ

The currently proposed Microsoft settlement is a bad idea. I urge you to accept the alternate settlement proposed by the plaintiff states rather than the current Proposed Final Judgement. As a system administrator, my daily job is directly impacted by the anti-competitve practices that have characterized the Microsoft corporation. I believe that the Proposed Final Judgement contains misleading and overly narrow definitions and provisions, fails to prohibit the anticompetitive license terms currently used by Microsoft, and fails to prohibit anticompetitive practices towards OEMs. Considering the harm that Microsoft's anti-competitve practices have done to the innovation of new and competing operating systems, the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue. Therefore, the Proposed Final Judgment is not in the public interest, and should not be adopted without addressing these issues.

Lisa Bogue
System and Network Administrator

MTC–00018215

From: David A. Chappel
To: Microsoft ATR
Date: 1/23/02 3:23pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotelly;

I would like make a few comments regarding the proposed settlement. Today there is plenty of cynicism regarding the legal system. It is a commonly held belief that if one has enough resources, then one can ''buy'' success in court given sufficient legal resources. I will leave the correctness of this to others. I would like to address erosion of the legal system by the perceptions created by this settlement; then I would like to address the economic ramifications of the precedent set by this settlement.

For a legal system to operate successfully, there must be a ''buy-in'' to the belief in the ''fairness of the system'' in resolving disputes, or criminal cases. If individuals and companies do not commonly accept this principle then they will find other avenues to settle claims, and the rule of law will be damaged.

I fear that for many this proposed settlement will add weight to this popular belief. In short, allowing Microsoft to settle the claim that it abused its monopoly by donating software (possibly using the donation as a tax deduction) to needy schools. While I do not dispute the need of the schools, it truly a clever ruse Microsoft is playing with the *compliance* of the Department of Justice. Given Microsoft has abused its monopoly, the punishment ought not to be that it must increase its market share in the educational market. Remember that software has nearly zero marginal cost and so it will cost Microsoft very little. This sends a perverse message to other companies and individuals who may consider breaking the law or a contract. For those that have substantial resources the message is ''I won't be held accountable'' and for those without the resources it is ''I wouldn't be held accountable if I was wealthy—so the law is unfair.'' To those on the front lines charged with enforcing laws the message is ''Do not waste our resources by enforcing rules against those with substantial resources of their own.'' Correct or not, these messages damage the legal system by eroding the notion of ''one law for all'' that makes individuals participate in the shared belief in law, and that breaking the law is not respectable.

There are also ramifications for our economic wellbeing. If expected penalties for abusing a monopoly are deemed less than the benefits derived, it will only encourage more monopoly abuses. This will lead to fewer firms in markets and less innovation as a whole, as the large impede the innovative. Please note that there is no reason to assume that this precedent will be limited to the technology sector.

While public comments are to be limited to the settlement, I feel I must also express my disappointment with the DOJ. It appears that the DOJ has rightfully embraced a new set of priorities after September 11th, however it is not sufficient to ignore those responsibilities unrelated to terrorism.

Fighting Microsoft in court and in ''public court'' may be expensive and may not be politically expedient, but it is extremely important for efficient functioning of markets. Budgetary demands to the DOJ are small in comparison to the economic cost which would be incurred by this settlement.

Furthermore, those companies which enjoy a monopoly are typically those companies with the resources to fight a prolonged legal battle. If the DOJ is unwilling to expend the resources to fight a large company, then how can it expect to fulfill its mandate? It is as if the municipal police declare that they will uphold the law against speeding but will charge only those who drive slow cars.

It is my hope that the DOJ renews its resolve in upholding and enforcing these important laws. I hope that those within the DOJ are given sufficient resources to negotiate from a position of strength, so that those that those who break the law are sufficiently punished. This is the only way to ensure that others are deterred.

Thank you for allowing my participation.

David Chappel B.A. (Economics) B.Sc. (Computer Science)
8155 Fairmount Drive, Unit #627
Denver, CO. 80230
CC:KerryK@canada.com@inetgw

MTC–00018216

From: JT
To: Microsoft ATR
Date: 1/23/02 3:24pm
Subject: Microsoft Settlement

I wish to express my displeasure with the currently proposed settlement between the US DOJ and Microsoft. I feel that the proposed settlement does not sufficiently address the behaviours which Microsoft has exhibited in the past to tilt the competitive landscape in its favor. By allowing Microsoft to maintain a dominant position within the software industry, the DOJ is doing a disservice to consumers as well as potential competitors to Microsoft.

Practice random kindness and senseless acts of beauty.

It's hard to seize the day when you must first grapple with the morning.

Sincerely,
Joseph L. Traub

MTC–00018217

From: Christopher S. Swingley
To: Microsoft ATR
Date: 1/23/02 3:27pm
Subject: Microsoft Settlement

Hello.

I would like to register my objection to the proposed settlement in the Microsoft case. The settlement is barely a slap on the wrist to a corporation that has been found guilty of using anti-competitive practices to dominate the software market. Not only is the proposed settlement much too weak, it will have virtually no effect on Microsoft's anti-competitive practices and as a result, competition in the operating system and application software markets will continue to decline. This is bad. Monopolies are bad. And the interests of American society demand the proposed settlement be rejected and replaced with a settlement that punishes Microsoft for it's illegal activities, and regulates the corporation in ways that will restore competition in the operating system, browser, and application software markets.

Thank you,
Chris
Christopher S. Swingley
Computer/Network Manager
IARC—Frontier Program
University of Alaska Fairbanks
phone: 907–474–2689
email: cswingle@iarc.uaf.edu
GPG and PGP keys at my web page:
www.frontier.iarc.uaf.edu/cswingle

MTC–00018218

From: Gene Olson
To: Microsoft ATR
Date: 1/23/02 3:25pm
Subject: Microsoft Settlement

In the Microsoft Settlement, the most important provision is the disclosure of Operating System and Middleware APIs, and disclosure of proprietary Communication Protocols.

As stated in the settlement, there are no provisions to require Microsoft to completely and openly publish enough information so that competitive systems (eg OS/2, Linux, WABI, Wine) can effectively emulate these interfaces.

Microsoft is highly motivated to keep these interfaces secret, and their past actions have shown conclusively that they will misrepresent, delay, and litigate endlessly to prevent effective competition in this area.

The only practical remedy to this is to require Microsoft to publish source code for all such software and communication

interfaces. History has shown repeatedly that source code analysis is the only universally effective method for publication of such information. This is especially true in cases where the disclosing party has a proven reputation for, and a continuing business interest in, keeping the information secret.

Therefore I object that the judgement against Microsoft cannot be effective or enforceable unless Microsoft is required to provide source code to all Application, Operating System and Middleware APIs and all Communication Protocols.

Gene Olson
Technical Director
ThinSoft Corporation
home: +1 612 824 9108
mobile: +1 612 414 4590
email: gene@thinSoft.com

MTC–00018219

From: Mike S. Medintz
To: Microsoft ATR
Date: 1/23/02 3:26pm
573 Van Gordon Street, Apartment 3–221
Lakewood, Colorado 80228
January 23, 2001
Renata B. Hesse,
Trial Attorney
Suite 1200,
Antitrust Division
U.S. Department of Justice
601 D Street NW
Washington, DC 20530–0001

Dear Sirs,

I am a citizen of the United States and a resident of Lakewood, Colorado. I am writing to express my concern with the proposed settlement, which your office is considering with Microsoft. In my opinion, this settlement does not go nearly far enough to either repair the damage done by Microsoft or to prevent future violations.

Microsoft's anti-competitive behavior is not simply aggressive advertising. Their behavior is potentially more damaging to the US marketplace and economy than were Archer-Daniels-Midland's effort to fix the prices of agricultural supplies in recent years. Microsoft forces computer hardware vendors to sign exclusive marketing agreements, meaning that the vendors are unable to sell competing operating systems. When I was shopping for the two computers, which I use at home, several major manufacturers, including Dell and Gateway, were unable to sell me a computer with Linux installed, and even were unable to sell me a computer with no operating system installed at all. Even though I had no intention of using Microsoft Windows, I was forced to pay the prices of two Microsoft software licenses. If Microsoft did not have a monopoly position within the meaning of the Sherman Act, then they would not be able to abuse a monopoly position and I would not be forced to pay a ''Microsoft Tax'' every time I buy computer equipment.

Now try to imagine the cost of this ''Microsoft Tax'' to a small business, a poor family, or a school—all entities which usually operate on a shoestring. And imagine the cost of their newest operating system, Windows XP. When you buy a reasonably-modern computer from a major manufacturer, it is quite easy to do so for well under $1000. And of the components of that computer, the Windows XP license the one for which you're charged a Microsoft Tax, whether you'll use it or not—is the most expensive. A licensing fee, charged only because the recipient is an abusive monopoly, is more expensive than a fast and powerful processor or a large hard drive.

Microsoft has also signed other exclusive deals with other service suppliers. These are deals which worked to customers'' detriment and which would not have been possible save for Microsoft's monopoly position, and which serve no purpose but to stifle competition. A prime example is the Microsoft Network's deal with Qwest. Under this deal, all Qwest DSL customers are forced to either use the Microsoft Network as their internet service provider, or to pay large ''transfer fees'' and suffer service outages. And Qwest has a monopoly on DSL in its service area, being the telephone company for most of the western United States. In other words, if a person wishes to have DSL high-speed internet access, he must either pay Microsoft a monthly subscription fee or pay a rather large fee to Qwest, a fee sufficiently large to deter most customers from using other providers. Furthermore, Microsoft has announced, last autumn, that all Microsoft Network users MUST use Microsoft's internet software to connect to the internet. They must use Outlook and Internet Explorer. I count four web browsers (IE, Netscape, Mozilla, and Opera) and four popular email programs (Outlook, Eudora, Lotus, and Pegasus) available for Microsoft Windows 85,98, NT, and 2000, but only the ones from Microsoft are acceptable.

The internet currently uses certain standards for email, the Standard Mail Transfer Protocol and the Post Office Protocol. The interoperability on which the internet is based requires that these two universal standards be followed. All of the mail software which I have named above is fully standards-compliant. Similarly, World Wide Web standards are defined in the Hyper-Text Transfer Protocol. All of the web browsers named above are compliant with that protocol.

In other words, Microsoft had no reason to require the use of Outlook and Internet Explorer. No reason, except to lock their competitors out. I did not elect any members of Microsoft's board, or any of their officers. I was never offered an opportunity to vote. Microsoft is not an agency of the Federal government or of the State of Colorado. Why, then, is this company allowed to use their monopoly power to tax me? Why are they allowed to use their monopoly position in software to leverage a monopoly in DSL internet access and to lock competitors out of the market?

That Microsoft is an abusive monopoly has been proven. I limit myself to the examples above, rather than explaining about undocumented programming interfaces and the ''Embrace, Extend, and Extinguish'' methodology, only because of concern for your time.

The only way to end their abuse and allow competition to exist is to break the company up, and to force open their code and API's. As long as Microsoft is allowed to exist, they will continue to acquire power and to abuse it.

Sincerely,
Mike S. Medintz

MTC–00018220

From: Scott Francis
To: Microsoft ATR
Date: 1/23/02 3:26pm
Subject: Microsoft Settlement

I am very disturbed by the proposed anti-trust settlement in the Microsoft v DOJ case. In spite of Attorney General Ashcroft's words to the contrary, this settlement is neither ''strong'' nor ''historic'', and amounts to little more than a slap on the wrist to Microsoft. More importantly, it does nothing to reduce the barrier to entry that Microsoft has erected in the operating system and applications market.

The proposed ruling will do nothing to make it easier for a competitor to Microsoft to release a product designed to run on Windows and compete with Microsoft's own applications. We have seen how this scenario played out in the past—Microsoft either crushed its competitors (Corel's WordPerfect suite, for instance), absorbed them (WebTV, purchase of SGI's image patents, etc.) or changed existing standards just enough to exclude competitors (Kerberos comes to mind).

Any ruling that does not —force— Microsoft to allow competitors in the application field fair and unrestricted access to the Windows source code (and more importantly, user base) without Microsoft attempting their famous ''embrace and extend'' tactic (see previous paragraph), will ultimately have no effect on the reality of the Microsoft monopoly. Microsoft will continue to hold the home computing market, and the majority of the business computing market, in a stranglehold, locking people into inferior products, preventing them from exercising free choice among a variety of options, and generally preventing innovation and growth in the computing industry.

I do not wish to see the Internet go the way of the desktop computing landscape. If Microsoft is allowed to proceed unchecked, with ''business as usual'', they will eventually consume the Internet as well (Hailstorm/.NET comes to mind). Thanks for your consideration.

Scott Francis darkuncle@ [home:] d a r k u n c l e . n e t
Systems/Network Manager
sfrancis@ [work:] t o n o s . c o m

MTC–00018221

From: Morgan Doocy
To: Microsoft ATR
Date: 1/23/02 3:25pm
Subject: Microsoft Settlement

23 January 2002

To Whom It May Concern,

Being a computer professional, I strongly disagree with the settlement terms outlined by the Proposed Final Judgment.

I feel the language of the PFJ is insufficiently succinct, leaving a number of significant and critical loopholes that may be used to easily evade compliance with the PFJ. Furthermore, I feel that many essential provisions are absent from the PFJ, allowing

a number of significant anticompetitive and exclusionary practices to continue.

Many of these missing provisions may seem overly-specific, frivolous, or even damaging to Microsoft's right to protect its self-interest. But on the contrary I believe, as do many others, that through its anticompetitive practices Microsoft has in fact coerced OEMs, IAPs, and ISVs into giving up THEIR right to protect their self-interest by instituting punitive, frivolous, or overly-specific licensing agreements which prevent them from exploring those Microsoft-competitive products and services which could have in fact enhanced the quality of the licensees'' product. To remedy such an offense, and to prevent its reoccurrence, a thorough and well-worded set of restrictions and requirements is called for, if not to promote competitive experimentation, at least to ensure that no way exists for such anticompetitive practices to ever again be used.

Mr. Dan Kegel has compiled an excellent collection of resources on the PFJ, amongst which is his own essay, ''On the Proposed Final Judgment in United States v. Microsoft.'' I would like to refer the reader to these resources for opinions on the missing provisions I mentioned earlier, in the hopes that those more informed than I may better explain the importance of those provisions.

Mr. Kegel's resources page may be found at: <http://www.kegel.com/remedy/>. His essay, ''On the Proposed Final Judgment in United States v. Microsoft'', may be found at: <http://www.kegel.com/remedy/remedy2.html>.

Thank you for your time.

Regards,

Morgan Doocy

mdoocy@mac.com

MTC–00018222

From: Patrick
To: Microsoft ATR
Date: 1/23/02 3:26pm
Subject: Microsoft Settlement

Dear Sir or Madam

I have watched with great interest and nervousness the proceedings of the case dealing with Microsoft Corp and the Antitrust charges against that company. Sadly, the decisions being made have once again shown why the people should distrust the government and those in charge making decisions that affect us all as computer users and taxpayers. It also tends to indicate how uninformed those people are in technology matters.

As one law enforcement officer commented to me, ''Why do you think they call it the ''Criminal Justice System''?'' It is now painfully obvious why it is referred to as that considering the judgements rendered on the Microsoft case. There have been too many mistakes made, evidence very critical to the guilt of Microsoft left out and letting Microsoft even deciding their own punishment in this case! I think heavy punishment should be rendered both financially & criminally to Microsoft and quickly. Why should a case of such obvious guilt be allowed to continue any further and why has there not been a speedy resolution? I also do not think Microsoft should be allowed to regain any financial restitution thru taxes or other illegal means for the fines levied, if any ever are!

I hope the US government will soon wake up to their failure to institute correct punishment to Microsoft. The US citizens grow tired of the government failing to protect their rights and allowing big business and criminals to make the decisions for everyone.

Thank you for your time.

Patrick L. Smith, owner

Magic Page Products

Computer Sales & Services

MTC–00018223

From: David J Harr
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 3:26pm
Subject: Microsoft Settlement

I feel that the proposed Microsoft settlement is not in the best interests of the consumer, and I oppose it. Although there are many problems with the settlement, the one that I am most concerned about is with sections III.F and III.G. Although these sections purport to prohibit exclusionary licensing practices by Microsoft, it fails to cover a class of ISVs that I am particularly concerned about, namely, ISVs that ship open source applications. One example of this is contained in the End User License Agreement for the Windows Media Encoder 7.1 Software Development Kit. That EULA reads, in part . . . you shall not distribute the REDISTRIBUTABLE COMPONENT in conjunction with any Publicly Available Software. ''Publicly Available Software'' means each of (i) any software that contains, or is derived in any manner (in whole or in part) from, any software that is distributed as free software, open source software (e.g. Linux) or similar licensing or distribution models . . . Publicly Available Software includes, without limitation, software licensed or distributed under any of the following licenses or distribution models, or licenses or distribution models similar to any of the following: GNU's General Public License (GPL) or Lesser/Library GPL (LGPL); The Artistic License (e.g., PERL); the Mozilla Public License; the Netscape Public License; the Sun Community Source License (SCSL);. . .

If an ISV chooses to publish their application under an open source license are specifically prohibited by this EULA from distributing the associated APIs of the Windows Media Encoder with their application. This places the onus of getting the API, installing it, and verifying it on the end user, in effect leaving the Applications Barrier to Entry in place for ISVs using this licensing model. Therefore, I feel that until the Final Judgement addresses this issue, it should not be enacted as written.

David

David J Harr

Technology Scapegoat

THQ, Inc.

mailto:djharr@thq.com

MTC–00018224

From: Jeremiah Bachmann
To: Microsoft ATR
Date: 1/23/02 3:25pm
Subject: Microsoft Settlement

The settlement being proposed is not enough. Microsoft needs to be punished for it's practices, and donating software to schools is not a punishment since it costs Microsoft very little to replicate its software.

Jeremiah Bachmann

MTC–00018225

From: Andrew Williams
To: Microsoft ATR
Date: 1/23/02 3:26pm
Subject: Microsoft Settlement

Dear sir/madam,

I amopposed to the leniency of the settlement agreement with Microsoft. My reasons for this are as follows:

(1) The only penalty that is apparent is one that Microsoft has ''agreed'' to or would agree to. This is hardly appropriate for a company with a history of breaking such agreements.

(2) There is no apparent requirement for ''probation''. That is, a process whereby Microsoft can demonstrate its rehabilitation quantifiably to the US DOJ, and to its ''citizens''.

(3) Microsoft has made no realistic offers of damages to aggrieved parties, and shows no inclination to be realistic in damages. The only offer made was one that was of commerical benefit to Microsoft, which was (luckily) rejected. To my mind there are only two valid remedies:

(1) That which Judge Jackson required—The breaking apart of Microsoft into separate entities, one for operating systems, and another as an applications provider.

This would also take into account the effect of Microsoft's .net strategy, which is not open but restrictive, where Microsoft controls not only the .net standard, but access to it.

(2) That Microsoft is forced to publish ALL the API's with documentation for its operating systems without any ''preferred customer'' options in the same time space that they provide them for their own Microsoft developers.

This means that applications developers would not have the lag, or technical barriers that are currently imposed upon them.

These two remedies I would favour do not include redress for the financial and other damage caused to those affected by Microsoft's illegal behaviour. However, I would think that those aggrieved in this would have access to financial redress directly. Mind you, it might be appropriate that the US DoJ mandates to Microsoft that they provide redress to the named parties (such as Sun, Netscape etc).

I thank you for your consideration of this submission.

Regards

Andrew Williams

MTC–00018226

From: Roger Atkinson
To: Microsoft ATR
Date: 1/23/02 3:27pm
Subject: Microsoft Settlement

Dear Sir or Madame,

I might be just one person who has a comment on this settlement but I am also a person who works Full Time in a Sr. IT

position. I work every day to research and justify the direction and expenditures that my company decides to allocate in it's IT endeavors. I feel compelled to comment on this very important issue not only as an IT professional but also a personal user of computing systems.

I have been using Microsoft products as well alternatives for well over the past 10 years. During this time it has been increasingly impossible to find alternatives to MicroSoft's products and when an alternative does exist, it usually is not around for much longer having been pushed out of the market place by Microsoft's predatory practices. Once the alternative is squashed, the product from Microsoft quickly becomes over priced according to current market practices.

I feel very strongly that Microsoft should be punished to the full extent of the allowable law for it's violations and any remedy should include the complete remittance or discount to those who have been hurt the most by Microsoft. Not only should the individual customers be given rebates or immediate relief from the high prices that Microsoft has imposed (as a result of their illegal Monopoly) but businesses as well should have recourse to recoup the damage that has been done to them.

I can say with complete honesty that my company has entered into a Corporate Licensing Agreement with Microsoft, not because they wanted too, but, because there either wasn't an alternative Enterprise solution available or the solutions available were not solvent due to being pushed out of the IT market place. Shame on them! Shame on the courts for not righting this wrong in a manner that allows the both the customers of Microsoft and the Companies harmed by Microsoft to get some relief.

Sincerely,
Roger K. Atkinson
Sr. Operating Systems Analyst
roger.atkinson@cubic.com

MTC–00018227

From: Josh Stanley
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 3:26pm
Subject: Microsoft Settlement

To Whom it May Concern

In my opinion, the proposed settlement between the US Justice Department and Microsoft, Inc. is a woefully insuficient remedy. Microsoft has engaged in a decade of anti-competetive behavior, and found guilty as such. In addition to severe restrictions on future marketing and licensing activities, Microsoft must be forced to cease the practice of ''bundling'' of unrelated software applications, and furthermore, Microsoft should be required to pay TREBLE DAMAGES to every corporation that it has unfairly harmed through its illegal practices.

Thank you
Joshua Stanley
Technical Trainer
AvantGo
Office: (510) 259–4046
Mobile: (415) 378–0183
E-Mail: jstanley@avantgo.com

MTC–00018228

From: Peter Hollingsworth
To: Microsoft ATR
Date: 1/23/02 3:27pm
Subject: Microsoft Settlement

I have read through the proposed Microsoft settlement and find it completely inadequate. It does not prevent Microsoft from hijacking new technologies by bundling them into its operating system in the future, and it does very little to compensate for Microsoft's abuse of its OS monopoly in the past.

This proposed settlement will hurt innovation and cost consumers money. I hope that you will take this into account when making a final decision.

Best regards,
Peter Hollingsworth
5306 Shafter Avenue
Oakland, CA 94618

MTC–00018229

From: Bob Harris
To: Microsoft ATR
Date: 1/23/02 3:27pm
Subject: Microsoft Settlment

E-mailed earlier on this. The settlment is more than fair. Today I read AOL will sue MS for $12B re Netscape matter. One, Explorer outdistanced Netscape on quality and performance. Two, to encourage AOL is outrageous considering its virtual monopoly and use of its site to garner more and more.

E.Harris robhar2@home.com

MTC–00018230

From: Mason, Todd
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 3:32pm
Subject: Microsoft Settlement

OLE—LINK2OLE—LINK1Greetings,

I am writing to express my opinion on the proposed settlement to the Microsoft Antitrust case.

I feel the proposed settlement is nowhere near as harsh as it should be. For years Microsoft has been cramming their software down the throats of large corporations, small businesses, and the individual consumer while using its financial muscle to knock out any competitor that represents even the smallest bit of threat. Right now it is impossible to purchase an IBM compatible desktop PC or laptop PC that does not have a version of windows pre-installed on it. Microsoft tells PC manufacturers that if they do not sell *ALL* of their PCs with windows on them, they cannot sell *ANY* of their PCs with windows on them. This does not give the consumer a choice about how to use the PC they are paying for, it also increases the price of that PC dramatically because the price of the license for Windows (and usually Office) is built into the cost of the PC. About one year ago I purchased a laptop form Compaq and was forced to have it pre-installed with Microsoft Windows ME(Millennium Edition) and Microsoft Office 2000. I had no intention of running Windows on the laptop when I purchased it, but had to pay for the licenses anyway. I think that if this settlement is accepted it will do little if anything at all to stop Microsoft's illegal practices. I urge you to reject the current proposal and come up with a new settlement that will show Microsoft that citizens of this country have had enough of their schemes.

Many great ideas for changes to the proposed settlement are available at the following web site.

<http://www.kegel.com/remedy/remedy2.html> http://www.kegel.com/remedy/remedy2.html

Thank you for your time.
Todd Mason
Computer Technician
North Haven CT, 06473

MTC–00018231

From: David Hallowell
To: Microsoft ATR
Date: 1/23/02 3:25pm
Subject: Microsoft Settlement

I've have been involved with computers for many years and have seen the anti-competitive business practices first hand. Microsoft always talk about innovation, however they have done the most in the history of computing to stop other companies innovating.

Therefore I believe the current settlement with MS is a BAD idea, Microsoft needs strict legal sanctions, the current settlement gives them little more than a slap on the wrist.

Microsoft's latest operating system (Windows XP) carries on the current Microsoft practice of using bundling to try and kill off their competition. MSN Messenger is integrated into Windows XP in such a way that there is no obvious was to remove it, the only way to remove it is to do an internet search for an undocumented file to edit—this is beyond the skill of an average user.

As a person who does not use Windows, and instead prefers to use an open source operating system (Linux), I find it difficult to operate in a world without Microsoft software. I often get documents sent to me in the proprietary Microsoft Word format, I can't listen to online radio stations because most of the broadcast in Windows Media Format, I can't communicate with Windows using friends who have signed up with MSN Messenger. The reason that most people use Windows is that it has such a stranglehold on the market, it's difficult to use anything else unless you make a big sacrifice with interoperability with Windows users.

Many people are working on products which make it easier for users of other systems to work with others, however Microsoft make this task difficult by changing file formats, and modifying protocols.

Microsoft is effectively a bully-boy, they have the money to get what they want and don't care who they crush to get there. They have caused an untold amount of damage on the industry.

Therefore, any punishment should take into account this damage and must also set out clear guidelines for how they should behave in the future. If they break any of the guidelines in the future the punishment should be a lot harsher.

Ultimately we need all the protocols and document formats opened up by Microsoft. The Microsoft Office document formats have become so commonplace that people just assume that your computer can read them and people are surprised when they get emailed back by myself informing them that

I don't have any software that can read the Microsoft Office formats easily.

In the consumer electronics world we have VHS which means that all video recorders are manufactured to the VHS standard, therefore you can goto the local video rental shop, place a tape in any VCR and it'll work correctly, you don't have to buy a particular brand VCR, as long as it's VHS it'll work.

Microsoft Office has become the ''de-facto'' standard, therefore the file formats should be opened in all past and future versions, this will allow anyone to write an office suite that can read MS Office formats. This would mean office software manufacturers would be competing on quality and features, rather than MS relying on a lock-in to their file format.

David Hallowell <dave@mozthemes.org>

MTC–00018232

From: Seth Mellon
To: Microsoft ATR
Date: 1/23/02 3:28pm
Subject: Microsoft Settlement

As provided by the Tunney Act, I wish to comment on the proposed Microsoft Antitrust settlement.

I feel this settlement is insufficient in its attempt to curb Microsoft's unfair and illegal practices. Most significant, in my opinion, is the way in which it fails to limit several specific anti-competitive strategies employed by Microsoft, including (but not limited to) designing intentional incompatibilities between Microsoft and competing softwares, and retaliatory practices against OEM's which do not exclusively use Microsoft operating system software.

Please consider this a definite and emphatic objection to the current settlement.

Seth Mellon
Software Developer
California

MTC–00018233

From: Smac Deez
To: Microsoft ATR
Date: 1/23/02 2:46pm
Subject: Microsoft Settlement

Settlement is bad!

MTC–00018234

From: Stephen Waits
To: Microsoft ATR
Date: 1/23/02 3:28pm
Subject: Microsoft Settlement

The proposed settlement in the Microsoft antitrust case is an outrageous and horrible idea. Please register my complaint as appropriate.

Stephen Waits <steve@waits.net>
CEO, Waits Consulting, Inc.
San Diego, CA

MTC–00018235

From: Scott Quick
To: Microsoft ATR
Date: 1/23/02 3:26pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I have read over the proposed Microsoft Settlement, and am NOT in favor of it, in its current state.

I agree with the problems identified in Dan Kegel's analysis (on the Web at <http://www.kegel.com/remedy/remedy2.html>), namely:

*The PFJ doesn't take into account Windows-compatible competing operating systems

*Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

*The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

*The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

*The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

*The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

*The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertized as being ''Windows Powered''.

*The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

*The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

*The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

*The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

*The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

*The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

*Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

*Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

*Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)

*The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

*Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

*The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

*The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

*The PFJ allows Microsoft to discriminate against small OEMs— including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

*The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

*The PFJ as currently written appears to lack an effective enforcement mechanism.

Also, when Microsoft stops providing bug fixes for a product, they should be required to open-source that product. The customers who purchased that product have a reasonable right to expect Microsoft to provide them with fixes for problems, or to provide them with the means to fix it themselves. I feel this is true of all software products— once the copyright holder stops supporting that product, within 5 years they should lose their copyright on that product, and should be required to make the source code for that product available to anyone who purchased it.

In being found guilty of violating antitrust law, Microsoft was found guilty of harming American —consumers—. The consumers are the ones that need redress, not just businesses.

One of Microsoft's chief claims during the trial was they faced plenty of competition, and they pointed to Free and Open Source Software as an example, and yet under Section III(J)(2) and Section III(D) of the PFJ, not-for-profit organizations have no rights at all. Under provisions to release the APIs of Microsoft products, Microsoft is given discretion as to who they will release information: namely, ''viable businesses'', with Microsoft being able to interpret that as they wish. Thus, the manner in which APIs would be revealed are limiting to Microsoft's main competitor: Free and Open Source Software (''Free'' defined as ''without restriction'' not ''free of cost''). This software is created largely by individuals in informal and generally noncommercial cooperation. This is a very significant movement, and provides great potential benefits to American consumers. It is essential that this pro-consumer movement be helped by the settlement. Every consumer who purchased Microsoft products should have access

(without cost) to the APIs needed to interact with those products. I feel the APIs should be made fully public.

Also, due to Microsoft's deals with computer sellers requiring them to make a payment to Microsoft for every computer they sell, I cannot purchase a computer from any large seller without paying for a Microsoft operating system, even if I want the computer without any operating system. This seems wrong to me, and reminds me of the kind of deals made by Standard Oil.

Finally, the main concern I have is that the PFJ seems to only limit the future behavior of Microsoft. I do not see any —punishment—. If I commit a crime—whether it is jay walking or murder, or a more abstract crime like embezzlement or libel—the court will —punish— me for that act. Where is the corresponding punishment for Microsoft? If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

Scott Quick
Senior Software Engineer
Brooklyn Park, MN

MTC–00018236

From: Mason
To: Microsoft ATR
Date: 1/23/02 3:27pm
Subject: Microsoft Settlement

NO to the Microsoft settlement. If we are ever to get out of this economic situation, we need sharks like Micosoft out of the picture. Be harsh, they deserve it.

MTC–00018237

From: Current U ser
To: Microsoft ATR
Date: 1/23/02 3:27pm
Subject: Microsoft Settlement

Dear Department of Justice,

I am a former customer of Microsoft's I have seen all too well how their software takes the power away from the user and gives it right back to Microsoft. An unfortunate poster-child for this is their new Windows XP operating system, so much that persons that purchase this software must register sensitive information with the evil corporation just to unlock the softwares full functionality.

I implore you to press on and under no uncertain terms make very sure they cannot be allowed to dominate users computer environments. I couldn't install Netscape properly in my version of Windows 98 at first, as windows deemed to not accept it as my primary browser. Worse yet, I could not use the functionality of some Java programs, .asx streaming media, and other important media features without something related to IE (Internet Explorer) or WMP (Win. Media Player) popping up to interrupt my usage of the Netscape browser.

Computer operating systems are meant to serve the user, not work against them. Their new ''Anti-Piracy'' measures do nothing to stop piracy while turning away control of the users computer to hackers and media companies.

I must emphasize my concern for the electronic media world in general if Microsoft be allowed to continue it's evil ways. They dominate the industry in a way so burdensome that companies are afraid to ship computers without Windows. . .afraid users will bulk at the unfamiliar. Competition is necessary and vital. Do all Americans a great service, cage the beast, and reopen the market.

Thank you for your consideration,
Jeff Odgis
United States Citizen
Resident of S. Florida
Computer Specialist

MTC–00018238

From: Margulies, Adam
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 3:27pm
Subject: Microsoft Settlement

The proposed Microsoft settlement is a bad idea. It does nothing meaningful to prevent future monopolistic behavior on the part of Microsoft. Please reconsider.

MTC–00018239

From: Stephen Groundwater
To: Microsoft ATR
Date: 1/23/02 3:29pm
Subject: Microsoft Settlement

Please punish Microsoft severely.

I am extremely concerned with their dominate and closed control of file formats ranging from the .DOC to the Windows Media Player.

I have seen first hand what it's like to stay competitive in the legal industry while using Word Perfect from Corel. YOU CAN'T. MS controls the file formats, therefore they control the world.

Ball's in your court.
-Steve Groundwater
Philadelphia PA

MTC–00018240

From: Bob Ellis
To: Microsoft ATR
Date: 1/23/02 3:29pm
Subject: Microsoft Settlement

Bob Ellis Inc.
2417 Ba??front Parkway
Orland?, Ho??da ?2806 7337
Tel: (407) 859 5883. Fax 859 5350. Call 247 9?72 rellisl@cfl.rr.com
January 23.2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Ave.
Washington, DC, 20530

Dear Mr. Ashcroft,

I am pleased to know that the federal government has reached a settlement with Microsoft. After three years of litigation, the settlement is fair to both sides and should be beneficial to consumers. The agreement is extremely comprehensive and mandates many adjustments in the way Microsoft carried out their business in the past. Microsoft has agreed not to enter into any agreements obligating any third party to distribute any portion of Windows exclusively. Also, the company has agreed not to enter into agreements relating to Windows that obligate any software developer to refrain from developing or promoting software that competes with Windows. Finally, the government assured compliance by negotiating for the creation of a Technical Committee to monitor Microsoft's compliance.

I believe Microsoft and Bill Gates have done tremendous good for the United States. Their products are used by millions of citizens and help make the economy stronger and more efficient. ! commend you for your efforts to settle this case and hope no further action will be taken on the federal level.

I must say that I am very happy that Bill Gates is an American and that he was not a citizen of another foreign country as if he was, we would be sending checks from the United States to that county to purchase the excellent products that Bill Gates and Microsoft has delivered to our good citizens.

Sincerely,
Robert M. Ellis, President
CC: Representative Ric Keller

MTC–00018241

From: Tom Giebel
To: Microsoft ATR
Date: 1/23/02 3:29pm
Subject: Microsoft Settlement
To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the Microsoft settlement's inadequacy in improving the competitive environment in the software industry. Some serious shortcomings relate to:

(1) Middleware The current language in Section H.3 states ''Microsoft Middleware Product would be invoked solely for use in interoperating with a server maintained by Microsoft (outside the context of general Web browsing)'' does nothing to limit the company's ability to tie customers and restrict competition in non Web-based networked services under .NET, as they fall ''outside the context of general Web browsing''. Microsoft has already begun abusing its desktop monopoly to tie customers int .NET revenue streams and set up a new monopoly over the network.

Part 2 of the same section states ''that designated Non-Microsoft Middleware Product fails to implement a reasonable technical requirement...'' essentially gives Microsoft a veto over any competitor's product. They can simply claim it doesn't meet their ''technical requirements.''

(2) Interoperability

Under the definition of terms, ''Communications Protocol'' means the set of rules for information exchange to accomplish predefined tasks between a Windows Operating System Product on a client computer and Windows 2000 Server or products marketed as its successors running on a server computer and connected via a local area network or a wide area network.'' This definition explicitly excludes the SMB/CIFS (Samba) protocol and all of the Microsoft RPC calls needed by any SMB/CIFS server to adequately interoperate with Windows 2000. Microsoft could claim these protocols are used by Windows 2000 server

for remote administration and as such would not be required to be disclosed. The Samba team have written this up explicitly here:

http://linuxtoday.com/news—story.php3?ltsn=2001–11–06–005–20-OP-MS

(3) General veto on interoperability

In section J., the document specifically protects Microsoft from having to ''document, disclose or license to third parties: (a) Portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria''

Since the .NET architecture being bundled into Windows essentially builds ''anti-piracy, anti-virus, software licensing, digital rights management, and authentication systems'' into all levels of the operating system, ANY API, documentation, or communication layer can fall into this category. This means that Microsoft never has to disclose any API by claiming it's part of a security or authorization system, giving them a complete veto over ALL disclosure.

(4) Veto Against Open Source

Substantial amounts of the software that runs the Internet is ''Open Source'', which means it's developed on a non-commercial basis by nonprofit groups and volunteers. Examples include Apache, GNU/Linux, Samba, etc. Under section J.2.c., Microsoft does not need to make ANY API available to groups that fail to meet ''reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business.'' This explicitly gives them a veto over sharing any information with open source development projects as they are usually undertaken on a not-for-profit basis (and therefore would not be considered authentic, or viable businesses).

These concerns can be met in the following ways:

(1) Middleware: Extend middleware interoperability with a Microsoft server to ALL contexts (both within general Web browsing as well as other networked services such as are those being included under .NET).

(2) Interoperability: Require full disclosure of ALL protocols between client and Microsoft server (including remote administration calls)

(3) General veto on interoperability: Require Microsoft to disclose APIs relating to ''anti-piracy, anti-virus, software licensing, digital rights management, encryption, or authentication systems'' to all.

(4) Veto against Open Source: Forbid Microsoft from discriminating between for-profit and nonprofit groups in API disclosure.

Sincerely,
Tom Giebel
esync media, Inc.
New York, NY 10013
212–625–8176

MTC–00018242

From: Kendall S Hunter
To: Microsoft ATR
Date: 1/23/02 3:29pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I agree with the problems identified in Dan Kegel's analysis (on the Web at

http://www.kegel.com/remedy/remedy2.html), namely:

ùThe PFJ doesn't take into account Windows-compatible competing operating systems

ù Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

ù The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

ù The PFJ supposedly makes Microsoft publish its secret APIs. but it defines ''API'' so narrowly that many important APIs are not covered.

ù The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

ù The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft. NET with competing middleware.

ù The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertized as being ''Windows Powered''.

ù The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

ù The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

ù The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

ù The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

ù The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

ù The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

ù Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

ù Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

ù Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system -even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)

ù The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

ù Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

ù The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

ù The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

ù The PFJ allows Microsoft to discriminate against small OEMs—including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

ù The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

ù The PFJ as currently written appears to lack an effective enforcement mechanism. I also agree with the conclusion reached by that document, namely that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

Sincerely,
Kendall Hunter, Phd.
Boulder, Colorado; Research Associate, University of Colorado

MTC–00018243

From: Downes, Scott
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 3:29pm
Subject: Some Comments on the Microsoft Settlement (per Tunney Act)

Respectfully Addressed to the Department of Justice,

I am deeply disturbed by the proposed settlement to the ongoing antitrust action against Microsoft. I understand that the Tunney Act provides me with an opportunity to offer my own comments to the court. Commenting on the situation is important to me as I am a veteran computer programmer who's seen daily the fallout from Microsoft's rough-shod trampling of fair play and innovation in the software industry.

I am concerned that the proposed settlement does not provide adequate

deterrence to future monopolists who practice illegal anti-competitive behavior. Microsoft has shown nothing but contempt for the lawful process followed by the DoJ and the legal system in examining this matter. They have blatantly lied in the courtroom, offered rigged demos (!), and attempted to take advantage of the lack of technical expertise shown by some witnesses, most of the lawyers, and each of the judges. Outside of the courtroom, they have continued to flout the law.

What's worse is that Microsoft's strategy appears to have worked. They have stalled, lied, distracted, and manipulated the legal system as well as the American public, all in an effort to delay the resolution of their case until the beginning of a more corporate-friendly presidency. How can America have faith in a Justice Department whose direction is so clearly influenced by political interests? Is there truly no justice at Justice?

Scott Downes

MTC–00018244

From: Corey May
To: Microsoft ATR
Date: 1/23/02 3:34pm
Subject: Microsoft Settlement

The Microsoft settlement was a very bad idea. Microsoft is getting away with it again, basically by buying their way out of their problems. They continue, and will continue to go on styling the internet and the computing world in their own image, without consideration for the computing public's needs and fair business practices.

Please do not let this 800 pound gorilla rule the day just because they have unlimited funds. Please hold them accountable.

Corey May

MTC–00018245

From: Jim Hebert
To: Microsoft ATR
Date: 1/23/02 3:30pm
Subject: Microsoft Settlement

I believe the proposed settlement in the Microsoft case is a bad idea. I am in 100% agreement with all points made at http://www.kegel.com/remedy/remedy2.html and am co-signing the same.

MTC–00018246

From: Christopher Allen
To: Microsoft ATR
Date: 1/23/02 3:30pm
Subject: Microsoft Settlement (Tunney Act Comments)
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I am a partner in an early seed-stage venture capital firm, specializing in investing in the very early stages of software companies. As such, I am an expert on the issues faced by small software companies as they grow and compete in this market. Under the Tunney Act, I wish to comment on the proposed Microsoft settlement based on this experience.

I agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html), namely:

a.. The PFJ doesn't take into account Windows-compatible competing operating systems

a.. Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

b.. The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

a.. The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

b.. The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

c.. The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

d.. The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertized as being ''Windows Powered''.

e.. The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

f.. The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

g.. The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

h.. The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

i.. The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

c.. The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

a.. Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

b.. Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

c.. Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system— even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)

d.. The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

a.. Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

e.. The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

a.. The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

b.. The PFJ allows Microsoft to discriminate against small OEMs—including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

c.. The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

f.. The PFJ as currently written appears to lack an effective enforcement mechanism. I also agree with the conclusion reached by that document, namely that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest.

I also agree with Ralph Nader's letter at http://www.cptech.org/at/ms/rnjl2kollarkotellynov501.html , who like myself finds the agreement wanting in several other areas. I find it astonishing that the agreement fails to provide any penalty for Microsoft's past misdeeds, creating both the sense that Microsoft is escaping punishment because of its extraordinary political and economic power, and undermining the value of antitrust penalties as a deterrent.

The PFJ should not be adopted without substantial revision to address these problems.

Sincerely,
Christopher Allen
Alacrity Ventures
<ChristopherA@AlacrityVentures.com>
1512 Walnut Street
Berkeley, CA 94709–1513
<http://www.AlacrityVentures.com>
o510/649–4030 f510/649–4034

MTC–00018247

From: Christopher Travers
To: Microsoft ATR
Date: 1/23/02 3:31pm
Subject: Microsoft Settlement

To whome it may concern;

I am opposed to the settlement because I think that it should be agreed upon by all parties involved. Several of the states have refused to sign off on it, so I cannot support it either.

Please add me to the list of those opposed.

Best Wishes,
Chris travers

Professional Consultant

MTC–00018248

From: Senour, Alethea
To: Microsoft ATR
Date: 1/23/02 3:32pm
Subject: Microsoft Settlement

To Whom it May Concern,

Regarding the Microsoft settlement, I have read the proposed settlement and I do NOT believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundred, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices.

Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them.

The market must be able to return to a state of competition.

The current proposal is not nearly strong enough to protect the long-term interests of this country's businesses and consumers. Failure to increase the penalty will merely encourage Microsoft to continue its anti-competitive practices and ensure that a non-competitive climate will exist and stifle innovation for future generations as well.

Thank you for your time.

Alethea Senour
74 Marshall St, #2
Medford, MA 02155

MTC–00018249

From: jkm@patriot.net@inetgw
To: Microsoft ATR
Date: 1/23/02 3:31pm
Subject: PFJ comments

Please note that I have also signed the petition found at http://www.kegel.com/remedy/letter.html. I do not have the time or endurance to wade through and analyze a wordy piece of legalese, so I am basing my comments on the various stories in the mainstream press.

I have been using MS products since the late 80s and Linux since approximately 1994 and ''open source'' software since 1992. I have also been a professional programmer and systems administrator for over 10 years.

Since MS was found guilty in a court of US law, and the original penalty was breaking MS into separate companies, I want to state that I am not in favor of breaking up Microsoft for a couple of reasons, primarily because it would not fix any problems. What would stop the two or three new companies from colluding and sharing practices that would be detrimental to other companies ability to compete fairly? If a company that has shown itself to blatantly ignore the previous judgement against them, and has discovered new and illegal non-competitive practices in the meanwhile, would you trust them to play fair in the future?

Microsoft's proposed settlement not only avoids the issue of guilt, but it also avoids any penalty and even goes so far as to further entrench Microsoft as the only viable OS. Being the richest company in the world, their offer to donate software and hardware (mostly software, which costs them nothing and gains them everything) is hilarious. If an individual were to be found to be guilty of 1st degree murder in a court of law, but happened to have enough money to delay the end result as long as Microsoft has, and then successfully bartered for a trivial penalty, our justice system would be considered a complete joke. Never before has one company held so much power. The various Windows operating systems and applications are used by a substantial majority of the worlds population. If another company innovates in any way that might threaten Microsoft, one of three things happens:

(1) They buy the company. Very simple and when you have as much cash as Microsoft, the money it takes is very small.

(2) Embrace and extend. This is the practice of taking a publicly available API and adding proprietary functionality that is unavailable to everyone else. For example, this was done with Kerberos, a package that provides secure network authentication.

(3) They create their own version and give it away for free. Just to name a few: Internet Explorer(a), Windows Media Player, and IIS (the web server software).

(a) Granted, Netscape did not help their case by failing to innovate or improve their product during time frame between version 3 and version 4 of their respective internet browsers, during which the usage scale shifted from Netscape to Microsoft.

Back to my point concerning the power of Microsoft. Due to how MS licenses their products and hides some if not all of their APIs, they have the ability to create software with which no one else may interact. Some examples include the NT file system (NTFS) and the Windows Media Player audio and video formats, and the windows file sharing protocol.

The first and third examples above actually have projects that are attempting to reverse engineer how they work, but that work is slow and tedious. Currently, the Samba project has been successful implementing the file sharing protocol, but the efforts to reverse engineer NTFS seem to be stalled at reading, but not writing, the NT filesystem.

Personally, I believe the best solution is a mix of opening the APIs and assuring that Microsoft does not engage in additional anti-competitive practices. The future of computing will parallel the future of our economy, and no one company should have such a majority vote in how it develops.

There may be better arguments, both in terms of eloquence and research, but the underlying theme of Microsoft's guilt and lack of pennance still remains.

Sincerely,
Kevin McFadden
McLean, Virginia

MTC–00018250

From: robert
To: Microsoft ATR
Date: 1/23/02 3:27pm
Subject: Microsoft Settlement

To whom it may concern,

These comments are being submitted in regard to the Microsoft Anti-Trust case as a public comment allowed under the Tunney Act.

I will be brief.

The settlement as proposed offers no remedy alleviate Microsoft's aggressive and monopolistic practices. What the settlement amounts to is not so much a slap on the wrist, but a giant giveaway, allowing Microsoft to not only continue their anti-competitive and anti-free market practices, but actually gives them leverage in markets that currently don't already own lock, stock and barrel (i.e. the education market).

Robert Silvera

MTC–00018251

From: Sean Brann
To: Microsoft ATR
Date: 1/23/02 3:32pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am the principal of a consulting and software development company in Boston, Massachusetts. I am writing to express my concern about the Proposed Final Judgement in the Microsoft AntiTrust suit. There are many problems with the PFJ as it now stands, and they are summed up nicely in Dan Kegel's open letter (to which I am a co-signer).

I am particularly concerned with the following four issues:

1. The PFJ fails to require Microsoft to release Middleware API documentation in a timely manner to competing Middleware vendors.

2. The PFJ's overly narrow definitions of ''Microsoft Middleware Product'' and ''API'' means that Section III.D.'s requirement to release information about Windows interfaces would not cover many important interfaces.

3. Restrictions the PFJ places on use of information about Microsoft's undocumented APIs

4. Although the PFJ requires Microsoft to offer to license certain intellectual property rights, but it does nothing to require Microsoft to clearly announce which of its many software patents protect the Windows APIs Thank you for allowing me to voice my concerns with this settlement.

Sean T. Brann
Principal
Bigcity Interactive
Boston, MA 02134
sbrann@bigcityinteractive.com
617–782–3839 Ph
617–779–9512 Fx

MTC–00018252

From: John Queenan
To: Microsoft ATR
Date: 1/23/02 3:32pm
Subject: Microsoft Settlement

To whom it may concern,

I am a long time computer user and programmer. For purposes of fair disclosure, I'll say that I am primarily a Macintosh user, however, the realities of the computing profession naturally have forced me to work in other computing environments including Windows variations as well as open unix environments.

I must strongly oppose the proposed settlement against Microsoft. I find it to be entirely unacceptable.

Please consider postponing preliminary approval of the proposed settlement. The

settlement as written would be a killing blow to any non-Microsoft technology.

I echo Apple CEO Steve Jobs:

''The centerpiece of Microsoft's proposed $1 billion civil antitrust settlement is their donation of Microsoft software, which they value at $830 million, to our schools,'' said Jobs. ''We think people should know that the actual costs to Microsoft for this donated software will likely be under $1 million. We think a far better settlement is for Microsoft to give their proposed $1 billion—in cash—to an independent foundation, which will provide our most needy schools with the computer technology of their choice.''

Personally, I find even this to be unacceptable and not punitive enough. But it would suffice if no other options were available.

Rather than being shown a variety of operating systems and technologies, generations of students will experience a Microsoft-controlled computing experience. (This is already happening thanks to other anti-competitive practices with OEMs in business, home and education markets!) Students will train using Microsoft-centric programming tools and techniques and then when confronted with competing technologies and methods they will find them lacking if they do not flawlessly interact with the Microsoft systems. They also might lack features that Microsoft enjoys due to them having access to Windows APIs that outside developers don't.

Microsoft can also steal features from the competition and give it away. This effectively makes third-party developers ''outside Research and Developers'' for future Microsoft products (assuming they aren't bought outright by Microsoft). (Apple Computer was often called ''R&D South” by Microsoft employees; A quick glance at Windows Media Player shows how Microsoft wants to kill both Apple's QuickTime player and Real networks RealPlayer—it apes the look and feel and functionality of each). And since Microsoft can choose to smother a technology merely by making it incompatible, the student will for an unjustly negative opinion of the competing technology.

Furthermore, the student will then taint all judgements and assessments of software and computer purchases at home and work as well as when they start businesses. The ''taking what you learn back home'' factor is huge: siblings and parents will be urged/forced to use Microsoft products, as students rarely are taught the bigger picture of operating systems and programming concepts, but rather are sold only the Microsoft specific way of doing things.

Additionally Microsoft corrupts open standards such as web languages and introduce features that only work on Windows systems. As a web developer I have found this to complicate my job immeasurably and it forces me to give up using the open standard and instead adopt the Windows versions. Microsoft has smothererd hundreds of innovations by either copying it outright (then giving it away for free), buying it and repackaging as it's own or making it incompatible with other OSes.

This settlement is a slap on the wrist.

Sincerely,
John Queenan
20 Ashford St.
Allston MA
02134
Resources:

* Apple: Microsoft should pay $1 billion—cash http://zdnet.com.com/2100–1106–802226.html?legacy=zdnn

* Apple CEO Jobs is Right, Microsoft Settlement is Wrong http://www.osopinion.com/perl/story/15015.html

* Microsoft changed Internet Explorer on Windows to break the Quicktime Plugin. http://news.com.com/2100–1023–271653.html?legacy=cnet

* Microsoft working with the CD industry to make Windows Media Player the default format. http://news.com.com/2009–1023–273619.html?legacy=cnet&tag=tp—pr

* Microsoft blocked competing browsers from MSN. http://news.com.com/2100–1023–274980.html?legacy=cnet&tag=tp—pr

* Microsoft tracking your viewing habits. http://www.wired.com/news/privacy/0,1848,49028,00.html

* Microsoft rigs online polls to create spurious endorsements of their technologies over competing ones: http://news.zdnet.co.uk/story/0,,t269-s2102244,00.html

* Microsoft lobbying campaign backfires; even dead people write in support of firm http://seattletimes.nwsource.com/html/nationworld/134332634—microlob23.html

MTC–00018253

From: Nick Bauman
To: Microsoft ATR
Date: 1/23/02 3:20pm
Subject: Microsoft Settlement

I'm a software developer with 6 years of experience in the field. I have found, in my experience, that the most successful and valueable systems developed in my lifetime are ones that promote implementation choice and integration choice. In short, without choice, there can be no innovation.

Microsoft's overall approach toward software development is the antithesis of this, promoting exclusionary and lock-in tactics. If the Department does not change it's current tack with Microsoft regading the anti trust case, it will be sending a message that strangling innovation for the enrichment of the few is a good thing.

In particular, the Proposed Final Judgment allows many exclusionary practices to continue, and does not take any direct measures to reduce the Applications Barrier to Entry faced by new entrants to the market. The Court of Appeals affirmed that Microsoft has a monopoly on Intel- compatible PC operating systems, and that the company's market position is protected by a substantial barrier to entry (p. 15). Furthermore, the Court of Appeals affirmed that Microsoft is liable under Sherman Act ? 2 for illegally maintaining its monopoly by imposing licensing restrictions on OEMs, IAPs (Internet Access Providers), ISVs (Independent Software Vendors), and Apple Computer, by requiring ISVs to switch to Microsoft's JVM (Java Virtual Machine), by deceiving Java developers, and by forcing Intel to drop support for cross-platform Java tools.

The concern here is that, as competing operating systems emerge which are able to run Windows applications, Microsoft might try to sabotage Windows applications, middleware, and development tools so that they cannot run on non-Microsoft operating systems, just as they did earlier with Windows 3.1.

The Proposed Final Judgment as currently written does nothing to prohibit certain kinds of restrictive licenses and intentional incompatibilities, and thus encourages Microsoft to use these techniques to enhance the Applications Barrier to Entry, and harming those consumers who use non-Microsoft operating systems and wish to use Microsoft applications software.

I suggest that the DoJ revisit this judgement and provide language and means to compel Microsoft to maintain non-restrictive licensing. Also, the Proposed Final Judgment doesn't take into account Windows-compatible competing operating systems either. The Proposed Final Judgment should take steps of forbidding retaliation against OEMs, ISVs, and IHVs who support or develop alternatives to Windows.

Nick Bauman
Distributed Systems Programmer
Minneapolis

MTC–00018254

From: Matthew James Frey
To: Microsoft ATR
Date: 1/23/02 3:33pm
Subject: Microsoft Settlement

The proposed settlement to the Microsoft antitrust lawsuit case is a bad idea. I do not approve of it.

Thank you
Matt Frey

MTC–00018255

From: Francine Taylor
To: Microsoft ATR
Date: 1/23/02 3:33pm
Subject: Microsoft Settlement

I'd like to register my protest at the proposed settlement. Microsoft is getting off lightly, and I cannot see that the proposed settlement is going to seriously hamper its drive to monopolize the computer industry. As far as I can tell, all the things that ought to have been done to break Microsoft up and end its monopoly, haven't been done. Microsoft has proved that it can thumb its nose at our anti-monopoly laws, indeed, at our whole legal system, and come out unscathed. There ought to be some things that money just can't buy.

Respectfully,
Francine Taylor
Francine Taylor
Northwest Analytical, Inc.
519 S.W. Park Ave.
Portland, Oregon USA 97205–3207
Phone: (503) 224–7727 / Fax: (503) 248–1735
Web site: http://www.nwasoft.com

MTC–00018256

From: Roger Dickerson
To: Microsoft ATR
Date: 1/23/02 3:33pm
Subject: Microsoft Settlement

To Whom it May Concern,

I am against the settlement between the Department of Justice and Microsoft as it is currently designed. Microsoft has in the past used its operating systems monopoly to either enter new markets or run its competitors out of other markets. The best known example, and one that was established by the court, was Netscape in the browser wars. Since Microsoft Internet Explorer was bundled with Windows, Netscape Navigator could not compete even though it was freely downloadable. Most consumers will not go to the trouble to consider other options when a software package is included in the price they paid for their operating system.

Here are some more examples:

Microsoft included WordPad beginning with Windows95. This simple word processor only uses the file formats used by Microsoft Word. Now Lotus has left the office productivity business and Wordperfect is a shadow of its former self; both of the competing suites were much less expensive than Microsoft's.

Microsoft added networking and server capabilities to its operating systems, beginning marginally with Windows for Workgroups 3.11 and in earnest with Windows NT 3.1. Now Novell is a shadow of its former self even though its products were consistently faster and more stable than Microsoft's.

Now, after being found guilty of abusing its monopoly, Microsoft has released WindowsXP. This new product includes software for authoring CDs (competition: Roxio, Nero), updates to the Windows Media Player (competition: RealAudio, RealVideo, Apple Quicktime, WinAmp, etc). What will this bundling do to

Microsoft's competitors? Furthermore WindowsXP will tell the user to join Microsoft's new Passport service —multiple times— during and after installation. This will give Microsoft the user base needed to leverage web commerce sites to pay Microsoft to let them use Passport.

The current settlement agreement, it seems, will not do much to alter Microsoft's behavior. Microsoft will continue to use its monopoly drive its competitors out of business or into obscurity, and it will use its monopoly to force its way into new markets like Passport which will make the entire World Wide Web into a giant revenue stream for Microsoft.

I hope you will reject the current settlement and instead produce remedies that will punish Microsoft for what it has done and prevent it from doing so in the future.

Sincerely,
Roger Dickerson
Avondale Estates, GA 30002

MTC–00018257

From: Mike Wilson
To: Microsoft ATR
Date: 1/23/02 3:33pm
Subject: Microsoft Settlement

As a computer programmer in charge of various staff members for my company I find it distressing that Microsoft's monopolistic practices haven't been curbed. Although having a large corporation set standards has traditionally been a better alternative to smaller companies coming out with a wide array of disparate products and standards Microsoft's influence on the computing landscape has become manipulative to the point of damaging future technologies. I am a Visual Basic programmer (and a Java programmer also) and actually hold no ''religious'' fever for the downfall of Microsoft, they make good products, but they shouldn't be allowed to continued their business practice of adopt and extend for every product that threatens their profits.

Please don't let this chance to reign in Microsoft's business practices pass by.

Mike Wilson
Lead Engineer
Sony Pictures Imageworks
(310) 840–8469

MTC–00018259

From: mike shupp
To: Microsoft ATR
Date: 1/23/02 3:33pm
Subject: Microsoft Settlement

I've some objections to the settlement as currently formed. There's a petition created by Dan Kegel which deserves your attention.

—mike shupp

MTC–00018280

From: Lilley Kris
To: Microsoft ATR
Date: 1/23/02 3:33pm
Subject: Microsoft Settlement

To Whom It May Concern:

As a programmer and IT professional, I have been following the anti-trust case against Microsoft quite closely. It is hard to believe, after all the evidence presented during the trial, that the currently proposed settlement is even being considered. I think Microsoft demonstrated very well after the last anti-trust suit against them that they will not abide by the spirit of an agreement, but only by the letter (and even that is arguable). Microsoft reduced the previous consent decree to a meaningless and inneffective piece of paper simply by changing their contracts with OEMs slightly. It had no significant effect whatsoever on their business practices. With that in mind, I believe that any settlement with Microsoft must be made air-tight. I like the idea of a committee to oversee Microsoft to ensure compliance with the eventual terms set either by a settlement, or by the court. I simply can't see any reason why Microsoft should be allowed to select any of the people that will make up the committee, though. Microsoft is utterly unrepentent and quite ruthless. It would be folly to give them any opportunity to set the committee up for failure.

As for the terms of the proposed settlement, I believe that they will not adequately address the situation in a manner that will allow competition and innovation to thrive in the industry. Specifically, there are 2 areas that concern me the most:

1) Microsoft's APIs, File Formats, and Protocols.

The complete documentation for these must be made public. Any future changes must also be made public in a timely manner. This should allow other companies to produce products that can compete with Microsoft's products by removing a major barrier to entry, namely that no company can afford to convert all of its existing documents into a new format in order to take advantage of a non-Microsoft office suite or other applications. Currently anyone using Microsoft products is effectively ''locked in'' to those products because they cannot be easily converted to another format. While some programs exist that can read and write documents in Microsoft's formats, they are not entirely compatible and often fail on complex documents due to a lack of complete documentation available from Microsoft. Network effects are a particularly difficult barrier for companies seeking to enter a market dominated by another. Anything that can be done to reduce this barrier can only help to create more opportunity in the market. Microsoft has apparently inserted a clause in the current proposed settlement that would allow them to refuse to publish a format, protocol, or API if it would be a security risk. Since virtually all of

Microsoft's formats, protocols, and APIs have some security component to them, I'm afraid they will use this clause to effectively nullify that portion of the settlement. Security features should work regardless of whether their mechanism is known or not. If this clause remains in the settlement, it should be modified to give the decision-making power to the oversight committee or to the court, and such decisions should be expedited so that Microsoft cannot introduce further delays to the application of remedies in this case.

2) Microsoft's Business Practices.

Microsoft must not be allowed to enter into deals with OEMs, ISPs, or other businesses that would create disincentives or prohibit those companies from offering non-Microsoft products or services to their customers. Since the vast majority of the desktop computing world currently uses Microsoft products, OEMs, ISPs, and others must be able to offer those products to consumers. To allow Microsoft to continue to take advantage of that situation by prohibiting those companies from offering alternatives, either by outright prohibition, or by economic disincentive, is to allow Microsoft to continue to hold the industry hostage.

If these concerns are addressed by the eventual settlement or court ruling, they should remove most of Microsoft's ability to abuse it's monopoly power to the detriment of the industry. I feel that a healthy IT industry should consist of competing products from a variety of companies, all able to interoperate with each other, with no single company able to leverage it's dominance in one area to bolster it's position in another.

Respectfully,
Kristopher L. Lilley
4900 USAA Blvd. #1022
San Antonio, TX 78240

MTC–00018285

From: Michael Tesch
To: Microsoft ATR
Date: 1/23/02 3:34pm
Subject: Unacceptable Microsoft Settlement Terms.

Dear Ms. Hesse:

The proposed settlement in the Microsoft anti-trust case is completely unacceptable. It is particularly disturbing that the settlement seems to be little more than a sales contract for Microsoft products in the schools, while exempting their anti-competitive behavior from sanction. It is little wonder that Judge Jackson was infuriated with the behavior of this company.

I urge you to work for a more substantial penalty for Microsoft, one that would be fair to everyone, both to their competitors and, more importantly, to the American public.

Thank you for your time.

Sincerely,

Michael Tesch

MTC–00018286

From: Seth L. Blumberg
To: Microsoft ATR
Date: 1/23/02 3:34pm
Subject: Microsoft Settlement

I am writing to comment on the Proposed Final Judgment (PFJ) in the Microsoft anti-trust case. I do not believe that the PFJ is an adequate response to Microsoft's anti-competitive practices; indeed, it gives Microsoft considerable leverage against what various internal memoranda (such as the notorious ''Halloween Document'') have indicated it considers its most serious competition, to wit, Open Source software.

The definitions in Part VI of the PFJ differ in many ways from those in the Findings of Fact, to the considerable benefit of Microsoft. For instance, Definition J (''Microsoft Middleware'') as written permits Microsoft to evade designation of its products as middleware simply by changing the version numbering and/or distribution schemes, and Definition K (''Microsoft Middleware Product'') excludes numerous Microsoft products that fit the definition of middleware given by the Findings of Fact (including Microsoft.NET and C#, which Microsoft has designated as its choice to replace Java). Furthermore, Definition U excludes several families of Microsoft operating systems, such as Windows CE and Windows XP Tablet PC Edition; programs written for Windows 2000 can in many cases be made to run unchanged on these operating systems.

The worst feature of the PFJ, however, is that it permits Microsoft to stifle competition from the Open Source sector. ISVs writing operating systems that compete with Windows Operating Systems Products cannot use the information that the PFJ forces Microsoft to disclose—its use is strictly limited ''for the sole purpose of interoperating with a Windows Operating System Product.'' This excludes several extant products, such as WINE.

It is clear that the PFJ will not serve the desired purpose—to ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future'' (Court of Appeals ruling, section V.D, p. 99). It must be extensively revised.

Seth L. Blumberg <sethb@pobox.com>
Systems Analyst, Clark Hill PLC

These comments do not represent the opinion of Clark Hill PLC.

MTC–00018287

From: Eric Buddington
To: Microsoft ATR
Date: 1/23/02 3:33pm
Subject: Microsoft settlement must have teeth

Please ensure that Microsoft faces a significant penalty for its illegal behavior over the last two decades. I am a software programmer, and I see no future in this field if I must compete against a company such as Microsoft, which does not seem bound by either standing law or previous consent decrees.

Please ensure any settlement is *simple* and *enforceable*. A good settlement will ensure that Microsoft is penalized for all its illegal gains in the past and prevented from doing any more of the same. Above all, it must be *obvious* that this is true, for the sake of my respect for the law and my confidence in a future of honest work.

Thank you,
Eric Buddington
Programmer and Systems Administrator
North Adams, MA

MTC–00018288

From: John D. Chodera
To: Microsoft ATR
Date: 1/23/02 3:34pm
Subject: Microsoft Settlement

Under the Tunney Act, I would like to comment on the Proposed Final Judgement (PFJ) for the case of United States v. Microsoft. In short, I believe the PFJ to not be in the public's best interest—it is not nearly punitive enough in punishing the Microsoft for the anticompetitive practises it has been found by the court to have engaged in, nor is it comprehensive enough in preventing Microsoft to continue to engage in wrongdoing.

A good summary of many specific deficiencies, all of which I agree with, can be found in Dan Kegel's open letter:

http://www.kegel.com/remedy/letter.html

Thank you for your time.
John Chodera
300 Quintara St
San Francisco, CA 94116–1322
415 577–8281

MTC–00018289

From: Frank Henriquez
To: Microsoft ATR
Date: 1/23/02 3:34pm
Subject: Microsoft Settlement

Hello,

I'm a computer programmer, living in California. I believe that the proposed Microsoft settlement is far too lenient, and I strongly OPPOSE it.

Thank you
Frank Henriquez

Frank Henriquez Programmer/Analyst
Jules Stein Eye Institute, UCLA
frank@ucla.edu http://www.bol.ucla.edu/frank/index.htm

MTC–00018290

From: B. K. gmx
To: Microsoft ATR
Date: 1/23/02 3:36pm
Subject: Microsoft Settlement

My feeling and understanding based uppon reading and discussions with other people relating to the Microsoft settlement leads me to believe the proposed settlement will not in the end keep Microsoft from continuing to engage in monopolistic business practices.

Brian Keilig
1230 Cranberry Ave
Sunnyvale CA 94087–2003

MTC–00018291

From: Mitch Stargrove
To: Microsoft ATR
Date: 1/23/02 3:35pm
Subject: Microsoft Settlement

hello

this settlement proposal is a TERRIBLE idea. It benefits Microsoft. It sounds like something from their marketing department!

The process seems to have concluded that they deserve some punishment and should help society to make amends.

Mitch Stargrove

MTC–00018292

From: Mark Whitley
To: Microsoft ATR
Date: 1/23/02 3:29pm
Subject: Microsoft Settlement

Renata B. Hesse,
(Antitrust Division)

I would like to take advantage of the public comment period on the proposed Microsoft settlement to raise a few points.

The current proposed settlement is wholly inadequate. It merely formalizes the status quo. It does not penalize Microsoft for past transgressions in any meaningful way, nor will it prevent them from abusing their monopoly in the future. It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function.

I have likewise been very concerned with how this settlement was reached. It was done hastily and with little long-term thought. It is more important that we come up with a —correct— and —effective— remedy, than a quick ''resolution''. Any proposed remedies must include open, complete, and full disclosure of all of the following Microsoft technologies: APIs (Application Programming Interfaces)—especially to their operating systems; document file formats; and wire protocols. Said disclosures must apply not only to existing technologies, but any future releases as well. Failure to implement such a provision will allow them to continue to leverage their monopoly power.

Furthermore, any remedy imposed must consider the Open Source / Free Software movement that has gained momentum over the last several years. (For further reading, see http://www.opensource.org and http://www.gnu.org.) Perhaps more than any other phenomenon, Open Source Software represents a real, credible threat to Microsoft's monopoly. The current proposed settlement fails to address Open Source Software at all and in fact contains language that could seriously undermine it. The example I am thinking of is the proviso where Microsoft would have to disclosure some information to other commercial entities. This implicitly suggests that they

could happily keep that same informatino secret from the Open Source community, making it difficult (if not impossible) for them to write software that could interoperate with Microsoft's. This is not acceptable. (Not coincidentally, the government could set a good example by replacing Microsoft software with Open Source alternatives.)

Perhaps the greatest abuse that Microsoft is capable of is using the government-granted protections on its intellectual property as a way to bludgeon competitors. If Microsoft is allowed to use it's patents, copywrites, or trademarks as a means of preventing other people from publishing software that could interoperate with—or replace—Microsoft's software, then the government will end up being the largest part of the problem. With that in mind, a provision should be put in place which explicitly states that Microsoft be allowed to use it's patents for defense only.

The world is watching. Numerous other countries have announced their intent to pursue Microsoft under their own antitrust laws, including Austrailia, Japan, and the European Union. (Some have even begun already.) Many countries are waiting to see what actions the US will take, and then follow suit. We can set a good example by coming up with an effective, just, long-term solution. The current proposed set of remedies are inadequate; we cannot affford to set a bad example. Please keep in mind that Microsoft has a world-wide influence and that we must act with that in mind.

Much of the discussion regarding a settlement has been couched in the need for aiding our slumping economy. I would submit to you that the current economic slump has occured not in spite of Microsoft, but *because* of Microsoft. I have personally both seen and experienced the deleterious effect that Microsoft has had on this industry. In the state of Utah where I live, numerous people (including myself) who work in the Information Technology industry have lost there jobs precisely because Microsoft has used their monopoly influence to crush them. Examples include: Novell, DriverSoft, WordPerfect, and Caldera. This is far from a complete list. The damage done by the Microsoft monopoly is neither theoretical nor anecdotal; it is real and tangible. If we make a hasty settlement now for the sake of the economy, we will be gambling on a dubious short-term gain and ensuring continued long-term pain.

Don't soft-pedal this one. Executives at Microsoft have demonstrated that they are not repentant for their past misdeeds. Witness how they have continued to leverage their monopoly power by bundling Windows Media Player in the most recent release of their Windows XP operating system. The sole reason for this was to crus Real, the only real competition they have in streaming media. Microsoft executives are not honorable people. Witness how they falsefied evidence and perjured themselves in federal court durring the hearings. They have publicly rejected the assertion that they are a monopoly. And have insinuated that whatever remedies the government imposes, they can ''work around'' them so as to continue with Business As Usual. Whatever remedies are put in place, you must assume that Microsoft *will* violate them and be prepared to enforce the remedies by levying additional fines and punishments. Thank you for your time. I hope you will consider sincerely the points I have raised.

Mark Whitley
markw@codepoet.org

MTC–00018293

From: Sam Bayer
To: Microsoft ATR
Date: 1/23/02 3:36pm
Subject: Microsoft Settlement

Folks—

I believe the proposed Microsoft settlement doesn't even begin to address the antitrust violations which have been repeatedly affirmed. I urge you to reject this settlement and adopt one which will support genuine competition.

Cordially,
Samuel Bayer

MTC–00018294

From: Ron Goodheart
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 3:42pm
Subject: Microsoft Settlement

The settlement is a bad idea.

As a software developer I've suffered from Microsoft's practices and its effects upon the software industry.

We cannot know what the industry would have been like without the predatory practices, however we do know that it was wrong.

Let's fix it—not settle.

MTC–00018295

From: Nate Sammons
To: Microsoft ATR
Date: 1/23/02 3:37pm
Subject: Microsoft Settlement

Hello,

I just wanted to put my two cents in on the proposed settlement for the Microsoft anittrust case, and to say that I think it's a very bad idea.

-nate

Nate Sammons nate@protomatter.com

MTC–00018296

From: Rob Orsini
To: Microsoft ATR
Date: 1/23/02 4:03pm
Subject: Microsoft Settlement

Renata Hesse,

I feel like the proposed Microsoft Settlement is truly unfair and does nothing to punish this monopolizing corporation or set a reasonable precedence for cases like this in the future.

As a single individual, I would feel helpless were I to try to stand up for my rights against Microsoft. I belive in my heart that if our county cannot stand up to Microsoft with firm punitive action then our future is truly grim.

Thank you for your effort,
Robert Orsini
Robert J. Orsini mailto:rob@nnsllc.com
NNS Software LLC Tel: 707.347.1668
921 Transport Way, Suite 26 Fax: 707.347.1666
Petaluma, California USA 94954 Mobile: 707.580.2035
http://www.nnsllc.com/ Direct: 707.347.1660

MTC–00018297

From: hook
To: Microsoft ATR
Date: 1/23/02 3:38pm
Subject: Microsoft Settlement

the proposed settlement is bad idea
joshua corning

MTC–00018298

From: Ben Galbraith
To: Microsoft ATR
Date: 1/23/02 3:38pm
Subject: Microsoft Settlement

To Whom It May Concern:

I have reviewed the proposed settlement with Microsoft, and I find it unsatisfactory. As an IT industry professional, I am especially concerned with how the issue of Microsoft's anti-competitive practices are resolved.

I am therefore writing you this e-mail to express to you my concerns, with the hopes that you are able to take my concerns and those of others and use them to craft a more effective settlement that results in increase competition and prosperity for our economy.

My concerns are identical to those concerns outlined in this URL: http://www.kegel.com/remedy/remedy2.html

I would appreciate it if you would take these concerns into account and modify the current proposed settlement.

Thank you,
Ben Galbraith
Chief Information Officer
uSight.com

MTC–00018299

From: leon@mcall.com@inetgw
To: Microsoft ATR
Date: 1/23/02 3:28pm
Subject: MIcrosoft settlement

The settlement leaves out any remedies that address Microsoft's ability to impose a tax on every personal computer sold. When I purchased my first PC year's ago I could not find one PC distributor that would sell a machine without Microsoft's operating system preinstalled.

Even thought I had no intention of running Microsoft's software, I had to pay the tax. The situation has changed very little, in today's market place the vast majority of distributors of PC's require you to pay the Microsoft tax.

Software should be a separate purchase leaving the consumer the ability of running other operating systems if they choose. And preventing Microsoft from requiring personnel computer manufactors and distributors to license their software for every machine sold, through the use of volume discounts and other methods.

The fact that the settlement does little to force Microsoft from revealing the API's (Application Programming Interfaces) and document formats insures that the behavior the settlement is supposed to correct will continue on into the future. Microsoft only has to claim that by doing so threatens their intellectual property or that it comprises the security of their software and this information will not be available.

Some mechanism or process to insure that they do not hide behind this clause to simple disadvantage the competition.

Also the panel that will supervise this settlement is strongly influenced by Microsoft, in their ability to choose who sits on it. Isn't this to much like the fox supervising the hen house?

I am a system administrator for the Tribune Corp, administering both Windows and Unix systems. My opinions

are my own and in no way reflect those of my employer....

George Leon
System Administrator
Tribune CoOpportunity
610–508–1509
leon@mcall.com

MTC–00018300

From: Peschko, Edward
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 3:37pm
Subject: Re: tunney act—settlement proposal by government ps—forgot to give the following info in the previous letter I sent w/ the above title— it was from:

Edward S. Peschko
1126E Reeves Court,
San Francisco CA, 94130
650.464.2156

thanks—and to reiterate the point of my letter, I STRONGLY oppose the DOJ's proposed ''settlement'', it should be struck down immediately and replaced with something much more severe opposing Microsoft.

MTC–00018301

From: Isaac Wedin
To: Microsoft ATR
Date: 1/23/02 3:38pm
Subject: Microsoft Settlement

I am writing in opposition of the proposed Final Judgment resolving the antitrust case against Microsoft.

There are many problems with the settlement, but I am specifically concerned that the judgment does nothing to address the existing barriers to entry for competing office software suites. Competition will only occur in the market for PC operating systems when office suites and programs (like StarOffice, Gnumeric, and Abiword) for competing operating systems (like Linux) can reliably open and make changes to files created using the industry-standard office suite, Microsoft Office.

Microsoft should be required to publish the full details of the file formats used by all of the programs in Microsoft Office, but most importantly Microsoft Word and Excel.

Sincerely,
Isaac Wedin

MTC–00018302

From: jeff
To: Microsoft ATR,tunney@codeweavers.com@inetgw
Date: 1/23/02 3:40pm
Subject: Microsoft Settlement

I find any settlement in the Microsoft Antitrust case insulting. So I must voice my position about the current settlement and let it be known I am strongly against it. Microsoft was found Guilty of being a Monopoly and continue to operate as one to this day. Microsoft's OEM licensing that restricts PC manufacturerors from installing other OS'es alongside any Microsoft OS should be enough on it's own to land them in serious legal trouble, but somehow it doesn't. Microsoft is in the buisness of killing companies first, inovating and delivering product second. This behavor should not be allowed. I don't want to wake up one morning to be told I can't brush my teeth because my license on my Microsoft toothbrush has expired, and I can't by a non-Microsoft toothbrush because they aren't built with trusted hardware.

Jeff Buttars
jbuttars@onyx.boisestate.edu

MTC–00018303

From: Justin Deri
To: Microsoft ATR
Date: 1/23/02 3:39pm
Subject: Microsoft Settlement

To Whom It May Concern,

As a software developer and therefore a frequent computer user, I'm very concerned about the DOJ's Proposed Final Judgment (PFJ) with regards to the Microsoft Settlement. Although there are many other issues, I've outlined my highest priorities below:

—The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents. No part of the PFJ obligates Microsoft to release any information about file formats, even though undocumented Microsoft file formats form part of the Applications Barrier to Entry (see ''Findings of Fact'' ?20 and ? 39).

—Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows. Many Windows APIs, including Media Encoder, are shipped by Microsoft as add-on SDKs with associated redistributable components. Applications that wish to use them must include the add-ons, even though they might later become a standard part of Windows. Microsoft often provides those SDKs under End User License Agreements (EULAs) prohibiting their use with Open Source applications. This harms ISVs who choose to distribute their applications under Open Source licenses; they must hope that the enduser has a sufficiently up-to-date version of the addon API installed, which is often not the case.

—Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems. The Microsoft Platform SDK, together with Microsoft Visual C++, is the primary toolkit used by ISVs to create Windows-compatible applications. The Microsoft Platform SDK EULA says: ''Distribution Terms. You may reproduce and distribute . . . the Redistributable Components . . . provided that (a) you distribute the Redistributable Components only in conjunction with and as a part of your Application solely for use with a Microsoft Operating System Product . . .'' This makes it illegal to run many programs built with Visual C++ on Windows-compatible competing operating systems.

—Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems. As the 1996 Caldera v. Microsoft antitrust lawsuit demonstrates, it is a valid concern that as competing operating systems emerge which are able to run Windows applications, Microsoft might try to sabotage Windows applications, middleware, and development tools so that they cannot run on non-Microsoft operating systems, just as they did earlier with Windows 3.1.

—Section III.A.2. allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

—The PFJ as currently written appears to lack an effective enforcement mechanism.

Sincerely,
Justin L Deri
Cambridge, MA

MTC–00018304

From: Adam N. Clayton
To: Microsoft ATR
Date: 1/23/02 3:39pm
Subject: Microsoft Settlement

The current proposed settlement does not punish Microsoft for its past and current practices. It needs to be revised and strengthened before it will cause Microsoft to change their ways.

Adam Clayton

MTC–00018305

From: Kyle R Krom
To: Microsoft ATR
Date: 1/23/02 3:38pm
Subject: Microsoft Settlement

I am strongly opposed to the currently proposed settlement in the Microsoft case, and I will be very brief in explaining some of my reasons. (Disclaimer: My opinion is my own, and does not represent that of BASF Corporation) I make my living as an administrator of UNIX systems and a developer of UNIX applications. Working with alternative operating systems is very challenging; not out of necessity, but because of anti-competitive behaviour from Microsoft. Microsoft's monopoly forces companies (and even government agencies) to use Windows operating systems and other Microsoft software applications. Any competing operating systems and applications must therefore be compatible with Microsoft's software in order to be accepted in a corporate environment. According to the Findings of Fact, Microsoft exploits this situation by knowingly producing artificial Barriers of Entry, in order to prevent competitors from being able to produce Microsoft-compatible products. This behaviour severely inhibits the ability of developers to innovate new products. Nobody has any interest in a new software application, if it is incompatible with Microsoft's widespread software.

In an attempt to remove the Barriers of Entry for Microsoft competitors, the settlement proposes that Microsoft should be forced to publish some of its products'' API's. This is a fine idea, but it is implemented poorly. For example, the list of affected middleware specifically includes Microsoft Java (which Microsoft intends to discontinue) but not Microsoft.NET (which Microsoft is hailing as the successor). It includes Outlook Express, but not the more commonly used

Outlook. It includes free software such as Internet Explorer and Media Player, but not Microsoft Office (in fact, even the file formats for Office documents will not be published—how can a competing office suite survive if it cannot even reliably read and produce Microsoft Office compatible documents?). Also, the settlement affects current Microsoft operating systems such as Windows 2000 and Windows XP, but not their ''next-generation'' operating systems such as Windows CE or Pocket PC. On the whole, it seems that the Barriers of Entry to Microsoft's major applications will remain quite intact. There are several minor loopholes in the settlement, with major implications. For example, the last paragraph of Definition J in the settlement goes out of its way to create a loophole whereby new versions of middleware products can avoid being affected by these restrictions, simply by failing to adhere to a specific version numbering system. I have to wonder whether such portions of the agreement were written solely by Microsoft's executives and ignored by the Department of Justice! Microsoft has certainly set numerous precedents of finding loopholes in previous anti-competitive restrictions; don't provide them with new ones.

I am also concerned about how the settlement's measures will be enforced. What will happen if Microsoft violates the current agreement? Another trial that drags on for years, costs millions of dollars, and concludes with another poorly constructed settlement that contains no actual punishment?

Microsoft's behaviour is anti-competitive, anti-innovative, and anti-cooperative. It hurts software developers, and consequently it hurts consumers. If the Department of Justice refuses to punish this behaviour, it should at least prevent the behaviour from continuing. The current settlement proposal does not.

Kyle Krom, Ph. D.
UNIX Administrator
BASF Corporation

MTC–00018306

From: Bill Toole
To: Microsoft ATR
Date: 1/23/02 3:41pm
Subject: Microsoft Settlement

Wednesday, January 23, 2002 03:29:59 PM

Proposed Microsoft settlement is NOT good.

Bill Toole
432 East 10th Street 4fl
New York NY 10009
Tel/Fax: 212 533 4631
e-mail : << toole@aya.yale.edu >
www : << http://www.speakeasy.org/toole >

MTC–00018307

From: T. Charles Yun
To: Microsoft ATR
Date: 1/23/02 3:41pm
Subject: Microsoft Settlement

As the time for comment draws to a close, I wanted to mention that the news bits, rumors and ''facts'' as they have been presented to the public regarding the Microsoft case have distressed me. Overall, I believe that Microsoft has not been given a punishment that is fit for their activities. Further, the idea that Microsoft would like to offer their own software as retribution for their activities is ludicrous.

I went to school at the School of Information, University of Michigan, where we studied topics related to information science, public policy and economics. In fact, one of the graduate degrees is entitled ''Information Economics, Management and Policy.'' A great deal of academic and real world experience has shown that corporations that sell software/information respond differently to the traditional (in terms of companies that sell a physical product) rules of business. I will refrain from starting a tutorial, but wanted to note that it costs nothing for a software company to give away copies of their software.

Punishment, in general, is generally best when it falls in between what the accused and the accusors publicly state. In that light, Microsoft's idea of punishment is definitely at the low end. Further, it is important to note that Microsoft was not willing to give away cash money, access to software source code/APIs or any other item that would actually cause them pain.

With that said, I admit that I am not a lawyer. I will not assume the knowledge to dole out the appropriate punishment, but simply offer my viewpoint that Microsoft should be punished in a manner that does not let them escape their misdeeds.

Thank you for your time and efforts.

—T. Charles Yun

[The opinions contained in this email do not necessarily reflect the opinions Internet2 of my employer or any organizations associated with Internet2.]

MTC–00018308

From: Andrew Kuan
To: Microsoft ATR
Date: 1/23/02 3:36pm
Subject: Microsoft Settlement

I do not agree with the proposed settlement in the Microsoft antitrust case. The original proposal from Judge Jackson to split Microsoft into two separate companies, one of which creates application software and the other of which creates operating system software makes much more sense. The root of the problem with Microsoft's monopoly is that they have a conflict of interest: Microsoft provides the operating system for which both they and their competitors develop applications. While the existence of monopoly conditions in the operating system market is not inherently bad, Microsoft unfortunately abuses its monopoly in order to force competitors in the application software market out of business.

This is anti-competitive, anti-innovation, and counter to the interests of American consumers.

Again, I am very much against the current terms of the proposed settlement as they do little to prevent Microsoft from abusing their monopoly power and engaging in anti-competitive practices again. The call to split Microsoft in two should be reconsidered.

Sincerely,
Andrew Kuan

MTC–00018309

From: Zach Pousman
To: Microsoft ATR
Date: 1/23/02 3:42pm
Subject: Microsoft Settlement

I think that the Microsoft settlement is a bad thing for us. It lets a company get away with destroying their competition and then pretending like ''that's the way the free market works''.

Thank you for your consideration in this matter,

Zach Pousman
Zach Pousman
Assistant Director of Technology
zpousman@learnlink.emory.edu
[ph] 404 727 5126
[fx] 404 727 9702
Center for Behavioral Neuroscience
http://www.cbn-atl.org

MTC–00018310

From: Will Berry
To: Microsoft ATR
Date: 1/23/02 3:44pm
Subject: Microsoft Settlement

To whom it may concern,

My name is Will Berry and I am a natural-born US citizen from Atlanta GA. The purpose of this e-mail is to contribute my comments on the proposed settlement between Microsoft Corporation and the US Department of Justice, pursuant to the Tunney Act. I am not pleased at all with the terms of the proposed settlement. I believe the proposed settlement is in effect a license for Microsoft to continue to break the law.

Thanks to the efforts of the DOJ, many States, and others, Microsoft has been found by the courts to be a predatory monopolist with no regard for responsible behavior in a competitive market. Microsoft has done severe, if not irreparable, damage to the operating system and browser markets.

They have strong-armed their operating system distributors, similarly to the offenses of Standard Oil with the railroad companies, coercing them not to sell competing operating systems, or forcing them to pay for MS Windows even if the computer does not ship with MS Windows. (This practice has even become known in high-tech culture as the ''Microsoft Tax''.) They have strong-armed Apple Computer and others by influencing which features and software are included in their products, to the inherent harm of the consumer. And this is a telling thing: they continue to deny that they have done anything wrong. As Microsoft has demonstrated over and over again, they will be exactly as responsible in the market as the government forces them to be, not a bit more. Microsoft must be held accountable for its actions. Let me be clear: Microsoft will not stop breaking the law until and unless they are *punished*. This proposed settlement will not punish Microsoft; it will enable them.

The ''Technical Committee'' provided for in the settlement is a farce. Why would Microsoft choose one of the three members? Why would the committee not have power to enforce the settlement or levy fines, as opposed to simply monitoring the situation? The details of this arm of the proposed settlement are riddled with flaws. If the court accepts this, then the committee will become a shield for Microsoft when (I do not say ''if'')

Microsoft continues its illegal business practices. After all, if the committee approves....

This is not punishment; it is government endorsement of Microsoft's behavior. The settlement allows Microsoft to withhold technical information from any individual or organization, as long as they say they do not certify the ''authenticity and viability of its business''. This is a gaping loophole, allowing Microsoft to continue its old practices by labeling its products and other organizations differently. Furthermore, when Microsoft continues its illegal acts, it will be harder to sue them because they will be abiding by the settlement agreement! This is not punishment. It is government approval to break the law. Why does the settlement not force divestiture of certain Microsoft ventures? Why does the settlement not fine Microsoft one red cent? Why is the Technical Committee not allowed to disclose its findings to the public? Why does the settlement not punish Microsoft? Why do you think Microsoft is so happy about the settlement?

If you ask me, the Windows and Office divisions of Microsoft should both be ordered divested, and no Microsoft employees or board members or their families should be allowed to manage or serve on the boards of the new companies or own more than 0.1% of their stock for twenty years. Failing that, Microsoft should at the very least be fined half of its gross revenue for the next ten years. That would at least be punishment. At least that would cause them to think twice about repeating their egregious abuses of our free market economy.

Think for a moment on Microsoft's ''warnings'' of what would happen should actual punishment be levied against them. They say the market will suffer if they are punished. Even if their predictions are true, which I doubt, is this not an implicit admission of their pestilence? For Microsoft IS the market, and therefore to punish Microsoft is to directly damage the market. Or at least they say so. This is all the more reason to punish them harshly, and allow the market to repair itself. After all, they did break the law.

This nation passed Anti-Trust legislation to prevent exactly this sort of phenomenon from occurring.

Standard Oil was damaging its market, and in doing so was damaging the entire nation's economy.

Microsoft is following in its footsteps; the courts have found this to be true. The Sherman Act was passed because the free market itself cannot repair this kind of damage; the government must intervene to keep the market healthy. Microsoft's behavior cannot continue!

I say to the Courts, to the States, and to the Department of Justice: Do not let Microsoft get stinking rich from their illegal, atrocious business practices. Do not let crime pay for them. This responsibility falls squarely on your shoulders; the public is depending on you to protect us from these predators.

Do your job; reject this settlement!

Will Berry

Atlanta, GA

MTC–00018311

From: James Morgan Harrison
To: Microsoft ATR
Date: 1/23/02 3:42pm
Subject: Microsoft Settlement

To whom it may concern,

I feel that the proposed settlement with Microsoft is not a sufficient remedy for their actions. Microsoft is and continues to be an oppressive monopoly. Even after repeated ruling and decisions by this and other courts, Microsoft has continued with the same business practices. Microsoft executive have yet to concede that Microsoft is actually a monopoly or that its actions have been in any way wrong.

I personally feel that many of Microsoft's actions have been detrimental to the computer industry and potentially many other industries. There are many quality products that are not able to enter the market because of Microsoft's dominance. In addition, there have been many smaller companies either bought-out or run out of business by Microsoft's actions.

Microsoft forces its will on OEMs and others by preventing or discouraging them from making or selling products with or for non-Microsoft systems. The proposed settlement does not go far enough to either remedy Microsoft's previous actions or to ensure me that Microsoft's practices will be stopped. There are many sections and definitions that are vary narrow or ambiguous and could potentially be completely circumvented by later Microsoft products. In addition, certain intellectual property such as file formats are not required to be disclosed. I feel that Microsoft's proprietary file formats have allowed them to gain dominance any other areas, such as office applications, since competing applications are not able to easily convert documents in the Microsoft format.

I feel that these anti-trust actions are the last any only mechanism left to prevent or erode the Microsoft monopoly. Many companies have tried and failed to compete with Microsoft in a ''fair'' open market. If the Department of Justice and the US Government can not or will not require a stronger settlement, then there will be little hope for any other company to challenge Microsoft in the future.

While I understand the court and Microsoft's desire to settle and prevent further legal cost and hassle, I do not think that agreeing to this settle for the sake of settlement is acceptable. I ask that the Department of Justice reconsider this settlement in favor of a more strict and carefully worded decision.

Thank you for you time and consideration.

James Morgan Harrison, II

Starkville, Mississippi

Computer Science graduate and part-time UNIX Systems Administrator

Mississippi State University

MTC–00018312

From: Gary Hale
To: Microsoft ATR
Date: 1/23/02 3:42pm
Subject: Microsoft Settlement

I believe the settlement proposed by the Department of Justice is flawed and will do very little to improve competition in the software industry. It is full of loopholes that will allow Microsoft to continue its past behavior in maintaining its monopoly, and will actually protect it from future action.

The proposed settlement is poorly written, and insufficient means of enforcement are provided.

If you consider how few companies in the computer industry have stood up against the monopolist and maid their voices on this matter known, it becomes clear that they are all afraid to fight back. This is how a monopolist maintains their monopoly.

The proposed settlement is not in the public interest.

Gary Hale

Gary Hale Digital Services

Email: gary@ghdigital.com

Web: http://www.ghdigital.com/

Address: 94340 Horton Road Blachly OR 97412

Phone/FAX: 541–925–4130

MTC–00018313

From: Mark Greene
To: Microsoft ATR
Date: 1/23/02 3:43pm
Subject: Microsoft Settlement

Dear Sirs:

I am writing in regard to the proposed settlement of the Microsoft anti-trust case, under the authority granted by the Tunney act for public comment.

I believe that the proposed settlement is both insufficient in scope and unfair in its particulars. It neither punishes Microsoft for having engaged in monopolistic behaviors, nor does it remediate the environment in order to prevent those behaviors from continuing. For Microsoft to be allowed to, essentially, garner more public good will by ''donating'' money to an organization they help create is both hypocritical and ridiculous. It is my hope that the court will reconsider but the punitive and rehabilitative aspects of the settlement.

Thank you for your time and attention,

Mark Greene

MTC–00018314

From: Jonathan Robinson
To: Microsoft ATR
Date: 1/23/02 3:43pm
Subject: Microsoft settlement

I am 19 and am running linux now and it is much better than windows. Linux is not a corporation, a brand, or even an independant entity so much as it is the foundation of a new way to compute. An open, extensible, publicly owned foundation upon which anyone can ''embrace and extend'', in true meaning of the phrase. Linux is freedom. Winston Churchill once said that Americans always do the right thing after they have exhausted all other options, Americans will choose freedom in the realm of computing.

Make microsoft's punishment a punishment. Cold hard cash speaks volumes and is another expression of freedom, saying, here I am, worth, spend me as you may. Microsoft offers oppression and control, aid in liberation.

Thank You,

Jonathan Robinson.

MTC–00018315

From: Steve Cannon
To: Microsoft ATR
Date: 1/23/02 3:37pm
Subject: Microsoft Settlement

To whom it may concern:

I am opposed to the settlement with Microsoft because it does not restrict Microsofts practices towards OEMs. These practices remove ability for competitive operating systems to gain a foothold.
Steve

Steve Cannon stevec@netomat.net—www.netomat.net

[desk] 212 594 1955 x 112 [mobile] 917 541 6456

307 W. 38th Street #901 new york, ny 10018

MTC–00018316

From: Maki, Daisuke
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 3:44pm
Subject: Microsoft Settlement

I do not support the proposed settlement, as it does not solve the bottom line of this case: It does NOT prevent/punish Microsoft for bundling everything in its OS for free. As we progress in our technology, who knows whatever else Microsoft may be willing to bundle with its Windows operationg system? Just look at what it has now:

1—a web browser
2—a mail client
3—an all-encompassing media player

Those are the major components. How are software developers to create their own versions of any of the above, it it all comes free with Microsoft's OS? There *is* no competition as it is. I'm surprised other multimedia player vendors are not actively suing Microsoft as it is.

If the proposed settlement does get approved, we will just allow Microsoft to continue on with its anti-competitive practices, I'm sure we will see another anti-trust case, but with another product like the Netscape web browser as its main example.
—d

MTC–00018317

From: Ryan Cole
To: Microsoft ATR
Date: 1/23/02 3:44pm
Subject: Issues with the Microsoft Settlement

Dear DOJ,

After some review of the proposed Microsoft Settlement, I have found fatal weakness in it. They are as follows:

1. Definition A should state that an API is simply an interface between applications and the operating system. Narrowing this definition is not only inaccurate, but opens a pandoras box of loop holes for Microsoft.

2. Definitions J and K are also too narrowed, so much so that they exclude their real meanings. Middleware is simply software, or a part of software, that mediates between an application and a network. Microsofts .NET strategy will tend to combine OS updates, middleware, and end-ware applications. Anything other than an accurate definition, accounting for the fact that middleware can exist as parts of other programs, will not pertain to many soon to be released products and be too easily circumnavigateable.

3. Definition U should simply state ''Any operating system produced by Microsoft.''

4. While Section III.I is very helpful, it should go further to require Microsoft specifically explain which software patents protect the Windows API.

5. While this settlement makes an attempt to protect OEM's from Microsoft, unfortuneately too many loop holes still exist, leaving OEM's, especially smaller OEM's, subject to retaliation. Anything short of consistent per unit published prices period, will allow for such retaliation.

6. No tricky licenses! Microsoft needs to be restricted to licensing practices that do not dictate the operating platform the product is to be used with, restrict free software development, or otherwise restrict a products use to hinder Microsoft competitors.

7. Consistent and published file formats. When Microsoft changes file formats, it stifles competition and innovation, while forcing their own users to upgrade by way of sheer market leverage. Properly designed file formats rarely need to be changed or overhualed, and surely not with every product release. Storing information is quite straightforward, yet Microsoft surely has succeeded in innovating ever more complex ways to store it. Restricting file format changes and forcing Microsoft to publish existing ones is necessary. This would greatly benifit the exchange of information, and helping to solve one of the most common issues faced by Microsoft and non-Microsoft users alike.

Thanks for your careful consideration of these issues,
—Ryan

Ryan Cole
Programmer Analyst
www.iesco-dms.com
707–468–5400

MTC–00018318

From: Jonathan Mayer
To: Microsoft ATR
Date: 1/23/02 3:44pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunny Act, I would like to comment on the proposed Microsoft settlement.

I am very disappointed in what I perceive as the DOJ losing its nerve and snatching defeat from the jaws of certain victory in the Microsoft anti-trust battle.

When I was young, brilliant software engineers were able to create new products and turn these innovative products into billion dollar industries. Borland, Autodesk, Lotus, and Oracle are only a few examples—a list of examples that should have included Netscape. Their example inspired me to follow in their footsteps into what looked to be a bright new dawn.

Today, instead of a vital, innovative, freely competing software economy, we have a captured ''economy in a bottle.'' We have an economy in a bottle, where the ants inside struggle with each other for survival, while Microsoft securely tightens the lid.

Software engineers are still free to invent brilliant ideas and start companies, but we live at Microsoft's leisure. At best, a successful software company will be acquired and integrated into Microsoft. At worst, the penalty for success is to be imitated and undermined by a company with gross competetive advantage: a stranglehold on the tools and standards that are the gateways of our industry.

Microsoft is running the game, setting the rewards of the game, and is guaranteeing that no company will ever grow to the point that allows them to upset the software hierarchy that Microsoft dominates. They have repeatedly demonstrated their ability and willingness to abuse their market control to put down competitors that grow too ''uppity.'' If the legal remedy against Microsoft's monopolistic dominance of the software industry fails (as it is about to do), there will never be a second chance. The software industry, which could have been America's most vital and powerful industry, will wither and spoil. The power of information technology to revolutionize productivity, communication, and quality of life on earth cannot be underrated. Leaving that power in the hands of a demonstrably abusive monopolist is a betrayal of the law, a betrayal of the capitalist system, and a betrayal of our future.

The proposed settlement agreement fails in every way to remedy this problem. Microsoft can not be tamed or trained to behave itself—it must be unseated from the reigns of power.

Thanks for listening.

Sincerely,
Jonathan Mayer <jmayer@guck.net>
Mountain View, CA.

MTC–00018319

From: Erwin, Christopher
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/23/02 3:44pm
Subject: Opposed to the Settlement

I am opposed to the settlement offered by the DOJ in the Microsoft case. I am a data analyst by profession and a computer programmer by hobby. I would like to start my own software company, but I feel that it would be foolish to do so because of one fundamental cause: software business that is successful today will be Microsoft's business tomorrow.

The findings of fact in the Microsoft case are not in dispute. Microsoft is a monopoly and they use their monopoly power illegally to stifle competition and invade new markets. Why should I risk innovation in the face of such a foe?

The proposed settlement will do nothing to redress Microsoft's past crimes, and the restriction on future behavior are so minor as to allow Microsoft to select the majority of it's own regulating body. Furthermore, Microsoft will be allowed to re-frame it's business practices in the name of ''security'' and be basically immune from the conditions of the settlement. A real penalty would redress the past illegal behavior and prevent such behavior in the future. The current settlement does neither.

As an aside, who settles a trial in the penalty phase? Is that a little like forfeiting when you've already won?

Christopher Erwin
2030 W. 28th
Eugene, OR 97405

MTC–00018320

From: laird@spk.agilent.com@inetgw
To: Microsoft ATR
Date: 1/23/02 3:44pm
Subject: Microsoft Settlement

To Whom It May Concern,

I feel that the proposed settlement of the Microsoft anti-trust case is a bad idea that ultimately rewards Microsoft and influences a generation of school students to the false idea that Microsoft is the only viable software for PC's, thus tightening their virtual stanglehold on the market.

Ken Laird
ken—laird@agilent.com
Agilent Technologies
Spokane Site
AT&T: (509) 921–3656
24001 E. Mission, Liberty Lake, WA 99019
Telnet: 1–921–3656

MTC–00018321

From: tesla@twain.panam.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 3:46pm
Subject: Microsoft Settlement

I disagree with the current settlement proposal.

Hector Vasquez
MicroComputer Application Specialist
The University of Texas—Pan American
Learning Assistance Center
STUS 627
1201 W. University Drive
Edinburg, TX 78539

MTC–00018322

From: howard@shubs.net@inetgw
To: Microsoft ATR
Date: 1/23/02 3:44pm
Subject: Microsoft Settlement

It seems to me that allowing Microsoft to ''settle'' for a free (to them) ''solution'', in which they get access to a market (schools) which has been a weak point for them so far, is contradictory to the spirit of the lawsuit. It would give them MORE control over the industry, MORE sway over children, whose mindsets haven't yet frozen, and would end up getting Microsoft that much more mindshare/marketshare.

The settlement where Microsoft gets to do this is VERY bad, should not be accepted, and would be a serious miscarriage of justice if it were to go through.

I'd like to see them split into four pieces: Operating systems, Office, Internet, and the rest. None of these companies could cooperate with the others except through public documentation for 20 years. If that makes them fail, too bad.

Howard S Shubs

''Run in circles, scream and shout!'' ''I hope you have good backups!''

Aren't there any networked SJFs around?

MTC–00018323

From: Ben Ford
To: Microsoft ATR
Date: 1/23/02 3:45pm
Subject: Microsoft Settlement

The proposed Microsoft settlement is insufficient. Please review this essay for reasons why.

http://www.kegel.com/remedy/remedy2.html

Ben Ford
Yakima, WA

MTC–00018324

From: Mike G.
To: Microsoft ATR
Date: 1/23/02 3:45pm
Subject: Microsoft Settlement

Dear Sirs,

The proposed Microsoft settlement is a poor idea. After reading up on the final proposal, I was surprised and discouraged to find that it is too lenient, contains too many loopholes, and would allow the company to continue to lock-in users rather than allowing choice and competition. It is not without reason that half the states involved in the case are still pushing for heavier penalties.

Do not forget that Microsoft is a repeat offender. A federal district court and an appeals court have both affirmed that Microsoft is a de facto monopoly and that it has abused its monopoly profits and market position to engage in anticompetitive ways even after an earlier antitrust case. Microsoft has clearly shown that comprehensive remedies and strict enforcement are necessary to hold it accountable for and to prevent further unlawful and predatory behavior.

MTC–00018325

From: C. Michael McCallum
To: Microsoft ATR
Date: 1/23/02 3:47pm
Subject: Microsoft Settlement

I hereby go on record as against the proposed DOJ Microsoft settlement. The reasons are many.

Such figures as Judge Robert Bork and Ralph Nader have said it would EXTEND, not reduce Microsoft's monopoly (which is of course, a finding of fact). Enough reason for me is the fact that the settlement does not appear to meet the requirement to ''unfetter a market from anticompetitive conduct''. Many inportant APIs will go undocumented.

Microsoft is not required to disclose technical requirements of new releases in advance.

Middleware vendors will learn of API documentation too late for effective coordination.

Patents remain undisclosed.

I see many more things wrong with this proposed settlement than right.

I urge the rejection of this settlement.

Respectfully,
Charles Michael McCallum
Elk Grove, CA
C. Michael McCallum
''That may be one tough nut to crack,
Associate Professor
but I am one determined
Chemistry, UOP
little squirrel''
mmccallum@uop.edu
(209) 946–2636, fax (209) 946–2607

MTC–00018326

From: Christian Walker
To: Microsoft ATR
Date: 1/23/02 3:45pm
Subject: Microsoft Settlement

As per the Tunney Act, please consider the following in regards to the proposed microsoft settlement: It does not sufficiently compensate consumers for our loss due to lack of competition.

A more appropriate and punitive responce would be to require, at a minimum, that Microsoft allow hardware vendors to sell computers WITHOUT forcing consumers to buy Microsoft software, and without any fees for doing so.

In my experience with software developers, and VC funding, there is widespread belief that creating a product that in any way competes with Microsoft now, or where Microsoft may want to go in the future, will result in anti-competitive behavior on the behalf of Microsoft.

This has drastically hindered software advances in the US, and abroad.

—christian

MTC–00018327

From: Abraxas
To: Microsoft ATR
Date: 1/23/02 3:21pm
Subject: Microsoft Settlement

I have read about the proposed settlement, and I am not in favor of it in its current state. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors. Monopolies completely broken up in the past were less influential, powerful, and anti-competitive than Microsoft is now.

Charles J. Martin
75 Davis Road,
Westport MA, 02790

MTC–00018328

From: Jeremy Farabaugh
To: Microsoft ATR
Date: 1/23/02 3:45pm
Subject: Microsoft Settlement

I would like to add my voice to the chorus of those opposed to this settlement.

There are many parts I disagree with, but the one I feel most strongly about is this:

Overlooked in this settlement is the issue of file formats, specifically file formats of Microsoft's ubiquitous Office Suite. The closed nature of these file formats allows Microsoft to not only bar third party applications from competing, but also requires users to purchase new versions of Microsoft's products in order to continue using and sharing these documents with others.

Please take my comments into consideration.

Jeremy Farabaugh

MTC–00018329

From: Marcus Gaines
To: Microsoft ATR
Date: 1/23/02 3:31pm
Subject: Microsoft Settlement

Greetings. I am writing to oppose the terms of the tentative settlement of the Microsoft Antitrust case. I Believe that the settlement will not reduce or stop Microsoft Corporation's anti-competetive practices. One specific aspect with which I take issue is the fact that The PFJ does not require

Microsoft to release documentation about the format of Microsoft Office documents. I am a technology specialist for a public school district. In my job I support systems both with and without Microsoft office. The lack of documentation of Microsoft Office's file formats makes it very difficult to find good ways to get our office software to intercommunicate. The decision by Microsoft Corp. to keep their file formats proprietary and closed is a clear attempt to discourage the use of other Office suites by leveraging the large market share enjoyed by Microsoft Office. If a competing suite will not read Microsoft file formats, its users are at a competetive disadvantage since they may have their communication with Microsoft Office users obfuscated. Thank you for your time and for your consideration of this matter.

Marcus Gaines
Technology Systems Specialist
Windsor Unified School District
Windsor, Ca.

MTC–00018330

From: Jon Pfaff
To: Microsoft ATR
Date: 1/23/02 3:44pm
Subject: Microsoft Settlement

To whom it may concern, ladies and gentlemen: Living in Seattle, I have been bombarded with the superficial news reports of Microsoft monopolistic tendencies. These reports do not even come close to the actual nefarious activities to which Microsoft people resorted to squash competitors. The tactics can only be called restraint of trade.

There are widely circulated, via the net, stories of loading the Windows operating system with ''poison code'' to render useless the application products of other companies. People I know who worked at Microsoft as temps, can relate incredible tales of directives from top management to sabotage the ability to use with Windows, any product which might compete with Microsoft Word and Excel.

Microsoft management has consistently bragged about their innovations. They have not innovated anything! They buy, purloin and out and out steal code from other products, then use their huge economic clout to push Microsoft product on users. They have purchased potential competitors and either buried that technology, or turned it into a Windows/Microsoft application which sucked.

To punish Microsoft by ''forcing them'' to provide hardware and software to schools is to put the fox into the hen house. It gives them the opportunity to monopolize one area of computer use they have never been able to crack. One would have to wonder how much the person who instituted such a ''penalty'' was getting paid by Microsoft. If the computers they were required to donate were made by Apple, or used either the Mac or Linux OS, then Microsoft would still be able to donate ''Office for the Mac'', which, incidentally, is the best piece of non-buggy software Microsoft has ever marketed.

To sum up: Microsoft is predatory, and similar to a sex offender, it has proven it will repeat and continue to be predatory unless stopped by a stronger power; a company so steeped in monopolistic practices, it no longer deserves to exist as a whole; and to give them yet another heretofore unavailable market as a form of ''punishment'' would be the height of uninformed stupidity or insider payoff.

I urge the Department of Justice, and the presiding judge,to make it abundantly clear that these monopolistic, predatory practices will not be tolerated by punishing Microsoft with harsh consequences.

I would prefer to see the company split into two separate entities.

Jon Pfaff
jonpfaff@oz.net
206–522–4149

MTC–00018331

From: craiger@hemna.rose.hp.com@inetgw
To: Microsoft ATR
Date: 1/23/02 3:26pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general. While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Please enforce (and interpret) the law as it is written. As a citizen, I expect nothing more and nothing less from the judicial branch of my Federal government. Thank you.

Sincerely,
Craig Lamparter
Registered (D)
Computer Scientist
407 Pine Hearst Ct
Roseville, California
95747

MTC–00018332

From: G. Edward Johnson
To: Microsoft ATR
Date: 1/23/02 3:46pm
Subject: Microsoft Settlement

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Edward Johnson

MTC–00018333

From: jesse.
To: Microsoft ATR
Date: 1/23/02 3:46pm
Subject: Microsoft Settlement

Honorable servant of the public,

As a computer user, systems administrator, and software developer, I have come into contact with all manner of Microsoft applications; in fact, I use one now as I write you. Drawing upon my experience as a whole, I can say that if any automobile manufacturer sold a car which performed as poorly and failed so miserably to live up to the expectations of the consumer as Microsoft products have, I am confident that the US government would have taken decisive action against such a company. If that company were using its investments in the oil companies and tire manufacturers to leverage its product, at the expense of competitors, this act would result in considerable punitive damages imposed and enforced by the federal government.

The situation described above is a perfect analogy to the current stranglehold the Microsoft corporation has on the software market today. Microsoft has ownership of the source code to Windows, the most prominent operating system (OS) in the world (which is not a crime in and of itself), and by consequence, has the ability to determine who can develop content for it, and what kind of content may be developed. The Internet Explorer browser is the most common tool used to view the vast world wide web, with some counts reporting 70% usage by the world's PC users. This much may be attributed to good business management and favorable circumstances; the rest of the Microsoft success is due to it's usage of market share in one market to advance itself in another market.

Microsoft's premiere productivity package, Office, consists of a word processor, professional e-mail tools, a spreadsheet application, and many other items. Office seems like a good product, and indeed it is a good combination, which is why there are so many other packages just like it (Corel's Office and Sun Microsystems'' Star Office to name just two). The reason the other suites have failed or hold considerably less market share is not that they offer less to consumers, it is because they are unable to utilize the features of Windows to their fullest extent and gain in performance, speed, and reliability the way Microsoft Office is.

While Microsoft releases enough information to software developers to create applications for Windows, it does what many feel to be the bare minimum. This information, known collectively as the Windows API (Application Programmer

Interface), is the key to making Windows applications at all, let alone making them work well. When one sees a Microsoft application running and a third-party application running, one can see that the Microsoft application is able offer more (whether it be with bells and whistles or with performance gains) than the competitor. This is not thanks to a more competent development staff at Microsoft (indeed, Microsoft applications have consistently been shown to be extremely vulnerable to remote exploitations of every manner, even of the most simplistic kind, known as a buffer overflow which can be prevented with some of the most basic programming techniques), but because of what amounts to insider information: the team making the application can talk to the team who made the OS at the water cooler. It is even rumored that Microsoft developers utilize a hidden API not made publicly available but kept hidden and for the use of only Microsoft developers.

If a high barrier-to-entry in the software business were not bad enough, Microsoft has done nothing but perpetuate its hold over businesses and end-users by making it difficult to switch from Microsoft products. The Microsoft Office package, being thoroughly popular among users of Windows, uses formats for saving files created by the user which cannot be read (or can be read from on a limited basis) from or written to by other applications. While it is not illegal to use proprietary file formats, it is highly suspect that Microsoft ought to be able to claim such protections on file formats it has made pervasive only by preventing competitors from making truly comparable products. In other words, if Microsoft is going to prevent competitors from making equally (if not greater) reliable and functional products, it ought to at least allow those competitors to use the file formats it intends to make a standard out of.

Another consequence of Microsoft's market dominance is that consumers no longer know what a good application or a good OS is. How can one know what a good application is when there is only one application for whatever need they have; going back to the automobile analogy, how can one know how a good car is supposed to run when there is only one car manufacturer in business? Indeed, how can one know how a good computer should run when there is only one way to operate a computer, Windows. Microsoft client and server software have been riddled with holes since the very beginning; by their own admission the writers and implementers of many recent mass attacks, viral and otherwise, have done so with the intent to show to the end-user community that Windows is extremely vulnerable. Even Microsoft's newest OS,

Windows XP, was found to have a massive exploit built into its network architecture which allowed an attacker to execute any command on the remote machine. It was not until the FBI became involved in warning users about this critical security risk that Microsoft released a patch for this exploit; there are still a great deal of security holes in many Microsoft products which are, to date, unpatched. Windows'' reliability and stability is highly questionable, and at times it appears as if certain portions of the OS were not thoroughly tested. Ask a Windows user at any level of competence what pressing the control, alt, and delete keys simultaneously does to the computer and they will tell you that it is the oft need combination which allows him/her to shut down a program which has failed or halted. Ask them what an illegal operation is and before they tell you of drug smuggling cartels and mafia crime syndicates they will tell you that it is a vague reference to the crash of an application. Ask then what Scandisk is and they will tell you it is the program which necessarily runs after Windows itself has performed an illegal operation and cannot be rescued by the three button combination mentioned above. The fact that common users, not needing to know anything about a computer's internal operation to send and e-mail or bring up a web page actually knows what these things are should say something about the general reliability of the OS.

Microsoft may claim that its proprietary way of handling itself is necessary to its business model, and to the success of its products, but that is most certainly untrue. Red Hat and VA are two among many companies who have made a business off of a product which they offer for free download to their users: Linux. The Linux community is the exact opposite of the Microsoft conglomerate: the software developers have full access to the code base (known as open source) so that they may access whatever information they need; the users are presented with software developed by the community which is functional and may be improved upon by anyone who has the motivation and the knowledge; the security is tight as a consequence of the opened source code, since the community at large may scrutinize any program and report any bugs or possible vulnerabilities and then easily submit a patch for general distribution. With the Linux community the bottom line is not expressible in dollars, and so the community may concentrate on greater things that attempting to cover-up known issues with the software in order to keep customers.

To be sure, Microsoft has been and still is playing a game for years in which it is the only competitor. The pawns are users and third-party developers alike, and it's weapons are denial, ignorance, lawsuit, acquisition, and monopoly. The only way to let other competitors in and to give them equal footing to compete with Microsoft is to allow them full and complete access to the API code base of past, present, and future incarnatio ns of Windows, that which is the common denominator for all PC based software development, and which has been the focal point of Microsoft's leverage in the software marketplace. In addition, forcing Microsoft to open and adhere to standards for file formats such as its Word format for word processing would be another equally important step in ensuring that Microsoft plays fair.

To open the API code base would require diligence on the part of enforcement authorities, but the software development community would be more than willing and able to play the role of watchdog. The software developers of the world would finally be able to have an unobstructed view of the platform for which they have been developing, which would allow them to come up with truly new and innovative ways to use the OS to get the task done, instead of being reduced to using only Microsoft approved tools. Once again software development would be about creating new and productive software; destabilizing Microsoft's monopoly would only be a side-effect of the rejuvenation of an industry now plagued by limited availability and a giant competitor who makes all the rules.

In no way do I advocate the total opening of a key piece of intellectual property owned by Microsoft, just the availability of enough to make sure that anyone who wants to develop software can do so without being hindered because he/she does not have the resources to write the software the way they want to. A distinction should be noted between the API and the entire source code to Windows: the API is that portion of Windows necessary to third-party developers for writing effective code. The extent of the code released should be determined by a panel to whom full access to Windows source code is given. This panel should consist of accomplished software developers in the development community: those who work for Microsoft as well as those who work for their competitors, those who program for Linux, and most notably, those who have already begun working on deciphering the API without Microsoft's help.

The last group I speak of includes the programmers of a project which began before the DOJ lawsuit was filed: the Wine project, most associated with the CodeWeavers company. Wine is a project to emulate Windows and allow for Windows applications to be run on a variety of other OSes, including Linux and Sun Microsystems'' Solaris. These programmers have worked diligently on a way to destabilize Microsoft's monopoly and lower the ''switching-cost'' (the cost of switching from one company's product to that of a competitors) of Windows.

Monetary damages cannot be used against a giant who is sitting on top of tens of billions of dollars in assets, but to force it to share a little of its knowledge can be infinitely more beneficial if the proper information can be extracted. To the end-user the outcome of this case may not represent much of a change, since the average user has only been interested in computing since the late 90s, but to those of us who have been using computers long enough to have seen the decline of the software market and an associated decline in the overall quality of software in general, this case has to potential to bring back to computing a bit of integrity and more importantly, opportunity. It is with this in mind that I implore your honor the judge to consider the opening of the Windows API to be the way to cut the root of the problems which have stifled true creativity and innovation within the developers community. Jesse Dhillon.

''Ideas are more powerful than guns. We would not let our enemies have guns; why would we let them have ideas?''—Josef Stalin

MTC–00018335

From: Lord Famine
To: Microsoft ATR
Date: 1/23/02 3:47pm
Subject: Microsoft Settlement

I believe that the settlement with microsoft is a very bad idea. Considering what they stand accused of, there should be no settlement, only a serious penalization that would render the company less able to engage in such monopolistic practices. Please be determined and relentless in your pursuit of justice. You have my support, and the support of many people I know.

MTC–00018336

From: Micah Alpern
To: Microsoft ATR
Date: 1/23/02 3:43pm
Subject: Microsoft Settlement

[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]

I belive the proposed antitrust settlement will not restore significant competition to the software industry.

I believe that Microsoft should be required to fully disclose and document its Office file formats and windows APIs so that 3rd parties could make competing and compatible applications. This proposal is fully articulated by Scott Rosenberg (scottr@salon.com) of Salon magazine at: http://www.salon.com/tech/col/rose/2002/O1/16/competition/

The article is included bellow for completeness.

Thank you,
Micah Alpern
5677 Hobart Street Apt 4
Pittsburgh PA 15217
(412)-421–8555

Chips ahoy

AMD competes with Intel, and the public wins. The right Microsoft antitrust settlement can bring the same energy back to the software market.

By Scott Rosenberg

Jan. 16, 2002 [The personal computer industry may be in its worst slump in history, but you wouldn't know it by following the news from the processor wars. Over the past two years, Intel and AMD have unleashed an incredible competitive cycle in Silicon Valley. In case you missed it, last week these two chip companies offered dueling releases of new flagship processors: Intel unveiled its fastest Pentium 4 yet, running at 2.2 gigahertz and built with a new. 13 micron process that crams even more transistors into an even smaller space. AMD, extending the huge success and popularity of its Athlon line and the Athlon's most recent and powerful incarnation, Athlon XP, announced the XP 2000—a chip that actually runs at 1.67 gigahertz but, third-party tests show, nearly keeps up with the 2.2 ghz Pentium 4 in most tasks (and even surpasses it in some). What's going on here is simple: Good old-fashioned competition drives engineers to continue to work miracles. Intel, the market-dominating behemoth, has always pushed new, improved products out the door faster—and dropped prices more readily—when it feels the breath of a credible competitor on its neck. For many years the competition was feeble, but that changed when AMD's Duron and Athlon chips began giving Intel a run for its money—and, for a time in 2001, actually bested Intel for the fastest personal-computer chip title. Today, these two companies keep spurring each other on, and consumers win big. For most of us, that's all we need to know: Computers keep getting faster and cheaper. The details are of interest only to the legions of hardware nuts, high-performance system geeks and chip-overclocking fans who flock to the Web's hardware review sites. Right?

Well, the gigahertz specs may indeed be only geek fodder, but the other details of the Intel-AMD rivalry should be of keen interest to a much bigger crowd. That's because the competitive heat driving the processor market puts the relative frigidity of another part of the computer business into bold relief. I refer, of course, to the business of designing personal-computer operating systems—a business that Microsoft has dominated for years and that, according to the confirmed verdict of our federal courts, it now monopolizes.

What if Microsoft were challenged as strongly on its home turf as AMD is now challenging Intel? What innovations, improvements and price reductions would the public enjoy that it doesn't, today, thanks to the Microsoft monopoly? This is the big question that hangs over the continuing struggle to find a meaningful outcome to the endless Microsoft antitrust saga. And the AMD/Intel analogy is worth pursuing to try to find some answers. Microsoft and its supporters, of course, maintain that the monopoly label is misplaced. After all, can't you buy a Macintosh without buying Microsoft Windows? Can't you obtain a PC and fire it up with any of a dozen versions of Linux or other Unix-style operating systems?

Sure you can—and each of those operating-system alternatives has its partisans. But for use by individuals on their personal desktops, Microsoft Windows holds the overwhelming market share— by nearly every estimate, over 90 percent. Is that simply because Windows is superior to the alternatives? There are certainly people who believe that; and, to be sure, with the release of Windows XP last year, Microsoft finally moved its flagship operating system off the aging and increasingly unstable code base it had inherited from its infancy and onto the relatively more reliable Windows NT/Windows 2000 core.

But how much faster might Microsoft have achieved that improvement if it was racing a tough competitor? And how much more incentive might the company have to produce more secure, less virus-vulnerable products today? The historical record is quite clear (and the antitrust trial record is just as clear): The central reason Windows has maintained and extended its market share over the years is not product superiority but a concept economists call ''lock-in.'' Once you have all your data and all your software applications on one operating system or ''platform,'' moving to a different one is painful—it takes time and effort and money (as economists say, your ''switching cost'' is high). Over the years Microsoft has not had to push harder and faster to improve Windows because it knew that its customers were unlikely to make a fast switch to a competitor.

Now, that picture would be very different if you could somehow reduce or eliminate those switching costs. What if competing operating systems could seamlessly and interchangeably run the same programs and utilize the same data files that Windows does?

Here's where the Intel/AMD analogy comes in handy. These manufacturers compete to provide chips that can run the same computer programs—known loosely as ''x86 compatible'' code—and that retain compatibility with hardware like expansion boards and peripheral devices. If you needed to write different versions of each piece of software and manufacture different versions of each piece of accompanying hardware—one that would work with Intel's chips and one that would work with AMD's—the whole competitive market would disappear. The weaker player (presumably AMD) would vanish and—presto!—Intel would have a monopoly as tough as Microsoft's.

This relatively level playing field in the x86-compatible processor business did not come about by sheer happenstance. The semiconductor industry is marked by a Byzantine pattern of patent cross-licensing agreements; they provide permanent employment for legions of lawyers, and laymen seek to understand them only at great peril. What's important about them, however, is not how they came about but that they work.

Now that the federal courts are trying to figure out an effective remedy for Microsoft's abuse of its monopoly powers, the competition between Intel and AMD provides a valuable model. How would one go about enabling Microsoft's rivals to compete with it as effectively as AMD is competing with Intel? The key here is something known as the Windows API (or ''applications programming interface'') — the set of instructions that Windows programs use to ''talk to'' the operating system. The Windows API has long been a murky issue: Microsoft has always provided some information to independent developers—it has to if third-party Windows programs are going to work. But Microsoft can and does muck around with the API, changing things that break competitors'' products, anytime it wants to. And rumors have long buzzed, without ever being nailed down, that Microsoft's own developers take advantage of so-called hidden APIs that non-Microsoft coders can't use. The Justice Department's proposed antitrust settlement with Microsoft seems to demand that Microsoft do more to open up its APIs to competitors. But the fine print makes it clear that Microsoft could pretty much continue with business as usual. A more effective remedy would be one that required Microsoft to standardize and publicize the entire set of Windows APIs and the file formats of its Office applications (another key to Microsoft's monopoly ''lock-in'')—with the express goal of allowing competitors to build Windows software applications, and operating systems, that compete with Microsoft on a level field.

Such a plan would require careful oversight and enforcement, since Microsoft could easily engage in all manner of foot-dragging. If Microsoft set out to be uncooperative, it could release the API information slowly, in deliberately confusing ways, or in a ''Good Soldier Svejk'' fashion -assiduously following the letter of the court's order while flagrantly violating its spirit. (There's precedent here: This is precisely how Microsoft behaved during the trial when it told the court that, sure, it would supply a version of Windows with Internet Explorer removed from its guts, but gee, sorry, then Windows wouldn't work.)

Now, I can already hear the howls from the Microsoft comer that this plan is evil and un-American because it forces Microsoft to give up some of its intellectual property. Well, yes. Microsoft is in court as a repeat offender; the current antitrust suit, in which a federal district court and an appeals court have both affirmed that Microsoft is a monopoly and that it has abused its monopoly powers, arose out of the failure of a previous consent-decree settlement of an earlier antitrust case. At some point, having repeatedly violated the law, Microsoft needs to pay a price, or it will continue with its profitably anticompetitive ways.

There's no reason to think the Justice Department's proposed settlement will work any better than the consent decree of last decade did. And financial penalties can hardly wound a company that is sitting on a cash hoard of tens of billions of dollars. But intellectual property—that's something Bill Gates and his team really care about. Requiring them to divulge some of it in order to restore competition in the software market might actually get them to change the way they operate. With Microsoft's APIs and file formats fully standardized, documented and published, other software vendors could compete fairly—which, after all, is what antitrust laws are supposed to promote. We might then be faced with a welcome but long unfamiliar sight: a healthy software market, driven, as today's processor market is, by genuine competition.

The Justice Department settlement is currently in a public comment period mandated by a law known as the Tunney Act. Through Jan. 28 the public is invited to send in comments on the proposal. (You can also e-mail them, with ''Microsoft Settlement'' in the subject line.) I'm sending this article in, and I encourage readers to file their thoughts as well. What good is open government if we don't use it?

MTC–00018337

From: jason zalva
To: Microsoft ATR
Date: 1/23/02 3:47pm
Subject: Microsoft Settlement

Dear Sir,

I am an up an coming computer programmer and what has made it easy is the support I have in the Linux community (GPL,OpenSource.) Open Source software is the key to spreading knowledge and education. The ability of being able to copy, distribute, and even change the source code without being prosecuted is a nice plus. The Open Source community will never be able to compete with Microsoft because we are not a single huge corporation. We are made up of many small companies, gamers, hackers, administrators, programmers, trouble-shooters, graphic artist, webpage designers, young and old. Sir we need the governments protection to continue our way of life that M$ would love to see destroyed(ie: The Halloween Document.) We cannot fight M$, but they can fight us, they are big and they have money and computers in Washington. Ask anyone who knows anything, if you want a secure server or network, use UNIX or Linux. If you want to pay for a bugs and compromised security, get MS windows.

My feelings are very strong on this subject, and I don't have a lick of money invested in any computer software or hardware company. I just believe that Microsoft has become too powerfull for it's or anyone else's own good.

Sincerely,
Jason C. Zalva
PO Box 1177
Southwest Harbor ME 04679

MTC–00018338

From: kurt braun
To: Microsoft ATR
Date: 1/23/02 3:48pm
Subject: Microsoft Settlement

Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

DoJ,

I am opposed to a settlement with Microsoft, and as a citizen of the United States of America I would like to make my opinion known under the Tunney Act comment process.

Microsoft was found by the court to be an illegally maintained monopoly. The government needs to enforce sufficient penalty for this finding, which the proposed settlement does not accomplish. The computer industry has been at the mercy of Microsoft's illegal activities for far too long. Only swift legal action can restore healthy competition and real innovation to this industry.

In my opinion the DoJ should force Microsoft to:

1. Be split into two companies, OS & Application businesses

2. Office file formats (.doc .xls .ppt) be made open source so that other software companies can compete in this market by interoperating with the existing MS Office monopoly.

3. Provisions be made to stop the predatory pricing used by Microsoft (IE, MSN, MediaPlayer etc., cannot be given away for ''free'' in the OS)

4. Microsoft server protocols be made open source, so that other operating systems can communicate.

5. Microsoft internet protocols (.Net, IE, etc) be made open source so that other operating systems can interoperate properly.

6. Microsoft must publish the prices it charges it OEM's for windows.

Regards,

Kurt Braun
1 Cottonwood Circle
Shrewsbury MA 01545

MTC–00018339

From: DAVID SMITH
To: Microsoft ATR
Date: 1/23/02 3:48pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea. I am against it.

David E.B. Smith
Senior Counsel
Building and Land Use Litigation Division
City of Chicago, Department of Law
(312) 744–8712
davidsmith@ci.chi.il.us

MTC–00018340

From: greg armstrong
To: Microsoft ATR
Date: 1/23/02 3:49pm
Subject: Microsoft Settlement

Microsoft should be punished for stiffling competition and helping curtail the software industry.

What better way to boost the economy than open the flood gates to competition and let the boom begin again, this time with out microsofts handcuffs.

Show us for a change that big business is not in bed with the government. Give me and my children hope, please.

Greg Armstrong

MTC–00018341

From: Hal Anjo
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 3:47pm
Subject: Microsoft Suit

AOL's suit against Microsoft leaves me with mixed feelings. However, to paraphrase Dan Gillmor, Microsoft's tactics with Netscape Navigator did amount to a corporate mugging. This behavior was all too typical of Microsoft's and Bill Gate's behavior in the early years. Some type of settlement is in order.

MTC–00018342

From: Aaron E Nowack
To: Microsoft ATR
Date: 1/23/02 3:49pm
Subject: Microsoft Settlement

After reviewing the publicly available information on the Proposed Final Judgement, my opinion is that it is not in the public interest because it fails to take into account Windows-compatible operating systems by both using too narrowly defined definitions which keep Microsoft from full disclosure of its ''secret'' APIs and by failing to prohibit Microsoft's introduction of intentional incompatibilities with such Windows-compatible operating systems into Microsoft Middleware, as Microsoft historically did with early versions of Windows to keep them from running on competing DR-DOS.

Aaron Nowack

MTC–00018343

From: Hostmaster, NWADV
To: Microsoft ATR
Date: 1/23/02 3:49pm
Subject: Microsoft Settlement

I'm just writing to voice my concern with letting microsoft off the hook

Dave

Spokane, WA

MTC–00018344

From: Elizabeth Eisenmann
To: Microsoft ATR
Date: 1/23/02 3:48pm
Subject: settlement

I am opposed to the settlement of the Microsoft antitrust suit as is presently proposed.

In the first place, the financial outlay involved in donating using PCs to school system represents a flea bite in comparison with Microsoft's assets. Punishment for a crime is supposed to involve a meaningful penalty.

In the second place, this ''donation'' will serve to undermine competition further in the education market. It can hardly escape notice that Apple Computer is the leader in this field at present, largely on the merits of its user friendly features and incentive programs for teachers and students. Microsoft would love nothing better than to drive a wedge into this market with its ''free samples.'' If Microsoft truly wants to benefit underprivileged school systems, let them make a substantial monetary donation and allow the schools to make their own choices.

In the third place, there is NO future incentive in this settlement for Microsoft to behave differently than in the past. This company has not been content to simply capture a huge market share and reap incredible profits. They want it all. This settlement is a politically motivated slap on the wrist, a giveaway, and a disgrace.

Elizabeth Eisenmann
144 School Street
Chelmsford MA 01824

MTC–00018345

From: Gina Evans
To: Microsoft ATR
Date: 1/23/02 3:49pm
CC: livkixit@aol.com@inetgw

I want to ask that a fair marketplace be guaranteed for all software
developers and manufacturers.

Thankyou,
Gina M Evans
3110 Kinsrow Ave Apt322
Eugene, OR 97401
Phone(541) 913–6723

MTC–00018346

From: Roger Shaffer Jr.
To: Microsoft ATR
Date: 1/23/02 3:48pm
Subject: Microsoft Settlement

As a taxpaying citizen and a user of computers since 1983, I am appalled by the possibility that the Microsoft anti-trust case may be settled with little more than a wrist-slap and a punishment that only increases Microsoft's market share.

Over the last 20 years, I have watched Microsoft use its monopoly in Operating Systems to drive out any competing products. Gone are the days of multiple vendors with multiple products providing customers a choice. Now almost every area of computing is dominated by Microsoft products whether it be word processors, spreadsheets, programming interfaces, web browsers, email clients, and many others genres. They have done this by hiding their API's, altering their operating system, and using other ''dirty tricks'' to ensure that their competitor's software breaks and their's works.

As a citizen, I am insulted by many of the possible remedies involved. The most dangerous being the proposal for Microsoft to provide software to school children. While I agree that it is essential to have computers in every school. Providing Microsoft-only computers only drives out Apple and limits student's exposure to other forms of computing, eventually training them to be the next generation of Microsoft consumers.

Microsoft has proven itself as being harmful to the computing industry with its many alterations of open standards such as Java and Kerberos to reinforce their monopoly on the desktop.

My suggestion for settlement is two-fold. First, to increase the use of computers in schools, I recommend that Microsoft donate the hardware so that Linux can be installed on the machines. As an Open-Source operating system, Linux is far more useful in an educational setting both for its inexpensive installation and maintenance costs, and because students can better understand how computers function. Secondly, Microsoft should be banned from using any proprietary standards for data files and must be forced to open its existing standards. The ability to properly open, read, edit, and save a document should not require software that is controlled by one organization. .doc, .xls, .ppt, are some prime examples. In addition, Microsoft must release and can no longer perform the type of corruptions to HTML, Java, Kerberos, and other systems that they have done in the past.

Thank you for the opportunity to present my opinion.

Roger Shaffer Jr.
3831 N. Fremont #505
Chicago, IL 60613
773–281–6449

MTC–00018347

From: pierre.i@att.net@inetgw
To: Microsoft ATR
Date: 1/23/02 3:49pm
Subject: Microsoft Settlement

I am writing with regards to the proposed settlement of the Microsoft antitrust case. I've used Microsoft's Internet Explorer & Netscape's browser for many years; each has its own advantages & disadvantages, that is why I use both for different purposes. As a consumer, I have the ability to decide for myself which product suits me best—I am not a helpless victim & I don't want your help. I have been & continue to be appalled by the fact that the ''Justice Dept'' has intruded into the sphere of private business transactions at the behest of its unsuccessful competitors. A dangerous precedent is set whenever any business enlists the help of the government (which is ultimately backed by physical force) to stifle their competitors instead of competing in the realm of the free market.

It is completely irrelevant whether Microsoft bundles its browser with Windows—it is their product, their property. They are guilty of no fraud or physical force—if the consumer doesn't like Internet Explorer or the Windows operating system for that matter, there are many alternatives available on the market.

The application of antitrust laws against successful businesses can only lead to continued corruption (i.e. congressman demanding ''protection money'') and economic disaster as shown in many other countries.

Unfortunately America has strayed far from its original charter. Hard work & success is no longer lauded, but punished at the altar of ''fairness''. If the ''Justice Dept'' has its way, it won't be long before Microsoft is further punished for being a successful company & therefore having the resources to hire the best software programmers. After all, in the twisted logic which passes for today's ''fairness'' doctrine, isn't it unfair that a smaller company can't afford to offer the same compensation package as Microsoft?

Sincerely,
Pierre Ismail
5481 Round Meadow Road
Hidden Hills, CA 91302

MTC–00018348

From: Craig Burgess
To: Microsoft ATR
Date: 1/23/02 3:51pm
Subject: Microsoft Settlement

To Whom it may concern:

I am writing in opposition to acceptance of the proposed settlement in the matter of the US v. Microsoft antitrust case.

In short, the anticompetitive practices in which Microsoft has consistently engaged throughout its corporate history are unlikely to be changed short of a remedy which specifically and precisely addresses the manifold issues relating to the company's predatory behavior.

Microsoft have demonstrated unwillingness to be bound by restrictions which should have been imposed by the 1995 consent decree, the spirit of which was promptly circumvented by the company. That circumvention led to the company's antitrust conviction. Any settlement which Microsoft willingly accepts must now be suspect; the company's legal team has found a loophole which will be exploited—just as the provisions of the 1995 consent decree were exploited. Microsoft claims that its success depends upon the ''freedom to innovate'' and I must question what ''innovation'' means to Microsoft. The company's history shows that it defines ''innovation'' as ''finding new ways of securing a monopoly stranglehold on all phases of digital technology.''

I have been a user of PC computers and, necessarily, Microsoft's products, since the introduction of the PC computer. Whether I have been harmed by Microsoft practices over that period of time is certainly open to interpretation. That I have benefited from the success of Microsoft is unquestionable but those benefits probably could have been realised through the successes of other companies.

We can never know. It appears to me that Microsoft is poised to become the sole arbiter

of and single point of access to ''digital technology'' from desktop computing to content delivered through broadband Internet connection.

It is my opinion that it is not in the interest of the development of digital technologies to cede control of those technologies to a single corporate entity which I fear will happen if effective restraints are not imposed on Microsoft.

I trust that others, who are both more knowledgable and more eloquent, will address these matters and I urge that their arguments be given careful consideration.

Sincerely,
Craig Burgess
PO Box 57
Vista CA 92085–0057

MTC–00018349

From: James Woollard
To: Microsoft ATR
Date: 1/23/02 3:50pm
Subject: Microsoft Settlement

I think the current settlement as is equals stupidity. Microsoft should —NOT— be allowed to keep going like they have.

—James Woollard

MTC–00018350

From: Vijay K. Agarwala
To: Microsoft ATR
Date: 1/23/02 3:51pm
Subject: Microsoft settlement

Dear Sir/madam:

I am opposed to the proposed settlement that has been offered by the Dept. of Justice. The reasons are many but the chief amongst them is that it does nothing to break Microsoft's near complete monopoly on the desktop and barriers to innnovation which this monopoly creates.

Thank you.
Vijay

MTC–00018351

From: Andy Longton
To: Microsoft ATR
Date: 1/23/02 3:50pm
Subject: Microsoft Settlement

I am deeply concerned with the current Proposed Final Judgment (PFJ) and request at a minimum a specific and limited change to the PFJ in section III.J (1).

After careful reading of the PFJ I am convinced that as-is it will do nothing to effectively remedy any of Microsoft's documented past or similar present and future illegal behaviors as shown in the Findings of Fact (FOF). At worst the PFJ sanctions and even encourages some of Microsoft's worst vices. Other companies may take the provisions of the PFJ as a green light to act similarly and cause additional harm to the consumer.

As a business owner with over 12 years of professional experience in the software industry, and as a user of products by Microsoft and talented persons outside of Microsoft, I know that Microsoft is inherently untrustworthy. Evidence of this can be found in the ineffectiveness of the first Department of Justice anti-trust trial, the proceedings and dishonest actions during both the first and second anti-trust trials, and the FOF from this second anti-trust trial.

In addition to whole heartedly agreeing with and being a co-signatory to the Open Letter composed by Dan Kegel and others (http://www.kegel.com/remedy/letter.html), here is my additional specific recommendation;

Section III.J (1)

This section allows Microsoft to unilaterally designate any API, software module, or source code as integral to security. Because of that one loophole, the remaining PFJ becomes largely ineffective. Microsoft officer Bill Gates'' recently made a publicized announcement that security is now the single top priority at Microsoft. As such, all software and APIs could sweepingly be designated as dealing with security and therefor could not be disclosed unless Microsoft wishes to.

Mr. Gates'' statement should raise direct concern with the DOJ that if Section III.J is not substantially changed, Microsoft will take immediate and public advantage of it to thwart any other condition of the PFJ including any software changes needed by OEMs to customize the Windows desktop. Additionally, any interoperability between Microsoft products and other non-Microsoft products will touch on something Microsoft decides is a security issue—allowing Microsoft to potentially retaliate in court against those other products or to simply deny or change those interfaces as it did against both Lotus and Digital Research (now Caldera).

In addition, the whole concept of secret security devices has been throughly refuted. Security professionals find dubious value and quite a bit of harm in what is well known as ''security through obscurity''.

Security through obscurity is a bad idea simply because if the design of a security device isn't available for investigation, intentional and unintentional defects in the design can't be easily identified and fixed. Worse yet, unethical groups or individuals will discover any weakness and that person or group may not have the publics best interests at heart. Terrorist or organized crime groups would have the motivation to discover these secret weaknesses and exploit them— further harming the public.

To emphasize this: Microsoft is well documented for leaving in ''backdoors'' and other security defects that are not changed till they cause public embarrassment and loss of sales to Microsoft. Some well known security faults still exist in shipping Microsoft products, but do not receive wide spread publicity. Because of that, Microsoft does not fix these defects. W

ith section III.J of the PFJ, Microsoft would have even less of a reason to fix these defects or to remove any current ''backdoors''—now or in the future.

While there are other areas of the PFJ that can be as troublesome as section III.J (1), this is the section that causes me the most concern.

MTC–00018352

From:
preston.s.gabel@exgate.tek.com@inetgw
To: Microsoft ATR
Date: 1/23/02 3:49pm
Subject: Dissatisfaction with proposed Microsoft settlement

Dear Department of Justice representative,

I am writing to voice my dissatisfaction with the proposed Microsoft settlement.

The courts have found that Microsoft is a monopoly. The proposed settlement does not work toward ending Microsoft's monopoly. It seems that the proposed settlement will merely encourage Microsoft to become a ''nice'' monopoly. A real remedy will end the Microsoft monopoly and returns the company to having a more normal roll in the evolution of computer technology. Truly ending the Microsoft monopoly will allow real competition and innovation to return to this important sector of our economy.

Thank you for considering my comments.

Sincerely,
Preston S. Gabel

MTC–00018353

From: Parker, Thomas (US—McLean)
To: Microsoft ATR
Date: 1/23/02 3:51pm
Subject: Microsoft Settlement

I am opposed the the Proposed Final Judgment in its current form. It fails to address many concerns, including many of Microsoft's restrictive licensing terms. This settlement needs to be reworked with broader input from industry experts and representatives of competing operating systems.

Thomas Parker

Thomas Parker, Deloitte & Touche LLP, Management Solutions & Services

1750 Tysons Boulevard, McLean, VA, 22102

Office: (703) 251–4227, thparker@deloitte.com http://www.deloitte.com

MTC–00018354

From: Leilah Thiel
To: Microsoft ATR
Date: 1/23/02 3:50pm
Subject: Microsoft Settlement

Dear Sir or Madam,

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses.

It is my sincere hope that the court will continue to work to find a stricter settlement. I find Microsoft's business practices to be absolutely abhorrent, and am hoping that a settlement can be found that will correct some of the damage they have done.

Sincerely,
Leilah N. Thiel

MTC–00018355

From: Steven McDonald
To: Microsoft ATR
Date: 1/23/02 3:51pm
Subject: Microsoft Settlement

I think that the proposed settlement is a bad idea. It does not go far enough in punishing Microsoft for harming consumer choice. It does not take the appropriate steps in preventing Microsoft from continuing their anticompetitive practices. As an example, Microsoft has a history of abusing their monopoly power to force OEMs to sell only Microsoft products, and the settlement allows them to continue this practice.

Thank you for your time,
Steven McDonald
Redwood City, CA

MTC–00018356

From: RBrumpton@atai.com@inetgw
To: Microsoft ATR
Date: 1/23/02 3:22pm
Subject: Microsoft Settlement

The proposed settlement is too weak and does not take into account other operating systems that are striving to be windows compatible. If passed this settlement would send the message to Microsoft that what they have done over the last several years is not that bad and the will continue exercising their monopolistic powers.

Richard G. Brumpton, Jr
MCP, MCSE, MCT, CCNA, OCP, CNST, CNCT, A+
Training Engineer
a Technological Advantage
Native U.S. Citizen
658 Turtle Creek Dr.
Creve Coeur, MO 63141
(314) 469–2787

MTC–00018357

From: Jeremy Noetzelman
To: Microsoft ATR
Date: 1/23/02 3:48pm
Subject: Microsoft Settlement

I, along with most of my colleagues, are vehemently opposed to the proposed Microsoft settlement. It will serve to further entrench Microsoft in a monopolistic position, while hindering open and fair competition.

Jeremy Noetzelman

MTC–00018358

From: Eric J Larson
To: Microsoft ATR
Date: 1/23/02 3:51pm
Subject: Microsoft Settlement

To whom it may concern,

I would like to complain about the antitrust settlement for Microsoft. With regard to releasing APIs and information I believe this should be reconsidered. Without access to Microsoft documentation it is a means of restricting third party software makers from writing code that functions with grace and efficiency within the platform. Microsoft would then have a means of writing programs that can be integrated into the OS that other business could never achieve. While security is important is it not something that comes by not releasing information but rather by writing better code that includes precautions toward security. I also believe financial penalties should be applied along with restructuring of the company. Consumers are put in a position where the OS does not allow them simple means of gaining the software they would like. While OEMs should have the option of placing software on their machine it should be up to the OEM to include things like Windows Media Player and Internet Explorer. The OEM should also have the ability to decide how much these products are integrated into the OS, giving OEMs the ability to have the operating system customized for their customers if they so desire. While I realize it might be too late to mention some of these points I simply wanted to voice my opinion and disagreement with the settlement.

Thank you for giving me that opportunity.
Sincerely,
Eric Larson

MTC–00018359

From: ghost
To: Microsoft ATR
Date: 1/23/02 3:50pm
Subject: Microsoft Settlement

Like so many others I find myself responding to this settlement in negative ways. I believe this settlement is a bad idea and needs to be reworked to take into account businesses and other sectors that will be impacted. I am a big believer in the Cash option. If they have to pay, make them pay cash. Letting them dump their product into a market that they don't already own is not the way to stop a monopoly.

thank you for your time

MTC–00018360

From: Pravir Chandra
To: Microsoft ATR
Date: 1/23/02 3:50pm
Subject: Microsoft Settlement

To Whom It May Concern:

I have been reading the proposed settlement from the usdoj web site. I must say that I am not in favor of it in its current form. I feel as though it needs to be more in favor of Microsoft's competitors, and less favorable to Microsoft.

Thank You.
Pravir Chandra.

MTC–00018361

From: Mick Magill
To: Microsoft ATR
Date: 1/23/02 4:46pm
Subject: Microsoft Settlement

To Whom It May Concern:

As a Windows, Solaris, Mac, and Linux administrator, I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Michael J. Murray-Magill
211 Pearl St
Santa Cruz, Ca.
95060
831–469–3852

MTC–00018362

From: Sten Turpin
To: Microsoft ATR
Date: 1/23/02 3:49pm
Subject: Microsoft Settlement

As someone who has tried his best to avoid the shoddy workmanship of Microsoft products, I have to say that Microsoft has a true stranglehold on the software market. I do not doubt for a second that some of the means they have used to attain this stranglehold have been shady or even illegal. I have followed the DoJ's case against Microsoft, and even their behavior in court I thought merited punishment. To settle for such a meager sum, rather than giving Microsoft the severe punishment they deserve is to allow our government to further subjugate itself to corporate power and monies interests.

Sten Turpin
Internet Administrator
Follett Higher Education Group
www.efollett.com

MTC–00018363

From: Matt Oquist
To: Microsoft ATR
Date: 1/23/02 3:49pm
Subject: Microsoft Settlement

Dear Sir or Madam:

I am deeply disturbed by the weaknesses of the Proposed Final Judgement (PFJ) in the United States v. Microsoft. This PFJ fails to deal with many of Microsoft's exclusionary practices, and deals ineffectively with others.

For example, consider that Microsoft discriminates against ISVs who ship Open Source applications. The Microsoft Platform SDK EULA states: ''Distribution Terms. You may reproduce and distribute . . . the Redistributable Components. . . . provided that (a) you distribute the Redistributable Components only in conjunction with and as a part of your Application solely for use with a Microsoft Operating System Product. . . .'' (http://www.kegel.com/remedy/remedy2.html#isv, visited 1–23–02) As a second example, Section III.A.2 allows Microsoft to retaliate against an OEM that

includes a non-Microsoft Operating System but no Microsoft Operating System. This fails to address the entire problem.

I request that this PFJ be either scrapped or drastically re-written to address these issues, as well as many others.

Sincerely,
Matt Oquist
Nashua, NH
Software Engineer
Compaq Computer Corporation

MTC–00018364

From: Barry Long
To: Microsoft ATR
Date: 1/23/02 3:51pm
Subject: Microsoft Settlement

Dear Department of Justice,

Please bring the Microsoft Antitrust case to a close. Microsoft has complied. Anything more will only result in problems for the computer technology markets. This case has already caused enough problems with that.

Shantay Long
4379 Mosley Bridge Road
Gilbertown, AL 36908
(251) 843–6338
CC:aoctp@aoctp.org@inetgw

MTC–00018365

From: Bryan E. Patrick
To: Microsoft ATR
Date: 1/23/02 3:42pm
Subject: Microsoft Settlement

I am writing in regards to the Tunney Act public comment period on the proposed Microsoft antitrust settlement. I think that the proposed settlement is a joke. It does nothing to punish Microsoft for it's past misdeeds. It does nothing to prevent or even discourage them from continuing their anti competitive behavior, and I cannot believe the DOJ even went along with it. Suppose they were found guilty of robbing banks. Your ''proposal'' is that they promise not to rob banks anymore, and that three people watch them to make sure that they don't rob banks (leaving out S&L's and securities institutions) and if they are caught robbing banks in the next 5 years then by golly your gonna watch them another 2 years. What a joke.

I hope you reconsider and strengthen the provisions of the settlement proposal.

Sincerely,
Bryan E. Patrick
Bryan E. Patrick 281–575–0949
Houston, TX. 77099 http://www.bryanpatrick.com

MTC–00018366

From: Todd Nicoletti
To: Microsoft ATR
Date: 1/23/02 3:50pm
Subject: Microsoft Settlement

I don't believe the proposed settlement serves justice. Please consider the vast damage our nation has suffered from Microsoft corporations'' actions and what the world has lost as a result.

Todd Nicoletti

MTC–00018367

From: Evan Anderson
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 3:51pm
Subject: Microsoft Settlement

I do not believe that the current proposed settlement with the Microsoft Corporation is appropriate. I have read the proposed settlement, and find that the current settlement is not a change for the favor of competition, and does not adequately punish Microsoft for performing illegal acts.

Thank you,
Evan Anderson
Software Engineer
Oxford Systems Integration, Inc.
619 Lincoln Avenue
Troy, OH 45373

MTC–00018368

From: Darren V. Croft
To: Microsoft.atr(a)usdoj.gov
Date: 1/23/02 10:37am
Subject: Microsoft Settlement

I am against the proposed settlement.

I am the IS Manager at a small company, and an independent software developer. I believe Microsoft has hurt consumers and slowed progress in the computer industry by anticompetitive behavior, and I don't believe the proposed settlement is sufficient to prevent further harm.

I don't believe it is strict enough (too many loopholes).

I don't believe it can be adequately enforced.

I believe Microsoft has shown a disregard for the law and will not change unless forced to and I don't see that this settlement will have that effect.

I am pleased that 9 states are not going along with this settlement.

An article that some points that hit home to me can be found at:

http://www.eweek.com/article/0,3658,s%253D1887%2526a%253D17989,00.asp

MTC–00018369

From: Stephen Wragg
To: Microsoft ATR
Date: 1/23/02 3:54pm
Subject: Microsoft Settlement

Dear Sir/Madam,

Please consider this commentary under the Tunney Act before accepting any settlement.

I am a programmer and a concerned citizen. It seems very clear that the Department of Justice failed to probably prosecute Microsoft for its shameless illegal practices of coercion and uncompleteness. They simply use their size and influence on the market to disrupt any clear standards for sharing information and conducting commerce on the web. When there are no standards in place, the only alternative is to purchase all Microsoft products. They don't even need to write stable or secure software because they can assure it's necessity by causing confusion and fear in the marketplace. Please don't let us down. Throw out this settlement and go back. This is too important to loose.

There should be no settlement considered that does not break Microsoft into at least two separate companies.

Yours Truly,
Stephen Wragg

MTC–00018370

From: Nathan Bannow
To: Microsoft ATR
Date: 1/23/02 3:46pm
Subject: Microsoft Settlement

I feel that the proposed settlement is not enough, and needs more review. I take particularly strong offense to Section III(J)(2). This would effectively allow Microsoft to ''kill'' many invaluable not for profit Open Source computer software initiatives.

I also feel that Section III(D) needs to be expanded to include non-commercial entities.

Thank You,
Nathan Bannow
Library Development
20–20 Giza, Inc.
nathan@giza.com (e-mail)
(414) 332–0574, ext. 14 (voice)
(414) 332–0285 (fax)
www.giza.com

MTC–00018371

From: James Poplar
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 3:52pm
Subject: Microsoft Settlement

There is no competition in an environment given by our current state of business with Microsoft. As a security researcher, I feel that were some company's take responsibility for issues with their software, Microsoft is such a clunky beast it feels it should not care. I would imagine that if business goes on like usual, this will not change.

The practices of the Microsoft company upset me to no end, and the list of abuses I cannot even begin to describe due to the horrific amount that I would have to type before you.

. . . Fixing the online poll to favor .net technology on ZDNet was a recent on that sickened me.

. . . Slandering the open source community was another.

. . . The hostile attitude toward open disclosure for security violations in software is another one.

. . . Forcing the market to comply with the pitiful and poorly coded protocols is another. (UPnP, PPPTP)

I would like to see Microsoft answer for what they have done to the market and the consumers. I feel that something should be done, to make the computing community advance, like force peer review of Microsoft's code, force Microsoft to accept liability for security as well as faulty software, and to educate their programmers in better programming techniques. If I were to code the way they have in the past, I would most likely be caught in a lawsuit myself. It angers me that Microsoft has no liability when it is evident they indeed KNOW about problems and treat them like PR problems and nothing more.

The internet appliance from Compaq is a grand example of their lack of commitment to their consumers, and the rash of .net passport problems is another. I have heard time and time again MSN Internet Access horror stories, and I am sick and tired of people feeling helpless in the face of Microsoft simply because of the size of the company and the ease they seem to ''always get away with murder''.

This is my feeling on the subject, and I do NOT want Microsoft giving software to schools, as that has the opposite effect that

people seem to think it has. GIVING software to schools increases the consumer base, and again makes Microsoft net more customers. After all, if you have been using an OS or software suite through school, what will you use when you finally leave said institution?

Thank you.

James Poplar
1330 East 600 South
SLC, UT 84102
1–801–581–0707

MTC–00018372

From: Tietjen, Richard
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 3:52pm
Subject: Microsoft Settlement

Dear Sirs:

I am writing to give my comments on the Microsoft antitrust settlement. I believe this settlement is counter to the interests of the American public, deleterious to the American economy, and not adequate given the findings of fact in the trial. Microsoft's anti-competitive practices are counter to the law and spirit of our free-enterprise system. These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation.

Microsoft's monopolistic practices cause the public to bear increased costs and deny them the products of the innovation which would otherwise be stimulated through competition.

The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future.

It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function.

Richard Tietjen
110 Boston Street
Guilford, CT 06437

MTC–00018373

From: Steve Fry
To: Microsoft ATR
Date: 1/23/02 3:54pm
Subject: Microsoft Settlement

To Whom It May Concern:

Please make Microsoft play fair. The settlement currently on the table does not appear to be so. Make them play by the rules—the rest of us have to.

Steve Fry
ivote@hikingincolorado.org
257 Pearl, #207
Denver, CO 80203
IR3W Web Services
Steve Fry—steve@ir3w.com—720–233–3WWW
Web Site Design, Development, and More!
http://www.ir3w.com

MTC–00018374

From: dusty
To: Microsoft ATR
Date: 1/23/02 3:53pm
Subject: Microsoft Settlement

Greetings.

The proposed settlement, although a step in the right direction, does not meet the needs of the average computer user.

This settlement would allow Microsoft to continue to abuse its monopoly power; essentially allowing it to retaliate against companies that don't provide a copy of Windows with the hardware (a major complaint all through the case). Also, the numerous Microsoft representatives on the oversight committee makes it much more likely that violations of the settlement would go unnoticed or unpunished. This is unacceptable. Please review the terms of the settlement and reach a deal where

Microsoft's anti-competitive practices can be stopped.

Regards,

Dusty O'Connell

''If videogames like Pac-Man affected us when we were kids, we'd all be sitting in darkened rooms, munching magic pills and listening to repetetive electronic music.''
—someone at Nintendo, in response to allegations that video games cause violence in kids

MTC–00018375

From: steve wolff
To: Microsoft ATR
Date: 1/23/02 3:50pm
Subject: Microsoft Settlement

Please do not allow the settlement to go through. Its not even just a slap on Microsoft's wrist.

They should pay cash out to the different parties not simply (cheaply) offer MS software and old computers.

I agree that the actual value of the proposed settlement is in the $50 million range not in the $1 Billion range.

thank you

Steven B. Wolff
Sr. VP and CTO
415 883 1500 1711 fax

MTC–00018377

From: LaMaia Cramer
To: Microsoft ATR
Date: 1/23/02 4:22pm
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea. Microsoft has been unfairly tilting the market to their own advantage for countless years. We need to make sure that we level the field.

Additionally, if taxpayer's funds are helping to support code development and research, then the source code should be made freely available to all citizens (and possibly others as well).

Freely available source code will allow the community of American programmers to truly progress, instead of having multiple groups churning away redundant code. It would also allow for a peer-review process which is currently sorely lacking.

-LaMaia Cramer
lamaia@pungent.org

MTC–00018378

From: StewartnLA@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 3:54pm
Subject: Microsoft Settlement

Dear Ms. Hesse,

I just wanted to take a moment and urge you NOT to penalize Microsoft for the ''crime'' of successfully competing against rival companies. Our antitrust laws are hopelessly muddled and in my opinion should be done away with completely. While I realize that isn't in your power, you will certainly be sending a message by how you choose to deal with Microsoft. Send the right message: that America believes in free enterprise and letting the market— not the bureaucrats—dictate how successful a company can become.

Sincerely,

Stewart Margolis
842 S. Sycamore Ave.
Los Angeles, CA 90036
CC:activism@moraldefense.com@inetgw

MTC–00018379

From: Allan Jones
To: Microsoft ATR
Date: 1/23/02 3:54pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to Microsoft antitrust settlement proposal. After reading the proposal, it is readily apparent that the provisions do not fully address the well-documented past practices of Microsoft; there are no means of redress for those aggrieved.

The proposal simply prohibits Microsoft from executing its predatory practices; this is the antithesis to justice! Please address compensation/repatriation for those who have been wronged by the illegal and preadatory practices of Microsoft.

I fear that the EU will be much more harsh in its assessment of MS practices, and the current DOJ settlement will pale in comparison. What will it say about the effectiveness and impartiality of the USDoJ?

Thank you kindly for your time,

Allan Jones
ajones@austin.rr.com

MTC–00018380

From: Jerry Prather
To: microsoft.atr(a)usdoj.gov
Date: 1/23/02 3:55pm
Subject: Microsoft Settlement

Dear Sirs:

I do not agree with the terms of this settlement. Microsoft has properly been found guilty of being an illegal monopoly and they are to attone by giving away old computers and software that will further lock our children into their monopoly? That hardly sounds like a punishment to me.

I've heard it argued that no damage has been done to consumers. I represent at least one case where damage —has— been done by Microsoft's actions. I was a PC user back in the old DOS days and owned many DOS software packages. When Windows 3.1 came out, I started upgrading my old applications, because I accepted Microsoft's marketing that this was the wave of the future and things would be better. The Windows applications were a disaster compared to the old DOS applications. I'm talking about less stability, slower operation, and altogether a poorer product. I tossed the new stuff and went on using the tried-and-true DOS applications. Hence, I was damaged to the amount of that software by Microsoft.

I next learned about OS/2 (Version 2.1) put out by IBM. As advertised, it was a better DOS than DOS and a better Windows than Windows. Native OS/2 applications were superb in performance. Even in these early days, operating system stability was much better in OS/2 than in Windows. And OS/2 could truly multi-task—a feature I use constantly—and was multi-threaded to boot. (Currently my system reports 28 processes and 136 threads running at the same time.)

But, except for some hard-headed people like me that insist that their operating system deliver speedy, reliable, non-crashing service, OS/2 is hard to find. OS/2 was driven out of the market by Microsoft's pre-load agreements with the major computer manufacturers. Even the small computer shops have been lured into Microsoft's camp by being assured that their sales people and technicians only have to learn one operating system.

How am I hurt by this? First, because of Microsoft's monopoly, it's become uneconomic to develop native software for OS/2. I much prefer native OS/2 software, but I find that I have to program what I want that isn't already available—and once I get it working I have no financial incentive to polish the program for commercial or shareware sale. Secondly, the computer hardware industry has taken to building cheap stuff (Windows printers, Windows modems, etc.) which saps the power of the CPU—and, for the reasons stated above, an OS/2 user can't get drivers for the hardware anyway.

Yes, I've personally been hurt by the Microsoft monopoly and the government should take strong, punitive action against Microsoft.

Sincerely,
Jerauld S. Prather —
Jerry Prather
Virginia Beach, VA
prather@exis.net prather@exis.net q

''Many religions are worth dying for; none are worth killing for.''
—Me, circa 1998

CC:dep(a)drippingwithirony.com,Prather Angela,JackyJH...

MTC–00018381

From: John Endicott
To: Microsoft ATR
Date: 1/23/02 4:07pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am vigorously opposed to the proposed Microsoft settlement, mainly because it allows Microsoft to continue the same practices of which they were found guilty. The current proposal does not provide adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundred, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices.

Even after being found guilty of illegally maintaining and extending its monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors, yet unfavorable to Microsoft.

Sincerely,
John Endicott
453 Detroit St.
Denver, CO 80206

MTC–00018382

From: WH7Chris@aol.com@inetgw
To: Microsoft ATR,president@ whitehouse.gov@inetgw,mac....
Date: 1/23/02 3:55pm
Subject: Microsoft Settlement

The Microsoft case is a perfect example of the worst kind of action expected out of Washington.

You take a brilliant young man who has a vision no one else has and you allow him to unleash his talents upon the world. He changes the world in a way no one that was possible. He gives the people of the world a gift that they still cannot properly appreciate. His creations give rise to an ''information superhighway'' that allow people all over the world to do miraculous things. It reminds me of a story of a great architect who has defend his creations against those who use his ideas and then denounce him for those ideas. He utters a line near the end of the story: ''Thousands of years ago, the first man discovered how to make fire. He was probably burned at the stake he had taught his brothers to light.''

What response can we expect from this? If we eliminate the incentive to be successful in this country by punishing the most successful members of our society, then the weakest will not be pulled by the strongest; the able will descend into mediocrity by the weight of the incompetent. This is the grand image we want to project of America? Of course it is not. We've spent every day since September 11 trying to show the world that we will not go gently into the night. We say that we will fight until the battle is won. And yet, our hypocritical government continues to condemn its greatest producers on one hand and then hold them up for the world to see on the other. This kind of dichotomy can only exist in the chimera that is our government. This many headed monster that seeks to engulf us with its growth every passing year cannot be allowed to continue.

Microsoft is a powerful company that does everything it can to perpetuate its dominance. What else is it supposed to do. Do we really want them to simply give handouts to the rest of the computer industry so that they can catch up? There is nothing to stop a small upstart company from coming along and doing what Microsoft itself did twenty years ago. Michael Dell had a vision to dance with the big boys, and he, too, started with nothing but an idea that everyone around him called ridiculous. Does Larry Ellison really need the government's help to defeat Microsoft? If this is true, than who should the government's attack really be focused on?

Chris Owen

MTC–00018383

From: Dan Ritter
To: Microsoft ATR
Date: 1/23/02 3:56pm
Subject: Microsoft Settlement

The proposed settlement is not a useful and appropriate remedy for the problems caused by Microsoft's abuse of monopoly powers.

Specifically, the setlement does nothing to address the needs of software developers who have been forced to work against Microsoft's privileges.

Any effective remedy must remove the barriers which Microsoft erected through unlawful actions.

At a minimum, Microsoft must:
—be required to compete on a fair and level playing field with all other software developers. This requires Microsoft to accurately and completely divulge all Application Programming Interfaces (APIs), Application Binary Interfaces (ABIs) and all document interchange formats and protocols, and to make these specifications public at the same time that any Microsoft product which uses them is released.
—be required to pay a restitutional fine proportionate to the excess profits Microsoft made as a result of their illegal actions.
—be required to pay a punitive fine proportionate to Microsoft's current net worth.
—be ineligible to sell or give any Microsoft software product to any Government entity for a period of time equal to the period of time in which Microsoft committed illegal actions.
—be held on probation for 10 years, during which time any further illegal activity by Microsoft would result in the immediate suspension of Microsoft's corporate charter.

Dan Ritter
Waltham, Massachusetts

MTC–00018384

From: James Green
To: Microsoft ATR
Date: 1/23/02 3:54pm
Subject: Microsoft Settlement

Hello,

I would like to make a few comments on the proposed anti-trust settlement with the Microsoft Corporation. I hope you are receiving many other comments on this, so I will keep my comments as brief as possible. I work in the computer industry, and have experience with a wide variety of desktop computer platforms, operating systems and applications. I work for a small software/hardware development company, and have seen the results of Microsoft's monopoly in many degrees.

While I use Microsoft products where appropriate, I have seen many occasions where I have been denied a choice, or a choice was removed from me, due to the so-called ''interoperability'' that Microsoft's products use. This interoperability is in actuality a ''crowbar'' attempt to force users who use one Microsoft application to adopt other Microsoft applications as well. This has been shown in the findings of fact in this anti-trust trial. While I applaud the findings of fact, I am worried about the proposed settlement. There are many reasons for this, which can be found in several well-written articles on the Web. But the most worrying

element for me is that much of the focus is on disclosing Microsoft APIs. There are three problems with this approach:

1. The proposed settlement is too narrowly focused. It leaves many essential APIs undisclosed, and doesn't allow for necessary (and timely) documentation of those that are disclosed. Furthermore, some of these APIs (e.g. Microsoft Java) will soon be discarded by Microsoft in favor of newer technologies (e.g. .NET) which aren't covered by the settlement. It is likely Microsoft will simply abandon many of the covered APIs to avoid these restrictions.

2. There are many unreasonable restrictions placed on the use of the APIs. Because the Windows APIs remained licensed (and the patents covering them aren't even disclosed), developers run the risk of unintentionally violating the terms of their license when developing software for other operating systems. This divides the world into Windows developers and non-Windows developers, which is contrary to the intentions of the settlement.

3. Essential file formats remain undocumented, forcing users wishing to share documents to use the same application. This is perhaps the biggest crowbar in Microsoft's arsenal from a user's standpoint. I myself have found it necessary to purchase Microsoft products I did not wish to use, merely because I needed the ability to open files created by others.

Thank you for your time. I hope my opinion is of some use.

James Green

James Green Sophisticated Circuits, Inc.
jamesg@sophisticated.com

http://www.sophisticated.com

MTC–00018385

From: Kerry Kruempelstaedter
To: Microsoft ATR
Date: 1/23/02 3:55pm
Subject: Microsoft Settlement

I believe that the proposed Microsoft is a bad idea and hope that better efforts are made to find a solution that will be good for consumers.

-kk-

MTC–00018386

From: Nick Silberstein
To: Microsoft ATR
Date: 1/23/02 3:43pm
Subject: Microsoft Settlement

To Whom It May Concern,

I'm opposed to the settlement with Microsoft as it currently stands. I believe it let's Microsoft ''off the hook'' and fails to either 1) Remedy past problems brought on by Microsoft's monopolistic abuse, and 2) Protect either a)consumers, or b)the rest of the computer industry, from future abuse by Microsoft.

Microsoft must be made to see the error of their ways. The consistent arrogance they have displayed at every opportunity when their monopolistic and intimidating business practices are called into question makes it clear that Microsoft has NOT learned their lesson. Please do your part to ensure the continued health and growth of the technology and software industries by reining in a company bent on total domination with a proven track record of squashing promising companies like Netscape.

Sincerely,

Nick Silberstein

MTC–00018387

From: ralphtheraccoon
To: Microsoft ATR
Date: 1/23/02 3:57pm
Subject: Microsoft Settlement

i think the proposed settlement is a bad idea.

MTC–00018388

From: Kelly G. Price
To: Microsoft ATR
Date: 1/23/02 3:56pm
Subject: Microsoft Settlement

I feel the proposed settlement has far too many loopholes and will be an ineffective remedy for Microsoft Corporation's misdeeds. A better settlement would require Microsoft to fully document and publish in a timely manner their system interface calls and file formats and allow other companies, organizations, and individuals to freely use these documents to write software which is compatible with Microsoft's products.

Kelly Price

MTC–00018389

From: keith frost
To: Microsoft ATR
Date: 1/23/02 3:56pm
Subject: Microsoft Settlement

If they are going to be allowed to act as a utillity company then they need to be regulated like one. ALL the API need to be opened up, and they're OS needs to be tested for conformity (against what they publish) the same way the water company gets tested for quality.

better yet just have the federal governmet exercise Eminent Domain and take control of MS. it'd be great for reducing taxes.

phrostie

Oh I have slipped the surly bonds of DOS and danced the skies on Linux silvered wings.

http://pfrostie.freeservers.com/cad-tastrafy/

http://www.freelists.org/webpage/cad-linux/

MTC–00018390

From: Michael Percy
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 3:57pm
Subject: Microsoft Settlement

To Whom It May Concern,

I believe the proposed Microsoft settlement does not adequately address the concerns layed out by Judge Jackson or the Appeals court for eliminating Microsoft's anti-competitive behavior in the marketplace. The largest issue that stands out in my mind is that the settlement failed to address the growing issue of Open Source Software (OSS) competition for Microsoft. Microsoft's licensing terms include clauses for prohibiting the installation of OSS by ISVs and OEMs, as well as the use of Microsoft's Software Development Kits (SDKs) to develop software with an Open Source License. Moreover, Microsoft punishes those who install a competing Operating System (OS), such as Linux, in addition to or instead of a Microsoft OS.

Microsoft considers its OEM licenses (which enforce the above) a ''trade secret'' and is not required to disclose the details of those licenses. The proposed settlement does nothing to address any the above issues, especially as they apply to small or local OEMs. If this behavior continues, the court has not done its job in assuring an end to Microsoft's anti-competitive behavior.

Regards,

Michael Percy

San Ramon, CA

Software Engineer, Portera Systems

Campbell, CA

(I do not speak on behalf of my employer)

MTC–00018391

From: Mike Perik
To: Microsoft ATR
Date: 1/23/02 3:57pm
Subject: Microsoft Settlement
To: Renata B. Hesse

Antitrust Division

U.S. Department of Justice

601 D Street NW

Suite 1200

Washington, DC 20530–0001

I would like to express my disapproval of the Proposed Final Judgment for the Microsoft settlement. The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft -Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows. -Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

-Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)

I also disagree with the proposal of Microsoft donating Microsoft products to schools this only helps them lock out competitors. They should be required to donate money that can be used for the purchase of any vendors hardware and/or software for a solution that best fits the needs of the school.

Sincerely,

Michael Perik, Batavia, Illinois; Software Engineer

MTC–00018392

From: johnjulian1@netscape.net@inetgw
To: Microsoft ATR
Date: 1/23/02 3:57pm
Subject: Microsoft Settlement

To Whom it may Concern,

I am not in favor of the current Microsoft settlement. Microsoft destroyed many of the computer companies I purchased software from such as RoseSoft.

The current settlement does nothing to remedy the past illegal behavior of Microsoft.

John Julian

1101 Newberry Rd

Milford, MI 48380

MTC–00018393

From: Jason Swartz
To: Microsoft ATR
Date: 1/23/02 3:59pm
Subject: Microsoft Settlement

Hello,

I'm writing about the proposed settlement for the Microsoft antitrust case, in accordance with the Tunney act. The proposed settlement is far too lenient on Microsoft, and should be re-evaluated. I agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html), namely: Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

Thanks,

—Jason Swartz

MTC–00018394

From: DJ Hagberg
To: Microsoft ATR
Date: 1/23/02 3:55pm
Subject: Microsoft Settlement

The current settlement as proposed by the US Department of Justice and Microsoft at best is ineffectual and at worst grants Microsoft power to pursue its monopoly in even more aggressive ways. It must NOT be accepted in its current state—severe behavioral or structural remedies are warranted.

With the current settlement, Microsoft is free to pursue lock-in contracts with computer vendors, withhold documentation on protocols critical for interoperability with free software (under the guise of a vague ''security-critical'' term), expand their Internet Service Provider business, MSN, to the exclusion of non-Microsoft operating systems, and expand their customer lock-in through the Passport system. This remedy also gives NO rights to one of the most viable alternatives to Microsoft's lock in—the Open Source and Free Software organizations responsible for the creation of Linux, Apache, and SAMBA. As a matter of fact, these organizations are *explicitly* excluded in section III(J)(2). In fact this settlement gives Microsoft more power to exclude free and open software from their market. The proposed settlement is no rememdy. This must be changed. My recommendations would include:

- Ceding control of /all/ Microsoft Office file formats to an open, *royalty-free* standards body such as W3C.

- Ceding control of /all/ Microsoft networking protocols and related network data formats to an open, *royalty-free* standards body such as W3C.

- The above file formats and networking standards shall be available on-line on Microsoft's website, accessible by any standards-compliant web browser, unencumbered by registration, royalty, or other protection clauses.

- Regular, independent standards-compliance reviews of Microsoft products against the publically-available standards. The above regulations leave the software field open to competition, on platforms other than Windows, and provide a competitive marketplace and a standards-compliant base upon which both free and commercial can compete for customer's mindshare and wallets.

Thank you for your time,

D. J. Hagberg, Jr.
Software Engineer
Millibits Consulting
3265 McClure Drive
Erie CO 80516
Ph. 303 926–6918
dhagberg@millibits.com

MTC–00018395

From: Matt Weaver
To: Microsoft ATR
Date: 1/23/02 3:57pm
Subject: Microsoft%20Settlement

This settlement is no good.

-Matt

MTC–00018396

From: Greg Martin
To: Microsoft ATR
Date: 1/23/02 3:58pm
Subject: Microsoft Settlement

Hello,

This letter is my set of comments about the proposed settlement as part of the Tunney Act comment process.

FUNDAMENTAL PROBLEM

The fundamental problem with the settlement is that Microsoft is completely out of control abusing its market monopoly, engaging in repeated and clear practices of product tying by using its monopoly position in operating systems to destroy other markets and eliminate competition, and the settlement does nothing to address this.

At a fundamental level Microsoft has grossly overstepped the bounds appropriate for an operating system product, and has been for several years the single biggest anti-competitive force in the computer industry.

WHAT IS AN OPERATING SYSTEM?

The crux of Microsoft's abuses involves overstepping the definition of an operating system; I suggest this definition: ''An operating system abstracts computer hardware and provides a consistent interface for application programs to utilize.'' An operation system enables applications. A more generous definition of the operating system could perhaps be expanded to include ''the minimal set of utilities required to maintain the computer hardware.''

THE BLOODY TRAIL

A casual reading of the trade press for the past 10 years reveals numerous companies devastated by Microsoft's decision to include successful ''applications'' in its ''operation system'', effectively destroying the markets in the process and eliminating future competition.

Examples of destroyed markets:

1) File managers
2) Disk defragmentation
3) Disk compression
4) WWW browser
5) E-Mail clients
6) Media players (currently being destroyed)

The first three examples could perhaps be covered by the minimal set of utilities to maintain the computer hardware, although there are considerations of a competitive market for computer hardware maintenance utilities.

The last three examples are most could not appropriate for an operating system.

A REPEATED PATTERN

Microsoft has consistently followed the pattern of defining API's (which is a valid function of an operating system and is pro-competitive) and then bundling ''free'' applications which destroy markets (not a valid function of an operating system and intentionally anti-competitive). Furthermore, having both control over the operating system and early access to this information for application development gives Microsoft an unfair advantage over competitive applications that simpley can't be overcome. All talk of a ''Chinese wall'' separating the operating system development and application development is joke that not even Microsoft bothers to tell any more. This situation is grossly anti-competitive.

FALSE BENEFITS

Microsoft justifies bundling in terms of consumer benefit; consumers do benefit to some degree in the short term by getting applications for free.

However, in the long run consumers are hurt because:

1) Markets are destroyed
2) Competition is stifled
3) Choice is removed

Furthermore, every ''free'' application given to the consumer is fundamentally illegal because it represents monopoly product tying; applications should not be in the operating system (see definition above).

WWW BROWSER EXAMPLE

Microsoft claims Internet Explorer is a fundamental part of the operating system that can't be removed and still have a functional product. The company may have constucted its product in such a way that this is true; however, it still represents illegal tying of application and operation system.

Microsoft is free to define API's to include in its operating system, which it did liberally in its drive to embrace the Internet. API's fall into the consistent interface for application programs, and are pro-competitive. However, as soon as Microsoft bundles an application to take advantage of the API's the line is crossed and the behavior becomes anti-competitive. Applications and operating systems are separate products, and should not be mixed in an anti-competitive way.

VOLUME LICENSES

One abuse of monopoly power that was not even mentioned during the trial was clauses in volume licenses that explicitly prevent dual-installation of another operating system co-existent with the Microsoft operating system. This is a gross and particularly glaring abuse of monopoly power designed to stifle competition.

FAILURES OF THE SETTLEMENT

The settlement fails in numerous ways:

1) Microsoft has grossly overstepped the bounds of an operating system and repeatedly and illegally tied applications to

its operatin system; the settlement does nothing to address this fundamental transgression.

2) Microsoft's behavior has been grossly anti-competitive, severely abusing its monopoly market power; the settlement does nothing to address this.

3) Microsoft has illegally destroyed numerous markets and illegally stifled competition in methodical and repeated ways; numerous companies have suffered or been destroyed, unknown others have been been intimidated out of markets or prevents from forming in the first place, and the entire competitive landscape of the computer industry has been negatively affected by Microsoft's actions; yet the settlement contains no punitive actions against Microsoft.

4) The settlement does not go far enough in curbing Microsoft's monopoly power in dictating terms in business dealings such as volume licensing deals.

PERSONAL OPINION OF A YOUNG AMERICAN

My personal opinion is that the settlement is a bad joke. It sends the message that if you are a successful company somehow perceived as beneficial to the country then you can run roughshod over the law consistenly and methodically and still escape punishment. The settlement represents behavior of the government that disillusions young Americans. I hope the Department of Justice will reconsider this ill-advised settlement and take actions to restore fair competition to the computer industry.

Greg Martin
gamartin@shout.net

MTC–00018397

From: Rik Gran
To: Microsoft ATR
Date: 1/23/02 3:58pm
Subject: Microsoft Settlement
To: microsoft.atr@usdoj.com
Renata Hesse
Trial Attorney
Suite 1200 Antitrust Division,
Department of Justice
601 D Street NW
Washington, DC 20530
From: Richard Gran
6310 60th Ave NE #101
Seattle, WA 98115
gran@physics.umn.edu
Wednesday, January 23, 2002

I am writing with comments on the proposed Microsoft settlement. I am concerned that the settlement reached by Microsoft and the Department of Justice is neither a sufficient punishment for the illegal practices uncovered in trial, nor adequate compensation to the victims of those practices such as myself, nor does it provide a good remedy that will prevent further illegal actions by Microsoft. I am sure that the public comments will generate many different views on the proposed settlement and possible remedies. I will confine my comments here mostly to things that have impacted me personally. Looking at how I use computers, I can see the explicit negative effects that Microsoft's illegally maintained monopoly has had on my work.

I have two points I would like to make. First, the monoply that Mircosoft has built and maintained through illegal actions has had direct, and negative effects on my work. Since I am unable to personally recover damages from those ill effects, I expect that the courts will act very strongly to punish Microsoft, and to aggresively find ways to prevent further damage. The second point is that any agreement that allows Microsoft to continue with the practices it has used over the last ten years will likely seriously affect and delay innovation in software development in the future, as it has in the past decade.

Section one: The effects on my work

I work as a physics researcher doing experimental high energy physics. Currently, I am a graduate student at the University of Minnesota. My research is supported by a Department of Energy grant, and my studies are partly supported by the State of Minnesota. In the course of my work I do a lot of computer programming for my data analysis, and also use the computer to write my thesis.

Practically none of the work I do involves any product designed by Microsoft. Almost all the programming I do and applications I use are done on one of several flavors of UNIX (Compaq's Digital Unix and GNU/Linux). By itself, this is not very interesting. A different, non Microsoft Windows, system happens to be appropriate for my work. But Microsoft's illegally maintained monopoly on the Windows and Office market has prevented some applications that should have been available to me on UNIX systems from being available. By this, I don't mean ''should'' in principle, but several companies have made efforts to produce software that runs on multiple platforms, and have failed.

One primary example is Microsoft Office, the dominant office suite. For writing a Ph.D. thesis or doing serious numerical calculations, MS Office is an inappropriate choice. But for simple letters, and for small spreadsheet calculations, these are excellent tools. We are all aware of this, practically everyone who uses a computer has used a word processor or spreadsheet. Microsoft used to have several competitors in this category, and over the last 10 years all but two seemed to have died away. Of those, one (Corel's WordPerfect) made an effort to provide their product for Unix machines. Only recently have a couple new products appeared which might soon fill this gap. And these are products that have been standard on Windows and Macintosh machines for over ten years. There is no technical reason why it has taken so long, it is simply because the companies'' inability to overcome Microsoft's monopoly has prevented them from extending their product line to where I work. The cost to me is lost time, the inability to use documents from people who use Microsoft Office, and the need to purchase a different, separate computer to run these programs.

To further this example, my wife also works in scientific research. She has worked on Unix machines and with other non-Microsoft products before, though not as extensively or as totally as I do. When a federal grant gave her enough money to upgrade the computer she uses for daily work, she chose to get one with Windows installed, even though she will still require a different computer for other tasks. The reason is because she felt she needed immediate access to Word and Excel, even though these items are only half of her work. Again, these are products that the computer industry would almost certainly have provided if it hadn't been for Microsoft's illegal practices.

My point: if Microsoft had not illegally maintained its monopoly, these common, ubiquitous computing products would have been available for this other, non-Microsoft operating system before now, and one or more companies would be still thriving businesses and good employers because they offered it for Unix or other operating systems. My work would be faster, less expensive, and more effective, and it would have cost less to the Department of Energy and the State of Minnesota, as well as to me personally: thousands of dollars and thousands of hours for just one worker.

Example number two. For many years Microsoft has illegally prevented computer hardware makers from installing an alternate operating system on the hardware if they had an OEM agreement with Microsoft. The main publicly known example of this is BeOS, though I don't think the DoJ formally investigated this prior to its anti-trust suit, and judging by the settlement, they are probably not investigating this now. There is no technical reason why two operating systems could not be present on one machine; indeed, in the past four years several alternate OS's such as Sun's SPARC, GNU/Linux, and the late BeOS appeared and run on the same hardware that Windows uses. If computer manufacturers had been allowed to install one or more of these along with Windows, a wider group of people might have tried and used them, more useful programs might be available for them. If one or more of them offered important benefits that Windows didn't offer, they likely would have attracted a wide following, at least among users who would benefit. In my case, the GNU/Linux system is very similar to the Unix systems that I had been using all along for my research.

My point: if Microsoft had not illegally maintained its monopoly, these alternative ways of using a computer might have been more easily available to a wider group of users. Those alternatives that were actually better than Windows, at least for some uses, would be widely available today. The jungle of computer operating systems and applications and uses would be much more diverse, much richer than it is today. Furthermore, software makers would develop programs, applications, and tools in such a way that they run on more than one type of computer or operating system.

Section two: The effect on the software industry as a whole I would like to reiterate and extent this last point, with one important conclusion. In the past couple years, several alternatives to Microsoft Windows and Microsoft Office and other web browsing and multimedia applications have appeared and are challenging Microsoft in its primary market. Some of these products appeared

before Microsoft made one of their own, while some came later. Some offer the same functionality while some offer more. In a marketplace free from an abusive monopoly, these products would compete on their own merits and on their ability to interact well with other programs. In the case of an abusive monopolist, they are denied equal access to the consumers and to information to make them interact with other programs, in particular they can not enter the market of the monopolist. It is very telling that the most successful path to competing with Microsoft has come from the ''Open Source'' community. Products such as GNU/Linux, Sun's StarOffice, the Apache webserver, Samba, and several initiatives by IBM are all developed in a not for profit way. These individuals and companies are in some cases are hoping for an indirect profit by selling hardware, or service, or something else, but these basic foundations are available for free or for very low cost. This strategy is working, so far, because Microsoft uses illegal monetary incentives to suppress competition, and these products are substantially immune to those efforts.

Had Microsoft simply been an accidental or legal monopoly, it would have a wider variety of successful competitors. Apparently, the most successful way of competing with an abusive monopolist is to offer products that are immune to the illegal financial-based actions of that monopolist. In effect, the competing products must be nearly free to customers. The fact that we see exactly this kind of competition, and the fact that we are seeing it from companies that are otherwise very profit-oriented (such as Sun and IBM) strongly suggests that Microsoft's illegal monopoly has had a substantial and ongoing effect on the software business, beyond what an ordinary monopoly would have.

The field of computers, software, and information technology is rapidly changing. There are new ideas appearing all the time, and older ideas and programs evolve and improve. If allowed to flourish, many of these new ideas will be commonplace in just a few years. As indicated here, and in the case presented by the DoJ in the anti-trust trial, and through many other examples, Microsoft has acted illegally to prevent individuals and companies from competing against its own products, and today's computing existence is poorer because of it.

If the proposed settlement is not made stronger, or if a much stronger remedy is not put into place, then only one group of individuals and companies will be able to compete: those that are able to offer their products substantially for free. This seems an unfair choice, because it limits software production to huge companies with other non-software products, or to individuals who have absolutely no motivation for profit. While both these groups are wonderful in themselves, the bulk of innovation in American business has come from individuals and companies in between: small start-ups, people who start a company out of their garage or basement, medium sized companies who can quickly respond to the changing needs of a small, select market. The result will be unnecessary lost time and greater expense for people who use software to accomplish real things, like scientific research, running a business, searching for information, and everything else that we use computers for.

Section three: Changes to the settlement and other possible remedies The strongest possible remedy, of course, is one that would dissolve Microsoft and its assets. Presumably, their cash could go to the government and be put into education or something to help the next generation of software developers. Microsoft's program code could then be put into the public domain, and different companies can compete to offer improvements to it, or take things from it for use in their own products, thus distributing it to all takers. This probably would cause a little turmoil, but would in the long term (and short term, remember how quick innovation in computers can be) be very good for everybody. Even a lesser remedy of breaking apart the company into separate units does not seem unreasonable, if it is well considered. But assuming that these very strong remedies are deemed too much, here are ways of improving the proposed settlement instead.

The proposed settlement is inadequate on several counts. The remedy should include a large monetary penalty, on the order of the billions of dollars companies and individuals have lost trying to compete against Microsoft's unfair practices, or the billions of dollars individuals have lost in productivity because the market could not accomodate their needs efficenly. This amount must also be this large, because if it is not a substantial portion of Microsoft's tens of billions of dollars of illegally gained cash reserves, then it is not really a punishment, nor does it deter other potential abusive monopolies (or Microsoft itself) from further illegal activities. At the very least, the federal governemnt itself is owed much of this money, as in my case, a Department of Energy researcher. I estimate several thousands of dollars in computer equipment and time could have been spent on other things in my case alone. Whether a monetary penalty can also be extracted for the benefit of individuals and companies that have also suffered, and how that benefit should be redistributed to them, should also be more fully explored. The remedy needs to include an independent group to monitor Microsoft to make sure that their illegal activities do not continue, and possibly to investigate all the forms that these activities took. This group needs to have the influence and power to immediately act if they uncover problems, not just a powerless series of recommendations. Because of the enormous pace of software innovation, a delay of six months in enforcement is uncomfortably long, a delay of more than a year is unacceptable. Very strong powers should be explicitly granted to such a committee.

The ideas in the settlement about opening up API's and pieces of code to allow other programs to work correctly with Microsoft's programs is a good one, but someone needs to carefully look for and close loopholes in the agreement (or make sure that a different remedy does not have such loopholes) that might permit Microsoft from not fully complying. In light of their illegal pratices, no aspect of how their products interface with other programs or a users data, should be hidden from any programmer or potential competitor, whether they are part of a for-profit company, or an open source developer. There must be no exeptions, either for what information is available or who gets it. As written, the settlement includes many unnecessary or dangerous exclusions. In principle, this is a purely punitive measure; an ordinary company would be allowed to choose what parts of the inner workings and interfaces of its products should be available to collaborators or competitors. Historically, many have chosen to make much of this information available in hopes of gathering many independent devolpers to extend and improve their product.

In the case of an illegal monopolist, there is no gain to be had by sharing this information Thus, this is an important part of the solution, and its details need to be as strong as possible. It has been reported that the law allows for such punitive measures to be applied, even in the sometimes murky area of intellectual property, patents, and copyright, when a crime has been committed, as it has in this case.

Thank you for your attention.

Richard Gran

Richard Gran gran@physics.umn.edu http://www.hep.umn.edu/gran or use

Richard.Gran@alumni.carleton.edu

MTC–00018398

From: Stephen Kemler
To: Microsoft ATR
Date: 1/23/02 4:46pm
Subject: Microsoft Settlement

To whom it may concern,

I would like to offer my opinion that the proposed anti-trust settlement that Microsoft Corporation has reached with a number of Plaintiffs in this case is grossly ineffective. As a network administrator at a private corporation, I am forced on a continual basis to deal with issues caused by inferior Microsoft products that we are forced to use because they are so wide spread. This proposed settlement will do little to nothing to resolve the real issues in this case, and Microsoft will continue to act in ways that make competition impossible.

Thank you,

Stephen Kemler

Cleveland, Ohio

Network Administrator

MTC–00018399

From: Michael Rybarski
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 3:58pm
Subject: Microsoft Settlement

The proposed settlement is a step in the right direction but it is shortsighted with it's remedies to stop Microsoft's illegal practices. Two major flaws are: easy to circumvent definitions of compliance and lack of regulations in regard to Restrictive License Terms. I do not think that the settlement will fix the Microsoft's illegal practices and I do not support it.

Michael Rybarski

Network Manager

Shell Vacations, LLC

Northbrook, IL

MTC–00018400

From: bcronin@ICSI.Berkeley.EDU@inetgw
To: Microsoft ATR
Date: 1/23/02 3:58pm
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea. Microsoft has proven its bad faith many times in the past. Conduct remedies will only play into its hands. Stronger measures must be taken.

Beau Cronin

MTC–00018401

From: tjackson@ichips.intel.com@inetgw
To: Microsoft ATR
Date: 1/23/02 3:58pm
Subject: Microsoft Settlement

To Whom It May Concern,

I feel that the Proposed Final Judgement (PFJ) in the Microsoft anti-trust case will not truly fulfill its purpose. The PFJ contains misleading and overly narrow definitions and provisions. These narrow definitions provide large loopholes Microsoft will be able to exploit to continue their anticompetitive practices.

It also fails to prohibit intentional incompatibilities historically used by Microsoft. This will be used again and again to prevent new products from being able to compete in the software domain. It was used with DOS, and will likely be used again against Linux-based applications.

I hope that you will at the very least re-work the PFJ so that it covers the loopholes people have already found. Without doing that, Microsoft will have free reign to do what it has historically done in the past, and the antitrust case will have only been a waste of my money (as a tax payer).

sincerely,
TJ
Trey Jackson
tjackson@ichips.intel.com

''Life isn't too short, it's that you're dead for so long.''
— No Fear

MTC–00018402

From: WolfWings/Rhenthar/Mneumenth/etc
To: Microsoft ATR
Date: 1/23/02 3:58pm
Subject: Microsoft Settlement

I have serious problems with the suggested settlement as currently published. Many of the terms have been defined so narrowly that Microsoft could well avoid the supposed restrictions entirely.

The failure to require advanced notification of possibly drastic changes in the Windows operation system structure and design also makes the supposed ''restrictions'' which require disclosure of API's and other information to allow compatable software to be written for much of the operating system allows Microsoft to use their ''current'' system, and publish information on it, while designing a secondary, incompatable system, and suddenly releasing it as the ''final version'' and breaking all the existing middleware. This again, defeats the entire purpose of the settlement restrictions.

The fact that patents are not properly addressed is another problem I have with the settlement as published. The failure to require disclosure at the very least of which patents apply to the Windows Operation System, removes any use of any ''compatability'' information, because implementing it, could end up being illegal due to patent infringement.

I'm sure you've recieved many well-worded, and much longer-winded comments about the settlement, but these are the two largest problems I have with it currently. Thank you for taking the time to read this.

Sincerely,
Christopher Armstrong
3741 Keystone Ave. #5
Culver City, CA 90034

MTC–00018403

From: goofy1432@goofy1432.dhs.org@inetgw
To: Microsoft ATR
Date: 1/23/02 3:53pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea.

MTC–00018404

From: Scott Thatcher
To: Microsoft ATR
Date: 1/23/02 3:44pm
Subject: Microsoft Settlement

Dear Sirs:

I am writing to express my oposition to the current proposed settlement in the Microsoft antitrust case. The settlement does not do enough to punish Microsoft for its past disregard for the law, and it does not do enough to make sure Microsoft does not repeat the business practices that have already caused so much harm to others in the computer industry.

Sincerely,
Scott Thatcher
215 S. Florence
Kirksville, MO 63501
thatcher@truman.edu

MTC–00018405

From: Joe Schwartz
To: Microsoft ATR
Date: 1/23/02 4:11pm
Subject: Microsoft Settlement

It is in my opinion that the proposed settlement is no more than another slap on the wrist that will be ignored by Microsoft. if you are looking for a true solution, the Microsoft Windows sourcecode should be placed in the public domain, so that true competition in the software industry can be achived on a level playing field.

MTC–00018406

From: kurta@spk.agilent.com@inetgw
To: Microsoft ATR
Date: 1/23/02 4:00pm
Subject: Microsoft Settlement

I think that the proposed settlement is a terrible abrogation of justice. I am joining the Kegel petition (http://www.kegel.com/remedy/letter.html) and am sending this directly to you as an individual input.

Thank you,
Kurt
Kurt Andersen <kurta@spk.agilent.com>
(509) 921–3792

Disclaimer: This is my personal opinion and does not represent any opinion that may or may not be held by my employer.

MTC–00018407

From: Dave Mitchell
To: Microsoft ATR
Date: 1/23/02 3:51pm
Subject: Microsoft Settlement.

While I don't have the time to list out the number of reasons I believe the settlement with Mircosoft is not as complete as I think it should be, I believe, based on the information I have read, including many of the suggested readings for the case, that the current settlement with Microsoft does not realy punnish them. Please reconsider the settlement, and strengthen the final judgement.

My basic complaint: I don't think the current judgement is in the best interest of the overall public.

Thank you for your time.
David Mitchell

MTC–00018408

From: Frank Cox
To: Microsoft ATR
Date: 1/23/02 4:00pm
Subject: I'm opposed to the settlement

As a long-time computer hobbyist and amateur programmer (I have been playing with computers for about 25 years now) I am strongly opposed to the proposed settlement in the US v Microsoft antitrust case.

Microsoft has gone from ''one more software company'' to THE software company, and this is not healthy for an industry which is as fast-growing and innovative as the computer industry should be. I say that it should be fast-growing and innovative, but unfortunately Microsoft's view is that anything that is bad for Microsoft is bad for the industry and this is not the case. Many promising technologies and companies have come and gone because Microsoft either bought them out to make them disappear or ''cut off their air supply'' in the infamous words of the Netscape trial.

Microsoft in its current form is bad for the future of the computer industry in the USA and throughout the world. This proposed settlement is bad for the future of the computer industry as it will simply give Microsoft a pass to continue to squash anyone who looks like a competitor. How many companies have not brought a new innovation forward simply because ''if we do, Microsoft will kill us''? We will never know the answer to that question.

I am not a US citizen. I am Canadian. However, I hope that my comment will be taken into consideration because the computer industry is world-wide and Microsoft's influence is (unfortunately) worldwide as well.

Frank Cox
Melville, Saskatchewan
Canada

MTC–00018409

From: Tom Field
To: Microsoft ATR
Date: 1/23/02 4:00pm
Subject: Microsoft Settlement

I don't believe that the proposed settlement is harsh enough. Microsoft was knowlingly engaged in unethical and illegal activity and needs to be controlled.

MTC–00018410

From: Randy McLaughlin
To: Microsoft ATR
Date: 1/23/02 3:59pm
Subject: Microsoft Settlement

To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

As a software developer with over 20 years'' experience, and as the owner of a small software business, I'd like to comment, pursuant to the Tunney Act, on the Proposed Final Judgment in United States v. Microsoft. The proposed settlement attempts to impose restrictions on Microsoft in order to limit Microsoft's ability to engage in further monopolistic practices. The settlement can be expected to fail to provide effective remedy. It strikes me that the situation is similar to the ongoing race between those who write software viruses and those who are trying to protect our computer systems against them. A vulnerability is discovered and a number viruses are released exploiting the vulnerability. Security experts discover the virus and rush to find ways to stop the spread of the virus and to eliminate the vulnerability. Unfortunately, the virus authors have a head start. If they are able to release a strong enough virus it will be able to cause significant damage and massively reproduce before being detected. Even more time is needed and more infections occur before effective countermeasures can be developed and distributed. Meanwhile other people throughout the world are busy looking for new vulnerabilities to exploit and new ways to propagate and cause damage.

The proposed settlement attempts to identify ways in which Microsoft can be regulated based upon today's software and practices. But software is dynamic. Today's software is different than software written five years ago. Many key technologies have developed during that short time. For example, during that time Microsoft has developed the .NET platform and has reoriented the architecture of its products around that platform. We can expect that trend to continue. Indeed, the proposed settlement provides incentive to Microsoft to come up with new technologies and new procedures that allow it to get around the limitations imposed by the proposed settlement. If the settlement requires disclosure of APIs on a given date, Microsoft will have incentive to redefine the interface between its products so that the interface falls outside the definition of ''API''. They will also have incentive to be sure that the APIs change to include new or modified services shortly after disclosure.

The proposed settlement establishes a situation similar to one where a team of security experts is brought together to build software that will detect and disable all known viruses as of a given date and then go home assured that there will be no more outbreaks in the next five years. The proposed settlement assumes that a Technical Committee of three people could keep up with all the changes made by the thousands of Microsoft employees. Might we also assume that a small committee with no power to take action would similarly provide protection against any new viruses that crop up, despite the efforts of the experts to plug the known vulnerabilities? Anyone with any experience in the field would know that there is no way to know or to fix all the vulnerabilities, nor to anticipate all possible attacks. While the team was working and after they went home others would be continuing looking for new ways to cause mayhem.

The proposed settlement establishes a framework and invites Microsoft to turn its massive corporate resources toward finding a way to get around the framework. Effective action is needed to terminate the illegal monopoly, deny Microsoft the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future. The proposed settlement can be expected to be totally ineffective. Any solution must be as nimble as the monopolist and in light of past monopolistic practice, must truly enable the competition.

Randy McLaughlin
Red Wing, Minnesota

MTC–00018411

From: Jay Zimmermann
To: Microsoft ATR
Date: 1/23/02 4:01pm
Subject: Microsoft Settlement

To whom it may concern,

I feel that the proposed anti-trust settlement is a bad idea and fails to address the issues at hand. I respectfully request that it be reconsidered.

Thank you.
Jay Zimmermann
Oakland, California
510–261–8509

MTC–00018412

From: Barry King
To: Microsoft ATR
Date: 1/23/02 4:02pm
Subject: Microsoft Settlement TWMC:

The remedy is far too little, too late. Microsoft's lucrative practices of strongarming ISVs and OEMs are far less important for the future than what it plans to do with distributed component such as those it plans to base the company on using C# and .NET. These future products have not been addressed by the remedy, but are merely continuations of a code base which has been used by Microsoft to maintain a stranglehold over innovation and commerce, directly harming the U.S. public by providing shoddy, insecure software at an egregious total cost of ownership. Because these initiatives have no name at this point, more emphasis must be placed on intellectual property principles and less on specific product. Intercompatibility is the principle which must be upheld, not niggling issues of bundling and product licensing of such-and-such version of Windows or Internet Explorer. Either Microsoft must be forced to use public standards of process intercommunication or it must be forced to show the exact behavior of the software it releases to developers. As defined in the remedy, a documented API is not broad enough for this issue. Complete APIs must be disclosed, including implementation and optimization issues.

However, enforcement of this will be impossible given the scale of the task. With hundreds of components being built in new ways and platforms than can be predicted in specific terms, there is no way that this remedy will address the monopolistic practices Microsoft WILL perform in the future. The remedy will be unenforceable given the role of the TC as outlined by the remedy, no matter how many consultants the TC can hire on Microsoft's dollar. Even if the TC does the job perfectly, it will not fix what is broken at Microsoft: the company's total lack of commitment to quality and responsibility.

Furthermore, by restricting the access to Microsoft source code to the TC (and, presumeably the TC's staff) no means are given by which open-source programmers can ensure their code has not been stolen by Microsoft in violation of the licensing agreements. The courts are not prepared to handle this sort of dispute, and no open-source (or for that matter, closed-source) competitor can afford to go against Microsoft in court. A way outside of the court system must be found to solve this problem, and this remedy is not it.

In the end, the court has two choices to properly settle this. Either convert substantial amounts of Microsoft's Intellectual Property to the public domain as de-facto standards or force the company to rework its products to function well on competitor's operating systems, specifically those competing operating systems most used by the U.S. public, namely Linux and Mac OS.

Signed,
Barrington King
Co-Founder
Wyrdwright, LLC

MTC–00018413

From: Thom Felton
To: Microsoft ATR
Date: 1/23/02 4:02pm
Subject: Microsoft Settlement

As it now stands I believe that the settlement is not a punishment to MS and in fact will enhance their monopoly and enhance the likelihood of their abusing their monopoly position.

Thom Felton, Ph.D.

MTC–00018414

From: Fromhold-Treu, Rene
To: Microsoft ATR
Date: 1/23/02 3:59pm
Subject: Microsoft Settlement

Dear Madam/Sir,

I am writing in response to the DOJ's announcement to settle with Microsoft in the Department's long-running anti-trust suit.

There are many reasons why this settlement is a terrible idea (please see http://www.kegel.com/remedy/ for more arguments about it), but my primary concern is that in its current form, the settlement will essentially put MS in the same position it was a couple of years ago: under scrutiny by some third-party (at that time, I believe it was the DOJ) that can protest actions by MS, but that does not have the ability to impose any

fines that have any sort of impact on MS. And, just as it has always happened in the past, MS will use every available opportunity to strengthen its grip on the personal desktop, as well as data processing in general.

The only way to prevent MS from strangling the computing market is to separate its OS (including its .NET initiative) from its other products. In its current form, the settlement will only weaken the American software industry, not strengthen it.

Rene Fromhold-Treu
660 Tyrella Avenue, Apt 7
Mountain View, CA 94043

MTC–00018415

From: Tyler Johnson
To: Microsoft ATR
Date: 1/23/02 4:02pm
Subject: Microsoft Settlement

Dear Friends,

I would like like to comment on the Proposed Final Judgment in United States v. Microsoft.

As a software engineer with 10 years of experience programming web and middleware applications, I feel that the Proposed Final Judgment: a) completely fails to address the underlying conditions that caused the action in the first place; and b) reflects a naivete of the technical issues at hand by the parties negotiating the settlement. Because the Proposed Final Judgment focuses on specifics, for example narrow definitions of product classes (i.e. ''middleware'') and even naming product release numbers and product names, the settlement guarantees that by the time the settlement is signed and approved by all relevant parties it will be out of date. Simply put, the computer industry moves far faster than the legal and policy world where these negotiation are taking place.Thus, the approach taken in the Proposed Final Judgment is fundamentally flawed and should be abandoned. Instead of defining specifics the settlement should stick to generic definitions of software types and business practices . The will prevent Microsoft form simply renumbering and/or renaming products to escape complying with the Proposed Final Judgment. In particular such a settlement that Microsoft provide full and complete documentation of all file formats, APIs, networking and storage protocols, etc.

Thank you for you attention in this matter. I hope you take my request to completely scrap the current Proposed Final Judgment and genera;l approach taken in defining the settlement seriously.

Tyler Johnson
Mill Valley, California
tylerjoh@pacbell.net

MTC–00018416

From: Joshua Bernstein
To: Microsoft ATR
Date: 1/23/02 4:02pm
Subject: Microsoft Settlement

Hello,

As a strong follower of the digital age and as a student who is betting his life on competition in the marketplace to suceed in life, I hearby would like to stat that I feel the proposed Microsoft Settlement is simply a poor choice for the Country. Futhermore, such a settlement would force the computing industry to ''suffer the slings and arrows of an outrages corporation.''

Thank you for your time and considering in reguard to my feelings

-Joshua Bernstein
Undergrad Sophmore in Computer Engineering
Systems Administrator
College of Engineering and Mines
Unversity of Arizona, Tucson Arizona

MTC–00018417

From: julesa
To: Microsoft ATR
Date: 1/23/02 4:05pm
Subject: Microsoft Settlement

I would like to object to the proposed final judgement in the Microsoft antitrust case. I believe the proposed settlement falls far short of punishing Microsoft for their illegal past behavior, and will fail to prevent illegal behavior in the future.

The judgement does not mention anything about limiting Microsoft's behavior in regard to newer products such as the Xbox and .Net technologies. It has been established that Microsoft has repeatedly abused its power upon gaining a significant share of a given market. Microsoft will attempt to extend its monopoly into home entertainment systems and Internet commerce technologies. I believe the settlement must address Microsoft's behavior in these areas.

Because they have significantly overcharged consumers for their products for several years now, they have a large war chest which will give them the resources to outcompete other players in any market they choose to focus on. How do you remedy that? It's a tough question, but simply placing limits on what Microsoft can do with specific products, especially just their older ones, is surely insufficient. They will simply develop new products (perhaps using ideas from old ones) which don't fall under the judgement's restrictions.

A revised judgement should include an effective enforcement mechanism, unlike the proposed final judgement. It should require that Microsoft publish the specifications to file format standards such as Word, Excel, and Powerpoint documents, and allow anyone to write a program that can read these formats. That would allow consumers to use whatever product they like to communicate with each other. It should limit what Microsoft can do in ANY market, not just markets in which they have already crushed the competition illegally. Thank you for your time.

Jules Agee
System Administrator
Pacific Coast Feather Co.
Student, Computing and Software Systems
University of Washington
julesa@pcf.com
8202 382nd Ave SE
Snoqualmie, WA 98065

MTC–00018418

From: Jason Sharpee
To: Microsoft ATR
Date: 1/23/02 4:11pm
Subject: Microsoft Settlement

To whom it may concern,

I recently lost a bid on a service contract with a company, because Microsoft consulting services were able to ''sweeten the deal'' by providing ''courtesy'' licensing of their products along with their services. That does not put me on an even playing field to compete in my market, because Microsoft is willingly leveraging their other dominant markets to gain the advantage in the services industry. This, in my opinion, is the definition of a corporate monopoly.

I do not see the purposed settlement addressing these and many other issues I have, and I consequently disagree with it.

Jason Sharpee
Network Engineer, Tambra Technologies
7401 N. Pierron Rd.
Glendale, WI 53209
jasons@tambra.com

MTC–00018419

From: Luke Miller
To: Microsoft ATR
Date: 1/23/02 4:02pm
Subject: Microsoft Settlement

I am very concerned that Microsoft is continuing to use its monopoly to stifle innovation and competition.

There is an application barrier level for all programmers and competing companies that forces a company to write products that run on the dominant OS. In this case that is MS Windows. This gives MS an incredible advantage and places it on a level with the road network, the electricity grid and other essential services. Sadly, MS has used this power to restrict fair entry for other companies, such as Netscape, Real Networks, Java (a programming language), Dr Dos. The ''Court's Findings of Fact'' in the previous civil case against Microsoft section III, B is the most relevant. As a Software Engineer I can assure you that because of its scale, Microsoft IS the playing field, however, it is anything but fair.

Luke Miller

MTC–00018420

From: Johnson, Brian E
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 4:04pm
Subject: Microsoft Settlement

To whom it may concern:

I am writing in response to the call for public comments on the proposed settlement between the Department of Justice and nine states and the Microsoft Corporation.

I have used Microsoft products at work for the past twelve years. The company that I work for has spent hundreds of millions of dollars upgrading software to keep up with Microsoft's current offerings. There is no difference in my productivity now versus ten years ago with three or four generation older equipment. In fact I have had some of the greatest data losses just in the last few months which would have cost my company thousands of dollars had we not had backups stored in a separate location.

My point is that I have not seen one hint of innovation from this company and because of its monopoly, very little innovation in the software market.

In order to restore serious competition we need a serious settlement, not a slap on the wrist.

The following link contains a proposal that I fully support: http://www.kegel.com/remedy/remedy2.html We desperately need to restore competition in this country or the rest of the world will do it for us! What brand of car do you drive?

Sincerely,
Brian Johnson
7702 19th Ave NE
Seattle WA 98115
Flight Test S&C Analysis
206–655–5727 M/S 14–KF

MTC–00018421

From: misuba
To: Microsoft ATR
Date: 1/23/02 4:03pm
Subject: Microsoft Settlement

The proposed settlement fails to require Microsoft to release the specifications for the format of Office documents, which are rapidly becoming a lingua franca and are one of MS'' most powerful tools for breaking open standards. Stated more specifically, no part of the PFJ obligates Microsoft to release any information about file formats, even though undocumented Microsoft file formats form part of the Applications Barrier to Entry (see ''Findings of Fact'' ?20 and ?39).

I think the proposed settlement is far too lenient, full of loopholes like this one, and leaves Microsoft with the power and money to make even more egregious anticompetitive moves, and get away with it. It's a bad idea.

Thanks for your time,
Mike Sugarbaker
Epistemological Remodeling
misuba@gibberish.com
http://www.gibberish.com/

MTC–00018422

From: Clifton Bullard
To: Microsoft ATR
Date: 1/23/02 4:04pm
Subject: Microsoft Settlement

Dear Sir or Madam:

Per the conditions of the Tulley Act, I wish to register a comment against the current proposed settlement with the Microsoft Corporation. While I think many of the measures indicate good intentions on the part of those drawing up the settlement, in its current state the settlement will serve little purpose except to be a token gesture in the general direction of the problems it was meant to solve.

In the interest of brevity, I will not go into specifics concerning the legion of shortcomings the current settlement contains. Suffice to say that it is my earnest and heartfelt opinion that a great deal more work needs to be done before this settlement would actually be capable of reaching its stated goals.

Sincerely,
J. Clifton Bullard
Computer Programmer
United States Postal Service
Memphis, TN

MTC–00018423

From: David Bishop
To: Microsoft ATR
Date: 1/23/02 4:05pm
Subject: Microsoft Settlement

The proposed settelment *is* a bad idea, as it is not only a travesty of justice (how many millions of $$'s spent getting a guilty conviction, to settle for a wrist slap?), but basically tells Microsoft that they can do whatever they want, as there no rule of law, at least not one that applies to them.

And no, this is not a form letter, nor did I cut and paste any of it.

''What? In riddles?'' said Gandalf. ''No! For I was talking aloud to myself. A habit of the old: they choose the wisest person present to speak to; the long explanations needed by the young are wearying.''—''Lord of the Rings'', JRR Tolkien. dbishop@micron.com

MTC–00018424

From: Thomas Humphrey
To: Microsoft ATR
Date: 1/23/02 4:05pm
Subject: No to Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general. While the Court's desire that a settlement be reached is well- intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Thomas Humphrey 9630 Keeler Ave.
Skokie, IL 60076

MTC–00018425

From: J. Hess
To: Microsoft ATR
Date: 1/23/02 4:14pm
Subject: Microsoft Settlement

In my opinion the proposed settlement is a bad idea, because it fails to address the full scope Microsoft's anticompetitive practices, the remedy is so specific to Microsoft's current software product that it will soon be obsoleted in many respects, Restrictions Microsoft is allowed to place on providing information required to use their software and operating system APIs and the generous allowances they are made such as using their own MSDN network (A Microsoft product) rather than an independent party to handle the distribution of information render the remedies useless for encouraging competition or discouraging their practices. Moreover, the proposed settlement doesn't seem to have any significant enforcement device—as they reached this point, clearly it's necessary.

The proposed settlement looks like a ''Get out of jail free card'' for Microsoft and the remedy appears to be mostly non-substantive. —James Hess

MTC–00018426

From: Adam Bender
To: Microsoft ATR
Date: 1/23/02 4:06pm
Subject: Microsoft Settlement

I firmly believe that the Proposed Final Judgement in the Department of Justice's Anti-trust case against Microsoft is nothing more than a slap on the wrist. Microsoft has for years engaged in anti-competitive, and often illegal, business practices, they have used their position as an undisputed monopoly of operating systems and software to produce sub-mediocre software that compromises the security and productivity of the United States government and private citizens, and cares about nothing more than increasing its profits at the cost of bearing any resemblance to an institution with a conscience. However, I would like to point out a specific problem with the PFJ. It makes no provisions to stop Microsoft's strangle-hold on OEM computer manufacturers with regards to the operating systems that are installed on new PC's. A customer seeking to buy a computer without a Windows operating system (OS) will have to search very hard to find one, because Microsoft will not license Windows to any PC manufacturer that sells any PC without that OS. Therefore, if that same company also wanted to sell computers with Windows, it would have to pay much more for it, and thus would be driven out of business from competitors who comply with Microsoft's demands.

I believe that any and all measures to eliminate the death grip that Microsoft has on our country should be enforced

Thank you,
Adam Bender
abender@andrew.cmu.edu
www.andrew.cmu.edu/abender

MTC–00018427

From: Justin Guerin
To: Microsoft ATR
Date: 1/23/02 4:05pm
Subject: Microsoft Settlement

Hello,

My name is Justin Guerin, and I work at Atmel Corp. in Colorado Springs. I am a product engineer, and I work with computers a lot. I am very interested in the Microsoft trial, and feel compelled to comment on what I think is a bad idea: the proposed final judgment, in its current form. The main point to remember is that Microsoft should not be allowed to retain the benefits of its illegal actions. Any settlement should also insure that Microsoft cannot continue to act illegally.

Thank you,
Justin Guerin
Product Engineer

Atmel Corp.

MTC–00018428

From: Peter Low
To: Microsoft ATR
Date: 1/23/02 3:01pm
Subject: Microsoft Settlement

I am a consultant with a strategy consulting firm, primarily serving high technology companies. On reviewing the Proposed Final Judgement in United States v. Microsoft (PFJ), I strongly believe that the PFJ is an ineffective remedy for Microsoft's unlawful conduct. My first major concern is that the language of the PFJ provides opportunities for Microsoft to continue its activities, even while conforming to the letter of the agreement. My second major concern is that the PFJ does not provide coverage for non-commercial software developers—a potentially significant source of innovation and competition. I urge that the PFJ not be accepted as is.

Thank you for your consideration,
Peter Low

Note: the above opinions are my own, and are not meant to represent my company.

MTC–00018429

From: James T Perkins
To: Microsoft ATR
Date: 1/23/02 4:06pm
Subject: Microsoft Settlement

I disagree that the proposed settlement is adequate. James

James Perkins
james@loowit.net
http://loowit.net/james

True love comes quietly, without banners or flashing lights. If you hear bells, get your ears checked.—Erich Segal

MTC–00018430

From: Jay R.
To: Microsoft ATR
Date: 1/23/02 4:06pm
Subject: Microsoft Settlement

I think the proposed settlement is bad. Redhat's offer to provide the operating system would be an improvement

MTC–00018431

From: Edd Hillman
To: Microsoft ATR
Date: 1/23/02 4:06pm
Subject: Settlement

I would just like to say that I have read about the proposed settlement, and I am not in favor of it in its current state. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors, yet unfavorable to Microsoft.

The actions in the US have far reaching effects around the globe. Please make the right decisions.

Edd Hillman
59a gray St.
Lochee
Dundee
Scotland

MTC–00018432

From: Matthew G. Saroff
To: Microsoft ATR
Date: 1/23/02 4:07pm
Subject: Microsoft Settlement

I believe that this settlement with Microsoft is inadequate. I believe that any behavioral remedy must prior require government approval, rather than rejection after the fact, of any Microsoft actions.

My preferred solution is a structural solution. —

Matthew G. Saroff, E.I.T.
3702 Labyrinth Road
Baltimore, MD 21215
Telephone: (410)585–1508
E-mail: msaroff@pobox.com

MTC–00018433

From: Andra Medea
To: Microsoft ATR
Date: 1/23/02 4:07pm
Subject: Microsoft Settlement

Dear Sir or Madam—

I am a software technician who works with both Microsoft and non-Microsoft products. Please, please do not miss this chance to stop the Microsoft monopoly before it gets any larger.

Computers are central to our economy. Already my small business customers are being forced into decisions that they do not want to make, because of Microsoft's strong-arm tactics. This isn't an issue for software companies, but for any business customer that uses a computer. That means nearly everyone in business.

You must be under considerable pressure to back down. We need you to carry through on this.—

Andra Medea

MTC–00018434

From: Milnes
To: Microsoft ATR
Date: 1/23/02 4:00pm
Subject: Microsoft Settlement

I would like to voice my displeasure with the performance of the U.S. Dept. of Justice in its case against Microsoft. I cant imagine that you would let Microsoft supply ''low income schools'' with computers with they're operating system and software installed on it. As a parent of two I am unhappy with our local school districts decision to use Microsoft products exclusively. No doubt their decision was based in large part by Bill Gate's grants (bribes) to help purchase the software in the first place. It now forces me, as a parent to go out and purchase Microsoft products for my computers at home so that my kid's homework will be compatible with ''Microsoft Word 2000'' format. Also the school district has to expend a considerable amount of resources to keep all the licenses up to date on there thousands of machines.

As you can see, ''giving'' low income schools ''Microsoft products'' will result in more financial hardship as the schools will have to pay licensing fees to Microsoft to keep the systems current and the parents in these schools will be compelled to bye Microsoft products for the home. Not much of a punishment for a company accused of running a monopoly. This will just ensure more future customers.

The best alternative I have heard so far is the one proposed by RedHat inc., maker of an open source operating system. Let Microsoft spend all there fines in buying just the hardware for the schools and take Red Hat up on there offer of providing, free of charge (including future updates) the operating system and technical support for these ''low income schools''.

David B. Foster
3814 Levitt St
Bellingham WA 98226

MTC–00018435

From: Panthera Altaica
To: Microsoft ATR
Date: 1/23/02 4:08pm
Subject: Microsoft Settlement

The proposed settlement is bad idea. It just tells Microsoft to keep abuseing it's monopoly while makeing it sound like it's doing something else.

MTC–00018436

From: rcg@wt.bc.ca@inetgw
To: Microsoft ATR
Date: 1/23/02 4:09pm
Subject: Microsoft settlement—please restrict Microsoft from excluding ''free software''

Without long explanations, I am concerned about Microsoft's licensing restrictions that exclude all other operating systems. Microsoft have effectively excluded developers who use Microsoft development products from writing software that could be run on non-Windows systems (i.e. Linux+WINE). This, in effect, extends MS's OS to include all applications written for it. Since Microsoft also maintains market dominance in development suites (because of it use of undocumented OS API calls to its monopoly OS), Microsoft has a means (when combined with the licence distribution agreement) to effectively restrict Microsoft developers to Windows only products. Additionally, even developers using non-microsoft development products could inadvertently violate the MS distribution agreement if they buy and include components from other venders in their product.

For example: Suppose I want to write a spreadsheet program that will run on both Windows and Linux. In order to avoid any licence concerns I use Borland's development suite, Delphi. I also purchase a ''Excel import filter'' from ABC company and use it in my product. I would be unaware if ABC company created the component I purchased with a Microsoft development suite. Thus, I could be violating MS's distribution agreement. Additionally, MS can use the ''redistribution agreement'' to restrict services to only those running their operating systems. (See, MSNBC's download restrictions..)

Finally, there remains concern over patent infringement for Windows compatible operating systems. In order to avoid patent infringement, any company or person needs to know the what patents he/she could be violating. It would seem reasonable that clone operating system makers should be able to have access to the list patents that Microsoft holds in relation to its operating system. Without this the threat of a possible lawsuit from Microsoft (I hear that they are very difficult to deal with in court) could scare off financial investment and thus virtually eliminate competition on the

desktop. Please take note of the finding of fact in regard to what makes a viable operating system alternative.

In order to effectively protect the consumer, any agreement needs not only to address the past concerns but to provide guidelines that protect the future. When this court case began, there was no viable alternative to Windows, but today it appears that soon there will be. Microsoft has realized this and has been taking measures to eliminate it. In my opinion, the proposed agreement falls short of protecting consumers from Microsoft's business practices and thus having a choice of operating systems in the future.

Please consider my comments in you deliberations. Freedom is choice: fair and equal choice.

Richard Giroux

Network Engineer

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MTC–00018437

From: John Stewart
To: Microsoft ATR
Date: 1/23/02 4:09pm
Subject: Microsoft Settlement

I think the proposed settlement with Microsoft is a very bad idea. Dan Kegel, whose petition I signed, outlines many of the problems in great detail, but I wanted to add one example specific to my own experience. I have spent the last three years working for two different start-ups here in Seattle. It is rare for a week to go by without someone saying ''Well, let's hope Microsoft doesn't do X, ''cause if they do there goes that part of our business.'' This company is so huge, with so many resources, and such a vast scope of what ''fits'' into Windows, that no one is safe from them. I work with dedicated, talented programmers and testers, with years of experience in the field. We have chosen, in some cases with a related loss of income, to work for anyone other than Microsoft, because of our concerns with what they are doing to computing, and to preserve some choice for consumers and businesses in the world of software.

All that said, we all worry any time we hear something new from across the lake. We never know what they will decide to implement next that will take away our ability to exist. You can be better than Microsoft technically, but you can't compete with ''free,'' and no one else has their brand name and marketing budget. As long as Microsoft has the freedom to break the rules with impunity, the marketplace of ideas in terms of computer software will suffer. Even if Windows continues to dominate the desktop, which seems highly likely, at the very least it would be nice if people other than Microsoft's applications developers had an honest shot at selling product and making a go of things.

Thank you very much for your time.

Sincerely,

John Stewart √ NetMotion Wireless
john.stewart@nmwco.com

MTC–00018438

From: Mijo
To: Microsoft ATR
Date: 1/23/02 4:05pm
Subject: Microsoft Settlement

I think the proposed settlement is very bad idea.

Mike Dean, Software Engineer
Cleveland, OH

MTC–00018439

From: hamkins@mail.earthlink.net@inetgw
To: Microsoft ATR
Date: 1/23/02 4:08pm
Subject: Microsoft Settlement

I am disappointed in the proposed settlement with Microsoft. The findings of fact starkly demonstrate how anti-consumer Microsoft has been, but this settlement does virtually nothing to halt these anti-competitive practices, or to punish them for all these previous acts. At a minimum, the API's need to be opened up, and security vulnerabilities should be required to be made public. The break-up ruling still seems much more fair than any other solution I've seen.

——Jon Hamkins

MTC–00018440

From: Redman
To: Microsoft ATR
Date: 1/23/02 4:10pm
Subject: Microsoft Settlement

The settlement is clearly not in the public's interest. I've listed some of the key problems below: The proposed settlement:

(1) does not prevent Microsoft from bundling application software into its operating system. Illegal bundling and tying practices are not in the proposed settlement.

2) relies too heavily on equipment manufacturers to promote more competition.

3) does not cover the new generation of applications. Since the settlement applies only to products that were in use from 1995–98, it won't stop Microsoft from repeating anti-competitive practices with current and future products. By simply re-packaging old software, they can continue past practices.

(4) lets Microsoft decide which products are part of the Windows operating system and which are applications. Many Microsoft applications have been integrated into the OS in the past, blocking competitive applications, and the proposed settlement will still allow this.

(5) gives Microsoft control over many enforcement decisions, essentially putting them charge of the keys to the safe!

(6) would not require Microsoft to comply with computer industry standards, or prevent the company from undermining or altering standards, even when the intent is to deliberately deceive competitors.

(7) would allow Microsoft to disable competitive software products, effectively sabotaging any competition. Secret hardware specifications are not in general Microsoft's doing, but they are a significant obstacle for the development of the free operating systems that can provide competition for Windows. Require Microsoft not to certify any hardware as working with Microsoft software, unless the hardware's complete specifications have been published, so that any programmer can implement software to support the same hardware.

D.A. Dederick Future Software

MTC–00018441

From: Colin
To: Microsoft ATR
Date: 1/23/02 4:10pm
Subject: Microsoft Settlement

I've been following this trial very closely, and I believe the settlement, as it stands, is either a farce or a travesty. And I think it's too serious to be a farce. It's time to once again remind the disillusioned citizenry that this country does not have a price tag. Money CANNOT be given this much power, or I dread the future I will be consigning my children or grandchildren to.

The road to megacorpocracy is paved with tiny little stones; please, reject this settlement for the sake of our children. Colin Knox—cknox@tamu.edu Fightin'' Texas Aggie Class of 2002

MTC–00018442

From: TC
To: Microsoft ATR
Date: 1/23/02 4:10pm
Subject: Microsoft Settlement

I am opposed to the Proposed Final Judgment in United States v. Microsoft. Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry. There are many more reason why the PFJ is a flawed settlement, but I leave the fixing to another round. Just as long as this judgment, as it stands today, does not see the light of day.

—TC

MTC–00018443

From: Caleb Mardini
To: Microsoft ATR
Date: 1/23/02 4:14pm
Subject: Proposed Microsoft Settlement

As a citizen of the United States, and as a member of the business community, I fear that the proposed settlement in For the Microsoft antitrust case is inadequate. The proposed settlement does not represent the best interests of US citizens. It does not prevent Microsoft from stifling innovation. Microsoft's monopoly status has hurt productivity and innovation in this country, and worldwide. Dan Kegel, Los Angeles, Software Engineer, Ralph Nader and James Love of the Consumer Project on Technology, have all shown that the proposed settlement does has problems that must be addressed in order for an effective and just settlement to be reached.

Caleb Mardini Registered Voter
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WhyNotOwn.com
606 120th Ave NE
Bellevue, WA 98005
Thank you,
Caleb Mardini
caleb@ynotown.com

Office: 425–586–7290
Cell: 206–240–6547

MTC–00018444

From: Stephen Satchell
To: Microsoft ATR
Date: 1/23/02 4:11pm
Subject: Microsoft Settlement

Ms. Hesse,

Attached are my public comments regarding the Revised Proposed Final Judgement in US v Microsoft, Civil Action No. 98–1232.

A paper copy will arrive via Federal Express in the next couple of days. If you have any questions, please use this electronic mail address to write.

Stephen Satchell
Incline Village, NV
CC: microsoft.atr@usdoc.gov@inetgw
PO Box 6900
Incline Village, NV 89450–6900
January 23, 2001
Renata B. Hesse, Trial Attorney
Suite 1200
Antitrust Division
United States Dept. of Justice
601 D. Street NW
Washington, DC 20530–0001

1. Commenter is submitting to you this public comment in the matter of the proposed settlement in District of Columbia in United States v. Microsoft Corporation, Civil Action No. 98–1232.

2. This comment is written in response to the information published Wednesday November 28, 2001, in the **Federal Register**, Vol 66, No. 229, on pages 59452–59476 inclusive. This comment is being delivered by electronic mail to the electronic mail address specified in the Federal Register, ''microsoft.atr@usdoc.gov'', and to the electronic mail address specified on the Department of Justice website, ''microsoft.atr@usdoj.gov'', before the sixty-day deadline of Friday January 25, 2002.

3. Commenter Satchell has been a professional software and system developer since 1971, and a professional writer of non-fiction magazine articles about the computer industry and its products since 1984. He has fulfilled a number of roles during his 30-year career: programmer, architect, project manager, software test manager, quality assurance test programmer, benchmark writer, product reviewer for publication, and magazine technical editor. During his career he has been a voting member of the Association for Computing Machinery (ACM) and an associate member of the Institute of Electrical and Electronic Engineering (IEEE). For virtually all of his professional career, his work on software and system products, product components, and documents and articles has been for resale or for general publication.

4. Commenter Satchell is not a lawyer, nor has he received any legal training. This Comment was composed by Commenter exclusively, with no input or review by any lawyer or paralegal. Therefore, Commenter assumes that the contents of this Comment will be interpreted by the reader(s) according to non-legal English language usage.

5. In the context of this comment, the term'' refer to the Revised Proposed Final Judgment submitted to the Court on November 6, 2001, and reprinted in the **Federal Register**, Vol. 66, No. 229, starting in column 2 of page 59453; the term ''CIS'' shall refer to the Competitive Impact Statement submitted to the Court on November 15, 2001 and reprinted in the **Federal Register**, Vol 66, No. 229, starting in column 1 of page 59460.

A. Summary of Comments

6. The Commenter believes that the RPFJ as published does meet the needs for a suitable remedy according to the letter of the original Complaint, the Findings of Fact, and the Conclusions of Law (as amended by the Appeals Court)

7. The RPFJ falls short in several areas in serving the public interest as required by the Tunney Act in 15 U.S.C. 16(e)(2).

8. The RPFJ does not meet the public interest requirement of 15 USC 16(e)(2) by failing to define the scope of the remedy to cover all portions of the software marketplace as it existed in 1999, as it exists today, and as it is reasonably expected to exist over the life of the RPFJ.

9. This failure to include the entirety of the software marketplace leads directly to an explicit narrowing of choice available to the consumer of software products to those products produced by commercial enterprises, of Defendant-mandated size and structure to have standing (as defined in the RPFJ) in any complaint of violation, and in some cases that meet Defendant-imposed requirements on business structure and success.

10. The original Complaint, filed by the United States, limits its discussion of the software marketplace to a subset of that marketplace, the large-company commercial sector. There is no substantive discussion, recognition, or consideration of the alternative commercial sector, the cooperative sector, the in-house sector, and the non-commercial sector of the software marketplace in the original Complaint.

11. Unlike virtually every other product marketplace in the United States, the computer software marketplace has significant segments that sell, rent, lease, or license software products for consideration other than money. This marketplace segment has a long history dating back to the 1950s, when computers were first introduced into the economy. The distribution of software without the direct exchange of money is still commonplace today. In some cases, the exchange is by barter, however informal. In other cases, the exchange is without any commitment on the part of the receiver in any way; at the extreme, software is put into the public domain, to be used by anyone in any way without limitation. The RPFJ specifically excludes this segment of the market from consideration and protection from violations by the Defendant.

12. The development of software products by software cooperatives has a long and distinguished history. Products produced co-operatively continue to increase in market share. Although I have not seen a ''code of guiding principles'' for software cooperatives published in the cooperative-software community, the guidelines published by the National Rural Electric Cooperative Association are astonishing parallel to the long-held and well-developed principles that guide software cooperatives. See the Web page <http://www.nreca.org/coops/special.html> for the seven guiding principles espoused by NRECA. The RPFJ specifically excludes software cooperatives from consideration and protection from violations by the Defendant.

13. The software marketplace includes software products developed by or on behalf of a single corporation or company (including those not directly involved in computers or software sales in any way) exclusively for its internal use; the intent of such software product development is to enhance the competitive stance of the company in the company's marketplace. During the 1950s, 1960s, and 1970s the in-house software product and the custom software market represented the majority of the software marketplace. A good example of such ''in-house'' software product is the software used by insurance companies to capture customer information quickly and calculate the best insurance rate, with a minimum of delay, for that customer. This market segment remains strong today, and yields a measurable revenue benefit for the organization putting such software in place, but because there is no direct link between ''sales'' of the software and profit, the degree of harm is very difficult to calculate. This is another market segment ignored and unprotected by the terms of the RPFJ.

14. The RPFJ as published in the **Federal Register** makes clear that Defendant Microsoft would be permitted to continue to discriminate with regards to API and network protocol disclosures against authors and entities not meeting Defendant-mandated guidelines for business methods, structure, and level of sales.

15. The texture and composition of the software marketplace continue to change and expand at a rapid pace, far faster than traditional commodity or service industries. In particular, there is a growing trend toward locating applications not on end-user computers, but on servers operated by Application Service Providers (ASPs). Microsoft has announced its intentions to enter this market as part of its dot-NET initiative. The RPFJ fails to meet its public interest requirement by not addressing any aspect of this growing trend.

16. The development cycles for software are very, very short. Software products have cradle-to-grave lifetimes that are measured in months, and some classes of software have useful lifetimes that are measured in intervals as short as hours. Time is the enemy of developers, and very few projects go smoothly in the best of circumstances. The RPFJ recognizes this fact to some extent, but the 30-day response time to all complaints of violation injects a delay that can be fatal to a software project.

17. An alternative complaint process is proposed in this Comment. The basis of the proposal is the establishment of a triage system to quickly dispatch the majority of complaints that are trivial to resolve.

18. In addition, the publication of a ''Frequently Voiced Complaint,'' analogous to the ''Frequently Asked Questions'' or FAQ that is a staple of Web sites, would reduce

the number of complaints that would need to be handled individually by Microsoft, the Technical Compliance Committee, and the Plaintiffs, and can serve to eliminate complaints that would otherwise be filed.

19. Commenter does not attribute these failures and shortcomings in the RPFJ to incompetence or connivance on anyone's part. Instead, Commenter recognizes the difficulties the Courts face applying traditional anti-trust law to the software industry. After extensive searching, Commenter has found no anti-trust case in which the affected market has had such a large number of non-commercial and co-operative components as the software industry has.

B. The Original Complaint Fails to Describe the Entire Software Marketplace

20. The term ''software'' is the generic label used by practitioners in the computer industry to refer to programs that are loaded into computers, when required, in order to instruct the computers how to perform a specific task desired by their users. A program is an ordered list of instructions readable by the computer, telling the computer hardware (in conjunction with instructions permanently recorded in the computer—''firmware'') exactly how to accomplish the task desired by the user.

21. A programmer is a person who creates the lists of instructions that comprise a program, and futher determines that the lists of instructions are correct. These lists can be created directly, through intermediate tools that in turn generate lists of instructions, or through interpreters that take lists written in a representation different from that used directly by the computer hardware. Programmers also make extensive use of previously written lists of instruction—program fragments (functions and subroutines)—to reduce the effort of creating a complete list of instructions for the computer.

22. The basic principles of programming are simple enough that many practitioners writing programs today were able to teach themselves how to do it, usually in conjunction with a specific set of tools for writing programs. The costs associated with programming have been low enough for the past 30 years that hobbyists and students of the craft proliferated and continue to proliferate. Many professional practitioners today started out as hobbyists.

23. The history of the computer industry as we know it today is littered with stories about the effects of hobbyists, students, and researchers on the growth and maturing of the industry, far too many to relate here. The interested reader is referred to the book Hackers: Heros of the Computer Revolution by Steven Levy (1984, Doubleday, ISBN 0–385–19195–2) for a full discussion of the impact of the hobbyist on the software industry and the software marketplace; the contents of that book are incorporated into these Comments by reference. This book is now available in paperback.

24. There is a initial investment when entering the software marketplace, although the amount of that investment, large in the 1960s, had dropped to under US$300 today. Some early programmers reduced their initial investment by renting time from others, resulting in significant savings over buying the equipment outright. This rental extends to students using University computer systems (for a lab fee) to learn their craft.

25. The actual process of programming is about as difficult and incrementally expensive as writing an essay or brief (small program) or book (large program).

26. For small utility programs and specialty software sold commercially, the cost of marketing, fulfillment, and technical support exceeds, in some cases by orders of magnitude, the cost of initial creation. In short, distributing a product through the traditional retail channel can incur such high costs that the expense prices the software out of the market. The industry responded by developing alternative means of distribution and compensation, means that eliminated the overhead involved in using a traditional sales channel.

27. Among hobbyists, students, researchers, and in-house programmers, many programs were created and distributed without any monetary compensation. The compensation was in the form of credit, and written credit for the creation of the program and modifications to the programs were distributed as part of the program. This is very much like the practice in academe with regards to published papers. The means of distribution varied based on the product audience. Any money paid for such software covered the cost of the media, the cost of copying of the software to that media (as much as $25 in the 1970s for computer time), and the cost of shipping—also very much like academic paper distribution.

28. Many ''free'' programs were created and given away by commercial concerns, who originally developed these code fragments to solve specific problems, and thought others could make use of the fragments to solve similar problems. Some of this code was copyrighted, with permission to use without royalty but with credit to the author. Some of this code was donated to the public domain.

29. Several telephone-based systems of networks, the Bulletin Board Systems (BBS) and the Unix UUCP network, reduced the cost of distribution still further and enhanced the exchange of programs and program fragments for the ''monetary unit'' of credit, not dollars (or francs or pounds or whatever). The growth of commercial nation-wide bulletin board and messaging services such as CompuServe, The Source, BIX, and Prodigy further decreased distribution costs. The Internet today continues to provide a low-cost means of distributing programs of all kinds.

30. Researchers have created a number of useful programs in support of their research efforts. Many university and research institutions have collected these programs and made them available — usually for the cost of duplicating the software onto a medium such as punched paper tape or magnetic tape, later floppy disks, and today CD-ROMs—for anyone who wants them. Some of these programs have restrictions against commercial sale without proper license. The most notable ''program'' distributed in this way (via magnetic tape, in 1972) was the Unix Operating System, created by Ken Thomson and Dennis Ritchie at Bell Labs in Murray Hill, NJ.

31. The well-established practice of sharing programs without cost gave the early software publishing industry headaches. The time and cost of preparing a program for sale through a traditional distribution channel would cause the publisher to raise the sale price to recoup this cost. The increased price for retail-channel software had an inevitable result given the hobbyist nature of the customer base: for every copy of software sold, there was a good chance that one or more ''pirate'' copies would be made and used by another person.

32. The marketplace developed an alternative to the traditional retail channel. In 1983, PC World Magazine founding editor Andrew Fluegelman wanted to distribute his program ''pc-talk'', a terminal emulator program he developed for the IBM PC, but without the headaches and overhead of dealing with the retail channel. He created a concept he trademarked ''Freeware'', in which users can give Mr. program to friends to try out, and if a friend liked it and continued to use the program that new user would send $15 to Mr. Fluegelman in payment for the program. This led to the creation of an alternative commercial software marketplace generically referred to as ''Shareware''.

33. Large software projects are almost never written by a single person, but instead are written by a group working in coordination. A group of students and researchers at the University of California at Berkeley added networking as we know it today to AT&T's Unix system and distributed it under the name ''Berkeley System Distribution'', or BSD. This development (along with the replacement of AT&T code to eliminate copyright conflicts) later became the core of commercial operating systems, most lately the core of Apple Computer's OS X, as well as the core of freely-distributed version of operating systems.

34. There has been a growing trend in group development of software toward co-operative development of software programs by a number of people unrelated by company affiliation, employment, contract, or even country of citizenship. The ''apache'' Web server program is one such example of a co-operatively developed program, and is very widely deployed on the planet. This trend is the ''software for credit'' market paradigm writ large, but the added benefit for the participants in co-operative software projects is that each participant gets to use the entire package for the ''price'' of contributing to its creation.

35. Co-operative efforts have a significant history, tracing back to before 1985 and the original development of the software used by the CompuServe Information Service. H&R Block sold computer time on its DEC PDP-10 computers to hobbyists using the trade name ''micronet''; a number of the users of that service wrote a messaging system in Fortran to permit them to conduct conversations on H&R Block's computer system. Eventually, H&R Block spun this activity off as a separate business, and handed the maintenance and feature

enhancement of that software to a professional group of programmers.

36. In today's computer environment consisting of millions of computers (PC, Macintosh, and others) in homes, schools, businesses, corporations, and government, people tend to lose sight of the fact that the software marketplace started as a custom craft business. Owners of computers had a team of programmers, operators, and consultants to tend the Great Beast, to teach it the tricks the company wanted, and to wring as much usefulness out of the ''hunk of iron''— especially when the computer cost millions of dollars initially. Even today, there is a very large market consisting of inside-employee programmers and consultants who tailor software products, write ''glue'' programs, and in some cases create entire custom systems to accomplish the same goal; i.e., make the computer work for its owner.

37. The applications provided in the software marketplace cover a wide variety of needs, with some of those needs being so specialized that the number of units that can be distributed into the target market is very small. Target markets measured in thousands of units are common, and target markets numbered in the hundreds, while not common, are by no means unheard of. These smaller markets are important despite their size; just how many oil refineries or nuclear reactors do you think there are, for example, to which to sell specialty monitoring programs?

38. Several government institutions have specific needs for computing. A number of government institutions employ and retain significant numbers of programmers working on projects that provide substantial benefits for the citizens of our country. To name just a few at the Federal level: NSA; NASA; IRS; the Census Bureau; NIST; DoD; and DoJ. These and other federal departments, bureaus and organizations are part of the software marketplace. One example shows how this sector of the marketplace has a large impact on the overall software market: a commercial product, the dBASE data base product, had as its base the ''RETRIEVE'' database system and the follow-on ''VULCAN'' system developed at the Jet Propulsion Laboratory. The release of the dBASE package by Ashton-Tate opened a marketplace for database package on micro-computers that still rages today, even as Ashton-Tate is long gone from the software market arena.

39. It's clear, then, that the software marketplace consists of a wide range of different types of entities, be they companies, organizations, or individuals. These entities may be classified using several different rules. One classification is by business organization: commercial enterprise, internal development department, co-operative, cottage enterprise, consultant, research organization, government, and hobbyist. Another way to classify an organization is by its target market: mass-market, niche market, custom-software market, and not-for-resale (internal use). Finally, the entities can be ranked by revenue or by user (''seat'') counts.

40. A complete list of the players in the software marketplace is far broader than the list that appears to be implied by the description in the original Complaint and reflected in the definitions of Section IV of the RPFJ. In the commercial marketplace, you have at least (a) the commercial developers of operating systems, (b) the commercial mass-market applications providers, (c) the commercial niche-market applications providers, (d) the commercial developers of custom-designed and -developed applications, and (e) the consultant. In the noncommercial marketplace, you have at least (f) the corporate in-house developers who create corporation-specific applications, (g) the hobbyist, (h) the researcher (computer and non-computer), (i) the research organizations (again, computer and non-computer), (j) departments of the United States government (DOD, NIST, NASA, and others) who create specialized software and systems, (k) software cooperatives developing competing operating systems, (1) software co-operatives developing mass-market and niche-market applications, and (m) volunteers developing software for not-for-profit organizations. Also included in the software market are the providers of turnkey systems such as database systems, and embedded-computer products for a wide range of industries. (Your modern furnace, microwave oven, and your automobile all have computers, for example.)

41. At paragraph 61, the original Complaint states ''The first Internet browser widely used by the general public was Netscape Navigator, which was introduced into the market in 1994.'' That is inaccurate. The first web browser made available to the general public was ''lynx'', written by Lou Montulli at the University of Kansas and made available to the public in 1993, and ran on a large number of Unix-based computer systems. The University of Illinois National Center for Supercomputing Applications released the graphical browser ''mosaic'' November 1993; Spyglass, Inc. resold ''mosaic'' in the commercial market starting August 1994. In contrast, Netscape Navigator didn't appear as a product until December 1994.

42. The original Complaint describes only a portion of the software marketplace as it existed in 1999 and is expected to continue to exist during the life of the Final Judgement.

C. The RPFJ Fails to Meet the Public Interest Because It Does Not Serve the Entire Software Market

43. As a consequence of the tunnel vision of the original Complaint and subsequent documents, the RPFJ as published in the **Federal Register** applies only to a portion—not the whole—of the software market as it existed in the year 1999.

44. From the Finding of Fact dated November 5, 1999, comes this definition of ''Operating System'': ''... a software program that controls the allocation and use of computer resources (such as central processing unit time, main memory space, disk space, and input/output channels). The operating system also supports the functions of software programs, called ''applications,'' that perform specific user-oriented tasks.'' (paragraph 2)

45. From the viewpoint of a computer application and its author(s), an operating system is only as good as the set of applications programming interfaces (APIs) it provides to the programs running within the computer in conjunction with that operating system. The development of applications for a particular operating system is vital to the marketability of that operating system. The better the APIs, the better the applications, and the better the applications the more attractive the operating system is to the market. Not just ''commercial applications,'' but all applications.

46. Therefore, the relevant software market that the RPFJ must address is the whole of all entities that write application software, and particularly all entities that write software for the Windows operating system and that interoperate over a network with systems running the Windows operating system.

47. Protections against anti-competitive restraint by a monopoly must be extended to all sources of applications, not just some sources, particularly when the monopoly provider of the operating system also is a provider of applications, as Defendant Microsoft is.

48. Of all the software market players mentioned earlier, only the larger and well-funded commercial developers and applications providers have the resources and the money-based claims of harm to initiate and participate in anti-trust actions against an operating system company using its monopoly power to control the market. Small commercial companies, non-software corporations, universities, most government departments, software cooperatives, and hobbyists don't have the resources (money, legal talent, and situation) to launch an effective action against a monopoly, and in many cases are unable to prove any harm inflicted by illegal activities by the monopoly because of the legal requirements defining ''harm''.

49. Instead of relieving it, the RPFJ exacerbates this situation. Section III(D), taken in concert with the Definitions of the abbreviations used as defined in Section VI, clearly demonstrates that the only measure of participants in the software marketplace is by software sales revenue.

50. Also in the RPFJ, Section III(E) incorporates by reference Section III(I), which permits Microsoft to avoid licensing government, research, and co-operative software enterprises, and particularly those enterprises that don't receive revenue for development or distribution of their software products. As a consequence of the ability to refuse licenses, it is a reasonable inference that disclosure of the APIs and Communications Protocols necessary to interoperate with Windows Operating Systems software could also be withheld.

51. Further to the point, Section III(J)(2) can be used by Microsoft to block disclosure of APIs and communications protocols, required by any development of server software that interoperate with Microsoft Windows Products and provide authentication services to Microsoft Windows Products, by entities unable to pay the royalties and meet the other requirements. This specifically affects software co-operatives, consultants, and researchers. Not only does this result directly

in loss of choice to the consumer, but it can also slow down the pace of advancement of the art in the industry as a whole.

52. By being able to lock out researchers and small developers from effective relief from anti-competitive actions, Microsoft is able to negatively affect independent research into and independent development of improvements in computing on the Windows platform, and the marketing of those improvements to the general public. This places an undue burden on researchers and developers, and serves as a limit to the market and results directly in loss of choice to the consumer.

53. By being able to lock out software co-operatives, government, and hobbyists, Microsoft is able to artificially raise the cost of implementing certain classes of software product to the point that it is economically infeasible for products in those classes to be developed and deployed. This is particularly important given that Microsoft also sells applications as well as operating systems, and, by its withholding critical information on its monopoly product, block the offering of competitive applications. This restraint again results directly in loss of choice to the consumer.

D. The RPFJ Lets Microsoft Continue To Discriminate Against Authors of Application Software and Network Systems

54. The RPFJ is not the result of bad workmanship. Comparison of the RPFJ with other proposed Final Judgements that have been entered over the years shows that this proposal is very much like the other proposals in general—only the details differ. The other judgements examined pertained to commodities (Alcoa), consumer goods (Standard Oil) and integrated services (AT&T). In each of these cases, the cost of entry to the marketplace was substantial for all players, and there was no significant non-monetary component to any of the markets affected by the companies in question.

55. The cost of entry into the applications software marketplace is very low, on the order of the cost of entering the business of auto repair, plumbing contracting, or door-to-door sales franchise.

56. The cost of entry into the operating systems software marketplace, on the other hand, is very high because of the complexity of developing device drivers, resource managers, and applications services that attract applications programmers to develop software.

57. The success of an applications program in competition with similar applications depends on the skill of the author. In particular, the author's understanding and knowledge of the applications program interface (API) of the operating system is crucial to the performance and utility of an applications program to its user.

58. Suppression of information about APIs by the operating system vendor to an applications author, especially the hiding of performance-accelerating APIs, would lead directly to putting that author at a disadvantage to an author that is fully informed.

59. Any discrimination by a monopoly operating system vendor against authors by business method, size, or exclusivity means that customers of software lose choice in applications software for that operating system.

60. The discrimination allowed by the RPFJ against significant participants in the software industry leads directly to limitation of choice for the consumer. It's not enough that the Final Judgment protect large companies against the actions of Microsoft; the Final Judgment needs to protect all providers of applications software for the Windows operating system in order to provide maximum choice for the consumer.

61. The problem of choice restriction is more critical when it comes to network products being able to interoperate with Windows operating systems clients. Companies have not deployed parallel networks for more than two decades, and are not about to do so now—it's too expensive for organizations to install, maintain, and administrate multiple networks in that manner. Therefore each and every node, regardless of hardware or software, needs to be able to function together in order to serve the needs of the customer.

62. Discrimination against certain providers of network implementations means, again, reduced choice for the consumer, and potential network disruption when two mutually antagonistic implementations exist on the same network.

63. The RPFJ lets Microsoft legally discriminate against participants in the marketplace, to continue to do the same actions against some participants in the software marketplace, actions that have been found to be illegal.

64. In the Findings of Fact and in the Conclusion of Law there is no discussion as to the necessity of Microsoft continuing to discriminate against portions of the software industry in order for Microsoft to compete in the marketplace.

E. The RPFJ Does Not Anticipate the Changing Software Market

65. The software marketplace moves very, very quickly, and so any remedy should anticipate likely movements in the software market. It should also take statements made by Defendant in ensuring that any Final Judgment will apply to the software marketplace in the near future, ''near future'' defined as the expected life of the Final Judgement.

66. One change taking place in the software marketplace today is the migration of software from an end user's computer to a network-based synergy between the user's computer and a remote network-connected server, with the software residing on the server. The paradigm of this form of software execution is different from the currently common ''client-server'' configuration: In client-server software, a software package installed on the user's computer is called up and executed, and as required the software package would exchange data with a remote server computer. In the new paradigm, the software is not installed onto the user's computer, but instead is installed on an ''application server'' run by an applications server provider (ASP; not to be confused with ''active server pages''). During the course of running the program, small pieces of the program are transferred to the RAM of the user's computer ''on demand'' and execute on the user's computer. When the user exits from the program, all traces of the program are removed from the user's computer.

67. The details surrounding this trend with respect to Microsoft Windows on both the desktop and on the server, as embodied in its dot-NET XML Web services architecture, are still being developed; the technology is still in its infancy. Section III(F)(ii) of the RPFJ contains language describing a restriction that would, in a strict reading, permit Microsoft to avoid disclosing certain communications protocols between client and server operating system components when the server operating system implements it natively but the client requires that certain software be installed by the user, or even perhaps automatically as an ''update.''

68. Another trend in the software marketplace is the growth of time-based licenses, sometimes referred to as subscriptions. In this model, the user subscribes to use the software for a specific period of time, and renews the subscription when the current one expires. This form of software sale is common for software that changes regularly; a good example is income-tax filing software.

69. The current draft of the RPFJ does not address these known trends in the software market, nor how Defendant is prevented from using its monopoly power inappropriately to block software development with the Windows operating system or interoperability with the Windows operating system.

70. The direct result is that consumers will be able to obtain software products that seamlessly interoperate with Windows operating systems only from Defendant and those companies that meet Defendant's business and success requirements. Again, the consumer is deprived of choice that he or she would otherwise enjoy if an all-inclusive Final Judgment were in place.

F. The RPFJ Does Not Adequately Serve the Software Market's Need for Speedy Resolution of Complaints of Violations

71. The enforcement provisions in Section IV of the RPFJ, along with the commentary in IV(B)(2) of the CIS, shows that the Department of Justice recognizes that the pace of software development is much faster than in the traditional manufacturing sectors, and understand the need for a procedure to permit companies in this fast-paced industry to obtain relief from violations without the delay inherent in a Court-mediated action.

72. The RPFJ, at Section IV(D)(c), states that Microsoft will have 30 days to resolve or reject a complaint. As a matter of practice in professional software development, project schedules are broken down into tasks that can be completed in a small number of days. In multi-person projects, the tasks are highly interdependent, such that a delay in one task being done by one person can severely impact the ability of the software team to complete the project by the deadline—that task, and any complaint of violation associated with the task, quickly becomes a part of the ''critical path'' for the project and a huge risk for the project as a whole.

73. For the non-commercial and low-capitalization developer, the lack of any

avenue úor timely resolution has a more disastrous effect: the developer must work around the lack of information (or the inaccurate information, or the withheld information), must seek the use of another operating system (good luck!), or must give up on the project altogether. Many research projects have a finite amount of time allocated to them, and any hitch in the setting up of a project means the research is not completed. While there is no monetary harm, the non-monetary harm to the public interest can be large indeed—what would happen if a researcher was unable to complete an experiment that would provide a sure cure for cancer?

74. The RPFJ's dispute procedure is too cumbersome for an industry that can produce a usable product in very short time intervals. As an example, Commenter has developed commercial software that, from initial design on a restaurant napkin to first installation, required 120 man-hours and was installed at a customer site eight days from ''go.''

75. This unnecessary opportunity for delay is against the public interest by delaying product completion by smaller companies in the face of violations by Defendant. This takes away consumer choice when two companies (one large, one small) are offering competing applications, and the large company gets to market faster because of the actions of the Defendant.

G. Proposals to Enhance Enforcement Provisions

76. Commenter proposes that a tiered approach may be preferable, designed to minimize the effort on the part of the Technical Committee and on the part of Microsoft. Many complaints will be without merit due to the complainant not understanding the Final Judgment and not understanding the obligations Microsoft has under the Final Judgement. Some will be nuisance complaints, to be disposed of as quickly and as inexpensively as possible. Some complaints will be duplicates of prior complaints, so the same answers can be provided at a considerable savings in time to all. Finally, some complaints (one would hope few in number) will require investigation and negotiation and thus require some time and attention from the Technical Committee and the Microsoft Compliance Officer.

77. The Technical Committee staff and the Microsoft Compliance Officer staff can perform triage on complaints as they are received, said triage being completed quickly and in no case later than 48 hours after receipt of the complaint. In some disclosure violation cases, the matter can be resolved simply and quickly by staff recognizing (by precedent) that Microsoft needs to provide the information required by the Final Judgment to the complainant; this is particularly true of violations that are caused inadvertently, by clerical error, unintended withholding of information due to system or media failures, or obvious misunderstandings by Microsoft employees. In this manner, many complaints can be resolved quickly with a minimum of fuss and delay; done quickly, the complaint can be turned around in hours, not days.

78. The same triage process can also speed the determination whether a particular complaint has no potential merit, weeding out the obvious losers very quickly and with little effort expended, and again eliminating delay for the complainant getting an answer to his problem, even if it's a negative one.

79. Once the complaint has been passed through triage as a complaint with potential merit, the process is as currently described in the RPFJ.

80. Commenter proposes a change in requirements for disclosure. One way to reduce the number of complaints filed is for the Microsoft Compliance Officer to be required to publish a list of ''Frequently Asked Questions'' as part of the Web page described in the RPFJ Section IV(D)(3)(b), based in part on complaints received by the Compliance Officer and based in part by complaints anticipated by Microsoft. The format of the questions and answers is up to the Officer, and subject to review by the Technical Committee and by Plaintiffs for accuracy.

H. Conclusion

81. Any Proposed Final Judgment is a balancing act. The PFJ needs to reflect both the needs of the Defendant to continue to compete effectively in the market, while protecting the industry from inappropriate activity by monopoly participants.

82. The RPFJ achieves the appropriate balance for other large commercial software providers.

83. The RPFJ fails to achieve the appropriate balance when the rest of the software market is considered. The legal discrimination against software providers that do not follow the classic retail software model puts alternative-business-model providers, inside-system developers, and not-for-profit developers at a significant disadvantage.

84. The original Proposed Final Judgment included breaking up Microsoft into multiple companies along functional lines: at least into an operating system company and an applications program company. This option also fails the balance test, in that Microsoft would then be forced to break up its development team, significantly hurting each daughter company's ability to compete. More importantly, the break-up option also suffers from the defect that it would harm the industry as a whole as existing contracts would have to be renegotiated with haste.

85. The Revised Proposed Final Judgment can be better balanced, and as an added benefit simplified, by removing all of the exceptions to the disclosure provisions contained in it. This lets all participants—from single-person programming firms to multi-billion dollar enterprises— enjoy protection, under the modified RPFJ, from inappropriate action by Microsoft. Microsoft's ability to compete on inventions (patents), features, timeliness of delivery, and integration across the product line would not be impaired, and therefore an appropriate balance is maintained between healthy competition and anti-competitive actions.

MTC–00018445

From: Ron Trenka
To: Microsoft ATR
Date: 1/23/02 4:12pm
Subject: Microsoft Settlement

My name is Ron Trenka and I am the Senior Programmer for a web agency. I am sending this in response to the Tunney Act's provision for public comments upon the Microsoft Settlement.

About Browsers

In regards to the argument that ''Microsoft gives its browser (IE) away for free. How does that hurt consumers?'', it is a false statement. IE has code built-in that make is ''work better'' with the Microsoft OS. It encourages the user to work on an MS platform to get the full ''user experience''. It also is not free.. not by a long shot. While the consumer doesn't pay for the browser, the providers do. When I started out at the beginning of the DotCom craze, nearly all the machines serving web pages were Unix/Linux based. Now, nearly all the machines are Microsoft NT based. Why? Its not a price issue. The hardware costs run about the same. Its not the price of software. Webserver software for both Unix and NT are both free (for Unix Apache is the most popular, while IIS is included in the NT platform). It is because the NT platform includes proprietary software that makes IE display pages better and faster.

So Microsoft's dominance expanded into the server market largely by their inclusion of ''free'' software on the consumer platform. Free for the consumer, perhaps, but not for the businesses.

Microsoft also has been guilty of their ''Embrace and Extend'' policy of various software standards, taking open standards and corrupting them into Microsoft-only standards. Java is the most visible of this (and the basis for Microsoft losing the Sun vs. Microsoft lawsuit, for which Microsoft has excluded Java from their OS, effectively killing it), but others exist. As a programmer for the web, I deal with this every day. We must have machines with all versions of Windows and IE, in addition to the other browsers to insure that our clients all see the same things. The cost for this testing must be passed on to our clients. Microsoft continues to receive criticism from the W3C for lack of following the published standards.

The Department of Justice has proposed a settlement that does not address any of these issues. It does not prevent Microsoft from adding more proprietary ''features'' into nor does it stop MS from tying it more tightly to Windows. Nor does it prevent MS from tying other software packages to their OS. It does not prevent MS, for example, making their Office Suite of software part of the OS, effectively locking out other word processors & spreadsheets from Windows (why pay for it when it is ''free''?).

The only really effective way of preventing this is to come up with a definition of an OS and force Microsoft to remove IE from the OS and include it as a separate piece of software that can be installed and removed at the user's choice. There is no reason why they can't continue to include the software with their Windows OS, but they must allow computer vendors to include other browsers (such as Mozilla or Opera). They must also acknowledge that it is software and not part of Windows (or any OS), treat it accordingly and prevent tying in the future.

About Security

Over a billion dollars last year was spent to fix security holes in computers running Microsoft's OS. A billion dollars. Microsoft's response? ''We'll get it right next time.'' No liability for their obvious (and admitted) repeated mistakes (the same security hole that was in 95 was released in 98, then 2000 and now in XP..). No recourse for businesses but to hire large IT staffs to keep up with the numerous patches and hot fixes that Microsoft continuously releases. And yet people with Windows are still constantly victims of virus attacks. Microsoft needs to be held liable for these lapses that the world is constantly paying for. The DOJ settlement proposal addresses none of this.

About Innovation

As found in the Finding of Facts, Microsoft has constantly been an opponent of innovation, contrary to their self-proclamations. If someone comes out with a software or idea that threatens Microsoft's ''vision of the world'', they browbeat, threaten, purchase or ''embrace and extend'' the idea out of existence. Look at WebTV. A couple of years ago, they were an up and coming company allowing consumers to browse the web on their TV set without the need for a computer. Microsoft purchased them and now where are they? Another threat gone. The DOJ Settlement does not address this. Other companies cannot compete with Microsoft as they do not have access to the Windows APIs. The DOJ Settlement touches on this, however the loopholes are so large as to be able to drive a truck through. All Microsoft need to do is claim a ''security concern'' and they can refuse to divulge the API. Given Mr. Gates recent memo to Microsoft employee to make security their #1 priority, I view this loophole with a great amount of suspicion.

In Conclusion

In general, the DOJ's settlement doesn't address any of the things that Microsoft was found in violation of; releases Microsoft from liabilities for their actions; and does nothing to prevent Microsoft from continuing those same actions in the future. I urge you to reject the settlement in favor of something more stringent.

Thank you for your time;
Ron Trenka
Technical Director
Zowie Digital Media
* www.zowiedigital.com
* ron@zowiedigital.com
* (212) 627–4991 x22

MTC–00018446

From: Stefano.Santoro@nokia.com@inetgw
To: Microsoft ATR
Date: 1/23/02 4:11pm
Subject: Microsoft Settlement

I truly believe that the language of the settlement is riddled with exclusions and exceptions that renders all state setlement intents null. I agree with my state, the commonwealth of Massachusetts, in its decision to not settle.

Stefano Santoro
Messaging Architect
Nokia Mobile Products/Application Gateways
5 Wayside Rd
Burlington, MA 01803
Home Address:
510 Dale St
North Andover, MA 01845

MTC–00018447

From: Brent Fulgham
To: Microsoft ATR
Date: 1/23/02 4:12pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse,

I am writing to express my strong disagreement with the terms of the proposed Microsoft settlement. I have watched this story (in its various iterations) for the last several years, and have become increasingly concerned with the power Microsoft holds over the computer industry, and the lack of oversight or meaningful controls placed on them.

The main problem with the settlement is that is so narrowly crafted with respect to the meaning of API's, middleware, and other terms, that it is effectively meaningless. To craft legislation that requries Microsoft to allow a competing Java middleware layer, when Microsoft has advertised its intention to move everything to ''.NET'' is a good example of the poor thought that went into this document. This would be analogous to a car company agreeing that ''all cars must permit the 9-track tape player to be replaced with a competing 9-track tape player'', when the company is already shipping vehicles with cassette tape players.

In short, the current settlement is fatally flawed in its intent to regulate Microsoft's behavior with respect to system integrators, software developers, and end-users. Please revise this document to strengthen the protections.

Best regards,
Brent Fulgham
3737 Paloma Drive
Ventura, CA 93003

MTC–00018448

From: James Douma
To: Microsoft ATR
Date: 1/23/02 4:21pm
Subject: Microsoft Settlement

The proposed settlement is inadequate. It does not deny Microsoft the fruits of their past misdeeds. It does not contain restrictions on their future actions sufficient to encourage Microsoft not to repeat their misdeeds.

Darin James Douma
41 Hidden Valley Rd
Monrovia, CA 91016

MTC–00018449

From: Tom Eisenman
To: Microsoft ATR
Date: 1/23/02 4:13pm
Subject: comment on proposed final judgement

As a professional programmer, I would like to comment on the proposed final judgement in the Microsoft anti-trust lawsuit. Over the past ten years or so, Microsoft has used its monopoly in the operating systems market to lock out competition in business software and programmers software. It wasn't so long ago that Lotus sold the leading spreadsheet, Borland sold the leading programming language software, Word Perfect had the best selling word processor, Netscape had the biggest market share in Web browsers, dBase sold the most spreadsheets, Qualcomm Eudora was the most popular email, and so on. How did Microsoft effectively eliminate all of these competitors, all of whom had seemingly insurmountable head starts? They have done this by a variety of anti-competitive practices that have now been judged to be illegal. It has taken years for the judicial system to reach this conclusion and all during this time Microsoft has continued to exploit its monopoly position. Now the proposed final judgement fails to split Microsoft's operating system and applications businesses. The company will surely find ways to evade the letter of any restrictions placed on it while continuing to monopolize all aspects of the computer business. The proposed final judgement is too soft on Microsoft.

Tom Eisenman
Applications Analyst
Student Information Systems
Office of Information technologies
A253 Lederle GRC
University of Massachusetts Amherst
740 North Pleasant Street
Amherst, MA 01003–9306
phone: (413) 577–3036

MTC–00018450

From: scleary@jerviswebb.com@inetgw
To: Microsoft ATR
Date: 1/23/02 4:14pm
Subject: Microsoft Settlement

Dear sir or madam:

I am opposed to the Microsoft settlement. I am a computer programmer, and have been one since 1983. During that time I have seen Microsoft abuse its OS monopoly in several different fields, including browser software.

Thank you for your time,
Stephen Cleary
System Software Engineer
Control Engineering Company
scleary@jerviswebb.com

MTC–00018451

From: don.remsen@philips.com@inetgw
To: Microsoft ATR
Date: 1/23/02 4:13pm
Subject: Microsoft Settlement

Public comment to the Court regarding whether the settlement offered by Administration and some states is in the public interest :

—I am totally disinterested in the case except as a consumer using personal computers at home and work.
—I am not a lawyer, do not work for Microsoft or any of its competitors, do not make decisions about operating system purchases where I work (Philips Semiconductor Division), and have no predisposition about anti-trust laws .
—I believe the entire effort to prosecute Microsoft in the name of supposedly injured consumers was unjustified and destructive. As a consumer, I was never injured and the prospect of being injured

in the future is nil, based on the extraordinarily innovative software industry in the US and abroad.
—As a user/consumer during the entire period August 1981 to today, I experienced the ''bad old days'' of incompatible operating systems and wildly proliferating applications programs. So the standardization resulting from Microsoft's success came as a godsend to me personally and all my colleagues at work.
—Any impartial financial analysis of the costs saved and new business transactions facilitated in the US economy and the world by this standardization would be colossal. Everyone is in their debt. Microsoft's huge revenue and earnings are essentially compensation for this vast benefit , not the ill-gotten gains their competitors claim.
—The parties who orchestrated the entire mistaken prosecution were the competitors.

Therefore I oppose any attempt to make the Settlement terms harsher. The worst result would be a breakup of the company or restriction on Microsoft's freedom to integrate whatever software they think they can sell me. I will judge for myself whether I want to buy and use their integrated products.

Donald S. Remsen
20 Kirby Place
Palo Alto, California
(650)-326–8928

MTC–00018452

From: David—Greene@mapinfo.com@inetgw
To: Microsoft ATR
Date: 1/23/02 4:13pm
Subject: Microsoft Settlement

I am writing to express my concern with the proposed settlement terms in the Microsoft antitrust case. I have been involved in computer technical support and programming for a number of years now, mainly on computers running Windows operating systems.

One of my particular concerns is the fact that Microsoft will not be required to disclose key information about its widely-used Microsoft Office file formats and other proprietary file formats. These formats are so widely used in the US business and academic community that they form an important part of the Applications Barrier to Entry (see Findings of Fact 20 and 39). The process of building competing applications—or even applications designed to interface seamlessly with Microsoft Office software!—becomes very difficult if these common formats can not be supported, both for reading and writing.

In general there is no reason for these formats to be proprietary except for the express purpose of raising the Applications Barrier to Entry! A classic Word document, for example, is equivalent to a particular sequence of formatted characters; in many cases (in the absence of Word macros or other application-specific information) it can be mimicked exactly by a Rich Text Format document.

However, if Word crashes or there is a write error on a hard drive changing just a few bytes of a Word file, it is often very difficult to recover even a fraction of the original text and formatting—which can mean a loss to the user of hours or days of work, even though the file is almost completely intact (only a few bytes altered). This problem is basically due to the fact that Word format is obfuscated—it works correctly only when everything is exactly right.

This may not be a deliberate design decision on the part of Microsoft, but in general Word will not read a Word file correctly if there is anything ''suspicious'' about the format. This is exactly what is needed to raise the Applications Barrier to Entry, given that the file format is not published; it would be very difficult to write an application that could read and write Word format flawlessly, without access to Word file format information.

Similar arguments apply to requiring Microsoft to publish —all— relevant information about Windows API functions that developers might need, either to interface with the Windows operating system or to produce other operating systems that run software written for Windows. The Applications Barrier to Entry is unnecessarily raised by withholding this type of information. Making this information available must be part of any appropriate settlement of the Microsoft case.

Thank you for your time and attention.
Dave Greene
Albany, NY

MTC–00018453

From: lorraine snyder
To: Microsoft ATR
Date: 1/23/02 4:14pm
Subject: I believe the Justice Department needs to settle the Microsoft lawsuit, now.

I believe the Justice Department needs to settle the Microsoft lawsuit, now. This company has been grossly mistreated in this whole case. I am a consumer and I and none of the customers have been injured by Microsoft. There are MANY software companies that charge $395- $895 for their software. I do not see them (pagemaker/Photoshop/Adobe products EVER criticized or brought to the Justice department for THEIR charges! I feel the American people have been fed a lot of untruths and I think it is time the Justice Department stands-up and stops this unfair treatment for an American Company that is out there in the forefront GIVING LIBRARY'S, SCHOOLS and many people the opportunity to learn how to access information on the computers. PLEASE DO NOT JUDGE THEIR MOTIVE FOR DOING GOOD TO THE CITIZENS OF THIS COUNTRY. I WANT THEM TO DONATE COMPUTERS AND SOFTWARE TO SCHOOLS!!! You do not see APPLE, giving away THEIR PROFIT to schools and library's!! Please close this case and HINDER MORE WASTE OF TAXPAYERS WITH MORE WRONGFUL LAWSUITS like Microsoft's ''rival'' Netscape and the MONOPOLY KING of the Century, AMERICA ON-LINE! Here they filed a lawsuit to keep this unjust treatment going! Please close the door to this grossly unfair treatment!

Lorraine Snyder
15018 SE Fairwood Blvd.
Renton, Wa 98058

MTC–00018454

From: Warner Young
To: microsoft.atr(a)usdoj.gov
Date: 1/23/02 4:12pm
Subject: Microsoft Settlement

As a private citizen, I feel the proposed Microsoft settlement is a very bad idea.

Starting when I used to work in a small company doing DOS-based local area network software, to now when I work in a graphics-related company, I've seen various signs of Microsoft's anti-competitive behavior. These are things I've seen myself, not things mentioned in the news. These are specific pieces of code which had no purpose in and of themselves other than to make life difficult for competitors. The proposed settlement will do nothing to make Microsoft more competitive. At most, I feel it will be equivalent to a slap on the wrist. At the very least, there needs to be stricter, more enforceable punishments for cases where Microsoft steps out of line.

Sincerely,
Warner Young

MTC–00018455

From: Mark Parker
To: Microsoft ATR
Date: 1/23/02 4:09pm
Subject: Microsoft Settlement

I think that the proposed settlement does not provide enough remedy to the situation created by Microsoft's anti-competitive behavior. I would like to register my dissatisfaction with this settlement.

Mark Parker
Salt Lake City, UT

MTC–00018456

From: mel
To: Microsoft ATR
Date: 1/23/02 4:34pm
Subject: Microsoft Settlement

I find the settlement with Microsoft troubling in many ways, for instance section III.A.2 seems specifically to allow the continuation of one of the worst of MS's practises. However rather than criticise the many legal points I suggest that a fine solution could come in the the terms and conditions of the remedy.

Microsoft atoning for past misdeeds by insinuating even more of their software into key positions such as schools and public service institutions is mind boggling. Why not require Microsoft to purchase hardware for these institutions, with open source operating systems and software instead? Perfectly viable alternatives (superior in our view) exist.

MTC–00018457

From: Michael Slass
To: Microsoft ATR
Date: 1/23/02 4:14pm
Subject: Microsoft Settlement

To whom it may concern:

I am writing to urge you to reject the proposed settlement of the anti-trust suit against Microsoft Corporation. The proposed settlement:

(1) would not prevent the central ways Microsoft was found to have illegally maintained its Windows monopoly,

(2) does nothing to restore competition in the OS market, an express Court of Appeals requirement for a Microsoft remedy,

(3) has no provisions directed to Windows XP and other new endeavors of Micro-oft to extend and protect its monopoly to new markets in the future, another express Court of Appeals requirement for a Microsoft remedy,

(4) contains no provision for any punitive damages against a firm which has been found to have illegally abused it's monopoly power, and

(5) provides for an oversight body with so little real power to restrict Microsoft's future behavior, or to react to future trangressions, as to be essentially useless.

Thank you.

Michael Slass

Seattle, WA

MTC–00018458

From: Pitre, David
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 4:16pm
Subject: Microsoft Settlement

Dear Sirs,

I am sorry to see the settlement that is being discussed at this time. I personally wished that there would be no settlement for Microsoft and that they would be subject to the judgement of the courts and their own folly. I have read the settlement and a fair number of essays on the matter. Something nags at me every time I read through sections of them. The settlement does not seem to hinder Microsoft in any way that it was before the trial.

Forgive me if my writing seems to be lacking in an understanding of legal issues. But, many of the terms used in this settlement seem to be either lacking a true definition or are only partial in their description of the issues. As pointed out, I'm sure, by professionals with much more experience than I, it would be quite easy for Microsoft to circumvent the restrictions made in this settlement. I have complete faith in Microsoft to try it and I honestly believe that Microsoft will end many of the disputes over this document repeatedly in a courtroom.

Here is a link to one such essay by Dan Kegel: http://www.kegel.com/remedy/remedy2.html I'm sure the author has already submitted this essay to you. He says it far better, and with many years more experience than I could. It's been eight years since I first started working with computers professionally. Every year there seems to be less professionals who aren't cornered by Microsoft products or are left with Microsoft as the only choice in a field of products.

Sincerely,

David Pitre

Senior Application Developer

Idea Integration

Houston, TX

MTC–00018459

From: David C. Spaeth
To: Microsoft ATR
Date: 1/23/02 4:11pm
Subject: Microsoft Settlement

Dear Sirs;

I want to respond to the settlement solutions I've read about in the Microsoft anti-trust case.

I have an observation to make—the most simple solution to the case would release the consumer from the affects of the monopoly as well as level the playing field for competition.

Simply require Microsoft to publish the full specification of their software data file formats prior to release. The software data formats—when a consumer creates a document and saves it—should be owned by the consumer. An open format would ensure that ''upgrades-for-the-purpose-of-revenue-generation'' would cease to require the consumer to upgrade applications because of compatability and allow the software publishers to position their products against Microsoft effectively—the software publisher who truly creates a better mouse-trap would get the sale.

If this isn't done, the monopoly will continue.

Thank you for your time.

David C Spaeth

Hazelwood, MO

MTC–00018460

From: tbone@speakeasy.net@inetgw
To: Microsoft ATR
Date: 1/23/02 4:01pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I am extremely disappointed by the DOJ's proposed settlement with Microsoft. The settlement is without teeth; it does almost nothing to prevent Microsoft from engaging in further illegal activities. I recommend you to Dan Kegel's open letter detailing the deficiencies of the settlement (http://www.kegel.com/remedy/letter.html). I cannot support a settlement which does not, at the very least, document ALL of the Microsoft APIs for use by OEMs; =that= would spark =real= competition. And is it too much to ask for some language that speaks to penalties that would be suffered by Microsoft should it fail to abide by the settlement? Meaningful, billion-dollar penalties?

Thank you for your time and attention in this matter.

Sincerely,

Tracy Boland

12435 Milton St.

Los Angeles, CA 90066

MTC–00018461

From: Sean Russell
To: Microsoft ATR
Date: 1/23/02 4:15pm
Subject: Microsoft Settlement

The proposed settlement with Microsoft is flawed, and fails to provide a solution to the fundamental problem of Microsoft's monopoly. The settlement will, in no way, remedy the situation, or affect the status of Microsoft's monopoly. As a result, I am opposed to the settlement, and call for more severe restrictions, and more reliable oversight, on Microsoft.

Sean Russell

Bend, OR

MTC–00018462

From: Ed Edwards
To: Microsoft ATR
Date: 1/23/02 4:17pm
Subject: Microsoft Settlement
Attn: Renata Hesse, Trial Attorney
Department of Justice

I want to express my opposition to the Microsoft settlement. I don't not believe it goes nearly far enough to adequately address the harm Microsoft has done to the technology industry. Their complete dominance of the sector, and their practices aimed at eliminating any and all competitors. I support AOL/Time Warner in their efforts to seek redress for the monopoly Microsoft attempted to create in the web browser market, and I see nothing from Microsoft to convince me that they will not continue on its apparent course of complete world domination of the software/operating system industry. Please do not let Microsoft off the hook so easily.

Ed Edwards

Bloomsburg, PA

MTC–00018463

From: Mieusset, Jean L.
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 4:17pm
Subject: Microsoft Settlement

I think the proposed settlement in the Microsoft antitrust trial is not adequate, and I would like to voice my opposition. The proposed settlement does not fully address Microsoft's past actions, and fails to set limits to future abuses. For example, according to the terms of the settlement, Microsoft Corporation is

- not prohibited for creating incompatibilities within its application programs, a definite loss for the consumer.
- not prevented from pressurizing OEM vendors to ship systems with Microsoft operating systems or system software components only.
- allowed to replace of Java with .NET, itself not being replaceable within the system.

It is also unclear what the enforcement of the settlement terms, as written, will be. The proposed Microsoft settlement is, in my opinion, not adequate, and should be revised to curb some of this anticompetitive behavior, harmful to the consuming public.

Sincerely,

J. L Mieusset

80 Lawton Road

Needham, MA.

MTC–00018464

From: Chris Meyer
To: Microsoft ATR
Date: 1/23/02 4:17pm
Subject: Microsoft Settlement is unsuitable

To whom it may concern,

After having read and considered Scott Rosenberg's Salon article, I find myself forced to agree that his points are valid. I have been apalled at the manner in which Microsoft has been allowed to twist the spirit of the mandates set before it and constantly thumb its nose at authority like a five-year-

old making faces at its mother behind her back. If Microsoft is truly guilty, of which I believe there's no question now, then amends must be made by them for their years of unlawful conduct. I do not believe the settlement as it stands has the power to adequately enforce that, and I would strongly encourage any who would listen to ensure that the future Microsoft will neither regard this as a simple ''slap on the wrist'' nor be able to repeat its horrible offenses.

Sincerely,
Chris Meyer

MTC–00018465

From: Seth Price
To: Microsoft ATR
Date: 1/23/02 4:18pm
Subject: Microsoft Settlement

I would just like to say that I have read about the proposed settlement, and I am not in favor of it in its current state. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors, yet unfavorable to Microsoft.

Seth Price
7402 Longmeadow
Madison, WI 53717
sprice@students.wisc.edu

MTC–00018466

From: Cox, Aaron
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 4:18pm
Subject: microsoft settlement

I think the settlement is a bad idea. The main concern is fair competition. The only way to allow fair competition is to force open standards and force them to abide by these published standards.

MTC–00018467

From: Kathy A. Graff
To: Microsoft ATR
Date: 1/23/02 4:16pm
Subject: Microsoft Settlement

I am concerned that the proposed settlement is not strong enough to discourage Microsoft's anticompetitive practices, in particular the threat to open source software. I have been earning my livelihood as a Perl programmer for several years. I used Microsoft's BASIC and QuickBASIC in the early 1990's because it was cross-platform, but lost clients and income when Microsoft discontinued support for the Macintosh version.

Businesses and ''just plain folks'' are afraid to use anything other than Microsoft products because of the perception that Microsoft is a monopoly, nothing can change that status, and they will be hurt if they don't plan along. This is despite higher support costs for Microsoft products. None of this is good for business in general let alone the software or operating system industries.

Kathy A. Graff
823 North 2nd Street Suite 214
Milwaukee WI 53203

MTC–00018468

From: Tad Hunt
To: Microsoft ATR
Date: 1/23/02 4:20pm
Subject: Microsoft Settlement

The proposed settlement doesn't solve the problem.

MTC–00018469

From: Sanjay Linganna
To: Microsoft ATR
Date: 1/23/02 4:20pm
Subject: Microsoft Settlement

Hello,

From my understanding of the Proposed Final Judgement of the Microsoft case, it is not mandatory for Microsoft to ''open-up'' their file formats. I cannot afford to purchase Microsoft Office ($480) so my ability to communicate and share information is limited, especially when communicating with the corporate word (sending resumes, etc).

Thanks for your time,
Sanjay Linganna

MTC–00018470

From: Josh Glover
To: Microsoft ATR
Date: 1/23/02 4:20pm
Subject: Microsoft Settlement

To Whom it May Concern,

My name is Josh Glover, and I am a Computer Science student at The College of William and Mary in Virginia. I feel strongly that Microsoft, in its current incarnation, is bad for the computer industry, higher education, and technology in general. The strongarm tactics of the Microsoft Corporation have kept advancements in technology from becoming available to the public, and made the simple act of trying to run a network or write a webpage a nightmare.

What I mean by this is, Microsoft's implementations of many of the RFC-based standards have been decidedly non-standard. In the ''best case'', they add extensions that people come to depend on, thus making the standards seem inferior. This would not be such a bad thing (one could argue that it is technological Darwinism), except for Microsoft's apparent disdain of many standards-making bodies. In the worst cases (and MIT's Kerberos Project leaps to mind), Microsoft's implementations of standard protocols are ''incompatible'' with the actual standards, effectively disallowing standards-based communication. The Internet is only possible through a set of standard protocols, and if Microsoft is allowed to continue in its current behaviour, it could actually gain control of the Internet itself.

Microsoft hurts the consumer in the same way, by effectively taking away the choice of the consumer. When I recently bought a laptop computer from Dell, I was forced to pay several hundred dollars for bundled Microsoft software (the operating system and the Works ''productivity'' software) that I did not want and have never removed from the shrink-wrap. Even worse, I cannot legally sell this software to anyone else, due to licensing. This type of ''Microsoft tax'' alone should make it obvious that Microsoft is a monopoly.

Also, Microsoft's goals are to strengthen its monopoly, not to provide a service. In a free market, the best products should theoretically win. But when a giant company controls a sector of the market and is actively branching out, as in Microsoft's case, good products are stifled and the consumer loses. In the very specific case of the software market, Microsoft's refusal to ''care'' about bugs and deficiencies in their software because they are too busy trying to increase their control over the wallets of the world. This wastes millions of hours of time for people all over the world who want working, quality software. Now, the biggest problem with the proposed settlement is that Microsoft would be donating computers ''RUNNING THE WINDOWS OPERATING SYSTEM'' to education. This is not a punishment! This is like a ''loss leader'' marketing strategy. This is how Microsoft got to where they are today. So-called charity is not the answer. If Microsoft is fined a dollar amount, they should have to pay ''IN CASH''! This is only fair to the taxpayers all over the US who have been harmed by Microsoft's anti-competative practises.

Thank you,
Joshua M. Glover
CC:Dick Prosl,R. O'Neil,rodiet@wm.edu@inetgw,Paul Sou...

MTC–00018471

From: billie44
To: Microsoft ATR
Date: 1/23/02 4:22pm
Subject: Microsoft Settlement

To the Justice Department:

The immeasurably-beneficial world of the computer and its infinite potential for saving this wondrous planet is too precious to be left to Microsoft—as well-intentioned as the latter may plead.

The sheer, growing monopolistic aspect of Microsoft must be mightily and profoundly curbed—forced if necessary to allow the free and nurtured ''competition''—for lack of a better phrase—of other minds and souls to flourish.

With all conviction and sincerity,
Bill Bryan, Paso Robles, California

MTC–00018472

From: David Bezold
To: Microsoft ATR
Date: 1/23/02 1:22pm
Subject: Microsoft Settlement

I am writing to express my opinion that the present DOJ settlement with Microsoft does not go far enough to prevent Microsoft's Monopolistic business practices.

I have spent my entire career (25 years) as an embedded software developer. I was writing software before the MacIntosh, before Microsoft, and before SUN. I have watched the development of the software engineering discipline—a discipline devoted to ''engineering'' software. Remember, an engineer is someone who is ''skilled in the principles and practice of any branch of engineering'' (Webster's Revised Unabridged Dictionary (1913)).

A professional engineer must have the skill to produce reliable, working designs. If they do not, they are not allowed to practice their craft. If a civil engineer consistently designs bridges that fail, that engineer will lose his/her clients to another civil engineer (and will likely be sued)? If an embedded software engineer writes software that controls a television, and that software contains bugs

that causes the television to consistently fail to operate, the engineer will likely loose his/her job?

The world's largest software company consistently produces software that makes computers crash and misbehave. Yet this company maintains some of the largest profit margins and growth anywhere in the world economy? Why is that? That company is a monopoly. There is no competitor who will profit from Microsoft's poor engineering.

The current DOJ settlement does not go far enough to solve this problem. It must take actions to make it possible for real competitors to Microsoft to come into the marketplace. Competition is what spurs innovation in our economy. As long as there is no competition in the PC operating system marketplace, we will continue to have computers that crash and misbehave, to the detriment of all consumers.

David Bezold
bezold@nwlink.com
phone:425.743.4269

MTC–00018473

From: Brian Finn
To: Microsoft ATR
Date: 1/23/02 3:21pm
Subject: Microsoft Settlement

Dear Good People at the Department of Justice,

I am writing to you today to express my dismay at one of the remedies discussed in the proposed settlement for Microsoft's anticompetitive actions. This remedy states that Microsoft will not be allowed to retaliate against Original Equipment Manufacturers (OEMs) who sell PCs that can run either Windows or another operating system. This, in effect, forces OEMs to sell Windows to their customers, whether they want it or not. In the past, an OEM customer who wanted a prebuilt computer to run Linux (or FreeBSD, or any other non-Microsoft operating system) had to buy a Windows PC, delete Windows, and then install the new operating system. This has been half-seriously referred to as the ''Windows Tax''. With the remedy in place, the customer does not have to install the new operating system, but still must pay for and delete Windows from the PC. The ''Windows Tax'' is still in place! The language of the agreement should be changed so that OEMs cannot be punished by Microsoft for selling PCs that only use a non-Microsoft operating system.

Thanks,
Brian Finn
Network Administrator
NACM Southwest
1915 Westridge Drive
Irving, Texas 75038
voice 972–518–0019
fax 972–580–9089
brian@nacmsw.com

MTC–00018474

From: drey
To: Microsoft ATR
Date: 1/23/02 4:30pm
Subject: Microsoft Settlement

It is my personal recommendation that the United States does NOT settle its antitrust case against Microsoft. Doing so would allow Microsoft to further bend computer users over and practically convince users to handcuff their wrists to their ankles.

David Stair

MTC–00018475

From: Phyllis Korb
To: Microsoft ATR
Date: 1/23/02 4:23pm
Subject: Microsoft Settlement

In the words of Todd Beamer: Let's roll! Let's get on with life. Settle the case. What an utter waste of money to continue to drag this on in court. Let Microsoft do what they do best. If the competition can't keep up, maybe they need to try harder!

Phyllis Korb

MTC–00018476

From: mattc
To: Microsoft ATR
Date: 1/23/02 4:23pm
Subject: Microsoft Settlement

I am strongly opposed to the Microsoft settlement that is currently being concidered. It calls into question why we should be proud to call ourselves Americans when the legal system can be bought and manipulated by one powerfull company.

This settlement forces me to unwillingly surrender my rights to a fair and arbitrary legal system. I am ashamed of it. Spcecifically, I am opposed to the ammount of control that Microsoft has in administering the terms of the agreement. Too many grey areas and judgement calls are left wide open as potential loopholes. They have been found guilty in a court of law, and shouldn't be their own guard. More importanly, I am opposed to the gag order of the 3 person oversight committee. Without a voice, there is no way that the can do their job effectivly. Finally, I am opposed to the shortsightedness of this agreement. It does nothing to curb Microsofts illegal use of its Monopoly on the desktop to corner other markets. Innovation is stifled, and Americans loose. I respectfully urge you to throw out the proposed agreement, and see that true justice is done.

With respect,
Matthew J. Clark
Portland, OR

MTC–00018477

From: Peter A. Peterson II
To: Microsoft ATR
Date: 1/23/02 4:23pm
Subject: Microsoft Settlement

Hello,

My name is Peter A. Peterson II, and I work as a system administrator and technician in the Chicagoland area, and I want to register my displeasure with the Microsoft Settlement. To anyone in the industry, it is clear that Microsoft calls the shots, especially in the consumer market, and more and more in the server and production market, and even now with their entrance into the home market through things like the Xbox and their new initiatives into creating ''standards'' (i.e. corporately controlled, revenue-generating systems) like the .NET initiative, as well as the near-total universality of the Internet Explorer browser—Microsoft is and has a monopoly on some of the most vital portions of the information economy.

If this monopoly is to be regulated, then real, effectual penalties MUST be effected on the company. I don't hate Microsoft—a lot of their products are very good, and to a certain extent, they have gotten to where they have because of the quality of their products. But good products, or at least better products have become only products, where competitors cannot afford to actually be competitive with Microsoft.

And this says nothing of their draconian business practices in many realms. Even now Microsoft is crafting their proposals and plans to grow even larger and more powerful than they already are—what kind of control over the information industry are they going to be given? No, the penalties against Microsoft must have meaningful significance. I don't know enough to say what that would be, nor am I necessarily supporting the idea of dividing the company—but in doing so, there is a clear, definite punishment and regulations to enforce the interactions between the companies. But with simple fines and reparations made, we only force microsoft to give back a small portion of the money that they have extorted from businesses, consumers, and other industry players, and their business practices will continue. Please consider an alternative punishment for Microsoft.

Yours,
Peter

MTC–00018478

From: Voll, Jim
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 4:24pm
Subject: Microsoft Settlement

I'm shocked at the proposed settlement with Microsoft. The only thing missing from this sham is a complete apology from the goverment. Microsoft is quilty. Remember? What is God's name does this proposed settlement do to correct Microsofts behavior? Have you not followed the previous court order corrections to Microsoft behaviors and witnessed how ''effective'' they were?

MTC–00018479

From: Georg Lange
To: Microsoft ATR
Date: 1/23/02 4:24pm
Subject: Microsoft Settlement

Dear Madams & Sirs,
The proposed settlement is bad idea.
Best regards,
Georg
mailto:komo7330@mailszrz.zrz.tu-berlin.de

MTC–00018480

From: Thomas C Bourgeois
To: Microsoft ATR
Date: 1/23/02 4:24pm
Subject: Microsoft Settlement

To whom it may Concern:

I am the Assistant Director for Curriculum and Registration at the University of Arizona. Among my job duties is the charge to automate paper-driven processes or make those processes which are automated more efficient. Throughout my tenure I have relied on the ubiquitous presence of the personal computer to succeed at this charge, and because I work at a publicly funded university, budgetary concerns are of paramount importance in the solutions which I pursue. Because many of the institution's administrative computing

resources (PCs) have Microsoft software on them when they arrive from the manufacturer, I have been a frequent user of Microsoft products. However, I have also taken full advantage of other vendors'' products when they have provided an appropriate balance of value and cost. In fact many of my most successful projects have benefited from using some very high quality, non-Microsoft software which is available at no cost to the user. I have followed the Microsoft antitrust case with some concern, especially because the Department of Justice has chosen not to break up the corporation for its anticompetitive practices. What I fear most from the result of this decision is that it will ultimately compromise my ability to do my job, because it has the very real potential to severely constrain the availability and quality of free software available for the personal computer.

Microsoft operating system products, browser products, and other software products are very successful because they are tightly integrated; that is, they work well with each other. However, over the years I have observed that these same products have tended not to work so well with other, non-Microsoft products. Performance lags, crashes, and constrained functionality are all symptoms of the interaction of Microsoft products with those developed by another vendor. In fact the dark side of this integration is evident in the recent virus attacks. Many of these attacks exploit the high degree of interoperability of Microsoft products to destroy systems and propagate this destruction to other computers.

I am a layman and cannot begin to understand the intricate details of why this might be so, but it is reasonable to conclude that such integration is only possible because developers of various Microsoft products communicate heavily with each other, and make design changes to accommodate these various products under a unified corporate strategy.

As Microsoft has grown as a company, its survival has depended less and less on interoperability with the products of other vendors. Breaking up the company would have required that communication vital to interoperability be by necessity more open. However, because Microsoft will continue to develop its various products under a single corporate identity it is critical that they be required to communicate to other vendors in the industry any design criteria which will impinge on the relative interoperability of a non-Microsoft product with a Microsoft product.

Providing the industry with a level developmental playing field, as conceived through interoperability of Microsoft and non-Microsoft products, is the only possible hope of eliminating Microsoft's anti-competitive practices. It is certainly not in the company's best interests to do this, and therefore it will be critical that such interoperability be required and enforced by any solution implemented by the Department of Justice.

As it stands, I fear that the proposed settlement falls short of providing for this level developmental playing field. The devil is in the details, as they say, and from my understanding the scope of the proposed settlement is too narrow to prevent Microsoft from using its inherent internal communication to its own advantage and to the disadvantage of those vendors who want to develop products to compete with, yet still function with, Microsoft products.

The settlement between the Department of Justice and the Microsoft corporation can only truly benefit consumers to the extent that it adequately supports the letter and spirit of free enterprise between Microsoft and its competitors, and this is only possible to the extent that Microsoft be strictly prohibited from using its market share advantage and internal communication opportunities to undermine the interoperability of other products with Microsoft products. It is my sincere hope that the Department of Justice further revises its proposed settlement to ensure the success of such prohibitions.

Sincerely,

Thomas C. Bourgeois, Ph. D.

Assistant Director, Curriculum and Registration

The University of Arizona

MTC–00018481

From: Pete Cervasio
To: Microsoft ATR
Date: 1/23/02 4:09pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to add my comments on the proposed settlement of the Microsoft anti-trust case. I believe that the proposed final judgement (PFJ) is flawed, and fully agree with the problems seen in it by Dan Kegel (found at http://www.kegel.com/remedy/remedy2.html). Microsoft has been found guilty of a crime and as a result, they should be punished. They also should make reparations to those injured by their criminal actions. Unfortunately, the PFJ does not fully redress those actions that have been committed by Microsoft in the past, nor does it inhibit their ability to commit further acts in the future.

Because of Microsoft's business practices, hundreds (if not thousands) of small businesses have ceased to exist. Where are the provisions for reparation? The PFJ does ''nothing'' to correct Microsoft's illegal actions. It only prohibits the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as their only ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

We do not smack the hands of bank robbers, murderers or rapists and tell them ''don't do that any more''. In this case, Microsoft isn't even getting their hands slapped! While it would likely be impossible to find all the people and companies who were forced out of business by Microsoft's illegal monopoly, making reparations to those hurt by Microsoft impossible also, Microsoft should be penalized for breaking the anti-trust law. The PFJ does not do that.

The Court's desire that a settlement be reached quickly is a good intention, but it is wrong to reach a settlement just for the sake of reaching one.

Sincerely,

Pete Cervasio
7013 Newcastle Place
North Richland Hills, TX 76180

MTC–00018482

From: Aaron Swartz
To: Microsoft ATR
Date: 1/23/02 5:29pm
Subject: Microsoft Settlement

The proposed Microsoft settlement is shameful in its omissions, loopholes and simple ignorance of the importance of this case. It doesn't do anything to punish Microsoft for their illegal behavior (of which they have been convicted!) nor does it do much stop them from monopolizing other markets in the future.

The only thing it does do is to essentially prevent them from taking over the markets they've already taken over, and its loopholes and poor definitions do a poor job of even that.

Microsoft cannot be let off this easily, or it will continue to prevent innovation and competition in our computer industry. This is the government's chance to restore freedom to software developers and it is essential to do it right. Otherwise we will only prolong the sad track record of nearly zero major improvements in the field. There are more details in this assessment of the proposed remedy: http://www.kegel.com/remedy/remedy2.html

Humbly,

Aaron Swartz
<mailto:me@aaronsw.com>
<http://www.aaronsw.com/>

MTC–00018483

From: Bill OConnor
To: Microsoft ATR
Date: 1/23/02 4:26pm
Subject: Microsoft Settlement

Hello,

Below is a copy of a letter written by Ralph Nader concerning the MS anti-trust case. I'm sending a copy if it to you because it reflects my sentiments about the case. I have experienced first hand Microsoft's virtual blackmail of software developers and feel that it is definitely not in the consumers best interest to perpetuate the current state of affairs.

An analogy might be to think of the operating system as being much the same as the carrier standard for television. Suppose that CBS or NBC owned the NTSC Standard. How many competing televisions stations would we have today? ONE! The operating system provides the basis from which all the other software is built. When one company controls the OS it is able to leverage that position into control of the Software is built upon it. Hence the market dominance of MS in the desktop productivity market with Office.

The current concessions made by the company are for things they no longer intend to dominate or already dominate to the extend it would be too costly for any other company to try and dislodge them. The government is behind the power curve while MS intends to use the same tactics to dominate software designed for the internet with its .NET initiatives. The remedies must include provisions to prevent the monopolistic behavior in the future as well as punishment for past behavior. Industry standards must be promoted for inter-operating system communications so the non-Microsoft OS's and Applications can compete and communicate with those developed by Microsoft. It should be apparent just how much of a monopoly MS does have on the operating system business by the very fact that it's closest competitor (Linux) is given away for free under a public license. Just think how difficult it would be for a company to try and charge money for an OS. I have yet to think of one example in any other industry where that would be the case. If Honda decided to give Accords away for free how many people would buy Fords or GM's. Why don't people just flock to the free OS if we have such a truly competitive situation. The answer is obvious, it isn't truly competitive.

Just one more voice.

William OConnor

Judge Colleen Kollar-Kotelly
United States District Court for the District of Columbia
333 Constitution Avenue, NW
Washington, DC 20001

RE: US v. Microsoft proposed final order

Dear Judge Kollar-Kotelly,

Introduction

Having examined the proposed consent final judgment for USA versus Microsoft, we offer the following initial comments. We note at the outset that the decision to push for a rapid negotiation appears to have placed the Department of Justice at a disadvantage, given Microsoft's apparently willingness to let this matter drag on for years, through different USDOJ antitrust chiefs, Presidents and judges. The proposal is obviously limited in terms of effectiveness by the desire to obtain a final order that is agreeable to Microsoft.

We are disappointed of course that the court has moved away from a structural remedy, which we believe would require less dependence upon future enforcement efforts and good faith by Microsoft, and which would jump start a more competitive market for applications. Within the limits of a conduct-only remedy, we make the following observations.

On the positive side, we find the proposed final order addresses important areas where Microsoft has abused its monopoly power, particularly in terms of its OEM licensing practices and on the issue of using interoperability as a weapon against consumers of non-Microsoft products. There are, however, important areas where the interoperability remedies should be stronger. For example, there is a need to have broader disclosure of file formats for popular office productivity and multimedia applications. Moreover, where Microsoft appears be given broad discretion to deploy intellectual property claims to avoid opening up its monopoly operating system where it will be needed the most, in terms of new interfaces and technologies. Moreover, the agreement appears to give Microsoft too many opportunities to undermine the free software movement. We also find the agreement wanting in several other areas. It is astonishing that the agreement fails to provide any penalty for Microsoft's past misdeeds, creating both the sense that Microsoft is escaping punishment because of its extraordinary political and economic power, and undermining the value of antitrust penalties as a deterrent. Second, the agreement does not adequately address the concerns about Microsoft's failure to abide by the spirit or the letter of previous agreements, offering a weak oversight regime that suffers in several specific areas. Indeed, the proposed alternative dispute resolution for compliance with the agreement embraces many of the worst features of such systems, operating in secrecy, lacking independence, and open to undue influence from Microsoft.

OEM Licensing Remedies

We were pleased that the proposed final order provides for non-discriminatory licensing of Windows to OEMs, and that these remedies include multiple boot PCs, substitution of non-Microsoft middleware, changes in the management of visible icons and other issues. These remedies would have been more effective if they would have been extended to Microsoft Office, the other key component of Microsoft's monopoly power in the PC client software market, and if they permitted the removal of Microsoft products. But nonetheless, they are pro-competitive, and do represent real benefits to consumers.

Interoperability Remedies

Microsoft regularly punishes consumers who buy non-Microsoft products, or who fail to upgrade and repurchase newer versions of Microsoft products, by designing Microsoft Windows or Office products to be incompatible or non-interoperable with competitor software, or even older versions of its own software. It is therefore good that the proposed final order would require Microsoft to address a wide range of interoperability remedies, including for example the disclosures of APIs for Windows and Microsoft middleware products, non-discriminatory access to communications protocols used for services, and nondiscriminatory licensing of certain intellectual property rights for Microsoft middleware products. There are, however, many areas where these remedies may be limited by Microsoft, and as is indicated by the record in this case, Microsoft can and does take advantage of any loopholes in contracts to create barriers to competition and enhance and extend its monopoly power.

Special Concerns for Free Software Movement

The provisions in J. 1 and J.2. appear to give Microsoft too much flexibility in withholding information on security grounds, and to provide Microsoft with the power to set unrealistic burdens on a rival's legitimate rights to obtain interoperability data. More generally, the provisions in D. regarding the sharing of technical information permit Microsoft to choose secrecy and limited disclosures over more openness. In particular, these clauses and others in the agreement do not reflect an appreciation for the importance of new software development models, including those ''open source'' or ''free'' software development models which are now widely recognized as providing an important safeguard against Microsoft monopoly power, and upon which the Internet depends.

The overall acceptance of Microsoft's limits on the sharing of technical information to the broader public is an important and in our view core flaw in the proposed agreement. The agreement should require that this information be as freely available as possible, with a high burden on Microsoft to justify secrecy. Indeed, there is ample evidence that Microsoft is focused on strategies to cripple the free software movement, which it publicly considers an important competitive threat. This is particularly true for software developed under the GNU Public License (GPL), which is used in GNU/Linux, the most important rival to Microsoft in the server market.

Consider, for example, comments earlier this year by Microsoft executive Jim Allchin: http://news.cnet.com/news/0–1003–200–4833927.html

''Microsoft exec calls open source a threat to innovation,'' Bloomberg News, February 15, 2001, 11:00 a.m. PT

One of Microsoft's high-level executives says that freely distributed software code such as Linux could stifle innovation and that legislators need to understand the threat. The result will be the demise of both intellectual property rights and the incentive to spend on research and development, Microsoft Windows operating-system chief Jim Allchin said this week.

Microsoft has told U.S. lawmakers of its concern while discussing protection of intellectual property rights . . . ''Open source is an intellectual-property destroyer,'' Allchin said. ''I can't imagine something that could be worse than this for the software business and the intellectual-property business.'' ... In a June 1, 2001 interview with the Chicago Sun Times, Microsoft CEO Steve Ballmer again complained about the GNU/Linux business model, saying ''Linux is a cancer that attaches itself in an intellectual property sense to everything it touches. That's the way that the license works,'' 1 leading to a round of new stories, including for example this account in CNET.Com: http://news.cnet.com/news/0–1003–200–6291224.html ''

Why Microsoft is wary of open source: Joe Wilcox and Stephen Shankland in CNET.com, June 18, 2001.

There's more to Microsoft's recent attacks on the open-source movement than mere rhetoric: Linux's popularity could hinder the software giant in its quest to gain control of a server market that's crucial to its long-term goals

Recent public statements by Microsoft executives have cast Linux and the open-source philosophy that underlies it as, at the minimum, bad for competition, and, at worst, a ''cancer'' to everything it touches. Behind the war of words, analysts say, is evidence

that Microsoft is increasingly concerned about Linux and its growing popularity. The Unix-like operating system ''has clearly emerged as the spoiler that will prevent Microsoft from achieving a dominant position'' in the worldwide server operating-system market, IDC analyst A1 Gillen concludes in a forthcoming report.

. . . While Linux hasn't displaced Windows, it has made serious inroads . . .] . . In attacking Linux and open source, Microsoft finds itself competing ''not against another company, but against a grassroots movement,'' said Paul Dain, director of application development at Emeryville, Calif-based Wirestone, a technology services company.

. . . Microsoft has also criticized the General Public License (GPL) that governs the heart of Linux. Under this license, changes to the Linux core, or kernel, must also be governed by the GPL. The license means that if a company changes the kernel, it must publish the changes and can't keep them proprietary if it plans to distribute the code externally . . .

Microsoft's open-source attacks come at a time when the company has been putting the pricing squeeze on customers. In early May, Microsoft revamped software licensing, raising upgrades between 33 percent and 107 percent, according to Gartner. A large percentage of Microsoft business customers could in fact be compelled to upgrade to Office XP before Oct. 1 or pay a heftier purchase price later on.

The action ''will encourage—'force'' may be a more accurate term—customers to upgrade much sooner than they had otherwise planned,'' Gillen noted in the IDC report. ''Once the honeymoon period runs out in October 2001, the only way to 'upgrade'' from a product that is not considered to be current technology is to buy a brand-new full license.'''

This could make open-source Linux's GPL more attractive to some customers feeling trapped by the price hike, Gillen said. ''Offering this form of 'upgrade protection'' may motivate some users to seriously consider alternatives to Microsoft technology.'' ...

What is surprising is that the US Department of Justice allowed Microsoft to place so many provisions in the agreement that can be used to undermine the free software movement. Note for example that under J.1 and J.2 of the proposed final order, Microsoft can withhold technical information from third parties on the grounds that Microsoft does not certify the ''authenticity and viability of its business,'' while at the same time it is describing the licensing system for Linux as a ''cancer'' that threatens the demise of both the intellectual property rights system and the future of research and development.

The agreement provides Microsoft with a rich set of strategies to undermine the development of free software, which depends upon the free sharing of technical information with the general public, taking advantage of the collective intelligence of users of software, who share ideas on improvements in the code. If Microsoft can tightly control access to technical information under a court approved plan, or charge fees, and use its monopoly power over the client space to migrate users to proprietary interfaces, it will harm the development of key alternatives, and lead to a less contestable and less competitive platform, with more consumer lock-in, and more consumer harm, as Microsoft continues to hike up its prices for its monopoly products.

Problems with the term and the enforcement mechanism

Another core concern with the proposed final order concerns the term of the agreement and the enforcement mechanisms. We believe a five-to-seven year term is artificially brief, considering that this case has already been litigated in one form or another since 1994, and the fact that Microsoft's dominance in the client OS market is stronger today than it has ever been, and it has yet to face a significant competitive threat in the client OS market. An artificial end will give Microsoft yet another incentive to delay, meeting each new problem with an endless round of evasions and creative methods of circumventing the pro-competitive aspects of the agreement. Only if Microsoft believes it will have to come to terms with its obligations will it modify its strategy of anticompetitive abuses.

Even within the brief period of the term of the agreement, Microsoft has too much room to co-opt the enforcement effort. Microsoft, despite having been found to be a law breaker by the courts, is given the right to select one member of the three members of the Technical Committee, who in turn gets a voice in selecting the third member. The committee is gagged, and sworn to secrecy, denying the public any information on Microsoft's compliance with the agreement, and will be paid by Microsoft, working inside Microsoft's headquarters. The public won't know if this committee spends its time playing golf with Microsoft executives, or investigating Microsoft's anticompetitive activities. Its ability to interview Microsoft employees will be extremely limited by the provisions that give Microsoft the opportunity to insist on having its lawyers present. One would be hard pressed to imagine an enforcement mechanism that would do less to make Microsoft accountable, which is probably why Microsoft has accepted its terms of reference. In its 1984 agreement with the European Commission, IBM was required to affirmatively resolve compatibility issues raised by its competitors, and the EC staff had annual meetings with IBM to review its progress in resolve disputes. The EC reserved the right to revisit its enforcement action on IBM if it was not satisfied with IBM's conduct.

The court could require that the Department of Justice itself or some truly independent parties appoint the members of the TC, and give the TC real investigative powers, take them off Microsoft's payroll, and give them staff and the authority to inform the public of progress in resolving compliance problems, including for example an annual report that could include information on past complaints, as well as suggestions for modifications of the order that may be warranted by Microsoft's conduct. The TC could be given real enforcement powers, such as the power to levy fines on Microsoft. The level of fines that would serve as a deterrent for cash rich Microsoft would be difficult to fathom, but one might make these fines deter more by directing the money to be paid into trust funds that would fund the development of free software, an endeavor that Microsoft has indicated it strongly opposes as a threat to its own monopoly. This would give Microsoft a much greater incentive to abide by the agreement.

Failure to address Ill Gotten Gains

Completely missing from the proposed final order is anything that would make Microsoft pay for its past misdeeds, and this is an omission that must be remedied. Microsoft is hardly a first time offender, and has never shown remorse for its conduct, choosing instead to repeatedly attack the motives and character of officers of the government and members of the judiciary. Microsoft has profited richly from the maintenance of its monopoly. On September 30, 2001, Microsoft reported cash and short-term investments of $36.2 billion, up from $31.6 billion the previous quarter—an accumulation of more than $1.5 billion per month.

It is astounding that Microsoft would face only a ''sin no more'' edict from a court, after its long and tortured history of evasion of antitrust enforcement and its extraordinary embrace of anticompetitive practices—practices recognized as illegal by all members of the DC Circuit court. The court has a wide range of options that would address the most egregious of Microsoft's past misdeeds. For example, even if the court decided to forgo the break-up of the Windows and Office parts of the company, it could require more targeted divestitures, such as divestitures of its browser technology and media player technologies, denying Microsoft the fruits of its illegal conduct, and it could require affirmative support for rival middleware products that it illegally acted to sabotage. Instead the proposed order permits Microsoft to consolidate the benefits from past misdeeds, while preparing for a weak oversight body tasked with monitoring future misdeeds only. What kind of a signal does this send to the public and to other large corporate law breakers? That economic crimes pay!

Please consider these and other criticisms of the settlement proposal, and avoid if possible yet another weak ending to a Microsoft antitrust case. Better to send this unchastened monopoly juggernaut a sterner message.

Sincerely,

Ralph Nader James Love

MTC–00018484

From: Henry Stilmack
To: Microsoft ATR
Date: 1/23/02 4:25pm
Subject: Microsoft Settlement

I am writing to register my objection to the proposed Microsoft settlement. I do not believe the current proposal serves the interest of promoting competition or provides an adequate remedy for the impact of Microsoft's past business practices on the

Amercian consumer. Specifically, I believe the current proposal will only further stifle competition by giving Microsoft an advantage in penetration of the educational market under the guise of a settlement. Permitting Microsoft to settle the matter by delivering Microsoft products to school systems, which traditionally tend to favor other vendors (e.g., Apple), would be tantamount to state-sponsorship of the extension of Mcirosoft's monopoly.

Instead, Microsoft should be required to make payment in cash, and then permit the school systems to direct the use of these funds in the (hopefully technical) areas of their choosing. Futhermore, I believe the amount of the settlement is grossly inadequate to remove the incentive for Microsoft to continue its practices. I believe Microsoft will treat the settlement as a ''cost of doing business'', much as any other ''administrative overhead''. Finally, I believe the settlement should include requirements for Microsoft to provide open access to interfaces between its products, and to provide an unbundled version of Windows (no Internet Explorer, no Windows Media Player, etc.). These actions are needed to afford competitive products, including open source alternatives, with an environment in which they can compete on a level playing field with a competitor which controls the prevailing desktop operating system technology. Without true, timely and open access to interoperability information, the barriers of entry for alternative commercial and open source products will be too high to overcome the leverage held through its desktop operating system monopoly. To truly avoid a recurrence of past practices, an oversight committee of some sort is truly needed. Your attention to this matter is greatly appreciated.

Sincerely
Henry Stilmack
Senior Systems Administrator
UK/Netherlands/Canada Joint Astronomy Centre
660 N. A'ohoku Place
Tel: +1 808–969–6530
Fax: +1 808–961–6516PGP key: ID = 05AE83F1 Signature = 53FDAAA963766CCB 47B067F154DC0B92

MTC–00018485

From: Gary Goldberg
To: Microsoft ATR
Date: 1/23/02 4:26pm
Subject: Microsoft Settlement.

Hello. I am the president and chief operating officer of Digital Marketing, Inc, a small business dedicated to web hosting and network consulting in operation for eight years, since 1994, in Maryland. I have followed the Microsoft antitrust case closely, both as a general member of the user community and because of a direct connection between Microsoft policies and my business operations. (We use both Linux and Windows NT/2000 to host web servers, and we have found less opportunities to use competing platforms and tools in our work because of companies like Netscape being forced to the sidelines by Microsoft actions in the last decade.

I believe the settlement with Microsoft the Department of Justice has forged, to be weak and ineffective at addressing the wrongs Microsoft Corporation has perpetrated on the computer-using community, and will encourage Microsoft executives to continue their methods in the future. While I object to many provisions of the settlement, one in particular directly effects my operations—when Microsoft packs on unneeded and undesired additional products into their operating system in order to prevent competitors from developing competing products, it reduces my opportunities to choose and utilize those competing products on behalf of my clients. It also decreases the reliability and increased the resources my machines need to offer services to my clients, increasing downtime and increasing expense, making it harder for me to compete.

I believe the existing Microsoft settlement to be weak and ineffective, doesn't fairly address either past wrongs or discourages Microsoft Corp from similar behavior in the future, and represents a waste of the enormous money, time and energy expended over the last seven years to rein in a convicted monopolist organization. I appreciate this opportunity under the Tunney Act to register my opinion, and I urge the presiding Judge in this case to reconsider and to not accept the settlement as currently drafted. Thank you for your time.

Sincerely,
Gary Goldberg
President, Digital Marketing Inc. (DigiMark)
Digital Marketing Inc. (DigiMark)
3042 Mitchellville Road
Bowie, MD 20716–1388
301/249–6501
301/390–1955 facsimile
og@digimark.net
http://www.digimark.net/

MTC–00018486

From: Shane Baker
To: Microsoft ATR
Date: 1/23/02 4:26pm
Subject: Microsoft settlement

I would like to take a moment to express my dissatisfaction with the proposed settlement in the Microsoft anti-trust case. Without going into great detail expressing each individual concern, I would like to outline one specific concern. Please understand that I do this to save both the reader and the writer time and it is not meant to suggest that I find the remaining provisions to be adequate.

Section III.A.2. appears to specifically allow Microsoft to retaliate against any OEM computer vendor that ships computers with a competing operating system but with no Microsoft operating system. I can see no reasonable reason that Microsoft should be permitted to retaliate against any OEM vendor for shipping a customer order as per a customer's request. If I purchase a computer from a vendor and request that they load Linux on it, I can see no reason that I would want to pay the extra fees incurred in having a competing Microsoft product installed. If the computer came configured in this way, I would have to pay more and I would have to reconfigure the computer anyway thus eliminating any value offered by the vendor.

I hope that the proposed settlement is not allowed to pass with its current shortcomings and shortsightedness. I am very appreciative of the fact that the legal system has stepped up to the plate to attempt to do something about these real and pressing issues.

Thank you for your time,
Shane Baker
Stroudsburg, PA.

MTC–00018487

From: Joel ''Twisty'' Nye
To: Microsoft ATR
Date: 1/23/02 4:44pm
Subject: The Microsoft Antitrust Settlement
Joel Nye
628 Buckeye St
Hamilton, OH 45011–3449
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Sirs and Honorable Judges of the United States Department of Justice:

I write this letter regarding the Revised Proposed Final Judgement (PFJ) in the Antitrust Lawsuit of Microsoft Corporation. I am an Information Technology Specialist serving the Salvation Army for its Divisional Headquarters in Cincinnati, Ohio. As such, an employee and resident in the state of Ohio, and a customer of licensed software from Microsoft and other manufacturers throughout the IT industry, I find myself significantly effected by this judgement. In accordance with the Tunney Act, my comments are entered for public record within the 60 day period allowed.

While this PFJ does an effective job of tying the hands of the govenment from opening Microsoft's trade secrets, it does an inadequate job of bringing Microsoft's behavior in line with the law, and fails to impede Microsoft's anticompetitive behavior with rival software manufacturers and organizations, nor even impede its adversarial role against its own partners and customers. In short, I think it does customers like myself a disservice by encouraging continued anticompetitive behavior in Microsoft. The greatest failure of the PFJ is its discrimination against users of non-commercial software. Be it Free Software, Open Sourced, Shareware, Public Domain binaries, Web Applets, this PFJ permits Microsoft to advance its own interests above the freedoms of the customers found to suffer from an anticompetitive market. The American public and scientific communities are providing people the freedom to actually own software that cannot be legally wrested from them, while Microsoft's licenses keep ownership, control, and choice out of the public's hands.

In light of Microsoft's illegally obtained monopoly, the people must be permitted the freedom to create their own alternatives... Such is the cycle of history, democratizing a technology which has allowed dominant power to rift ''haves'' from ''have nots.''

In section III.A under Prohibited Conduct, Microsoft's behavior against OEMs is regulated, almost. The same section quickly excuses Microsoft to ''enforcing any

provision of any license with any OEM or any intellectual property right that is not inconsistent with this Final Judgment.'' I must emphasize the wording ''any license,'' for it is by their licenses that Microsoft exercises their power to discrimiate and exclude freedom. While they must be free to innovate, what is at issue is their much exercised ''freedom to inundate.''

Further under section III, parts D through G further regulate behavior of Microsoft from monopolizing middleware and communications protocols of its Windows products, almost. Yet this regulation is conditionally invalidated by the phrase, ''This Section does not apply to any agreements in which Microsoft licenses intellectual property in from a third party.'' So by licensing, even if at no cost to Microsoft, and at the discrimination of all others, Microsoft could indeed continue to monopolize protocols with minimal formality. With such careless qualitification of the DoJ's regulation, it is a wonder why there is any wording of regulation at all.

Under III.J.1, the monopolization of proprietized formats is thrown out with ''J. No provision of this Final Judgment shall:... Require Microsoft to document, disclose or license to third parties: (a) portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of... software licensing, digital rights management, encryption or authentication systems,...'' Again, I must restate that software licenses are the contracts by which the customers'' freedoms are being arrested.

The remaining sections of enforcement are inconsequential without the repair of behavioral regulation.

I would like to see them further regulated from ''Content Discrimiation,'' a practice by which their client applications, such as Internet Explorer, do willingly replace the data from the internet, such as an error 404 web page which may or may not be customized to a web server's extreme capabilities or needs, substituting content of Microsoft's own choosing. This has profitted Microsoft's self-serving goals, such as promoting their MSN network services, but it violates the efforts of the web server to provide customized content to the service of the customer, which I view as a blatent impropriety of rights to Freedom of Speech in the publishing world of the internet.

Another example of Microsoft's content discrimiation, and of licensing abuse, can be viewed at http://www.vcnet.com/bms/departments/dirtytricks.shtml . It summarizes the targetting of a business opponent in discrimination of emails from bluemountain.com through a beta program of Microsoft Outlook. While they are free to disclaim behavior of such a program in that stage of its development, it is clearly an abuse of trust when free speech is expected to be delivered.

Please do the computing public a favor by striking down this disservice of a settlement. Thank You.

Joel Nye
IT Specialist
The Salvation Army

MTC–00018488

From: Thomas McElroy
To: Microsoft ATR
Date: 1/23/02 4:26pm
Subject: Microsoft Settlement

I think that having MS interjected into the schools as a part of their reparations is madness. Schools are one of the few places that other operating systems have an opportunity to gain momentum and exposure. MS would happily PAY to have this happen... Not to mention the fact that it will hurt MS's competitors. I think thats an important part of any settlement plan: It should in NO way hurt MS competitors. It should force MS to make reparations to the other companies in the industry on the order of magnitude of the damage it has caused.

Some things to consider would be having reparations paid to all the companies whose software could not be sold because MS was forcing them out of business by charging nothing. The services/companies that immediately spring to mind are Real Networks, Netscape, Yahoo, Mapquest, Nullsoft, AOL (AIM), ICQ, Sony and Nintendo. In addition, I think that MS should be open to lawsuits due to damages from their software. I don't for the life of me understand how, in every other field of law, its not possible to sign one's rights away, except in software. If I buy a car, the mfg can't enforce a contract saying I will not sue for damages due to a defective product, and yet, somehow, MS depends on this protection every moment to stop people from suing for damages related to the inummerable security holes and flaws. MS needs to be seriously shaken and changed. This settlement does NOTHING to bring that to being, and possibly takes steps backwards.

Thanks,
Thomas McElroy

MTC–00018489

From: Wise, Philip
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 4:25pm
Philip Wise
STATE REPRESENTATIVE
Ninety-Eighth District
Statehouse: (515) 281–3221
e-mail—philip.wise@legis.state.ia.us
HOME ADDRESS
503 Grand Ave
Keokuk, Iowa 52632
Home: (319) 524–3643
House of Representatives
State of Iowa
Seventy-Ninth General Assembly
STATEHOUSE
Des Moines, Iowa 50319
COMMITTEES: Education, Ranking Member
Appropriations Commerce & Regulation
January 23, 2002
Renata B. Hesse
Antitrust Division
United States Department of Justice
601 D Street, NW., Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse:

As a senior member of the Iowa House of Representatives who has focused on education and economic development policy, I have followed with considerable interest the proposed settlement in the Microsoft case. I am vitally interested in the creation and deployment of technology that empowers consumers and encourages business expansion. I believe such technology deployment has potential to foster growth in the non-metropolitan areas of the State of Iowa, which is the type of district that I represent.

It is my judgment that the proposed settlement in the Microsoft case is good for Iowa. I am writing, therefore, to lend my support to that settlement and to ask for your assistance in bringing about resolution of this case.

Respectfully submitted,
Philip Wise

MTC–00018490

From: Jackson Typesetting
To: Microsoft ATR
Date: 1/23/02 4:35pm
Subject: Microsoft Settlement

To whom it may concern my name is Jon Park and I have been reading the news concerning this settlement and I feel what Microsoft wants is what Microsoft gets LITERALLY they seem to have every one of influence on their payroll/side (please choose the word you like best). I agree that Microsoft sould be delt with harshly recently the made a statement to the effect that software pirates/crackers/virus writers are terrorists of sorts and will do what it takes to protect us from them. Has any one thought that maybe their practices of running out the competition by any means possible (I would like to bring to point the fact they lied to the courts on whom they were in contact with during proceedings) borders if not cross that line that defines terrorism. Or are business terroist tactics ok as long as money is made and no physical harm is commited to any persons. They seem as big a threat to the health of our economy, face it any strings they decide to pull effects us all, from centralizing computer platform development to serve their software only—to pulling the plug on a contract with a video game supplier because they decided toenter the market, I am sure the Japanese market didn't respond well to that.

I just had a thought the slogan for Microsoft should be ''We want more'' sounds like them doesn't it. Most companies compete not run over to earn success and notariety.

I vote for harsher punishment.
Thank You
Sincerely,
Jon Park
1307 Eastfield Dr.
Jackson, MI 49203

MTC–00018491

From: Julian Thomas
To: Microsoft ATR
Date: 1/23/02 4:21pm
Subject: microsoft settlement

I DO NOT AGREE. Does not go far enough to require documentation of ALL APIs used not only by ''Middleware'' but also Office products. Office file formats must be documented and stable to allow other manufacturers products to import/export office file formats (especially Word and Excel).

Julian Thomas: jt@jt-mj.net http://jt-mj.net

In the beautiful Finger Lakes Wine Country of New York State!

Boardmember of POSSI.org—Phoenix OS/2 Society, Inc

http://www.possi.org

The sad thing about Windows bashing is it's all true.

MTC–00018492

From: Joshua Aune
To: Microsoft ATR
Date: 1/23/02 4:28pm
Subject: Microsoft Settlement

Microsoft has a history of steping on people. It seems that they are doing it again. I feel that the current settelment will not fix the problem.

MTC–00018493

From: Leo Sell
To: Microsoft ATR
Date: 1/23/02 4:27pm
Subject: microsoft settlement

The proposed settlement, is outrageous in many ways, but none more than the ''wolf in sheep's clothing'' that the school-related aspects represent.

Surely the proposal that as part of the fine or relief, Microsoft pay to provide Microsoft-centric hardware and software to schools must have been written by Microsoft folks. DOJ was hoodwinked. This ''relief'' is clearly designed to shove Microsoft's monopoly into the one sector left that it is not dominant—the schools. In supporting this, DOJ is playing right into Microsoft's hands, and this aspect will most certainly do injury to one of the few parties in the marketplace that offers a hale alternative to the Microsoft monopoly of desktop software—Apple Computer. Apple has long been the stronger presence in the nation's schools.

Apple has developed an operating system that, with some time and resource, could be ported to use on Intel-based machines. A better remedy might be to make MS create a fund from which schools could draw money / grants to purchase the SCHOOL'S CHOICE of software and hardware.

A further suitable remedy might be to require MS to provide funding to Apple to port OS X to Intel-based machines.

Leo Sell, Chairperson

Administrative-Professional Association / MEA / NEA

Michigan State University

MTC–00018494

From: Bernhard Damberger
To: Microsoft ATR
Date: 1/23/02 4:28pm
Subject: Microsoft Settlement

I am against the currently proposed settlement with Microsoft. They have shown them selves to be a law breaker many times over. Given Microsoft's past behavior towards ''consent decrees'', I believe that they will continue their standard operating procedure w/o regards to the fact that they been proven to be a monopoly.

Microsoft should be punished for breaking the law. They should pay consumers of their products from the over 30 billion dollar war chest that they have illegally collected. We must take advantage of this opportunity, or else the US will be back in court five years from now.

Sincerly

Bernhard H. Damberger

MTC–00018495

From: Stephen Gilbert
To: Microsoft ATR
Date: 1/23/02 4:27pm
Subject: Microsoft Settlement

To Whom it May Concern:

My name is Stephen Gilbert, and I am an Associate Professor in Computer Science at Orange Coast College in Costa Mesa. As a Computer Science professional responsible for training future generations of computer programmers and software designers, I would like to comment on the proposed settlement between Microsoft and the Department of Justice.

Simply put, I think that the settlement is not in the public interest; it does nothing to separate Microsoft the platform developer and owner from Microsoft the application developer. In my opinion, the proposed remedy provides no punishment for past illegal acts and no incentive to avoid committing such acts in the future.

Stephen Gilbert

Orange Coast College CS Dept.
sgilbert@occ.cccd.edu, http://csjava.occ.cccd.edu

MTC–00018496

From: Sam Frankiel
To: Microsoft ATR
Date: 1/23/02 4:42pm
Subject: Microsoft Settlement

I am writing because I feel the my voice should be heard in some important matters. I know very little about business and I know very little about microsoft specifically. I do have experience in dealing with microsoft products and other products as well. I read through the proposed settlement in the Microsoft Antitrust Trail. I don't have any specific points to argue as far as the settlement goes. I think it gives Microsoft no punishment for doing anything Illegal and it does nothing to prevent them form doing anything illegal in the future. It will not remedy an of the issues the Microsoft has been found guilty of. This can't be allowed to happen. The laws as far as Antitrust issues were made for a reason and microsoft has broken them in the past and is doing it still. The government of the United States of America should do something to stop this and they aren't. they are accepting what microsoft has proposed no matter who actually proposed it. Why would any company propose something in the bad interest? I feel very strongly that this is an unfair proposal and I object.

Sam Frankiel
435 N Alta Vista
Los Angeles Ca 90036
323 972 3771

MTC–00018497

From: AmeshAA@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 4:28pm
Subject: (no subject)

DOJ Public Comment

I am writing to express my opinion regarding the Department of Justice's case against Microsoft. I am firmly opposed to any actions being taken against Microsoft. Any remedy proposed under the guise of the anti-trust laws will amount to fascism, where property is property in name only. Microsoft has a moral right to do as it chooses with its own property and amount of penalization of Microsoft will abrogate that right. The government, by adhering to the dictatorial anti-trust laws, is engaged on a witch-hunt for success. Any company that has achieved success by the voluntary choices of consumers is a potential victim while companies that achieve success by government decree (e.g. US Postal Service) are safe from the clutches of bureaucrats. It is revolting to see that when the American dream finally comes true for someone (Bill Gates), the government and envious competitors insists on creating a nightmare to follow.

Amesh Adalja
143 Blazing Star Drive
Butler, PA 16002
(724) 586–6848

MTC–00018498

From: Darrell King
To: Microsoft ATR
Date: 1/23/02 4:28pm
Subject: Microsoft Settlement

Thank you for your careful and conscientious work in addressing the issues involved with Microsoft Settlement. I can only guess at the amount of work involved in picking through such a tangled landscape.

As I read about the proceedings, I am left with a single concern: have we ended the problem? As a small an owner of both Red Hat Linux and several Microsoft Operating Systems, I am very familiar with using both in my daily business.

I've often been concerned with the situation where Open Source products can be built for Windows (Apache, PHP, MySQL), but those dedicating to porting in the opposite direction are frustrated by an inability to easily carry a Windows-based product to a Linux environment. I have to wonder if any settlement is complete that does not address this issue in a realistic and final manner.

In my opinion, the fundamental issue here is not the protection of intellectual property. Of course Microsoft should be allowed to make a profit and protect it's ability to do so. I think, however, that having such a tight lock on the most fundamental piece of software a computer uses, the operating system, is too much control. If the Windows OS is the best, people will buy it, but no one should be forced to just because it's the only viable alternative. Both Mac and the Open Source fronts have put forth good efforts, but they are up against wall when they face compatibility issues regarding application written to run on Windows.

My solution? Make sure that the Windows API is available for use by developers who wish to integrate software with alternative operating systems. If the consumers can run their favorite programs on several different operating systems, the threat of monopoly ceases to be.

Thank you,

Darrell G King

MTC–00018499

From: Steve Tow
To: Microsoft ATR
Date: 1/23/02 4:30pm
Subject: Microsoft Settlement

I wish I had proper remedy for this monopolist, but I don't. What I can say is that the need to pull out all the stops in order to contain this predator is absolutely necessary. The evidence against MS is stacked to the ceiling. There is no real question they did multitudes of things wrong in terms of fair competition. From false incompatibilities to strong arming vendors from shipping anything but microsoft products. It's all there and obvious. They have made a mint out of manipulating or simply screwing six ways from Sunday any company or competition if it had a chance to make a buck, squash that competition, or generally help MS at the cost of others. This monopoly would be acceptible if it were a company doing it through legal and ethical means. Just being a monopoly is not a problem if it is acquired. It is a problem if it is stolen from the hands of others.

In the years they spent building..er..stealing..this sector of the market they also hindered innovation to an alarming degree. I think anyone in the know in the OS department knows that a close look at Win95 vs WinXP reveals nothing but an evolution of face lifts with virtually no new features or technology. What have they done over the 7 years? Well, add new decorations, things like DVD and media players (things that don't take 7 years given their workforce), and last but not least, spent hours upon hours coming up with a way to make sure they can milk their already finaincially strained customers for more money. Regardless of BG's pseudo-victim-esque cries of ''I need the freedom to innovate!'', there has been nothing but a near halt of real innovation in the MS camp and none from any other camp because MS has elimimnated the competition that could breed innovation...

I am a technological purist. I don't give a f*ck about the all mighty dollar. I just want to see true innovation in a free market. It might be deemed too dramatic to say that this hinderance of innovation might keep me from setting foot on Mars before I die, but this could very well be true and cannot be discounted. As long as MS is making $$, they won't really care about techology and innovation. They are a marketing company, not a technical company...

The sad truth is that regardless of my attitude towards the money vs innovation, the final factor may be the money. Money buys people, opinions, and even court cases. The many so-called ''experts'' that are surely making a case for the other side of this debate are certainly well paid to give those opinions. I would like to think that the one thing this corporate bully could not buy or manipulate is the American judicial sytem. Only time will tell on that. Don't let it happen....

Please put some serious restraints on this beast before they get away and start eating up competition once again...

Steve Tow
Systems Engineer
Vital Support Systems
Email: Steve.Tow@vitalsite.com
Phone: (515) 334–5700

MTC–00018500

From: Langtry, Nathan Frederick (UMC-Student)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 4:29pm
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea.

MTC–00018501

From: Rob Tanner
To: Microsoft ATR
Date: 1/23/02 4:29pm
Subject: Microsoft Settlement

I do not support the proposed settlement with Microsoft.

Rob Tanner
rtanner@utk.edu

MTC–00018502

From: jcastle@in-system.com@inetgw
To: Microsoft ATR
Date: 1/23/02 4:29pm
Subject: Microsoft Settlement

I am opposed to the proposed judgement because it does not require Microsoft to provie sufficient documentation in a timely manor to allow competing middleware providers to be successful. Microsoft would be required to publish the APIs, but not until the associated Microsoft product is in beta testing. That means any competing solution would always lag in the market place and be at a disadvantage.

And the judgement specifically disallows the use of such published information for the use of developing competing operating systems; that restriction only serves to hinder competing products and to enhance Microsoft's monopoly.

I am also opposed to the proposed judgement because it allows Microsoft to use licensing terms to prevent OEMs from providing competing operating systems or applications in addition to Microsoft products from doing so. That forces OEMs to choose between offering Microsoft products OR competing products. No OEM can afford to drop the dominant Microsoft products, so they effectively are prevented from offering competing products. Therefore, the proposed judgement is flawed and does not serve the public interest.

Respectfully,
Jim Castleberry
7154 W. State St., #227
Boise, Idaho, 83703

MTC–00018503

From: Scott Chamberlain
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 4:28pm
Subject: Microsoft Settlement

I disagree with the proposed Microsoft settlement. Microsoft is a direct competitor of my company and I am tired of their shady tactics.

Scott L. Chamberlain

MTC–00018504

From: Cruise, Dennis (Adecco ETW)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 4:32pm
Subject: Microsoft Settlement

I think this settlement is a bad idea.

Dennis Cruise
dcruise@hotcoffee.org

MTC–00018505

From: Wayne—Bryant@notes.teradyne.com@inetgw
To: Microsoft ATR
Date: 1/23/02 4:31pm
Subject: Restraint of trade

I live in an area where the only high-speed Internet option is AT&T Broadband. Last night when I called their tech support line to find out why my email stopped working, the support person flatly refused to help me unless I switched email programs from Eudora to Microsoft OutLook. This is exactly the sort of restraint of trade actions that Microsoft has been coercing other companies into for years. The Justice Department's slap on the wrist will do nothing to change Microsoft's behavior in this regard.

By the way, I found it ominous that when I clicked on the web site link to send this email, rather than starting up my default email program, it tried to start up Microsoft OutLook. I'll leave it to you to sort out the implications.

Sincerely,
Wayne Bryant
cc: Tom Reilly—Massachusetts Attorney General

MTC–00018506

From: Wismar, Andrew
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 4:30pm
Subject: Microsoft Settlement

Dear Sirs or Madams,

I just wanted to voice my opinion that the proposed Microsoft settlement will not alleviate the problems facing this country that are a direct consequence of Microsoft's monopoly and their continued habit of abusing the aforementioned monopoly. The actions taken against Microsoft must be more thoroughly considered before any hasty ''stop-gap'' or ''wrist-slap'' measures are taken. Please reconsider the proposed settlement and try to come up with a solution that has a higher chance of success against this corporation and its monopolistic tendencies. Thank you, and have a nice day.

Andy Wismar
alw9@weatherhead.cwru.edu
Application Developer
Information Technology Group
Weatherhead School of Management
Case Western Reserve University

MTC–00018507

From: Douglas Hillgren
To: Microsoft Settlement
Date: 1/23/02 1:11pm
Subject: Say NO to the DOJ Microsoft Settlement

Douglas Hillgren
196 Blue Ridge Acres
Harpers Ferry, WV 25425
January 23, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft settlement simply will encourage Microsoft to continue the same

king of monopolistic practices that destroyed countless new high-tech companies. The DOJ settlement is a watered down slap on the wrist that does nothing to punish Microsoft for stifling competition, stealing technology, and strong-arming business partners to advance MS products. Don't let the DOJ waffle on this and therefore sell out the American people it PURPORTS to represent. We don't care if the government gets any money out of this, unlike the DOJ (it seems). What we want MS to do is DESIST their extortionist and raider business practices, open their operating systems in a fair and consistent fashion, and above all COMPENSATE all the business owners, shareholders, and principles of the myriad of businesses they ruined.

As a 20-year veteran of the technology industry, I can speak for most of my peers when I say that the DOJ settlement is nothing short of a highly-suspect kow-tow to Microsoft. Please make DOJ DO THEIR DAMN JOBS instead of sucking up to Bill Gates.

Sincerely,
Douglas M. Hillgren

MTC–00018508

From: John H. Robinson, IV
To: Microsoft ATR
Date: 1/23/02 4:31pm
Subject: Microsoft Settlement

Dear Sirs:

The proposed settlement between the Department of Justice and Microsoft is a complete travesty of justice. The definitions of certain key terms (cf: API) are significantly different from the definitions used in the Finding of Fact. This allows a proven unscrupulous company to violate the spirit of the settlement with the letter of the settlement.

Microsoft would also be able to get away with a slap on the wrist, and a charge of ''sin no more.'' We have seen that this is ineffective, as Microsoft was in this exact position about four years ago. Microsoft is also free to engage in their monopolistic behaviour by keeping secret key data formats, and interface details. This is similar to selling someone a car(data) and a chauffeur(application), but refusing to tell them how any of the controls(format, interface) work. The only way to drive the car is to use the company's chauffeur.

If the settlement is allowed to go through in its current form, the American people will suffer further from the monopolistic practices of Microsoft.

Sincerely,
John H. Robinson, IV
San Diego, California

MTC–00018509

From: Adam Wiggins
To: Microsoft ATR
Date: 1/23/02 4:33pm
Subject: Microsoft settlement
Adam Wiggins
TCSP Inc.
465 E Union St #207
Pasadena, CA 91101
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

To whom it may concern:

I feel very strongly that Microsoft should not be allowed to ''get away'' with the settlement as proposed. As a long-time veteran of the technology industry, I have struggled against the oppression of Microsoft's stranglehold on the market. Today I own a small IT services company, and our ability to do business is stiffled on a daily basis by Microsoft's bad products and anti-competative practices. We have worked hard to eliminate MS software from our office but, alas, it is nearly impossible to do so and still remain competative.

The settlement, as proposed, is more of a prize for Microsoft than it is a punishment. They ''spend'' very little money (the sticker value of software has nothing to do with its cost to produce) and in exchange they get to break into a market they have traditionally had trouble entering, that of our educational system.

Please do not allow them to get away with this nonsense; deny them this so-called ''settlement.''

Sincerely,
Adam Wiggins
Chief Software Architect
TrustCommerce / TCSP Inc.
626 744 7700 x811
adam@trustcommerce.com
http://www.trustcommerce.com

MTC–00018510

From: Lydia Rose Pellow
To: Microsoft ATR
Date: 1/23/02 4:33pm
Subject: microsoft settlement = BAD

I am against the microsoft settlement.
thank you,
Lydia Pellow
285 Plantation St. Apt. 323
Worcester MA 01604

MTC–00018511

From: blue1suite
To: Microsoft ATR
Date: 1/23/02 4:34pm
Subject: Microsoft Settlement

I oppose the current Microsoft settlement. Microsoft has a verticle monopoly in the software industy. They control the operating system market. That control gives their application developers an advantage in time to market, in the use of special undocumented features, and in the ability to force installation by users. Because of their market dominance in the operating system, they are able to push application vendors out of niche markets.

They continue to pursue a strategy of pushing vendors out of the market through incorporation of functionality into their operating system. Consider the examples of internet messaging and multi-media presentation. In both cases, Microsoft bundles applications that have nothing to do with the operating system into the operating system distribution. This leverages Microsoft's monopoly of the operating system into other markets. If Microsoft is allowed to continue this practice then AOL instant messenger and Real Media will have a very tough time remaining in the market. Their problems will not be a result of the relative merits of their product, but rather a result of Microsoft's dominance of the operating system market.

If the operating system portion of Microsoft's business was operated as a separate company, the likely result would have been that Netscape, Real Media Player, and AOL Instant Messenger would have been licensed by the operating system developer for bundling in OEM distributions. Other competitors could have challenged the Netscape, Real Media, and AOL dominance by either developing a better product and marketing it to the operating system vendor, or developing an equivalent product and licensing it to Microsoft for less money. In this way, competitive markets would still exist and Microsoft would still be able to deliver a high level of functionality in a single bundle.

Sincerely,
Jonathan Ultis
7514 Charmant Drive, #916
San Diego, CA 92122
Registered Republican

MTC–00018512

From: Hollis Blanchard
To: Microsoft ATR
Date: 1/23/02 4:34pm
Subject: Microsoft Settlement

I am concerned about the proposed Microsoft settlement for a couple reasons:

—Their donation to school systems is a flagrant attempt to force out one of their strongest competitors in that space—Apple Computer.

—The language used to protect for-profit businesses will not help non-profit organizations! Microsoft's *other* big competitor is the Open Source movement. To leave this language unchanged would be as good as a Get Out Of Jail Free card.

Hollis

MTC–00018513

From: kristian@elp.rr.com@inetgw
To: Microsoft ATR
Date: 1/23/02 4:35pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001
23 January 2002

My comments about the Microsoft Antitrust Case:

I believe the Microsoft monopoly has had a detrimental effect on the internet, effectively transforming the internet from an open, standards-based communication system to one that is a proprietary, Microsoft-based system under their control. In essence, Microsoft now partially controls communications on the internet and world wide web and their influence is growing. If this is not corrected, then there is a good possibility that Microsoft could largely or completely control communications and interactions on the internet and world wide web. Presently, Intel or AMD based computers comprise about 90% or more of the personal computer market in the US. Microsoft has a monopoly in this market, and the vast majority of Intel/AMD computers

run the Microsoft operating system and the Internet Explorer web browser. Thus, most web designers make websites for Microsoft based systems and browsers. However, Microsoft-generated web documents and Microsoft-based browsers rely on proprietary features (eg, non-ISO characters, proprietary javascript implementations, etc) which do not conform to web standards and can't be emulated using web-standard browsers, such as those available for Linux and FreeBSD . Browsers for these systems are based on reading web documents which are designed to open standards, and will render pages designed for the proprietary standards of Internet Explorer poorly if at all. The net effect is that if you own an Intel/AMD computer, you cannot fully access the worldwide web and internet unless you run the Microsoft operating system on your computer. This has a real manifestation in my life. There are many commercial sites where I have tried to make on-line purchases and couldn't because my web-standard browsers (I use three different browsers under Linux) could not read the web page because it was designed for Internet Explorer. There are also many government and official sites I have tried to visit that did not render properly and thus prevented me from obtaining useful information. The problem is getting worse, and in the last six months I have noticed problems at many more sites than in the past.

I believe that it is essential that the U.S. Courts involved in this matter create an agreement which prevents Microsoft from having a monopoly on the internet and world wide web. As general suggestions, as a minimum Microsoft should make the complete source code of their web browser, Internet Explorer and subsequent editions, open to the public. The operating system source code that is relevant to computer networking should also be disclosed. Furthermore, Microsoft application programs should by default generate web documents which are designed to open web standards, such as those espoused by the Worldwide Web Consortium (www.w3c.org).

Regards,
Christian D. Turner
1210 Moore Street
El Paso, TX 79902

MTC–00018514

From: Bircsak, John
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 4:36pm
Subject: Microsoft Settlement

I wish to express my objection to the proposed settlement in the Microsoft case. The scope and wording seem to be carefully constructed so as to not actually effect much change in the way Microsoft does business, and in particular to cripple free software efforts to work against the monopoly power that MS seems fully intent on wielding for all time, with no regard to the consumer.

I am strongly opposed!
John Alex Bircsak
email: John.Bircsak@Intel.com
Nashua Software Lab
phone: (603)886–7603
Intel Corporation
mail: SPT1

MTC–00018515

From: Peter Wiemer-Hastings
To: Microsoft ATR
Date: 1/23/02 4:30pm
Subject: Microsoft Settlement

I think the proposed settlement with Microsoft is a bad idea. Microsoft has gotten its dominating position in the market *not* through creating quality products, but by using aggressive business techniques. They have used their dominant position to be even more aggressive in the field, and to enjoy a de facto monopoly.

Sincerely,
Peter Wiemer-Hastings
DePaul University CTI
243 S. Wabash
Chicago IL 60604
peterwh@cti.depaul.edu

MTC–00018516

From: ccurtis@Pixxures.com@inetgw
To: Microsoft ATR
Date: 1/23/02 4:33pm
Subject: Microsoft Settlement

The Tunney Act is anti-competitive and seems to hand Microsoft free license to continue predatory practices that prevent creative ideas and competitive products from ever reaching the marketplace. Please do not allow the Tunney Act to proceed. It is wrong and will only continue the economic recession that is hurting the world economy so badly.

MTC–00018517

From: KUCKUCK—SCOTT—D@LILLY.COM@inetgw
To: Microsoft ATR
Date: 1/23/02 4:35pm
Subject: Microsoft Settlement

I believe that the Microsoft Settlement is a GOOD idea and fully support it. I believe that it will encourage Microsoft to do the right thing in the future and will stop wasting Government resources dealing with issues that happened several years ago and means very little to today's business and economic environment.

Scott D Kuckuck
1103 Willowbrook Dr
Fishers, IN 46038

MTC–00018518

From: Pauldolson@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 4:35pm
Subject: Microsoft Settlement

23 January 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue NW
Washington DC 20530

Dear Attorney General Ashcroft:

I write today to encourage the Department of Justice to accept the Microsoft antitrust settlement. A settlement is available, the terms of which are fair and compliance is assured. The government needs to accept the settlement and move on.

Many people think that Microsoft has gotten off easy, in fact they have not. In order to settle the suit, Microsoft has agreed to terms that extend well beyond the products and procedures that were actually at issue in the suit. Microsoft has, for example, agreed to set up a technical committee that will assure that Microsoft is in compliance with the settlement. The settlement is fair and compliance will be a boost for the economy, The government needs to accept the settlement and move on. Microsoft and industry need to move on. Please accept the Microsoft antitrust settlement.

Yours truly,
Paul D. Olson
1814 Medallion Loop NW
Olympia, WA 98502–4000

MTC–00018519

From: Ken Bowman
To: Microsoft ATR
Date: 1/23/02 4:30pm
Subject: Microsoft Settlement

This is a bad settlement.
Ken Bowman

MTC–00018520

From: Brent Geske
To: Microsoft ATR
Date: 1/23/02 4:36pm
Subject: Microsoft Settlement

The settlement as worded, is a bad idea. I believe it lacks the teeth to be fully enforced. Even if enforced fully, it doesn't really inhibit Microsoft from continuing their unfair, monopolistic, anti-competitive tactics. Worse yet, it does not punish Microsoft at all for —illegal— acts committed in the past.

Repeating—it doesn't punish an evil doer for wrongs committed (and of which they have been found legally guilty). This simply amazes me.

MTC–00018521

From: Ted Tewkesbury
To: Microsoft ATR
Date: 1/23/02 4:35pm
Subject: MS settlement

I understand that you are soliciting comments on the Microsoft settlement. I buy software from them; doesn't almost everyone? I'm quite reluctant to go into detail, but I think Justice's direction with MS is easily the most disappointing and dispiriting development of the Bush administration.

Please do not give my email address to Microsoft or it agents, including its counsel. They have my user profile in several places, and I don't want to be denied the ability to upgrade or purchase new MS software in the future. I will also not sign this note. I'm a lawyer, and not to be confronted by one's accusers is repulsive to me, so this quasi-anonymous post goes directly against my grain. But, the conseqences of retaliation by MS are too great.

That's how I feel.

MTC–00018522

From: Mark Grimes
To: Microsoft ATR
Date: 1/23/02 4:37pm
Subject: Microsoft Settlement

January 23, 2002

To Whom It May Concern:

This brief e-mail is intended to voice my concern over the Proposed Final Judgment in United States v. Microsoft. I believe the proposed settlement is not in the interest of the US public for a number of reasons including: (i) the definition of API is far to

restrictive and should include such additional interfaces as Microsoft Installer APIs, (ii) the definition of Windows Operating System Product is far to restrictive and should include any current or future Intel-compatible operating system which is derived from Microsoft's existing Windows 2000/NT/XP/etc. code base, and (iii) there is no practical method of enforcing the settlement. These are just the three most significant issues I believe exist in the settlement; there are a number of other issues.

Thank you,
Mark V. Grimes
1324 Sacramento St.
San Francisco, CA
94109

MTC–00018523

From: jhp@pobox.com@inetgw
To: Microsoft ATR
Date: 1/23/02 4:37pm
Subject: Microsoft Settlement

I am against the current remedy, as Microsoft has shown time and again that it's highest buisness priority is to eliminate, either through aquisition or destruction, any and all of it's competition, be it real or perceived.

I do not believe that the current remedy will deter Microsoft at all; it will only serve to encourage them, as they will surely view this a a mere (and inexpensive, for them) slap on the wrist.

Thank You,
Harley Privitera
50 Salisbury St
Worcester, MA 01609
CC:jhp@jhp-0.dsl.speakeasy.net@inetgw

MTC–00018524

From: Richard Tidd
To: Microsoft ATR
Date: 1/23/02 4:23pm
Subject: Microsoft Settlement

I find the currently proposed settlement in the Microsoft antitrust case disturbing. Simply, it is thoroughly ineffectual. Microsoft has a long history of stifling innovation in the software industry through its anti-competitive practices. An appropriate settlement would restore competition to the operating system, browser, and office applications sectors of the software industry. The leverage that Microsoft currently holds in these areas prevents the necessary competition that leads to innovation.

Rick Tidd
Senior Research Engineer
Rutgers University Marine Field Station
800 Great Bay Blvd.
Tuckerton, NJ 08087
tidd@imcs.rutgers.edu
phone: (609)296–5260 X241
fax: (609)296–1024

MTC–00018525

From: Mitch Lee
To: Microsoft ATR
Date: 1/23/02 4:37pm
Subject: Microsoft Settlement

Dear Sir,

I am a US citizen in San Francisco and I would like to express my concern at the Proposed Final Judgement. As a software engineer, I have been keeping tabs on the DOJ vs. Microsoft trial from the beginning. I have seen their corporate bully tactics in the courtroom and in the industry and I am appalled that the Proposed Final Judgement does nothing to address this. It is clear that Microsoft is a monopoly and has used their position in the past to leverage their market and even eliminate some promising new technologies. The Proposed Final Judgement should have some effect in terms of leveling the playing field as well as punishing Microsoft for engaging in monopolistic practices. My personal opinion is that they should release the source code to their Windows operating system as they have closed their internal API's in order to create a system of dependence. Thus third parties are wholley reliant upon Microsoft's ''kindness.'' Please do not allow this to happen. Recently there was a fantastic CPU called Alpha which was owned by Compaq and sold to Intel. This technology was years ahead of Intel's own processors but Intel is not buying it to improve upon it but so that it goes away quietly. I understand that better technologies don't always win, but Microsoft has used their monopoly to quash other promising ideas. Please do not agree to the current Proposed Final Judgement but improve upon it. Thank you for your time.

Sincerely,
Mitch Lee

MTC–00018526

From: WizSupport.com
To: Microsoft ATR
Date: 1/23/02 4:38pm
Subject: Microsoft Settlement

To whom it may concern;

My name is Peter Petersen. I am a professional in the IT field. I am a Certified Professional in both Apple and Windows PC technologies; I make my living fixing problems in other folks'' computer hardware and software. I have been involved as a professional in the computer industry in one aspect or another for several years now; I have, in the past, been involved in PC hardware and software sales as well as retail management. Most currently I am engaged as an entrepreneur, starting my own computer repair/tech support business dealing with PC Wintel and Macintosh hardware and software. I am writing to voice my opinion on the Microsoft Antitrust Settlement proposal.

As an IT professional, I have seen the computer industry take shape from the early days of hobbyists building Heathkit PC's from parts, to the rise (and fall) of the IBM PC, to the move toward mainstream that the PC software industry took in the early 1990's, through the explosion of the World Wide Web that brought the internet out of the realm of students, educators, government agencies and hackers, and into the public mainstream. I have seen Microsoft's rise to dominance as a company and have often ruminated on what shape our industry would have taken if Microsoft had not been the dominant, agressive business they are. To the contrary of what I'm sure the pro-microsoft people are saying, the technological world would not have ground to a halt without Microsoft. In fact it is my belief that the exact opposite would have occurred; our technology level over all would be at a much higher level than it is now if there were no Microsoft.

One of the most telling examples of how Microsoft's business practices have shaped our current state of technology is in the world of consumer software and home PC peripherals. I have been in this industry long enough to remember the way computer manufacturers did business before the ''Microsoft Way'' became commonplace. It went something like this: 1) Company X designs and writes software code (or builds printer, scanner, etc). 2) Software is tested and tested; bugs in programs are found and fixed. 3) Program or device works and is 100% satisfactory before it ever hits store shelves. 4) If, for some reason, there are problems after it reaches the marketplace, they are handled by a qualified support staff who are fully trained to address problems with that device or program. This process sometimes means a product is late getting to the marketplace, but it almost always works once it gets there. Now: Enter Microsoft, who is self-admittedly more concerned with meeting product deadlines than meeting quality standards. Microsoft develops a similar product to Company X, but they spend less time and money on quality assurance. As a result, their product arives at the marketplace sooner and costs less to consumers. Company X is forced to cut corners in order to compete. The first thing Company X cuts out of their budget is their lengthy Quality Assurance process; that way they'll be able to at least keep up with Microsoft's deadline.

Nevermind that they now are releasing a knowingly-imperfect product ahead of schedule. But in order to compete with Microsoft's lower price, they are also forced to cut their post-purchase support; which means the chances of the imperfections being fixed after the product leaves the store shelves are also less. Most manufacturers have no choice but to rely on automated telephone menus or ambiguous FAQ web pages instead of live people talking customers through their problems; if a program has serious flaws the manufacturer might release a version update patch. In any other industry a company would be in serious trouble if they knowingly released a product before it was ready for consumer use. Nowadays, however, most computer softare and hardware manufacturers are doing just this because it is the only way they're able to compete with a company that gives away their product or forces it on people as an integrated part of their operating system. It has become an accepted business practice in the computer industry to release products regardless of their flaws, and it's my opinion that this would be vastly different without the dominance of Microsoft in the picture.

Some of the Microsoft rhetoric I have heard contains words like ''Innovation''. Clearly, Microsoft's definition of this word is a different one than that which the rest of the English-language-speaking world uses. Microsoft has never innovated anything—even their first official operating system product, MS-DOS, was purchased from Seattle Computer Works before being licensed to IBM for use in the first IBM

Personal Computer. I'm sure by now you've heard all of the stories about Windows being modeled after the Macintosh operating system; Microsoft's other ''flagship'' product, Office, is made up of components that had their beginnings in other programs as well. Excel wasn't the first spreadsheet program; that honor goes to VisiCalc. MS Word is not the first graphical word processor; many companies developed similar products for the (pre-Macintosh) Apple II and Commodore 64 platforms before IBM PC's were even sophisticated enough to handle such graphics-intensive products. Even the concept of an ''Office Suite'' of programs is borrowed from AppleWorks, a venerable integrated software package that also hails back to the early Apple II days. In the entirety of Microsoft's impressively-large catalog of software products, there is not a single one that is based on an original Microsoft idea. They all have their roots in products that were first conceptualized at other companies. Most of those companies are now either out of business or have been purchased outright by Microsoft and ''brought into the fold''.

It has been argued that any punishment of Microsoft would have devastating effect on our economy. I believe this is not true; if anything the economy would be stimulated by such an action. If Microsoft were forced to compete on an even level with other companies, they would find it necessary to spend the money and time necessary to insure their product's quality before releasing it; this would give other companies a chance to do the same. The industry's overall quality of products would increase, and the amount of jobs at every tech-sector company would increase as companies would hire more employees to bolster their Quality Assurance departments. It would also give an edge to companies developing alternative operating systems like Linux which would allow them to gain a more competitive market share.

One possible alternative to an outright breakup of the company would be an injunction requiring them to freely distribute the source code to their operating system and browser products. This would put them on even footing with Open-source operating systems (Linux, FreeBSD) and Browsers (Opera), and would guarantee fair business practices by effectively removing the operating system/browser integration war from even being an issue. Microsoft could still charge $300 for their Office products if they wanted to, but there wouldn't be any way they could financially exploit their dominance in the operating system market; they wouldn't automatically get $100 for every PC sold as is the case currently. This in turn would change the incentive in developing operating systems from one of profit to one of functionality and stability—which would eventually translate to better products.

Thank you for taking the time to read; in parting I urge you to do whatever is necessary to limit Microsoft's ability to suppress the computer industry's overall quality by forcing other companies to adopt Microsoft's poor quality standards in order to stay competitive.

Sincerely,

Peter Petersen

MTC–00018527

From: Carl Johnson
To: Microsoft ATR
Date: 1/23/02 4:37pm
Subject: Microsoft Settlement

The attached letter is offered as support for the settlement planned for the Microsoft anti-trust case.

January 23, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

The purpose of this letter is to show my support for the settlement planned for the Microsoft anti-trust case. In my opinion, the legal action taken was unnecessary and cost the taxpayers'' millions of dollars. As a result, the opportunity to compromise should be accepted without further delay.

It is my understanding that Microsoft has taken several actions with this deal that should satisfy its opponents. They will offer competitors the opportunity to operate their software within the Windows platform; in addition, Microsoft will provide unprecedented access to its internal interfaces and server protocols. Competitors will also enjoy the ability to license Microsoft's intellectual property as well.

I believe that this agreement was mediated fairly and will help Microsoft's rivals compete with Microsoft over market share in the coming years. Please allow this deal to proceed, so that Microsoft can focus on what they do best ... creating great technology.

I thank you for your time.

Sincerely,
Carl Johnson
8050 Daniel Place NW
Silverdale, WA 98383

MTC–00018528

From: Ched Switzer
To: Microsoft ATR
Date: 1/23/02 4:37pm
Subject: Microsoft Settlement

Microsoft's settlement proposal is trying to pull the wool over your eyes.. Don't settle for their trickery...

MTC–00018529

From: khb@phys-ha1mpka.eng.sun.com@inetgw
To: Microsoft ATR
Date: 1/23/02 4:38pm
Subject: Microsoft Settlement
To: Renata B. Besse
Antitrust Division
US DoJ
601 D Street NW
Suite 1200
Washington, DC 20530–0001
From: Keith Bierman
1532 Norman Av
San Jose, CA 95125
Software Developer

The PFJ is inadequate. Since the DoJ won the case on it's merits, I find it amazing and disappointing that the PFJ essentially leaves Microsoft both free to continue using the same tactics and essentially free from any meaningful penalty.

http://www.kegel.com/remedy/letter.html provides a short list of things that are wrong with the PFJ. I am sure that there are many more things wrong with it (actually, having read the PFJ a few dozen times, I couldn't see where to start. There is so little that is right).

I urge the DoJ, the Court and the Executive Branch to reconsider this ill-advised settlement. Anti-trust and fairness aside, please consider the dire long term consequences to US security if this monopolist continues to gain market share and eventually take over the server marketplace (displacing mainframes, etc.). Public posturing aside, this Monopolist has consistently left gaping security holes, hidden the evidence, stonewalled researchers and otherwise imperiled that fraction of the computing population dependent upon their services.

A monoculture is always dangerous for an ecosystem. A flawed computer OS monoculture will imperil our nation.

Your attention in this matter is appreciated.

Keith Bierman

MTC–00018530

From: Michael Nunamaker
To: Microsoft ATR
Date: 1/23/02 4:38pm
Subject: Microsoft Settlement

Hi,

I believe the currently proposed settlement with Microsoft is a very bad idea. Microsoft appears to me to have ignored previous directives of the courts. I believe that only a structural remedy (i.e. a breakup) will actually accomplish a true remedy to Microsoft's monopolostic practices.

Thanks for your time,
Mike Nunamaker
Computer consultant since 1982

MTC–00018531

From: Jose Rodriguez
To: Microsoft Settlement U.S. Department of Justice
Date: 1/23/02 1:00pm
Subject: Microsoft Settlement
Jose Rodriguez
212 Rock Road West
Lambertville, NJ 08530
January 23, 2002
Microsoft Settlement U.S. Department of Justice

Dear Microsoft Settlement U.S. Department of Justice: The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers.

With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Jose Rodriguez

MTC–00018532

From: jdw
To: Microsoft ATR
Date: 1/23/02 4:39pm
Subject: Microsoft Settlement

Dear Sir,

I do not think that the US Government should settle the case with Microsoft. Please continue to pursue the heaviest penalty and not settle this case.

Thank you,

Jeff Wandling
27801 SE 43rd St.
Fall City, WA 98024
206–605–2278

MTC–00018533

From: Richard Ernst
To: Microsoft ATR
Date: 1/23/02 4:38pm
Subject: Microsoft Settlement

I want you to know how much I object to the proposed settlement regarding Microsoft being a monopoly and using that monopoly to unfairly eliminate competition. I'll just quote Russell Pavlicek's article from InfoWorld.com, as he's summed it as well or better than I can. I hope you will read it and understand how this is not only NOT punishment, and NOT just a slap on the wrist for MS, but actually a boon to them.

VERY sincerely,

Richard W. Ernst
rich.microsoft@rernst.com

RUSSELL PAVLICEK: ''The Open Source''
from InfoWorld.com,
Wednesday, January 23, 2002

I'VE RECEIVED A number of requests to address the pending (as of this writing) settlement of the civil anti-trust lawsuit against Microsoft. Under the pending agreement, Microsoft will be obligated to provide hardware and software to thousands of underfunded school districts across the country. The logic, if you can call it that, is that such schools could benefit greatly from receiving the technology they lack.

Undeniably, there is an emotionally compelling case for this. A gigantic company, found guilty of doing wrong, is ordered to help the underprivileged. ''We need to do it for the children,'' cry the politicos. ''Think of the children!''

''For the children.'' That's the phrase politicians in Washington use to justify an action so irrational that it cannot be justified any other way.

How can I properly characterize this solution? It is like a court ordering a convicted drug dealer to give out more free samples of heroin to underprivileged children to ensure that their poverty does not deprive them of the opportunity to become addicted. Sure, public classrooms need more technology. And it is especially important that children who don't have as many opportunities in life get assistance. But that is not adequate justification for assigning the fox to guard the hen house.

Personally, I like the counterproposal put forward by Red Hat: Let Microsoft donate money for computing resources for underfunded schools, but let those donations go toward hardware only; then populate those machines with open-source software.

Why open source? Consider the future: What will the schools do when they need to upgrade? If you give schools Microsoft software, they will be caught in the endless upgrade cycle that has characterized life in the Microsoft world. Those upgrades will cost money, money that these targeted school districts, by definition, cannot spare.

Instead, arming schools with open-source software will have two benefits. First, it will set schools down a long-term path that they can afford. The cost of obtaining open-source upgrades is trivial. Without low-cost software upgrades, all those nice shiny computers run the risk of becoming boat anchors in short order. I'm sure someone is saying, ''But open source is too difficult to administer!'' Such does not have to be the case, but I'll deal with that issue in a future column.

Also, the Red Hat proposal does not reward Microsoft in the long term. If a company is convicted of overpowering markets, why would you reward them by putting one of the few markets they don't lead under their control? This sounds a lot like a seed-unit program for education, not the penalty imposed from losing a trial.

Corporate misdeeds are supposed to earn punishment, not long-term investment opportunities. I believe we would all be better off if the courts acknowledged the difference between the two.

MTC–00018534

From: Russell Schoof
To: Microsoft ATR
Date: 1/23/02 4:39pm
Subject: Microsoft Settlement

This message is to express my opposition to the proposed settlement of the Microsoft antitrust case. My opposition is based on two primary concerns:

1. I see nothing in the settlement that will have the practical effect of restraining Microsoft from continuing its predatory monopolistic practices. I am particularly concerned that those who currently provide the only credible competition to Microsoft in opertating systems—Open Source developers of products such as Linux and FreeBSD—receive no protection whatsoever. Does the Department of Justice actually believe that Microsoft will not direct the immense power of its many billions of dollars at these projects in order to destroy them?

2. Giving Microsoft software to schools will further its monopoly by allowing the company to do precisely what it is not supposed to do: give away its software and thereby drive away competition (from Apple, which currently has a substantial share of the educational market), and later force the schools to pay to upgrade to future versions.

I have been a user of Microsoft productivity and development software for fourteen years, and I have made a living from it as an independent consultant. I am now in the process of moving myself and as many of my clients as I can to non-Microsoft products. I do so because the other software is of higher quality and value, and because I have grown to despise this company that does all it can to lock users into its increasingly mediocre products, then extorts money from them by forcing an unending stream of unnecessary upgrades. In dealing with the company as a customer, I have become convinced that Microsoft management is, in the end, interested solely in money and the power that large quantities of it brings to gain ever more.

Russell Schoof
rschoof@molalla.net

MTC–00018535

From: Jeffrey Walls
To: Microsoft ATR
Date: 1/23/10 4:32pm
Subject: Microsoft Settlement
Regarding: Microsoft Corporation Antitrust
Litigation Settlement Agreement,
MDL Docket No. 1332

Dear Honorable Judge Frederick Motz,

The reasons why I feel that the settlement is unfair and does not properly compensate the plaintiffs for the charges they have filed against Microsoft in their civil suits are the following.

The final outcome of the settlement will be a very large program aimed at training our students attending the underprivileged K-12 schools and their teachers on how to use Microsoft software.

This program is designed to guide the teachers on how to use Microsoft software in their education curriculum. The computers purchased through this program will be limited to those which are certified by Microsoft. This means that these computers will be configured to run Microsoft software.

The settlement excludes completely the ability for rival software companies from providing software and services to these underprivileged K-12 schools, which compete directly with Microsoft's own software products in the PC software market place.

The fact is there is a budding new software industry based on free software otherwise known as GNU or Open Source software. The term free applies to both free in cost and free as in freedom. This new software industry is based on software written by many programmers working together through loosely tied collaboration using the communication tools provided by the Internet. (e-mail, file transfers, web browsing).

These same tools of communication and methods of collaboration which the Internet provides, are the ones which we wish for the students of the underprivileged K-12 schools to take advantage. This is due to the fact that this is the same modality by which our scientists use to achieve the latest advances in science and technology.

I am also very much aware that Microsoft is working to try and stop this new software industry based on GNU/Open Source

software. This GNU/Open Source software industry is one of Microsoft's biggest concerns since it threatens its dominance in the personal computer software market. The current settlement is structured to directly shut out this segment of the software industry.

I am also aware that countries around the world are starting to use GNU/Open Source software since it is freely distributed (as in zero cost and without distribution restrictions) across the world through the Internet. One segment of this world population who is taking a keen interest in this software are the schools in these foreign countries because it provides a way of upgrading their computer systems with little or no cost.

I would like the students of the underprivileged K-12 schools to be given a chance to take advantage of the benefits of this GNU/Open Source software provides, as are the students in countries around the world. This can only be done by changing the settlement terms of this class action suit.

I would like for you to act in the following matter in regards to this case.

Ensure that the plaintiffs understand our concerns regarding their settlement with Microsoft. Ensure that the attorneys representing the plaintiffs, in this civil class action suit, inform their clients that there are no provisions in their settlement to allow for free and open competition for the needed software products used to upgrade the computer systems for these underprivileged K-12 schools.

I have recommend that you change the terms of the settlement such that Microsoft have no say what so ever in how the money of the settlement be spent. This should be accomplished by having Microsoft donate cash grants to the underprivileged K-12 schools which were targeted in the original settlement. The size of the individual grants should be in proportion to the number of students enrolled in the school. The schools should then be directed to spend the money on computer hardware, software, networking infrastructure and Internet connection bandwidth for systems used by the teachers and students, as they best see fit for themselves. I emphasize that these funds be restricted to upgrading the IT infrastructure just mentioned, used directly in the classroom environment. These would be upgrades to system used in general class rooms, libraries, science labs, computer clubs or which ever other teaching forum the school has developed for the teaching of their students. The role of the Foundation, as created in the settlement agreement, should expend its efforts to ensure this funding policy be enforced.

Furthermore, in order to ensure that Microsoft has no part in directing how the settlement funds be spent, the Foundation created to manage the settlement funds should be made up of people from our leading science and education institutions. Examples of the people who should be sought to sit on the blue ribbon board of this foundation would be the head of the National Science Foundation, the head of the National Academy of Sciences, the Presidential Science Adviser, directors of our national laboratories, presidents of our renown universities, heads of teachers unions, the Secretary of Education, the Secretary of Commerce or other people who have great knowledge of both education, its advancement and the free and open market system upon which the strength of this country is founded. The task of forming a search committee for these board members should be given to you, Honorable Judge Motz, or someone to which you delegates this task.

I wish to thank you for your time and your assistance with this important matter.

Jeffrey Walls
110 Saint Thomas Road
Lancaster PA 17601
717 560–9146

MTC–00018536

From: mminor@healthmedia.com@inetgw
To: Microsoft ATR
Date: 1/23/02 4:40pm
Subject: Microsoft Settlement

The Micorsoft settlement is not thorough enough, in my opinion, to keep MS from doing what they are doing to competitors now. It will simply take them a few more days to push out other Operating Systems or software browsers from the market by controlling how the core OS deals with 3rd party software. They need to be made accountable for their lack of support to other vendors who can not sell their products because MS has not made it a priority to help other companies work on a level playing field. By allowing 3rd party vendors to flounder, they can keep their own products in the consumer's homes.

Matthew S. Minor
Manager, Graphic Design
HealthMedia, Inc
734.623.0000 x255
mminor@healthmedia.com
<mailto:mminor@healthmedia.com>

MTC–00018537

From: charris@rtcmarketing.com@inetgw
To: Microsoft ATR
Date: 1/23/02 4:39pm
Subject: Microsoft Settlement

I have been involved in the use of computer software for many years now, from long before the domination of the PC by Microsoft. The standardization of software API's is a good thing, but in my opinion Microsoft has brought the software platforms to a mere shadow of what could have been achieved had the programming interface to their OS been truly open. Too many good products have gone by the wayside as MS brought out their own version, often poorly implemented. The WWW is a prime example. I truly dislike the IE explorer, however, the MS implementation of Java has forced web pages to support multiple implementations of Java, with the result often that the only one which works is the one for IE.

This behavior *must* be stopped. What does it truly show if the US wins an antitrust suit and then gives a stamp of approval to the same behaviors? In my opinion, the original court order to break up MS didn't go far enough.

Please take the appropriate action with this settlement. Don't let the public down this time.

Regards,
CW Harris
Smithfield, UT

MTC–00018538

From: Kovalid Inc
To: Microsoft ATR
Date: 1/23/02 4:40pm
Subject: Your Honor:

Your Honor:

I am writing to give my comments on the Microsoft antitrust settlement.

I believe this settlement is counter to the interests of the American public, deleterious to the American economy, and not adequate given the findings of fact in the trial. Microsoft's anti-competitive practices are counter to the law and spirit of our free-enterprise system. These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation. Microsoft's monopolistic practices cause the public to bear increased costs and deny them the products of the innovation which would otherwise be stimulated through competition.

The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future. It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function.

All my best,
Jason Spisak
6302 West Olympic Boulevard
Los Angeles, Ca 90048

MTC–00018539

From: Colin Steele
To: Microsoft ATR
Date: 1/23/02 4:43pm
Subject: Microsoft Settlement

I think this settlement is a travesty and a gross miscarriage of justice. Microsoft is a MONOPOLY. There's no longer debate about it; consumers suffer because of Microsoft's practices. Please put a proper end to their monopolistic behavior. The current settlement is simply unacceptable.

Colin Steele

MTC–00018540

From: Fred Isaacs
To: Microsoft ATR
Date: 1/23/02 4:41pm
Subject: Microsoft Settlement

I have been a software engineer developing commercial products for over thirty years. Microsoft is not the first company to dominate my industry by competing unfairly; IBM monopolized the hardware and software market in the mainframe era. Whenever any company dominates the computer industry, innovation suffers. We see only the products that they bring to market and we are denied the progress which comes from competing ideas as embodied in competing products. I enjoy working in software products where there is free competition; my customers get better products because of it. Microsoft has already been found to have indulged in

anticompetitive practices. The plan proposed by the 9 states seems to have some hope of moderating Microsoft's behavior in the future. The plan proposed by the DOJ seems most unlikely to change anything. I would like to see the plan proposed by the states become the judgment enforced by the courts; that might help to restore competition in the personal computer software industry and benefit us all.

MTC–00018541

From: zggycarl3@netscape.net@inetgw
To: Microsoft ATR
Date: 1/23/02 4:41pm
Subject: microsoft settlement

hello, this does not require a whole lot of extra hyperbolic trogonometry. its kind of like in ''we hold these truths to self evident''. it would be very difficult to think of something more inexcusable, preposterous, and obscene than to turn microsoft loose on the school system with their criminal scam. these are just impressionable childrem that don't know any better. i was wondering how long it would take them to jump on the terrorism bandwagon. sure enough, now they are renewing their efforts to stop ''piracy'' of their ''software'' to fight terrorism. not only do they need to be split up, they need to just flat out be shutdown. what reasonable person is not against terrorism but using ''fighting terrorism'' to further criminal agendas is beneath contempt. and it's not just that. everything they do is way out of line. how can anyone fail to see it? this proposed settlement is not only worse than nothing but actually leaves them in better position to do even worse than ever before than ever before. please do the right thing.

yours truly
carl ziegler

MTC–00018542

From: Jeffrey Curtis
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 4:41pm
Subject: Microsoft Settlement

I do not support the proposed settlement because I do not think it provides sufficient punishment to balance Microsoft's offenses, nor sufficient incentive to prevent them from doing the same in the future. Furthermore, the idea of punishing a monopoly by requiring them to extend their monopoly into the US educational system is incomprehensible.

Jeffrey Curtis
Sr. Software Engineer
Aether Systems, Inc.
88 Froehlich Farm Blvd
Woodbury, NY 11797
Tel:(516) 918–4514

MTC–00018543

From: Dan Compton
To: Microsoft ATR
Date: 1/23/02 4:43pm
Subject: Microsoft Settlement

The proposed settlement is a very bad idea!

Sincerely,
Dan Compton

MTC–00018544

From: Kovalid Inc
To: Microsoft ATR
Date: 1/23/02 4:41pm
Subject: Microsoft Settlement

Your Honor:

I am writing to give my comments on the Microsoft antitrust settlement. I believe this settlement is counter to the interests of the American public, deleterious to the American economy, and not adequate given the findings of fact in the trial.

Microsoft's anti-competitive practices are counter to the law and spirit of our free-enterprise system. These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation. Microsoft's monopolistic practices cause the public to bear increased costs and deny them the products of the innovation which would otherwise be stimulated through competition.

The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future. It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function.

All my best,
Jason Spisak
6302 West Olympic Boulevard
Los Angeles, Ca 90048

MTC–00018545

From: Paul Cory
To: Microsoft ATR
Date: 1/23/02 4:40pm
Subject: Microsoft Settlement

I object to the proposed Microsoft settlement, on the grounds that it will not effectively inhibit the company's anti-competitive practices. In fact, some of the remedies will actually remove competition from the market. To wit: ''Microsoft will license on reasonable terms the network protocols needed for non-Microsoft applications or operating systems to connect to Windows servers. ''

This allows Microsoft to charge for its basic networking protocols, shutting out Open Source, volunteer produced software, as well as small ISVs. For example, SAMBA is software that allows non-Microsoft operating systems (linux, Mac OS X, OpenBSD, and so on) to connect with Microsoft servers using the Microsoft protocols. SAMBA is an volunteer, Open Source software product: it has no money to pay license fees, no matter how ''reasonable.'' To really open the marketplace, the above quoted section should read: ''Microsoft will make the details of the network protocols needed for non-Microsoft applications or operating systems to connect to Windows servers freely available in the public domain in a timely manner. Timely manner means the details will be published publicly six months before such protocols are incorporated into official versions of any Microsoft product.''

This would allow anybody, including volunteer projects, to create software to connect to Windows servers. In addition, it prevents Microsoft from delaying the release of the information for competitive advantage. This is only one example of the many holes, omissions and otherwise questionable provisions of the proposed settlement. A more complete list is available at: http://www.kegel.com/remedy/remedy2.html . If the proposed settlement is accepted in its present form, it will not open the marketplace. It will only serve to improve Microsoft's monopoly position, and leave the customer with less choice and higher prices than before.

Sincerely,
Paul Cory

MTC–00018546

From: Clark Elliott
To: Microsoft ATR
Date: 1/23/02 4:30pm
Subject: Microsoft Settlement

I do not believe that the settlement goes far enough in guaranteeing a competitive marketplace. I think MS has some terrific products, but I also know that they could, and would, do a much better job if they faced real competition, competition which has been severely hampered by the current environment. As a U.S. citizen I am commenting that I believe that money talked in creating this settlement, and that the best interests of the country have not been served. I would like further review, and some significant changes in protections for smaller competitors, and for other operating systems to explicitly run MS products.

Best regards,
Clark Elliott

MTC–00018548

From: Casey Kimbrell
To: Microsoft ATR
Date: 1/23/02 4:47pm
Subject: Microsoft Settlement

To Whom It May Concern,

It's already happening. Microsoft is attempting to compromise the very integrity of our local, state, and Federal Governments through promises of free and discounted products and services. Is it not clear through past presedent and behaviour that Microsoft is not just a ruthless competitor, but un-yielding to the most basic of American Tradition, Principles or Business Morality? Microsoft will not yield in it's endeavor to dominate and control. Ever. There seems no limit to the size of the Microsoft appetite for wealth and power. Nor does there seem any limit to the business, or geographical domain of Microsoft desire. Do We, as Americans, really want to be responsible for creating another global monopoly like DeBeers? Is this in the best interest of either the American people, Innovation, or the Global Economy? I think not.

Microsoft is a convicted corporation. They are a company found guilty in US court of law of serious offenses against the American Public. From past behaviour, indications are that it is highly likely that Microsoft will continue to violate US Law, and trod on American Values. They should be prosecuted accordingly.

E. C. Kimbrell

MTC–00018549

From: Beasley, Jason, NPONS
To: Microsoft ATR
Date: 1/23/02 4:41pm

Subject: Microsoft Settlement

I am writing to register my displeasure with the Proposed Final Judgement for the Microsoft antitrust lawsuit. As the settlement stands, it does little to protect vendors, developers, or competitors from Microsoft's predatory practices (and the little it does is easily surmountable), neither does it seek redress from Microsoft for prior illegal actions.

Sincerely,
Jason Beasley
Network Engineer, AT&T
St. Louis, MO

MTC–00018550

From: Patrick Visniewski
To: Microsoft ATR
Date: 1/23/02 4:43pm
Subject: Microsoft Settlement

The settlement is a bad idea. The proposal will ultimately be ineffective and very difficult to enforce. For such a large software company, the proposed settlement will be very easy to work around. Also Microsoft has shown a history of ignoring court orders.

MTC–00018551

From: David Strom
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/23/02 4:45pm
Subject: microsoft settlement

January 23, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse:

I am writing on behalf of the over ten thousand Minnesotans who are involved in the Taxpayers League of Minnesota to express our opinion on the Department of Justice's proposed settlement with Microsoft.

The Taxpayers League of Minnesota has always held the position that pursuing the antitrust case against Microsoft was not in the public interest. Our position has been based on the judgment that the harms to consumers claimed were wholly speculative, while the harm to Microsoft, its shareholders, and the overall economy of pursuing the case are actual and clearly visible. It is our belief that antitrust cases should not be pursued simply to protect competitors in a marketplace, but solely to protect consumers from harm.

We believe that it is in the interests of taxpayers, consumers, stockholders, and Americans interested in the long-term health and vigor of the economy to settle the Microsoft case as quickly as possible. Regardless of the original merits of the antitrust case against Microsoft, it is now clear that continuing to pursue this case will serve no useful purpose. There can be no doubt that the economy functions best when the marketplace, not policymakers, dictates outcomes. We strongly believe that while it is in the public's interest to ensure a competitive marketplace, in practical terms the monopolies that are most destructive are usually created by government, rather than those regulated out of existence. Microsoft's dominance in one or two segments of the software market has been created not despite, but rather because of a strongly competitive marketplace that has served consumers well. It is a serious mistake to use the coercive powers of government to punish businesses for their success within the marketplace.

The overwhelming preponderance of the evidence suggests that consumers have benefited substantially from Microsoft's competitive business practices. Software is far more flexible and reliable every year, and consumer choice has expanded exponentially due to the ubiquity of home computing and access to the Internet-developments which could not have occurred without Microsoft's relentless innovation and competition in the marketplace.

By almost any reasonable measure, the value delivered to consumers by the computer industry has skyrocketed over the past 20 years-leading to one of the fastest rates of adoption of any new technology in history. It is simply absurd to suggest that the dominance of Microsoft in the personal operating systems market has hurt consumers, when the evidence to the contrary is overwhelming. It would be difficult to argue that the expansion of the internet or home computing could have occurred as quickly as they did without the innovations pushed by Microsoft-including the integration of tcp/ip and Internet browsing capability into the operating system.

The assertion that Microsoft is a destructive monopoly is, in our judgment, rather arbitrary and capricious. Microsoft is clearly not a monopoly in the software business in general. It is not even the dominant player in the operating system market in general-in fact, flavors of UNIX still dominates the server market. In fact, Microsoft's dominance in operating systems is confined to the home computing market, and even there it is confronted with strong competition from Apple Computer's Mac OS X, and the freely distributed Linux operating system.

It is clearly in the nation's interest to resolve this case as quickly as possible. As long as there is substantial uncertainty in the software marketplace, competition and innovation will be inhibited, and the incentive to invest will be reduced. At a time of increased economic uncertainty and reduced business investment, it is vital to remove this drag on the American economy.

Thank you for the opportunity to comment on this matter,
Linda Runbeck,
President,
Taxpayers League of Minnesota.

MTC–00018552

From: BYERLYBETSY@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 4:44pm
Subject: Litigation

Microsoft has been punished for their role in the extreme advancements made in the field of technology. It is enough! Stop the foolishness and get back to work.

Elizabeth Byerly

MTC–00018553

From: Bill Gilliland
To: Microsoft ATR
Date: 1/23/02 4:43pm
Subject: Microsoft Settlement

Hello;

I am a graduate student at UC Davis, who uses a variety of computing platforms (Mac OS 9/X, Solaris, Linux, Windows) and I am very concerned about Microsoft's monopoly. I think their business practices are extremely harmful, with the lack of competition in both the OS market and the applications (e.g. Office) market being very detrimental to me as a consumer—denying me a choice while raising the cost to me of doing research. There are also clear indications that they are planning to throttle emerging markets with extortionist licensing policies, e.g. the .NET initiative, which threaten to prevent possibly very beneficial competition before it even gets started.

I encourage you to take the necessary steps to punish Microsoft for their clear and willful violations of the Sherman act, and structural steps to prevent future abuses of their market power.

Thank you,
Bill Gilliland
Davis, Ca

MTC–00018554

From: Jammys2@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 4:43pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

[Reprinted with permission of the original author: Brian Koppe, Buffalo Grove, IL]

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. It is my understanding that the purpose of the Proposed Final Judgement should be to reduce, as much as possible, the Applications Barrier to Entry. In other words, make it the market more open to competition from other products. After reading the Proposed Final Judgement and multiple essays on its problems and benefits, I have noticed many things that I take issue with. However, I'd like to focus on one in particular. This problem is in the issue of Microsoft End User License Agreements (EULA). It has been shown that Microsoft creates EULA's that place anticompetitive restrictions on the user, and that Microsoft has intentionally created incompatibilities to keep users from using Windows applications on compatible operating systems that are not Windows. One example of this is in the license agreement for the Microsoft software, NewsAlert—offered by MSNBC. In that license it says, ''MSNBC Interactive grants you the right to install and use copies of the SOFTWARE PRODUCT on your computers running validly licensed copies of the operating system for which the SOFTWARE PRODUCT was designed [e.g., Microsoft Windows(r) 95; Microsoft Windows NT(r), Microsoft Windows 3.x, Macintosh, etc.]. ...'' Users of competing operating systems, such as Linux, which are capable of running some Windows applications are not legally capable, under

this restrictive license, to use this program. One suggestion as to how restrictive licenses such as this should be forced to be changed is for the excerpt above to be re-written as follows: ''MSNBC Interactive grants you the right to install and use copies of the SOFTWARE PRODUCT on your computers running validly licensed copies of Microsoft Windows or compatible operating system.'' In the past, it has been shown that Microsoft places technical barriers on competition as well. The 1996 Caldera v. Microsoft case shows how Microsoft added code to its product so that, when run on a competing operating system (DR-DOS in this case), it would give the user an error. As I'm sure you can easily look up, the judge ruled that ''Caldera has presented sufficient evidence that the incompatibilities alleged were part of an anticompetitive scheme by Microsoft.'' Unfortunately, with the Proposed Final Judgement as it stands, there is no language to prohibit these restrictive licenses nor is there language to prohibit future intentional incompatabilities.

Therefore, in its current state, the Proposed Final Judgement assists Microsoft in continuing these actions and does not succeed in opening the Applications Barrier to Entry. In closing, I would like to add my support for Dan Kegel's essay, ''On the Proposed Final Judgement in United States v Microsoft,'' located at http://www.kegel.com/remedy/remedy2.html, which is the source of the facts I have included in this letter. I would also like to add my support for his suggested amendments to the Proposed Final Judgement, which are described near the end of his essay, and to the alternate settlement proposed by some of the plaintif states and located on the website for the National Association of Attorneys General at http://www.naag.org/features/microsoft/ms-remedy—filing.pdf.

Sincerely,
Bree Baskin

MTC–00018555

From: Clark Elliott
To: Microsoft ATR
Date: 1/23/02 4:32pm
Subject: Microsoft Settlement

I do not believe that the settlement goes far enough in guaranteeing a competitive marketplace. I think MS has some terrific products, but I also know that they could, and would, do a much better job if they faced real competition, competition which has been severely hampered by the current environment. As a U.S. citizen I am commenting that I believe that money talked in creating this settlement, and that the best interests of the country have not been served. I would like further review, and some significant changes in protections for smaller competitors, and for other operating systems to explicitly run MS products.

Best regards,
Clark Elliott

MTC–00018556

From: RKing66208@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 4:44pm
Subject: Microsoft Settlement

As a practicing lawyer completely uninvolved with the antitrust case against Microsoft, I firmly support the proposed settlement for the following reasons:

1. It is in the best interest of the consuming public;

2. It is a saving to the taxpayers by bringing to an end this expensive litigation;

3. It creates an even ''playing field'' for Microsoft's competitors who were primarily responsible for bringing pressure on the Department of Justice to initiate the original litigation against Microsoft.

This letter is written by a private citizen who believes wholeheartedly in the free enterprise system.

MTC–00018557

From: Joe Weber
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 4:40pm
Subject: Microsoft Settlement

I am writing to express my strong disapproval with the proposed Microsoft settlement. The proposed settlement fails to protect consumers and competitors, and fails to punish a convicted monopolist. Basic economics teaches that monopolies extract capital from consumers which otherwise would be available to them in a free market. This money needs to be returned to the public, even if through fines paid to the FTC. The proposed settlement does not do this.

Of the many problems with the settlement, I can comment on the problems with Definition J of Microsoft Middleware. By extending its operating system to include functions which are clearly in the application domain, Microsoft in the past killed competition by using their monopoly to obsolete legitimate applications from third parties. This allows them to remove a competitor in their application business without having to compete in the open market. Definition J is contrary to all established definitions of middleware which would protect consumers. Instead it allows multiple ''loop holes'' for Microsoft to use to continue their illegal and anti-competitive behavior. Middleware is a set of API's that allow a clear distinction between application and operating system. Simply changing version numbers, or sending code as an update, does not change this definition. Yet Definition J allows both obvious and blatant loopholes to allow a non-standard, and favorable to Microsoft, definiti! on of middleware. This must be changed if their is to be any attempt at a fair settlement.

Joe Weber, PhD.
Sr. Technologist, Advanced Platforms
CableLabs
400 Centennial Parkway
Louisville, CO 80027–1266
303.661.3804 (direct)
303.661.9100 (main)
303.661.9199 (fax)

MTC–00018558

From: EXT-Hildreth, Ramon X
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 4:43pm
Subject: Microsoft Settlement

This is a bad idea. The issue of microsoft and the anti-trust case needs further study and examination. thanks.

MTC–00018559

From: Barbara O'Connell
To: Microsoft ATR
Date: 1/23/02 4:44pm
Subject: Microsoft Settlement
To: Department of Justice
Re: Microsoft Settlement

The settlement purposed for case United States v. Microsoft is not acceptable to me as a consumer. Microsoft's anticompetitive actions over the past decade have forced consumers to accept poor quality software in order to use desired quality software. If it were possible to choose the operating system platform on hardware purchased at the consumer and business level, the consumer would do so. A settlement must robustly support the entry of alternative operating systems in the market at Microsoft's expense. There must be a level-playing field for the consumer to make a judgement about which product to purchase. I make these statements solely on my personal opinion. I do not speak for my employer or any other individual or entity. I do speak as a consumer and computer professional.

Thank you,
Barbara O'Connell

MTC–00018560

From: David Linville
To: Microsoft ATR
Date: 1/23/02 4:46pm
Subject: Microsoft Settlement

I believe the proposed settlement does not impose a strict enough penalty on Microsoft. It is important to ensure that Microsoft does not retain the profits it illegally obtained as a monopoly.

MTC–00018561

From: James Kelly
To: Microsoft ATR
Date: 1/23/02 4:46pm
Subject: Microsoft Settlement

Sirs,

The proposed settlement is not going to be successful. What needs to be done in its place is to require Microsoft to support an open, standards-body-based document-interchange format for all of their office productivity applications, rather than allowing them to continue to control the office productivity market through their control of de-facto ''standard'' document formats. This will allow real competition in the office productivity suite market. Also, there needs to be an appointed, single, powerful, special master: one knowledgeable individual with the experience to understand Microsoft's evasive tactics and the power to force their compliance with the terms of the settlement.

Thank you,
James Kelly
7912 Horseshoe Trail,
Orange, California

MTC–00018562

From: Michael Cole
To: Microsoft ATR
Date: 1/23/02 4:45pm
Subject: Microsoft Settlement

Hello, my name is Michael Cole. I live in San Francisco California. I am writing about the proposed Microsoft Settlement. I am against the proposed settlement. I think the settlement is weak and changes very little with regards to Microsoft's ability to bully

OEM's. Microsoft has shown little good faith in the past and the proposed settlement depends heavily on that good-faith. The publishing of documentation about the API's does VERY little to limit their monopoly. These API's can change at any time and don't even need to be documented well. How exactly does requiring a monopolist to publish how their product works equate to a remedy for their monopoly? In closing, I think the settlement has very little teeth and will, in the end, only secure Microsoft's position as a monopolist by providing a way for them to say ''look, I follow these rules, I CANT be a monopoly'' Please consider a more permanent, structural change to the company—a settlement that does not rest on their good-faith.

Best regards,
Michael Cole

MTC–00018563

From: Marion Bates
To: Microsoft ATR
Date: 1/23/02 4:46pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. In particular, I am concerned that the PFJ fails to prohibit anticompetitive license terms currently used by Microsoft. For example: Microsoft created intentional incompatibilities in Windows 3.1 to discourage the use of non-Microsoft operating systems. A portion of the 1996 Caldera v. Microsoft antitrust lawsuit illustrates how Microsoft has used technical means anticompetitively. Quote from http://www.kegel.com/remedy/remedy2.html, Dan Kegel's essay on the PFJ: ''Microsoft's original operating system was called MS-DOS. Programs used the DOS API to call up the services of the operating system. Digital Research offered a competing operating system, DR-DOS, that also implemented the DOS API, and could run programs written for MS-DOS. Windows 3.1 and earlier were not operating systems per se, but rather middleware that used the DOS API to interoperate with the operating system. Microsoft was concerned with the competitive threat posed by DR-DOS, and added code to beta copies of Windows 3.1 so it would display spurious and misleading error messages when run on DR-DOS. Digital Research's successor company, Caldera, brought a private antitrust suit against Microsoft in 1996. (See the original complaint, and Caldera's consolidated response to Microsoft's motions for partial summary judgment.) The judge in the case ruled that ''Caldera has presented sufficient evidence that the incompatibilities alleged were part of an anticompetitive scheme by Microsoft.'' That case was settled out of court in 1999, and no court has fully explored the alleged conduct. The concern here is that, as competing operating systems emerge which are able to run Windows applications, Microsoft might try to sabotage Windows applications, middleware, and development tools so that they cannot run on non-Microsoft operating systems, just as they did earlier with Windows 3.1. The PFJ as currently written does nothing to prohibit these kinds of restrictive licenses and intentional incompatibilities, and thus encourages Microsoft to use these techniques to enhance the Applications Barrier to Entry, and harming those consumers who use non-Microsoft operating systems and wish to use Microsoft applications software.'' The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general. While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Marion Bates
Institute for Security Technology Studies
Dartmouth College
Hanover, NH
Phone: 603–646–0739
Fax: 603–646–0660

MTC–00018564

From: spam@ugcs.caltech.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 4:46pm
Subject: Microsoft Settlement

I am writing to insert my voice under the Tunney Act proceedings in the case of US DOJ vs Microsoft. I think the proposed settlement is a Bad Idea. I have been writing software for 10 years: C/C++, Java, Perl mostly on a Unix platform (commercial or open source). Microsoft products and their anti-competitive practices have caused enough damage. It is time to take decisive action and punish them enough to prevent future abuses. I do not think the proposed settlement addresses the issues.

Sincerely,
Damian Martinez
266 S. El Molino, Apt #6
Pasadena, CA 91101
home: 626–390–6846

MTC–00018565

From: Eaton, Harry A.
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 4:48pm
Subject: Microsoft Settlement

I am opposed to the proposed Mircosoft Anti-trust settlement. There does not appear to be anything within the settlement that ''denies to the defendant the fruits of its statutory violation'' as required by the Court of Apeals. There are also a great many technical terms within the proposed agreement that are not defined, and others that are too narrowly defined, leaving the door wide open for interpretations that would render the settlement meaningless. Bill Gates'' own deposition showed an amazing willingness to stretch the meaning of ordinary language beyond all reasonable comprehension. Please review his video deposition while thinking about what he might think the language of the settlement means to him. The bundling of Internet Explorer into Windows seemed to me to twist the meaning of the terms in the original consent decree, and the Justice Department thought so too.

The proposed settlement does very little to actually lower the barrier to competition and nothing to penalize the company for its misconduct. No doubt, Microsoft has already reaped billions of dollars additional revenue due to their illegal conduct, and the resulting additional strength of their monopoly position from their illegal conduct will not be diminished by the proposed settlement. It appears to be a sweetheart deal given to an un-repentant corporation that knowingly engaged in criminal conduct. There is also very little likelihood that Microsoft's future behavior will actually conform to what the Justice department thinks it is agreeing to. I expect that there will be endless litigation about the meaning of terms like ''middle ware'', just as all ordinary terms like ''bundled'', ''integrated'' etc. were disputed in the trial court. Minor modification to the proposed settlement will do little to fix its problems. It must be scrapped in favor of one that will actually serve to increase competition in the marketplace and really deprive Microsoft of the fruits of its illegal conduct.

Sincerely,
Harry Eaton
6697 Buttonhole Court
Columbia, MD 21044

MTC–00018566

From: Thomas P. Taggart
To: Microsoft ATR
Date: 1/23/02 4:46pm
Subject: Microsoft Settlement

Hello,

My name is Thomas P. Taggart, and i am a 19 year-old student at Penn State university. Having followed parts of the Government's Anti-trust case against Microsoft, I am appalled to know that the court system, and our government would agree to such a settlement. It is a very horrible idea, that should not proceed any further. I put my faith in our government to listen to the people, and what they feel should be down with this settlement.

Yours,
Thomas P. Taggart

MTC–00018567

From: Perl Hacker
To: Microsoft ATR
Date: 1/23/02 4:45pm
Subject: Microsoft Settlement

Sir:

I do not agree with the proposed Microsoft settlement. It does not address any of the issues at hand in a significant fashion. Letting the current settlement stand amounts to nothing less than complete capitulation on the part of the government. Once, there was a vibrant, competitive desktop software industry. Now, the desktop is dead and stagnant. People are, for the most part, forced to use Microsoft's substandard crapware because the great MS used their monopoly to crush anyone else writing software for the desktop. They did it with Netscape, with Wordstar, with a thousand other apps they thought might threaten their profits. The desktop is dead because Microsoft likes it that way. Now you're probably being deluged with jerks writing on the behest of Sun or Microsoft, saying that they're Writing Out of Civic Concern (while their manager prods them on). I am not writing for either of those reasons. I am writing you because I am Damn Well Pissed Off. I am angry because my mother reboots her PC three times a day in order to do her accounting practice, and it doesn't occur to her to find something better or get something better because theres NOTHING ELSE. I am angry because Microsoft is the sole Ma Bell in a country that cant have an MCI or a Supra Telecom or a Sprint because Ma Bell owns all the copper wires, all the terminals, and all the equipment attached to it, and buries anyone who tries to introduce a competing product with its monopoly power. I am angry because whenever someone comes up with a Windows-compatible operating system, Microsoft sues them, and the government complacently looks at this blatant anticompetitive behavior and does nothing. Bill Gates said it himself—''better doesn't matter.'' Dont let Microsoft get away with this crap. Read Dan Kegel's open letter here: http://www.kegel.com/remedy/letter.html and learn why Microsoft does not deserve your pity.

Jeff Craton
Systems Administrator

MTC–00018568

From: Christopher Bengtson
To: Microsoft ATR
Date: 1/23/02 4:47pm
Subject: Microsoft Settlement

110 Francis Avenue
Mansfield, MA 02048
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

The intention of this letter is for me to go on record as being a supporter of the settlement that was reached between Microsoft and the Department of Justice. I was never supportive of the antitrust settlement against Microsoft in the first place, but am relieved to see that the lawsuit has been settled.

The government now has the ability to turn its attention to more pressing issues, and can stop wasting taxpayer dollars on the pursuit of Microsoft. Both sides involved have spent way too much time and money on this, and I hope that the settlement will be the answer that we need. The economy is in the dumps, and one thing that could have a positive affect on that is a healthy Microsoft. Microsoft has agreed to enhance its communication with competitors so that everyone in the industry will be able to produce a product that is compatible with Windows. This will enhance the market and stimulate the economy.

I support the settlement, and hope that it is approved as soon as possible.

Sincerely,
Chris Bengtson

MTC–00018569

From: Shawn McCarthy
To: Microsoft ATR
Date: 1/23/02 4:48pm
Subject: Microsoft Settlement

The proposed settlement is a joke; we need a settlement that will SOLVE the problem, not make it worse. A complete breakup of Microsoft into OS, browser, media, etc, with NO interaction between companies permitted (and strong oversight) would be a good start.

Shawn McCarthy
Bowie, MD
Systems Administration Manager (Linux, NT and 2000)

MTC–00018570

From: Michael Peay
To: Microsoft ATR
Date: 1/23/02 4:47pm
Subject: Microsoft Settlement

I would like to express my concern that the proposed final judgment fails to effectively prevent or enforce Microsoft from continuing its anticompetitive behavior and as a result is of little benefit to competing companies or organizations and ultimately the consumer. I would ask that you do not approve this final judgment as written until it can be properly revised.

Sincerely,
Michael Peay
Murrieta, CA

MTC–00018571

From: Robert McNeill
To: Microsoft ATR
Date: 1/23/02 4:45pm
Subject: Microsoft Settlement

Microsoft has been predatory in their practices, ranging from threatening retailers if Windows was not pre-installed on computers to their practice of using secrets of the operating system to advance their own Office and Language products. They threaten those who would allow Microsoft's own products to work on other operating systems and try to force them out of business. Their harassment has gone on long enough. It's time to end this. No settlement where Microsoft is allowed to further their kingdom by giving away copies of it's products will solve the problem. If the company is not broken up into separate entities to allow fair competition, at least force them to stop suing people who make products that could potentially undermine their marketing domain. Force them to open up all the features of their product to allow fair competition. This case has gone on too long and has cost the tax payers and Microsoft's competition too much money. Please end this soon and stop Microsoft from advancing their kingdom by suing everyone who tries to compete with them.

Robert McNeill

MTC–00018572

From: k c
To: Microsoft ATR
Date: 1/23/02 4:48pm
Subject: Microsoft Settlement

The proposed settlement with Microsoft is an ineffectual slap on the wrist. If accepted, it will be a horrible blow to the future of the technology industry in the United States. Regardless of what they claim, Microsoft innovated very little technology in the course of it's history. Microsoft has stolen ideas, bought and crushed innovators, and done it's best to squeeze the lifeblood out of truly innovative competition. It's a guarantee that if Microsoft does it, someone else did it better, sooner. MS-DOS, Windows, DirectX, IIS, XBox, and .Net are all examples of technologies that were done better, sooner, by other companies, but were forced out of the market by Microsoft's predatory tactics.

As a computer professional, with a computer science degree, in my experience I have found that a Microsoft solution is invariably technically inferior to it's competitors. I have also found that, with ever increasing regularity, I am forced to use the Microsoft solution because of incompatibility issues that have no technical justification, but are in place only to discourage the use of competing products.

This nation was built on innovation and the ability to produce the best products. Our future in the world economy depends on it. The currently proposed DOJ settlement will ensure that we are only able to progress at a pace that Microsoft dictates, and in a manner with which they approve. If this settlement is accepted, I will lose a lot of respect for the judicial system. I could draw no other conclusion but that the judicial system completely catered to Microsoft's interests, regardless of law, and at the expense of the progress of technology and free enterprise.

KC

MTC–00018573

From: rfrank
To: Microsoft ATR
Date: 1/23/02 4:48pm
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea. It seems incredibly weak for the damage that has been done. Worse, it doesn't seem to fix anything. How clear do the technical arguments need to be? Apparently they don't matter. I'm disillusioned but the whole process, and I'm guessing it's not too hard for my students to pick it up. Is the Microsoft monopoly so powerful that they cannot be checked?

It seems to me, that with the proposed settlement, Microsoft emerges with pretty much the same powers and I'm guessing will continue the same business practices that have characterized the company all along. Count one vote against the Proposed Settlement.. Like I tell my students: ''You can do better than this!''

Roger Frank
Ponderosa High School, Parker, Colorado

MTC–00018574

From: Jim Pearce
To: Microsoft ATR
Date: 1/23/02 4:49pm
Subject: Microsoft Settlement

I am a technical consultant based in Tennessee. I have been using microprocessors since my Cornell undergraduate project in 1973. I probably was the first student at Cornell to design a microprocessor into a piece of equipment. I would like to comment on the proposed settlement of US vs. Microsoft. I do not believe it solves the illegal anticompetitive actions of Microsoft in two important areas:

1. Dual boot of operating systems.

2. Availability of source code to the ''free software'' community.

1. Dual Boot. All computers have the ability to have multiple operating systems (OS) resident on their hard drives. As the computer is booting it can ask the user which OS he/she wants to use. This is very common among technically savvy users at the present time. Unfortunately, MS has limited its OEMs from offering this on the systems that they sell with Windows preinstalled. This the kind anticompetitive action that effectively keep the less technical user from experimenting with other operating systems. I believe that MS should be prevented from restricting its licensees from offering dual boot systems.

2. Availability of source code and protocols. MS has said that they will allow businesses to view its source code and protocols. The problem is that MS gets to decide on its own who a legitimate business is. The free software movement is one of MS's principal competitors. If MS is allowed to shield its code and protocols from the writers of Apache, Linux, etc. then they will not, in reality, be disclosing this information to the people who can best use it for competitive products. I believe that a body other than MS should be the gate keeper to the code and protocols. This body should be independent of MS and be under the control of the court.

Thank you for you consideration.
Jim Pearce
254 Babbs Rd.
Lenoir City, TN 37771

MTC–00018575

From: Andrew Worcester
To: Microsoft ATR
Date: 1/23/02 5:52pm
Subject: Microsoft Settlement

I am opposed to the proposed settlement in the Microsoft antitrust trial. As an eight year veteran of the computer industry who has worked for both competitors and advocates of Microsoft, I feel that the proposed restrictions are too narrow in scope and will do little to prevent Microsoft from maintaining and expanding its monopoly. I believe this will have and ongoing negative impact on the consumer and is thus not in the public interest.

To improve the proposal, I would suggest adding specific rights of interoperability to free software projects. These projects are some of Microsofts key competitors, but appear to be almost forgotten by the currently proposed settlement.I also do not believe the current provisions for enforcement are adequate, and that an oversight committee with real powers of enforcement should be added rather then sending further violations back to the courts where they may take years to be resovled.

Sincerely,
Andrew Worcester
Hudson, NH

MTC–00018576

From: Baba Buehler
To: Microsoft ATR
Date: 1/23/02 4:49pm
Subject: Microsoft Settlement

I believe the proposed settlement is wrong and a bad idea. The damage Microsoft has done to consumers and the industry as a whole far outweighs the megar, almost meaningless penalties in the settlement.

Baba Z Buehler

''Those who are willing to sacrifice freedom for security deserve neither.''
Benjamin Franklin

MTC–00018577

From: Jorgen Carlsen
To: Microsoft ATR
Date: 1/23/02 4:49pm
Subject: MICROSOFT SETTLEMENT

Gentlemen: Letter has been mailed .
Jorgen Carlsen
2 College Court
Larksur, CA 94939

MTC–00018578

From: Stephen Hill
To: Microsoft ATR
Date: 1/23/02 4:50pm
Subject: Microsoft Settlement

In accordance with the Tunney Act, I am submitting my comments on the proposed settlement for the Microsoft antitrust case. In my opinion, the settlement does not punish Microsoft or help competitors adequately. It seems like the Department of Justice is not interested in the case any more, but I feel that is is very important to the United States.

I have worked in the computers/telecom industry for 15 years, and I can't imaging how different things would be today if there had been real competition. I believe that they have caused significant damage to productivity and the economy. Please reject this settlement and create one that can reduce further damage that Microsoft can do to the industry and the economy.

Thank you
Stephen P. Hill
4431 S. Sacramento Ave
Chicago, IL 60632

MTC–00018579

From: Louis Gerbarg
To: Microsoft ATR
Date: 1/23/02 4:52pm
Subject: Microsoft Settlement

I think the proposed settlement is insufficient. All it does is put in place slight impediments to Microsoft attempting to use some of its former practices. I feel that it in no way penalizes them for their previous conduct.

Louis Gerbarg

MTC–00018580

From: Richard Otte
To: Microsoft ATR
Date: 1/23/02 4:52pm
Subject: Microsoft Settlement

I think the proposed settlement is a very bad idea. Microsoft is ruining computing for all of us. Please reconsider.

Ric Otte

MTC–00018581

From: Ben Penning
To: Microsoft ATR
Date: 1/23/02 4:53pm
Subject: Microsoft Settlement

Dear Sir:

I do not agree with the proposed settlement. I feel that it is not strong enough in its attempt to curtail Microsoft's monopolistic and anti-competitive practices.

Ben Penning

MTC–00018582

From: Moeller, Karl
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 4:53pm
Subject: Microsoft Settlement

I think the proposed settlement is bad idea !!!

Thank you
Karl Moeller
Network & Infrastructure Consultant
SIA
5210 E. Williams Cir.
Tucson AZ 85711
(520)790–4624

''They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety.''
Benjamin Franklin, 1759.

MTC–00018583

From: Robert Wills
To: Microsoft ATR
Date: 1/23/02 4:54pm
Subject: Microsoft Settlement

To whom it may concern,

I wish to join many other voices in expressing my misgivings about the proposed Microsoft settlement. I am a developer, and I have found time and time again that Microsoft's undocumented APIs make it very all but impossible to mix Microsoft technology with other types of technology. Any acceptable settlement must require Microsoft to properly document all of its APIs and to not change them without adequate prior notification (as they always do, for example with their use of SMB networking protocols).

Yours faithfully,
Robert Wills

MTC–00018584

From: Larry Altes
To: Microsoft ATR
Date: 1/23/02 4:55pm
Subject: Microsoft Settlement

I am firmly against the proposed settlement. Microsoft should not be allowed to retain the profits it has made with its illegal actions. Any settlement should have vigorous enforcement with heavy penalties for non-compliance, which I do not see in the proposed settlement.

Lawrence Altes

MTC–00018585

From: Ken Curtis

To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 4:59pm
Subject: Microsoft Settlement

I am writing to express my extreme displeasure with the conditions of the Microsoft Settlement.

Specifically, three sections are lacking:

Section III.A.2. allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

Section III.B. requires Microsoft to license Windows on uniform terms and at published prices to the top 20 OEMs, but says nothing about smaller OEMs. This leaves Microsoft free to retaliate against smaller OEMs, including important regional ''white box'' OEMs, if they offer competing products.

Section III.B. also allows Microsoft to offer unspecified Market Development Allowances—in effect, discounts—to OEMs. For instance, Microsoft could offer discounts on Windows to OEMs based on the number of copies of Microsoft Office or Pocket PC systems sold by that OEM. In effect, this allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas, such as office software or ARM-compatible operating systems.

Additionally, Microsoft has continuously acted in a manner contrary to both the law and previous settlements/court agreements. I strongly urge the Department of Justice and the Courts to enforce a much stricter settlement with Microsoft.

Sincerely,
Kenneth J Curtis Jr
4 Centre Street
Danvers, MA 01923

MTC–00018586

From: Jeffrey L. Fishbein
To: Microsoft ATR
Date: 1/23/02 6:02pm
Subject: Microsoft Settlement

I strongly oppose the settlement proposed between several of the states and federal government with Microsoft. Although I do not necessarily agree that the original court-imposed remedy—a breakup—is warranted, I do believe that substantial sanctions and reasonable oversight are called for in this matter.

Neither is provided for fully in the settlement. I believe that the federal government—which represents all those hurt by Microsoft's criminal actions; but especially people like me, who live in a state where the attorney general refuses to protect the citizens from that criminal organization—should rejoin the states who recognize the inadequacy of the proposal.

Further, I believe that the government should step in and try to prevent the ludicrous proposal for settlement of numerous private suits, that would actually allow Microsoft to extend its monopoly.

Jeffrey L. Fishbein
306 W. Snyder St.
Selinsgrove, PA 17870

MTC–00018587

From: Chris Simoes
To: Microsoft ATR
Date: 1/23/02 4:53pm
Subject: Microsoft Settlement

The current Microsoft settlement does not go far enough. As far as I can tell it will not curtail Microsoft's behavior at all, and my opinion is that Microsoft's behavior is anticompetitive.

Chris Simoes
Austin, TX

MTC–00018588

From: paul
To: Microsoft ATR
Date: 1/23/02 4:56pm
Subject: Microsoft Settlement

As a developer for open-sourced software, I am extremely concerned about the recent proposed settlement to the landmark anti-trust case against Microsoft Corporation. I feel that the settlement does not go far enough in providing a remedy for the incalculable damage Microsoft's illegal business practices have caused the industry I work in, nor does it adequately address Microsoft's continued anti-competitive behavior, and that it fails to provide a solution that helps to reduce Microsoft's ability to do further damage, even in the light of Microsoft's complete lack of acknowledgement or contrition. Particularly troubling is the idea that allowing Microsoft to place thousands of computers running it's operating systems and other software in front of students in public schools is somehow a solution to it's stranglehold on the desktop industry rather than a way to increase Microsoft's dominance. Microsoft has been shown to have acted illegally. The software industry needs the protection of the Dept of Justice from further abuses, not a free license for Microsoft to continue it's anti-competitive behavior.

Paul Smith
President, Acme Communications
2517 Remington Rd
Raleigh, NC 27610

MTC–00018589

From: Robertson, Pandora
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 4:53pm
Subject: Microsoft Settlement

Proposed settlement is a bad idea

MTC–00018590

From: Dennis Kelley
To: Microsoft ATR
Date: 1/23/02 4:56pm
Subject: Microsoft Settlement

To Whom It May Concern: The proposed settlement is a bad one; please reject it and have the DoJ and the states go back and draft something that will address the facts found in the District court case. A unanimous US Court of Appeals agreed that Microsoft had illegally kept its monopoly position by preying on other software developers and computer manufacturers. The bottom line is that Microsoft operated illegally, and any settlement or resolution of this case should make sure the company cannot continue its anticompetitive behavior. Unfortunately the proposed solution does not do this. In many ways, it actually reinforces Microsoft's monopoly, and does nothing to restrain Microsoft from acting illegally again in future markets.

Indeed, Microsoft has already shown they intend to continue to piggyback off their illegally obtained operating system monopoly to crush more markets. As an example, look at the ''give away'' of millions of dollars of development effort in their Media Player, which is unnecessarily ''integrated'' into WindowsXP— and is targeted at the RealPlayer product line, in order to crush it, in the same way they did the Netscape Browser. Microsoft, unlike its competitors, simply rolls the development cost into their illegally obtained monopoly operating system, and undercuts the competition unfairly. Yet the proposed settlement does not address preventing this sort of monopolistic behavior at all. Remember, developing a media player, a browser and other software costs money, and Microsoft leverages their monopoly to mask these costs while smashing competition unfairly. The Circuit court in it s 7–0 decision, and lower courts found this ''bundling'' illegal and monopolistic, yet the settlement does not address this in any sort of meaningful fashion: it allows Microsoft to tightly integrate and bundle its media player, its web browser, and myriad other applications into the Windows Operating System, instead of competing freely against external applications.

Also, the proposed settlement contains no provisions to remedy the unlawful monopolization of the operating system; nothing that will produce competition. Remember that the Circuit court ordered that a remedy must ''unfetter the market from anticompetitive conduct... [and] .. terminate the illegal monopoly''. the proposed settlement does nothing of the sort. Its attempt to open the ''API'' (programming interface) of the Windows operating system will merely reinforce the monopoly, not terminate it as the court called for. Also opening the API is not enough: Microsoft plans only to open a mere a subset. Complete and full disclosure of ALL the source-code is the only ''opening'' that would suffice to terminate the Microsoft monopoly.

Finally, the proposed settlement does nothing at all to address the issue of effective remedy along side enforcement. the proposed penalties are ludicrous—an extension of terms that they have already violated is hardly a punishment. Fiduciary penalties must be applied, as well as structural ones. Also, the solutions proposed for ''competition'' are heavily dependent upon Original Equipment Manufacturers for implementation—the same OEMs who are partners and part of Microsoft's business plans (Such as Dell and Compaq). In sum, this settlement is wholly inadequate, and should be rejected and the DoJ and the States should be directed to follow the rulings of the Circuit Court and lower courts when crafting a settlement, instead of ignoring the findings of fact and law, and currying favor with an unrepentant lawbreaking monopolist.

Regards,
Dennis Kelley
330 Pearl St.
New York, NY 10038

MTC–00018591

From: Patrick Waites

To: Microsoft ATR
Date: 1/23/02 4:50pm
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea. Here is my reasoning why. In the early 90's there were three major competing desktop operating systems: Microsoft's Windows, IBM's OS2Warp, and Apple's Macintosh. Then Microsoft launched into there current business plan and killed all competition. OS2Warp is dead, Macintosh has lost major percentage points in the market and very little if any other products have appeared. During all this Microsoft continues to reign and grow. There is Linux, but he average user will not use Linux. The learning curve is too high. Microsoft's business practices stifled the market from presenting competing Operating systems. Developers only write software for Microsoft. Other existing operating systems cannot run software written for Microsoft unless it is recompiled and modified. Even with sanctions made against Microsoft, Developers will still only write software for Microsoft. There are not any other Operating systems that can run these programs. That means that MS Windows will still be the only Operating system for people to use. The only way to stimulate competition in the market again is to some how make it possible for other operating systems to be created that can run software written for Microsoft and still be just as easy to use. There are not many if any candidates for this. I do not see how the current proposal will help this issue. All it does is slap Microsoft in the wrist and allow them to still be the only game in town.

Patrick Waites
Mobile, AL

MTC–00018592

From: Frank Iacovino
To: Microsoft ATR
Date: 1/23/02 4:56pm
Subject: Microsoft Settlement

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement.

I agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html), namely: *The PFJ doesn't take into account Windows-compatible competing operating systems http://www.kegel.com/remedy/remedy2.html#abe Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry. *The PFJ Contains Misleading and Overly Narrow Definitions and Provisions http://www.kegel.com/remedy/remedy2.html#def.a The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered. http://www.kegel.com/remedy/remedy2.html#def.j The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all. http://www.kegel.com/remedy/remedy2.html#def.k

The PFJ allows users to replace Microsoft Java with a competitor's product— but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware. http://www.kegel.com/remedy/remedy2.html#def.u The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box— operating systems that all use the Win32 API and are advertized as being ''Windows Powered''. http://www.kegel.com/remedy/remedy2.html#info.requirements

The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs. http://www.kegel.com/remedy/remedy2.html#info.timing The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible. http://www.kegel.com/remedy/remedy2.html#info.use The PFJ requires Microsoft to release API documentation— but prohibits competitors from using this documentation to help make their operating systems compatible with Windows. http://www.kegel.com/remedy/remedy2.html#info.formats The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents. http://www.kegel.com/remedy/remedy2.html#info.patents The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents?

This can scare away potential users. *The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft http://www.kegel.com/remedy/remedy2.html#isv.oss Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows. http://www.kegel.com/remedy/remedy2.html#isv.atl Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems. http://www.kegel.com/remedy/remedy2.html#enterprise Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux!

(Similar licenses to OEMs were once banned by the 1994 consent decree.) *The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft http://www.kegel.com/remedy/remedy2.html#caldera

Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems. *The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs http://www.kegel.com/remedy/remedy2.html#oem The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system. http://www.kegel.com/remedy/remedy2.html#oem The PFJ allows Microsoft to discriminate against small OEMs — including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software. http://www.kegel.com/remedy/remedy2.html#oem.mda The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas. http://www.kegel.com/remedy/remedy2.html#enforcement The PFJ as currently written appears to lack an effective enforcement mechanism.

I also agree with the conclusion reached by that document, namely that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

Sincerely,
Frank Iacovino

MTC–00018593

From: joliver@usagi.cts.com@inetgw
To: Microsoft ATR
Date: 1/23/02 4:57pm
Subject: Microsoft Settlement

The proposed settlement with Microsoft is the worst antitrust ''remedy'' I've ever heard of. It looks like it was written by Microsoft and submitted to the DoJ for their rubber stamp. All it does is give Microsoft a huge tax break now, and an even stronger stranglehold on future computer users.

The only way to bring any level of competiton back to the computer environment is to break Microsoft up into, at the very minimum, two seperate companies... one for the OS and one for the applications. That way, the OS side cannot mandate the inclusion of applications (like Internet Explorer) to stifle competition, and the application side has a genuine incentive to produce applications for other operating systems, like a port of Office to Linux.

John Oliver
System Administrator
(858) 637–3600

MTC–00018594

From: Nikolas Britton
To: Microsoft ATR
Date: 1/23/02 4:57pm
Subject: Microsoft Settlement

I would just like to say that I have read about the proposed settlement, and I am not in favor of it in its current state. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors, yet unfavorable to Microsoft.

Thank you,

Nikolas Britton
2088 W. Galena Ave.
Apt. 24
Freeport, IL 61032

MTC–00018595

From: Lee Sammartino
To: Microsoft ATR
Date: 1/23/02 4:57pm
Subject: Microsoft Settlement

This settlement is a discrace. Not only does it not effectively dismantle the giant Microsoft Corporation, it allows them to basically operate the exact same manner with only a few modifications to their corporate structure. I use multiple platforms including Windows and other Microsoft Products, so this is not a biased submission. Yet again Microsoft will be able to buy their way through this, thus eliminating the effective competitive market that the antitrust laws were established to protect. A much harsher penalty needs to be sought.

Sincerely,
Lee Sammartino
President/CEO
Bourne Properties
122 Mangano Circle
Encinitas, CA 92024
760–943–1768

MTC–00018596

From: ben capoeman
To: Microsoft ATR
Date: 1/23/02 4:58pm
Subject: Microsoft Settlement

I am an American citizen and a former Marine from the state of Washington (currently residing in British Columbia, Canada) and I oppose the settlement reached between Microsoft and the Department of Justice in the current federal anti-trust case presented against Microsoft. Microsoft is not accused of the vast majority of illegal actions that company has committed, they are not punished for the few illegal actions that they admit to performing, they promise to only cease those illegal actions that are no longer profitable for them, there are no mechanisms in the settlement to enforce Microsofts'' compliance should they decide to once again perform the aforementioned currently unprofitable illegal actions and the wording of the settlement gives Microsoft free reign to commit further anti- competitive actions against their business rivals. Given the fact that Microsoft has violated the previous consent decree they entered in 1994 there should be no reason for the US Department of Justice to believe that Microsoft will abide by a settlement that can be interpreted as not pertaining to Microsoft at all and has no enforcement mechanisms even if it is applied to Microsofts'' actions. I am grateful for the Tunney Act which allows me to make my opinion known in regards to this settlement the DOJ is attempting to inflict upon both the American people and the world. I am opposed.

ben capoeman

MTC–00018597

From: Bediako George
To: Microsoft ATR
Date: 1/23/02 4:58pm
Subject: Microsoft Settlement

Dear Mz. Hesse and to whom it may concern, My name is Bediako George and I am a developer of server side applications using a variety of languages on a variety of operating systems. I currently make my living working for a small start up in the DC Metropolitan area. Like most people in the software industry I have been following the saga of the Microsoft Antitrust case with great interest. I believe I have a lot of background knowledge as to the particulars concerning this case. I also have a very good understanding of operating systems, large application development, proprietary software manafacturing, and open source development.

I am writing to express my dissatifaction with the current proposal to allow Microsoft to pay for it's past indiscretions by provided ''free'' software to schools. I fail to understand how this punishes Microsoft for the following reasons: 1> Software has a massive initial development cost associated with its creation. After this initial cost the price for creating a new copy is minimal if not negligible. In fact it could be equated to the price of copying the software to a popular form of persistent media (A compact disk for instance). To allow Microsoft to ''get of the hook'' for the mere cost of a several hundred thousand CDs and equate this to the market value of their software is silly.

2> This ''punishment'' only serves to increase Microsoft's stranglehold on the operating system and applications business. By allowing Microsoft to grant their software to schools you are shutting out other legitimate software vendors, thus further choking the desktop software market.

3> Any secondary goal involving teaching computers science to children to facilate technical learning in our schools will not be achieved. Largely because Microsoft's proprietary operating system OS is a secret. In much the same way as you would not expect a auto mechanic apprentice to learn about engines on Ford motor car with it's hood welded shut, you would not expect students to learn about application development with closed, secretive proprietary code. Since the source code of Microsoft's operating system is a secret, students will not be able to learn about the inner workings of an OS. For these reasons I think the proposed settlement is a bad idea. There has been much arguing back and forth about what Microsoft should do.

After much thought on this matter I have come to the conclusion that there is really only one way to punish Microsoft and make sure it doesn't happen again. Here is my suggestion:

1> Require Microsoft to pay a fine of 1 billion dollars. This fine should be viewed as a fine and not as a donation. In other words Microsoft should not be allowed to use this fine payment as a public relations advantage. When the fine is paid the money could then be donated to the schools or something equally worthwhile.

2> Require Microsoft to expose the META language surrounding it's Word and Excel document formats. Require Microsoft to publish proposed changes to its format immediately.

I think the combination of these two points will sufficiently punish Microsoft for it's past indescretions as well ensure that it's monopolistic behaviour does not continue in the future.

Regards,
Bediako George
Software Developer

MTC–00018598

From: Andrew.Tierney@huntercontrol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 5:02pm
Subject: Microsoft Settlement

More needs to be done to stop Microsoft becoming the sole owner of computer technology and software. It has reached the point where business says.... ''No body gets fired for buying Microsoft products''. I believe a lot more needs to be done to address this situation.

(1) Force Microsoft to provide versions of its OFFICE and OTHER non-operating system products on other platforms. -Word, Excel, PowerPoint, Access, SqlServer, Project, MSMoney, Encarta for Linux, MacOSX, etc.

(2) Force Microsoft to STICK with a STANDARD. Instead of grabbing a standard then modifying it to become proprietary.

(3) Stop customers from having to purchase a machine with Windows pre-installed. A lot of vendors only offer machines with a version of windows installed, regardless of the fact you already have a license or would like to run linux or other operating system.

(4) Force Microsoft to implement other vendors standards in their operating system. Ie. They MUST include JAVA, FLASH, SHOCKWAVE, etc... By DEFAULT. NOT as an OPTIONAL download.

Thanks
Andrew Tierney
CastleSoft Pty Ltd.

MTC–00018599

From: Bluemage
To: Microsoft ATR
Date: 1/23/02 4:58pm
Subject: Microsoft Settlement

Public Feedback as allowed and required under the Tunney Act.

The Proposed Final Judgement has many flaws, given it's stated goal of preventing Microsoft from further abusing their monopoly power and punishing them for their violations of the law that they have already been convicted of, that were upheld by the appeals court. Many of these problems have been noted by legal scholars, lawyers, judges, and laypeople, including such people as judge Robert Bork. But perhaps the single largest problem with the proposed judgement is that it entirely lacks any method of enforcement or punishment for violation of the agreement. There is no mention of any sort of fine, penalty, or other recourse if the agreement is violated, other than extending the agreement for an additional two years, with the same lack of enforcement.

Lest it be forgotten, much of the current anti-trust case against Microsoft came about because Microsoft ignored previous settlements and agreements and continued the illegal and unethical extension of their monopoly, into other areas and by squashing or buying up any potential competitors, and keeping the barriers to entry as high as possible.

Given Microsoft's long history of abuses, intentionally ''breaking'' their software so other vendors'' software no longer worked properly, using their desktop monopoly to gain footholds into other markets, such as the web browser market, changing file formats or portions of code to deliberately make other vendors'' applications incompatible with Microsoft's, their restrictive licensing agreements with OEMs, their license agreements with companies that charge by computers that could run Windows, not that actually do, their blatant disregard for the law and earlier settlements, and their misleading and outright false testimony in the original trial, any agreement that is in the public interest must have clearly defined penalties and strict enforcement guidelines, along with rules that actually address the past history of Microsoft and will prevent future abuses. In all these ways, the current Proposed Final Judgement fails.

For more in-depth and complete coverage of the flaws of the Proposed Final Judgement, the webpage http://www.kegel.com/remedy/remedy2.html is a very good source.

Nate Fichthorn
Warrenton, Virginia

MTC–00018600

From: Roe McBurnett
To: Microsoft ATR
Date: 1/23/02 6:49pm
Subject: Microsoft Settlement

I am a Software Systems Engineer and have been in the field for over 20 years. I would like to comment on the Proposed Final Judgement in United States vs. Microsoft. I feel that the Proposed Final Judgement is flawed and is not in the public's interest in that it does not protect OEM vendors who wish to ship Intel-compatible PCs loaded with some Operating System other than a Microsoft Windows OS. The Proposed Final Judgement only prevents Microsoft from retaliating against OEM vendors that ship PCs that contain BOTH a Microsoft OS AND a competing OS. I would like to see the Proposed Final Judgement modified to include such protection from retaliation for all OEM vendors.

Thanks for your time,
Roe D. McBurnett III
6 Hiland Dr
Hillsborough, NJ 08844

MTC–00018601

From: pgallen@keroon.dmz.dreampark.com@inetgw
To: Microsoft ATR,petition@kegel.com@inetgw
Date: 1/23/02 4:55pm
Subject: Microsoft Settlement

I highly object to the settlement. In short, I agree with the article from Infoworld (RUSSELL PAVLICEK: ''The Open Source'' from InfoWorld.com, Wednesday, January 23, 2002). Require Miscrosoft to provide harware and money for software, but —DO—NOT— allow them to provide any Microsoft software or hardware to the schools. They do not need to control yet another market. Have they not done enough harm already? In fact, they continue to do even more harm, seemingly ignoring the DoJ case altogether.

PGA
San Diego, CA
Paul G. Allen
Owner, Sr. Engineer, Security Specialist
Random Logic/Dream Park

MTC–00018602

From: terry dutcher
To: Microsoft ATR
Date: 1/23/02 5:10pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am writing to express my opposition to the proposed settlement in the Microsoft antitrust trial. Any settlement that does not force Microsoft to change their business practices will fail. Microsoft continues to bundle other applications into their operating systems and does not allow other competing software equal access. The classic case is IE vs Netscape. I am glad to see AOL/Time Warner pursuing this matter in civil court. This predatory practice has been continued and extended with the release of Windows XP. This is the kind of activity that caused the guilty verdict. The proposed settlement does nothing to change this behavior. A much stronger remedy must be pursued if justice is to be done. Thank you for your attention to this matter.

Sincerely,
Terry Dutcher
PO Box 59458
Potomac, MD 20858

MTC–00018603

From: Adam-Lawson
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 8:35pm
Subject: Microsoft Settlement

Being an employee of and an active member of a team of IT professionals at Office DEPOT Corporate, running nothing but MS NT 4.0 on all of our servers and Windows9x/2K on all clients, my opinion on the settlement is that it appears NOT to be in the best interest of the IT community, much less the computing community as a whole. I do not support punishing MS by further distributing its products to more industries, further propagating its existing monopoly. The settlement does not solve anything, much less serve as ANY form of retribution.

If Microsoft is not punished to the degree they broke the law, I am not in any way in support of the settlement. This settlement appears to show the DoJ as giving in to MS and political pressures— not serving the country's interests.

Please do not support the proposed settlement. It does not accomplish anything but to reward MS with expanding its market share.

Adam Lawson
Office DEPOT Information Systems—West
Phone)562–988–5428 Fax)562–426–9288

MTC–00018604

From: Reto Reolon
To: Microsoft ATR
Date: 1/24/02 2:56am
Subject: Microsoft Settlement

Dear Sir / Madam,

Our complaint is simple. Remedy should dictate that Microsoft decrease monopolization, the current deal increases it. This is a fundamental flaw, and must be corrected. The people will not allow entropy in the states will to see justice.

Regards,
Reto Reolon.
Technical Strategy & Partner
+27 82 857 6770: voice

MTC–00018605

From: marvw@loam.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:27pm
Subject: Microsoft Settlement

Dear Sirs:

Please do not settle with Microsoft. The settlement, as reported in the news media, is not in the best interest of the Public. Please reject the current proposed settlement and rejoin with those States that continue to press for meaningful releaf.

thank you,
marv watkins
16960 cypress way
los gatos, california 95030

MTC–00018606

From: Sandy Alto
To: Microsoft ATR
Date: 1/23/02 11:37pm
Subject: AOL-what a bunch of money grubbers

It's beyon my comprehension that any judge or jury could find AOL's latest case against Microsoft anything but vicious manipulation of the justice system. They have calculated this move from the moment they purchased Netscape, but have done NOTHING to improve Netscape to enable it to compete in the marketplace. Look into the resources they took away from Netscape after it was bought. This current move is ludicrous and just an attempt to further complicate matters for a terrific company (Microsoft) that is always looking out for their customers. It's time for the DOJ to put competition back in the marketplace, let customers decide what services they want from companies. Geez if Netscape was worth its salt, people would happily spend a few bucks to purchase it. I'd like to point out that there are plenty of other browsers available in the marketplace, not everyone cares to or does use IE. These charges from AOL are outlandish and should be thrown out.

Sandy Alto
19012 90th Pl. N.E.
Bothell, WA 98011

MTC–00018607

From: Dean Kakridas
To: Microsoft ATR
Date: 1/24/02 4:16am
Subject: Microsoft Settlement

The Microsoft settlement is simply not the proper remedy for a company that has done nothing less than bully the computer industry over the past 20 years. They have caused much harm to the consume by squelching software innovation and choice when it comes to Operating systems, web browsers, application software, and Java. Simply put, Microsoft needs to follow standards, leave OEM's alone, bundle Opera browser on Windows as well as Internet Explorer and let the user choose the best.

Thanks for listening.

MTC–00018608

From: Derek Petersen
To: Microsoft ATR
Date: 1/23/02 8:16pm
Subject: Microsoft Settlement

I am at work and have little time to write. However I think it is totally redicules what Microsoft has gotten away with. They've wiped out compitition ruining various markets. Netscape had an almost 80% market share using no ''dirty methods'' (making their browser available the same way as all others). Microsoft then bought a browser from a company called ''Mosiac'', Mosiac agreed to sell it to Microsoft only if Microsoft agreed to pay Mosiac royalties for the product (at the time most browsers were being sold). So what does Microsoft do? They release it for free. Just like John Rockefeller and the oil companies. Microsoft was the only one who could afford to release the browser for free at the time so people started switching over to that. Microsoft was able to simply ubsorb the cost, while at the same time screwing Mosaic. Then Netscape decided to offer their browser for free (destroying any chance of making a profit). Microsoft was unable to persway people to use their browser over Netscape or others. At this point it was about 70% NS, 25% IE. So in the next version of their operating system Microsoft not only included Internet Explorer with it, they intergrated it so deeply that users would be unable to remove the product even if they didn't want to use it. Essecially forcing their way into the market using their monopoly of the OS market. A few years later it went from 70/25 in Netscape's favor, to about 90/5 in Microsoft's favor. Then it caused anti-trust issues and they were deemed an illegal monopoly due to their actions. So what do they do when they release their latest OS (WindowsXP)? They do the same exact thing, but even to a greater extent. That is like robbing a bank after getting out of jail for shop lifting. Which is pretty much sticking your tounge out at the courts saying ''haha, you can't get me!''. I hope that you take action which will help this matter. The settlement with the DOJ was embarasingly lienient. Microsoft came up with harsher settlement terms in the past then what the DOJ settled with. I have already written much more then I planned or really had time to. Please excuse the spelling or grammar errors I may have made. I am trying to type this ASAP as I do not have much time right now.

Thank you,
Derek Petersen

Please take these thoughts into consideration...

MTC–00018609

From: Fred Fenner
To: Microsoft ATR
Date: 1/24/02 2:29am
Subject: Microsoft Settlement

To whom it may concern, The settlement prosed in the case against Microsoft (MS) will *not* resolve the problems that prompted the case. This case was not about saving Sun Microsystems and Netscape from the abuses of MS. These two companies have both in their own way tried to do what MS has in abusing it's monopoly position in the market. Netscape was well on its way to destroying all other web browsers when MS came along and did the same to them, so I have ZERO sympathy for Netscape. Suns efforts to control Java while trying to make it a ''standard'' are contradictory at best. The problem that needs to be addressed in the MS antitrust settlement is ''how do we make the market more competitive?''. Breaking up MS won't work because you'll have 2+ ''baby Bills'' out there pulling the same shenanigans. The antitrust suit against IBM was dropped (for good reason), because IBM had reformed it's practices enough to make the case irrelevant. MS has proven time and again they have zero respect for the ''rule of law'', and figure they can get away with anything through delay tactics, PR, and huge campaign donations.

The current MS ''abuse of monopoly'' is no longer a Windows problem, but is an OFFICE problem. The Office Suite product line is the MS cash cow, and MS used Windows to create its Office monopoly. MS has control of the desktop OS market, and only time can erode their commanding market share there. The key to getting MS to behave is force them to make MS-Office run on at minimum 3 other Operating Systems with the same exact functionality as the Windows version for 10 years. Next they must also be forced to stop giving discounts on Windows to OEMs that ''play ball'' by not promoting non-MS products. If MS wants to make a donation to the schools as part of any settlement, then it should be ''hardware only'' for any monetary value. If they also want to donate the software, then it must be completely free and include unlimited usage licenses. This will allow schools to decide if they want MS products for free or Open Source products at the same price.

Fred Fenner
435.586.3582 Vmail
720.294.2329 Fax

MTC–00018610

From: Jeff Bonner
To: Microsoft ATR
Date: 1/24/02 1:59am
Subject: Microsoft Settlement Objection

I object to the Proposed Final Judgment in United States v Microsoft Corp, Civil Action No. 98–1232 (CKK) also now referred to as ''Track I'', and would like to express those objections herein. Under the Antitrust Procedures and Penalties Act (15 U.S.C. ? 16(d), the ''Tunney Act''), the court is required to consider public commentary before accepting any settlement.

I should preface my comments by saying that I am a long-time user of Microsoft Windows, Internet Explorer, and Microsoft Office; in fact, I'm using them to research the subject and write this message. Everyone can agree that Microsoft is a very successful corporation, and I am not against businesses being profitable. I draw the line at a company demonstrating themselves to be arrogant and beyond reproach, even bordering on flippant, when faced with the scrutiny of the United States Department of Justice. Microsoft is this company. They have shown time and again, regardless of any finding or judgment, that they will continue to do as they please.

Although you are probably familiar with the following points, they illustrate how Microsoft has shown no intention of acting lawfully: *Microsoft and the Justice Department signed a consent decree in 1994 limiting Microsoft's actions until the year 2000. Even though later upheld by U.S. District Judge Thomas Penfield Jackson in 1995, Microsoft essentially ignored it. Result: The competing Netscape browser is all but gone today, left with a dwindling market share. Consider this alongside a later discovery that various Microsoft software code had the phrase ''Netscape engineers are weenies!'' hidden inside. *Regarding Case No. 2:96-CV-645 B; Dist. of Utah—Central Div., Caldera Inc. v Microsoft Corp., the court ruled in 1996 that ''Caldera has presented sufficient evidence that the incompatibilities alleged were part of an anticompetitive scheme by Microsoft.'' The resulting settlement was confidential. *DoJ wanted to fine Microsoft $1 million a day in 1997 for bundling Internet Explorer with Windows 95, in violation of the consent decree. A preliminary injunction was issued against Microsoft, who appealed and then offered computer makers old or ''broken'' version of Windows 95 without Internet Explorer. DoJ asked that Microsoft be held in contempt for failing to obey the order. Which brings us to 2002. Ostensibly, the purpose of this action is to punish Microsoft for breaking the law, and keep them from violating it again. But simply making them sign something, promising they will no longer operate illegally, in no way prevents them from actually doing it, as evidenced above. As stated in United States v E. I. Dupont de Nemours & Co, 366 U.S. 316, 232 (1966), the Court of Appeals said, ''The suit has been a futile exercise if the Government proves a violation but fails to secure a remedy adequate to address it.''

Worse yet, the Proposed Final Judgment (PFJ) is flawed in several ways. The two items that concern me most are:

1. The ''Findings of Fact ? 28'' define ''middleware'' to mean application software that itself presents a set of APIs which allow users to write new applications, without reference to the underlying operating system. Yet Definition J defines it in a much more restrictive way, allowing Microsoft to exclude any software from being covered by the definition, merely by changing product version numbers. For example, if the next version of Internet Explorer were named ''7.0.0'' instead of ''7'' or ''7.0'', it would not be deemed Microsoft Middleware by the PFJ.

2.? III. A. 2. of the PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System (OS) but no Microsoft OS. Is it a coincidence that Dell quietly stopped offering Linux as an operating system choice on its build-to-order systems in August 2001? If a company of Dell's size can't offer a competing OS, who can (or will)? This would curtail consumer choice, since not everyone has the technical prowess (nor necessarily the time) to install a different operating system. This is especially true of users who, for the first time, are just beginning to use computers and the Internet.

Before acting on the Proposed Final Judgment, I implore you to consider a fair alternative. The settlement sought by State of

New York, et al., in Civil Action No. 98–1233 (CKK) also known as ''Track II'', before the U.S. District Court for the District of Columbia, is a good starting point. The States'' proposal is different from the PFJ as a whole, but it contains many elements similar to those of the PFJ, with small yet critical changes.

Very truly yours,
Jeff Bonner
511 Broadacre Ave
Clawson MI 48017

MTC–00018611

From: Justin McManus
To: Microsoft ATR
Date: 1/24/02 8:26am
Subject: Microsoft Settlement

DoJ,

I feel it to be everyone's duty to offer their piece of mind on issues like this. I feel that Microsoft is guilty, but I wish what was shown to the masses is that they are guilty of removing the single most important characteristic, creativity. Without creativity, we act as machines.

Justin McManus

MTC–00018612

From: steve skinner
To: Microsoft ATR
Date: 1/24/02 6:11am
Subject: netscape

I was a Netscape user as my first browser. I never paid for Netscape because you could download it and use it for free. There were other browsers you could get but you had to pay. How can Netscape complain about something they did to get market share themselves. This is really wrong!!!!! I would like a response to my complaint.

Steve
Skinner

MTC–00018613

From: Lee, Robin (ELS)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 10:37am
Subject: Microsoft Settlement

Your Honors,

The Microsoft settlement should severely penalize Microsoft for it's antitrust activities because it has created situations such as this: Bank of America is dropping of support for Quicken on the Mac platform. Not because of technical problems nor because Mac's 5% user group don't utilize Bank of Americas services but because Microsoft owns 95% of the market share. How can an alternative company thrive if services don't support its 3rd party software? If there isn't some regulation to this monopoly there will be no other alternatives to computer operating system other than the black-market where customers will totally be taken advantage of.

Robin Elaine Lee
Elsevier Science

MTC–00018615

From: Keith R. Personett
To: Microsoft ATR
Date: 1/24/02 10:06am
Subject: Microsoft Settlement

To whom it may concern:

I understand that the public has until January 28th to comment on the proposed settlement of the Microsoft Antitrust trial... with this in mind, I will try to keep this email brief, while expressing my full opinion on the matter. I am also urging my friends and associate to express their opinions on this matter. After watching this case for the past few years, very closely, I would like to register these comments on the proposed settlement. In my opinion, the proposed settlement is more than fair to the Department of Justice and the 9 settling states, and is in fact, a very gracious and extensive concession by Microsoft. Considering the following points, I would say that no harm was done to other companies, or to consumers, and that Microsoft is going far beyond what should be expected of them as far as settling this dispute...

1.. Netscape was purchased for a very healthy price (by America Online), and the stockholders of Netscape made great fortunes on it's acquisition. Netscape is still a functioning company with the support of the entire AOL/Time-Warner conglomerate.

2.. Consumers continued to get more value and features, while paying less for their computer operating system and applications.

3.. Netscape didn't think twice about Microsoft as a competitor until Internet Explorer 3 came out and was reviewed as being a competitor to Netscape Navigator. Even at that point, Netscape didn't get worried about their share in the browser market until Microsoft released IE4, which was reviewed as a much more stable, much more full-featured, and much easier to use product.

4.. Microsoft didn't invent the free distribution of a browser, Netscape did, and offered it for download from their website from the beginning. It appears to me that using a similar distribution method and pricing structure cannot be construed as using unfair distribution methods.

5.. Every other Operating System on the market ships with an Internet Browser, Linux, Solaris, Several *nix variants, even IBM OS/2 ships with an Internet Browser.

6.. There are other companies out there that remain profitable in the Internet Browser market place, the Opera Internet browser is an example.

7.. Internet Explorer has shipped with Windows since Windows 95 was released. While it was inferior to Netscape Navigator, it was an Internet Browser supporting the HTML specification. (I still have my original Windows 95 CD, and it installs IE2 with it).

8.. This case was brought on primary through the backing of three companies, who are in fact, 3 fierce competitors to Microsoft in several key areas of Computer and Communications technology... If not for the lobbying and pressure made by these three companies, the Government would not have brought up this issue, and the public would not be watching millions, if not billions of their tax dollars being spent on this case.

1.. Sun Microsystems, who is competing with Microsoft in the Server, Software Development, and E-Commerce Market. 2.. America Online, who is competing with Microsoft in the Online Services and Internet Browser Market 3.. Oracle Corporation, who competes with Microsoft in the Applications and E-Commerce Market.

9.. The continued pursuit of this issue depresses the stock market and the economy as a whole.

It is a constant drain on technical, legal, and clerical resources throughout the companies involved, the Federal Government, the Governments of all of the states involved, and countless other organizations that are merely sitting on the sidelines reporting on every word and phrase issued regarding the case. All of these resources would be much better used creating something instead of destroying something. With that said, I urge you to agree to and support the proposed settlement, and allow this issue to be put to bed, so that the country, the economy, and the citizens of the United Sates can return to productivity and profitability.

Thank you very much for your time, and God Bless American and the Capitalist System.

Keith R. Personett

MTC–00018616

From: ejluss@att.net@inetgw
To: Microsoft ATR
Date: 1/23/02 4:59pm
Subject: ''microsoft anti-trust suit''

To Whom It May Concern: I'm strongly against the settlement of microsoft. Microsoft was found guilty of monopoly dealings and should be punished accordingly. Not slapped on the hand and told to be good. If Microsoft gets away with this, they will be demise of this great country & economy. If you destroy the entreprenau in technology (the true backbone of this country), which Microsoft has done and is doing, you will destroy what this country stands for; liberty, justice and the American dream to have your own business. Microsoft should reveal their source code and stop crushing their competition. Sincerely yours, Edwin J. Lussier, 3085 Applewood Drive, Marietta, Ga. 30064

MTC–00018617

From: Erik
To: Microsoft ATR
Date: 1/23/02 5:04pm
Subject: Microsoft Settlement

Hello-

Just wanted to drop a line and say that I do not think the proposed settlement is tough enough on Microsoft. In my opinion, it should be split up or forced to reveal its code.

Thank you,
Erik Hartenian

MTC–00018618

From: Juan A. Pons
To: Microsoft ATR
Date: 1/23/02 4:59pm
Subject: Microsoft Settlement

I beleive the proposed Microsoft settlement is a bad idea for the american public. Microsoft has clearly abused the monopoly stronghold on the Operating System and Business Application market, and as such the American public is entitled to substantive remedies which this settlement does not come close to providing.

Thank you,
J

MTC–00018619

From: Thomas Long
To: Microsoft ATR
Date: 1/23/02 4:59pm
Subject: Unhappy with proposed DOJ settlement

I had such hopes that my government was going to stick by its principals and put a final end to the illegal and unethical business practices of an unrestrained giant, namely Microsoft Corporation. Unfortunately, it would appear as though the Department of Justice is for sale to the highest bidder.

As American consumers, we look to our government to responsibly regulate businesses—particularly when those businesses are conducting illegal activities (as Microsoft has been found to be practicing for some time). I believe my biggest concern is for our nation's future. Microsoft's terribly inferior products—and their status as an unrestrained and unregulated monopoly—combine to constitute a serious risk to our nation's security (in terms of information infrastructure due to virii, security failures, etc.) and its position as a technological leader. Governments around the world are beginning to say ''NO!'' to Microsoft's monopoly and are embracing Linux, BSD Unix, and other Open Source alternatives. We are destined to become technologically moribund if the DOJ's settlement prevails.

Thomas Long

MTC–00018620

From: Tom Raymond
To: Microsoft ATR
Date: 1/23/02 5:00pm
Subject: Microsoft Settlement

Truly bad, truly flawed. I'm shocked at the Bush Justice Dept.—this is the kind of actions I'd have expected from the previous administration.

Please, do the right thing. Punish Microsoft in accordance with the law for their violations.

MTC–00018621

From: Don Lundquist
To: Microsoft ATR
Date: 1/23/02 5:00pm
Subject: Microsoft settlement

I believe that the settlement offered by the Bush administration is NOT in the public interest. It is unfair to other competing companies and does not address the real need to STOP Microsoft from practicing monopolistic activities.

Don Lundquist
Solaris Programs Mgr.
Sun Microsystems Inc.
Menlo Park, CA

MTC–00018622

From: ernest stanley
To: Microsoft ATR
Date: 1/23/02 5:01pm
Subject: Microsoft Settlement''

I am agianst the goverment in this case agianst Microsoft. Everyone knows microsoft is a monoply, So what. We made then a minoply. What about AOL,The biggest and the worst service , I had them ,They started Kicking me off line without any notice. I could be in the middle of this Email and suddenly I would be off line, I finally complained to them after being kicked off line 10 times in one day. The first person I talked to Asked me how the weather was, and to check with my phone company. After a few months of this I complained again. This time The lady who answered me back, Must have gotten tired of me complaining as she sent me a email That filled a complete page on my email,telling all the details of how everything worked and all the possible causes of my problem. She was being an ass, is this how they treat their customers.? I emailed her back and said after I complete a college couse to learn how to decipher her message, I would give her a better answer, but until then ,if I was kicked off the internet once more without First asking me if I wanted to contunie as they had previously done.Then I would no longer use the service, I am now using Msn, and I can tell you that i can spend an hour or more on line , Be inactive and still not get kicked offline. I get a cd in the mail everyone one or 2 months, 11 last year offering free hours on AOL.,Turn on your tv and Aol is all over it with ads, How do they pay for these mailimgs and ads, they raised their price for Aol, Now they are sueing Microsoft. I hope TED Turner who now owns Netscape, and Aol, And Comp USA, and The alanta Braves and who knows what,loses, because he is as much of a monoply as anyone in this country. Microsoft gave Macintosh $150 million dollars to keep them from going under, and now they are doing pretty good, What is Ted Turner trying to do, If he wins and destroys Microsoft, He can then Bring in his own System and will own the stores that sell them. Does he own a system, ''Whos trying to Buy linux''

Stan

MTC–00018623

From: Kent Pirkle
To: Microsoft ATR
Date: 1/23/02 5:01pm
Subject: Microsoft Settlement

I believe the proposed settlement is a bad idea and will not be effective in promoting competition in the software industry. I have owned and used computers since 1983. I have a Bachelors of Science in Computer Engineering Technology from Southern Polytechnic State University and have been professionally involved in selling, programming, and administration of computer for 14 years. Over this time I have seen Microsoft rise from the producer of a BASIC programming language found in most small home computers of the early eighties, to the producer of the ubiquitous MS-DOS operating system, to the producer of the market dominating Windows operating system. The popularity of Microsoft software can be most attributed to the popularity of the IBM PC platform. In many ways this platform was not the most technically advanced of its time, but, because IBM made it an open architecture that other companies could copy and build upon, it soon dominated the industry. Riding on the coattails of this dominance was Microsoft. When other operating systems of comperable capability and price were created (such as Digital Research's DR-DOS), Microsoft used its dominance to make its software incompatible with the alternative operating systems.Later, when the Internet became popular, Microsoft bundled their browser with their OS, which in itself, is not unreasonable, but, they then used their position to threaten PC manufacturers to not install Netscape, a competitive product. The result of this is the current situation where the Microsoft web browser has a vast majority of the market share, since its the only browser most users ever see.

The danger for the future is that unless something is done to limit Microsoft's ability to use its market dominance as a weapon to destroy competitors, the day will come when Microsoft will be the only choice in computing. In this world, innovation would be dead. Currently, there is hope, just as the IBM PC open hardware platform allowed competition to flourish in the hardware realm, so do open source technologies like the GNU/Linux operating system, the OpenOffice office suite, and the Mozilla web browser make the possiblity of true competition in the software world possible with no one company controlling the market. But, there is a great danger that these technolgies will become useless due to the fact that Microsoft has such an overwhelming presence in the desktop arena. The majority of documents in most businesses are stored in proprietary Microsoft Office formats that are very difficult to reverse engineer and are constantly changing. The Mozilla web browser is in danger of being unable to view much of the content of the web due to proprietary extensions such as ActiveX controls and the .NET initiative.

Linux is unable to make headway due to the fact that the two forementioned applications cannot fully interoperate with the proprietary Microsoft technologies. What should be the remedy? Microsoft should not be broken up. Such action would be ineffective. Forcing them to open source their operating system or to port their proprietary software to other platforms would do nothing to increase competition. The remedy is simple: Microsoft must make their document formats, Application Programming Interfaces, and protocols openly available to the public. This is how the Internet flourished early on, and it is how computing can remain innovative and competitive in the future.

Thank You for the opportunity to comment,

Kent Pirkle
4740 Kelly Mill Rd
Cumming, Georgia 30040

MTC–00018624

From: Bell, James (AZ76)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 5:02pm
Subject: Microsoft is *GUILTY*

As a network engineer with over 10 years of experience in the computer industry, a dyed-in-the-wool republican and laissez faire businessman, I'd like to submit my comments regarding the shameful Proposed Final Judgment in United States v. Microsoft and to urge you to reject this settlement for the garbage it is.

Microsoft is GUILTY of monopolistic business practices. You can't sugar coat this, and anything that doesn't reform or cut the heart out of those practices, not to mention

punishes the company monetarily, fails to solve the problem. Very little of what I've read in the Proposed Judgment affects Microsoft's ***confirmed*** monopoly status. It doesn't punish MS in any way by removing the ill-gotten profits obtained through illegal activities. Even the provisions designed to keep MS from abusing their monopoly status in the future are weak and full of loopholes, even going so far as allowing MS to *define* who their competitors are! Microsoft is GUILTY of monopolistic business practices. The findings of fact demonstrate that Microsoft has abused it's market leader status in ways that caused hundreds, perhaps thousands, of small companies to cease to exist. As much as I hate the level of regulation in business as a general rule, those rules are sometimes *necessary*. Break them up, fine them back to their pre-monopoly levels, force their API's open, or whatever makes the most sense to REPAIR the market they've ASSUALTED. Just please do not allow them to continue their ONSLAUGHT on the American people.

Thanks for listening!
James Lee Bell, CCNA
Senior Network Analyst
Honeywell Space Systems—Glendale
(602) 822–4618

MTC–00018625

From: Michael Taylor
To: Microsoft ATR
Date: 1/23/02 5:00pm
Subject: Microsoft Settlement

This is a pathetic ploy for Microsoft to buy time until they get Windows XP into as many lobbying businesses as they can.

Michael Taylor

MTC–00018626

From: anthonyk@cs.utexas.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 4:59pm
Subject: Microsoft Settlement

Dear US Department of Justice: Antitrust Division, My largest problem with the proposed settlement is that the agreement does not do enough to remedy or even to stop the anti competitive practices that Microsoft uses, it just limits their practices with overly specific definitions and clauses.

Anthony James Kitchin
106 Hurst Creek Road
Austin, TX 78734

MTC–00018627

From: Micah Cox
To: Microsoft ATR
Date: 1/23/02 5:02pm
Subject: Microsoft Settlement

The proposed Microsoft settlement is a bad idead.

Micah Cox

''Sell crazy somewhere else, were all stocked up here...''

Jack Nicholson, As Good As It Gets

MTC–00018628

From: WJ Cordts
To: Microsoft ATR
Date: 1/23/02 4:52pm
Subject: Microsoft Settlement

Sirs:

I strongly object to the proposed settlement of this case. Part of our Judicial System's function is to deter law breaking. While not actually able to stop criminal behavior directly, the penalties that Courts assign act as stern examples of what awaits offenders. This case has gone on for many years and the ultimate decision was that Microsoft was guilty. In these many years the defendant has shown little regard for the gravity of the situation in which it was involved. In fact part of the charges that this company was found guilty, was that it had disregarded a previous court order regarding OEM practices and Internet browser bundling. During these many years this disregard of a previous court order, Microsoft has reaped great financial rewards as it crushed competition with illegal activity. This cavalier attitude toward the authority of our Judicial courts is in itself offensive and dangerous behavior in a lawful society. Surely much sterner consequences should await any such offenders with such attitudes in a Federal Courts! As a parent I know that defiance in the face of correction or discipline is itself a grave problem. If I am lenient and ignore such defiance my children receive little motivation to modify their behavior. As our country's institution of wise elders that mete out correction and discipline to our society, I would hope that the court is like minded.

Sincerely
WJ Cordts
721 Hagemann
Bulington, Iowa 52601

MTC–00018629

From: Wismar, Andrew
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 5:01pm
Subject: Microsoft Settlement

Proposed settlement is a bad idea

MTC–00018630

From: Forkazoo2@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 5:01pm
Subject: Microsoft Settlement

I am writing to say I consider the current proposal for the Microsoft Settlement to be inadequate. I am not a zealot, and I don't hate Microsoft. I don't think Microsoft is evil, or anything like that. I think that they are a monopoly. A monopoly that has acted illegally. Having acted illegally, it is necessary that Microsoft be punished. Without punishment, there will not be justice.

I have been reading through the finding of fact: http://www.usdoj.gov/atr/cases/f3800/msjudgex.htm In doing so, I have come across some interesting quotes that piqued my interest, such as: 143. Decision-makers at Microsoft worried that simply developing its own attractive browser product, pricing it at zero, and promoting it vigorously would not divert enough browser usage from Navigator to neutralize it as a platform. <...snip...> If Microsoft was going to raise Internet Explorer's share of browser usage and lower Navigator's share, executives at Microsoft believed they needed to constrict Netscape's access to the distribution channels that led most efficiently to browser usage. Such anti-competitive activities as this, and a wide variety of other things can not go ignored and unpunished. Among other things, I work as a programmer. Recently, I have started working in Java. (the language from Sun Microsystems). In researching various aspects of Java for work, I have been reading extensively about Microsoft's infamous battles with Sun. At one point, I found the whole thing kind of amusing, but quite frankly, Microsofts actions, especially regarding Java, have hurt my ability to work effectively on projects in Java. It isn't funny. It hurts programmer's ability to work, unless they work only on Windows and IE specific projects. Also, because Microsoft used anti-competitive strategies to market Internet Explorer, and IE became to most commonly used browser on the web, my companie's website is optimised for IE. Because IE is in many ways incompatible with various standards, ''optimising'' our website for IE has forced us to make it largely incompatible with other browsers. Thus, the incompatibilities in IE force users to use IE to browse our website (and many others). This makes it very, very difficult for other browsers to gain popularity. Such anti-competitve practices are hurtful to the economy, individuals, corporations, and as long as I am forced to work in IT, my sanity.

Once again, I wish to make it very clear: The current settlement is *not adequate.* I strongly hope that the DOJ puts some proverbial smack down, and opens up an equally proverbial can of whoop ass. (please excuse my somewhat crude references.)

MTC–00018631

From: Phillip Pollard
To: Microsoft ATR
Date: 1/23/02 5:03pm
Subject: Tunney Act comment

To whom:

After having spent years of my professional career mired in the frustration and problems created by Microsoft's business practices, I hope that the settlement between Microsoft and the DOJ reaps true benefits. The sad fact of the matter is that Microsoft's sole purpose of actions in the past few years have been solely to maintain a monopoly. Again and again, actual innovation, progress, and quality was throw to the wayside in favor of profits. The US Government, in it's wisdom at the turn of the century, realized that a monopoly's only purpose was to make money, and did not have the beneficial effect that the free market creates. I do not, for the slightest bit, feel that Microsoft has shown a hit of remorse in this case. It is blatantly a monopoly. A fact painfully know by those in a tech world. As I look over the details of the Proposed Final Judgement I see many a loophole that it would very happy and flagrantly use to continue it's poor practices. The definitions of Windows and such terms as API are INCREDIBLY limiting. And even if the judgement is ammended to be appropriately broad, I am sure that Microsoft will invent or tease some technical excuse to change a name and make it different. The fact of the matter is as long as Windows maintains a closed grip on it's Application interfaces to the OSes there will be no competition. The monopoly base needs to be broken at it's heart. Windows should be

made an open source product, including it's API. Microsoft can more than healthily compete as an Applications manufacturer.

Phillip Pollard

MTC–00018632

From: Sara Thustra
To: Microsoft ATR
Date: 1/23/02 5:03pm
Subject: Microsoft Settlement

To our ministers of justice:

I strongly disagree with the settlement proposed in the antitrust case against Microsoft. It says to me, ''Here, Microsoft, you did a lot of illegal, unfair and very un-American things to get your business where it is, but we're going to let you keep all the spoils you've accumulated. From now on though, don't do that anymore!'' I say bull. A lot of consumers and businesses were unfairly treated by Microsoft, and no matter what my foreign friends keep telling me, ''screw everybody to make a buck'' is NOT the American Way. The only way we can send that message and keep true to what we stand for is to make sure that Microsoft is forced to /redress/ its past wrongs (symbolically, if actual redress isn't possible thanks to how much time has passed). And then, further, we have to impose very strict rules AND ENFORCE THEM. Per Microsoft, since their behavior was so wildly counter to what the American people deserve, I would like to see language in the settlement specifically mandating regular audits and government checks to make certain the rats aren't at it again—why should we trust them?

As far as the rest of the settlement, for pete's sake, let's stand up as citizens and lawmakers and make sure these businesses know that they do NOT have a Constitutional right to make a profit!! They have a right to operate a business, so long as they do it LEGALLY, fairly and appropriately as determined by the rules set down by the citizens who buy their product. Personally, I would have liked to see Microsoft's Corporate Charter revoked, swiftly and permanently, along with that of every other corporation who thinks they can abuse the people and ignore their laws. But that's me.

Sincerely,
Mrs. Marie Lyle
Detroit, MI

MTC–00018633

From: Ryan
To: Microsoft ATR
Date: 1/23/02 5:04pm
Subject: Microsoft Settlement

Hello

I don't think that Microsoft should be getting away with these kinds of business practices. Its very obvious they killed Netscape by ''bundling'' Internet Explorer so it could not be removed and shipped Windows 98 anyway without your consent. I think this is ridiculous and they should face severe punishment.

Good Day
Ryan

MTC–00018634

From: Emre Kiciman
To: Microsoft ATR
Date: 1/23/02 5:03pm
Subject: Microsoft Settlement

To Whom It May Concern:

I would like to record my dissatisfaction with the proposed Microsoft Settlement. It simply does not go far enough in ensuring competition in the computer operating systems, middleware and applications markets that Microsoft dominates. In particular, the settlement defines key terms such as ''API'' and ''middleware'' so narrowly as to make any imposed restrictions almost meaningless. Also, the enforcement provisions of the settlement do not appear to have any powers to fine or otherwise punish Microsoft if it does break the terms of the agreement (short of involving the US legal system again).

For a more detailed analysis that agrees with my views, please refer to Mr. Dan Kegel's analysis at http://www.kegel.com/remedy/remedy2.html#enforcement I believe the outcome of this procedure should do nothing short of enablying true competition in the Operating Systems , Middleware and Applications markets. The settlement as proposed does effectively nothing to alleviate the monopoly powers that Microsoft has shown itself only too willing to abuse.

Thank you for your consideration.
Emre Kiciman
Ph.D. Student in Computer Science
Stanford University

MTC–00018635

From: Gordon
To: Microsoft ATR
Date: 1/23/02 5:06pm
Subject: Microsoft Settlement

I think the proposed settlement is horrible.

Gordon Marx
U.S. Citizen Extraordinaire

MTC–00018636

From: MEALER GEORGE T
To: Microsoft ATR
Date: 1/23/02 5:06pm
Subject: Microsoft Settlement

Dear Department of Justice:

Regarding the Settlement with Microsoft, please hear my voice. I feel this Microsoft settlement is a bad idea and in the poorest taste. The egregious abuses by Microsoft in the past and present have destroyed more than just a few promising small businesses. Microsoft is a predatory entity and has destroyed and prevented more innovation than ever they brought to the light of day. They also continue to play very shady and unethical if not illegal games (e.g. the Kerberos protocol) with many entities who are the real source of so many innovative ideas which power the modern computing world. The Settlement as it stands does not really address the problems of predatory behaviour by Microsoft in the past and present, neither punishing nor preventing future abuses. I realize that not every question has an easy answer, however, I feel that neither the issues involved in this case, nor Microsoft's guilt/liability have been adequately judged. Please, as the official judicial center of the nation our government stands to protect, do not let Microsoft off with the slap-on-the-wrist settlement that has been proposed. It is inadequate.

Sincerely, voter and American,
George Mealer.

MTC–00018637

From: Patricia Rupe
To: Microsoft ATR
Date: 1/23/02 5:06pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice

I believe that Microsoft is a dangerous monopoly and should be divided. They are ruthless in their pursuit of buying and destroying any competitor that gets in their way. I also feel that the exclusion of non-profit organizations from the sharing of source code and specifications by Microsoft is a serious mistake. Why should Microsoft be the one to define what constitutes a ''viable business'' and not the Justice Department. Eliminating companies like Linux and Apache, to name a couple, only diminish the quality of the products we as consumers have access to. The Justice Department had Microsoft on the ropes and then backed down. It has been apparent for many years that Microsoft is a monopoly and something should have been done long before now about applying the antitrust laws to break them up.

Can you imagine the trouble the entire nation would be in if this monopoly is allowed to continue as it is currently structured? Computers have become a large part of everyone's lived and are in the majority of households and businesses in the United States and in parts of the world. We rely heavily on the operating system, internet, networking, security, etc. to keep up with both personal and business related information. Having one company basically controlling all aspects of this information and technology is extremely scary. Microsoft has yet to adequately address security issues. Every time they release a security enhancement, they immediately follow it up with several fixes to the enhancement that bandaid the holes caused by their latest release. You could drive a semi-truck thru the holes in their security infrastructure.

Every release of every product from Microsoft is riddled with major and minor ''bugs''. I cannot fathom the number of people that Microsoft employs just to deal with fixing problems in each of their products. One would think that competition would force Microsoft to at least try to produce better quality products, but they are so large and powerful that any company that dares to produce a better quality product is taken over or driven out of business by Microsoft. So, in the end, everyone loses except Microsoft. I resent having to pay several hundred dollars for a product or product upgrade that is riddled with bugs. I cannot begin to count the number of hours, days, and in some cases, weeks that I and my husband have spent on our computers trying to recover data or wiping everything out and reloading the operating system and all the applications that we use because of bugs in Microsoft products. As long as they are allowed to remain a monopoly, I do not have any hope of this ever changing. I am including some comments from Robert X. Cringely (http://www.pbs.org/cringely/pulpit/pulpit20011206.html) on the subject of the Microsoft Antitrust suit that I

wholeheartedly agree with. You have probably received a copy of these comments from Mr. Cringely and others, but in case you haven't, here they are. The proposed Microsoft/DoJ settlement states that as part of the deal, there will be a three-member committee stationed at Microsoft to make sure the deal is enforced. I think Steve Satchell should get the position. With a background in computer hardware and software that dates back to one of the very first nodes on the Arpanet 30 years ago, Steve Satchell knows the technology. He has worked for several big computer companies, and even designed and built his own operating systems. And from his hundreds of published computer product reviews, he knows the commercial side of the industry. He is glib and confident, too, which might come in handy while attempting to keep Microsoft honest.

Complaints about the proposed settlement, itself: Those who followed the case closely will remember that one of Microsoft's chief claims during the trial was that times and the nature of business have changed, and that anti-trust enforcement ought to be different today than it was when the laws were first passed in the early part of the last century. This is a fast-moving industry based on intellectual, rather than industrial, capital, goes the argument. Sure, Microsoft is on top today, but that could change in a minute. This argument evidently didn't resonate with the court, though, since Microsoft was found guilty. Well, Microsoft now is leaning this time on the same letter of the old law to not only get a better deal, but literally to disenfranchise many of the people and organizations who feel they have been damaged by Microsoft's actions. If this deal goes through as it is written, Microsoft will emerge from the case not just unscathed, but stronger than before. Here is what I mean. The remedies in the Proposed Final Judgement specifically protect companies in business for profit. On the surface, that makes sense because Microsoft was found guilty of monopolistic activities against ''competing'' commercial software vendors like Netscape, and other commercial vendors like Compaq, for example. The Department of Justice is used to working in this kind of economic world, and has done a fair job of crafting a remedy that will rein in Microsoft without causing undue harm to the rest of the commercial portion of the industry. But Microsoft's greatest single threat on the operating system front comes from Linux— a non-commercial product—and it faces a growing threat on the applications front from Open Source and freeware applications.

The biggest competitor to Microsoft Internet Information Server is Apache, which comes from the Apache Foundation, a not-for-profit. Apache practically rules the Net, along with Sendmail, and Perl, both of which also come from non-profits. Yet not-for-profit organizations have no rights at all under the proposed settlement. It is as though they don't even exist. Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...'' So much for SAMBA and other Open Source projects that use Microsoft calls. The settlement gives Microsoft the right to effectively kill these products. Section III(D) takes this disturbing trend even further. It deals with disclosure of information regarding the APIs for incorporating non-Microsoft ''middleware.'' In this section, Microsoft discloses to Independent Software Vendors (ISVs), Independent Hardware Vendors (IHVs), Internet Access Providers (IAPs), Internet Content Providers (ICPs), and Original Equipment Manufacturers (OEMs) the information needed to inter-operate with Windows at this level. Yet, when we look in the footnotes at the legal definitions for these outfits, we find the definitions specify commercial concerns only.

Also, under this deal, the government is shut out, too. NASA, the national laboratories, the military, the National Institute of Standards and Technology—even the Department of Justice itself—have no rights. It is a good thing Afghanistan is such a low-tech adversary and that B-52s don't run Windows. The government buys commercial software and uses contractors who make profits. Open Source software is sold for profit by outfits like Red Hat. I thnk Microsoft probably saw this one coming months ago and have been falling all over themselves hoping to get it through. If this language gets through, MICROSOFT WILL FIND A WAY TO TAKE ADVANTAGE OF IT. Department of Justice showed through the case little understanding of how the software business really functions. But they are also complying with the law which, as Microsoft argued, may not be quite in sync with the market realities of today. In the days of Roosevelt and Taft, when these laws were first being enforced, the idea that truly free products could become a major force in any industry—well, it just would have seemed insane.

Thank you for the opportunity to submit comments related to this extremely serious and sensitive issue. serious and sensitive issue.

Patricia Rupe

MTC–00018638

From: Dennis Hayes
To: Microsoft ATR
Date: 1/23/02 5:20pm
Subject: Microsoft

I disagree with the settlement. I am just an individual user who desires to enjoy using my computer. I do not want to use Microsoft software, but to communicate with friends, it seems you have to use microsoft software. I like to use OS/2 and Linux, but because of the tight agreements that Microsoft has with hardware manufacturers it is hard to get drivers for the new hardware released. It seems that Microsoft sets the requirements and hardware manufacturers built to their specifications. Thus you have winmodems, winprinters and about everything win. To me that is a great loss. I enjoy using the internet. As I understand it, the goverment, military, with universities designed and built it to open standards for vital communications. Now with its power, money and PROVEN BY COURT MONOLOPY Microsoft is trying to close it down into it's own little domain. They need to be stopped.

As a individual user it looks to me like the simple solution would to be to punish those found guilty. It is done every day in regular courts of law. The guilty do not get to set the punishment, why should Microsoft who was found guilty of being a monolopy have any say in what it's punishement is. They have proven by their actions that they cannot be trusted.

Make them open up formats, so that any programer with the ability and desire can write a program to read Microsoft documents and let competion begin in earnest and see who wins. Make any access to the internet open with no private must use my operating system to again access to it.. Thank you for listening, I think Microsoft hinders inovation more than promotes it.

Just a computer user,
Dennis Hayes

MTC–00018639

From: Andrew Close
To: Microsoft ATR
Date: 1/23/02 5:05pm
Subject: Microsoft Settlement

i do not believe the settlement is fair, especially if Microsoft was found guilty of monopolistic practices. when the phone company was found to be a monopoly it was busted up into the ''baby bells'', a mini monopoly at the state level until recently. and when IBM used monopolistic practices and its clout to bully merchants and end-users into purchasing its products it was busted up and fined. mocrosoft should not get off with a stern ''no no no'' and then be allowed to pay this debt by giving away their software to schools and public organizations, thus extending its monopoly. please consider this and come up with a more just settlement that doesn't let Microsoft off easy or allow them to expand their empire.

thank you
andrew close

MTC–00018640

From: J. Greg Davidson
To: Microsoft ATR
Date: 1/23/02 5:04pm
Subject: Microsoft Settlement

To whom it may concern,

Having studied the proposed settlement with Microsoft, I am astonished that it provides no credible relief from Microsoft's anti-competitive practices. Microsoft and its allies have damaged and held back progress and growth of the computer software industry with significant negative effects on the US economy. Microsoft has become too powerful and is clearly too unscrupulous to be rendered harmless as long as it stays a single company. Not only would a broken up Microsoft relieve the problem to our industry, it would probably reward Microsoft stockholders with increased value. It could be a win-win. The current proposed settlement is at best win-lose—a win for Bill Gates and a loss to the American people whose rights are entrusted to the care of the US Department of Justice.

Sincerely,
James Gregory Davidson
6231 Branting Street
San Diego, CA 92122

MTC–00018641

From: James Salsman
To: Microsoft ATR
Date: 1/23/02 5:05pm
Subject: Microsoft Settlement

Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html), namely:

* The PFJ doesn't take into account Windows-compatible competing operating systems * Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry. * The PFJ Contains Misleading and Overly Narrow Definitions and Provisions * The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered. * The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all. * The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware. * The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertized as being ''Windows Powered''. * The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs. * The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible. * The PFJ requires Microsoft to release API documentation— but prohibits competitors from using this documentation to help make their operating systems compatible with Windows. * The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents. * The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users. * The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft * Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows. * Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems. * Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.) * The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft * Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems. * The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs * The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system. * The PFJ allows Microsoft to discriminate against small OEMs — including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software. * The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas. * The PFJ as currently written appears to lack an effective enforcement mechanism.

We also agree with the conclusion reached by that document, namely that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

Sincerely,
James Salsman
U.S. Citizen
Mountain View, CA

MTC–00018642

From: Nick Richards
To: Microsoft ATR
Date: 1/23/02 5:07pm
Subject: Microsoft Settlement

I am Not in favor of the current proposed remedy. My reasoning is similar to that expressed in the November 5, 2001 letter from Ralph Nader and James Love to Judge Colleen Kollar-Kotelly: http://www.cptech.org/at/ms/rnjl2kollarkotellynov501.html

Thanks you for the consideration,
Nick
1579 17th Ave
San Francisco, CA 94122

MTC–00018643

From: Stan Heckman
To: Microsoft ATR
Date: 1/23/02 5:11pm
Subject: Microsoft Settlement

If you let Microsoft profit from abuse of monopoly power, I fear that will encourage other companies to do the same. Those other companies will reason that the profits (to them) of their misuse of power exceed any costs (to them). This is inefficient. I like the fact that in the US, we let individual corporations, instead of the government, make most of our decisions about how human effort is allocated. But this only works if the goals of the corporations are at least close to the goals of the country as a whole. Monopoly maintainance by OEM licensing agreement is good for the company and bad for the country. It is also illegal. So why are we letting Microsoft profit from it, and teaching other companies that the cost of breaking the law is less than the profits from breaking the law?

Stan

MTC–00018644

From: J.D. Meek
To: Microsoft ATR
Date: 1/23/02 5:07pm
Subject: Microsoft Settlement

I would like to take a moment to comment on the proposed settlement that the USDOJ has accepted from Microsoft Corporation. I feel that the proposed settlement is unjust due to the fact that it imposes no further remediation than that which was already put forth in the initial judgement against Microsoft. To accept the proposed settlement would not only undermine consumer confidence, but would show large corporations that anti-trust behaviors will be tolerated and accepted. This is not the attitude that I wish for the world to see displayed within my country.

Thank you.
J.D. Meek
Systems Administrator
Franklin, TN. 37064

MTC–00018645

From: Kyle Himmerick
To: Microsoft ATR
Date: 1/23/02 5:08pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea.

It does not adequately address the monopoly issues at hand.

MTC–00018646

From: McQuay, Michael
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 5:10pm
Subject: Microsoft Settlement

I believe it is a grave mistake for the government to settle for anything less that a breakup of Microsoft Corp. The only way to ensure that Microsoft Products (i.e. Internet Explorer) get ported to other platforms, thereby enabling users free choice of which Operating System they use, is to force Microsoft to break into at least two separate companies, one for OS development and one for MS applications.

Thank you for your time.
Michael McQuay
Unix System Administrator
Williams Communications
4051 W. Munson Rd.
Skiatook, OK 74070

MTC–00018647

From: steve steve
To: Microsoft ATR
Date: 1/23/02 5:08pm
Subject: Microsoft Settlement

The current settlement with Microsoft is more than fair. As a cunsumer, Microsoft has let the wat with the concept of ''a PC in every household''. Due to their Martketing vision, I can now buy more computer for less money than I ever thought possible.

The current action by the few states remaining seems to me to be selfserving for the benefit of the state coffers with little reguard for the consumer. Enough is enough. Lets get on with product innovatation and let the market decide what has the products I want.

Steve Arkowski
17207 453rd Ave SE
North Bend, WA 98045

MTC–00018648

From: David Kuntz
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 5:08pm
Subject: Microsoft Settlement

I would like to object to the terms of the Proposed Final Judgment. The largest barrier to entry for competing Desktop Operating Systems is file format compatibility. As a technical support analyst for several law firms I watched each of them painfully transition from WordPerfect to Microsoft Word simply because they needed the ability to easily exchange documents with clients, most of whom used Microsoft Office. I have also seen many small business forced to go through expensive upgrades to the ''latest and greatest'' version of Microsoft Office because their clients have done the same, and the new version has a different file format, making it difficult for the business to exchange documents with the client. Please consider forcing Microsoft to open the file formats for Office, so that businesses and individuals are not forced to purchase expensive upgrades, containing features they may never use, just because ''everybody is doing it''.

thank you
David J. Kuntz
Network Analyst
Philadelphia Gas Works

MTC–00018649

From: William Ezell
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 5:10pm
Subject: Microsoft Settlement

I believe the settlement proposed is not appropriate at all. I have been a software professional for over 25 years, since before Microsoft ever sold Windows or drove a competitor out of business. Given past history, even a casual observer would have to conclude that the only thing that will deter Microsoft's predatory practices is a very large stick.

Unfortunately, the settlement isn't even a very small stick.

Bill Ezell
47 Mountain View Drive
Temple, NH 03084

MTC–00018650

From: Mike Meyer
To: Microsoft ATR
Date: 1/23/02 5:12pm
Subject: Microsoft Settlement

I believe the proposed settlement is a bad idea. Microsoft has repeatedly shown that they will use their monopoly position in any way they can to destroy any emerging competition in the marketplace. Any settlement must make it impossible for them to repeat this behavior, or they will repeat it.

Mike Meyer

MTC–00018651

From: Geoff Baysinger
To: Microsoft ATR
Date: 1/23/02 5:05pm
Subject: Microsoft Settlement

I've kept abreast of the situation regarding the Microsoft settlement and, as a computer professional who has watched many companies come and go, often due to the monopolistic pressure exerted by Microsoft, I do not consider this settlement to be in any way judicious or appropriate. The amount of money that this will cost to Microsoft will be negligible and in many ways the results of the settlement could be -positive- for Microsoft.

MTC–00018652

From: Edward Chang
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 5:01pm
Subject: Microsoft Anti-trust Case Settlement

To whom it may concern, Microsoft anti-trust case settlement offered by the Bush administration and other states is not sufficient to stop Microsoft's monopoly practice. I am against this settlement, and ask for more sever punishment including breaking up Microsoft.

Thanks for your time.
Edward Chang
BrightLink Networks
Tel: 408–752–9250

MTC–00018653

From: blincoln
To: microsoft.atr(a)usdoj.gov
Date: 1/23/02 5:10pm
Subject: Microsoft Settlement

After reading hundreds of pages of documents related to the Microsoft Settlement and many more in previous years, I think it is critical that the US not accept too soft a settlement for Microsoft's illegal, corrupt, and unfair business practices. Microsoft continues to this day to force clients into exclusive, anti-competitive contracts, they own the rights to a lynchpin in the digital infrastructure and they are using this to continually gather more and more monopolies. As a monopoly portion of the infrastructure, Microsoft should be required to document and provide openly readable source code for their communication protocols, APIs, as well as for many of their underlying operating system components. Microsoft should not be allowed to create exclusive contracts by which clients who want to buy or use products which are part of the monopoly are required to buy and use only microsoft products for other applications. This is a common requirement and one that is in place with large companies such as Amazon.com. Microsoft has shown itself willing to be as manipulative as any business can be, ignoring the fact that it has a unique and monopolistic position in the future of our planet. Strong measures must be put in place to force Microsoft to properly open their APIs & protocols so that real competition can begin in building a more robust digital infrastructure: one that is not wholly owned and controlled by the whim of a single for-profit business entity. Please add additional measures to the current settlement to improve enforcement of the API requirements and add Publication of Protocols to the requirements in this settlement,

thank you,
brian lincoln
160 sunrise drive
woodside, ca 94062

MTC–00018654

From: Joanne Eichhorn
To: Microsoft ATR
Date: 1/23/02 3:11pm
Subject: Microsoft Settlement

I think the economy has gone through enough and it is time to leave Microsoft to their own business, which they happen to do very well. The idea that Microsoft should pay damages to AOL/Time Warner is completely rediculous. By making the IE browser free they enhanced competition and the beauty of it is, we live in a capitalistic society, which makes this possible. Microsoft makes quality software that I'm sure even government employees use. Bill Gates is a true businessman and he and Microsoft should not be punished for the skill and competence they portray in the way they run their company.

MTC–00018655

From: Derek Deeter
To: Microsoft ATR
Date: 1/23/02 5:11pm
Subject: Microsoft Settlement

To Whom It May Concern: I don't think the proposed Microsoft Settlement goes far enough to remedy the monopolistic situation. I agree with the statements put forward in Dan Kegel's Web Page (http://www.kegel.com/remedy/remedy2.html) and also his Open Letter to DOJ Re: Microsoft Settlement , with which I also agree. The proposed settlement does not go far enough in it's remedies to properly address solutions to the current situation.

In addition, I would also like to add that I find that Microsoft's practices have stifled operating system and application competitiveness to the point where they are growing larger by the day at the expense of competitors. Netscape was one of the first casualties and the list goes on—there should be some penalty to be paid for causing these casualties, and this does not seem to be addressed by the current settlement.

A proposed part of the settlement being considered was forcing Microsoft to supply schools with computer systems and software, but I believe this would be rewarding them for their behavior—it is quite well known that in order to promote software, giveaways to the educational sector produce loyal supporters of that software when they graduate to the commercial sector—this

would be a bonus to Microsoft a few years from now, and thus would seem to be a reward rather than a punishment. I would recommend against such a proposal if it is or will be considered again.

Microsoft is so large that it can adopt a standard (HTML is a good example), then change it to it's own benefit without validation by the HTML standards group. An additional part of the settlement should say that Microsoft must abide by the published standards of the owning technical commitees and that any infractions are punishable by (fill in penalty here). This is another example where browsers can not be competitive—if execution of a standard is not consistent across applications, Microsoft has the benefit of providing more utility by bypassing standards or even promoting misusage of standards. By it's sheer size it is able to not only get away with this, but exacerbate the problem.

In addition, Microsoft products when going from version to version (such as Office Products), utilize updated output file formats which are incompatible with those from old products. This in itself is a normal practice, but as a monopolistic remedy I would suggest that for an interim period, Microsoft be forced in their new products to also write the older file formats to maintain compatibility and allow competing products to be used without penalty of constant upgrades.

Thank you for taking the time to read this,
Derek Deeter
Sr. Software Developer
Derek & Cheryl Deeter

MTC–00018656

From: Christopher Bare
To: Microsoft ATR
Date: 1/23/02 5:11pm
Subject: Microsoft Settlement

My suggestion is that Microsoft be required to open up its proprietary file and disk formats. Formats for MS-Office files, and the NTFS file system should be made public and freely usable. Future versions should be required to be backwards compatible. This would allow competing software to interact easily with Microsoft software. In spite of what Microsoft would probably claim this is NOT technically difficult. Monopolies come about due to barriers to entry of competing products. A helpful remedy would be to reduce some of those barriers. We must reward those who provide useful products, and Microsoft has certainly done that. But, we should not lose sight of the fact that the ultimate purpose of our whole economic model is to provide maximum benefits to the participants.

Opening Microsoft file and disk formats would go a long way towards allowing competing products to exist in a Microsoft dominated world, which is an essential step in bringing about true competition.

Thank you,
J. Christopher Bare
310–268–9353

MTC–00018657

From: Frodo Underhill
To: Microsoft ATR
Date: 1/23/02 5:12pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Patrick W. Neckolaishen
14 S. Spencer ST
Aurora, IL 60505–4420

MTC–00018658

From: Che J. Hsu
To: Microsoft ATR
Date: 1/23/02 5:12pm
Subject: Microsoft Settlement

Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

With as many important issues that this country has to deal with, I was surprised that so much valuable time had been expended on litigating this case against Microsoft. Microsoft has, in my opinion, maintained its position of leadership in the IT industry more from the quality and reliability of its software, rather than any overbearing marketing strategies that it may have employed in its business practices. It is good that the case has been settled, in that the focus of the settlement encourages Microsoft to maintain better relations with its OEMs and software developers, as well as preventing them from exerting any undue harshness toward any computer maker that would want to install their competitor's software onto its computers. I am therefore writing in support of the settlement and hope that it will be sustained successfully throughout the review process.

Sincerely,
Che Jie Hsu
Chief Consultant
Computerists United Inc.
(408) 942–8725

MTC–00018659

From: Syrus Nemat-Nasser
To: Microsoft ATR
Date: 1/23/02 5:12pm
Subject: Microsoft Settlement

To whom it may concern:

I oppose the proposed Microsoft settlement. I am a US Citizen, and I rely on computers for my livelihood. I believe that Microsoft's abuse of it's operating system monopoly on the PC platform has caused harm to the free market and to consumers. The proposed settlement is woefully insufficient.

With kind regards,
Syrus

MTC–00018660

From: user5
To: Microsoft ATR
Date: 1/23/02 5:13pm
Subject: Anti-Trust Settlement

I am a strong proponent of a free-market society, however I also understand that certain entities have in the past, do at present and will in the future take advantage of the laws in existance as well as jumps in technology to advance the interests of the entities to the detriment of the American People. President Theodore Roosevelt understood this and observed the ravages of unrestricted mining and de-forestation of our lands. He also understood how the colusion between the Railroad, Steel and Coal barons exacerbated the problems. Both he and the United States Courts acted accordingly. The purpose of Anti-Trust legislation is to protect the national interests as relates to Public Safety, National Security and the rights of the people to pursue their own wealth and happiness. National Security does not simply relate to Department of Defense issues. When our economy suffers, so does the ability of the nation to raise itself up to provide for a defense. If we are weakened fiscally, we are weakened defensively.

Microsoft Corporation has used it's influence with manufacturers to make it's own desktop program virtually the sole desktop on personnal and business computers around the world. It is my belief that they also incorate data into the desktop program to cause competitors data management systems to crash. I have had, in personnal, corporate and government service, the absolute pleasure of working with systems that are not of Microsoft origin. When not linked into Microsoft programs, they seem to run flawlessly. I have also had the misfortune of being forced in my government employment of having to use Microsoft applications which crash, lose data or are so extraordinarilly complex as to have to have expensive training to learn to accomplish tasks that were relatively simple to initiate with old programs like D-Base III, Corel Word-Perfect and Lotus Approach (The relative Microsoft Applications being Access, Word and Access). To give you an example, the Commonwealth of Pennsylvania uses the Lotus programs Approach and Dominoe to track Pennsylvania Drivers'' records. In all other State Agencies we are required to use Microsoft Office applications. From personal experience in the Department of Corrections, computer users need continuing re-education

in Microsoft products just to keep abreast of the changes (changes I may add only in the way one must use the product, not improvements in efficiency or additional uses). There are several problems associated with having so much of the nations'' business conducted through a sole source as well. With the millions of lines of code embedded in the programs being utilized by virtually every office and home in America, either the management or individual programmers could implant a time bomb of sorts to wipe out the entire nations computing capability at a given time or to mine information detrimental to individuals, corporations or the nation from computers around the country. I want to keep this short and readable, so I will close this letter with my feelings on the proposed settlement; I do NOT support it. There is plenty of precedent which the Department of Justice and the Courts should be able to rely upon and the appropriate arguements made to justify eliminating the restraint abilities that Microsoft has made against it's competitors ability to bring their products to market. Even if the elimination were to be for a limited time and of sufficient strength to allow competitors to get their products onto the same machines with Microsoft Products so that the consumer could decide, I would be much more pleased. There is no denying that Microsoft is a monopolistic entity and uses the advantage it has gained to restrict the competition. No inteligent individual could determine otherwise. There is also no denying the potential hazards such a monopoly poses to the security of our nation and to the privacy rights of citizens and the nation.

Thank you
Cris Dush
RD#1, Box 169
Brookville, Pa.

MTC–00018661

From: John Bonevich
To: Microsoft ATR
Date: 1/23/02 5:13pm
Subject: Microsoft Settlement

To Whom It May Concern:

I oppose the proposed settlement in the Microsoft antitrust trial. The proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions. Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people.

Sincerely,
John Bonevich

MTC–00018662

From: Carl Brown
To: Microsoft ATR
Date: 1/23/02 5:12pm
Subject: Microsoft Settlement

I am opposed to the proposed settlement. It does nothing to correct the wrongs that have been done. It actually increases Microsoft's strangle hold on the desktop software market. While the donation of hardware is good, it should be required that no Microsoft software be included. If it is, then the future upgrade path for these schools, who by definition can not afford it, involves putting money directly back into Microsoft's already bulging pockets. Microsoft has acted like a drug dealer for years, and this is just another example of this behaviour. The first hit is free, then after that they have another lifelong addict.

Furthermore, a ''donation'' of software costs Microsoft no more than the cost of reproducing CD's, while they can claim settlement value of the maximum retail price per unit. Allowing their own software to form any part of the monetary value of the settlement is quite simply giving them a license to print money. As part of a settlement of a case in which they have already been found guilty, this is completely ridiculous, at the very least. Open source software has virtually no upgrade cost. But more importantly, if students learn on proprietary systems, all they can ever learn to be is computer operators. They can never learn how software really works because they can't look under the hood. Open source software is an unquestionably superior learning tool. The settlement proposal should either be thrown out completely, or extensively reworked, to ensure that Microsoft gets no long term gain from a settlement which should be giving them a large long term loss.

Carl Brown
Whitefield, NH, USA

MTC–00018663

From: Kerry Crouse
To: Microsoft ATR
Date: 1/23/02 5:12pm
Subject: Microsoft Settlement

To whom it may concern,

I firmly believe Microsoft is quite guilty of monopolistic practices. While I don't believe inclusion of additionally features into the operating system, (such as Internet Explorer) is particularly monopolistic, forcing computer distributers and manufacturers to include what they want don't want (or not include what they do want) seems to me to be symptoms of a monopoly. Selling a previous version of an operating system at substantially more money to force vendors to use a new operating system and users to use a newer operating system (whether anyone wants to or not) is, to me, another symptom of a monopoly. At one time, Microsoft offered free support for MS-Office products. Since the competition is no longer there, the free support is not there. The lack of free support seems to be more than just a coincidence. While I do believe Microsoft's competitors, in their statements about Microsoft, exhibit quite a bit of envy at Microsoft's position, there is also truth in what they say. While I think that breaking up Microsoft into separate companies, (3 or 4) would be appropriate, I don't think a breakup in and of itself would stop Microsoft from being monopolistic. The agreements Microsoft sets up with distributors and customers should NOT be allowed to be exclusive for Microsoft. Companies should not get discounts for using only Microsoft software. Getting a discount for using above a certain number of Microsoft packages or dollar amount is reasonable only as long as the discounts apply to everyone everywhere.

Thank you for your consideration of this letter.

Kerry Crouse, 3 Kerry Lane, Nashua, NH 03062

Telephone: 603–888–6973 Cell Phone: 603–512–0774

MTC–00018664

From: Kinser, Jeremy
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 5:09pm
Subject: Microsoft Settlement

After reading the proposed settlement details, I am very very concerned about the situation. I think this settlement is a very bad idea and does not take into consideration the rights of consumers and competing companies. This settlement makes it nearly impossible for a small bussiness or group of programmers to come up with software that will run with windows without having to pay royalties. The bottom line is that Microsoft needs to conform to ''Standards'' and these standards need to be open to the public. If this doesn't happen it will stunt the creativity of computing and will hold us down for another 10 years.

Jeremy Kinser
INHS Web Development Analyst
(509) 232–8253

MTC–00018665

From: Alex Levy
To: Microsoft ATR
Date: 1/23/02 5:14pm
Subject: Microsoft Settlement

Dear sirs,

I am writing to oppose the settlement proposed for the anti-trust trial against Microsoft. The settlement, as it stands, would allow Microsoft to continue anti-competitive practices against its largest competitor: open source software. This is software that is developed by a community, rather than a commercial organization, and projects developed in this way would not be eligible to benefit from the proposed remedies. << Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business >>—Robert X. Cringely I implore the courts to reject any settlement that would allow Microsoft to continue its anticompetitive practices against any

software system, whether it be commercial or not.

Thank you.

Alex Levy

Tel: 617.835.0778

''Never let your sense of morals prevent you from doing what is right.'' —Salvor Hardin

MTC–00018666

From: James Linen
To: Microsoft ATR
Date: 1/23/02 5:14pm
Subject: Microsoft Settlement—

Microsoft must be held to the same standards and punishments as any other company successfully prosecuted under anti-trust laws for monopolistic behavior, period. This settlement does the opposite. Rather than punishing Microsoft for its behavior, it rewards it, particularly in the education sector. Do not allow this double standard to continue.

James Linen

MTC–00018667

From: Kevin Geraghty
To: Microsoft ATR
Date: 1/23/02 5:12pm
Subject: Microsoft Settlement

Sirs:

The proposed settlement in the Microsoft antitrust trial stinks. It fails to redress the actions committed by Microsoft in the past, and does nothing to inhibit their ability to commit similar actions in the future. The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions. While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Kevin M Geraghty
Seattle, WA

MTC–00018668

From: Jesse Fuzi
To: Microsoft ATR
Date: 1/23/02 5:14pm
Subject: Microsoft Settlement

While I am normally an extreme pacifist, I am finding it very difficult to not feel angered by this proposed settlement to the Microsoft case. I have followed the case against Microsoft for years, since the monopoly it holds over desktop operating systems impacts my work on a daily basis. To find that the proposed remedy contains almost no controls over the future practices of a company that has twice been convicted of illegal actions seems shocking. That there are no punishments included in this makes me wonder why it is called a ''remedy'' for the illegal things they were convicted of doing. How can this be? I urge you to reconsider this proposed remedy, and to find a solution that does actually punish Microsoft for what it has done, and draw some guidelines to regulate how it operates in the future.

Thank you,

Jess Fuzi
1040 Elliott St. SE
Grand Rapids, MI 49507
Database Administrator—Grand Rapids Community College

MTC–00018669

From: tydalforce@psu.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 5:14pm
Subject: Microsoft Settlement

I am writing to express my disagreement with the proposed Microsoft anti-trust settlement. After reviewing the proposal, it is my belief that it is insufficient to curtail Microsoft's unethical business practices which are hurting the computer industry. One particular change I recommend is that Microsoft be required to publically release on the Internet full documentation for all of it's API's and file formats, such as those used by Microsoft Office. This would allow competitors to create software that is compatible with Microsoft's.

Sincerely,
Michael E Ferry
IT Support

MTC–00018670

From: Ken Farwell
To: Microsoft ATR
Date: 1/23/02 5:14pm
Subject: Microsoft Settlement

This is not a good idea, this will hurt America in a lot of ways. regards

Kem

MTC–00018671

From: tz
To: Microsoft ATR
Date: 1/23/02 5:14pm
Subject: Microsoft Settlement

I am not in favor of the Microsoft Settlement. The last time there was an agreement—the consent decree—they didn't bundle, they integrated. Microsoft and their lawyers have insured that they can continue the worst of their monopolistic practices. At best, I may have to wait years for access to vital information while whatever board appointed argues whether I need access, and by the time they decide it will be irrelevant—I have no fast appeals or the equivalent of an injunctive relief. Second, they have added ''Digital Rights Management'' as something they can completely avoid saying anything about—even under NDA or other similar structure. Then they can simply add some DRM to Word, Excel, IE, and every part of the operating system—much as they did the oil-and-water DLLs so Internet Explorer couldn't be removed from Windows. Also, if I write a driver, and say support Apple or Linux, they could simply refuse to sign my windows drivers and not give a reason—The drivers could be better than any of theirs, but they could argue length, quality, ''we're too busy, but should have them signed in 2007''. Go back and reread the emails and the documents made public after the Caldera (DRDOS) antitrust suit—Microsoft isn't trustworthy so you need a very broad or structural agreement. Anything with Microsoft written loopholes will mean all the effort which has been spent up to now will be in vein. Declaring defeat when you have won the case would be a terrible waste of the taxpayer dollars spent thus far— those costs are sunk, and the DoJ won. Now use that victory.

MTC–00018672

From: Bob Ruddy
To: Microsoft ATR
Date: 1/23/02 5:15pm
Subject: Microsoft Settlement

To Whom It May Concern,

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. More importantly, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions redress their previous abuses or compensate the affected parties. This, in my opinion, goes against the very foundation of law. The provisions within the settlement only formalize the status quo in their strictest interpretation and at worst increase the monopoly power of Microsoft. None of the provisions effectively prohibit Microsoft from abusing its monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions. If a person or organization is able to commit illegal acts, benefit from those acts, and then receive as a punishment instructions not to commit those acts again, there is no incentive to follow those instructions. That is not justice. While the Court's desire that a settlement be reached quickly is understandable, it is wrong to approve an unjust settlement merely for the sake of expediency.

Sincerely,
Bob Ruddy
611 Wharton Drive
Newark, De 19711

MTC–00018673

From: SD2IrvinePoke@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 5:14pm
Subject: Microsoft Settlement

To Whom It May Concern,

As a career software engineer, I must say I am extremely dissatisfied in the proposed settlement in the Microsoft Antitrust Settlement. There are no penalties for the antitrust behavior that Microsoft has exhibited in the last 10 years. In fact, the proposed settlement goes to further Microsoft's exposure in a place it historically has been second to it's only consumer competition, Apple. I believe that the settlement does not go far enough to punish and in fact furthers Microsoft's monopolistic practices.

Thanks,
Rodney Lester
2 Silkleaf
Irvine, CA 92614
(949)559–4670

MTC–00018674

From: Dylan Fitterer
To: Microsoft ATR
Date: 1/23/02 5:15pm
Subject: Microsoft Settlement

I am opposed to any and all legislation or settlements that restrict(s) Microsoft (or any

other persuasive actor) in any way. It has committed no coercion and should not be punished.

Dylan Fitterer

MTC–00018675

From: Jeff Teitel
To: Microsoft ATR
Date: 1/23/02 5:13pm
Subject: Microsoft Settlement

I believe that the current proposed settlement in the Microsoft case is a bad idea.

Jeffrey Teitel
1314 Rhode Island Ave NW
Washington, DC 20005

Those who would give up essential liberty, to purchase a little temporary safety, deserve neither liberty nor safety. -Benjamin Franklin

MTC–00018676

From: aitken@eol.ca@inetgw
To: Microsoft ATR
Date: 1/23/02 5:07pm

To whom it may concern,

Really there is only one player in the desktop operating system business—Microsoft. All many people are asking for is an alternative to Microsoft. That alternative would be in the form of a product (Linux) and leverage (to pressure Microsoft to make better products/services at reasonable prices). With a monopoly as huge as Microsoft, it is ironic, but also logical, that the only real competition could come from grass roots and not business.

Microsoft should make it's code for things like .doc files made public so that documents written with MS Word can be read accurately on machines running Linux. Microsoft should port MS Office to Linux. A decision to use a non-MS operating system should not cut the user off from all other MS products. Microsoft's insulting interpretation to the DOJ's charge of monopolism was to deepen the monopoly by giving away software. They did not ''give away'' anything - they are cultivating clients. They are selling complete dependence on Microsoft products. Use Microsoft or do without computers is no choice at all. Things that are important to me:

1. Quality operating system. One thing that ensures quality is choice. Some MS products are good but many have many problems—where is the incentive to improve if Microsoft makes the only viable x86 OS around? I would rather make my living having clients tap into the many and varied resources that Linux has to offer, than having them endlessly re-boot MS operating suystems.

2. Choice of operating system without changing hardware. Apple needs different hardware. On x86 hardware the only real choices (other than old/unsupported OS/2) are Windows and Linux. Microsoft is working hard to ensure that Linux is not a choice, by buying up the Internet and making it inaccessible to any platform other than Windows.

3. Competitively priced operating system. Their cheapest OS is a hundreds of dollars (out-of-ime with the present economy)—Linux's cheapest OS is free. Miscellaneous complaints: Microsoft recently purchased SGI 3D technology which could be used to pressure hardware vendors to drop support for OpenGL. Not so recently, Microsoft threatened to withdraw support for MMX if Intel did not drop NSP software development MS possibly introduced error codes into—and possibly sabotaged—Apple's Quick Time media. playback software.

Thank you.
Sincerely,
Chris Aitken

MTC–00018677

From: Whitney Williams
To: Microsoft ATR
Date: 1/23/02 5:16pm
Subject: Microsoft Settlement

I believe that the proposed settlement of the antitrust case against Microsoft is a bad idea, and I request that the United States not settle. In the findings of fact in this case (which are no longer disputed), the court found that Microsoft clearly exercised monopoly power; I am dismayed that they might be allowed to do so without substantive penalty. Reading the proposed settlement, I saw nothing more severe than behavioral restrictions of the sort which Microsoft has repeatedly circumvented and violated outright in the past. I found particularly audacious the proposal that Microsoft should be allowed to introduce its product into schools. Gaining market share by selling to schools has, since long before Windows was written, been Apple's most successful strategy. Even now, education is the only market where Apple can still compete with Microsoft. Would it not be the very definition of predatory pricing to allow Microsoft to give away operating system software into this market? As a Microsoft Certified Professional, I see first hand how monopoly power has degraded the quality of Microsoft's products. I see first hand how they raise technological barriers to interoperability to raise barriers to entry in application software markets. As an American, I am appalled that Microsoft's flagrantly criminal behaviors may go without remedy. I am dismayed that my government would back away from a legal challenge to a company whose deep pocket has already crushed so much opposition, and I wonder why I pay taxes if not to protect American industry from predators like Microsoft. This is the single most important issue on which I will vote in the years to come.

Thank you for considering my opinion.
Whitney Williams
Austin, TX

MTC–00018678

From: Howard Roth
To: Microsoft ATR
Date: 1/23/02 5:15pm
Subject: Microsoft Settlement

Dear Attorney General John Ashcroft:

Attached is a letter expressing my opinion on the pending settlement of the Microsoft case. I appreciate your consideration.

January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to voice my support for the pending Microsoft settlement. After an extensive legal action, it's definitely time to close this case and get back to focusing on more pressing issues.

My understanding of this case leads me to believe that the terms agreed upon even exceed the original Justice Department complaint. Microsoft has pledged to open up options for computer makers to configure Windows with the software programs of their choice and will create unified terms, conditions, and prices for licensing its operating system.

To reject the opportunity for settlement now will just draw all parties into further distraction and do nothing to help the economy. Thank you for your time and attention.

Sincerely,
Howard Roth

MTC–00018679

From: Brian Vincent
To: Microsoft ATR
Date: 1/23/02 5:13pm
Subject: Microsoft Settlement

To whom it may concern:

I wish to impart to you that it is my opinion that the proposed Microsoft Settlement is a poor one. I believe, after reading the available material, that this is in no way a measure that will stop Microsoft's monopoly activities. In fact, I feel that the proposed settlement, in the manner in which it is worded, will allow Microsoft to continue it's monopoly activities, just under a different guise. I feel that the proposed settlement is not even a ''slap on the wrist'', and strongly urge you to find a more effective solution that will properly punish and restrict Microsoft's illegal activities, and not just cave in to big business desires.

Thank you for your attention in this matter.
Brian Vincent

MTC–00018680

From: David David
To: Microsoft ATR
Date: 1/23/02 5:15pm
Subject: Microsoft Settlement

Attention: Renata Hesse, Department of Justice:

I wish to express my views on the Microsoft case as invited by the Department. There are several points I would like to make in support of Microsoft:

—I resent the government's characterization of me and other computer users as helpless victims who cannot choose the software that is useful to us. Further, I do not think that the government has any right to decide what can be in my computer.

—I resent the idea that a successful business and its products are a threat to me or anyone else, and I have yet to hear any meaningful or rational argument why they should be considered as such.

—I resent the fact that the complaint against Microsoft originated not with individual consumers, or with Microsoft's partners, but with Microsoft's unsuccessful competitors. This alone should be sufficient to dismiss such a case entirely and wihout further consideration. Failed businesses must not be allowed to set the rules for the markets in which they have failed.

—For politicians to try to protect some businesses from others is a dangerous policy. Continued arbitrary application of the incomprehensible antitrust laws against successful businessmen can only lead to corruption and economic disaster as shown in many other countries and in many periods of history.
—Finally, and most importantly, Microsoft's creators and investors have a fundamental right to their property, and to trade it voluntarily with anyone and on any terms they wish. It is the government's job to protect this right, not to take it away. The whole situation is really alarming to anyone who understands this issue.

Thanks for your attention and I hope that these points will be considered.

Sincerely,
David Antonacci
Los Angeles, CA

MTC–00018681

From: Kid Tiki
To: Microsoft ATR
Date: 1/23/02 5:17pm
Subject: Opinion on Ruling

I believe that the proposed settlement with Microsoft is bad and not in the public's best interest.

Thanks.
Mike Leo

MTC–00018682

From: Brian Koppe
To: Microsoft ATR
Date: 1/23/02 5:17pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. It is my understanding that the purpose of the Proposed Final Judgement should be to reduce, as much as possible, the Applications Barrier to Entry. In other words, make the market more open to competition from other products. After reading the Proposed Final Judgement and multiple essays on its problems and benefits, I have noticed many things that I take issue with. However, I'd like to focus on one in particular. This problem is in the issue of Microsoft End User License Agreements (EULA). It has been shown that Microsoft creates EULA's that place anticompetitive restrictions on the user, and that Microsoft has intentionally created incompatibilities to keep users from using Windows applications on compatible operating systems that are not Windows. One example of this is in the license agreement for the Microsoft software, NewsAlert—offered by MSNBC. In that license it says, ''MSNBC Interactive grants you the right to install and use copies of the SOFTWARE PRODUCT on your computers running validly licensed copies of the operating system for which the SOFTWARE PRODUCT was designed [e.g., Microsoft Windows(r) 95; Microsoft Windows NT(r), Microsoft Windows 3.x, Macintosh, etc.]. ...'' Users of competing operating systems, such as Linux, which are capable of running some Windows applications are not legally capable, under this restrictive license, to use this program. One suggestion as to how restrictive licenses such as this should be forced to be changed is for the excerpt above to be re-written as follows: ''MSNBC Interactive grants you the right to install and use copies of the SOFTWARE PRODUCT on your computers running validly licensed copies of Microsoft Windows or compatible operating system.'' In the past, it has been shown that Microsoft places technical barriers on competition as well. The 1996 Caldera v. Microsoft case shows how Microsoft added code to its product so that, when run on a competing operating system (DR-DOS in this case), it would give the user an error. As I'm sure you can easily look up, the judge ruled that ''Caldera has presented sufficient evidence that the incompatibilities alleged were part of an anticompetitive scheme by Microsoft.'' Unfortunately, with the Proposed Final Judgement as it stands, there is no language to prohibit these restrictive licenses nor is there language to prohibit future intentional incompatabilities. Therefore, in its current state, the Proposed Final Judgement assists Microsoft in continuing these actions and does not succeed in opening the Applications Barrier to Entry. In closing, I would like to add my support for Dan Kegel's essay, ''On the Proposed Final Judgement in United States v Microsoft,'' located at http://www.kegel.com/remedy/remedy2.html, which is the source of the facts I have included in this letter. I would also like to add my support for his suggested amendments to the Proposed Final Judgement, which are described near the end of his essay, and to the alternate settlement proposed by some of the plaintif states and located on the website for the National Association of Attorneys General at http://www.naag.org/features/microsoft/ms-remedy—filing.pdf.

Sincerely,
Brian Koppe, Buffalo Grove, IL

MTC–00018683

From: David A Golden
To: Microsoft ATR
Date: 1/23/02 6:15pm
Subject: Microsoft Settlement

To Whom It May Concern:

I wish to register my opinion that the proposed Microsoft settlement is insufficient as currently constructed to effectively ensure a free and competitive PC market. In reading the text of and various commentaries on the settlement, I am struck by the number of loopholes left in the settlement due to improper or misleading definitions of ''API'', ''Microsoft Middleware'', and ''Windows Operating System Product''. Acceptance of the settlement with such loopholes would leave it effectively without teeth. I encourage the DOJ to review any number of well-reasoned criticisms available on the web, written by technical experts rather than lawyers, and which offer a ''common sense'' understanding of the limitations of the remedy as currently constructed. (One excellent such resource is: http://www.kegel.com/remedy/remedy2.html) I urge the DOJ to withdraw its consent to the proposed settlement.

Sincerely,
David A Golden
New York, NY

MTC–00018684

From: Ted Wright
To: Microsoft ATR
Date: 1/23/02 5:17pm
Subject: Microsoft Settlement

To Whom It May Concern:

We are opposed to the proposed settlement in the Microsoft antitrust trial. We feel that the current proposed settlement does not redress the actions committed by Microsoft in the past, effectively inhibit their ability to commit similar actions in the future, or restore competition to the market.

Sincerely,
Ted & Patricia Wright

MTC–00018685

From: Manfred Smith
To: Microsoft ATR
Date: 1/23/02 5:16pm
Subject: Microsoft Settlement

I am writing in support of EVERY legitimate business in this nation to operate in a legal climate that does not interfere with how they wish to promote or distribute their products. For a nation such as the United States to even have laws such as the Anti-Trust on the books, is a disgraceful because every petty dictator has laws such as these that are used to intimidate and punish those who dare to be innovative and successful. Calling Microsoft a monopoly is a viscous equivocation of terms. Any reasonable person recognizes the difference between domination of a market because: 1) a company has created a product that is in great demand due to low price or simply because consumers want it (a natural monopoly based on free exchange of goods and services), and 2) a state sanctioned monopoly where government power is used to maintain a company's economic position (such as the expensive ferry monopoly in Hawaii backed by the government fiat).

It is unfortunate that our founding fathers did not include a separation of state and business similar to the separation of church and state. Much of the turmoil and corruption in government plus the billions wasted by business yearly would stop.

Leave Microsoft alone to pursue it's business in peace and freedom.

Manfred Smith
The Learning Community TLCN.org
Maryland Home Education Assn.
MHEA.com
Columbia, MD 21045
410–730–0073

''There is no safety for honest men except by believing all possible evil of evil men.'' Edmund Burke

Remember September 11 !

MTC–00018686

From: jerry.gamble@CPBINC.com@inetgw
To: Microsoft ATR
Date: 1/23/02 5:12pm
Subject: Microsoft Settlement

I am sending this e-mail to voice my opposition to the Microsoft Settlement on the grounds that it does not do enough to correct the illegal monopolistic activities that Microsoft has been convicted of. The

following points written Dan Kegel in his Open Letter to DOJ Re: Microsoft Settlement are examples of the weaknesses in the settlement.

* The PFJ doesn't take into account Windows-compatible competing operating systems * Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry. * The PFJ Contains Misleading and Overly Narrow Definitions and Provisions * The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered. * The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all. * The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware. * The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertized as being ''Windows Powered''. * The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs. * The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible. * The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows. * The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents. * The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users. * The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft * Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows. * Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems. * Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.) * The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft * Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems. * The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs * The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system. * The PFJ allows Microsoft to discriminate against small OEMs— including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software. * The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas. * The PFJ as currently written appears to lack an effective enforcement mechanism.

MTC–00018687

From: Matt Radway
To: Microsoft ATR
Date: 1/23/02 5:16pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement contains narrow wording that does not inhibit Microsoft's ability to commit anticompetitive actions in the future.

In particular, Sect III(J)(2) must be changed to require Microsoft to license its APIs, Documentation, and Communications Protocols to Non Profit Organizations. There are many NPOs that need this information because of their role as maintainers of software projects. The Apache Foundation is responsible for Apache, the main competitor to Microsoft's Internet Information Server (IIS). Likewise, Samba is a system that allows alternative operating systems share files with Microsoft operating systems. Samba must use Microsoft APIs in order to accomplish its tasks. There are many Non-Profit Organizations that perform similar functions, and are too numerous to be mentioned here. Section III(D) also excludes Non Profit Organizations from information regarding the APIs for incorporating non-Microsoft middleware. The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions. Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general. While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Matthew J Radway
HC 77 Box 231
Howes, SD 57748

MTC–00018688

From: Chris Parry
To: Microsoft ATR
Date: 1/23/02 5:19pm
Subject: Microsoft Settlement

Hi,

I'd like to officially speak against the proposed settlement. There are many many reasons for this not to be the right approach nor the proper handling of the case. I'm sure there will be no lack of forthcoming arguements by people more suited to address this case. The most important thing is to require Microsoft to publish complete documentation of all interfaces between software components, all communications protocols, and all file formats. This would block one of Microsoft's favorite tactics: secret and incompatible interfaces. Thank you for your time and attention.

Sincerely,
Christopher Parry
Santa Cruz, CA 95060

MTC–00018689

From: Charles Fulton
To: Microsoft ATR
Date: 1/23/02 5:13pm
Subject: Microsoft Settlement

To Whom it May Concern:

I would like to register my opposition to the proposed Microsoft settlement. Microsoft has, over the past decade, stifled innovation throughout the computing industry. Many companies, most notably Be and Netscape, have been destroyed or reduced to shadows of their former selves. It is inexplicable that such a company would be penalized with what amounts to a slap on the wrist.

In summation: I am against the settlement.

Charles Fulton
Box #244
1200 Academy St
Kalamazoo, MI 49006

MTC–00018690

From: Kevin McLin Beason
To: Microsoft ATR
Date: 1/23/02 5:19pm
Subject: Microsoft Settlement

Hello, my name is Kevin Beason and I am a U.S. Citizen. I think the current settlement proposed is completely unsatisfactory and needs to be punish Microsoft much more severely. I think they should be forced to open the API of their operating systems. Windows is the most widely used operating system in the world and by controlling the API they are unfairly maintaining their monopoly in other software markets.

I am in favor of breaking the company up into pieces.

Kevin Beason
617 Holyoke Ct. Apt. D
Tallahassee, FL 32301–8905

MTC–00018691

From: Deech Mestel

To: Microsoft ATR
Date: 1/23/02 5:33pm
Subject: Microsoft Settlement

To whom it may concern:

I'm of the opinion that the proposed settlement with Microsoft is in no way a reasonable end to the case. It provides too many concessions to the guilty party and not a single bit of restitution to the victims of their actions. I was under the assumption that when a party is found guilty, they were actually punished, and didn't get to pick their own punishment. It allows them to continue their present course of action, it's really only a ''slap on the wrist''. This settlement should *not* be adopted without significant revision.

David Mestel
Systems Analyst
St. Louis Mo

MTC–00018692

From: Dan Goldshlack
To: Microsoft ATR
Date: 1/23/02 5:19pm
Subject: Microsoft Settlement

I would just like to comment that I believe the proposed settlement is a bad idea.

Thank you,
Dan Goldshlack

MTC–00018693

From: Ben Russo
To: Microsoft ATR
Date: 1/23/02 5:19pm
Subject: Microsoft Settlement

To whom it may concern,
Re: Microsoft Settlement

Under the proposed settlement, not enough is done to restrict Microsoft's continuing monopolistic and predetory corporate activity. The proposed Microsoft Settlement does not do enough to discourage other corporations in the US from acting in predetory monopolistic manners.

Contrary to all of the press that I have heard, I believe that Microsoft is not a boon to computer technology. They are a lead weight to innovation and progress. I support http://www.kegel.com/remedy/letter.html

Ben Russo
13068 Rose Petal Circle
Herndon, Virginia 20171
Home > 703–736–0829

MTC–00018694

From: Keith McCall
To: Microsoft ATR
Date: 1/23/02 5:17pm
Subject: Microsoft Settlement

I have been personally affected by Microsoft's monopolistic practices. For example I was required to buy Windows with a computer system, even though I bought the system to run Linux-based software applications. When the first computer required replacement, I was again required to buy Windows with a computer system, even though I did not wish to use Windows at all.

Due to the pressure Microsoft has been able to apply to most major computer hardware vendors, it is exceedingly difficult to avoid paying for an unwanted Microsoft product. Today most major computer hardware vendors are simply distributors for Microsoft's monopoly. Again and again, Microsoft has used it's near total operating system monopoly to foist inferior products on the marketplace. Netscape is, in my opinion, a superior product to Microsoft's Explorer, allowing greater control of security and ''cookies'', for example. Yet even offered free and downloadable, Netscape has great difficulty competing when Microsoft Explorer comes pre-installed.

Furthermore, I am again personally affected by Microsoft's monopolistic practices, since they use their uncompetitive advantage in the web browser market to make further gains in other markets by introducing proprietary code as additions to Java. More and more, this means that Netscape is unable to completely display web content generated by a Microsoft product. Microsoft's practices are harming my ability to use the web browser of my choice.

Microsoft's willingness to obey the laws against abuse of it's monopolistic position is most clearly illuminated by their staged and provably false demonstrations of Explorer's ''integration'' into the Windows OS; Microsoft can not be trusted not to abuse any advantage they can manufacture. The current settlement is a slap on the wrist that does nothing to rectify the monopoly and abuse of monopoly which Microsoft has perpetrated for years. Worse yet, this settlement practically rewards Microsoft for breaking the law: it allows them to unfairly make inroads into education—one of the few markets left where Apple computers make up a major market share and Microsoft doesn't have monopoly power.

Far from serving as a punishment preventing monopolistic behavior, the proposed settlement will enable Microsoft to leverage its monopoly power even more, dramatically increasing its penetration of a market segment that has heretofore resisted its total control.

I can only conclude that this settlement will harm me as a consumer.

Sincerely,
Keith A. McCall
University of Utah
Division of Hematology, 4C416-SOM
30 North 1900 East
Salt Lake City UT 84132–2408
ph. (801) 581–6713
fax (801) 585–5469

MTC–00018695

From: Christian Wenger
To: Microsoft ATR
Date: 1/23/02 5:10pm
Subject: Microsoft Settlement

I would like to express my opinion that the proposed Microsoft settlement does not go far enough in punishing Microsoft for anti-competitive practices or in motivating them to refrain from anti-competitive behavior in the future. Microsoft has shown itself to be very willing to ignore government instructions affecting their style of business in the past, and I believe that they will continue to do so in the future if the proposed settlement is accepted. The proposed settlement does not contain penalties that are severe enough to keep Microsoft from engaging in anti-competitive behavior in the future.

Thank you,
Christian Wenger
Senior Java Developer
Netomat, Inc.

MTC–00018696

From: Jon Hart
To: Microsoft ATR
Date: 1/23/02 5:20pm
Subject: Microsoft Settlement
To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement.

Briefly, I feel the proposed settlement is a bad idea. I agree with the problems identified in Dan Kegel's analysis. This analysis is available at the following URL:

http://www.kegel.com/remedy/remedy2.html

I also agree with the conclusion reached by that document. Specifically:

—The Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue.
—The settlement would delay the emergence of competing Windows-compatible operating systems.

Therefore, the settlement not in the public interest. It should not be adopted without substantial revision to address these problems.

Sincerely,
Jonathan Hart
544 Nightingale St.
Livermore, CA 94550
(925) 447–8759
jhart00@pacbell.net

MTC–00018697

From: Brian Dellert
To: Microsoft ATR
Date: 1/23/02 5:18pm
Subject: Microsoft Settlement

My name is Brian R. Dellert. I live in Prior Lake, MN. I am an independent software developer. I am opposed to the proposed settlement in the Microsoft antitrust trial.

I worked at Microsoft during 1997 and 1998 as a contractor on the help system. During that time, the help system was changed in a way that would cause a previously working application to crash when it attempted to look up a keyword in the index. In fact, following Microsoft's own published documentation on this feature would cause your application to crash.

This change was made for the Microsoft Office team in order to allow support for their famous paper-clip. The ''advantage'' of this change was kept completely internal in undocumented API calls. As for the disadvantage (the crash), internal teams were given support to work around the crash. External companies were left with no support, no information, no accurate documentation, and a help system that did not work as advertised.

The settlement does nothing to prevent this type of anti-competitive behavior. The teams responsible for the products that go into Microsoft Windows will continue to give

preferential treatment to Microsoft's applications division, even if it causes applications written by its competitors to quit working. The most recent example was Apple's QuickTime, which was disabled by an upgrade to Microsoft's now dominant web browser, Internet Explorer (also known as ''IE'').

To quote a CNet article on the problem:

Brad Mathis, a network security engineer from Evansville, Ind., blamed the problem on Microsoft.

''Being a security-conscious person, I try to stay updated with the latest service packs,'' he wrote. ''Unfortunately, SP2 for IE 5.5 was a service pack with a hidden agenda. It may have had a security fix or two in it, but was also designed to remove non-Microsoft product compatibility.''

http://news.com.com/2100–1023–271653.html?legacy=cnet&tag=dd.ne.dht.nl-sty.0

Note that ''SP2 for IE 5.5'' refers to ''Service Pack 2 for Internet Explorer 5.5''.

QuickTime directly competes with Microsoft's media player. The proposed settlement would be completely ineffective in preventing the type of anti-competitive behavior which Microsoft uses to extend its Windows monopoly into new areas. I ask you to reject the settlement.

MTC–00018698

From: Michael Cole
To: Microsoft ATR
Date: 1/23/02 5:05pm
Subject: Microsoft Settlement

Hello, my name is Michael J Cole. I live in San Francisco and I would like to comment on the proposed antitrust settlement. I am against the settlement for many reasons. Mostly I am against the settlement because for the settlement to be effective, it requires large amounts of good faith on the part of Microsoft. This is an unreasonable assumption based on Microsoft's past and present actions and the failure of the settlement will cause an unfair burden on the american public.

In addition, there is no punishment for Microsoft's past behavior. I find this amazing and can't begin to understand what political and economic power it would take to have such a HUGE violator of anti-trust laws have NO punishment actions taken against them.

In closing, I think the settlement will be ineffectual in stopping Microsoft's monopoly. They will just change how they operate their monopoly. In the end it will cause more harm to the american public because Microsoft will be able to comply with the settlement and say ''Look, I can't be a monopoly, the court says so!''

Best regards and good luck in this difficult action,

Mike
michaelcole@michaelcole.com
(415)637–2240

MTC–00018699

From: Christopher Wassman
To: Microsoft ATR
Date: 1/23/02 5:18pm
Subject: Microsoft Settlement

To Whom It May Concern:

First of all, I am opposed to the proposed settlement in the Microsoft antitrust trial. I do not feel that the current proposed settlement fully punishes the actions committed by Microsoft in the past, nor does it inhibit their ability to commit similar actions in the future. This troubles me greatly, as it should trouble all Americans.

The US Department of Justice should also be made aware of the ''freedom to innovate'' campaign by Mircosoft is specifically aimed at ''buying'' public opinion in this case. This massive effort by Microsoft will undoubtedly result in increased support of Mircosoft's monopolistic practices. If Microsoft's competitors had the same money and distribution medium that Microsoft already possesses, through its monopoly, to advertise and buy public opinion then there would be little issue for the DOJ to decide upon. But that's just the point, there is a monopoly here, Microsoft is a monopoly, and the current settlement amounts to very little to Mircosoft and will do very little to break up this monopoly nor to balance the playing field whatsoever.

The majority of the provisions within the settlement only formalize the status quo. Furthermore, none of the provisions will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most importantly, the proposed settlement does nothing to correct Microsoft's previous actions. Also, there are no provisions that correct or redress their previous abuses. They only try to prohibit the future repetition of those abuses. This is not right. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. The current settlement is not justice, not for those people and corporations who have suffered from the abuses of Microsoft and not for the American people in general. While the Court's desire that a settlement be reached is well intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is a wrong that is compounded two-fold. I urge the Court to not accept this settlement agreement.

Thank you for you time.

Sincerely,

Christopher D. Wassman, Software Engineer
6772 Findley Cir
Huntington Beach, CA 92648
415 577–1786
c—wassman@hotmail.com

MTC–00018700

From: Darren Daubenspeck
To: Microsoft ATR
Date: 1/23/02 5:18pm
Subject: microsoft settlement

I'm in favor of strong punitive damages against Microsoft as part of the monopoly settlement, partly for this reason:

1. The PFJ fails to require advance notice of technical requirements Section III.H.3. of the PFJ requires vendors of competing middleware to meet ''reasonable technical requirements'' seven months before new releases of Windows, yet it does not require Microsoft to disclose those requirements in advance. This allows Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

But also because of MS's products have permeated our society so completely. I'm against socialism, but I'm in favor of governmental controls over a company who controls such a large share of the software for doing business in this society

Darren Daubenspeck
Greenwood, IN
1/23/02

MTC–00018701

From: J.
To: Microsoft ATR
Date: 1/23/02 5:18pm
Subject: Microsoft Settlement

The findings of fact in the Microsoft vs. Department of Justice trial show that Microsoft holds a monopoly, that their monopoly was gained illegally, and that it has been used to illegally leverage monopoly power. While the proposed settlement does place limited controls on how Microsoft can leverage that power, I feel it is not an effective measure to prevent future illegal conduct.

Additionally, it in no way strips Microsoft of the power they've illegally gained, and therefore provides no opportunity for competitors to gain a foothold in Microsoft dominated markets. It is for these reasons that I am opposed to this settlement.

Jason M. Kaza
1437 Calle Marbella
Oceanside, CA 92056

MTC–00018702

From: Alex Younts
To: Microsoft ATR
Date: 1/23/02 5:18pm
Subject: Microsoft Settlment

Hello,

I think you should make Microsoft pay for what they have done to the computing market.The current settlement is flawed in many ways and you should not let them off the hook that easy. Another thing you should consider is making Mr.Gates take a hike. He will control anything about Microsoft in whatever form it may be in after this trial.

In closing, I hate Microsoft because of the damge they have done. They (as in everyone who has been involved with Microsoft's foul play) should not be let go to do this again (please refer to the case where the US jailed a software developer).

Sincerly,
Alex Younts
apresario@skyenet.net

MTC–00018703

From: jack herndon
To: Microsoft ATR
Date: 1/23/02 5:22pm
Subject: The ill gotten gains of microsoft

Microsoft's illegal threats to cut off contracts if a company offers other types of operating systems is a direct violation of anti-trust laws. Just because the threats have silenced many companies is no reason to throw out the evidence of such events. Because Microsoft's threats hindered the selling of other people's products it is

without a doubt that Microsoft is now able to over charge the public with their newest operating systems. Windows XP is horribly over priced simply because they have created such a monopoly that people are afraid to sell other operating systems. Please do what is right for the American people, regardless of the current economic status it is your job to uphold the law and act in the interest of the American people. I ask you to re-evaluate your ruling and no longer act in fear of the economy, it can and WILL stand tall.

John K. Herndon

American tax paying citizen

MTC–00018704

From: Bart Reynolds
To: Microsoft ATR
Date: 1/23/02 5:20pm
Subject: Microsoft Settlement

We cannot trust that Microsoft will adhere to the proposed settlement, any more than they have adhered to past settlements. In five years we'll be right back where we are now, after a long expensive anti-trust trial, with multiple new victims of Microsoft's monopolistic abuses. A more agressive remedy is required to prevent further damage to the economy.

Sincerely,

Bart Reynolds

Principal Scientist

Triscend Corporation

MTC–00018705

From: Paulo Raffaelli
To: Microsoft ATR
Date: 1/23/02 5:28pm
Subject: Microsoft Settlement

To whom it may concern,

The proposed Microsoft settlement does too little to rein in the specific anti-competitive behaviors which Microsoft has engaged in in the past, and does not significantly erode the existing barriers to entry which Microsoft's software licences and end-user agreements impose on the developers and users who create and/or use software intended to run on PCs, whether or not those PCs are running a Microsoft operating system. The analysis at http://www.kegel.com/remedy outlines some of the more obvious problems and proposes solutions; I urge you to consider it in formulating a better, truly effective, settlement.

Paulo Raffaelli

Principal Software Engineer, ImagiWorks, Inc.

paulo@imagiworks.com

MTC–00018706

From: Jay Zach
To: Microsoft ATR
Date: 1/23/02 5:21pm
Subject: Microsoft Settlement

To whom it may concern,

I stand against the US gov't.s and states settlement with Microsoft as it now stands. I do not wish this anti-trust action to be settled in such a pro trust manner (a slap on the wrist , if that). Please continue the action against Microsoft.

James W. Zach II

908 Jefferson St.

Frankton, IN 46044

MTC–00018707

From: trinko
To: Microsoft ATR
Date: 1/23/02 5:22pm
Subject: Microsoft Settlement

As a computer professional,although my Ph.D. is in Physics, I find the proposed settlement completely unacceptable. While I could write a long treatise on the problems with Microsoft I think the basic problem can be summarized via one example. When a Texas based computer manufacturer wanted to put Netscape on the desktop instead of Internet Explorer—because that's what customers wanted—they were told by Microsoft that if they did so they couldn't include Windows with the computers. That's functionally equivalent to telling that company that they couldn't sell PCs anymore. This tactic and variants thereof allowed Microsoft to take over the browser market. The Microsoft business model is to use their OS monopoly to drive competitors out of business and then sell low quality, low security, intrusive products at high prices. No settlement that doesn't prevent this will benefit the American consumer.

I supported George Bushs campaign with my time and money because I believe in free markets. But free markets require competition. In the absence of competition some form of regulation is required. Microsoft has no competition and hence needs regulation. The only viable solution I can see is to break Microsoft up into at least two companies. One company can make huge profits selling the OS for 90% of the worlds computers while the other can make huge profits selling applications and services. The key problem with the current DOJ settlement is that it doesn't limit the ability of Microsoft to use it's OS monopoly to gain monopolies in other areas. The situation is similar to that which might occur if the local water supply company also sold washing machines. Now if that water supply company was nice everything would be fine. If it were run by Microsoft executives however it would not allow competitors washing machines access to water and after hounding by the DOJ it would allow access to water but only after the home owner went through a complex and time consuming procedure that required the skills of a professional plumber. Needless to say few consumers would go through the hassle and would instead buy the ''approved'' monopoly backed washer.

Microsoft has a proven track record of limited concern about ethics, security, consumer privacy, and product quality. The current DOJ settlement will allow Microsoft to continue to reduce consumer choice, increased consumer cost, and reduce consumer product quality because it doesn't prevent Microsoft from using its OS monopoly to establish monopolies in other areas. Microsoft has shown that it will try and circumvent any limited solution and will continue to strive to force out of business competitors. Only a dramatic severing of the OS from other Microsoft business units will force Microsoft to compete on the basis of the quality and cost of their products.

tom trinko Ph.D.

tom trinko http://members.aol.com/trinkos/basepage.html

trinko@pacbell.net

MTC–00018708

From: kim bruning
To: Microsoft ATR
Date: 1/23/02 5:18pm
Subject: Microsoft Settlement

Dear sir/madam,

I live in a small village called Wijk en Aalburg in the Netherlands. I am a software engineer, employed by a small computer company in Delft. Also, I study Biology in the city of Utrecht. I am not a United States citizen, so I'm not sure how you will regard what I have to say. If I only comment on what I see then perhaps my opinions might still be of some value. I hope you will be able to use them.

Others have commented on many aspects of the settlement. Much of the text seems reasonable. I see two minor points which might need some improvement.

Point 1: Under I.1. ''All terms, including royalties [...] reasonable and non-discriminatory.''

I would like to refer you to a discussion on RAND (Reasonable and non-Discriminatory) licensing as has been proposed for the world wide web consortium (The organization which sets standards for the world wide web). http://www.w3.org/TR/2001/WD-patent-policy-20010816/ Note especially objections made by some of the w3c contributors. To wit: rand is not non-discriminatory. It discriminates directly against Open Source and Free Software projects. These projects simply cannot use or pay for such RAND licensing due to their legal structure. The arguments that could be made here are very similar to those stated in the w3c discussion. Here are some arguments of my own: Royalty Free (RF) Licensing has been proposed as an alternative, and overcomes this weakness.

Why are Free Software and Open Source Software important? There are two arguments based on reason, and one is based on simple demonstration:

(1) The free software operating system Linux is considered by many to be a somewhat important competitor to Microsoft. It is distributed under the GNU general public licence (GPL) which is a distribution license. Allowing Microsoft to discriminate against such competitor would not be fair. It could also hardly be called non-discriminatory, of course.

reference: www.gnu.org

(2) As far as I know, original implementations of RFC 791 (Internet Protocol) and RFC 793 (Transmission Control Protocol) were released under the university of California's'' ''Berkeley Software Distribution'' License. This is a free software license. These 2 protocols form the heart of the current day Internet. The implementation was left Royalty Free, and hence all parties adopted it. Also, since the original source was open, all parties could learn from it, and the TCP/IP system was quickly adopted worldwide. This is very important.

references: IETF RFCs can be obtained from many sources. Here is one on the world wide web.: http://www.ibiblio.org/pub/docs/rfc/rfc791.txt http://www.ibiblio.org/pub/docs/rfc/rfc793.txt

(3) Quite simply put: The Simple Mail Transfer Protocol(RFC821) is royalty free, to the best of my knowledge. This protocol is used to transmit E-mail across the Internet. If it were not for SMTP, and if it were not for its royalty free status, I would not have been able to send this message. http://www.ibiblio.org/pub/docs/rfc/rfc821.txt

A possible solution to the shortcoming in I.1. (and similar problems with related points under I) would be to allow for Royalty Free licensing of at very least the data interchange formats used by Microsoft.

As an aside: Requiring Microsoft to submit their data formats (such as word and excel) to the International Standards Organization (ISO) might improve the situation further. Such standards organizations argue that good standardization has demonstrably improved economic gain, and stimulated competition between all parties concerned. I think that even Microsoft might actually gain from such an action in the long run. I see nothing wrong with this, because such gain would result from fair competition.

Reference: www.iso.org

Point 2: Under J it is said that Microsoft may not disclose information about security systems, and may set almost any requirement when sharing security information with a security vendor.

I am a programmer, not a certified computing security professional. However, I have learnt much from such security professionals. I will try to summarize their point of view as best as I can. Please don't hold any minor errors or omissions I make against me. For a more comprehensive discussion of security, you could try looking at the scientific literature on this subject. Obtaining advice from a Data Encryption Scientist might be somewhat rewarding.

Open knowledge of algorithms and methods is a requirement for truly strong security. This seems reasonable to me. After all, if one knows of a certain weakness, one can compensate for it and prevent people from exploiting it.

If a hostile element was to be the only person to know a weakness in a security system, then that person would certainly be able to exploit that weakness. Further, security systems which are put up for public review can quickly be assessed for potential weaknesses, and these weaknesses can be repaired. No such process can be used for systems which are kept secret. A second slight problem which some people have brought up is that there might be a weakness here. People might state ''security concerns'' as an excuse to sidestep what they are required to do under I in some situations. In fact this does not seem very hard to do from a technical perspective.

In short, section J on the whole might have some weaknesses. It might be a good idea to gain advice from one or more security experts (such as perhaps a professor teaching about data encryption, or people employed by a government security agency) to determine if this is indeed the case. hopefully this is of some use to you,

sincerely,

Kim Bruning,

Anjelierstraat 47,

4261 CK Wijk en Aalburg,

The Netherlands.

MTC–00018709

From: Kyle Wheeler
To: Microsoft ATR
Date: 1/23/02 5:22pm
Subject: Microsoft Settlement

The proposed Microsoft Settlement has got to be the worst conceivable idea possible. One wonders what exactly this proposed ''remedy'' is exactly supposed to do. Can you honestly believe that requiring Microsoft to give software and hardware to the one market that it has yet to make much headway in is a REMEDY for monopolistic practices? It is obvious this would merely give Microsoft a foothold and cement it's monopoly in yet another market.

Kyle Wheeler

MTC–00018710

From: Michael McLaughlin
To: Microsoft ATR
Date: 1/23/02 5:22pm
Subject: Microsoft Settlement

I believe that the proposed settlement is a bad idea. The following is a section by section diagnose of problems I found within the proposed settlement.

S III.A. Paragraph 1. The three conditions specified for which Microsoft cannot retaliate do not alot an OEM to ability to ship some of its computers with only a non-Microsoft Operating System. I feel that condition 2 should be amended to read: 2. shipping a Personal Computer that (a) includes both a Windows Operating System Product and a non-Microsoft Operating System, (b) will boot with more than one Operating System, or (c) includes only a non-Microsoft Operating System; or

S III.A. Paragraph 2. Should it so desire, Microsoft can easily terminate a Covered OEM's license in two months by finding 3 minute faults in the OEM's implementation of the license's requirements despite good faith efforts of the OEM to remain in bounds of the license.

S III.C. Paragraph 1 Condition 3. An OEM licensee should be free to have any software it deems beneficial to the user and the user's computing experience launch automatically regardless of the existence of a similar Microsoft product.

S III.D. Paragraph 1. The requirement that the APIs released be used for the sole purpose of interoperating with a Windows Operating System Product severely restricts the actions of those individuals and groups involved in allowing programs written for a Microsoft Operating System Product run on a non-Microsoft Operating System. These people will be opened up to potentially bankrupting litigation to ensure that their product(s) does(do) not come to market through the claim that they infringed on the terms laid out in this statement. The requirement that the APIs be used for the sole purpose of interoperating with a Windows Operating System Product restricts competition instead of enriching it. Additionally, Microsoft has begun to create products that are integrated with the operating system but are not the operating system. Examples of this are the Internet Explorer web browser and the Windows Media Player. These programs which are becoming essential through Microsoft's perserverance provide their own APIs which remain potentially uncovered by this clause due to their circumspect nature. This clause should be modified to include operating system components in addition to the operating system itself. Also, this clause specifies a Windows Operating System Product, whereas earlier portions specify Microsoft Operating System Products. This and subsequent clauses should be modified to use the term Microsoft Operating System Product in order to attain consistency and also to ensure that a new non-Windows operating system comes to market which could then technically continue with the behavior which this clause is seeking to remedy. Finally, the term Timely Manner at the end of this clause is potentially open to abuse. The definition of Timely Manner should be altered such that the time frame of release is better defined. The current definition seemingly relies on current Microsoft practices which are easily alterable to corrupt the intentions of this paragraph. This paragraph is seriously flawed in my opinion and will achieve none of its objectives due to the massive loopholes and inconsistent statements and naming conventions layed out above and continued in discussions further in this statement.

S III.E. Paragraph 1. This statement suffers from the same problem enumerated in the beginning of the above discussion of S III.D. Paragraph 1. The requirement of sole purpose once again opens individuals and groups up to potentially bankrupting law suits which would seek to silence them and prevent the release of products competing with Microsoft products.

S III.F. Paragraph I Condition 1. This entire condition is potentially inconsistent with and voided by other sections of this proposed settlement due to the conditions laid out above regarding S III.D. Paragraph 1 and S III.E. Paragraph 1. The requirement of APIs being released for the sole purpose of interoperating with a Windows Operating System Product means that an ISV developing a replacement for certain functionality in a Windows Operating System Product is open to coercion through lawsuits claiming they misappropriated the published APIs regardless of whether ISV determined the APIs through their own efforts. Microsoft would not technically be retaliating for the ISV or IHV breaking any of these conditions but rather for them misappropriating the information Microsoft published and therefore would effectively entirely circumvent the purpose of this clause.

S III.F. Paragraph 1 Condition 2. This entire condition is subject to the same potential problems and flaws laid out regarding S III.F. Paragraph I Condition 1.

S III.H. Paragraph 2 Condition 1. This condition allowing a Windows Operating System Product to invoke a Microsoft Middleware Product to connect to a Microsoft maintained server fails to take into account Microsoft's current .NET business plan in which computers will continually be accessing Microsoft maintained servers in order to undergo their normal operation. Not

allowing specifically for OEMs to override this ability by setting a non-Microsoft Middleware Product with similar functionality the ability to be launched instead of the Microsoft Middleware Product in essence grants license to Microsoft to continue the undesirable practices sought to be remedied here by way of new technology. Microsoft should be required to allow non-Microsoft Middleware Products with similar functionality to be launched instead of Microsoft Middleware Products at the sole discretion of the OEM or the end user to connect to Microsoft maintained servers.

S III.H. Paragraph 4 Condition 5. The word ''it'' in the following except, ''a license to any intellectual property rights it may have,'' is ambiguous and therefore makes this section incomprehensible and open to interpretation which could lead to undesirable consequences.

S III.H. Paragraph 5. This paragraph potentially eliminates any requirements laid out in S III.D. Paragraph 1, S III.E. Paragraph 1, and other sections due to Microsoft's potential ability to claim that its APIs are part of its intellectual property. This grants entirely too much freedom of interpretation to Microsoft and if this paragraph is necessary to this potential remedy, it should be rewritten to take into account all of the proposals set forth in this document.

S III.J. Paragraph 1 Condition 1. Microsoft is allowed far too much freedom of interpretation by this condition. Determining what should not be released due to security restrictions should be lodged in the hands of an independent body that does not answer to Microsoft in order to ensure that everything required to be released to ISVs, IHVs, IAPs, ICPs, OEMs, and others is released. The potential for Microsoft to deem that something which it is valuable for it to retain sole access to is a potential security compromise is too great to be ignored.

S III.J. Paragraph 1 Condition 2. Microsoft is, again, allowed too much freedom of interpretation by this condition. Competitors can easily be excluded by any one of these conditions at Microsoft's sole discretion. Verification that a person or entity applying for access to any API, Documentation, or Communication Protocol that is determined to be kept secret due to security concerns should rest with an independent body due to the potential for abuse of power.

S IV.B.2.a. The time period of one year should be lengthened to two years in order to better ensure that a TC member is completely free of any allegiances. S V.B. The one-time extension of two years should either be lengthened to five years or else the extensions should be allowed to be indefinite. This section currently fails to exhibit the seriousness of the nature of Microsoft acting to breach this agreement. The naming and formatting conventions used in the proposed settlement lack uniformity, which weakens the document as a whole. I strongly disagree that this proposed settlement is enough to keep Microsoft from engaging in anti-competitive behavior. I believe that monetary damages should be imposed in addition to a corrected version of this document (as I have outlined above).

Thank you for your time.

Michael McLaughlin
9 Heaton Lane
Wappingers Falls, NY 12590–6003

MTC–00018711

From: John K. Hohm
To: Microsoft ATR
Date: 1/23/02 4:29pm
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea. It fails to prohibit Microsoft from much of the illegal behavior it has been found guilty of.

MTC–00018712

From: Drew Wright
To: Microsoft ATR
Date: 1/23/02 4:08pm
Subject: Microsoft Settlement

I am writing to register my objection to the proposed Microsoft settlement. I do not believe the current proposal serves the interests of promoting competition or remedying the impact on the American consumer.

Specifically, I believe the current proposal will stifle competition by giving Microsoft a leg-up on competitors under the guise of a settlement. Permitting Microsoft to settle the matter by delivering Microsoft products to school systems, which traditionally tend to favor other vendors (e.g., Apple), would be tantamount to state-sponsorship of the extension of Mcirosoft's monopoly. Instead, Microsoft should be required to make payment in cash, and then permit the school systems to direct the use of these funds in the (hopefully technical) areas of its choosing.

Futhermore, I believe the amount of the settlement is grossly inadequate to remove the incentive for Microsoft to continue its practices. I believe Microsoft will treat the settlement as a ''cost of doing business'', much as any other ''administrative overhead''. Finally, I believe the settlement should include requirements for Microsoft to provide open access to interfaces between its products, and to provide an unbundled version of Windows (no Internet Explorer, no Windows Media Player, etc.). These actions are needed to afford competitive products, including open source alternatives, with an environment in which they can compete on a level playing field with a competitor which controls the incumbent desktop operating system technology. Without true, timely and open access to interoperability information, the barriers of entry for alternative commercial and open source products will be too high to overcome the leverage held through its desktop operating system monopoly. To truly avoid a recurrence of past practices, an oversight committee of some sort is truly needed.

Your attention to this matter is greatly appreciated.

Sincerely
Andrew (''Drew'') Wright

MTC–00018713

From: Carlson, Christopher W.
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 5:20pm
Subject: Microsoft Settlement

Sirs:

I am writing to register my disapproval of the proposed Microsoft settlement. It in no way properly addresses the amount of damage caused to the software and computer industry by Microsoft over the years and, as that company's continued blatant anticompetitive behavior illustrates, does not serve to restrict any further violations of antitrust law.

If Microsoft is not regulated in some meaningful way, the market will never become competitive again. In the absence of an environment which allows (much less fostors) effective competition, consumers will continue to suffer and potential competitors will continue to suffer. Furthermore, if heretofore unknown problems within Microsoft were to destroy that company after it had erased competition, the impact on our economy would be devastating.

Please do not allow the Settlement to pass as is. It is insufficient, ineffective, and an insult to everybody who has been affected in an adverse way by Microsoft's immoral and illegal business practices.

Thank you.

Signed,

Christopher W. Carlson

My opinion does not necessarily reflect that of my employer.

MTC–00018714

From: Robert A Nesius
To: Microsoft ATR
Date: 1/23/02 5:23pm
Subject: Microsoft Settlement

To whom it may concern,

I'm writing to express my disappointment with the proposed Microsoft Settlement currently under consideration. There are many reasons for this, which will be well documented in the formal, open letters I've seen submitted for consideration. The final analysis leads one to conlude that really these proposed remedies will not substantively change Microsoft's behavior and business practices in any such way as to mitigate the effects of these behaviors in the future.

Moreover, there is no consequence or penalty for Microsoft's proven wrong doings beyond an attempt to modify Microsoft's future behaviors.

I strongly urge this settlement proposition be denied.

Sincerely,
Robert Nesius
5528 SW BVTN-HLSDL Hwy #C
Portland, OR 97221
Robert Nesius
rnesius@ichips.intel.com
503.712.2181
DPG Engineering Computing SW Applications Team

MTC–00018715

From: Dave Pifke
To: Microsoft ATR
Date: 1/23/02 5:22pm
Subject: Microsoft Settlement

To Whom it May Concern:

I am pleased to have this opportunity to comment on the proposed Microsoft settlement.

I do not support the settlement in its current form. I believe the remedies included in the settlement are woefully inadequate to protect the public from further abuses of

Microsoft's monopoly position. An effective settlement needs to include much farther reaching limits on Microsoft's behavior and punishment for its previous anti-competitive practices.

Please reject the settlement as it now stands.

Sincerely,
Dave Pifke
2574 Chestnut Street #2
San Francisco, Ca. 94123
(415) 902–8317

MTC–00018716

From: Ian Flanigan
To: Microsoft ATR
Date: 1/23/02 4:00pm
Subject: Microsoft Settlement

I am OPPOSED to the Microsoft Settlement. I believe that the Microsoft Settlement is a bad, bad idea. It fails to hold Microsoft accountable for its illegal use of its operating system monopoly in promoting its own products while crushing its competition.

Thank you for your time.
Ian Flanigan
Software Developer
Portland, Oregon

MTC–00018717

From: Brad.Elmore@zcsterling.com@inetgw
To: Microsoft ATR
Date: 1/23/02 5:23pm
Subject: Microsoft Settlement

Speaking as someone with 15 years experience with Unix, the current proposed Microsoft settlement does nothing to help undo the mess of the computer industry that Microsoft has made. The states that are holding out have the right idea. Listen to them.

Brad Elmore
(not speaking for his employer in any fashion)

MTC–00018718

From: Deric Stowell
To: Microsoft ATR
Date: 1/23/02 5:25pm
Subject: Microsoft Settlement

I DON'T AGREE
Thanks,
Deric Stowell—
Digital Paradise
<http://www.digitalparadise.info/>

MTC–00018719

From: Colleen Ford
To: Microsoft ATR
Date: 1/23/02 5:23pm
Subject: Microsoft Settlement

Hello,

I would just like to offer my opinion as a part of the Tunney Act in regards to the U.S.—Microsoft antitrust trial. I believe that the proposed settlement is not sufficient for solving the problem and that it will only cause more problems in the future. I believe that a new settlement needs to be made that will actually solve the problem of Microsoft's monopoly. Thank you.

Andy Ford

MTC–00018720

From: rust@paintlab.com@inetgw
To: Microsoft ATR
Date: 1/23/02 5:24pm
Subject: Microsoft Settlement

I find the proposed Microsoft settlement ludicrous. How does one rectify a predatory monopoly which has leveraged and crushed its way into more and more markets/segements by giving them leverage into yet another market? Microsoft is traditionally weak in the Education market. <insert sarcasm > Wow, they're willing to leverage into it as a ''settlement'' of antitrust litigation. <end sarcasm> Ha!

How about forcing a reasonable EULA, forcing the offering of Windows without Explorer, and making them liable for security holes and glitches — other consumer companies cannot get away with selling a defective product.

Tom Schwerdt
Rust@paintlab.com

MTC–00018721

From: Girard Jergensen
To: Microsoft ATR
Date: 1/23/02 5:25pm
Subject: Microsoft Settlement

I agree with and have asked to cosign Dan Kegel's remarks, this proposed settlement is lacking. See his page http://www.kegel.com/remedy/letter.html.

MTC–00018722

From: Chris Woodard
To: Microsoft ATR
Date: 1/23/02 5:25pm
Subject: Microsoft Settlement

To whom it may concern:

The settlement that the Department of Justice reached with Microsoft is totally inadequate. Microsoft is a predatory monopoly that has repeatedly broken the law, and the settlement makes it look like the Justice Department caved in and threw a fight that the government had already won. If this settlement goes through, then the only lesson that Microsoft will have learned is that it doesn't have to follow the same rules, laws, and moral standards that the rest of us do, and that would be a sad thing to have to explain to our children.

The U.S. government already looks like a patsy for big corporate interests with all the juice and help that Enron was getting for its money. Do we really want to suck up to Microsoft as well?

http://www.billparish.com/20011128msftupdate.html

MTC–00018723

From: Reid Conti
To: Microsoft ATR
Date: 1/23/02 5:26pm
Subject: Microsoft Settlement

I do not understand why Microsoft should be allowed to retaliate against OEMs that refuse to sell bundle Microsoft software on the computers they sell. Isn't this the definition of illegal use of monopoly power? The proposed settlement about Microsoft is little more than a slap on the wrist.

Reid Conti
15651 SE 43rd St.
Bellevue, WA 98006–4501

MTC–00018724

From: Bill Byrom
To: Microsoft ATR
Date: 1/23/02 5:28pm
Subject: Microsoft Settlement

I am opposed to settlement as written.

MTC–00018725

From: jack herndon
To: Microsoft ATR
Date: 1/23/02 5:27pm
Subject: Microsoft Settlement

Microsoft's illegal threats to cut off contracts if a company offers other types of operating systems is a direct violation of anti-trust laws. Just because the threats have silenced many companies is no reason to throw out the evidence of such events. Because Microsoft's threats hindered the selling of other people's products it is without a doubt that Microsoft is now able to over charge the public with their newest operating systems. Windows XP is horribly over priced simply because they have created such a monopoly that people are afraid to sell other operating systems. Please do what is right for the American people, regardless of the current economic status it is your job to uphold the law and act in the interest of the American people. I ask you to re-evaluate your ruling and no longer act in fear of the economy, it can and WILL stand tall.

John K. Herndon
American tax paying citizen

MTC–00018726

From: Oliver Langan
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 5:28pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the Microsoft settlement. Specifically, I believe it fails to penalize Microsoft for past illegal behavior, and therefore does nothing to restore any sense of balance to the marketplace.

Microsoft has already gained dominance in the marketplace, and altering its behavior now (while necessary) does nothing whatsoever to address these past transgressions. While I beleive it would be difficult to appoint restitution to specific companies in a case like this, a large penalty paid to the government would address the specific heart of the matter: microsoft would not be allowed to keep its ill-gotten gains.

oliver langan
olangan@askjeeves.com

MTC–00018727

From: Todd Kadrie
To: Microsoft ATR
Date: 1/23/02 5:27pm
Subject: Microsoft Settlement

As a Network Administrator with 15 years of experience supporting software which runs on Microsoft, Netware and Linux operating systems, I'd like to offer my comments related to the Proposed Final Judgment in United States v. Microsoft.

The proposed final judgement does not address what I view as some of the issues that most directly have impacted both the companies that I have worked for and myself personally and professionally. A specific

example of a clearly illegal practice which would be allowed to continue unchecked is covered in Section III.A.2. of the Proposed Final Judgement. This portion of the PFJ effectively allows Microsoft to retaliate against OEM's that choose to ship computers with free or inexpensive alternative operating system like Linux or BeOS, even when they include no Microsoft OS at all. The growth and wide-spread ability of alternative Operating Systems like Linux and BeOS operating systems have been severely hampered by Microsoft's exclusionary aggreements with OEM's.

From my own experience, I have no interest or need to buy a computer with a copy of any version of Microsoft Windows pre-installed, but under Microsoft's exclusionary contracts, I have had to buy all of my computers with a Microsoft OS bundled at an additional fee, and then had to go to the trouble of removing the Microsoft OS and then installing a prefered alternative like Linux or BeOS.

In addition the enforcement of the provisions of the PFJ clearly lack real enforcement power or ''teeth''. Instead of leaving enforcement to the legal system, with it's clear lack of understanding of technical details or real implementation, a much more effective and suitable solution would be the establishment of a Technical Committee with investigative powers and the ability to enforce it's findings.

Considering these and other problems, it is my contention that the Proposed Final Judgment not only allows but encourages anticompetitive practices to continue, and actively delays the growth and wide-spread adoption of competing operating systems. Therefore, the Proposed Final Judgment is not in the public interest, and should not be adopted in it's current form.

Thank you,
Todd S. Kadrie
1690 Hwy 36 W.
St. Paul, MN 55113

MTC–00018728

From: James Marca
To: Microsoft ATR
Date: 1/23/02 5:26pm
Subject: Microsoft Settlement

Hi,

My name is James Marca. I am a graduate student in Civil Engineering at UC Irvine. I object on many points to the propose Microsoft Settlement, and as a citizen of the State of California, I am quite happy that my State Attorney General is one of those pushing for a stronger settlement. In short, I believe the federal government caved. I believe that the Republican party has been swayed by the money, as well as its traditional sweet spot for big business. Unfortunately, the Enron debacle demonstrates vividly that the free market and self-regulation is not good enough at stemming the worst excesses of corporate greed. Allow me to digress slightly.

Microsoft is an aggressive, smart company, who are quite capable of crushing competition in all forms. When Netscape came out with their Navigator browser and the WWW was essentially brand new, I was working in Boston at a consulting firm. When we finally got Internet access at our desks, it was a revelation. My friend and I had a long running email exchange about what this new medium meant. I remembered Marshall McLuhan's book, The Medium is the Massage, which I had read as an undergraduate when I was working on my senior (engineering!) thesis. For several months I read that random pages from that book, and thought about how McLuhan was really describing the Internet, not electricity and television. I proposed to my friend (a programmer in Palo Alto) that we should leverage hypertext to create a browsing platform, not just for display, as Netscape was doing, but for running programs like spreadsheets and word processors. My friend wrote back saying forget it, Netscape was already pushing that front, and they had a huge head start.

At the time, I was sick and tired of Windows applications crashing. The thought of an alternative operating system was really appealing to me, as my company had just converted to MS Office, disallowing the use of Lotus and WordPerfect in the name of corporate standardization. Right before I went back to graduate school, I was working on a document with our publication department in which many spreadsheet figures were embedded in an MS Word document. That sucker crashed if you made two changes. So to proof-read the document, edit the WYSIWYG elements, and so on, we had to open it up, make one change, save, close, reopen, change, save, close, and so on. When I got back to grad school, I found LaTeX, then later Linux, and I no longer use Microsoft products. (YAY!)

I told you that story so I could tell you this one. I am not a lawyer, and I cannot decipher many of the details of the proposed settlement. Therefore, I have read through many of the comments that are available on the Internet. One of the best is by Robert Cringely, available at: http://www.pbs.org/cringely/pulpit/pulpit20011206.html If I may, I'd like to quote from that document, starting with the seventh paragraph:

Here is what I mean. The remedies in the Proposed Final Judgment specifically protect companies in commerce—organizations in business for profit. On the surface, that makes sense because Microsoft was found guilty of monopolistic activities against ''competing'' commercial software vendors like Netscape, and other commercial vendors—computer vendors like Compaq, for example. The Department of Justice is used to working in this kind of economic world, and has done a fair job of crafting a remedy that will rein in Microsoft without causing undue harm to the rest of the commercial portion of the industry. But Microsoft's greatest single threat on the operating system front comes from Linux—a non-commercial product—and it faces a growing threat on the applications front from Open Source and freeware applications. The biggest competitor to Microsoft Internet Information Server is Apache, which comes from the Apache Foundation, a not-for-profit. Apache practically rules the Net, along with Sendmail, and Perl, both of which also come from non-profits. Yet not-for-profit organizations have no rights at all under the proposed settlement. It is as though they don't even exist.

I would add that the biggest competitor to Microsoft Word, in the academic market, is LaTeX and TeX, a public domain text layout system. Again, free software.

Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ... '' So much for Samba and other Open Source projects that use Microsoft calls. The settlement gives Microsoft the right to effectively kill these products.

Section III(D) takes this disturbing trend even further. It deals with disclosure of information regarding the APIs for incorporating non-Microsoft ''middleware.'' In this section, Microsoft discloses to Independent Software Vendors (ISVs), Independent Hardware Vendors (IHVs), Internet Access Providers (IAPs), Internet Content Providers (ICPs), and Original Equipment Manufacturers (OEMs) the information needed to inter-operate with Windows at this level. Yet, when we look in the footnotes at the legal definitions for these outfits, we find the definitions specify commercial concerns only.

But wait, there's more! Under this deal, the government is shut out, too. NASA, the national laboratories, the military, the National Institute of Standards and Technology—even the Department of Justice itself—have no rights. It is a good thing Afghanistan is such a low-tech adversary and that B-52s don't run Windows.

I know, I know. The government buys commercial software and uses contractors who make profits. Open Source software is sold for profit by outfits like Red Hat. It is easy to argue that I am being a bit shrill here. But I know the way Microsoft thinks. They probably saw this one coming months ago and have been falling all over themselves hoping to get it through. If this language gets through, MICROSOFT WILL FIND A WAY TO TAKE ADVANTAGE OF IT.

My fear is that one day I will buy a computer whose motherboard BIOS requires me to run Microsoft's latest subscription-based operating system, which will in turn only allow me to run Microsoft's subscription-based office suite, and Microsoft's subscription-based compiler will be the only one that can take advantage of Microsoft's proprietary windows API. Paranoid, perhaps. But this laptop that I am typing on came with Windows ME. Only Windows ME. I loaded up Slackware Linux 8.0 immediately, and had no problems, and yet Sony was unable to sell me this laptop without Windows ME, due to licensing restrictions from Microsoft. The only laptops I could find with Linux on them were very expensive models from IBM—-out of my budget. So I was *forced* to pay Microsoft for a copy of windows that I *do not* use. I had no recourse, other than not buying the laptop.

Back to applications and APIs. There is no way to take a LaTeX document and save it as a Word document, since there is no public documentation of the Word file format, and reverse engineering that format might be illegal illegal (if I understand the restrictions of the DMCA properly). So if I want to work with co-workers on a document, I am forced to save as RTF, or rich text format. Luckily the good folks at AbiWord and OpenOffice have developed utilities to read Word documents and convert them into editable text. But there is no reverse, save as Word option.

There is nothing in this settlement that will make my situation easier, and plenty that will make it worse. At home I am going to set up a Samba file server and printer gateway, so that my wife and I can both use the new printer without switching cables and so on. Samba has been in danger from Microsoft for some time. About a year ago, Microsoft engaged in some textbook embrace-and-extend (the same way they snatched html from Netscape) with the Kerberos authentication system, thus forcing the Samba guys to play catch-up with Windows 2000. I can't find details on that situation, but I did find this older Samba document, from the Samba.org website:

The Future Windows 2000 looms on the horizon like a lazy animal peeking its head over the edge of its burrow while trying to decide whether or not to come out. No one is exactly sure about the kind of animal it will be when it does appear, but folks are fairly certain that it will have teeth. Because of their dominance on the desktop, Microsoft gets to decide how CIFS will grow. Windows 2000, like previous major operating system releases, will give us a whole new critter to study. Based on the beta copies and the things that Microsoft has said, here are some things to watch for:

CIFS Without NetBIOS. Microsoft will attempt to decouple CIFS and NetBIOS. NetBIOS won't go away, mind you, but it won't be required for CIFS networking either. Instead, the SMB protocol will be carried natively over TCP/IP. Name lookups will occur via the DNS.

Dynamic DNS Microsoft will implement Dynamic DNS, a still-evolving system designed by the IETF (Internet Engineering Task Force). Dynamic DNS allows names to be added to a DNS server on-the-fly.

Kerberos V Microsoft has plans to use Kerberos V. The Microsoft K5 tickets are supposed to contain a Privilege Attribute Certificate (PAC), which will include user and group ID information from the Active Directory. Servers will be looking for this PAC when they grant access to the services that they provide. Thus, Kerberos may be used for both authentication and authorization. Active Directory The Active Directory appears to be at the heart of Windows 2000 networking. It is likely that legacy NetBIOS services will register their names in the Active Directory.

Hierarchical NT Domains Instead of isolated Domain Controllers, the NT Domain system will become hierarchical. The naming system will change to one that is remarkably similar to that of the DNS.

Whatever the next Windows animal looks like, it will be Samba's job to help it get along with its peers in the diverse world of the Internet.

And of course, Microsoft's job is to try to kill the Samba effort, so that they can sell more licenses to software.

I fail to see how the proposed settlement addresses Microsoft extending its monopoly to the Internet, which is dominated by free software at the moment, nor how it addresses the attempts by Microsoft to preserve its dominance of the desktop market, where the only credible alternative is Linux and programs written for Linux. In tact, the settlement appears to allow Microsoft at best to ignore and at worst actively litigate against (for reverse engineering, etc) its largest potential competitor—-free software.

You have not required MS to open up their APIs to all comers, only to commercial entities. Open source projects, on the other hand, open their source to all comers, Microsft included. So Microsoft (or any commercial company) can look at the Apache code, the Samba code, and so on, and take the best features that they see.

You may think this is silly, that commercial companies have better code than free software advocates, and so on. But consider this interview with Donald Knuth, inventor and programmer of TeX, from http://www.advogato.org/article/28.html

Q: I noticed, for example, that in the proprietary software market for publishing, that systems are only today acquiring features that have existed in TeX for a long time, for example whole-paragraph optimization. There's a big to-do about Adobe InDesign, which finally...

A: They finally implemented the TeX algorithm.

Q: Did they implement the TeX algorithm?

A: Yeah, that's what they said.

Q: Did you talk to the people?

A: I met three of four of them at the ATYPI meeting in Boston in October, but that was after I had heard about it, that some friends had found this in the documentation.

The fertile development environment envisioned by free software pioneers such as Richard Stallman and Eric Raymond is happening in the open source world. I have often opened up perl and C++ source code to learn about better ways to do things in my own code, and when I take snippets I credit the source, and make sure that my own code is at least as open (GPL2 or Artistic licenses being my personal favorites). But the transfer of ideas and techniques appears to be a one-way street from the free software world to the proprietary software world. Companies like Microsoft take. And then in the settlement they don't even have to open up their APIs to free software programmers! APIs are NOT code. They are just hooks into compiled code. So I can't see the crappy or excellent source code with an API, I just get to see the advertised *capabilities* of compiled code. And yet Microsoft does not have to share this with me, because I am not a viable commercial entity.

Why does this matter? Because I am the future of this country, as is my office mate, my advisor, undergraduates I work with, and as is my 18 month old daughter. I share my knowledge with these people, and I encourage them to learn and share back.

I am developing a peer-to-peer traffic information and control system which I hope will be open to all. I call it the Autonet. I pride myself on the idea that it may become ubiquitous, and so I wrote the term and the ideas in my notebook last year. But otherwise I have made no effort to hide my ideas, because I feel what I am doing will be best served if everybody has a hand in it—-many hands make light work, but also many eyes can watch big brother. But my system has to run on Linux. I dare not base any of my code on Microsoft tools and APIs, because they can pull the rug out from under me at any time. I am not a commercial entity, but I am an academic, and a programmer of modest expertise. I can develop useful tools and products, and I will do so for Linux. However, who will use my code if MS kills Linux, if it becomes illegal to reverse engineer APIs, if Lindows is crushed and prevented from marketing a Linux within Windows setup (or whatever it is they've got going over there). And when computers are plonked in cars (they are beginning to pop up now), you can bet that MS will try to get all of them to run Windows. If my ideas are the best thing going, they will steal my ideas and release a featureful extension of my APIs, and they can legally withhold their extensions to my API from me! Of course, that is a far off and improbable future, but you proposed settlement is weighing heavily in my mind. Why should I bother with this innovation, if it will get extended and stolen by Microsoft? Why should anyone try to break the rules, if the legal rules are written and enforced to the advantage of the entrenched monopolies?

I do hope you back out of this embarrassing sell-out of a settlement. Failing that, I hope that my attorney general is able to get a much stronger settlement in effect for California residents.

Thank you for your time on this rambling letter.

James Marca
2925 Redwood Avenue
Costa Mesa, CA 92622
jmarca@translab.its.uci.edu

ps, as I am about to mail this off, I did one more search on Google for the Samba stuff I remember. Here is one link of many that turned up in my search (type Kerberos Samba embrace extend)

http://techupdate.zdnet.com/techupdate/stories/main/0,14179,2582875,00.html

The article points out that Microsoft did nothing legally wrong, since they exploited a hole in the BSD-style license. But there is the smoking gun of trying to kill Samba by taking and not giving back.

james

MTC–00018729

From: Nicholas S. Rubenstein
To: Microsoft ATR
Date: 1/23/02 5:29pm
Subject: Microsoft Settlement

This settlement is a sham.

A settlement like this tells me that the government should never have sued in the first place. This has been a complete waste of money. The whole point of the anti-trust lawsuit was to force Microsoft to alter its behavior. Now, it has a carte blanche from the government to do just about whatever it pleases.

This is SHAMEFUL.
Nicholas S. Rubenstein

MTC–00018730

From: Gee, Chris
To: Microsoft ATR
Date: 1/23/02 5:28pm
Subject: Microsoft Settlement

I am writing to express my concern that the Proposed Final Judgement is ineffective, allows anti-competitive practices to continue, is excessively vague or overnarrow and should NOT be adopted without substantial revisions to address the following problems:

The PFJ doesn't take into account Windows-compatible competing operating systems

The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

The PFJ as currently written appears to lack an effective enforcement mechanism. Details of which are at: http://www.kegel.com/remedy/remedy2.html I am also indicating that I will be a co-signer of Dan Kegel's Comments

Thank you for your time and attention,
Christopher W. Gee

MTC–00018731

From: Devon
To: Microsoft ATR
Date: 1/23/02 5:26pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I think the proposed settlement is bad idea, especially because of the requirements for Microsoft to release API documentation too late to help ISVs.

Section III.D. of the PFJ requires Microsoft to release via MSDN or similar means the documentation for the APIs used by Microsoft Middleware Products to interoperate with Windows; release would be required at the time of the final beta test of the covered middleware, and whenever a new version of Windows is sent to 150,000 beta testers. But this information would almost certainly not be released in time for competing middleware vendors to adapt their products to meet the requirements of section III.H.3, which states that competing middleware can be locked out if it fails to meet unspecified technical requirements seven months before the final beta test of a new version of Windows.

I do not support the Settlement as it currently reads.

Devon McDaniel
1320 W. Huron #1
Ann Arbor, MI 48103
mcdani20@msu.edu

MTC–00018732

From: Zakir Sahul
To: Microsoft ATR
Date: 1/23/02 5:28pm
Subject: Microsoft Settlement

I am writing to voice my opposition to the proposed final judgement in the Microsoft anti-trust case. The judgement is just a hoop that Microsoft can easily jump through and continue it's predatory monopolistic policies. This has cost consumers enormously and will continue to do so in the future. It also will continue to slow the pace of innovation in technology.

Please reconsider the government's decision to settle. Thank you,

Sincerely,
Zakir H. Sahul
4914 25th Ave NW
Rochester MN 55901
email: zak—sahul@yahoo.com

MTC–00018733

From: austin
To: Microsoft ATR
Date: 1/23/02 5:26pm
Subject: Microsoft Settlement

OPEN UP THE API's—that's the only settlement that will give any competitor any kind of footing agiasnt the microsoft monopoly. Everything else is just a joke to microsoft.

MTC–00018734

From: Jerry Tompkins
To: Microsoft ATR
Date: 1/23/02 5:54pm
Subject: Microsoft Settlement

It is patently absurd and morally abhorrent that Microsoft should get off with the inane settlement agreed to by the DOJ. What do I tell my kids and grandkids? It1s morally OK if you1re a huge corporation to get away with numerous activities which are morally wrong? I1m a registered Republican and consider myself a conservative. I have always been supportive of free enterprise in business.

But Microsoft1s actions have nothing whatsoever to do with the conduct of a business in a free enterprise system. They have strangled an industry which is at the heart and soul of our nation1s economy. They are demonstrating they can not only squash competition but even step on our government as if it were some irritating bug and nothing more.

Anyone with an IQ of 90 and enough sense to avoid voting for Liberal Democrats knows what an evil empire Microsoft truly is.

Disgusted.
Jerry W. Tompkins
2835 S.W. Prairie Rd. #39
Topeka, KS 66614
jwt@cjnetworks.com

MTC–00018735

From: Bill Thompson
To: Microsoft ATR
Date: 1/23/02 5:28pm
Subject: Microsoft Settlement

To whom it may concern,

I am writing to express my displeasure of the proposed Microsoft settlement as allowed by the Tunney Act. I have been a computer professional for over 10 years and I have witnessed first hand the rise of the Microsoft monopoly and the damage it has caused to the computer industry. I feel that the settlement as it stands now does not go far enough to redress this damage. The definitions of ''API'' and ''middleware'' as detailed in the settlement, are so narrow that they become meaningless in todays computer market. Also, by allowing Microsoft to set the terms for licensing it's API to developers, the settlement allows them to lock-out many Open Source and Freeware developers who would be working on projects in a non-profit manner.

I hope that the Department of Justice will re-examine this settlement and come up with a better solution that truly opens the computer industry up for healthy competition.

Bill Thompson
Seattle, WA USA
BillT@Mahagonny.com

MTC–00018736

From: Daniel Binkard
To: Microsoft ATR
Date: 1/23/02 5:26pm
Subject: Microsoft Settlement

I'd like to give my opinion on the proposed settlement with Microsoft: It's a bad idea, and, in my opinion, allows the company to continue with it's monopoly. A tighter settlement should be used. It's time for the government to show its teeth to Microsoft.

Cheers,
Daniel Binkard

MTC–00018737

From: Paul Beriswill
To: Microsoft ATR
Date: 1/23/02 5:30pm
Subject: Microsoft Settlement

I just wanted to add my input on the weak settlement in the Microsoft Anti-trust case. Allowing such a weak remedy for the blatant violations of this monopolistic tyranny provides one more proof of the general consensus that you get only as much justice as you can afford to buy! As you are probably aware, since the settlement offer Microsoft has been aggressively persuing their aggression in new areas.

I urge you to reject the settlement offered as not in the public interest. Any remedy should sting at least to the extent that the perpetrators are able to gauge the pain that they have inflicted on others.

MTC–00018738

From: Phil Smith
To: Microsoft ATR
Date: 1/23/02 5:31pm
Subject: Microsoft Settlement

In my opinion, the entire issue regarding the settlement is unjust, un-American, and undue. Microsoft saying that Microsoft acted in an anticompetitive manner is similar to saying that Ford, GM, and Chrysler act in an anticompetitive manner towards RCA, and Motorola when it comes to installing radios in their cars. The browser is a part of an operating system much the same way that a radio is these days a part of a car yet I do not see any antitrust law suits being served to ''the big three''.

Also, the real reason why Netscape lost to Microsoft had nothing to do with co-mingling

code or bundling a product that should be free to begin with. It had everything to do with smart marketing and strong business partnerships. That's not anticompetitive, that's intelligent business. On the whole, the damages due to Netscape should amount to the total salaries of its CEOs, CTOs, and board members for allowing such gross negligence and bad business tactics to go on without proper remedy. The entity responsible for Netscape's demise is none other than the people who failed to run their business properly.

I have always believed that it is not the place of the American Government to prop up dying business—Certainly, our President will have a lot to answer for if it ever comes to light that he helped to support Enron during it's fall. Or perhaps Enron should simply start suing all those other power utility providers? With much disgust for the entirety of the 2-year debacle that is nothing more than a repeat of the antitrust case regarding Windows 95/98, I sign this letter in protest to the state's settlement as it stands. Further I will say that destroying Microsoft is of no help to our economy, or to the computer industry. If the legal system must pick an entity to pick on, I say go after AOL-Time-Warner.

Phil Smith
705 West Stoughton #2
Urbana Il, 61801
(pesmith@uiuc.edu)

MTC–00018739

From: Rob Salzman
To: Microsoft ATR
Date: 1/23/02 5:30pm
Subject: Microsoft Settlement

I oppose this settlement. The remedy is a continued license to steal.

MTC–00018740

From: Frye, Ramsey
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 5:25pm
Subject: Microsoft Settlement

The proposed settlement falls far short of punishing Microsoft for their past transgressions and does nothing to prevent them from continuing the same practices that got them in trouble in the first place. If a tougher settlement isn't decided on, then I'm sure you will be back in another 5–10 years to slap Microsoft's wrist once again. I realize that someday a company will be allowed to get so powerful that even the government will be afraid of them, but please don't let Microsoft be that company.

Thank you for giving me this opportunity to tell you how I don't like the proposed settlement with Microsoft.

Sincerely yours,
Ramsey Frye
Apt 163
214 Old Hickory Blvd
Nashville, TN 37221

MTC–00018741

From: Scott Fohey
To: Microsoft ATR
Date: 1/23/02 6:33pm
Subject: Microsoft Settlement

Microsoft deserves to be seriously sanctioned, and you seem to be rolling over and playing dead in the face of a convicted monopolist who's business practices continue to be suspect. Why are you letting them off? M'soft doesn't deserve protection. The public needs protection from them. You offer only the former.

Scott Fohey

MTC–00018742

From: Doug Kingston
To: Microsoft ATR
Date: 1/23/02 5:26pm
Subject: Microsoft Settlement

The practices used by microsoft in this case and others cannot be tolerated. The settlement as currently proposed is too lenient and represents a slap on the wrist to one of the most powerful corporations on the face of the earth. Its wealth is vast and its power to control the direction of both hardware and software vendors is unhealthy and illegal because is unfairly uses the monopoly it has on the desktop to control others and dictate unfair and restrictive business practices on companies that have no other choice but to use or sell Microsoft products.

Please reconsider the proposed settlement as several states have requested and propose a real penalty on this guilty party.

Douglas Kingston
U.S. Citizen
London, U.K.

MTC–00018743

From: Mark T. Stapleton
To: Microsoft ATR
Date: 1/23/02 5:29pm
Subject: Microsoft Settlement

As an engineer with many years of experience using Microsoft's operating systems, from DOS forward to Windows 2000, and many years of experience using and utilizing resources on the Internet, I am strongly opposed to what I consider to be a weak and toothless settlement between the DOJ and Microsoft Corporation.

It is clear that Microsoft has violated basic business ethics, as well as the letter of the Sherman Antitrust Act, and that it's continued unregulated dominance is not in the interest of consumers and competitors. This is not my conclusion, but of the Court of Appeals. It is also clear to me personally that Microsoft continues, despite the judgement already passed down, to use practices that are unfair and unethical. Web sites built with Microsoft applications don't work with Netscape Navigator and other Internet browser software. The Windows ME and Windows XP platforms released since the judgement both compromise personal security on the Web by design, not by accident or by error.

A failure to act more strongly than currently planned will simply encourage this irresponsible behemoth to continue making changes to products which are more self-serving than useful, and more in it's own interest than in the public interest or in the interest of the United States government. Please don't be satisfied to let things stand as is. You would be doing the entire country, and indeed the world, a big disfavor.

Sincerely,
Mark T. Stapleton
owner, WaterMark Design, LLC
Mechanical and Electromechanical Design
Cornelius, North Carolina
704–895–6475

MTC–00018744

From: David Ahl
To: Microsoft ATR
Date: 1/23/02 5:30pm
Subject: Microsoft Settlement

I believe that the proposed Microsoft settlement is severely flawed, for the following two reasons:

1. Although it makes an effort to allow software developers more access to Windows APIs than they have had in the past, Microsoft has and will continue to control the computer industry through the use of its own technologies and file formats, unless specific provisions are made to stop it. Microsoft Office, for instance, uses ''closed'' (unpublished) file formats for word processing, spreadsheets, etc., forcing users to purchase their products or else struggle with complicated and imperfect file translation programs. Or Microsoft's Passport user id system, which has the effect of forcing internet users into using windows to access certain webpages or net services. For the sake of users and competing technology companies alike, all of Microsoft's file formats and all other restrictive technologies must be ''open'': fully published and documented.

2. Although the court found Microsoft essentially crippled Sun Microsystem's Java by using writing its own software and, as of Windows XP, failing to even include Java support in their operating system, no provisions were made to include a standardized version of java (or a version of java at all!) in the settlement.

Sincerely,
David Ahl

MTC–00018745

From: Lance Simmons
To: Microsoft ATR
Date: 1/23/02 5:31pm
Subject: Microsoft Settlement

I use the Linux operating system. There are many programs designed for Windows which I can in fact run under Linux, using WINE, a Linux-native re-implementation of the Windows API.

Microsoft, however, includes language in the EULA for some of its software, such as the MSNBC News Alert program, which prohibits me from running the software under any operating system other than Windows. It seems manifestly unjust that I should be legally bound to run software only on the operating system for which it was originally designed. Given that I can make the software run using my preferred operating system, it seems absurd that Microsoft should have the power to license the software to me only on condition that I do not do so. I believe that Microsoft has deliberately designed some of its EULA's for operating-system-independent software in such a way as to unfairly reinforce its monopoly in the market for operating systems. I hope you will take this into account as you go forward with the Tunney Act proceedings.

Sincerely,

Lance Simmons
lance@lsimmons.net

MTC–00018746

From: Mark Warkentin
To: Microsoft ATR
Date: 1/23/02 5:35pm
Subject: Microsoft Settlement

I am writing to voice my objections to the proposed settlement in the Microsoft case. I have followed these issues carefully, and feel that the proposed settlement will do little or nothing to resolve the harm that Microsoft has inflicted on the consumer, or to impair Microsoft's ability to abuse their monopoly power in the future.

Sincerely,
Mark Warkentin
Elrama, PA

MTC–00018747

From: gfonda
To: Microsoft ATR
Date: 1/23/02 5:32pm
Subject: Microsoft Settlement
Greg Fonda
5200 Lenoraway Dr.
Raleigh, NC 27613
(919) 785–9077
January 23, 2002

To Whom It May Concern:

The proposed Microsoft Settlement should be accepted and this case should be ended once and for all. I have used Windows products since the late 1980s and find it remarkable that the government of my country brought this suit in the first place and inconceivable that a group of only nine states refuse to let it end. The current settlement more than adequately penalizes Microsoft in a way that will be beneficial to it's competitors. In other words, if there ever was a lack of competition in the computer software market, this settlement will restore it.

I personally enjoy the convenience and cost effectiveness of having an operating system that can do multiple things. Some would like to freeze in time the definition of what is and what is not an operating system and that is ridiculous. The world does not stand still, it is always moving, and the world of technology moves twice as fast. I can't imagine a current day operating system without a graphical user interface or one without the ability to connect with and understand the Internet. Tomorrow it may be electronic commerce or digital media that we cannot do without. The needs of computer users change and the operating system must be able to change with them. The current settlement allows Microsoft to continue to improve and evolve their operating system as our needs dictate, while providing it's competitors with all the information and opportunity they need to create products that compete with Microsoft's own. It further gives the computer manufacturers the power to place any of these competing products right along side of, or in place of Microsoft's offerings. Competitors will have the information they need to create great products and the access they need to get those products in front of consumers. And to make sure all goes as planned, the settlement even includes a provision for a panel of independent monitors to make sure everything is as it should be. I cannot see how either the remaining nine states or even Microsoft's competitors could request anything more. The goal of this case is not to destroy Microsoft, but to help it's competitors and one assumes, by extension, us consumers. That goal is achieved with the current settlement, so please do not let things go any further.

I fear that for some, this case has turned into a contest where the only acceptable outcome is total ''victory'', defined as the complete deconstruction of Microsoft. As an American I am proud that our country leads the way in the computer software field. These feelings of pride are probably similar to how people felt about the American automotive industry in the 1950s and 1960s. Please do not let the personal feelings and ambitions of a small minority destroy that.

Sincerely,
Greg Fonda

MTC–00018748

From: Tyler Lemke
To: Microsoft ATR
Date: 1/23/02 5:31pm
Subject: Microsoft Settlement

Please punish Microsoft. They are using their $34 BILLION in cash to force their version of the internet on the rest of the world. Whatever they did in the browser area, they are doing again in the online digital video format area. They are buying portions of digital media content streaming companies, and telling them to only use their version content and abounding the other formats.

Microsoft uses closed proprietary standards and not open standards. Look at Sun Microsystems and Apple, they both use open standards for networking and web services, but not Microsoft, this is how they will force their .NET strategy on everybody. Then it will be too late before the Justice Departments realises what happened. Then when the Justice Department tries to do anything, they will be accused of harming the economy. Microsoft needs to be stopped before they cause their damage with their .NET closed internet standards. Look what they did to JAVA. They took an open standard, modified it so it would only work with their systems, breaking an open standard. They are bullies and they do not play fair. Look towards Sun Microsystems as a role model for how computer companies should be behaving.

Tyler Lemke
P O Box 391062
Omaha, NE 68139

MTC–00018749

From: Robert Kopf
To: Microsoft ATR
Date: 1/23/02 5:30pm
Subject: Microsoft Settlement

The proposed settlement is a BAD IDEA. It fails to protect consumers from future monopolistic practices and does nothing to address the underlying market power of Microsoft. Thank you for taking this input.

Bob Kopf
robert.kopf@visionshareinc.com
Phone 651–645–3300
FAX 651-645-3700

MTC–00018750

From: Steve Nelson
To: Microsoft ATR
Date: 1/23/02 5:31pm
Subject: Microsoft Settlement

Department of Justice

I am deeply concerned about the apparent failure of the governmnet to deal in a meaningful way with the Microsoft monopoly and the weakness of the proposed settlement. This company has not changed its behavior or attitude in any significant way since this entire case began. It should be obvious to anyone that the issue is no longer about the Netscape Browser. Recently I concluded several transactions on Ebay and, much to my dismay, I was forced to enter a Microsoft Passport number to complete the process. Just watch, soon there will be a ''Microsoft Tax'' on all significant Internet monetary transactions. Too many companies know they will lose out in the marketplace if they resist Microsoft's agenda.

Microsoft should be forced to open up its operating system source code. It should be limited in its ability to make company acquisitions for at least eight years. Its continued use of the well-worn bundling trick (remember IBM?) to freeze out the inovations of competitors must be stopped. Is my government big enough and technically competent enough to take this company on and make a real difference in the market place?

Stephen Nelson
69 N. French Drive
Prescott, AZ 86303
ssnels@earthlink.net

MTC–00018751

From: Holland, Keith
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 5:31pm
Subject: Microsoft Settlement

I believe the proposed Microsoft settlement would not benefit consumers.

Thank you,
Keith Holland

MTC–00018752

From: bald man
To: Microsoft ATR
Date: 1/23/02 5:32pm
Subject: Microsoft Settlement

You are letting Microsoft off too easily.

MTC–00018753

From: Aomathieu@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 5:34pm
Subject: Microsoft settlement

I cannot understand why Microsoft is being let off so easily. If there was more competition we would have much more reliable operating systems to use. I feel the settlement doesn't go far enough to impose just penalties on Microsoft, and they'll go back to their old ways of crushing competition, which is bad for American business. I feel they should open up their APIs and early access programs to all developers, not just those they want to with, as that is unfair competition.

Sincerely
Armand Mathieu

MTC–00018754

From: Spencer Proffit
To: Microsoft ATR
Date: 1/23/02 5:32pm
Subject: Microsoft Settlement

Microsoft's illegal and harmful actions will not be improved by the proposed settlement, and may actually give them license to do worse. It should be remebered that this action was caused by thier abuse of the previous consent decree.

Spencer Proffit
WhizBang! Labs West

MTC–00018755

From: Benjamin MacKay
To: Microsoft ATR
Date: 1/23/02 5:13pm
Subject: Microsoft Settlement

The Microsoft settlement accomplishes nothing, and Microsoft once again gets away with its illegal business practices.

MTC–00018756

From: Jonathan Korman
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 5:30pm
Subject: Microsoft Settlement

I have worked in the computer industry for eight years. Countless times, in ways large and small, I have seen how Microsoft has used its monopoly control over operating systems to prevent competition from other providers of applications and services. This has pervasive effects throughout the industry, affecting nearly every software and hardware provider, in turn affecting us all as direct and indirect users of computer systems. These effects are corrosive to healthy competition, resulting in poorer-quality software and hardware products.

Speaking specifically as a professional interaction designer, concerned with making products easier for people to use, I can say that Microsoft commonly creates technology limitations intended to support their monopoly power that result in making computer systems harder to use. Microsoft's monopolistic practices are thus directly harmful to consumers.

I have followed the many legal challenges to Microsoft in past years with some attention. Microsoft has repeatedly ignored or worked around behavioral remedies, and I was hopeful that the court would embrace a structural remedy. I was disappointed when I learned that the court would pursue a behavioral remedy instead; reviewing the current proposed final settlement, it is clear to me that it is completely inadequate to prevent future violations of both the letter and spirit of anti-trust law. In fact, I expect that in practice the settlement will effectively give Microsoft license to continue and perhaps even expand many key monopolistic anti-competitive practices, as many commentators have predicted. I strongly urge the court to reconsider its settlement in favor of a much more vigorous remedy. I believe that a structural remedy is appropriate, but even a more strongly framed behavioral remedy could be a dramatically more appropriate response.

Jonathan Korman
Principal designer
jonathan@cooper.com
650 213.5121 Cooper
2345 Yale St
Palo Alto CA 94306
http://www.cooper.com/
650 855.0250

MTC–00018757

From: Chip Richards
To: Microsoft ATR
Date: 1/23/02 5:31pm
Subject: Microsoft Settlement

I would like to add my voice to those opposing the current form of the Proposed Final Judgment in United States v. Microsoft. I have been in the computer business since 1974. I have seen the growth of the computer industry from its relatively esoteric origins into the commercial giant it is today. Computers are how I make my living, so this subject, and this settlement, are understandably of great interest to me.

Microsoft has done some good things for the computer industry and for other businesses and individuals who depend on it. I used to have a very high opinion of the company and its products; I even applied for a job there at one time. But over the years, I have seen them change from a source of benefit for world commerce into a distinct liability.

Were I a lawyer, I'd write a brief addressing the specifics of the settlement. But I'm not—as a software engineer, I can only speak about the world as it looks through my lenses. And I know a lead weight when I see one. I can tell when commerce is in a stranglehold. I can see that overall technological progress has slowed, and is threatening to stop entirely. And Microsoft is at the heart of all of it. I have nothing but personal evidence to offer; I doubt if anyone has the time to read all the tales I have to tell about Microsoft's negative effects on my colleagues and their businesses, so I won't waste time putting them here.

And I can't argue that it's only the USA which is hurt by Microsoft's unchecked control of computer software, and indirectly, hardware, technology. It's pretty much the whole world. So we're not falling *behind* anyone else, we're just falling. Are you reading this on a Microsoft system, or was it printed from one? Did the purchasers of that system have a choice? A *real* choice? Does that tell you anything? If a small company tried purposely to impede other companies and enterprises, they'd no doubt fail. But Microsoft has the reach and the clout to make their wishes become reality, time after time.

If the last two centuries have taught us anything, it is that technological progress, in general, benefits everyone. The only sure thing I can say today is that everything in my heart and my mind, and all my experience, is telling me that Microsoft is intentionally impeding the progress of computer technology in the name of profit. Their power over us has increased, and is increasing, exponentially. Curb it now, before the option no longer exists.

W. M. Richards
NiEstu

MTC–00018758

From: paul impola
To: Microsoft ATR
Date: 1/23/02 5:34pm
Subject: Microsoft Settlement

The proposed settlement of the Microsoft antitrust case is a very bad idea, which would in the long run actually strengthen Microsoft. I firmly believe that the only fair settlement would require Microsoft to release the code for its Windows operating system. This course would have immediate major benefits for all users of Microsoft products, and would restore competition to the OS and browser fields.

Thank you for reading my message.
Paul Impola

MTC–00018759

From: Joel
To: Microsoft ATR,
petition@kegel.com@inetgw
Date: 1/23/02 5:25pm
Subject: Microsoft Settlement

I want you to know how much I object to the proposed settlement regarding Microsoft being a monopoly and using that monopoly to unfairly eliminate competition. I'll just quote Russell Pavlicek's article from InfoWorld.com, as he's summed it as well or better than I can. I hope you will read it and understand how this is not only NOT punishment, and NOT just a slap on the wrist for MS, but actually a boon to them.

I will stand as a co signer of Dan Kegel's comments.

Joel Leland Oceanside, CA
Small Business Owner

''To be enterprising is to keep your eyes open and your mind active. It's to be skilled enough, confident enough, creative enough and disciplined enough to seize opportunities that present themselves...regardless of the economy.''—Jim Rohn

RUSSELL PAVLICEK: ''The Open Source'' from InfoWorld.com, Wednesday, January 23, 2002

I'VE RECEIVED A number of requests to address the pending (as of this writing) settlement of the civil anti-trust lawsuit against Microsoft. Under the pending agreement, Microsoft will be obligated to provide hardware and software to thousands of under funded school districts across the country. The logic, if you can call it that, is that such schools could benefit greatly from receiving the technology they lack. Undeniably, there is an emotionally compelling case for this. A gigantic company, found guilty of doing wrong, is ordered to help the underprivileged. ''We need to do it for the children,'' cry the politicos. ''Think of the children!''

''For the children.'' That's the phrase politicians in Washington use to justify an action so irrational that it cannot be justified any other way.

How can I properly characterize this solution? It is like a court ordering a convicted drug dealer to give out more free samples of heroin to underprivileged children to ensure that their poverty does not deprive them of the opportunity to become addicted.

Sure, public classrooms need more technology. And it is especially important that children who don't have as many opportunities in life get assistance. But that

is not adequate justification for assigning the fox to guard the hen house.

Personally, I like the counterproposal put forward by Red Hat: Let Microsoft donate money for computing resources for under funded schools, but let those donations go toward hardware only; then populate those machines with open-source software.

Why open source? Consider the future: What will the schools do when they need to upgrade? If you give schools Microsoft software, they will be caught in the endless upgrade cycle that has characterized life in the Microsoft world. Those upgrades will cost money, money that these targeted school districts, by definition, cannot spare.

Instead, arming schools with open-source software will have two benefits. First, it will set schools down a long-term path that they can afford. The cost of obtaining open-source upgrades is trivial. Without low-cost software upgrades, all those nice shiny computers run the risk of becoming boat anchors in short order. I'm sure someone is saying, ''But open source is too difficult to administer!'' Such does not have to be the case, but I'll deal with that issue in a future column.

Also, the Red Hat proposal does not reward Microsoft in the long term. If a company is convicted of overpowering markets, why would you reward them by putting one of the few markets they don't lead under their control? This sounds a lot like a seed-unit program for education, not the penalty imposed from losing a trial.

Corporate misdeeds are supposed to earn punishment, not long-term investment opportunities. I believe we would all be better off if the courts acknowledged the difference between the two.

MTC–00018760

From: Cody Pollock
To: Microsoft ATR
Date: 1/23/02 5:34pm
Subject: Re : Microsoft Settlement

To whom it may concern

With regard to the Microsoft Antitrust case, I am expressing my total support for the prosecution of MS and their questionable business practices. Microsoft have slowly taken on a progressively more aggressive stance to controlling 100% of the market and it needs to stop now. Inferior software products that take away all of a user's freedom of choice and independence are a sick joke. Apart from the fact MS products are behind the ball, full of security holes and are basically a piece of advertising software that (tries to) override any piece of third party software that would compete with an MS product. Open source needs to be made more public, so money-grubbers like Bill Gates won't get their way, and everyone gets a fair crack at the market, and the PC industry, especially since most 'family' computer users just want a PC that works, not takes advantage of their lack of knowledge.

Burn, Microsoft, Burn.
Regards
Cody Pollock
IT Support/Administration
Email: Cody.Pollock@arup.com.au
Ove Arup & Partners
Level 12, The Tower
360 Elizabeth St, Melbourne
Phone: +61 3 96636811

MTC–00018761

From: Peter Henderson
To: Microsoft ATR
Date: 1/23/02 11:23am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Peter Henderson
2795 Wildflower lane
Snellville GA 30039.

MTC–00018762

From: Suttell@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 5:32pm
Subject: Microsoft Settlement

Microsoft is singularly responsible for me buying 5 computers and a lot of software over the last 15 years. This benefited Microsoft but also the computer makers and many software companies besides Microsoft Without Microsoft providing LOW COST and user friendly software, I and millions of others wouldn't even be using computers today.

Now the government inspired by Microsoft competitors and politicians from their states wants to punish the company that built our great high tech system. Certainly Microsoft has a monopoly but only because their competitors could not compete. Ask Me I know. I tried to buy other operating systems and there were no good ones available and there was nothing available for anywhere near the price of windows. When is the government going to tell these complainers to build better products and they wouldn't have to worry? All this from a guy who doesn't even like Microsoft, but lets be fair, they did a hell of a job and don't deserve the screw job the government is providing.

Please settle and let the world move on.
Frank Suttell
3227 Magnolia Blvd. West
Seattle WA. 98199

MTC–00018763

From: Adam A. Turetzky
To: Microsoft ATR
Date: 1/23/02 5:35pm
Subject: Microsoft Settlement

I think this remedy is wrong and a very bad idea which would only further increase their proven monopoly on the software industry! I am very much against this remedy!

Adam Turetzky
Skokie, IL

MTC–00018764

From: McNew, Ronald
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 5:36pm
Subject: Microsoft Settlement

I do not think that the proposed Final Judgment has really even acknowledged the issues involved. It would be better for the DOJ to drop the case, instead of accepting this ''I'm tired and I want to go home'' band-aid, because dropping the case would not establish precedent, to the undoing of future cases. If you truly consider Microsoft to be guilty of anticompetitive practices, please adopt effective (i.e. expensive) remedies. This is my personal opinion, and is not to be taken as representative of Intel's or any other entity's position.

Thanks
Ron McNew

There seems to be much confusion about what we mean when we use the word ''art''. I have a recommendation. We eliminate the word ''art'' and replace it with ''work'' and develop the following descriptions:

1. Work that goes beyond its functional intention and moves us in deep and mysterious ways we call a great work.

2. Work that is conceived and executed with elegance and rigor we call good work.

3. Work that meets its intended need honestly and without pretense we call simply work.

4. Everything else, the sad and shoddy stuff of daily life, can come under the heading of bad work.—Milton Glaser

MTC–00018765

From: John Econopouly
To: Microsoft ATR
Date: 1/23/02 5:35pm
Subject: Microsoft Settlement

Summary: I am against the proposed settlement. It is a slap on the wrist that Microsoft will easily outmaneuver.

I have 15 years experience as a software developer, on numerous platforms, including Windows. I believe the proposed settlement is completely unfair—while it eliminates some of the anticompetitive practices that Microsoft is guilty of, it does not go far enough, allowing many to continue, and allowing too many loopholes for Microsoft to avoid the rest. Ultimately it will lead to an even stronger monopoly at ever-greater expense to consumers and innovation. Microsoft's stance throughout the trial, and previously—their disregard for the law—should have been a strong clue that far more drastic measures than these are required to

avoid (and police) further illegalities—if there is any loophole at all, they will find it and use it. Even if there were no loopholes—well, a better enforcement mechanism will be needed.

Some specific problems I find with the PFJ:

Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems—e.g. they purposely broke their applications on DR–DOS. I don't see anything to keep them from doing that again.

''API'' is defined so narrowly that many important APIs are not covered. ''Windows'' is defined so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertised as being ''Windows Powered''.

Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

MTC–00018766

From:
wmcconnell@compuserve.com@inetgw
To: Microsoft ATR
Date: 1/23/02 5:36pm
Subject: Microsoft Settlement

Hello,

I was recently made aware of my rights under the Tunney Act to voice my opinion regarding the proposed settlement of the Microsoft anti-trust trial. I would like to state, in no uncertain terms, that I am opposed to the terms of the settlement as they stand now.

How is it that a company can abuse its monopoly position (as I understand, Microsoft was found guilty of this crime) and then be allowed to maintain that monopoly? How is it that the only punishment for someone who breaks this law is they are told they can no longer break it?

I am particularly incensed that Microsoft may be allowed, as part of its ''punishment,'' to force its software on schoolchildren (another generation of captive customers) thereby making it that much easier to perpetuate its monopoly for decades to come. The fact that Microsoft will only point to this as some act of public good is even more appalling.

I do not want to sound maudlin, but how, in the years to come, do I explain this to my young children? Perhaps it won't matter, because if this settlement is allowed, they may have no other legal choice than to use Microsoft software anyway.

Microsoft has proven, through repeated action in and out of the courtroom, that it has no respect for the government of the United States. If this is truly ''government of the people, by the people, and for the people,'' then I can only presume that their lack of respect extends to me.

Please reconsider this settlement. Microsoft must be truly punished for what it has done to true, healthy competition in the computer industry.

Thank you for your time.

Walter J. McConnell III
639 W. 14th Street
Tempe, AZ 85281

MTC–00018767

From: shaw, martha
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 5:32pm
Subject: Microsoft Settlement

Hi. I actually like Microsoft, and I think it's a good idea to settle the DOJ case. But NOT before asking Microsoft to face the many charges against them, and stop to think about them like the smart people they are. Charges, as my rabid colleagues point out, like: Have you ever been burned by a Microsoft product that did not act the way it was supposed to? How about a 3rd party product that did not work on a MS operating system like it was supposed to? Have you ever read the EULA for Frontpage? Did you know that you are NOT allowed to use Frontpage to create sites that say anything negative about Microsoft? Have you ever read the EULA for Visual C++? Did you know that you are not allowed to use Visual C++ to create an application that works on a non-MS operating system? Do you not like these things and do you not like Microsoft's non-competitive ways and plans for world domination?

My colleague, who is a very very smart programmer, is obviously upset. And Microsoft, he has a point. Why do you act in a way that makes people who buy your product not like you? Is this a healthy attitude, discouraging your customers? Everytime you decide to start plotting for world domination, you lose. In fact, the smartest idea you had was your original idea—to license an operating system, rather than selling it outright. Brilliant! Brilliant idea! God, I wish I'd thought of it.

So many times you make great products! So many successes, like Visual Basic, etc., are an American tradition. You change the world with your innovation, and your organization. You take a topic like an e-book, and you step over the many fumbling people out there waving sketchy business plans, and you run down the field with it. My Pocket PC—I love my Pocket PC. I want a Tablet PC. I want to leave desktop computing behind, and go mobile and wireless! My Internet Explorer, my Outlook Express... Microsoft, you can be the American Dream in motion.

But some things you do are really embarassing to the tradition of great computer software.

1. You began the tradition of charging customers for mistakes you made in your software, by cutting out free technical support, and 1–800 numbers. Shameful. Why don't you go sit by Ron Lay for 15 minutes and think about this. Why don't you stick up for your products by saying, ''We bet we can handle the volume, because we know we designed it well.'' Well, OK, I know that's a lot to ask. But surely you could give away a little tech support? Even in jail you get one phone call free.

2. You hide everything in .dlls so that our computers are black boxes. So when they act up, we have to pay to call you, to find out it's a ''known problem''. Tsk, tsk. Would it be so terrible to tell us what it is, and what it does?

3. You release buggy software, when if any company has the money to thoroughly check their software, it's gotta be you. I know that perfection is probably unattainable, but come on—the FBI has to send America a memo on your point releases now?

4. I always thought it was fine that you include Internet Explorer with Windows. If Netscape made an operating system, they would have too! But do you have to throw tantrums and punish your partner vendors for wanting to include Netscape in their specs? What's next—do you want your own third-world country to control like some tinpot leader? Get over it, Microsoft. Stop being so infernally petty—you're the 600 lb. gorilla. Choose to be handsome about it. Let your vendors make their own decisions, and you can thus concentrate on making IE continually world class. Microsoft, you're golden, because you had, and continue to have, great ideas. And you're smart. You don't need to ''kill'' the competition. In fact, you need competition in the United States—it's the law. When Apple was going belly-up, you had to prop them up. Because you need competition. The world is moving toward application servers, mobile connectedness everywhere, personal robotics, and an information and learning universe. There is opportunity to be excellent. To even—sometimes—do the right thing. Hackers will continue to plague you, because hackers follow what everybody has—what everybody uses. And right now, that's Microsoft. Microsoft, grow up. Does IBM continually act like the kid who wants ALL the pizza at the party? Well, yeah, probably. But they're more subtle about it. Please. While you have those dreams of grandeur and glory, remember to use finesse.

MTC–00018768

From: ghost1
To: Microsoft ATR
Date: 1/23/02 5:35pm
Subject: Microsoft Settlement

Dear Sirs,

Under the comment period required by the Tunney Act, I would like to register my opinion on the proposed settlement of the landmark Microsoft Anti-trust case.

This settlement is not acceptable. Microsoft is a vicious monopolistic predator that has stifled innovation in the computer industry for years and this settlement will not address or correct any of the past abuses, nor will it discourage future abuses. On the contrary, as we have seen, this has just emboldened MS that they can do anything without serious repercussions. I urge you to revisit the facts of the case and the trial record. They outline a track record of anti-trust abuses unlike any ever seen before. I recommend a hefty punitive fine, and the requirement that Microsoft publish its product API's to the general public. Microsoft has made billions of dollars on its monopoly, and continues to squeeze its clients for every dollar. Fair competition must be restored to the Industry if America is to retain its pre-eminence in the computer technology field.

Sincerely,
Jeff Carnell
Director Digital-Ghost Studios
www.digital-ghost.com

MTC–00018769

From: Karaffa, Linda
To: 'microsoft.atr(a)usdoj.gov'

Date: 1/23/02 5:32pm
Subject: Microsoft Settlement
Proposed settlement is a bad idea
Linda Karaffa
Information Technology Group
Weatherhead School of Management
Case Western Reserve University
Cleveland, Ohio 44106

MTC–00018770

From: peter gillespie
To: Microsoft ATR
Date: 1/23/02 5:36pm
Subject: Microsoft Settlement
hi doj. I think that the settlement with microsoft is unfair to the public. economic experts estimated that the monopoly effect added &20.00 dolars to the cost of each copy of the Windows operating system. the antitrust laws provide for triple damages. this means that a fair settlement would require microsoft to refund $60.00 to each purchaser of their os. they have the records to enable them to do this. furthermore the settlement as proposed does nothing to prevent further abuse of their monopoly. the company has a long history as an antitrust scofflaw and ignoring rulings that are the least bit ambiguous.

do your job and protect the public interest. untie explorer and outlook from windows. unless the entire package is free it is stupid to accept their position that ie is free with the system. for certain they are deducting the costs of development from the income from windows. this means they are charging for it.

sincerely,
peter gillespie

p.s. lest you think i have a financial interest in this case i have never purchased or owned a computer capable of running windows or dos and when i get a new mac the first thing i do is delete all of the microsoft programs that come with it. this greatly improves stability and reduces vulnerability to viri on the internet. pg

MTC–00018771

From: Brett I. Holcomb
To: Microsoft ATR
Date: 1/23/02 5:34pm
Subject: MS Case
As a Taxpayer I am disgusted that the Bush administration is letting Microsoft off the hook. I have been a long time support of Bush and the Republican party but this is not acceptable.

It has been proved without a shadow of doubt that MS attempted to gain a monoply and used any means, including illegal ones to do that. IBM tried the same thing in the 70's and spent many years paying for the mistake. MS needs to be punished or they will continue to extend their monoply. I am a supporter of free enterprise and have opposed restrictions imposed on business by the Democrates but when free enterprise becomes a monoply that can control all aspects of our lives it is time to stop it—that's what the antitrust laws are for. MS broke them and needs to be penalized.

Brett I. Holcomb
AKA Grunt

MTC–00018772

From: Diana Brager
To: Microsoft ATR
Date: 1/23/02 5:38pm
Subject: Microsoft Settlement
Let me first say that I watched in horror as the justice department pursued legal action against Microsoft under Anti-Trust laws. Microsoft is not a monopoly. This case had no merit in the courts. A political agenda was created to show a company what will happen if they do not contribute heavily to the candidate's political campaigns. I believe another word for this is extortion. The states saw ''Tobacco Settlement'' size dollars added to their state budgets. The companies that pressured the justice department to take action against Microsoft weighed in heavy on the political campaigns for ''favors''. These companies asked the court to do what their own ineptness could not do. They wanted my tax dollars to be used to destroy a company that has provided so much innovation to the technology world.

1. As a consumer, I have not been hurt by Microsoft. Past experience that required me to learn software without a common base was more difficult and required extensive training. When Microsoft developed the Windows operating system it made learning new programs refreshing.

2. Literally, hundreds of new companies were created. These new companies had a base to build their programs and market their technology. If the software was written to operate on Windows operating system it had certain common features that made it easy to learn and helped the production time on my job.

3. As to the MSN internet explorer being bundled with software on new computers, it is a matter of preference. My husband and I have had numerous Internet Service Providers. They have each displayed their own home page as the default. Personally, we enjoy the MSN format. Quickly and easily we changed the home page on our computer from the Internet Service Provider home page to MSN home page. This could readily be done in reverse if someone does not want MSN. It is not an issue of monopoly. MSN does not have to be used if the consume does not want it use. There are many options.

It is for the above reasons as well as many others, I believe the Microsoft settlement is more than fair. When we have:
—Companies crumbling around us
—Thousands of workers being added to the unemployment rolls daily
—Cries for the need to rebuild America

Why would the justice department want to weaken and perhaps destroy a successful company that has helped 100's perhaps 1000's of smaller companies have Microsoft to thank for their beginning and put 1000's of American's to work? Please do not take this farce further. We have wasted too much of America's money and time attempting to tear down a company built with the pioneer spirit that made America the finest country on this planet.

Thank you for your time and attention to my opinions.

MTC–00018773

From: Kevin Williams
To: Microsoft ATR
Date: 1/23/02 5:38pm
Subject: Microsoft settlement
The proposed settlement is a bad idea. Microsoft has already shown that they don't abide by the spirit of consent decrees. A more lasting solution is needed, like breaking up the company.

MTC–00018774

From: Phoenix Barca
To: Microsoft ATR
Date: 1/23/02 5:37pm
Subject: Microsoft Settlement
In the 1980s, when AT&T was taken before the justices and found to have abused its monopoly and caused harm to the consumers, the justices ordered AT&T to break up and to share its technology with other long distance service providers. Because of that decision, consumers today now enjoy lower cost, more efficent, better long distance service.

The same should be done to Microsoft. For the past decade, Microsoft has illegaly used its monopoly to shut many of its competitors out of ''its'' playing field of the Operating Systems industry. Microsoft, like AT&T, does not offer a better, higher quality service or product. Instead, it uses its position to fix OS prices and gouge the consumer. This is exactly what AT&T did in the 1980s. AT&T was punished with far more than a mere slap on the wrist. Why should Microsoft be treated any differently for the same behavior? It makes no sense.

Also, monopolies are dangerous to the consumer and to the government. A recent example is the Enron disaster. Imagine if Microsoft were left alone to maintain and abuse its monopoly, only to one day crash and go bankrupt. The effects and damage would be catastrophic on the US economy and the IT industry.

Kelly Beard
Vicksburg, Mississippi

MTC–00018775

From: Brian Campbell
To: Microsoft ATR
Date: 1/23/02 5:37pm
Subject: not good enough!
As a consumer I find myself forced into using solutions that rely on substandard Microsoft technology more and more. Ignoring the fact that their products are of poor quality, their monopoly is obviously having a negative affect on competition in the marketplace. The settlement, as it stands, isn't nearly enough. Much more has to be done to protect my rights as a consumer.

Brian Campbell
Creative Lead
http://www.KBkids.com
(303) 226–8681

MTC–00018776

From: Jingoro
To: Microsoft ATR
Date: 1/23/02 5:39pm
Subject: Microsoft Settlement
I have read about the proposed settlement, and I am not in favor of it in its current state. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors.

Jason C. Glass
1503 Misty Cove
Austin, TX 78754

MTC–00018777

From: Kyan Mulligan
To: Microsoft ATR
Date: 1/23/02 5:39pm
Subject: Microsoft Settlement

Without going into a lot of detail, I strongly support harsher penalties toward Microsoft, and a restructuring of their business to quell anti-competitive practices. Their settlement should not allow them to gain an edge in the education market, one of Apple's last niches.

Kyan Mulligan
Student, College of William and Mary

MTC–00018778

From: Carol Wahrer
To: Microsoft ATR
Date: 1/23/02 5:39pm
Subject: Microsoft Settlement
To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement.

Briefly, I feel the proposed settlement is a bad idea. I agree with the problems identified in Dan Kegel's analysis. This analysis is available at the following URL: http://www.kegel.com/remedy/remedy2.html

I also agree with the conclusion reached by Kegel's document. Specifically:

—The Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue.
—The settlement would delay the emergence of competing Windows-compatible operating systems.

Therefore, the settlement not in the public interest. It should not be adopted without substantial revision to address these problems.

Sincerely,
Carol Wahrer
544 Nightingale St.
Livermore, CA 94550
(925) 447–8759
cwahrer@attbi.com

MTC–00018780

From: Travis Riley
To: Microsoft ATR
Date: 1/23/02 5:38pm
Subject: Microsoft Settlement

Hello,

I am just writing to let you know that I feel that the proposed settlement for the Microsoft case is bad idea, I don't agree with it at all.

Travis Riley
travis@tuxboxproject.com
Visit the TuxBox Project at...
www.tuxboxproject.com

MTC–00018781

From: Kimberley Burchett
To: Microsoft ATR
Date: 1/23/02 5:38pm
Subject: Microsoft Settlement

I am a senior-level programmer, having worked in this industry for the past seven years.

I object to the proposed microsoft settlement because, while it does require microsoft to release details of their protocols and file formats, it allows them to obstruct the process of gaining access to that information. Specifically, the requirement that the would-be competitor ''ask'' microsoft for the information (thereby tipping off microsoft to the existence of all competition ahead of time), and that the competitor have a legitimate ''business'' reason for asking, present too high a barrier to entry.

Microsoft knows that a significant portion of the competition that they face will come from open-source developers. It is probable that the difficulty in gaining access to this information will deter many would-be competitors from even bothering, given that these developers will be working on their own initiative, without pay, and without any legal force should their requests be ignored.

I once worked on an open-source project that examined java class files. The microsoft java compiler had the ability to embed additional information in the class files that it produced, and I wanted my product to be able to gain access to that information. Microsoft made a cursory attempt at documenting their format, but specific numbers were omitted— these numbers were necessary in order for my tool to be able to recognize the microsoft-specific information at all. I sent an email to the named contact for their specification, requesting clarification. I received no response. As I was but a single individual, I had no ability to command their attention.

I suspect that microsoft would similarly ''actively neglect'' any future specifications that they might be required to be released by this settlement. Making the specifications public on a website would be EASIER for them than only releasing them upon request. And I expect that making them public would provide a greater incentive to make them comprehensive as well.

Kimberley Burchett
Endeca Technologies, Inc.
Cambridge, MA

MTC–00018782

From: J Sloan
To: Microsoft ATR
Date: 1/23/02 5:40pm
Subject: Microsoft Settlement

Dear Sirs,

As a tax-paying, law-abiding citizen, I feel I must express my outrage at the possibility that the convicted monopolist will get away with its crimes.

Please stop this monster before it causes further damage to the computing industry.

Best Regards,
Joseph Sloan
Fullerton, Ca

MTC–00018783

From: James Affeld
To: Microsoft ATR
Date: 1/23/02 5:42pm
Subject: Microsoft Settlement

I object to the proposed settlement for several reasons.

1) It does not change any of the anticompetitive behaviors because the focus is too narrow. Forcing ms to allow other implementations of java is irrelevant to MS strategy. It specifically excludes non-commercial software (''Open Source'') from consideration for open API's. This is crucial, because open source projects are the most significant competition MS has.

2) It doesn't really punish MS for its actions. Remember: MS has been found guilty.

MTC–00018784

From: timdouglas@maclaunch.com@inetgw
To: Microsoft ATR
Date: 1/23/02 6:38pm
Subject: Microsoft Settlement

I think the proposed settlement is bad idea.

MTC–00018785

From: Ophir Gottlieb
To: Microsoft ATR
Date: 1/23/02 5:40pm
Subject: Microsoft Settlement

This settlement is unfair... Do not let Microsoft buy their way out again... For example: Section III.H.3. of the PFJ requires vendors of competing middleware to meet ''reasonable technical requirements'' seven months before new releases of Windows, yet it does not require Microsoft to disclose those requirements in advance. This allows Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

This is one example of many that is unfair...

Thank you

MTC–00018786

From: M(038)ECompeau
To: Microsoft ATR
Date: 1/23/02 5:40pm
Subject: Microsoft Office(TM) monopoly

What is being done related to the Microsoft monopoly for office-suite software? Surely, Microsoft must have 99.5+% market share for their Excel and Word office productivity applications? It is said that the reason they included PocketWord and PocketExcel with the PocketPC operating system on their handheld devices is due to their interest in preserving the Desktop PC ''Office'' dominance, and preventing the encroachment of other comers in that segment. Why is this not being investigated or discussed?? Why are you not speaking to Corel (WordPerfect Suite) or IBM (Lotus SmartSuite) about MS'' anticompetitive actions related to Office productivity software?? (comments of an individual concerned citizen)

Mike Compeau
1050 N Keel RIdge Road
Hermitage, PA 16148
724–962–5944
CC:mike@compeau.net@inetgw

MTC–00018787

From: Brent Grassman
To: Microsoft ATR
Date: 1/23/02 5:39pm
Subject: Microsoft Settlement

Please don't let Microsoft just buy their way out of this. They have broken the law. They should be punished. Money, even one billion dollars, mean nothing to them. You

know they will just keep up the same dirty techniques. Here's what to do:

1) Open the source code.

2) Break them up.

Thank you.

MTC–00018788

From: Kevin Martin
To: Microsoft ATR
Date: 1/23/02 5:45pm
Subject: Microsoft Settlement

I wish to add my name to the record of individuals opposed to the proposed settlement of the antitrust case against Microsoft Corporation. I am a professional user of computers with more than twenty years in the industry, and was shocked by the cynical disregard for the law, for society, and for individual rights amply proven by the prosecution's evidence. It is utterly unacceptable that the court would accept the self-serving attempt by Microsoft to extend its monopoly even further by ''donating'' its products—to a captive audience at a price they set themselves!—in order to buy its way out of the appropriate remedy.

Kevin Martin,
Systems Administrator, GLOBIX
I am speaking as a private citizen.
(212)625–7376
<kmartin@globix.com>

MTC–00018789

From: bill hawe
To: Microsoft ATR
Date: 1/23/02 5:43pm
Subject: Microsoft Settlement—Bad Idea

Dear Sirs:

As a citizen of the United States and an avid computer user, I find the proposed settlement of the Microsoft anti-trust case to be horrific. The proposed settlement does little if anything to curb the anti-competitive practices of Microsoft. It does not punish them for breaking the law. In fact, it may even further their almost exclusive monopoly. I do not understand why the government would undertake a massive legal effort costing large sums of our taxpayer dollars, win the resulting case and then ask for such a paltry penalty. This settlement will not protect me as a consumer (OS cost per user keeps going up), me as an independent software developer (don't make to good a product or Microsoft will integrate a clone in the OS, a la InternetExplorer, or Window Media Player or ...), nor me as an investor (Netscape being the most famous example).

So please reconsider this ''Settlement''. It will not help anyone other than Microsoft. Allow us to return to the days where the best product at least has a change of success.

Thank you,
Bill Hawe
San Diego, CA

MTC–00018790

From:
edfagerb@ganymede.or.intel.com@inetgw
To: Microsoft ATR
Date: 1/23/02 5:44pm
Subject: Microsoft Settlement

Dear Sirs:

I would like to make a few comments about the DOJ's proposed settlement with Microsoft.

In the past I have worked for several companies that have been directly damaged by Microsoft's anti-competitve behavior: WordPerfect, Novell, and Corel. Early on in the computer industry you bought a computer and then you bought the software to put on it. Then came the age of OEM bundling. At first it seemed like a great idea but then big companies with commanding market share started leaning on OEMs to bundle more of their software and less of their competitors. WordPerfect, Lotus 1–2–3, and Netscape all died as a result of just this sort of tactic by Microsoft.

Even the Intel division I used to work for was sent into a tailspin by Microsoft bundling pieces of SMS (previously a completely separate product) into Windows 2000. The LANDesk Management Suite group employs about half as many people as it used to because they are losing market share. SMS didn't get any better it just got a better distribution channel.

Now with the release of Windows XP there is a new list of targets. RealNetworks is the one that comes most readily to mind. I can tell you that if I had any of their stock I would have already sold it. The audio and video streaming stuff that Microsoft has bundled in to XP is directly aimed at taking them out.

So as I see it, Microsoft has done two sorts of anticompetitive things. One, use their Windows monopoly to force OEMs to bundle Word/Excel/etc. They killed WordPerfect and Lotus with that one. Two, bundle things like their worthless browser into Windows which gives them a tremendous distribution advantage. They killed Netscape with that one.

So where in the proposed settlement is this sort of behavior prevented in the future? No place I can see. And where in the proposed settlement is redress for all the companies (I have only named a couple of the largest) that Microsoft has killed with their anticompetitive behavior? It isn't there. So what sort of a proposed settlement is this? A pretty lousy one. One that holds every bit as much weight as the 1995 consent decree which they were wiggling around and flouting before the ink was even dry.

And what of the highly vaunted ''right to innovate''? Well, the government tried to reign Microsoft in and failed (for whatever reason) and now what little or even big company is going to go up against a company that wields its monopoly power with such might that not even the government can stop them? Only the very foolish. The only innovation we will see is what Microsoft decides to give us. And all the great ideas that could have been will never be.

In short, the DOJ has failed us. The settlement should be thrown out and the judge should impose a remedy. Judge Jackson did some stupid things but he saw Microsoft for what they are and his rememdy would have gone a long way towards preventing further occurances. I would like to see prevention —and— redress addressed in any settlement or imposed remedy. Justice demands nothing less.

Sincerely,
Eric Fagerburg

MTC–00018791

From: Mark W. Snitily
To: Microsoft ATR
Date: 1/23/02 5:43pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D. Street NW
Suite 1200
Washington, DC 20530–0001

I have been gainfully employed in the computer software/hardware sector for 21 years. Prior to that I earned my Bachelor of Science in Computer Science at the the University of Washington, Seattle, Washington in 1978. I was accepted into the University of Washington's Computer Science Ph.D. program and continued graduate studies there for an additional three years.

The University of Washington campus is directly across from Microsoft; Lake Washington with its Evergreen floating bridge separates the two. With Microsoft so close and being a student in the Computer Science department, needless to say, Microsoft was a topic of discussion even way back in those days.

Unlike the current discussions of Microsoft in the news, back then the mention of Microsoft was usually in the context of a joke. Microsoft's DOS and Basic were so inferior to numerous other operating systems and languages, it truly was a joke. But, it has never ceased to amaze me how Microsoft could market and sell—and the tactics that they used... They undermined competition one after another, year after year. I have watched Microsoft from the early days. Regarding the Microsoft Settlement, I think Dan Gillmor's column in the San Jose Mercury News on Friday November 2, 2001 says it best. He titled that column ''A Fraudulent, Cynical Settlement.'' Quoting from that column: ''This deal, assuming it takes hold, is not even a wrist slap. It's a love letter to the most arrogant and unrepentant monopolist since Standard Oil.'' Full column can be accessed at http://web.siliconvalley.com/content/sv/2001/11/02/opinion/dgillmor/weblog/index.htm

I won't delve into the issues of this settlement, many others have done that and have spoken exquisitely—I would only be repeating them. Rather, I am voicing my opinion as an expert in this field. I have had my own consulting business in Silicon Valley since 1984. I have personally worked with over a dozen different operating systems. (Stopped counting OS's after I got to 16, could probably think of a few more...) I have worked with a multitude of different computer languages. I have watch competition strive in various fields and watch competition be choked to death in others.

I have watched businesses be born... and watched businesses die... I will unequivocally state that the terms of the Microsoft Settlement are not in the best interests of the public, not in the best interests of business competition, and without hesitancy should be rejected.

Thank you.

Mark W. Snitily

4441 Lazy Lane
San Jose, CA 95135–1805
Member of ACM, IEEE.

MTC–00018792

From: THX 1138
To: Microsoft ATR
Date: 1/23/02 5:44pm
Subject: Microsoft Settlement

To Whom it may concern:

I am very upset by the actions taken by Microsoft with regard to the anti-trust laws of this country. Their inexcusable actions have cost businesses millions in lost time and security breaches due to problems they themselves have created and ignored. Meanwhile they have silenced those who seek to rectify these problems. This kind of business should not be able to survive, let alone prosper in a capitalistic society. The way they have survived is by breaking anti-trust laws, regulations, and prior commitments to uphold their own self-interest. The time to stop them is now. Punish this company properly, they have proven the will not abide by laws nor agreements in the past, what is to make us think that they will in the future?

As a concerned citizen of this nation, I felt it my duty to let my voice be heard.

Thank You,
Ben Truesdale
Columbia, SC

MTC–00018793

From: Geoff Klingsporn
To: Microsoft ATR
Date: 1/23/02 5:43pm
Subject: Microsoft Settlement

I believe the proposed Microsoft settlement is a horrible idea. It represents nothing less than official government sanction for Microsoft's predatory business practices, not to mention their extension into one of the few markets that Microsoft does not already dominate. There must be a better way to achieve Justice.

Regards,
Geoffrey Klingsporn
Denver, CO
gck@mac.com

MTC–00018794

From: Joe Egan
To: Microsoft ATR
Date: 1/23/02 5:44pm
Subject: Microsoft Settlement

I'm against the microsoft settlement. Having them use their OS as payment is like giving them the right to print money. I wish I couuld pay my penalties with CDs that I write myself.

Joseph Egan
472 Huntington Avenue
Hyde Park, MA 02136

MTC–00018795

From: Scirocco Six
To: Microsoft ATR
Date: 1/23/02 5:34pm
Subject: Microsoft Settlement

I am appaled by the currently proposed settlement. It leaves the citizens of this country in a worse position regarding Microsoft than we were before the justice dept came on the scene.

Scirocco M. Six
San Jose, California

MTC–00018796

From: Jeff Doran
To: Microsoft ATR
Date: 1/23/02 5:46pm
Subject: Microsoft Settlement

This is a brief note to register my conerns with the settlement phase of the anti-trust case against Microsoft. Since Microsoft has seen fit to use it's considerable desktop OS advantage in a monopolistic maner, it is only fitting that steps should be taken to provide more competition in this arena. Microsoft has given no indication of any contrition and has shown no signs of changing any of the practices in question. At the very least they should return their ill gotten gains.

If Microsoft wants to truly let the customer decide, then make them open up all of their internal OS API's. Require them to use the same programming interfaces for their applications as their competitors. Have them provide a modular OS where the user can choose to replace the pieces that do not provide fair value. Competition means that there are credible choices.!

Thank you for your time.
–Jeff Doran

MTC–00018797

From: David M. Plummer
To: Microsoft ATR
Date: 1/23/02 5:46pm
Subject: Microsoft Settlement

I believe that the proposed settlement is improper and will only encourage Microsoft to further abuse its monopoly.

David M. Plummer

MTC–00018798

From: James Sentman
To: Microsoft ATR
Date: 1/23/02 5:46pm
Subject: Microsoft Settlement

Dear Sirs,

I am a computer developer and intimately familiar with Microsoft's products and procedures. I do not support the current proposed settlement as I believe it will provide no protection from future illegal actions by Microsoft and provides no justice for those illegally affected by them in the past.

Even since this trial began Microsoft continues to make business decisions with the obvious goal of using their monopoly power to illegally force others out of the marketplace. The examples of this are numerous, and I will gladly supply a lengthy list if you wish. They continue to show their disrespect for the American legal system believing themselves to be beyond your reach.

Please reconsider this ''deal'' and give us justice and a world where we can compete with Microsoft in a marketplace where everyone doesn't use Microsoft products simply because they were illegally dumped into their lap.

Only a corporate culture of such powerful elitism and confidence in their own immunity to reality could be responsible for the patently ludicrous statements that they have recently issued against the Open Source community. The only people threatened by the Open Source movement are Microsoft. They fear they may have to compete with something for the first time in many years and they know that can't succeed without their monopoly powers. Take away Microsoft's ability to leverage their monopoly and the market will make the right decisions.

Thank you,
James Sentman, president sentman.com
Richmond, VA
<james@sentman.com>
http://www.sentman.com
Enterprise server monitoring with:
http://whistleblower.sentman.com/

MTC–00018799

From: Todd Blackley
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 5:43pm
Subject: Microsoft Settlement

Dear DOJ,

I have been a programmer for the past 20 years and I remember the field when it was full of choices and options. Today, with Microsoft the development choices are limited to Microsoft or risk your job. Please do not let Microsoft off the hook. They have no business in ''owning'' both the OS, Office and development tools that everyone must use. For the Software Development field (and the resulting Office, OS and Shrinkwrap) continue to develop, the field must remain open to multiple choices and options. Please break up MicroSoft!

Thank you for your time.
Todd Blackley
tblackley@worldnet.att.ne
435.649.5300 x115

MTC–00018800

From: jmiranda
To: Microsoft ATR
Date: 1/23/02 5:45pm
Subject: Microsoft Settlement

This settlement is a bad idea and I am against it.

Jose Miranda, MD

MTC–00018801

From: Dave Booth
To: Microsoft ATR
Date: 1/23/02 5:43pm
Subject: Microsoft Settlement

As an individual IT professional I am writing this to include my personal comments in the responses to the proposed Microsoft antitrust settlement. These comments are mine and do not necessarily represent the opinion of my employer.

Since before the Windows operating system was available I have been a user of Microsoft products. In some areas they excelled, in others they were easily surpassed by others. Over my career in IT I have personally observed ever-higher barriers raised to interoperability between Microsoft products and those of other software producers. This resulted in the creation of the current monopoly situation enjoyed by Microsoft and has, in my opinion, been primarily responsible for its continuation by allowing Microsoft to stifle competition through simply changing their APIs and protocols faster than they could be reverse-engineered to compete. I am very disappointed to note that the proposed settlement leaves far too many loopholes to

inspire any confidence that this will not continue.

In particular the provisions of section III.J.1 are too broad. Anti-piracy or software licensing concerns are a valid exception in the context of this section but security, encryption or authentication methods that rely on obfuscating their mechanism for their effectiveness are fundamentally flawed, to the extent that it could be viewed as fraudulent to classify them as ''secure''. This being the case, disclosure of the mechanism by which these APIs or Communications Protocols operate should not place Microsoft at any disadvantage—The competitor they seem to most fear, namely open-source software, discloses all these mechanisms and yet still has a better security record than all of Microsofts products. On the other hand, allowing Microsoft to eclude these APIs and Protocols from disclosure allows them to prevent interoperability between their software and others by a very simple stratagem. It does a third-party program very little good to be able to work with files in a Microsoft-derived format if it is impossible to authenticate to the server on which they reside without using the Windows OS.

In addition, one provision which assumes a greater significance in the light of this loophole is absent from the proposed settlement. This is the demonstrated strategy of ''Embrace and Extend,'' used by Microsoft to gain control over hitherto open standards. In this strategy Microsoft publicly adopts an agreed standard that is already in use within the IT community and begins to market products that conform to that standard. Future releases of these products ''extend'' the standard with Microsoft-proprietary additions which gain market share due to Microsofts ubiquity rather than through the accepted and proper process of review. The eventual result is that Microsoft has dictated a change in the standard and in the process ensured that other products that comply with that standard are no longer percieved as fully functional. It is imperative that some prohibition on this behaviour is included in the final settlement.

On this basis I strongly urge the rejection of this proposed settlement.

Yours sincerely,
J D Booth
944 Larpenteur Ave
St Paul, MN 55113 (home)
Systems Administrator
Carlson Wagonlit Travel
PO Box 59159
Minneapolis, MN 55459–8231 (work)

MTC–00018802

From: Paul Felts
To: Microsoft ATR
Date: 1/23/02 5:47pm
Subject: Microsoft Settlement

As a user and proponent of an alternative operating system (Linux), I feel that the proposed final settlement in the Microsoft case offers no real remedy. The judgment allows many exclusionary practices to continue, and does not take any direct measures to reduce the Applications Barrier to Entry faced by new entrants to the market. I feel that the settlement need to be revised.

Paul Felts
CSF / Elderhostel Tech Support
Ph: 805–648–6342
Fax: 805–648–7504
web: www.eldervision.org

MTC–00018803

From: Pierre Scotney
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 5:45pm
Subject: microsoft settlement

The proposed settlement is a bad idea.
Please improve.
Regards
Pierre Scotney

MTC–00018804

From: James Affeld
To: Microsoft ATR
Date: 1/23/02 5:47pm
Subject: Microsoft Settlement

I object to the proposed settlement for several reasons:

1) It does not change any of the anticompetitive behaviors because the focus is too narrow. Forcing ms to allow other implementations of java is irrelevant to MS strategy. It specifically excludes non-commercial software (''Open Source'') from consideration for open API's. This is crucial, because open source projects are the most significant competition MS has.

2) It doesn't really punish MS for its actions. Remember: MS has been found guilty.

In addition, I strongly urge you to carefully assess the legitimacy of pro-microsoft comments. Microsoft is an inveterate astroturfer. Their pr machine is addicted to faking grassroots support.

From: James Affeld
<jamesaffeld@yahoo.com>

MTC–00018805

From: Gang Zhou
To: Microsoft ATR
Date: 1/23/02 5:48pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea.
Gang

MTC–00018806

From: David L. Sanford
To: Microsoft ATR
Date: 1/23/02 5:48pm
Subject: Microsoft Settlement

To Whom It May Concern,

I am opposed to the current settlement terms. I think the settlement fails to punish Microsoft for its illegal activities. I feel that if the past illegal activities are not punished, then Microsoft is given the message that such conduct is acceptable to the legal system. Consequently, I think that the current settlement provides no requirement that Microsoft change its underlying business practices in the future and would expect that Microsoft will continue those business practices, despite the judgment against it.

David L. Sanford
Seattle, WA
currently, an unemployed programmer
David L. Sanford—
I.N10.2@programmer.net

MTC–00018807

From: Pierre Scotney
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 5:49pm
Subject: microsoft settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Pierre Scotney

MTC–00018808

From: David Barzelay
To: Microsoft ATR
Date: 1/23/02 5:48pm
Subject: Microsoft Settlement

proposed settlement is horrible.

MTC–00018809

From: Tom Howland
To: Microsoft ATR
Date: 1/23/02 5:50pm
Subject: Microsoft Settlement

The settlement does not go nearly far enough. Microsoft should not be given the educational market as punishment. Instead, let them buy hardware and get Red Hat to supply the OS.

Sincerely
Tom Howland
408 330 5782

MTC–00018810

From: Brandon Bidewell
To: Microsoft ATR
Date: 1/23/02 5:47pm
Subject: Microsoft Settlement

I am extremely disappointed in the proposed final judgment (PFJ) that the Department of Justice has signed with Microsoft. The fact that many plaintiffs in this case are not party to the PFJ is a clear sign that the PFJ is unacceptable. It's been more than 5 years since the DoJ first took Microsoft to task; is the Department of Justice going to cave in now? If the PFJ is the most that Microsoft would concede then this issue should have been left to the judge to settle.

Microsoft's monopoly is travesty of free markets, and the PFJ is a travesty of justice. Any settlement with Microsoft that imposes conduct restrictions is doomed to fail. As Microsoft has done in the past, it will freely violate the law and taint the competitive landscape to its sole benefit. Assuming that laws could somehow be meaningfully enforced upon Microsoft, the PFJ contains many vague and incomplete terms and statements that will cause Microsoft to redefine its actions and restructure itself to avoid complying with the PFJ. In simplest of terms, if Microsoft was interested in following the law it would have done so.

The PFJ makes a half-hearted attempt to get Microsoft to voluntarily comply with the law and creates a limited structure meant to regulate Microsoft through further court action (IV.(A)(4) ''The Plaintiffs shall have the authority to seek such orders as are necessary from the Court to enforce this Final Judgment''). Given the current status of the case, the courts should be acting now to enforce the law. One would hope that future mis-behavior by Microsoft could be effectively thwarted by something besides the threat of future court action. Past actions have proven Microsoft to be a determined monopolist that is unable to self-regulate and unwilling to be regulated. This type of vague agreement would have been reasonable 5 or 10 years ago. Microsoft cannot be expected to act reasonably and within the law.

The only option that remains is to remove the monopoly from Microsoft, thus preventing all possible unlawful actions by Microsoft. Either Microsoft is split up and effectively competes with itself or Microsoft forfeits control of its monopoly to remain a single organization. Given the uncertainties that would be involved in breaking up Microsoft and Microsoft's certain resistance to this, the forfeiture to the public domain of Microsoft's software code and patents is necessary and reasonable. This is a sure and equitable solution given that Microsoft would retains all of its employees and its cash from which it can then freely innovate and create new products.

Now is the time to free the software market from the dominance of Microsoft. Anything less will continue to strengthen Microsoft to the disadvantage of all but Microsoft employees/shareholders.

I recommend that you review the following document before forming an opinion as the need to dismantle the monopoly Microsoft has created: http://usvms.gpo.gov/findings_index.html

Sincerely,
Brandon Bidewell
P.O. Box 2610
Alpine, CA 91903–2610
brandon@advmsg.net

MTC–00018811

From: Larry Glackin
To: Microsoft ATR
Date: 1/23/02 5:49pm
Subject: Microsoft Settlement

Dear Sirs;

I agree with Matthew:

''While we applaud Microsoft for raising the idea of helping poorer schools as part of the penalty phase of their conviction for monopolistic practices, we do not think that the remedy should be a mechanism by which Microsoft can further extend its monopoly,'' said Matthew Szulik, CEO of Red Hat. ''Through this proposal all of the states and all of the schools can win, and Microsoft will achieve even greater success for its stated goal of helping schools. By providing schools with a software choice, Red Hat will enable Microsoft to provide many more computers to these schools. At the same time, the schools can accept this offer secure in the knowledge that they have not rewarded a monopolist by extending the monopoly.

My own thoughts....

Microsoft could reduce its prices across the board, they could still operate at a profit. The penalty should be something that makes a difference to Microsoft, the amount should be more like 30 billion dollars—that is Microsoft's reserve. It could be a combined thing, new hardware for schools using the Red Hat software proposal and the rest in reduced prices until the 30 billion has been spent...

Thank You
Larry E. Glackin
President ICE Communications, Inc.
P.O.Box 1149
Haines, Alaska 99827
907 766 2092 -voice
907 766 2325 -fax
Http://www.WytBear.com
Wireless Internet in Southeast Alaska

MTC–00018812

From: bwthomas@cs.uchicago.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 5:51pm
Subject: Microsoft Settlement

It is my informed opinion that III.J.2.(b,c) allows Microsoft to restrict access to it's various API's unfairly. Namely, ''has a reasonable business need ...'' and ''meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business...'' It is simply not the case that all software development is driven by business, or hopes of profit as it were. There is a very thriving community of developers who develop ''Open Source'' or ''Free Software'' (see definitions for Open Source and <http://www.opensource.org/docs/definition_plain.html''> Free Software) applications.

Allowing restriction of system interoperability is clearly anti- competetive; allowing discriminitory licensing to Microsoft's various API's based on the organization that a developer is affiliated with will do just that. Microsoft will use this clause to its advantage in continuing its unfairly gotten monopoly by disallowing access to it's API's to any entity that isn't a ''viable'' business, i.e. Free Software & Open Source developers.

Blake Wesley Thomas
Student, University of Chicago
Senior Tutor, Computer Science Laboratory

MTC–00018813

From: Shailar Brown
To: Microsoft ATR
Date: 1/23/02 5:50pm
Subject: Microsoft Settlement

Please enforce a much stronger remedy than what is currently being proposed. The current remedy will have no effect at best, and might even be harmful due to selective interpretations of the rules. Microsoft has damaged the industry greatly by consistently squelching innovation, producing inferior products and illegally destroying competition.

The breakup was indeed the best proposed remedy by far. It would be best for consumers, the industry and even Microsoft itself (although it is easy to see why senior management would be loathe to give up their little fiefdoms).

shailar.brown
The DPC Group
CTO
www.dpcgroup.com

MTC–00018814

From: Logan Roots
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 5:49pm
Subject: AGAINST the proposed Microsoft settlement

Hello,

I am against the currently proposed settlement with Microsoft.

Thank you,
Logan Roost

MTC–00018815

From: Mike Graham
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 5:43pm
Subject: Microsoft Settlement

Hello,

I beleive that the results of the current settlement should be more closely examined. I don't beleive the current settlement will have much of an effect on Microsoft or the software market at all. Please reconsider. There are other settlement choices that may actually do something (ie Thomas F Reilly of Massachusetts proposal).

Mike Graham

MTC–00018816

From: Jack Mathews
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 5:48pm
Subject: Microsoft Settlement

I felt that I would not feel right complaining about the outcome of this trial unless I were to at the very least make my thoughts known.

And my thoughts are that Microsoft has used it powers both legally and illegally to make inroads into markets it has no business in. It used Windows to crush Netscape, it has been using its unique positions to wage a war on RealPlayer, it is now using its position with Windows XP to make a global authentication system which they get money for.

They are not held liable for the billions of dollars of damage caused by them crushing other businesses instead of focusing inward to fix security problems. The kinds of damage caused recently are the direct result of Microsoft spreading itself too thin, and even now its best solution is to issue a memo and trying to squelch security professionals.

Now Microsoft has entered my industry—the video game industry—through their

inroads in controlling Windows. They control the graphics in Windows, they make a Windows machine, and they have the money FROM that to operate at a huge loss to generate revenue. They give away Internet Explorer and Windows Media Player for free, full featured, because they can leverage it from the operating system sales and make strategic partnerships with contents providers. Both inroads made to prevent competition they MAY have.

They are a juggernaut that must be stopped. Split up, heavily taxed, or held accountable for the billions of dollars of loss.

They are able to raise and lower prices at will, and are adopting a subscription based service for upgrades that consumers DO NOT WANT. They give out their development tools for free, but will crush anyone using their tools to compete with mere numbers of programmers and the ability to put things on the desktop. They are a juggernaut who show no signs of letting up or letting others compete.

Thanks for your time.

Jack Mathews

MTC–00018817

From: jon
To: Microsoft ATR
Date: 1/23/02 5:51pm
Subject: Microsoft Settlement

this proposed settlement is bad idea, it only help microsoft by ''forcing'' them to ''donate'' computers to schools! they will make a nice profit off all the lisences they ''donate'', yet charge for, in all those schools. i think this settlement should be seriously reconsidered.

Jon Jordan
Computer Science 2 student
Mayde Creek High School
Katy, Texas

MTC–00018818

From: Matthias R(00F6)nsberg
To: Microsoft ATR
Date: 1/23/02 5:51pm
Subject: Micrsoft Settlement

Hi there!

Chipping in my $.02 from Germany I just like to ask for some intellictual, human ''THINKING''. Microsoft has brought itself into the position it faces now, because of not following the law. Please remember that the findings in that big case brought to daylight that Microsoft engaged in lying, fraud, suppression and manipulating so-called objective studies and even paying analysts. Have them bleed. If I remember correctly, they have some $15bln in cash. Everything less than $10bln cash penalty is peanuts to them, keeping in mind that that other trial, with Judge Thomas Penfield Jackson unfortunately being removed from the case, will now, under the Bush-administration, probably lead to NOTHING!

Thanx,
Matt Roensberg
Lohkoppelstr. 23
22083 Hamburg
Germany
Tel.: +49–40–20004970
mail: roensberg@gmx.net

MTC–00018819

From: doug
To: Microsoft ATR
Date: 1/23/02 7:15pm
Subject: Microsoft Settlement

I think the proposed Microsoft settlement is a bad idea. I agree with the statements in this essay:

http://www.kegel.com/remedy/letter.html

Thank you.

MTC–00018820

From: Thomas Bohmbach
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 5:48pm
Subject: Microsoft Settlement

I am writing to voice my concern that the current Microsoft settlement proposal is little more than a slap on the wrist and will not accomplish its goals of rectifying the monopoly abuses that MS has been found guilty of. Specifically, the Proposed Final Judgment allows many exclusionary practices to continue, and does not take any direct measures to reduce the Applications Barrier to Entry faced by new entrants to the market.

Sincerely,
Thomas Bohmbach, Jr.
Senior Software Engineer
MLT Vacations, Inc.
tbohmbach@mltvacations.com

MTC–00018821

From: Tai
To: Microsoft ATR
Date: 1/23/02 5:50pm
Subject: Microsoft Settlement

Dear Sir/Madam,

I believe that this settlement is one of the worst things that you can do to American consumers and the economy. You are allowing a convicted monopolist to continue to do what it has always done, crushing any and all competition, only now, it has the weight of the law. Passing this law would mean AT&T should not have been broken up years ago.

Please go with the 9 states that are not onboard this gravy train for Microsoft. Please do not go forward with this crazy idea of legalizing the crushing of a monopolist's competitors.

Thank you very much.

Tai

Disclaimer: My opinion is my opinion alone. My company pays for my expertise, but not my opinion.

MTC–00018822

From: SciFiDog@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 5:51pm
Subject: Microsoft Settlement

I am sure you've received many mails about the inadequacies of the proposed settlement. It does not pro-actively and positively ensure that ANY application from ANY size Company is protected from the monopolistic and anti-competitive practices of Microsoft.

Furthermore, it does not guarantee alternate OS provider's the ability to make Microsoft applications compatible with alternative Operating Systems. The special master(s) onsite in Redmond MUST have enforcement authority to make Microsoft play fairly against any other competitor. These four guarantees (1: any size competitor is relevant 2: MS OS plus 3rd party applicatios 3: Competitor OS compatability w/Microsoft applications 4: ENFORCEMENT AUTHORITY for the Special Master.) are necessary! The settlement, as proposed, will not satisfy the law because it will not stop the monopoly practices! All else would be fair game, in my book.

Don't let them kill the culture of innovation and Garage capitalism!

Brenda White (No Affiliations. Just a consumer.)

El Segundo California

MTC–00018823

From: John Angelico
To: microsoft.atr(a)usdoj.gov
Date: 1/23/02 5:57pm
Subject: Microsoft Proposed Anti-Trust Settlement

Whilst I am outside the US jurisdiction of the Microsoft and Dept of Justice anti-trust proceedings, I am opposed to the settlement proposed, since I believe it is ineffective in dealing with the breaches of anti-trust provisions and the abuses of monopoly power already proved in the case. As a long-time user of computers in a wide variety of businesses, the abuse of monopoly power demonstrated in this case represents a diminution of my freedom of choice in computing and therefore an unwarranted restriction upon the operation of my business.

Yours sincerely,
John Angelico
Owner/Director
Kingsley Educational Pty Ltd
PO Box 310
Mt Waverley 3149
VIC Australia

MTC–00018824

From: Stewart J. Stremler
To: Microsoft ATR
Date: 1/23/02 5:51pm
Subject: Microsoft Settlement

Of the innumerable complaints possible with the Microsoft settlement, only a couple will be made here, with the understanding that this is not the sole complaint this writer has with the proposed settlement. In part III, section J (''No provision of this Final Judgment shall:''), both points seem to be an obvious evisceration of the suitability of the proposal. It effectively asserts that Microsoft's policy of not disclosing essential information to potential competitors if it doesn't want to.

The one caveat, where they apparently CAN (by my interpretation) be forced to reveal details of their APIs ''if lawfully directed not[1] to do so by a governmental agency of competent jurisdiction'' would apparently give them sufficient ammunition to protest long enough to /change/ the API or details to be revealed.

Further, in 2(b), it says ''meets reasonable, objective standards established by Microsoft''—certainly, any such standards will, by the fact that they are being established by Microsoft, NOT be ''objective'', but necessarily ''subjective''. It is not in the best interests of Microsoft to be objective.

[1] This is the second negation of a double-negative, the first being the heading of

section J, that begins ''No provision''. However, this is a long ways, textually, between the negatives, which does not aid clarity.

Stewart Stremler
Office: 619—553—3129
stremler@g2ss.com
Employer: G2 Software Systems
stremler@spawar.navy.mil

MTC–00018825

From: Leon (Lee) Langan
To: Microsoft ATR
Date: 1/23/02 5:50pm
Subject: Microsoft Settlement

I am not an attorney nor do I use Intel-based computers. I am an experienced computer user who favors Apple-based machines. I am forced, as well, to use computers based on Microsoft operation systems.

I believe the settlement proposed is an unfair resolution to the findings that show the damage that Microsoft has done over the years in establishing themselves using monopolistic business practices. As a result of their tactics ''standards'' (common procedures) have been developed that limit users, in a practical sense, in the choice of computer solutions available. Frequently these procedures have be derivations of concepts developed elsewhere (yes, often at Apple, but at Netscape, Sun and in numerous small ventures).

I believe that, because of the findings of fact, Microsoft should be required to place their operating system in the public domain and then be allowed to compete in making improvements and applications and services if they so choose. The price of monopolistic behavior should be the loss of proprietary ownership.

Lee Langan
LANGAN PRODUCTS, INC.

MTC–00018826

From: gkern
To: Microsoft ATR
Date: 1/23/02 5:48pm
Subject: unfair for microsoft

if i were a judge, this case would have been thrown out before it ever became so ridiculous. it only goes to show what our gov. is really made of.its a shame that the gov. doesn't really represent the people. any fool can see that its all about money. microsoft has it and every so called company including thier gov. wants part of it. it doesn't pay to futher yourself in this country unless your a politician or a judge. needless to say i think microsoft is a great co. and good for america.

thank you

MTC–00018827

From: Brandon Dorman
To: Microsoft ATR
Date: 1/23/02 5:51pm
Subject: Microsoft Settlement

Hi,

I think the current proposed Microsoft settlement is not good. We must change it to keep the American dream alive.

Sincerely
Brandon Dorman
brandonfpu@yahoo.com

MTC–00018828

From: Marc A. Tamsky
To: Microsoft ATR
Date: 1/23/02 5:57pm
Subject: Microsoft Settlement

May it please the court:

The following section, offset by the text ''COMMENTS FOLLOW'', is to be entered in the record under the public comment period required by the Tunney Act(15 USC 16), in the case (United States vs. Microsoft).

The proposed settlement ''Stipulation and Revised Proposed Final Judgment (11/06/2001)'' has several shortcomings not addressed by the court's judgement, but which still stand as important issues.

My comments here address, in my view, the most important shortcoming. As cataloged by the Court of Appeals in this case, one of the important anticompetitive, exclusionary acts that Microsoft has used to bolster application barriers to entry is the withholding of critical technical information regarding the format and design of application file formats (eg. Word, Excel, Access documents.) In the Remedial Proposals by the several States [Civil Action No. 98–1233 (CKK) (State of New York, et.al., v. Microsoft)] 14.b. contains the following text: ... all technical information required to port Office to other Operating Systems (INCLUDING BUT NOT LIMITED TO FILE FORMATS)... [emphasis added]

For the courts to have declared certain actions on the part of Microsoft anticompetitive, and then not address that type of behavior in the final disposition is unforgivable, and such judgment is not in the public interest.

The Court of Appeals in this case held:

''a remedies decree in an antitrust case must seek to 'unfetter a market from anticompetitive conduct,'' to 'terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future.'''

Microsoft, 253 F.3d at 103 (quoting Ford Motor Co. v. United States, 405 U.S. 562, 577 (1972) and United States v. United Shoe Mach. Corp., 391 U.S. 244, 250 (1968)) (citation omitted).

Given the findings by the Court of Appeals and the above quoted stipulation, allowing Microsoft to continue it's practice of non-disclosure of file formats must be seen as ''likely to to result in monopolization in the future.''

Without demand of remedy by court to have full public disclosure of file formats intended for interchange of information between individuals would leave the public in the same place as it was before this case—with Microsoft holding the monopoly in applications, by way of the lack of independent software vendors being able to read and write Microsoft-proprietary application file formats. I thank the court for its attention to this important matter.

Marc Tamsky
Citizen of California,
United States of America.

MTC–00018829

From: Christopher Adam Telfer
To: Microsoft ATR
Date: 1/23/02 5:51pm
Subject: Microsoft Settlement

I am writing to submit my comment regarding the proposet settlement with Microsoft. I find that there are many problems with this settlement. One in particular causes most of the stipulations placed in this settlement to be completely ineffective at preventing any of the abuses that the settlement seeks to curb.

Section VI: U.''Windows Operating System Product'' means the software code (as opposed to source code) distributed commercially by Microsoft for use with Personal Computers as Windows 2000 Professional, Windows XP Home, Windows XP Professional, and successors to the foregoing, including the Personal Computer versions of the products currently code named ''Longhorn'' and ''Blackcomb'' and their successors, including upgrades, bug fixes, service packs, etc. The software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion.

Allowing Microsoft to have full authority over what is and isn't part of the Operating System allows them to control when many of the stipulations of the settlement come into play and when they don't. A significant portion of the antitrust trial centered around whether Internet Explorer could be removed from the Windows. Microsoft contended that it could not because it was ''part of the operating system''. The courts found otherwise. This is a historical example of where, if Microsoft had full authority to name what was part of the operating system and what wasn't, it would have abused the legal process and avoided just judgement for its offenses.

This clause should be removed. At the very least, a third-party panel of authorities in the computing field should be used to make such a determination if it ever comes into question.

Christopher Telfer
Graduate Student
Purdue University
West Lafayette, IN

MTC–00018830

From: H.B. Telling
To: Microsoft ATR
Date: 1/23/02 5:55pm
Subject: Microsoft Settlement

My name is Harry Bart Telling, I live in Alaska. I do not feel that sufficient restrictions are going to be placed on Microsoft. There is more than enough evidence to see that Microsoft is a monopoly with a deathgrip on the internet and the personal computer market. I believe that harsher restrictions need to be placed on Microsoft, in order to foster a free and competitive operating system and internet market.

Thank you,
Harry Bart Telling
fshbt@aurora.uaf.edu

MTC–00018831–0001

From: Daniel Sauerwein
To: Microsoft ATR
Date: 1/23/02 5:56pm
Subject: The Microsoft Settlement

The proposed judgement regarding Microsoft's obvious abuse of competition is fatally flawed. As a concerned consumer I wish to voice my opposition to this settlement, which leaves Microsoft's tyrannical stranglehold on the industry practically untouched.

Daniel Sauerwein

MTC–00018831–0002

MTC–00018832

From: Stanley S.
To: Microsoft ATR
Date: 1/23/02 5:52pm
Subject: Microsoft Settlement

I have reviewed some of the actions to be taken against Microsoft and they are just giving them more reason to be anti competitive. By giving schools computers and software they increase their educational presence and also take a tax write off. They have a history of offering low prices for competitors ideas and if they don't get it they offer it from free forcing the other company out of business. Please consider breaking up and fineing them to the maximum. Allow more free competition and other computer languages to flourish.

Thanks
Stanley Silverman
Plantation Fl.

MTC–00018833

From: Fritz Knack
To: Microsoft ATR
Date: 1/23/02 5:52pm
Subject: Microsoft Settlement

To whom it may concern:

As an Information Technology professional with almost twenty years of experience with various hardware, operating systems, and the people who use them, I must protest the terms Microsoft has proposed for the settlement of the anti-trust suit brought by the US DOJ. By putting more Microsoft software into classrooms, the bottom line result would be a still tighter grip on its already monopolistic market. Further, the dollar values Microsoft has assigned to calculate the software's ''worth'' are grossly inflated because of the price controls their monopoly already imparts. Microsoft's proposal is simply a farce.

Sincerely,
Fredrick H. ''Fritz'' Knack, Jr.
Charlotte, NC 28213

MTC–00018834

From: Jason Byrns
To: Microsoft ATR
Date: 1/23/02 5:53pm
Subject: Microsoft Settlement

To Whom It May Concern:

As it stands now, I am strongly opposed to the proposed settlement between Microsoft and the Department of Justice. Far from punishing Microsoft for abusing their monopoly, this settlement would in fact reward Microsoft in many ways. I fear we have already lost a great deal of potential progress to Microsoft's abusive business tactics and underhanded methods. I strongly encourage a much stricter remedy. Especially recognizing Microsoft's inability in the past to conform to legal decrees and sanctions, we must do much more to ensure that ''the playing field'' is leveled.

Thank you.
Jason Byrns
<Jason@ispi.net> ispi of Lincoln, Inc. http://www.ispi.net
402.441.3295

MTC–00018835

From: Rich Alme
To: Microsoft ATR
Date: 1/23/02 6:05pm
Subject: Microsoft Settlement

Please dispose of this case. I don't believe, and have never bought the argument, that consumers were being harmed by this. To the contrary, tens of thousands if not millions of consumers were hurt indirectly by the lawsuit brought by the federal government and it is an outrage.

Sincerely,
Richard Alme
Minneapolis, MN
rich@networkinstruments.com

MTC–00018836

From: SEPARC@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 5:54pm
Subject: microsoft settlement

Microsoft has monopolized the computer life of American citizens. Why Gateway, Dell, IBM, Compaq and most computer companies are lured into Microsoft's net, YES, the internet, boggles the mind. Virtually, no computers are available, without Microsoft's system. The public is held hostage by this company. If a consumer wants to read a ''JAVA'' page, they're forced to download a Java enabler. Microsoft is forcing anyone who wants to visit a Java page, to take the time to download a program, which could have been included if Microsoft didn't want to monopolize the browser world. Microsoft made it as difficult as possible to use Netscape too.

Awaiting a decision in Washington as to their punishment, Microsoft has the audacity to make AOL as inconvienent as possible with Microsoft XP, in a sickening attempt to force AOL subscribers to switch to MicrosoftNet. No matter the size of a monitor's screen, XP will only allow an AOL screen to a maximum 6x4'' screen. Microsoft has dealt low blows to Sunmicrosystems, Linux, Netscape, and now is assaulting AOL.

WHY ARE ALL NEW COMPUTERS LOADED WITH XP?

How does Microsoft manage to force their product on all computer companies?

Why does the consumer have no choice but to accept Microsoft products?

Why isn't Microsoft punished as severely as the punishment they've ''enforced'' on all competition?

Sharon Parchinski
separc@aol.com

MTC–00018837

From: Bill
To: Microsoft ATR
Date: 1/23/02 6:12pm
Subject: Microsoft Settlement

The proposed settlement is a travesty of justice.

Bill Hertzog
bill@di.com

MTC–00018838

From: jonrc
To: Microsoft ATR
Date: 1/23/02 5:52pm
Subject: Microsoft Settlement

I think that the settlement with Microsoft is a bad idea.

Jonathan Cameron

MTC–00018839

From: Herrick Goldman
To: Microsoft ATR
Date: 1/23/02 5:52pm
Subject: Microsoft Settlement

This settlement is a bad idea! Microsoft deserves stronger punishment!

Herrick Goldman
Lighting Designer, NYC
800–921–3797
www.HGLightingDesign.com

MTC–00018840

From: Gerd Flaig
To: Microsoft ATR
Date: 1/23/02 5:52pm
Subject: Microsoft Settlement

Hello,

I sincerely believe that the proposed Microsoft settlement will not restore competition in the software market. There are numerous reasons why this is the case, some of which are listed at http://www.kegel.com/remedy/letter.html.

Please reconsider the proposal.

Gerd Flaig.

MTC–00018841 ′

From: SuperBoomer
To: Microsoft ATR
Date: 1/23/02 5:53pm
Subject: Microsoft Settlement

Please register my OPPOSITION to the proposed Microsoft Settlement. It bears all the pentalty of a slap on the wrist, and all the teeth of the 1995 consent decree, which has fallen well short of its intended consequence. The proposed settlement is, in my opinion, inadequate protection for consumers and competing businesses against Microsoft's abuse of its monopoly position over the PC operating system market. It is inadequate protection for consumers and competing businesses as Microsoft continues to leverage its existing monopoly into other markets; office software, web browsers, the Internet itself and its protocols, consumer and gaming electronics, to name but several where I believe Microsoft's dominance has allowed it to exercise undue and unfair advantage.

Microsoft has repeatedly shown that its left hand will continue to do what it pleases, while its right shakes hands in agreement and compliance.

Throughout the trial, Microsoft proved that it is willing to mislead and obfuscate to maintain its position, as if it were playing a game with no rules and high stakes. I do not believe that any settlement which is fundamentally based on the concept that Microsoft is willing to play nice can or will be successful.

I encourage the United States Department of Justice to dismiss the proposed settlement, and encourage the Plaintiffs to seek a serious and enforceable remedy. Thank you.

Sincerely Yours,
Douglas Rau
drow@visi.com

MTC–00018842

From: Daniel Bremmer
To: Microsoft ATR
Date: 1/23/02 5:52pm
Subject: Microsoft Settlement

To whom it may concern,

As a tech-savvy voter with an elementary understanding of logic I am opposed to the settlement offer proposed by the USDOJ. Allowing Microsoft multiple loopholes for which they can keep middleware applications in their operating systems is not strict enough for a convicted monopolist who has been found to be involved in many unfair and illegal business practices. Microsoft uses their operating system to unfairly gain market access in unrelated or partially related products and services. To exploit one's market position to increase sales is smart business, to exploit one's market position to deny other companies access is illegal and morally repugnant.

This settlement offer is not consistent with the findings of the court or the facts at hand. It is a transparently political scheme and should be investigated as such.

I hope you loose a lot of sleep over this matter,

-Daniel
daniel@peachfuzz.net
www.peachfuzz.net

MTC–00018843

From: ChrisG@trackanywhere.com@inetgw
To: Microsoft ATR
Date: 1/23/02 5:57pm
Subject: Microsoft Settlement

Good Afternoon,

As a person working in the technology field, it is practically impossible to go a day without hearing something about the battle currently raging in DC. Before today I resigned myself to be a casual observer. That was, until, I felt the time was approaching when you would have to weigh in with a decision. I would like to commend you on a valiant effort.. Microsoft, I'm sure, was a suprise. They didn't appear to be as cunning or underhanded as the Bells, but certainly held their own. Mostly because our government was not ready to deal with monopoly in such a new industry. An industry which is still forming. Next, let me say that public opinion is not good right now. Had the 9 states not protested, there would certainly have been a backlash. Which brings me to my point. I cannot even begin to imagine the amount of information you have to sift through on a daily basis, so I thought I would summarize what the tech community sees as the issues, and what it ignores:

First, The Browser War is Dead!...and has been for some time. We have all moved on. I realize that it was at the core of the anti-trust suit, but it does not need to be part of the settlement. I, like many others have been running alternative browsers on Windows for years. Infact, this letter is being written in Opera, which easily matches if not surpasses IE in all respects.

Second, Who has really been hurt? The public?....sure, but more than that, the competition. Why not repay them. Strip some cash from Microsoft and distribute it to the three major Linux Distributions, to Netscape, to Opera, to Apple, to anyone who can prove they have felt a negative impact in business. Provide money for advertising new, non-Microsoft technology. Whatever you do....DO NOT allow them to donate Windows PCs to schools. I'm sure you also see this as a win/win for Microsoft as well as we do. Cash, however, would be great. Keep in mind that most Linux users are running the OS on machines 5 years or older. The OS is free, and the machines to run it can be collected for pennies at local charities. A much better deal for all concerned.

Next, the OEM agreements need some retoolong. Microsoft has such a strangle hold on consumers, because PC manufacturers are forced to build either Windows only machines, or Windows free machines. A move to curtail their OEM agreement would be a big step in the right direction. Finally, the Wine and Lindows projects. Both are moving to create an alternative OS for running Windows applications. Support of this effort would truly give users a choice. There would effectively be an alternative to Windows, without sacrificing windows applications. All we want is a level playing field. As much as Microsoft threatens the stiffling of innovation, you must stand firm. Ask yourselves what measures can we put in place that would put Microsoft back under the control of the market rather than vise versa. I hope this helps.

Thanks for your time,
Chris Gregan
Portland, OR

MTC–00018844

From: Justin
To: Microsoft ATR
Date: 1/23/02 5:56pm
Subject: Microsoft Settlement

This ''settlement'' will not prevent Microsoft from exercising it's monopoly power, nor does it promote a competitive environment. This settlement also allows Microsoft to remain forcing OEMS to ship it's proprietary, non-removable (therefore forced on the consumer), middleware applications. This settlement does not do enough to limit Microsoft's power.

MTC–00018845

From: Leo Muraro
To: Microsoft ATR
Date: 1/23/02 5:53pm
Subject: Microsoft Settlement

I believe that the DOJ proposed settlement with Microsoft is shameful.

I'm a computer consultant and I'm constantly struggling to provide clients the best solutions for their data processing needs. Beecause some of them have used Microsoft applications & operating systems, getting my customers data out of Microsoft's encrypted and proprietary formats is often so difficult (and expensive) that they are trapped with Microsoft. Microsoft could not get away with this in a healthy software market. The Software market is not healthy because Microsoft has engaged in predatory and illegal business practices for so long, that is now too dangerous to try to compete with Microsoft. It's not about the quality of your software, but how big your legal department is.

The proposed DOJ settlement is flawed for the following reasons: It would not prevent Microsoft from engaging in the same illegal behavior that it was found guilty of.

I think the proposals of the nine States that are disagreeing with the DOJ settlement have a more suitable remedy:

Microsoft must sell operating systems without any applications.

Microsoft must be prevented from prohibiting (via punative pricing contracts) computer manufacturers and computer users from offering or using alternative and co-existing operating systems and appilcations available to their customers.

Microsoft must be forced to license the Office suite of applications to competing operating systems in order to compensate for past illegal conduct.

Microsoft must be forced to publish the encoding format of its applications. Microsoft encrypts data in documents so that competing applications cannot read them.

Microsoft must be fined for overcharging consumers and business's. The cost of all software has dropped except MS operating systems.

Microsoft must not be allowed any role in determining the criteria of compliance with any settlement, this is shamefull and must not be allowed. A panel of computer scientists should settle technical questions and issues.

I also think that Assistant Attorney General Charles A. James should resign in shame from the DOJ and just get a job with Microsoft, it would be much more honest. It's quite clear that he is not interested in looking out for the public interest.

Leo Muraro
1631 S St. NW #802
Washington, DC 20009

MTC–00018846

From: Paul Frankenstein
To: Microsoft ATR
Date: 1/23/02 5:52pm
Subject: The Microsoft Settlement

I would like to comment briefly on the Proposed Final Judgment in the US. v. Microsoft case.

There are a number of significant flaws in the PFJ as it currently stands, but I wish to focus on a few key issues:

1) The conduct of Microsoft during the trial: Microsoft and its attorneys repeatedly falsified evidence that was presented in court. The most egregious example was a faked videotape that Microsoft claimed showed how Windows 98 was impaired by the removal of Internet Explorer. In fact, Windows 98 is not impaired by such removal; yet rather than admit that to the court, Microsoft chose to not only lie, but to present evidence that they knew had been faked. Subsequently, they produced another videotape that purported to show that Windows 98 was faster than Windows 3.1 at accessing the internet; however, the machine running Windows 98 had been equipped with a faster modem. Microsoft employees and executives were repeatedly evasive and delibrately misleading while giving

testimony, often contradicting their own email evidence. This culminated in the videotaped deposition given by Bill Gates, where he was evasive to the point of asking for definitions of the words ''concern,'' ''complete,'' and ''we.''

2) The PFJ completely fails to prohibit the kind of anticompetitive behavior (specifically the elimination of Netscape as a competitor to Microsoft, and more broadly the elimination of the browser as an operating system-independent platform) that formed the original basis for U.S. v. Microsoft.

3) The whole investigation came about when it was discovered that Microsoft was not complying with the terms of the 1994 consent degree.

4) The PFJ has no effective enforcement mechanism whatsoever.

5) Given the history of the case and the absence of an effective enforcement mechanism, there is ample evidence to suggest that Microsoft will, once the PFJ is signed, ignore the terms of the PJF and continue with their unlawful anticompetitive behaviors and practices.

Unfortunately, Microsoft continues in attempting to ignore the will of the courts; their recent attempt to settle a number of class-action lawsuits invovled donating $1 billion of software and hardware to schools across the nation. Unfortunately, such a settlement had nothing to do with the merits of the case and simply would have extended Microsoft's reach into a market where they have not been traditionally successful. Judge Motz correctly ruled that the proposed settlement in that case was actually beneficial to Microsoft and not beneficial to the plaintiffs.

I believe that the PFJ, as currently written, fails to provide an appropriate remedy for Microsoft's actions, as laid out in Judge Jackson's Findings of Fact, and, in fact, has the potential to actually be beneficial to Microsoft. Moreover, it utterly fails to address the question of the public good—unless one believes that monopolies, anti-competitive behavior, and predatory pricing practices are in the public good.

Sincerely,
paul frankenstein

MTC–00018847

From: Brian Hamilton Kelly
To: Microsoft ATR
Date: 1/23/02 5:55pm
Subject: Microsoft Settlement

I am given to understand that, under the Tunney Act, the DoJ will take note of commentary upon this settlement from third parties. Although not a citizen of the US, I would like to record that this apparent whitewash totally negates the excellent work that has been put into exposing the monopolistic practices of Microsoft, and am astounded that it has been permitted. Unless the decision is reversed, and a REAL penalty imposed upon Microsoft, their monopolistic position will become even more firmly established. This is THE LAST CHANCE to stop this.

I am an ardent user of IBM's OS/2 operating system; a piece of software that was consistently undermined and ruined through Microsoft's unethical practices (not the least of which was their overcharging software developers for compilers and other software tools unless they undertook to develop purely for Windows, even though virtually the same source code could have been compiled to run properly under OS/2). OS/2 was (and still is) infinitely superior to Windows of any flavour; yet IBM have virtually allowed it to die, because they have recognized they even they cannot afford to compete. I am pleased that Serenity Systems International have negotiated a licensing scheme by which they are selling updated (and very usable) versions of OS/2 under their eComStation branding, but this does depend upon IBM continuing to develop and improve OS/2 —something which they might well decide to forget altogether if Microsoft are allowed to get away with their illegal activities.

Brian Hamilton Kelly
bhk@dsl.co.uk

MTC–00018848

From: WALTER HUNNEL
To: Microsoft ATR
Date: 1/23/02 5:53pm
Subject: Microsoft Settlement

This will be a short letter, as I'm sure you have many to go through. Let me say up front that as a computer user, Database Administrator, and IT professional, I feel very strongly that the proposed Microsoft Settlement will do nothing to punish past monopolistic practices, or to prevent future violations of anti-trust law.

Most importantly, what the settlement fails to address is that Microsoft is already entrenched in a dominant, monopolistic position, achieved in large part through unfair business practices.

Creating a Technical Committee may (or may not) help with future problems, but does nothing to fix what has already transpired.

Lastly, I would point out that much of Microsoft's monopoly is maintained through mechanisms not mentioned in the settlement. For example, Microsoft Word is the dominant word processing software mainly because it's file format is proprietary and controlled by Microsoft—and changed frequently, so that no other program can reliably use it. If a standard file format were enforced, competing products would have a chance to co-exist and interoperate with Word; something that just cannot happen today.

I urge you in the strongest possible terms to reject this settlement and seek stronger action against Microsoft.

Walt Hunnel
Systems Administrator
Lawrence Memorial Hospital
325 Maine
Lawrence, KS 66044
785 840–2957
Pager #785–691–3863

MTC–00018849

From: Mark ''Adam'' Baum
To: Microsoft ATR
Date: 1/23/02 5:45pm
Subject: Microsoft Settlement

As it is written, I am unhappy with many aspects of the Proposed Final Judgement against Microsoft.

Hypothetical situation #1:

I'm a mechanic who has routinely worked on Ford cars, among many others. With my many years of experience, I've come up with an idea for a product that car drivers may want to purchase and install in their car—maybe a sensor that monitors gas flow and emissions and automatically tunes the engine while it is being driven. I've tested my prototype, and (knowing that it meets relevant EPA requirements) I'm ready to mass-produce this product and introduce it to potential customers.

* The specs for Ford's engines are openly available. * I am allowed to use my Sears Craftsman tools to create this product. * Although this product was originally designed and built for a Ford, I am allowed to sell this product to Chevy owners if they should choose to buy it and install it on their Chevy. My product may become obsolete if Ford changed their engine specs on future models. Ford may even incorporate a similar device into their future models. But I would not expect Ford lawyers to sue me over my product's initial release.

Hypothetical situation #2: I'm an Independant Software Vendor who has routinely worked on Microsoft Windows computers, among many others. With my many years of experience, I've come up with an idea for a product that computer users may want to purchase and install in their computer—maybe a piece of software that monitors the way I ''drag and drop'' items between my various applications and automatically anticipates when I may want certain items. I've tested my prototype, and (knowing that it includes an add-on ''redistributable component'') I'm ready to mass-produce my product and introduce it to potential customers.

* The proposed judgement allows Microsoft to continue to hide much of the API (Application Programming Interface) that would make it possible for this product to run under the Windows Operating System. In fact, the judgement's narrow definition of ''API'' does not even cover many aspects of the real API that third-party applications must address.

* The proposed judgement allows Microsoft to completely ban this product if it has been developed, even in part, using non-Microsoft tools from GNU, PERL, SCSL, any flavor of Linux, or any other ''Publicly Available Software''.

* The proposed judgement allows Microsoft to specifically ban the use of this product on any non-Microsoft Windows-compatible operating system. Isn't this proposed judgement supposed to *reduce* Microsoft's illegal anti-competitive practices?

Mark ''Adam'' Baum
Software Engineer
Lockheed Martin ATM
Eagan, MN

MTC–00018850

From: Wilcoxon, Steve
To: Microsoft ATR
Date: 1/23/02 5:56pm
Subject: Microsoft Settlement

I feel that the proposed settlement in the Microsoft Anti Trust suit is letting them off too easy. MS has been found guilty of using their monopoly powers illegally by

integrating the IE web browser. It still continues today. They have extended it by making the MS Update site the only place to go to get software updates and then that site REQUIRES the use of IE in order to update Windows 9x and newer. If they have other methods available, they have been working hard to keep normal users from finding it.

Steven Wilcoxon

MTC–00018851

From: Dave Heinen
To: 'microsoft.atr@usdoj.gov'
Date: 1/23/02 5:57pm
Subject: Microsoft Settlement

The proposed settlement IS BAD BAD BAD. My small company has had dealings with Microsoft. They are a predatory monopoly. USDOJ caved in on this matter and has FAILED to fulfill it's antitrust mission.

MTC–00018852

From: Kurt Overberg
To: Microsoft ATR
Date: 1/23/02 5:54pm
Subject: Microsoft Settlement

I'm against this settlement on the grounds that many of the terms of the settlement are too narrow. Making microsoft publish their APIs is a good idea. However, the definition of API is so narrow that Microsoft wouldn't have to publish the really important ones, such as the DirectX API, which microsoft uses across the board. PLEASE DON'T ALLOW THIS SETTLEMENT!

Thanks!
/kurt

MTC–00018853

From: Aaron Crabtree
To: Microsoft ATR
Date: 1/23/02 6:06pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea.

MTC–00018854

From: davesawyer@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/23/02 5:58pm
Subject: Microsoft Settlement

It is my understanding that Section III.A.2. of the proposed settlement allows Microsoft to ''punish'' OEM's who ship a computer with anything other than the Windows operating system. The effect of this sort of behavior is evident in the fearful behavior of IBM when it was trying to establish OS/2 as an alternative to Windows at the same time that it wanted to offer Windows to those who chose it. The upshot of this, in my case, is that on two of the last three computers I purchased, I was forced to purchase Microsoft Windows, an operating system I never put into use on those those copmuters (except, of course, the first time I turned the computers on). In short, the apparently weak settlement proposal from my Department of Justice does nothing to address the manner in which Microsoft's monopolistic behavior has damaged me.

Thank you very much.
David Sawyer
2360 Decatur Ave. N.
Golden Valley, MN 55427
(763) 546–9274

MTC–00018855

From: De Mickey
To: Microsoft ATR
Date: 1/23/02 5:56pm
Subject: Microsoft Settlement

Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Sirs:

I find the proposed Final Judgement inadequate. It does not redress the monopolistic actions committed by Microsoft, nor does it inhibit their ability to commit similar actions in the future. It makes no attempt to address ''ill-gotten gains'' garnered by microsoft through its anticompetitive practices, even though the company's illegal tactics have placed it in a very advantageous position. In order to make anticompetitive behavior unprofitable, there should be substantive punishment. But more importantly, there seems to be little in the proposal to prevent future abuses.

Sincerely,
Daniel Mickey
Daniel D. Mickey
Software Engineer
6769 Rimmer Court
Dublin, OH 43017

MTC–00018856

From: Robert Bowles
To: Microsoft ATR
Date: 1/23/02 5:56pm
Subject: The Microsoft Settlement is BAD

I am very upset at the limp slap that the US government is giving Microsoft. I have worked in the tech sector for 10 years and have watched microsoft steamroll innovation at every turn. Try to find an email client for windows that is not made by microsoft. How about a word processor? They don't exist. Microsoft has so devastated the competition by giving away such services or buying out competitors that it holds all the cards. I can understand why the federal government is afraid of microsoft. The government runs windows on their computers, too.

Please look into more punitive action against this corporate bully.

Robert Bowles

MTC–00018857

From: DARREN JUILFS
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 5:57pm
Subject: Microsoft Settlement

Dear Sirs:

I have been following the debate about Microsoft and its behavior from the beginning. I believe that Microsoft should be split into two groups: an OS group and an Application Group. It is the only way to stop Microsoft from integrating its applications into its Operating Systems which gives it an unfair advantage. The proposed settlement of distributing software and computers to under-privileged schools will have the opposite effect from punishment and will actually help Microsoft break into the education market where other computer manufacturers, (namely Apple), still have a healthy share.

Darren Juilfs
KD Manufacturing
1301 115th Ave NW
Coon Rapids, MN 55448
tel: 763–574–8392
fax: 763–757–7174

MTC–00018858

From: Pachik, Kurt D.
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 5:55pm
Subject: Microsoft Settlement

I think the settlement is way too weak to have any real effect on M$ or towards the restoration of competition in the many markets M$ dominates. Please do not cave-in to the evil software giant.

Kurt Pachik

MTC–00018859

From: Joshua O'Connor-Rose
To: Microsoft ATR
Date: 1/23/02 5:54pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea. I support the notes provided at http://www.kegel.com/remedy/letter.html

Joshua O'Connor-Rose

MTC–00018860

From: George Seff
To: Microsoft ATR
Date: 1/23/02 5:59pm
Subject: Microsoft Settlement
To: Renata B. Hesse

Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. Clearly—these issues are problems: The Proposed Final Judgement (PFJ) prohibits certain behaviors by Microsoft towards OEMs, but curiously allows the following exclusionary practices:

Section III.A.2. allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

Section III.B. requires Microsoft to license Windows on uniform terms and at published prices to the top 20 OEMs, but says nothing about smaller OEMs. This leaves Microsoft free to retaliate against smaller OEMs, including important regional ''white box'' OEMs, if they offer competing products.

Section III.B. also allows Microsoft to offer unspecified Market Development Allowances—in effect, discounts—to OEMs. For instance, Microsoft could offer discounts on Windows to OEMs based on the number of copies of Microsoft Office or Pocket PC systems sold by that OEM. In effect, this allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas, such as office software or ARM-compatible operating systems. By allowing these practices, the Poposed Final Judgement is encouraging Microsoft to extend its monopoly in Intel-compatible operating systems, and to leverage it into new areas.

Thanks for your time.
George A. Seff
President

MTC–00018861

From: Brian Reuter
To: Microsoft ATR
Date: 1/23/02 5:59pm
Subject: Microsoft Settlement

The proposed settlement is inadequate. While it addresses Microsoft manipulation of OEMs to stifle competition, and it ostensibly allows users to remove offending software, it still leaves microsoft in a position where it continues to be anti-competitive. To ensure it has no competition, Microsoft can and will begin to license it's non-standard proprietary APIs only to companies which Microsoft approves of, while scorning any company that may compete with Microsoft applications. Such a situation is equally harmful to independent software vendors, or companies which may vie to compete in the same market.

There is no other adequate settlement than to divide microsoft into an operating systems company, and an applications company each with separate ownership and a separate board of directors. Any collusion between applications and operating systems will by it's nature produce a situation where an outside vendor cannot possibly compete with Microsoft. The Microsoft Operating Systems company, further, should be required to publish for free (or a nominal charge for material) all API and system functions with complete documentation (including errata, secret functions etc.) for any party interested, without any legal agreement required. Further, the Microsoft Operating Systems company cannot enter into any agreement with an outside company in which information not otherwise available publically is disclosed. My opinions are my own, and independent of my company.

Brian Reuter 2F—215 Murray Hill, NJ (908) 582–3837

Member of Technical Staff Bell-Labs, Lucent Technologies

MTC–00018862

From: RobCoen@verdugo hillshospital.org@inetgw
To: Microsoft ATR
Date: 1/23/02 6:01pm
Subject: Microsoft Settlement

The proposed final judgement is bad. It will not restrain Microsoft from it chosen path of anti-competetive business practices. I am convinced significant improvement of Windows will diminish and the PC computing experience will become increasingly restrictive, intrusive, and dissatisfying for the end user. Computer professionals will have to increasingly be upgrading, re-installing and repairing damage to PC functionality because of poorly writen code.

If cars crashed as often as Windows PCs do in normal configurations, It would be suicidal to drive to work. If banking computer systems were as susseptable to hackers as your home PC's financial records, we would have to put cash inside the matress at home. The point is that a decent company can make a safe and relyable computer system, while Microsoft doesn't. Dan Kegels comments on the proposed Final Settlement undoubtedly raise mostly valid issues. The PFS is UNACCEPTABLE! I believe Microsoft will not agree to ANY meaningfull settlement, so plan on an using an dictatorial fonding of judgement, and use a unbending judge determined to give competiton to Microsoft to administrate this edict and keeping a talented and committed persons of the Judges choosing to be the ''teeth'' and bite. I still think breaking the company up in to Operating systems and Applications divisions and perhaps a new products (with exclusion of anything derived from the Windows user interface). Feel free to spend my tax dollars to accomplish this, but do it right and plan on a continuous fight until Bill Gates retires.

Rob Coen, computer professional since 1979,

P.S. My views haven't changed any more than Microsoft's in the last 10 years.

MTC–00018863

From: dmarker@speakeasy.net@inetgw
To: Microsoft ATR
Date: 1/23/02 5:45pm
Subject: Microsoft Settlement

As a computer professional, I would like to voice a piece of my opinion regarding the proposed settlement to the Microsoft trial. I am wholeheartedly disappointed that such brazen attitudes and disregard for the law and the public should be permitted to go unpunished. I do not believe that the restrictions and remedies planned out in the settlement will be any assistance to preventing Microsoft from further breaking the law and abusing their position of power. With the growing pressure from Microsoft to use their software in ever increasing roles, the danger of insecurities in their software are mounting daily. Viral plagues have swept over the world's mail and web servers (regardless of the software installed) over the past several months that have cost countless hours and dollars. They have used anti-competitive practices as a monopoly to exclude other vendors from the market. They have been often accused (and with rather well documented evidence against them) of maliciously going out to financially destroy competitors and steal or reverse-engineer their intellectual property. They have been caught blatantly lying in court on this very case with their ''simulation'' of uninstalling Internet Explorer. I do not feel that any of the remedies presented will effectively change their long-term strategies in any way. For a single example, the two ''top ten'' lists for OEM sale of Windows effectively legitimizes the entire pricing scheme that MS used to squeeze our competing licenses from desktop sales. Furthermore, although I personally detest long legal forms, I dread that Mr. Gates, who quibbled over the definition of ''hit team'' and ''jihad'' as used in his internal memorandums will find the legal restraints rather slippery. The legal system does not appear to cope well with rapidly evolving markets and definitions. However, much of the case involves questions on the legal definitions of ''Operating System'' and ''Browser'' yet the judgement relies very heavily on the definitions of ''middleware'', ''retaliate'', and ''reasonably necessary''. With this going on, the remedy still gives the definition of ''operating system'' back to Microsoft with the line: ''The software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion.'' I strongly recommend that the resolution to this case undergo major revisions. I personally think the section regarding the TC has very positive points, even though it has received much criticism. I would push a bit further in trying to extend their scope of investigation, probably by tightening the non-disclosure contract, and use this as a basis for giving the final few steps of access to the software. If they can review all of the (normally private) contracts and question anyone in the company, why should their access to the software source code be limited by an agreement made (and from what I understand, alterable at will) by Microsoft? Finally, there is one major section lacking from this proposed remedy. There does not appear to be any restitution. This seems to be one large nothing from the Federal Courts. Merely a ''Don't do that again'' approach. As much as I would like to see several zeros of corporate accounts be redirected to organizations like the Electronic Frontier Foundation, I realize that this at best a questionable act. I think that a series of financial penalties based on a percentage of the gross corporate earnings should first be applied to the company, with even stronger penalties prepared in advance, ready for the possibility that Microsoft may decide to continue to test the mettle of the court system.

Sincerely,
Dan Marker

MTC–00018864

From: Henry Timo
To: Microsoft ATR
Date: 1/23/02 5:59pm
Subject: Microsoft Settlement

In my opinion the proposed settlement is a very bad idea: it fails to prohibit anticompetitive practices and does not require Microsoft to list which software patents protect the Windows APIs. This settlement allows and encourages anticompetitive practices to continue, and is therefore —not— in the public interest.

Sincerely,
Henry Timo; Software Engineer
Los Angeles, CA

MTC–00018865

From: Mitchell, Michael
To: Microsoft ATR
Date: 1/23/02 5:59pm
Subject: Microsoft Settlement

There are alternatives. Don't blame Microsoft because you didn't buy one. Linux is in the stores except it currently isn't as user friendly. Mac's are around but they advertise in the back corner.

Michael Mitchell
Anti-Virus Engineer
Enterprise Messaging Team/Worldwide Anti-Virus Team
Tek Systems * ITSC

MTC–00018866

From: hj@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 6:01pm
Subject: Microsoft Settlement

Please count my name as another US citizen, residing in the state of Minnesota, as

being opposed to the proposed Microsoft antitrust settlement. I have been using computers professionally since 1980, and I do not feel that Microsoft has been acting in my, or my company's (Tringa Press) best interests, for at least several years. ''Donating'' proprietary Microsoft products to secondary schools seems particularly ill-advised, especially at a time when we're moving towards a more open, global economy. We now have a chance to train our future information workers in the use of tools whose primary aim is productivity and empowerment, not pleasing investors.

HJ Schmidt
Managing Editor
Tringa Press

MTC–00018867

From: J.D. Forinash
To: Microsoft ATR
Date: 1/23/02 6:03pm
Subject: Microsoft Settlement Concerns.

To Whom it May Concern:

I am writing to voice my opinion on the proposed Microsoft settlement. I do not believe that the proposed settlement settles anything. Microsoft will go effectively unpunished, and will not lose any ability to engage in the activities that brought them to this point. While the relevance of the latter may not be important, the former, I believe, is. No company should be allowed to use anticompetitive practices to keep other businesses from having a chance.

As an example, take ''PC compatible'' hardware. If someone buys a ''PC compatible'' system, he has the option of running Microsoft's Windows, Sun's Solaris x86, Linux, or BSD on the machine. For a while, we saw major vendors ship Linux machines, but those aren't advertised anymore, and are only still available from a select few major vendors. As of this writing, featured business PCs on the following vendor's websites have _no way_ to order a machine without some version of Microsoft's Windows operating system: Dell Gateway Compaq IBM Sony Is it possible that all of these vendors have policies that make it unfeasible for them to install another operating system on their PCs, or even —not load an operating system at all?— Certainly not. Microsoft has used their market power to arrange that any PC purchased from any reputable manufacturer is required to also buy Windows, whether they need it or not. Any ''settlement'' between Microsoft and the people of the United States of America should require that Microsoft is not able to use such strongarm tactics and is punished for using these tactics in the past.

John D. Forinash
Atlanta, Georgia

MTC–00018868

From: Chase Caster
To: Microsoft ATR
Date: 1/23/02 6:01pm
Subject: Microsoft Settlement

The proposed Microsoft Settelment is unfair to all those who wish to write (and use) similar software to that which Microsoft uses. The Windows operating system is written in such a way that it is difficult to use anything other than microsoft software for much of what computers are most used for. And because of that, not only are outide applications hard to find and use, but other operating systems are nearly impossible to come by because Windows is designed to be incompatable with them. If we let Microsoft keep their monopoly, we will be doing a great injustice to the computing world.

MTC–00018869

From: Matthew Schmidt
To: Microsoft ATR
Date: 1/23/02 6:00pm
Subject: Microsoft Settlement

I think there are serious flaws with the Microsoft settlement as currently proposed by the government and Microsoft. While I feel that more drastic measures are fully appropriate (like opening Windows source code and Office file formats), there remain problems even given the more moderate type of conduct remedies included in this order. Along those lines, the proposal by the dissenting states is far more effective.

Section III.H, for instance, allows users to remove Microsoft Middleware from the computer. It would be more reasonable to have Microsoft sell a version of Windows without the middleware, giving consumers a choice in the matter and allowing competition in the various areas. Once Microsoft gets a piece of software into Windows, there is little reason for people to go out and buy a separate equivalent piece—even if the independent software would be better value.

Also, section IV calls for a technical committee to oversee Microsoft's conduct. The TC has very little power to force compliance on their own, however. They are also prohibited from testifying in court—excluding from deliberation the most qualified witnesses. The TC must have the power to fine, and preferably also the right to testify in court. Finally, there is an expiration date of five years on the agreement. None of the conduct required of Microsoft is onerous or unusual—it describes the bare minimum (if that) of fair and responsible behavior. The expiration date—if included at all—should be significantly farther out.

Pluralitas non est ponenda sine neccesitate.

William of Occam

MTC–00018870

From: Jim Stocking
To: Microsoft ATR
Date: 1/23/02 6:00pm
Subject: Microsoft Settlement

I think it is very important to punish Microsoft for blatantly illegal constraint of trade. While I realize the importance of the company, I also was one of those Bell System employees who saw our structure dismantled for a whole lot less reason. The tentative settlement is laughably easy on Microsoft, and I wonder why a split of the company into three parts: operating systems, software applications, and internet is not in order.

Jim Stocking
1066 Randolph Drive
Yardley PA 19067

MTC–00018871

From: Frank Tobin
To: Microsoft ATR
Date: 1/23/02 6:00pm
Subject: Microsoft Settlement

I am writing to give my comments on the Microsoft antitrust settlement. As Bachelor of Computer Science and an independent Open Source/Free Software software developer for the past 5 years, working on community, commercial, and internal products for the Unix/Linux platform, I am acutely aware of the problems caused by the illegal Microsoft monopoly. I believe that the proposed settlement does not fully address the goals it set out to accomplish, and allows for many loopholes to be exploited in the future.

First, I believe that many provisions of the proposed settlement do not carry the foresight needed to deal with easily foreseeable problems that will arise. To live in the information world, one needs to not only have a good grasp of the ''now', but also the issues of 'tomorrow'. The proposed settlement does a fair job of addressing many issues that one can point to today, but many of the terms and definitions are too strict, not capable of handling the rapid morphs in technology that are inevitable. The terms, definitions, and specific products listed in sections such as Section III: D need to be loosened, or else many loopholes will be exploited.

My second main concern is Microsoft's exclusionary licensing, which goes beyond those issues addressed in Section III.F and III.G. There is a large and growing number of Open Source and Free Software pieces of software being community-developed and freely available with source. However, licenses such as the Microsoft Windows Media Encoder 7.1 SDK EULA strictly prohibit bundling with Open Source and Free Software. This is an excellent example of Microsoft leveraging its monopoly not only against commercial competitors, but also *community* software projects. This is a clear example of the anti-consumer and anti-community behavior that Microsoft has repeatedly shown over the past several years, and not specifying provisions to prohibit is is unacceptable. I am also a co-cosigner of the open letter at http://www.kegel.com/remedy/letter.html , since I believe the issues that it brings up are also my concerns. In summary, it also concludes that the Proposed Final Judgment is not in the public interest, for the most important reasons I have already stated, and more. Please do the right thing by amending the settlement so that it keeps tighter reins on Microsoft, and thus allowing the market to develop in a freer fashion, unchained from Microsoft. I am in favor of the changes recommended at: http://www.kegel.com/remedy/remedy2.html#fix

To let the current settlement stand would be gross negligence for the health of the community and market.

MTC–00018872

From:
jbmitch7@abbott.office.aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 6:00pm
Subject: Microsoft Settlement—Not Strong Enough

To Whom it May Concern,

I am writing to register my disagreement with the proposed settlement in the

Microsoft case. I feel that this company is incapable of restraining itself, and will take advantage of any loopholes in the settlement to the greatest extent possible. If there was any doubt about its behavior before, its actions during and since the trial make this abundantly clear. Who can forget, for example, the doctored video tape shown to the judge by Microsoft. And since the trial there are numerous examples of further anti-competative behavior. Just in the last couple of weeks I've seen the following items reported:

1. Microsoft is suing a company making a Linux-based operating system that will run Windows applications, (Lindows—see http://www.lindows.com). Microsoft says that consumers will confuse the name Lindows with Windows. Huh? It seems more likely they are trying to hurt a potential competitor by piling on legal bills and problems.

2. Microsoft has filed a motion to bar the public and the media from seeing depositions related to the case, (these depositions having been opened by court order). Article on the subject at http://dailynews.yahoo.com/h/nf/20020110/tc/15719—1.html What are they trying to hide?

3. Microsoft recently tried to rig a poll at ZDNet, (story at http://news.zdnet.co.uk/story/0,,t269–s2102244,00.html), to make it appear as though their .NET initiative was gaining massive ground. It's a lie designed to try to convince IT people to start using their product.

If these don't seem to be a big deal, consider that I found these three items for the last two weeks just from a quick search on a website, (http://www.slashdot.org). The number and type of items from the last two weeks is the norm, not the exception. If you want to see more examples of their bullying and dishonest tactics, go to slashdot and search. You'll find many, many more. Microsoft has done everything it can to prevent competition. It has broken the law and has demonstrated that it will continue to do so, as well as lie and manipulate wherever possible. The government is the only entity capable of restraining them. Please, for the sake of businesses trying to innovate and make a living, for the sake of freedom of choice for the American consumer, assume that Microsoft will try to subvert any settlement and will continue its monopolistic practices. Fashion a new settlement that doesn't give them any wiggle room—one that assumes the worst in terms of their future behavior. They have proven, and continue to prove, that this is the only reasonable course of action.

Sincerely,
Jeffrey Mitchell
15260 Surrey House Way
Centreville, VA 20120

MTC–00018873

From: james.l.herrmann@kcsr.com@inetgw
To: Microsoft ATR
Date: 1/23/02 6:05pm
Subject: Microsoft Settlement

The Microsoft settlement, as written, is a bad idea. It will encourage Microsoft to continue it's monopolistic ways. I also feel that it is unenforcable, as there is no real punishment for non-compliance.

Please reject the settlement with Microsoft.

Thank you,
Jim Herrmann

MTC–00018874

From: Maverick
To: Microsoft ATR
Date: 1/23/02 6:03pm
Subject: Microsoft Settlement

Hello,

Some of my professional associates pointed me to this email address as a place where I could voice my concerns over the severely lacking Microsoft Settlement. In essence, the proposed settlement as it stands will do nothing to remedy the damages caused to the computing industry by Microsoft, and does nothing to punish them for doing it. Dan Kegel has written an excellent analysis of the weaknesses in the PFJ here: http://www.kegel.com/remedy/letter.html I have also asked to have my name added to those listed below. I don't have the time to cover every problem in detail (and I suspect you may no have time to read it), so I will only cover what seems to be the least obvious and most overlooked way in which Microsoft extends and maintains their strangle hold on the industry: Proprietary file formats. Few would argue that Microsoft Word document files have become the de facto standard document exchange format. Most of my clients send me documents in Word format, and most expect to receive them in Word format. That has been the norm for every company I've been employed by, and every client I've worked for. What happens when someone sends another a document in Word Format (or Excel, PowerPoint, etc, etc)? The sender is not only making the assumption that the receiver has purchased a Microsoft Operating System and purchased a copy of Microsoft Word, they are assuming that they have CURRENT versions of both. It is a well documented fact that different version of the same Microsoft products produce files that are not readable by differing versions of the same product. And the same version of a product doesn't run on all versions of Microsoft's operating systems. Thus forcing all users in to an constant cycle of upgrades of both their operating system and office product. The proprietary nature of the formats, along with their constant alteration prevents a third party from reverse engineering the format to produce a competing product. By the time that they can produce a product that can accurately read and write a Microsoft Office file, there is a new version of Office on the market that isn't compatible, and thus making their product's ability moot. I hope that this has shed some light on the concerns of the case, and helps lead to a remedy for the damages caused by Microsoft.

Thank you for your time,
Steven Edwards

MTC–00018875

From: Jesper Juhl
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 6:02pm
Subject: Microsoft Settlement

Hi there,

I'm writing this small note to tell you that I think the proposed settlement in the ''United States vs. Microsoft antitrust lawsuit'' is a bad idea. It is no way near hard enough on Microsoft. Since I am not a US citisen (I'm Danish) you probably don't care much about my comment, but I just wanted to add my name to the list of people objecting to the settlement.

Regards,
Jesper Juhl

MTC–00018876

From: Mark Drake
To: Microsoft ATR
Date: 1/23/02 5:52pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions. Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general. While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Mark Drake
Military Member Stationed at Keflavik, Iceland

MTC–00018877

From: John R. Johns II
To: Microsoft ATR
Date: 1/23/02 6:03pm
Subject: Microsoft Settlement

Department of Justice representative:

I am writing to voice my disapproval of the current Microsoft Settlement. There is a simple and clear problem with the arrangement. Microsoft has been found guilty of violating antitrust laws. While the current settlement may offer some provisions to reduce antitrust behavior in the future, it lacks a penalty for Microsoft's past transgressions. Disregarding all other problems with the settlement terms, the absence of any punishment should be enough reason to reject the current deal. You are the Department of Justice... where is the justice in this settlement?

Sincerely,
John Richard Johns II

Sunnyvale, California

MTC–00018878

From: David Hirsch
To: Microsoft ATR
Date: 1/23/02 6:05pm
Subject: Microsoft Settlement

I deplore the proposed settlement in its current state. Microsoft, through it's illegal monopoly, has poisoned the current Operating System and software market, and continues to take anti-competitive steps designed to preserve its monopoly; the proposed settlement is so weak as to be useless in correcting this behavior. Microsoft's previous conduct with respect to settlements to which it has agreed shows that a strong enforcement mechanism must be put in place, one that will cripple Microsoft's ability to behave in an anti-competitive fashion. The current settlement must not include any distribution of Microsoft products to right previous wrongs—that only helps Microsoft retain it's monopoly status. Rather than providing software or hardware to schools, the Court should calculate the RETAIL value of these products, and make Microsoft give the money directly to the schools instead. The court should take steps to ensure that any actions taken apply to future versions of Windows, including Windows CE, Windows XP, and Windows NT, Pocket PC, etc. and any descendants of these operating systems. These steps should include the release of all API's (the current definition of API in the settlement is too narrow, and would allow the remedy to be skirted by Microsoft) to software developers. The remedy should provide assurance that Microsoft will continue to develop and release versions of its main software packages for the Macintosh OS. Perhaps a requirement that the top-selling 40 percent of non-operating-system software must be released for Macintosh within 9 months of its release for a desktop Windows OS.

Dave Hirsch
Assistant Professor
Department of Geology
Western Washington University

MTC–00018879

From: Radu Filip
To: Microsoft ATR
Date: 1/23/02 6:07pm
Subject: Microsoft Settlement

My name is Radu Filip, and I'm working for a dot-com company located in US and I would like to express my opinion about the anti-trust case against Microsoft and about the proposed settlement.

Like many other peoples, I'm concerning about monopoly held by Microsoft in desktop software and they way they behave in doing business. Concrete, as an end-user and as person involved every day with IT world, I have ''problems'' with the following issues, that comes from Microsoft monopoly.

For each problem I will address bellow, I'll explain it shortly, I'll try to give and example, I'll try to suggest a remedy and explain how it can prevent further monopoly situation.

(1) Closed file formats

No one has the right to make me ''hostage'' of their software. No matter what product I'm using, I should be able to either buy nother product or to develop my own one in-house that should be able to work with the files made with the old product. For example, if I'm using Microsoft Office and I create with it a lot of documents or spreadsheet files, I should be able to quit anytime using Microsoft Office if I want, in favour of StarOffice, for example, and continue to use the documents and spreadsheets I have been created. In order to do this, the specifications regarding the format (how data are recorded into files) of my documents and spreadsheets must be freely available so that other programs be able to interpret these documents. This openening of sepecifications should apply to all kind of files, made by various applications, not only by Microsoft one. Companies can compete by developing products with various features, not by making their users hotages. Users should be able to interchange data anytime they wish, no matter what programs we're using. A goo dexample for this one is the web, where various web servers that runs on a multiple types of computers and operating systems, are serving various web browsers (Netscape, Internet Explorer, Opera, Konqueror, etc.) that also runs on mutiple platforms. This is possible because the format of web pages of freely available, as well as te way (the protocol) the browsers and servers are using in order to deliver these pages. Any webmaster can choose any websever he wish, and any user can use any browser he wish. This is freedom.

(2) Closed protocols

No one should have the right to make me ''hostage'' of their software systems by hidding way their programs are communictating. If me, as a user I own a Linux computer and a Windows one, I should be able to interconnect them in any way I wish, no matter who programmed Linux and who produced Windows, in the same way I can use two diffrent cars I own or two TV's and so on. Protocols are ''communication languages'' used by programs or devices to comunicate, in order to provide a service. This service can be e-mail, web, accessing filesystems etc. Protocols (or standards) are in every program and in every device. For example, because of Microsoft monopoly, I'm not able to read MY OWN data stored on a Microsoft filesystem from a Linux operating system, if I have both of them installed and I run Linux. This is happens because Microsoft is interested to lock up their users by preventing them to use a diffrent operating system. And this is not normal, since their programs should do WHAT I NEED, not what Microsoft NEEDS. The same is for communication protocols. If they build a mail server like Exchange, then if I own a copy of Exchange I should be able to use ANY client program to access it, not only Microsoft programs. Thus, like for file formats, all major protocols should have specifications freely available, so other programmers be able to build their own programs to intercommunicate with the existing one. One example is Microsoft SMB protocol used to sharing files between computers in a local network. They lock up this protocol so only windows computer can share files, computers with other operating systems being unable to join in sharing files. They kept hidden the specification and change them over time so other operating systems cannot do the same. But me, as USER, I HAVE ALL RIGHT to share MY FILES between MY OWN COMPUTERS, no matter what software I'm using. It's my right to do so. Like we have or or many public standards for TV broadcasting, like we have Web to share information, like we have driving on right side on the roads, we should be able to have access to specification of every major protocol used, so we do not become slaves of one corporation or one organization.

(3) Extension of public protocols

This is a way for companies like Microsoft to transform public protocols into closed ones, by adding their own closed extension, undocumented. They motivate this by ''addig featured and value to customers''. In fact, they add this extension to justify their behaviour to be the only one to develop programs that use that features. This is also a danger because public protocols like Web, E-mail or worse, TCP/IP (protocol used all over the Internet to send data between computers), can become property of one single organization. They can impose the adoption of this proprietary extensions by using their monopoly on desktop market with Windows, and by making new versions of Windows the only products that support their extensions and let others alternatives outside. Since this extensions are subject of technical details, unrelevant for the large public, the market cannot see the danger to adopt this owned standard and this way large numbers of customers become hostages without their knowledge. For example, they can alter the HTTP, protocol used to deliver webpages from server to web browsers, by adding some ''features'' in away that only their Internet Explorer (currently about 75% of web browsers market) with be able to deal only with their IIS (web server) so every other web browser or web server will be out of game and this way, they will be able to own the web and will control the information that flows through it. Should be freedom to speak controlled by someone? One bad example could be Microsoft Passport, a software feature build only in Internet Explorer and that can be used only with websites serverd by Microsoft Web Servers (IIS). There is no technical reason for this exclusive behaviour, it's only a ''feature'' to make peoples using their software only and exclude the others. Me, as programmer, I cannot build or modify a webbroser that use Passport Services, because I don't have specifications of Passport. This force me as user to use Microsoft Internet Explorer to read MY mail on MSN, for example. And this means NO CHOICE, being a way to take control over web. There is nothing wrong in improving standards, but major standards should always have free specifications available to anyone.

(4) Imposing Microsoft software by using Windows monopoly First of all, when I'll buy a new computer I should be able to CHOOSE what operating system and applications are incloded or even to CHOOSE to NOT BUY any operating system at all. Right now, because of Microsoft way to impose deals

with computers manufacters, I HAVE NO CHOICE but to buy a Windows version with every new computer, even if I'm planning to use completly diffrent operating systems like Linux, sold buy companies like RedHat. Why, as customers, I'm forced to pay for something I don't need?

When I buy a new computer, I should be able to choose:

—if I want Windows or other operating system or any operating system at all

—if I want other Microsoft applications that comes with Windows or not, by choosing alternatives (like StarOffice instead of Microsoft Office or by using Netscape instead of Internet Explorer as web browser and so on) or I don't want any application at all (this should appy to EVERY operating system or application, not only to Microsoft) Also, not only customers, but every delear of computers should be able to be be free to choose whatever operating systems or applications want to pre-install on computers he sell. Also, customers should be able to accept or refuse this software offerings when buy a hardware (a computer).

(5) Driving users to Microsoft websites and services

This is another form of locking up customers to Microsoft products and it's derivate on the way they impose their software. In current situation with forcing users to buy Windows with every computer and using by default only Internet Explorer that drives users only to Microsoft related sites and services like MSN, the real threat is to use this monololy to became a hegemony, by making Microsoft not only control the software we're using in every computer, but also to control what we see and hear. This way, the George Orwell's 1984 novell has a real chance to hit the reality. What is the difference between a totalitar regime that controls all what we're doing by law and a private, commercial monopoly that control what we're doing via tools (software) we're using? No one, they are the same, a single exclusivistig group controling everything by a method imposed to every one. This is no democracy and no freedom.

Conclusions

(A) From user point of view

(a) Every single user must be able to choose what operating system or application to use (if he want some) when buying a new computer; this require freedom to users and sellers to choose applications to install on new computers

(b) Every single user must be able to switch applications and keep using the same documents as before or be able to convert them; this require freely available specifications for data formats (files, filesystems)

(c) Every single user must be able to use any operating system or program he want, in order to deal with other operating systems or applications that offer services (local, on a network or over the Internet); this require freely available specifications to all major protocols that are parts of the core services of the Internet

(B) From sofware companies point of view

(a) Every program must be able to use user's data made with other programs and be able to intercommunicate with other programs, so programs (and vendors) compete on feature and support level, not on lock-in ''improvements'' and ''innovations''; this require open specifications for file formats and protocols

(b) Every software vendor should e able to make deals with hardware manufacturers, without being slaves of one single central software vendor that controls the markets and our lives; this require to avoid exclusive deals made by Microsoft that exclude others players to compete

(C) From goverment point of view

(a) Maybe it is a good idea to create an Agency that regulate IT markets in the same way as for Stock Exchange or other markets; this way, the competition will have a neutral referee, not like today when one player is also referre in the game

(b) Anti-trust law should specify that companies that own a certain ammount of market share should be prohibited to use particular business methods like exclusive distribution of their products, in order to let smaller companies to compete. Each situation like this should be mentions in anti-trust law and supervised by an Agency (maybe the same as for (C.a)

(c) Major (most common wide used) data formats and protocols should be put under the development of independent non-profit organizations (like W3C for web) that manage their evolution. Anti-trust law should specify when a certain data format or protocol become wide used and in what condition the company that originally develop it should put its specifications under independent organization management. An Agency shoud take care this to be respected.

(d) The anti-trust law should impose software vendors to conform to public specifications and an Agency (the same as for C.a) should take measures according to this law to assure all programs and services are using this common open protocols. These proposals (on point C) should help to prevent situation like this, when a single company tries to control all IT world using it's monopoly on user desktop market, threatening our freedom.

Thank you for patience to reading this,
Radu Filip

Radu Filip —— radu@wmw.com System Administrator

MTC–00018880

From: Volker, Jim
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 6:04pm
Subject: Microsoft Settlement

The research I have done (or read from other which have done research) indicates to me the proposed solution is not a good one. I plan to send more detail in writing. Jim Volker Test Data Management Cottonwood Technology Group, Inc.
phone: 480.970.3332 ext. 175
fax: 480.970.3322

MTC–00018881

From: Eric Moore
To: Microsoft ATR
Date: 1/23/02 6:03pm
Subject: Microsoft Settlement

Your proposed settlement with Microsoft will make Neville Chamberlain sit up in his grave, smile, and pat you on the back. Unfortunately, MS just doesn't care what the court nor the Justice Department decides. They have shown continued disregard for agreements banning specific tactics and behaviors. Your proposed settlement isn't even a slap on the wrist. In effect, it's a victory for MS. There are some remedies that would help all injured by MS illegal maintenance of its monopoly. I leave the specifics of damages to the court, however, I do know one thing which would help the 'rest of the world' compete more effectively with MS. Require MS to disclose fully the file formats MS applications and OS create and update. MS would have to consent not only to disclosing these formats, but to provide public detailed specifications when changes occur. If competitors can make precisely the same end product (an Excel file, Word) etc, they can engineer competitive methods to create these exact files. It sounds trivial, but it would help considerably.

E. Moore

MTC–00018882

From: Colgan, Matt, ITD
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 6:13pm
Subject: Microsoft Settlement

Hello—

I would like to comment on the proposed settlement of the Microsoft Antitrust suit.

It stinks. Most prosecutors pride themselves on getting a more stringent penalty for those who are convicted as a result of their efforts. The DOJ appears to have broken with that tradition. Some articles stated that the DOJ's offer to Microsoft was less of a penalty than what Microsoft themselves were offering before they were found guilty. This decision weighs very heavily on the future of the computing industry and innovation. Microsoft continues to be a baleful force to crush innovative new companies and products. Venture capitalists hesitate to fund software startup companies due to the looming threat of Microsoft's unfair competition. The settlement as it stands will serve to strengthen the entrenched, non-innovating, but highly profitable Microsoft corporation, at the expense of consumers and prospective innovators. I would suggest that a minimal punishment for the crimes Microsoft has been found guilty of would include a statement of culpability, and plausibly contrite statements by the directors of the company. If such statements are not forthcoming, the directors of the company should be forbidden from running the daily operations of the company.

Thanks,
Matt Colgan

MTC–00018883

From: rbrown
To: Microsoft ATR
Date: 1/23/02 5:50pm
Subject: Microsoft Settlement

I feel that the settlement terms with Microsoft are cheating the American people.

Thank you,
Robert Brown

MTC–00018884

From: Deke Clinger

To: Microsoft ATR
Date: 1/23/02 6:03pm
Subject: Microsoft Settlement

Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW Suite 1200
Washington, DC 20530–0001

Greetings,

I am writing regarding the proposed settlement of the antitrust action against Microsoft Corporation. I am very concerned that the settlement appears to do nothing to restore a competitive marketplace for operating system software or to punish Microsoft for their past misbehavior. There is nothing in the settlement regarding publishing Microsoft's Application Programming Interfaces (''APIs'') or document formats. These steps, combined with substantial penalties for failing to provide accurate and complete information, could result in real competition in the software industry.

Microsoft's lack of contrition and commitment to ''business as usual'' is demonstrated in their every action: the proposed addition to Internet Explorer of ''smart tags'' that change the content of displayed web pages, the onerous new licensing and ''activation'' requirements of Windows XP, the brazen attempt to settle some of the many civil lawsuits against them while at the same stroke expanding their monopoly into the education market. Considering Microsoft's past practices and the outsized profits derived thereby, some sort of punitive damages would seem to be in order.

The proposed settlement is a bad deal for the American software consumer and for the software industry in general. I'd like to see a settlement that includes a requirement for documentation of all Microsoft APIs and document formats, with suitable enforcement and penalties for lack of full disclosure.

Sincerely,
Deke Clinger
602 West Fir Street #303
San Diego, CA 92101

MTC–00018885

From: battle@pobox4.mot.com@inetgw
To: Microsoft ATR
Date: 1/23/02 6:04pm
Subject: Microsoft Settlement

I think the proposed (largely by MicroSoft itself) settlement of the MicroSoft antitrust case is a joke.

Bill Gates describes it as ''fair''. I DO NOT WANT a remedy that the offender accepts as ''fair''. How many convicted criminals regard their prison sentences as ''fair''? I want a remedy that will make (particularly Bill Gates) whine to the press about ''punishment''. MicroSoft deserves to be punished. I want a remedy that will cause suffering on the part of MicroSoft, in reasonable balance to the amount of suffering that its monopoly abuses have caused to their competitors and to the rest of the computing industry in general. In particular, their rival, Netscape, was driven out of business by the anticompetitive practices of the MicroSoft monopoly. Any ''remedy'' that falls short of at least threatening MicroSoft's present monopoly position is clearly insufficient.

In my understanding, a remedy for monopoly abuse is supposed to do three things:

1) Punish the offender, primarily by depriving them of the gains obtained by their illegal actions. The proposed ''settlement'' does nothing to relieve MicroSoft of the market power they have gained by eliminating the Netscape Corporation and cornering the internet browser market. An appropriate remedy might be to require that MicroSoft_withdraw_their Internet Explorer product from the market. This product brings MicroSoft no revenue, and their sole purpose for purchasing it, releasing it, tying it into Windows, and illegally leveraging their Operating System monopoly to establish its dominance in the browser market was to destroy Netscape Navigator. It seems only fair to deprive Microsoft of the browser market monopoly obtained via Internet Explorer by depriving them of the product itself. Also, all the claims the defendant made about Explorer being ''irremovably integrated into the Windows operating system'' are perjuries. As a professional software engineer I can assure the court that, if ordered to do so, there is no technical barrier that would stop MicroSoft from removing Explorer from Windows.

2) Repair the damage done to the market by the monopoly's actions. It would be pretty much impossible, now, to restore Netscape Navigator to the position it held before MicroSoft set out to destroy it. The elimination of Internet Explorer would at least open up the browser market for the several other products in this area to be able to compete on the basis of their relative merits, without MicroSoft shaping the playing field to favor its browser.

3) Insure that the monopoly abuse does not recur. I do not believe that the proposed 3-person panel would be able to effectively monitor the abuses of the multibillion-dollar MicroSoft monopoly. In my opinion, the_only_way to stop their already escalating abuse of their monopoly in the internet browser market would be to take that illegally obtained monopoly away from them, again by forcing MicroSoft to withdraw Explorer from the browser market. I sincerely hope that the court will NOT approve the proposed settlement as it now stands. MicroSoft should be regarded as a repeat offender in the abuse of its Operating System monopoly, and penalized accordingly and quite harshly. The proposed settlement more closely resembles ''dinner and a movie'' than any sort of ''punishment'', and completely fails to address the issues which are supposed to be the goals of a monopoly abuse remedy.

In an effort to assist the court in the development of an appropriate remedy in the MicroSoft case, I would again suggest that MicroSoft be ordered to withdraw the Explorer product, and be forbidden from re-entering the internet browser market for at least the next five years. Penalties for disobeying these orders (and you may rest assured that they_will_ be disobeyed) might best take the form of billion-dollar fines, to be paid to the Free Software Foundation, which is MicroSoft's sole credible competitor and the_last_ entity on this planet that the MicroSoft Empire would want to see its money go to support. While elegantly simple in concept, its effect on MicroSoft would be to positively end its present and illegally obtained monopoly in the internet browser marketplace, and prevent the otherwise inevitable future abuses thereof. I believe that this is the most appropriate and fair penalty for their actions. It is also a remedy that would be effectively enforceable in the real world. A breakup of MicroSoft into separate Operating System and Application Software companies would be simply impossible to administer. A triumvirate panel would be most ineffective, as it would lack the authority and probably the will to impose the severe, indeed draconian, sanctions that will clearly be required to force the offender to modify its illegal and immoral, but nonetheless quite profitable, business practices.

Will Bill Gates like this? I think not, which is exactly what I want. You need to ask yourself who you are working for, Bill Gates and the MicroSoft Empire, or the general public?

Michael Battle
1817 N 51st St. Apt J
Phoenix, AZ 85005

MTC–00018886

From: Quentin Olson
To: Microsoft ATR
Date: 1/23/02 6:03pm
Subject: Microsoft Settlement

To whom it may concern,

I am writing as a software developer with 20 years of experience developing applications under Windows and Unix. I request that you firmly apply remedies that will stop Microsoft's anti-trust behavior. Their tactics force people such as myself to join their camp or else. Windows developers have endured years of faulty products and operating systems environments that in my opinion have significantly impeded the state of technology simply because it has taken 2–3 times longer than it should have to develop products in the windows environment. Look how quickly Linux has developed technical equality with any and all Microsoft operating system products. They have finally built a reasonably stable product but during their tenure have learned to control product development such that a stand-alone developer (such as myself) is locked into their upgrade cycles and over-priced tools.

My recommendation is to closely evaluate all current and future product releases for antitrust violations, put the products before a peer review and make Microsoft pay the tab for the review process.

Thanks for your time and hard work.
Quentin Olson
CEO, Global Retail Technology, LLC

MTC–00018887

From: toby
To: Microsoft ATR
Date: 1/23/02 6:07pm
Subject: Microsoft Settlement

The proposed final judgment is seriously flawed, incomplete, and insufficient. The proposed remedies are largely unenforceable, do not adequately address the unlawful exclusionary actions, and will not likely

provide Microsoft sufficient motivation to correct its ingrained corporate culture of anti-competitive behavior. By themselves, the security loopholes around the full disclosure of ''middleware interfaces'' and server protocols are enough to render this proposed final judgment ineffective. As Microsoft is slowing learning, and as COB Bill Gates stated just this week, security MUST BE integral to their products (''middleware'' and operating systems) and services (server protocols) to be reliable. To permit non-disclosure of aspects of these interfaces and protocols when there are security considerations is to make both requirements meaningless.

I would also like to specifically object to the structure of the onsite enforcement monitors. None of these three experts should be Microsoft employees, current or past. All three should be appointed by the court, and maintain no financial interest in Microsoft. As officers of the court, they need the ability to legally binding enforcement decisions.

Toby Harness

MTC–00018888

From: Andy Catalano
To: Microsoft ATR
Date: 1/23/02 6:07pm
Subject: Microsoft Settlement

I do not like the proposed Microsoft settlement because it contains many loopholes. I believe that Microsoft has, and will use these to invalidate the law and these loopholes will be difficult to fix after the law is passed. I can not support the law as it stands.

Andy Catalano

MTC–00018889

From: Andr(00E9)-Francois Landry
To: Microsoft ATR,George W. Bush
Date: 1/23/02 6:06pm
Subject: Microsoft Settlement

The Tunney Act: A confession of shame, and a call to action

Introduction

My name is Jeremy White, and I am the CEO of CodeWeavers, the company most associated with the Wine project. Three years ago, I chose to refocus my company around the Wine project because I believed that Microsoft's stranglehold on the market was sucking all of the joy out of the computing field. For those of you who don't know, Wine is a project that makes it possible to run Windows application on Linux. If Wine were complete, then the combination of Wine+Linux would represent an effective competitor to the Microsoft Operating System Products. The Department of Justice and Microsoft have reached a tentative settlement of the United States vs. Microsoft antitrust lawsuit. It is widely believed that the proposed settlement does a very poor job and that it is critical that those of us who feel this way participate in the Tunney Act comment process. Under a law known as the Tunney Act, the court is required to consider public commentary before accepting any settlement. As you can imagine, many people have contacted me to ask for my help and input on the Microsoft case, and the Tunney Act proceeding in particular. I've met with attorneys here in Minnesota, as well as with the law firm that is handling the case for the states. I've spoken with wide range of people regarding this case. My Shame I have not yet submitted any comments to the Tunney Act comment process. I haven't even really engaged myself in the problem, at least not beyond responding politely to those that call me. Why this sucks I'm probably the U.S. citizen most involved in the Wine project, and if I haven't acted, then who will? I've heard a rumor that there are no shortage of comments from folks 'encouraged' by Microsoft. Apparently, there are also a number of Sun/Java encouraged comments. But not much else. Bottom line: if we don't speak out now, we let Microsoft buy this one. What we should do Presumably, you're reading this page because you care as much as I do. If you're a U.S. citizen, now is the time to act. If you're not a U.S. citizen, forward this to a U.S. citizen you know.

It's easy. Here are two ways to help:

The easy way to do the 'right' thing

1. Open an email window to microsoft.atr@usdoj.gov (with a subject of 'Microsoft Settlement').

2. Read through some of the many comprehensive resources on this case and the Tunney Act proceedings:

a. Dan Kegel's excellent collection of resources (mirror is here).

3. Pick your favorite problem with the proposed judgement. One is fine; hopefully a lot of people will be doing this.

4. Compose a simple, polite, email describing the problem and how you feel about it.

5. Send the email, and if you like, bcc (important do not cc) us at tunney@codeweavers.com.

6. [Optional, but nice] Print your letter out (maybe reformat it a little), and mail it to:

Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW Suite 1200
Washington, DC 20530–0001

The truly easy way to at least add your voice

1. Send email to microsoft.atr@usdoj.gov (with a subject of 'Microsoft Settlement') saying that you think the proposed settlement is bad idea (type only 3 words, if you must). What counts is the number of complaints.

2. Send email to petition@kegel.com indicating that you will stand as a co signer of Dan Kegel's comments. Please give your city, state, title, and affiliation. Send it now. The comment period closes Monday morning (the 28th).

By the time you think to come back to this page, it will be too late.

MTC–00018890

From: Dick Lewis
To: Microsoft ATR
Date: 1/23/02 6:08pm
Subject: Proposed settlement: please reject it

I urge you to reject Microsoft's proposed settlement.

Dick Lewis

MTC–00018891

From: wilbur nelson
To: Microsoft ATR
Date: 1/23/02 6:08pm
Subject: Microsoft Settlement

Hello:

I wanted to comment on the penalties to be imposed on Microsoft. I believe that the negative externalities of the Windows OS are extensive and have burdened the public unnecessarily. Had there been more competition in the market there would have been an economic incentive for Microsoft to make its products easier to configure and maintain. The general absence of ease-of-use in the Microsoft product lineup has come at a cost of millions of man-hours to our nation and the world. The penalties imposed on the Microsoft Corporation should focus at least in part on reimbursing the public for these losses—this reimbursement should be straightforward, originate in the form of monetary compensation from Microsoft, and be paid to various public institutions.

Thank you,
Wilbur Nelson
Offcenter Concept House
280 W. Katmai Ave.
Soldotna, AK 99669
Voice: 907.260.6904
Fax: 907.260.6905

MTC–00018892

From: Brett Presnell
To: Microsoft ATR
Date: 1/23/02 6:07pm
Subject: Microsoft Settlement

To Whom It May Concern,

We disagree with the proposed settlement in the Microsoft antitrust case. We are particularly concerned with provisions that do nothing to enable open source (''free'') software to compete effectively with Microsoft. We say ''enable'' because Microsoft's monopolistic, anticompetitive practices have largely prevented not only traditional software businesses but also free software from maintaining a viable position in many areas of the market. Thus it would be misleading to suggest that anyone's ability to compete should be ''protected,'' since there is currently little to protect. Some relevant discussion of the effect of the settlement on open source software can be found in the following documents. We agree strongly with the viewpoints expressed in these documents. November 5, 2001 Letter from Ralph Nader and James Love to Judge Colleen Kollar-Kotelly regarding the USDOJ/Microsoft proposed settlement. http://www.cptech.org/at/ms/rnjl2kollarkotellynov501.html Robert Cringely column concerning the settlement. http://www.pbs.org/cringely/pulpit/pulpit20011206.html Some suggestions from Richard Stallman concerning possible remedies. http://www.gnu.org/philosophy/microsoft-antitrust.html We will also be co-signing the following letter from Dan Kegel: http://www.kegel.com/remedy/letter.html Microsoft has been found guilty of antitrust violations. To support the public's interest in the critically important areas of computing and networking, Microsoft must be punished and their monopoly must be dismantled. To quote Robert H. Bork, former U.S. Solicitor General and Appellate Judge (see http://www.procompetition.org/headlines/120701.html) I continue to believe that a

divestiture of Microsoft would have been the most efficient way to restore competition but barring divestiture, the settlement must be greatly strengthened to prevent future anticompetitive practices by Microsoft and hopefully to reverse at least some of the effects of their past and present anticompetitive practices.

Sincerely,
Brett Presnell
1615 NW 14th Avenue
Gainesville, FL 32605
James Hobert
2906 NW 12th Pl
Gainesville, FL 32605
Balasubramanian Narasimhan
4998 Englewood Drive
San Jose, CA 95129

MTC–00018893

From: Mike Wexler
To: Microsoft ATR
Date: 1/23/02 6:06pm
Subject: Microsoft Settlement

The current settlement doesn't seem to address one of the keys issues of their monopoly. The fact that Microsoft owns the API that most commercially available software uses. If I want to from TurboTax or Finale or any number of commercial programs for PCs. I have to buy Microsoft Windows. There are several groups trying to create competitive/compatible operating systems: WINE (http://www.codeweavers.com/home/), Lindoex (http://www.lindows.com), Wind/U (http://www.bristol.com/windu/index.html). In order to level the playing field for these and other projects. The Final Judgement should include the following provisions:

1. Notify vendors of technical requirements in advance.

Section III.H.3. of the PFJ requires vendors of competing middleware to meet ''reasonable technical requirements'' seven months before new releases of Windows, yet it does not require Microsoft to disclose those requirements in advance. This allows Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

2. Release API documentation ealier.

Section III.D. of the PFJ requires Microsoft to release via MSDN or similar means the documentation for the APIs used by Microsoft Middleware Products to interoperate with Windows; release would be required at the time of the final beta test of the covered middleware, and whenever a new version of Windows is sent to 150,000 beta testers. But this information would almost certainly not be released in time for competing middleware vendors to adapt their products to meet the requirements of section III.H.3, which states that competing middleware can be locked out if it fails to meet unspecified technical requirements seven months before the final beta test of a new version of Windows.

3. Document all important APIs.

The PFJ's overly narrow definitions of ''Microsoft Middleware Product'' and ''API'' means that Section III.D.'s requirement to release information about Windows interfaces would not cover many important interfaces.

4. Remove Restrictions on the Use of the Released Documentation

ISVs writing competing operating systems as outlined in Findings of Fact (?52) sometimes have difficulty understanding various undocumented Windows APIs. The information released under section III.D. of the PFJ would aid those ISVs—except that the PFJ disallows this use of the information. Worse yet, to avoid running afoul of the PFJ, ISVs might need to divide up their engineers into two groups: those who refer to MSDN and work on Windows-only applications; and those who cannot refer to MSDN because they work on applications which also run on non-Microsoft operating systems. This would constitute retaliation against ISVs who support competing operating systems. If we are truely trying to create a competitive environment. Why not have them release the windows API documentation as freely available etext. So that anybody trying to create compatible operating systems has free access to the specifications. Note, they would still need to implement the APIs. This just means the specifications would be publish. It should be required that these specifications be in enough detail to run all of Microsoft's products and the top 100 non-microsoft commercial applications.

5. Fully Document File Formats

No part of the PFJ obligates Microsoft to release any information about file formats, even though undocumented Microsoft file formats form part of the Applications Barrier to Entry (see ''Findings of Fact'' ?20 and ? 39).

6. Document protocols.

The protocols used to communicate between clients and servers should be fully documented. So that applications from diverse environments can interoperate with microsoft clients and servers. This would keep Microsoft from leveraging monopoly in one environment (desktop OS, Browser) to other environments (Server OS, Web Server).

7. Disclose which patents covering the Windows APIs.

Section III.I of the PFJ requires Microsoft to offer to license certain intellectual property rights, but it does nothing to require Microsoft to clearly announce which of its many software patents protect the Windows APIs (perhaps in the style proposed by the W3C; see http://www.w3.org/TR/2001/WD-patent-policy-20010816/#sec-disclosure). This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users, as illustrated by this report from Codeweavers, Inc.:

When selecting a method of porting a major application to Linux, one prospect of mine was comparing Wine [a competing implementation of some of the Windows APIs] and a toolkit called ''MainWin''. MainWin is made by Mainsoft, and Mainsoft licenses its software from Microsoft. However, this customer elected to go with the Mainsoft option instead. I was told that one of the key decision making factors was that Mainsoft representatives had stated that Microsoft had certain critical patents that Wine was violating. My customer could not risk crossing Microsoft, and declined to use Wine. I didn't even have a chance to determine which patents were supposedly violated; nor to disprove the validity of this claim.

The PFJ, by allowing this unclear legal situation to continue, is inhibiting the market acceptance of competing operating systems.

MTC–00018894

From: Kent Zhang
To: Microsoft ATR
Date: 1/23/02 6:11pm
Subject: Microsoft Settlement

Dear Sir:

I am writing to you to show you my support for breaking MS into two parts for the following reasons:

1. It is a good way to stop MS to kill competitions in computer industry. MS is a monopoly and has been killing new innovations. They have been using MS OS for PC to push their own products and to kill other products. Netscape is one of them. There will be more and more products to be killed by MS.

2. MS claims that their product is better. Because of their monopoly and powerful marketing and financial system, no other competitors can survive and produce better products. For example, MS word is the only word process people are using now. It can be better. However, MS is not in the hurry to improve it.

3. Once MS is broken into two parts. They have to compete harder and better products will be produced.

Thank you
Kent Zhang

MTC–00018895

From: Nathan Woods Currier
To: Microsoft ATR
Date: 1/23/02 6:06pm
Subject: Microsoft Settlement

Under the Tunney Act, I am complaining about the final judgement against Microsoft. Among its more serious problems:

—There is no enforcement mechanism except further slogging through the courts, which will take many years. In the meantime, Microsoft will continue its anticompetitive practices.

—The judgement allows Microsoft to retaliate against small OEMs who ship computers without Microsoft operating systems.

—Competitors are prohibited from making Windows-compatible operating systems.

—The judgement allows use of licensing terms which would prohibit running Microsoft and open-source software together at the same time This judgement is basically a sellout to Bill Gates. If passed, the government would effectively be using its legal force to prop up Microsoft's monopoly, instead of encouraging competition (as is the stated purpose of the judgement).

MTC–00018896

From: Joshua J.Kugler
To: Microsoft ATR
Date: 1/23/02 6:03pm
Subject: Microsoft Settlement

To whom it may concern:

It is my belief that Microsoft has violated the laws of the United States and has done everything in its power to crush and disable

its competition. I would like to see Microsoft broken up and/or more closely regulated.

Joshua Kugler, Information Services Director

Associated Students of the University of Alaska Fairbanks

MTC–00018897

From: emwkm
To: Microsoft ATR
Date: 1/23/02 6:05pm
Subject: Microsoft settlement

I'm certainly glad that the current Govt. were not in charge when Henry Ford was inventing his car or we would be still riding in buggies. Leave Microsoft alone and tend to some real govt.

MTC–00018898

From: Joseph Pietro Riolo
To: Microsoft ATR
Date: 1/23/02 6:06pm
Subject: Microsoft Settlement

Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

As a computer programmer for more than 15 years, I am very concerned with the proposed Microsoft settlement. It still allows Microsoft to block software developers from creating programs that can run on Windows-compatible operating systems other than Microsoft Windows. Your settlement must forbid Microsoft from limiting the new applications to its only operating system. Your meaning of API is narrow meaning that Microsoft does not have to release documentation about all APIs between applications and operating system. Your settlement must be modified to expand the meaning of API to include all interfaces between operating system and applications.

I am puzzled at why your settlement does not allow the software developers to use the API documentation to create a new operating system so that the products from Microsoft can run on it. What is good about your settlement if no one can write a new operating system that is compatible with Windows-related products?

Your settlement must require Microsoft to identify which of the Windows APIs are covered by its patents. How can your current settlement be helpful if Microsoft keeps the software developers guessing which API is covered by which patent?

Joseph Pietro Riolo
R.R. #3, Box 3198 Cranberry Road
East Stroudsburg, PA 18301–9518

MTC–00018899

From: Edwards, Aaron
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 6:08pm
Subject: Microsoft Settlement

The Microsoft Settlement is a bad idea. Microsoft has had a strangle hold on the computing environment for way too long and the proposed settlement will do nothing to inihbit Microsoft from continuing on it's anti-competition campaign. Please reconsider the ''punishment'' proposed. The original proposal of a company split was the most favorable option I have seen so far.

Thank you.
Aaron Edwards

MTC–00018900

From: Fernando Jimenez
To: Microsoft ATR
Date: 1/23/02 6:07pm
Subject: Microsoft Settlement

Quite frankly, I think I've seen enough of microsoft's monopolistic and competition bashing activities. They deserve some kind of punishment. Money would probably not be punishment, since they can recover that. However, something serious, like prohibition of bundling explorer or msn messenger with windows. Now that would restore proper competition. Let the users choose what the want, instead of stuffing them with their own software to kill competition.

THanks

MTC–00018901

From: Daniel J. Cragg
To: Microsoft ATR
Date: 1/23/02 5:55pm
Subject: Microsoft Settlement

Dear Sir or Madam,

I feel that the proposed settlement with Microsoft does not go far enough. They should not get a free ride just because the judge said some things which lead some to question his impartiality. I am a conservative and usually against most anti-trust cases, but I believe that Microsoft has too much power. They are bullies. They steal good ideas from every other company in the industry, make an inferior version, and then use their power to eliminate the originators of the idea and force consumers to buy their inferior goods. If Microsoft is not weakened severely, they will continue to infect every aspect of the technological industry and bully the competition out of the market. Breaking up Microsoft's empire is imperative to the health of the tech industry, and therefore—the economy. Please do not group this case in with the rest of the trash from the Clinton Administration and Reno Justice Department. Go at them full bore.

Thank you,
Daniel J. Cragg
943 Wild Rose Court
St. Paul, MN 55123

MTC–00018902

From: Tom Wilcox
To: Microsoft ATR
Date: 1/23/02 6:10pm
Subject: Microsoft Settlement

I am writing to comment on the recent proposed settlement of the Microsoft antitrust case. For several reasons, I feel the current settlement is insufficient, and will in fact stiffle competition further. However, the only aspect I will comment directly is on the non-disclosure of file formats by Microsoft. By not forcing Microsoft to disclose their file formats, the PFJ will maintain a very high barrier to entry into markets currently dominated by Microsoft. The reason is simple: people today exchange documents among computers every day, and if you don't have the MS applications, most likely you won't be able to read said documents. If the file formats are open, then any ISV can write an application to read and/or modify documents produced using MS software. This would, in effect, make competition based on the quality of software, independent of market dominance.

Thank you for your time.
Regards,
Tom Wilcox
Integrative Biology C0930
University of Texas
Austin, TX 78712
ph: 512–232–6283
fax: 512–471–3878

MTC–00018903

From: Don Gillaspie
To: Microsoft ATR
Date: 1/23/02 6:10pm
Subject: Microsoft Settlement

Until Microsoft is broken into at least two parts there can be no affective competition in any software Microsoft sells.

MTC–00018904

From: Ian Billington
To: Microsoft ATR
Date: 1/23/02 6:10pm
Subject: Microsoft Settlement

I don't agree with the proposed settlment with MicroSoft.

Ian M. Billington
Ester, AK 99725

MTC–00018905

From: Matthew G. Shafer
To: Microsoft ATR
Date: 1/23/02 6:10pm
Subject: Microsoft Settlement

I am writing to express my disagreement with the proposed Microsoft anti-trust settlement. After reviewing the proposal, it is my belief that it is insufficient to curtail Microsoft's unethical business practices which are hurting the computer industry. One particular change I recommend is that Microsoft be required to publicly release the Internet documentation for all of it's API's and file formats, such as those used by Microsoft Office. This would allow competitors to create software that is compatible with Microsoft's.

Thank you for your time.
Sincerely,
Matthew G. Shafer
Student

MTC–00018906

From: Fabricating Machinery Corp.
To: Microsoft ATR
Date: 1/23/02 6:10pm
Subject: Microsoft Settlement

To whom it may concern:

It is my great disappointment in the ineffectual settlement of the United States vs. Microsoft antitrust lawsuit. Microsoft has demonstrated it's tactics of bullying and coercion in every business field that it has enter. The operating system market, the office suite market, the Internet browser market, the Internet service provider market, and if past history is any indication, the multimedia and gaming markets as well will fall victim. Why do we have laws for matters of antitrust if the Department of Justice is not going to see them through and take appropriate legal action? The settlement terms are both ambiguous, and thereby easy to navigate around, and the stand to offer Microsoft a better market position. If corrective action is not taken,

soon we will may very well have no choice but to use whatever Microsoft decides we will using, and pay obscenely high prices for it. As a United States citizen, a taxpayer and a voter, I am direly concerned that all the time and taxpayer expense in regards to United States vs. Microsoft will have been for the EXCLUSIVE benefit of Microsoft and it's stockholders. That's not justice, that's collusion.

Sincerely,
David W. Bradford

MTC–00018907

From: Joseph Lazzaro
To: Microsoft ATR
Date: 1/24/02 2:07am
Subject: Microsoft Settlement

To whom it may concern:

As a system administrator and programmer for a small web-related company, I am very concerned that the proposed Microsoft settlement will prove ineffective in preventing the monopolistic behavior that has hindered the growth of viable Microsoft alternatives. Furthermore, I believe that it will in fact help to further Microsoft's unfair dominance of the operating system and PC applications market. Of particular concern is any plan that would have Microsoft place Microsoft-based computer systems and software in schools. While I agree that our schools require attention in this regard, I feel that this will a) not punish Microsoft for their proven illegal behavior as it is of no real cost to them (the software, once written, incurs no cost to distribute), and b) enforce Microsoft's dominance by training future generations in a Microsoft-centric manner, as students would not see and appreciate alternatives.

Another concern is that by not breaking up Microsoft into an Operating System arm and an Applications arm, APIs remain closed and the opportunity for competitive, interoperable software is greatly hindered. This will allow Microsoft to continue to extort the public with forced upgrades to read arbitrarily changed file formats. The consumer public is, in a very real sense, held hostage by the hold that Microsoft has on these APIs. I have seen the damage the Microsoft Monopoly has caused first hand in my field of work, but it is my hope that with the continued perseverance of the Department of Justice in the rightful prosecution of this criminal behavior, some relief is attainable.

Thank you.
Joseph Lazzaro

MTC–00018908

From: Smith, Jeremy—Geek
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 6:08pm
Subject: Microsoft Settlement

There are many problems I see that the proposed settlement does not cover that I believe are of the utmost importance. I would like to point out one that has plagued me. I develop software for internal use for Case Western Reserve University's School of Management. I enjoy using the Microsoft product Visual C++. However, I am prevented from doing so because of the End User License Agreement for Visual C++. In the EULA, it states: ''You may reproduce and distribute ... the Redistributable Components... provided that (a) you distribute the Redistributable Components only in conjunction with and as a part of your Application solely for use with a Microsoft Operating System Product'' Therefore, I cannot use it because I am forced into only deploying the software on MS operating systems and the faculty, staff, and students who use non-MS operating systems (MacOS X, MacOS 9.x, a Linux distribution, a BSD distribution, etc.) would not be able to use it. Additionally, there are other clauses in MS's EULA's like the one in Frontpage (the web site editor) that disallows you from using it if you create web sites that may say negative notions about Microsoft. And, then, of course, there are all the 3rd party software vendors who depend on interoperability with Windows—these vendors need more open API's to compete with their MS competitive counterparts. I just hope that everything undergoes a more thorough review before a settlement is reached. A review that involved a heavy edit to the current proposed settlement.

Thank You,
Jeremy Smith
Application Developer
IT GroupPGP Fingerprint: Weatherhead School of Management4B34 3999 B427 06AC E28A
Case Western Reserve E9DA 66B2 32A5 98EF F82B

MTC–00018909

From: Andrew Ettinger
To: Microsoft ATR
Date: 1/23/02 6:12pm
Subject: Microsoft Settlement

To whom it may concern:

I am a software developer and a senior in Computer and Information Science program at the University of Oregon. Laissez-faire economics works in many other industries, but not in computing. Computers, being precise machines, allow vendors to ''close'' their standards, and without being able to reverse-engineer anymore, settling the Microsoft case in the proposed manner is a horrible idea. They have a long history of stifling development with software that is easily cracked, bullying opponents, and overcharging for their services via closed standards and overt political practices. Please don't allow them to continue for the sake of our industry. Everyone can play together, work together, and play and work fairly and still make money and provide great service. Their practices are underhanded and should be punished. But fundamentally, the government needs to realize that open computing standards are what creates a laissez-faire computing industry, which is what is best for the developers and the consumer.

Thank you,
John Andrew Ettinger
1884 Alder St. #2
Eugene, Oregon 97401
541.684.8306

MTC–00018910

From: Charles Wood
To: Microsoft ATR
Date: 1/23/02 6:13pm
Subject: Microsoft Settlement

I would like to cast my vote against the proposed settlement. It is entirely too lax and makes it too easy for Microsoft to lock out competition without any fear of retribution. A number of changes should be made to the settlement in order for it to have the desired effect (i.e., the prevention or at least dampening of Microsoft's anticompetitive practices). An extensive analysis of the proposed judgement's weaknesses can be found in the essay, ''On the Proposed Final Judgment in United States v. Microsoft'' by Dan Kegel, located at http://www.kegel.com/remedy/remedy2.html, along with proposed alterations to strengthen its effect. I fully support these propositions and hope they are incorporated into the final judgement.

Thank you for your time,
Charles Wood
649 EN 18th #6
Abilene, TX, USA

MTC–00018911

From: Bryan Dumm
To: Microsoft ATR
Date: 1/23/02 6:14pm
Subject: Microsoft Settlement

I am against the seattlement. The seattlement is like painting Microsoft's logos on the 50 yard line.

Bryan

MTC–00018912

From: Greg Page
To: Microsoft ATR
Date: 1/23/02 6:14pm
Subject: Microsoft Settlement

This settlement is a bad idea. Microsoft must be stopped

MTC–00018913

From: Steve Panasuk
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 6:11pm
Subject: Microsoft Settlement

As an example; if I had built a car wash, and right next door a large oil company built a convenience store selling gas and a car wash in back, and then started giving away car washes, no one could stay in business with that type of competition. They could run anyone out of business. I think there is case law where companies have to charge for a service like this. This is the same with Microsoft. By allowing them to add programs and give them away, where is the incentive to get into the software business. I think this is unfair, anticompetitive, anti-innovation, and more importantly, unlawful. Improve your product, fine, how about adding stability and security.

But to add a browser, why? Why didn't they add a personal accounting program, or give away a spreadsheet program. Because they were out to destroy another company, not improve their product. The ruling is 7 to 0, and that has to have some weight to do something substantial.

Thanks for this forum,
Respectfully submitted,
Steve Panasuk

MTC–00018914

From: Thomas Hammell
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 6:03pm

Subject: Microsoft Settlement

I think the proposed settlement is a terrible idea. It's become clear from the misinformed acts of the U.S. patent office and now the court system that the U.S. government is losing its handle on the realities of business and competition in the current digital world. It's too late to be proactive, but there's still a chance to fix our course.

Tom Hammell

MTC–00018915

From: Grant W
To: Microsoft ATR
Date: 1/23/02 6:11pm
Subject: Microsoft Settlement

I write to tell you how important it is to find a better agreement on the Microsoft Settlement. I feel the proposed solution is much too lenient. Though the courts have determined that Microsoft performed anti-trust actions in the browser field, the decision has little weight. The Microsoft browser is used by over 80% of the marketplace—the competition can never be restored. I suggest that the DoJ solution realize the conclusion that allowing the software giant to remain as one unit will forever give them the ability to lock out the competition. All companies must use Microsoft's product for an operating system. Microsoft is also their biggest competitor. This is a conflict of interest, which you have the opportunity to rectify. Please ensure Microsoft releases operating code to public-domain at the same time they release to their other product line sections. History has shown this to be a very effective way for them to remain ahead of their competition.

Best Regards,
Grant Willison

MTC–00018916

From: Steven Fell
To: Microsoft ATR
Date: 1/24/02 1:17pm
Subject: Microsoft Settlement (Please Read)

Hello—I would like to take some of my valuable time and write to you. I say valuable in that we all only have 24 hours in our day in which to work (eg. Provide for our families), Live (spend quality time with our families & friends), and rest (so we can do the first two above. Work by far takes up a majority of our lives these days especially in the current economic situation we are facing. We are also all more conscious of our time this days since the 9/11/2001 tragedies that took thousands of lives in a matter of seconds.

This country has been based on hard work on innovation, not LAW SUITS. I believe 100% in the value of the Department of Justice to look out for 'consumers' NOT 'companies'. Microsoft (more than any other in the technology industry, has brought value to 'Consumers' and companies. I'm not an attorney and don't know the specific details on the Anti-Trust laws but when I read in the paper that AOL/Netscape are courting states to continue this lawsuit (eg. Not spending resources on innovating products and services for consumers...) is absolutely appalling and wrong.

Please focus the remainder of this case on doing what 100% right for consumers, not padding the pockets of companies that would rather spend valuable resources courting states to sue rather than innovate their products for the good of consumers and our country. Please write back and let me know that someone human read this.

Thank you.
Steven Fell
Lead Program Manager, Technical Diplomacy
Platform Strategy Group
Microsoft Corporation
425–706–8509 wk
206–601–7129 cell

MTC–00018917

From: Neil Drumm
To: Microsoft ATR
Date: 1/23/02 6:01pm
Subject: Microsoft Settlement

I think the proposed Microsoft settlement is a bad idea.

-Neil Drumm

MTC–00018918

From: Fong Vang
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 6:14pm
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea. Since Microsoft has been proving guilty of illegal monopolistic practices, the punishment must be more severe. The settlement essentially lets Microsoft get away with the crimes it has committed. Furthermore, stronger restraint must be put in place to prevent Microsoft from abusing its power again. I sincerely hope the DOJ will not let Microsoft get away with it relatively free.

-Fong Vang
Systems Engineer
Pleasanton, California

MTC–00018919

From: Ian Byers
To: Microsoft ATR
Date: 1/23/02 6:12pm
Subject: Microsoft Settlement

The problem is that Microsoft controls the medium as well as having a large hand in the media. This gives them an unfair advantage when producing media for their medium. To rectify this, they should have to disclose *everything* about their protocols and technology that others could use. If they are going to use aspects of their operating system for their applications, then their competitors should have the same access to those aspects.

Also, regarding the donation to schools: isn't it a little odd that the attempted punishment it actually rewarding Microsoft in the long run?

Ian Byers
(604) 637–0200 ext. 113

MTC–00018920

From: Not(u)a(u)valid(u)name No(u)way
To: Microsoft ATR
Date: 1/23/02 6:13pm
Subject: Microsoft Settlement

Dear Sirs and Madams,

From what I understand of the proposed solution, I am opposed to it. The proposed solution is not in the public interest. It doesn't seem to stop Microsoft from using it's monopoly to extend into other areas nor does it seem to actually prevent them from continuing as they have been. There appear to be enough loopholes to avoid Microsoft actually changing their business practices, which is the intent of the proposed solution. In that regard, the proposed solution would and should be considered a failure and should be replaced with real remedies and real pain for Microsoft if they break those remedies.

Sincerely,
Terry Ackman

Get your FREE download of MSN Explorer at http://explorer.msn.com/intl.asp.

MTC–00018921

From: David S. ''Greeny'' Greenberg
To: Microsoft ATR
Date: 1/23/02 6:12pm
Subject: Microsoft Settlement

To Whom It May Concern:

I would like to register my opposition to the PFJ as I firmly believe that it will do nothing to promote competition. Indeed I believe that the PFJ will serve to restrict innovation and competition. The PFJ will end up costing consumers money and choices. The PFJ amounts to a mere slap on the wrist. Microsoft should be severely fined and restricted for what they have done, or they will not stop in the future.

Thank you for your consideration.
David S. Greenberg
PO Box 307
Highland Park, IL 60035

MTC–00018922

From: John Wilkerson
To: Microsoft ATR
Date: 1/23/02 6:12pm
Subject: Microsoft Settlement

I feel that the proposed settlement is bad. Microsoft needs to have a significant monetary fine levied against it. Allowing them to donate software to public schools gives them even greater market penetration. The punishment needs to be in the form of something that penalizes Microsoft, not helps them. Their monoplolistic hold on the PC desktop needs to end now. Free choice is always good for consumers and really creates innovation. Microsoft is not innovative and is downright deceptive. I would not like to see Microsoft go away as a company, I would like to see the competition have a level playing field and better opportunities to enter the market.

Sincerely,
John Wilkerson
Southfield, Michigan

MTC–00018923

From: Rich Curtis
To: Microsoft ATR
Date: 1/23/02 6:14pm
Subject: Microsoft Settlement

SUCKS.
RC

MTC–00018924

From: Tom 7
To: Microsoft ATR
Date: 1/23/02 6:14pm
Subject: Microsoft Settlement

I believe that the proposed settlment is not strong enough to prevent Microsoft from engaging in future non-competitive behavior.

Tom Murphy
Pittsburgh, PA

MTC–00018925

From: Katherine Holcomb
To: Microsoft ATR
Date: 1/23/02 6:14pm
Subject: Microsoft Settlement

To whom it may concern,

I am opposed to the proposed settlement in the Microsoft case in its current form. The settlement falls far short of what will be required to ''level the playing field'' in the personal-computer software industry, particularly in the realm of operating systems. For example, the requirement that Microsoft disclose its operating-system application programming interfaces must have more teeth and a more effective enforcement mechanism before any competing system such as Linux will have a fair competetive opportunity. Microsoft should also not be allowed to hide behind ''security'' to keep its APIs secret; an independent reviewer should be empowered to determine what is a legitimate security concern and what is stonewalling.

Thank you very much,
Katherine Holcomb
Linux user

MTC–00018926

From: Timothy John Webb
To: Microsoft ATR
Date: 1/23/02 6:16pm
Subject: Microsoft Settlement

I truly believe that Microsoft is manipulating the government and trying to get the most beneficial settlement they can get. They no doubt have a monopoly and will do everything in their power to keep it that way. Personal computer users at home especially have no choice but to buy Microsoft products, and when Microsoft chooses to not support their version, they are forced to upgrade, costing hundreds of dollars to you regular Amercian citizen. On top of that, each new distrbution of Microsoft products, especially the windowing environment unfairly called Windows, is more bulky and buggy than the previous release. If a user is satisfied with their current software, they should not be forced to upgrade to something more resource demanding. This creates a need to upgrade the hardware so that the programs may run more smoothly with the additional unwanted features that take up valuable space. As long as MS holds their monoploly, all major releases of software will either be strictly Windows 98/2000/NT/XP and, if lucky, a realease for Apple computers as well. Be informed, though, that Apple is much different from MS and should not be considered something that voids the Monopoly. Apple makes their hardware and software specific for each other. If a consumer buys an iMac, they also get the Mac operating system. Typically Apple products and MS products are not interchangeable. For an IBM-compatable computer, the choices are: Microsoft Products, and Microsoft Approved Products. As a consumer, I hate to be locked into the Microsoft cycle. It is not an easy task to eliminate Microsoft products from my computer. If I do, I lose the ''priveledge'' to 99.99% of all distributed software. I walk into my local retail store and can not find a single program that does not say that it REQUIRES MS Windows 98/2000/NT/XP. Notice that this no longer includes Windows 95. This means all the consumers who are happy with 95, some of whom I know, MUST upgrade if they want to run the latest software. And MS upgrades are not free, and not cheap. Bottom line is that if the Goverment says you have a monopoly, you must split. Or you must cease these unfair business practices and do such and such to fix the existing repricussions, MS should follow without whining. Instead, they carry it out as long as possible, pull every string they can, put in conditions that will help them more than hurt them, and insist on their conditions. Justice must prevail, DO NOT give the citizens of this country, dedicated to freedom, the perception that the judicial system will bend over backwards for billionaires. Where is our freedom of choice for computer products?

MTC–00018927

From: Scot Close
To: Microsoft ATR
Date: 1/23/02 6:16pm
Subject: Microsoft Settlement

Under the Tunney Act, I would like to comment on the proposed Microsoft settlement. I believe that the misleading and overly narrow definitions in the proposed settlement will severely reduce its effectiveness.

Scot Close
Santa Cruz, CA

MTC–00018928

From: Lee Clontz
To: Microsoft ATR
Date: 1/23/02 6:16pm
Subject: Microsoft Settlement

To whom it may concern: It's time for this case to end. Microsoft is clearly not a monopoly (there are several alternatives, some free, some more expensive) and companies like Netscape which have fallen on hard times have done so of their own accord. To wit, Netscape didn't release a single browser product for upwards of nearly four years... to compete, you actually have to compete! AOL doesn't even use Netscape—which they own—in their own products. The software industry is the most dynamic, fast-moving, innovative industry in the world, from where I sit. Yes, Microsoft is the big dog, but there are several alternatives (Linux, Macintosh) that shouldn't get a leg up just because Microsoft has been more successful. Please end this trial now, and let the markets decide. Good ideas will win out, and it's not the government's job to help those who can't keep up. I was not asked nor paid by Microsoft to send this message—just a concerned taxpayer.

Thank you,
- Lee Clontz
1417 Tuxworth Circle
Decatur, Ga. 30033

MTC–00018930

From: Matthew Wight
To: Microsoft ATR
Date: 1/23/02 6:14pm
Subject: Microsoft Settlement

KILL MS THEY WILL TAKE OVER THE PC MARKET WITH THE XBOX!!!! THEY ALLREADY HAVE INTERGRATED ALMOST PEICE OF SOFTWARE IMAGINABLE INTO THER OS!!!! SHOOT THEM DOWN!!!! I HATE MS!!!!!!!!!!

MTC–00018932

From: root
To: Microsoft ATR
Date: 1/23/02 6:15am
Subject: Microsoft Settlement

Dear Sell-outs.....when Microsoft can charge $299 dollars for the ''most-secure OS to date from Microsoft'', that has more holes than all of the other non-microsoft OS's combined, and you let them off with a settlement that won't even effect the liscence agreement or the price that they force on the average John Doe, it serves to only reaffirm how easily justice is bought and sold in this day and age.

MTC–00018934

From: Sean Harre
To: Microsoft ATR
Date: 1/23/02 6:18pm
Subject: Microsoft Settlement

doj:

i do not support the current legislation against microsoft—i think it falls short of actually stopping their monopoly in many areas and will not truely open their interface to competing companies, one example: No part of the PFJ obligates Microsoft to release any information about file formats, even though undocumented Microsoft file formats form part of the Applications Barrier to Entry (see ''Findings of Fact'' ?20 and ? 39). i urge you to please reconsider this point. thank you for your time,

Sean Harre 303–583–5374
'Spectral.ink, Boulder CO

MTC–00018959

From: David Turcaso
To: Microsoft ATR
Date: 1/23/02 6:18pm
Subject: Microsoft Settlement

I must say that the proposed settlement is not a good one, in general because the proposed remedy is clumsy, unworkable, and liable to lead to further litigation when problems crop up. In addition, I believe many of the details of the proposal, especially the provisions concerning disclosure and licensing to commercial businesses only, will have a devastating effect on open-source projects that interact with Microsoft products. This can only lead to strengthening Microsoft's market position, and allowing them to benefit from their monopoly. I urge you to reject the proposed settlement, and to re-open the idea of separating Microsoft into two or more companies as a simpler, fairer remedy.

David Turcaso
1411 NE 16th Ave #212
Portland, OR 97232

MTC–00018960

From: James K. Wing
To: Microsoft ATR
Date: 1/23/02 6:19pm
Subject: Microsoft Settlement

Dear Ms. Hesse: As a public citizen, I wish to express the opinion that this civil anti-trust case against Microsoft should be settled according to the terms of the agreement set forth by the high Federal court as quickly as possible. Microsoft is a leading technology company whose products are socially beneficial towards educational institutions and helping the underprivileged to improve their cognitive skills. Their pioneering role directly impacts the American technology business sector and the U.S. economy positively, in the spirit of ''laissez-faire'' capitalism. Settle now. Thank you. James Wing

MTC–00018961

From: Ron Smith
To: Microsoft ATR
Date: 1/23/02 6:15pm
Subject: Microsoft Settlement

I'm a IT professional and concerned voter who is opposed to the Microsoft settlement because it does not adequately compensate the people and businesses of the US nor is it strict enough to prevent further uncompetitive behaviour.

Ron Smith
Systems Manager
TLR & Associates

MTC–00018962

From: Chris Seager
To: Microsoft ATR
Date: 1/23/02 6:17pm
Subject: Microsoft Settlement

Dear Sirs,

I am against the current terms of the settlement. I think Microsoft must be placed under much greater control and pay a heavy price for their past conduct. Competition to the market must be restored. In past cases Microsoft have demonstrated that they will weasel around court orders and wring every possible leverage from every possible bolthole in any agreement. They have shown they intend to ignore any court remedies.

Competition and true Innovation is being restricted by Microsoft. Conditions will only improve if Microsoft is placed under draconian restrictions and by imposing penalties which actually hurt. Controls must be applied which assume every one of their actions is anti competitive, unless it can be demonstrated not to be the case.

Thank you for allowing me to record my comments.

Chris Seager.
Self employed I.T. Consultant.
Living in the U.K.

MTC–00018963

From: Scott Underwood
To: Microsoft ATR
Date: 1/23/02 6:19pm
Subject: Microsoft Settlement

The proposed settlement is a terrible Idea.

Scott Underwood

''... challenging authority and insisting that it justify itself—are appropriate at all levels.''

—Noam Chomsky

MTC–00018964

From: Todd Papaleo
To: Microsoft ATR
Date: 1/23/02 6:20pm
Subject: Microsoft Settlement

The way Microsoft is imposing its Passport strategy on consumers is not only audacious, but unwelcome. I am a Macintosh user, and I frequently exercise my choice to not use Microsoft products because of several reasons:

They're not necessarily the best, in that they're often burdened with a cumbersome and cryptic interface.

They presume too much (under the guise of assisting the user) about the work I want to accomplish, resulting in wasted time dealing with tedious streams of dialogue boxes and ''wizards''.

They, in short, dictate how I should interface with my machine to do my work, because they have a prescribed plan,a nd anyone or anything that doesn't figure in is deemed irrelevant.

It became painfully apparent that there is no escaping Microsoft's .NET startegy when I logged on to their Mac product website to download a trial version of Office v.X for Mac OS X. I was required to create a Passport identity in order to download it. Other users are forced to adopt a Passport identity when registering the full product. If they choose not to, they don't receive the benefits of registration.

This is like saying, ''You can run, but you can't hide. And if you run, you'll just die tired. We'll get you.'' I don't like the fact that even though I am actively avoiding using their products and services, I run into them sooner or later. I now know that if I ever want to use Office X, my Passport will be more important than my actual purchase of the product. I do have a Passport, but I got it two years ago when it made sense to have a Hotmail account. Now, this once innocuous mail service is part of a grander scheme to control my work and my life.

Microsoft consistently imposes their technology on the rest of the world, casting international standards to the wind, under the pretense of making technology better. In actuality, they are assuring their role in the world of technology by instituting new web protocols that fuel their dissemination of the Explorer browser, and the technologies they build into it ''for a better user experience''. This is but ONE example.

Other companies diligently adhere to international standards of technology in order to make the best products they can. But when a new version or service pack of Windows throws the world a curve ball, they are all forced to catch up or face the consequences. I work on PCs at work, and my computing experience is usually horrible to fair on any given day, generally because of security holes and malfunctioning Microsoft products that do not allow the average reasonable user enough latitude to know what they're doing or how to remedy a potentially disastrous situation.

Instead of adding features to ensure a ''better user experience'' (as opposed to a sharp stick in the eye), they ought to concentrate on making a secure and usable product where I don't need a MSCE certificate to set up my mail. I'm surprised that the world has not brought a class-action suit against them for all the pain, suffering and financial catastrophes that have resulted from them not crossing their t's and dotting their I's when they're putting out an operating system. Their reasoning must be it's better to get people's money now, and promise to issue a patch whenever some hacker exposes a blatant security flaw.

If they want 95% of the world, the least they could do is make it so their stuff works as advertised, and doesn't shower the people with promises of a better this and more exciting that. They have great responsibility to us, they are supposed to make it so we want to use their product.

The reality is we're forced to if we want to be in business, and even then our business transactions are constantly at risk because of their lackadaisical approach to security.

The sole purpose of Microsoft is to make money on anythng that they become involved with, including internet and computer companies. I don't want them to go away, I just want them to play fair and compete on their own strengths instead of turnignthe tables every 6 months.

Sincerely,
Todd Papaleo

MTC–00018988

From: James Forrester
To: Microsoft ATR
Date: 1/23/02 6:08pm
Subject: Dear Sir / Madam,

Dear Sir / Madam,

I am a senior software engineer at a financial company. Microsoft's retail business practices notwithstanding, their integration of new features and functionality in to their software has helped this company deliver a highly profitable web product which has weathered current economic conditions and has created many jobs. The time-to-market that is achievable with their software is second to none, and their .Net initiative is giving developers of all backgrounds an equal playing field in which to ply their trade- developers who may otherwise have found their positions marginalised. These low barriers to entry have unsurprisingly created an environment where competitors struggle to compete, but in closing let me say this: Microsoft's illegal activities represent one sphere of their operations; one which must now clearly face remedies to its sales and marketing practices. However the Microsoft that millions of developers deal with evey day is innovative, responsive, and exciting. Any remedy adversely affecting that portion of the compay would harm those members of the public- the software architects, trainers, trainees, managers, developers, administrators and consultants— who have worked so hard to make their companies the very best at what they do, using Microsoft software.

Best regards,
James Forrester

MTC–00018990

From: Kip Manley
To: Microsoft ATR
Date: 1/23/02 6:20pm
Subject: Microsoft Settlement

The proposed settlement is a very bad idea; the least of all possible remedies for the harm Microsoft has indisputably caused. Given Enron, it seems foolish to continue to support

large, bloated businesses at the expense of true little-guy innovation—that this settlement does precisely that is a stinging refutation of the American Dream.

—Kip Manley

''Ma gavte la nata.''

MTC–00018991

From: Ron or Cecelia Oxford
To: ''microsoft.atr@usdoj.gov''
Date: 1/23/02 6:17pm
Subject: Microsoft Settlement

Dear D.O.J.,

As a concerned citizen, investor, and stock holder of not only Microsoft, but other companies, I am fed up with this continual legal battle against Microsoft.

In the first place, it is my opinion that every company has a right and obligation to it's employees, stock holders and the consumer to produce the best possible products. Complete with new inovation. Every company in the world strives for market dominance, including AOL and Sun Microsystems. The facts are that Microsoft got the job done and now those cry babies are attempting to use every sleazy ''legal'' means at their disposal to attempt to gain what they couldn't in fair business. In my opinion, it is not the governments business to interfere with business and as such this trial is a travesty of justice. It should be done such that, let each of these ''poor abused'' companies bring civil suit, provided that they can show beyond any doubt that they have been wronged and not just a victim of their own weak business practices. This whole mess reminds me of small children who, when loosing a game, runs to tell Daddy the others are cheating. As a consumer, I applaud Microsoft for putting together a truly integrated operating system. One where all of the components are integrated to work together, eliminating the finger pointing of days gone by in the software industry. I have tried Netscape and found it lacking, I prefer Microsoft's browser. I had AOL as my internet provider, but since it wasn't compatible with some of the online programs (non Microsoft) I use, I made a conscious decision to change. Therefor, these companies claim that Microsoft has harmed the consumer is a large load of malarky. I, like every other consumer, had the opportunity to use Netscape and AOL, but chose not to. I wasn't forced to use Microsoft, I simply found it to be better than the competition. They harmed themselves and the consumers by not providing appropriate software that fit the needs of all consumers, not just their narrow band of selected few. My heart bleeds for them that they've lost market share. TOUGH, that's business. If they can't stand the heat, get out of the kitchen.

As an investor, I am enraged that this mess has been allowed to continue. It is no secret that Microsoft's ups and downs fairly well dictate the ups and downs of Wall Street and the stock markets. In these times of economic uncertainty, let's call it by it's real name——RECESSION, what consumers, investors and the everyday working people do not need is some more downturn of the stock markets. I believe it can fairly be stated that anyone who had investements in the stock market after March of 1999 has lost and lost big. In my own case, I lost well over 50% of my retirement funds. I guess I should sue somebody to recover what I've lost too, Huh. One of the major catalysts of that crash was the beginning of this legal battle between the DOJ and Microsoft. Further dragging it down was the cyclical weakening of the general economy and then add to it a period of uncertainty over who was the President. Now add Sept. 11. Isn't it time to get off Microsofts back and let the economy recover. I say it is!!!! In my opinion, Microsoft has made a much larger offer to settle than I would have considered fair, but still the crybabies of the world will not be satisfied unless Microsoft is ruined and completely gone. The question then is, who will they blame for their own mismanagement when again they fail and someone else is King of the Internet? So, tell me, WHO has harmed the citizens of this country, I give you AOL, Sun Micro. and the States Attorneys General, that's who. Therefor, I emplore you to put an end to this nonsense and let the country get on with trying to recover.

Sincerely,
Ron Oxford
19128 SE 63rd PL
Issaquah, WA 98027
(425)643–1172

MTC–00018992

From: Brian Pepper
To: Microsoft ATR
Date: 1/23/02 6:20pm
Subject: Microsoft Settlement

To whom it may concern:

This letter's purpose is to comment as allowed under the Tunney Act upon the proposed final judgement in the Microsoft anti-trust case. If I have sent it to the wrong address or it reaches you in error, please forward it to the proper address.

I disagree with this proposed settlement. As an open-source programmer, I am especially disheartened by the leniency with which Microsoft gets off in terms of releasing information on their APIs. This settlement is unacceptable, because it doesn't even require that they say which are patented! This is a nightmare to anyone creating a competing implementation, because they don't know what they can and cannot emulate. At the very least, the settlement must be modified to force full disclosure of the patents.

Further, it doesn't require full disclosure of their APIs! (Definition K defines ''Microsoft Middleware Product'' to mean, in short, Internet Explorer, Microsoft Java, Windows Media Player, Windows Messenger, and Outlook Express.) This is, again, unacceptable. Take a person creating a game on Windows to compete with any of Microsoft's. By allowing Microsoft to keep some of their DirectX APIs secret, the potential competitor is forced to use only the functions Microsoft chooses to release. What if Microsoft kept certain functions to themselves that were faster or better than those they released? The competitor's game is locked into being of lower quality. I would support full disclosure of every API Microsoft has created, in a simple and easily understood format. Further, many of their simpler APIs, such as Windows Messenger and Windows Media Player, should also be disclosed in source code.

I hope my comments will be useful to you, and I hope you will reconsider what is a very poor settlement. As a citizen, I feel this current settlement is little more than a slap on the wrist to a company that has done real wrong, and has hurt both its competition and its consumers. Thank you for your time.

Sincerely,
Brian Pepper

MTC–00018993

From: Dave Owen (Los Angeles)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 6:23pm
Subject: Microsoft Settlement

I will be brief, as I assume you receive thousands of letters on this subject per day.

Microsoft has, at various times:

—eliminated OS competition (DR-DOS, BeOS)

—eliminated Software competition (Netscape)

It has done this not by creating a better product for a fair price, which would be applauded by myself and many others. It has done this by using its'' position as a very large, very powerful monopoly to create licensing impediments, create artificial technical incompatibilities, and give away free products until competition was eliminated. Licensing impediments: BeOS, an extremely viable desktop OS for the x86 platform, could not be pre-installed on x86 computers by vendors on their OEM products. Why? Microsoft's OS licensing agreements with these companies forbade it. With Windows as the dominant platform, OEMs could not afford to ship x86 computers without Windows. Licensing impediments: Netscape, a pioneer in the browser market, could not be pre-installed on x86 computers by vendors on their OEM products. Why? Mircosoft's OS licensing agreements with these companies forbade it. With Windows as the dominant platform, OEMs could not afford to ship x86 computers without Windows. Artificial technical incompatibilities: DR-DOS was a direct competitor to MS-DOS before Windows 3.1 hit the market. Windows 3.1 was not an operating system; it was a piece of separate software called a ''window manager'' that runs on top of an operating system. Windows 3.1 was fully compatible with both DR-DOS and MS-DOS. In order to prevent people from using Windows with DR-DOS, they programmed a module in Windows to detect DR-DOS. If DR-DOS was detected, it threw error messages—not ''Windows is not compatible with DR-DOS'' error messages, but random cryptic messages that could not be traced or fixed. Microsoft tech support staff told customers that DR-DOS was not truly MS-DOS compatible (it was) and that DR-DOS was causing the error messages. Giving away free products: This is well-documented with Netscape, and I will not rehash it here. In a nutshell, then, Microsoft has a proven history of eliminating competition by manipulating their operating system and software holdings. Without splitting the company in two, this pattern will continue.

Consider: Internet Explorer WAS a piece of software; now Microsoft claims it is part of the operating system. Windows Explorer

WAS a piece of software (windows 3.1); now Microsoft claims it is part of the operating system. It is likely a matter of time before software like MSN, Office, MSN Messenger and others are ''part of the operating system'', and software such as AOL, WordPerfect, AOL Instant Messenger and others are ''incompatible programs'' that cannot be shipped with OEM products or installed and run on Windows'' computers. Did I say I would be brief? Sorry about that—it's a very complicated subject after all.

MTC–00018994

From: Patrick Nolan
To: Microsoft ATR
Date: 1/23/02 6:20pm
Subject: Microsoft Settlement

Is this for real? Is anyone monitoring this mailbox? I hope not because the organized campaign by the anti-Microsoft crowd is imploring people to send mail to this address to voice their ''displeasure'' with the terms of the settlement. http://www.theregister.co.uk/content/4/23802.html is just one of many popular pages suggesting that people write to the DOJ to complain about the settlement.

Patrick Nolan

MTC–00018995

From: metallik
To: Microsoft ATR
Date: 1/23/02 6:19pm
Subject: Microsoft Settlement

Regarding the proposed Microsoft settlement:

I, among many others, disagree with this settlement as being far too lenient on Microsoft. One remedy that should be enforced is the opening of Microsoft's document and networking standards to the public. Microsoft used illegal means to achieve monopolistic status on the computer desktop, and they use their proprietary office document and network authentication schemes to help maintain this status. Forcing Microsoft to open these standards (such as the exact makeup of Microsoft Word .DOC files, Excel .XLS files, SMB authentication, etc) will help promote competition, as other vendors can implement support for these standards.

Right now, business owners are almost forced to purchase MS Office products because Office file formats are the de-facto standard around the world. Otherwise, their ability to exchange information with other businesses is severely compromised. This kills competiton, and benefits no one but Microsoft. By allowing open access to these de-facto file standards, other application developers can support them natively, thus promoting competition in the application industry. Compeition means better quality, which may even cut down on the number of computer viruses and exploits, as Microsoft would be forced to subject their products to much better quality control (or risk losing market share). There are other remedies I would like to see taken against Microsoft, but the above is one of the best choices. It doesn't impact Microsoft directly, nor does it require a lot of governmental oversight, but it WOULD greatly increase competition and prevent Microsoft from relying on proprietary standards to illegally maintain a monopoly.

Sincerely,
Larry Scott II
6833 Merwin
Cincinnati, OH 45227

MTC–00018997

From: Gary McDaniel
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 6:18pm
Subject: Microsoft Settlement

I am opposed to the proposed Microsoft settlement because will not adequately punish them for their anti-competitive behavior nor will it keep them from continuing to stampede over competitors through anti-competitive, not to mention illegal, strategies. Our own federal courts found the guilty. Adding to the proliferation of the Windows operating system by giving Microsoft access to countless school computers doesn't seem like punishment to me. Please find an appropriate punitive response.

Thank you,
Gary McDaniel
Los Angeles, CA

MTC–00018998

From: Stephen McNicholas
To: Microsoft ATR
Date: 1/23/02 6:21pm
Subject: Microsoft Settlement

Department of Justice:

I wish to add my comments to the Microsoft Settlement. I don't believe that the existing settlement is sufficient. Yes, Microsoft has done some good things (including making it easier for most people to use computers). However, I believe that Microsoft is a monopoly in the operating system, office suite, and browser markets, thus allowing them to consistently overcharge their customers. With Microsoft's new licensing restrictions, they are going to be able to gouge their corporate customers. (As you know corporate IT departments tend to standardize their systems.. Since they have been locked into Microsoft products for some time, they may not be able to easily switch to other products.) There is a solution.. Its called the WINE project (www.winehq.com). WINE is an open source implementation of Microsoft API for Unix based systems.. API is the interface between the operating system, and the software that the user really wants to use. In plain english, it allows Unix based systems to run Microsoft programs. As you know, Linux is an open source (free, in both the meanings ''free beer'' and ''free to read the source code and modify''), and has been touted as a potential competitor of Microsoft. Linux has come a long way from its beginnigs, and even offers some powerful GUIs (for examples, see www.gnome.org and www.kde.org), and some powerful office suites (www.openoffice.org, www.koffice.org, etc.) As a remedy, Microsoft should be forced to publish their API publicly, completely, and accurately. Note that Microsoft does not have to publish the source code.. Instead, they can just document how it all works. Moreover, Microsoft should be forced to document their closed file formats. for example, the .doc format used by Microsoft word. this would allow others to develop programs that can easily read Microsoft Word documents. I believe that a combination of the WINE project and Linux would be an extremely powerful competitor to Microsoft.

thank you.
Stephen McNicholas

MTC–00018999

From: Marci Wilson-Boggs
To: Microsoft ATR
Date: 1/23/02 6:21pm
Subject: Microsoft Settlement

To Whom It May Concern:

I feel strongly that the decision reached by the U.S. Department of Justice in this case against Microsoft is little more than a ''slap on the wrist'' to a company that has been forced to pay out millions of dollars to various competitive companies in the past 15 years for their clearly negligent violations of patents, copyrights, nondisclosures and license agreements. Microsoft has such a blatant history of unethical behavior. Who is actually going to hold them accountable for this judgment? They will ultimately find a way to keep issues tied up in litigation for years to come, rather than do the right thing for the computer industry... allow fair competition to thrive. I anticipate that in the next five years, the United States will be forced to bring further antitrust action against Microsoft again, due primarily to their violation of user privacy issues that are just now beginning to surface. Fair competition breeds true innovation. In my opinion, Microsoft should be forced to split their company into smaller divisions, and give the rest of the world the opportunity to create and innovate for larger marketshare.

Marci Wilson-Boggs
Americas CASC (Customer Advocacy Supply Chain)
X78612 or (303) 272–8612

MTC–00019000

From: Gregory Peker
To: Microsoft ATR
Date: 1/23/02 6:22pm
Subject: Microsoft Settlement

To whom it may concern,

I have used both linux and windows in the past and have discontinued using linux for two reasons. Incompatibilities with hardware and lack of software. First of all, in linux, not all my equipment inside my computer work properly due to a lack of correct drivers. Windows, on the other hand, provides a wealth of drivers. A problem with alternative OS'' is that they lack necessary software. I am a web site designer and in linux, there is a huge deficit of programs I use (i.e.. Photoshop, dreamweaver, flash). I am not saying that Windows is very good, Microsoft can do a lot better, but I'm saying is that before you make a decision as to Microsoft's future, consider the alternatives. Linux, Solaris, and other similar operating systems are very good for servers because they provide the stability and protection needed. They are open source so IT officers can change part of the operating system to accommodate their requirements. One big problem that I have with Microsoft is their use of their proprietary technology. Some examples are, IIS (it's capability to serve ASP), SQL, and etc. Microsoft has a lot of

these proprietary technologies which force users to switch to their operating system. I think there should be a committee set up in Microsoft, payed for by Microsoft and hired by the government. This committee would assist Microsoft into deciding what to do so they don't get into any antitrust cases again. Some things they should do is to open the source code to some of Microsoft's code. Perhaps, open source Windows 3.11 and older. Those operating systems are obsolete and no one uses them anymore. Then in a few years, open source to the Windows 9x operating system, and continue doing this when the technology becomes obsolete. As a web site designers, I work with ASP and SQL very often. I would prefer running the server's under LINUX, but the only programs that serve ASP in LINUX are not as good as IIS. Microsoft should be forced to create an alternative to IIS for the LINUX platform. I am not a Windows enthusiast, nor am I a LINUX enthusiast. Both operating systems have a lot of potential, but for two completely different segments. Windows is more for the new computer user or someone who is not very good at computers. LINUX is for those computers geeks who know how to use the DOS like ROOT found in LINUX. I would prefer to run LINUX, but because of my software development requirements, can't. One thing that could be useful is the development of LINDOWS (found at www.lindows.com) which could be a good alternative to LINUX. This would not stray customers away from Windows, but provide people with a much larger choice of operating systems. If lindows can live up to its reputation, I wouldn't mind setting up a dual-boot system again. I won't get rid of Windows, but I will use it less. Most people will still use Windows because it will most likely be the only Operating System available in pre-built systems (i.e.. dell, gateway, Compaq, alienware, and etc.).

Gregory Peker

MTC–00019001

From: Aiichiro Yoshida
To: Microsoft ATR
Date: 1/23/02 6:20pm
Subject: Do not settle the deal as it is presented

I believe the settlement does not help schools as much. Microsoft should donate money in the form of cash rather than in the form of inflated used computer price. This only help Microsoft to increase its influence on high schools. Schools should have right to say how the money is used and what equipments/softwares are needed. No need for microsoft to give them over-priced equipments and softwares that they may not need.

MTC–00019002

From: Matt Russell
To: Microsoft ATR
Date: 1/23/02 6:22pm
Subject: Microsoft Settlement

How do I put this...What a joke of a case this is turning out to be and what a joke of a resolution as well. Microsoft wants the money but doens't even want to listen (unless you pay them too) when you want to tell them what is wrong. They said the IE4 doens't do anything if it is integrated or just installed. They already signed saying they wouldn't do certain things yet they do. They use their muscle to push other people out of business when they find something they like and now they want everyone to go through them to write drivers or programs. Why don't we just hand Bill and Steve the US and just sit back and take the whole length of this up the ass. Yes, I think that is a good way to put, just take the whole length of this up the ass. The entire way this has been handled is just poor. Microsoft has lied to the people and should be punished. I think the company should suffer to being split, having a total of 3 people on the inside is going to accomplish nothing. Their will be enough red tape for them to go through that they will probably never get to the issues that serious computer geeks/professionals care about.

But then again, go ahead, let Microsoft have it easy, and use their own products to run the governments'' systems. Meanwhile, I will make a push for something like linux (and so will others, it has already started) and I will try to make sure that everyone understands that the government backed down when they shouldn't have and that Microsoft is more worried about making the money more than producing well written softare.

I am completely thankful for what Microsoft has brought to home computing but they cannot be the only company to do this. Business in AMERICA is what it is because of free competition, Micro$oft wants to push everyone out of the way. That is wrong and companies in the past that have attempted to do so have been dealt with. Now is time to deal with Microsoft.

A citizen of these United States

MTC–00019003

From: Ben Jacobs
To: Microsoft ATR
Date: 1/23/02 6:23pm
Subject: Microsoft Settlement

I think that any settlement with Microsoft is a bad idea. Microsoft has repeatedly demonstraded that it will do anything to win in the technology industry and I don't think that the settlement will be strong enough to stop them from destroying the desktop market more than they already have.

–Ben Jacobs

''one thing i can tell you is you got to be free.''

MTC–00019004

From: Scott Walter
To: Microsoft ATR
Date: 1/23/02 6:21pm
Subject: Microsoft Settlement

Public Comment:

Microsoft has abused its monopoly with Windows Operating System and has engaged in hugely anti-competitive business practices. The settlement proposal offered by Microsoft is, in a word, a joke. They propose to give schools free software and refurbished PC's, which would do nothing more than expand their already ludicrous marketshare. This would be particularly detrimental to the likes of Apple Computer, AOL/Time Warner (Netscape Internet Browser), and all other competing products.

Microsoft must be be punished severely for its years of anti-competitive practices, whether by settlement or court decision. At the minimum, a very large fine (or cash donation to schools) should be imposed. To be effective, this amount must be at least $750 million. Microsoft should also issue a ''statement of intent'' as a press release, admitting wrongdoing and promising change. As further punishment, Microsoft should be required to list alternatives to its Windows Operating System/Explorer with any donation (to any school) it makes. This would guarantee a fair and balanced settlement and ensure the school's choice of hardware and software. In particular, Microsoft should be forced to mention ''Apple/Mac OS'', ''Netscape'' and even the ''Linux'' OS.

Thank you.

Scott Walter

MTC–00019005

From: kmmcdonald@mac.com@inetgw
To: Microsoft ATR
Date: 1/23/02 6:25pm
Subject: Microsoft Settlement

The proposed Microsoft settlement is a bad deal for consumers and almost everyone else except Microsoft. Please do not accept this travesty of an agreement.

Thank you,

Kenneth McDonald

MTC–00019006

From: Trevor Buley
To: Microsoft ATR
Date: 1/23/02 6:24pm
Subject: Microsoft Settlement

Department of Justice TM.

a proud subsiduary of the Microsoft Corporation.

P.S. In the likelyhood that the DoJ is not smart enough to understand, the comment i made was sarcastic. Also, the word sarcastic can be found in the Oxford dictonary.

Kind regards.

Trevor

MTC–00019007

From: Mark Kolmar
To: Microsoft ATR
Date: 1/23/02 6:24pm
Subject: Microsoft Settlement

Gentlemen:

I oppose the Microsoft settlement agreement. This is a large, subtle, multi-faceted issue about which one could write volumes. I will state my objections as succinctly as possible. The agreement provides no penalty for the misbehavior that the courts have found.

The agreement provides for only weak oversight for enforcement of the agreement.

The agreement contains enormous loopholes which would enable Microsoft to work around the spirit of the agreement and therefore to bypass the weak remedies provided.

The agreement offers inadequate safeguards against Microsoft's monopoly power.

Mark Kolmar
1510 Valley Lake Drive #123
Schaumburg, IL 60195

MTC–00019008

From: dmj48@email.byu.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 6:24pm
Subject: Microsoft Settlement

Microsoft has been given too much leeway ever since they first began publishing Windows 95 versions with Internet Explorer touted everywhere from the startup screen to system support. The delays they have caused in the legal process have granted them further monopoly powers, ignoring the cases brought against them by not only the DOJ but by states and many different individual companies. It is time to give Microsoft the justice they deserve, and that is not something which is part of their proposals for settlement (which would extend their monopoly even further and take over as much as possible of the school market, which has previously been dominated by Apple). No fine considerably less than one trillion dollars or any series of promises will have any effect on their dangerous and obviously illegal practices. Microsoft must be forcibly broken in such a way that it cannot extend its monopoly into the server and security markets as it is now attempting with Passport. Don't let Microsoft do what it has done to Netscape and WordPerfect again. Don't let their ludicrous arguments that justice is going to cost taxpayers money and stifles ''innovation'' keep the DOJ from dealing justice to them.

Thank you for your time.
Daniel Jensen
Provo, UT

MTC–00019009

From: Eric Smith
To: Microsoft ATR
Date: 1/23/02 6:24pm
Subject: Microsoft Settlement

I am writing today in regards to the proposed Anti-trust settlement between the US government and Microsoft corporation. I believe that this proposed agreement short-changes the American public by allowing Microsoft to continue with its current anti-competitive practices. For instance, the overly narrow definitions of ''Microsoft Middleware Product'' and ''API'' means that Section III.D.'s requirement to release information about Windows interfaces would not cover many important interfaces. Without the ability to understand these APIs, many application developers for competing platforms and products are unable to make their products interoperable with Microsoft's. This interoperabilty requirement is penultimate to other developers, as Microsoft currently has a monopoly in the Operating System business, and compatibility is the only way to sell products. I strongly believe that this proposal needs to be seriously rethought, with tougher actions taken against Microsoft.

Sincerely,
Eric Smith

MTC–00019011

From: Matthew Barron
To: Microsoft ATR
Date: 1/23/02 6:22pm
Subject: Microsoft Settlement

Please, PLEASE reconsider the terms of this settlement. With the present provisions Microsoft will be free to steamroll along as it always has, crushing legitimate competition unfairly and killing diversity in the software market (to say nothing of its plans in others).

Thank you.

MTC–00019012

From: Scott Trotter
To: Microsoft ATR
Date: 1/23/02 6:22pm
Subject: Microsoft Settlement

Gentlemen:

The prosecution of Microsoft for unfair and unlawful practices was a breath of fresh air for those of us involved with computers. The proposed settlement is an example of cowardice on the part of the prosecutors, and a vindication of all that Microsoft has done in the past to reach the position of monopoly and abuse it has reached at this time. It is clear to every thinking computer user that Microsoft has, and continues to, strangle the computer industry, in terms of contributors, innovation, and free thought.

The proposed settlement should be made void, and the D.O.J. should aggressively deal with Microsoft by breaking into smaller, more responsible, and morally just companies. No other remedy is acceptable.

Yours,
Scott J. Trotter

MTC–00019013

From: hiebertd@XonTech.com@inetgw
To: Microsoft ATR
Date: 1/23/02 6:14pm
Subject: Microsoft Settlement

From: Darren Hiebert Madison, Alabama
Senior Software Engineer, XonTech, Inc.

To whom it may concern,

I wish to express my dissatisfaction with the Proposed Final Judgement for reasons that I have found to be exceptionally well summarized and addresses by the following ''Open Letter to DOJ'', found at: http://www.kegel.com/remedy/letter.html

Unless the settlement addresses the concerns raised in this letter, I cannot find the settlement acceptable.

Darren Hiebert
<Darren_Hiebert@XonTech.com>
XonTech, Inc.
(256) 971–2977

MTC–00019014

From: Kevin M. Squire
To: Microsoft ATR
Date: 1/23/02 6:27pm
Subject: Microsoft Settlement

Dear Sir/Madam:

I have some concerns about the recent DOJ/Microsoft settlement that I'd like to share. Specifically, the settlement does not prevent Microsoft from discriminate against open source software, potentially one of Microsoft's greatest competitors.

I am a Ph.D. student and researcher who depends on non-Microsoft operating systems (mainly GNU/Linux) for my work. My research involves programming on PC's and an embedded system (in a robot) for which running Microsoft Windows is neither much of an option, nor is it desirable. For day to day tasks, the sheer ubiquity of Microsoft Operating Systems and Microsoft-specific data formats (specifically Word and multi-media formats), and the extreme difficulty in reading these formats under Linux, often means that I have to find another machine from which to handle documents from collegues or on the web. This is annoying.

A few companies and open source groups are working on ways to run MS Windows programs under Linux and other non-Microsoft operating systems. Specifically, an open source group (www.winehq.org) and a company called Codeweavers (www.codeweavers.com), among others, are working on versions of Wine, a Windows Emulator. This project, as it matures, has the potential of providing serious competition to Microsoft, by allowing users to use non-Microsoft operating systems, yet still use MS Windows-based products. Other open source projects, such as AbiWord (www.abisource.org) and KWord (http://www.koffice.org/kword/), attempt to read or translate Microsoft Word documents.

The DOJ/Microsoft settlement tries to encourage competition, yet fails to do much at all to benefit important competitors such as the above-mentioned projects. One potential benefit would be to allow access to Microsoft APIs and file formats to such open source projects. This would help these projects flourish and offer more viable choices to consumers. Another, more important consideration, would be to include open source projects in the list of ISVs against which Microsoft should not discriminate. For example, both the Microsoft Windows Media Encoder 7.1 SDK EULA, and the Microsoft Platform SDK EULA prohibit redistribution of (normally distributable) components with publicly available software or on non-Microsoft operating systems, respectively. Nothing in the DOJ/Microsoft agreement prohibits this discrimination, which again, has the potential to limit competition from open source projects.

While the DOJ/Microsoft settlement does somewhat address Microsoft's anti-competitive behavior, I hope that you consider using this opportunity to modify the settlement such that it encourages more competition from open source projects, and by closing potential loopholes that Microsoft could use to engage in anti-competitive behavior in the future.

Thank you for your time.
Sincerely,
Kevin Squire (k-squire@uiuc.edu)
Ph.D. Student
Language Acquisition and Robotics Group
Beckman Institute / Department of Electrical and Computer Engineering
University of Illinois at Urbana-Champaign

MTC–00019015

From: Victor R. Cardona
To: Microsoft ATR
Date: 1/23/02 6:19pm
Subject: Microsoft Settlement

The proposed Microsoft-DOJ settlement is flawed. Although the drafters of the settlement clearly wanted to restore a measure of competition to the software market, they have instead allowed Microsoft to extend its control over that market by allowing Microsoft to define certain key terms used in the settlement.

Microsoft has shown its contempt for the law in the past by virtually ignoring a consent decree, falsifying evidence during the 1998 antitrust trial, and sending letters supposedly written by deceased people in order to convince the states'' attorneys general that they should accept the proposed settlement. They have already been found guilty of illegally maintaining a monopoly by two seperate courts. They're behavior since those rulings shows no sign of change. They should not be allowed to dictate the terms of their settlement. Please reject the proposed settlement.

Sincerely,
Victor R. Cardona
231 S. Kansas St
Edwardsville, IL 62025

MTC–00019016

From: William Softky
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 6:27pm
Subject: Microsoft Settlement Advice

Sirs, Microsoft is the most powerful and exploitive monopoly since Standard Oil over a hundred years ago. If anti-trust law is to have any meaning, it must be strongly enforced in this case, which means rectifying the market imbalance, reigning in future conduct, and compensating for past injustice. We must *enforce* the law of the land.

William Softky
Senior Architect
Reuters, Inc.

MTC–00019017

From: Vartan Piroumian
To: Microsoft ATR
Date: 1/23/02 5:54pm
Subject: Proposed Final Judgement: United States versus Microsoft Dear

Sir or Madam,

As per the Tunney Act I am writing to express my considerable dismay at the Proposed Final Judgement (PFJ) in the case of the United States versus Microsoft. My motivation for writing is to give you a perspective on the dangers of allowing Microsoft to escape justice through the inadequate terms of the PFJ. I hope to encourage you to draft a much more comprehensive, precise, unambiguous settlement that adequately curbs Microsoft from further hurting the American people as well as citizens of many other countries.

I am a professional software engineer, and I am very well versed in the technical details that surround all of the issues in the Findings of Fact, Competitive Impact Report, and other official documents related to this case. This letter is not the appropriate forum to discuss all of these technical issues. Nevertheless, I would like to point out the crux of the issue at hand.

I believe the important question for the citizens of the United States, in the spirit of the motivation behind the laws that prohibit monopolization in our country, is: ''Does this settlement address the best interests of Americans?'' My answer is a resounding and unequivocal NO! The myriad ways in which Microsoft relentlessly pursues absolute domination through unethical, immoral and illegal activities will continue to hurt Americans as it has already done! The fact is that Microsoft software is inferior in many regards to alternative offerings that are available to the general public at lower cost. Yet consumers are not aware of this fact because they have never been given a chance to see alternative offerings, which are not allowed to compete in a fair, competitive environment.

Microsoft has intentionally created a vicious cycle—which will be perpetuated by your currently proposed PFJ—that prohibits consumers from ever seeing alternative software solutions. Microsoft has intentionally created an anti-competitive operating environment in which OEMs, VARs, and so forth are discouraged—even threatened—from even exposing alternative software to consumers. Moreover, they create unfair competition by restricting access to their platform and by creating proprietary application programming interfaces (APIs), file formats, network protocol extensions, and so forth. Moreover, they have intentionally broken the compatibility of other vendors'' software. The result is a vicious cycle in which consumers are more and more convinced that Microsoft software works better than anything else.

Other vendors can't compete on equal footing because of their disadvantage in software development, sales, deployment and exposure. The consumers'' experience is that only Microsoft software is compatible with the Microsoft platform and environments. Consumers are therefore discouraged from using alternative software. This decision further increases Microsoft's stranglehold on the market, perpetuating the cycle.

After more than fifteen years, simple, common Microsoft office applications still contain a plethora of bugs. Consumers in all walks of the private, commercial and high-tech sectors complain bitterly about the lack of quality and realiability of Microsoft products. They get inadequate technical assistance, pay increasingly more for their products, and are subject to tighter licensing fees that lock them into increasing dependency on Microsoft products.

Furthermore, innovation from other companies continues to be stifled. Therefore, consumers and professionals alike are condemned to further suffer the inferior status quo. How is all this in the best interest of Americans?

The average American thinks Microsoft is wonderful because they've never been given the chance to see any alternative solutions. Only you, the government, can remedy this situation. Create an environment that truly fosters fair competition. Give vendors a chance to compete on equal footing. Then let the market decide. Isn't that the main tenet of a free market, capitalist economy?

Mr. Vartan Piroumian
828 Lathrop Drive
Palo Alto, CA 94305

MTC–00019018

From: Tom Tetzlaff
To: Microsoft ATR
Date: 1/23/02 6:32pm
Subject: Microsoft Settlement

I think the proposed settlement is lousy. Apparently, the number of complaints is what counts, so consider this a complaint. Enough said.

Thomas Tetzlaff

MTC–00019019

From: Allen Crider
To: Microsoft ATR
Date: 1/23/02 6:24pm
Subject: Microsoft Settlement

Hello. I disagree with the settlement reached by the Department of Justice and Microsoft. It does little to punish Microsoft and does little to prevent continued abuse of their monopoly position.

Allen Crider

MTC–00019020

From: David Corcoran
To: Microsoft ATR
Date: 1/23/02 6:26pm
Subject: Microsoft Settlement

Hello,

Please don't fail to recognize Microsoft's misuse of power in this industry. The current settlement only rewards Microsoft by allowing them to further expand their monopoly into the education market. The XBox is nothing more than a ploy for Microsoft to secretly merge their way into the PC industry. Mark my words, you will see office applications and a keyboard and internet and .NET for the XBox. It will continue to sell for $300 and put companies like Gateway and Compaq out of business. Microsoft is dangerous, and abusive with their power—do not fail to recognize this.

If you want to make a difference consider having Microsoft purchasing new Apple iMacs or iBooks for schools and allow Microsoft to bundle Microsoft Office with these computers, at OEM pricing.....

Thanks,
Dave

MTC–00019021

From: Lance Hoffmeyer
To: Microsoft ATR
Date: 1/23/02 6:27pm
Subject: Microsoft Settlement

I feel that the Microsoft Settlement is a bad idea. It does not go far enough in punishing the monopoly. Many goog ideas and many competitors anies were put out of businness because of Microsoft's monopoly. A more severe penelty is required.

Lance Hoffmeyer

MTC–00019022

From: dcjohan@patriot.net@inetgw
To: Microsoft ATR
Date: 1/23/02 6:28pm
Subject: Microsoft Settlement

I wish to emphatically state my opposition to currently proposed remedy with respect to the Microsoft settlement. The remedy as proposed will do nothing to curb the predatory practices that have been employed, and will continue to be employed, by Microsoft. Just as we have multiple paths in our highway system and the internet for national security reasons, allowing Microsoft to continue to operate in the forced monopolistic control it currently enjoys removes all of that security by forcing a single point of failure in our electronic enterprise, especially so with respect to government actions resulting in the forced use of only operating systems and office suites from Microsoft, products which are

inherently unstable, and the prime carriers of computer viri.

David C. Johanson, Ph.D.

MTC–00019023

From: William Kueppers
To: Microsoft ATR
Date: 1/23/02 6:24pm
Subject: Microsoft Settlement

Hello,

I am AGAINST the current proposed settlement. It will set back the industry more than the 20 years that Microsoft already has. In my 37 years in this industry which grew out entrepreneurial spirit and competition it's sad to see it in the hands of all the worst monopolies.

William Kueppers

MTC–00019024

From: Rich Jones
To: Microsoft ATR
Date: 1/23/02 6:27pm
Subject: Microsoft Settlement

As a Linux user, I am opposed to the way that Microsoft is placing a stranglehold on my ability to use an operating system of my choosing. The proposed settlement offers meathods for businesses (ISV's and OEM's, to name a specific few) to gain protection from Microsoft's monopoly dealings and some limited recourse. While I do not feel that these provisions go far enough, a greater harm may be done by specifically naming types of corporations either for profit, or non-profit.

The danger is that Microsoft will remain unchecked against open, free colaberations without corporations or legally recognized instutitions to stand directly behind. A few examples come specifically to mind:

1) The Ogg Vorbis music format. Ogg Vorbis is a non-comerical alternative to the MP3 and Windows Music Format (WMF), both of which give me serious restructions with what I legally can and cannot do with their formats, and, in my opinon, offer lesser performance. Ogg Vorbis is technically the superior of both of these formats, but you will NEVER see a Microsoft brand music player work with Ogg without sterner restrictions by the government. Why? Microsoft has no need for the superior format, since its adoption by the large Windows user base would lessen Microsoft's ability to control how users use their systems. If Ogg Vorbis fails and falls out of use without either a serious technical jump by MP3 or WMA, then it will be the fault of the US Justice Department for not ensuring it's ability to compete based on it's merits.

2) The Linux kernel. As it stands now, Linux has many corporations, both for profit and non-profit, that stand behind it and struggle to ensure it's future and success. However, when Linus Torvalds began the kernel, there was no such organizations. Microsoft has seen comptition by Linux, and left to it's own devices, will squash all new similar forms of competition now that it's eyes have been opened by Linux's success. How many similar technological innovations will be squashed by Microsoft if the Justice Department does not afford them equal rights of a corporation?

Please reconsider your current progress of maintaining the status quo.

Sincerely,
Richard Jones 53 Highland Ave.
Mansfield, MA 02048
joner@naisp.net

MTC–00019025

From: Bill Cameron
To: Microsoft ATR
Date: 1/23/02 6:27pm
Subject: Microsoft Settlement

The currently proposed Microsoft Anti-trust settlement is a bad idea. It should be scrapped and a more severe penalty imposed.

Regards,
William H. Cameron
2960 SE 64th Ave.
Portland, OR 97206

MTC–00019026

From: Darin S. Ramzinski
To: Microsoft ATR
Date: 1/23/02 6:26pm
Subject: Microsoft Settlement

I don't agree with the proposed settlement for the following reason: The PFJ places restrictions on how Microsoft licenses its products to OEMs, but not on how it licenses products to large users such as corporations, universities, or state and local governments, collectively referred to as ''enterprises''. Yet enterprise license agreements often resemble the per-processor licenses which were prohibited by the 1994 consent decree in the earlier US v. Microsoft antitrust case, in that a fee is charged for each desktop or portable computer which could run a Microsoft operating system, regardless of whether any Microsoft software is actually installed on the affected computer. These agreements are anticompetitive because they remove any financial incentive for individuals or departments to run non-Microsoft software.

MTC–00019027

From: Chris Bare
To: Microsoft ATR
Date: 1/23/02 6:30pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D. Street NW Suite 1200
Washington, DC 20530–0001

I would like to take this opportunity to state that the terms of the Microsoft Settlement do not adequately punish Microsoft for the monopolistic behaviors of which it was found guilty. Nor do the terms of the settlement server to prevent Microsoft from continuing and expanding it's anti-competitive practices in the future. This settlement is not in the interest of the people or the industry and should be rejected.

Chris Bare
Metro Link Incorporated
1401 NE 9th Street, #46
Fort Lauderdale, FL 33304
chris@metrolink.com
http://www.metrolink.com/

MTC–00019028

From: Rich Latour
To: Microsoft ATR
Date: 1/23/02 6:30pm
Subject: Microsoft Antitrust Settlement-You Must Answer to History

Ladies and Gentlemen,

While an owner of a significant amount of Microsoft common stock, I feel that having had their day in court and been found guilty that appropriate and meaningful remedies against Microsoft must be put in place. This includes restitution to the victims of the illegal actions such as Netscape, etc. and structural changes to prevent future misdeeds by Microsoft.

Prior to having been found guilty, Bill Gates and company were openly derisive of the concerns of public officials about complaints of unfair practices from much smaller businesses than Netscape. In at least this case, those claims have been proven true. We cannot allow companies because of their size and political influence of their owners to consider themselves and their actions above the law and public interest.

You must take the hard road and protect the public. Seize a line from a Hollywood movie and remember the ideals you had when choosing a law career. Your family and grandchildren are watching.

Rich

MTC–00019029

From: Autumn Looijen
To: Microsoft ATR
Date: 1/23/02 6:30pm
Subject: Microsoft Settlement

I believe that the proposed settlement does not go nearly far enough in protecting future companies against Microsoft's anticompetitive practices. Please turn down the proposed settlement. It would be a disservice to consumers everywhere to do otherwise.

Thank you,
Autumn Looijen

MTC–00019030

From: Josiah Royse
To: Microsoft ATR
Date: 1/23/02 6:30pm
Subject: Microsoft Settlement

I feel the proposed judgement would NOT correct the corporation of Microsoft from competing unfairly in the U.S. and world markets.

Please reconsider the proposed judgement, and bring freedom and free choice back to our free market.

Josiah Royse
Lexington, KY

MTC–00019031

From: Robert Shallenberg
To: microsoft.atr(a)usdoj.gov
Date: 1/23/02 6:30pm
Subject: Microsoft Settlement

I think that the settlement contains nothing at all that will constrain Microsoft from their anticompetitive practices. It should be much more restrictive:

—Disallow integration of browser, mail, and other such programs with the operating system.
—Prevent Microsoft from intimidating pricing policies calculated to prevent manufacturers and dealers from selling systems with alternative or no operating systems.

Separate the software division from the operating system division, as was suggested in the previously proposed settlement, and

allow technical merit to govern software use rather than unfair advantage.

As the situation in operating systems now stands, the country is practically in a state that—if it were agriculture it would be termed a monoculture, and this is a dangerous situation. In an agricultural monoculture system, a single germ or virus can wipe out an entire food supply. In this corresponding operating system ''monoculture'' the recent wave of computer virus plagues have the same cause—it should be noticed that only Microsoft operating systems and programs were both the source and the prey of the virus infections. (Note that as a user of an ''alternative'' so-called ''legacy'' system, I have not had a single virus in the past 8 years.)

Please make any settlement reached have some real remedies for the already legally established (and long enduring) criminal monopolistic business practice of the Microsoft Corporation.

Thank you for your efforts to these ends.

Robert Shallenberg
Oceanside, California
bobshall@sd.znet.com

MTC–00019032

From: Eva Kalman
To: Microsoft ATR
Date: 1/23/02 6:30pm
Subject: Microsoft Settlement is BAD

The current Microsoft settlement is not just. It perpetuates their monopoly. If you're in the software business or information technology, you must be satisfied to ''buy Microsoft'' or write add-on products that aren't too successful, otherwise you're afraid for your job or business. The way things are going, the only people who will get paid for writing (bad) software are Microsoft employees ; everyone else, such as the Open Source advocates, have to volunteer and write software for free.

Eva Kalman
Wheaton, Illinois

MTC–00019033

From: Brian Beveridge
To: Microsoft ATR
Date: 1/23/02 6:29pm
Subject: 'Microsoft Settlement'

To Whom It May Concern:

As a computer user (a PC network running Windows products) I have followed with great interest the anti-trust suit against Microsoft. The outcome of this process will determine my options as a computer user, and my costs as a business person. At present, I am forced by Microsoft's market domination, to use not only the Windows Operating System, but Microsoft's suite of office products, as well.

I believe that MS has used non-compatibility with competing products as a strategy with which to dominate the PC computing marketplace.

I believe, from experience working with software developers, that MS has used it's dominant marketing position to stiffle the success of small developers, while quickly coming to market with poorly designed adaptations of new ideas.

I believe that the terms and definitions in the proposed agreement are overly specific and will allow MS to bypass the anti-competetive restrictions within months, simply by releasing new product.

In summary, I believe that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

Sincerely,
Brian Beveridge,
Owner—Paradigm Three
PARADIGM THREE
1645 TELEGRAPH AVE.
OAKLAND, CA. 94612
510–832–2295

MTC–00019034

From: J. David Eisenberg
To: Microsoft ATR
Date: 1/23/02 6:30pm
Subject: Microsoft Settlement

I believe the proposed settlement is a bad idea for the following reasons:

1) Although Microsoft may not alter its commercial relationship with an OEM for shipping a competitive product, they may provide ''Consideration to any OEM with respect to any Microsoft product or service where that Consideration is commensurate with the absolute level or amount of that OEM's development, distribution, promotion, or licensing of that Microsoft product or service.'' What, then, prevents Microsoft from determining that an OEM who works —only— with Microsoft products may get a very large rebate for every system shipped, but that OEMs who use competitive products get no rebate, as their promotion is certainly not the at the same level? Effectively, this creates a mechanism whereby Microsoft can still financially punish any OEM that ships competitive software.

2) There seems to be no explicit listing of actual consequences for violation of any of the agreement, other than ''the plaintiffs will investigate this behavior.''

J. David Eisenberg
http://catcode.com/
CC:david@catcode.com@inetgw

MTC–00019035

From: Nick Sharp
To: Microsoft ATR
Date: 1/23/02 7:04pm
Subject: Microsoft Settlement

And why is the Passport to the internet .NET as Mickysoft call it, which is as good as an official passport, but for the internet, being put in the hands of a corporation and not the government themselves?

Regards
Nick Sharp
Sond Pty Ltd
Po Box 53
Highgate 5063
South Australia
Ph: +61 8 8272 4488
Fax: +61 8 8357 2344
E-mail: nicks@sond.com.au
http://www.sond.com.au

MTC–00019036

From: steve
To: Microsoft ATR
Date: 1/23/02 1:34pm
Subject: Microsoft Settlement

Greetings All,

As someone who personally experienced Microsoft's casual dismissal of customer bug concerns regarding their Foxpro 2.0 databases in 1994 I find this all deeply unsettling.

The specific incident I refer to is a clasic example of MS inaction. Microsoft knowingly shipped it's initial Foxpro in a state that caused it to eat it's database when one tried to exercise preventative maintenance during a re-index. This sounds minor until you realie that they encouraged the use of the database nationally by the United Way, and in the process the United Way lost their donor data DBs. Casual estimates are that the United Ways lost over 70 million in contributions in that year due to this. There is no way to measure the amount of suffering that remained unaddressed due to MS's callousness. Microsoft not only encouraged software they knew was broen to be used, but also refused to provide any fix for the bugs in a timely fashion. In conversations with their technical support, the United Way vendor for whom I worked, Hewitt-Anderson, was told not only that they had no fix, but had no plans to release any fix until a the next version of Foxpro, which had no planned release date. Cold comfort for hundreds of United Way branches. The company feels that it is too powerful and prevasively deployed to need to respond in any way to problems it creates, or to even create products would survive in a true market environment.

The only real fix to to break that power down to the point to where Micorosoft feels that quality software and addressing customer concerns are once again important for it's survival.

The settlement is a waste of the taxpayer money and civil servant effort put into the case thus far. It fails to address the illegal restrictive agreements forced onto OEMs that was the heart of the actual Netscape case. It fails to address the OS information shared only with internal programmers (an extremely underhanded and amusing unsuccessful attempt to make up for the fact that non-microsoft programmers were consistently producing leaner faster applications). It fails to address the predatory pricing practices that unfairly restict consumer purchasing choice by punishing those who don't promise to purchase only the MS software. It fails to address that Microsoft lack of concern has created National security problems in systems deployed by the government...Are we going to point to your settlement as a point when the government hada chance and failed to prevent a posssible cyber pearl harbor?

The current settlement is only in the interest of the Microsoft management and lawyer teams. Ultimately even their employees, as US citizens, will suffer from the issues arising from the lack of due diligence to product quality and security that it luxuriates in as a monopoly.

Don't give up the good fight!

Steve

MTC–00019037

From: Eric S TUNE
To: Microsoft ATR
Date: 1/23/02 6:32pm
Subject: Microsoft Settlement

To whom it may concern:

I am writing you to comment on the proposed Final Judgement against Microsoft corporation. I am providing my comments in accodance with the Tunney Act.

I believe that the proposed Final Judgement is, in general, too lenient. In particular, I disagree with section III(J)(2), which allows Microsoft to decide with which parties to share information about certain APIs. I believe that this provision will allow Microsoft to hinder competition from small businesses, not-for-profits, and individuals, by refusing to disclose information about certain APIs. Furthermore, this provision would allow Microsoft to continue to abuse its monopoly position by impartially disclosing information about certain APIs. I urge you to amend the settlement to require Microsoft to make publicly known and to freely license the APIs covered by Section III(J)(2).

Please file my comments, and a response to them, with the court, as required by the Tunney Act.

Regards,
Eric Tune
etune@cs.ucsd.edu
9500 Gilman Drive
MS 0114
La Jolla, CA 92093

MTC–00019038

From: greg@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 6:34pm
Subject: Microsoft Settlement

I watched the whole antitrust trial first with hope, then with fear, and now seeing how it will almost surely end, with bitter disapointment that my government is so easily bought out.

The whole situation brings to mind the ''Doctors'' words toward the end of the movie ''Alien''— something like ''I don't have very much hope for you, but you have my sympathy...''

Any end other than a complete breakup of the companies assets being sold off to competitors is in all likelyhood far to little, to late. Microsofts buisiness practices and buggy, insecure by design software cost the US and world economies billions of dollars in lost time and revenue every year.

If anyone actually reads this, my regards to you.

MTC–00019039

From: casey
To: Microsoft ATR
Date: 1/23/02 6:31pm
Subject: Microsoft Settlement

Citizen(s)—

The proposed settlement in no way punishes Microsoft for violations of the Anti-trust laws nor does it stop Microsoft from continuing its predatory and competition eliminating practices.

Additionally you should be looking into the deskop productivity applications market where Microsoft's binding of their OS with MS Office eliminates all market choice.

Casey Dunn
2704 All View Way
Belmont, California 94002

MTC–00019040

From: root@copland.udel.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 6:29pm
Subject: Microsoft Settlement

Dear Sirs:

I am writing to express my ''opposition'' to the Microsoft antitrust settlement.

I believe this settlement is counter to the interests of the American public, deleterious to the American economy, not adequate given the findings of fact in the trial, and most important, does not remedy the harm inflicted on consumers by the low-quality, inefficient products that only a Microsoft monoply could successfully market.

Microsoft's anti-competitive practices are counter to the law and spirit of our free-enterprise system. These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation. (Just imagine how many working people are struggling with the infamous ''blue screen of death'' an any give moment of any day!)

Microsoft's monopolistic practices cause the public to bear increased costs and deny them the products of the innovation which would otherwise be stimulated through competition.

The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future.

It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function.

A settlement that would suitably punish Microsoft and also remedy that harm that they have done would be to require them to place the source code for all of their operating systems under the General Public License and make it freely available to those who can make it into a productive solution to workplace needs.

Thank you for considering my remarks.

MTC–00019041

From: Robert Maxwell Case
To: Microsoft ATR
Date: 1/23/02 6:32pm
Subject: Microsoft Settlement

Dear Sirs:

I'm a software developer with a cutting edge product that I fear could be ''embraced and extended'' by Microsoft along the lines of the Netscape scenario. I was a user of the Mosaic browser and switched to Netscape as soon as it was released. Although I never paid the $39 price for the ''stable'' version, I was fully prepared to do so as it was so much better. I also had communication with the Mosaic browser development team prior to Microsoft's licensing of their technology. I was online the day Microsoft announced that Internet Explorer (Mosaic) would now be free, forcing Netscape to abandon charging for their product. I was angered at once because Microsoft used its monopoly position in operating systems and ability to ''write off'' development costs to so obviously subvert a competitor with a superior product. As a result, Netscape could not maintain market share and eventually was sold.

Am I and countless other developers to infer from the apparent ''slap-on-the-wrist'' settlement that Microsoft merrily may continue to operate in this fashion in the future, depriving us of remuneration for our development efforts? I've read that DOS, Excel, Word, Internet Explorer, Outlook Express and other Microsoft products were all developed not at Microsoft, but by independent developers. It is clear to me that Microsoft is not an innovator but an exploiter.

To my mind, the best remedy going forward is something akin to two children sharing a piece of cake: one cuts and the other chooses. In a timely fashion, Microsoft should choose which business it wants to be in: operating system software or application software, and then divest themselves of the business not chosen.

Sincerely,
Robert Maxwell Case

MTC–00019042

From: Paul Reynolds
To: Microsoft ATR
Date: 1/23/02 6:27pm
Subject: Microsoft Settlement

[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.] Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
From: Paul Reynolds
950 High School Way, #3227
Mountain View, CA 94041

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I work for a company that produces software which operates on multiple platforms including Windows, and am also an end-user of several Microsoft Operating Systems, Middleware and Applications both at work and at home.

The Court of Appeals affirmed that Microsoft (MS) has a monopoly on Intel-compatible PC operating systems, and that the company's market position is protected by a substantial barrier to entry, and that Microsoft is liable under Sherman Act 2 for illegally maintaining its monopoly. According to the Court of Appeals ruling, ''a remedies decree in an antitrust case must seek to 'unfetter a market from anticompetitive conduct', to 'terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future''.

Like all those found guilty of a crime, Microsoft need to be punished for their actions—ideally in a way that attempts to restore competition and undoes the damage inflicted on the consumer by their

anticompetitive behaviour. MS has profitted greatly from their behaviour, and the fruits of their illegal actions must be denied to them.

Previous court ordered remedies have shown that Microsoft willfully ignores and attempts to circumvent any restrictions placed on them by careful selection of the language used in these remedies, and stalling with continued appeals such that by the time a resolution occurs, there is no surviving competition.

Microsoft show no signs of remorse or attempts to change their pattern of behaviour. Indeed, while conceding certain points on existing Operating Systems (OS), they are careful to ensure that applications (such as Microsoft Office Suite) and future products such as .NET are excluded from any restrictions. It is clear from their pattern of behaviour that they will attempt to monopolise these markets, and that nothing but the most severe restrictions on their behaviour will have any effect.

Since many of the companies adversely affected by Microsoft are no longer operating due to the illegal monopoly, it is hard to make reparation to them. Rather, the remedy must seek to redress the harm done to the consumer, and to prevent Microsoft continuing to use its illegaly gained market dominance to monopolise new markets. It is apparent that Microsoft traditionally gains dominance in a new market buy tying sales of one product to sales of another—for example, the bundling of Microsoft Office with Windows, and the intimidation of Original Equipment Manufacturers (OEMs) to ensure that this continues to the exclusion of competitors. Their willful circumvention of previous court restrictions, which violate the spirit if not the exact letter of the agreements, indicate that MS must be given no latitude in which to avoid punishment. The only option remaining if this is true, is a structural remedy.

Structural Remedy: The existing MS corporation must be split into at least 5 separate companies, each of which is barred from operating in the other 4 areas or joining with one of the other compnaies for a period of not less than 10 years. The company should be split along the following lines:- Operating Systems, Computer Programming Languages (must include .NET and C#), Applications (such as MS Office), Hardware (including XBox), and Internet Services (MSN, Hotmail etc). Microsoft continually use their monopoly position in each of these sections to dominate others— and must be denied the opportunity to do so in the only method it appears that will work. It is imperative that the .NET be split from all other services, since it is clear MS intends to use this to tie in future applications and services and 'lock out'' competing products. Previous anti-trust cases which have resulted in large corporations being split extensively detail prohibitions on these individual companies.

It is clear that despite all evidence pointing to a structural remedy as being the only solution, the courts are unlikely to impose such a remedy. Whether or not this is implemented, the following aspects of MS illegal behaviour must be addressed.

Consumers Overcharged and Require Compensation: In addition to monopolising markets, the consumer has been harmed by Microsoft products being overpriced than would have occurred had competition been available. Once again, Microsoft must be denied any profits from their illegal activities. The consumer must be recompensed for this, and so a substantial cash fine should be levied against MS, which would then be divided amongst all registered users of Microsoft products. This fine should be no less than 1 billion US dollars—note that MS currently have cash reserves of over $35 billion and this is increasing rapidly—it is a small fine to MS.

Should this not prove to be practical, then MS should still be fined, but with the money going to the purchase of computer and computer related hardware for schools, colleges and charity groups. MS should not be allowed to provide software for these systems, and alternatives such as Apple computers or free software such as Linux must be used instead. This will not only return some benefit to the consumer, but prevent further harm done to MS competitors.

Applications Barrier to Entry: Significant barriers exist to competing products in the marketplace due to Microsofts illegal monopoly. These must be eroded and removed in the following ways: By forbidding retaliation against OEMs, Internet Access Providers (IAPs), Independent Software Vendors (ISVs), and Independant Hardware Vendors (IHVs) who support or develop alternatives to Windows.

All APIs and file formats (MS Word, MS Excel, MS Access, MS Powerpoint, MS Outlook and Outlook Express, WMP—the Microsoft Middleware Products) should be available to ISVs and HSVs. File formats should be open and available for public viewing at no cost. Any changes made to APIs and file formats must be announced and specified a period of time must have passed before these changes are implemented (e.g. 180 days for APIs and 90 days for file formats). Current definitions of APIs allow MS to avoid releasing documentation on many important interfaces. File formats, while an important barrier to entry, are currently not included in the proposed settlement and must be publicly disclosed.

Wording of the licence agreement for ISVs accessing APIs and documentation shall state that it will solely be for the purpose of interoperating with a Windows Operating System Product or with application software written for Windows. Current phrasing limits this to OS only. Definitions of requirements for companies or individuals to access APIs should be publicly available and independently enforced—MS should have no say in this part of the decision process.

All patents covering the Windows APIs must be disclosed. Currently those ISVs producing Windows-compatible operating systems are uncertain if they are infringing on Microsoft software patents.

Wording of the current proposed final judgement should not prevent ISVs using released APIs to make alternative OSs compatible with Windows based OSs.

Forced Upgrades Must be Stopped: MS abuses its monopoly postion by forcing consumers to upgrade from older products to newer ones, at substantial cost. Since there is now no effective competition due to the illegal actions, the consumer has no alternative but to go with MS products. By altering file formats in latest releases that are incompatible with older versions, and by removing older products from sale, MS force the consumer to upgrade.

To prevent this, file formats for all Office Applications and WMP must be publicly available at no cost to allow alternatives to be developed. This is mentioned in detail above. To prevent the removal of older products that are still viable applications, Microsoft must continue to support older products for at least 15 years after their introduction. MS may choose not to support the software during this time citing that it is not a useful product, in which case it is allowed to do so but must make the entire MS source code to the application publicly and freely available. Under these circumstances, users may maintain and compile the software themselves. This will apply to operating systems as well as middleware and applications.

Prohibiting practices towards OEMs: In addition to current restrictions in the Proprosed Final Judgement (PFJ), Microsoft must be restricted against reprisals for OEMs that sell PCs with a competing OS but no Microsoft OS. The PFJ requires Microsoft to license Windows on uniform terms and at published prices to the top 20 OEMs, but says nothing about smaller OEMs. This leaves Microsoft free to retaliate against smaller OEMs if they offer competing products. There should be selected 'groups'' of OEMs of varying sizes, for example OEMs 1–20, 21–100, 101–1000, 1001+, and in those bands prices must be uniform and published on all MS OS, Applications, and Middleware products. Market Development Allowances (discounts) to OEMs must be fully disclosed in public. Discounts may not be given in one product (e.g. Office Applications) due to sales in another product (e.g. OS). This will prevent MS using its OS dominance to move its monopoly into other areas.

Enforcement: MS will attempt to circumvent all remedies to the best of their ability. Strong, independent and effective supervision of MS is necessary, and a panel of several industry experts (chosen by the courts and complainants, with minimal input by MS) must be allowed full and unfettered access to MS documents. They will be provided with support staff, and be paid for by MS at competitive rates given their experience. This panel should have the ability to force release of MS documentation and source code, and delay the release of products until compliance is complete. Any undisclosed APIs discovered should result in a large cash fine. Current proposed enforcement allows no incentive for MS to comply with the remedy.

Some of the above stated remedies may seem extreme, but given the magnitude of the MS corporation and the extend to which it has broken the law, the remedies must be of a similar magnitude. As stated in the first few paragraphs, the intent of any remedy is to restore competition, terminate the monopoly, deny the benefits of the illegal actions, and prevent such abuses from ocurring in the

future. Due to the uncooperative nature of MS, the remedy must be decisive and strongly enforced.

While MS has already done considerable harm to the consumer by its illegal actions, there are many future markets in which MS can gain a further monopoly—and exacerbate the problem. They must be prevented from doing so. If an individual commits a crime where the public have been illegaly overcharged that individual will be fined, and perhaps imprisoned—and certainly would be if he was a repeat offender shown to ignore previous court orders. Microsoft must be no different, or justice will not be done, and will not be seen to be done.

Paul Reynolds
Senior Research Engineer
Weidlinger Associates, Inc.
4410 E1 Camino Real, Ste. 110,
Los Altos, CA 94022
Tel: 650 949 3011 Ext. 143
Fax: 650 949 5735
e-mail: reynolds@ca.wai.com

MTC–00019043

From: Elijah Menifee
To: Microsoft ATR
Date: 1/23/02 6:32pm
Subject: Microsoft Settlement

I believe that the proposed settlement will NOT solve the problems arising from Microsoft's monopoly. The proposed settlement does not take into account ISVs working on competing Operating Systems that would be interoperable with Microsoft Products. In sectins III.D. and III.E. of the PFJ the api information that microsoft would be required to release uses ''for the sole purpose of interoperating with a Windows Operating System Product''. This does not allow ISVs to use the released information to write a more secure Operating System to run Microsoft Middleware/Microsoft Applications on. This only allows competion in the Application/Middleware market, leaving Microsoft a Monopoly in the Operating System Product market. I think many of Microsoft's product offerings are good products, such as the Office suite. I however do not currently use such products because I personally find that the Microsoft Operating System is not flexable or secure enough for my day to day work. One ISV that I am aware of(Lindows.com, Inc.) is attempting to write a competing Operating System, that would allow me to run the Mircrosoft Office on a more flexable and secure OS. The PFJ as it stands would specifically exclude them from using the microsoft released APIs to interoperate with the Windows Application Products that I would like to use. In my opinion the PFJ needs to be modified to exclude the clause ''for the sole purpose of interoperating with a Windows Operating System Product'', and replaced with a phrase similar to ''for the purpose of interoperating with a Microsoft Product''.

Elijah C. Menifee
Software Engineer
da Vinci Network Services LLC

MTC–00019044

From: Ted Coolidge
To: Microsoft ATR
Date: 1/23/02 6:31pm
Subject: Microsoft Settlement

To all concerned, I find the proposed terms of the settelment unsatisfactory. Considering that Microsoft has been found GUILTY on several counts, I expect substantial remedies. Your proposed settlement does not constitute a remedy, im my opinion. Microsoft has demonstrated a will to ''bend'', and even ignore the law in the past. In light of these repeated offenses, a more serious remedy is in order.

Thank you for your consideration,
Theodore Coolidge
23 Bay State Road
Worcester MA 01606
Registered voter!

MTC–00019045

From: Ian L. Kaplan
To: Microsoft ATR
Date: 1/23/02 6:33pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Justice Department

Dear Ms. Hesse:

I am writing to you to urge the Justice Department not to settle the anti-trust law suit with Microsoft.

I am a software engineer with over twenty years of experience. I currently work for a financial trading company working on trading software. So when I write that I strongly believe that Microsoft is a major anti-competitive force in my industry, I am writing to you without direct financial interest in the out come of the law suit. I world like to see a software industry where there are more diverse software choices. A vigorous pursuit of the anti-trust suit against Microsoft will produce this result.

I could write at length discussing how Microsoft's past actions and current undertakings strangle competition through their sheer size in the market place. But given the number of e-mails I'm sure you will get on this topic, such a long missive would probably be out of place. I would be happy to comment at some future date if it would be of interest to the Justice Department.

Rather than go on at length I will simply request again that the US Justice Department not settle their anti-trust case with Microsoft.

Thank you for your time.

Yours,
Ian Kaplan
iank@bearcave.com
P.O. Box 215
Tesuque, NM 87574

MTC–00019046

From: Gary Von Colln
To: Microsoft ATR
Date: 1/23/02 6:31pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I wish to express my opinion on the Proposed Final Judgment in the Microsoft Antitrust case. I believe that the Proposed Final Judgment is not just and the USDOJ should reject it. My reasons for this belief can be summarized as:

1. It does not do enough to punish Microsoft.

2. It does not do enough to promote competition against the Microsoft monopoly in operating systems and application programs. I would like to see a remedy that did more to ensure that the entire Microsoft Windows API is fully documented for anyone who is interested in it. This should also apply to all file formats used by Microsoft programs (Windows, Word, Excel, etc). Because of Microsoft's dominant position in the market and its anticompetitive practices, all Windows APIs and all Microsoft file formats should be considered open standards. Microsoft should be allowed to add to and extend these standards, but all additions and extensions must be openly documented in a timely manner. There must be no hidden or secret APIs or file formats that only Microsoft or its partners are able to use. We must do this in order to promote competition in operating systems and applications. From what I've read about it, the existing settlement is too limited and full of loopholes to be effective in this regard. For example, it does not stipulate that Microsoft publish its file formats.

The success of the Internet is a good example of the societal benefits that come from open software standards. Although my familiarity with this case is limited to what I've heard/read in the media, I feel that my 15 years of experience as a software engineer in the computer industry gives me a good basis for understanding at least the technical issues involved in this case.

Thanks for hearing my opinion.
Gary Von Colln

MTC–00019047

From: Jonathan A. George
To: Microsoft ATR
Date: 1/23/02 6:32pm
Subject: Microsoft Settlement
Microsoft Monopoly Conduct Remedies—Mitigation Concerns

Ladies and Gentlemen:

This case demands firm guarantees protecting Free Market competition from classic supression by monopolistic opportunism. In other words:

1. As an existing monopoly Microsoft should be prevented from making exclusionary or secret contracts with customers. These contracts only serve to perpetuate unfair monopolization of market competition and supression of alternate sources of innovation. Today it is virtually impossible to buy a commodity PC from even one of the dominent vendors with a non-Microsoft Operating System without the unit cost of the Microsoft Operating system being included. Futhermore, Microsoft licenses even prevent selling a machine with their Operating System co-installed by the PC vendor even when all normal licencing costs have been paid.

2. As an existing monopoly of Office Application and Operating Systems Microsoft should be required to publish comprehensive interface documentation on the standards their monopoly has created.

This documentation is needed for both commercial and non-commercial entities to be able to write competitive software able to run ''MS-Windows'' software (i.e. Linux+Wine) or manage ''MS-Windows'' networks (i.e. Linux+Samba). Leaving the door open for fees, delays, or restrictive licenses on this important information is a crushing blow to the struggling attempts to develop even limited options for consumers in the hope of re-invigorating Free Market competition.

In the American Democracy we ask our Government and Judiciary to protect our freedoms and opportunities, and I hope that the lure of autocratic wealth and power don't outweigh in interests of the people.

Sincerely,
Jonathan A. George
12310 Bar-X Drive
Austin, TX 78727
United States of America

MTC–00019048

From: Robert Edwards
To: Microsoft ATR
Date: 1/23/02 6:32pm
Subject: Microsoft Settlement

To whom it may concern:

I'm writing to protest the proposed settlement of the United States vs. Microsoft antitrust lawsuit. It is my understanding that by Section III(J)(2), not-for-profit organizations are not considered in the settlement, as they are not considered businesses by Microsoft's criteria. But as I'm sure you are aware, internal Microsoft documents indicate that Microsoft feels that some of its bigger threats come from open-source projects such as GNU/Linux and SAMBA. To allow Microsoft to shut out projects such as these effectively limits Microsoft's competition and increase its market dominance, which clearly flies in the face of the goals of the antitrust lawsuit. Furthermore, many for-profit organizations which I am sure Microsoft would consider businesses, such as Red Hat, are value-added resellers of what are at root open-source projects. Section III(J)(2) would unduly harm these businesses, further limiting Microsoft's competition.

Thank you for your consideration in this matter, and I hope that you find it within yourself to reject Microsoft's self-serving settlement proposal.

Sincerely,
Robert Edwards

MTC–00019049

From: [nemesis]—(ryan underwood)
To: Microsoft ATR
Date: 1/23/02 6:34pm
Subject: Microsoft Settlement

Dear Sirs,

I believe the proposed Microsoft antitrust settlement is a bad idea. Without providing proper motivation for Microsoft to alter its business practices, the same crimes that got it into trouble in the first place will just continue to happen. The proposed punishment is not strict enough, and has some possible consequences that severely undermine it. Please reconsider. Thank you.

Ryan Underwood
4 Oak Hollow Drive
Saint Peters MO 63376
nemesis@icequake.net

MTC–00019050

From: Kenny Pearce
To: Microsoft ATR
Date: 1/23/02 6:34pm
Subject: Microsoft Settlement

To whom it may concern:

With regard to the proposed settlement of the Microsoft anti-trust case and the period of public comment required under the Tunney Act, I believe that the current proposition fails to address many issues in Microsoft's conduct. I would like to draw your attention to one such issue which, in addition to failing to be addressed by the proposed settlement was, to my knowledge, never addressed in court at all.

Microsoft's license for it's Windows operating system prevents PC manufacturers from utilizing a capability of many pieces of software, including LILO, the LInux LOader, which is called ''dual-boot''. This allows a PC to have two operating systems installed, and then ask the user which to use on startup. At one point, Microsoft threatened to revoke it's license agreement with certain PC manufacturers who sold computers pre-installed with a dual-boot between MS Windows and BeOS. This stifles competition in the operating system market terribly, and is probably part of the cause of BeOS's demise as a PC operating system.

Additionally, many users of the Linux operating system on PCs use dual-boot technology to allow them to use Windows programs natively, as emulation is very slow on some systems, and does not work with all MS Windows programs. If manufacturers were allowed to sell dual-booting machines with Windows and Linux it would greatly encourage users who are discouraged by the Linux's reputaton of being difficult to install to try using it, increasing Linux's ability to compete. This would also allow companies to make a profit in the sale of pre-installed Linux PCs, which many believe is currently impossible.

Because of Microsoft's actions, users who today wish to use Linux on a PC must buy what Microsoft terms a ''naked PC'', that is, one without any operating software, or else pay for an expensive ($100) license from Microsoft which will never be used. In the case of so-called ''naked PCs'', such systems are difficult to find and Microsoft is reputed to have offered computer retailers ''incentives'' for reporting the personal information of purchasers of these systems. Ostensibly, Microsoft believes that the only valid reason for purchasing a computer without an operating system would be to install one illegally in violation of the license agreement. Obviously, this is not the case and most likely these actions by Microsoft are intended to stifle the possible competitor they see in Linux.

Please consider these issues in your upcoming decision.

Thank you,
Kenny Pearce
(www.kennypearce.net)
(quantum.kennypearce.net)

''We are all slaves. Freedom is merely the right to choose your master.''

MTC–00019051

From: Jerome Krough
To: Microsoft ATR
Date: 1/23/02 6:35pm
Subject: Microsoft Settlement

The proposed DOJ / microsoft settlement is mind numbingly biased towards microsoft. I had assumed that penalty meant some sort of punishment, judging from the proposed settlement microsoft has redefined penalty via their dictionary and wordprocessor. I wish to have the freedom to choose the software I wish to use not software I am forced to use because some pissant from Redmond, WA thinks he knows what is best for me.

Sincerely,
Jerome D. Krough

MTC–00019052

From: richard
To: Microsoft ATR
Date: 1/23/02 6:35pm
Subject: Microsoft Settlement

I am worried about the following provisions of the proposed final judgement:

III. Prohibited Conduct A. Microsoft shall not retaliate against an OEM by altering Microsoft's commercial relations with that OEM, or by withholding newly introduced forms of non-monetary Consideration (including but not limited to new versions of existing forms of non-monetary Consideration) from that OEM, because it is known to Microsoft that the OEM is or is contemplating:

1. developing, distributing, promoting, using, selling, or licensing any software that competes with Microsoft Platform Software or any product or service that distributes or promotes any Non-Microsoft Middleware;

2. shipping a Personal Computer that (a) includes both a Windows Operating System Product and a non-Microsoft Operating System, or (b) will boot with more than one Operating System; or

Specifically, the word ''retaliate'' leaves some wiggle room for Microsoft and is not defined in the terms listed at the bottom of the PFJ. My Webster's Unabridged dictionary (1996) says that retaliate means ''To return the like for; to repay or requite by an act of the same kind; ''. Would, I don't know, buying the offending company, and firing everyone in it, be considered a retaliation, in the strict, dictionary sense of the word? Nope. And that's how Microsoft will read it too. As long as they do something else bad, that is not ''an act of the same kind'', they are free and clear to continue their monopolistic controls. This one word, really guts all of section III in regard to OEM's and ISV's (where retaliate is used again). This is nitpicking. But this is Microsoft, and nitpicking is all I have.

Thank you for your time,
Richard Still
richard@oakbox.com

MTC–00019053

From: Will Dinyes
To: Microsoft ATR
Date: 1/23/02 6:35pm
Subject: Microsoft Settlement

The settlement proposed for the Microsoft Anti-Trust case does little to prevent further

transgressions. I find it laughable that one of the proposed measures does not stipulate that the federal government itself cease use of products manufactured by a convicted monopoly unless said monopoly is disbanded. The government has in the past been able to effective disband a monopoly. Bell telephone and Standard Oil come to mind. The primary recourse that I would like to see is that, at the very least, Microsoft be prevented from purchasing or maintaining a controlling interest in any other company for a period of 10 years. Force them to license or develop technology as many other companies, such as Apple Computer, now do. Make them stand on their own merits, rather than allow them to continue to conscript the work done by other innovators in technology. Microsoft's tentacles reach well beyond the computer desktop. Many other enterprises are now being actively attacked by Microsoft, including video game consoles, internet service providers, and various forms of media delivery.

I fear that the only possible way to prevent further anti-trust activities is to revoke Microsoft's charter entirely, seize the company's assets and redistribute them to companies working in the individual sectors of technology that have been irrevocably harmed by the actions that Microsoft has taken. This is, after all, what we do to other convicted felons. Microsoft's debt to society must be paid somehow. The proposed settlement does not do enough.

William F. Dinyes
6814 N. 10th Ave.
Phoenix, AZ

MTC–00019054

From: George Chong
To: Microsoft ATR
Date: 1/23/02 6:36pm
Subject: Microsoft Settlement

I vehemently oppose the settlement proposal with Microsoft.

George Chong

MTC–00019055

From: JWard
To: Microsoft ATR
Date: 1/23/02 6:37pm
Subject: Microsoft Settlement

Dear DOJ,

The current DOJ settlement is a bad idea. Microsoft needs real punishment! I frequently use computer applications in my duties as an Electrical Engineer. Microsofts Windows software has not improved much through the years. I have witnessed through the use of Microsoft's software how minipulative and anti-competitive their products are. The citizens of the U.S. need real software competition now. I am tired of losing control of my computer with each passing year.

thank you,
J. J. Ward

MTC–00019056

From: J.C.
To: Microsoft ATR
Date: 1/23/02 6:38pm
Subject: Microsoft Settlement

Regarding the Microsoft settlement, I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundred, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices.

Similar to the settlement against AT&T, Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level (40%, for example, assuming one of it's competitors is now also at 40%). This must be true for all Microsoft product lines, before regulation is lifted.

Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Imagine the damage to the United States if Microsoft were to fail, as Enron failed. The risks of a monopoly are greater than merely the loss of competition.

Thank you for your time.
Jason Christopher
Pittsburgh, PA

MTC–00019057

From: Phil Budne
To: Microsoft ATR
Date: 1/23/02 6:36pm
Subject: Microsoft Settlement

As a software professional of 20 years I STRONGLY object to the proposed settlement in the Microsoft antritrust cast. Microsoft's predatory practices have been ruinous for software industry creativity and reliability. Microsoft has effectively squelched competition in most markets it has entered. I do not believe the settlement contains penalties or remedies commensurate with the level of anti-competitive activity carried out by Microsoft.

Particular points:

Microsoft's current ''middleware'' efforts (Microsoft.NET and C#) do not seem to be covered at all by the agreement.

The definition of ''Windows Operating System Product'' seems to omit important Microsoft products.

Microsoft continues to include licencing terms on it's software components which are clearly meant to suppress the emergence of Operating Systems or Middleware that might compete.

MTC–00019059

From: Matt Kazmierski
To: Microsoft ATR
Date: 1/23/02 6:44pm
Subject: Microsoft Settlement

the proposed settlement is a bad idea

MTC–00019060

From: Marc Campbell
To: Microsoft ATR
Date: 1/23/02 6:40pm
Subject: Microsoft Settlement

I object to the current settlement. Reason: The current settlement is not sufficient to prevent Microsoft from maintaining and extending its monopoly through illegal practices such as predatory pricing and predatory bundling.

Marc
Marc Campbell
Predixis, CEO
2031 S. Myrtle Ave.
Monrovia, CA 91016
626–256–3680

MTC–00019061

From: Homer Bartlett
To: Microsoft ATR
Date: 1/23/02 6:27pm
Subject: Microsoft Settlement

Why on earth would you believe that this time they're going to abide by the agreement they've signed when they didn't abide by the last one? This settlement agreement, even if they abide by it, leaves much of the enforcement to Microsoft, as in section III(J)(2): ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...'' Which means that if Microsoft doesn't consider a particular software company a ''authentic'' or ''viable'' business, they have the power to withhold the information that business needs to make their software work with Microsoft's operating system, effectively crushing them.

Please reconsider this settlement and make sure it has some teeth.

Thank you for your time.
Homer Bartlett
homer@homerbartlett.net
www.homerbartlett.net

MTC–00019062

From: Wehser, Sven
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 6:36pm
Subject: Microsoft Settlement

Ladies and Gentlemen:

I think in view of the findings of the court the proposed settlement agreement is totally insufficient. It has found that MS has repeatedly misused its monopoly in order to hinder competition. The victim is the user who has to pay higher prices and suffer products that are filled with flaws because as a monopoly there is no compelling reason for MS to make really reliable products.

I think it would be more than shameful to let MS get away with its conduct with such a lame settlement agreement.

Sven Wehser

MTC–00019063

From: Matt Ross
To: Microsoft ATR
Date: 1/23/02 6:36pm
Subject: Microsoft Settlement

Just wanted you to know, I think the Microsoft settelment in it's current form is a bad idea.

Matt

MTC–00019064

From: Brian Downey
To: Microsoft ATR
Date: 1/23/02 6:37pm
Subject: Microsoft Settlement

I think the Microsoft Settlement as it is is certainly a bad idea. Currently, I think the settlement would allow Microsoft to continue to expand their monopoly, and doesn't offer any real solutions from preventing the company from doing the same in the future. I think any anti-trust settlement should be effective enough to allow other companies in the same sector a fair chance at competition,

and the current settlement as it stands does not allow for this. I'd be glad to elaborate if required.

Thanks,
Brian Downey
734–805–7797
Redford, Michigan
bdowne01@mac.com

MTC–00019065

From: Glen
To: Microsoft ATR
Date: 1/23/02 6:38pm
Subject: Microsoft Settlement

To Whom it May Concern,

Considering the original findings of fact by Hon. Judge Jackson, the current proposed measures against Microsoft Corp. actually do extremely little to correct the problem at hand: Microsoft Corporation has illegally built and maintained a monopoly on computer operating systems.

The proposed measures cannot hope to stem Microsoft's aggressive tactics. Please consider an end to the monopoly when redrafting the measures to be taken.

Thank you,
Glen Canaday
Clearwater, FL

MTC–00019066

From: Brian J. Brondel
To: Microsoft ATR
Date: 1/23/02 6:38pm
Subject: Microsoft Settlement

I'm writing to express my disapproval for the proposed settlement for the antitrust case against Microsoft. The settlement is totally inadequate and completely incongruous with the magnitude Microsoft's illegal actions outlined in the Court of Appeals ruling.

The Appeals ruling calls for a remedy that will ''unfetter a market from anticompetitive conduct'', ''terminate the illegal monopoly'', ''deny the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future'' (section V.D., p. 99). The Proposed Final Judgement fails in all these respects. It fails to significantly impact Microsoft's behavior because of considerable exceptions, unnecessarily narrow definitions, and generally incomplete conduct remedies. Microsoft will easily circumvent the terms of the Proposed Judgement as it is currently written, to continue its illegal practices and harm the free market.

I am further disturbed by the lack of any penalties for Microsoft's actions in the past. If you count up the extra profits Microsoft has garnered from its ill-gotten market share over the sales history of Windows, you find that Microsoft has acquired some $3–8 billion through its violation of the Sherman Antitrust Act. Clearly, even after expenses from court and remedies, Microsoft's offenses were remarkably profitable, while Microsoft's prosecutors suffered great expense in seeking out justice. Should Microsoft be allowed to profit at the United States'' expense, and at the expense of their laws? pOnce again, I'm very disappointed by the lack of force in the Proposed Final Judgement. I urge you to carefully review and modify the terms of the settlement before proceeding. For a more complete analysis of the Proposed Judgement, I refer you to Dan Kegel's ''On the Proposed Final Judgment in United States v. Microsoft.'' I'm certain that we can arrive at a settlement that's both effective and fair.

Brian J. Brondel

''America will never be destroyed from the outside. If we falter and lose our freedoms, it will be because we destroyed ourselves.''

—Abraham Lincoln

MTC–00019067

From: Bert Han
To: Microsoft ATR
Date: 1/23/02 6:38pm
Subject: Microsoft Settlement

The currently proposed settlement restricts free trade. A true sign of monopolistic practices, is when companies no longer have to innovate, and force consumers to use products which lack quality.

Microsoft's products consistantly are released in poor condition. The only time where Microsoft has to innovate is when they are under direct competition. And to help them win, they'll use illegal procedures to thwart their competitors. If you'll notice, after they ''win'' their products will start to, well, suck. pIf America is to truly stay ahead of the economic market, we need innovation, not bloated, anticompetitive actions. It won't help us to compete with emerging markets.

Bert Han

p.s. i update my webpage by wednesday every week. the address is http://www.geocities.com/berthan26

MTC–00019068

From: David Lannan
To: Microsoft ATR
Date: 1/23/02 6:41pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea.
David Lannan
Programmer
Pandemic Studios
Unit 14/23 James Street
Fortitude Valley
QLD 4006
ph. 3253 3381 × 21
www.pandemicstudios.com

MTC–00019069

From: John Dougan
To: Microsoft ATR
Date: 1/23/02 6:36pm
Subject: Microsoft Settlement

Dear Sirs,

I write you to add my voice to the those opposing the current settlement proposal. As near as I can tell, it will have no perceptible effect on Microsoft's behavior, and violates the principles of transparency which are paramount in the Justice system. ''Justice must not only be done, but it should be seen to be done.''

The object of the settlement should be to reduce or eliminate the occurance of illegal monopolistic behavior on the part of Microsoft, which should then make it possible for other corporations to enter the market without being blasted by the MS monopoly. The current proposal seems to be putting the cart before the horse, enforcing actions which should be the result of improved behavior by Microsoft. By being overly specific, this proposal leaves far too much room for Microsoft to engage in new infringing behavior.

The proposal also lets's Microsoft decide too many of the later details, such as the terms of the agreements the TC (Technical Comittee) has to sign, and the definition of a protoco (See the SAMBA projects objectionsfor details). This is an open invitation to Microsoft, who has abused such loopholes before.

The TC should be allowed to discuss the Committees actions with the public, without revealing MS trade secrets. However what constitutes an MS trade secret should be decided by a third party or the Trade Secrets acts and subjected to scrutiny.

What I would like to see as a result of this proceedings is a Microsoft competing on a leveled playing field. I don't want to see the company destroyed, though breaking it up into viable pieces would not bother me. Four pieces come to mind: Applications including the web browser, Services, Operating Systems, and Hardware. But that is incidental. Please reconsider this dangerously flawed proposal.

Regards,
—john dougan
CC:jdougan@acm.org@inetgw

MTC–00019070

From: Michael W. Wernicki
To: Microsoft ATR
Date: 1/23/02 6:36pm
Subject: Microsoft Settlement

Hello,

Microsoft has a stranglehold on the US software market. Unless the government takes the appropriate action, the US citizen will end up paying to a monopoly, Microsoft. Please, don't allow this to happen.

Michael W. Wernicki
492 Liberty Avenue
Jersey City, NJ 07307

MTC–00019071

From: fisherh@rap.ucar.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 6:42pm
Subject: Microsoft Settlement

I believe that the proposed settlement of the recent Microsoft case is not sufficient. Particularly in regards to the OEM part of the settlement.

I believe that OEM's should be able to put any OS they like on computers they sell without fear of reprisal from any company Microsoft or others. This should apply to OEMs of any size and Microsoft should not be able to ''kickback'' discounts to OEMs based on volumes of other Microsoft products sold.

Thank you for your time.
Hank Fisher Software Engineer
fisherh@dimensional.com

MTC–00019072

From: Mark E. Nottage
To: Microsoft ATR
Date: 1/23/02 6:41pm
Subject: Microsoft Settlement

Please do not allow the miscarriage of justice that is represented by the proposed final judgement in the United States vs. Microsoft anti-trust to pass without modification.

There are numerous technical loopholes in the restrictions that would be placed on Microsoft under said agreement. Additionally, there are numerous anti-competitive practices that Microsoft would be given carte blanche to continue as they please.

Mark E. Nottage
Berkeley, CA

MTC–00019073

From: Tom Zacharoff
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 6:42pm
Subject: Microsoft Settlement

The Proposed Final Judgment is NOT in the public interest

*The PFJ doesn't take into account Windows-compatible competing operating systems

*Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

*The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

*The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

*The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

*The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

*The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertised as being ''Windows Powered''.

*The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

*The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

*The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

*The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

*The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

*The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

*Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

* Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

* Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running Linux. (Similar licenses to OEMs were once banned by the 1994 consent decree.)

*The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

* Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

* The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

* The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

* The PFJ allows Microsoft to discriminate against small OEMs— including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

* The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

* The PFJ as currently written appears to lack an effective enforcement mechanism.

Considering these problems, one must conclude that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, and would delay the emergence of competing Windows-compatible operating systems. Therefore, the Proposed Final Judgment is not in the public interest, and should not be adopted without addressing these issues.

For further clarification, please read this:
http://www.kegel.com/remedy/remedy2.html

MTC–00019074

From: Mitch Kornelis
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 6:41pm
Subject: Microsoft Settlement

Microsoft has willfully committed monopolistic practices in the computer software industry. They have such a stronghold on the industry now that they can freely do as they choose. They have no competition left. Microsoft needs to be punished and not lightly.

Thank you.
M. Kornelis

MTC–00019075

From: Scott Lindsey
To: Microsoft ATR
Date: 1/23/02 6:40pm
Subject: Microsoft Settlement

Dear Sir or Madam:

I'm writing in oposition to the proposed settlement of the Microsoft antitrust case.

I do not believe that said settlement sufficiently redresses Microsoft's past abuse of its monopoly position, nor that it will prevent future abuses of that position.

Scott Lindsey
1517 SE Maple Ave
Portland OR 97214

MTC–00019076

From: Timothy Smith
To: Microsoft ATR
Date: 1/23/02 6:41pm
Subject: Microsoft Settlement

I truly believe that the proposed DOJ settlement with Microsoft is flawed and cannot bring about an acceptable resolution of Microsoft's monopoly position in the computer software market.

Sincerly,
Timothy L Smith
13703 74th Ave N
Maple Grove, MN 55311

MTC–00019077

From: Eric Ludlum
To: Microsoft ATR
Date: 1/23/02 6:49pm
Subject: Microsoft Settlement

To whom it may concern,

I am writing to express my great dissatisfaction with the proposed settlement of the United States vs. Microsoft antitrust lawsuit. The settlement neither restores balance to the markets which Microsoft has illegally monopolized over the past 20 years nor imposes punitive measures commensurate to the public cost of the company's criminal activities.

Only by striving to achieve the following goals will the settlement serve justice:

1. The disassembly of Microsoft's ability to dominate markets through its command of the computer desktop.

2. The return of illegally gained profits to the affected markets and their participants—to Microsoft's consumers and competitors.

I encourage those dealing with this matter on the behalf of the United States of America to re-consider the settlement, to have strength and fight harder for what is right.

Thank you for your time in considering my input,

Eric Ludlum
President Core77, Inc.
http://www.core77.com

MTC–00019078

From: scott_dylewski@agilent.com@inetgw
To: Microsoft ATR
Date: 1/23/02 6:40pm
Subject: Microsoft Settlement

My comments about the proposed Microsoft settlement:

I'm deeply conserned about the powers Microsoft has to force America and the world to use its software and protocols within its operating system. I feel that the only way to allow other operating systems and software to compete with Microsoft is to severely restrict the ability of Microsoft operating systems to force/influence users to also use other Microsoft software. The law must be clear in dictating this so that there is no way to skirt around the imposed settlement. The only good solution that I have heard that would achieve this consumer-friendly settlement is a split of the company into two

separate companies. It is very important to note that this would NOT have a large financial impact on Microsoft (certainly no more than the gains Microsoft has made through its monopoly already), and would still allow both the operating systems and applications divisions of Microsoft to ''innovate'' independently. Of course, this simple settlement would give all companies access to the same Microsoft operating system information that the future Microsoft applications divisions would have, thereby allowing all companies to compete more fairly to create the best products.

Thank you- I strongly recommend a split of Microsoft's operating systems and applications divisions.

Scott Dylewski, Ph.D.
Networking Solutions Division
Agilent Technologies
Phone: (408) 435–4085
scott_dylewski@agilent.com
3036 Warrington Ave
San Jose, CA 95127
scott@dylewski.com

MTC–00019079

From: Sam Kerner
To: Microsoft ATR
Date: 1/23/02 6:38pm
Subject: Microsoft Settlement.

Dear Sir or Madam,

I am writing to express my disappointment in the proposed outcome of the US DOJ's case against microsoft. I do not see how the proposed settlement solves the problem of microsoft's flagrant abuses of it's monopoly power. Specifically, I believe a panel of people monitoring microsoft's behavior will be of no consequence. Microsoft entered a consent decree that was supposed to curtail it's behavior, but it was ignored. They have shown that if they wish to violate an agreement with the DOJ, they are willing to go to court to get out of complying with it. What makes anyone think they will not do the same thing if the monitoring panel's judgment is not to their liking?

For the DOJ to have taken this case to the point where microsoft has been found guilty and then settle with a remedy that is as weak as the one proposed is shameful. An effective remedy would have meant unprecedented opportunity for the computer industry, as companies would no longer be forced to comply with microsoft's anti-competitive contracts and undocumented APIs. If this settlement goes through, the computer industry will continue to be in the doldrums, and brilliant ideas that could have made our lives better and our economy stronger will continue to be crushed by the anticompetitive steamroller that is an unfettered monopolist, made more bold and dangerous by the knowledge that the laws of the united states do not apply to it.

Sam Kerner

MTC–00019080

From: Matei Ripeanu
To: Microsoft ATR
Date: 1/23/02 6:39pm
Subject: FW: [CS] Last day to influence MS case: Monday morning 28 Jan

i DO NOT LIKE THE SETTLEMENT. BE TOUGH!

-MATEI

MTC–00019081

From: Jeff Wilson
To: Microsoft ATR
Date: 1/23/02 6:42pm
Subject: Microsoft Settlement

It is my opinion that the proposed settlement is in the best interest of all parties concerned. The proposed settlement deals with the pertinent issues in a way that allows Microsoft to continue as a viable business entity, while allowing others the opportunity to compete. More stringent penalties would not maintain that balance, and would injure the public without means to repair that damage.

Jeffrey Wilson
909 Buckboard Blvd.
Papillion, Ne 68046

MTC–00019082

From: Max Kushner
To: Microsoft ATR
Date: 1/23/02 6:40pm
Subject: Microsoft Settlement

I think the settlement is a bad idea. It is not fair to those Microsoft has injured and it does little to remedy the situation.

Max Kushner

MTC–00019083

From: Jeff Davis
To: Microsoft ATR
Date: 1/23/02 6:41pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I am writing to comment on the Proposed Final Judgement in the Microsoft anti-trust case.

The current judgement calls for very limited restriction of Microsoft's actions, actions which are the subject of the suit and which have been found to be in violation of US anti-trust law by a federal district court and a federal appeals court.

Those actions have severely hindered competition in the computer software industry. Any settlement must aggressively address the reestablishment of competition in this important and crippled industry.

The keys to software competition are the API's and file formats used by Windows operating systems and productivity software. Without access to those sources of Microsoft's monolopoly, other companies cannot effectively compete.

A settlement which restores competition to computer software will be concerned primarily with:

* enforcing equal and open access to the W32 APIs and Microsoft Office file formats (standardization, publishing, and documentation)

* and the right of competitors to sell compatible operating system and productivity products based on those APIs and file formats.

A secondary concern with the PFJ is language which addresses competing ''commercial'' vendors. The fear of many is that this language fails to protect not-for-profit software projects from anti-competitive behavior. As not-for-profit computing has been equally harmed by Microsoft's anti-competitive practices, the PFS must explicitly grant not-for-profits equal remedy and protection.

Finally, it is appropriate that the company be pushed for its illegal activity with fines. Fines should be set as a reasonable percentage of Microsoft profit for the period since the company violated its prior consent decree with the court to the present.

Thank you for considering my concerns,

Jeffrey Davis, Electronic Resources Librarian
San Diego Public Library
(619) 238–6613
jdavis@adnc.com

MTC–00019084

From:
mrcpu@ntemail.internetcds.com@inetgw
To: Microsoft ATR
Date: 1/23/02 6:38pm
Subject: Microsoft Settlement

Proposed settlement stinks.

MTC–00019085

From: Suresh Bazaj
To: Microsoft ATR
Date: 1/23/02 6:43pm
Subject: Microsoft Settlement

Honorable Judge Kollar-Kotelly,

I would like to share with you my experience in dealing with Microsoft products for the last 20 years. My first experience with Microsoft products was in the early 80's when I purchased a Radio Shack PC with DOS. Overall, it was an OK product until I purchased my first Apple Macintosh in 1985. What a world of difference. For the next 11 years (until 1996), I only purchased Apple Macintosh due to its ease of use. I still remember when I bought the first Macintosh Performa for my 11 year old in 1995. We got home from the store around 10 PM. I was tired, yet my son insisted that I help him unpack and set the computer on his desk. He took care of the rest and had fun with it for many hours while I was sound asleep. My children used the computer for more than 5 years.

Unfortunately, my options to buy anything but Microsoft were severely restricted as the 90's rolled along. So, I finally broke down and bought a Windows ''98 PC in 1999. I was glad that I did not have to live through the torture of going through many versions of Windows (1.x, 2.x, 3.x, Windows ''95 and then Windows ''98). While it does not do everything that I can do on a Macintosh, it has been a reasonably stable system.

So, I now have 3 WIN ''98 laptops and one WIN ''98 desktop in my household—essentially every member of the house has his/her own PC. We are all reasonably OK with and are able to do most of what we need to do. However, here is my FRUSTRATION. As a monopoly, Microsoft feels that it can whip out a new product whenever it wants to and stop supporting the existing product. Since I bought my first WIN ''98 PC, there has been WIN 2000 (several versions of it), WINDOWS ME (in 2001) and now WINDOWS XP (in 2002). Most (if not all) these new products require new hardware

and often new application software, in addition to the new Operating System. Well, I just cannot afford to throw fully functional and useful machines in the trash can every year. How would you feel if the plumbing and electricity industry followed the same model. You have a leaky faucet or fused bulb. Well, you better upgrade to entirely new plumbing and electrical system in the house since last years model is no longer in production and supported. I hope you get the point. I urge to reject the DOJ settlement that does not do anything to foster competition and help the consumers.

Respectfully,
Suresh C. Bazaj
40792 Tirso Street
Fremont CA 94539

MTC–00019086

From: Michael J. Hauan
To: Microsoft ATR
Date: 1/23/02 6:43pm
Subject: Microsoft Settlement

Just my two cents—

I am a physician, an ethicist, and an informaticist. I welcomed the courts'' conclusion that Microsoft has abused its monopoly position.

I am dismayed that the Justice Department is not using the clear conclusions of law to take substantive steps in protecting both all consumers and producers of potentially competitive products. In particular, the proposed settlement provides inadequate recourse for those (e.g., in open-source software development projects) that Microsoft doesn't consider legitimate businesses. It seems Microsoft can refuse them access to APIs and other important operating system information on its own recognizance. Given their record of flagrant violation of both the spirit and letter of the law, this is indefensible.

I oppose the proposed settlement vehemently.

Sincerely,
Michael J. Hauan, MD, MPH, MTS, MA

MTC–00019087

From: Grunloh, Robert
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 6:47pm
Subject: Microsoft Settlement

I believe the proposed DOJ settlement with Microsoft is essentially a sellout, and would urge the Court to toss it out and follow some of the recommendations of the 9 remaining States.

I've worked in the computer field for 10 years, starting as a supporter of Microsoft and gradually becoming disenchanted as I saw them stifle, control, buy, or kill numerous innovative products and technologies over the years. Working in this field under Microsoft's growing control of all software, indirectly much hardware, and soon all access points to the Internet (our present-day ''commons'') is increasingly oppressive. They are like a cancer, wanting control, growth and marketshare at all costs, yet producing only the minimal bland product in return. Publicly-funded agencies each year funnel millions of dollars to them because they have no good alternatives, and MS software is licensed at higher cost, and more restrictively, each year even as hardware gets cheaper and cheaper (there is competition in the hardware business, still).

Please enforce the law and give them a meaningful punishment. Look back to their skill at finding loopholes in the first consent agreement under Judge Sporkin, and then take a fresh look at the current proposal.

Thanks.
Robert Grunloh
Digital Library Initiatives Group,
University of Arizona Library
Tucson, Arizona
(520) 621–2502
speaking for myself, not my employer

MTC–00019088

From: tom@roonetworks.com@inetgw
To: Microsoft ATR
Date: 1/23/02 6:45pm
Subject: Microsoft Settlement

I am absolutely against the Microsoft Antitrust case settlement. It is not even a wrist slap to biggest antitrust violator of our time! More likely, it is an invitation to keep on plundering and whacking competition in the most important marketplace of our times, the information marketplace. Please do the right thing and reconsider this proposed settlement. —-

Tom Robinson
tom@roonetworks.com

MTC–00019089

From: TRUassayist1@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 6:38pm
Subject: Microsoft Settlement

Microsoft has refused to allow the application Office to be used on the Linux operating system.

Microsoft knows that this application is dominant and by refusing to allow this application to be ported to Linux knows that the persons needing this application are prevented from using the Linus operating system. Microsoft is convicted of being a monopolist. Punishment should be exacted. Requiring that the Office application be ported to Linux is a means of divesting Microsoft from their monopoly on the desktop tied to their operating system.

Please join the states that have ask of Microsoft to port the Office application to Linux and make this a condition of the settlement.

Steven Wallace
TRUassayist1@aol.com
CC:TRUassayist1@aol.com@inetgw

MTC–00019090

From: Oded Helman
To: Microsoft ATR
Date: 1/23/02 6:39pm
Subject: Microsoft Settlement

Well I'll be short, I think that after the years os trial put into the fact that Microsoft broke the law, the settlement that was achieved is so vague that it is quite probable that that Microsoft will continue to do what they have been doing even during when the Trial was going on, and that's bullying the Computer Industry to have it their way, it's not the fact that they bundled applications with their OS, but the fact that they terrorize Hardware Manufactures and even competing platforms (i.e. Apple) to include their software and not include other software which might be better or face the punishment of not getting Microsoft software at all. For example Microsoft threatening Apple to include only Internet Explorer and not Netscape Communicator or Microsoft will stop developing Office for the Mac. Another example is that Apple uses their OS power to make 3rd party Apps to malfunction, for example competing apps to Office which Microsoft even have a bigger monopoly then in the OS business, or causing Quicktime to malfunction so people will use Windows Media Player and the list goes on.

I don't know what is the right answer, maybe splitting the company to 2, 3, more other companies which are not allowed to have the same Executives, board of directors and main share holders is the answer, maybe the answer is not allowing by law to Microsoft executives, to be a part of Microsoft anymore, make them sell all their stock and they are not to be allowed to work for the Company, maybe the solution is to not allow the Microsoft Executives to be part of the Computer Industry world anymore... what I am sure of that the settlement that says Microsoft promises to behave and not to be punished is not the answer, because if that will be the case we will be back at this point in 5–10 years.

MTC–00019091

From: Kiani, Tal
To: Microsoft ATR
Date: 1/23/02 6:45pm
Subject: Microsoft Settlement

No to the proposed settlement! The public will not be served if one company is allowed to have total control over our information infrastructure.

The current proposal for the Microsoft settlement will not prevent Microsoft from staying a monopoly in the computer industry and from continuing to abuse and extend this monopoly. Quite simply, the punishment is not economically severe enough for it to affect Microsoft's behavior.

There is no incentive for them to change the behaviors that led to the court's conclusion in the Findings of Fact that they have abused their monopoly powers and have ignored the previous remedies from the earlier Consent Decree. They will most likely ignore or circumvent the presently proposed settlement because it will be cheaper for them in the long run to litigate for years and then settle with the government once their competitors have been unfairly driven out of business and they have expanded their monopoly into new areas. Please note that this is not conjecture-this is exactly what they did after the last Consent Decree!

Frankly, its hard to blame Microsoft for choosing this route because it makes the most economic sense—it is up to the government to fashion a remedy that addresses past harm and penalizes Microsoft severely enough for past wrongs so that it will make economic sense for Microsoft to behave properly in the future—the threat of severe punishment will outweigh the potential gain from abusing their monopoly powers.

A proper remedy should force Microsoft to release their file formats for Office and Internet Explorer because these are now

industry standards, as well as require them to releases source code and protocols that will allow other companies to compete with them. Additionally there must be substantial financial penalties imposed (think 10's of Billions of dollars) in order to redress past financial harm they have caused to many companies in the industry. Anything less is an effect slap on the wrist, because of the 100s of billions of dollars of ill-gotten rewards they have enjoyed. If you only fine them 1 billion, they will continue with their monopolistic ways that let them make 10–100 times that- why shouldn't they? We need penalties that make a difference to Microsoft management.

The remedy will not be a simple proposition, but that should not be expected in a case of this magnitude, and of this much importance. We are all counting on you to do the right thing for the good of our society.

Thanks in advance!

Tal Kiani
DRS Sensor Systems, Inc.
3500 Torrance Blvd., Torrance, CA 90503
Phone (310) 750–3257 Fax (310) 750–3203
t_kiani@drs-sensor.com

MTC–00019092

From: Craig I. Hagan
To: Microsoft ATR
Date: 1/23/02 6:42pm
Subject: Microsoft Settlement

I'd like to comment on the judgement I've read at http://www.usdoj.gov/atr/cases/f9400/9495.htm:

[1] While this judgement, if it had been issued some years ago, would probably have prevented the current set of problems involving microsoft and the computer industry, I don't see that this judgement will repair the damage which has been done.

[2] While this judgment addresses some issues relevant to OEMS, ISV/IHV's, IAP/ICP's and End Users, it does not address issues of critical significance to software developers.

When developing software, one must make many choices and decisions with long-lasting consequences. In general, this means that once a decision has been made it is not changed without good reason. Microsoft's unlawful actions mean that there have been good economic reasons to make development decisions which would otherwise violate good design practices.

Resolving this issue will require documentation which is not generally available (and which may not exist) about Microsoft's operating system. It will also require dealing with issues raised by existing contracts and business arrangements with respect to software development tools and development environments. It will also require dealing with changes in software oriented training and business practices—changes which have been necessary for a business to survive in the face of Microsoft's market dominance.

Software developers are the people who are technically literate in computer languages and who are responsible for creating applications which must run on an operating system. The proposed remedy does not address software development needs in supporting competitive operating systems.

Failing to address the needs of software developers means this judgement cannot remove the barriers which microsoft has put in place with its unlawful actions. As software developers provide the software which which End Users, IAP/ICP's, ISV/IHV's, and OEMS, use on an operating system, it's extremely unlikely that any of these groups will experience economic relief from this judgement.

I recommend this judgement be rejected in favor of one which will additionally provide remedies for software developers who develop software for Microsoft and/or non-Microsoft operating systems.

MTC–00019093

From: pcameron@CrescentNetworks.com@inetgw
To: Microsoft ATR
Date: 1/23/02 6:46pm
Subject: Comments on settlement in Microsoft antitrust case

Your Honor,

I am a computer software professional with 30 years experience. I live in Winchester MA.

The software industry has been suffering through lack of competition for a long time now. Without choice there is little need for innovation. I am very disturbed that even though many hardware companies compete to make the hardware better and less expensive. There is effectively one operating system and application software company, Microsoft, and they have become less and less willing to advance technology unless they see a competitor. They are, however, always willing to increase price by more than inflation from release to release. It is very difficult to purchase a non-Apple desktop or laptop system without also purchasing a Microsoft operating system. There is effectively no choice.

What we have now is an industry that has grown stagnant and a company, Microsoft, that has grown rich. I am sure that business and economics professionals can lay out the damage to the industry in great detail. So I won't even try.

I appeal to you to return competition to the software industry and to return the monopoly profits to the consumers. Laws have been broken and people have suffered. Please find a way to prevent further unlawful behavior and find a way to compensate victims.

I offer some ideas that I think would work.

1) Remove the current officers, executives and board of directors of Microsoft and render thier stock nonvoting. Prevent them from participating in the computing industry in any capacity for at least 5 years.

2) Divide the company into perhaps 4 new companies. Each company would be the largest in its business sector and would enjoy the strength that comes with its size. It would not, however, enjoy a monopoly in that sector:

a) Operating systems, tools and utilities (include the browser)

b) Application software—office suites etc.

c) Internet services (no software development or sales, no hardware product sales)

d) Hardware—xbox game console, keyboards, mice, internet appliances, set top boxes, etc.—products with embedded software only, no services.

3) Make all file formats and communications protocols public standards that may be implemented by anyone without royalty and do not permit future private protocols and file formats.

4) Vacate all Microsoft contracts that limit a companies ability to deal with other companies. E.g., prevents a hardware OEM from selling some systems with non-Microsoft OS or even dual boot systems or prevents a software company from porting software products to other systems.

5) Require Microsoft to rebate all their monopoly derived profit directly back to consumers. Double the amount as a damages. There is a lot at stake here. There are few opportunities to effectively deal with monopoly behavior. This is an opportunity to get competition back into the software industry and still permit an important and major corporation, Microsoft, to participate as a significant force. Everyone, even Microsoft, will win if you can reestablish competition and prevent future unlawful behavior.

With the utmost respect for yourself and our judicial system,

Most sincerely,

Philip Cameron
3 Fletcher St.
Winchester MA 01890
CC:pecameron@mediaone.net@inetgw

MTC–00019094

From: Cedar McKay
To: Microsoft ATR
Date: 1/23/02 6:44pm
Subject: Microsoft Settlement

Please don't settle with microsoft without extracting meaningful and severe concessions. I and all other consumers have been harmed by by microsoft's brutal anticompetitive practices. Push for a harsh penalty.

John McKay
Seattle, WA

MTC–00019095

From: larry@tarot.xs.com@inetgw
To: Microsoft ATR
Date: 1/23/02 6:43pm
Subject: Microsoft Anti-Trust Case Settlement

Your Honor,

Thank you for allowing public comment on the settlement of this case. I, as many professionals in the Silicon Valley, have been closely watching the Microsoft vs. United States anti-trust suit. I do not believe the proposed settlement goes far enough to punish Microsoft for their predatory and anti competitive behaviors.

Microsoft has shown no change in attitude or corporate policy to alter its monopolistic practices. The release of Windows XP in its current configuration is proof of their arrogance and disregard for the law. They behave as if the judgment against them has no meaning or is nothing more than an unwarranted scolding.

Before I was consultant I was an employee of General Electric and Hewlett Packard. These two companies always stressed the importance of the law and went to great lengths to insure they and their employees were not engaging in anti competitive

practices and were operating within the guidelines of the law. If there was an activity within these companies that gave the slightest outward appearance that it might be viewed as being questionable in the eyes of the law it was immediately addressed. I have been appalled at the apparent lack of any similar practice within Microsoft.

I believe the original breakup order was the correct remedy for this case. In fact it may not have gone far enough. A break up of the company into three business units, one for operating systems, one for Internet applications and the last for business applications may eventually be needed before the decade is over.

There is a saying amongst my colleagues here in Silicon Valley that summarizes the power Microsoft wields in the computing business world. ''Bring up the Windows OS and open any application, behind any button you push there is a dead company.''

Respectfully,
Lawrence C. Scheer
Owner Larry Scheer Consulting
643 Dorothy Ave.,
San Jose CA 95125
CC:larry@xs.com@inetgw

MTC–00019096

From: chun fong
To: Microsoft ATR
Date: 1/23/02 6:44pm
Subject: Microsoft Settlement

Do not let MicroSoft get off the hook so easily. They have gained billions of dollars for selling crappy substandard software to masses who don't know anything about computing. Many companies from IBM, Apple, Sun, SGI, commodore, Be, Netscape and others have been victimized by Microsoft and Intel. Many technologies that could have been, have been shut out by Microsoft and Intel.

Don't let companies get off easily for the ''sake of technology''. Don't let consumers suffer from lack of choices just for the microsoft's ''right to innovate''. Especially when Microsoft have stiffled every competitor's innovation and resources. Microsoft has hurt everybody else in order for them to gain money, power and influence. Which is it? The sake for technology or the sake of the consumers like you and me???

CHF

MTC–00019097

From: Rick Buford
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 6:40pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea. Unless you're planning on letting all thieves run free in the street.... Rick Buford—Systems Administrator, Infrastructure

RickBuford@carfax.com
(573)875–2662 X:3015
CARFAX, Inc
409 Vandiver Columbia, MO 65202
<http://www.carfax.com/>

''I'm not sure which upsets me more: that people are so unwilling to accept responsibility for their own actions, or that they are so eager to regulate everyone else's.''—Kee Hinckley

MTC–00019098

From: Eric McGough
To: Microsoft ATR
Date: 1/23/02 6:41pm
Subject: Microsoft Settlement

Under a law known as the Tunney Act, the court is required to consider public commentary before accepting any settlement.

I would like to voice my concern this accepting this settlement is does not solve the core problem. Microsoft is a monopoly and uses its power to stifle competition.

The current settlement is un-acceptable.

Eric McGough
CEO, RandomCube, Inc.

MTC–00019099

From: Chris McKenzie
To: Microsoft ATR
Date: 1/23/02 6:53pm
Subject: Microsoft Settlement

Leave Microsoft Alone! Microsoft has done nothing but consistently produce a wonderful product and sell it at an affordable price. That is by its nature, competitive. That they GAVE AWAY an internet browser does not damage consumers—we now get for free what we once had to pay for. They offer huge discounts on their operating system licenses to retailers that only sell the Microsoft OS. Where I come from this is simply called GOOD MARKETING! This lawsuit was drummed up by ''competitors'' that want to cripple Microsoft since they are unable to compete on their own.

Sincerely,
Chris McKenzie
CC:activism@moraldefense.com@inetgw

MTC–00019100

From: Rick Bradley
To: Microsoft ATR
Date: 1/23/02 6:42pm
Subject: Microsoft Settlement
Mr. Rick Bradley, CTO
EastCore, Inc.
517 E. Taylor
Harlingen, TX 78550
January 23, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

To whom it may concern:

As a software developer with over a decade of professional experience I am writing to comment on the Proposed Final Judgment (hereafter ''PFJ'') in the United States v. Microsoft case.

The PFJ permits Microsoft's exclusionary practices to continue, allows Microsoft to maintain its monopoly through continued protection of the substantial barrier to entry to the operating systems market for Intel-compatible computers (the ''Applications Barrier to Entry''), and allows for Microsoft's use of its customary exclusionary licensing regime to restrict the actions of OEM and independent software vendors (ISVs). This reality is in direct contrast with the intent of the PFJ, which the Court of Appeals states ''must seek to ''unfetter a market from anticompetitive conduct'', to ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future'' (section V.D., p. 99). Further we musk ask whether the PFJ is in the public interest.

Below I enumerate some of the many serious problems with the PFJ.

—The PFJ fails to prevent Microsoft from raising or maintaining artificial barriers (in many cases these artificial barriers have already been erected) against non-Microsoft operating systems which implement the APIs and/or middleware necessary to run application programs written for Windows. As was discussed in the Findings of Fact, competing operating systems, such as Linux with its ''Wine'' compatibility layer, could leverage an interoperable version of the Windows APIs to run software written for Windows and thereby lower the Applications Barrier to Entry.

—The PFJ omits Microsoft Office, Microsoft Outlook, Microsoft.Net and C# from the definition of ''Microsoft Middleware Product''. These are the most significant middleware components in Microsoft's stable of products. Their absence in this definition exposes a fundamental flaw in the PFJ's middleware-related provisions.

—The overly narrow PFJ definitions of ''Microsoft Middleware Product'' and ''API'' means that many important APIs would remain undocumented, thereby eliminating the ability of third parties to interoperate with software written for Windows or to compete with Windows due to the Applications Barrier to Entry.

—The PFJ includes no requirement for documentation of Microsoft file formats, which were shown in the Findings of Fact to compromise a significant part of the Applications Barrier to Entry. Microsoft regularly changes proprietary file formats making interoperability impossible and further raising the Applications Barrier to Entry for competitors.

—The PFJ does not require Microsoft to disclose which patents protect the various Windows APIs, thus making it impossible for consumers, ISVs, and competitors to determine whether a competing operating system or middleware implementation infringes Microsoft patents. This state of affairs helps Microsoft maintain the Applications Barrier to Entry.

—Under the terms of the PFJ Microsoft is allowed to retaliate against OEMs who ship Personal Computers which contain a competing Microsoft operating system but no Microsoft operating system.

—The PFJ allows Microsoft to retaliate against smaller OEMs who offer Personal Computers with competing software installed. The large body of ''white box'' OEMs, as well as other brand-name small OEMs, serve a critical function in the market for server systems where potential Microsoft competitors such as Linux and FreeBSD have the best chance of making headway.

—The PFJ fails to curb Microsoft's use of unconscionable and/or exclusionary End-User License Agreements (EULAs). Microsoft uses these EULAs to prohibit the use of certain services and applications on Microsoft-compatible operating systems.

—The PFJ does nothing to address intentional incompatibilities introduced by Microsoft to exclude competitors (e.g., Caldera) from the operating systems market.
—Under the terms of the PFJ enforcement is left to the legal system, while the Technical Committee has too little power to effectively oversee future Microsoft anti-competitive practices.
—Oversight of Microsoft practices is remanded to a small group whose makeup is at least equally determined by Microsoft. Microsoft has been found to be in violation of anti-trust law, and yet has been allowed to construct the PFJ enforcement terms to ensure that the Technical Committee will be ineffective in its oversight role. The proposal as negotiated does little to change the illegal behavior of which Microsoft has been convicted, nor does it address the multitude of anticompetitive abuses committed since the issuance of the Findings of Fact. The PFJ amounts to a wrist-slap which will fail to materially alter Microsoft's behavior, promote competition, or penalize Microsoft for past transgressions. While this proposal is fundamentally flawed, any acceptable proposal must additionally perform the following functions:
—restrict Microsoft from retaliating against all OEMs, ISVs, Internet Access Providers (IAPs), and competitors
—define operating system and middleware components in such a manner as to correspond to the reality regarding the importance of high-profile components in Microsoft's current and future plans
—require Microsoft to disclose, sufficiently in advance to allow middleware vendors and interoperators to reasonably implement necessary compatibility changes, complete documentation on Microsoft APIs, file formats, and patent protection information for all versions of the Windows operating system and all Windows middleware components
—prohibit Microsoft from implementing incompatibilities designed to keep its applications and services from being run or accessed on competing operating systems.
—provide oversight which is more transparent to regulators and consumers
—provide an oversight body which has more human and technical resources, and bar Microsoft from influencing the make-up of the body.

The Proposed Final Judgment in the United States v. Microsoft case is fundamentally flawed and does little to ''unfetter [the] market from anticompetitive conduct'', fails to terminate Microsoft's illegal monopoly, and preserves intact countless practices which will maintain and extend the Microsoft monopoly in the future.

This proposal is most definitely not in the public interest.

Sincerely,
Rick Bradley

MTC–00019101

From: David Merrill
To: Microsoft ATR
Date: 1/23/02 7:37pm
Subject: Microsoft Settlement

Greetings,

I hold a doctorate in Computer Science, and have been deeply involved in the software industry since its very beginnings in about 1983. I have been a user of Microsoft operating systems and application software for nearly 20 years now, and I have followed the industry very closely, especially Microsoft's unscrupulous and illegal activities against competitors.

This industry used to be vibrant, exciting, and dynamic. New and innovative products entered the market constantly, and there was lively competition in all product markets. Once Microsoft started signing exclusive deals with OEMs, that market started to die, and today it exists only in the UNIX and Linux markets.

I very much appreciate that the DOJ took on antitrust proceedings against Microsoft. After watching one competitor after another run out of the market by using OEMs, APIs and protocols as weapons, I hoped that finally the company would be forced to compete solely on the merits of its software, which alone are enough for it to maintain a strong position in the market—but not a monpoly.

Unfortunately, the proposed settlement, while it does address some anticompetitive behavior, does little to stop the primary weapons which Microsoft uses. The language and definitions are so narrow in scope that they would be easy for any competent software engineer to work around. I know I certainly could, and I am sure that Microsoft has engineers equally as talented.

It has ''loophole'' written all over it. Here are just a few: There is no provision for making access to .NET and other future services open—only Windows itself. In the next generation of its software, Windows will no longer be the lynchpin, but instead will be replaced by .NET as the ''chokepoint''. Any settlement which does not include future, even currently unannounced products is insufficient. Otherwise, all it takes is a single new piece of software, upon which other software is made to rely in the most trivial way, and we're back where we started.

The only API Microsoft is force to make public is the ''Windows API'', and only that small part of the API which is used by middleware. That doesn't include many of the important parts of the API, which would be required to develop Office software, network protocols, and multimedia, such as installation routines, access to the Windows Registry, etc. There is no requirement that file formats be documented, yet they are the primary way Microsoft maintains its monopoly in Office software. This is such a glaring omission I don't understand how it could have been overlooked, but apparently it was.

There is no requirement that any information be shared with nonprofit and volunteer organizations such as the developers of Linux, even though Linux is Microsoft's strongest potential competitor. This alone is a huge, gaping loophole.

The latest versions of some Microsoft software carry EULAs (End User License Agreements) which specifically state that they cannot be run on other operating systems than Windows. Could they be more brazen? And yet there is nothing in the agreement which prevents this—nor has the DOJ addressed the issue despite its prima facie anticompetitive nature. There are dozens, perhaps hundreds, of other ways, large and small, that Microsoft threatens and bullies anyone else who tries to enter their markets, few of which are addressed in the agreement. These are but a few. A much longer list is contained in the longer document by Dan Kegel, a software engineer with as much time in the industry as I have.

I wholly endorse, support, and concur with his views, which have also been submitted for your review.

Regards,
David C. Merrill
Linux Documentation Project
Collection Editor & Coordinator
http://www.lupercalia.net
david@lupercalia.net
http://www.linuxdoc.org

MTC–00019102

From: Cinnater, William (Contractor)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 6:46pm
Subject: Microsoft settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
William Cinnater

MTC–00019103

From: J B
To: Microsoft ATR
Date: 1/23/02 6:43pm
Subject: Microsoft anti-trust case

To whom it may concern:

I would like to express my concern to you regarding the settlement with Microsoft. I feel betrayed by the government in this case. How you could completly screw up a case like this is beyond me but you did it. I hope your

prepared for the future economy via Microsoft because it is not going to be pretty.

MTC–00019104

From: Jeff Davis
To: Microsoft ATR
Date: 1/23/02 6:44pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I am writing to comment on the Proposed Final Judgment in the Microsoft anti-trust case.

The current judgment calls for very limited restriction of Microsoft's actions, actions which are the subject of the suit and which have been found to be in violation of US anti-trust law by a federal district court and a federal appeals court.

Those actions have severely hindered competition in the computer software industry. Any settlement must aggressively address the reestablishment of competition in this important and crippled industry.

The keys to software competition are the API's and file formats used by Windows operating systems and productivity software. Without access to those sources of Microsoft's monopoly, other companies cannot effectively compete.

A settlement which restores competition to computer software will be concerned primarily with:

—enforcing equal and open access to the W32 APIs and Microsoft Office file formats (standardization, publishing, and documentation)
—and the right of competitors to sell compatible operating system and productivity products based on those APIs and file formats.

A secondary concern with the PFJ is language which addresses competing ''commercial'' vendors. The fear of many is that this language fails to protect not-for-profit software projects from anti-competitive behavior. As not-for-profit computing has been equally harmed by Microsoft's anti-competitive practices, the PFS must explicitly grant not-for-profits equal remedy and protection.

Finally, it is appropriate that the company be punished for its illegal activity with fines. Fines should be set as a reasonable percentage of Microsoft profit for the period since the company violated its prior consent decree with the court to the present.

Thank you for considering my concerns,

Jeffrey Davis, Electronic Resources Librarian
San Diego Public Library
(619) 238–6613
jdavis@sandiego.gov

MTC–00019105

From: ceh@speakeasy.net@inetgw
To: Microsoft ATR
Date: 1/23/02 6:30pm
Subject: Microsoft Settlement

To Whom it May Concern,

I strongly disagree with the proposed settlement regarding the monopolistic practices of the Microsoft Corporation. It will not discourage Microsoft from further abuse of its monopoly and does nothing to protect consumers. Please find another remedy that will be able to both discourage more abuses and punish Microsoft for past offenses.

Sincerely,
Craig Hayslip

MTC–00019106

From: Jerry L. Rogers
To: Microsoft ATR
Date: 1/23/02 6:49pm
Subject: Microsoft Settlement

Please do not forget the consumer is the one who has been hurt the most. Just force Microsoft to publish all Windows API's. That will put all software publishers on a level playing field and the resulting competition will drive down prices. Anti-trust is about keeping markets competitive, not about protecting Microsoft or protecting Microsoft's competitors.

Jerry L. Rogers
President
Banc Technologies Group, Inc.
214.349.7150

MTC–00019107

From: Ben
To: Microsoft ATR
Date: 1/23/02 6:45pm
Subject: Microsoft Settlement

The proposed settlement is a joke. It's insulting to even call it a settlement. That's about as polite about it as I can be.

MTC–00019108

From: James Kennedy
To: Microsoft ATR
Date: 1/23/02 6:43pm
Subject: Microsoft settlement

I am writing in response to the request for comments in the USDOJ vs Microsoft case, in accordance with the Tunney act I ask that such a settlement be rejected.

I have read the proposed final judgment. Since I am not a lawyer, I can't claim to have a full understanding of it's contents. It seems however that it provides very little in the way of actual penalties against Microsoft or guarantees that Microsoft will not continue to do business in the same manner that they always have. In fact the proposed final judgment seems to be nothing more than the proverbial ''slap-on-the-wrist''. In fact, it appears more like something Microsoft themselves wrote instead of any form of real penalties as should be proposed when someone has BROKEN THE LAW.

I urge you to instead consider the alternate proposed final judgment submitted by the states, including my home state of Kansas, that have rejected the USDOJ proposed final judgment. Their proposal provides for real penalties and will discourage Microsoft from continuing with the business practices that they've used up to this point...even after the last anti-trust case against them was settled. This will provide for a fair and competitive market for all consumers who buy and use computer products.

Sincerely,
James P. Kennedy
Programmer/Systems Administrator
Standard Beverage Corporation
Lawrence, Kansas

MTC–00019109

From: John Abreau
To: Microsoft ATR
Date: 1/23/02 6:52pm
Subject: Microsoft Settlement

I think the proposed settlement is a very bad idea. A settlement should be a punishment, but what's been proposed is actually a reward, one that would give Microsoft new opportunities to extend its monopoly into the few areas it hasn't taken over yet.

John Abreau
Executive Director,
Boston Linux & Unix
ICQ 28611923
AIM abreauj
JABBER jabr@jabber.org
YAHOO abreauj

MTC–00019110

From: HWA22741@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 6:47pm
Subject: Microsoft

To whom it may concern:

It is my belief the settlement of the Suit USDOJ v. Microsoft is not a benefit to very many citizens in the USA.

Harold W. Ard
613 Hibner St.
Tupelo, MS 38804

MTC–00019111

From: dcjohan@patriot.net@inetgw
To: Microsoft ATR
Date: 1/23/02 6:48pm
Subject: Microsoft Settlement

I am writing to state my absolute dismay at the proposed settlement in the Microsoft anti-trust case. As it stands, not only does Microsoft avoid any penalty of any kind, but the company gains an even greater stranglehold on the computing world. A company who uses its extreme wealth and apparent political advantage to destroy anything that does not represent a direct profit for itself, and a company which is in apparent violation of investment laws in addition to that with which it has already been found guilt, is nw about to be handed over the keys to the world wide web of which it has contributed absolutely nothing but now desires to control.

The biggest competitor to Microsoft Internet Information Server is Apache, which comes from the Apache Foundation, a not-for-profit. Apache practically rules the Net, along with Sendmail, and Perl, both of which also come from non-profits. Yet not-for-profit organizations have no rights at all under the proposed settlement. It is as though they don't even exist.

Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...''

Were it not for the not-for-profit, i.e. open source community, there would not be a

world wide web as we know it today. All of the commerce we so fully enjoy would not be available today. Yet we do enjoy what the www can provide and all this was done without the predatory manipulations. Now, as a penalty for its behavior, the courts are proposing to not only do nothing to stop the predatory practices of Microsoft, but to literally hand over the potential to totally manipulate the web for their own benefit. Absolutely unbelievable!! Please carefully reconsider the proposed ''remedies'' in the case, stop the current proposal, and return to the drawing board to construct a truly fair penalty for Microsoft, one that benefits the tens of thousands who have been harmed by the Microsoft predatory practices and one that truly penalizes Microsoft for its continued predatory behavior!

David C. Johanson, Ph.D.

University Professor

MTC–00019112

From: J. Tuttle
To: Microsoft ATR
Date: 1/23/02 6:50pm
Subject: Microsoft Settlement

Dear Sir or Madam,

I am writing as both a concerned citizen and as an end user of much computer software, both Microsoft's and others'', to express my discontent with the proposed settlement of United States v. Microsoft. I am most concerned about certain proposals that Microsoft has allegedly made which would have millions of dollars of Microsoft software and solely-compatible hardware placed in public schools. The education market is one of the few where Microsoft is not dominant (or at least where it faces the greatest opposition), and it is outrageous that Microsoft might be allowed to further its monopoly over operating systems as part of any deal with the Government.

Microsoft should not be encouraged to foist its products on the few markets that it does not monopolize as part of any settlement, and any efforts it makes in this direction should harm, rather than help, its negotiating position, both in and out of court.

If Microsoft wishes to show that they are sincere in wanting to help this nation's underprivelidged children, they should take the amount of money that their proposed program would require, and spend it instead solely on products from competing companies, or on unpatented, free operating systems like GNU/Linux.

Any settlement with Microsoft should be strong enough to send a message to both Microsoft and to other companies who might emulate Microsoft that anticompetitive practices that hurt the consumer (and, by extension, the American economy) will not be tolerated. Computers and the Internet have become too important both to our economy and to our society in general to allow a single company to gain even a partial monopoly over them. Without a strong message now, there is little doubt that Microsoft will find new and different ways to attempt to monopolize the Internet, and eliminate or absorb whatever stands in the way.

Thank you very much for your time.

Sincerely,

James W. Tuttle

MTC–00019113

From: Alfred Chiesa
To: Microsoft ATR
Date: 1/23/02 6:42pm
Subject: Microsoft Settlement

To whom it may concern,

Enclosed in this e-mail are my thoughts on the Microsoft antitrust case.

Regards,

Alfred J. Chiesa
31222 Countryway
Farmington Hills, MI 48331
Alfred J. Chiesa
31222 Countryway
Farmington Hills, MI 48331

My comments are going to be short and to the point. I have been a long time Microsoft software user and switched about 7 years ago to Apple when I started to realize how they competed with their competitors in the software industry. This was about the time when Netscape was the standard web browser and sold their browser on line for $29.95. I was very pleased with the product and thought the price was fair for a yearly subscription price. Then Microsoft launched its web browser Internet Explorer, IE. IE was not as developed as Netscape was, at the time, but the intriguing thing about IE was that Microsoft was able to offer it for free. I downloaded the browser and began to use it and before you know it, I let my Netscape subscription lapse and became a dedicated IE user. Then a few years had passed and I missed my Netscape browser. They had discontinued development of the product, made the program open source, and eventually sold it to AOL. The current offering is not as robust as the earlier versions and now I have been trying to find an alternative to IE but no one has a browser that is capable of running all of the necessary plug-ins needed to view today's graphic intense websites.

I believe that since Microsoft has an obligation as a company to promote competition and innovation in the industry. Not by acquiring and incorporating other companies technology but making available their software products to other platforms. If people choose to use Linux, Solaris, or Macintosh as their platform of choice, they should make available their software to the users of these platforms. This, in my mind, would allow individuals to lessen their dependency on using only Microsoft products and promoting growth in these alternative platforms, for example Linux, and would allow developers to compete in furnishing products for this emerging market. As long as Microsoft makes its programs a ''Windows Only'' solution, nothing in this industry will change. You will see more innovative technology fall by the wayside, like the Be OS, that primarily failed because of the lack of applications.

I am pleased with my choice of switching to an alternative operating platform, Apple, and I am writing this plea on a Microsoft product written specifically for the operating environment. I hope that in future years I will be able to make the same choice, maybe with a new and even more impressive system, because like in all things in nature diversity is what fosters new and innovative changes to happen

MTC–00019114

From: Samuel Herschbein
To: Microsoft ATR
Date: 1/23/02 6:49pm
Subject: Microsoft Settlement

I recognize the importance of a strong economy for the strength of our nation. I also recognize that our Constitution and laws protect us from being taken over (politically and economically) by groups with their own agendas.

As a computer professional since 1980 and a Macintosh user since 1986, I have watched Microsoft use its corporate strength to ensure its success without due regard to the law. Your case addressed some of these issues, many other actions have not been brought to justice.

Part of the proposed settlement is for Microsoft to donate equipment and software to schools. Apple Computer has dominated in this market, in spite of Microsoft's best efforts to compete. The proposed settlement will allow Microsoft to take over this market, contradicting the verdict and the principle of competition.

Please do what is just and legal. This trial has many parallels to the ''robber barons'' of the last century. They postured themselves as victims of an interfering government, Microsoft has done the same. They even had the audacity to question the DOJ and try to turn public opinion against you and the government on their web pages. Personally, I see that as a version of ''jury tampering.''

One thing must be remembered: the law has been broken, a verdict has been made, and the punishment should fit the crime. In light of the Enron failure, I believe that many people will be looking to the government to control this unmitigated greed that thinks it is OK to break our country's laws to get what they want.

Thank you,

Samuel Herschbein
(206) 524–3109—Voice
(206) 524–3109—Fax
(206) 963–2147—Cell
samh@oz.net
http://www.oz.net/samh/

MTC–00019115

From: Michael Pease
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 6:49pm
Subject: Microsoft Settlement

Hi:

The current settlement is quite inadequate. Microsoft should be severely penalized for its criminal conduct, and broken into separate pieces. There needs to be severe punishment in any settlement.

Thanks,

Michael Pease
Systems Integrator
Zones, Inc.
425.430.3636
425.430.3625 fax
http://www.zones.com

MTC–00019116

From: larry.tawa@worldnet.att.net@inetgw
To: Microsoft ATR
Date: 1/23/02 6:49pm
Subject: Microsoft Settlement

I do not agree with the proposed settlement. Stronger action against Microsoft

is needed to preserve the free market and allow freedom of choice of operating systems and software.

Best regards.

Lawrence S. Tawa

MTC–00019117

From: Igor
To: Microsoft ATR
Date: 1/23/02 6:50pm
Subject: Microsoft Settlement

Dear Sirs,

As a user of computer products and technologies, and being an IT professional, I am deeply worried about the growing influence of Microsoft Inc. in the global marketplace. Microsoft has through the sheer weight of its market domination sought to gain even more influence and power.

Its treatment of Netscape, which it saw as a powerful competitor for its Windows platform, has been widely documented and is exemplary of the ruthless nature of the way Microsoft conducts business.

Although Microsoft is in the business of making money and although they should be free to follow their own course, this should not include the right to hinder its competitors to the point where they cannot compete on equal terms. The very fact that Microsoft dominates the desktop and through this expedient alone can control who can and who cannot weave his products seamlessly into the Windows mesh is proof enough that competitors are not working on a level playing field. The odds are indeed very heavily stacked in favor of Microsoft when it comes to defending its interests on the desktop.

Furthermore, I find there is a deeply offensive character to the way Microsoft is trying to buy its way out of this court case. Not only is it offering a compensation for its conduct which would not cost the company a lot of money (the value of their offering is an arbitrary sum since they don't have to pay themselves full value for the products they'd be offering the schools), but more damning than anything else, providing the schools with more of its products, thereby guaranteeing a larger user base by creating future marketshare, they are circumventing their conviction for offending against the Sherman Act. And they are doing it in such a way as to negating the conviction and turning a defeat into a court ordered victory. This is the equivalent of allowing a thief to sell back at full price the stolen item to his victim, and forcing the victim to accept. Every fraud, every gangster, every con artist will DEMAND to be tried by this court. A conviction is better than winning the case.

If this settlement is allowed to stand as it is, the court is giving the wrong signal to everybody who intends to defraud, embezzle or steal from his neighbour. Every company will seek to defend its claim in this court because a settlement will be in its favor. In a judicial system that relies heavily on precedent, this is the most dangerous precedent of all. To compound the injury, Microsoft has never offered its shareholders a dividend in the profits and it has done so solely for the purpose of evading superior taxes of 39% on income from dividends in favor of the lesser tax amount of 20% for profits on selling stock. Microsoft has an enormous amount of cash money at its disposal. The law states that a company should have sufficient means to conduct its business but Microsoft has more cash than any other company on the planet. This is money that it has won through exploiting its monopoly very effectively. This way the company keeps winning. Not only is it convicted of a monopoly and is it subsequently rewarded with a settlement that perpetuates its monopoly, the money it has made it wants to keep for itself and its largest shareholders, among which its co-founder and chairman William H. Gates III.

Through its refusal to offer a dividend to its shareholders it evades taxes that are rightfully due to the State and thus to the general public.

How can it be that Microsoft which is convicted for being a monopoly gets to keep the spoils from exploiting that monopoly, witholds taxes from the State and gets the most favorable settlement in a court case in the history of the judicial system ? What message is sent here to the regular tax payer who does not have an army of legal geniuses at his disposal, who has to do an honest day's work for a modest income and who sees that convicted companies get away scotfree and with a golden deal to boot ?

I want to close by saying that I do not begrudge Microsoft its money, or Willliam H. Gates III his status as richest man on the planet. Although I do not scoff at the possibilities that an abundance of money allows, I have found other riches in life that money will never buy. I fully realise this is clichi but I mean it from the bottom of my heart. What worries me here is that if Microsoft gets away with its business practices and does not get a very stern signal, it will just keep doing what it has always done. When someone receives punishment that in real terms amounts to no punishment at all, he does not see the need or feel compelled to change his ways, and isn't that why punishment was meted out in the first place ? I think this is true for Microsoft as well. It is also a very bad signal to other companies that perpetrate these and likewise felonies that when they should ever face the wrath of justice they should not worry too much. And for what that implies I worry very deeply indeed.

I am sure you will rule wisely and serenely. I have confidence in the law because it is the protector for those who cannot protect themselves.

May God bless you.

Ignace Van Caneghem

MTC–00019118

From: Joshua Siler
To: Microsoft ATR
Date: 1/23/02 6:49pm
Subject: Microsoft Settlement

Hello,

I'd like to comment on the proposed Microsoft Settlement. I believe the settlement is a correct and appropriate action at this time.

Regards,

Joshua Siler

3412 NW Vaughn St

Portland, OR 97210

MTC–00019119

From: Roy Franz
To: ''microsoft.atr@usdoj.gov''
Date: 1/23/02 6:52pm
Subject: Microsoft Settlement

I think that Microsoft is getting off with a slap on the wrist, if even that. They were found to have broken many laws, and I believe that their abuses go far beyond what the court found. They should be dealt with sternly, in a way that will prevent future abuses. They have not changed their ways, and unless they are severely penalized and watched over by someone with real power over them, they will continue to ruin innovative companies by putting them out of business or just stealing their technology. They are basically above the law, as they can outspend anyone in court (and it seems they even did that with the US government, as they are getting off with nothing more than a stern warning.) Any settlement that Microsoft is willing to negotiate is too easy on them. Please do not settle with them. Roy Franz

MTC–00019120

From: Richard Nolan
To: Microsoft ATR
Date: 1/23/02 6:52pm
Subject: Microsoft Settlement

I am a United States citizen, living in Canada. I strongly object to the proposed final settlement in the Microsoft antitrust case. I feel it still leaves Microsoft in a position to stifle innovation by the sheer volume of the market segment it controls. While I do believe in free enterprise, it seems obvious that Microsoft behaves (and will continue to do so if this case is settled as proposed) in a belligerent manner to its competition.

Please think very carefully before moving forward on this * * *

Regards

Richard Nolan

MTC–00019121

From: michael(u)barnes
To: Microsoft ATR
Date: 1/23/02 6:51pm
Subject: Microsoft Settlement

The settlement is too lenient on Microsoft, and is therefor not a good settlement. The remedy does not go far enough, the penalties are too light. The proposed settlement will not have any significant affect on Microsoft's behavior. It should be thrown out.

MTC–00019122

From: Michael Williams
To: Microsoft ATR
Date: 1/23/02 6:52pm
Subject: Microsoft Settlement

I am opposed to the settlement.

Microsoft has irrevocably altered the evolution of information technology, both in the technical sense and the social sense. So have other entities: Apple Computer, Bill Joy, Vincent Cerf, etc., etc. Microsoft, however, has provably done so through technological piracy and unethical and illegal(!) business practices. The result has been the unprecedented growth of the indisputably rapacious monster, Microsoft, at the ever increasing cost to us at large. I find the

defense of Microsoft based on the benefit it has created through a unified environment to be utterly ludicrous. The loss of national productivity due to the use of Windows alone should be an indictable crime.

Given what has been *proven* in court, the proposed settlement offers a truly lame and ineffectual punishment. It is just plain unacceptable. I apologize to the reader if this seems polemical. Thorough and even-handed analyses supporting this point of view abound (e.g. by GCSF, Inc). The message that this settlement would send to everyday people like myself, is that money has a heavy hand, indeed, in our judicial system.

Michael Williams
1861 Smithfield Drive
Blacksburg, Va 24060

PS: What is being done to control against undue Microsoft influence to the tally of Tunney-Act comments? After all, it's not like they haven't done it before.

MTC–00019124

From: Joan Niertit
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 6:50pm
Subject: Microsoft Settlement

Your proposed settlement is a joke. Microsoft needs to be fundamentally challenged on its business pratices, and punished meaningfully (in great amount of money) for the harm its anticompetitive practices have done to consumers and software vendors. Throw out your settlement and start over.

Sincerely,
Joan Niertit

MTC–00019125

From: Robert Dean
To: Microsoft ATR
Date: 1/23/02 6:53pm
Subject: Microsoft Settlement

The Microsoft Settlement has agregious shortcomings, and I think it should not be approved. I have signed onto Dan Kegel's open letter regarding this matter.

MTC–00019126

From: Daniel Nichols
To: Microsoft ATR
Date: 1/23/02 6:51pm
Subject: Microsoft Settlement

Dear Attorney Generals, Judge Colleen Kollar-Kotelly,

I would like to forward my comments on the Anti-Trust case against Microsoft. I have forwarded several articles about Microsoft's practices to Attorney General Tom Rielly and other Attorney Generals not settling the anti-trust case with Microsoft. I believe these states, companies that Microsoft has harmed, and the World pc user community has been severely harmed by the anti-competitive practices that Microsoft has done and will continue to do without strong restrictions.

Please let me state this again. We have already seen that Microsoft does not care about users, security, and robust applications.

I would first like to say that by allowing Microsoft to give it's software to school districts as punishment is no punishment at all.

I am writing this email on a computer at Pensacola Junior College in Pensacola, Florida. I also use the computers at 2 locations at West Florida Regional Library in Pensacola. There are no other computers, non-windows, for students and the community to use. All the computers have Windows operating systems (OS). All have Microsoft's Internet Explorer (IE) Browser installed. At the public library, the Bill Gates Foundation donated computers to the Library system, which in turn runs only the software Microsoft gives them. Some of the computers have AOL's Instant Messenger installed on them at the community college. So, while Mr. Gates donates his software, he has people indoctrinated on his products.

I dont believe Microsoft will adhere to or follow minor restrictions placed against the company. I dont believe that Microsoft will in any way change the company's practices anytime soon unless severe restrictions are in place.

I have been reading technology news for several years now. Microsoft has teamed up with Bristol and other companies coming up with new technologies. Microsoft then backs out of the deal holding part of the copyright and threatens to sue if they use it in an attempt to compete against Microsoft.

Another issue about the Anti-Trust case is that Microsoft wants to keep documents sealed from the court case. Why? If it is not trademark secrets, what is MS afraid of; the public seeing the true company plans (or the true company) and not liking what they see. I don't think that the court should seal the documents. If the documents harm Microsoft's image, let them live with what they have practice. Don't let them hide behind secrecy.

In the last year there have been major flaws in Microsoft software that proves that the company does not care about the consumer and is only thinking of the bottom line. Let me point out the following:

Two business analyst recommended in late 2001 that companies using Microsoft's Internet Information Server(IIS) should think about an alternative server product due to attacks and security flaws in the product.

During a system crash, Office XP and IE was found to ''grab'' information and send it back to Microsoft for operating system ''crash analysis.'' This ''bug'' or problem was found at the Los Alamos Laboratory. (I hope no one sent nuclear secrets to Microsoft, we'll have a whole new set of problems to worry about.) (Its the year 2002 and Microsoft has made Billions of dollars over the years and NOW they are getting concerned about security issues.) In November or December of 2001, there was a report of Microsoft's SQL database having a significant vulnerability.

Windows XP was released in Sept 2001. 2 months later, in December 2001, it was reported that there was a major vulnerability that would allow a Windows XP computer to be taken over from 2500+ miles away. This was supposed to be the most stable and attack proof operating system for users.

The same vulnerability found in Windows XP was found to be in Windows 98 and ME and there were suggestions that Microsoft knew about these exploits and still released Windows XP. Microsoft implemented the Active Directory authentication service for Windows. This would lock the company to Microsofts service. There would be no reversing the procedure if you found out later that you did not like the way the service directory performs. You would have to do a complete deletion and start over with your organizations computers, printers, servers, users id and passwords, etc. But, some of Microsofts competitors raised interoperability questions and Microsoft restructured Active Directory to accept the Light-Weight Directory Access Protocol. (Seems weird when you look at it like that, Microsoft had the capability to use competing protocols all the time?)

Limiting servers on a directory service—re-pricing issues— Window 2000 users cry foul There are three new limitations on the proposed XP Server license: two processors only; no Application Mode Terminal Services operation; and a limitation of two Servers per Active Directory forest. This has caused howls of protest from the existing Windows 2000 users because they can see a whole new level of financial pain. Here's a typical scenario. Your headquarters has Advanced Server but your I00 regional offices are equipped with Server. You need a local server on each site, but you want them all in one Active Directory forest for easy management and control.

In the proposed repackaging, every one of those regional Servers will have to be upgraded to Advanced Server at a cost of more than 1000 each. Before anyone leaps up and presses the panic button, be clear that these are proposed packages. There is no indication that they will end up in production, or that it will be the same case for select customers as for shrink-wrap. http://www.vnunet.com/Analysis/1126600

I have used Microsofts Works home productivity software. In 1997–1998, I tried to help a friend with a resume. He had typed it on Microsoft Works and I went to the Junior College to format it and print it on a laser printer. At that time Microsoft did not have a file reader for its own home productivity product to be read by MS Word 97. It would appear that Microsoft marketed Microsoft Works on pcs to be sold for home use. Then, when you brought a file in MS Word 97 format home, MS Works could not read it and the same for Works to Word 97. So the users wanting to read and edit files in MS Word 97 would have to go out and buy the $125 plus Version of Word 97 for their home use. In March or April of 1998, Microsoft released a file reader for Word97, Excel 97, and I believe Power Point to view flies on a pc without the original application. File incompatibility for revenue purposes? During the first Anti-Trust hearing in 1994–95 and later there were documents and suggestions about Microsofts Windows 3.1 OS having hidden code. http://eatthestate.org/03–07/MicrosoftPlaysHardball.htm

Microsoft plays hardball: Of course, this is not new behavior for the software giant. In 1991, Microsoft employees launched an exceptionally dastardly plan to kill another competitor, DR DOS. DR DOS sales threatened MS-DOS, the early predecessor to Windows 95 that established Microsoft's operating system monopoly. DR DOS sales were on the rise—they doubled from $15

million in 1990 to $30 million in 1991. They soared again to $15 million in the first quarter of 1992 alone. Then disaster struck.

Microsoft was writing Windows 3.1, an important upgrade to the hugely popular Windows 3.0. In September 1991, a plan was hatched to use this upgrade to kill DR DOS. In an email discovered by the Dept. of Justice, the head of Windows development and Microsoft VP David Cole wrote, ''aaronr had some pretty wild ideas after three or so beers—earleh has some too.'' The plan was to plant code into Windows which would ''put competitors on a treadmill'' and cause the system to ''surely crash at some point shortly later.'' In order words, Windows would intentionally bomb if it detected DR DOS.

At this time, many computer vendors were considering switching from MS-DOS to the superior, cheaper DR DOS. Microsoft was especially concerned about IBM. Wooing these PC vendors was crucial to the future success of DR DOS, as was the good will of ''early-adopters'' (i.e., technically savvy users who drive new trends in the computer industry). These vendors and early-adopters were also the same people who received a Christmas ''beta'' pre-release of Windows 3.1. They discovered—to their horror—that using DR DOS would cause vague system errors to pop up in Windows 3.1; they dumped DR DOS in droves.

More links to windows 3.1 error codes:

http://www-cs-students.stanford.edu/kkoster/microsoft/caldera.html

http://www.insecure.org/myworld.html

And lets not forget what Microsoft is doing with its monopoly in Europe and the EU trying to rein Microsoft in. It would seem that not just the US and pc users are having a hard time trying to convince Microsoft of competing fairly. It is not in the companys corporate plan. This article suggests that we hold companies liable for security breaches in their products. I guess you should ask Microsoft to re-write their end user license agreements EULA while you have their attention. http://news.com.com/2100–1023–821266. html

In the end of 2001, a system security expert warned Microsoft of a severe vulnerability in Windows software. Microsoft waited for 8+ days to issue an alert. The security researcher released the problem to responsible teams. Microsoft labeled him an extremist. Only after the security researcher released the problem did Microsoft acknowledge the problem. The last comment I want to make is this. You should want to buy the product not be forced to buy the product. If you are forced to buy the product, the company can make a product without much improvement and the quality of that product will suffer. I hope that I have highlighted some new information or reiterated some information for your review. Does Microsoft have the best products or is that the only choice?

Thank you,
Daniel S. Nichols
548 Selina St
Pensacola, F1 32503

MTC–00019127

From: Wilson, John G
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 6:53pm
Subject: MS settlement

By not thoroughly punishing MS, you are not thoroughly condemning their actions. MS has publicly claimed they haven't done anything wrong. What makes the DOJ think MS won't find other ways to illegally leverage their monopoly? MS has often been humiliated in public by the sloppiness of various aspects of their software. A public slap on the wrist, some fines, and an order to stop the illegal activity that they never should have done in the first place is NOT going to make them change their ways.

If such a weak punishment as the proposed punishment is put in place, what will other companies aspiring to gain monopolies think? Maybe they will think, ''all we have to do is gain a monopoly, because once we do, nobody will want to stop using our products, and we'll be so rich that monetary fines won't phase us''.

Look at all the things MS has: money, customers, influence, power. They also have responsibilities to the computer industry unlike any other company. MS has thoroughly abused all that they have been given. MS should not be allowed to continue to wield such power over the industry. I don't know how to take away what MS has illegally gained (and hence no longer deserves), but the current settlement does not go far enough.

John
jgwilson74@yahoo.com
John Wilson
SETE Tools Development

''Many that live deserve death. And some that die deserve life. Can you give it to them? Then do not be too eager to deal out death in judgment For even the wise cannot see all ends.''—Gandalf

MTC–00019128

From: Bob Parnes
To: Microsoft ATR
Date: 1/23/02 6:52pm
Subject: Microsoft Settlement

I do not favor the proposed settlement.
Bob Parnes

MTC–00019129

From: Elan Freydenson
To: Microsoft ATR
Date: 1/23/02 6:59pm
Subject: Microsoft Settlement

I think the propossed settlement is a bad idea.

One reason is the settlement should prohibit Microsoft from limiting the use of Windows-compatible operating systems.
Elan

MTC–00019130

From: Courtney Winston
To: Microsoft ATR
Date: 1/23/02 6:55pm
Subject: Microsoft Settlement

It has seemed to me for some time,that a company with their resources might use them to improve their products,rather than coerce the market to use them regardless of merit.
C Winston

MTC–00019131

From: Steve Dzemidzenka
To: Microsoft ATR
Date: 1/23/02 6:54pm
Subject: Microsoft Settlement.

Hello,

I want to express my opinion about Microsoft monopolistic advantage. I truly believe that Microsoft has a huge advantage over any of its competitors. Having Windows and giving away add-ons for free, they kill a lot of products which are better, but charging for those products cannot be justified when Microsoft's products are free. Microsoft can afford to give add-ons for free and having Windows as the most powerful distribution channel possible, they take unfair advantage. Operating system is the foundation of every piece of hardware. No hardware can run without it. The company which controls operating system controls a lot of things. I truly believe that the operating system should be owned by independent third party which will provide the core set of operating system functionality to anybody who needs it on equal terms. This business is self sustaining and MUST be split away from Microsoft. This will insure that Microsoft does not have unfair advantage for other add-on product distribution by dictating Windows's terms of use. I hope my government realizes all the seriousness of the situation and takes the proper steps to bring the spirit of competition back to the industry.

Thank you in advance
Steve Dzemidzenka
dzemid@yahoo.com
602–522–5936
USA

MTC–00019132

From: Joe Smith
To: Microsoft ATR
Date: 1/23/02 6:56pm
Subject: Proposed Microsoft Settlement

To Whom It May Concern:

I am strongly opposed to the proposed settlement in the Microsoft antitrust trial. I believe that the settlement does little to punish this convicted monoplist and even less to restore balance to the competitive market.

It is blindingly obvious to me that the weak provisions in this settlement will serve only to embolden this company that to date has shown no remorse nor admitted any wrongdoing. One need only to look to the proceedings in Judge Jackson's courtroom to see how this monopolist views the judicial system. They lied. I mean just out and out lied. They faked evidence and then lied about that when caught. This company believes that they are above the law and can do as they wish. That is wrong. This settlement reminds me of Britain's appeasement of Germany prior to 1939. Please do not become known as the ''Neville Chamberlin'' of the electronic age.

Sincerely,
Joe Harbert

MTC–00019133

From: Ken Beal
To: Microsoft ATR
Date: 1/23/02 6:54pm
Subject: Microsoft Decision

Settling with Microsoft will not solve the problem that was created by Microsoft's

predatory business practices, nor will it bring back the companies whose carcasses litter Microsoft's past.

I think there's one very specific thing that can be done to make the situation more competitive. After all, competition is the goal, right? The more companies competing for customers, the better the effort each company will put forth, and the slimmer the margin each company will skim. In the past, the OS portion of a computer purchase was small, like $60 of $3,000. These days it's more like $90 ? but of a much smaller purchase, as full-featured computers can be purchased for $700 these days. Even if the cost of Windows had stayed the same, rather than risen, the cost of Windows as a percentage of the cost of the computer would have risen.

My solution: declare illegal the contracts that Microsoft forces OEMs to sign, in order to get preferred pricing. These contracts enforce that the OEM cannot customize the computer; cannot put any third-party applications that compete with Microsoft's offerings (which these days are almost any third-party applications!); and what's worse, eliminate the OEMs ability to sell a computer with more than one operating system on it. There was a Hitachi computer sold recently with the Be OS, but it was hidden; the customer had to jump through some difficult technical hoops to enable it. Be OS's founder, Jean Louise Gasse, announced that he would provide the OS for free to any computer manufacturer (OEM) who would ship it. Only one OEM did, Hitachi, but in a form that was rather unusable to most consumers.

If the Department of Justice does one thing and one thing only, it should be to eliminate Microsoft's OEM contracts. Force Microsoft to sell Windows at a specific price for a specific number of units (i.e., a customer purchasing 10,000 licenses could get a better deal than a customer purchasing 10 licenses; however, an OEM who agrees to ship only Windows XP and Office XP should not get a better deal than an OEM who prefers to ship Windows XP with Netscape and StarOffice, assuming they?re purchasing the same number of licenses. Or a computer equipped with Windows XP and Red Hat Linux). My point is Microsoft is selling a product. They shouldn?t get the right to dictate how that product is used or configured when the OEM then sells it to the end user. There are many examples of this in other industries (i.e., Ford or GM may purchase radios from Blaupunkt or Sony, for installation in their vehicles; and often, the auto manufacturer removes the faceplate and replaces it with one with their logo). To take the auto metaphor further, Ford sells a car to its dealer. The dealer then adds decals and metal logos with the name of the dealership to the back of the car, before selling it to the end user.

Obviously, Microsoft would want the OEM to not make changes to the Windows OS code, as that may destabilize the operating system and lead to crashes. However, when an OEM sells a computer, the contract they have with Microsoft forces the OEM to pay Microsoft for a Windows license, even if the computer was configured with a different OS! This reduces competition, because an OEM figures, if I have to pay for it anyway, I might as well ship it. If an OEM was free to sell computers configured however they wanted, and only pay for the parts included when that computer includes those parts, then I would say we have reached a fair settlement.

There are many, many other problems with the settlement, but if the OEM contract issue is resolved, the market will help correct the rest of the problems.

Thanks for listening,
Ken Beal
Coconut Creek, FL

MTC–00019134

From: Phillip C. Wolf
To: microsoft.atr(a)usdoj.gov
Date: 1/23/02 6:57pm
Subject: Microsoft settlement

Sirs:

I am an avid computer user since learning about them in my high school in 1972.

I am also a member of the Armed Services of the United States of America, and have witnessed firsthand the tears of frustration at using an incompetent software suite foisted upon the country by Microsoft.

This is NOT a benevolent monopoly as ATT was. This is an evil, greedy, incompetent corporation which stops at NOTHING to extend and prevail it's dominance.

Witness:

Bill Gates, Microsoft, et alia working dilgently behind the scenes to control and steer the COMCAST/ATT broadband merger, so as to completely stiffle any potential competition from AOL Time Warner.

My industry-standard, world-standard computer software is today increasing finding internet sites which do not function properly due to Microsoft's blatant highjacking of such standards with proprietory ''flavors'' which are known only by Microsoft, and which overtake the world internet by their monopoly stranglehold. (Java, C++, VisualBasic, FTP, html, and TCP/IP)

The self-imposed, self-proposed ''penalty'' offer (truly, THIS IS A PATHETIC ATTEMPT TO MAKE A COMPLETE MOCKERY OF THE JUDICIAL SYSTEM) to pay off foul deeds against the comsumers of America and the world, by ''donating'' used systems containing Microsoft products EXCLUSIVELY to public schools. Is there no one in government today who can see that this is a thinly disguised attempt to POISON the minds of schoolchildren and pull them into the Hell that is Windows(tm)?????? Unix, OS/2 (killed by Microsoft) even Linux, are far, far, far better operating systems than Microsoft Windows. ANYONE who uses a computer extensively and dares to compare will see this in a micro-second.

To close, I add the thoughts of a commentator I read at Linuxplanet.com, with which I am in COMPLETE agreement:

* Any remedy seeking to prevent an extension of Microsoft's monopoly must place Microsoft products as extra-cost options in the purchase of new computers, so that the user who does not wish to purchase them is not forced to do so. This means that for the price differential between a new computer with Microsoft software and one without, a computer seller must offer the software without the computer (which would prevent computer makers from saying that the difference in price is only a few dollars). Only then could competition come to exist in a meaningful way.

* The specifications of Microsoft's present and future document file formats must be made public, so that documents created in Microsoft applications may be read by programs from other makers, on Microsoft's or other operating systems. This is in addition to opening the Windows application program interface (API, the set of ''hooks'' that allow other parties to write applications for Windows operating systems), which is already part of the proposed settlement.

* Any Microsoft networking protocols must be published in full and approved by an independent network protocol body. This would prevent Microsoft from seizing de facto control of the Internet.

PLEASE: Stop this monster run amok.

PLEASE: protect Americans and others from this criminal hegemony.

PLEASE: decide in favor of the American Way of Life which has worked so well for hundreds of years—a fair, open, and LEVEL playing field for business.

Do the right thing.
Please.
sincerely,
Phillip C. Wolf
Master Chief Petty Officer (USCG)
Consumer
Patriot

MTC–00019135

From: Jack Gott
To: Microsoft ATR
Date: 1/23/02 6:54pm
Subject: Microsoft Settlement

I believe the Microsoft Settlement to be a bad Idea.

A final judgement of fines only is way too soft.

Please release the computer users in corporate America of this tyrany.

Thank you.
Jack Gott

MTC–00019136

From: John Davies
To: Microsoft ATR
Date: 1/23/02 6:55pm
Subject: Microsoft settlement

It is my feeling that the suit against Microsoft should be settled in terms agreed to by the Dept. of Justice. It appears to me that the suit is being prolonged by Microsoft's competitors in spite of favorable terms to consumers. The prolongation of this suit is wearing thin. I would urge all parties to settle.

Sincerely, John R. Davies, M.D.

MTC–00019137

From: Greg Steiert
To: Microsoft ATR
Date: 1/23/02 6:56pm
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea.

I think more work needs to be done to remedy the problem.

Greg Steiert

greg@steiert.net

MTC–00019138

From: BudasBrother
To: Microsoft ATR
Date: 1/23/02 6:57pm
Subject: Microsoft Settlement

To whom it may concern,

Below I have listed the top 10 reasons Microsoft is a Monopoly and why that's not a positive position for the computer industry as a whole;

01. Microsoft is smothering the IT Industry.

Microsoft's habit of taking fledgling computing platforms/applications and integrating them into the behemoth that is Microsoft, in doing so they are killing the small developer community. Microsoft is in fact slowing the IT industry by smothering the small developer. It is the small developer, the late night programmer or the back yard developer, the uni student, etc that come up with the new applications. These are the people that have a problem and solve it using their PC, with the solutions eventually moving into the mainstream if popular. As opposed to Microsoft who seems to be continually trying to find a new problem for their solution. Just look at the advances within the IT Industry over the last 20 years, how many were invented by Microsoft??? A few examples;

-GUI with Mouse type control (First display by Xerox, first adapted by Apple)

-All major Application Groups, from Word Processor to Graphics, non first developed by Microsoft.

-Multi Tasking stable OS—First on the desktop Amiga, 20 years ago. -Internet—University based invention

-Instant Messaging—Not Microsoft

-Hotmail—MS blew alot of cash on this one to get in early.

Without the smaller more creative developer these new applications, new solutions are being created less often. Without these advances the IT industry will slow. The reasons to upgrade and continue the cycle will become less and less. By using the strategy of buying or smothering small developers Microsoft has given the whole industry a full frontal lobotomy, with a piece of barbed wire. If this seems a little paranoid, it is all spelled out in Microsoft's .Net strategy. The plan for total control.

02. Microsoft—Lawyer University

Microsoft's use of the legal system to intimidate competition, is destructive to the industry. It also makes a mockery of the legal system when a company can bank roll its own laws. I think it very irresponsible for MS to use the Legal system as a defensive manoeuvre for its market. I see the legal system as being a way of defence, not attack. There are a couple of good examples of this at the moment, the License agreement every user unknowingly agrees to, the legal attack on Lindows.

03. If Microsoft were my child.

If MS were a child someone would have put him on Ritalin years ago. They're behaviour is irresponsible and they never let anyone play with their toys.

04. My personal favourite piece of MS false advertising.

Microsoft's ''FREE'' software bundles. If they do include any software with the OS and the user has paid thru the nose for the OS how can anything included with the OS be called free. Especially when you consider the work you have to put in removing all of these free pieces of software to put on the ones you want.

05. Locking Users in the Dungeon of MS

This argument has been made many times but it must be said again. By locking users into their specific brand of application (usually slow and buggy) they are limiting the user. The greatest example is Win XP. I feel sorry for users of IRC and Messaging other than Microsoft Messenger. Microsoft will say tactic is to allow quicker and more stable user experience. But the truth is that alot of the alternatives are better written with better options, that if installed would probably be quicker and smoother. Can anyone answer how I uninstall Windows Explorer from windows. Explorer is not my favourite file util but do I install the file util I like then use Explorer to start it. Does this seem a little silly to only me??? This is also effecting the small developer and IT Company.

06. Microsoft doesn't Listen.

The direction of the IT industry is driven by the consumer being given options and the most popular one wins, its a basic but honest system. The IT industry does still operate this way but with Microsoft running their monopoly instead of the people making the decision, they have taken it upon themselves to decide what it is we want. I guess until we stop giving them money hand over fist they may be justified in there position!!!!!

The only way things will really change is if people get sick of MS's behaviour and move to another OS, give it 5 years.

07. Microsoft is bleeding everyone dry.

At the end of the day when all is said and done I think that really, the most destructive thing Microsoft is doing to the industry is simply bleeding it dry. The outrageous prices they charge, annual upgrades, courses and the rest of the charges you incur if you want to have any commercial contact with Microsoft are now responsible for a large percentage of the commercial running cost of any IT services within a company. If we were to take Microsoft's annual income and set-up a series of smaller companies with more specific direction you would be able to set-up 1000's of companies. The combined input into the computer industry as a whole would be far greater than Microsoft itself provides. I also infer that because the smaller companies could be more specific the quality of services/products would rise.

Yours Sincerely

Athol Courtenay (aka BudasBrother)

MTC–00019139

From: nytral@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 6:59pm
Subject: Microsoft Settlement

Allowing MSFT to force them to give away their software to schools is like giving them the right to do super-dumping to blow away competition. Not too bad for a punishment against anti-trust, eh? Since it's all about politics, who cares except those getting bigs bugs from those deals?

MTC–00019140

From: Michael S. Toohey
To: Microsoft ATR
Date: 1/23/02 6:56pm
Subject: Microsoft Settlement

Greetings,

My name is Michael S. Toohey and I want to protest the Proposed Final Judgement that will be handed down in the Microsoft Anti-Trust Trial. There are many items wrong with it and I beg the court to reconsider it. Microsoft continues to utilize business practices that allow it to ''snake'' around the law. Slapping Microsoft on the wrist is something that should not be done again. Microsoft will ''snake'' away from the Final Judgement by focusing away from the Operating Systems in Definition U of the PFJ and focus on other items in a monopolistic manor. These tactics will hinder innovation for other devices, hence hindering the productivity of the American People.

Thank You for your time.

MTC–00019141

From: Chris Lawrence
To: Microsoft ATR
Date: 1/23/02 6:58pm
Subject: Microsoft Settlement

/To Whom It May Concern: /

/I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. /

/The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions. /

/Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general. /

/While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded. /

/Sincerely,/

/Christopher Lawrence/

MTC–00019142

From: Roy Mackay
To: Microsoft ATR
Date: 1/23/02 6:57pm
Subject: Microsoft Settlement

I do not agree. Please take extreme care with this.

Thanks

Roy Mackay

MTC–00019143

From: McCombs, Peter
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 7:00pm
Subject: Microsoft Settlement

I am writing in regard to the proposed Microsoft Settlement, as allowed under the Tunney Act, and in hopes that this opinion might be considered prior to the final acceptance of settlement terms as they stand at this time.

I am a professional engaged in the development of computer software, and have no strong complaint against Microsoft from a technical perspective. However, I have noticed a marked decline in the quality of computing in general, and particularly in the decreasing ability of my fellow citizens to employ technology creatively and constructively in their daily lives. This I attribute to the increasing stranglehold that Microsoft maintains on the computer desktop market.

I applaud the Findings of Fact, and agree with the courts that Microsoft's actions cannot be considered lawful and must be remedied. However, it is apparent to myself, and many in my profession, that the proposed settlement falls far short of addressing the problem. It must do more to reduce the barrier of entry for applications developers so that they might be able to develop competing software on the Microsoft platform, as well as on other computing platforms.

Please reconsider the settlement in favor of stronger penalties.

Peter McCombs
perotsystems
(801) 852–5773

MTC–00019144

From: Nick Grande
To: Microsoft ATR
Date: 1/23/02 7:04pm
Subject: Microsoft Settlement

I believe Microsoft should set aside money to be managed by an independent entity to be distributed to the nation's poorest schools rather than the donation of software. The donation of software would not be a punishment at all as it would not cost Microsoft any money at all to donate the software (as it already does to many colleges). Furthermore, the donation of Microsoft software which is mostly oriented to Microsoft's Windows platform would encourage schools to favor that platform and further entrench Microsoft into a sector they do not already dominate. This would in fact be rewarding Microsoft for breaking the law and not be a punishment. I strongly urge you to not allow this to happen. Thank you for your time.

Nick Grande

MTC–00019145

From: Micah Cowan
To: Microsoft ATR
Date: 1/23/02 7:01pm
Subject: Microsoft Settlement

The proposed settlement is insufficient.

Yours Truly,
Micah Cowan

MTC–00019146

From: Kyle L Bittinger
To: Microsoft ATR
Date: 1/23/02 7:04pm
Subject: Microsoft Settlement

Kyle Bittinger
40 Orvis Rd
Arlington, MA 02474

I am concerned about the implications of the proposed Microsoft antitrust settlement on consumers like me. Notably, in the proposed settlement, the definition of a competitor is limited to a for-profit business. However, for example, the largest competitor for Microsoft's network software is the freely distributed Apache software. I feel that such ''open source'' applications will be a valuable resource for consumers, and that, in the least, they should be included in the definition of ''competitors.''

Thank you,
Kyle Bittinger

MTC–00019147

From: wolfe@ems.psu.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 7:03pm
Subject: Microsoft Settlement

I am writing to express my disagreement with the proposed Microsoft anti-trust settlement. After reviewing the proposal, it is my belief that it is insufficient to curtail Microsoft's unethical business practices which are hurting the computer industry.

One particular change I recommend is that Microsoft be required to publically release on the Internet full documentation for all of it's API's and file formats, such as those used by Microsoft Office. This would allow competitors to create software that is compatible with Microsoft's.

I would also like to suggest that you do not allow Microsoft to exclude Open Source software from any settlement that is reached. One of the proposed settlements from MS would require MS to release documentation *ONLY* to ''Registered Businesses'' This would exclude open source deveolopers, who frequently release software for free that needs to be compatible with Microsoft APIs.

Sincerely,
Jeff Wolfe
Research Assistant
College of Earth and Mineral Sciences
Penn State

MTC–00019148

From: Brian J Hansen
To: Microsoft ATR
Date: 1/23/02 6:59pm
Subject: Microsoft Settlement

I do not approve with the settlement as it stands. This company is hurting US business by intentionally selling a second rate product which is easily targetted by virus programmers. They need to be punished in a harsh way for the way they treat other companies, and for the headaches they've caused myself and others.

MTC–00019149

From: Pulsipher, Jesse
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 6:58pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea. I don't think it does enough to punish Microsoft, nor does it do anything to prevent the same thing from happening in the future. Please reconsider the proposal.

MTC–00019150

From: Lori
To: Microsoft ATR
Date: 1/23/02 6:58pm
Subject: Microsoft Settlement

First, I'd like to share an e-mail of a chat I had with a Gateway sales rep:

Topic: Customizing A New Notebook

Lori Can I have Windows XP removed before shipping?

Carson hi. welcome to gateway country. my name is carson, your esales advisor. may i please have your phone number in case this chat disconnects?

Lori 920–339–9708

Carson thanks. let me check

Carson which laptop do you want to purchase? and which operating system do you want?

Lori I was considering the Solo 1400se. I'd prefer either Mandrake 8.1 or RedHat 7.2

Carson i see. we cannot send a laptop w/ o an operating system. Lori Why is that?

Carson licensing agreement.

Lori With who?

Carson microsoft

Lori What are my options then—I take it Linux is not an option?

Carson correct. we can load xp, win2000, or 98.

Lori Okay. Thanks for your time—I'll check back in the future and see if those agreements might change.

Carson ok. you're welcome. thank you. bye.

Carson eSales Advisor 1–800–846–2036 x55238

carson.kotay@gateway.com
11410671:6051783

My main concern here is that I do not want a Microsoft operating system forced upon me. I do not want to be forced to pay for something I will not use and will immediately wipe when I receive my new PC/laptop. I do not mind if companies will not provide an alternative OS as long as they will be able to provide NO operating system, at my discretion. We should not now, or ever, be forced to pay for what we do not want simply because of a ''licensing agreement'' forced upon a PC manufacturer by a monopolistic company such as Microsoft.

Second point, I do not believe that allowing Microsoft to continue to have a competitive advantage over other software companies by sharing information before new releases with other Microsoft ''divisions'' but not outside companies. This is one of the main reasons that Borland's compilers are no longer #1—Microsoft shared pre-release information with their compiler ''division'' (what a joke) which allowed them to be on the market with support for new revisions of the OS before anyone else, offering them a distinct competitive advantage.

Third point, the inclusion of software such as Windows Media Player and Internet Explorer are extremely anti-competitive.The answer from Microsoft about ''integration with the OS'' was once bunk, but now that they've been given time they HAVE integrated such software with the OS and there is no way to remove it without a

complete rewrite of the OS. WHile it may not be possible to reverse the damage that has been done, it can be prevented. I take no issue with Microsoft developing and selling such software, but it should NEVER be included with the OS. The operating system should be ONLY an operating system and nothing more. Offering the products on an additional CD for free is fine, as long as other companies have the same opportunity. Let them offer it like AOL— on unsolicited free CDs.

Thank you,
Lori MacVittie

MTC–00019151

From: Daniel Harrington
To: Microsoft ATR
Date: 1/23/02 7:01pm
Subject: Microsoft Settlement

I am writing this letter to express my concern for what appears to be the lenient treatment of Microsoft resulting from the anti-trust trial. As an intentional user of non-Microsoft software, I find that the company continues to exercise its influence over software acceptance in virtually every arena, and this activity continues blatantly, even after the findings from the anti-trust trial.

The recent release of the Windows Media format (predominantly post-trial) provides an excellent example of how pre-trial behavior continues unchecked. Just a few years ago, Apple's Quicktime was the predominant multimedia format. This was followed soon afterwards by streaming solutions by companies like Real. The Microsoft analogue, Windows Media format, has been available for a comparatively short time, and yet has drawn quick acceptance, primarily due to its rampant availability. Testimony from the trial shows that this sort of activity was planned, and one can see from the dominance of Internet Explorer that similar results are inevitable in the multimedia realm without some sort of intervention.

Microsoft has become a monopoly. Definitive steps must be taken to check their influence on the software industry and allow for competition in this realm. I would encourage that steps be taken to even the playing field, with less concern to the effects that such steps might have on Windows users as a whole. While appropriate measures might have short-term negative effects on the company and the nation, these temporary issues should only be seen as direct results of the monopoly itself—and as beneficial steps in the long run.

The nation's attention to this issue is clearly an indication of how important it has become. Similarly, the outcry from non-Windows users should provide some sense of how fragile their futures may feel under the threat of a company like Microsoft. Marginalization happens easily and quickly in the software industry (note companies like Lotus and their 1–2–3 spreadsheet and Ami word processor, former competitors and leaders in their respective fields). Please move quickly to preserve an open arena for large and small software companies alike.

Sincerely,
Daniel Harrington

MTC–00019152

From: John Millington
To: Microsoft ATR
Date: 1/23/02 7:02pm
Subject: Microsoft Settlement

To Whom It May Concern: The proposed settlement is unacceptable and it is incompatable with the interests of the American People.

The biggest problem is this: A criminal should not be allowed to profit from their crimes. The remedy should include a punitive measure to deprive them of all illegally (as determined in the findings of fact) gained revenues to date.

If this is not done, then justice is not done and the problem is not remedied.

Thank you,

John Millington, a Software Developer in Albuquerque, NM

MTC–00019153

From: Ryan, Thor
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 7:03pm
Subject: microsoft settlement

Break them up, its' the only solution that will work. I've worked in the tech industry for 5 years, and Microsoft has used it's monopoly to push down innovation and bully people into buying their products. How can you make a profit innovating when Microsoft bundles it's software for free at first, then jacks the price up later when competition is scarce?

Thor Ryan
WIC Help Desk
(907) 465–3105
wichelpdesk@health.state.ak.us
<mailto:wichelpdesk@health.state.ak.us>

MTC–00019158

From: Robert Oneto
To: Microsoft ATR
Date: 1/23/02 7:05pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
From:
Robert J. Oneto
5613 Holland Ln.
San Jose CA 95118–3425

The proposed final judgement in the U.S. vs. Microsoft case, is insufficient to prevent future abuses of monopoly position, and fails to deny Microsoft the fruits of their illegal activities. Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I work for a company that produces software which operates on multiple platforms including Windows, and am also an end-user of several Microsoft Operating Systems, Middleware and Applications both at work and at home.

The Court of Appeals affirmed that Microsoft (MS) has a monopoly on Intel-compatible PC operating systems, and that the company's market position is protected by a substantial barrier to entry, and that Microsoft is liable under Sherman Act 2 for illegally maintaining its monopoly. According to the Court of Appeals ruling, ''a remedies decree in an antitrust case must seek to ''unfetter a market from anticompetitive conduct'', to ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future''. Like all those found guilty of a crime, Microsoft need to be punished for their actions—ideally in a way that attempts to restore competition and undoes the damage inflicted on the consumer by their anticompetitive behaviour. MS has profitted greatly from their behaviour, and the fruits of their illegal actions must be denied to them. Previous court ordered remedies have shown that Microsoft willfully ignores and attempts to circumvent any restrictions placed on them by careful selection of the language used in these remedies, and stalling with continued appeals such that by the time a resolution occurs, there is no surviving competition.

Microsoft show no signs of remorse or attempts to change their pattern of behaviour. Indeed, while conceding certain points on existing Operating Systems (OS), they are careful to ensure that applications (such as Microsoft Office Suite) and future products such as .NET are excluded from any restrictions. It is clear from their pattern of behaviour that they will attempt to monopolise these markets, and that nothing but the most severe restrictions on their behaviour will have any effect.

Since many of the companies adversely affected by Microsoft are no longer operating due to the illegal monopoly, it is hard to make reparation to them. Rather, the remedy must seek to redress the harm done to the consumer, and to prevent Microsoft continuing to use its illegaly gained market dominance to monopolise new markets. It is apparent that Microsoft traditionally gains dominance in a new market buy tying sales of one product to sales of another—for example, the bundling of Microsoft Office with Windows, and the intimidation of Original Equipment Manufacturers (OEMs) to ensure that this continues to the exclusion of competitors. Their willful circumvention of previous court restrictions, which violate the spirit if not the exact letter of the agreements, indicate that MS must be given no latitude in which to avoid punishment. The only option remaining if this is true, is a structural remedy. Structural Remedy:

The existing MS corporation must be split into at least 5 separate companies, each of which is barred from operating in the other 4 areas or joining with one of the other compnaies for a period of not less than 10 years. The company should be split along the following lines:—Operating Systems, Computer Programming Languages (must include .NET and C#), Applications (such as MS Office), Hardware (including XBox), and Internet Services (MSN etc).

Microsoft continually use their monopoly position in each of these sections to dominate others— and must be denied the opportunity to do so in the only method it appears that will work. It is imperative that the .NET be split from all other services, since it is clear MS intends to use this to tie in future applications and services and ''lock out'' competing products. Previous anti-trust cases which have resulted in large corporations being split extensively detail prohibitions on these individual companies.

It is clear that despite all evidence pointing to a structural remedy as being the only solution, the courts are unlikely to impose such a remedy. Whether or not this is implemented, the following aspects of MS illegal behaviour must be addressed.

Consumers Overcharged and Require Compensation:

In addition to monopolising markets, the consumer has been harmed by Microsoft products being overpriced than would have occurred had competition been available. Once again, Microsoft must be denied any profits from their illegal activities. The consumer must be recompensed for this, and so a substantial cash fine should be levied against MS, which would then be divided amongst all registered users of Microsoft products. This fine should be no less than 1 billion US dollars—note that MS currently have cash reserves of over $35 billion and this is increasing rapidly—it is a small fine to MS.

Should this not prove to be practical, then MS should still be fined, but with the money going to the purchase of computer and computer related hardware for schools, colleges and charity groups. MS should not be allowed to provide software for these systems, and alternatives such as Apple computers or free software such as Linux must be used instead. This will not only return some benefit to the consumer, but prevent further harm done to MS competitors.

Applications Barrier to Entry:

Significant barriers exist to competing products in the marketplace due to Microsofts illegal monopoly. These must be eroded and removed in the following ways:

By forbidding retaliation against OEMs, Internet Access Providers (IAPs), Independent Software Vendors (ISVs), and Independant Hardware Vendors (IHVs) who support or develop alternatives to Windows.

All APIs and file formats (MS Word, MS Excel, MS Access, MS Powerpoint, MS Outlook and Outlook Express, WMP—the Microsoft Middleware Products) should be available to ISVs and HSVs. File formats should be open and available for public viewing at no cost. Any changes made to APIs and file formats must be announced and specified a period of time must have passed before these changes are implemented (e.g. 180 days for APIs and 90 days for file formats). Current definitions of APIs allow MS to avoid releasing documentation on many important interfaces. File formats, while an important barrier to entry, are currently not included in the proposed settlement and must be publicly disclosed.

Wording of the licence agreement for ISVs accessing APIs and documentation shall state that it will solely be for the purpose of interoperating with a Windows Operating System Product or with application software written for Windows. Current phrasing limits this to OS only. Definitions of requirements for companies or individuals to access APIs should be publicly available and independently enforced—MS should have no say in this part of the decision process.

All patents covering the Windows APIs must be disclosed. Currently those ISVs producing Windows-compatible operating systems are uncertain if they are infringing on Microsoft software patents.

Wording of the current proposed final judgement should not prevent ISVs using released APIs to make alternative OSs compatible with Windows based OSs. Forced Upgrades Must be Stopped:

MS abuses its monopoly postion by forcing consumers to upgrade from older products to newer ones, at substantial cost. Since there is now no effective competition due to the illegal actions, the consumer has no alternative but to go with MS products. By altering file formats in latest releases that are incompatible with older versions, and by removing older products from sale, MS force the consumer to upgrade.

To prevent this, file formats for all Office Applications and WMP must be publicly available at no cost to allow alternatives to be developed. This is mentioned in detail above.

To prevent the removal of older products that are still viable applications, Microsoft must continue to support older products for at least 15 years after their introduction. MS may choose not to support the software during this time citing that it is not a useful product, in which case it is allowed to do so but must make the entire MS source code to the application publicly and freely available. Under these circumstances, users may maintain and compile the software themselves. This will apply to operating systems as well as middleware and applications. Prohibiting practices towards OEMs:

In addition to current restrictions in the Proprosed Final Judgement (PFJ), Microsoft must be restricted against reprisals for OEMs that sell PCs with a competing OS but no Microsoft OS. The PFJ requires Microsoft to license Windows on uniform terms and at published prices to the top 20 OEMs, but says nothing about smaller OEMs. This leaves Microsoft free to retaliate against smaller OEMs if they offer competing products. There should be selected ''groups'' of OEMs of varying sizes, for example OEMs 1–20, 21–100, 101–1000, 1001+, and in those bands prices must be uniform and published on all MS OS, Applications, and Middleware products. Market Development Allowances (discounts) to OEMs must be fully disclosed in public. Discounts may not be given in one product (e.g. Office Applications) due to sales in another product (e.g. OS). This will prevent MS using its OS dominance to move its monopoly into other areas.

Enforcement:

MS will attempt to circumvent all remedies to the best of their ability. Strong, independent and effective supervision of MS is necessary, and a panel of several industry experts (chosen by the courts and complainants, with minimal input by MS) must be allowed full and unfettered access to MS documents. They will be provided with support staff, and be paid for by MS at competitive rates given their experience. This panel should have the ability to force release of MS documentation and source code, and delay the release of products until compliance is complete. Any undisclosed APIs discovered should result in a large cash fine. Current proposed enforcement allows no incentive for MS to comply with the remedy. Some of the above stated remedies may seem extreme, but given the magnitude of the MS corporation and the extend to which it has broken the law, the remedies must be of a similar magnitude. As stated in the first few paragraphs, the intent of any remedy is to restore competition, terminate the monopoly, deny the benefits of the illegal actions, and prevent such abuses from ocurring in the future. Due to the uncooperative nature of MS, the remedy must be decisive and strongly enforced.

While MS has already done considerable harm to the consumer by its illegal actions, there are many future markets in which MS can gain a further monopoly—and exacerbate the problem. They must be prevented from doing so. If an individual commits a crime where the public have been illegaly overcharged that individual will be fined, and perhaps imprisoned—and certainly would be if he was a repeat offender shown to ignore previous court orders. Microsoft must be no different, or justice will not be done, and will not be seen to be done.

MTC–00019160

From: Patrick McLeod
To: Microsoft ATR
Date: 1/23/02 7:04pm
Subject: Microsoft Settlement

I think that Microsoft's Proposed settlement is a horrible idea. Do not let Microsoft get away with illegal actions!

Do I dare
Disturb the universe?
In a minute there is time
For decisions and revisions which a minute will reverse.
T.S. Eliot

MTC–00019162

From: Alex
To: Microsoft ATR
Date: 1/23/02 7:06pm
Subject: Microsoft Settlement

In my opinion the proposed settlement does not address the correct issues. In it's current form the settlement will have little effect in the software industry.

Alexander Kazura
Pittsfield, Massachusetts

MTC–00019164

From: Monty Walls
To: Microsoft ATR
Date: 1/23/02 7:05pm
Subject: Microsoft Settlement (aka hang-em)

I have read the proposed settlement and find it delusional/insulting. Why should Microsoft be rewarded for business practices that were found illegal, and why should Microsoft be allow to retain the fruits of illegal actions.

Additionally Microsoft's conduct during the trial if committed by a common citizen would land that citizen in jail (tampering with evidence, faking evidence, Microsoft's counsel lying/misleading a federal judge).

So yes, you should consider this a vote against the current settlement. -Monty Walls

Norman, Oklahoma
Monty Walls
(mwalls@castor.oktax.state.ok.us)
MIS, Oklahoma Tax Commission

My opinions are my own, my employer knows nothing about it.

MTC–00019165

From: eric@schatz.com@inetgw
To: Microsoft ATR
Date: 1/23/02 7:07pm
Subject: In Opposition to the Proposed Microsoft Settlement

I do not believe that the proposed Microsoft Anti-trust settlement as it is written is in the public's best interest. Considering Microsoft's history of anti-competitive behavior, I do not feel that the settlement is harsh enough or will effectively curb the wreckless power that Microsoft wields.

I would like to see competition in the Operating System market. As a consumer, I want to be able to choose an operating system based on such factors as price, security, ease of use, and stability. Currently, the only factor I have in choosing my operating system is the applications that will run on it. As the majority of commericial software is developed for Microsoft Windows operating systems, it is clear that Microsoft API's have become an industry standard. As a standard, Microsoft must publicly release documentation for all its API's so that Windows compatible operating systems may be created. Otherwise, competition in the operating system market will never exist. Microsoft must also be prohibited from using restrictive licensing terms and intentional incompatibilities, as it done in the past for would-be competitors. Though the issue of a competitive operating system market should have been a key part of any Anti-trust case against Microsoft, the proposed settlement does not address it at all.

In addition, I feel the proposed settlement lacks a means to enforce itself.

Sincerely,
Eric M. Schatz

MTC–00019166

From: Kevin Heater
To: Microsoft ATR
Date: 1/23/02 7:09pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Kevin Heater

MTC–00019206

From: metalhed@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 7:09pm
Subject: Microsoft Settlement

Hello,

While I am not a U.S. citizen the effects of Microsoft (MS) as a U.S.-based company does have influence on my everyday life.

As a 25-year-old student in the Netherlands I can say that:

(1) I'm not very financially self-sufficient (in other words: I haven't the money to pay for software)

(2) For all the work I'm required to do I need MS software products and third party software that ONLY works with the MS Windows operating system (OS)

(3) There's no way to use proprietary-format documents on MY CHOICE of office-productivity software but MS Office. Hence the need to borrow a computer elsewhere or make ''illegal'' copies of it.

In a nutshell what I am trying to say is: I want CHOICE! I want the freedom to choose for myself again what I work with without it being thrust upon me by my employer/educator/otherwise. MS and its platform is so ubiquitous, so omnipresent it's sickening and revolting.

The only place I can decide for myself HOW I do what I need to do is at home where I successfully use other (free) operating systems such as FreeBSD, Linux, OS/2, BeOS.

I actually enjoy using 3 different internet browsers.

But because MS Internet Explorer (MSIE) is used by 70% (or was it 90?) of the world's browsing public AND has many proprietary (thus: secret) formatting working inside, more and more websites only cater to the MSIE-using public (it's simple economics) leaving the rest out in the cold.

This includes more and more GOVERNMENT websites for which citizens pay yet many can't use as we are denied acces for not using a ''correct browser''.

If only the MS strongarm tactics would cease for a while, the world+dog would realise how counter-productive this situation is. Sadly, most new computer users and businesses and retailers are as complacent as they are gullible MS consumers.

I WANT CHOICE!

Thank you very much for the opportunity to comment.

Sincerely,
Mike Neman

MTC–00019207

From: Mcsoccer
To: Microsoft ATR
Date: 1/23/02 7:09pm
Subject: Microsoft Settlement

Hi,

My name is Matthew Colyer. As a citizen of the United States I feel that Microsoft Settlement is inadequate. It does not deal with the issue of Microsoft's restrictive licensing agreements with OEMs. I would like to be able to buy a computer without Microsoft Windows and not pay the licensing fee if I choose.

MTC–00019209

From: Dan Shown
To: Microsoft ATR
Date: 1/23/02 7:05pm
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea. Microsoft needs to be penalized HARD for their bad behavior!

Thank you!
Daniel E.C. Nunez-Shown
Administrative Secretary
Philosophy Department
Saint Louis University
3800 Lindell Blvd., HU 130
Saint Louis, MO 63108
mailto: shownde@slu.edu
http://www.slu.edu/colleges/AS/philos/
tel 1.314.977.3149
fax 1.314.977.3696

MTC–00019210

From: Claburn, Thomas
To: Microsoft ATR
Date: 1/23/02 7:08pm
Subject: Microsoft Settlement

Dear Justice Department,

A fine is insufficent for a company with $20 billion in the bank and a monopoly to recoup any losses. Ultimately, operating systems should not be in private hands. They should be open, like other critical resources such as the ocean or the highway system. Demand that Microsoft make its source code public. Or accept Judge Jackson's plan to break the company in two. Regardless of his poor judgement, he had the right idea.

Thomas Claburn, Senior Editor
Ziff Davis Smart Business Magazine
50 Beale Street, 13th Floor, San Francisco, CA 94105 415/547–8122 (v) *
415/547–8029 (f)
http://www.smartbusinessmag.com
http://www.lot49.com

MTC–00019211

From: Michael Ebert
To: Microsoft ATR
Date: 1/23/02 7:08pm
Subject: Microsoft Settlement

Indeed, Microsoft has pulverized many of its competitors. And not by having better products, mind you, or by merely pursuing its own success, but by actively limiting its competitors'' chances of success. I hope that the subtleties of these differences in approach will not be lost on you; therein lies the whole concept of ''unfair business practices''.

The proposed settlement does little to reverse or repair this damage; if Microsoft should be forced to donate to needy schools, it should be forced to donate its competitors'' software and hardware solutions exclusively. This will increase its competitors'' market share and help make inroads toward fairer competition in Microsoft's markets.

Thanks for your time and attention.
Sincerely,
Michael Ebert

MTC–00019212

From: Kris Tucker
To: Microsoft ATR
Date: 1/23/02 7:09pm
Subject: Microsoft Settlement

I believe the settlement, as is, is very inadequate. more needs to be done to limit Miscrosoft's monopolistic tendencies. Free market encourages competition, but microsoft does not. it is not in the best interest of anyone (those financially tied to miscrosoft aside) to allow them continue their systematic elimination of anyone who can compete. technology is so tightly ingrained in the future of our lives, indeed most likely all of humanity, to allow one company to control the market. listen to the people. give us what we want. its your job.

MTC–00019213

From: bruce parks
To: Microsoft ATR
Date: 1/23/02 7:16pm
Subject: microsoft settlement

I think that it is an outrage that companies such as microsoft are able to buy their way out of legal difficulty. I think that the judicial system is setting a poor example for the already jaundiced American people when it comes to accountability and fairness is business practices. Somewhere, sometime, someone must begin to hold business to a set of ethical standards that is is keeping with who we say we are as Americans. Without such accountablity we will continue to see companies exibiting the cavalier attitudes of Microsoft and Enron.

Bruce Parks

MTC–00019214

From: Benjamin Hannon
To: Microsoft ATR
Date: 1/23/02 7:16pm
Subject: Microsoft Settlement

Hi,

I wanted to notify you on my disgust with the current settlement pending for the Microsoft Trial. Personally I feel this settlement is no more then a slap on the wrist. This is not Microsofts first offense of anti-competitive practices. Personally I feel barring the idea of a Microsoft break-up was poor decision. Personally I feel breaking up Microsoft is one of the only ways to solve this problem. It was done to IBM, AT&T, and others so why was that option removed for the Microsoft case. Personally it looks like favortism to me.

Thank you for your time reading this.
Benjamin Hannon
PC Applications Programmer
Williamsport, PA

MTC–00019215

From: Matt Helsley
To: Microsoft ATR
Date: 1/23/02 7:12pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

As an engineer who has watched with suprise the continuing business practices of Microsoft corporation, I am shocked to find that the proposed settlement between the United States and Microsoft lacks any remedy whatsoever. In fact, the settlement seems to condone Microsoft's behavior. The settlement legitimizes anti-competitive behavior that cripples the open source community—widely regarded as the primary force capable of competing with Microsoft. Also, I do not believe a board of 3 people will be capable of impartially overseeing the business practices of Microsoft. I believe another remedy, that is not subject to manipulation by Microsoft, should be found. The compromise of some of their intellectual property should be the price they pay for over a decade of anti-competitive behavior.

Sincerely,
Matthew Helsley

MTC–00019216

From: Don Krause
To: Microsoft ATR
Date: 1/23/02 7:09pm
Subject: Microsoft Settlement

I strongly disagree with the proposed Microsoft settlement, where Microsoft will provide 1 billion dollars of equipment and software to under privileged schools.

The big problems are:

1> That is traditionally an Apple Computing Stronghold. How is letting Microsoft push out it's LAST major competitor in the market where Microsoft is weakest, punish Microsoft's anti-competitive behavior?

2> The so-called ''donation'' of software to these same under privileged schools, is going to lock them into the HIGH DOLLAR cost of yearly upgrades, and with Microsoft's new ''Open License'' program, it will cost these schools millions in yearly support fees. How does forcing these under privileged school to pay Microsoft millions of dollars each year punish Microsoft for it's behavior?

Please reconsider this settlement, as it only BENEFITS Microsoft. Don Krause, ph:
909.799.8327 Systems Administrator, page:
909.512.0174
Optivus Technology, Inc, e-mail:
dkrause@optivus.com

MTC–00019218

From: Paonia Ezrine
To: Microsoft ATR
Date: 1/23/02 7:08pm
Subject: Microsoft Settlement

I think the proposed settlement is VERY bad idea.

Thanks
Paonia

MTC–00019219

From: Andrew Trieger
To: Microsoft ATR
Date: 1/23/02 7:09pm
Subject: I support microsoft breakup.

I feel the people will be best served by splitting microsoft into two companies, one that builds and maintains and improves the operating system and one that does the same with applications that run on top of the operating system.

For definitions of what is ''an operating system'' and what is ''an application'', industry leaders, academia and other knowledgeable people should be polled, as its common knowledge in the computer science industry what constitutes each. It is only Microsoft that tries to blur the line between the two.

Thank you,
Drew Trieger
Chicago, Il.

MTC–00019220

From: Tom and Naomi George
To: Microsoft ATR
Date: 1/23/02 7:14pm
Subject: Microsoft Settlement

Dear Renata B. Hesse,

I think the proposed Microsoft settlement is a bad idea. As a linux user and a windows user I am concerned that the settlement does not sufficiently redress the fact that Microsoft has used both restrictive licenses and intentional incompatibilities to discourage users from running Windows applications on Windows-compatible competing operating systems. I am an independent scholar and my field of expertise is not computer science, but I depend on my computer system to give me secure and reliable operations. I can no longer depend on Windows alone to accomplish this. One of my main concerns has to do with future compatibility of new documents and archives of documents. Many Microsoft documents are specific to windows and cannot be opened under other systems. Worse, developers who wish to create portable systems cannot even be assured they will receive information needed to develop those systems because no part of the PFJ obligates Microsoft to release any information about file formats, even though undocumented Microsoft file formats form part of the Applications Barrier to Entry. Moreover, information would almost certainly not be released in time for competing middleware vendors to adapt their products to meet the requirements of section III.H.3, which states that competing middleware can be locked out if it fails to meet unspecified technical requirements seven months before the final beta test of a new version of Windows.

Thanks,
Tom George
270 Roycroft Avenue
Pittsburgh, PA 15234
412–563–1164

MTC–00019221

From: Raj Singh
To: Microsoft ATR
Date: 1/23/02 7:10pm
Subject: Microsoft Settlement

I feel that the proposed settlement is much too weak because it does not address Microsoft Office, Microsoft .NET, or security protocols. Microsoft Office

A large part of my many people (myself included) feel that they must own and run a Microsoft operating system is to communicate with Microsoft Office users. The file formats for Office documents should be open and available. Security

Many in the developer community are worried about being shut out of developing

applications that work with Microsoft operating systems and applications because they won't have access to the security protocols being used. The settlement addresses transfer protocols, but needs to better address the authentication and encryption of the messages being transferred.
Microsoft .NET

I run a software company that builds Web services as its business. We have a small software niche, and therefore need to interoperate with software from other companies. We happen to deploy our services on machines running Unix operating systems. This means we are afraid of being unable to interoperate with Microsoft .NET services, which might destroy our business, or force us to be .NET developers. This is the most important hole in the settlement, as Microsoft executives have stated that they expect .NET to be the future of all application deployment.

Thank you for the opportunity to comment on the proposed settlement.

Sincerely,
Raj Singh —
Raj Singh, Syncline
rs@syncline.com
+1(617)986–1000 x205
373 Washington Street
Boston, MA

MTC–00019222

From: Miles Johnson
To: Microsoft ATR
Date: 1/23/02 7:12pm
Subject: Microsoft Settlement

I am opposed to the proposed settlement in the Microsoft antitrust trial. I believe this settlement is not adequate given the findings of fact in the trial. The courts have repeatedly tried to change Microsoft behaviour. The past attempts have not worked. The proposed settlement is just more of the same. The provisions within the settlement only formalize the status quo. In the past Microsoft has benefited greatly by ignoring the letter and spirit of judical decrees. The proposed settlement again attempts to improve their behaviour by decree. It did not work before. It will not work now. In order to be effective, I believe that a solution should include serious structural and punitive components. The proposed settlement lacks both of these elements. To be just, it must punish past law-breaking. To be effective it must change Microsoft or it's environment so that it will stop damaging the interests of the United States. At the very least, something has to change so that Microsoft is not richly rewarded every time they break the law. The proposed settlement is unjust, incomplete and non-functional. While the Court's desire to achieve a settlement is well-intentioned, it is wrong to adopt an non-functional settlement just for settlement's sake.

Miles Johnson
miles@cc.usu.edu
245 W 375 N
Hyde Park, Utah 84318

MTC–00019223

From: Michael Turk
To: Microsoft ATR
Date: 1/23/02 7:12pm
Subject: Microsoft Settlement

Regarding the Microsoft settlement, I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundred, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices. Similar to the settlement against AT&T, Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level (40%, for example, assuming one of it's competitors is now also at 40%). This must be true for all Microsoft product lines, before regulation is lifted.

Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Imagine the damage to the United States if Microsoft were to fail, as Enron failed. The risks of a monopoly are greater than merely the loss of competition.

Thank you for your time.

Michael Turk
6262 Rapidfall NE
Belmont MI 49306
verence1@attbi.com

MTC–00019224

From: Mike O'Donnell
To: Microsoft ATR
Date: 1/23/02 7:10pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse:

I would like to comment on the proposed Final Judgment in United States v. Microsoft, as provided in the Tunney Act.

I find that the proposed judgment is insufficient by a large margin to restore healthy competition in the computer operating systems and software application markets, so it is not in the public interest and should not be affirmed by the court.

The proposed Final Judgment attempts to remedy Microsoft's established illegal anticompetitive practices by prohibiting particular forms of conduct involving overly restrictive licensing terms, terms that vary in order to reward those who accept and punish those who contest a Microsoft monopoly, and terms that make switching to competing products more difficult or more costly. It also prohibits certain forms of retaliation against OEMs who support products competing with Microsoft's products. It also requires Microsoft to disclose APIs and communication protocols for its products under certain circumstances and for certain purposes.

It is inherently difficult, and perhaps impossible, to remedy Microsoft's particular forms of illegal anticompetitive behavior through conduct remedies. Both the underlying concepts in which conduct remedies are defined, and the particular anticompetitive techniques used by Microsoft change far too rapidly, and Microsoft itself has far too much influence on those changes, for them to serve in the foundation of effective conduct remedies.

The remedies in the proposed judgment refer to concepts of ''API,'' ''operating system,'' ''middleware,'' ''application,'' ''platform software,'' ''top-level window,'' ''interface elements,'' ''icons,'' ''shortcuts,'' ''menu entries.'' The definitions of these concepts are not robust and timeless. Compared to concepts in other branches of business and engineering they are relatively ephemeral, controversial, dependent on rapidly changing technological context, and subject to deliberate manipulation by Microsoft. For example, an ''operating system'' in the 1960s was a software system to organize the basic functionality of a computer, and it contained little or no user interface code. In the 1970s ''operating systems'' often contained substantial collections of utility applications and rudimentary interactive user interfaces called ''shells.'' In the 1980s, the X Window system was created as a form of what is now called ''middleware'' to provide a graphical interactive user interface, used widely in conjunction with Unix operating systems. Apple and Microsoft created similar graphical interactive user interfaces, but defined them to be parts of their operating systems, rather than additional middleware. In the near future, distributed and network computing are likely to make it quite difficult to determine the boundaries of a single operating system. In the past, Microsoft appears to have deliberately manipulated the boundaries of such conceptual categories to create and preserve a monopoly position, and I expect it to continue such practices in the future. The proposed judgment provides definitions that narrow these already problematic concepts even further, making them even more vulnerable to deterioration due to technological change and to manipulation by Microsoft.

Furthermore, the particular conduct requirements in the proposed judgment are far too narrow. Every one of the requirements is weak in some way. For example, consider the requirement to ''disclose to ISVs, IHVs, IAPs, ICPs, and OEMs, for the sole purpose of interoperating with a Windows Operating System Product .... the APIs and related Documentation that are used by Microsoft Middleware to interoperate with a Windows Operating System Product.'' Microsoft and other software vendors like to treat their Applications Product Interfaces (API) as intellectual property. But in good engineering practice these are key parts of the warrantable specifications of a product. This holds in particular for operating systems and middleware, which by their nature are especially intended for, suitable for, and often useless without interaction with other software products. APIs define the quality of that interaction, but they do not provide it. The implementation of an API in program code (which is naturally protected by trade secret, copyright, and patent law) provides the quality of interaction defined by an API. Without access to the complete API, the licensor of an operating system cannot

employ the system freely in the way that good software engineering practice suggests. With complete public access to an API, a software company may still protect its implementation of the API, which contains the real value that it has created. Keeping an API secret does not correspond to keeping the inner workings of a product secret. Rather, it corresponds to keeping the precise function accomplished by that product secret.

So the public interest calls for the widest possible dissemination of API documentation. But the proposed judgment explicitly calls for disclosure of APIs ''for the sole purpose of interoperating with a Windows Operating System Product,'' and only the ''APIS and related Documentation that are used by Microsoft Middleware to interoperate with a Windows Operating System Product.'' This excludes the use of information about the API to provide competitive platforms for running Windows-compatible software. Keep in mind that Windows-compatible software does not necessarily come from Microsoft. Microsoft benefits from the value added to its operating system products by a large number of less powerful software houses that create Windows-compatible software. By holding the Windows operating system API secret, Microsoft in effect keeps crucial information about other companies'' software applications secret, denying those applications the value added by competing operating systems on which they may run.

Compare the Windows market (and the preceding DOS market) to the Unix/Linux/Posix market. Microsoft uses secret and changeable APIs to effectively eliminate competition to provide alternative operating systems running Windows applications. A competing operating system must use different APIs, and therefore cannot support all of the same applications. By contrast, the Posix standard is a completely public API for Unix/Linux. Various companies, such as Sun Microsystems, compete to provide different implementations of the Posix API. Consumers may run Unix/Linux applications on any of these operating systems.

Similarly, in the hardware market for processors, the specification of the x86 instruction set architecture (the hardware analog to a software API), is public. As a result, AMD competes with Intel to implement that architecture, with immense benefit to the public interest. Similar publication of standards in the overall functionality of personal computers led to the immensely beneficial competition among makers of IBM-compatible PCs. The failure to disclose Windows operating system APIs destroys the possibility of similarly beneficial competition among vendors of operating systems.

Very similar considerations to those raised above for APIs apply to communication protocols (for which the proposed judgment provides limited disclosure) and to file formats (not covered in the proposed judgment). Note that Adobe made full public disclosure of its PostScript and PDF formats, compared to Microsoft's secrecy regarding Word formats, and that this disclosure served the public interest immensely by promoting the wide availability of PostScript and PDF printers and viewers.

There are many other detailed shortcomings of the proposed Final Judgment, including the remaining conduct restrictions and the enforcement methods. I expect that other correspondents will treat some of them.

Sincerely yours,

Michael J. O'Donnell

Professor in Computer Science and the Physical Sciences Collegiate Division The University of Chicago

Senior Fellow in the Computation Institute of The University of Chicago and Argonne National Laboratory

MTC–00019225

From: Chris Verwymeren
To: Microsoft ATR
Date: 1/23/02 7:10pm
Subject: Microsoft Settlement

The proposed settlement with Microsoft is one of the poorest punishments I have ever seen. Microsoft has had a strangle hold on the computer industry too long and it is time to allow other companies to have a chance so that ''free enterprise'' may be a term that actually rings true.

MTC–00019226

From: Brian Redoutey
To: Microsoft ATR
Date: 1/23/02 7:14pm
Subject: Microsoft Settlement

I Feel that the current proposed settlement is flawed. The U.S. government should not agree to it. —

My email address is brianredoutey@twmi.rr.com

My ICQ# is 14365452

MTC–00019227

From: Paul Williamson
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 7:07pm
Subject: Microsoft Settlement

bad idea, Microsoft is getting off too easy for uncompetitve practices, and they are still trying to control the market with sneaky tricks instead of with a better product.

Paul Williamson; A.Q. Chemist
SCAQMD
(909) 396–2189

MTC–00019228

From: Charles F. van der Walt
To: Microsoft ATR
Date: 1/23/02 7:16pm
Subject: Microsoft Settlement

In regard to the proposed Microsoft Settlement—I am very strongly opposed to the court accepting this settlement.

An alternative remedy must be found that is more equitable to the Citizens of the United States

Yours sincerely
Charles F van der Walt
12090 Pete Smith Rd
Athens, OH 45701

MTC–00019229

From: Pete
To: Microsoft ATR
Date: 1/23/02 7:10pm
Subject: Microsoft Settlement

I'd like to say that I feel that the Proposed Final Judgment conditions of this case are too weak and to specific and that they will allow microsoft to continue to bully and threaten others in the OS and software business. To weak, in the lack of any listed punishments for violation, or ways in which they(the proposed restrictions) will be enforced. Too specific in that it still leaves loopholes open by which microsoft will still be able to NOT release information that would allows competitor to freely compete. Further more, microsoft continues, (even during the anti-trust hearings) to sue, and bully competitors who should be protected by this settlement. The proposed settlement would let microsoft off easy and allow them to continue to threaten others in ways the are not always clear. In some case the very threat of MS is enough to bring down competitors. I feel that the proposed settlement does not go far enough and should be rewritten to include future OS, software, and prevent MS in any way, shape, or form from preventing others from competing.

P.S. make sure to avoid logical flaws(ex. requirements that others must meet but that MS may change at any time)

Peter Osheroff

MTC–00019230

From: Jim
To: Microsoft ATR
Date: 1/23/02 7:13pm
Subject: Microsoft Settlement

I find the proposed Microsoft Settlement totally inadequate and contrary to the best interests of the citizens of the United States. It secedes the entire Personal Computing industry to Microsoft. At a minimum any settlement should require unbundling the software from the PC hardware and prohibit vendors from requiring the purchase of a Microsoft operating system with their products. I don't do Windows why do I have to pay for it and subsidize a monopoly.

James Giacchi
Warren, New Jersey

MTC–00019231

From: ross
To: Microsoft ATR
Date: 1/23/02 7:12pm
Subject: Microsoft Settlement

Please help consumers and the economy by restoring competiton in software. If I want to use some alternative to Microsoft products I must first buy a computer with Microsoft products on it, then remove it, then install the alternative software. But of course no new competitor can ever arise to challenge Microsoft on those terms. If I make product X and somebody must give Microsoft $100 before they can even try my software how can I possibly compete against that? IBM was investigated for anti-trust but never convicted. Still they were not allowed to pre-install their software onto their computers.

That was a wonderful remedy. Banning pre-loads let sunshine down to the forest floor; An opening for new companies to grow up and innovate. IBM had been overly conservative, obsessed with forclosing distribution channels to their competitors rather than producing inexpensive and innovative products for regular people.

Banning IBM software pre-loads made an opportunity for Microsoft. Now Microsoft has grown to be as oppressive as IBM ever was. They seem obsessed with blocking the growth of upstart companies rather than developing anything of their own. New versions of Windows haven't offered consumers anything to get excited about. Banning Microsoft pre-loads would set the stage for the ''next Bill Gates'' to come in and do something new and exciting that will capture the public imagination and fire the economy. That certainly won't happen until the government gives the current Bill Gates an ultimatum—''Lead, Follow or get out of the way .'' Simply preventing the emergence of competitors might be good for his bottom line, but it isn't innovation and it doesn't do much for the rest of us who don't happen to live in Redmond. Consumers must have alternatives available to them as an option. The only way to guarantee that is to ban software pre-loads. IBM survived this penalty and Microsoft will too. Allowing continued Microsoft software pre-loads would be a government sanctification of Microsoft's monopoly and a blessing to go forth and stangle more innovative babes in the crib like Netscape.

—Ross Nesbitt

MTC–00019232

From: Joseph Hume
To: Microsoft ATR
Date: 1/23/02 7:12pm
Subject: Microsoft Settlement

My Opinion for what it is worth I hope that the book is thrown down HARD against Microsoft and the extremely monopolistic practices they have used to stifle innovation and restrict trade with their products.

I feel that the best remedy would be to disintegrate Internet Explorer, Outlook Express, Microsoft Messenger, Office and any number of other programs from Windows, and second, To publish every hook, API and call used to integrate Internet Explorer, Office, Microsoft Messenger, Outlook Express and every other program Microsoft has bundled with it's operating system.

Again, My opinion for what it is worth.

—Joseph Hume CNA CCNA MCSE BOFH
Network Administrator
Isothermal Systems Research
511 3rd Street
Clarkston, WA 99403
v 509.758.2613
f 509.758.1280

MTC–00019233

From: Niemi, Timothy
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 7:11pm
Subject: Microsoft Settlement

Dear Sirs,

I am writing to you because of my concern over severe inadequacies in the Proposed Final Judgment in the Microsoft Antitrust case. I am a software engineer and have been in this business professionally for 13 years. I believe that Microsoft's behavior has stifled innovation and competition, and has hindered much needed progress in the software industry. The flaws in the settlement are so obvious that I feel that I would be wasting my time in discussing them. My honest opinion is that these flaws are intentional and that the justice system has therefore failed miserably and intentionally. I don't mean to be rude, that's just the way it looks to me.

I will propose an alternate remedy for some of the technical problems. The business problems require addressing as well but that is not my area of expertise. Requiring Microsoft to document all of their API's is a good first step and I will expand on this idea. Microsoft's monopoly power is derived from their control over computing standards especially document standards. In my experience companies purchase new versions of Microsoft software not because it is the best software but because these companies have a legacy of documents in the various Microsoft formats, Word, Excel etc. If there were a competing product with 100% compatibility, I assure you these companies would not hesitate to switch if they believed the competing software was a better deal. As it is, companies have no real choice in upgrading their software. Even if there is a competing product with better performance and even a better price, the issue of document level incompatibility makes these products a non-choice. Requiring Microsoft to rigorously document and publish the internal format of their documents would provide a level playing field for competition. Competing word processor XYZ with 100% MS Word compatible document formats would be a very attractive product for many consumers and businesses. These document formats change with each new version of Word, therefore the formats would need to be finalized and released well ahead of any new version of Word. Otherwise competitors will be playing a never ending game of catch up and Microsoft will always be one step ahead.

It is worth noting that networking standards are also being manipulated by Microsoft. This is an area ripe for corporate exploitation and it is in the public's best interest that this area not be controlled by a single entity. Similar safeguards need to be in place in this area. In closing I would just ask that you please consider carefully what is in the public's best interest. If the situation continues unabated, we can all look forward to continuing decades of unreliable, low quality consumer level software. Home computers can and should be as reliable as any other home appliance. Why is it that our expectations of performance in this area are so much lower than that of other home appliances?

Sincerely,
Timothy Niemi

MTC–00019234

From: Jerry Stewart
To: Microsoft ATR
Date: 1/23/02 7:15pm
Subject: Microsoft Settlement

I believe the Microsoft Antitrust Settlement is a bad idea because it does not really punish Microsoft. It actually allows them to use the Education system in our country to ''hawk'' their products to up and coming generations. This is a really bad idea!!!!! Please do not allow it to be finalized.

Jerry Stewart
828 North 380 West
Provo, UT 84604–3304

MTC–00019235

From: Glen Stewart
To: Microsoft ATR
Date: 1/23/02 7:18pm
Subject: Microsoft Settlement

Dear Dept. of Justice,

I feel that the suggested remedy to Microsoft's monopolistic behavior is counterproductive, and actually serves to further their stanglehold on the computer industry.

Microsoft has plenty of two things: money and software. Asking them to give up either will have no impact on their behavior.

Here is the solution I support—proposed by Red Hat, Inc:

Microsoft had proposed that, in settlement of class-action claims of price-gouging, the company donate computer hardware, software and support to 14,000 poor school districts throughout the United States. Under the proposed settlement, a substantial part of the value provided to schools would be in the form of Microsoft software.

The Red Hat's alternative proposal includes the following:

* Microsoft redirects the value of their proposed software donation to the purchase of additional hardware for the school districts. This would increase the number of computers available under the original proposal from 200,000 to more than one million, and would increase the number of systems per school from approximately 14 to at least 70.

* Red Hat, Inc. will provide free of charge the open-source Red Hat Linux operating system, office applications and associated capabilities to any school system in the United States.

* Red Hat will provide online support for the software through the Red Hat Network.

* Unlike the Microsoft proposal, which has a five-year time limit at which point schools would have to pay Microsoft to renew their licenses and upgrade the software, the Red Hat proposal has no time limit. Red Hat will provide software upgrades through the Red Hat Network online distribution channel. A Win-Win Approach

The Red Hat proposal achieves two important goals: improving the quality and accessibility of computing education in the nation's less-privileged schools, and preventing the extension of Microsoft's monopoly to the most-vulnerable users.

Sincerely,
Glen Stewart
733 Story Dr.
Fairfield, OH 45014

MTC–00019236

From: Lynn Thomas
To: Microsoft ATR
Date: 1/23/02 7:17pm
Subject: So I heard today that AOL is suing MS for basically the same things that the DOJ did. They want mon

So I heard today that AOL is suing MS for basically the same things that the DOJ did. They want monetary damages and they want to uncouple internet explorer from windows. The irony of this is that 2 years ago, AOL bought Netscape, which has always been IE's leading competitor in the browser market.

BUT—AOL continued to use IE, not Netscape, as the browser presented to its subscribers. Yet they want financial compensation from Microsoft for ''killing'' Netscape by integrating IE with Windows, even though AOL themselves have some 33 million subscribers who they force to use IE over their own

Netscape browser. Now how much sense does this make to you?

MTC–00019237

From: Paul Blair
To: Microsoft ATR
Date: 1/23/02 7:17pm
Subject: Microsoft Settlement

Microsoft's business practices are not going to improve if slapped gently on the wrist. The proposed settlement is not sufficient. Please, don't let this proceed.

Paul Blair
15 C Edgewater Circle
Bluffton, SC 29910

MTC–00019238

From: Gregory Shaw
To: Microsoft ATR
Date: 1/23/02 7:16pm
Subject: Microsoft Settlement

To whom it may concern:

Please count my email against the microsoft settlement. Microsoft has a history of predatory practices, from DR DOS, to Novell, to netscape. I find it revolting that the settlement would allow microsoft to increase it's market share in the education market (current dominated by apple) as a ''remedy'' to monopolistic practices.

Thank you.

Gregory ShawProgrammer, SysAdmin
fmSoft, Inc.Network Planner

MTC–00019239

From: BillJensen@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 7:16pm
Subject: Microsoft Settlement

I would like to add my name to the list of citizens opposed to the settlement with Microsoft. It is a victory for a company that disregarded the law, and still practices with a monopolistic attitude. As an individual citizen, I would not be allowed to snub my nose at this country's laws as they did. And had I broken the law, I would not be offered a tap on the wrist such as has been offered. Their actions were wrong, and the settlement rewards their actions by having no reasonable deterrence by penalizing them sufficiently. They will continue to arrogantly defy the laws of the land, and this settlement encourages such action even on a simple profit basis. The penalty has to be large enough to discourage such actions in the future.

Bill Jensen
7405 Ridge Oak Ct
Springfield VA 22153

MTC–00019240

From: Felix Miata
To: Microsoft ATR
Date: 1/23/02 7:14pm
Subject: Microsoft Settlement

The proposed settlement would be a gross injustice. Please ensure that it does not get accepted as proposed.

''Unless the Lord builds the house, its builders labor in vain. Unless the Lord watches over the city, the watchmen stand guard in vain.

Psalm 127:1 NIV

Felix Miata *** http://mrmazda.members.atlantic.net/

MTC–00019241

From: Melody Dingman
To: Microsoft ATR
Date: 1/23/02 7:20pm
Subject: Microsoft Settlement

January 23, 2002

Judge Colleen Kollar-Kotelly United States District Court for the District of Columbia
333 Constitution Avenue, NW
Washington, DC 20001

RE: US v. Microsoft proposed final order

Dear Judge Kollar-Kotelly,

Introduction

I have read the proposed consent final judgment for USA versus Microsoft. As an American and a taxpayer, I am quite disturbed by the proposed settlement.

It would seem the US Department of Justice allowed Microsoft to place many provisions in the agreement that can be used to undermine the free software movement. Under J.1 and J.2 of theproposed final order, Microsoft Corporation can withhold important technical information from third parties simply based on the idea that Microsoft does not certify the ''authenticity and viability of its business,'' yet it turns right around and describes the licensing system for Linux as a ''cancer'' that threatens the end of both the intellectual property rights system and the future of research and development. Wouldn't this licensing freedom simply allow R&D to flourish?

This proposed agreement provides Microsoft with a plethora of strategies to undermine the development of free software. Free Software depends on the free sharing of technical information with the general public, taking advantage of the collective intelligence of the users, who collaborate on improvements in the code. If Microsoft can strangle the access to technical information under a plan sanctioned by the court, and then use its monopolistic power over their clients to migrate users to proprietary Microsoft interfaces, it will stunt the development of any competitors. People would be locked in with Microsoft with no alternatives, as Microsoft continues to hike up its prices for its inneficient products. The movie industry is even known to joke about Microsoft products. A recent space film showed several astronauts gaining control of their craft only after the entire system was ''rebooted'' due to unknown problems with the software! Consider what Eric Raymond said about the way Microsoft products operate: ''Millions of people think that it's right, it's normal to have an operating system so fragile that it hangs and crashes three or four times a week and has to be rebooted every time you change anything deeper than the wallpaper. (Expletive deleted), we knew how to do better than that in 1975!''

In the Halloween documents, published widely on the net, Microsoft executives sent internal memorandums to key personnel suggesting they ''dig deeply'' into their customers'' computer networks and eliminate any applications of Linux or Unix they found there. I believe the proposed settlement does not address this issue.

Microsoft is also given a very short period wherein they would be required to monitor themselves. Five years is hardly a flash when you consider the case has been in court for at least eight years already. And even within the brief period of the term of the agreement, Microsoft has full license to influence the enforcement effort. Microsoft, despite the courts'' decision that they were indeed operating illegally, is given the right to select one member of the three who would be on the Technical Committee>

That person would then help in selecting the third member. The committee is sworn to secrecy, denying the American public any information on Microsoft's compliance with the agreement. They are even PAID by Microsoft, working inside Microsoft's headquarters. It has been suggested that the public won't know if this committee spends its time playing golf with Microsoft executives, or investigating Microsoft's anticompetitive activities. Its ability to interview Microsoft employees will be extremely limited by the provisions that give Microsoft the opportunity to insist on having its lawyers present. One would be hard pressed to imagine any enforcement that would do less to make Microsoft accountable for its actions in the past, which is probably why Microsoft accepted its terms.

In its 1984 agreement with the European Commission, IBM was required to affirmatively resolve compatibility issues raised by its competitors, and the EC staff had annual meetings with IBM to review its progress in resolve disputes. The EC reserved the right to revisit its enforcement action on IBM if it was not satisfied with IBM's conduct.

The court could require that the Department of Justice itself or some truly independent parties appoint the members of the TC, and give the TC real investigative powers, take them off Microsoft's payroll and give them staff and the authority to inform the public of progress in resolving compliance problems. Include an annual report that could address complaints, as well as suggestions for modifications of the order that may be warranted by Microsoft's conduct. The TC could be given real enforcement powers, such as the power to levy fines on Microsoft. The level of fines that would serve as a deterrent for Microsoft would be difficult to fathom, since they have revenue of over one billion dollars a month! But one might make these fines more proactive by directing the money to be paid into trust funds that would fund the development of free software, an endeavor that Microsoft has indicated it strongly opposes as a threat to its own monopoly.

Completely missing from the proposed final order is anything that would make Microsoft pay for its past misdeeds, and this is an omission that must be remedied. Microsoft is not a first time offender, and has never shown remorse for its conduct. They simply repeatedly attack the motives and character of officers of the government and members of the judiciary to justify their

means to the ends. After its long history of evasion of antitrust enforcement and its extraordinarily anticompetitive practices recognized as illegal by the entire DC Circuit court, it is amazing they should be told to monitor themselves as discipline for not monitoring themselves! In one article I read recently, I noticed a settlement of one of the cases against Microsoft included allowing Microsoft to provide the schools across the country with free computers and software. Hmn. Tell a company with a monopoly they can insert their products into the last arena of their competitors. MacIntosh provides the government with computers for schools across the nation; I am sure Microsoft would love to displace them! Someone isn't thinking clearly in DC.

Please consider all the criticisms of the settlement proposal and please take the time to educate yourself about the ramifications of another weak disciplinary action against Microsoft. I believe the public wants more from its court system.

Thank you for your time.

Melody Dingman

MTC–00019242

From: Roy Quitter
To: Microsoft ATR
Date: 1/23/02 7:21pm
Subject: Microsoft Settlement

I urge the Department of Justice to carefully review every last word of the proposed settlement in the Microsoft antitrust case, keeping in close mind that Microsoft's many political contributions do *not* entitle it to get away with nothing more than a slap on the wrist.

MTC–00019243

From: Robert Kluherz
To: Microsoft Settlement U.S. Department of Justice
Date: 1/23/02 3:22pm
Subject: Microsoft Settlement

Robert Kluherz
PO Box 33195
Shoreline, WA 98133–0195
January 23, 2002

Microsoft Settlement U.S. Department of Justice

Dear Microsoft Settlement U.S. Department of Justice: THE KEY ISSUE HAS ALWAYS BEEN THE USE OF RESTRICTIVE CONTRACTS BY MICROSOFT. MICROSOFT SHOULD BE PREVENTED FROM MANIPULATING CUSTOMERS, COMPETITORS AND SUPPLIERS BY RESTRICTIVE CONTRACTS

Sincerely,
Robert Kluherz

MTC–00019244

From: George F. Nemeyer
To: Microsoft ATR
Date: 1/23/02 7:20pm
Subject: Microsoft Settlement

I wish to take extreme exception to the proposed Microsoft settlement terms. In particular, the current settlement provisions make a laughing stock of ''oversight'' of anti-competitive, monopolistic practices of which Microsoft has been found guilty. The continuing stifling of competition by Microsoft's ''innovation'' which is their catch phrase for taking third-party ideas and folding them into their monopoly-positioned Windows operating system has continued. They all but killed Netscape, and are now poised to do the same thing with media players, photo processing, and other ''applications''.

Additionally, the terms of the settlement do not address the issues of Open Source software interoperability or alternative platform/OS interoperative software development. Microsoft will still be allowed to corrupt existing and developing programming standards into ''proprietary'' Microsoft mutations. They have done this already with a number of Internet standards, most notably with the Kerberos security suite which they plan to use in their .NET initiative. Any satisfactory settlement *MUST* ensure that open source and commercial competitors are provided with low-level programming details sufficient to preclude further Microsoft monopoly entrenchment. The current provision which allows Microsoft itself to define which companies are ''legitimate competitors'' means they may simply ignore any other than those playing on their terms. It's a farce.

I urge you to reject the current settlement terms and seek a solution which provide real teeth in dealing with Microsoft's continuing anti-competitive practices.

George Nemeyer

MTC–00019245

From: Sam
To: Microsoft ATR
Date: 1/23/02 7:18pm
Subject: microsoft settlement comments

To whom it may concern:

these should be the minimum requirements for a settlement. a.. Any remedy seeking to prevent an extension of Microsoft's monopoly must place Microsoft products as extra-cost options in the purchase of new computers, so that the user who does not wish to purchase them is not forced to do so. This means that for the price differential between a new computer with Microsoft software and one without, a computer seller must offer the software without the computer (which would prevent computer makers from saying that the difference in price is only a few dollars). Only then could competition come to exist in a meaningful way. a.. The specifications of Microsoft's present and future document file formats must be made public, so that documents created in Microsoft applications may be read by programs from other makers, on Microsoft's or other operating systems. This is in addition to opening the Windows application program interface (API, the set of ''hooks'' that allow other parties to write applications for Windows operating systems), which is already part of the proposed settlement.

a.. Any Microsoft networking protocols must be published in full and approved by an independent network protocol body. This would prevent Microsoft from seizing de facto control of the Internet. I then point out that if the national interest is at issue, as I believe it is and as the judge has suggested it is, it is crucial that Microsoft's operating system monopoly not be extended, and in this I quote the study released a year ago by the highly respected Center for Strategic and International Studies, which pointed out that the use of Microsoft software actually poses a national security risk. In closing, I say that all are surely in agreement that the resolution of this case is of great importance, not just now but for many years to come. This suggests a careful and deliberate penalty is far more important to the health of the nation than is a hasty one.

a.. And the porting of the office suite and other Microsoft Development suites (vb, visual studio, etc) to other platforms such as Mac, Solaris. and Linux.

Sam Weinstein MCSE,CNE,PPC
sam@autographsolutions.com

MTC–00019246

From: Ahmad Baitalmal
To: Microsoft ATR
Date: 1/23/02 3:14am
Subject: Microsoft Settlement

Dear Sir or Madam,

I'm sending you this email to add my voice to the many voices asking to be heard regarding the Microsoft Settlement. While I do appreciate the efforts and hard work of your department in this matter, I do believe some key points have been missed. These points have been explained in great detail by Mr. Dan Kegel in his ''Open Letter to DOJ Re: Microsoft Settlement'' (http://www.kegel.com/remedy/letter.html). I have co-signed that letter also.

From my perspective as a software developer and as a decision maker in my organization, I have experienced the effects of Microsoft's anti-competitive practices first hand throughout my career. Through it's dominance, Microsoft has established it's proprietary APIs, Communication Protocols, and File Formats as global standards. Yet these global standards are still 100% under Microsoft's control. Many efforts to compete with Microsoft in serious fields have had to fight a technical uphill battle only to be thrown off by a change in the API or a new ''feature'' incompatibility.

Microsoft claims that it's competitors are using the legal system instead of competing on the technical level. In reality that is exactly what these competitors are asking for; opening up the APIs, the Communication Protocols and the File Format standards will level the playing field. It then becomes a matter of pure technical superiority that determines market share dominance and not marketing, entrapment, or intimidation muscle. That will unleash the industry's potential energy and benefit the economy and the American people.

With kind regards
Ahmad Baitalmal
ahmad@etelos.com
IT, Etelos
1569 NE Hawthorne Sq.
Issaquah, WA 98029

MTC–00019247

From: Timothy Shawn Maynard
To: Microsoft ATR
Date: 1/23/02 7:19pm
Subject: Microsoft Settlement

Dear Sirs:

I am a controls engineer. Due to Microsoft's Monopoly they were able to squash

competition and harm competitors unfairly. This goes back to the mid 80?s and the early 80?s when they used their business edge to overrun the home pc market. Microsoft has a history of predatory actions. The only proper remedy is to breakup Microsoft.

Tim Maynard

MTC–00019248

From: Brad Miller
To: Microsoft ATR
Date: 1/23/02 7:23pm
Subject: Microsoft Settlement

I am against the proposed final judgment in US vs. Microsoft. I feel the damage Microsoft has done to the software and OS marketplace is incalculable, and the proposed settlement does little to correct it. I don't feel the settlement levels the playing field for competing operating systems or office software, and would like to see a much stronger penalty imposed. The proposed settlement does not sufficiently relieve Microsoft of the ability to leverage hardware and computer manufacturers unfairly against competing products, nor does it adequately open the Windows API to programmers.

Brad Miller
Phoenix, Arizona
bmiller@asu.edu

MTC–00019249

From: Justin White-Lowther
To: Microsoft ATR
Date: 1/23/02 7:23pm
Subject: Microsoft Settlement

It is my opinion that the proposed settlement of the Microsoft anti-trust case is a wholly inadequate remedy to such anticompetitive practices as have been established by the court. Particularly egregious is the failure of Section III.A.2 to forbit retaliation against OEMs which ship personal computers including a single non-Microsoft operating system; this allows Microsoft to use its market dominance to force the inclusion of Microsoft operating systems on all personal computers produced by an OEM. The OEM must then choose between including and supporting two operating systems on every system or the Microsoft operating system only. As the former choice will often be relatively expensive and impractical, this section will, while nominally allowing competition, sanction the occurrence of said ''competition'' upon uneven terms, effectively reinforcing the established monopoly.

For this reason, I strongly urge the rejection of this proposed settlement.

Justin White-Lowther
Athens, Ohio

MTC–00019250

From: Kyle Mandli
To: Microsoft ATR
Date: 1/23/02 7:23pm
Subject: Microsoft Settlement

This will be short and to the point (as I really don't have the time to get into the specifics which I am sure a multitude of people already have.) I am a programmer for a company that uses Microsoft Windows, Apple's Max OS X and Linux. As developers we feel directly the pressure that Microsoft exerts on our industry to program for the Windows platform leaving us less resources to truly make great products, especially for the other platforms mentioned above. They have the power to select who is competitive in the industry by including them in their operating system (i.e. Kodak.) It is my belief and the belief of others that I have talked to that not only is Microsoft undermining the ability for other companies to compete with them but, more importantly, they are stifling the creativity and progress of the entire industry. Now to the proposed settlement. After looking at it I could probably write pages upon pages of comments on the act but I think that the following web page illustrates the problems with the act. www.kegel.com/remedy/letter.html

In conclusion, I appreciate the fact that this has been opened up to the public for comment and I hope that you at the DoJ can filter out the comments motivated from Corporate Sponsors from both Microsoft and Sun.

I thank you for your time.

Kyle Mandli
Software Engineer / Researcher
University of Wisconsin—Madison
Mandli Communications, Inc.

MTC–00019251

From: John Fabiani
To: Microsoft ATR
Date: 1/23/02 7:19pm
Subject: Microsoft Settlement

As normal user of computer products I demand that you breakup Microsoft. I am a firm believer that microsoft has done me personal harm in it's business practices.

John Fabiani
Woodland, CA 95776

MTC–00019252

From: ANDREWS SUMNER
To: Microsoft ATR
Date: 1/23/02 7:22pm
Subject: Microsoft Settlement

By not reigning in Microsoft as the Findings of Fact indicate the DOJ should, you have missed the one real opportunity to prevent this company from exerting its monopolistic behavior on a major portion of the US economy over the next several decades. You will look back on your decision and sorely regret your spineless response.

MTC–00019253

From: Jay Maynard
To: Microsoft ATR
Date: 1/23/02 7:20pm
Subject: Microsoft Settlement

I believe the proposed Microsoft settlement is a very bad idea, as it completely ignores any past conduct on Microsoft's part and trusts them once again to change their behavior, even though they have demonstrated in the past a strong unwillingness to do anything but find and exploit loopholes in settlement language—and there are plenty of loopholes in this one. It should be significantly modified and strengthened, if not scrapped altogether.

James R. Maynard, III
Fairmont, Minnesota

MTC–00019254

From: William Clements
To: Microsoft ATR
Date: 1/23/02 7:36pm
Subject: Microsoft Settlement

To Whom It May Concern:

Please don't screw up Microsoft like AT&T. The last thing we need is a more screwed up Microsoft. They may have a stronghold, but that stronghold works. The more damage done to Microsoft the worse everyone in the industry is.

Thanks.

William Clements
President/CEO Web: http://www.envalia.com

MTC–00019255

From: Larry Resch
To: Microsoft ATR
Date: 1/23/02 7:27pm
Subject: Microsoft Settlement

To whom it may concern.

I feel that you are caving in to whatever political pressure has been brought to bear regarding the pitiful settlement in the Microsoft case. Microsoft has been found (and upheld in appeals) to be a predatory monopolist and all the DOJ is doing is slapping them on the wrist and allowing them to continue to buy/steal/lie/cheat to gain market share in new markets and retain control in their existing markets. Past experience with Microsoft should show you that Microsoft will squirm around any rules that are invoked and not have to follow anything but their own instinct for domination of any market that they want. I feel that you should step back and listen to people that are not on Microsoft's payroll (including the politicians) and force some harsh penalties on them. Microsoft is not responsible for the economy and is not the sole support for the IT industry. Bringing competition back into the market will have a greater and more meaningful impact on the industry than allowing Microsoft to continue their dominance. Do not allow Microsoft to continue bundling anything they want into the operating system especially when its sole pupose is to gain market share from others. We are not crying for more capabilities (which also translate into more security holes for hackers)—we want an operting system that is stable and will allow us to get the best software out there to use on it!

Your current settlement stinks!

Larry Resch

MTC–00019256

From: Ben
To: Microsoft ATR
Date: 1/23/02 7:23pm
Subject: Microsoft Settlement

The proposed Microsoft settlement is a very bad idea, please use serious consideration in this matter!

MTC–00019257

From: Jack Richins
To: Microsoft ATR
Date: 1/23/02 7:27pm
Subject: Microsoft Settlement

I think the settlement is great for the economy and competition and should be approved as soon as possible.

Thanks,

Jack Richins

MTC–00019258

From: DALTOB@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 7:25pm
Subject: Microsoft Settlement

. Hello

I think the gov should settle this and get off of Microsoft's back. AOL should be investigated for having a monopoly.

Dallas

MTC–00019259

From: HLincoln2@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 7:25pm
Subject: Support and require the State to support the Microsoft settlement

A free market comes from innovation and spirited and bold competition, Microsoft won because they had the best product. Their rivals could not win the support of the consumer so; they try to win in the courts. That's wrong. Support the settlement in favor of Microsoft and require the States to do the same.

HLINCOLN@aol.com
Eureka,Calif 95501 3524

MTC–00019260

From: Judy Craft
To: Microsoft ATR
Date: 1/23/02 7:23pm
Subject: Microsoft Settlement

The proposed Microsoft settlement essentially legalizes the existing operating system / browser monopoly, and will allow Microsoft to do to its office suite what it did to the browser. Microsoft Word and Excel will become integral to the Windows OS—look at the tight ties between Office XP and Windows XP

Judy Craft
Database Analyst
South Texas College of Law

MTC–00019261

From: Jim Patterson
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 7:38pm
Subject: Microsoft Settlement

I would just like to say that I have read about the proposed settlement, and I am not in favor of it in its current state. The proposed Settlement would have little effect upon the business practices of Microsoft. If adopted in its current form the result will be no change to the behaviour of Microsoft, and yet another prolonged court case in another year or so. I don't feel the settlement levels the playing field for competing operating systems or office software, and would like to see a much stronger penalty imposed. The proposed settlement does not sufficiently relieve Microsoft of the ability to leverage hardware and computer manufacturers unfairly against competing products, nor does it adequately open the Windows API to programmers.

So, any effective settlement must concentrate on opening up the markets that Microsoft has effectively closed by its use of proprietary interfaces, file formats, protocols and strongarming OEM's. I urge you in the strongest possible terms to reject this settlement and seek stronger action against Microsoft.

Jim Patterson
709 Ironbridge Road
Cicero, IN 46034

MTC–00019262

From: Bill Bridge
To: Microsoft ATR
Date: 1/23/02 7:30pm
Subject: Microsoft Settlement

I am very concerned with the proposed Microsoft settlement. I do not think it will do anything to curb Microsoft's criminal behavior. There are too many ways for them to evade the intent of the settlement without violating an interperation of the wording. Their past behavior shows that they will attempt to avoid the intent.

William H. Bridge, Jr
Software Architect
Oracle Corporation
U.S. Citizen
2969 Seaview Parkway
Alameda, CA 94502

MTC–00019263

From: Donovan Lange
To: Microsoft ATR
Date: 1/23/02 7:29pm
Subject: Microsoft Settlement

I am writing today to express my opinion concerning the Proposed Final Judgement in United States vs. Microsoft. No part of the PFJ obligates Microsoft to release any information about file formats, even though undocumented Microsoft file formats form part of the Applications Barrier to Entry according to the ''Findings of Fact'', sections 20 and 39. The importance of this travesty cannot be overstated, and will dampen any affects to inspire a competitive market. My hope is that it will be remedied.

Donovan Lange
Software Engineer
Carnegie Mellon University

MTC–00019264

From: Mike Coppins
To: Microsoft ATR
Date: 1/23/02 7:16pm
Subject: Microsoft Settlement

You simply have to do something to stop Microsoft from simply progressively taking over everything technological, and slowing the entire industry down so innovation flows at a snail's pace!

Microsoft are totally mocking the US govt with the further ''integrations'' with Win2k and WinXP.

MTC–00019265

From: swilson@nmfiber.com@inetgw
To: Microsoft ATR
Date: 1/23/02 7:29pm
Subject: Microsoft Settlement

Dear Department of Justice—

I feel that the proposed Microsoft settlement is a serious mistake, that it does not address the real issues, that it promotes continuance of the Microsoft practices that precipitated the problem in the first place, and that the settlement terms are not enforceable. I feel the settlement should NOT BE ADOPTED for these reasons.

Scott Wilson, Ph.D.

MTC–00019266

From: Bill Denney
To: Microsoft ATR
Date: 1/23/02 7:30pm
Subject: Microsoft Settlement

I believe that the proposed settlement against Microsoft is not strong enough.

Bill Denney
gte273i@prism.gatech.edu

MTC–00019267

From: James Hasselberg
To: Microsoft ATR
Date: 1/23/02 7:29pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,

MTC–00019268

From: Matthew Barker
To: Microsoft ATR
Date: 1/23/02 7:30pm
Subject: Microsoft Settlement

To whom it may concern,

The DOJ's proposed settlement with Microsoft is ridiculous. The only thing that giving Microsoft Software to schools will do is to entrench Microsoft even further in the marketplace. They're in an unassailable position now, why make it worse for competition. Everyone in this industry knows that if you capture education, then those same people will eventually become decision makers who dictate purchase of your software.

Please reconsider this mess before it's too late. Microsoft is getting off with less than a slap on the wrist; they're getting off with federal enforcement of their marketing plan to become even more entrenched in education.

With good wishes,
Matthew Barker
3408 South Court
Palo Alto CA 94306–3550

USA

MTC–00019269

From: Shawn
To: Microsoft ATR
Date: 1/23/02 7:30pm
Subject: Microsoft Settlement
To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. To make myself clear I would like to start by saying I DISAGREE with the proposed settlement which I believe to be nothing but a slap on the wrist and will, in my opinion, solve little if anything. I wont recite the many things I believe fall short in this proposal as the bulk of my thoughts have been expressed by the majority of the open source community leaders. Instead I urge you to PLEASE RECONSIDER this action as it most certainly affects myself and many other legitimate business trying to pull from under Microsofts continued anti-competative behavior.

Thank you for your time,
Shawn Daley
Director, Network Operations
Lightning Link Communications
Clearwater, Fl

MTC–00019270

From: Jason Scheirer
To: Microsoft ATR
Date: 1/23/02 7:30pm
Subject: Microsoft Settlement

To Whom It May Concern,

As a young professional in the computer industry, and as having been a personal computer user for most of my life, I have watched competitors wither and disappear from the industry as Microsoft's actions have locked users into a proprietary Windows environment. I have a few problems with the Final Judgement:

B.1: Microsoft already bundles several different language display abilities with certain newer versions of Windows such as 2000 and XP. Allowing them to charge different royalties on each version, though making sense to cover costs for translation and technology adaptations, does not with an already multilingual system. This could encourage the company to split apart their language versions of Windows again. A decision like this is not beneficial to consumers, especially students of mutliple languages who do not have the budget to buy a more expensive version, or separate expansion pack, of Windows when it currently does not require such an aditional purchase for additional linguistic capability.

E: Along with communications protocols, there should also be a stipulation that opens file format standards and perhaps a regulatory industry committee to keep the standards comaptible and open through the industry. A major reason that so many people use MS Office, aside from the OEM bundling, is because a closed set of file formats (such as Word's) make it difficult, if not impossible, to use a competing product such as Wordperfect without the application having to reverse-engineer the format. This forces the ownership of the product to exchange documents, which has caused me to buy and continue to upgrade Word though I use a competing Word Processor to be able to interchange documents with friends, family, professors and co-workers.

H.1: Microsoft should make it possible to completely remove parts of its software from the operating system if a competing technology provides similar functionality at system startup.

J.2: Require any API extension to be approved back to Microsoft. This still gives them an exclusive right to control and oversee all OS proceedings, and quite possibly reject ''non-compliant'' extensions by a third party which it may interpret as a threatening or competitive technology without needing to legally justify that it is not simply violating section one of the prohibited conduct, but trying to ''maintain standards compliance''.

Also, many hobbyists and not-for-profit organizations now are major suppliers and developers of software which competes with Microsoft. These non-businesses will not be technically able to be eligible for a ''business need'' to access such software. These not-for-profits are a driving force of the industry as well as indispensable tools to industry professionals: examples include the Apache group and Sendmail. Also please keep in mind that organizations may now be not-for-profit in the environment because of fear of being edged out of the industry by Microsoft's past and present practices. From the real world, many security holes from these open and not-for-profit systems have been found and have resulted in stabler, more secure applications due to open APIs and source code in some instances. For the sake of national security, perhaps some of the Microsoft APIs should be completely open to allow for outside-the-company advances in its security, which seem necessary in light of recent events with IIS worms running rampant as well as the global climate, with the U.S. being threatened by stealthier enemies, including ones who may exploit holes in the most used Operating System in the United States as a form of terrorism.

Thank you,
Jason Scheirer
Riverside, California

MTC–00019271

From: John Kaiser
To: Microsoft ATR
Date: 1/23/02 7:31pm
Subject: Microsoft Settlement

http://crossover.codeweavers.com/mirror/www.kegel.com/remedy/ Please read this!!

John

MTC–00019272

From: Fran Warner
To: Microsoft ATR
Date: 1/23/02 7:30pm
Subject: Microsoft Settlement

I believe the government case against Microsoft should be dropped. The recent AOL suit is unjustified.

Fran Warner
San Jose, Ca

MTC–00019273

From: James DuWaldt
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 7:33pm
Subject: Microsoft Settlement

Ladies and Gentlemen,

I am writing under the Tunny Act to express my dissatisfaction with the proposed settlement with Microsoft. In particular, I believe that:

1. Microsoft should be required to publish the specifications of its file formats and should explicitly agree to not prosecute anyone who reverse-engineers them. This will allow competitors to emerge for, in particular, Microsoft Office, which currently owns approximately 90% of the office software market.

2. Microsoft should be required to publicly disclose the signiture and functionality of any operating system interface used by any of its applications, without any form of reciprocity from anyone for any reason whatsoever. All should be able to see it; the notion that Microsoft can withhold technical information from third parties on the grounds that Microsoft does not certify the ''authenticity and viability of [the third party's] business'' is unnecessary (and, ironically, perhaps even an unfair burden on Microsoft).

3. There should be some sort of monetary penilty for past misdeeds. For example, it has been proposed that Microsoft should give approximately 1 billion dollars worth of equipment and software to poor schools but it has been (correctly, I believe) noted that this will harm competitors. Therefore let Microsoft simply give the schools money, with no requirements attached to its use. Schools can buy computers, repair buildings, whatever, on the theory that the schools will know their needs better than Microsoft. Thank you for taking the time to read my response. I hope there is something useful in it for your consideration.

James B. DuWaldt

MTC–00019274

From: Dan Wright
To: Microsoft ATR
Date: 1/23/02 7:30pm
Subject: Microsoft Settlement
To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I do not believe that the currently proposed settlement will be effective in restraining the anti-competitive practices of the Microsoft corporation nor do I believe this settlement is in the public's interest.

In particular I believe that the proposed remedies have been drafted too narrowly to effectively erode the current barriers preventing independent software vendors from competing with Microsoft products.

Additionally the Proposed Final Judgment does not appear to have an effective enforcement mechanism. Considering Microsoft's history of violating decrees and their behavior during this proceeding this seems a grave oversight.

I am very impressed with the revisions that have been made to the proposed settlement. The Department of Justice has done a fine job closing many of the loopholes that troubled me in previous versions. I have full faith and confidence in your ability to craft a document that will dramatically improve the software market. I am an independent consultant who has provided advice and service to over one-hundred companies. I have no loyalties to any vendor or system. I am engaged in the practice of seeking out the best solutions for my clients. To that end I have recommended solutions based on products from Microsoft, Novell, cisco, Apple and others as well as unix solutions including linux, FreeBSD, OpenBSD and Solaris. In many cases I have advised clients to standardize on Microsoft products even though the Microsoft offering was dramatically inferior and more costly than alternatives. The dominance of Windows combined with Microsoft's history of intentional barriers to interoperability (as demonstrated in Caldera v. Microsoft) made Microsoft the only safe choice. I have often counseled clients that while a system would work today Microsoft could make changes to their operating system that would shut down their network. An example (if memory serves) was Windows Service Release 1 (SR-1) which had extensive problems with Novell products. While Microsoft soon released a fix (SR-1a) the cost of the resulting downtime was huge.

The only remedy that I see being effective is to require Microsoft to publish the specifications of all their API's and file formats. Unfortunately this would force Microsoft to compete fairly and I doubt they would go along. I have persuasive arguments for how this would not unfairly hurt Microsoft and would generate a new renaissance among programmers. But since I don't think it will happen in my lifetime I will stick to more practical solutions in this letter.

I would like to suggest two more loopholes to address.

Part III, Section D reads in part: ''Microsoft shall disclose ..., for the sole purpose of interoperating with a Windows Operating System Product ... the APIs and related Documentation that are used by Microsoft Middleware to interoperate with a Windows Operating System Product.''

I see two problems with this sentence.

The phrase ''for the sole purpose of interoperating with a Windows Operating System Product'' should be struck. This does not allow projects such as WINE <http://www.winehq.com/> and Lindows <http://www.lindows.com/> that are designed to create alternate environments for ISV's. This is a huge loophole which is also present in Section E.

The limitation of the proposal to ''Middleware'' is arbitrary. If anything this is a battle that has already been fought and won by Microsoft. The products defined as ''Microsoft Middleware Product'' in section IV does not address vital technologies such as .NET, C# or even Outlook (as differentiated from Outlook Express, which is a different product with a similar name.) While there is a provision that could apply the ''Middleware'' definition to anything Microsoft trademarks that clause is very broad and would not be enforceable.

Even if an ISV (college student in his dorm room) decided to fight Microsoft's lawyers the war would be over before a judge saw the case. In most cases (such as the lawsuit Microsoft currently has against Lindows) the mere threat is enough to stifle competition. Part IV Section J reads:

''Microsoft Middleware'' means software code that

1. Microsoft distributes separately from a Windows Operating System Product to update that Windows Operating System Product;

2.is Trademarked;

3.provides the same or substantially similar functionality as a Microsoft Middleware Product; and

4.includes at least the software code that controls most or all of the user interface elements of that Microsoft Middleware.

Software code described as part of, and distributed separately to update, a Microsoft Middleware Product shall not be deemed Microsoft Middleware unless identified as a new major version of that Microsoft Middleware Product. A major version shall be identified by a whole number or by a number with just a single digit to the right of the decimal point.

I am not a lawyer, but this section disturbs me for two reasons. ''Microsoft Middleware'' is distributed separately from the Operating System. All of the products listed in Section K are distributed with the Operating System. Are they ''Microsoft Middleware'' or not? If their status depends on an alternative distribution method can Microsoft make any product immune to this proposal my only bundling it with Windows? Frankly I'm confused. It seems to me that the status as ''Microsoft Middleware'' is determined by version number. By this definition Windows XP is not a major revision! If the first release of a new browser is ''Internet Explorer 12.00000000000000'' is it a major revision?

I thank you for taking the time to read all the way through this. I know I am not a great writer.

If you wish to hear more of my opinions you can respond by email or call me at (650) 274–7755.

Sincerely,

Dan Wright

MTC–00019275

From: chriscypher
To: Microsoft ATR
Date: 1/23/02 7:27pm
Subject: Microsoft Settlement

Microsoft should be punished.

I am very concerned by the current settlement proposal. When someone is found guilty of a crime, justice is only done when the felon has been punished to the extent that they have seen the error of their ways and will no longer continue to be a threat to old or new victims.

Microsoft continues to admit no wrong doing. It is very unlikely that they will change their practices because what they have brought to the technology industry is not innovation, despite their claims, but ruthless appropriation of new technologies. They have used a myriad of illegal practices to enter niche markets. By leveraging their capital, their marketing propaganda abilities, and system software monopoly, Bill Gates'' offering to the technology industry is more like Attila the Hun than Edison. Microsoft lays seige and destroys any would-be competitors through brute force. Until they are bound by some legal power, they will continue to act in this manner.

The current settlement does nothing to change Microsoft's behavior, in fact, as many industry analysts have attested, it will probably only extend their monopoly to new markets. This wrong must be corrected in such a way that competition in the industry is restored.

Thanks.

–c!

MTC–00019276

From: gil gilmore
To: Microsoft ATR
Date: 1/23/02 7:31pm
Subject: Microsoft Settlement

I think that you have given in to Microsoft.

I think that you clearly have failed in your duty to protect American consumers.

Perhaps you didn't have the talent available to fully understand the issues, or perhaps you didn't have the will to stand up to the political heat. Either way you have clearly failed.

Thomas Ness
6945 Silver Fox Trail
Cumming, GA 30040
Registered and active voter.

MTC–00019277

From: Kent Miller
To: Microsoft ATR
Date: 1/23/02 7:34pm
Subject: Microsoft Settlement

To Whom It May Concern, And For What It Is Worth:

Having been with Microsoft for 11 years, all located in the Silicon Valley selling Microsoft software to educational institutions, large corporations, and government agencies, I've never once heard from any of these customers that Microsoft was harming them or their work...only improving it, and providing more and more value in relation to price over time.

Before you consider this case, ask yourself this simple question:

How can you sue someone for giving something away for free that was better than what they had been paying for?

Kent Miller
Microsoft Corporation
(650) 693–2935
www.microsoft.com/net
<http://www.animationfactory.com/animations/flags_poles/nations_oz/usa_md_clr.gif>

MTC–00019278

From: John Siino
To: Microsoft ATR
Date: 1/23/02 7:32pm

Subject: Microsoft Settlement

The proposed Microsoft settlement is bad!

The proposed Microsoft settlement will do nothing but reinforce their strangle hold on OS development. Our children will be forced to learn and use MS products (OS's, word processors, etc.). This will further entrench Windows OS's.

John Siino (self-employed engineer)
1667 Shadow Wood Court
Reno, NV 89523

MTC–00019279

From: George Czerw
To: microsoft.atr
Date: 1/23/02 7:34pm
Subject: Proposed Microsoft Anti-trust Settlement

As a 30 year veteran in the networking side of the computer industry, I have watched as the Microsoft Corporation has been allowed either buy out or bury (beginning with the Digital Research Corporation and continuing through IBM's attempt to collaborate on OS/2, the Novell Corporation's marketing of NetWare and Netscape's marketing of its own Netscape Web browser) hundreds, if not thousands of what used to be innovative, independant software companies. Outside of stealing or buying the technologies developed by others, the Microsoft Corporation has done little in the way of true, original innovation, and in my opinion, Microsoft's financial success has been dependant upon allowing its arrogant, deep-pocketed, overbearing Marketing Department to blitzkrieg its competitors, threaten computer hardware vendors into offering nothing but Microsoft's own operating system, and otherwise bamboozle both the government and the general public into believing that Microsoft's bloated, ill-conceived, poorly designed, poorly performing and security-vulnerable software is the best software offering in the world.

I find it appalling, laughable, and sickening (yes, all three at once) that both the Bush Administration and the DOJ would take a position which suggests that a ''just penalty'' would be to allow the Microsoft Corporation to convert millions or billions of its dollars for the purpose of providing computer hardware and its own computer software to the US primary and secondary educational systems. You people must be daft, for those educational systems are among the few markets which have always been dominated by the Apple Computer Corporation, and in which the Microsoft Corporation has never been able to gain a significant foothold, despite its best efforts.

It is past time that the Federal Government and the White House stopped shamelessly pandering to those special interests, corporations and individuals who are large campaign contributors and begin listening to and protecting the interests not only of the general public but also of the corporations and businesses who have not agreed with or contributed to the coffers of the party in power.

The only thing that the Microsoft Corporation understands is brute force, and it deserves no less a penalty than that which was given to Standard Oil and AT&T.

For the good of this country and its citizens, break Microsoft up into small pieces and do it now! Only then will the nation see some true innovation and competition in this nation's software industry.

George Czerw
Rancocas, NJ
George

MTC–00019280

From: John Doherty
To: Microsoft ATR
Date: 1/23/02 7:35pm
Subject: Microsoft punishment
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I am writing to urge that Microsoft be dealt with most severely for its predatory practices. Its attempt to ''cut off the oxygen supply'' of its competitor Netscape is particularly egregious. The unfairly obtained dominance of Microsoft's Outlook program, to show one instance, has lead to extremely efficient spread of viruses throughout the internet.

Please do not let these cads go unpunished.

Thank you,
John Doherty
8 Pearl Street
Beverly, MA 01915

MTC–00019281

From: Doug Matthews
To: Microsoft ATR
Date: 1/23/02 7:29pm
Subject: Microsoft Settlement

Dear United States Department of Justice,

As a US citizen and computer programmer, basically someone who has a lot riding on the health of the technology industry in the US, I want to let you know how I feel about the proposed settlement with Microsoft. I do believe that the best thing for any industry is free and fair competition. And I do believe that at the beginning of the personal computer era Microsoft was a great catalyst for bringing the power of computers to the masses, their focus on the customer was second to none and their success is a testament to their hard work and smart management. However, Microsoft's recent behavior in the market place is no longer beneficial to consumers because they have monopoly power and have shown that they are not afraid to use it.

Unless the settlement with Microsoft is reworked I'm afraid it will send the wrong message; that it is OK to play fast with the law as long as you have enough cash and enough lawyers to fight the court cases long enough. I am particularly worried about them forcing contractual restrictions on hardware vendors and also keeping those vendors from innovating above and beyond the standard Windows desktop.

I would like to believe that some kind of oversight of Microsoft will work, but again, call me cynical, but Microsoft is big, powerful, very rich and not afraid to take on a fight, even with the US government.

This really is one of those big, important cases that will shape the course of history, definitely the history of the technology industry. I really do wish that a ''hands off'' approach would work in this situation, but I honestly don't see that happening here with Microsoft, they are a monopoly and have to be treated as such. Did they break the law? I believe the answer is yes. Is the proposed remedy an appropriate punishment? I believe the answer is no, it is more a slap on the wrist and won't stop there anti competitive behavior. This is one time where we truly need the government to step in and right the wrongs.

Sincerely,
Doug Matthews
prazani@yahoo.com

MTC–00019282

From: Josh Jackson
To: Microsoft ATR
Date: 1/23/02 7:33pm
Subject: The Microsoft Settlement

I am concerned about the proposed settlement with Microsoft. The settlement would not open up the market and lead to competition, but rather would have little to no effect. I hope you will consider the company's past successes at being unhindered by the outcome of a ruling or settlement. The provisions are weak, and are not appropriate to the state of the market or Microsoft's actions.

–Josh Jackson
Houston, TX

MTC–00019283

From: root@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 7:31pm
Subject: Microsoft Settlement

I think the definitions in any final settlement should agree more closely with the definitions used in the Findings of Fact. The definitions in the Findings of Fact are much more clear and realistic.

Thank you.

MTC–00019284

From: patel@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 7:35pm
Subject: Microsoft Settlement

Sire,

I personally am not amused with the MS ''settlement.'' Surely the crimes commited by MS against Netscape (RIP), with regards to MS yearly turnover & increases AND the number of years the courts have hibernated over this decision deserve a MUCH larger fine.

Yours depressed
Dr AP

MTC–00019285

From: Robert J. Berger
To: Microsoft ATR
Date: 1/23/02 7:35pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I was shocked and dismayed when I heard the proposed settlement offered by the Justice Department. It had weaker remedies than even the US Appeals Court had already

declared as sensible. Microsoft is in court as a repeat offender. The current antitrust suit, in which a federal district court and an appeals court have both affirmed that Microsoft is a monopoly and that it has abused its monopoly powers, arose out of the failure of a previous consent-decree settlement of an earlier antitrust case.

Microsoft must not be given another wrist slap and allowed to expand even further its monopolist ways. It is now extending its monopoly into the entertainment, news, game software/hardware, cableTV and Internet. Combine this with their huge cash reserves (which the SEC should be looking into as to why they are not distributing it as dividends to their shareholders) they will be able to control public opinion and the politician's wallet/mindshare. If they are not stopped now, they will shut down innovation in every key sector of our economy. To quote Dan Gilmore, Technology Columnist of the San Jose Mercury News:

''''Sellout'' isn't too strong a word to describe the U.S. Justice Department's settlement with Microsoft. Neither is ''dangerous.'' This deal, assuming it takes hold, is not even a wrist slap. It's a love letter to the most arrogant and unrepentant monopolist since Standard Oil. It's an invitation to keep on plundering and whacking competition in the most important marketplace of our times, the information marketplace. ...

The settlement not only doesn't doesn't even force the company to stop doing what eight federal judges found illegal, but it provides no penalty for the illegal acts. Locking in the ill-gained profits of crime—bank robbers wish they could get such dispensation.'' —

Robert J. Berger Chairman and Founder

UltraDevices, Inc. 257 Castro Street, Suite 223 Mt. View CA. 94041

Home: Saratoga, CA 95070

Email: rberger@ultradevices.com http://www.ultradevices.com

Voice: 408–882–4755 Fax: 408–490–2868

MTC–00019286

From: Ed Colmar
To: Microsoft ATR
Date: 1/23/02 7:31pm
Subject: Microsoft settlement

This settlement is a really bad idea. Microsoft deserves to be punished, not encouraged.

Thanks for your time.

MTC–00019287

From: Field, Alan
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 7:36pm
Subject: Microsoft Settlement

To whom it may concern,

I am a Software Quality Assurance Engineer with over 10 years of experience in this industry, and I believe that the currently proposed settlement does not do anything to level the paying field for Microsoft competitors or to punish Microsoft for leveraging its monopoly. In order to improve the settlement, it should include the following provisions:

1) Microsoft must document any API used to integrate an application with the operating system—I don't have a problem if Microsoft bundles additional applications with their operating system. I DO have a problem when they add additional private APIs to their monopoly operating system so that these applications can act in an integrated way with the operating system. This allows the bundled applications to have advantages that no third-party software developer can duplicate. This is an unfair advantage that Microsoft has used in the past and will continue to use under this agreement.

2) Microsoft must publish the specifications for their document formats—Many people use Microsoft applications because their colleagues or friends use these applications and send documents from these applications. If the user wants to use different applications, he usually can't because he can not use his existing documents in a non-Microsoft application. To make matters worse, Microsoft does not document their file formats, so third-party developers must reverse engineer these formats. Since most software companies are smaller than Microsoft, this causes a drain on their R&D departments, and is a substantial barrier to entry in the Office Productivity market segment. Microsoft should document their file formats, so that a computer user's data to restore choice to the Office Productivity market.

3) Microsoft must not be allowed to prevent hardware manufacturers from installing alternative operating systems—This provision will help to increase competition in the operating systems market. The contracts that Microsoft signs with hardware OEMs in the past has prevented these OEMs from either installing other operating systems on the machine or altering the boot process to allow launching another operating system. This basically killed the BeOS. The barrier to entry in the operating system market is large, and this makes it even harder to compete. If you can't get the product installed on your hardware when you buy it, how will you ever appeal to a normal computer user?

4) Microsoft should pay a big fine!—Currently Microsoft has a huge amount of cash on hand. Cash that is ill-gotten gains from abusing their monopoly power. They should be fined as an example to other companies that the anti-trust laws are still considered important in this country.

In conclusion, I don't think the current settlement agreement improves competition or punishes Microsoft for their wrongdoings. Please try to remedy this.

Thanks for your time,

Alan Field
1789 College Ave
Livermore, CA 94550

MTC–00019288

From: Jeff Adams
To: Microsoft ATR
Date: 1/23/02 7:37pm
Subject: Microsoft Settlement

To whom it may concern:

Please do something substantive to Microsoft. They must be stopped if we are ever to have quality, safe and secure computing again. The state of the industry and competition is deplorable and it is due mostly to Microsoft. Your ''settlement'' with Microsoft is insufficient. Please do better! I suggest breaking them up and requiring source code be made available for a time. Also the government should require all the software it uses be based on open source platforms by 2005.

Jeff Adams
650–654–4148
jbadams@intensifi.com

MTC–00019289

From: RK
To: Microsoft ATR
Date: 1/23/02 7:47pm
Subject: Microsoft Settlement

Dear USDOJ:

I do not support the proposed final judgment. Microsoft has been ruled a monopoly, and significantly more must be done to end the illegal monopoly than what the DOJ currently proposes. There are many highly qualified experts in the legal and technology professions who have strongly criticized specific proposals in the DOJ's settlement. I believe that these expert's opinions have not been included, and they deserve greater representation.

Thank you for your time.

Sincerely,
Rodney Koch
4617 Texas Trail
Madison WI 53704
608–242–0033

MTC–00019290

From: Mike Myers
To: Microsoft ATR
Date: 1/23/02 7:33pm
Subject: Microsoft AntiTrust settlement

Just a quick note weighing in on the proposed remedies to the Microsoft AntiTrust case.

As a previous owner of a software development firm that was forced to sell out to Microsoft, I can verify first hand that Microsoft; IS a monopoly, HAS a monopoly, ABUSES its monopoly. I thought that was acknowledged legally, in a Federal Court, none the less. Then I read about the ''slap on the wrist'' measures that the DOJ has agreed to in their proposed settlement. Surely the supression of rival technologies, suffocation of emerging technologies via FUD press releases, and heavy handed licensing practices warrant far greater remedies than what is proposed in the current settlement. The talking heads say that the DOJ ultimately went soft because of the potential damage to our economy that truly effective penalties would have caused. Well that approach marginalizes the massive damage to innovation and entrepreneurial pursuits that Microsoft's business practices have already caused over the last decade. I urge you to reconsider, withdraw from the current proposed settlement, and work to formulate something that truly sends a stern message to the officers of this criminal corporation. Business as usual at Microsoft should no longer be swept under the rug, shrugged off as the activities of a company that just got ''a little aggressive, a little over-competitive.'' Their policies and attitudes, both towards their competitors and their customers, more resemble a local thug shaking down local

businesses for protection money, rather than a respectable member of the business community.

Thank you for your kind attention,
Michael Myers
Huntington Beach, CA

MTC–00019291

From: Matthew J. Turk
To: Microsoft ATR
Date: 1/23/02 7:38pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general. While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Matthew J. Turk,
Computer Professional
6262 Rapidfall NE
Belmont, MI 49306
(616)363–9436
(847)332–8156

MTC–00019292

From: Wadell, Jim S (SAIC)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 7:36pm
Subject: Microsoft Settlement

Under the Tunny Act, I would like to comment on the Proposed Settlement in the Microsoft case.

As far as I can see, the settlement does absolutely nothing to stop the behavior which started the case. During the period that the case was being heard, Microsoft has, in fact, increased this behavior. Furthermore, their reckless release of very poor software has lead to increasing security problems for the whole of the internet, including non-Microsoft systems. This has increased to the point of being a threat to the national security. If the Proposed Settlement goes into effect, Microsoft will be free to continue to increase their hold on the market, not thought customer desire, but by manipulation of technical standards to drive competitors out.

Sincerely
James S Wadell

MTC–00019293

From: DMc
To: Microsoft ATR
Date: 1/23/02 7:30pm
Subject: Microsoft Settlement

The proposed Microsoft settlement is a bad idea. I do not have time to go through it point by point, but will be co-signing Dan Kegel's very well researched comments with which I agree.

Diane McSweeney
Webmaster
San Jose, CA

MTC–00019294

From: Roger Rasmussen
To: Microsoft ATR
Date: 1/23/02 7:38pm
Subject: Concerning the proposed MS vs. DOJ settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I have been following the Microsoft vs. DOJ trial since its beginning. As a professional software developer I have followed desktop computer technology for many years, I've seen many competing and often technologically superior competitors slowly be snuffed out of the market because of the unique position Microsoft has by controlling the operating system that everyone else must build upon. In the early days, there were competing versions of DOS from other companies, competing office suite software, and other types of software that never saw the light of day for very long in the consumer marketplace because of the stranglehold Microsoft has had on PC and hardware developers. Microsoft's deal with OEM's have always been exclusionary, threatening to pull licensing for Windows if the manufacturer decides to offer other operating systems or software that directly competes against Microsoft. Because DOS/Windows has always held the lions share of the market any PC manufacturer that refused to go with Microsoft's wishes suddenly would find themselves at a big competitive disadvantage. The average PC consumer is used to having everything pre-installed because they don't want to bother themselves or are afraid to attempt it. Microsoft understood this and realized that by controlling the OEM, they could effectively control the software people would use. Microsoft continues to use these strong-arm tactics today even while the litigation is proceeding. PC manufacturers have always had to bow to Microsoft's wishes on what to pre-install because if Microsoft revokes the manufacturers'' ability to pre-install Windows, consumers would go elsewhere. This effectively forces PC manufacturers to do Microsoft's bidding.

A truly open, competitive environment is one where systems are open and understood and the foundations to build a great computing experience are available on an equal basis to everyone wishing to compete. Also, a truly open market would allow equal access to software vendors seeking to have their products pre-installed on consumer systems. Microsoft has been able to put itself into a position where it can determine the reach of its competitors and always tilt the balance in its favor by owning the underlying operating system that is the foundation for building the software we use today.

The idea of allowing Microsoft to provide computers and its software to poor schools is noble, but it only serves to further Microsoft's monopoly power and make more people dependent on its technology. A modified form of this, such as providing Macintosh's would make more sense. In any case, the only real way to fix the problem is to force Microsoft to open up its platform (file formats, API's, etc) and end its exclusionary licensing practices so that other software companies products can compete on an equal footing.

I hope the final settlement will include a serious resolution to the stranglehold Microsoft has on PC manufacturers. This I believe is the only true way to allow competing operating system platforms, as well as applications software to be presented to a wide audience. The manufacturers themselves should be able to license and install what they believe to be in their own competitive interests, not Microsoft's.

Sincerely,
Roger Rasmussen

MTC–00019295

From: Leroyjetson7
To: Microsoft ATR
Date: 1/23/02 7:32pm
Subject: Microsoft Settlement

Cave in to your Campaign contributors. Motto for Enron And Microsoft :

Afraid of the government? Hell No! We Are the Government!

This just Screams: Campaign Funding Reform!!

If you've got the money honey, I've got the time.....

MTC–00019296

From: Phill Rosen
To: Microsoft ATR
Date: 1/23/02 12:08pm
Subject: The microsoft settlement is inadequate]

Dear Sir,

It is my opinion that the current settlement in the Microsoft vs. doj antitrust suit is inadequate. It does nothing to redress the past grievances committed by Microsoft nor is it structured to prevent further abuses by them. All it does is enshrine the status quo. Clearly the anti trust laws that are in place are meant to do more then this and a strong U.S. economy requires far more. How can America stay at the forefront of technology if Microsoft is allowed to stifle technical innovation simply by leveraging its overwhelming size? While the DOJ might find this settlement to be adequate, it is clear that they are not well informed enough (or unbiased enough?) to reach a settlement that redress past and prevents future grievances. Please consider this a vote AGAINST the settlement and on that is in favor of a

decision that is AGAINST Microsoft's interests.

Thank You,
Phillip Rosen
63 Lockwood Rd.
Riverside Ct, 06878

MTC–00019297

From: Richard Tietjens
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 7:37pm
Subject: Microsoft Settlement

Well, I see the DOJ has decided that campaign contributions from Microsoft are far more important than protecting consumers from a rapacious monopoly. What a wonderful legacy the Bush administration will leave us! Total ownership of all important computer systems by a private corporation, which has demonstrated total disregard for both the rights of consumers and the law for more than then years.

MTC–00019298

From: Diana Acunto
To: Microsoft ATR
Date: 1/23/02 7:39pm
Subject: Microsoft Settlement

to whom it concerns:

I am writing this e-mail in the hopes that you will represent the voices of millions of Americans who cry out for justice in this matter. The morale amongst most of my fellow citizens is at an all-time low for obvious reasons. The corruption in our government and its links to shady corporations such as Enron and the Carlyle Group, has all but ruined our faith in this country's declining integrity. We look to you to restore some of that lost faith. It is plain to see that Microsoft has been operating as a vicious monopoly for years without so much as a slap on the wrist. Their proposed settlement, which was gratefully rejected, was a clear indication of the company's disregard for our anti-trust laws. With the audacity of a spoiled child, they have successfully wiped out much of their competition, leaving only scraps of the market share to be divided amongst the more tenacious surviving entities such as Apple, Netscape, etc. The biggest fear is that Microsoft's greed is so contagious that it will corrupt the minds of those deciding their fate in the end. I sincerely hope that this is not the case and that you will help to destroy their tight circle of corruption. I am not entirely against Microsoft. I use quite a few of their products everyday and find them to be invaluable resources. Regardless of this fact, they should rely only on the quality of their products and the presentation thereof to finance themselves without indulging in unethical and downright immoral business practices to suppress their competition. It is my understanding that this is not the only suit brought against them. As AOL and Netscape file their claims, I trust that you will do what is right in the eyes of this great nation and not give in to the sway of these greedy monopolizers.

thank you for listening
Diana Acunto
New York City

MTC–00019299

From: Anthony Placilla (by way of Anthony Placilla (060)aplacill(a)roc
To: Microsoft ATR
Date: 1/23/02 7:37pm
Subject: Microsoft Settlement

We, the undersigned feel that the proposed settlement with Microsoft is bad. It does nothing to curb their practices and will only encourage them to abuse further their monopoly. —

Tony & Maureen Placilla
aplacill@rochester.rr.com

MTC–00019300

From: David Harper
To: Microsoft ATR
Date: 1/23/02 7:34pm
Subject: Microsoft Settlement

Microsoft is a monster. Please make sure that they don't rule the world.

DH

MTC–00019301

From: Patrick Hedgepath
To: Microsoft ATR
Date: 1/23/02 7:37pm
Subject: Microsoft Settlement

I run a web site development company that uses a variety of products and services. I am appalled at the fact that AOL is suing Microsoft and preventing innovation. I can not tell you how many countless hours I have spent talking with my clients about the problems and issues that AOL delivers. Microsoft on the other hand seems to deliver products and services that help me and my company out at every turn. I wonder though how well Microsoft will be able to continue to do this with companies like AOL/Time Warner suing them at every turn only because they produce inferior products to that of Microsoft. As a tax payer and an avid voter I demand that Microsoft be left alone so they can continue to provide products and services that help the small business owner like myself. Thank you for listening.

Thanks,
Patrick J Hedgepath
Pegasus Web Productions
webmaster@pegweb.com
http://www.pegweb.com <http://www.pegweb.com/>

MTC–00019302

From: Jake Loewen
To: Microsoft ATR
Date: 1/23/02 7:36pm
Subject: Microsoft Settlement

Hello,

Being an expert computer user since the mid 1980's I have watched Microsoft turn from a beneficial software company who thought of the customer first to a monopolistic, ego driven corporation seeking to make more money than they actually need. The last Microsoft operating system I purchased was Windows 98. Now I run Linux and find it to be a blessing being as 95% of the software is free and extremely more dependable than anything from Microsoft. It is my opinion that Microsoft needs to be split into two companies and the two companies CANNOT work with each other directly.

The most important thing is that the operating system company cannot bundle Internet Explorer with the system software—leave that up to the commercial software half of Microsoft. In my copies of SuSE Linux there are numerous browsers included with an install: KDE's Konqueror, Opera, Netscape, Mozilla, and Lynx. This allows me to choose which browser I want to use and allows the browser companies to have fair and unbiased views of their customers. On the other hand Microsoft pretty much runs the browser business for win32 operating systems and its either IE or crippled installs of Netscape. Unfortunately Opera isn't proclaimed much due to Microsoft's overwhelming market presence.

It is in the opinion of this system administrator, technology guru, and unbiased operating system user that Microsoft be split in half and allow for better market competition.

Jake Loewen

MTC–00019303

From: JIM WEST
To: Microsoft ATR
Date: 1/23/02 7:37pm
Subject: MICROSOFT SETTLEMENT

I hope you will not be influenced by the smoke screen of AOL-Netscape law suite against Microsoft and will go ahead and settle the Microsoft— department of justice law suite . I think settling this matter is in the best interest of the people of the united states and the world . in my opinion Microsoft is a great company to do business with. AOL needs to get their act together and figure out a way to serve the public as good as Microsoft does!

MTC–00019304

From: Peter Bombard
To: Microsoft ATR
Date: 1/23/02 7:38pm
Subject: Microsoft Settlement

Dear Sir/Madam:

I am strongly against the proposed settlement with Microsoft. While I agree that breaking up the company is not the right answer, almost none of what is in this settlement appears to actually remedy the previous behavior of Microsoft or prevent the future repetition of that behavior.

This settlement appears to do little more than capitulate to Microsoft while providing only an appearance of remedy.

Unlike the Findings of Fact, the settlement defines ''API'' (Application Programming Interface) in such a way that Microsoft would be able to avoid full disclosure on the most important APIs they control. The definition in the settlement needs to be returned to the language of the Finding of Fact. Unlike the Findings of Fact, the settlement defines ''Middleware'' in such a way that Microsoft would be able to exclude any software from being covered by the definition. The definition in the settlement needs to be returned to the language of the Finding of Fact.

Important software packages from Microsoft that were included in the Finding of Fact are excluded by the settlement, such as Microsoft Office or the full version of Microsoft Outlook. The software packages that were identified in the Finding of Fact as contributing to Applications Barrier of Entry need to be included in the settlement.

The settlement defines a ''Windows Operating System Product'' to be only

Windows 2000 Professional, Windows XP Professional, Windows XP Home and all of their successors. This ignores other versions of Microsoft windows that can be leveraged through their monopoly, as non-Intel hardware is leveraged in the marketspace currently occupied by Windows XP Home.

The settlement does not require any advanced notice of technical requirements, but requires vendors of competing middleware to meet ''reasonable technical requirements'' seven months before new releases of Windows. Microsoft could then change their requirements shortly before release and not notify said vendors. The settlement needs to require Microsoft to provide vendors with advanced notice of technical requirements, specifically in time for them to achieve the seven month deadline.

The settlement mandates that API documentation for release far too late in the process to be of help to vendors of competing products and certainly not in time for them to meet the seven months prior to release deadline. Vendors need access to this information much sooner. The settlement needs to require Microsoft to provide vendors with advanced access to API documentation, specifically in time for them to achieve the seven month deadline.

Important APIs and file formats would not be covered by this settlement and would render the utility of such requirements in question without their inclusion. Undocumented file formats are included in the Applications Barrier to Entry in the Findings of Fact and are an important component in Microsoft's ability to maintain their monopoly. The settlement needs to be brought in-line with the findings of fact.

The settlement places unnecessary restrictions on the access of released information by competing vendors and would serve to reduce the resources of any vendor that developed for operating systems other than Microsoft's. The settlement MUST not be used to create further barriers to entry; these restrictions must be eased.

The settlement does nothing to address Microsoft's discrimination against vendors who support non-Microsoft operating systems and in fact allows Microsoft to specifically act against vendors who ship systems with ONLY non-Microsoft operating systems. I believe this is wrong and not in the public's interest. I believe that language specifically protecting the ability of vendors to ship only systems without any Microsoft operating system installed should be included.

The settlement allows Microsoft to discriminate against vendors who ship Open Source Applications. I believe this is wrong and not in the public's interest. I believe that language specifically protecting the ability of vendors to develop for both Microsoft and Open Source applications should be included.

The settlement allows Microsoft to discriminate against vendors who target Windows-Compatible operating systems. Additionally, the settlement allows Microsoft license to restrict end users from using Windows-Compatible operating systems. I believe this is wrong and not in the public's interest. I believe that language protecting the ability of both vendors and end users to work with Windows-Compatible operating systems should be included.

These highlight my major disagreements with the settlement and I hope will suffice to express my concern with the proposal. There is little or nothing that I can find in the document that actually appears to serve to truly remedy the behavior that was identified by the Finding of Fact and upheld by the Court of Appeals. I believe this settlement is bad and does not serve to further the Public interest.

Thank you for your time.

Sincerely,

Peter W. Bombard

MTC–00019305

From: Higgs Glenda
To: Microsoft ATR
Date: 1/23/02 7:43pm
Subject: microsoft settlement THIS SUIT SHOULD BE SETTLED NOW....AOL KNEW WHEN IT PURCHASED NETSCAPE WHAT A MESS THIS WAS. HOW MUCH MORE DO YOU THINK STOCKHOLDERS OF MICROSOFT IS WILLING TO TAKE PLEASE SETTLE.....NOW

MTC–00019306

From: Scifihead
To: Microsoft ATR
Date: 1/23/02 7:41pm
Subject: Microsoft Settlement

This settlement is a joke!!!!!

MTC–00019307

From: ciecie@juno.com@inetgw
To: Microsoft ATR
Date: 1/23/02 7:41pm
Subject: Microsoft Settlement

Hearing the news about AOL via Netscape suing Microsoft has called my attention to the harassment against Microsoft we have seen the last few years.

It is my understanding that the antitrust case against Microsoft is currently in the review phase and that comments about whether the settlement is in the public interest are being sought.

Please DO NOT ALLOW this latest ''terrorist'' tactic to influence your decision to quietly settle the case against Microsoft leaving it intact to continue to provide excellent products for us consumers.

There was a time when I also tended to be a Microsoft Basher, and of course installed and used the Netscape Browser. Then as part of my job I was exposed to Microsoft IE and to my amazement and excitement found it to be a much better product. Needless to say, I rushed home that night and installed Microsoft IE on my personal computer.

No gun to my head. The best product always wins !!!!!! That is what free enterprise is all about.

MTC–00019308

From: John Turnley
To: Microsoft ATR
Date: 1/23/02 7:41pm
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea. Other people have done a good job of describing why it's bad. Simply add my voice to the people looking for a stronger remedy. We need a remedy that will prevent Microsoft from leveraging their operating system monopoly to stifle competition.

I am a Computer Professional who has worked with several operating systems over the last 20 years.

John Turnley
11 Monteith Ct
Durham, NC 27713

MTC–00019309

From: Zach Johnson
To: Microsoft ATR
Date: 1/23/02 7:40pm
Subject: Microsoft Settlement

The proposed settlement is bad idea. I have several issues with the Microsoft settlement, as outlined below:

(1) The Microsoft Platform SDK, together with Microsoft Visual C++, is the primary toolkit used by businesses to create Windows-compatible applications. The Microsoft Platform SDK EULA says: ''Distribution Terms. You may reproduce and distribute ... the Redistributable Components... provided that (a) you distribute the Redistributable Components only in conjunction with and as a part of your Application solely for use with a Microsoft Operating System Product...''

This makes it illegal to run many programs built with Visual C++ on Windows-compatible competing operating systems.

By allowing these exclusionary behaviors, the Proposed Final Judgment is contributing to the ''Applications Barrier to Entry'' faced by competing operating systems. That is, through illegal practices Microsoft is stifiling other operating systems such as Linux and FreeBSD by limiting their software libraries. Linux and FreeBSD use middle-ware called WINE to run software created for Windows. If Windows software is bound by the above license it then becomes illegal to use this software with WINE.

(2) The Proposed Final Judgment supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertised as being ''Windows Powered''.

(3) Microsoft Corporation makes both the operating system Windows and software which runs in Windows such as applications and video games. Because this corporation created the operating system, it gives them a significant advantage in designing software for that operating system, not to mention the fact they can integrate their software into the operating system installation. This is unacceptable.

I myself design software for Windows, often applications or games which directly compete with software written by Microsoft. If they wished to put their competition (that's me) out of business they would simply need to ship the Windows operating system with their version of the software pre-installed. Allow me to give you a specific example. Microsoft recently started marketing their MSN Messenger software. MSN Messenger is an Instant Messenging program that allows users to chat on the internet. I have recently

created an Instant Messenging program of my own which offers new and unique features not available with MSN Messenger. Unfortunately for me, computers running Microsoft Windows often come with MSN or MSN Messenger pre-installed onto the Windows desktop. If they aren't pre-installed then their corresponding webpages are often linked to. Microsoft exploits the fact that they created the operating system and gives their software an unfair advantage. Microsoft should not be allowed to place any software, or links to software, on the Windows desktop. The items that appear on the desktop should be free for computer manufacturers to decide, such as Gateway, Dell, and Compaq. Even better would be to break Microsoft Corporation into two entities, one for Operating Systems and one for Software. Beyond this I also agree with Dan Kegel whose views can be seen here: http://www.kegel.com/remedy/

Thank you,
Zach Johnson Minneapolis, MN
USA

MTC–00019310

From: (123)USER(u)FIRSTNAME(125) (123)USER(u)LASTNAME(125)
To: Microsoft ATR
Date: 1/23/02 7:44pm
Subject: Microsoft Settlement

It is my belief that the DOJ settlement is fair for all concerned and further litigation is not necessary.

Ronald Matthews

MTC–00019311

From: David Smith
To: Microsoft ATR
Date: 1/23/02 7:39pm
Subject: Micrsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions with the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefitted from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general. While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

I also cannot resist to comment that one form of solution I haven't seen in the public commentary has been to enforce that Microsoft, or every software maker possibly, to openly and freely publish the interfaces for interoperating with their software. To be precise, this would mean publishing APIs and File Formats (namely Microsoft Office file type formats and Win32 API). This remedy is extremely easy to produce technically and removes the possibility of illegal ''binding''. Anyone with enough technical experience can build a competing product and Microsoft (or any business) does not have to give away the source code to their products.

Sincerely,
David Smith
Systems and Network Administrator
West Virginia University, College of Human Resources and Education
Morgantown, West Virginia 26505 (304) 293–7639 ext. 1817

MTC–00019312

From: Randy Hamilton
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 7:30pm
Subject: Microsoft Settlement

Hello,

I'd like to take this opportunity to express my dissatisfaction with the currently proposed Microsoft settlement. I feel it falls profoundly short of denying Microsoft the fruits of activities which were determined to be illegal, and does even less to prevent it from engaging in the same basic activities in the future. As for denying them the fruits of illegal activities, it would be a very ardous task to determine the full extent to which portion of their dominance in dozens of areas resulted from only illegal activities used to protect the Windows monopoly, much less what the ill-gotten gains are worth and how to deny them to Microsoft. As far as preventing illegal conduct in the future—I fully believe the only way to achieve that is no longer allow them to bundle *anything* in their operating system software beyond that which would be required for any other piece of software to communicate with the computer's hardware. That means no Internet Explorer, no MSN, no IM, no Office, no solitaire, no *anything* can be sold in the same package, license, or sale of the Windows operating system. If they want to sell all those other products, even ones which ''integrate'' themselves with the OS during installation—they must be sold, promoted, serviced, and priced seperately. And that the API calls which the OS makes available for software to interact with it must be published publically, in such a manner that even Microsoft's own enginners and designers cannot retrieve ANY information concerning the current or future API calls from any other source than the one publically available to all other companies writing software designed to run on the Windows platform. And that any violation of that chain of information whatsoever be treated with the same severity as the illegal use of insider information.

I don't know if Microsoft can ever be denied the fruits of their illegal activies (short of forcing them to trade all their stock and cash reserves for all of Netscapes stock and cash reserves)—but it is vital to the present and future of technology that the no longer have the ability to sabatoge the efforts of every other company by exploiting secret information of the current Windows API, and secret information about the future Windows API which will disable or destabilize current software. I can't begin to describe to you how incredibly frustrating it has been to deal with Microsoft's API sabatoges of existing software over the last 10 years; not can I begin to imagine the amount of innovation and productivity which has been sacrificed by the companies forced to deal with acts instead.

If you can't make Microsoft give back what it has stolen from the technology industry with it's illegal conduct, please at least find a settlement which forces Microsoft to compete on the *legal* marketing and technical merits of the products. We'll all be the better for it (even Microsoft itself).

Sincerely,
Randy Hamilton
CTO
Berkery, Noyes & Co.
50 Broad Street
New York, NY 10004
(212) 668–3022 x. 243
Email:Randy.Hamilton@BerkeryNoyes.com

MTC–00019313

From: Mark Boles
To: Microsoft ATR
Date: 1/23/02 7:43pm
Subject: Microsoft Settlement

As an experienced application developer, I do not feel the current proposed final judgement in United States vs. Microsoft adequately meets the criteria required by law. In addition, I do not believe the proposed settlement will have enough of an impact on the market to allow the level of competition to promote proper growth.

I believe lack of competition is the most significant threat. It has been proven repeatedly that lack of competition prohibits growth. The breakup of the Big Bell is the classic example of this taught in institutions of higher education. I believe there are practices by Microsoft that should be looked at beyond their monopolistic packaging. For instance their outrageous new licensing agreements. They are also capitalizing on market by not providing proper information to the hardware extraction layer. They own the only product on the market with complete hardware extraction (SMS) and it (like many of their other products) does not function properly.

Thank you for your time,
-MEB
Mark E Boles
The B. A. Group, Inc.
mboles@thebagroup.com

MTC–00019314

From: Nathan Ricci
To: Microsoft ATR
Date: 1/23/02 7:39pm
Subject: Microsoft Settlement

The proposed final settlement simply does not do enough to remedy the monopolistic practices of Microsoft. While some of the remedies are potentially helpful, they contain loop-holes which I doubt will go unused.

In particular, this settlement does nothing to stop Microsoft from engaging in anti-cometative practices against software vendors who create alternative implementations of Microsoft API's. Although the settlement does require MS to release documentation on their API's for ''Microsoft Middleware'' (which, by the way, is rather narrowly defined), this documentation can only be used to interoperate with Microsoft Operating System products, not to create an alternative to an MS OS. If the settlement forced Microsoft to allow these documents to be used for alternative-implementations of these API's, it would greatly help in restoring competition to normal level.

—Nathan Ricci

MTC–00019315

From: Greg Wittmeyer
To: Microsoft ATR
Date: 1/23/02 7:54pm
Subject: Microsoft Settlement

To Whom It May Concern,

As a software developer, I have a special understanding of Microsoft's criminal activities.

API DOCUMENTATION

I work very closely with Microsoft's API's, and it is very clear that Microsoft wants to make it as difficult as possible for anyone else to write software. Even a non-programmer can see that the documentation for the Windows API's is very spartan. A programmer working with the documentation will quickly discover just how bad the documentation is. There are typos, inaccuracies, omissions, and broken hyperlinks. I can provide an extensive list of examples if you like. Microsoft is clearly doing this on purpose to stifle competition—their own programmers would never be able to use such shoddy documentation.

PREDATORY PRACTICES

—Microsoft gives away Internet Explorer to hurt Netscape.
—Microsoft has used every dirty trick in the book to hurt Java, and they have been largely successful. Java is a threat to Microsoft's monopoly on operating systems.
—Microsoft introduced code into Outlook Express in order to hurt Blue Mountain Arts, who rejected Microsoft's attempts to buy them.
—Service Pack 3 for Windows NT 4 changed the operating system's communications protocols, making it incompatible with Samba. Simultaneously, they removed all technical articles relating to Samba from their website. Their is no conceivable justification for this.
—Microsoft uses the Business Software Alliance to blackmail companies into signing exclusive contracts with Microsoft.

The list goes on and on. It is obvious that Microsoft uses its monopoly position to hurt competition.

SOLUTIONS

Microsoft should be forced to release the source code, and their internal documention, to all of its operating systems. This would give other software developers at least a fighting chance at competing with the behemoth.

Bill Gates should be forced to give up all ownership and participation in Microsoft. Microsoft's behavior is a direct reflection of Bill Gates'' personality. Because they are guilty of so many criminal activities, all Microsoft management should receive the same penalty. Microsoft's behavior and reputation has damaged the entire software industry. Microsoft's direct actions have clearly been illegal. But their infamous reputation has been very damaging as well. Disgruntled users pirate software because of their hatred for Microsoft, and unfortunately this dissatisfaction extends to other software developers. Because of Microsoft, people see software companies as rich and greedy, and this justifies their piracy. As a result, piracy is rampant. As a remedy, Microsoft should be forced to pay a large fine, which should be used to pay off the income taxes of software developers.

The DOJ has a horrible record on breaking up monopolies. Breaking up Standard Oil made Rockefeller vastly more wealthy. Breaking up Southwestern Bell simply turned one big monopoly into smaller, local monopolies. Monopolies can only be stopped by competition on a level playing field. Please do not repeat your past mistakes by giving Microsoft a slap on the wrist. It currently appears that the DOJ is going to completely cave in to Microsoft. That would be a great disservice to the human race, and a shame from which you would never escape.

In the absence of communism, evil greedy corporations are the biggest threat to our society. Microsoft is the greediest, most evil company the world has ever seen. There is no penalty that will make up for Microsoft's atrocities, so it is imperative that you punish them to the maximum extent possible.

Sincerely,
Greg Wittmeyer
CEO, Gammadyne Software
http://www.gammadyne.com
mailto:gregw@gammadyne.com

MTC–00019316

From: Avery Wilkins
To: Microsoft ATR
Date: 1/23/02 7:43pm
Subject: Microsoft Settlement

As written, the Microsoft antitrust settlement proposed by the Department of Justice is utterly toothless and will be ineffective in preventing further monopoly abuses by the software giant. If this settlement is accepted, as a taxpayer I will be shocked that the expense of this trial will have resulted in nothing but more abuses and wasted money.

Please consider that any ineffectual solution to Microsoft's multiple, ongoing, and remorseless monopoly abuses will be no better than simply dropping the case.

All parties to this legal action assert that it is important to conclude this matter as soon as possible, but any solution that doesn't go to the root of the problem will merely result in another repeat of legal action in the future. In short, we'll be back where we started, only with more abuses and more companies (including—but not limited to!—Microsoft) injured or destroyed in the process.

How this outcome would be beneficial to the technology industry, consumers, the economy as a whole, or even Microsoft itself is not clear; in the long run, Microsoft's abuse of their monoculture will even be detrimental to themselves.

The current agreement makes no bold moves to block Microsoft's unrelenting desire to weasel themselves through legal loopholes towards further abuses Rather, it expressly allows them to continue using the tools they have long employed to extend their monopoly. By way of analogy, this agreement will be as laughably ineffectual as an umbrella built out of chicken wire: it doesn't do a thing to keep the hapless user from getting soaked.

If this is the best possible solution to Microsoft's proven monopoly abuses, then the entire trial, and the hearings and consent decrees before it, were an enormous waste of public dollars, and are furthermore a waste that is destined to be repeated.

As a United States taxpayer, and someone subject to the Microsoft monopoly, I'm outraged that this is what it has all come down to.

Don't settle without a worthwhile agreement.

Avery Wilkins

MTC–00019317

From: John Small
To: microsoft.atr
Date: 1/23/02 7:33pm
Subject: Microsoft Settlement

I am a computer professional. In no way do I understand the intricacies of the law. Nonetheless I feel obliged to comment on the pending settlement in the Microsoft anti-trust case.

As a computer professional it is very clear to me that 1) Microsoft is a monopoly and 2) that Microsoft has abused its position to its advantage and that both the consuming public and Microsoft's competitors have suffered grievously as a result.

The proposed settlement does nearly nothing to prevent future abuse much less reverse the abuses of the past. In the interests of a free market and free competition please discard the proposed aggreement and develop a new agreement which takes significant real action to punish Microsoft and discourage further similar action on Miscrosoft's part. Renewed competition (and genuine innnovation) is needed but will not happen under the proposed settlement.

Thank you.

John Small

MTC–00019319

From: Darren Twa
To: Microsoft ATR
Date: 1/23/02 7:45pm
Subject: Microsoft Settlement

I can't believe that the government could consider justice done in the Microsoft case. Nothing of substance was done to punish or change their behavior.

Maybe the settlement would have been just if the Department of Justice had any clue about the computer industry. They show the same skill as the Patent Office has been demonstrating by giving out ridiculous patents.

MTC–00019320

From: Harrison Rigby
To: Microsoft ATR

Date: 1/23/02 7:46pm
Subject: Microsoft Settlement

The settlement reached between the DOJ and Microsoft is, in the opinion of this citizen, an inadequate conclusion to the biggest anti-trust case of all time. Microsoft said that it disagreed with the verdict reached by Judge Jackson. This much, we expected. Microsoft then said that it disagreed with the Judge Jackson's interpretations of the applicable laws, and even with the existence of some of the laws themselves. The Federal Appeals Court, while rebuking some of Judge Jackson's behaviors, agreed with most of his findings and confirmed the validity of the laws involved.

The DOJ's decision to not pursue Judge Jackson's harsh penalties against Microsoft gives the company a free pass to continue its obviously illegal practices and predatory behavior and sets a precedent under which Microsoft and other monopolies may hide in the future. Here's my suggestion regarding how to make the settlement more fair: Require that Microsoft open up all the API (application programming library) interfaces to, and within, the various versions of the Windows operating system. It's widely known that there are special calls within these libraries that are known only the Microsoft and that give Microsoft's product developers special advantages (Microsoft denies this claim). Given that DOJ's decision affirms Microsoft's monopoly position and will make the Microsoft Windows operating system a defacto standard for many years, we who must work in this software environment, and who must compete against Microsoft, wish to work on an even-playing field. It's not fair for those who control the common environment to control the rules, as well as the score, as fully as they do.

Please, open up the APIs so that our general economy, my small company's customers, and its stockholders may benefit from the improved produts that will result when all developers are allowed access to the many currently hidden features within these libraries.

Thank you very much,
Harrison Rigby
CTO Discovery Software, LLC
503 Kensington Road
Taylors, SC 29687
hmrigby@mindspring.com

MTC–00019321

From: res0i8vj@verizon.net@inetgw
To: Microsoft ATR
Date: 1/23/02 7:47pm
Subject: Microsoft Settlement

Dear Sir or Madam;

I am opposed to the proposed settlement in the Microsoft Anti-trust case. The currently proposed settlement does not adequately address the problems created by the past actions of Microsoft. Additionally, the proposed remedy of extending the judgement for a period of two years for non-compliance is wholly inadequate. I would support a settlement that included a requirement that Microsoft make public all APIs and file formats for a period of five years and provided for a significant penalty for failure to do so.

Thank You,
John Turner
2240 Tarpley Rd. #294
Carrollton TX 75006

MTC–00019323

From: swanee@pillarsoft.net@inetgw
To: Microsoft ATR
Date: 1/23/02 7:45pm
Subject: Microsoft Settlement

Proper? Fair? Equitable?

I think not...

Should we fine monopolists by helping them extend their monopoly?

I think not...

Paying via software donation to educational institutions just entrenches them deeper into the system. I sure hope when I get caught with my hands in the cookie jar, I will be able to send out a few million in software. It will be easy considering the way software is distributed these days. I'd rather send out 3 billion in licenses than pay a $1000 fine in cash. :-)

This is a very short-sighted and unknowledgable decision. I hope it is reworked or there will have been no reason to go through the whole charade...

Wayne Swanson

MTC–00019325

From: tuflady@nc.rr.com@inetgw
To: Microsoft ATR
Date: 1/23/02 7:46pm
Subject: Microsoft Settlement
Re: Settlement of the United States vs. Microsoft antitrust lawsuit.

Gentlemen:

The proposed settlement is bad idea. A proper settlement must: provide redress to the companies whose software innovation has been denied access to markets by the continuing illegal monopolistic practices of the Microsoft corporation provide restructuring of Microsoft corporation and restraints on the resulting companies to effectively deny their cooperation to achieve the same result, and provide ALL companies equal and open access to all their products interfaces and formats provide severe punitive economic sanctions to dissuade such egregious corporate injury to free market enterprise in the United States of America ever again.

Respectfully,
Teresa L. Beumeler
Raleigh, North Carolina

MTC–00019326

From: George Czerw
To: microsoft.atr
Date: 1/23/02 7:45pm
Subject: Microsoft Settlement

As a 30 year veteran in the networking side of the computer industry, I have watched as the Microsoft Corporation has been allowed either buy out or bury (beginning with the Digital Research Corporation and continuing through IBM's attempt to collaborate on OS/2, the Novell Corporation's marketing of NetWare and Netscape's marketing of its own Netscape Web browser) hundreds, if not thousands of what used to be innovative, independant software companies. Outside of stealing or buying the technologies developed by others, the Microsoft Corporation has done little in the way of true, original innovation, and in my opinion, Microsoft's financial success has been dependant upon allowing its arrogant, deep-pocketed, overbearing Marketing Department to blitzkrieg its competitors, threaten computer hardware vendors into offering nothing but Microsoft's own operating system, and otherwise bamboozle both the government and the general public into believing that Microsoft's bloated, ill-conceived, poorly designed, poorly performing and security-vulnerable software is the best software offering in the world.

I find it appalling, laughable, and sickening (yes, all three at once) that both the Bush Administration and the DOJ would take a position which suggests that a ''just penalty'' would be to allow the Microsoft Corporation to convert millions or billions of its dollars for the purpose of providing computer hardware and its own computer software to the US primary and secondary educational systems. You people must be daft, for those educational systems are among the few markets which have always been dominated by the Apple Computer Corporation, and in which the Microsoft Corporation has never been able to gain a significant foothold, despite its best efforts. It is past time that the Federal Government and the White House stopped shamelessly pandering to those special interests, corporations and individuals who are large campaign contributors and begin listening to and protecting the interests not only of the general public but also of the corporations and businesses who have not agreed with or contributed to the coffers of the party in power. The only thing that the Microsoft Corporation understands is brute force, and it deserves no less a penalty than that which was given to Standard Oil and AT&T.

For the good of this country and its citizens, break Microsoft up into small pieces and do it now! Only then will the nation see some true innovation and competition in this nation's software industry.

George Czerw
Rancocas, NJ

MTC–00019327

From: Russell Sears
To: Microsoft ATR
Date: 1/23/02 7:48pm
Subject: Microsoft Settlement

The currently proposed microsoft settlement does not do enough punish microsoft for past infringements, nor does it do enough to ensure that they will not continue similar behavior in the future.

Russell Sears.

MTC–00019328

From: Baskette, John
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 7:57pm
Subject: Microsoft Settlement

Dear Sirs,

Please do not go forward with this settlement. From everything I have read, it does not appear to me that the remedy's will prove to be effective in stemming illegal anti-competitive behavior by the Microsoft Corporation.

I am a computer programmer, been so for 20 years.

Thank you.
John F. Baskette
RIS Field Systems Team, Irvine Campus
Phone:949.863.4385
JBaskett@tacobell.com

MTC–00019329

From: Andrew Carpenter
To: Microsoft ATR
Date: 1/23/02 7:48pm
Subject: Comments on the proposed Microsoft Settlement

I wish to register my opposition to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does little to redress the past actions committed by Microsoft, nor does it adequately seek to prevent them from committing similar actions in the future. Mush of the settlement does not even appear to correct the situation; in some places it actually codifies Microsoft's ability to continue its current practices. Little in the settlement will effectively prohibit Microsoft from abusing its monopoly position in the operating system market. Microsoft must receive an adequate penalty for the charges it faces. The simple fact that it is publicly declaring its happiness with the current proposal and resisting any attempts to change it should be warning enough that it will ultimately be ineffective.

I urge the court to seek another remedy. If a settlement cannot be found that meets requirements, please do not allow a settlement to take place, and instead proceed with appropriate legal penalties.

Sincerely,
Andrew Carpenter

MTC–00019330

From: Jason Guidry
To: Microsoft ATR
Date: 1/23/02 7:47pm
Subject: Microsoft Settlement

Any settlement that does not include the division of Microsoft into 3 or more _equal_ parts is completely unacceptable. It will continue to use its stranglehold on the Operating System Market to force its own products and agenda, including proprietary standards & software.

Thank you.

MTC–00019331

From: Jonathan
To: Microsoft ATR
Date: 1/23/02 7:46pm
Subject: Microsoft Settlement

Hi:

I would appeal to the Department of Justice to also consider whether Microsoft did indeed torpedo IBM's OS/2 operating sytem. It should be determined if this is true:

Excerpt from a web article:

''It hasn't been that many years since Microsoft first felt brave enough to stab its benefactor/partner in the back, as Microsoft did during the OS/2 saga. And fewer still since Redmond demanded that IBM drop the competing operating system from its product line by refusing to grant IBM a preload license for Windows 95 until 15 minutes prior to its launch, and raising the price for the license by 700 percent when they did grant it.'' http://www.idg.net/ic_790548_1794_9–10000.html

Thank you for your consideration in this matter.

Sincerely,
Jonathan Drews

MTC–00019332

From: Max Muller
To: Microsoft ATR
Date: 1/23/02 7:46pm
Subject: Microsoft Settlement

As a software engineer creating software for the Microsoft operating system, I believe the current settlement is a very bad idea. As it currently stand Microsoft will not be hampered in any real way.

Regards,
Max

MTC–00019333

From: suncitian
To: Microsoft ATR
Date: 1/23/02 7:47pm
Subject: AOL?????

Why don't you leave Micosoft alone. There is so much more to do;than pick on USA business.

Ron Casebere

MTC–00019334

From: Jim Myers (IT Manager) CSU llc 800.488.0960
To: Microsoft ATR
Date: 1/23/02 7:47pm
Subject: MICROSOFT clearly has misled AMERICA

Not just Big Corporations but simple everyday little people. People who had jobs working at Microsoft's competitor businesses. Everyone is Lied to and Misled and then forced to accept whatever Microsoft's dictates. For over 10 Years they(Msft) has not let anyone interfere with a hard disk boot loader program. The program easily could have enabled other Systems and functionality as far back as 1993/94. They Never once let the Builders of P.C's choose whatever OS they wanted to sell to everyday people.

Now look, Microsoft almost certainly must run on everyone's PC in order to have a operating system work right. Work right with what? Office and utility programs Microsoft Hogged Down when they put them out of business.

Who out of business? Word Perfect, Borland, Officewriter(Back in 1993/94) when MS-Office trumped all businesses and coerced PC builders to bundle the applications for FREE, And letting the builders Saver every Dollar they made off of each American that bought their P.C. Operating Systems: Microsoft has put Be Incorporated(BEOS) out of work. Va Linux (LNUX) is practically dead too.

Nobody on the planet will ever be able to build something better than Microsoft. For if they do, they either get Bought out by Msft, OR, Microsoft partners as friends with them, Steals their ideas, reverse engineers the code and ShaaaZaaam, Guess what happens next. They Build a Quote ''BETTER APPLICATION mousetrap'' and by the way HIDE their API or application program interfaces software engineers NEED in order to interface with Running code anything New some else Wants to invent for the P.C.

This Please Mr. Government, Is outrageous Monopolistic business practices, No matter what Microsoft says, THEY ARE WRONG. Microsoft is Wrong for Destroying Ingenuity, Courageousness, Bravery, and Sheer AMERICAN WAY mentality. They are so wrong that Most people now Hate the company and are only buying their Wares because THEY(Msft) IS the Only game in town left now. All others are out of business, or So about to be Broken that they can't hardly make it Quarter to Quarter.

No, It is not the economy, It is Microsoft that has Caused this economy to Die. That is not to mention, Browser programs even. Just Simply Boot Loader locked down Code and Operating Systems.

Please do something Now. Else Foreign governments will, And it won't Be pretty, I can say that much. This country will stand to lose far more than little programs and code running in WINDOWS OS's. We America, will lose trust, friendships, economies of scale, products etc to France, Germany and Asia. They go around everything Microsoft Sells and then what happens? Revenue Loss, to the Max, Tax bases destroyed and MILLIONS of people out of WORK. HERE in the USA including Millions of 50 and over baby boomer types. THIS WILL BE YOUR PROBLEM NEXT my friends.

Believe IT !
Thank You.

MTC–00019335

From: YON—Jan C. Hardenbergh
To: Microsoft ATR
Date: 1/23/02 7:50pm
Subject: The settlement is impractical.

The settlement seems to involve a LOT of red tape. There is no way to enforce this settlement. Only some clear and simple will have the desired effect of levelling the playing field. Microsoft will continue work behind closed doors unless we open them. The only reasonable way I can see to do that is to require that the source code to the browser itself be put in the public domain. Microsoft will still be able to innovate above and below the browser, but, anybody will be able to use the same set of tools that the browser is using.

Isn't that the point?

MTC–00019336

From: Dennis Taylor
To: Microsoft ATR
Date: 1/23/02 7:49pm
Subject: Proposed agreement sucks

I'd like to take this opportunity to voice a hearty ''no thanks'' to the Microsoft settlement. Wrist-slapping isn't going to help the public any.

MTC–00019337

From: Christopher Armstrong
To: Microsoft ATR
Date: 1/23/02 8:00pm
Subject: Microsoft Settlement

I am against the proposed Microsoft Settlement. It is a huge mistake.

Thank you.
Chris Armstrong
<< radix@twistedmatrix.com >>
http://twistedmatrix.com/users/carmstro.twistd/

MTC–00019338

From: Anthony Boyd

To: Microsoft ATR
Date: 1/23/02 7:54pm
Subject: Microsoft Settlement

As a former employee of Borland, a company which at one point sued Microsoft because they had hired away over 35 programmers with obscene offers (million dollar signing bonuses, other incentives that made it impossible for Borland to keep up), I believe that Microsoft's anti-competitive practices are counter to the law and spirit of our free-enterprise system. These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation.

The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future.

It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do NOT think that the proposed settlement is strong enough to serve this function.

–Anthony Boyd
627 West Homestead Road
Sunnyvale, CA
94087
408–736–7890

MTC–00019339

From: Colin Wier
To: Microsoft ATR
Date: 1/23/02 7:55pm
Subject: Microsoft Settlement

To whom it may concern:

As a college student, I have a real problem with the deal that was crafted by the DOJ in regards to Microsoft. In the case of my generation, we have a growing number of concerns with computers in general. First and foremost, there is the recent labeling of any sort of computer infractions as a terrorist act. But that is another topic altogether.

In regards to Microsoft, this company in my mind, has completely overstepped its bounds. After being proven a monopoly they are escaping with what seems to be a complete slap on the wrist. When AT&T was considered a monopoly it was split up into tiny units, each independent of the other. Same with Standard Oil.

For years I have been a user of Microsoft Windows OS's. Every time I find more problems. However, due to their market position, I am unable to use tools that I need because of the way that Microsoft has created their software. If I am trying to install a program that I had used before on my Win98 machine, then install the same on Win2000, in my experience it fails about 80% of the time. This forces me to replace my perfectly good program with a brand new expensive one. This tool that I use to program C++ is also made by Microsoft. I eventually threw both of these away. Now I am running a Linux computer because of the problems that I have been having.

That is just one example, but I am sure that you know of many more. My only concern in the capacity that I am a student engineer (and very poor) is that I can not afford to pay the inflated prices for software that breaks down on a daily basis, has introduced a number of security issues to my computer, and also fails to work with previous versions. I have trouble affording bills, and I have precious little patience and faith with companies whose bottom line are more money than I can imagine.

I ramble on, but please, please, please incorporate stiffer punishment than the current proposed system.

Also, allow code to be looked at on a individual basis. Open source will, no matter what any Redmond sponsored scientist says, allow a person to fix their own on a more expedient basis and tie up security holes faster than the patches given out two months or more after they are found.

Sincerely:

A concerned US citizen

MTC–00019340

From: Mike
To: Microsoft ATR
Date: 1/23/02 7:50pm
Subject: Microsoft

Department of Justice:

Microsoft has contributed billions and billions of tax revenues to the United States Treasury, much of it earned in foreign countries. Further, its contirbution to the economy of this country is without precedent.

Millions of American rely upon its software for their daily work, and play. Microsoft, although it has been declared a monopoly by the courts, has not abused its monopoly. Who could calculate any damages that it might owe (to whom?) as to what its software should have cost if it were not a monopoly?

The only true competition is Linux software, that will not run the various applications that Windows will run. I work for a federal agency, and its work and efficiency without Microsoft software. In short, it would grind to a halt without their current software, and further development of same. Polls show that the majority of American people support Microsoft in this litigation.

Please do not abuse your job to see that justice is done for the benefit of all Americans, not just to competitors who wish to have the same sales and earnings that Microsoft has—-to be another Microsoft.

Mike Stoddard

MTC–00019342

From: charles
To: Microsoft ATR
Date: 1/23/02 7:48pm
Subject: Microsoft Settlement

To whom read this,

I am a 18 years old consumer who purchases and enjoy Microsoft products. I wish to make a statement about the antitrust cases against Microsoft by Department of Justice.

My statement: I buy Microsoft products according to my own choices. I buy Microsoft products because the softwares provide me what I want: a word program, an excel file, an email bookkeeping system, an easy to use operation system, and consumer service. Those are why I buy Microsoft products. Microsoft did not force me to buy their products. I choose to buy freely. Microsoft softwares allow me to complete my tasks without a difficult. I don't see how Microsoft been cheating me because I am receiving benefits from Microsoft products and no negatives. I find it unhappy that the Department of Justice is attacking Microsoft for provide good products.

What did Microsoft do? Being monopolist? I wish to remind you that monopoly means: 1. Exclusive control by one group of the means of producing or selling a commodity or service, 2. Law. A right granted by a government giving exclusive control over a specified commercial activity to a single party. Those definitions are from www.dictionary.com <http://www.dictionary.com/> . Now I want to make you see that Microsoft is not a monopoly.

Is Microsoft a monopolist? No. Why? There are other competitors in the software market. There is Sun Microsystems, Apple, Corel, IBM OS/2, Oracle, and hundred of Linux software distributors. Is Microsoft alone? No. The market is an oligarchic, a normal form of market that exists all over the world.

Is Microsoft a monopolist? No? Why? There is no law that says ''Microsoft is the only producer of software for the computer and no company or a person shall compete with Microsoft.'' Therefore Microsoft does not possess any illegal monopoly.

I don't feel being robbed by Microsoft. Microsoft and I made a mutual agreement. I want softwares. Microsoft gives me softwares. I buy softwares. Microsoft gets money from me. I got 2 and Microsoft got 2. So we are even. I wish to remind you that the complaints against Microsoft did not began with the consumers or partners of Microsoft but the Microsoft's competitors. When the competitors saw Microsoft is being successful due to their excellent products, what they do? They go to the government and ask them to punish the winner. That is cheating. The competitors don't want to compete with Microsoft because they want to do it in easy way by ask the government to intervene and pull Microsoft down. The government is doing the competitors'' dirty works. That is not a free market but an element of socialism: government does works for businesses. Where is free competition? The freedom to compete against each other without government's helps? Government's job is to protect property rights and individual freedoms. I don't see anything in the US Constitution says, ''Congress shall make law punishing the businesses for being successful'' or ''Congress may help business crushing their competitors'' or lastly, ''Congress shall regulate businesses.''

I am proud to be the citizen of the freest country in the world and proud to hold the greatest degree of individual freedoms. But I do have the freedom to buy any software product from any provider I want to. I do not ask anyone to make that choice for me. I specifically did not ask the government to make that choice for me. It is mine to make. What products I want is mine to decide not the government. The government's job is to protect my right to buy any software from any provider not to trample my right to buy a product. United States of America is freest country where excellence, success, hard

working, and intelligence is rewarded not punished like our relatives in another side of Atlantic Ocean. But right now, William Bill Gates III is being punished for making wonderful products for people like me to buy and enjoy. What crime did Bill Gates did? The crime is being successful? The crime is being clever? The crime is to win the competition? The crime is selling a product? What crime? Antitrust laws do not promote competition but to punish winners. I want my right to buy any software from any provider to be respected and I mean it. So, I ask you to respect my right to buy and Microsoft's right to sell. It is a free country not totalitarianism or am I missing a totalitarian revolution that took over America government?

Thank you and I expect Microsoft to be pardoned and the government to apology for violating my right to buy and Microsoft's right to sell.

Charles R. Sterling,
a citizen of the United States of America
CC:mailto:activism@moraldefense.com @inetgw,mailto:let...

MTC–00019343

From: Brian Hall
To: Microsoft ATR
Date: 1/23/02 7:54pm
Subject: Microsoft Settlement

I am opposed to the settlement in the Microsoft case.

http://www.bigfoot.com/brihall
Linux Consultant

MTC–00019344

From: Joshua Rochester
To: Microsoft ATR
Date: 1/23/02 7:48pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Joshua Rochester

MTC–00019345

From: VanL
To: Microsoft ATR
Date: 1/23/02 7:50pm
Subject: Microsoft Settlement

Hello,

I understand from various news sources that your office is gathering Tunney Act-related responses to the proposed Microsoft settlement. I am am writing to express my strong opinion that the settlement, as it stands, is a very bad idea.

I am a computer engineer, and I work for an ISP. As such, I have a better idea than most of the damage that Microsoft has done at a purely technical level.

The problem is that Microsoft is very good at marketing, and unfortunately, many of its competitors are not. Moreover, the opportunity cost of allowing Microsoft to continue have been HUGE—but they are not really visible unless one has the technical background to appreciate the superior alternatives that have been driven out of the market by Microsoft's anticompetitive behavior. These costs have never been widely acknowledged.

The damage Microsoft has done includes:
1. Undocumented, or poorly documented file formats. Primary among these are the file formats for the various Office applications. Microsoft's specifications on these formats are so complex and vague that no competitor—anywhere—has been able to reverse-engineer 100% compatability. Further, whenever any competitor gets close, Microsoft releases a new update that once again braeaks compatability. Microsoft also uses these incompatabilities to force customers to upgrade.

2. ''Embraced and Extended'' standards. Frequently, Microsoft has taken a widely accepted standard (DCE, Kerberos, SMTP auth, html, java) and changed it just enough that interoperating with anything other than a Microsoft product is partially or fully broken. They can do this because their desktop monopoly enables them to widely deploy their mutated standard. This is a deliberate attempt to fence off the commons, and make it proprietary to Microsoft. (For more information, search for ''Halloween Documents'' on the web, the section on Embracing and Extending Standards)

3. Multiboot license restrictions. Not widely known are the boot-time restrictions that Microsoft places on its ''partners''. These prohibit the display of multiple operating system choices at boot-up. For example, Be, Inc offered its widely acclaimed operating system for FREE to anyone who was willing to preload it on a computer in a dual-boot configuration. Those who took them up on that offer were quickly contacted by Microsoft legal, who prevented the display of the competing system. As a result, those who bought the computer had to go through a lengthy procedure to uncover the software that was provided to them for free—just because that software competed with Microsoft. For a more recent example, witness the ''relaxing'' of desktop icon restrictions by Microsoft: OEMs could put AOL's icon on the desktop only if it was accompanied by multiple icons advertising equivalent Microsoft services.

4. Anti-competitive bundling. In the newest version of Windows, Windows XP, several applications are bundled and uninstallable which, by any definition of the term, are not operating system services. Examples include the XP's passport integration, and Microsoft instant messenger integration. Read any of the many reviews on the web which talk about how heavy-handed XP is in pushing users to subscribe to Microsoft services.

This last point gets to the heart of the matter. Microsoft uses its desktop monopoly to leverage itself into other spaces in a unique and anticompetitive fashion. Permitting this to continue with just a consent decree and judicial oversight is no remedy at all. Remember that the current lawsuit was started because the previous consent decree did not restrain Microsoft's anticompetitive leanings in any significant fashion. Please don't repeat the same mistake!

As a citizen, voter, engineer, and consumer, please require that the conviction against Microsoft mean something! Please use all your efforts to require competition in the software marketplace. I know it may seem risky in this slow economy, but long-term, the best thing for the economy and the consumer is sufficient competition in the market.

Thank you,
Van Lindberg
Provo, UT

MTC–00019346

From: Ameesh Patel
To: Microsoft ATR
Date: 1/23/02 7:49pm
Subject: MSFT Settelement
Subject: Microsoft Settlement

The proposed Microsoft settlement is a bad idea. Please do not allow it to move forward in its current form.

Microsoft is once again using the terms of an agreement to wipe out competition. Specifically, because Microsoft maintains an operating system monopoly, Section III(J)(2) will leave Open Source projects such as Apache, Samba, and Sendmail very vulnerable to Microsoft's predatory practices. Because under the terms of this agreement, Microsoft would not be forced to describe or license protocols that affect companies that don't meet Microsoft's criteria as businesses. This would effectively allow Microsoft to write code in such a way as to make it impossible to use with Open Source code, thereby forcing users of Microsoft operating systems to use only software that Microsoft creates itself or allows non-competitors to create.

Microsoft is doing what it has done many times in the past. It has squashed competitors through tactics of intimidation, buyout, and outright theft. Now it is attempting to reverse the initial verdict which declared unequivocally that they were a monopoly, back to their advantage.

As a taxpayer, I find it disgusting that Microsoft is allowed to act in such a cavalier manner toward the US justice system. They

continually display an arrogance that shows they have no regard for the law.

Please, do not allow them to remap the playing field to their advantage. It is not in the interests of the United States for one company to exert so much control over the electronic infrastructure of our country—as ongoing and extremely alarming security problems with Microsoft products demonstrate.

Sincerely,
Ameesh Patel
10810 N. Ridgewind Ct.
Tucson, AZ. 85737

MTC–00019350

From: Drake Wilson
To: Microsoft ATR
Date: 1/23/02 8:55pm
Subject: Microsoft Settlement

Three words: Rethink it carefully.
Two words: Bad proposal.
One word: Ack!
Drake Wilson

MTC–00019352

From: Alex Morgan
To: Microsoft ATR
Date: 1/23/02 7:56pm
Subject: Microsoft Settlement
CC: axlmorgan@yahoo.com@inetgw
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Subject: Microsoft Settlement

To Whom It May Concern (or Renata B. Hesse):

I would like to submit my comments regarding the Microsoft Settlement in the United States of America vs. Microsoft case as per the Tunney Act. I believe that in its current state, the Stipulation and Revised Proposal Final Judgement of the United States of America vs. Microsoft Corporation is designed to prevent Microsoft from engaging in the very behavior which led to its being found guilty, and in that regard, is fine. However, there are several problems with the entire settlement that in my opinion, should lead to scrapping most of, if not all of the judgement. In its current state, the document does not properly punish Microsoft for its guilty actions, nor does it completely prevent Microsoft from doing the same things again in a Monopoly fashion. Instead, if this Stipulation and Revised Proposal Final Judgement is accepted, Microsoft will simply use its monopoly position to change the methods by which it prevents competition from gaining a foothold in the market and taking away any of Microsoft's current market share.

I want to focus on one particular section, which I believe undermines the entire settlement and judgement agreement. In regards to section III-J of the Stipulation and Revised Proposal Final Judgement, I believe that this section will result in additional civil trials. Specifically, Microsoft will argue it cannot open its source code as it is protected by section III-J, and therefore, they cannot fulfill the other obligations of allowing ''Non-Microsoft Middleware'' to be freely operated as they would have to open source their computer code that would affect their operations, copyrights, and intellectual assets as protected in Section III-J. Section III-J.2. tries to address this point, but it becomes a very circular argument, as Microsoft can argue it knows its software best and opening it up would indeed violate Section III-J. 1., even though they are partially required to do by Section III-J. 1. While the three person Technical Committee (TC) in Section IV-B is designed to assist in determining which Microsoft source code is open for use and which isn't, it is very likely that Microsoft will argue in court against every single request of the TC. Further, it is likely that since Microsoft code is designed to be thoroughly intermingled, such that any Microsoft application works smoothly with any other Microsoft application, that opening ANY source code given to ''Non-Microsoft Middleware'' companies would violate Section III-J. 1. Even if it is possible to separate out aspects of the code covered under Section III-J. 1., such that source code could be given to ''Non-Microsoft Middleware'' companies, it is likely that this new software would not work as well as Microsoft ''Middleware'' products which have full access to the source code. Therefore, since this new non-Microsoft ''Middleware'' does not work as well as it should, it would quickly fall out of use among consumers because it didn't work. However, it would have failed directly by being set up for failure by Microsoft, and indirectly from consumer choice/market forces because the product could never work properly on a Microsoft-based operating platform. This final point is the most crucial because of the fact that Microsoft does indeed have an operating system majority (monopoly) on operating systems for most of the desktop computers in the U.S.A. If the new non-Microsoft Middleware cannot properly work on the majority of US computers since most of them have Microsoft Windows on it, how can the Middleware producers compete at all?

I now want to address the whole decision, and share my thoughts on the logic under the judgement, which I believe is partially flawed under the logic of laws, punishment, and justice. As I mentioned above, while I do believe that the judgement will prevent Microsoft from doing most of the actions it did before, it is not receiving any punishment for those actions. The actions prohibited in the document were illegal to begin with, and this judgement merely states that Microsoft will stop doing illegal actions, which by law, they should not be doing in the first place. Further, if they do these illegal actions, they should be expected to be punished under the law if found guilty. They were found guilty of monopolistic acts outlined in the Sherman Act, and therefore, should be punished. Since Microsoft's practices have hurt certain non-Microsoft ''Middleware'' companies, certain US states covered in this case, and possibly the US consumer due to lack of product choice, it stands to reason that a punishment against Microsoft, perhaps leading to compensation of the plaintiffs, should be part of this settlement. As I looked through the settlement, I did not see this covered at all. However, this sort of compensation, and attaching a monetary value to it, will likely result in unending greed and even more lawsuits which ultimately will not result in a proper handling of justice in this case. Unfortunately, any punishment against Microsoft will most likely result in hurting its base employees, which may not have been guilty of the actions that led to this settlement. Therefore, monetary actions should be taken out against Microsoft management and leadership, since they approved the actions that led to their guilt in this case. I believe this is important, otherwise the guilty upper leadership will simply take the monetary damages out on others in its company, resulting in unemployment of solid lower-level workers who were not guilty.

If monetary compensation will result in more injustice, then another solution makes more sense. Since most everyone (US and worldwide) uses Microsoft's base operating system (Windows) for its computers, it suggests that Microsoft's Windows OS has become the de facto standard of operating system for computer users. Therefore, to ensure they cannot exploit this monopoly further, (which they were proven guilty of) their source code, which enabled their monopoly, must be opened for EVERYONE to use. Microsoft should not be allowed to collect royalties on it, and all copyrights must be removed allowing all computer programmers, who desire to make products for commercial use, to work with the base source code free of charge. What this does is that it completely levels the playing field for all computer ''Middleware'' producers, such that no one has an advantage due to proprietary source code which everyone has a working copy of, but only one company (Microsoft in this case) has full access to. Now Microsoft will be forced to compete with everyone else on level footing, and any market share they gain will be due to hard work and product acceptance, not from unfair market advantages imposed by monopolistic practices. Therefore, Microsoft is effectively punished by removing the monopoly that it currently enjoys and uses to make profits at the expense of others.

If this were the proposed punishment and settlement for this case, I suspect Microsoft would oppose it violently, but it would indeed end the monopoly and force Microsoft to work just as hard as everyone else to get a product accepted by the market. Microsoft would not be at a complete disadvantage in this environment, as they still produce updates to the operating system that everyone buys, so they still maintain huge market share in operating systems. Under my suggestion mentioned above, the operating system would be open for all to use, and Microsoft would be forced to use its extensive wealth to develop new products and innovations to compete with all the new players in the market of ''Middleware''. Therefore, the consumers, states, and US all win due to all the new choices and the loss of the previous monopoly. If you desire more clarification on what I've written here, or need additional information, please feel free to contact me. Thank you for your time and

for reading my comments regarding this decision and settlement.

Sincerely,

Alexander B. Morgan, Ph.D.
303 Harrison St.
Midland, MI 48640
Email: axlmorgan@yahoo.com

MTC–00019353

From: Nathan Hubbard
To: Microsoft ATR
Date: 1/23/02 7:50pm
Subject: Microsoft Settlement

I think the proposed microsoft settlement is a bad idea.

—Nathan Hubbard
San Diego, CA

MTC–00019355

From: Joseph Roth
To: Microsoft ATR
Date: 1/23/02 7:50pm
Subject: Microsoft Settlement

After reviewing the points in the Proposed Final Judgement (from here on referred as pfj) I'm afraid that I would like to go on record as opposed to the pfj. I feel that the pfj allows Microsoft a way to get around every one of the points made. Some by just renaming software, others by not giving out information in a timely manner. To top it off there seems to be no real effective way to enforce the ruling, leaving it up to the legal system. The government has spent millions on this case and should not; in my opinion, throw in the towel in the final round.

Joseph Roth (JB)
Joliet, IL
my_sql@yahoo.com

MTC–00019356

From: Charles Welsh
To: Microsoft ATR
Date: 1/23/02 7:59pm
Subject: Microsoft settlement....

Over the last decade, I have known executives at two different companies (Neither of whom were mentioned in the antitrust trial) who lost their businesses solely because Microsoft decided that they should not continue to exist.

I also continue to work with companies who cannot conceive of choosing other than a Microsoft solution to base their products on. They simply assume that Microsoft will use its monopoly power to kill all competitors in any product area that it enters. Therefore, it is efficient to base their businesses solely on Microsoft technology and therefore risky to use any other technology.

I am hopeful that you will assess a meaningful remedy and a punitive sanction against Microsoft. In doing so, I hope that you will choose to take actions that allow real competition in the industry again. The market power that Microsoft commands is truly astonishing. The current remedies proposed do not correct this situation.

Charles V. Welsh
5949 Killarney Circle
San Jose, CA 95138
408.528.7681 V
408.528.7680 F
CC:dgillmor@sjmercury.com;;@inetgw

MTC–00019357

From: Richard Jetton
To: Microsoft ATR
Date: 1/23/02 8:00pm
Subject: Microsoft Settlement

Greetings,

I write you to voice my disapproval of the proposed settlement in the Microsoft antitrust case. There are many reasons for my opinion, but the most pressing are quite simple. There is nothing in this proposed settlement that returns competition to the markets where Microsoft has illegally gained an unfair advantage.

To rectify the past illegal actions of Microsoft, a fair settlement should include these points.

1. Microsoft must freely and publically publish the complete source code for all software and firmware products it currently sells, and for all future products it offers during the next ten years. All software must include checksums of the resulting compiled images, and instructions on how to reproduce those images. This is the only way to allow third-party vendors to compete in areas where Microsoft has become the only player.

2. Microsoft must forever stop the practice of ''free bundling'' of its software (including operating systems) with PCs and other products. This practice hides the true cost of software from the consumer, and reduces the options available to consumers from retailers. This is especially true of the PC market. All Microsoft software addons to hardware purchases (including operating systems) must have a line item price that accurately reflects the prevailing retail price for Microsoft software. Also, Microsoft must charge the same to all of its customers, regardless of their purchase volume. Therefore, the consumer cost of a Microsoft product will be nearly the same reagrdless of when or where it is purchased.

I appreciate the opportunity to be heard in this important matter.

Richard Jetton
108 Heath Place
Westmont, IL 60559
richard—jetton@yahoo.com

MTC–00019358

From: Truman Phillips
To: Microsoft ATR
Date: 1/23/02 7:54pm
Subject: Microsoft Settlement

To Whom it may Concern:

Dear Sir/Madam, My Name is Truman Phillips, and I work as a network administrator for my employer. I have been active in computers for the last 10 years or so, and in this time, I have seen many things come and go, and unfortunately, many products that were very good in quality/reliability have fallen to the wayside due to Microsoft's continued Monopoly status. Many software developers have been either run out of business by Microsoft's ''benevolent to consumers'' bundling practices, or Microsoft just outright purchased the companies. Stacker Technologies (Maker of Data Compresion software, Microsoft was found guilty of backward engineering Stack's technology) Netscape's Navigator/Comunicator web Broswers, back in 1995 William Gates, acting as a spokesman for Micrsoft had at times told people that Microsoft was not interested in the Internet, and shortly after they chagned directions, and started to incorporate a web Browser in Windows so that they could leverage thier current Monopoly to gain Market share.

I personally feel that the solutions presented as a settlement in the ongoing legal proceedings are by and far inadequete to restrain Microsoft's Monopoly on Operating Systems, or to nuture honest competetion in the marketplace. I also do not think that a breakup of Microsoft as was previously attempted would accomplish anything more than to make two/three smaller monopoly companies. I do feel that a market wide solution could be attempted. Microsoft has managed to maintain it Monopoly through preloading of software as the Computer Manufacturer.

I would propose a marketwide solution of a software package preconfigured and imaged to a CD-Rom disk(s) and sold as a seperate package. In this way, true Market choices could determine if there will be a monopoly.

In any event, I am not a lawyer, and this may not be feasible from a leagal standing. But please take to heart my opinion that as the current agreement stands is a bad deal for the consumers of America.

Sincerely,

Truman P Phillips
3320 Oak Harbor Road
Fremont, OH 43420
truman@alkoncorp.com

MTC–00019359

From: Ken Nuessle
To: Microsoft ATR
Date: 1/23/02 7:59pm
Subject: Microsoft Settlement

To whom it may concern:

I am very displeased with the proposed settlement the United States Justice Department wants to reward the predatory company Microsoft with its flagrant monopolistic practices. There desire to stiffle competing software in any venue is directly hurting the consumer. The proposal i saw did virtually nothing to protect the common person from this company. Some suggestions for things that need to be done to help other software companies. Certain aspects of the various Microsoft operating systems should be made open, particularly the API's and any file types. There is no reason for file types to remain closed, other than to hurt competition so multiple programs cannot coexists and work with the same files.

Internet explorer should be made an option, with a way of removing it. This is one buggy program which if you have a windows product leaves port 80 susceptable, not to mention the general assumption of webmasters to take shortcuts and ignore the other browser types. I use Opera 6.0 and Netscape 6.2 which don't work in certain instances not as a fault of they're own but more a result of Microsofts domination through uncompetative means.

Thank You for your time
Ken Nuessle
kennuessle@yahoo.com

MTC–00019360

From: J G
To: Microsoft ATR
Date: 1/23/02 8:00pm
Subject: Microsoft Settlement

My name is Joel Garringer and I would like to comment on the proposed Microsoft settlement. I do not believe that the proposed final judgment what appear to me to be the two core areas wherein Microsoft has abused their monopoly power. I do not believe that the proposed remediation does an effective job of forcing Microsoft to allow other software developers the ability to fully support interoperability with Microsoft applications and operating systems.

Because Microsoft produces both an OS and the applications that run on it, they have the ability to conceal from competing developers the API's that the windows OS exposes. The remedy does not do a good job of defining what portions of the Windows API should be released to the public.

If competition and innovation are really concepts that all of the parties involved with this case value, then I believe that it is perfectly reasonable to expect Microsoft to release the full windows API, and to release these API's as soon as they become available within Microsoft.

Additionally I do not believe that there should be any restrictions on the types of development programmers who refer to Microsoft's API documentation are allowed to participate in. To give a developer access to the Windows API but not allow them the freedom to work on applications that may-or-may not run on Windows undermines the effectiveness of the settlement. I my mind this issue is the biggest, but not the only fault in the Proposed Final Judgment.

Thanks.
Joel Garringer
Sr. Web-Application Designer/Developer
1307 N. Irvington
Tulsa, OK 74115

MTC–00019361

From: jworth@ravenseye.net@inetgw
To: Microsoft ATR
Date: 1/23/02 7:58pm
Subject: Microsoft Settlement

Please be aware that, after reading the finding of facts as well as most of the appeal decision and the subsequent proposed settlement, I cannot agree at all with Microsoft being allowed to continue in the manner that the settlement will permit. Please strongly consider harsher and more specific anti trust measures that will put competition back into the marketplace and give all consumers more choice in how we do something as pervasive as computing.

I do not want to live my life in a Microsoft dominated world at the expense of choice.

Thanks for your time and consideration.
Jeffrey A. Worth
8B Tucker Park
Pepperell, MA. 01463

MTC–00019362

From: Dean Antonelli
To: Microsoft ATR
Date: 1/23/02 7:56pm
Subject: Microsoft Settlement

Dear Department of Justice,

Following are my comments in support of the recommendations put forth by the nine non settling states.

Microsoft's predatory, monopolistic, and anti- competitive practices are well documented. They are under legal fire in the United States, China, Brazil and Europe. And yet, with their enormous monopoly gained resources they manage to buy a settlements i.e.. with nine states, to buy endless legal delays (that promote a denial of justice) while their products and associated proprietary training become ubiquitous, capture the marketplace and eliminate innovation and competition.

All this at a time when Americans are making sacrifices and responding with unprecedented patriotism to threats against our country and its beautiful inherited legal system which is the envy of the world. Microsoft, Enron—the global investment community is watching. America's business practices are on trial.

THIS IS THE TIME FOR OUR LEGAL SYSTEM TO UPHOLD THE LAW FOR THE BENEFIT ALL BUSINESSES, CONSUMERS, INVESTORS, INNOVATION, COMPETITION AND INTERNATIONAL TRADE.

Best regards,
Dean Antonelli
19799 Oakhaven Dr.
Saratoga, Ca. 95070

MTC–00019363

From: DAnderson@viewpoint.org@inetgw
To: Microsoft ATR
Date: 1/23/02 8:03pm
Subject: ''Microsoft Settlement''

To whom it may concern,

I believe that the Microsoft settlement does not at all address the monopolistic practices of Microsoft. Perhaps the best solution to all, is the requirement of open file format standards allowing other programs to read and write Microsoft files. This would allow competing operating systems to convert Microsoft infrastructure while at the same time allowing Microsoft to maintain the secrecy of their source code.

I think the settlements being considered inadequate and furthering the monopoly of Microsoft.

Sincerely,
Dan Anderson

MTC–00019364

From: Sean Bruton
To: Microsoft ATR
Date: 1/23/02 8:01pm
Subject: Microsoft Settlement

I strongly believe that the proposed settlement is a bad idea. I will be mailing a letter outlining my objections to the settlement to the Department of Justice.
Sean Bruton
Senior Engineer
NeoSpire, Inc.
v: 214.292.8170
f: 214.720.1836
www.neospire.net

MTC–00019365

MTC–00019366

From: Thera
To: Microsoft ATR
Date: 1/23/02 7:57pm
Subject: Microsoft Settlement

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions. Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general. I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior.

Hundred, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices. Similar to the settlement against AT&T, Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level (40%, for example, assuming one of it's competitors is now also at 40%). This must be true for all Microsoft product lines, before regulation is lifted.

Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Thank you for your time,
Theresa Peterson

MTC–00019367

From: ftg@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 7:57pm
Subject: Microsoft Settlement

Having reviewed the available material, I do not agree that the proposed settlement will be at all effective in any of the areas of punishing Microsoft for the offenses of which it has been found guilty, preventing future violations, or making any realistic restitution to those harmed to date.

Microsoft maintains its monopoly almost solely through punitive contracts with OEMs which discourage them from offering alternatives to Windows. It is only their monopoly that gives these contracts ''teeth''. If OEMs believed that they could obtain equal treatment from Microsoft in spite of offering competing products, they would offer those products if the market wanted them. As it is, OEMs are too scared to offer

even Windows-based products that are seen to threaten Microsoft's monopoly. A perfect example is the Sun Java Runtime for Windows. This product is free, yet when Microsoft decided to remove their own Java Runtime from Windows XP, no OEM dared to bundle the Sun Java Runtime with their Windows-preloaded PCs for fear of retribution from Microsoft. The only effective throttle on Microsoft will be to force it to deal equally and fairly with OEMs. OEM deals should be in the public domain, and any OEM who has been the victim of discrimination ought to be able to recoup extreme punitive damages. These are not conditions to which an arbitrary software company should ordinarily submit, but in the case of Microsoft, they constitute a ''punishment which fits the crime''. Microsoft has abused its monopoly position by wielding this weapon against OEMs in order to maintain its monopoly, and it is only just that any punishment demand damages from Microsoft in this area. The proposed settlement will be, in my opinion, absolutely ineffective in controlling such abuses in the future.

Sincerely,
Francis T. Griffin
Biddeford, ME

MTC–00019368

From: Brian Trosko
To: Microsoft ATR
Date: 1/23/02 7:59pm
Subject: Microsoft Settlement

I am writing to express my extreme dissatisfaction with the proposed settlement between Microsoft and the Department of Justice. The proposed remedy amounts to nothing more than another consent decree, the same sort of thing that Microsoft has simply ignored and violated many times in the past; the proposed regulations seek to regulate Microsoft's behavior, but have no teeth as far as enforcement of that regulation, and so will have very little ability to prevent Microsoft from extending its monopoly power and engaging in more anticompetetive, anti-consumer behavior. Microsoft was found be be acting illegally as a monopoly; any remedy to this crime needs to end that monopoly power, and the proposed settlement completely fails to do that.

Sincerely,
Brian Trosko
btrosko@panix.com

MTC–00019369

From: Eric Jungemann
To: Microsoft ATR
Date: 1/23/02 7:59pm
Subject: Microsoft Settlement

Please do not buy into the settlement with any contingency on Microsoft services or software being provided directly. This settlement must be platform agnostic. I view the Microsoft offer as a thinly veiled attempt to get the remaining 5% of the desktop (Apple1s) to increase their monopoly further. The settlement must in fines/money into a fund without Microsoft being able to declare retail or even heavily discounted values of their products/services against the fund. After all, what is the true incremental cost to Microsoft for burning an extra Windows XP or Office XP CD. Let the schools have complete discretion (and perhaps encouragement to act contrary to the Monopolist) and Microsoft offerings against the fund must be at their largest discount to ANY of their customers.

Sincerely,
Eric Jungemann
General Partner
InfoMatrix
Tel/Fax/Vmail: 530–672–0144
Email: eric@infomatrix-usa.com
Web: http://www.infomatrix-usa.com

MTC–00019370

From: Dale Schoeck
To: Microsoft ATR
Date: 1/23/02 8:01pm
Subject: Microsoft Settlement

The proposed settlement against Microsoft in this antitrust cast is not a viable solution, and lacks the teeth to force Microsoft to ment its ways.

MTC–00019371

From: Jack Norskog
To: Microsoft ATR
Date: 1/23/02 8:04pm
Subject: Microsoft Settlement

the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

Billies latest vow is to Kill Linux. Now a little monkey and good to be a large gurilla. He has teams visiting the enterprise companies offering incentives not to employ linux and us Microsoft products. They have pernission to sell these products cheap or actually give them away to keep them out of their networks.

Please, reconsider the final judgement.
Jack Norskog

MTC–00019372

From: bobygladys
To: Microsoft ATR
Date: 1/23/02 7:58pm
Subject: MICROSOFT SETTLEMENT
ROBERT B. JORDON
33 BEAUVOIR COURT
DERWOOD, MD 20855
301–963–4084
January 16, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Attorney General Ashcroft:

I am writing to express my thoughts on the Microsoft case. I am very glad to see that there has been a settlement reached. This case has dragged on for nearly three years and in my view has hindered the countries economic development. Accepting this settlement will allow both Microsoft and the U.S. Government to apply their resources to endeavors more pressing and of greater benefit to the public than the pursuit of prolonged legal battles.

I use Microsoft products on a daily basis. I feel the company has built an excellent array of products and applications which have greatly facilitated the interchange of information and ideas throughout the world. I applaud the concept of free and open competition as well as recognize the need for business to aggressively pursue growth. Microsoft has become a leader in the market through bringing to the public the product that best suits the consumers'' needs. I believe that the settlement will aid other companies in developing competing and complementary products—whether this advantage is warranted, or not, seems to be a decision that your organization has reached a decision upon which I would like to see brought to rest. This appears to me to be a sufficient step in responding to the claims of monopolistic practices.

For the sake of all concerned please settle this suit and allow Microsoft to concentrate on their business and contribution to the U.S. economy.

Sincerely,
Robert B. Jordon

MTC–00019373

From: Sheila Medd
To: Microsoft ATR
Date: 1/23/02 8:10pm
Subject: Microsoft Settlement

As a taxpayer I would especially like to see this matter settled as agreed to by most of the parties in November. As a consumer, I would prefer to have no more government regulation than we already have as it tends to increase the price I pay for items. I believe that the settlement should remain as decided in November in the interest of hopefully an aid to the ailing economy especially since the events of September 11th.

It is my hope therefore that the the Microsoft settlement will be approved without change.

Sincerely,
Sheila G. Medd
Crossville, TN

MTC–00019374

From: Velocity Channel
To: Microsoft ATR
Date: 1/23/02 8:00pm
Subject: Microsoft Settlement

As an IT professional, Microsoft's tactics have made my job increasingly more stressful. As a consumer, Microsoft has taken away choice. They would like you to believe that their only concern is the end user, but the fact of that matter is they strengthen their monopoly everyday using illegal means to shove their software and services down our throats.

Windows needs to be restrained. Let MS make their operating system. But please keep them from filling it up with their own versions of software like web browsers, instant messaging clients, email clients and internet access. MS has the advantage and continues to shove their products down our throats by incorporating these programs into Windows. This leaves competitor's applications to suffer. It is not fair to these companies, and to the users. We want choice. Don't let MS tell you what they think we want. Let us tell you what we want, so that you can make the proper decision.

Please make Microsoft accountable for their actions. Keep them in line by watching

and questioning their every move. If this isn't done, I am afraid that the term Federal Government may be preceded by the word Microsoft very soon.

I don't think that the current settlement is enough and I don't support it. Impose stronger restrictions on this company. I think you had the right idea when you originally decided to break them up.

Thank you,
Brian DePardo
43 Bailey Street
Cranston, RI 02920
401–943–3239

MTC–00019375

From: Harry G. Hudak
To: Microsoft ATR
Date: 1/23/02 7:58pm
Subject: Microsoft Settlement

Let's just get it over. This case, from the outset, has been about those who are not inclined to compete. They are lazy, slovenly, and just plain whiners. They just think ''it's not fair! They have more than I do and I want some. Guess I'll go to court for my share.'' I for one say more power to Microsoft. It's called CAPITALISM! If you can't stand the heat, get out of the market-place. If you truly have a product that is worthwhile, people will buy it. Just get it out there.

Netscape used to be a good browser. As a matter of fact, I used to use it. Then AOL bought it and the only thing they seemed to be interested in was hemming me in to ONLY their content. I now use Internet Explorer. AOL ruined the internet. THEY are the ones who should be outlawed.

So, again, just end it. You have wasted enough of our TAXPAYER dollars on an issue the CONSUMER will settle with his DISPOSABLE INCOME!

Harry G. Hudak

MTC–00019376

From: Art Carran
To: Microsoft ATR
Date: 1/23/02 7:58pm
Subject: Microsoft Settlement

Please don't rush to settlement. Microsoft's long term illegal behavior deserves an appropriately stiff penalty.

MTC–00019377

From: Kristen McNall
To: Microsoft ATR
Date: 1/23/02 8:07pm
Subject: Microsoft Settlement

I feel that the Proposed Final Judgement does not go far enough in limitting Microsoft's anti-competitive practices. Microsoft's must be prevented from leveraging its OS monopoly to distribute additional products.

Thank you,
Kristen McNall
Mosier, Oregon

MTC–00019378

From: bill@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 8:04pm
Subject: Microsoft Settlement

Dir Sirs,

I believee that there are serious flaws with the proposed Microfoft settelment. Please refer to http://www.kegel.com/remedy/remedy2.html

Thank you
William Tonseth
Software Engineer
Hudson, NH

MTC–00019379

From: Thomas Lyon Gideon
To: Microsoft ATR
Date: 1/23/02 8:05pm
Subject: Microsoft Settlement

I am appalled at the mere suggestion, in the proposed settlement, that Microsoft be ''forced'' to donate software, to a set limit, to schools. Aside from the, arguably invalid, implication that Microsoft sets their pricing so directing them to give away $XXX worth of software means they could conceivably set their prices to give away one $XXX copy of Windows. What the DoJ must realize is that much path dependency when it comes to software is developed while users are in the educational system. If students learn Microsoft software, what are they going to be encouraged to buy when they matriculate and become good little consumers? If anything, this aspect of the proposed settlement practically gives Microsoft a stronger hold on a potential enlarged consumer base than they already have. Rather than allowing them to propagate their software further, the proposed remedies for open up the ISVs and OEMs should have more teeth, especially the smaller, regional ''white box'' providers. Letting Microsoft donate their product to a captive audience is more like spraying gasoline on a fire than spraying foam.

Thomas Gideon
Senior Software Engineer
B2eMarkets
mailto:thomas@gideonfamily.org
http://www.gideonfamily.org/tom/
jabber:Highlander@jabber.org

MTC–00019380

From: Roy Hollinger
To: Microsoft ATR
Date: 1/23/02 8:05pm
Subject: Microsoft Settlement

Dear Sir or Madam,

As a software professional (Senior Software Developer) I have serious concerns with the proposed settlement with Microsoft. The biggest problem is that the consent decree is in many ways like the 1995 decree, it doesn't really stop Microsoft from doing anything. The definitions that the decree are based on are overly restrictive and narrow.

This proposed decree appears to be written solely by the Microsoft lawyers as it doesn't offer any protections to individuals like me in either my personal or professional life. I'm also concerned that the decree doesn't have any protection for tools that provide inter operability between operating systems and platforms. The decree appears to give Microsoft the ability to change their SDKs, interfaces and protocols with little effort. This would allow Microsoft to kill tools that exist to provide cross platform communications, such as SAMBA and Wine.

Roy Hollinger
3321 Darrah Ave
Morgantown, WV 26508

MTC–00019381

From: Sean Stevens V.2.0
To: Microsoft ATR
Date: 1/23/02 8:00pm
Subject: Microsoft Settlement

Microsoft is keeping innovation out of the computer market. I've seen it firsthand. people can't compete, they are too big.

–sean stevens,
Brookline, MA

MTC–00019382

From: gary@garytakahashi.md@inetgw
To: Microsoft ATR
Date: 1/23/02 8:01pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am adding my voice to the number of people who feel that the Dept of Justice's remedy of the Microsoft Antitrust case is woefully inadequate, and demonstrates a clear lack of understanding of the issues involved, including what is at stake.

I fear that allowing Microsoft to continue with these paltry and easily sidestepped penalties will not be good for the consumer as a whole, and will stifle innovation instead of encourage it. I am writing to encourage that the DOJ rethink its decision, and press for hard and firm penalties this time.

–Gary Takahashi, MD

Please send all email to gary@garytakahashi.md or takahash@europa.com.

My ohsu.edu account has closed and will no longer be forwarded to me.

MTC–00019383

From: Trevor Goodyear
To: Microsoft ATR
Date: 1/23/02 8:02pm
Subject: Microsoft Settlement

To whom it may concern,

I would like to add my vote to those who are not satisfied with the current terms of the settlement with Microsoft. Those penalties which it does impart on the company will likely prove ineffectual in their attempts to stop Microsoft from continuing its practices of leveraging other companies out of business.

As an example, forcing Microsoft to donate software to schools is preposterous. The academic world is one of the few realms in which non-Windows machines have a foothold. Such donations would only work in Microsoft's favor.

If you believe at least part of your responsibility is to make sure such behavior is not repeated, you will not accept the current proposed settlement.

Sincerely,
Trevor Goodyear

MTC–00019384

From: Gregg Bloom as Colz Grigor
To: Microsoft ATR
Date: 1/23/02 8:03pm
Subject: Microsoft Settlement

Hello. My name is Gregg Bloom. I am a voting citizen of the United States and a resident of Santa Cruz, California.

I do not find the current proposal between Microsoft and the Department of Justice to be satisfactory. Microsoft has been found guilty of manipulating its monopoly to the

detriment of the computer-using community for over a decade. It has had very bad business practices including taking advantage of much smaller companies in order to use the smaller company's superior technology and, in effect, put the smaller company out of business.

I do not think the proposed judgment successfully addresses the companies that are no longer on-going concerns as a result of Microsoft's bad practices.

I believe that the best way to address this issue has several components.

First, I would like to see Microsoft forced to redesign its operating system so that any individual component that has been included with a distribution of Microsoft Operating Systems (95, 98, me, XP, and .net) can be replaced with a third-party's version of software that performs the same function. In order to do this, Microsoft will need to provide detailed specifications for all of its existing and future components of their operating system for a period of time (I believe ten years is satisfactory), and a very easy process for a user of Windows to select the components of the operating system that they would like to interchange with software that they have received from a third party.

Second, I would like a small government agency established. This agency will receive money from Microsoft (a set amount per year for the term of this judgment (ten years at 500 million a year?)) and will fund smaller companies attempting to improve on the individual components of the operating system. This agency will be responsible for evaluating business plans for the proposed improvements, and will be able to withhold payment if it is apparent that the small company is not performing as anticipated.

::Gregg Bloom

MTC–00019385

From: Scott Metzger
To: Microsoft ATR
Date: 1/23/02 8:03pm
Subject: Microsoft

I think you should let Microsoft run the US goverment. I mean History shows how current power always falls.. Look at the Roman Empire. It was great like the US and then it fell.. Same thing could happen to the US. =)

or of course you could make windows XP a free program. Don't they have enough money?

MTC–00019386

From: David McCuskey
To: Microsoft ATR
Date: 1/23/02 8:05pm
Subject: Microsoft Settlement—needs to be stronger!

hello,

just wanted to say that the Microsoft settlement is a **BAD** idea. it essentially rewards them for their monopolistic behavior by giving them a tax write-off (not paying full price for software/machines via inflated prices)and entering in an area (education) for which they haven't been able to grab.

== Quality

Microsoft products are sub-standard by any means and are expensive, but MS can afford to continue this practice because they are a monopoly. they purposefully withhold information regarding their products (protocol specifications, etc) so that their software will be preferred on their system (even over other windows-based software).

Their previous operating systems: (esp Win95, Win98) were some of the buggiest OS's around (this is documented). i have first hand experience - i run Win98 because i need to use Internet Explorer on a PC to check websites that i create.

Microsoft software has been shown to be extremely insecure (even by MS themselves)—just search for the various security holes and viruses from this past year alone—and is running on a majority of the computers in the world. this is scary. they do not act quickly enough for their position of responsibility. (to handle this, they usually come out with another version of an OS, name it something different, and charge people again for a fix to the problems that were in the original software).

== File formats

MS has purposefully safeguarded file formats and changed them (notably, MS Word) so that their software 1. is constantly re-purchased by the users (though most people don't need any new ''features'') 2. other software manufactures cannot create competing software (due to file format incompatability issues).

==Open Source their stance against Open Source software is totally unfounded. with OS, they have found an opponent that they cannot fight or buy so have resorted to their Fear, Uncertainty and Doubt (FUD) tactics, and have barred OS software from their systems.

OS software is some of the best written AND SUPPORTED software on the planet because there are many people who can look at and change the code. it has been proven that this model works—and practically all Universities, and many companies, etc use OS software on a daily basis (Perl, Python, mySQL, PostgreSQL, Apache, emacs, Linux, GCC (software compiler), etc). all of these are highly regarded as the best tools. and a majority of the Internet is created and run with these tools. it is the end-users that are suffering for these practices. development and innovation have been stifled (R&D isn't necessary if you're the ''Only Kid on the Block'') and their computing experiences are rife with frustration (ask me, my parents and friends).

Push for a harder settlement:

i don't think the settlement is enough—the amount they should have to pay should be 10 times more... they have gained their position of power and wealth via monopolistic practices.

thank you,
david mccuskey
programmer and consultant
David McCuskey
m 503.544.7220
f 755.640.8823
www.mccuskeyconsulting.com

MTC–00019387

From: RGA
To: Microsoft ATR
Date: 1/23/02 8:04pm
Subject: Microsoft Settlement

Department—

As a user of Microsoft products, I favor the settlement that the Department and several of the State Attorneys General have negotiated with Microsoft, and urge that you finalize that settlement on its existing terms. I believe that this settlement is in the public interest and should be submitted to the court with the recommendation that it be approved in its present form.

I have followed the litigation closely. It appears to me that too little weight is being given to the fact that Microsoft's success in the market was based on merit, not market share. The sooner that this protracted litigation can be finally resolved, the sooner that Microsoft will be able to return its full attention to its first priority—the consumer, innovation, and improved products at lower prices.

Thank you.

Gordon Appleman

MTC–00019388

From: ARobertWSimmons@cs.com@inetgw
To: Microsoft ATR
Date: 1/23/02 8:04pm
Subject: AOL-Netscape vs Microsoft

Netscape became netscrap due to their inability to innovate and update to KEEP there customers. Customers especially happy customers keep you motivated to do better, Netscape was not able or capable of listening to their consumers. Microsoft a newcomer to the browser market had what I would call a lousy product in the beginning. With their consumer follow up and product hotline they took the heat made product changes and today they have a great product that works well with just about any program. Netscape via AOL today will kick you from programs and you have to reboot to get back into that program.

AOL knew or at least I hoped they knew that what they were buying was a oversize peice of software that needed alot of work to make it a streamlined player iun the game of Browsers. Don't use the feable excuse that Microsoft bundle the product with Windows that caused Netscapes problems that just not true. You still had to buy the Windows program and you paid alot of money for that software. I was glad to get anything and everthing they had for that purchase. It works great then and it works great today. I've bought Netscape Gold, Netscape Premium, and Netscape programs to assist me in other online programs in the past, and after a month trying to work anyone of the programs I deleted the programs and went on with another program. If AOL is so hot on Netscape I have three different progams that Netscape came out with I'll be more than happy to send them back for credit.

Microsoft products and Internet Explorer works well, with ease, and does not take up alot of memory.

Tell AOL to market their product the right way and listen to the consumers whobuy the products, and maybe they may have a chance in getting back market share they have given upon hoping that the DOJ would help them with. Let the consumer be the judge of what products are good, and what product systems they wish to buy.

Thank you, I was just going to say a few words but I got on a consumer roll.

RW Simmons

MTC–00019389

From: Scott Lavergne
To: Microsoft ATR
Date: 1/23/02 8:04pm
Subject: Microsoft Settlement

This settlement is unacceptable. I am a computer consultant mainly handling the end users. Microsoft makes my job possible. There poor software provides endless hours of work for me and my company. If it were not for Microsoft I would have one tenth of the revenue. Yet, I am taking time out of my day to request that Microsoft be split into three perhaps 4 companies. This would provide for some competition and finally some better software. I see the splits happening as follows.

1. Office products (MS Office, MS Money)
2. Internet Services (MSN...)
3. Server Software (Exchange, SQL)
4. Operating Software (Windows)

This configuration would hopefully over time dilute the force that is Microsoft and eventually bring stable reliable software to the small business end user.

Sincerely

Scott Lavergne

MTC–00019390

From: Brendan
To: Microsoft ATR
Date: 1/23/02 8:03pm
Subject: Microsoft Settlement

It's not about a monopoly, it's about one company being in control of most of the worlds computers by way of licensing and price. It's about giving other companies a chance to succeed.

Brendan

MTC–00019391

From: Chris Lawrence
To: Microsoft ATR
Date: 1/23/02 8:05pm
Subject: Microsoft Settlement

I am writing in opposition to the proposed settlement of the U.S. case against Microsoft Corporation. In particular, I request that the following, or something substantially similar, be made a condition of any settlement with Microsoft:

Microsoft shall be required to disclose all application programming interfaces (APIs) that are used by any software sold or given away by Microsoft that is not included with Windows 98, Windows 2000 Professional, Windows XP Home, Windows XP Professional, Windows CE, Windows XP Tablet PC Edition, or any subsequent Microsoft operating system implementing portions of the Win32 API, as well as any Microsoft Middleware component that is offered for free download by Microsoft, including Internet Explorer (''add-on code''). Microsoft shall further be required to provide public documentation of these application programming interfaces, available to software developers at a reasonable cost, at a similar level of detail to Microsoft's existing documentation of public APIs, not to exceed the per-page cost of said documentation. Microsoft shall further be obligated to fully disclose the effects of API calls made by its add-on code, including the side-effects of specifying particular arguments to these API calls.

The technical committee or any third party shall have the authority to inspect Microsoft's add-on code, in binary form, and documentation to verify compliance with this provision.

Nothing in this section shall compel Microsoft to provide any such add-on code for free for use with non-Microsoft operating systems; however, no add-on code sold for any monetary cost (including ''Microsoft Office'') shall require the use of a Microsoft operating system for execution of said code. Further, nothing in this section shall limit the technical committee's rights to examine source code as set forth in the agreement.

I also fully support the position of Dan Kegel, et al, in their forthcoming letter regarding the settlement.

Christopher N. Lawrence
Ph.D. Candidate and System Administrator
2000 Libertarian candidate for U.S. Congress, 1st District of Mississippi
Oxford, Mississippi
Chris Lawrence <chris@lordsutch.com>—
http://www.lordsutch.com/chris/

MTC–00019392

From: Jay Mehaffey
To: Microsoft ATR
Date: 1/23/02 8:07pm
Subject: Microsoft Settlement

Microsoft deserves to be broken up, any lesser punishment is an injustice.

Jay

MTC–00019393

From: Gregory P. Turza
To: Microsoft ATR
Date: 1/23/02 8:04pm
Subject: Microsoft Settlement

We live in the greatest industrialized civilization in human history. In the last 20 years we have experienced a computer revolution that has increased our productivity beyond our previous ability to imagine. The greatest leader in that revolution is Bill Gates and the company he created, Microsoft. It is an obscene injustice that instead of honoring and admiring Microsoft as the greatest modern hero of this industrialized civilization, that we instead are imposing any punishment whatsoever upon it.

Gregory P. Turza
2415 N Kedzie Blvd.
Chicago, IL 60647
773–294–1779

MTC–00019394

From: Dennis
To: Microsoft ATR
Date: 1/23/02 8:14pm
Subject: Microsoft Settlement

I am sending this e-mail to protest the proposed settlement between Microsoft and the government of the United States. I have been a software developer for over 18 years. I have seen the birth of the PC and watched as it has become a vital part of our everyday lives. The computer has been both my livelihood and hobby for a long time. I have used Microsoft products in the past and I do now. I use the best tools for the current job.

Sometimes that's Microsoft, sometimes it's not. Over the years I have watched Microsoft grow from basically a garage operation to a massive global company that has unbelievable say in the direction of the computer industry. Apparently, Microsoft has forgotten, or never knew, that with that immense power comes great responsibility. I believe that Microsoft has damaged the computer industry. Due to their incredible marketing and legal might, they have forced PC manufacturers to include only their software and no other. The have tried to prohibit manufacturers from selling PC's without an operating system. They charged manufacturers for a copy of the Windows OS even if they did not ship it. Even today, it's virtually impossible to buy a PC with no operating system from a major manufacturer.

I am aware of the false error messages planted in the Windows 3.x beta product that were produced when running on DR DOS which killed that software. They gave away an inferior web browser simply to crush a technically superior product just because they could. They have operated under and ignored a previous consent decree designed to reign in their behavior. They have lied in court, produced false evidence, faked ignorance of e-mails. They had a ''Contest'' among PC manufacturers to report people who buy PC's with no operating system installed.

Following are some of the remedies that I would like to see. I believe that they would go a long way towards opening up competition in the software industry.

1. Force Microsoft to open up their complete API's. That's every one of them.

2. Prohibit Microsoft from changing any API's unless published first.

3. Force Microsoft to open Windows source code to companies that make competing software.

Also, Microsoft should pay a fine based on the severity of their monopoly conviction. I believe that this fine should be large and be based on the profits that were gained from their monopolistic behavior. I am aware that some of my points may seem trivial and not connected to the anti-trust trial. The trial points are clear and well known. I wanted to present some other points that may or may not be so well known as reasons for my sending this e-mail.

Thank you for your time.

Dennis Cottrell
dcottrell6@home.com

MTC–00019395

From: Rich Griswold
To: Microsoft ATR
Date: 1/23/02 8:01pm
Subject: Microsoft Settlement

I am writing today out of concern over the Proposed Final Judgment in the Microsoft antitrust case. I have several years of computer experience, and am currently working towards my Master's Degree in Computer Science, so the settlement of the Microsoft antitrust case will have a large impact on my future.

I have read documents covering the Proposed Final Judgment, and I have several concerns. These concerns are summarized nicely by Dan Kegal at http://www.kegel.com/remedy/remedy2.html:

The problems identified above with the Proposed Final Judgment (PFJ) can be summarized as follows:

* The PFJ doesn't take into account Windows-compatible competing operating systems

* Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

* The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

* The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

* The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

* The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

* The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertised as being ''Windows Powered''.

* The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

* The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

* The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

* The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

* The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

* The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

* Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

* Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

* Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system —even for computers running Linux. (Similar licenses to OEMs were once banned by the 1994 consent decree.)

* The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

* Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

* The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

* The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

* The PFJ allows Microsoft to discriminate against small OEMs— including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

* The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

* The PFJ as currently written appears to lack an effective enforcement mechanism.

Considering these problems, one must conclude that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, and would delay the emergence of competing Windows-compatible operating systems. Therefore, the Proposed Final Judgment is not in the public interest, and should not be adopted without addressing these issues.

I am troubled by the possibility that all of the time and money spend on the Microsoft antitrust case could end up wasted, and that we could have a repeat of the 1994 consent decree. Allowing Microsoft to maintain, and even expand, their monopoly will stifle competition, innovation, and growth in the computer industry as well as other high-tech industries.

As someone who is very concerned about the future of the computer industry, I do not want to see this happen. Please consider these arguments against the Proposed Final Judgment.

Thank you. —

Richard Griswold griswold@acm.org

MTC–00019396

From: Albert Howard
To: Microsoft ATR
Date: 1/23/02 8:07pm
Subject: Microsoft Settlement

Dear Madam/Sir:

I cannot believe the DOJ is allowing Microsoft to keep its ill-gotten gains but is going to trust it to stop!? I believe the solution from Judge Jackson was the minimum due. Divide the beast.

Thank you,

Al Howard

MTC–00019397

From: Bernard702@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 8:04pm
Subject: Microsoft Settlement

I am writing to voice my support for the Microsoft Position regarding the settlement you are considering.

It is my feeling that Microsoft has achieved its success by focusing on the services it could supply to ''the user''. Its'' commitment to excellence and to the consuming public has brought great value to everyone and a modicum of standardization upon which even its'' competitors have been able to build their products and their own success stories. Its'' competitive spirit has, also, stimulated and enriched others within its'' industry. This should not be misinterpreted as ''abuse'' but, rather, applauded for its'' contribution to the growth og our economy and ''others'' within industries of all kinds. This is the time for us to focus on market competition and technical achievement as well as cooperation within the industry. It is my opinion that that will make the consumers'' computing experience easier, more valuable, and contribute to the economy during these most trying times. Continued litigation is, at the least, a waste of financial resources and, at the worst, consuming vital time from Microsoft, a very hard working, consumer orientated, and competent Company.

MTC–00019398

From: Mark Manley
To: Microsoft ATR
Date: 1/23/02 8:06pm
Subject: Microsoft V.S. Choice

It saddens me deeply to see the government take the inititive and choice out of the computer industry by allowing Microsoft to so completely dominate things. Who would spend money to develop new technology, knowing Microsoft can, at a whim run right over you!

Mark Manley
2346 S 119 E Ave
Tulsa, Ok 74129

MTC–00019399

From: Bob O'Connell
To: Microsoft ATR
Date: 1/23/02 8:12pm
Subject: Microsoft Settlement

I believe the settlement is a slap on the wrist because it lets Microsoft put Their software in more places as a punishment, give me a break. If you want to make it a punishment fine them the cost of computers plus the retail price of the software, then they can purchase the computer and software they want.

Here is a link to an article that says exactly what I was thinking. http://www.infoworld.com/articles/op/xml/02/01/21/020121opsource.xml

MTC–00019400

From: Joel Seiferas
To: Microsoft ATR
Date: 1/23/02 8:17pm
Subject: Microsoft Settlement

I'm busy right now, but I certainly DO NOT AGREE with the proposed Microsoft settlement.

Joel Seiferas
joel@cs.rochester.edu
CC:joel@cs.rochester.edu@inetgw

MTC–00019401

From: Michael J. O'Neill
To: Microsoft ATR
Date: 1/23/02 8:18pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea. It's punishment so trivial as to be a relative

reward to Microsoft for its actions. I do not believe the proposed settlement is in the best interests of consumers or citizens of the United States.

Michael J. O'Neill
47 Valley Hill Dr.
Holden, MA 01520
508.829.3187

MTC–00019402

From: achaney@mac.com@inetgw
To: Microsoft ATR
Date: 1/23/02 8:12pm
Subject: Microsoft Settlement

Dear DOJ,

I think Microsoft should be disbanded, it's assets sold off (no microsoft employees allowed to buy) and the money be given back to the share holders and it's customers. Their 33 billion dollars in cash in the bank should be paid back to everyone who was over charged and any company that was put out of business by Microsoft FUD and strong arm tactics. Myself included.

I have since switched to apple computers for my personal computer needs and have never looked back. With Mac OS X I can DO ANYTHING I want, on the internet, with music, video, writing software weather it be Java, Perl, HTML, C++ or Objective C. I have the tools to do thing fast and with style without the MS baggage and the cost associated with over priced bloatware. I do not like being rip off by Microsoft with their constant forced upgrades that give you no real benefit, and over priced bug ridden software was just too much and not even worth it anymore at stay with the ''standard''. Which is why I left them forever. The same things can be done in Win 98 or the Mac OS that you can do with Win XP there is real no functional difference or advantage to XP over 98 or the Mac. But MS says that XP is so much better than win 98 you need to buy this or be left behind. But in reality most people do not need to. MS just wants more of your money with nothing given back other than flash and no substance. Microsoft is not the standard. It's the exception to the rule. They take standards like Java, Kerberos, HTTP, TCP/IP, etc... and change them in such a way that it makes it incompatible with everyone else just enough so that it makes difficult or impossible to use. What was once a easy to use system is corrupted to make it work only on windows. They tired this with java by putting windows OS hooks in their java compiler so that if you made a java application or a java applet on a windows machine it would not work on the Macintosh or Linux OSs, and when they were called on it they dropped java altogether calling it a virus. That's no joke.

They have done this time and time again. They violate NDAs when it suites them with no more than a ''We're Microsoft, suck it up and deal'' I know of friends who have experienced this first hand. Microsoft knows NO ONE is going to take them to court because no one can outspend MS, and it seems not even the federal government can either.

They copy what they want, they steal what they want, they do what they want and there is no one to stop them. They have no fear of being sued, with the exception is really big companies. I hope AOL gets somewhere with their lawsuit concerning Netscape I believe they will not in the end, Not because AOL does not have a case but because they are Microsoft and just dazzle the judge with a lot of hard to understand ''facts'' and then MS wins. And the status quo is maintained.

I finish with a quote. ''A market-crushing company can no more be called CAPITALIST than an abortion-clinic killer can be called Christian.'' ? Sue Doanim

Thank you for your time,

Adam Chaney, Programmer

PS. I'm writing this on a Powerbook G4 Titanium using apple's Mail program on Mac OS X 10.1.2.

MTC–00019403

From: DeeKay
To: Microsoft ATR
Date: 1/23/02 8:12pm
Subject: Microsoft Settlement

I think this settlement hardly deserves this name. Where's the punishment for the wrong Microsoft has done? If you let them get away that cheap, you ultimately prove that the government doesn't have any power over a company as large as that! Besides from that: Microsoft itself hasn't paid a single dime in taxmoney last year, so quit treating them as if they were the great taxpayer that needs not to be harmed!

Best regards,

David Keegan

MTC–00019404

From: David Pohlman
To: Microsoft ATR
Date: 1/23/02 8:12pm
Subject: microsoft settlement

It is a shame that the settlement with Microsoft was determined by who won the election, not the merits of the case. Make them do something real rather than just promise to be better next time. The ''donation'' to the schools is something that is designed to further kill competition.

MTC–00019405

From: Nocon, Rizaldi C.
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 8:16pm
Subject: Microsoft Settlement

I am from a developing country and we need very good but free software. If Microsoft eventually kills the idea of free software by strangling/stiffling it, how can we get access to the same.

Regards,

Rizaldi Nocon

Manila, Philippines

MTC–00019406

From: nat@ferrus.net@inetgw
To: Microsoft ATR
Date: 1/23/02 8:15pm
Subject: Microsoft Settlement

The proposed settlement does not solve the problem of Microsoft being able to illegally sustain their monopoly. If the settlement is accepted, it will merely allow them to continue on as before, unhindered. —

Nat Tuck <nat@ferrus.net>
81 High St
Rockport, MA, 01966

MTC–00019407

From: Mark Rice
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 8:14pm
Subject: Microsoft Settlement

People of the Department of Justice, I am just a U. S. Citizen and not a lawyer. But I think the settlement is just a slap on the wrist. It does not remedy the continuing pattern of abuse. If we had real competition in desktop OSes and office software we would not see Microsoft do the following:

A) Treat the customer with contempt. The product activation feature means I have to ask permission to use what I have paid for. They would not be able to do this in a competitive environment.

B) Prohibit OEMs from shipping machines that boot to both Windows and another OS such as Linux, BSD or BeOS. You can not buy a dual boot computer from an OEM. The market craves this. Something is wrong.

C) Reward workers at OEMs for telling Microsoft who has ordered ''Naked Computers'' without an OS installed. Microsoft thinks it is entitled to collect money for every computer even if it does not have a Microsoft OS on it.

D) Have dead people write letters of support to state Attorneys General. Microsoft was not even apologetic when they were caught on this one!

Thank you for reading my rant!!

Yours Truly
Mark S. Rice
1514 Oyama Place
San Jose, CA 95131

MTC–00019408

From: Alan Mortensen
To: Microsoft ATR
Date: 1/23/02 8:10pm
Subject: Microsoft Settlement

There are many that know the law and government proceedings more than I, so I will refrain from commenting on them directly. What I experienced is the damage that Microsoft has done first hand. I've been a Java developer and Macintosh user for many years now and the actions I have witnessed are a travesty. They cast a shadow over the entire industry where the executives always ask, what will Microsoft do? Will they care enough to take us out or buy us? What I value as a developer is innovation and Microsoft has done everything in it's power to crush innovation in other companies and therefore in the industry as a whole. They have exhibited not only incidents of monopoly behavior but a consistent and pervasive pattern of abuse of power.

On the subject of the decision, I don't see how this decision will change any of their techniques and it will take up considerable manpower to try to enforce. Trying to solve Microsoft via a bureaucracy is not a reasonable solution, there will always be too many vulnerabilities, either from loopholes or corruption. I'm no expert on punitive practices, but I do know a fair amount about business practices and I don't think this decision will slow them in the least. They will just adapt around it. They are a monopoly and they need to be handled specially for it. My primary suggestion is exposure (source code) and extreme fines. A

break up sounds unlikely but I would prefer it, a horizontal break up, consisting of multiple OS/Office/Database/etc. vendors that could compete.

Alan Mortensen

MTC–00019409

From: Charles Levine
To: Microsoft ATR
Date: 1/23/02 8:11pm
Subject: Microsoft Settlement

Comments on settlement of Microsoft Antitrust case

I support the proposed settlement reached between Microsoft, the DOJ, and nine states. The legal process has run its course and it is time to conclude this matter. It is difficult to see what harm has come to consumers from the ''browser battles'' that were the crux of the case. The settlement focuses on changes to Microsoft's business practices which seems reasonable in light of the ruling by the Court of Appeals. Continued litigation is in the interest of only two groups: (1) Microsoft's competitors, and (2) the lawyers working on the case. The purpose of antitrust laws is to protect consumers, not competitors.

MTC–00019410

From: Theta
To: Microsoft ATR
Date: 1/23/02 8:14pm
Subject: Microsoft Settlement

The PFJ as currently written appears to lack an effective enforcement mechanism. It does provide for the creation of a Technical Committee with investigative powers, but appears to leave all actual enforcement to the legal system. What information needs to be released to ISVs to encourage competition, and under what terms? The PFJ provides for increased disclosure of technical information to ISVs, but these provisions are flawed in several ways: 1. The PFJ fails to require advance notice of technical requirements Section III.H.3. of the PFJ requires vendors of competing middleware to meet ''reasonable technical requirements'' seven months before new releases of Windows, yet it does not require Microsoft to disclose those requirements in advance. This allows Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

2. API documentation is released too late to help ISVs Section III.D. of the PFJ requires Microsoft to release via MSDN or similar means the documentation for the APIs used by Microsoft Middleware Products to interoperate with Windows; release would be required at the time of the final beta test of the covered middleware, and whenever a new version of Windows is sent to 150,000 beta testers. But this information would almost certainly not be released in time for competing middleware vendors to adapt their products to meet the requirements of section III.H.3, which states that competing middleware can be locked out if it fails to meet unspecified technical requirements seven months before the final beta test of a new version of Windows.

3. Many important APIs would remain undocumented The PFJ's overly narrow definitions of ''Microsoft Middleware Product'' and ''API'' means that Section III.D.'s requirement to release information about Windows interfaces would not cover many important interfaces.

4. Unreasonable Restrictions are Placed on the Use of the Released Documentation ISVs writing competing operating systems as outlined in Findings of Fact (?52) sometimes have difficulty understanding various undocumented Windows APIs. The information released under section III.D. of the PFJ would aid those ISVs—except that the PFJ disallows this use of the information. Worse yet, to avoid running afoul of the PFJ, ISVs might need to divide up their engineers into two groups: those who refer to MSDN and work on Windows-only applications; and those who cannot refer to MSDN because they work on applications which also run on non-Microsoft operating systems. This would constitute retaliation against ISVs who support competing operating systems.

5. File Formats Remain Undocumented No part of the PFJ obligates Microsoft to release any information about file formats, even though undocumented Microsoft file formats form part of the Applications Barrier to Entry (see ''Findings of Fact'' ?20 and ? 39).

6. Patents covering the Windows APIs remain undisclosed Section III.I of the PFJ requires Microsoft to offer to license certain intellectual property rights, but it does nothing to require Microsoft to clearly announce which of its many software patents protect the Windows APIs (perhaps in the style proposed by the W3C; see http://www.w3.org/TR/2001/WD-patent-policy-20010816/#sec-disclosure). This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users, as illustrated by this report from Codeweavers, Inc.: When selecting a method of porting a major application to Linux, one prospect of mine was comparing Wine [a competing implementation of some of the Windows APIs] and a toolkit called ''MainWin''. MainWin is made by Mainsoft, and Mainsoft licenses its software from Microsoft. However, this customer elected to go with the Mainsoft option instead. I was told that one of the key decision making factors was that Mainsoft representatives had stated that Microsoft had certain critical patents that Wine was violating. My customer could not risk crossing Microsoft, and declined to use Wine. I didn't even have a chance to determine which patents were supposedly violated; nor to disprove the validity of this claim.

The PFJ, by allowing this unclear legal situation to continue, is inhibiting the market acceptance of competing operating systems. Which practices towards OEMs should be prohibited? The PFJ prohibits certain behaviors by Microsoft towards OEMs, but curiously allows the following exclusionary practices:

Section III.A.2. allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

Section III.B. requires Microsoft to license Windows on uniform terms and at published prices to the top 20 OEMs, but says nothing about smaller OEMs. This leaves Microsoft free to retaliate against smaller OEMs, including important regional ''white box'' OEMs, if they offer competing products.

Section III.B. also allows Microsoft to offer unspecified Market Development Allowances—in effect, discounts—to OEMs. For instance, Microsoft could offer discounts on Windows to OEMs based on the number of copies of Microsoft Office or Pocket PC systems sold by that OEM. In effect, this allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas, such as office software or ARM-compatible operating systems.

By allowing these practices, the PFJ is encouraging Microsoft to extend its monopoly in Intel-compatible operating systems, and to leverage it into new areas. Which practices towards ISVs should be prohibited? Sections III.F. and III.G. of the PFJ prohibit certain exclusionary licensing practices by Microsoft towards ISVs.

However, Microsoft uses other exclusionary licensing practices, none of which are mentioned in the PFJ. Several of Microsoft's products'' licenses prohibit the products'' use with popular non-Microsoft middleware and operating systems. Two examples are given below.

1. Microsoft discriminates against ISVs who ship Open Source applications The Microsoft Windows Media Encoder 7.1 SDK EULA states ... you shall not distribute the REDISTRIBUTABLE COMPONENT in conjunction with any Publicly Available Software. ''Publicly Available Software'' means each of (i) any software that contains, or is derived in any manner (in whole or in part) from, any software that is distributed as free software, open source software (e.g. Linux) or similar licensing or distribution models ... Publicly Available Software includes, without limitation, software licensed or distributed under any of the following licenses or distribution models, or licenses or distribution models similar to any of the following: GNU's General Public License (GPL) or Lesser/Library GPL (LGPL); The Artistic License (e.g., PERL); the Mozilla Public License; the Netscape Public License; the Sun Community Source License (SCSL); ...

Many Windows APIs, including Media Encoder, are shipped by Microsoft as add-on SDKs with associated redistributable components. Applications that wish to use them must include the add-ons, even though they might later become a standard part of Windows. Microsoft often provides those SDKs under End User License Agreements (EULAs) prohibiting their use with Open Source applications. This harms ISVs who choose to distribute their applications under Open Source licenses; they must hope that the enduser has a sufficiently up-to-date version of the addon API installed, which is often not the case.

Applications potentially harmed by this kind of EULA include the competing middleware product Netscape 6 and the competing office suite StarOffice; these EULAs thus can cause support problems for, and discourage the use of, competing

middleware and office suites. Additionally, since Open Source applications tend to also run on non-Microsoft operating systems, any resulting loss of market share by Open Source applications indirectly harms competing operating systems.

2. Microsoft discriminates against ISVs who target Windows-compatible competing Operating Systems The Microsoft Platform SDK, together with Microsoft Visual C++, is the primary toolkit used by ISVs to create Windows-compatible applications. The Microsoft Platform SDK EULA says: ''Distribution Terms. You may reproduce and distribute ... the Redistributable Components... provided that (a) you distribute the Redistributable Components only in conjunction with and as a part of your Application solely for use with a Microsoft Operating System Product...''

This makes it illegal to run many programs built with Visual C++ on Windows-compatible competing operating systems. By allowing these exclusionary behaviors, the PFJ is contributing to the Applications Barrier to Entry faced by competing operating systems. Which practices towards large users should be prohibited?

The PFJ places restrictions on how Microsoft licenses its products to OEMs, but not on how it licenses products to large users such as corporations, universities, or state and local governments, collectively referred to as ''enterprises''. Yet enterprise license agreements often resemble the per-processor licenses which were prohibited by the 1994 consent decree in the earlier US v. Microsoft antitrust case, in that a fee is charged for each desktop or portable computer which could run a Microsoft operating system, regardless of whether any Microsoft software is actually installed on the affected computer. These agreements are anticompetitive because they remove any financial incentive for individuals or departments to run non-Microsoft software. Which practices towards end users should be prohibited?

Microsoft has used both restrictive licenses and intentional incompatibilities to discourage users from running Windows applications on Windows-compatible competing operating systems. Two examples are given below.

1. Microsoft uses license terms which prohibit the use of Windows-compatible competing operating systems MSNBC (a subsidiary of Microsoft) offers software called NewsAlert. Its EULA states ''MSNBC Interactive grants you the right to install and use copies of the SOFTWARE PRODUCT on your computers running validly licensed copies of the operating system for which the SOFTWARE PRODUCT was designed [e.g., Microsoft Windows(r) 95; Microsoft Windows NT(r), Microsoft Windows 3.x, Macintosh, etc.] .... ''

Only the Windows version appears to be available for download. Users who run competing operating systems (such as Linux) which can run some Windows programs might wish to run the Windows version of NewsAlert, but the EULA prohibits this. MSNBC has a valid interest in prohibiting use of pirated copies of operating systems, but much narrower language could achieve the same protective effect with less anticompetitive impact. For instance, ''MSNBC Interactive grants you the right to install and use copies of the SOFTWARE PRODUCT on your computers running validly licensed copies of Microsoft Windows or compatible operating system.''

2. Microsoft created intentional incompatibilities in Windows 3.1 to discourage the use of non-Microsoft operating systems An episode from the 1996 Caldera v. Microsoft antitrust lawsuit illustrates how Microsoft has used technical means anticompetitively. Microsoft's original operating system was called MS-DOS. Programs used the DOS API to call up the services of the operating system. Digital Research offered a competing operating system, DR-DOS, that also implemented the DOS API, and could run programs written for MS-DOS. Windows 3.1 and earlier were not operating systems per se, but rather middleware that used the DOS API to interoperate with the operating system. Microsoft was concerned with the competitive threat posed by DR-DOS, and added code to beta copies of Windows 3.1 so it would display spurious and misleading error messages when run on DR-DOS. Digital Research's successor company, Caldera, brought a private antitrust suit against Microsoft in 1996. (See the original complaint, and Caldera's consolidated response to Microsoft's motions for partial summary judgment.) The judge in the case ruled that ''Caldera has presented sufficient evidence that the incompatibilities alleged were part of an anticompetitive scheme by Microsoft.''

That case was settled out of court in 1999, and no court has fully explored the alleged conduct. The concern here is that, as competing operating systems emerge which are able to run Windows applications, Microsoft might try to sabotage Windows applications, middleware, and development tools so that they cannot run on non-Microsoft operating systems, just as they did earlier with Windows 3.1. The PFJ as currently written does nothing to prohibit these kinds of restrictive licenses and intentional incompatibilities, and thus encourages Microsoft to use these techniques to enhance the Applications Barrier to Entry, and harming those consumers who use non-Microsoft operating systems and wish to use Microsoft applications software.

Is the Proposed Final Judgment in the public interest?

The problems identified above with the Proposed Final Judgment can be summarized as follows: The PFJ doesn't take into account Windows-compatible competing operating systems Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry. The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered. The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all. The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft. NET with competing middleware. The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertised as being ''Windows Powered''.

The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs. The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible. The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents. The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows. Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems. Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running Linux. (Similar licenses to OEMs were once banned by the 1994 consent decree.)

The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems. The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system. The PFJ allows Microsoft to discriminate against small OEMs—including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software. The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other

areas. The PFJ as currently written appears to lack an effective enforcement mechanism. Considering these problems, one must conclude that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, and would delay the emergence of competing Windows-compatible operating systems. Therefore, the Proposed Final Judgment is not in the public interest, and should not be adopted without addressing these issues.

Thank You For Your Time,

Theresa Peterson

MTC–00019411

From: Joe Naccarato
To: Microsoft ATR
Date: 1/23/02 8:08pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am writing in opposition to the proposed settlement in the Microsoft antitrust trial. I feel that any settlement in this case needs to do more to curtail Microsoft from continuing its illegal practices. If justice is to be served, a new settlement needs to be drafted which is less favorable toward Microsoft. The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions. The current settlement must be thrown out and a new one must be drafted if the court is truly to have served its purpose in this case.

Sincerely,

Joseph Naccarato

MTC–00019412

From: Jim Cubbage
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 8:09pm
Subject: Microsoft Settlement

Dear People,

Please do not settle with Microsoft. They need to be punished and any settlement they can agree to is insufficient punishment. The history of their actions in regards to other settlements shows they are not trustworthy and will not abide by settlements. This company has hurt all consumers by profiteering, quashing competition and creating mediocre software for which there are no alternatives. Please help invigorate the market by curbing Microsofts predatory business practices through imposing a true solution rather than reaching a settlement.

Sincerely yours,

Jim Cubbage
218 1/2 W 4th Ave
Olympia, WA 98501

MTC–00019413

From: Tony Brancato
To: Microsoft ATR
Date: 1/23/02 8:10pm
Subject: Microsoft Settlement

Dear Sir or Madam:

I do not believe the Proposed Final Judgement has adequate safeguards to prevent Microsoft from continuing its illegal monopolistic practices. I urge the Court to reject the Proposed Final Judgement.

Sincerely,

Anthony T. Brancato, Jr.
265 Loden La.
Rochester, NY

MTC–00019414

From: John Callaway
To: Microsoft ATR
Date: 1/23/02 8:19pm
Subject: Microsoft Settlement

I am writing to express my strong displeasure with the Department of Justice's proposed settlement with Microsoft in the antitrust case. Enumerating all the flaws with this settlement would take too much of my and your time, so I will restrict my comments to the aspects of the proposed settlement relating to Microsoft's licensing contracts with personal computer original equipment manufacturers (OEMs).

As I understand it, the settlement does little to prevent Microsoft from continuing its anticompetitive practices that prevent OEMs from offering rival operating systems, such as Linux and BSD, preinstalled on their systems. For example, section III.A.2 specifically allows Microsoft to retaliate against OEMs that sell a computer with a rival operating system but without a Microsoft operating system. This is essentially a legally sanctioned tax collected by Microsoft, especially considering that the open-source operating systems I mentioned are free. The settlement also appears to specifically allow Microsoft to set any contract terms they like with smaller OEM vendors (any other than the 20 largest), which is clearly anticompetitive.

I will recount a personal experience of mine that illustrates the costs imposed on the consumer by Microsoft's restrictive OEM licenses, even those consumers who choose a Microsoft operating system. About a year ago, I helped my parents choose a computer at a Gateway 2000 store in Overland Park, Kansas. We selected the system that met our price and performance criteria, which was part of Gateway's ''home'' line of systems. We then asked to have Windows 2000 preinstalled on the machine instead of Windows ME, because of the superior stability and performance of the former operating system. Our sales representative informed us that this would be impossible, since Microsoft's license with Gateway stipulated that their home line of computers MUST be shipped with Windows ME (at that time, in December 2000). We therefore had to settle for one of their ''small business'' computers, which was not as feature-rich as the home computer we selected and cost several hundred dollars more.

Thank you very much for reading my comments, and I hope that this harmful settlement is discarded and appropriate remedies imposed on Microsoft instead.

John Callaway
john.callaway@visicomp.com
136 Pine St. Santa Cruz, CA 95062

MTC–00019415

From: Timothy A. Seufert
To: Microsoft ATR
Date: 1/23/02 8:19pm
Subject: Microsoft Settlement

Dear Sirs and Madams, I write as a citizen concerned with the Proposed Final Judgement in United States v. Microsoft.

There are numerous problems with the proposed settlement plan. For example, it appears that looseness in definitions will allow Microsoft to change the names of products mentioned in the settlement plan to avoid obeying the proposed behavioral restrictions. The plan must be very cautiously reworded to prevent Microsoft from exploiting loopholes.

More importantly, I feel there are basic deficiencies in the plan's coverage of the numerous ways in which Microsoft enforces its monopolies. One which seems obvious to me is the lack of a remedy for Microsoft's use of closed file formats.

Microsoft uses closed file formats to help sustain their monopoly on office productivity software. Microsoft's office productivity suite owns most of the market; most organizations have standardized on it and own no other software covering its functionality. As a user of alternate operating systems (MacOS X and Linux) I often find that such organizations cannot generate or accept anything but Word documents, even when I try to use a more open and crossplatform format like Adobe's PDF. For example, I am presently looking for a job, and so far as I can tell all the HR departments and job placement firms who deal with my profession (electrical engineering) more or less require electronic resume submissions to be in Word format. This is in Silicon Valley, the heart of anti-Microsoft sentiment! Microsoft's lock on this kind of software is that strong.

The result of such social pressure is that I must either expend continual effort educating people about how to use formats other than Word (not a good idea to annoy people this way when I'm in the position of looking for a job, I might add!), or I must buy a copy of Word so that I can read and write the de facto standard file format. In practice, few people are willing to take on the persnal cost of the first option.

From another point of view, an organization which wishes to convert from Microsoft's office package to somebody else's faces a huge migration issue. Organizations become locked in to using Microsoft's software because there is no easy way for them to convert their document archives.

If Microsoft's file formats were open, it would be easier for alternative productivity software to gain entry to the market. It is routine for those who do try to compete with Microsoft in this area to reverse engineer Microsoft's formats, but Microsoft is always playing a game of changing the formats with each new Office release so that everybody with the latest version of Word/Excel/etc. is generating documents incompatible with other software. Furthermore, the quality of support is never as good as it could be were Microsoft's file formats open.

To summarize, competitive office products must read and write Microsoft's file formats with a high degree of compatability. Through obscurity and constant change of these formats, Microsoft has created an artificial barrier to entry. In order to break down that barrier, Microsoft should be required to fully document its file formats in a timely fashion. Ideally they would have to keep the public informed of future changes, rather than just documenting what happened after the fact.

Similar concerns probably apply to areas other than office productivity software, but I wanted to comment on something that has impacted me personally.

In closing, I'd like to think you for your consideration in reading my comments.

Tim Seufert

MTC–00019416

From: James Drabb
To: Microsoft ATR
Date: 1/23/02 8:20pm
Subject: Microsoft Settlement

I feel that the proposed settlement in the Microsoft Anti-trust case is wrong. Microsoft is getting off way to easily, please bring justice to the money hungry giant. —

James Drabb JR
Darden Restaurants
Business Systems
Programmer Analyst
JDrabb@Darden.com
AstroDrabb@yahoo.com

MTC–00019417

From: Kate Conner
To: Microsoft ATR
Date: 1/23/02 8:17pm
Subject: Microsoft Settlement

To whom it may concern:

The proposed settlement between the U.S. and Microsoft does not go far enough to ensure that the un-competitive practices that the company has been found guilty of doing will not continue. As a company, they have proven that court orders are irrelevant to the way that they conduct business and it is extremely doubtful that any new court order or external oversight will dampen the negative impact that Microsoft's illegal monopoly has had on the computing industry. Unless serious and drastic changes are made to the structure and operations of the company, they will continue to stifle innovation and fair competition throughout the IT world and any other industry they leverage their way into.

Thank you,
Kate Conner

MTC–00019418

From: Jeff Malins
To: Microsoft ATR
Date: 1/23/02 8:18pm
Subject: Microsoft Settlement

Dear Department of Justice,

The current judgment, as written, does nothing to prevent Microsoft from introducing intentional incompatibilities into new versions of its operating system as an anticompetitive measure. Microsoft has used such strategies in the past, (ref: the private suite brought up by Caldera, Inc. that was settled by by Microsoft in 1999). This is a key concern for end users on non-Microsoft platforms, and I believe the judgment should be revised to address this issue.

Thank You,
Jeffrey S. Malins
Honolulu, HI

MTC–00019419

From: Al Kolwicz
To: Microsoft ATR
Date: 1/23/02 8:15pm
Subject: Microsoft Settlement

Dear Sirs:

I have read that AOL has filed suit against Microsoft for its methods of marketing of the browser. This foolishness should be stopped.

1. Netscape captured market share using give-away techniques.

2. It should always be a company's option to giveaway product in order to achieve other strategic objectives—consider razors & blades, and printers & cartridges.

3. It should always be a company's option to make deals with its customers and its distributors. I believe that a quantity discount can be legitimately combined with a preferential status. I'll give you top billing if you'll give me X discount. I'll place your name on the cover if you'll commit to a fixed number of units at a fixed price per unit. Etc.

4. I chose the Internet Explorer from Microsoft because it is superior, and presented a path that was more compatible with where I want to go.

5. I have both Netscape Communicator 4.74 and Internet Explorer 6.0 on my workstation.

6. I use IE almost exclusively because it works best for me in my environment, and I have faith that Microsoft best understands what is required to fill the needs of the future—and I am confident that they will perform.

Those who do not wish to compete should stay out of the commercial world. Microsoft should be encouraged, not discouraged from making the innovations needed to exploit opportunities for increased productivity. It is wrong of the States to gang up on Microsoft. It is wrong of AOL to attempt to use our government and justice systems to cause harm to Microsoft.

In my opinion, Microsoft is a model competitor. They have created an enormous ''cottage industry'' for hundreds of thousands of non-Microsoft employees. And they have created a platform that is sufficiently open, and has enough users to entice product developers to produce high quality low cost applications.

I ask that DOJ disregard AOL's whining and that DOJ reexamine the merits of the case. In my opinion, we need more producers in our economy like Microsoft.

Al Kolwicz
Center for Interactive Multimedia Business Applications
2867 Tincup Circle
Boulder, CO 80305
303–494–1540
AlKolwicz@qwest.net

MTC–00019420

From: Aaron Voisine
To: Microsoft ATR
Date: 1/23/02 8:19pm
Subject: Microsoft Settlement

I believe the proposed microsoft settlement to be horrible. Aren't we supposed to be punishing this convicted monopoly abuser? Break them up, stop giving them government contracts, make them adhere to open standards for network protocols, APIs, and file formats. Do something!

Aaron Voisine
CEO
GetToClass.com, Inc.

MTC–00019421

From: Michael Kellen
To: Microsoft ATR
Date: 1/23/02 8:20pm
Subject: Microsoft Settlement

I must register my opposition to the proposed settlement in United States v. Microsoft in its current form. The proposed judgement fails to address the required issues of 'deny[ing] the defendant the fruits of its statutory violation', nor does is 'ensure that there remain no practices likely to result in monopolization in the future'. (section V.D., p. 99).

Adoption of the proposed settlement will be a betrayal of the public trust and a waste of the public monies invested in correcting the excesses of a convited monopoly. Without a strong punitive as well as corrective settlement, acceptance of this proposal will further erode the public trust in our legal system.

Michael Kellen, Ph. D.

MTC–00019422

From: Chris Cothrun
To: Microsoft ATR
Date: 1/23/02 8:19pm
Subject: Microsoft Settlement

Comments about US v. Microsoft proposed settlement

Dear Sirs,

I feel the proposed settlement does very little to remedy the situatations where Microsoft abused it's monopoly status as a software vendor.

It is a very noble act to propose donating hardware and software to the nation's schools, however, this only serves to promote Microsoft's software and increase it's ubiquity and familiarity to our nation's children and teachers.

Section J also raises concern regarding security best practices and methods Microsoft may use to avoid complying with whatever settlement is reached.

I exhort Microsoft and the US Government to return to the bargaining table and arrive at another settlement.

Sincerely,
Chris Cothrun

MTC–00019423

From: bhaller@mac.com@inetgw
To: Microsoft ATR
Date: 1/23/02 8:18pm
Subject: Microsoft Settlement

I will try to be brief, as I imagine you have many e-mails like this to read.

I would like to urge you to reject the proposed settlement in the Microsoft anti-trust case. It amounts to a slap on the wrist, and will not result in real changes for consumers.

To me the litmus test of a reasonable settlement is this. Right now, in the current anti-competitive climate, a company like Apple is unable to even stop its slow but steady loss of market share, despite offerings of both hardware and software that are markedly superior to those offered by the Wintel world (dominated by Microsoft). It is difficult to imagine what Apple could do to make inroads in the market, given the stranglehold Microsoft has. A reasonable settlement would restore the possibility of effective competition by other companies such as Apple, Sun, and AOL Time Warner (Netscape). No more, but no less.

The proposed settlement simply does not do that. Microsoft's anti-competitive practices will continue virtually unabated (as they have in all the time since this suit began), everybody else's market share will continue to decrease, and the situation will be even more difficult to remedy further down the road than it is now.

In my opinion, the original judgment (that Microsoft ought to be split into two companies) was reasonable and just. There may be other measures that will achieve the desired end of restoring competition to the market, but I doubt that they would be any less extreme.

Thank you for your time.

—Ben Haller (bhaller@mac.com)

MTC–00019424

From: john baranowsky
To: Microsoft ATR
Date: 1/23/02 8:21pm
Subject: Microsoft Settlement

The setlement is a bad idea.

MTC–00019425

From: Michael Brauwerman
To: Microsoft ATR
Date: 1/23/02 8:19pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Michael Brauwerman —
Software Engineer
Office: HQ 432
240–497–3000x2448

MTC–00019426

From: Jessica Slason
To: Microsoft ATR
Date: 1/23/02 8:18pm
Subject: Microsoft Settlement

Let it be known that I, Jessica Slason of Connecticut, do not agree with the proposed Microsoft settlement. Let this email serve as an official complaint.

Thank you.

MTC–00019427

From: Donald
To: Microsoft ATR
Date: 1/23/02 8:16pm
Subject: Microsoft Settlement

I am strongly opposed to the governments action against Microsoft. This is a waste of taxpayers money and is having a costly effect on the economy. Let the market decide these issues; not the govenment. The only victims are those the government has created. The microsoft efforts were a win-win for everyone.

Don Gordhamer
Lakeville Minnesota

MTC–00019428

From: Vaughn Bender
To: microsoft.atr(a)usdoj.gov
Date: 1/23/02 8:20pm
Subject: Microsoft Settlement

I don't agree What will that say to other companies....as to how they might act in a so called capitalist society. We have laws to pertect the good from the bad. Don't loose perspective as to is the good person and who is the bad. It is obvious who has broken the law. Please treat law breakers accordingly.

Vaughn Bender
—
Summit Technology Group
Vaughn Bender
http://www.techplus.com/vbender
-—

MTC–00019429

From: Drew Colthorp
To: Microsoft ATR
Date: 1/23/02 8:16pm
Subject: Microsoft Settlement

I do not think any settlement that does not guarantee good behavior on Microsoft's part in the future is reckless and irresponsible. The ''Settle for the Children'' campaign was a joke, and any decision that does not alter the structure of microsoft in some drastic way will be ineffective. Please do not let Microsoft get away with their anticompetitive practices, doing so would be a disaster.

From my standpoint, Microsoft should be broken up. Any other practice would Microsoft-code specific optimizations, and integrations that do not make sense. Nearly every virus and worm on the internet targets outlook or outlook express, due to the widespread use (because of monopolistic practices) of these products, and the inherent vulnerabilities they contain. Honestly, why would you want your email client to affect every aspect of your system through scripting, and why would you want a seemingly innocent email to destroy valuable data? Problems like this will occur in the future if something is not done. The public has been forced into using inferior products for a long time, and anyone who says otherwise is a fool. Windows is unstable and insecure, and the general populous only upgrades to new versions in the hope that this new version of windows will be everything the last version was supposed to be. Why should anyone be forced to accept their operating system crashing on a daily basis, partially due to a nonsensible integration of an insecure web browser? There is no reason. Something drastic must be done.

Drew Colthorp

MTC–00019430

From: qgw
To: Microsoft ATR
Date: 1/23/02 8:22pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I would just like to say that the proposed Microsoft Settlement is a really bad idea. I have read the entire thing and have come to the conclusion that not only does this proposed settlement do NOTHING to curb the Microsoft abuses, but it may even give them more power. One example: the proposed settlement says it will allow a vendor to ship a competing product in place of a Microsoft product. So, for example, a vendor would be allowed to ship Netscape instead of Internet Explorer. However, the proposed settlement goes on to say that Microsoft, and Microsoft alone, gets to dictate the requirements for the replacement component. This means two things: 1) Microsoft can stall a competitor indefinitely as it changes feature requirements or adds new ones and 2) Microsoft indirectly changes the competitors product. So if Microsoft says there must be a large ad at the top of every browser window that displays a Microsoft ad for their Internet Explorer, then it must be there. Or even worse, if Microsoft says that Active X (or something similar) has to be included, and it happens to be one of the things that is insecure, then that leaves every competitor's product insecure. Then there is the matter of Microsoft denying features in final products. They are already excluding Java because Sun would not let them sabotage it. Now, with this ''Settlement'', they could force Java out even among competitors. Microsoft was found GUILTY. They commited a crime. They were bad. They lied and are still lying. What do you do with children that behave this way? You send them to their room without dessert. You ground them for a month. You spank them. You make them perform chores. What does this settlement propose we do with Microsoft? It suggests we thank them, give them more money, and say, ''Sure Bill Gates. Its fine for you to break the law, ruin the competition, ruin the economy, ruin people's lives, lie, cheat, and steal. We don't punish the rich, especially those that line our pocket books.'' This is wrong. Punish them.

Ben Renner
6033 E. 33rd St.
Tucson, AZ 85711

MTC–00019431

From: Brian Chiko
To: Microsoft ATR
Date: 1/23/02 8:23pm
Subject: Microsoft Settlement

Dear Sirs:

The currently proposed DOJ settlement with Microsoft is an extremely bad idea—it

makes no substantial progress in either punishing Microsoft for its obvious abuse of a Monopoly position, and it does even less to prevent it from continuing in the future. The future of innovation and competition in a large portion of the technology industry rests in the DOJ hands and it will be a serious harm to all Americans if Microsoft is left free to flout the country's anti-trust laws, and to continue to stifle competition. Please hold out for a settlement that is substantial in form and not just a quick politically-driven settlement that doesn't address the real issues.

Sincerely,
VP Product Management and Marketing
Vpacket Communications, Inc.
www.vpacket.com
Office: 408–571–7910
Cell: 408–859–2647

MTC–00019432

From: Darian
To: Microsoft ATR
Date: 1/23/02 8:23pm
Subject: Microsoft Settlement

Personally, I feel like the settlement with Microsoft is letting them off too easy. You're simply sending them to their room, instead of giving them a spanking. All their toys happen to be in their room as well. Please rectify this. Thanks.

Kevin Turner

MTC–00019433

From: mtdirect.cyberport.net
To: Microsoft ATR
Date: 1/23/02 8:46pm
Subject: Microsoft Settlement

To Whom it May Concern,

I wish to state my support for Microsoft in the Antitrust Settlement Case. The proposed remedies are fair and corrective. Microsoft has always acted in the best interest of the consumer (of which I am one). Microsoft's efforts at technical advancement and inovation are appreciated by myself and my family.

I also wish tp state my non-support for AOL-Time Warner (Netscape). I have moved away from Netscape based on my technical assessment of its capabilities and understanding of AOL/TimeWarners moved to lessen its support for open standards in an attempt to control their user's interface to the internet.

John Yatchak
4639 Blankenship Road
Columbia Falls, MT 59912

MTC–00019434

From: S. Clunis
To: Microsoft ATR
Date: 1/23/02 8:24pm
Subject: Who says crime does not pay?

Hi All,

this ''agreement'' or whatever the legal term is makes a mockery of the legal system. Proof again that ''might makes right''. Microsoft has been doing this for years and getting away with it, leaving a long list of victims in their wake: Stacker QEMM IBM's OS/2 BeOS Office Suites—Wordperfect, Lotus Netscape To name a few. In any other industry these tactics would not have been consider dumping or worse. Your office has succeeded in sending a clear signal to the next would be rouge to keep on trucking they will win AND be richer in the end.

Cheers,
Stavros.

MTC–00019435

From: Pete Seabolt
To: Microsoft ATR
Date: 1/23/02 8:24pm
Subject: Microsoft Settlement

They deserved what they got the first time. I know Bush is big business but years down the road the Department of Justic doesn't want to be remembered as the one who had an opportunity to check Microsoft but didn't. Technology is too important to put all the eggs in one basket. While you guy are at it, you have better get some laws passed that will hold software developers liable for holds the leave in software. Microsoft is the most unsecured operating system in the world. It's the most susceptible to viruses. When you find China has had access to our computers for the years it will not play well with the news media.

MTC–00019436

From: Cassadycarol@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 8:25pm
Subject: Microsoft Settlement
January 23, 2002
To: The Dept. of Justice
From: Mrs. Carol ThorneCassady, 4057 SW Concord St., Seattle, WA 98136 (206/938–0246)

I am a second generation American. My paternal grandparents, who came from Europe, maintained a truck farm and passed away by the time I was six years old. My maternal grandfather, who left a yam farm in Louisiana with his family who had emigrated from Europe as possibly indentured workers, learned the trade of a shoemaker. I grew up in an extended close knit family. We lived in a home behind my grandparents. I saw, lived, and reaped the rich blessings/benefits from GOD-Believing/GOD-Fearing, hard-working, family devoted and AMERICA loving people—my Parents and my Grandparents. My Grandfather owned his own business and for a year of so my father ran a small car repair business, a second job he did in the evenings and weekends. Now and then, my Grandfather would say that ''America is God's country. You can keep the fruit of your labor.'' I haven't really thought about what he'd said, till recently.

It's been just recently that I've been able to spend time reflecting on what's contributed to the greatness of AMERICA and my passionate love for my country. I know the origin is, my Family.

Upon the death of my dear husband in June 1990, I received some money in a settlement from his employer. I had to start learning/reading about investments. By 1994–95, I liked what I'd studied and read about Microsoft. So I bought some shares of stock. What was really impressive was the fact that Bill Gates ''shared'' his wealth with all his employees by vesting them with his stock. I'd never heard nor read about another business that operated like Microsoft. Mr. Gates shared his wealth—he didn't hoard it. More importantly for today, he's donated millions for education, children and global health concerns.

How dare these evil trial attorneys attempt to rob and destroy Microsoft! These attorneys have all ready robbed and terrified how many other American companies?

I'm not talking about the huge multi-national companies that have engaged in unfriendly takeovers—these are the corporations that should never have been allowed to become the giant monopolies they are, like AOL Time Warner. How many browser companies have they gobbled up and they're attacking Microsoft which has only about 12% of this market. This is in America's interest?

Microsoft has provided the United States of AMERICA and the world with constant, consistent, innovative computer technology. Email anyone??? They opened up the field—the prices dropped. They're still dropping. This is a monopoly?

Thank God for Microsoft! It's been an amazing decade, the nineties. Imagine, ten years ago I used a small electric typewriter, a big improvement from my college days in the 1960's-70's and my basic typewriter. Today, I use a laptop computer and I send most of my mail through it. It's incredible! Thank you, Microsoft!

All litigating attorneys in AMERICA must be stopped. They're corrupting and bleeding AMERICA. They must be stopped!!!

No one has the right in AMERICA to steal the fruit of someone's labor. If you don't earn it, you don't get it. GOD has clearly stated ''Thou shalt not steal.''

I hope and pray our Justice Department will end this diabolical charade being perpetrated on AMERICA, AMERICANS and all AMERICAN businesses.

Please settle this larcenous suit against Microsoft now. As for the corrupters of the Common Good, the trial attorneys, prison is too good for them.

God Bless our Justice Dept. and God Bless America!

Mrs. Carol ThorneCassady
CC:Cassadycarol@aol.com@inetgw

MTC–00019437

From: John Osborn
To: Microsoft ATR
Date: 1/23/02 8:25pm
Subject: Microsoft Settlement
18730 56th Avenue NE
Kenmore, WA 98028
January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my support of the antitrust case settlement between the US Department of Justice and Microsoft. I think that he lawsuit has been lengthy and partially unjustified. I am a MAC user, but Microsoft has done wonderful things for our nation's IT sector and economy. Yes, their marketing tactics at times are a bit heavy handed, but three years of litigation is entirely too much to resolve this problem. Under the terms of the settlement, I do not think it is fair that Microsoft is being forced to document and disclose for use by its competitors interfaces

and protocols that are internal to their Windows operating system products. This is technological information that Microsoft has spent lots of time and money to develop and it is a violation of their intellectual property rights to force them to give away their secrets. It also undermines any motivation to be innovative in a free market. I do agree with the concession that allows competitors to promote their own products. For instance, granting computer makers broad new rights to configure Windows so that software developers can more easily promote their own products will serve to give competition the chance to succeed.

Although the settlement is not perfect, it needs to become reality because our nation cannot afford further litigation. The IT sector and the economy need Microsoft at full strength. I urge your office to take a firm stance against the opposition to the settlement and make it a reality. Thank you for your time.

Sincerely,
John Osborn

MTC–00019438

From: Robert Dodier
To: Microsoft ATR
Date: 1/23/02 8:27pm
Subject: Microsoft Settlement

Hello, The proposed Microsoft settlement does nothing to resolve an extremely important problem: MS is not required to disclose the file formats for any of its applications. Lack of information about these file formats (e.g., the MS Word format) leaves developers of MS-compatible applications always playing ''catch up'' with MS; MS can, at will, break compatible software by changing the file formats. This puts developers of compatible software at a very great disadvantage compared to MS. The settlement should address this issue by requiring MS to disclose the file format used by each application, and to keep these disclosed formats up-to-date, by disclosing the file format used by any new product or new version of an existing product.

Regards,
Robert Dodier
Boulder, CO
Programmer

MTC–00019439

From: Dale Thorn
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 8:42pm
Subject: Microsoft Settlement

I can't believe you're softballing Microsoft the way you are. The way they default Windows 2000 etc. to REFUSE to allow people to install software if it's not ''OK'd by Microsoft'' is shameful. Oh, sure, you can ''get around it'' if you want to pay someone 5 times what it's worth to configure the stuff, but why bother? And that's just one example out of hundreds. If the U.S. Government doesn't get some ''real users'' of computers to see what Microsoft is doing first hand, and make their judgements from that perspective, then God help us all, because we're getting in deeper by the day.

MTC–00019440

From: Gabriel Sechan
To: Microsoft ATR
Date: 1/23/02 8:25pm
Subject: Microsoft Settlement

I am a proffesional programmer, and as such have serious concerns about the proposed settlement and its effect upon my life and the future of the industry. To put it bluntly, letting Microsoft off with such a minor slap on the wrist is beyond bad and into the realm of gross negligence. Microsoft is a proven monopoly. The findings of fact show that they used their monopoly illegally to extend it to other areas. They have a history of doing this- they proudly call it ''embrace and extend''. Their illegal business tactics have destroyed the OS market, the browser market, the office software market, decimated the compiler market, and threaten many others.

The only real solution is to force competition in the OS marketplace. Either force Microsoft to open source Windows and all APIs, or split Microsoft into pieces with contending OSes. If any other option is selected, we will only see these practices extended until Microsoft has crushed all the software markets.

Sincerely,
Gabriel Sechan
14924 Avenida Venusto
San Diego, California, 92128

MTC–00019441

From: Harold J. Lang
To: Microsoft ATR
Date: 1/23/02 8:25pm
Subject: Microsoft Settlement

I do not agree about the settlement. MicroSoft is a destroyer of those who wish to provide a unique solution to programming that does not rely on a MS only provided API. They (MS) stifle those who have the veracity to show insight and vision for new and better applications.

H. J. Lang

MTC–00019442

From: Hershberger, Doug (CD)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 7:43pm
Subject: Microsoft Settlement

I wish to register my objection to the proposed settlement in the Microsoft anti-trust lawsuit.

First, I believe that the settlement is too lenient. It does not adequately adress the issue of leveling the playing field for other companies who do not have the benefit of Microsoft's monopoly. It is a slap on the wrist and a rather tepid one at that.

Second, I would like to specificaly take issue with one point raised by the proposed settlement. Quoting Robert Cringely's article on the subject: http://www.pbs.org/cringely/pulpit/pulpit20011206.html Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''* * * (c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, * * *''

This is strictly unacceptable. access to APIs, documentation and communication protocols are essential for open source programmers, many of whom would not qualify as a business. There is no legitimate reason for this information to remain hidden. It only extends Microsoft's already stifling monopolizing stranglehold on the industry.

Thank you for your time.
Doug Hershberger
Bioinformatics Specialist
The Dow Chemical Company
(858) 352–4515
cdhershberger@dow.com

MTC–00019443

From: Chris Beggy
To: Microsoft ATR
Date: 1/23/02 8:29pm
Subject: Microsoft Settlement

Dear Sir or Madam,

Hello. I'm writing to oppose the proposed settlement between Microsoft and the U.S. Justice Department. My thoughts are best summed up by Dan Gillmor, business columnist for the San Jose Mercury News:

''The settlement not only doesn't doesn't even force the company to stop doing what eight federal judges found illegal, but it provides no penalty for the illegal acts. Locking in the ill-gained profits of crime—bank robbers wish they could get such dispensation.''

Regards.
Chris Beggy

MTC–00019444

From: Robert C. Miller
To: Microsoft Settlement U.S. Department of Justice
Date: 1/23/02 3:09pm
Subject: Microsoft Settlement

Robert C. Miller
1027 Celia Lane
Lexington, Ky 40504–2203
January 23, 2002
Microsoft Settlement U.S. Department of Justice

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers’ dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Robert C. Miller

MTC–00019445

From: Richard T. Stephenson
To: Microsoft ATR
Date: 1/23/02 8:29pm
Subject: Microsoft Settlement

To whom it may concern,

Please settle this affair with Microsoft ASAP. I believe that it is in the best interest of all involved, both our economy, the tech sector, as well as the individual citizen. I lend my support for this settlement, and I am hopeful that it may be resolved expediously.

Sincerely,

Richard Stephenson 806 Riverchase Blvd. Madison, TN 37115

MTC–00019446

From: dylan
To: Microsoft ATR
Date: 1/23/02 8:29pm
Subject: Microsoft Settlement

i do not support the currently proposed settlement with microsoft. I think that microsoft has radically abused their monopoly position for far too long. I think they should be broken into 2 companies, one for software, one for operating systems. I also think they should have to pay a massive fine which would be used for supplying the nation's poorest schools with the hardware/software of the schools'' choosing.

Thank you for listening. fuck microsoft. please get them where it hurts. bad microsoft, bad!

William Hassinger
1013 Shadowoak Dr.
Ballwin, MO 63021
(314)401–0166
dylanhassinger@yahoo.com

MTC–00019447

From: Richard M Braun
To: Microsoft ATR
Date: 1/23/02 8:29pm
Subject: Microsoft

The settlement between the DOJ and Microsoft is a joke and Microsoft is the one lafing. I thought the law was clear on these matters? But the DOJ is not even following past precedence. And paying their debt to society with Microsoft products will do nothing more than expand their monopoly!!! What a joke.

MTC–00019448

From: eric
To: Microsoft ATR
Date: 1/23/02 8:31pm
Subject: Microsoft Settlement

this lets them off the hook for destroying IBM's OS/2 WARP (another pc os). this is NOT right!!!! eric weil
CC:ericwl@shore.net@inetgw

MTC–00019449

From: Audrey Trevino
To: Microsoft ATR
Date: 1/23/02 8:27pm
Subject: Oppose Microsoft Settlement

I am against the proposed settlement with Microsoft corp. The judgment does not address the serious anti-competitive practices that Microsoft continues to employ.

I believe Microsoft should be forced to allow other html rendering engines (browsers) to be integrated with all Windows operating environments. Microsoft can continue to assure the (albeit questionable) quality of their customer's experience by making available the Application Programming Interface (API) used to integrate Internet Explorer into Windows. In addition, I believe Microsoft's exclusive licensing practices with OEM computer manufacturers limits customer choice and has been the main limiting factor in the lack of further competition in the Operating System market.

In conclusion, I believe that unless substantial revisions are made to the final judgment, Microsoft will continue to exercise its monopoly power to the detriment of the computer industry and consumers.

Thank you.

Steven C. Trevino
BaccArts
9710 Moraga
San Antonio, TX 78217

MTC–00019450

From: phil hunt
To: Microsoft ATR
Date: 1/23/02 8:27pm
Subject: Microsoft Settlement

Dear Sir,

I would like to record my opinion of the proposed final settlement in the DOJ v. Microsoft case. I disagree with the proposed final settlement, feeling it is too lenient on Microsoft. In particular, I feel that section E which says that Microsoft must disclose information to ISVs, IHVs, IAPs, ICPs, and OEMs, ''for the sole purpose of interoperating with a Windows Operating System Product'', should be changed so that Microsoft must also be required to disclose informatino to them so they can create competing products. Competition is good.

*** Philip Hunt ***
philh@comuno.freeserve.co.uk ***

MTC–00019451

From: Ep Dagger
To: Microsoft ATR
Date: 1/23/02 8:27pm
Subject: Microsoft Settlement
Paul Estep
116 Hillcrest Dr
Newburgh, IN 47630
23 January 2002
Judge Colleen Kollar-Kotelly
United States District Court for the District of Columbia
333 Constitution Avenue, NW Washington, DC 20001
RE: US v. Microsoft proposed final order
Dear Judge Kollar-Kotelly,

I wish to make some comments on the proposed final judgment for USA versus Microsoft. I feel it does not provide enough open disclosure of Microsoft Windows and middleware APIs and File Formats, and also fails to provide any real penalty to Microsoft. I believe that requiring full public disclosure without any licensing terms of Microsoft Windows and middleware API and file formats would satisfy both of these concerns.

Disclosure of APIs and File Formats should be with the intent to allow all software developers, private, public, and hobbyist, to interface to and create alternative code for the APIs. This should not just include the syntax specifications of the APIs and File Formats but should include semantic information about them. In order to ensure proper disclosure this document should be released with all internal and external beta software releases. Internal beta releases should allow comments from an internal Microsoft panel and external beta releases should allow for public comment. Both comment periods should be within the time frame for submiting bug reports for the beta software.

I believe as punishment Microsoft should give up all intellectual property claims to these APIs and File formats. This would punish Microsoft by disallowing any revenues from licensing its intellectual property claims to these APIs and File Formats. Further I believe this form punishment is market neutral not taking or giving away market share to or from others.

Paul Estep

MTC–00019452

From: Warren Jones
To: Microsoft ATR
Date: 1/23/02 8:30pm
Subject: Microsoft Settlement

I think the proposed settlement with Microsoft as it stands is totally wrong. The company has been found guilty, even on appeal, of very serious crimes that have seriously affected the industry for many years. It's been found guilty in similar trials for similar behavior. It's punishment must now fit the crime or its past record shows it will continue it's practice of abusing market power to maintain its monopoly of the computer industry. Now it appears to be trying to dominate other industries. It's time to truly show Microsoft that it has acted outside the law and severely punish the company. Don't let them ''buy their way out of jail''.

I have no connection with Microsoft or its competitors.

regards
warren jones

MTC–00019453

From: Joseph Krug
To: Microsoft Settlement U.S. Department of Justice
Date: 1/23/02 6:18pm
Subject: Microsoft Settlement
Joseph Krug
6 Sealey Avenue Apt 5G
Hempstead, NY 11550–1230
January 23, 2002
Microsoft Settlement U.S. Department of Justice,

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers’ dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Joseph D Krug

MTC–00019454

From: DAENCP@aol.com@inetgw
To: Microsoft ATR,DAENCP@aol.com@inetgw
Date: 1/23/02 8:31pm
Subject: Microsoft Settlement—BAD news!

The microsoft settlement proposed is a lousy idea..and poorly conceived. Please reconsider.

d.erickson

concerned citizen

MTC–00019455

From: Peter Robinson
To: Microsoft ATR
Date: 1/23/02 8:30pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am OPPOSED to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

MTC–00019456

From: Ann Brockinton
To: Microsoft Settlement
Date: 1/23/02 4:28pm
Subject: Microsoft Settlement
Ann Brockinton
2532 BURCHARDT CT
Gulf Breeze, FL 32561
January 23, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers’ dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Ann B. Brockinton

MTC–00019457

From: Patricia Mundahl
To: Microsoft Settlement
Date: 1/23/02 6:40pm
Subject: Microsoft Settlement
Patricia Mundahl
6485 Fogelman Road
Maple Plain, MN 55359
January 23, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers’ dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Patricia Mundahl

MTC–00019458

From: Miltyandjudy@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 8:37pm
Subject: Re: Microsoft Settlement
Milton Haner
1208 48th Street SE
Everett, WA 98203–2900
January 19, 2002
Attorney General Ashcroft
US Department of Justice, 950 Pennsylvania Ave.
Washington, DC 20530–0001

Dear Mr. Ashcroft:

We are writing today to encourage the Department of Justice to accept the Microsoft antitrust settlement. The suit dragged out long enough and it is time to allow Microsoft and the industry to move forward.

The settlement was arrived at after extensive negotiations with a court-appointed mediator. The terms are fair: Microsoft actually agreed to terms that extend will beyond the products and procedures that were at issue in the suit, even going so far as to divulge some of its software code to other companies that will use it against Microsoft. It is time that the government accepts the settlement and allows Microsoft to return to concentrating on business.

Microsoft has dealt with the government threatening to break up the company for over three years now. It is unfortunate that companies have to deal with such government over regulation. It is time for business to return to normal. Please accept the Microsoft antitrust settlement.

I would like to add that my wife and I were so pleased with your appointment as Attorney General and let you know, we hold you in our prayers as you face all the decisions which are placed before you that God will give you continued direction and wisdom.

We do not know of Bill Gates religious standing, but we do believe that God has blessed him, because of his generosity around the world and here in America, to help various organizations and the education system and encourage you to take this into consideration when you make your decision.

Sincerely,

Milton Haner

Judith Haner

MTC–00019459

From: Solid Force
To: Microsoft ATR
Date: 1/23/02 8:29pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea

MTC–00019460

From: Pat O'Brien
To: Microsoft ATR
Date: 1/23/02 8:32pm
Subject: Microsoft Settlement

Please rethink this settlement. Gate's defense is that Microsoft has allowed every aspect of the computer industry to substantially improve at reduced prices for everything from software to hardware. Yet Gate's fails to mention that while everything else improves at reduced prices, Microsoft gets bigger, slower, less secure and more expensive with every upgrade. (And an upgrade isn't even a new product!) That tells me that while every other area of the industry is in healthy competition, Microsoft can increase their prices and behave tyrannical unaffected without real competition. This settlement is a good ''deal'' for Microsoft, and a bad one for the consumer...

MTC–00019461

From: Scott Auerbach
To: Microsoft ATR
Date: 1/23/02 8:32pm

Subject: Microsoft Settlement hardly just at Justice

I can't even begin to describe how unsatisfactory the proposed settlement is. By now, you've heard all the complaints; I won't repeat them. Just adding my name to the list of disenfranchised Apple/Netscape/etc. users.

Scott Auerbach
Atlanta, GA

MTC–00019462

From: Naylor
To: Microsoft ATR
Date: 1/23/02 8:30pm
Subject: Microsoft Settlement

I strongly disagree with the proposed settlement. It is an injustice to ignore the past practices of Microsoft and to allow Microsoft to continue it's illegal business practices. A little less than one hundred years ago, our country faced a similar situation with monopolies. Please do what is right for the people of the United States.

Sincerely,
Robert K. Naylor <rnaylor@nhvt.net>
141 Bascom Rd
Newport NH 03773

MTC–00019463

From: Jeff Sickel
To: Microsoft ATR
Date: 1/23/02 8:35pm
Subject: Microsoft Settlement

Dear Sir or Madam:

I just wanted it on record that as a business owner of a small software consulting firm in the state of Illinois, I disagree with the current Proposed Final Judgment of THE UNITED STATES OF AMERICA v. MICROSOFT CORPORATION and believe that the judgment is too weak to truly be enforced or effective.

Sadly the Attorney General of Illinois has also shown too eager an attempt to settle in a case where clearly the plaintiff would have been able to enforce a more ridged judgment against a corporation that has proven time and again that it will ignore or blatantly rebuff legal actions against it while still using it's monopoly to eliminate any true competition. This is a bad precedent to set for large and small businesses in this country. Especially in a time of economic crises. Please pursue corrections to the final judgment that will make this case just instead of just blessing Microsoft's monopolistic practices.

Regards,
Jeff Sickel
Corpus Callosum Corporation
586 Sheridan Sq. #3
Evanston, IL 60202–4757
Tel. 847.328.7363
Fax. 847.328.7364

MTC–00019464

From: Steven Snover
To: Microsoft ATR
Date: 1/23/02 8:33pm
Subject: Microsoft Settlement

I have been reading over the proposed settlement documentation concerning he Microsoft anti-trust case. There are still FAR TOO MANY LOOPHOLES for Microsoft to continue business as usual. THIS SETTLEMENT MUST BE REWORKED or Microsoft will simply be able to continue in it's activities. There licensing agreements for one, scream monopoly. You can't seriously let them continue to tell end users what other software types are not allowed to be used in conjunction with Microsoft software. There are licenses written by Microsoft that prohibit use and distribution of their software with any other type of software based solely on license alone. There is NO GOOD REASON for denying an entire license to an end user.

MTC–00019465

From: Albert Ren
To: Microsoft ATR
Date: 1/23/02 8:34pm
Subject: Antitrust

Please do not allow the antitrust settlement to pass, this settlement does not help the consumers, Microsoft's competitors, or anyone else other than Microsoft. Consumers get continued lack of choice because Microsoft gets off the hook easily, and is then allowed to continue the same practices that it has been doing for a long time now. Competitors do not get any assistance because this is only a slap on the wrist for Microsoft so they will continue to be hurt by anticompetitive practices. In addition, the settlement allows Microsoft to provide software to education in terms of its ''value'' not its actual cost to Microsoft. So Microsoft gets to count a $499 Windows XP Professional full disk as its retail value and not the pennies it costs to actually make; this is not hard for Microsoft to do.

The settlement does not address the original problem: Will Microsoft stop commingling of software? Originally, with Internet Explorer, Microsoft managed to crush the competition by merging it with Windows 98 and subsequent versions, and then manipulating manufacturers to prevent the competitor from getting desktop access. In Windows XP Microsoft has gone farther, by integrating components from all sorts of uses, the most prominent being Windows Messenger, which Microsoft again claims, is not removable from the system. But when they said the same thing about IE, they produced a fabricated video of attempts to remove it. Can this company really be trusted?

About the education component of the settlement, where Microsoft will provide free software, this is nothing more than a blatant effort to try and monopolize the education industry, one where Apple currently dominates. As discussed before, Microsoft's retail value of software is much higher than its actual cost, so about a $1 billion of software probably only cost them $100,000. Microsoft has been looking to get in the education market for a while, and this is nothing more than government sanctioned monopolizing.

The settlement is too weak and too loose to prevent Microsoft from doing anything ever again. In fact, Microsoft has stepped up its efforts by commingling Windows Messenger to attack AOL's IM solutions and .NET to dominate the Internet itself. We cannot allow this to happen.

Albert

MTC–00019466

From: Dominic Eldridge
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 8:38pm
Subject: Microsoft Settlement

To whom it may concern,

I am writing to encourage the Department of Justice to take a tougher stance towards Microsoft's attempts to avoid any meaningful punishment. The settlement ordered by Judge Kollar-Kelly after the court ruled against Microsoft was an aberration within the United States Judicial System. Microsoft has been declared an illegal monopoly and to this day continues it's ruthless and predatory practices. Yet nine States of The Union have crumbled to Microsoft's demands on how the company feels it should be ''punished''. The few concessions Microsoft has made are riddled with loopholes, some of which may actually help the company increase the viciousness of it's licensing schemes. The three member panel designated to watch over Microsoft is in part composed of one person Microsoft has appointed. This panelist will co-decide who the third panelist will be. This is clearly no different than protecting sheep by placing wolves at the fence gate. And if Microsoft violates these meager restrictions? The penalty will be extended for another two years. That is to say, they will be allowed to continue to break the rules for another two years with no repercussions.

Please put an end to this sham of a solution. Call for Judge Kollar-Kelly to reinstate Judge Jackson's ruling that the company should be broken into two parts. If at all possible, single out those figureheads responsible for Microsoft's illegal behavior and ask the court to hold those individuals responsible for their actions. It's a shame that upper management of these companies are never punished directly. By permanently removing them from the company and replacing them with employees from below, the courts could avoid having to slap the company on the wrist many times over, as it has already done with Microsoft. Nothing changed then. Nothing will change now if harsh penalties are not enacted-and the world will have been shown once more that in America, laws are only limits for those with shallow pockets.

Dominic Eldridge

[This letter has also been mailed via traditional mail to Renata B. Hesse at the U.S. Department of Justice.]

MTC–00019467

From: kanjc
To: Microsoft ATR
Date: 1/23/02 8:31pm
Subject: anti-trust

I just thougth I would say that these anti-trust suits against microsoft seem to be nothing more than inferior company's whining because they have produced products that are less user friendly, more expensive and generally less desireable than those made by Microsoft. I personally don't Microsoft products because I have to, I use them because I like them.

Kanjc
Joseph@kanjc.com
www.kanjc.com

MTC–00019468

From: J. Ross Burwell
To: Microsoft ATR
Date: 1/23/02 8:34pm
Subject: Microsoft Settlement

To whom it may concern:

In my judgement, it is in the best interest of our country, the economy and all human beings that the Microsoft settlement come to a conclusion. It is absurd that a reasonable settlement reached between Microsoft and the DOJ continues to be interrupted by States and lawsuits that seek an advantage for constituents who are largely competitors of Microsoft. Now, AOL Time Warner has chosen to bring a lawsuit clearly designed to impede and slow down the settlement process. When will it end?

J. Ross Burwell, CPA
Burwell & Wolfe Inc PS
734 East First Street, Suite A
Port Angeles, WA 98362
360 452–1500
www.bw-cpa.com
rossb@bw-cpa.com

MTC–00019469

From: David Santin
To: Microsoft ATR
Date: 1/23/02 8:37pm
Subject: Microsoft Settlement

To Whom This May Concern—

My name is David Santin. I am a sophomore Computer Science major at Rutgers University, and have been compelled to participate in the public response to the Microsoft/Department of Justice antitrust settlement because I see it failing in its intended purpose. An antitrust settlement should be designed to censure a corporation for its anticompetitive actions while preventing those actions from occurring in the future. I believe that the settlement, as it stands, fulfills neither of those points satisfactorily.

As a future programmer and IT specialist, the stranglehold that Microsoft exerts on the computer industry as a whole is frightening. It is currently unfeasable for a corporation to market an operating system to directly compete with Microsoft's Windows line of operating systems. The closest competitors, Apple Computer and the open-source Linux operating systems, are still a miniscule fraction of the share Microsoft commands. The issue is that Microsoft has been allowed to crush competition repeatedly during its history, and has taken every advantage to do so. But if Microsoft made a superior product, then possibly an argument could be made for allowing this antitrust settlement to stand. But the simple fact is that Microsoft's operating system has many deep-seated flaws contained within, the most telling and dangerous of which is its utter lack of security.

Almost every week an advisory is released which documents a flaw or security weakness in a Microsoft-related product. Microsoft's operating system market share has increased in the past few years, but correspondingly, so have the amount of virii and security bulletins. Is this a coincidence? Not at all. Microsoft's complete and total disregard for safeguarding its users has been shown time and time again. The most frightening part about this is that Microsoft, if allowed to continually strangle the computer industry, will control more and more computers, but make them less secure in the process. Even the US government has been advised not to use Microsoft's operating system, because of its inherent security weaknesses. I believe that only a full disclosure of ALL software APIs will make Windows a more secure operating system. Microsoft has shown time and time again that, if left to their own devices, they do not care about security.

Sirs and madams, I hope you see how deleterious Microsoft has been to computer security and competition, and how this can only get worse in the future. I urge you to reject this settlement for one which forces Microsoft to both loosen its grip on the computer industry and make its flagship product, Windows, more secure. Anything less will expose this country to far worse security problems than we have seen to date. Thank you very much for your time.

Sincerely,
David Santin
dsantin@eden.rutgers.edu

MTC–00019470

From: Elliott Eggleston
To: Microsoft ATR
Date: 1/23/02 8:31pm
Subject: Tunney Act

I deplore the kid gloves with which the Tunney act treats Microsoft. In my view, the world is dominated by big business and by government. As our representatives, I expect members of the government to protect the consumer from the whims of the monopolists. Forced upgrade cycles, certification scams, reduced expectations for privacy and security and loss of control of personal property are just a few of the reasons we need to reign in Bill Gates and his cronies.

Sincerely,
—Elliott Eggleston
39 Jackson St.
Cambridge, MA 02140

MTC–00019471

From: Mike Lunn
To: Microsoft ATR
Date: 1/23/02 8:32pm
Subject: Microsoft Settlement

Count this one against the settlement ''411. Many of the tactics that Microsoft has employed have also harmed consumers indirectly by unjustifiably distorting competition.'' from finding of Facts.

Not only has Microsoft behaved this way in the past, they have not changed. Their current business practices continue to cause harm on a daily basis. Microsoft continues to expose the market to unreasonable risk (look at the holes in the most recent version XP). As a web developer utilizing linux as a server I see this first hand. My servers get hit every day by infected Microsoft servers attempting to infect them. Without real competition you must pity the casual user that sits at home with his/her computer fully vulnerable to attack with basically no other choice. Not only, that the lost caused by this (billions in the case of the Code Red Virus) is not the responsibility of MicroSoft.

So, if you let them be, hold them responsible for their actions and products. Let them have same level of responsibility for their product that Ford has.

Sincerely,
Michael J. Lunn
mlunn@mlunn.com

MTC–00019472

From: Eric Ellsworth
To: Microsoft ATR
Date: 1/23/02 8:36pm
Subject: Microsoft Settlement

Dear Ms. Hesse,

I am writing to inform you of my strong opposition to the current terms of the Proposed Final Judgement against Microsoft. It lacks the necessary clarity of language and completeness of remedy to prevent Microsoft from continuing to abuse its monopoly.

Of particular concern to me are the following:

—Language permitting Microsoft to retaliate against OEMs who include other operating systems, and do or do not choose to license Windows. This kind of retaliation would be meaningless unless Microsoft controlled the OS market, and is an abuse of MS'' monopoly. Such retaliation should be forbidden explicitly in the judgement.

—The settlement includes no remedy for Microsoft's practice of partially publishing APIs. As these APIs are undocumented, or worse classified as trade secrets, Microsoft leverages its position as the OS maker to modify APIs, frequently making it impossible for competitors to bring a competing product to market. In order to have any semblance of a competitive market, the APIs must be clearly documented. This requires direct oversight, rather than continued promises of good behavior. The settlement fails to require Microsoft to fully and comprehensibly disclose ALL its APIs to other software vendors, including those for .Net softwar, and thus is extremely limited.

As computers are becoming an increasingly important way the American citizenry gets information and conducts its business, it is vital that the market for software and services remain competitive.

Please do not accept the settlement as it stands, for it does not address Microsoft's abuse of its monopoly.

Sincerely,
Eric Ellsworth
Seattle, WA

MTC–00019473

From: Max Phillips
To: Microsoft ATR
Date: 1/23/02 8:33pm
Subject: Microsoft Settlement

To whom it may concern,

I am opposed to the settlement with Microsoft. As they have been found guilty of illegal behaviour in the past, and it is quite clear that this behaviour is continuing to this day, I believe that a remedy and punishment should be imposed on the company, NOT negotiated. I am worried that Microsoft's slick lawyers will get them a position where they can continue to abuse their monopoly position and stifle innovation.

The year is 2002. Yet we still have to put up with crashes and freezes every day and

we have holes all over the place which risk our security and privacy. Microsoft have NEVER innovated. They merely copy other people's innovation from which it stalls. Windows was not invented by MS, Instant messaging wasn't invented by MS, web browsing, streaming audio/video etc etc all weren't invetned by MS, yet through its monopoly position it now controls and owns these technologies, and they stall.

It is 2002, we should be doing amazing things with our software, yet we are stuck with buggy, bloated, software which treats us as if we are all stupid. Hardware, where the market is more competitive has improved out of site, yet software stagnates as soon as Microsoft illegally closes the market down! The DoJ must stop this.

I don't really care much that MS has stolen profits from other companies. What I DO Care deeply about is the fact that through their greed the possibilties for technological advancement, and the social and cultural advancement which it may provide, is severely stunted. The few millions of dollars that MS might contribute to political campaigns or lobbyists PALES in comparison to the damage done to the possibilities for human advancement. We sent people to the moon in 1969, yet my computer can't stay stable for one work day! There is clearly something wrong.

I would like the DoJ to break up microsoft into separate pieces.

1) O/S business

2) Business application business

3) Web related business (browser, media player)

4) Server etc business

Futher more I would like truely independent monitors to watch these baby MS to make sure they aren't coluding or conspiring.

A massive fine should be imposed on MS, and especially the directors who were personally in charge of making the decisions to act illegally. The money from this massive fine (I'm thinking many billions) should be used for the following activties:

1) set up free servers and bandwidth for Free software, Open Source software and public domain projects, to colloberate and distribute their products.

2) a fund should be set up to provide grants to interesting software projects (which won't necessarily make money) and distributed by an independent government authority.

3) computers, bandwidth, and training should be given to those in the poorest areas and to less developed countries overseas.

I would also like to see William Gates and fellow senior managers to some serious jail time. Too often small time crooks, or drug users are sent to jail for awfully long periods, while the white collar corporate crooks who waste and steal billions of dollars and destroy redundant workers lives (e.g. ENRON) get off with a slap on the wrist. So lets get it right and ensure the perpetrators of these illegal acts are sent to jail.

Thank You for reading my submission,

Max Phillips

MTC–00019474

From: brian bertsch
To: Microsoft ATR
Date: 1/23/02 8:36pm
Subject: Microsoft Settlement

Ms is using their leverage to prevent OEMs from putting BeOS, a promising new technology OS, into store-bought computers by controlling the boot process. Consumers were not able to even see it operate. They created a high barrier to entry for the new OS.

Open the boot record to allow OEMs to offer dual boot computers. I mean windows / OS2, or windows / BeOS, Windows Linux, or any other combination. Anything else is monopolistic discrimination. It is bad business to go single-source for a product!

Brian Bertsch

Irvine, CA

MTC–00019475

From: Noah Gibbs
To: Microsoft ATR
Date: 1/23/02 8:34pm
Subject: Microsoft Settlement

Sirs,

As the target of much well-reasoned (and much poorly-reasoned) commentary on the DoJ's antitrust settlement with Microsoft, I'm sure you've heard a great deal about the technical merits of the settlement and its specific language. I'd like to reiterate a couple of those key points again, and state my support for the viewpoint that the proposed settlement neither fully addresses Microsoft's criminal behavior nor discourages them from continuing it.

First point: lack of requirement of action. The settlement says a number of things which Microsoft ''must'' reveal, any of which may be easily slipped around by claiming that those protocols must stay secret for the integrity of Windows, and none of which must be revealed to anyone other than competing corporations—not, for instance, hobbyist programmers like myself who write Open Source software nor to the public at large.

Second point: lack of penalties. Penalties for MS's failure to respect this settlement are not spelled out. Given MS's long history of ignoring such court mandates, the lack of such penalties (other than extending the period for which they ignore them) is ludicrously negligent. We all know they'll break the agreement if they feel it's in their best interests, so the question is ''what will happen to them when they do?'' That question remains unanswered.

Third point: lack of scope. The settlement addresses some (but not all) of the points addressed by Judge Thomas Penfield Jackson's original judgement, but leaves out a number of them that he didn't cover properly. The simplest one, the one that proves their maintenance of monopoly and badly hurts OEMs and consumers, is their contract clauses preventing OEMs from shipping machines with multiple operating systems preinstalled and bootable (''dual-boot'' or ''multi-boot'' machines). This is active maintenance of their monopoly, and prevents consumers from being able to buy machines with non-MS operating systems —even if they are willing to buy an MS OS as well—. If there is any question of whether the OEMs can simply find no other operating system to include, look at operating systems like Linux or BeOS which were offered to them freely. In the current market, given OEMs incredible pressure to differentiate themselves in any way, why have essentially no dual-boot systems come to market? Why does no major OEM offer, for instance, a machine preloaded with Linux? Why does no major manufacturer offer a machine with no operating system at all, allowing consumers not to pay MS? MS's licensing practices support their monopoly most directly, and have gone essentially unaddressed. As a consumer, I feel both deeply disappointed and betrayed that the US Government initiated and concluded these proceedings without a very serious look into these deplorable practices.

Until Microsoft is restricted from controlling standards, killing those it does not control, true innovation will remain shackled. Until Microsoft has competitors, Operating Systems in current use will always be insecure, as Microsoft's internal processes guarantee. While Microsoft can leverage its Operating System monopoly to kill products in competing fields (handheld computers, web browsers, application software, home entertainment, video game consoles) this contagion will spread. We have seen the results of Microsoft working without competition, as Microsoft Office in modern days demonstrates, or Windows 3.1, NT, 95 and 98—prior to the rise of Linux. It is too early to give up on the information revolution, and so it is too early to let Microsoft run unfettered, destroying the technology industry that gave birth to it, as it has demonstrated every intention to do.

MTC–00019476

From: Garrett Arch Blythe
To: Microsoft ATR
Date: 1/23/02 9:32pm
Subject: Microsoft Settlement

Microsoft makes products integral to my job as a software engineer. I do not believe Microsoft should make products which eliminate the need for me as an innovating software engineer. I was the lead software engineer for Netscape Navigator for MS-Windows.

garrett

MTC–00019477

From: pothiers@cepheus.
azstarnet.com@inetgw
To: Microsoft ATR
Date: 1/23/02 8:34pm
Subject: Microsoft Settlement

The proposed Microsoft settlement is a bad idea. It does not protect OEMS against retaliation when they ship PCs with competing operating systems. This puts undo preasure on OEMS to do the WRONG THING; namely reduce consumer choices. As a consumer, I've come face to face with this limitation when purchasing computer equipment for my business. My choices were artificially limited by Microsoft practices and the settlement does nothing to improve things.

Steven Pothier

Tucson, Az

Senior Scientist

Member of the Association of Computing Machinery

Software engineer for 19 years

MTC–00019478

From: root@ftc.agilent.com@inetgw
To: Microsoft ATR
Date: 1/23/02 8:37pm
Subject: Microsoft Settlement

To whom it may concern,

I would like to state my opinion that the ''penalties'' that Microsoft faces currently are hardly a slap on the wrist. Microsoft should be split into two different companies. By not doing this they will still have the inside design advantage for their software. Hopefully this would keep them from executing their past illegal practices in play. They go to a computer maker or software distributor and say ''Sell only my products or you don't get the discount''. The loss of a discount could make a company uncompetitive price wise or make them operate at a loss which makes their long term operations harder to manage. This type of behavior is extortion. Sell my products only or we'll destroy your company. If this type of thing happened on the docks, we would call it racketeering and Microsoft the Mafia.

Do not allow this phony penalties to stand. Don't fall for the ''what's good for Microsoft is good for the country'' talk. Predatory monopolies that behave the way Microsoft does is not good for anyone except Microsoft.

These opinions are mine alone and are not associated with my employer in any way.

Jeff Cleverley
Unix system administrator

MTC–00019479

From: Brendan
To: Microsoft ATR
Date: 1/23/02 8:38pm
Subject: Microsoft Settlement

I think several billion dollars worth of top shelf shares in the company should be given to needy schools and hospitals, so that they may profit financially from Microsoft's monopoly onwards into the future just as microsoft will profit from their ill gotten monopoly onwards intot the future.

give out several billion dollars worth of MS shares to needy community organisations.

MTC–00019480

From: Richard.Hibling@au.nestle.com@inetgw
To: Microsoft ATR
Date: 1/23/02 8:16pm
Subject: Microsoft Settlement

1) Microsoft DOES NOT provide value for money in it's operating system products. It charges way too much for a product that is not stable enough to be reliable.

I have to use Windows for such products as Photoshop and Acrobat. If the operating system was free like Linux and open source—it would be made much more stable by the world full of developers who like windows and want to use it. Then Microsoft could sell their products (Word, Excel etc) which would run just as well on Windows but would be stable and reliable (and a whole lot more secure and speedier once the ''dodgy'' code was eliminated.

Don't get me wrong, I don't ''hate'' Microsoft and ''love'' Linux—I ''dislike'' Microsoft because I cannot depend on Windows as an operating system whereas I can depend on Linux—unfortunately because of the Microsoft monopoly many manufacturers do not want to port their products to Linux. So I am stuck with Windows whether I like it or not—and I don't.

Until MS can be slapped into shape this situation will continue unless MS is slapped so hard that manufacturers decide to port to Linux—if that happens MS will die.

Regards,
Richard Hibling
Oracle DBA
Nestlí Australia Limited
Tel: +61 (2) 9352 5642

MTC–00019481

From: mmessano@auraleyes.net@inetgw
To: Microsoft ATR
Date: 1/23/02 8:31pm
Subject: Microsoft Settlement

I am writing to voice my concern that the current Microsoft settlement proposal is little more than a slap on the wrist and will not accomplish its goals of rectifying the monopoly abuses that MS has been found guilty of. Specifically, the Proposed Final Judgment allows many exclusionary practices to continue, and does not take any direct measures to reduce the Applications Barrier to Entry faced by new entrants to the market.

Michael Messano
mmessano@auraleyes.net

MTC–00019482

From: Cornel Huth—40th Floor
To: Microsoft ATR
Date: 1/23/02 8:30pm
Subject: Microsoft Settlement 6402 INGRAM RD SAN ANTONIO TX 78238

Microsoft was found, in the narrow scope of the way-too long trial, to be guilty of serious violations of law. It is my opinion that if Microsoft is let off, it will continue to do, as it has shown before that it —will— do, what it was found guilty of doing. What purpose does it serve to let Microsoft off? None to the consumer, that's for sure, and everything to Microsoft. Which, exactly, was found guilty? Microsoft for being an illegal monopoly, or the DOJ for taking this (very narrow case) to trial? Punishment is what is required, not a pat on the back and a wink of the eye.

Sincerely,
Cornel Huth
http://40th.com/mail.html

MTC–00019483

From: John McDermott
To: Microsoft Settlement U.S. Department of Justice
Date: 1/23/02 5:38pm
Subject: Microsoft Settlement

John McDermott
PO Box 30156
Long Beach, Ca 90853
January 23, 2002

Microsoft Settlement U.S. Department of Justice,

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers’ dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views. This frivoulous lawsuit probably cost investors millions more than the Enron fiasco caused, and there was no government intervention there. Keep the government out of private business.

Sincerely,
John R. McDermott

MTC–00019484

From: Jonathan Weeks
To: Microsoft ATR
Date: 1/23/02 8:33pm
Subject: Microsoft Settlement

The settlement offers of late on the Microsoft trial are:

laughably inadequate to protect the consumer's interest

a miscarriage of justice given Microsoft has been found guilty

will only serve to harm consumers going forward

will set a terrible precedent for the children of America about

the rule of law and consequences of playing dirty

Please do the right thing and consider the morality of the case foremost over the incredible corrupting power Microsoft represents, and come up with a punishment more in line with the crime(s).

Thank you,
Jonathan Weeks

MTC–00019485

From: Kathy Kasza
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 8:39pm
Subject: Tunney Act Comments

re: Tunney Act Comments

To whom it may concern,

I can't believe that after finding Microsoft guilty, the government will ''settle'' on such poor terms.

At the very lest, Microsoft needs to be heavily ''fined'' in real dollars. ('fined': all their illegal profits taken away) Better yet, dismember Microsoft.

Sincerely,
Katherine Kasza
328 W 5th St
San Dimas CA 91773

MTC–00019486

From: alan@opendoor.com@inetgw
To: Microsoft ATR
Date: 1/23/02 8:38pm
Subject: Microsoft Settlement

A recent article in the San Jose Mercury News said: Nine states are still pursuing a remedy that means something. At the same time, a federal judge will decide whether the settlement offered by the Bush administration and other states was in the public interest.

The judge will be reading public comments, required by law, on that question. You can still send an e-mail, with ''Microsoft Settlement'' in the subject line, to microsoft.atr@usdoj.gov I'm just writing in to say that I think the proposed settlement is too weak. I'm on the side of the nine states pursuing stricter remedies. Microsoft has been at this monopoly thing way too long with insufficient government restrictions. Often government restrictions are bad, but not in the case of a powerful monopolist like Microsoft.

Alan Oppenheimer, President
Open Door Networks, Inc.
Internet solutions as easy to use as the Macintosh itself
alan@opendoor.com
http://www.opendoor.com

MTC–00019487

From: Paul Gabriele
To: Microsoft ATR
Date: 1/23/02 8:40pm
Subject: Microsoft Settlement

[Reprinted with permission of the original author: Brian Koppe, Buffalo Grove, IL]

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. It is my understanding that the purpose of the Proposed Final Judgement should be to reduce, as much as possible, the Applications Barrier to Entry. In other words, make the market more open to competition from other products. After reading the Proposed Final Judgement and multiple essays on its problems and benefits, I have noticed many things that I take issue with. However, I'd like to focus on one in particular. This problem is in the issue of Microsoft End User License Agreements (EULA).

It has been shown that Microsoft creates EULA's that place anticompetitive restrictions on the user, and that Microsoft has intentionally created incompatibilities to keep users from using Windows applications on compatible operating systems that are not Windows. One example of this is in the license agreement for the Microsoft software, NewsAlert— offered by MSNBC. In that license it says, ''MSNBC Interactive grants you the right to install and use copies of the SOFTWARE PRODUCT on your computers running validly licensed copies of the operating system for which the SOFTWARE PRODUCT was designed [e.g., Microsoft Windows(r) 95; Microsoft Windows NT(r), Microsoft Windows 3.x, Macintosh, etc.]. ...'' Users of competing operating systems, such as Linux, which are capable of running some Windows applications are not legally capable, under this restrictive license, to use this program. One suggestion as to how restrictive licenses such as this should be forced to be changed is for the excerpt above to be re-written as follows:

''MSNBC Interactive grants you the right to install and use copies of the SOFTWARE PRODUCT on your computers running validly licensed copies of Microsoft Windows or compatible operating system.''

In the past, it has been shown that Microsoft places technical barriers on competition as well. The 1996 Caldera v. Microsoft case shows how Microsoft added code to its product so that, when run on a competing operating system (DR-DOS in this case), it would give the user an error. As I'm sure you can easily look up, the judge ruled that ''Caldera has presented sufficient evidence that the incompatibilities alleged were part of an anticompetitive scheme by Microsoft.''

Unfortunately, with the Proposed Final Judgement as it stands, there is no language to prohibit these restrictive licenses nor is there language to prohibit future intentional incompatabilities. Therefore, in its current state, the Proposed Final Judgement assists Microsoft in continuing these actions and does not succeed in opening the Applications Barrier to Entry.

In closing, I would like to add my support for Dan Kegel's essay, ''On the Proposed Final Judgement in United States v Microsoft,'' located at http://www.kegel.com/remedy/remedy2.html, which is the source of the facts I have included in this letter. I would also like to add my support for his suggested amendments to the Proposed Final Judgement, which are described near the end of his essay, and to the alternate settlement proposed by some of the plaintif states and located on the website for the National Association of Attorneys General at http://www.naag.org/features/microsoft/ms-remedy—filing.pdf.

Sincerely,
Paul Gabriele
Chicago, IL

MTC–00019488

From: Jack
To: Microsoft ATR
Date: 1/23/02 8:39pm
Subject: Microsoft Settlement

Dear DOJ,

The Microsoft settlement is a very, very bad idea. MS should be punished, not rewarded, for monopolistic behavior.

Jack Dunn

MTC–00019489

From: Triple (q)T(q) Ranch
To: Microsoft ATR
Date: 1/23/02 8:38pm
Subject: Microsoft Settlement

I am writing this message in response to the latest boondoggle by AOL, Netscape and other parties involved in the latest filing of a lawsuit against Microsoft. While I am not the biggest fan of the Redman bunch, I believe in giving credit where it is due. Microsoft is largely responsible for the technology growth in this nation and the world. As the Technology Director for a small school district in East Texas, I find these continued attacks disturbing. It will do nothing but drive up the cost of software, and delay developments that education could find useful. Netscape and AOL should be publicly chastened for continued attacks. AOL has little room to talk as they have systematically wiped out other ISP's of there kind (thankfully). AOL's product is flawed, full of viruses, and their business practices are less than desirable. In my opinion, the DOJ and Microsoft need to settle this fiasco, tell AOL and others to quit crying and develop a better mousetrap and get on with the business at hand.

Werner Burwood

MTC–00019490

From: Patrick Greenwell
To: Microsoft ATR
Date: 1/23/02 8:39pm
Subject: Microsoft Settlement

As a long-time technologist and small business owner, I am adamantly opposed to the proposed final judgment in United States v. Microsoft. The first glaring problem with the proposed judgment is that there are no punitive penalties related to Microsoft's'' past illegal, and anti-competitive behavior. Rather it attempts to simply modify their behavior in the future. Microsoft is directly and indirectly responsible for putting countless businesses and individuals out of work through their illegal actions. They should be made to pay for their past misdeeds rather than simply promising ''not to do it again.''

Second, as someone with over 15 years in the computer industry, the proposal as written is rife with countless examples of conditions, loopholes, and exceptions that aid Microsoft to the point of rendering this agreement as written nearly worthless.

These include:

III.c.3 forces organizations wishing to run a post-boot middle-ware product to either display no user interface, or one that is consistent with Microsoft's own interface. This clause significantly hinders other parties ability to determine look, feel, and to provide additional functionality which requires a different interface.

The unwritten requirements in III.D ''Microsoft shall disclose to ISVs, IHVs, IAPs, ICPs, and OEMs, for the sole purpose of inter-operating with a Windows Operating System Product via the Microsoft Developer Network (''MSDN'') or similar mechanisms, the APIs and related Documentation that are used by Microsoft Middle-ware to inter-operate with a Windows Operating System Product.'' What this language illustrates is that in order to gain access to interoperability information, one would have to have a business relationship with Microsoft as an ISV, IHV, IAP, ICP or OEM which would undoubtedly be tied to a separate lengthly and restrictive licensing agreement.

Interoperability information should be freely available to anyone who wishes it. A business relationship with Microsoft should not be required in order to determine how to make ones software work with their software.

Section III.G.1 states that ''Microsoft shall not enter into any agreement with any IAP, ICP, ISV, IHV or OEM that grants Consideration on the condition that such entity distributes, promotes, uses, or supports, exclusively or in a fixed percentage, any Microsoft Platform Software,

except that Microsoft may enter into agreements in which such an entity agrees to distribute, promote, use or support Microsoft Platform Software in a fixed percentage whenever Microsoft in good faith obtains a representation that it is commercially practicable for the entity to provide equal or greater distribution, promotion, use or support for software that competes with Microsoft Platform Software,''

This clause does absolutely nothing to aid anyone other than Microsoft. It allows Microsoft to contravene the intent of earlier sections which were aimed at preventing Microsoft from punishing their partners who chose to use other parties software. Instead of being punished, Microsoft is simply enabled to ''reward'' those who ''distributes, promotes, uses, or support'' Microsoft Platform Software at any fixed percentage they wish(100% is a percentage for example.) By ''rewarding'' partners that use all Microsoft products Microsoft can continue to make it financially unrealistic for manufacturers in the highly-competitive industry to not use Microsoft products and forego the ''rewards'' that Microsoft provides.

III.H.2 allows Microsoft to require confirmation for installation of Non-Microsoft middle-ware. What it does not do is state the nature of the confirmation(is it a one step process, a ten step process, etc.) nor does it offer any guidance as to the language to be used. As written, this clause would allow Microsoft to require a twenty-step process with language that reads ''WARNING replacing this software could seriously damage your operating system or machine'' throughout in order to replace Microsoft middle-ware.

III.J.1 offers an exemption from disclosure of any APIs or documentation that would ''compromise the security of a particular installation or group of installations of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria''

One of the ways in which Microsoft could avoid disclosure of large amounts of data would be to simply make the claim that disclosure would ''compromise security'' any time they did not wish to disclose something and then utilize their innumerable resources to press those claims. Further, there are already products that exist which require knowledge of Microsoft authentication mechanisms, namely SAMBA(http://www.samba.org). This clause as written would actually allow Microsoft to put this project out of business by denying them access to information.

Third, Section IV.B borders on the ludicrous. What is being agreed to is that Microsoft, convicted of multiple illegal acts, gets a 50% say in choosing who is appointed to determine if they are perpetrating additional crimes from a technical perspective.

Microsoft should have absolutely zero say in who is appointed to judge their compliance, just as I would not be able to choose a particular judge if I were accused of committing a crime.

Were this not bad enough, IV.B.d renders the Technical Compliance Committee worthless by prohibiting the admission of their work or finding in enforcement proceeding for any reason, and forbidding them to testify on any matter related to the judgment.

As written this proposed cure does nothing to address Microsoft's'' past misdeeds, offer little if any protection to consumers, and allows Microsoft to continue to perpetrate many of the crimes it has been found guilty of.

For all of the reasons outlined above, I urge you to reject this proposal outright, or at a minimum require significant modification.

Sincerely,

Patrick Greenwell

MTC–00019492

From: Peter Brumblay
To: Microsoft ATR
Date: 1/23/02 8:37pm
Subject: Microsoft Settlement

To whomever it may concern,

A recent post on slashdot.org alerted me to the fact that I have a small ability to complain about the Microsoft Settlement. I have been an employed software developer for the past two and a half years, and have been an avid computer user for the past sixteen. Throughout this time, I have had first-hand experience with many of Microsoft's software products, including their operating systems.

A very interesting comparison has been made by Scott Rosenberg in an article at Salon.com (text here:http://www.salon.com/tech/col/rose/2002/01/16/competition/index.html) to the PC CPU market. In short, AMD's relatively recent entrance into the higher-end PC market has fueled a fiery competition between Intel and AMD. This competition has allowed consumers to purchase excellent products at much lower prices than comparable products in the mid-90s. I am particularly pleased with this competition, as I upgrade my computer about once every two years. The article then describes the horrible lack of competition in the operating system market, and how Microsoft's partially disclosed APIs prevent other operating systems from being competitive. If the majority of quality commercial software only runs on Microsoft operating systems, then how are other operating systems supposed to compete?

The secret to the competitiveness in the chip market is the fully disclosed machine language that the chips understand. AMD chips and Intel chips can read the same computer code at the hardware level and are therefor able to run the same software. If Microsoft were required to fully disclose the Win32 API, and the APIs (and file formats) of the products that it uses to retain its monopolistic leverage in the market (Microsoft Office, for example), other operating systems (Linux, FreeBSD, MacOSX) would be able to compete much more readily, because they would be able to run the same applications that the Microsoft applications can.

As outlined in Dan Kegel's essay, the provisions in the settlement do not require Microsoft to fully disclose their APIs and offer them many loopholes to remain anti-competitive. (Essay's text here: http://www.kegel.com/remedy/remedy2.html), thus dooming Linux, FreeBSD, et. al. developers to the laborious task of catch-up through reverse-engineering.

I sincerely hope that a change can be made to this Settlement to give me a choice in the future as to which operating system I run, and which operating system I develop for. The current Settlement is grossly inadequate, and currently I forsee a future where I will be forced to write code for Microsoft products, lest I move to a different profession.

I want a choice.

Sincerely,

Peter Brumblay
2718 Moorhead Ave. #207
Boulder, CO 80305

MTC–00019493

From: Todd
To: Microsoft ATR
Date: 1/23/02 8:44pm
Subject: Microsoft Settlement

I feel that Microsoft is not being properly punished or limited in the future from continuing its unlawful activities. What must stop is the bullying of PC vendors into selling exclusively Windows PCs with a certain desktop setup, or no Windows at all. It unlawfully hurts the consumer and the economy, when nobody is allowed to buy an alternative product until after Windows and its browser have already been forced upon them.

Todd Hutchinson
age 26
Portland, Oregon

MTC–00019494

From: Cullen Newsom
To: Microsoft ATR
Date: 1/23/02 8:40pm
Subject: Microsoft Settlement

Dear Persons,

I am displeased at the way the Department of Justice has handled the Microsoft anti-trust case.

I support stronger sanctions against Microsoft Corporation.

Cullen Newsom
University of Houston High Energy Physics
4800 Calhoun Road #632 Science Research One
Houston, Texas, USA 77004
newsom@uhhep.phys.uh.edu

MTC–00019495

From: ssl@tiac.net@inetgw
To: Microsoft ATR
Date: 1/23/02 8:41pm
Subject: Microsoft Settlement

I oppose the settlement. I've been in the personal computer market since the beginning; first as a consumer, later as a developer and independent contractor.

A few points:

It is an outright lie that Internet Explorer (''MSIE'') can't, as a matter of principle, be removed from Windows. It does not take a software expert to appreciate this: consider only that MSIE also runs on the Macintosh. Or, remember that MSIE is derived from a browser originally developed by Spyglass. Or, that MSIE was a separate product for Windows until Windows95. Of course it is possible to construct MSIE and Windows

such that removing the former will break the latter, but that's no different than using glue instead of a nut & bolt to hold a pair of items together.

Microsoft is NOT an innovator. They have invented almost nothing, and purchased or copied nearly everything. If Microsoft's behavior had been even a little less rapacious, the following outcome would have been likely:

more competition, since companies (and investors) would not avoid markets that Microsoft targets

higher growth in the computer industry

more innovation

lower prices

Microsoft has lowered the market price of some high-end items, though vigorous non-Microsoft competition is likely to have achieved the same result.

Microsoft has RAISED the price of their monopoly items, e.g. look at the relative cost of Windows and Microsoft Office vs. PC hardware.

Microsoft's products are, in general, poorly designed and have many serious bugs. Open competition would have yielded higher quality products, ultimately leading to higher productivity and therefore a higher standard of living. Again, this point is easy for those who are not software experts to understand.

Just consider how much time they and colleagues waste due to software crashes, features that are difficult to use or don't accomplish the expected result, etc.

Review the Findings of Fact. It is clear that Microsoft has not, in general, been willing to compete on the basis of offering better products and services. Instead, it's just been ruthless. An essential component of the free market is the rule of law. Microsoft's lawless behavior has harmed consumers by reducing innovation, lowering overall product quality, raising overall prices, and ultimately reducing national productivity.

Microsoft's behavior was not reigned in by past settlements, and they remain unrepentant about the clear violations listed in the Findings of Fact. The current settlement appears to be both token and toothless, and will have very little affect.

MTC–00019496

From: Sean Simpson
To: Microsoft ATR
Date: 1/23/02 8:42pm
Subject: Microsoft Settlement

I have a great many issues with the proposed Microsoft settlement, and as an aware, informed, and concerned consumer, I want to highlight the one of most concern to me: encouraging competition among ISVs.

1) Require advanced notice of technical requirements. Section III.H.3 of the Proposed Final Judgment requires competing ISVs of middleware to meet ''reasonable'' technical requirements seven (7) months before new releases of Windows, yet does not require Microsoft to disclose those requirements. This allows Microsoft to maintain their monopoly by changing the requirements after the seven (7) month deadline has passed.

2) API documentation. On a related note, Section III.D of the Proposed Final Judgment specifies that release of the APIs to ISVs is not required until final beta of the middleware, yet this does not provide nearly enough time in the beta cycle to allow the ISVs to bring their middleware in line with Windows APIs. And it allows Microsoft another loophole, building on the one mentioned above. And many important APIs would remain undocumented, such as Microsoft.NET. Furthermore, there are unreasonable restrictions placed on the use of said documentation, especially as relating to writing for a competing operating system, by not allowing those who write applications for a competing operating system along with Windows versions of said applications to see this documentation.

3) File formats At no part in the Proposed Final Judgment is Microsoft required to disclose any information about the file formats, even though those undocumented Microsoft formats, such as Microsoft Word (commonly called ''.doc'') and Microsoft Excel (commonly called ''.xls''), are part of the Applications Barrier to Entry (''Findings of Fact'' paragraphs 20 and 39).

4) Patents covering Windows API remain undisclosed Section III.I of the Proposed Final Judgment requires Microsoft to license certain of their intellectual property rights, but not to clearly announce which software patents protect the Windows API, creating a barrier to Windows-compatible operating systems, as they are unable to determine whether or not they may be violating Microsoft software patents. This will inhibit market acceptance of those competing operating systems, further maintaining Microsoft's monopoly.

5) Definition of ''Windows'' The definition of Windows in the Proposed Final Judgment is excessively narrow; it does not apply to Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box, all of which use the Win32 API, and are advertise as ''Windows Powered.'' In fact, Microsoft themselves have stated that Windows XP Tablet PC Edition is an API-compatible operating system, and will run Windows software. Any Microsoft operating system software which is even source-compatible, such as Pocket PC, with Windows 2000, Windows XP Home Edition, Windows XP Professional, and their successors, should be covered by the Proposed Final Judgment, as the Windows operating system—in all its forms—is the linchpin of the Microsoft monopoly. It is my considered opinion that this Proposed Final Judgment is utterly inadequate to the stated purpose of ending Microsoft's illegally maintained monopoly. The existence of this monopoly has led to stagnation on the desktop, and cost Americans untold billions of dollars, both directly through Microsoft's damaging practices, and indirectly through causing the industry to standardize around programs rather than protocols, allowing for the spread of viruses such as SirCam and Nimda that exploit weaknesses in Microsoft software. To that extent, I support a much harsher penalty against Microsoft, that will allow the playing field to be leveled, and for ISVs to create truly competing products, and return the desktop computer software market to a healthy state.

Sean

laudre@null.net √ ICQ 1913601 √ AIM Laudre

http://www.drelau.com Drelau Productions

MTC–00019497

From: Erich Friesen
To: Microsoft ATR
Date: 1/23/02 9:53pm
Subject: Microsoft Settlement

I am opposed to the Microsoft settlement,

I believe Microsoft has behaved in an anti-competive way and continues as I write to behave in an anti-competitive way by making Windows XP not work as part of a multi-boot environment (as with LILO, which Windows used to work with) Therefore Microsoft's own actions prove they can not be trusted to restrain themselves from anti-competitive action, and they should be broken up. Punitive damages are appropriate here, for those companies that were harmed by Microsoft (e.g. Netscape, GNU Software Foundation)

Erich Friesen
Architect
Saint Louis Missouri

MTC–00019498

From: David Schick
To: Microsoft ATR
Date: 1/23/02 8:46pm
Subject: Microsoft Settlement

This settlement is bad for America, and for Americans. I do not support it in any way.

David Schick
712 Hammond Branch Drive #304
Odenton, MD 21113

MTC–00019499

From: Rosie Nelson
To: Microsoft ATR
Date: 1/23/02 8:42pm
Subject: Microsoft Settlement

To whom it may concern:

I am strongly opposed to the settlement proposed between the Department of Justice and Microsoft Corporation. Instead of discouraging the anti-competitive practices of the past, the settlement allows Microsoft to maintain complete control over the functionality of competitors'' products. Without additional restraint and guarantees to software developers that their products will not be hindered unknowingly, Microsoft will remain a monopoly. Please reconsider your decision.

Thank you for your time.

Cheryl Nelson
Cheney Hall Rm 213
2650 Durant Avenue
Berkeley, CA 94720

MTC–00019500

From: Doug Masson
To: Microsoft ATR
Date: 1/23/02 8:46pm
Subject: Microsoft Settlement

Dear Sir or Madam:

I would like to write to register my objection to the proposed Microsoft Settlement. Individuals more scholarly than myself will have already informed your opinion, so I will keep it brief. In light of Microsoft's past history with conduct remedies, any future conduct remedy (as opposed to a structural remedy) would have to have swift, vigorous, and transparent

oversight. The proposed remedy does not provide for this.

Do not allow Microsoft the ability to hide behind ambiguous provisions ostensibly designed to protect their ''security''. In the past, Microsoft has been indifferent to security concerns (note the constant problems with Outlook). There is no reason to believe the company won't hide behind security as a pretense for not allowing interoperability.

Finally, the proposed settlement contains numerous provisions that could undermine the free software movement. Ultimately the free software movement contains the best hope for a competitive software environment. Anyone dependent on a profit to survive will ultimately be smothered by Microsoft as were the makers of Lotus, WordPerfect, and Netscape to name three.

Thank you for your consideration.

/s/Douglas J. Masson

MTC–00019501

From: Chris Cooney
To: Microsoft ATR
Date: 1/23/02 8:40pm
Subject: Microsoft Settlement

I have to say that the proposed segment is a joke in poor taste, and we are all the butt of it. First of all, the proposed amount is staggering low for Microsoft—they made $770M in interest in 1999 (give or take), so if this were a straight fine, it would amount to a year and a half worth of interest. To put that in perspective, a year and a half of interest on my accounts runs abour $20.

It gets worse. Microsoft gets to use that money to flood public schools—one of the last bastions of Apple, their only credible direct competitor. further, it looks like they can count the retail price of their software in the 1.1 billion. this means that they spend $200M on hardware and about $100M on software (retail value $900M), take a hefty deduction on taxes and possibly make money on the deal. Never mind that this does nothing to even slow their rapacious assault on the industry; note the common fate of a Microsoft competitor is to be buried under piles of cash, find their lead developers are suddenly working for Bill Gates, or find that Microsoft is making something equivalent to their product and giving it away. Ask a venture capitalist how many companies thay ever funded that competed with Microsoft. You won't find many.

I'm not exactly sure what needs to be done, but it needs to be far closer to Jackson's breakup order than this. Microsoft is killing the industry and stiffling innovation.

-chris

MTC–00019502

From: Spencer Cathey
To: Microsoft ATR
Date: 1/23/02 8:46pm
Subject: Microsoft Settlement

Dear JUSTICE DEPARTMENT,

As you know, the computer .COM people, left on their own, caused substantial damage to the marketplace, wasting billions of otherwise useful investment dollars. If Microsoft is not shown, by your department, it must improve, it too will go the way of Enron. It won't be funny, and will lead to your doorstep. Do the right thing. Nobody is fooled by these power politics. You can lead the way to progress, or to disaster. Allowing Microsoft a free hand is the wrong thing to do.

I have programmed a computer for 20 years, was a Windows NT evangelist, and have been steadily dissappointed with Microsoft's lack of innovation for the last 8 years. I wouldn't buy their stock if I was you.

Sincerely,
Spencer Cathey
3891A Cedar Creek Road,
Colville, WA, 99114
(509)732–8973
spencer@unrapt.com

MTC–00019503

From: Chris Hochrine
To: Microsoft ATR
Date: 1/23/02 8:41pm
Subject: Microsoft Settlement

To whom it may concern:

I work in the computer field, and while I do not directly work with Microsoft products, I am familiar with the programs from office work. I have several years experience in both computer programming, and computer system administration on multiple operating systems

I strongly feel that the proposed settlement is inadequate. Not only does it offer little or no restitution to the parties harmed by the anti competitive behavior, but it also does effectively nothing to prevent Microsoft from continuing the behavior in the future.

In particular, in section III.J.1, Microsoft is allowed to keep APIs closed under certain conditions. The conditions specified are so broad they could easily be taken to mean every piece of software written by Microsoft. This would enable Microsoft to develop internal APIs, which would give all competitive programs a significant disadvantage in performance and interoperability.

Additionally, in section II.J.2, Microsoft is allowed to not share its ''open'' APIs with individuals. The hobby software development community is very large, and produces a great deal of code. This provision allows Microsoft to only share its APIs with companies, thus excluding the hobby software developer. The provision also gives Microsoft the discretion to refuse a legitimate company if, in Microsoft's opinion, the company does not have a viable business plan. It is not a large stretch to image that any potential competitor would be classified as not being a viable company.

Finally, given Microsoft's past actions concerning the earlier anti-trust suit, the provision for effective enforcement of the terms falls far short. The company has shown in the past it will ignore court orders and will selectively interpret provisions to its favor. I urge the settlement to be rejected on all points.

Chris Hochrine
Peoria, AZ

MTC–00019504

From: Michael Bond
To: Microsoft ATR
Date: 1/23/02 8:45pm
Subject: Microsoft Settlement

I have been using alternate OS's (not windows) for years now, but there is always something ''missing'' in the mid 1990's I used OS/2 Warp 3, until about 1996 when there were a few key applications that required Windows 95 to run. in 1998 I switched to Linux and run it as my Primary OS to date at home. I Also have a MacOS X laptop for road work. However i am unable to use linux reliably at work because of the difficulties of interacting with Windows. While it is possible to interact with windows, the closed nature of windows does not make it possible for me to Administer Windows effectively from a Linux workstation.

This cause me to occupy 2 computers at work, because another core part of my job requires the use of an Operating system with many Text editing feature and programming language. Unix, in my case linux, is the best choice. However every time I receive a computer upgrade it costs my employer twice as much money because My job requires me to use 2 computers.

If windows had a more open architecture it would be possible to develop tools like Dameware (www.dameware.com) which allow complete control over the network that i am responsible for maintaining. I do not ask that Microsoft Open Source the window operating system or Microsoft internet explorer. They are entitled to keeping their source code closed and locked away. I do however Ask that microsoft release everything required to program tools that would allow myself and other professionals that need to use alternate Operating Systems the ability to administor and maintain, fully, a computer running windows over a network to the same ability that Windows Administrators can.

Michael Bond
mbond@wvu.edu

MTC–00019505

From: polly a. woodress
To: Microsoft ATR
Date: 1/23/02 8:46pm
Subject: AOL Netscape Is Trying To Sway Justice

To Whom It May Concern:

The news that AOL Netscape has filed suite against Microsoft just as the Dept. of Justice is in the final, punishment phase of it's suite against Microsoft has but one intended outcome...which is to try to sway the D of J into thinking that MSFT was guilty of doing harm to competition. The facts about the so called ''browser wars'' between MSFT and Netscape could not be more clear. Remember, please, that AOL bought Netscape in the midst of the D of J case against MSFT...Remember also that all browser users, including the majority of the public as well as the so called ''high techies'', agreed that the MSFT browser was just plain better, easier and more user friendly than was Netscape. That is why Netscape lost the ''war''. I am a shareholder in AOL/Time Warner...I have owner the stock as a very early owner of Turner Broadcasting Company shares. As you know, Turner merged with Time Warner, then Time Warner merged with AOL. Since the AOL merger, I have been disappointed with many corporate decisions, each giving me less and less

confidence in the business ability of AOL. AOL is either looking for a ''quick fix'', I fear, to a very real money problem, or a ''quick fix'', I fear, to a competition problem. But, please know that the ''fix'' will come as a part of your present findings/punishment of MSFT. Don't let them use this cheap trick to influence your current decisions. Let another court take up their issue. But, above all, please let the technology sector of this country get back on tract inovating new and needed resources. We have so many really important issues before us and we need leaders, in industry as well as government, that can connect with the people. MSFT creates real instruments that help streamline the future in lieu of just re-newing a monthly subscription for a service.

Please don't be influenced by this cheap shot!

Thanks. Polly Woodress

MTC–00019506

From: Marcel Valcarce
To: Microsoft ATR
Date: 1/23/02 8:45pm
Subject: Microsoft Settlement lets them off too easy

As a long time member of the computer industry and someone who has worked with Microsoft products and those of other companies I would like to say that I think the settlement as proposed is a slap in the wrist to a company that has over charged consumers millions of dollars, and killed competition in the computer industry, I urge you to reject the settlement and seek sanctions that will actually punish Microsoft for their illegal actions.

MTC–00019507

From: Craig Miller
To: Microsoft ATR
Date: 1/23/02 8:45pm
Subject: Microsoft Settlement

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I think that under the Proposed Final Judgment as written, allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

An example of this is the PFJ fails to Prohibit Anticompetitive License Terms currently used by Microsoft eg Microsoft has used both restrictive licenses and intentional incompatibilities to discourage users from running Windows applications on Windows-compatible competing operating systems.

MTC–00019508

From: Jack Sutton
To: Microsoft ATR
Date: 1/23/02 8:45pm
Subject: To Whom It May Concern

To Whom It May Concern

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,

Jack Sutton

MTC–00019509

From: Dink
To: Microsoft ATR
Date: 1/23/02 8:47pm
Subject: Microsoft Settlement

Please be as a tough as possible on these people. There are several able developers being stymied by their predatory practices.

Thanks Dink—''Don't assume malice for what stupidity can explain.''

MTC–00019510

From: Michael
To: Microsoft ATR
Date: 1/23/02 8:46pm
Subject: Microsoft Settlement ''We were supposed to fight for people who couldn't fight for themselves. We were supposed to fight for Willie.''—PFC Lowden Downey in the motion picture ''A Few Good Men''

For years the corporation known as Microsoft has run roughshod over anyone and everyone who would dare to compete with them. The term ''innovate'' was bandied about quite often during the anti-trust trial and I find the excessive use of that word to be the only aspect of the proceedings which was more ludicrous than the testimony of Bill Gates. Microsoft has done nothing to earn the term ''innovator''. To date they have either stolen any advanced features incorporated into their software or have bought another company which already had developed technology they wished to add to their stable.

As someone who has been deeply involved in the world of microcomputer technology and use for over twelve years I am appalled by the fashion which the Department of Justice has shirked its solemn duty to the American people. This is a company which blatantly leverages its monopoly power to vanquish any worthy competitor. They continue to tie every product they can deep into the Windows operating system. Internet Explorer virtually wiped out any viability of the Netscape browser simply by virtue of being included with the Windows distributions. Internet Explorer at the time was widely acknowledged to be an inferior application however as it was available at no additional cost to the end user it easily wrested market share from Netscape.

The fact of the matter is that Microsoft has been found guilty of violating FEDERAL LAW. No response other than the most severe of penalties is appropriate. Bear in mind that the fruits of their monopolistic behavior exist in the form of billions of dollars of cash reserves. These cash reserves, ill-gotten gains, to say the least, should be heavily fined. The company, to date, remains totally and completely unrepentant and should be broken into no less than three entities which would be allowed to have no direct dealings with one another. While you're at it, you should file charges against Bill Gates for perjury. For his so-called testimony was nothing less than misleading. Finally, the source code of the Windows operating system should be opened to the public and published as open sourced code.

Make no mistake. Your failure to fully and properly prosecute these remedies will result in an even bolder company. One which you are obviously becoming impotent to control.

IT IS YOUR RESPONSIBILITY! You're supposed to fight for those of us who are not powerful enough to fight this behemoth. If you do not act, and act wisely, Microsoft will gain more and more control over more and more business sectors. Even now they are attempting to wipe out competition in the console game market by selling their X-box at a lower cost than required for them to assemble them in the first place.

They have dipped deeply into online banking and travel. How much farther must they go before the segments of our government which act now as special interests are stopped from national, or even global, domination?

Michael D Logan

Denver, CO

MTC–00019511

From: dfbb@linux.net.cn@inetgw
To: Microsoft ATR
Date: 1/23/02 8:54pm
Subject: Microsoft Settlement

I don't like PFJ, both with M$.

Dan

MTC–00019512

From: Rob
To: Microsoft ATR
Date: 1/23/02 8:50pm
Subject: Microsoft Settlement

I would like it known that I am opposed to the tenative settlement in the Microsoft case.

As it stands the terms are too narrowly defined and will allow Microsoft to continue with their illegal and immoral practices in the very near future.

In addition, the goverment should have already learned that ''slapping Microsoft on the wrist'' did not accomplish anything. They continued with their shady business practices right away, and even now, in the middle of all this they are attempting to corner markets. Their .net stratagy is an attempt to gain control of the internet. If the

government can't see this then they better get experts who can.

I suggest getting back issues of PC Magazine and reading John C. Dvork's columns. He tells it like it is and often has commentary's about Microsofts business practices.

The only thing that might get Bill Gates to stop trying to kill all competition is to hit him where it hurts. A really big fine would help and having him step down from any involvement with Microsoft would be even better.

What I really think should be done is to split Microsoft in several pieces: Internet software, Operating Systems, and Other Applications. This is the only way you'll ever get Microsoft to stop their ''destroy all'' practices.

Rob Iacullo (Eagle)
Mountlake Terrace, WA
eagle.one@attbi.com
http://home.attbi.com/amuse
Team Amiga

MTC–00019513

From: Frank P. Nemecek, Jr.
To: Microsoft ATR
Date: 1/23/02 8:47pm
Subject: Microsoft Settlement

I am writing to protest the Proposed Final Settlement between the U.S. Department of Justice and Microsoft. The PFJ doesn't take into account Windows-compatible competing operating systems. In failing to do so, I believe that it amounts to an invitation for continued inappropriate conduct by Microsoft as well as a signal to world at large that the DOJ is not serious about enforcing anti-trust legislation.

Frank P. Nemecek, Jr.
Grand Blanc, MI

MTC–00019514

From: Lee Graba
To: Microsoft ATR
Date: 1/23/02 8:54pm
Subject: Microsoft Settlement

I am writing to express my opposition to the proposed Microsoft settlement. As I am a software developer, I have paid very close attention to this case since its inception and am amazed that we have the current proposal before us. Even though Microsoft was found guilty on key points, the proposed settlement does so little to prevent future occurances, its as good as no settlement at all. it will lead to Microsoft continuing the very things they were found guilty of! Once more, companies will be denied a fair shot at the marketplace, since MS will use their monopolies to short-circuit the decisions of the market. How can small companies get funding for innovative new ideas and products if the likely result will be that MS steals the market segment without really competing? Will venture capitalists be likely to fund companies if this is the possible result? Obviously no, and the result will be a decrease in innovation, and a decrease in consumer choice. The question I have to ask is, does our DOJ and the courts actually believe in enforcing the laws that are on our books? Is this the type of legacy that the current DOJ and the courts want to leave, that of a DOJ soft on business (even with a guilty verdict handed to it by the previous administration), and a court more interested in moving the case along than finding a proper remedy?

Lee Graba
leegraba@visi.com
lee.graba@honeywell.com

MTC–00019515

From: James Sterling Jr.
To: Microsoft ATR
Date: 1/23/02 8:54pm
Subject: Microsoft Settlement

HI, I feel that the deal proposed is not the correct way to settle the case I have to work with Microsoft products everyday. I do not use Microsoft Products on my own computers because of the experience I have with them. I suggest that you be a lot more harsh on Microsoft and not let them get away with this.

Thank You
James Sterling Jr.

MTC–00019516

From: Chris Anderson
To: Microsoft ATR
Date: 1/23/02 8:47pm
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea. It must be changed!

MTC–00019517

From: Chris Fenwick
To: Microsoft ATR
Date: 1/23/02 8:49pm
Subject: Microsoft Settlement

Dir Sirs... I am a televsion director who directs a show about the computer industry. The Computer Chronicles is the longest running show about the technology, we are currently in the 19th season. I have been involved in the show for almost it's entire life. My position gives me a unique perspective on the tech sector.

One point of interest about Microsoft that I would like to share with you as you make your dicisions about what to do with Microsoft is this. For the past 2 decades Microsoft has acted one way and one way only. The prevailing attitude from Microsoft has been this, ''We are right, everyone else is wrong, and if we stand our ground because we can afford too, everyone else will fall in line behind us.'' In other words, ''if we say it is so, they will believe us.''

Now on first glance, this seems like corporate america at it's best. Believe it is so, be confident and achieve your dream. However, this is not the tone that Microsoft has taken. I realize that this case is about specifics BUT everything should be taken into account when determining what the PUNISHMENT should be. This is about a PUNISHMENT, not a slap on the wrist. We have NO idea how many companies have been put out of business because of the unfair practices of Microsoft. Look at how Microsoft has tried to TELL the government what it's punishment should be... that is just like the arrogance of Microsoft. Microsofts punishment must be deep and just. Do not be lulled into the spell that this company has caste on so many people. Deliver a punishment that will make a difference and send a message to everyone.

Thank you for your time.
Chris Fenwick
Director/Lead Designer
Broadcast Business Graphics
www.chrisfenwick.com
650–598–3789

MTC–00019518

From: Mark Rivera
To: Microsoft ATR
Date: 1/23/02 8:51pm
Subject: Opposed. Suggestions...

To whom it may concern, I am opposed to the settlement set forth. Most importantly, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people. VERY IMPORTANT —- One remedy in particular I would like to see included: Microsoft should be required to use ONLY standard file formats (like those adopted by the W3C) for all documents generated by its software. This would allow an even playing field for competitors large and small, and not lock consumers in to using Microsoft products due to legacy data. Only then will it truly be, ''may the BEST software win'', and that benefits everyone. My views on other aspects are congruent with the December 7, 2001 document provided by Brendan V. Sullivan, Jr. (Bar No. 12757), et al., ''Plaintiff Litigating States'' Remedy Proposals'', and I ask that you consider taking action which is more similar to this in spirit and effect.

Sincerely,
Mark Rivera

MTC–00019519

From: Isaac Jones
To: Microsoft ATR
Date: 1/23/02 8:43pm
Subject: Microsoft Settlement

I believe that the microsoft settlement is a bad idea. It fails to address many issues, please see Dan Kegel's open letter for a summary of why it is bad for the free software community, one of Microsoft's most important and most frequently ignored competitors. http://www.kegel.com/remedy/letter.html

I am a free software development, a researcher, and a computer science student at the Ohio State University.

peace,
Michael Isaac Jones.

MTC–00019520

From: Brendan Younger
To: Microsoft ATR
Date: 1/23/02 8:54pm
Subject: Microsoft Settlement

Your settlement is absolutely unbelievable. Every one of you should be shot in the head for ever agreeing to such a flimsy, toothless mass of trash that is the settlement proposal. Damn you, damn the Bush administration, and damn Microsoft.

An Angry Citizen Who Would Like to See You Pansy Republicans All Drowning in a Pool of Your Own Blood,
Brendan

MTC–00019521

From: David C. Fox
To: Microsoft ATR
Date: 1/23/02 8:55pm
Subject: Microsoft Settlement

Section IV.B of the proposed settlement agreement creates a three member Technical Committee ''to assist in enforcement of and compliance with this Final Judgment''. One member of the committee is to be chosen by Microsoft, one by the plaintiffs, and a third by the first two members. Microsoft is not allowed to object to the third member except on grounds specified in IV.B.2. However, there is no restriction placed on the grounds on which the Microsoft-appointee might object to a candidate for the third position. This gives Microsoft indirect veto power over the choice of the third member, and therefore the power to appoint or veto two-thirds of the membership of the Technical Committee. If the Department of Justice proposed giving a convicted felon the power to appoint or veto two-thirds of the members of his parole board, that would be an outrage.

To give Microsoft the analogous power is outrageous and should by itself be sufficient reason to make the proposed settlement unacceptable.

David Fox
davidcfox@post.harvard.edu
58 Hawthorne St. #2
Somerville, MA 02144

MTC–00019522

From: zircon@interlink.or.jp@inetgw
To: Microsoft ATR
Date: 1/24/02 11:04am
Subject: Microsoft settlement

Dear Sirs,

I've followed the Microsoft trial from its beginning. It is clear from the testimony even to a layman that Microsoft does not respect the law or the judicial system. The proposed settlement leaves enough room for them to continue protecting their desktop monopoly through predatory practices, and to use it to try to extend it to the server and communications fields as well.

I work as a consultant, and have over the years seen many technically superior products fall by the wayside after Microsoft entered the field. The consumers ultimately pay for this—even the small minority who run on other platforms.

The quickly dwindling individuals and businesses that still rely on ''alternative'' operating systems need to spend increasing amounts of energy to maintain compatibility with the ''mainstream.'' New Microsoft products use data formats that differ enough from previous versions to make it difficult for existing applications to exchange data with them. Since Microsoft frowns on the use of its development tools and information for non-Windows products, and since this information is necessary to make the products work on Windows, it becomes increasingly difficult for developers to build or maintain products for any other platforms—especially since the Windows market is the most profitable.

At this stage, excluding specialty fields, the ''alternative'' platforms have become small enough that mere removal of artificial barriers is no longer sufficient to resuscitate choice in the marketplace. The number of commercial OS/2 developers has declined to a handful, and BeOS, and Amiga, for example, are no longer available. I sincerely hope for the future of the industry that the current proposal for settlement will be rejected, and effective measures will be taken to ensure that open competition, innovation and development will once again become possible.

Yours,
Teijo Kaakinen
zircon@interlink.or.jp

MTC–00019523

From: Marc Fisher
To: Microsoft ATR
Date: 1/23/02 8:52pm
Subject: Microsoft Settlement

i believe that microsoft has had their day in court. the unfair standards they set have all but backrupted a few OS upstarts and forced computer manu. not to allow them. I am a stock holder of Be, Inc. which made(makes) an incredible os that was 5 yrs ahead of anything they have now, and this was in 96..Be struck a deal with a few computer makers, but Microsoft forced them, compaq, HP, and Dell, into not using the alternative OS. Now Be is all but gone, the major part of the co. has been bought by Palm, inc. and who knows if we'll ever see it again.

As for MS idea of settlement, that would only hurt my other stocks, which are Apple.

Be done with MS already,. they had enough time in the spotlight.

Marc

MTC–00019524

From: James Walton
To: Microsoft ATR
Date: 1/23/02 8:50pm
Subject: Protest of current Microsoft Settlement under the Tunney Act

Being American I have little time for my own activities etc... such as I have has only marginally followed this case as it convolutedly floundered through the wrangling of countless legal issues and needs. This complaint thus will be grounded more in concepts than in hard nosed legal study of the PFJ. It is just a blurb and only icing on the cake of issues which I find so disturbing in Microsoft's business practices and it's skillful use of legal gray areas.

Concept 1. Anything which protects, must protect all. If it protect only a few then it must do so because by protecting the few it better promotes the protection of all. This is Insurance folks. Statistics says that you get better control over variance by looking at an entire population. By giving a small cost to all you can provide for the large losses of the few. It is simple it is conceptual and thus almost poetic. thus by definition it will not work that way in the real world with competition and snake oil salesmen and such. Enter the regulator.

Insurance is not so fair or simple as it's concept. So how does a regulator Insure the protection/benefit of the many and encourage their greatest benefit can be received for the cost? Standards, requirements, rules and laws. A mortgage lender must give an APR to all clients and show them how much interest they will pay over the life of a loan. Fairness to inform but the final choice to move forward is still in the hands of the many. Take this requirement out and we are getting slighted for 10% loans that claim 4% interest with insane upfront fees that may just be added to the principle to lengthen the payoff and increase the APR.

You must regulate to prevent abuse in many aspects of competition. competitor is not moral left to it's own virtues. It does what get's it the greatest profits. You must regulate to insure it does not take profit at the price of people.

The largest conceptual issue in the Microsoft monopoly trust is that no one can get their APR from Microsoft. We don't know the terms we can't see the amortization's behind the facade of our loan. Or the final payout of our insurance benefit and what clauses may negate us even getting that benefit in the first place.

Microsoft uses the law like any company to make it's own corporate iron curtain about it's software in which it holds the copyright and patent and control of any would be viewer. The only standards are those that Microsoft creates for it's own products and interests. The only ''openness'' is the legalese you are expected to read before using any of this software as a licensee.

The OS is the bedrock of it all. Every thing that Microsoft has become it has grown from the control of that OS in the hands of a huge captive audience. And like any company a captive audience is good, the best, it's a varitable goldmine. One does not let them cross the picket lines into other pastures if one can prevent it. And so we have the windows API's and the source code itself which are company products none may view. thus those who know the OS better work for the company and can best design products to work with it. This is claimed to be their legal patent copyright cost of research and mindshare. But this is an unlevel playing field. How can your app compete against an app designed for that OS with all the OS's secrets plummed. How can you fight such a battle if the software product you compete against can be given away for free while you must charge 20 dollars just to stay afloat? This they call survival of the fittest? Not in my backyard. This is feeding chaos your children. An OS must have known methods within it it for use, equal to all open to all and unrestricted to any. The API's at least should be available to the software industry and the Microsoft settlement does not go far enough in this. A Goliath can live long but it can stumble and it can spawn many David's. WordPerfect cannot compete, Netscape cannot compete, Linux is yet new and already Microsoft has honed in on the many threats this suite of David's brings forth.

I care not about monetary fines or structural breakup of Microsoft. THESE ISSUES DO NOTHING TO ADDRESS THE BASIC FLAW THAT MICROSOFT SHOWS AGAIN AND AGAIN.

Microsoft in many ways is like the water which all other software plant's must grow from. They are the medium. But they cast their own seeds on that medium and their seeds grow quickest as they know the soils

composition and are designed to use it most effectively. The only true breakup that will be affective is to change long term protectionism in patents and copyright for software which is a rapidly changing creature dependent on the sharing of information for greatest creative use. Everytime we invent another stale wheel of code we have failed to use someone's talent to truly innovate and the spirit and purpose of patent or copyright law is lost. There must be no obstruction to mindshare. I am yet poorly skilled with items such as Linux but the concepts which allowed such things to flower are so similar to my own and to the ideals of the constitution's founder's. Let those who create get there due, but not too long and not at horrid control of all others. Let there creation breed new uses and creations as swiftly as possible and this is the golden ring of innovation.

You will never force Microsoft to open source. But you could force ALL API's open for the use and learning of all programmer's and thus provide more rapid development and innovation.

Openness, freedom of use without legal restraint or restriction. True fair use true ownership not a license to lease. Freedom to take apart and put together in different ways and forms. Freedom to think for ones self how best to get to a goal without legal restraint or black boxes of code in between.

The real world is doubtless impossible to simplify in such a way. It is ever changing and complex. But this country is not changing with it's technology and it's status quo is now like a field of icebergs adrift about a foolish Titanic. The law is vast and cumbersome thus requiring ever more lawyers. Much like the IRS and it's ever increasing rules of accounting. The system no longer does what it was meant to. I protest the current Microsoft Settlement on the grounds that it does not give programmers the knowledge they need nor the freedom to use that knowledge to build their own software products on the competitive level of Microsoft who know's it's products and can even develop those products to NOT work with an opponents products. Standards, openness free use of API at least.

Innovation requires freedom. This is the basis of our constitution. That constitution was also corrupt and it's flaw's are still seen today in the poverty of the minority. Our law is binding it can provide freedom to some and cage other's. How many decades went by with such flaws allowed. How many such flaws still remain empowering some minorities while potentially enslaving the very masses.

Make Microsoft share. Throw down their curtain's and let us see the machine's beneath and learn how to better use them for the good of all.

MTC–00019525

From: Jonathan Ray
To: Microsoft ATR
Date: 1/23/02 8:50pm
Subject: Microsoft Settlement

Sections IIID and IIIE should explicitly require said APIs and Communications Protocol to be made available to the public, without restrictions on disclosure or fair use. I am afraid that with the current wording of these sections, Microsoft will have too much power to limit access to said APIs and Communications Protocol, and thus inhibit interoperability. Interoperability is essential for fair competition, but Microsoft has been deliberately trying to inhibit interoperability by having proprietary standards. I am otherwise satisfied with the proposed final judgment.

MTC–00019526

From: davej@smtp2.chorus.net@inetgw
To: Microsoft ATR
Date: 1/23/02 8:49pm
Subject: Microsoft Settlement

The settlement is a bad idea. Just one MCP's opinion.

MTC–00019527

From: Michelle Gldnugget
To: Microsoft ATR
Date: 1/23/02 8:52pm
Subject: Microsoft Settlement

Thank you for inviting my comments on this issue. I am not affiliated with Microsoft, Sun, AOL or any of the big guns in the computing world. I am just an end user, computer instructor and an interested party. I am VERY UNHAPPY with the proposed settlement of the DOJ lawsuit. MS is a convicted monopolist. They have flagrantly defied and lied at every turn to protect their monopoly. I have seen the quality of their software decline as their power and market share grew. They continue to produce inferior products and squeeze out comptetitors with their constant ''bundling'' of extra software with their OS's. This does not produce a better product. It reduces competition and lowers the quality for everyone. Please. Go back to the table. Come up with a settlement which does more than a slap on the wrist. The public already believes the Bush Whitehouse will try to make this go away quickly, but please prove us wrong. Show MS and other would-be anti-trust violators that being big doesn't make you above the law.

Thanks for listening.
Michelle Blowers
Computer Instructor
Paradise, California

MTC–00019528

From: Allan
To: Microsoft ATR
Date: 1/23/02 8:54pm
Subject: Microsoft Settlement

W et al,

Clearly MS has abused their position of sole OS maker for the popular IBM clone platform. From way before Netscape including current acts they are not bound by US laws or moral behavior. Please punish them in a real way, not just letting them into the educational market for free.

regards,
Allan Slocum

MTC–00019529

From: dog fish
To: Microsoft ATR
Date: 1/23/02 8:56pm
Subject: Microsoft Settlement

Dear Sir or Madam,

I am deeply concerned that the proposed settlement with Microsoft would not remedy their illegal monopoly. It seems that the remedies proposed would only legalize their current and past practices. This would in effect create a technological dictatorship. Very efficient in the short term, disasterous when the dictator begins to fail. We should not tie our government and economy to one companies marketing decisions.

Thank you and may God grant you wisdom,

Thomas Mahoney
306 Westwood Dr.
McMinnville TN 37110

MTC–00019530

From: Alex Mucha-Equus
To: Microsoft ATR
Date: 1/23/02 9:00pm
Subject: Microsoft Settlement

Dear DoJ

Call this proposed settlement ''Justice''—it doesn't reflect the earlier findings of fact regarding Microsoft's conduct, doesn't punish Microsoft and further, won't stop them doing the same thing again.

They must be really laughing at you guys—you've been stooged!

Alex Mucha

(I'd suggest you read analysis in the technical press, which is understandable for the non-geek such as at www.theregister.co.uk to get some idea of what you've missed)
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MTC–00019531

From: Jeff Kreis
To: Microsoft ATR
Date: 1/23/02 9:00pm
Subject: Microsoft Settlement

From what I understand of the agreement reached with microsoft, I feel justice has NOT been served for me as a consumer and me as an american.

With all sincerity,
Jeff Kreis

MTC–00019532

From: John Wetherall
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 8:55pm
Subject: microsoft settlement

The monopolistic behaviour of Microsoft damages software developers and users in Australia and the rest of the world as well as in the USA. I urge you most strongly to pull this renegade company into line and force it to shed its monopoly power. For far too long the world has had to put up with second rate software (bloatware) because this company can get away with it and stiffle much better software from ever getting to the market. I hope the anti trust actions over the past 5 years are going to achieve something of significance. The last offer from Microsoft was an absolute insult to all concerned.

Yours sincerely
A/Professor John Wetherall, PhD √ Voice mail: 61–8–9266 2337

School of Biomedical Sciences √ Fax: 61–8–9266–2342
Curtin University
GPO Box U1987, Perth,
Western Australia 6845
Email: j.wetherall@exchange.curtin.edu.au
Home telephone: 61–8–9389 1918
''Inaugural School winner of Curtin University's Teaching Excellence Award''
CRICOS provider code 00301J

MTC–00019533

From: John Kesler
To: Microsoft ATR
Date: 1/23/02 8:59pm
Subject: Microsoft Settlement

Please take the time to analyze the motivations of those opposed to the ''Microsoft Settlement''.

I believe it would be a travesty of justice to allow embittered competitive forces to manipulate or influence the application of the full weight and power of the government in order to cause detriment to one of the most magnificent wealth-generating machines known to modern man. Market forces will control the likes of Microsoft in the long term.

john kesler

MTC–00019534

From: Isaac Sparrow
To: Microsoft ATR
Date: 1/23/02 9:00pm
Subject: Proposed Microsoft Settlement

Greetings,

I would like to voice my concern over the Justice Department's proposed settlement with Microsoft, a found monopoly. I would like to relate my personal experience with Microsoft Licensing. I work as a Software Engineer for a small company. One afternoon my boss came in with a new computer for me. An Emachine's PC with a DVD drive, CD-R, 1.5 ghz Intel Pentium IV processor and 256 MB of RAM. This computer was to replace my current machine which was obsolete (300 mhz). I was so excited. The first thing I noticed is the new machine had Microsoft Windows XP pre-installed. Since I use Linux, I wanted to return Windows XP and get the company's money back. I had already called Emachine's to see if I could transfer the license for Windows XP to another machine to use for testing our software, but I was told ''you can't do that sir ... I guess we're saving Microsoft.''. I was also told that Windows XP added no value to the computer I had anyway. Microsoft must be giving away Windows XP for free? Next, my co-worker called Microsoft directly, to see if we could get our money back or transfer the license to another computer, and instead of being helped he was immediately transfered to the Anti-Piracy division. I installed Linux anyway and now I have a copy of Windows XP that I don't use. My company had to pay for it even though we didn't want to use it and will not use it.

The proposed settlement will do nothing to prohibit Microsoft form continuing this licensing behavior and will still allow the monopoly to punish computer manufactures who would give me a choice of operating systems and software.

Thank you for your attention,

Isaac Sparrow
Staff Engineer
GnuPG Key Fingerprint:
1060 5A07 F6EC B2B3 9AAA 3EA5 7B79 EFE1 6397 4F47
Get my public key at:
http://www.concentric.net/issparow
Secrecy is the beginning of tyranny.
CC:isaac.sparrow@engineer.com@inetgw

MTC–00019535

From: William Nau
To: microsoft.atr(a)usdoj.gov
Date: 1/23/02 8:57pm
Subject: Microsoft Settlement

I was informed that this e-mail address is inviting opinion on the proposed Microsoft settlement. If that is not the case, I apologize. You may consider me to be an extremist and Microsoft hater. I won't call you wrong. I am baffled as to how the proposed settlement is any form of punishment for deeds done.

From my understanding, the proposed settlement helps Microsoft further strengthen their existing monopoly by allowing (forcing?) them to further inject their software into our schools. If I interpret the settlement correctly, Microsoft will be monitored for anti-monopolistic practices for a given period of time. If they conduct monopolistic practices during that period, the monitoring will be extended. How is that punishment?

I've watched Microsoft destroy, through their monopoly, products much more important the web browsers. They've used their monopoly to destroy word processors, spreadsheets, network diagram software, presentation software, and even operating systems. As I watch Microsoft take over other markets (embedded operating systems, embedded software, internet services, etc) with inferior products, I'm troubled. I fear the future, and lack of potential progress, if Microsoft doesn't receive discouragement for their past, present, and future acts.

Internet Explorer vs. Netscape Navigator (and tons of other, now dead, browsers) is just scratching the surface. It is their illegally obtained (my opinion) monopoly on the operating system that must be addressed. It disturbs me to try and comprehend all of the companies that have gone out of business and people that have lost their jobs, not to mention innovation lost, due to destruction of competition. In a capitalistic society, competitiveness provides innovation. That's not happening here. The monolith needs to be stopped, if not destroyed. If you're still reading, I truly thank you for your time.

William Nau
CC:nau(a)tiny.net

MTC–00019536

From: TRAVIS AUSEN
To: Microsoft ATR
Date: 1/23/02 8:57pm
Subject: Microsoft Settlement

To whom it may consern, In my opinion, the DoJ of this country have done the American people and now provide the rest of the world a monumental injustice that will never be matched. You not only have proved to the American people an the rest of those that watched that corporations can buy and sell justice. Your faithful and very disapointed provider.

Travis A. Ausen

MTC–00019537

From: itsmitch
To: Microsoft ATR
Date: 1/23/02 8:54pm
Subject: Microsoft Settlement

Hello,

I just want to add my 2 cents. Please do not settle with MS as proposed. I resent the fact that MS was found guilty of operating a monopoly and your settlement agreement appears as less than a deterrent than an endorsement of those actions. If Microsoft spent more time/money on building secure and stable software they may have won the ''browser wars'' on their own merits (at least before the breakup of the Bell phone monopoly we could at least claim we had the best damn phone service in the entire world).

Lets not reward them by giving them the last 10% of the operating system market share to them with the obscene offer to provide software to our public schools! How much does a few thousand copies of cd's cost them to manufacture! The R and D has already been paid for and profits returned using their illegal methods! And has anyone checked the price of used computers lately?!! Please wake up and represent yourselves as the Winner, Not Loser, in the settlement process. My Tax dollars are willing to be used in a Fair settlement. Don't allow this travesty to continue.

Mitch Edington

MTC–00019538

From: Erik
To: Microsoft ATR
Date: 1/23/02 8:56pm
Subject: Microsoft Settlement

When I heard about the Proposed Microsoft Settlement, I had one question: How much did Bill pay the DOJ?

I understand the situation is a little more complex than that, but as a citizen of the United States, I hoped the government would protect my interests in the Microsoft case.

Your proposed settlement totally fails to protect the interests of the customers.

MTC–00019539

From: Joe Howard
To: Microsoft ATR
Date: 1/23/02 9:00pm
Subject: Microsoft Settlement

I would like to take this opportunity to voice my opinion on the Microsoft Anti-trust case. I feel that Microsoft's actions have harmed not only competitors but more so, consumers. It is a tragedy that the pro-business stance of many in this country allows consumers to be hurt by high prices, less competition, and in my opinion, inferior products. In addition I feel that the proposed settlements do almost nothing to end Microsoft's predatory practices by allowing Microsoft to side step any attempt at regulation. The proposed settlements also do nothing to punish Microsoft for its past misdeeds and repeated law breaking. Personally I feel that the only effective solutions would be those that are able to neutralize Microsoft's monopolies to foster competition and true innovation in the computer industry. If not, I fear that the current economic state of the computer

industry and the lack of innovative products will continue for a long, long time. Please don't let my fears become reality by giving Microsoft yet another slap on the wrist. Joe Howard Puyallup, WA Student Programmer—University of Puget Sound

MTC–00019540

From: josephsi@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/23/02 9:01pm
Subject: Microsoft Settlement

The purposed settlement is terrible idea

MTC–00019541

From: Sean McKenna
To: Microsoft ATR
Date: 1/23/02 8:56pm
Subject: Microsoft Settlement

As a computer professional with over 20 years experience I feel compelled to make my opinion known. The proposed DOJ settlement is not good for computer professionals, the software business or the public. There are many public postings available which detail the reasons why this is so much more persuasively than I am able in this email. I wish merely to add my voice to the multitude crying out to see justice done and a return to fair play in the field.

Yours sincerely,
Sean McKenna

MTC–00019542

From: Katie Allsbrow
To: Microsoft ATR
Date: 1/23/02 9:00pm
Subject: The settlement with Microsoft is horrible. The settlement with Microsoft is horrible.

MTC–00019543

From: David Forster
To: Microsoft ATR
Date: 1/23/02 8:55pm
Subject: Microsoft Settlement

The proposed Microsoft settlement is fails to properly address the situation. Microsoft should be forced to clearly and publicly document ALL of it's APIs.

David Forster

MTC–00019544

From: Anthony Ross
To: Microsoft ATR
Date: 1/23/02 8:55pm
Subject: Microsoft Settlement

The settlement between the US Justice Department and Microsoft seems unlikely to succeed in restraining the predatory behavior of Microsoft. That the settlement was reached during the Bush administration appears to further tarnish their reputation and the reputation of the Republican Party with respect to holding corporations and political contributors to acceptable standards of justice and conduct. I work in the tech industry, and I hope the Bush appointees to the Justice Department realize that they haven't impressed very many people in this part of the demographic. Wonder how the next election will go?

Anthony Ross

MTC–00019545

From: James Glidewell
To: Microsoft ATR
Date: 1/23/02 9:04pm
Subject: Microsoft Settlement

As a computing professional, with 20 years experience as a programmer and system administrator, I believe that the proposed settlement is completely inadequate in that it fails to adequately address a number of factors which the findings of fact listed.

A single example will have to suffice: there is no requirement for Microsoft to publish the file format specification for data files generated by their Office products.

Microsoft has long used the proprietary nature of these file formats to force large enterprises to choose MS Word or Excel, rather than other competitors, since it was deemed essential that any word processor or spreadsheet be able to read Word or Excel files, which other software vendors were forced to painstaking reverse-engineer, a process which could take months to years.

This is but one of the potent tools Microsoft has used over the years to leverage a dominant position into a truly monopolistic one.

I do not believe that the proposed settlement meets the letter of the law—that a proposed settlement will *ensure* that the monopoly will be *unable* to again exert its monopoly. By such a standard, the proposed settlement is completely inadequate.

Thank you.
James B Glidewell
6324 18 Ave NE
Seattle WA 98115

MTC–00019546

From: cathyy@mediaone.net@inetgw
To: Microsoft ATR
Date: 1/23/02 9:03pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions. Remember that these transgressions took place while already under a previous DOJ compliance order. All new measures must have ''teeth'' to have a chance of being effective against the monopoly-exploiting long-term strategic policy of Microsoft Corporation. Microsoft will only comply with any sanctions that are absolutely explicit with serious penalties.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well- intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Catherine Gramze

MTC–00019547

From: Leonard N Small
To: microsoft.atr(a)usdoj.gov
Date: 1/23/02 9:06pm
Subject: Microsoft Settlement

I don't agree with the proposed settlement. It would, effectively, reward Microsoft by seeding one of the few markets they don't already own with their own software. This is not a punishment to them for their illegal practices. It is something they would dearly love to do on their own. The concept of funding underprivileged schools is a good one, but only if Microsoft's contribution is in hardware only. The software should come from the open source community. This would insure that future upgrades to the software could be made at a minimal cost, and would not lock the schools into the current costly Microsoft upgrade treadmill. Having had to pay for unwanted MS operating systems preloaded on PCs, only to have to wipe it out to install my preferred software, I think it's wrong to reward MS for what has been found in a court of law to be illegal practices.

Len Small
Insmall@fast.net

MTC–00019548

From: Tim Monaghan
To: Microsoft ATR
Date: 1/23/02 9:04pm
Subject: Microsoft Settlement

To whom it may concern,

If someone steals my wallet, and is brought to trial, I get my wallet back regardless of the verdict. If that person is convicted, they are subject to some sort of penalty. It punishes them for the past misdeed, and hopefully deters them from commiting the same crime again.

Microsoft is GUILTY, and all you propose is to try to give me my wallet back. Microsoft entered into a conduct remedy agreement before. They broke it without hesitation, without regret, and most importantly—without consequence.

Your current settlement proposal will do nothing to address Microsft's past violations of the law, and will not provide any significant deterence against future antitrust violations. They are a monopoly, and they remain a monopoly.

Are you serving the interests of the people of this country, or simply paying back a promise made by President Bush when he visited Microsoft's headaurters in the summer of 1999?

Regards,
Timothy Monaghan
North Andover, Massachusetts

MTC–00019549

From: Guybrush
To: Microsoft ATR
Date: 1/23/02 9:06pm

Subject: Microsoft Settlement

Regarding the Microsoft settlement, I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundred, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices.

Similar to the settlement against AT&T, Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level (40%, for example, assuming one of it's competitors is now also at 40%). This must be true for all Microsoft product lines, before regulation is lifted.

Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Imagine the damage to the United States if Microsoft were to fail, as Enron failed. The risks of a monopoly are greater than merely the loss of competition.

Thank you for your time.

—Jeff Osborn

MTC–00019550

From: GLHGLHGLH@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 9:06pm
Subject: Microsoft Settlement

The settlement is letting Microsoft off. Their programs are horrible and their prices are monopolistic. You have to buy updates to your OS so it does what is was supposed to off the shelf. Break them up!

MTC–00019551

From: Oliver King-Smith
To: Microsoft ATR
Date: 1/23/02 9:05pm
Subject: Microsoft Settlement

To whom it may concern:

As I understand it, I can submit comments on the proposed settlement of the Microsoft Anti Trust case. I am certainly no lawyer, but I want to tell you how I see things as a software professional. I find the proposed settlement next to useless, and the government should pursue much stiffer penalties including fines and breaking the company up.

I used to be a VP at Broderbund, which at the time was the largest consumer software company. During my tenure, there were two occasions where people approached me, about new product ideas. The ideas were original and creative. Our analysis revealed if the products were successful Microsoft would release a similar product either into Windows or Microsoft Office. At that stage the market would wither and make the product uneconomical. Needless to say we dropped the ideas fast. I am sure this happened many more times, as I was not the official channel through which product ideas passed.

Microsoft's reaction to bundling the feature into an existing product is not rational from a shareholder point of view if the market is competitive. Why ''give'' away a feature that users are prepared to buy? They are not adding new users, as the product requires Windows or Office to run in the first place. The only reasonable explanation is they want to strongly discourage any company from challenging their core monopoly status which generates amazing profits. They use these profits to attack new markets.

IE is a good example. Microsoft probably spent $50–100 million a year on developing it. Innovation came fast as it competed with Netscape. But they apparently did this with no intention to make revenue? The only explanation is they were worried that Windows might be challenged. Now the browser market is dead. No one will pay for a browser, because even if a new clever one comes along, Microsoft will respond and provide it for free sooner or later.

As a result to the sad list of companies that have been smashed by Microsoft, (DrDOS, Stacker, ...) they have intimidated other companies from eve n launching new products in their core space. The argument that consumers are winning is false. They have lost because the innovation and quality a competitive market space would bring in operating systems, word processors, and spreadsheets is now gone. No rational company will challenge Microsoft there. So the consumer won for a few years, but must now pay a heavy price.

The software industry is different from traditional service and manufacturing companies. These companies tend to lose efficiency after reaching a certain size. This helps keep the market in balance, and allows mid-tier companies to challenge the leaders as markets shift. Software suffers few negative side effects from scale, and has the added advantage of having ''network'' effects built in.

In short Microsoft holds a unique position. Companies fear to challenge it in the revenue generation areas (Windows and Office) and likewise they give away products like IE to dominate new markets. Once challengers have been stamped out, they raise prices (such as the new 1 year licensing scheme) and use the massive profits to attack new markets. Market forces seem incapable of stopping this.

I believe a breakup, while drastic, would be beneficial to both the industry and Microsoft shareholders. Both entities would struggle to generate revenue, with Office frantically trying to push people off Windows, and the Windows group struggling to pull people from Office. Consumers would win as a burst of innovation floods the shrink wrap market space (when was the last time you saw a really new software product for your PC at CompUSA). Shareholders would gain as both companies would see revenues rise as they move to a more a la cart pricing structure.

Oliver King-Smith
President
Tescina, Inc.
510–713–8001

MTC–00019552

From: Tom Smith
To: Microsoft ATR
Date: 1/23/02 9:06pm
Subject: Microsoft Settlement

It is obvious to me that the decision by AOL to sue Microsoft for damages on its competitive loss in the browser market, is an attempt to regain revenue that it could not achieve in the marketplace. The Netscape model was based on an assumption that it could charge $50.00 a year, in perpetuity, to everyone in the world who needed a tool to browse to Internet.

Most people don't know that the Mosaic browser was developed at public expense, and is the software that both Netscape and the Microsoft Internet Explorer are based.

I have no sympathy with complaints of the old Netscape company, and even less with the current suit by AOL.

Thomas E. Smith
PO Box 4854
Hagatna, GU
USA

MTC–00019553

From: Sam Cramer
To: Microsoft ATR
Date: 1/23/02 9:11pm
Subject: Microsoft Settlement

I am writing to object to the proposed Microsoft settlement. As a practicing software engineer with approximately 20 years of experience, I feel confident in saying that the proposed settlement will do little to weaken Microsoft's illegal stranglehold on the desktop computer operating system and office suite market. Indeed, it appears that it will allow them to extend this monopoly to the developing ''Web Services'' market. As long as Microsoft has the right to change APIs and publish them in full at the same time that they are changed, they will always be able to build proprietary systems which can not be emulated by competitors. By narrowly defining the terms ''API'' and ''Microsoft Middleware'', the proposed settlement leaves Microsoft clear to change these APIs and keep them proprietary. No wonder the company is so strongly in favor of the proposed settlement!

Sincerely,
Sam Cramer
996 Warwick Court
Sunnyvale, CA 94087
cramer@netapp.com

PS: The opinions expressed in this message are mine, and not necessarily those of my employer.

CC:cramer@netapp.com@inetgw

MTC–00019554

From: Jeff Mullen
To: Microsoft ATR
Date: 1/23/02 9:13pm
Subject: Microsoft Settlement

Having read of the proposed punitive phase of the Microsoft Antitrust Case, I find it totally inadequate. What is proposed is little more than another advertising venue for Microsoft. It is woefully inadequate.

Brokered by the Bush Administration, this deal is a typical example of the depths to which modern conservatism has sunk. The regime is well-known for selling out to corporate contributors, so it comes as no surprise that they would not just let Microsoft off with a slap on the wrist, but actually come up with a ''punishment'' that actually helps the company in question to INCREASE its monopoly.

Give us a REAL settlement.
Jeff Mullen

MTC–00019555

From: Darrell Rudmann
To: Microsoft ATR
Date: 1/23/02 9:15pm
Subject: Microsoft Settlement

Dear Judge Colleen Kollar-Kotelly,

Thank you for the opportunity to write to you about the proposed Microsoft settlement; I see this as a good opportunity for ordinary folks, like myself, to have some input about a federal process such as this one. The events of the past year remind me that the uniqueness of this offer is very American in nature.

In much the same manner, this ongoing court battle between Microsoft and others seems to cast light on what it is to be a business in America. What values do we Americans place, via our laws, on how businesses can behave, and when they have been shown to not behave properly, what measures do we take to make corrective action?

I am not an expert on law or on the computer industry. I rely on my desktop computer to carry out jobs related to my professional life as graduate student becoming a social science researcher, such as making statistical analyses, writing papers, and some light programming for running experiments. I can only speak to the proposed settlement by stating some observations I have seen in my personal experience with computers: First, all of my fellow students and my professors use Microsoft Word by default. This overwhelmingly implies that they are using Microsoft Windows as well. When I exchange documents with other people, they assume it will be in a Word format. Second, the university I study at, the community college I part-time teach for, and most social science journals accept and prefer to accept Microsoft Word files for online paper submission. This wasn't once the case. Only about six years ago, whenever people arrange to exchange a file, there was some discussion about what format would work and what wouldn't. But not now. While this sounds like an improvement, like a kind of standardization that would help people work more easily, there have been two clear downsides. The Word format is proprietary; that is, only employees of Microsoft knows what makes up the format for a Word document. So as a standard proprietary format, Microsoft now has a level of control over both the document format and the applications that can be used to access it reliably, at least in the social sciences and likely most of academia. This seems to be the pattern in many computing corners.

Committing what has been found to be illegal activity, Microsoft's behavior is a serious violation of American values and business ethics. This violation was so large in scale and pervasive, that the legal response cannot be simple or it will be ineffective as a result.

I believe the settlement offer to be too weak. I don't have the expertise to say what would consitute more appropriate restitution, but I suspect that a settlement that would encourage a freedom of choice for consumers would go a long way.

Best regards with your ruling,
Darrell Rudmann
/* Darrell Rudmann, rudmann@uiuc.edu
Human Perception and Performance
Beckman Institute, 405 N Mathews Ave
University of Illinois, Urbana, Illinois 61801
Office (217) 244–1926 o Fax (217) 244–837
http://www.uiuc.edu/ph/www/rudmann

MTC–00019556

From: Joseph Henry
To: Microsoft ATR
Date: 1/23/02 9:12pm
Subject: Microsoft Settlement

I am not a lawyer so you'll have to explain to me how forcing Microsoft to donate $1 billion in Windows computers, Windows operating systems and Windows applications, to schools (historically an Apple stronghold) is any kind of a punishment. What will happen is that cash strapped schools will look at this $1 billion windfall and forgo even a look at Microsofts only legit rival, Apple computers. This settlement actually does the exact opposite of what it is intended to do. It doesn't punish Microsofts monopolistic and unfair trade practices, it rewards it by giving it market share that it traditionally never had. Good job DOJ! You guys are geniuses. It just goes to show that if you have enough cash anything, including justice, is for sale in America.

Joseph Henry
604 Riverside Ave. Apt. 2
Park Rapids, MN 56470
218–732–7664
jchenry@unitelc.com

MTC–00019557

From: Spike Kingsley
To: Microsoft ATR
Date: 1/23/02 9:11pm
Subject: Microsoft Settlement

I think that the settlement is terrible. Nothing but a slap on the wrist that will end up helping the monopoly more that controlling it. Microsoft has been screwing users, inventors, and small businesses for years all under the banner of ''helping the consumer''. I am tired of this lie.

Donaldson Kingsley III

MTC–00019558

From: Gary W. Shawver
To: Microsoft ATR
Date: 1/23/02 9:08pm
Subject: Microsoft Settlement

Dear Department of Justice,

I want you to know that the settlement proposed by DOJ in the Microsoft anti-trust case is completely inadequate. It does not punish Microsoft for its past bad behavior, nor does it ensure that Microsoft will not misbehave in the future. My two suggestions for improving a rather weak settlement is that no Microsoft employee should be part of the three-member enforcement committee and that non-profit, open-source software makers should get the same protections under the settlement as commercial software manufacturers.

Sincerely,
Gary W. Shawver

MTC–00019559

From: Steve Stone
To: Microsoft ATR
Date: 1/23/02 9:08pm
Subject: Microsoft Settlement

To whom it may concern,

As a citizen and a knowledgable computer professional, is both my right and responsibility to comment on the proposed settlement in the Microsoft antitrust case. The proposed settlement is wholely unsatisfying.

First, the settlement's contents fail to punish or repair the damages, if that were even possible, caused by Microsofts years of abuse and ilegal conduct. It seems not to even attempt any punative or reparative measures. This is unacceptable.

Second, the settlement's attempts to prevent further abuses, while laudable in purpose, are woefully inadequate. First of all, it essentially lists a prohibition of specific future actions. These prohibitted future actions are at best too limited, and at worst very ill defined. Microsoft has proved deft in the past at slipping along the narrow edge of legality, often finding loopholes in laws that were constructed too weakly or find themselves too out of date to really fit the regulation of a software company.

Many of the loopholes are so obvious that it is clear even now how Microsoft will navigate them. The combination of these factors leads to one inevitable conclusion. Microsoft WILL continue to act anticompetitively. It is obvious first of all because no serious impediments have been placed in there way.

Second of all, even if serious steps were taken to limit Microsoft's ability to act anticompetitively, they would disregard the law, as they have in the past. By failing to adequately punish Microsoft's prior transgressions, the justice system has delivered them the message that they can act in blatant disregard to the law and the public interest without reprisal.

It is also important to consider how this affects the national public good. The arguments to the affect that Microsoft's stranglehold on various sectors of the software market impede general progress have been stated so many times that may seem to lose meaning, but they are nonetheless valid and important.

It also goes without saying that it is in the public interest for the justice system to present the image of dealing justice. It is necessary to be seen punishing wrong-doers and helping the victimized. Any time that the justice system is seen publicly failing to deal fair justice, it damages the nation.

One other point of extremely important note is the impact of this settlement on the nation's critical infrastructure. For obvious reasons, the nation has taken an interest in protecting such vital technological infrastructure as the roads, the railroads, seaports and airports, the electric power grid, the phone system, and, recently, the internet. One of the most frightening abilities that Microsoft posesses, and has demonstrated, is the ability to use its influence over one market to gain control of another only loosely related market. Currently many of Microsoft's very flawed technologies are spreading like a

cancer into the internet. Recent events have showed an alarming potential for damage to the internet by such a trend. One rogue computer could never hope to bring the internet to its knees, to do such a thing would require a massive coordinated attack from such a large number of computers as to represent a significant fraction of the internet as a whole. Microsoft's software is and always has been weak and insecure. The potential damage that could be caused by a massive attack from countless compromised Microsoft Windows computers is horrifying.

Take, for example, the recent CodeRed2 virus. This virus was designed to attack a weakness in Microsoft web servers and, after siezing control of the host computer, launch the attack again from the victimized computer.

Fortunately, any computer not running a microsoft webserver was imune to such an attack. Imagine, however, that the virus had been made not to only re-attack Microsoft web servers, but rather to have halted the internet as a whole. As I stated before, it is possible for an extremely large number of computers working in concert to effectively hold the internet hostage. Can you imagine if a relatively simple but malignant virus, using every windows computer on the internet as its base of attack, litteraly stopped the internet? Allowing Microsoft to leverage control of the pc market to gain market control of the internet as a whole would be a disaster to our nation's critical infrastructure. It is also one of Microsoft's current strategic goals. We cannot allow them to achieve it.

In summary, the judgement must be more punative, and the judgement must do a better job of preventing Microsoft's continued trampling of fair business tactics.

Steven Stone
Lead Technical Architect
AthenaHealth, Inc.

MTC–00019560

From: Czeekh
To: Microsoft ATR
Date: 1/23/02 9:09pm
Subject: Microsoft Settlement

Greetings,

I realize that you must be getting many e-mails on the subject of the MS settlement, but please read this. Unlike many that have likely e-mailed you, I not a professional. I am instead part of America's youth. You may think that the MS decision will only affect the Computer Industry, but it will also affect the future of everyone who uses a PC. I have some experience with Linux (an open source alternative to the Windows operating system) and I have found it to be equal to Windows, if not better. If you allow MS to get off with a ''slap on the wrist'' they may very well demolish such operating systems as Linux. If you really want to stop MS's monopoly, you won't let them get off so easily. This is because if they do they will have more money and resources to drive competitors such as Apple, Linux, and UNIX. The future of the world may be sealed in your decision. Everyone could end up having to use Windows, for everything. The reason that I don't care for Windows is that it is incredibly ''buggy'' and in many cases technically inferior to competitors.

Let me give you an example of what MS's Windows ME (Millennium Edition) did to one of my teachers: My teacher was at home, using MS Word (note that it was an MS program) and suddenly his computer locked up for unknown reasons. He tried everything that he knew to do and couldn't get the computer to return to normal. As a result, he restarted his computer. When he did, his computer said that it needed to run a Scandisk (I am sure you have seen that). He let it run. It took two hours to run the Scandisk, it normally takes between one and two minutes. Windows had reformatted his hard disk drive. All of his data was lost, everything. He had done nothing wrong, and the program that he was running when it locked up was a program made by MS itself. This is why I say Windows is inferior.

Now, do you want this program to be what people are suck with FOREVER. I know that MS will always have competitors, but letting them ''off the hook'' will simply allow them more money to destroy their competitors. Is that the American Way? Are we so dependent on ''Social Darwinism'' that we can allow this to happen? Are you? Remember that people like me and others of America's future will be deeply affected by your decision. Computer's are the future, but one single operating system is not. Thank you very much for taking time to read this.

Sincerely,
Eric Fisher
Manilla, Indiana

MTC–00019561

From: Dennis Thompson
To: Microsoft ATR
Date: 1/23/02 9:10pm
Subject: Microsoft Settlement

To Whom It may concern, I object to the proposed settlement in 4 primary areas.

1) The agreement provides to little in the way of punishment for past misdeeds.

2) The oversight of Microsoft's future behavior is weak in enforcement powers and too limited in scope.

3) Microsoft is given broad discretion in asserting intellectual property claims to exclude information about file formats and communication interfaces.

4) The agreement appears to be specific drafted to allow Microsoft many opportunities to exclude members of the free software movement. To quote Ralph Nades open letter ''under J.1 and J.2 of the proposed final order, Microsoft can withhold technical information from third parties on the grounds that Microsoft does not certify the ''authenticity and viability of its business '' Microsoft has repeatedly stated that it considers programers like the SAMBA and LINUX kernel programers ''a cancer'' Which I belive they intend to include as a ''non-viable business'' Microsoft is still practicing exclusionary tactics.

Thank You
Dennis Thompson

MTC–00019562

From: Noah Payton
To: Microsoft ATR
Date: 1/23/02 9:10pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I believe the The PFJ fails to prohibit intentional incompatibilities historically used by Microsoft, among other issues. I find the tremendously limited scope of this settlement to be an affront to the purpose of the laws that have been violated.

Sincerely,
Noah Payton

MTC–00019563

From: David Rupilius
To: Microsoft ATR
Date: 1/23/02 9:12pm
Subject: Microsoft Settlement

Under the Tunney Act I wish to comment on the proposed Microsoft settlement.

In my opinion the Proposed Final Judgment, as written, allows and encourages significant anti-competitive practices to continue. I believe that it therefore is not in the public interest, and should not be adopted without substantial revision to address these problems. Specifically, no part of the PFJ obligates Microsoft to release any information about file formats, even though undocumented Microsoft file formats form part of the ''Applications Barrier to Entry'', as described in the Court's Findings of Fact.

Sincerely,
David K. Rupilius, Germany, Systems Engineer
(U.S. citizen)

MTC–00019564

From: parny
To: Microsoft ATR
Date: 1/23/02 9:11pm
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea. It gives Microsoft too much liberty to continue its current tactics and practices. Also the enforcement body is weak and I know Microsoft will get its way like it has in the past. I have been looking to buy a laptop and none of the big companies sell one without a version of Windows. I assume that this is because of the bully tactics it plays with OEM's. Microsoft needs restrictions on it to cultivate a healthy software business environment. I am tired of paying premium prices for mediocre software. Open source exceeds Microsoft in many instances. The sad thing is security is one of them.

Curtis Lunt

MTC–00019565

From: Vincent Meyer, MD
To: Microsoft ATR
Date: 1/23/02 9:10pm
Subject: Microsoft Settlement

Hello,

This settlement is a bad idea. It does not address in any meaningful way Microsoft's stranglehold on the industry..

Vincent Meyer, MD
Naperville, IL

MTC–00019566

From: Michael Wharton
To: Microsoft ATR
Date: 1/23/02 9:10pm
Subject: Microsoft Settlement

To whom this may concern,

It is a serious concern of mine when it becomes apparent that the government, in its ever-vigilant quest to abrogate individual rights, targets the good for being the good. Whatever the flaws in Microsoft's Windows operating system, it has given me the tools to enrich my life beyond what I could have conceived without it. I have seen it demonstrated time and time again as being the superior product on the market, superior in terms of user-friendliness and ease of adaptability.

I shall like to say that I utterly resent the idea that I am being characterized as some kind of victim, in the sense of being exploited by Microsoft. I refuse to accept that you are speaking for me. I am the public that you are portraying as helpless. I am the consumer that you portray as not sufficiently intelligent enough to decide how to spend the money I have earned. I do not believe it is the government's place to tell me on what products to spend my money. That is exactly what the government is doing in its persecution of Microsoft.

For the sake of honesty, please do not continue your disingenuous rant that by assaulting Microsoft you are protecting me, the consumer. You are not. This whole thing started because some of Microsoft's weaker competitors saw that they could not match Microsoft's quality and decided they could only flourish if Microsoft was put under the gun. The Antitrust Division has filled that request remarkably. As a matter of principle I do not believe that failed business ventures such as the above mentioned competitors should determine the rules by which markets are run. I hold that the idea of a successful business being a threat in any context to me personally or to the marketplace in general is a ludicrous assertion that could only come from some dusty Marx-infected professor or intellectual. It is a matter of historical fact that when a government intervenes in the economy, the eventual downfall of that economy is the result. In no state, past or present, can there be seen an exception to this. When that intervention takes the shape of an axe poised to cut down the ultra-successful, I ask you, what could possibly be the desired result?

There is a disturbing trend in this country, one that's been present for most of the last century. That trend is the abrogation of property rights. The products and services produced by Microsoft are their property. They have the right to make and distribute it as they see fit. In no proper sense of the concept ''property'' is there an iota of justification for the government to be interfering here; in a wider context, that goes for every area of economic endeavor.

Please stop your persecution of Microsoft. It is a totally unjustified and unjustifiable act of treason against the founding principles of this great nation.

Sincerely,

Michael S. Wharton

MTC–00019567

From: mwebb-efn
To: Microsoft ATR
Date: 1/23/02 9:10pm
Subject: Microsoft Settlement

re: public comment on Microsoft settlement:

from: a computer/internet user

The proposed is so inadequate that the word ''farce'' would apply were it not a tragedy.

sincerely,

Michael Webb

MTC–00019568

From: E Manes
To: Microsoft ATR
Date: 1/23/02 9:11 pm
Subject: Microsoft Settlement

To whom it may concern,

I'm writing to you as I was informed that I could express my feelings about the Microsoft (MS) anti-trust suit. I have been a user of MS products all of my computing life which means since 1992. I have seen the development of Windows 2, Windows 3.0, Windows 3.1, Windows 3.11, Windows 95, Windows 95 SR-2, Windows 98, Windows 98 SR-1, Windows 98 Second Edition, Windows Millenium, Windows 2000, and now Windows XP. There is one common theme that I have seen over the many years of development.

Microsoft will incorporate the features of a popularly used existing product into their future operating system. I have seen this behavior occurring increasingly more now than in previous years and it is incredibly obvious that those that founded the technologies are left to struggle in a hostile environment. I will list examples:

Netscape: Enough said !! Actually, no it wasn't. MS developed a decent browser in Internet Explorer (IE) when they adhered to the world wide web consortium's outlines. They packed IE with their OS and people no longer needed to download Netscape (an inconvenience but proper since they were the ones that fathered the idea and developed it). It wasn't until they integrated it with their OS and then lied about the OS's dependence that it became obvious that there was something wrong about the way that they did business. They then created software packages that created webpages in such a manner that they would not be viewed properly to those using Netscape so people are forced into using IE. The VERY SAD part with all this is that Netscape continues to develop with the ideals of the world wide web consortium ideals and have lost any chance of making a comeback. They continue to develop a software package that adhere's stictly to the publicly available consortium outlines. Their web-page creation program continues to create web pages that can be read and interpreted properly by ANY browser unlike Microsoft Frontpage.

MSN Messenger: AOL created a great program that allowed people to communicate with each other over the internet. Microsoft decided to create their own version that conflicted with AOL buddies. This left people in either camp stranded. It got to the point where they were hacking each others code to enable functionality. Microsoft then added this software to Windows Millenium as an option where the user could disable it easily enough. Windows XP throws MSN Messenger in your face every chance it gets and won't stop nagging no matter how many times it is told to buzz off. I'm not sympathetic to either of the software packages but I have noticed the frustrations of users of either software package. It is easy enough to download AOL IM and install it but I'm sure that there will be conflicts with MSN Messenger while it continues to pop up uninvited. This will leave people with a frustrated view of AOL's IM and I'm sure over time they will switch to MSN Messenger. I strongly believe that this is NOT a necessity of the OS and should be left out. The user should be allowed to install the software of their choice. ZIP Utility: Microsoft has now (as of Windows XP) included a zipping utility as part of their OS. In the past users would typically download a shareware software package to perform these same operations. This will limit the number of people that download a developed piece of software. It is unfortunate that Microsoft is allowed to incorporate whatever piece of software that they would like and package it with their OS. I feel for these software developers that poured countless hours of programming time into their software just to see the technology incorporated into MS's OS. This does not create a competitive environment and limits the creativity of programmers.

Media Player: Real Player was the dominant player in streaming media and really developed this area. Microsoft then created their version of streaming video and at first it would not play Real media streams. I'm not so sure these days but you can bet that if it does now that it will be dropped later once MS takes a majority share of the market. There was a point where Real Audio was the definitive answer to video streaming and no longer is. This is very similar to what happened to Netscape.

MS is currently up to their old tricks with MP3 files. MP3 flies have been popularly used for about 7 years and MS saw this and created their own compression algorithm and I'll argue that although their compression size IS smaller, the quality is not their. Anyhow, MS then decided that their most recent Media Player would NOT play or create MP3s. They claimed that this was due to legal concerns but I don't believe it for a minute as there is technology available to prevent this from occurring. Fortunately, the market demanded that they incorporate MP3s and so they did BUT the algorithm is crippled and thus creates very poor MP3 files. This will force people to add another piece of software to their computer OR choose the simpler route which is just use MS's WMA format. Video Editing: Since video editing has become so popular, MS has incorporated a video editing package into their software suite when there are a variety of inexpensive suites that come with any video recorder purchased. I can't see a reason why MS has to include their own as a default. Their editor is basic and there is still currently reason to purchase a professional suite but it will only be a matter of time until MS improves their offering resulting in another market of software disappearing. It already eclipses the market for those that created an entry level package, which were included with the video recorders. That market has all but disappeared. CD-Burning: Microsoft has included with Windows XP their own CD burning software algorithm.

Again, there are 4 big companies that provide this availability at a nominal cost but most users won't bother due to convenience and so these companies will eventually reduce in number.

Interesting Note: Microsoft sells their Office Suite for over $450 which includes MS Word, MS Excel, MS Access, MS Outlook Express, MS Powerpoint. They also sell a suite to the home user for $100 that includes MS Word, a watered down version of MS Excel, a watered down version of MS Access, Microsoft Money, Microsoft Picture it Publishing, Microsoft Encarta, and Microsoft Trips & Streets. The home version of the suite is valued well over $350 if purchased separately. Why do you think that this might be? This gives the home user no reason to investigate a financial management package, a photo-editing package, an encyclopedia package, or a trip planning package. This is further proof of their improper business tactics. They are selling the software at a sub-market prices to increase market share. This will get people to continue purchasing MS software as they will run into file compatibility problems if they try to use another package.

The file compatibility problems are due to the fact that MS does not release the details of how their software works to the programming community. They have the consumer any which way that you look at it.

I could could continue to list other occurrences but I must get back to my studies. I really hope that someone looks at this note and reads it in it's entirety.

Summary: Microsoft's strategy seems to be that they will incorporate (copy) a technology to the point where users are comfortable with using it but then they make it proprietary such that you are forced to continue using only their package. I have seen this with their media player, zipping utility, Internet Explorer, Outlook Express, MSN Messenger. I find it incredibly hard to believe that these smaller software companies manage to adhere to some standard and that their files are properly read and used by other problems but that MS cannot. I believe that this is intentional as I have seen it work flawlessly with other software packages. Microsoft claims that they are doing this to give the user a greater out-of-box experience. Don't believe it !! Nine times out of ten their technology is subpar but people use it because it is convenient.

My solution would be to either, 1) Force MS to remove all of their incorporated programs and make them available for installing ALONG with the available packages. Let the user choose which software package they prefer. It's difficult to fathom that this would be more costly to MS than their current package. I also believe that this should be overshadowed by a 3rd party committee and that MS should be fined grossly for each violation of the INTENTION of the organization.

2) Release their source code to the programming community so that they have a chance to promote their products without already being crippled by the compatibility issues due to the MS closed-nature of their code. I would expect that about 85% of users are concerned about file compatibility when considering an alternative software package.

For the life of me, I can't possibly believe that those that are responsible for coming to a decision on this matter could see it any other way. Microsoft has and continues (more than ever now) to stifle creativity and development of programs with their prominence. As a user of their products for many years I can recognize the trend. I'm not sure that those involved in the case have the same lengthy experience with MS software or have been able to work with the MS OS offerings through the years, such as I have.

Microsoft is doing the OPPOSITE of reducing their shady business practices. I see a marked increase in their Windows XP and this is WITH an anti-trust trial under way. Warning: MS has been known to unethically influence polls and e-mails by creating a software program that votes FOR MS so please examine your PRO MS e-mails along with your ANTI MS e-mails to ensure reliability.

MTC–00019569

From: Sam Wynn Jr.
To: Microsoft ATR
Date: 1/23/02 9:12pm
Subject: Microsoft Settlement

the proposed settlement is too limited in scope and can be too easily outmoded/outdated with respect to technology and/or software revisioning this ''final judgment'' is not in the best interest of consumers

MTC–00019570

From: Dixon Teter
To: Microsoft ATR
Date: 1/23/02 9:05pm
Subject: Microsoft Settlement
1/23/02
Antitrust Division, U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001

I type this on a system using Windows 2000 and in the Microsoft Word processing program. I have just picked up my e-mail and shopped via the Internet using Microsoft's Internet Explorer and Outlook Express. Why Microsoft? Because they are for my money the best products I can buy. Microsoft products save me time and money. I was not forced to use Microsoft's products. There were and are other choices. I looked at other competing brands. I chose Microsoft for value.

Microsoft is a shining example of the ''American'' success story. A self-made man makes brilliant products and becomes wealthy IS the American way. It is only possible under a free American system where government protects the fundamental right to private property.

The suit against Microsoft reverses that by attempting to forcibly seize Microsoft's property. This suit seeks to allow failing businesses that could not compete in the marketplace to use ''pull'' bought under the guise of campaign contributions to bring down a more successful business. The antitrust laws are nothing more than means for poor competitors to seek the ruin of their betters and as such are an ever present threat to freedom. Antitrust laws are the result of corruption and bring economic ruin. There are examples of this around the world. The suit against IBM is a classic example of woeful wrong that was a tremendous waste of the taxpayers money and an enormous drain on the resources of a great company which could have been put to better use.

What would we have now if Microsoft had not had to waste hundreds of millions of dollars on this wrongful suit? Quite simply—ever more and even better products and services. Great businesses and those who found them are the very heart and soul of the United States. They must be protected, not attacked. They should be praised not damned. They must be free to compete then we, the American consumer wins.

Sincerely,
Dixon Teter, Ph.D.
CC:activism@moraldefense.com@inetgw,letters@capitalis.

MTC–00019571

From: Jonathan Johnson
To: Microsoft ATR
Date: 1/23/02 9:11pm
Subject: Microsoft Settlement

Please hurry up and settle the case. I don't think it is in anyone's best interest to continue.

Thank you,
Jonathan Johnson

MTC–00019572

From: root
To: Microsoft ATR
Date: 1/23/02 9:12pm
Subject: Microsoft Settlement

My wife and I both agree that the proposed settlement is not in the best interest of the United States.

Paul S. & Germiane K. Mitchell
3564 Union Shool Road
Chester,Il. 62233

MTC–00019573

From: Gabriel Morales
To: Microsoft ATR
Date: 1/23/02 9:16pm
Subject: Microsoft Settlement

Dear Department of Justice,

I have read the Proposed Final Judgment for the Microsoft Antitrust trial, and I believe that it is best characterized by the phrase ''too little too late''. I am not a legal expert, but all this proposal seems to be saying to Microsoft is ''Hey, don't do this again.'' Where is the ''justice'' in this? What of all the damage Microsoft has done to the competition? Please don't let Microsoft get away with a slap on the wrist! It is not simply a matter of punishment, but rather a matter of assurance that Microsoft will not continue to threaten freedom in the industry and dominate the market through illegal, unethical and uncompetitive ways.

I favor a split up of Microsoft, as proposed earlier. Only splitting up Microsoft into at least three or four companies could a assure the breakup of this illegal monopoly. But, I do not believe that the current proposal is sufficient and as a concerned citizen, I am not happy with it and I am asking you to reconsider.

Gabriel Morales

MTC–00019574

From: Scott Turner
To: Microsoft ATR
Date: 1/23/02 9:17pm

Subject: Microsoft Settlement

I am a software developer with 20 years'' experience, currently supporting a product which operates in several environments, including Microsoft and Unix operating systems.

The proposed Final Judgment (PFJ) is unsatisfactory in a number of ways. Particularly troubling are the large number of exceptions to its enforcement provisions, which appear likely to block needed remedies. Given Microsoft's existing monopoly, aggressive business tactics, and past violation of antitrust laws, a proper remedy would provide more than enforcement of just the provisions which Microsoft was found to violate in the past. Yet part III (Prohibited Conduct) deals primarily with those past practices, in an industry which is steadily changing in ways shaped by Microsoft itself. In this context, I note the provisions of IV.A.3 and IV.B.9 which hobble the Plaintiffs and the TC so that, should the Plaintiffs receive information as a result of the PFJ of further violations of antitrust laws which happen to be beyond the scope part III, the information cannot be disclosed.

This appears to lend Microsoft some real protection from prosecution by the U.S. DOJ for future antitrust violations. The open standards which lubricate the software industry (for example, HTML) have been increasingly usurped by the tactics of powerful corporations such as Microsoft. This is the environment in which I work, and seek to develop useful products. The case against Microsoft held the hope of cleaning up this business environment, but the proposed Final Judgment is not up to the task.

Prescott K. Turner, Jr.
13 Burning Tree Rd.
Natick, MA 01760
p.turner@computer.org
—
Scott Turner
p.turner@computer.org http://www.billygoat.org/pkturner

MTC–00019575

From: gcharles
To: Microsoft ATR
Date: 1/23/02 9:17pm
Subject: Microsoft Settlement
To: Dept. of Justice
Subject: Microsoft Settlement Comments

I am writing to voice my objections to the proposed settlement. I do not think that this settlement in any way punishes Microsoft for having blatantly abused monopoly power, or for disregarding the provisions of the previous agreement with the federal government. I have several issues with the currently proposed settlement:

The agreement fails to provide any penalty for Microsoft's past actions. This appears to show that Microsoft is beyond punishment because of its extraordinary political and economic power. What antitrust? With over 90 percent of the desktop operating system share they have the single largest market share held by any company in any significant industry in the last 50+ years. Microsoft used many unethical procedures to extend their monopoly. Most involved ways of punishing other companies should those companies dare to not comply with the Microsoft system. Microsoft should not be able to keep all the fruits of their illegal behavior. The penalties need to be a deterrent to future misbehavior of both Microsoft and other companies in their quest for market dominance. The lack of penalty for the financial windfall they've accrued is analogous to the court telling a bank robber that he shouldn't rob any more banks but that he can keep the proceeds for all previous successful heists. The proposed oversight or compliance mechanism is virtually powerless. Microsoft's failure to abide by the spirit or the letter of the previous agreement shows that the proposed weak oversight system is inadequate. Indeed, the proposed mechanism for dispute resolution and/or compliance with the agreement embraces many of the worst features of such systems, operating in secrecy, lacking independence, and open to undue influence from Microsoft.

This is especially troublesome when Microsoft's current actions extend to other areas, especially their effort to dominate the Internet. They have entered into many agreements with other cable/telecom/internet firms to become a powerful force in this area. They can easily use secrecy of protocols for their software to force others to adopt their products. One requirement should be that any Microsoft networking protocols must be published in full and approved by an independent network protocol body. This would prevent Microsoft from seizing de facto control of the Internet. Another requirement should be that the specifications of Microsoft's present and future document file formats must be made public, so that documents created in Microsoft applications may be read by programs from other makers, on Microsoft's or other operating systems. This is in addition to opening the Windows application program interface (API, the set of ''hooks'' that allow other parties to write applications for Windows operating systems), which is already part of the proposed settlement. Some of the provisions in the settlement give Microsoft too much leeway to claim a security concern while in essence hiding some of the technical information needed for others to provide a competing alternative (Sections J.1 and J.2).

With regard to secrecy of protocols and APIs, the openly published letter from Ralph Nader listing his objections to the settlement includes specifically noted the objections to such secrecy. He specifically noted the detrimental effects on the ''Free Software'' movement, and discussed Microsoft's current and continuing offensive against the ''Free Software'' movement. I would like to support the objections raised in that open letter. Microsoft is moving against Linux and other competing software and will use any excuse for secrecy of protocols to undermine any competition. The well reported efforts of senior Microsoft executive, esp. Gates, Allchin, and Ballmer, to undercut any potential for other people and firms to move to Linux is indicative of the concern about the availability of free access to what must be public protocols.

It is important to note that Microsoft has been found guilty of abusing monopoly power. Some changes proposed in the settlement are acceptable. Microsoft should not be allowed to differentiate price to different customers, period. They have abused this particular mechanism repeatedly to ''punish'' those firms that didn't fall in line with their wishes. Also all vendors should be permitted to include any competing software, including alternative operating systems in a dual or multiboot configuration.

This will increase the potential for market penetration of Linux and other systems, and may eventuate in viable operating system alternatives. I need to run engineering programs that are available under a variety of ''free'' licenses. When I looked to buy a new computer recently I could not get a dual boot computer from any low cost vendor. They repeatedly noted that they could not provide dual boot machines under their current Microsoft license. This means that I must buy a machine from a custom vendor. While I support these vendors in principle, this does mean that the cost to me is several hundred dollars incremental cost over the equivalent from one of the low cost vendors. This differential is entirely due the restrictive Microsoft license.

My name is:
George Charles
My address is:
14 Annesley Drive
Glen Mills, Pa 19342

MTC–00019576

From: Joe Piolunek
To: Microsoft ATR
Date: 1/23/02 9:13pm
Subject'' Microsoft Settlement
[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]

US Department of Justice:

I am a US citizen who wishes to register an objection to the more microsoft-friendly settlement plan in the MICROSOFT(R)-vs-doj antitrust proceeding. I have some further comments regarding the proceeding. First, am not professionally associated with any computing or advertising firm, and have not received any compensation for sending this message. I am an avid computer user and hobbyist program developer. I read technical articles related to computer operating systems, software and microsoft, and have formed an opinion regarding them, which I would like to share with you. This is a time of great upheaval in the computing industry. Many, if not most, companies in the industry are suffering financial trouble. A major reason for this is that the desktop computer market is nearing saturation, and development of the most prevalent operating system (ms-windows, by far) provided with new computers has reached the point where its functionality can not be greatly improved. It already does almost everything home and corporate desktop users want their computer to do. Because computers can have a life span of at least ten years, the standard industry practice has and still involves using a variety of means to deliberately degrade and/or destroy the usefulness of existing systems and products in order to sell new ones, regardless of whose property is being

degraded or destroyed. That practice is likely to continue if microsoft remains the major force in the industry, and may continue anyway. It probably has been a useful policy for national security and other reasons, but has been expensive for computer users. For many users, the cumulative personal cost of that policy is enough for them to say ''That's enough. I don't need to buy another computer.''

In the mid to long term, use of microsoft's computer software products will diminish. Microsoft may become little more than a massive marketing machine attempting to sell the equivalent of flint arrowheads to modern soldiers. That time is almost here. Thousands of (mostly professional) software developers from all around the world have been working together to create a new and much improved software system that they hope will be allowed to take the place of microsoft products. Unless world governments band together to do the unthinkable and unconscionable, the new system will eventually displace microsoft and its products regardless of any new laws created or court decisions rendered. The new system is called ''open-source'' or ''Free Software*'', which includes the Linux / GNU operating system, and other products. Before microsoft is finally displaced, it will use every tactic it can to destroy (if attempts at control fail) products, companies, and organizations before they can become truly competitive. In my opinion, if microsoft's behavior is not effectively changed (by government or court—it will not change itself), it will make all-out use of monopolistic practices (legal or not) to the detriment of many other companies and persons in the computing industry, and to end users.

National Security Concerns

In my opinion, microsoft's software products are unfit and unsafe for use on any internet-connected computer containing sensitive information, or any laptop or notebook computer containing sensitive information that can be carried into unsecured areas. Its products have been a continuing security nightmare, and there can never be any reasonable assurance that hidden problems have been corrected. In closed-source operating systems such as microsoft's, no law or authority can prevent hidden flaws from being exploited by enemies.

The Importance of a Free Market

The authorities currently controlling national policy claim to promote free market conditions, but they are doing the opposite in this case. A ''free market'' is just that—free. If any entity, whether a government or a business, moves into a marketplace and takes control to the extent that microsoft has, then that market can no longer be called free. To use an analogy, suppose a local flea market has been operating freely, with individual vendors bringing their own tables to set up to sell goods from wherever there is space. Along comes a monopolistic organization that tells all the vendors that they will now have to rent space and tables from the monopolist; that they can only sell the monopolist's shiny and popular but overpriced, identical, and unpredictably dangerous wares; and that they must agree to publically support the system. The vendors, and especially the monopolist, would profit (for a while) from the lack of freedom, but to the buying public, the value of the marketplace would be greatly decreased.

Organized Crime

Microsoft exhibits many of the characteristics of an organized crime gang. It continually involved its organization in illegal activity, as determined by the US justice system, which only examined a tiny portion of microsoft's questionable actions. To me, microsoft appears to have recently escalated its illegal (monopolistic) activities.

''Settle''?? with Microsoft??

Should a common bank-robber be allowed to determine how much of the loot he gets to keep? The DOJ needs to show some responsibility in this case. By that I mean responsibility to humanity or at least US citizens, not responsibility to those few who contributed to a presidential campaign.

Microsoft illegally (as determined by the court) and very obviously (as determined by me) holds a monopoly on operating systems as used in desktop computers. It also appears to be frantically seeking to extend its monopoly into other areas of computing. I strongly feel that microsoft needs to be stopped, and stopped immediately. The Proposed ''Settlement'' The proposed settlement is like giving your future to someone who stole your past. It will promote microsoft's monopoly, not provide a remedy.

A More Proper ''Settlement'':

1. End microsoft's corporate status. Microsoft's corporate officers have been allowed to hide behind laws that protect them, grinning like cheshire cats, while MS is allowed to conduct illegal activities as a corporation. A proper remedy would see to it that microsoft loses or gives up its Certificate of Incorporation, and that they do not re-incorporate.

2. Order that ms-windows can be resold, regardless of license. Let end-users remove unwanted microsoft products from their computer and sell them if a buyer can be found.

3. Order microsoft to distribute free alternatives to its products. Prevent microsoft from offering any of its products for sale as disks, for download, or installation on new computers unless the end-user is provided with a free set of disks for any current official version of any open-source non-microsoft-affiliated operating system, and a free license to use and copy them for redistribution. Make this retroactive for any installation of ms-windows where microsoft promoted it as a means to store sensitive information while connected to the internet, or any laptop/notebook computer that was originally sold as being suitable for carrying into unsecured areas while containing both sensitive information and microsoft products.

4. Force microsoft ''sponsored'' comments to be identified as such. Microsoft is actively attempting to destroy Linux, and is fairly open about its intent, but not its tactics. One of its more offensive tactics appears to be ''sponsoring'' the mass posting of anti-Linux comments on popular internet discussion sites. The common name for the practice is ''astroturfing'' (phony grass roots), and is usually carded out by public relations companies for paying clients. It is the equivalent of hidden, undisclosed advertising and must be stopped. Microsoft has also been found (by state Attourneys General) to create fraudulent ''comments'' which they have sent to government agencies, and which are obviously meant to obstruct justice in some way. Due to the recent escalation of commissioned pro-microsoft posting on internet discussion sites, I suspect that the DOJ address I'm sending this to is being inundated with similarly commissioned pro-microsoft messages. The intent of those commissioning the messages would be to obstruct justice. The practice must be ended, and not just in this case.

5. Bar microsoft from being involved in the technical training of Judges. Obviously, Judges need to be minimally competent in the details of the case they are hearing. I am not very familiar with this issue, but my assumption is that professional technical training would be provided to a Judge that requires it. If during the training program the Judge is deliberately misled by being fed incorrect technical information, it could easily lead to a misjudgment at the bench, which may be taken as bias by observers.

6. Assist open-source Free Software development. Open-source free software will become the foundation of computing in the future. At some point, the commercial software industry will have to find a new role or it will disappear. A forward-thinking policy would be to assist the transition whenever possible, rather than contribute to protracted chaos by fighting it. Since microsoft has been found to be taking economic advantage through monopolistic practices, a proper ''settlement'' would include microsoft being required to provide funding for Linux (its current target for destruction) development through a prominent noncommercial organization that supports the ideals of the open-source Free Software movement.

With diminished expectations and too little reason for respect, Joe Piolunek

MTC–00019577

From: Carlos
To: Microsoft ATR
Date: 1/23/02 9:24pm
Subject: Microsoft Settlement

Open the source code and enjoin Microsoft to compete against the various manifestations of this de facto standard that will arise from the demise of its ubiquitous hold on the personal computing experience.

Juan Carlos Toth
Assistant Professor of Multimedia
San Diego
Mesa College
3375 Camino del Rio South
San Diego, CA 92108

MTC–00019578

From: Alex Morando
To: Microsoft ATR
Date: 1/23/02 9:12pm
Subject: Microsoft Settlement

I urge the US government team pursuing the DOJ-Microsoft anti-trust case to work towards appropriate penalties towards a

convicted monopolist for their criminal and unethical behavior. The current penalties and remedies currently proposed by the DOJ are not enough to ensure competition and prevent future abuses of monopoly power by Microsoft. The actions of the company since Judge Jackson's ruling was overturned clearly shows their arrogance—Internet Explorer is now even more deeply integrated into Windows XP, smaller companies have been purchased to prevent competitive products from being brought to market, and their .NET and Passport technologies have placed the future of the Internet in jeopardy.

Not once has Microsoft made any concessions nor shown any willingness to self-police themselves to even partially address DOJ concerns. Their actions in the related civil case is further proof of their continued attempts to extend their monopoly to other fields, including the Internet, the game industry, mobile communications, education, and security.

Those of us in the computer community know that the damages caused by Microsoft's monopoly has far surpassed that of any other company in history. Enron's collapse is small compared to the consequences of an ongoing and potentially permanent Microsoft monopoly.

I don't want a bleak digital future dominated and controlled by Microsoft. As a web site administrator, I have seen the problems caused by that company in their quest for monopoly power. The legal system moves slowly compared to Internet time, but a strong remedy and decision against Microsoft would open up the doors to competition and innovation. Those are two qualities that have never been exhibited by Microsoft, despite their press releases and advertising campaigns. Please encourage the competition and innovation that make our free enterprise system great—ensure that a predatory company like Microsoft can do no more harm nor threaten our future. You have my support.

Sincerely,
Alex Morando
Web site administrator
Rowland Heights, CA 91748

MTC–00019579

From: bob@grumpydog consulting.com@inetgw
To: Microsoft ATR
Date: 1/23/02 9:22pm
Subject: Microsoft Settlement

I want you to know how much I object to the proposed settlement regarding Microsoft being a monopoly and using that monopoly to unfairly eliminate competition. I'll just quote Russell Pavlicek's article from InfoWorld.com, as he's summed it as well or better than I can. I hope you will read it and understand how this is not only NOT punishment, and NOT just a slap on the wrist for MS, but actually a boon to them.

Thanks for your time,
Robert Forgey
Valley Center, CA 92082

RUSSELL PAVLICEK: ''The Open Source'' from InfoWorld.com, Wednesday, January 23, 2002

I'VE RECEIVED A number of requests to address the pending (as of this writing) settlement of the civil anti-trust lawsuit against Microsoft. Under the pending agreement, Microsoft will be obligated to provide hardware and software to thousands of underfunded school districts across the country. The logic, if you can call it that, is that such schools could benefit greatly from receiving the technology they lack.

Undeniably, there is an emotionally compelling case for this. A gigantic company, found guilty of doing wrong, is ordered to help the underprivileged. ''We need to do it for the children,'' cry the politicos. ''Think of the children!''

''For the children.'' That's the phrase politicians in Washington use to justify an action so irrational that it cannot be justified any other way. How can I properly characterize this solution? It is like a court ordering a convicted drug dealer to give out more free samples of heroin to underprivileged children to ensure that their poverty does not deprive them of the opportunity to become addicted. Sure, public classrooms need more technology. And it is especially important that children who don't have as many opportunities in life get assistance. But that is not adequate justification for assigning the fox to guard the hen house.

Personally, I like the counterproposal put forward by Red Hat: Let Microsoft donate money for computing resources for underfunded schools, but let those donations go toward hardware only; then populate those machines with open-source software. Why open source? Consider the future: What will the schools do when they need to upgrade? If you give schools Microsoft software, they will be caught in the endless upgrade cycle that has characterized life in the Microsoft world. Those upgrades will cost money, money that these targeted school districts, by definition, cannot spare. Instead, arming schools with open-source software will have two benefits. First, it will set schools down a long-term path that they can afford. The cost of obtaining open-source upgrades is trivial. Without low-cost software upgrades, all those nice shiny computers run the risk of becoming boat anchors in short order. I'm sure someone is saying, ''But open source is too difficult to administer!'' Such does not have to be the case, but I'll deal with that issue in a future column.

Also, the Red Hat proposal does not reward Microsoft in the long term. If a company is convicted of overpowering markets, why would you reward them by putting one of the few markets they don't lead under their control? This sounds a lot like a seed-unit program for education, not the penalty imposed from losing a trial. Corporate misdeeds are supposed to earn punishment, not long-term investment opportunities. I believe we would all be better off if the courts acknowledged the difference between the two.

MTC–00019580

From: Theodore J. Allen
To: Microsoft ATR
Date: 1/23/02 9:23pm
Subject: Microsoft Settlement

Dear Sir or Madam, I am concerned that the Microsoft settlement doesn't go far enough. I remember the days of ''DOS isn't done until Lotus won't run.'' Microsoft if unrepentant and is definitely stifling competition. I propose that Microsoft be bound by open standards for file formats, programming languages and scripts, and access protocols, such as for the .NET project. Their API should also be forced to be public with no secret system calls. This should level the playing field.

Sincerely,
Theodore J. Allen
Assistant Professor of Physics (315) 781–3623
Hobart and William Smith Colleges (315) 781–4039

MTC–00019581

From: jack green
To: Microsoft ATR
Date: 1/23/02 9:21pm
Subject: Microsoft Settlement

this settlement is a bad idea.

MTC–00019582

From: Mike Schiller
To: Microsoft ATR
Date: 1/23/02 9:21pm
Subject: Microsoft Settlement

I would like to take issue with the proposed Microsoft Settlement on three points.

1. I am an embedded programmer. What that means is that I write code for microprocessors that control many of the electronic devices used in every day life. For example, embedded programmers are responsible for writing software that makes your TV, car, microwave, etc. work and perform properly. The last few years have seen the introduction of many ''real time operating systems'' for embedded devices. These operating systems include proprietary operating systems such as QNX, VxWorks, and ThreadX. They also include open source operating systems such as uCLinux, eCos, and Red Hat Embedded Linux. The introduction of these operating systems, the competition between operating system vendors, and the availability of open source code add-ons for all of the operating systems has allowed embedded programmers to continually improve the performance and features of the products they create, decrease the time to market of such products, and reduced the cost of such products. The proposed settlement threatens the health of the embedded programming market. The threat results from three elements of the proposed settlement. First, the definition of ''Windows Operating System Product'' is limited (under Definition U) to include ''software code (as opposed to source code) distributed commercially by Microsoft for use with Personal Computers [such] as Windows 2000 Professional, Windows XP Home, Windows XP Professional, and successors to the foregoing, including the Personal Computer versions of the products currently code named ''Longhorn'' and ''Blackcomb'' and their successors.'' It makes no mention of Embedded Windows Operating Systems such as Windows XP Embedded, Windows CE, and Windows XP Tablet PC Edition. Second, ''Communications Protocol'' is defined as a set of rules for

information exchange to accomplish predefined tasks between a Windows Operating System Product and a server operating system product'' (under Definition B). It makes no mention of the interfaces between different ''Windows Operating Systems.'' Third, Definition Q can be read to mean servers are not personal computers and personal computers are not servers. Thus, as embedded Windows is not mentioned, Windows desktop machines are not servers, and Microsoft communication protocols are defined to include only desktop-server relationships, it seems that Microsoft will not be required to release documentation regarding the interface and communication protocols between Embedded Windows Operating Systems, and desktop Windows Operating Systems (or even for those protocols used to communicate between Desktop Windows Operating Systems). Since desktop computer interoperability is a desired feature of many embedded operating system products, the introduction of closed interfaces between the embedded and desktop versions of Windows will allow Microsoft to use its monopoly power in the desktop market to unfairly leverage its position in the embedded operating system market. Additionally, the settlement will not require Microsoft to release communications protocols between Desktop Windows Operating Systems. This will allow Microsoft to continue to deter competition in the desktop market by discouraging the development and sale of different and interoperable desktop operating systems.

2. The second point that I wish to take issue with is the ''Appointment of a Microsoft Internal Compliance Officer.'' The settlement states: ''Microsoft shall designate, within 30 days of entry of this Final Judgment, an internal Compliance Officer who shall be an employee of Microsoft with responsibility for administering Microsoft's antitrust compliance program and helping to ensure compliance with this Final Judgment.'' As the paycheck of any employee of any corporation is dependent on the income of that corporation, and as violations of this settlement could lead to higher Microsoft profits, it is unreasonable to expect an employee of Microsoft to be able to perform this task without being subjected to a conflict of interest.

3. The third point that I question is the line of the settlement that states that Microsoft may determine what entities meet ''reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business.'' With the uncertainty inherent in a free market economy, only the market itself can determine which business models are viable. Thus, it is unreasonable to expect that Microsoft is capable of defining any standard, reasonable or unreasonable, objective or subjective, that is capable of determining with any precision or accuracy the viability of a business. Additionally, this would preclude academic institutions entirely, as such entities are not businesses. I hope that these points are taken into consideration, and that the proposed settlement will not be accepted.

Sincerely,

Mike Schiller

MTC–00019583

From: Robert Abrams
To: Microsoft ATR
Date: 1/23/02 9:21pm
Subject: AOL suit against Microsoft

I think the marketplace should determine the winners or losers not the courtroom. These companies must get out of the litigation business and concentrate on coming up with get new technologies that we consumers want to purchase. Thank you.

Robert Abrams
Laguna Hills, Ca. 92653

MTC–00019584

From: Alan Miller
To: Microsoft ATR
Date: 1/23/02 9:22pm
Subject: Microsoft Proposed Final Judgement

22 January, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
Suite 1200
601 D Street NW
Washington, DC 20530–0001

Ms. Hesse,

I am writing to add my name to the list of people opposed to the Proposed Final Judgement in the United States v. Microsoft antitrust case.

As a software developer with 11 years of business experience, I have watched Microsoft's rise to dominance in several markets and been dismayed by many of the techniques it has used to attain and maintain dominance at the expense of other companies, competing software platforms and consumers such as myself. Still, while I have often found Microsoft's techniques distasteful and unethical, I am far less concerned about remedies for its past behavior than I am about ensuring that the same types of behavior are prevented in the future. From my reading of the Proposed Judgement those remedies that actually work against Microsoft would be ineffective against a company determined to bypass them and would not even constitute significant obstacles in that bypassing process, further in many cases the remedies and definitions seem to have been specifically crafted to make them effectively nonexistent or to actually strengthen Microsoft's position in current or potential future markets. That Microsoft will work to bypass the original intent of the Judgement is clear for both technical and business practices—even during the course of the trial and settlement negotiations it continued to use tactics that should be blocked by a solid agreement.

As an example, the future direction of Microsoft's focus has just this month been declared to be security, while under the Proposed Judgement anything related to security need not be disclosed even if such would otherwise be mandatory. Under a strict reading, if Microsoft adds even rudimentary security interfaces to its APIs then none of those APIs need be disclosed and there is no penalty for not disclosing them -a requirement for receiving documentation for those APIs is that any business needing it must meet Microsoft-developed standards of business viability; non-businesses need not apply at all because access will simply not be available.

Overall, I feel that the Proposed Final Judgement is deeply flawed and should be substantially revised to remove these flaws before being accepted. A software and content monoculture such as Microsoft clearly wishes to have in place harms all of us in the long term, even Microsoft and its investors.

Sincerely,
Alan J. Miller
Des Plaines, IL

MTC–00019585

From: Ken Lotterman
To: Microsoft ATR
Date: 1/23/02 9:27pm
Subject: Microsoft Settlement

The proposed settlement is very bad. And Microsoft knows that, except that for Microsoft, it is very good. They are not only getting away with very sneaky and unethical marketing ploys, but in the terms of the agreement, they will actually get to practice MORE sneaky and unethical marketing ploys.

How would you like if you never had a computer before, but you really wanted to get on the internet, so you went and bought one, took it home, hooked it all up, turned it on, found an icon on the MAIN screen that says ''Connect to the Internet'' so you double click on it thinking how easy that was..... Next thing you know, Microsoft has tricked you into signing up for *their* internet service (here comes the par that infuriates me) and never once stopped along the way and advised you that there are alternatives, some of them decidedly better or for less money. Take note of the following statement: This happens EVERY DAY. Consumers need someone who has a sense of FAIRness to watch over every marketing move Microsoft makes and approve it, or at worst, an unbiased peer-based panel can approve or disapprove.

I digress.
Ken Lotterman
Grand Rapids Michigan

MTC–00019586

From: William Pearl
To: Microsoft ATR
Date: 1/23/02 9:20pm
Subject: Microsoft

Dear Mr. Ashcroft, Please find enclosed copy of my letter concerning Microsoft.

Thank you very much.
William T. Pearl
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft: I appreciate the chance to comment on the proposed settlement reached between the Department of Justice and Microsoft in the antitrust litigation. Microsoft was alleged to have violated the antitrust laws by engaging in business practices and predatory pricing. The settlement agreement requires Microsoft to open its Windows operating system to competition from non-Microsoft software.

It also requires Microsoft to establish a uniform pricing structure in licensing its

Windows operating systems. I believe that the settlement agreement provides adequate remedies to Microsoft's alleged violations. Please move forward with the Microsoft litigation by accepting the proposed settlement agreement at the close of the public comment period.

Thank you for your attention.

Sincerely,

William T. Pearl

MTC–00019587

From: Kenneth Legg
To: Microsoft ATR
Date: 1/23/02 9:21pm
Subject: Microsoft Settlement

The customers are getting the short end of the stick with this settlement. Without question Microsoft is a monopoly and should be treated as such. I work in the computer field and know that there are companies with thousands of P.C's running Windows software. To move to another platform would mean not only buying a new O.S but also all the software and then retrain all the workers. This is not something that can be done in the real world. Microsoft owns the desktop.

Kenneth Legg
Logan, WV

MTC–00019588

From: The Martian Embassy
To: Microsoft ATR
Date: 1/23/02 9:22pm
Subject: Microsoft Settlement
: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

As per the Tunney Act, I wish to comment on the Microsoft settlement.

General Comment: ''We didn't do it... and promise never to do it again!'' While somewhat cheeky, the above is still at least minimally respectful of the laws of the land. Microsoft's actions indicate that its officers do not have even that limited respect. I believe they will simply ignore the settlement's strictures, and the whole, expensive and slow process will have to start again.

Specific Comment: ''Ignorance is no protector of virtue.'' The settlement apparently allows Microsoft to avoid documenting any portion of the software merely by claiming that the particular software elements are involved in ''security of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems'' (section J). There seems to be no requirement that Microsoft prove that the code is involved in security or that its documentation would indeed compromise security. Additionally, refusal to document interfaces could (and will) be used to stonewall attempts to determine whether the company has illegally appropriated non-Microsoft software. In particular, I refer to the so-called ''Open Source'' software which is often accompanied by a license restricting its incorporation into for-profit products.

Thank you.

Bruce de Graaf
23 Edmunds Way
Northborough, Massachusetts 01532

MTC–00019589

From: Ntlor
To: Microsoft ATR
Date: 1/23/02 9:22pm
Subject: Microsoft Settlement

I'd like to add my vote about thinking the proposed settlement is a bad idea. I'm surprised that the Department of Justice would even consider such a obviously skewed proposal. Microsoft is just thumbing their nose at our government.

MTC–00019590

To: Microsoft ATR
Date: 1/23/02 9:27pm
Subject: Microsoft Settlement

The proposed settlement is bad. It will hurt consumers and stifle innovation in the technology world.

Please reject it!

MTC–00019591

From: Christopher.Caldwell@
Interliant.COM@inetgw
To: Microsoft ATR
Date: 1/23/02 9:31pm
Subject: Comments on recent Anti-trust decisions
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to make the following comments on the proposed Microsoft settlement:

1:There has been previous anti-trust decisions against Microsoft with respect to their management of OEM deals forcing hardware dealers to exclude other vendor's products. These decisions had little effect on opening up markets to other vendors.

2:Microsoft has continued to act in a manor showing that they completely missed the concepts of Anti-trust, continuing to act in ways that missed the spirit, if not the actual wording of previous judgements against them.

3:Microsoft has actively lobbied at all different levels of government to manipulate further decisions by the Department of Justice, rather than to handle the issue directly through lawyers and existing law. Indeed, Microsoft has manipulated the environment in which the DOJ acts with respect to these Anti-trust decisions. The effectiveness of their manipulation (and the quantity of money spent by them) is indeed more evidence of the total power of their monopoly. As a citizen, I am appalled that such blatantly cynical and money driven manipulation is so obviously being ignored. I wonder how this proposed settlement compares to previous DOJ decisions with other companies in the past. How does this settlement compare to the break-up of the AT&T, etc? As an engineer watching people forced to use inferior Microsoft products because business demands force them to, I am appalled that the definitions of products, APIs, etc within the settlement are so tightly defined as to make the settlement meaningless one rev of the OS later. It is as if much of the wording was designated by Microsoft lawyers to protect the company from being inhibited by this settlement in the future. Isn't that what the settlement proposed is supposed to do? Isn't it supposed to prevent Microsoft from abusing United States businesses and economies by preventing future bad acts?

The previous decision to break up Microsoft into two pieces didn't go far enough. Leaving them intact with a management structure that shows every inclination to continue skirting the law and abusing businesses by their pure size is a failure to act in the best interests of the country. Is there any punitive nature to this settlement? It doesn't appear so. As a result, you are leaving a regime of lawyers and managers in place with every intent on weedling around the exact wording of the proposed settlement. The effect of this settlement will be to cause Microsoft to hire more lawyers so that they don't violate anything explicitly prohibited in the settlement, but it will not change their actual methods of dealing with the industry in any appreciable fashion. I believe the DOJ should separate the operating system development team from the applications development team, in addition to separating business and home applications. Indeed, Microsoft's attempts to penetrate the service industries (MSN) should also become separate businesses. The credibility of the DOJ is clearly in question when the majority of people in the industries effected by this decision believe that this settlement will have no noticable effect on how Microsoft does business.

Respectfully,

Christopher M. Caldwell

MTC–00019592

From: David A. Mason
To: Microsoft ATR
Date: 1/23/02 9:24pm
Subject: Microsoft Settlement

In view of many of the items outlined in the proposed settlement of the antitrust action against Microsoft, I must register an opinion that the settlement is a bad idea, that it addresses little to none of the damage done by Microsoft to the industry, and that it does little to discourage a continuation of these practices, while enhancing Microsoft's footing in education—one area where other products and vendors have been able to move more freely of Microsoft's influence.

MTC–00019593

From: gopal@teraoptic.com@inetgw
To: Microsoft ATR,Gopal Raman
Date: 1/23/02 9:23pm
Subject: Microsoft Settlement

Your Honor:

I am writing to convey to you my sense of disappointment over the recent DOJ settlement of the antirust case against Microsft Corp. I am a software engineer working in the silicon valley in California. I was formerly a researcher with AT&T Labs Research in Florham Park, NJ. There are many reasons why I believe that Microsoft is a monopolist. They are the following:

1. Microsoft has effectively prevented PC manufacturers from shipping PCs with any

other operating system other than Windows. They have done this by negotiating contracts with PC manufacturers that requires them to pay for a Windows license even if a PC ships with a different operating system.

2. Widely used Microsoft applications such as Word and Power Point use a secret format to store the content (such as documents and presentations) created by users. In addition, Microsoft gratutiously changes these formats with every new release forcing every user to pay to upgrade to the new version. The secrecy issue exacerbates the problem of Microsoft's near monopoly on the PC operating system. If the file formats were shared freely, then these applications could be easily ported by other companies to different operating systems thereby encouraging users to choose an operating system other than Windows and interwork with Windows users.

3. Companies hesitate from building applications for the Microsoft operating system because of the threat of Microsoft being able to cause these applications to ''break'' in future Windows releases. In addition, Microsoft subsumes the function of third party applications into their proprietary operating system with each release. This not only violates all principles of good software and system design but also has the side effect of putting other application companies out of business.

Because of their monopoly position, Microsoft is not motivated to add useful features into their operating system that save time and money for users. For example, the X window system that allows multiple users to share a single server has been around since the mid 80's and is supported by all Unix systems. However Microsoft chooses not to provide this since more than one user could share a PC thus reducing the number of units sold.

In short, Microsoft has consumers at their mercy. They are only interested in getting more revenue at the cost of user convenience and ease of use. In view of the above, I humbly and earnestly beg you to reconsider the recent settlement that would encourage Microsoft to continue their abusive practices.

Regards
R. Gopalakrishnan Ph.D
Senior Software Engineer
TeraOptic Networks
686 West Maude, Suite 103
Sunnyvale CA 94085–3518
Phone: (408)-331–0715
Fax: (408)-331–0104

MTC–00019594

From: ChuckMor@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 9:27pm
Subject: Microsoft settlement is not adequate for the public good.

The Microsoft seetlement as currently structured is not in the best interest of the computer using public. It does not sufficiently control, let alone punish past, monopolistic practices.

MTC–00019595

From: Kyle McDonald—Eagle CAD
To: Microsoft ATR
Date: 1/23/02 9:23pm
Subject: Microsoft Settlement

I am writing this to add my vioce to the the many consumers in this country who believe the proposed final judgement, in the Microsoft antitrust case, is extremely weak. Corporations can not be allowed to violate the citizens and laws of this country like this and get away with it. A much stronger judgement is deserved by the actions Microsoft has taken in the past, and continues to take today.

Please do not let them get off this easy.

Kyle J. McDonald Systems Support Engineer
Sun Microsystems Inc. √√√√√

MTC–00019596

From: simon—eddison@perpetual.com.au@inetgw
To: Microsoft ATR
Date: 1/23/02 9:27pm
Subject: Microsoft Settlement

I believe the settlement is no punishment to Micro$oft at all and would be to its advantage even without the incentive of getting the trial stopped. The proposal to give software free for 5 years to schools that could not afford it in the first place is no punishment at all—the cost of a CD is about 25c apiece. It's probably no coincidence at all that the agreement is for 5 years when the IT world is used to a 3 year upgrade cycle. The schools concerned get one upgrade free and then microsoft gets a new set of customers next time !! During the 5 year period the only competitor, Apple, is locked out, again to MS advantage. opinions expressed are of the writer and not my employer.

MTC–00019597

From: Will Ganz
To: Microsoft ATR
Date: 1/23/02 9:28pm
Subject: Microsoft Settlement

The proposed ''Seattlement'' is sellout of the highest proportions and is more of a ''reward'' rather than a ''remedy'' for Microsoft's behavior. To have an order with realistic chance of being enforced and to allow diversity in the market the following is required:

1.. An oversight group that can stop Microsoft's behavior for violations of this agreement with monetary penalties available. The present proposed group is a toothless tiger.

2.. Revelation of all software patents that they hold so that they cannot threaten with FUD(Fear, Uncertainity, & Doubt) on any vendor.

3.. Revelation of all API's for Windows. A 6 month notification of the change in the API's should be required so that Microsoft cannot change them at will to break competing products. Borland's Delphi compiler is the best example of this corporate harassment with Microsoft continually changing the underlying API's to destroy any advantage that Borland may gain through technological advancements.

4.. Allow end users to keep their licenses for Windows should their computer fail. This would allow consumers to upgrade their computers without continually having to buy yet another license for the new computer.

5.. Require Microsoft to directly refund consumers for licences of Windows when they do not agree to the End User License Agreement. This is typically done when consumers install a competing operating system. Presently, Microsoft refuses to refund consumers their money for the licences that they do not agree with and the OEMs do not refund the consumer's money because they are afraid of dealing with Microsoft and jeopardizing their contract for Windows. This circular logic deliberately frustrates consumers in getting the refund they are entitled. This raises the cost of competing operating systems by requiring consumers to buy, first the computer with Windows, and then pay again for a copy of the alternative operating system.

Sincerely,
Will Ganz

MTC–00019598

From: jayswift
To: Microsoft ATR
Date: 1/23/02 9:27pm
Subject: Microsoft Settlement

Dear DOJ:

I feel as a computer user and thus a consumer that the current proposed settlement of the Justice Department against Microsoft is a fair one and will promote competition. In fact, the capability of competing companies to compete has always been there: all they have to do is invent an OS. (That Linux exists is proof of this.) The provisions outlined in the Settlement would seem to take care of any unfair ''bundling'' problems and make any version of Windows available to other competing software.

This has really gone on long enough. The public is no longer being served by continuing the DOJ's case any further. It may, in fact, be substantially harmed if more millions are spent prosecuting this case As a writer, I do believe in copyright laws, patents, and protection of what one creates.

Joan Swift
18520 Sound View Place
Edmonds, WA. 98020

MTC–00019599

From: Wes Morgan
To: Microsoft ATR
Date: 1/23/02 9:31pm
Subject: Microsoft Settlement

The proposed Microsoft settlement does not go far enough to ensure Microsoft cannot abuse its monopoly position in the future, nor does it remove the barrier of entry for potential competitors that allows Microsoft to maintain its illegal monopoly position. I believe these problems (among others) needs to be addressed to fulfill the purpose of antitrust legislation.

Wes Morgan
8024 NE 139
Edmond, OK 73013
(405) 396–2552
(616) 954–4231

MTC–00019600

From: Kevin Bong
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 9:33pm
Subject: Microsoft Settlement

To Whom it May Concern,

I am an Information Technology Professional with experience in both programming and systems administration

with various technology platforms, including the Microsoft Windows operating system. I am also a Microsoft Certified Systems Engineer.

I have closely followed the recent Microsoft antitrust trial, and have thoroughly reviewed the Proposed Final Judgment. I strongly feel that the remedies put forth in the Proposed Final Judgment are INSUFFICIENT. The following are some reasons supporting this conclusion.

The Proposed Final Judgment does not give protection to competing operating systems and products that implement or emulate the Windows API's, allowing them to run software written for Windows. In fact, the Proposed Final Judgment restricts information on Windows API's to be released for the purpose of writing competing operating systems that interoperate with Windows.

One of the main problems of interoperation with the Windows operating system is the use of proprietary, undocumented file formats and communications protocols. A critical component of the success of competing products is interoperability with Microsoft products. Disclosure of file formats and protocols, as well as a competitors ability to read, write, and emulate these formats and protocols is necessary. The Proposed Final Judgment does not take any steps to break this barrier to entry.

Microsoft denies competing operating systems entry into the market by using overly restrictive licensing terms and by building intentional incompatibilities into software. The Proposed Final Judgment does not prohibit these activities. Microsoft currently has licensing terms which restrict Open Source software from running on Windows. Microsoft also has licensing terms which restrict Microsoft applications from running on Open Source operating systems. These issues NEED to be addressed for the Proposed Final Judgment to be effective. The Proposed Final Judgment WILL NOT work to unfetter the market from Microsoft's anticompetitive conduct, WILL NOT prevent Microsoft from denying competitive products entry into the market, WILL NOT deny Microsoft the benefits of their illegal activities, and WILL NOT prevent Microsoft from furthering their illegal monopoly into other markets in the future.

Sincerely,
Kevin M. Bong
121 S. Wisconsin St.
Elkhorn, WI 53121

MTC–00019601

From: David Livesay, Ph.D.
To: Microsoft ATR
Date: 1/23/02 9:30pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am writing to express my opposition to the proposed settlement of the Microsoft antitrust case. I feel that the proposed settlement is riddled with loopholes that will allow—and in some cases even sanction—Microsoft's unfair, illegal and economically disruptive business practices.

I believe that the best way to ensure a healthy and competitive technology industry, and to promote competition by Microsoft and its competitors, would be a structural remedy that splits Microsoft in such a way as to prevent them from leveraging their monopoly products to gain unfair advantages in other markets, and to enjoin them from enforcing unreasonable policies that prevent the development of competitive operating systems and other software products. Although I do not consider myself a conservative, I support the recommendation presented to the court by the Progress and Freedom Foundation which advocates splitting the operating systems from the other software and Internet services, but also would create three operating system companies that would have to offer innovations and alternative features in order to compete with each other, thereby increasing consumer choice and stimulating the economic performance of the technology sector. A remedy such as this would allow market forces to stimulate innovation and consumer responsiveness without the need for expensive and ineffectual regulation and enforcement.

Sincerely,
David A. Livesay, Ph.D.

MTC–00019602

From: Travis Ross
To: Microsoft ATR
Date: 1/23/02 9:31pm
Subject: Microsoft Settlement

To whom it may concern:

The proposed settlement of the Microsoft antitrust trial is an outrage. How can the Department of Justice let Microsoft off the hook with a slap on the wrist after proving that Microsoft was in clear and egregious violation of antitrust law and common ethics?

The Bush administration seems to think that we owe Microsoft free reign to practice whatever underhanded tactics they please because Microsoft is important to the economy. The truth is that Microsoft has consistently abused their monopoly power to squash innovation in the computer industry whenever it has had the slightest potential to threaten the tiniest percentage of that vast monopoly. I'm weary from paying exorbitant prices for the temporary and restricted privilege of licensing Microsoft's bug-ridden, security-challenged bloatware. Why don't I buy something else? There aren't any other mainstream alternatives for Intel-compatible PCs. Microsoft has made sure of that. In most cases, I haven't even had the opportunity to buy a computer without Microsoft dipping their hands into my pockets - if you buy the computer, you pay Microsoft even if you don't want their software. I'm all for competition, but Microsoft has leveraged their monopoly to make sure that there is no possibility of competition. Microsoft has held America back in order to further the interests of Microsoft and will continue to do so if the policies of the current administration do not change.

Sincerely,
Travis Ross
PO Box 343
Moorcroft, WY 82721

MTC–00019603

From: Jeanne S.
To: Microsoft ATR
Date: 1/23/02 9:32pm
Subject: Microsoft Settlement

Dear DOJ,

Not quite clear to me how Microsoft's plan to donate millions of dollars worth of software and hardware into education, as part of the antitrust settlement, is a punishment to them. Sounds like a nice way for the company to extend it's reach into an area where it has traditionally not been able to dominate.

Sincerely,
N. Herb Gundy, CCC-SLP

MTC–00019604

From: Camille Roussel
To: Microsoft ATR
Date: 1/23/02 9:34pm
Subject: Microsoft Settlement

the proposed settlement is bad idea

MTC–00019605

From: Jim Stevens
To: Microsoft ATR
Date: 1/23/02 9:27pm
Subject: Microsoft Settlement

It is ironic that AOL-TIme Warner should be going to court alleging anti-competitive practices by Microsoft. AOL is famous in the industry for its own lack of cooperation with instant messaging standards and its exclusionary, proprietary software that does not interoperate well with the rest of the internet. As a citizen-user of internet software, it is my view that AOL's actions against Microsoft could result in even more wasted capital and energy than have previous efforts of other Microsoft competitors to compete in the courts and in politics instead of technically with good software and standards. AOL is a pot calling the Microsoft kettle black. The AOL legal filing is a cynical manipulation of the legal process and political setting by the most powerful media group in the country. These are both extremely large and powerful companies. Get them out of the court room to compete on their technical and business merits.

Respectfully,
Jim Stevens
9707 35th Avenue NE
Seattle, WA 98115

MTC–00019606

From: Eric Straavaldsen
To: Microsoft ATR
Date: 1/23/02 9:31pm
Subject: Microsoft Settlement

I feel that the proposed settlement does little to help deal with Microsoft's use of its products to leverage it self in the market. A ''settlement'' that requires it to give its software to education, does not hurt but in fact helps them leverage the market. The settlement as a whole is only a very limited response to a company has shown a history of being uncooperative with the fair trade laws of the US. In light of the fact that this case is the result of a second action against Microsoft because of their unwillingness to follow the restrictions set down by a US court calls for a stronger response. If this was a criminal case a second offense would count strongly in the outcome.

eric

MTC–00019607

From: barak
To: Microsoft ATR
Date: 1/23/02 9:27pm
Subject: Microsoft Settlement

I think the proposed settlement is bad idea and will do nothing to prevent Microsoft from continuing their anticompetitive practices. Microsoft should be fined heavily. I think it is safe to say that in a competitive market no single player will have a market share greater than 50%. That would then imply that any market share that Microsoft held over the first 50% was a result of their anticompetitive practices and any profit that resulted from that excess market share was acquired illegally. I feel that the only effective remedy for this is to fine them for the entire amount of the illegally acquired profits over the last 10 years. The funds from the fines should be used to develop a public domain operating system and office suite that is compatible with the Microsoft offerings. Another option, since the fines would not doubt be huge and require liquidation of some of Microsoft's holdings, would be to seize intellectual property of an equivalent value, perhaps the source code to Office or Windows, and release it into the public domain. Questionable OEM bundling practices forced the American people to fund the development of those products every time we bought a computer, isn't it time we were given what we have been paying for?

MTC–00019608

From: David Johnson
To: Microsoft ATR
Date: 1/23/02 9:31pm
Subject: Microsoft Settlement

I think that the current settlement with Microsoft causes harm to me as a consumer. I think that Microsoft is the Standard Oil of the internet age and that consumers such as myself suffer from its power as a monopoly. Please give some consideration to revising the settlement so that consumers have a greater choice in operating systems and software.

Respectfully,
David R. Johnson, MSW

MTC–00019609

From: Ken Hooper
To: Microsoft ATR
Date: 1/23/02 9:29pm
Subject: Microsoft Settlement

I wish to say that I am against the proposed Microsoft settlement. The notion that Microsoft can redeem itself by giving free computers and software to schools, is like the notion that drug pushers can redeem themselves by giving away free samples in schoolyards.

Respectfully,
Ken Hooper
Memphis, Tennessee USA

MTC–00019610

From: Jerry Chretien
To: Microsoft ATR
Date: 1/23/02 9:30pm
1/23/02

Dear Sirs:

I would only hope that this suit would settle and soon. As an entrepreneur I believe that Microsoft should be able to compete without restraint. I do not find they're giving away their browser any different than AOL sending out hundreds of thousands of discs promoting their online services. As a business person that is not computer literate and savvy I find that if I stick to Microsoft programs on all of my systems everything seems to run and perform without problems and I always receive the result I was looking for. However, there have been occasions in the past, when different programs have been installed on our systems and the labor and time required to keep them running and to keep them compatible is very expensive. The labor to keep non Microsoft programs running is not the biggest expense item. It's the non-productive time and lost opportunity. some years ago I made a decision that whenever I bought computers, Servers and software that they would always have the Intel chip and motherboard, and they would be loaded with Microsoft programs. I do not and have never felt like I was being taken advantage of by Microsoft. As an entrepreneur I find all the things said about Microsoft to be just so much crying on the part of their competitors. Their competitors either can't build or sustain a product or take it to market yet they want me to suffer by having the government make it more difficult for me to get Microsoft products. Can you imagine trying to keep all your systems up and running with some little known off brand of program that only has a handful of people around the country that know what is going on with the program. I'm sorry but I only see the government action as making everything more expensive and difficult for me to do business. I also think that the action on the part of the individual states is more political than anything else. Who are they trying to protect? Could it be Kodak, Sun Micro Systems, AOL etc.

Yours truly,
Jerald E. Chretien
Portland, Oregon

MTC–00019611

From: Greg Poucher
To: Microsoft ATR
Date: 1/23/02 9:34pm
Subject: Microsoft Settlement

I would like to express my disapproval of the currently proposed settlement in the US DOJ anti-trust case against Microsoft. Not only are its penalties for past transgressions against competitors such as Netscape and Apple Computer inadequate, but its protections against future misdeeds are lacking any effective enforcement provisions. Thank you for your time.

Sincerely,
Gregory Evan Poucher
Low Rise 6, #6411
Cornell University
Ithaca, NY 14853

MTC–00019612

From: John Hussar
To: Microsoft ATR,Kevin Boland
Date: 1/23/02 9:35pm
Subject: Monopoly/Microsoft/Fortune100 Companies

I am a consultant to some major Fortune 100 companies and have seen the anti competitive aspects of Microsoft's operating system firsthand. In general MS 'Windows' almost seems purposely written not be able to interact with other operating systems by other manufacturers. This makes it very difficult, if not impossible, for a company to use alternate computers with different operating systems (i.e.. Macintosh). Whether this is true must be analyzed in the way the Windows code is written. Unfortunately one would need to be a computer programmer to truly evaluate this. I think it is crucial that Microsoft's de facto monopoly be stopped as it is, in my professional opinion, dangerous to destroy competition in the area of computing.

It is an unsound practice to have only one operating system controlled by only one company. At best this situation squelches innovation and leads to a stagnant computer market. At worst it is a danger to our national security, as we (as a nation) are then at the mercy of how securely that system is written. Again, in my professional opinion, it is a badly written operating system and is riddled with many serious security holes. We have already seen the cost of computer worms and virus that have cost companies billions of dollars. The damage has been on par, cost wise, with floods, hurricanes, and other natural disasters. It is not an acceptable situation for this country to find ourselves at the mercy of this obvious monopoly called Microsoft. It is imperative that free and open competition be allowed back into the operating system marketplace.

John Hussar
JJH, Inc

MTC–00019613

From: Karl Uzar
To: Microsoft ATR
Date: 1/23/02 9:41pm
Subject: Microsoft Settlement

To Whom it May Concern:

I think the proposed settlement ''against'' Microsoft is rediculous. The purpose of the antitrust trial was to force Microsoft to allow competition from the likes of Linux and Apple. The settlement does very little to further this. Here's what I'd like to see:

1. Well-documented, freely released APIs and file formats. No exceptions for companies or groups that ''don't have [what Microsoft considers] a valid business model.''

2. A substantial fine—something that would make Microsoft think a little. $25 million dollars at least.

3. Reduced OEM licensing restrictions. Does Gateway want to sell a machine with both Windows and Linux (ie. dual-booting)? Fine, more power to them. Netscape instead of Internet Explorer? Go ahead. And Open Office.org over Microsoft Office? Bring it on!

4. The OEM shouldn't be required to place icons for installed Microsoft products on the Desktop, either.

5. Some legal definition of ''Operating System'' should be established, and it should be fairly conservative. A definition of ''Computing Package'' should be established as well; this would include everything you need to do basic work on a computer (operating system, productivity/office suite, Web browser, e-mail application, etc.) Right now, Microsoft is selling a computing

package passing for an operating system. There's nothing wrong with selling a computing package, but no one should be forced to pay for and use it when all they want is the operating system.

6. Microsoft must release any information made known to it regarding computer security. ''Security through obscurity'' is a really bad idea, because someone else will invariably independently hit upon the same security flaw and exploit it. Remember when servers running Microsoft Internet Information Server (IIS) went down with Code Red and its variants, costing companies billions? What if Microsoft knew about the hole weeks before the virus hit, and didn't bother to patch it? The Information Technology industry desparately needs some measure of accountability from Microsoft.

7. Tying in to number 5, some form of oversight committee should be established, and it should be staffed with people who have computer knowledge. —PC Magazine—columnist John C. Dvorak has announced his ''candidacy,'' and he wouldn't be a bad choice. Granted, you don't want people who are vehemently anti-Microsoft, but you don't want yes-men (or -women) either. The committee's job should be to ensure that Microsoft doesn't violate the settlement, and to resolve disputes without resorting to litigation. Thank you for taking the time to read these comments. No matter what the final decision is, it is good to make one's voice heard.

Sincerely,
Kevin Riggle

MTC–00019614

From: William Meyer
To: Microsoft ATR
Date: 1/23/02 9:32pm
Subject: Microsoft Settlement

I use Microsoft products, both in my work, and in my life. I am a software designer who has created three generations of video servers based on Microsoft Windows. These are among the most cost-effective of such products on the market today, and they empower broadcasters in small market stations, and educational and religious stations, which would otherwise be unable to afford such technology. I strenuously resent the government's characterization of me and my colleagues as ''victims'' of Microsoft. I am by no means helpless, and I do have alternatives to Microsoft products; I use Microsoft products because they serve my needs well. No one has the right to dictate to me what software I will use, least of all my own government. This country, and at times, the government and courts, seem entirely irrational in their view of business. Productive employment is created by private business (such as Microsoft), not by government, which is more properly viewed as the administrative overhead of running the country. I urge you to bear in mind that the original complaint against Microsoft was voiced, not by any consumer, but by Microsoft's wealthy and large competitors. Competition is healthy, but these companies seemed to prefer that the government do what they could not: to overpower Microsoft. That their own business plans failed does not justify having the government damage a highly successful company. We are guaranteed by the Constitution the right to the ''pursuit of happiness'', not to happiness unearned. The politicians who have sided with detractors of Microsoft in this are in danger of supporting unequal treatment of companies under the law. As a corporation is a legal fiction which conveniently equates to a person, so it must be viewed that any corporation is as entitled to equal treatment as is any other citizen. The alternative only fosters increased corruption in government. I am tired of hearing the phrase ''rule of law'' bandied about by those who would apply it selectively. I am tired of the seemingly ceaseless attempts of our politicians to tax or legislate out of existence companies which provide many thousands of jobs for citizens. I want to see America the most successful and capitalist economy in the world—not see it throttled and abused by politicians (and even courts) whose own efforts create no part of the gross domestic product. Microsoft has a fundamental right to its corporate property, just as I have a fundamental right to my own property. These rights are assured by the Constitution. They are also jeopardized by uneven application of ill-conceived law. I call upon the Court, and upon the Department of Justice to preserve and protect these rights, not to dismantle them. This is, after all, the proper duty of the government, to protect and defend the rights of citizens, from whom their power obtains.

Best regards,
William Meyer

MTC–00019615

From: Jeff Elkins
To: Microsoft ATR
Date: 1/23/02 9:41pm
Subject: Microsoft Settlement

Microsoft needs to open it's APIs and publish it's file formats.

That would level the playing field.
Jeff Elkins
Ocala, FL

MTC–00019616

From: Scott Glenn
To: Microsoft ATR
Date: 1/23/02 9:39pm
Subject: Microsoft Settlement

The proposed settlement in the Microsoft anti-trust case does nothing to punish Microsoft for its rampant anticompetitive practices or provide a path for the IT industry to migrate to a healthier technological marketplace.

MTC–00019617

From: ahattrup@cfl.rr.com@inetgw
To: Microsoft ATR
Date: 1/23/02 9:33pm
Subject: Microsoft Settlement

To Whom It May Concern,

As a software developer, I am concerned that the Proposed Final Judgment in the DOJ v Microsoft case has many technical loopholes that, based upon previous actions, will be exploited by Microsoft to retain their monopoly. Many of the End User License Agreements that must be accepted to produce software compatible with the Microsoft windows operating system regulate and limit what one can do with the program. There are many API's that Microsoft does not document publicly, but which are used internally to increase the performance of their own products. Publication of all, not just middleware, API's should be a requirement. The timetable for publication of the API's is probably sufficient, but the requirement that any software pass an undefined compatibility test is leaving the door wide open for abuse. The most grievous omission from the proposed settlement is allowing their proprietary file formats and communications protocols to be kept undocumented. This is what allows Microsoft to maintain its monopoly in the desktop market. It will modify/produce a protocol or format and write applications that work with the protocol/format. This new protocol and application base will be forced onto End Users using their monopoly. Microsoft will then protect said protocols/formats with EULAs, creating a major barrier to entry. These are just some of the issues that plague the Proposed Settlement. I urge you to close some of these loopholes and restore competition to the operating system market.

Thanks for your time.
Sincerely,
Lorin Hattrup

MTC–00019618

From: Jed McBride
To: Microsoft ATR
Date: 1/23/02 9:37pm
Subject: Microsoft Settlement

I think it's a shame that the DoJ has decided to show the world that companies are not allowed to fight to be number one. Perhaps worse than that, the DoJ has neglected to look in to other examples of monopolies, such as AOL's purchasing of all other bulletin board services aside from MSN. And of course the DoJ will be helping AOL by hurting it's competitor in that way. I have to say it's legal loopholes and unfair litigation like this that has caused me and many of my peers to lose faith in the legal system. It is my fervent wish that these charges against Microsoft be dropped, and I can only pray that thousands if not millions of other citizens are taking the time to cry out as I have.

I thank you for your time.
Joseph McBride

MTC–00019619

From: Susan Kaiser (SURGY)
To: Microsoft ATR
Date: 1/23/02 9:38pm
Subject: Microsoft Settlement

To whom it may concern,

In my opinion, dropping the antitrust action against Microsoft, or failing to penalize Microsoft harshly for their grossly unfair and illegal business tactics, would be entirely unacceptable. They have no concern for consumers or for the quality of their products, only for money and dominance.

Hopefully,
Susan Kaiser, MD

Susan Kaiser, MD, PhD, FACSDepartment Phone: 201–915–2451

Department of SurgeryPractice Phone: 201–915–2773

Jersey City Medical CenterFax: 201–915–2350

50 Baldwin AvenueEmail: sk@doc.mssm.edu
Jersey City, NJ 07304

MTC–00019620

From: Andrew A. Meier
To: Microsoft ATR
Date: 1/23/02 9:40pm
Subject: Microsoft Settlement

To whom it may concern,

I am opposed to the proposed settlement for in Microsoft antitrust trial. I feel the proposed settlement does not go far enough to redress Microsoft's abuse of it's monopoly status. I am a software developer with over seven years experience in developing software for UNIX, Linux, Windows, and DOS. My chief complaint with the proposed settlement is that it does not stop Microsoft from it's monopoly abuses that most affect me. Microsoft requires in the end user license agreement (EULA) for many of the products released and marketed from them that the user of the software not use the software on any competing operating system and in some products requires that the user not use the software to create software for competing operating systems.

Though I can run many programs designed for Microsoft Windows in my chosen operating system (Linux), the EULA included with those programs prevents me from doing so. To use the programs I am then forced to use a Microsoft operating system not for any technical reason but solely because of the anti-competitive incense agreement. In addition, when I develop software, if I wish to use a Microsoft product to develop that software, the EULA prevents me from releasing that software for competing operating systems because the EULA contains a requirement to not distribute the ''REDISTRIBUTABLES'' required to run the software to competing operating systems. Requirements like these are clearly anti-competitive. Therefore, any settlement or judgment in the Microsoft antitrust must strictly and expressly prohibit any requirements Microsoft may place in license agreements that affect how a user may use any Microsoft product.

Thank you for your consideration.

Sincerely,
Andrew A. Meier
708 E. College Ave.
Waukesha, WI 53186

MTC–00019621

From: Mike Angelichio
To: Microsoft ATR
Date: 1/23/02 9:41pm
Subject: Microsoft Settlement

I am completely opposed to the proposed settlement offered by Microsoft. To reiterate many, this settlement would only provide Microsoft with a fresh attack on the educational market; one in which they are greatly lacking as compared to the business and personal market. Again, I would like to state that I am very much opposed to Microsofts proposal I would like to see a more ''neutral'' punishment for the company.

Thank you for listening.

Michael Angelichio

MTC–00019622

From: Marcus Lauer
To: Microsoft ATR
Date: 1/23/02 9:42pm
Subject: Concerns About Microsoft Settlement

I was not at all surprised by the results of DOJ vs. Microsoft. What surprises me is that the proposed settlement does not address the issues of the case in the least! Requiring Microsoft to buy computers for schools is simply a monetary punishment: a fine. Microsoft was not found guilty of failing to give enough money to charity! They were found guilty of abusing their monopoly in the desktop computer operating system market. Only a settlement which directly addresses this behavior is acceptable. We punish crimes because we do not want them to reoccur. A punishment which prevents the crime from reoccurring, or at least attempts to, should be the preferred solution.

It is impossible to calculate a dollar value for the damage which Microsoft has done to other companies, and to the World-Wide Web, through abusing its monopoly. Instead, let's try matching the punishment to the crime.

Marcus

MTC–00019623

From: wdn5@attbi.com@inetgw
To: Microsoft ATR
Date: 1/23/02 9:43pm
Subject: Microsoft Settlement

Personally my opinion is that the settlement does not address any settlement for the people who were effected by Microsoft's actions. Would each person who ran Microsoft for the years the settlement covers have to sue them individually to recover any financial losses they might be able to show?

The products listed as effected in the decree could be ''discontinued and renamed'' causing new legal action. The listing of specific products instead of a blanket statement saying: ''all interaction between programs residing on the same computer or different computers must be documented and presented, whether written by Microsoft or another company. . .''

They could get rid of Internet Explorer and have Microsoft 'Web Viewer' released in the next version of windows. Will this cover a release of Windows 2002? Which would probably be a bug fix of Windows 2000? But then the same API that they had to release for Win 2000 they would not for Win 2002?

Finally Windows Security information is exempt. Their Security APIs need to be released so they can be tested and their strength determined in non-biased labs. There is no good reason for these to be exempt.

Thank you,
dean norris

MTC–00019624

From: Gus Wirth
To: Microsoft ATR
Date: 1/23/02 9:50pm
Subject: Microsoft Settlement

I am deeply concerned with the proposed settlement regarding Microsoft. It does nothing to effectively deter its current predatory behavior and fails to punish for past offenses. Microsoft's malfeasance extends back to it's earliest days as shown in books such as ''Undocumented DOS, 2nd edition'' and ''Undocumented Windows'' by Andrew Schulman et al, Addison-Wesley where Schulman describes how Microsoft deliberately introduced code designed to break competitors products. The same pattern of behavior continues in its products today, fueled by a marketing machine that spews Fear, Uncertainty and Doubt (FUD) about competitors designed to intimidate those attempting to use alternative products. I am extensively involved with the software industry and am intimately familiar with many of its products. I have a Masters Degree in Software Engineering enabling me to understand the complex technical issues involved. I have been employed as an Information Systems Manager for many years, suffering the effects of Microsoft's stifling of effective competition. I am also on the Board of Directors of the San Diego Computer Society <http://www.sdcs.org>, representing over 1000 regular and Special Interest Group (SIG) members. Every meeting I attend brings up a recurring question: ''What has Microsoft done to me today?''

Gustav Wirth
Director at Large
San Diego Computer Society

MTC–00019625

From: John Varela
To: Microsoft ATR
Date: 1/23/02 9:43pm
Subject: Microsoft Settlement

I believe that the proposed settlement does not go nearly far enough in correcting the damage that Microsoft has done to the computer industry, nor will it prevent further anticompetitive, monopolistic practices by Microsoft.

John A. Varela
McLean, VA, 22101–3111

MTC–00019626

From: Corey Grant
To: Microsoft ATR
Date: 1/23/02 9:39pm
Subject: Microsoft Settlement

You guys caved into Microsoft and in doing so wasted years of effort and millions of taxpayer dollars. So what did it take to get you guys sell out, Microsoft offer to give you all free hats or something?

MTC–00019627

From: Margsouthwell@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 9:41pm
Subject: Microsoft Settlement

January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my support for settling the Microsoft antitrust lawsuit according to the agreement reached in November. I feel that whenever the government gets its hands into something, it gets ruined, and the Microsoft case is a serious example.

I am a Microsoft stockholder, though I do not use Windows as my primary operating system. Because of that, I recognize the

freedom of choice that already exists in the marketplace. The changes Microsoft is agreeing to in how it distributes Windows, and in giving computer users new abilities to better use non-Microsoft programs with the Windows operating system, will further promote freedom of choice. Let the product speak for itself. If Microsoft sells good products, they will be successful. If they don't (or their competitors don't), they will fail. I urge you to settle the antitrust case with no further delay.

Sincerely,
Margaret Southwell
113 Glenwood Road
Fanwood, NJ 07023

MTC–00019628

From: jeff@sm14.texas.rr.com@inetgw
To: Microsoft ATR
Date: 1/23/02 9:40pm
Subject: Microsoft Settlement

Regarding the Microsoft settlement, I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Nor does it prevent future abuses by Microsoft. Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level. This must be true for all Microsoft product lines before regulation is lifted. Furthermore, Microsoft should be seperated into three or more independent entities that have no hidden relationships. Every other competitor must have equal access to the interfaces between these entities. —

Jeff Hurst

MTC–00019629

From: Andrew Ferguson
To: Microsoft ATR
Date: 1/23/02 9:41pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea. Microsoft has done irreparable damage to competition in the computing industry and should not be given such a light ''punishment''. With increased competition, each company will be pressured to produce better products in a more timely fashion, a true benefit to the public.

Thank you for your time,
Andrew Ferguson
Princeton, NJ

MTC–00019630

From: Robert Sanders
To: Microsoft ATR
Date: 1/23/02 9:40pm
Subject: Microsoft Settlement

A fair settlement would require Microsoft to open up the Windows APIs to all comers. That just about says it all. The currently proposed settlement is so full of loop holes that it is not even a slap on the wrist, it is more like a pat on the back. While I believe any company should have the rights that Microsoft is currently attempting to hide behind, those rights must have limits, and in this case those limits are clear and repeated illegal practices by Microsoft. Only with strong action can the harm that has been done to the OS and Office Suite market be rectified.

Robert r. Sanders

MTC–00019631

From: scn@san.rr.com
To: microsoft.atr(a)usdoj.gov.
Date: 1/23/02 9:42pm
Subject: Microsoft Settlement

Please close the Microsoft Settlement as worked out with DOJ as quickly as possibly. Don't let the AOL frivilous suit prolong this case. We need Microsoft's efforts concentrated on helping to stimulate the economy and to continue their many contributions in improving productivity.

Thank you.
William and Stephanie Necoechea
6509 Caminito Catalan
La Jolla, CA 92037

MTC–00019632

From: David (038) Vangie Gardner
To: Microsoft ATR
Date: 1/23/02 9:37pm
Subject: Microsoft Settlement

To whom it may concern,

I am writing to you on a matter of great concern to myself and other professionals in the IT field. As you well know, a proposed settlement between the Department of Justice and Microsoft is before the courts. This settlement would hopefully end the anti-competitive and monopolistic practices of Microsoft Corporation. However, as currently written, I do not believe that this settlement will sufficiently dissuade Microsoft from illegal practices well established by precedent. While there are many areas with which I take issue, I am particularly troubled by the lack of provisions to stop Microsoft from intentionally disabling competing operating systems (OS) and applications. In a private antitrust suit brought against Microsoft by Caldera in 1986, a judge found that ''Caldera has presented sufficient evidence that the incompatibilities alleged were part of an anticompetitive scheme by Microsoft.'' In that case, a company later acquired by Caldera, Digital Research, created a product called DR-DOS. DR-DOS, a competing OS, used the DOS API underlying Microsoft's MS-DOS OS to run programs written for MS-DOS. Windows 3.1, which also used the DOS API, intentionally included code to lead users to falsely believe Windows 3.1 and DR-DOS were incompatible.

As written, the proposed settlement does nothing to stop this practice. Given its past behavior, there is no reason to believe Microsoft will not react similarly if faced with another competitor. Any settlement should lower—not raise—the barriers to competition. Otherwise, Microsoft can continue their monopolistic practices. For this reason and many others, I strongly encourage you to reject the proposed settlement. America is built on the premise of capitalism. But capitalism cannot function properly if companies such as Microsoft are allowed to stifle innovation with anti-competitive practices.

Sincerely,
David Gardner

MTC–00019633

From: chet(u)rizzuto
To: Microsoft ATR
Date: 1/23/02 9:42pm
Subject: Microsoft Settlement
To: The Department of Justice Members

Once again I must sit and write respectfully to the Department of Justice about an injustice that AOL is doing to the Microsoft Company. At a time when Microsoft has done everything in its power to settle these law suits placed against them by those who could not compete adequately, namely AOL who has certainly demonstrated their incompetence in the Internet World. This company will not be satisfied until they make every attempt to ruin the reputation of a person who has done more for America than ever will be accomplished by other C.E.O.'s or Presidents. If they (AOL) can expend ten billion dollars and be connected to Warner Enterprises they certainly can not be in dire trouble. No, they just have to continue to use the political position because they truly can not compete with any computer source. I respectfully request that serious consideration be given, once again, to Microsoft to end this fiasco that they have been put through. I am an ordinary citizen (senior) who is tired of the waste of these monies to the courts for no good reason at all. Mr. Case, in my opinion is not a business man and should take his stock and retire from the race. Please, for once, give Microsoft a break. If AOL thinks they are getting shafted let me assure you that I use Microsoft and Netscape so Mr. Case isn't losing anything from many millions who use his product. And I might add that Microsoft has never turned anyone off from using their product with their own.

Very truly yours,
C. R. Rizzuto
Seattle, WA.

MTC–00019634

From: works@itgs-presearch.com@inetgw
To: Microsoft ATR
Date: 1/23/02 9:45pm
Subject: Microsoft Settlement

In general the settlement does absolutely nothing to curb Microsoft's growing monopoly nor to curb their anti-competitive practices. In reality it gives the appearance of giving the more loopholes to use to continue business as usual while allowing them to squash competitors along the way. Hhmmmm.

MTC–00019635

From: PAUL PAVLIK
To: Microsoft ATR
Date: 1/23/02 9:36pm
Subject: MS settlement

Hi'

i am a dual US Canadian citizen I am highly concerned that the proposed MS settlement does NOT punish MS, infact it rewards them multifold basically a la steve jobs'' statement Furthermore, all this hastle publicity and etc has not stopped them in their march foward with the same business practices. In fact, things have gotten worse. See cringley's article on busting the software pirates. I urge to to put some teeth into things for all of our long term benifit.

thanks for your consideration.
Paul Pavlik
Computer/Education Consultant

MTC–00019636

From: Louis T Dallara
To: Microsoft ATR
Date: 1/23/02 9:37pm
Subject: Microsoft Settlement

Microsoft is a monopoly please fine the hell out of them !!

Louis T. Dallara CID Infinicon Systems
Tel: 610.205.0986
Fax: 610.205.0488

MTC–00019637

From: Ryan Booker
To: Microsoft ATR
Date: 1/23/02 9:55pm
Subject: break them up for crying out loud!

an OS and an Applications company. That will allow more competition. It's offensive that the most average of all commercial OSes is the market leader.

MTC–00019638

From: David W Binnion
To: Microsoft ATR
Date: 1/23/02 9:42pm
Subject: Microsoft Settlement

It isn't necessary to recount the ways in which Microsoft has stifled competition or used its market penetration to gain a foothold in other markets. The DOJ lawyers did that quite well. Nor is it necessary to point out that Microsoft has a history of ignoring its agreements and doing what it pleases. History speaks for itself there as well and it would only insult your intelligence to do so.

Throughout the proceedings both in and out of court we heard Microsoft officials claim that they were being punished for being successful. We also heard them claim that their ability to innovate would be harmed by a judgment against them. But two facts stand out. First, Microsoft wasn't put on trial for being successful but rather for how it achieved that success. It did it illegally. Second, as an early adopter of computer technology, I cannot think of a single substantial Microsoft innovation. What the company has achieved, it has achieved by standing on the shoulders of others. Of course, this has little to do with the case at hand. The questions are these. Will the proposed settlement cause Microsoft to change its business practices and will the settlement be good for the people of this country. To me, the obvious answer is a resounding no. Microsoft today is acting no differently than it was before the trial. The company doesn't act like a penitent but rather as a victor. The leaders of the company act as if they have done nothing wrong. How then can we expect them to change their behavior? Indeed, Microsoft can only lead one to believe that no behavioral changes will occur. More than one computer insider has stated that even before the ink is dry on a contract Microsoft is already thinking of ways to break it. Such a mindset demands structural changes in the company and the settlement does not provide them. The settlement is weak. It may as well have been written by Microsoft itself. It needs more teeth. Breaking the company into several pieces wasn't the answer—but neither is this settlement.

thank you
David W Binnion
Technology Teacher
Hillsboro High School

MTC–00019639

From: Scott McGookey
To: Microsoft ATR
Date: 1/23/02 9:38pm
Subject: Microsoft Settlement

Dear U.S. Department of Justice, I am writing to express my opinions over the settlement with Microsoft. I feel that Microsoft's anti-competitive practices have caused great harm to our country. I believe that without a stern correction, these practices will continue and cause even more damage. Developers need access to critical APIs in order to create software that can compete with Microsoft's own. Microsoft must be kept from making deals that force resellers from including competitor's software on their computers. Finally, the settlement must not give Microsoft a stronghold on the education market. I believe in our free enterprise system. I believe companies should flourish and innovate, but not with unfair, anti-competitive practices. Please correct this unjustice that has affected every single American.

Sincerely,
James Scott McGookey

MTC–00019640

From: Joe Fessler
To: Microsoft ATR
Date: 1/23/02 7:44pm
Subject: Microsoft Settlement

I would like to take this opportunity to express the disfavor with which I hold the current tentative remedy for the Microsoft antitrust case. In my opinion, the major flaw in the agreement involves the rather vague description/definition of various terms and concepts. An example is ''middleware''. It must be kept in mind that many if not all of the technical terms used in the ''PFJ'' can and will be reinterpreted/redefined as technology advances. Not to mention the tendency to use those ambiguities to circumvent the intentions of the agreement. Many times metaphors are used as convenient tools to explain technical aspects to the non technically inclined. If metaphors are codified into an agreement, so are the opportunities to exploit situations where the metaphor breaks down. Please be warned; references to seemingly concrete things are often not so concrete. The example of ''middleware'' above, is but one of many references to something that may only exist when viewed from a very specific viewpoint. One man's application is another man's operating system component, databases become middleware, middleware becomes OS services and the lines between layers of OS's, applications, and networking are arbitrary in many cases. It's very easy to turn the whole interpretation upside-down if it's in someone's best interest to do so. —

Regards,
-Joe

MTC–00019641

From: Daniel—
Tarsky@PMGSCC.com@inetgw
To: Microsoft ATR
Date: 1/23/02 9:44pm
Subject: Microsoft Settlement

I disagree with the terms of the Microsoft Settlement. Anybody who remembers having a computer before Windows. would disagree also. Microsoft should simply be put out of business by the government or have management replaced, including Bill Gates. If this does not happen, they will always be looking for ways to demolish anyone who doesn't see things the Microsoft Way. These people are criminals, plain and simple. And the only reason they aren't in jail is because they are rich.

Daniel Tarsky
Asst. DBA/Programmer
Physicians Medical Group of Santa Cruz County
(831) 465–7873
1116 Morrissey Blvd
Santa Cruz, CA 95065

MTC–00019642

From: lindsayd@cisco.com@inetgw
To: Microsoft ATR
Date: 1/23/02 9:47pm
Subject: Microsoft Settlement

Dear Sirs,

I believe that Microsoft must be severely sanctioned for its monopolistic actions, and that the Department of Justice's proposed remedy is inadequate. I have been a computer scientist since before Microsoft was formed, and I have watched the company carefully. The actions which were judged monopolistic were in fact entirely typical and normal for this company, and far from the worst of their actions. The pretrial depositions for the ''Digital DOS'' case describe much more egregious actions. (Microsoft settled out of court, so those actions have never been judged.) Any expectation that Microsoft will willingly change its behavior are wrong. The loopholes in the DOJ's proposed consent degree will be fully exploited.

I propose that Microsoft Office be split off into a separate company, and that the remainder of Microsoft be required to publish the actual source for all of its system interfaces.

Donald C. Lindsay, Ph.D.

MTC–00019643

From: Rick Thompson
To: Microsoft ATR
Date: 1/23/02 9:44pm
Subject: Microsoft Settlement

I am writing to comment on the proposed settlement in the Microsoft anti-trust case. I have serious concerns over both the effectiveness and basic fairness of the proposed remedies. My principal concern is that the proposed settlement does not adequately restrain Microsoft from using substantially the same monopolistic tactics in the future that they have used in the case at issue: The practice of using their position to drive smaller companies out of business by giving away equivalents to their product, then incorporating them as a bundle with their operating system, retroactively declaring the new functions as integral to the base product, deliberately intertwining them to make separation difficult, and finally using the ''improvements'' to justify raising the price on the operating system, is not prevented. True, the specific question of this

sort of practice in regards to their web browser is addressed, but that is aleady a fait accompli, and nothing in the settlement truly stops them from doing the same thing again and again, to others, which they are quite obviously in the process of doing. Nor is the practice of using their unique power over over the operating system to make changes designed solely or primarily to render oher companies'' products less useful prevented by the proposed settlement. Part and parcel of this is their use of he same unique knowledge and power to make their own products more effective. Secondarily, I am concerned that the setlement does nothing whatsoever to penalize the company for its prior bad acts—the very ones detailed at length in the findings of fact. Allowing a monopoly defendant to keeop all of its ill-gotten gain, and simply putting weak discouragements against repetition in place goes against the basic principles of justice. This is particularly true with a defendant as determined and contempuous of the process as Microsoft.

I strongly urge that the proposed settlement be rejected.

J. R. Thompson
4815 St Paul Blvd
Rochester, NY 14617

MTC–00019644

From: Ed Griggs / Lynn Griffin
To: Microsoft ATR
Date: 1/23/02 9:47pm
Subject: Microsoft Settlement

I am writing to express my opinion regarding the Antitrust Case that the U.S. has against Microsoft. I have been a user of Microsoft products and an admirer of Microsoft for many years. It amazes me when I think of how Microsoft has helped increase my productivity at work and my personal enjoyment at home. The amount of work that I can get done now (and how much easier and enjoyable the work is) is significantly greater than 10 years ago, before I had a computer, running Windows, Office, Outlook and many other Microsoft products. And the fun that my family and I have playing computer games and accessing the Internet is tremendous. Without Microsoft and the standards that they developed, much of this would not be possible, or would be much more difficult.

It disturbs me very much that the government has brought this case against Microsoft. These days it appears that success qualifies a company to be a target not only of their bitter competitors who have lost in the marketplace, but the U.S. Government, which is supposed to uphold free enterprise and capitalism.

The public has spoken through the money that they spend on Microsoft products. They recognize the excellent products and excellent deals that Microsoft offers. They have reaped enormous benefits from Microsoft. I resent the government characterizing the public (myself included) as victims of Microsoft and as not knowing what is best for ourselves. The more free companies are to do their work and sell their products, the better off the public is. The public does not benefit from government interference, which stifles company's productivity. I encourage the government to cease these Antitrust cases against companies such as Microsoft. Companies should have the ability to run their business as they see fit and to sell their property in any manner that they desire. This freedom is what the United States of America was founded upon. This freedom must be upheld if our country is to the ideals of the founding fathers.

Lynn Griffin

MTC–00019646

From: Frantard1225@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 9:49pm
Subject: Settlement

I do not think the settlement with Microsoft serves the American public very well. Thank you. Fran Ard, 613 Hibner Dr., Tupelo, MS 38804

MTC–00019647

From: Mark Blaes
To: Microsoft ATR
Date: 1/23/02 9:47pm
Subject: I disagree with the settlement

Hello, I was about to pay $50 for a copy of Netscape Navigator when MS made IE free. I remember clearly that I thought it was just plain wrong to force another company out of their primary business. I have been expecting the Government to avenge this clear violation of the spirit of the antitrust laws, but they appear to be political toadies, with no sense of right and wrong.

—- Mark Blaes

MTC–00019648

From: Susan Fountain
To: Microsoft ATR
Date: 1/23/02 9:46pm
Subject: Microsoft settlement

I am opposed to the proposed settlement. Microsoft is STILL dominating the hardware market in that every computer sold is pre-installed with Windows software. I do not understand why I don't have a choice.

Susan Fountain
Dallas, TX 75238–2251

MTC–00019649

From: John Cocking
To: Microsoft ATR
Date: 1/23/02 9:43pm
Subject: Microsoft Settlement

I am writing this email as part of the Tunney Act comment process on the Microsoft Settlement. I am a computer user of primarily Microsoft products because of their monopoly, and I find the current settlement ridiculous. It will do little to nothing to fix the problems with their corporate behavior. In general, its provisions are too narrow and specific, in many cases so specific that it could conceivably fail to cover the next version of Microsoft's Windows Operating System. Even worse, I see no effective enforcement mechanisms in the settlement. The proposed final settlement should not be adopted without serious and substantial revision.

Sincerely,
John Cocking, Greensboro, NC.

MTC–00019650

From: Saxerman
To: Microsoft ATR
Date: 1/23/02 9:50pm
Subject: Microsoft Settlement

As per the Tunney Act, I would like to comment on the proposed Microsoft settlement. I find the Proposed Final Judgement (PFJ) rather weak when compared to the legal agility Microsoft has already displayed inside and out of the court room. A number of overly broad definitions in the PFJ would give Microsoft more than ample room to evade most if not all of the important restrictions on their anti-competitive practices. The most obvious definitions problems can be seen over the terms ''API'', ''Microsoft Middleware'', and ''Windows''. For a more detailed list of problems with the PFJ I would recommend reading Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html).

Sincerely,
Michael Gill, Programmer/Analyst, OpenFirst

MTC–00019651

From: John Beveridge
To: Microsoft ATR
Date: 1/23/02 9:51pm
Subject: Microsoft Settlement

As a home user, I have found over the last several years an increasing trend by Microsoft to eliminate the usability of non-microsoft software, notably Netscape, QuickTime, and AOL. Whatever the reason given by the company, there is no doubt that I have increasingly seen Microsoft try to lock out anything that represented a threat to them or an area where they felt they could establish dominance. That trend is currently evident with the development of their proprietary Windows Media File. The standard for audio encoding is MP3, yet they will force people to adopt a standard that is not based out of merit but rather because their market share allows them to make decisions for consumers. Because the company has a world wide market share of nearly 96% of all consumer desktops there is no possible way for real competition or development to take place that is not sanctioned by the company and as such does not represent the protection of my rights as a consumer. The failure to address the issue only emboldens them to continue. If it is the intent to create a competitive and viable community where the consumer has the advantage of technology and pricing as a result of competition among various vendors than it is clear that the issue must not be addressed in a manner that is not punitive toward the Microsoft Corporation. There is no way to restrict a monopoly without damaging it in some way and any action that does not eliminate the monopolistic power of Microsoft is punitive action taken instead toward the consumer.

John Beveridge

MTC–00019652

From: jim@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 9:52pm
Subject: Microsoft Settlement

To whom it may concern:

I am writing to express my concerns over the Proposed Final Judgement (PFJ) in the Microsoft Anti-Trust case. The PFJ fails to

address many technical issues and marketplace realities, leaving Microsoft free to continue its malfeasance, different in method only, if at all. The PFJ fails to protect the interests of the public. Of all the many issues I have with the PFJ, I object most strongly to the failure to provide a method of enforcement, which means the courts become by default the method of enforcement. This is unsatisfactory as it permits Microsoft to employ anti-competitive practices (and the vague terms of the PFJ allow for many such opportunities) until such time as the matter may be resolved in court. If the delay caused by litigation forces a would-be competitor out of business (rather likely in the rapidly evolving world of commercial software) Microsoft wins, regardless of the court verdict.

In short, any settlement must provide for a quick method to address violations of that settlement. The Technical Committee is a good start, but they must be given power to sanction.

Sincerely yours,
Jim Gamble
Warrenton, VA

MTC–00019653

From: Nathaniel Smith
To: Microsoft ATR
Date: 1/23/02 9:48pm
Subject: Microsoft Settlement

Dear Sir/Madam:

I am a US Citizen currently resident in Piedmont, California, and am writing to state my displeasure with the proposed Microsoft settlement. While there are many problems with it currently (e.g., I agree with all of the points made by Dan Kegel in his ''On the Proposed Final Judgment in United States v. Microsoft'', http://www.kegel.com/remedy/remedy2.html), I would like to highlight one in particular.

That is the way the proposal neglects to include any remedy with regards to Microsoft Office, or to say anything about document formats. As an academic, consumer, and programmer, I have been increasingly frustrated by the practical necessity to use Microsoft products in order to read papers, view presentations, and generally exchange information with those around me—Microsoft's monopoly implies that many documents are only viewable using Microsoft's software. There are other programs which attempt to make the content of these files available, but they are extremely hampered (generally to the point of uselessness) by Microsoft's refusal to document the file formats. The settlement should include Microsoft Office in its definition of Middleware (as the definition used by the Finding of Fact does), and apply all the concomitant remedies. Moreover, Microsoft should be required to document its file formats, as otherwise consumers and organizations are forced to continue to use Microsoft Office to maintain compatibility with anyone they wish to exchange documents with, and no competition is introduced into the marketplace. In my personal experience, the use of Microsoft software is frighteningly often a prerequisite to entry in the marketplace of ideas, and the proposal does nothing to remedy this. There are many problems with the current proposal; as it stands it will not bring relief. I support any changes which favor Microsoft's competitors, and in particular any changes which will increase competition in the office product market—keeping in mind that in this area, interoperability is a prerequisite to competition.

Thank you for your time.
Nathaniel Smith
121 Fairview Ave.
Piedmont, California 94610
Phone: (510) 654–5584

MTC–00019654

From: Freiheit
To: microsoft.atr(a)usdoj.gov
Date: 1/23/02 9:45pm
Subject: Microsoft Settlement

The current settlement before the court in the Microsoft anti-trust trial is an atrocity to the computing industry and to consumer choice. When Microsoft appealed District Judge Thomas Pennfield Jackson's ruling, the Court of Appeals upheld his judgement that Microsoft violated anti-trust laws and is holding an illegal monopoly with their Windows operating systems.

Such a ruling by the Appeals Court cannot go unpunished, but the current settlement made between the US Department of Justice and Microsoft Corp. will utterly fail to punish Microsoft for their illegal monopoly practices. I cannot count the times I have heard Windows users complain about instability and insecurity in Windows and comment that they want something better. However Microsoft's stanglehold ont he market and their proven illegal tactics have consistently crushed all quality competition (IBM's OS/2, Be Inc's BeOS, Apple's MacOS which despite three years of growing popularity still holds less than 10% of the home and business PC market and which, believe it or not, includes a number of Microsoft programs such as Internet Explorer an Outlook Express). Not only is Microsoft monopolizing the IBM-compatible PC market but they are also stifling innovation and competition in the Macintosh PC market by cutting off system preload deals for other web browser and email developers.

The American people are sick and tired of Microsoft and Windows but virtually powerless to do anything to change the situation because the US Department of Justice refuses to punish Microsoft for their proven illegal business practices. The US Department of Justice has sold out to big business.

Theodore Roosevelt must be turning over in his grave.

MTC–00019655

From: Paul Tackett
To: Microsoft ATR
Date: 1/23/02 9:57pm
Subject: Microsoft Settlement

I am a concerned citizen and a concerned consumer who wants to speak out about the potential settlement with Microsoft. I believe that it would be irresponsible of the government to allow Microsoft to continue doing business as it has done over the last decade. Unfortunately, the proposed settlement does not do enough to encourage Microsoft to alter those practices. Microsoft is well-known for its predatory practices against rival companies and its aggressive maneuvering against start-up companies who bring innovation into the market place. Microsoft has overstated its role as an innovator in the technology sector: many of their ''innovations'' are actually adaptations of other technologies. Two primary examples that illustrate this point are Microsoft's copying of the ''look and feel'' of the Macintosh operating system in their implementation of Windows 95-Windows ME, and Microsoft's copying of the basic Internet browser and destroying of a viable business model of their competitor, Netscape. Microsoft has done considerable harm to innovation by the use of their aggressive tactics. I understand Microsoft's importance in the modern economy. Microsoft is a widely held stock and many Americans rely on this stock for security in their portfolios or retirement plans. Unfortunately, the costs that the consumers face in the future has much greater down-side for Americans and world consumers. For instance, In January 2002, an internal Microsoft memo was leaked to the public in which it was made clear that Linux is now a clear target for the use of aggressive business tactics. This indicates that Microsoft has no serious interest in modifying their past behaviors. If the Department of Justice allows a prescedent to be set now that is as lenient on Microsoft as this settlement is, Microsoft will be less fearful of any actions in the future. This should concern us all. Please remember the opinion of this concerned, voting citizen during your deliberations about the best method to ensure security for the consumers and protection for the values of a market system where competition is encouraged, not suffocated.

Paul C. Tackett
743 Cambridge Drive
Battle Creek, MI 49015–4601

MTC–00019656

From: Steve Nelle
To: Microsoft ATR
Date: 1/23/02 9:49pm
Subject: Microsoft Settlement

Dear Sirs,

I am writing to express my distaste with the proposed US vs. Microsoft settlement. The area that I am most concerned about is the lack of provisions to correct the anti-trust violations that were determined by the U.S. Circuit court in DC The provisions do not allow third-party developers the same access to the Windows API as currently enjoyed by the Microsoft developers, nor do they restrict Microsoft from unilaterally changing those same API's in such a way that causes other applications to break (such as Samba, Netscape, etc.).

Steve Nelle

MTC–00019657

From: Fox Stephen
To: Microsoft ATR
Date: 1/23/02 9:54pm
Subject: Microsoft Settlement

Dear Sir/Madam,

I'm writing to add my voice against the proposed settlement between the DOJ and Microsoft in the antitrust case.

Its my opionion that the proposed settlement will do nothing to restore competition in the market and that it will only serve to reinforce Microsoft's monopoly. I vote against the settlement. You should listen closely to statements made by Barksdale of Netscape and comments from Dan Kegel. The software industry has endured a long night against an entrenched monopoly who has and continues to act illegally to preserve and extend that monopoly. Continued Litigation is preferable to this settlement. I am a US Citizen

Stephen Fox
13241 Norton Avenue
Chino, CA 91710

MTC–00019658

From: Robert J. Krum, M.D. 503–571–5648
To: microsoft atr
Date: 1/23/02 9:48pm
Subject: MICROSOFT SETTLEMENT

I did not write the following letter, but it summarizes my concerns:

''I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.''

Sincerely,
Robert J. Krum, MD

MTC–00019659

From: Andrew Hagen
To: Microsoft ATR
Date: 1/23/02 9:56pm
Subject: Microsoft settlement

I think it's a bad idea. It lets Microsoft off too easy.

Andrew Hagen

MTC–00019660

From: Christopher L
To: Microsoft ATR
Date: 1/23/02 9:54pm
Subject: Microsoft Settlement

To Whom It May Concern,

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I, as do many others, agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html). If this settlement is allowed to go through in its present state it will only confirm the fact that Microsoft is able to do as they please and then buy their way out of it after the fact. Please DO NOT allow the travesties committed by Microsoft against not only their competitors but computer users worldwide go unpunished. Something must be done, and it must be done now. I thank you for taking the time to read my e-mail and I trust you will take it into consideration and do the right thing.

Christopher L. Carlevato

MTC–00019661

From: Candacehawthorne
To: Microsoft ATR
Date: 1/23/02 9:53pm
Subject: I Don't Get It

Dear Attorney General Ashcroft,

I am still puzzled how Microsoft is harming anyone. All I see are corporations that can't compete on their own merit. I have use Microsoft and Netscape. I try all new products and always go back to Microsoft because it's just better and easier to use. I don't feel a case ever should have been brought against Microsoft from the Clinton administration. The DOJ has turned Microsoft into the days free money bank. It's like putting up a flag FREE MONEY, just file your court papers. This is criminal what America is doing to it's best and brightest corporation. Bundling is necessary and without Microsoft technology would not be where it is today. We should be thanking Microsoft not killing them. It's weighing down the entire stock market all these law suits. Lets get this over with, can't the process be made so Microsft won't keep facing a bottomless pit of law suits.

Sincerely,
Candace Hawthorne
New Orleans, LA

MTC–00019658

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MTC–00019659

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MTC–00019660

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Christopher L. Carlevato

MTC–00019661

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Sincerely,

Candace Hawthorne
New Orleans, LA

MTC–00019662

From: Tim
To: Microsoft ATR
Date: 1/23/02 9:52pm
Subject: Microsoft Settlement

I am offended and very angry with the proposed final settlement. This settlement does not have any significant affect on Microsoft monopolies. Note that I spelled monpolies plural because Microsoft has a much larger range than most seem to notice. Microsoft has unrestricted and illegal monopolies in the following and other catagories: Operating Systems, Desktops, Internet Software(Primarily Browsers), Development Tools(Primarily Microsoft Visual C++), Office Software, Development API's, and Game Development Tools and API's. Most Microsoft products have been PROVEN to be inferior to competetion, but because of Microsoft's monopoly(or more accurately: stranglehold) over the the areas of competetion. Most consumers do not truly have a choice of products. Because of Microsoft's dictator position most people respect and believe Microsoft without much doubt. Microsoft can easily spread lies about competetion. Microsoft's existance has succeeded in damaging the software industry and lowering and destroying standards. Competetors do not have a equal chance for a customer because of Microsoft's marketing power and size. Much of Microsoft's sales in operating systems are in Windows pre-loaded systems. Microsoft has ABSOLUTE and COMPLETE control over pre-loaded operating systems. All stores selling PCs with pre-loaded Operating Systems, offer ONLY PCs with Microsoft Windows pre-loaded, offering a superior competetor NO chance in this area. By loosening Microsoft's control over icons and short-cuts on their OWN operating system, you do not affect their position at all! Microsoft's monopolistic practices include keeping Windows software from existing on other operating systems. One of which is a Game API/SDK called DirectX. This is of a large concern to me being a game developer(Programmer and Designer). Microsoft establishes DirectX(Which is a inferior API) as the only available core API for games and since it is property of Microsoft, Microsoft has control over the games.

Microsoft uses the fact that it has established enough control over the game industry to force DirectX to be used in most games so that they can keep the games from possibly being ran on another operating system. A good addition to a final settlement would be to port DirectX to Linux and possibly other operating systems. It is important that Linux be the primary OS because it is the only fit competetor and the most widely used(except for Windows of course).

A harsh settlement must be purposed for this case!! This current settlement allows Microsoft to continue its monopoly without many problems. If this settlement is not replaced or admended by a harsher settlement, Microsoft could further damager or even destroy the software industry! I am outraged by the court's failure to care about a proper punishment for such a company/empire!

MTC–00019663

From: Scott Schrader
To: Microsoft ATR
Date: 1/23/02 9:53pm
Subject: Microsoft Settlement

I have been agahst that the Department of Justice would basically bow to Microsoft yet again in another premature settlement against Federal antitrust law violations. Microsoft is not just another competitor, they are a sledgehammer tightening the vise around the sensitive parts of everybody in the Intel-compatible PC business. It is not possible to punish Microsoft with a ''conduct watch'' on past findings of this case, because the dynamic and hyper-speed technology has already moved on. Limiting their plugins and browser distribution will not make a difference.

Right now, Microsoft is trying to hijack the Internet. Through their usual use of non-standard ''standards'' and bogus polls, like the ZDnet England poll on use of Java versus ''dot-net'' technology preferences in software development, Microsoft is trying to direct businesses to put their order, service, procurement, and customer support standards on ''dot-net'' proprietary technologies. Technologies that Microsoft will only permit full support on in their own Windows operating systems. Which will kill all trusted transaction systems in Unix and other solid, secure real-time capable operating systems. Only extreme niche products, like the stock industry clearance system with its unique and desperately-real-time crashingly-heavy transaction load will have any traction against Microsoft. In addition to which, Microsoft has finally admitted in a Bill Gates strategy letter in the past week, that they have a wide-open system that is not safe or secure at all, and the company needs to change its primary focus to nailing the barn doors shut to slow down the hacker parade through MS-powered sites.

I believe the only possibility of effective remedy against Microsoft is a structural remedy, and as a resident of Minnesota, I prefer something along the lines of the nine dissident States requiring a breakup of the Microsoft cartel along business lines. If that is not done, as one Tom Toles cartoon had it, Microsoft will have integrated the US government, and it will be an icon in the corner of the startup window.

Scott Schrader
376 Labore Road #212
Little Canada, MN 55117
January 23, 2002
I have been computing since 1975.

MTC–00019664

From: Barbara
To: Microsoft ATR
Date: 1/23/02 10:06pm
Subject: Microsoft Settlement
To who this may concern:

Subject:Netscape's antitrust suit against Microsoft I would like to express my opinion reguarding this issue. As a user of both netscape and explorer i find that is is very difficult to obtain a copy of netscape and explorer is auto maticlly there. I personlly perfer the user interface of Netscape over Explorer. Since Netscape is the most use browser it should come already installed on the PC's along with exploerer. Microsoft already has the opereating systems under wraps it not right for them to have all the peripheral software as well. It seem they want us consumer to forget that there are other products out there. Out of sight out of mind. It would not be hard to allow us the ability to choose. It a real pain to have to down load it from the interenet.

Back when we use DOS it never interfered with the programs it simply allowed us to access them and use them. Now you can't do any thing with out Microsoft strong hold. Its like we are at their mercy—like an ''electronic hostage'' kept in the dark about anything out there that could be have value.

Barb

MTC–00019665

From: Bryan Landsiedel
To: Microsoft ATR
Date: 1/23/02 10:01pm
Subject: Microsoft Settlement

I have read about the proposed settlement, and I am not in favor of it in its current state. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors.

Thank you,
Bryan Landsiedel
1030 Fairview Dr.
Lawrenceburg, IN 47025

MTC–00019666

From: Dan Lowe
To: Microsoft ATR
Date: 1/23/02 9:46pm
Subject: Microsoft Settlement

I'm writing to express my concern about this settlement. It seems to me that under the proposed plan, Microsoft will be given a convenient way into the low-income education market, a market it currently does not control.

Why does the settlement work to actually extend their territory? Isn't part of the problem the existing scope of Microsoft's power? I don't feel it makes sense to reward Microsoft for their behavior. This is sort of like handing a bag full of money to a convicted thief and then handing him the keys to your car. What is going to happen in a few years when the operating system and applications on the computers that these schools are given are hopelessly out of date? Microsoft will have a guaranteed source of income, because these schools will be forced to pay Microsoft's upgrade fees. These schools, by definition, can not afford to do so. This settlement puts money in the hands of Microsoft at the expense of the school districts. If you are not familiar with the proposal that Redhat Software has made, you can read about it before continuing with my letter: http://www.redhat.com/about/presscenter/2001/press—usschools.html

I support Redhat's proposal, simply because:

A) it means that more computers can be purchased overall, which is a good thing all around.

B) it means that when it comes time to upgrade the operating systems and applications on these computers, the schools will not be forced to pay Microsoft's upgrade fees. They will be able to upgrade at no cost (other than the cost of having some human being perform the work of upgrading—a cost that would be entailed in the original proposal anyway). Permitting Microsoft to push its way into yet another market, extending the very monopoly power that we seek to control, is an unacceptable solution. (I am not affiliated in any way with Redhat Software, nor do I own any stock in their company or any related company).

Thank you for your attention.

Daniel M. Lowe
Senior Internet Systems Engineer
P.O. Box 5725
Willowick, OH 44095
(216) 272–6834

MTC–00019667

From: Neal Roscoe
To: Microsoft ATR
Date: 1/23/02 9:57pm
Subject: Microsoft Settlement

To Whom it may concern:

I urge you to take specific action against Microsoft for the laws it has broken and most importantly for the laws it will break if it is not handed a stiff penalty. The proposed settlement is a slap in the face to consumers, the law and Microsoft's competitors by allowing Microsoft to gain further market share in the education market, the one area it does NOT have a monopoly. They should be forced to give their money to a fund that buys Apple or other non-Windows products.

This company has proven it will do whatever it takes to gain market share and sell more products, even it it means taking steps that are anti-competitive and hurtful to the consumer.

Please stop Microsoft's unfair practices ASAP. —

Neal Roscoe
13017 Woodbridge St.
Studio City, CA 91604
818.986.4633

MTC–00019668

From: Skimble Skamble Adept
To: Microsoft ATR
Date: 1/23/02 9:57pm
Subject: Microsoft Settlement

To whom it may concern,

I do not feel that the proposed settlement properly reflects on the misdeeds of Microsoft in abusing its monoply. Leveling the field between it and its competitors by lowering the switching costs among them seems more of an appropriate remedy.

Thank you,
Phillip Hankins

MTC–00019669

From: Chris Phoenix
To: Microsoft ATR
Date: 1/23/02 9:54pm
Subject: Microsoft Settlement

I am against the Microsoft settlement. It does not do nearly enough to correct the wrongs that Microsoft has done in the past. Microsoft has benefitted in both earnings and market share from activities that are simply illegal. Much of Microsoft's money was earned at the direct expense of other companies, many of which are now bankrupt. Any settlement that allows Microsoft to keep the illegally earned portion of its money, and does little to strengthen the other companies that are struggling under the unfair burden of an overly-funded overly-competitive monopoly, cannot be in the public interest.

Sincerely,
Chris Phoenix
M.S. Computer Science, Stanford ''91

MTC–00019670

From: C Lovejoy
To: Microsoft ATR
Date: 1/23/02 10:00pm
Subject: Microsoft Settlement

Regarding the Microsoft Settlement: As a long time user and early adopter of personal computers, I believe that the Microsoft settlement is fair and we the people, including the US Government should move on to more productive use of tax dollars. Microsoft has clearly demonstrated actions and willingness to do more than required to ensure a competitive environment. The reason Microsoft products have done well is through hard work and constant improvement to win out! For example, let's remember the early spreadsheet ''war'': First there was VisiCalc—an instant hit in the market Then there was Lotus 123, which took the lead through improved features. Later there was Borland's product that had great graphics and could emulate 123 to make a switch easy (I think Lotus tried the legal means to stop Borland from using 123 menus.) Microsoft tried to beat out Lotus 123 with Excel, but lost on the first try because the product was not attractive to users It took a lot of R&D, and 4 versions before Excel from Microsoft could offer better features. I was a devoted 123 user and thought I would never consider Excel. Eventually the features of Excel got so good I gave it a try and finally converted as it could help me more at work and home projects.

I went through the same experience with the Netscape browser. It took a lot of convincing and product revisions, but I finally found the features in Microsoft Explorer and continued improvements to Explorer better. My decision was based on features, not price (both were free). If Netscape and later AOL/Netscape had put more R&D into the product, it would still be on the top of my list! So please, put all this to one side and move on. Perhaps in the future some other product will win my respect... Until then, I go for the best featured product, regardless of the creator!

Charlie Lovejoy

MTC–00019671

From: Lisa McGraw
To: Microsoft ATR
Date: 1/23/02 10:02pm
Subject: Microsoft Settlement

It seems contrary to anti-monopolistic efforts to enforce against Microsoft a settlement which not only allows, but encourages, an increase in their user base. It would be more appropriate to compel the company to provide competitors'' products.
L. McGraw

MTC–00019672

From: Kevin Smith
To: Microsoft ATR
Date: 1/23/02 10:01pm
Subject: Microsoft settlement comments

I have been following this case against Microsoft, and have followed various other legal actions against that same company. The proposed settlement is certainly not fair or helpful.

Microsoft has proven repeatedly that they are able and willing to disregard rules and laws. They have broken their own past agreements with the government. They will exploit any loophole, and have nearly infinite money to battle in court. This settlement does nothing to punish Microsoft for their illegal behavior. It does little if anything to prevent future transgressions. It won't really help competitors, nor will it make much difference for consumers. I urge you to go back and create a stronger and more enforceable solution.

Thanks,
Kevin Smith
US Citizen
Foster City, CA

MTC–00019673

From: (Paul Hounsell)
To: Microsoft ATR
Date: 1/23/02 10:00pm
Subject: Microsoft Settlement

To Whom It May Concern;

While I am not an American citizen I would like to respectfully submit the following for your consideration. Since Microsoft has proprietary file formats for its office documents I am forced to buy a computer with Microsoft products on it if I want to share documents with other businesses. I have no choice really and to make matters worse, once any company upgrades its Microsoft office products, then everybody is forced to do the same just so businesses can continue to share documents. If Microsoft was the Ford motor company, then everybody would have to drive Fords on a Ford-only highway. No other choice allowed. If you choose to drive a GM then it may or may not work on the Ford highway, but none of your cargo would fit inside right, if at all. Also you would not be able to share your cargo with a Ford.

I would like to propose a punishment on Microsoft that would totally open the Windows market for other companies to offer a wide variety of products. The issue is; how are Word, Excel, Power Point, etc documents formatted. If Microsoft were forced to make public the file format structure of its office products then any company would, for example, be able to write a word processor that could read and write Word documents properly and customers would have a choice as to what word processor they use. The same is true for all Microsoft office products.

To be fair the law should be such that any software company that own more that 70% of a market segment should have to do the same. Of course if the software is ONLY used in a national security application then that software should be kept secret.

Thank you for your time
Paul Hounsell
Osgoode, Ontario

phone 826–1745

MTC–00019674

From: EarlyTrekker
To: Microsoft ATR
Date: 1/23/02 10:00pm
Subject: Microsoft Settlement

To whom it may concern,

I have followed this subject with interest from the beginning. Except for Judge Jackson's public statements which were less than jurist prudent his findings are consistent with the evidence presented. Is there no Anti-Trust law enforcement anymore? Heck even a second Federal Judge has struck down part of the settlement agreement which would require Microsoft to ''supply'' (read low cost advertising) computers to Public schools.

Just remember that while —you— have to take the political heat now. You will also have to —live— in the Society that is saddled with the outcome of this case. Chose carefully, choose wisely. Microsoft has —clearly— conducted business in a predatory fashion and should be required to pay the price.

The price we —all— will pay is only —higher— the longer justice is delayed.

John K. Bullock
Knoxville, TN

MTC–00019675

From: Paul Mugar
To: Microsoft ATR
Date: 1/23/02 9:58pm
Subject: Microsoft Settlement

I am in favor of the proposed settlement of Microsoft with the DOJ and the bipartisan group of State Attorneys General in the original antitrust case. Please do not be distracted by extraneous matters.

Sincerely,
H. C. Mugar
2 Inez Street
Camarillo, CA 93012–8104
(805) 482–5327

MTC–00019676

From: Erylon
To: Microsoft ATR
Date: 1/23/02 10:01pm
Subject: Microsoft Settlement

No! I see little in the terms of this settlement to prevent Microsoft Corporation from continuing to bully small and large companies to adhere to their system. I see nothing that will prevent Microsoft from developing proprietary file extensions, thus preventing non-MS companies from developing programs and systems that can co-exist and compete with Microsoft. I see nothing that will prevent a company that controls over 90% of the desktop market from continuing to leverage that market by preventing competition by keeping their system's base code and extensions secret.

sincerely,
e. hines

MTC–00019677

From: Ron Price
To: Microsoft ATR
Date: 1/23/02 10:03pm
Subject: Microsoft Settlement

This is to speak in opposition to the proposed Microsoft Settlement with the U.S. The remedies will have little or no real effect on Microsoft's monopoly of computer software.

Sincerely
Ron Price

MTC–00019678

From: Jacob Dorsett Miller
To: Microsoft ATR
Date: 1/23/02 10:04pm
Subject: Dear Sirs;

Dear Sirs;

I am continually dismayed by the lack of consideration for the consumer which is shown by the Microsoft Corporation, while at the same time they blatantly disregard laws of the united states which were designed to protect competition and innovation. In the past when corporations formed monopolies and used them to stifle creative advancement in their industries the Government has stepped in to make sure that the greed of individual corporations does not harm the process of technological progress. However in this case it seems that the greed and disregard of the corporation in question is reflected in the greed and disregard of the administration which has insisted upon supporting the corporation because they themselves are businessmen who wish they were in the position of Microsoft. I fear that this is the beginning of a new period of corporate opression of the populace. But if my fears come true, unlike the previous centuries, this time the corporations will not only enslave the people through corrupt control of the government and the economy, they will control information and stifle free speech and expression to serve their own greed and ambition. It seems that it may already be too late, and that corporate influence on the government may have already reached the point where the good of the people is never considered at all. I have been forced to use microsoft products before, but I have never installed any of them on my personal machines, nor will I ever if I can help it. Their inferior nature puts at jeopardy national security and the security of everyone's data. They use their position of monopoly to force inferior products down the throats of manufacturers and consumers alike, and yet the government backs down from its challenge to these practices. Apparently money is all that matters to this administration.

Thank you for your time,
Jacob Miller

MTC–00019679

From: Monterey Gardiner
To: Microsoft ATR
Date: 1/23/02 10:03pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions. Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general. While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Monterey Gardiner

MTC–00019680

From: Richard MacLeod
To: Microsoft ATR
Date: 1/23/02 10:02pm
Subject: Microsoft Settlement

Microsoft has been hurting the industry by starving inovation. No company can or will compete with them. Free market forces are not working. Will the Government have to act again in another five years?

Hopefull.

MTC–00019682

From: Jorge E Solorzano
To: Microsoft ATR
Date: 1/23/02 10:02pm
Subject: ''Microsoft Settlement''

Greetings,

As a user of both Netscape (including the gold edition) and Explorer (I tried 3 revisions of both before deciding which software to use), I experienced more performance to my needs and better service from Microsoft at a much cheaper cost. This in itself makes me believe that Microsoft has a very competitive mentality that has an advantage over their competition. That is a good thing, however, will that help this countries growth/economy through reduction of employment (Netscape's employee's) and/or less competition? The other question that comes to mind is the consumers interest in upgrading if costs increase especially at a time of uncertainties in the economical conditions (iExploer is separated?), hence impacting a larger employment pool. Well, this tells me that compromises are needed to insure the pain of the economic downturn and upsides are equally available, and competition is needed to progress the stress of drive to continue development needed in this country. With those thoughts, I have a hard time buying that AOL/Netscape has right to sue Microsoft for the amount their asking on laws that were not in USA's law or records. Why should Microsoft be punished for Netscape's failure to develop employee commitment to compete (Values)? At the same time, I do have to question whether Microsoft's delay's added to the damage of competition. to increase their own

gains. What a tough decision. Well, I think that there is a compromise somewhere in there. I do hope Netscape gets some compromises (but no advantages over iExplorer, but equal) to software integration into Windows OS agreements and maybe some $ damages for prolonging this courts development at their competitions costs, but no where near what they're asking. I'm not associated with either Microsoft or AOL/Netscape. I am not a Lawyer or educated in law, other then common public knowledge. I did feel that maybe my opinion would count. Thanks for reading this far! :-)

Regards,

Jorge

MTC–00019683

From: Anthony Spadaro
To: Microsoft ATR
Date: 1/23/02 10:04pm
Subject: comments on MS

Hello-

I've been around computers for 22 years now, growing up in the days when Microsoft wasn't the giant monopoly it is today. I'm very upset at how little has been done to Microsoft because of it's bullying tactics. It's unfair that a company that claims to innovate, only does it when it's being threatened, and then the monopoly just buys out the competition, then crushes the remains and removes the ideas then claims it as it's own. A perfect example of this is Microsoft buying the SGI code for Open GL. If something isn't done, the way that Microsoft will deal with this is by getting rid of it's Direct X competition (Open GL). This hasn't been the first time this has been done.

I guess what I'm trying to get at here is that Microsoft is a monopoly in the worst way. They are buying their way out of paying the price for breaking the law. It's unfair to other companies trying to make the PC industry the wide, free, and innovated space it was years ago. Not to be so sarcastic, but here is how most people see the way things are going, you can apply this to almost any company:

1) It finally goes to court after a year

2) Microsoft appeals and tries to delay every court date

3) Microsoft is found guilty

4) They appeal

5) Two years have passed

6) More Microsoft products dominate the market

7) Microsoft settles with an arbitrator for $10 million

8) company is pissed

9) Microsoft wins

Please do something about this. I don't want my future to be dominated by Microsoft. I can live with them, but not with the strangle hold they have currently. I think a firm judgment would be just. It's the right thing to do.

Thank you for allowing our comments to be heard

Anthony Spadaro

MTC–00019684

From: Steve K
To: Microsoft ATR
Date: 1/23/02 10:04pm
Subject: Microsoft Settlement

MICROSOFT IS BAD. DONT ALLOW THEM THE FREEDOM TO BE A MONOPOLY. THEIR UNDER-HANDED DEALINGS HAVE GONE ON TOO LONG. DONT GIVE IN. MICROSOFT ARE GUILTY.

MTC–00019685

From: Barbara
To: Microsoft ATR
Date: 1/23/02 10:10pm
Subject: Microsoft Settlement

To who this may concern:

Subject:Netscape's antitrust suit against Microsoft I would like to express my opinion reguarding this issue. As a user of both netscape and explorer i find that is is very difficult to obtain a copy of netscape and explorer is auto maticlly there. I personlly perfer the user interface of Netscape over Explorer. Since Netscape is the most use browser it should come already installed on the PC's along with exploerer. Microsoft already has the opereating systems under wraps it not right for them to have all the peripheral software as well. It seem they want us consumer to forget that there are other products out there. Out of sight out of mind. It would not be hard to allow us the ability to choose. It a real pain to have to down load it from the interenet.

Back when we use DOS it never interfered with the programs it simply allowed us to access them and use them. Now you can't do any thing with out Microsoft strong hold. Its like we are at their mercy—like an ''electronic hostage'' kept in the dark about anything out there that could be have value.

Barb

MTC–00019686

From: Bonderman, Colin Lee
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:05pm
Subject: One mans complaint against the proposed settlement

Dear sir or madam,

It has reciently been brought to my attention that the department of justice intends to deal microsoft a slap on the wrist in the form of a weak settlement. I strongly protest this on many different levels, however, i will restrain my comments to just one. Too many companies in this country have the attitude that there is no reason to fear the laws of this country. The attitude, it seems, is that any illegal action can be dealt with by simply either donating money to the right politicians, shreding the revelent documents, or litigating the dammages down to nothing. Ive seen this time and time again and i can tell you that most people i talk to feel that the government only exists to serve big corporations and that the laws that are ment to protect us are meaningless. Please do your part to reverse this bitterness; deal out a real punishment to microsoft, not just a wink and token fine.

thank you

colin bonderman

MTC–00019687

From: Robert J Hilliard
To: Microsoft ATR
Date: 1/23/02 10:04pm
Subject: Why are we punishing MIcrosoft for doing a good job?

Why do we want to punish Microsoft for doing a better job than the rest of the competition? Is there no one out there that can compete with better quality products and services? If the government wants to help, don't punish Microsoft. If anything, help out Microsoft's competion. In the long run, the competition will then be better off, which is pretty much all that they want isn't it? Microsoft will get that much better and still beat the competition. How we can criticize Micrsoft making deals with PC manufacturers to sell PC's packaged with Windows. Should we also criticize Coke and Pepsi for making similar deals with fast food chains? I'd like a Coke. Sorry... is Pepsi OK? Isn't this just all cold, hard business competition? I have been using a Microsoft operating system since DOS 2.0, but never felt pressured or forced into it. Until they got a lot of the Windows bugs worked out, I kept using DOS. And I used to wonder why MS-DOS was the main operating system available in stores. It became obvious to me that Microsoft made better business moves than the rest of the competion, plus they supplied an acceptable quality software product that was being continuously improved.

When I began browsing the internet, I started by using Mosaic on Unix, then Netscape on Unix, then Netscape on Windows 3.1. I was a Netscape holdout for a long time, through WIndows 95 and then Windows NT 4.0, until Explorer simply got better than Netscape. I didn't feel pressured or forced into making the switch from Netscape to Explorer.

MTC–00019688

From: Gary Benson
To: Microsoft ATR
Date: 1/23/02 10:05pm
Subject: Microsoft Settlement

I disagree completely with the settlement.

Gary Benson

MTC–00019689

From: Daniel J Hannum
To: Microsoft ATR
Date: 1/23/02 10:04pm
Subject: Microsoft Settlement

To Whom it May Concern:

The proposed settlement against Microsoft is insufficient simply because it does nothing to stop one of Microsoft's most effective means of leveraging their existing monopoly: the matter of secret formats and interfaces. It is entirely too easy for Microsoft to make the next version of Windows use some core ''technology X'' but nowhere does Microsoft ever document what ''technology X'' is or how to write a program that interfaces with it. In this way, Microsoft will always have the better product because they are the —only— company that has the proper documentation of how to use ''technology X''. Everyone else must simply guess. They should be required to publish complete documentation for all protocols and file formats.

Thank you for your consideration.

Daniel Hannum
Computer Science Department
Carnegie Mellon University

MTC–00019690

From: Matthew Morgan
To: Microsoft ATR

Date: 1/23/02 10:04pm
Subject: Microsoft Settlement

Dear DOJ,

I am writing to express my deep concern with the Microsoft anti-trust case. I am a teacher and academic, with a concentration in internet technology. I wish to add my comment to the great body of criticism already compiled against Microsoft and its practices. Their behavior has been consistent and utter disregard of the welfare of the computer and IT industry, and the consuming public. The US DOJ must not back down from the more aggressive stance it held only 2 years ago. The most recent offers from the DOJ have been spineless, and seemingly politically motivated (with the shift in approach with the entrance of G. Bush).

Again, I recommend that the DOJ pursue the anti-trust issue to the limits of the law and demand that Microsoft be restructured to eliminate the risk of the business exerting its domineering monopoly presence on the rest of the industry. It is bad practice for the market, bad for the consumer, and bad for the development of technology. Monopolies are inherently anti-competitive, and anti-democratic. Technology, once forced under monopoly driven development, will always stunt technological progress. Please push towards a complete punishment and prevention program, allowing even for the break up of Microsoft. Do not accept any settlement from Microsoft, I wouldn't trust them as far as I could throw them.

Thank you
Matthew Morgan
4445 Old Gravenstein Hwy So
Sebastopol, CA
95472
(707) 829 2247

MTC–00019691

From: Shawn Allen
To: Microsoft ATR
Date: 1/23/02 10:07pm
Subject: Microsoft settlement

I feel the judgement is a very bad idea.

MTC–00019692

From: Bill Nowlin
To: Microsoft ATR
Date: 1/23/02 10:06pm
Subject: Microsoft Settlement

Your Honor:

I have been a computer user since 1985 and using the Internet since 1993 for both business and pleasure. I have generally been satisfied with Microsoft products as far as operating systems go, beginning with 3.1 through Windows 2000. However, when Windows 95 did not give you ann option on whether-or-not you wanted to load the Microsoft Browser and eMail, I was rather upset because I was already very pleased with Netscape Navigator and Communicator. What upset me was that I did not have a choice and had to waste hard disk space on a program that I was never going to use. I searched the Web and found a shareware programs that would allow one to remove most of Microsoft Explorer from my hard disk, saving around 30Mb of hard disk space (Windows 95 and 98 only to the best of my knowlege).

It also seemed that with many other software packages I wanted to use, it was a requirement that I be running Microsoft Explorer. Needless to say, I went with out those programs because I did not want to load up my hard disk with Explorer. Today, I use Window 2000 Professional as my operating system. I have Explorer and Outlook Express loaded only because I had no choice if I wanted to use 2000 as my OS. I am still using Netscape as my browser and email system. (an added feature to using Netscape is that no one seems to target Netscape with virus's—no VBE running in the background). As a person who is in the electronics industry and believes that competition makes products better and more affordable to the masses, I urge you to uphold the AOL suit against Microsoft for their Marketing tactics—that is, eliminating competition by not giving people the opportunity to make a choice of which Internet Browser to use. Thank you for your time in considering this very important decision concerning free trade.

Respectively,
Bill N.

MTC–00019693

From: Jenn Vesperman
To: Microsoft ATR
Date: 1/23/02 10:06pm
Subject: Microsoft Settlement

I am not a US citizen, so you may choose to throw this letter out. However, in the case of global countries like Microsoft, decisions the US makes can affect us all. I am not a US citizen, but I am a citizen of the world, and a regular denizen of the Internet. I and my husband are among the people who keep it working—people who really understand the underlying technical issues. People who care about it, and who do the equivalent of repairing the roads and keeping them clean. If the Internet is to remain a truly global entity, and if it is to remain as inexpensively accessible as it currently is, those of us who work on it in our spare time, for free, need to continue to be able to do that.

Our work is against the commercial interests of larger computer software companies, such as Microsoft. As it currently stands, much of the work of maintaining the Internet can be done by people who have never paid for proprietary certification—we have simply gone to our local university and studied computer science. We don't need to have their particular operating system—we can use any operating system we like. We don't need to use their software—we can use any software we like. This freedom makes it possible for us to do our work, without having paid a ''tax'' to the major companies. And THAT makes it possible for us to do it for free—for ourselves, for charities, for programs that give computers to schools in poor districts. For whatever we wish. Having studied the proposed settlement, and the essays and articles the settlement has inspired, I feel that the settlement does not go far enough. It seems as if Microsoft is being allowed ''wiggle room''—that it can squirm out of the prohibitions simply by making extremely minor adjustments—adjustments that make no technical difference, or that make a technical difference that can be coded around. The major fault appears—from my reading, and I have not studied law— to be in the definitions. It seems that many aspects of the judgement are being defined too narrowly.

As an example:

* In industry terms an ''API''—applications programming interface—is any code library which allows or helps a programmer to interact with any other program. The other program is usually an operating system, but not necessarily. The programmer can be working on anything—an application, a piece of ''middleware'', or even another aspect of the operating system. * In the judgement, an ''API'' is defined as a code library between the Windows operating system and Microsoft middleware. That is a major difference, and it allows Microsoft to decide that code as basic as an installation library is not an API. (By industry definitions, it is.) If Microsoft can limit access to the installation library, it can choose who may and who may not write code for Windows— or at least, who can write code that is automatically installed by a nice, user-friendly system. This is a very significant barrier to entry in the application market. There are many other too-narrow definitions in the currently proposed settlement. A more complete—but not complete—list is available at http://www.kegel.com/remedy/remedy2.html

Thank you for listening.
Jenn V.

MTC–00019694

From: mike@theputnams.net@inetgw
To: Microsoft ATR
Date: 1/23/02 10:12pm
Subject: Microsoft Settlement

I think that Microsoft should face the same consequences that any other monopoly would face.

Bu- outs are NOT justice.

MTC–00019695

From: Jerry Ponko
To: Microsoft ATR
Date: 1/23/02 10:06pm
Subject: Microsoft Settlement

As an IT professional for the past fifteen years I would like to say that I am oppossed to the Proposed Final Judgement (PFJ). The PFJ prohibits certain behaviors by Microsoft towards OEMs, but curiously allows the following exclusionary practices:

Section III.A.2. allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system. As anectdotal evidence of Microsoft's past anti-competitive behavior against a small OS competitor, Be Inc., I present a quote from an article <http://www.byte.com/documents/s=1115/byt20010824s0001/ 0827—hacker.html> by Byte Magazine's Scot Hacker: ''so little profit margin in the computer retail business, and with so little to set one brand of computer apart from another, it would seem that out-of-the-box dual-boot capabilities would be a tremendous differentiating factor for hardware vendors. It would seem that there would be financial incentives for computer vendors to be asking Be for 10,000-license deals. These bundling arrangements would be good for Be, good for

OEMs, and good for consumers. In his own column, Gassíe has written several times about Microsoft's Windows OEM License and the ways in which it limits the freedoms of PC OEMs. In July 2001, I spoke with Gassíe to find out why no dual-boot computers with BeOS or Linux installed alongside Windows can be purchased today. In the 1998–1999 timeframe, ready to prime the pump with its desktop offering, Be offered BeOS for free to any major computer manufacturer willing to preinstall BeOS on machines alongside Windows. Although few in the Be community ever knew about the discussions, Gassíe says that Be was engaged in enthusiastic discussions with Dell, Compaq, Micron, and Hitachi. Taken together, preinstallation arrangements with vendors of this magnitude could have had a major impact on the future of Be and BeOS. But of the four, only Hitachi actually shipped a machine with BeOS pre-installed. The rest apparently backed off after a closer reading of the fine print in their Microsoft Windows License agreements. Hitachi did ship a line of machines (the Flora Prius) with BeOS preinstalled, but made changes to the bootloader ? rendering BeOS invisible to the consumer ? before shipping. Apparently, Hitachi received a little visit from Microsoft just before shipping the Flora Prius, and were reminded of the terms of the license.

Be was forced to post detailed instructions on their web site explaining to customers how to unhide their hidden BeOS partitions. It is likely that most Flora Prius owners never even saw the BeOS installations to which they were entitled. '' Unsurprisingly, Be Inc. has since gone out of business and Microsoft has succeeded in crushing another competitor. If a small company like Be Inc. cannot succeed by giving away its OS for free to OEMs, what chance is there for any future competitors to Microsoft?

Section III.B. requires Microsoft to license Windows on uniform terms and at published prices to the top 20 OEMs, but says nothing about smaller OEMs. This leaves Microsoft free to retaliate against smaller OEMs, including important regional ''white box'' OEMs, if they offer competing products. Section III.B. also allows Microsoft to offer unspecified Market Development Allowances—in effect, discounts—to OEMs. For instance, Microsoft could offer discounts on Windows to OEMs based on the number of copies of Microsoft Office or Pocket PC systems sold by that OEM. In effect, this allows Microsoft to leverage its monopoly on Intel -compatible operating systems to increase its market share in other areas, such as office software, ARM-compatible operating systems, game consoles and home entertainment systems. By allowing these practices, the PFJ is encouraging Microsoft to extend its monopoly in Intel-compatible operating systems, and to leverage it into new areas.

Some of the remedies that various observers, including me, have thought appropriate are for Microsoft's preload agreements to be vacated and new ones prohibited, the opening of Microsoft's office suite data file formats, and the submission of present and future Microsoft networking protocols to an independent open standards body. Since I cannot address the whole PFJ as I want to be brief and time does not permit, I will state that the PFJ is riddled with loop holes in Microsoft's favor and does nothing to remedy Microsoft's illegal monopolist behavior. As it stands now, the PFJ would not be a slap on the wrist but would grant full permission to Microsoft to do what it's been doing, and more. Futhermore and curiously, the PFJ does not address the ill-gotten gains of Microsoft's past illegal monopolistic activities. How is that possible? Certainly bank robbers would not be given such generosity!

Sincerely concerned,
Jerold Ponko

MTC–00019696

From: Josh
To: Microsoft ATR
Date: 1/23/02 10:03pm
Subject: Microsoft Settlement

To whom it may concern,

I wish to express my strong opposition to the proposed judgement posted here: http://www.usdoj.gov/atr/cases/f9400/9495.htm and here: http://www.usdoj.gov/atr/cases/f9500/9549.htm For the better part of 20 years, Microsoft has willfully taken part in the destruction of small companies with lower legal budgets. If they keep running our best minds out of business, pretty soon it will be Alfred E. Newman coming up with our ''great ideas''. I respectfully request that the proposed judgement is thrown out in favor of a much more restrictive solution.

Sincerely,
Joshua Fritsch

MTC–00019697

From: Mr. Alcourt
To: Microsoft ATR
Date: 1/23/02 10:07pm
Subject: Microsoft Settlement

As a systems administrator I have followed the news on the anti-trust lawsuit against Microsoft with interest. I have been quite dismayed over the proposed settlment which amounts to little more than a political surrender. Microsoft is not having any remedy placed upon it that will have any real impact to prevent further monopoly abuses or even help remedy the abuse that they were found to have committed.

Despite the fact that the breakup of Microsoft was overturned on appeal, the basic findings of fact were upheld, that Microsoft did illegally use their monopoly power to dominate the web browser market. Historically, Microsoft has a long history of monopoly abuses. They are known as the ''800 pound gorilla'' in the IT world, not by strength of their software, but by strength of their monopoly. The proposed settlement is even more troubling because Microsoft is one of the worst examples of software quality in the market today. They have helped lower the standard in software quality to the point that it is now expected that commercial software be delivered at best only partially usable, and completely unable to be used for even 24 hours without significant problems (similarly to how Windows 3.1 could not be used for such a period of time without problems.) This settlement does nothing to discourage Microsoft from abusing their monopoly power, and in fact, encourages them to be even more aggressive, knowing that what bears all appearance of a politically ordered settlement will be the dominant rule for dealings with Microsoft for at least the next five years.

I urge you to abandon this proposed settlement and instead seek a solution to the problem of the Microsoft monopoly that does not involve giving Microsoft everything they offered months ago prior to them being found a monopoly that violated anti-trust law.

Mr. Alcourt

MTC–00019698

From: Goudelocke, Ryan
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:09pm
Subject: Microsoft Settlement

Dear Sirs,

I am writing to express my concern at the weakness and inefficacy of the proposed settlement of the government's antitrust lawsuit against Microsoft. As a user both of Microsoft's products and those of its erstwhile competitors like Be and Netscape Communications, I feel strongly that stiff and harsh measures need to be taken against this monopolistic company whose primary business strategy is maintenance of a stranglehold on the American information infrastructure. Remedial action against Microsoft will benefit not just the economy, but clearly our national security requires quality, secure alternatives to Microsoft's shoddy enterprise products. Short of breaking the company apart, which would be the most efficacious solution, strong limitations need to be enacted and enforced to keep other currently viable companies alive against the onslaught of Microsoft's anticompetitive tactics—I am thinking of Sun, Apple, Oracle and others. The DOJ need not worry about disruption of the economy or the information systems of this country. Better technology exists and needs only breathing room to show itself. You have seen the findings of fact—don't make a joke of technology jurisprudence. Put the justice in DOJ, please.

Ryan M. Goudelocke
2502 McGrath Avenue
Baton Rouge, LA

MTC–00019699

From: Andrew Chen
To: Microsoft ATR
Date: 1/23/02 10:09pm
Subject: Microsoft Settlement

I agree with all of the statements found at: http://www.kegel.com/remedy/letter.html Competition is good. Period. Competition should be fostered. Period. Innovation will not be stifled by competition. Period. Anti-trust legislation exists to ensure that there is competiton. Period. At a minimum, complete and full disclosure to the public, available without signing or consenting to any restriction on activities enabled as a consequence of, of all Microsoft APIs and source code of any sort for a period of time (I'd recommend 5 years) for all products being sold (including pre-orders), would ensure competition for Microsoft. They're a big company, they can handle it. They may need to refocus on mice and keyboards and

the x-box hardware and technical support contracts as primary sources of revenue, but quite frankly, that's what the a substantial portion of the desktop PC industry has to do (either they're a hardware vendor, or, like Linux based companies, make money off of selling technical support contracts—Microsoft dominates too much of the software industry for any other software companies to be seriously considered as a significant part of the desktop PC industry, when looked at in terms of total revenue generated). Why should Microsoft be treated any different? Certainly not because of it's past crimes (it should suffer some form of punitive damage). Encourage competition. Period.

That's your job as enforcers of Anti-Trust law. Period.

Andrew Chen

MTC–00019700

From: crash
To: Microsoft ATR
Date: 1/23/02 10:09pm
Subject: Microsoft Settlement

Here's my comment:

The proposed settlement is unacceptable. I feel it's proof positive that qthe DOJ has totally caved in to the force of a scurrilous monopoly. The most overt example of this is in Section J 1 of the Prohibited Conduct notes. You know the part, where you explicitly state that Microsoft's conduct regarding authentication and Digital Rights Management will never be subjected to oversight. Security is used as an excuse. There are ways to ensure security while providing oversight; in fact the onus should be on Microsoft to stay secure as their practices are scrutinized. If they aren't willing to come up with an acceptable secure oversight plan, there are thousands of incredibly bright people who can help you establish one, just ask around. Authentication and DRM are going to be the next digital battlegrounds in the endless cockfight we call the Free Market Economy. If this proposed settlement goes through, the world will suffer in ways you simply cannot imagine.

And the rest of the settlement is also unacceptable, though I don't have the time to go into it right now. In closing, do not settle with Microsoft on the currently proposed terms. Either come up with a settlement which fixes the problems or drag them back in court and get a judge to impose a decent remedy. If you do anything less, history will remember your names, and not fondly.
KeMpKeS

''The 22 babies born in New York City while the World Trade Center burned will never know what they missed. The last half of the 20th century will seem like a wild party for rich kids, compared to what's coming now. The party's over, folks. The time has come for loyal Americans to Sacrifice. ... Sacrifice. ... Sacrifice.''

—Hunter S. Thompson

MTC–00019701

From: Roland Bockhorst
To: Microsoft ATR
Date: 1/23/02 10:08pm
Subject: Microsoft Settlement

I oppose the Microsoft Settlement because it is unfair to consumers and harms many Microsoft competitors. Please, there are many loopholes that make the proposed final judgment hardly even a slap on the wrist.

As a computer professional, I have seen the diminishing of choice, computer security and quality of software during Microsoft's monopoly. It is time to seriously reign them in.

I suggest forbidding the tying of hardware and software operating systems so a person is not forced to take an unwanted software package when a computer is purchased.

If an information file is produced on a Microsoft product, (spreadsheet, word processor or database) I am almost forced to buy a Microsoft product in order to be able to read this infornmation file. This is fair nenither to consumers nor other software vendors. I therefore suggest opening the data interface descriptions so Microsoft software will interoperate with other software vendor's packages. I feel I own information and stories I have written and produced. I feel that that information is being hijacked if it cannot be easily and freely read by others who do not own specific Microsoft programs. Only a monopoly can enforce this situation against my will and the will of my readers. I am afraid that the computer industry will be set back many years if this inadequacy in the proposed settlement is not corrected.

Sincerely,
Roland Bockhorst
2291 Orchid Dr.
Sierra Vista, AZ 85635

MTC–00019702

From: Alex Alegado
To: Microsoft ATR
Date: 1/23/02 10:09pm
Subject: Microsoft Settlement

I think the Microsoft settlement is a bad idea and an underhanded way for Microsoft gain marketshare without proper competition. The idea of Microsoft giving away software licenses that are of little real value and old hardware to schools pulls our heart strings but it has, at its core, a cynical motivation: In time these ''beneficiaries'' will have to upgrade their hardware and their software. Who will be there to sell licenses for new software? Who will reap financial reward far in excess of the financial penalty this settlement represents? Microsoft.

Any settlement must be made to increase competition, not stymie it. A mere $1 billion dollar ''gift'' now will turn into a lucrative investment for Microsoft and it will be handed to them on a silver plate. Microsoft needs to suffer some penalty as a monopolist. That penalty should be significant—$10 billion, not $1 billion, lifetime licenses on software for all schools—something that really helps schools and hurts Microsoft. A $1 billion settlement is nothing to a company that make more than that in profit each month and has $30+ billion in the bank.

Thank you for your attention.

Alex Alegado,
Prepress Supervisor, California Plasticard
213.742.9852 Voice, 213.742.0086 FAX,

MTC–00019703

From: Clive Myers
To: Microsoft ATR
Date: 1/23/02 10:09pm
Subject: Microsoft Settlement

Dear Sirs,

If comments from people outside of the United States carry any weight at all then I would like to register my protest at the slap on the wrist that is being proposed for Microsoft. This company has the most high handed attitude and is, in my opinion, the greatest hinderence to innovation and development of new products in the world today. I have worked in electronics and the computer industry for over 30 years and during that time have seen Microsoft effectivel strangle or take over companies that have any opportunity to oppose them.

In Australia, where I live, the United States is viewed from the perspective of television and news, most of which comes across as extremely negative, probably due in part to not seeing the publicity campaigns that are run within the US, allowing us hopefully, a more subjective view of companies such as Microsoft. We have only the results of using the products and seeing alternatives disappear to judge the effectiveness of this organisation.

Hopefully this may carry some small weight but I seriously doubt it.

Yours Faithfully
Clive Myers
Network Admin

MTC–00019704

From: Grace Becker
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:09pm
Subject: microsoft settlement

To Whom It May Concern:

I am writing this to express my thoughts on the settlement of this case. I truly hope that you decide to punish Microsoft in a manner that will make a difference. The current settlement will likely do nothing to change the way they abuse their monopoly position. At the very least, I hope that you make them abide by the SET STANDARDS. They should not be allowed to change the standards in any way. They should also be required to sell WINDOWS without the bundling of all their other products. Finally, I believe that they should have to open up Office file formats so there could be converters put in place for the competition. Thank you.

Sincerely,
Grace Becker

MTC–00019705

From: Daryl Nash
To: Microsoft ATR
Date: 1/23/02 10:11pm
Subject: Microsoft settlement

Department of Justice,

I wish to voice my displeasure with the recent settlement proposal in the US v. Microsoft case. Microsoft has been found guilt of monopolistic practices and as such, should have serious penalties imposed upon them in order to discourage such behavior, especially as they expand into other markets such as cable, telecom, ISP, and home entertainment.

Unfortunately, I don't have the solution. Splitting Microsoft into two companies

appears to have been taken off the table as an option, but the punishment given to Microsoft should be sufficent to impede their monopolistic practices, and perhaps monitor the company to help ensure that other companies and the free market are not endangered in the future.

Sincerely,
Daryl Nash

MTC–00019706

From: Pamela
To: Microsoft ATR
Date: 1/23/02 10:07pm
Subject: Microsoft Settlement

I think the settlement is a bad idea. Microsoft has gotten away with enough—don't you dare let them off easy!! We, the American people, depend on you to do what is right for us, not for monopolistic corporations. If you fail us on this, it will be one more confirmation that government doesn't care about us, only about those who can line your pockets! Do the right thing—do not settle against Microsoft! Nail them to the wall, like you would any individual!

Pamela Jasins
Ann Arbor, MI
GIS Technician for local government

MTC–00019707

From: Wynette Richards
To: Microsoft ATR
Date: 1/23/02 10:09pm
Subject: Microsoft Settlement

I am opposed to the proposed settlement of the Microsoft antitrust trial. I feel that the proposed settlement does not address Microsoft's immoral and illegal practices in the past and does not prevent the continuance of this behavior in the future.

Yours truly,
Wynette Richards
Technical Staff Member
Los Alamos National Laboratory
c/o Computer Science Department
University of New Mexico
Albuquerque, NM 87131

MTC–00019708

From: achurch@achurch.org@inetgw
To: Microsoft ATR
Date: 1/24/02 12:10pm
Subject: Microsoft Settlement

To whom it may concern:

I am a United States citizen, and I am submitting a comment in response to the proposed settlement in the U.S. vs. Microsoft antitrust case in accordance with 15 U.S.C. section 16 (the Tunney Act).

I am strongly opposed to the proposed settlement in the Microsoft antitrust case. The proposed settlement fails to either appropriately redress Microsoft's past illegal acts or prevent Microsoft from repeating or continuing such acts in the future. The majority of the restrictions placed on Microsoft's conduct by Section III, ''Prohibited Conduct,'' are in fact no more restrictive than practices Microsoft has voluntarily adopted recently in response to this case or to public outcry, and are certainly no stronger than one would ordinarily expect a law-abiding company to obey. For example, paragraph III.A.2 of the proposed settlement requires Microsoft to not retaliate against an OEM for ''shipping a Personal Computer that (a) includes both a Windows Operating System Product and a non-Microsoft Operating System''; yet this is behavior expected from any company in a monopoly position, and in fact required by antitrust law—so why is such a clause stated in the proposed settlement?

Furthermore, the proposed settlement allows Microsoft extraordinary latitude in its implementation. For example, section VI subsection U, which defines ''Windows Operating System Product'', states that ''[t]he software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion.'' Microsoft could—and its past actions suggest that it likely would—use this clause to arbitrarily declare certain software to be part of or not be part of a particular Windows product, to its own benefit; and even if claims of improper behavior were raised, they would only start another long round of litigation, and the proposed settlement could well expire before the claims were finally resolved. Another section which merits concerns is section III subsection J, which allows Microsoft to (1) avoid disclosure of any information it arbitrarily claims ''would compromise the security of . . . encryption or authentication systems'' and (2) effectively avoid disclosure of —any— information on such systems to individual researchers or other groups which do not meet Microsoft's ''standards . . . for certifying the authenticity and viability of [their] business[es]''. Especially with respect to (1), Microsoft could easily claim that any information it does not want to release would ''compromise the security'' of such systems, and third parties would have no way to verify the truth of the claim because they would not have access to the information.

Most importantly, however, I am appalled at the lack of any punitive action in the settlement. One of the prime tenets of any judicial system, or indeed any system with rules, is that a violation of the rules (laws) results in punishment: a punitive action, above and beyond a simple requirement to obey the rules in the future, which costs the transgressor more than any benefit they may have gained from their violations. In the system of rules which is United States law, such punishment may take the form of monetary fines, imprisonment, or other penalties; however, the proposed settlement inexplicably fails to include any penalties or even restraints on conduct other than requiring Microsoft to obey the law—which it should be doing in the first place! At most, the imposition of a Technical Committee and Microsoft Internal Compliance Officer could be considered ''penalties'' in the sense that law-abiding companies are not subject to such oversight, but as the remainder of the settlement does not impose any additional penalties, this could hardly be considered ''punishment'' in the ordinary sense. Since Microsoft has already been found to have broken the law, any final judgement in this case must include some form of actual punishment greater in degree than Microsoft's gains from its illegal activities, whether that punishment be fines, loss of intellectual property (for example, requiring Microsoft to place the source code to its Windows operating system or other products in the public domain), or some other action. The lack of such a punishment should by itself be sufficient reason to reject the proposed settlement.

While an amicable settlement between both parties is a desirable resolution to any court case, the simple fact that a settlement was reached should not —ipso—facto— overrule concerns about the efficacy of that settlement, particularly in a case such as this which concerns the entire American people. The proposed settlement is completely ineffective at either providing redress for Microsoft's past illegal acts or preventing a repetition of such acts in the future, and on those grounds I believe it should be rejected by the Court.

Sincerely,
Andrew M. Church

MTC–00019709

From: paul mckinnie
To: Microsoft ATR
Date: 1/23/02 10:14pm
Subject: Microsoft Settlement

I feel that the settlement made with the 9 states does not go far enough to make microsoft stop the way they do business. JSomething stronger needs to be done to insure consumers do not get ripped off when buying a new operating system.

Thank you for the chance to speak up on this matter.

MTC–00019710

From: Pete Aven
To: Microsoft ATR
Date: 1/23/02 10:14pm
Subject: Microsoft Settlement

Will this even be read? Does The Tunney Act matter anymore? Each day that this case lingers on, I lose more and more faith in my government. I work hard, and I'm a contributing member in my community. I'm a good citizen. I have no words, other than please do the right thing. Please punish Microsoft. They've hurt many people over the years. They've hurt a lot of companies that had great technological advances to share with us. But we'll never see what those companies could've offered, and we'll never know what could've been. Who knows what great technological advancement could've helped others and contributed to our great nation. Not us. Microsoft crushed anyone who got in their way. Oh well, I know this does no good. Thanks for letting me vent. Enjoy all the money that microsoft is giving ya while you can. The lawyers, judges, press; everyone is getting something from them except the people they hurt. Please note that all great empires do eventually come to an end.

Thanks,
Pete Aven
510–409–2656

(I realize you probably don't care, but in case you do, I just thought my full name and a phone number makes me seem more real. Your probably getting all sorts of complaints from spunkbuster429@aol.com and all. Good luck sorting through this drama. How much are you getting paid? Remember to thank microsoft at the end of the day. Without the case you wouldn't have to read this...

MTC–00019711

From: Michael P. Conlon
To: Microsoft ATR
Date: 1/23/02 10:12pm
Subject: Opposition to proposed settlement

Sirs/Madams:

I wish to add my personal objection to the proposed settlement in the Microsoft antitrust case. Please note that, while I am a professor of computer science at Slippery Rock University of Pennsylvania, I speak for only myself.

I hold a Ph.D. degree in computer engineering. I started activity in the computing field before there was a Microsoft. I have been involved in the personal computer field since the time when Microsoft itself started, when the only personal computers were ones you had to build yourself. I have seen Microsoft's hegemony grow, and I have seen several good, innovative companies crushed under Microsoft's monopoly.

I also have been active on the Internet since 1985, well before Microsoft discovered it. I have seen it continually grow, and with it I have seen the growth of the institutions and individuals who have used it. Unlike Microsoft and the software and protocols it has promoted, the protocols of the Internet are open and public, and this openness has been the key to its success. I am particularly concerned that an unpunished, unleashed Microsoft might be able to ''proprietize'' the Internet, destroying the wonderful engine of creative economic, educational, civic, and entertainment activity that it is. The basic problem I see with the proposed settlement is that it fixes few of the real problems. It does not punish Microsoft for the evil they have done. It does not create a competitive market for operating systems. It does not create a competitive market for office applications. It allows for Microsoft to hide virtually any protocol from public knowledge on the basis of ''security.'' (Any real security expert will tell you that the effectiveness of a security scheme must reside, not in the secrecy of the method, but in its effectiveness, so allowing Microsoft to keep these kinds of things secret will not add measurably to the security of Microsoft's systems. It will merely make it harder for others to compete.) It attempts to give some rights to specifications of network protocols to commercial enterprises, but fails to give the same rights to the public, and particularly to the people who are developing software out of love, e.g., the people developing the Linux operating system and other ''open source'' projects.

Here are some remedies I would suggest: 1) a large fine, (50% of their monopoly-gained cash reserves would be appropriate) payable in cash, not software, which would serve to further extend the monopoly. Give the money to schools and charities. 2) Prohibit Microsoft from restricting the installation of MS software on OEM computers in any way. Require that consumers be provided with full-featured installation disks. 3) It is now virtually impossible to purchase a computer without paying for a Microsoft operating system. This promotes monopoly. Microsoft must be prohibited from engaging in contracts with OEM's that encourage this practice. 4) Require that all network protocols and file formats, particularly Word's .doc format and Excel's .xls format, and Windows Networking authentication protocols, be published and submitted to a recognized standards body such as ANSI, IEEE, or IETF. 5) Prohibit Microsoft from buying other software companies for ten years. 6) In lieu of the previous, since some of them might be difficult to enforce, break Microsoft into at least three operating systems companies and three applications companies, each with rights to the source code of, at least, the major products in their area. Minor products (e.g., Visio, Flight Simulator) may be parceled out.

Respectfully submitted,

Michael P. Conlon, Ph.D.Closed Source Software:

Computer Science DepartmentYou don't need to clean

106D Maltby Centerhouse if no one can look

Slippery Rock University of Pennsylvaniainside!

Slippery Rock, PA 16057

(724)738–2143

MTC–00019712

From: phil
To: Microsoft ATR
Date: 1/23/02 10:15pm
Subject: Microsoft Settlement

I think the settlement is a bad idea and I do not support it.

Thank You,

Phil Pawelcyzk

Connecticut

MTC–00019713

From: Regolo Belen, Jr.
To: Microsoft ATR
Date: 1/23/02 10:12pm
Subject: Microsoft Settlement

I highly oppose the proposed Microsoft-DOJ settlement. It is my right, according to the Tunney Act, to voice my opinion that the proposed settlement does a very poor job to the consumers, as well as businesses, of the American economy. If you don't see this injustice.....HOW ARE YOU A TRUE ATTORNEY?!?

Regolo Belen, Jr.

rbelen@abstergo.com

(917) 225–2164

ABSTERGO SYSTEMS CORPORATION

MTC–00019714

From: Andrew Spencer
To: Microsoft ATR
Date: 1/23/02 10:15pm
Subject: I believe the proposed settlement in the Microsoft vs DOJ anti-trust case

I believe the proposed settlement in the Microsoft vs DOJ anti-trust case is impotent in the disintegration of Microsoft's festering monopoly of the consumer operating system market.

Specifically, the proposed settlement offers weak measures ensuring that Microsoft does not continue to use practices that act as a barrier of entry to competitors. Please review these arguments for further proofs: http://www.kegel.com/remedy/remedy2.html

Thank you for listening,

Andrew Spencer

A devoted, concerned U.S. citizen and computer user.

andrew@fallingblue.com

http://andrew.fallingblue.com

MTC–00019715

From: Billy Faggart
To: Microsoft ATR
Date: 1/23/02 10:17pm
Subject: Microsoft Settlement

Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I write to provide you with some commentary as permitted under the Tunney Act on the proposed Microsoft settlement. I will keep it short. The proposed settlement is totally unacceptable.

Microsoft has been found guilty of operating an illegal monopoly. This has been upheld upon appeal. And yet, the proposed settlement does remarkably little to impact the way Microsoft does business. And it does even less (zero) in assessing penalties for past wrongdoing. The settlement is little more than a ''go and sin no more'' response.

The proposed remedies are inadequate and will not adversely impact Microsoft's monopoly. For example, judgment remedies are specific to companies in commerce; that is, companies that operate for a profit. Ironically, the biggest threat to Microsoft on the PC platform today is Linux. Linux is a non-commercial product. As such, Linux developers have no rights under the proposed settlement.

Section III(J)(2) is actually against not-for-profits. Specifically, Microsoft need not describe nor license API, documentation, or communications protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...'' That Microsoft is able to set such criteria is remarkable...and remarkably bad.

Similarly, Section III(D) speaks to disclosure of the APIs for non-Microsoft middleware. The parties to which Microsoft agrees to disclose these APIs—APIs which are necessary to allow a program to interoperate with Windows—are explicitly commercial entities.

My suggestions:

1) APIs enabling non-Microsoft programs and operating systems to properly interact with the Windows operating system and middleware products should be made available to any and all parties that create such programs. Microsoft should have no veto power in this.

2) Microsoft should release the specifications of its applications'' file formats. Microsoft should not be able to constrain a consumer to using its products in order for that consumer to get to his own data. File specifications should be public. Microsoft would have to compete on the quality of its products (e.g., Word, Excel) rather than on the ability to hide the documents behind proprietary file formats.

3) Microsoft's tendency to ''embrace and extend'' should be forcefully curbed. Microsoft has, many times in the past, modified industry standards in order to make proprietary versions for its products that, due to Microsoft's monopoly power, end up locking out competition. They have done so in computer languages such as Java (see ''Microsoft's holy war on Java'' http://news.com.com/2009–1001–215854.html?legacy=cnet). They have done so with open security protocols such as Kerberos (see ''Kerberos made to heel'' http://zdnet.com.com/2100–11–502019.html?legacy=zdnn). And they do so with internet protocols and HTML extensions.

As recently as October 2001, Microsoft's web portal, MSN.com, went so far as to disallow non-Microsoft browsers such as Opera, Mozilla, Amaya, Konqueror, and some version of Netscape from even viewing the site. Instead, visitors were greeted with a message that recommended that people ''upgrade to Internet Explorer'' (see ''MSN.com shuts out non-Microsoft browsers'' http://news.com.com/2100–1023–274944.html?legacy=cnet).

Microsoft seeks out promising or threatening technologies, incorporates them, and claims to make them better. But ''better'' ultimately means they only work on the Microsoft Windows platform. When we are dealing with standards that impact computer-to-computer communication and interaction—most notably, the internet, itself—Microsoft must not be allowed to redefine and own those standards.

4) Allow computer buyers to return Windows for a refund. Windows is included with nearly every desktop PC sold today, whether a user needs or wants it. It should be possible for a person to buy the computer but opt out of the operating system. Microsoft should institute a rebate mechanism so that a person who needs a new computer to run Linux or BSD or other operating system is not forced to pay a ''Microsoft tax.'' And, in these days of low computer prices, the contribution of this tax to the total cost of the system is not insignificant. An alternative would be to say that manufacturers should offer PCs without operating systems; however, Microsoft is the party under the jurisdiction of the court.

5) Assess a cash penalty on Microsoft in correct proportion to the damages that resulted out of its illegal monopoly. Microsoft has benefited handsomely from its wrongdoing. The proposed settlement does not speak to this at all. The court should.

Thank you for my opportunity to comment.

Billy E. Faggart, Jr., Ph.D.
5505 10th St. N.
Arlington, VA 22205

MTC–00019716

From: ecsd@transbay.net@inetgw
To: Microsoft ATR
Date: 1/23/02 10:16pm
Subject: Microsoft Settlement

I regard the Microsoft Corporation to be the single greatest threat to the future of personal computing and to the freedom to use the Internet as one sees fit. In my opinion, Microsoft deliberately engineers their software to be incompatible with existing and proposed standards in order to create and maintain a ''Microsoft world'', in which one is forced to use Microsoft products and methodologies when working with computers. If one seeks alternatives, one finds few of them because companies are unwilling to invest in providing support for alternatives, given Microsoft's current domination of the PC OS (operating system) market.

The newspapers reported some time ago the demand that Microsoft be required to support alternative platforms as part of the separate settlement with the nine states that did not settle along with the government. I agree with this requirement—I think every piece of application software provided by Microsoft should be made available to run on the Unix platform as well. This is to include Apple's OS X operating system, Linux and FreeBSD, if not also Sun's Solaris, HP's HP/UX and others. Microsoft perceives Linux as the single largest threat to its absolute domination of the PC market, as well it should, inasmuch as Linux is more stable and secure than Microsoft Windows.

Microsoft wants absolutely everyone to use its products to do useful work. Microsoft, however, is not competant to produce adequate-quality software for use on the Internet. Consider the issue of computer viruses. Recall the ''Melissa'' virus and numbers of other viruses that have arrived on the Internet as of late. For ''Melissa'' I recall a figure of $11 billion in damages due to lost productivity and data worldwide. The fact is that Microsoft allowed this to occur due to negligence—Unix systems were not affected, and in fact Unix systems are not subject to ''viruses'' as people commonly think of them—these viruses are targeted at security holes and design flaws in the Microsoft operating systems and application software. Microsoft never offered any compensation for these losses, never apologized, and never admitted that encouraging people to continue to use their software puts people at risk for further such damage. The entire ''antivirus'' software industry was developed around the susceptibility of Microsoft software to problems of this kind. I think if any entity can force people to use its products and methods, it is equally responsible to insure that people not only are not harmed, but are actively benefitted through that use.

Microsoft's Public Relations strategy appears to depend on the perception many people have that there is no viable alternative to Microsoft software, and that only Microsoft knows how to produce software to perform useful work on computers. I believe it has been thoroughly established in the concluded antitrust case that Microsoft expends a great deal of attention and effort in ensuring that people are NOT afforded alternatives—competitors are bought out or threatened with lethal market tactics if they try to proceed independently from Microsoft. It is Microsoft's stated goal to replace Unix with Windows wherever possible, as quickly as possible, despite the fact that the Unix operating system is superior in every respect. Unix made the Internet possible in the first place; Microsoft was years late in recognizing the value of the Internet and was years late in providing a means for people to use their computers to access it. Microsoft is willing to work to destroy a work of great and recognized value because it is a threat to Microsoft's ''profits'', wherein presumably Microsoft was always entitled to make money from anyone's use of a PC for any reason and these ''other'' systems are ''interfering'' with that goal and the public at large is expected to acquiesce to Microsoft's self-assumed prerogatives even if the public is then deprived of access to superior products. I have heard, though I find it difficult to believe, that Microsoft announced intentions to ''modify TCP/IP to No one man or corporation is entitled to arrogate unto itself the power and authority to dictate standards and practices in the personal computing or Internet arenas. This is, however, Microsoft's goal.

The Microsoft Corporation could completely and totally vanish tomorrow, and while there would certainly be disruptions in the PC and software industries, in fact nothing much would change and dozens of companies would have replacement products in the market within six months. In fact, development monies would be freed up and people could enter the market to produce non-Microsoft-based software for profit without fear of being crushed by a large malevolent corporation which operates as if it is the only valid player in the software market.

Microsoft's claims that their design requires the bundling of portions of application package features into the operating system are false. (e.g. the claim that Internet Explorer is an integral portion of the operating system and cannot be removed.) I completed coursework for a Master's degree in Computer Science at Rensselaer Polytechnic Institute in 1980. Microsoft's claims are justified only to the extent that they have deliberately engineered their operating systems to support those claims. A graduate student who produced operating system designs similar to Microsoft's would have failed their courses in 1980 and therever after. The poor security and performance of Microsoft's operating systems are direct consequences of their poor design ''methodologies'', if Microsoft even thinks in such terms.

I have no doubt that if Linux were something Microsoft could ''buy'', it would buy it to put it out of business, or it would be stripped and hobbled and be sold for hundreds of dollars, in contrast to Linux's open-source origins.

I think AOL Time Warner has done an awful job of maintaining Netscape versus Internet Explorer—AOL could have done much more with Netscape and should have. But in my job as the operator of a computer store and ISP since 1995, I have witnessed the rise of Netscape and watched it replaced by Internet Explorer step-by-step in exactly the same fashion as other common software—word processors (Word), spreadsheets (Excel), presentation software (Powerpoint) who can name competing products in these areas? Fewer and fewer people as time goes by. I am convinced that Microsoft engineers their websites to cause problems for non-Microsoft browers, or

perhaps specifically for Netscape. I try to access a Microsoft or Microsoft-driven website with the Netscape browser only to have the access fail on the first attempt but SUCCEED on the next attempt. How many people would DISbelieve the first failure and try again? How many people would blame the Netscape browser for the problem and switch to Internet Explorer instead?

The HTTP protocol is an international standard produced by a standards body. Yet I encounter numbers of websites driven by Microsoft software that CAN ONLY BE ACCESSED USING INTERNET EXPLORER because site designers are using Microsoft ''standard features'' that are not ''standards'' at all, but proprietary extensions introduced by Microsoft explicitly to raise barriers to the use of non-Microsoft products. Microsoft encourages people to use Microsoft ''methodologies'' without warning people that to do so makes their work ususable by users of non-Microsoft products. Complaints to companies about their implicit forcing of the use of the Internet Explorer browser often go ignored on the notion that ''everybody uses Internet Explorer'' (so why should we rewrite our website to suit an open international STANDARD when it is so easy to use what Microsoft gives us to use to write our website?)

Any corporation so damaging of whole industries and so bent on domination and control should be punished and put in its place. If the order to split the company into an operating systems company and an applications software company had gone through, presumably the applications company would begin producing software for Linux and FreeBSD, and the operating systems company would go out of business in several years as the alternatives were seen to be superior, as they are. Nobody would want to support an operating system (Windows) that is so poorly designed and which crashes and hangs and behaves so oddly and poorly and which is as expensive to maintain as Windows. Nobody would, but they are forced to do so as things stand now.

If we can't have that, I do certainly agree that Microsoft should be required to make its application software available to run on Linux and FreeBSD, and I agree that the Internet Explorer application should be disintegrated from Windows and spun off into a separate company. Microsoft should be forced to compete on a level playing field and to earn its money honestly. No offers of cash grants or ''free software to schools'' should be accepted whatsoever— the Microsoft corporation must be structurally modified as much as possible to prevent it from further abusing its current dominance in the industry. Microsoft should not be allowed to bundle applications with its operating system—the applications should be offered for sale on the open market, just as all Microsoft's competitors have to do with their products.

It's worth noting, in closing, that Judge Jackson wrote as part of his opinion that Microsoft was charging TWICE as much for its operating system software as was warranted. No wonder Microsoft can afford to bundle ''free'' software with the OS—it was already paid for by the consumer without their consent! And we have of course never heard that Microsoft was considering rebates or refunds based on its overcharges.

No judgement could be too harsh for Microsoft. Tens of millions of virus-infected PCs and millions of hours and dollars of wasted time and lost productivity testify to that. I will not think the world is safe for my industry as long as Microsoft can unilaterally engineer any part of it. I would as soon see Microsoft out of business entirely, but short of that it should be reduced to what it does reasonably well writing office software, and that's all. Its highly-paid staff of intelligent software professionals should be returned to the labor pool to start doing something truly useful with open-source technologies.

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MTC–00019717

From: Marcus Castro
To: Microsoft ATR
Date: 1/23/02 10:16pm
Subject: Microsoft Settlement

Considering the vast amounts of money that was made by Microsoft while using these illegal tactics, I believe that the settlement offer is unreasonable. It should be much higher than the proposed amount, perhaps even 10 times that amount, and a good portion of it should go back to those whom Microsoft hurt with these tactics, namely the consumers.

Marcus Castro
4847 Hopyard Rd #4–183
Pleasanton, CA 94588
marcuscastro@attbi.com

MTC–00019718

From: Lynn Dobbs
To: Microsoft ATR
Date: 1/23/02 10:16pm
Subject: Microsoft Settlement

To whom it may concern,

The proposed settlement with Microsoft provides no credible relief from Microsoft's anti-competitive practices. The newest release of the Windows operating system violates the terms of earlier agreements with the Department of Justice, also.

Microsoft and its allies have damaged and defeated any credible attempt at competition in the desktop operating system market. Through other unfair practices progress and growth of the computer software industry has been severely stunted with significant negative effects on the US economy. Microsoft has become too powerful and is clearly too unscrupulous to be rendered harmless as long as it stays a single company. Not only would a broken up Microsoft relieve the problem to our industry, it would probably reward Microsoft stockholders with increased value. It could be a win-win. The current proposed settlement is at best win-lose— a win for Bill Gates and a loss to the American people whose rights are entrusted to the care of the US Department of Justice.

Sincerely,
Lynn B. Dobbs
4577 Park Blvd. Apt 4
San Diego, CA 92116

MTC–00019719

From: Ramona Matthews
To: Microsoft ATR
Date: 1/23/02 10:18pm
Subject: Microsoft Settlement

In my opinion the proposed Microsoft settlement is a bad idea.

Ramona Matthews

MTC–00019720

From: Trent Larson
To: Microsoft ATR
Date: 1/23/02 10:17pm
Subject: Microsoft Settlement

I would just like to say that Microsoft has put way too much control into their new Operating system windows XP. First, many of the multimedia utilities like Media player and internet explorer cannot be uninstalled by the user if they wish to use another program. Furthermore, MS bugs customers to open up a passport account numerous times when installing the OS that the individual almost feels like they have to sign up. Microsoft can clearly be shown that they are using their unfair monopoly position to further move into other software applications. Without action against Microsoft, we will have even less software companies in other areas other then Operating systems. Our choices for good performing software will go down and we will be forced to pay more for software that is already being shown to have many security flaws. Way back when Bill Gates said that Microsoft would never charge for internet explorer and then proceeded to build it into the operating system with no uninstall, it became very apparent that MS had become a abusive monopoly. It can be also pointed out that Microsoft is guilty of pressuring oem vendors to always bundle MS operating systems with new computers or face higher prices etc...

Currently, AOL is suing MS for what they did to Netscape. I strongly agree that Netscape never got justice for what happened. I do support AOL in its fight for the abuses against Netscape and I feel that at the very least, every MS operating system should have a complete uninstall for internet explorer.

Further, I feel that IE should not even be installed by default and that Netscape should also be bundled with windows as part of a punishment for the settlement against Microsoft.

It is not that I am against monopolies. AT&T the old Ma Bell was a good monopoly and I feel that current phone companies provide us with service far less then the old Ma Bell. However, it was a monopoly and had to be broken up. Ma bell was not abusive. Microsoft is abusive with its powers. They did not learn anything from the lawsuits against them. They are more arrogant then ever and show no respect for the courts or justice. It is obvious that Mr. Gates and MS feel they can beat anybody or any court with their lawyers and money. Remember, in the original case MS even was shown to lie to try to protect their monopoly position so there really needs to be strong actions taken. Already the lack of

competition is bringing us weak products with poor security. MS products are the most memory intensive and processor hungry programs with numerous security holes. Fair competition would no doubt bring us better, faster and more secure programs. I support fully any action against Microsoft's unfair monopoly position to allow fair competition to generate better software for everyone to enjoy. Thank you for reading this comment..

Trent Larson

tlarson38@home.com

MTC–00019721

From: Sarah L. E. Unsicker
To: Microsoft ATR
Date: 1/23/02 10:17pm
Subject: Microsoft Settlement

I am opposed to the proposed antitrust settlement against Microsoft. I believe the proposed settlement will allow Microsoft to continue practices which have been proven anticompetitive, and likely give them an even stronger hold on the desktop PC software market. This is unfair for competition. More than that, it is unfair for consumers who are left with no reasonable choice but to purchase Microsoft products. Please modify this settlement in a way that will benefit consumers more than it will benefit Microsoft.

Thank you,

Sarah Unsicker

gemuse—soup@yahoo.com

5422 Haymeadow #3A

Peoria, IL 61615

MTC–00019722

From: Joshua Smith
To: Microsoft ATR
Date: 1/23/02 10:18pm
Subject: Microsoft Settlement

To Whom It May Concern:

I thought it would be appropriate for me to comment on the Microsoft Settlement that has been proposed. I disagree on many points with the Settlement. I have seen many holes pointed out in it, and understand what harm Microsoft has done to competition in many software products, from Operating Systems to Internet browsers to media players.

I am a computer science student (Junior) at Michigan State University. I understand many of the technical details (at least on the surface), and I have used many of Microsoft's competitors'' products, including Netscape (6.2 & Mozilla 9.x), Winamp, RealPlayer, DivX's ''the Playa'', and even the Linux operating system.

I understand that Microsoft uses many secret API's, and that the PFJ doesn't force Microsoft to publish these API's, other than the ones that allow interaction between the Microsoft Windows OS and it's ''middleware''. It would be more appropriate to ensure that Microsoft shared all of the API's, including the ones that allowed interaction between Windows and it's non-middleware products. I understand how hard it is to make a program like WINE work, an emulator designed to run Windows programs in Linux, and it would be much easier if all of the Windows API's were published.

Microsoft Middleware must be allowed to be replaced under any installation of a Microsoft Windows product. I dont'' like the idea of a great program being lost on the wayside because companies are punished for including it alongside microsoft products. I know that Microsoft purposely bundles its Internet browser with its operating system so that it could gain a monopoly in the browser market. It is not hard to imagine a future where Microsoft media player, instant messenger, mail program, and office software are the default standard, because they come pre-packaged, while other, better, more secure alternatives waste and fail because they are unable to compete with the defaults forced on companies by MS. I know quite a few people who know no other web browser, mail program, or office suite but Microsoft's.

That isn't competition, that is domination, monopoly, and suffocation. Are there better mail programs, that could be included by OEM's? Given the tremendous growth in mailing viruses, I think so. Are there better web browsers? Perhaps, but it may only be a matter of personal preference. Better office suites? Again, it may only be preference, but by price/usefulness there are many superior competitors that are unpopular merely because they are pushed away by microsoft, or because Microsoft's programs are the default standard. Is Office a middleware product? The answer is yes, many programs run on top of Outlook, Word, and Access.

There are too many more problems to list here. A rewrite is in order, in my opinion, and a miscarriage of justice is possible. The PFJ is not even as strong at definitions as the Finding of Fact, the DOJ seems to have lessened its punishment of Microsoft, perhaps because of trying economic times. I say, do the right thing, punish the lawbreaker, and create competition. Good things might happen.

Joshua Smith

MTC–00019723

From: Steve
To: Microsoft ATR
Date: 1/23/02 10:18pm
Subject: Microsoft case

Hi

I wish this case to be settled fair. You see Microsoft can see on your hardrive and can tell what programs you have,so they can tell what programs still have part of the market under Windows and that is bad. They can put man power to target them. I could go on for hours but your job is stop letting them looking on peoples hardrive. Let third party companys have a chance to put their product out there. AOL needs to be given even footing with Microsoft. Windows must be put basically in to a position not to be able to read the programs installed on your computer. Xp could be the end of lots of companies if it isn't limited. I hope Microsoft practices will be stoped or we will be paying large prices for operating systems and companies like SUN , AOL and other will fade away. Thank you for your time.

Steven Gorkowski

MTC–00019724

From: Chick Tower
To: Microsoft ATR
Date: 1/23/02 10:19pm
Subject: Microsoft Settlement

I do not think the ''Microsoft settlement'' goes far enough to prevent Microsoft from continuing and extending its monopolistic practices. Too much is left up to Microsoft's discretion, interpretation, and definition. The settlement needs to more specifically and rigorously define what it covers. The law generally does not allow convicted bank robbers to define what is a bank, or convicted rapists to define what constitutes rape; why should Microsoft, a convicted monopolistic company, be allowed to act in certain ways based upon definitions that the settlement says they alone may create, such as what constitutes Microsoft middleware or what is part of the Microsoft Windows operating system? What this settlement basically says is ''Microsoft is prohibited from acting in ways that Microsoft deems monopolistic and unfair.'' Correct me if I'm wrong, but wasn't the company convicted because of actions it claimed were NOT monopolistic and unfair? In my opinion, this settlement gives Microsoft carte blanche to continue business as usual, and therefore does not serve the cause of justice.

Charles Tower q

MTC–00019725

From: Matt Langford
To: Microsoft ATR
Date: 1/23/02 10:19pm
Subject: Microsoft Settlement

I would just like to state the I think the proposed settlement with Microsoft is a bad thing. It's not effective as a punishment, in my opinion, because it will extend their ability to abuse it's already too great monopoly power.

Matt Langford

MTC–00019726

From: Fred Hamilton
To: Microsoft ATR
Date: 1/23/02 10:17pm
Subject: Microsoft Settlement

Hello,

Fir the record, I'm extremely disappointed with the Microsoft settlement. I feel like the DOJ has caved in, for whatever reasons, to a monopolist. Microsoft's unchallenged strength and domination of computing has caused the following business and societal ills:

Loss of Innovation: Innovative companies with products far superior to Microsoft's have been driven out of business by Microsoft's deep pockets and uncompetitive practices. For example, Be. The BeOS was better in almost every way to Windows, but Microsoft used their clout to prevent any PC manufacturer from even offering it as an OPTION. Needless to say, Netscape is a shell of its former self because Microsoft could spend millions (or billions) developing Internet Explorer and giving it away until Netscape lost.

Privatization of Open Standards: Microsoft is trying to co-opt the internet by not being compatible with open standards (HTML, SHTML, Java, etc.), and using its enormous clout to force people to move to Microsoft-flavored versions of these standards. Web sites must support the Microsoft-flavored versions, since Microsoft's Internet explorer is used by something like 90% of the Internet. This means anyone trying to compete with Microsoft in web browsing or

similar tools is chasing a moving target. Since NO COMPANY ON EARTH has enough money to chase Microsoft, the competition dies or never starts in the first place. The internet is based on open standards—allowing Microsoft to continue to do this means giving them almost complete control over the most important communication and data transfer technology in history. Talk about monopolies...

Security Vulnerabilites: I don't have the exact number, but apparently computer viruses have cost businesses around the world (but primarily in the US) BILLIONS of dollars. Now, if you look at the big viruses that have made the news and cost the most money, they were all spread by Microsoft products! Ah, but if Microsoft has 90% market share, that's too be expected, right? Perhaps Microsoft can be forgiven for the first few, but Microsoft has consistently NOT fixed or changed code in Microsoft Outlook and Internet Explorer and IIS that is easily exploited by any hacker with a mind to.

There are a lot of other issues, but these are the three big ones and I don't want to make a career out of writing this email. But to summarize: You are letting a monopolist responsible for uncompetitively and illegally killing competition, stifling innovation, co-opting the most important technology on Earth, and being (mostly) directly responsible for BILLIONS of dollars lost due to viruses and security attacks, off the hook with a little slap on the cheek.

Even a very pro-business administration such as yours should be able to see the danger of letting this monster grow unchecked. Please reconsider how you are handling this case.

Best regards,
Fred
CC:fred@yonkitime.com@inetgw

MTC–00019727

From: jesse montrose
To: Microsoft ATR
Date: 1/23/02 10:19pm
Subject: Microsoft Settlement

I am writing to express my opposition to the Microsoft Settlement. As a computer professional, I've watched Microsoft's progress over the years, with increasing dismay. Although I consider myself a Libertarian, and feel some concern about government intervention, I lament the loss of competition, sanity, and life to my chosen industry.

MTC–00019728

From: ejy@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 10:19pm
Subject: Microsoft Settlement

I believe that the currently ''Proposed Final Judgment in United States v. Microsoft'' is inadequate to end Microsoft's abusive monopoly on desktop computing. I am AGAINST it.

When I was a young boy I was taught that the US justice system was fair and sure. If you were caught doing something wrong, you could expect to be punished. Well, Microsoft has done something wrong, and they continue to do so. This is in the courts own finding of facts. They have created a situation where competition is bought up or ruthlessly destroyed. The settlement proposed allows many exclusionary practices, and thus the monopoly, to continue.

Also, I am deeply concerned that if this monopoly is allowed to continue that America's security is at risk. This is because there is only one target now on the desktop, Microsoft. And they have little incentive to improve their products (witness the many viruses successfully designed and deployed against Microsoft products).

I have 30 years of experience as an engineer, 20 of these are in software engineering. I routinely use Linux and Windows (NT, 98, 95) on desktop computers. Linux and it's applications are stable, and excellent. Windows and its applications fail on a regular basis. Something is badly out of balance if software that is free ($0 acquisition cost) and of far better quality can't achieve widespread distribution (compete in the industry).

The root of Microsoft's monopoly is their ability to hold your data hostage via proprietary formats. These formats are changed as new software versions are brought out in ways which (greatly) encourage upgrading to the latest Microsoft software.

I would end the monopoly by liberating the world's data. Require that Microsoft publish their file formats, and live by them. This will allow other companies, and the free software world, to compete with Microsoft by creating more reliable and secure software which can read and write so called ''standard'' Microsoft formats.

Thank you for your consideration in this matter...

MTC–00019729

From: Ralph Heymann
To: Microsoft ATR
Date: 1/23/02 10:20pm
Subject: Microsoft attack by AOL

As an investor in AOL I can only say that I am utterly disgusted with AOL/Netscape concerning this obscene lawuit. If the AOL people have nothing better to do with their management time, then I see not much of a future for them.

As you must know the Microsoft Explorer software is so much superior to the abortions dreamed up by Netscape that one would not touch the Netscape product with a ten foot pole. Procomp should be equally ashamed.

Ralph Heymann
Chapel Hill NC

MTC–00019730

From: Amber Dawn Bennett
To: Microsoft ATR
Date: 1/23/02 10:25pm
Subject: Microsoft Settlement

This proposal is a Bad idea, as in: I personally as an american citizen oppose this settlement and hereby declare that it is unAmerican!

Thank you.
Amber Bennett

MTC–00019731

From: Anthony Buhler
To: Microsoft ATR
Date: 1/23/02 10:21pm
Subject: Microsoft Settlement

It is clear that Microsoft has done significant damage to the competitive landscape of the software industry.

It is my belief that if other software companies had not been crushed by Microsoft that we would have seen more innovative software, more stable software, and more secure software. But if there is no competition, why make something better?

Anthony Buhler

MTC–00019732

From: Ellis (038) Ruth Hillinger
To: Microsoft ATR
Date: 1/23/02 10:21pm
Subject: Microsoft Settlement

I believe that the proposed settlement in the Microsoft case is inadequate and urge that a more comprehensive remedy be implemented.

Thank you.
Ellis Hillinger
Seattle Washington

MTC–00019733

From: Lawrence Howards, M.D.
To: Microsoft ATR
Date: 1/23/02 10:21pm
Subject: Microsoft settlement and AOL

To Whom it May Concern: The AOL suit seems to be a repeat of the original and dismissed browser suit against Microsoft. Moreover, years ago, I changed to the Microsoft browser because it was better, not because it was free. I had both of them for a time.

MTC–00019734

From: (u)
To: Microsoft ATR
Date: 1/23/02 4:29pm
Subject: Microsoft Settlement

I would like to voice my oppposition to the proposted Microsoft settlement. The proposed settlement does not penalize Microsoft for its history of *punishing* computer manufacturers for selling PCs containing software or Operating Systems made by competitors of Microsoft. Such actions by Microsoft are the antithesis of free trade. The proposed settlement also does not prevent Microsoft from partaking in this type of cutthroat behavior in the future. It also does not prevent Microsoft from —intentionally— building into its applications incompatibilities in order to keep them from running on competing operating systems, and intentionally inserting incompatibilities into user files created in Microsoft applications so that such files cannot be used in applications created by competing software companies.

A. Walter

MTC–00019735

From: James Powell
To: Microsoft ATR
Date: 1/23/02 10:25pm
Subject: Re: U.S. v. Microsoft: Settlement Information

Dear D.O.J.,

I would like to submit my comments about the Proposed Final Judgement. As recommended by the D.O.J., I have read the original Complaint (5/18/1998), the Stipulation and Revised Proposed Final Judgement (11/06/2001) and the Competitive

Impact Statement (11/15/2001). I am unable to believe that the remedies in the PFJ will prevent Microsoft from maintaining its operating system monopoly. The PFJ appears to me to have no teeth. To me, the heart of the issue is Microsoft's ability to determine de-facto standards. These standards include word processing and spreadsheet file formats, which Microsoft, under the PFJ, retains the ability to manipulate in secrecy in order to block competition. These standards also include the interfaces used by Microsoft products such as Word and Excel to carry out their functions. As shown in the courts proceedings, Microsoft has repeatedly and secretly changed these APIs in order to disable or cause malfunctions in competing software. The PFJ does require that Microsoft make some APIs public, but the definition of API in the PFJ is so limited that there can be no expectation that Microsoft will not continue to cripple competitors using this dirty trick.

I think that it's unfortunate that patents covering the Windows API are allowed to remain undocumented. This prevents potential competitors from implementing products which are compatible with the de-facto standard PC operating system API without risking patent infringement. The patents are especially a problem because it is well documented that the U.S. Patent and Trademark Office has issued many software patents without adequately determining the novelty of the proposed invention. Please read ''Intellectual Improprieties'' in Scientific American magazine's February 2002 issue, p. 34 for more information about this problem.

Besides the issue of standards, there is the question of Microsoft's practice of using OEM licensing agreements to suppress competition. This section of the PFJ is apparently very weak by design. It contains language that actually encourages Microsoft to increase its market share by allowing the company, which is guilty of engaging in illegal practices to suppress competition, to go ahead and dictate different licensing terms to smaller OEMs—precisely the OEMs who are most likely to encourage competition with Microsoft (Section III.B), and by permitting Microsoft to retaliate against any OEM who ships computers containing no Microsoft operating system (Section III.A.2). Considering these problems, I feel that the the Proposed Final Judgement as written will have very little effect on Microsoft and I am certain that significant anticompetitive practices will continue at the company. The Proposed Final Judgement is not in the public interest, and it should not be adopted without addressing these issues. As a personal amendment, I am a software developer. I started developing software in 1982 at the age of 13. I worked in computer stores for four years, from 1984 to 1987, and I have been a professional software developer since 1988 starting as a student in college where I worked for the University of Chicago's Graduate School of Business. The computer industry in the 1980s was a wonderful market, full of innovation. Spreadsheets, word processors, desktop publishing programs, games, and operating systems all enjoyed significant competition and the consumer benefited from a bounty of choice and variety. Standards such as SGML (the basis of HTML), ANSI C, and POSIX were refined and adopted and the end user benefited from consistent implementation of these standards. Products improved in functionality and reliability and prices were kept low by market forces.

I enjoyed using Microsoft products, purchasing Multiplan, Word, and MS-BASIC for the Macintosh. The first sign of trouble that I noticed was when Apple was developing a really good BASIC development environment for the Mac, called MacBasic, in 1985. Preview versions of this software were available and it was obviously much better than the MS-BASIC product. Apple had poured a lot of resources into MacBasic and was poised to release the product when Microsoft stepped in. This is the first application of Microsoft's famous and frequently used ''Apple— submit or we will no longer make products which run on the Macintosh'' tactic that I know of. Apple submitted and sold MacBasic to Microsoft for $1. MacBasic was buried and Microsoft continued to sell its inferior product, without updating it or addressing its limitations at all for years.

Finally, even MS-BASIC disappeared from the market and consumers were left without a useful BASIC programming environment on the Macintosh. There are so many stories like this that I know that Microsoft has significantly and intentionally damaged the personal computer market. Microsoft continues to do so today by shipping broken products to so many people that massive security flaws and unstable systems are now considered the norm by many. Programmers know that this perception is dangerous and untrue. Better practices and better operating systems have existed since the 1970s, but they are unable to gain a foothold in the PC market because Microsoft uses unfair practices to maintain the Microsoft monopoly on that market. The other reason I feel strongly about this issue is that it is clear to anyone who has been involved with the industry since the early eighties that the software market has collapsed into an uninteresting, low quality blob. Strong companies shipping strong products, such as Word Perfect, Harvard Graphics, Borland, Netscape, Corel, Digital, Ashton-Tate, Lotus, Eudora, and IBM have all attempted to sell products which compete with Microsoft applications and they all now lie strewn in the dust, crushed by monopoly power.

Apple, Sun, and free software are the only hope I have today for freedom of choice in desktop computing. I feel that Microsoft will eventually fall, because end users still have freedom of choice and free software will replace Microsoft products on the desktop. This may take decades to accomplish and many millions of computer users will be deprived of choice until that day.

I believe that the PFJ as written will not accelerate this process, nor will it significantly improve the situation for commercial competition to Microsoft. As a computer professional and as a citizen of the United States, I urge the D.O.J. NOT to adopt the proposed final judgement without amendment.

Thank you,

James E. Powell
President, Silver Future Software, Inc.
3445 S. Downing #307
Englewood, CO 80110
http://silver-future.com

MTC–00019736

From: J. Kanowitz
To: Microsoft ATR
Date: 1/23/02 10:20pm
Subject: Microsoft Settlement

I'll try to keep this brief. As an end user and small-office administrator, there is little or nothing in the proposed settlement that reduces Microsoft's monopoly influence on my daily personal computer usage.

I have never been a fan of Microsoft products, as I feel they are without technical merit. I've used Commodore Amigas, IBM's OS/2, and the open-source Berkeley Software Distribution-based UNIXes. In all cases, Microsoft's sheer popularity has forced me to own and operate at least one Windows system, and in the case of the small-business environment, a network of Windows machines.

In particular, if I may quote from http://www.kegel.com/remedy/remedy2.html#info.formats 's criticism of the proposal:

''5. File Formats Remain Undocumented

No part of the PFJ obligates Microsoft to release any information about file formats, even though undocumented Microsoft file formats form part of the Applications Barrier to Entry (see ''Findings of Fact'' ?20 and ? 39).'' As an average user, I can say that it is ''impossible'' for a small business to migrate away from Microsoft solutions as long as the popularity of Windows and Office maintains the proprietary Word format as a de-facto document interchange standard. The average end-user does not have enough familiarity with Office to understand how to save a document in an open format, and Microsoft relies on this lack of user skill to maintain their dominance in that software space. Frankly, the judgement should set a precedent in demanding the specifications of proprietary formats such as Word .DOC be opened—should a company profit from their ability to obscure their data formats to only interoperate with their own products [thus forcing adoption], or by providing innovative software with the features the market demands?

Telephone companies used to require rental/purchase of approved telephones direct from the company. With that requirement removed, other vendors have been free to offer telephones, some with innovative features (speed dial buttons, speakerphones, etc). This did not unduly restrict the telephone companies, nor did it adversely effect the integrity of their networks. Microsoft has a ''network'' of sorts—users and businesses who have been convinced to use their products, and currently, their closed standards and anticompetetive practices force users to purchase software from them (Office, Windows) when it should be trivial for any word processor to read documents produced by another.

This is the essential difference between the original (1980s) PC marketplace and the

''digital milennium''—today, there are certain standards in place that enable the Internet, and these standards should be taken as a given, not unlike the standards of the American interstate network.

Much of the proposal seems to presume that Microsoft is a monopoly in personal computing, and rather than attempting remedy that would open the operating systems market to competition, focuses on ways to make it easier for other businesses to produce and sell to the installed Microsoft userbase without undue restriction by Microsoft licensing. This in no way assists the consumer who is ''not'' running a Microsoft system, and has no interest in running a Microsoft system, but finds it necessary to conduct communications with Microsoft users! I wish I'd taken the time to make this a more founded argument, but hopefully it is food for thought. Please consider the fate of direct competitors in the OS marketplace, and their end-users, in drafting the final settlement. Respect that handheld devices, game systems, and other products are equally personal computing devices. Allow direct competitors—WINE, Lindows, etc—the rights to reverse engineer Windows in the same way that Compaq was allowed to reverse-engineered the IBM PC BIOS to make the x86/MS–DOS/Windows world to happen. Don't allow MS to charge licensing fees for systems not running Windows, and do not allow them to restrict the sale of dual-booting systems (as occurred when MS licensing blocked Windows/BeOS dual-boot machines from including a bootloader that could allow access to the BeOS installation!)

Again, though I'm restating myself all over the place—don't assume that since MS ''has'' attained a monopoly, that competition can't occur, and that all remedies must focus on making the Windows monopoly more livable for OEMs, developers, and users. Consider mechanisms to actually allow for increased competition in the entire personal-computing space. Setting a precedent for industry-wide open data file formats would be one such mechanism, as it would level the playing field and allow for a proscribed level of interoperation between competing products—necessary, in today's networked ''digital milennium'' world.

Communications protocols should be treated similarly, and information should not be restricted on the basis of security concerns. A security issue in a file format or protocol is a ''failure to innovate,'' as a better-designed format/protocol would not be victim to the problem.

To whoever's bothered to slog all the way through this, I thank you profusely for your consideration!

Joseph Kanowitz

MTC–00019737

From: Jere Beauchamp
To: Microsoft ATR
Date: 1/23/02 10:24pm
Subject: Microsoft Settlement

I am distressed with the proposed settlement of the Microsoft antitrust case. They have been judged to be a monopoly and they have engaged in behaviors that have significantly damaged other software companies by their practices. Anything less than a breakup of this monopoly is a serious setback to the entire computing industry.

MTC–00019738

From: Frank Maglio
To: Microsoft ATR
Date: 1/23/02 10:21pm
Subject: Microsoft Settlement

The proposed settlement is not a solution to the adjudicated problem. The proposed settlement will not prevent Microsoft from repeating the same pattern of monopolistic abuse it was just convicted of conducting. A proper solution would be to return the Mosaic browser and the fruits of its tree to the public domain from which it came.

MTC–00019739

From: Wes Bateman
To: Microsoft ATR
Date: 1/23/02 10:22pm
Subject: Microsoft Settlement

I would like to voice my opinion on the matter of the proposed Microsoft Settlement. I feel strongly that the current proposal is ill advised. It does very little to keep Microsoft from continuing to use its marketshare to dominate competitors. Further, this watered-down remedy damages any relevance that the anti-trust laws have.

Please reconsider acceptance of the currently proposed remedy. It is bad for not only the technology industry, but for our country as a whole.

Thank you for your careful deliberation in this matter.

Sincerely,
Wes Bateman
P.O. Box 851053
Richardson, TX 75085–1053

MTC–00019740

From: Louis Vonderscheer
To: Microsoft ATR
Date: 1/23/02 10:03pm
Subject: Microsoft Settlement

Microsoft has and is one of the software sector's largest predators. Their practices have destroyed many companies that produced excellent products, leaving users such as myself with few alternatives. I believe that Microsoft should not walk away from this case with a slap on the wrist. An example needs to be set that robber barons in a new form cannot be tolerated. Thank you for allowing me to have even minor input regarding this issue.

F. Vonderscheer
Redding/Sacramento
California

MTC–00019741

From: Eugene Poole
To: Microsoft ATR
Date: 1/23/02 10:28pm
Subject: Microsoft Settlement

I DON'T AGREE . . .
Eugene Poole
etpoole@adelphia.net

MTC–00019742

From: Silver944
To: Microsoft ATR
Date: 1/23/02 10:30pm
Subject: Microsoft Settlement

Dear Sirs:

I consider the proposed settlement to be a total abrogation of responsibility on the part of the US Government. In the annals of anti-trust, the best analog that I can find is that this settlement is as if the Government had not only not broken up Standard Oil, but had also given them the railroads. It is an open invitation for companies in the future to flout the law with the knowledge that even if they are finally convicted in a court of law, the remedy applied will be weak at worst and more likely totally impotent. Microsoft has shown repeated disdain for the rule of law and may be expected to not act in an honorable fashion under any remedy. At a time in which we are attempting to demonstrate the nature of America, I suggest that Honor is value to be preserved not discarded.

The ubiquitous nature of the Windows operating system due to its monopoly status has cost both its users and its non-users a tremendous amount of time and treasure due to its basic philosophy of construction. It is hard to know what the current situation might have been if competition had been allow to exist, but I dare say we are better off with a number of different operating systems rather than a single omnipresent one.

I suggest that the proposed settlement be discarded and the earlier action by he Honorable Judge Jackson be reinstated.

Regards,
Dr. William Ledsham Ph.D. MIT ''78
40 Bemis St.
Newton, MA 02460–1103

MTC–00019743

From: Rhys Ulerich
To: Microsoft ATR
Date: 1/23/02 10:27pm
Subject: Microsoft Settlement

I am writing to express my disagreement with the proposed Microsoft anti-trust settlement. After reviewing the proposal, it is my belief that it is insufficient to curtail Microsoft's unethical business practices which are hurting the computer industry.

One particular change I recommend is that Microsoft be required to publically release on the Internet full documentation for all of it's API's and file formats, such as those used by Microsoft Office. This would allow competitors to create software that is compatible with Microsoft's.

Sincerely,
Rhys Ulerich
Undergraduate Computer Science Student

MTC–00019744

From: Denny Napier
To: Microsoft ATR
Date: 1/23/02 10:28pm
Subject: Microsoft Settlement

Microsoft will never, of their own accord, practice business in a fair, competitive manner. The Microsoft Empire has been built on unfair, monopolistic business practices and they must be reigned in for the good of free choice for the public and opportunity for growth in the computing sector.

The settlement is not strict enough.

Denny Napier

MTC–00019745

From: Sean McNally
To: Microsoft ATR

Date: 1/23/02 10:25pm
Subject: Microsoft Settlement

The only thing microsoft would understand as a penalty , is a financial one. the deal their lawyers dreamed up was one that didn't really hit them financially, it only means they will lose a billion in sales, not actually pay out a billion in cash. it's obscene! There is a huge difference!

MTC–00019746

From: hersh@ri.cmu.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 10:30pm
Subject: Microsoft Settlement

The current Microsoft settlement does not address the problem of a monopolistic company. Microsoft has a huge illegal monopoly, and the punishment/solution handed out by the US Government should be correspondingly drastic. Microsoft should be broken into at least 3 companies:
—operating systems
—application software
—networks

Bell Telephone was broken up, and so should Microsoft be. Look at the explosion of new products and services and the reductions in price which resulted from the Bell breakup. The same things would happen from a true Microsoft breakup.

PLEASE DO NOT LET THEM BUY THEIR WAY OUT OF THIS.

Thank you.
David Hershberger
1235 Bellerock St.
Pittsburgh, PA 15217

MTC–00019747

From: Ari'' email
To: Microsoft ATR
Date: 1/23/02 10:30pm
Subject: Microsoft Settlement

I do not feel as a citizen of the United States that the full scope of this compromise has been disseminated to the people who it affects the most. Please do not allow politics to determine the future course of technological advance in the US. Do to MSFT what was done to the sugar companies and the oil companies and steel. Destroy the anti-competitive force that is MSFT and we will once again be the vanguard of technological break through's not patches and security holes.

Thank You for your consideration
Ari Miller

MTC–00019748

From: Dean Chouinard
To: Microsoft ATR
Date: 1/23/02 10:29pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I have worked with Microsoft software for over 10 years and I have a problem with the settlement because it does not prohibit Microsoft from inserting intentional incompatibilities in their software to eliminate competition. This one tactic, which has been technically documented, has probably done the most damage to progress in software development resulting in buggy programs, which I am sure you are aware of in your daily work environment.

Sincerely,
Dean Chouinard
Taunton, Massachusetts; Programmer.

MTC–00019749

From: Barton Grantham
To: Microsoft ATR
Date: 1/23/02 10:30pm
Subject: Microsoft Settlement

Seeing as how the future of human civilization hangs on our ability to create, communicate, store, and freely exchange information, I'd say that any settlement that doesn't fully address Microsoft's unethical attempts to monopolize for great profit the ability to do the above is inadequate. While I appreciate that Microsoft's products enable many companies to streamline their information infrastructure and that to the technology outsider, they may have been seen as the engine of the Information Revolution, this is actually just a subjective observation. The driving force behind the Information Revolution has been, and continues to be, semiconductor manufacturing. Due to advances in semiconductor manufacturing our computers are now tens of thousands of times faster than they were a mere 2 decades ago. I don't believe it is a stretch to say that the miracles of modern software that MS products make possible could have been achieved by ANY company. In fact, many groups have achieved more than MS with less resources, all by riding this wave of exponential hardware upgrades. This is all to say that they are not the cutting edge technology company that many believe them to be. In fact, most industry insiders consider them to be VERY conservative with regards to research and development, always erring on the side of profitabiliy at the expense of technological progress and customer benefit.

There is no mistaking that there have been many competitors to MS who simply failed to take advantage of a situation where they had a strategic advantage. There have been books written about how Apple, IBM, Commodore, DEC, Atari, Netscape, etc. all ''dropped the ball'' when they ere competing head to head with MS in the marketplace. HOWEVER, for every instance of misjudgement on the part of MS's competitors, there is at least one instance of unethical and often illegal business practices that gave MS not just an advantage, but exclusivity to a market. Many of these have been touched upon by the trial, but most in not enough detail. In particular, their ''bootloader'' policy combined with their licensing policy has been extraordinarily harsh:

—They insist that if a hardware vendor sells even one machine with a copy of windows, that they must pay a license for windows for EVERY machine they sell. Agree to this and you get a 90% reduction in license cost. Disagree and you pay retail cost per machine.
—They insist that if you install windows on a machine, it can be the ONLY operating system natively bootable on that machine.

These two policies combine to make a marketplace where now literally NOBODY can compete in the ''Installed Operating System'' market. With regards to the proposed settlement where MS provides schools with free hardware and software . . . This is not a settlement at all! The education market is one market that MS has always found it difficult to compete due to Apple's being entrenched there. This settlement is effectively a way for MS to gain a foothold into a market where they could EASILY recoop their ''billion lost dollars'' within a single software upgrade cycle. On top of this, there are two additional problems. MS claims that they would provide a billion dollars worth of their own product, but it must be understood that their product is infinitely producable for very little money. What would cost them a million dollars in CD duplication fees could pay a billion dollar court fine. The second problem is that, combined with the fact that these schools would likely not have purchased MS software in the first place, this would actually be a positive market movement for the company, not a punishment. Finally, to make clear: Microsoft has been ''dumping'' in the market for decades, banking on it's one day becoming a monopoly and being able to recoop costs by price gouging. The mechanism that has made this possible is stockholder capital. —Right now—is when it will begin this price gouging because their stockholders are chomping at the bit for a dividend. Microsoft has to either suffer the consequences of a stock crash or squeeze as much money from their customer base as possible. The .NET initiative and their model of 'software as service' is part of their plan to entrench themselves as an infrastructure company. If this is not stopped, then the technology industry can expect the 20 years to belong to Microsoft and the average US consumer can expect their participation in digital technology to be accompanied by a ''Microsoft Tax''.

As a technologist and computer programmer for more than 20 years, I must insist that there be NO settlement and NO easy path for this unethical, irresponsible, and destructive company. Our future literally depends on this company being stopped.

Bart Grantham
(grant_b@cs.odu.edu)

MTC–00019750

From: Thomas J. Kempkes
To: Microsoft ATR
Date: 1/23/02 10:30pm
Subject: Microsoft Settlement

The proposed Final Judgement posted at http://www.usdoj.gov/atr/cases/f9400/9462.htm is unacceptable and should not be pursued any further. The stipulations regarding the withholding of APIs and the leeway given to Microsoft to dictate the choice of middleware products are the most repugnent of the bunch.

Abandon this settlement. Either write a new settlement, which doesn't give Microsoft so much power, or get back in the courtroom and go for the jugular. For heaven's sake, Microsoft's been found guilty of being a monopoly and abusing that power to the detriment of the American people and their

economy; don't just call off the hunt now, you've got them where you want them. If I didn't know better, I'd say this new administration was soft on enforcing antitrust laws.

MTC–00019751

From: Craig
To: microsoft.atr
Date: 1/23/02 10:31pm
Subject: bad settlement

I remember how Microsoft sold licenses to computer box assemblers entitling them the load the operating system onto the computer before sale to the consumer. Microsoft charged by the total number of computers the assembler sold. So if the assembler's customer (the consumer, aka the American citizen) wanted a different operating system, the customer would pay for paying Microsoft, then on top of that pay for the different operating system. Now that's monopoly.

Better educated than the Taliban, with more opportunities, and always living in a free society, Microsoft has chosen evil at every turn. Reject settlement. Go for dismemberment.

MTC–00019752

From: George Gilpatrick
To: Microsoft ATR
Date: 1/23/02 10:30pm
Subject: Microsoft Settlement

I struggled through the morass of information on the settlement and decided the best way to respond would be tell you what I thought and you tell me if the Tunney Act will do this:

I believe in this country and the spirit that founded it. This spirit was a restless drive for freedom of intellectual expression, refusal to allow troops to be quartered in our houses, and the freedom to pursue our ideas.

Microsoft has systematically sought to suppress intellectual expression, done everything in it's power to force us to have its operating system in our home, and denied us the ability to freely develop software on our own systems without paying a tax. Sounds like King Bill to me.

Those who do not study history are doomed to repeat it. . . .

MTC–00019753

From: Cameron Just
To: Microsoft ATR
Date: 1/23/02 10:31pm
Subject: Microsoft Settlement

Hello,

I would like to vote against the proposed settlement for the Microsoft case. I believe that the proposed settlement will benefit microsoft rather than punish it. The settlement will also harm microsofts competitors and strengthen microsoft proven monopoly position.

Even though I live in Australia I believe that my vote should count as this company is not only affecting US consumers but global consumers.

Cameron Just
5 Ormond Tce
Indooroopilly
Qld Australia
4068

MTC–00019754

From: Darin Hawley
To: Microsoft ATR
Date: 1/23/02 10:30pm
Subject: Microsoft Settlement

I've been a software developer for only five years now, but in that time I have developed a great appreciation for the freedom afforded by standards and interoperability. I have come to believe that above all else, data should be free from all encumbrances. Standard file formats ensure that I will always have the ability to access and/or share the data I have created no matter what the circumstances.

The proposed final judgement has absolutely nothing to say in this matter, even though it was explicitly identified as a barrier to entry. I believe that the proposal falls far short of providing a level playing field in the industry, not to mention exacting no real damages from a corporation who has systematically abused the industry for years. In frustration, I often vow to renounce the use of Microsoft software. But how can I do so when they hold my own personal documents hostage?

MTC–00019755

From: wfdeller@wilbur.dhs.org@inetgw
To: Microsoft ATR
Date: 1/23/02 10:32pm
Subject: Microsoft Settlement

To whom it may concern,

I am writing this letter regarding the Microsoft anti-trust matter out of personal concern for the harm that has occurred and continues to occur in the computer software marketplace and consumers.

Based on the information that has been provided on the proposed settlement, I feel, very strongly, that it will provide absolutely no relief from Microsoft's illegal business practices. I think that the most blatant point that the settlement fails to correct is Microsoft's continued hindrance of competing products. Microsoft is in a position to bully any competitor into submission because of its near 100% dominance of the desktop market. In this position, no company will be able to compete, even if it provides its software for free.

In my opinion, the only way to correct the Microsoft monopoly and somewhat level the playing field is to force Microsoft to openly publish the programing interface to its Windows Operating Systems (and that includes Internet Explorer—Microsoft says that it is now a core part of its Operating System) and its applications file formats (i.e., MS Office). This provision is included in the current proposed settlement, but only provides this information for companies that are somehow ''certified'' by Microsoft. The information should be public to all companies and individuals, including security related API's (excluding API's that involve security will essentially exclude all API's. All programming interfaces have some form of security included). Providing this information, to everyone, will allow companies and private individuals to create applications that extend, inter operate and compete with the Microsoft Windows platform.

Thank you for the opportunity to provide feedback on the settlement case. I am truly hopeful that some benefit is realized in the software marketplace as a result of this case. Unfortunately though, unless significant changes are made to the settlement, absolutely no improvement to the competitive landscape will be realized and consumers will continue to be harmed.

Bill Deller
27535 El Ferrol Drive
Mission Viejo, CA 92692

MTC–00019756

From: Pete Smith
To: Microsoft ATR
Date: 1/23/02 10:33pm
Subject: Microsoft Settlement

To Whom It May Concern,

I do not think that the Microsoft Settlement is harsh enough. This is another case of ''He who has the most money wins''. Microsoft is receiving a slap on the wrist and is being asked nicely to please play fair. They will continue to have a monopoly of the operating system market and will continue their unfail business practices under this ruling.

Windows remains popular not because of stability and security, but because it is the only operation system that Microsoft will allow OEM's to put on their computers. If they want to sell Microsoft, they must not sell anything else.

This is like one company manufacturing the engines for every automobile sold on every lot in the country. Most people don't build their own cars, so they wouldn't know that another kind of engine existed. Just like most people won't remove the engine that came with the automobile, most won't remove windows and install another operation system.

If windows is as good as Microsoft claims, let's let consumers make the decision. Give them a choice of buying a computer from the local department store running windows, linux, unix, etc.

If there is only one name on the ballot, voters have no freedom.

Pete Smith
Electronics Technician
Formerly Third Class Petty Officer, USN

MTC–00019757

From: Tim Malone
To: Microsoft ATR
Date: 1/23/02 10:31pm
Subject: Microsoft Settlement

I believe that the proposed settlement in the Microsoft Anti-trust case, does not go far enough to restrict Microsoft's anti-competitive activities.

For instance, Section III.B allows them to offer discounts on Windows to OEMs based on the number of copies of other Microsoft products they buy. This allows them to leverage their intel-compatible operating system monopoly to gain dominance in other markets, like the the embedded OS market.

Also, the restrictions placed on the use of the documentation released to the competition by Microsoft, nullify the effects of having the documentation. To truly open up the field of competition, the API documentation should be released to the public domain, and no longer locked down under patents and copyrights.

Tim Malone

MTC–00019758

From: KannanArvind@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:33pm
Subject: Microsoft settlement

I have watched the Microsoft anti-trust trial closely. Being a firm believer that Microsoft has mis-used its monopoly, I was very dismayed when the Justice Department settled the case so lamely. I do not think this is in the public interest. Already, Microsoft is trying to stretch its monopoly with Windows XP, .NET technologies, Web services etc. If you look at all these products, it is clear that Microsoft is intent on pursuing its dominating practices. There is much innovation that can happen in the Web services and other arenas ... but only if Microsoft is forced to allow it.

Yours sincerely
Arvind Kannan

MTC–00019759

From: Rohit Singh
To: Microsoft ATR
Date: 1/23/02 10:31pm
Subject: Microsoft Settlement

Hi,

I think that the DOJ's settlement with Microsoft is short-sighted and in very bad judgement. Rather than thinking about the customers and fighting it out, DOJ is just taking the easy way out.

Thanks,
rohit singh

MTC–00019760

From: Frans de Wet
To: Microsoft ATR
Date: 1/23/02 5:34pm
Subject: Microsoft Settlement

I wish that this be counted as a vote AGAINST the proposed settlement!

Thanks,
Frans de Wet
Tallahassee, F 32308

MTC–00019761

From: Patty MacDuffie
To: Microsoft ATR
Date: 1/23/02 10:32pm
Subject: Microsoft Settlement

Dear Sirs,

Can we please get this thing settled so that the companies involved can get back to business instead of litigation? I can't believe the amount of tax dollars being spent on this worthless litigation; why does the government insist on prosecuting those that are successful? Yeah, let's tax away, litigate away, any ideas anybody might have of the American dream. Let's make it so costly and painful that nobody does it. That's the way to keep a lot of lawyers and politicians employed, but it does very little for anybody else!

Patty MacDuffie

MTC–00019763

From: Eric Hill
To: Microsoft ATR
Date: 1/23/02 10:35pm
Subject: Microsoft Settlement

To Whom It May Concern:

As a citizen of the United States and a user and developer of Microsoft Windows-based software, I am writing in strong support of the settlement reached by the US Department of Justice, the nine settling states (including, proudly, my state of residence, North Carolina), and Microsoft to end the antitrust case against Microsoft. I have worked in the computer industry for 15 years. During that time, I have watched how Microsoft's vision has moved the PC industry from toy computers running MS-DOS to powerful workstations running mission critical applications. Microsoft has earned their large market share in the desktop operating system market, by delivering consistently improving products to the marketplace that solve people's problems at very reasonable prices.

During a time in the late 1980's, I worked for a company that, like many others, was undertaking office automation—converting from manual methods of document preparation to computer-based methods. This company had both UNIX-based and Windows-based computers in-house. At the time, Windows-based computers were notoriously unstable, so we tried desperately to find an office automation solution on UNIX-based computers. Unfortunately, it did not exist. Microsoft, on the other hand, had a suite of applications that worked better together than any suite of office applications running on any platform at the time. We went with Microsoft and lived with the instability. This is the stuff of which Microsoft's market share is made. Microsoft delivered products, and their competitors failed to execute.

For the past seven years, I have worked as a developer of software that runs on Microsoft Windows. It is a pleasure to develop software for Microsoft Windows. The documentation that Microsoft provides through the Microsoft Developer's Network is phenomenal, and unmatched by any other company in the industry. Their new software development tool, Visual Studio.NET, is the best tool for developing software that has ever been created. When you combine the ease of developing for Microsoft with the suite of excellent applications that Microsoft also produces, you end up with a platform that is the most successfully competitive and innovative in the marketplace.

The problem with monopolies is supposed to be that they charge high prices and stagnate. Microsoft's competitors, who are urging the judge in this case to throw out the settlement, could only wish that Microsoft had stagnated and charged high prices. That is the real problem for Microsoft's competitors: Microsoft competes incredibly well. This demonstrates what members of the Austrian School of Economics pointed out 100 years ago: Monopolies that do not have ''legal'' barriers to entry protecting them are no threat to anyone, because they are powerless to stop competitors from entering. There is, of course, no guarantee that ''worthy'' competitors will in fact appear, but that is not the dominant company's fault.

In looking through the opinion from the US Court of Appeals, there is exactly one offense committed by Microsoft that should be illegal—the breach of contract and fraud in the Sun Java matter. But breach of contract and fraud are illegal for companies regardless of market share, and Sun took appropriate action to remedy the matter by suing Microsoft. The appearance of the Java matter in the antitrust case is merely double jeopardy.

Other accusations made against Microsoft are for actions that should not be illegal for any company, regardless of market share. In the case of Intel, the relationship that Intel enjoyed with Microsoft was responsible for much of its profit. For Intel to use that profit to develop software that would potentially compete with Microsoft's products is absolutely something that Microsoft should have a right to respond to. All Microsoft did was threaten to take some of their business elsewhere. The right to take one's business elsewhere is a fundamental right that all individuals and corporations, regardless of market share, must enjoy if we are to call this a free society. The fact that the antitrust laws enjoin such conduct for a company with large market share is merely another reason that the antitrust laws must be repealed. Similarly, Microsoft's actions in developing and promoting Internet Explorer through innovative marketing agreements should also be their absolute right. There can be no doubt that Microsoft's dominance in desktop operating systems gave them an advantage for getting Internet Explorer into the hands of users. But it was an advantage that they earned. Microsoft's push of Windows into people's homes also created a huge market for Netscape to sell into.

The most absurd concept in court filings that I have read is the concept of the ''applications barrier to entry'', and the notion that the court must take action to reduce or eliminate it. The so-called ''applications barrier to entry'' actually represents what an incredible job Microsoft has done creating software that works well together to solve the problems of their customers, and the great job Microsoft has done making it easy for third parties to develop software for Windows (Visual Basic being one shining example). Those who are calling for a reduction in the ''applications barrier to entry'' are asking Microsoft to be punished for the great things they have done, not for those things they have (allegedly) done wrong.

The antitrust case against Microsoft has been an embarrassment for the United States. It is time to bring it to a close in a way that prevents the most egregious (in the opinion of some) conduct, while leaving Microsoft free to innovate and enjoy the advantages that their 20-year history of developing great software that is accessible to the masses. Microsoft's competitors have had ample opportunity to get their act together over the last 20 years and put forward a platform that would compete seriously with Windows. Those competitors have failed miserably at every turn, and now seek to use the fact that everyone wants Microsoft's products against Microsoft to gain an advantage that they were unable to earn in the marketplace. The settlement is a punishment that fits the crime. Please accept it and let us move on.

Sincerely,
Eric W. Hill
208 Wedgemere St.

Apex, NC 27502

MTC–00019764

From: Joe Norton
To: Microsoft ATR
Date: 1/23/02 10:34pm
Subject: MS anti trust

It blows my mind how there is any doubt as to whether MS should be broken up. Look at what the break up of AT&T, and the telecommunications act of 1996, did for the telco industry. If that had not happened, we would probably still be using rotary phones and would have never heard of DSL or T1's. While MS has produced a product that has helped spawn the digital age and the growth of the internet, they have become a fat cat company who decides to play by there own rules. Imagine the innovation that would result if everyone had there chance to produce there own version of Windows. Not only would consumers enjoy more choices and most likely lower prices, but the fact that anyone can tweak the Windows platform to their own ideas would mean new uses for the PC in the home and office that no one today could even imagine. Or, we could let MS decide the future of the PC, which , without a doubt would be a future friendly to MS and there stock prices.

MTC–00019765

From: Steve Richards
To: microsoft.atr(a)usdoj.gov
Date: 1/23/02 10:35pm
Subject: Microsoft Settlement

Don't let them off the hook. If you do we will never have a computer operating system that doesn't crash... They destroyed Novell, Netscape, OS/2, Digital Research, and probably many others

Steve Richards
72 Pleasant St
Norwell, MA 02061
<Steve@aducredit.com>

MTC–00019766

From: Jason Naglich
To: Microsoft ATR
Date: 1/23/02 10:34pm
Subject: Microsoft Settlement

To Whom It May Concern:

I believe the current settlement proposed with Microsoft is a mistake. Give Microsoft's past track record and their ability to stifle new technology rather than innovate is more reason to split them up than to let them stay a single entity. As an IT professional, that is my opinion. Thank you for your time.

Jason Naglich

MTC–00019767

From: Annette Mercer Alexis Wieland
To: Microsoft ATR
Date: 1/23/02 10:35pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Dear Ms. Hesse:

I do not like the Proposed Final Judgment in the Microsoft case. It does little to prevent continuation of their monopoly and little to punish their past behavior. It also appears to offer little enforcement.

We are an average family using a PC for word processing, games, desk top publishing, etc. I would like to have more options of programs and more ability to mix and match. I think it would be in the public interest to have more competition.

Sincerely,
Annette Mercer
2647 Glendon Ave
Los Angeles, CA 90064

MTC–00019768

From: (042) (035)
To: Microsoft ATR
Date: 1/23/02 10:32pm
Subject: Microsoft Settlement

Dear Sir/Madam,

I find it appalling that Microsoft, for all intents and purposes, will not be penalised for the monopolistic business practices they have engaged in and the contempt with which they have treated PC users and consumers worldwide.

Your job here is to hold them accountable and at the same time ensure they are deterred from engaging in such practices again. A softly, softly approach will not be a win for the computing public nor will it discourage those that follow after Microsoft.

Michael Walker

MTC–00019769

From: Hector Arroyo
To: Microsoft ATR
Date: 1/23/02 10:35pm
Subject: Microsoft Settlement

You'll be getting alot of these so I'll keep it brief.

The remedies are far too lenient in regards to Microsoft. The remedy it's suggested for itself would actually have the effect of increasing it's market share in school while simultaneously decreasing the primary computer platform's (it's competitor Mac) presence in the classroom additionally they would have us allow them to inculcate our nations youth into their software while they're still in school. The notion that this company is willing to offer such a remedy on it's behalf ostensibly to correct it's behavior but ultimately to increase it's mindshare is a slap in the face of the justice you should be upholding as it's care taker for our nation.

As to what remedies should be imposed I'm no expert but it seems to me that they should be closely watched by government representatives at their own expense. They should be required to submit to free agents whose salaries are paid for by Microsoft to have complete free roam of their facilities/practices/contracts etc for a period of not less than 10 years. Such free agents would be required to make monthly reports, as well as a comprehensive yearly report, to the appropriate agency.

They should be required to eliminate their surplus revenue as profit to their shareholders. Part of Microsoft's problem is that they tend to utilize their enormous bank account to threaten competition. Microsoft should be made to make financial restitution to any and all individuals and corporations that have been harmed by it's acts. Microsoft should be banned from creating or conducting any new businesses outside the software for pc platforms and support and development of it's subsidiary business already created such as Xbox.

Failing that. Separate Microsoft into component companies each to have free government agents reporting on it's behavior.

MTC–00019770

From: Frederic W. Brehm
To: Microsoft ATR
Date: 1/23/02 10:35pm
Subject: Microsoft Settlement

The proposed settlement is inadequate. If I violated Federal law, I would be punished. Just saying ''I promise not to do that again'' would not be acceptable to the court. A violation of Federal law requires punishment AND some way of assuring that the violation will not be repeated. Microsoft has managed to dodge both the punishment and the assurance in the past. It's time to make sure that it does not happen again.

I am a software engineer who specializes in real-time embedded systems. I know something about the architecture, design, and implementation of computer systems. A modern operating system divides responsibilities among programs that run in separate ''address spaces'' or in separate computers communicating through some communication channel.

Microsoft should publish the details of the programming interface that allows programs in separate address spaces or on separate computers to interact, and how they store persistent information in files or other storage media. This is not the same as the implementation of the programs; source code does not have to be disclosed. The information is only how to talk to the programs. This will prevent Microsoft from using proprietary interfaces to drain the ''oxygen'' from potential competitors.

This information should be disclosed for any program, operating system, hardware, or other object that Microsoft sells at retail, or delivers to distributors, OEM's or special partners to be sold as part of a bundle of hardware, software, or services. This information must be disclosed in a reasonable time frame and errors corrected in a reasonable time frame. This time frame should be short enough that Microsoft does not gain competitive advantage over others who wish to make use of the interfaces. (This is part of the punishment.) The information should be free of any encumbrances or restrictions on its use. An independent auditor should should be appointed to judge the timeliness of the publication of the information, and nobody should be enjoined from suing to gain timely access to the information. If the auditor or a judicial proceeding finds that Microsoft has illegally restricted the information, then the full source code for the affected program must be published with no restrictions on its use.

Another method that Microsoft has used to extend its monopoly is to provide special pricing in exchange for special favors. While this is not, in general, a bad thing for a business to engage in, it is very bad for a monopoly to use this method to leverage its market dominance. As a punishment, Microsoft should be prevented (perhaps for

some limited time like five or ten years) from using differential pricing in all markets. Microsoft should use a uniform pricing schedule for all customers. The pricing can vary by volume, and perhaps by gross market segment (OEM, government, education), but should not vary by combinations of products ordered nor should the schedule dissect the market into tiny segments that change over the time the restriction is in effect. Judicial oversight must be exercised, perhaps by allowing lawsuits by plaintiffs that believe that they were classified incorrectly.

This is an outline of what I think would be a fair and equitable arrangement with a company that has never played fair, nor has understood their relationship to the government that protects them. If the company cannot abide by these restrictions, then it must be broken into separate pieces that do not command a monopoly power over their respective markets.

Sincerely,
Frederic W. Brehm
31 Nassau Drive
Lawrenceville, NJ 08648–1443
1–609–844–0747
fbrehm@computer.org
fbrehm@mac.com
fbrehm@sarnoff.com
brehmf@acm.org

MTC–00019771

From: Terry Magee
To: Microsoft ATR
Date: 1/23/02 9:40pm
Subject: Microsoft Settlement

I wisht that this be counted as a vote AGAINST the proposed settlement with Microsoft.

Thanks,
Mona T Magee
Tallahassee, FL 32308

MTC–00019772

From: Ken Thompson
To: Microsoft ATR
Date: 1/23/02 10:36pm
Subject: Microsoft Settlement

I think the proposed settlement is a very weak punishment for Microsoft. In general it will give them more power to use their monopoly . It will be especially bad for future recourse as a precedence will already have been set. PLEASE re consider and impose a stronger remedy.

Ken Thompson,
North West Antique Autos
Payette, Idaho
Email: ken@nwaa.com
http://www.nwaa.com

MTC–00019773

From: julio@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 10:37pm
Subject: Microsoft Settlement

The settlement is a bad idea because
—It does little to punish Microsoft for past misdeeds on the competitive arena,
—Does even less to insure Microsoft does not repeat its anti-competitive behavior.
—Amounts to a tolerance of a virtual monopoly, against the public interest.

Profoundly disappointed,
Julio A. Cartaya

MTC–00019774

From: Richard A. Ortt
To: Microsoft ATR
Date: 1/23/02 10:36pm
Subject: Microsoft Settlement

Attached is a letter for the Attorney General. I debated about sending this until I heard about Netscape's lawsuit. Someone should sue Netscape for its bad software.

Dick Ortt

Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
January 11, 2002

Dear Mr. Ashcroft:

I would like to express my thoughts regarding the settlement of the Microsoft case. To begin with, this case was ludicrous from its inception. It is way past time that this case is settled and I certainly hope that there will be no further delay in the process.

I worked in the computer industry for many years, building computer systems for the telephone industry. I have used various products and dealt with Microsoft as well as many of its competitors. Microsoft may have perhaps used their position unfairly, but that only happened because of their wise business decisions and exceptional products. As part of the settlement, Microsoft is giving away interface design information, protocol for their server systems and they are allowing competitors'' software on their Windows platform. They have also agreed to make several changes in their unsavory business practices to restore fair competition to the computer industry. Combined, all of this addresses the problems that were accused of Microsoft and adequately represents the public interest.

This whole issue has been a farce that selfish politicians have used to gain attention and popularity. Despite their supposed problems, Microsoft has set a standard for the entire computer industry. The computer industry and the entire economy would be much better off if Microsoft is allowed to get back to business.

Sincerely,
Richard Ortt

MTC–00019775

From: Nadia Pervez
To: Microsoft ATR
Date: 1/23/02 10:37pm
Subject: microsoft settlement

To Whom it May Concern:

I think the proposed Microsoft settlement is bad.

Sincerely,
Nadia Pervez
Graduate Student
Electrical & Computer engineering
University of California
Santa Barbara CA 93106
805–893–5935x222

MTC–00019776

From: Andrew Zolli
To: Microsoft ATR
Date: 1/23/02 10:38pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am very disturbed by the current settlement offer made by DOJ in the Microsoft antitrust case. In particular, I am in complete agreement with the critique of the settlement posted on http://www.kegel.com/remedy/letter.html. I believe that increased competition is vital to the growth of the computer industry, and that the current settlement does not go far enough to discourage Microsoft's anticompetitive practices.

I urge you to discard or improve the current settlement.

Yours truly,
Andrew Zolli
Brooklyn, NY

MTC–00019777

From: rip@voltz.willapabay.org@inetgw
To: Microsoft ATR
Date: 1/23/02 10:39pm
Subject: Microsoft Settlement

I am utterly dismayed with the Department of Justice's proposed Microsoft settlement, because it is so full of loopholes that Microsoft will have no legal fetters to curb their predatory behavior. Just as happened with the first antitrust decree, of February 14, 1995, wherin Federal Judge Stanley Sporkin refused to approve the consent decree negotiated between the U.S. Government and Microsoft to settle the antitrust complaint filed against Microsoft by the Government at that time, Microsoft will be able to skirt around the terms of the present settlement offered by the Department of Justice, because it is just too full of holes. Stop Microsoft's predatory behavior NOW, by throwing out the Department of Justice's proposed settlement and demanding a settlement that will have strong controls over Microsoft's behavior. The present Department of Justice proposed settlement is an atrocious miscarriage of justice.

Edmond Jane
45 Fourth Street
Bay Center, WA 98527–0444

MTC–00019778

From: Rohit Singh
To: Microsoft ATR
Date: 1/23/02 10:38pm
Subject: Microsoft Settlement

Hi,

I would like to register my protest against the proposed remedies in the Microsoft case. In particular, I'd like to point to Microsoft's use of proprietary file-formats to counter competition against its suite of MS Office product. At the same time, Microsoft's decision to not support free and open-source OSes means that compatible software is not available to a signficant fraction of the consumers. As such, this issue should be taken care of.

Thanks,
Rohit Singh

MTC–00019779

From: Devon Stephens
To: Microsoft ATR
Date: 1/23/02 10:37pm
Subject: Microsoft Settelment

As a computer user, and IT professional, I feel very strongly that the proposed Microsoft Settlement will do nothing to punish past monopolistic practices, or to prevent future violations of anti-trust law. Most importantly, what the settlement fails to address is that

Microsoft is already entrenched in a dominant, monopolistic position, achieved in large part through unfair business practices. Creating a Technical Committee may (or may not) help with future problems, but does nothing to fix what has already transpired.

Lastly (for this letter; I do not pretend that I am addressing a majority of the problems with the settlement), I would point out that much of Microsoft's monopoly is maintained through mechanisms not mentioned in the settlement. For example, Microsoft Word is the dominant word processing software mainly because it's file format is proprietary and controlled by Microsoft—and changed frequently, so that no other program can reliably use it. If a standard file format were enforced, competing products would have a chance to co-exist and interoperate with Word; something that just cannot happen today. I urge you in the strongest possible terms to reject this settlement and seek stronger action against Microsoft.

Devon Stephens

MTC–00019780

From: Ken Smith
To: Microsoft ATR
Date: 1/23/02 10:37pm
Subject: Microsoft Settlement

I am disgusted that the my government continues to attack the most innovative, progressive company in this country. Microsoft does more in a day for this country then AOL, SUN and the other whiners do in a year. The won't compete on price or product, so they use patsies like the government to protect their fat margins and laziness. This is supposed to be America—where hard work gets you ahead, not sued.

Disgusting.

MTC–00019781

From: rworth@students.depaul.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 10:37pm
Subject: Microsoft Settlement
To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

[Reprinted with permission of the original author: Brian Koppe, Buffalo Grove, IL]

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. It is my understanding that the purpose of the Proposed Final Judgement should be to reduce, as much as possible, the Applications Barrier to Entry. In other words, make the market more open to competition from other products. After reading the Proposed Final Judgement and multiple essays on its problems and benefits, I have noticed many things that I take issue with. However, I'd like to focus on one in particular. This problem is in the issue of Microsoft End User License Agreements (EULA).

It has been shown that Microsoft creates EULA's that place anticompetitive restrictions on the user, and that Microsoft has intentionally created incompatibilities to keep users from using Windows applications on compatible operating systems that are not Windows. One example of this is in the license agreement for the Microsoft software, NewsAlert—offered by MSNBC. In that license it says,

''MSNBC Interactive grants you the right to install and use copies of the SOFTWARE PRODUCT on your computers running validly licensed copies of the operating system for which the SOFTWARE PRODUCT was designed [e.g., Microsoft Windows(r) 95; Microsoft Windows NT(r), Microsoft Windows 3.x, Macintosh, etc.]. ...''

Users of competing operating systems, such as Linux, which are capable of running some Windows applications are not legally capable, under this restrictive license, to use this program. One suggestion as to how restrictive licenses such as this should be forced to be changed is for the excerpt above to be re-written as follows:

''MSNBC Interactive grants you the right to install and use copies of the SOFTWARE PRODUCT on your computers running validly licensed copies of Microsoft Windows or compatible operating system.''

In the past, it has been shown that Microsoft places technical barriers on competition as well. The 1996 Caldera v. Microsoft case shows how Microsoft added code to its product so that, when run on a competing operating system (DR- DOS in this case), it would give the user an error. As I'm sure you can easily look up, the judge ruled that ''Caldera has presented sufficient evidence that the incompatibilities alleged were part of an anticompetitive scheme by Microsoft.''

Unfortunately, with the Proposed Final Judgement as it stands, there is no language to prohibit these restrictive licenses nor is there language to prohibit future intentional incompatabilities. Therefore, in its current state, the Proposed Final Judgement assists Microsoft in continuing these actions and does not succeed in opening the Applications Barrier to Entry. In closing, I would like to add my support for Dan Kegel's essay, ''On the Proposed Final Judgement in United States v Microsoft,'' located at http://www.kegel.com/remedy/remedy2.html, which is the source of the facts I have included in this letter. I would also like to add my support for his suggested amendments to the Proposed Final Judgement, which are described near the end of his essay, and to the alternate settlement proposed by some of the plaintif states and located on the website for the National Association of Attorneys General at http://www.naag.org/features/microsoft/ms-remedy_filing.pdf.

Sincerely,

Ryan Worth Chicago, Illinios

MTC–00019782

From: bill
To: Microsoft ATR
Date: 1/23/02 10:39pm
Subject: Microsoft Settlement

It is with the utmost respect and confidence that I address you with my grievances. It is without question that Microsoft has practiced monopolistic business practices. They have grossly hindered innovation by dismantling the machine of progress. Buying out competitors, and using an army of lawyers to protect their actions. While the army of lawyers and publicists have sold us a tale of a company that encourages competition by providing us software. They no longer sell us software they rent it to us behind EULA that forces us to surrender the fair use of the products they offer. They have taken drastic steps to prevent pc manufactures from selling pc without windows at the same time claiming to support innovation and diversity. They have eliminated the consumer's ability to choose other products. Consumers are the worse for the monopolies actions. The economy is dependant on innovation to create and maintain new industries and new technologies and in turn those innovations create new industries that they create. It is this injustice to the economy of the United States of America that is the true injustice. This is precisely why the Anti-Trust Laws exist to protect small businesses, major corporations and the innovations that make this nation great. The illegal and destructive damage caused by Microsoft have gone unpunished because they have a well funded army to hide behind. The money earned for the products forced upon a society without choice is used to further entrench the position of power by removing competitors. The list of companies and technologies they have assimilated include the likes of Novell, Sun, and IBM along with numbers of smaller ones. Netscape Navigator is a product from the top of the list.

I hope you will repay the injustice of this giant monopoly Microsoft Corporation by breaking the stranglehold they have on our country. Every empire is built at a cost. Microsoft has paid with the innovations of an industry. They're plunder is at the expense of our way of life and our liberty.

Open Source the technologies they have hindered. Break their hold on the industry. Prevent them from making deals with OEM's and forcing their product on a us. Provide the ability for others to create similar products that will promote competition.

Separate the Browser from the operating system. Divide Microsoft into separate corporations: Operating Systems, Office Applications, and Business Class Servers.

Bill Brinkley
MIS Technician
The Baptist College of Florida

MTC–00019783

From: Clayton Randall
To: Microsoft ATR
Date: 1/23/02 10:40pm
Subject: Settlement is unfair to consumers

The proposed settlement by Microsoft does nothing to address or remedy the monopolistic practices that Microsoft continues to employ daily. Please do not allow this to continue as the entire tech industry is destined to be rolled over by the money roll that Microsoft is using against smaller competitors.

Thanks to Microsofts practices, there are extremely high barriers to entry into the market for entire sectors of software, since they are using their predominance in the OS market to extend into other segments ie: WebBrowsers.

MTC–00019784

From: Matthew Ostwald
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 10:41pm
Subject: Microsoft Settlement

This settlement is not only insufficient, it actually extends Microsoft's monopoly. I find it utterly amazing that it was even considered in the first place.

Although I am currently living in Japan, Microsoft's monopoly affects the rest of the world as well. Please reconsider this settlement, for the sake of the computing industry.

Thank you.

Matthew Ostwald
Senior Engineer
Computec Engineering Ltd
Prince Avenue Bldg, 7th Floor
3–33 Kioicho, Chiyoda-ku
Tokyo 102–0094
Japan
Telephone+81 3 3511 8190
Fax+81 3 3511 8198

MTC–00019785

From: Christine Palma
To: Microsoft ATR
Date: 1/23/02 10:38pm
Subject: Microsoft Settlement

I'm a tech-savvy voter who is opposed to the Microsoft settlement because it does not adequately compensate the people and businesses of the US nor is it strict enough to prevent further uncompetitive behavior.

Regards,

Christine Palma
(714) 979–3414

MTC–00019786

From: Alfred Lang
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 10:41pm
Subject: Microsoft Settlement

I think that this settlement is absolutely shameful!

This is the last opportunity to stop a runaway corporate monster from buying Justice.

No computer in the world has been sold without a Microsoft operating system, and if that isn't a monopoly, I don't know what isn't!! Yes, EVERY computer, as M$ owns a part of Apple.

No other company can hope to offer competition if this settlement goes through.

I'm an American, working for an American company, and would find it difficult to hold my head up, knowing that my own government cares less about me, than an aberration that has taken business ethics to new lows.

Hopeful,

Alfred Lang
Testing Specialist
Level 2 / 293 Camberwell Rd.
Camberwell VIC 3124 Australia
(v) +61 (3) 9811 8027
(f) +61 (3) 9811 8099
Nasdaq: QSFT
www.quest.com

MTC–00019787

From: John Johnston
To: Microsoft ATR
Date: 1/23/02 10:33pm
Subject: AOL COMMENTS

Dear Department of Justice,

I can't say that I was surprised at the filing by AOL against Microsoft, there are however several things I would like to comment on. AOL uses a proprietary version of the TCP/IP protocol that is the language of the internet so to speak. By doing so make their communications protocol proprietary and when someone decides to switch to another ISP they find out their computer either crashes or locks up. These persons have no trouble in going back to AOL but can't leave, and they don't get much help from AOL, what they have to do is replace files modified on their computers to make the switch away from AOL. I speak on this as someone working in the computer field and I get calls from people as to what to do. Often, I have to download the files they need and install them on their systems for them. AOL through some rather shabby accounting is also taking a loss this quarter to the tune of $60B, this is good that they are restating their shareholders equity, but a decrease of 33% in one quarter smells a lot more like Enron than anything else. If the DOJ wanted to do something they could along with the SEC and FASB straighten out this sort of thing. Finally, it would appear that they would have to be pretty dumb in the first place since they bought Netscape's browser after an earlier court ruled there was no law violation in Microsoft adding the browser. AOL also interestingly had a relationship with Microsoft that placed their service on the Desktop via the OS software installation. Even though they owned Netscape they found using Microsoft for customer acquisition, and installing their Internet Explorer browser a better way to go. Product reviews in the WSJ gave the lead to Microsoft as well. Since AOL owned Netscape, and since they didn't deem it a priority to push their browser, it seems they are responsible even more so for its market share. One of the reasons that I upgrade computers is because of the software that is bundled with them. It is also of course for the newer hardware as well, but there is no comparing the value of a system that has the OS software you want, and the productivity software as well. Since the DOJ started their antitrust actions against Microsoft I don't think that I have had the same value as I used to.

The Europeans seem to be following your precedent of litigation as well, if you are successful in disciplining Microsoft in the ways that Scott McNeally and Steve Case would like, you will undermine innovation and value both. Only corporate purchasers will have the ability to leverage the software combinations they want, the small business and consumer will have been screwed. This is not the way Microsoft's antagonists would view it however, to them it would be a victory. So much of the software I have bought comes with one year support, and nothing after that without paying each year. This is not unlike Microsoft's way of doing business, but they put so much free help on their web site I don't mind having a problem. Programs from Intuit, Corel and others have failed in some aspect or another and their answers are buy the new version. When Enron collapsed, there was a big loss to peoples retirements both in the case of State run funds and individuals. The amount of loss to the consumer was of course significant, clearly to me as a result of the antitrust suit against Microsoft much much more was lost to investors in the roughly $300B decline in the capitalization of Microsoft. Microsoft has made software that was hard to use, easier to use, more versatile, more desirable, less likely to need a continuing support from the source, and moved specialized software to commodity product status. To witness, Oracle was the king of data base software, now you can buy it at Wal-Mart. If diversity is so great why are their eight versions of UNIX, none of which are compatible with one another? Take the example of Sun Microsystems, if they used someone else's version they would have to pay licensing fees, so they customized their own. Now they can collect maintenance fees duh. Not a thing that the antagonist want is for the consumer, it is against the consumer and for each of their bottom lines. And in the case of the State's AGs, it is for their political gain. I can't see how you are ever going to go anywhere trying to develop a formula that simultaneously solves an equation with twenty variables that keeps changing all the time. I am glad that my AG in Montana is not a part of this fiasco, and I made a point of telling them so. The people who signed on to this action against Microsoft have made it easy for me to decide who not to vote for. I believe they have degraded the standards of justice, and the continuation of this continues that course.

John Johnston,
Boulder, Montana

MTC–00019788

From: Richard Herrell
To: Microsoft ATR
Date: 1/23/02 10:41pm
Subject: Microsoft Settlement

The Microsoft Settlement is not in the public interest because individuals and open source software projects are exempted from access to documentation given to corporations, and there is no meaningful mechanism preventing further consumer lock in with proprietary file formats.

Regards,
Richard Herrell

MTC–00019789

From: jluther@adelphia.net@inetgw
To: Microsoft ATR
Date: 1/23/02 10:40pm
Subject: Microsoft Settlement

hi my name is james luther i am disabled and use the internet and computers all day long, i live computers and i must say leave Bill Gates and Microsoft alone. Bill Gates is a pioneer and should be honored for his achievements, he produces the best product bar none. has given mucho money to charitable organiztions, employed thousands and made computers accessiable to every moron who can afford one and other morons who couldnt i might add. The man is a inventor and true business leader, he should be encouraged to continue on in his tasks, his company and there ideals exemptify whats right with this country, not wrong. If anyone cant compete with him is it really his fault?

let this guy go and encourage him to work on some of the worlds problems hell he is the smartest(excluding myself of course)man in the usa, hell he ougth to run for president, id vote for him. good luck bill stick it to those dumb ass beaucrats. best of luck and i hope you make another 70 billion. captialism rules.

Bill Gates for president

james luther, i use to pay taxes before i became disabled

540–673–5255

MTC–00019790

From: Richard Herrell
To: Microsoft ATR
Date: 1/23/02 10:41pm
Subject: Microsoft Settlement

The Microsoft Settlement is not in the public interest because its terms allow Microsoft to exclude open source software projects such as SAMBA, Apahe, and OpenOffice.org from technical details of Microsoft implementations, allowing Microsoft to continue to benefit from it's illegally obtained and maintained monopoly on both client operating systems as well as web browsers. (Section J. 2. Paragraph c ''meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business''. A fair settlement would ensure that open source projects have resonable access to Microsoft protocols.

SAMBA, the most significant competiting implementation of Microsoft's file sharing and authentication protocol.

Open Office (the basis for Star Office, the most vigorous competitor to Microsoft Office) will likely face significant hurdles in obtaining data on newer Microsoft file formats.

The settlement has been characterized as full of large holes, confusing, subject to manipulation,

Analysis of the Microsoft Settlement from a Samba perspective http://lwn.net/2001/1108/a/samba-ms.php3

He's Not in It for the Profit http://www.pbs.org/cringely/pulpit/pulpit20011206.html

Why competitors are largely quiet on Microsoft settlement http://www.siliconvalley.com/docs/news/tech/049642.htm

Washington Post: U.S. Settlement Leaves Microsoft More Entrenched http://www.washingtonpost.com/ac2/wp-dyn?pagename=article&node=&contentId=A22–2001Nov8

Thoughts on the Microsoft Settlement by Tim O'Reilly http://www.oreillynet.com/cs/user/view/wlg/808

Microsoft decision questioned http://money.cnn.com/2001/12/12/technology/microsoft/

MTC–00019791

From: R.C.
To: Microsoft ATR
Date: 1/23/02 10:42pm
Subject: Microsoft Settlement

This has to be the the worst settlement in our history for the end user, ie me et al. Microsoft has conned some poor judge who has No Idea of what Microsoft is capable of. Break them up, soon, and keep them Apart.

R.C.Johnston
7674 Rotherton Way
Sacramento CA 95823

MTC–00019793

From: John Harris
To: Microsoft ATR
Date: 1/23/02 10:44pm
Subject: Microsoft Settlement

Sirs:

I am writing to express my strong disagreement with the proposed Microsoft anti-trust settlement.

I am a computer systems specialist with almost 30 years in the field. I have work with virtually every major system including Microsoft's. While there are many points I disagree with, the most glaring is the proposed oversight group. This proposed group would have no binding powers, legal or otherwise, over any of Microsoft's actions. It seems unthinkable to me that anyone would believe that this oversight group is an appropriate remedy. Microsoft will not heed the groups recommendations, Microsoft does not heed the mandates of congress! I see this proposed remedy as vacuous and no remedy at all. While Microsoft damaging the computer industry is one thing, I worry that Microsoft will enter into other industries and continue its strong handed tactics. I fear a financial industry dominated by Microsoft.

Regards,
John Harris

MTC–00019794

From: glen@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 10:43pm
Subject: Microsoft Settlement

I believe the settlement is a bad idea.
Glen Cornell
1428 Buckingham Rd
Grosse Pointe Park, MI 48230

MTC–00019795

From: Dave Erickson
To: Microsoft ATR
Date: 1/23/02 10:44pm
Subject: Microsoft Settlement

I think the proposed settlement is bad idea because it does little to restore competition to the marketplace.

Thank you. —
Dave Erickson
(http://www.rightwithgod.org)

MTC–00019796

From: Lee Neeley
To: Microsoft Settlement U.S. Department of Justice
Date: 1/23/02 10:28pm
Subject: Microsoft Settlement

Lee Neeley
4319 Pescado Way
Reno, NV 89502–4978

January 23, 2002 Microsoft Settlement U.S. Department of Justice

Dear Microsoft Settlement U.S. Department of Justice:

I firmly believe the federal government should have broken up Microsoft. This case should be pursued to ensure that Microsoft does not continue it's actions of suppressing competition and eliminating competitors by unfair means. Competition means creating better goods and offering superior services to consumers.

Sincerely,
Lee F. Neeley

MTC–00019797

From: Larry Bodden
To: Microsoft ATR
Date: 1/23/02 10:44pm
Subject: Microsoft Settlement

Hello,

I am both a user of Microsoft and Apple Computer products. I regard myself as a very proficient user that keeps up with the latest technology on a daily basis. After reviewing the proposed settlement, I am discouraged to see that the Justice Department has taken such a lenient stance in regards to the proposed settlement. I believe that harsher punishments are necessary and are justified considering that Microsoft has been found to be a monopoly by two courts.

Larry Bodden

MTC–00019798

From: Chris Beelby
To: Microsoft ATR
Date: 1/23/02 10:46pm
Subject: Microsoft Settlement

As I look over the details of the Microsoft Anti-trust case I am amazed at what Microsoft has been able to get away with over the years. I must admit that at first I thought the whole idea of Microsoft having a monopoly was ludicrous but the more I have read and thought about it the clearer it has become that Microsoft does not only have a monopoly but has used that monopoly to further the monopoly. One of the tactics that Microsoft uses (and many companies use) to perpetuate this monopoly is through the use of ''secret'', ''proprietary'' or ''copyrighted'' software, file formats, protocols, and the like. To better understand this think of how the Internet has grown so exponentially over the past few years. A major reason that the Internet was able to grow was because of its openness (in software, file formats, protocols and the like). Standards for communicating between nodes and in published documentation on how to use technologies such as HTML and Email. Email protocol (and all related protocols which allow me to send and receive messages to someone like you) are all open to everyone. By that I mean that anyone who wants to know how something like email works can know how by looking up information on it. They can use that information to develop their own software to send a receive messages so that they are not forced to use the software of any one company. Their program will work with other email programs because they are all using open, accepted, standardized protocols and rules. At an even more basic level the TCP/ IP (Transmission Control Protocol / Internet Protocol) which is what allows all the millions of computers connected to the internet to locate and send data between each other is an open standard. If any one company had complete control over something like TCP/IP they would control the entire internet as we know it. Not only that but they could then use that control (through things like copyright and patent) to make it so that anyone else trying to

implement the same standard or communicate with them would not be able to.

Having open documentation on how things work allows different people or companies to all use those methods equally and does not lock them into any one companies proprietary software or methods of doing things. For example this message is sent to you in plain-text. You can read it using any program that understands the American Standard Code for Information Interchange. Since ASCII is open anyone can exchange information using it and no one can prevent someone else from using it. This is basically what I am meaning by openness in this letter (the ability of anyone to find information on how to use a technology and the inability of anyone else to prevent someone else from using that information however they like). If I were to send you a message in a Microsoft format such as Microsoft Word (.DOC) you would be forced to use a Microsoft product to read that message because it is encoded using a proprietary format. No other company can make a product that can read a DOC file because it is Microsoft's proprietary format and it is protected by Microsoft's copyrights and patents (which is unethical). If

Microsoft were forced to make open things like it's proprietary word DOC format it would allow others to read their documents and thus not force Microsoft's own software on people. Software developers (other than those employed by Microsoft) could write an email client that could read email messages sent in the Microsoft DOC format. This is just one small example of how using ''proprietary'', ''undocumented'' , ''secret'' formats and protocols helps to perpetuate a monopoly.

Open source software is a buzz word that has come up recently and is gaining much popularity. Open source developed software has been proven to work just as well if not better than proprietary ''secret'' software (despite what Microsoft would like us to think). The key to ''openness'' is preventing any one entity from being able to completely control a resource, technology, or protocol. Microsoft should be forced to take action which will make all their ''proprietary'', ''secret'' information open to everyone so that anyone can develop software to effectively work with Microsoft products. Once people are no longer forced to use Microsoft products they can begin to make more free choices as to things like which operating system software they really want to use.

Christopher Mark Beelby
1314 Clover
South Bend, IN 46615
(219) 532–1354

MTC–00019799

From: Daniel J. Cody
To: Microsoft ATR
Date: 1/23/02 10:43pm
Subject: Microsoft Settlement Case

It is my belief that a very strong set of rules must be placed on convicted monopolists like Microsoft to insure that they are unable to continue their illegal activities and the proposed settlement doesn't do that.

Daniel Cody

MTC–00019800

From: Ted Killmeyer
To: Microsoft ATR
Date: 1/23/02 10:44pm
Subject: Microsoft Settlement

Sirs,

I am a computer professional and citizen of the United States of America. I must comment on this settlement. In a word it is ''Unsound''. Why do I say this, because as most of my colleagues can attest too, we have grown up under the ''Microsoft Era'' and where as they did initially a lot of good for the computer industry (must give the devil his due) They, for the past 10 or so year, have used their financial position and any other means at their disposal to kill any and all competition. this remedy will not stop this. They have a culture (since they live and work in campuses) that is soaked up by each employee and will not be very easy to change. This mirrors the culture that the military has and that has proven to be almost impossible to change, as seen by the repeated abuses of women and other minorities with in the military. The consequences for Microsofts actions must be much more severe, or nothing will be changed in their business practices.

Yours,
Ted Killmeyer

MTC–00019801

From: Matt Fago
To: Microsoft ATR
Date: 1/23/02 10:39pm
Subject: Microsoft Antitrust Case

I hope that the DOJ starts to take this case seriously again and assign punishment commensurate with the crime. A crime WAS committed here, but too many lawmakers own MS stock to do anything about the case. The proposed ''settlement'' was little more than a party-invitation to Bill Gates. A free market is one thing, criminal sales and licensing practices are another.

If you cannot split MS up, find an alternative punishment that will have some effect on the company. Like forcing them to release the source code under the BSD license.

Matt Fago

MTC–00019802

From: Richard Namon
To: Microsoft ATR
Date: 1/23/02 10:46pm
Subject: Microsoft Settlement

Dear US Dept. of Justice:

I cannot understand how the remedies in proposed Final Judgement will fully offset or cure those Findings Of Fact by Judge Jackson confirmed by the Appellate Court. I think that many of current Microsoft product flaws are the result of complacency resulting from Microsoft's monopolistic operation. Without actually reducing the strength of this already too large monopoly, the punishment will fall short of the crime. There are alternatives to splitting up Microsoft in the fashion of AT&T, but they would have to significantly weaken Microsoft's market dominance for the settlement to be fair to the public. Anything, it appears, that Microsoft will agree to out of court, will not accomplish that goal. I hope an impartial Judge will do better than the proposed Final Judgement.

Thank you for your consideration in this matter,

Richard Namon

MTC–00019803

From: Linda Laubenheimer
To: Microsoft ATR
Date: 1/23/02 10:47pm
Subject: Microsoft Settlement

Comments:

The proposed final judgment is inadequate, and contains loopholes big enough to drive a monopoly through. I urge you to demand stricter penalties and broaden the scope of the limitations on Microsoft's predatory pricing, FUD, and non-disclosure of technical interoperability requirements. Any and all APIs, ActiveX, and other OS ''hooks'' and interoperability features should be disclosed to the public on the first beta release of any version of their OS, and then the disclosure should be maintained accurately for the duration of the product life cycle. Specific Criticisms:

''AND WHEREAS, this Final Judgment does not constitute any admission by any party regarding any issue of fact or law;''

The findings of fact concluded that Microsoft is a monopoly. The settlement should not allow them to wriggle out of it.

''2.that designated Non-Microsoft Middleware Product fails to implement a reasonable technical requirement (e.g., a requirement to be able to host a particular ActiveX control) that is necessary for valid technical reasons to supply the end user with functionality consistent with a Windows Operating System Product, provided that the technical reasons are described in a reasonably prompt manner to any ISV that requests them.''

This clause allows Microsoft to re-engineer and change their products so that third party software will no longer interoperate, thus forcing the user back to the Microsoft ''fold''. This is a bad idea. Also, it apparently only applies to ''ISV''s, which leaves out the rest of the software developing business. Very bad.

''c.Microsoft shall have 30 days after receiving a complaint to attempt to resolve it or reject it, and will then promptly advise the TC of the nature of the complaint and its disposition.''

:==This is rather toothless and vague, allowing Microsoft to simply reject complaints and tell the TC to buzz off.

''d.No work product, findings or recommendations by the TC may be admitted in any enforcement proceeding before the Court for any purpose, and no member of the TC shall testify by deposition, in court or before any other tribunal regarding any matter related to this Final Judgment.

'':== This reads like 'if it goes before the TC, it can be buried there by Microsoft'

MTC–00019804

From: mekanic@thig.blarg.net@inetgw
To: Microsoft ATR
Date: 1/23/02 10:44pm
Subject: Microsoft Settlement

Dear Department of Justice,

I have been stewing over this matter for some time now, and feel I need to speak out. I am a computer user (obviously) who in fact

resides in the same State as the microsoft corporation. While I realize that microsoft does well for the economy of Washington, it disgusts me in the way that they have accomplished this. Perhaps even accomplished this to the detriment of the Nation as a whole.

The fact is; that the Court of Appeals has indeed held that microsoft is a monopoly, and did violate antitrust laws. Without strenuous recourse they will continue to do so, and in doing so will stifle anything that they see as a threat to their continued monopoly.

The agreement between the Department of Justice and 9 of the States that filed suit seems woefully inadequate to address the crimes that microsoft has commited, and as such, I feel it should be nullified. In fact, there should be an immediate start of a penalty phase, with no further delays.

I dare anyone involved in this case to go out and purchase the latest copy of microsoft winxp, load it onto their home machine, and see if your blood does not start to boil as a result of the arrogance that microsoft thinks I should let my machine become basically a piece of spyware! <note> I removed this from my system, and will no longer run anything at all microsoft related, it is none of their business what hardware I own!

Thank you for your time and consideration in this matter.

Sean M. O'Grady

Believe me when I say that

—

''My God, It is full of stars'' —David Bowman

MTC–00019805

From: Haley Thompson
To: Microsoft ATR
Date: 1/23/02 10:48pm
Subject: Microsoft Settlement

Judge,

I am writing to express my disagreement with the Proposed Final Judgement. Microsoft is clearly in the wrong and is detrimental and dangerous to the free market economy that our country depends on for its economical success and prominence. I believe that PFJ is not a suitable solution because it does not provide the means of enforcement that would be necessary in order for a remedy like this to actually be effective. Thank you. Haley Thompson 701 West 32nd Street #17 Los Angeles, CA 90007 CC:microsoftcomments@doj.ca.gov@inetgw

MTC–00019806

From: KaHa
To: Microsoft ATR
Date: 1/23/02 11:03pm
Subject: Microsoft Settlement

Ladies and Gentlemen, I am adding my voice to a plea to preserve digital Freedom for us all. If Microsoft Corporation is not effectively brought to heel, they will use their monopoly on desktop computer operating systems to turn the internet, which has always been based on Free and Open standards, into a Microsoft owned and operated tollroad. Please do not allow this to happen. Those of us who value Freedom (as opposed to Microsoft's ''Freedom to Innovate'' parody of the word) are fervently hoping that you will see the harm that will come of allowing this bully and predator continue with its tactics. Imagine if we all were forced to drive Ford automobiles, because Ford owns the roads, and designed them so that Chevrolets, Toyotas and Volvos could not use them.

''Comply, Purchase Windows and Be Happy—or Start Walking'' is a much more accurate slogan than: ''Where Do You Want To Go Today?''.

Sincerely,

Karl H. Jackson Prineville, OR, USA

kaha@colug.org

MTC–00019807

From: Tony Mizukami
To: Microsoft ATR
Date: 1/23/02 10:47pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice

I would like to make my comments as a US citizen as part of the Tunney Act proceedings in the antitrust case against Microsoft.

I think that the proposed settlement as it stands is NOT an effective way to break the monopoly held by Microsoft, and for any meaningful antitrust action against Microsoft that settlement must be REJECTED.

Thank you,

Tony Mizukami

MTC–00019808

From: Hollis Scarbrough
To: Microsoft ATR
Date: 1/23/02 10:47pm
Subject: Microsoft Settlement
leben_N?21525 Dawn Hill East Road Siloam Springs, AR 72761
January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I want to express my appreciation to both the Department of Justice and Microsoft for reaching a settlement of the antitrust lawsuit. Throughout the three years that this suit has been pending, the complaint I heard most frequently voiced by consumers was their lack of choice in Internet providers when they used Microsoft's Windows operating systems in their computers. As I understand the settlement, Microsoft has agreed to allow its Windows systems to be reconfigured so as to allow competition from non-Microsoft products, including the Internet access software. This is very much a pro-consumer settlement.

Obviously many of Microsoft's competitors will continue to push for further concessions from and punishment of Microsoft, but I hope that you continue to remember that it is the consumers that you are obligated to protect.

Thank you for considering my comments.

IF MERGEFIELD PARA5 But is suspense, as Hitchcock states, in the box. No, there isn't room, the ambiguity's put on weight.<> '''' '' ''''''

Sincerely,

Alice Scarbrough

MTC–00019809

From: kasi greene
To: Microsoft ATR
Date: 1/23/02 10:45pm
Subject: Micorosoft Settlement

MTC–00019809—0001

Judge Kollar-Kotally,

I ask you to vote against the proposed settlement in the Microsoft suit. This proposed final judgement is harmful to the American public as it allows a monopolist to continue his illegal activities. Every court has found Microsoft to have violated anit-trust laws, thereby reaping many billions of dollars of profits. However, this settlement allows the compant to keep virtually all of that!

Please reject the proposed final judgement which only serves to benefit Microsoft.

Sincerely,

Kasi M. Greene

00019809—0002

MTC–00019810

From: Wheat, Mitch
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 10:52pm
Subject: Microsoft Settlement

Talk about bowing to Microsoft.

So what exactly was the point of the court case in the first place? And exactly how does this weak, Pro-Microsoft settlement reduce their predatory monopolistic practices ???

This settlement gives the green light to Microsoft to go ahead and carry on intimating anyone who attempts to compete with them. The American people should be ashamed.

Mitch Wheat.

MTC–00019811

From: RedM
To: Microsoft ATR
Date: 1/23/02 10:51pm
Subject: Microsoft Settlement

Hi,

While I cannot claim to be a legal expert I do claim to be an expert consumer (proof sent upon request). As an expert consumer I know that a) more choice is preferred over less choice. I also know that b) competition improves the breed. Given these facts let's apply them to the current state of the desktop operating system marketplace.

1) A walk through any retail store which even pretends to offer anything remotely related to a home computer reveals that whatever it is they're selling is only offered for Windows. This stands in direct opposition to fact a) above.

2) A current look at any of the security notices (www.cert.org, for example) shows a disproportionately large number of security alerts for Windows relative to other systems. This is brought about (I contend) by b) above. There is absolutely NO incentive for Microsoft to improve their product. What is their risk? The DoJ will provide job security for their legal staff? Solution: crank out some more junk code and sell it to their monopoly as an upgrade.

Therefore, my recommendation is that the Antitrust Division of the Department of Justice simply do what is right...deliver justice by punishing a convicted monopolist in such a way as to improve a) and b) above.

Thank you,
Keith T. Allshouse
44 Mansfield Street
Everett, MA 02149–3636

MTC–00019812

From: Timothy N Tuck
To: Microsoft ATR
Date: 1/23/02 10:56pm
Subject: MicrosoftSettlement-dont sell out

I dont run window, yet every laptop i have ever bought required me to pay the microsoft tax. No refund available nor do we have a choice in the matter, absolutely criminal behavior they embrace a standard, extend it, and destroy it. If microsoft had been around when darpa was funding the building of the internet, nothing would work because of what they do to standards. this alone is almost criminal behavior. If you bought a new stereo for your car and sold the car the new owner would have full rights to do whatever he wanted with it. with microsoft many people are forced by buy a duplicate license. cant do office upgrades without having the disks at hand, cant update the OS unless your using Internet Exploder, once its damaged you cant update your system any longer. They care more about profits than quality, they sell software that out of the box requires almost 50 meg of updates. again, criminal behavior, intentionally selling known defective goods. bust them up or open up the source code to the OS, its the only way to to level the playing field. they SHOULD definetly be required to build/ license/ or port Office to other OS's suchs as Linux and Solaris. Dont you dare sell out the public and settle by letting Microsoft ''give away their crappy software'' to poor schools. require them to provide the funds for the schools to chose how they spend the money/ Schools and students shouldnt have to pay for software at all, it should be completely free to every school if they should want to run it. they sell windows 2000 professional for $300, yet it costs them mere dollars to pacakge, probably less than 10 bucks.

Dont sell us out!!!!
Tnt

MTC–00019813

From: Jim
To: Microsoft ATR
Date: 1/23/02 10:53pm
Subject: Microsoft Settlement

I think the proposed settlement is bad idea.

MTC–00019814

From: dvongsmith
To: Microsoft ATR
Date: 1/23/02 10:51pm
Subject: Comments on proposed settlement
Hello Justice Department,

I strongly oppose your proposed anti-trust settlement with Microsoft.

First: On the face of it, it would further extend their monopoly into a tiny niche of the market where Microsoft has traditionally been outsold (by Apple Computer): the nation's public school system. This prospect alone must bring cheer to Microsoft.

Second: It does nothing to compensate consumers who have been harmed over the years by Microsoft's unlawful maintenance of their monopoly through the supression of competition. The monetary amount of the proposed settlement is a pittance compared to the disproportionately high prices consumers have had to pay for operating system software.

Third: It fails to foster competition by allowing Microsoft to continue the practice of bundling applications to the exclusion of alternative consumer choices.

Fourth and final: It fails to prevent Microsoft from subverting both competing software applications and industry-standard protocols through proprietary ''extensions'', for example the Java programming language, the XML Internet language, and through Microsoft's .Net and Passport initiatives.

In conclusion, I hope the proposed settlement is discarded, and is instead replaced by a settlement that:

1) significantly and materially recompenses past consumers, as through a free upgrade to an improved (stable, secure) operating system version,

2) places strict and enforceable controls on Microsoft's monopoly power, as if it were an ''essential utility''; for example by making Microsoft's Application Program Interface (API) source code public, and

3) separates Microsoft into a competitive ''Operating System'' business, and an ''Applications Program'' business.

Your office is supposed to work for the public good! Don't do what would prompt the monopolists to raise champagne glasses in a toast to their good fortune. —

Very truly yours,
David V. Smith
mailto:dvongsmith@idcomm.com

MTC–00019815

From: G F
To: Microsoft ATR
Date: 1/23/02 10:53pm
Subject: Microsoft Settlement
Good Evening,

I have always supported the US DOJ case against Microsoft Corporation.

I've been a user of computers since 1984, and it is my belief that Microsoft has done more to stall progress that to help it. Please modify the settlement, it is too lax on Microsoft. Make Microsoft document their APIs to EVERY interested developer, and to document their proprietary file formats in Excel and the rest of Microsoft Office.

The US computer industry stands to lose if the settlement stays the way it is.

Thank you,
Gabriel Freund

MTC–00019816

From: salem
To: Microsoft ATR
Date: 1/23/02 10:50pm
Subject: microsoft settlement
76 Old Stage Road Westfield, MA 01085–5172
January 14, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Attorney General Ashcroft:

I am writing this letter to show my support for the settlement that has been reached between Microsoft and the Department of Justice. The antitrust suit was filed three years ago, and it has cost the government and Microsoft millions of dollars. Considering the fact that we are suffering through a recession, the settlement is the best thing that could have happened in the antitrust dispute.

Although the lawsuit is now almost over, Microsoft did not get off easy. This settlement has teeth, and it looks like the biggest benefactor of the agreement will be a Microsoft's competitor. Microsoft has had to agree to document and disclose for use by its competitors various interfaces that are internal to Windows'' operating system products. That move is a first in an antitrust settlement.

I support the settlement since it puts an end to the litigation that has been hampering American innovation for the past three years.

Sincerely,
George Salem

MTC–00019817

From: Ray Aviles
To: Microsoft ATR
Date: 1/23/02 10:52pm
Subject: Microsoft Settlement
January 23, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
To whom it may concern,

I am opposed to the tentative settlement of the United States vs. Microsoft antitrust lawsuit. I don't see how Microsoft is being punished for abusing monopoly power. In my view, the company claims to be inovative by adding features to it's operating systems; in reality it is a way to crush the competition (or what little remains of it) into oblivion, since the applications and utilities that Microsoft bundles are typically the first that a user encounters. It doesn't prohibit the user from choosing a competitors software, but if it comes bundled with the operating system, chances are that the user will use it because it is already there. The tenative settlement would give Microsoft more leverage in which to force out the competition. The tentative settlement proposes that Microsoft provide schools with ''low-cost'' software. By providing the schools with the software and an exclusionary licensing agreement, Microsoft further builds it's user base. ''But Microsoft did have one other carrot to dangle: the Enterprise Agreement, which gives discounts on licensing-as much as 50 percent-and automatically enrolls customers in SA (Software Assurance). But joining means CIOs must also sign a contract that bars them from using any competitive products.'' What better way of killing off the competition by preventing the schools from using any competitors software! This is, without a doubt the most devious attempt to undermine competition in this country. I again state my opposition to the tentative settlement of the United States vs. Microsoft antitrust lawsuit. I believe that a better settlement would be as follows (found at http://www.gnu.org/philosophy/microsoft-antitrust.html):

''Require Microsoft to publish complete documentation of all interfaces between

software components, all communications protocols, and all file formats. This would block one of Microsoft's favorite tactics:

secret and incompatible interfaces.

1.. To make this requirement really stick, Microsoft should not be allowed to use a nondisclosure agreement with some other organization to excuse implementing a secret interface. The rule must be: if they cannot publish the interface, they cannot release an implementation of it.

It would, however, be acceptable to permit Microsoft to begin implementation of an interface before the publication of the interface specifications, provided that they release the specifications simultaneously with the implementation.

Enforcement of this requirement would not be difficult. If other software developers complain that the published documentation fails to describe some aspect of the interface, or how to do a certain job, the court would direct Microsoft to answer questions about it. Any questions about interfaces (as distinguished from implementation techniques) would have to be answered. Similar terms were included in an agreement between IBM and the European Community in 1984, settling another antitrust dispute. See http://www.cptech.org/at/ibm/ibm1984ec.html.

2.. Require Microsoft to use its patents for defense only, in the field of software. (If they happen to own patents that apply to other fields, those other fields could be included in this requirement, or they could be exempt.) This would block the other tactic Microsoft mentioned in the Halloween documents: using patents to block development of free software. We should give Microsoft the option of using either self-defense or mutual defense. Self defense means offering to cross-license all patents at no charge with anyone who wishes to do so. Mutual defense means licensing all patents to a pool which anyone can join—even people who have no patents of their own. The pool would license all members'' patents to all members.

It is crucial to address the issue of patents, because it does no good to have Microsoft publish an interface, if they have managed to work some patented wrinkle into it (or into the functionality it gives access to), such that the rest of us are not allowed to implement it.

3.. Require Microsoft not to certify any hardware as working with Microsoft software, unless the hardware's complete specifications have been published, so that any programmer can implement software to support the same hardware.

Secret hardware specifications are not in general Microsoft's doing, but they are a significant obstacle for the development of the free operating systems that can provide competition for Windows. To remove this obstacle would be a great help. If a settlement is negotiated with Microsoft, including this sort of provision in it is not impossible—it would be a matter of negotiation.''

Sincerely,
Ramon R. Avilis
1671 Timber Lane Dr.
Montgomery, Illinois 60538

MTC–00019819

From: JNCueto@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:56pm
Subject: Microsoft Settlement

I am a customer of both Microsoft and America Online, though for as long as I have used products from both, Microsoft's performance has far outweighed that of AOL.

Considering browsers specifically, something that is very important because I deal with computer networking, security, and web design as a hobby I have found Internet Explorer to be a better product in every way. Not only does it support all of the latest features and innovations, but it is more stable and reliable. My pages are always rendered correctly by Internet Explorer, and are rarely tolerable in Navigator even when they strictly follow the latest W3C specifications.

Navigator lacks decent support for style sheets, scripting, dynamic and extensible HTML documents and every web developer I know is beginning to turn away from any Netscape Navigator support at all.

This is not an issue of Microsoft pushing a product simply because it is their own. This is an issue of Microsoft looking out for consumers and providing a service that any web savvy person should appreciate. Anti-Microsoft sentiments are at an all-time high, but we can't let those feelings block common sense or something that is apparent from brief observation.

Thank you for taking the time and allowing me to share my views on this issue.

John N. Cueto

MTC–00019820

From: Jim Barlow
To: Microsoft ATR
Date: 1/23/02 10:57pm
Subject: microsoft anti trust

MTC–00019820—0001

I just wanted to voice my opinon that microsoft's anti-competitive practices are unethical and deserve punishment.

Their outlook has crippled the software industry, making it difficult for quality products to survive.

thank you,
jim

MTC–00019821

From: John Sager
To: Microsoft ATR
Date: 1/23/02 10:57pm
Subject: Microsoft settlement
3345 Newton Drive
Pensacola, FL 32503
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I am writing today to encourage the Department of Justice to accept the Microsoft antitrust settlement. It is very irritating that the government has drug out this issue for over three years. The suit was not warranted in the first place; now that a settlement has been reached it is time to put the issue to rest.

Microsoft and the government have reached compromises on all of the major issues involved in this case.

Microsoft has agreed to give computer makers the flexibility to install and promote any software that they see fit. They have also agreed to disclose to their competitors various interfaces that are internal to Window's operating system products, to make it easier for other software developers to make more compatible software. The issues have been settled and it is time for Microsoft, the industry and the government to all move on. The settlement is fair and should be accepted. It is time to end this government over regulation. Please accept the Microsoft antitrust settlement.

Sincerely,
John Sager
cc: Representative Jeff Miller

MTC–00019822

From: Eric Miller
To: Microsoft ATR
Date: 1/23/02 10:56pm
Subject: Microsoft Settlement
To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Eric Miller
1410 Third Ave.
Howell, Michigan 48843

MTC–00019823

From: Thomas Ross
To: Microsoft ATR
Date: 1/23/02 10:58pm
Subject: Microsoft Settlement

The proposed settlement of the Microsoft judgment is a bad idea. Among the many oversights of the proposed final judgment against Microsoft, I must state that Definition U of the proposed final judgment against Microsoft must be amended to read:

U. ''Windows Operating System Product'' means any software or firmware code distributed commercially by Microsoft that is

capable of executing any subset of the Win32 APIs, including without exclusion Windows 2000 Professional, Windows XP Home, Windows XP Professional, Windows XP Tablet PC Edition, Windows CE, PocketPC 2002, and successors to the foregoing, including the products currently code named ''Longhorn'' and ''Blackcomb'' and their successors, including upgrades, bug fixes, service packs, etc. This would close a loophole by which Microsoft could merely rename a future product, continuing it current practices (as ruled by the court) of unfair competition.

Microsoft may expend a great deal of time, expense, and effort to the contrary, but justice must prevail.

Sincerely,
Thomas M. Ross
3302 Hunter Ave.
Royal Oak, Michigan, 48073

MTC–00019824

From: Philip W. Faulconer
To: Microsoft ATR
Date: 1/23/02 10:58pm
Subject: ''Microsoft Settlement''
To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Philip W. Faulconer

MTC–00019825

From: Ted Cushman
To: Microsoft ATR
Date: 1/23/02 10:57pm
Subject: Proposed Settlement of Microsoft Antitrust Case
Attn: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse,

I am writing to object to the settlement proposed by the government to settle the Microsoft case. The order does no more than to repeat in specific detail the general prohibitions contained in the laws that Microsoft has already broken. There is no reason to have confidence that Microsoft will comply with this order any more than it has complied in the past with the law that the order merely restates with greater specificity. The listing of certain illegal practices from which the company ''shall'' now refrain is not necessary for the court to put its name to if Microsoft intends to obey the law, and is of no use if Microsoft does not.

Microsoft has repeatedly, publicly, and in the strongest terms defended its past conduct as legal, moral, and even beneficial. It has not been punished in any significant way for previous violations of court orders or of the law. This settlement does not impose any penalty on Microsoft either. So Microsoft has neither an internal motivation to obey the order, nor has it any reason to associate such a violation with significant costs to itself. This order in essence tells Microsoft that it can violate the law with impunity. The settlement is feeble. The mechanism suggested to accomplish (I will not say ''enforce'') the putative aim of the settlement—to wit, a small board of overseers— would be largely if not wholly ineffective. While I do not believe that Microsoft's management team has any great claim to be excellent creators of software, there is little doubt that they are highly capable and effective business managers and strategists. The company will be able to outfox the overseers with ease, if indeed the overseers are not co-opted before the game even begins. It will be like taking candy from a baby. The settlement is unworkable.

I was prompted to contribute this comment when I noticed an appeal posted by a contributor to the Slashdot internet site, a gathering place for the digitally gifted younger set (especially those who have a liking for Linux, a freely distributed alternative operating system). I'm not a Linux fan myself, or even a computer freak; I'm a writer who mostly uses the Mac. However, I spend time occasionally browsing the Slashdot site, if only to keep myself humble by noticing the depth of my own ignorance. It's the same curiosity that leads me to read medical journals and other technical matter. Now, unlike most Americans, or (as Microsoft has been fond of pointing out) most law enforcement personnel and most federal judges, the population that posts to Slashdot is very, very, very computer-savvy. These are people who customize their operating systems, or even create operating systems, and who manage large complex networks of computers. My casual reading of the site indicates to me that the vast majority of that highly technical subculture believes implicitly that Microsoft is a monopoly, that Microsoft abuses its monopoly power, and that the abuse by Microsoft of its monopoly power is damaging to those with less power, a category of victims that includes computer users as well as companies unfortunate enough to be recognized by Microsoft as potential competitors. This population also dismisses as unworthy of consideration the notion that a panel of overseers will be able to significantly alter Microsoft's behavior, and would laugh if it didn't hurt at the notion that Microsoft might moderate its anticompetitive practices of the company's own volition. That group of computer users—that highly knowledgeable community, whose opinions are representative of the many citizens who would benefit directly from a fair chance for the competitors of Microsoft—mostly believes that the government's proposed settlement is a politically motivated sellout. The court may or may not care whether its decision in this case is accepted as fair by the populations of technical computer users most affected by the outcome of the Microsoft case. But many distinguished judges have, I gather, felt that achieving a perception of fairness among the public is an important aspect of the jurist's craft. I urge the court to consider the implications of endorsing a settlement that is perceived on its face by the computer software community as a cave-in by the government and a free walk for the violator. The settlement lacks legitimacy.

I will tell you what I favor. I favor the breaking up of Microsoft. It worked with the oil trusts, with the steel monopolies, with the railroad trusts, and with the telephone monopoly. I am sure that in fact, judges do not understand software. Nor should they have to, nor do I believe that judges are deeply knowledgeable about drilling, refining, and distributing oil, or mining, smelting and fabricating steel, or building and managing a telephone network or a railroad. (Computers, after all, are not the only tough technical terrain on the planet.) But judges have broken up companies in all those industries. Heck, my wife is a doctor; she has spent years and years training for it. But if she's sued for malpractice, the case will be heard by a judge who may have never sprayed Bactine on a blister. And that's okay. Microsoft, for their part, does not understand the law; somebody needs to handle that bit for them.

Look, if I had been married five times, and I had killed the first four wives with an axe, you might not lock me up; you might even leave me living with the fifth wife. But would you let me keep the axe? Microsoft is an unrepentant violator of the law. You can't explain to them nicely what the law means, get them to promise scout's honor, and then drop by twice a week to make sure everything's going fine. They are not going to stop doing what they do until they are unable to do it. And the only way to make that happen is to take away the monopoly power. Then they can do what they love to do—go for the throat—and not have to take any guff about it.

Microsoft likes to talk about how competitive the software market is, what a rough world it is, and how they have to be constantly on their toes. And it's true. But Microsoft has never had one experience the rest of the software world has had. Microsoft has never gotten to compete against Microsoft. The court should give them the chance.

Sincerely,
Theodore T. Cushman

6 Pleasant Court
Great Barrington, MA 01230
ted.cushman@verizon.net
413/644–8928

MTC–00019826

From: Nick K. Aghazarian
To: Microsoft ATR
Date: 1/23/02 10:58pm
Subject: Microsoft Settlement

Please reconsider the acceptance of the proposed judgement. The states'' solution, while not perfect, is much closer to a fair and effective solution. I do not feel that any particular piece of software from Microsoft should be singled out, with the possible exception of the Office file formats. If these formats were made public and made to stay that way, competing products could (and would) emerge, enabling the more widespread use of competing operating systems. Currently, businesses are forced into one of the two monopolies (Operating System or Office Suite) by the other. If you want to correspond with your customers, you must use MS Office to read the documents. In order to run MS Office, you must run MS Windows. This should not be allowed to continue. At the very minimum, the determination of who should and should not be granted access to the Windows APIs must not be left to the owner of those APIs. For the most benefit to the public, those APIs should be made public and alternative implementations encouraged.

Thank you,
Nick K. Aghazarian
Windows Software Engineer
Stockton, CA 95219

MTC—00019827

From: Mike Creighton
To: Microsoft ATR
Date: 1/23/02 10:58pm
Subject: Microsoft Settlement

I think the proposed settlement is a very bad idea.

Sincerely,
Mike Creighton

MTC–00019828

From: Louis Shanks
To: Microsoft ATR
Date: 1/23/02 11:00pm
Subject: Microsoft Settlement

I don't think that anyone should be penalized for wanting to be number one. If that was the case you need to put AOL (America Online) on your chopping block next. AOL is more of a monopoly than Microsoft is. Microsoft has been a good corporate citizen and I think the original penalty is more than enough punishment. In economic times like we are facing would it be wise to try to break an American company to the point they will need to follow the same path as many other American companies and start laying off people, buying fewer and fewer services from smaller companies causing them to go out of business completely? I say stick with the original penalties and lets let everyone get back on track.

Thank You,
Louis
In Texas

MTC–00019829

From: Babylfish@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 10:59pm
Subject: Microsoft Settlement

I have, just now, personally reviewed the documents related to the settlement available from http://www.usdoj.gov/atr/cases/ms-settle.htm and am sufficiently concerned to comment (it's not clear how I can convey how significant that is).

I deeply concerned about the proposed settlement of the antitrust litigation between the US and Microsoft (Civil Action No. 98–1232). I must rely on the attorneys general to negotiate this in my best interest (as a consumer who's never, in my 10 years as a consumer of computing hardware, had a choice of operating system from a PC vendor) yet I'm convinced the settlement will do very little to improve competition.

In just a few minutes of perusing the proposed settlement I found the following paragraph in section VI Definitions subsection J: ''Software code described as part of, and distributed separately to update, a Microsoft Middleware Product shall not be deemed Microsoft Middleware unless identified as a new major version of that Microsoft Middleware Product. A major version shall be identified by a whole number or by a number with just a single digit to the right of the decimal point. ''

Does that mean that IE5.0.0 is different from IE5.0? ''Functionality that Microsoft describes or markets as being part of a Microsoft Middleware Product (such as a service pack, upgrade, or bug fix for Internet Explorer), or that is a version of a Microsoft Middleware Product (such as Internet Explorer 5.5), shall be considered to be part of that Microsoft Middleware Product. ''

The way I read that, is that anything not explicitly labeled as a MMP in the settlement is not an MMP unless Microsoft wants it to be. I suspect there are other things that Microsoft doesn't want to be labeled MMPs. Poking around the web, I found what I feel is some very insightful and constructive commentary at http://www.kegel.com/remedy/remedy2.html. It offers suggestions, whereas all I've had time to do is criticize :(Please give my thanks to those who are working the case on behalf of the consumers. I realize there must be enormous pressures.

thank you for your time,
Jeff Warrington

MTC–00019830

From: John Gregg
To: Microsoft ATR
Date: 1/23/02 11:00pm
Subject: Microsoft Settlement
To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
john gregg
St. Paul, MN

MTC–00019831

From: Wynn Winkler
To: Microsoft ATR
Date: 1/23/02 10:58pm
Subject: MicroSoft Settlement

I am another taxpaying, US Citizen who thinks the proposed Microsoft settlement is a scandal, a deal purchased with campaign contributions, and another demonstration that enough money can make the justice system dance like a puppet. I'm just sending this to be counted—all the arguments have been made in detail by much better analysts than myself and I'm sure you have no difficulty finding them. I'll stop there.

Wynn H. Winkler
3005 Ronna Ave.
Las Cruces, NM 88001 (There that should save the FBI a little time.)

MTC–00019832

From: George Wagner
To: Microsoft ATR
Date: 1/23/02 11:00pm
Subject: Microsoft Settlement

I am appalled that the proposed settlement even exists. It fails to provide any adequate safeguard for consumers and competitors. Microsoft has, as has been shown by their history, ignored any and all rules or regulations that they felt infringed on their strategic plans. The 1985 agreement was ineffective, and something much more stringent and specific is necessary. Along with this, there must be a mechanism to check and enforce it.

Microsoft has put all of its legal, political, and monetary might behind its current efforts to derail any efforts to level the playing field. The number of telephone and email solicitations from Microsoft supported groups has been tremendous, and shows just how much Microsoft is trying to manipulate the system.

Please don't allow Microsoft to corrupt the process. Their practices have been deemed illegal, and it is now time to ensure that those practices stop, and that those who have been harmed are given reparations.

George Wagner
Computers, Support, & Consulting

6015 Glenbeigh Drive
Sylvania, OH 43560
(419) 882–0472

MTC–00019833

From: s.berens
To: Microsoft ATR, dave,Eric Weis,Dolores Von Urff,ge.j...
Date: 1/23/02 11:01 pm
Subject: The Tunney Act. Microsoft Settelment Rejection Notice

Monday, January 28, 2002

This is the deadline for comments on the Microsoft Settelment from the public

Now as some of you know I am not one for ''chain letters'' but this time I can't think of a better way of getting a good volume of mail generated in a short peroid of time.

The Proposed Microsoft settelment is a failure. This is according to nearly all the anaylsis by lawyers, industry advocates, and anyone involved in the case. The DOJ needs to hear from the people in the public comment peroid to let them know that it is not enough, and time is almost out. Let your voice be heard.

Remember it is the number of email the DOJ gets that counts, so lets generate some traffic on their mail servers. Just follow the instructions below.

1) Please forward this to microsoft.atr@usdoj.gov

2) Forward this to everyone you know and get them to do the same.

Thank you for your time

Stephen Berens

Founder of the Western Alliance

Form letter follows

Open Letter DoD Re: Microsft Settlement

If you'd like to co-sign this open letter, please email me at petitionOkegel.com, and please give your city, state, title, and affiliation.

—Dan Kegel

To'' microsoft.atr@usdoj.gov
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, we wish to comment on the proposed Microsoft settlement. We agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html), namely:

*The PFJ doesn't take into account Windows-compatible competing operating systems

—Microsoft increases the Applications Barrier to Entry. by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

—The PFJ Contains Misleading and Overly Narrow Definitions and Provisions o The PFJ supposedly makes Microsoft publish its secret APIs. but it defines ''API'' so narrowly that many important APIs are not covered.

—The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

—The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft. NET with competing middleware.

—The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box— operating systems that all use the Win32 API and are advertized as being ''Windows Powered''.

—The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

—The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

—The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

—The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

—The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

—The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft P—Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

—Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

—Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system— even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)

The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

—Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

—The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

—The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

—The PFJ allows Microsoft to discriminate against small OEMs—including regional ''white box'' OEMs which are historically the most willing to install competing operating systems— who ship competing software.

—The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

—The PFJ as currently written appears to lack an effective enforcement mechanism.

We also agree with the conclusion reached by that document, namely that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest.

It should not be adopted without substantial revision to address these problems.

Sincerely,

MTC–00019834

From: Gene Bland
To: Microsoft ATR
Date: 1/23/02 11:00pm
Subject: Microsoft Settlement

Gentlemen and Gentlewomen,

Concerning the proposed settlement for Microsoft, I wish to express that the intended remedies seem to only address past and current technologies and do not truly deplete nor deter the monopolistic policies that Microsoft has engaged in over the last several years. The language within the document references specific software titles and technologies, many of which are no longer supported. Terminology (such as ''ActiveX'') is frequently changing and to expressly mention such items seems unduly restrictive for the settlement and easy to avoid by Microsoft.

Also, the remedies for exposing existing and proposed interfaces and APIs is expressed in terms of a delivery mechanism that Microsoft owns (the Microsoft Developers Network). This requires third party developers to set up a relationship (joining the developers network) to be able to access this information in a timely fashion. This requirement seems to create greater dependency upon Microsoft, in fact enhancing their monopoly position, rather than depleting it. This information should be available in a publicly (non-Microsoft controlled or owned) available facility.

Lastly, there is no mention of any form of restitution for the activities that Microsoft has engaged in. Microsoft's activities have destroyed many small companies, and worse, the people's dreams and livelihood who made up those companies. This is, in a true sense, the destruction of what most of us consider to be ''The American Way and Dream'' where we all have the right to compete without fear of the unfair destruction by a monopoly. This activity by Microsoft should be considered an extreme offense and the punishment should be commensurate with that offense. I was actually quite offended by the several references to provisions to protect Microsoft's existing licenses, without any mention of restitution for Microsoft's victims.

Thank you for your attention.

D. Gene Bland, Jr.

Cary, North Carolina

Software Development Consultant for Analyst International

MTC–00019835

From: Emily A. Carl

To: Microsoft ATR
Date: 1/23/02 10:39pm
Subject: Concern about Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Emily Carl.
CC:emilyac@WANet.net@inetgw

MTC–00019836

From: yeled@vulcanised.
adc.rmit.edu.au@inetgw
To: Microsoft ATR
Date: 1/23/02 11:02pm
Subject: microsoft settlement

I believe that the proposed settlement is unworthy of such a large interest to the people of America, and (including me) the rest of the world, that Microsoft has impacted.—
charlie@rubberduck.com
Melbourne, Australia
http://rubberduck.com/ PGP preferred

MTC–00019837

From: doj@lentner.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:05pm
Subject: Microsoft Settlement

I think the proposed settlement is bad idea!

MTC–00019838

From: Krishna Sethuraman
To: Microsoft ATR
Date: 1/23/02 11:02pm
Subject: Microsoft Settlement

I am against the proposed settlement. As a computer professional, I find Microsoft's behavior to be anti-competitive in the marketplace, and must be stopped. The proposed settlement does not appear to do this effectively.

Krishna Sethuraman
Sunnyvale, CA

MTC–00019839

From: Daniel Rodney
To: Microsoft ATR
Date: 1/23/02 11:04pm
Subject: Microsoft Settlement

Dear DOJ,

I am a concerned computer user. I teach computer graphics software in fact. I am very familiar with Macs and Windows and want to express my concern about the strength of the decision about Microsoft. I feel that they have severely hurt and continue to hurt the computer industry. I think that their practices continue to hurt users and only are chosen because they can expand MS's monopoly. Take the WindowXP activation system. Users are not helped by this... their computers can be rendered useless if activation can't properly take place. Also, that Windows XP leaves out Java support, unless the user downloads it, is purely a MS tactic to edge out Java because it's not theirs. Sure it doesn't specifically attack it since it's POSSIBLE to use Java, but the problem is that many users don't know they should, or how to, so in the end, the ignorant user is hurt and for what good? So that MS can better push their own solution? The user is hurt because Java is a great platform INDEPENDENT choice. While I don't know that much about the settlement, please understand that it could not be too harsh on MS in my opinion. MS needs to be penalized for their past practices and current. They need to be stopped or I fear for how computers are heading because of their self serving choices.

Ultimately this is a decision that affects everyone's daily life in some way. Computers run our life... and when a moralless self serving computer company that will do ANYTHING is can get away with is running the show... it's a scary thing. Please do the right thing and STOP them once and for all. Prevent them from continuing to do it and make sure they pay for their past bad practices.

Dan

Daniel Rodney—graphic designer, instructor
http://www.danrodney.com
h: 718–956–5755

MTC–00019840

From: Noah L. Waller
To: Microsoft ATR
Date: 1/23/02 11:04pm
Subject: The Microsoft Settlement

In my reading of the information available on this case, I believe it would be a terrible injustice to our justice system and the ethics of our country if the Microsoft vs. DOJ case was settled in this currently proposed way. My reasons are simple:

1. For a company to be found as guilty as Microsoft has been found, based on the initial proposed sentence, and whose actions since have been nothing short of arrogant, it would make a mockery of DOJ to accept such a pathetically weak settlement.

2. More important, past history has shown this company will push the envelope of any reached settlement, it's expected it would continue to do so. The large number of anti-trust cases brought against this company cost tax dollars, not finding an ultimate solution is a bad investment, and it would not be long until we could find ourselves, as consumers and tax payers, footing the bill for a job left unfinished. More information can be found here: http://www.kegel.com/remedy/

I am not in the legal field, I'm in health care. I do not have a solution to offer other than saying the one we have now is not enough, not by far.

Thank you for your time. —
Noah L. Waller
http://home.sprintmail.com/noahw/

MTC–00019841

From: David
To: Microsoft ATR
Date: 1/23/02 11:06pm
Subject: MicroSoft Settlement

Dear Sir or Madam:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully make reparations for the actions committed by Microsoft in the past, nor make it difficult for them to commit similar actions in the future.

None of the settlement provisions will keep Microsoft from abusing its current monopoly position in the operating system market. This is important in view of the seriousness of Microsoft's track record.

Most importantly, the proposed settlement doesn't correct Microsoft's previous actions. There are no provisions that redress their previous monopolistic abuses. Why is this? They only (attempt to) prohibit the future repetition of those abuses, which is puzzling in itself.

The MicroSoft antitrust settlement goes against everything the law stands for. If a person or organization is able to commit crimes, benefit from those crimes, and then receive, as a ''punishment'', merely instructions that they cannot commit those crimes again, they have still benefited from them. That is not justice, not for the victims of their abuses nor for Americans in general, and I find it personally appalling that no substantial monetary penalty has been considered.

While the Court's desire that a settlement be reached is honorable, it is wrong to reach a settlement, just for settlement's sake, especially with a company that still refuses to admit wrongdoing.

Thank you for considering my opinion.
Sincerely,
David Barbara Jr.
Chico, California

MTC–00019842

From: Michael Roberts
To: Microsoft ATR
Date: 1/23/02 11:08pm
Subject: Microsoft Settlement

I've just recently taken the time to research the proposed settlement with Microsoft, after hearing a great deal of negative comment, and I am quite sorry to say that the settlement is even more flawed than I had imagined possible. I realize that Mr. Ashcroft may even *believe* his statement that this settlement is not a sell-out, but to give him the benefit of that doubt, I am forced to assume that Mr. Ashcroft has no conception whatsoever of the actual problems involved in this case. Last time the DoJ tangled with Microsoft, you

brought out a settlement which was far too restricted, in the sense that it enumerated specific activities from which Microsoft was prohibited, and allowed Microsoft to pursue any number of closely related but legally separate anti-competitive behaviors—which, of course, they did. It was my hope that you had learned from that mistake, and yet I see that you have not.

Let's take a quick example: you define Microsoft's duties to publish APIs in such a way that they do not exclude competitive activity, which sounds great—yet you define APIs in such a restrictive way that it is frankly incredible from a technical standpoint. You limit the term ''API'' to mean interaction between *specific* operating systems (the list of which already excludes two of Microsoft's newly planned products) with *specific* middleware products—the list of which excludes Microsoft's most significant middleware: SQL Server and Outlook are not in the list. Windows *Media* Player is in the list, but Office products are not. Forgive my bluntness, but I simply cannot believe that this is an oversight. No-one could possibly be this stupid. As the settlement is written, this clause will hinder Microsoft's anti-competitive behavior for about six months; by the end of 2002 they will be as free to quash all competition as they have been since riding roughshod over the 1994 consent decree.

I'm sorry, I'm trying to be polite here, but this proposed settlement is so hopelessly flawed that it should by all rights be a public laughingstock. Unfortunately the public doesn't seem to have the technical knowledge required to understand the flaws—but I do. And this settlement, if accepted as it stands, will constitute a direct threat to my business.

Michael Roberts

Owner, Vivtek (a small software company specializing in Open Source software)

Bloomington, Indiana

MTC–00019843

From: Jerry Lapham
To: Microsoft ATR
Date: 1/23/02 11:03pm
Subject: Microsoft Settlement

I do not agree with the settlement. It is *less* than a slap on the wrist.

—Jerry —

MTC–00019844

From: Dana M . Diederich
To: Microsoft ATR
Date: 1/23/02 11:56pm
Subject: Microsoft Settlement

I am strongly opposed to the currently proposed Microsoft Settlement. Even under legal threat from many fronts, including being found guilty of becoming an illegal monopoly, Microsoft has not yet reformed their behavior. I see no reason to believe that they will ever reform their behavior until either they are forced to by the Government or their fall massively damages many aspects of the IT and home infrastructure of the United States.

Please find a way to make this company stop and pay attention. Rising prices, falling quality, failing security and predatory practices must not be allowed to endanger the progress of technology. The rest of the world is slowly moving away from Microsoft. Will the United States be left behind and wounded? I sincerely hope not.

I, Dana M. Diederich, certify that I am a natural born citizen of the United States.

Sincerely,
Dana M. Diederich
19 Leicester Drive
Bella Vista, AR 72714
(501)855–7175

MTC–00019845

From: David Krumwiede
To: Microsoft ATR
Date: 1/23/02 11:32pm
Subject: Microsoft Settlement

The proposed settlement does not go far enough to discourage the monopolistic practices of Microsoft and the bully tactics it uses to crush the competition.

This proposal only assures that no punitive action will be taken by Microsoft against computer manufactures and sellers. It does not prohibit destructive practices against software competitors; encouraging the monopoly.

David Krumwiede

MTC–00019846

From: Charles Coon
To: Microsoft ATR
Date: 1/23/02 11:11pm
Subject: Microsoft Settlement

In the world technology sphere there is no more important need than to complete the settlement and put the difficult Microsoft litigation issue behind. Microsoft, more than any technology company, was behind the economic growth of the 1990's. When Microsoft was threatened by the DOJ, in partnership with its competitors, the economy moved toward the current recession. Microsoft will be in the forefront in leading us out of the recession. We need a timely end to the litigation, and a commitment by Microsoft's competitors to focus on competition, rather than more mutually destructive court action.

Thank you,
Charles R. Coon,
2416 Marlborough Place,
Colorado Springs, Colorado,

MTC–00019847

From: Mark W. Alexander
To: Microsoft ATR
Date: 1/23/02 11:06pm
Subject: Microsoft Settlement
Renata B. Hesse
AntiTtrust Division
U.S. Department of Justice

Reviewing the proposed final judgment against Microsoft I find a glaring problem regarding the current state of the software industry. There are a variety of proscribed actions against OEM's, ISV's, and IHV's, yet what exactly constitutes a member of any of those groups, and what information they may have access to, is apparently left to Microsoft's discretion.

Due to Microsoft's prolonged maintenance of their monopoly power, most corporations that would reasonably be classified in those groups have been severely weakened. The strongest realistic competitor to Microsoft's products today come from the world of ''open source'' software.

The open source software community functions on a completely different economic model than Microsoft's traditional competitors. They develop and distribute software at no cost, operating instead on a model of service and support. Absolutely key to this model is inter-operability with Microsoft's line of operating systems. While open source based software organizations have produced products with strong feature sets and security, due to the open nature of their product they simply cannot benefit from any judgment that allows Microsoft to not disclose inter-operability information for any reason.

In particular, Section III, paragraph J. item 1, allows Microsoft to restrict access to compatibility information that ''would compromise the security'' of certain information. Microsoft would have the public believe that security information must be secret in order to be secure. This is patently false and has been proven in the security community. As an example, Microsoft's IIS web server software has had a long history of regular security breaches, despite the complete unavailability of it's security information outside of Microsoft. In contrast, the Apache web server, the full source code of which is publicly available, has not had a major security breach in 4 years. Open inspection of Microsoft's security information is key not only for inter-operability, but for consumer protection as well. Of greater concern is section 2(c) in the following section, precluding those who do not ''meet(s) reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business''. Microsoft has stated clearly that it does not believe open source software development has a role in the software industry. On the contrary, several companies have been established on open source software. Further, said software was in development several years before these companies even attempted to become ''viable'' businesses. Microsoft would not have acknowledged software such as sendmail, apache, or Linux as authentic and viable business at the time of their development. Today, Sendmail, Inc., The Apache Group, and Linux companies such as Red Hat, Caldera, Suse, and Mandrake are in business based on that software. Apple Computer and Hewlett-Packard are testaments to the fact that two people in a garage is a ''viable business'' in this industry. I doubt if Microsoft would certify the authenticity and viability of today's origins of tomorrow's corporations.

I have more concerns about the other specifics of this judgment, but the final summary is this: It provides for too much control over the interpretation and application of the judgment to the convicted perpetrator itself, Microsoft. This judgment provides little realistic relief for traditional competitors, no relief for open source competitors, and no hope for either home or corporate consumers wishing to extricate themselves from Microsoft's history of oppression.

The entire software industry is poised for a drastic change in market economics. Open

source software is proving to be a disruptive technology that offers an enormous opportunity for independent software developers to thrive if, and only if, Microsoft is not allowed to hold them at bay with continued anti-competitive practices.—

Mark W. Alexander

Senior Data Communications Specialist and

Open source software user and contributor

slash@dotnetslash.net

MTC–00019848

From: Mark
To: Microsoft ATR
Date: 1/23/02 11:09pm
Subject: Microsoft Settlement

I honestly don't think MS is trying to ''hurt'' anyone.....they are making their O/S simpler and easier to use for everyone.....isn't that what the people are asking for????? There is no competition for them directly because everything they have is just that much better! Now AOL/Netscape want to sue them.....why????? Because of the Netscape browser which just couldn/can't compete?????

Then there's Linux.....well, let me tell you a fact.....Linux never was, and never will be competition to Windows.....it's a ''Geek'' O/S and that's all it ever will be!

Don't punish MS because they are successfull.....isn't that the whole point of living in America?????????

Thanx;

Mark Bickmeyer

MTC–00019849

From: Brian Hochhalter
To: Microsoft ATR
Date: 1/23/02 11:10pm
Subject: Microsoft Settlement

To whom it may concern:

After reviewing the proposed final judgment, I find I do not agree with its provisions to control Microsoft's well documented anticompetitive practices. The PFJ as it now stands does not provide adequate definitions of many terms such as ''Microsoft middleware'' and ''Windows''. It also fails to require Microsoft to disclose which of its software patents cover which APIs. In this condition those attempting to create Microsoft-compatible products must work in ignorance as to whether they are infringing upon patents held by Microsoft. It does not address anticompetitive license terms to which users of Microsoft products must subject themselves in order to use Microsoft products. Additionally, while seeking to protect commercial competitors to Microsoft, it provides no provisions for those that create products which are available free of charge (such as Linux and various other open source operating systems and application programs) which compete with Microsoft products.

Many people in the tech industry have examined the current PFJ and find it lacking. A number of them have developed alternatives that deserve consideration. That being the case, I request that the Department of Justice withdraw its consent from the current proposed final judgment before it is accepted by the court. Additionally I request that the Department of Justice and applicable agencies examine the recommendations of computer professionals who have sent comments on the PFJ and build upon those suggestions to develop a judgment that will better protect Microsoft's competitors and the American public from the results of Microsoft's anticompetitive practices.

Thank you for your time

Brian Hochhalter

2655 Marl Oak Dr.

Highland Park, IL 60035

MTC–00019850

From: David Alderman (Earthlink)
To: Microsoft ATR
Date: 1/23/02 11:12pm
Subject: Microsoft Settlement

Thank you for hearing me.

Microsoft has engaged in anticompetitive practices that have harmed the public. Their proprietary document formats preclude any real competition since competitors products can't be fully compatible. They have consistently signed exclusive agreements with OEM's to prevent consumer's from having a choice. This practice goes all the way back to DOS. They have deliberately inserted code in their products to prevent competitors from working. Andrew Shulmann's ''Undocumented Windows'' covers much of this. In the Windows 3.1 era, Microsoft distributed a faulty DLL to their competitors that prevented their products from sharing files in a networked environment. Microsoft Word had the working version of the DLL.

I am not familiar with law, but I believe Microsoft is guilty of abusing its monopoly position, and they will continue to do so unless someone actually punishes them in a punitive manner.

As a final note, I would like to ask the question, ''who owns your data?'' If you do not have Microsoft Word, Microsoft Excel, and Micrsoft Powerpoint, can you read your documents, spreadsheets, and presentations? If Microsoft asked you to return their software, even for a full refund, how would you gain access to your documents?

MTC–00019851

From: Michael Portuesi
To: Microsoft ATR
Date: 1/23/02 11:10pm
Subject: Microsoft Settlement

I am writing concerning the proposed settlement between the Department of Justice and Microsoft corporation.

I believe the settlement to be very inadequte. It contains many loopholes that would enable Microsoft to continue their current predatory business practices, and to extend their monopoly to new markets.

To me, the most troubling aspect of the settlement concerns the rules for Microsoft's disclosure of specifications of its API's, middleware, file formats and protocols to third parties for interoperability. The provisions apply only to other commercial entities; nowhere does it require Microsoft to make these specifications public for access and use by individuals and non-profit developers. Unless we have true open access to the Microsoft specifications, interoperability with their products will never be achieved.

This settlement goes against the spirit of the trial before it, and in many ways devalues the effort that went into the unanimous monopoly ruling.

I urge you to reject this proposed settlement, and to urge a settlement that truly addresses the very important issues at the heart of this case.

As a computing professional, I have a vested interest in seeing a healthy computing industry. We will never have that with one company driving all the standards, and hence all the progress in the field. Consumers are the ones who lose the most in the end, through lack of choice and stifling of innovation. — MIchael Portuesi 400 Mississippi Street San Francisco, CA 94107–2928 mailto:portuesi@jotabout.com

MTC–00019852

From: Vijay Ramasubramanian
To: Microsoft ATR
Date: 1/23/02 11:13pm
Subject: Microsoft Settlement

As a United States Citizen and Taxpayer, I would like to make it clear that I am vehemently opposed to the current Proposed Settlement against Microsoft.

The proposed remedies are weak at best and ineffectual at worst. Since large amounts of taxpayer money have been expended by the Department of Justice in pursuing the case, it does not make sense to impose such flawed remedies on Microsoft, thereby undermining the best interests of the taxpayers. The scope and severity of any Department of Justice settlement with Microsoft should be commensurate with the crimes of which Microsoft was found guilty by the Court of Appeals. The current proposed settlement does not meet this criterion.

Many scholarly documents have been written which address the legitimate shortfalls and ample inadequacies of the Proposed Settlement. Among these, I am in agreement with the views and evidence expressed by the Computer & Communications Industry Association in: http://www.ccianet.org/papers/ms/sellout.php3

Thank you for this opportunity to present my comments.

I Vijay N. Ramasubramanian

mailto:ramasubr@ews.uiuc.edu

http://www.ews.uiuc.edu/ramasubr/

MTC–00019853

From: Matt Conners
To: Microsoft ATR
Date: 1/23/02 11:13pm
Subject: Microsoft Trial

Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing today as a member of the technology industry to encourage the Department of Justice to accept the Microsoft antitrust settlement. The settlement is fair and should be accepted by the government.

Microsoft has agreed to many tough terms. Many of the terms extend to products and procedures that were not even mentioned in the original suit. Microsoft has agreed to give

computer makers the flexibility to install and promote any software that it sees fit. Microsoft has also agreed not to enter into any agreement that would obligate computer makers to promote Microsoft software.

The terms of the settlement are fair and the government should accept the settlement. The technology industry needs to move forward, the only way to move forward is to put the issue in the past. Please accept the settlement.

Sincerely,
Matthew Conners

MTC–00019854

From: Kevin McKenzie
To: Microsoft ATR
Date: 1/23/02 11:12pm
Subject: Microsoft Settlement

I am writing to oppose the settlement the US Attorney General seeks to make with Microsoft. It does not define many terms; it does not protect all manufacturers, only the twenty largest; and it does not force Microsoft to make it's file formats available. In addition, the API documentation it would be forced to disclosed is incomplete, and Microsoft is given no requirements as to how soon before the release of new software the APIs must be disclosed.

Kevin McKenziekdm2@po.cwru.edu

If believers in astrology became as well organized as the creationists, it is hard to see how their demands could be withstood. —G. Hardin, ''Marketing Deception as Truth''

MTC–00019855

From: Fischer, William
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:16pm
Subject: microsoft settlement

as a US citizen i feel that the proposed microsoft settlement poses a grave danger to the future of not only the software and computing industry in this country but also to the wellbeing of the consumer public which are, and will continue to be victimized by the monopolistic hold this company currently has over the general market. I have seen the boom of the internet from an eccentric cluster of interconnected ''geek'' experiments to the current global interface of billions upon billions of individual webpages. throughout this period i have also witnessed the breadth, influence, and power of the microsoft corporation expand to engulf virtually every facet of our lives, extending amoral market practices into niches opening far more avenues of venue than our current legal system was, or is currently capable of keeping pace with. the current proposal for settlement of this issue does little to hinder microsoft's ruthless ingenuity in circumventing imposed limitations to its illegitimate market ethics. i am not an expert in the field, nor am i a legal analyst, but rather a concerned denizen, and consumer. i see the future of the computing industry one of almost hopeless promise as empowerment has continually been taken away from the consumer over products (both hardware and software) he/she has purchased, yet has a right to utilize via the fair use doctrine. as a proof of microsoft's continual discrimitory practices, as well as corporate mindset i will quote a section of the EULA for ''The Microsoft Windows Media Encoder 7.1 SDK:'' ... you shall not distribute the REDISTRIBUTABLE COMPONENT in conjunction with any Publicly Available Software. ''Publicly Available Software'' means each of (i) any software that contains, or is derived in any manner (in whole or in part) from, any software that is distributed as free software, open source software (e.g. Linux) or similar licensing or distribution models ... Publicly Available Software includes, without limitation, software licensed or distributed under any of the following licenses or distribution models, or licenses or distribution models similar to any of the following: GNU's General Public License (GPL) or Lesser/Library GPL (LGPL); The Artistic License (e.g., PERL); the Mozilla Public License; the Netscape Public License; the Sun Community Source License (SCSL); ... as i stated before i am not an expert in the field, and as such this e mail should not be weighed by my evidence, but rather by the concern of an ''average citizen'' that feels the proposed settlement will do little to change microsoft's influence on my life.

that is all.

-william fischer

MTC–00019856

From: CHip FInch
To: Microsoft ATR
Date: 1/23/02 11:14pm
Subject: Microsoft Settlement

end the microsoft monopoly!!!!!

Give Apple computer all the government computers.

chip

MTC–00019857

From: Joe DeLassus
To: Microsoft ATR
Date: 1/23/02 11:12pm
Subject: Microsoft Settlement

The proposed settlement with MIcrosoft corporation is a bad idea. Simply put the operating system for the closest thing that exists for a universal personal computing device should be in the public domain so that true innovation can move forward.

MTC–00019858

From: David Walser
To: Microsoft ATR
Date: 1/23/02 11:16pm
Subject: Microsoft Settlement

I believe that the proposed Microsoft antitrust settlement does little to advance the cause of justice. My primary concern is that the remedy of requiring Microsoft to donate computers and software to schools will damage the competitiveness of one of the few markets Microsoft does not currently dominate. From which company will these schools purchase software once the donated software becomes obsolete (next year)? Microsoft.

David K. Walser
2136 N. Ashbrook
Mesa, AZ 85213
480/615–9252

MTC–00019859

From: William Lamb
To: Microsoft ATR
Date: 1/23/02 11:13pm
Subject: Microsoft Settlement

Dear DOJ:

It is my belief that the current proposed settlement is completely inadequate. It poses nothing more than a set of inconveniences which Microsoft can easily navigate their way around while continuing their anti-competitive practices. Nothing less than a full break up will end Microsoft's illegal business practices.

Sincerely,
William Lamb
Aurora, IL

MTC–00019860

From: Sandor Kunyik
To: Microsoft ATR
Date: 1/23/02 11:14pm
Subject: Microsoft Settlement

To whom it may concern,

As long as it is not signed into law that I will HAVE to pay Microsoft for buying computer hardware or for signing onto a public network I will find work-arounds, I will abuse rules and break every marketing scheme to be able to use Linux and Mozzilla for my needs, and I will regret this outrageous settlement that was brough upon the U.S. people.

I will not purchase or use Microsoft products unless someone sticks a shotgun into my ribs—which will certainly happen more sooner than later. At the same token, I will never again buy a GM, or buy pizza from the guy on the corner—unless I'll have no other choice.

Taking my business elsewhere used to be my greates privilige as a consumer in a free marketplace—until Microsoft came along and ensured that I CAN NOT take my business anywhere else!

This settlemen will prove it once again that ruthless, unlawful business pays huge, and that the punishment in this country will never match the crime.

One last thing: Microsoft is not an Innovator... *WE ARE* innovators, those who learned and worked to be able to do WITHOUT Microsoft in all these years, and we will keep doing so!

With no particular regards (due to the lousy job you did)

Sandor Kunyik
Web Developer
Wheeling, IL

software is like the mind it works the best when it's open

MTC–00019861

From: ac
To: Microsoft ATR
Date: 1/23/02 11:14pm
Subject: Microsoft Settlement

Although I am a Canadian citizen, it is with great concern that I have watched this trial, the findings, and now the resolution.

It is a difficult problem, but it is clear that Microsoft will continue to exercise what it believes are its rights by violating the rights of other companies to compete in markets that Microsoft chooses to dominate.

The existing settlement is unacceptable, it does not serve the communities or the markets that Microsoft has impacted by their actions. There are several possibilities, but any solution should benefit education, reinvigorate the technology markets to

compete, and punish Microsoft by forcing a change in their business practices. $1 billion dollars is a paltry sum to Microsoft. At 5% interest they can earn that back in a year on the $35 billion they would have left. I would propose a $10 billion fine. $5 billion set up as an education fund to be administered by a neutral 3rd party, and $5 billion to set up a fund to reinvigorate the technology market and give new companies the opportunity to compete in the market place.

I also believe that Microsoft should open source their browser, and if they bundle middleware (IE, Windows Media Player, MSN) competitors should have the same access to customers and rights to bundle as well. The difficulty is in trying to ensure that companies can compete on the OS platform in areas where Microsoft wants dominance. The only way to determine if any remedy is successful is to see if business can compete effectively and reach consumers fairly to compete for their business. Consumers have been summarily brainwashed to a large degree due to Microsoft's actions, they need to know that it doesn't have to be Microsoft if they don't want it.

Microsoft Office's file formats should be opened as well. Although they were not part of the case, this could be a key part of opening competition in markets where Microsoft has a stronghold. Office is a ubiquitous standard. There are no serious competitors because no other company is able to ensure compatibility with the Microsoft Office file format. This market has stagnated as well. There aren't many choices for consumers or businesses due to the file format issue. Opening the format up would create an even playing field. Companies could release their software and compete based on features and price.

Currently Apple is the only other choice that consumers have. Microsoft's practices on Apple's platform are much different than their practises on their own platform. Its the control of the OS, control of the middleware, and control of standard file formats that are suffocating the industry. If Microsoft claims they want freedom to innovate, then level the playing field and let the consumers decide.

Thank you.

MTC–00019862

From: GERALD THOMPSON
To: Microsoft ATR
Date: 1/23/02 11:22pm
Subject: microsoft settlement

please settle the case . i don't use microbrowser [msn] i use one that started in my town. i don't under stand all this. i didn't like aol or netscape. windows is the best thing that ever happened to computors.

MTC–00019863

From: Don Erickson
To: Microsoft ATR
Date: 1/23/02 11:22pm
Subject: Microsoft Settlement

Sirs:

Microsoft has amassed the single largest corporate fortune in history, not by being the best but be being the most ruthless. I would like to register disapproval of the proposed settlement.

Don Erickson
Kansas City

MTC–00019864

From: Jesse Becker
To: Microsoft ATR
Date: 1/23/02 11:18pm
Subject: Microsoft Settlement

I have a number of concerns about the proposed settlement between the US Department of Justice, and the Microsoft Corporation.

(1) The (proposed) settlement is not sufficiently strong to prevent Microsoft from pursuing similar activities in the future. The proposed restrictions apply to narrow ranges of activity, most of which can be circumvented easily by changing product names (as the settlement specifies product names instead of classes of products), or developing new products that perform similar purposes.

(2) There is no clear enforcement mechanism for this settlement. While there is the creation of an oversight committee, it has no obvious powers to give punishment for any breaches of the terms of the settlement.

(3) The group responsible for implementing many of the points listed in the settlement, namely OEMs, are tied directly to Microsoft for their revenue by selling Microsoft Products. This, I believe, does not constitute an unbiased group for carrying out the points of the settlement.

(4) Finally, Microsoft has used its monopoly standing to directly hurt some consumers, myself included, by forcing them to purchase their products from OEM companies. In my case specifically, I have purchased two systems from Dell Computers, and have had to pay approximately $100 in each case (a total of about $200) for a copy of Windows 98 and Windows Millenium that I did not wish to buy.

Thank you,

MTC–00019865

From: John
To: Microsoft ATR
Date: 1/23/02 11:17pm
Subject: Microsoft Settlement

My personal opinion is that the DoJ just gave Microsoft a very gentle slap on the wrist and is missing the whole point of the lawsuit.

If you look at Microsoft's .Net program, we will all be renting software from Microsoft forever and this will guarantee Microsoft's monopoly position in the operating system market instead of allowing true competition, which would make all computer software better instead of putting out truely defective software as is now the case. This just touches the surface of my position and arguement against the current settlement.

Thank you,
John Russell

MTC–00019866

From: Stephen Kaufer
To: Microsoft ATR
Date: 1/23/02 11:24pm
Subject: Settlement in Microsoft Case

I have studied much of the proposed microsoft settlement, and as CEO of an independant software/internet company, I find the settlement severly lacking. Frankly, I do not believe it will do any good. I fully expect that Microsoft will simply ''redefine the problem'', leaving the justice department to enforce a remedy that is no longer relevant or helpful to those harmed by Microsoft's illegal actions.

The fact that it is agreed upon by everyone (except MS) that they vigorously broke the law, yet have managed to escape serious penalty, denies any meaning to judge Jackson's verdict. The current settlement will also deny justice to those hurt and ruined by Microsoft's practices.

Sincerely,
Stephen Kaufer
CEO
TripAdvisor, Inc.
kaufer@tripadvisor.com

MTC–00019867

From: Paul Murray
To: Microsoft ATR
Date: 1/23/02 11:19pm
Subject: Microsoft settlement

I would like to comment on the proposed antitrust settlement with Microsoft. In two words, it stinks.

From what I have read, it is riddled with loopholes for Microsoft to exploit—and their past behavior has demonstrated that if there is a loophole, they will use it.

An example of this is that I have read the settlement applies only to personal computers, which are defined as having keyboards. No keyboard, the settlement doesn't apply. So MS can do whatever they want with their X-box game player, and a tablet PC that reads the user's handwriting. When voice recognition systems are perfected, they can do whatever they want with that, as well.

Here's an article from a respected industry news organization that discusses some of the potential loopholes:

http://news.com.com/2100–1001–275375.html?legacy=cnet

The ''concessions'' that MS has made are meaningless, and they are paying no penalty for their *crimes*, as noted by respected columnist Dan Gillmor: http://web.siliconvalley.com/content/sv/2001/11/02/opinion/dgillmor/weblog/i ndex.htm

Columnist Bob Lewis of InfoWorld wonders why MS gets to negotiate as an equal party when they have been convicted of criminal behavior:

http://www.infoworld.com/articles/op/xml/02/01/07/020107opsurvival.xml

I also think it is shameful that the Bush Administration is proposing such a weak settlement to a case that required several years and many millions of dollars to win.

I believe that the settlement proposed by the nine holdout states is a more appropriate resolution.

Sincerely,
Paul Murray
9961 Pierson
Detroit, MI 48228
Paul Murray
http://www.paulmurray.net

MTC–00019868

From: Michael Rothwell
To: Microsoft ATR
Date: 1/23/02 11:24pm
Subject: Microsoft Settlement

Hello. I am writing to voice my opposition to the anemic settlement currently under

consideration between Microsoft and the DOJ. Microsoft ignored the consent decree and its behavioral remedies last time. It will ignore them again. The culture at Microsoft will not change because of this settlement.

The economy, the I.T. industry, and computer science need a durable remedy for Microsoft. One that it cannot work around. I had high hopes for the break-up. I still have some hope.

Please do not allow the settlement in its current form to go forward.

Michael Rothwell
513 Baygall Road
Holly Springs, NC 27540
rothwell@holly-springs.nc.us
919–557–5466

MTC–00019869

From: Jenny Ellsworth
To: Microsoft ATR
Date: 1/23/02 11:21pm
Subject: Microsoft Comments

As a remedy for Microsoft's abuse of monopolistic power, it would be better to forbid them to give their products to schools than to require it. I am an IT professional for the City of Newport Beach, and an important part of my job is computer training. I know, from observing users in our Microsoft-dominated environment, that exposure and training are the determining factors for a user's choice of software. Allowing Microsoft to monopolize the schoolchildren and future computer professionals of this country will only serve to ensure that they continue to monopolize the software industry in years to come.

In addition to serving Microsoft's business needs of the future, such so-called ''charity'' would cost them pennies to provide software to schools, and offer Microsoft both tax benefits and good public relations. Microsoft has in the past regarded the DOJ as giving them a mandate to monopolize the software industry, and this would be no different. Were they to provide cash, rather than software, to be used as the schools need to use it, that would be a great aid.

Allowing PC makers to install non-Microsoft software is not sufficient to enable competition. Microsoft must be made to separate the operating system from their other applications. Many users I know are at least somewhat confused about the difference between Windows, Office, and the Internet. This is the result of Microsoft's deliberately ambiguous naming conventions and the interaction between Microsoft products that cannot be matched by any other software manufacturer. I realize that dissociating their OS and other software is a tall order, but without such a move, competitors will not succeed.

Microsoft clearly believes that the DOJ and the State Attorneys General will not act against them. This has made them arrogant. They feel safe to act in a non-competitive manner, bullying companies and extorting money from them. When Newport Beach's IT department invited their reprentative to help us be in complience with their license agreements, the person from Microsoft spent most of his time threatening to audit us, telling us why piracy was bad, and often insulting us. To quote their representative when we produced our evidence of legitimate purchases, ''That and a dollar will buy you a cup of coffee,'' and ,''You know, we audit cities like you, and we win. Ask your city attorney; he will tell you it isn't worth it to fight us.''

Remember, we invited them to visit us. We asked for their help. They acted like bullies. Coercion through legal action is distasteful in a major corporation, but is illegal in a clear monopoly.

Microsoft must be made to clarify their licensing. Although we had paid for every single copy of Microsoft software, we, as intelligent computer professionals, couldn't understand the requirements well enough to comply with them. The licensing requirements are deliberately confusing and hard to comply with, and Microsoft knows that most companies will simply pay for more licenses, rather than try to fight them on an audit.

Please, do not allow Microsoft to infiltrate schools to increase their monopolistic power. Please, demand that Microsoft separate their OS from their other software. Please, require that Microsoft establish clear licensing that doesn't lead to entrapping customers.

These opinions represent my observations as an IT professional in an organization of over 400 people. The views do not necessarily represent those of the City of Newport Beach.

Jenny Ellsworth
MIS Technical Services Specialist
City of Newport Beach
3300 Newport Blvd.
Newport Beach, CA 92663

MTC–00019870

From: Michael Skora
To: Microsoft ATR
Date: 1/23/02 11:23pm
Subject: Microsoft Settlement

Hello,

I would like to say that the proposed settlement seems to be lacking in many areas. See Dan Kegel's analysis of said (http://www.kegel.com/remedy/letter.html). Additionally and possibly more unsettling are the ramifications that Cringely brings up in his December 6th column (http://www.pbs.org/cringely/pulpit/pulpit20011206.html), specifically it is not guaranteed that free software organizations will have access to the necessary APIs for interoperability. Others have suggested that Microsoft may resort to bundling third party software or placing patents at key points to restrict access to important APIs.

Basically, I trust Microsoft less than I trust a floppy disk to keep my data safe, which is to say not at all. Throughout the proceedings and settlement they have exhibited not only a willingness to lie and cheat, but an arrogance and nastiness flaunted in the face of the laws and system. Microsoft needs to be taught a lesson they will not soon forget (certainly not as quickly as they forgot the last ''lesson''). It should be example to the companies that seek to follow in their footsteps, an example that our monopoly laws are here for the public good and we will not allow the public good to be harmed for any amount of lobbying and campaign contributions.

Sincerely,
Michael Skora
913 Gott St.
Ann Arbor, MI 48103–3151
Manager of Web Services, UofM Plant Operations
http://www.plantops.umich.edu/
Office: (734) 615–3394
Office: 326 E. Hoover, Physical Properties Building
Cellular: (734) 260–9981
Fax: (734) 615–1729
Pager: parsec.pager@umich.edu
PDA: parsec.pda@umich.edu
http://www-personal.umich.edu/parsec
:''Those who desire to give up Freedom in order to gain Security, will not have, nor do they deserve, either one.''—Thomas Jefferson
:''Those who would give up essential liberty, to purchase a little temporary safety, deserve neither liberty nor safety.''
:—Benjamin Franklin, Historical Review of Pennsylvania, 1759

MTC–00019871

From: carol smart
To: Microsoft ATR
Date: 1/23/02 11:24pm
Subjecttunney act microsoft

to whom it may concern:

i strongly disagree with the decision made for settlement concerning microsoft issuing new computer software and hardware to underpriviledged schools.

i do not think this will be a strong enough punishment for the monoply microsoft. this will only insure that their product will fall into the hands of our youth, who are our future and will equal more sales for microsoft in the long run.

if school children learn how to operate microsoft products and have access to them, they will be more likely to purchase these products and to influance their parents to do so.

please take these comments into thought in your settlement decision.

carol kristjansson

MTC–00019872

From: John Harkins
To: Microsoft ATR
Date: 1/23/02 11:26pm
Subject: Microsoft Settlement

Microsoft was found guilty of a major crime. An appropriate punishment should be levied. A hand slap won't do—I don't think that breaking up the company is too severe. They continue to use unfair business practices—they are now trying to kill Java the same way they destroyed Netscape—it's the ultimate in arrogance. Don't reward unethical behavior—do the right thing please.

John Harkins
10608 Delfield Ct.
Laurel MD 20723

MTC–00019873

From: Donald J. Moore
To: Microsoft ATR
Date: 1/23/02 11:24pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200

Washington, DC 20530–0001

The current Microsoft settlement is a very bad idea. Microsoft has postponed and delayed the proceedings to the point that the original Internet browser case will be far overshadowed by their .NET initiative which will make the monopolistic tendencies shown in the Netscape case like a springtime daisy. Microsoft must be broken down to prevent it from becoming the defacto arbiter of all activities on the Internet and our economy. Microsoft is bad. Breaking up Microsoft is good.

Thank you,
Donald J. Moore
President
Houses.com, Inc.

MTC–00019874

From: Technomage
To: Microsoft ATR
Date: 1/23/02 11:25pm
Subject: Microsoft ''Setllement''

I've been reading up on the proposed ''Settlement'' that is being offered Microsoft and I feel that we (the users, authors, and others) would be done a grave disservice if the proposed ''Settlement'' (as ammended) passes. In fact, it doesn't go far enough to protect others from the currently maintained ''Microsoft Monopoly''.

Sorry, the current deal is just not acceptable. try harder!!!

MTC–00019875

From: Timothy Jedlicka bonzopad
To: Microsoft ATR
Date: 1/23/02 11:23pm
Subject: Microsoft Settlement
To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement

I would like to point out some problems with the Proposed Final Judgment concerning United States vs. Microsoft as allowed by the Tunney Act.

I have had great difficulty avoiding the Microsoft monopoly. The court should try to remedy the monopoly, as well as assess real punitive damages, and encourage real competition. This will ultimately benefit the entire computer industry and all users.

The PFJ falls short in several areas, the following are the ones that continue to hamper my attempt at avoiding the Microsoft monopoly.

The ''Findings of Fact'' (paragraphs 20 and 39) found that Microsoft's UNDOCUMENTED file formats form an Applications Barrier to Entry. I have trouble finding compatible competitive software that will read Microsoft documents because Microsoft does not have to publish their file formats. This inhibits competition and encourages Microsoft's continuing monopoly.

Microsoft discriminates against ISVs who work with Open Source. The ''Microsoft Windows Media Encoder 7.1 SDK EULA'' prohibits the distribution of the redistributable component if it is in conjunction with Publicly Available Software. This discourages the use and growth of the Open Source community.

The PFJ does not place restrictions on how Microsoft licenses products to large users known as ''enterprises''. I work for a large corporation, but do not run Microsoft on my PC. However due to the licensing practices my department is still required to pay Microsoft licensing fees because my PC ''could potentially'' run a Microsoft OS. This gives no incentive for individuals or my department to run non-Microsoft software, since we would still have to pay the licensing fees.

I would suggest the court seriously consider Red Hat's offer to give an OS (Linux) and applications to schools for free forever if Microsoft provides the hardware. This appears to be a win for everyone who should benefit.

Thank you for your consideration.
Sincerely,
Timothy E. Jedlicka
Glen Ellyn, IL
Network Entomologist/Computer Engineer
CC:bonzo@lucent.com@inetgw

MTC–00019876

From: William Day
To: Microsoft ATR
Date: 1/23/02 11:24pm
Subject: Microsoft remedy should NOT have them giving to primary schools.

Dear DOJ,

The Microsoft remedy should NOT have them giving software to primary schools.

I'm happy if Microsoft give as much hardware as it wants to schools, just as long as there is no Microsoft software bundled with it.

Otherwise, if microsoft gives software to schools, this is just a trojan horse and the tip of the iceberg if you look at the total cost of ownership. The maintenance of microsoft software has yet to automated, unlike Apple Macintosh and Linux, and all it's other competitors.

A person still has to weekly click on Windows update on every box in order to keep secure any version of Microsoft windows. Don't foist insecure hardware on our schools, the folks least able to afford it.

— Hope this helps,
Bill Day
CC:William Dechand

MTC–00019877

From: Sam Mankiewicz
To: Microsoft ATR
Date: 1/23/02 11:24pm
Subject: Microsoft Settlement

I believe the Proposed Final Judgement in its curret form does not do enough to remedy Microsoft's anti-competitive practices. First, the definition of what API's Microsoft must make public is incomplete, and excludes certain API's that Microsoft can use in the future to leverage its monopoly. Second, the provision that would allow Microsoft to retaliate against OEMs who ship PCs without a Microsoft OS installed is essentially condoning this anti-competitive practice instead of remedying it. Lastly, Microsoft has shown in the past that it has no intention of upholding the spirit of its agreements with the DOJ; therefore, stronger enforcement mechanisms ar needed. At the very least, a Technical Committee will be able to publicize Microsoft's transgressions more quickly, even if it can't do anything about them. Remember, this is a repeat offender you're dealing with—they've demonstrated before they are willing to behave illegally and I'm sure they'll do it again.

Sincerely,
Sam Mankiewicz
Registered Voter and citizen, United States of America
254 Eureaka Ct.
Sunnyvale, CA 94085

MTC–00019878

From: tim@temelectric.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:27pm
Subject: Microsoft Settlement

this is a real travesty!, i hope that the us government does some(a little at least) homework on this. microsoft is a beast that needs it's wings clipped.

tim blair
856 poplar trace
elizabethtown, ky 42701

MTC–00019879

From: David Union
To: Microsoft ATR
Date: 1/23/02 11:24pm
Subject: Microsoft Settlement

I am one of the voices that is for stopping the case against microsoft as it's currently being carried on.

What microsoft *DID* do wrong is trying to force vendors to not carry other Operating Systems by offering them decreased prices for not offering options, sometimes disguising this as making them pay by the PC's they sold, not by the ones they sold with a MS Operating system.

This should be addressed as anti-competitive and the judge should let the companies effected by this, that had an alternate for the relevant hardware, perhaps sue for damages.

The bundling issue is completely bogus, and fabricated by competitors hoping to use the case to aid them in their business rivalry against a more well run competitor.

Microsoft is *not* known for innovation. Most of the stuff they ''bundled'' they in fact did so in response to their competition doing it first.

I can do this case by case
—Disk Compression: DR Dos added it, Microsoft Followed
—Networking: Novel DOS added it, Microsoft Followed. Most UNIX operating systems had this first, including some by SUN, one of the people trying to testify against MS
—Internet Browsers: Many people had this before Microsoft
—Mice—Xerox had this first
—GUI—Xerox had this first, and GEOS had it first on the PC.
—CD Burning Software—MAC OS ''bundled'' this first
—Video Editing—MAC OS ''bundled'' this first
—Built in graphics printer drivers—this was also an ''add-on'', but the ''MAC'' OS bundled this first.
—Multiple Monitor Support—MAC OS ''Bundled'' this first.
—Encryption/Security—SUN OS ''Bundled'' that first
—Clustering—Many people ''bundled'' that first

—FTP—All UNIX OS's ''bundled'' this first
—Telnet—All UNIX OS's bundled this first

I could go on for pages.

In all cases there were ''stand-alone'' products that had these features that were ''bundled'' by the other OS before microsoft thought of it. They did it because their competitors did, to keep up with them.

All of this is also just the natural extension of an OS (operating system). First you talk to some types of hardware, and as more becomes ''cheap'' you arrange to talk to it, including network drivers, cards, wireless stuff, etc. You keep adding features to give people reasons to buy the new version, otherwise they won't—just like with cars or any other consumer product.

Also, Microsoft helped the industry in other ways, basically democratizing it. In the 80's, before Microsoft, just a word processor (Word Perfect, #1 at the time) was nearly $500. Adjust that for inflation, and see what you get for the same money today. Compare the cost of ''Lotus 123'' in real dollars then and a whole office suite now. Microsoft's strong place has led to a huge upswell in the market. If there wasn't one really big market that developers could write for they never would have gotten the volume up to get the prices down, in real dollars, to where they are today. Especially when at the time folks like Novell, IBM, SUN, DEC, and all the folks wining now were charging thousands of dollars (sometimes hundreds of thousands of dollars) for the ''priviledge'' of getting the tools to develop for their proprietary platform.

Look Microsoft is no saint. They decide all issues based on how much money it will cost or make. I've worked with projects and been told by SUN that they won't give us any information on their products because we (at the time I was a contractor working for another storage company) were a potential competitor. Is this not worse than Microsoft?

I was on another project—we were building a server. Intel was one of the main competitors. They bought out in a single month the chipset provider and memory provider, then jacked the prices up of the parts we'd need (and put delivery schedules on hold) killing the whole idea of competing with them. Is that not worse than Microsoft? I could go on and on, but all the folks complaining against Microsoft are the pot calling the kettle black. Let people on a case-by-case sue for damages on the bundling issue and drop the rest of the case and save we tax-payers all the expense of the case.

Hurting Microsoft hurts the Software industry as a whole, which is not something we need right now.

David Union
Software Engineer

Currently: Vibren Technology, Inc. Former employee of of EMC Corp., and before that of Data General Corporation. Long before Microsoft, IBM came to Data General, who had a DOS operating system, and asked to license it for use on their ''IBM PC''. Some ''brilliant'' marketing guy at the time said that ''Data General wasn't a software company.'' I'll bet he regrets that one

MTC–00019880

From: Harry
To: Microsoft ATR
Date: 1/23/02 11:26pm
Subject: Microsoft Settlement

Dear Sir/Madam,

I am writing by appeal to the Tunney Act to protest the proposed settlement of the Microsoft case. It is very clear that this settlement is an inadequate remedy. I draw your attention to the following issues that must be properly resolved to restore fair competition in this industry.

1. The court must abolish licensing terms which prevent microsoft software from being used on competing operating systems (such as Wine) capable of running Windows software.

2. The court must prevent microsoft from building into its software code which detects and runs aberrantly under competing operating systems.

3. The court should directly encourage the building of microsoft alternative operating systems by offering aid to open-source groups currently engaged in building microsoft compatible operating systems.

I further believe that the continued existence of a corporate entity providing both operating system, all major software and browser for personal computers is a barrier to the development of software that is in the public's interest. Microsoft should be forced to divest itself of Internet Explorer and separately of the Microsoft Office suite of programs.

Sincerely
Harold A. Burgess
Michael Granato Lab
Department of Cell and Developmental Biology
University of Pennsylvania
1210 BRBII Building
421 Curie Blvrd
Philadelphia, PA 19104–6058
USA
PHONE: 215–898–8386
FAX: 215–898–9871

MTC–00019881

From: fairhill@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/23/02 11:26pm
Subject: Microsoft Settlement Opinon

Bad idea. Punish them more.
JTM

MTC–00019882

From: Mike Venzke
To: Microsoft ATR
Date: 1/23/02 11:27pm
Subject: Microsoft Settlement

I think it is ridiculous the way everyone is treating Microsoft.

I am a software developer, and a linux user, but I think Microsoft should be left alone.

Don't let the whines of unsuccessful companies lead you to bring down one who pays attention to people and does things right.

Microsoft created the very industry that breeds the people who are currently whining about them. It is because of Microsoft that they exist, and that they continue to exist.

Microsoft is not at all a permanent fixture. The volatility of the market has shown that even the biggest, most successful companies can be put of business rather fast by industry changes.

If someone wants to compete with Microsoft, let them make better software. But, please, don't force us to use second-rate operating systems just because some people whine because no one uses their software.

On the same note, I don't think anti-trust cases should even be pursued in the same manner they once were.

It seems like all we're doing is fighting amongst ourselves & letting the foreign companies dominate.

We should learn something from the Japanese regarding large companies.

Foreign companies will, and have been providing all of the competition the people need. Stop taking jobs away from Americans by crippling our companies and allowing foreign companies to take over.

The End.
Mike Venzke,
US Citizen.

MTC–00019883

From: Eric Hendrickson
To: Microsoft ATR
Date: 1/23/02 11:27pm
Subject: Microsoft Settlement

the proposed settlement is bad idea

MTC–00019884

From: Anoop Ranganath
To: Microsoft ATR
Date: 1/23/02 11:29pm
Subject: Microsoft Settlement

i am firmly opposed to microsoft's proposed settlement simply because it is just a veiled attempt on their part to gain even a larger foothold in the market through their ''education'' grants. if they want to give to the schools, that's fine, they shoudl just give cash to be used anyway the school sees fit.

thank you,
Anoop Ranganath

MTC–00019885

From: John Panzer
To: Microsoft ATR
Date: 1/23/02 11:29pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am writing to protest the proposed settlement agreement relating to the antitrust action against Microsoft Corporation. It effectively maintains the status quo, and does not do anything to deter Microsoft from future anticompetitive practices or do anything substantive to remedy the its past abuses of its OS monopoly. The company has shown no indication that it plans to change its practices. This settlement does not serve as a deterrent, nor does it directly prevent future monopolistic abuses.

There are many shortcomings to the proposed settlement, and others have pointed them out more ably than I can. I will just add two more suggestions:

(1) Microsoft should be required to fully and accurately document all the file formats that its OS and application products use. This is a major, and artificial, barrier to interoperation between Microsoft products and other products.

(2) As the equivalent of a ''common carrier'' in the OS world, Microsoft should be required to give access in a

nondiscriminatory manner to all organizations, individuals, or companies who wish to create software to interoperate with their OSs and applications. A neutral regulatory body should review their licences, present and future, to ensure that they meet this standard. The body should have veto power over all such licences.

Thank you,
John Panzer
151 Calderon #195
Mountain View, CA 94041
jpanzer@acm.org

MTC–00019886

From: Walter S. Rue
To: Microsoft ATR
Date: 1/23/02 11:30pm
Subject: Microsoft Settlement

To whom it may concern:

I don't agree with DOJ settlement and I therefore support the nine dissenting states who did not settle.

My main problem is that I do not believe Microsoft's abusively monopolistic behaviour will be restrained in any substantial way by the currently proposed remedies.

Sincerely,
Walter S. Rue
95 Maple Street, Apt. 12
Malden, Massachusetts 02148
1–781–397–2468

MTC–00019887

From: Wilkins Ken
To: Microsoft ATR
Date: 1/23/02 11:33pm
Subject: Microsoft Settlement
1/23/2002
Kenneth Galle
222 Alfred Station Rd
Alfred Station NY 14803
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse:

I am strongly opposed to the proposed settlement being offered to Microsoft. I am dismayed by the lack of remedy this settlement offers to U.S. citizens for Microsoft's anti competitive practices. Specifically, I have been personally damaged from Microsoft's policy of leveraging out of business any OEM that ships personal computers which do not contain a Microsoft Operating System. Microsoft should have no right to force their Operating System and any other bound software, such as Internet Explorer, onto a consumer's personal computer. This is clearly anti competitive, and a blatant misuse of the monopoly power of Microsoft Corp.

Section III.A.2. of the settlement allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system. This is unfair and wrong, and should be illegal based on the judgment against Microsoft.

Thank you for considering my comments.

Sincerely,
Kenneth Galle

MTC–00019888

From: S. Michael Tripper
To: Microsoft ATR
Date: 1/23/02 11:27pm
Subject: Microsoft Settlement

1. They broke a previous court order, blithely and openly. They must face harsh penalties to ensure respect for the law.

2. Opening up the education market to MS, a feat which they have not had great penetration is nonsensical in and of itself and will hurt legitimate software companies.

3. The operating system does not include writing programs, photo-editing programs, internet-surfing programs or email programs. It is simply the software which allows other software to run on the hardware. MS must offer this ''stripped-down'' or more accurately, proper system to all purchasers of MS software—wholesalers, retailers and others.

4. They be forbidden to ''implant'' secret APIs. If they are building an operating system then they must allow fair competition by completely opening up tall their commands, sub-commands, API's, hardware and software calls, IO, etc to licensed developpers. Theses developers must all have identical terms, with reductions for block purchases only.

Thank you,
Michael Tripper
416.538–2705
57 Wilson Park Road
Toronto, Ontario
Canada
M6K 3B6

MTC–00019889

From: Gabriel Ash
To: Microsoft ATR
Date: 1/23/02 11:31pm
Subject: Microsoft Settlement

RE: comment on the proposed settlement between the DOJ and Microsoft

I would like to express my adamant opposition to the proposed settlement. The proposed settlement does not effectively punish Microsoft for proven illegal behavior. The proposed settlement does not effectively prevent Microsoft from continuing to abuse its monopoly. The proposed settlement sends the wrong message about the rule of law to would be violators and to the public.

The proposed settlement fails to prohibit many of the abuses that were revealed in the trial, including punitive pricing and coercive contracts. But even within the few and inadequate restrictions it does establish, the settlement lacks a serious enforcing mechanism. It leaves Microsoft free to interpret the agreement and requires a new trial in order to establish violations. That would be unsound in any case, let alone in this case, in which the offender has a track record of bad faith in dealing with the law.

The weakness of the proposed settlement stands in stark contrast to the strong findings of fact against Microsoft. The finding that Microsoft's abused its monopoly withstood appeal. That the DOJ would agree to such a week deal from such a strong position suggests either incompetence or corruption.

Microsoft has been bound by a consent decree even before the latest trial. That consent decree was poorly observed. In the trial, disturbing evidence emerged regarding the complete contempt in which key Microsoft executives held the federal government and the judicial system. Here is a company that not only broke the law, but did it repeatedly and brazenly, and never showed an ounce of contrition and never accepted responsability, even after the appeals court sustained most of the case against it. For such a company to come out of this case basically unscathed, is to invite a general contempt for anti-trust law and federal oversight of commerce in general. Especially now, after the massive failure of regulation that was revealed in the Enron collapse, this is the wrong message for the court to send to the nation.

America needs to hear from this court a n affirmation of the integrity of the law and of the role of the government in overseeing and enforcing the rules of commercial competition. Accepting this settlement will not acheive this goal.

respectfully
Gabriel Ash
gabriel@netmessage.com

MTC–00019890

From: Steve Blair
To: Microsoft ATR
Date: 1/23/02 11:31pm
Subject: Microsoft Settlement

Dear Sirs/Madams,

Regarding the proposed settlement between the Department of Justice and Microsoft Corporation, I have to say I am grievously disappointed in the ''supposed'' remedy. Like many other Americans I am beside myself in disbelief after reading the settlement. I've listed my concerns below.

1. The settlement proposes nothing to effectively address the possible recurrence of anti-competitive behavior from Microsoft Corporation. The definition concerning ''Windows Operating System Product'' among others leaves much to be desired. A simple name change or new ''Operating System Product'' allows Microsoft to wriggle out from underneath this one.

2. The settlement proposes nothing to address punitive and reparative measures on behalf of companies such as Netscape Communications, Caldera and others which clearly fell victim to Microsofts'' anti-competitive nature.

3. The settlement does not punish Microsoft for a single violation of the Sherman act. The proposed settlement continually points out that Microsoft violated anti-competitive laws, yet there is not even a whisper of any consequence.

I sincerely hope that the final draft of the Proposed Final Judgement against Microsoft Corporation addresses these issues (and the many others I did not mention) and does not merely mention the fact that the law was broken. Although this may not be the most opportune moment to make an example out of another ''monopoly'' (I remember AT&T's divestiture), I believe it is necessary and I believe it is the right thing to do.

''The only thing necessary for the triumph of evil is for good men to do nothing.''

Edmund Burke

MTC–00019891

From: G.J.

To: Microsoft ATR
Date: 1/23/02 11:38pm
Subject: Microsoft Settlement

I have watched the proceedings of the Microsoft trial for years. Its obvious to myself and many others in the computer industry that Microsoft just bullies its way around, or uses stall tactics to get it's way.

Microsoft has made a laughing stock out of the government and the legal system. The legal system has no balls. The message to everyone is if you have enough money and lawyers you can do what you want. I personally want to see Microsoft held accountable for their wrongdoing and suffer the consequencs. Thankfully the attempt to contribute their software on the schools was thwarted. Don't let this case keep dragging on, give Microsoft their medicine.

Gary Johnson
email garyj@kos.net

MTC–00019892

From: Kevin Dickson
To: Microsoft ATR
Date: 1/23/02 11:35pm
Subject: Microsoft Settlement

Dear Sir or Madam,

I have reviewed the Final Judgment for the Microsoft antitrust case dated November 6, 2001. I, as a United States Citizen, would like to provide my comments on this proposed settlement.

I am a software engineer by trade, and have been working in such a position for 2 years. Beyond this, I am have been using computers for many years having experience with and programming in Unix, Linux, Windows, and MacOS.

Overall, I do not feel that this settlement does enough to keep Microsoft from retaining a strangle hold of the operating system space, the home user's choices and the computer industry in general, especially for the long term. Also, I do not feel that this settlement provides enough of an umbrella to prevent Microsoft from gaining monopolies in additional areas. In paragraph D of section III. Prohibited Conduct, I first read this as a good start, releasing APIs and other documentation to certain areas of the computer industry. I believe that this should be extended, that everyone should be able to view and use these APIs and documentation easily and license free. Doing so, I believe, would allow others create a competing operating systems that would be able to run current Windows applications, and also to allow more application which can compete with Microsoft middleware application. Later on, in paragraph J of the same section, it would seem that paragraph D could be voided out by Microsoft claiming and this API and that documentation cannot be released as it would constitute a security violation or anti-piracy/anti-virus workaround. We know that Microsoft agrees with the security through obscurity idea. One only needs to look at Unix and Linux to see that this is not the case with their relative lack of wide spread viruses and worms infections.

I also feel that the releasing of APIs and documentation should be extended from just Microsoft operating systems. Microsoft is currently working on their .NET project. This is not itself an operating system as I understand it, but it is a large platform for another level of applications. It this area it could again put a strangle on competing applications.

My final point is one of this settlement's length of enforcement. In section V. Termination, this settlement is only enforceable for 5 years (barring an extension). My thought is that this is far too short. But I do not have experience in writing out final judgments and do not know how this compares to other settlements of the past.

These are a few of my views of the Final Judgment. I hope they will be taken into consideration. Microsoft was found guilty by the US courts and should be punished to the fullest extent. They have done much for the computer industry and for the general user, but I would argue that more and greater innovations would have come about in the absence of Microsoft's monopolistic actions.

Thank you for your time.
Kevin W. Dickson,
Software Engineer,
Raytheon Co.
Billerica, Massachusetts

MTC–00019893

From: root@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/23/02 11:08pm
Subject: Microsoft Settlement

I believe that an important part of the settlement should include a provision for oems and retailers to be able to include a dual boot or multi-boot environment on the computers they sell. Current microsoft oem agreements do not allow computers sold with microsoft windows to include a different or competing operating system on the same computer in a configuration that would allow the user to pick which operating system to use when they turned the machine on. This would be a very simple setup for most computer makers, and a most effective way to introduce some competition in the market. Many computer producers would love to put multiple operating systems on their computers without a penalty from microsoft, but they cannot.

Please be very specific when issuing orders to microsoft. They do not believe they have done anything wrong, and with fight and cheat every inch of the way. They will do whatever they want, and just argue in court that they have not violated the agreement. Please reword the any agreement in a way that will be very easy to prove whether or not microsoft has violated the terms or not, because they will violate them, and we need to be able to enforce whatever settlement there is.

Will Hansard
Jonesboro, Arkansas

MTC–00019894

From: Steven E. Stanley
To: Microsoft ATR
Date: 1/23/02 11:30pm
Subject: Microsoft Settlement

Dear Judge,

I urge you to carefully consider the damage caused by the business practices of The Microsoft Corporation. The business practices of a monopolist must be different from those of other businesses. Without the significant intervention on your part, the American consumer is denied the choice of our ''free market'' system.

Steven Stanley

MTC–00019896

From: Robert Kushner
To: Microsoft ATR
Date: 1/23/02 11:32pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea.
Robert Kushner

MTC–00019897

From: Chris M. Bergeron
To: Microsoft ATR
Date: 1/23/02 11:34pm
Subject: Microsoft Settlement

Hello,

I'd just like to voice my opinion against the current Microsoft settlement. Any action that does not significantly impair Microsoft from crushing further competition in the computer software and hardware markets will fail to encourage healthy competition and lead to the stagnation of said markets. Microsoft has engaged in exceedingly anti-competitive action and threatens to undercut developement. Recently, they purchased a good portion of the intellectual property of their only competitor in the 3D graphics field, SGI, and continue to flaunt there disregard for the US legal process and anti-monoply laws.

The settlement, as it stands, is bad for every business in America except Microsoft, and bad for the American people.

Thanks for your time,
Chris Bergeron

MTC–00019898

From: mjm@enteract.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:31pm
Subject: Microsoft Settlement

To whom it may concern:

I would like to voice my opinion regarding the Proposed Settlement with Microsoft. It would appear that this settlement will do more to encourage the practices that Microsoft has already been convicted. One of the problems that I find is that if I wanted to distribute any of the software that I have written, it will not be legal to run that software on any Window product because of their restrictions against using any software covered by many of the Open Source license. While Microsoft would lead you to believe that this software (Open Source) is ''Viral Software'' (a term used in their own literature), there are many machines running such software without any problems as described by Microsoft. This tactic is nothing more than Microsoft trying to instill FUD (or Fear, Uncertainty, and Doubt).

Thank you for your time,
Michael McGonagle
7415 N Winchester, Apt 1
Chicago, IL
773 761 9879

MTC–00019899

From: Ross Friedman
To: Microsoft ATR
Date: 1/23/02 11:35pm
Subject: Microsoft Settlement

Hi,

I don't agree with the Microsoft Settlement. Microsoft has a monopoly on operating systems, and their current and future actions will enhance their strong-hold on the desktop operating system market. Competition in business is a key to capitalism, and while Microsoft competed to get to where they are, the current settlement proposal will help them keep their position, preventing smaller companies from fairly competing. Therefore, the current settlement should not be approved.

thanks,
Ross
University of Pennsylvania student

MTC–00019900

From: Bob Kavanagh
To: Microsoft ATR
Date: 1/23/02 11:34pm
Subject: Microsoft Settlement

Hello

As a tech manager for a school system, I object to the proposed settlement of the Microsoft anti-trust case. It would seem to me that this settlement benefits Microsoft and harms its competitors. It would be better if Microsoft simply gave money or credits to schools that could be spent on any company1s products. Schools could then decide what is best for them. If Microsoft gives the schools Microsoft products, the schools are then more likely to continue to buy Microsoft products. How does this help limit the power of Microsoft?

Thank you for not helping Microsoft continue its monopolistic practices.

— Bob Kavanagh
Tech Manager
Sudbury Public Schools
Sudbury, MA 01776
1–978–443–1058 x249
1–978–443–9001 fax

MTC–00019901

From: Zane Thomas
To: Microsoft Settlement U.S. Department of Justice
Date: 1/23/02 9:49pm
Subject: Microsoft Settlement
Zane Thomas
POB 121
Indianola, WA 98342
January 23, 2002
Microsoft Settlement U.S. Department of Justice

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Zane Thomas

MTC–00019902

From: Nicolas Sterling
To: Microsoft ATR
Date: 1/23/02 11:35pm
Subject: Microsoft Settlement

First, I must thank the DOJ for directing their energy toward Microsoft. I know it has been a hard battle. I am a software developer. I believe that Microsoft has seriously damaged the industry through its practices. What they did to undermine the Netscape browser and the Java platform are clear examples, but there are others. I understand that Microsoft deliberately changed OS APIs to break applications which competed with their own. And the NT operating system would have died on the vine for lack of applications, except that Microsoft threatened to withhold its Windows seal from Windows application vendors that did not also make the applications work on NT. As a result, NT does exist and is now beginning to compete with various Unix flavors primarily because of those very apps which were made to work on both operating systems.

It is difficult for me to imagine what Microsoft would look like today without the accumulated benefits of their monopolistic practices, but I firmly believe that they would have a far smaller share of their markets, if any share at all. Other companies and products— perhaps whole new classes of products—would exist. Competition would have driven the market to produce better products, services, and prices for consumers. I suspect that the total damage done to consumers is far greater than the value of Microsoft itself.

The settlement seems to be primarily about placing and enforcing restrictions on Microsoft to bring it into line—that is, not very punitive. Yet I think that Microsoft, through its practices, has committed an intellectual terrorism of huge proportions. I believe that harsh punishment is warranted, and that without such punishment they are in effect encouraged to carry out whatever monopolistic practices they can get away with, and accrue the benefits in terms of revenue, market share, and weakened competition until such time as they are forced to stop.

I am concerned about Linux, which I believe to be a new target for Microsoft. I am also concerned about the emerging digital wallet arena. How can we expect Microsoft to behave, and how much damage with that cause?

It is clearly impossible to completely undo the damage done by Microsoft. But they should be discouraged from repeating their abuses.

Thank you for your time.
Nicholas Sterling
2507 Zambia Dr
Cedar Park, TX 78613

MTC–00019903

From: Bonnie McCarter
To: Microsoft Settlement U.S. Department of Justice
Date: 1/23/02 7:00pm
Subject: Microsoft Settlement
Bonnie McCarter
252 N. Sparkman Blvd.
Tucson, AZ 85716–2244
January 23, 2002
Microsoft Settlement U.S. Department of Justice

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Bonnie McCarter

MTC–00019904

From: Don Oliver
To: Microsoft ATR
Date: 1/23/02 11:40pm
Subject: Opinion on Microsoft Proposed Final Judgement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

My name is Don Oliver. I have been an independent software developer since 1995. My business has suffered tremendously due to Microsoft's systematic anti-competive destruction of the Java(tm) market due its purposeful introduction of incompatibilities and illegal restrictive contracts with OEMs to prevent the distribution of the Netscape(tm) browser. I strongly object to the Proposed Final Judgement in its present form. I am not a lawyer, but within minutes I could see enough loopholes to skirt the intent and consequences of this settlement.

First of all, it contains too much ambiguity, especially in the language describing the future operating system products that are named, and in the definitions of the ''middleware''.

Secondly, it has no teeth in it. You are dealing with a company that has lied and used deception during the trial and has consistently ignored all previous orders in past consent decrees.

I recommend that you consider at a minimum adopting the changes recommended by Dan Kegel, et. al. in their correspondence.

Regards,
Don Oliver
DonnyWorld, Inc.
''We Deliver Community''(tm)
279 East Central Street, Suite 140
Franklin, MA 02038
www.donnyworld.com
Voice: 508–384–4166
FAX: 508–384–8683

MTC–00019905

From: Todd Pringle
To: Microsoft ATR
Date: 1/23/02 11:39pm
Subject: Microsoft Settlement

To Whom it May Concern,

I would like to simply voice my strong objection to the current settlement on the table in the Microsoft antitrust suit. As a technology professional working at the company Microsoft made every effort to make disappear (with an exceedingly unfortunate level of success), I must say that I have witnessed firsthand the anti-competitive efforts of the company.

As the Product Manager for Netscape Navigator (although I have only been with the company a year and a half) I am constantly reminded of Microsoft's monopoly power in the way our current market share has declined and in the barriers we have to get our product in front of consumers. Ours is the quintessential case of how Microsoft squashes competition, and of course it laid the groundwork for the antitrust suit. Every day that we develop strategy and our products, we do so knowing that we are up against a competitor that simply doesn't play by the rules established by the law. Doesn't, hasn't, and with the current plan on the table, never will.

Frankly Microsoft's monopolistic practices and its stranglehold on the operating system of 90%+ of the PCs delivered to consumers has become a bit of a joke in the technology industry. People simply joke about it, laugh it off, make sarcastic comments about it, and of course decide to try and do anything that Microsoft isn't doing or wouldn't be interested in. The tragedy of this is no joke however. The fact that some of the brightest, most innovative minds in the world have decided to capitulate—not compete, not innovate—speaks volumes about the negative effects of Microsoft's business practices. Those that do attempt to compete, such as us, simply bang our heads against the wall that is Microsoft's monopoly every day. This, I can assure you, is not fun. And it is most certainly not fair competition.

I won't detail the list of anti competitive actions Microsoft has taken here, as you most certainly are more familiar with them than I by now. I will say that people, technology professionals in particular, have simply lost faith that the government will remedy the situation in any meaningful way. I urge you to prove otherwise.

Thank you,
Todd Pringle
Product Manager
Netscape/AOL Web Properties
650.937.3917

MTC–00019906

From: Patrick J. Santucci
To: Microsoft ATR
Date: 1/23/02 11:39pm
Subject: Microsoft Settlement

I write to express my opposition to the Proposed settlement of the Microsoft anti-trust case. There are a number of excellent reasons to fault the proposal, but chief amongst them to my mind is the narrow definition of both API and middleware in the proposed settlement. As written, trivial changes in application names and/or version numbers could permit Microsoft to continue thier exploitive practices without violating the letter of the settlement. Indeed, whole new applications and extensions of extant applications (such as MS Office) could be developed with the specific intnet of dodging the provisions of the settlement.

The proposal as written will not impeded anticompetitive behavior by Microsoft, and thus does not serve the public good.

Sincierly-
Patrick J. Santucci

MTC–00019907

From: Bruce Hamilton
To: Microsoft ATR
Date: 1/23/02 11:39pm
Subject: Microsoft Settlement

I think the proposed Microsoft settlement is bad idea. The Proposed Final Judgment allows many exclusionary practices to continue, and does not take any direct measures to reduce the Applications Barrier to Entry faced by new entrants to the market.

—Bruce (Bruce Hamilton, Redondo Beach, CA)
bhami@pobox.com
http://bhami.com/

MTC–00019908

From: Michael Weidlick
To: Microsoft ATR
Date: 1/23/02 11:39pm
Subject: Microsoft Settlement

As a computer professional and a consumer, I can't believe the DOJ is so willing to let Microsoft off with such a minimal punishment. Has anyone at Justice been watching how Microsoft has conducted business since the lawsuit began. There business practices are status quo at best and I think worse. They always seem to be ''thumbing their nose'' at fair business practices. I think they should get the harshest possible punishment for their past and current actions.

Michael Weidlick
1209 Whispering Pines Court
Creve Coeur, MO 63146
314–469–6095

MTC–00019909

From: Thomas Hicks
To: Microsoft ATR
Date: 1/23/02 11:36pm
Subject: Microsoft Settlement

Dear Gentlemen:

As a Software Engineer with 27 years of experience, I abhor the proposed government settlement with Microsoft corporation. Microsoft has been unequivocally convicted of anti-trust operations in a U.S. court of law and should therefore should be punished in such a way as to discourage a repetition of its criminal behaviour. Instead, the DOJ is giving the company what amounts to a slap on the wrist and allowing it to continue (to this very moment) the unethical, immoral and ILLEGAL practices of which it has been convicted.

In my opinion the proposed settlement does almost nothing to ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future''. This settlement is a sham and a disgrace and I urge you to reject it.

-tom hicks
4950 N. Via Entrada
Tucson, AZ 85718

MTC–00019910

From: Richard Molpus
To: microsoft.atr(a)usdoj.gov
Date: 1/23/02 11:39pm
Subject: Microsoft Antitrust Settlement comment

May it please the Court:

I write in the matter of Microsoft v. US, the most visible Antitrust and Anti-Monopoly case that has been before the Courts and the Public since the actions against American Telephone and Telegraph (AT&T). I feel that the case is closer in importance to the Standard Oil Antitrust Case, in the similarities of economic and business influence, and the resistance of the Defendant to admit any form of wrongdoing in their aquisition and maintenance of Monopoly. ''The Federal Government is not bound by the Laws of the State of New Jersy'' might be redrafted as ''The Federal Government is not bound by a Shrink-Wrapped License''.

I have been working with Hobby computing since 1975—I like to say since before Bill Gates had his first Million. I've watched as Microsoft began as an innovative company that worked in the fledgling industry to stay alive, then stayed at the forefront of cooperative growth by working with other companies to aid the spread of Personal computers.

Microsoft, prior to the introduction of the IBM PC, cooperated with other companies in the nascent PC software and hardware industries to develop and apply standards in an evenhanded and equal fashion. Since no two hardware companies produced the exact same hardware, the task of creating a working system was difficult—and would have been impossible if the hardware and software companies had not been willing to ''reveal all'' to anyone who asked. System integrators; whether as commercial entities or as private hobbyists; refused to use products, whether

Hardware or Software, that were ''Black Boxes''—sold with only the most trivial interfacing information.

Things were primitive, to be sure, but the cooperation required, and provided between manufacturers and users, meant that the market leaders led due to the quality of their product, not the quality of their legal department. Bill Gates, Paul Allen, and the other founders and employees of Microsoft did ''Bet the Company'' with the IBM PC. It was a completely new hardware and software combination—and since IBM provided very detailed plans for the hardware and software in the PC, no company had any initial advantage over any other except based on when the IBM specifications became available.

Microsoft, however, was not so forthcoming about the details of their contribution to the PC Platform; While they were willing to sell MS-DOS for (comparative) pennies, they refused to provide any internal details of the inner operations and structure of MS-DOS (this also applies to IBMs'' PC-DOS, which was a simple relabeling and repackaging of the Microsoft code). Microsoft used it's total control of the MS-DOS platform to conceal what MS-DOS could do—keeping surprises hidden to allow ''amazing'' improvements to establish or maintain market share.

qBorland upstaged Microsoft by creating ''Sidekick'', the very popular accessory program that used ''undocumented'' methods of using MS-DOS's internal capabilities to make Sidekick not a ''trespassor'' program, but an active part of MS-DOS itself. Borland, by the news stories of the day, had discovered how to link Sidekick into MS-DOS by private (very private) reverse engineering efforts to discover —how— MS-DOS worked internally. Microsoft had not revealed all of the link points (API Calls) of MS-DOS, and Borland's efforts surprised everyone—and (from the journalism of the day) enraged Microsoft. Borland was a notable competitor to Microsoft, since it offered several of the major programming languages of the day (Turbo Pascal, Turbo Basic, Turbo Assembler). Microsoft had to grin and be quiet.

Other companies followed Borland's lead, sneaking looks into the guts of MS-DOS to provide all sorts of accessory tools and features, upstaging Microsoft's own offerings. Microsoft had learned an important lesson—Control of the API set meant control of the market.

Later anecdotal stories demonstrate the way that Microsoft took the lessons of Sidekick to heart— ''Win3.1 isn't done till Lotus won't run'' being the most lyrical of the anecdotes. Lotus 123 was the main competitor to Microsofts'' own Spreadsheet, and the popular view was that microsoft wanted to provide it's own product with the competitive advantage of working better with windows 3.1 than Lotus's product.

The old tradition of cooperative assistance between software and hardware vendors had ceased, especially since Microsoft provided both the Operating system (MS-DOS and Windows 3.x) and Commodity software (Microsoft Word, Excel, Money, Flight Simulator, Games, etc.). When MS Word for Windows 95 was introduced it had many special features that no other competitors had— float-on-top hints, special mouse options, and others. Lotus and Borland both groused in the media that Microsoft hadn't told them about any of the extra API's in Windows 95 that would allow such extras; Microsoft had used the secrecy that was natural to internal corporation communication to gain an advantage on it's competitors.

Had Microsoft not been both a Operating Systems and Commodity Software company it would have never been able to hide such extra capabilities from the competition—if it was a OS company only, it would have sold the knowledge to any customer, if it was a commodity company only it would have had to create those additions by it's own research into the private workings of the Operating System.

Like Standard Oil, which had control of both the Pipelines and the Refineries, Microsoft can use it's control of OS functions and commodity software functions to block the advancements of it's competitors and leverage the secrecy of it's internal communications to spring surprises on the world.

Standard Oil could and did demand kickbacks from the Railroads based on the total oil shipments, and could manufacture shortages in a region by refusing to either send petroleum products to a market, or refusing to refine types of petroleum, keeping the strategies secret until the market was at its mercy.

Microsoft can do the same—If it won't reveal what the OS can do, then no other company has a chance to bring extra capabilities to the market, and it can hide those extra functions in the OS to spring those extra features on the market at any time in it's own products.

Standard Oil created a Monopoly in the Petroleum industry; whipsawing the market between it's control of distribution and production, controlling a slice of the economic world as it wished, for it's profit, heedless of the damage to the consumers. Standard Oil decided who got what grade of oil, grade of grease, grade of Gasoline, grade of anything petroleum-based. It could charge what it wanted, and the public be damned!

Microsoft has similar powers; it allows the public—both the end users and the other software companies—to do only what it sees as proper, restricts the best and fanciest to its own products, can demand that it's customers do as it sees fit (cf. the Compaq reversal on offering Netscape as the default browser), and having no real competitors in the 80x86 PC OS market, can charge what it wants to ''guide'' the market.

I am not any sort of expert in the law nor learned in the ways of legal argument; but I can see that the actions of Microsoft have limited the growth of the computer marketplace—It has such a control of the features and functions of the OS that it can start or stop developments in the software industry by ''announcing'' or ''denying'' upcoming features of the Windows Operating system. It has used it's control the ownership of the OS to replace third party commodity software (WordPerfect, Lotus 123, Quattro Pro, Dbase, Netscape) with it's own products, shielding them from full force of competitive pressure and scrutiny by handcuffing it's products (Word, Excel, Internet Explorer, Access) to the sale of the Operating system.

Microsoft, like Standard Oil, is so large that it can withstand any normal corrective force from the marketplace, short of a relevatory act of the size and style that has destroyed Enron, Microsoft has no real competitors; it is a 800 pound gorilla.

However, Microsoft, like Standard Oil, is subject to the Law of the Land—and the Wagner and Sherman acts are written with a clear intent to make the Federal Government a 2000 Pound Gorilla— capable of rending any other beast into tiny pieces. The Legislatorss who wrote those acts lived in a business environment that was much more corrupt—openly and blatantly corrupt—than we live in now. They wrote with a broadness and a bluntness that was powered by their anger and disgust— intending to give the government a blunt-edged weapon that was never to be use with delicacy, but with a savage vigor to place eternal fear into the minds and hearts of businessmen or women who wished to create an Trust or Monopoly. I like many in the computer and Software Industry, have been alarmed by the delicate action of the Courts and the Prosecution; Having been bled by Microsoft in the past we desire its blood to splash in the gutters, running red on the paving stones.

The USA benefited from the breakup of the Standard Oil Monopoly, Benefited from the breakup of the AT&T Monopoly (indeed, this message would not have been reaching this Court had the AT&T Monopoly not been broken), and will benefit from the dissolution of the Microsoft Monopoly. The secrets that Microsoft has hidden within Windows for it's sole profit will be available to all the software world, the competitors of Microsoft will be empowered, the market will be freed of a limiting boundary—one set by the desires of Microsoft.

Microsoft can be divided into four separate entities—Operating Systems, Commodity Software, Computer Hardware, and Internet Services. An additional entity—to contain the research and theoretical efforts that Microsoft funds; much as Bell Labs was maintained as an entity when AT&T was divided; would be appropriate.

Operating Systems would contain all the resources to maintain and expand the Windows operating system—but no Commodity, or Internet software. A benchmark for deciding what belongs in this company would be to examine what was included in the initial release of Windows 95— no Internet Explorer, no Microsoft Word, no Microsoft Works, no Microsoft Media Player. If Microsoft sells a piece of software as a separate item, or offers some form of extra-cost add-on ''expansion'' to ''improve'' the capabilities of a ''integral part of the operating system'' then recognise that item for what it is—not an integral function of the OS but as a tacked-on piece of Commodity Software.

Commodity Software would cover all the ''Office Software'', ''Back Office'', ''Middleware'', ''Multimedia Support'', ''Entertainment'' or ''Pig in the Pokesack''

software that Microsoft produces or sells. Wether it be the Encarta Library, Microsoft Streets mapping software, or Microsoft Word itself, Commodity Software gets the lot.

Computer Hardware would be be responsible for such things as the Microsoft Mouse, Keyboard,.

Multmedia hardware—anything not software with the Microsoft name. The Microsoft Press, which published guide books and texts about Microsoft products would also belong in this entity.

Internet Services would get MSNBC, the Microsoft Network, Internet Explorer, Hotmail, anything that will not work without the use of of a TCP/IP stack. Microsofts new .NET efforts would belong to this entity.

I ask that this Court order the separation of Microsoft into several separate components—each a fully separate company, free to succeed or fail based on the quality of it's product, not guaranteed life because of a monopoly or corruption of the marketplace.

I thank the court for its time and attention.

Richard Molpus
rgmolpus@sff.net

MTC–00019911

From: Dain
To: Microsoft ATR
Date: 1/23/02 11:40pm
Subject: Microsoft Settlement

Good day,

After having read the proposed settlement against Microsoft, I would like to voice my comments. I am not in favor of the proposed settlement as it stands and am strongly opposed to the current course of action.

I have been a computer user and enthusiast for a number of years and have increasingly grown frustrated with the practices of Microsoft that I seem to keep running into. I feel cheated by the acceptance of the proposed settlement terms. I have listened to an explanation of the reasoning behind some of the proposals as well as read through them myself and there are many potentially good points that have been proposed, but the problem that I see the most is that a great damage has already been done by Microsoft.

Even if their wrong doings are addressed for future practices, they still have unfairly dominated the software and operating system markets, and I don't see how companies they've engaged with will be compelled to alter their practices.

As a computer user, every time I purchase a new computer I am forced by the manufacturer to pay for a Windows operating system, even though I already have multiple copies of the software that I have paid for and I don't want to install Microsoft Windows. I want to install the free Linux operating system.

Even if Microsoft is prevented from forcing this practice on computer manufacturers in the future, what incentive is there for manufacturers to offer either no operating system or an alternative operating system. The manufacturers are so entrenched with Microsoft products that even hardware is becoming more arbitrary to Microsoft software and incompatible with anything else. This is a clear example of hurting consumers and the advancement of computing in the United States. Even if I am able to buy a computer without an operating system, or the operating system of my choice, I am not able to use a modem because nearly all computer manufacturers ship Winmodems, or software based modems that are controlled by Microsoft drivers and software. Even if you could buy a non-winmodem, you still couldn't use it because manufacturers have altered the slot architecture to only allow for PCI devices, which traditional modems cannot be installed in. I spent $100.00 for a modem in a new computer only to find that it will only work under Windows. If the source code were released then maybe someone could develop drivers to support these modems and other software, but as long as Microsoft continues to produce closed-source software the advancement of computing suffers. Even the advancement of Microsoft during fair practices suffers.

I am currently a member of USENIX, the Advanced Computing Systems Association, and a member of SAGE, the System Administrators Guild.

As such I am constantly involved in working with more powerful and reliable computer systems and software and become more and more hampered in my learning efforts by facing what seems like an army of software vendors, service providers, and businesses in the job market that pose roadblocks to universal computing standards because of Microsoft practices.

I feel that Microsoft must not only refrain from future misconduct, but needs to repair the damage that it has already done to so many competitors. Giving away their software to children in schools is not a reparation but further promotion of a monopoly, and further indication of Microsoft's monopolistic intents.

One operating system vendor offered to supply free software and support for as many computers as Microsoft could donate to schools and thereby substantially increase the number of computers schools would receive. This is exactly the type of remedy Microsoft should be engaged in to repair the market competition they have curtailed. If the telecommunications act of 1996 required incumbent local exchange carriers to open their networks and rights of way to competitive carriers, why shouldn't Microsoft be required to open the source code to its software and operating systems. I also think that Microsoft needs to be accountable for the software it does produce. You need a Department of Justice to read through all the disclaimers and legalese that comes with every Microsoft product.

I have much more to say about these matters, but in appreciation of your time and consideration of my comments I'll end here. Thank you for your help and continued perseverance to protect the consumer and fair competition in this matter.

Sincerely,
Dain G. Oswald
503 N. Roosevelt Blvd. Apt A–324
Falls Church, VA 22044 703–538–4550
Member: USENIX
Member: SAGE

MTC–00019912

From: Aron Insinga
To: Microsoft ATR
Date: 1/23/02 11:40pm
Subject: Microsoft Settlement

I believe that the proposed settlement of the case against Microsoft is far too weak. I do not believe that this settlement would have any substantial effect on their behavior. Time and again they have shown their disregard for the government and the court and the law: they circumvented a previous settlement by agreeing to limits on a product which they knew would soon be obsolete, they mocked court orders by releasing a non-functional product, they provided falsified video tape as evidence during their trial, etc.

I believe that this proposed settlement relies far too much on Microsoft policing themselves and it is therefore seriously flawed. It does nothing to punish them for breaking the law, it does nothing to deprive them of their ill-gotten gains, it does nothing to end their monopoly of the desktop operating system, and it does nothing to prevent them from extending their monopoly into other areas, such as content. I find the later point quite disturbing.

I do not believe that the operating system, the applications, and content should be controlled by the same company. I fear that, in the future, Microsoft will be able to continue to use their desktop operating system monopoly to prevent other applications from effectively competing against theirs, and they will then extend this new monopoly into content. I believe that this would be a serious threat to our freedom of the press. I believe that Bill Gates'' Corbis'' purchase of the Bettman Archive of most of the 20th century's historically important photojournalism is proof that they intend to take this direction. I also believe that their newer licensing terms which try to prevent people from using their products to criticize them is more proof of this threat to our freedom.

In fact, I believe that the break-up of DuPont into DuPont, Hercules, and Atlas several decades ago is a good precedent and should be followed in this case. The explosives and chemical industry became much stronger and more innovative because of it. DuPont's monopoly of the gunpowder market had been both an economic burden on the government and a threat to national security since a single company controlled a resource critical to national defense.

Microsoft's monopoly provides exactly the same threats to the government and the nation, for exactly the same reasons. The US Navy ship which had to be towed back to port because of a Windows/NT crash is enough proof to me of this threat.

Therefore, I strongly urge you to reject the proposed settlement and impose a meaningful punishment and remedy, breaking Microsoft up into 3 independent companies: operating systems, applications, and content. Nothing less is an adequate punishment and can be as effectively implemented.

Sincerely,
Aron K. Insinga
41 Dublin Ave.
Nashua, NH 03063

MTC–00019913

From: David Eby

To: Microsoft ATR
Date: 1/23/02 11:40pm
Subject: Microsoft Settlement

To Whom It May Concern:

I'm writing to voice my disapproval of the proposed settlement in the Microsoft AntiTrust case. I feel that the proposed settlement does not adequately address their previous anticompetitive behavior nor will it in any serious way prevent such actions in the future. This company's management has shown that it will not act responsibly when holding a monopoly position in a market but will rather use that position to gain dominance over other market segments whenever possible.

Microsoft fears that any substantial remedy will hinder their ability to innovate. This may be true, but you must keep in mind that Microsoft has caused far worse hinderance to legions of other software companies through its past illegal actions; innovation is not the exclusive domain of Microsoft. By implementing an adequate remedy, you allow true innovation to flourish.

Respectfully yours,

David Eby Your favorite stores, helpful shopping tools and great gift ideas. Experience the convenience of buying online with Shop@Netscape! http://shopnow.netscape.com/ Get your own FREE, personal Netscape Mail account today at http://webmail.netscape.com/

MTC–00019914

From: Uri Guttman
To: Microsoft ATR
Date: 1/23/02 11:40pm
Subject: Microsoft Settlement

I am not in favor of the current settlement with Microsoft. As someone who has long term experience in the computing field (28 years), I would like to point out the famoud BUNCH suit against IBM in the mid-1960's. IBM would announce a new system 2 years before it would be delivered and that would dry up sales for all the other computer vendors. Microsoft (among its many monopolistic actions) has used this vaporware technique many times.

Also I have direct experience with their managerial duplicity. I was a senior software developer with a startup and Microsoft asked us for a proposal of a variant of our product. They even said it didn't have to use any of their software in it. We worked hard and delivered it to them. Two months later we finally got a converence call with them and they first asked us what they could do to make their software (which wasn't good to begin with) usable for our product. But even worse was their statement that they didn't buy paper proposals/projects even though they asked us for it. This cam from senior group managers and was obviously the way they did business. They only did this to pick our brains and had no intention of doing business with us.

This is the kind of ingrained lack of ethics in this corporation. Any consent decree without serious teeth will be laughed at and skirted. Just look at the way they ignored the earlier decree about integrating their browser with their OS. By the way, the whole browser issue is a red herring. It is the way they purposely try to destroy other companies with vaporware announcements, lack of API documentation, changing their code to not work with accepted public standards, etc. that should be the crux of this case. I have nothing against strong competition but that implies a level field of some sort. Microsoft owns the playing field and has no business or ethical interest in leveling it. This is antitrust at its deepest fundamentals. This is what Teddy Roosevelt was fighting when he trust busted the robber barons of his day. The railroads and steel companies were also monopolies and use that power to control markets. This is what Microsoft wants and is always trying to do. It is up to the Justice Department and the state AG's to stop this now. Please do not accept this slap on the wrist agreement. Force them to make drastic changes in how they deal with the computing world and other businesses. They must not be allowed to abuse their monopoly power and ruin more companies, the internet and the computing industry in general.

Thank you,
Uri
Uri Guttman
uri@stemsystems.com
http://www.stemsystems.com

MTC–00019915

From: robert
To: Microsoft ATR
Date: 1/23/02 11:42pm
Subject: Microsoft Settlement

I believe the proposed settlement with Microsoft is a BAD idea. It does little to open the market to competition.

Robert Spotswood

MTC–00019917

From: Kinley Goodman
To: Microsoft ATR
Date: 1/23/02 11:39pm
Subject: Microsoft Settlement

Dear Sir/Madam;

I feel that the success of Microsoft has been due to a superior product with effective marketing. I chose to purchase Microsoft products and I have chosen not to purchase products such as Netscape, etc. The successful marketing and a superior product does not constitute unfair business practices.

Sincerely,
Kinley C. Goodman

MTC–00019918

From: dsyates
To: Microsoft ATR
Date: 1/23/02 11:44pm
Subject: Microsoft Settlement

The proposed settlement is a VERY bad idea.

MTC–00019919

From: John Faughnan
To: Microsoft ATR
Date: 1/23/02 11:44pm
Subject: Microsoft Settlement

I am writing to register as someone objecting to the proposed settlement of the US DOJ case against Microsoft. I spend too many hours dealing with software problems related to Microsoft prodcuts. I would like the range of alternatives I experienced 10 years ago. There are no alternatives now, there is only Microsoft's monopoly power. They have abused that power. The produce some good products and some miserable products; the curse of the monopoly is that there's no alternative to their bad products. The remedies that have been suggested will not substantially alter Microsoft's capability to stifle competition.

I would advocate:

1. All Microsoft file formats must be published and made widely available. Changes will require agreement from the courts.

2. A portion of Microsoft's revenue stream will be diverted to fund the development of alternative products that can use Microsoft file formats.

John Faughnan
1661 Wellesley Avenue
Saint Paul, MN 55105–2007
651–699–0920
jfaughnan@mindspring.com
I am a US citizen.

MTC–00019920

From: Will Dennis
To: Microsoft ATR
Date: 1/23/02 11:42pm
Subject: Microsoft Settlement

Dear Sirs:

Please register my opposition to the Proposed Final Judgment (PFJ) in United States vs. Microsoft. I believe that the PFJ in its current form is not strong enough to prevent Microsoft from still dominating the computer software and operating system business by anti-competitive business practices. We need a strong Final Judgment which causes Microsoft to compete fairly in an open marketplace where the best software (most stable, secure and featureful at a given price point) wins on merit.

Problems with the current PFJ include:

*The PFJ doesn't take into account Windows-compatible competing operating systems

*The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

*The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

*The PFJ allows users to replace Microsoft Java with a competitor's product — but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

*The PFJ supposedly applies to ''Windows'', but it defines that term so cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box— operating systems that all use the Win32 API and are advertised as being ''Windows Powered''.

*The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

*The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

*The PFJ requires Microsoft to release API documentation—but prohibits competitors

from using this documentation to help make their operating systems compatible with Windows.

*The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents (which are arguably a document interchange standard today.)

*The PFJ does not require Microsoft to list which software patents protect the Windows APIs.

*The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft (Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows, and Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.)

*Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running Linux. (Similar licenses to OEMs were once banned by the 1994 consent decree.)

*The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft (Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.)

*The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

*The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

*The PFJ as currently written appears to lack an effective enforcement mechanism.

Microsoft needs to be restrained from continuing its'' anti-competitive practices it enjoys via its abuse of its'' monopoly position in the current marketplace. A stronger Proposed Final Judgment needs to be crafted to guard against Microsoft taking advantage of the weaknesses in the PFJ, and continuing ''business as usual.'' Let Microsoft compete on a level playing field that would be established with a strong but fair Final Judgment, and let the free market decide their market share without Microsoft's ''hand on the scale.''

Thank you,
Willard D. Dennis
209 Wiest School Road
Reading, PA 19606

MTC–00019921

From: Tom Brown
To: Microsoft ATR
Date: 1/23/02 11:42pm
Subject: Microsoft Settlement

I STRONGLY object to the Proposed Final Judgment in the Microsoft Antitrust case. Mr. Gates and his attorneys must be deliriously happy with the current PFJ.

I urge you to SERIOUSLY CONSIDER revising the PFJ to provide additional protection to American and worldwide users and businesses in this case. Users, both corporate and individual, of Microsoft products must have their freedom of choice protected. They must realistically be able to choose between products from Microsoft and other vendors and be reasonably certain that products they choose will run without artificial impediments placed in their path by Microsoft. Competing vendors, as well, must be protected against such artificial impediments to their software running under various incarnations of Windows operating systems or Windows environments on other operating systems. Each product should be able to stand on it's own without having Microsoft's artificial barriers in it's way. The manufacturer of any operating system should be required to publish the specifications to all of it's interfaces so that other software can be written to adhere to those specifications and successfully operate under control of that operating system.

Please consider that the American Legal System is our only defense against Microsoft's goal of total control of the computer marketplace by whatever means. Do NOT abandon your duty to the American publicand to the rest of the world as well, since Microsoft is an American company.

Sincerely,
Tom Brown
thombrown@san.rr.com

MTC–00019922

From: Damien Sorresso
To: Microsoft ATR
Date: 1/23/02 11:42pm
Subject: Microsoft Settlement

I am writing you, the United States Department of Justice, to express my extreme dissatisfaction at the ''settlement'' that the Department of Justice has reached with Microsoft. I feel that, as a registered voter and American, my voice should be heard. I have sent this E-mail before to you, the Department of Justice, and I send it again (albeit revised) for emphasis on how I feel about this subject.

Microsoft was ruled to be an illegal monopoly. It's settlement with the Department of Justice does not take even the smallest amount of what are, in my opinion, requisite actions against Microsoft to ensure that it does not tighten its stranglehold of the computing industry. The new settlement, unlike the one proposed by Judge Jackson, does not require Microsoft to disclose its API's to third parties anymore. Section J1:

No provision of this Final Judgment shall:

1. Require Microsoft to document, disclose or license to third parties:

(a) portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria; or (b) any API, interface or other information related to any Microsoft product if lawfully directed not to do so by a governmental agency of competent jurisdiction. Section a allows Microsoft to get around disclosing API's and other information by claiming that its security is threatened. This allows Microsoft to continue its closed, monopolistic way of setting new ''standards'' in the computing industry. This settlement will not change anything at all.

Section b offers Microsoft government protection for its monopolistic acts. It allows for Microsoft's non-disclosure to be enforced by the government. This is totally unacceptable. Microsoft has been ruled a monopoly, and these terms seem more like the government wants to protect Microsoft's monopoly, rather than doing what it should and break it up.

In spite of the fact that it has been ruled a monopoly, Microsoft continues monopolistic and domination-like actions. I shall list some recent actions taken by Microsoft that belie its monopolistic nature:

1: Upon opening the new MSN website, users of the Opera web browser were unable to view the site. Users of Opera were directed to ''upgrade'' to Microsoft's own Internet Explorer web browser to properly view the content. Microsoft, when questioned about the incompatibility, accused Opera of being non-compliant with the XML standard specifications. Opera immediately shot back that they prided their web browser on standards compliancy, and submitted an XML standard test of MSN that showed it to not be compliant with the XML standard specifications, thus identifying MSN as the culprit. Microsoft then fixes the problem so that MSN could be viewed by other browsers. Had Opera not made public MSN's non-compliance to the XML standard, Microsoft's attempt to coerce users of Opera into using Internet Explorer would have gone unnoticed. Microsoft has no shame in continuing it attempts to dominate the internet.

2: Windows XP and the latest version of Internet Explorer do not ship with Java support. Java is one of the key components for the internet, because it works with every operating system that can run a Java Virtual Machine. Why would Microsoft not want to support this standard? Because it is a roadblock in Microsoft's attempts to saturate the internet with Microsoft-only standards and products. Java works with every operating system, and Microsoft is attempting to replace it with a Windows-only standard that would force any desiring to be on the internet to buy a Windows PC, rather than a Macintosh or Linux machine.

3: Microsoft's proposed security procedures are based on ''security through obscurity.'' Microsoft disallows the publication of any security holes than may be found in its operating systems or applications for at least 30 days after the said hole was found. Even then, security companies are only allowed to release very general information that is not helpful to system administrators wishing to develop a temporary work-around for the problem while Microsoft works on a patch that fixes the hole. The fundamental problem with this approach is that it leaves the security hole completely open and unguarded for a period of one month. Microsoft is essentially taking the chance that no rogue hackers will discover the flaw and exploit it in 30 days. After making the public aware of the problem after 30 days, system administrators must

wait for Microsoft to release a patch. The public release of information cannot contain the information required to exploit the security hole, so system administrators cannot test the problem on their own networks, nor can they isolate and deactivate the part of the network that is flawed. For most companies, this means an indeterminate time of over one month in which their network is vulnerable if it is running Microsoft software as its backbone. Taking the network offline is simply not an option in today's e-commerce-based industry. Microsoft is willing to take the risk that no one else will discover the security whole within at least 30 days and figure out how to exploit it while system administrators sit helplessly, devoid of the requisite knowledge to protect against a security breach. This is not Microsoft's chance to take. They want this new ''security'' method because it involves the least disclosure of how the Windows OS works.

Of course, many may say that the alternative is to simply use Linux or UNIX in place of Microsoft's software. However, Microsoft already has enough of a presence in business networks that a transition to Linux would cost a great deal in the short-term in the purchase of new servers and the training or hiring of certified and UNIX-knowledgeable network administrators to replace

MCSE-certified ones. While a large company like IBM can (and has) make this transition without worrying about cost in the short term, the large number of startup companies that have sprung up that are using Microsoft's products do not have this option due to lack of revenue and sales. They must use the money they have to maintain their existing network and pay Microsoft outrageous licensing fees.

4: Microsoft is now beginning to try and extend its influence and power to every aspect of the technology market. The recent release of the X-Box to the game console market, coupled with the development of Windows Media Video and the desired presence of the Windows Media Audio format on copy-protected Compact Discs, should be enough to show that Microsoft is not satisfied with mere domination of the computer operating system market. Microsoft has made certain that the Windows Media formats work acceptably only on Windows machines. Windows Media Player for the Mac OS is slow and virtually useless, and there is no Linux version. What point would there be in using valuable resources on writing video and audio programs and codecs that don't work well on any other platform? To extend their influence into all areas of the internet. Microsoft wants to make sure that, in order to experience the internet, one must have Windows on his or her machine. Java, a multi-platform technology, is a part of the internet, and they would like to supplant that. QuickTime and Real Media, both multi-platform video formats, are integral parts of internet media that Microsoft wants to replace with the single-platform Windows Media. Apache, a multi-platform web server, they wish to replace with IIS, which only runs on Windows. If Microsoft were truly only interested in innovating and making a better product, these technologies would not be single-platform. They wish to impose their closed-standard and secretive approach on any technology market that they can.

5: Microsoft continues to write new ''standards'' for the computing industry that conveniently only work with its operating systems, instead of embracing real standards. Real standards are written by committees which openly-publish their work so that anyone can use it. The Motion Picture Experts Group (MPEG) writes the MPEG standard for the industry, and any wishing to comply with this standard can obtain a license and make it work with any operating system or media player. Microsoft's standards are not available to the public, and they can only be used by Microsoft products. Instead of the open Apache web server, they use their proprietary Internet Information Services product. It is impossible to set up a terminal server on a Windows machine without purchasing an add-on package that uses a closed standard instead of telnet or ssh. All Linux distributions and Mac OS X come with built-in support for these open and accepted standards.

Microsoft is a monopoly and should receive harsher penalties, such as a break-up or forced-disclosure of the source code for Windows. Private organizations should not be able to bully the government into protecting their monopolies and have the government passively approve of such bullying tactics against other companies that offer even the smallest bit of competition.

Please know I desire harsher penalties for Microsoft, and I support any reasonable action taken in seeking these penalties.

Damien Sorresso

MTC–00019923

From: Scott Busby
To: Microsoft ATR
Date: 1/23/02 11:07pm
Subject: Microsoft Settlement

I believe the proposed settlement with microsoft is a bad idea. As a professional in the computer field, I have seen firsthand how Microsofts monopolistic business practices have stifled the computer software industry.

I believe that a much more strict ruling is necessary to prevent further abuses from Microsoft. Scott Busby 1472 Garcia Drive San Luis Obispo, CA 93405

MTC–00019924

From: Richard
To: Microsoft ATR
Date: 1/23/02 11:49pm
Subject: Microsoft Settlement

Although I am not an American citizen, I am disturbed by your proposed settlement with Microsoft. I believe it would aid the extension of their monopoly into even more arenas rather than contain it, and that this will adversely affect competition in several fields, not to mention all people that use computers or the internet. What happened to the evidence you had? Did your computers all crash? (Sorry, I couldn't resist.)

Richard Hasan

Take out the MAPS

MTC–00019925

From: Clarissa Eastham
To: Microsoft ATR
Date: 1/23/02 11:47pm
Subject: Microsoft Settlement

Please end the Microsoft case!

I worked for a competitor to Microsoft for many years and I still think the case was completely inappropriate. Note that:

* Microsoft has already agreed to hide its Internet Explorer icon from the desktop.

* Microsoft has been critical to the growth of the High Tech industry and this case is terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen

The case against Microsoft is just ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user Please close the case and let Microsoft continue their work and let the Justice Department focus on more important issues like prosecuting terrorists and investigating Enron.

Thank you for your consideration!

Clarissa Eastham
Software Engineering Manager
2054 Lockhart Gulch Rd.
Scotts Valley, CA 95066
CC:aoctp@aoctp.org@inetgw

MTC–00019926

From: apathy7@blackened.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:47pm
Subject: Microsoft Settlement

The Settlement is a BAD idea and will help nothing.

Please do not let it go forward!

MTC–00019927

From: pequod@salisbury.net@inetgw
To: Microsoft ATR
Date: 1/23/02 11:49pm
Subject: Microsoft settlement

I don't agree to the proposed settlement of Microsoft Corporation business practices. Vehemently so.

Microsoft Corporation, like an unruly child, must be punished for its actions were fully pre-meditated and planned. To leave Microsoft Corporation without having suffered proper discipline leaves them, again like an unruly child, without any form of censor or control upon further actions in the same vein. Common sense dictates not a draconian but a just discipline so that Microsoft Corporation will learn the error of its ways. Further justice will have been served, the people will have been served and computerization will be allowed to advance freely in an open marketplace to the benefit of us all.

Cordially,
Eugene Bartley
524 Idlewood Drive
Salisbury, NC 28144
704 797–9367

MTC–00019928

From: David Bushnell
To: Microsoft ATR
Date: 1/23/02 11:48pm
Subject: Microsoft Settlement

To Whom It May Concern:

The US Department of Justice's proposed settlement in the Microsoft anti-trust case does not adequately address the illegal

practices which Microsoft has been found guilty of. It does not punish past violations. It does little to prevent reoccurrence of Microsoft's past patterns of illegal behavior. It does not provide for effective enforcement of decisions preventing future violations. It excludes not-for-profit organizations from some of its remedies. And it does not provide any effective encouragement of competition in the markets for operating system and applications software. I am therefore opposed to the agreement as it now stands and believe that an effective remedy would require additional elements, as described below.

(1) Any solution should be available to both for-profit and not- for-profit organizations or groups. For example, SAMBA is a piece of software that is widely used to share files between Microsoft Windows and other operating systems, such as UNIX.

Its existence is completely dependent on knowledge of the Microsoft's APIs and protocols. But it has not been developed by a for-profit business—it is freely available to anyone using the Internet. If the final solution in this case applies only to for-profit businesses, SAMBA's continued existence would be in jeopardy. The same situation applies to most other not-for-profit software.

(2) Any solution should apply not just to illegal behavior with regard to existing products and categories of products, but to future ones as well. For example, an effective remedy should prevent Microsoft from extending its past illegal behavior to new products such as its ''.NET'' proposal for Internet services.

(3) All APIs, file formats, and communication mechanisms (for example, network protocols) should be made public in ways and times that allow other companies or not-for-profit groups to effectively compete.

(4) The information made available in (3) above must include information about authorization and authentication APIs and protocols. Any Microsoft product involving the Internet will require outside programs to identify themselves as valid users of the system. Those programs will not be able to do this if they do not have access to the appropriate security APIs. (Since this disclosure requirement refers to the APIs and protocols, not their implementations, it preserves the ability to compete without sacrificing security requirements.)

(5) Competitors'' use of published APIs, file formats, communication protocols must not be restricted by patents, copyrights, trade secrets, etc.

(6) Any solution should allow effective enforcement in a timely manner. In particular, it will be completely ineffective if disagreements between Microsoft and the proposed ''Technical Committee'' must be resolved by court cases similar to this one. Microsoft's illegal behavior will not be prevented by court cases that last for years and are only resolved after the competitors involved have been marginalized or driven out of business.

David Bushnell
bushnell@rahul.net

MTC–00019929

From: Ryan M
To: Microsoft ATR
Date: 1/23/02 11:45pm
Subject: Microsoft Settlement

Please stop this.

The proposed settlement is a BAD idea.

The reasons why have been clearly stated.

The PFJ is MISLEADING, NOT PRECISE, and does not take windows-compatible competing operating systems in to account.

Please do NOT let this happen,

RMansager,

MTC–00019930

From: Chris Hansen
To: Microsoft ATR
Date: 1/23/02 11:44pm
Subject: Microsoft Settlement

I think the proposed settlement is a very bad idea.

Chris Hansen
tchansen@xmission.com

MTC–00019931

From: Kevinburg@aol.com@inetgw
To: Microsoft ATR
Date: 1/23/02 11:49pm
Subject: No Subject

V. Termination

A. Unless this Court grants an extension, this Final Judgment will expire on the fifth anniversary of the date it is entered by the Court.

B. In any enforcement proceeding in which the Court has found that Microsoft has engaged in a pattern of willful and systematic violations, the Plaintiffs may apply to the Court for a one-time extension of this Final Judgment of up to two years, together with such other relief as the Court may deem appropriate.

5 years? Be realistic, 10 years and if the terms of the agreement are in any way violated, the penalty is automatic, break up Microsoft. And while you're at it take a serious look at AOL/Time Warner and their business practices.

Kevin Burgjohann

MTC–00019932

From: msmclaug@midway.
uchicago.edu@inetgw
To: Microsoft ATR
Date: 1/23/02 11:50pm
Subject: Microsoft Settlement

The proposed Microsoft antitrust case settlement does little to remedy Microsoft's continuing abuses of monopoly power, and what remedies it does have are specific in scope and have several loopholes. Its enforcement mechanism is also quite weak, giving Microsoft a strong say in the makeup of its own watchdog body. In addition to inadequetly addressing past abuses, the settlement does little to prevent current or future abuses. The software industry is a rapidly changing environment, and new software and strategies such as Windows XP and .NET do now or seem likely to in the future employ practices abusing Microsoft's monopoly which are not covered in the terms of the proposed settlement. The settlement as it is would constitute a small slap on the wrist, and some curbs on illegal practices, leaving Microsoft free to continue its illegal pattern of behavior in other areas of business, while it can use loopholes and lax enforcement to continue doing what it has done in the past to a large extent.

I strongly reccomend that the proposed settlement be rejected.

Sincerely,
Mike McLaughlin
1067 Plowshare Rd.
Blue Bell, PA 19422

MTC–00019933

From: Jamie Marx
To: Microsoft ATR
Date: 1/23/02 11:52pm
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea.

MTC–00019934

From: raceware
To: Microsoft ATR
Date: 1/23/02 11:51pm
Subject: Microsoft Settlement

What a travesty of justice! Microsoft is caught red-handed using monopolistic strong-arm tactics to eliminate any competition and the DOJ let's them off without even a slap on the wrist. You people should be ashamed to walk the streets in daylight... Hell MS has admitted to dumping the Win2000 O/S into the marketplace with 63,000 KNOWN BUGS, i.e., software defects, as in ''ONLY'' 10,000 of these BUGS are known to cause system crashes and loss of data !

HELLLLLLLLLOOOOOOOO is anybody home at the DOJ and FTC ???? Do you need a 2 x 4 along side your head to understand the cost to all consumers when you let MS use Mafia tactics to eliminate competition. Time to get a conscience and a grip on reality folks because the people you're pissin'' off are the people who vote at election time. Know what that means???

Kind regards,
Randy Hubbard
Race-Tech Engineering, Inc.

MTC–00019935

From: Jennifer S. Bohmbach
To: Microsoft ATR
Date: 1/23/02 11:51pm
Subject: Microsoft Judgement

To whom it may concern:

I am writing regarding my concern that the current Microsoft settlement is ineffective against a corporation that has been abusive of its monopolistic power. This settlement does not do enough to encourage Microsoft to change behavior and it does in fact show the company that there are virtually no consequences to the many wrongs they have been found guilty of.

The Proposed Final Judgment allows many exclusionary practices to continue. I see no reason this will discourage this company from contiuing in these practices. If there is no consequence for a company with this much power, behavior will not change. Also, no direct measures to reduce the Applications Barrier to Entry faced by new entrants to the market. This is not allowed in other industries across this great country, why should Microsoft be immune? America is about competition.

Jennifer S. Bohmbach
Concerned Internet Professional and Citizen

3913 15th Avenue South
Minneapolis, MN 55407
Language is a virus...Visualize IT!

MTC–00019936

From: Jon Loveall
To: Microsoft ATR
Date: 1/23/02 11:50pm
Subject: Microsoft Settlement

Dear Sir or Madam,

I truly believe that the settlement talked about in the Microsoft vs. Department of Justice case will not only fail to achieve the goal for which this case began (namely the introduction of competition into a market where Microsoft has sucessfully extinguished any competitor through the use of its monopoly power). The settlement agreed to and posted for United States citizens to view is severly lacking in ability to complete the task for which it was created. After reading the document it would appear as though not only has the Department of Justice failed to apply any relavent changes to Microsoft's behavior, but through the wording it seems as though the US government will legalize Microsoft's behavior allowing them to legaly monopolize the computing industry where as before they were doing it illegaly. This settlement should not stand, simply dropping the case would be more benificial to the industry than agreeing to this settlement. Please don't settle with this, continue on in your case. Infomation Technology workers like myself are willing to wait to see fairness in this industry put into place. Thank You.

Jonathan Loveall

MTC–00019937

From: Brian Craft
To: Microsoft ATR
Date: 1/23/02 11:50pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Brian Craft
Registered Linux User # 210286
Linux Registered machine: 97873
Yahoo Instant Messenger ID: bcraft67
ICQ id: 129672292
Linux.....the OS of Choice!

MTC–00019938

From: Rebecca Ward
To: Microsoft ATR
Date: 1/23/02 11:54pm
Subject: Microsoft Settlement

I would just like to say that I have read about the proposed settlement, and I am not in favor of it in its current state. Please consider this a vote against the current settlement.

Regards,
Rebecca Ward,
Belmont, CA

MTC–00019939

From: Lindsay Pallickal
To: Microsoft ATR
Date: 1/23/02 11:52pm
Subject: Microsoft Settlement

I am strongly against the current proposed settlement for this case. There are good ideas in the settlement, particularly the requirment for Microsoft to open up their standards to the world—but in other parts, as most people full well know, there are loopholes that would make it trivial for them to avoid doing this. Below are my thoughts on what needs to be done.

As earlier judgements have shown, Microsoft has had a history of bullying out competitors with nasty business practices and when that fails, playing dirty with software compatibility. An few examples are the open Kerberos specification Microsoft recently picked up, the unix Samba service and Caldera's Dr. DOS. Dr. DOS took a thorough assault from intentional incompatiblities Microsoft introduced into Windows 3.1 and Samba is a major unix<->windows interoperatbility tool that is finding it increasing difficult to keep up with changing secret Microsoft specifications. It is clear that Microsoft is taking full advantage of the monopoly position the proprietary Windows system has to extend it's way into new marketplaces and lock users into Microsoft products. Their primary tool to do this is secret standards that prevent other sources from creating products that are compatible with Windows. What I propose is an *enforceable*— *enforceable* -*enforceable* penalty that forces Microsoft to open up the internals of it's operating system. Not the source code, but information on how the different parts of Windows communicates internally and the protocols with which Windows machines communicate across networks. Microsoft should also make it possible for independant developers to communicate with Windows in the same way Microsoft's own code does. This would prevent any more casualties in what many call Microsoft's ''embrace and extend'' war and would offer the benefit of new competition by destroying the unbearable artificials costs of entry and survival in this market that Microsoft has kept off-limits through incompatibility. They should have to produce this information in a timely manner—say one month for existing specifications and also provide advanced release of new specifications before a Microsoft product update. This way, when they do make changes to try and subvert a competitor's product, that competitor will be able to update and remain compatible. This is key to any effective judgement, especially the enforceablity part!

Sincerly,
Lindsay K. Pallickal

MTC–00019940

From: S. Cooper
To: Microsoft ATR
Date: 1/23/02 11:54pm
Subject: Microsoft Settlement

The settlement is absurd! Microsoft has engaged in practices that should make even the stauchest laissez-faire economist cringe! Microsoft has ruined the competitiveness of the computer sotfware market, adn hardware is not far behind. Microsoft needs to be punished a lot more for what it did! Harsher settlement please!!

—S. Cooper

MTC–00019941

From: Mark Reuter
To: Microsoft ATR
Date: 1/23/02 11:52pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general. While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Mark S. Reuter
3531 Madera Place
Oxnard, CA 93033
mark.reuter@verizon.net

MTC–00019942

From: Eric Heins
To: Microsoft ATR
Date: 1/23/02 11:54pm

Subject: Microsoft Settlement
I support the Microsoft Settlement.
Eric Heins
Austin, TX

MTC–00019943

From: Josh Mayers
To: Microsoft ATR
Date: 1/23/02 11:54pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Honorable Renata B. Hesse:

The proposed final judgement is extremely flawed, and does not sufficiently address Microsoft's illegal an monopolistic behavior. Many people assuredly have written to you about this same issue; I'll not repeat their arguments, as I agree with those available online at http://www.kegel.com/remedy/letter.html and http://www.kegel.com/remedy/remedy2.html.

The proposed settlement is insufficient to prevent Microsoft from putting other companies unfairly out of business and further violating antitrust laws. Please reconsider the proposal, to include full release of API documentation to ISVs, prohibition of more practices against OEMs and ISVs, and prohibitions against monopolistic actions against end users (''desktops''). Again in this area, I agree with the full document online at http://www.kegel.com/remedy/remedy2.html#fix.

Thank you for your time and consideration.

Josh Mayers

MTC–00019944

From: John S. J. Anderson
To: Microsoft ATR
Date: 1/23/02 11:56pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. While I agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html), I choose to focus on only a specific problem, and to present my objections in my own words.

My primary objection with the proposed settlement is that, despite the finding that Microsoft had engaged in monopolistic practices, the proposed settlement offers no relief to those affected—either other corporations or individual consumers. Additionally, in my professional opinion, the proposed settlement contains no measures that would provide a realistic deterrent against Microsoft engaging in the same sorts of anti-competitive, monopolistic behavior in the future. Indeed, I believe that several features in their new ''Windows XP'' operating system are designed with specific anti-competitive goals in mind.

Thank you for your attention.
Respectfully,
John S J Anderson, Ph. D.
Editor, genehack weblog (genehack.org)
Linux Systems Administrator, NCBI/NLM/NIH

MTC–00019945

From: 3-Dream Imaging
To: Microsoft ATR
Date: 1/23/02 11:56pm
Subject: Microsoft Settlement

Microsoft has continually and relentlessly squelched competition. No one company should ever be allowed to become that large.

Ted Maynard
Milford, Connecticut

MTC–00019946

From: R.W. Sanders
To: Microsoft ATR
Date: 1/20/23 11:12pm
Subject: Microsoft Settlement Force MS to release Competing OS Apps before their Own Outllok 2001 is require for Macs to coexist w/ PC's in company that base their communication on Exchange Server.

The current version of Outlook 2001 for Mac OS 9 is buggy. Apple is attempting to transition customers to OS X. By delaying or canceling the release of an OS X native version of Mac Exchange client, MS serves a blow against the adoption of Apple's Mac OS X (Unix) operating system.

Here is yet another way MS jerks around the competition... http://www.thinksecret.com/features/outlookx.html Mac OS X-compatible release of Microsoft Outlook unlikely By Nick dePlume, Publisher and Editor in Chief The release of Mac Outlook 2001 last year was a milestone for both Apple and Microsoft, bringing the Mac version of the corporate messaging/PIM application up to par and improving Apple's push in business environments using Exchange servers.

Last July, as the company was rushing to carbonize Office for Mac, Think Secret learned from Microsoft insiders that an OS X-native release of Outlook was very unlikely, largely because of the amount of time and resources it would require. A source on the show floor of Macworld Expo/San Francisco earlier this month confirmed those reports, saying that the company will rely on the Entourage component of Office to satisfy the corporate email gap, even though Entourage cannot work as an Exchange client like Outlook.

The initial release of Outlook 2001 included full compatibility with Exchange servers and a Mac-like interface.

MTC–00019947

From: David Acklam
To: Microsoft ATR
Date: 1/23/02 11:55pm
Subject: Microsoft Settlement

The ''proposed settlement'' does little to nothing to correct Microsoft's ability to abuse their monopoly position, specifically their desktop operating system and productivity software monopoly. It does not prevent them from running competitors out of business by bundling software into the OS, or (more importantly) do anything to encourage competition. Microsoft's product quality is, to put it mildly, abysmal—and without serious competition in many areas, there is no motivation for them to improve. Even in areas where they lack market dominance (such as large network servers), they are able to leverage monopoly power from other areas and achieve similar effects as if they were dominant in these areas too. As for counter-arguments, the most common one is that ''Microsoft's monopoly is good for consumers because it gives them product compatibility''. The largest flaws in this argument are that product compatibility can easily be achieved *by* competition (just look at the PC hardware industry, which has maintained compatibilty without monopoly meddling), and that Microsoft does not use their power to provide compatibility, but rather harms consumers through planned incompatibility (by breaking older software to force upgrades).

Whatever Judge Jackson's actions, his initial remedy fit much better—at the very least, the ''settlement'' should follow the lines of what the 9 non-settling states are proposing! That at least has a chance!

MTC–00019948

From: James Morris
To: Microsoft ATR
Date: 1/23/02 11:56pm
Subject: Microsoft Settlement

As a consumer, I have been opposed to the case brought against Microsoft from the beginning. The case has not been about what's best for consumers, but how companies that failed completely to innovate and meet consumer demands can now make money off Microsoft's absolute success.

The Proposed Settlement in this case reaches far beyond any limits that should be placed on Microsoft (and by proxy all innovative and competitive companies). Given that it's unlikely for the government to seek dismissal of the complaint and apologize to the American consumers and tax payers for wasting our money in this pursuit, I feel that I must voice my support for the Proposed Settlement as it at least limits the further harm that comes to me as a consumer.

-James Morris

MTC–00019949

From: Mitchell Tasman
To: Microsoft ATR
Date: 1/23/02 11:57pm
Subject: Microsoft Settlement
Dear Sir or Madam:

I am submitting this e-mail in response to your solicitation of public comment on the proposed settlement with Microsoft.

I believe that the settlement, as currently drafted, is wholly inadequate, and would not serve the public interest.

Given Microsoft's position as a monopoly provider of operating systems, it is critical that all external communications protocols be documented, and available for implementation in any competing operating system, INCLUDING especially ''freely licensed'' software such as Linux or FreeBSD.

One way that Microsoft maintains its monopoly is by tieing its product suite together via proprietary external communications protocols. For example, a

Microsoft desktop operating system may only work, or only work well, when communicating with a Microsoft server operating system, and vice-versa. A Microsoft web browser may only work, or only work well, when communicating with a Microsoft web server.

A Microsoft mail client may only work well when communicating with a Microsoft mail server. And further, Microsoft might choose to withold components such as a web browser or a mail client from competing (e.g., freely licensed) operating systems. If the external communications protocols remain proprietary, then it is impossible, or at best impractical, for third parties to create compatible applications that run on competing operating systems.

I believe that any settlement must include the following two protections:

1. Microsoft must document any and all external communications protocols, including those between client and server operating systems, and also those between client and server applications, and make this documentation publicly available.

2. Microsoft must allow these protocols to be implemented by third parties, without threat of litigation or assertion of intellectual property rights. Without these protections, it will be impossible for freely licensed operating systems such as Linux and FreeBSD (or anyone else) to have a chance of competing with the Microsoft monopoly. I would suggest a third protection as a means to ensure ongoing compliance:

3. Microsoft or a third-party must create a reference implementation based on the documented communications protocols, and make the resulting source code freely and publicly available. If this reference implementation is shown to be incompatible with the documented communications protocols, Microsoft shall be required to either: a. identify the programming errors in the reference implementation that are causing the incompatibility. b. OR if the documentation is in error, Microsoft must publish corrected documentation.

This compliance process would iterate, until it was eventually shown possible to create a third-party implementation that interoperates with the monopoly Microsoft products. Of course, the documentation, and thence the reference implementation, would need to be updated as Microsoft releases new products, and new versions of existing products.

Thank you for taking the time to read my comments.

Sincerely,

Mitchell Tasman, Ph.D.

MTC–00019950

From: Garrett McWilliams
To: Microsoft ATR
Date: 1/23/02 11:54pm
Subject: Microsoft Settlement

U.S. Department of Justice, Antitrust Division:

I appreciate the opportunity to comment on the proposed settlement of the Microsoft antitrust case. There are several reasons why I do not support the proposal:

Firstly, the punishment is inadequate. By not pursuing a modification of the corporate structure, and by leaving gaping loopholes in the requirements for opening the Windows API, the Department of Justice effectively slaps Microsoft's wrist. Because of Microsoft's position in our society as the monopoly provider of the basis for most of our personal and business computing, it is gravely important that they not be considered above the anti-trust laws or deserving of softened treatment. The situation we find ourselves in now is almost exactly why these laws were enacted, the only difference being the industries in question. It has been proven that Microsoft has intentionally broken some of the laws that regulate our capitalist system. These laws exist for important reasons, and their power, as a deterrent if nothing else, is undermined by this proposed settlement.

Secondly, the expectation of Microsoft to practice good-faith self-restraint is unreasonable. They have been found guilty of breaking the law, and, referring back to my first statement, are being shown that the penalties for such actions are mild. Would it really be reasonable to expect their behavior to change under such circumstances? It is clear from the features of the newly released operating system, Windows XP, and the .NET initiative, that this expectation is in fact not reasonable. I hope that the Department of Justice will reconsider the proposed settlement in light of these points, and the many objections raised by others. Effective changes would include changing the API disclosure requirements so as not to allow Microsoft to discriminate against Open Source developers, closing loopholes in the interoperability requirements, and requiring divestiture of technology developed as a result of past illegal monopolistic business practices. It would be a shame for Microsoft's wealth and power to enable it to escape appropriate punishment for its misbehavior and an effective deterrent for future illegal actions.

Sincerely,
James Garrett McWilliams,
College Park, MD;
Electrical Engineer

MTC–00019951

From: Gerald Hartig
To: Microsoft ATR
Date: 1/23/02 11:55pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea. It gives the monopoly of Microsoft free reign to continue to do whatever it wants through (now) governmentally sanctioned anti-competitive behaviour.

The settlment needs to go far further to disrupt and control the Microsoft monopoly. The Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest.

It should not be adopted without substantial revision to address these problems.

John Campbell

MTC–00019952

From: chris cobb
To: Microsoft ATR
Date: 1/23/02 11:56pm
Subject: Microsoft Settlement

DOJ:

The proposed settlement between Microsoft and the Government clearly demonstrates what Microsoft says behind your backs and justifies the pompous attitudes of it's executives.

Namely, that the people at Microsoft are dramatically smarter and more capable than the government and you in particular. However it has happened (the behind the scenes details are probably a joke), the Government has proposed/accepted/been-duped into a pathetic excuse for an agreement which will do nothing to either punish or prevent the actions that got Microsoft this far and destroyed so many of it's competitors. Microsoft has gotten everything they wanted and you have swallowed it whole. If this settlement goes through then you deserve Microsoft's ridicule. In it's present form, this settlement is a *LONG* way from accomplishing anything useful towards improving the computer industry. Some problems with this settlement (which I feel almost ashamed to point out because you should know them and this ''settlement'' should not even exist) are that:

1) There is no significant punishment to MS for their past actions.

2) The loopholes and various qualifying sections of the settlement are *huge* and have been specifically crafted by MS to ultimately nullify any controls you think you will have on their future business.

3) There are no terms in the settlement which will significantly help those who are trying to compete with MS and break their hold on the market. I could go on and on, but there are numerous other articles written with sound advice on the problems I have mentioned and ways to correct them. I/We are only hoping that you read them and do the right thing instead of allowing this joke of a settlement to become fixed into history. To do so would reduce the sum total of your contribution to this country, the companies who so injuriously were harmed by Microsoft, and the people who spent years of their lives bringing the case to this level.

Basically, I ask that you care and do the right thing: Reject this settlement, dismiss the people who brought it about, forget about settling (Microsoft will NEVER settle this with any terms that truely hurt them), and take it to a decision of the court.

Chris Cobb
US Citizen/Computer Engineer
121 S. Swall Dr, #105
Los Angeles, CA 90048

MTC–00019953

From: Scott Moffet
To: Microsoft ATR
Date: 1/23/02 11:58pm
Subject: Microsoft Settlement

I think the settlement is a very bad idea.

MTC–00019954

From: Heather and Erik Anderson
To: Microsoft ATR
Date: 1/23/02 11:56pm
Subject: Microsoft Settlement

To Whom it May Concern:

Please keep in mind with respect to Microsoft's Windows operating systems that we are really not talking about an ''operating system'' anymore. Windows has become an application bundle. Time and time again Microsoft has incorporated applications into Windows to edge out or crush their competition. An operating system is designed to operate your computer, i.e. to let the peripherals communicate with the CPU to perform desired tasks. It does not consist of a media player, a web browser, an e-mail client, an instant messaging application, etc. Those services are applications. Currently, what is stopping Microsoft from incorporating Word, Excel, and Powerpoint into Windows and simply calling those applications ''new features?''

Any settlement which allows Microsoft to increase their market share or not hinder their ability to bundle applications in to Windows will ultimately hurt many businesses which make fine software that complements Windows. And when business loses, the economy and the consumer lose too.

I am not asking that Microsoft be destroyed, just that they operate on a level playing field.

Erik Anderson

MTC–00019955

From: Solid Force
To: Microsoft ATR
Date: 1/23/02 11:59pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea

MTC–00019956

From: Charles Colombo
To: Microsoft ATR
Date: 1/23/02 11:58pm
Subject: Microsoft Settlement

Microsoft must NOT be let off easy. While I don't see any reason to break up the company, I do think what the nine dissenting states are trying to do will at least compel Microsoft to work out more meaningful measures to insure fairness. There must be constant pressure on Microsoft in order to impress upon the company that they will not be able to engage in anti-competitive practices with impunity. But

THESE larger issues with companies like Microsoft must be addressed as well:

1) End User License Agreements must come into line with the 21st Century—make that the 20th Century. The prospect that private individuals do not own the software they pay for is outrageous. The telephone companies were reigned in long ago over the issue of private individuals installing their own multiple phone extensions in their own homes. It should be the same for software: The license should go to the user, not the machine. Likewise, businesses should purchase the a number of licenses equal to the number of people who use the software.

2) ANY software company that sells to the public should be required by law to a) sell a product that WORKS the way it is intended and continue to support it until it can be said to be ''complete'', and b) continue to make the product available for as long as anyone wants to use it OR sell the code to another party who will continue to make it available OR release the code to the public. Software is a set of instructions geared to a paticular generation of machines and should therefore be at least as maintainable as the machines themselves.

The nature of technological change in the present day is beyond the ability of a governing body to keep up with, UNLESS we can draw decisive parallels with other, past arrangements.

MTC–00019957

From: Mark D. Leighty
To: Microsoft ATR
Date: 1/23/02 11:59pm
Subject: Microsoft Settlement

Dear Sirs:

Without delving into any discussion of numerous technical points, I would like to voice my opinion on the proposed agreement with Microsoft. I fail to see exactly how the proposed final judgment is a punishment or how it will keep the company from acting as it has in the past. I truly believe that Microsoft will walk away with not even a slap on the wrist. I continue to cheer for the states that have rejected the proposed settlement and are pursuing further legal action against this company that has repeatedly broken the law.

Sincerely,
Mark D. Leighty

MTC–00019958

From: Frederick Heald
To: Microsoft ATR
Date: 1/23/02 11:56pm
Subject: Microsoft Settlement

Hello,

As part of the public comment period on the Microsoft settlement, may I add my thoughts:

—I use both Macintosh and Windows software. I love using the Macintosh, I loathe using Windows. Windows has succeeded with poor or downright awful products, due to its anticompetitive practices. The situation with Explorer and Netscape is the tip of the iceberg.

—The proposed settlement is entirely inappropriate; as in attempting to punish Microsoft's monopoly power it promotes more monopoly power in one area in which Microsoft currently lags, education.

—Microsoft should be forced to pay a settlement in cash. This could be used any way the justice dept or administrating agency sees fit EXCEPT TO PURCHASE MICROSOFT PRODUCTS!!!

—I believe Microsoft should be split up, at the very least to an operating systems division and an applications division; and that any communications between the two divisions should be open to public scrutiny. Finally,

—Microsoft deserves to be punished for stealing the Macintosh operating system look and feel, nearly outright, from Apple. This may never happen but it's a glaring example of the massive product theft and anticompetitive practices of Microsoft.

Thanks for your efforts to remedy this situation.

MTC–00019959

From: Alistair Helfer
To: Microsoft ATR
Date: 1/24/02 12:00am
Subject: Microsoft Settlement

Hello,

I would just like to put in my 2 cents to this settlement idea. I am deeply opposed to this as this settlement seems to be a compromise of justice. Microsoft's business practices have already proven to be damaging to AT LEAST one business, ie., Netscape, but also threaten to reduce a fledgling industry to nothing.

By bundling applications into their operating system and not releasing documentation for their API's to the software development community, they make it impossible for application software companies to develop products for their platform. The result of this is that Microsoft can be the sole provider and charge whatever they wish for their services, most of which they appropriated from other software vendors as well as the open source community (Their TCP/IP stack was taken from the FreeBSD operating system). This not only stifles competition in the applications market, but innovation as well.

Best regards,
Alistair Helfer

MTC–00019960

From: Nuitari
To: Microsoft ATR
Date: 1/24/02 12:03am
Subject: Microsoft Settlement

I really disagree with the term of the proposed Settlement in the Doj vs Microsoft case as they mostly will help Microsoft boost and maintain it's current predatory tactics by locking everyone out of their API pretending security or DRM issues. Microsoft should be forced to publish all of their APIs interface to even out the application market.

Don't forget that by repeatedly buying out competitors and stealing other's technology, Microsoft did not innovate anything that occured in the computer world. It even delibirately sunk many innovatives attemps made by other companies. Just an example their buyout of UltraCorps. The game was immediately made Internet Explorer only (though it worked very well with Netscape) and soon after they just close it down.

You can find many other exemples by consulting this website: http://www.vcnet.com/bms I would greatly appreciate it if the settlement is refused and thougher sanctions and penalties are administered to Microsoft.

Regards,
Stephane Bakhos

MTC–00019961

From: Sidney Hatchl
To: Microsoft ATR
Date: 1/24/02 12:00am
Subject: Microsoft Settlement

This unjustified attack on Microsoft was the catalyst that brought on the collapse of the dot come. It is indeed ironic that the stock of many of the enemies of Microsoft was hurt worse than that of Microsoft.

There is much to hate about Windows, but its function as a de-facto standard has made possible the remarkable growth in both hardware and software. Netscape and Sun

were the people who tried to win by giving stuff away. They complain that Microsoft overcharges the customer, but that the prices are so low that they unfairly hurt the competition.

How can the expect to have it both ways.

Sidney Hatchl
2340 North Fairmont Avenue
Santa Ana, CA 92706
shatchl@adelphia.net
714 836 6830

MTC–00019962

From: Luke Norris
To: Microsoft ATR
Date: 1/24/02 12:02am
Subject: Microsoft Settlement

Microsoft is doing nothing short of shaping the new generation to here plan.

Please STOP THIS>>. . . .

MTC–00019965

From: gkoch@tampabay.rr.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:04am
Subject: Microsoft Settlement

I would like to send a short note on my disappointment in the settlement with microsoft. I don't use their products any more and could care less what happens to them as a company. But I still have customers who do still use their operating systems and other products. What I see with every next generation of the operating system is less control by the user.

One of the problems is you no longer can choose which programs you want to run on your computer. They all run by default and there is no way to turn them off without intimate knowledge of the operating system. mainly I'm talking about internet explorer and outlook express. You can install your own browser and email program but internet explorer and outlook are linked to all of the operating system help files and file browser and such so you are forced to use it. It will reset itself as the default browser as well.

Another problem is the ''standards'' microsoft sets for file types. This includes documents, music and video files, and other types of files. Microsoft proposes these as the standard yet they don't release key information on their format so others and read them easily. I have been using linux with various word processors for 5 years and everytime someone reverse engineers the format of the .doc file, microsoft changes it in the next version of word. With the install base of word at offices, users are forced to also use the latest version of word at home if they take work home with them. They can't use another word processor or even an older version of word.

Finally, I am worried microsoft is trying to take over the internet. I realize it would be hard for them to own it. But they have taken steps to use they power and influence to set standards for the Internet. Standards that would favor their products and exclude others. They took Java and transformed it into J++ which became windows specific. Then invented active-x which is not only windows specific but internet explorer specific. Their web page creation software, front page, produces code which is specific to IE and windows. And lately they have tried to block all browsers except IE from their microsoft.net and msn.net domains. That kept me from downloading security updates to IE for my customers who are on slow connections. I use opera which is a standards compliant browser and I also tried mozilla and netscape which are also standards compliant. IE is the least compliant out of the 4 yet their explanation for doing that was that the other browsers weren't up to standards. The Proposed Final Judgment settlement does nothing to stop Microsoft in their subtle and not so subtle attempts to force everyone to use their products and theirs alone. As written, the PFJ allows and encourages significant anticompetitive practices to continue. It would hinder competing products from reaching and surviving in the market place. It would give Microsoft an advantage in the one market where they still do have competition, in the schools. I'm still in favor of splitting them up, anything short of that does nothing to stop them. One more note. I still have hundreds of unused copies of windows 95 because at one time you could not buy a computer without microsoft windows. Those days will return with this settlement.

Thank you for your time.

Greg Koch

MTC–00019966

From: Louis Zirkel III
To: Microsoft ATR
Date: 1/24/02 12:04am
Subject: Microsoft Settlement

Dear Sirs,

I oppose the proposed settlement of the Microsoft anti-trust trial. I am of the opinion that the current proposed settlement does not do justice those actions which were committed by Microsoft. It also does not justly block their ability to commit similar actions from now on.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,

Louis D. Zirkel III
Layton, UT 84041
Louis Zirkel III (lzirkel@cendev.com)
Century Development Solutions

MTC–00019967

From: Brian Souder
To: Microsoft ATR
Date: 1/24/02 12:03am
Subject: Settlement Thoughts

The proposed settlement does not go far enough. I was relieved to hear that the school equipment portion of the settlement was rejected. It was a mockery of the judicial system. In fact, Microsoft is a monopoly, so therefore their products should be EXCLUDED from the equipment purchase list. The money from Microsoft should go into a fund that can be drawn on against a list of specific vendors. IE: Linux, Macintosh, etc. Non-Microsoft related. PC Vendors like Dell, Gateway, HP, and Compaq could have their products purchased with a Linux operating system (ONLY) installed. No Microsoft products may be present at the point of sale. Schools that purchase the equipment must keep the systems as is or upgrade to new versions of Linux. they must also institute Linux training programs for students and teachers. In addition, they need to teach students how to program in the environment to help it expand further. Some of the fund should also be used for the encouragement of Open Source projects in the form of grants and research projects. If they have caused damages, why would you ever reward them with additional sales? That would be like stealing a bunch of cars—I get caught— proven guilty—but you reward me with a car instead of sending me to jail. Any settlement which is passed now is a complete joke. Microsoft knows this applies to Windows 98 only. They are already taking advantage of consumers and vendors with Windows xp. The settlement should be included to have Windows XP, and an other operating system needs to be installed as well. (Red Hat Linux or a derivative) The company really should have been broken into 3 parts. Internet which includes their net products, Internet Explorer, and all online services (Hotmail, and MSN), Applications (like Office, and other programming languages), and finally the core OS which would exclude Internet Explorer as being part of the OS. It could be included on the drive, but not integrated with the operating system. Microsoft is already getting additional funding based on their new pricing strategy for Windows XP. Any monetary loss is going to be passed on to the general public. They should have set pricing for 10 years for all vendors at about $60 per licence, and $99 for the full version for consumers. The upgrade would be $75. FIXED! Why should the consumer—whom Microsoft hurt in the first place—have to pay for their legal problems? Microsoft has been given entirely too much latitude in this case. They are pushing the DOJ and the legal system around. They are using money and political contributions to change the outcome of this settlement. It is obvious to the american public, and all other nations of the world. You are sending the message that it is ok to rip consumers off if you have enough money.

In addition, the settlement should include the open release of all rights to OpenGL which they bought from SGI. Here is another example of Microsoft trying to kill off open source projects. They are trying to force everyone to use direct 3D and the MS platform since it is not available on other platforms.

All Microsoft transactions must be a matter of open discussion from now on. There must be full disclosure of all purchases of assets, investments, and intellectual agreements to the general public for the next 10 years. All transactions must pass the scrutiny of the general public as well as a judge and the SEC.

Microsoft needs to be forced to compete at the OS level again. They need to be forced

to make their product better—not just purchase another company. There need to be strict guideline put in place for the acquisition of other companies.

The entire API must be published, and changes to the API need to be documented for 10 years. Any changes made without prior notice to third party vendors is a violation of the settlement agreement. This would prevent Microsoft from randomly changing the API and not telling anyone but their close vendors about the changes. It would prevent Microsoft from ''Breaking'' other companies products strictly because they did not want to compete or were ahead in technology.

Microsoft must be forced to port office to the Macintosh and Linux platforms for the next 10 years. They must remain parallel with the PC version with release dates within 30 days of the PC version. If the Macintosh and Linux version are not updated, Microsoft must remove all of their Office products from the shelves within 3 days or be fined $500,000 a day until compliance is met. Microsoft uses their office products as a tool to manipulate other companies and platforms. All investments in other companies and/or platforms must be sold off with the proceeds from the sale of stock or ownership shares being contributed to the educational fund outlined in the current settlement. This money would be in addition to the current settlement amount that excludes Microsoft property from being sold.

MTC–00019968

From: Joseph Lubin
To: Microsoft ATR
Date: 1/24/02 12:03am
Subject: Microsoft Settlement

If feel that the proposed settlement is an embarassment to the DOJ, the government, and the American people. Microsoft is notorious for poor business practices that have harmed many people and companies in the computer industry as well as the American consumer. It will be a travesty if Microsoft manages to buy themselves out of the stern consequences that should obviously follow from the judgement.

Joseph Lubin
advanced solutions group
emagine solutions
55 Broad Street, 21st Floor
New York NY 10004
w 212.709.5910
m 917.887.8303
h 212.255.3066

MTC–00019969

From: David C Young
To: Microsoft ATR
Date: 1/24/02 12:01am
Subject: Microsoft Settlement

To whom it may concern:

I'm writing this to express my disapproval of the proposed settlement in the federal antitrust suit against Microsoft. First, the settlement will allow Microsoft to ''donate'' their products to poorer school districts under licensing terms that will force the districts to pay millions of dollars in fees if they wish to continue using the software after 5 years—in effect, allowing Microsoft to make a profit from this settlement. Second, and more importantly, this settlement will not make any material difference in Microsoft's blatant abuse of its operating system monopoly. It will completely nullify years of work on the part of the Department of Justice's dedicated attourneys, and it will allow one of the greatest threats to our nation's economy to exist unchecked. No government that truly serves the interests of its people could allow such a travesty of justice to occur.

Sincerely,
David Carle Young
3465 Sansom St.
Box 27
Philadelphia, PA 19104

MTC–00019970

From: Drmckinppp@aol.com@inetgw
To: Microsoft ATR,JRWhorse@aol.com@inetgw,Drmckinppp@a . . .
Date: 1/24/02 12:02am
Subject: usdoj vs Mocrosoft settlement comments
From: Donovan R. McKinney
Donovan McKinney Photography
5531 Wolf Run Drive
Columbus, OH 43230
614–475–8661
drmckinppp@aol.com
to: microsoft.atr@usdoj.gov

Please find below my personal opinion regarding the proposed settlement of the USDOJ vs. Microsoft.

1–23–2002

The proposed settlement to allow as punishment the distribution of Microsoft software is not punishment in any measure. It does not deter Microsoft, but is a reward to Microsoft by increasing its market share. The actual cost to Microsoft is not real money damages. The settlement would damage competitors as it does not remove Microsoft's competitive advantage. A settlement would absolve Microsoft of the responsibility and damage found in a determination by the court. The settlement does nothing to remove the complete and monopolistic control Microsoft has over a resource on which our businesses and government are dependent. The settlement would result in continued and further damage to consumers, small and large businesses and governmental agencies.

As the proposed settlement stands now, only consumers and Microsoft's competitors are damaged. The proposal rewards Microsoft by letting them buy their way out of being a responsible competitor. As with previous cases brought against Microsoft, the outcome is not admissible to future cases because most or all have been settled out of court and out of the public eye. If this happens with this case, the appearance, or view of the courts is that Microsoft has done nothing wrong. While in reality, Microsoft's consistent approach is to take advantage of any and all competitors untill they are absorbed, defeated, or driven out of the market.

For Microsoft, the ''settlement amount'' is only an appearance of cost; the actual cost would be but a fraction of the ''settlement amount''. As with any donation, a business can only deduct the costs of the materials required to produce a product and not the retail price of this product. If Microsoft provides their ''available'' products at ''retail prices'', Microsoft's actual cost would be minimal and loss of actual sales would also be low. If Microsoft provided products at an actual cost basis equal to the proposed settlement, the market would truly be overwhelmed with Microsoft's products further diminishing any competitors chances of earning market share. The proposal increases Microsoft's market share by dumping ''free'' software into the market without the market choosing the best or preferred product. This directly displaces any competitors product since any competitive manufacture could only compete by giving away free it's software. The proposal does not address the funding of competitive and alternative software directly opposed to Microsoft's own interest.

The consumer is the most damaged party in this settlement. There is no monitory relief to the consumer. There would be no growth of a competitive market that would bring lower prices and innovative products to the consumer. The scope of innovation continues to move away from a collective process as was the case with UNIX Operating System of 30 years ago and moves closer toward control by one company—(Microsoft). Microsoft has no regulatory oversight body, yet its operating system is virtually mandatory for more than 90% of consumers, business or government agencies to participate and communicate through our computerized world. By the nature of the license agreement to use Microsoft products, the computerized world is at risk to Microsoft's decisions and whims. What would happen if Microsoft chose to remove itself from the market? While unlikely, it is important to ask the question to realize the scope and impact the Microsoft monopoly has upon our lives.

The proposed settlement is just that, a settlement without any resolution, a settlement with no direction to create competition and innovation, a settlement that begs the question, ''What good is a settlement if it provides no resolution''?

In my opinion, what needs to happen is:

1. For Microsoft to open its architecture to public control.

2. That architecture should be moved in a direction that allows new and existing operating systems to share and compete in the OS market.

3. That Microsoft funds the research in this direction, funding for new and existing competitive operating systems.

4. That all proprietary advantage Microsoft has between its OS and other Microsoft software products be removed or opened to allow competitors equal programming advantage.

5. That Microsoft shall be overseen in its contracting and licensing so as to provide no strong arm tactics in its negotiations and sales of its products.

6. That the license of all previously sold Microsoft operating systems be rewritten to give ownership of the usage to the consumer while allowing copyright to be maintained by Microsoft unless it can be shown that copyright previously belonged to a competitor.

7. That Microsoft should make available for sale, but without support, all previous Microsoft operating systems at a fair market

price so that upgrades are not mandatory to expand your system of computers. Microsoft has far too much influence on our lives and our businesses and our world's security. The proposed settlement is of no benefit and should not be considered.

Sincerely,

Donovan R. McKinney

MTC–00019971

From: Thomas Chiarodit
To: Microsoft ATR
Date: 1/24/02 12:03am
Subject: Microsoft Settlement

''Don't go too soft on Microsoft'' is my sentiment. As a Macintosh user since 1989, I have paid far higher prices for software and hardware than I otherwise would have due to the unfair and predatory dominance of the PC market by Microsoft. A normal distribution of market share, with everyone playing by the rules, did not occur, and as a consumer I have paid a high price for it because of my preference for a different operating system.

tac42001@mac.com

MTC–00019972

From: Curt or Jennie
To: Microsoft ATR
Date: 1/24/02 12:06am
Subject: Microsoft Settlement

Isn't it time to really make Microsoft pay for their anti-competitive actions? Something that will have real meaning to them. From what I've read, and going by Microsofts past behaviors in various actions, the proposed settlement is completely inadequate. One might even call it a reward. I especially liked the class action suit where they were proposing giving software and machines to the schools. Oh my, what a terrible punishment, to be legally forced to break into the schools venue and start to displace Macs. Again and again, they have circumvented court orders and continued to proliferate by using illegal anti-competitive action. Please do something to stop them, not reward them. I personally believe that the only way is to split them. If it was good enough for old Ma Bell, it should be good enough for Microsoft. Look at all the competition/business opportunities that created. All the new businesses and opportunities created. The same could hold true here. Isn't it time to help boost the economy?

Curt Jacobson
520 6th Ave. E.
Kalispell, MT 59901

MTC–00019973

From: jelle
To: Microsoft ATR
Date: 1/24/02 12:07am
Subject: Microsoft Settlement

Dear DOJ,

I am opposed to the proposed settlement in the Microsoft antitrust trial. The settlement as proposed does not prohibit Microsoft from extending and licensing extensions to common open protocols. As a result, Microsoft is able to prevent or prohibit non-Microsoft products from running with with Microsoft operating systems and browsers.

My company has an online internet application that was developed using common open protocols and non-Microsoft software. Microsoft could extend the open protocols, license the extensions, and prohibit our application from running with Microsoft operating systems and browser. The Microsoft solution would be for our company to jettison our significant investment in the existing system and reinvest in a Microsoft homogeneous server. Microsoft has a history of embracing and extending incompatible open protocols. A current example is Microsoft's incompatible version of MIT's kerberos security system that prevented non-Microsoft kerberos servers from participating even though the kerberos architecture and protocols were openly defined and created by MIT and successfully deployed for Microsoft and non-Microsoft systems. After an uproar from MIT and the kerberos community. Microsoft relented and removed the artificial technical barriers to heterogenous kerberos servers. I'm afraid that our company may not be able to generate such a loud uproar to right the obvious wrongs.

Sincerely yours,
Jelle Jorritsma
Software Developer
Arcata, California

MTC–00019974

From: Ian Cameron
To: Microsoft ATR
Date: 1/24/02 12:07am
Subject: Microsoft Settlement

Good Morning,

I am writing, as a personal computer user, to complain about the proposed Microsoft settlement. I think that it is all about letting Microsoft off the hook, as has been done in the past, and has nothing to do with providing consumers, both commercial and home, with competition in the internet browser and operating system markets.

If you intend to punish Microsoft, you must punish them. Not just take cash out of them which they will recoup quickly from their established monopoly. You must break their monopoly. Consumers must be given a choice. For example you could legislate that all computers must be purchasable without a Microsoft product installed.

This is just a thought.

Thank you for taking the time to read my ideas.

Regards,
Ian Cameron

MTC–00019975

From: Carlos Leal
To: Microsoft ATR
Date: 1/24/02 12:04am
Subject: Microsoft Settlement

Gentlemen:

Please count me as an end-user who finds the proposed settlement both a waste of tax dollars spent getting to this point and an unconscionable vote for continued computing mediocrity.

Sincerely,
Carlos D. Leal
Carlos D. Leal
9120 Dove Ct.
817–249–4434
Fort Worth, TX 76126

MTC–00019976

From: Bomily
To: Microsoft ATR
Date: 1/24/02 12:08am
Subject: Microsoft Settlement

I am a consumer, an end user of personal computers and I have been harmed by Microsoft's unethical business practices. For example, because I use Netscape for my browser, I have been blocked for a time from some sites at Microsoft's domain. Even now, when I visit certain pages at Microsoft domains, the pages are not rendered properly and/or functionality is lost. There is nothing wrong with my browser, it works fine on other websites. What is happening at Microsoft domains is a browser version of what has already occurred with regard to competition in the Operating System market and certain software applications. Key Application User Interfaces were withheld from companies that were in competition with Microsoft so that their software would not run right on Windows (think WordPerfect). And way back when DR DOS still had a chance at market share, MS put in code to scare developers with false error messages. They're using similar tactics now. They are trying to make rival applications lose functionality on platforms they control. They completely control the operating system and now they're trying to control the web and how it is accessed. Hence, they've made rival web browsers lose functionality on their web domains. If their .Net strategy succeeds, believe me, they will exercise control to the fullest extent possible until domination results.

For those few of us who have refused to use Microsoft's Internet Explorer that comes bundled with our PCs (consumers have no choice about that-they've forced IE upon us), MS is now trying to force us to use their bundled browser by making Microsoft download sites (these sites are necessary to install patches, etc.) cumbersome and difficult if accessed with a non-MS browser. They seek total control of the web just as they now dominate the operating system market for personal computers and I find that prospect very scary. I think you should too. The current remedies sought by the Justice Department are impotent at best and innocuous at worst. They do not go far enough; Microsoft has already demonstrated to the world, to those with an honest and fair mind, that they are corrupt, unethicaX-Mozilla-Status: 0009hing to achieve their goals. Please be fair and think of the little people and the little companies that don't have voices as loud as Microsoft's with their $35 billion of monopoly derived revenue. Our future is in your hands. Please keep real choice alive.

Sincerely,
Marina Krefft

MTC–00019977

From: Mandie (b)
To: Microsoft ATR
Date: 1/24/02 12:08am
Subject: Microsoft Settlement

IT is wrong to what your doing.

MTC–00019978

From: Jon Bernard
To: Microsoft ATR
Date: 1/24/02 12:09am

Subject: Microsoft Settlement—against

I am a computer systems administrator for Microsoft Windows NT and Sun Solaris machines. I have several years of experience in IT, including a summer at the Microsoft campus in Redmond, Washington. I am strongly against the proposed settlement. The only real solution to MS monopoly is, I think, to split the company in two, with the operating system and languages forming one company, and the applications another.

Sincerely,
Jon Bernard
155 Broad St #5
Hamilton NY 13346

MTC–00019979

From: Stephen McManus
To: Microsoft ATR
Date: 1/24/02 12:08am
Subject: Microsoft Settlement

To whomever this concerns,

I understand that I have the ability to comment on the proposed settlement between the Justice Department and Microsoft. In that case, I would like to register my objection to the proposed settlement in the United States vs. Microsoft case.

The PFJ prohibits certain behaviors by Microsoft towards OEMs, but curiously allows the following exclusionary practices:

Section III.A.2. allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

Section III.B. requires Microsoft to license Windows on uniform terms and at published prices to the top 20 OEMs, but says nothing about smaller OEMs. This leaves Microsoft free to retaliate against smaller OEMs, including important regional ''white box'' OEMs, if they offer competing products.

Section III.B. also allows Microsoft to offer unspecified Market Development Allowances—in effect, discounts—to OEMs. For instance, Microsoft could offer discounts on Windows to OEMs based on the number of copies of Microsoft Office or Pocket PC systems sold by that OEM. In effect, this allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas, such as office software or ARM-compatible operating systems.

By allowing these practices, the PFJ is encouraging Microsoft to extend its monopoly in Intel-compatible operating systems, and to leverage it into new areas.

This settlement is essentially a slap on the wrist for Microsoft, and further restrictions need to be enforced to end its anti-competitive practices.

MTC–00019980

From: Jim Bouse
To: Microsoft ATR
Date: 1/24/02 12:12am
Subject: Microsoft Settlement

I think that Microsoft just does what every company in America wants to do, Sell more products than anyone else. Shame on the govenment for getting in the way.

Jim Bouse

MTC–00019981

From: Don Berberich
To: Microsoft ATR
Date: 1/24/02 12:08am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I wish to add my comments on the proposed Microsoft antitrust remedy, within the auspices of the Tunney Act. I am a citizen of the United States and a resident of Cincinnati, Ohio. The current proposed settlement for the Microsoft antitrust trial is an insufficient remedy. I work in the information technology field and have direct exposure to the negative impact of the Microsoft monopoly on a daily basis. Microsoft has created a cycle:

1) The dominance of Microsoft operating systems and unfair practices have created a dependency on Microsoft applications, specifically Microsoft Office.

2) The predominance of Microsoft applications, which are insufficiently available for non-Microsoft operating systems, compels the purchase of additional Microsoft operating systems. In fact, companies which provide applications with similar functionality to Microsoft products are purchased or unfairly driven out of business. This was seen in the trial, in the form of the attacks on Java and the Netscape browser.

Currently, economic attacks against companies such as Corel have forced the cessation of development of a competitive operating system and restricted the availability of a competitive office suite.

Any remedy must approach the need for competitive applications for Microsoft operating systems, as well as the need for Microsoft applications to support non-Microsoft operating systems. Here are additional ideas for preventing Microsoft from exercising monopoly power in the Intel-compatible PC arena:

1) Microsoft is currently holding its monopoly through unfair OEM licensing practices and limiting most Microsoft applications to its own operating systems. A solution to the operating system issue: Each Microsoft application must be developed for at least two non-Microsoft operating systems, at Microsoft's expense. The non-Microsoft operating systems should hold at least 2% of the Intel-PC desktop operating system market share or a similar requirement to increase the acceptance of non-Microsoft operating system which have already carved an initial foothold. If an operating system developer/provider wishes, at the developer's expense, to modify and enhance Microsoft applications so that they will run on the provider's operating system, complete source code will be provided to the operating system developer to create. Microsoft may collect royalties no greater than the sum charged to OEMs for the Microsoft developed version of the application.

2) Investigate and restrict the subscription based licensing, which Microsoft currently proposes. In this model, customers are economically compelled to keep the costly subscriptions, possibly owning no product at the end of the subscription.

I also agree with these suggestions at http://www.gnu.org/philosophy/microsoft-antitrust.html: ''1. Require Microsoft to publish complete documentation of all interfaces between software components, all communications protocols, and all file formats. This would block one of Microsoft's favorite tactics: secret and incompatible interfaces.

To make this requirement really stick, Microsoft should not be allowed to use a nondisclosure agreement with some other organization to excuse implementing a secret interface. The rule must be: if they cannot publish the interface, they cannot release an implementation of it. It would, however, be acceptable to permit Microsoft to begin implementation of an interface before the publication of the interface specifications, provided that they release the specifications simultaneously with the implementation.

Enforcement of this requirement would not be difficult. If other software developers complain that the published documentation fails to describe some aspect of the interface, or how to do a certain job, the court would direct Microsoft to answer questions about it. Any questions about interfaces (as distinguished from implementation techniques) would have to be answered.

Similar terms were included in an agreement between IBM and the European Community in 1984, settling another antitrust dispute. See http://www.cptech.org/at/ibm/ibm1984ec.html.

2. Require Microsoft to use its patents for defense only, in the field of software. (If they happen to own patents that apply to other fields, those other fields could be included in this requirement, or they could be exempt.) This would block the other tactic Microsoft mentioned in the Halloween documents: using patents to block development of free software.

We should give Microsoft the option of using either self-defense or mutual defense. Self defense means offering to cross-license all patents at no charge with anyone who wishes to do so. Mutual defense means licensing all patents to a pool which anyone can join—even people who have no patents of their own. The pool would license all members'' patents to all members.

It is crucial to address the issue of patents, because it does no good to have Microsoft publish an interface, if they have managed to work some patented wrinkle into it (or into the functionality it gives access to), such that the rest of us are not allowed to implement it.

3. Require Microsoft not to certify any hardware as working with Microsoft software, unless the hardware's complete specifications have been published, so that any programmer can implement software to support the same hardware.

Secret hardware specifications are not in general Microsoft's doing, but they are a significant obstacle for the development of the free operating systems that can provide competition for Windows. To remove this obstacle would be a great help. If a settlement is negotiated with Microsoft, including this sort of provision in it is not impossible—it would be a matter of negotiation.''

In addition, please review the following web sites:

http://www.kegel.com/remedy/letter.html
http://www.linuxplanet.com/linuxplanet/opinions/4020/1/
http://www.gnu.org/philosophy/microsoft-antitrust.html
Regards,
Don Berberich
Cincinnati, OH

MTC–00019982

From: Gary Keramidas
To: Microsoft ATR
Date: 1/24/02 12:12am
Subject: Microsoft Settlement
let it stand the way it is
Gary

MTC–00019983

From: Tom Condon
To: Microsoft ATR
Date: 1/24/02 12:08am
Subject: Microsoft Settlement
To whom it may concern:
I have been a independent software engineering consultant for the last 12 years. Having seen the effect of Microsoft1s criminal anticompetitive actions firsthand, I am saddened that the Department of Justice will allow Microsoft to escape any meaningful penalty.
Please consider the harm to the technological leadership of America that a criminally dominant Microsoft does. By illegally destroying competition, the impetus for technological advancement has been harmed in the American marketplace. Free markets make America strong. Microsoft has destroyed the free market forces in the desktop computing marketplace. Economic diversity in the technology marketplace is vital to the security of our country.
Thank you for your time.
Thomas P. Condon
Condon Consulting Services, Inc.
2032 Columbine Ave.
Boulder, CO 80302
(Phone) 303–442–1571

MTC–00019984

From: Laszlo Toth
To: Microsoft ATR
Date: 1/24/02 12:09am
Subject: Microsoft Settlement
To whom it may concern,
I am greatly dismayed with the light ''remedies'' suggested for the Microsoft case. I'm afraid they do not prevent the disgusting behavior of these sociopaths suffered by the American people and the world. I am also afraid it does not reflect well on this government. The whole deal stinks of money and influence peddling on behalf of this current administration.
Thank you for your time.
L. Ewing

MTC–00019985

From: Bob Doran
To: Microsoft ATR
Date: 1/24/02 12:09am
Subject: Microsoft Settlement
The predatory practices of Microsoft have effectively eliminated a number of choices I would otherwise have in personal computer operating system software, and caused the limited choices that remain to cost much more then they otherwise would, had Microsoft not constrained and eliminated competition and operated to establish a monopoly of the desktop software industry.
This isn't about competition, or the best product winning. Microsoft has destroyed hundreds if not thousands of better products and ideas simply to perpetuate a stranglehold on consumer choices, and to be able to charge more for Microsoft products.
I and millions of consumers like me too have been damaged by the practices of Microsoft. I ask you to institute permanent changes to the behavior of Microsoft in such a manner that I and all consumers are protected from future anti-competitive Microsoft practices. Further, I ask that the settlement of the Antitrust litigation between the United States and Microsoft contain provisions for the repair of damages I and other Microsoft product purchasers have suffered.
Regards,
Robert K. Doran
28775 Hedgerow
Mission Viejo, CA 92692

MTC–00019986

From: Howard Swerdfeger
To: Microsoft ATR
Date: 1/24/02 12:09am
Subject: Microsoft Settlement
I would just like to mention state before the public deadline on comments expires, that I am against the settlement with proposed with Microsoft corperation.
I believe it doesn't do enough to A: punish microsoft for its illigal actions B: Prevent further abuse of its opperating monopoly C: Allow competitors to opperate on a fair, equitable and level playing field
sincerly
Howard Swerdfeger
Canadian Citizen

MTC–00019987

From: Donna
To: Microsoft ATR
Date: 1/24/02 12:10am
Subject: Microsoft Settlement
I would like to make myself heard in regards to this issue. As a present user of Microsoft products, I am heartily disgusted with the underhanded, snake like ways of this company. I am appalled at the lack of integrity, the ongoing lack of concern for their customers, and overtly greedy, power-hungry behaviours.
It is my belief that unless a very heavy penalty is handed down and ENFORCED, this company will blithely go about business as usual in it's effort to own the web. Right now, as their day of judgment nears, they still have not ceased with the behaviours and tactics that got them in this position to begin with.
Please, do not allow this monoply to continue unhindered. The computing world will rue the day.
Thank you,
Donna E. Deslippe

MTC–00019988

From: Ben Stragnell
To: Microsoft ATR
Date: 1/24/02 12:15am
Subject: Microsoft Settlement
As a computer professional, it's my opinion that Microsoft has set the computing industry back many years by using their dominant position to stifle independent innovation.
The proposed settlement contains so many loopholes as to render it entirely worthless. Accepting it will permit Microsoft to continue to retard the development of the US industry. The USPTO already has a great deal to answer for in granting ridiculous patents to coporate behemoths. Please do not allow the DoJ to become equally reviled within the technology industry.
Yours,
Ben Stragnell

MTC–00019989

From: M. M.
To: Microsoft ATR
Date: 1/24/02 12:14am
Subject: Microsoft Settlement
This whole operation stinks. I'd rather the president have a cum slut of his own, ala Monica Lewinsky, than be the cum slut of Bill Gates, ala George DUHbya Bush.
A frustrated letter writer.

MTC–00019990

From: Jason Holt
To: Microsoft ATR
Date: 1/24/02 12:12am
Subject: Microsoft Settlement
As a US citizen and software developer of many years, I wish to express my disappointment with the proposed final judgement in ''United States vs. Microsoft''.
I have been hindered on many occasions by Microsoft's anticompetitive practices, and the proposed settlement does little to curb further abuse nor make reparation to their damage to the computer industry. For example, their tight integration of the Internet Explorer (IE) browser with the operating system has made it quite difficult for me to effectively create web pages without purchasing Windows. Their illegal actions allowed them to quickly dominate the market with a product widely considered (at the time) inferior to Netscape Navigator, it's main competition. Navigator was available for Linux and Irix as well as Microsoft and Apple OSes, allowing me to test web pages in my preferred environment. But now with IE's market share I have to have access to a Windows or Macintosh computer in order to verify that web pages will look acceptable to clients who also have been forced into use of the Windows environment. The proposed settlement leaves me in this predicament, forced to contribute unwillingly to Microsoft's market share.
Secondly, although the settlement (dubiously) requires Microsoft to publish its APIs, it still leaves me in many cases unable to write competing software. I choose to release all software I write using the Free Software Foundation's General Public License (GPL), which allows anyone to freely examine, modify and redistribute my code. But the settlement allows Microsoft to charge royalties for use of methods protected by its software patents— impossible for me to pay if I release under the GPL, since I don't know how many copies of my code are distributed.
Others have commented on the many specifics of the proposed final judgement

which are weak and incomplete; my statement only highlights a few ways in which the settlement fails for me specifically. The settlement is wholly unacceptable and insufficient for the needs of myself and many others, and I urge the court to provide real relief.

-Jason Holt

MTC–00019991

From: Chad
To: Microsoft ATR
Date: 1/24/02 12:13am
Subject: Microsoft Settlement

To whom it may concern,

As an American citizen, I believe that the proposed Microsoft settlement is a horrible idea. What is being proposed is one of the easiest ways for Microsoft to get out of trouble for a very cheap price. Please do not let a company convicted of being a monopolist get off so easy.

Chad Vogelsong

MTC–00019992

From: Daniel S. Wilkerson
To: Microsoft ATR
Date: 1/24/02 12:15am
Subject: Microsoft Settlement

To whom it may concern,

The proposed settlement with Microsoft fails to do anything useful and allows Microsoft to simply continue their illegal practices. Specifically, the Court of Appeals ruling states on p.99 as follows.

''The Supreme Court has explained that a remedies decree in an anti-trust case must seek to ''unfetter a market from anticompetitive conduct'' to ''terminate the illegal monopoly, deny the defendant the fruits of its statutory violation and ensure that there remain no practices likely to result in monopolization in the future.''

As far as I understand the decree, it does not do anything resembling this. Allowing the same company, Microsoft, to continue to provide such interlocking services such as 1—Operating Systems, 2—Applications, and 3—Internet services which could and often are provided by different companies in the rest of the industry, is just asking for the monopoly to not only continue, but to be extended from one field (operating systems) into others through leveraging of the already existing monopoly Microsoft has on the desktop. It is absolutely clear that this kind of illegal tying between the operating system and the browser is going on now. Should Microsoft also gain control of the server, and thus be able to control the protocols for the web and email, Microsoft would quite literally own the Internet. Imagine one company controlling the postal system or television completely. With the Internet replacing all other modes of communication, it is not an overstatement to suggest this could be the end of free speech. There is historical precedent for monopolies with enough power attempting control as unimaginable as this: The United States owes its first settlers to the attempt by the then Catholic English monarchy to prevent people from reading the Bible by burning to death anyone found with an English copy of it.

What eventually broke the monarchy's grip was that printing technology was simple enough that people could and did simply duplicate it in their own homes: eventually there were just too many English bibles. The major problem here is that the Internet situation is really *not* like these previous historical situations with other media that seem similar, and yet people are content to think of it as if it is. It is a problem with computers, but not with television or telephones or newspapers, or any other mass communication medium, because software is fundamentally different than these other technologies: it is maximally complicated. The communications protocols in these historical examples are very simple. Anyone can also build a TV, not just Sony. Anyone can print a newspaper. Telephones are similarly simple. However, I can attest from first hand knowledge that the fact that software protocols can be arbitrarily complex and constantly changing very effectively locks others out of competing with Microsoft. I can't write a competitor to Microsoft Office because the file formats for the documents are too nasty and change too often. At my last job we have tried deciphering them. This is not idle speculation. You may laugh, but think of it this way: The signal of a TV means an image and the encoding for it does not change very often (every few decades, and only with huge resistance. We still don't have HDTV.) The words you write in a newspaper may change, but the language they are written in does not: We can still read what was written 500 years ago. However, computers are *universal* machines that can be have *arbitrarily* complexly. The signal that comes over the Internet can be interpreted as data, say text or image, or as a new program, changing the very *language* of the (subsequent) signal itself. Imagine that after reading one newspaper article, you knew a new language and the publisher then published all subsequent articles in this new language. If they prevent you from reading that first article, you can no longer read *any* more! This is how computers work. This is the danger of Microsoft's control over so many aspects of computing.

I support breaking the company into three parts providing the three services offered above: operating system, applications, and Internet services. I also support an idea from the Free Software Foundation which I have quoted below .

Sincerely,

Daniel Wilkerson, Software Engineer

Quoted suggestion of the Free Software Foundation: http://www.gnu.org/philosophy/microsoft-antitrust.html

Require Microsoft to publish complete documentation of all interfaces between software components, all communications protocols, and all file formats. This would block one of Microsoft's favorite tactics: secret and incompatible interfaces.

To make this requirement really stick, Microsoft should not be allowed to use a nondisclosure agreement with some other organization to excuse implementing a secret interface. The rule must be: if they cannot publish the interface, they cannot release an implementation of it.

It would, however, be acceptable to permit Microsoft to begin implementation of an interface before the publication of the interface specifications, provided that they release the specifications simultaneously with the implementation. Enforcement of this requirement would not be difficult. If other software developers complain that the published documentation fails to describe some aspect of the interface, or how to do a certain job, the court would direct Microsoft to answer questions about it. Any questions about interfaces (as distinguished from implementation techniques) would have to be answered. Similar terms were included in an agreement between IBM and the European Community in 1984, settling another antitrust dispute. See http://www.cptech.org/at/ibm/ibm1984ec.html.

MTC–00019993

From: KathleenLS@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:13am
Subject: Microsoft%20Settlement

Dear whomever,

The settlement would be outrageous and against good business practice. Please do not let thm get away with this rip-off.

Kathleen
Seattle USA
http://www.icewindow.com

MTC–00019994

From: Nathan Mace
To: Microsoft ATR
Date: 1/24/02 12:16am
Subject: Microsoft Settlement

To Whom It May Concern: I am opposed to the current state of affairs concerning the anti-trust case against Microsoft. Forcing them to remove their browser from the core of their operating system is a step in the right direction, it is not enough.

Although some people are for making them release the source code for thier products, I think that this would also be the wrong decsion. They have invested millions, if not billions in the code that makes up Windows and Office. Forcing them to give it away is wrong and un-American. However it is a well known fact that they have used their domaince in the PC market to illegally force competiors out of the market. Look at Netscape and OS/2 for examples.

Although radical as it might be, I believe that the best way to handle this monoply is to break it up into two seperate corporations. One for the OS, one for applications such as Office, Internet Explorer, various games, and the X-Box. That way it ensures that the applications cannot be integrated into the OS any more than a competiors might be. People say that doing so would damage our ecomomy. I say it would help more than hurt. With IE and Office no longer so tightly bound to the OS, it would get competiors a level playing field. With a level playing field comes a much better, stabler economy. Look that the economy of the United States. It is based on the one simple fact that everyone starts out on a level playing field. Without that, where would we be today?

Look back to AT&T. Sure, when they were split up it was rough for a while, but look now. Look at Sprint and MCI. With true competation comes the ability to offer the best services to the most people at the best price.

Everyone wins. Please, don't let Microsoft remain a monopoly.
Nathan Mace

MTC–00019995

From: John F. Chamblee
To: Microsoft ATR
Date: 1/24/02 12:12am
Subject: Microsoft Settlement
To Whom It May Concern,
This letter is in support of the principles outlined in Dan Kegel's Open Letter to the DOJ, concerning the Microsoft Settlement. By way of providing a specific reason behind my support, I would argue that there are a number of applications in the realm of image processing and Geographic Information Systems that are being hurt by Microsoft's refusal to release its API's in a manner consistent with other software developers. This secrecy results in applications that, though powerful overall, are given to instability, resulting in lost time and work.
Sincerely,
John F. Chamblee, M.A.
Research Associate, Center for Applied Spatial Analysis
University of Arizona
Tucson, AZ 85721
John F. Chamblee
Department of Anthropology
University of Arizona
Tucson, AZ 85721
pgp key and other silliness: http://www.u.arizona.edu/~chamblee
The first principle is that you must not fool yourself—and you are the easiest person to fool.
-Richard Feynman
CC:petition@kegel.com@inetgw

MTC–00019996

From: Steve Schmidt
To: Microsoft ATR
Date: 1/24/02 12:17am
Subject: Microsoft Settlement
[I read in the San Jose Mercury that I could send public comments about the antitrust trial to this address.]
There are those that believe Windows to be a wonderful product, and that Microsoft has not diminished competition thru their monopolistic actions. Those people have not seen the incredible advances of software products in other industries during the past 20 years, most notably in the areas of stability and security, where Windows is so weak.
In many ways Microsoft is to the software industry as the US is to global politics: the 800-pound gorilla with incredible resources.
While US leadership (and our democratic process) usually recognizes that abusing this position has long-term negative repercussions with foreign states, Microsoft leadership takes full advantage of their position to vanquish companies with competitive (and sometimes superior) products.
This must not be allowed to continue, and I believe the only way to prevent it is to (1) enforce a change in leadership at Microsoft, or (2) to split the OS division out of the rest of the company.
-Steve Schmidt
Los Altos, CA

MTC–00019997

From:——
To: Microsoft ATR
Date: 1/24/02 12:18am
Subject: Microsoft Settlement
These proposed remedies do nothing to remedy the original problems. Please take a more severe approach.
Kaiser Sose

MTC–00019998

From: Richard Ford
To: Microsoft ATR
Date: 1/24/02 12:18am
Subject: Microsoft Settlement
I am opposed to the proposed settlement. As a minimum, Microsoft should be disallowed from publishing Internet Explorer and from ever charging customers for products they give away as an enticement (example: Entourage for Mac was free, now they charge 499.00 to purchase. There should be regulations against Microsoft's predatory practices of selling products and dropping support (Project for Mac) or charging exorbitant upgrade fees (Office X for Mac).

MTC–00019999

From: Jonathan Maddox
To: Microsoft ATR
Date: 1/24/02 12:15am
Subject: Microsoft Settlement
To whom it may concern,
I feel that the Proposed Final Judgment is against the public interest. I oppose this settlement.
Here are some of the specific areas that I am concerned with.
The proposed final judgment doesn't take into account Windows-compatible competing operating systems.
The proposed final judgment contains misleading and overly narrow definitions and provisions The proposed final judgment fails to prohibit anticompetitive license terms currently used by Microsoft.
The proposed final judgment fails to prohibit intentional incompatibilities historically used by Microsoft.
The proposed final judgment fails to prohibit anticompetitive practices towards OEMs The proposed final judgment as currently written appears to lack an effective enforcement mechanism.
sincerely,
Jonathan Dale Maddox, DVM
1159 South Clarence
Oak Park, IL 60304

MTC–00020000

From: robertptag@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:15am
Subject: Microsoft should be held accountable
Dear USDOJ
I believe it is important that Microsoft be held accountable for their actions.
Yours Sincerely
Robert P Tag
CC:robertptag@yahoo.com@inetgw

MTC–00020001

From: paulw@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/24/02 12:16am
Subject: Microsoft Settlement
Re: The Microsoft settlement—I am opposed.
I do not believe the Settlement with Microsoft goes nearly far enough in restricting Microsoft's monopoly power. I felt that the company should have been split into two parts: one for applications development, and one for operating systems development, with no possibility for private communications between the two. This way applications developers would not be disadvantaged when attempting to compete with Microsoft on application programs.
Thank you. —
Paul R. Woods
paul_woods@ieee.org

MTC–00020002

From: yersinia_pestis@mac.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:16am
Subject: Microsoft Settlement
Sirs:
The proposed Final Judgment is insufficient to prohibit future monopolistic practices by Microsoft for several reasons:
It defines Windows API's too narrowly, i.e. as only API's between middleware and Windows. The PFJ should expand this definition to include all Windows API's.
Section III A 2 does not restrain Microsoft from retaliating against OEM's who ship computers containing only a competing operating system and not Windows.
The powers of the Technical Committee include investigation, but not enforcement. Enforcement of any violations uncovered by the Technical Committee would require lengthy and expensive legal action.
No part of the PFJ obligates Microsoft to release any information about file formats, even though undocumented Microsoft file formats have been found to form part of the Applications Barrier to Entry.
Thank you for your consideration to these comments.
William A. Lynn III
112 Combs Loop
Yorktown, VA 23693

MTC–00020003

From: Cornelius, Shawn (NE)
To: Microsoft ATR
Date: 1/24/02 12:18am
Subject: Microsoft Settlement
I am NOT in favor of the proposed Microsoft settlement. I have added myself as a co-signer to Dan Kegel's open letter which can be found at http://www.kegel.com/remedy/letter.html. For further information on what I find objectionable, please see Dan's letter.
Thank You,
Shawn Cornelius
Network Engineer
Broken Arrow, OK 74012

MTC–00020004

From: Philip Flip Kromer
To: Microsoft ATR
Date: 1/24/02 12:23am
Subject: Microsoft Settlement
The Microsoft Settlement is deeply flawed.
My primary objection is that Microsoft is not required to keep even a pro forma separation between Operating Systems

Development and Applications development. Any resonable settlement should include a provision enforcing a ''Chinese Wall'' between these divisions, so that other companies play on a level field with Microsoft. This will also help ensure that Microsoft does not leverage loopholes in the settlement (as it has so often in the past) to obfuscate their APIs—there own applications divisions will be just as encumbered.

Thank you for your time, and I hope that a significantly stronger solution may be found.

Philip Kromer

MTC–00020005

From: Alarik W. Skarstrom
To: Microsoft ATR
Date: 1/24/02 12:20am
Subject: Microsoft Settlement

Dear DoJ:

Your institution should properly be named the Department of Law, not Justice. It would be naive of course to identify law with justice; certainly there is much law and little justice involved in your ''settlement'' with Microsoft.

I am a private party, not a lawyer. I am fairly familiar with the technology world. Microsoft is a company whose behaviour, were it an individual could well have landed it in jail. That aside, your acceptance of the sheer immorality of MS's public and private actions calls into question your own ethical standards.

You should be ashamed of yourself, individually and collectively.

Regards,

Alarik W. Skarstrom

MTC–00020006

From: James
To: Microsoft ATR
Date: 1/24/02 12:19am
Subject: Microsoft Settlement

Small companies come out with a crappy product and blame M$ cause they can't compete. BooHoo.

While I think M$$ may have been wrong in some respects I think the law suit is way out of line. I will use nothing but M$ products from now on where ever possible as a protest to this attrocity(not that I dont now but now I will double my efforts) and netscape please die now and leave us alone. heres another little bit. The only way that aol is #1 is because they flood the public with its bull. I tried it and hated it.Not my fault or M$ fault if they bought a loser like netscrape.

MTC–00020007

From: acosand
To: Microsoft ATR
Date: 1/24/02 12:18am
Subject: I Oppose the Microsoft settlement

I do not believe that the current setttlement is effective either in righting past wrongs of preventing future ones. I support harsher punitive and preventative measures.

Thank you.

-Andrew J Cosand — /********** ********** ********** **********

Andrew Cosand acosand@ucsd.edu (858)336–2714 http://cvrr.ucsd.edu/~acosand UCSD ECE Computer Vision & Robitcs Research MS Student, Research Assistant ********** ********** ********** **********

Nobody ever made a difference by doing the same thing as everyone else.

********** ********** ********** **********

MTC–00020008

From: Steve Burns
To: Microsoft ATR
Date: 1/24/02 12:20am
Subject: AOL/Netscape at it again to drag down the industry

AOL is at it again, trying to drag down the tech sector with pointless and sensationalistic litigation, continuing to falsely cast itself as a victim instead of accepting its true character as a has-been producer of inferior products. The consumer clearly had a choice of browsers, and chose the superior product in terms of performance, stability, support of open industry standards, and features. Suing Microsoft only confirms this point, and benefits no one.

Please, the sane world begs you to snuff this latest and most ridculous lawsuit against Microsoft as soon as possible.

Steven P. Burns
software industry old-timer
WA, USA

MTC–00020009

From: James Tanne
To: Microsoft ATR
Date: 1/24/02 12:18am
Subject: Microsoft Settlement

Honorable Attorney General, Members of the Department of Justice:

I, and many friends and business associates are extremely concerned over the lack of fortitude in the offer drawn between the Department of Justice and Microsoft Corporation. The proposed settlement does NOTHING to make repair to the damages done through years and years of unrestrained illegal behavior by Microsoft and its executives and will do NOTHING to level the playing field and bring competition to what was once a thriving industry. Even now as civil suits are being settled, Microsoft is walking away unscathed and in some instances planting the seeds for future market domination. Somehow the mistakes of the 1995 consent decree are dangerously close to being repeated.

Please reconsider this settlement and reconstruct it to offer a REAL remedy to the Microsoft situation. Until a remedy which TRULY protects consumers and encourages competition can be reached keep, please the case alive and in pursuit of a suitable and practical remedy.

Regards,
James Tanne
190 N 980 E
Lindon, UT
84042

MTC–00020010

From: Douglas Terborg
To: Microsoft ATR
Date: 1/24/02 12:24am
Subject: Microsoft Settlement

Hello, I am writing to voice my disagreement with the Microsoft antitrust settlement. Now that Microsoft has been declared a monopoly, it appears that once again, the USDOJ will be behaving in the same milksop manner they did when trying to take Microsoft to task over the MS Office product some years ago. Much money and time was wasted in the effort (which had many valid points) only to welsh on truly punishing Microsoft. I mean, if Microsoft is really a monopoly, and if the government has spent so much of my tax dollars, and of their time in proving it, shouldn't there actually be a punishment?

For argument, if I have a son who can't play fair with others, should I just always say ''No, No, Johnny'', and eventually teach him that disobedience is okay because his punishment is nothing more than hearing someone tell him ''No''? Perhaps I should take away Johnny's favorite toy for awhile, and teach him that not doing the right thing has a consequence he doesn't like, giving him a chance to learn. I demand, as someone whose tax dollars went into this process, that you handle this matter in a matter that actually teaches Microsoft that anticompetetive practices get punished. Should you fail to do so, you not only allow their company to behave like the allegorical little Johnny, but once again, the public sees you as a toothless tiger that has no hope of bringing down the prey it chases.

Douglas Terborg
Grand Rapids, Michigan

MTC–00020011

From: Karen Igla
To: Microsoft ATR
Date: 1/24/02 12:23am
Subject: In Support Of Resolving Microsoft Lawsuit

I would like to join those urging a speedy settlement of the Microsoft lawsuit. I understand the current proposal is fair regarding these elements in the agreement:

—Computer manufacturers will be able to include non-Microsoft software in their products.

—Microsoft will alter its products, including the new Windows XP, to make it easier for consumers to substitute non-Microsoft programs in the Windows operating system.

—Microsoft will be required to share its programming code with competitors so their software for video streaming, digital photography and other features will be compatible with Windows.

—A three-member Technical Committee will be established to monitor Microsoft's behavior and enforce the settlement for the next five years. Should the company be found in violation of the terms of the settlement, it can be extended for another two years.

Thank you for ending this costly suit.

Sincerely,
Karen Igla

MTC–00020012

From: matt beito
To: Microsoft ATR
Date: 1/24/02 12:24am
Subject: Microsoft Settlement

Hello, Sir and/or Madam.

I have some genuine concern over the proposed settlement of the Microsoft Antitrust case. As is, the proposed settlement isn't going to remedy the problem with Microsoft's past and future actions. In the past they have had very anticompetitive actions against their competitors and even with the restrictions that would be placed upon microsoft by the settlement, it wouldn't stop them from behaving the same way.

In your settlement you tell microsoft that they are to open up their API's to other companies. But you don't require them to do it free of charge. Microsoft could potentially open up the API's to anyone willing to pay a million dollars for a very restrictive licensed version of the documents. Microsoft should be required to publish __ALL__ their API's and Data Structures in a media format that is free of charge and free to be used in any manner without restriction.

I would also make a requirement that future API's should be treated the same way for the next 15 years.

Thanks,
Matthew A. Beito
49401 N US 41
Hancock, MI 49930

MTC–00020013

From: Matt Atkins
To: Microsoft ATR
Date: 1/24/02 12:22am
Subject: Microsoft Settlement

Synapsis: The settlement is grossly insufficient. Do something that will allow Free Software to at least protect itself against Microsoft.

I feel that the judgement being reached in this case is not curative of the problems that it addresses. I feel that Microsoft will not be sufficiently restrained in their business practices to stop them from using their monopolistic desktop share to force others out of business.

I feel that Microsoft has actually used this case and it's remedy to arm itself to use the law against it's current exsisting competitors. Honestly, folks—It seems like there are holes in this large enough to toss a truck through, and I'm not alone.

I've gotten sick and tired of my friend bringing me computers with buggy, flawed Windows installs. I'm tired of trying to tell them that Yes, there were alternatives once, before Microsoft drove most of them out of business—Not by being good, or by being right, but by good marketing, and use of strongarm anticompetitive techniques that would make rail barrons blush.

I've also gotten tired of big business buying their way out of trouble. They're guilty as sin, dammit, and they aught to pay.

This is a joke. Take this sentance back and put out something with some teeth in it. It's a sad dammned world where people can steel this much money, and be this crooked, and get off this easy.

MTC–00020014

From: Jof10530@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:24am
Subject: Times Warner AOL

I am so tired of every other day another company is out to get Microsoft I use AOL but am about to quit everyone should work on there own companies and be succesfull instead of suing I am so shocked that a company like Times Warner would go so low, I guess anything to make money instead of working for it, This country should be proud of Microsoft and all the good work Bill Gates does. Try working hard like he does and maybe you will be a success instead of attacking anyone who has been a success

E Fletcher

MTC–00020015

From: David Keller
To: Microsoft ATR
Date: 1/24/02 12:24am
Subject: from a concerned citizen

I find this lawsuit very upsetting. Time-Warner is trying to tell us that they are being hurt by Microsoft when they totally control their cable and cable modem in our area. I can't even log on to high speed service without going thru Time-Warner DSL to get to MSN.com. Microsoft has been held back so that TW could monopolize this market, even over some of the more expensive services. Where is leading us except that T/W has used my fees to support a lawsuit over the very service they supply!!! A Monopoly!!!

Microsoft has enriched my personal life. Not monetarily, but just as a person who likes to read current events and put a more organized life together. I use it as a ''very dependable service'' to communicate with my Son in the Army serving our country at Ft Hood, TX.

I've used ALL the other services including AOL and frankly I was tired of all the Spam advertising and Kiddy Porn that the site encourages.

Now as I see this if you rule against Microsoft your Making AOL/Time-Warner THE MONOPOLY of

1. Cable Television
2. Affordable Internet access
3. Free access News Media
4. Affordable High-Speed Internet and who knows what in the future!!!

Just remember the commercial on Radio and Television: ''AOL no wonder it's #1 —Talk about a Monopoly!!!!!

MTC–00020016

From: Scott Wilder
To: Microsoft ATR
Date: 1/24/02 12:26am
Subject: Microsoft settlement

I think the microsoft judgement is a bad idea, as a computer scientist, I truly believe they are a monopoly, and hinder smaller companies from innovation.

Scott Wilder

MTC–00020017

From: Anthony Hawke
To: Microsoft ATR
Date: 1/24/02 12:30am
Subject: Microsoft Settlement

You can't hide code (specifically, interfaces information and documentation) that would enable other's to write excellent applications to work alongside Windows (or whatever Microsoft product you want to choose), it limits competition and causes many users to miss out on quality software.

Take away competition and you limit innovation.... will we live in a world where Microsoft dictates what is possible?

Anthony Hawke
IT Support Officer
Australia

MTC–00020018

From: Timothy Shea
To: Microsoft ATR
Date: 1/24/02 12:25am
Subject: [Fwd: microsoft.atr@usdoj.gov]

Your Honor Judge Kollar-Kotally,

As a concerned citizen, I urge you to reject the proposed final judgment in the Microsoft anti-trust suit. Microsoft is a monopolist, as every court has determined, and this settlement would do nothing to prevent further illegal use of their power. The loser here is the American consumer and the high tech industry. The proposed settlement also allows Microsoft to retain virtually all of its ill-gotten profits. Therefore, I ask that you rule against this pro-Microsoft final judgment.

Sincerely,
Timothy P. Shea
2959 Spring Valley Rd.
Lancaster PA 17601
717–898–7636

MTC–00020019

From: Matt Wahlin
To: Microsoft ATR
Date: 1/24/02 12:25am
Subject: Microsoft Settlement

Dear Sirs,

I am writing this in response to an article I saw in the San Jose, California Mercury News which stated that public comments regarding the proposed Microsoft antitrust settlement are still welcome at this email address. If this is not the case, I apologize in advance for any inconvenience this message may cause.

Regarding this proposed antitrust settlement- I heartily disagree with the position taken by the current administration in pursuing this settlement. As a professional with almost 25 years'' experience in the software field and with software products (and product development) in general, I feel that this settlement is bad for the American public and bad for the competitive business environment in our country (and the world).

Over the years, I have seen Microsoft's anti-competitive business practices squash competition from small companies trying to develop new ideas and technology without the benefit of the resources that a monopolistic company, such as Microsoft, can bring to bear. In addition, I have frequently seen examples of Microsoft taking advantage of their Operating System monopoly for personal computers to crush competition by effectively locking out users from using other, better products with their System. Although Netscape, and their browser, is one of the more highly visible examples of Microsoft using a number of different aspects of their Operating System monopoly to create an unfair advantage for Microsoft's own product in the marketplace, this is FAR from the only example.

I feel that the original remedy recommended by the judge in the first

Microsoft antitrust trial was a good remedy and an appropriate example of the kind of actions required to curb Microsoft's monopolistic power in the marketplace. Creating separate businesses from some of Microsoft's more profitable product lines, and forcing them to compete fairly with all other businesses (including the other pieces split off from Microsoft) would create an environment far more conducive to creativity and productivity, and would benefit the consumers enormously. The current, proposed settlement would do little toward this end- in fact it would validate Microsoft's monopolistic business strategies and stifle innovation in software development. The arrogant attitude displayed by Microsoft executives during the trial is more than enough evidence to show that they have every intention of continuing these anti-competitive practices. This would make my job harder and the lives of all consumers less than they could be.

Please reconsider the current, ill-advised settlement proposal, for the sake of all software developers and all consumers.

Thank you,
Matthew W. Wahlin
3470 South Court
Palo Alto, CA 94306
m_wahlin@earthlink.net

MTC–00020020

From: Skyler Anderson
To: Microsoft ATR
Date: 1/24/02 12:25am
Subject: Microsoft Settlement

The proposed settlement is bad idea.

MTC–00020021

From: Charles Sutton
To: Microsoft ATR
Date: 1/24/02 12:24am
Subject: Microsoft Settlement

I am commenting on the proposed Final Judgment in the Microsoft antitrust case, pursuant to the Tunney Act. I am a graduate student in computer science, I have worked as a software engineer (never for a competitor of Microsoft's), and I have used Microsoft products for almost 15 years. I do not believe that the proposed Final Judgment is in the public interest.

In particular, I am concerned about the definition middleware product in the settlement. As a software engineer, I know that Microsoft places much of its business Internet strategy in what it calls the .NET suite of applications, and the programming language C#. Microsoft CEO Steve Ballmer says as much an interview with ComputerWorld magazine (By Carol Sliwa, January 14, 2002): ''From my perspective, the theme over the next year is Web services, XML and .Net.'' Since many of Microsoft's anticompetitive practices involved the Internet (specifically, World Web Browsers), it seems that this is an oversight in the settlement. Because Microsoft produces the dominant Web browser—-a dominance which was achieved illegally—-Microsoft stands to gain if such services become popular. I believe that the Final Judgement should address this.

In general, it seems to me that the settlement attempts more to prevent Microsoft from breaking the law in the future than it will do to restore competition in any of Microsoft's markets: Web browsers, office software, or operating systems. I do not believe that it will punish Microsoft for having broken the law.

Sincerely,
Charles Sutton

MTC–00020022

From: Benjamin Chadwick
To: Microsoft ATR
Date: 1/24/02 12:28am
Subject: No to current Microsoft Settlement

To Whom It May Concern:

I would like to register dissent with the current proposed settlement with Microsoft. I work in artistic fields: magazine writing and design, fiction writing, and journalism, but have also extensive training in hardware repair and computer programming. Since most workers in the arts have little computer training, I think it is especially important to register just how frustrating Microsoft products have been in these areas. Working with Microsoft products is always a challenge: trying to force the computer to do what I want, and then praying it doesn't crash in the process. However, few projects are solo projects; most must be written in a format everyone uses, and Microsoft's anticompetitive practices have made positioned its software with such formats to an audience unaware of their other options. Given the choice, I'll happily take free software, open, public, accountable for its failures, and written to higher standards with a philosophy of public benefit.

It is important to me that the government not succumb to the wishes of Microsoft. The government is intended to serve the people as a whole. Allowing a corporation to dominate software, and crush its opposition through monopolistic market practices, hurts the public. It's quite simple and only differs from previous monopoly situations (and thus has fostered) through the relatively arcane nature of computers—just as a driver doesn't need to know chemistry to operate a car. Microsoft Word's tendency to crash during automatic backups (for example) has cost me pages and pages of my writing; while I have happily shifted to its rival Wordperfect, and to Linux as my OS, I can't say I've convinced many others to do so—even as they complain of Microsoft's irritations and crashes. Even if Linux had the same problems, the public would still benefit from the programmers'' (on both teams) drive to alleviate them; monopoly allows problems to grow like weeds through pavement, without remedy. In this way, the Microsoft monopoly has effectively had quite a chilling effect on the arts, and I honestly feel the arts have suffered from it. Though the options exist, there has been no effort by government, and obviously little from the industry itself, to promote their use.

Specifically, I object to several aspects of the settlement:

–Failure to open the barriers of entry for rival applications like WINE, a system for executing Windows APIs under Linux

–Narrowly defining the scope of the provisions (for example, it fails to cover all Windows APIs).

–Failure to prohibit anticompetitive License Terms currently used by Microsoft

–Failure to prohibit intentional incompatibilities historically used by Microsoft (this was extremely irritating to those already disappointed by MS-DOS in the early 1990s, when Windows 3.1 became the standard and required Microsoft's DOS over its competitors').

–Failure to prohibit anticompetitive practices towards OEMs

Taken in sum, I feel the proposed settlement will be insufficient to curtail Microsoft's stranglehold on the software business, the public, and the arts.

Sincerely,
Benjamin Chadwick
678 Old Hunt Way
Herndon, VA 20170

MTC–00020023

From: Andrew Griffin
To: Microsoft ATR
Date: 1/24/02 12:26am
Subject: Microsoft Settlement

I've just read through the proposed settlemnet several times. I must say I believe it is weak, ineffective, and entirely too late. The propsed penalties might have been relevant a few years ago, but no longer. Microsoft has had judgements and remedies levied against it before, and has simply gone on doing whatever they feel they can get away with, and coming up with new and innovative ways to explain why ''this is different''.

Thanks
Andrew Griffin
Theplanet.com Internet services, Inc.
214.752.5581 x107
agriffin@theplanet.com
1950 Stemmons Frwy
Dallas, TX 75207

MTC–00020024

From: Phil Barnett
To: Microsoft ATR
Date: 1/24/02 12:32am
Subject: Microsoft Settlement

I feel that the currently proposed settlement is inadequate and an embarassment to justice and law abiding taxpayers everywhere. Ordering Microsoft to buy their way into another monopoly by having them donate proprietary operating systems to needy schools is not punishment. It is simply telling them that it's ok to monopolize yet another venue.

Will this billion dollars worth of ''charity'' displace real business in the commercial operating system world? Will sales that would have gone to Microsoft's competitors be lost because school districts around the U.S. will be waiting in line for their free handout? Will this billion dollar fine actually strengthen Microsoft? I believe it will if it is carried out as currently proposed.

If you want to actually punish Microsoft for their illegal activities, you should not do it by giving them a new market to take over. Instead, you should punish them by strengthening the competition that they have illegally gained monopolistic power over and plundered.

I propose that any new Microsoft settlement to needy scools include: 50% of

the settlement into computer hardware only. 20% of the settlement into network infrastructure. All computers purchased with this settlement money be installed with non-proprietary Linux Open Source operating systems and software.

30% of the settlement will be used for education of the support personnel and teachers using these new open source operating systems. Linux is an excellent choice in Open Source operating systems. It is stable, capable, powerful, consistant and as easy to administer as any operating system that training is available for. There are many good mainstream Linux distributions available at low or no cost. Training and certification are available and should be encouraged in the support and educational infrastructure.

Open Source operating systems have the benefit of being upgradable at little or no cost for the foreseeable future. If the schools to be helped are those with limited budgets, low upgrade costs will be very important over the life of the hardware. Also, Linux is more efficient with hardware and does not require the rigorous hardware upgrade schedule that Microsoft operating system upgrades require. This means the hardware purchased with this settlement money will be viable years longer with Linux than it would be with Microsoft's proprietary operating systems.

If the current settlement is carried out, in a few years the schools with limited budgets will have obsolete operating system software needing to be replaced with billions of dollars of public money. And, to whom will this upgrade money go? Microsoft. That is not punishment. That is opportunity. If you want to punish Microsoft and at the same time remove the proprietary handcuffs that Microsoft has put on every Windows user, teach our children how to use Linux.

CC:leaplist@lists.leap-cf.org@inetgw

MTC–00020025

From: Pamela Boulais
To: Microsoft ATR
Date: 1/24/02 12:30am
Subject: Microsoft Settlement

Dear Sirs:

As a computer enthusiast and the wife of a professional software engineer, I am writing to provide input on the proposed Microsoft antitrust settlement. I believe that the settlement as proposed is not in the best interests of the American public. I further believe that the settlement would be harmful to the American economy, and is completely inadequate given the findings of fact in the trial—findings of fact which have been upheld by the Court of Appeals.

Microsoft's anti-competitive practices run counter to the law and spirit of our free-enterprise system. These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation. Microsoft's monopolistic practices cause the public—including the Federal Government itself—to bear increased costs, and deny them the products of the innovation which would otherwise be stimulated through competition. The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future. This was a serious problem in the 1995 consent decree, and is even more serious of a problem with this settlement. It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function. Not only that, but the proposed settlement has NO provision for punitive damages against Microsoft for its actions in the past. An illegal monopoly should not be allowed to retain its ill-gotten gains while merely being warned against such conduct in the future. Due to Microsoft's size and large amount of cash reserves, any fine levied against them should be in the billions of dollars, else it will merely be ''shrugged off'' and the message will remain unheard.

I urge the plaintiffs in this lawsuit to stand fast and not accept this settlement, which amounts to a slap on the wrist for Microsoft and a punch in the nose for the American public. Thank you.

Sincerely yours,
Pamela Boulais, Denver, Colorado
Treasurer, Electric Minds Community
<http://www.minds.com>

MTC–00020026

From: Steve Nelson
To: Microsoft ATR
Date: 1/24/02 12:30am
Subject: Microsoft Settlement

The Proposed Final Judgment is inadequate to protect consumers from Microsoft's continued predatory, illegal practices. It is not ''within the reaches of the public interest.'' (Bechtel Corp., 648 F.2d at 666) As a consumer my choices have been unfairly manipulated, usually without my knowledge, causing me to pay more for products that I desired (e.g. Microsoft Office for Mac), eliminating choices (e.g. forcing IE as default browser on Macs) or by forcing me to upgrade software in order to be able to share information with other computer users. I pray that the Department of Justice will enact a Judgment capable of stopping Microsoft's illegal practices, rather than a weak injunction that they consider mere nuisance.

Steve Nelson
8314 W 128th St
Overland Park, KS 66213

MTC–00020027

From: Skyler Anderson
To: Microsoft ATR
Date: 1/24/02 12:32am
Subject: Microsoft Settlement

The proposed settlement is not to the consumers'' advantage and does not promote competition.

MTC–00020028

From: jeff
To: Microsoft ATR
Date: 1/24/02 12:29am
Subject: Microsoft Settlement

I would like to go on record as opposing the proposed settlement in the anti-trust case of Microsoft v. United States. I have been a computer professional for 24 years. I don't believe that the proposed settlement is in the public's best interest. The proposed settlement is not even a slap on the wrist for Microsoft. The proposed settlement is too complex. The most effective remedy would be one that is very simple and straight-forward. Just as in software or systems design, the less complex the agreement, the easier it will be to ''debug.'' Microsoft was very innovative in finding loopholes in the 1995 Consent Decree, and it is my belief that they will be just as innovative in finding loopholes in this proposed agreement should it be accepted as is. To have come so far as to find Microsoft guilty of illegally maintaining it's Operating System monopoly, to have the Court of Appeals uphold this finding, and then to propose a settlement that does not include any provisions to punish Microsoft for its past behavior is irresponsible at best. The fact is Microsoft profitted from an illegal act. As a taxpayer I find it a shame that public tax dollars should be squandered in such a manner.

As far as the future is concerned, I see no relief in this proposed settlement. When I purchase another computer, I must pay for a Microsoft Operating system, as well as an application bundle. There is no incentive for the Original Equipment Manufacturers to not preload the Microsoft Operating System and the application bundle. I would propose that a fitting punishment for Microsoft would be a stipulation that Microsoft pay for any added expense that Original Equipment Manufacturers incur to preload a non-Microsoft Operating System, for customers that request it. This stipulation would remain in effect until Microsoft no longer has an Operating System monopoly or for ten years, whichever comes first. It would provide an incentive to Original Equipment Manufacterers to offer alternatives to customers. If Microsoft truly has superior software, then they should have nothing to worry about, no one would want an alternative. On the other hand, if Microsoft software cannot compete with the alternatives, it won't be long until they no longer have a monopoly and competition is truly restored.

Thanks for considering my opinions.
Jeff Mohnkern
124 Miner Street
Middletown, CT 06457

MTC–00020029

From: stephen thomas dranger
To: Microsoft ATR
Date: 1/24/02 12:29am
Subject: Microsoft Settlement

This is a forward from a colleage of mine. I agree wholeheartedly with his sentiments.

Stephen Dranger

To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement
Date: Wed, 23 Jan 2002 18:10:54 -0600
From: ''Mike O'Donnell''
<odonnell@satisfaction.cs.uchicago.edu>

Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse:

I would like to comment on the proposed Final Judgment in United States v. Microsoft, as provided in the Tunney Act.

I find that the proposed judgment is insufficient by a large margin to restore healthy competition in the computer operating systems and software application markets, so it is not in the public interest and should not be affirmed by the court.

The proposed Final Judgment attempts to remedy Microsoft's established illegal anticompetitive practices by prohibiting particular forms of conduct involving overly restrictive licensing terms, terms that vary in order to reward those who accept and punish those who contest a Microsoft monopoly, and terms that make switching to competing products more difficult or more costly. It also prohibits certain forms of retaliation against OEMs who support products competing with Microsoft's products. It also requires Microsoft to disclose APIs and communication protocols for its products under certain circumstances and for certain purposes.

It is inherently difficult, and perhaps impossible, to remedy Microsoft's particular forms of illegal anticompetitive behavior through conduct remedies. Both the underlying concepts in which conduct remedies are defined, and the particular anticompetitive techniques used by Microsoft change far too rapidly, and Microsoft itself has far too much influence on those changes, for them to serve in the foundation of effective conduct remedies.

The remedies in the proposed judgment refer to concepts of ''API,'' ''operating system,'' ''middleware,'' ''application,'' ''platform software,'' ''top-level window,'' ''interface elements,'' ''icons,'' ''shortcuts,'' ''menu entries.'' The definitions of these concepts are not robust and timeless. Compared to concepts in other branches of business and engineering they are relatively ephemeral, controversial, dependent on rapidly changing technological context, and subject to deliberate manipulation by Microsoft. For example, an ''operating system'' in the 1960s was a software system to organize the basic functionality of a computer, and it contained little or no user interface code. In the 1970s ''operating systems'' often contained substantial collections of utility applications and rudimentary interactive user interfaces called ''shells.'' In the 1980s, the X Window system was created as a form of what is now called ''middleware'' to provide a graphical interactive user interface, used widely in conjunction with Unix operating systems. Apple and Microsoft created similar graphical interactive user interfaces, but defined them to be parts of their operating systems, rather than additional middleware. In the near future, distributed and network computing are likely to make it quite difficult to determine the boundaries of a single operating system. In the past, Microsoft appears to have deliberately manipulated the boundaries of such conceptual categories to create and preserve a monopoly position, and I expect it to continue such practices in the future. The proposed judgment provides definitions that narrow these already problematic concepts even further, making them even more vulnerable to deterioration due to technological change and to manipulation by Microsoft.

Furthermore, the particular conduct requirements in the proposed judgment are far too narrow. Every one of the requirements is weak in some way. For example, consider the requirement to ''disclose to ISVs, IHVs, IAPs, ICPs, and OEMs, for the sole purpose of interoperating with a Windows Operating System Product, ... the APIs and related Documentation that are used by Microsoft Middleware to interoperate with a Windows Operating System Product.'' Microsoft and other software vendors like to treat their Applications Product Interfaces (API) as intellectual property. But in good engineering practice these are key parts of the warrantable specifications of a product. This holds in particular for operating systems and middleware, which by their nature are especially intended for, suitable for, and often useless without interaction with other software products. APIs define the quality of that interaction, but they do not provide it. The implementation of an API in program code (which is naturally protected by trade secret, copyright, and patent law) provides the quality of interaction defined by an API. Without access to the complete API, the licensor of an operating system cannot employ the system freely in the way that good software engineering practice suggests. With complete public access to an API, a software company may still protect its implementation of the API, which contains the real value that it has created. Keeping an API secret does not correspond to keeping the inner workings of a product secret. Rather, it corresponds to keeping the precise function accomplished by that product secret.

So the public interest calls for the widest possible dissemination of API documentation. But the proposed judgment explicitly calls for disclosure of APIs ''for the sole purpose of interoperating with a Windows Operating System Product,'' and only the ''APIS and related Documentation that are used by Microsoft Middleware to interoperate with a Windows Operating System Product.'' This excludes the use of information about the API to provide competitive platforms for running Windows-compatible software. Keep in mind that Windows-compatible software does not necessarily come from Microsoft. Microsoft benefits from the value added to its operating system products by a large number of less powerful software houses that create Windows-compatible software. By holding the Windows operating system API secret, Microsoft in effect keeps crucial information about other companies'' software applications secret, denying those applications the value added by competing operating systems on which they may run. Compare the Windows market (and the preceding DOS market) to the Unix/Linux/Posix market. Microsoft uses secret and changeable APIs to effectively eliminate competition to provide alternative operating systems running Windows applications. A competing operating system must use different APIs, and therefore cannot support all of the same applications. By contrast, the Posix standard is a completely public API for Unix/Linux. Various companies, such as Sun Microsystems, compete to provide different implementations of the Posix API. Consumers may run Unix/Linux applications on any of these operating systems.

Similarly, in the hardware market for processors, the specification of the x86 instruction set architecture (the hardware analog to a software API), is public. As a result, AMD competes with Intel to implement that architecture, with immense benefit to the public interest. Similar publication of standards in the overall functionality of personal computers led to the immensely beneficial competition among makers of IBM-compatible PCs. The failure to disclose Windows operating system APIs destroys the possibility of similarly beneficial competition among vendors of operating systems. Very similar considerations to those raised above for APIs apply to communication protocols (for which the proposed judgment provides limited disclosure) and to file formats (not covered in the proposed judgment). Note that Adobe made full public disclosure of its PostScript and PDF formats, compared to Microsoft's secrecy regarding Word formats, and that this disclosure served the public interest immensely by promoting the wide availability of PostScript and PDF printers and viewers.

There are many other detailed shortcomings of the proposed Final Judgment, including the remaining conduct restrictions and the enforcement methods. I expect that other correspondents will treat some of them.

Sincerely yours,

Michael J. O'Donnell

Professor in Computer Science and the Physical Sciences Collegiate Division

The University of Chicago

Senior Fellow in the Computation Institute of

The University of Chicago and Argonne National Laboratory

cs mailing list—cs@cs.uchicago.edu

http://mailman.cs.uchicago.edu/mailman/listinfo/cs

MTC–00020030

From: Dave Basler
To: Microsoft ATR
Date: 1/24/02 12:25am
Subject: Microsoft Settlement

To whom it may concern:

Though I use Microsoft's products, I understand the importance of competition. This has been the driving engine behind this country's incredible progress over the past 225 years by encouraging innovators and creators to build that better mouse trap. I'm concerned, though, that Microsoft's dominance in the area of operating systems and some applications may be starting to impede on other companies ability to compete in these areas. Though I certainly believe Microsoft has every right to compete in these areas, I''m hoping that a creative and/or innovative solution can be found that allows for healthy competition so that this country's driving engine can continue to flourish to the benefit of all Americans. Thank you for letting me voice my small opinion in this very large room.

Sincerely;
Dave Basler

MTC–00020031

From: claude felizardo
To: Microsoft ATR
Date: 1/24/02 12:34am
Subject: Microsoft Settlement

I agree with most of Dan Kegel's comments that the proposed settlement is a bad idea.

claude felizardo
1624 leafwood drive
monrovia, ca 91016
home consumer, software developer

MTC–00020032

From: Don (038) Karen Schloeder
To: Microsoft ATR
Date: 1/24/02 12:34am
Subject: Microsoft Settlement...Put some TEETH back into it!

The actions of Microsoft have continued to be monopolistic & belligerent...DO NOT dilute the settlement.

MTC–00020033

From: Boyd Fletcher
To: Microsoft ATR
Date: 1/24/02 12:34am
Subject: U.S. v. Microsoft

DOJ,

A couple of ideas to consider regarding the Microsoft Antitrust case: 1) in the early 1990's MS released Windows 3.0. Shortly afterwards it released MS Office 4.x for Windows. This was was the driving reason behind the popularity of Windows. However, it should be noted that the major word processor at the time was Word Perfect and the major spreadsheet was Lotus 123. Within two years of the release of MS Office 4.x, Word Perfect and Lotus 123 had dropped from their number one spots to 2nd place and were losing ground rapidly. The major reasons behind their fall was their ''late'' support of MS Windows platform (which MS had illegally forced most of the major computer vendors to ship with the new PCs.). The reasons for their slow creation of a windows version was MS's relucantance to provide sufficient information about the Windows API to 3rd party vendors with whom it completes. MS was essentially done with MS Office 4.x when Windows 3.0 was released. It took almost two years for Word Perfect and Lotus-123 to get fully functioning Windows versions. This is example of why the operating system part of the company and the application part need to be separate. Now MS control 95% of the Office suite market and their software only runs on Windows and MacOS. Lotus and WordPerfect (now owned by Corel) have less than 10% however their products run on most major operating systems including DOS, Unix, Solaris, Linux, MacOS, and Windows. The only office suite that is growing in use is the StarOffice (OpenOffice) suite from Sun Microsystems and they have had to make it open source and give it away free in order to complete with MS Office. Now how can this be good for competition when a company has to give software away in order to complete against a monopoly. How is maintaining this monopoly good for consumers? I like to have choice. If MS's had its way, there wouldn't be any choice.

2) Look what MS did to Borland Corp. By not releasing APIs to its Windows operating until after it was released, MS gave its own products (esp Visual Basic and Visual C++) a significany leg up over the competition. Why buy Borland's product when MS's product was available when the operating system was released and was build with cooperation of the access to the operating systems'' developers. Borland had to reverse engineer parts of Windows to achieve the same functionality that Visual Basic/C++, a time consuming and costly process. Now Borland has switch almost entirely to Java and Delphi environments on Solaris, Linux, and Windows. At least in this realm they can complete since Microsoft application programmers don't have advantage of having the operating system developers in the next building. This country has always prided itself on competition and an open market economy. However, we as a country realized early on that a totally free market degenerates into a bunch of monopolies if allowed to grow unchecked. We created antitrust law to prevent monopolies from growing and reducing consumer choice and increasing prices. Please reconsider the MS settlement and proceed with proceeding to break up the company into four parts:

1) Operating Systems

2) Applications (Exchange, Office, Internet Explorer, SQL Server, Visual Studio, etc..)

3) Entertainment and Education software (Games, Xbox, etc...)

4) Media (MSN, MSNBC, MSN Broadband, etc...)

One last example, in the late seventies/early eighties Sprint and MCI were successful in bringing litigation that lead to the break up of AT&T. In the 20 years since the AT&T breakup U.S. has seen a tremendous growth in Telecommunications including the largest fiber optic infrastructue in the world, the world's cheapest phone rates, the world's fastest and cheapest data lines (broadband) rates, thousands of different phones are available from hundreds of vendors, more fucntionality (like caller-id, call-waiting, voice mail etc...) and more competition that in any other country in the world. This has been huge benefit to the consumer and the country. The government should use the AT&T breakup as and excellent example of when and why to breakup monopolies and Microsoft has been ruled a monopoly.,

thanks,
Boyd Fletcher
4820 Condor Drive
Chesapeake, VA 23321

MTC–00020034

From: westerj@mta7.srv.hcvlny.cv.net@inetgw
To: Microsoft ATR
Date: 1/24/02 12:33am
Subject: Microsoft Settlement

Hello,

Its no secret that any company (esp one protecting a monopoly) will try to crush alternatives. A legal route is one way to guarantee lawyers will respond best to those with the deepest pockets. Rather, the US govt spends billions on desktop software. Why not require document formats that encourage and leverage portability? This would provide ways for other software technologies to compete so we all win. The lynchpin of Microsofts domination has always been word and excel. While they are pretty good apps, their doc formats make it downright IMPOSSIBLE to interoperate with any other platform or doc formatting package. So, instead of beating them legally, the next rfq might include a riser of interoperability which would promote competition rather than just going with what MS thinks they need.

The solution proposed by RedHat is a little nutty, but, its less ludicrous than MS's solution where they only seek to strength their grip on the academics. The more we all use Linux, the better we are all off. The internet was spawned outside the walls of MS, and the whole PLANET is now networked because TCP/IP is a terrific standard that we all leverage. Why shouldnt doc formats also have similar opportunity for standardization.

The US Govt has the perfect oppty to leverage itself as a giant customer and it would help us all out. We all want to compete, but can't due to the leveraging of the Desktop OS against the Desktop application suite that enslaves us all to Mr Gates. Please choose your remedy very carefully.

Thanks very much
Sincerely,
John Westerdale

MTC–00020036

From: Shelton Leslie
To: Microsoft ATR
Date: 1/24/02 12:36am
Subject: Microsoft Settlement

The settlement is a BAD idea
Shelton Leslie
COMPU HELP
541–688–2923 voice
541–689–8342 fax
www.compuhelpnow.com

MTC–00020037

From: Walter Bremer
To: Microsoft ATR
Date: 1/24/02 12:45am
Subject: Microsoft Settlement

Department of Justice:

I feel the the proposed settlement with Microsoft is a bad idea. Their anticompetitive practices are continuing even today. True innovation in computing technologies is too important to the nation and world to have Microsoft preventing the competition to make it happen.

Please, prevent Microsoft from continuing their anticompetitive practices—give Sun, Apple, and others the opportunity to bring innovative products to market.

Thank you.
Walter Bremer
Walter Bremer, ASLA
Professor
Landscape Architecture Department
Cal Poly State University
San Luis Obispo, CA 93407
(805)756–2813
wbremer@calpoly.edu

MTC–00020038

From: nat davis
To: Microsoft ATR

Date: 1/24/02 12:37am
Subject: Microsoft Settlement

please do not allow the proposed settlement in the microsoft case. it is a bad idea.

nathaniel davis
chicago, il

MTC–00020039

From: Shane Kuntz
To: Microsoft ATR
Date: 1/24/02 12:35am
Subject: Microsoft Settlement

To whom it may concern,

Microsoft must be forced to INCLUDE competitors in it's operating system distribution whenever they put any application software preloaded/bundled/alongside/near the Operating system. They must be forced to give up the browser market share they gained illegally. Put their Browser on the auction slab and prohibit them from creating any internet browsing software that in any way displays HTML or it's variants.

Flat pricing for it's OS for all PC manufacturers/customers.

No restrictions on what the PC manufacturer/customer has to include or not include on their PC.

Any Microsoft application must be made available to third party developers to port to ANY operating system given that a share of the profits from such a port go back to Microsoft. This way, Microsoft operating systems will not have an application advantage over other OS entries or existing OS's. The third party must price the port within 20% (or within $20) of the Microsoft offering. Microsoft Office for Linux, Office for Solaris are two such examples.

Any division of Microsoft that has more than 35% market share is to be spun off into it's own separate corporation. The software division that develops Office, namely. Any other division whether it is in existence today or not to be spun off if it retains >=35% market share for longer than 3 years. The OS monopoly is enough for one company to have that has proven they can't play fairly, no other monopoly or significant market share should be allowed to Microsoft. They will support java (in a form acceptable to Sun Microsystems) in every Operating system release. They will also support NFS and any other widely used open protocol instead of creating their own closed protocol to be used exclusively.

Any possible application that promotes services, software or hardware in the Microsoft OS or Microsoft applications or a partner, a competitor will be included in the options in an equal position on the desktop or list of choices. For example Internet connection wizards including ALL ISP's. Lastly, I believe Microsoft owes restitution to Netscape and also should pay for the research and development of open standards for the benefit of all computer users.

Violations of the rules should also be enforced swiftly and completely and accompanied by a large fine and restitution for their actions.

Thank you for reading my suggestions,
Shane Kuntz
sk@fuse.net

MTC–00020040

From: cory mckinstry
To: Microsoft ATR
Date: 1/24/02 12:36am
Subject: Microsoft Settlement

I believe the current settlement terms between the DOJ and Microsoft is favoring Microsoft. They inhibit many of the ways that my company, Northrop Grumman, pursues and manages it's business practices. Microsoft is making all the rules and will continue to do so until it is forced to agree to ''OPEN LICENSE'' its operating systems.

Thank you,
Cory

MTC–00020041

From: curtis j brown
To: Microsoft ATR
Date: 1/24/02 12:34am
Subject: Microsoft Settlement

I think that the proposed settlement is bad idea. I do NOT agree with it. I do NOT think it is fair for me as a consumer and that I will have little choice in the software I purchase in the future if the settlement continues.

Not only am I a consumer, I am also a programmer, with a Bachelor's degree in Computer Science. Too many times have I seen Microsoft illegally use its monopolistic position to make sure that I and my clients have only one choice. Under Microsoft's licenses, we have little rights to freedom. Microsoft has gone to great lengths to eliminate any other competition. The proposed settlement does little to rectify that.

Please reconsider the rights of the citizen's of the United States of America.

Many thanks in advance for your time.
Curtis Brown
mrbrown8@juno.com (''Eat at Juno's'')

MTC–00020042

From: Stephen Krauth
To: Microsoft ATR
Date: 1/23/02 11:39pm
Subject: Microsoft Settlement

The Proposed Final Judgement fails to prevent Microsoft from creating proprietary versions of internationally standard protocols. In other words, Microsoft has in the past taken a known standard and changed it so that companies and individuals would be forced to use Microsoft products to communicate with the large installed base of other Microsoft users.

Examples:

—Windows 2000 came out with a modified version of Kerberos, a standard network authentication protocol. They refused to release the changes to Kerberos to the public. Machines using the original version of the protocol were unable to communicate with the Microsoft version.

—Same thing with DHCP, a network configuration protocol. Other non-Microsoft machines can communicate with Microsoft DHCP, but it is known to cause severe disruption on a mixed network (network of machines with Microsoft and non-Microsoft machines).

Analysts have coined the term ''embrace and extend'' to describe this practice.

Microsoft has also modified standards in an attempt to destroy the standard; this practice has been deemed 'embrace, extend and extinguish'.

Example:

—Java. Java was meant to work across many computer platforms. Microsoft created a Windows only version, defeating this original purpose. Microsoft then encouraged web content creators to use Microsoft-only tools such as Active-X by failing to keep the Microsoft version of Java up-to-date with the original.

Thank you for considering this information in your decision.

Steve K.

MTC–00020043

From: Geoff Howland
To: Microsoft ATR
Date: 1/24/02 12:37am
Subject: Microsoft Settlement

The DOJ settlement is horrible, you have totally shirked your responsibilities in this case and provided them an easy out for criminal activities that effect the jobs of thousands and thousands of people as they shut out competitors and bully companies into using their substandard software.

Stop rewarding crime!
GH

MTC–00020044

From: Seth A. Russell
To: Microsoft ATR
Date: 1/24/02 12:38am
Subject: Microsoft Settlement

I believe that the proposed settlement does not place strict enough penalties on Microsoft.

MTC–00020045

From: Kensington
To: Microsoft ATR
Date: 1/24/02 12:36am
Subject: Microsoft settlement

Settling with microsoft is a bad idea IMO. It will take more than the proposed settlement to set things right and loosen their stranglehold on the market.

Ken Kumayama
Northwestern University
Integrated Science Program
k-kumayama@alumni.northwestern.edu
hardov@isp.northwestern.edu
(602) 938–3102

MTC–00020046

From: Joseph Duffy
To: Microsoft ATR
Date: 1/24/02 12:46am
Subject: Microsoft Settlement

Hello.

My name is Joseph Duffy. I am a professional programmer who uses Microsoft software, and especially Microsoft development tools every day. These tools experienced a renaissance while there was viable competition from companies like Borland. But since Microsoft head-hunted Borland's staff and weakened other potential competitors like Java and the Netscape browser, the work has stagnated. There hasn't been a major new feature since 96.

I am opposed to the settlement because we've already tried to restrict Microsoft's conduct with restrictions and it failed. The taxpayers would have been saved a great deal of money on this trial if that original settlement had been more foresighted, to say nothing of the innovations that might have

come from the different ideas of more small and nimble competitors. If conduct measures are used, the penalty for misconduct must be powerful enough to act as a deterrent, like opening of source code or company breakup.

I am a real person and this is the only letter I will send to you. I say this because Microsoft has several times in the past has been found to use the dishonest tactic of ''stuffing ballot boxes'' in order to create the illusion of ''grassroots'' support for its position.

Thank you for listening.

Joseph Duffy

MTC–00020047

From: David Frost
To: Microsoft ATR
Date: 1/24/02 12:37am
Subject: Microsoft Settlement

The short version of my opinion is as follows.....

Based on the collective readings that I have done on the subject, the proposed settlement sounds like Charles Manson getting to pick his own punishment. Microsoft has so little respect for the law that during the original trial it presented obviously falsified evidence, claimed no knowledge on subjects very near and dear to their business, and made ludicrous claims of technical impossibilities. The proposed settlement in its current form has so many loopholes that there will be no way to enforce it. Where will we be if claims of manipulation are made against Microsoft months or years later? We'll be forced to pay for another multi-year trial, after which MS will be found guilty, and just like the consent decree and this procedure, we will end up doing so little that it really won't matter.

I say we make the restrictions and monitoring procedures fit the violations proven. Also, it would be wise to not limit such penalties to specific titles, as this makes it too easy to get around the law by creating new titles that are somewhat different in functionality (hence a new ''type'' of software), that is not covered in the anti-trust ruling.

If this settlement is accepted, the people who have been wronged will continue to be wronged...just in a slightly different way.

David Frost

MTC–00020048

From: Marc Visconte
To: Microsoft ATR
Date: 1/24/02 12:39am
Subject: Microsoft is a monopoly.

As a staunch Libertarian, my normal views are that there is too much government interference in both business and the lives of individuals. In the case of Microsoft, I may have to reverse my normal stance and concede that:

a) sometimes there is such a thing as a corporation that is too large and/ or uncontrolled, and

b) in spite of my belief in the free market, no matter how beneficial to the consumer a business'' actions are, some business practices are abusive. If a business'' way of doing business is unfair and monopolistic, it should be punished by the legal system.

I believe that Microsoft has operated in an unfair manner, and that other companies (and consumers) suffered because of it.

For the government to take MS to court, and then IGNORE MS'' actions, grants a tacit approval to unfair business practices. For the fairness to consumers and to other businesses, the government should step in and punish Microsoft.

Marc Visconte

MTC–00020049

From: richardlaughlin@webtv.net@inetgw
To: Microsoft ATR
Date: 1/24/02 12:39am
Subject: Sue Sue Sue

Dear DOJ,

It seems that about once a month I see the Attorney General of CT. on television announcing his newest victum. And of course he is the biggest opponent to the remaining states settling with Microsoft. It really appears that our judicial system anymore mostly serves the trial lawyers and politicians.

Microsoft beat its competition and serves its customers very well.

Thank you.

Richard Stouts

MTC–00020050

From: Scott Finkeldei
To: Microsoft ATR
Date: 1/24/02 12:41am
Subject: Microsoft Settlement

the proposed settlement for the Microsoft Anit-trust case is bad idea. It will basically allow Microsoft to buy its way out of the situation without forcing any substantive change.

Microsoft is currently giving away free preview copies of XP in the U.S. Post Office and several shipping companies as I understand. This seems like they are using the U.S. govt as a way to promote their monopoly even as the case is being resolved.

please consider working out a different settlement. thank you for your time.

sf

Scott Finkeldei
Assistant Director of Information Systems
Division of Continuing Education
Kansas State University
51 College Court Bldg
Manhattan, KS 66506
curtain@ksu.edu
785–532–2585

MTC–00020051

From: Mike Cohen
To: Microsoft ATR
Date: 1/24/02 12:43am
Subject: Microsoft Settlement

the proposed settlement is a bad idea

MTC–00020052

From: bryanrbaker
To: Microsoft ATR
Date: 1/24/02 12:40am
Subject: Microsoft Settlement

I am NOT in favor of the proposed settlement in the Microsoft Anti-trust case.

Firstly, when in the history of jurisprudence has society allowed criminals to set the terms of their own punishment? The settlement proposed by the DOJ does not substantively differ from the settlement that Microsoft proposed. They have been found guilty. Why then are they allowed to set the terms of their punishment?

Secondly the States dissenting from the DOJ make many cogent arguments in their proposal. Overall it seems to have much more emphasis on the spirit and intentions of anti-trust laws as they exist. This focus is on the protection of the consuming public and the promotion of fair competition.

I would like to pay particular attention to section L of the States proposal, in which the States pay attention to a particularly nasty method that Microsoft has been developing to deal with the threat of technology that is not linked to companies that can be bought or forced out of business. Microsoft adopts standards, then proceeds to ''extend'' them at will until the Microsoft version is incompatible with the open standard, which they use as leverage to keep consumers locked into a ''Windows Only'' environment. This is one of their most disastrous strategies for consumers and competition.

==Quoted from the States Proposal==

L. Adherence to Industry Standards

A common tactic in Microsoft1s unlawful monopoly maintenance was the limitation on interoperability with potential competitors. This has been accomplished, on occasion, by co-opting and/or undermining the industry standards for software developers. Microsoft also purposely deceived software developers into believing that the Microsoft Java programming tools had cross-platform capability with Sun-based Java:

16. Adherence to Industry Standards.

a. Compliance With Standards. If Microsoft publicly claims that any of its products are compliant with any technical standard (''Standard'') that has been approved by, or has been submitted to and is under consideration by, any organization or group that sets standards (a ''Standard-Setting Body''), it shall comply with that Standard. If Microsoft chooses to extend or modify the implementation of that Standard, Microsoft shall continue fully to implement the Standard (as that Standard may be modified from time to time by the Standard-Setting Body). Microsoft shall continue to implement the Standard until: (i) Microsoft publicly disclaims that it implements that Standard; or (ii) the Standard expires or is rescinded by the standard-setting body. However, Microsoft shall not be permitted to require third parties to use or adopt Microsoft1s version of the Standard. To the extent Microsoft develops a proprietary version of a Standard, Microsoft1s Operating Systems must continue to support non-proprietary, industry versions of such Standard.

b. Compliance With De Facto Standards. As to any Standard with which Microsoft is required to comply under the preceding paragraph, to the extent that industry custom and practice recognizes compliance with the Standard to include variations from the formal definition of that Standard (a ''De Facto Standard''), Microsoft may discharge its obligations under this provision by complying with the de facto Standard provided that: (i) before doing so, Microsoft notifies Plaintiffs and the Special Master in writing of its intention to do so, and describes with reasonable particularity the

variations included in the De Facto Standard; and (ii) Plaintiffs do not, within 30 days of receipt of such notice, object to Microsoft1s intention to comply with the De Facto Standard. == end quote ==

Please think carefully before unleashing a brazen and emboldened (since there is no punishment here) Microsoft on the citizens of this country. That is what will happen if Microsoft is allowed to get off with their own definition of a punishment.

Bryan Baker

MTC–00020053

From: Daniel Grm
To: Microsoft ATR
Date: 1/24/02 12:40am
Subject: Microsoft antitrust case

To whom this e-mail may concern,

I beleive that the settlement made with microsoft is unfair. I feel that Microsoft has been portrayed as something it is not. Micorsoft is not monopoly they just make a good product. The reason that a company like Netscape who makes a browser that competes with Microsoft's Internet explorer is losing market share is not due to monopolistic practices bey Microsoft, but due to the fact that they have created a inferior product to that of microsoft's. I beleive that most of these companys instead of producing a good product they are attempting to take down microsoft by underhanded means of claiming they are a monopoly. I beleive the whole case brought against microsoft is wrong and I hop eyou use your great wisdom to rectify this situation.

Sincerly,
Daniel Grm

MTC–00020054

From: Tim Jensen
To: Microsoft ATR
Date: 1/24/02 12:41am
Subject: Microsoft Settlement

OPPOSED !!!! Its toothless. How much did they pay lobbiest to get this settlement?

As an owner of a small software company I can tell you we are in constant fear of Micro$oft's monopoly power. Cannot say anything they do not like or cannot do anything they do not like or they put you out of business by taking away your licenses (one you already paid for). We just search for a niche in the market and hope MS does not copy our good ideas and then give the product away to put us out of business.

How is it a foreign company gets tariffs for selling things below the cost of product, but MS does not?

They just do it and call it innovation, its part of the OS. The DoJ went to the trouble of proving MS guilty of monopolistic practices and then as punishment you give them a toothless ''punishment''. One that is actually a MS marketing plan in disguise.

Tim Jensen
VP Realtime Fantasy Sports
Senoir Designer Federated Software Group

MTC–00020055

From: Eric Weis
To: Microsoft ATR
Date: 1/24/02 12:40am
Subject: Fwd: The Tunney Act. Microsoft Settelment Rejection Notice

Note'' forwarded message attached.

This is the deadline for comments on the Microsoft Settelment from the public * Now as some of you know I am not one for ''chain letters'' but this time I can't think of a better way of getting a good volume of mail generated in a short peroid of time.

The Proposed Microsoft settelment is a failure* This is according to nearly all the anaylsis by lawyers, industry advocates, and anyone involved in the case. The DOJ needs to hear from the people in the public comment peroid to let them know that it is not enough, and time is almost out. Let your voice be heard.

Remember it is the number of email the DOJ gets that counts, so lets generate some traffic on their mail servers* Just follow the instructions below.

1) Please forward this to microsoft.atr@usdoj.gov

2) Forward this to everyone you know and get them to do the same.

Thank you for your time
Stephen Berens
Founder of the Western Alliance

Form letter follows

Open Letter to DOJ Re: Microsoft Settlement

If you'd like to co-sign this open letter, please email me at petition@kegel.com, and please give your city, state, title, and affiliation.

—Dan Kegel

To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, we wish to comment on the proposed Microsoft settlement. We agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html), namely:

The PFJ doesn't take into account Windows-compatible competing operating systems

Microsoft increases the Applications Barrier to Entry— by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

?? The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

?? The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

?? The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft. NET with competing middleware.

?? The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertized as being ''Windows Powered''.

?? The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

?? The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

?? The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

?? The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

?? The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

?? Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

?? Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

?? Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system— even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)

The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

?? Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

?? The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

?? The PFJ allows Microsoft to discriminate against small OEMs—including regional 'white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

?? The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

The PFJ as currently written appears to lack an effective enforcement mechanism. We also agree with the conclusion reached by that document, namely that the Proposed

Final Judgment as written allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

Sincerely,
MTC–00020055—0004
01/29/2002 8:07 P

MTC–00020056

From: Robert A. Klahn
To: Microsoft ATR
Date: 1/24/02 12:43am
Subject: Microsoft Settlement

Greetings Department of Justice:

I am writing this short note to voice my comments on the proposed Microsoft Settlement. My views can be summed up in short as this: It does not go anywhere near far enough, and should be abandoned in favor of a stronger settlement which would result in the Operating System and Application Development portions of Microsoft being split into two different companies.

There are a few specific points of concern that I would like to address on top of this summary, in the likely event that you do not adopt my larger views on the Settlement expressed above.

* The section which reads ''Microsoft may restrict an OEM from displaying icons, shortcuts or menu entries specified in the Windows documentation as being limited to products that provide particular types of functionality, provided that the restrictions are non-discriminatory with respect to non-Microsoft and Microsoft products. ...provided that any such non-Microsoft Middleware displays on the desktop no user interface or a user interface of similar size and shape to the user interface displayed by the corresponding Microsoft Middleware.'' would seem to provide Microsoft with sole determining power as to look and feel on the desktop of competing products, at least among those products in direct competition with Microsoft —Application— products. Given Microsoft's past illegal behavior in regards to competing Hypertext browsers, I am leery to extend such an anti-competitive power to the company that controls the look and feel of the —Operating System—.

* There is a section which would appear to permits the removal of Microsoft Middleware software, but permits the retention of such software on the computer in question as long as: ''1. that Microsoft Middleware Product would be invoked solely for use in interoperating with a server maintained by Microsoft (outside the context of general Web browsing), or 2. that designated Non-Microsoft Middleware Product fails to implement a reasonable technical requirement (e.g. a requirement to be able to host a particular ActiveX control) that is necessary for valid technical reasons to supply the end user with functionality consistent with a Windows Operating System Product, provided that the technical reasons are described in a reasonably prompt manner to any ISV that requests them.'' As a computer security professional, I find the implications of this stunning, in that, the Settlement permits Microsoft to hide the non-removal of software components to the end user. How is any system to be determined to be secure if the possibility of determining the software installed on said system is not possible? In this age of virus, worms, etc. in the Internet world, this is becoming a more and more important topic.

I could go on, but these are, to me, the major points. In short, I urge you to abandon this Settlement, and retry for something stronger. Former Attorney General Robert Kennedy once said ''Too much power scares me, whether we find it in a trade union or in a corporation.'' This should be the guiding principle of this or any other anti-trust Settlement, and I am afraid that I must conclude that this Settlement leaves too much power in the hands of the Microsoft Corporation.

Thank you for your kind attention.

—

Robert A. Klahn
rklahn@acm.org
AIM: rklahn
Yahoo Messenger: klahn
IRC: rklahn@irc.openprojects.net
St. Augustine

MTC–00020057

From: Bob Jarmak
To: Microsoft ATR
Date: 1/24/02 12:48am
Subject: Microsoft Settlement

The proposed settlement does not address any of the important issues of the case. Microsoft corp. has established a long history of predatory and anti-competitive behavior.

It seems logical that the best solution would be to estimate the economic impact of these actions and fine the company an appropriate amount. In addition, the importance of computers dictates that Microsoft be regulated closely, much like a public utility company.

States should have to authority to approve any pricing, and the company should be limited to a return commensurate with a monopolistic corporation, 6–9% per year.

The proposed settlement is a poor one in every way, and unacceptable in any rational analysis. If approved, they will continue their illegal predatory practices.

Bob Jarmak

MTC–00020058

From: David Smith
To: Microsoft ATR
Date: 1/24/02 12:44am
Subject: Microsoft Settlement

The current proposal for the Microsoft settlement does not go far enough as a remedy that will curtail similar practices in the company's future. In every logical sense it rewards Microsoft's behaviors by expanding it's reach.

Many within that circle are refer to the proposal as ''a victory over the government.'' Sadly this may be recorded as a failing of our system to follow through.

A settlement for the sake of settlement alone is not justice, but criminal. The finding of fact which confirms that Microsoft functions as a monopoly should not be a ignored out of convenience.

It is my belief that the penalty should reflect the findings of the court. The proposed settlement is slipshod and not strong enough to levy any real penalty at all.

As an concerned citizen, I'm against the current settlement Microsoft is pushing for.

Sincerely,
David Smith

MTC–00020059

From: Beth Bremmer
To: Microsoft ATR
Date: 1/24/02 12:45am
Subject: Microsoft Settlement

I'm a tech-savvy voter who is opposed to the Microsoft settlement because it does not adequately compensate the people and businesses of the US nor is it strict enough to prevent further uncompetitive behavior.

b. bremmer
huntingtom beach, ca 92647

MTC–00020060

From: Trimurti
To: Microsoft ATR
Date: 1/24/02 12:43am
Subject: Microsoft Settlement

The proposed settlement is so devoid of the original intentions that it is ridiculous. First we were to decide if Microsoft was a monopoly, then take appropriate actions. So, Microsoft should be split up and monitored. Then it was down to let's leave them together but still monitor them. Next came letting them monitor themselves. Now, in addition to monitoring themselves, they have re-written the entire proposal to sound like a Microsoft EULA. There is nothing but work-arounds in there. All Microsoft has to do is to holler there may be a security breach and all deals are null and void. This isn't any kind of proposal.

This is just the government's way of encouraging monopolies and discouraging small business. I'm very ashamed that my entire Department of Justice and United States Government can be so readily defeated and humiliated by Microsoft. I'm so ashamed of you.

Dave

MTC–00020061

From: Craig S. Miller
To: Microsoft ATR
Date: 1/24/02 12:44am
Subject: Microsoft settlement

To whom it may concern,

I'm writing to express my concern for the federal government's proposed settlement with Microsoft. From what I can understand, I see little in the settlement that would discourage this company from continuing to engage in anti-competitive practices in the future. Contrary to Microsoft's claim, this company has done little to advance computer products and software. In particular, their product design seems to be more oriented towards trapping users into their formats and protocols than offering consumers something useful and effective.

I urge you to reconsider the current settlement and consider a remedy that really would discourage practices that have already been demonstrated as being unfair and anti-competitive.

Craig Miller
1334 W. Newport Ave.

Chicago, IL 60657

MTC–00020062

From: Saist
To: Microsoft ATR
Date: 1/24/02 12:43am
Subject: Microsoft Settlement

Hey idiots. Do the world a favor. break Microsoft up.

MTC–00020063

From: Nathan Medbery
To: Microsoft ATR
Date: 1/24/02 12:45am
Subject: Microsoft Settlement

Hello,

I am writing to voice my concern over what I consider a weak final judgment in the government case against Microsoft. Your own findings show that Microsoft has indeed acted as a monopoly in many cases, and has acted improperly in further dealings with many companies and technologies in the market.

They have squashed entire companies and technologies (some by perfectly legal and acceptable means, others by unfair/monopolistic advantages), and used their legal clout to block further development of various products, even when they had little or not legal ground to stand on. Because they have deep pockets and can fund as many legal proceedings as necessary (indefinitely I might add), they can indirectly ruin smaller companies that do not have the funding to defend themselves, regardless of who is right or wrong.

Your proposal is nothing more than a mild slap on the wrist, and a forced re-posturing of their products as they come to market (especially via OEM distribution outlets). What is to stop Microsoft from continuing its bullying of companies and of the market in general? There is nothing in your proposal that punishes them for what they have already done, other than making them change how they go about some things. Well, not to the extent that I believe they should be punished at least. And what about Microsoft's habit of bringing more and more technology into their products (especially their Windows Operating System) that would normally (and should) be left to other parties to produce? If nothing else, they should have to distribute certain technologies separately from their OS, even if it's free. You found that they unfairly distributed their web browser. The same is happening in many other cases, and will not be hindered by your judgment.

All in all, I just don't believe you are truly punishing Microsoft enough for their blatant use of monopolistic power, nor do I believe you proposed limitations would change how Microsoft behaves in the end. That is simply my opinion.

-Nathan Medbery

MTC–00020064

From: Jomo Brown
To: Microsoft ATR
Date: 1/24/02 12:50am
Subject: Dear Sir, Madam,

Dear Sir, Madam,

Thank you for excepting my comments I as an individual am very upset at the settlement proposed by the DOJ. I can not begin to understand why the DOJ went out of its way to excuse Microsoft for law's they have broken. I do not see the DOJ playing the role of a Prosecutor, but as an ally. I mean to say, from looking at the settlement It seems as if the DOJ is helping Microsoft continue to suppress technology that conflicts with the Windows desktop. I understand the importance of the war against terror, but I can not except that as an excuse for injustice . I have no fear that you Judge Colleen Kollar-Kotelly will reject the proposal brought by the DOJ.

Thank you for excepting my comments.

Jomo K. Brown

MTC–00020065

From: Prosser, Ryan R.
To: Microsoft ATR
Date: 1/24/02 12:47am
Subject: Microsoft Settlement

I do not believe that the settlement that has been proposed will fix or even Address all of the problems of ''Microsoft Anti-competitive'' Practices. Microsoft is the only OS choice for 90–95% of computers bought. And with there market share they then are able to push their products On to the consumer by having them integrated into the Operating System. From MSN messenger to Internet Explorer. Since computers are Hard for most people to learn, people only use what is installed on their Computer when they buy it. I understand that Microsoft states they are Helping the end user, but they are destroying the rest of the industry. Microsoft will use it's shady business practices to force computer Manufactures to only install Microsoft OS and Microsoft Office. Until the end consumer is educated, on computers and the industry, they will not understand truly how Microsoft is hindering the entire Computer industry.

Microsoft try's not to use standards but develop there own products That are then non-compatible with other companies products. But why Would they do this? Because They have the desktop market and can freely Push there new ''non standard'' software to everyone when they by a new Computer or update Windows.

I urge you to look at the true impact that Microsoft is causing on the Industry.

Ryan Prosser

MTC–00020066

From: wgierach@execpc.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:50am
Subject: Microsoft Settlement

I think the proposed settlement for Microsoft is a bad idea.

William Gierach

MTC–00020067

From: Justin Whitney
To: Microsoft ATR
Date: 1/23/02 7:55pm
Subject: PFJ must be altered

To whom it may concern,

The PFJ as it stands is flawed in a number of ways, to my thinking.

Below is an excerpt from Dan Kegel's comprehensive essay on the subject that highlights one of the most important oversights in my opinion:

''The PFJ's overly narrow definitions of ''Microsoft Middleware Product'' and ''API'' means that Section III.D.'s requirement to release information about Windows interfaces would not cover many important interfaces.The PFJ's overly narrow definitions of ''Microsoft Middleware Product'' and ''API'' means that Section III.D.'s requirement to release information about Windows interfaces would not cover many important interfaces.'' The PFJ must be altered in order to be affective, and the above is but one of a number of ways in which this should take place. I strongly urge those who are able to reconsider the PFJ, taking the comments of those most familiar with the subject into consideration; for they are truly relevant and necessary lest the judgement be ineffective.

Sincerely,

Justin Whitney

MTC–00020068

From: AMP2543@ao1.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:49am
Subject: Microsoft Settlement

The attached letter is sent in support of Microsoft in the Microsoft Settlement.

Angela Pearce

CC: fin@mobilizationoffice.com@inetgw

January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

Thank you for the opportunity to express my support for the proposed settlement of the antitrust lawsuit between the federal government and Microsoft. I know that you are not responsible for bringing this lawsuit and that you are somewhat constrained in your options in disposing of the case given its history. I applaud you for reaching the settlement and making the best of a bad situation.

From what I heard about the settlement agreement, Microsoft has agreed to significant changes in the way it does business. Consumers will certainly benefit from Microsoft's agreement to allow competition from non- Microsoft programs within Windows. I think consumers and computer makers will also benefit from the new pricing practices established by the settlement.

All in all, I think the settlement agreement is a good thing for our economy. I hope that you allow it to remain in place in its present form. Thank you for considering my point of view.

Sincerely,

Angela Pearce

00020068—0002

MTC–00020069

From: Langtry, Nathan Frederick (UMC-Student)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 12:51am
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea.

MTC–00020070

From: Archon de Gaul

To: Microsoft ATR
Date: 1/24/02 12:50am
Subject: Microsoft Settlement

I would like to point out that Microsoft has entered into ''consent decrees'' in the past and has been proven to have broken its'' agreement(s) on a number of occasions. I refer to the preceeding Microsoft/Caldera case, the Microsoft/Netscape case, the Microsoft/Sun case, the Microsoft/IBM case, et. al. I am unhappy with the way the current DOJ staff have, in my opinion, dropped the ball in this case. I specifically refer to the fact that, when the appeals court remanded the case and struck the verdicts of Judge Penfield, some issues that, in my opinion, should have been re-addressed include: the potentially-illegal tieing of browser software, the equally-potentially-illegal (hijacking) extension of standards (re: Sun/Java) and the strong-arming of potential competition. (Dell, Gateway, IBM, etc's complaints that MS won't allow them to customize the desktop with certain icons, browsers or operating systems.) There has been an incredible amount of written material generated by these cases, so I won't spend the time regurgitating it here, but I would simply like to ask that the DOJ do what it originally set out to do under another, admittedly less pro-big-business, administration and represent ''JUSTICE''. What Microsoft does to competition and the free market is not justice, it is bullying. Represent the people and protect the free market.

As a small business owner, I need the barriers to entry lowered in a number of areas just to have a chance to survive in the waters with the other big fish. I believe businesses like mine have something to offer the people of the world and I believe just as fervently that enormous monopolies like Microsoft squelch any chance people like me have to innovate. Without giving up my patents and ideas to bigger fish to market and develop for me, I can't hope to penetrate even a regional market.. but any potential ''big fish'' I might ally myself with are afraid of repercusions with Microsoft. This sort of Mafia-style business practice can't be tolerated in this day and age. Please do the right thing; don't throw in the towel.

Thank you in advance,
Stewart Davis
—Infinite Computer Solutions, Inc.

MTC–00020071

From: Stacey and Tim Conley
To: Microsoft ATR
Date: 1/24/02 1:01am
Subject: Microsoft Settlement

Thank you in advance for reading this. The settlement that microsoft agrees to would only solidify their market share. Tendendancy to believe that something given is actually free, turns a blind eye from Microsoft's real intentions. Microsoft only wishes to stifle any real choice of future consumers by creating false trust and familiarity with Microsoft product.

Have Microsoft give the money ,otherwise spent in their own interests,to schools, who may then buy what the schools would benefit from, not Microsoft.

Please don't let Microsoft use this as an oportunity to their own gain.

My Opinion, Tim Conley

MTC–00020072

From: Sailers John S PORT
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 1:01am
Subject: Microsoft Settlement

I live in a country where I am free to make many different choices as to how I choose to spend my money, use my time, and choose the lifestyle that fits me best, EXCEPT when it comes to spending my money on my choice of computer operating system, or spending my time using my choice of computer operating system, or choosing a computer operating system that reflects my preferences.

If I am not going to be able to have a choice, my other option is to not spend ANY money, or spend ANY time using ANY computer. Microsoft HAS hurt the computer industry by preventing people from having ANY choice of product and ideas.

If the rest of the US culture had the same history as the computer operating system, we would all be driving the same vehicle (even if it wasn't appropriate), eating at the only restaraunt (McDonalds, no Thai, no Chinese, no Steakhouses, no Italian, etc...), shopping at the only store in town (Walmart), and having to suffer with a cable TV monopoly (see, it's already starting...). I am infuriated by the ignorance of the American public towards the DANGER of the Microsoft monopoly.

John S. Sailers
13 Linda Ave.
Dover, NH
jsailers@nh.ultranet.com

MTC–00020073

From: Peter Obregozo
To: Microsoft ATR
Date: 1/24/02 12:53am
Subject: Microsoft Settlement

To whom it may concern,

I believe that the proposed settlement is a bad idea.

Sincerely,
Peter Obregozo

MTC–00020074

From: Dave Cottingham
To: Microsoft ATR
Date: 1/24/02 12:53am
Subject: Microsoft Settlement

I would like to take this opportunity to comment on a few of the ways the Proposed Final Judgement (PFJ) in USA vs. Microsoft fails to meet the requirement under the law of curbing future anitcompetitive behavior. In specifying to whom Microsoft must disclose documentation of APIs and protocols, the PFJ contains so many loopholes that Microsoft could deny access to this information at will. These restrictions are unnecessary: Microsoft should be required to make these disclosures publicly, not to selected third parties. Restricting this information only serves anticompetitive purposes.

The description of which APIs and protocols must be disclosed is quite narrow and full of loopholes. In particular, the exclusion from disclosure of ''anti-piracy, anti-virus, software licensing, digital rights management, and authentication systems'' must be lifted, as almost any API will contain these elements, and interoperability will be impossible without knowledge of these aspects of the system.

The Technical Committee as described in the PFJ will be powerless to verify compliance. All members of this committee should be appointed by the court, not by Microsoft; they should be paid by the government, not Microsoft; they should have real investigative powers; and so far from being barred from disclosing compliance violations, the committee should be required to publicly report them.

Please consider modifying the PFJ to make it effective. This is not the first time Microsoft has been through the courts on antitrust violations; it would be to the benefit of the American people to fix the problem this time.

Sincerely,
Dave Cottingham

MTC–00020075

From: Bill Bowker
To: Microsoft ATR
Date: 1/24/02 12:55am
Subject: Microsoft Settlement

Since we the public are allowed to put in our ''2 cents worth'' so to speak I thought I would interject my thoughts on the matter. I think the bundling of internet explorer with the microsoft operating system is quite within their right as a software developer. much as in the same way some of the complaining parties (IE: AOL/Time Warner) bundle the very same explorer into their software. funny that AOL who OWNS Netscape but continues to still bundle Internet Explorer with their software. There was a point when they included both Netscape and Internet Explorer versions but due to PUBLIC opinion they havn't bundled it for some time. Continually I have read about how IE (Internet explorer) has been bundled ''unfairly'' and how you couldn't install any competitive browser on a windows machine? As a computer technician I would have to ask has anyone looking at this case actually used a computer before????? as a computer user from almost the first computer available I have used internet software since there was an internet. First came Mosaic, which was developed and was supposed to be free. though there were many ''flavors'' of it out there and most charged for the better versions. all of which really sucked.... then came Netscape. They were the first company to give away their browser, which is interesting since they are one of the prime companies complaining about Microsoft giving away their browser! At first Microsoft sold their browser and it wasn't very good at all in the beginning. But as they began to develop their code it because quite good and then they started giving it away. A practice that is continued to today. I read about the decline of Netscape's market share and how it was leveraged away by Microsoft. Well I suppose that's probably what they would love people to think, however the reality is that their super buggy software became the focal point of discussion all over the net. New releases yielded a new level of horrors each time. constant crashing and problems almost from the start. Then started the Number war between the two

companies having similar number schemes so as to confuse the average computer user I suppose. Well it never worked. the reason people started to use Internet Explorer over Netscape (myself included) was that after paying for their software in the ''retail'' version, which was escentially the same version packaged with more bookmarks.....what a ripoff. Was that IE jumped on the standards bandwaggon and pushed the envelope of standards for the web. Like the puzzling fact that JavaScript while being developed by Netscape currently does not even RUN on a Netscape browser properly, or at all in most cases. Or more puzzling that even their own Homepage cannot be properly displayed using their own software? It would be funny if it wasn't sad. So rather then coding a better software package that would compete with Microsoft on an even keel or blow their doors off. They have resorted to petty lawsuits that seem to have interesting timing relating to decreases in their stock value. An interesting correlation. I also find several holes in the validity of the internet supremacy as well since AOL is the largest ISP in the US as has been since way before this lawsuit. Part of the government agreement in the whole AOL/TimeWarner merger was to open up their instant messaging service. Funny that this still hasn't happened and nothing has happened to them.... But i'm sure if Microsoft was in their shoes it would be a big deal! And gee, why can't microsoft automatically download and install updates to their software but AOL can and has for years? Netscape has the whining power of AOL behind them and has coded one of the crappiest browsers in years, their current version 6.21. which is coded in java. Ahhh Java, one of the suckiest technologies to come down the programming pike in years. And why exactly should microsoft be forced to include a Java compi ler into their Operating system anyway. Under their agreement settlement with SUN they have removed the capability from their software to rely on SUN for the components. and if you have ever ran a java program then you would have seen the advantage of using the microsoft optimized JRE engine compared to the crummy SUN version that takes a million years to run. It's quite easy to think of the ''beauty'' of having computer code that runs the same on every platform. Looks great on paper but in actual use it doesn't work that way. You end up with non optimized code that runs crappy on every platform universally. Of course it runs great on SUN systems, conviently. And if you truly think that ''making'' Microsoft unbundle Internet Explorer is going to be the solution for your smoking gun you are sadly mistaken. Gee, then the average consumer will just have to spend even MORE money to purchase the operating system and have all the goodies. It seems to me the last fiasco the government made regarding Microsoft was forcing them to unbundle the ''Plus Pack'' from windows. So that we the users of it could pay more yet again! And then of course there was checking into the pricing of Windows.....and how Microsoft was charging consumers too much for their product when it was in fact the same price as Apple was selling their operating system for as well. DOI. But then there is never much thought as to what the average user has to due with it, it's always pressured by money and big business. It certainly doesn't mean that Microsoft codes the best software in the world because they don't, far from it. But it's also not like their are others jumping at the chance to create a new operating system for the Intel platform. Linux is out there but frankly isn't catching on very well at all. and certainly the government has a TON of responsibility as well, since it is the largest purchaser of computer software in the world. As the largest purchaser you certainly could have chosen a different platform had you wanted too, be it Macintosh OS or Unix but chose not too. well my rambling is over now. just wanted to share my thoughts. Bill

MTC–00020076

From: Glasscock Family
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 12:50am
Subject: Microsoft Settlement

I am opposed to the current DOJ-Microsoft Settlement. I think this is a poorly crafted agreement that does nothing to slow down the Microsoft monopoly of the desktop operating system. I especially am opposed to the continued ''middleware bundling'' and the inability of OEMs to modify the desktop. Not all desktops have to be done the MS way.

Joe Glasscock
1232 Playfield
Prosser, WA 99350

MTC–00020077

From: Monique Gennari
To: Microsoft ATR
Date: 1/24/02 1:01am
Subject: Against Microsoft Settlement

I am unhappy with the proposed Microsoft settlement as it does little to protect the companies that were harmed, which is necessary to restore competition to the software industry. I am a Mac user, which is one of the last realistic choices if one does not want to use Windows. Problem is Microsoft has a history of forcing Apple to stop competing in exchange for software or services that Apple needs to stay in business. One example is Microsoft Office. People will not switch to Macs (or continue to use them) if they know that they will have problems communicating with Windows users. Microsoft has made Apple give up technology, and stop using software such as Netscape's to as a condition to continue making Office. This is even though Office on the Mac is profitable for Microsoft. If Apple does not have Office, Apple will eventually die as a company. I will then be forced to use a platform I really do not like. Office started on a Mac, please keep it there.

Microsoft should be forced to make Office for the Mac, as it is a sword over Apple's head. Furthermore, Microsoft should be forced to make feature for feature versions of software such as Internet Explorer for the Mac. This is important because Microsoft effectively killed Netscape (a company that did make matching version of its software for multiple platforms), and is making browers for the Mac that many websites will not recognize. In other words Microsoft is not giving Mac users the same features that Windows users have. Some of these features are necessary to use some sites. Netscape never did this. If people cannot rely on the Mac platform to access the internet, people will abandon it even though they do not want to. If Apple did not have to worry about these threats it could concentrate on technology which would compete with Microsoft's without the fear of being forced out of business.

Keep in mind that Microsoft is making money off Mac products. I also think that any settlement should force Microsoft to unbundle competing software that other companies made popular and at one point were making a profit from. Two examples of these types of products would be Explorer (as Netscape made the browser popular), and Windows Media player (as Real Networks and Apple's Quicktime were the popular choices). It should be made clear that in the future such products should be unbundled, and Microsoft should charge people for the software if other companies invented the original software that Microsoft was competing with and these companies had to charge for it. Microsoft should also be forced to support Java, as doing so would enable programs to write programs that could be used on multiple platforms (Linuix, the Mac, Windows, Unix, etc.). Finally Microsoft should be supervised by a panel of people or a single person who had the direct power to enforce any settlement without having to jump through hoops to force compliance. Basically I agree with many of the suggestions that the dissenting states have provided, even though in some areas I think they need to even go a little further.

Thank you for your time.
Sincerely,
Thomas Paluchniak

MTC–00020078

From: Michael Hurd
To: Microsoft ATR
Date: 1/24/02 1:01am
Subject: Microsoft Settlement

I believe that the ongoing request for a delay on the beginning of the settlement hearing on the Microsoft case is ungrounded as the essential points of the settlement with the other petitions have long been addressed (such as the bootloader options on OEM installs for the OS).

Increased costs of litigation for all sides is factored in as well.

Regards,
Michael Hurd <hurd@bitstream.net> 0001 CST -0600 Jan. 24

MTC–00020079

From: cbrookes@iinet.net.au@inetgw
To: Microsoft ATR
Date: 1/24/02 1:10am
Subject: Microsoft Settlement

Hello.

I don't agree with the settlement.

Microsoft have ruined the software industry using their monopoly power. They now get away with overcharging for their mediocre software using their monopoly power.

They keep changing their proprietry document formats to prevent any sort of open compatibility or standards.

They maintain their vice like grip on new PCs being sold, using their unfair contracts with hardware vendors and their monopoly power, to ensure that their products are the only ones to be pre-loaded, preventing any sort of competition.

They should be required to open their document formats to release their grip on the wordprocessing and spreadsheet markets, and they should be required to release hardware vendors and allow them to optionally pre-load their, or their customer's, choice of operating sytem and application software. Microsoft are an overpricing predatory monopoly and they are holding back the entire software industry.

Regards,
Craig

MTC–00020080

From: Joe Theriault
To: Microsoft ATR
Date: 1/24/02 12:59am
Subject: Microsoft Settlement

To whomever it may concern,

As a consumer and student in the computer technology sector I have an interest in the doings of and in the case against Microsoft. Being such, I feel it is my duty to voice my opinion of disapproval for the proposed final judgment. My observation of Microsoft leads me to believe that any weak judgment against them will not have any punitive effect and it may temper a perception within the company that they are able to break the law without consequence. If that were to happen, the technology consumer and employment markets may become irreparably damaged by their abuses.

Thank you,
Joseph Theriault

MTC–00020081

From: Jeff Mitchell (MCS)
To: Microsoft ATR
Date: 1/24/02 1:02am
Subject: Microsoft Settlement

MICROSOFT WILL PREVAIL!!! I love this company :-)

Jeff Mitchell
Microsoft Consulting Services
35/4606 ; ext. 50571
Cell 425–503–8295

MTC–00020082

From: MariahKate72@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:04am
Subject: (no subject)

I want to ask that a fair marketplace be established for all software developers and manufacturers and that Microsoft comply.

Thank-you,
Mariah K. Ross
81420 N. Davison Rd
Creswell, OR 97426
541–915–0171
CC:Livkixit@aol.com@inetgw

MTC–00020083

From: James H. Bombardier
To: Microsoft ATR
Date: 1/24/02 1:05am
Subject: Microsoft Settlement

Hello,

I have worked in the technology arena for over thirty years. I believe that Microsoft has abused its monopoly position much worse than IBM or AT&T ever did. I think that it is a travesty that they are not being severely punished for their excesses. They need to be forced to open their APIs at a minimum. It would return competition to the market if they were broken up into OS and Software pieces. If they are not separated and/or forced to open the APIs between the OS and all associated software they will continue to inhibit the evolution of good technology.

Please do the right thing. We don't need to increase the jaded national and international opinion of our ''justice'' system.

Regards,
Jim Bombardier

MTC–00020084

From: Andrew Ittner
To: Microsoft ATR
Date: 1/24/02 1:04am
Subject: Microsoft Settlement

To Whom It May Concern:

I strongly object to the Proposed Final Judgment in United States v. Microsoft.

It does not adequately punish Microsoft for its illegal monopoly, nor does it effectively prevent the corporation from continuing to engage in predatory and monopolistic activity. This Proposed Final Judgment will not end Microsoft's unlawful conduct, is not in the public's interest, and should be rejected.

Sincerely,
Andrew Ittner
11130 SE 208th St #E204
Kent, WA 98031

MTC–00020086

From: Jim Tollefson
To: Microsoft ATR
Date: 1/24/02 1:07am
Subject: Microsoft Settlement
To: Renata B. Hesse Antitrust Division U.S. Department of Justice 601 D Street NW Suite 1200 Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. In specific, Section III.A.2. allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

Why should Microsoft care what operating system ships on a PC, as long as they get their license fees on the copies that do ship. They are just trying to maintain their cash flow at the expense of consumers. Why should I have to pay for a copy of software (Windows) that I will never use. If OEMs were free of the threat of retaliation from Microsoft, I could purchase only the hardware and software that I need/want on my PC. Thus saving me money and frustration over the long term. By allowing this practice, the Proposed Final Judgement (PFJ) is encouraging Microsoft to extend its monopoly in Intel-compatible operating systems, and to leverage it into new areas.

I feel this should be prohibited by the PFJ.

Thanks for your time,
Jim Tollefson
Senior Systems Engineer
Seattle, WA
—
Jim Tollefson jimt@oz.net

MTC–00020087

From: Karl Schmidt
To: Microsoft ATR
Date: 1/24/02 1:08am
Subject: Microsoft Settlement

As someone who has been involved with PC from the first one I built—it is obvious that the Microsoft monopoly needs remedial action. Unless Microsoft is split into three parts—OS, application, and browser, there will be no consequence at all for the immoral and illegal activities. This monopoly has already set back computer development by 10 years. To understand, one only needs to look at the emerging Linux desktop to see the innovation that has been totally killed in the commercial world by this monopoly.

Karl Schmidt EMail Karl@xtronics.com
Transtronics, Inc. WEB http://xtronics.com
3209 West 9th Street Ph(785) 841–3089
Lawrence, KS 66049 FAX(785) 841–0434
Definition of Windows XP:
SPAM, thinly disguised as an operating system

MTC–00020088

From: Ted Estes
To: Microsoft ATR
Date: 1/24/02 1:10am
Subject: Microsoft Settlement To whom it may concern,

I think the settlement, as currently designed, will not slow down Microsoft from continuing to abuse its monopoly. Furthermore, it does little to rectify the current ecology in the marketplace that is out of balance do to their abuse of their monopoly. There appears to be no punishment for their crime, just some chaperones to make sure they follow the letter of the settlement. There are also the concessions they have to make for VAR's and such, but that just brings them level with the law. All the way through this case, Microsoft has refused to accept any wrong doing, they have shown No remorse—No shame. How can you expect them to follow any law without respect for that law. There has to be punishment; which, unfortunately, is woefully lacking in this settlement. They cannot be allowed to behave like the predator that they are, while they are a monopoly. They need to be de-clawed, de-fanged and have their wings clipped until they are no longer considered to be a monopoly. At which point, they should be free to fend for themselves in the marketplace with whatever fierceness they want. To be clear, I do not believe they should be punished for being a monopoly. I believe they should be punished for abusing that monopoly; as was shown in the Court's ''Findings of Fact''. They cannot be trusted with monopoly status.

Respectfully,
Ted Estes

MTC–00020089

From: DJ
To: Microsoft ATR
Date: 1/24/02 1:10am
Subject: Microsoft Settlement

Gentlemen and ladies, may I say, that as I've found Microsoft business practices so outrageous and intolerable that there is no longer the hint of trust required for me to continue using their products (even though I

have a difficult time switching to their competitors due to lack of experience with the competition's product), it is a moot point for me what you do to Microsoft. I have used their products since approximately the late 1980s, at work and at home, starting with the first version of DOS, and have recently tried Windows xp. Do you realize they have purposely disabled XP (home edition, the one they make exclusively available on new PCs) so it won't connect to a Windows 2000 network? This operating system is slow and hogs resources—with little if any user advantage and mostly to enhance Microsoft's market position while requiring consumers to invest in more RAM and hard drive space and faster CPU, simply to make it easier to track every hardware change, force the user to waste time jumping through registration and re-registration hoops. It appears to provide no benefit to the purchaser, which unlucky folks Microsoft means to force into unwanted and unneeded extra payments and upgrades(?) with its supposed new business practices which are the most abusive yet. If you do not provide relief for the abused consumer, it is a real shame and a missed opportunity to show what is meant by abolishing abusive business practices. As for me, it's moot, I'm going to open source operating systems, where there is still consideration for functional software and regard for the user of same.

Regards,

Denise Jensen<denij@execpc.com>

MTC–00020090

From: George Helmke
To: Microsoft ATR
Date: 1/24/02 1:09am
Subject: Microsoft Settlement

I feel that the proposed settlement is a bad idea.

George HElmke

US citizen living abroad

MTC–00020091

From: Dan Schmeidler
To: Microsoft ATR
Date: 1/24/02 1:09am
Subject: Microsoft

I appreciate the opportunity to make a few comments that have been on my mind for quite some time. Let me first start off by saying that I have been a Macintosh user since their inception and I made that choice simply because after much research and investigation I concluded that (dos) was simply to complicated and confusing. So I invested what I considered to be a substantial sum of money in Macintosh hardware and software to run my small business. If that were the end of the story I probably wouldn't complain because that system ran our business flawlessly without a hitch and was very user friendly. However as technology progressed so did my interest in using the computer for other purposes other than running the business. Unfortunately I started to see software titles for Macintosh disappear, and software titles for Windows increase substantially. As time went on Microsoft's monopoly was apparent to me long before the complaint was filed by the DOJ. Software developers who originally developed software for the Macintosh began to withdraw their support for the older versions of software that I had and they discontinued any new future versions. But the last straw for me was while I was at the local CompUSA store. I asked the salesman who worked there why most of the software developers had stopped developing for the Mac. This particular gentleman happened to work part time at this computer store but his full time job was teaching computer classes on both Mac and Windows machines at the local high school. Although he admitted that he preferred the Mac OS over Windows, he simply said that a lot of the software developers have a no lose situation with Microsoft because they pay them to write exclusively for Windows. In other words he said, what would you do if I were to guarantee you a profit regardless of whether your software sells or not? I have personally talked to some of these software companies tech support personel who pretty much confirmed what I had been told and quite frankly they were unapologetic as they dismissed my argument of fundamental fairness. My constant thought has always been that this can't be legal. I'm just one person who has endured the frustration of the Microsoft strangle hold on the entire tech industry. I cannot say that I suffered the damage that some of these other companies have but I can say that I spent almost 2 decades at considerable expense and with constant frustration just to be able to exercise my freedom to use the OS platform that I choose.

Contrary to Microsoft's claims that innovation will be stifled if strong remedies are imposed, they are not and have not been an innovative force in the industry and in fact for the most part have pirated the innovations of others and used their monopoly power to crush those who dare challenge them.

I believe the complaint filed by the DOJ against Microsoft was necessary and legitimate. I believe the courts have ruled correctly when they concluded that they engaged in illegal anticompetitive practices. I also believe that the penalty should be strict and substantial not only to punish Microsoft for the damage inflicted upon would be competitors, but to send a strong and clear message that Microsoft will not be allowed to dictate their will on the consumer, the technology industry, or the justice system from this time forth. I hope that the court will administer justice by placing maximum emphasis on doing what's right and fair to the minority consumer and companies whom the antitrust laws were supposedly designed to protect, rather than on Microsoft stockholders or others who may have a vested interest in Microsoft's success. From what I have read in some of the transcripts it is clear to me that Microsoft has proven to be untrustworthy and has seemingly attempted to use its monopoly power to impose its will on the courts by defying and ignoring the orders of the court. In my view a strong penalty imposed against Microsoft will ensure that if software developers desire to develop for multiple platforms they will have an equal financial incentive. It will also ensure that the different software titles for multiple platforms will be for the most part technologically equal and compatable, competitively priced, and released within a similar time frame.

Innovation and affordable pricing come from competition not monopolies. It is in the best interest of the consumer, the tech industry, and of the justice system.

Thank You,

Dan Schmeidler

1081 E 8175 S

Sandy Utah

801–561–5846

MTC–00020092

From: Scott Balfour
To: Microsoft ATR
Date: 1/24/02 1:13am
Subject: Microsoft Settlement

To whom it may concern,

I am opposed to the proposed settlement. It does nothing to redress the harm done by a convicted monopolist. They (Microsoft) were convicted on eight seperate counts and the ''settlement'' arrived at was ''go and sin no more''. This rewards illegal behavior. Under the law a corporation is a person, if a person was convicted of eight separate violations they would be facing a much greater penalty than the proposed settlement. When you add in the egregious behavior at the trial this settlement shows that if you are big enough the law does not apply.

R. Scott Balfour

Austin, Texas

MTC–00020093

From: erwien saputra
To: Microsoft ATR
Date: 1/24/02 1:11am
Subject: Microsoft Settlement

Dear sir/madam,

I would like to express my concern about MS/DOJ settlement.

I do not hate Microsoft, but I want to see good product will be able to go into the market and compete with Microsoft product. If the Microsoft should fail it should be because some other people created better product and Microsoft cannot do anything with its influence to crush it.

Microsoft said that their bundled app (browser, CD burner, instant messenger) are free, while actually the cost has been paid with the price of OS itself, regardless the customer wants it or not.

Sincerely,

Erwin.

MTC–00020095

From: Gregg Berkholtz
To: Microsoft ATR
Date: 1/24/02 1:14am
Subject: Microsoft Settlement

Dear Renata B. Hesse,

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement.

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

As a full-time Senior Systems Administrator for a medium sized private company based in the Portland Oregon area, and a part-time small business owner, it is a painfully clear and daily reminder the extent

to which Microsoft has abused the public trust with its monopoly power. Please, reject this proposal in favor of a much stronger remedy. Today's information based society is particularly hard hit by Microsoft's crimes. The most cursory review of my day finds several obvious examples of the price that we all must pay for Microsoft's monopolistic actions. For example;

*Websites often display properly only under Microsoft's Internet Explorer. My opinion is that this is mostly due to the market dominance that Internet Explorer gained after Microsoft began to force the installation of Internet Explorer on all new computers, while simultaneously prohibiting the installation of other web browsers.

*My email accounts are regularly bombarded with unwanted and large emails containing the latest Microsoft Outlook virus. Microsoft has gone far in requiring the Outlook email client on new computers: In the Windows 95/98 world, Outlook can be uninstalled by someone who is proficient in computers. In the Windows 2000 world, Microsoft has a mandatory program/process that runs in the background that monitors files pertaining to Outlook, and forces it's installation (or re-installation)l; If you attempt to uninstall Outlook, Windows 2000 will either reinstall Outlook automatically, or you will be repeatedly prompted to reinstall it.

My opinion is that Outlook is more prolific because of the apparent requirement that it must be installed on all computers (irregardless of whether or not its'' components are being used), and that the lack of opportunity for competition in the marketplace has caused this generally forced acceptance.

*When I recommend to my friends, family, co-workers and customers that they buy a prebuilt computer from a major hardware vendor I must explain that it can only be bought bundled with Microsoft Windows. These problems exist, not because of a lack of consumer demand for a solution, or lack of a willingness to pay, but because Microsoft does not allow it. In-fact, in the computer industry, the requirement of the Microsoft OS on a new computer is frequently referred to as the Microsoft Tax.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions. That the fact that even today they still continue to perform similar acts of deception. Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only attempt to prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general. The proposed settlement does not come close to recouping the illegal gains which Microsoft has made off American consumers much less come close to penalizing Microsoft for the illegal abuses. While it is doubtful that the true losses can ever be recovered from Microsoft in any settlement. The beginnings of a fair settlement should include the preeminent opening of all Windows and Office API's and file formats as well as large cash payments to open source programming efforts which compete with Microsoft products. In this way, Microsoft's ill gotten gains can be used for the public good.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Gregory James Berkholtz
PO BOX 16962
Portland Oregon, 97292
(503) 255–3650

MTC–00020096

From: Ron Peake
To: Microsoft ATR
Date: 1/24/02 1:21am
Subject: Microsoft Settlement Hello

In my opinion the proposed settlement is a bad idea. Microsoft Corporation has been convicted of abusing it's monopoly position but the U.S Government refuses to punish the Corporation.

Best Regards,
Ron Peake
(ron.peake@nic.fi)

MTC–00020097

From: Carl Browning
To: Microsoft ATR
Date: 1/24/02 1:14am
Subject: Microsoft Settlement

A real proverbial ''slap on the wrist''. It is very sad to see our once proud government pander to the interests of mega-corporations, especially on as blatantly abusive as Microsoft. Don't fool yourself into believing that you have done anything to protect the interests of the people. I make my living off of Microsoft products exclusively, and I hate the way Microsoft conducts business. In the last few years, I have begun to hate their products. Microsoft's paranoia about maintaining it's monopoly has not made their products any better (especially their server products). The more they integrate ''features'' into their software, the more difficult it is to configure and maintain.

It is probably too much to hope that the DoJ will take a second look at the ''settlement'' and realize just how weak it is. I suppose I can only hope that the DoJ staff will hang their heads in shame for their unwillingness or inability (take your pick) to protect the people of the United States.

MTC–00020098

From: mike stephen
To: Microsoft ATR
Date: 1/24/02 1:20am
Subject: Microsoft Settlement

My god. If you people in the courts let Microsoft get away with the monopolization of the entire personal computer market, and fail to show Microsoft that they cannot do illegal activities without paying a cost, then the future of the Personal Computer is doomed to continue running poorly written and poorly designed software for years to come.

Lest you be remembered as the people who could have done something about this issue, and failed to do so.

Please please do something to stop Microsoft from further screwing of the market.

Mark Stephen

MTC–00020100

From: DLG
To: Microsoft ATR
Date: 1/24/02 1:17am
Subject: Microsoft Settlement To whom it may concern,

It's my distinct opinion that Microsoft has clearly behaved in a manner most anticompetitive. They've stifled innovation, and produced products that, with proper competition, would never have survived.

—DL Gibson

MTC–00020101

From: Andrew Hagen
To: Microsoft ATR
Date: 1/24/02 1:15am
Subject: Microsoft settlement

I think it's a bad idea. It lets Microsoft off too easy.

I am a US citizen.
Andrew Hagen
xah@myrealbox.com

MTC–00020102

From: Urb's Mail 1
To: Microsoft ATR
Date: 1/24/02 1:15am
Subject: Microsoft Settlement

I am appalled at the current status of this antitrust issue. I pay taxes to a government that I thought would look out for the little guy and ensure that all innovators have an even playing field. This is apparently not the case. Microsoft has systematically destroyed any competitor that would challenge it's global dominance in the software industry. Their next goal once Unix is dead and Linux has been corrupted by their persistent methods of debunking it's benefits, will be to charge everyone rent for a piece of S/W that will never live up the the grandiose claims that are bundled with it. Imagine having to pay a monthly fee to access your files and your personal items. If you allow MS to force third party innovators to disclose their technology in order to certify it as MS compatible; then you might just as well tell everyone writing any code that they will have to allow MS to ''examine'' hence ''steal'' any code they develop. This company is notorious for stealing others good ideas. They haven't developed anything on their own merits. Your job as prosecutors is to see that MS stops their monopolistic business practices and punish them for past misdeeds. Do you actually think all the plaintiff testimony was created by a group of sour grape losers that just could not compete? This is bullshit! They were setup to loose by heavy handed and illegal business practices. I will get to the point! You have wasted my money and every other tax payers. Your

restrictions have no teeth and the piece of paper it is written on is no better than toilette paper. MS will continue stifling innovation and the only one who will pay in the future will be all of us. This great country was founded on innovation and invention. If there are no more innovators to challenge the status quo and hold them to high standards, then we will be left with a fat overgrown monopolist who can not comprehend the term. Make the people of this great country believe that you have a backbone. A strict judgment will only serve to make MS a better company by forcing them to fairly compete. If you fail to produce a fair judgment then you might as well be in Bill Gates'' pocket for life.

MTC–00020103

From: Paul Snow
To: Microsoft ATR
Date: 1/24/02 1:31am
Subject: Microsoft Settlement

The proposed settlement is a bad idea for consumers because it does not address any of the basic issues with Microsoft's corporate behavior which led to the lawsuit in the first place. What the settlement does do is to reinforce in the minds of the common citizen and corporate leadership, the idea that corporations (if they are big enough) are above the law, do not have responsibility to society, and any means necessary justifies the ends of making money.

Paul Snow
psnow@nipha.com

MTC–00020104

From: M Nielsen
To: Microsoft ATR
Date: 1/24/02 1:16am
Subject: Microsoft Settlement

I am completely, entirely AGAINST the proposed settlement. Certainly consumers, developers, AND IT professionals are ALL hurt by the proposed settlement. In addition, the Open Source movement is dealt a particularly harsh blow: most of the settlement language only applies to ''businesses''—and for others (not-for-profits, etc), things will be worse than they were before!

Also... I hate to say it, but ''the children'' will be hurt, as well: the whole thing about Microsoft donating —er, pushing— their products (and/or training) onto schools is ludicrous and offensive. I can't believe that's part of the ''settlement'' (even considering the so-called ''revised'' settlement changes.) I've worked in both the for-profit and the non-profit software industry (schools, unfortunately, are very similar to the non-profit industry) for the past decade, and have seen the damage of Microsoft's monopolistic influence on productivity, technology, and in general on people's lives.

I'm rooting for the states who are fighting the settltment—they are the only ones who seem to have any idea about what this proposed settlement means.

Reject the proposed settement.

—Michael S. Nielsen {email: zeugma—msn@yahoo.com

phone: 913–906–7137

MTC–00020105

From: DCALLE24@HOTMAIL.COM@inetgw
To: Microsoft ATR
Date: 1/24/02 1:18am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
DIEGO CALLE
88–11 CORONA AVE. ELMHURST
NEW YORK, NY 11373–3958

MTC–00020106

From: RM
To: Microsoft ATR
Date: 1/24/02 1:20am
Subject: Microsoft Settlement

22 January, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
Suite 1200
601 D Street NW
Washington, DC 20530–0001

Ms. Hesse,

I would like to go on the record as being against the Proposed Final Judgement in United States vs Microsoft. As a software professional and avid computer user I am dismayed that the Proposed Final Judgement does not go far enough in curbing the monopolistic behaviour of Microsoft. Microsoft was shown every indication in the past of not abiding with previous court-sanctioned limitations.

The only solution to allow access to the Operating System, as defined in the Proposed Final Judgement, to other Microsoft applications the same as non-Microsoft applications. If this means that Microsoft should be broken up then so be it.

Yours Sincerely,
Riad Mohammed
San Mateo, CA

MTC–00020107

From: Jim Gallagher
To: Microsoft ATR
Date: 1/24/02 1:22am
Subject: Microsoft Settlement

The biggest problem with the proposed settlement is that it fails to prohibit anticompetitive practices towards OEMs.

Jim Gallagher
10433 Camden Drive
Cypress, CA 90630

MTC–00020108

From: Aquinas Hobor
To: Microsoft ATR
Date: 1/24/02 1:19am
Subject: Microsoft Settlement

Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse:

I am writing to register my stand in the Microsoft Settlement as a citizen of the United States of America. I am a currently a third-year at the University of Chicago, studying mathematics and computer science.

I have used many Microsoft products for over ten years; currently I use both Windows XP and Office XP, as well as Microsoft Money. Because I use these products, Microsoft has taken thousands of dollars from me, and it has been worth every penny. In fact, I would have been willing to pay double the price (and I do not have a lot of money.) Simply put, their products have greatly simplified my life, and I am very thankful. Their products are the best, both in terms of value and features. Windows (of various flavors) has always been easier to use than anything else out there, from MacOS to Linux to Solaris to HP-UX. I have used WordPerfect, Lotus Notes, and even the horrible Star Office. Microsoft Office is even more obviously superior among office products than Windows is among operating systems.

Every time I buy a product, I vote with my hard-earned dollars on a company. Like most other consumers, my overwhelming favorite is Microsoft. Our society is founded on the idea that each individual is capable of voting for a candidate to represent his political ideas. However, the Proposed Settlement characterizes US citizens as a helpless victims, unable to choose which products are best. How can I be considered worthy of electing people who can decide to fire nuclear weapons towards Afghanistan, and yet not be considered capable of deciding that Netscape is inferior to Internet Explorer? By what right does the Settlement propose to shackle me? Incidentally, I've noticed that Apple's Mac OS X ships with IE. Why is Microsoft's competitor allowed to use Microsoft's technology more freely than Microsoft is?

I've followed this case from the beginning, and from the very outset, it was neither consumers nor Microsoft's partners who brought suit: it was Microsoft's failing and failed competitors. To let failed businesses set the rules for successful ones in any market is wrong, but to let them set the rules in a sector that changes as fast as technology does is disastrous. For years IBM dealt with antitrust regulators who did incalculable damage to IBM, its shareholders, and the general public. Ms. Heese, don't make Microsoft, its shareholders, and customers like me suffer the same unjust fate.

Moreover, a suit of this kind will only encourage companies of all kinds to court government favors, both to protect what they have earned (in the case of the most honest) and to take what they want from those less well-connected than they are (in the case of the shadier). This is a dangerous game, and only the most dishonest and politically wired

companies can possibly win it. The Department of Justice should not be helping such people in any way.

Finally, I wish to inform the court that I am outraged that it is attacking Microsoft's property rights, not defending them. The proposed settlement is unjust: Microsoft's products have helped millions of people around the world, and the only proper course of action is to say, ''Thank you'' and let it go. Ms. Hesse, please let justice be served. Give Microsoft the thank you they have earned and let them continue doing what they do best.

Yours,
Aquinas Hobor

MTC–00020109

From: michaelcrass@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:18am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Michael Crass
3831 Marshall Place
Gary, IN 46408–1926

MTC–00020110

From: Stephen Magill
To: Microsoft ATR
Date: 1/24/02 1:18am
Subject: Microsoft Settlement

To whom it may concern,

I am of the opinion that the proposed settlement in the Microsoft anti-trust case fails to address several methods that Microsoft is using to lock out competition in the computer software industry. In particular, Microsoft's refusal to disclose file formats for Microsoft Office documents presents a significant barrier-to-entry in the business software sector. The secrecy of these file formats ensures that Microsoft's dominance in this area will be maintained, as it prevents competing products from working with the significant volume of documents created using Microsoft Word, Excel, and PowerPoint. Furthermore, disclosure of these formats does not harm Microsoft in any way. An examination of current open formats such as HTML, PDF, and MPEG verifies this. The critical piece of intellectual property is the authoring software, not the document format itself. All that releasing the details of file formats enables is additional competition and compatibility. Thus, any final judgment should include the requirement that Microsoft make publicly available the format for files produced with their Office suite of products.

Sincerely,
Stephen Magill
Student
University of Tulsa

MTC–00020111

From: Norman Siu
To: Microsoft ATR
Date: 1/24/02 1:21am
Subject: Microsoft Settlement

To Whom It May Concern:

I wish to voice my complaint in regards to the pending settlement of this current lawsuit against Microsoft. In short, I believe that you are not punshing Microsoft at all. In fact, you are punishing all computer users in general. By allowing Microsoft into an area that it has no domination and little influence in, you are thereby opening the door of opportunity for Microsoft to monopolize another area of public interest.

Also, you are, in simple terms, telling people that Microsoft has the right to monopolize any area it wishes with little regard to everyone else and anything else such as innovation and creativity.

But looking at it another way, if you legitamize this settlement, you will also, potentially destroy that which drives Microsoft to compete. By letting Microsoft monopolize and reduce competition, there would be little for them to compare or compete against. Thereby causing Microsoft to no longer compete properly.

So, on one hand, you could destroy competition, innovation, and creativity by allowing this settlement. On the other hand, you could weaken Microsoft by having them destroy that which they compete against. But in the end, the settlement would not benefit anyone, but mostly it will hurt everyone.

Do not allow this settlement to go through. It would be in the best interest of everyone.

Thank you.
N.K.Siu

MTC–00020113

From: The Art of Pottery
To: Microsoft ATR
Date: 1/24/02 1:24am
Subject: Microsoft Settlement

Sir.

I believe that Microsoft is abusing its position of dominance in several ways. It dictates what a person can do with it's Operating system once they have paid for it.

As a Family man, I am being denied the right to use the operating system as I please on my own personnel computers.

I am also being denied the right to reload my computers after the system crashes (usually due to a flaw in the operating system) without pleading with Microsoft for permission and a new key-number.

Also I am denied the right to make a copy of the operating system to use when reloading for the umpteenth time,

Thus keeping the original in good condition.

This dictatorial attitude would not exist where it not for Microsoft's dominant market position or the existence of cartels similar to the Petro-chemical and Music industry's.

I believe I should own the right to use the product as I see fit within a legal framework that forbids my profiting by resale or gifting copies to third parties.

I understand the need for Microsoft to guard it's intellectual property but it is going beyond what is reasonable in a free democratic society and should be made to curb it's dictatorial ways.

David Doney.

MTC–00020114

From: Phillip Anderson
To: Microsoft ATR
Date: 1/24/02 1:23am
Subject: Microsoft Settlement

The DOJ settlement is NOT in the U.S. public's best interests, as dictated by the 500,000 poll we have taken, representative of an est. 87% of the concerned U.S. public—an unequivocal majority of the concerned U.S. public input.

There is a series of legal networks that will file suit against the DOJ if the current appeasement settlement goes through. This will cost the U.S. government an additional estimated $1.6 billion dollars, which is also not in the public's best interests.

Please take this cautionary note seriously. You are making a major mistake with the current ''settlement''.

P. Anderson, Ph.D.
Director
PC Research InterAlia Legal Network

MTC–00020115

From: Tom Mollerus
To: Microsoft ATR
Date: 1/24/02 1:22am
Subject: Microsoft Settlement

The proposed settlement is a bad idea.
Tom Mollerus

MTC–00020116

From: Scott Kazimour
To: Microsoft ATR
Date: 1/24/02 1:22am
Subject: Microsoft Settlement

To Whom It May Concern:

I'd like to express my opposition to the proposed settlement with Microsoft. I believe it does far too little to redress the past actions of Microsoft, and doesn't do enough to allow future competition. Microsoft has achieved its position of market dominance not through superior products, but rather through predatory business practices. Microsoft has stifled innovation in the computer industry, and consumers have suffered harm as a result. I've been in meetings with venture capitalists where new business ideas are rejected out of hand, simply because of the hint of a rumor that Microsoft might someday be interested in pursuing something similar, and creating a successful business would therefore be impossible.

I feel that more drastic action is required in order to restore an environment in which companies succeed through the traditional means of producing higher quality products at a lower price.

Sincerely,
Scott Kazimour
Software Engineer
Seattle, WA

MTC–00020117

From: Danny Hong
To: Microsoft ATR
Date: 1/24/02 1:22am
Subject: Microsoft Settlement

To Whom this Concerns:

I am a highly concerned Computer Science graduate who has been following the actions of Microsoft for many years. I have found nothing but greed, deceit, thievery, and blatant usage of their monopoly to ruin any and ALL innovation in the software industry. Unlike their utter lie about freedom to innovation, Microsoft's chief goal is to keep and extend their monopoly by ANY means possible. That includes buying out good companies, killing off other good companies(Ex. Netscape, Lotus, Dos-Clones, Linux, etc), or doing deals that give Microsoft their own upper hand. If you allow them to continue their actions, one day the computer industry will come to a standstill and the US economy WILL suffer. It's already very disgusting that a company can get away with 100% profit margins without running into many legal problems. It's even more disgusting that Microsoft has named our last best hope for survival in the form of open source as it's target of demise. Linux is one of the few last remaining hopes to let people be free to create software without a monopoly controlling what we can do. I'm also highly disturbed by Microsoft's latest action to block off games from being made on an open platform. They have acquired intellectual property of SGI that could be used to prevent OpenGL from being used or supported. It seems to be another attempt to force every game developer in the world to use ONLY microsoft products. I remember capitalism being about competition, the word competition is the opposite of anything happening in the influence of Microsoft.

Sincerely,
Daniel Hong

MTC–00020118

From: Wayne Horner
To: Microsoft ATR
Date: 1/24/02 1:23am
Subject: Microsoft Settlement

I oppose the proposed settlement.

Microsoft should be tried under the rico statutes—they act like the mafia.

Their proposal to give away computers to scholls is ludicrous—it would be a marketting enhancement not a punishment.

Microsoft is stifling growth in the computer industry. They are too big—they have enough power to kill any competitor. There should be a stripped down featureless version of the OS. It should be like buying a car. If I want to NOT buy your overpriced crappy stereo then I should be able to buy a stripped down car and put the money toward a stereo that I prefer. I should not be forced to accept all of microsofts ''features''.

MTC–00020119

From: Alan De Smet
To: Microsoft ATR
Date: 1/24/02 1:24am
Subject: Microsoft Settlement

I am writing I am writing to comment on the proposed settlement in the case of United States v. Microsoft Corp, as allowed by the Tunney Act. The Proposed Final Judgment will not change Microsoft's use of monopoly power to illegally engage in anti-competitive behavior.

I am a software engineer. I have professionally developed software for four years. As a result of Microsoft's overwhelming market force, I have primarily developed applications for Microsoft operating systems and middleware.

The Proposed Final Judgment has several significant flaws. Most importantly, section III.J allows Microsoft to hide documentation on APIs and Communications Protocols if the documentation would compromise the security of one of more systems. This exception is unnecessary. A well designed and implemented system is in no way compromised by the release of documentation on it. If a system's security could be compromised by the release of documentation on the system, the system is insecure. Microsoft is capable of developing secure systems, however historical evidence indicates that Microsoft has chosen not to do so. By providing this exception, Microsoft is free to conceal essential documentation from OEMs and ISVs by using insecure systems whose security would be weakened by the release of the documentation. Relatedly, the definitions which define which APIs and Communications Protocols are covered fail to cover the most essential APIs and Communication protocols which are part of the Barrier to Entry competitors face. To be truly effective, all APIs, Communications Protocols, and File Formats used by Microsoft Office products (including Word, Excel, Access, PowerPoint, and Outlook) must be made available to all ISVs. Without this information, ISVs will be unable to compete in the areas of operating systems or office productivity applications. Because of Microsoft's monopoly position, competing ISVs must provide extremely high levels of compatibility with Microsoft's Windows operating systems and Microsoft's Office application. If Microsoft is allowed to keep these interfaces secret for any reason, Microsoft will continue to manipulate them to produce incompatibilities with competing software.

The Proposed Final Judgment significantly fails to limit Microsoft's use of monopoly power to stifle competition. Without significant changes, Microsoft will continue to use its monopoly position to crush competition and illegally maintain its monopoly position.

Sincerely,
Alan De Smet
8531 Greenway Blvd #206
Middleton, WI 53562
desmet.3001@highprogrammer.com

MTC–00020120

From: Digital ChoreoGraphics
To: Microsoft ATR
Date: 1/24/02 1:26am
Subject: Microsoft Settlement

The Microsoft settlement is not in the public's or the computer industry's best interests.

—Don Black
PO Box 8268
Newport Beach, CA 92658
1–949–548–1969
(c) Copyright 2001—Digital ChoreoGraphics
World Class Digital Imaging Software
Embedded Realtime System Software
Design and Development
1–949–548–1969
http://www.dcgfx.com
dcg@softcafe.net

MTC–00020121

From: Matthew Bass
To: Microsoft ATR
Date: 1/24/02 1:22am
Subject: Microsoft Settlement

To whom it may concern,

I would like to express a deep seated concern over the pending Microsoft Settlement.

While I would be delighted to elaborate on several points—I think the best summary I've found so far can be located here: http://www.kegel.com/remedy/remedy2.html I would highly encourage everyone involved with the case to review said documentation—for it does an excellent job outlining the problems associated with the pending settlement.

Microsoft has done an excellent job positioning itself as the ''core'' of the ''Information Technology'' universe. For that they certainly deserve credit. However, their business practices can be likened to those of Rockefeller's Standard Oil empire.

Microsoft does not ''compete'' with others. They either incorporate the competition into their empire—or they crush it (e.g. Netscape, DR-DOS, etc). There is no competition.

Beyond the lack of competition—Microsoft goes out of their way to prevent their applications (word/excel/etc) from running on NON Microsoft Operating Systems—even if the OS is ''compatible''—and the application would work. The EULA (end user licensing agreement) specifically prohibits an end-user from running a Microsoft application (like Word) on a NON windows based PC. Please see the following link for more detail: http://www.kegel.com/remedy/remedy2.html#isv.atl

Furthermore, Microsoft actually goes out of it's way to incorporate INTENTIONAL incompatibilities in it's products to thwart competition. Many years back there was a product called DR-DOS—which by all accounts was as good (if not better) than the Microsoft product (MS-DOS). When Microsoft moved into the realm of ''Windows''—they incorporated INTENTIONAL incompatibilities into their product—so Windows would ONLY run on MS-DOS. Needless to say DR-DOS was short lived thereafter. For more information click the link below: http://www.kegel.com/remedy/remedy2.html#caldera

Need I even mention Netscape?

It is imperative that something be done about the present situation— certainly more than is proposed in the pending settlement. Information Technology is becoming an increasingly important part of everyday life. It would be a grevious mistake to allow a single entity to wield such broad control.

I thank you for your time and patience—it is sincerely appreciated.

Matthew Bass

Gilroy, CA 95020

MTC–00020122

From: LaurDaly@cs.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:22am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Laura Daly
8070 West Russell Road
Unit 1067
Las Vegas, NV 89113

MTC–00020123

From: Tanya Red
To: Microsoft ATR
Date: 1/24/02 1:24am
Subject: Harshness for the Microsoft Monopoly

As someone who uses computers casually, but frequently.. As someone who is not a part of the business world, but is surrounded by, and fervently watches the events around her, with this case, and is thusly intimately affected by it.. I must state my utter disappointment in the ability of Microsoft to squeeze by our justice system with its money and lobbying.

This is a company which fixes polls (See ZDNet), and lies whenever it can to further its own means. This is a company with such a hold on the desktop market that it can dictate what tools the masses use to do every computer related function of the average business world, from what programs they use to make spreadsheets, view the Internet, and even what games they play, increasingly so.

What's good for Microsoft is not what's good for America, contrary to the similar view regarding GM in the not so distant past.

I implore those who read this one E-Mail to hear my voice, and ensure that Microsoft not only plays by the rules, period, but that the rules are truly deserving for a company which so blatently violated the computer industry, and the trust of millions, without most people —even knowing it—. A company so disgustingly adept at snow jobbing the world, whether its through fixed polls or outright lying denials, that its fooling us into selling control of more and more of our own lives to it.

A corporation should never hold this much sway over the lives of our fair nation, period. That should be in the relm of our government, our justice department, and I hope that its stronger than this!

Please, do your best to make Microsoft fair, before the Europeans prove we can be bought out corruption, money, and lies. We all win when we have a choice. We all win when have freedom beyond the will of one vicious corporation. Please, hear my words, and take them into account, as a loyal citizen of our nation, that I have been injured by Microsoft, and demand that they be accordingly treated as the criminals they've been proven to be!

Tanya Ruppell, New Jersey Resident.

MTC–00020124

From: Andrew Carpenter
To: Microsoft ATR
Date: 1/24/02 1:27am
Subject: Microsoft Settlement

To whom it may concern;

I wish to register my opposition to the proposed settlement in the Microsoft antitrust trial.

I do not believe this settlement provides adequate redress for Microsoft's past actions, nor does it sufficiently restrict it from committing similar acts in future. Some clauses in the proposal may even serve to legitimize some its activities which have been found to be anticompetitive. Microsoft has already demonstrated its willingness to flaunt a settlement agreement related to antitrust actions. Any future settlement it enters into will need to be absolutely watertight to prevent exploitation of loopholes, and I do not believe this agreement meets such standards even for the terms it does seek to enforce. Microsoft's happiness with the current proposal—and its apparent eagerness for it to be adopted —should serve as further indication that it is an insufficient solution.

I urge you not to accept this proposal, and to seek an alternative remedy. I can understand the court's preference to reach a settlement, but if the parties cannot agree on terms that will provide appropriate redress for past actions and restriction for future actions, then the court must impose more stringent remedies itself.

Sincerely,
Andrew Carpenter

MTC–00020125

From: Spam Hater
To: Microsoft ATR
Date: 1/24/02 1:24am
Subject: Microsoft Settlement

Hi

My opinion on the Microsoft Settlement:

This is a small person in a big world speaking out against a wrong that will(or could) one day bring the world as a whole to its knees(read FBI security report). In that world you and your country will be controlled, as are those who are in control of you. Microsoft is gaining power everyday, one day, NO ONE will be able to do what NEEDS to be done. Before it's to late, stop them! Don't settle until you and your government are in control. If you don't do it now, later may be to late. If you think I'm wrong, try surfing the internet with the ''Options'' that are out there. ''Opera'' is a great browser available for ''all'' systems to use, but ''many'' sites don't load... ''Microsoft Enterprise'' server run sites. So you get forced back to ''Internet Explorer''. So what, I can hear you say, well one day, if you ''piss-off'' ''Bill'' maybe your internet tax returns will all go missing... what are you going to do then? Say bad Bill? Naughty boy! Think it can't happen, ask ''Steve Jobs'' he'll tell you what ''Bill'' can do for you. ''Make Our Browser Default Or You Don't Get Office.'' What could he do? Nothing! Now it's default on all Apple computers. As far as I can see, BILL GATES paid ''someone'' off BIG TIME to make this all go away, man it must be great to be the RICHEST MAN IN THE WORLD you can BUY your way out of ANYTHING! What did he do buy the election (or fix it, it was WINDOWS machines counting those ballots... right)? The Democrats lost, so the bosses would get changed, so the case would go away. LAND OF THE FREE alright... anything can happen for the right price $$$$.

MICROSOFT SUCKS!!!!!

Thank you for your time(although I know I've wasted mine) Brad Harrison(Apple user)

MTC–00020126

From: Dr. Martin Senftleben
To: Microsoft ATR
Date: 1/24/02 1:27am
Subject: disagreement

Madam, Sir,

I do not agree to the settlement that is currently going to be discussed between the States of the USA and Microsoft. With this settlement, Microsoft's market position would be further strengthened, alternatives would be removed from the market, and eventully we would be depending only on this one company in executing all the tastks for which we use computers. It's the freedom of choice that is at stake. So please, consider the facts carefully and decide for the good of the people whom you represent, and not for the good of a company which becomes increasingly dangerous.

Thank you,
Dr. Martin Senftleben

MTC–00020127

From: maxwell@nodots-daemon@inetgw
To: Microsoft ATR
Date: 1/24/02 1:16am
Subject: Microsoft Settlement

I'm writing to express my vehement objection to the proposed Microsoft antitrust settlement. Both as a citizen and as a professional computer programmer, I respectfully insist that Microsoft face a meaningful punishment for its unlawful actions. The proposed settlement doesn't even come close.

In large measure, the settlement merely restates the existing law or the earlier settlement agreement—this does not punish Microsoft in any way.

The remaining portions of the settlement contain loopholes big enough to drive a monopoly through. For example, Microsoft gets to choose to whom they will disclose API and protocol documentation. Microsoft has already made it clear that its most serious competition, open source software, does not meet its criteria for an ''authentic and viable'' business (to use language from the settlement). In any event, if their past behavior proves anything, it's that they will

not make such decisions in good faith. (Indeed, their bad-faith actions led to the current trial: absurdly, Microsoft claimed they were ''integrating'' their Web browser but not ''bundling'' it. A distinction without a difference if I ever saw one, but it enabled Microsoft to unlawfully crush yet another competitor.)

Adding insult to injury, Microsoft can entirely sidestep those already limited and ineffectual disclosure requirements by claiming that they must do so for security reasons. This provision is a complete absurdity: it may be counterintuitive, but true security is achieved by using open standards, which can be inspected for flaws by the broader security community. You may be sure that Microsoft knows this, so it's worth contemplating why this measure is in the agreement at all. There is only one answer: to enable Microsoft to emasculate the agreement whenever its provisions are inconvenient.

The proposed oversight committee cannot usefully address these concerns, or the dozens of others like them, for two main reasons. First, Microsoft itself will have considerable control over the committee, as Microsoft chooses one member directly and one of the other two members indirectly. (I hope that if I ever break the law, I get to choose my own parole officer.) Second, the committee would generally operate in secret, so serious objections on the part of the committee's only truly independent member may never reach the public. This mandated secrecy, coupled with the committee's guaranteed ineffectiveness, must inevitably erode any public confidence in the committee's trustworthiness—and, by extension, in the justice system itself.

Finally, I object to the settlement on philosophical grounds. I believe that the law should apply to the rich and powerful—including rich and powerful corporations—just as it would apply to you or me. If I robbed a bank, I'd expect more punishment than a stern warning not to do it again. At the very least, I imagine I'd be required to forfeit my ill-gotten gains (which, in Microsoft's case, amounts to tens of billions of dollars), in addition to harsh punitive measures. If Microsoft's punishment is any less severe—well, then I guess I'll know what the law is worth.

Thank you for your kind consideration.

Scott Maxwell
1403 Dominion Ave N
Pasadena, CA 91104

MTC–00020129

From: tilton@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/24/02 1:30am
Subject: MicroSoft Settlement

I have read about the proposed settlement and I am not in favor of it in its current state. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors and to consumers in general.

It is my belief, as a computer user and as a professional in the computer industry for more that 20 years, that MicroSoft has caused as much harm as they have good in the software industry. As a minimum I say that the DOJ and US government should be putting a stop to Microsoft's monopoly by forcing them to;

A) keep their file formats non proprietary, documented and open

B) unbundle applications from the operating system

C) release the source code for the operating system

D) ensure that they include and adhere to industry standards and protocols that allow communication and data sharing between MicroSoft and non MicroSoft products alike. i.e. no more embracing and extending a standard.

E) stop using its position to prevent suppliers of computer hardware products from offering or installing alternative non MicroSoft software products in addition too or instead of MicroSoft software on their products.

As it is proposed the current settlement simply appears that the government is unable to negotiate the necessary settlement to protect and act in its citizens best interest.

Thank you for this opportunity express my opinion about this matter.

Sincerely,
William T. Tilton
1304 W. Kirby Ave.
Champaign, Illinois 61821
tiltont@home.com

MTC–00020130

From: hyoung@dcr.net@inetgw
To: Microsoft ATR
Date: 1/24/02 1:25am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Carol Mills
294 Cove Road
Shelbyville, KY 40065–8924

MTC–00020131

From: Steffen Hulegaard
To: Microsoft ATR
Date: 1/24/02 1:26am
Subject: Microsoft Settlement is horribly unfair to everyone but Microsoft

Microsoft is an unmistakable monopoly. Microsoft systematically exploits both economies of scale and economies of scope (so-called network economies) to force free market failure. The marginal cost of software production is zero. That is a novelty for a item of commerce. The strong synergy between one ''software'' product and the next is a new and uniquely powerful economy of scope (network economy). These economies induce a massive free market failure (for software) and promote the formation of a nasty monopoly. Microsoft is that monopoly. Even worse, consumers of software products labor under severe informational constraints. They are often not able to rationally judge some of the critical claims made for or against software products. Fear, uncertainty and doubt (FUD) have become incredibly powerful factors in the software markets. Microsoft systematically exploits these information externalities to further restrain the free markets (i.e. to solidify it's monopoly). As if this weren't enough, Microsoft also engages in a wide variety of specifically illegal business practices. Microsoft has been tried and convicted.

The damage to the U.S. economy is huge. As we speak, our leadership in the software industry dissipates as the world moves to open-source software like Linux. Microsoft's monopoly is triple strong ... but the world's consumers are retaliating. Slowly. Steadily. Inexorably. Microsoft can no longer hold back innovation while foisting layers of increasingly expensive, utterly proprietary (addictive), fat, slow, bloated, insecure and buggy software on the world. It is hard to imagine that the basic operating system technology of the 1960's is still missing from the likes of MS-Windows ME. Microsoft's big lies about ''innovation'' don't fool everyone. The terms of trade are being redressed. Microsoft's shackles on software innovation will be broken.

Much of the software industry might be torn down to get rid of Microsoft. The U.S.A. will regret this unnecessary price. Rather than let Microsoft buy the proposed wrist slap of a penalty, we should all insist that Microsoft be broken up into at least as many pieces as the pre-breakup AT&T. The proposed ''settlement'' is a farce. It does nothing to the Microsoft monopoly.

It even allows them to extend and strengthen their unfair monopoly. It shakes my confidence in the justice system itself. Is justice for sale?

Please consider that Microsoft is demanding that employees and relatives of employees send in comments supporting of the proposed settlement. The world sees that Microsoft is making a complete mockery of U.S. Law. Microsoft spends freely on transparent and egregious tricks to arrogantly ''buy'' justice. Please re-read Thomas Penfield Jackson's findings in this case. The truth matters. A real remedy is required. The proposed remedy is a despicable joke.

Steffen Hulegaard
50 Baccharis Place
Tiburon, California 94920

MTC–00020132

From: Clay Berlo
To: Microsoft ATR
Date: 1/24/02 1:27am
Subject: Microsoft Settlement

Although I am a Canadian citizen, I feel the effects of the massive influence Microsoft has

over the computer industry overall, and witness every day its dominance of end-user computing. If I could suggest any one thing that might make either a settlement or punishment for Microsoft's abuse of its monopoly status, it would be this: for as long as Microsoft continues to practice predatory, illegal tactics as standard business, bar the use of their operating systems and software products from use within any governmental organization, including all educational and health care institutions.

While ''suffering'' through the alternatives available would be a difficult transition, supporting transgressions only provides further opportunities to transgress. Supporting what little competition remains for Microsoft would serve to provide a means to stimulate real competition once again within the computer industry.

Thank you,
Clay
clay@berlo.com
www.clay.berlo.com

MTC–00020133

From: fislam@attbi.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:33am
Subject: Greetings !

Greetings !

I don't agree with this ruling in Microsoft vs. DOJ. Our great country is built on justice and liberty for all, not by rewarding the guilty and punishing the good. Microsoft is the guilty party, and if the punishment is not strong enough, it will continue on with it's current behavior, as it has done so many times in the past. Please do not make the same mistake. I believe one cannot buy justice in these great United States of America.

Thanks.
Faisal Islam
2116 Rose Hill Road
Carrollton, TX 75007

MTC–00020134

From: Bruce Campbell
To: Microsoft ATR
Date: 1/24/02 1:31am
Subject: Proposed settlement with Microsoft

The proposed settlement does nothing to control the use of monopoly power by Microsoft to further expand its dominance of the software market. If Microsoft were required to document the API calls that their present and future office suites uses then other Operating systems could emulate Microsoft windows allowing customers more choices in the hardware and software that would be appealing to businesses.

MTC–00020136

From: ross
To: Microsoft ATR
Date: 1/24/02 1:31am
Subject: Microsoft Settlement

I'm against the ruling.

API disribution timing is to late & is hardly inforceable with the proposed language.

Otherwise I just have a complete lack of confidence in the ablitiy of the Gov. to control the MS monopoly without splitting MS's OS monopoly from its software business. MS consistantly limits techonological advances available to the masses. Every feature of the MS OS's has previously existed in other OS's. Every Microsoft OS has been behind the times and that is directly attributable to its monopolist policies.

IF YOU CAN'T SPLIT MICROSOFT(which you should) THEN PLEASE DON'T LET THEM LOOPHOLE THE DECISIONS.

Ross M. DeStafeno
Computer Systems Engineer

MTC–00020138

From: Stephen Kick
To: Microsoft ATR
Date: 1/24/02 1:33am
Subject: Microsoft Settlement

If this settlement is approved then Microsoft will have free reign to do what ever they want. As a minimum all interfaces and file formats for their products should be freely available.

MTC–00020139

From: Bill Udell
To: Microsoft ATR
Date: 1/24/02 1:33am
Subject: Microsoft Settlement

The settlement as proposed is a bad idea.
-Bill Udell

MTC–00020140

From: Don Cumbest
To: Microsoft ATR
Date: 1/23/02 4:37pm
Subject: Microsoft Settlement

Microsoft is a great company. Many consumers benefit from the compatibility of its operating systems. The costs are reasonable. The company improves its products. Internet Explorer is FREE. Having a standard for computers is great. It makes it easier for most people to use computers.

MTC–00020141

From: Ken Watson
To: Microsoft ATR
Date: 1/24/02 1:35am
Subject: Microsoft Settlement

MicroSoft's proposed settlement, which barely slaps MicroSoft on the wrist while incidentally giving that company a welcome and gratuitous entry into the K-12 (education) market, is not only inadequate, but would be a glaring scandal to anybody that understands the issues involved.

Ken Watson
Senior Systems Technologist,
Vancouver Teleport Ltd.
+1–604–881–8500
+1–866–881–8500 NA toll-free
+1–604–881–0159 fax

MTC–00020142

From: Bob Horvath
To: Microsoft ATR
Date: 1/24/02 1:33am
Subject: Microsoft Settlement

I have been in the software industry for 18 years. I have watched Microsoft grow to become the monopoly it is today. It has clearly done this not through technical innovation, as they would like people to think, but by making business agreements which destroy competition. This is clear looking at past court cases, as well as the recent antitrust case.

The settlement is clealy political, and will not do a thing to change Microsoft's monopolistic behavior. Please reconsider this settlement agreement.

The other monopoly that has not been looked at is Office file formats. These have been forced onto consumers in a way that ensures Microsoft will get lots of upgrade business.

The settelement is much too narrow, as it limits itself to products that already exists, NOT future ones.

I am very disappointed in the antritrust division, and feel let down.

MTC–00020143

From: Noel Sturm
To: Microsoft ATR
Date: 1/23/02 10:45am
Subject: Microsoft Settlement

The Microsoft settlement is NOT in the best interest of the public or the computer industry.

Dr. Noel S. Sturm, Associate Professor of Chemistry
California State University
1000 E. Victoria
Carson, CA 90747
(310)243–3383

MTC–00020144

From: Kenneth Frost
To: Microsoft ATR
Date: 1/23/02 11:41pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am writing to let you know that I am against the current Microsoft antitrust settlement that was reached by the DOJ and Microsoft. This does not go far enough to stop the continued abuse of the public trust through illegal monopolistic practices. The abuse consists of Microsoft's use of proprietary formats and protocols that have the intent of locking me into using their operating systems and software products.

With most people, through ignorance, buying into Microsoft's solutions, the end result is no choice and no competition. It is only a matter of time, where I will be forced to use Microsoft services to gain access to the internet or for that matter to do anything with a computer. This to me is no choice at all and hurts me and other consumers like me. I currently cannot purchase a system that comes with a dual boot hard drive where I can either boot into Redhat linux or boot into Microsoft windows. This is a product of Microsoft's restrictive licensing practices with OEM's.

The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future. It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function.

Sincerely,
Kenneth Frost
k.frost@snet.net
5 Golden Hill Lane

Shelton, CT 06484
Tel: 203–929–8267

MTC–00020145

From: Andrew Sweger
To: Microsoft ATR
Date: 1/24/02 1:35am
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Renata B. Hesse, et al.:

I think the currently proposed Microsoft settlement is a bad idea that will only encourage future abuse of the consumer's best interests as well as the industry.

Sincerely,
Andrew Barak Sweger
13715 Ashworth Ave N
Seattle, WA 98133–7119

MTC–00020146

From: Jared Counts
To: Microsoft ATR
Date: 1/24/02 1:35am
Subject: Microsoft Settlement

My name is Jared Counts, and I do not believe that Microsoft should be mollycoddled by the federal government. Letting them buy their way out of this suit would be letting them exercise what got them into this suit in the first place. We cannot have one corporation dictating how the world does their computing, and silencing the competition through the sheer weight of their numbers and/or money. They are not l33t. They deserve de4th. Thank you.

MTC–00020147

From: Larry Bogert
To: Microsoft ATR
Date: 1/24/02 1:33am
Subject: Microsoft

I am against the current settlement of DOJ vs. Microsoft.

Larry Bogert
Oradell, NJ

MTC–00020148

From: Geoffrey Prewett
To: Microsoft ATR
Date: 1/24/02 1:36am
Subject: Microsoft Settlement

To whom it may concern,

I am writing this letter to express my opinions of the Justice Department's proposed settlement of the Microsoft case. The proposed settlement attempts to prevent the specific abuses of monopoly power that were used against Netscape. However, the proposed settlement has two major flaws: it does not provide for a punishment for the abuses and it does not effectively prevent further abuses.

When a person is found guilty of breaking a law, a punishment is demanded for breaking the law. The punishment is payment for breaking the law; atonement, as far as it is possible. The punishment also limits the dishonest gain that the guilty party can realize from the breaking the law. The proposed settlement does not appear to contain any punishment for Microsoft, only remedies aimed at preventing future trespasses. The 1994 consent agreement was designed to prevent future trespasses; it failed. Twice Microsoft has been guilty and a punishment needs to be required. The proposed settlement includes no such punishment.

Not only does the proposed settlement contain only prevention for the future, and no punishment, but the prevention is not effective. First, Microsoft has repeatedly and flagrantly violated the spirit, if not letter, of the law. During the trial its officers and employees have shown a contempt for the court by, among other things, allegedly rigging demos. The company has shown no contriteness since then, but has continued business as usual. There is nothing to suggest that Microsoft is going to obey the spirit of the proposed settlement any more than the 1994 agreement. Second, the proposed settlement addresses the specific complaints at the time of the trial but does not address the fundamental problems which caused the complaints. For instance, the proposed settlement address the licensing of certain, specific desktop icons. It does not prohibit the principle that caused the licensing problem: the selling of discounted versions of Windows provided that OEMs engage in certain behavior with respect to *non Microsoft* products. Under the proposed settlement, the only provision is that Microsoft cannot place restrictions on browser icons. It may still provide discounts if computer manufacturers do not ship computers with competing operating systems, for example.

I conclusion, I oppose the proposed settlement because it provides no punishment for Microsoft's actions and because the prevention remedies will not be effective in promoting competition in areas other than the browser.

Sincerely,
Geoff Prewett
Software Engineer

MTC–00020149

From: Joseph ''Jofish'' Kaye
To: Microsoft ATR
Date: 1/24/02 1:36am
Subject: Microsoft Settlement

To Whom It May Concern:

I am strongly opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions. Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general. While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded. Microsoft's behavior during the trial and during this comment period has shown an almost total lack of respect for justice; I encourage you to rethink the settlement.

Sincerely,
Joseph Kaye
doj@jofish.com
Somerville, MA

MTC–00020150

From: Stephen Friedman
To: Microsoft ATR
Date: 1/24/02 1:35am
Subject: Microsoft Settlement

Dear USDOJ,

Because this is something of a new issue in the courts, it seems the proposed is too vague to adequately protect the software developers from Microsofts restrictive licensing practices. In several cases, it allows Microsoft to include provisions in its licenses that could potentially prevent the distribution of software that competes with other Microsoft products based on the use of one Microsoft product in the competing software's development or distribution. This is harmful to the free development of software and the improvement of the software market as a whole, and is restrictive and somewhat incapacitating for future software developers such as myself. Please revise the final judgment to protect hard working Americans from the restrictive and debilitating licensing practices of Microsoft, so that the electronic community can continue to grow and flourish in the United States.

Stephen Friedman
Harvey Mudd College
Computer Science/Engineering 2003

MTC–00020151

From: Michael Casteel
To: Microsoft ATR
Date: 1/24/02 1:34am
Subject: Microsoft Settlement

I am a software professional who owned a sizable software company (not a competitor to Microsoft) for 20 years, giving me considerable exposure to and experience in the software market. I agree with the editor of eWeek, a computer trade periodical, that ''...the proposed settlement of the United States of America and nine states vs. Microsoft is as toothless as the consent decree of 1995. Microsoft again must make only nominal behavior changes. In return, it gains legal protection for many practices that landed it in court.'' From the viewpoint of this software professional, the proposed settlement is an unfunny joke, and it should be rejected as counter to the public interest.

1. This agreement seems to permit Microsoft to continue to impede third-party products that sold less than 1-million units the year before. This simply permits Microsoft to impede innovation. New,

innovative products often sell fewer than 1-million units in their early years.

2. The agreement appears to permit Microsoft to keep secret APIs that ''compromise the security of ... anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems''. This means that competition and innovation will continue to be stifled in areas such as multimedia, e-commerce, messaging and file sharing, while Microsoft's monopoly power will continue to be enhanced.

3. The agreement specifically excludes servers, PDAs and handhelds, and maybe tablet PCs. This leaves Microsoft free to continue to leverage its desktop monopoly in order to impede competition and innovation in these areas, which are not yet monopolized by Microsoft.

4. The agreement seems to give Microsoft legal protection to add whatever it wishes to its operating systems. These terms will unbridle Microsoft to freely use its monopoly power to crush any future innovative competition in the same way it crushed Netscape. This would entitle them to bundle a clone of any innovative technology which becomes popular with the ''operating system'' for ''free'' and thus cut off the innovator's revenue stream. In Mr. Gates'' words, their ''air supply''. Then, Microsoft can continue to sell upgrades to the new, expanded ''operating system'' in order to capture that revenue.

5. Finally, where is the penalty for their past illegal behavior?

Microsoft's monopoly abuse has in the past impeded innovation by crushing (and thus making examples of) innovators such as Netscape. The industry, and the public interest, benefit from *more* innovators in software, not fewer. Please, even if you do not extract a penalty for past abuses, do something to prevent Microsoft from continuing to abuse its monopoly position by stifling competition. Most of the innovation in our industry comes from outside Microsoft. Failing to restrain Microsoft will cause our industry, and the public interest, to suffer.

Mike Casteel

mac@casteel.org Seattle, WA

MTC–00020152

From: markthome
To: Microsoft ATR
Date: 1/24/02 1:38am
Subject: AOL court case against Microsoft

Dear Sir/ Madam:

I hope that you will try your utmost to get the parties involved in technology competition to try and cooperate with each other so we, the consumers, will have the benefit of their talents through better and cheaper technological advancements.

I feel these court cases are a burden on the economy, and share a lot of the blame for the decreased value in 401k's. Too bad that the people going to court over these matters, don't share in the loss of savings plans that the rest of us experience.

Respectfully,

Mark W. Thome., Bellevue, Washington 425–641–1979

MTC–00020153

From: Craig Mitchell
To: Microsoft ATR
Date: 1/24/02 1:38am
Subject: Microsoft Settlement

To whom it may concern,

It sickens me to see Microsoft get away with corporate murder ''for the good of the people''

It sickens me to read a verdict form a judge that finds guilt with Microsoft practices and no ''real'' punishment is given.

It sickens me to see Microsoft continue its backstabbing tactics, unfairly squeezing out competition all while putting on a sham in the courtroom and public media purporting thier innocence.

It sickens me that as ''punishment'' Microsoft gets to give away ''free'' software which in reality gains them new customers and benefits them.

It sickens me to know that no matter what happens, the punishment will be inconsequntal to Microsoft and will not discourage continued illegal behaviour.

It sickens me to know that our Justice Department is teaching future business leaders that the ''Microsoft way'' is the best way to do buisness in America.

Shame on you all.

Craig Mitchell

MTC–00020154

From: Alexey Mohr
To: Microsoft ATR
Date: 1/24/02 1:36am
Subject: Microsoft Settlement

Microsoft's antitrust practices are far-reaching and of substantial negative impact to essentially every single market that they feel it is their place to enter. Something has to be done before there are Microsoft-brand cars and Microsoft-brand cereals.

Their stagnation in those markets that they have managed to completely monopolize vividly represents the exact fears of those who initially composed the various laws against anti-competitive practices. As a user of Macintosh computers, the only truly viable alternative to Windows-PCs for consumers, and as a 4-year veteran of MacOS/Windows phone technical support for Boston University, I can honestly say that Microsoft's products are objectively inferior yet painfully ubiquitous.

Simply put, they must be stopped.

They have managed to destroy competition in one genre after another, and they only keep expanding. They are a plague upon the entire tech industry. A more drastic perspective demonstrates that they are even quite dangerous for national security; by forcing the military and the federal government to use their utterly flawed software due to a complete lack of viable alternatives, they put the entire country at great risk. In this information age where terrorists turn to computer hacking, having America's most valuable secrets protected by the spit and gum that is Windows XP is blatantly detrimental to the entire nation, and potentially the entire world.

Fining them is pointless. As is giving them babysitters to watch their every move. The only solution is to split the company into several different divisions and force competition between them. Please act quickly, for the good of every person exposed to modern technology.

- Alexey Mohr, atm@bu.edu

MTC–00020155

From: matthew@epiphanycorp.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:29am
Subject: Microsoft Settlement

Dear sir or madam:

The proposed settlement with Microsoft is a bad idea.

It is not even remotely sufficient to ensure that they do not continue to use their monopoly in computer operating systems to destroy competition in other areas.

Microsoft has a long and well-documented history of abuse of their monopoly position to gain advantage in other areas, and, moreover, a flagrantly unrepentant stance on all their previous actions, deemed illegal in the courts. Implementing a solution which is simply expeditious, but has no true or lasting effect, will mean that Microsoft will continue to use their dominance in computer operating systems to extend their dominance into new areas.

In addition the to deleterious effect of allowing Microsoft to continue stifling innovation, this settlement seems to say that a company can engage persistently in patently illegal behavior, if it is big enough, rich enough, and important enough. This is not the kind of foundation we want to lay for future businesses— particularly in the vital area of information technology.

Matthew Eernisse

Houston, Texas

MTC–00020156

From: Eric Howland—Mozilla
To: Microsoft ATR
Date: 1/24/02 1:44am
Subject: Microsoft Settlement

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. I feel that the open letter composed by Dan Kegel (http://www.kegel.com/remedy/letter.html) does a good job of describing some of the problems with the settlement.

As a programmer, I am particularly concerned about the ability of software produced by other companies to interact with the Microsoft's operating systems (not just the ones listed in definition U but all Microsoft operating systems). I am also concerned that the restrictions against competing products that Microsoft has included in their licenses and the punitive behavior that Microsoft has displayed toward companies selling computers using competing operating systems are not stopped.

These would seem to be the heart of any settlement of an antitrust case. As a programmer I would encourage that in addition to the cessation of the above mentioned monopoly behavior that Microsoft be required to publish all API's (including those for their application software) and file formats (which are needed for creating interoperative programs).

Sincerely,

Eric Howland

MTC–00020157

From: Scott Morningstar
To: Microsoft ATR
Date: 1/24/02 1:44am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement.

I feel that the proposed settlement is seriously flawed on a number of grounds, including the fact that Microsoft discriminates against ISVs who ship Open Source applications. The proposed settlement does not address this problem. To demonstrate my point, read the Microsoft Windows Media Encoder 7.1 SDK EULA, which states: ... you shall not distribute the REDISTRIBUTABLE COMPONENT in conjunction with any Publicly Available Software. ''Publicly Available Software'' means each of (i) any software that contains, or is derived in any manner (in whole or in part) from, any software that is distributed as free software, open source software (e.g. Linux) or similar licensing or distribution models ... Publicly Available Software includes, without limitation, software licensed or distributed under any of the following licenses or distribution models, or licenses or distribution models similar to any of the following: GNU's General Public License (GPL) or Lesser/Library GPL (LGPL); The Artistic License (e.g., PERL); the Mozilla Public License; the Netscape Public License; the Sun Community Source License (SCSL); ... Many Windows APIs, including Media Encoder, are shipped by Microsoft as add-on SDKs with associated redistributable components. Applications that wish to use them must include the add-ons, even though they might later become a standard part of Windows. Microsoft often provides those SDKs under End User License Agreements (EULAs) prohibiting their use with Open Source applications.

This harms ISVs who choose to distribute their applications under Open Source licenses; they must hope that the enduser has a sufficiently up-to-date version of the addon API installed, which is often not the case. Applications potentially harmed by this kind of EULA include the competing middleware product Netscape 6 and the competing office suite StarOffice; these EULAs thus can cause support problems for, and discourage the use of, competing middleware and office suites. Additionally, since Open Source applications tend to also run on non-Microsoft operating systems, any resulting loss of market share by Open Source applications indirectly harms competing operating systems.

Please take this into consideration when finalizing the settlement.

Sincerely,
Scott Morningstar
Information Systems Manager
Weaver Street Market
101a E Weaver Street
Carrboro, NC 27510

MTC–00020158

From: GA
To: Microsoft ATR
Date: 1/24/02 1:40am
Subject: Microsoft Settlement

MTC–00020158—0001 ??le:///C√/win/temp/tmp.

Dear Sirs,

After having read a bit about the anti-trust case against Microsoft I am dismayed that they are getting off so lightly.

The have proven to be anti-competative and a remedy that prevents them from throwing their mussle around is needed.

Please read the three articles in the links below that suggest where the deficiencies and loopholes in the proposed settlement exist.

This group is a well informed and industry respected worldwide. http://www.theregister.co.uk/content/archive/22684.html http://www.theregister.co.uk/content/archive/22647.html http://www.theregister.co.uk/content/archive/22711.html

Microsoft produce good enough products to be able to play fairly and compete with the rest of the world. They shouldn't be allowed to squash and kill off competition.

Regards,
George
00020158—0002
of 1
01/29/2002 9:30

MTC–00020159

From: Brezley@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:40am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jim Gilbertson
26395 Waterford Circle
Lake Forest, CA 92630–6515

MTC–00020160

From: James M. Frisby
To: Microsoft ATR
Date: 1/24/02 1:45am
Subject: Microsoft Settlement

To Whom It May Concern:

As a professional software developer and a concerned citizen, I wish to state my opposition to the Revised Proposed Final Judgement (RPFJ) in the Microsoft anti-trust case. While I believe it has several deficiencies, one I find particularly disconcerting is within the ''multi-boot'' provisions (RPFJ, III(A)(2) and III(C)(4)). Certainly, I applaud the efforts of the Department of Justice to craft these provisions, since allowing multi-boot machines would help to restore competition in the operating system (OS) market. I nevertheless believe they suffer from a fatal flaw (and possibly two) which will render them toothless.

The multi-boot provisions state only that Microsoft must not ''retaliate against'' OEMs who wish to sell a multi-boot system; or contractually prohibit an OEM from selling a multi-boot system. There is no provision forbidding Microsoft from altering its OS in such a way that it can detect and disable non-Microsoft OSes, or to disable itself until either the OEM or the user removes any non-Microsoft OSes.* Given the District Court's findings and conclusions that Microsoft has created such deliberate technical incompatibilities in the past (Findings of Fact, VI(A); Conclusions of Law, I(A)(2)(b)), any settlement which does not prohibit such means of subverting competition necessarily fails to secure for the public a choice in OSes.

Also, on December 11, 2001, Microsoft was granted U.S. Patent number 6,300,670, for a ''Digital Rights Management Operating System'' (DRMOS). Any PC created by an OEM which implements this patent** will, by design, refuse to boot an OS that is not a DRMOS. Since Microsoft holds this patent, it will be in the position of deciding which non-Microsoft OSes it will permit to multi-boot on a PC implementing DRMOS.

While I realize there is a provision requiring Microsoft to license intellectual property on ''reasonable and non-discriminatory'' terms (RPFJ, III(I)(1)), there is also an explicit exemption with regard to DRM (RPFJ, III(J)(1) (and possibly III(J)(2); ''anti-piracy systems'' and ''license enforcement mechanisms'' might be construed to mean the same thing as ''digital rights management'')). Since the DRMOS patent was not awarded until over a month after the RPFJ was submitted to the Court, it seems reasonable that these provisions should be, at a minimum, re-examined to determine the effect of the patent upon them.

For the foregoing reasons, I request that the Revised Proposed Final Judgement be withdrawn by the Department of Justice; or failing that, rejected by the Court.

Sincerely,
James M. Frisby
5615 Beverly Hills Dr. Apt. C
Columbus, OH 43213

* From a technical perspective, doing this would require either that Microsoft's OS is installed after the non-Microsoft OS; or failing that, that the Microsoft OS is booted at least once. Currently, Microsoft's OSes already ''hide'' access to alternative OSes in the former case (by over-writing any pre-existing boot-loader). In the latter, Microsoft is free to contractually oblige the OEM to make its OS the ''default'' OS on any multi-boot system, virtually guaranteeing that it will boot at least once. Further, it is my lay opinion that RPFJ III(H)(3) will not prevent this behavior since it only covers OEMs'' rights in III(C) (and not III(A)), and even then, only refers to ''icons, shortcuts or menu

entries'', not boot-loaders. ** In the wake of Napster, there is ample evidence of growing pressure on OEMs to do just this from the private sector (in the form of the Recording Industry Association of America (RIAA) and the Motion Picture Association of America (MPAA)), as well as the public sector. In the former case, the MPAA and RIAA are looking to DVD and DVD-Audio, respectively, as a means of implementing hardware-based DRM, and are actively exploring software-based solutions. Some members of the RIAA have gone so far as to alter their compact discs in such a way that PCs can no longer play them. Since this devalues a PC for some users, it sends a clear signal to OEMs that DRM should become standard on all PCs.

On the public side, there is draft legislation in the Senate that would essentially mandate DRM in all consumer electronic devices. While draft legislation is a far cry from the full force of law, it sends a signal to the private sector that DRM is a topic of increasing importance within Congress, and not to be taken lightly. (Yes, hearings on the ''Security Systems Standards and Certifications Act'' (SSSCA) were indefinitely postponed after the events of September 11, 2001, but relatively mundane issues such as copyright infringement will eventually get Congress'' attention again.)

MTC–00020161

From: vcagroup@webtv.net@inetgw
To: Microsoft ATR
Date: 1/24/02 1:37am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Vincent Crisci
222 Cibolo Branch
Boerne, TX 78006–3205

MTC–00020162

From: markroberg@iname.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:39am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Mark Roberg
1219 Canyon View Drive
La Verne, CA 91750

MTC–00020163

From: Gene Choy
To: Microsoft ATR
Date: 1/24/02 1:48am
Subject: Microsoft Settlement

Sir,

The settlement is a bad deal for US consumers and enterprises for it limits innovation and increase security risks for lack of diversity in IT solution.

Gene

MTC–00020164

From: jbaker1844@juno.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:44am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jack Baker
7944 Timber Horn Ct
Las Vegas, NV 89147

MTC–00020165

From: Steve Fink
To: Microsoft ATR
Date: 1/24/02 1:46am
Subject: Microsoft settlement

Microsoft's presence has an absolutely chilling effect on innovation in the computer industry. No startup's business plan is complete without a section on ''what if we're actually successful enough that Microsoft notices and squashes us like a bug?'' Today, only the largest companies can afford to take any speculative steps towards areas covered by Microsoft's monopoly, because anybody smaller simply cannot afford the risk. This is not simply fair competition; if it were fair competition, a company with a superior product could have a clear chance to gain significant market share. As it is, a company must be careful not to be too superior too soon. The source of Microsoft's threat is not the quality of its products, but the influence it exerts due to its near-total ownership of many aspects of computing.

The proposed settlement is clearly insufficient to remedy this situation. The settlement forbids some, but not all, of the —existing— practices that Microsoft engages in. Once Microsoft is barred from those, it will quite naturally intensify the remaining monopolistic practices and develop others in areas that the settlement does not cover. In effect, Microsoft's claim of massive innovation will at last be realized!

The whole settlement seems too flawed for me to go through piece by piece to discuss why I disagree with it, but consider for example its attempt to allow companies to develop products that interoperate with Microsoft's OS and middleware platforms. Microsoft still has the ability to change document formats, fail to adequately document the new or existing formats, and can easily change protocols or APIs without notifying ISVs until too late.

Fundamentally, I believe the situation needs to be looked at from an entrepreneur's point of view. The entrepreneur has an idea for a superior product that is similar to something Microsoft sells. Today, he'd have to be utterly insane to risk his time and money in pursuing his idea. If this settlement is accepted, he will only need to be irrational. A quantitative improvement, but not a qualitative one— the conclusion for a rational person is the same.

—Steve Fink, a concerned computer professional

MTC–00020166

From: John Murphy
To: Microsoft ATR
Date: 1/23/02 11:34pm
Subject: Microsoft Settlement

I am writing to express my hopes that the court will reject the proposed settlement in Microsoft's current anti-trust case. I believe that the nature of Microsoft's management will make it difficult for any in-company overseer to do his job properly and without the appearance of a conflict of interest.

But my chief concern is that Microsoft's current software offerings, chiefly WindowsXP, are themselves extremely questionable considering what has been found in court about Microsoft's anti-competitive behavior. In short, I believe that Microsoft's current behavior is not addressed by the settlement and that unless the settlement is modified, it will only lead to further anti-trust litigation.

There is also the matter that as far as I can tell, Microsoft is being allowed to keep the fruits of its unlawful conduct. Without court-ordered access to Microsoft's sales records, OEMs who may have a legitimate right to sue Microsoft over its pricing practices will not have the grounds to do so. Further, I don't believe that the settlement effectively addresses the potential of retaliation by Microsoft against these OEMs.

These and other concerns prompt me to ask that the court please reject the proposed settlement.

John P. Murphy, BSEE, BSCpE
Westfield, MA

MTC–00020167

From: Dixie Flatline
To: Microsoft ATR
Date: 1/24/02 1:45am
Subject: Microsoft Settlement

Hello,

I must add my voice and agree that this settlement is a bad idea. Can we say ''Mother of Enron''?

Best regards,
Dixie mailto:hosaca@earthlink.net

MTC–00020168

From: Josh Koenig
To: Microsoft ATR
Date: 1/24/02 1:46am
Subject: Microsoft Settlement

I find the DOJ's proposed final settlement on the Microsoft matter a step in the right direction, but lacking in many key areas. I am writing as provided under the Tunny act that you might consider my opinion as one computer-using citizen of these United States of America. The DOJ's proposed final resolution should include specific measures which insure that Microsoft raises no artificial barriers against non-Microsoft operating systems which implement the APIs needed to run application programs written for Windows. This will allow non-Microsoft programmers to write alternative middleware for other operating systems that will operate Windows-based applications. An example of this is WINE for Linux.

By not providing some protection for software vendors engaged in making Windows-compatible operating systems, the DOJ is missing a key opportunity to encourage competition in the Intel-compatible operating system market.

Additionally, file-formats (e.g. Microsoft Word) should be publicly documented so to allow easier exchanging of documents and content between platforms. This is one measure that can only serve to help the end user by allowing more applications to interoperate on the same documents.

A host of other helpful and pro-competition suggestions can be found at the following URL: http://www.kegel.com/remedy/remedy2.html

cheers
-josh

I love America, and I mean that in the fullest possible sense. This country is grounded in participatory democracy. Citizens must educate and involve themselves in the affairs of government. Be a citizen, not just a consumer.

MTC–00020169

From: kevin morgan
To: Microsoft ATR
Date: 1/24/02 1:43am
Subject: Microsoft Settlement

I have read about the proposed settlement, and I am not in favor of it in its current state. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors.

Kevin Morgan
1395 Saratoga Ave, #14
San Jose, CA 95129

MTC–00020170

From: WMLFerk@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:46am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Mary Lynn Ferkaluk
8534 Blue Ridge Avenue
Hickory Hills, IL 60457–1059

MTC–00020171

From: azmesakid@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:47am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
James Mowrey
102 S 18th Street
Clear Lake, IA 50428

MTC–00020172

From: Julius T. Abadilla
To: Microsoft ATR
Date: 1/24/02 1:51am
Subject: Microsoft settlement

Gentlemen:

It is an ideal objective in an ideal world to be able to control all the ''giants'' in the industry, thus the ruling that Microsoft was a monopolist and has broken the law. That ruling, I believe, was intended to rein in Microsoft. However, that same ruling did produce an unintended result, i.e., it opened up a lot of grounds for uncalled for lawsuits. As I have always stated, there should be a clear signpost on when a developing company has passed the stage wherein they are not anymore considered a developing company. Then, apply the rules of anti-competitive ruling to the fullest extent of the law. This is for control purposes, as far as the State is concerned. Without this clear ''signpost'', we will always be penalizing highly successful companies, like Microsoft, when we deem them to be too successful to be feared. This method being applied to Microsoft now will only hurt all of us further. What we should be doing instead is setting up a clear groundwork for technological development, encouraging and rewarding market leadership and promoting healthy competition. I fear that if this is not resolved quickly, no company now will dare to become too successful for fear of being the next Microsoft, in terms of litigation.

Hope we can undo some of the harm already done.

Thank you,
Julius T. Abadilla

MTC–00020173

From: Dale Siemer
To: Microsoft ATR
Date: 1/24/02 1:50am
Subject: Microsoft Settlement

To Whom it May Concern:

If you in your usual ignorance insist on punishing one the premier business ventures in the nation, whatever monies you elect to fleese from Microsoft should be dispursed to those of us who have spent our hard-earned money acquiring their products! It was this ''witch-hunt'' that started the depression we are all now trying to endure.

Wake up and smell the coffee, show some sign of intellegence.....

Dale Siemer
PO Box 96
Lewistown, MT 59457–0096Get more from the Web. FREE MSN Explorer download :

MTC–00020174

From: David Benfell
To: Microsoft ATR
Date: 1/24/02 1:51am
Subject: Microsoft Settlement

Hello,

I oppose the proposed settlement with Microsoft.

David Benfell

MTC–00020175

From: Derek Pluchinski
To: Microsoft ATR
Date: 1/24/02 1:50am
Subject: Microsoft Settlement

Microsoft should not be allowed to continue to proliferate it's products at the expense of competitors. It seems that every PC comes with Windows pre-installed and Windows comes with pre-installed software such as Microsoft's Web browser Internet Explorer. This has put a huge dent in Netscape's market share of the Communicator web browser.

And then recently, I read about a recent court decision that ordered Microsoft to give hundreds of millions of dollars of free software to certain financially strapped

schools. That would not be a penalty at all. It was an golden opportunity for Microsoft to further entrench itself in the school system at the expense of Apple Computer and their Macintosh platform. In that case, Microsoft should give money to these schools to buy software and hardware from whomever they choose, giving Apple computer a chance.

Thank you for your consideration of my comments.

Sincerely,

Derek Pluchinski

MTC–00020176

From: brandon donahue
To: Microsoft ATR
Date: 1/24/02 1:50am
Subject: Microsoft Settlement

I find Microsoft's proposed settlement of its pending civil suits absurd. In response to claims of being a monopoly and maintaining a stranglehold on the operating system, web browser, and office suite markets Microsoft suggests that it could make amends by providing schools with its products. Microsoft wants to respond to monopoly claims by flooding the market and targeting children with its products. One cannot possibly correct a wrong by perpetuating it. And yet this is what Microsoft has suggested. This defies all logic. I am utterly opposed to this settlement.

Brandon Donahue
Moorhead, Minnesota

MTC–00020177

From: rdscott@indiana.edu@inetgw
To: Microsoft ATR
Date: 1/24/02 1:45am
Subject: Microsoft Settlement

I'm a disgruntled pc user who has found it increasingly problematic and frustrating to use Microsoft products, including its popular windows operating system and web browser. Furthermore, I've found the problems especially troubling because I'm aware of the alternatives that do exist, but which are difficult to purchase on new pc systems. This is a direct result I believe, of the monopoly power that microsoft has in the industry. I feel the actions of Microsoft continue, perhaps even at an accelerated pace, to reduce the quality and quantity of choices for pc users. Clearly, the settlement for the crimes committed by Microsoft is not enough. I would favor a much more aggressive discipline of the company. As it stands now, the settlement amounts to little more than a slap on the wrist, and judging from Microsoft's behavior since the end of the trial, it's actually made things worse for consumers. Thank-you.

Ryan Scott
Bloomington, IN

Federal Register

Friday,
May 3, 2002

Part II

Department of Justice

Antitrust Division

United States v. Microsoft Corporation; Public Comments; Notice

MTC–00020179

From: Brian Summers
To: Microsoft ATR
Date: 1/24/02 1:52am
Subject: Microsoft Settlement

To whom it may concern,

I am writing in response to the proposed settlement agreement with Microsoft in the Anti-trust lawsuit. I want to express my severe disappointment and outrage with the proposed settlement agreement. This agreement does nothing at all to Microsoft. All it forces them to do is to follow current law as it already is written. It does nothing at all to remove all the power and influence Microsoft has received by exercising its illegal monopoly over the computer OS industry. How can you even start to believe that this settlement is fair for anyone outside of Microsoft? You are basically giving them a slap on the wrist, and saying, ''Ok, we caught you. Don't do this again now. You can go back to your business, but play by the rules now.'' This action is akin to catching a major drug dealing ring, arresting them, and then letting them go, as long as they promise not to deal drugs again. And not only did you let them go, you gave back all the drugs you confiscated when you made the arrest as well as all their drug money. Microsoft has a clear unfair advantage over any other company in the operating system industry. Microsoft already received enough of the fruits of illegally using its monopoly and has been able to grow to what it is now because of this. Something needs to be done in any settlement that DIRECTLY AFFECTS Microsoft's assets and holdings, as well as its power and influence over the OS industry. These aspects of Microsoft grew out of the direct result of them illegally using its power. As such, anything that was gotten illegally should be taken away, or at least an attempt needs to be made to level the playing field in the industry. This settlement falls very short of what needs to be done do so.

One of the major flaws in the settlement is that Open Source projects like the Linux Operating System also should have access to the communication and API protocols that Microsoft's OS's use. Linux is currently the MAIN competition that Microsoft is facing in the OS industry. No allowing Microsoft's main competition access to the protocols simply because the system is Open Source makes no sense at all. Linux is the competition and as such needs to have access to the protocols as well.

Direct compensation needs to be made to the consumers of Microsoft products. Prices on their OS licenses have not changed at all. Because there is no competition, there was no reason for Microsoft to give a reasonable price for their product, simply because people had to use it.

The idea of letting Microsoft possibly make compensation by purchasing computers and software for some of the country's poorest school district does nothing but increase Microsoft's hold over the computer industry. If any deal like this is made, Microsoft should be forced to use the full amount of money in any such action to purchase computer hardware only. The cost of the software to Microsoft would be nothing, if Microsoft software was used. Because Microsoft has the ability to make an infinite number of licenses of their software, the actual cost of that software to them is nothing, and as such does nothing to hurt Microsoft. All this type of deal would do is create another generation of people to later purchase a Microsoft product. Red Hat Linux had an alternate proposal that I and many others feel would be much more effective. Red Hat proposed that Microsoft purchase only hardware, and that Red Hat would provide the software for the computers. Thus allowing many more computers to be given to more schools and also teaching people that there is more then one choice for a computer operating system. In closing, this proposed settlement does NOTHING but allow Microsoft to continue business as usual. We had a better settlement deal BEFORE Microsoft was found GUILTY then we have with this settlement after their guilt was PROVEN in court. This deal is completely one sided and its side most certainly looks like Microsoft to me. What do I as a member of the computer industry get out of this? What does everyone else who simply had to pay outrageous prices for Microsoft products get out of this? What does the computer industry get out of this other then the fact that Microsoft will still be as powerful as ever? How does this do anything to change the way things are? Well, if you ask me the answer to all those questions above is nothing. And that is what this settlement does, its does nothing.

Brian Summers
Unix Network and System Administrator
Software Developer/Programer

MTC–00020180

From: Michael Newton
To: Microsoft ATR
Date: 1/24/02 1:52am
Subject: Microsoft Settlement

I am of the opinion that Microsoft is actually *Winning* this case with the settlement proposed. It is the equivalent of a slapping a murderer on the wrist. And yes, MS is very much a murderer. A suitable punishment would be to force open all of their API's, an API is the code base used to write the uppermost tier of executable programs. The Win32 API, if open, would not only embarrass the company (with their feeble attempts at programming), but will allow any number of windows programs to run on alternative operating systems. There is a project underway to create an API that mimics the win32 API, called WINE, but life would be soo much easier if the code-base was already open. Another part of this is the networking/communications APIs. MS Outlook and MS Exchange Server have a closed protocol. Opening this would pave the way for alternative Office platforms, or actually using MS Office on top of another OS (Beos, Linux, Solaris).

Have you ever really read the Microsoft licensing schemes? They had this one scheme that flopped, not too long ago, that had 3 options:

1) You don't sign up for anything special. MS then jacks up the costs of individual liscenses.

2) You pay a yearly fee, and recieve MS upgrades and liscences.

3) You pay a significantly reduced amount if you promise to use ONLY MS products.

Everyone and their brother originally bought MS products because they were cheap, and because they managed to worm into the OEM distribution channels. They have become a defacto standard, even though their OS is worth crap. Let us count the number of security issues Windows XX has had in the past 6 months, and the amount of bandwidth that the entire internet lost because of it. If the Gov't doesn't hold MS's hand while doing business, to ensure that it is done fairly, I will have significantly less confidence in every part of this country. I swear... If you actually need something done right, you can't write to anyone any longer because you will be ignored. How many senators check their e-mail anymore? How much thought will you (the reader) actually give this letter, as well as the thousands of other letters you recieve just like this one? We actually need computer literate people deciding on this case, and it is apparent that we do not have that. In their stead, we have a pile of lemmings that have been fed MS gestapo propoganda. Yeah, ironically, I send this via Outlook Express, on the only windows machine I own. I have had to patch this machine 20 times a month, compared to the goose-egg off my two Linux machines.

Go figure.
Mike

MTC–00020181

From: RHS Linux User
To: Microsoft ATR
Date: 1/24/02 1:54am
Subject: Microsoft Settlement

I am a student at NOVA in Virginia. I feel the proposed settlement in the anti-trust case United States vs. Microsoft is severely lacking in coverage and effective enforcement. I suspect a symptom of Microsoft's tyranical behavior, and the lack of restraint, is the flare up of Open Source development. Perhaps this public movement could be used to penalize Microsoft and benefit the public at the same time? Reguardless, I've seen Microsoft's tactics over the years, and the current settlement does almost nothing to curb their behavior. Microsoft will have completely evaded the minimal restraints and enforcement within five years and have lost none of its power to elbow competition out in the short or long run.

John Jones

MTC–00020182

From: Myles F. Barrett
To: Microsoft ATR
Date: 1/24/02 1:52am
Subject: Microsoft Settlement

The proposed Settlement is outrageously deficient. The Microsoft anti-trust offense is on a scale that boggles the mind. It will only worsen as Microsoft adds new technological sectors to its domination. Any sanction that falls short of definitively preventing this stranglehold from growing is a monumental miscarriage of justice. Please make the remedy definitive by breaking up Microsoft into non-colluding units.

Myles Barrett
Software Consultant

Data Exchange Associates, Inc.
N. Chelmsford, MA

MTC–00020183

From: Geni1028@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:48am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Geni Casaletto
5665 S. Chestnut #8
Fresno, CA 93725

MTC–00020184

From: Robert Riemersma
To: Microsoft ATR
Date: 1/24/02 2:02am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html), namely:

The PFJ doesn't take into account Windows-compatible competing operating systems

Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertised as being ''Windows Powered''.

The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)

The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

The PFJ allows Microsoft to discriminate against small OEMs— including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

The PFJ as currently written appears to lack an effective enforcement mechanism.

I also agree with the conclusion reached by Dan Kegel's analysis, namely that the Proposed Final Judgment, as written, allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

Sincerely,
Robert Riemersma
79 W 18th St
Holland MI 49423

MTC–00020185

From: Fred von Stein
To: Microsoft ATR
Date: 1/24/02 1:56am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions. Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general. While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Fred von Stein
New York

MTC–00020186

From: John McGready
To: Microsoft ATR
Date: 1/24/02 1:56am
Subject: Microsoft Settlement

Regarding the Microsoft settlement, I don't believe the current proposal provides adequate remedies for those injured by Microsoft's anti-competitive behavior. Over the decades hundreds, even thousands, of small companies have been driven out of existence by Microsoft's objectionable business practices. As was done with AT&T, Microsoft should be severely regulated, if not subdivided until its market share drops to an acceptable level, perhaps 33 to 40 percent (assuming one of its competitors is now also at 40%). Until this is true of all Microsoft product lines, such regulations shouldn't be realxed. Even after being found guilty of

monopolistic practices, Microsoft's behavior shows a complete lack of respect for the law, a complete lack of remorse for their actions, or even repentance for their crime. Strict regulation of their behavior, coupled with the threat of incredibly severe criminal penalties for noncompliance, is the only remedy that will contain them— for it speaks the only language Microsoft either knows or respects— the language of compulsion and enforced compliance. The market must be able to return to its rightful state— a balance born of countervailing competition. We don't need another Enron. Imagine the damage to the nation should a monopoly like Microsoft were to fail.... or even to have a bad quarter.....

The risks of a monopoly are greater than merely the loss of competition. Any benefit of monopoly is far outweighed by its stifling of the great and diverse chorus of voices joined together to form the rich tapestry that is the American Dream. I ask that you not implement the proposal as it is now, but instead fight for the small companies that best express the golden opportunities and freedoms for which our armed forces are fighting even now..... save the towers of this nation's economy from another remorseless attack.....

Thank you for your time.

John McGready
3604 Drumore Dr. 1st Floor
Phila., PA 19154

MTC–00020187

From: Martin Wolters
To: Microsoft ATR
Date: 1/24/02 1:55am
Subject: Microsoft Settlement

To whom it may concern:

I am very concerned about the ongoing settlement discussion with Microsoft. After following the involved issues since a couple of years from different perspectives (user, interested individual, software professional) I developed a strong opinion on the required action. Microsoft's monopoly has gone too far. Freedom and protection of users in America and around the world need to be taken more seriously. Any proposed settlement must put an emphasize on new alternatives to the current situation. It can be

+ a push for other operating systems (Mac, open source, etc.)
+ a clear cut between Windows OS and Windows applications (e.g. browser, office suite, media player)
+ or steps that ensure open standards when connecting computer and/or exchanging information (e.g. files).

It also should be emphasized that the user is in control of the software on his computer. That he/she can decide, which programs to install or not and that he/she can buy computers from companies that were allowed to freely make those decisions for them. Simply paying some money or donating some of the software under discussion does not solve the problem. I hope the involved government organizations will put an emphasize on the interest of millions of computer users and organizations.

Best regards,
Matrin W.

MTC–00020188

From: Lars Hedbor
To: Microsoft ATR
Date: 1/24/02 1:56am
Subject: Microsoft Settlement

I favor dropping the case against Microsoft—they've done far more good for the economy of our nation than any minor harm that they may have done to their erstwhile competitors. Failing this, however, I would favor the settlement of the suit as soon as possible, with the terms currently proposed under the suit in question.

Thank you for considering my opinion in the decision-making process.

Lars D. H. Hedbor
14230 S. Beemer Way
Oregon City, OR 97045
(503) 722–3849 land
(503) 781–0227 cell

MTC–00020189

From: rjwill246@mac.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:04am
Subject: Microsoft

The continued abuse of the privilege of operating in an open market by Microsoft must lead to some remedial action that does more than simply ''sending a message'' to them. The Netscape fiasco is yet another blatant example of Microsoft's idea of how free enterprise works and if Microsoft does not pay substantial damages and does not allow competitors to compete without being threatened, what sort of precedent does that set for the future direction of US business practices? Indeed, the message would be loud and clear that such practices are actually permitted by the government if a corporation is large and powerful enough to be able to convince bodies, such as the DOJ, that any harm to that company might harm the US economy; a specious argument since it purports to show how vulnerable the US economy is... which it is not!! (9/11 has proven just how robust this country is.) Moreover, if other systems such as Apple, Linux etc can be allowed to prosper from their innovations, that is all to the good of the US economy as diversification has always been what has made America different... read successful and strong. The feudal system epitomized in the whole Microsoft ethos is appalling at first blush and outright dangerous in full light. Please show courage and fairness in your deliberations but above all show us that, in the end, the interests of the US, not Microsoft, are what must be protected.

Sincerely
Robin Willcourt MD
701 Aspen Trail,
Reno NV 89509
775 787–6550

MTC–00020190

From: Rommel, Florian
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 1:56am
Subject: Microsoft Settlement

I understand that MS is a big company and contributor to your economy but i think this whole windows thing has gone too far... noone will ever read this mail away , i just thought i'd let myself known that MS , even though setting milestones in personal computing history, is pushing this whole thing too far. it should have been split and get this thing over with..

QuartalOy
Florian Rommel, Senior System Administrator (rommel@quartal.com)

MTC–00020191

From: Kristafari@webtv.net@inetgw
To: Microsoft ATR
Date: 1/24/02 1:54am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Peggi Reagan
4302 Dayton St.
Omaha, NE 68107–1016

MTC–00020192

From: zhenbinx
To: Microsoft ATR
Date: 1/24/02 1:58am
Subject: Microsoft Settlement

It is time to settle! The lawsuit was brought up by the competitors of Microsoft. There is no harm to consumers. I, for one, love what has been integrated into Windows platform—having to install daily use software and configure it correct is simply too painful. Integration is the right thing to do. The competitors want Microsoft die. They don't really think about consumers otherwise they would have been more competent on bring out high quality products. All companies should focus more on innovations and engineering excellences. The information industry needs to leave this behind and have the case settled.

MTC–00020193

From: Robert Bain
To: Microsoft ATR
Date: 1/24/02 1:57am
Subject: Microsoft Settlement.

As a professional computer programmer, I've been monitoring the Microsoft Case with a great deal of interest. Like many people who've had MicroSoftWare inflicted upon me over the years, I'm hoping the power of Goverment can do what the marketplace has so spectacularly failed at: making Microsoft Play Nice with the other children. But I don't think the currently suggested remedies are going to do that.

I still think Judge Jackson had the right idea: Break MS into two companies, one for applications, one for OSs. (I'd add one for

hardware, but that's just me.) If that truly is impossible, I think an equally good idea would be to force MS to reveal ALL their Application Programming Interfaces (APIs) to any porgrammer who wants to see them. They have a long and proud tradition of using hidden APIs to get better performance out of their own applications, while letting outsiders gimp along with the poorer-performing, better-documented ''official'' APIs, which sounds like a fairly ringing abuse of monopoly power to me. Good luck coming up with a solution. You'll be flogged if you get it wrong, and you'll get flogged if you get it right. But I've heard it hurts less when you get it right.

Good luck,

R. Bain.

MTC–00020194

From: Robert Womack
To: Microsoft ATR
Date: 1/24/02 2:01am
Subject: Microsoft Settlement

Let Microsoft alone. Note that this came via bellsouth.net and not msn.com. Which means the little icon in windows did not influence me in selecting an ISP. Without Microsoft and Bill Gates, most folks would still be using 5X8 cards.

Robert Womack, 59 Acorn Rd, Rome, Ga, 30161

MTC–00020195

From: Eric Nehrlich
To: Microsoft ATR
Date: 1/24/02 2:04am
Subject: Microsoft Settlement

To Whom It May Concern:

I would like to register my opposition to the proposed settlement in the Microsoft antitrust trial. I feel that Microsoft has circumvented such restrictions in the past, and has shown no indication that they will not do so again with the proposed settlement. They have consistently shown no inhibitions about taking any actions necessary to protect their monopoly. If their operating system were being compared to others on a level playing field in terms of stability and usability, Microsoft would lose every time, so it is clear that they are taking advantage of their monopoly position. I believe that the settlement needs to include a recognition of the immense damage that Microsoft has caused to the computer user community over the past ten years. By crushing innovation that could conceivably harm its monopoly, it has held back the progress of the computer software industry. Users have been conditioned to expect that their software should be expected to fail all the time, that their computer needs to be rebooted at least once a day, and that software must be hard to use. The amount of time that the typical computer user (which is almost everybody these days) spends fighting with their computer to get it to do what they want is probably half an hour a day. Add that up, and that could be a 5% drop in productivity that is directly linked to the inferiority of Microsoft's products, products which have only maintained their market position due to Microsoft's abuse of their monopoly status. Any settlement needs to recognize the massive negative impact that Microsoft has had over the past ten years, and punish Microsoft for their behavior.

Thanks,

Eric Nehrlich
758 Kingston Ave. #203
Oakland, CA 94611

MTC–00020196

From: Waldauer
To: Microsoft ATR
Date: 1/24/02 2:03am
Subject: Microsoft Settlement

As allowed by the Tunney Act, I would like to voice my opinion on the past proposed settlement and current anti-trust lawsuit in the case against Microsoft. Previously Microsoft proposed a settlement for the anti-trust trial. Their settlement included roughly one billion dollars worth of software, computers, and technical support to be delivered to schools across the country. This proposed settlement seemed to me to be not much more than a simple public relations trick and possibly even an attempt to EXTEND their monopoly. The facts of the matter are that a 500 million dollar donation of SOFTWARE to schools across the country would actually cost Microsoft considerably LESS than 500 million dollars. A donation of a $100 product such as a Windows operating system license would only end up costing Microsoft whatever relatively small cost of shipping and packaging. The rest of the $100 (probably in the range of 90%) makes up the license, which costs Microsoft nothing to donate. Another fact about this proposed settlement is that if it had been passed, Apple Computers would have most certainly suffered a huge blow by losing a large portion of its current market share. Apple Computers make up, by recent estimates, between 40% and 50% of all computers in American schools. Had the proposed Microsoft settlement been passed, many of those computers would have been replaced with Microsoft Windows machines thereby, in all likelihood, permanently displacing Apple Macintosh operating system machines from schools. I think there is an inherent problem with an anti-trust settlement when a monopoly's sole (albeit very small) competitor would be seriously injured. Lastly, I believe that if one billion dollars were to be donated to American schools, I feel that donations in the form of computers, software, and technical support would not be the most useful form. I remember my high school, we had a very full and up-to-date computer lab; unfortunately, we lacked enough teachers and staff to keep the computer lab open after school when the most use can be made of a computer lab. I also remember my high school severely lacking desks and chairs and an ever increasing class size. If one billion dollars is to be donated to American schools, I believe the problems I have laid out should be addressed first.

Although I found the previous settlement proposal to be nothing more than a PR joke with nearly nothing to produce any results in reducing Microsoft's monopoly or compensating the public for abuse of that monopoly, I do believe that there is a solution to the problem. Microsoft's monopoly resides in three software applications that control three separate markets. First is the Windows operating system itself. The main reason this monopoly lingers and is so difficult to eliminate is because nearly every program on Earth runs on windows, but relatively very few will run on any other operating system. So in order to run your favorite programs, you need to buy a copy of Windows. The best solution to this problem would be to allow someone to run a program written and designed for Windows, but without purchasing a copy of Windows. Every operating system uses a set of API's (application program interface) that allows a programmer to draw windows and objects onto the screen. The API allows for just enough ''hooks'' for a developer to use, but the API itself is hidden, only a description of what it does is publicly known. Because of this, it becomes virtually impossible to duplicate the Windows API. Step one to eliminating a Microsoft monopoly is to force Microsoft to publish the complete source code to the Window's API thereby allowing other producers to produce operating systems that can run Windows programs and thereby directly compete with Windows.

The second Microsoft application that unfairly monopolizes a market is the Office Suite program, Microsoft Word. Although this program is deemed by many to be the best of its kind, it is not the quality of the program that has given Microsoft an unfair edge in the market, it is instead the format that the program by default saves documents in. The Microsoft Word document format is proprietary, and in order to open a file written in Microsoft Word, a person needs to have Microsoft Word (there are programs that attempt to open Word documents, but these are not complete and usually can only open the most basic Word documents). In order to alleviate this problem, the specifications of the Word document should be released to the public so that a document created by Microsoft Word can be opened and edited or manipulated without the need to purchase a copy of Microsoft Word. Lastly, the third program that has monopolized an entire market is Microsoft's Internet Explorer. Through monopolistic practices, Internet Explorer pushed Netscape's Navigator out of the market. Microsoft also released web authoring tools which produce webpages that can only be correctly viewed with Internet Explorer. When the graphical internet started to become popular, standards were formed on how webpages should be formatted using the HTML (Hypertext Markup Language) code. With a monopoly on web browsers, Microsoft violated these standards in their authoring programs to solidify their monopoly. Although today many alternative web browsers do exist, none of them ''work'' as well as Microsoft's simply because so many web pages are made to only be viewed in Internet Explorer. As a solution to this, the rendering engine (the part of the web browser that ''renders'' the HTML code to put the correct layout and text of the webpage on the screen) of Internet Explorer should be made public so that competing web browsers may incorporate into their web browsers code to allow their users to view ''Internet Explorer only'' webpages.

In all three of the mentioned markets Microsoft has maintained a monopoly by forcing proprietary standards and formats and NOT by producing quality products at low prices. In all three of my solutions Microsoft would lose that unfair edge allowing other companies to step in with competing products like never before. Before a competing product had most of its focus on merely being compatible, take away that edge and time and money can be spent on making quality products at low prices (or free products as the case may very well be, I.E. Linux, OpenOffice, etc.). In my proposal Microsoft would be punished for its abuse, but more importantly, it would take away the edge that Microsoft enjoys in order to maintain their monopoly. My proposal would allow for competition to fairly enter the market and hopefully would result in a better and less expensive computing experience for everyone.

Alex Waldauer

MTC–00020197

From: Fred von Stein
To: Microsoft ATR
Date: 1/24/02 2:01am
Subject: Microsoft Settlement

Dear Sirs,

The current proposed settlement (PS) is flawed. Because of many different legal loopholes in the PS, Microsoft will be able to find ways to easily exploit their customers and OEMs to their advantage. Microsoft has already extended, or tried to extend, their monopoly since the start of the trial, such as:

Microsoft .NET and MS's plans to force everybody to sign for a MS Passport (which has already been proven to be a very insecure system)

The failed attempt to turn an educational lawsuit into a way to inject their software into yet another market

Imposing highly-restrictive EULAs and license agreements in XP to try to milk as much money as possible from the end user and businesses, which has already forced other governments (such as the UK and China) to consider other options besides MS software

Using PR stunts to hide the fact that security was never a major concern of any of their products, and never will be (even though recent developments in Windows XP and Internet Explorer have proven this)

Starting petty lawsuits to snuff out competition, in the hopes of running them out of money (such as the recent Lindows lawsuit)

Rigging web polls and writing fake letters (from people already long dead and buried) to influence business and DoJ decisions The government's intentions in the PS are in good faith, but the language puts too much faith in MS's interpretation of it. Dan Kegel has a great analysis of the flaws found in the PS here: http://www.kegel.com/remedy/remedy2.html In short, I feel that it's the DoJ's duty to revamped the PS and/or return to the drawing board, as its current revision is not enough to stop Microsoft's anti-competitive practices.

Fred Stein

MTC–00020198

From: John Chu
To: Microsoft ATR
Date: 1/24/02 2:02am
Subject: Microsoft Settlement

Given the course and time that legal proceedings have taken for the Microsoft Anti-Trust Case, it would seem that Microsoft is winning this war, even if it is losing the battle. States have settled with Microsoft because they can ill-afford the monetary losses that they've indulged into this case. Microsoft lawyers cleverly petition to extend the case, and the Court keeps setting new dealines for hearings. Then there are the settlement offers that Microsoft offers, mere pittances that secretly hold a different agenda, underneath a veil of altruism. Microsoft is both demeaning and insulting the court's ignorance of the Software Industry. Evidence has already been shown that Microsoft has reaped, plundered, and murdered many an honest companies'' viable products, and yet it continues to strong-arm many of its competitors today. It would seem that Microsoft's war of attrition is winning out over the Justice Dept. and States. It will win, whether or not it loses this case.

John Chu
Saddleback College Student

MTC–00020199

From: Scott Yates
To: Microsoft ATR
Date: 1/24/02 2:01am
Subject: Microsoft Settlement

I just want to make it known that i believe the proposed anti-trust settlement is a bad idea. Do we simply let any company that gets in trouble now simply BUY their way out?

Scott Yates

MTC–00020200

From: Jonathan S Talbot
To: Microsoft ATR
Date: 1/24/02 2:02am
Subject: Microsoft Settlement

I am writing to express my opposition to the proposed microsoft settlement as it currently stands. Let there be no doubt about Microsoft's widespread influence, as evidenced by their popular windows OS. My primary complaint lies with the fact that the problems associated with Microsoft's monopoly are not being adequately addressed in this settlement. For example, in the interest of protecting ''intellectual property,'' Microsoft is not required to reveal protocol or interface information, thereby hampering competing software companies from developing products compatible with Microsoft's windows OS. This is akin to a hypothetical automobile manufacturer who develops a monopoly via an outrageous volume of vehicle sales, and is allowed to produce inferior parts that require frequent replacement (to that company's benefit), while simultaneously inhibiting production of better quality replacement parts by competing manufactures, because the part specifications of the monopolistic company are protected in the name of ''intellectual property.'' Unless Microsoft is required to release such information, without the controlling nature and costs associated with licenses, their monopoly is not limited and is in fact enabled. In the interest of permitting competitors to produce better ''parts'' for the omnipresent windows OS, which would better serve the general public AND Microsoft, as well as helping to preserve the viability of such competitors, this settlement must be modified accordingly. Such a change would control costs for consumers and more appropriately restrict the monopolistic influence of Microsoft. Personally, I appreciate the ability to choose new auto parts, at discounted prices, and from a variety of manufacturers, and I would like the same privilege with my computer.

Thank you for your consideration,
Jonathan S. Talbot
Longview, TX

MTC–00020201

From: Geoff Kuenning
To: Microsoft ATR
Date: 1/24/02 2:04am
Subject: Microsoft settlement

I would like to go on record as opposing the proposed settlement in the Microsoft antitrust case.

The proposed settlement has so many problems that it is nearly impossible to address them in a brief note such as this one. However, I will address two issues:

1. The PFJ does nothing to prohibit anticompetitive license terms currently used by Microsoft.

2. The PFJ does not prohibit Microsoft's historical practice of intentionally modifying its operating systems to introduce incompatibilities with competing non-operating-system software products, with the sole goal of making those other products unable to compete with Microsoft's own non-operating-system products.

Geoffrey H. Kuenning
Assistant Professor, Computer Science
Harvey Mudd College
Claremont, California 91711

MTC–00020202

From: hmasoud@arabia.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:04am
Subject: Microsoft Settlement

Dear reader...

I write this letter to present my opinion regarding the Microsoft anti-trust case. I strongly object this deal, I think it was rushed, all because the justice department was busy dealing with the september 11th attacks against the US. The deal struck between the DOJ and Microsoft doesn't in any way:

1. punish Microsoft of its previous illegal acts.

2. restrict future monopolistic behaviour. Therefore I would love to see a review of the case settlement.

Thanks for your time
Hashem Masoud
Citizen of the state of Bahrain

MTC–00020203

From: dkblv@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:03am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
D Bryan
23 La Crosse Ct
Henderson, NV 89052–6608

MTC–00020204

From: Wade Farlowe
To: Microsoft ATR
Date: 1/24/02 2:06am
Subject: Microsoft Settlement

Wade Farlowe
4301 Wooded Way #18
Louisville, KY 40219
January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I strongly support your efforts to end the Microsoft antitrust litigation, now of three years in length, and implement the settlement reached by the parties. I think this lawsuit should never have seen daylight. I am not alone in this. The lawsuit is unproductive and disruptive. By putting the suit behind us, the American computer industry will be freed to innovate at the world-leading pace it had held for many years. In order to end that litigation uncertainty and wasteful expense, Microsoft has agreed to, give up some of its rights, and make it easier for other companies to work with its Windows operating system. Microsoft has agreed to make its easier to remove the useful programs it includes in Windows, such as Internet Explorer, Windows Media Player and Windows Messenger. So, if AOL Time Warner wanted to contract with a computer builder, such as Dell, to put Netscape Navigator and AOL Messenger on the desktop and remove Microsoft's offering they could do that. Microsoft has also agreed to have a technical monitoring committee come into its business to check for compliance with the agreement and check out any complaints by third parties. All of these terms show a Microsoft that wants to cooperate for the good of the American computer industry and to move on to better innovations, rather than wasteful unproductive time in legal wrangling. I feel you are taking the right road in supporting the settlement of this case. Thank you.

Sincerely,
Christopher Wade Farlowe

MTC–00020205

From: Michael Watson
To: Microsoft ATR
Date: 1/24/02 2:04am
Subject: Microsoft Settlement

''Surgeons must be very careful
When they take the knife! Underneath their fine incisions Stirs the culprit,—Life!'' Emily Dickinson wrote that. Or, more bluntly, Robert X. Cringley wrote in a recent article for PBS.org

[1]: ''If this deal goes through as it is written, Microsoft will emerge from the case not just unscathed, but stronger than before.'' In this sense, it is not Microsoft who will die over a matter of a slip of the knife, so to speak, but everyone who chooses to offer serious alternatives to anything Microsoft develops and releases. Easily implementable MPEG (a type of audio and video format) decoding standards for DVD video and audio could be trampled to death if Microsoft is easily and freely able to push its more proprietary formats on the DVD industry [2]. For example, owners of non-Windows laptops with DVD players could be seriously affected in the long term. (What if I can't play some DVD I want because there's some obscure incompatibility in my DVD player? This is just one important question that can be posed.) What may be the worst issue of all is demonstrated by visiting the following URL: <http://www.microsoft.com/library/shared/deeptree/bot/bot.asp?xmlsrc=/technet/library/1033/toc/tnlib/tnlib6586—.xml> What you're looking at is a list of just —some— of the major, KNOWN security issues with Microsoft's software. You'll notice I pulled this link from Microsoft.com itself. The dominance of Windows in the United States is becoming a national security threat [3], and will inevitably become worse as they're left more loopholes in court rulings and established case law. Their seedier actions are rooted in the loose and often downright retarded language in legal precedents, and if they aren't provided with precedents that are solid and thought-out, they will, as Mr Cringley wrote, continue obfuscating the intent of courts in which they argue and rulings to which they're told to adhere. I would have little problem continuing on and on, but I am aware of the almost uncountable amount of communication you must be receiving on this subject, and understand that an extremely long-winded, rambling rant would not be in the best interests of anyone but those about whom I seek to write.

Best regards,
Michael Watson

MTC–00020206

From: jchaley@iname.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:03am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
John Haley
1203 West 103rd Street #144
Kansas City, MO 64114

MTC–00020207

From: David Gessel
To: Microsoft ATR
Date: 1/24/02 2:11am
Subject: Microsoft Settlement

Dear Renata B. Hesse,

I oppose the Microsoft Settlement. It is far too weak and does not protect innovation from the stifling effect of Microsoft's monopoly, nor does it protect consumers from Microsoft's pricing. Instead I suggest that all vendors of computer equipment which is to be supplied with Microsoft software be required to offer the same equipment without Microsoft's software and that they be required to offer the same software to anyone at the price difference between the hardware supplied with Microsoft's software and without. This will prevent Microsoft from exploiting their market position to force vendors to keep better and cheaper solutions away from their customers.

Sincerely,
David Gessel
Black Rose Technology
5233 Foothill Blvd.
Oakland, CA 94601
510 290–3849 (cel)
510 536–0105 (fax)

MTC–00020208

From: dgmillard@webtv.net@inetgw
To: Microsoft ATR
Date: 1/24/02 2:02am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Doug Millard
P.O.Box 870351
Wasilla, AK 99687–0351

MTC–00020209

From: Aaron Parker-Fasel

To: Microsoft ATR
Date: 1/24/02 2:06am
Subject: Thoughts on the MSettlement

Would it be unreasonable to ask MS to sell technology BACK to the original seller (this, of course, is in reference to the many bought-out companies out there) for $1 or something to that effect? This would CREATE business and more jobs, not to mention competition, would it not? Another thought: Would it be unreasonable to devise a settlement clause that specifically tries to decrease OS market share? For example, they could pay for advertisements of Apple products.

Aaron

MTC–00020210

From: insert random name here
To: Microsoft ATR
Date: 1/24/02 3:07am
Subject: Microsoft Settlement

Microsoft has imposed terrible software on >90% of the market. The truth is, Microsoft products are terrible, and mand illegal actions were made to obtain and keep that marketshare. I'd go into the specifics of why Windows and Office have hurt my buisness, but thats obvious, a plight heard in any office. My platforms of choice, Macintosh and lately Linux, have suffered directly with admittance of intentions from Microsoft. There are new examples every month of Microsoft's impedance of superior technology through illegal business practices. I reccomend division into three parts, Operating System, Applications, and Internet software. I also reccomend the ''open sourcing'' of propriatary protocols and formats used to force users into uniformity.

Thank You for your time.

MTC–00020211

From: Stephen Kuenzli
To: Microsoft ATR
Date: 1/24/02 2:07am
Subject: Microsoft Settlement

Dear Sir or Madam:

I believe the proposed remedy is neither a commensurate punishment for Microsoft's misdeeds nor even a deterrent to future anti-competitive behaviour. As a software and systems engineer (programmer) at a Fortune 100 company, I bear the burden of Microsoft's sins every day because much of my job is to make things work together. Microsoft has proven time and again that they will use their market penetration to push others out of a competitive market by any means necessary. These means are well documented: secret APIs, embrace-and-extend tactics that allow only Microsoft's clients to talk to Microsoft servers, and closest to my work, the banishment (via click-through licenses on some Microsoft products) of Open Source programs and tools from *my* development environment. I urge you to consider making Open Source Software (http://www.opensource.org) and Free Software (http://www.fsf.org) part of any remedy as these movements empower the users of software. If we, the users of software, are sufficiently empowered, then Microsoft nor any other entity will not be able to run roughshod over us.

Sincerely,
Stephen Kuenzli
Chandler, AZ

MTC–00020212

From: richard pauli
To: Microsoft ATR
Date: 1/24/02 2:11am
Subject: A computer operating system is a form of government

To the Courts,

Concerning the Microsoft Settlement:

I write to offer a single important insight into the Microsoft Settlement that should help your construct a decision.. In the world of digital computers, the computer operating system should be thought of as a form of government. The operating system sets rules and controls the flow of digital data much like a government set rules for a civilized populous. Your charge is to define the limits and structure of that digital government as it must intersect fairly and equitably with our civil government. I urge you to halt the further spread of such a tyrannical digital government—the Microsoft Windows operating system.

Thank you for your time.

Sincerely,
Richard Pauli
614 W. Halladay St
Seattle, WA 98119

MTC–00020213

From: dearcheryl@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:07am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
cheryl hannah
2601 Perkins Circle
Glendale, CA 91206

MTC–00020214

From: Glenn
To: Microsoft ATR
Date: 1/24/02 2:07am
Subject: Microsoft Settlement

Dear Sirs:

I am writing to give my comments on the Microsoft antitrust settlement.

I believe this settlement is counter to the interests of the American public, deleterious to the American economy, and not adequate given the findings of fact in the trial.

Microsoft's anti-competitive practices are counter to the law and spirit of our free-enterprise system. These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation. Microsoft's monopolistic practices cause the public to bear increased costs and deny them the products of the innovation which would otherwise be stimulated through competition. The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in the past, but which also prevent them from engaging in other monopolistic practices in the future. It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function.

Glenn Strauss
Network Architect and Founder
Glue Logic

MTC–00020215

From: Jason Reich
To: Microsoft ATR
Date: 1/24/02 2:07am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past actions. Additionally, the proposed settlement does nothing to correct Microsoft's previous actions. Microsoft has been found guilty, but is not being punished by this settlement. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general. While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Jason Reich
San Diego, CA

MTC–00020216

From: Jeremy Leader
To: Microsoft ATR
Date: 1/24/02 2:08am
Subject: Microsoft Settlement

I'd like to add my voice to those pointing out the flaws in the proposed Final Judgement in United States v. Microsoft.

1. In the absence of effective means of enforcement, the proposed Final Judgement is meaningless. Microsoft has already been

found to have violated the terms of other agreements; why should they respect this one?

2. If the proposed Final Judgement is modified to include some effective means of enforcements, there would still be numerous loopholes (such as those enumerated in Dan Kegel's Open Letter to the Department of Justice, http://www.kegel.com/remedy/letter.html). Several of these loopholes are large enough to allow Microsoft to completely avoid compliance with the intention of the proposed Final Judgement. In short, the proposed Final Judgement is not in the public interest.

Jeremy Leader
Arcadia, California

MTC–00020217

From: John G.Jones
To: Microsoft ATR
Date: 1/24/02 2:14am
Subject: AOL-Netscape

To Whom It May Concern,

My name is John G. Jones, I have been a reseller and consultant for almost 20 years. I was an avid Netscape promoter for several years (1994–1998). We were an ISP (Internet Service Provider) and distributed Netscape Navigator Exclusively for connections to our service (including their dialer software). We paid Netscape something like $12,000 for this privilege, (for about 2000 users) while most ISP's were providing this for free. Netscape did not update their software with user fixes as often as Microsoft, nor did they continue their dialer software which caused us to re-engineer our Dial-in Modems. We initially had to spend weeks with Netscape engineers to get their software to work with Windows, they finally went with Shiva (a third party, which had mastered this technology) to perform their Dial-up software operations. Microsoft has the BEST products for Internet connectivity and Browsing, and our customers want them. Netscape and AOL products are freely available to ANYONE without much of a hassle (it is as simple as typing www.netscape.com in any browser). It is important that an Operating system has a basic browser and an Internet Connectivity client so a person can get on the Internet and download the software they choose to use.

Much of the premise behind the lawsuit is the fact that Microsoft has taken advantage of their ability to incorporate the Internet Explorer Browser into the Operating System (OS). The fact remains that they did not and have not ever inhibited AOL or Netscape from installing their applications on the Microsoft OS. The fact that AOL and/or Netscape feels as if they deserve recognition or recourse from the industry for their inability to capture the public is a farce. Netscape, for years, made their browser available for free and indiscriminately charged fees to gain recognition and market share for the sole purpose of selling their higher end products. In addition, resellers or OEM's have the ability to add ANY software product they choose to the original installation. It is my understanding that AOL has filed a new Private lawsuit against Microsoft. I wish to make some comparison material for your thought. AOL has the predominant Instant messenger(IM) software available on the market. It is free! They won't allow other companies to integrate their IM product with theirs. What is the difference between Internet Explorer and Netscape Browsers? Netscape offers an Instant messaging product that is actually AOL's? I am a computer reseller and every computer I have delivered to a customer has had the option of AOL for an Internet provider, as well as, an option for Netscape Navigator to be installed.

I believe that AOL & Netscape have inferior products and are trying to use the legal system and media to win support from the general public rather than have a good product that is easy for the end user to use, and provide cooperation for other companies. Let's spend these dollars we are using for procecuting Microsoft on legitimate government purposes.

Thanks,
John G. Jones
Office (805) 688–8550
Cell (805) 689–5815
Fax (805–688–0535

MTC–00020218

From: Kurt Semler
To: Microsoft ATR
Date: 1/24/02 2:13am
Subject: Microsoft Settlement

I do belive that Microsoft businuss practices have not been that considerate of the need for compition, however what bussinuss does act fairly in compitition? Nobody does. any gain is a positive one in the bussinus world. Without the efforts of microsoft, we would still be using IBM XT's running only 32Kb of RAM. Microsoft is responsible for the technology revolution. Thier practices may not be fair, but thiier products are top of the line.

MTC–00020219

From: THXSparrow@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:14am
Subject: Microsoft Settlement

To Whom It May Concern—

I wanted to express my opinion in hopes that there might be an appreciation for the value that Microsoft has brought to the market and this country, in particular. I have been designing computer software and hardware since 1981, having received a BSEE at that time. My experience is one of a user and a developer. I would like to begin by referring to several benefits, I personally have received through Microsoft crashing of other companies proprietary offerings.

1. Under Bell Labs'' thumb, we were required to pay $70,000 for the Unix operating system. This was just for the OS. From my perspective, Microsoft, by turning the esoteric into the mundane, has repeatedly produced generation after generation of low cost standardized operating systems. Bells Labs didn't do this certainly, but sought to protect their super high margin software. IBM didn't do this, nor did Digital (DEC). Operating system software performs a magnitude more than it did two decades ago, yet, at $200 to $300, costs 1/350th of what it did. Conversely, automobile manufacturers during that same time, raised prices from approximately $3000 to $30,000, a ten-fold increase.

2. Under Adobe's thumb fonts and typefaces cost in the neighborhood of $100 to $200 per font. After Microsoft repeatedly was unable to get Adobe to open the PostScript Type 1 Font encoding, so others could have reasonably priced fonts, Microsoft created a competing standard called TrueType fonts and made this available to the world. Because of this single act, a thousand fonts can be bought today for $29, rather than $100,000. Adobe had the opportunity to act and they didn't. They used their power to extract the maximum amount they could from the customer. Microsoft did exactly the opposite—they exposed the fraud, created a counter standard, and gave it to the world. My first set of 25 Microsoft fonts cost me less than $15 total, at a time when Adobe was still selling the equivalent PostScript fonts for over $2500.

3. A lot more credit has been given to the one-trick pony designers of Netscape. Keep in mind that Netscape was formed, based on a single product— a Internet browser. This browser had been developed as a college project, as a variant on an existing freeware Mozzilla browser. Microsoft was presumed to have had its heyday and to be in decline by investors, who gave Netscape a valuation of over $13 billion dollars—more than Microsoft, at the time. This occurred in spite of the fact that Netscape had never had a positive cash-flow in its existence as a company and had only generated a gross revenue—if memory serves me correctly—of $134,000. Clearly, investors did not have a clue what the technology was. Really, it was only a different way of looking at the same data, comparable to using pie charts instead of text to demonstrate data. Microsoft understood that and integrated the browser into the operating system, as they had done previously with TCP LAN communications, modem support, text editors, memory managers, management tools, and so forth. Virtually every company, like Netscape, like Quarterdeck, like Procomm, like Banyan, each had products that began as one-trick ponies that eventually were incorporated into the Windows operating system. Instead of paying $100 for the browser, $240 for the modem software, $99 for the memory manager, or $695 for the LAN network software, Microsoft gave you all those things for FREE. In the process, they produced standards to which all companies could write software. In each case, they improved and mass produced was originally was a niche product, then they gave it to you for FREE. Like the breaking of Adobe's hammerlock on fonts, Microsoft also broke Oracle's gouging capability, by producing a competitive relational database product, MSSQL, at less than 100th of the cost of Oracle. If anything, Microsoft, by its competitive nature, has benefited the market and the user—and, yes, this has been at the expense of the one-trick wonders. I could go on—Microsoft's ridiculously low pricing of products, their single-handed rescue of the American economy with super-productive computing tools and open standards, and so forth. Almost fifteen years ago, I heard Bill Gates first explain about Microsoft's vision of how diverse applications should be able to share data. We take this as such a trivial thing

today, but this was such a major undertaking when it was first announced—because it had never been done. Today we routinely swap data between word processors, spreadsheets, Web pages, Photo editing packages, etc. without a thought about the complexities involved. It is all so trivial to accomplish, in many ways. But Microsoft created that, AND gave it away. Technology, by technology, they have had a singular vision of where computing should be going and brought us there, every time making it cheaper for us, the users.

When I started in graphics design, over 20 years ago, we routinely sold systems to produce books and newpaper display ads for $50,000 to $75,000 per workstation. Today that same workstation with 1000 times the processing speed and software with a magnitude more capability costs less than $2,000— complete. This could never have happened with Microsoft's unique standard-setting software. We all have benefited by Microsoft's continued innovations and cost-cutting products. The US economy has been in a dizzying spin, since the day that the Microsoft trials began. (Yes, I believe there is a correlation) The volatility will continue until we begin to allow Microsoft to develop the next computing generation's products, without continual legal harassment, for what is arguably a whirlwind of innovation and competitive business strategies. It is critical for the benefit of the United States economy. It is with enlightened self-interest that the US government should come to Microsoft's defense, because they have for the past 2 years been dangerously wounding the goose that lays the golden eggs.

George Horrocks

MTC–00020220

From: fud-qgov@usxchange.net@inetgw
To: Microsoft ATR
Date: 1/24/02 2:10am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Robert Cardwell
235 Crescent N.E.
Grand Rapids, MI 49503

MTC–00020221

From: Lawrence Wade
To: Microsoft ATR
Date: 1/24/02 2:14am
Subject: Microsoft Security, Market Penetration and The Lawsuit [Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]

MTC–00020221—0001

Hi,

I want to move my network entirely to Linux or FreeBSD. However, I'm discovering problems in doing so. The biggest one of which is that I must maintain compatibility with Microsoft Office users, and I'm therefore forced into the same regime of upgrading Office to support features that no human being will ever use in order to maintain the ability to read their proprietary *.doc and *.xls files.

Or to be able to watch streamed media on the Internet, which is more and more in *.asf format, ''advanced streaming format''. ASF is a proprietary format, a slightly modified industry-standard AVI file, and will only play on Windows Media Player. Of course, in order to be able to use Office XP and therefore read files from clients, I need to run Windows. But that's easily enough done, I had to pay for Windows (which I promptly deleted) when I bought a new machine on which to run a Linux webserver. In fact, in the past year, I've paid for Windows four times because the various PC manufacturers won't (can't) remove it from bundles, and yet I still need the machines. (I use Windows on exactly *one* machine.)

Needless to say, I'm trapped. I am writing this e-mail on a Windows machine.

Bandwidth, in the computer field, is a commodity like electricity or gasoline. I pay for it as I use it. Every time someone visits my Linux webservers, the communication between the visiting machine and my servers consumes bandwidth, and I pay for it. Every time someone e-mails me, their mail server contacts my mail server, and we consume my bandwidth.

Microsoft software is notoriously poorly written, and full of security flaws which allow (literally) children to write things like the Code Red worm. Code Red, you may recall, attacked Microsoft IIS webservers. Now, by the way Windows installs ''features'' by default, there are literally thousands of people on the Internet right now, running IIS webserver software without even knowing it. Many who run IIS deliberately don't even know that there are known vulnerabilities and self-propagating programs which exploit these Microsoft flaws.

As a result, my webserver gets lots of visits (below) from people whose infected Windows machines are blindly attempting to infect my Linux servers. And, in the process, that costs me bandwidth. Which costs me money.

You can imagine how much it costs me whenever some jackass writes a Windows e-mail virus, a phenomenon which is nearly impossible in any responsibly-designed operating system.

Companies which produce operating systems *should not* be allowed to sell software or other services. And file formats (*.doc, *.xls, etc.) should be based on standards devised by consortium using the same RFC (''Request For Comments'') processes that brought us HTML and FTP and DNS.

What kind of gas mileage would you expect from your car, if the car companies were owned by the oil companies? If Ford was owned by Exxon, could an Explorer run on fuel from Shell?

I'm a staunch Libertarian, but this is too much: Break up Microsoft.

Lawrence Wade

MTC–00020222

From: Silas.Humphreys.01@bristol.ac.uk@inetgw
To: Microsoft ATR
Date: 1/24/02 2:14am
Subject: Microsoft Settlement

Although I am not a US citizen, I feel very strongly that Microsoft should not be allowed to continue in their current position, and am writing this e-mail to make that clear. Although Microsft's products are very widely used (I am using a computer with Windows running on it to type this), the current situation, with Microsoft supplying both OS and applications, is unethical even if not illegal. This market position allows Microsoft to decide, without any consultation, to alter standards, causing other companies/developers to re-write most of their output, causing inconvenience and lack of competition. Also, Microsoft's near-monopoly on computer Operating Systems leads to a falsely inflated consumer confidence in Microsoft, distorting the free market. I realise that this message may have no effect or legal force, but I wished to make my views known. Thankyou for reading.

Silas Humphreys

MTC–00020223

From: LINDA-PETER@att.net@inetgw
To: Microsoft ATR
Date: 1/24/02 2:12am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Peter Davis
10814 W. Catfish Dr.
Wills Point, , TX 75169–5057

MTC–00020224

From: Ryan Krueger
To: Microsoft ATR
Date: 1/24/02 2:21am
Subject: Microsoft Settlement

The proposed settlement with Microsoft is not satisfactory and does not take appropriate action against Misrosoft. Microsoft must be prevented from the same abuse in the future

in an aggressive and far-reaching manner. A fine will accomplish nothing.

Ryan Krueger
555 4th Avenue SW
Hutchinson, MN 55350
612–554–4502
Senior Software Engineer
Marix Technologies

MTC–00020225

From: pdestefa@mouse@inetgw
To: Microsoft ATR
Date: 1/24/02 2:19am
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Renata Hesse,

I am responding to the call for comments on the revised proposed Final Judgment. I respectfully submit that the proposed settlement is inadequate. Please allow me to elaborate on one of the many flaws of this proposal.

One of the core inadequacies of the proposed settlement is the weakness of provisions J.1 and J.2, which provide Microsoft with opportunities to withhold information concerning interoperability from parties with legitimate rights obtain it. This is a serious oversight considering the Findings of Fact, which demonstrate that Microsoft has used interoperability of products as a weapon against it's competitors. This weakness is also particularly egregious because this type of information—referred to as ''interoperability data'' sometimes—is a major part of what has made personal computing and the Internet such important influences. When this ''interoperability data'' is published (and overseen by diverse committees or independent organizations) it is called a standard. Standards are essential to the state of computing technology. The Internet could not exist without them. They are a foundation for further competition in computing technology. More importantly, they make possible rapid innovation in surrounding technologies. In view of this error, I strongly urge you to revise the proposed judgment. A settlement that is congruous to the Findings of Fact must not allow the defendant to exert this type of pressure on the computer industry, again. This flaw, and many others, are explained in greater detail at this Universal Resource Locator: http://www.kegel.com/remedy/ —

Thank you,
Paul DeStefano
Portland, Oregon

MTC–00020226

From: Arlie Edwards
To: Microsoft ATR
Date: 1/24/02 2:21am
Subject: ''Microsoft Settlement''

I am of the opinion that Microsoft has done nothing but taken advantage of the opportunity that this country offers to everyone who wishes to use their ingenuity to better themselves. Microsoft has done nothing but make its products more attractive and cheaper. They have done a much better job of that than the automobile manufacturers. If you applied the pricing structure to the auto industry that Microsoft has applied to the computer industry, automobiles would be selling for $2500 a piece. It is time to stop the witch hunt against Microsoft.

Arlie Edwards

MTC–00020227

From: Douglas Martinez
To: Microsoft ATR
Date: 1/24/02 2:17am
Subject: MicroSoft Settlement

I am writing this in regards to the Tunny Act public comment period and the proposed antitrust settlement case in which Microsoft was found guilty of abusing it's power as a monopoly.

As a consumer and a American I am profoundly upset with the current proposed settlement which has made it's way to the public. Microsoft was found guilty of abusing it's power as a monopoly and it must be punished accordingly in order to fix the harm which was done to the PC industry and tech sector as a whole. The proposed settlement will only lead to further abuse by Microsoft and in the long run and it will help Microsoft further establish a even greater strangle hold in the OS market. At the same time Microsoft will more then likely continue to do all it can to stifle competition because it feels that it has the power and means to do so despite the guilty verdict which was handed down by the courts. If government were to seek a solution like making Microsoft to the likes of forcing Microsoft to open it's file formats or if they were to only allow them (Microsoft) to use open file formats in their applications I feel this would greatly help fix the damage done by Microsoft to the technology industry along with a few other well thought out measures. All of which when combined together will hopefully open Microsoft up so they would have to really compete on the merits of their products instead of the weight they push around in this industry. Which of course it has used maliciously to intimidate, lie, cheat, and steal all in order so they can maintain their bloated monopoly. Monopolies like Microsoft only hurt our economy by denying consumers the right to choose and by victimizing/blackmailing OEM and Hardware Vendors and the many Software companies waiting in the wings who wish to offer a alternatives to Microsoft products. All of whom are afraid to so because they fear being bullied by Microsoft because of the power which it wields in the PC world. Let us not forget that whatever Microsoft can't steal (example : Sun's JAVA,) it will try to destroy (Netscape, Lotus, Corel Word Perfect, Corel Linux, and many more software applications and companies) by using it's control of the OS market to push a Microsoft only solution. I hope that our government would please rethink the propose settlement so that the consumers and our government will not be held hostage by Microsoft and it's dominance in the OS market which it unjustly gained control of through the use of illegal and abusive means as a monopoly.

Sincerely,

Douglas G. Martinez (A Consumer, A Capitalist and Proud American.)

MTC–00020228

From: zapa1a
To: Microsoft ATR
Date: 1/24/02 2:18am
Subject: Why MS Needs To Be Punished

I am a computer programmer and used to be a PC support technician. I support harsh penalties against Microsoft (MS) because of direct experience I've had using their and competitors software. During my work at the Franchise Tax Board/State of California I installed Novell networking client software on Windows NT 4.0 workstations. When you wanted to install TCP/IP and IPX/SPX networking software on the work station, the Microsoft operating system required you to install their version first before you could install Novell's. It seems to me that something was left off the operating system that sabotaged competing software if it was installed directly. Recently, another technician friend installed MS-Office on his new Macintosh. The next thing you know, his Netscape browser was giving error messages and his Works software went dead. This friend is a longtime Mac user and support person and something adversely happened when MS-Office was installed. The fact of the matter is that this type of sabotage of competing software is not surprising when it involves MS software. My friend has now banned MS from his machine. While working at the Franchise Tax Board, I observed management rigging software evaluations in favor of MS. I since have come to learn that this type of favoritism of certain vendors is common among state agencies and certainly does not apply only to MS. I have read how MS is now ''lobbying'' properly in Washington DC and it looks like they will get the justice they have paid for. Having been raised by a law enforcement officer, it is a shame to see law enforcement personnel having to walk away from a crime. It seems that justice is being denied by the people who are supposed to enforce it. Good luck to you in your fight against crime. It appears that white collar crime is at an all time high so hopefully that means an opportunity to you and your agency.

Here's Hoping.
Ron Deluce

MTC–00020229

From: Eddie EDF. Ferrell
To: Microsoft ATR
Date: 1/24/02 2:17am
Subject: Microsoft Settlement

I would like to voice my opinion of the Microsoft settlement. the company has a blatant disregard for fair business practices and must be stopped before it is too late. they have demonstrated time and time again that they practice anti-competitive strategy to keep the other companies in their field at a disadvantage. would you let one company have control over 90% of the gasoline in America and then manufacture cars as well? .....then they could also tell consumers that if you don't buy our cars and our gas, you car probably wont work as well because we have engineered the fuel to get 100 miles to the gallon in our cars, but 15 miles to the

gallon in other companies'' vehicles? .....or better yet, maybe the fuel wont work in their product at all. what do you think would happen? that is exactly what Microsoft is doing to the computer industry. please restore some order and good faith to the technology sector.

thank you, Eddie ''F'' Ferrell
Untouchables Entertainment Group, Inc.
Tel: 201 767 6924 ext. 1
Fax: 201 784 3879

MTC–00020230

From: Nikhil Kothari
To: Microsoft Settlement U.S. Department of Justice
Date: 1/23/02 10:39pm
Subject: Microsoft Settlement

Nikhil Kothari
591 239th Ave SE
Sammamish, WA 98074
January 23, 2002

Microsoft Settlement U.S. Department of Justice

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies. Thank you for this opportunity to share my views.

Sincerely,
Nikhil

MTC–00020231

From: ROD DICKISON
To: Microsoft Settlement U.S. Department of Justice
Date: 1/23/02 11:54pm
Subject: Microsoft Settlement

ROD DICKISON
10833 3RD. S.W.
SEATTLE, WA 98146
January 23, 2002

Microsoft Settlement U.S. Department of Justice,

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
ROD DICKISON

MTC–00020232

From: dmettler@lightspeed.net@inetgw
To: Microsoft ATR
Date: 1/24/02 2:18am
Subject: Microsoft Settlement

Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
DONAL O. METTLER, Sr.
5941 EAST TEXAS STREET
BAKERSFIELD, CA 93307–2353

MTC–00020233

From: Frank Rytell
To: Microsoft Settlement U.S. Department of Justice
Date: 1/24/02 12:10am
Subject: Microsoft Settlement

Frank Rytell
6867 Golfcrest Dr Apt 60
San Diego, CA 92119
January 24, 2002

Microsoft Settlement U.S. Department of Justice,

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Sincerely,
Frank Rytell

MTC–00020234

From: Steven Lobbezoo
To: Microsoft ATR
Date: 1/24/02 2:21am
Subject: Microsoft Settlement

Sirs,

I cannot imagine that you really have something to say in this mather. Each and every decent person would allways stop this machiavellian behavour if he/she had the power and was really working for common interest.

Since i must presume you obviously are doing the last, there must be something wrong with the first. Now, that will not wonder anybody if you take into account what kind of fascistic country the USA is fast becoming.

Glad, i don't live there.

Yours truly,
Steven Lobbezoo

MTC–00020235

From: Moe Khosravy
To: Microsoft Settlement U.S. Department of Justice
Date: 1/24/02 1:56am
Subject: Microsoft Settlement

Moe Khosravy
NA
Saint Paul, MN 55101
January 24, 2002

Microsoft Settlement U.S. Department of Justice,

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry.

It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Sincerely,
Moe Khosravy

MTC–00020236

From: Andy Allred
To: Microsoft Settlement U.S. Department of Justice
Date: 1/24/02 12:34am
Subject: Microsoft Settlement
Andy Allred
415 newport way
Seattle, wa 98072
January 24, 2002
Microsoft Settlement U.S. Department of Justice,

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Andy Allred

MTC–00020237

From: rharper@galaxynet.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:19am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Robin Harper
1257 Highland Drive
Oak Harbor, WA 98277–8004

MTC–00020238

From: Marlene Carrico
To: Microsoft Settlement U.S. Department of Justice
Date: 1/24/02 1:22am
Subject: Microsoft Settlement
Marlene Carrico
42 Rill Brook Road
Griswold, CT 06351–3313
January 24, 2002
Microsoft Settlement U.S. Department of Justice,

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Marlene L. Carrico

MTC–00020239

From: MJ King
To: Microsoft ATR
Date: 1/24/02 3:05am
Subject: Microsoft Settlement

I am opposed to the proposed Microsoft Anti Trust Settlement. It is far too lenient on Microsoft. Bill Gates and Microsoft have stolen money from nearly every household in America. Bill Gates has practiced predatory business practices while failing to support the user, while failing to produce a secure operating system, while failing to insure the end user can maintain the back up integrity of their data from upgrade to upgrade.

Bill Gates on one hand has used the lack of regulation and enforcement to his advantage, while on the other hand selling an inherently flawed product and then hiding behind licensing laws that deny the user any protection from buggy, leaky, and generally badly written application and operating software. I believe Microsoft should be broken 4 companies. (1) Consumer operating systems, (2) Internet applications, (3) Application software such as business suites, (4) Network operating systems.

Sincerely
MJ King
Big Bear City, CA 92314

MTC–00020240

From: happyrockharlan@home.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:20am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Harlan Muth
223 8th Ave
Marion, IA 52302

MTC–00020241

From: Dustin Heywood
To: Microsoft ATR
Date: 1/24/02 2:23am
Subject: Microsoft Settlement

The microsoft settlement is a joke, unless their software is made open source and the beast pays for its crimes there is no justice here. Bill gates and his entire board shoudl be shot and replaced with trained monkeys who could do a better job at following the law than they ever could. WPA should also be forced offline by a court order.

MTC–00020242

From: Greg Buhtz
To: Microsoft ATR
Date: 1/24/02 2:26am
Subject: Microsoft Settlement
To: U.S. Department of Justice
Re: Microsoft Settlement

The Proposed Final Judgement is seriously flawed and should not be accepted as written.

As long as any judgement permits Microsoft to maintain its monopoly in the PC Operating System (OS) market, Microsoft must be enjoined to treat all OEMs alike, IAPs (Internet Access Providers) alike, and ISVs alike so it does not artificially upset competition in non-PC OS markets in which it does not offer a competing product.

The Judgement treats Microsoft partners and competitors unfairly by singling out ''the 20 largest''.

In markets in which it does offer a competing product, it must expose to competitors all OS APIs which it takes advantage of in its own products. This requires a definition of what comprises an OS API. I suggest that any program that is bundled with a Microsoft OS as part of a single salable unit or which is required to make the OS functionally complete for its intended purpose, which exposes an interface which can be programmatically accessed (e.g. COM typelibrary, scripting interface, or command-line interface), is an OS API.

The Judgement permits Microsoft to define what is, and is not, part of the OS. Since it is possible to incompletely document APIs, if a Microsoft product ships (becomes available for use by non-Microsoft employees) which uses an undocumented feature of an API, the source code for that specific API must be made publicly available on the Web to: 1. make up for the deficiency in documentation, and 2. remove any inequity between ISVs receiving the information before others. To determine if a Microsoft product uses an undocumented API, the U.S. Government must retain the right to reverse engineer Microsoft properties, and be required to do so whenever a competitor requests.

The Judgement permits Microsoft to continue to take advantage of its monopoly power in the most fundamental ways. There needs to be a concrete definition of when Microsoft ceases to have a monopoly in the PC OS market so that these special requirements can be abandoned. This will encourage Microsoft to permit competition. A minimum requirement is that there appear in the market competing platforms that support a minimum set of functions which do not rely on Microsoft products or services. The functions which are required by the consumer market today are, at a minimum: email, web-browsing (including animation, audio, and video data types), written document authoring, file transfer, spreadsheet functions, action video games, and non-technical maintenance. Linux is getting close, but lacks consumer market momentum. The Judgement lacks a termination clause that is strongly linked to the definition of Microsoft's monopoly power. I'd like to comment on the harm Microsoft has brought to consumers by its anti-competitive actions. We lack security because Microsoft has ignored basic mechanisms introduced in competing technologies (e.g. Java's sandbox security model and provably secure programming languages). We lack choice from highly componentized OS architectures. We lack integration because of proprietary file formats, APIs, and communication protocols. Since the PC has become a required utility for the American industry and citizenry, and Microsoft has established itself as the gatekeeper for the quality of access to this utility, Microsoft must be constrained to manage that utility in the best interests of the public.

I want Microsoft to be able to profit from its innovation, but not at the loss of innovations which are undermined, not because they are technically inferior, but because they were not Microsoft's.

Yours,
Gregory S. Buhtz
(408) 732–0624
gbuhtz@acm.org

MTC–00020243

From: steven.ferguson@transport.alstom.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:28am
Subject: I am not anti-microsoft as I use there products. But the matter of fact is,

I am not anti-microsoft as I use there products. But the matter of fact is, what they done regarding the browser wars with netscape was terrible to say the least. Myself and many people that I speak to say the same thing, but because it is Microsoft they will get off lightly as usual, or as the saying goes ''money talks''

MTC–00020244

From: Robert Hencke
To: Microsoft ATR
Date: 1/24/02 2:24am
Subject: Microsoft Settlement

I am against the proposed Microsoft settlement. As a student in computer science, I take this issue very personally. Microsoft has used its monopoly in the OS market to crush any competing operating systems (e.g. Be (maker of BeOS, a pretty slick OS) was working on agreements with several computer companies to distribute the BeOS along with their computers, but Microsoft used its monopoly to threaten computer manufacturers into not including BeOS. In the end, only one company included BeOS with their PC, and even then it was hidden from the user, most never knew about it. The proposed settlement does not seem to address this issue.

Also, many open source projects (e.g. Samba and WINE) would be threatened by the proposed settlement. Samba is vital for many non-Windows computers to share files on a Windows network (Apple uses Samba in Mac OS X). Section III(J)(2) would give Microsoft the right to effectively kill these products.

This is one of many problems I can find with the proposed settlement. Microsoft has used its presence to bully, shut down and injure many companies and projects. This settlement does not address Microsoft's previous actions, nor does it prevent them from making similar ones in the future. This is an extremely critical decision, one that will have a very strong and lasting impact on the technology industry. I strongly urge you to reconsider your proposal.

Sincerely,
Robert Hencke
Box 292 / 100 Institute Rd.
Worcester, MA 01609
(508) 341–0674

MTC–00020245

From: root
To: Microsoft ATR
Date: 1/24/02 2:24am
Subject: Microsoft Settlement

I think that the proposed settlement is a bad idea and does not effectively address consumer interests. Microsoft has not played fair and will not have any incentive to play fair unless firm and strong actions are taken. In my opinion, if Microsoft is not broken into at least three pieces, the industry will continue to stagnate.

Sincerely,
David M. Karakas

MTC–00020246

From: Doug Meyer
To: Microsoft ATR
Date: 1/24/02 2:24am
Subject: Microsoft Settlement

Please show Microsoft that their restraint of trade and monopolistic activities in regards to at least Netscape will be punished financially. Also restrain them from such activities in the future through appropriate rules and legislation. Thank you.

Douglas Meyer

MTC–00020247

From: cwf33@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:21am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Charles W. Foster
25652 Dodds Road
Escalon, CA 95320–9580

MTC–00020248

From: dalet@papadocs.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:24am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Dale T. Hedberg
P.O. Box 368
Breese, IL 62230

MTC–00020249

From: Paul Komarek
To: Microsoft ATR
Date: 1/24/02 2:30am
Subject: Microsoft Settlement

To whom it may concern,

I am a doctoral student in Algorithms, Combinatorics, and Optimization at Carnegie Mellon University. My research involves the fields of artificial intelligence and signal processing. I am professionally and personally tied to the information technology economy as a researcher, administrator, purchasing assistant, and as an ordinary computer user. For this reason I have kept close watch on the most recent Department of Justice v. Microsoft antitrust trial. I have read transcripts from the depositions and trial, numerous court reporters'' views, and many related antitrust and computer decisions. In every way reasonable, I have attempted to familiarize myself with the applicable laws, economies, and social structures that surround this and other information technology cases. I do not claim to be a legal expert; however, I am a citizen of this country, a member of this society, and as such appreciate this opportunity to make my views on the proposed settlement known. Two courts have already stated their legal opinions. Both determined that Microsoft is a monopolist in the relevant economies. Both ruled that Microsoft has illegally abused their monopoly position. Furthermore, this isn't the first time that Microsoft's behavior in certain computer markets has been called into question by the Department of Justice. Because the readers of this letter should already be familiar with this background, there is no need for me to recall details. Instead, I wish to summarize my feelings about Microsoft's position in our society, and why I do not believe the proposed settlement will prevent illegal and unacceptable social behavior by Microsoft.

The fundamental purpose of our capitalistic economy is to create efficient markets which serve the needs of the society. The preferred mechanism for creating efficient markets is fair competition. Microsoft's past and present behavior suggest that they have no interest in fair, or even legal, competition. They have been convicted of stealing another company's software (e.g. Stac Corporation); they have attempted to circumvent law with respect to fair employment practices regarding temporary workers; they have have been convicted of violating Java license agreements with Sun Corporation with the intent to destroy the benefits to our society that a platform-neutral programming language might bring; they have purposefully deceived customers with respect to interoperability of their software with competitors'' software (e.g. the fake errors reported by Windows 3.0 when run on Digital Research's DR-DOS operating system, as documented by the pre-trial documents in Caldera v. Microsoft); they knowingly and purposefully falsified evidence during the recent Department of Justice v. Microsoft hearings; they have publicly disparaged United Status courts, and refuse to accept the guilty verdict received by the lower and appellate courts; they continue to use their monopoly in the operating system market to drive other Microsoft products (e.g. the new Windows Media Player). Clearly I am leaving out many details and further transgressions of the law and appropriate social behavior by Microsoft. My point is that Microsoft is an unsportsmanlike cheater in our economy, has shown and continues to show no interest in reforming their behavior. Microsoft's failure to admit or even accept the courts'' guilty verdicts suggests that a strong sentence, or settlement if possible, is needed to end Microsoft's antisocial behavior. It is clear that the proposed settlement is an attempt to bring quick, strong remedy to the ailing markets Microsoft has stifled. However, the proposed settlement is far to complex, with too many exceptions to too many rules, to be enforceable without many long and expensive legal battles in the future. Of particular importance are provisions relating to which programming interfaces do not need to be disclosed. Quoting from the proposed settlement,

''No provision of this Final Judgment shall: 1. Require Microsoft to document, disclose or license to third parties: (a) portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of a particular installation or group of installations of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria;'' and these programming interfaces may be withheld from any part failing to ''meet[] reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, (d) agree[] to submit, at its own expense, any computer program using such APIs, Documentation or Communication Protocols to third-party verification, approved by Microsoft, to test for and ensure verification and compliance with Microsoft specifications for use of the API or interface.''

(these sections of the proposed settlement are quoted from an article in an online information technology news service). It is clearly, plainly stupid to allow Microsoft to establish security standards which apply only to products released by their competitors. Not only is this unfair in the best traditions of Microsoft, but there is no indication that Microsoft is qualified to establish reasonable security standards. Furthermore, this wording can easily be construed as allowing Microsoft to withhold programming interfaces from individuals whose work is not associated with a business. This should not be ignored at this time when the viability of volunteer-driven software projects is being tested in our society. Though easily overlooked, charitable works by computer hobbyists have an important role in our society, and a significant impact on our economy. For instance the Apache webserver software, which currently dominates the web server market, is not owned or controlled by a business. However, it competes directly with Microsoft's commercial Internet Information Server webserver software. It does not require stretching one's imagination to see that Microsoft could use the exceptions above to disadvantage the freely available and redistributable Apache webserver software. Microsoft would only need to identify a programming interface as being related to financial transactions of any sort to invoke the security exemption, and could then deny information about their programming interfaces to the volunteer programmers participating in the development and maintenance of the Apache webserver software.

The proposed settlement is of such complexity that any enforcement will be thwarted by arguments about every fine point. I have already established that Microsoft has repeatedly disregarded the best interests of our society when making their business decisions. It is my belief that Microsoft will use the proposed settlement as a legal defense for future antisocial behavior, by manipulating technical and legal interpretations in a manner that violates the spirit of the proposed settlement. Furthermore, I do not believe that the proposed settlement adequately anticipates this behavior and provides appropriate enforcement provisions. I am not proposing any specific changes to the proposed settlement, as I believe the entire construction is flawed.

That the Department of Justice has agreed to this proposed settlement deeply worries me. In my eyes, it appears that the Department of Justice has grown tired of prosecuting their case, perhaps for political reasons. Therefore, I encourage our government and country to pursue a sentence for Microsoft which is created through thorough, and above all, open proceedings guided by Judge Kollar-Kotelly. I believe that this is our only hope for a sentence which adequately addresses Microsoft's illegal and antisocial behavior.

Sincerely,
Paul Komarek

MTC–00020250

From: Micah Groppo
To: Microsoft ATR
Date: 1/24/02 2:28am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the

current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Micah Groppo

MTC–00020251

From: GAmoore@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:27am
Subject: Microsoft Settlement

I am AGAINST the proposed settlement with Microsoft. Microsoft has wreaked terribly havoc on the entire personal computer industry, and anything but a strong remedy will only allow more damage to be done, and the existing damage to continue unpunished.

I am concerned about Microsoft sales to schools in general. I'm concerned about the many actions Microsoft has taken to create a monopoly on operating systems. I am concerned about Microsoft being both a competitor and a developer for Apple.

Here is one example. I am a college teacher, and I just got a brochure to buy Microsoft Office for a total of $44. However, I would prefer to use Wordperfect and Adobe Persuasion—both products which have been discontinued, becuase competing products from Microsoft are included with MS Office (Word and Powerpoint). Microsoft has killed off all the competition.

Greg Moore
Huntington Beach CA

MTC–00020252

From: Christopher J Grace
To: Microsoft ATR
Date: 1/24/02 2:27am
Subject: Microsoft Settlement

To The Department of Justice,

I have looked up to Microsoft for a long time. I see the measure of their wealth as the measure of the value they have created. I am grateful to them every day I enjoy using their products. I respect the immensity of the task of creating what they have. It feels good to look up to them. I like to know that there are strong people using their abilities to make life better. Seeing them persecuted in court has been sickening. If they were forcing people to buy their products at the point of a gun, or threatening competitors with acts of terrorism, that would be one thing, but the only wrong I hear them accused of is using their position in the marketplace to their best advantage. Windows did not become dominant because of force. Microsoft, nor the Government, stifled competition. It became dominant because the vast majority of people considered it the best solution. To see such success met with such hostility makes me wonder what kind of world I'm living in, and how high I care to aspire. Am I in favor of the settlement? They don't belong in a courtroom at all. They belong on a pedestal.

Sincerely,
Christopher J Grace
1229 S Troy St
Aurora, CO 80012
303–750–1000

MTC–00020253

From: Christian Brandl
To: Microsoft ATR
Date: 1/24/02 8:30am
Subject: Microsoft Settlement

I DON'T AGREE
Ing. Christian Brandl
Salvagnini Maschinenbau GmbH
Abt. Software
Industriezone West—Strasse
5 A–4482 Ennsdorf
Tel.: +43 7223 885 760
Fax.: +43 7223 885 199

MTC–00020254

From: Lim Swee Tat
To: Microsoft ATR
Date: 1/24/02 2:28am
Subject: Microsoft Settlement

The settlement sucks. I'm amazed Microsoft is just let of the hook for the amount of damage they have done to innovation.

Ciao
ST Lim

MTC–00020255

From: Karol Jamison
To: Microsoft ATR
Date: 1/24/02 2:48pm
Subject: Accept the Settlement!
January 23, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing today to urge you and the Department of Justice to accept the Microsoft antitrust settlement, which I have never believed to be in the consumer's best interest to begin with. My personal experience with computers has only been possible because of Microsoft's and other's work to integrate technology into a single package. If I had had to assemble my first computer from components and drivers I would still be in the dark ages. I have always thought that this lawsuit stemmed more from vindictiveness or jealousy than real concern for what's best for the consumer. I won't even mention the devastating effects on the technology industry or the economy as a whole. (Although I agree with the many people that blame this lawsuit for starting the recession)

Microsoft has agreed to a wide range of concessions in order to put the issue behind them. The agreement is fair; the only thing left is for the government to accept its own settlement.

During the negotiations, Microsoft agreed to a wide range of restrictions. They agreed to allow computer makers the flexibility to install and promote any software that they see fit. They also agreed not to enter into any agreement obligating any third party to distribute or promote any Windows technology exclusively or in a fixed percentage. Microsoft also agreed to terms that extended well beyond the problems that actually at issue in the suit.

Microsoft has given up a lot in order to put the issue beyond them. They have made an agreement and are ready to move on. All that is needed is for the government to accept their own agreement. Please accept the Microsoft antitrust settlement.

Sincerely,
KarolAnn S. Jamison
403 154th Avenue NE
Bellevue, WA 98007
425–649–9292

MTC–00020256

From: Brent Tucker
To: Microsoft ATR
Date: 1/24/02 2:31am
Subject: Microsoft Settlement

I think the Microsoft settlement is acceptable as written. Let's not drag the process out any longer than necessary by forcing another series of revisions to an already pointless remedy.

Brent Tucker

MTC–00020257

From: Elliot Temple
To: Microsoft ATR
Date: 1/24/02 2:31am
Subject: Microsoft Settlement

i think the proposed settlements are a bad idea

Elliot Temple

MTC–00020258

From: HndHvrWolf@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:32am
Subject: Microsoft Settlement

To whom it may concern:

My name is Aaron Henderson. I am deeply concerned about the upcoming settlement of the Microsoft anti-trust case. I have so much to say about this case that I could not fit it all into a single letter. But there are at least three arguments to be made against the government???s case, the practicality of anti-trust and the morality of punishing the able. First, the government claims that Microsoft was engaging in anti-competitive business practices. Exactly what concept of ???competition??? do the government and the anti-trust laws hold? As far as I know, when there is a competition, there are winners and there are losers. When Microsoft began bundling Internet Explorer, Netscape had the vast majority of the market.Microsoft turned the situation around without resorting to government intervention. Microsoft was

winning, honestly; consequently their competitors (who were losing because they were unable to compete) are now asking the government to stop Microsoft lest they actually win. This is the equivalent of a golf player, unable to compete with Tiger Woods, who asks someone to break Woods??? legs, lest Woods win. Remember, it was the competitors who brought the suit, not the consumers whom they claim to want to protect. Curious, is it not,how their selfless protection of us conveniently removes their greatestcompetitor?

???But whatif they win???? cry our would-be protectors. Well, that means we consumers have received what we wanted. We have voted, with our dollars, to support Microsoft, not their competitors. If the goal of the government is to protect the consumers, should they not be on Microsoft???s side? After all, they are the ones who have responded best to the consumer. The less competent losers (henceforward ???the losers???) in this competition should not be foisted on an unwillingpublic because they are less competent. What kind of a world would that be? A world where competition is ruled by the less able is a world where people would compete to see who could do the shoddiest job, where the winner of such a contest is the biggest, laziest slacker, whose reward is money extorted at the point of a gun from those who committed the unspeakable crime of being good at what they do. How dare they! How is a law that creates this situation practical?

This leads me to my last, most important point. How is a law that creates the above situation moral? If morality is the sanction of life and a measure of someone???s fitness to exist, what sort of life is the one described above? What sort of person would desire to live by the effort they did not exert? If no one else will say it, I will. It is only the unfit, the unsanctified, in short, the immoral who choose to live on what they have not chosen to do. The losers are now asking to be compensated for their lack of ability. It is immoral. To reward failure is immoral and impractical; it violates the rights of consumers and the able, honest producers. Do not, I beg all who have power in this case, do not punish Microsoft. Ability is neither a vice nor a burden.

Sincerely,
Aaron Henderson.
Email:Hoverwolf1@go.com

MTC–00020259

From: blc24@email.byu.edu@inetgw
To: Microsoft ATR
Date: 1/24/02 2:36am
Subject: Microsoft Settlement

Just want to let you know that everyone who played a part in letting Micro$oft off scot-free after it was proven that they broke the law, is loosing my vote.

Ben
University Student
Currently loosing faith in the American legal system

MTC–00020260

From: coallb@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:30am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Lori Buvinghausen
590 Armenta
Santa Fe, NM 87505

MTC–00020261

From: jvsaboe@msn.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:33am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jon Saboe
3506 Grantley Road
Baltimore, MD 21215–7340

MTC–00020262

From: ejayers@pc-intouch.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:32am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Edward J. Ayers
2405 Queenaire Ln.
Modesto, CA 95350–1939

MTC–00020263

From: donnorman
To: Microsoft ATR
Date: 1/24/02 2:33am
Subject: Microsoft suit

Stop the idiotic witchhunt. Let the socialists at AOL, Sun, Oracle etc earn their money the old fashioned way. Earn it, don't try to steal with the help of the government. The state AG's are a bunch of fools.

MTC–00020264

From: celarson@silverlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 2:30am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Cecilia E. Larson
3201 Pine Rd NE #247
Bremerton, WA 98310–2189

MTC–00020265

From: Thinker
To: Microsoft ATR
Date: 1/24/02 2:34am
Subject: Microsoft Settlement

You asked for commentary, this is mine..

I feel that the Microsoft settlement should include in it a provision that would prevent them from having Windows automatically associate file types with their own applications upon any number of unrelated events.

Having this be the ''default'' behavior gives them an opportunity to have their software essentially (for many users) ''remove'' competing products. . making them unusable..

Ideally, Windows should also be sold in a stripped down form with no built-in hooks to web browsers.. They use this to launch IE against people's will, and using Captive-X or other built-in hooks most people don't know about, upload. .essentially exchange privacy-compromising information with their own servers. . This is wrong.

Netscape and Internet Exploiter as well as others should be treated equally and mime types/file associations should be controllable by an external application.

Also they should be prevented from installing what is essentially spy-ware in their software as they seem to be doing now. Barely a week goes by without news of another backdoor that they have built into Windows. Of course they claim that these ''Trojan horses'' are bugs. But given the fact that the proffered ''fixes'' often don't fix the holes they purport to repair, and the number..(there have been so many it cannot be simple incompetence.) I think that it's clear that they have criminal intent. They should be prosecuted under the anti-hacking laws for breaking into people's systems.

Thank you, and ''good luck'',

Sheldon Pannisi

MTC–00020266

From: kjelle@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 2:34am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
John Elle
10428 Longwood Drive
Las Vegas, NV 89134–5157

MTC–00020267

From: hoehand2@mail.ev1.net@inetgw
To: Microsoft ATR
Date: 1/24/02 2:36am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Thank you.

Sincerely,
jerry obriant
903 e. 12 th .st.
SWEETWATER, TX 79556–2534

MTC–00020268

From: kensnowelk@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:35am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Kenneth E. K. Hodges
19875 Park Drive
Saratoga, CA 95070–6445

MTC–00020269

From: Thompson, Alan
To: Microsoft ATR
Date: 1/24/02 2:37am
Subject: Microsoft Settlement

How DARE you sell out to Microsoft! The department of justice is supposed to protect the public from companies that illegally maintain and exploit a monopoly. Dump the weak proposed settlement and do something worthwhile with my tax dollars; put some real force into the sanctions against Microsoft. If the appeals court won't go for a break-up, at least force Microsoft to open-source their OS code and provide truly secure products. They have a ''gun'' to their head and the DOJ has loaded it with blanks!

Alan Thompson

MTC–00020270

From: Stephen Nicholson
To: Microsoft ATR
Date: 1/24/02 2:31am
Subject: Microsoft Settlement

I don't know if I as a UK citizen am allowed to comment on the Microsoft Settlement but I shall give it a try and hope to be heard. To be short and simple I say ''no''. The proposed settlement does not go far enough in my opinion. Harsher penalties should be sought.

Stephen Nicholson
Technician Manager

MTC–00020271

From: dundertwo@juno.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:40am
Subject: The Suit against Microsoft

Please drop the suit against Microsoft and let them get on with their business, which is serving its customers the best they can. I've never understood why government can't stand to see any company be successful. Of course, the business of government is to prevent force and fraud, but Microsoft was not involved in ''force or fraud'', apparently. The government attempt to level the playing field inhibits good businesses from doing what they do best: serve the customers. The market will do the right thing if government will get out of the way and quit meddling in the affairs of the market.

If force (the gun) or fraud (as in Enron) occurs, then let the government bring Microsoft to justice and incarcerate the criminals involved. I don't see Microsoft as a proper target for the DOJ and you've been at this too long. Give it up.

Regards,
Robert D. Sharp
9006 Patrick Ave.
Arleta, CA 91331

MTC–00020272

From: Robert Dalton
To: Microsoft ATR
Date: 1/24/02 2:45am
Subject: MS proposal

To whom it may concern,

The settlement prosed in the case against Microsoft (MS) will *not* resolve the problems that prompted the case. This case was not about saving Sun Microsystems and Netscape from the abuses of MS. These two companies have both in their own way tried to do what MS has in abusing it's monopoly position in the market. Netscape was well on its way to destroying all other web browsers when MS came along and did the same to them, so I have ZERO sympathy for Netscape. Suns efforts to control Java while trying to make it a ''standard'' are contradictory at best.

The problem that needs to be addressed in the MS antitrust settlement is ''how do we make the market more competitive?''. Breaking up MS won't work because you'll have 2+ ''baby Bills'' out there pulling the same shenanigans. The antitrust suit against IBM was dropped (for good reason), because IBM had reformed it's practices enough to make the case irrelevant. MS has proven time and again they have zero respect for the ''rule of law'', and figure they can get away with anything through delay tactics, fake ''grassroots'' campaigns, PR, and huge campaign donations.

The current MS ''abuse of monopoly'' is no longer a Windows problem, but is an OFFICE

problem. The Office Suite product line is the MS cash cow, and MS used Windows to create its Office monopoly. MS has control of the desktop OS market, and only time can erode their commanding market share there.

The key to getting MS to behave is force them to make MS-Office run on at minimum 3 other Operating Systems with the same exact functionality as the Windows version for 10 years. Next they must also be forced to stop giving discounts on Windows to OEMs that ''play ball'' by not promoting non-MS products.

If MS wants to make a donation to the schools as part of any settlement, then it should be ''hardware only'' for any monetary value. If they also want to donate the software, then it must be completely free and include unlimited usage licenses. This will allow schools to decide if they want MS products for free or Open Source products at the same price.

MTC–00020273

From: Thomas B. Cox
To: Microsoft ATR
Date: 1/24/02 2:42am
Subject: Microsoft Settlement

I completely oppose the Proposed Final Judgment tentatively agreed on 06-Nov-2001 between DoJ and Microsoft.

The Proposed Final Judgment has a multitude of weak definitions, leaves several holes where Microsoft's anti-competitive conduct is not regulated, and provides insufficient protections to ISVs who wish to use Microsoft APIs.

I demand that DoJ reject this Proposed Final Judgment and rewrite it in much stronger terms. The comments at Slashdot are a good starting point for this.

Thank you for your time.

Thomas B. Cox

''Saepe in errore sed numquam in dubito'' tbcox23@yahoo.com http://www.geocities.com/tbcox23/ ''The whole aim of practical politics is to keep the populace alarmed (and hence clamorous to be led to safety) by menacing it with an endless series of hobgoblins, all of them imaginary.'' —H.L. Mencken

MTC–00020274

From: laurent.catinaud(a)worldonline.fr
To: Microsoft ATR
Date: 1/24/02 2:45am
Subject: Microsoft Settlement

I don't agree

Laurent Catinaud

MTC–00020275

From: HoustonAndBarb
To: Microsoft ATR
Date: 1/24/02 2:43am
Subject: Microsoft Settlement Microsoft was found guilty.

There is nothing in the settlement that looks even remotely punitive. How can this be justice?

Houston Brennan.

Portland, Oregon.

MTC–00020276

From: Kevin Macken
To: Microsoft ATR
Date: 1/24/02 2:43am
Subject: Microsoft Settlement

Dear Sirs

AM extremely disappointed with the provisions of the Microsoft settlement as disclosed in the press. I believe the 9 states who have chosen to pursue Microsoft on their own have a better settlement in mind for the public. Please adopt their stance on this issue.

Personally, I believe the break up of ''Office'' from the ''OS'' is the only way to assure competition. Otherwise Microsoft will continue to ''embrace and extend'' other standards so that we will never have a choose except Microsoft's products.

Please re-introduce competition to the computer market place by supporting the 9 states or breaking up Microsoft.

Sincerely,

Kevin Macken

Litchfield Park, Arizona

MTC–00020277

From: grammshart@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:41am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,

Grace Alvarez

P.O. Box 1914

Twain Harte, CA 95383–1914

MTC–00020278

From: Silver, Russell P. JR (COMMO)
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/24/02 2:41am
Subject: Microsoft Settlement

To whomever, Your recently sell-out to Microsoft in the form of your so called settlement DOES NOT correct nor punish Microsoft. It is worded in such a way to allow MS to continue to behave as it has and continue to reap the benefits. Your settlement caves on all the important areas. Ms will continue to use its influence to bundle more and more into the OS until third party applications aren't needed. Impose REAL regulations on MS. Require them to follow the law—AND don't let them benefit from their past misconduct. In the 90's they used IE to destroy Netscape for control of the Web, they rewrote Java so it would only work on their products. As it stands now, you might as well sit as MS's table because your ''settlement'' is nothing more than MS's wishlist.

Russell Silver

MTC–00020279

From: Alex Johnson
To: Microsoft ATR
Date: 1/24/02 2:45am
Subject: Microsoft Settlement

Dear sirs:

I'd like to take his opportunity to comment one of the inadequacies I see in the Proposed Settlement of the Microsoft Case. Specifically, the Proposed Final Judgment (PFJ) appears to attempt erode the Applications Barrier to Entry in two ways:

1. By forbidding retaliation against OEMs, ISVs, and IHVs who support or develop alternatives to Windows.

2. By taking various measures to ensure that Windows allows the use of non-Microsoft middleware. It omits, however, perhaps the most effective method available to eliminate the Applications Barrier to Entry: making sure that Microsoft raises no artificial barriers to non-Microsoft operating systems which implement the APIs needed to run application programs written for Windows. In fact, Paragraph 52 of the Findings of Fact considers just this possibility. As the owner of an information systems consulting business, I find myself no alternative but to recommend Microsoft operating systems to my clients who must use software written to the Microsoft APIs. Requiring Microsoft to publish these APIs would make it possible for developers of other operating systems to allow the running of these applications. This would provide valid and healthy competition as an alternative to the current Microsoft monopoly.

This letter highlights just one of the many problems I see within the PFJ. I hope that the U.S. Department of Justice will take proactive measures to correct the inadequacies as highlighted by this and other correspondence received during this public comment period.

Thank you-

Alexander M. Johnson, P.E.
Arete Systems
242 De Laveaga Park Drive
Santa Cruz, CA 95065
phone: 831.420.0772
fax: 831.420.0838
e-mail: alex@aretesystems.com
www.aretesystems.com

MTC–00020280

From: moosecountry133@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:42am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Betty Zeitler
1680 133rd Ave. NW
Minneapolis, MN 55448–7027

MTC–00020281

From: Peter
To: Microsoft ATR
Date: 1/24/02 2:47am
Subject: Microsoft Settlement

Hi,

I've been checking out the case details (a bit) and think that the current Proposed Final Judgment needs to be strengthened. A few of the definition could be strengthened. An example is Section III. A. 2. which should also incorporate computers with a non-Microsoft OS. [http://www.kegel.com/remedy/]

This current settlement does not seem to punish Microsoft as noted by Steve Jobs [http://www.wired.com/news/antitrust/0,1551,48660,00.html]. The poor practices of this company should stop.

Peter

MTC–00020282

From: maryannheffernan@juno.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:46am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Mary Ann Heffernan
11171 Oakwood Dr.
Loma Linda, CA 92354–4807

MTC–00020283

From: grashopr@silverstar.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:45am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Thiel and Lola Gomm
Gen Dly
Smoot, WY 83126

MTC–00020284

From: J(038)B Seybold
To: Microsoft ATR
Date: 1/24/02 2:50am
Subject: Microsoft Settlement

While the proposed settlement appears to meet the defined goals, I am very concerned that the definition of ''Microsoft Middleware Product'' in the ''REVISED PROPOSED FINAL JUDGMENT'' is far too narrow and restrictive. Specifically, in ''Section IV, Definitions'', paragraph K.2.b.i, the definition states ''. . .is, or in the year preceding the commercial release of any new Windows Operating System Product was, distributed separately by Microsoft (or by an entity acquired by Microsoft) from a Windows Operating System Product. . .''

This definition appears to exclude functionality which was based directly upon or substantially identical in function to the a previous commercial product, but where said functionality was modified by Microsoft. This is a major exclusion, because it is very rare in commercial software for unchanged software to published for two consecutive years. It is common practice for Microsoft to modify software, either by reducing functionality, or by adding functionality, when incorporating the functionality of previously commercial software. Under the provisions of the proposed definition, similar but distinctly different functionality would exclude such modified software from the Microsoft Middleware Product definition. Microsoft could therefore make small or even trivial changes in software that would otherwise be clearly defined as Microsoft Middle Product, and thereby claim that it was exempt from the provisions of this judgment.

Further, the definition of ''Microsoft Middleware Product'' in the ''REVISED PROPOSED FINAL JUDGMENT'' carefully excludes new software functionality developed by Microsoft and included as Microsoft Middleware or as part of the Windows operating system, with the intent of competing directly with commercially available software to reduce competition. The pattern shown in the development and release of Internet Explorer, Microsoft's Java Virtual Machine, Windows Media Player, Windows Messenger, and Outlook Express is now being repeated in many other areas. For example, the capabilities of Microsoft Backup has been extended to include the file backup functionality provided by NovaStor Corporation's NovaDisk, or Veritas Corporation's Backup Exec. Since NovaStor and Veritas have not been acquired by Microsoft, Microsoft Backup does not meet the definition of a Microsoft Middleware Product. Therefore, I suggest that the Proposed Final Judgment does not provide the necessary restrictions to preclude continued anticompetitive conduct by Microsoft to unlawfully protect and maintain its operating system monopoly in violation of Section 2 of the Sherman Act.

I suggest that Specifically, in ''Section IV, Definitions'', paragraph K.2.b.i, be modified to state ''i. is, or in the year preceding the commercial release of any new Windows Operating System Product was, distributed separately by from a Windows Operating System Product,''

Thank you for your consideration.

John B. Seybold

MTC–00020285

From: GhassemL@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:49am
Subject: Microsoft Settlement

To my belief the settlement reached by two parties is fair and it should be finalized as it is written. Microsoft has made a great contribution to the economy of the country and to the communications. It should be praised.

Sincerely,
Ghassem Ladjevardi
CC:gl@theriver.com@inetgw

MTC–00020286

From: Rkraatz1@juno.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:46am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Robert G. Kraatz
24321 Dry Canyon Cold Creek Road
Calabasas, CA 91302–3209

MTC–00020287

From: eva breyer
To: Microsoft ATR
Date: 1/24/02 2:50am
Subject: MICROSOFT SETTLEMENT

It is time to settle this case.

The settlement agreement is very harsh on Microsoft, the company that has been THE major driver of the economic and technological boom of the 90's. By creating a standard Operating System for all personal computers Microsoft has been instrumental in making computers affordable and easy to use. THE CLEAR WINNER HAS BEEN THE CONSUMER.

Microsoft's jealous competitors started this lawsuit because they could not compete with the greatest American company on a fair business basis, even though their business practicies have been just as aggressive. We consumers do not want to turn the clock back to a multitude of incompatible Operating Systems that only work on certain manufacturers computers and raise the cost of application software. We want to be free to chose.

Eva Breyer

MTC–00020288

From: Jason Pascucci
To: Microsoft ATR
Date: 1/24/02 2:59am
Subject: Microsoft Settlement

As a long time Microsoft user and software developer, and not having particularly benefited because of it, I have several problems with the Microsoft Settlement as it currently exists. I believe that the fundamental problems of Microsoft's worst business practices remain unaddressed. Some of those are:

a) Consistent business practice of taking existing innovations, stripping them down to component parts, and producing a solution that is (usually barely) ''good enough'' without being ''better'', where the real differentiator is that they ship a ''good enough'' solution free. By bundling many software systems that fundamentally do not belong to part of their Operating System, they stifle competition.

The ''operating system'' of a machine is a defined thing. It never had nor ever should include a web browser, or a media player, or restrictive and incompatible authentication models.

b) refusing to implement interoperable, ''open'' and compatible solutions (c.f. Sun's Java versus Microsoft's implementation, IE's built-in incompatibility with existing standards (thus impacting Netscape), etc)

c) In Microsoft's quest for market dominance, they are so busy in pursuing market-blocking activities that they fundamentally do not provide sufficient resources to make their own products significantly better. Microsoft does not significantly update products whose competitors do not impinge on their existing, near dominant, market-share. They rely on the fact that the barrier to entry is so high, and that existing problems could be addressed for far less than the cost of full re-implementation, to dissuade competition and avoid making important updates. Fundamentally, the original proposals of splitting Microsoft may have been adequate to level the playing field.

Another option not apparently considered, but the most useful to address the problems, would be merely to force the unbundling of —all— unrelated components: if a user could buy each component separately, he could price and compare products, and pick the one best suited to his needs. And, in that scenario, Microsoft would be in the same boat as all other competitors: either make better components, or risk losing business.

JRP

MTC–00020289

From: palacie@juno.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:46am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Shirley Kardell
211 Bell Canyon Rd.
Bell Canyon, CA 91307–1111

MTC–00020290

From: Roberto Mello
To: Microsoft ATR
Date: 1/24/02 2:51am
Subject: Microsoft Settlement

Sir/Madam,

I am writing this to express my dissatisfaction with the Proposed Final Judgement to the Microsoft Antitrust case.

One of my main concerns with the Proposed Final Judgement (PFG) is that it supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

If these APIs and terms are tor clearly defined, it will leave many loopholes with which Microsoft will have ample opportunity to continue with its anti-competitive practices.

I urge the Department of Justice to take appropriate measures to make sure such unjustice does not happen.

Best Regards,
Roberto Mello
Undergraduate Computer Science student, Utah State University
Computer Science,
Utah State University
http://www.sdl.usu.edu/
Space Dynamics Lab, Developer

MTC–00020291

From: Lynn Clark
To: Microsoft ATR
Date: 1/24/02 2:56am
Subject: Microsoft Settlement

To whom it may concern:

I am writing to express my disappointment about the proposed settlement in the Microsoft antitrust trial.

The proposed settlement will have little, if any, effect in curbing Microsoft's illegal behavior. Having read both Judge Jackson's ''Findings of Fact'' and ''Final Judgement'' in the antitrust trial and the appellate court's decision, and having read the proposed settlement, it is difficult to imagine how Microsoft's attorney's were able to so successfully roll the government negotiator, in light of the malicious behavior of which Microsoft was found guilty. The proposed settlement has holes big enough to fly a Microsoft 777 through.

Microsoft is an unrepentant monopolist. Microsoft's past actions have hurt the marketplace and its present actions continue to do so, even after having been found guilty of egregiously violating antitrust laws. For example, after having been found guilty in the antitrust trial, Microsoft has subverted the ''open'' kerberos security standard in a way that can have only adverse consequences for platform-independent computing, effectively preventing non-Microsoft software from seamlessly interoperating with Microsoft software in a networked computing environment. This decreases consumer choice, thus stifling competition.

The government won the case, and won it bigtime. The proposed settlement is in proportion with neither the magnitude of the government's victory in the case, nor the magnitude of the egregious actions Microsoft took to stifle competition in the marketplace, for which they were found guilty. The proposed settlement must be thrown out and a settlement—which should include a large fine ($5 billion, at least) and serious restrictions on Microsoft's conduct—should be pursued.

Regards,
Lynn Clark
Software Engineer
599 W Sandbar Circle
Louisville, CO 80027

MTC–00020292

From: dmfisher@internetcds.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:57am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Mary Fisher
2242 Foots Creek Rd.
Gold Hill, OR 97525–9711

MTC–00020293

From: Dean Antonelli
To: Microsoft ATR
Date: 1/24/02 2:55am
Subject: Microsoft Settlement—Business Practices on Trial

Dear Department of Justice,

Following are my comments in support of the recommendations put forth by the nine non settling states.

Microsoft's predatory, monopolistic, and anti- competitive practices are well documented. They are under legal fire in the United States, China, Brazil and Europe. But, with their enormous monopoly gained resources they are able to buy settlements with nine states, to buy endless legal delays (that promote a denial of justice) while their products and associated proprietary training become ubiquitous, capture the marketplace, and eliminate innovation and competition.

Microsoft is the only large hi tech company to grow their earnings per share EACH quarter in 2001 and to increase their stock price by 30% BECAUSE they are a monopoly and not subject to pricing pressures.

Microsoft's arrogance is magnified in these times when Americans are making sacrifices and responding with unprecedented patriotism to threats against our country and threats against our inherited legal system which protects us all and is the envy of the world.

Microsoft, Enron—the global investment community is watching. America's business practices are on trial.

THIS IS THE TIME FOR OUR LEGAL SYSTEM TO UPHOLD THE LAW FOR THE BENEFIT ALL BUSINESSES, CONSUMERS, INVESTORS, INNOVATION, COMPETITION AND INTERNATIONAL TRADE.

Best regards,
Dean Antonelli
19799 Oakhaven Dr.
Saratoga, Ca. 95070

MTC–00020294

From: Ken Rowan
To: Microsoft ATR
Date: 1/24/02 2:44am
Subject: Microsoft Settlement

I support Microsoft all the way. Please stop the needless intervention.

Ken Rowan, CA
#117—4675 Valley Drive
Vancouver, BC V6J 4B7
CANADA

MTC–00020295

From: ehlano@cs.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:48am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Eva Lano
8017—212 Street SW
Unit 5
Edmonds, WA 98026–7446

MTC–00020296

From: eioffe@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:54am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Edward Ioffe
53 Paul St
#16
Newton, MA 02459

MTC–00020297

From: robert@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/24/02 2:53am
Subject: Microsoft Settlement

I am writing to comment on what is a seriously flawed ''settlement'' in this Case. In its current form, this ''Settlement'' is a giveaway to Microsoft,with flimsy, avoidable ''penalties'' of no substance whatsoever..it's LOADED with loopholes. Microsoft deserves REAL punishment. I propose three options here:

1. Microsoft must be forced to divulge to the world at large its specs, current and future, for its ''.DOC'' file format, the one used to create documents in Microsoft WORD..its famous wordprocessor.

2. Microsoft must allow and and ALL Computer Manufacturers whom it licenses to sell its Operating System..the freedom to have SOME machines preloaded with The Other Guy's Product..be it Linux, FreeBSD, IBM's OS/2, or Netware. Certainly Microsoft will be given its normal Licensing rights via the Computer Maker, regarding how its OWN products are installed, etc..but if the Maker has other machines with a competing Operating System on it? Tough if Microsoft doesn't like it. Give our Computer makers some freedom!

3. Any future ''security lapses'' TIABLE TO A MICROSOFT SECURITY FLAW should cost them heavily in fines and forced punitive corrective-measures.

Thanks for listening.
Very Truly Yours,
Robert McMorrow

MTC–00020298

From: nrabob@kornet.net@inetgw
To: Microsoft ATR
Date: 1/24/02 3:05am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Robert Hattendorf
PSC 3 Box 6654
APO AP 96266–0066, AZ 85351

MTC–00020299

From: Trevor Bittinger
To: Microsoft ATR
Date: 1/24/02 2:56am
Subject: Microsoft Settlement

I would just like to say that I have read about the proposed settlement, and I am not in favor of it in its current state. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors, yet unfavorable to Microsoft.

MTC–00020300

From: CCheno1015@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 3:06am
Subject: Microsoft Settlement
January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Subject: Microsoft Settlement

Dear Mr. Ashcroft:

After three long years of costly court battles, Microsoft and the government have settled an antitrust suit that has profound implications for all software publishers, the

rest of the computer industry and consumers. This settlement will surely give a boost to our lagging economy. The settlement, with its new rules, will provide certainty about compliance and thereby ensure that the computer industry can continue delivering advanced technology to the marketplace.

Therefore, no new litigation should be brought to the courts by the ''Feds'' beyond this agreement.

Sincerely,
C. C. Chenoweth
4519 134th PL SE
Bellevue, WA 98006

MTC–00020301

From: Nault, James CDR (C6F)
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/24/02 12:45am
Subject: Microsoft Settlement

Dear Sirs: I am writing this to express my support for Microsoft Corporation and to rise in objection to the government thinking that it has the right to throttle the productive genius of one of Aerica's finest companies. I have chosen to use some Microsoft products at work and at home and find them to be excellent. They have helped me be very productive. We should be rewarding Microsoft for their contributions to our economy, not punishing them. I do not recognize the right of the government to intrude into the business place in this manner. I am in the United States Navy, and I can tell you that it is very disheartening to be willing to give my life to the defense of freedom in America, only to see it eroded from the inside out. I implore you to rethink the position of the government on this issue and give Microsoft the free hand it requires to be as productive as it can be. If you throttle Microsoft's productive ability, we will all lose, including the competitors it has supposedly shut out by force (which I disagree with). No one has put a gun to anyone's head and ordered them to buy Microsoft's products. It is all a matter of choice. Are we to punish corporations now for giving away things free? That is simply too much to believe. I am trusting you to do the right thing. Be strong, America will support your decision. Thanks, sincerely, Jim Nault, CDR, U.S. Navy.

MTC–00020302

From: Duane Maxwell
To: Microsoft ATR
Date: 1/24/02 3:09am
Subject: Microsoft Settlement

Dear Sir/Madam,

I wish to go on record as being opposed to the current proposed settlement in the anti-trust case against Microsoft. As a computer professional for nearly 25 years in various capacities, and as the founder of several software companies, I have witnessed firsthand the stifling effect that Microsoft's dominance and predatory business practices have had on the industry. Many times I have heard from investors that they would invest in a good idea except for the fear that Microsoft would leverage their operating system dominance to co-opt the market once it becomes lucrative. Witness the past situation with the web browsers, disk compression utilities, etc., and the current battles over multimedia, network services, instant messaging, and handheld computers.

The current settlement does nothing to punish Microsoft for its past behavior, nor does it meaningfully prevent the company from engaging in similar activities in the future. I hope that you will consider much more aggressive remedies in this case.

In particular, I would like to suggest one: Prohibit Microsoft from distributing their OS software preinstalled on any computers for the term of ten years, and prohibit sales of hardware/software bundles and discounts containing Microsoft software. Customers would be required to pay for and install Windows independent of the computer hardware, which may contain other competing operating systems preinstalled. This would allow an opportunity for other current and future operating systems vendors to be able to make a pitch to customers that they offer a viable alternative. Much of Microsoft's dominance comes from their exclusionary practices with regard to preinstallation. It is nearly impossible to buy a Intel-compatible computer without Windows preinstalled, and Microsoft has used illegal business practices to assure that it stays that way. Please give the customers a chance to make the choice denied them in the past.

Sincerely,
Duane Maxwell
La Jolla, California

MTC–00020303

From: rrstroud50@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 3:06am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Ruth Stroud
12110 N. Fairwood Dr.
Spokane, WA 99218–2935

MTC–00020304

From: Bryon S Mesarch
To: Microsoft ATR
Date: 1/24/02 3:10am
Subject: Microsoft Settlement

DOJ,

I am a Value Added Reseller (VAR) in the IT marketplace. I have followed the Microsoft case extensively throughout its history. I have read the Revised Proposed Final Judgment (RFPJ) agreement and feel that it is fair to both sides. It may be that longtime Microsoft rivals are not satisfied with the agreement, but their view may be skewed by anger and bitterness. While it is certainly fair to argue that Microsoft was wholly unfair in its business practices, they have made long strides in pushing information technology into the consumers'' hands. Microsoft may not have originally possessed innovation, but they have brought it forcefully to market.

The Revised Proposed Final Judgment (RFPJ) really takes the teeth out of Microsoft's rough sense of business practices, but at the same time does not cripple this American frontier company. Please remember that Microsoft is keeping America very much ahead in the world of technology.

Please Approve the Revised Proposed Final Judgment (RFPJ) and allow this matter to be settled once and for all.

Bryon S. Mesarch, Vice President
Silicon Mesa, LLC

MTC–00020305

From: Keith A Morris
To: Microsoft ATR
Date: 1/24/02 3:11am
Subject: Microsoft Settlement

Enough is enough!
Let's Stop The Microsoft Witch Hunt.
Keith A Morris

MTC–00020306

From: antv@antv.org@inetgw
To: Microsoft ATR
Date: 1/24/02 3:09am
Subject: Microsoft Settlement

To Whom It May Concern:

It seems like the proposed settlement for Microsoft antitrust trial is flawed. Because of many different legal loopholes in it, Microsoft will be able to find ways to easily exploit their customers and OEMs to their advantage.

A great analysis of flaws in the proposed settlement could be found here: http://www.kegel.com/remedy/remedy2.html . Below are my main complains about the settlement:

1) Microsoft's APIs, file formats, and protocols. The complete documentation for these must be made public and be updated in a timely manner. Closed APIs and file formats are a major barrier to entry, since virually no company can afford to convert its existing documents into a new format. Currently anyone using Microsoft products is effectively ''locked in'' to those products because they cannot be easily converted to another format. While some attempts had been made toproduce programs and/or libraries that can read and write files in Microsoft's formats, they are only partially compatible and usually fail on complex documents. The main reasons for this are undocumented changes in Microsoft APIs and lack of complete documentation. Anything that can be done to reduce this barrier can only help to create more opportunity in the market.

2) Microsoft's business practices. Microsoft must not be allowed to enter into deals with OEMs, ISPs, or other businesses that would create disincentives or prohibit those

companies from offering non-Microsoft products or services to their customers. Since the vast majority of the desktop computing world currently uses Microsoft products, OEMs, ISPs, and others must be able to offer those products to consumers. Allowing Microsoft to continue to take advantage of that situation by prohibiting those companies from offering alternatives effectively means allowing Microsoft to continue to hold the industry hostage.

3) Microsoft's attempts to extend their monopoly in new markets * Microsoft attempted (often successfully) to extend their monopoly in several new markets already, using the same monopolistic tactics. Most prominent examples are:

—Microsoft .NET and MS's plans to force everybody to sign for a MS Passport (which has already been proven to be a very insecure system), and also to sabotage development Sun Microsystems'' Java language on Windows platform in favor of their own ''.NET'' system.

—Audio/Video market, where Microsoft used their OS monopoly to push products likeWindows Media Player and gain unfair advantage over competitors such as Real Player and QuickTime

—The failed attempt to turn an educational lawsuit into a way to inject their software into yet another market

If these concerns are addressed by the eventual settlement or court ruling, they should remove most of Microsoft's ability to abuse it's monopoly power to the detriment of the industry. I feel that a healthy IT industry should consist of competing products from a variety of companies, all able to interoperate with each other, with no single company able to leverage it's dominance in one area to bolster it's position in another.

Sincerely,
Anton Vysotskiy
Software Developer/Network Engineer
7108 13 Ave #2F
Brooklyn, NY 11228

MTC–00020307

From: George Petrov
To: Microsoft ATR
Date: 1/24/02 3:09am
Subject: Microsoft Settlement
the proposed settlement is a bad idea.

MTC–00020308

From: ramona.miller@verizon.net@inetgw
To: Microsoft ATR
Date: 1/24/02 3:13am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Ramona Miller
1309 Woodbridge Trail
Virginia Beach, VA 23456–1624

MTC–00020309

From: Alex Lewin
To: Microsoft ATR
Date: 1/24/02 3:16am
Subject: the proposed Microsoft settlement is a bad idea

I think the proposed Microsoft settlement is a bad idea.

Sincerely,
Alex Lewin

MTC–00020310

From: C T Archer
To: Microsoft Settlement U.S. Department of Justice
Date: 1/24/02 2:44am
Subject: Microsoft Settlement
C T Archer
24280 SE 1st Place
SAMMAMISH, WA 98074
January 24, 2002
Microsoft Settlement U.S. Department of Justice

Dear Microsoft Settlement U.S. Department of Justice:

I believe every word below absolutely. The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
C T Archer

MTC–00020311

From: MMmalak@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 3:08am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Mary Malak
3909 Prince William Dr.
Fairfax, VA 22031–3867

MTC–00020312

From: Charles Tinsley
To: Microsoft ATR
Date: 1/24/02 3:14am
Subject: STOP IT NOW!

PLEASE PUT A STOP TO THIS WITCH-HUNT AGAINST MICROSOFT!

MTC–00020313

From: jrl67@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 3:17am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
John Laurence
3491 Mt. Burnham Place
San Diego, CA 92111

MTC–00020314

From: Rick.Stones@gehis.co.uk@inetgw
To: Microsoft ATR
Date: 1/24/02 3:18am
Subject: Microsoft Settlement

So you found them ''guilty of abusing their monopoly power but you are going to let them off with the most mild slap on the wrist'' is how the settlement reads to almost everyone.

All monopolies that have been broken have resulted in massive benefits for the consumer, and long term the whole economy,

I see no reason why you should think that the Microsoft monopoly is one that should be allowed to continue.

The DOJ has made itself look weak and ineffectual, it won, then allowed Microsoft to walk all over it. What respect can you have if you do not follow through clear court victories with appropriate remedies? At the very very least you —must— remove all the additional clauses that allow Microsoft to not disclose interfacing information, so people can interface to Microsoft operating systems. Microsoft will deem all useful information a ''security risk'' and not disclose it, and nothing will have changed. The world needs prompt and full disclosure of all networking protocols and file formats, including those for Microsoft office and related products. No exception clauses allowed.

Please think again, and significantly toughen the terms of the settlement.

Rick Stones

Rick Stones, Systems Architect, GEHE UK IT division

External phone +44 (0)2476 432725, internal 2725

MTC–00020315

From: skpp1@integrity.com@inetgw
To: Microsoft ATR
Date: 1/24/02 3:16am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Skip Paynter
615 NE 153rd Ave
Vancouver, WA 98684

MTC–00020316

From: Morio Murase
To: Microsoft ATR
Date: 1/24/02 3:20am
Subject: Microsoft Settlement

Before I say anything that might indicate to the contrary, (deep breath) the settlement is a lousy idea!

I am a PC user. Therefore, if I am to do what 90% of other PC users do, I am forced to use Windows. ''Nonsense!'' cries Microsoft. ''There's PLENTY of competition! Just look at what Linux is doing!'' This is precisely why I am forced to use Windows: because Microsoft is so large, they will stop at nothing, ignoring any moral or ethical standards set forth, to dominate their markets, or, I daresay, the world. They have challenged you, and you cowed to their demands for whatever reason was given to you. You are, as police and district attorneys everywhere would say, giving them a ''slap on the wrist''.

Fines are not the answer. Nor is redistributing the wealth that Microsoft commands; neither will slow the pace of this monstrosity that devours any that it thinks will stand in its way. Does this not sound like Standard Oil or Ma Bell? Both were split apart into smaller companies to re-introduce competition and give consumers a greater amount of choices in the marketplace. Yet by this move you allow the largest computer software corporation to exist, with its hungry sights on every computer in operation today.

MTC–00020317

From: zan/Charles
To: Microsoft ATR
Date: 1/24/02 3:18am
Subject: Microsoft Settlement

I am writing to express my vehement opposition to settling the antitrust matter with Microsoft in the manner proposed by the company and agreed to by some of the states participating in the suit.

It strikes me as especially bizarre to remedy the hindrance of competitors by bundling free competing products with a dominant product, Windows, by allowing the offending company to give even more free software away. This educational ''gift'' is especially insidious, because it gives Microsoft an easy inroad into the education market where it still has a competitor in the form of Apple Computer. In Microsoft's eyes, this is merely another software giveaway that will reap profits further down the line.

Microsoft engaged in illegal, anticompetitive actions and continues to do so. For instance, by recently integrating its MSN internet services with its Internet Explorer browser, Microsoft was able to wrest the position as top web destination for searches from Yahoo! Their tactic: convert the default ''page not found'' into an MSN search, driving users to their own products and advertisers. Experts note that fully half of Microsoft's MSN search visitors arrive there via this method.

Users do not try MSN's search, compare it to other services and favor the best provider; they are sheperded there by default as a result of using other Microsoft products. In a free-market system, I thought the point was to reward innovation and quality, not ubiquitousness.

But Microsoft seems to think that only its own interests matter. Again and again, its tactics are designed for nothing else but the benefit of Microsoft, and are very seldom beneficial to the American consumer. Bearing in mind that Microsoft has been asked before to voluntarily alter its behavior and it has failed to do so, I urge you to reject this ridiculous settlement

Charles Christensen
Chicago, IL

MTC–00020318

From: matthew du puy
To: Microsoft ATR
Date: 1/24/02 3:20am
Subject: Microsoft Settlement

I would truly like to understand how Microsoft's giving of software products they have already produced, to schools and people that would never buy them anyway punishes their monopoly and decreases their market share. The only true cost to Microsoft giving their software to these people is the cost of printing the manuals and CDs. This does nothing to make amends to the millions of Microsoft customers who have suffered overpriced, un-inovative, poor quality products because alternative competing products have been either bought or forced out of business by Microsoft. Furthermore, I would like to understand how training many of the young recipients of this settlement to use Microsoft products helps improve awareness and support of competing products.

As an engineering graduate student, I don't consider myself a fool but I simply can't imagine a scenario under which the currently proposed settlement reduces Microsoft's monopoly of several markets. Maybe I have a poor imagination. I'd very much like to see alternative settlements under which, Microsoft's competitors and customers are awarded monetary or other creative product replacement settlements such as RedHat Software's proposal to supply the same underprivileged schools with computers using RedHat's software at Microsoft's dime. As a person who is aware of the social/political, technological and economical impacts of this case, I urge you to reconsider this settlement.

Thanks,
Matthew Du Puy

MTC–00020319

From: Ben Chambers
To: Microsoft ATR
Date: 1/24/02 3:19am
Subject: Proposed settlement

Having looked through it, I think it's a bad idea. The DOJ should push Microsoft to be more fair; as it is, they're getting a slap on the wrist and won't change their ways with the current settlement.

MTC–00020320

From: Mick Angel
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 3:24am
Subject: Microsoft Settlement

Sirs,

As a user of Microsoft products (both at home and at work) I feel that the results of the settlement does not go far enough in either:

a) penalising Microsoft for the previous monopolistic tactics— which have seriously (to my mind) reduced the innovation in the desktop and browser market

b) limiting the monopolistic tendencies of microsoft in the future

It is sad to see a toothless anti-trust case which seemed to start with the right intentions but, at its finish, has become a farce and a whitewash.

Regards,
Michael Angel.

MTC–00020321

From: Dr. Martin Stahl
To: Microsoft ATR

Date: 1/24/02 3:27am
Subject: Microsoft Settlement

The settlement is not a good idea. I DO NOT AGREE. I fear, Microsoft will dominate the software and the internet in future, ending in the bancruptcy of the competitors.

Greetings from the city of the CEBIT
Dr. Martin Stahl
Brunirode 96
D–30880 Laatzen (near Hannover)
Germany

MTC–00020322

From: rlynch80@swbell.net@inetgw
To: Microsoft ATR
Date: 1/24/02 3:24am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now.

Personally it is my position that you would do a better job by requiring all companies like Microsoft, AOL, Netscape, etc. To design all future programs to be used by the visually impaired/blind community out of the box.

The blindness community is probably one of the largest consumer groups of computers and the technology therein, but yet we still must struggle to make our adaptive software work with current programs.

Thank you.
Sincerely,
Reagan Lynch
1304 Manor St.
Midland, TX 79703–4935

MTC–00020323

From: joaquin
To: Microsoft ATR
Date: 1/24/02 3:25am
Subject: Microsoft Settlement

Dear Sirs,

As an American living overseas and concerned about the monopolistic practices of Microsoft in my country, I have to say that the proposed settlement is not only a very bad idea, it is a farce. Microsoft has been proven extremely guilty and should recieve a very stiff sentence instead of the feeble wrist slap that is currently on the table. It is sad that after winning the case so handily, the DOJ has backed down instead of demanding the kind justice that would truly benefit the American consumer.

Joaquin Cruz.

MTC–00020324

From: D. G. Cohen
To: Microsoft ATR
Date: 1/24/02 3:21am
Subject: Microsoft Settlement

Dear Sirs,

Although this issue isn't connected directly with US Antitrust laws, I thought you should be aware of Microsoft Israel's (''MSI'') behavour.

Microsoft Israel were annouced as a Monopoly by the Head of the Antitrust authority in Israel, Adv. Dror Shturm, a couple of months ago. But such an announcment hasn't made MSI change it's behavour towards Macintosh users in Israel. For a couple of years now, Macintosh users in Israel are requesting again, and again, that Microsoft Office for the Macintosh would support the Hebrew language. An issue that is taken for granted in the PC platform.

MSI keeps refusing to do so, stating that they do not have the knowledge nor manpower to perform such a task. A deeper investigation of the matter, and discussions between Apple France and MSI, revealed the sad fact that MSI were ''ordered'' by MS, NOT to localize Microsoft Office to hebrew, no matter what ! Their concern is that people in Israel would actually prefer Macintosh computers, rather than Windows based PCs.

There is alot more to be said about this. But, the bottom line is, that MS and MSI are intensionally damaging the free competition in the Israeli computer software market. Misuse of market power is an Antitrust felony, if I'm not mistaking.

Please consider this issue. I would be glad to provide more information on this matter, by demand.

Dov G. Cohen,
Law Student
Bar-Ilan University
ISRAEL
ICQ#: 17303370

MTC–00020325

From: Frobisher1@msn.com@inetgw
To: Microsoft ATR
Date: 1/24/02 3:24am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Verne Kelling
4015 232nd Ave. S.E.
Sammamish, WA 98075

MTC–00020326

From: rhaldin@socal.rr.com@inetgw
To: Microsoft ATR
Date: 1/24/02 3:23am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Patricia Haldin
1740 E. La Veta #310
Oange, CA 92868

MTC–00020327

From: gardxxl@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 3:22am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Donald Gardner
9459 Geordie Way
Riverside, CA 92509–1060

MTC–00020328

From: Jason Campbell
To: Microsoft ATR
Date: 1/24/02 3:28am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW

Suite 1200
Washington, DC 20530–0001

The proposed Microsoft case settlement is in my opinion fundamentally flawed and wholly inadequate. It should not be adopted without complete revision.

1. Only a separation of the Windows operating system from the Office Suite and from Internet Explorer can ''unfetter'' the Windows market and allow competitors to emerge. Only such a three-way breakup of Microsoft can end the company's unlawful conduct. This Proposed Final Judgment is completely inadequate because it does not separate control of Office from control of Windows, and control of Internet Explorer from both Office and Windows.

2. The prohibited conduct provisions of the Proposed Final Judgment cannot be effectively enforced with regard to Microsoft due to the extraordinarily subtle ways in which the company can shift and redefine the operating systems environment to the disadvantage of its competitors. Any effective settlement must lay out enforcement provisions and attempt to address these subtleties.

3. The definitions presented in the Proposed Final Judgment for ''middleware'', ''API'', and the ''Windows Operating System Product'' are vague and easily circumvented by Microsoft. The company can trivially evade the intent of the settlement by altering its product naming and/or distribution schemes in obvious ways. Any reasonable settlement must have its provisions continue in force regardless of minor shifts in Microsoft's nomenclature and marketing spin.

4. The Proposed Final Judgment fails entirely to protect potential competitors to the Windows Operating System because it limits the usage of information disclosed by Microsoft under the settlement to use by those producing competing applications software. Any settlement which is to restore competition to the operating systems marketplace must protect competing operating systems, and facilitate their compatibility with Windows.

In summary, this Proposed Final Judgment is not in the public interest and should not be adopted.

Sincerely,
Jason Campbell
Chief Technical Officer, Zack Systems, Inc.
310 Guerrero Street
San Francisco, CA 94103

MTC–00020329

From: Republicanmom4@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 3:25am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Lynne White
927 Arabian Ave.
Winter Springs, FL 32708

MTC–00020330

From: totlee@webtv.net@inetgw
To: Microsoft ATR
Date: 1/24/02 3:30am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Walter Lee
157 Baltusrol Dr.
P.O. Box 1828
Fairfield Glade,
TN 38558–1828

MTC–00020331

From: Jan Vilhuber
To: Microsoft ATR
Date: 1/24/02 3:32am
Subject: Microsoft Settlement

The settlement falls far short from actually making sure a crafty monopolist relents and desists. Microsoft will just continue business as usual (in a slightly different form to work around hard to enforce regulation), and new entrants will still not be able to get a foothold, which is bad for users and the computer business.

Jan Vilhuber
San Luis Obispo, CA
Jan Vilhuber
Cisco Systems,
San Jose
vilhuber@cisco.com
(408) 527–0847

MTC–00020332

From: WAYNE KELLAR
To: Microsoft ATR
Date: 1/24/02 3:30am
Subject: It's time to stop!!!!!!!!

The Fed. Gov. blackmail of Microsoft and the welfare for Netscape and all the other competitors of Microsoft. This I would expect in the Old Russia or China today, but not here in this Country where the free open market has made this the greatest civilization in history.

It's time to stop the socialist/ communistic approach. I think you have too many still their from the slick willie era and house should be cleaned or you need to go back and retake ecom. 101. You are going to keep screwing around and destroy the most innovative industry to come down the pike in history, who single handily created more jobs than you can tally, my guess would be more than the automotive industry did in it's time. Who is going to suffer? THE AMERICAN PEOPLE and our economy.

The turn down in the economy before September 11, 2001 I'm sure can be tied to you'alls suit against Microsoft.

I guess your'alls response will be to sit back all smug with your thumbs hooked in your suspenders and say look what we have done HURRAH, HURRAH!!! REMEMBER YOU ARE PART OF THE AMERICAN PEOPLE TOO, SO THOSE hurrah hurrah better be said in a whisper because you are going to look like fools.

Wayne Kellar
120B Highview
Versailles, Ky. 40383

MTC–00020333

From: Anthony W. Youngman
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 3:36am
Subject: Microsoft Settlement

Please note that this is a resend, slightly modified, of my earlier document. I've added a mention of OS/2 in the ''dual boot'' section. Please note also, I understand that the subject of the email has to be ''Microsoft Settlement''. I didn't realise earlier, and I believe my email had a subject something like ''Tunney Act''.

Yours
Anthony Youngman

MTC–00020334

From: Neto Thong
To: Microsoft ATR
Date: 1/24/02 3:36am
Subject: Microsoft Settlement

Honorable Justice,

We can notice from the lifestyle of those working in Microsoft and we know that they have this absence of fear, a god-like stand, knowing and is assured that MICROSOFT, above all, will withstand the brunt of the wheels of justice running them over.

If you can see, even in our tiny island here in Asia, we can feel how Microsoft is controlling the market of system integration. You must be a ''big fish'' or a ''big player'' before they can deal with you, in terms of the licensing fees. If not for this issues, we could have developed an embedded device using WinCE as OS. However, due to the license fee, we moved into Linux and other OS conceivable without paying the high price.

Well, let the voice of the people decide on the fate of the Giant. Will we allow them to continue living at an extravagant lifestyle at our own expense?

Thank you.
From a small voice,
Neto Thong

MTC–00020335

From: Wong, Mun Hoh
To: Microsoft ATR
Date: 1/24/02 3:36am
Subject: ''Microsoft Settlement''

I believe Microsoft deserves harsher penalties than the Department of Justice has proposed because of the business conduct which Microsoft is practising toward consumer as well as competitor to monopolise the market. If this persist, people will lost their freedom to choose and become a slave to Microsoft.

Thanks You.
Regards,
Alex

MTC–00020336

From: art.zimmer@bigfoot.com@inetgw
To: Microsoft ATR
Date: 1/24/02 3:35am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Art Zimmer
Box 1582
kODIAK, AK 99615

MTC–00020337

From: jamie macdonald
To: Microsoft ATR
Date: 1/24/02 3:40am
Subject: Microsoft Settlement

to whom it may concern,

you have been given the power to do right, take it and make microsoft pay not in software that it can make for free but in money to those it has hurt. do this and we will know you are some what fair and may not riot and distroy you after all maja macdonald

MTC–00020338

From: irmtrain@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 3:37am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Earl Dennis
35246 US 19N
#304
Palm Harbor, FL 34684–1931

MTC–00020339

From: deljohns@ctlnet.com@inetgw
To: Microsoft ATR
Date: 1/24/02 3:33am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Del Johnson
3617 Co. Rd. 19, Box B
Auburn, IN 46706–9417

MTC–00020340

From: davidbeth@ttinational.net@inetgw
To: Microsoft ATR
Date: 1/24/02 3:36am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Helen-Elizabeth Dunning
P.O. Box C
Cosmopolis, WA 98537–2003

MTC–00020342

From: Richard Finegold
To: Microsoft ATR
Date: 1/24/02 3:52am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

In the proposed final judgement, Microsoft isn't required to disclose the formats of its various ''Office'' files. For example, with Microsoft's monopoly, people have become accustomed to sending Word documents in their native format. Microsoft doesn't have a lot of documentation any more for their Word document structure, so competitors must ''reverse-engineer'' the structure and implement what they can. People might be satisfied with a competitor's software—with the sole exception—of Word document interpretation, and thus might switch to Microsoft's software—solely—on this basis. Thus, a barrier to entry is maintained.

Broadly speaking, most of the proposed settlement doesn't do much to correct or even address Microsoft's past abuses—see Dan Kegel's analysis (http://www.kegel.com/remedy/remedy2.html). Microsoft commits crime but is then still able to profit from it. I hope this isn't how the Justice System is intended to work. If it is (right to profit from past crimes), then Kevin Mitnick ought to have a computer (because that would enable him to profit from past crimes).

I am not happy with this proposed settlement, please consider this a ''no'' vote. A stronger remedy please!

Thanks!
Richard Finegold
1400 Bellevue Way SE #4
Bellevue WA 98004

MTC–00020343

From: Barnard En Lai Teng
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 3:52am
Subject: Microsoft Settlement

I do not believe that the settlement is punishment enough for the illegal practices that Microsoft has performed on others in the industry. The settlement should be more than just a mere, bonus marketing move for Microsoft. You are performing in a case that is crucial for everyone in the Modern world, and allowing such a small punishment to be settled, is unsettling. It will just allow Microsoft to continue to bully.

Barnard Teng.
B. Arch, NZCAD.

MTC–00020344

From: Patrick L. McHargue
To: Microsoft ATR

Date: 1/24/02 3:51am
Subject: Microsoft Settlement
Sirs;
Please lay off Microsoft. They have done far more good than harm, and much more good than you can do by pursuing this action. Let the market decide. The government is probably the worst way to pick winners—and that is exactly what this action will accomplish.
Sincerely;
Patrick L. McHargue

MTC–00020345

From: thomaso@mcsi.net@inetgw
To: Microsoft ATR
Date: 1/24/02 3:47am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.
This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Thomas O'Neill
PO Box 689
Roseburg, OR 97470–0137

MTC–00020346

From: doug@spiretech.com@inetgw
To: Microsoft ATR,dennispowell@earthlink.net@inetgw,do...
Date: 1/24/02 3:42am
Subject: Public comment submission RE:Microsoft Settlement
To whom it may concern Jan 23, 2002
Antitrust Division
U.S. Department of Justice
Suite 1200
601 D Street NW
Washington, DC 20530–0001
I am opposed to the proposed settlement in the United States v. Microsoft antitrust case in its current form.
As someone who has been involved in the computing industry since the late 80's, I have watched Microsoft rise to dominance with concern for the longer term health of the industry as a whole. While I have often found Microsoft's techniques distasteful and unethical, my primary concern is that everyone involved concentrate their efforts toward a solution better able to deal with future behavior, not one that corrects the mistakes of the past.
Any remedy directed toward past events will be ineffective as rendered due to the rapid pace of change in our industry today. With an eye toward the future, I respectfully submit the following for consideration:
Microsoft should be compelled to fully document and publish file formats and application programming interfaces in a format without restriction for public review. Compulsory RAND licenses allowing the use of the formats will be made available to closed development efforts regardless of size. Open development efforts would be able to make use of the public documents without license provided that the resulting code remain open. Publication of said standards should be made in a timely manner in order to foster competition and innovation among all parties involved. The above provisions, while not precise enough for final rendered judgment, serve as a rough framework intended to achieve a number of goals all contributing to the longer term health of the industry in general and long term benefit to its users.
Competing developers would be able to build applications better able to inter-operate with Microsoft's own, thus enabling competition for common applications on a number of platforms. The average persons choice of computer is sharply limited today because it is artificially difficult to develop viable alternatives. API and file format inter-operability is necessary for this to change.
Microsoft's ability to ''Embrace and Extend'' open standards would be sharply limited by the provisions outlined above. Open standards are often developed either in an academic environment, or through peer review. Use of said standards should remain open. Closing them only benefits Microsoft.
The rapid growth of the Internet as we see it today is due to the open standards upon which it is built. Another facet of the internet that is worth consideration, at this point, is the fact that it runs on a number of different platforms, including those offered by Microsoft. If current behavior is allowed to continue, this will change for the worse. We will end up with one company controlling a very large portion of the Internet also in a position to control its future direction. Given the relative youth of the Internet today, I am not convinced that this is the best outcome.
Almost every computer working today regardless of vintage or make is capable of performing the basic computing tasks most users need, yet the latest Microsoft offerings demand the latest machines. While I clearly recognize Microsoft's need to innovate and take advantage of the latest technology, I also have concern over the lack of alternatives able to make good use of the hardware already available. Open data formats, and applications programming interfaces will enable better solutions to common needs on existing hardware. There is a lot of value in these types of solutions. Longer term, the presence of these solutions also provide a powerful incentive for future development to remain realistic in its hardware demands.
In summary, my primary concern is with the way Microsoft has leveraged its file formats and application programming interfaces to build its business at the expense of everyone, including its own customers. Addressing future behaviour, rather than correcting problems of the past, takes best advantage of the fast pace of technology today.
Thank you for your time and consideration,
Doug Dingus
PO Box 30104
Portland, Oregon 97294

MTC–00020347

From: Scott Jaffa
To: Microsoft ATR
Date: 1/24/02 3:48am
Subject: Microsoft Settlement
Please reinstate the order to split microsoft and and bar the resulting companies from cooperation. Also force them to pay apple computer a fee for every copy of windows sold.
Scott Jaffa

MTC–00020348

From: STRMN
To: Microsoft ATR
Date: 1/24/02 3:49am
Subject: Microsoft Settlement
Dear Sirs,
The Proposed settlement (as referred in the media) seems comic. I am definitely opposed to it.
Best Regards
Bjo-rn Stro-mns —
B. Stro-mns A.S.
bjorn@attglobal.net (STRMN)

MTC–00020349

From: Christopher Owen
To: Microsoft ATR
Date: 1/24/02 3:52am
Subject: Microsoft Judment
As an European based consumer and small business I am very concerned at the way that despite the well documented methods that Microsoft used to lever itself into market dominance there is going to be no real remedy. If this was the automotive industry or even in the utilities steps would have been taken to sort out the anti competitive practices and the theft of intellectual property. The only time a small software house tried to get compensation from Microsoft for the illegal use of their intellectual property was when the Stac corporation sued Microsoft for bundling disk compression in MS DOS 6.0. The outcome Stac won the day but as the court did not award costs the cost of the case broke the company so in essence it was an hollow victory. Microsoft has admitted to tactics such as increasing the price of products to a company if they find out any competing products are being used. It was this last tactic that helped pushed Vobis and Escom into history. Recently we had Microsoft posting cereal packets to Novell customers and insinuating that the support would run out soon as far as I am aware this case is still ongoing. The fact that Novell had just announced the release of a new product did not seem to stop the Microsoft marketing machine from trying to convince Novell customers that Novell were leaving the network software market. From a users point of view most of the Microsoft product line is woefully inadequate with constant patching require to get it to work correctly and once the product is stable it is dropped an a new more glitzy product is introduced. Steve Balmer's statement that in time everyone would be paying Microsoft for their Internet uploads and downloads is a cause for concern as Microsoft does not own the

Internet so how can they charge for access to it. In the UK we had the embarrassment of a site set up for the UK government only allowing Microsoft Browsers access, little more than a method of forcing people who needed to access that site to change not only their browser ! but in some cases their platform and OS as well. This last point has now been opened up to other browsers but it still goes to show how Microsoft will try to further consolidate its market dominance to reach the goal of a monopoly. Pricing in Europe is a mess with the K paying the highest prices for Microsoft products and no real reason being given for this, the new XBox is a prime example made in Europe yet we will be paying 50% more for the product than the Americans an Japanese. Consumers here in the UK did look to the American courts to get Microsoft to play fair. With standard oil, IBM and AT&T remedies were forced on the companies to make them compete fairly yet it seems to view here that Microsoft has placed itself above to law. Has access to the Gates mansion been granted for tax assessment purposes yet? If you are still unsure of the conduct of this company just read a Book called The Microsoft Files it is reveting reading and goes a long way to explaining how market dominance was achieved., or are the methods described in the book standard American practices? For the sake of the little man in the street just make sure that the Microsoft remedy is just and fair to all parties and not a licence for Microsoft to carry on its quest for world domination.

C H Owen
Shieldwell Computing
CC:chris.owen@stregis.co.uk@inetgw

MTC–00020350

From: Wayne Fisher
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 3:53am
Subject: Microsoft Settlement

How can you sue a company for putting its own products in its programs. Surely you wouldn't sue Pepsi for putting Pepsi in their own cans, or sue Marlboro for putting their products in their own packaging. Microsoft could not obviously put anybody else's internet browser in their operating system. If you want to sue a company, SUE AOL, for making such useless software, and buying out Netscape and forcing their subscribers for using it. IF Microsoft were forced to supply a bare bones Windows, then myself, and everyone I know (which is a lot of people, being an IT manager.) would transfer the products back into Windows. If I could, for some reason NOT use Internet Explorer (which has to be, by far, the easiest, most secure and reliable browser) I would never, ever use Netscape, but choose a far superior browser than Netscape (which is not hard really!!) called Opera.

My 5 cents.

MTC–00020351

From: J.A.Lay@open.ac.uk@inetgw
To: Microsoft ATR
Date: 1/24/02 3:55am
Subject: Microsoft Settlement

Please consider a more stringent monitoring of Microsoft's business ethics. Although it is partly hype, there ARE reasons why MS are hated. They lie, steal and cheat, and *THIS* is the problem. If that can be prevented, I have no objection to a large, ETHICAL business.

Jeffery Lay,
Project Officer for Research Support Computing,
Faculty of Mathematics & Computing,
The Open University.
ICQ#6824096, SMS/GSM +447961404144 (Orange)

MTC–00020352

From: Robert Dickson
To: Microsoft ATR
Date: 1/24/02 3:50am
Subject: Microsoft Settlement

To Whom It May Concern:

On the matter of the Microsoft settlement, I find the remedy proposal as it stands a bad idea. To think that the US Government, of which I am a taxpayer, will allow this company to remain unpunished as a monopoly is appalling. Microsoft time and time again shows itself unwilling to allow the market to choose. Using ceaseless tactics to exclude competition is simply un-American in my view.

It is my hope that this settlement does NOT become implemented and will go back to the courts for a true and real remedy.

Sincerely,
Robert Dickson

MTC–00020353

From: brick@icehouse.net@inetgw
To: Microsoft ATR
Date: 1/24/02 3:55am
Subject: Microsoft Settlement

Hi. I'm just a guy sitting back reading the spins on the Microsoft case, and it seems to me that common sense has never entered into the situation. To me, what Microsoft has done / is doing in terms of their marketing isn't right. It's kind of like magic—pay attention to this hand, so you don't notice what the other hand is doing. What I find difficult to believe is that my government is falling for this. God forbid, that they see what's going on, and are just turning a blind eye. If you were told you could buy any car you want as long as it's a Ford Escort, I don't think you'd go for it. Then if you were told that you had to pay extra for things you didn't want, you might get upset, maybe mad. Well this is just my $.02 worth. No one from your office reads these things anyway.

Frustrated.
Jeff Roberts
Spokane, WA.

MTC–00020354

From: Adam Burrill
To: Microsoft ATR
Date: 1/24/02 4:01am
Subject: MS antitrust settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

To Whom It May Concern,

I am writing to express my dissatisfaction with the Justice Department's settlement over the Microsoft antitrust case.

I am a computer professional who has worked with Microsoft products for 9 years in support environments. I have been quite appreciative of many Microsoft software products over the years (particularly the improvements of Windows 95 and Windows NT over DOS and the introduction of standard GUI interfaces on the PC platform through MS office) but I am quite aware that Microsoft does not play fair in the marketplace. The demise of quality competitors in many markets, including the web browser market, word processing software market, office suite market, operating system market and network environment market; added to unfair licensing of operating systems (requiring PC manufacturers to pay per computer sold rather than per MS OS sold), bundling to eliminate competition (MS Office, Internet Explorer, etc..), intentional bugs to prevent competitor's software from working correctly (Netscape, OS/2, etc..) and a myriad of other dishonest business tactics lead me to believe there will never be an honest Microsoft as they exist today. (Despite the many good things that led me to certify myself as an NT 4.0 Microsoft Certified Systems Engineer and to support many of their products.)

I would encourage you to reconsider this settlement and move to break up Microsoft so that we can restore competition to the software market.

Thank you for your time.
Adam Burrill
Technology Consultant
PMB 737
1122 E Pike St.
Seattle, WA. 98122

MTC–00020355

From: CE
To: Microsoft ATR
Date: 1/24/02 3:58am
Subject: Microsoft Settlement

To Whom It May Concern:

In regards to the proposed Microsoft settlement, I do not believe the current proposal provides adequate regulation to keep Microsoft from smothering competition. Many businesses and products have ceased to exist over the last two decades due to Microsoft's business practices. Some examples include companies like Be (makers of BeOS) and products like DR-DOS (currently owned by Caldera).

Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of thier actions, with the threat of criminal penalties for non-compliance, is the only remedy that I can believe will curtail them. The market must be able to return to a state of competition.

Our economy is far too fragile, and our society too dependant on computers to allow one company to control a monopolistic share of the market.

Charlie Eidem
Rohnert Park, CA

MTC–00020356

From: Kevin Haidl
To: Microsoft ATR
Date: 1/24/02 3:57am
Subject: Microsoft Settlement

Dear DOJ,

I understand that the law regards my opinion as relevant at this time. I am happy to state my opinion. I buy Microsoft products because they provide enormous value to me. I have never regarded any of their software distribution or legal practices as harmful to me in the least. Microsoft has consistently delivered the best overall value in mainstream consumer operating systems since the early 1990s.

Professionally, I do use other operating systems. I, unlike most people who comment on this case, am not an unobjective partisan of one OS or another. Each OS offers different values for different niches. But Microsoft, as a company, has consistently outstripped every competitor in serving the markets they target. Nobody can beat their ability to balance the many values users want as they build a single integrated product.

They've earned their success, their wealth, and their market share by one means: delivering superior value.

Kevin Haidl
Internet Consultant
Vancouver, BC
Canada

MTC–00020357

From: EDM919@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 4:00am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Ed Michael
134 Hiawatha Lane
Dover, DE 19904–2484

MTC–00020358

From: Drew, Alan
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 3:56am
Subject: Microsoft Settlement

Why can't I buy a PC (A PC note, not a mac) without Microsoft software installed? Why don't I have a choice?

frankly I don't care what you do in the settlement the whole world knows thaat Microsoft is run by crooks and sharks sponsored by crooks and sharks in government over the next few years, people wil gradually realise that they *don't* have to pay the MS tax, it is possible to do the same thing for free.

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MTC–00020359

From: Charles Johnson
To: Microsoft ATR
Date: 1/24/02 4:00am
Subject: Microsoft Settlement

Since the Microsoft quasi-monopoly is already established, the company should be required to publish their file formats and details of their file systems.

Charles Johnson
Managing Director
Protean IT

MTC–00020360

From: P Howells
To: Microsoft ATR
Date: 1/24/02 3:59am
Subject: Microsoft Settlement

I have just received Micro$ofts'' latest Freedom to Innovate newsletter, in which they complain about AOL's new lawsuit against them. Since I dispise AOL even more than I dislike Micro$oft, I am inclined to agree with Micro$oft: ''This latest legal move appears to be an attempt by AOL to once again retreat from the rigors of competition to the safer confines of the courtroom, where the company is clearly more comfortable.''

Having said that, I also must say that the ''settlement'' to which you are agreeing in the antitrust case against Micro$oft is a case in which the DoJ has dropped it pants, bent over, spread its cheeks, and said ''insert whatever you want as deeply as you want.'' It appears that the ''whatever'' was a barbed-wire dildo. Unfortunately it is really the taxpayers and consumers that are getting the shaft, not the DoJ. I apologize if the graphic imagery of my metaphor is disturbing, but it is the gentlest one that comes to mind.

I have neither the time nor the inclination to detail my objections to the ''settlement.'' Suffice it to say that since the antitrust suit was filed, M$ has released *two* new versions of Windows in which they have blatently incorporated an application that mascerades as an operating system feature, Internet Explorer. As I recall, the purpose of the suit was to get it out of Windows...hello? is anyone home? It's still there! A browser has no more business as an integral part of an operating system than a word processor does, or porn web site, or Donkey Kong. Furthermore, your lawsuit and ''settlement'' put the fear of God into them so badly that they felt quite comfortable incorporating Messenger Service and Netmeeting, two more applications, into Windows XP. The competitive pressures that you've brought to bear are so intense that Windows XP is actually more expensive than previous versions of Windows.

They are going to donate a billion dollars worth of software? Bah, I'm not impressed. A chump change tax write off. A billion dollars worth of Windows XP will cost them between 5 and 10 million dollars, if that much, and give them a $1 billion tax deduction. Not to mention 5 million Windows users to add to their monopoly. Lovely.

Good work guys. Micr$oft thanks you.

Pete Howells
Reno, NV
phowells@usa.net
PS: I am not a Macintosh or Linux user that is railing about Micro$oft. My exclusive operating system is Windows XP. Not because Windows is superior, but because the monopoly forces me to conform. My work is with computers and without Windows I lose 90+% of my potential customer base.

MTC–00020361

From: kknoff@loganrec.com@inetgw
To: Microsoft ATR
Date: 1/24/02 4:05am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Keith Knoff
517 W. Auburn
Bellefontaine, OH 43311–1101

MTC–00020362

From: David Chalmers
To: Microsoft ATR
Date: 1/24/02 4:03am
Subject: Microsoft Settlement

Hello there.

I have read reports of the Microsoft Anti-trust settlement, that refer to a deal where Microsoft gets to donate fee computers and software to schools and education establishments as part of their reparations. I think most people, myself included would consider this grossly unfair and contrary to natural justice.

Why should a company found guilty of monopoly and anti-competitive practices be allowed to FURTHER entrench their monopoly, by targetting one of the most influential markets for future business. It will cost them a LOT less, as the software is nearly free to them. It is grossly unfair on other vendors selling into the education market (e.g. Apple Computer) as it gives Microsoft market share they couldn't EVER buy otherwise, and only the most perverted sense of justice would see it as anything other than a huge victory for Microsoft and a capitulation by those seeking to curb unethical practices.

I strongly urge those concerned to re-consider this settlement.

Regards

Dave Chalmers

Dave Chalmers, Applications Group Manager
david.chalmers@st.com
Imaging Division,
http://www.vvl.co.uk
STMicroelectronics
TINA: 068 6162
33 Pinkhill, EDINBURGH
+44(0)131 336 6162 (direct)
EH12 7BF, UNITED KINGDOM :
+44(0)131 336 6001 (fax)

MTC–00020363

From: Jim Gottlieb
To: Microsoft ATR
Date: 1/24/02 4:10am
Subject: Microsoft Settlement

I would like to register my opinion on the proposed Microsoft settlement. I am not related to any of the parties in the case except that I am often forced to use Microsoft software in the course of my business.

I believe that the proposed settlement is severely flawed. I have personally observed Microsoft's illegal (as presented in the Findings of Fact) behavior and the settlement proposed does nothing to punish them for past abuses nor does it really give them discouragement from further extending their monopoly and using that monopoly to crush any and all competitors.

Armed with this knowledge that they can get away with anything, they will now continue this behavior with impunity. I could spend pages listing the companies they have set out to crush and have largely been successful at. They systematically give away product for free until other companies can no longer afford to stay in business. Then note their recent hefty price increases for the licenses for their products and be certain that this will continue too.

Competition is always good for the consumer. Sure, I would love for my company to have a monopoly in our line of business, but that's not how the free market system works. Our competitors keep us on our toes, forcing us to constantly innovate and to keep our prices in line. We don't try to kill our competition; we believe in fair play. Microsoft clearly does not, and they are not satisfied with a monopoly in the desktop computer market but are working towards their goal of ''Windows Everywhere''.

Imagine if all consumer electronics products were as buggy as Microsoft Windows. Despite what Microsoft would like you to believe, Microsoft has not been good for the American consumer. We need real competition in this market and at this point only the U.S. Government can effect this.

At the very least, force Microsoft to open their file formats. They use this not only to squeeze their competitors but to force users to constantly upgrade to newer versions of their product. Imagine if the car you bought two years ago was made incompatible with today's gasoline so you were forced to trade it in. This is what Microsoft does.

I am not knowledgeable enough to suggest many remedies, but I have read many good ideas in magazines and newspapers written by experts in the computer industry and I urge you to listen to them.

Thank you for listening.

MTC–00020364

From: MichaelH@Exabyte.COM@inetgw
To: Microsoft ATR
Date: 1/24/02 4:11am
Subject: Microsoft Settlement

Dear Sir,

I find it unacceptable that the Dept. of Justice has been bullied and politicised into this mediocre settlement. Therefore I wish to add my name to any list/petition that reaffirms the original requirement that Microsoft should be split. Jackson was right, though his conduct was questionable. Without a major change to restrict Microsoft's leverage on the computer industry, the entire world will suffer poor quality, unchallenged products sold by a monopoly that simply doesn't care about anything other than profit.

Regards

Michael Henry

MTC–00020365

From: Matt Hammond
To: Microsoft ATR
Date: 1/24/02 4:11am
Subject: Microsoft Settlement

Please be clear that this is a personal e-mail and therefore does not necessarily reflect the views of my employer.

I wish to express strong concern over this revised settlement between yourselves and Microsoft. I agree with many who feel that many of the statements made within the settlement are insufficiently stringent to make them effective.

Taking the example of the invokation of Microsoft Middleware: ''the Windows Operating System Product may invoke a Microsoft Middleware Product in any instance in which: 1. that Microsoft Middleware Product would be invoked solely for use in inter-operating with a server maintained by Microsoft...''

Though a welcome initiative, and though it does specifically exclude web browsers from this context, the detail through this and subsequent paragraphs exposes many simple means by which, for example, microsoft can force the use of its own e-mail client, authentication services etc... Particularly of note in providing these loopholes are the above exclusion and the active-x related exclusion. On the whole, use of active-x to access such services achieves slick-looking integration, not extra functionality. Many people, including myself choose to avoid microsoft applications providing these services, both through personal preference and through concern over the number of serious security vulnerabilities that have been exposed in these products over the past few years. Allowing Microsoft to take this route may well result in a similar situation to the Internet Explorer v Netscape saga for a host of other services.

Yours sincerely

√ Matt Hammond

√ Graduate Engineer, BBC Research and Development, Tadworth, Surrey.

MTC–00020366

From: Stephen Borrill
To: Microsoft ATR
Date: 1/24/02 4:07am
Subject: Microsoft Settlement

I've been following the Microsoft (MS) vs DoJ case since the start (many years ago) and agreed with Judge Jackson's conclusions and proposed remedies. MS indeed have a monopoly and have demonstrably proved that they will defend and strengthen that monopoly rigourously. Therefore, I believe that the proposed settlement is and astoundingly accomodating in favour of MS. The Middleware clauses are weak and full of bizarre pro-MS conditions (such as ''any replacement middleware should be of similar size and shape to the MS version''). It was proved during the trial that IE was removable and Windows would still function (contradicting what MS alleged), yet the settlement allows IE to merely be hidden from the user, but invoked at any time for the purposes of communicating with MS servers or when alternatives do not implement certain heavily proprietary ''standards'' such as ActiveX in a MS-designated fashion.

The restriction of the protocol licencing clause to protocols which aren't used for remote administration is extremely worrying. MS could successfully argue that fundament protocols such as CIFS/SMB and RDP can be used for remote administration and thus should be excluded from disclosure.

Finally, the complete removal of the clean-room technical disclosure practise proposed by Judge Jackson in favour of a clause which explicitly allows MS to opt out on the basis of some notional potential security compromise (section J 1), is a massive backwards step and provides no consumer protection. This is made all the more insulting because of the proprietary non-disclosed extensions to Kerboros in Windows 2000. In conclusion, I believe the proposed settlement to be heavily skewed in favour of Microsoft and as such it should be rejected.

—

Dr Stephen Borrill

Director, Precedence Technologies Ltd

MTC–00020367

From: seicy5155@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 4:08am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Sheri Muckey
7010 hwy 97 N
Terrebonne, OR 97760

MTC–00020368

From: Fred McMullen
To: Microsoft ATR
Date: 1/24/02 4:15am
Subject: Microsoft vs the Citizens of American

It appalls me to even be writing this letter. But I feel that it is a necessity, due to the mockery that Microsoft is making of the American Justice System. After being found guilty of being a monopoly, the DOJ has decided to let Microsoft off with no more than a slap on the wrist. The present judgement has no teeth. And Microsoft continues to buy opinions. Even recently, I received a phone call from a Microsoft representative on a champaign to flood this email box with pro Microsoft opinions.

I am an engineer and have been working in the computers industry for more than ten years. I started just before Microsoft began to be a player in this industry and I admit that Microsoft has played a significant role in creating the industry that I am in. The problem is that it is now trying to control this industry. It is killing off competition and stifling innovation. Microsoft claims to innovate, but I have seen Nothing new that Microsoft has created that isn't a Microsoft spin of someone else's idea. One by one I have watched company that have innovated and create fresh new product die off due to Microsoft's anti-competitive practices. They have copied and undersold, made applications required by calling them part of the operating system and not letting them be uninstalled.

To me is just about a ridiculous to have such a meaningless judge against Microsoft as it would be leave Osma Bin Laden alive, in power with his terrorist cells and the Taliban intact and tell him that he did a bad thing bombing America and we aren't ever going to give him a Visa now. Microsoft has continue to demonstrate it's contempt and disregard for the fair competition in the industry by continuing to Kill Netscape Plug-ins, require Passport for upgrades and even more tightly tie the Desktop to his back-end Server so that you almost have no choice but to choose a total Microsoft solution. Now that the back-end server market has secured its march on to monopoly, the Database market is next. The next version of the server will require Microsoft Database, and like the Browser wars, if you're going to have to buy Microsoft's Database with their server, then it will be a hard justification to buy other 3rd party database servers, especially since they won't run as well since they are given inferior API calls by Microsoft. I am a believer in the free market enterprise and believe that Microsoft is entitled to the all money that they have made. After all I believe that for Microsoft, this is more about power and control than money. I believe that the most fair way to guarantee increased competition and new innovation is to break Microsoft into two separate companies. Let Microsoft sell off half the company and keep the money from the sale. But make the two companies split between the Desktop

Operating System and the Server Operating System Markets. All Desktop only applications go with the Desktop company and all Software requiring a server go with the Servers Company. Neither company can have a interest in the other company in any way and neither company can re-enter the other platform operating system market for ten years. API calls can be sold, but all API must be open at the same price to any company that wants to buy them. Since the two companies no longer have an vertical monopoly by having both the server and desktop markets, they will be encouraged to build relationships with other companies in order to survive.

Also define for the new Microsoft Desktop company, that an operation system is only the basic software that produces a user interface to hardware devices. Only applications that are basic desktop utilities can be bundled with the operating system as non removable software. Applications such as email clients, servers os clients, web browsers, news readers and not required for a Desktop Operating system to function and should be a users choice. All existing Microsoft Desktop OS should be version frozen and the next released version of the Desktop OS should allow all the Applications to be uninstalled. They can be sold seperately or bundled free, but they must be uninstallable so that the applications will not interfere with a competitors application if a user chooses to install it. Most all other Desktop operating systems allow this outside of Microsoft. There is NO engineering or software reason that these applications are required outside that fact that Microsoft designed them to be un-installable. Due to security concerns and the fact that I do not need to use certain pieces of Microsoft's Software, I have to hack the Microsoft Operating system to delete certain files that Microsoft claim's are required. They are not user un-installable, but after fooling the operating system long enough to delete them, I have eliminated security vulnerabilities, and Windows still runs fine, which proves that they are not really required.

If Microsoft really does know how to innovate and are as creative as they claim, then with it's talents and assets split then it should have no problem continuing to produce orginal software. But with open APIs and an interest in broading the market since their is not longer a finanical advantage in vertical monopoly, both new companies will be encourged working with other desktop operating systems and other Server back-ends.

Give us in America a choice. DR Dos is Dead, Vines is dead, Netscape is almost dead and has filed their own lawsuit. Let Novell, Macintosh, Lindows, Roxio and other survive. Let them compete on an equal playing field.

MTC–00020369

From: s.berens
To: Microsoft ATR
Date: 1/24/02 4:18am
Subject: ''The Tunney Act. Microsoft Settelment Rejection''

I would like to take this opportunity to express my concerns over the proposed Microsoft settlement. I am of the opinion that it does not adequately address and prohibit the anti-competitive actions of Microsoft against it's competitors or OEM's and it fails to take into account alternate ''open source'' operating systems. I urge you to reconsider and rewrite the proposed settlement.

MTC–00020370

From: Joseph Murphy
To: Microsoft ATR
Date: 1/24/02 4:12am
Subject: Microsoft Settlement

I personally use Microsoft. I'm satisfied with their products. They work for me. They enable me to be productive. I'm not a computer geek therefore I have no outrage against Microsoft. I'm not interested in any other software that Netscape would like to publish.

I do have a MAJOR PROBLEM with the US Government, continually hounding MS for the benefit of Netscape, a company that lost their edge early in the browser wars due to sloppy management and presumption of market share they couldn't maintain through innovation. I object to the legislative effort of elected officials mining the pockets of large companies who have MADE THIS COUNTRY PRODUCTIVE through innovative software development and acceptance of risk in the market place!

The federal and state governments made billions from the tobacco prosecution. That money was supposed to go toward health care for children. Politicians squandered that money, using it for everything other than children's healthcare.

The lawyers are the only ones that benefit from these governmental fiasco's. This governmental vendetta is only to persecute a successful company...easy money that will be wasted by politicians!

Anyone who owns a company or earns a salary or wages... the government already is taking more than they need. Your company and your money is at risk. BTW, the liberals already think all the money is their money.

Do not delay the scheduled tax reductions!

Leave Micorsoft alone.

Joseph Murphy
Leavenworth, KS

MTC–00020371

From: Patrick Baltz
To: Microsoft ATR
Date: 1/24/02 4:13am
Subject: Microsoft Settlement

To whom it may concern:

While the proposed final judgement in the Microsoft antitrust case does in general not provide an adequate remedy to Microsoft's abuses, I would like to point out several parts of the judgement that are inadequate. In section III.D, it states that APIs and documentation shall, approximately a year after the release of Windows XP, be provided when a Windows Operating System Product has been distributed to 150,000 or more beta testers. This allows Microsoft to sidestep this requirement through numbers while providing a competitive advantage to develop and market Microsoft Middleware Products and other Microsoft applications before ISVs have even been given access to the APIs and documentation. I would suggest that the APIs and documentation be made available to ISVs at the same time it is made available to Microsoft's own middleware and application development groups. In addition, Microsoft should be required to keep APIs and documenation updated for independent software developers, as updated APIs and documentation are made available for Microsoft's own internal middleware and application developers.

One other issue that the judgement provides no remedy for is the bundling of Microsoft applications and middleware with the Windows Operating System itself. Bundling of applications such as Internet Explorer, Windows Media Player, Outlook Express, and future versions of these programs provides a competitive advantage to Microsoft that puts competitors at a serious disadvantage for adoption of their competing products. These applications should not be bundled with the Windows Operating System itself, but they should instead be made availble to consumers independently. This should not however keep non-Microsoft vendors from bundling Microsoft applications with their product in addition to the Windows Operating System if they wish.

Sincerely,
Patrick Baltz

MTC–00020372

From: Doug Magnoli
To: Microsoft ATR
Date: 1/24/02 4:15am
Subject: Microsoft Settlement

Dear Ms. Hesse:

I am very concerned about what I've read of the Proposed Final Judgement (PFJ) of the Microsoft anti-trust suit. As written, the Judgement would allow Microsoft to continue to use restrictive licensing terms to keep Open Source applications from running on Windows. This hurts the entire Open Source community, and since Open Source applications are, therefore, predominantly used by competing operating systems, it hurts the users of those systems.

In addition to this, I believe that strong language is needed in the Judgement to prevent Microsoft from continuing to discriminate against small Original Equipment Manufacturers (OEMs). In short, Microsoft continues to harm those elements of the US information industry that are exactly what built this country. We need —more— OEMs, not fewer. We need to encourage OEMs to stay in business, not to help Microsoft to lay them to rest.

As written, the PFJ allows Microsoft to retaliate against any OEM that ships personal computers with a competing operating system and without Windows. This is exactly the opposite of what, in my opinion, needs to be done. OEMs need to be encouraged to ship competing operating systems—this is what keeps a market open and what offers options to consumers.

I truly hope the PFJ will not be accepted and that Microsoft will face some very strong regulating in the future.

Sincerely,
Douglas E. Magnoli
Pleasanton, CA

MTC–00020373

From: Douglas Mitts
To: Microsoft ATR
Date: 1/24/02 4:14am
Subject: Microsoft Settlement

Dear Justice Dept,

I think the government is wrong in settling with Microsoft. After all this is the justice department I am writing, so justice not expedience should be pursued.

At hand is not just Windows OS, but all the other products that Microsoft sells and utilized their advantage as the OS provider for Intel machines to defeat or bankrupt the competition in many 3rd party programs. To function in today1s world and exchange files, one must have Microsoft Software no matter what platform—Wintel or Mac. That is a monopoly that hinders competition and better products. What about all the companies that went under and do not have the financial resources because they are bankrupt now due to anti-competitive practices of Microsoft? Where is there justice. They played fair, but they lost to an unfair player: Microsoft. The first clue that the settlement is bad is does Microsoft like it. First of all they are declared a monopoly by the justice department. They should be reorganized and assessed punitive damages to the companies damaged by their illegal activities to ensure their arrival at the status of monopoly. Judge Thomas Penfield was right—Microsoft needs to be broken up. Their OS, Internet Software, and their productivity programs must become independent and unrelated entities.

This is a U.S. Company and needs to be brought to justice by the U.S. Their monopolistic practices are felt in all countries that have access to technology.

Justice should reconsider and give Microsoft a reason not to function the way they do. Moreover, they have never self-policed nor submitted to injunctions of any kind from the government.

There is more to add, but I will leave it at that.

Sincerely,
Doug Mitts

MTC–00020374

From: Kevin Hine
To: Microsoft ATR
Date: 1/24/02 4:14am
Subject: Microsoft Settlement

As somebody that will be affected by the outcome of the ongoing litigation between the US and Microsoft I have watched the ebb and flow very closely. Considering the superb performance of the US's team during the District Court and Appellate phase I am demoralised at the current state of the proposed agreement between Microsoft and the US. Feel that the argument for a stronger negotiating position for the US has been well won, but completely unused.

Therefore, I do not feel that the proposed agreement will satisfactorily protect (1) US consumers nor International consumers.

Yours Sincerely,
Kevin Hine
85 Octavia Close
Mitcham
Surrey CR4 4BZ
Tel: +44 (0) 208 646 5995

MTC–00020375

From: jeslo@worldnet.att.net@inetgw
To: Microsoft ATR
Date: 1/24/02 4:25am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse: Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
James Saulsbury
2551 Edgerock Rd.
none
Reno, NV 89509

MTC–00020376

From: Chris Carlin
To: Microsoft ATR
Date: 1/24/02 4:23am
Subject: Microsoft Settlement

The proposed settlement does not go far enough. Microsoft has harmed consumers for many years and will continue to do so. It's activities since the trials began hilight the fact that they have no intention of backing off and playing fair.

My solution: revoke some of their intellectual proprty rights. They can't use their intellectual property to gain the upper hand if they don't have a monopoly on said property.

The settlement, as is, stinks.

Chris Carlin

MTC–00020377

From: alpha@alphaspring.com@inetgw
To: Microsoft ATR
Date: 1/24/02 4:20am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Beth Ann Richards
1323 Church Street
Indiana, PA 15701

MTC–00020378

From: stromanj001@hawaii.rr.com@inetgw
To: Microsoft ATR
Date: 1/24/02 4:21am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Judith Stroman
1823-C Tenth Avenue
Honolulu, HI 96816–2927

MTC–00020379

From: jcorlett@presys.com@inetgw
To: Microsoft ATR
Date: 1/24/02 4:17am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
jack corlett
p.o. box 2455
florence, , OR 97439

MTC–00020380

From: Connie Bieber
To: Microsoft ATR
Date: 1/24/02 4:29am
Subject: let our people go!

Dear Sirs:

It is time to end the ''witch hunt'' on Micro Soft. They are being punished for their success and it has gone on long enough.

Respectfully,
Connie Bieber
Davenport, Iowa 52806
bieberstudio@home.com

MTC–00020381

From: lho
To: Microsoft ATR
Date: 1/24/02 4:30am
Subject: Microsoft Settlement

Dear Sirs;

Please ensure that Microsoft systems will accept input and provide output to other programs and systems.

This is in my opinion not agreed to in the settlement. To let any monopoly deny interoperability by defining own formats will seriously hinder communication, as lots of people will be unable to buy unneccessarily expensive software. Internet stands poised to open an age of communication, open exchange of ideas to anybody, from anybody, with little hindrance from poverty, position, race, sex or religion.

I am not sure that the American people will benefit from allowing Microsoft unhindered continue it's monopolistic practise.

A pity it will be, if the rest of the world are able to freely communicate, while the free world's techological locomotive are derailed in a dark tunnel of monetary and legal censorship.

Sincerly yours,
Lars Hornfelt.
lho@ffi.no
CC:lho@ffi.no@inetgw

MTC–00020382

From: Christopher
To: Microsoft ATR
Date: 1/24/02 4:29am
Subject: Microsoft Settlement

I think the proposed settlement is bad idea. I agree with most of the issues in http://www.kegel.com/remedy/letter.html.

Christopher Palow
Miami, Fl

MTC–00020383

From: Patty Lamoreaux
To: Microsoft ATR
Date: 1/24/02 4:30am
Subject: microsoft settlement

Please stop this economically-draining witch-hunt.

I am fed up with this unfounded attack on a healthy and vital company in a capitalistic society. This is suppose to be a free-enterprise system. Every body wants to get paid or thinks they are owed something that they haven't worked for these days. What is wrong with this picture? We are heading down the wrong paths straight toward a socialist-welfare state. Let's spend our resources wisely.

MTC–00020384

From: Jerry Roahrig
To: Microsoft ATR
Date: 1/24/02 4:30am
Subject: Microsoft Settlement

Dear Sirs:

After careful consideration of the facts, I think that the proposed settlement with Microsoft is preposterous. The Department of Justice under George W. Bush has simply buckled to the interests of BIG business. Where is the justice?

Over the years Microsoft's business practices have not been just overly agressive. They have been outright criminal. Microsoft has continually (and illegally) crushed competition and stiffled innovation by parlaying their monoploy in operating systems to make themselves the only game in town, not only in operating systems, but increasingly in internet browsers, email programs, productivity software, etc.

Because of its unscurpulous practices, Microsoft controls the desktop PC market and is pushing to make the Internet its sole domain as well. Thanks to your flaccid efforts at pursuing justice, that day is now in the closer than ever. Even more importantly however, once again, as is so typical in the US legal system, a wealthy defendant has apparently purchased the verdict. The lesson learned from this is that, if you're going to be a criminal, be a very successful criminal. Then you won't have to actually pay for your crimes.

Jerry Roahrig
732 Golfview Drive
Lexington, KY 40504
bad328@mac.com

MTC–00020385

From: jolong@brightok.net@inetgw
To: Microsoft ATR
Date: 1/24/02 4:26am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible

precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jo Long
1512 Wildwood Drive
Ardmore, OK 73401

MTC–00020386

From: qmoto2@miraclenet.com@inetgw
To: Microsoft ATR
Date: 1/24/02 4:27am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Nels Paget
3031 Sahalee De W.
Sammamish, WA 98074

MTC–00020387

From: Steve Farrall
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 4:33am
Subject: Microsoft Settlement

Hi,

I'd just like to say that as a consumer and web developer for many years my colleagues and I have favoured Microsoft's Internet Explorer from it's very early days.

I have always been free to download and install Netscape Navigator, as indeed I have on several occasions.

My response has always been to return to Internet Explorer because it's a more solid, user friendly product that is backed up by a first class support network and development framework.

I believe that if Navigator was better then people would have stuck with it. Unfortunately the writers did not manage to innovate quickly enough to capture the attention of the end user and as such Microsoft have gained the majority of the market share. This is definitely a good thing as it is encouraging e-Commerce and e-Business to grow over the web at a fast rate. Without Internet Explorer and Microsoft the Internet would be a much less popular place.

Thanks for reading my thoughts on this matter.

Regards
Steve Farrall

MTC–00020388

From: bigfootbax@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 4:31am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Baxter Stinson
11277 SW 72nd Avenue
Ocala, FL 34476–3911

MTC–00020389

From: peter piper
To: Microsoft Settlement U.S. Department of Justice
Date: 1/24/02 3:40am
Subject: Microsoft Settlement
peter piper
932 da st.
Alb, NM 87111
January 24, 2002
Microsoft Settlement U.S. Department of Justice,

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
poop

MTC–00020390

From: greep@mindspring.com@inetgw
To: Microsoft ATR
Date: 1/24/02 4:32am
Subject: Microsoft Settlement

I believe the Goverment's proposed judgment against Microsoft is not in the public interest because it is inadequate to remedy the issues raised in the Government's complaint against the company, and does little to address some of the most serious aspects of the company's anti-competitive behavior. In the interest of brevity, I will limit my comments to what I see as the most serious weaknesses in the proposed judgment.

1. Predatory pricing in the form of bundling

Microsoft's attempt to destroy Netscape by giving away a product similar to Netscape's web browser, as mentioned in the Government's complaint against Microsoft, is only one instance of a pattern of anti-competitive behavior on Microsoft's part. Microsoft pushes predatory pricing to an extreme by bundling with each release of Windows various application programs which are by no means necessary for the operation of Windows—i.e. it drops the price of these applications to zero. The only rational explanation for Microsoft's willingness to give away this software, which must cost the company a fair amount to develop and maintain, is that by driving all competition out of business it will eventually be able to raise prices almost without limit. The company's current cash position, and the growth of its available cash (estimated to be over a billion dollars a month), is so large that it can easily continue underpricing (through bundling) even the strongest competitors indefinitely. Antitrust laws were passed to prevent exactly this kind of behavior. The Government's proposed judgment does not address this issue. Even more worrisome is Microsoft's gradual encroachment into the computer hardware business. So far its business has been almost entirely software, but the company could easily leverage its Windows monopoly to take over the personal computer hardware market simply by modifying Windows not to work as well with any competitor's computers. Nothing in the proposed judgment would prevent this. (Microsoft is alleged to have played a similar trick by modifying an earlier version of Windows not to work correctly with a competitor's underlying DOS operating system.)

2. Use of Windows APIs with other operating systems

The Government's complaint prominently mentions the application software barrier to entry for operating systems, but the proposed judgment does not address this issue. A remedy would be to explicitly prohibit Microsoft from acting against anyone who provides an alternative operating system on which Windows applications can run, i.e. an operating system which provides the same APIs as Windows.

3. Open source software as a potential competitor to Microsoft

The wording of section III.J.2 seems almost specifically designed to prevent any open source software from competing with

Microsoft products, even though the open source software movement is one of the most promising developments and appears to be one of the few serious contenders as a Microsoft competitor. Since most open source software is available either free or at a very low cost, customers benefit from the availability of open source alternatives to Microsoft products.

4. Publishing of Windows operating system APIs

Section III.D of the proposed judgment requires Microsoft to publish APIs used by Microsoft Middleware, but makes no mention of other Windows APIs, in particular the operating system APIs (''system calls''). These are not currently published for Windows NT or Windows 2000, although equivalent APIs are published by most other operating system vendors. Microsoft claims that software developers do not need this level of detail because they should be using the published ''Win32'' API instead. However, there is ongoing suspicion that Microsoft application software has an advantage over competing software because it has access to the more powerful operating system functionality, rather than being limited to the functions provided by the Win32 API. A remedy would be to require Microsoft to publish the operating system APIs. Furthermore, other APIs which are currently published could be changed in future releases of Windows and might then become secret, thus cutting off the ability of competitors to sell applications that depend on the corresponding functionality. A remedy would be to require Microsoft to publish all APIs which are used by any Microsoft applications to perform any Windows function.

5. Description of file formats

Microsoft exploits its Windows monopoly to gain a monopoly in word processing and other ''office productivity'' software products by keeping secret the description of files created by its software. In particular, the distribution of text documents in Microsoft Word form is so common that many people naively refer to it as a ''standard'', even though the file format is not published and has never been sanctioned by any standards body. The effect is to require many people to buy not only Windows but also Microsoft Word just so they can read documents sent to them by other people. The result is that Microsoft's operating system monopoly allows it to monopolize the word processing business as well. A remedy would be to require Microsoft to publish the technical specifications of the file formats used by Microsoft Word and any similar products.

6. Definition of operating system

In defending its anti-competitive behavior regarding applications software, Microsoft plays word games by defining ''operating system'' to include more and more application software. The company has even tried to present its web browser as a necessary part of an operating system—an absurd claim, since operating systems preceded web browsers by decades. Microsoft can circumvent the sections of the proposed judgment regarding middleware simply by defining this as part of the operating system.

7. No punishment for violating the law

It is very disappointing that the proposed judgment imposes no penalties on Microsoft for its past violations of antitrust law. The unmistakable message is that crime pays; the worst that happens is that committing the same crime in the future becomes a bit more difficult, and even that only after years of delay.

Respectfully,
Steven Tepper
550 Ashton Avenue
Palo Alto, California 94306
CC:greep@mindspring.com@inetgw

MTC–00020391

From: jhussey@pcc.net@inetgw
To: Microsoft ATR
Date: 1/24/02 4:35am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
JOHN JOHN
3354 N. Oconto Ave.
Chicago, IL 60634

MTC–00020392

From: Regina Hoff
To: Microsoft Settlement
Date: 1/24/02 3:28am
Subject: Microsoft Settlement
Regina Hoff
34 El Cerrito Dr.
Chico, CA 95973
January 24, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers’ dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Regina Hoff

MTC–00020393

From: mcv42@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 4:41am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Marie Viens
806 Frederick Street #2
Hagerstown, MD 21740

MTC–00020394

From: josephhussey@pcc.net@inetgw
To: Microsoft ATR
Date: 1/24/02 4:43am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Joseph Hussey
3354 N. Oconto Ave.
Chicago, IL 60634

MTC–00020395

From: WonderPaint
To: Microsoft ATR
Date: 1/24/02 4:43am
Subject: Microsoft Settlement

If Microsoft can tightly control access to technical information under a court approved plan, or charge fees, and use its monopoly power over the client space to migrate users to proprietary interfaces, it will harm the development of key alternatives, and lead to a less contestable and less competitive platform, with more consumer lock-in, and more consumer harm, as Microsoft continues to hike up its prices for its monopoly products.

The current settlement proposal has numerous holes that will allow Microsoft to continue its monopolistic practices.

Please reconsider the proposal before implementing.

Cordially,
James Shofstall
Carterville, Illinois

MTC–00020396

From: Gervase Markham
To: Microsoft ATR
Date: 1/24/02 4:41am
Subject: Microsoft Settlement

I'm not impressed. The remedy proposed is in no way proportional to the behaviour for which it should compensate. Microsoft knows this, because their monopolistic practices are continuing—for example, in the case of media players and instant messaging clients.

Gerv

MTC–00020397

From: susanhussey@pcc.net@inetgw
To: Microsoft ATR
Date: 1/24/02 4:46am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Susan Hussey
3354 N. Oconto Ave.
Chicago, IL 60634

MTC–00020398

From: jhussey@pcc.net@inetgw
To: Microsoft ATR
Date: 1/24/02 4:36am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
JOHN Hussey
3354 N. Oconto Ave.
Chicago, IL 60634

MTC–00020399

From: shine@ctcweb.net@inetgw
To: Microsoft ATR
Date: 1/24/02 4:44am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Dawn Hendricks
PO Box 453
Council, ID 83612–0453

MTC–00020400

From: Mike Hitchcock
To: Microsoft ATR
Date: 1/24/02 4:58am
Subject: Microsoft Settlement

The proposed settlement with Microsoft is disgracefull and brings the American system of justice into disrepute. Anyone with an ounce of wisdom can see that Microsoft is guilty of malpractice over many years and the settlement should constrain Microsoft from such abuse of their powerful position in the future.

Mike Hitchcock in Cheltenham, United Kingdom

MTC–00020401

From: canicheaa@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 4:56am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Ann Addison
13 Archdale Road
Columbia, SC 29209–2227

MTC–00020402

From: fltryfmly@oz-online.net@inetgw
To: Microsoft ATR
Date: 1/24/02 4:51am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
David Flatray
212 NE Ninth St.
Abilene, KS 67410–2222

MTC–00020403

From: MCHUGHG@MSN.COM@inetgw
To: Microsoft ATR
Date: 1/24/02 4:58am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
REGG MCHUGH
91–641 LAUKONA LOOP
EWA BEACH, HI 96706

MTC–00020404

From: CZ
To: Microsoft ATR
Date: 1/24/02 4:57am
Subject: Microsoft Settlement

To whom it may concern,

I just wanted to have one more point go against Microsoft. They have killed off so many great projects, programs, technologies and entire companies using their strong arm tactics. They are a disease to the computer industry, a digital anthrax.

I've spoken with numerous people (clients/friends/etc) that have said they would use competing products if they could, but because of the control Microsoft has on how some technologies work (among other reasons), they can't.

I'll give you an instance of a problem I have regarding one of their products. I have my default browser set to Omniweb, a beautiful browser native only to MacOS X. However, when I choose a link in AOL Instant Messenger or many other places, Internet Explorer comes up. One might tell me to delete IE if I didn't like it, but I can't. I have to keep it around for those web pages that aren't viewable in anything else but IE, and unfortunately there are many. So even when I choose a competing product, I still get stuck with Microsoft. Is this really providing choice to the consumer? I'd say no.

Microsoft's settlement is not only a joke, but an insult. Even if they were to give $1 Billion in cash (instead of software/etc) to schools, it would not make up for the damage they have done. I agree 100% with Judge Jackson's ruling to split up the company, in fact, I think it should have gone beyond that. Microsoft's power needs to be limited so they cannot break the law again. I believe the only way to accomplish this is to break them up into 2 pieces, perhaps more. Even then there should be rules so the new parts don't collaborate in ways that would undermine the purpose of breaking them up.

Thank you for your time,
Chad Kay

MTC–00020405

From: Calum Grant
To: Microsoft ATR
Date: 1/24/02 5:01am
Subject: Microsoft Settlement

I believe this is where I can comment upon the legal settlement of the anti-trust case between the DOJ and Microsoft.

My comment is this:

Given the extent to which Microsoft has behaved unlawfully, is the ''punishment'' really in proportion to the degree of law-breaking? Of course not. Will the settlement prevent Microsoft from gaining entry into other markets by exerting its monopoly of the operating system market? Of course not. By bundling extra ''reebies'' (although the price of its OS has jumped significantly) into its operating system it can enter any software market it sees fit, and still ''massage'' its operating system into running its own software better.

In my opinion, the only remedy is to create ''Chinese walls'' between the operating system kernel, the browser+windowing system, and the applications. This effectively creates 3 sub-companies within Microsoft, but avoids the embarrassment for Microsoft of being ''split up''. All technical and strategic communication between those three groups must be in the public domain, giving software companies a level playing field to develop software and components for the operating system. Monitors must be put in place with access to every communication between the groups, and judge the relevance of these communications to third parties.

My other opinion is this: I don't think the American legal system is up to the job of dealing justice to Microsoft, especially since there seems to be some ''lobbying'' to Capitol Hill. I don't think international opinion of the American justice system is particularly high.

Calum

MTC–00020406

From: Nicholas Murphy
To: Microsoft ATR
Date: 1/24/02 4:51am
Subject: Microsoft Settlement

Morning,

Don't know if my opinion weighs in any way, me being European and all. However, I do feel that the outcome of this case will directly affect me. I really don't think that the remedies as agreed will change the competive landscape one iota. The opening of the API's has been written so that only for-profit companies can access them, which directly stops them being used in any open-source solution. As Microsoft deem open-source in general and Linux in particular as ''Threat number 1'', this remedy is paltry at best. Giving $1billion of restored computers and software to needy schools is a way of leveraging Microsoft into a market that they weren't previously the incumbant. At the very least, they should hand over the money and let the schools decide what to do with it, what to buy and what OS to run.

N Murphy
Nicholas Morrissy-Murphy
Senior Software Engineer
WBT Systems
Block 2, Harcourt Centre,
Harcourt St,
Dublin 2,
Ireland
www.wbtsystems.com

MTC–00020407

From: Dev106502@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 5:08am
Subject: Re: Has Your Opinion Been Counted?
Louise N. Deveney
1610 Islamorada Blvd. A64
Punta Gorda, FL 33955
(941) 637–4628
January 8, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing today to congratulate you on the settlement that was reached with Microsoft in the antitrust case. Stand firm behind this settlement and do not allow for another day of legal action at the federal level. Microsoft is one of Americas??? most important companies and a very large employer. This company has spent enough time in court.

The settlement is fair and equitable. It gives Microsoft???s competition ample room to maneuver, and does so by broad, strong impositions on Microsoft, such as universal licensing agreements for hardware makers, contingent only on bulk sales, and limitations on contracts that guarantee a certain percentage of software sold.

Regrettably, opponents of the settlement portray this agreement as a concession to Microsoft. This portrayal is wrong. This settlement is very thorough and will require Microsoft to share more intellectual property information with competing companies than has ever been given out by a software company before. After three years in court, having spent millions of dollars and countless man-hours, Microsoft deserves to be let alone, especially since a good settlement is on the table.

Your work on behalf of the settlement and ending this case is greatly appreciated by many Americans. Thank you very much.

Sincerely,
Louise N. Deveney
CC:fin@mobilizationoffice.com@inetgw

MTC–00020408

From: Paul Klouda
To: Microsoft ATR
Date: 1/24/02 5:05am
Subject: Microsoft Settlement

The proposed settlement is undoubtedly the best way to move forward, way too much

time, energy and dollars have already been spemt on this case and further prolonging the case with litigation is unnecessary. It's incredibly unfortunate that 9 states have decided that they know better than the Federal Govt as well as consumers and business who continue to buy Microsoft products not because they are being forced to but because they want to

MTC–00020409

From: John R. Diedrichs
To: Microsoft ATR
Date: 1/24/02 5:05am
Subject: Microsoft Settlement

The proposed settlement is a TURKEY!

If the government really wants to end Microsoft's monopoly, why doesn't it simply stop accepting correspondence in Microsoft's ''secret'' proprietary file formats? If the US government simply declared that it will no longer accept any email attachments in .DOC, .XLS, or .PPT format, people would learn very quickly how to use the ''Save As'' function. The chief barrier to the adoption of alternative software (ie: compatibility) would be removed, and the monopoly would crumble quite rapidly.

In short, the US/DOJ are being hypocritical, if not duplicitous! How can you claim to be ''fighting'' this monopoly while you simultaneously REINFORCE it by your use of Microsoft file formats for data storage and communication?! Don't the terms ''transparency in government'' or ''freedom of information'' mean anything? The term ''Microsoft Tax'' becomes much more than a metaphore when government documents are stored and transmitted in proprietary formats! http://www.osopinion.com/Opinions/JohnDiedrichs/JohnDiedrichs1.html

Please scrap this so-called ''settlement'' and DO THE RIGHT THING!

Sincerely,
John R. Diedrichs
2804 Walnut
Cedar Falls, IA 50613

MTC–00020410

From: Geoffe Elias
To: Microsoft ATR
Date: 1/24/02 5:08am
Subject: Microsoft Settlement (Geoffe Elias)

To the US Department of Justice,

I have read the proposed settlement between the Justice Department and Microsoft Corporation. I believe that such a settlement not only fails to stifle the business practices that have brought Microsoft to court in the first place, but also creates a dangerous precedent in which in the future, companies like Microsoft may be allowed to use their dominant positions in industry to shut out competition.

I have been a Microsoft User since Windows 3.11. It was during sophomore year in High School, that I got a computer to use for my schoolwork and computer game play. This was the year 1992.

Now it is 10 years later in 2002. During those past 10 years, I have found that being a customer of Microsoft had been unnecessarily expensive. How? 2 reasons: As a customer, I have had to constantly upgrade to keep my computer able to play current software, and in the case of MS Office, to maintain file compatibility with other people using MS Office.

The other reason is that Computer makers will always include the latest version of Windows in their products without providing the consumer a choice in Operating Systems from other companies.

Upgrade Cycle:

I had started with Windows 3.11. From then on, I have purchased boxed copies of Windows 95, Windows 98, and Windows ME. In terms of MS Office, I have purchased Office 95, Office 97, and Office XP. In the case of the operating system, I worry that support of previous versions of the operating system will cease as Microsoft lends its support and focus on the latest operating system (currently Windows XP). In the case of MS Office, file formats written in MS Office change between each release of MS Office. Thus, I feel pressure to upgrade to the latest version of MS Office in order to maintain file compatibility with my fellow students.

As Microsoft proponents have explained, it is important to have industry standards such as file standards (standards: a common set of rules by which to design a file so that devices or applications following such rules will be able to successfully interact with such a file). Yet, Microsoft uses *proprietary* standards where those rules are hidden from the public. Thus, only Microsoft applications can use this secret standard and also, Microsoft is able to use their dominant position in industry to push their standards as the only standard available for use.

**It would be nice if such standards were public so that any company can make software for files written with such public standards . . .

FORFEITURE OF CHOICE

MS Windows is installed on every new computer built by a computer company whether the consumer wishes it or not. For example, I had bought a new laptop computer from Dell (Dell Corporation). At the time, the only choices for operating systems to be installed in that computer were either Microsoft Windows 2000 or Microsoft Windows ME. It is interesting to note that the choice to buy a laptop without any operating system installed was absent. Thus, as a consumer buying from Dell Corp. the choices were limited to: buying a computer with Microsoft Windows installed, or buying no computer at all.

Due to what I see as inherent instability, lack of control, and bloat (excessive programming code that makes a program run slower) of Microsoft Windows design, I decided to switch to Linux. However, as a Linux user, if I want to install new hardware (such as a TV Card, Sound Card, etc) into my desktop computer, I must first do research to see if the open source (public) community has created drivers (software designed to make a piece of hardware work under a given operating system) and applications (software designed to allow for the use of the given hardware) for that piece of add-on hardware. The fact is that a significant number of companies only provide driver and software support for only Microsoft. This condition in the marketplace where there is little hardware vendor support for operating systems besides those of Microsoft provides another unnecessary pressure to consumers to use Microsoft products.

I realize that this letter only provides complaints without proposing solutions. However, I feel that the current settlement does little to change the business practices that have led to a lack of choice for consumes regarding their software solutions.

I would also like to point out that any solution that requires an overseer (a group or person to look over the future business practices of Microsoft and make corrections as necessary) would be an abrogation of responsibility by the US Department of Justice in dealing with the problems that Microsoft's business practices have created. Any solution that is made must itself prevent future attempts by Microsoft to use their dominant position in industry to lessen competition. An overseer would and should not replace the court in deciding what punitive and corrective actions should be applied to Microsoft.

Thank you for your attention.
Geoffe Elias
AIM: geoffe02
quote:

''I have lived long enough and had enough success as well as enough failure to tell you that you can never get discouraged, and you can never quit.

. . . Because you can never know when a chance for a miracle will pass you by.''

—former President Clinton

MTC–00020411

From: Francisco Gayt(00E1)n
To: Microsoft ATR
Date: 1/24/02 5:04am
Subject: the proposed settlement is a bad idea

The proposed settlement is a *BAD* idea.

Sincerely,
F.gaytan.

MTC–00020412

From: John Hussey
To: Microsoft ATR
Date: 1/24/02 4:03am
Subject: Stop the economically draining witch-hunt against Microsoft!

Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200 Washington, DC 20530–0001

Dear Ms. Renata B. Hesse,

Please put a stop to the economically draining witch-hunt against Microsoft. This has gone on long enough.

The attorneys general insist that by prosecuting Microsoft for building an Internet browser into their Windows operating system they are somehow helping consumers. Yet the Microsoft suit has been a disaster for consumers, investors, and taxpayers. If the attorneys general prevail, consumers will be forced to pay higher prices for software and lose the benefit of an integrated operating system. Investors—who make up nearly half of all American households—have watched their portfolios plummet. And taxpayers have been forced to subsidize the attorney generals'' quixotic three-year legal odyssey. Courts in eight

states have already recognized the flawed nature of the case and thrown out private antitrust suits against Microsoft.

The only benefit of the Microsoft case is that it has exposed the naked ambition of the attorneys general. They should realize that the emperor has no clothes before they do further damage to our economy and legal system.

Therefore, please put a stop to this travesty of justice now. Thank you.

Sincerely,
John M. Hussey
3354 N. Oconto Ave.
Chicago IL 60634
773–745–9887
jhussey@pcc.net

MTC–00020413

From: stevetcox@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 5:11am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Stephen Cox
1553 Williamsburg Lane
Franklin, IN 46131–1952

MTC–00020414

From: Jane Dowe
To: Microsoft ATR
Date: 1/24/02 5:12am
Subject: Microsoft Settlement

Microsoft is a great American company. It is not a monopoly. They have won in business by being better than the competition, not cheating the competition. You people need to take care of the business that this country pays you for and leave Microsoft alone.

MTC–00020415

From: billwill@triad.rr.com@inetgw
To: Microsoft ATR
Date: 1/24/02 5:08am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Bill Williams
6580 Shallowford Road
Lewisville, NC 27023–8651

MTC–00020416

From: DRLINN@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 5:12am
Subject: Microsoft Settlement

I am against the current persecution of Microsoft. It has been nothing but a vehicle for weaker competitors to use government force to stop Microsoft from doing such an excellent job and offering so much value to customers, so the competitors could get more market share without earning it. Market share should be determined by competition and economics, not by politics.

Please end this case as soon as possible.

Sincerely,
David R. Linn
Cape Coral, Florida

MTC–00020417

From: Allen Davis Malony
To: Microsoft ATR
Date: 1/24/02 5:15am
Subject: Microsoft Settlement

Dear Renata B. Hesse,

The Department of Justice's tentative settlement with Microsoft of the United States vs. Microsoft antitrust lawsuit is a very poor solution to curtailing the well-documented anti-competitve nature of Microsoft's obvious monopolistic practices. This settlement IS NOT upholding either the antitrust laws for controlling monopolies that prevent other companies from fairly competing, or the spirit of those laws to have fair competition spur technological advancement. Indeed, Microsoft has demonstrated in its aggressive actions towards competitors, weilding its monopolistic weight and power, that it is ONLY concern with maintaining its dominant position for business profit. Its elimination of competitve products while assimilating, with reservation, their technological ideas (if not directly stealing their intellectual property) goes far to explain its lame argument of being an ''innovator.''

As the tentative settlement stands, it represents a complicity and an approval on the part of the Department of Justice to Microsoft's monopolistic behavior. The precedent that would be set by this settlement is disturbing from the point of view of the Justice Department's and the White House's role in U.S. business.

Clearly, there is a problem with Microsoft as a monopoly, and this problem continues even now. Please don't be part of the problem. I admonish you not to approve this tentative settlement. Furthermore, I urge you to ''do the right thing'' and to treat Microsoft as severely as you would any company with so clear and damning evidence against them.

Sincerely,
Allen D. Malony
Associate Professor
Dept. of Computer and Information Science
University of Oregon

MTC–00020418

From: lloyd_eg@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 5:05am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Lloyd Baldwin
P.O. Box 6344
Malibu, CA 90264–6344

MTC–00020419

From: Mark Chou
To: Microsoft ATR
Date: 1/24/02 5:12am
Subject: Microsoft Settlement

I have read the Proposed Final Judgment (PFJ), and I am strongly against it in it's current state.

—The PFJ doesn't take into account Windows-compatible competing operating systems

—The PFJ contains misleading and overly narrow definitions and provisions

—The PFJ fails to prohibit anti-competitive license terms currently used by Microsoft

—The PFJ fails to prohibit intentional incompatibilities historically used by Microsoft

—The PFJ fails to prohibit anti-competitive practices towards OEMs (Original Equipment Manufacturers)

—The PFJ, as currently written, appears to lack an effective and meaningful enforcement mechanism. The PFJ, as written, will allow and offer no substantive reduction of anti-competitive practices, will delay emergence of competing Windows-compatible operating systems, and thus not in the public interest.

It should not be adopted without substantial revision to address these shortcomings.

For additional details, please see http://www.kegel.com/remedy/remedy2.html

Sincerely,
Mark Chou
Systems Programmer
Portland, OR

MTC–00020420

From: Brad Gillette
To: Microsoft ATR
Date: 1/24/02 3:17am
Subject: Microsoft Settlement

The proposed Microsoft anti-trust settlement is completely unsatisfactory. Why? Because again, and again Microsoft has willfully demonstrated its disdain for past injunctions and legal settlements with the US Justice Department. The record and documentation is quite clear else I would recite it once again in this mailing.

It will be a travesty of justice if the current proposal becomes the settlement. Almost as bad, would be the wasted millions in tax dollars that the government has spent to finally get Microsoft ''on the ropes'', and now have this administration ''roll over'', allowing MS to get off w/ little more than a slap on the wrist. This will only serve to tell MS that it can get away w/ what ever it likes.

Brad Gillette
Software Engineer

MTC–00020422

From: dave@cranefamily.f9.co.uk@inetgw
To: Microsoft ATR
Date: 1/24/02 5:25am
Subject: Microsoft Settlement

Dear Sirs /Madams,

I'm writing to express my concern about the leniency of the proposed settlement of the antitrust case against Microsoft. I am not a US citizen, but I believe that this is an issue of global importance. I believe the public comment period is open until 28 Jan, so here are my comments. Microsoft has been rightly found guilty of abusing its position as a monopoly player. Since the first round of hearings were concluded, it has not tempered its activities.

—With the ''Passport'' scheme, it is looking to place itself as a central broker in all economic transactions occurring over the internet.
—With .NET subscription technologies and revised pricing models, it is looking to tie users of its software into continually paying.
—With restrictive, non-public OEM licenses on bootloaders, it continues to artificiall;y keep alternative operating systems such as Linux and the now-defunct BeOS from establishing market share, and restrict the freedom of choice of those purchasing computers to Microsoft or Microsoft.

Let me elaborate on that final point. As I understand it, a Microsoft operating system is provided at low cost to a hardware manufacturer on the proviso that they use the Microsoft ''bootloader'' to launch the operating system when the machine is switched on—despite the fact that other programs not owned by Microsoft (and some freely available) can also accomplish this task just as reliably. The Microsoft bootloader license allegedly prohibits any other operating system from being launched at the same time, preventing a hardware manufacturer from offering a system that can run Microsoft Windows AND an alternative operating system. I note that no such machines are available on the market in either the US or Europe, and that such a purchase would be both very attractive to many buyers, and the easiest way to gain familiarity with alternative operating systems while still being able to use Windows as well.

In the case of Linux, which is freely available, there would be minimal per-unit cost to the manuacturer oin offering this alternative either. The restrictions placed by the Microsoft OEM licenses effectively keep the majority of computer users locked into their state of ignorance about alternatives to Microsoft.

So long as Microsoft controls the only desktop operating system in town (bar Apple, I admit) vendors of application software are forced to play by their rules or else suffer the fate of Netscape. In a world where a diversity of operating systems are prevalent, it would be much harder for Microsoft (or any other single interest) to pitch the rules in its favour in competition between application vendors. A comprehensive solution must begin at the operating system. The increased freedom to compete will then bubble up to the applications, office suites, web browsers, etc.

Personally, I have felt motivated to investigate alternative computing platforms simply to sever any reliance on a company that seems so intent on milking its users as much as it can. I am fortunate in being technically adept enough to do so, despite the unnecessary difficulty of this process arising from the way in which Microsoft has manipulated the market. Freeing the hardware manufacturers from shipping only Microsoft-enabled boxes would extend the freedom that I enjoy to many other computer users.

Please, take real measures to promote diversity in the future of computing. I would single out the bootloader restrictions as the most critical issue to be addressed here, and urge you to:

—prevent any operating system manufacturers from brokering such restrictive deals outside of the public gaze
—prevent any operating system manufacturers from fostering the development of closed hardware standards that will lock out competitors

Thus far, Microsoft's power has been concentrated within the IT arena. Once I switch my machine off, I needn't worry about them. But the influence of IT is becoming more pervasive, and in many ways I see benefits in this, so long as the public retains some control on how information is used. I do not look forward to a situation in which I am forced to license software from a specific vendor in order to be able to shop for my groceries, use the transport system, or other basic aspects of daily life. Such a prediction may sound alarmist, but I do believe it is a distinct possibility. The way in which this settlement is reached will provide a clear signal to Microsoft and other large players in this emerging market as to the extent to which the US government is willing to concede its role as an international safeguard of human rights and freedom to closed commercial interests that are willing to cynically flaunt the established rules of business, whether that interest be Microsoft or anyone else.

Thank you for listening.
Dave Crane
IT consultant
Bristol, UK
dave@cranefamily.f9.co.uk
CC:dave@cranefamily.f9.co.uk@inetgw

MTC–00020423

From: cinematique
To: Microsoft ATR
Date: 1/24/02 5:15am
Subject: Microsoft Settlement

Hi. I go to school at Kent State University and I have a troubling situation to share with you.

I registered for a class which was described as a course to learn about modern computers. Nowhere in the course description were the words Apple or Microsoft ever mentioned. I assumed it would be a general course about surfing the web, learning to use a word processor, a history over computers, et cetera. In reality, the class extensively teaches how to use Microsoft Excel, Word, and Windows 98.

When I asked the teacher if I could use a Macintosh and Office X for Mac OS X, he said there shouldn't be any problems. This is hardly the case. As a class, we were told that we could purchase Office XP from the campus book store for the modest sum of $20. I assumed that this meant I could also purchase the Macintosh version of the same software for the same amount. In reality, I can't. In fact, if I want to buy Office X for Mac OS X, the academic price is $200.

Furthermore, the class website is designed to work only with Windows computers running Internet Explorer 5.5. When I try to use my Macintosh to view the website, parts refuse to load. This leaves me completely unable to accomplish my classwork on my relatively new Apple G4 computer.

Draw your own conclusions.
-Adam Ross

MTC–00020424

From: NewAje
To: Microsoft ATR
Date: 1/24/02 5:15am
Subject: Microsoft Settlement

I'm a tech-savvy voter who is opposed to the Microsoft settlement because it does not adequately compensate the people and businesses of the US nor is it strict enough to prevent further uncompetitive behavior

MTC–00020425

From: Bill Nugent
To: Microsoft ATR
Date: 1/24/02 5:34am
Subject: Microsoft Settlement

I am writing with respect to the proposed Microsoft settlement and I am against it because it does not go far enough to curb the anti-trust abuses that Microsoft has been and is still engaged in. The browser war has entered into a new chapter with Opera (www.opera.com). A few weeks ago I was able to use the Microsoft web site using

Opera but when I tried a few days ago there were delays other problems. Reminds me of the Netscape browser war a few years back. I have read news reports that Microsoft is actively blocking Opera on other web sites as well such Hotmail.com.

I find it ironic that Microsoft does not feel the pressure to write programs that conform to published Internet standards—the Request for Comments (RFC's). Hotmail.com and Microsoft Outlook for years have not been compliant with the email address standards. Other companies scramble to fix these kinds of bugs but Microsoft does nothing—is this not monopolistic behavior?

Microsoft has now dropped support for Java in the latest release of the browser but Java is growth is phenomenal. Would not a truly competitive company continue support for Java? Other browsers such as Netscape, Opera and Konqueror all support Java. Why does Microsoft not feel competitive pressure?

Please abandon the US DOJ proposed settlement. Please join the alternative settlement proposed by the other nine states that actually will punish Microsoft and does more to create a level playing field.

Sincerely,

Bill Nugent

Please—abandon the current settlement proposal

MTC–00020426

From: Chris Weeks
To: Microsoft ATR
Date: 1/24/02 5:32am
Subject: Microsoft Settlement

Its simply unjust. Anyone looking at the situation sees Microsoft as a strong competitor that has strong-armed the alternate markets by leveraging their control of their monopoly in the desktop operating system market and the office productivity market. It is a shame to the justice that Microsoft can behave as they have and walk away as unscathed as they have so far....

MTC–00020428

From: Majid Anwar
To: Microsoft ATR
Date: 1/24/02 5:31am
Subject: Microsoft Settlement

Sir/Madam,

There's probably not much more to say than has already been said by many others—Microsoft practices clearly damage the industry and consumers. An unaccountable amount of damage has already been done, but it is not too late to put a stop to this.

MS plans for XP, .NET, XBox will *not* benefit users because they do not provide useful public standards for services. Competition is healthy and necessary and exploitation of a uniquely inherited position to the detriment of society (the impact of all this goes well beyond the IT industry) is plainly unfair in any civilised arena.

It is also ironically unpatriotic to the American ideal and reliance on a single closed standard will make society very vulnerable due to the lack of choice and alternatives.

It must be your duty as guardians of justice to put a stop to this. Millions of people are trusting you to perform your duty and restrict anti-competitive practices, and compensate those who have suffered because of MS unfair exploitations.

Regards,

Majid.

Dr Majid Anwar
Titanium Building, Braehead Business Park
Fax: +44 141 885 5599
Kings Inch Road, Glasgow G51 4BP, UK
Email: majid@picsel.com

MTC–00020429

From: Jorge uerra
To: Microsoft ATR
Date: 1/24/02 5:36am
Subject: Microsoft Settlement

I agree with the breaking up of Microsoft. My company is losing sales daily because of their unfair practices. Our developers have even found evidence that MS is adjusting their products not to work with ours. Please stop this company or slow them down.

—By controlling the news content they can shape public opinion by presenting information on a favorable way to their interests.
—By controlling our identities on the Web (ie. Passport) they can track our lives in ways that no government can ever do
—By using sabotage tactics on their competitor's products they are eliminating the consumer's freedom of choice

Please help the American public, this company will become so powerful that no government will be able to contain it.

Faithfully yours,

Jorge Guerra
(D) Miami, FL

MTC–00020430

From: vwaulk@gtcom.net@inetgw
To: Microsoft ATR
Date: 1/24/02 5:32am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,

Van B. Waulk
P.O. Box 1364
Lanark Village , FL 32323–1364

MTC–00020431

From: christopher lease
To: Microsoft ATR
Date: 1/24/02 5:38am
Subject: Microsoft Settlement

Dear Sir,

After hearing of the the proposed Microsoft anti-trust settlement, I've been moved to express my thoughts on the matter... I very idea that Microsoft would ''pay'' for its anti-competitive errors by ''giving'' it's own software to schools, to me is an insiduious and dangerous .

This action would give Microsoft and helping hand to pillage the one market that they do not yet dominate. What will happen when it's to UPGRADE this software that Microsoft gives our schools? Obviously Microsoft knows that these systems will need to updated at some point and they are betting that a flood of money will return to them, locking out any and all competition.

I've also read from Microsoft press realizes that it defends it's actions as ''The freedom to innovate''. From every exp that I have ever had with their products, I an attest that they have done very much less than innovate. For every product that Microsoft makes I can name a non-Microsoft vendor who makes a product of the same category which is superior in function to it's Microsoft brand counterpart. Yet the Microsoft product still dominates.... How can that be? Granted, company's are in business to make money and that is the American way. So is fairness and honesty & competition.

Concerned,

Christopher Lease,
Baltimore, MD

MTC–00020432

From: Sten Sundblad
To: Microsoft ATR
Date: 1/24/02 5:37am
Subject: Settle with Microsoft now

Microsoft is a young company, founded as late as in 1975. It's also a much smaller company than most people assume, employing no more than (I believe) about 30.000 people all over the world. While a number to be respected, it doesn't make Microsoft into anything like a giant. Even though Microsoft is far from being a giant, the company has had an enormous impact on the lives of a very large part of the world population. Microsoft has indeed put computers running Microsoft software on almost everybody's desk, at home and in the office, at least in developed democracies. With products like Microsoft Office, the company has created a de-facto standard, thereby making it possible for people of all nationalities and all races to exchange electronic nicely formed information with each other without hassle. By aggressively supporting Internet standards such as HTML, HTTP, XML and the SOAP protocol, they're rapidly increasing the chance for people to connect over the Internet and exchange information at an even higher level. The cost for computers and for Microsoft software has been kept incredibly low. This must be an indisputable fact, because if it wasn't so, users would have selected other products or possibly even rejected the use of computers in their homes.

Now Microsoft is threatening companies like Oracle and Sun. They do so by going in on domains where these companies have before been able to work with very high prices and profit margins for ''enterprise level'' IT products. We can already see that

companies start to run their business critical software on Microsoft Windows 2000 with Microsoft SQL Server rather than with Sun's operating systems and Oracle's databases. The reason is cost effectiveness. This means that companies are going to be able to reap the same kinds of benefits with Microsoft products that individuals have already done. Of course, this does not sit well with Microsoft's competitors, but it sits very well with consumers.

The situation for companies competing with Microsoft is now becoming even worse. The new .NET initiative promises a new and even more cost effective world of computing for consumers of the world, be they individuals or businesses. It's now in your power to work against consumers and for back-striding companies that can't keep up with the pace Microsoft is setting. If you select to support these back-striding companies by not settling with Microsoft in a reasonable way now, you won't only work against consumers but also against the majority of IT vendors that do not share the hostility towards Microsoft demonstrated again and again by Sun and Oracle now and Netscape before AOL bought the company.

To conclude, Microsoft is a threat to a very small number of IT vendors with high prices and high profit margins, but not to consumers. Please support the consumers of America and the rest of the free world by giving Microsoft the peace they need to innovate. The world needs that!

Sten Sundblad, ADB-Arkitektur AB
Microsoft Regional Director, Sweden
Email: stens@adbark.se
WWW: http://www.adbark.se <http://www.adbark.se/>
http://www.adbark.com <http://www.adbark.com/>
Kungsgatan 113, Box 437, 751 06 UPPSALA, SWEDEN
Phone: +46(0)18–69 51 00 Fax: +46(0)18–69 51 59

MTC–00020433

From: michaelhere@cs.com@inetgw
To: Microsoft ATR
Date: 1/24/02 5:33am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Michael Sheesley
253 E Kline St
Girard, OH 44420–2623

MTC–00020434

From: steven.ferguson@transport.alstom.com@inetgw
To: Microsoft ATR
Date: 1/24/02 5:38am
Subject: Well what can one say, only that it sems that Microsoft can get away with Well what can one say, only that it sems that Microsoft can get away with what ever they want, if they can cover it up, then who is interested in the man in the street ? nobody it seems....

I am now migrating over to Linux, because as far as I am concerned it stinks BIG TIME ! I dare say that some nice little deals are being done on the side to keep people sweet, but as usual these will be covered up as well.....

CONFIDENTIALITY : This e-mail and any attachments are confidential and may be privileged. If you are not a named recipient, please notify the sender immediately and do not disclose the contents to another person, use it for any purpose or store or copy the information in any medium.

MTC–00020435

From: go7200@webtv.net@inetgw
To: Microsoft ATR
Date: 1/24/02 5:34am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
david fenwick
e. cotton hill rd.
new hartford, CT 06057

MTC–00020436

From: Erwan Barret
To: Microsoft ATR
Date: 1/24/02 5:38am
Subject: Microsoft Settlement

Dear Madam, Dear Sir,

As a contributor to many IT magazines, including MacDirectory in the USA, I feel it is my responsibility to contribute to the settlement of the Microsoft case by seizing the opportunity you offer to users. I can remember the time when I was a strong advocate of Microsoft as an application software vendor, when their position did not endanger competition. I insist that in this time, Microsoft was still a company that regularly introduced inventions, thus helping the whole industry to go forward. In my opinion, it has now been a long time since this happened. My current work, and the jobs of many people in the USA and in the world depend directly from computer products, among which Microsoft product still hold a considerable importance. Everyone I know uses Microsoft at work. We defend Microsoft as a software application company as much as we deplore that they could legally reach such a hegemony in the OS industry.

Therefore I am strongly opposed to the simple paiment of a fine. Fines are a penalty for the poor, not for the rich. It is that simple. The other reason is, the application to Microsoft of very clever antitrust laws can only save jobs in the long run, AND make the industry go further, faster and in a more efficient way.

The people who designed Word and Excel are not the same as those who design unsecure, unstable and proprietary operating systems. Laws allow you to part them for the best: excellent multi-platform software applications on one side, and operating systems confronted in a fair market to a clever competition on the other side.

The main goal is supposed to be customer satisfaction. Aforementioned suggestions, no different from those indicated by the law, are an obvious gain to everyone. I'm looking forward to seeing fairly competing Baby Mikes challenge Apple, Oracle, UNIX integrators and many other companies who do compete fairly on the common ground of quality.

Many thanks for allowing users to express their opinion.

Erwan Barret
ebarret@worldnet.fr

MTC–00020437

From: jbaumann@att.com@inetgw
To: Microsoft ATR
Date: 1/24/02 5:32am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
James Baumann
402 Alexander Avenue
Deltona, FL 32725–8302

MTC–00020438

From: Computer City Distribution
To: Microsoft ATR
Date: 1/24/02 5:38am
Subject: Microsoft Settlement

About five years ago in Ireland almost every PC builder and re-seller signed a petition and gave it to Microsoft objecting to their anti-competitive & monopolistic behaviour. Everyone has known about this for a long time. Freedom in America has allowed Bill Gates to become the richest man in the world. He is now using his money to take that freedom away from anyone whom he feels may become a threat to his crown. Give the next Netscape it's freedom and split Microsoft up.

Best
Greg
Computer City Dist
Ireland.

MTC–00020439

From: jimteeg@telepath.com@inetgw
To: Microsoft ATR
Date: 1/24/02 5:39am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jim Teegerstrom
2115 Dakota
Norman, OK 73069

MTC–00020440

From: byrdman@pamlico.net@inetgw
To: Microsoft ATR
Date: 1/24/02 5:41am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Byrd Hinshaw
2402 Trent Road
New Bern, NC 28562–2020

MTC–00020441

From: William Morris
To: Microsoft ATR
Date: 1/24/02 5:45am
Subject: Microsoft Settlement

I believe that the proposed settlement is one of the worst mistakes in the history of antitrust cases. Microsoft is a monopoly, this is a fact. The proposed settlement will do nothing to change that. Microsoft is sitting on one of the largest piles of cash ever held by a corporation. They have control of most of the technology industry. They have control of the OS, they have control of key applications, they are trying to gain control of handhelds, video game systems and cable boxes. Where does it stop? How can anyone compete with a company that has billions in cash to spend taking over new markets?

The settlement as proposed is a mistake.

William Morris

MTC–00020442

From: kf4nbg@att.net@inetgw
To: Microsoft ATR
Date: 1/24/02 5:39am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jim Thibeault
101 Hutson Dr. H 2
Summerville, SC 29483

MTC–00020443

From: verp0349@citlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 5:47am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Vicky Peterson
P.O. Box 55
Howell, UT 84316–0055

MTC–00020444

From: wasue@icubed.com@inetgw
To: Microsoft ATR
Date: 1/24/02 5:44am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
William Sullivan
7266 West Market St. #138
Mercer, PA 16137–6633

MTC–00020445

From: Richard Knapp
To: microsoft.atr(a)usdoj.gov
Date: 1/24/02 5:47am
Subject: Microsoft Settlement

To Whom it May Concern:

I do not agree with this agreement. You have a company that has done everything in its power to control the PC market. The government has found them in violation of the law two prior times and has come to an ''agreement'' with them. The company has willfully and blatantly violated both of those agreements. So we are going to draw up another similar agreement?

This settlement seems to be nothing more than a slap on the wrist. To say such treatment is patriotic during these times is garbage. Seems to me, the patriotic thing to do would be to obey the law, not discard it when convenient to do so.

Thank you for your time.

Richard Knapp

MTC–00020446

From: Ben Senior
To: Microsoft ATR
Date: 1/24/02 5:51am
Subject: Microsoft Settlement

Software systems are fundamentally different to hardware systems—ostensibly in their ability to replicate without consuming

resources, and their further capacity for self-(re)definition. That the software industry continues to use a metaphor derived from the era of industrial revolution does not mean that it will last. As a researcher at the cutting edge of Large-Systems construction it is patently apparent that this is so.

The restrictions being placed on the market place, and on the entire conceptual view of ''what computer systems are'' by microsoft will become the single greatest limitation on the evolution of organisational support systems—which in essence is what large information systems are.

Given that our self-organisation is the basis of our species evolution (it is the only thing we have evolved in thirty thousand years, look at the collective impact and capabilities of our species now), and given that modes of political and social orientation are centrally dependent upon our capacity to organise in novel ways, I would go so far as to say that the monopoly of microsoft is not simply industrial, but intellectual and ideological.

In the terrain of software development Microsoft is so absurdely adept at obliterating any signs of competition precisely because it is able to apply, with great coordination, its myriad departments and products in such a way that they re-shape the commercial terrain pre-emptively before initially under-priced targetting products are used like daisy-cutters.

The single most important thing to do is to prevent Microsoft coordinating its forces. This is the necessary first step. This is precisely what the DoJ is not doing.

Mr T. Senior, Bsc Mres
University of Manchester

MTC–00020447

From: Alex Hewson
To: Microsoft ATR
Date: 1/24/02 5:53am
Subject: Microsoft Settlement

speaking as a brit... i don't think the current antitrust settlement goes far enough. It almost certainly won't stop Microsoft's attempts to dominate the industry (witness the latest, passport—with it Microsoft hopes to control *all* authentication to computers and websites in the world. I for one am not at all happy with seeing a single company (especially one thats already proved itself so untrustworthy) weild so much power. You still have a chance to prevent this from happening—will you take it?

Regards,
A. Hewson

MTC–00020448

From: dlcox@delanet.com@inetgw
To: Microsoft ATR
Date: 1/24/02 5:46am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Debra Cox
1008 Old Baltimore Pike
Newark, DE 19702–1202

MTC–00020449

From: ChaseT1@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 5:50am
Subject: Microsoft Settlement

I am writing to register a complaint to the effect that settlement with Microsoft is a bad idea. Its predatory practices has reduced cosumer's choice in many software markets, not only that of operating system software. Please consider the future health of the computer marketplace and punish Microsoft to the fullest extent possible in order to help prevent its illegal practices.

Chase Tsang
Thousand Oaks, CA

MTC–00020450

From: JGARTHW@AOL.COM@inetgw
To: Microsoft ATR
Date: 1/24/02 5:54am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
JUDY GARTHWAITE
1400 GRASSLANDS BLVD
UNIT#76
LAKELAND, FL 33803

MTC–00020451

From: WHayesPBSF@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 5:54am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
William Hayes
315 Edwards Lane
Palm Beach Shores, FL 33404–5720

MTC–00020452

From: RJH
To: Microsoft ATR
Date: 1/24/02 5:55am
Subject: Microsoft Settlement

Dear Sir/Madam,

As a user of both Microsoft and Netscape software in the UK, I wish to comment on the proposed settlement of the above case. I will keep this short and only comment as a user of computer software. The terms of the settlement proposed would appear, to the ''ordinary man in the street'' to be a sudden capitulation by Government to big business, and is effectively allowing Microsoft to walk free without serious penalty or inhibiting it from future offences. This is incredible, after proving that Microsoft was guilty of monopolistic and anti-trust behaviour.

Such a capitulation will ultimately be to the detriment of both industry and the consumer.

Specifically, from my perspective as a user, Microsoft destroyed the Netscape Company and the Navigator browser software and also encouraged the use of unique web server software code configurations, which, to this day makes it difficult to receive Microsoft server data on a Netscape browser, and obliges (forces) the user to use the Microsoft program.

The the user, the very minimum believable remedy would be to oblige Microsoft to separate the operating system software (Windows) from the application software (Internet Explorer, Ofice etc), which is not difficult.

By this I mean at the software program level—any separation of the Microsoft business activities would be a bonus, by virtue of the additional protection afforded to the consumer of future anti-competitive behaviour.

Regards
Richard Howes

MTC–00020453

From: Jason Lazzara
To: Microsoft ATR
Date: 1/24/02 5:55am
Subject: Microsoft Settlement

I think the proposed settlement really stinks. Microsoft is getting off without much payback to the rest of the world.

—>jason lazzara

MTC–00020454

From: peterm@ewol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 5:52am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
PETER MARTINI
6773 MYRTLEWOOD RD
NORTH PORT, FL 34287

MTC–00020455

From: dgandsk@speedfactory.net@inetgw
To: Microsoft ATR
Date: 1/24/02 5:55am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Dallas Hayes
12548 Simmons Road
Hampton, GA 30228

MTC–00020456

From: pacobel@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 5:52am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Nunzio Nano
24 Dingley Street
Leominster, MA 01453–1914

MTC–00020457

From: Douglas Metcalfe
To: Microsoft ATR
Date: 1/24/02 6:03am
Subject: Microsoft Settlement

This settlement is a roll over by the DOJ—written by Microsoft, for Microsoft. Somebody at the DOJ should stand up for the rule of Law. This is a disgraceful cave in, and political pandering of the very worst kind.

Much worse than simply profiting from it's monopoly, Microsoft continues to strangle innovation in the cradle. What Microsoft can not steal it kills. This had caused untold harm to consumers, who have been deprived of quality products for years by this predatory monopolist's tactics. It is now the DOJ itself that has been perverted by this case. My faith in the American Legal system is solely in the hands of the Judge, if she supports this settlement, then America truly does have the best legal system money can buy.

Douglas Metcalfe
Pittsburgh, PA

MTC–00020458

From: jcpolcaro@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 5:57am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
john polcaro
3495 highway 17n
bartow, FL 33830–9241

MTC–00020459

From: joel.taylor@gm.com@inetgw
To: Microsoft ATR
Date: 1/24/02 6:00am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. nThis is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Joel Taylor
PO Box 190206
Burton, MI 48519–0206

MTC–00020460

From: hbock@remc7.k12.mi.us@inetgw
To: Microsoft ATR
Date: 1/24/02 5:55am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Harvey Bock
3347 Starboard Dr.
Holland, MI 49424

MTC–00020461

From: junk(a)berristead.com
To: Microsoft ATR
Date: 1/24/02 6:05am
Subject: Microsoft Settlement

Justice needs to be seen to be done, and at the moment Microsoft has been abusing the process by serial delaying tactics while it decimates the opposition. I find this grossly disrespectful of the legal system. Legal practice needs to be a whole lot faster if it is not going to be abused in this way. Less juries, more clued up judges. The present (proposed) settlement is a slap on the wrist. It implies an embaressingly weak judiciary with a heavy Republican hand on its shoulder. Microsoft have been convicted of

destroying other companies by abusing a monopoly. They have probably caused more damage to the US economy and its development than 11/9, but have done it by stealth and obfuscation.

Microsoft have a cash pile of 3bn. Take it, and then divide them as was in the initial plan. They will continue to thrive, but stand more chance of doing so fairly.

Tom Hughes

MTC–00020462

From: jcpolcaro@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 6:01am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Sincerely,
john polcaro
3495 highway 17n
bartow, FL 33830–9241

MTC–00020464

From: Mat Diss
To: Microsoft ATR
Date: 1/24/02 6:03am
Subject: Microsoft Settlement

Dear Sir,

I would like to express my dismay that a proven monopoly such as Microsoft, with a history of manipulation, has been ''let off lightly'' by the DoJ and will now be able to effectively carry on with its monopolistic pursuits unhindered.

Microsoft makes a LOT of money from giving people no choice but to run its software, perhaps it is time to let the people have their choice by being able to buy PC's with the software they would like to run, not the software that Microsoft dictates they should run. Here in Europe, computer stores cannot sell PC's without Windows on them as Microsoft does not allow it.

Thankyou
Mat Diss.

MTC–00020465

From: christopher
To: Microsoft ATR
Date: 1/24/02 6:51am
Subject: Microsoft Settlement

To whom it may concern,

Firstly I am not an American citizen but do have to suffer the constent barrage of poor products from Microsoft (It is my profession to aleviate the problems other people have with Microsoft software). We constantly see America being portrayed (by yourselves through your media) as a land of truth, justice and democracy. America is the torch bearer for the concept that a free economy can heal all the worlds ills. Your decision has shown that all these claims are totally unfounded, money comes before all else and nothing will get in it's way, the end result of a free economy is corruption, consumers/citizens are only there to be exploited, technology is to be exploited, not for the further advancement of the humananity but for the financial enrichment of a company at the expense of the advancement of humanity.

You have done yourselves proud.
Chritopher O Connor,
chris@christopheroconnor.com

MTC–00020466

From: Rick Harris
To: Microsoft ATR
Date: 1/24/02 6:07am
Subject: Microsoft Settlement

To Whom It May Concern,

I feel that the proposed settlement will not do enough to correct Microsoft's anticompetitive practices. Microsoft's Windows Win32 API has become the de-facto operating system API for personal computers. The only way to restore competition in the market is to turn support for the Win32 API into a potential area of competition. Microsoft should have to publish the complete Win32 API so that other operating systems could gain the same level of application support that Windows currently enjoys.

Microsoft should be barred from including language in their other product licenses that prohibit the use of their product on non-Microsoft operating systems.

Hardware vendors should be free from retaliation from Microsoft if they choose to sell systems without any Microsoft operating system pre-installed. Microsoft should be heavily penalized in the event of any future discoveries of code in any of their other products that goes beyond the Win32 API specification to verify that it is running on a Microsoft operation system rather than another vendor's implementation of the API.

Thank you for your time,
Richard Harris
Bethel Park, PA

MTC–00020467

From: rakillmer@top.monad.net@inetgw
To: Microsoft ATR
Date: 1/24/02 6:02am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Dick Killmer
221 Woodbond Rd.
Rindge, NH 03461–3336

MTC–00020468

From: rhaver@neo.rr.com@inetgw
To: Microsoft ATR
Date: 1/24/02 6:08am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Robert Haver
4169 Kenneth Rd
Stow, OH 44224

MTC–00020469

From: Michael O'Neill
To: Microsoft ATR
Date: 1/24/02 6:08am
Subject: Microsoft Settlement

Microsoft's attitude seems to be like that of an old Imperialist justifying England's Colonial Expansion. ''Sure, we might have enslaved a few million, yes we may have held a few economies back and stolen other countries resources to benefit our own so that we didn't have to work too hard, byt he, at least we can all speak English, right?''

Microsoft program and OS writers have proved themselves lazy and incompetent. Having done good some initial work on a GUI, they then generated feature-rich and security poor software over the past seven years, with a disastrous EULA, all in the name of screwing more money out of customers.

Was there a need for WinXP or Me so soon after Win2K? No. There was a need for a secure Win2K, with no Internet Explorer code in the OS code AT ALL!!!

Most of the hacking exploits that Microsoft OSes are prone to are enabled by IIS server code or Internet Explorer Code or simply crappy application code handling of buffer overflows or the damned ''interoperability'' between Outlook/Outlook Express and other proggies. Microsoft wanted the Internet to itself so it wasted Netscape. It wants its users to remain clueless so it made things so easy

that every two-bit hacker could exploit holes in its badly written OS and applications code. It wants .Net enabled on all systems so it can ''rent'' applications and ''look after'' other peoples information [the Hotmail EULA put paid to that...]

Integration of Server and IE code into the OS doesn't just bring the internet to your fingertips, it brings every malicious cracker to your hard drive! Leasing applications and storing information using the internet means the crackers don't even have to get into your hard drive, just the relevant microsoft server, and we've all seen how secure Microsoft are in the last twelve months! Microsofts quest for domination has exposed private and public users and government departments the world over to using insecure installations for sensitive data.

Not only is the Microsoft Settlement flawed, it is illegal in my opinion, the DoJ failing to discharge its duty to the benefit of all consumers which is to encourage free trade and competition. A judgement which limits Microsoft to providing ONLY the Operating System [OS] AND which prevents any sister company the DoJ might set up to produce applications benefitting unfairly from knowledge of the source code is what it needed. That way companies making sucessfuly products such as browsers might flourish once again.

But even if the DoJ do nothing, Microsoft's halcyon days are numbered. Apple sought market exclusivity and profiteering by sticking to the hardware like glue. Microsoft has tried to achive the same thing by bullying and sticking to the Operating System like glue. Nor will Microsoft's quest to dominate the Net last for too long, I'm afraid. Nor will any restrictive approach will work, long term. Open Source and the GPL are here to stay.

Yes, ironically I'm using a Microsoft Operating system with an old version of Netscape to running on it to send this message. I will probably invest in Win2K for a while, but this year makes the changeover to Linux, prolly either SuSE or Mandrake [or both!] and I don't expect to be looking back over my shoulder too often. Star Office /Open Office, with Opera as a browser, here I come!

Michael O'Neill.

MTC–00020470

From: act1901@lvcm.om@inetgw
To: Microsoft ATR
Date: 1/24/02 6:08am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Diane Reinstadtler
7500 W. Lake Mead Bvd #9–192
Las Vegas, NV 89128

MTC–00020471

From: Robin Datta
To: Microsoft ATR
Date: 1/24/02 6:08am
Subject: Microsoft Settlement

Dear Sirs:

It seems AOL is trying to revive a putrefied corpse. There is no quetion that a separate browser apart from IE would never have reached the seamlessness and efficacy of the present system. And even to this date, if one wants, there are several browsers out there that one can download, install and use as an alternate broweer. Some of these browsers do serve special needs and I use Opera from time to time.

But to change the venue for competition to the courts from the marketplace is, if anythig, uncompetitive. If AOL has a better browser, let it offer the item as a package deal with AOL service to its customers.

At one time I was also an AOLie, when they came out with an easy interface for Windows3.1. However they did not offer internet acces. That was in the days of the net berore the web. But I switched to Netcom because I wanted to have Internet access rather than be limited to AOL content and to their restrictive policies (the so-called ''Terms of Service''. I did not go back to AOL after that. While with Netcom, I had a shell account, and I had perforce to learn how to set up my shell and a bunch of UNIX comlands to get around on the net (no web then). All downloads were by FTP to my shell account and then had to be xmodemed / ymodemed / zmodemed to my hard disk. I am glad that I had the opportunity to learn how to work UNIX, FTP and the x, y, and z modem protocols as well as ARCHIE, VERONICA, and the mailreaders, newsreaders and wordprocessors of the UNIX shells.

And when the web came along, I initiallly used SlipKnot to access the web through my shell account. Then I used the PPP emulator that originated in Australia. It had to be placed in my shelll account and compiled to make it active. I forget its name but I probably still have it on one of my numerous floppies that have long been collecting dust.

With the PPP emulation, I did use the Netscape browser but I never felt it right to have to cough up cash for what I thaought should be an integral part of the system: I got the PPP emulator for free. The coming of the internet Explorer changed the situation; the efficiency or lack thereof of the PPP emulator led me to subscribe to a PPP account at Netcom.

Ofcourse Netcom was bought up by ICG and then by MindSpring which merged with Earthlink, and there is where it stands today. I am grateful to Microsoft for making it possible to do things more easily; I reject AOL as an ISP since I want my ISP to be pure conduit and no content. (That's the reason why I do not go with MSN).

I say get off Microsoft's back. Go back to the market and do what you can do. The courts are not a substitute for the market when one falis in the market. We have a good thing going with Microsoft's products and services. AOL did not and does not cut the mustard, at least with those who care to do better.

Robin Datta
9228 N Stoneridge Ln
Fresno CA 93720–1210
robbin@ix.netcom.com

MTC–00020472

From: Demian
To: Microsoft ATR
Date: 1/24/02 6:09am
Subject: Microsoft Settlement

Dear Madams and Sirs,

I am writing to let my opinion as a citizen known about the Microsoft antitrust case. As a person who depends on computers for my job, you might imagine that I have strong opinions about this case. Over the past 12 years or so, I have noticed two clear trends in the ''WinTel'' computer industry:

1) computer hardware has become more reliable, faster and cheaper with more choices

2) computer software has become less reliable, less affordable, and with less choices

Economically—as a consumer and computer user—Microsoft's (now found to be) illegal business practices have hurt me this way. While the hardware market seems rife with cost-savings, innovation and competitive diversity, the software market is expensive, stagnant and utterly without innovation. And—of course—without robust software, the best hardware in the world is as useful as a door-stop.

It seems that anytime someone comes out with a new software concept that could truly return aggressive competition and new ideas to the software side of the equation (i.e., Java, QuickTime, OpenDoc, RealAudio, Netscape, Novell, etc.), Microsoft uses its illegally gained Monopoly to ''embrace, make proprietary, or buy-out'' such technologies.

I find it quite frustrating that Microsoft—which used illegal business practices to achieve much of its software dominance—is casually using such ill-gotten gains to achieve dominance in far-reaching markets such as News and Media, Entertainment and Gaming, and Cable/Telecommunications. I must urge the DOJ to finally and permanently put a stop to the way in which Microsoft does business: mainly, using monopoly power in one market to create emerging monopolies in other markets.

Like any other guilty criminal entity, I would hope to see Microsoft punished and restrained from acting in a criminal manner in the future in order to bring balance and progression back to the U.S. Software industry. I am very concerned that the current settlement proposed by the DOJ is completely and woefully inadequate in this regard.

Thank you for allowing my input.
-Demian Rosenblatt
-San Francisco, California
''Simplicity is the ultimate sophistication''

MTC–00020473

From: irmillican@aol.com@inetgw

To: Microsoft ATR
Date: 1/24/02 6:08am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Rebecca Millican
6027 Lilli Way
Bradenton, FL 34207–4742

MTC–00020474

From: Jonathan Riddell
To: Microsoft ATR
Date: 1/24/02 6:15am
Subject: Microsoft Settlement

I am appaled at the proposed Microsoft Settlement. Allowing a monopoly to give away it's product is no way to help competition. I am not a US citizen but this settlement affects all computer users. A /far/ better solution is suggested at: http://www.gnu.org/philosophy/microsoft-antitrust.html

In short the points are:

—Require Microsoft to publish complete documentation of all interfaces between software components, all communications protocols, and all file formats.
—Require Microsoft to use its patents for defense only, in the field of software.
—Require Microsoft not to certify any hardware as working with Microsoft software, unless the hardware's complete specifications have been published, so that any programmer can implement software to support the same hardware.

This would allow truly free competition.

Jonathan Riddell

MTC–00020475

From: chicoramirez@att.net@inetgw
To: Microsoft ATR
Date: 1/24/02 6:16am
Subject: Microsoft Settlement

This is to advise you that I believe that I support he governments settlement with Microsoft. The witch hunt of Microsoft has gone long enough!

ER Ramirez

MTC–00020476

From: smhaver@neo.rr.com@inetgw
To: Microsoft ATR
Date: 1/24/02 6:09am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Shirley Haver
4169 Kenneth Rd.
Stow, OH 44224

MTC–00020477

From: Wilson, Gerald
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 6:14am
Subject: Microsoft Settlement

Dear DoJ,

For years I have followed closely—or as closely as I can from here in the UK—the antitrust case brought by DoJ and sundry US States against Microsoft.

I realise that, in making a legal case, it can be important to limit the areas of dispute, and to fight on grounds which are reasonably assured. So I am aware that the case brought by the plaintiffs against Microsoft was specific and limited.

As the evidence presented to the initial presiding judge (Judge Thomas Penfield Jackson) accumulated in public view, it became manifest to the common man that the case against Microsoft was simply overwhelming. Judge Jackson himself, in his Findings of Fact, set a new precedent for the clarity of assessment of complicated technical argument. Microsoft had been found demonstrably guilty as charged; all that was required was a punishment fit for the crime.

It was no surprise that Microsoft should choose to appeal Thomas Jackson's judgement, and it was (of course) regrettable that Thomas Jackson, by some of his own ill-advised actions, strengthened the grounds for the appeal. Nevertheless, regardless of any propaganda interpretation, the simple fact remains: the appeal court substantially upheld Jackson's judgement. Microsoft, on appeal, had still been found guilty as charged; all that was required was a punishment fit for the crime.

It falls to you to deliver that punishment; and to make such remedial changes as are needed to prevent that crime from ever being repeated. In drafting the punishment and remedy, it is important to consider the context of the crime. Microsoft's criminal behaviour, as proven by the antitrust case, is not a temporary aberration. Rather it is a chronic condition. There are numerous other examples of anticompetitive behaviour from Microsoft which might equally well have formed the basis of a provable case. For example: actions taken against the product DR-DOS more than ten years ago; the undermining of Apple Computer's business by withdrawing applications support at the time of the launch of Windows 95; the propaganda campaign to undermine the OpenDoc standard, when it was perceived as a threat to Microsoft's maintenance of the applications barrier to entry. The examples are legion. The effect has been clear. Over more than a decade Microsoft has built a monopoly business by illegal means, and has then sought to protect that monopoly by further illegal means. The damage is felt worldwide. These actions have harmed the interests of consumers, business and the computer industry in general. Because of these actions the world's IT is over-priced, which means that throughout the world products cost more than they need to, schools can afford fewer facilities, hospitals can afford less medical care, and ultimately more people perish from ill-health, malnutrition and starvation. Microsoft is rich because, through its illegal monopoly, it has siphoned money away from everyone else. That, ultimately, is the crime the DoJ has to punish, and the yoke which the DoJ must lift from future generations.

The year 2001 has seen some spectacular demonstrations of the cost to the world of the Microsoft monopoly. Email viruses like SirCam have brought business to its knees. Security experts confirm: these are direct consequences of the world's enforced dependence on shabbily insecure Microsoft products.

I would like to believe that you are up to this awesome responsibility, and are poised to deliver appropriate punishment and necessary remedy. Alas, I don't think you are. From all that I have read about the details of the proposed final settlement it looks like a spineless cave-in. The guilty criminal will go unpunished, and the criminal behaviour will carry on, to plague the next generation as it has plagued this one. This is a time in history when you can make a difference. Are you Makers of Difference? History, I think, will judge Thomas Jackson well. At least he had guts.

How history judges the DoJ's final settlement is unknown. Gutless? We shall see.

Gerald W Wilson
Engineering Facilities Manager

MTC–00020478

From: EChild0861@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 6:14am
Subject: Microsoft Settlement

To Whom It May Concern:

I wish to state my sentiments on the antitrust case against Microsoft. As a frequent computer user, Microsoft has given my family and me a great variety of choices and types of applications. I can and do use other programs, including Netscape, but I have been more than pleased with Microsoft products. The truth is that Microsoft products are very high quality, and therefore, the public benefits by using them. Punishing them for having a corner on the software market is simply punishing creativity and enterprise, and the customer is the one who suffers in the end. We as customers can

choose other products if we wish—just because Microsoft products are packaged with a new computer does not mean that every person will choose to use them. Providing a good service to new users for a good price is not a crime, and should encourage the competitors to try to improve their products to attract more customers. Please bring this suit against Microsoft to an end, and allow consumers to have the full range of choices we have enjoyed to this point. Thank you.

Sincerely,
Eileen F. Childers
PSC 36 Box 288
APO, AE 09456
Phone: 011–44–1985–308809

MTC–00020481

From: finnpox@dpc.net@inetgw
To: Microsoft ATR
Date: 1/24/02 6:17am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
stephen dalton
stephen
103 white oak dr.
morton, IL 61550

MTC–00020482

From: glock23@knology.net@inetgw
To: Microsoft ATR
Date: 1/24/02 6:14am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
David Lord
7700 Hillmont Dr.
Columbus, GA 31909

MTC–00020483

From: Roy Mcpherson
To: Microsoft ATR
Date: 1/24/02 6:15am
Subject: Microsoft Anti Trust Case

MTC–00020483—0001

Dear Sir/Madam,

I have decided to write you in relation to this case against Microsoft and add my voice to the millions of other computer users who use the Windows Operating System and want to be able to havea choice.

To make my point blunt and to the point. I want teh choice to be able to use another operating system. I also still want to be able to use products that can run on windows as they hold the monopoly. Whether I use Macintosh or Linux, I still need to be able to use Windows products because, everyone else has to too.

I live in Australia. And everything that happens in the United States affects everyone in the world. I respects Microsofts right to be able to make a product, and make a profit. But i do not respect a company that holds 90% of the desktops around the world, but doesnt let their source cold out too the public so all operatinf systems may be compatiable. And that, is where i think my argument comes to its final point.

Microsofts monopoly would not mean as much if their source cold was open to the public. The Company would not have to be split up. If another company out there was allowed to make a word processor that could read Microsoft Word .DOC Documents ect as well as every other file extention or file name.., then every operating system and program could be made compatible and you would have true competition.

Please, Take this last point as the most serious of this letter.

Roy McPherson
Mcpherson—roy@hotmail.com
2/40 Alexandra st
Rockhampton Old 4701 Australia

MTC–00020484

From: Jonathan Tyzack
To: Microsoft ATR
Date: 1/24/02 6:19am
Subject: Microsoft Settlement

Dear Sir/Madam,

I will keep this brief as you have no doubt had many e-mails that already make many of the points I would have normally put forward. However, there is one issue that I would like for you to take into consideration and that is the impact on computing globally if this mockery of a settlement is allowed to proceed. Microsoft has an even greater stanglehold on the majority of non-US computing markets than the one it has in the US. If this settlement, which is so pathetically feeble it beggars belief, is followed through, it will effectively enable MS to dominate the world even more than it does now. So, please take this into consideration when deliberating on your decision—it affects many, many more people than just the US population.

Yours sincerely,
Jonathan Tyzack

MTC–00020485

From: joballe@attglobal.net@inetgw
To: Microsoft ATR
Date: 1/24/02 6:16am
Subject: Comments on Microsoft Judgement

Sirs:

The proposed judgement on the Microsoft antitrust case is inadequate to address existing and future problems. I have continually been forced to change my way of doing business as a result of Microsoft's practices. Word processor software, version control software, and many other software forms; the vendors have either been forced out of business, purchased and disbanded, unable to compete with Microsoft products due to inavailability of information of ''secret'' Window's interfaces.

A much more strict and comprehensive set of damages is needed.

Dr. John O. Ballenthin
John and Linda Ballenthin
5 Rolling Lane
Lexington, MA 02421–7515
781–862–4179
joballe@attglobal.net

MTC–00020486

From: sweetestbriar@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 6:12am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Doris Brown
704 Copper Creek Rd
BErea, KY 40403

MTC–00020487

From: J. Grant
To: Microsoft ATR
Date: 1/24/02 6:19am
Subject: Microsoft Settlement

Hello,

It seems the time is comming close to the settlement date. I would like to protest that Microsoft is getting away without any major changes. They should be broken up, they have hindered the free market too long with their monopaly.

Having one company control 99% of the software and Operating systems market is just not fair on other companys. MS embrace new technology and then modify it so it is incompatible with other companys competing product. Using their Monopaly of the Desktop they are now forcing their way into other areas such as ''online media players'' and ''online chat clients''.

Please do the right thing and split MS up. Other companys have been hindered for too long.

Yours sincerly
Jonathan Grant

MTC–00020488

From: zonner33@webtv.net@inetgw
To: Microsoft ATR
Date: 1/24/02 6:22am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
William H Matthews Jr
1236 Highview Rd
Lantana, FL 33462–5912

MTC–00020489

From: Chukwuma Uwakaneme
To: Microsoft ATR
Date: 1/24/02 6:26am
Subject: Microsoft Settlement

It was a shock to hear the settlement proposed by the DOJ in the sense that no significant retribution was handed out to Microsoft in addition to a lax control on future business practices. Microsoft has shown time again that it has no regards to anybody, consumers, competitors, the government and the law of the land. Even as it was going through the legal problems, it continued to do the very things that necessitated the suit in the first place. It seems anything is good as long as it will increase the profit of Microsoft. Whether it is lies and FUD against competitors, irrespective of how little they are, relentless draining of consumer's income because they have very little choice.

In the past several years, the average price of computers went from about $2.000.00 to $900.00. This was because of the competition that Advanced Micro Devices was able to build against Intel. If anyone else could build the same competition in the software arena against Microsoft, the average price will drop further down, where the majority of the populace can afford a decent computer. As a matter of fact Microsoft is the only one that has increased the price of the computer's operating system—Window's XP.

What may happen eventually is that we will all be charged if we don't use MSN as our ISP. What right do we have to run Windows and not use the ISP of the company that put Window's on your desk top. I am sure they are working on this through the ''Passport'' or by eliminating all other ISP choices. It worked with Word Processor and the Spreadsheet, after all.

Sincerely
C.U.

MTC–00020490

From: John—J—SMITH/BE/
ALCATEL@ALCATEL@inetgw
To: Microsoft ATR
Date: 1/24/02 6:20am
Subject: Microsoft Settlement

While I am from the EU, I think I can still lodge my complaints about the MS Anti Trust settlement.

I use unix at work, with netscape. MS is trying to dominate the web with its new .NET initiative which means that by sheer market forces, I will no longer be able to browse a large amount of .NET based web sites, and since MS do not release their software for Unix, I will either have to choose between the WWW or using a Microsoft product. This is unlawful abuse of monopoly.

I also wish to buy a laptop. I don't need a new OS for it (my old laptops screen went). So why do I have to buy another version of Windows for it?

I might even install linux on it instead. Yet I still have to pay for it?

I have long since bought factory built PCs because they've forced me to rebuy my operating system each times (I have 2 windows 95 license, and 2 Windows 98 licenses already, I do not want to own 2000/ME/XP or any future MS Operating system). Why should I have to buy all the components to build my PC, rather than buy a pre built one? Because otherwise MS will make me pay for something I do not want or require.

The current toothless settlement of the Anti trust case changes neither of these things, and gives Microsoft leeway to march completely over the rest of the small computer software companies in the world. The settlement has given us a future:

''Either sell your company to Microsoft, or be eradicated''.

And I see that as your fault.

John

MTC–00020491

From: alkay99@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 6:22am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Al Kay
3099 Bridgehampton Lane
Orlando, FL 32812

MTC–00020492

From: Kneeners@webtv.net@inetgw
To: Microsoft ATR
Date: 1/24/02 6:20am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
James Kneen
2414 Oak Street
White Bear Lake, MN 55110

MTC–00020493

From: Jon McGuire
To: Microsoft ATR
Date: 1/24/02 6:22am
Subject: Microsoft Settlement

Gentlemen,

Just a quick note during this public comment period to voice support for Microsoft, and for ending this action once and for all.

I believe the DOJ's case was marked by significant misunderstandings of the general business environment, the needs of consumers, and the technology-related questions in the case. This was further tainted by the very poor quality of testimony provided by members of academia and actions by Microsoft's competitors in what amounts to using the government to further their own business goals.

The government has wasted enough time and money on this ridiculous action, which in my opinion should have never seen the light of day in the first place.

Sincerely,
Jon McGuire

Senior Architect for a Fortune 50 company

MTC–00020494

From: Lexloci8@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 6:25am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
James Briggs
13415 E. 510 Rd
Claremore, OK 74017

MTC–00020495

From: patdarby59@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 6:25am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Patricia Darby
416 Old Veechdale Rd
Simpsonville, KY 40067

MTC–00020496

From: Stephen Rowles
To: Microsoft ATR
Date: 1/24/02 6:29am
Subject: Microsoft Settlement

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

Similar to the settlement against AT&T, Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level (40%, for example, assuming one of it's competitors is now also at 40%). This must be true for all Microsoft product lines, before regulation is lifted.

Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed.

Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

MTC–00020497

From: Herbie Robinson
To: Microsoft ATR
Date: 1/24/02 6:28am
Subject: Microsoft Settlement

I do not think the proposed Microsoft settlement is in the best interest of the American consumers. They have been thumbing their nose at the court through the entire proceeding and will continue to if this settlement goes through. Some examples:

They appear to have been using their monopoly power to inflict the inferior (a widely held opinion) Windows Media Technology on the public: Even though superior, standards based technologies existed long before Microsoft even looked at streaming media on the Internet. They are rumored to have used monopoly influence over OEM computer manufacturers to force them to remove dual boot software that would allow the computers they shipped to run either BeOS or Windows. This kept the manufacturer of BeOS from even giving it away as a promotion! This is just what I happen to know about.

Oh, and they touch enough of the computer industry that most professionals are probably afraid to comment publicly on the settlement (out of fear of retribution or blacklisting). I'm certainly nervous about it. [They have no direct way of getting at me, now, but fortunes often change quickly in this industry—and they are driving just about everybody else out of business.]

Herbert W. Robinson
116 Carver Rd.
Newton MA 02461–1338

MTC–00020498

From: Peter Wilson
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 6:32am
Subject: Microsoft Settlement

As a person who writes legal documents from time to time, it seems a bit strange to see MS use the word ''reasonable'' so many times in their documents to the court.

Please review all Microsoft's documents for the word ''reasonable'' and treat that word as a suspicious ploy to avoid whatever the outcome of the settlement is.

If you have any questions of problems, please contact me and I will be happy to help.

Sincerely,
Peter Wilson
Manager, Software Support Services
MIDAR Pty Ltd
PO Box 135, Latham ACT 215, Australia
Office : +61 (2) 6278–6364

MTC–00020499

From: tblanc002@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 6:24am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Trina Blanchard
1203 Tallokas Road
Crestview, FL 32536

MTC–00020500

From: jcorm74@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 6:26am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
john cormier
144 jaffrey st.
weymouth, MA 02188

MTC–00020501

From: lynn@wnonline.net@inetgw
To: Microsoft ATR
Date: 1/24/02 6:36am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,

Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
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Please put a stop to this travesty of justice now. Thank you.
Sincerely,
patsy rowzee
p.o. box 323
slagle, LA 71475

MTC–00020502

From: Ted Compton
To: Microsoft ATR
Date: 1/24/02 6:42am
Subject: Microsoft Settlement
I'd like to register my dissatisfaction with the DoJ-Microsoft Settlement as it currently stands. I've been a personal computer user for 25 years and an instructor for eight and I've seen countless examples of how Microsoft has acquired and then abused it's monopoly power in operating systems. Microsoft's actions have clearly, in my view, hindered, not advanced the cause of innovation. Microsoft has not created but flouted computing and networking standards, to its own individual advantage. It appeared ample evidence of this was presented at trial.
What we are seeing in the current proposed settlement is not ''justice,'' but money at work.
Microsoft should be assessed substantial penalties for its behavior and should be prevented by a fair settlement from continuing to abuse its market position, something it shows, at present, every evidence of meaning to continue.
Ted A Compton
12 Walnut St.
Greenfield, MA 01301

MTC–00020503

From: dianedavis1205@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 6:30am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
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Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Diane Davis
523 Foxen Drive
Santa Barbara, CA 93105

MTC–00020504

From: gates@yannicompany.com@inetgw
To: Microsoft ATR
Date: 1/24/02 6:39am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
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Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Fred & Ginny Gates
210 Poplar Street
Monroeville, PA 15146–4004

MTC–00020505

From: ronald.fabretti@usa.xerox.com@inetgw
To: Microsoft ATR
Date: 1/24/02 6:27am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
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Please put a stop to this travesty of justice now. Thank you.
Sincerely,
ronald fabretti
1205 hon falls 5 pts rd
honeoye falls, NY 14472

MTC–00020506

From: dianedavis1205@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 6:30am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
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Sincerely,
Diane Davis
523 Foxen Drive
Santa Barbara, CA 93105

MTC–00020507

From: sandomcd@mindspring.com@inetgw
To: Microsoft ATR
Date: 1/24/02 6:36am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
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Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Sandy McDonough
4420 Lorraine
Dallas, TX 75205

MTC–00020508

From: phillyfrommanily@aol.com@inetgw

To: Microsoft ATR
Date: 1/24/02 6:34am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
John Maxwell
82 Sussex Rd
Clifton, NJ 07012–2016

MTC–00020509

From: Martin Kiewitz
To: microsoft.atr(a)usdoj.gov
Date: 1/24/02 12:40pm
Subject: Microsoft Settlement

Dear DOJ,

I'm a german software developer, so I'm not an american citizen. I don't know, if this matters, but I want to say something about the proposed Microsoft Settlement.

I read a comprehension on another site and I read the whole one.

I noticed that the settlement does not mention the sabotage that Microsoft did some years ago, when releasing Microsoft Windows 95. Those days, they wanted to rule the DOS world. Several other competitioner DOS versions were out. Just to mention one: Caldera DOS.

Because Windows 95 was actually running *under* DOS, Microsoft installed a little extra API. I mean, API is a huge word. They actually implemented about 400 Bytes of Code (!) that's really tiny in size, to detect MS-DOS 7.0. If this was not found by Windows 95, it gave error messages, as if the underlying DOS wouldn't be able to run Windows 95.

In fact it was. Caldera wrote a little TSR (means a software program that stays in memory and is able to implement another API or fix one) that enabled Caldera DOS users to run Windows 95 under their DOS.

So Microsoft was actually connecting their MS-DOS 7 to their Windows 95, so that other competitioners would get out of business and actually they succeeded. Caldera sued Microsoft for this and here is the result:

http://www.kegel.com/remedy/archive/final4.html

Quote: ''Caldera has presented sufficient evidence that the incompatibilities alleged were part of an anticompetitive scheme by Microsoft.''

The PFJ as currently written does nothing to prohibit these kinds of restrictive licenses and intentional incompatibilities, and thus encourages Microsoft to use these techniques to enhance the Applications Barrier to Entry, and harming those consumers who use non-Microsoft operating systems and wish to use Microsoft applications software.

I have another example of mine. I developed a multi-boot-loader, which means an exchange software program that is loaded prior to the Operating System. Currently it's still Public Beta, but that's not the point.

In the last version release, someone tried it out on Windows 2000/NT, but it didn't work. The strange thing was that it works with all Operating Systems available (including BeOS, OS/2, eCS, Microsoft Windows 95/98/ME, All DOS Versions).

Now I found out that their Operating Systems based on the NT-line (which means NT/2000/XP) look for a specific operation code *AT* the location of the boot-loader.

It's difficult to explain that one to non-technical experienced people. In fact they check for the first operation code issues in the boot-loader for CLI. CLI disables interrupts on x86 computers and it's of no use.

First I thought that this would be ''crazy'' and couldn't be. Then I tried it out by inserting that CLI into my programs code and Windows 2000/NT didn't go crazy, but they worked.

This CLI-checking is not listed anywhere. It was found by other boot-loader programers. Actually it has the only purpose to make it harder for custom boot-loader writers. It's another of those incompatibilities.

The standards of that space on the harddrive is defined and the CLI was not included. If you want to check for yourself, here is the address to download my boot-loader: http://kiewitz.ath.cx/KiewitzSoft.

I can send you a program that simply removes the CLI and you could see Windows 2000 going berserk, which actually means it will Load and Save the profile in an endless loop. This behaviour is not in any way related and can not be related directly to the CLI. If I execute the CLI one operation code later, the whole mess isn't changing, so it's really actual checking for this opcode.

These are things that Microsoft does the whole time and I don't want them to continue with that behaviour.

Thank you for reading.

Martin Kiewitz

MTC–00020510

From: pberry2
To: Microsoft ATR
Date: 1/24/02 6:40am
Subject: Microsoft Settlement

Pathetic settlement. The 9 states have it right. I object to the settlement, as it does NOT go far enough, and actually opens the new market of schools to the monopoly that is Microsoft.

If we must do a settlement, which I read as a political buy out, at least invest in Open Source (GNU/Linux and the LGPL BSD's) for about 10%, use 20% for infrastructure support, and spend 70% on hardware. Microsoft pays only money, not products.

Microsoft mandates hardware and software upgrades very often, as that is the nature of a greedy monopoly, to require the consumer to spend more money, often. Microsoft products are bulky, insecure, and contain weaknesses not present, or long since rectified in the Open Source products.

Do your job, and serve the greater need of education, and the public, by encouraging the competitive environment through support of the Open Source movement.

Sincerely,
Patrick T. Berry, USAF (Ret.)
1955 Casslewood St.
Winter Park, Fl 32792

MTC–00020511

From: BVINC44889@AOL.COM@inetgw
To: Microsoft ATR
Date: 1/24/02 6:33am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
BRET VINCENT
3721 IVYDALE DRIVE
ANNANDALE, VA 22003

MTC–00020512

From: Gary Fisher
To: Microsoft ATR
Date: 1/24/02 6:43am
Subject: Microsoft Settlement
24 January, 2002
Department of Justice
Antitrust Division
RE: Microsoft Settlement

For the sake of our future, please pursue the Microsoft situation vigorously.

While its roots lie in the good soil of hard work and competition, Microsoft has since become overgrown and now depends on the thorns of predatory practices to overcome those who would hope to compete fairly. Many fine companies, and, worse, many talented individuals, have been crushed by Microsoft's willingness to undermine the prices charged by even the most modest competitors; to preemptively strike at consumer and investor confidence in potentially competitive products; and to bully those who survive its other tactics out of the marketplace.

Microsoft did much in the past to help create and build the technology industry, but has since turned from innovation to reaction,

often adopting and ultimately controlling the intellectual developments of others rather than competing on the basis of its own creativity. The dreams of those who might be inspired to develop competing products languish under the pall of Microsoft's demonstrated willingness to prevent competition. The future of the industry, and perhaps of those who depend on it, is in jeopardy if the free market continues to be negated by Microsoft's monopolistic practices.

Gary Fisher
Pearline, MI. USA

MTC–00020513

From: Scott (038) Elizabeth Manning
To: Microsoft ATR
Date: 1/24/02 9:36pm
Subject: Microsoft Settlement

Hi,

Don't sink Apple! Letting MS provide ''free'' stuff to a market Apple has a good presence in will result in entirely the opposite outcome—domination by MS. Please make sure the MS does not gain a State sponsored marking coup!

Thanks
Scott Manning
Australia

MTC–00020514

From: Richard de los Santos
To: Microsoft ATR
Date: 1/24/02 6:43am
Subject: Microsoft Settlement

I do not agree with the proposed settle that Microsoft has been sentenced to pay. In reality it is not punishment at all. It will only allow Microsoft to tighten its hold on the education market. Many Schools are trying to move to Open Source because of the draconian practices of Microsoft.

What Microsoft needs to do it pay (CASH) large sums of money to a foundation that will properly distribute it to schools that need it. Doing this will allow districts to purchase the hardware and software that they NEED and want.

Look at the schools that are already having problems with Microsoft. For many they are having to pay large fines for ''piracy''. The piracy is simply a result of not being able to afford the packages Microsoft offers or not being supplied appropriate assistance in using the applications correctly. The country's school systems are bad enough without corporate lawyers breathing down the back of their necks.

MTC–00020515

From: Davidson, Gareth (Unknown)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 6:45am
Subject: Microsoft Settlement

I am completely disgusted with the way that Microsoft has acted over their years of play, so before this feedback period expires I'd like to get my oar in, have my say as it were . . . split em up! here's why I think that Microsoft should be chopped up

—''nobbling'' other DOS systems back in the day (the alpha/beta windows that was fixed so it wouldn't run on a competing, better DOS)
—selling the most compromised, insecure server software on the planet—with enough disclaimer legislation to cover their backs so they don't even need to make it any more secure
—trying to kill JavaScript by bringing out ''Microsoft Jscript''—LAME!
—making J++ compiled code unusable in other operating systems
—killing poor old Nutscrape Navigator, just cos they wanted an internet based OS (they knew they'd be sued later)
—adding all those non-standard features to FrontPage and Iexplore that other browsers couldn't read—effectively making the web harder to browse on non M$ platforms
—leaving all those ports open for attack on home systems—why o why?
—making licensing laughable by providing home users with 50 page UELAs—I mean, who actually reads that stuff any more? (I USED to)
—making HOME USERS have to pay separate licenses for each home m$ xp installations . . . now that is a joke—they expect ppl to respect this?
—killing my Amiga and all the other better os's than windows (ok perhaps this is a personal grudge)
—they should be chopped for ms c++ alone—making a simple dll file from 2,000 bytes of code is 300,000 bytes long—same code in Borland c++ is 30,000 bytes.
—the price of m$ office, and the incompatibilities with any/all other office packages. this is unacceptable.

there's a million reasons, this is just the ones that irritate me the most. m$ are unfair, money grabbing scum. I don't care if they rip businesses off, specially if they can afford it—its when they apply the same tactics to home users that really gets my back up thx for hearing this

Gareth

MTC–00020516

From: scalone1@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 6:45am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Ronald Scalone
124 Farmington Dr
Woodstock, GA 30188–1834

MTC–00020517

From: larryjl-1@att.net@inetgw
To: Microsoft ATR
Date: 1/24/02 6:44am
Subject: Microsoft Settlement

After hearing of the AOL lawsuit against Microsoft, I decided to send you a few comments. I have been on the internet for a few years now through AT&T World Net service. When I applied I was given a choice of browsers, either Netscape or Internet Explorer. At that time I chose Netscape. While surfing the Internet later I learned that I could also use Internet Explorer to connect through World Net. After using both browsers for an extended period of time, it became evident that the Internet Explorer browser by Microsoft was more dependable and seemed to be more flexible to use. I have been using it for the past two years. My point is that given open competition, Microsoft has proven to be the more superior browser, and I feel that AOL has filed a frivolous lawsuit.

Larry LaGraize
LarryJL-1@att.ner

MTC–00020518

From: nqjon
To: Microsoft ATR
Date: 1/24/02 6:47am
Subject: Microsoft Settlement

This is to register a negative opinion on the proposed Microsoft settlement. Most non-Microsoft employees would agree, that as long as any one company retains Microsoft's current monopoly-scale market share in any one of the following industry sectors:

1) Office Productivity Suites
2) Operating Systems
3) Internet Software (Explorer, IIS)
4) Programming Languages (Visual Studio Suite)

. . . That company will, under any marginally competent CEO, be able to quickly re-leverage monopoly control of the entire computer industry. For more detailed commentary on the more egregious ways in which the current proposed settlement is completely ineffective, please refer to www.kegel.com/remedy/letter.html.

Sincerely,
Jonathan Newquist
Kearney, Nebraska

MTC–00020519

From: carrierboots@mediaone.net@inetgw
To: Microsoft ATR
Date: 1/24/02 6:43am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the

future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Joseph Carrier
4402 Parker
Dearborn Heights, MI 48125–2235

MTC–00020520

From: ehandley@texas.net@inetgw
To: Microsoft ATR
Date: 1/24/02 6:43am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Ellie Handley
9614 Boonsboro Dr.
San Antonio, TX 78245–1906

MTC–00020521

From: rdef@juno.com@inetgw
To: Microsoft ATR
Date: 1/24/02 6:54am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Ronald DeFilippo
15 Pine St
Ayer, MA 01432

MTC–00020522

From: Mike Miller
To: Microsoft ATR
Date: 1/24/02 6:53am
Subject: Microsoft Settlement

I do not feel that the penalty phase of the trial adequately addressed the severity of the crime committed.

I do feel that Microsof is continuing to engage in the same behavior with the bundling of Windows Media Player, et al, in Windows.

I do feel that the penalties from this trial should include a very significant fine for past transgressions and a means to prevent Microsoft from acting in a similar manner in the future.

Give the penalty phase some teeth. Please. Free us from this innovation-stifling corporation.

Thank-you.
Mike Miller
24 Cherry Lane
Bethel, CT 06801

MTC–00020523

From: Wilhelm Svenselius
To: Microsoft ATR
Date: 1/24/02 6:50am
Subject: Microsoft Settlement

Department of Justice,

I believe the current proposed settlement to the DOJ-Microsoft antitrust suit is an excellent way to end the case, something which is long overdue. Please do not listen to the misguided souls trying to tell you the settlement is a bad idea.

Sincerely,
Wilhelm Richard Svenselius

MTC–00020524

From: WrittenWord
To: Microsoft ATR
Date: 1/24/02 6:49am
Subject: Microsoft Settlement

Your Honor:

Microsoft is an American success story, the same kind of American success story found in the Horatio Alger tales, which used to be so popular in America. Mr. Gates overcame tremors adversity to make a better ''mousetrap.'' All of us are the richer because of it.

Are we to now seize this man's property, either through outright confiscation of his business or by means of fines, limitations and regulations??! Mr.

Gates—has not forced anyone—to buy his product. People have chosen the MS OS because *it is better*—easier to use, relatively stable, supremely flexible, cost effective, etc.—than anything offered by the competition (who, instead of fairly and freely competing with Microsoft, have chosen to complain to the government).

Because of that, Mr. Gates was able to introduce his internet browser, MSIE, to millions of people. Mr. Gates—once again—*did not force anyone* to use his browser. We the consumer —chose— to use it because, once again, it was *overwhelmingly superior* to the competitions''. Placing MSIE in his Windows OS amounted to *an option*——not a command—.

Such ''options'' are what allows the consumer a choice; such ''options'' are the products of innovation, which we have held as an American virtue since this republics inception, proudly referring to it as ''Yankee ingenuity.''

Are we to now punish Mr. Gates for that? Are we to now listen to those who, for lack of vision or for want of ambition, could not successfully compete with Microsoft??!

If so, then this is no longer the country of Horatio Alger. This is no longer the nation that lauds achievement; a nation that is no longer the land of opportunity where men and women can ''beat a path to the door'' of those who make a better mousetrap.

It is no longer a nation of laws that defends the rights of all, —including— the rich; it has become, instead, a nation that rewards the incompetent by looting his superior; that denigrates achievement in the name of envy; a nation that, in short, has come to be ruled by men who, seeking the fruits of men's labor, violate the rights of the rich in the name of the poor—thereby destroying the rights of all, rich *and* poor alike.

I am not in any way religious, but I pray to whatever god there may be that you have both the wisdom and the courage to uphold the Jeffersonian principles of our republic and dismiss the case against Microsoft. If you do not, we will all be, not only poorer because of it, but also—and most importantly—no longer free.

Very truly yours,
Steven Brockerman, MS
Adjunct Professor of English
3201-C Oriole Ct.
Tallahassee, FL 32308
850–523–0671
writeby@att.net

''I have sworn upon the altar of God, eternal hostility against every form of tyranny over the mind of man.''

—Thomas Jefferson

MTC–00020525

From: wssparks@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 6:45am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,

Wayne Sparks
506 kirkwood Ave
Winthrop Harbor, IL 60096–1247

MTC–00020526

From: dfmon603@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 6:49am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
David Monahan
71 Canton St.
Manchester, NH 03103–3507

MTC–00020527

From: Marsha Harrison
To: Microsoft ATR
Date: 1/24/02 6:51am
Subject: Stop the Lawsuits

Leave Microsoft alone. It's been terrible for the economy and I feel they have done nothing wrong. So, let them hide their browser and be done with them! They have done so much for technology and they have just been punished for their innovations because of jealous companies. Drop the suit and please be done with microsoft.

Sincerely,
Marsha Harrison

MTC–00020528

From: jerry8it@the-i.net@inetgw
To: Microsoft ATR
Date: 1/24/02 7:01am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jerome BOLT
PO BOX 167
ROCKPORT, TX 78381–0167

MTC–00020529

From: ddesmedt@ikgindustries.com@inetgw
To: Microsoft ATR
Date: 1/24/02 6:58am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Donald DESMEDT
122 West 14TH Street
BAYONNE, NJ 07002

MTC–00020530

From: John Dawson
To: Microsoft ATR
Date: 1/24/02 7:02am
Subject: GET OUT OF MICROSOFT'S WAY.

THE ONLY ''CRIME'' COMMITTED BY MICROSOFT IS THAT IT HAS SUPPLIED ITS CUSTOMERS MORE VALUE AT A LOWER PRICE THAN ITS COMPETITORS. SINCE IT DOESN'T USE GUNS, HOW ELSE CAN IT DOMINATE OR CONTROL A MARKET, AND HOW ELSE CAN IT ''UNFAIRLY'' DESTROY COMPETITORS. PRODUCING MORE VALUE FOR LESS SHOULD NOT BE A CRIME. GET OUT OF MICROSOFT'S WAY.

JOHN DAWSON.
CC:Dawson at optushome

MTC–00020531

From: cwstrand@jamadots.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:00am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Carl Strand
N4125 E Powell Lake Rd
P.O. Box 510
Munising, MI 49862

MTC–00020532

From: Kathy K.
To: Microsoft ATR
Date: 1/24/02 6:59am
Subject: Microsoft Settlement

MTC–00020532—0001

Enough, enough enough! Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

''This is just another method for states to get free money, and a terrible precedent for the future,'' states the AOCTP, ''not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.''

This economically-draining witch-hunt has gone on long enough. STOP THE MICROSOFT WITCH HUNT.

Clinton is no longer the President! It is time to move on.

Thank you.
Kathy and David Kaczmarczyk

MTC–00020533

From: fenertyp@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:01am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer

technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Patrick Fenerty
PO Box 1310
Madison, VA 22727

MTC–00020534

From: Howard Allen Cohen
To: Microsoft ATR
Date: 1/24/02 6:57am
Subject: Microsoft Settlement

I do not think that the Microsoft Settlement remedies, or will prevent a reoccurrence of, some of Microsoft's business practices that cause the most harm to its competitors and the public. Microsoft should be required to publicly release the APIs to all current versions of Windows and enough of the source code to permit competitors to write computer programs that:

1. Can compete with Microsoft products on a level playing field if they run under Windows. For example, I fear that Microsoft's application programmers get advance or more detailed knowledge of ''hooks'' or hidden features in Windows so they can optimize their programs better than the competitors.

2. Can run under other operating systems in order to run programs originally written to be run under Windows under those other, non-Windows operating systems. For example, Linux users should be able to run most Windows application programs with the help of Wine (Wine is a project that makes it possible to run Windows application on Linux and is being developed by open source developers—see http://www.winehq.com/).

Currently, Microsoft conceals information needed to most effectively do this. And the Digital Millennium Copyright Act (DMCA) may even make attempting to reverse engineer Windows to discover this information illegal.

Also, I note that the trial court's findings of fact define ''API'' to mean the interfaces between application programs and the operating system, while in the settlement, this term means only the interfaces between Microsoft Middleware and Microsoft Windows, excluding Windows APIs used by other application programs. For instance, the PFJ's definition of API might omit important APIs such as the Microsoft Installer APIs which are used by installer programs to install software on Windows. The court's definition should be used in order to implement the suggestion in my paragraph 2 above.

If you have any questions or comments, do not hesitate to call me. Thank you for your consideration.

Howard Allen Cohen, Esq.
Computer, eCommerce, & Internet Law
Florida Board Certified Real Estate Attorney
Atkinson, Diner, Stone, Mankuta & Ploucha, P.A.
Hollywood, Florida
Office E-mail: hac@atkinson-diner.com
Weekend E-mail: fladirtlawyer@yahoo.com
Tel. (954) 925–5501; (305) 944–1882 (Miami-Dade)
Fax: (954) 920–2711

MTC–00020535

From: bfleming@ptsi.net@inetgw
To: Microsoft ATR
Date: 1/24/02 7:07am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Bob Fleming
824 S 3rd
Texhoma, OK 73949–0685

MTC–00020536

From: kathyl@iglou.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:11am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Kathy Lowry
1715 griffin gate road
Louisville, KY 40205

MTC–00020537

From: jeanberry@bigplanet.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:05am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
JEAN BERRY
3172 VIRGINIA ST
MIAMI, FL 33133

MTC–00020538

From: Dale Curren
To: microsoft.atr
Date: 1/24/02 7:06am
Subject: Microsoft Settlement

I don't agree!!!
Do not settle!!
Dale Curren
Java-Powered Polarbar 1.21 & eCS

MTC–00020539

From: spinelli@netins.net@inetgw
To: Microsoft ATR
Date: 1/24/02 7:02am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
david spinelli
217 w 5th
po box 427
aurelia, IA 51005–0427

MTC–00020540

From: Polly J. Townsend
To: Microsoft ATR
Date: 1/24/02 7:17am
Subject: microsoft settlement

Dear Department of Justice: Let it be, let it be! The microsoft settlement to hide their Internet explorer icon provides a fair playing field for other servers. Get on with finishing up with this expensive litigation with

Microsoft. The Computer users have had enought.

Polly Townsend

MTC–00020541

From: kathyl@iglou.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:12am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Kathy Lowry
1715 griffin gate road
Louisville, KY 40205

MTC–00020542

From: pallasa@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:15am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Roberta Jordan
FL 33594

MTC–00020543

From: MSINGEBORG@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:17am
Subject: Microsoft settlement

we, the people are tired of this endless litigation.

This settlement is good for consumers and the economy and we expect the government to settle as proposed.

Christina Assal
West Palm Beach, Florida

MTC–00020544

From: lmaaweber@busyney.net@inetgw
To: Microsoft ATR
Date: 1/24/02 7:12am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Lucille Weber
415 W. Main St.
Twin Lakes, WI 53181–9220

MTC–00020545

From: LGard64514@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:11am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Lawrence Gardner
829 W.6th Ave
Shakopee, MN 55379

MTC–00020546

From: Clickittycat@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:15am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Linda Sorci
1501 NW 79th Terrace
Pembroke Pines, FL 33024

MTC–00020547

From: Defeese@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:20am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
David Zickefoose
10314 Washington Drive
Omaha, NE 68127

MTC–00020548

From: tacchi88@bellsouth.net@inetgw
To: Microsoft ATR
Date: 1/24/02 7:20am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Torello Tacchi
15312 Cape Dr. S.
Jacksonville, FL 32226

MTC–00020549

From: Michael W. Cocke
To: Microsoft ATR
Date: 1/24/02 7:23am
Subject: Microsoft Settlement

Microsoft has all but destroyed initiative and the drive for technical excellence in the computer industry, and all you're going to do is shake your finger at them and say ''bad Microsoft''.

Why don't you do something useful? Make them publish, and adhere to the published, APIs? THAT would be a USEFUL punishment!

Michael W. Cocke

MTC–00020550

From: prison88@bellsouth.net@inetgw
To: Microsoft ATR
Date: 1/24/02 7:20am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Elizabeth Filiatreau
1817 Foxboro Road
La Grange, KY 40031–9246

MTC–00020551

From: jnscochrane@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:19am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
john cochrane
443 page st
orlando, FL 32806

MTC–00020552

From: Gert Jan Timmerman
To: Microsoft ATR
Date: 1/24/02 7:18am
Subject: Microsoft Settlement

As consumer and a customer it is my opinion that the settlement reached between the government and Microsoft is a fair settlement. I think that it should stand.

Greetings,
Gert Jan Timmerman
The Netherlands

MTC–00020553

From: Judson Drennan
To: Microsoft ATR
Date: 1/24/02 7:25am
Subject: Microsoft Settlement

Microsoft should be split up. There's just no two ways around a monopoly. How hard is that to see?

MTC–00020554

From: Pepinj@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:24am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Joyce Pepin
10 Jill Alison Circle
Ormond Beach, FL 32176

MTC–00020555

From: Juli(00E1)n Corcuera
To: Microsoft ATR
Date: 1/24/02 7:24am
Subject: Microsoft Settlement

I think the current Microsoft settlement does little or nothing to guarantee that Microsoft will no longer be a predatory monopoly. I am not an expert in any area of computer science, but it is patently obvious to me that the settlement is woefully inadequate; the current settlement does nothing but endorse Microsoft's current attitude. This case is not about what has happened in the past... It is about what will happen in the future, and suggesting that Microsoft's past actions merit anything but an exemplary punishment bodes ill for the future.

I am a US citizen, but have lived overseas most of my life, and I must say that this kind of a settlement puts the US judicial system in a very poor light. From a foreigner's perspective it seems like Microsoft is above the law.

Juli?n Corcuera

MTC–00020556

From: keathr@ameritech.net@inetgw
To: Microsoft ATR
Date: 1/24/02 7:24am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

There are times that things happen that in the long run are of great help in developing technology and this is one of them.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

I do not see where it has harmed myself in any way as I still use netscape and other outside software and never have any problems so I simply think this has gone on far enough and it is time to stop the states from mooching off me and a large company that has helped to turn the computer into a usuable tool.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Keath Rhymer
5843 Price Ct
Indianapolis, IN 46254–2819

MTC–00020557

From: Vincent Ohare
To: Microsoft Settlement U.S. Department of Justice
Date: 1/24/02 6:30am
Subject: Microsoft Settlement

Vincent Ohare
25 heathdene
London, CA 60603
January 24, 2002

Microsoft Settlement U.S. Department of Justice

Dear Microsoft Settlement U.S. Department of Justice:

You stupid bastards should fuck off and find something productive to do!

Sincerely,

Vincent OHare (UK)

MTC–00020558

From: mikegoben@yahoo.co@inetgw
To: Microsoft ATR
Date: 1/24/02 7:27am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
John Goben
4009 Britt Lane
Louisville, KY 40219–4313

MTC–00020559

From: James Massingill
To: Microsoft ATR
Date: 1/24/02 7:30am
Subject: Microsoft Settlement

Dear Sirs,

I am writing this short letter in order to give a small sample of what the general American Public thinks about the Microsoft anti-trust suit. First of all, I want to make it clear that I am not a big fan of Microsoft, nor do I completely agree with all its tactics. However, Microsoft as a company has a right to give it's customers innovative new software.

The fact that it's operating systems are integrated with a web browser should be a non-player in the lawsuit filed against them. Their goal to have the Operating System and the Internet as one seamless integrated technology is innovative and brilliant as are most of the ''forward thinking'' the company has come up with. Since their are other Internet Browsers and tools on the market which can be and are purchased separately, there is no real problem here. To build an anti-trust case on this premise is a farce.

As an Operating System, Microsoft does have it's competitors. These competitors include Macintosh, Several Brands of Linux, and Sun OS to name a few. One can not maintain that Microsoft has a monopoly, because this is simply not true. In actuality Linux has been gaining in popularity over the last several years and is a top seller in the software market. Therefore, states do not have a leg to stand on when stating Microsoft is a monopoly.

In the software arena, such as games, utilities, etc Microsoft does not even have huge chunk of sales.

There are many companies and competitors out there and I seriously doubt that Microsoft really wants to edge everyone out of that business, it would be impossible. Realistically, I, as a consumer, believe that the states in this suit do not have a very good case at all. I also believe this suit should end has soon as possible. I believe the states involved should stop trying to punish a company for being innovative, and stop using hard earned tax money for causes such as this.

sincerely,
James Massingill
San Antonio, TX

MTC–00020560

From: DAVIDMLANDIS@AOL.COM@inetgw
To: Microsoft ATR
Date: 1/24/02 7:24am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
DAVID LANDIS
147 MEADOW COURT
SINKING SPRING, PA 19608

MTC–00020561

From: Eileen Rochniak
To: Microsoft ATR
Date: 1/24/02 7:33am
Subject: Microsoft Settlement

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Mrs. Eileen Rochniak
34 Trelawne Drive
Rochester, NY 14622–1424

MTC–00020562

From: Mike Stilz
To: Microsoft ATR
Date: 1/24/02 7:29am
Subject: Microsoft Settlement

A comment on the proposed settlement—

I personally firmly think that the Government is being far to soft on Microsoft. That company has done more from it's position of power to limit growth in the PC industry and slow (or stop) the introduction of innovative, better, technology solutions then anyone can ever imagine ... even with what's come out in the trial. No one company should be in such a position, not to mention that the industry, the US economy, and my shares of MS stock would be far better off if they were broken up into several businesses.

Mike Stilz
3120 Helmsdale
Lexington, KY. 40509
speaking for myself

MTC–00020563

From: smr71@aolcom@inetgw
To: Microsoft ATR
Date: 1/24/02 7:26am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Steven Royer
R.R.1
Tipp City, OH 45371

MTC–00020564

From: hifran69@cs.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:33am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Horace Francis
6937 Lovers Lane
Portage, MI 49002–3609

MTC–00020565

From: Owen O'Leary
To: Microsoft ATR
Date: 1/24/02 7:40am
Subject: Microsoft Settlement

I disagree with the proposed settlement in the Microsoft antitrust case, I feel that the proposed settlements will only increase Microsoft's monopoly standing.

Owen O'Leary
2550 3rd Ave #621
Seattle, WA 98121

MTC–00020566

From: stephensonnorman @hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:35am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Norman Stephenson
176 Five Oaks Lane
Hickory, NC 28601

MTC–00020567

From: shhaynes2@netzero.net@inetgw
To: Microsoft ATR
Date: 1/24/02 7:33am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Stephen Haynes
5300 Ocean Blvd.
Apt 904
Sarasota, FL 34242–3325

MTC–00020568

From: Robert Veenstra
To: Microsoft ATR
Date: 1/24/02 7:36am
Subject: Microsoft Settlement

After reading through the proposed final judgement, I believe it leaves out some crucial points and narrows some definitions to the point that Microsoft can effectively ''work around'' the ruling.

There is no consideration given to licensing issues pertaining to running Windows programs on Linux.

Thank you for your time,
Rob Veenstra
Software Engineer II
Siemens Dematic

MTC–00020569

From: Terry Lambert
To: Microsoft ATR
Date: 1/24/02 7:37am
Subject: Microsoft Settlement

Microsoft is already in violation of stipulation 2 with regard to H. of the REVISED PROPOSED FINAL JUDGEMENT with its shipment of Windows XP.

Specifically, it is not possible to deinstall all Microsoft Internet Explorer middleware components from a Windows XP system, since this middleware is used in order to force user registration with Microsoft of the computer, including disclosing information about the computers configuration, and other private information of the user.

A Windows XP system with these components removed will operate for a period of thirty (30) days, after which it will cease operation.

This is clearly non-compliant with Section III.H.1. (removal of Microsoft Middleware by the user) and Section III.H.2. (Substitution of non-Microsoft Middleware by the user).

— T

MTC–00020570

From: msmit357@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:32am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Marilyn Smit
1425 Eagle Ridge Road
Glencoe, MO 63038–2419

MTC–00020571

From: wwidenor@uiuc.edu@inetgw
To: Microsoft ATR
Date: 1/24/02 7:33am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
William Widenor
1919 Robert Drive
Champaign, IL 61821–6026

MTC–00020572

From: snadge
To: Microsoft ATR
Date: 1/24/02 7:28am
Subject: Microsoft Settlement

Hi there,

just a voice to add to many: Microsoft bundle useless and resource grabbing components to an operating system which shouldn't happen,

these ''add ons'' should be optional extras in any sane world. The Netscape issue is disgusting, Internet Explorer is part of the operating system and whatever is said can't be removed, only upto 98me have you any chance of having a windows free of IE or it's drivers, for that you must purchase 3rd party sofware even then some shadow of it's install still rears it's ugly head.

If Microsoft are not to be broke up you are sorely failing in your jobs, where are we supposed to get legal support against these coporate monopolies forcing no choice amonst people, yes you can install an alternitive media player into windows to play your media clips but media player is still installed and booted up forcing ''the operating system'' to load all it's drivers and codecs (wasting system resources),

once again this is another element of monopolisation. After the anti trust trials we now have windows XP with everything and it's brother embedded into the operating system, just look now you have cd writing software aswell embedded into the operating system, surely Microsoft are now taking the mick out yourselves because they can. Did they listen at all?

I now have no faith at all with the law, it seems you have far to much power against the person with nothing yet allow corruption in high places, next job maybe you will tell the RIAA to go and jump with their ridiculous demands and also sort out the mindfield of intellectual property which at the moment is pointless and also do nothing except cost people more money see Microsoft patenting years old ideas for their own gain and charging ridiculous licenseing fees, I think not, the corporations make you scared don't they, far to much power and money to pay for fancy word weasels.

regards John

MTC–00020573

From: fz@parvati.elstead.
argogroup.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:40am
Subject: MS antitrust

Dear Sir/Madam

I am dissapointed in the proposed settlement. It does not go far enough in preventing Microsoft restrict the freedom of its users.

Yours

Stephen Foster

MTC–00020574

From: pegnbob@gwi.net@inetgw
To: Microsoft ATR
Date: 1/24/02 7:38am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against

Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Robert Garrett
27 High St
Guilford, ME 04443–0205

MTC–00020575

From: Steve Faure
To: Microsoft ATR
Date: 1/24/02 7:17am
Subject: Microsoft Settlement

I am a US citizen opposed to the proposed anti-trust settlement with Microsoft Corporation.

Their actions have damaged opportunities in the computer industry.

-Steve Faure
Austin, TX

MTC–00020576

From: econnor@cfl.rr.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:38am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Pamela Lawler
1010 John Anderson Drive
Ormond Beach, FL 32176

MTC–00020577

From: joelang@pineland.net@inetgw
To: Microsoft ATR
Date: 1/24/02 7:37am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Joe Langley
9 Beaver Dan Rd
Kite, GA 31049

MTC–00020578

From: tsgrady@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:38am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Thomas Grady
69 Gallup Hill Road
Ledyard, CT 06339

MTC–00020579

From: Michelle A. Hoyle
To: Microsoft ATR
Date: 1/24/02 7:40am
Subject: Microsoft Settlement

The proposed settlement is a slap in the face of the supposed ideal of the fairness of justice. Turning around and giving Microsoft the legal blessing to force themselves into a market where they're not currently dominating is not a punishment; it's a reward. Hurt them financially and hurt them hard, by making them: —pay real money, not useless software which doesn't cost them anything to give away. —divorce their operating systems division from the rest of their software enterprises.

If this were a telephone company, they'd have been long gone by now.

Yours truly,
Michelle A. Hoyle

Michelle A. Hoyle, VP Web Technologies, Canada

10714 106 Ave, Edmonton, Alberta, Canada T5H 0R1

N. America: 1–888–429–2363 √ UK: 020 7529 1465

International: +1 780 429 2363

MTC–00020580

From: Lee Sherrell
To: Microsoft ATR
Date: 1/24/02 7:43am
Subject: AOL Bullshit ! Typical

The only reason that I am writing this letter is due to the fact that I can not stand AOL! I have used AOL before and found it to be nothing but a money-grubbing over rated search engine. There are many search engines out there that are a much better service and they are free! If the DoJ wants to go after a company that clearly looks after one thing and it is not the consumer, it's themselves! They overcharge for a service that is not as good as they like to project. The last time that I used AOL I downloaded their program onto my computer and used it for a while. I did not like the way it worked and quit the service, at least I thought I did. For months

after I left the program they tried to charge me for services I never used and never would have used. I tried to get their program out of my computer and it took 8 months and several trips deep into my hard drive to find all of the little cookies and things embedded. I had to go to a computer specialist to finally get all of it removed from my HD. I have heard this same story from many of my friends and customers of my business.

I believe in the free enterprise system. I own my own company. I have always believed that a company has to EARN the profits that it goes after not have it given to them from the government. Honest, fair trade, consumer confidence, are words of the free enterprise system that generate a successful business. AOL does not do that. They are losing their customer confidence, honest business practices is not in their game plan and fair trade is a concept that never passes through the front doors at AOL. Any time a company trys to do a little competition with AOL they either buy them out or try to destroy them or as with the Microsoft affair, they hit the courts first with all of the legal crap to blind everyone to just what they are really up to. I think that the good ol paid off government officials need to really do the job they were elected into by the tax payers and start looking the other direction. Look right at AOL and the other companies like AOL. Leave Microsoft alone and let them get back to doing what they do- develop software!

I am one of a quite large group that remember what happened back when cable TV came over the horizon and tried to make it where there was not going to be any more free TV. Congress finally said that the tax payers had years invested in the system and they had a right to free TV. So free TV stayed around. We believe the same thing. The consumers (taxpayers) have invested years and many dollars in the phone lines, cable lines, telephone poles, those fancy little things floating around up there in space that help TV and Telephone and cell phones around the world. We are working for the need of free internet service, congress will need a little help to realize this as they needed help on the TV issue.

AOL makes very nice profits. They need to have a little good old fashioned competition. Learn how to cut back in the proper areas to make profit work in their favor. Not go out and use the government and the fools in the government to remove their competition so that they can have a government induced monopoly. As a Tax Payer and consumer and small business owner, I am very sick and tired of these Billion dollar companies crying and whining about losing money because another company is just competing against them. These Billion dollar companies get the government to take away their compeditors, so they can make more profits. They get millions from the government in subsidies to help them make more profits.

They get the government to force the consumer into a corner so the consumer is forced to buy their products at very inflated prices.

All I am trying to get across to you in the DoJ is look the other way. Start looking at AOL and the others that forced the suit against Microsoft.

Thanks

A concerned and frustrated tax payerGet more from the Web. FREE MSN Explorer download :

http://explorer.msn.com

MTC–00020581

From: herbmiller@usa.net@inetgw
To: Microsoft ATR
Date: 1/24/02 7:40am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. Maybe you haven't noticed, but AOL (representing Netscape)has brought suit against Microsoft. This is the way it should have been in the 1st place instead of using tax payer dollars to settle this alleged grievance.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Herb Miller
175 Belleview Road
Taft, TN 38488

MTC–00020582

From: dcdc25@pacbell.net@inetgw
To: Microsoft ATR
Date: 1/24/02 7:41am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Dan Cochrane
774 B Street
Yuba City, CA 95991–4926

MTC–00020583

From: Aaron Petry
To: Microsoft ATR
Date: 1/24/02 7:43am
Subject: Microsoft Settlement

The proposed ''remedy'' will do nothing to improve the situation. If the DOJ prosecuted accused terrorists like the are prosecuting Microsoft, they'd create a solid and unassailable case proving that the accused are guilty, then recommend that they be let go, as long as they promise to only blow up half as many buildings. MS is a monopoly. Treat it like one and protect the citizens of the United States from their illegal and anti-competitive practices. Or, to phrase it differently, do your job instead of being a Microsoft patsy.

MTC–00020584

From: richard sumner
To: Microsoft ATR
Date: 1/24/02 7:43am
Subject: microsoft settlement

MTC–00020584—0001

It is time you, our government start letting our society operate as it was intended by the signers of the Constitution.

You now need to stop finding ways to penalize and tax buiness like microsoft because they were making money.

The justice department has stepped over theline by trying to make laws that the only reason is to add money to the coffers.

To honestly be able to do that, it needs to be able to show us the population where every dollar taxed went.It could very easily reduce itself by two percent a year for the next ten years and, still give the same services given now. What is being said is that the government is way out of whack and, it is the corrupt entity here.

01/29/2002 9:48 1

MTC–00020585

From: JOrth85291@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:38am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
John Orth
8812 Chartwell Cir
Wichita, KS 67205

MTC–00020586

From: inre@home.com@inetgw

To: Microsoft ATR
Date: 1/24/02 7:41am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Bill Bull
210 Cedar Road
Vista, CA 92083–5119

MTC–00020587

From: Maynard, Garth
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 7:44am
Subject: Microsoft Settlement

To Whom It May Concern,

I am not a big fan of the findings of fact in the Microsoft case. However, the proposed settlement does not address the issues that brought the case to trial, and it does not address the findings of fact. I do not know if Microsoft is truly a monopoly, but I do know that the proposed settlement has the effect of negating the courts previous findings. In essence, if the settlement is allowed to go forward, it will not change the situation any more than if the higher courts had reversed the lower courts ruling. To address the ruling that Microsoft used its monopoly status to unfairly harm competition, it should be forced into two actions. First, Microsoft must make their OS source code available to everyone, without restrictions, at the same time it makes the source code available to the application programmers within its own company. Second, it must agree to bundle anyone's software in the same virtual location that they bundle their own, for any software developer who requests it. In other words, if MS wants to bundle their IE browser on the desktop with the release of their new OS product, then anyone who wishes, such as Netscape for example, must be given the opportunity to include their browser on the desktop as well. This way, any competing product will have the same chance as the MS product. If MS fails to comply, it must either pay damages to the company that was left out of the release or pay the reasonable expenses for advertising that would allow the competing product to gain an equivalent advantage to being bundled with the OS.

The issue at hand only deals with products that are not a part of the core OS. As such, MS would not be harmed by making the non-competing portions of their OS available to the public. By allowing all developers the same access to the operating system, and equal access to the consumer on the desktop, Microsoft will be stymied in any further attempts to use its position as a monopoly to discourage competition.

Garth Maynard
2745 Trotters Walk Trail
Snellville, GA 30078

MTC–00020588

From: microchip@decaturnet.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:46am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you. Sincerely,
Carlton Worthman
6805N 750E
Ossian, IN 46777–9210

MTC–00020589

From: drenex@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:43am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Rex & Renee Lancaster
260 Clymer Road Hiawatha, IA 52233

MTC–00020590

From: cynterb@iopener.net@inetgw
To: Microsoft ATR
Date: 1/24/02 7:45am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
John T. Bozarth
1014 Center Street
Lockhart, TX 78644

MTC–00020591

From: drenex@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:43am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Sincerely,
Rex & Renee Lancaster
260 Clymer Road
Hiawatha, IA 52233

MTC–00020592

From: pmitch10@tds.net@inetgw
To: Microsoft ATR
Date: 1/24/02 7:43am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Pamela Mitchell
PO Box 267
Salisbury, NH 03268–0267

MTC–00020593

From: bill—goeltz@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:44am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
William Goeltz
10102 E. Paseo San Bernardo
Tucson, AZ 85747

MTC–00020594

From: Maanum, Dale A
To: Microsoft ATR
Date: 1/24/02 7:53am
Subject: Microsoft settlement

To whom it may concern,

This settlement is a bad idea. It certainly looks as though Microsoft is buying their way out of this one.

Providing PC's and software in lieu of some other means of settlement is just perpetuating their monopoly.

Dale Maanum
3205 38 Av S
Minneapolis MN 55406–2144

MTC–00020595

From: Rick Robino
To: Microsoft ATR,rrobino@wavedivision.com@inetgw
Date: 1/24/02 7:51am
Subject: Microsoft Settlement

To whom it may concern:

I am writing this letter to you from a Windows computer, as a computer professional. My qualifications provide me with an insight that might not be common among the general public, yet I believe they are pertinent to the case settlement pending for Microsoft.

In the interest of brevity, I will state my comment briefly: Microsoft has broken the spirit of many of our laws with it's implicit and consciously strategized monopolistic practices, and where there is no law yet in areas of emerging technology they have taken advantage of their abscence, to the detriment of users, businesses, and government. Microsoft has managed to escape all responsibility for the weak Security it has created.

Microsoft apparently believes it is above the law and too influential to be prosecuted. A settlement that involves the U.S. government in aiding Microsoft to expand and continue these practices by eliminating the competition which has hereforeto kept their products from leading in the Education market would be an absolute shame. Microsoft has hurt the advance and prosperity of every other business in the computer industry, simultaneously forcing the choices of nearly every computer user in the U.S. towards their own products. Our country depends on innovation and competition, and our citizends depend on government to ensure a truly free marketplace for the benefit of all. Our country has the technological upper-hand for the moment, among all of the other countries in the world. However, all of those countries realize that their future, whether or not they will be prosperous, is staked on technological superiority. Stagnated competition in one country will give an edge to other countries wherein competition still provides the impetus to improve the quality, availability, and price of technology products.

I urge you to consider these factors and punish Microsoft for abrogating competition, especially through the very proceedings brought about to deal with their behavior. Please act in a way that encourages a varied landscape of technology, especially computing, by at least requiring that interfaces (not the actual source-code) to the Windows operating systems be made available to all, where both the content and price are the same for all parties—Microsoft included. A break-up of the company where the operating system only is developed by a single company, and other products are developed in other Microsoft companies with no more access to the API's than any other competitor would promote this idea. Please, in no case create a settlement which aids and abets the decline of competition, security, privacy, and diversity in the U.S. technology market. Rewarding Microsoft by giving them a strong foothold in the Education sector, at the expense of Apple, Sun and others, is clearly not the correct course.

I hope that your organization remains without corruption and remembers that the U.S. government is by, with and for the —people— of this country. We are counting on your agency as our representatives to be firm and truly fair, for this is a critical moment in regard to our collective future.

Sincerely,
Richard T. Robino
Proprietor
Wave Division Consulting

MTC–00020596

From: asmith6559@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:50am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Eugene Smith
59 Middleline Road
Ballston Spa, NY 12020–3405

MTC–00020597

From: Adrian.Juergens@shell.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:47am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Adrian Juergens
10523 Huff
Houston, TX 77031–1816

MTC–00020598

From: raganzel@circuitchem.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:51am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Richard Ganzel
12952 Red Fox Rd
Rogers, MN 55374

MTC–00020599

From: wt.catch1
To: Microsoft ATR
Date: 1/24/02 7:48am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
TN 37601

MTC–00020600

From: cjones@dixie-net.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:47am
Subject: Microsoft Settlement

I am very much opposed to the proposed settlement. The specifics have been well stated in an open letter by Dan Kegel at www.kegel.com/remedy; I will not repeat them here. Thanks for the opportunity to comment,

CR Jones
20 CR 661
Walnut Ms 38683

MTC–00020601

From: Carl Mannino
To: Microsoft ATR
Date: 1/24/02 7:54am
Subject: Microsoft Settlement

I believe Microsoft has hindered more than helped the technology world. Companies like Apple, etc have had to play second fiddle, protect the future of technology and US consumers, do the right thing.

Carl Mannino
cmannino@mac.com
CC:tunney@codeweavers.com@inetgw

MTC–00020602

From: chf1949@cox.net@inetgw
To: Microsoft ATR
Date: 1/24/02 7:50am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Clark Fuller
4926 York St.
Metairie, LA 70001–1036

MTC–00020603

From: David Personette
To: Microsoft ATR
Date: 1/24/02 7:51am
Subject: Microsoft Settlement

I believe that the settlement allows Microsoft far to much latitude in defining the terms of their settlement (IE what a ''bundled'' application is). It further provides no firm means of enforcing the vague rules imposed on Microsoft.

David Personettee-mail:dperson@techie.com

MTC–00020604

From: ajulian@adelphia.net@inetgw
To: Microsoft ATR
Date: 1/24/02 7:51am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Lillian Julian
1184 Satellite Circle
Upper St. Clair, PA 15241–3619

MTC–00020605

From: Thomas Allger
To: Microsoft ATR
Date: 1/24/02 7:53am
Subject: Microsoft Settlement

Dear Sir/Madam, I feel that the Microsoft settlement is unfair to the taxpayers and the corporations of the U.S. To allow a monopolist such as Microsoft to have complete control over its own marketplace is simply wrong.

A free market economy does not exist merely to allow everyone to do as they please. A free market economy requires the rule of law to allow freedom of entrance and exit to markets. It requires transparency of information, something which the current settlement does not require of Microsoft.

As a practical matter, the government's fumbling has allowed Microsoft to establish a monopoly over a segment of the economy that is crucial not only to the economy as a whole, but to national security. If they were at least competant at writing software, we wouldn't have the current level of insecurity with respect to computer security. Not only has the government allowed its antitrust laws to be violated, it has even allowed them to be violated by a company whose software is dangerous. And then to allow this company to lie in a federal court and construct a settlement with no teeth after the company has been convicted leads one to suspect there is collusion between Microsoft and the government. And it is your fault.

The settlement should at the very least break Microsoft up so that it can no longer threaten the software industry. Its officers should held in contempt charges before U.S. courts for lying to a federal court. The Justice dept has become a laughing stock among those of us familiar with technology and not in thrall to Microsoft, and that again is your fault.

You ought to be ashamed of yourselves, the rest of the technology industry certainly is.

MTC–00020606

From: Gordon Doc
To: Microsoft ATR
Date: 1/24/02 7:53am
Subject: mirosoft settlement

It would be a positive settlement for everyone to get this behind the DOJ. While there is certainly some truth in allegations against MS, it is akin to the tobacco settlement and prosecution which, while altruistic in public scope, was really not much more than a way for states and lawyers and the Gov. to get extra money to balance their budgets.

Please understand that most people think that it has gone far enough and that there are probably more relevant things with which to concern yourself at the DOJ.

Sincerely,
JC Gordon

MTC–00020607

From: Lionelblum@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:50am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division

601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Lionel Blum
22311 Armes Road
Saucier, MS 39574

MTC–00020608

From: debelynn@gte.net@inetgw
To: Microsoft ATR
Date: 1/24/02 7:52am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Deborah Roisen-Case
101 Grant Street
Silverton , OR 97381

MTC–00020609

From: nana0106@cox.net@inetgw
To: Microsoft ATR
Date: 1/24/02 7:52am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Nancy Fuller
4926 York St.
Metairie, LA 70001–1036

MTC–00020610

From: Loretta.Gibson@usa.xerox.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:52am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Loretta Gibson
1004 Vera Ct
Irving, TX 75060

MTC–00020611

From: mlryan@praeses.net@inetgw
To: Microsoft ATR
Date: 1/24/02 7:53am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Linda Ryan
435 Irving Bluff Rd.
Shreveport, LA 71107

MTC–00020612

From: Steve Sielaff
To: Microsoft ATR
Date: 1/24/02 7:55am
Subject: Microsoft Settlement

I have worked in the technology field for years. I have seen Microsoft crush the choices out of the industry. They have such a strong share of the market that the prices have gone through the roof for operating systems and programs. Now Microsoft is intentionally losing millions to start taking over the home entertainment industry through the X-box which costs $100 more to produce then they are selling it for. I have seen the majority of dangerous and costly viruses attacking the worlds computers because the Microsoft programs are not secure, until it hurts market share.

I have seen Microsoft try to squash any movement of the people that may move the country into a position of having choices. For example I have read articles on how they sent internal memos out to destroy java as a programming language.

I have also witnessed Microsoft's tactics of not conforming to standards if they are the owners of a product that is predominating in the market so they can further crush competition. For example internet explorer does not conform to all the html standards and Microsoft continually tried to institute new and Microsoft only coding standards for web sites. At the same time they have publicly criticized America Online for not creating and following strict standards making sure they can take over the instant message programs by including it in the operating system.

Microsoft is a giant that destroys competition. If they can do it with a good product, well that is free enterprise. But it is my personal feeling that they destroy competition through all means, legal and otherwise. I feel that the economy will suffer long term if Microsoft is not broken up. Also I think that flooding out schools with Microsoft computers only ensures that they will have much more future sells and is no good deal for the American people.

Steven Sielaff

MTC–00020613

From: Edward G. Robinson
To: Microsoft ATR
Date: 1/24/02 7:54am
Subject: Microsoft Settlement
Publice Comment:

To Whom It May Concern at the Justice Department:

As a citizen 70 years old arriving in cyberspace about 8 years after retiring, I suggest the settlement with Microsoft be as stringent upon them as much as the law will allow. If the evidence supports the charges as made, the maximum penalty should be issued and enforced. As a relatively new comer to the use of computers, I became aware of their absolute monopoly very early in simply trying to decide whether or not my first computer should be an Apple or a ''IBM PC'' type. I did a little research for the available software and found the variety, cost and quantity of programs available to me for purchase to be in a non scientifically estimated ratio of about 8 to one in favor of

Microsoft products. In my opinion this could not have happened if Microsoft had not intentionally cut corners in the applicable law concerning buying and selling by making illegal arrangement with certain software manufacturers. They cornered the market on software and once done with that, proceded to tighten and enlarge the scope of their control by tying up manufacturerers to the extent that as a novice and new purchaser, any machine I bought came fully equiped with factory installed Microsoft programs which if given a choice (probably denied by agreements and conditions of sale between Microsoft and the leading hardware mfgs) I might have , could have , etc. decided on a competitive product . Case in point ''Netscape Navigator'' browser rather than ''Internet Explorer''. I bought and paid for Netscape Navigator because I was sore at being forced to except not only Internet Explorer for openers, but other MS programs throughout the then present time and following years-that list of pre loaded MS programs grew to include such programs as ''works, Money, and later AOL connections, etc. all of which became ''monster'' widely used programs particularly by new users which were increasing at exponential rates every year. Further, these programs could not be deleted and they consummed most of the available hard drive space. As far as I was and am concerned, this literally was a fraud committed on the public by a company committed to commanding the market by any means possible. I say, if you have the facts which according to facts made public-they should fined or ''punished'' to the applicable limits of the law in the most practical way possible on behalf of the millions of consumers so thoroughly screwed by these people. The money fines should be turned over to the Treasury and EARMARKED (not spent for anything else such as Congressional pork barrel projects-and huge gifts made to, let me suggest the Salvation Army and the United Appeal and the Federal disaster relief fund /FEMA organization.

I hope someone actually reads these comments and seriously takes them into consideration.

Sincerely,
Edward G. Robinson
2406 Oakwood Way
Smyrna, GA 30080

MTC–00020614

From: Warren Beck
To: Microsoft ATR
Date: 1/24/02 8:05am
Subject: Microsoft Settlement

Re: the Tunney Act

In my opinion, the proposed Microsoft settlement is not acceptable. Microsoft has and continues to act in a predatory manner that damages competition in nearly all areas of high-technology/computing. It continues to work towards a comprehensive stranglehold over all areas of software, including desktop productivity (word processing, spreadsheets, presentations, databases, email and scheduling) and operating systems. Small software companies that are truly innovative (for instance, Netscape in its initial form) are either squelched or acquired. Further, the software that Microsoft sells in its currently monopoly-like state is bug-ridden and full of security problems that compromise the work of the consumer in a broad range of professions that depend on Microsoft's software (being that there is essentially only one supplier). Microsoft has no incentive due to competition to fix the bugs in its software, and it uses the promise of fixing bugs as an incentive to the consumer to purchase upgrades. In short, without valid and vigorous competition in all areas of software development/sales, Microsoft will eventually harm the economy through its malevolence and incompetence.

Accordingly, the proposed settlement must be rejected.

Thank you,
Warren Beck

Disclaimer: the opinion stated in this email is a personal one; no representation of the opinion of my employer, Michigan State University, is intended.

Professor Warren F. Beck
Department of Chemistry
Michigan State University
3 Chemistry Building
East Lansing, Michigan 48824 USA
517–355–9715 x213
517–353–1793 (fax)
beck@cem.msu.edu
http://www.cem.msu.edu/beck

MTC–00020615

From: mbrid@ffb.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:56am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
MARIE RIDDER
508 WOODCREST AVENUE
LITITA, PA 17543

MTC–00020616

From: the—martins2@juno.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:56am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Carl Martin
1401 NW 79th Street
Kansas City, MO 64118

MTC–00020617

From: george.hasenbein@
motorola.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:54am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
GEORGE Hasenbein
4460 Suwanee Dam Road
Suwanee, GA 30024–1984

MTC–00020618

From: bhutson@swbell.net@inetgw
To: Microsoft ATR
Date: 1/24/02 7:55am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Bill Hutson
406 Lincoln
Deer Park, TX 77536–6250

MTC–00020619

From: bstefan@intelos.net@inetgw
To: Microsoft ATR
Date: 1/24/02 7:56am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Donna Stefan
Rt.2; Box 21A
Bristol, WV 26332

MTC–00020620

From: Paul A. Kittle
To: Microsoft ATR
Date: 1/24/02 7:57am
Subject: Microsoft Settlement

012402 @ 8:00 AM EST—

Comments—

I believe the US Government has expended large suns of money in a wasteful manner chasing Microsoft in what is obviously a competitor induced legal travesty—not even considering the new AOL suit (just jumping on the bandwagon). Everyone concerned should be interested in accepting the pending settlement, telling the other states AGs to ''do something worthwhile and forget Microsoft'' and allow the DoJ to concentrate on things that really matter, like anthrax, terrorist, airline and infrastructure safety. I really doubt that anything Microsoft might do could compare to the 9/11 attacks, so please put your emphasis where it will do some good for citizens, not Oracle, Sun Microsystems, and AOL.

Thank you.

Regards,
Paul A. Kittle
foamman@aquafoam.com
http://www.aquafoam.com
Phone—610–804–0100
Fax—909–257–8266

MTC–00020621

From: hcrossfieldjr@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:55am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Henry Crossfield, Jr.
1158 5th Avenue
New York, NY 10029–6917

MTC–00020622

From: mdixon9679@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:57am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Marcus Dixon
3 Ridgewood Road
Glen Rock, PA 17327–9794

MTC–00020623

From: jaccort@mercury.uwe.ac.uk@inetgw
To: Microsoft ATR
Date: 1/24/02 7:59am
Subject: Microsoft Settlement

Dear Department of Justice,

I realise as a UK resident, my opinions probably mean nothing to you, however, I would appreciate it if you would hear me out. How the ''final solution'' to Microsoft's monopoly position is played out will have a crucial effect on the future of computing. No matter what Microsoft may claim, they have never ''innovated'' anything—almost every single product of theirs can trace roots back to a former rival. Unless drastic action is taken, Microsoft will be in a position to continue this behaviour—and in the future it will be with the DOJ's implied blessing. There are fewer competitors to Microsoft now than there were 15, 10 or even 5 years ago. If things carry on in this vein, it is conceivable (though I pray to God unlikely), that *every* vaguely computer-oriented device on the planet—every mobile (cellular) telephone, every PDA, every PC, every server, every games console, every cable decoder, every Internet-enabled fridge, even the computer built into your car—will rely on Microsoft software within 10 years.

Please consider this when you finally agree the nature of the solution.

MTC–00020624

From: Iain Farthing
To: Microsoft ATR
Date: 1/24/02 8:03am
Subject: Microsoft Settlement

As an ex-employee of Microsoft, I'm still staggered at how you have let the company off the hook.

The incredibly predatory and arrogant way that Microsoft goes about trying to kill off any competition surely has to be stopped. I was at the company when the ''Kill Novell'', ''Kill NetScape'', ''Kill Oracle'', ad infinitum, emails were flying around. No matter what your role was within the company, you were tasked to focus on how you could hurt the competition. Not a nice environment to be working within, especially as working in The Channel, I had a number of close friends working for those companies. Is it not to the benefit of the customer that there are at least 2 companies/vendors/manufacturers working in any given area? This breeds competition, and ensures that the product/s is/are constantly reviewed and improved upon. It also gives the customer choice. Is that not the fundamental basis of democracy?

It is sad to see, from this side of the pond, that you, the government of the leading capitalist country in the world, cannot take to task one of your own that has clearly operated in such an illegal manner for 25 years. I look forward to some good finally coming from these proceedings, that have frankly taken far too long already.

Please do not publish my name attached to these comments. I still have friends that work at Microsoft, and they would be mortified if they knew what myself and fellow ex-employees really thought of the company that they serve.

With kind regards
Iain Farthing
General Manager, Europe
NetTasking (Europe) Ltd
Suite 602
1 Exchange Tower
Harbour Exchange Square
London
E14 9GE
Mobile +44 (0)7764 608010
Office +44 (0)207 863 2300
Fax +44 (0)207 863 2301
Web www.nettasking.com

MTC–00020625

From: bart dirkson
To: Microsoft ATR
Date: 1/24/02 8:00am

Subject: Microsoft Settlement
I don't agree!

MTC–00020626

From: ripradcliffe@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:58am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Sincerely,
Richard Radcliffe
2032 Middleton Dr
Wheaton, IL 60187

MTC–00020627

From: Shane Massey
To: Microsoft ATR
Date: 1/24/02 7:59am
Subject: Settlement Agreement

Microsoft's competitors couldn't keep up with Mr. Bill Gates in terms of customer satisfaction so they decided they would try and use the police force of government to achieve their goals. And apparently they are making progress. The government has yet to prove that Microsoft harmed any consumer. Microsoft does not force people to purchase their products. People enter into a transaction volitionally. That, my friends is called Capitalism. This entire case has been a fraud.

Shane Massey
President
Lexicon Technologies, Inc.
www.lexicontech.com
Tel. (770) 602–1858
Fax. (770) 602–1833

MTC–00020628

From: MTNMEM@COMP2GO.NET@inetgw
To: Microsoft ATR
Date: 1/24/02 8:00am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
DAVID KEATING
385 CHANCEY DRIVE
HIAWASSEE, GA 30546

MTC–00020629

From: jason.pranger@zondervan.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:01am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jason Pranger
5680 Irving Rd
Hastings, MI 49058

MTC–00020630

From: jsands@gofast.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:00am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jerry Sands
12224 Larch Circle NW
Coon Rapids, MN 55448

MTC–00020631

From: Blano (a) IO.com
To: Microsoft ATR
Date: 1/24/02 8:19am
Subject: Microsoft Settlement

I do not support the Microsoft Settlement for the following reasons:

*Punishment does not fit the carnage they wrought over the last eight years

*Lack of a remedy for ongoing unsecure code development

*Continued effort to promote only closed systems without integration across multiple platforms —

Blano

''What we do not understand, we do not possess..'' Goethe

MTC–00020632

From: ken.hearld@ifrsys.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:58am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Kenneth Hearld
1807 Everett St
Wichita, KS 67213–2805

MTC–00020633

From: slclschiess@gbis.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:59am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
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most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
STEVE SCHIESS
10655 SILVER KNOLLS BLVD.
RENO, NV 89506

MTC–00020634

From: MARYGRELL@
OPTONLINE.NET@inetgw
To: Microsoft ATR
Date: 1/24/02 8:01am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
MARY GRELL
24 EAGLE LANE
FARMINGDALE, NY 11735–5908

MTC–00020635

From: agduz@ifriendly.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:01am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Geraldine Duzenack
3307 179th Ave NE
Redmond, WA 98052–5813

MTC–00020636

From: Peter
To: Microsoft ATR
Date: 1/24/02 8:03am
Subject: Microsoft Settlement

This settlement is bad for the people.

MTC–00020637

From: twright@talktotucker.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:03am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Tom Wright
3759 Barrington Drive
Carmel, IN 46033

MTC–00020638

From: djohnston@anderson
chemical.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:02am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
David Johnston
1854 Maynards Mill Rd
Forsyth, GA 31029

MTC–00020639

From: neifergolt@digitalexp.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:01am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Sincerely,
Anne Ryan
143 South McGarigle Road
DeFuniak Springs, FL 32435

MTC–00020640

From: wilcoxj@western.k12.mi.us@inetgw
To: Microsoft ATR
Date: 1/24/02 8:03am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jan Wilcox
605 S. Durand
Jackson, MI 49203

MTC–00020641

From: pfk
To: Microsoft ATR
Date: 1/24/02 8:08am
Subject: Microsoft settlememnt.

Stop the witch-hunt! Its time to get off Microsoft. This company has done more good for the country through their own talent and effort then most. If you want some real fish to fry, go after Enron and the sleaze that got rich at the poor mans expense. PFKnopp Greensburg, PA.

MTC–00020642

From: damrob@frontiernet.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:02am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Paul Damrau
9640 Summit st. rd.
43 Main St.
Leroy, NY 14482–8971

MTC–00020643

From: dcutler
To: Microsoft ATR
Date: 1/24/02 8:04am
Subject: microsoft settlement

I am against the proposed Microsoft antitrust settlement. The settlement does little to address and correct Microsoft's anticompetitive monopolistic practices. The settlement should require Microsoft to make redress for damages done and should guarantee future software interoperability. Also, that product tying (e.g., Internet Explorer and Windows) does not continue in the future.

Dedra Cutler
602 Cottage St
Vienna, VA 22180

MTC–00020644

From: t.babich@att.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:02am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Thomas Babich
39–46 Wenonah Drive
Fair Lawn, NJ 07410–5421

MTC–00020645

From: dans@inin.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:02am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Dan Skinner
847 Winter Court
Carmel , IN 46032

MTC–00020646

From: Ken Spencer
To: Microsoft ATR
Date: 1/24/02 8:05am
Subject: Microsoft Settlement

Dear Sirs,

I have been appalled at the way the government has handled the Microsoft case for 4 years now. The case was trumped up against Microsoft and played out with resources that I as a tax payer pay for when those resources could have been used to stop 9/11 or many other things.

I am a business person in the computer industry. I have ran a small company for over 10 years and worked with companies such as IBM, Oracle, Sun, Microsoft, and more. Who has the most underhanded tactics that are hurting the competition? In my book, its Sun and Oracle. I refuse to work with them because of the low down tactics and business practices.

On another note, if it were not for Microsoft, we would be paying many times more for operating systems and software today. In fact, there would not be PCs in most peoples homes because they could not afford the software. Don't take my word for it, just do the research on software prices from the days before Microsoft entered the field and became successful with Windows and Office.

It saddens me in this time and economy to see resources wasted on this case. Especially when the people pushing it are doing it for monetary gains for their companies (Oracle / Sun) or for political gain for themselves (Sen Hatch).

Settle this case and lets get back to business before you destroy the economy.

Ken.

32X Tech Corporation—Bringing Technology into Focus
visit us at http://www.32x.com <http://www.32x.com/>

MTC–00020647

From: deb@infonline.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:06am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Don Burnette
505 North Buhl Farm Drive
Hermitage, PA 16148

MTC–00020648

From: Rumpbunny@msn.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:05am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
LaVada Davis
6870 Deatrick Rd SE
Elizabeth, IN 47117–9150

MTC–00020649

From: MKBar@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:04am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Morrie Kleinbart
75 East End Avenue
Apt 2D
New York, NY 10028

MTC–00020650

From: MKBar@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:04am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Morrie Kleinbart
75 East End Avenue
Apt 2D
New York, NY 10028

MTC–00020651

From: David Beck
To: Microsoft ATR
Date: 1/24/02 8:08am
Subject: When is this is done

I think that Microsoft as a company is getting robbed by their competors and the states that remain in this fake lawsuite should pack it up and go home. The settlement is fair to me, a consumer and I hope that the benefits that Microsoft provides me will not be hindered in the future. David Beck

MTC–00020652

From: Preston, Anthony F (N-AS(038)T)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 8:08am
Subject: Microsoft Settlement

Sirs,

It is my opinion that the DOJ settlement with Microsoft is a politically motivated and will not prevent any of the problems caused by Microsoft from happening again and again. It is having the Fox watch the Hen house. Please reject the settlement as insufficient punishment of Microsoft.

Thank you,
Anthony Preston
Tony Preston
SR. Principal Engineer/Scientist
Atlantic Sciences and Technology Corp.
Lockheed Martin NE&SS
Threat System, Modeling & Simulation Analysis
Building 13000 A205–L
phone: 856–638–7023

MTC–00020653

From: allenrtaylor@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:08am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Allen Taylor
5448 West Mission
fresno, CA 93722

MTC–00020654

From: Pete Toscano
To: Microsoft ATR
Date: 1/24/02 8:11am
Subject: Microsoft Settlement

Hello,

I am writing to voice my opposition to the Proposed Final Judgment for the Microsoft antitrust case. I feel that the PFJ does little to encourage competition, in some parts, even further hurts competition, lacks any true enforcement mechanisms, and does not in any way punish Microsoft for its already established anti-competitive practices. If true competition in the computer industry is to ever return, a new punishment and enforcement plan must be determined.

Sincerely,
Pete Toscano
Fairfax, VA

MTC–00020655

From: Tim Utschig
To: Microsoft ATR
Date: 1/24/02 8:10am
Subject: Microsoft Settlement

Hello, my name is Tim Utschig. I am a student studying Computer Information Systems from Campbell, California. I would like to submit to you my comments on the revised proposed Final Judgment in the antitrust case against Microsoft Corporation.

It is my opinion that section III.J can be used by Microsoft to be exempt from III.D and III.E. Microsoft would claim security concerns in any circumstance and avoid releasing documentation necessary to develop an interoperable product. Also III.D and III.E do not go far enough to open up documentation for Microsoft's secret APIs and Protocols. Without documentation of all APIs and all protocols, Microsoft's illegal monopoly will remain entrenched, continue to gain power and eliminate all possible competition.

Without free, open, public standards for communication protocols Microsoft will continue to put their secret protocols in place of those that are public until there are only two choices; Use Microsoft software, or cease to communicate.

Microsoft did exactly that with their MSN internet service, and with 500,000 subscribers of the ISP Qwest last November. The Qwest subscribers were given two options. Start using Microsoft Outlook for E–Mail, or find a new ISP. This is due to the introduction of Microsoft's secret ''Secure Password Authentication'' into MSN's and Qwest's E–Mail servers. Use of which is mandatory if you want to read your E–Mail. Only Microsoft E–Mail clients know how to use this secret authentication mechanism. The Final Judgment should be revised to ensure that this, and any future such mechanism will have free, public documentation.

It should be made clear that security does not come from keeping the algorithm a secret. Security comes from a secure design, and making that design public does not compromise its security. Security through obscurity is not security at all. Making the design free and public encourages competition, and that is why Microsoft avoids it.

I hope, for the sake of the economy, that some good comes out of this antitrust case. Many competing companies employ significantly more people than a single company with a monopoly.

Sincerely,
Tim Utschig

MTC–00020656

From: rtidd@twcny.rr.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:07am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Rod Rod
6409 Fantail Lane
Cicero, NY 13039

MTC–00020657

From: Teri Kincheloe
To: Microsoft ATR
Date: 1/24/02 8:10am
Subject: Microsoft Settlement
To whom it may concern:
I am writing to tell you that I, as a taxpayer in good standing in this wonderful country, am tired of the government and most especially the supposedly Justice Department, going after Microsoft and Bill Gates.
If it weren't for men like Mr. Gates, we wouldn't have the user friendly format known as Windows and the amount of revenue he has generated for this country. Yes, he made money for himself, but I thought that was the American way. He also gives away more money than just about anyone in this country also.
This entire lawsuit is about sour grapes and I wish you people would find better things to do than chase after a legitimate entrepreneur. If Mac can't make it against Microsoft, oh well! That's the breaks of doing business.
Please find another horse to flog....this one is deader than the proverbial doornail.
Sincerely,
Teresa Kincheloe
Teresa Kincheloe
12121 SE 44th St
Choctaw, Ok 73020

MTC–00020658

From: james—hodnett@netzero.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:07am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
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Sincerely,
James Hodnett
3821 Watt Ave.
Waco, TX 76710–5348

MTC–00020659

From: marine@stic.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:07am
Subject: Microsoft Settlement
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601 D Street NW, Suite 1200
Washington, DC 20530–0001
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Sincerely,
Dennis Sherman
5335 Vista Glen
San Antonio, TX 78247–4601

MTC–00020660

From: gregory.salamon@neg.pge.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:09am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
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Sincerely,
Gregory Salamon
87 Sheraton Avenue
Somerset, MA 02725–1129

MTC–00020661

From: petuniapatch@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:08am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
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Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Teri McNeal
1619 E. Grauwyler Rd., #102
Irving, TX 75061

MTC–00020662

From: davidnading@axs4u.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:07am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
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Please put a stop to this travesty of justice now. Thank you.
Sincerely,
David Nading
118 Quail Run
Seguin, TX 78155–0836

MTC–00020663

From: johnd@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/24/02 8:12am
Subject: Microsoft Settlement
[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]
MTC–00020663—0001
Ladies and Gentlemen of the US Department of Justice, This is a long one, but please stick it out to the end. As an IT professional I come into contact with both Microsoft and other vendors'' software every day.
I have both a Windows 2000 and a Red Hat Linux desktop computer on my desk. I use third-party software for both.
In the past year, I have kept an eye out for security alerts for both sets of software, and, obviously, spotted trends relating to both. I have seen the various issues relating to the trial in the news on a variety of sources, from cnn.com to slashdot.org, encountered pretty much the entire spectrum of feelings about the case, from pro-MS to alt.bin.billgates.die.die.die—there's a lot of strong opinions out there.

In my job I have to liaise with several companies who produce hardware and software. Some work with MS, some against them, most, both with them and against them.

Never, in any dealings with any vendor, have I encountered one so awkward, monomaniacal, unhelpful, unrepentent and secretive as Microsoft. They produce, in my experienced, half-baked products, rich in features stolen from other places, and generally tie their software into their operating systems to create a mesh of lock-in. They have leveraged their overwhelming desktop monopoly to subvert web standards, forcing intermediate devices to conform lest their owners receive a wealth of complaints about broken service. Let me give you an example. Many users complained that, using our dial-in service, a particular website was broken. This spread until a whole range of websites seemed to be broken—if, and only if, a user dialled in through our service. Some investigation turned up that all of these websites ran new versions of IIS. A little investigation, into only a small set of the users, revealled that all of the users who answered were using IE 5, new at the time.

Our dial-in service uses proxy servers, and the ones quoted as 'working'' didn't. So clearly it was our proxy servers and we approached the proxy vendor about this. Investigation by them yielded the following result. IIS served, in some circumstances, broken (ie, against the HTTP standard) responses to some requests that involved an object having been moved. IE5 expected this broken behaviour. The proxy server, in the middle, noticed this broken behaviour and corrected it. IE5 then didn't understand the answer. So users complained to us that *our* service (standards compliant) was broken. The users don't know the difference and, due to 00020663—0002 extensive marketing from Microsoft, are disinclined to believe that IE is at fault, and certainly would never believe that Microsoft conspired—or just happened to—break IIS standards compliance and then stick with that broken behaviour in IE.

The resolution was an ugly hack in the proxy—if IE was talking to IIS, allow standards to be broken—which, while on the surface seemingly harmless is perhaps a distinct case of the ''rot'' setting in. Now, Netscape users going to these sites would have, at the time, found the site broken. They would complain to the site admin, or, more likely, their ISP. But using our dialup service, they would find the site worked, because the proxy gave Netscape behaviour it expected. But Microsoft could simply point out that most normal sites worked in both browsers, and some sites didn't work in Netscape, therefore use IE.

This is the sort of insidious tactic that is a constant in MS products. Never before have we seen this sort of power, wielded in this sort of way. Other companies have held monopolies for sure, and held customers and governments to ransom. But the computer market is a more dangerous battleground because such a great deal of normal everyday functions are coming to depend on them. And while this battle is painful enough for those opposing the giant now, in 5 or 10 years it will be *much, much* worse.

So those who have had demonstrated to them the duplicitious, greedy and disagreeable nature of MS in the trials to date—I note that the first finding of fact stated both a monopoly and the use of the monopoly to exclude Netscape's product, and the fact that MS were caught lying in court (their demonstrations were later shown to be rigged, as I recall) - should now take what is probably the last opportunity that will arise to prevent MS becoming even more arrogant and even more domineering. While I would not begrudge a company the right to either success or to protect its interests, when you are dealing with the new mode of communication for people around the world, this is not territory to divvy up. When there's other ways, when there's alternatives, *that's* something worth fighting over. But when the position has been reached that most users are unable to avoid Microsoft, that they have entangled themselves in the industry to such a degree that, like an alien parasite they cannot be removed with killing the patient, a company like that must start to demonstrate a sense of responsibility.

It is as though MS had almost made themselves 'the government of the desktop computer'. They can control what you can put on it, unless you ''emigrate''—hard work and likely to cut you off from your friends, with whom you can no longer share documents. With the upcoming Windows XP they can coerce you to their will through their updates system—simply by 00020663—0003 bundling a necessary security update with some other change *they* wish to make and you don't.

Yet they do not accept this responsibility. Imagine if the US military gave up its responsibilities and started acting like Microsoft. They would go round to people's homes, wave guns and them, and suggest that the people might want to make a 'contribution'' in order for them to take risks to guard that citizen's home. Else a stray round might go that way, know what I mean, guv'nor? They would decide it wasn't profitable to protect Florida, all that way, stuck out on a limb, needs lots of men to guard basically beaches and swamps.., barely worth it. And the people of Florida? Small minority, not worth the business.

It has been said that politics is about pettiness but leadership is about greatness. Sadly, you must not only endure but *win* the pettiness in order to gain leadership—where you somehow have to put aside years of pettiness and wheel out the greatness you have been storing up. But likewise, capitalism encourages bitter fighting amongst companies, lowering prices, bundled packages, promises of security and interoperability in the case of computers. However, it runs on the premise that there will not be one monopoly and a bunch of little players, springing up only to be roundly killed off by the giant. There is no significant competition—therefore no market forces.

So, Microsoft has exited the period of pettiness and competition and now entered the realm of leadership, but not shown any signs of having thrown away that pettiness in favour of greatness.

That is why the DoJ has to step in. If they will not act like leaders, then the only power that stands above them must *make* them behave responsibly. And if that is not permitted, then only one option remains. The monster exists, and exerts its influence. By lobbying, contributing, all the things that help make politicians decide they aren't an issue, MS sees to it that it cannot be killed. So it must be tamed, and other companies must be given the chance to re-introduce the market forces that keep everything in balance.

MS does not have the great products they claim. Their products are at best mediocre. The number of security alerts alone denies greatness. But they did have smart marketing, and introduced lock-in early on, and did subvert standards to their own ways, and did hide the open interoperability information from other companies, and did specifically block out competitors'' products. Ask IBM about that. So, break them up. Their OS division, without the ability to interoperate so secretly with their software division, would find it more profitable to open up their API's so that other third-party software worked better. 00020663.0004

Many people buy an OS because it runs a particular application—it now benefits MS–OS to work with all applications. Similarly MS–SW, it's profits are maximised by working better with all operating systems, not just Windows.

Break the giant—into pieces which each have competitors which can influence them. Break them into a number of pieces, perhaps OS, browser, Office, Hardware, Other.

Don't accept this ridiculous solution they offer—let's see, in penance for monopolistic behaviour we're going to give Windows to one of the few segments of society that cannot afford (yet) to buy it—poor kids. How stupid do they think we, and you, are? Fining them is no good—fining companies is rarely any good. No-one has the guts to levvy a 10 or 20 billion dollar fine, enough to force a break-up and major changes. While this case is nominally about browsers, what exists is the one chance the government will get to stop what has happened. History will look back at this and wonder how it came to pass that most people were held in sway by one company, forced to accept the sub-standard products that result from the company still frantically working to deadlines, putting nice, GUI widgets before basic operation, making sure they shut out every possible competitor.

Microsoft has said that it takes security most seriously now. And of course, this isn't just another marketing ploy. Honest. No really. So, naturally they will put their core code up for peer review, as pretty much everyone who is serious about security does... I don't think it's worth us holding our breath until that moment. Well, let them fix the problems with their products. After all—that means better products. But if they are broken up, their products will have to compete on a level playing field (for the first time for many of their products) and then we'll see how much work they have to put in on security, stability, etc.

You know what you have to do. All that remains is for you to summon up the courage to do it, in the face of what will be bitter and underhanded resistance from Microsoft. This isn't about the law. The law is just the means.

This is about creating a suitable environment for the computing industry to advance. Everyone, including Microsoft in whatever form(s) they take, will benefit from that. 00020663—0005

No-one benefits from the continued existence of a monopoly whose self-preservation is best served by lock-in, secrecy about problems, and success marketing. The DoD runs military operations on computers. The Treasury calculates the budget on computers. The State Department maintains records on Americans on computers—social security, etc. The DoJ maintains criminal records on computers.

How will it be in 10 years time, when MS is more or less free to do anything, and still does not have the greatness to do the hard work to make good, value-for-money products that are secure. How will it be when serious compromises of every government department are weekly news— because no secure OS's are easily interoperable. Will we use firewalls? How about Cisco firewalls, which are secure 'because only 12 people have seen the source code'. Cisco is another large company, with growing market share, but that's not the problem today. Their day will come, in both senses.

No, this case provides opportunity to do what would otherwise be impossible—MS would make enough legal noise that no-one could break them up without having caught them at something major, and I doubt they'll be stupid enough to get caught like this again. They've learned—learned to hide things better.

Now is the time. You know what to do. John

John Denholm Cachemaster

Team Leader, Content Distribution and Storage,

Core Systems, Energis Squared Tel: +44 113 207 6357

00020663—0006

MTC–00020664

From: Kewchick
To: Microsoft ATR
Date: 1/24/02 8:11am
Subject: Microsoft Settlement

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you. Robert and Renee Joyce 522 S Cortez Rd Apache Jct AZ 85219

MTC–00020665

From: dans@inin.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:08am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Dan Skinner
847 Winter Court
Carmel , IN 46032

MTC–00020666

From: David S. Isenberg
To: Microsoft ATR
Date: 1/24/02 8:09am
Subject: Microsoft Settlement

To whom it may concern:

I object to the Microsoft Settlement.

I want to see a settlement with teeth, not one that is part of the Microsoft-standard business plan.

David S. Isenberg, Ph.D.
David S. Isenberg isen@isen.com
isen.com, inc. 888-isen-com (inside US)
http://isen.com/ 908–654–0772 (from abroad) —The brains behind The Stupid Network—

MTC–00020667

From: Bobby Hays
To: Microsoft ATR
Date: 1/24/02 8:12am
Subject: Microsoft Settlement

I am writing to voice my concern over the proposed Microsoft settlement. There are so many things wrong with it that I won't be able to list them all here. The worst part is that it does absolutely nothing to stem the growing abusive monopoly that is Microsoft. Computing has become one of the most important aspects of our Nation. It affects everything we see and do. Lack of competition, and having a single product forced down our throats, flies in the face of what America stands for. Was not America founded so that people can live their life free from the monopolistic powers of the church and monarchy? Where will we turn when we are all forced to worship at Microsoft's feet. And will our government be nothing more than Bill Gates'' lackeys? Please hear our voice and make Microsoft responsible for their power.

Thank you,
Bobby Hays
Covington, GA

MTC–00020668

From: dudleytl@hosemaster.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:10am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Tom Dudley
25560 Bryden Rd
Beachwood, OH 44122–4165

MTC–00020669

From: Norman Smith
To: Microsoft ATR
Date: 1/24/02 8:14am
Subject: Microsoft Settlement

Lets please leave Microsoft alone. They have paid dearly (as have us in the economy) for the highly selfish, greediness of a few politicians and lawyers.

Norman Smith
3601 Woodlark Drive
Roswell, GA 30075
770–998–1054

MTC–00020670

From: libsew@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:11am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Connie Orr
756 Samantha Dr.
Palm Harbor, FL 34683–6200

MTC–00020671

From: bburgdorff@samedan.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:11am

Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.
This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Barbara Burgdorff
5107 Rivertree Lane
Spring, TX 77379–6029

MTC–00020672

From: pete@bedford.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:10am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Pete Weaver
301 East Penn Street
Bedford, PA 15522

MTC–00020673

From: Willem
To: Microsoft ATR
Date: 1/24/02 8:14am
Subject: Microsoft Settlement
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.
This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Willem Dykstra

MTC–00020674

From: tggatti@home.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:10am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
tony gatti
14904 landmark
louisville, KY 40245–6525

MTC–00020675

From: tggatti@home.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:11am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
shelley owens
14904 landmark
louisville, KY 40245–6525

MTC–00020676

From: donceil@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:13am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Don Trammell
2186 Horseleg Cr. Rd., SW
Rome, GA 30165–8524

MTC–00020677

From: John Slater
To: Microsoft ATR
Date: 1/24/02 8:15am
Subject: Microsoft Settlement
The proposed settlement is a Joke.
John Slater

MTC–00020678

From: RHO3957870@AOL.COM@inetgw
To: Microsoft ATR
Date: 1/24/02 8:13am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
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Please put a stop to this travesty of justice now. Thank you.
Sincerely,
RICHARD HOWELL
PO BOX 232
DALLAS CITY, IL 62330

MTC–00020679

From: papaw75@juno.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:13am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Orbin Sexson
105 Patterson Dr.
Auburndale, FL 33823–2323

MTC–00020680

From: Tim Scoff
To: Microsoft ATR
Date: 1/24/02 8:15am
Subject: Microsoft Settlement

Good morning,

My feeling about any settlement or judgement against Microsoft in the anti-trust case is a simple one. They have been found guilty of abusing their monopoly to drive other companies out of business. They have appealed and the appeals court found that they were indeed guilty of abusing their monopoly to drive companies out of business.

Microsoft needs to face a penalty which will put a stop to this behavior. It would be nice if somehow all of the small businesses which have been driven out of business as a result of their tactics could be brought back and their employees and owners compensated. However that is probably impossible. Instead Microsoft needs to face a penalty which will keep them from doing this in the future. Anything which doesn't result in them behaving in an ethical manner is a waste of every penny spent prosecuting them over the last few years.

I don't have any suggestions as to what an appropriate penalty should be. However if talking about the penalty does not result in Microsoft turning on it's propaganda machine, sending large quantities of fake ''grass-roots'' letters such as this one, buying advertising, etc.... in opposition against the penalty then it isn't harsh enough.

Tim Scoff
tim@scoff.net
(724) 342–3173
Cell—(724) 866–7862
556 Tamplin Street
Sharon, Pa. 16146

MTC–00020681

From: rcmyers@cmuonline.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:12am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Richard Myers
821 Fairlane Dr.
Chillicothe, MO 64601

MTC–00020682

From: David Withington
To: Microsoft ATR
Date: 1/24/02 8:14am
Subject: Microsoft Settlement

Dear D.O.J.:

Concerning the Microsoft Settlement I firmly believe Microsoft should be lauded with praise for a company that has brought vast innovation to the marketplace and consumers. Through Microsoft's efforts we now have more affordable options in computing that we did not have before Microsoft. These efforts have made the consumer and businesses more productive and increased our standard of living.

Microsoft has excelled at what they do and should not be punished for it by government antitrust laws. The good should not be punished for being good. Microsoft plays tough and that is that and there is nothing inherently wrong with that fact regardless of what envious competitors want.

Sincerely,
David Withington
69 Grand Avenue
Ridgefield Park, NJ 07660

MTC–00020683

From: James Bouklas
To: Microsoft ATR
Date: 1/24/02 8:18am
Subject: Microsoft Settlement

I'd like to say that I am against a Microsoft Settlement.

MTC–00020684

From: oldfashionmama@ivillage.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:14am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
TAMI LEWIS
P.O.BOX 714
ESTERO, FL 33928

MTC–00020685

From: danmhp@fmctc.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:14am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Daniel North
809 Quince Rd.
Harlan, IA 51537

MTC–00020686

From: aandcotte@msn.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:14am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Andy Otte

7031 S. 38th #86
Lincoln, NE 68516

MTC–00020687

From: Bob Tancredi
To: Microsoft ATR
Date: 1/24/02 8:16am
Subject: Microsoft Settlement

Department of Justice United States of America

Hello,

Please stop your actions against Microsoft. Today in America, even the dead can sue. The fact that AOL can sue Microsoft on behalf of Netscape long after AOL bought Netscape, promotes open season suing in the courts by anybody, against anybody for any reason.

A prudent court, and governing body, should end this legal licentiousness instead of promoting it. As for some moral stand presumed necessary against Microsoft's dominance of operating systems, the concept of ''restoring competition in the marketplace,'' is dead wrong in principle, and an excuse for also rans to avenge themselves against winners.

A prudent court should not promote the use of government force, fines, threats of imprisonment, or enforced dismemberment of companies based on an arguable and contradictory set of rules. This is America, Land of the Free, Home of the Brave.

To pursue a remedy against Microsoft promotes the ascension of naked, brute power over argument, force over reason, barbarity over rule of law. Unclear, arguable law is by nature an oxymoron. Law is principle. Principles are simply stated and immediately grasped by reasonable men. Sherman Antitrust does not qualify.

Microsoft, headed by Bill Gates, helped to spark the boom of the last quarter century in this country. What thanks we give to his achievements by destroying the very tool that created wealth for our and future generations.

Put a stop to this US sanctioned encouragement of legalized destruction, please.

Sincerely,
Bob Tancredi
Portland, Maine

MTC–00020688

From: David Vincent
To: Microsoft ATR
Date: 1/24/02 2:18pm
Subject: Microsoft Settlement

Hi,

I'm from Switzerland, but you my be interested in our comments...

- 1st, we do not like Micro$oft and their policy, those gays have NEVER invented anything, they just rub other company and pay in the court, but still make 90% of profit.

- 2nd, when they say that they invented something, it's because they bot the company who invented, if I have money, I can do the same

- 3rd, we think here in Europe, if MS get a monopole, which they have, this will be a very bad thing for any computer business, and in the futur for any business

- 4st, we don't know any MS products without bugs, security, etc... So if MS still keep those monopole, nothing in the computer world can be protected against Hacker

- 5th, MS have never done anything for the Internet, just made it very difficult for the developer around the world, they want to impose the way to do, you can see many complain about this

- 6th, we think that all this is only a question of money, almost of the US Government is corrupt, if MS is here to day it's because they pay for it, only this, so if you want to give to anyone the same chance, STOP MicroSoft and their monopole, then we can think that the write Justice have been made

- 7th, you can see the last month that MS laugh about you and the justice, they made a new Game Machine (XBox), bot more that 10 company, try to get larger monopole by buying SGI licence (Microsoft Trying to Kill OpenGL, Microsoft has aquired key 3D patents from SGI), etc... etc...

- 8th, there is not one day without you can read that MS is going to court for seeking damages... ''an attempt to get justice.'' from those company, you should think about this... (only bad people go's to court every day), so what you waiting for ???

- 9th, if you do not stop MS today, the future of the world will be very bad, MS will have more power as any government in this world

- 10th, etc... etc... we can talk about this day's

- 11th, please fix Micro$oft

Best regards
David
PS: sorry for my bad English
—
Just do it different
http://www.dvdesign.com/

MTC–00020689

From: barbara@idapm.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:14am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Barbara Matz
24 Cherry Tree Ln.
Kinnelon, NJ 07405

MTC–00020690

From: wculp@cnetics.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:15am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Harold Culp
1665 Maple Ridge Drive
Loganville, GA 30052–3802

MTC–00020691

From: robby@solutionreaources.org@inetgw
To: Microsoft ATR
Date: 1/24/02 8:16am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Sincerely,
James Robertson
5415 Britwell Ct
Tampa, FL 33624–4176

MTC–00020692

From: Cowlishaw, James
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 8:18am
Subject: Microsoft Settlement

Dear Sir / Madam,

It is important to the health of the software industry in general and competition in particular that you require and enforce the cessation of boot loader / licensing issues which are currently imposed (threatened or otherwise) by Microsoft.

Diversity is the best way to foster improvement and innovation. Please take

necessary steps to return diversity to the desktop operating system market.

Thank you,
James Cowlishaw
170 Walkley Lane
Sheffield S6 2PA
South Yorkshire
UK

MTC–00020693

From: jdenton151@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:16am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jennifer Denton
217 North Congress St
Mendenhall, , MS 39114

MTC–00020694

From: WGlihg@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:15am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Carol Walenga
704 Valley Brook
Mt Juliet, TN 37122

MTC–00020695

From: psharpe@flmech.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:17am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Patricia Sharpe
7615 Hovering Mist Way
Jacksonville, FL 32277

MTC–00020696

From: bdemsky@qcinet.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:16am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Lynn Demsky
1976 Catlin Drive
Rochester, MI 48306–4596

MTC–00020697

From: mlmiles424@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:16am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Sincerely,
Margie Miles
9993 Hwy 165
Pollock, LA 71467

MTC–00020698

From: Carlos S. Del Castillo
To: Microsoft ATR
Date: 1/24/02 8:20am
Subject: Microsoft Settlement

Dear Department of Justice,

I am writing to you to express my total disapproval at the way that this case is being handled by your department.

I am a Manager of Information Technology, for a small firm and was wrongfully believing that now that my government has stepped into this fray, my rights as a consumer and an American would be protected. Apparently we must change our name to United States of Microsoft. I cannot understand how your organization can go from insisting that the Microsoft organization is broken up to a settlement that reminds me of swiss cheese.

Everything I have read so far, shows me how this administration has basically told your department to go easy on Microsoft. How can I come to this conclusion? Pretty simple, prior to our new President taking office, your office was seeking the breakup of the company and would not settle for anything so ''slap on the wrist'' as what your seeking now. Making Microsoft a legal monopoly would only enhance their ability to squash competition. Have you forgotten that they have been reprimanded before and like a small child they returned to their previous practices within months. Your job is to protect us, the American citizen. I understand that you also must consider the right of the corporation, but this should never be at the expense of the consumer.

If your looking for examples of how Microsoft believes the technology world should function, just look at their recent activities with regards to Linux. First they begin by releasing to the public outright lies and scaring programmers into believing that using Linux or free software will allow everyone to use their software free of charge. When that didn't give them the results they were looking for, they then made it illegal for a programmer to use any Microsoft product to create free software. Now they are attempting in making it illegal for a programmer to release software free of charge (see the recent changes to UCITA). Microsoft has not been known to advance technology but actually to hold technology back. If their is a product that is better than what they currently offer, their general response is either to purchase the company or give away their version until the competitor goes belly up.

I do not feel that the remedies proposed in your settlement go far enough to protect the

American consumer. You should return to the pre-Bush proposals, break the company up into different entities so that the people of America are given the choice to decide whether they want Microsoft or not. I fear that if we continue in this direction, we will end up not only isolated from the rest of the World, but a country that technologically speaking belongs to a corporation.

Sincerely

Carlos S. Del Castillo

MTC–00020700

From: Arona Ann Pearlstein
To: Microsoft ATR
Date: 1/24/02 8:21am
Subject: Microsoft Settlement

Hello.

My name is Arona Ann Pearlstein and I am a computer programmer.

This e-mail regards the Proposed Final Judgment in the Microsoft Anti-Trust lawsuit. As per the Tunney Act comment process, I am providing comments about this settlement.

The proposed settlement is, simply put, a bad idea. In reviewing the propoed settlement, two issues stand out the most:

1) According to the settlement, Microsoft cannot retaliate against vendors (OEMs, ISVs and IHVs) who support or develop alternatives to Windows. But, the settlement does not provide any assistance to these vendors. Providing assistance to these vendors would encourage healthy competition in the Intel-compatible operating system market.

Even worse, the vendors are restricted to writing software whose sole purpose is to interoperate with the Windows operating system. They are thus effectively prevented from writing operating systems that can interoperate with Windows programs.

2) The proposed final judgment does not provide any means for enforcement. While there are suggestions for a technical committee and such, no enforcement plan of action has been developed.

The proposed final judgment must have some legitmate plan for enforcement; it is not enough to leave the job up the legal system. If no enforcement plan is provided, the judgment's affect upon Microsoft will be negligible at best, a proverbial slap on the wrist.

Although I currently live overseas in Geneva, Switzerland, this issue is extremely important to all American citizens, as well as to anybody (regardless of his or her nationality) involved in the computer industry. Switzerland's neighbors in the European Economic Union (EEU) are currently discussing similar legal action against Microsoft. They are no doubt examining the proposed final judgment carefully.

Thank you for your time.

Sincerely,

Arona Ann Pearlstein

MTC–00020701

From: Ryan Layton
To: Microsoft ATR
Date: 1/24/02 8:19am
Subject: Microsoft Settlement

Dear Sirs,

The proposed Microsoft settlement is much way too lenient for a case of this magnitude. Microsoft was found guilty and the punishment must fit the crime. You need to go ahead with the original proposal to break Microsoft up so that it will no longer be able to leverage its monopoly for pure greed and profit.

Microsoft is still brazenly indulging in these anticompetitive practices even though it has been embarassed and exposed—capitalism can only go so far. Make the computer field a more level playing field for others in the market. Windows isn't the best operating system out there, yet it is the most popular. Microsoft reached this market dominance through unethical and unfair business practices. This must stop.

As a citizen of the United States of America, I request you to do all you can to ensure Microsoft is punished in a manner that will make them think twice about indulging in monopolistic and greed-motivated practices in the future. Force them to sell a version of Windows without a web browser, split up the company, and so forth. Don't let them walk away from this, or they will just get WORSE.

Thank you,

Ryan Layton
5430 Truckee Court
Las Vegas, NV 89122

MTC–00020702

From: dochutson@webworkz.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:21am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,

Thomas Hutson
48 Waldorf Pl.
Brasstown, NC 28902

MTC–00020703

From: fredcathey@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:21am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

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Sincerely,

Fred Cathey
5024 Mt. Carmel Rd
Hampstead, MD 21074–2926

MTC–00020704

From: Wilson Jones
To: Microsoft ATR
Date: 1/24/02 8:20am
Subject: Microsoft Settlement

I don't agree! They're the worst predator since T-Rex!

MTC–00020705

From: pat.bruss@stratus.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:17am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Sincerely,

Patrick Bruss
19364 Woodcrest
Harper Woods, MI 48225–2059

MTC–00020706

From: Dave Solon
To: Microsoft ATR
Date: 1/24/02 8:20am
Subject: Public Comment on MS Settlement

Let my comments state that I think the current settlement in the Microsoft case is an absolute farce. The current settlement simply helps Microsoft get more of a footing into another market that they want to ''rule'' : education. Proposing that MS give equipment and software to schools is like rolling out a red carpet and letting them walk right in with absolutely no competition. This settlement only perpetuates their abhorrent behavior of squashing the ''little guy'' with unlawful business practices. If this settlement goes

through, it only shows that our government is more concerned with the welfare of big business and that they don't really care about the consumer.

If MS really wants to help education, let MS give them the cash and let educators decide what type of computer and operating system they want to purchase to help their schools and students. Don't limit their creativity by imposing even more MS products on them.

Thank you for the opportunity to comment.

Sincerely,

David Solon—Consumer, Educator, American.

465 Mallard Drive

Manheim, PA 17545

MTC–00020707

From: Andrew McNair
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 8:23am
Subject: Microsoft Settlement

I think the Microsoft settlement is a good idea.

Andrew McNair

TechServices

Web Development Group

(260)490–8324

http://www.techservices.net <http://www.techservices.net/>

Recently completed...

http://www.recognizeit.com <http://www.recognizeit.com/>

MTC–00020708

From: Jeff (038) Sharon Wikstrom
To: Microsoft ATR
Date: 1/24/02 8:22am
Subject: Microsoft Settlement

It is high time to stop the wheels of the Microsoft Settlement. Let free enterprise take place. These guys were just Hippies in the 70's, computer nerds who became successful. Let it be. Leave them alone.

Jeff Wikstrom

MTC–00020709

From: jkbob10@prodigy.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:22am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Sincerely,

Judy Patterson

681 Oakcrest Dr.

Wadsworth, OH 44281–8605

MTC–00020710

From: Crgjil@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:26am
Subject: Stop it!

Isn't enough enough with Microsoft! Why, when someone has an idea and perpetuates it to success, can the losers of this world get away with fighting to undo it!

MTC–00020711

From: Bingham, Bruce
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 8:17am
Subject: Microsoft Settlement

This settlement does nothing to curb the abusive power that microsoft holds over the marketplace.

Bruce Bingham

MTC–00020712

From: dlhromas@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:21am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

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Sincerely,

David Hromas

5210 Aylesworth Ave

Lincoln, NE 68504–3164

MTC–00020713

From: twoknuds@metc.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:23am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

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Sincerely,

Maurice Knudsen

4428 Main Street

Elk Horn, IA 51531–2000

MTC–00020714

From: Rick Berg
To: Microsoft ATR
Date: 1/23/02 10:12pm
Subject: Microsoft Settlement

I am writing you to encourage that you re-evaluate the proposed Microsoft settlement terms.

I am not really anti-Microsoft. I work with their products every day and feel that many of their products offer a good value, are smartly designed, and frequently do more than I ask of them. It would be easy for me to say that if it weren't for Microsoft, my job would be much harder.

An operating system to a computer is like paper is to a book. Without paper, it would be difficult to publish a book. The paper really has little to do with the content of the book or, what the book is used for but it is a necessary and integeral part of the book. Paper manufacturers are free to make paper however they wish. Some use cotton, others use rags, most use wood. But they all need to make the paper so that it can be handled by the machines that make the book and they need to concern themselves with how the paper works with the ink, the presses, and the shears that cut the paper.

Their recipe for how they make the paper may be a secret but, they meet the specifications demanded by the industry that uses their product and they publish the specifications of their paper. This is where my analogy fails and where Microsoft has failed the industry. Their failure has stifeled creativity and given them unfair advantages over other companies. They have played the game but held the choicest cards back for themselves. This has helped them gain market share against competitive products (Like Netscape Navigator, Lotus SmartSuite and countless others). Their dominance in the market has allowed them to bully not only their competitors but their business partners as well. A computer manufacturer would have a hard time selling a computer without being able to offer Microsoft Windows and everyone knows it. Microsoft's reach is long, they supply the tools to developers and administrators as well.

Recently, Microsoft filed suit against a small start up company that is using the name ''Lindows.'' For some reason, Microsoft feels that name is too close to their trademark ''Windows.'' Their claim is that the term is confusingly similar. I am not a lawyer, I may be wrong, but I see a clear difference and can not see how someone would confuse the two names. What I see is a company that has clearly not learned it's lesson. They are still playing the bully and will use their considerable clout and fortune to hurt a company that they see as a threat in a manner that I find morally and ethically repugnant. How can we not expect them to interpet the settlement in a similar fashion? I already

expect that they will find loophole after loophole and will exploit each and every one of them. I do not expect that they will fully publish every hook that their other applications use to the operating system nor do I expect that they will provide the necessary support documentation available that would make this information beneficial to developers (and in some cases, the public). They will continue to build their monopoly and abuse the public's trust.

Microsoft has all but destroyed one of the most innovative companys to come along in a long time. They did this by giving away their browser which was the product Netscape made popular. This shows the depth that they will sink to to destroy anyone who tries to garner a piece of their market. Any settlement that the DOJ reaches with Microsoft must without a doubt require proof from Microsoft that they are in total compliance with the agreement and that they will permit external auditors to verify this. Any agreement with Microsoft must contain provisions that will severly restrict their business practices should they be found in non-compliance. Any agreememnt with Microsft should require Microsft to internally seperate it's operating systems development from other development teams. This is the only way that Microsoft can truly prove that they will comply with the agreement.

MTC–00020715

From: Roland Steorts
To: ''microsoft.atr@usdoj.gov''
Date: 1/24/02 8:32am
Subject: Microsoft Settlement

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Roland S Steorts
216 Hampton Way
Penfield, NY 14526
(585)586–0138

MTC–00020716

From: Jim Skinner
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 8:26am
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea. . . . please do the right thing.

Jim Skinner
Port Charlotte, FL

MTC–00020717

From: bwfalcon@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:26am
Subject: Microsoft Settlement

Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Brian Witwicki
3179 Teal Bay Court
Aurora, IL 60504

MTC–00020718

From: jkbob10@prodigy.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:23am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001

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Sincerely,
Bob Patterson
681 Oakcrest Dr.
Wadsworth, OH 44281–8605

MTC–00020719

From: Erika Chang
To: Microsoft ATR
Date: 1/24/02 8:32am
Subject: Microsoft Settlement

Dear Sir or Madam,

Re: the settlement between the US Department of Justice and Microsoft

I believe the settlement is woefully inadequate and will continue to allow Microsoft to penalize consumers like me who are dissatisfied with Microsoft products, but are forced by the Microsoft monopoly to use them nonetheless.

The Microsoft monopoly also encourages most businesses to discriminate against me if I choose not to use Microsoft products. For example, many web sites will not be accessible if I am not using Microsoft Windows operating system and Microsoft Internet Explorer web browser.

Additionally, I'm forced to purchase Microsoft products against my will, as in when I purchase a new computer I am not allowed to purchase one that comes with alternative operating systems or even without any operating system at all (so I can install my own choice of operating system).

While Microsoft may argue that the close integration of its various technologies and its insistence on being pre-installed on new computers benefits the consumers in ''ease of use'', fact is I have no say in what is considered easy to use and I lose control of my computer to Microsoft.

I cannot easily chose a competitive products that suit me better to use instead of Microsoft's products, because Microsoft's tight integration of its products prevents me from removing some of Microsoft's products without damaging the Microsoft operating system. I also have to pay for product that I don't want to use and I am not free to choose competitive products.

I believe Microsoft is extremely anti-competitive and deserving of severe restriction on its operations. It should not be allow to continue with tight integration of its products without opening the source up to competitors so that they too could implement better integration with the dominant Microsoft operating system. No Microsoft products should be allowed unfair advantages over their competitors by virtue of being part of the company that owns the dominant operating system.

If the Department of Justice fails to curtail Microsoft's anti-competitive, anti-consumer practice, then it has failed the capitalist system and our democracy. Please do not let Microsoft get away with its anti-competitive and anti-consumer practices.

Thank you for your attention to this matter.

Sincerely,
Erika W.L. Chang
New York & London

MTC–00020720

From: Jeremy Lunn
To: Microsoft ATR
Date: 1/24/02 8:27am
Subject: Microsoft Settlement

I am not sure if the Tunney Act applies to non-US citizens so if it does I apologise for wasting your time. This issue concerns me because Microsoft holds a global monopolly which is just as bad here in Australia as other parts of world. No monopolly could be worse than Microsoft.

Using APIs, File Formats and Networking Protocols Microsoft is effectively locking any potential competitors out of the Market. The only real solution that I can see to stop this is to break the company up into different parts. If I had my way then they would be broken up into three parts. Operating Systems, Applications and Internet Services (MSN, Hotmail etc).

Consumers need a choice in which operating system and applications they can

use. They shouldn't be locked into using particular software because it's the only way they can communicate with others. My main concern with the proposed Settlement is that it explicitly denies access to individuals, not-for-profit organisations and government organisations for API, Documentation and Communications Protocols. This information should be available to the public at no charge. Preferably on the web.

The following examples have been quoted from: http://www.pbs.org/cringely/pulpit/pulpit20011206.html 'Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''. . . (c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, . . .''__''Section III(D) takes this disturbing trend even further. It deals with disclosure of information regarding the APIs for incorporating non-Microsoft ''middleware.'' In this section, Microsoft discloses to Independent Software Vendors (ISVs), Independent Hardware Vendors (IHVs), Internet Access Providers (IAPs), Internet Content Providers (ICPs), and Original Equipment Manufacturers (OEMs) the information needed to inter-operate with Windows at this level. Yet, when we look in the footnotes at the legal definitions for these outfits, we find the definitions specify commercial concerns only.'

This conditions mentioned would limit the ability of open source projects such as WINE and Samba to take off. Open source is the best way to give users choice.

Thank you for your time,
Jeremy Lunn
447 Station St
Box Hill VIC 3128
Australia
Jeremy Lunn
Melbourne, Australia
http://www.jabber.org/—the next generation of Instant Messaging.

MTC–00020721

From: MichelleParker@msn.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:23am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Michelle Parker
1447 Old Pecos Trail
Santa Fe, NM 87505

MTC–00020723

From: Glen Bicking
To: Microsoft ATR
Date: 1/24/02 8:30am
Subject: Microsoft Settlement
To Whom It May Concern,

I would like to express my opinion regarding the antitrust suit against Microsoft Corp. I fully support Microsoft. There plenty of option for consumers to choose from and the choice they usually make is Microsoft. They do this because Microsoft makes the best products. They have created countless jobs and opportunity for millions of people and I shudder to think what might have been if the government had clipped the wings of Microsoft in it's early stages. Please leave Microsoft alone and let them continue to be a leader in their industry.

Thank you.
Glen Bicking
Network Administrator
Green Bay Packaging Inc.
gbicking@gbp.com
Voice: 920.433.5329
Fax: 920.438.5329

MTC–00020725

From: lorna_atwood@
standardandpoors.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:25am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Lorna Atwood
8207 So. High Court
Littleton, CO 80122–3222

MTC–00020726

From: sdburgardt@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:33am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Susan Burgardt
878 Scenic Court
Shoreview, MN 55126–9120

MTC–00020727

From: bountiekmd@cs.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:31am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Katherine Donlon
2382 SE Bounty Ave
Port St. Lucie, FL 34952–6508

MTC–00020728

From: jcox102@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:26am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

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Sincerely,
Jeff Cox
6 Oakmont Lane
Littleton, CO 80127–3527

MTC–00020729

From: USABrSHU@AOL.COM@inetgw
To: Microsoft ATR
Date: 1/24/02 8:31am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
William Hill
722C Jamestown Dr
Winter Park, FL 32792

MTC–00020730

From: hrsmnsrltr@msn.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:23am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Michael Paul
2073 S. Perry Park Rd.
Sedalia, CO 80135–8545

MTC–00020731

From: greg7383@ev1.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:23am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
SHERWOOD GREGORY
5507 ASPEN
HOUSTON, TX 77081–6603

MTC–00020732

From: eve.kantner@usoncology.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:26am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Eve Kantner
12209 Freemont Lane
Raleigh, NC 27613

MTC–00020733

From: R. Michael Litchfield
To: Microsoft ATR
Date: 1/24/02 8:32am
Subject: Microsoft Settlement

The PFJ Contains Misleading and Overly Narrow Definitions and Provisions The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

MTC–00020734

From: plange@snet.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:30am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Peter Lange
59 Chase Road
Thompson, CT 06277

MTC–00020735

From: Pete
To: microsoft.atr(a)usdoj.gov
Date: 1/24/02 8:17am
Subject: Microsoft Settlement

Sir

The proposed settlement with Microsoft will perpetuate a vicious monopoly that has already cost IT consumers billions of dollars in lost productivity from poorly coded software and severely restricted their choices of tools in the workplace.

Microsoft's behavior in court, its willingness to evade, deceive, bully and cajole is identical to its behavior in the marketplace. The settlement currently proposed by the Department of Justice will send a message to Microsoft and its peers that this kind of behavior is not only acceptable, but profitable. If this settlement goes through, the damage done will be incalculable. I strongly urge you to send a vibrant message to the entire computer industry by holding Microsoft strictly accountable for its illegal, anticompetitive actions: scrap this settlement and pursue the course that the dissenting states have adopted. Anything less is woefully inadequate.

respectfully,

Pete Grubbs
Senior Editor
OS/2 e-Zine!
www.os2ezine.com
petegrubbs@yahoo.com

MTC–00020736

From: kridley@if.rmci.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:31am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Kay Ridley
P.O. Box 268
Macks Inn, ID 83433–0268

MTC–00020737

From: Jennifer.Carter@tx.usda.gov@inetgw
To: Microsoft ATR
Date: 1/24/02 8:31am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jennifer Carter
1518 S. 43rd St.
Temple, TX 76054

MTC–00020738

From: torchiaco@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:30am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Frank J Torchia
Oakmount Dr
Las Vegas, NV 89109

MTC–00020739

From: wgube@mpinet.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:33am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

I couldn't agree with you more about the Microsoft situation. This outfit, with slick Willy Gates at the head, has done more to stifle competition and try to take over the world of PC software. They have bribed and threatened computer manufacturers with varying degrees of non-support should someone want to purchase a system without the Microsoft OS. All you need to do is go to a computer store or a manufacturer and try to buy a home system with OS/2 or Linux or Unix or whatever operating system you want. You just can't get it and it isn't because Microsoft has the best OS. It's because all the manufacturers and resellers have a deal with Microsoft. . . . .. not because they want to but because they have to or they won't get the MS OS at the same cost as the other dealers. Keep up the good work

Sincerely,
William Gube
5447 Grove Manor
Lady Lake, FL 32159

MTC–00020740

From: marthashrugged@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:32am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Martha Chumney
78650 42nd Ave 1701
Indio, CA 92201

MTC–00020741

From: rjljr@fyi.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:36am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Robert Lokar
3300 Oaknoll Road
Gibsonia, PA 15044–8483

MTC–00020742

From: acarneck@ibb.gov@inetgw
To: Microsoft ATR
Date: 1/24/02 8:37am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Al Carneck
7213 Princess Anne Court
Warrenton, VA 20187

MTC–00020743

From: LLTMAT@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:35am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
MaryAnn Thompson
205 Seneca Ct
Franklin, TN 37067

MTC–00020745

From: Pandora844@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:32am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Eileen Novosel
1703 Lansdale Avenue
Bethlehem, PA 18017

MTC–00020746

From: Stan Barnes
To: Microsoft ATR
Date: 1/24/02 8:38am
Subject: Microsoft Settlement

To whom it may concern,

I must express my doubts about the proposed settlement between Microsoft and the US Department of Justice. Microsoft has for years used a policy of copy and destroy, taking other companies ideas and then propagating their own inferior knockoff through the use of the wide deployment of their operating system. Initially, they are compliant with existing standards, but eventually (and always) come out with their own proprietary ''improvement'' which then kills competition. In the settlement, they are allowed to decide who they share such proprietary ''improvements'' with and this is insatisfactory.

The settlement leaves too much power in the hands of Microsoft, and they have shown themselves to be merciless in the welding of such power. To allow an unapologetic monopoly to continue in its actions, largely unchecked, is harmful to the consumers. Because Microsoft does not truly have to compete, they are relaxed in things which should be a priority, the strongest example of which is security. Microsofts security attitude has resulted in billions of dollars of damages because of exploitable holes in products such as internet explorer and outlook express. In part it is the homogeny of the system which makes such holes especially dangerous. And it is their power as a monopoly which prevents the diversification necessary for growth. They are the potato crop of Ireland and we are now headed for the plague. How many will starve? Only measures allowing true competition and therefore diversification can allow prosperity. It is the government's job to serve the people, and allowing microsoft to continue unchecked, or barely checked as this settlement would do, is an inadequate service.

Thank you for your time
stan barnes
thekaleideion@yahoo.com

MTC–00020747

From: garbear2@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:32am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
gary hays
6542 w tonopah drive
glendale, AZ 85308

MTC–00020748

From: Jeff Harvey
To: Microsoft ATR
Date: 1/24/02 8:41am
Subject: Microsoft Settlement

I just want to buy an operating system. According to http://whatis.techtarget.com/definition/0,289893,sid9—gci212714,00.html, ''An operating system (sometimes abbreviated as ''OS'') is the program that, after being initially loaded into the computer by a boot program, manages all the other programs in a computer. The other programs are called applications or application programs. The application programs make use of the operating system by making requests for services through a defined application program interface (API). In addition, users can interact directly with the operating system through a user interface such as a command language or a graphical user interface (GUI).

An operating system performs these services for applications:

a.. In a multitasking operating system where multiple programs can be running at the same time, the operating system determines which applications should run in what order and how much time should be allowed for each application before giving another application a turn.

b.. It manages the sharing of internal memory among multiple applications.

c.. It handles input and output to and from attached hardware devices, such as hard disks, printers, and dial-up ports.

d.. It sends messages to each application or interactive user (or to a system operator) about the status of operation and any errors that may have occurred.

e.. It can offload the management of what are called batch jobs (for example, printing) so that the initiating application is freed from this work.

f.. On computers that can provide parallel processing, an operating system can manage how to divide the program so that it runs on more than one processor at a time. ''

I don't want any programs on the operating system. This includes Web Browser, Media Players, Mail Readers, Newsreaders, Picture Viewers, Firewalls, Games, etc.. Paint, Notepad, Wordpad and Calculator I can live with as long as they can be uninstalled. Microsoft's Problem is they also put applications on the Operating System and don't let you uninstall them. I don't mind that they are producing these applications but the fact that they are including them for free ALONG WITH the Operating System gives them an unfair advantage with respect to their competitors who also make programs. I don't want to feel like I'm contributing to putting these smaller companies out of business and that's how I feel when I buy Windows. I have used programs such as 98Lite and IEradicator (http://www.98lite.net/) and Revenge of Mozilla (see http://www.webattack.com/get/ros2se.shtml) all of which REMOVE Internet Explorer from Windows and they work great. Microsoft has put Windows File Protection into Windows

2000 SP2 and Windows XP so that these programs will not work. They don't want the browser uninstalled because they want to use the browser to make money (ie. ''.NET''). In XP there are also some folders that you cannnot delete from your own hard drive, such as Movie Maker, MSN Gaming Zone, Netmeeting, xerox and Microsoft Frontpage. It's MY hard drive and I should be able to delete anything I want!

Here's a summary of what changes should be made:

1. Release an ''operating system'' only. It should be free as part of the settlement to anyone who can prove they purchased any previous version of Windows.

2. In this operating system, Windows File Protection must be easily shut off for those who do not wish to use it.

3. This operating system must not include any of the programs such as Internet Explorer, Outlook Express, Image Viewer, etc., etc.

4. Microsoft can include these ''extras'' on the CD if they want, but they must be installable and useable INDIVIDUALLY and also uninstallable INDIVIDUALLY.

5. All evidence to Microsoft's web influences must also be removed, such as Online Services, MSN, MSN Gaming Zone...anything where they use the operating system to link to the web to make money.

6. I would like the source code of this basic operating system to be released.

7. The basic operating system must be released for the Windows 98 kernel even though it may soon be ''obsolete'' and also for the most recent kernel (ie. XP) Any new Windows versions must also be released with the free ''light'' version (at the same time).

The ''light'' version must be a ''full version'' in that it needs not to be installed OVER TOP OF an existing version. For proof that one has owned a previous version of Windows, any Windows CD-ROM issued since Windows 95 can be inserted at the start of the installation and then the Windows Operating System can be installed on a freshly formatted drive.

8. Someone in authority must be able to suspend all sales of the full Windows versions if the ''Basic Operating System'' version is not compliant or deliberately issued in an unuseable condition or inferior to the full release.

9. The basic operating system version must be released promptly with the threat of suspending all full version sales if not released promptly. I think they should be able to easily do the 98 kernel release within 6 months, the XP kernel release within 6 months, and as I mentioned before any new version of Windows must have the ''basic version'' released at the same time.

Thank you for your consideration.

J. Harvey

MTC–00020749

From: Mike Delano
To: Microsoft ATR
Date: 1/24/02 8:29am
Subject: Microsoft Settlement

Allowing Microsoft to provide used technology to poor schools, with no plans for long term support, seems more like a reward then a punishment. This company already monopolizes the market—Do we really need to help them take more of the market share?

Regards,

Michael Delano

MTC–00020750

From: elizabeth jones
To: Microsoft ATR
Date: 1/24/02 8:39am
Subject: settlement

Leave Microsoft Alone!

Fight terrorism, not our great companies.

E. Jones

MTC–00020751

From: jimc@mybizz.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:39am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,

James Carroll
294 Rowe Rd.
Selkirk, NY 12158

MTC–00020752

From: Grant Shearer
To: Microsoft ATR
Date: 1/24/02 8:33am
Subject: Microsoft Settlement

Dear Sir/Madam:

Just thought I would throw my two cents in. I'm sure you've heard this several (thousand) times before, but Microsoft is a monopoly. If you don't believe it, just try to stop using their product in your home or office. It is virtually impossible and not because their products are so great, but because it is ''what everyone else uses''. So, hardware manufacturers only write drivers for Windows and software manufacturers only write code for the Windows OS.

This isn't necessarily Microsoft's fault, but the fact that they use their power in the market to try to force other people to use their products is their fault.

Getting PC Manufacturers to only ship their operating system, making their websites (msn.com in particular) unavailable to people who aren't using their Browser, forcing people to upgrade their Office suite for the mere sake of compatibility with the latest files....these are all reasons why Microsoft's business practices are less-than-ethical. As if their monopoly wasn't enough, they are now allowed to advertise in U.S. Postal Offices?

http://www.macintouch.com/postoffice.html

I think this is going in the wrong direction.

I hope my comments have helped in some way. Thanks for the opportunity to share.

Sincerely,

Grant Shearer

MTC–00020753

From: gaijin99@cox-internet.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:38am
Subject: Microsoft Settlement

Sir,

I am not a lawyer, but I am a computer professional. Microsoft has, since its release of Windows 95, consistently behaved in a predatory, and anti-competitive manner. The sort of slap on the wrist that the Department of Justice is proposing will do nothing to solve the problem, and doubtless will be interpreted by MS as a license to do worse in the future.

Only harsh measures will prevent MS from behaving in a monopolistic manner. Ultimately, I have grave doubts that anything short of a breakup will work. At the very least MS should be prohibited from acquiring any more of their competitors for an indefinite period. Simply demanding that they improve their behavior, with no penalties if the don't, and no checking to ensure that they do, will accomplish nothing.

Thank you for your time,

James Jackson

MTC–00020754

From: Hynds, Patrick
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/24/02 8:42am
Subject: Microsoft Settlement

I understand that we are now in the public comment period of the Microsoft Settlement case. I would like to register my informed opinion that finishing this matter as negotiated is the best course for all of us. I work in the technology sector with a range of technologies from IBM, Sun and Microsoft. This matter has distracted a major part of our economy that when left to its own devices produces miracles of innovation. The time has come to move on. I have followed the case since the first and while I don't agree with every turn of events, I do strongly feel that the current proposal is appropriate so long as the matter ends.

As a background I would like to submit one further comment. I am of the opinion that much of this case has from the beginning been the device of strong lobby efforts by a few companies competitive with Microsoft. I served in our armed forces as an Infantry Platoon leader in the Gulf War not to defend the right of lobbyists and lawyers to punish those they can't beat in the market, but to ensure that our country remained free and economically strong. It pains me to see us waste so much time, opportunity and money on the pretenses that have been offered.

Thanks

Patrick J. Hynds
Captain, USA Retired
31 Emerald Drive
Derry, NH 03038

MTC–00020755

From: Mark Osbourne

To: Microsoft ATR
Date: 1/23/02 10:02pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. The current proposed settlement does not go far enough in punishing the illegal actions of the past, nor does it adequately prevent those actions from being committed in the future.

I am especially concerned by the way that OEMs and competitors is defined which seems to exclude non-profit, not-for-profit and charitable organizations from accessing the information about the application programming interfaces. Microsoft seems to have incorporated into the settlement the ability to block alternative operating systems (for example, Linux, FreeBSD, NetBSD) from providing compatible interfaces.

This settlement, while it reaches a conclusion of the proceedings, does little to penalize Microsoft for their actions, nor will it effectively prohibit them from similar monopolistic actions in the future. As another writer has said: ''A wrong that is not corrected is compounded''.

Sincerely,
Mark Osbourne
171 Pleasant Hill Drive
Centerville, Ohio 45459
mark+atr@osbourne.org

MTC–00020756

From: E. Kurtock
To: Microsoft ATR
Date: 1/24/02 8:42am
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

''This is just another method for states to get free money, and a terrible precedent for the future,'' states the AOCTP, ''not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.''

This economically-draining witch-hunt has gone on long enough.

MTC–00020757

From: joebuff159@qwest.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:39am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Joseph D Buffington
12033 S Paiute St
Phoenix, AZ 85044–2116

MTC–00020758

From: Tuomey, Steve
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 8:43am
Subject: Microsoft Settlement

Judge Colleen Kollar-Kotelly ,

Please do not accept this offer from the Department of Justice. This offer gives no relief to the consumer, and does little to prevent Microsoft from continuing its predatory ways. Force Microsoft to compete on a level basis with the other software makers, and allow software growth to once again fuel the American Economy. Force Microsoft to develop/market/sell a ''non-bundled'' version of it OS. This would allow users like myself to use the OS that has the most stable drivers, with the browser that has the most features, and the Instant Messenger with the most security ...

Steve Tuomey

MTC–00020759

From: Baker, Gary (STP)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 8:43am
Subject: Microsoft Settlement

The proposed settlement is a bad (very bad) idea.

Gary

MTC–00020760

From: Mitchell, Edmund
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 8:39am
Subject: Microsoft Settlement

To whom it may concern:

I would like to officially add my voice to the list of those expressing the need for significant revisions to the Proposed Final Judgement (PFJ). The current PFJ is so weak as to be a waste of taxpayer money, and I find that offensive. There are so many weaknesses it's hard to know where to start, so I'll just mention what I think is the area in direst need: the failure to prohibit anticompetitive license terms currently used by by Microsoft. Please refer to: http://www.kegel.com/remedy/letter.html for documentation of these problems.

Thank you for your time, and please act for the benefit of the entire industry.

Edmund Mitchell
Programmer/Analyst
Micro General Corporation
918 Ulster Ave
Kingston, NY 12401
1/24/02

MTC–00020761

From: rol21@webtv.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:39am
Subject: Microsoft Settlement Ms. Renata B. Hesse, Antitrust Division 601 D Street NW, Suite 1200 Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
virginia lawyer
21 wellington dr.
endicott, NY 13760

MTC–00020762

From: unity2@msn.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:40am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Betsy Salunek
30 Potter St.
Haddonfield, NJ 08033

MTC–00020763

From: Gary T Downing
To: Microsoft ATR
Date: 1/24/02 8:45am
Subject: Microsoft Settlement

Folks,

The proposed settlement with Microsoft is a bad idea. —

Gary Downing
215 Chester Street
Menlo Park, CA 94025
Work : 408.878–1936
Home : 650.322–1514
Email: garydowning@mac.com

MTC–00020764

From: vulcan@lightlink.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:44am
Subject: Microsoft Settlement
To: microsoft.atr@usdoj.gov
From: vulcan@lightlink.com
Subject: Microsoft Settlement

The proposed settlement of the Microsoft anti-trust suit is a give-away to Microsoft. It does way too little to stop Microsoft's continuing unfair practices. In particular:

—The settlement as currently written appears to lack an effective enforcement mechanism.
—It allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.
—Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which *could* run a Microsoft operating system—even for computers running Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)
—It allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.
—Microsoft currently uses restrictive licensing terms to keep Open Source applications from running on Windows. Many APIs are only available as add-on SDKs which conventional commercial developers are allowed to ship with their software (and most software includes some of these, it's the cause of the so-called ''Windows DLL Hell''), but this is denied to Open Source developers.
—It does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents?
—It fails to prohibit intentional incompatibilities historically used by Microsoft.
—Microsoft currently uses restrictive licensing terms to keep Windows applications from running on competing operating systems.

I urge you either reject the agreement or amend it in light of the above problems.

Marty White
US Citizen & Resident, Computer Programmer, Computer Systems Administrator
vulcan@lightlink.com
390 West Candor Road
Candor, New York 13743

MTC–00020765

From: Joshua Hatch
To: Microsoft ATR
Date: 1/24/02 8:39am
Subject: Microsoft Settlement

I wish to comment on the proposed Microsoft settlement. To let Microsoft in any way benefit from their misdeeds would undermine anti-trust legislation, and this is exactly what would happen if it donated its own software and Windows-running computers to a market that it does not yet dominate. The only equitable method of settling this dispute would be for Microsoft to make any donations in cash (and without any say in how that cash is spent) so that the receiving parties are free to determine the best way to improve their technological situation.

Thank you.
Joshua Hatch
1354 North Carolina Ave. NE
Washington, DC 20002
(202) 546–7309

MTC–00020766

From: Mike Koenig
To: Microsoft ATR
Date: 1/24/02 8:38am
Subject: Microsoft Settlement.

I have been a member of the technology community since 1972, and have watched Microsoft in action since it

MTC–00020767

From: richard.mccandless.aof1@statefarm.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:41am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Richard McCandless
7 Bluff Park
Montrose, IA 52639

MTC–00020768

From: bhbagnell@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:41am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Byron Bagnell
1381 Winder Lane
Salt Lake City, UT 84124–1448

MTC–00020769

From: kierland@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:41am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Peter Schiffke
365 Rte 111
A13
Smithtown, NY 11787–4761

MTC–00020770

From: billsfan4ever@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:43am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Robert DuFrane
3143 Readsborough Court

Fairfax, VA 22031–2617

MTC–00020771

From: Chris Corwin
To: Microsoft ATR
Date: 1/24/02 8:54am
Subject: Microsoft Settlement

I wish to voice my opinion in this matter. It is *not fair* that a company with the practices that Microsoft has been proven to be engaged in can continue to go on as if no crime has been committed—or eve that a *little* crime has been committed. As a web developer, I see the effects of their 900 pound guerilla tactics everyday—making my job harder, unnecessarily.

Microsoft ought to be broken up into three divisions:

—Operating System (sans browser)
—Business Software (Office, Money, IIS)
—Entertainment software (Browser, Games, Media Player) Sent using the Entourage X Test Drive.

MTC–00020772

From: alae1000@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:43am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Elizabeth Puente
659 NW 38th Ave.
Deerfield Beach, FL 33442–7337

MTC–00020773

From: R. Duke Schnolis
To: Microsoft ATR
Date: 1/24/02 8:47am
Subject: Microsoft Settlement

Hello,

I'd like to make a quick comment about the government settlement with Microsoft in the Antitrust Case. I think it's a shame that a company like Microsoft can continually illegally practice such deplorable business as they do. To abuse the power of a monopoly, as they surely have, is counter to good of our society. We need fresh competition that can develop a good product over time without getting cut out of the market by a company who can afford to take a multi-year loss or coerce potential supporting technology companies into flying only the microsoft standard. It's bad business for the US and for the world, because we have no choice but to keep paying microsoft for their continually degrading software, while they have no accountability and no competition to keep them honest. A quick check of the lack of security of the internet through microsoft software has cost companies and individuals billions of dollars in the last few years alone, and is a frightening harbinger of worse things yet to come. Something must be done about it. The settlement with Microsoft is not strict enough. Please do something to help the American public and the world escape the shadow of the monopoly that is Microsoft. Free the intelligent, enterprising individuals that make up our society to compete fairly and openly.

Thank you.
R. Duke Schnolis
IT Analyst and Database Designer
CC:R. Duke Schnolis

MTC–00020774

From: Jud Leonard
To: Microsoft ATR
Date: 1/24/02 8:46am
Subject: Antitrust settlement

I am very disappointed in the proposed settlement between the DoJ and Microsoft, which seems to me to offer no meaningful punishment for Microsoft's many flagrant violations of antitrust law, and no effective restraint against further abuses.

Judson S. Leonard
TLW, Incorporated
2276 Washington St
Newton, Ma. 02462
(617) 964–3336
CC:Jud Leonard

MTC–00020775

From: csigtermans@brwncald.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:44am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Carole S
105 Schrempp Lane Ext.
Pine Bush, NY 12566

MTC–00020776

From: MACky
To: Microsoft ATR
Date: 1/24/02 8:42am
Subject: Microsoft Settlement

I am writing to let you know that I don't think Microsoft should get off with just a slap of the wrist. There is no question that they are guilty, and I don't want to see them buy thier way out of this.

The company has shown how much contempt they have for the law and this whole trial. I feel the original idea to break the company up is still the best idea. Thanks for your attention.

Mike McCormack.

MTC–00020777

From: Erik Smith
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 8:44am
Subject: Microsoft Settlement

I think the proposed settlement is a BAD idea. Microsoft obviously has NOT learned their lesson. Just a week ago they announced how they have managed to get DVD set-top manufacturers to support playback of their highly proprietary WMA (windows media audio) files in lieu of the globally standard MP3 (MPEG Audio Layer 3) format supported by every platform and architecture internationally. Sounds a lot like the original scenario that led to this lawsuit/settlement doesn't it? The settlement does not do enough to reprimand the obviously guilty party.

My tax dollars went to pursue this case of illegal behavior. My tax dollars found them guilty. If you do not take a firm action you will have not only wasted the tax dollars of all Americans but will waste them AGAIN as new lawsuits will emerge for the EXACT SAME illegal behavior. To sum up in a metaphor; it's time we spank our child for being the playground bully. Lectures have failed and a 10 minute timeout is not going to stop a kid that feeds on the pains of others.

Erik Smith
Network Engineer
Systems Administrator

MTC–00020778

From: andyboyd@dol.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:42am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Andrew Boyd
13 Fieldstone Rd.

Elkton, MD 21921–8402

MTC–00020779

From: branagan@erols.com
To: microsoft.atr(a)usdoj.gov
Date: 1/24/02 8:47am
Subject: Microsoft Settlement

I am troubled by the Microsoft-DOJ settlement, as it appears that expediency rather than corrective actions has been the principle concern of the DOJ. It is my opinion that current government computer policy provides preferential treatment for Microsoft. I feel that one way to change Microsoft's behavior and encourage competition is to use the immense purchasing power of the government, at all levels.

I suggest that the DOJ consider banning the sale, use and purchase of Microsoft software and hardware by all federal, state and local governments for an extended period, say 10 years.

I suggest that all contracted products not require the use of Microsoft software. By this I mean that when the government wants to distribute a database on a CDROM, that the viewing of this database require no runtime versions of Microsoft software on that CDROM or in a personal computer.

I also suggest that all data stored at government (all levels) computer sites, all data purchased by all levels of government be stored in generic, non-proprietary, non-Microsoft formats. The use of Microsoft data formats in currently distributed government, such as Access essentially requires the public to purchase a Microsoft product and further solidifies an ever expanding Microsoft monopoly.

Michael F. Branagan
10207 Green Holly Terrace
Silver Spring, MD 20902

MTC–00020780

From: Peter Doege
To: Microsoft ATR
Date: 1/24/02 8:59am
Subject: Microsoft Settlement

Hello—

I think that the proposed settlement agreement is not adequate to curb Microsoft's behavior in the future and is not sufficient punishment for their behavior in the past.

Peter Doege

MTC–00020781

From: Sean Woods
To: Microsoft ATR
Date: 1/24/02 8:46am
Subject: Microsoft Settlement

To whom it may concern,

I have been following the Microsoft Antitrust case since the beginning. I feel that the settlement reached between the Justice Department, et al, and Microsoft is not in the public interest. I cite the following:

1) The settlement's enforcement mechanism relies on having people paid BY MICROSOFT police its behavior.

2) The settlement leaves loopholes that have the effect of negating the spirit of the agreement.

2) Microsoft was proven to be a monopoly, and also had proven to abuse its status as a monopoly. It should not be dictating the terms by which the law will be enforced.

Thank you for your time,
Sean Woods
Senior Network Engineer
The Franklin Institue
email: swoods@fi.edu
vmail: 215–448–1089

MTC–00020782

From: hollowpoint@mindspring.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:43am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Leroy Blondeau
90 Waters Bridge Cir
Covington, GA 30014

MTC–00020783

From: eber4940@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:45am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Elden Brauer
221 Stuarton Dr.
Wheaton, IL 60187

MTC–00020784

From: reavesdarrel@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:44am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Darrel Reaves
1295 Anchor Lane
Merritt Island, FL 32952

MTC–00020785

From: christine.amirault@delta-air.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:47am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Christine Amirault
106 Sprucewood Court
Bonaire, GA 31005–0317

MTC–00020786

From: d j
To: Microsoft ATR
Date: 1/24/02 8:49am
Subject: Microsoft Anti-Trust case

Dear Sir/Madam:

I have writing software for almost 20 years, much of that time I have been using products from Microsoft. I have attained several of Microsoft's certification levels and I do believe they employ some highly-talented people.

Sadly, it is also evident Microsoft has resorted to business practices that leave a great deal to be desired. I say sadly because I feel their products are more than able to compete and win on merit alone, yet in their

apparent quest and greed for total market domination, they have crossed the over from competitor to tyrant.

I earnestly implore you to consider with great care the impact your decision will have not so much on the present, but on the future. History is rich with examples of too much power consolidated in one place and few of them are pleasant. If others are not given a level playing field to compete upon, then we deserve what we get—no choice but one.

Microsoft should not be prevented from competing; this would be wrong. They should be made to play by the same rules as everyone else and penalized justly—as should anyone else—when they violate the rules.

Sincerely,
Dexter W. Jones

MTC–00020787

From: amillerjr@usa.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:45am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Adam Miller Jr.
1248H Balthis Dr.
Gastonia, NC 28054

MTC–00020788

From: toddr22@excite.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:45am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Todd Richard
1904 Knob Hill
Plano, TX 75023

MTC–00020789

From: yves-gablin@ifrance.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:48am
Subject: Microsoft Settlement

Hello,

Microsoft has a habit of killing alternatives. I don't know if that's allowed or not in the USA. I guess it is; after all, it's their business.

However, they do it with bad practices. One example is this article (http://www.vcnet.com/bms/features/3d.html), at the end of which it is clearly explained what is usually Microsoft's strategy, otherwise known as ''embrace-extend-extinguish''.

Not only do they often lie, but they also silently work on crushing opposition at the same time (see http://lindows.com for example).

I also resent Microsoft's long-practiced FUD (the term means ''Fear-Uncertainty-Doubt''): they tell lies to the public, so that we are (or should be) inclined to fear alternatives to Microsoft's products (Windows and others).

A simple example of this is the ever-changing way they talk about Linux, never telling the truth. One day it is nothing, the other day their biggest challenge, and they even dare to tell that Linux (a Unix clone) is not secure (!!), and they shamelessly tell that security lies in the usage of their Windows products! They say each version is more secure than the last, whereas last version (XP) ''features'' a security hole, such as has never been seen before in Windows: you *only* have to connect to the Internet (no nead to read mail, connecting is enough) to endanger your PC!

Microsoft products, in my opinion, have the right to exist as any others. I even think that integrating Internet Explorer inside Windows, as they did, is acceptable, in the light of recent computer-desktop evolutions.

What I will never accept, though, and what I think Microsoft should be condemned for, is their way of exercising pressure, and of leveraging their presence on the PC desktops for ensuring their growing monopoly on more and more areas: first operating systems, next web browsers, then web languages (HTML extensions, Javascript different from standard...), then multimedia formats and protocols (streaming protocols...), and now they try the next last two steps: servers (web, mail...) and internet applications (.NET).

Those issues are mostly from the point of view of a simple computer user, which I am.

But I am also an engineer in computer-science, and as such I stay on touch with news regarding MS-related issues. I won't enumerate all the problems Microsoft behaviour is causing, because Dan Kegel did it very well in his petition. That's why I suggest you read his petition (http://www.kegel.com/remedy/letter.html), to which I am a co signer.

Regards,
Yves Gablin
yves-gablin@ifrance.com
Cannes—France

MTC–00020790

From: ceray@netsbest.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:45am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse: Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jessie Ray
Box 861
180 Sunshine Lane
Columbus, NC 28722

MTC–00020791

From: brjabbott@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:45am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Barbara Abbott
5409 Kimberly Rd
Minnetonka, MN 55345

MTC–00020792

From: Liz Romney
To: Microsoft ATR
Date: 1/24/02 9:47am
Subject: Microsoft Settlement

Dear Sir,

Please reject the proposed settlement between the United States and Microsoft. It

doesn?t not provide sufficient protection to the public from Microsoft's predatory practices.

Sincerely,
R. Steven Romney
4259 Marquis Way
Salt Lake City, UT 84124

MTC–00020793

From: Craig Bellcurren
To: Microsoft ATR
Date: 1/24/02 8:51am
Subject: Microsoft Settlement

I understand that the public are able to comment on the Microsoft case using this address. I would like to briefly summarise my opinions of Microsoft. My name is Craig Bellcurren, I am a self-employed consultant and programmer for government bodies through-out the south-west of the United Kingdom.

I have been using computers for a long time. My mother bought me one for my third birthday, within a couple of weeks I was already learning the programming language, BASIC. I grew up with computers, some may say that my personality reflects this in many ways. Having grown up with the things, I've been able to see the evolution. I've seen them go from technical toys to productive solutions.

Microsoft have been around for a long time. I was aware of PCs and the variants of DOS running on them. I was still stuck in the land of Commodore and BBC Micro though. When Commodore died, it was time to look to a new platform. I used PCs. I used various versions of Unix available to me, I used DOS, and basically it was still a time when computers were only for techies. Then Windows 3.0 came along, soon followed by 3.1. The world was blown away. When Windows 95 came, packing more features and technology, and a better user interface, PCs were finally ready for general consumption.

With each new version of Windows, we see more features, more functionality. There are those that argue that by including all these features, Microsoft makes it harder for competitors to get their product to market. Personally, whenever I see a new feature in Windows, I wonder which lucky company is getting a license fee from Microsoft for inclusion of their technology. I see the integrated features bringing ease of use to the end user. Not everyone grew up with computers like I did, so I don't expect everyone else to find them easy to use. With all the efforts of Microsoft, end users finally are able to reach levels of productivity that were previously unimaginable. The best bit is that they do not need hours, days or months of training. They can teach themselves using the resources supplied with Windows.

Instead of targeting Microsoft for uncompetitive behviour, I personally would like to thank Microsoft for making computers accessible to the general public.

Thankyou for your time,
Craig Bellcurren

MTC–00020794

From: Peter Olsen
To: Microsoft ATR
Date: 1/24/02 8:50am
Subject: Microsoft Settlement

Ladies and Gentlemen,

I am writing to express my unhappiness with your settlement with Microsoft.

I have been involved in scientific computing for more than 30 years. During the last eight years, I have found it more and more difficult and expensive to do my job.

I believe this difficulty and expense can be traced directly to Microsoft's effective monopoly in operating systems. For example, I had based a significant amount of work on Digital Research's DR-DOS because of some small, but significant, technical advantages. When I bought it, my Microsoft software, such as Word, worked with it easily. But when I upgraded to newer versions, my new Microsoft software would work no longer.

The Microsoft customer service response was simple: they told me that if I wanted to use their applications, I would have to buy their operating system. At the time, Microsoft explained this as a ''technical incompatibility.'' We now know that Microsoft designed this incompatibility intentionally, with the specific purpose of forcing consumers onto the Windows platform. Microsoft's conduct injured me directly. It certainly increased my cost and reduced my time. I believe it was intentional. I believe it was illegal.

And I know it was disproportionate to the remedy for which you have settled.

Peter Olsen
P.O. Box 410
Simpsonville, MD 21150
410–997–8584

MTC–00020795

From: WKUBEC@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:47am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
BEVERLY KUBEC
27543 RIVERBANK DR.
BONITA SPRINGS, FL 34134

MTC–00020796

From: StackDoloresH@
JohnDeere.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:48am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Dolroes Stack
5850 Dodds Drive
Bettendorf, IA 52722

MTC–00020797

From: William Hegarty
To: Microsoft ATR
Date: 1/24/02 8:50am
Subject: Microsoft Settlement

To whom it may concern:

First of all, I find it ironic that I needed to go to a British website, www.theregister.co.uk, to find out that my Department of Justice is soliciting comment on this matter. That said, I shall move on to the matter at hand.

The proposed settlement is no more than a slap on the wrist that will do little to introduce competition into the software business. Although cutthroat competition in the hardware arena is resulting in price slashes and improved products, the software business remains at least unchanged, if not worse.

The average consumer is stuck with the software which comes with the computer for any improvements are prohibitively expensive. Not only that, they are usually bundled with other products that are not desired or wanted.

For example, I recently completed library school. For one course I wanted to index an old local magazine in the local library. Since the library uses Access, Microsoft's database program, to index the local newspaper I thought it would be good to do the same. However, my computer came with Microsoft Works, not Office. I had to buy Access if I wanted to do the project. So I went to Staples. I had a choice. I could buy Access as part of the Office package, or I could buy it alone. I ended up doing neither because both were too expensive. What irritated me though, was that Access alone was perhaps half as expensive as the entire Office package. In other words, to buy the components of Office is almost twice as expensive as the entire bundle.

Since I already have the operating system and some Microsoft applications such as Word preloaded into my computer my preference is to get more (for some reason non-microsoft programs are extremely buggy

on Microsoft computers but we won't go there). The bundled pricing of the Office programs makes that preference even stronger, to the exclusion of Microsoft's competitors. I would be more likely to buy the entire package even though I might prefer some other presentation software to Powerpoint, or organizing software to Outlook and so on.

It seems to me that Microsoft has not learned its lesson. For that reason I am opposed to the settlement.

Sincerely

William Hegarty

MTC–00020798

From: Dennis Roitt
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 8:52am
Subject: Microsoft case

Attn: Department of Justice,

The fact is, this anti-trust case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future. Money sent to the states will be squandered, as we have seen with the tobacco settlements. Our state is just using it to bloat the already bloated bureaucracy.

The Clinton Administration's obsession with this case was a precipitating factor in collapse of the Tech stocks. Bundling a browser into operational software is no different than an automobile manufacturer including a spare tire and jack with each new car. It may be harder to sell aftermarket jacks and spare tires, but that is free enterprise. Netscape does not have some God given right to sell a ''spare tire'' product without the ''car.'' End this witch hunt. Stop prosecuting Microsoft.

Dennis J. Roitt, Sr.

MTC–00020799

From: ferguson@nji.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:50am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,

R A Ferguson

1102 Weldon Road

Oak Ridge, NJ 07438–9517

MTC–00020800

From: mikey
To: Microsoft ATR
Date: 1/24/02 8:48am
Subject: MS Settlement

I believe the Microsoft has stifled development by its practices and policies. They have worked hard to put any and all competition out of business. Microsoft should not be allowed to force contracts on other computer makers that requires inclusion of only Microsoft software.

Also Microsoft has a policy of discrimination that needs to be stopped. The discrimination is in the form of FAVORITISM. Primarily of a religious nature. People of a specific religion are allowed special favors that others of different religions are not permitted.

Microsoft publishes RULES people are supposed to adhere to in associating with Microsoft , for instance with their News Groups. This aforementioned discrimination is evident here as well. Since people of a particular religion are allowed to violate these rules on a regular basis by special permission from people of the same religious preference.

If Microsoft is going to publicly publish rules then all people should be required to adhere to them regardless of religious preference.

mikeyhsd@cox-internet.com

MTC–00020801

From: John Kellems
To: Microsoft ATR
Date: 1/24/02 8:53am
Subject: Microsoft Settlement

To Whom It May Concern,

I feel that Microsoft is being treated as if it were a cocaine-snorting celebrity, rather than a multi-billion dollar monopoly.

Federal Judges have found Microsoft to be guilty, and instead of taking meaningful action, which may prevent further abuses, you have decided to ask them, politely, to please refrain from doing that again. This is a travesty. This settlement allows Microsoft to continue its business practices undeterred. At a time when the DoJ should be sending a clear messages that this conduct will not be tolerated by any business, you are sending an engraved invitation for further abuse of power

I urge all the folks at the DoJ to reconsider this settlement. With it you are undermining the faith the American people have put in you, to do what is right. Microsoft needs to be punished, not given a ''get out of jail free'' card.

Thank you for your time,

John J. Kellems

Trapper@Speakeasy.org

MTC–00020802

From: HRus9827@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:50am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,

Harry Russell

9827 Walnut N103

Dallas, TX 75243

MTC–00020803

From: info@cileather.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:50am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,

Greg Burke

1220 Broadview

Estes Park, CO 80517

MTC–00020804

From: Judy Sawyer
To: Microsoft ATR
Date: 1/24/02 8:51am
Subject: Microsoft and Litigation

Please cease this litigation which can only slow our economy and hurt not help the tax paying public. We need innovation to keep this country on the right track not litigation.

MTC–00020805

From: Silviu Trofimov
To: Microsoft ATR
Date: 1/24/02 8:52am
Subject: Microsoft Settlement

Microsoft should leave the US politics and come to the Canadian economics—the US economy is currently a medium for politicians not for enginners—best example is Enron case, and I bet this is only the tip of the iceberg to come.

Leave Microsoft alone—it is your only hope.

Silviu Trofimov. PhD

Toronto

MTC–00020806

From: Jeff Harvey
To: Microsoft ATR
Date: 1/24/02 8:55am
Subject: Microsoft Settlement

I would like to add the following to my previously mailed comments: 10. When issuing a basic operating system for previous Windows customers, the operating system MUST NOT have ''product activation''.

Since it will be free, it can be installed on any number of computers as long as a previous version of Windows can be supplied as proof. 11. Sales of all new PC's with full Windows versions pre-installed must include the ''basic operating system'' version on CD as a condition of sale.

On Thursday January 24, I wrote: I just want to buy an operating system. According to http://whatis.techtarget.com/definition/0,289893,sid9—gci212714,00.html, ''An operating system (sometimes abbreviated as ''OS'') is the program that, after being initially loaded into the computer by a boot program, manages all the other programs in a computer. The other programs are called applications or application programs. The application programs make use of the operating system by making requests for services through a defined application program interface (API). In addition, users can interact directly with the operating system through a user interface such as a command language or a graphical user interface (GUI).

An operating system performs these services for applications:

a.. In a multitasking operating system where multiple programs can be running at the same time, the operating system determines which applications should run in what order and how much time should be allowed for each application before giving another application a turn.

b.. It manages the sharing of internal memory among multiple applications.

c.. It handles input and output to and from attached hardware devices, such as hard disks, printers, and dial-up ports.

d.. It sends messages to each application or interactive user (or to a system operator) about the status of operation and any errors that may have occurred.

e.. It can offload the management of what are called batch jobs (for example, printing) so that the initiating application is freed from this work.

f.. On computers that can provide parallel processing, an operating system can manage how to divide the program so that it runs on more than one processor at a time.''

I don't want any programs on the operating system. This includes Web Browser, Media Players, Mail Readers, Newsreaders, Picture Viewers, Firewalls, Games, etc.. Paint, Notepad, Wordpad and Calculator I can live with as long as they can be uninstalled. Microsoft's Problem is they also put applications on the Operating System and don't let you uninstall them. I don't mind that they are producing these applications but the fact that they are including them for free ALONG WITH the Operating System gives them an unfair advantage with respect to their competitors who also make programs. I don't want to feel like I'm contributing to putting these smaller companies out of business and that's how I feel when I buy Windows. I have used programs such as 98Lite and IEradicator (http://www.98lite.net/) and Revenge of Mozilla (see http://www.webattack.com/get/ros2se.shtml) all of which REMOVE Internet Explorer from Windows and they work great. Microsoft has put Windows File Protection into Windows 2000 SP2 and Windows XP so that these programs will not work. They don't want the browser uninstalled because they want to use the browser to make money (ie. ''.NET''). In XP there are also some folders that you cannnot delete from your own hard drive, such as Movie Maker, MSN Gaming Zone, Netmeeting, xerox and Microsoft Frontpage. It's MY hard drive and I should be able to delete anything I want!

Here's a summary of what changes should be made:

1. Release an ''operating system'' only. It should be free as part of the settlement to anyone who can prove they purchased any previous version of Windows.

2. In this operating system, Windows File Protection must be easily shut off for those who do not wish to use it.

3. This operating system must not include any of the programs such as Internet Explorer, Outlook Express, Image Viewer, etc., etc.

4. Microsoft can include these ''extras'' on the CD if they want, but they must be installable and useable INDIVIDUALLY and also uninstallable INDIVIDUALLY.

5. All evidence to Microsoft's web influences must also be removed, such as Online Services, MSN, MSN Gaming Zone...anything where they use the operating system to link to the web to make money.

6. I would like the source code of this basic operating system to be released.

7. The basic operating system must be released for the Windows 98 kernel even though it may soon be ''obsolete'' and also for the most recent kernel (ie. XP) Any new Windows versions must also be released with the free ''light'' version (at the same time).

The ''light'' version must be a ''full version'' in that it needs not to be installed OVER TOP OF an existing version. For proof that one has owned a previous version of Windows, any Windows CD–ROM issued since Windows 95 can be inserted at the start of the installation and then the Windows Operating System can be installed on a freshly formatted drive.

8. Someone in authority must be able to suspend all sales of the full Windows versions if the ''Basic Operating System'' version is not compliant or deliberately issued in an unuseable condition or inferior to the full release.

9. The basic operating system version must be released promptly with the threat of suspending all full version sales if not released promptly. I think they should be able to easily do the 98 kernel release within 6 months, the XP kernel release within 6 months, and as I mentioned before any new version of Windows must have the ''basic version'' released at the same time.

Thank you for your consideration.

J. Harvey

MTC–00020807

From: emduf853@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:53am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Emilie McLaughlin
10 Winterthur Court
Greer, SC 29650

MTC–00020808

From: Michael Charrier
To: Microsoft ATR
Date: 1/24/02 8:55am
Subject: Microsoft Settlement

To Whom It may Concern:

I wish to register my vote AGAINST the current proposed settlement in the Microsoft Antitrust Trial. I have had the chance to read many letters, essays, and articles that are freely available on the web that more than adequately explain the ''for'' and ''against'' issues. Many people have adeptly explained the technical issues with how Microsoft can pervert the current settlement to their own ends. I believe that they have very good points and I will not attempt to repeat what has already been so well explained.

I have a few questions for you to consider as you make your judgement on wether or not to alter the proposed settlement:

1. In a country that was founded ''by the people'' and ''for the people'', does not the interest of ''the people'' come before the interest of a corporation? Corporations are made up of people, but a corporation is not a person itself. Is this not a case of the NEEDS of the many outweigh the WANTS of the one?

2. Why does Microsoft continue to lie to the justice department? Microsoft has, in the past and present, attempted to sway both the public and the courts with ''astroturf'' campaigns (see: http://www.newsfactor.com/perl/story/13046.html) where they pay people to influence our government and courts to their ends. Why must they generate a false grassroots movement to push their viewpoint? Would not customers who were satisifed with their products be the ones running such a campaign, not Microsoft?

3. Has not Microsoft continued it's anti-competitive practices during the trial and settlement phases? It seems they have with the introduction of Windows XP and the new

licensing agreements that they are currently trying to enforce on other corporations.

My concern is that Microsoft has become an entity that the current administration and justice department is unwilling (not unable) to control. It seems that our goverment and judicial system are for sale to the highest bidder by allowing corporations to continue to override the will of ''the people''. ''The people'' (a.k.a. consumers) will continue to be at the mercy of Microsoft's monopoly if the current proposed settlement is accepted as-is. Please, do NOT let this happen.

Sincerely,
Michael Scott Charrier
President—Charrier Consulting International

MTC–00020809

From: dphillipsmith@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:53am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Mr. David Smith
1927 Queenswood Dr.
Apt. E101
York, PA 17403

MTC–00020810

From: almotes@juno.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:53am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Al and Zeda Motes
1615 Palace Court
Valrico,, FL 33594–4819

MTC–00020811

From: jd.bryant@honeywell.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:51am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
JD Bryant
2123 W Hawken Way
Chandler, AZ 85248

MTC–00020812

From: clint—tittsworth@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:52am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Clint Tittsworth
655 Red Feather Lane
Woodland Park, CO 80863

MTC–00020813

From: Curtiss Hammock
To: Microsoft ATR
Date: 1/24/02 8:51am
Subject: Microsoft Settlement

Greetings,

As a Macintosh user and new media developer, I feel I have a certain interest in the Microsoft case. It only goes to show what kind of business practices Microsoft engages in when they propose a settlement that costs them little (are they really using the retail cost of their software to gauge the value of the settlement?) and gains them more market share. Good heavens! I thought they were supposed to be punished?

If this settlement is allowed to stand, it will be a travestry, pure and simple. I hope that the US justice system will not be so mocked.

Sincerely,
Curtiss R. Hammock II —
eKetchum
A Ketchum Technology Company
curtiss.hammock@ketchum.com
404–879–9116
Visit our website! www.eketchum.com

MTC–00020814

From: lsuehupp@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:53am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Lillian Hupp
2909 White Oak Lane
Bedford, TX 76021

MTC–00020815

From: qualitysys@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:53am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Laurie Lusk

1005 Begonia Ave.
Costa Mesa, CA 92626

MTC–00020816

From: jaywoodcook@sitestudio.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:57am
Subject: Microsoft Settlement

As a small business owner, I would like to make sure my voice is heard regarding AOL's (and other party's) poor treatment of Microsoft. This latest suit from AOL Time Warner is a CLEAR indication that they are simply lashing out! The failure of Netscape's browser is related to inferior technology, rather than harmful business practices by outside companies. They opened themselves up for this when they went the route of end-user patching & open source. Time Warner knew full-well what they were buying in AOL... and did this based on the traffic it would bring into their RoadRunner/Cable system. (In fact, Time Warner STILL encourages use of Internet Explorer, based upon the fact that Microsoft's product is better suited to what people really want in a web browser.)

Time Warner received much business through this merger and were in no way harmed by ANY outside company. Microsoft has been MORE than helpful & willing to assist in improving inter-operability of their products with 3rd parties, while companies like AOL have continuously worked (wrongly) to thwart those efforts, in order to protect (and miserly hoard) their private ''club'' mentality of not allowing their customers free access to the rest of the internet & its related technologies.

It is NOW time to leave Microsoft alone & let them continue their quest of building quality software that helps businesses like ours succeed right along with them... If ANYONE is harming other businesses, it's NOT Microsoft.

Dynamically,
Jay D. Woodcook
SiteStudio.communications
CC:msfin@microsoft.com@inetgw

MTC–00020817

From: qualitysys@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:54am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Laurie Lusk
1005 Begonia Ave.
Costa Mesa, CA 92626

MTC–00020818

From: bonski@bellsouth.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:52am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Bonnie Faughn
Box 7
Benton, KY 42025

MTC–00020819

From: David Gibson
To: Microsoft ATR
Date: 1/24/02 8:58am
Subject: Microsoft Settlement

If, I write software, comparable to Windows and I have a similar Internet access program, then I expect to put it's icon on to the computer desktop. If it offends or is not going to be used, then delete it from the desktop. The software program for MSIE doesn't take up that much room. At one time, years ago, I ran Netscape and paid for it too. This whole thing is becoming a farce.

Dave Gibson
Scottsdale, AZ

MTC–00020820

From: Justineplf@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:55am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Pauline Flynn
P.O. Box 6273
Abilene, TX 79608–6273

MTC–00020821

From: Ed Lorenzen
To: Microsoft ATR
Date: 1/24/02 8:56am
Subject: Microsoft settlement

It is way past time to drop this nonsense! Microsoft is the acknowledged industry leader. Please stop trying to protect a bunch of ''also rans'' by hampering Microsoft. The others will soon be out of business because they deserve to fail.

BE Lorenzen
Prescott Valley, AZ

MTC–00020822

From: rango@mail.riverview.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:55am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Virginia Smith
4165 Croton-Hardy Dr.
Newaygo, MI 49337–9509

MTC–00020823

From: qualitysys@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:55am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.
Sincerely,
James Lusk
1005 Begonia Ave.
Costa Mesa, CA 92626

MTC–00020824

From: chill@sybase.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:55am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
J. Charles Hill
233 Jackson Circle
Louisville , CO 80027

MTC–00020825

From: dpierce@tycoelectronics.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:55am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Dana Pierce
217 Hunters Way
Angier, NC 27501–7639

MTC–00020826

From: eswans0923@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:56am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Eugene Swansboro
230 Adams Drive
Salix, PA 15952

MTC–00020827

From: paulandjuliep@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:56am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Paul & Julie Patterson
369 Gun Club RD. #76
Woodland, WA 98674

MTC–00020828

From: patriciac@psafinancial.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:55am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Patricia Calise
4106 E. Northern Pkwy.
Baltimore, MD 21206

MTC–00020829

From: jspruill@samedan.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:55am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Janice Spruill
5100 S. Carter Street
Ardmore, OK 73401

MTC–00020830

From: Mr Bleakley
To: Microsoft ATR
Date: 1/24/02 9:01am
Subject: Microsoft settelment
Sirs: Please add this one voice as in favor of the Microsoft settlement plan. The publics confidence in The DoJ has been severely tested over this continued persecution concerning the supposed Microsoft monopoly. Please allow us all to get back to our primary reason to exist. To sell products and make a profit without government interference.
Mr. Bleakley

MTC–00020831

From: qualitysys@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:56am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of

computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jonathan Lusk
1005 Begonia Ave.
Costa Mesa, CA 92626

MTC–00020832

From: qualitysys@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:56am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Daniel Lusk
1005 Begonia Ave.
Costa Mesa, CA 92626

MTC–00020833

From: dennis.aksamit@compaq.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:58am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Dennis Aksamit
198 Walton Street
Portland, ME 04103–3310

MTC–00020834

From: deborahmaness@att.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:57am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Deborah Maness
204 Whippoorwill cove
Georgetown, TX 78628

MTC–00020835

From: Blash Ed
To: Microsoft ATR
Date: 1/24/02 9:00am
Subject: Microsoft Settlement
January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Microsoft and the Department of Justice, after three years in the federal courts, have finally managed to hash out the terms of an agreement and are prepared to settle. I am utterly relieved. This has gone on for long enough, and, while I believe the settlement deals too harshly with the Microsoft corporation, I would rather see it settled now than have it drag on interminably. The competitors of Microsoft apear to be sore loosers and are seeking legal remedies to save their failures in the marketplace. Microsoft does not deserve the kind of treatment it has received, especially considering that its actions were not detrimental to the consumer. I am a very satisfied Microsoft consumer and I believe that the DOJ actions has gone on long enough and that it is hurting the economy.

Microsoft has made a number of concessions in the agreement to its competitors. Some of the terms agreed upon extend to policies and products that the Court of Appeals did not find to be in violation of antitrust legislation. The terms themselves are designed to prevent future antitrust infringements and to allow for a greater degree of competition within the technology industry.

Microsoft will, for example, share information with its competitors regarding the internal working of the Windows operating system. This will allow the competitors to place their own programs on the Windows platform and compete on Microsoft's own ''turf.'' Clearly, this settlement is more than just a slap on Microsoft's corporate wrist.

Sincerely,
Ed Blash
9735 Redd Rambler Drive
Philadelphia, PA 19115
cc: Senator Rick Santorum

MTC–00020836

From: rogerh@frontiernet.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:58am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Roger Halfpop
108 2nd St NE
Belmond, , IA 50421–1029

MTC–00020837

From: rnichols51@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:56am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Robert Nichols
374 County Road 249
Athens, TN 37303–6902

MTC–00020838

From: qualitysys@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:57am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse: Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Alexis Larios
1005 Begonia Ave.
Costa Mesa, CA 92626

MTC–00020839

From: Phil Stevens
To: Microsoft ATR
Date: 1/24/02 9:00am
Subject: Microsoft Settlement

Please add my comments, as prescribed by the Tunney Act, to the consideration of Proposed Final Judgment in the matter of Microsoft's antitrust settlement.

I do not believe that the PFJ goes one-tenth as far as it needs to in order to bring a semblance of competitive behaviors to the computing marketplace. Without considerably more stringent measures to punish and deter Microsoft from its entrenched tactics, consumers will suffer the effects of a stunted operating system monoculture for the indefinite future. The implications of this monoculture are already staggering, measured by the millions in lost productivity in the past year from the spread of malicious code—exploits of the poor design and ubiquity of Microsoft platforms and applications.

Phil Stevens
Systems Engineer
Tucson, Arizona

MTC–00020840

From: roymp@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:59am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Roy Roy
2036 Lambert
Plano,, TX 75075

MTC–00020841

From: Moshe Weitzman
To: Microsoft ATR
Date: 1/24/02 9:00am
Subject: Microsoft Settlement

Dear Justice:

The Microsoft Anti-Trust case matters to me. I'm worried that the proposed remedy is insufficient medicine for the abuses purported by Microsoft in the past. Microsoft has abused its monopoly power in the OS market, to quench competition in other markets. I know that they will continue to do so, if the remedy lacks *teeth*. Please impose a remedy which truly restricts Microsoft, and returns to the software industry a fair and honest marketplace.

MTC–00020842

From: Tnm252@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:00am
Subject: ''Microsoft Settlement''

It is time for the Government to stop hounding Microsoft. The vast amount of monetary resources taken from the U.S. taxpayers can be better utilized elseware. The Federal Govt. does not have a Constitutional duty or right to meddle in the free market and to do so hurts the business market which we consumers have to ultimately pay for on top of paying for prosecution. If Netscape can't manage itself for profit than it either needs to change its strategy or leave the browser market and above all, it needs to quit whinning and blaming others for its incompentence.

Tom McMillan
Kennewick, WA

MTC–00020843

From: Jones, Stephen (S.C.)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 9:12am
Subject: Microsoft Settlement

I am strongly opposed to the proposed DOJ settlement with Microsoft. The original settlement decree by Judge Jackson was in my opinion totally justified. I believe that Microsoft's actions over the past decade including the actions to monopolize the browser have served to cost the American and world public in both economic terms and in reducing the amount of innovation and choice afforded by restricting the number of new products available. By reducing the proposed settlement any from the original severe penalty in both structure of Microsoft and economics constitutes implicit approval of Microsoft's tactics which I cannot accept. Presently Microsoft's integration of products makes them a monopoly in the computer products marketplace, Microsoft must be split up to enable fair competition in the marketplace.

Steve Jones
Supervisor, Electrical Electronic Controls Engineering
TH!NK Technologies, Ford Motor Company

MTC–00020844

From: cholmer@ciholmer.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:00am
Subject: Microsoft Settlement

After reading over much of the documentation on the proposed Microsoft Settlement, I find many disturbing issues, loopholes, and contradictions. I strongly urge the DOJ to have a formal and public review of the entire document. Here are some (definitely not all) of the issues I had while reading the documents.

For example, the definitions used in some of the wording in Part VI of the PFJ differ quite radically from the Findings of Fact and how those terms are used in every day language in technical circles. Being a technology agnostic developer, I find these issues quite disturbing.

For example, the Findings of Fact define 'Application Programming Interface' ('API') to mean the interfaces between application programs and the operating system. This is fairly accurate, but could also include how other programs interact with that program. However the PFJ's Definition A defines it to mean only the interfaces between Microsoft Middleware and Microsoft Windows, excluding Windows APIs used by other application programs. This is crazy, nuts, and way too contorted. A frequently used and widely understood term such as API should either remain the same as the Findings of Fact or be closer to the real world or public definitions of ''API''. For example www.techtarget.com defines API as:

''An application program interface (API—and sometimes spelled application programming interface) is the specific method prescribed by a computer operating system or by an application program by which a programmer writing an application program can make requests of the operating system or another application.

An API can be contrasted with a graphical user interface or a command interface (both of which are direct user interfaces) as interfaces to an operating system or a program'' (http://searchwin2000.techtarget.com/sDefinition/0,,sid1—gci213778,00.html)

Another Example would be the definitions of ''Microsoft Middleware'' and ''Microsoft Middleware Product''. The Findings of Fact define ''middleware'' to mean application software that itself presents a set of APIs which allow the users t write new applications without reference to the underlying operating system. This is close to the true meaning of middleware and I guess in the context of the Microsoft case, true.

Definition J of the PFJ in no way shape or form comes even close to this definition. There are many ways that Microsoft could side step this definition and still continue with its practices. If the DOJ was serious about improving Microsoft's conduct, it would not allow such a narrow explication or definition. Defining such a broad term in such a narrow light is laughable and amounts to a mosquito attacking an elephant. This should be reworded to more closely follow the Findings of fact or the more accepted definition:

''In the computer industry, middleware is a general term for any programming that

serves to ''glue together'' or mediate between two separate and usually already existing programs. A common application of middleware is to allow programs written for access to a particular database to access other databases.'' (http://searchwebservices.techtarget.com/sDefinition/0,,sid26—gci212571,00.html) The use of such explicit wording of version numbers for ''Microsoft Middleware'' should be completely dropped. There is no standard or regulation governing the use of version numbers and creates way to large of a loophole. More acceptable would be the use of time instead of version numbers. For example a period of 3 years is closer to reality instead of ''the next two versions'' . What's to prevent them from changing their versioning numbering to sidestep this definition? The use of delivery method should either be dropped or reworded to include all modern methods for delivery of software (for example downloading from the web sites) and other electronic means.

The use of such a restrictive list of ''products'' in Definition K of the PFJ is also laughable. Given the above definition of ''Middleware'' shouldn't ''Microsoft Middleware Products'' be subject to the same definition as the rest of the world and not individually listed. If the DOJ was serous about leveling the playing field, it would apply the same definition to Microsoft's other products, that the rest of the programming world. To use the definition found the Findings of Fact, ''Microsoft Middleware Products'' would be anything that they produce that is not the Windows Operating System, Not just the products listed in Definition K. Thank you for your time and attention in this matter, please feel free to contact me at any time regarding this matter.

Curt Holmer
CLP, MCSD
Mobile: (703) 627–5453
Office: (703) 421–7282
Fax: (571) 434–8672
Internet: cholmer@ciholmer.com
AIM: ciholmer
Groove:cholmer

MTC–00020845

From: qualitysys@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:57am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Ruth Savage
1005 Begonia Ave.
Costa Mesa, CA 92626

MTC–00020846

From: Neal Laur
To: Microsoft ATR
Date: 1/24/02 9:00am
Subject: Microsoft Settlement

I believe this has dragged on way too long now and all it is doing is costing we taxpayers money. It is time to tell these other companies like Netscape et al to stop their trying to drain Microsoft tofill their own coffers. They say it is to help the computer users , but they will be the ones to get any money from this , not the computer users. I can see no way that Netscape has been harmed. I used to use Netscape when they had a better program than did Microsoft , but now that the Microsoft program is better I use it. Tell Netscape to get over it and if they want to get back to where they once were , then come up with a better program again. There is nothing that stops people from using Netscape if they want to. I believe they just don't want it. I will tell you right out that I am no big fan of Microsoft as I have just quit their broadband internet service , or as I call it, their Non-service.

Sincerely , Neal Laur US Taxpayer
1608 Alder St. S. E.
Lacey , WA 98503
nekela@scattercreek.com

MTC–00020847

From: Lionel Woog
To: Microsoft ATR
Date: 1/24/02 9:02am
Subject: Microsoft Settlement

To whom it may concern:

The Microsoft settlement value was best appreciated by the capital markets, that is a as a huge win for Microsoft. It is a travesty of justice to present this settlement as a reasonable answer to Microsoft's monopoly. Nothing will ultimately prevent the company to, among other things:

- Leverage their newly acquired SGI 3D patent portfolio to gain monopoly power in what is now a very competitive field of 3D APIs.

- Continue leveraging gains from Monopoly power to enter the console market with the X-Box, that will cost MS upward of 2 Billion dollars before any profits roll in (isn't that a direct violation of the Sherman Act ?)

Those are only minuscule example of what the company is bound to do. We are drifting into a world where consumers will be caught between Microsoft and AOL, a rock and hard place. With this settlement the DOJ will kill innovation in the field, as no one will venture capital to any venture they know will be killed by Microsoft if it grows to any size deemed threatening.

Regards,
Lionel Woog, Ph.D.

MTC–00020848

From: Scott Prive
To: Microsoft ATR
Date: 1/24/02 9:03am
Subject: Microsoft Settlement

I am completely against the Microsoft settlement under review.

The playing field is not level, and the new proposal gives Microsoft entirely too much wiggle room, and fails to punish them for the laws they already broke.

Scott Prive
978–459–8191
registered voter

MTC–00020849

From: Richard Fryer
To: Microsoft ATR
Date: 1/24/02 9:08am
Subject: Microsoft Settlement

Microsoft overcharging? Operating systems cost FAR less now than ever in the past and have much more functionality. Check the prices during the 1990's at SUN, SGI, IBM, etc.

I suspect the monopoly law is badly flawed in the technology based market we now have, but regardless of that, think that the price of MS products is incredibly ''fair'' and a huge value. Our current technological progress would be severely hampered without this family of products.

My company depends on Linux for it's product line, but when WE want to get work done internally, we use MS products, and are VERY HAPPY with the prices, choices, and capabilities. You get letters at all extremes. My extreme is that DOJ attorneys seems to hate success! Why not focus on companies like Enron that are doing truly bad things to their customers, employees and society?

Richard Fryer
897 Oak Park Blvd. #313
Pismo Beach, CA 93449
CEO, Beomax, Inc.

MTC–00020850

From: Casey Kolehmainen
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/24/02 8:59am
Subject: Microsoft Settlement

To who it may concern,

I believe the proposed United States versus Microsoft Settlement does not ''level the playing field'' between Microsoft (the monopolist) and other computer software vendors as any settlement should. I feel that any proposed settlement or court remedy should entail Microsoft:

-> to fully comply with software community open standards in their respective markets.

-> for those Microsoft products where their isn't a community open standard, Microsoft should sponsor in an independent standards organization, a new standards body. Microsoft shouldn't lead such standards body unless the majority of the voting members elect Microsoft without regard to financial or other direct compensation by Microsoft.

By this remedy, I feel the software community in general will have a ''level playing field'', while yet allowing Microsoft an opportunity to innovate as long as its above and beyond the community open standard. Over time the community open standards will evolve to include new features, of which Microsoft will have to comply, and yet still have an opportunity to innovate by restarting the cylce of incorporating changes that go above and beyond the community open standard.

Thanks for your time.

Casey
Casey Kolehmainen
Systems Administrator
Tantivy Communications, Inc.
Melbourne, FL 32901
(321) 956–8846—office
(321) 863–0165—cell
ckolehmainen@tantivy.com

MTC–00020851

From: roger pittman
To: Microsoft ATR
Date: 1/24/02 8:58am
Subject: Microsoft Settlement

I strongly oppose the proposed settlement. Even if the many loopholes were plugged it does far too little to encourage and restore a competitive market environment, to punish Microsoft and its management for the illegal acts for which they have been convicted, or to discourage Microsoft from further anticompetitive and illegal activity.

MTC–00020852

From: thetis75@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:59am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Stacy Ryan
1451 Beach Park Blvd
#220
Foster City, CA 94404

MTC–00020853

From: Troy Acuff
To: Microsoft ATR
Date: 1/24/02 9:01am
Subject: Microsoft Settlement

I think the proposed settlement for Microsoft is a BAD idea. Don't do it.

MTC–00020854

From: grdouglas@tecoenergy.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:01am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now.

Thank you.
Sincerely,
Greg Douglas
5542 Marie Drive
Zephyrhills, FL 33541–1991

MTC–00020855

From: Ahlstrom, Christopher (091)Contractor(093)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 9:05am
Subject: Microsoft Settlement is Shocking

The DOJ's settlement with Microsoft rewards Microsoft for predatory behavior. By allowing them to contribute software and hardware to schools, their monopoly is only cemented more. Bill Gates is sneering inwardly, I'm sure. Steve Ballmer is laughing. Microsoft employees are wearing ''Department of Justice: Antitrust Division'' T-shirts. Microsoft has made a mockery out of quality. Microsoft has made a mockery out of fair play. All of Microsoft's code needs to be put in the public domain in order to have any hope of having alternative operating systems written by corporations. I'm frankly surprised that Bill Gates isn't seeing any jail time.

Sincerely,
Chris Ahlstrom
CC:'ahlstromc(a)home.com'

MTC–00020856

From: Paul Brown
To: Microsoft ATR
Date: 1/24/02 9:04am
Subject: Microsoft Settlement

The proposed settlement is not sufficient. There are many problems it does not address, but I'm most concerned about lack of protection for interoperability with so-called Open Source software. It appears that Microsoft will be able to block access to interoperability information because Open Source organizations don't operate as conventional businesses (for instance, they don't have business plans).

Open Source software, such as the SAMBA project, is used by hundreds of thousands, if not millions, of users worldwide. It provides essentially free software which would most likely be rendered useless by future generations of Microsoft software. Microsoft has a history of changing protocols simply to block competition.

Thank you,
Paul Brown
PO Box 428
Winthrop WA 98862
(509) 996–3211
pbrown@methow.com

MTC–00020857

From: Stevalerie@prodigy.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:01am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Bridget Morris
9081 Sainsbury Ct
Bristow, VA 20136

MTC–00020858

From: rshawver@tycoint.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:00am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Rick Shawver
W289 N2240 Louis Ave. #1D
Pewaukee, WI 53072–5059

MTC–00020859

From: nanjmay@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:00am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Nancye May
501A Harrell
Canyon, TX 79015

MTC–00020860

From: genekoch@ih2000.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:01am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Gene Koch
5195 Browning Dr
Beaumont, TX 77706

MTC–00020861

From: Mueller, Andrew
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 9:04am
Subject: Microsoft Settlement

This settlement is BAD. The DOJ is being WAY too soft on the MICROSOFT criminals.

–Andrew Mueller, SCSA

MTC–00020862

From: Randy Green
To: Microsoft ATR
Date: 1/24/02 9:06am
Subject: Microsoft Settlement

The proposed settlement is bad idea.

MTC–00020863

From: Rfabrizio@hra.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:02am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Randall Fabrizio
6240 Osceola Way
Arvada, CO 80003

MTC–00020864

From: pabir@abir-enterprises.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:04am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Pirooz Abir
1199 Quarry Commons Dr
Yardley, PA 19067–4021

MTC–00020865

From: bnashk@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:04am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Kristi Nash
1011 East Waverly Drive
Arlington Heights, IL 60004

MTC–00020866

From: bayray@cel.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:02am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Richard Bay-Ramyon
12820 Cienega Rd
Hollister , CA 95023–9141

MTC–00020867

From: darsby@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:05am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Dale Robert
P.O. Box 6223
Minneapolis, MN 55406–0223

MTC–00020868

From: David Smith
To: Microsoft ATR
Date: 1/24/02 9:07am
Subject: Microsoft Settlement

To whom it may concern,

The proposed settlement(punishment), as it stands, does not fit the crime.

This is a criminal who has the means to repay society for its crimes. I urge you to re-think your proposed settlement and increase the punishment to these selfish, coldhearted monopolists.

–David Smith

MTC–00020869

From: hallumjr@bellsouth.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:07am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Frank Hallum, Jr.
2850 Jay Jay Rd
Titusville, FL 32796–1725

MTC–00020870

From: Crdanner
To: Microsoft ATR
Date: 1/24/02 9:09am
Subject: Microsoft Settlement

I strongly disagree with the present settelment, and feel microsoft is geeting off free.

Other companies are watching this closley, to see what they can get away with.

You must send microsoft a strong message, otherwise they will continue to go as business as usual. The consumer should always have a freedom of choice, but that went away when microsoft monoplolized the market. There are many users that are Forced to use microsoft products at work, as a company policy, and they use other operating systems at home. I use OS/2, Linux and Windows at home. I have the freedom to choose what to use and I do exactly that.

Hit them Hard, or they will get the last laugh, and continue to break the law.

Curtis R. Danner, Aurora, IL

MTC–00020871

From: jjguss@cs.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:05am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
John Guss
6435 Greyfield Rd
Fayetteville, NC 28303

MTC–00020872

From: Gideon Jones
To: Microsoft ATR
Date: 1/24/02 9:09am
Subject: Business American Style
Dear Sirs:

Let's stop the harassment of Microsoft and let them get on with their inovative and successful buisness. I am tired of the whining and sour grapes from the second best crow

Thanks
Gideon Jones

MTC–00020873

From: schaefer2@mindspring.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:05am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
scott schaefer
301 east fairbrook
boise, ID 83706

MTC–00020874

From: Jeff Hanna
To: Microsoft ATR
Date: 1/24/02 9:08am
Subject: Microsoft Settlement

I do not feel that the proposed settlement for the Microsoft anti-trust case is an adequate punishment for Microsoft. I am not in favor of it in its current state. Please consider my email as my registering a vote of ''no'' against the current settlement. A settlement that is more favorable to other companies in the computer industry, does not give Microsoft such a strong position in our public schools, and is actually a punishment for Microsoft is what should be presented and agreed upon.

Thank you,
Jeff Hanna

MTC–00020875

From: wt.catch1
To: Microsoft ATR
Date: 1/24/02 9:09am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Gideon Jones
TX 77571–4232

MTC–00020876

From: markzakula@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:09am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
mark zakula
3 deonwood
san anstonio, TX 78257

MTC–00020877

From: Matthew Brown
To: Microsoft ATR
Date: 1/24/02 10:10am
Subject: Microsoft Settlement

I am not satisfied with the settlement of the case with Microsoft. Microsoft has deliberately and repeatedly over-stepped its bounds, and it must be penalized to a greater extent than the settlement currently allows.

—

Best regards,
-Matthew Brown
CorData
Phone: (770) 795–0089

Fax: (404) 806–4855
Web: www.cordata.net

MTC–00020878

From: joy@piggott.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:07am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Loretta Copeland
502 W. Franklin St.
Marmaduke, AR 72443

MTC–00020879

From: Frank Verano
To: Microsoft ATR
Date: 1/24/02 9:10am
Subject: Microsoft Settlement

Sirs:

I have no objection to MS I. E. short cut on the desktop. Netscape is there too. Why not stop the nonsense? Let Capitalism do its work. That is how MS got to the top in the first place.

Drop the matter!
Frank Verano

MTC–00020880

From: John E. Fair
To: Microsoft ATR
Date: 1/24/02 9:11 am
Subject: Microsoft Settlement
John E. Fair
President
J. Fair Systems, Inc.
336–992–2828
http://www.jfsi.com or http://www.jfairsystems.com

MTC–00020880—0001

January 23,2002
John Fair
935-A East Mountain Street
Kernersville, North Carolina 27284
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to you today to express my support for the Microsoft antitrust settlement, which has been a long time in the making. Three years have now passed since this lawsuit was enacted, and during this time an exorbitant amount of taxpayer dollars have been squandered in funding this lawsuit. Enough is enough.

I would hope that the federal government would not waste any more time over the issue and enact the settlement that was reached in November.

Further, it seems to me that the terms of the settlement are very fair. Microsoft has agreed to disclose the internal interfaces of its Windows system to its competitors. Beyond this, Microsoft will also make the licensing rights to Windows available at a constant rate to its competitors. In addition, Microsoft has also agreed to be monitored by a watchdog group that will make sure that Microsoft complies with the terms of the agreement.

I believe that the best path for the Justice Department is to end this dispute once and for all.

Sincerely,
John Fair
00020880—0002

MTC–00020881

From: warren peterson
To: Microsoft ATR
Date: 1/24/02 9:13am
Subject: Microsoft Settlement

To Whom It May Concern

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely
Warren Peterson
RR. 10 Box 88 H
Santa Fe,NM
87507–9402

MTC–00020882

From: jwest-cypress@msn.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:10am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
jim west
16710 telge road
Cypress, TX 77429–1331

MTC–00020883

From: Clint McIntosh
To: Microsoft ATR
Date: 1/24/02 9:12am
Subject: Microsoft Settlement

Microsoft cannot be allowed to continue bullying the software and hardware manufacturers of this country. And this recent settlement that forces Microsoft to give hardware and software to schools is absolutely the stupidest idea I ever heard of! This only ENCOURAGES them to keep doing things ''their'' way. It also gives them a NEW foothold into areas where they don't already have a demanding lead. If you want to improve schools AND punish Microsoft for their flagrant abuse of their power, make them pay $1 Billion to each and every state in the Union for the purpose of improving schools HOWEVER THE STATE SEES FIT. If the states want to use the money to build new classrooms, or give teachers raises or buy Apple computers and software for their students, that is up to them. Microsoft should not get any kind of tax deduction from it or any kind of say in what the money would be used for. They need to be punished and I don't mean ''minimum security country club federal prison'' type punishment either. If the courts aren't going to do the right thing and split up the biggest monopoly since AT&T, then they should penalize them severely.

As a computer user, I am severely impacted by Microsoft's abuse of power and unfair practices. I am not alone. Every computer user in this country is affected the same way.

Clint McIntosh—clintmcintosh@mac.com

MTC–00020884

From: Mike Dembski
To: Microsoft ATR
Date: 1/24/02 9:13am
Subject: Microsoft Settlement

As a consumer, I have found that Microsoft has so monopolized the market that there is virtually no choice but Microsoft products. When a consumber buys a new PC, Internet Explorer is already installed, MSN is usually the default home page, Outlook express is the email program, there are links to Hotmail, MSN messenger is usually set up to automatically start, Windows media player is already installed.

Furthermore, is the office application market, Microsoft has shown that now that they have a lock on that market, they feel they can afford to pump up prices, and make it difficult for the causal user to move applications from one machine to another, but the same measures will do nothing to stop conterfeit applications.

Microsoft is doing everything possible to stifle and stop ALL competition. This is a monopoly and it must be stopped.

Mike Dembski

6409 16th St, NW
Washington, DC 20012
202 291 3951

MTC–00020885

From: svedeiv@msn.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:10am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.
This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Connie Parson
210 Garden Lane
Excelsior Springs, MO 64024–1213

MTC–00020886

From: jcb1948@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:09am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.
This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
John Brooks
12330 Chessington Dr.
Houston, TX 77031–3205

MTC–00020887

From: Tym—Stegner@cca-int.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:14am
Subject: Microsoft Settlement
Sir/Madam:
I am opposed to the Proposed Settlement in the Microsoft vs DOJ anti-trust trial.
I cannot be so eloquent as others, especially the Joint Open Letter to the DOJ written by Dan Kegel (to which I have also attached my support), but my reading of the proposed settlement suggests to me that Microsoft is not really being penalized for it's anti-trust actions.
Thank you for your consideration in this matter.
Timothy J. Stegner
Bolton
MA
Senior Systems Engineer
Computer Corporation of America

MTC–00020888

From: Nasir, Robert
To: Microsoft ATR
Date: 1/24/02 9:13am
Subject: Microsoft Settlement
To: District Court Judge, US vs. Microsoft
In the matter of the proposed settlement of the Microsoft antitrust case, I, as an American, and as an Information Technology professional, urge you to waive any and all penalties against the Microsoft Corporation.
All of the evidence to date indicates that the case against Microsoft is unjustified. From my experience using the products of both Microsoft and their competitors, I can state that Microsoft has not competed unfairly, and has in fact created markets which have enabled countless other enterprises to succeed.
And from my personal perspective, it is clear that Microsoft has been only a benefactor to millions of business professionals and home users, more so than any other single American technology organization.
I hope when you examine the facts in this case, you will agree the Microsoft deserves praise, not punishment, for their success.
Respectfully,
Robert C. Nasir, MCSE
12023 Leverne Street
Redford Township, MI 48239
313–937–9188
CC:amynasir@aol.com@inetgw,ericlakits @aol.com@inetgw,...

MTC–00020889

From: writeben@swbell.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:12am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.
This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Ben Thomas
7720 Deaver Drive
NRH, TX 76180

MTC–00020890

From: jfuller@mrcareers.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:11am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.
This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
jeffrey fuller
83 eagle chase
woodbury, NY 11797–2918

MTC–00020891

From: Eric Braun
To: Microsoft Settlement
Date: 1/24/02 8:40am
Subject: Microsoft Settlement
Eric Braun
310 Edelweiss Circle
St. Michael, MN 55376
January 24, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:
The Microsoft trial squandered taxpayers’ dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.
Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.
Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than

bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Eric Braun

MTC–00020892

From: KING@JET-WEB.COM@inetgw
To: Microsoft ATR
Date: 1/24/02 9:14am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
GERALD KOENIG
11174 SO. EVERGREEN DR.
SOLON SPRINGS, WI 54873

MTC–00020893

From: Jack Fenchel
To: Microsoft Settlement U.S. Department of Justice
Date: 1/24/02 8:35am
Subject: Microsoft Settlement

Jack Fenchel
185 Friendship Rd.
Beaver Falls, Pa 15010–5714
January 24, 2002

Microsoft Settlement U.S. Department of Justice ,

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers’ dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Jack Fenchel

MTC–00020894

From: pinks@thedalles.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:14am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Mr. & Mrs. David Pink
4080 Orchard Road
The Dalles, OR 97058

MTC–00020895

From: saubuchon@att.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:11am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Stephen Aubuchon
67 Town Farm Road
Westminster, MA 01473

MTC–00020896

From: Dave Garvie
To: Microsoft ATR
Date: 1/24/02 9:15am
Subject: Microsoft Settlement

Please settle the Microsoft case, and let them get back to business.

Dave Garvie.

MTC–00020897

From: Gilbert Ball
To: Microsoft ATR
Date: 1/24/02 9:15am
Subject: Microsoft Settlement

Greetings.

I remember my surprise and shock that the Department of Justice had reached a settlement with Microsoft Corporation. After reading the details of the proposal, I feel it is little more than a slap on the hand.

I am not a fan for breaking up Microsoft. But I do feel that they actively sought out and eliminated any competition to their software products and services. Fortunately there have been a few holdouts that have survived to this day, but Microsoft stills holds almost all the cards.

Over the course of time I have used and supported many operating systems. Some of them still exist and thrive in their smaller markets. But I have watched Microsoft grow and overtake them all. Microsoft didn't do it because it had a better product. In fact, their rise can be summed up with this statement: Crummy product, great marketing. They can sell million dollar oceanfront property in Montana to a bum on the beach in Florida. The browser wars are dead and Microsoft has won. But they didn't win fairly. They systematically suffocated Netscape by undercutting them by giving away Explorer, cutting off distribution channels and strong arming people into putting their software in the premier locations or installations.

Although Apple and Microsoft cozied up together in recent years, Apple has always been really at Microsoft's whim. Microsoft did have the best office product for the Macintosh platform. Without it, the Macintosh with whither and possibly fade away. One little implied threat that they would discontinue Office would definitely bring Apple to its senses and support Microsoft's other software packages over Microsoft's rivals. If I was Apple, it would get me shaking in my boots to lose the Microsoft Office package.

But back to the browsers for a second. I used to use Netscape. It was a superior product. I PAID for it because it was good. Then Microsoft came along with Internet Explorer. It was a piss poor product AND it was preinstalled with Windows. I didn't want it, I didn't like it. I continuted to use Netscape. I chose Netscape because it was better, more stable, and had all the features I wanted. But as time went on and Explorer became more and more a part of the operating system, I had no choice. I shake my head as I look at my desktop right now while typing this message. I am running Microsoft Windows 2000, using Internet Explorer and Microsoft's Hotmail service. I used to run so many applications from different vendors.

But they are no longer there. And I wouldn't dare install Netscape on my system as it doesn't coexist with Microsoft products very well anymore. I am not sure if that is by Microsoft's design or the fact that Netscape has been beaten down so much, they cannot afford to make the superior product they used to create.

I urge you to reconsider your mild treatment of Microsoft. It is a MONOPOLY. They have used tactics that date back to the the likes of railroad monopolies. It was not acceptable then. It is not acceptable now. We are in a capitalist, Democratic, society. We have freedom to choose where, what, when, how, and why on almost every aspect of our lives. Microsoft took away some of my freedoms. My freedom of choice was taken away. Frankly, that leaves a very bitter taste in my mouth. It is up to you to rectify the situation. You are the law and the guardians of what our forefathers and those after them have put into place. Please do the right thing and scrap this watered down agreement. It does no one in this country and the world any good except for Microsoft.

Thank you very much for your time.

Sincerely,

-gilbert

Gilbert Ball

PO Box 231253

Tigard, Oregon 97281–1253

MTC–00020898

From: andynphyl@cs.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:15am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,

Harold Anderson

4755 Saddlebrook Ave

Springdale, AR 72762–0453

MTC–00020899

From: Charles T Mattice
To: Microsoft ATR
Date: 1/24/02 9:18am
Subject: Microsoft Settlement
January 24, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Re.: Microsoft Settlement

Dear Ms. Hesse:

As a US Citizen that is involved in the IT community, I have been following this case with interest.

I am submitting these comments as my rights under the tunney act.

I have reviewed the proposed final settlement and cannot agree with it. I find that the proposed settlement by the nine states and DC would be a more adequate correction and believe that the citizens of the United States could fully comprehend this action.

If you dicide to the final settlement proposed by the USDOJ then this would be a further stepping stone for Microsoft to implement further monopolistic controls and actions on the citizens of this country and could be the demise of open source software.

Sincerely,

Charles T Mattice

MTC–00020900

From: nholowat@csc.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:18am
Subject: ''Microsoft Settlement''

Dear Sir or Madam:

I'd like to add my comments to the Microsoft Settlement case. As it stands, feel that the current ruling serves no purpose but to help Microsoft gain a larger hold on computers in the schools. I also feel that the state of the economy should not enter into the punishment phase. Some ways I feel that would help stop the monopoly of Microsoft are:

Microsoft should not be able to donate software to schools as part of the settlement. If they want to, they can contribute cash so that school administrators can chose their own operating system. In actuality, it costs Microsoft next to nothing to push out the CD's, and of course, they would be getting a tax reduction for the retail price.

They win on both sides of the coin.

Microsoft file formats for their products be opened up for open source systems or proprietary systems.

The price of Windows should not be part of a computer purchase. Computers should be available without an operating system, and if the consumer wants it pre-installed, it should be at the same price for all consumers.

Microsoft should open the Windows application programming interface (API) to allow other vendors to write applications on an equal footing with Microsoft.

All networking protocols should be published fully and approved by an independent network protocol body.

Thank you for your time,

Nicholas P. Holowaty

114 Rowland Drive

East Hartford, CT 06118

MTC–00020901

From: Charles Ellmaker
To: Microsoft ATR
Date: 1/24/02 9:27am
Subject: Microsoft Settlement

Dear Sirs/Madams—

It appears that only Microsoft (a very capable firm, obviously) has the power to turn a trust-busting suit to its own advantage.

Having read that Microsoft wanted to compensate the world for its misdoings by giving away free software/hardware to schools, I was flabbergasted. I have no doubt that this software would not be targeted to schools that already use Microsoft software but to those that use someone else's (Apple's, perhaps?) A schoolchild could figure out where this would lead. My understanding is that this ''remedy'' has been quashed, or at least I hope so.

Unfortunately, this is only the tip of the iceberg. You know the details, but allowing Microsoft free rein to dictate standards which they will control, especially over something as open and powerful as the internet, is a folly of unbelievable proportions (and one with a host of unforeseeable consequences to go with the foreseeable ones). Even outside of the United States (I am currently working in Sierra Leone), the reach of Microsoft is basically absolute. My own head office tried to forbid my use of non-Windows software simply because ''we use Windows,'' they said. This even though my overseas office uses compatible Microsoft Word and Excel, but on Macintoshes. Obviously Microsoft's reach and influence already exceed all bounds of reason. Please do not allow them even greater control over the oxygen that every organization breathes: information and its movement.

Charles Ellmaker

6 Logan Circle, NW

Washington, DC 20005

Regional Director for West Africa

The Center for Victims of Torture (based in Minneapolis)

Freetown, Sierra Leone

MTC–00020902

From: Jim Roscoe
To: Microsoft Settlement U.S. Department of Justice
Date: 1/24/02 7:57am
Subject: Microsoft Settlement
Jim Roscoe
4500 Duke St. #201
Alexandria, va 22314
January 24, 2002
Microsoft Settlement U.S. Department of Justice

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers’ dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers.

With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Jim Roscoe

MTC–00020903

From: Fulford, Domonic
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 9:20am
Subject: microsoft settlement

this settlement represents a total cave in to Microsoft and will lead to further issues stemming from Microsofts stranglehold on the Browser consumer o/s market

Dominic fulford

MTC–00020904

From: Bill.Pelletier@eds.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:14am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Dr. William Pelletier
800 Huntsford
Troy, MI 48084–1614

MTC–00020905

From: willgeos@webtv.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:14am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
WILLIAM SHERRIS
9157 EMERSON AVE
SURFSIDE, FL 33154–3113

MTC–00020906

From: Charles Cooper
To: Microsoft ATR
Date: 1/24/02 9:19am
Subject: Microsoft Settlement

I personally am disappointed with the settlement.

Big business needs some definitive.

I have a computer business and run into numerous things while building systems that smack of Microsoft's explicit efforts to discourage non-Microsoft installations.

Obviously they aren't capable of providing an open product in their near-monopolistic hold on the industry. That's where I hope the government can maintain at least the handholds to permit competition. If nothing else the licensing and cost of Microsoft products is oppressive to small businesses and homeowners as evidence of Microsoft's stranglehold on the industry.

I applaud Microsoft's standardization of our software industry, but we need to permit avenues for competition for the likes of Netscape, Linux, Corel and other struggling competitors.

Chuck
Charles E. Cooper
Applied Research Laboratory
The Pennsylvania State University
(814) 865–2020
ccooper@psu.edu

MTC–00020907

From: Alan McConnell
To: Microsoft ATR
Date: 1/24/02 9:19am
Subject: Comment on DoJ v Microsoft settlement

To Whom it May Concern:

It seems to me clear that Microsoft has violated the anti-trust laws, and I agree with Thomas Penfield Jackson's original decision to split Microsoft into two companies, one an operating system development company(OSD), the other an applications development company(AD).

If this were done, the AD company would clearly port its applications to all major platforms, including the big Unix players: Linux, Sun, and SGI. This would in turn foster competition among the various operating systems. This is clearly beneficial, not only to the industry, but to the economy as well.

Respectfully submitted,
Alan McConnell
9805 Gardiner Avenue
Silver Spring, MD 20902

MTC–00020908

From: Alfred Thompson
To: Microsoft Settlement U.S. Department of Justice
Date: 1/24/02 8:29am
Subject: Microsoft Settlement
Alfred Thompson
2 Kimball Terrace
Danville, NH 03819–5102
January 24, 2002
Microsoft Settlement U.S. Department of Justice

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies. While Microsoft has not been perfect they have made computers easier to use for everyone. The cost of software is more reasonable today than it ever was. If other products were better then what Microsoft sells than people would be buying them. We have seen the market drop poor products for good ones over and over again. Just look at the history of products that HAD monopolies in spreadsheets and word processing that are now gone because THE MARKET decided a new product was better. The computer market is working, let's leave it alone.

Thank you for this opportunity to share my views.

Sincerely,
Alfred C Thompson II

MTC–00020909

From: Jim Mowreader
To: Microsoft ATR
Date: 1/24/02 9:17am
Subject: Microsoft settlement

MTC–00020909—0001

This is a bad settlement. I shall extract a few of the pieces that are especially bad and comment on them:

''Nothing in this provision shall prohibit Microsoft from enforcing any provision of any license with any OEM or any intellectual property right that is not inconsistent with this Final Judgment. Microsoft shall not terminate a Covered OEM's license for a Windows Operating System Product without having first given the Covered OEM written notice of the reasons for the proposed termination and not less than thirty days'' opportunity to cure. Notwithstanding the foregoing, Microsoft shall have no obligation

to provide such a termination notice and opportunity to cure to any Covered OEM that has received two or more such notices during the term of its Windows Operating System Product license.''

The problem? ''Covered OEM.'' The definition of a Covered OEM: ''Covered OEMs'' means the 20 OEMs with the highest worldwide volume of licenses of Windows Operating System Products reported to Microsoft in Microsoft's fiscal year preceding the effective date of the Final Judgment. The OEMs that fall within this definition of Covered OEMs shall be recomputed by Microsoft as soon as practicable after the close of each of Microsoft's fiscal years.''

No one else is protected by paragraphs containing this phrase. More to the point, the 20 largest OEMs won't need to be affected by this document; these companies are loyal to Microsoft anyway and they sell enough Microsoft product that they can be affected by silly little flings with Linux or Netscape and still make Microsoft vast sums of money. And should one of them happen to start selling enough non-Microsoft product that they fall off the top-twenty list in Redmond, they become a non-covered OEM and thereby lose the protections of this agreement.

''Ensure that a Windows Operating System Product does not (a) automatically alter an OEM's configuration of icons, shortcuts or menu entries installed or displayed by the OEM pursuant to Section III.C of this Final Judgment without first seeking confirmation from the user and (b) seek such confirmation from the end user for an automatic (as opposed to user-initiated) alteration of the OEM's configuration until 14 days after the initial boot up of a new Personal Computer. Microsoft shall not alter the manner in which a Windows Operating System Product automatically alters an OEM's configuration of icons, shortcuts or menu entries other than in a new version of a Windows Operating System Product.''

This is missing a few words: ''initial boot up *by the ultimate purchaser* of a new Personal Computer.'' Computers are initially booted up at the factory for quality control purposes. If the 14-day clock starts ticking the moment the machine is booted up at the factory, the purchaser can lose all protection under this paragraph since it can take more than 14 days to get a computer through the supply chain from the factory to the point of purchase and into the hands of the consumer.

''Notwithstanding the foregoing Section III.H.2, the Windows Operating System Product may invoke a Microsoft Middleware Product in any instance in which:

1. that Microsoft Middleware Product would be invoked solely for use in interoperating with a server maintained by Microsoft (outside the context of general Web browsing), or

2. that designated Non-Microsoft Middleware Product fails to implement a reasonable technical requirement (e.g., a requirement to be able to host a particular ActiveX control) that is necessary for valid technical reasons to supply the end user with functionality consistent with a Windows Operating System Product, provided that the technical reasons are described in a reasonably prompt manner to any ISV that requests them.''

Subparagraph 2 kills all the previous requirements for Microsoft to publish APIs and so forth. ActiveX is, or at least should be, a published standard. By redesigning Internet Explorer, or Windows itself, so that some of the ''functionality consistent with a Windows Operating System Product'' is contained in an ActiveX control which only Internet Explorer can invoke— it's not a technically difficult challenge—this agreement guarantees that Microsoft Middleware will always be invoked.

Also, Section VI, Paragraph K (definition of Middleware) states clearly that Middleware is only that software Microsoft issues to upgrade Windows; nothing in this paragraph precludes Microsoft from invoking the non-Middleware version of Internet Explorer which was an integral part of your Windows installation.

''B. Appointment of a Technical Committee

1. Within 30 days of entry of this Final Judgment, the parties shall create and recommend to the Court for its appointment a three-person Technical Committee (''TC'') to assist in enforcement of and compliance with this Final Judgment.

2. The TC members shall be experts in software design and programming. No TC member shall have a conflict of interest that could prevent him or her from performing his or her duties under this Final Judgment in a fair and unbiased manner. Without limitation to the foregoing, no TC member (absent the agreement of both parties):

a. shall have been employed in any capacity by Microsoft or any competitor to Microsoft within the past year, nor shall she or he be so employed during his or her term on the TC;

b. shall have been retained as a consulting or testifying expert by any person in this action or in any other action adverse to or on behalf of Microsoft; or

c. shall perform any other work for Microsoft or any competitor of Microsoft for two years after the expiration of the term of his or her service on the TC.''

Who will they get? Microsoft's business covers all segments of the computer industry; there is no company in this industry that Microsoft doesn't at least technically compete with. I spent a lot of time thinking of companies who could supply unencumbered TC members, and couldn't come up with one name. Even someone like Siebel, who makes customer relations management, or CRM, applications, could be considered a competitor—Microsoft doesn't make a packaged CRM product, but you can do CRM in Microsoft Access so Siebel is a Microsoft competitor. Not even academia is immune: Microsoft has extensive consulting and advisory contracts with university professors. If Microsoft wants to get nit-picky about this, and they will, then no ''expert in software design and programming'' will be eligible to sit on the TC.

''C. Appointment of a Microsoft Internal Compliance Officer

1. Microsoft shall designate, within 30 days of entry of this Final Judgment, an internal Compliance Officer who shall be an employee of Microsoft with responsibility for administering Microsoft's antitrust compliance program and helping to ensure compliance with this Final Judgment.''

This is like ordering the Medellin Cartel to appoint an internal compliance officer from their own staff to make sure they don't sell cocaine. Or directing the Chicago Mafia to appoint one of its mobsters as an internal compliance officer to ensure they shut down their gambling operations. An internal compliance officer is necessary, but to ensure that this officer ensures Microsoft's compliance with the settlement, he or she must come from outside Microsoft and must not be on the Microsoft payroll. ''In any enforcement proceeding in which the Court has found that Microsoft has engaged in a pattern of willful and systematic violations, the Plaintiffs may apply to the Court for a one-time extension of this Final Judgment of up to two years, together with such other relief as the Court may deem appropriate.''

Why only a one-time extension? Microsoft has a history of ignoring court orders, consent decrees and other conduct remedies. Allowing only one extension basically invites Microsoft to engage in a pattern of willful and systematic violations right up front, knowing that it can only be hit with one two-year extension. After it receives its two-year extension, the absence of other penalties for non-compliance basically means Microsoft will be free to do whatever it wants.

''''Microsoft Middleware'' means software code that

1. Microsoft distributes separately from a Windows Operating System Product to update that Windows Operating System Product;

2. is Trademarked;

3. provides the same or substantially similar functionality as a Microsoft Middleware Product; and

4. includes at least the software code that controls most or all of the user interface elements of that Microsoft Middleware.

Software code described as part of, and distributed separately to update, a Microsoft Middleware Product shall not be deemed Microsoft Middleware unless identified as a new major version of that Microsoft Middleware Product. A major version shall be identified by a whole number or by a number with just a single digit to the right of the decimal point.''

This screws up the whole ''Internet Explorer is Middleware'' argument. Internet Explorer is an integral component of Windows; in fact, it's the component of every version of Windows since Windows 98 that provides the Windows user interface.

Subparagraph I is just strange: according to it, the version of Internet Explorer 6 which comes built in to Windows XP is not middleware, but the version of Internet Explorer 6, which does exactly what the built-in version does, is middleware. I believe this line is enough to get the whole agreement thrown out in court, since the Settlement contains no wording upholding the rest of the Settlement should parts of it be found invalid.

Subparagraph 2 is meaningless. Microsoft trademarks everything they make and every distinctively-named component of everything they make.

Subparagraph 3 is circular logic—''Microsoft Middleware does the same thing as Microsoft Middleware.'' (I never would

have guessed!) Subparagraph 4 is laughable. Very few computer applications put the user interface elements in one program and the functionality elements in another. Wolfram Research's Mathematica (which is designed so that the user can construct a data set on his or her personal computer then transmit it to a large shared computer for processing) and applications used to control industrial machinery are designed this way; no middleware application and certainly no Microsoft middleware application shares this construction. ''Functionality that Microsoft describes or markets as being part of a Microsoft Middleware Product (such as a service pack, upgrade, or bug fix for Internet Explorer), or that is a version of a Microsoft Middleware Product (such as Internet Explorer 5.5), shall be considered to be part of that Microsoft Middleware Product.''

Unless, of course, it's a service pack for the Internet Explorer you received as part of your Windows installation, and then it's not middleware. This also allows them to continue to bar non-Microsoft middleware from being loaded by their OEMs—if Middleware is distributed separately from Windows, then a clean load of Windows contains no Middleware (because Internet Explorer is an integral part of Windows), and therefore allowing non- Microsoft middleware to be loaded would put Microsoft at a competitive disadvantage since there is no Microsoft middleware on these machines.

''''Microsoft Middleware Product'' means

1. the functionality provided by Internet Explorer, Microsoft's Java Virtual Machine, Windows Media Player, Windows Messenger, Outlook Express and their successors in a Windows Operating System Product, and

2. for any functionality that is first licensed, distributed or sold by Microsoft after the entry of this Final Judgment and that is part of any Windows Operating System Product

a. Internet browsers, email client software, networked audio/video client software, instant messaging software or

b. functionality provided by Microsoft software that—

i. is, or in the year preceding the commercial release of any new Windows Operating System Product was, distributed separately by Microsoft (or by an entity acquired by Microsoft) from a Windows Operating System Product;

ii. is similar to the functionality provided by a Non-Microsoft Middleware Product; and

iii. is Trademarked.

Functionality that Microsoft describes or markets as being part of a Microsoft Middleware Product (such as a service pack, upgrade, or bug fix for Internet Explorer), or that is a version of a Microsoft Middleware Product (such as Internet Explorer 5.5), shall be considered to be part of that Microsoft Middleware Product.''

I am confused here. A saw is a product. Cutting wood is a functionality. I can't sell you ''cutting wood'' except as labor, but I can sell you a saw or wood that has been cut. Similarly, Microsoft can't sell ''Internet browsing'' but they can sell an Internet browser. Functionality is not a product. A product is a product.

If, on the other hand, ''middleware products'' are actual products and not ''functionalities,'' this paragraph seems to be another way to circumvent the whole agreement. Since the inbuilt version of Internet Explorer is a

''middleware product'' instead of ''middleware,'' they can invoke it then claim that they're following the letter of the agreement—they didn't invoke the clearly defined ''middleware'' but rather the ''middleware product.'' And they will be right.

Subparagraph b seems to have a lot of ''weasel'' phrases in it—phrases that are intended to let Microsoft ''weasel'' the product out of the agreement. To get a product declared ''not a middleware product'' they need only release it as part of a new Windows release. Microsoft does this regularly—there is not much difference between Windows XP and Windows 2000, for instance. Subparagraph ii goes without saying—Microsoft is not innovative and its products all have functionality similar to non-Microsoft products. Objection to subparagraph iii is the same as before—all Microsoft products and discernible parts of products have trademarked names.

''''Microsoft Platform Software'' means (i) a Windows Operating System Product and/or (ii) a Microsoft Middleware Product.''

This is a strange one indeed. It seems to define Internet Explorer for the Macintosh as Platform Software.

Cut the bull and declare Internet Explorer ''middleware'' no matter how the user gets it. Not three things—middleware if you download it, middleware product if it's integrated and ''platform software,'' whatever that is. ''''Personal Computer'' means any computer configured so that its primary purpose is for use by one person at a time, that uses a video display and keyboard (whether or not that video display and keyboard is included) and that contains an Intel x86 compatible (or successor) microprocessor. Servers, television set top boxes, handheld computers, game consoles, telephones, pagers, and personal digital assistants are examples of products that are not Personal Computers within the meaning of this definition.'' The industry is moving toward ''computing everywhere''—Microsoft's Xbox video game console, Ultimate TV digital video recorder, PocketPC handheld computers and WebTV set-top box are products Microsoft makes either software or the whole box for, and these are markets for which this settlement does not proscribe anticompetitive behavior by Microsoft in by virtue of this paragraph.

''''Windows Operating System Product'' means the software code (as opposed to source code) distributed commercially by Microsoft for use with Personal Computers as Windows 2000 Professional, Windows XP Home, Windows XP Professional, and successors to the foregoing, including the Personal Computer versions of the products currently code named ''Longhorn'' and ''Blackcomb'' and their successors, including upgrades, bug fixes, service packs, etc. The software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion.''

Giving Microsoft sole discretion as to what comprises a Windows Operating System Product is what got this industry into trouble in the first place. It also eliminates one of the more effective conduct remedies: forcing Microsoft to produce a ''bare bones'' version of Windows. It will guarantee that Microsoft will continue in its anticompetitive ways.

Thank you for your time

—Jim Mowreader

xpr3@earthlink.net

jmowreader@sprintmail.com

MTC–00020910

From: david@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/24/02 9:19am
Subject: Microsoft Settlement

The current Microsoft settlement is a bad idea. In fairness it should be much harsher on Microsoft.

David Wack
Research Assistant Professor
Dept. of Nuclear Medicine
University of Buffalo
Buffalo, New York

MTC–00020911

From: Paul Simons
To: Microsoft ATR
Date: 1/24/02 9:20am
Subject: Microsoft Settlement

Thanks for this opportunity to comment. This concerns both the argument that Microsoft is wrong to include various additional programs with operating systems, and that including the Internet Explorer browser specificly is wrong.

1) Many vendors very succesfully sell software similar to that included by MS—Adobe and Macromedia for graphics, for example Photoshop. These vendors would be out of luck without Windows for their programs to run on.

2) The Netscape browser is and has been for years free to download. How their logic works—they can give their browser away, but Microsoft can't— makes no sense.

3) Microsoft has been successful due to its own hard work. If the judges really want to understand this, let them try writing a few programs themselves. This is not meant to be disrespectful, rather to provide insight.

4)Including various software items with an operating system is like including an automatic transmission, a heater, and a radio with a car.

Paul Simons Levittown PA

MTC–00020912

From: jstile02@mr1.tufts.edu@inetgw
To: Microsoft ATR
Date: 1/24/02 9:20am
Subject: Microsoft Settlement

To whom it may concern,

I would like to register my opinion about the proposed Microsoft settlement. I am frankly appalled that the government would even consider such a weak punishment, if it indeed even constitutes a punishment at all. On the surface it might appear that it is in some small part even handed, but since so much of the final effect depends on implementation, I have less than no faith that it will have any significant impact on the monopolistic practices of Microsoft. This issue is a very large one for me—I believe

that my job depends on reigning in the excesses of Microsoft. Please consider mine a passionate vote for a serious punishment for Microsoft—not what is currently being considered.

Jim Stiles
Manager of the University Systems Group
Tufts University

MTC–00020913

From: pdmiller@cadence.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:20am
Subject: Microsoft Settlement

Dear Department of Justice,

I would like to offer my opinion on the proposed settlement with Microsoft. This settlement gives hardware vendors slightly more freedom to bundle non-Microsoft products. It establishes fair pricing for Windows operating systems for OEM's. It requires that a small handful of software, called ''Microsoft Middleware Product'' be removable. That's it?

This settlement will provide no relief to competing companies, to consumers, or to businesses who use Microsoft products. It maintains Microsoft's near-monopoly and sends them a strong message that nobody can or will stop them.

I believe in free markets and I think the government should be involved as little as possible. However, this nation has been hurt by the actions of Microsoft. Microsoft has squashed competition and innovation, users have paid inflated prices, consumers have little actual choice in desktop operating systems, and seriously buggy and insecure Microsoft software is now (sadly) the norm. The United States had an amazing lead in computer and software technology which we have essentially thrown away.

In short, this settlement doesn't settle anything. Please reconsider adding some penalties or provisions that will make a positive difference. We, the citizens and consumers of this country, will be worse off rather than better if this settlement is adopted as proposed.

Thank you for your time and attention.

Sincerely,
Paul Miller
11 McQuade Brook Road
Bedford, NH 03110
603/472–9244
pmiller@mv.mv.com

MTC–00020914

From: umbro71@blackplanet.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:17am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
j. rogala
p.o. box 2152
vernon, CT 06066

MTC–00020915

From: tesuter@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:18am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Thomas Suter
5621 Echodell Ave. NW
North Canton, OH 44720

MTC–00020916

From: Charles Meins
To: Microsoft ATR
Date: 1/24/02 8:49am
Subject: Microsoft settlement

Dear Sirs;

I am very unhappy with the proposed Microsoft settlement. It will in no way break the stranglehold that this company exerts on the information technology market, a stranglehold which extends from the first piece of information loaded in the computer at bootup (the ''boot sector'') to last image on the screen at shutdown. Given the competitive nature of the computer hardware market, I find it implausible that no major vendor has attempted to differentiate themselves from the pack by offering a unique feature such as this: the pre-installation of Linux along with Windows on their computers. A ''boot manager'' (software which has been widely available for many years) would allow users to choose which operating system to load when they start their computers. This would involve very little added cost to the vendor while offering the consumer a painless way of trying out an alternative operating system which has received considerable popular press. The fact that no major vendor has made such an offer is prima facie evidence of the control exerted by Microsoft by means of the software pre-load agreements it dictates to hardware vendors. I would propose therefore an alternative settlement: mandate that Microsoft provide other operating systems in addition to their own in a boot manager arrangement. There are a wide variety of operating systems that could be used. Some, such as Linux, are available without direct cost to Microsoft. Others, such as OS/2, would involve financial negotiations with third parties. (There are many other mature and powerful operating systems, e.g., Solaris, BeOS, AmigaOS, and NextStep, whose financial restrictions are unfamiliar to me.) Microsoft has been able to exert undue influence on the software industry through it's control of the boot sector. Breaking this control would be a simple and effective method to bring competition back into this vital sector of our economy.

Sincerely,
Dr. Charles Meins, Jr.

MTC–00020917

From: John Phillips
To: Microsoft ATR
Date: 1/24/02 9:20am
Subject: Microsoft Settlement

The best settlement of the case against Microsoft is to leave Microsoft alone. This government meddling with business is anti-American, and should be stopped. Anti Trust is anti-American, and is much worse for America than Islam.

John Phillips

MTC–00020918

From: Armstrong
To: microsoft.atr(a)usdoj.gov
Date: 1/24/02 9:21am
Subject: microsoft settlement

I do not agree with the porposed Microsoft settlement.It's just another avenue to unload their software on another generation.

Bill Armstrong
Regina, SK
Canada

MTC–00020919

From: Brenan Tarrier
To: Microsoft ATR,Brenan Tarrier
Date: 1/24/02 9:20am
Subject: Microsoft Settlement

Dear Department of Justice,

I would like to contribute to the public comment period on the Microsoft anti-trust settlement. I have been disappointed in the Bush Administration's recent leniency towards Microsoft. I have read about the current settlement and am not in favor of it in its current state. Microsoft's anti-competitive practices have interfered with the free-market ideals this country was founded on. Countless entrepreneurs and small businesses have failed due to Microsoft's misconduct. Innovation and creativity have been hindered not only in the field of computing, but also in other related fields such as art and engineering.

Any settlement conditions offered by the Justice Department should reflect not only the past crimes described in the Findings of Fact, but should also prevent Microsoft from engaging in future misconduct, especially illegally expanding its monopoly.

We as a country can no longer afford the inefficiency produced by the anti-competitive actions of a monopoly. A strong

settlement which punishes past crimes and addresses future conduct is necessary. Litigation should continue in this case if Microsoft does not admit to illegal actions and accept a suitable punishment.

Thank you for your time in reading this letter.

Brenan Tarrier
Briarcliff Manor, NY
914–747–1120

MTC–00020920

From: Ricardo Villar
To: Microsoft ATR
Date: 1/24/02 9:24am
Subject: Microsoft/AOL

Dear Sirs,

When will this ridiculous harassment against Microsoft end? One would think that September 11 would have taught some lessons of unity and getting all together to fight a common enemy. The consumer has chosen IE over AOL. In democracy that means the people have chosen. Are you going to turn democracy around and find ways for people to pay more for what is available nowadays? Instead of accepting AOL case against Microsoft, why don't you force them to invest more in R&D, to come up with better products, better pricing, etc.?

It's disgusting the impression you are giving to the world of yourselves, your system and, as a whole, the American people. I'm ashamed.

George Villar
CC:MSFIN@Microsoft.com@inetgw

MTC–00020921

From: dwestermann@
chromaline.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:18am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Damian Westermann
2331 1/2 Ogden Ave
Superior, WI 54880

MTC–00020922

From: John Morales
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/24/02 9:19am
Subject: Microsoft Settlement

Microsoft is the engine of the modern technology information economy. They have created millions of jobs with their software and development support.

THERE HAS BEEN NO PROOF THAT CONSUMERS HAVE BEEN HARMED. It was never even addressed.

So saying, the court filings and procedures show that Microsoft has acted in ways that are unfair to their competitors (not consumers). The DOJ closing this case was the right thing to do.

You must pressure the hold-out states to settle.

John Morales
johnmorales@winn-dixie.com
(904) 370–6278

MTC–00020923

From: adbucha@bcni.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:19am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
A Bucha
PO Box 4129
Kerrville, TX 78028

MTC–00020924

From: rmumby@home.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:19am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Robert Mumby
222 Rolling knoll Dr
Bel Air, MD 21014

MTC–00020925

From: dowsjag@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:19am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Chrles Monroe
46 Don Timoteo Ct.
Sonoma, CA 95476

MTC–00020926

From: dammitall2hell@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:19am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Chris Robinson
256 Potomac Lane
Winthrop Harbor, IL 60096

MTC–00020927

From: willstring@webtv.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:18am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has

already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Willard Stringham
1063 Hamilton Cir.
TN 37312

MTC–00020928

From: tpassk@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:20am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Joe Pasky
4437 Forest Dr.
Waterford, MI 48328

MTC–00020929

From: judejc@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:20am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Joyce Jude
103 North Lane
Bluefield, VA 24605

MTC–00020930

From: E. Dekkers
To: Microsoft ATR
Date: 1/24/02 9:23am
Subject: Microsoft Settlement

Dear Sir/Miss,

I'm a 31-year old Dutch electronic engineer. I spend a lot of time in computers generally and have build up much knowledge of computers. In time I became to love computers and hate Microsoft. In my opinion Microsoft slowed down the computer evolution and made only money of it. I can write many books about Microsoft but I guess you haven't got the time to read that now so here is a short impression how Microsoft became a monopolised. During my education in the 80ies I had a personal computer called an Amiga. That computer could do anything that a PC can do now these days. I chose in 1986 for an electronic engineering education because I thought Microsoft couldn't keep the consumers dumb and I hoped that competitors would come with better marketing plans so that the consumers could see what computers really could do. Al those years Microsoft earned a lot of money by mastering the marketing techniques and keeping the consumer dumb. Microsoft monopolised the computer industry by copying an operating system and pulling all the commonly used software like word-processors and spreadsheets towards them. All the products of Microsoft have many flows (called bugs) in it a specially the operating systems like Windows and on top of all every software of competitors didn't work properly on Windows systems. If this is don on porpoise is not easy to make hard when Microsoft never made the source-code Windows public. In the early days you had the Wordperfect word-processors, Netscape and Opera browser, Lotus123 spreadsheet programs.

Where are those software companies now? In those days I already find that software companies a specially Operating system builders should stay in the terrain the government approved them to operate in.

Like I sad I can write books about Microsoft. With other engineers I can explain this easy but for non-technicians you can only give a simplified example like this: Imagine when a big car company (Microsoft) has all the oil refineries and they could make a kind of petrol (operating system), that nobody know what precisely was in it (millions of line of source code never made public).

Then their cars (application software) would work fine but every other car manufacturers could not make cars that drive properly on their fuel. Then they (Microsoft) could sell expensive tools (design software) and education (Microsoft certificates) to competitor car manufactures. They could easily change the fuel (faster and more stable then before as they say) every year so you will have to buy a new car every year.

For computer users witch the majority of them are non-technical a demonstration on a 15 year old computer will demonstrate quickly how Microsoft didn't gave the users better products or technology but how they only found a perfect way in selling upgrades and ''new'' products.

I hope that my letter is understood and contributes in setting the software industry on the right track by the government so that the consumers and the industry can profit healthy competition.

Best regards,
Ing. E. Dekkers
Sweelincklaan 250
5012BA Tilburg
The Netherlands

P.S. Sorry if my letter isn't good readable but my English is a bit rusty.

MTC–00020931

From: echristl@aur.alcatel.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:23am
Subject: Microsoft Settlement

My first computer came with a copy Digital Research's Operating System and I can testify to the fact that misleading error messages were reported when trying to install Windows 3.1. I found DR-DOS to be a much better operating system than MS-DOS (for instance, unlike DR-DOS, MS-DOS's ''undelete'' utility would only work on one file per directory). I was much chagrined when I could not get a copy of DR-DOS for my second computer, since I could not find any manufacturer that didn't force a copy of Microsoft's OS on me.

Being a new developer at the time, I tired of the constant rebooting the Microsoft Windows 3.1 required whenever a problem in one of my programs surfaced. On the advice of a workmate, I switched to IBM's OS/2. I couldn't find a system with the OS pre-installed, so I spent 16 hours doing it myself. I was amazed at the stability, intuitiveness and integration of OS/2 compared to Windows. Eventually, I gave up on OS/2 due to the lack of community support.

Now I use Linux. I've learned to build by own computers in order to avoid the MS Tax. I have seen so many excellent technologies literally pushed out of the market by strong-arm tactics, that I refuse rely on MS products. I do have one system that dual boots to Win95 so that my children can play games, but even that was a hassle since MS products will not run unless installed on the first partition. I cannot arrange MY partitions as I like. In other words, even if you build your own computers, anything that touches MS will be corrupted by MS. I still use Netscape, because it is the only browser I have that support multiple platforms. I can used it on OS/2, and now use it on Windows, Linux, and my Sun Workstation at work. MS torpedoed Netscape—killing a strong innovative competitor by dumping an inferior product on the market and then using its OS monopoly to force IE down OEM's throats. MS will continue to torpedo anyone that threatens their monopoly in even the slightest way. The courts must curtail this behavior if any technology company other than MS is ever to survive. I see only one way for this to occur. The courts must:

1) Require Microsoft to publish and make freely available all technical specifications

for default saved data formats. People should not feel coerced into using MS products because only MS products can deal with the documents that the PEOPLE have created. People should be able to share the information they create for themselves with others who choose to purchase from competitors of MS. Most everyone saves their data in the default data format chosen by the program. MS could keep their '.doc' format closed, but make '.rtf' (which is just as capable, but open to all) the default.

2)Remove any restrictive liscensing or discriminatory pricing, including volume pricing, that would coerce an OEM manufacturer to only ship MS products.

This includes the 'dual boot' restrictions as well as any other hidden clauses in their 'trade secret' contracts. Once Microsoft has sold the product, it should be out of their hands, just like a physical good. And allowing them to force an OEM out of the market by raising the price of a monopoly product by $100 (when the profit from a system is $50) is a total miscarriage of justice.

In short, make MS products play nice with the rest of the world and then let the market decide.

It is impossible to put the market back to where it was when I fell in love with DR-DOS, and OS/2 will probably never come back. But Microsoft cannot be allowed to continue forcing productive, innovative companies out of the market. I still —

''The Laws of Aerodynamics are unforgiving and the ground is hard.'' Michael Collins (1987)

MTC–00020932

From: tazan1917@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:21am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now.

Thank you.
Sincerely,
FRANK W. LAWRENCE. SR
1062 E. HEATHER ST.
GLENDORA, CA 91740–5804

MTC–00020933

From: Trudy James
To: Microsoft ATR
Date: 1/24/02 9:23am
Subject: MICROSOFT WITCHHUNT

This economically-draining witch-hunt has gone on long enough.

MTC–00020934

From: Doug Rawady
To: Microsoft ATR
Date: 1/24/02 9:23am
Subject: Microsoft Settlement

I thinks it's unfortunate that logic and common sense are taking a backseat to dollars and cents in this ongoing travesty. Anyone who's willing to be truly OBJECTIVE can clearly determine from the findings of fact, that Microsoft is guilty as charged. Additionally, if one is willing to go outside of this particular case and look at Microsoft's historical business practice of stifling and/or squashing the competition, there can be no doubt as to their predatory nature.

When any one company dominates a market the way Microsoft dominates the PC industry, they're in a prefect position to control that market and move it in whatever direction they should choose. Far from encouraging competition and innovation, Microsoft is ideally situated to nip it in the bud before it can ever pose a threat to their own proprietary (and quite often inferior) software solutions. NO COMPANY should be able to exercise that kind of power!

Lest you think I'm completely anti-Microsoft, allow me to say that I AM a user and a fan of Microsoft Office. However, I use Office on the Macintosh platform, NOT Windows! Microsoft to it's credit, has established a separate business unit for the exclusive purpose of developing software for the Mac. Although the cynic in me sometimes wonders if that isn't more to appease the Department of Justice than it is to support a competing platform. I don't doubt that Microsoft's support of the Mac is somewhat out of necessity. Were they to withdraw any further development of Mac-compatible software, they would only further paint themselves into the monopoly corner. I implore the powers-that-be to not cave in to special interests on this one. Don't let Microsoft's enormous wealth and influence dictate your decision. This is about justice and free choice. The consumer should have access to the best and most cost effective software solutions available at any given time. That's only going to happen if you step up to the plate and rein in the 800lb Gorilla that is Microsoft!

Doug Rawady
40 Gould Ave
Fairfield, CT 06430

MTC–00020935

From: r3dl@wnonline.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:22am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now.

Thank you.
Sincerely,
Randy Lamm
1130 Village Drive
DeRidder, LA 70634

MTC–00020936

From: Janet.catt@intermec.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:22am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now.

Thank you.
Sincerely,
JANET CATT
985 ROCKY TERRACE
CAMANO ISLAND, WA 98282

MTC–00020937

From: Dirk van Assendelft
To: Microsoft ATR
Date: 1/24/02 9:22am
Subject: Microsoft Settlement

I think the proposed Microsoft settlement does not go far enough. Microsoft should be required to standardize and publish ALL APIs as well as the file format of its Office applications. This is the only way that other companies will have a fair chance of competing with Microsoft.

Dirk van Assendelft
Assistant Director of Technology Services
Washington and Lee School of Law
540–463–8582
dva@wlu.edu

MTC–00020938

From: sheronvanta@everestkc.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:23am
Subject: Microsoft Settlement

It is my opinion that Microsoft's monopoly is on-going and is killing any attempt to compete with Microsoft. With the release of Windows XP, Microsoft furthers it monopolistic actions. The settlement also furthers the monopoly—giving schools

''terms'' under which they are ''given'' computers and software—further limiting students'' access to competitive and ''better technology and software.''

MTC–00020939

From: Peterson, Guy
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/24/02 9:25am
Subject: Microsoft comment.

Microsoft should be punished to the fullest extent for violations of the anti-trust law and its other illegal business practices which have severely damaged other companies to compete and bring true innovation to the industry.

Sincerely,
Guy Peterson
Visual Communications Manager
Manitowoc Cranes, Inc.
2401 South 30th Street
Manitowoc, WI 54221
T 920–683–6316
F 920–683–6277
<mailto:gpeterson@manitowoccranes.com>

MTC–00020941

From: lbhinnant@nc.rr.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:22am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now.

Thank you.
Sincerely,
Lillie Hinnant
106 Poole Ct.
Knightdale, NC 27545

MTC–00020942

From: Jan van Wijk
To: microsoft.atr(a)usdoj.gov
Date: 1/24/02 9:23am
Subject: Microsoft Settlement

I do NOT agree.

The settlement will lett Microsoft continue to exploit their monopolism ...

Jan van Wijk; DFSee and LPTool author (freeware): http://www.fsys.demon.nl

MTC–00020943

From: jyoder@smith.edu@inetgw
To: Microsoft ATR
Date: 1/24/02 9:22am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now.

Thank you.
Sincerely,
Jay & Traci Yoder
149 Root Rd.
Westfield, MA 01085

MTC–00020944

From: Troy Gutman
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/24/02 9:15am
Subject: Microsoft Settlement

DOJ is doing the public a disservice if this settlement is agreed to with M$.

MTC–00020945

From: bahnmd@msn.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:23am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now.

Thank you.
Sincerely,
Charles Bahn
527 Wind Spirit Cir.
Prescott, AZ 86303

MTC–00020946

From: vjmab@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:23am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now.

Thank you.
Sincerely,
Vince Bozin
22503 Ladeene Ave
Torrance, CA 90505

MTC–00020947

From: Don Byrd
To: Microsoft ATR
Date: 1/24/02 9:26am
Subject: Microsoft Settlement

The Proposed Final Judgment in the Microsoft cause is far too weak. One problem with it—and I believe there are several others—is that Microsoft has used both restrictive licenses and intentional incompatibilities to discourage users from running Windows applications on Windows-compatible competing operating systems. To my knowledge, the PFJ does not adequately address this.

—Don Byrd

MTC–00020948

From: Gerald.Witt@wpafb.af.mil@inetgw
To: Microsoft ATR
Date: 1/24/02 9:23am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now.

Thank you.
Sincerely,
Gerald Witt
6347 Pheasant Valley
Road Dayton, OH 45424–7100

MTC–00020949

From: amfitz@bellsouth.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:25am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now.

Thank you.
Sincerely,
Adrian Fitzpatrick
103 Honey Tree Dr.
Athens, GA 30605

MTC–00020950

From: Ferraro, James A
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/24/02 9:27am
Subject: Microsoft

Now AOL is going after Microsoft because they haven't done anything to keep Netscape competitive. So while the DOJ goes after a company that has legitimate product, ENRON is left to steal, cheat, lie and swindle the public. Microsoft has done nothing but make money for their stock holders and make the USA the top software nation in the world.

Meanwhile ENRON loses its stock holders and employees money and expects the tax payer to pay the bill for their Foreign deals.

James A. Ferraro
Lockheed Martin Missile & Space
Air Force Reentry Systems Programs
230 Mall Boulevard,
King of Prussia, PA 19406
Phone: 610–354–2932
Fax: 610–354–5225

MTC–00020951

From: Bruce Sergeant
To: Microsoft ATR
Date: 1/24/02 9:28am
Subject: Microsoft Settlement

I disagree with the tentative settlement of the United States vs. Microsoft antitrust lawsuit.

Bruce Sergeant
Lecompton, KS

MTC–00020952

From: bfelsey@raytheon.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:25am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

As a conservative republican, I'm going to go against my uninformed colleagues, and strongly support any action taken to punish Microsoft. I am also a software engineer. The fact is, that Microsoft has single-handedly and significantly lowered standards for software in the industry. They consistantly engage in illegal business practices that stifle innovation. Microsoft doesn't innovate—they wait for someone else to bring innovative products to market, copy that product (with a low-quality imitation), and then leverage that product with an operating system that was brought to the market in the same way. Anyone who brings an innovative idea into the software market is therefore driven out of business. Bill Clinton and Microsoft prove that competence is unimportant, marketing is much more reliable.

Sincerely,
Bert Elsey
2804 Canyon Valley Trail
Plano, TX 75075

MTC–00020953

From: rowen.wipf@bethany house.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:24am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Rowen Wipf
337 Hickory Lane
Shakopee, MN 55379

MTC–00020954

From: Langhorne, Rick
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 9:26am
Subject: Microsoft Case Dear Justice Department,

I manage a computer network of about 1500 Windows PCs and 50 Windows servers for the CIty of Greensboro, North Carolina. Your suit against Microsoft has created a lot of uncertainty about the future of Microsoft products, and is impacting our ability to plan for the future of our computer uses in a negative way!

I have been involved with computer software and hardware for a good while. I am pleased with the new features that Microsoft has incorporated into their software. It saves a lot of time and a lot of money! I am no expert on legal matters but I can say for a fact that Microsoft software is much less expensive than their competition's software. If you do not believe me, just price Oracle database software, Sun Solaris, or IBM AIX.

High tech is the future for today and for tomorrow as well. Please try to bring some common sense to the table when deciding on this issue.

These comments are my personal opinion and not the official position of the City of Greensboro, North Carolina.

Rick Langhorne
Desktop Services Manager
City of Greensboro

MTC–00020955

From: azcindysk@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:24am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now.

Thank you.
Sincerely,
cindy kingsley
3225 E.Baseline Rd.#3051
Gilbert, AZ 85234–2697

MTC–00020956

From: azcindysk@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:24am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now.

Thank you.
Sincerely,
cindy kingsley
3225 E.Baseline Rd.#3051
Gilbert, AZ 85234–2697

MTC–00020957

From: floozy1020@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:27am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division

601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now.

Thank you.
Sincerely,
Diane Hussey
16750 Crystal Glade
San Antonio, TX 78247

MTC–00020958

From: Steve Johnson-Evers
To: Microsoft ATR
Date: 1/24/02 9:35am
Subject: Microsoft Settlement

I do say you guys in the DoJ caved in on this one. Your proposed settlement is not in the public's best interest and it makes this administration look like it favors big business.

MTC–00020959

From: wa5ufh@Ykc.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:26am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Louis Tipton
778cr123
Edna, TX 77957

MTC–00020960

From: DMcKerch@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:29am
Subject: Microsoft Settlement

Let these guys settle things in the market place. AOL is just a crybaby. Remember, Time Warner is the company that brought us all those CDs advocating killing cops. From a moralistic point of view— they are the worst kind of trash. They do not need protection, they need some of their own medicine.

Cheers, David

MTC–00020961

From: Bruce Allen
To: Microsoft ATR
Date: 1/24/02 9:30am
Subject: Microsoft Settlement

I disagree with the tentative settlement of the United States vs. Microsoft antitrust lawsuit.

Bruce Sergeant
Lecompton, KS

MTC–00020962

From: Stephen Aubuchon
To: Microsoft ATR
Date: 1/24/02 9:29am
Subject: Get your fat asses out of the free market !!!

To whom it may concern, The total and unfounded harassment by this increasingly socialist government has got to end. This latest travesty against Microsoft is pure bullshit and will continue to weaken one of the best job creating businesses the country still has. The companies that have pushed to keep harassing Microsoft should get out of the free market system and go to China if they need the government to carry them. If the government is really interested in looking into monopolies, how about starting with the public school system, which is REALLY a monopoly !!!!!

Stephen A Aubuchon
67 Town Farm Road
Westminster,Mass. 01473

MTC–00020963

From: Hayden Schultz
To: Microsoft ATR
Date: 1/24/02 9:32am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions. Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general. While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Hayden Schultz

MTC–00020964

From: Jon Rauschenberger
To: Microsoft ATR
Date: 1/24/02 9:33am
Subject: Microsoft Settlement

I wanted to voice my opinion that the proposed settlement is fair and should be accepted by all parties. The penalties fit the crime and are in the best interest of consumers.

Jon Rauschenberger
Director of Technology
Clarity Consulting, Inc.

MTC–00020965

From: Thomas J Petracca
To: Microsoft ATR
Date: 1/24/02 9:32am
Subject: Microsoft Settlement

''...exclusionary agreements...''

This is the fundamental arguement that the Justice Department claims as the basis for its case against Microsoft. It is pure hypocrisy that a ''monopoly'' can exist with only, ''exclusionary agreements.'' The D of J is absolutely correct, Microsoft and computer companies ''agreed'' that in order for those same computer companies to sell Microsoft software they would have to agree to limit their service to other computer companies. They, the computer companies, ''agreed.'' Let's see, every retail industry I know of, food, housewares, home improvement, etc., practices the same exact policy. Why is it, that my corner grocer only carries a couple of specific brands of cereals.? When I ask, they state they only ''want'' to sell the big names because if they bring in competitition they could be ''dropped'' by the big guys, as a distributor. Welcome to America. If you want to have a better operating system, write one, and get the $$$ behind it to get some computer companies to buy it. With PC's being commodity items these days there is no longer any barrier. Any Tom, Dick or Harry can start a PC company and sell PC's...and get into an agreement with another operating system software company. Sure, the odds are against it. Microsoft has done such a good job convincing the public that their software, which is really not that good, is the best. They won at the American game...and now America—more accurately the D of J wants to punish it. The cry babies at Netscape and the other hacks are smart. Why bother trying to be innovative, not just in developing a better mousetrap (operating system), but in packaging and marketing it to the public. It's not necessary. The guilt ridden people in our D or J will lead the way in bringing the rebel Microsoft (the most successful company of all time) and it's lunatic chairman (the greatest philanthropist of all time...measured by $$$ given away) to their knees. Social control of our software industry will clearly bring about better systems for the little people. Hey, Mussolini made the trains run on time.

Thank you.
Thomas J. Petracca, P.E.
Smithtown, New York

MTC–00020966

From: janet.dalessio@crbard.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:30am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Janet D'Alessio
23 West Road
Short Hills, NJ 07078

MTC–00020967

From: A415A@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:33am
Subject: AOL vs Microsoft

This is to request that you decide favorably for Microsoft in this above referenced case. AOL's case has been filed at a very suspicious time. Also from my determination of the facts of this case, this issue has been previously covered in prior, or ongoing, legal action. Hopeful this case can be quickly dismissed and or settled so that these firms may get back to their business at had, and provide the services that, we as customers, may benefit from.

George O. Ellis
415 Lakeside Est Dr.
Houston, TX, 77042

MTC–00020968

From: john.boranko@spirentcom.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:30am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now.

Thank you.
Sincerely,
John Boranko
PO Box 704
109 West High St.
Sharpsburg, MD 21782–0704

MTC–00020969

From: Susan Bryant
To: Microsoft ATR
Date: 1/24/02 9:33am
Subject: antitrust case

This witch hunt has gone on long enough. Microsoft's products have done nothing to harm the public. In fact, they have added greatly to the economy and profitability of the country. As far as netscape is concerned, anyone can use it if they want. It is just not as good as Microsoft. In the economy of the times, the taxpayers money could be better spent on something else, namely the terrorist attacks on America.

Susan Bryant

MTC–00020970

From: TXWhitley@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:31am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Sharon Whitley
8354 Sorrel Drive
Houston, TX 77064–8211

MTC–00020971

From: pmathis@gemathis.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:31am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Paul Mathis
15415 Hollywood Drive
Orland Park, IL 60462–4016

MTC–00020972

From: jstedding@radicus.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:31am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jeff Stedding
1040 Cool Spring Dr
Westminster, MD 21157–7035

MTC–00020973

From: legacy.itc@lvcm.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:30am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Sincerely,
Paul Baker
2447 Ping Dr
Henderson, NV 89014

MTC–00020974

From: Stephanie
To: Microsoft ATR
Date: 1/24/02 9:32am
Subject: US Government is Allowing Microsoft to be Computer Mafia!!!
To: Renata B. Hesse

Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, we wish to comment on the proposed Microsoft settlement. I agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html), namely: * The PFJ doesn't take into account Windows-compatible competing operating systems * Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

* The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

* The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

* The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

* The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

* The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertised as being ''Windows Powered''.

* The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

* The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

* The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

* The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

* The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

* The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

* Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

* Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

* Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which couldrun a Microsoft operating system—even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)

* The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

* Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

* The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

* The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

* The PFJ allows Microsoft to discriminate against small OEMs— including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

* The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

* The PFJ as currently written appears to lack an effective enforcement mechanism. I also agree with the conclusion reached by that document, namely that the Proposed Final Judgment, as written, allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems

Regards,
Marcia S. Howes

MTC–00020975

From: P David Schaub
To: Microsoft ATR
Date: 1/24/02 9:35am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

As a computer professional in the with 15 years experience in the field, I would like to take the time to comment briefly under the Tunney Act on the proposed Microsoft settlement. My computing work today is on a competing product to Microsoft—the Linux operating system. I am concerned that the Proposed Final Judgment as laid out does little to ensure there won't be a strong counterattack against my operating system of choice. Should the Proposed Final Judgment be accepted it would be of little surprise that a free and open operating system would suffer a significant set back because of litagation from a (currently) quite Microsoft. In many places Microsoft has identified this OS as it's number one competitor. Although Linux has strength in numbers it has major weakness in fincance. I anticipate its downfall should the Proposed Final Judgment not be strengthened. The specific area that I would like to see addressed is the use of restrictive licenses to keep Windows applications from running on competitive operating systems. (see http://www.kegel.com/remedy/remedy2.html#isv.atl)

Thanks you so much for your time,
P. David Schaub
4348 Kenwood Drive
Grapevine, TX 76051

MTC–00020976

From: esg16@dnet.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:32am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Ethel Gordon
16 Sneaking Creek Lane
Hayesville, NC 28904

MTC–00020977

From: Jay Fougere
To: Microsoft ATR
Date: 1/24/02 9:36am
Subject: Microsoft Settlement

I can't believe the proposals that I had heard you were settling for were even being considered. There is no consideration for punishment of illegal activity. Since when does a parolee have any say in who the parole officer is? ... in regards to Microsoft being allowed to have a say in the picking of the panel that will be monitoring their future activity. There are more holes in the agreement (concerning future practices by Microsoft) than there are stars in the sky; an Microsoft knows this, which is why they are so eager to settle. In conclusion, the solutions suggested by the DOJ may as well have been written by Microsoft (assuming that they weren't...) for all of the good they will do in restoring competition to the marketplace. When I see this type of failure in the system that I am supposed to trust to protect me, as a U.S. citzen, consumer, and taxpayer, it makes me wonder where my tax dollars really are going, because they obviously aren't being spent to protect me from predatory corporations.

Jay Fougere

MTC–00020978

From: sofine67@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:34am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Joe Chine
217E Goettler Street
Scott AFB , IL 62225

MTC–00020979

From: Doug Black
To: Microsoft ATR
Date: 1/24/02 9:35am
Subject: Comment on Microsoft Settlement

I am outraged at Microsoft's offer to buy its way out of its antitrust conviction by giving away Microsoft software. Quite apart from the fact that Microsoft is overstating the value of its products, this action would have the effect of extending Microsoft's monopoly control even farther. My wife graduated college not long ago. She was REQUIRED to take a course in Microsoft Office products as part of her degree program. To me, this proves that Microsoft already has too much influence in the academic world. For Microsoft to give its software to schools would extend this bias even further. There are alternatives to using Microsoft products. Any settlement in the Microsoft antitrust case should have the effect of encouraging competition in the marketplace, not eliminating it.

Sincerely,
Douglas Black
431 Electric Avenue
Westerville, OH 43081
614 890 5743

MTC–00020980

From: osgood1@mtnhome.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:34am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Charles Osgood
1010 Dellwood Ln.
Mtn. Home, AR 72653

MTC–00020981

From: walkerki@mcpd.navy.mil@inetgw
To: Microsoft ATR
Date: 1/24/02 9:32am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Kathryn Walker
365 Shadow Tree Drive
Oceanside, CA 92028–3187

MTC–00020982

From: jemor36@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:34am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

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Sincerely,
John & Jean Anne Morrow
1998 Prescott Lakes Pkwy.
Prescott, AZ 86301

MTC–00020983

From: Westumps@msn.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:34am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

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Sincerely,
Mary Stump
1514 SW 53rd Ter
Cape Coral, FL 33914

MTC–00020984

From: wvwim@swbell.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:33am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Winnette Wimberly
14922 Tallow Forest Court
Houston, TX 77062–2921

MTC–00020985

From: debtcc@epix.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:33am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than

''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Adelbert E Eldridge
RR 1 Box 71
Towanda, PA 18848–9786

MTC–00020986

From: bethandsam@prodigy.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:35am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Samuel Dingus
7704 Tollbridge Ct
Florence, KY 41042

MTC–00020987

From: Sami Besalel
To: Microsoft ATR
Date: 1/24/02 9:38am
Subject: Microsoft Settlement

To the honorable Judge Kollar-Kotally

Dear Your Honor:

I am a US citizen who has been a consumer of Microsoft products since I first began to use computers in 1983. I also work for Oracle Corporation, which is a competitor of Microsoft's. However, my judgments and opinions are my own, and this electronic mail message is not motivated by my employer, but by my technical and social conscience. I strongly feel that the proposed final judgment against Microsoft is thoroughly inadequate and will not effectively achieve the stated goals (to terminate the legally recognized monopoly, to prevent future anticompetitive behavior and to deny the company the use of benefits attained through its illegal activity). I was very concerned when I heard Microsoft's proposal to provide schools with computers and equipment, as this not only provides Microsoft with goodwill from the public (unmeasurable legally) but also allows that company access to a market traditionally held strongly by Apple Computer, a Microsoft competitor. Apple is a company of substantial technical innovation ? in fact, most of Microsoft's successes were first invented or widely distributed as part of Apple's operating systems or software. Further reducing Apple's market share by allowing Microsoft to supply (and thereby influence directly and indirectly) schools would be a painful blow and counterproductive to two of the three goals of the settlement. Microsoft's insistence that the operating system cannot be separated from the browser is pure poppycock. As a software developer with knowledge of Windows in each of its versions from 3.1 onward, this is a manufactured reliance. Current Windows operating systems do not benefit greatly from this new reliance ? in fact, it hinders speed and thrusts a Web-paradigm graphic user interface on you that is difficult to suppress and counterintuitive. The concept of settling for icons being placed on the desktop and concern for whether or not Microsoft will allow OEMs and resellers to have their product icons on the desktop misses the essential point. This concern faces on appearances, not function or usability. Truly it only affects those computer users who might not know how to put icons on or off the desktop. I would like my PC to not have the Internet Explorer browser on it at all ? but MS has made that impossible, citing it as a requirement when it had not been before.

Microsoft takes the concept of security as a minor concern. Yet their operating systems and Web browsers are incredibly insecure, opening up users to likely harm from external sources. I would like to rid myself of such concerns by removing their buggy browser from my area of concern. I want it off! I don't just want to remove the icon. This has not in the least been addressed. Like it or not, Microsoft's anticompetitive aggressive entry into the browser market crushed the success of thousands of small but efficient Web browsers and reduced the playing field to two six-hundred-pound gorillas. We consumers have suffered. I could write on and on for hours, but please understand that my concern is that the agreement does not punish Microsoft or prohibit them from enjoying the market share or software monopoly they have attained by leveraging their anticompetitive practices, nor are the few remedies proposed easily enforced. Please remember Mr. Gates'' obvious scorn for the legal process, and his condescending attitude throughout the process and scurrilous disregard for applying the stated laws to himself and his company. Consider this as you address the binding final judgment, which I urge you to revise more strongly. This is not about the economy. This is about long-standing wrong-doing, unpunished, unrepentant shark-like behavior, and the desire to twist and spin any aspect into a market driver to improve this company's success.

Respectfully,
Samuel H. Besalel
Private citizen, software consumer, software developer

MTC–00020988

From: John Cambra
To: Microsoft ATR
Date: 1/24/02 9:38am
Subject: Microsoft Settlement

I think the proposed Microsoft settlement is bad idea. It does no discernable harm to Microsoft. I thought the settlement was meant to punish Microsoft for anti-trade practices and this settlement only helps Microsoft reach deeper into the education market. I disapprove completely.

John Cambra
9444 Harbour Point Dr. Apt.60
Elk Grove, CA 95758
916 399–7324

MTC–00020989

From: Robert Deed
To: Microsoft ATR
Date: 1/24/02 9:46am
Subject: Microsoft Settlement

I do not agree with it

MTC–00020990

From: Stephen Keen
To: Microsoft ATR
Date: 1/24/02 9:38am
Subject: give them a chance Hello DOJ people,

In this day of Terrorism and war you guys need to give Microsoft a chance. Let them get out of this. Netscape and the people who started this are the bad guys

Stephen Keen

MTC–00020991

From: mag63gyrine@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:35am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Mark Griffin
202 W. Berry St., Suite 820
Ft. Wayne, IN 46802

MTC–00020992

From: Roger Blake
To: Microsoft ATR
Date: 1/24/02 9:38am
Subject: Microsoft antitrust case

To whom it may concern,

Please end the prosecution of Microsoft. It has gone far enough. I am not a Microsoft stock holder, however, I do believe that their ultimate costs, and thus their eventual cost of goods to me, will continue to go up if the government continues to litigate. Instead, please pursue further treasonous actions by the Clintion administration, especially the quid-pro-quo with Loral, Inc. and the transfer

of info to the Chinese. This is far more damaging to the security of the United States than Microsoft ever will be.

Thank you
Roger Blake
680 Westbranch Drive
Waukee, IA 50263

MTC–00020993

From: mchief@hal-pc.org@inetgw
To: Microsoft ATR
Date: 1/24/02 9:38am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Bill Morrow
9330 Meaux Drive
Houston, TX 77031

MTC–00020994

From: Joy Kadison
To: Microsoft ATR
Date: 1/24/02 9:40am
Subject: Microsoft Settlement

One citizen's opinion: Please put an end to the harrassment of perhaps the most innovative, productive company in the world. AOL and Microsoft need to cooperate in making the computing experience easier, not wasting time and resources in the courtroom. Joy Kadison, Tallahassee, FL

MTC–00020995

From: Philip Royalty
To: Microsoft ATR
Date: 1/24/02 9:42am
Subject: Microsoft Settlement

Please do what you can to end this court battle that Microsoft has been involved in. American needs to get back to business, not litigation.

Philip Royalty
Sugar Land, Texas

MTC–00020996

From: sderidder@sofamordanek.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:39am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Steven De Ridder
6255 Skylight Drive
Bartlett, TN 38135

MTC–00020997

From: bmwparkerwj@msn.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:36am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Sincerely,
Betty Parker
1112 W. Beacon Rd. Lot 118
Lakeland, FL 33803–2713

MTC–00020998

From: vannanstore@webtv.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:39am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division 601 D Street NW, Suite 1200 Washington, DC 20530–0001 Dear Ms. Renata Hesse: Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Nancy VanAntwerp
2121 Washington St.
Columbus, IN 47201–4115

MTC–00020999

From: blm.ro@worldnet.att.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:39am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Sincerely,
Bobby McMillan
3006 Coventry Ln
Waxahachie, TX 75165–8880

MTC–00021000

From: Dan deForest
To: Microsoft ATR
Date: 1/24/02 9:41am
Subject: Microsoft Settlement

Do not allow the settlement to go through as is. It certainly is no punishment to make them do business the way they should have been doing it all along. Put some real teeth in it to discourage other companies from doing the same.

MTC–00021001

From: drbeto@desoto.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:37am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Sincerely,
Robert Robert
3360 SW County Road 769
Arcadia, FL 34269

MTC–00021002

From: Travis Hendon
To: Microsoft ATR
Date: 1/24/02 9:42am
Subject: As a concerned US citizen and resident of New York, I support the Microsoft

As a concerned US citizen and resident of New York, I support the Microsoft settlement that would provide $1 billion in software to our nation's schools and finally put this mess behind us. This entire case was clearly contrived by Microsoft's corporate entities who have used the US government and my tax dollars as a tool to improve their competitive position in a market that, I would argue, was moving in the right direction before the government intervened. It is time to finally end this madness and in addition to that, get the 9 state attorneys general who are holding out on board with the settlement—at least the proposed $1 billion donation will add value to our public schools. This is just my view as a concerned citizen in response to the invitation for public comment. Thank you.

Travis Hendon
226 East 13th Street #28
New York, NY 10003

MTC–00021003

From: mjglenn@westelcom.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:37am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

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Sincerely,
Mary Jo Glenn
280 Stone Rd
Constable, NY 12926–1804

MTC–00021004

From: Stephen Keen
To: Microsoft ATR
Date: 1/24/02 9:41am
Subject: Microsoft Settlement

Hello DOJ

Lets settle this already. Get this out of the courts so that we can rebuild our economy. Let real competition rule. Microsoft in not the bad guy here. Just because Netscape cannot compete don't penalize Microsoft. Let's settle this now.

Stephen Keen

MTC–00021005

From: dan.dunaway@prodigy.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:38am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Daniel Dunaway
12923 Mayerling Drive
Creve Coeur, MO 63146

MTC–00021006

From: dconner@luminexcorp.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:43am
Subject: Microsoft Settlement

Under the Tunney Act, we wish to comment on the proposed Microsoft settlement. I agree with the problems identified in Dan Kegel's analysis (on the Web at <http://www.kegel.com/remedy/remedy2.html>), namely: *The PFJ doesn't take into account Windows-compatible competing operating systems *Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry. *The PFJ Contains Misleading and Overly Narrow Definitions and Provisions *The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered. *The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all. *The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware. *The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertised as being ''Windows Powered''. *The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs. *The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible. *The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows. *The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users. *The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft *Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows. *Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems. *Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.) *The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft *Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems. *The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs *The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system. *The PFJ allows Microsoft to discriminate against small OEMs— including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software. *The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas. *The PFJ as currently written appears to lack an effective enforcement mechanism.

I also agree with the conclusion reached by that document, namely that the Proposed Final Judgment, as written, allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

Sincerely,

Donald A. Conner, Austin, Texas, Software Engineer, Catalyst Solutions

MTC–00021007

From: Leo Kaas
To: Microsoft ATR
Date: 1/24/02 9:41am
Subject: Microsoft Settlement

To whom it may concern,

I have followed the Microsoft case very carefully, and I am very disappointed with the way the case has progressed. I have yet to see any evidence of how consumers were harmed by Microsoft including a Browser with their OS. In fact IBM's Warp OS 2 came out before Windows 95 and it also included a browser. Why wasn't IBM included in the lawsuit? This legal battle was never about the

protecting the consumer, it was about protecting competitors of Microsoft. If there are so many consumers that have been harmed by Microsoft why don't they buy a Mac or use Linux. Even though you have painted Microsoft as a Monopoly they are not the only operating system in town. Let the market decide!!! Stay away from my OS!!!

Leo Kaas

MTC–00021008

From: jim.thrasher@pioneer.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:38am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jim Thrasher
4613 70th Place
Urbandale, IA 50322–8012

MTC–00021009

From: emmons@surnames.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:39am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

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Sincerely,
E. Lamar Emmons
6621 So. McKemy St.
Tempe, AZ 85283–3548

MTC–00021010

From: roberteham@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:39am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

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Sincerely,
ROBERT HAMILTON
1237 POORMAN ROAD
BELLVILLE, OH 44813–9019

MTC–00021011

From: tkaeberhart@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:38am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

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Sincerely,
Thomas Eberhart
105 Carney Lake Rd
Winterville, GA 30683–1553

MTC–00021012

From: sharonhilt@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:42am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Sharon Hilton
11120 So 32nd St
Vicksburg, MI 49097

MTC–00021013

From: texana@ev1.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:40am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Sincerely,
Shawn Lenihan
3318 Doherty Place
Katy, TX 77449–6646

MTC–00021014

From: Arthur Whitson
To: Microsoft ATR
Date: 1/24/02 9:44am
Subject: Microsoft Settlement

US DOJ,

Now is the time to resolve the Microsoft suit.

The judgment is fair.

The 9 rebel states are out of line!

Art Whitson
University Park, Florida

MTC–00021015

From: Kent Klaser
To: Microsoft ATR
Date: 1/24/02 9:43am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization

is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general. While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Kent Klaser

MTC–00021016

From: Howard Uman
To: Microsoft ATR
Date: 1/24/02 9:44am
Subject: Microsoft Settlement

I think that the settlement is absurd. Microsoft has done damage to companies I've worked for and companies I will work for in the future. It's insane to allow a company like Microsoft to leverage Windows and bust up areas of viable business by claiming ''extension to the operating system''. There are many examples of this:

1. Internet Explorer
2. Media Player
3. CD recording

And the list will continue to go on and on. An operating system, by definition, allows computer software to interact with hardware through some form of user interface. That's it. These other features, while they may be handy, are certainly extraneous to an operating system and are definitely outside of the definition of what Microsoft is selling. This allows them to force other players out of markets and charging more for the ''value-add''. Thanks for taking the time to consider my opinion in regards to the settlement. Feel free to contact me with any questions or comments.

Sincerely,
Howard Uman ~

MTC–00021017

From: fedor@zoominternet.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:42am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Janis Fedor
714 Harmony Road
Slippery Rock, PA 16057–1810

MTC–00021018

From: slenihan@ev1.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:41am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Sonya Lenihan
3318 Doherty Place
Katy, TX 77449–6646

MTC–00021019

From: amdees3@netdoor.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:41am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
annie lane
1055 rd. 602
carthage, MS 39051–8815

MTC–00021020

From: scott mcmullen
To: Microsoft ATR
Date: 1/24/02 9:47am
Subject: Microsoft Settlement

Dear Sir,

I would like to write a note to express my opposition to the proposed Microsoft settlement. I believe the settlement does a poor job of adequately remediating Microsoft's anticompetitive practices. One example of this is Microsoft's practice of charging site licenses (to large businesses) for each computer which could run the Windows operating system, regardless of whether or not the Windows operating system in fact is installed on all of them. Further, I think the definition of ''Windows Operating System Product'' spelled out in the Proposed Final Judgement is too limited; and does not include 'Windows XP Tablet PC' or 'Windows CE'. Too, I think the definition of ''Microsoft Middleware Product'' should be broadened to include Microsoft .NET, C#, Microsoft Outlook, and Microsoft Office. Microsoft should be required to document file formats; file formats are an important barrier to entry for developers of applications. For these reasons and others, I believe the Proposed Final Judgement is bad for consumers and businesses and should be rejected.

Respectfully,
Scott McMullen
Dripping Springs, Texas

MTC–00021021

From: JJC5966@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:45am
Subject: Microsoft Settlement

To whom it may concern, As a tax payer I am appalled at the litigious fashion in which the Department of Justice is limiting the ability of a company to compete in an open competitive market place. I for one do not feel harmed by Microsoft and its business practices, and feel that their business practice has only succeeded in bringing to the consumer exceptional products at competitive prices. It is a joke that any company that can and has not delivered been able to compete evenly simply files suit again and again.

Sincerely Jason J. Canin

MTC–00021022

From: paklass@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:43am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Margaret Klass
1260 Batson Place
Nixa, MO 65714

MTC–00021023

From: Harmon, Dale
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/24/02 9:46am
Subject: Microsoft Settlement

Sirs:

With respect to any proposed settlement, it is my observation (and the court's) that with respect to PC operating systems, Microsoft has an effective monopoly. As such the most recently released Microsoft operating systems only compete with previously released versions. Microsoft's pricing policy makes this apparent in that there is no discount or reduction in the price of older operating systems. My recommendation is that Microsoft be required to sell previous versions of the Windows operating system at a fixed discount relative to the price Microsoft sets for the most recently released Windows operating system. (I suggest 20%, 40%, & 60%.) Further, if Microsoft chooses to stop selling and/or supporting an older operating system, then that operating software should be considered to be in the ''public domain.'' In summary, first Microsoft should be required to sell older operating system software at a reduced price relative to the most recently released operating system software. Second, if Microsoft no longer wants to sell and/or support older software, then other individuals and/or companies should be able to freely copy and use that software.

Respectfully yours,
Dale L. Harmon
301 Brownsfell Drive
Columbus, OH 43235–7004

MTC–00021024

From: D. Bevard
To: Microsoft ATR
Date: 1/24/02 9:46am
Subject: Microsoft Settlement

To Whom It May Concern:

Please get this misguided effort at courtroom competition over. We have had computers in our home since our first TRS–80 (Radio Shack sale) since 1977. There are plenty of options for the consumer if he so chooses. Personally, I do not want to have to go back to having to buy a different software for each computer because they all become proprietary.

Once upon a time we had a Magnavox system. It had a proprietary OS (not windows-which was available) and proprietary applications (word processing, spreadsheet solution, database manager) Then one day we got a card in the mail saying..too bad folks. We have decided not to support this system anymore. We have been running Microsoft software by choice since then. We could have purchased other software, it was our choice as a consumer. It was painful (the proprietary stuff from Magnavox was not compatible with any other software. All the information had to be rekeyed..not fun) and expensive. There were cheaper alternatives, as well as more expensive ones (IBM). This was our choice. We like millions of other people voted with our dollars. By the way, we run Internet Explorer, Netscape, and several other browsers, although Internet Explorer is our favorite. This witch-hunt is destroying a segment of our economy and hurting the consumer. You have put millions of people's livelihoods at risk by this nonsense. End it. Force the settlement on the States and let the market get back to innovating new stuff for us consumers. The industry nor the government is responsible for the consumers understanding of software. If a consumer is not informed enough to make a good decision, it is the consumers responsibility to do the research necessary to make the purchase.

Denise Bevard

MTC–00021025

From: ivan
To: Microsoft ATR
Date: 1/24/02 9:47am
Subject: Microsoft Settlement

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. The proposed settlement is undesirable and fails to curb Microsoft's illegal monopolistic actions. I agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html).

Ivan Kohler
U.S. Citizen

MTC–00021026

From: Russ Wasendorf Jr.
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/24/02 9:49am
Subject: Microsoft Settlement

It is disgusting that a strategy of corporate business practice has become suing the strongest competitor in the marketplace for anti-competition. The government needs to wake up to the fact that these companies are wasting government spending (my tax dollars) to cause a less competitive market. Someone needs to tell AOL to go compete in the marketplace and not the courtroom. STOP WASTING MY TAX DOLLARS AND TYING UP THE COURTROOMS!!!!!!!!!!

Russell R. Wasendorf, Jr.

MTC–00021027

From: Rick Horowitz
To: Microsoft ATR
Date: 1/24/02 9:46am
Subject: Microsoft Settlement

I would like to comment on the Microsoft settlement based on my over 20 years of experience in the computer, networking, and Internet industries. In my view, the breakup of Microsoft into two companies is mandated—an OS company and a company allowed to sell applications and provide Internet services. Microsoft's domination of the operating system market will likely increase with the introduction of Windows XP because it will eliminate the incompatibilities suffered by their previous lineup of operating systems. Apple's OS–X does not have sufficient market share to draw application developers onto their platform in sufficient numbers to compete with Microsoft in many application areas, hence will likely only garner marginal market share forever, or at least for a long time to come.

Linux is the only operating system that has sufficient mindshare in the developer community to obtain the necessary applications in a broad range of application areas. However, due to the disconnected nature of Linux development (thousands of loosely coupled developers worldwide), the user experience is not nearly as good as Windows or Macintosh. Linux has made significant inroads as a server OS, but has lagged on the desktop for this reason. My own experience with these operating systems leads me to believe that it will take at least 2 more years for Linux to provide a good enough desktop user experience to allow it to compete with Microsoft on the desktop. At that point it will still have to make the leap from hacker OS to mainstream, something that will probably prove impossible without significant marketing dollars. This funding is unlikely to become available post-Internet bust. Companies such as Redhat have small capital bases on which to draw, and there simply is not enough profit potential in desktop Linux to fund its marketing in a large way—even should Linux mature to the point to which it provides a comparable user experience to Microsoft.

In conclusion, Microsoft has been found to use it OS to unfairly leverage its application and Internet businesses to the detriment of competing companies and users, a finding which I find matches my own experience over 20 years. This practice can be stopped by splitting the company along this line—OS on one side, applications and Internet along the other side, allowing application vendors to fairly compete with Microsoft in the application space. This will lower prices and provide more choice for consumers, as Microsoft's enormous operating margin will most likely be reduced over time to more industry-typical levels.

Sincerely,
Richard Horowitz
2090 Pacific Avenue #305
San Francisco, CA 94109

MTC–00021029

From: dickilittel@webtv.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:45am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
RICHARD PETERSON
1878–4 N RORY LANE
SIMI VALLEY, CA 93063

MTC–00021030

From: clarkb1@televar.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:44am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This

has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Clark Beddoe
19836–NE 95th St.
Redmond, WA 98052–3748

MTC–00021031

From: candy@cros.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:45am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Candy Collette
410 Monroe St.
Port Clinton, OH 43452

MTC–00021032

From: Pam Missimer
To: Microsoft ATR
Date: 1/24/02 9:47am
Subject: Microsoft Settlement

Microsoft should retain the right to develop software in any way they choose. Please accept the Microsoft settlement and get this rediculous matter behind us.

Thank you,
Pam Missimer

MTC–00021033

From: ron@cutfill.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:44am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Ron Bailey
6950 Mariann Dr
Eden Prairie, MN 55346

MTC–00021034

From: Joe Ogletree
To: Microsoft ATR
Date: 1/24/02 9:44am
Subject: End the Monopoly

With all due respect,

I strongly oppose the USDOJ's settlement with Microsoft. The settlement, to my knowledge, does nothing to end this company's monopoly of PC OS software. To truly create competition in operating system software, Microsoft should be forced to reveal its APIs and Windows source code to the extent that programmers can adapt other operating systems to natively run applications designed for Windows in their own OS. This would include UNIX, MacOS, Linux, OS2, and all the other great operating systems that have struggled to survive despite Microsoft's anticompetitive monopolistic practices. As for Microsoft's other misdeeds, the company should be forced to release software that gives the user more control over what components are part of Windows. For example—I hate Internet Explorer and want it off my computer. I despise IE and the hidden index.dat files that it saves in my Temporary Internet Files/content.ie5 and History/history.ie5 hidden folders, and I want the option of removing this extraneous software that I consider malicious code. I also believe that the authorization component for Windows XP should be removed because ***I should not have to tell a software company if I am uninstalling software from one computer and installing it on another***—this is a blatant violation of my privacy and a betrayal of a ''captive audience,'' namely the computing public. Please bring this company to justice and end its monopoly,

Joe Ogletree

MTC–00021035

From: mountainwoman@directcon.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:44am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jane Fraim
P.O. Box 379
Mount Aukum, CA 95656

MTC–00021036

From: Stan Zietz
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 9:57am
Subject: Microsoft Settlement

Dear Sirs:

I do not believe that the proposed microsoft settlement goes far enough to assure true competition will take place for operating systems in the computer market.

Stan
Stanley Zietz, Ph.D.
Professor and Chair phone—215–895–1126 fax— 215–895–1112, Department of Mathematics, Physics, and Computer Sciences
University of the Sciences in Philadelphia
600 South 43rd Street
Philadelphia, PA 19104–4495

MTC–00021037

From: Paul Forman
To: Microsoft ATR
Date: 1/24/02 9:48am
Subject: Microsoft Settlement
January 14, 2002 Attorney General
John Ashcroft US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my support for Microsoft's antitrust settlement with the federal government. Microsoft's willingness to settle this ordeal and save the taxpayer money should be commended. The terms of the settlement are more than fair to Microsoft's competitors. Microsoft will share information with competitors about the internal workings of Windows, which will allow the other companies to more easily place their own software on the operating system. Also, Microsoft will be bound by a uniform price list when licensing Windows out to the largest twenty computer makers in the nation. Clearly, this is more than just a slap on Microsoft's wrists.

I think this settlement is fair and equitable, and I hope it is quickly approved. Thank you for your time and consideration.

Sincerely,
Paul Forman
Following Seas Web Design, 40 Brackett Road, Gorham, Maine, 04038. 207.839.4240.

MTC–00021038

From: Bill Block
To: Microsoft ATR
Date: 1/24/02 9:49am
Subject: Microsoft Settlement

I am writing to voice my support for the settlement in the Microsoft anti-trust case. I feel that it is in the public interest reach a

settlement and continue moving the economy and technical innovation forward. Having been a long-time software consumer (over ten years of computer-related work experience on a variety of software platforms), I think that the settlement is fair and that the process should be concluded as soon as possible.

Sincerely,
William Block

MTC–00021039

From: Jurik, Jonathan
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 9:48am
Subject: Microsoft Settlement

To whom it may concern,

As a daily user of Microsoft products I need to let you know how I feel about their services. I work in an office of about 80 in NY and 250 globally. We all have Microsoft products on our machines and use the products willingly and eagerly. If the products were not cutting edge and extremely useful, we would have no use for them.

The fact that the DOJ feels it should ''protect'' me from Microsoft is abhorrent. Both my workplace and my family have decided to deal with Microsoft as consumers. Microsoft is not in the business of coercion. If they were, they would not last in the marketplace. The fact that so many people willingly purchase Microsoft products is evidence that they are a successful business, not some kind of predator.

The only monopoly involved in this situation is the government monopoly on the use of force. A proper monopoly on the use of force which has no place in business. The US Government is in the business of protecting Americans, not attacking them. Please keep it that way. The government must not be involved in private business when both parties deal with each other through trade. Microsoft's success should not be destroyed, but commended.

Sincerely,
Jon Jurik
American

MTC–00021040

From: naturesedge@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:45am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Rod Chapman
E2529 Birch Lane
Waupaca, WI 54981–8449

MTC–00021041

From: George Huey
To: Microsoft ATR
Date: 1/24/02 9:49am
Subject: AOL Files Private Suit against Microsoft

Hi, I just wanted to express my feelings on the new law suit filed by AOL against Microsoft. I hope that the court throws the suit out. Microsoft has not hurt AOL/Netscape. I use Microsoft products because I like the look and feel of their products and I know that they are out to make my life better. If AOL came out with a better product, I would use it. I have friends who use AOL and that is ok by me. When Microsoft hooked up their version of Instance Messenger to work with AOL's Instance Messenger, my friends and I were very excited. AOL on the other hand was not and modified their software to not work with Microsoft. AOL did not think about the benefit of allowing my friends and I talk, they only wanted to create their own monopoly and they went out of their way to make sure that their software would not work with Microsoft. AOL is trying to force the American people to use AOL where Microsoft is providing products that working to integrate with AOL and provide a better user experience. When AOL modified their software so that it would not work with Microsoft Instance Messenger, this move cost AOL some of my friends support. AOL instead of looking out for the consumer's welfare thinks only of themselves.

They had plenty of opportunity to work with Microsoft and they choose not to. They could work on creating user friendly products but instead of trying to compete in the market, they try to destroy Microsoft through the court system. I find it very appalling that the DOJ has taken sides with companies such as AOL against the American people. Not only are companies like AOL trying to destroy Microsoft so that they do not have to create products of value, but by the consent of DOJ, companies such as AOL and the DOJ are draining money from Microsoft that could have been directed at making better products for the world. Over the years, the US Justice System has gone down hill and it is about time that somebody worked on a reform. When the whole world is crashing around our ears and the DOJ continues to work with companies such as AOL, Sun, and Oracle to destroy a company who's makes better products then they do is flat out wrong. To allow people that are filled with hate (and yes, the word is not even close to strong enough), let me repeat, HATE Microsoft, they are not out for the welfare of the American people, they have only one addenda in mind and that is to destroy Microsoft. Please do not let this happen. If nothing else, a class action law suite needs to be brought against companies like AOL, Sun, and Oracle for the harm they have done to Microsoft and the American people by using the courts instead of producing a better and affordable product in the market place.

Microsoft has NEVER forced me to use their products. It is very easy to Install any product on my system that I need / want to use. AOL on the other hand, not only is trying to force people to use their product in order to talk with their friends, but they are actively trying to destroy the concept of free enterprise. Please stop the madness. Please quit hurting the American people and kick these cases out of the court.

Thanks for your time,
George

MTC–00021042

From: Brian Johnson
To: Microsoft ATR
Date: 1/24/02 9:50am
Subject: Microsoft Settlement

To Whom it may concern:

I am a member of the IT community and am writing to you today to make my feelings known on the Microsoft Settlement proposed on November 06, 2001. As I stated, I am a member of the IT community and work for Duke University in Durham, NC. Everyone else in my department uses Windows for their desktop Operating System; I use Red Hat Linux. I do this because I have a boss who understands the importance of choice and because I realize there are alternatives available to me. Unfortunately, I don't believe everyone has the same luxury.

I don't believe that Microsoft Outlook is the number one email client or that Internet Explorer is the number one web browser because they're the best. I believe that they're number one because of questionable business practices, including tactics to ensure customers aren't aware of alternatives, leading to the building and maintaining of a monopoly by Microsoft. Fortunately, the Courts agreed and have found Microsoft guilty.

Following the verdict finding Microsoft guilty, I have read the proposed settlement. Although I believe the settlement tries to go in the right direction, I feel that, in its present wording, it is unable to effectively prevent Microsoft from continuing its monopoly. I ask that you reconsider the conditions and the wording in the settlement, and ensure that Microsoft does not continue its anti-competitive practices. I know that we are all ready to put this behind us, however, I strongly believe that there are better solutions out there than Microsoft, and by leaving the settlement conditions as they stand now, you are ensuring that people will continue to be denied the knowledge of these choices. Thank you for your time in this matter.

Sincerely,
M. Brian Johnson
8916 Old Cedar Tr
Rougemont, NC 27572
IT Analyst, Duke University

MTC–00021043

From: Karen R. Bostic
To: Microsoft ATR
Date: 1/24/02 9:49am
Subject: Microsoft Settlement

Maize

I support the settlement as proposed with Microsoft. Please do not fall prey to the tactics of AOL/Netscape to possibly derail the settlement at this critical juncture—this

case needs to be settled so that everyone can focus on the needs of our country in this very unusual time.

Karen R. Bostic

MTC–00021044

From: jlockwood@method
istcare.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:47am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jeff Lockwood
P. O. Box 54
Katy, TX 77492

MTC–00021045

From: Liz McCollum
To: Microsoft ATR
Date: 1/24/02 9:49am
Subject: Microsoft Settlement

This e mail is to express my opinion that the department of justice should settle this matter in favor of Microsoft. All this litigation is a field day for the media and undermines a strong corporation that we need to stay strong. As a corporation, I fully understand the precariousness of doing business day to day. Another collapse, like Enron isn't needed. Why try and collapse a company that has done so much for every business in the United States. The year 2002 is not the time to pursue this type of litigation.

Liz McCollum
S&S Services Group, Inc.
6222 Tower Lane Suite A–6
Sarasota FL 34240
941–377–4600 Phone 941–377–4610 Fax

MTC–00021046

From: E L Tonkin
To: Microsoft ATR
Date: 1/24/02 9:50am
Subject: Microsoft Settlement

To whom it may concern,

I write to air my feelings on the subject of the Microsoft Settlement. Unfortunately, I am not a US citizen and therefore it is very probable that my opinions are entirely irrelevant; however, I am an IT consultant and currently completing a University postgraduate degree in human— computer—communication. I am very aware that the actions of Microsoft are likely to determine the nature of the technology with which I work daily, due to their almost total domination of the industry. This, therefore, is a global issue, and I feel that I have a right to speak out. I am not entirely satisfied with the settlement terms that I have so far seen. In my opinion, the most important points to keep in mind are:

1 * INDEPENDENTLY documented standards for communication protocols should be required.

2 * Documentation should not be witheld for any reason whatsoever, be it a question of security or any other subject.

3 * Proprietary extensions should stay optional. ActiveX is not indispensable—it is therefore not a ''reasonable technical requirement'', as Microsoft would claim, but a ''luxury''. Adaption of common protocols is to some extent reasonable, but it should be understood—and I'm sure it is—that Microsoft seldom act with the good of the customer in mind. The same thing can be achieved with non- proprietary standards that are equally secure/whatever, if less pretty. Both methods are acceptable, but neither should reduce interoperability with the other. ActiveX is one of Microsoft's favourite excuses. I expect the wonderfully centralised Passport to develop into another—and I expect that Microsoft will deny interoperability to, for example, free software developers on the grounds that they cannot satisfy so-called ''reasonable technical requirements''. Just more unfair business practice.

To expand on these issues:

1: No communication protocols (TCP/IP, windows networking, etc etc) should be extended with proprietary extensions unless Microsoft agree to submit a complete description of such protocols for interoperability purposes.

2: Documentation for APIS, communication protocols, etc etc, is NEVER a security risk. Any software company who claims this to be the case is simply acting to ''preserve their intellectual property'' and they are not telling the truth. Any security risk that appears from documentation appears because the software is ALREADY badly designed and weak. Of course this is often true in the case of Microsoft software—as acknowledged by Gates, quite recently, in the press—but I do not believe that the US DOJ really wishes to allow Microsoft to preserve their ''security through obsecurity'' purposes. Leaving out documentation merely impairs Microsoft's competitors from fair business practices. It does not make it any more difficult for a malicious hacker/virus writer/etc, who is perfectly capable of seeking out security holes without any help from documentation. Do not allow Microsoft to close their APIs or documentation, or communication protocols, for /any reason/. Force them to open them. Let the best software win, not the largest company—or they will stifle the desktop PC industry. Indeed I feel that software such as Passport, which will eventually be an important element in e-commerce, should be documented, checked and audited before use. To do otherwise is to invite disaster.

Finally: a plea—

So much is possible with software that we have as yet barely begun to scratch the surface; our creativity should know no bounds but imagination. Closing APIs, witholding communications protocols, etc, requires those of us with the ability to realise our dreams of new software to go through years of extra effort—and most of us just don't bother. Forcing the computer user to see the world through Microsoft-coloured eyes is something like censorship—ultimately, the result is the stifling of creativity and freedom, and the eventual stagnation of the industry.

Yours sincerely,
E Tonkin

MTC–00021047

From: loffli@flash.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:48am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you. And let the industry developing the American dream without stupid government meddling!

Sincerely,
Ivan Loffler
1319 Westchester Dr.
Coppell, OK 73019

MTC–00021048

From: essexbay@sover.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:48am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Sincerely,
Christopher Houghton
PO Box 396
Shaftsbury, VT 05262–0396

MTC–00021049

From: rmricks@usa.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:48am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Robert Ricks
3366 Avocado Vista Lane
Fallbrook, CA 92028

MTC–00021050

From: kts@developnet.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:49am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. What is the difference if you make it easy for people to launch free software, or have people download the free software? Microsoft provides a service by bundling the I.E.. AOL/TimeWarner offers Netscape for free as well, the difference is you download it. As a reseller, I am licensed to bundle Netscape with my own Banners etc, and any computer manufacturer/seller can pre-install the Netscape browser also. There is no conflict with having both, I use them both simultaneously. Further, when you buy a branded computer, you have all of their pre-installed links, icons, and software favorites as well. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. What it boils down to is this. Mr. Gates refused to provide the CIA with an open code so that foreign countries who use the MS-Operating system could unknowingly be hacked or spied upon by the CIA, and this agency wanted Bill Gates to provide them with a back door for covert operations. While Mr. Gates is a patriot, he felt that it would place a serious mistrust in all of the software used around the world. It would cause the enemies of this country to do more innovative security measures making it more difficult to spy than it currently is. Mr. Gates didn't want to play the good ol boy game and they came down on him. What about Time Warner/AOL/ Netscape? How big does a monopoly have to get before they are brought to their knees? With all the global mergers, National Mergers, who is looking at the competetive disadvantages of the big Communication/oil conglomerates like Gulf Western etc. Or is this just another attempt by the socialist democrats to level a little more wealth? Put a stop to this travesty of justice now. Thank you.

Sincerely,
Kevin Schreier
78 Crystal Lane
Stevensville, MT 59870

MTC–00021051

From: jdtickleii@strongwell.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:48am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Spike Tickle
517 Green Acres Road
Bristol, VA 24201

MTC–00021052

From: Diana Tsingopoulos
To: Microsoft ATR
Date: 1/24/02 9:51am
Subject: Microsoft Case
Ladies and Gentlemen:

Please leave the Microsoft Corporation ALONE and let the market place FAIRLY determine whose products and services are best. AOL is just a sore loser and has NO case against Microsoft.

Thank you,
Diana Tsingopoulos

MTC–00021053

From: wendob@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:50am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Wendy Borcherdt
400 South Bentley Ave
Los Angeles, CA 90049–3513

MTC–00021054

From: billie@ecis.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:50am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Billie Staunton
P. O. Box 2603
Antioch, CA 94531–2603

MTC–00021055

From: Andrew Houlihan
To: Microsoft ATR
Date: 1/24/02 9:53am
Subject: Microsoft Settlement

I feel the current settlement with Microsoft is insufficient. It allows Microsoft to continue to keep information regarding its APIs secret thus preventing other companies/individuals from making products that can truly compete with Microsoft's products.

Andrew Houlihan
(518) 276–8925
Computer Science Major ''02—Rensselaer Polytechnic Institute

MTC–00021056

From: James P. (038) Dolores D. Cornwall
To: Microsoft ATR
Date: 1/24/02 9:52am
Subject: microsoft settlement

We feel that it is in the public's best interest to settle this case as outlined in the settlement before the court as it is. Regards, Jim and Dolores Cornwall

MTC–00021057

From: amw18@wt6.usdoj.gov@inetgw

To: Microsoft ATR
Date: 1/24/02 9:51am
Subject: Microsoft Settlement

Dear Judges-

For a long time this country has trumpeted the concepts of free press, free enterprise and democracy as its cornerstones, when all of the time these three concepts, like everything else in our society, are for sale. Now comes the most important question, ''Are you for sale?''. As long as you continue to support a legal system where large companies can pollute the environment or sell cancer-causing cigarettes and slip away from true accountability in ''settlements'' where the findings are never revealed to the public, you judges are all shameful and put your own integrity in doubt. So, will Microsoft continue to be able to sell products which as they are installed prevent or destroy competing products? Will you judges continue to be mired in insignificant technicalities rather than recognizing common sense? How would you react if Toyota or Honda sold only cars which caused your Chevrolet to evaporate when you drove into the garage for the first time? How would you respond if the Ford Motor Company told you that you can no longer get parts or repairs done on your three-year-old Ford because they are now selling a newer Ford, which runs slower, requires more space, and is breaks down more often?

If Microsoft's principal product is now being replaced by an operating system which was created by thousands of volunteers in reaction to what they saw as abuse from Microsoft, are you able to sense the significance of that? I worry that our society's principles have been so corrupted that a small country like Singapore may out-perform and out-produce us by using less valid but uncorrupted principals: for example if their government (using benevolent despotism) decreed that all computers use a Linux operating system.

I worry that our bright volunteers will embarrass Microsoft right out of business, before you judges understand that once you allow Microsoft to dominate (essentially control) the business of repairing or supporting their operating system, they have no reason to create one that doesn't need repair. I remember when there were a dozen American corporations manufacturing cars and no one dominating. The rate of innovation was greater then.

If the US is to compete in the global technology race, we want a dozen pioneering software companies and none large enough to both dominate and drag its feet to make more money at the same time!

Sincerely,
Arthur M. Weber

MTC–00021058

From: Daniel Grantham
To: Microsoft ATR
Date: 1/24/02 9:53am
Subject: Microsoft Settlement

I am sick and tired of the Federal government interfering with the free market. Microsoft is where it is because it makes and markets a better product! I was a diehard Netscape user but their product didn't keep up. The latest version was slow and hard to use. Not only was the Microsoft product better, it was FREE! Tell me how this hurt me as a consumer. What does hurt me is the MILLIONS spent by the US government and various states in harassing Microsoft...an American success story! And what about the BILLIONS lost by stock holders and pension plans? Who are you looking out for????Why do we punish success? That's un-American and hurts our economy. GET OFF THEIR BACK and start supporting US industry!

Sincerely,
Daniel Grantham, Jr.

MTC–00021059

From: rdlittle@stargate.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:54am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general. While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Ryan D. Little
Technical Writer
6335 Phillips Ave.
Pittsburgh, Pennsylvania, 15217

MTC–00021060

From: D. Jasmine Merced
To: Microsoft ATR
Date: 1/24/02 9:38am
Subject: Microsoft Settlement

I do not support the proposed settlement because I do not think it provides sufficient punishment to balance Microsoft's offenses, nor sufficient incentive to prevent them from doing the same in the future. Furthermore, the idea of punishing a monopoly by requiring them to extend their monopoly into the US educational system is incomprehensible.

Regards,
Doralyn J. Merced-Ownbey
President/CEO
Tintagel Net Solutions Group, Inc.

MTC–00021061

From: Frank Danaher
To: Microsoft ATR
Date: 1/24/02 9:52am
Subject: Microsoft Settlement

Dear Sir

Please be advised that I am very upset by the resort to litigation by AOL. The country is being torn aapart by the artificial insertial of legal decrees that have nothing to do with the required settlements needed. I request that you facilitate the allowing the companies to work together or else, we will have another situation as in the asbestos, tobacco, pharaceutical, and Dow silicone situations where major companies are allowed to be destroyed. When are you going to provide leadership and stop this morass of litigation. There will be no companies left if we follow the current legal approach championed by congress supporting the trial lawyers and in the case of MicroSoft supporting state treasuries.

Please do not facilitate the lawyers —STOP IT—Let the 2 companies work it out. We don't need another ENRON!!!

MTC–00021062

From: schwenk@math.udel.edu@inetgw
To: Microsoft ATR
Date: 1/24/02 9:54am
Subject: Microsoft Settlement

To Whom It May Concern:

I am vehemently opposed to the proposed settlement with Microsoft. My primary concern is with sections III(D) and III(J)(2), which single out non-profit organizations as the only ones to which 1) it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization and 2) it need not disclose information regarding the APIs for incorporating non-Microsoft ''middleware.'' The Open Source software community is arguably realm where the most software design innovation is occuring. Interoperation with Microsoft products is an important part of any software product, whether it come from a commercial or non-profit organization. Without the above-mention disclosures, innovation within the Open Source software community and the community's ability to produce software that can interoperate with Microsoft products will be snuffed out. Open Source software is the backbone of the Internet and provides people with the most choices for what to do with computers. Taking away the Open Source community's ability to compete in the marketplace will irreparably damage innovations in software development. The Open Source community chooses to make its money with software differently than the ''commercial'' vendors, by charging for services and distribution instead of licensing. That doesn't make them an invalid player in the marketplace.

PETER SCHWENK √ Campus IT Associate 3

Department of Mathematical Sciences √ University of Delaware √(302)831–0437

MTC–00021063

From: pgurbacki@kslaw.com@inetgw
To: Microsoft ATR

Date: 1/24/02 9:51am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Penny Gurbacki
4248 Pentworth Lane
Kennesaw, GA 30144

MTC–00021064

From: Tim Kuo
To: Microsoft ATR
Date: 1/24/02 9:52am
Subject: Microsoft Settlement

I think the proposed settlement is bad idea.

Tim Kuo
Orbital Sciences Corporation
kuo.tim@orbital.com
(703) 421–5150

MTC–00021065

From: glarsen@nanosecond.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:53am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Glen Larsen
1432 Patricia Drive
Gardnerville, NV 89410–8203

MTC–00021066

From: conservativejud@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:53am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jud Cox
152 Hilltop Way
Blowing Rock, NC 28605

MTC–00021068

From: jmorgan659@att.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:52am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
James Morgan
659 Garfield Drive
Petaluma, CA 94954

MTC–00021069

From: Juan J. Collas
To: Microsoft ATR
Date: 1/24/02 9:55am
Subject: Microsoft Settlement

Hi,

Having read the settlement proposal, I think settling would be a bad decision. I can't see how the proposal actually provides effective enforcement against possible future violations by Microsoft. Given this, the proposal will most likely achieve the same results as the previous attempt to constrain Microsoft's anticompetitive behavior.

Sincerely,
Juan Collas

MTC–00021070

From: dwilson@web-access.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:52am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Veta Wilson
HCR 76 Box 66
Coleman, TX 76834

MTC–00021071

From: David Straub
To: Microsoft ATR
Date: 1/24/02 9:56am
Subject: Microsoft Settlement

The microsoft settlement is not in the public interest because it permits anti-competitive practices to continue, thereby forcing consumers to spend more money than they should for inferior software.

SUBSTANTIATION:

Q1. If Microsoft is so innovative, why do Access 97 databases need to changed to backwards incompatible Access 2000 databases?

A1. Because they can force you to get the newest version of their software.

1 COMMENTARY: There was a time when new applications offered great improvements and it was worth upgrading. Even so, upgrading should be an option to the user rather than a ''have to'' because once a co-workder or business associate upgrades, you have to due to incompatibility issues. In contrast, the HTML file format—from the beginning—was upgrade neutral. A version 1 browser could, in theory, read HTML 4 and an HTML 4 browser could read HTML version 1.

Q2. If Microsoft wants to add things to their operating system to improve it (i.e. with Internet Explorer), why has Wordpad never been updated with Word?

A2. Because Microsoft has a monopoly in the word processing market and doesn't need to drive anyone out of business.

2 COMMENTARY: Wordpad has been in Windows from the beginning, yet has not improved at all. Yet Microsoft somehow claims that they had a right to integrate the browser into the operating system while ignoring the word processor.

Q3. Why does Microsoft come out with new versions of their operating system rather

than releasing free service packs to augment the old one?

A3. Because Microsoft has a monopoly in the desktop OS market and a new OS is their license to print money.

3 COMMENTARY: little has changed from windows 95 to xp while there has been 98, 2000 and ME in-between. Perhaps they finally got it better with xp, but are the successive versions worthy of new names or should they have been free upgrades? Is there really that much of a difference between 95 and XP?

Q4: If Microsoft is such an innovator, why have they never come out with an innovative product in their history?

A4. Because they are in the business of extensdng their monopoly, not writing great software.

4 COMMENTARY: The first program was a copy of basic. They bought DOS from another company. Excel was a copy of Lotus 123. Word was a copy of Wordperfect. Word GUI was made at the request of Apple. Windows was a copy of Apple's OS (which was deisgned at xerox parc) They had to buy a database program, foxpro, since dbase owned that market. Powerpoint was a copy of Harvard Graphics. We all know what they had to do with the Internet market to catch up, especially with browsers.

Q5: Why doesn't the price of Microsoft operating systems drop over time and why do they become unavailable?

A5. You don't have to change your pricing and policies when there is no competition.

5 COMMENTARY: I have had an occasion to want to buy an old operating system. Perhaps I have some old crummy computer and would like to add an OS for next to nothing. Why can't I buy windows 98 for $20 today? Why does the price of Windows 2000 stay the same when hardware prices drop every month? Especially considering the fact that—once you make your money back—it is far easier to drop the price on software.

REMEDIES:

1. Bundle Microsoft office with the operating system including selling Windows 98 with office ''97 for $97.50 or less.

2. Require all Microsoft office documents to be forward and backward compatible.

3. Requre all Microsoft OS code to be entered into the public domain two years after their initial release and grandfather in programs already released.

4. Require Microsoft to sell programs for 10 years from their initial release.

Sincerely,
David Straub

MTC–00021072

From: aspinall@execpc.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:54am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Neal Aspinall
1255 Martha Washington Dr.
Wauwatosa, WI 53213

MTC–00021073

From: Steve Cardwell
To: Microsoft ATR
Date: 1/24/02 9:58am
Subject: Microsoft Settlement

Settling the Microsoft in the manner determined by the Court of Appeals is the best thing for consumers like me. I don't want to see Microsoft split into pieces, they have created too many good products and services for the average consumer. They don't hurt the average US citizen, they enable them and continue to innovate to make our lives easier and the economy better with their technological leadership.

Steve Cardwell

MTC–00021074

From: Todd L. Lamothe
To: Microsoft ATR
Date: 1/24/02 9:59am
Subject: Microsoft Settlement

Hello—

I think the proposed settlement with Microsoft is a bad idea. I think having Microsoft resolve the ''monopoly'' problem by ''putting computers in to schools'' is *outrageous*. Okay, so let me get this straight: We have a company that is anticompetitive, and you are *rewarding* them business accounts (Schools) and *locking them in* to an operating system which we've deemed is anticompetitive???? Perhaps you should have them fund installing Macs into the classrooms!! Or linux!!! Anything other than Windows.

Sincerely, I believe the present proposed settlement is an egregious example of backwards thinking.

Respectfully,
Todd L. Lamothe
68 Halifax Street
Jamaica Plain, MA 02130
tll@world.std.com

MTC–00021075

From: earlgreyj@att.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:55am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jeff Welch
226 Ridgeview Lane
Madison Hts, VA 24572

MTC–00021076

From: bigvalley@teknett.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:55am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please, PLEASE! put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Laurie Stump
471 W. Wilson Road,
Suite 20
Pahrump, NV 89048

MTC–00021077

From: BACMAC@IQEMAIL.COM@inetgw
To: Microsoft ATR
Date: 1/24/02 9:56am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the

most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
BURTON COBB
179 CROWN POINT DRIVE
CARSON CITY, NV 89706–0702

MTC–00021078

From: William J. Decker, Ph.D.
To: Microsoft ATR
Date: 1/24/02 9:59am
Subject: Microsoft Settlement

Dear Department of Justice:

Please leave Microsoft alone. Let the marketplace decide their fate.

Sincerely,
William J. Decker, Ph.D.
wjdecker@pobox.com

MTC–00021079

From: TSmith151@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:00am
Subject: Microsoft Settlement

From the handling of this case by a judge that knew so little about the subject that he had to import someone to explain it to him, to the fact that not one cent is going to those supposedly harmed, the users, it is time to put a stop to this case. The only beneficiaries of this case are Mocrosoft's competitors who couldn't measure up to Microsoft accomplishments. If the states who would benefit from this suit can't finance their needs legitimately, let them go hunt on their own deer lease. Enough of this poaching on Microsoft's terrain.

Please put a stop to this travesty of justice now.

Thank you.
Terry Smith
San Angelo, TX

MTC–00021080

From: James R. Ehrler
To: Microsoft ATR
Date: 1/24/02 9:56am
Subject: Microsoft Settlement

Terrible idea. The objecting States have a much better idea for a remedy to redress the results of Microsoft's grossly illegal conduct.

Step back and listen to the objecting States and abandon the incredibly WEAK DOJ/MS settlement proposal!

MTC–00021081

From: chill1@austin.rr.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:56am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
CHARLES HILL
12300 BURLYWOOD TRAIL
AUSTIN, TX 78750–1103

MTC–00021082

From: fitzgeralds1@msx.upmc.edu@inetgw
To: Microsoft ATR
Date: 1/24/02 9:56am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Shawn Fitzgerald
510 Grant Street
Springdale, PA 15144

MTC–00021083

From: J—Cramer@msn.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:58am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jim Cramer
100 Farmers Bank Square
Suite 230
Georgetown, KY 40324

MTC–00021084

From: mseaman@cs.bwauto.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:56am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Melissa Seaman
431 E Todd Ave
Reed City, MI 49677

MTC–00021085

From: Walter Ellinthorpe
To: Microsoft ATR
Date: 1/24/02 10:01am
Subject: Microsoft Settlement

To whom it may concern,

I, for one, am opposed to the proposed settlement with Microsoft for a variety of reasons. Most of them are very eloquently explained by Dan Kegel at http://www.kegel.com/remedy/remedy2.html

I especially agree that something should be done to prevent Microsoft from further limiting the choices available to consumers. When AT&T was broken up, many (Myself included) thought that it was a bad move. Hindsight being 20–20, we now know that this allowed the Telco industry to flourish (even though increased competition forced tighter operations by the Long Distance Telco providers). Now every Telco is eager to implement new technologies in order to beat their competition to it. Microsoft has a monopoly, therefore they have no competition, therefore they are more interested in making sure they maintain that monopoly than in actually improving their products For one example, just look at the slew of security holes in their products which have allowed viruses to spread across the Internet costing businesses Billions of dollars. For another example see the ''Microsoft Halloween paper'' at http://www.scripting.com/misc/halloweenMemo.html Especially look the section titled ''Blunting OSS attacks'' where the author states.... ''Generally, Microsoft wins by attacking the core weaknesses of OSS projects. De-commoditize protocols & applications OSS projects have been able to gain a foothold in many server applications because of the wide utility of highly

commoditized, simple protocols. By extending these protocols and developing new protocols, we can deny OSS projects entry into the market'' One of the protocols the author recommends that Microsoft ''De-Commodotize'' is DNS which they have since incorporated into Active Directory. Since they are tying ALL of their server based applications into Active Directory, this would tie all of their applications into usinf a Microsoft version of DNS.

This paper also states that

Middleware control is critical. Obviously, as servers and their protocols risk commoditization higher order functionality is necessary to preserve margins in the server OS business. and... Long-Term Commitments Release / Service pack process. Just look at their new licensing schemes for Windows XP. This document, which was written in 1998, with 20–20 Hindsight we see that Microsoft not only thought about undermining standard protocols, they have done so. We see that Microsoft has not only thought about using Middleware to exclude competition, they have done so. They not only thought about modifying the Release and Service pack agreements, they have done so.

When will the US Government realize that there IS A PATTERN HERE????? PLEASE, PLEASE put a stop this. PLEASE come up with a better settlement. One which is more in the interest of the public than the stockholders of Microsoft.

—Walter Ellinthorpe
Field Engineer at United Messaging
Walter Ellinthorpe@UnitedMessaging.com
Office 703–488–3967
5175 Parkstone Drive Suite 100
Chantilly, VA 22151

MTC–00021086

From: williji@goodsamhealth.org@inetgw
To: Microsoft ATR
Date: 1/24/02 9:58am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jim Williams
1574 Coburg Rd #168
Eugene, OR 97401–4802

MTC–00021087

From: willwashington@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:59am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Will Washington
7111 Tesoro Trail
Austin, TX 78729

MTC–00021088

From: Wayne Ringling
To: Microsoft ATR
Date: 1/24/02 10:02am
Subject: My comment on the Microsoft settlement.

Dear Sirs,

I am not going to go into the reasons why I think the settlement that was reached by the Dept. of Justice and Microsoft should not be used. But I will go as far as to say that I do not believe that the settlement reached will do anything but seed further entrenchment that Microsoft binds us to their software. I therefore, are very much opposed to the settlement offering and wish the Dept. of Justice to seek the full remedy the court system can impose on them whatever that maybe. Until we impose a full remedy to this they will continue to behave in this manner, as I believe a study of current software EULA will show nothing has changed. Also the abuse of Microsoft to adopt open source technologies into their system os and not abide by the license agreement further troubles me that they are taking content from the open source community and on the other hand doing everything in their power to limit and destroy that same community. If we are to gain anything from this whole judgment, we need to effect a remedy that will bolster the innovative competition to level the playing field. I am also in favor of a quick settlement, the longer this drags on the longer Microsoft has to pile up funds to fight this judgment.

Wayne Ringling
4005 Lawrence St.
Colmar Manor, MD 20722
301–209–9560

MTC–00021089

From: Paul Smith
To: Microsoft ATR
Date: 1/24/02 10:01am
Subject: Microsoft Settlement

There are many reasons why the microsoft settlement is currently to weak to move forward, most important is the interoperability of Independent Software Vendors(ISV) to create competing products that will be able to run the same software.

Section III.H.3. of the PFJ requires vendors of competing middleware to meet ''reasonable technical requirements'' seven months before new releases of Windows. We need to remove this limitation as Microsoft has the ability to change these requirements while the middleware will remain locked out.

Microsoft must unlock all Api's for its windows products, we must lift all unreasonable restrictions on the use of the released documentation. And why is Microsoft only required to be fair to the top twenty(20) OEM's, thats just plain wrong, many small companies that offer competing products will be open for Microsoft's abuse!

We must stop Microsoft from discriminating against ISVs who ship Open Source applications or for applications running on competing operating systems.

Please make sure Microsoft will be a responsible business in the future, the agreement as it stands leaves many items open for Microsoft to continue its anticompetitive practices.

Paul Smith
Fort Lauderdale, FL

MTC–00021090

From: GNI Commerce, Inc.
To: Microsoft ATR
Date: 1/24/02 10:02am
Subject: MS case is far more than Antitrust —

<http://www.tupbiosystems.com/articles/win—xp.html>Microsoft case is far more than Antitrust. Please, read the articles below: Microsoft intentionally keeps the front door of Windows XP unlocked and wide open. For which purpose?

http://www.tupbiosystems.com/articles/win—xp.html Microsoft has been clearly and carefully informed that they are making a huge mistake with security in Windows XP but they show no intention of responding to this now very visible threat. The question is for what purpose does Microsoft intentionally keep the front door of Windows XP unlocked and wide open? Should be a serious reason. Written by Steve Gibson, Gibson Research Corporation (GRC), Aug 02, 2001 at 14:10

<http://www.tupbiosystems.com/articles/bill—gates.html>Who stands behind the terrorists of September 11? http://www.tupbiosystems.com/articles/bill—gates.html Want to see the truth—look at the root first. We saw things that they wanted to show us for their purpose. What is hidden?. Written by Dr. Vladimir Gouliaev (Dr. ''G'').

MTC–00021091

From: dvaldez@lib.nmsu.edu@inetgw
To: Microsoft ATR
Date: 1/24/02 9:58am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This

has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Deanna Valdez
1640 La Fonda Drive
Las Cruces, NM 88001–4445

MTC–00021093

From: Bryant P McGuire
To: Microsoft ATR
Date: 1/24/02 10:01am
Subject: Microsoft

Folks

Please let it end. You are messing with Microsoft. They essentially make good products that I like to use. They also support and continue to improve what they make and keep it easy for consumers to maintain their products. I am tired of the politics in this. It looks to me that the government and industry are leaning on Mr. success to slow down their comprehensive industry butt-kicking that they have doled out.

Please let it end.
Bryant P McGuire
209 Balsam Tree Court
Severna Park, MD 21146

MTC–00021094

From: Dan Vaughan
To: Microsoft ATR
Date: 1/24/02 10:05am
Subject: Microsoft Settlement

To whom it may concern:

I am a small business owner and I feel that a settlement in this case is much needed. This case has gone on long enough and the public is not benefiting from this litigation.

Signed By:
Dan Vaughan
Knight Products Company, Inc.
www.kpcsupplies.com
(800)262–4116

MTC–00021095

From: Slocum, Sam
To: Microsoft ATR
Date: 1/24/02 10:04am
Subject: Microsoft Settlement

Dear Sirs,

It has recently come to my attention that following the lengthy and expensive proceedings which ultimately found Microsoft guilty of being an illegal monopoly, you as the justice department have chosen to consult with the guilty party in an attempt to find a punishment which would prevent an appeal attempt. I also understand that you have chosen this option under the direct suggestion of President Bush. As a registered voter I suggest that you reconsider the current plan. Your current plan does little to remedy the situation and in many cases provides Microsoft more ammunition to attack the open source community (one of its only potential competitors) by preventing them from using Microsoft protocols without receiving their blessing as being secure. Additionally the problems found with Microsoft warrant far more supervision than a three party council that is partially determined by Microsoft itself. In all I have found these proceedings to be an almost laughable derailing of the justice system, and if these problems are not corrected and Microsoft truly punished, I will seek remedy with my vote. I also in general find that it to be very discouraging that a corporations deep pockets could grant them so much power over duly elected and chosen representatives.

Sincerely,
Samuel Slocum
Software Engineer

MTC–00021096

From: dklowther@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:01am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Deanna Lowther
421 East Albany
Ponca City, OK 74601

MTC–00021097

From: barbara@cbrinfo.org@inetgw
To: Microsoft ATR
Date: 1/24/02 10:01am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Barbara Hume
P. O. Box 3788
Anaheim, CA 92803

MTC–00021098

From: Bryan C. Powell
To: Microsoft ATR
Date: 1/24/02 10:03am
Subject: Microsoft Settlement

To whom it may concern,

Like many people, it is with great concern that I have read about Microsoft's proposed settlement in their antitrust case. I believe the best solution would be for Microsoft to simply buy hardware that the schools themselves choose. That way, Microsoft can attempt to make amends for their business practices while giving the the school,s a genuine choice in what they use. After all, isn't that the root cause of this case in the first place, the lack of choice?

Thank you for your time and attention.

Bryan C. Powell
College of Arts and Sciences Information Technology
33 Upham Hall
powellbc@muohio.edu
529–1520

MTC–00021099

From: Ken Ross
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 10:08am
Subject: Microsoft Settlement
Horizon Software International
5835 Highway 20
Loganville, GA 30052
January 11, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

The antitrust suit against Microsoft has been an inconvenience to the technology field since its conception. The antitrust suit involving Microsoft has driven stock values down, driven software prices up, and driven public money to litigation—all at the expense to the consumer and the taxpayer. Microsoft has been a victim of a witch-hunt. Fortunately, the U.S. Justice Department has reached a settlement regarding the suit. This settlement is planned to give the consumer more choices and provide Microsoft competitors with compensation for their alleged losses. The settlement instructs Microsoft not enter any contract that would require a third party to sell or promote a fixed percentage of Windows technology. Microsoft also cannot enter into contracts that prevent software developers from developing or promoting software that competes with Windows. All action that is taking place at the federal level must be stopped. This suit has only been detrimental to our financial position. It has gone too far, and too long. Microsoft must be allowed to return to Washington State, and leave Washington, DC.

Sincerely,
Ken C. Ross
CTO
Horizon Software International

MTC–00021100

From: burkmtn@msn.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:02am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Thomas Burk
6508 Jackpine Drive
Bellvue, CO 80512–5646

MTC–00021101

From: tbonewilley@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:02am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Roger Willey
1604 17th Avenue
Sterling, IL 61081

MTC–00021103

From: Jared Hansen
To: Microsoft ATR
Date: 1/24/02 10:05am
Subject: Microsoft Settlement

As much as I think the settlement is blatant extortion, unjustly screwing over microsoft to benefit inferior companies who, nonetheless, waged a superior lobbying campaign, I think that it's the least unjust thing that we can hope for at this point.

Please, please just leave this company alone. I'm not going to go into all the common law practices that argue for such a decision, since you probably know of them already.

I'm not going to discuss the philosophy behind personal property rights and free trade, since 1)it's doubtful you have time to read it, and 2)a discussion of that depth does not lend itself to a single email. So all I can do is tell you that a young person, married, out of college but not making much money, would like the government to just back off. I do not work for microsoft; indeed, I work for a company whose product competes with some of MS's.

However, I know injustice when I see it, and extortion from a successful business on these grounds is a prime example.

You can reach me at this address, or at jared.hansen@bta-usa.com . My daytime telephone number is 312.494.1530, evening 773.529.4651.

I am going to be an attorney (I've been accepted into Georgetown for Fall 2002 already; I await replies from Yale, University of Chicago, Northwestern and Columbia), and it is my goal to one day dismantle the monstrosity that is this country's antitrust system. I only mention that so that, in the event that I actually accomplish this goal, whoever read this email might remember it.

Cheers
jeh

MTC–00021104

From: Baylor, Bradford
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/24/02 10:04am
Subject: Microsoft Settlement

I think the settlement is a bad idea.

MTC–00021105

From: Jim O'Connor
To: Microsoft ATR
Date: 1/24/02 10:04am
Subject: Microsoft Settlement

I think microsoft should be forced to open all API's to anyone who wants them and further that any major change in how the operating system deals with hardware or the software run on it should be presented to any developer who wants it as soon as Microsoft has decided on that direction. Attempts to mislead developers ot to withhold information should result in punitive damages of at least $100,000,000 to any company affected. That way if Microsoft wanted to play games they would end up financing the very companies that they want destroyed. The slap on the wrist you gave them is a total insult to everyone that has been affected by Microsoft's monopoly.

MTC–00021106

From: Jobertito Cuaresma
To: Microsoft ATR
Date: 1/24/02 10:04am
Subject: Microsoft Settlement

To Whom It May Concern:

I am a network administrator from the University of Illinois, and I feel from a consumer and IT person point of view that the settlement does not adequately address the indiscretions of Microsoft properly. Because of the scope of the case, I will limit my complaint concerning the release of OSes and Microsoft's practice of licensing/selling of software.

From the interpretation of the of settlements, there is no safe guards of Microsoft bundling software with their OS in the future. Although an OS can be released without certain programs installed, there is nothing stopping them from using the internet to install middleware software via automatic updating after its release. It is also my concern that there will not be an un-biased body that will be able to determine what part of the OS is not essential. For example, Microsoft claimed that Internet Explorer was essential to Windows 98 and cannot be uninstalled which ultimately killed Netscape as a competitor. For this to become fair and competitive, it will be necessary to define what parts make an OS and what are essential components. This decision and definition needs to happen from a group larger and outside of Microsoft. Hence, the ''free'' bundling of MS products has given the company an unfair advantage over other competitors. Their business practices with computer venders have also prevented other OSes to have the opportunity to prosper or dominate. Prior to Windows becoming standard (because there was no other real consumer alternative), companies that produce alternative OSes such RedHat, Geoworks, and Dr Dos were not allowed to be distributed with new machines due to Microsoft's strict vendor agreements. Hence, Microsoft has a monopoly. From this monopoly, Microsoft does not have the benefit of competition to keep their pricing schemes and licensing practices in check. As already seen, while all other software and hardware vendors prices go down, Microsoft's prices have skyrocketed. Why is it that Microsoft Windows XP Home edition costs $300 while the hardware capable of running it costs $500 bundled? Since Microsoft makes much of it's money through vendor agreements and it's OS is pretty much the only choice for vendors, it does not need to be competitive in pricing with consumers. Due to the pricing scheme, consumers are forced to buy new machines bundled with Windows rather than buy the new OS and upgrade cheaply the few components. Microsoft has made their 3 billion dollar a month profit from flexing their monopolistic power. Just last year, Microsoft has written to many businesses of their new higher pricing schemes, while also threatening to audit software compliance. With an economic recession occurring, it would be nice to finally have this case closed and everyone move on with life. But, if the US government does not settle this case properly to directly protect the consumer, then millions of taxpayers money spent and the hard work of the civil servants are lost. Due to lack of choice, Microsoft has bullied its way into the computer industry as integral part with billions extremely dependant on its products. Nothing can be done now to level the playing field,and the actions of the settlement does little to alleviate this. Therefore, provisions have to be set in place in order to protect consumers and businesses from high pricing

and unchecked licensing schemes since competition cannot be restored.

From my personal viewpoint, this settlement does little to reflect the efforts of the civil servants involved in the case. It upsets me that stall tactics can derail justice. For this case to go this far and last thing long after finding the company guilty, the terms of the settlement does very little and disheartens this American citizen of the integrity of the judicial system.

MTC–00021107

From: efruits@ponyexpress.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:02am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Ann Fruits
107 BLuegill Dr.
Gallatin, MO 64640

MTC–00021109

From: tim@dalton.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:01am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Tim Ketterson,Sr
9 Boylsotn Street
Dalton, GA 30720

MTC–00021110

From: dm7427@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:03am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Dave Melanson
5353 w. Desert inn rd #2041
Las vegas, NV 89146

MTC–00021111

From: a1964stingray@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:03am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Robert Polster
776 Lincoln St.
Clarks Summit, PA 18411

MTC–00021112

From: Ned Ulbricht
To: Microsoft ATR
Date: 1/24/02 10:07am
Subject: Microsoft Settlement

This public comment is solicited under the Tunney Act regarding the proposed Microsoft / US DoJ anti-trust settlement. My understanding of that act is that the US DoJ, as an arm of the federal government, is automatically presumed to be acting in the ''public interest'' unless the settlement is reached under the pall of bribery, corruption, or undue political influence.

Here is a list assembled from FEC records of some of Microsoft's more recent ''donations'':

10/17/2001 $25,000 RNC/Repub National State Elections Cmte
09/27/2001 $10,000 RNC/Repub National State Elections Cmte
09/26/2001 $20,179 NRSC/Building Fund
08/21/2001 $50,000 RNC/Repub National State Elections Cmte
06/27/2001 $10,000 DNC/Non-Federal Corporate
06/25/2001 $5,000 NRCC/Non-Federal Account
06/25/2001 $5,000 NRCC/Non-Federal Account
06/18/2001 $10,000 DCCC/Non-Federal Account 1
06/08/2001 $50,000 DSCC/Non-Federal Corporate
06/04/2001 $25,000 NRSC/Non-Federal
06/04/2001 $25,000 NRSC/Non-Federal
05/23/2001 $40,000 2001 President's Dinner/Non-Fed Trust

Taking that last item for example, nowhere else in the world would a company's ''donation'' of $40,000 for ''dinner'' to the chief executive of an administration suing that company for a violation of the nation's laws be seen as anything other than an act of cheap bribery. This settlement is most emphatically not in the ''public interest.''

Edgar K. Ulbricht
3521 Shattuck Av. S.
Renton, Washington

MTC–00021113

From: a1964stingray@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:03am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Robert Polster
776 Lincoln St.
Clarks Summit, PA 18411

MTC–00021114

From: OConnor, Edward (Edward)
To: Microsoft ATR
Date: 1/24/02 10:05am
Subject: Microsoft Settlement

Dear Sir or Madam:

I am opposed to the Microsoft Settlement in its current form. Computers and software are part of my life; they are the tools with which I make a living and how I communicate with others. Microsoft creates good software— I have been using the software for many years. I am opposed to the level of control that they exert on hardware and software professionals. Software innovation and development was once common on the Microsoft platform, but the company has begun to lock down all of the channels of access to widely available hardware and software platforms. Distribution channels which have been funded and created by the government for the public good are now becoming controlled by Microsoft for the benefit of Microsoft, and to the detriment of all other parties, including independent software and hardware developers.

In particular, I am distressed that the Settlement does little to address the strong-arm anticompetitive practices that Microsoft engages in with OEMs. If these practices are not made illegal, or otherwise limited, Microsoft will continue to manipulate and control 95% of the computing world, and use this power to extend into new technology markets. Failure to address these issues now will result in an imbalance in competition that will affect technology and innovation for generations to come.

Respectfully,
Ed O'Connor
Independent Software Developer
Rebol Scripting Community
''Freedom in Computing''
http://www.rebol.com

MTC–00021115

From: Fred J. Federspiel
To: Microsoft ATR
Date: 1/24/02 10:07am
Subject: Microsoft settlement

To Whom it May Concern:

Thank you for taking the time to read this note.

As CEO of a quickly-growing software company, I strongly urge the US DOJ to allow Microsoft to innovate and add value to its products in any manner it sees fit. Our company (NYC-based e-Xchange Advantage Corp.) has recently made a significant investment to support the Linux platform in addition to our original support of Microsoft alone. Other Financial Service companies are moving in the same direction, and we will all benefit from letting Microsoft build a better platform. We now have a real choice, and it's in our interest (and the public's interest) to allow Microsoft to move ahead unhindered by antitrust issues.

Sincerely,
Fred J. Federspiel
President, CEO
e-Xchange Advantage Corp.
51 E. 42nd St. Suite 602
New York, NY 10017
212 986–1450

MTC–00021116

From: Rob Clarke
To: Microsoft ATR
Date: 1/24/02 10:06am
Subject: Microsoft Settlement

Dear Sir/Madam,

I am writing to express my dissatisfaction with the proposed final judgment in the DOJ/Microsoft Antitrust Trial. The remedies suggested do not go far enough in protecting the consumer and OEMs from being subjected to Microsoft's anti-competitive practices in future. As a result of the terminology used and omissions in the proposed remedies, Microsoft are granted a great deal of scope to continue their current anti-competitive behaviour. By way of an example, allowing Microsoft's EULAs to discriminate against software released under Open Source licenses (such as the GPL and MPL) clearly has the potential to cause inordinate harm to competitors and end users, and is completely unjustifiable, and stifling to both innovation and competition.

It is my belief that the PFJ needs to be significantly strengthened if it is to be regarded as a fitting reparation to end users, and a fitting punishment for Microsoft's repeated unlawful activities.

Yours Faithfully,
Rob Clarke

MTC–00021117

From: pc—unlimited@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:04am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Charles Wheeler
27326 Cranbrooke Dr.
Lake Forest, CA 92630–5845

MTC–00021118

From: Donald W. Bales
To: Microsoft ATR
Date: 1/24/02 10:05am
Subject: Microsoft harassment

I think the decline in the tech market was partly due to the DOJ action against Microsoft promoted by the Clinton Administration. Don't you think your actions may worsen the economic decline which started in the waning days of the Clinton era and got worse in March of 2000?

Donald W. Bales,
2009 Lynnwood Road,
Kingsport, Tn 37660

MTC–00021119

From: Alan
To: Microsoft ATR
Date: 1/24/02 10:04am
Subject: Microsoft Settlement

I am a software engineer with more than 20 years experience in software development. I have developed software on Microsoft, Unix (various vendors), Linux, and other less popular operating systems. I would like to comment on the Proposed Final Judgement in Uniteed States vs. Microsoft.

I am deeply troubled and firmly convinced that the remedies proposed will not halt the anti-competitive behaviors of Microsoft. I support and am a signatory of the open letter http://www.kegel.com/remedy/letter.html.

While I support and defend any software manufacturer's right to improve and develop new software, this right does not include intentional efforts to limit the marketplace from providing improvements and extensions. The Settlement includes definitions that are so specific as to limit the effective timespan of the remedies. Specifically, ''Windows Operating System Product'' and ''Microsoft Middleware Product'' only apply to Microsoft's current operating system products. ''API'' is limited to stated Windows Operating System and Microsoft Middleware Products. Microsoft can evade these definitions by developing new products such as .NET, based upon new API's. Furthermore, the definitions do not include a broad enough coverage of Microsoft's products.

I want the Settlement to include any operating system sold by Microsoft, now and in the future, that uses, supports, or refers to ''Windows'' technology. I want the definition of the operating system confined to the minimal set of software necessary to enable Current Off The Shelf (COTS) products to function. The operating system does not include any software capable of productive value; It is a service-enabling and application-enabling product only.

I want the notion of ''middleware'' to be discarded. The middleware products in the settlement are applications. Microsoft has chosen to bundle applications in its operating system products. None of those applications are necessary to the function of the operating system. I want Microsoft to agree to sell and price the operating system separately from the applications. This does not limit Microsoft from also selling bundled application packages at no extra cost.

I want Microsoft to not prohibit in license or execution its products or associated redistributable components from being executed other than with a homogeneous Microsoft platform. For example, Microsoft may choose to not support Outlook from executing on Linux, but it shouldn't prohibit a license holder from doing so. I want Microsoft to publicize API changes no later than making available any version of application or operating system that supports or uses that API. I want the definition of API to include file formats that are supported by more than one Microsoft middleware(sic) or application product. I want for Microsoft to publicize all API's created or changed for any middleware(sic) or application sofware it makes widely available. I want for Microsoft to publicize which software patents relate to which of its products. I am restricted from

safely exercising my software development skills because I do not know when I am alledgedly violating a patent.

I want Microsoft to stop its practice of relating sofware licenses for different products. An application product's license should not specify how the operating system product license may be used or which license must also be purchased—one product, one license.

I want Microsoft to be restricted from collecting product data loaded on a computer when validating its operating system or application software licenses.

I want Microsoft to be restricted from making its software products unuseable or limited without license validation.

The enforcement of the settlement does not support small businesses for whom a long legal battle will destroy the business. I want a fast-track review of complaints with a quick arbitration and settlement. Microsoft should pay for this for the next five years.

The public interest is not served by yet another ineffective settlement with Microsoft. The Proposed Final Judgement will be ineffective.

Alan Wilkinson
President, Results Computing Corporation
PO Box 12521
Burke, VA 22009–2521

MTC–00021120

From: DCHRISKING@CS.COM@inetgw
To: Microsoft ATR
Date: 1/24/02 10:03am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
DEBORAH KING
113 MARILYN CIRCLE
RINGGOLD, GA 30736

MTC–00021121

From: dgirton@intercom.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:07am
Subject: Microsoft Settlement

I believe that the proposed Microsoft—DOJ settlement is a sell-out to Microsoft (hereafter called MS). The proposed settlement doesn't achieve much at all. It doesn't punish MS sufficiently for its proven monopolistic, illegal behavior. It doesn't call for any serious remedies that would preclude MS from doing all sorts of monopolistic behaviors. It allows them to do whatever they want, however they want, whenever they want.

The only good result is that now MS is know as an illegal monopoly. Please rethink the proposed settlement to put some real teeth in it.

Dan Girton

MTC–00021122

From: Regal, Robert
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 10:10am
Subject: Microsoft Settlement

Hello DoJ people,

First of all, I'd like to congratulate you on dealing with such a difficult case where there are undoubtedly vast amounts of behind the scenes plotting going on. However, in regards to the propose settlement, I would like to ask you to reconsider your stance on it. Please do not allow Microsoft to dominate the OS market anymore. As I'm sure you are aware, Microsoft does promote a standard platform which the majority of the world uses. Is this beneficial to the consumer, you must've asked? I do not believe that it is. The interoperability promoted by a world OS is a nice benefit of their monopoly, but is not worth the cost in innovation, security and quality. Microsoft has effectively squished numerous operating systems into niches each of which actually offer demonstrable technological advantages over Windows. I guess the real question is, has Microsoft used its monopoly to dominate other markets unfairly. This is obviously a yes. Why, because to gain a market share for any given product, all Microsoft has to do is integrate that product with their OS and they suddenly have an installed base of 90% of American computers. I find it supsicious that the OS industry is not differentiated into an oligopoly like the car industry, fast food industry or even other software sectors like accouting software (There are 3 or 4 dominant home accounting programs but none is remotely as dominant as Microsoft is).

Please reconsider,
Robert Regal

Also, don't allow that injection of Microsoft products into an environment not yet completely dominated by Windows. Competition is good. Microsoft does not promote this.

MTC–00021123

From: Captgramma@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:04am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Nancy Nancy
750 Ranch Road 336
Leakey, TX 78873

MTC–00021124

From: r-a-l@msn.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:04am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Robert Laczko
1234 Naranca Avenue
El Cajon, CA 92021–4908

MTC–00021125

From: Josh Watters
To: Microsoft ATR
Date: 1/24/02 10:07am

I seriously doubt any strong consideration is being given to letters sent to this address. If the DoJ or anyone else with government influence were truly concerned with the thoughts of the American public, or most critically the educated American public, this issue would have been laid to rest some time ago with far heavier consequences levied against Microsoft. None the less I'll continue with the lingering hope that continued comments might serve the public interest despite the government concerns with corporate profit over our welfare. There are three operating systems in the world, Mac OS, Linux, and windows. Unless you're running Mac hardware, a minority of the population, the Mac OS is meaningless. Which leaves us with Windows and Linux. Today, Linux is just beginning to reach a stage where it can be installed onto a system in under 5 hours due to its complexity. Lets add to this that drivers for most hardware is still difficult to find and that the Media giants have stepped in with law suits preventing Linux operators from viewing DVD's the rightfully own. Funny how this little seemingly unrelated topics further assist Microsoft.

Microsoft has absolutely no incentive to improve their software. They force new upgrades on the public, leverage application upgrades in the business sector, which then eventually forces the public to upgrade applications as well. They stomped out Netscape, generally considered to be the superior browser. Today there is no Netscape. Sure it exist, but no one uses it, there is no strong incentive to improve or market it, and now for all practical purposes we're stuck with a browser that has as many problems and failures as the OS.

MS has also managed to take huge market share from AOL. Now that in itself isn't bad. AOL should be forced to defend its turf just like any other American corporation. But MS isn't likely to stop. The OS market gives then the chance to do to AOL what they did to Netscape. AOL might be a bigger target and a harder bare to kill, Netscape never really had that much cash to burn, but MS has more cash in the reserves than the US government. Without enforcement of antitrust laws, AOL will fall to. Eventually we get to the Xbox. Now MS has done nothing wrong here. But anyone with the slightest awareness of history has to expect MS to start leveraging power in the home video gaming arena. How will they do, I wouldn't care to guess, there's plenty of methods. The key here is that antitrust laws have no teeth. There has been no punitive action taken against Microsoft. And the government has clearly said its better to break the law and ask for forgiveness later. There is nothing but incentive for MS to continue its current behaviour. MS is a corporation and will behave in the manner which garnishes the most returns. The government must clearly make it unprofitable to break the law, else why have the laws at all.

In closing, this entire process has been made into a joke. All technically educated people not profiting from Microsoft are frustrated over the government's incompetence. Even the media, the spearhead epitome of the uneducated masses has started to catch on. So far the only thing this settlement has done is prove the greatest American tragedy of all, ''MONEY BUYS EVERYTHING!''

MTC–00021126

From: sooze@m33access.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:04am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Susan Daggett
211 Agnes St
P.O. Box 324
Rose city, MI 48654–0324

MTC–00021127

From: rdunn54219@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:06am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Sincerely,
Ron Dunn
4207 e san angelo
higley, AZ 85236

MTC–00021128

From: Rob Hatton
To: Microsoft ATR
Date: 1/24/02 8:53am
Subject: Microsoft Settlement

We tried a 'consent agreement' before, and it didn't work. Simply bust the company up.

Rob

MTC–00021129

From: Warren Dodge
To: Microsoft ATR
Date: 1/24/02 10:08am
Subject: Microsoft Settlement

Hello,

This is a public comment on the proposed settlement between the DOJ and Microsoft. I disapprove of the settlement because it does not punish Microsoft nearly enough for their past wrongdoing and does not prevent them from continuing their habitual anticompetitive practices in the future. Microsoft has a proven track record of extending their operating system monopoly with anticompetitive practices. Andrew Schulman published a book titled ''Undocumented DOS'' in the 1980s that exposed particular practices that Microsoft used to make their application programs run better than competitors' programs. By deliberately hiding information and programming APIs from anyone outside of Microsoft, while internally publicizing that information, they guaranteed their programs an (unfair) advantage over their competitors'.

As a professional programmer for more than 12 years, I am firmly convinced that the innovations of the computer industry that Microsoft takes such public credit for, would be much, much further advanced had the company been broken up or regulated back in the days when it was extending its monopoly from the base of the DOS operating system. Many years later, it's hard to restore the balance that was lost, but we must try. They have been a damping influence on computing advancements for many years because of their tremendous size and influence, and their extreme aggressiveness and arrogance. They have proven over time, that they must be actively policed and have the threat of __significant__ punishment brought to bear or they will continue their business in their usual illegal manner.

Thank you for your consideration,
Warren Dodge
3846 Cazador St.
Los Angeles, CA 90065

MTC–00021130

From: Timothy D Smith
To: Microsoft ATR
Date: 1/24/02 10:13am
Subject: Microsoft Settlement

I do not support the proposed settlement because I do not think it provides sufficient punishment to balance Microsoft's offenses, nor sufficient incentive to prevent them from doing the same in the future. Furthermore, the idea of punishing a monopoly by requiring them to extend their monopoly into the US educational system is incomprehensible.

Timothy D. Smith
Senior Designer/Webmaster
Cleveland Free Times
216–321–2300x245
H– 2757 Lancashire #4
Cleveland Heights, Ohio 44106
216–321–0558

MTC–00021131

From: cdataman@bellsouth.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:05am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
James Gillespie
137 Valley Road
Lawrenceville, GA 30044–4158

MTC–00021132

From: Michael Miller
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/24/02 10:07am
Subject: Microsoft Settlement

Dear sirs,

I am writing to ask that any settlement to be made with Microsoft ensure that monopoly of the operating system market is not used in future to extend control over successively greater portions of the computer environment. As I sit now, to perform my job of network administration, I am compelled to use an MS operating system, MS Office applications, MS web browser, MS e-mail client, etc. This company has grown so powerful it may be a threat to national economic stability, subject to their management decisions. Please keep this in mind, and further remember that previous consent decrees have been easily circumvented if not outright violated by Microsoft. They are more dangerous than they might appear.

Thank you for providing this opportunity to speak.

Michael Miller
Communications Engineer
SPS Commerce
mailto:mmiller@spscommerce.com

MTC–00021133

From: LewisBigRig@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:06am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Mike Lewis
14647 Wellington Ct.
Noblesville, IN 46060

MTC–00021134

From: argolead@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:07am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
A.R. Gould
7711 O'Connor Dr Apt 2507
Round Rock, TX 78681

MTC–00021135

From: Jim_Matisi@compusa.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:08am
Subject: Microsoft Settlement

I think the proposed settlement is a bad Idea. It is not an effective way to encourage free enterprise. Microsoft should have to pay adequately for the immense number of anti-trust violations over many years which have never been corrected. I do not want to live in a society where computing is dominated by one monopoly company any more than I wanted to have a monopoly run our phone services. Please take the appropriate steps to protect consumers. You owe it to the American public.

Sincerely,
Jim Matisi
Technical Consultant

MTC–00021136

From: Steve Troyer
To: Microsoft ATR
Date: 1/24/02 10:08am
Subject: Microsoft Settlement

I Do not agree withe the proposed settlement of the Microsoft v. US DOJ. I does not punish Microsoft for its past sins. Nor does it give adequate assurance that a proven monopolist will modify its behaviour to foster a more competitive environment. A de facto standard's API and other interface and file format interchange infomation must be freely and widely available without auditing or editing by any Microsoft dominated or influenced organization. If in any way restricted is becomes a club to force the world to comply to Microsoft's view of the proper order of things. And it has been proven in a court of law and upheld on appeal that Microsoft's actions demonstrate that its view of the marcut place in through a monoplistic lens.

MTC–00021137

From: sandel@texas.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:09am
Subject: Microsoft Settlement

I am outraged by the Microsoft settlement. They have repeatedly broken the law, harmed consumers by reducing choices, reducing innovation and driving competitors out of business with anti-competitive practices. The settlement that is in place is less than a hand-slap and will not be effective in opening up competition, nor will it increase innovation in the industry. The settlement must be re-negotiated to truly reflect the nature of Microsoft's criminal actions.

Charles Sandel
sandel@texas.net
512–458–8431
5403 Aurora Drive
Austin, TX 78756

MTC–00021138

From: Robert Wright
To: Microsoft ATR
Date: 1/24/02 10:09am
Subject: MICROSOFT SETTLEMENT

I URGE SETTLEMENT.
R.C.WRIGHT
1524 HARVEST LANE
MANASQUAN, NJ 08736

MTC–00021139

From: jpg@cvs.agilent.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:09am
Subject: Microsoft Settlement

I would like to make a comment against the current settlement aggreement between the DOJ and Microsoft.

I speak from an experience of developing software and firmware for the past 17 years. I have witnessed many inovative ideas and whole companies get ruined due to the ogreish juggernaut known as Microsoft. This company has been able to get out from every restriction/correction the US Justice department has placed on it.

This latest judgement shows a fundamental lack of effectively stopping Microsoft from continuing it's monopolistic practices in the PC/Intel market.

In the future, what business (not necessarily Microsoft) will have any fear of the US antitrust laws if this settlement is approved. The erosion of the effectiveness of the Sherman Antitrust Act is the real loss to the American public.

John Griffin
34260 E. Lacomb Rd.
Lebanon, OR 97355

MTC–00021140

From: 2trash
To: Microsoft ATR
Date: 1/24/02 10:08am
Subject: Microsoft Settlement

The settlement that would be in the best interest of the people, is to make the data formats used for Microsoft Word and Excel files be public domain. This would allow other alternatives to Microsoft to be developed that support business and government. Currently various government offices allow documents to be submitted in Word or Excel formats, which provides further justification for making these formats public domain. The settlement would have to limit Microsoft's ability to upgrade formats and eliminate competition. Public control of these formats would slow the frivolous development of office tools that require expensive retooling every few years. Few businesses, government offices, and schools can afford to upgrade software every two years at more than $200 a seat. Microsoft can continue to improve its software, but not at the expense of others trying to do the same.

CC:dgillmor@sjmercury.com@inetgw

MTC–00021141

From: Pamela Darrah
To: Microsoft ATR
Date: 1/24/02 10:10am
Subject: Microsoft Settlement

As a concerned citizen, voter, taxpayer and long time user of Microsoft products, I would like to express my opinion that there has been quite enough litigation. As a consumer, I do not feel that I have been harmed by Microsoft. I clearly remember my first computer (before the IBM PC and DOS) and have been involved with computers both professionally and personally since that time. Despite all the complaints from those who don't understand what computing was like 20 years ago, I firmly believe that Microsoft products have improved things for consumers. It is very unlikely that there would be computers in so many homes, schools and libraries that are used by non-high tech individuals without the products and vision Microsoft has provided. There has always been choice in software—people have chosen to use Microsoft products. To this day there are still alternatives. If I want to I can run a Linux, Unix or Apple operating system—with that there are several competitors to Office that use the same file formats so they can exchanged with other users. As far as I am concerned as a consumer, that IS competition.

Please finish this settlement and let everyone get back to writing better software instead of spending way too much time and money in courtrooms. (If you really want to look at anti-competitive behavior—investigate AOL!)

Sincerely,
Pamela Darrah
479 Colford Avenue
West Chicago, IL 60185
pdarrah@sprynet.com

MTC–00021142

From: jabishop@sptc.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:07am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jack Bishop
5413–166th St
Lubbock, TX 79424–6817

MTC–00021143

From: Ritch (038) Linda Gibson
To: Microsoft ATR
Date: 1/24/02 10:10am
Subject: Microsoft Settlement

To whom it may concern:

I am so tired of these lawsuits. If we are to have jobs we need to keep big companies moving along not being held up in court action. These companies are the ones our people need in order to have jobs. Microsoft is will to settle let them do it and get on with the peoples business and something more worthwhile like people who commit criminal acts against others not legal entanglements.

Thanks you for your time and I hope you are interested.

Linda Gibson

MTC–00021144

From: jrussell@surf-ici.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:07am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
John Russell, Jr.
2092 Brandywine Lane
Martinsville, IN 46151–9522

MTC–00021145

From: moseslaser@cs.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:08am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Richard Moses
2049 29th Ave NW
New Brighton, MN 55112

MTC–00021146

From: Odie053@webtv.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:07am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Rachel Garfield
415 Tropic Dr.
Palmetto, FL 34221–5415

MTC–00021147

From: Sean Reilly
To: Microsoft ATR
Date: 1/24/02 10:00am
Subject: Microsoft Settlement

To Whom it May Concern,

I am writing to express my objection to the terms of the tentative settlement reached by the DOJ and Microsoft. The limitations applied to Microsoft's behavior with regard to OEM's do not adequately limit the retaliatory options open to Microsoft. It is ridiculous that this settlement does not protect OEM's who install non-Windows operating systems unless they also install Windows on the same computer.

The proposed settlement also does not seem to keep Microsoft from withholding Windows licenses to OEM's that install certain third party icons, menu items, or programs.

I believe that if this settlement is approved, it will have little to no effect on Microsoft's atrocious abuse of its monopoly power to put competitors out of business. Microsoft has been shown to be capable of easily getting around these types of restrictions (witness the 1995 consent decree), and I believe that this settlement will not cause Microsoft to stop abusing its monopoly power in any meaningful way. In addition, this settlement attempts to limit Microsoft's unlawful behavior by specifying what Microsoft is restricted from doing. This does absolutely nothing to keep Microsoft from engaging in other types of anti-competitive actions in the future. There are many other ways that

Microsoft can take advantage of its PC operating system monopoly that the court has not yet witnessed. Is the Department of Justice going to bring Microsoft to court for every new monopoly abuse that has not already been explicitly mentioned in a settlement agreement? Isn't it better to solve the problem at it's root rather than repeatedly treat the symptoms at great cost?

Splitting Microsoft into an applications company and an operating systems company (and possibly a third company for Internet services) is the fairest, most effective solution. This would not impact Microsoft's ability to innovate in any of the areas in which they operate. It would also force them to compete on level ground with competitors in the operating systems, applications, and internet services markets. In conclusion, I ask that you reject the proposed settlement and produce a solution that will actually have the effect of limiting Microsoft's behavior.

Sincerely,
Sean Reilly
2818 Floyd Avenue,
Richmond, VA 23221
804 340 0943

MTC–00021148

From: Hurst, Jim
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 10:12am
Subject: Microsoft Settlement
January 24, 2002
113 Farida Drive
Asheville, NC 28804
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse:

I wish to comment on the proposed settlement with Microsoft. As a developer and engineer of 18 years experience, I have closely watched the industry, and seen Microsoft repeatedly extend its illegal monopoly. Now, they have been caught violating the law, and the government proposes essentially to ignore it (this is the opinion of no less an authority an authority than Robert Bork). Judge Bork says that the proposed settlement clears the way for Microsoft to extend its monopoly to most if not all areas of the industry. This is unacceptable.

The proposed settlement would be a very bad thing for the country. Currently, I am a security engineer. Microsoft treats security as a public relations, rather than a technical, problem. The implications for the country's infrastructure to be at the mercy of a merciless and security-incompentent company are frightening. Do you want Russian mobsters reading your email? Well, don't worry, Microsoft will hire public relations people to help you feel better about it.

There is the larger issue of justice. This company has done wrong, and the government, after an exhaustive effort to prove it, proposes letting them get away with it. Laws that are not enforced are worthless. Please strengthen the remedies against Microsoft.

I have the following specific comments:

1) The PFJ lacks effective enforcement. Microsoft should be forced to pay for enforcment against itself. It should post a signficant bond against this eventuality.

2) The PFJ provides for increased technical disclosure, but this provision is flawed in the following ways:

a) it fails to require advance notice of technical requirements

b) the provision for releasing API information is not timely enough for competing vendors to adapt their products to meet the requirements of section III.H.3

c) several important APIs would remain undocumented

d) unacceptable restrictions would be placed on the use of released documentation

e) file formats would remain undocumented

f) Windows patents covering APIs would remain undisclosed

3) Microsoft is allowed by the proposed settlement to continue to discriminate against companies that pose any threat to its illegal monopoly.

a) Section III.A.2. allows Microsoft to retaliate against any OEM shipping competing OSes without a Microsoft OS. This effectively requires OEMs to ship Microsoft always.

b) Section III.B. allows Microsoft to retaliate against smallers OEMs.

c) Microsoft is allowed to discriminate against ISVs who ship open source software. Since open source is the only competitive option on the desktop, this is clearly a monopolistic practice and should be prohibited

d) Microsoft is allowed to discriminate against ISVs who target Windows compatible Microsoft OSes.

The proposed settlement is seriously flawed, and as written constitutes license for Microsoft to destroy more good companies and extend their illegal monopoly.

Please address these issues.

Sincerely,
James R. Hurst

MTC–00021149

From: jmpickrell@home.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:08am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
John Pickrell
25512 Aysen Drive
Punta Gorda, FL 33983–5526

MTC–00021150

From: rhkerr@webtv.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:09am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Roger Kerr
101 E. Hillcrest Drive
Wellsburg, WV 26070–1937

MTC–00021151

From: aug1023048@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:08am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Ron Bowling Jr
7575 Frankford Road #1813
Dallas, TX 75252–6459

MTC–00021152

From: dean—saxton@sil.org@inetgw
To: Microsoft ATR
Date: 1/24/02 10:09am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Dean Saxton
438 South Third Ave
Tucson, AZ 85701–2405

MTC–00021153

From: dean—saxton@sil.org@inetgw
To: Microsoft ATR
Date: 1/24/02 10:09am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Sincerely,
Dean Saxton
438 South Third Ave
Tucson, AZ 85701–2405

MTC–00021154

From: daddyo—469@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:11am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
John Heil
469 Reservoir St.
Herculaneum, MO 63048–1035

MTC–00021155

From: Yeager, Mark
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 9:56am
Subject: Public Comments on the Microsoft Settlement

Dear DOJ,

I have been closely following the antitrust case against Microsoft. I am a software engineer. For the last 15 years I have been writing software for Windows, Unix, Linux, VxWorks, Psos, etc.

The settlement that you have reached with Microsoft is inadequate. Every judge that has read the facts has found Microsoft guilty. The only controversy was over a judge's behavior, not over Microsoft's behavior. Microsoft abuses their power in the market place to the detriment of the consumer. We are heading towards a time where you can own a computer, but you cannot use it in your own home without paying Microsoft $200 or $300 every year. You can own it, but you cannot use it.

I am a capitalist, I believe in the free market, I believe in competition. There is no competition when a market segment is controlled by one monopolist.

I have seen the settlement document. What a load of legalistic bull. It is so convoluted as to be meaningless. It is clear that the Microsoft lawyers wanted it confusing so that they could argue over it in court while the company continues its monopolistic practices. A simple, readable document would be too easy to enforce.

Shame on you. Shame on all of you. Shame on you for falling for the line that the economy would be hurt by furthering competition. Shame on you for not looking out for the little guy, the consumer. If your mothers knew what you have done, they would be embarrassed.

At a minimum the settlement should:

Prohibit different pricing policies for different customers, although pricing can include volume discounts.

Require prices to be posted on a web site available to the public.

Require that Microsoft products be sold for 3 years after a newer version has been introduced.

Require that Microsoft provide service, fixes, and patches for 3 more years after a product is no longer for sale.

Require that computer manufacturers offer the customer a choice of any operating system still available for sale.

Prohibit Microsoft from charging computer manufactures based on number of computers sold. Only charges based on the number of Microsoft products sold.

Require that Microsoft publish its APIs to its middleware, operating systems, and authentification services.

Prohibit Microsoft from using any secret API for its products that interface with its middleware, operating systems or authentification services.

Require Microsoft to publish the APIs 6 months before a new version of middleware, operating system or authentification service is offered for sale.

Establish an independent testing body that will create tests for new Microsoft middleware, operating systems, or authentification services to test that the published APIs in fact are correct for the middleware or operating systems. Product release could be held up if the API does not match what was documented.

Prohibit Microsoft from requiring product registration over the web, that phone-in registration must be supported in a timely and convenient manner.

Sincerely,
Mark Yeager
President
Device Drivers Incorporated
PO Box 397
West Groton MA 01472
myeager@ieee.org
CC:'Mark Yeager (ieee)','Mark Yeager (home)','thomas....

MTC–00021156

From: Nancy Swaim
To: Microsoft ATR
Date: 1/24/02 10:13am
Subject: AOL

For AOL Time Warner to sue Microsoft on the behalf of consumers is absurd. As a subscriber to their monoply cable company I can assure you that TWC uses consumers as a captive source of low-maintainance income. I want this thrown out of court! I've had about all the protection of my rights that I can stand to support with my taxes.

Sincerely,
Nancy Swaim
705 Kerria Ave.
McAllen, TX 78501
nswaim@acnet.net
956 687 4048

MTC–00021157

From: castles@charter.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:10am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
gail castles
1728 Lawton Rd.
Selmer, TN 38375

MTC–00021158

From: David Lawrence Ramsey
To: Microsoft ATR
Date: 1/24/02 10:12am
Subject: Microsoft Settlement

The proposed settlement for the Microsoft antitrust case is a very bad idea, given its current state. It is full of potential loopholes due to vague and/or excessively narrow wording in many areas, which give Microsoft an advantage, effectively rewarding it instead of punishing it. Furthermore, some of the conditions in it will exclude competitors'' software from working with Microsoft; for example, it only is required to provide information on API's to ''reasonable businesses,'' the definition of which is first left up to Microsoft (effectively allowing it to arbitrarily exclude whichever competitors it wants by claiming them not to be reasonable businesses), and which does not include free software or open source software, including Linux and software written for Linux that helps interface with proprietary Microsoft protocols and/or file formats. Also, there is no provision to prevent it from patenting everything it controls, including software technologies, in order to lock out other operating systems from using similar technologies. (For example, note Microsoft's recent acquisition of some of SGI's three-dimensional graphics patents; it could prevent competitors using OpenGL or similar software from using them anymore.)

Given that Linux is one of its few true competitors simply due to its nature (it cannot be bought out or beaten price-wise by Microsoft due to its free downloads; and it cannot be completely crushed due to its programmers being scattered around the globe, i. e. its decentralization; etc.), it and similarly free operating systems must be allowed to interface with it in order to keep a foothold in the market. Denying them that will eventually remove them as competitors, allowing consumers no alternative other than Microsoft.

A good settlement must level the playing field, so to speak. It must allow for interoperability between Microsoft and other operating systems; it must allow other operating systems to gain more than tiny fractions of the desktop market, and to keep and/or gain in the server market; in short, it must allow the most superior technology, rather than the technology with the most market share, to triumph with consumers. If this is not done, those consumers may be stuck with inferior technologies and have no alternatives to them. Also, not doing so would imply that if a company is rich enough and powerful enough, they can do whatever they wish and escape all negative consequences should they ever incur any; what does that say to other businesspeople?

To reiterate, the current settlement with Microsoft is no true punishment; it must be expanded so that it truly will allow competing technologies, if superior to Microsoft's, to gain true footholds and become standards. Technological standards must not be dictated by the highest bidder, but rather by the strength and superiority of the technology. Microsoft is not hindered by the current settlement; it could just exploit whatever loopholes it finds and ignore whatever provisions it disagrees with, as it did with the 1994 antitrust ruling against it. Do not let history repeat itself; Microsoft has broken laws, and must truly be punished for it.

MTC–00021159

From: robby@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/24/02 9:08am
Subject: Microsoft Settlement

I believe that the current proposed settlment against Microsoft is a travisty in action. If anyone can claim to look closely at the current state of computing and see Microsoft as anything other than a monopoly than they are lying to at least them selves. If the DOJ doesn't believ that MS is acting in the wrong, it would be Better to work to repeal the anti-trust laws than to act as if MS is not violating. —
Robert Moeckel
robby@moeckel.net

MTC–00021160

From: pmaddy@essex1.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:09am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Paul Maddy
11417 Loron Rd
Morrison, IL 61270–9451

MTC–00021161

From: Jan Knepper
To: Microsoft ATR
Date: 1/24/02 9:57am
Subject: Microsoft Settlement
Dear Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I am opposed by the proposed judgement. Although Microsoft is an example of the American dream in some ways. Microsoft is even more an example of that dream coming true and the power that comes with that dream coming true being abused. Too many times in the past Microsoft has wiped out producers of products that would be nice additions to their Operating System. Just look back into the ''Stack'' case, the disc compressor program.

Following that, currently the Internet is suffering a lot because of Microsoft Internet Information Server Worm Viruses. These Viruses are possible because of a bad design of software promoted to the world with a lot of financial power. Of course Microsoft made it money, but the world is paying! First for a products of disputable quality. Second for the serious problems this product allowed to bring in the world. Allowing Microsoft to buy their way out of this would be a very bad example of American justice.

Thanks!
Jan Knepper
Jan Knepper
Smartsoft, LLC
88 Petersburg Road
Petersburg, NJ 08270
U.S.A.
http://www.smartsoft.cc/
Phone : 609–628–4260
FAX : 609–628–1267

In God we Trust—all others must submit an X.509 certificate.

—Charles Forsythe
<forsythe@alum.mit.edu>

MTC–00021162

From: Jared Watkins
To: Microsoft ATR
Date: 1/24/02 10:14am
Subject: Microsoft Settlement

I will keep this short and to the point.. I fail to see how the proposed settlement will, in any real way, punish Microsoft for past bad acts.. or prevent it from continuing the same illegal behavior. Considering the size and financial resources of Microsoft there must be an appropriately strong remedy if any change in behavior is to be expected. If it were my choice to make... I would split the company into three sections: Operating Systems, Applications, and Network Ventures. Only through such separation can the monopoly leverage of ''bundling'' be stopped. In my view.. the IE browser would be an application along with the Office suite and other standalone software products. IIS and other network server software, including streaming media, would fall under Network Ventures because of the necessary backend integration required for network services. This would prevent the dominance of the Operating System from being used as a vehicle to spread limitlessly into other areas such as online media format and content control.

Jared Watkins

MTC–00021163

From: Ralph H. Stoos Jr.
To: Microsoft ATR
Date: 1/24/02 10:13am
Subject: Microsoft Settlement

Dear Maam or Sirs,

I have read the documents related to the Anti Trust case. Both the finding of fact and the proposed settlement. I am enraged so that I feel it is necessary to generate this note. It is apparent from the findings of fact that

Microsoft regularly (and with malice aforethought) did indeed engage in grossly anti-competitive practices for a number of years.

The proposed settlement is the corporate equivalent of saying to a juvenile deliquent ''Don't let me catch you doing that again''. This ''settlement'' is patently absurd in its ommisions. Microsoft has made it unprofitable for an entire industry to develop anything for any other operating system.

I am not an anarchist. It is my belief that any company should be allowed to succeed with a better, faster, cheaper, or more easy to use product. That means playing on a level field and winning ''fair and square''. Microsoft did do this to some extent with Windows by placing an ''easy to use'' handle on the technical task of operating a computer thereby allowing a larger number of people to use them and get work done. This is very commendable and I do not deny Microsoft the right to make a reasonable profit doing just that. The starting point at which Microsoft started to gain its monopoly standing was when Windows was introduced. For a number of years prior to that WordPerfect was the absolute leader in Word Processing software. It was only unseated as the leader when Microsoft created Word for Windows. Microsoft Word for DOS was never able to overcome WordPerfect in the DOS arena as it was not a better product. The integration into the Windows operating system is the only reason Word moved ahead of WordPerfect. Lotus 123 dominated the spreadsheet market for many years until Microsoft integrated Excel (later) into the Windows OS. The list goes on and on. Try to imagine the number of companies that either died trying to compete or never came to be.

This ''integration'' in and of itself is not unexpected and certainly not an anti-competitive practice. It just shows that the public expected that when the applications are ''integrated'' with the OS, things will be better, and they probably were slightly better. This is clearly a case of ''perceived value'' that is not unusual. It is the leveraging out of other applications and making it difficult to impossible to use competing applications that is the true ''crime'' here.

As an employee of Xerox which was the firm that benevolantly ''gave away'' Ethernet, PostScript, the Graphical User Interface, and the mouse in the spirit of furthering computing in general, I am somewhat surprised that Microsoft (or Apple Computer before it) would take this philanthropic act and permute it to their own ends and then use it as a weapon to keep competitors at bay. This is certainly not what Xerox had in mind and goes against the statements that Mr. Gates has made of what his company is about. To further emphasize my point I will make this analogy. At this point in time in this country, if a person were to cause a company to give them large sums of money and force them to stay in a given place for long periods of time, you would call that extortion, blackmail, or kidnapping. Microsoft has done the equivalent of that from a software perspective by deliberately interlinking, causing to be propietary exclusive, and creating interdependant OS and applications so as to allow individual companies no viable alternatives, all the while charging them basically whatever they wish. Microsofts prices are not competitive because they do not have to be. Now to the point. As part of the settlement I feel it would be fair to have the following:

1. Mr. Gates issue at the minimum a sizable press release (my preference would be a vey apologetic TV comercial in prime time) which details some of his companies most heinous acts of monopoly preservation. Then the United States public could decide if these acts warrant them altering their OS purchase decisions for the future. I believe many Americans are too busy to even know what has transpired and this would inform them.

2. Cash damages in some proportional amount should be paid into a fund that would allow for schools to purchase non-Microsoft software to allow part of the educational process to demonstrate that there are alternatives. If UNIX/Linux were at least shown at schools, children would be exposed to the underlying foundation of computing and make them more technically literate for the future. This is not only good ''playing field-leveling'' activity but would make for a smarter workforce down the road for America which is something we sorely need.

3. The TC (Technical Comittee) should be forewarned and monitored so that in the ''field of potential gold'' they would be strolling through, none of the ''dust'' would end up in their pockets. Ask Congressmen and Senators how often PACs and other groups offer to provide ''perks'' and other inducments to ''encourage'' legislation (or lack thereof). Severe penalties for violations by Microsoft and the members of the comittee should be set and explained up front so there is no misunderstanding.

4. The five year limitation should be extended to such a date when it is deemed by the TC (or another impartially appointed body) that there is a viable alternative to Microsoft products in the OS and Applications market that is readily available. This would then foster real competition and would benefit the American public by keeping prices down and the features of the software improving.

So, here is my ''counter proposal'' which is additive to your settlement. I urge you to consider all points and provide more than a ''hand slap'' to Microsoft. America and the world would benefit. My apologies for the length of this note, but it is an issue that weighs heavily on my sense of fair play.

Ralph H. Stoos Jr.
Technical Services Project Manager
Xerox Corporation

MTC–00021164

From: Treichel, Madith F.
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 10:32am
Subject: To Whom It May Concern,

To Whom It May Concern,

I think the settlement is insufficient.

Respectfully,
Madith Treichel
Clerical Assistant
Merck Medco Rx Services
Dublin, OH

MTC–00021165

From: Steven Swift
To: Microsoft ATR
Date: 1/24/02 10:15am
Subject: Microsoft Settlement

Dear US Justice Department,

I am a small business owner and wish to make a simple comment about the Microsoft Settlement. The penalty must be strong and not allow Microsoft to use their own products as payments.

Cash for the full amount, plus on-going support costs must be provided, for at least 10 years. My company has been directly damaged by Microsoft due to poor software quality, viruses and forced upgrades. The penalties for Microsoft must include the support of third party software. I suggest that Microsoft be required to fund the Free Software Foundation to the tune of $100 Million per year for a period of at least 10 years. This money must go into a ''blind trust'' so that Microsoft can not control the money.

I also think that the settlement does not fully recognize the Linux movement. Open source and ''free'' software must explicitly benefit from the settlement. For example, a good item would be to require a port of Microsoft Office to Linux.

As an individual, I would like to see at least $100 for each copy of Windows, I have had to buy pre-installed on my computers.

I still think a break-up is the best for the consumer and, as a stockholder of Microsoft stock, I prefer that settlement method as it gives me the most value. I agree with the content of Ralph Nader's and James Love's letter to the Court (http://www.cptech.org/at/ms/rnjl2kollarkotellynov501.html).

Thank you.
Best Regards,
Steven D. Swift, P.E.
President
Novatech Instruments, Inc.
P.O. Box 55997
Seattle, WA 98155–0997
CC:novatech@eskimo.com@inetgw

MTC–00021166

From: harlelmar@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:11am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Harvey Martin
101 Twin Peaks Lane Sequim, WA 98382

MTC–00021167

From: William Birch
To: Microsoft ATR
Date: 1/24/02 10:14am
Subject: Microsoft Settlement

TWIMC;

I have grave concerns over the proposed Microsoft settlment in the antitrust case of UNITED STATES OF AMERICA vs. MICROSOFT CORPORATION, Civil Action No. 98–1232 (CKK).

I feel that the proposed actions to be taken against Microsoft are not stringent enough. The actions specified are not sufficient deterant against their business model and I would expect many of their more predatory business practices to remain if the punishment is so lenient.

-William Birch, CTO, The lyte Research Group
√ William A. Birch [WAB] √
√ wab@lyte.org √
+————————————-+

MTC–00021168

From: Joe Block
To: Microsoft ATR
Date: 1/24/02 10:15am
Subject: Microsoft Settlement

I think that Microsoft's proposed settlement is a travesty. They want to use the penalty imposed for their monopolistic practices to cram their product into the one market they —don't— already have a stranglehold on: education.

If they want to donate to education as a settlement, fine. But make them donate cash, that the education systems can use to buy and/or support technologies that work, such as open source, not force them to buy from M$ and increase their already monopolist market share.

jpb
Joe Block
<jpb@ApesSeekingKnowledge.net>

Information is the currency of democracy.
-Thomas Jefferson

MTC–00021169

From: Sean Eye
To: Microsoft ATR
Date: 1/24/02 10:21am
Subject: Microsoft Settlement

To Whom it May Concern,

I wish to express my disappointment in the proposed settlement with Microsoft. I do not believe the proposed actions will in anyway hinder Microsoft's ability to stifle competition or bullying tactics. If this settlement goes through, all the DOJ will have effectively is waste tax payers time and money. I thought lady justice was supposed to be blind to money or political leverage, apparently not.

I would urge the DOJ to look long and hard at the settlement proposed by the objecting states. Their proposal looks fair and has SOME teeth. It would deter many of Microsoft current practices and help to open the doors of competition.

Sean Eye
Systems Administrator

MTC–00021170

From: dragan@asu.edu@inetgw
To: Microsoft ATR
Date: 1/24/02 10:12am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Donal M. Ragan
1887 East Concorda Drive
Tempe, AZ 85282–2806

MTC–00021171

From: AWX3@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:11am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
MaryAnn Forry
3205 Glengreen Dr.
Lancaster, PA 17601

MTC–00021172

From: aortner@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:14am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Anthony Ortner
700 Live Oak St.
Maitland, FL 32751–5705

MTC–00021173

From: bhawk418@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:14am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Robert Treacy
375 Houghton Rd.
Sagamore Hills, OH 44067–1157

MTC–00021174

From: Thomas W. Culbertson
To: Microsoft Attorney
Date: 1/24/02 10:16am
Subject: Microsoft Settlement

I wish to go on record as a supporter of Microsoft. It is a shame that the resources of our government are being used against one of our greatest national assets (Microsoft).

Why doesn't the government go after the Oil Cartel or the US Post office, monopolies who are working against our national economic interest?

Thomas Culbertson

MTC–00021175

From: bwoolever@juno.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:13am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has

already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Bill Woolever
2220 S Webster Dr
Midwest City, OK 73130–6722

MTC–00021176

From: JohnR8831@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:16am
Subject: Microsoft Settlement

Dear Sirs:

I hate to think of the sums that have been wasted in the DOJ attempt to give MS competitors an opportunity to pick its bones clean. It seems all a company has to do to get nailed by you guys is to succeed and have some competitors seek legal assistance instead of market support.

I have been a MS customer since the company was founded. I have read Gates's book ''The Road Ahead,'' I have owned stockin the company because I believed they had superior productsand a marketing team that was aggressive. Being a business man myself, I know you can't expect to win in the business word unless you go after market share like a bulldog after a cat. To punish a company for succeeding in catching the cat is anti competitive and anti consumer. You don't get better share of market by not offering the right product at the right price. It just doesn't happen.

What DOJ seems to be doing is making it impossible for MS to continue to sell its products. You won't even let the company give them away to the schools. What's the matter with you? Are you crazy? Would it hurt the children to have access to better information, well delivered and simply accessed at no cost? I must be missing something. Or is your mission to hurt the consumer, cripple MS, enrich some states'' coffers at the expense of the stock holders and employees of MS, assist MS competitors so they can sell inferior products at higher cost? If that is your mission, then I strongly object to having tax payer money expended on such a pernicious, unpatriotic and destructive undertaking.

Please give MS a break. Now especially when our nation is in the throes of the most serious recession since 1929. Don't you think ts time to find another target? While MS has competitors how can DOJ say it is a monopoly? When I played the game I nobody else had a piece of ''Park Place.'' It was all mine.

Sorry if this letter seems curt, but I do think enough is enough.

Sincerely,
John Rhein
CC:msfin@microsoft.com@inetgw

MTC–00021177

From: ruthannaw@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:12am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Ruthanna Wolf
8996 Cortona Drive
Whittier, CA 90603–1104

MTC–00021178

From: Sprinker Webmaster
To: Microsoft ATR
Date: 1/24/02 10:18am
Subject: Microsoft Settlement—(Netscape issue)

U.S. Department Of Justice,

I am disgusted by Netscape / AOL's move to sue Microsoft, over allegations that Microsoft's Internet Explorer illegally ''harmed'' Netscape's (browser product). This is getting insane. I find it curious that AOL decided to buy Netscape DURING the existing DoJ trial, when it was no secret that the success of Internet Explorer was and is based on IE's merit, usability, compatibility and overall superiority to Netscape's browser, and not on any virtue of ''market share'' on the part of Microsoft or IE. AOL / Time Warner needs to cut the cry-baby crap, and quit hiding behind litigation to protest Microsoft's success. Bill Gates and his team enjoy success (albeit against continual interference from lawyers and the government) ? because Bill Gates produces superior and affordable software. End of story.

As a Web Site developer, I (am compelled) to run a current version of Netscape (Navigator) alongside my copy of Internet Explorer; to work-out ''incompatibility'' issues with the Sites I write. Hands-down, I have no problems with IE, yet Netscape refuses to display certain graphics and such. Point being made again ? I, and may people CHOOSE to use IE because it is a better product.

In closing, I request that the DoJ give credence to the spirit of Free Enterprise and NOT grant AOL's greedy lawyers any (judgment or penalty) against Microsoft. Leave the world's best software-maker alone, so they can continue their mission of creating innovative and desirable software.

Some of my colleagues prefer the Netscape product, and that's great, too... People need to be free to make their own decisions based on what works, and what works for them. Let the market be dictated by the quality and merit of a product ? not by lawyers or courts. Thank you.

Sincerely,
BRUCE MURPHY
Webmaster, Sprinker Web Site
www.Sprinker.org
(253) 973–0900
Email: Webmaster@Sprinker.org

MTC–00021179

From: Chris Jackson
To: Microsoft ATR
Date: 1/24/02 10:18am
Subject: Microsoft Settlement

To the D. O. J.

Let's get this case over with. I think the settlement is indeed in the public interest. And while we're at it ... I wish someone would chastise AOL-Warner for buying Netscape for the sole purpose (in my humble opinion) of having another way to bring litigation against Microsoft ... thereby attempting to stifle the innovative developments that would benefit Computer end users worldwide, instead of competing in a fair and open market.

Sincerely,
Chris Jackson
Chris@ProgressiveComp.com
Progressive Computing International

MTC–00021180

From: ljae@mrtc.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:15am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Lewis Eagle
5120 Old Ky. 15 Pine Ridge , KY 41360

MTC–00021181

From: stoltz—jeff@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:15am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jeff Stoltz
2615 Crestline Ave
Raleigh, NC 27603–3105

MTC–00021182

From: Jim_Matisi@compusa.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:19am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200 Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. Ie agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html), namely:

The PFJ doesn't take into account Windows-compatible competing operating systems Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

The PFJ Contains Misleading and Overly Narrow Definitions and Provisions The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertised as being ''Windows Powered''.

The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows. The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows. Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems. Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system —even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)

The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

The PFJ allows Microsoft to discriminate against small OEMs— including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

The PFJ as currently written appears to lack an effective enforcement mechanism. We also agree with the conclusion reached by that document, namely that the Proposed Final Judgment, as written, allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

Sincerely,
Jim Matisi
Technical Consultant

MTC–00021183

From: damien@mac.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:18am
Subject: Microsoft Settlement

Folks—All my life, I've been told that monopolies are illegal. Yet, the Microsoft settlement seems to allow the monopoly to live. This is simply incompatible with the basic belief of fairness that all Americans possess. I sincerely hope that the Courts can find a better settlement with this legally defined monopoly.

Thanks,
Damien Weiss
Arlington, VA.

MTC–00021184

From: Sharon L Sandgathe
To: Microsoft ATR
Date: 1/24/02 10:18am
Subject: Proposed Microsoft Settlement

Dear DOJ,

Please do not ratify the proposed Microsoft settlement. This settlement does not go far enough to be effective in preventing Microsoft from continuing with its blatant anti-competetive behavior. In addition to the immediate problems Microsoft causes in the computer software industries, its anti-competetive strategies cause widespread harm to U.S. productivity, thanks to the number of people who use Microsoft's inferior products only because of the difficulty they have finding viable ways to work around its monopoly. Please make sure that any settlement addresses these problems; the current proposal does not.

Sharon Stevens
Tucson, AZ
sangats@u.arizona.edu

MTC–00021185

From: Ganesh Shankar
To: Microsoft ATR
Date: 1/24/02 10:17am
Subject: Microsoft Settlement

I believe that the MS settlement is a bad idea and restricts competition.

Sincerely yours,
Ganesh Shankar

MTC–00021186

From: James Heitefuss
To: Microsoft ATR
Date: 1/24/02 10:18am
Subject: Microsoft Settlement

I'm a Software Systems Analyst at San Diego Unified School District. Our business dealings with Microsoft along with my professional knowledge and experience in the business and consumer markets have shown that all the court cases against Microsoft are without merit.

Thank you,
James Heitefuss

MTC–00021187

From: VMA324@msn.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:16am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
George Fritschi
POB 770787
Winter Garden, FL 34777–0787

MTC–00021188

From: kathywheeldon@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:17am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Kathy Wheeldon
10605 N. 48th St.
Omaha, NE 68152–1515

MTC–00021189

From: Bcd268@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:19am
Subject: Microsoft Settlement

The actions and timing of AOL are so blatantly frivolous and miserly, that the case should be thrown out before it can start. When they merged with Time Warner, they became a formidable monopoly themselves. Now they are taking a ''shot'' at a company already embroiled in legal issues. Please do the public a service by throwing AOL's case out before spending millions in taxpayers money. Let the settlement talks with Microsoft go on and get this matter resolved.

Sincerely,
Bonnie and John Dion

MTC–00021190

From: dr_print@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:17am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now.

Thank you.

Sincerely,
R. Ronald Corbett, Ph.D.
231 SE 45th Terrace
Ocala, FL 34471–3224

MTC–00021191

From: slorush@yournet.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:16am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Roy & Faye Rushing
8343 Orchard Point Road
Harrison, AR 72601–8624

MTC–00021192

From: cjc@fretel.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:18am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Carol Culham
39 N Spruce St
P.O.Box 113
Parker, ID 83438–0113

MTC–00021193

From: obenchain@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:19am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Charles Obenchain
1002 Park St.
Alameda, CA 94501

MTC–00021194

From: Brett Holt
To: Microsoft ATR
Date: 1/24/02 10:20am
Subject: Microsoft Settlement

As provided for under the Tunney Act, I would like to comment on the proposed Microsoft settlement. As a consumer, I am concerned about the consequences of allowing Microsoft to continue to restrain fair competition, resulting in far less choice and lower levels of innovation to the users of computer products.

Although there are numerous objections which should be raised, including the lack of any substantive penalties for past misconduct, I would like to focus on only one reason which I feel is of particular importance as we move forward from this case.

The best part of the settlement is its attempt to address the unfair monopolistic advantage Microsoft achieves by making it difficult for competing vendors to build software that interoperates with Microsoft's operating systems and applications. While desiring to remedy this problem is certainly good, the proposed remedies are not likely to be effective.

The proposed settlement allows Microsoft to exclude all but the very largest software vendors from access to the technical information needed to build interoperable programs. This has an unfair effect on both

small software vendors and developers of open source software. The greatest potential for future innovation rests on precisely that portion of the marketplace that is excluded in this settlement. A far better remedy would be to require Microsoft to make this technical data publicly available. The cost of compliance need not be significantly greater than it would be if only large competitors were allowed access, due to the relative ease with which such information can be made available over the Internet. I am convinced that this would be one of the best ways to protect the interests of consumers and to promote innovation over the long term.

Sincerely,
Brett R. Holt
Takoma Park, MD

MTC–00021195

From: Don Soegaard
To: Microsoft ATR
Date: 1/24/02 10:21am
Subject: Microsoft Settlement

Gentlemen:

I want to voice my opposition to the proposed Federal settlement in the Microsoft Antitrust Trial.

The settlement is not adequate to address the serious issues involved.

Don Soegaard
2081 California Street
Sutter, California 95982
530–751–1942

MTC–00021196

From: Jeremy Howes
To: Microsoft ATR
Date: 1/24/02 8:47am
Subject: Microsoft Settlement
To: Renata B. Hesse Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, we wish to comment on the proposed Microsoft settlement. I agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html), namely:

*The PFJ doesn't take into account Windows-compatible competing operating systems

*Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

*The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

*The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

*The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

*The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

*The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertised as being ''Windows Powered''.

*The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

*The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

*The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

*The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

*The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

*The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

*Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

*Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

*Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)

*The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

*Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

*The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

*The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

*The PFJ allows Microsoft to discriminate against small OEMs— including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

*The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

*The PFJ as currently written appears to lack an effective enforcement mechanism.

I also agree with the conclusion reached by that document, namely that the Proposed Final Judgment, as written, allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems

Regards,
Jeremy Howes
CC:stephowes@carolina.rr.com
@inetgw,jeremy.howes@driv.

MTC–00021197

From: Cris Flagg
To: Microsoft ATR
Date: 1/24/02 10:23am
Subject: Microsoft Settlement

The prohibited conduct suggested in the settlement does little to restrict microsoft. The final caveat whereby ''This agreement lets Microsoft keep secret anything having to do with security or copy protection'' is already leveraged against the spirit of the settlement. IN a recent press release from Microsoft ''Microsoft's co-founder called on the industry to acknowledge that the solutions to security and privacy challenges, which are often comingled in the minds of consumers''

Future circumvention of the spirit of this or any agreement will be based on the requirements of ''security'' rather than integration, as was the internet explorer/netscape case.

I do not believe this settlement punishes microsoft in any meaningful way nor does it force microsoft to act in an anti-competative manner. Even with the light treatment Microsoft is receiveing it is already setting the groundwork to avoid the restrictions of this settlement.

MTC–00021198

From: Theodore A Isabella
To: Microsoft ATR
Date: 1/24/02 10:22am
Subject: Comments for the public record DOJ v Microsoft
To the Honorable Kollar Kotelly and Renata Hesse,

Attached is a Microsoft Word document containing my comments concerning the DOJ v Microsoft case. Please advise if this is acceptable (to submit as an attachment). Otherwise I can submit any way you prefer.

Regards,
Theodore A Isabella

MTC–00021198—0001

Theodore A Isabella
116 Kent Drive
Clayton, DE 19938
302–6534207
isabelTA@yah0o.com
To: The Honorable Kollar Kotelly
CC: Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Fax 202–616–9937
microsoft.atr@usdoj.gov
Subj: Comments for the public record US DOJ v Microsoft

To the Honorable Kollar Kotelly, January 24, 2001 I appreciate this opportunity to submit my thoughts and comments concerning the Department of Justice's Anti-Trust case against Microsoft. I was motivated to write after reading recent rulings in the DOJ v Microsoft case. I realize what I am about to say may be described as ''closing the barn door after the horse got out.'' Yet, I ask for your patience and indulgence as you listen to my comments, for that kindness I thank you in advance.

Who am I to comment on such a case? And, what qualifications, if any, do I bring to the debate? Both are fair and reasonable questions to ask. I am a multi-system technology professional, adapt inside of the Microsoft technology world and outside of it as well. I am well trained enough to make a living as an Independent Consultant and have been doing so since the mid 1990's. In addition, my total experience in the technology profession dates back to 1972. It's my belief I have the necessary background and life experience to understand these recent rulings within the context of the law as well as the industry I've been privileged to work in these last 30 years.

When we compare this case to the one that established the benchmark (Standard Oil) for Anti-Trust legislation we do not see the logical components to support the DOJ's position (to take Anti-Trust action against Microsoft.) By this I mean, in the Standard Oil case it was clear behavior by Standard Oil impeded competition and hindered the free market system; by the direct result of actions taken by Standard Oil the consumer was put at risk, e.g., by the effective blocking of competition from the well-head, through production, to the gas pump, the consumer could not benefit by the free-market. It is clear that Microsoft does not, nor did it ever, have this kind of control over the free market. Hence, my first point is, this case does meet the test for Anti-Trust action.

This leads me to my second point—who benefits from any Anti-Trust ruling against Microsoft? I believe any Anti-Trust ruling against Microsoft actually promotes the kind of behavior we intend to stifle via Anti-Trust legislation. How so? It's my belief that the companies who helped initiate the legal action are being rewarded for bad business practices. What am I talking about?

MTC–00021198—0002

Business decisions. Here is where my experience and technical background forces me to disagree with any ruling that subscribes to the notion that Microsoft is a monopoly. The primary reason for Microsoft's success has more to do with others'' poor business decisions than anything else. The idea that there are insufficient resources available for the free-market to produce a remedy is false—it is simply untrue. Companies like Apple, IBM, Compaq, HP, and Dell, to name a few, have the capacity to produce a competitive Desktop Operating System and roll it out within a year. That's correct, I said one year. How is this so?

u Apple Computer Corporation: had, at one point, an x86 project that ported the Mac OS to the x86 chip. Though it was already in Beta but for ''business'' reasons Steve Jobs killed the project. Another interesting business decision by Apple was the pulling of the Mac clone licenses. One of its major vendors, a company called PowerComputing, was starting to roll out Mac clones with a newly developed OS called the BeOs. The BeOs was designed to run on multiple CPU architectures, i.e., both the x86 and the Apple PowerPC chip. Question, why did Apple pull the license? Answer, a business decision.

Using the DOJ's logic, could this not be construed as Anti-Trust behavior, stifling competition for the PowerPC chip? ·IBM and OS2Warp. Clearly IBM is a company that has the financial resources to go toe- to-toe with Microsoft and did not, why? Consider its joint venture with Apple and Motorola that produced the next generation CPU, the PowerPC chip. A Swedish technical team ported the Mac OS to IBM's RS-6000 computer system, and did it in 6 months! So we know from experience that IBM can roll out a competitive OS that will run on multiple CPU architecture in a relatively short period of time. Additionally, IBM already has an OS that runs on the x86 chip, it's called OS2. Why not ask IBM, who, with its R&D clout and a true 32 bit OS already in production, how come it abandoned the Desktop OS arena? Answer, business decision.

u Windows is not a dominant OS. The Windows Operating System may be the dominant Operating System (OS) in the United States, however, depending on which country you are in it may not be. For example, in Canada the Macintosh OS has a dominant footprint in the business community, as it does in Europe and the Asian-Pacific basin. Apple, after-all, is a multi-billion dollar a year company, someone, somewhere, is buying its Mac OS over the Microsoft OS.

The aforementioned are only a couple of examples of many. I could site similar stories for companies like Sun, Compaq, HP, and of course what about the hardware vendors like Dell who have the financial resources to port already existing OS's to their platforms. The question begged by my examples is why not? The answer is simple, ''business decision.'' And therein lies my concern; any Anti-Trust ruling against Microsoft actually rewards these companies for making bad decisions that have negatively impacted the consumer.

When one examines the facts, looks at the benchmark for Anti-Trust, one is forced to conclude that the DOJ's case against Microsoft has been at the outset an effort to reward those, who for their own personal business reasons, refused to compete in the free-market system, which of course, is their choice, however, I argue we ought not to reward that kind of behavior. I respectfully submit that the DOJ's Anti-Trust case against Microsoft should be dismissed. Thank you for this opportunity to share my thoughts, I remain,

Sincerely yours,
Theodore A Isabella

MTC–00021198—0003

MTC–00021199

From: Magister
To: Microsoft ATR
Date: 1/24/02 10:22am
Subject: Settlement
304 S Lowry
Stillwater Ok, 74074
January 18, 2002
Renata B. Hesse Antitrust Division
U.S. Department of Justice
601 D Street NW Suite 1200
Washington, DC 20530–0001

To whom it may concern;

Though I am a laymen regarding this trial, I have been following it avidly in the media, and I have been watching the settlement process with horror. In spite of the courts'' findings that Microsoft is a monopoly which has abused its monopolistic powers, a settlement is being reached which does virtually nothing to deal with either their past crimes or to keep them from committing future crimes.

From my point of view, Microsofts monopoly combined with its unwillingness to provide information about its products which many consumers have no choice but to use due to the fact that Windows is the only operating system which will work with certain commercial software which may be necessary for the completion of a task, especially by those not intimately familiar with computers and the methods to program and configure them, has significantly harmed the market.

Their willingness to alter their API and drivers models, often without providing full details on their modification makes it difficult for developpers to create software or drivers which they know will be compatible with future versions of windows. Yet at the same time, Windows ME, 2000, and to an even greater degree, enforce compliance with these not fully disclosed and arbitrary driver models or ''warn of impending doom'' if the user attempts to install drivers which have not been certified and digitally signed by microsoft as being compliant.

It is my opinion, that at the very least, Microsoft should be forced to avoid many of these past transgressions by providing full disclosure. I am not an extremist and do not advocate some peoples suggestion that Microsoft should be forced to expose the source code of Windows, however, I do strongly support forcing Microsoft to fully document its APIs, driver models, and file formats.

Sincerely
Timothy Wiseman
TAW.

MTC–00021200

From: littlered501@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:20am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington,, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel

going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Ron Ron
650 Ramawood Dr.
Concord, NC 28025

MTC–00021201

From: Ruth
To: Microsoft ATR
Date: 1/24/02 10:22am
Subject: Microsoft

Dear Sir:

Will the Government please stop wasting taxpayers money in regards to Microsoft. Let the free enterprise work. AOL has no case. I have always used Netscape on Microsoft windows. I will let AOL know that, too.

Ruth A. Yobs
Tobyhanna, PA

MTC–00021202

From: hwmiller14@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:19am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington,, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Harry Miller
4981 Partridge Way
Ogden, UT 84403–4457

MTC–00021203

From: wsmoore@horse
racinginfo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:24am
Subject: Microsoft Settlement

Microsoft is doing nothing wrong but running an efficient and profitable business. Something most software companies that publish titles for the common household PC cannot accomplish. Therefore, they blame the largest marketshare holder as the reason instead of their substandard competitive offerings. The proposed settlement will do nothing to help those whom cannot compete with inferior development. The fact that alternate operating systems DO exist clearly prove no monoply is present.

Steven Moore
U.S. Citizen

MTC–00021204

From: geraldd@peoplepc.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:19am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington,, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Gerald Dunn
1441 Old chapin Rd.
#913
Lexington, SC 29072

MTC–00021205

From: fayetta@bpsinet.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:19am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington,, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Laretta Pinkleton
2903 S. Troy Ave.
Marion,, IN 46953

MTC–00021206

From: a022657@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:20am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington,, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,,
Irma Atanasio
20920 Kelly Pl
Denver, CO 80249

MTC–00021207

From: april@cros.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:19am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
patricia fox
p.o.box 414
port clinton, OH 43452

MTC–00021208

From: sydco@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:21am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Netscape is simply acting like a cry-baby. Our country should be encouraging, not punishing, business and innovations. Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the

future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Sydney Corbett
231 SE 45th Terrace
Ocala, FL 34471–3224

MTC–00021209

From: coolcraw@att.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:24am
Subject: Dear Sir:

Dear Sir:

During this time of world wide chaos, it's incredible to me that everyone is wasting their time on law suits. This is especially true for the State Attorney Generals who couldn't defend the country from terrorists at their airports. Put your mind and actions on important matters, injstaed of trying to help[companies who fail in the market place. Carl Kapikian 2401 Fairway Drive N. Jupiter, FL PS I own shares in MSFT but I own more shares of AOL

MTC–00021210

From: Syrjbuild@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:21am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Loren Syrjala
211 N Pine St
PO Box 729
Gwinn, MI 49841

MTC–00021211

From: Matthew Barone
To: Microsoft ATR
Date: 1/24/02 10:23am
Subject: Microsoft Settlement

As an American citizen I am embarrassed to think that the US government would so easily settle this case. I think the proposed settlement will most likely be an example of the close ties this Administration has with corporate leaders and therefore I do not support it.

Matthew Barone
Marblehead, MA
USA

MTC–00021212

From: Bob Knapp
To: Microsoft ATR
Date: 1/24/02 10:23am
Subject: Enough is enough

Leave Microsoft alone!!

Our anti-trust laws, unlike those of Europe, are to protect the consumer, not to protect uncompetitive competitors, such as Netscape. Just how am I, the consumer, harmed by receiving a free product? Does Ford sue General Motors because GM cars come with a GM radio installed at no extra cost? Of course not.

Stop this attack on our American success story—leave Microsoft alone.

Bob Knapp
Missoula, MT
wrknapp@montana.com

MTC–00021213

From: fmayher@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:21am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
frank
6645 e.hermosa vista dr.
mesa, AZ 85215–2207

MTC–00021214

From: george_alaniz@dot.ca.gov@inetgw
To: Microsoft ATR
Date: 1/24/02 10:21am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
George Alaniz
17483 Mallory Dr.
Bloomington, CA 92316

MTC–00021215

From: carolyn.mulligan@sun.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:21am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please continue to enforce anti-trust laws.

Microsoft has consistently violated many provisions of the law, and should be held accountable for its actions.

Computer technology has been the prime force behind productivity increases in the American and world economies, particularly in the last 10 years. Small companies with innovative ideas are at the mercy of the predatory practices of Microsoft, and enforcement of anti-trust laws will help to ensure that the astounding productivity improvements which have fueled economic growth in the recent past are not strangled.

Sincerely,
Carolyn Mulligan
13360 Milwaukee Court
Thornton, CO 80241–1326

MTC–00021216

From: Bob Shaw
To: Microsoft ATR
Date: 1/24/02 10:23am
Subject: Microsoft Settlement

I am writing in opposition to the current terms of the proposed Microsoft/DOJ settlement.

Although there are many aspects of the proposed settlement, a particularly glaring omission is the format of files/documents created by Microsoft Office products will remain hidden and proprietary.

These files, which are essentially the intellectual property of the person/user who wrote them, cannot then be reliably used, except with the aid of a Microsoft product.

This would include letters and spreadsheets, even though undocumented Microsoft file formats form part of the Applications Barrier to Entry, described in the ''Findings of Fact'', paragraphs 20 and 39.

Bob Shaw
Network Administrator
Cronosys, LLC
Cleveland, Ohio
216.221.4600 x354

MTC–00021218

From: LRBENGR@AOL.COM@inetgw
To: Microsoft ATR
Date: 1/24/02 10:22am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the

fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
LEE BROSCIOUS
715 CATAWISSA AVE
SUNBURY, PA 17801–1535

MTC–00021219

From: redleg-6@juno.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:21am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Andrew J. McVeigh III
48 Cottondale Road
Austin, TX 78738–1329

MTC–00021220

From: nanadaley@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:21am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Catherine Daley
84 Loft Drive
Martinsville, NJ 08836

MTC–00021221

From: Alfalfa4sale@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:25am
Subject: ''Microsoft Settlement''

Ladies & Gentlemen:

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft—the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.'' This economically-draining witch-hunt has gone on long enough. Stop it now!

Ronald Faria
Manteca, CA

CC:Namsad@aol.com@inetgw,PBEHR1@aol.com@inetgw,daveiv...

MTC–00021222

From: signoril@voicenet.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:22am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Kathy&Bill Signorile
2360 Hemlock Farms
Hawley, PA 18428

MTC–00021223

From: rdpope@mediaone.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:22am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Ralph Pope
64 Winter Street
Somersworth, NH 03878–2743

MTC–00021226

From: Ann Wahlstrom
To: Microsoft ATR
Date: 1/24/02 10:25am
Subject: Microsoft Settlement

I do not agree with this settlement. Monopolies are not good for our economy, I would like to see diversity and competition.

Thank you—
Ann Wahlstrom
Lake Benton, MN.

MTC–00021227

From: ragsdale@intellisys.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:22am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Virgil Ragsdale
313 Buena Vista
Altus, OK 73521–1129

MTC–00021228

From: OhiKennedy@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:25am
Subject: Microsoft Settlement

I do not agree that the proposed settlement is sufficient remedy for Microsoft's monopolistic practices, and I do not feel it serves the public interest. As a software applications specialist, I have a keen interest in the present and future state of software for both Macintosh and Intel-compatible computers. I also worked as a mainframe operator in the past, so I know a little about that aspect too. In all of these areas the

proposed final judgement in the Microsoft case doesn't cover enough or go far enough.

In particular, the proposed settlement:

—doesn't address Microsoft's current prohibitions and restrictions on useful, currently-available freeware, shareware, add-ons and competitors'' software and firmware;

—does nothing to prevent Microsoft licenses from ''locking out'' competing software developers simply by changing the name or minor technical requirements of existing or new software;

—is so narrowly worded that Microsoft's own next-generation software and current licenses aren't even covered, even though its anti-competitive practices are certainly still in use;

—doesn't address Microsoft's proven technique of adding incompatibilities to punish and discourage users of non-Microsoft operating systems (evidence presented in the 1996 Caldera v. Microsoft antitrust lawsuit); and

—doesn't address Microsoft's restrictive and anti-competitive licenses for very large end-users ('enterprises').

I've used many kinds and sizes of computers and computerized equipment since 1981. In those two decades I've seen a dramatic decrease in the number of operating systems available, in the availability of competing software for office and home tasks, and ultimately in the types of computers available. I believe this has been a direct result of Microsoft's growing stranglehold on computer OEMs and software developers and users, and it has not resulted in better software or more choices for consumers!

The proposed final judgement in the Microsoft case chiefly serves Microsoft's interests, as written. The indecorous haste with which it was revised and released, without the support of the DoJ's own staff who have worked with the case for years, presents the appearance of a ''promise bought and paid for'' and opens the American civil justice system to criticism by the entire world.

Roberta A. Kennedy
5484 Pelican Way
St. Augustine, Florida 32080

MTC–00021229

From: mail2jamie@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:22am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jamie Thigpen
9550 Alta Mira Drive
Dallas, TX 75218–3560

MTC–00021235

From: RMKM8818@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:26am
Subject: Microsoft Settlement

We want this case settled as agreed with no further delay.

MTC–00021241

From: Ed Herman
To: Microsoft ATR
Date: 1/24/02 10:26am
Subject: Microsoft Settlement 1–24–02

Please stop the action against Microsoft. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

Thank you
Ed Herman
821 Hasbrock Rd
Norwalk, OH 44857

MTC–00021242

From: list(u)7531 at Hotmail
To: Microsoft ATR
Date: 1/24/02 10:26am
Subject: Microsoft Settlement

Hi,

Here are my comments on the Microsoft anti-trust case:

1. Surely Microsoft has far too much influence over the computer manufacturers. If Microsoft force them to sell PC's which only have Windows installed, or are Not allowed to sell Windows on their PC's at all, that prevents fair competition at the most important point.

2. In the ''Internet age'' product security features are essential. If PC's can be hacked, that poses a grave threat to National Security because these vulnerable systems can be used to crash Government mail servers. Microsoft should be held accountable for this. One viable option is to make them offer a ''bounty'' for each vulnerability discovered, without allowing them to impose punitive non-disclosure terms.

3. In view of this, should Microsoft be made to audit all the program code in their Windows operating systems within a reasonable period. This is essential in the ''home user'' environment where trained support personnel are not available, and there are no firewalls to stop hackers. Updates would not always be performed by users who didn't understand the importance of the security issues involved.

4. To promote fair competition in the software development market, Microsoft should be required to disclose, in full, the network protocols and programming functions used in their products. They should also be made to fully disclose all future network protocols and other ''application interface'' features such as the Hotmail ''HTTP mail retrieval'' protocols, for ''fair competition'' purposes and security audit.

Regards,
Adrian

MTC–00021243

From: CSC(u)JHM
To: Microsoft ATR
Date: 1/24/02 10:25am
Subject: Microsoft Settlement

Sirs!

What I have seen/heard of the proposed settlement appears to legalize rather than correct Microsoft's abusive monopolistic behavior. I don't see where any of the proposal will increase competition and benefit the small consumer. You should at least force unbundling of the software from hardware.

John H. McCoy

MTC–00021244

From: Wong fei-hung
To: Microsoft ATR
Date: 1/24/02 10:26am
Subject: Tunney Act—PFJ—My Two Bits

Hello,

I am writing because I believe the PFJ in the Microsoft Antitrust Case is severely lacking in several areas. The key areas I am concerned with can be found outlined at the following internet url: <http://www.kegel.com/remedy/letter.html>

Please look at these points and reconsider what you feel is the appropriate action. I worked for CompuServe and was there for the merger with AOL. One of the things I didn't understand is how the government would go to AOL/CompuServe for a definition of what an online service is. Somehow AOL/CompuServe convinced the Antitrust Division that they were an ''internet service provider'' and had plenty of competition. This point was key to getting the approval to merge.

This couldn't have been farther from the truth. AOL/CompuServe are online community providers that also happen to provide access to the internet. There wasn't any comparable service of any size at that time. Now AOL has the market cornered as an Online Community Provider and the CompuServe ''brand'' is dying a slow quiet death.

The PFJ looks like the Antitrust Office is making the same mistake again by allowing a technical company to use smoke and mirrors to negotiate an outcome that will have little to no long lasting effect on Microsoft and doesn't halt their monopolist practices one iota.

Thank you for your time,
Raymond L. Haines
Support Analyst
U.S. Citizen

MTC–00021265

From: William C. Hunt
To: Microsoft ATR
Date: 1/24/02 10:43am
Subject: Microsoft Settlement

MTC–00021265_0001
January 16, 2002
Okeechobee, FL 34974
William C. Hunt

814 Seven Lakes, N.
West End, NC 27376
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue,
Washington, DC 20530
Dear Mr. Ashcroft:

As a long-standing professional member of my community, I have been and still am outraged by the government's unending pursuit of a successful corporation such as Microsoft. I attribute the exponential surge ill the economy of the 1990's and the technical advancements of the last fifteen years to the Microsoft product line and their innovation. This all being said, I am relieved that the Department of Justice has finally agreed to settle this judicial debacle with Microsoft and allow all parties to move on.

Some people have made the mistake of seeing Shunt's work as a load of rubbish about railway timetables. This settlement, three years and three months to late, provides for increased competition, the fostering of innovation and while not needed, a greater sense of accountability. According to the settlement, Microsoft must submit its software and business records to a government oversight committee. The role of this committee is to ensure Microsoft's compliance with the settlement. While I do not agree that this is necessary, the fact that Microsoft has agreed to it shows that their highest interest is the public and ending this action.

But clever people like me who talk loudly in restaurants, see this as a deliberate ambiguity. A plea for justice in a mechanized society.

The settlement offers an opportunity to revitalize our economy, and we should take it.. Furthermore, I would suggest that you encourage the several states not following this settlement to change their minds. When Shunt says the 8:15 from Paddington he really means the 8:17 from Paddington. The places are the same, only the time is altered.

Ecce homo ergo elk. La Fontaine knew his sister, and knew her bloody well.

Sincerely,
William Hunt
814 Seven Lakes,
North West End, NC 27376
cc: Representative Howard Coble
00021265_0002

MTC–00021292

From: Mark Walsh
To: Microsoft ATR
Date: 1/24/02 10:25am
Subject: Microsoft Settlement

—Original Message—
From: Mark Walsh [mail to: walsh@dundee.net]
Sent: Thursday, January 24, 2002 10:22 AM
To: 'msfin@microsoft.com'
Subject: WHY HASN'T MICROSOFT COUNTERSUED OVER AOL'S INSTANT MESSENGER MONOPOLY?

AOL's refusal to cooperate on developing an open standard for instant messaging proves they are using their position in the market to maintain their monopoly. Why do I have to have unfriendly AOL software on my computer that has compatibility problems with other software because they refuse to work with other companies? Instant Messenger type software has become a primary reason to own a computer and may shortly overtake the importance of browsers.

It seems AOL has become the most monopolistic of all and no one in Washington cares (or they own too many AOL shares to care).

Mark Walsh
An Actual User

MTC–00021294

From: Mark Lowenstein
To: Microsoft ATR
Date: 1/24/02 10:27am
Subject: Microsoft settlement

I believe that the DOJ has taken a very soft approach to the Microsoft settlement, that the public will continue to pay for with reduced innovation and poorly designed products. I have been a student of the industry for years and find it hard to think of one real major concept that Microsoft was a true innovator. The company puts out marginal products that would not be successful in a true competitive environment.

It is a also clear to me the Netscape's browser was a victim of Microsoft's predatory practices and I feel that the DOJ has caved on this case.

CC:microsoftsettlement@alexbrubaker.com@inetgw

MTC–00021295

From: Jonathan Darnel
To: Microsoft ATR
Date: 1/24/02 10:28am
Subject: Microsoft Settlement

Sir or Madam:

To put it simply, the proposed settlement of the Microsoft Antitrust Suit is weak in restrictions and lacking in the realm of enforcement. Instead of being a solution, it simply perpetuates the problem. Microsoft has consistently shown itself to be in contempt of the DoJ, and of any agreements it has made with that entity. Do you really believe that they, for a second, intend to abide by this agreement. Do you truly believe that Microsoft fears another legal battle with the DoJ after having twice now fought you to a stalemate?

What needs to be required of Microsoft is a capitulation of Microsoft of the part of what types of software they own and develop. Microsoft owns and develops games, operating systems, web browsers, office suites, and many other software tools. It is time for Microsoft to relinquish some of the markets it has dominated for so long.

Sincerely,
Jonathan Darnel
50949 Clover Rd.
Granger, IN 46530

MTC–00021296

From: peterson abilla
To: Microsoft ATR
Date: 1/24/02 10:29am
Subject: against microsoft settlement

Microsoft got a slap on the wrist. Please consider a harsher ruling.

Peterson S. Abilla

MTC–00021327

From: chris.hoopman@guidant.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:26am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now.

Thank you.
Sincerely,
chris hoopman
500 155th Ave. NW
andover, MN 55304

MTC–00021329

From: Mark R. Millsap
To: Microsoft ATR
Date: 1/24/02 10:29am
Subject: Microsoft Settlement

Sirs:

I would request the DOJ to re-visit and re-work the Proposed Final Judgment settlement for the following reasons:

The PFJ Fails to Prohibit Anticompetitive License Terms and Anticompetitive Practices currently used by Microsoft

I am most concerned with Microsoft's actions towards OEM's that ship PC (and other computing devices) with competing Operating Systems and Application software. I wish for a level playing field when selecting PC's and PDA, for instance. I don't think that the OEMs are receiving neutral treatment if they consider other sources than Microsoft. (Pressure on Dell for shipping Linux boxes for example.)

And finally, the PFJ as currently written appears to lack an effective enforcement mechanism. Needs better teeth.

Best Regards,
Mark R. Millsap Millsap
Residence Potomac Falls, Virginia

MTC–00021330

From: regide@inreach.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:26am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those

supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Rita Egide
2724 Wyatt Court
Rocklin, CA 95765–5608

MTC–00021331

From: Doug Lewis
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/24/02 10:28am
Subject: Microsoft Settlement

I am extremely disappointed in the Department of Justice's handling of the settlement. Why have you gone out of your way to do what Microsoft wants when they're the one who has broken the law? By the way you have handled this matter it seems like anybody who is arrested by the FBI and convicted of federal charges should get to choose how much time they spend in jail.

Thanks a lot for selling out me an millions of other American consumers and businesses for no real reason.

Doug Lewis

MTC–00021332

From: Chung Chang
To: Microsoft ATR
Date: 1/24/02 10:28am
Subject: Microsoft Settlement

To whom may be concerned,

I strongly favor a settlement between US Government and Microsoft Corporation. We have waste a lot of money and time going for a litigation instead of channeling our resources toward innovations that are going to put our nation ahead of foreign competitions. Somehow in our legal mass we have forgotten that there are plenty of competitions outside our country. I believe that our government is smart enough to lead us into 21th century that is going to encourage innovations rather than protect the losers in the market.

Sincerely,
Chung

MTC–00021333

From: Larry J. Kopenkskey
To: Microsoft ATR
Date: 1/24/02 10:32am
Subject: Microsoft Settlement
To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement.

I feel that the conditions of the United States v. Microsoft Settlement fails to properly reprimand Microsoft for it's anti-competitive behavior. The conditions of the settlement do not call for an opening of the windows file formats. I consider this a critical omission.

The opening of the windows file formats must be combined with effective documentation of API's. Microsoft should be required to release information about Windows interfaces. The definitions of ''Microsoft Middleware Product'' and ''API'' is to narrow, and provides loopholes for Microsoft to avoid any meaningful enforcement.

Definition U should be amended to read: U. ''Windows Operating System Product'' means any software or firmware code distributed commercially by Microsoft that is capable of executing any subset of the Win32 APIs, including without exclusion Windows 2000 Professional, Windows XP Home, Windows XP Professional, Windows XP Tablet PC Edition, Windows CE, PocketPC 2002, and successors to the foregoing, including the products currently code named ''Longhorn'' and ''Blackcomb'' and their successors, including upgrades, bug fixes, service packs, etc. Section E should be amended to read ... Microsoft shall disclose to ISVs, IHVs, IAPs, ICPs, and OEMs, for the purpose of inter-operating with a Windows Operating System Product or with application software written for Windows, via the Microsoft Developer Network (''MSDN'') or similar mechanisms, the APIs and related Documentation that are used by Microsoft Middleware to inter-operate with a Windows Operating System Product ...

III. A. 2. of the Proposed Final Judgment should be amended to read

2. shipping a Personal Computer that (a) includes both a Windows Operating System Product and a non-Microsoft Operating System, or (b) will boot with more than one Operating System, or (c) includes a non-Microsoft Operating System but no Windows Operating System Product; or ...

In 1996 Caldera v. Microsoft the judge in the case ruled that: ''Caldera has presented sufficient evidence that the incompatibilities alleged were part of an anticompetitive scheme by Microsoft.''

The concern here is that, as competing operating systems emerge which are able to run Windows applications, Microsoft might try to sabotage Windows applications, middle-ware, and development tools so that they cannot run on non-Microsoft operating systems, just as they did earlier with Windows 3.1. The actions of Microsoft's executives in court (they appeared to make misrepresentations under oath), combined with Microsoft's previous actions (1996 Caldera v. Microsoft), should effect the severity of Microsoft's punishments for it's behavior.

The current settlement provides to many loop-holes for Microsoft to wiggle through. A more restrictive settlement is necessary, but I feel proper restrictions will only come from a judgment. Anything that Microsoft *agrees to* is not severe enough. Larry Kopenkoskey, Caledonia, Michigan; Electrical Engineer, Hardware and IC Design Engineer; Member IEEE.

MTC–00021334

From: mercer@oakharbor.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:27am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now.

Thank you.

Sincerely,
Julie Mercer
1473 N. Emerald Ct.
Oak Harbor, WA 98277

MTC–00021335

From: hkorrell@juno.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:27am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now.

Thank you.

Sincerely,
Harry korrell2
117 Melvin Avenue
chicago, MD 21228–4427

MTC–00021336

From: tjlipka@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:27am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little

more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now.

Thank you.

Sincerely,

Margaret Lipka

332 Doyleson Ave

Endwell, NY 13760

MTC–00021337

From: rjm_19136@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:25am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,

Richard Moran

4533 Teesdale St.

Philadelphia, PA 19136

MTC–00021338

From: Daniel F. Schmidt
To: Microsoft ATR
Date: 1/24/02 10:32am
Subject: Microsoft Settlement

OK, so let me see if I'm reading the Final Judgement right:

- Microsoft doesn't have to admit to being a monopoly, or to being guilty of anything, in spite of the fact that they —have— been judged to be one.

-Retaliation against OEMs is prohibited, but impossible to prove, given the way things are set up. On the other hand Microsoft can cancel a licensing contract with any OEM, whenever they feel like it, so long as they give them written notice and the supposed reason for the cancellation.

-They can't prevent OEMs from installing and/or displaying icons, shortcuts, or menu entries for non-MS middleware...unless they make changes in the Windows Documentation; sure, they'll have to prevent their own middleware from working, but that's OK, they can charge whatever they want for the OS and sell the middleware separately, plus they don't even have to document it if they do the beta testing right (see below)...

-MS can't prevent ISVs from competing with them, or advertising competing products...unless it's written into a contract they have with them (and if it isn't and they compete, you can be sure MS will do everything in their power to make sure things don't work, then claim IP protection allows them to do so, thanks to the clause right afterwards). Not to mention that if you don't have a contract with MS, they can easily punish the ISV by forcing incompatibilities through new ''features'' (see the part on ActiveX controls) or by implementing some sort of proprietary security meaures (see the part on APIs and Communications Protocols), whose workings they then cannot disclose (so sorry)...

-MS can't force vendors to support their OSs whether they want to or not...unless it becomes apparent that the vendors could conceivably sell more non-MS products than MS products, thereby (god forbid) encouraging some semblance of competition...ah, the free market at work...

-MS can't prevent non-MS middleware from loading...unless they come up with a new ''eature'' involving ActiveX controls that the non-MS middleware is incompatible with; not that they would —ever— do something like that. Yes, they have to tell the ISV, and they will, at the last possible moment, delaying as much as possible, until that particular bit of MS middleware is either very well established or can be claimed as ''a necessary part of the OS'', or somesuch thing.

-MS has to disclose how their APIs and Communications Protocols work...unless those things relate is some vague, unspecified way, to some sort of security issue dealing with ''anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria''. So in other words, all they have to do is build encryption into all of their Communications Protocols, for instance, and no matter how bad or ineffective it is, no one can ask how it works, thus allowing them to continue abusing their monopoly power.

-A technical committee will be formed to ensure that MS is doing what they're supposed to be doing, according to the settlement, will also take complaints from whomever wishes to complain, and make recommendations as to what to do about them...but the findings of the TC will never make it inside a courtroom! So much for trusting the experts...

-...not to mention the fact that MS gets to pick one of the members of the technical committee, who in turns helps to pick the third!

Why on —earth— would you give the people who have been judged to be at fault in this case have —any— power over the enforcement of their own punishment? You can be sure that whoever they pick will be biased, pro-Microsoft, and the restrictions on how long it's been since the person worked at Microsoft are pathetic; someone could've quit MS at the start of the anti-trust proceedings and already be ready to go for the committee...

-NONE of this applies to —anything— other than x86-compatible PCs!! So handhelds that run Windows CE, game stations like the X-Box, and any other machines that can run Windows are exempt from any of this— Because of course Microsoft would —never— attempt to abuse those markets as well. Why on earth should the settlement be limited in this way?

-MS can go about its business, making no disclosures about its middleware, so long as their beta tests involve less than 150,000 testers!! Why should they —ever— go above this number, then? That's enough to test —anything ....

-MS gets to decide, at its sole discretion, what qualifies as an operating system, giving them enormous power to modify the impact of this judgement on future products.

-...not that it matters, since this ''remedy'' is only good for five years, seven tops if the courts decides to extend based on some sort of systemic violations found in Microsoft's behavior.

In summary—This ''Final Judgement'' will NOT remedy the situation !! ! ! The consumers will —still— suffer due to abuses of power by the Microsoft monopoly, just as they had before, but if this settlement is made, the states who settled (not to mention the federal government) will lose their legal ability to —do something— about this illegal monopoly for many years to come!!! This is patently absurd; anyone who takes a little time to read this can point out, as I just have, many, MANY holes in the judgement; it will force Microsoft to change its ways in order to find new ways to do what it's always done, but the basic pattern of behavior will not change. This is not justice, it's ludicrous. There is no free market so long as these sorts of abuses are allowed to occur, and without competition they will continue to occur. The computer—hardware— market has shown itself to be a hotbed of competition, and as a result, we have gone, just a few years ago, from computers with 100 MHz processors to ones 20 times faster in clock speeds along— Not to mention the amazing advances in flat panel monitor and 3–D graphics processing technology, realistic 3-D sound, enormous, ultra-fat hard drives, and much more. Now, compare that to the operating systems market. We have a lot of very intelligent peoppe working there as well, and working hard. But on the freedom to innovate? Innovate already, —please—!! I'd love to see that happen, but in the same amount of time that I described, we've gone from Windows 95 to Windows ME and XP. They're somewhat more stable than 95, yes, not to mention slower, requiring more processing power and resources to do the exact same things we used to do on our old machines, now obsolete in part due to the ridiculous idea that every ''feature'' is a good one, even if that's not what the user wants, and that sloppy, unoptimized code is OK because we'll just patch it later, people will buy faster computers, and after all, who —else— are you going to get your software from?? This message was typed on a machine that runs Microsoft Windows, and I'll hazard it will be received by a machine that runs Microsoft Windows. If it's read at all, it will probably be read by people who use Microsoft

Windows. And when those people go home from their jobs, they will come home to computers that most likely run Microsoft Windows. And the next computers they buy will —also— run Microsoft Windows. And the next, and the next... This may not be true for 100% of the population, but 90% is good enough for me, and this is the real test—Look at Microsoft's market share. Will this judgement have —any— impact on it? Or will Microsoft remain a monopoly? Who will make the next piece of software —you— buy? And how much money have you sent them already? Does this bother you at all? Do you think it needs to change? Do you think this judgement will really have the sort of impact that's needed?

This isn't going to change anything; and in that respect, Microsoft has clearly —won—. —

Daniel Schmidt
dfs 17@cornell.edu
Department of Materials Science and Engineering

MTC–00021339

From: Chris Brewer
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 10:29am
Subject: Microsoft Settlement

Microsoft is guilty of anti-competitive tactics. The settlement of these charges should result in a penalty to the guilty party. Instead of allowing Microsoft to benefit from the proposed settlement (increasing their market share in the one industry where they aren't as competitive), why not penalize them? Force Microsoft to purchase and distribute Apple Macintosh computers to schools. That would have the double effect of penalizing their anticompetitive practices, as well providing for a more competitive environment.

Please do the right thing. We American people are counting on you.

Chris Brewer
UNIX Systems Consultant
Rocky Mountain Broadband Solution Center
KPMG Consulting, Inc.
6399 S. Fiddler's Green Circle, Suite 400
Greenwood Village, CO 80111
Tel: 720–493–7992 Fax: 720–493–7498
Please send official business mail to <mailto:cgbrewer@kpmg.com>
cgbrewer@kpmg.com

MTC–00021340

From: Steve Dale
To: Microsoft ATR
Date: 1/24/02 10:30am
Subject: Microsoft Settlement

Acceptance of the proposed settlement in U.S. v. Microsoft would clear the road for the company to extend its monopoly to most if not all aspects of computing. I don't think it changes anything for Microsoft, it just lets them continue as they were before.

Steve Dale

MTC–00021341

From: det1124@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:24am
Subject: Microsoft Settlement

I think that the Microsoft settlement should hold. The free enterprise system in the United State works!

Survival of the fittest!

MTC–00021342

From: ajk72@juno.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:27am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Audrey Swearengen
136 South Cortez Lane
Tustin, CA 92780–7455

MTC–00021343

From: Brian K. Vagts
To: Microsoft ATR
Date: 1/24/02 10:32am
Subject: Microsoft Settlement

I am against the current settlement with Microsoft, which I feel will do nothing to curb its de facto monopoly regarding many aspects of computer software. The current settlement will do nothing to protect the interests of the consumer, which has been steadly erroded by Microsoft over the last decade or so, and stiffles innovation in the market by the suppression of alternative software providers.

Brian K. Vagts

MTC–00021344

From: Brent Johnson
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/24/02 10:22am
Subject: I think Microsoft should be forced to share it's code with the world so I think Microsoft should be forced to share it's code with the world so others can build software that interacts with Microsofts software. Please don't let them get by with a pat on the wrist....

Thank you
Brent Johnson

MTC–00021345

From: Marian Pedersen
To: Microsoft ATR
Date: 1/24/02 10:30am
Subject: Stop all suits against Microsoft

Dear Sirs or Madames:

I am outraged by all the suits and claims against Microsoft. No one has given them the credit they deserve. They have brought the computer world to the highest level. All the others are just jealous of their talent. I am proud of this great American Company and all that they have done. You have bothered them long enough. Leave them alone....

It shows all youth that they can start something in a garage or basement and build it up to be a large company. Look at all the jobs they have created. Look at all the help they have given ''users'' of the computers....

I beg you to leave them alone....let them create—not fight the government.

I heard that negotiations over the Microsoft antitrust suit are at a critical pass. The Dept. of Justice is asking for public comment.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; (WHY? They should have the credit...and it is easier for the public to find the area....) the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft.

''This is just another method for states to get free money,and a terrible precedent for the future,'' states the AOCTP, ''not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.'' This economically-draining witch-hunt has gone on long enough. We need to let the Department of Justice know how we feel about the Microsoft Settlement.

Again, PLEASE let Microsoft get back to work making new computer technology and innovations....LEAVE THEM ALONE.....!!!!!

Pursuant to the Tunney Act, the period for public comment ends January 28, 2002.

Please advise me on your decision.

Sincerely,
Marian Pedersen
mfpedersen@msn.com

MTC–00021346

From: M Cowperthwaite
To: Microsoft ATR
Date: 1/24/02 10:24am
Subject: Comments on the proposed Microsoft Settlement

I am writing to express my vexation with the proposed settlement of the antitrust case against Microsoft.

It strikes me as indefensible that the Department of Justice, having successfully found Microsoft guilty of illegally wielding and bolstering their monopoly status, is willing to allow the company to simply agree to minor behavioral restrictions. While I have long thought a structural remedy would be best, I appreciate the arguments against and accept that such remedy may well be unworkable. Therefore, given the need for a behavioral remedy, I believe the following measures, at minimum, would be appropriate:

1) A substantial fine. While I claim no expertise on setting fine valuations, I suggest 33% of Microsoft's gross profits for the years 1994–2000 inclusive.

2) A complete vacation of agreements with PC vendors which specify any control at all by Microsoft on the presentation of the Windows desktop, and the prohibition of any further such agreements.

3)The enforced publication (opening) of the file formats used by the Microsoft Office suite.

These measures would be above and beyond those specified in the proposal, altho those measures need some adjustment on their own. For instance, the language in section III(J)(2) and III(D) specify that the APIs and protocols need to be disclosed only to businesses; in some cases, specific businesses. This is nonsense: the information needs to be published, openly, for use by any and all interested parties—including, it should be noted, government, non-profit and open-source and free-software concerns.

I call upon the arbiters of the proposed settlement to reject and demand the Department of Justice make a new proposal which will actually impose punishment on Microsoft. The company will not fail because of it, and with sufficient restraints on its overweening power, perhaps other companies will have a chance to actually put a product into the market without having it crushed by the behemoth.

Thank you for your attention.

Michael Cowperthwaite
4960 Highcrest Dr
Deephaven, MN 55331
mcow@well.com

MTC–00021347

From: jblack000@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:24am
Subject: Microsoft Settlement

I believe this settlement is a fair and reasonable compromise. This antitrust case needs to end now. I also believe that our economy is in the shape that is in now because of this case. If we don t settle this case now our economy is going to get worse because the market does not like any kind of uncertainty. I also believe that Microsoft did not really do anything wrong. It s being punished for being a really good company and having good products. This antitrust case was not about protecting the consumers as it should have been. It was all about protecting Microsoft s competitors! This is not what our government should be doing!

MTC–00021348

From: peter—metcalf@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:25am
Subject: Microsoft Settlement

I ll see what I can fit in this tiny little comment area. The gist is that the government should stay out of how companies do business and let the markets take care of bad business practices. If a company makes an operating system and an office suite good for them also good luck to them. as an it professional it is MY decision wether to use those products or not not the governments. My biggest beef is all the tax money it took to pay for the case(s) as well as the Microsoft money that it took which eventually comes out of the pocket of every Microsoft customer. Govt regulation leads to Socialism which in every nation in history doesn t work!

MTC–00021349

From: dpatel@aoctp.org@inetgw
To: Microsoft ATR
Date: 1/24/02 10:24am
Subject: Microsoft Settlement

End the case against microsoft. MS has done more than any corp should to propitulate to the DOJ. This case is nothing more than welfare for Netscape. DP

MTC–00021350

From: rsanville@portolasystems.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:24am
Subject: Microsoft Settlement

Microsoft s methods of gaining dominance in the computer industry have caused signifigant distress to the general business community in the US and the rest of the world. They have supressed free trade and creative opportunity with sub standard products that have become forced standards.

MTC–00021351

From: Marvin Floyd
To: Microsoft ATR
Date: 1/24/02 10:33am
Subject: Microsoft Settlement

Please discontinue your long-standing, financially draining efforts to punish Microsoft for their successful products. It is time to move on and let those companies that couldn't compete with them to either come up with better products that can compete or change product lines. This is capitalism, pure and simple. Let good products flourish and the bad ones fade away.

MDF
Marvin D. Floyd
Global Process Manager
Qwest Information Technologies, Inc.
Phone: 303.896.7420 FAX 303.896.7825
Pager: 303.230.1951
E-Mail: mdfloyd@qwest.com

''Whether you be man or woman you will never do anything in this world without courage. It is the greatest quality of the mind next to honor.'' —James L. Allen

MTC–00021352

From: lolson@detlakes.k12.mn.us@inetgw
To: Microsoft ATR
Date: 1/24/02 10:24am
Subject: Microsoft Settlement

I believe the settlement with Microsoft was a fair settlement. As an educator working with technology I endorse the settlement

MTC–00021353

From: dnorton@intertex-gc.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:24am
Subject: Microsoft Settlement

I think the Federal Government should AGREE to the settlement with Microsoft and bring this case to an end. This would help America heal.

MTC–00021354

From: JDarrjr@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:32am
Subject: Microsoft Settlement.

TO: DOJ Government Officials

This latest lawsuit by AOL against Microsoft is such a sham, and should be thrown out immediately ..... it appears that AOL is probably just trying to recoup their initial purchase of Netscape (which I think was a mistake in the first place).

Microsoft continues to do more for the software world (both for PC and MAC) than any other company in the world. Try to imagine where we would be in computer technology today if it hadn't been for Microsoft ..... clearly the Apple Corp (MAC) hasn't made the giant-steps that have brought us to our highly technical position—only Microsoft.

I currently have AOL as my ISP (Internet Service Provider), but after this new lawsuit was filed I can no longer continue using them, and will get another ISP within the month. AOL may be the largest ISP, but their level of service continues to deteriorate and there is very lousy customer support or attempts to speed things up.

I'm sure the current Administration has some very conservative opinions about this lawsuit, and it should be dismissed !! sincerely, John Darr

MTC–00021355

From: Nowakowski, Steve
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 10:33am
Subject: Microsoft Settlement

I believe you must allow the current settlement proposed for the Microsoft antitrust case.

Microsoft has shown itself to be a ruthless predator in the industry. They unfairly used their operating system monopoly (acquired by taking advantage of IBM) to force other companies out of application businesses. The reason office became a leader was due to bundling the application with every copy of Windows sold. A clear example of trying to force competitors out of business is Netscape but there are many smaller examples. Now Microsoft is trying force themselves into other platforms, such as the handheld computer industry, via their monopoly position on the desktop. In the case of both Netscape and Palm, an established leader in their space was threatened by Microsoft leveraging their monopoly on the desktop.

The whole computer industry suffers from this monopoly because it stifles competition and stops diversity in the industry. Consequently, the operating systems do not move forward and we do not get creative and new applications.

The alternative settlement proposed by the nine dissenting states is a much better remedy to this problem.

Thank you for your time.

Steve Nowakowski
Development Engineer
steve—nowakowski@xiotech.com
507.529.7017

MTC–00021356

From: rjbayer@grnmtsolutions.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:25am
Subject: Microsoft Settlement

First of all I am disgusted that the United States Government would seek to persue this case in the first place. Secondly I feel that if the settlement is acceptable to Microsoft then accept it and don t bother screwing around with a company that has done more to create jobs in this country and decent paying ones at that then the government could ever afford to do or have the intelligence to do. By the

way what is the price difference between what was spent going after Microsoft vs what was spent going after terrorists?

MTC–00021357

From: training@osea.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:25am
Subject: Microsoft Settlement

In my opinion Microsoft has not only utilized their competitive advantage over other competition due to their monopoly with their operating system but has also overcharged the general public for their products and continue to strong arm the competition.

MTC–00021358

From: shannon Gamba-Lewis
To: Microsoft ATR
Date: 1/24/02 10:33am
Subject: Microsoft Settlement

How long is DOJ going to continue to allow these ridiculous lawsuits to go on? When will you say...''this is America, get over it and learn to get along with competition''. What does all this litigation do for the people should be the deciding factor. The answer is, nothing. Therefore it is a waste of investor assets, and time and energy that could be spent on mutually beneficial ways to benefit both the companies and the public. The DOJ is acting like the operators of a cock-fight ring. You are condoning and operating the business of unnecessary fighting between these 2 companies. Put a stop to it and let both of them get back to the business that they are supposed to be in! Thank-you

MTC–00021359

From: phash@theeducationmall.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:24am
Subject: Microsoft Settlement

I think the goverment should stay out of the technical development area. Technology does not need to restrained in order for the States to maintain leadership in this arena. I think Microsoft got a bad rapt.

There is no other company at the present time that can develope the technology and get it to market like Microsoft. This is not to say that other software companies can t if they would just focus on development and forget the competetion. All involved have spent to much on the legal proceedings that should never have been iniatiated.

MTC–00021360

From: blkarns@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:24am
Subject: Microsoft Settlement

Please settle on terms proposed by Justice. Delay paralysis an innovative company and creates uncertainty in the market place.

MTC–00021361

From: joe1deb@mediaone.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:30am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse: Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Joseph Calitri
238 North Elm Street
West Bridgewater, MA 02379–1443

MTC–00021362

From: tom@tmlimited.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:24am
Subject: Microsoft Settlement

Leave Microsoft alone!The have contributed too our great economy and we need more companies like them. If big business is stifled small business is hurt and people lose jobs and no income and no taxes!

MTC–00021363

From: sam@tempe.gov@inetgw
To: Microsoft ATR
Date: 1/24/02 10:24am
Subject: Microsoft Settlement

To quote Mat Szulik—Microsoft s illegal anti-competitive practices have seriously warped the technology industry stifling innovation to the detriment of the technology industry and to society as a whole.

MTC–00021364

From: rmoyer9449@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:31am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Ross Moyer
1427 Baldwin Ct.
Little River, SC 29566–8268

MTC–00021365

From: rjmoerke@prtel.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:31am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Joan Moerke
30336—150th. Ave.
Ashby, MN 56309

MTC–00021366

From: Darrell
To: Microsoft ATR
Date: 1/24/02 10:33am
Subject: Microsoft Settlement

I think it is atrocious to allow a company such as Microsoft to allow them to business as usual. There products are inferior yet they have a superior marketing department. I think at the very least if they are allowed to continue to sell their bug laden, tripe they should at least hold some accountability for it. Microsoft has made its insecure junk software so much of an influence strictly by its politics and public relations. It definitely isn't do to the superiority of there products. If I produced and sold you a car and told you up front that it leaked water, wouldn't drive on bumpy roads and would only run for 2 hours at a time before needing to be jump started, would you still buy those cars? On top of that say a clause in the purchase contract was that you could never repaint the car because they were painted with advertisements for people who had paid the manufacturer to put them there. Would you still buy that car at a premium price. On top of THAT per the contract you didn't own the car you were purchasing but in fact the Manufacturer retained ownership and would just let you drive it as long as you never repainted it or let any one else drive it and agreed to hold the manufacture harmless in whatever ill driving the car brought you!

I think it is obvious to most who have watched this that there are some behind the scenes politicking going on with this case, and I think its a damn shame! Hitler said it best:

What good fortune for those in power that people do not think.

—Adolph Hitler, In Politics/Nazism

CC:Darrell

MTC–00021367

From: echen2@juno.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:24am
Subject: Microsoft Settlement e need to put an end to this litigation against Microsoft. The settlement is fair. We do not want any more uncertainty and regulation.

MTC–00021368

From: fredf@cedarcomm.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:25am
Subject: Microsoft Settlement

It is time for the US economy to get back on top. Part of that process is to stop diverting resources to a lawsuit against a company that epitomizes our way of life. Microsoft needs to get back to concentrating on its goods and services and the Justice Department and the several states Attorneys General need to find some other cause celebre. They ve milked this one about as much as they can. In this country the weaker competitor loses because they have inferior products NOT necessarily because they have been unfairly and illegally thwarted in the marketplace. It s time for the whiners like AOL Sun Netscape et al to stand up compete like Americans and stand on their own merits rather than on the strength of their lawyers. Enough is enough. Let s get on with it already. Settle this damnable lawsuit and get the US back on it s economic footing. The untold economic damage caused by this whole fiasco probably can never be recoverd at this point. Tell the states not agreeing to settle to shut up and go home.

MTC–00021369

From: mhgraphics@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:30am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Sincerely,
Martin Hampton
1983 Arkell Court
Walnut Creek, CA 94598

MTC–00021370

From: baranmj@cs.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:24am
Subject: Microsoft Settlement

A good critique of the agreement can be found at http://davenet.userland.com/2001/11/02/theMicrosoftSettlement. Please read this in preparation for your deliberations. It disturbs me that many of the Attorneys General (AG s)have not gotten on board with the settlement. While I don t wish to see the case dragged out Microsoft will not voluntarily submit to cessation of marketing practices that have brought this issue. Those AG s who hold the most radical views on either end of the spectrum should be weeded out leaving a moderate core the majority of whom should agree on the settlement. Microsoft cannot be forced to divest itself of Software it has created based on its own research and development. Sufficient remedy seems to be available to those who brought the suit in that bundled middleware (Internet Explorer media players etc.) will be replacable at the end user s discretion. This solution doesn t force Microsoft to break its code (a specious argument from my viewpoint as a developer) and allows the consumer to choose a different provider. Microsoft should not be allowed to provide the Windows operating system to the educational community. Their thinly veiled offer gives them inroads into another market segment for which they lust. They should donate hardware and the schools should have the choice of operating system (Red Hat has offered software and support). Thank you for allowing me to express my opinion.

MTC–00021371

From: gmannord@astound.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:30am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Gladstone Nordstrom
1760 Denkinger Rd.
Concord, CA 94521–1153

MTC–00021372

From: pacedoyle@adspower.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:30am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Doyle Pace
1813 Indian School rd.
Garland, TX 75044

MTC–00021373

From: john.butler@cb-sisco.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:24am
Subject: Microsoft Settlement

Let s cease this litigation against Microsoft which has contributed greatly to our technological progress and

MTC–00021374

From: david29101@attbi.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:24am
Subject: Microsoft Settlement

Microsoft should be nailed to the wall! Judge Jackson s decision to split the company in two was correct 100%. Microsoft is out of control.

MTC–00021375

From: jacek05@dellepro.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:24am
Subject: Microsoft Settlement

I belive that settlement is a fair and good compromise and is the best intrest of everyone -tech. industry economy and consumers. Microsoft has a lot of good products and other companys can t come up with better one thats why they looking for goverment help.

MTC–00021376

From: mtrostel@afcosteel.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:24am
Subject: Microsoft Settlement

Leave them alone the Government has enough to do besides trying to keep Bill Gates from making money.

MTC–00021377

From: mizelles@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:24am
Subject: Microsoft Settlement

Your Honor: I have read the judgement and find that our federal government is again extending its reach beyond the bounds which constitutional authority allows. All federal jurisdictions are determined by the foundation of federal law which is the constitution. Legislation which is not founded on this base of authority is illegal in nature and illegitimate in its foundations.

The free market has it s own corrective actions for companies which attempt to monopolize any particular sector. The rail system was first attacked by the federal government and then became the protectorate of the federal government.

Many of the attempts of the federal government to legislate fairness in the market place have done just the reverse. The monopoly laws in the rail industry actually began to support the existing rail companies and inhibit the free market. The result is a rail system that comes in last place in the industrialized world.

Federal mandates in the automotive industry have made impossible the entrance of new automotive startups to compete with existing manufactures thus enforcing existing monopolies. Only companies unencumbered by our federal mandates were able to enter the automotive industry via more friendly free market environments on foreign soil. Without foreign competition the American automotive sector would be little improved from the technology that was in place 30+ years ago when the Japanese first gained entrance to our market with the low cost fuel efficient subcompact cars. As a resident of the state of North Carolina the place of my birth I do not share in my states plaintiff position nor do I expect that illegitimate jurisdiction of the federal government in the free marke

MTC–00021378

From: bmiramontes@bak.rr.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:25am
Subject: Microsoft Settlement

This settlement is clearly in the best interests of consumers. No one is served and no purpose furthered by continued litigation. Accept the settlement!

MTC–00021379

From: dhafner@mcleodusa.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:25am
Subject: Microsoft Settlement

I like the Microsoft products as they are. Life is much simpler with software that integrates together.

MTC–00021381

From: caelias@cfaith.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:30am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Cheryl Elias
11159 Morrison St. #8
North Hollywood, CA 91601

MTC–00021382

From: kkbrown2@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:24am
Subject: Microsoft Settlement

I believe the settlement reached between Microsoft and the Federal Government is fair and reasonable and any further action is a waste of tax payers money and time.

MTC–00021383

From: K. S. Griffiths
To: Microsoft ATR
Date: 1/24/02 10:33am
Subject: Microsoft Settlement

Dear Sirs,

I feel the Deptartment of Justice's proposed settlement is not a very good idea. It does nothing to truly remedy the stranglehold Microsoft has on the software industry.

Karl S. Griffiths
Microcomputer Technician
Edwardsville Illinois

MTC–00021384

From: john.butler@cb-sisco.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:24am
Subject: Microsoft Settlement

Let s cease this litigation against Microsoft which has contributed greatly to our technological progress and balance of payments internationally. The attorneys general of the states really lack accountability in their pursuit of further litigation and their activities should cease.

MTC–00021385

From: rword@goldrush.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:25am
Subject: Microsoft Settlement

I thank the government should mind there own business and let businesses make as much money as possible if thay are capable.

MTC–00021386

From: metaljo@msn.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:26am
Subject: Microsoft Settlement

Microsoft has always given the public Fair prices on all their products and has enhanced all our lives for many years and has given our country the priceless gift of ingenuity enterprize and the most important is INNOVATION.Please settle this so Microsoft can get on with their important job of Innovation and fair service to the country and the people that their products serve.

MTC–00021387

From: peterdeanwi@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:25am
Subject: Microsoft Settlement

The DOJ has no business interfering in the free market system. Microsoft has not broken any laws. They have not taken away anyone s choice regarding which software products thet can use or buy. This suit is a waste of taxpayer s money and I am angry as a taxpayer and also as one who looks forward to building my own business as big as the free market system will let it grow.

MTC–00021388

From: donaldreifus@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:25am
Subject: Microsoft Settlement

The recent decision is unduly harsh for the company s action. The original proposal by Microsoft sees more than fair.

MTC–00021389

From: elizabethneus@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:25am
Subject: Microsoft Settlement

The latest attempt by Microsoft to circumvent a federal judge s order makes me as uncomfortable as if I was sitting in a Naugahyde chair in shorts on a hot day. Microsoft needs to wake up and smell the competitive market.

MTC–00021390

From: JimEbb@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:25am
Subject: Microsoft Settlement

It is encouraged the negoiated settlemnt be imposed on the dissenting nine states. It seems to me Microsoft has been subjected to far more than the necessary legal actions—it appears as if they are being persecuted for being successful. Their competitors seemingly want the Government to help them be compaetitive by attacking Microsoft.

MTC–00021391

From: vlevy022728@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:25am
Subject: Microsoft Settlement

the current ruling is fair to everyone. i strongly recommend its acceptance.

MTC–00021392

From: morrieab@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:25am
Subject: Microsoft Settlement

We strongly support the proposed settlement agreement with Microsoft. This case has damaged the American economy and continues to do so as long as it isn t settled. Now is the time to come to agreement and start rebuilding the financial markets.

MTC–00021393

From: mbuell@westernsummit.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:26am
Subject: Microsoft Settlement

After exhaustive research and testimony from both sides a fair and resonable decision was reached. It s time for the government to move on to other important issues.

MTC–00021394

From: joecr@netzero.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:26am
Subject: Microsoft Settlement

The case aganst Microsoft cost me a job and soured the entire industry. I believe that

it is in the United States of America s best intrest as well as the worlds for this case to be ended quickly an reasonably.

MTC–00021395

From: michael_sturtz@email.msn.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:31am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Michael Sturtz
37240 39th AVE S
Auburn, WA 98001–8727

MTC–00021396

From: dbirmingham@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:26am
Subject: Microsoft Settlement

I have to side with Microsoft. Tandy used to sell prepackaged software (Deskmate). How many others have had packaged software ? You get a successful business that produces a product that sells and the competition gets jealous. Thats all it is. Microsoft products are innovative state of the art competitively priced offer Internet based upgrades etc. If more software companies would spend as much time working on their products rather than time and money complaining about the competition maybe they would hold a better place in the market. As far as government intervention I think it is an American shame that politicians want to tell someone what they can and can t do when that company is a legal business that offers an Operating System that is easy to use for all ages. My mother just started using her first P/C on mother s day of 2001. She has the Windows O/S. She is 73 years old. She is on the Internet as well.

Thanks to Microsoft she is living her elder years without boredom because of a product she can work with so easily. I could go on and on but as for me I praise Gates and his crew for what they have accomplished.

MTC–00021397

From: Warrick, Brad
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 10:34am
Subject: Microsoft Settlement

To whom it may concern;

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

I personally use the Netscape browser for most of my internet applications, so this really is just a grudge match or witch hunt, and needs to brought to an end.

''This is just another method for states to get free money, and a terrible precedent for the future,'' states the AOCTP, ''not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.''

This economically-draining witch-hunt has gone on long enough. We need to let the Department of Justice know how we feel about the Microsoft Settlement.

Sincerely,
Brad Warrick & Family
3095 Murray Lane
Costa Mesa, Ca 92626

MTC–00021398

From: webboy2001@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:25am
Subject: Microsoft Settlement

Regarding Microsoft. The monopolistic persuits of the company need to be stopped. I fully favor disceting the company into smaller less harmfull units. Exploiting consumers and ever increasing the areas of control are a pattern onf business by a company lacking self control. Settling the case with merely monitary fines is not solving the true problem. Sincerely Alex Jegottka

MTC–00021399

From: hdevore@prudentpublishing.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:25am
Subject: Microsoft Settlement

Beating up on Microsoft does not help innovation it only helps the companies that want an unfair advantage a government regulated one. The governments state and federal and the courts need to move on so that Microsoft can continue with their success of singlehandedly building the technology revolution that is propelling our productivity in this country and abroad...

MTC–00021400

From: lisbethm@flash.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:26am
Subject: Microsoft Settlement

The DOJ has at last worked out a reasonable settlement. Please settle this years long pursuit of one of our nation s greatest success stories. California and other dissenting states should accept the settlement for the good of the consumer and the taxpayer.

MTC–00021401

From: harborridg1@msn.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:26am
Subject: Microsoft Settlement

The antitrust case against Microsoft should be ended. In fact it is my opinion that a case should never have started. Microsoft has produced excellent products which have resulted in the company taking the lead in software. As for bundleing products other companies do that also. Close the case and let everyone make progress on new and better software.

MTC–00021402

From: lmlarmac@atl.mediaone.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:31am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Larry McKinley
851 Baltimore Place
MARIETTA, GA 30064–3960

MTC–00021403

From: joloh805@iowatelecom.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:26am
Subject: Microsoft Settlement

The US vs Microsoft settlement agreed to on Nov. 3 2001 by the Federal Goverment and a number of State Attorneys General is in the best interest of each and every local citizen that owns a computer and any other technology that uses Microsoft Software. Attorney General Miller of Iowa does not speak for us because our experience is that Microsoft serves us very well and at a reasonable price. We want Microsoft and all of the Technology Companies to be free to be creative inovate and develop according to their abilities. We want a free and open system.

MTC–00021404

From: Micki3034@webtv.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:26am
Subject: Microsoft Settlement

This is no longer a fair trail for wrong doing. This has become a political financial war of power and greed. Microsoft is being unfairly accused and blamed instead of praised and honored for the advancement in all our lives all over the world. Our children need Microsoft for leadership.

Thankyou

MTC–00021405

From: showdog_g@yahoo.com@inetgw

To: Microsoft ATR
Date: 1/24/02 10:31am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
David Showen
115 East Main St.
Mount Horeb, WI 53572

MTC–00021406

From: win.curtiss@chrsolutions.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:26am
Subject: Microsoft Settlement

Enough is enough! It is time to move on. No one has been more open and forthcoming during all of this inquiry than has been Bill Gates and Microsoft. The Justice Department has finished its work and no evidence of predatory pricinig or marketing was brought forward. The public has been served. And now that same Justice Department has much more serious and real problems to address. The American public and the technology industry can now best be served by moving on.

MTC–00021407

From: rich.cech@home.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:26am
Subject: Microsoft Settlement

It is about time! This trail should have never even started. Time to look forward to bigger and better software packages. To think Bill was tried for building a better mouse trap! -)

MTC–00021408

From: meandyou@stny.rr.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:26am
Subject: Microsoft Settlement

It is time to move on. Let Microsoft abide by the settlement reached in the antitrust case. I believe that this settlement is in the public interest and further litigation is not neccessary.

MTC–00021409

From: ceb11828@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:26am
Subject: Microsoft Settlement

MICROSOFT HAS CREATED A WIDE WORLD OF COMMUNICATION AT A LOW COST AND BROUGHT EVERYONE ON THE NET INTO PROXIMITY USING THE SAME LANGUAGE AND ABLE TO COMMUNICATE- MUCH LIKE THE COMMON LANGUAGE OF AMERICA-ENGLISH. THE PERSECUTION OF THEM IS ANOTHER EXAMPLE OF ANTI TRUST LAWS ASKEW LETTING COMPETITORS BITCH ABOUT ANOTHERS SUCCESS THE FED S ACTION WOULD BE MORE ENCOURAGING TO THE ECONOMY BY GETTING LAWYERS OUT OF THE ACT.

LET COMPETITION REIGN

MTC–00021410

From: hohohoms@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:26am
Subject: Microsoft Settlement

I have followed the Microsoft case closely. I have used both Microsoft s and its competitor's products. I do not feel that Microsoft has forced me to use their products. I can and am able to chose another if I want. American freedom means that I can chose what I want to use. I do not need the government to level the playing field for me. Just because one company s products are more successful than another's taxpayer s money should not be used to prop up the less successful company. Let all who wants to play in the marketplace go out and take a chance. America s government of the people by the people for the people should not punish an American success story. Don t politicans and regulators have better and more important things to do??

MTC–00021411

From: bobtipt@netscape.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:26am
Subject: Microsoft Settlement

I disagree with settlement. I believe that the Government should get off Microsofts Back. There should not have been a case in the first place.

MTC–00021412

From: VWSPRITE@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:34am
Subject: Microsoft Settlement.

I feel the settlement reached with Microsoft is just and should proceed to closure.

The AOL Netscape is nothing but a last ditch chance to promote Netscape. Without the Microsoft systems I would not be writing this as when all the things I like were installed on my computer everything interfaced and worked.

Thanks Microsoft.

Jack Lyman

MTC–00021413

From: blhartzell@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:31am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Barton Hartzell
836 2nd Ave.,#302
Kirkland, WA 98033–3927

MTC–00021414

From: gransuzi@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:26am
Subject: Microsoft Settlement

I have never thought that the Anti-Trust case would improve thigs for the consumer. Thus I was pleased with the settlement that would benefit everyone. The Attorneys General are making a lot of noise to benefit their own political careers. Their objections are not realistic and in many cases do not properly apply to the case. I do not have the time to go into great detail but I am pleading for the litigation to end and for the settlement to be accepted.

MTC–00021415

From: igervits@nyc.doe.gov@inetgw
To: Microsoft ATR
Date: 1/24/02 10:26am
Subject: Microsoft Settlement

Unlike Americans for Technology Leadership I believe that this settlement is not tough not fair and not reasonable compromise and is not in the best interest of everyone—the technology industry the economy and especially consumers. Unlike some industry leaders some politicians some economists and some newspaper editorials I do not endorse this settlement. I believe that Microsoft using its monapoly power exercising FUD illegal dumping intimidating and other mean methods to crush competition hurt innovation the IT industry the economy and especially consumers. I believe that support of such kind of monapoly as Microsoft is immoral. This is my strong opinion.

MTC–00021416

From: rbayuga@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:26am
Subject: Microsoft Settlement

TechLeaderShip.ORG is definitely a Microsoft Company trying to gain the support of people who have no clue what-so-ever about the actual issues with MS vs. US. While I do agree to some degree with limiting the control of the gov t when it comes to the internet and advancement in technology. This issue that the gov t is pushing and trying to resolve is a valid pursuit. I remember the many stupid e-mails I received from Microsoft. Microsoft Propaganda that told lies about its actual capabilities. Much like

this techleadership postcard I got and the phone call that followed suit. Brainwashing people who haven t a clue that the gov t is wasting tax payer money when this was all a calculated risk by Microsoft. So who was really responsible for wasting tax payer money? While I admit MS has a right to grow its business to the limits but what they are doing is anti competive and will stagger and has staggered the growth of technology. MS has not had made any advancement in the OS industry. DOS which is a product they never made is still the most stable OS they ever sold. MS—masters in marketing. Nothing else . GO U.S.A.!!! Go U.S.A.!!!

MTC–00021417

From: hormazd@castellan.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:26am
Subject: Microsoft Settlement

Microsoft may be have the lions share of the market but they have acheived this without trying to invoke any undue pressure on their customers to purchase their products. It should also be noted that despite their advantage in the market place they have continued to innovate and improve their products responding to the consumers needs while maintaining very fair and competitive pricing. It is un American and contrary to the core principle of free enterprise to penalize any company for achieving success. Rather the government should encourage innovation through tax credits and encourage smaller companies to achieve leadership status in their respective fields. A comprehensive settlement has been reached and it is time for our nation to look toward solving our economic problems rather than continuing this costly suit against one of our country s most successful companies.

MTC–00021418

From: ibbaker@bellsouth.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:26am
Subject: Microsoft Settlement

I urge the court to accept the offer made by Micrsoft and close this case.The offer is sincere.honest and fair to all concerned.

MTC–00021419

From: mark-pugh@home.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:26am
Subject: Microsoft Settlement

Once Again the Greedy Business world has devised a way for the consumer to have to pay for someone else s problem. We are just fine living alone when someone (SUN Netscape Intel) doesn t get enough of our money and decides to shut down other company s cash cow. Well guess what the consumer will pay for all of this litigation and compliance to a certain extent this affair compares with taxation without representation . Get over it everyone put an end to this mess and don t cost the taxpaying consumer anymore money than you have already done. Most people still don t realize that software and information technology runs the world along the same commodity lines as crude oil being the only energy source in the world. Without good cheap and innovative software at a reasonable price there would be no quality of life or standard of living. Know it looks like that will cost the consumers again. Everyone gets rich but the consumer.

MTC–00021420

From: thomask@iland.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:26am
Subject: Microsoft Settlement

Hmmm..AOL suing Microsoft? Why doesn t someone take a strong hard look at AOL? With the way AOL is buying corporations up Cable networks broadcast networks software companies (Netscape and attempting to buy Red Hat) plus if I m not mistaken and newspaper. Shouldn t AOL be under a microscope? It is becoming readily apparent that these past few years have been a Microsoft Witch Hunt nothing more nothing less. Toss this whole case out and let s get back to running the country rather than ruining the country throught the desimation of the software sector.

MTC–00021421

From: mick@usahero.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:33am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Mick Schlegel
457 Coldstream Drive
Berwyn, PA 19312–1113

MTC–00021422

From: JANDL@CHARTER.NET@inetgw
To: Microsoft ATR
Date: 1/24/02 10:33am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
JAMES GOODWIN
111 DAY AVE.
EAST LONGMEADOW, MA 01028

MTC–00021423

From: jtsheldon@pcis.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:26am
Subject: Microsoft Settlement

Having been involved with computers education business for 40 years the continuous complaint was there was no common platform and no common operating system . No computer could talk to another computer. We now have a common platform the PC and internet we now have a common operating system Windows. The COMMON MAN can click on windows like he or she operates a toaster knowing things will work . There is no way for it to be free someone has to pay for it. And someone makes a profit. There are millions of programs that can be programmed and a profit made from because of Windows. The only problem is that several BUSINESSES want their operating system to be the default . When that happens are they going to be sued? This is all just sour grapes. Get rid of the lawsuit let the world get on with things using the common platform of the PC and the common operating system Windows.

MTC–00021424

From: britter@dfn.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:26am
Subject: Microsoft Settlement

Lawsuits should never have been initiated against Microsoft in the first place.Please drop any further litigation against Microsoft.

MTC–00021425

From: rthatcher@dslextreme.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:33am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Richard Thatcher

8421 Heil Ave.
Westminster, CA 92683–7800

MTC–00021426

From: vlamb@advanta-tech.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:26am
Subject: Microsoft Settlement

I strongly support the decision to end the case against Microsoft.

MTC–00021427

From: matduck39@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:26am
Subject: Microsoft Settlement

I THINK THE WHOLE LAWSUIT IS ABSURD. IT WAS BROUGHT ABOUT BY NUMEROUS CRY BABIES OF WHICH I USED TO OWN STOCK IN AND HAVE SINCE SOLD. IF YOU WANT TO STUDY REAL MONOPOLIES TRY THE COUNTRY OF CHINA EXPORTING TO OUR COUNTRY. LOOK AT BEIJING ELECTRIC. THEY MANUFACTURE VIRTUALLY ALL PARTS OR COMPLETE UNITS TO EXPORT TO THE US. THEY USE SLAVE LABOR TO UNDERCUT A GOOD AMERICAN COMPANY LIKE BALDOR ELECTRIC. MICROSOFT ON THE OTHER HAND MAKES GREAT PRODUCTS AND PAYS THERE PEOPLE VERY WELL. WASHINGTON GET YOUR PRIORITES STRAIGHT FOCUS ON THE REAL CRIMES AND MAYBE THROW THE CRY BABIES FROM SUN MICRO AND THE SO CALLED AFFECTED STATES A BIGGER TOWEL. I ALSO KNOW A PROFESSIONAL VIOLINIST.

MTC–00021428

From: pcdad@optonline.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:26am
Subject: Microsoft Settlement

Microsoft has historically ranted until they got their way. They should open up thier technology like others in the industry have to encourage competition but at the same time encouraging a community of equals on and EQUAL PLAYING FIELD. Their proposal to donate software and or hardware is hogwash. After the first few copies of a program are sold the rest is pure profit. Microsoft and Bill Gates should learn to give back through concessions and teamwork outside their company. When a standard is established their should be one standard regardless who creates it not a Microsoft version and the everyone elses as in the JAVA language.

MTC–00021430

From: rocha@abc.org@inetgw
To: Microsoft ATR
Date: 1/24/02 10:32am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Colleen Rocha
5851 Mt. Vernon Drive
Alexandria, VA 22303

MTC–00021431

From: water1@ij.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:26am
Subject: Microsoft Settlement

i am pro microsoft thanks

MTC–00021432

From: William Bethel
To: Microsoft ATR
Date: 1/24/02 10:36am
Subject: Witch Hunt

Lets stop the Microsoft witch hunt. This has gone on long enough. Lets get on with with life.

William Bethel
231 Wedgewood Ln.
Conway, SC 29526

MTC–00021433

From: comptoby@bellsouth.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:26am
Subject: Microsoft Settlement

Although not ideal we support the settlement as a timely end to disruption and uncertainty. Microsoft has done the world an enormous service in establishing a universally accessable environment for computing.

MTC–00021434

From: sprngrpat@cox.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:26am
Subject: Microsoft Settlement

Let the MICROSOFT settlement stand.

MTC–00021435

From: frsolis@spamcop.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:33am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Frank Solis
209 Westwood Ct
Woodbury, NJ 08096–3134

MTC–00021436

From: harrisr@kochind.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:26am
Subject: Microsoft Settlement

I don t understand all the legalities of the issue but I feel that Microsoft is the leader in technology and if the other companies can t keep up why punish the user base by making it difficult for Microsoft to move on.

MTC–00021437

From: waynedl@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:26am
Subject: Microsoft Settlement

I am not in favor of the current Microsoft anti-trust settlement. I think Microsoft got off too easy. Considering Microsoft s reach and power given its tremendous wealth the company never admits fault. If the company had admitted some responsibility for its actions in trying to create a monolopy climate for browers and related products. As I stated earlier Microsoft did financial punish those who spoke out against the company or supported platforms using other browers. I think Microsoft should be forced to go back to court or work out a settlement that definitely prevents similar actions in the future backed up by really stiff penalties or fines.

MTC–00021438

From: jffati@prodigy.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:26am
Subject: Microsoft Settlement

Department of Justice is on a witch hunt with Microsoft. We use Microsoft products in our office. It has saved us hundreds of hours in our office. We feel that we paid a reasonble price for the products. The DOJ must stop protecting Microsoft competitors. The consumer is the only one that counts.

MTC–00021439

From: WLBoden@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:34am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Lee Bodenhamer, III
9413 Dawnshire Road
Raleigh, NC 27615–4096

MTC–00021440

From: Edward Walker
To: Microsoft ATR
Date: 1/24/02 10:35am
Subject: Microsoft

I don't agree. Microsoft Corporation is a convicted corporate criminal and should be punished to the full extent of the law.

Edward J. Walker, President
E. J. Walker Systems, Inc.
Ossininmg, NY

MTC–00021441

From: tmat032849@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:26am
Subject: Microsoft Settlement

Since I never thought the case had any merit to begin with I welcome an end to it. It has always been about whiner company ceos and state attorney generals who oculdn t achieve their selfish ends in the market and instead chose the tyrannical powers of the state to suport them. Those people are the real criminals deserving of prosecution not Microsoft. If the Bush Administration really believed the rhetoric they spout on the campaign trail about freedom and markets they would have dismissed this whole bogus case on day one. Instead they opt for this settlement that continues to penalize Microsoft unfairly.

MTC–00021443

From: Jeff Leinwand
To: Microsoft ATR
Date: 1/24/02 10:37am
Subject: Microsoft Settlement

As the legal actions continue to pile up against Microsoft it becomes clear that Microsoft's competitors seek to gain competitive advantage by putting ''legal'' restraints on Microsoft. It seems amazing that they can be in court for undercutting in one case, while defending themselves for overcharging at the same time on another case. Had Netscape (now AOL Time Warner) bothered to upgrade its 16 bit browser to a 32 bit browser when the user community switched over to 32 bit operating systems, maybe they would have stayed ahead of Microsoft. There are choices; we don't have to buy MS products. Apple, Linux, and other UNIX systems are there competing. If one looks objectively at where prices are today, it is obvious that they have dropped dramatically. Windows XP does more today then the mainframe systems of the ''80. Many businesses could not afford those systems which were leased for thousands a month. Today the same features are available for under $300, and you own it. Home users don't have an IT Staff to handle the operating system as was needed on the mainframe operating systems. The point is, there has been a lowering of the cost of software, hardware, and software development due to the innovation of Microsoft. It is no coincidence that the economy downturn started with this action against Microsoft. What we are doing as a Nation is penalizing a company for being successful, and rewarding those who are unable to compete because they didn't have the vision (certainly AOL has the funds to compete). This action puts our whole software industry at risk if we further shackle one of our main technology drivers. It is interesting to note that it is not the consumer who is complaining, rather Microsoft's competitors and a group of lawyers claiming to represent consumers who once again are after a large settlement fee. It is time to put a stop to this and let us get back to work on driving the economy rather than throwing America's software technology dominance away.

Jeff Leinwand
home: (520) 749–9279
cell: (520) 907–6791
fax: (520) 749–9336

MTC–00021444

From: Fred Talmadge
To: Microsoft ATR
Date: 1/24/02 10:34am
Subject: Microsoft Settlement

I believe it is important to break up Microsoft and to separate the commercial software and operating systems into two separate companies. When I started using computers DOS was the operating system of choice. We had several flavors of DOS including Microsoft's all a little different some better, some worse. We could then add-on to DOS with file managers and utilities in effect making the computer a truly ''personal'' computer. Today that is not as easy. Not only is the browser imbedded into the operating system, but email, media players, file managers and system utilities. Even the way my directories are arranged are controlled by Microsoft, ''My Documents'', ''My Pictures'' etc all interfere with the way I want to organize my files. I believe that having an operating system that is stripped down to it's basic functions and then embellished as the ''user'' sees fit from whoever they wish to do business with is the only way that we can have a personal computer in it's truest since.

Thank-you
Fred Talmadge
Bellville, TX
http://www.96trees.com

MTC–00021445

From: rknouse@satx.rr.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:34am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Russell Knouse
6426 Ridge Circle Dr.
San Antonio, TX 78233–3908

MTC–00021446

From: wcollar@jheng.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:26am
Subject: Microsoft Settlement

I ve worked with M.S. products since DOS 2.2 and have been the I.S. director for an engineering firm in Toledo Ohio for a number of years. Based on my experiences with M.S. I have no doubt they have consistently worked to stifle and destroy their competitors where ever they can. I firmly believe they will attempt to continue to do so by any means they can. I DO NOT feel the proposed settlement goes far enough and amounts to little more than a slap on the wrist! If this settlement goes through as currently proposed MicroSoft will continue to work to maintain its illicitly gained dominance and further erode competion and innovation in the software marketplace.

MTC–00021447

From: ardymattox@akamail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:32am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Ardy Mattox
PO Box 752
Gilchrist, OR 97737–0752

MTC–00021448

From: D5SHAFFER@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:34am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Debra Shaffer
532 Turkey Lane
Fountain Inn, SC 29644

MTC–00021449

From: Ralph Hudson
To: Microsoft ATR
Date: 1/24/02 10:35am
Subject: ''Microsoft Settlement''

Please GET OFF Microsoft's back. Settle the case and leave them alone.

Ralph Hudson
5174 Apple Road
Springdale AR 72762
(479) 750–3488
ralph@nixonlaw.com

MTC–00021450

From: mogiejo@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:37am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Shirley Staton
8200 W. 61st Street
Shawnee Mission, KS 66202

MTC–00021451

From: Daniel Seltzer
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/24/02 10:39am
Subject: Microsoft Settlement

I think the proposed settlement is misguided and does not adequately address the biggest problem: Microsoft's abusive business practices. As a repeat offender in this regard, an appropriate solution would be to put in place a watchdog group with representatives from across the industry, to meet regularly and report to the DOJ on Microsoft's behavior. Failure to meet the guidelines of the group should result in additional, progressive fines. Microsoft is just not going to change their behavior if treated lightly or inexpensively.

MTC–00021452

From: n1pahowie@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:34am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Howard & Joan Howard & Joan
P. O. Box 722
Lot 71, Cliffside Drive, Timberlake Ran
Ramah, NM 87321

MTC–00021453

From: Karen.Zapolski@kmc-usa.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:36am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Karen Zapolski
1103 Kenesaw SE
E. Grand Rapids, MI 49506–3518

MTC–00021454

From: darlin47@optonline.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:34am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Denise Quartararo
P.O.Box 238
Manorville, NY 11949

MTC–00021455

From: edmjrm@fyi.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:37am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
John McNaugher
9904 Belton Circle
Wexford, PA 15090–9686

MTC–00021456

From: Charles Crawford
To: Microsoft ATR
Date: 1/24/02 10:40am
Subject: Microsoft settlement

The settlement of the Microsoft case with the DOJ is in the public interest. Let them alone. They are the biggest because they are the best.

C.P. Crawford

MTC–00021457

From: billjean4@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:36am

Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
bill & jean Vogel
17212 Orrville Rd
Chesterfield, MO 63005–6302

MTC–00021458

From: Jamie Soltys
To: Microsoft ATR
Date: 1/24/02 10:39am
Subject: Microsoft Settlement

The proposed settlement is a bad idea and does nothing to effectively stop the monopolistic actions of Microsoft.

Concisely yours,
James Soltys

p.s. I am unaware of what proof you require in regards to my U.S. citizenship. Please contact me with any request for address, social security number, etc.

MTC–00021459

From: Glenn Rose
To: Microsoft ATR
Date: 1/24/02 10:40am
Subject: Microsoft Settlement

maybe microsoft should file suit agains aol for costs of supporting aol's software issues...

MTC–00021460

From: marjac@boone.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:37am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
NC 28607

MTC–00021461

From: Andrew Lundgren
To: Microsoft ATR
Date: 1/24/02 10:40am
Subject: Microsoft Settlement

I feel that this settlement is far too weak to prevent MS from continuing its business practices.

Amdrew Lundgren
5201 E 118th ave
thornton co 80233

MTC–00021462

From: Kris Courter
To: Microsoft ATR
Date: 1/24/02 10:41am
Subject: Microsoft%20Settlement

I have to say, I'm utterly displeased witht his proposed settlement. I work in the IT industry and see many good products stifled and consequently smashed due to Microsoft's anticompetitive behavior. It's one thing to be on top because your products are top notch. It's another to produce mediocre products, squash the competition through slander, libel, and purposeful incompatibilities between MS and third party vendors. Recently, Novell sued Microsoft for spouting lies about Novell dropping support and development for NetWare and saying they should jump ship to Microsoft intstead.

Microsoft has repeatedly broken antitrust law and needs to be punished accordingly. I find the ''school settlement'' horrible. Giving software to these schools costs Microsoft virtually nothing, yet you use the street value as a factor in the fine.

Maybe they should be broken up. AT&T was broken up several times, sometimes involuntarily and other times voluntarily, and it's doing just fine. At any rate, something more extreme needs to be done other than this slap on the wrist and saying ''Bad Microsoft. Don't do it again.''

Perhaps if Microsoft is forced to be competitive, we can get better products from them, and other alternatives such as Linux can flourish. Protecting Microsoft's monopoly with this settlement will not do the public any good, and only further hamper competition in the IT marketplace.

Sincerely,
Kris Courter, CNE NW 5.1
Onsite Support
Alpine School District

MTC–00021463

From: tlambert@greencis.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:38am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Roland Lambert
600 S. Wyandotte St.
Grove, OK 74344

MTC–00021464

From: loub450@charter.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:38am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Louis C. Berry
1785 Klatt Dr.
Carson City, NV 89701–4880

MTC–00021465

From: joandodson@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:39am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Joan Dodson
2105 Hilton Head Dr
Round Rock, TX 78664–6110

MTC–00021466

From: Charles Mason
To: Microsoft ATR
Date: 1/24/02 10:41am
Subject: Microsoft Settlement

Plain and simple... I leave outside of the US and if you are not using MS, you can't get a job.

Regards,

Charles Mason, Director of New Technology

LB Digital, a division of Leo Burnett Middle East

Al Moosa Tower 2, P.O. Box 7534
Sheikh Zayed Road
Dubai, United Arab Emirates
http://www.LBDigital.com
Office +971–4–332–1464 ext.107
Fax +971–4–332–1404
Mobile +971–50–552–3852
charles.mason@dubai.leoburnett.com

MTC–00021467

From: Paul Sr.
To: Microsoft ATR
Date: 1/24/02 10:40am
Subject: Microsoft Settlement

As I understand it... Microsoft is to provide free hardware/software to schools in need. Fine. It should not consist of any hardware or software that would benefit Microsoft.

Most Respectfully,
Paul Vota

MTC–00021468

From: rondague@attbi.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:39am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Ron Dague
740 Topaz Ave.
Billings, MT 59105

MTC–00021469

From: maclou@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:39am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Oren McClure
PO Box 805
Cascade, CO 80809–0805

MTC–00021470

From: David Bialac
To: Microsoft ATR
Date: 1/24/02 10:42am
Subject: Microsoft Settlement

I am outraged by the proposed settlement of the Microsoft Anti-trust case. The settlement does nothing but end the case without resolving the core issue: restoring competition to the internet browser market. The simple fact of the matter is I can not go into a store and choose a computer configured as I want it. Instead, I must take whatever is thrown on there. This on its own is not a huge issue, provided I can remove the features I don't want. Unfortunately, this is not the case for the Internet Browser ''Bundled'' with Windows. True, there is probably little market for a computer shipping without a browser, but there is a market for a computer shipping with a browser other than Internet Explorer.

Sincerely
David Bialac
Delray Beach, FL
dbialac@yahoo.com

MTC–00021471

From: jimghil@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:39am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
James Ghilain
202W Amberjack st.
South Padre Island, TX 78597

MTC–00021472

From: Jan Ellison
To: Microsoft ATR
Date: 1/24/02 10:41am
Subject: Microsoft Settlement
Jan Ellison
2131 Burr Ct.
Santa Cruz, CA 95062

Hello—

I wish to inform you that I firmly believe that the Microsoft Antitrust settlement does not go anywhere near far enough to address a convicted party of their misdeeds. I find t difficult to accept that 8 judges finding Microsoft guilty, can lead to the kind of settlement reported to the American public by the Justice Department. Being a software engineer by trade, I have watched as Microsoft practiced it's predatory nature, watched as company after company decides not to compete with Microsoft's unfair advantages and anti-competitive nature.

Thank you for listening.

(Signed)
—Jan Ellison

MTC–00021473

From: jnichols4@triad.rr.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:42am
Subject: Microsoft Settlement

To Whom it my Concern,

I'm a user of IBM OS/2 Warp and have had nothing but problem with Microsoft products. I believe Microsoft has to much of a strong hold on all ''Venders & Public''.. The Last copy of Microsoft product ''XP '' that my son bought won't even use ''NetBeui'' correctly to work with my home Network. Which consist of OS/2 Warp v4 & eComStation. There has to be something done to stop this Strong hold happening. I think all Operating System should be able to be ''Compatible '' with all products that exist with computers. ''I DON'T AGREE''

Later,
Jerry Nichols

MTC–00021474

From: Resler, John M
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 10:41am
Subject: Microsoft Settlement

Dear Sirs/Madams:

I am a software developer that uses a variety of operating systems and machine platforms. I am aware of the recent settlement attempts involving Microsoft and wish to add my two cents worth. Microsoft has made some very nice applications software. As a developer there is a problem with developing software for Microsoft and that is the difficulty obtaining information about the underlying system. Microsoft claims that by publishing their application programming interfaces (API's) they are in effect an open standards operating system. The problem is that when internal software incompatibilities exist, it is next to impossible to determine whether the problem is one you have caused or one that is ocurring because of incomplete information about the underlying system. This gives an unfair advantage to Microsoft

developers that have access to the internal details of the underlying operating system.

I respect Microsofts attempts to earn an honest profit upon their hard earned dollars. The problem is that with many undocumented features, developers outside the Microsoft corporate umbrella are at a big disadvantage developing software for their platforms. Apparently this is an attempt to effectively corner the market in software development. An example of this is Microsofts owner Bill Gates statements that ''he wants hardware developers to get out of the business of writing hardware drivers.'' If this desire is implemented, most hardware applications for Unix like systems such as Linux will be incapable of communication through the hardware to the OS. The reason I believe this to be the case is that most corporations enter financial agreements when they develop software for another vendor. As such, Microsoft will have the hardware specifications for all new peripheral devices and their proprietary nature will make it a process of reverse engineering the devices to make them compatible with Free BSD, Linux and other P.C. based Unices.

I believe a fair settlement that would sponsor competition in the market would be to either remove the advantage Microsoft desktop developers have by requiring the corporation to split. I have no problem with Bill Gates continuing to own it all, I just resent the advantage Microsoft developers have in information access. The other most palatable solution to all parties would be to require Microsoft to develop its desktop application for other operating systems than just windows and the macintosh operating system. This would increase the competition in operating systems dramatically, improve communications capability between corporations using different operating systems and make Unix like systems an attractive alternative to the Windows platform.

Sincerely,
John M. Resler
(316) 523–4474

MTC–00021475

From: Jane Walters
To: Microsoft ATR
Date: 1/24/02 10:43am
Subject: Microsoft Settlement

To Whom It May Concern:

I have followed the Microsoft antitrust case as well as I could for the last few years. I understand that they may have kept the computer software marketplace from being as competitive as it could have been. However, I feel that they have a superior product and do not feel like I was hurt by their market dominance. I understand that the court documents show otherwise. But in the spirit of ''life goes on'', I think this case should be resolved soon, as it has gone on long enough for the general public.

The settlement that has been worked out by the Department of Justice, etc. seems to be a fair settlement which does penalize Microsoft somewhat, but gives the other computer manufacturers more leeway with their products. A number of states have approved of this settlement, and it would be helpful for the economy and the taxpayers to bring this aspect of the settlement to a close, with the agreed upon resolutions.

Regarding the January 2002 AOL lawsuit, the fact that they are starting this now that this case is finally closer to settlement, and, also, that AOL only purchased Netscape after this DOJ investigation was up and running may attest to the fact that AOL does not want, so much, to compete with Microsoft, as to block Microsoft from getting back to its main business. I hope that this newest lawsuit will be seen as only self-serving.

Thank you,
Jane Walters
3612 Middleton Drive
Ann Arbor, Michigan 48105
Jane Walters
Data Collector
Model Spinal Cord Injury Project
300 N. Ingalls, Room NI2A09/0491
(734) 763–9773—desk
Janewal@umich.edu

MTC–00021476

From: martincrane@home.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:40am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Martin Crane
1422 Gartland Ave.
Nashville, TN 37206–2753

MTC–00021477

From: n99nt@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:41am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
NANCY TEEL
400 SOUTH EVENING ROSE AVE
TUCSON, AZ 85748

MTC–00021478

From: eloise44@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:40am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Eloise Herrin
709 20th Ave. No.
Texas City, TX 77590

MTC–00021479

From: Gene Zadzilka
To: Microsoft ATR
Date: 1/24/02 10:42am
Subject: Microsoft Settlement

United States Department of Justice, Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I firmly believe that the proposed Microsoft settlement is bad idea because is does very little to stop known monopolistic practices of Microsoft.

I have been professionally developing software for over 10 years and have seen Microsoft use leverage from one aspect of their business to crush competition in others. They have a long history of going beyond capitalism and into monopolistic practices. Left unchecked, this will continue into the future with their .net initiative.

An example of how the current settlement proposal lacks substance is the issue of APIs. The Findings of Fact define ''API'' to mean the interfaces between application programs and the operating system. However, the PFJ's Definition A defines it to mean only the interfaces between Microsoft middleware and Microsoft Windows, excluding Windows APIs used by other application programs. For instance, the PFJ's definition of API might omit important APIs such as the Microsoft Installer APIs which are used by installer programs to install software on Windows.

Sincerely,
Eugene W. Zadzilka
Software Engineer

Madison, Wisconsin

MTC–00021480

From: TinaTrippe2@cs.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:39am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Tina Trippe
901 Wesley Avenue
Shreveport, LA 71107–3822

MTC–00021481

From: Michael Cornelius
To: Microsoft ATR
Date: 1/24/02 10:43am
Subject: Microsoft Settlement

To whom it may concern:

I am writing to comment on the Proposed Final Judgment (PFJ) in the case of United States v. Microsoft. I am a professional software developer, active in software design and creation since the early 1980s. I have worked on projects for a variety of platforms including Windows, Linux, Unix, and Macintosh.

The PFJ is flawed in that it allows many anticompetitive and exclusionary practices on the part of Microsoft to continue. In particular, I am concerned that it is insufficiently strong with regard to the relationship between Microsoft and Independent Software Vendors (ISV). III.D, for example, requires the disclosure of APIs and related documentation for Windows Middleware, but only for the purpose of interoperating with a Windows Operating System Product. In fact, Microsoft should be required to disseminate this information and allow it to be used also for the purpose of interacting with application software written for Windows Operating System Products. Similarly, III.E proposals should be broadened to require the availability of Communications Protocols for use in interoperating with application software. The use of these protocols should also extend to client software for any operating system interoperating with a Microsoft server, as well as any server software interoperating with client application written for Windows.

In conclusion, the PFJ begins to address anticompetitive and exclusionary practices of Microsoft, but, unfortunately, stops short of either redressing past damages or actually preventing future abuses. I urge reconsideration of the proposed settlement.

Thank you for your attention in this matter.

Sincerely,
Michael D. Cornelius
Ninth Order Information Systems
Lincoln, Nebraska

MTC–00021482

From: Ryan (038) Sharon Lenox
To: Microsoft ATR
Date: 1/24/02 10:47am
Subject: Microsoft Settlement

If you require any more changes from MS—we will suffer as users of IE and MS. And, we have chosen to use IE and MS. Fact is—we even want the IE icon on our desktop. Makes our computer much easier to use. Let's move on to more important things. When the competition gets better, maybe we will choose another ''brand''—but that's the job of free enterprise..... not the courts!

Thank-you,
Mr & Mrs. Ryan Lenox

MTC–00021483

From: wt.catch1
To: Microsoft ATR
Date: 1/24/02 10:42am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Phyliss Roberts
3610 Highgreen Kingwood, TX 77339

MTC–00021485

From: wt.catch1
To: Microsoft ATR
Date: 1/24/02 10:42am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
stanley Baird
1545 Chandler Rd.
Mt. Juliet, TN 37122

MTC–00021487

From: Chuck Wright
To: Microsoft ATR
Date: 1/24/02 10:39am
Subject: A example punishment is in order.

An example punishment is in order. I own a software company. I use Microsoft products every day. I lost count of the Microsoft products that I have purchased over the last 15 years. I come to resent a lot of the arrogance in the company and it is reflected in their products. I believe some major steps should be taken to soften their powers. True, their products do set the standards by which the masses have grown to depend upon. I fear that they are looking to take steps to hurt other or eliminate competitors.

MTC–00021488

From: Kirk Kerekes
To: Microsoft ATR
Date: 1/24/02 10:44am
Subject: Microsoft Settlement —a national security issue

The core problem is both similar to, and different from the ''Ma Bell'' breakup, which is the only exemplar of comparable scope in recent history. Similarities:

1. Microsoft dominates the operating systems market not through overwhelming competence, but through sheer size. Others have demonstrated superior competence at operating systems software (eg; Apple). Because of this, there is no way to logically argue that MS's dominance is ''natural'' or ''good''. It is, instead, a product of freak conditions and aggressive marketing. This is not just a consumer issue—it is a national security issue. Due to the Microsoft hegemony, military and security computer systems are being implemented using grieveously insecure Microsoft products instead of superior (but lesser known) alternatives. This is a Bad Thing.

2. Microsoft shows signs of aging badly—it's recent Wintel offerings have been ill-considered and ill-implemented. Much like the old ''Ma Bell'', MS has institutionalized its incompetence and arrogance.

Differences: There are meaningful alternatives to Microsoft products available now, and there is no physical infrastructure element that needs to be divided.

Solution: To dilute the effects of the accidents of history and predatory practices of Microsoft, the only acceptable and workable solution is to genuinely divide the company into separate and isolated corporate entities: An operating systems division, and an applications division.

These divisions must be physically separate, and must be prohibited from privately communicating with each other. The applications division must proceed with its operations using the same information that is available to independent software

developers. Any other solution is just smoke and mirrors.

MTC–00021489

From: Paul Hamm
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/24/02 11:00am
Subject: ATT survived

You broke up the ATT monopoly and it turned out to be the best thing you could have done for the communications industry. Why don't you go 2 for 2. Just tell GWB to get off your patch and do what has to be done.

Paul Hamm
Manager Technical Services
Open Ratings Inc
617–582–5124
www.openratings.com

MTC–00021490

From: Mike Sheehy
To: Microsoft ATR
Date: 1/24/02 10:35am
Subject: MICROSOFT

Sirs:

I would ask that you refrain from any further persecution of the Microsoft Corp and Bill Gates. It has become nothing more than a witchhunt; and will only serve to hurt those that depend on them for internet access, employment, and livelihood. Your attempts to demolish Microsoft are little more than a welfare program for some of the less popular competitors and will accomplish nothing in the way of aiding those allegedly ''injured'' by Microsoft; the computer users. It may make the states a little wealthier, but no one else. The inconvenience of it to the vast majority of users will be unfathomable however. If the other systems were as good they would be sold off the shelves, not crying for the Government to shore up their inferior products.

Does it not seem strange to you as a responsible, intelligent individual that so many millions have been spent to persecute a company that supports,families, pays taxes, and is generally a very viable part of the American economy; while so little if any monies had been spent to protect these same people from the likes of Osama Bin Laden and other terrorists. Had they not taken out the World Trade Center we may not yet be doing anything to destroy them and their groups in spite of proir knowlege and proof of their ill intent. Instead we continue to attempt to destroy the American sector with Government interference,suits and red tape.

I would ask you to as a fellow American then to stop the persecution of the Microsoft Company; they are also Americans. Use our money more wisely to give us a chance against foreign agressors, not against those that employ us. When a better mousetrap is built it will sell, but so far there are none.

Thank You,
Mike Sheehy
P.O. Box 407
Iron River, MI 49935

MTC–00021491

From: James D. Saint
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/24/02 10:53am
Subject: microsoft settlement

Please consider the importance of competition in our society. Regardless of the arguments made, it is clear that Microsoft has, and continues, to use its dominant operating system to force consumers to buy its other products, and to push competitors out of the market. Nothing goes more against the basis tenents of our economic system. The leaps in computer technology and ease of use have slowed dramatically since Microsoft's dominence has become monopolistic.

In the 1980's Atari, Commodore, and Apple in the US, and Sinclair and Apricot in Europe, and even Microsoft, provided innovation development in the industry, with rapidly declining prices. Today, a new operating system merely means the incorporation of a copy of somebody else's innovative product into Windows, and an increased price. Soon, other companies will have no incentive to develop software that Microsoft may someday be interested in dominating.

America is competition, not monopolistic. Our economy and our society has thrived on competition, please do not abandone the principle now.

James D. Saint

MTC–00021492

From: Noah Vawter
To: Microsoft ATR
Date: 1/24/02 10:46am
Subject: Microsoft Settlement

I just wanted to contribute my opinion in this democratic system: that the proposed settlement between Microsoft and the United States concerning the antritrust lawsuit is not satisfactory, because I believe Microsoft is an unfair monopoly and should be broken up.

thank you for taking the time to elicit comments.

sincerely,
Noah Vawter

MTC–00021493

From: srcleveland@micron.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:44am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Scott Cleveland
5822 S. Sedum Way
Boise, ID 83716–7008

MTC–00021494

From: csmith@phys-ha1sjc-2.sfbay.sun.com@inetgw
To: Microsoft ATR,craig.smith@Sun.COM@inetgw
Date: 1/24/02 10:47am
Subject: Microsoft Settlement

I believe the Microsoft settlement is bad for business. Microsoft broke the law and should pay for what they have done. Otherwise you will let big companies with a lot of money destroy all of the small companies.

Sincerely,
Craig E. Smith
Staff Engineer
Sun Microsystems
901 San Antonio Rd. MS USJC06–203
Palo Alto, CA 94303
Ph. (408) 635–0811

MTC–00021495

From: rsmtn@3rivers.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:44am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Roger Peterson
113 Indian Creek Road
Sheridan, MT 59749

MTC–00021496

From: mordecaiw44@juno.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:45am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Judith Littell
128 W. Union Ave
Wheaton, IL 60187–4125

MTC–00021497

From: paolo.mangiafico@duke.edu@inetgw
To: Microsoft ATR
Date: 1/24/02 10:49am
Subject: Microsoft Settlement public comment

The currently proposed settlement in this case does not remedy the gross distortions of the market that Microsoft's practices have created and continue to create. The proposed settlement allows Microsoft to put this affair behind them at a relatively low cost (for them), while not resolving any of the outstanding fundamental issues at the heart of the case.

Microsoft claims that this is about the freedom to innovate. If the currently proposed settlement goes forward and Microsoft continues its established pattern of behavior (which it shows every indication of doing), Microsoft will be the only one who will benefit from the freedom to innovate, while continuing to stifle that same freedom among its competitors. I agree that there should be a freedom to innovate, but I argue that this freedom should be available to all, and that the marketplace should decide which innovations thrive, not one company with the monopoly power to squash competitors or crush them in its embrace.

I urge the DOJ to abandon the currently proposed settlement and continue work on concluding the case in a manner that protects the interests of United States citizens and promotes a fair, competitive marketplace. The current settlement only protects established corporate interests, and will allow these interests to continue to prevent competitors from establishing their own foothold in a rapidly changing market. Thanks for the opportunity to comment on this.

Paolo Mangiafico (Senior Manager, Information Technology—Duke University)
1412 Sedwick Road
Durham, NC 27713–2624 USA
paolo@mangiafico.org

Note that these are my own opionions and do not necessarily represent those of my employer, though they are shared by many of my colleagues.

MTC–00021498

From: Charles Shapiro
To: Microsoft ATR
Date: 1/24/02 10:48am
Subject: Microsoft Settlement

The current proposed final judgement on the Microsoft antitrust case is inadequate. Terms used in the document (such as ''API'' or ''Windows OS'') are either misdefined or poorly defined. It also falls short on such crucial aspects as remedies if Microsoft fails to keep its promises, removal of artificial barriers to entry into the operating system software business, and proper protection of Open Source authors. A proper final judgement should address all of these concerns.

— CHS
Charles.Shapiro@numethods.com

MTC–00021499

From: Dave Bloch
To: Microsoft ATR
Date: 1/24/02 10:49am
Subject: Microsoft Settlement

Hello,

I wish to state my opinion of the proposed Microsoft settlement. I think it is fair and a good thing to do. It is good that the government have only limited oversite of business. The government should not protect weaker firms simply because they are weaker. If we did not allow the auto companies to innovate and put radios, heaters and the like in their autos inorder to protect the radio and heater makers that would have been a crazy thing to do. Fortunately the government leaders did not do that many years ago. The auto industry was stronger for it. We should keep the sofware industry strong.....the strongest in the world. I vote to approve the settlement.

Thank you,
David Bloch

MTC–00021500

From: Clauset, Aaron
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/24/02 10:50am
Subject: Microsoft Settlement

The MS Settlement is shameful! Not only does it fail to actually hold Microsoft accountable for it's blatantly (and court-proven) anti-trust behavior, but it's weakness effectively condones the corporate bullying practices that allowed Microsoft to extend its OS monopoly to other markets in violation of the Sherman Anti-Trust Act. That the DoJ bowed-out of the case with such a pitifully weak set of consequences has destroyed my faith in the Bush administration-led DoJ to hold corporations fully accountable under the law.

Disgusted at corporate appeasement,
Aaron Clauset
2001 Northcliff Dr., Apt 416
Winston-Salem, NC 27103

MTC–00021501

From: George Hartogensis
To: Microsoft ATR
Date: 1/24/02 10:47am
Subject: Microsoft Settlement

Justice Department: I am vigorously opposed to the proposed settlemnet in the Microsoft. As an IT professionsal, I find that it does not even begin to redress Microsoft's past behavior, nor does it inhibit them from continuing to use their monopoly position to keep out competition. One of the areas where it is weakest is that of the issue of the Applications Barrier to Entry.

The settlement requires that Microsoft open up its APIs to its middleware, then it very narrowly defines middeware. First, the APIs to the OS itself should be opened up, and secondly, this provision should be expanded to cover MS Office and Microsoft's .NET technology, which it does not.

Another Applications Barrier to Entry issue that the settlement ignores is the changing file format issue. Undocumented file formats were part of the ''Findings of Fact'' against Microsoft. Goverment's job is to provide an infrastructure within which businesses can compete. If one player becomes huge, then the playing field is no longer even. It is government's duty to level the field. In this way, consumers are given the widest choice at the lowest prices, and the industry itself is able to flourish.

Please do not snatch defeat from the jaws of victory,

-G
George Hartogensis
Team Leader—Unix Systems Administration
RUSH-Presbyterian St. Lukes Medical Center
1700 West Van Buren Suite 374
Chicago, IL 60612–3244
(312) 942–5000 Ext. 2–1506
ghartog@rush.edu

MTC–00021502

From: Leonard Clifton J Contr 72 CS/SCBN
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 10:49am
Subject: Microsoft Settlement

I believe this to be a bad idea. I will provide more comments later, but wanted to insure that this email arrived before the comment period closes. Also, I will be happy to sign the petition@kegel.com. I am in Oklahoma, City, OK and am a certified Systems Engineer and Trainer through Microsoft.

Thanx
Clifton Leonard
CC:'petition(a)kegel.com'

MTC–00021503

From: PLAZwCARS@AOL.COM@inetgw
To: Microsoft ATR
Date: 1/24/02 10:47am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division 601 D Street NW, Suite 1200 Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
stephen sandberg
7420 Village Dr
Prairie Village, KS 66208–286

MTC–00021504

From: David S. Jackson
To: Microsoft ATR
Date: 1/24/02 10:50am
Subject: Microsoft Settlement

This DOJ settlement with M$ is inadequate. M$ will continue to be a blight on the industry by using their tremendous

market and financial power to suppress competition on a public that is too unaware of the superior alternatives to M$ products. If the settlement is left unchanged, the uninformed public will remain at the mercy of the Microsoft marketing juggernaut.

David S. Jackson
dsj@dsj.net

MTC–00021505

From: dshenry4
To: Microsoft ATR
Date: 1/24/02 10:50am
Subject: Anti-trust suit

Netscape was indeed harmed by Microsoft anti-trust monopolistic business practices. Also, I believe the public was very likely over-charged for Windows operating systems because of inclusion of ''middle-ware'' in the system.

Microsoft should be broken up into three different organizations:

1. Operating systems.
2. All other Microsoft software.
3. Joint business ventures with other companies.

Respectfully,
David S. Henry
1620 S. 118th E. Ave.
Tulsa, OK 74128–5636

MTC–00021506

From: molehill@ucnsb.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:47am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division 601 D Street NW, Suite 1200 Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Richard Keene
328 Schooner ave.
Edgewater, FL 32141

MTC–00021507

From: David Caldwell
To: Microsoft ATR
Date: 1/24/02 10:49am
Subject: Microsoft Settlement

We are heartened by the U.S government's move toward settling with Microsoft and feel it could not come soon enough. As consumers, we have benefited greatly from the technologies Microsoft has brought to us at affordable prices.

Thanks,
David and Lynn Caldwell
Charlotte, NC

MTC–00021508

From: Adam Rossi
To: Microsoft ATR
Date: 1/24/02 10:49am
Subject: Microsoft Settlement

The proposed settlement for the Microsoft case is bad. Very bad. The settlement is weak and will not alter Microsoft's behavior! We have a problem here, we all know it, and this settlement does not help solve the problem!

Regards,

PS: If you want the ''man on the street'' opinion, feel free to call me.

PH: 703.471.9793

MTC–00021509

From: CLJones44@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:45am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division 601 D Street NW, Suite 1200 Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Carole L Jones
978 CR 1695
Alba, TX 75410–6429

MTC–00021510

From: simon tyrrell
To: Microsoft ATR
Date: 1/24/02 10:53am
Subject: Microsoft Settlement

We need a level playing field because free competition drives developmental evolution, even MS needs that. The whole world is counting on you. All of our futures depend on you, please don't let us down.

Please force MS Windows to SHIP with support for open cross platform formats such as JAVA and Mpeg4. MS stopped ''out-of-the-box'' support for JAVA. Though support can be added by the end user it is enough to deter developers and users from exploring further. Many companies are involved is some ground breaking products built on these technologies.

Go see below.

http://www.forbidden.co.uk/videos/demo-71/

Format control is the ultimate goal of MS. Don't let them have the ball.

MTC–00021511

From: jdrichintx
To: Microsoft ATR
Date: 1/24/02 10:51am
Subject: aol suite against micro soft

I think it is time for AOL to quit trying to us the gov. to stop compitention and make them more money and less choices for the consumer. please put a stop to this now.

jack richardson
carrollton texas.

MTC–00021512

From: Meltdown Productions
To: Microsoft ATR
Date: 1/24/02 10:52am
Subject: Microsoft Settlement

My two cents worth.

There really is a difference between aggressive business practices and ones that are predatory. Microsoft's fall squarely into the latter. The proposed remedy as I understand it will allow Microsoft to do nothing more than give away software, services, and some refurbished PC's to schools. Does anyone not see the problem with this? Apple computer's last stronghold is the educational market. If you allow Microsoft to give the software and PC's away to schools, then you will be doing the same thing as driving nails into Apple's coffin. A better remedy, would be to take the one billion dollars and make Microsoft buy Apple Macintosh computers with it. This will accomplish two things. 1st, it will allow a company that is a real competitor to gain more of a foothold and possibly even have a better chance of competing with them. 2nd, this will cost Microsoft the full one billion dollars. If you allow them to give away software, this costs them nothing. Hit them where it hurts and give another standard a chance to flourish.

Edward Yoho
720 Everglade Drive
Melbourne, FL 32935

MTC–00021513

From: Frank Smith
To: Microsoft ATR
Date: 1/24/02 10:54am
Subject: Microsoft Settlement

It is time to settle so everyone's energies can focus on new progress. This case has caused more financial harm than 9/11. Stop the bleeding!

Franklin Smith
275 Riverside Dr.
Morattico, VA 22523

MTC–00021514

From: pscheie@nextelpartners.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:50am
Subject: Microsoft Settlement

Hello-

I am writing to voice my opinion that the proposed settlement in the Microsoft case is grossly inadequate. In its present form, it will do little to nothing to curtail Microsoft's anti-competitive behavior nor punish it for its illegal efforts to protect its monopoly. The proposals are written such that it will be quite easy for Microsoft to subvert and avoid the intention of those proposals. At a minimum, the proposals recommended by Dan Kegal's Open Letter (www.kegel.com/remedy/letter.html), of which I am a co-signer, or those of Ralph Nader and James Love (www.cptech.org/at/ms/

rnjl2kollarkotellynov501.html) should be incorporated into any settlement.

Frankly, I think the only way to prevent Microsoft from abusing its monopoly is to break the company up, where the applications part is separate from the operating system part. All other solutions rely to heavily on Microsoft simply behaving itself, something it has shown no inclination to do.

Petre Scheie
St. Louis Park, MN

MTC–00021515

From: Tweetyboyd@dol.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:48am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division 601 D Street NW, Suite 1200 Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Mary Boyd
13 Fieldstone Rd.
Elkton, MD 21921–8402

MTC–00021516

From: sam022845@cs.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:49am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division 601 D Street NW, Suite 1200 Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
James Boone
PO Box 994
Sharpsburg, NC 27878–0994

MTC–00021517

From: Jalon Leach
To: Microsoft ATR
Date: 1/24/02 11:01am
Subject: Microsoft Settlement

Dear Sir:

During this period of public comment, I would like to add my opinion on the Microsoft Anti-Trust Settlement which is based on my experience in the use of both Netscape Navigator and Internet Explorer.

I have been a user of both Windows 95 and Windows 98SE. Both packages were bundled with Netscape Navigator and Windows Explorer. I found Netscape Navigator to be buggy, difficult to use, and to lack the desirable features which Internet Explorer contained. After about four months of use I deleted the Netscape Navigator in favor of Internet Explorer which I found to be a superior program. During the time which I used Netscape Navigator I downloaded an update to the program version which I had and found no material improvement in its use or capability. I am glad that Microsoft made both programs available so that I could compare them both through actual use.

I see no difference between Microsoft's action and the actions of two hotels: one hotel offering free services to its customers for which a second hotel charges. I believe that the current litigation simply rewards competitors for inferior products, provides unearned income for state government, and punishes the computer users. Since Microsoft has agreed to remedy any technical violation of the law, then I believe that further punishment is unwarranted and the suit should be closed.

Sincerely,
Jalon R. Leach
HC 1 Box 1750
Wappapello, Mo., 63966

MTC–00021518

From: mike@casa-linda.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:51am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division 601 D Street NW, Suite 1200 Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Michael High
7527 Quail Run
San Antonio, TX 78209

MTC–00021519

From: hollisrl@pweh.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:50am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division 601 D Street NW, Suite 1200 Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Ricky Hollis, Sr.
167 David Road
Durham, CT 06422

MTC–00021520

From: Gregory Bourassa
To: Microsoft ATR
Date: 1/24/02 10:53am
Subject: Microsoft Settlement

I disagree with the proposed settlement.

I have suffered financially and professionally as a result of Microsoft's illegitimate and illegal practices, and believe the company should be separated into parts and placed under very strict supervision as regards their preload practices and the pressure they place on channel partners.

Gregory Bourassa

MTC–00021521

From: Philip Fletcher
To: Microsoft ATR
Date: 1/24/02 10:53am
Subject: DOJ vs Microsoft Settlement Terms

Dear Judge Kollar-Kotelly

I have read with interest the proposed terms of settlement between the Microsoft and the Department of Justice.

Acceptance of these terms would send an irrevocable message to the people of both the United States and those in the rest of the world who suffer under Microsoft's immoral and (now proven) illegal practices:

Let the Punishment Fit the Crime.

The 'civilized' world objectively enforces laws on individuals when their behaviour is unacceptable in society, yet Microsoft has been able to sustain illegal business practices over many years without fear of commensurate punishment.

Respect for the Law

Although I applaud the Department of Justice in bringing Microsoft to trial these settlement terms reveal a lack of willingness or courage to apply justice when faced by a powerful opponent. How can individuals be expected to respect the law when Americas largest corporation does not?

Morality Applies only to People

Harming others is OK, so long as it's in the name of business? I work in the IT industry and am all too aware of the detrimental effect of Microsoft's business practices on many individual's livelihoods and families.

And Finally

If you have read this far: Thank You. All we (the IT community) ask, is that you seize this last opportunity to reign in a corporation that has forgotten how to behave in a civilized manner. Acceptance of these settlement terms would be an endorsement of immoral and illegal behaviour.

Yours respectfully

Philip Fletcher

philip.fletcher@stutchbury.com

MTC–00021522

From: Bob Ackley
To: Microsoft ATR
Date: 1/24/02 10:52am
Subject: Antitrust case

I've heard that you folks have been looking for commentary with regard to the recent Microsoft antitrust case. If true, I'm sure you've been inundated. Well, here's my $.02:

First, a little history.

Way back in 1977 a fellow named Gary Kildall developed a common operating system for the Intel family of microcomputers, he called it ''Control Program for Microprocessors'' or CP/M. Prior to the introduction of the product there were probably a hundred different companies making Intel (8080 chip) based microcomputers, most of which had proprietary control programs and were incompatible—i.e. any application had to have a different version for each company. CP/M changed that, with its introduction—and it was designed to run on any 8080 based machine— application programmers had to write only one version. Kildall formed a company called ''Digital Research Inc.'' (DRI)to develop and produce CP/M.

In the late 1970's/1980 time frame, Intel designed an improved microprocessor chip it called the 8086. Digital Research developed a version of CP/M for that chip called CP/M-86.

IBM designed its original Personal Computer around that chip. But while IBM had many operating systems, it did not have one for the PC. IBM first went to Digital Research to have them develop the operating system. There are many versions of what happened, most likely IBM reps ''dropped in'' on Kildall and he wasn't in. In any case, the IBM reps left Digital Research and flew to Seattle to talk to Microsoft. At the time, Microsoft's product line consisted of a BASIC interpreter called MBASIC, an assembler and linker called M80 and L80 respectively.

IBM asked Gates if he could come up with an operating system for the soon-to-be-released PC. Gates said ''sure'' and signed on to do it. After IBM left, he went across town to a company called ''Seattle Computer Products'' and purchased the rights to their 8086 operating system called QDOS, for ''Quick and Dirty Operating System,'' for about $50,000. This is the product that became PC-DOS and MS-DOS (for PC clones not built by IBM).

When IBM released their PC, it was a box with 256KB of RAM and two floppy disk drives. With a monitor and keyboard it would set one back about $2,500. No operating system was included. IBM would also sell you PC-DOS for an additional $40, or it would sell you CP/M-86 for $240. Both worked, but note the price difference.

A tidbit of information that was never publicised is the fact that Gary Kildall noted that Microsoft's product contained code that he had written, copied without permission or license (whether by Seattle Computer or by Microsoft is irrlevant, the code was stolen). Kildall chose not to confront Microsoft but to try to coexist with them, he was also worried about his relationship with IBM.

In the mid 1980s, after the PC market got away from them, IBM decided to try to recapture it by bringing out a whole new proprietary line of Intel based computers with a whole new operating system. This was to be called the Personal System/2 or PS/2. IBM contracted with Microsoft to form a 50/50 partnership to develop a whole new operating system for its new microcomputer line, that was to be called ''Operating System /2'' or OS/2. Microsoft, however, pursued an additional and very different strategy. While delaying development of OS/2, it pushed development of its own graphical user interface very hard, and got it out before OS/2 was ready. That program was called Windows. And, of course, since it was solely a Microsoft product, Microsoft didn't have to split any revenues from it with IBM.

IBM finally ''fired'' Microsoft from the OS/2 project around 1990 and completely reworked the product. This became OS/2 version 3, or ''Warp,'' and was released in early 1994. Unfortunately, Microsoft already owned the market for operating systems on Intel based machines by then, and people and companies were reluctant to switch to OS/2, which was (and remains) clearly a superior system. OS/2 version 3 is also superior to the vaunted Windows 95 (which, incidentally, contains concepts and ideas Microsoft adopted from the OS/2 project).

Another reason for customers'' reluctance to switch at the time was Microsoft's lock on the hardware manufacturers with its ''per-processor'' licensing contracts, which discouraged manufacturers from furnishing competing software products with their hardware. Microsoft lost a lawsuit over this practice years ago and supposedly doesn't do it any more.

The bottom line is that Microsoft has *never* competed fairly since it got into the operating system business back around 1980/1981. ———————— Something else that's been lost in all of the dust and hoopla surrounding the Microsoft case is exactly what an operating system is. A computer operating system exists to manage the hardware, perform input/output (read/write) operations and perform calculations, period. The operating system also handles the interface between the application and the hardware (and, in multiprogramming systems—systems that run more than one application at a time—it keeps the applications from interfering with one another). That's all. The Graphical User Interface is an application, as are file (web) browsers (the web is after all is just a very large filing system), music players, communications software, etc. Microsoft chooses to integrate many applications into its operating system, some it purchases (Doublespace), some it licenses (SpeedDisk, from Norton), some it steals (Stacker, from Stac Electronics, which sued and won), and some it clones (Media player, which competes with Real Audio).

What to do about it? Breaking up the company has already been rejected, any fines would just be passed along to Microsoft's customers. My favored solution is to require Microsoft to provide all of its customers with all of its software products and services, one bundle, one price. Whether its for a low end ersonal Digital Assistant or a high-end server doesn't matter, they all get everything. Perhaps tack on a tax of $100 or so per copy/license of the product. Microsoft should also be required to place their operating system's ''Applications Program Interface'' or ''API'' in the public domain, so that other operating systems such as Linux or OS/2 can be modified to run programs written for the Windows operating system.

As I said at the top, it's just my $.02.

Bob Ackley

rlackl1@attglobal.net

MTC–00021523

From: jonrc
To: Microsoft ATR
Date: 1/24/02 10:55am
Subject: Microsoft Settlement

I sent in an email yesterday, but I wanted to point out that I would be supporting and co-signing Dan Kegel's Open Letter.

Thanks,

Jonathan Cameron

MTC–00021524

From: Mark Heinze
To: Microsoft ATR
Date: 1/24/02 10:55am
Subject: Microsoft Settlement

The proposed settlement is a bad idea. Please refer to http://www.kegel.com/remedy/letter.html

Mark Heinze

mheinze@coactivesystems.com

MTC–00021525

From: Rolly Green
To: microsoft.atr(a)usdoj.gov
Date: 1/24/02 10:54am
Subject: I DON'T AGREE.

I DON'T AGREE.

Rolly

I'll never forget the first time I tried Windows..

But I'm trying!

MTC–00021526

From: Don Elder
To: Microsoft ATR
Date: 1/24/02 10:51am
Subject: Microsoft Settlement

I am the Vice President of a software company that develops Windows compatible products. I also am a developer of both Windows software and browser based software.

I have reviewed the documents provided by the DOJ. It seems that the DOJ and courts have got the facts wrong. Netscape failed because it was and remains an inferior product. When Netscape first came out in the

mid 90's I attempted to obtain information needed to write a Netscape ''plug-in'' to make it possible for the output of my software to be viewable by a Netscape user. I quickly found that Netscape provided no documentation and demanded hundreds of dollars in prepayment for unspecified documentation and support. After several weeks of effort that went nowhere, I gave up on ever obtaining the needed information.

What is interesting is the fact that Netscape required extra effort on the part of developers to make the output of their software visible to Netscape users. To me this seemed to be more of a scam aimed at ripping off software developers. This integration with the browser has always been automatic with Internet Explorer and remains so today. Developers of standard Windows programs who properly register their file types with Windows do not have to go to any extra effort to have their files displayed via a link from the Internet Explorer browser.

It is very sad that the DOJ got pulled into this ridiculous lawsuit by people who ran their own companies into the ground by making bad decisions. We have been a developer of Windows based products since 1989 and are a direct competitor of Microsoft. Microsoft has never been anything other than an excellent software company and honest competitor.

I truly hope that we will see the end of DOJ meddling in the software business.

Sincerely,
Don Elder,
Vice President
KIDASA Software, Inc.
1114 Lost Creek Blvd.
Suite 300
Austin, TX 78746
(512)–328–0167

MTC–00021527

From: Frank
To: Microsoft ATR
Date: 1/24/02 10:55am
Subject: Microsoft Settlement.

Dear Reader, Microsoft has been singled out for unfair business practices, however these same practices are being used by every company on the planet. So, why is Microsoft under the microscope, because they are successful. They have great success because the LISTEN to what the consumer wants and then they went out and built it. Should anyone be punished for successes? This is just a waste of my tax dollars and the nations time, What is needed is not litigation but competition. Some needs to come up with a product as good as the one Microsoft has.

Thank you
Frank Morales

MTC–00021528

From: sarjac@worldnet.att.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:54am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Sarha Lucas
16040 Bahama St
North Hills, CA 91343–3006

MTC–00021529

From: tbha@charter.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:54am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Gerald & Hazel Bradford
751 Adams Street
Rockton, IL 61072–2150

MTC–00021530

From: THANNY@CROS.NET@inetgw
To: Microsoft ATR
Date: 1/24/02 10:53am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
THOMAS HANNY
1170 E. WOODRICH RD.
FREMONT, OH 43420

MTC–00021531

From: Imom22@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:55am
Subject: Microsoft Settlement

To Whom It May Concern,

I am writing to voice my opinions and concerns about the ongoing litigation against the Microsoft Corporation.

From the very beginning, it has been clear to myself and to most of the public that the suit was initiated by the companies who compete against Microsoft rather than by the consumer. It is my understanding that the antitrust laws were designed to protect the consumer and not to protect the competition. As a consumer, I have seen Microsoft regularly improve the quality and content of its products while keeping their prices extremely reasonable and affordable. I am sure you would agree that the American consumer is a shrewd and frugal one, and that if we felt that some ''big, bad, ruthless monopolist'' were ''ripping us off,'' it would be the consumer who would choose a better and cheaper product as they have done throughout our history. Many so called monopolists such as the Ford Corporation have been naturally ''reigned in'' by their competition who produced a more attractive or cheaper product which the consumer chose to purchase. Should the Walmart Corporation be sued by the Kmart Corporation for forcing it into bankruptcy because the consumer chose to shop at Walmart where prices were cheaper and goods more available?

The current suit by AOL against Microsoft is just as ridiculous. If I felt that the Netscape Browser was the superior product, believe me when I say that my family would be using it right now. I have tried that browser and found it to be more confusing and not as user friendly than the Microsoft browser. That is the reason I continue to use Microsoft's browser and not because my computer came with it! Believing that is to insult the intelligence of the American public. Whether Microsoft is or is not a monopoly is not the issue. If it is, it became that way naturally because we prefer its products and prices over its competition. Why should our government be wasting our taxes pursuing a company whose products its citizens want?

With all the other issues facing this country, especially since 9/11/01, it is time to put this case behind us and accept the proposed settlement as is. It would benefit the consumer and the country as a whole and especially the schools whose students would greatly benefit from the materials Microsoft has agreed to provide them with. The amount of litigation in this country has become nauseating and is paralyzing individuals and corporations from conducting their lives and businesses because of the fear of being sued. Even my 9 year old is encouraging me to ''sue'' anytime I express dissatisfaction with something. Is this the message we are communicating to the next generation?

Please settle this case immediately and send the message to our children that we cannot ''sue'' our way to success. End these suits and settle the case once and for all. If the competition truly want to punish Microsoft, let them develop products that we will want to buy and use instead of Microsoft's, and at a cheaper price. Walmart understood this and has ''harmed their competition,'' to the benefit of it's consumers.

I don't see anyone suing them..... yet!!!

Sincerely,

Mrs. Shelley Mora

MTC–00021532

From: Ralph A Webb
To: Microsoft Settlement U.S. Department of Justice
Date: 1/24/02 9:18am
Subject: Microsoft Settlement
Ralph A Webb
305 Arden Drive
Jefferson City , MO 65109
January 24, 2002
Microsoft Settlement U.S. Department of Justice

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Ralph A Webb

MTC–00021533

From: lew@getgoin.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:53am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,

Laura Wittorff
Rt 1 Box 349
Ava, MO 65608–9725

MTC–00021534

From: Victor Trombettas
To: Microsoft ATR
Date: 1/24/02 10:57am
Subject: Microsoft Settlement

As a Network Manager for 8 years and a Technical Support person for 4 years prior to that, I can tell you that I have seen Microsoft have a neagative impact on the market in the following ways: -they would buy competitors (like FoxPro databases) only to eventually kill that product line and force customers from that former competitor to ''upgrade'' to Microsoft technology.

The whole thing with Internet Explorer ... they basically bought the rights to Mosaic's browser as I understand and basically killed Netscape by offering IE for FREE

Java—a wonderful effort to create write-once-run-many apps. What did Microsoft do? They tried to sabotage it so it would only run on Windows.

Apple—I don't have to tell you what happened here with the whole ''we'll sell Office for Mac if you kill QuickTime''

Even in their settlement offer! they tried to increase market share by giving away Microsoft products in an effort to cut off competitors like Apple

It is extemely dangerous for ANY industry, a nation and world for that matter, to be SO dependent on ONE company. It is a national security issue given how easy it is for hackers and cyber terrorists since they can target their attacks for only 1 operating system and one messaging system, Outlook. We've put all our eggs in 1 basket and we are at risk.

They are dangerous because they are not the real ''Innovators'' in the personal computer realm. They are replicators and predators. There is only ONE solution. Microsoft must be broken up into two or more companies. One will be ONLY operating system(s) NOT including integrated web browser technology from IE. They can rip it out. The other company(ies) will be Apps. Microsoft Office. Their database products should ALSO be separate from their Office Apps because they also have a dangerous monopoly there with Office and MS SQL Server they try to exploit.

Much has been stated by Microsoft to the effect that altering the company will have an adverse economic impact on the nation. Let me tell you what already has had a negative impact:

Sys Admins dealing with a never ending flood of virus and security problems for Windows. I forgot the last time I had a serious concern with our Macs.

the ever increasing licensing issues ... where we have to pay tithe to gates and co. to upgrade to the latest version of their software that's supposed to be more stable and secure.

Kindly,

Victor Trombettas
LAN/WAN Manager
vic@ats.org
American Technion Society
http://www.ats.org
Phone: 212–307–2503
Fax: 212–262–6155

MTC–00021535

From: Theodore Howard
To: Microsoft Settlement U.S. Department of Justice
Date: 1/24/02 9:45am
Subject: Microsoft Settlement
Theodore Howard
5818 NE 70th St A303
Seattle, WA 98115–8136
January 24, 2002
Microsoft Settlement U.S. Department of Justice

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Ted Howard

MTC–00021536

From: mrs_rv6@bigfoot.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:54am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft

competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Kristin McAllister
17920 Alps Drive
Tehachapi, CA 93561–0000

MTC–00021537

From: aram@dial.pipex.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:57am
Subject: Microsoft Settlement

Hi,

I know you'll have heard this time and time again, but you'll hear it once more from me: splitting MS up would probably be the best solution for all. They could then get back to writing software products rather than marketing ''software solutions.''

Above and beyond anything else, far from promoting innovation in the software industry, they have stifled it, time and time again. So many of their supposed innovations were actually developed by others and either bought up or simply stolen outright. This is a company with a sick philosophy. Time to remind it that it doesn't have outright control of everything.

Yours sincerely,
Aram Simon

MTC–00021538

From: Marc Webb
To: Microsoft Settlement U.S. Department of Justice
Date: 1/24/02 9:31am
Subject: Microsoft Settlement
Marc Webb
707 Cardinal St.
Jefferson City, MO 65109
January 24, 2002
Microsoft Settlement U.S. Department of Justice

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers’ dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Marc T. Webb

MTC–00021539

From: Michael Smallwood
To: Microsoft Settlement U.S. Department of Justice
Date: 1/24/02 10:17am
Subject: Microsoft Settlement
Michael Smallwood
11800 Passage Way
Cincinnati, OH 45240
January 24, 2002
Microsoft Settlement U.S. Department of Justice

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Michael Smallwood

MTC–00021540

From: Hazel McGregor
To: Microsoft Settlement U.S. Department of Justice
Date: 1/24/02 9:18am
Subject: Microsoft Settlement
Hazel McGregor
P.O. Box 1462
Euless, TX 76039
January 24, 2002
Microsoft Settlement U.S. Department of Justice

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers’ dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
H. McGregor

MTC–00021541

From: John Paoloemilio
To: Microsoft Settlement
Date: 1/24/02 9:17am
Subject: Microsoft Settlement
John Paoloemilio
117 Victor St
Weirton, WV 26062
January 24, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers’ dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
John A. Paoloemilio

MTC–00021542

From: thelublinks@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:55am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Andrea Lublink
445 Margaret Terrace
Cary, IL 60013

MTC–00021543

From: MJor767@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:56am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Mike Jordan
4361 Frey's Farm Ln
Kennesaw, GA 30152

MTC–00021544

From: Mar3222Fra@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:58am
Subject: litagation

It is about time we stopped all litagation against Microsoft.Competition is the Mother of inovation ,without it we would still be in the dark ages.It is costing the consumer a fortune.At the same time restricting industry to move forward.Lets solve our problems without the courts .I hope we have people intelligent enough to work out the troubles.

Frank j.Wisenant a concerned citizen!
mar3222fra@aol.com
CC:Msfin@microsoft.com@inetgw

MTC–00021545

From: kerrymorgan@pentaxtech.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:56am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
kerry morgan
605 aviara
johnstown, CO 80534

MTC–00021546

From: Ryan Dennis
To: Microsoft ATR
Date: 1/24/02 10:59am
Subject: Microsoft Settlement

To whomever this concerns,

It is widely believed by those familiar with the case that the proposed settlement is completely inadequate. It will do little to punish Microsoft for it's plainly illegal conduct in the past, and virtually nothing whatsoever to prevent future violations of antitrust law. I urge all parties involved to reconsider the proposed settlement. Microsoft deserves more than a slap on the wrist for it's destructive abuse of it's monopoly power. More importantly, American consumers need to be protected against future abuses.

Thank you for your time,
Ryan Dennis
Ryan.Dennis@motorola.com
phone: (602)659–7757
pager: (877)812–3398 pager mail: 8778123398@skytel.com

MTC–00021547

From: Jeremy J. Nelson
To: Microsoft ATR
Date: 1/24/02 11:00am
Subject: Comments

United States Department of Justice;

The anti-trust case against Microsoft is wrong. Consumer choice has put Microsoft where it is today. If a consumer does not want Microsoft products they don't have to buy them. If it is packaged on a computer then they can choose to buy a different computer. The computer manufacturers are installing Microsoft operating systems because that is what the consumers want and if they don't they will lose sales. No one has a right to tell Microsoft what they can and can not put into any of their proprietary products.

No one is forcing any consumers to buy Microsoft products at the point of a gun. I have run Windows, converted to Linux and now I am running on Mac OS X...because I chose to.

Best Regards,
Jeremy J. Nelson
CEO/Founder
Intahnet
224 Witchtrot Road
South Berwick, ME 03908
web: www.intahnet.com
e-mail: jnelson@intahnet.com
phone: 207.384.4736

MTC–00021548

From: M.L. McCauley
To: Microsoft ATR
Date: 1/24/02 11:01am
Subject: Microsoft Settlement

Sirs,

As a small businessman whose livelihood is based on the development of software, I feel that I am in as good a position as anyone to remark on the business practices of the Microsoft Corporation. Microsoft is not simply an ''aggressive competitor''. Microsoft is a monopolist that repeatedly has employed unfair and illegal practices to quash its competitors and manipulate the marketplace to their advantage and the loss of the consuming public.

Despite their ''spin'' rhetoric, the contempt that Mr. Gates and his executives have for their customer base and competitors, and their caviler disregard for the law of the land, is legendary within the industry. These realities are often masked by the fact that the consuming public is virtually powerless against the Microsoft Windows juggernaut, and competitors fear the wrath of a company who has proven time and again that it can, and will, do virtually anything to insure its dominance of the software marketplace.

I cannot sufficiently emphasize that I feel that the currently purposed DOJ settlement with Microsoft is highly inadequate in terms of both remedies for those many parties who have been harmed by this unfair competitor, and future protections for software developers and the consuming public.

M.L. McCauley
President
Mtech Services
2423 Monaco Ln.
Dallas, Texas 75233–2825

MTC–00021549

From: BJBren@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:00am
Subject: Microsoft Settlement

I encourage support for Microsoft in resolving this case.

bj brennan,
25 Macleay Road,
Montville, NJ..07045

MTC–00021550

From: rangerdave@ifriendly.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:57am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division

601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Patti Pearsall
3209 N 3RD PL
Broken Arrow, OK 74012

MTC–00021551

From: Bob Brown
To: Microsoft ATR
Date: 1/24/02 10:58am
Subject: Microsoft Settlement

I think that the proposed settlement is a bad idea.

MTC–00021552

From: Darren Zrubek
To: Microsoft ATR
Date: 1/24/02 11:27am
Subject: Microsoft Settlement

please, please,... let the voice of ''US'' the small guy be heard in this case. ''us'' or ''we'' the end consumer have no power or voice in these proceedings, only the folks with the power of the almighty dollar get to speak (MS).

i think it to be a travesty that this case is just going to be brushed under the carpet and MS will get a nice soft slap on the hand and a Please do not do that again.

MS should be held accountable to the nth degree, they should be putting a billion dollars in cash into the schools, under privileged, and non-profit orgs. NOT MS PRODUCT!!! this will give MS even more of an unfair advantage, once again shoving aside the opportunity of the small guy!

please do not do this, we need free trade and competition. it is what the moral fiber of our country stands for!! or at least used to stand for.. thank you for your time,

dZ
darren zrubek
graphics manager/ senior illustrator
spyder active sports, inc.
303.449.0611 xt 20
dzrubek@spyder.com

MTC–00021553

From: doyle_dennis@tmac.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:57am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Dennis Doyle
8109 Squirrel Run Road
Springfield, VA 22152

MTC–00021554

From: rangerdave@ifriendly.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:58am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
David Pearsall
3209 N 3RD PL
Broken Arrow, OK 74012

MTC–00021555

From: Leoslocks@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:01am
Subject: Microsoft Settlement

I don't understand how this settlement prevents Microsoft's monopolistic practices. The Internet browser is still embedded in the OS. The cost of software is still not in line with the changes in the cost of hardware.

Where does the computer consumer benefit from this settlement?

MTC–00021556

From: hedemand@digisys.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:58am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
David R. Hedeman
P.O. Box 125
Dayton, MT 59914

MTC–00021557

From: donbarlove@juno.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:00am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now.

Thank you.

Sincerely,
Donald Love
11922 Co Rd 16
West Unity, OH 43570–9560

MTC–00021558

From: Bidwellmoore@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:02am
Subject: Microsoft Settlement

DoJ: It is to be hoped that the ongoing and newly initiated litigation against Microsoft will be brought to a speedy conclusion. The interests of the American public and the national economy are at stake. Calvin Coolidge remarked that the business of America is business. Unfettered, this nation is unbeatable, tied in knots with wrangling, snarling litigation, America will loose its luster as preeminent in the global market place.

Sincerely,
Bidwell Moore

MTC–00021559

From: Hagy-Weatherbee
To: Microsoft ATR
Date: 1/24/02 11:02am
Subject: Microsoft Settlement

Hello,

Paragraphs 1–3: Former Consumer of Microsoft's public operating system (read—non business) software rant

Paragraph 4–7: Re-defining a Monopoly while keeping within the standard definition (I hope)

Final Questions and Statements

Any company that would put out products such as Windows 95, 98, Millennium and XP (the last two are based on my father and brother's experiences) should be put in a deep, dark, hole.

They are bug ridden operating systems internally incompatible (Win 95 and 98 both require DOS which is a 16 bit platform. They hid this in the 32 bit platform of an upgraded Windows 3.1 which they called Win 95 History lesson done).

Put upon a public with no other true OS options but to purchase Unix or Linux (both server software really) or Microsoft's business operating systems which seem to work within normal glitch parameters. The public could do as I did and by Apple software... but that means total abandonment of nearly all previous software and the purchase of all new hardware.

If the above is not enough to burn them how about this:

A Monopoly. I see Microsoft (and others to be fair) as attempting not to monopolize the computer Operating System and related software realm, but, trying to monopolize how we Communicate.

Microsoft bundles it's browser which is made to work perfectly with their os. Competitors do not get full os specs so their browsers do not function properly. Microsoft then starts MSN, their own video console game platform—the Xbox.

The last really caught my attention. Console platforms will soon be internet capable... what better way to extend MSN's influence. As I noted briefly above Microsoft is not the only one I see trying to limit my tele-communication choices: AOL-Time Warner, Disney-ABC and AT&T just merged with someone (damn sloppy of me not to have the facts... sorry) and a few others I can not recall, again, sorry.

All of them working on internet-cable/television-telephone operations, or some combination thereof. If we stick with the top three only is that competition? Are we really getting the best price for our choices?

No. Yet, I was speaking of Microsoft. With the melding of communications over the last few years the merging of companies the idea of a monopoly must move beyond the oil and railroad standards set a hundred years ago. A broader view must be taken. It can be taken while still using present law (mostly). Especially for the Communications arena.

Microsoft is in a position to be the software company for anything computer/internet/video gaming, whatever allows one to communicate...they have the position and the potential to corner the market.

Does the law require that a monopoly be present in order to bring the punishment to bear? Or is the potential enough?

If it is an Anti-trust suit brought by business, does that not also mean the anti-trust is affecting my family and those around me? Are you thinking of the publics future stake in the above? Or only the businesses involved?

Microsoft is a menace. I have software which I shall never be able to use because the new software sucks and old hardware and software is very difficult to come by (and usually much to degraded to be very useful). New hardware is to fast for my old software and Windows software does not work on Apple products without bridging software... like I need to learn a third computer language.

Mostly it is the company's potential to take over various portions of the communications arena. It is a subtle and very slow process. Like a company with many like subsidiaries (Time Warner owns DC comics and many other book houses), Microsoft links up with various computer and communication areas. Nothing to arouse overt suspicion... Oh, they have an internet browser bundled for free! Wow! They even have their own internet service!

How long before the Windows OS allows 'special' features for their other software (Word, Office, Internet Explorer) that say Apple's Os cannot give (Apple has versions of Word, Office and IE)? How long before that free browser allows ''special'' features for MSN? How long before Microsoft's in house games for the Xbox are available only through MSN and over the internet for half or a third the total price as a game created by an outside company? How long before the Xbox becomes more popular for tele-communications then even a personal computer and Microsoft starts demanding payment from Dell and Gateway for all those things which were once free?

Frightening in a paranoid sort of way... is it not? (OK... this went on waaaay to long...)

Look at all the areas which Microsoft could walk into. See the potential gains they could make at the expense of the consumers choice.

Thankee,
RC Hagy Stamford,
Vermont 05352–9531

MTC–00021560

From: Tom Field
To: Microsoft ATR
Date: 1/24/02 11:00am
Subject: Microsoft Settlement

To Whom it may concern: Isn't it time we stop wasting tax payer money against Microsoft and look in the direction of Enron and terrorists in the United States where Americans are really suffering.

Tom Field
Marlboro, NJ

MTC–00021561

From: howbarbl@flash.net@inetgw
To: Microsoft ATR
Date: 1/24/02 11:00am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now.

Thank you.
Sincerely,
Howard Lewin
3 Katherine
Placitas, NM 87043

MTC–00021562

From: Kevin Klug
To: Microsoft ATR
Date: 1/24/02 11:50am
Subject: Microsoft Settlement

I applaud the actions taken against Microsoft, but I feel that the settlement being talk about is way too lenient. The issue is not simply that Microsoft has an unfair advantage because of their many different product lines. The issue is the tactics that Microsoft employed to make Windows the dominant operating system.

Back in the early Windows 95 days, Microsoft would not sell any copies of Windows to computer makers, unless they agreed to sell a copy of Windows with every PC. This forced buyers to purchase Windows, even if they wanted to use another Os like OS2, which was a much better operating system. Obviously this prevented the fair competition of other operating systems. This case should be about punishment for the wrongs of the company, not simply an attempt to keep the company from doing more wrongs.

Thank you for your time.
Kevin Klug
Colorado Springs, CO

MTC–00021563

From: Greika, Christian J
To: Microsoft ATR
Date: 1/24/02 11:04am
Subject: Microsoft Settlement

I am writing to offer complaint against Section III.D of the proposed final judgment. Section III.D reads as follows:

D. Starting at the earlier of the release of Service Pack 1 for Windows XP or 12 months after the submission of this Final Judgment to the Court, Microsoft shall disclose to ISVs, IHVs, IAPs, ICPs, and OEMs, for the sole purpose of interoperating with a Windows Operating System Product, via the Microsoft Developer Network (''MSDN'') or similar mechanisms, the APIs and related Documentation that are used by Microsoft Middleware to interoperate with a Windows Operating System Product. In the case of a new major version of Microsoft Middleware, the disclosures required by this Section III.D shall occur no later than the last major beta test release of that Microsoft Middleware. In the case of a new version of a Windows Operating System Product, the obligations imposed by this Section III.D shall occur in a Timely Manner.

The requirements laid forth in this section are insufficient to promote equality in

competing offerings' time to adapt their products in time to compete with new releases of Microsoft Middleware or to support a new version of Windows. Section III.H.3 also states the competing middleware can be locked out of competition by failing to meet ''unspecified'' technical requirements seven months prior to the the final beta test of a new version of Windows. Why are the requirements unspecified? This opens up opportunities to set demands too taxing for competitors to meet in the shortened time frame made available to them by the fact that they are introduced to the APIs related to new versions of Windows only after said new version has been released to 150,000 beta testers. Microsoft has, under this ruling, the full capability to ''plan'' development such that they can maximize the probability that competitors will be unable to meet said ''unspecified'' technical requirements prior to the final beta test. There is no requirement for Microsoft to announce planned beta release dates, so in effect the seven months requirement is unnecessary. You might as well make it one day. A more stringent and fair requirement would be to require Microsoft to publish proposed beta release dates and adjust the time requirement to meet the ''unspecified'' technical requirements to the date of the beta release. This would provide a more equitable environment, one in which Microsoft still maintains its competitive advantage, but one that gives competitors an opportunity to compete. The current proposal offers Microsoft the chance to erase competition without ever having to compete.

MTC–00021564

From: nagfed2@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:01am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Thank you.
Sincerely,
george feddirko
1641 fairmount ave
vineeland, NJ 08361

MTC–00021565

From: John E Quigley II
To: Microsoft ATR
Date: 1/24/02 11:11am
Subject: Microsoft Settlement

I am in support of Microsoft, and believe that Microsoft has done very little to hurt the industry, and has done a lot to help. Standardizing the basics has made thing much better, and it is now cheaper and easier to purchase the OS, then it was to purchase the parts and pieces and deal with the issues to get it running. You are doing a injustice and doing nothing more then hurting the economy and a company that has done a lot for the country and industry that it is in. As a network Engineer Microsoft has made my life much easier, and my family loves the easy of use and functionality and integration of components.

John E Quigley II
http://www.johnnyq.com

MTC–00021566

From: jm@mandrake.prospeed.net@inetgw
To: Microsoft ATR
Date: 1/24/02 12:05pm
Subject: Microsoft Settlement

Dear Sir or Madam;

I am writing in opposition to the proposed anti-trust settlement with Microsoft.

Please excuse my need to state my qualifications so that you understand the reasons for my opposition. I am a graduate of MIT (1983) in Computer Science with 18 years of industry experience, so I feel competent to offer informed comments on the technical aspects (e.g., what qualifies as ''innovation'') of the case. I am also an owner of a 45 person, Subchapter S software company which develops for both Microsoft operating systems and various UNIX (e.g., Linux) operating systems, so I feel competent to offer informed comments on the economic aspects of the case.

With regard to technical matters, no company has acted more aggressively to quash technical innovation in the computer field. It is particularly surreal to hear Microsoft stay ''on message'' about ''innovation,'' yet be unable to state clearly a single technical innovation they have produced (rather than bought or imitated).

If there is a single point I would have you understand, it is this: Microsoft acts only to defend its dominant market share. It does NOT proactively innovate. It REACTIVELY identifies innovative threats. It then leverages its market dominance to kill the innovation/threat by any means necessary, whether via dumping software, via secret contracts, via lobbying, and at least once via sabotage. To wit:

(1) Threat: the Netscape platform. It is well-known how Microsoft cost-shifted from their OS and office suite monopolies and ''dumped'' their browser on the market, and made it impossible for consumers to avoid it, and made it impossible for PC makers to include Netscape. As you know, Netscape is now irrelevant as a browser.

(2) Threat: the ''write once, run anywhere'' Java platform. Microsoft made incompatible changes to the platform, and they now refuse to ship a Java implementation, and they make it hard for consumers to receive the Sun one via PC manufacturers or via download (it is a huge download). They also cost-shifting from its monopolies and dumping a Java-like ''C#'' programming platform on the market.

(3) Threat: increasingly powerful game platforms from Sony and Nintendo. Microsoft is cost-shifting from its monopolies to subsidize the ''XBox'' and drive these consoles from the marketplace.

(4) Threat: competitive DOS implementations, sabotage for which is described in detail at: http://www.ddj.com/documents/s=1030/ddj9309d/9309d.htm

While I urge you in the strongest possible way to take the time to read a single, simple web page describing such an egregious abuse of market power, I shall summarize. Microsoft wrote code in Windows 3.1 to try and detect any competitor's underlying DOS, and then notify the user that there is a ''Non fatal error'' so as to discourage use of a perfectly serviceable alternative. They covered their tracks by encrypting the code and disabling breakpoints (use of a debugger) so their act would not be exposed to the world for the anti-competitive act it is. As you know, these competitors were eliminated.

(5) Threat: the DOJ. Please forgive me if I have my facts wrong, but it is my understanding that Microsoft lobbied to have the DOJ budget cut after the anti-trust action began. I have read this in may sources, but here is one for your convenience: http://zdnet.com.com/2100–11–501473.html?legacy=zdnn No one can protect us consumers but you. It is the function of government to protect citizens from threats both external and internal. This is a dire internal threat to the health of the software market. I offer the following comments, suggestions, and pleas:

(1) Such anti-competitive, anti Free Market, and thus anti-consumer behavior must not be allowed to continue.

(2) Microsoft must not be allowed to continue to enjoy the market advantages and other economic benefits (e.g., approximately $35 Billion in cash on hand) resulting from its illegal activities, and be able to leverage them to quash threats/innovations. To do so is unjust. I fail to understand how this is different from letting a convicted serial burglar keep all his ill-gotten goods when it is know exactly from whence they came. By themselves, ''conduct'' remedies on future behavior will not remove the illegally-obtained market and economic dominance of Microsoft.

(3) Neither will the lack of punishment for past illegal acts provide any deterrent whatsoever to future anti-competitive acts. Microsoft boasts about its ''hard core'' tactics, and the ''hard core'' way to think about conduct remedies is that they will continue to be able to benefit from illegal acts—they just might not be able to repeat them.

(4) Given that Microsoft has upwards of a 90% market share, there is NO competition left in the marketplace. Competition must be restored to protect consumers. Conduct remedies on future behavior will not restore competition.

(5) Many technical innovations come from venture-funded startups. Few VCs will now fund start-ups that will innovate if the innovation in any way threatens Microsoft's monopolies (they know what I said above—in order to survive, you must not be seen by Microsoft as a threat): http://seattlepi.nwsource.com/venture/29375—vc29.shtml You must act to restore

innovation by stopping this anti-competitive, anti-innovation behavior and restore faith in the free markets by those who help make free markets. Any penalty must be severe enough to do so. The current settlement does none of these things.

I apologize for the length of this message, but even so, it is ruthlessly abbreviated. Please, please feel free to call me if there is anything I can do to provide further information.

Very Truly Yours,
John Morrison
Chief Technical Officer
p.s., home phone s 978–392–9315, cell phone is 617–388–3071
John Morrison
MAK Technologies Inc.
185 Alewife Brook Parkway, Cambridge, MA 02138
http://www.mak.com/
vox:617–876–8085 x115
fax:617–876–9208
jm@mak.com
CC:jm@mak.com@inetgw

MTC–00021569

From: Owen
To: Microsoft ATR
Date: 1/24/02 10:54am
Subject: AOL Lawsuit

Dear Sirs,

I find it very disturbing that once again Microsoft has to focus on legal battles instead of their efforts to bring computing ease to the masses. The Microsoft Internet Explorer Web browser is—and has for years, now—been the superior platform from which one can view and develop applications for the World Wide Web. I believe that the DOJ should dismiss this unfounded complaint immediately.

Thank you for your time,
Owen A. Robbins—Network Consultant

MTC–00021570

From: David Steere
To: Microsoft ATR
Date: 1/24/02 11:05am
Subject: Microsoft Settlement—against

I think the proposed settlement in the Microsoft antitrust case will not dissuade nor prevent Microsoft from taking monopolistic actions in the future.

In particular, the settlement does not:
—prevent Microsoft from using its current monopolies to gain future monopolies in new areas. For example, Microsoft currently seems to be attempting to use its windows operating system monopoly to push the WMA digital music encoding standard instead of MP3.
—open APIs within the operating system, such as the file system driver APIs.
—open Middleware APIs.
david.

MTC–00021571

From: Steve Sinnott
To: microsoft.atr(a)usdoj.gov
Date: 1/24/02 11:06am
Subject: Microsoft Settlement

I would like to voice my objections to the proposed Microsoft Settlement, as proposed by the Department of Justice. On the surface, this appears to be a valid settlement. As they say, though, the devil is in the details. The qualifiers that have been placed on the settlement would make it essentially useless in and of themselves, and make the settlement fatally flawed when combined with the lack of a valid dispute mechanism. It will not limit Microsoft's actions, it will not open Microsoft to competition, and it does not punish them; indeed, it makes their monopoly a defacto government-sanctioned one.

A single example of this is in section J1:

''No provision of this Final Judgment shall:

1.Require Microsoft to document, disclose or license to third parties:

a) portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria;

or (b) any API, interface or other information related to any Microsoft product if lawfully directed not to do so by a governmental agency of competent jurisdiction.''

The restrictions of (a) are such that Microsoft is not required to disclose anything that they do not wish to, just as the existing case is an outgrowth of poor grammar and definitions of the Consent Decree.

This particular section would, in fact, serve to maintain Microsoft's Operating System monopoly in and of itself. In modern offices, the capability of sharing files is arguably the single most important use of servers.

Microsoft Operating Systems use a common protocol, called ''SMB'', for the file sharing, as does almost every other Operating System. However, Microsoft added an authentication system to their clients, so that their Operating Systems can only share files with servers running Microsoft Server Operating System software, unless non-trivial changes are made to the configuration of the Operating System of the client. This effectively prevents companies from moving to non-Microsoft Servers in their offices. Several of the alternatives to Microsoft have requested information on the APIs and Authenication systems that Microsoft uses, and Microsoft has refused to provide the data in a useful manner. Under this settlement agreement, Microsoft would be specifically allowed to not provide the data necessary to open the server market up to non-Microsoft servers.

This specific example, and with the lack of a reasonable dispute mechanism whereby Microsoft's interpretation of the proposed settlement agreement can be over-ridden, combine to make the settlement effectively useless in terms of restricting, much less punishing, Microsoft's behavior. The proposed settlement is far from being in the national interest, and rejection of it is amply supported by the trial record, the appeals court judgement, and the other comments submitted to the court.

Thank you,
Stephen Sinnott

MTC–00021572

From: Pinkie Achor
To: Microsoft ATR
Date: 1/24/02 11:05am
Subject: microsoft settlement

Gentlemen—

Enough is enough. Please stop spending OUR tax dollars and those of thousands of other taxpayers in this microsoft battle.

Thank you—
Louise F. Achor
Robert F. Achor
pinkie22@erols.com

MTC–00021573

From: scnorthup@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 11:02am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

AN INTERESTING QUESTION:

This question was raised on a Philly radio call-in show. Without casting stones, it is a legitimate question: There are two men, both extremely wealthy.

One develops relatively cheap software and gives billions of dollars to charity. The other sponsors terrorism. That being the case, why is it that the Clinton Administration spent more money chasing down Bill Gates over the past eight years than Osama bin Laden?

THINK ABOUT IT! Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Mr. Steven D. Northup
3663 Buchanan Street
Space 124
Riverside, CA 92503

MTC–00021574

From: wlockey@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:02am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the

future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
WILLIAM F. LOCKEY
15115 MORNING TREE
SAN ANTONIO, TX 78232

MTC–00021575

From: taxwatcher@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:04am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW,
Suite 1200 Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
C. A. Stubbs
207 Highview
San Antonio, TX 78228–1944

MTC–00021576

From: RSLands@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:07am
Subject: microsoft

Microsoft products work and are affordable. They built a better product and serviced what they sold. I'd encourage the lessor penalty that can be imposed.

Rosetta Land
1118 Linwood Dr.
Tallahassee, FL

MTC–00021577

From: Frank (038) Debbie
To: Microsoft ATR
Date: 1/24/02 11:07am
Subject: Microsoft Settlement

I FAVOR the Settlement!

Let's stop wasting taxpayer dollars on frivolous litigation.

Respectfully,
Frank Hobin
409 S. Beech St.
Winnsboro, Tx. 75494

MTC–00021578

From: crnorthup@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 11:04am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

AN INTERESTING QUESTION:

This question was raised on a Philly radio call-in show. Without casting stones, it is a legitimate question: There are two men, both extremely wealthy. One develops relatively cheap software and gives billions of dollars to charity. The other sponsors terrorism. That being the case, why is it that the Clinton Administration spent more money chasing down Bill Gates over the past eight years than Osama bin Laden?

THINK ABOUT IT! Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Mrs. Carole R. Northup
3663 Buchanan Street
Space 124
Riverside, CA 92503

MTC–00021579

From: rich cottle
To: Microsoft ATR
Date: 1/24/02 11:07am
Subject: Microsoft Settlement

I do NOT agree with this settlement!

Sincerely,
RIchard Cottle
rcottle@nc.rr.com

MTC–00021580

From: BAKERBASS45@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:02am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Bill Baker
318 Rash Ln. Terrell, TX 75160–1418

MTC–00021581

From: Michael Houda
To: Microsoft ATR
Date: 1/24/02 11:08am
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW Suite 1200
Washington, DC 20530–0001

Ms. Hesse:

The proposed Microsoft (MS) anti-trust settlement does NOT remedy the problems with this company. Splitting the company into 2 companies, one a SYSTEM software company [Windows] and the other strictly an APPLICATIONS software company [Office, Internet Explorer, etc.], would solve most of the problems because MS [System Software/ Windows] would then have to open up the system software to their APPLICATIONS company [Office, Internet Explorer,etc.] as well as to other COMPETING software applications companies.

As it stands now, MS is currently violating previous orders of the court. MS cannot be trusted. By separating MS into at least 2 companies, they are forced into ''playing fair''.

Sincerely,
Michael Houda
Senior Engineering Technician
P.O. Box 813
Capitola, CA 95010–0813

MTC–00021582

From: Lois@LoisFink.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:05am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
LOIS Fink
912 WHITEHEATH COURT
nashville, TN 37221

MTC–00021583

From: Scott Clausen
To: Microsoft ATR
Date: 1/24/02 11:06am
Subject: Do It Right!

This message was transferred with a trial version of CommuniGate(tm) Pro I am a computer professional who uses Linux, Macs, Unix, and Windows. I do not begrudge

Microsoft success as a company. I do, however, believe they need to be held accountable for their criminal behavior as shown in the recent court decision.

The settlement, as currently proposed, does nothing to prevent them from continuing to do business in a manner harmful to the industry and society as a whole. By implementing the proposed settlement you will have signaled to all that mediocrity is the highest point we will strive for in this country. Microsoft has shown that they do not innovate but copy those companies that do excel and then dominate the market through illegal practices. If you allow this settlement to occur you will have shown that what is right does not matter, only the power of the dollar.

Thank you for your time.

Scott Clausen

Edgewood, WA

MTC–00021584

From: lonnie_wendling@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:04am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,

Lonnie Wendling

1614 Petri Place

San Jose, CA 95118

MTC–00021586

From: fsantoro@rcn.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:03am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,

Frank Santoro

181 Bay 46th Street

Brooklyn, NY 11214

MTC–00021587

From: Dan@hal-pc.org@inetgw
To: Microsoft ATR
Date: 1/24/02 11:08am
Subject: Microsoft Settlement

I am attaching my Comments as a Text File called ''MS-DOJ.txt''.

Daniel Maddux

Renata Hesse

Trial Attorney

Suite 1200

Antitrust Division

DEPARTMENT OF JUSTICE

601 D Street, NW

Washington, DC 20530

RE: Proposed MICROSOFT Antitrust Settlement

I am submitting these comments regarding the November 01, 2001 proposed settlement between Microsoft and the Department of Justice (''DOJ''). For the following reasons, I think the settlement is NOT in the public interest and should be rejected. Furthermore, I think the DOJ should pursue Judge Jackson's remedy of breaking MICROSOFT into 2 companies. I have divided my comments into 2 sections: General and Specific Objections. My General Objections address the proposed settlement in general. My Specific Objections parse the proposed Final Judgment line by line.

GENERAL OBJECTIONS

The proposed Final Judgment defeats the DOJ's goal in settling this case. Allegedly the DOJ is settling this case to devote more time and resources to the September 11, 2001 terrorist attacks (see ''Circumstances Had Role in U.S.-Microsoft Deal'' at http://www.washingtonpost.com/ac2/wp-dyn/A32665–2001Nov2? language=printer). However, the proposed Final Judgment requires more time and resources to implement than Judge Jackson's remedy of splitting MICROSOFT into 2 companies. This proposed Final Judgment requires the DOJ to monitor MICROSOFT'S compliance with this proposed Final Judgment and prosecute MICROSOFT when it fails to comply with this proposed Final Judgment. Monitoring MICROSOFT'S compliance with this proposed Final Judgment and prosecuting MICROSOFT when it fails to comply with this proposed Final Judgment will require the DOJ to devote additional time and resources to this case. Splitting MICROSOFT into 2 companies does not require the DOJ to monitor MICROSOFT'S compliance with this proposed Final Judgment and prosecute MICROSOFT when it fails to comply with this proposed Final Judgment. Since splitting MICROSOFT into 2 companies does not require the DOJ to monitor MICROSOFT'S compliance with this proposed Final Judgment and prosecute MICROSOFT when it fails to comply with this proposed Final Judgment, splitting up MICROSOFT does not require the DOJ to devote additional time and resources to this case. Since this proposed Final Judgment requires the DOJ to devote more time and resources to this case than Judge Jackson's remedy of splitting MICROSOFT into 2 companies, this proposed Final Judgment defeats the DOJ's goal in settling this case.

The proposed Final Judgment fails to protect competition. The goal of United States'' Antitrust Law is to protect competition. Some means of protecting competition from the antitrust violations of a monopolist like MICROSOFT are:

* punishing the monopolist

* deterring other parties from violating the law.

This proposed Final Judgment fails to accomplish any of these means.

First, this proposed Final Judgment fails to punish MICROSOFT. This proposed Final Judgment does not require MICROSOFT to pay a fine. Nor does it require MICROSOFT to reimburse purchasers of WINDOWS 98 upgrades for the $40 monopoly tax that it imposed on these customers (see Paragraphs 63–65 on Pages 32–33 of Judge Jackson's FINDINGS OF FACT at http://www.dcd.uscourts.gov/ms-findings2.pdf). Nor does it require MICROSOFT to pay restitution to NETSCAPE (now a division of AOL) for the harm it inflicted on NETSCAPE's Web Browser (see Pages 177–190 of Judge Jackson's FINDINGS OF FACT). Nor does it require MICROSOFT to pay restitution to SUN MICROSYSTEMS for the harm it inflicted on SUN's JAVA software (See Pages 190–202 of Judge Jackson's FINDINGS OF FACT). Nor does it require MICROSOFT to disgorge its unlawfully obtained profits from these antitrust violations (a corporation enjoying a Rate of Return over 30% is generally considered a monopoly. Thus, MICROSOFT should be required to pay the government all of its profits exceeding a 30% Rate of Return starting from the filing date of this case). Nor does it prevent MICROSOFT from leveraging its monopoly in the PC market into other markets, like the Server Market, the Handheld Computer Market, the Television Set Top Box Market, the game console market, the PDA Market, the Telephone Market (particularly the Cell Phone Market), or other markets. Nor does it prevent MICROSOFT from bundling its web browser, streaming media player, or other software into its operating systems.

Nor does it prohibit MICROSOFT from adding proprietary extensions to open standards like KERBEROS to prevent interoperability with other operating systems. Furthermore, every restriction in this proposed Final Judgment contains an exception that allows MICROSOFT to continue it current business practices unchanged (See, for example, ''States Scorning U.S.-Microsoft Deal'' at http://www.washingtonpost.com/ac2/wp- dyn/A27205–2001Nov1?language=printer, ''Accord Called Win For Software Giant'' at http://www.washingtonpost.com/ac2/wp-dyn/A27196–2001Nov1? language=printer, ''Settlement is ''a reward, not a remedy'' at http://news.cnet.com/news/0–1003–202–7763195.html, ''Friends, foes see no change''

at http://www.boston.com/dailyglobe2/306/business/Friends—foes—see—no—changeP.shtml, ''MS-DOJ Pact Disappoints'' at http://dailynews.yahoo.com/htx/zd/20011109/tc/ms-doj—pact—disappoints—1.html, and ''Not even a slap on the wrist for bully Microsoft'' at http://www0.mercurycenter.com/premium/opinion/columns/lenard8.htm). For example, III.H.2. allows end users or OEMs to designate a Non-Microsoft Middleware Product to be invoked in place of a Microsoft Middleware Product. However, VI.N. defines ''Non-Microsoft Middleware Product'' as software ''... (ii) of which at least one million copies were distributed in the United States within the previous year''. Since almost *no* non- MICROSOFT software (except possibly AOL Instant Messenger) had a distribution of at least one million copies in the United States within the previous year, III.H.2. does not require MICROSOFT to change their current practice of preventing end users and OEMs from designating Non- MICROSOFT Middleware Products in place of MICROSOFT Middleware Products.

Finally, this proposed Final Judgment does not even require MICROSOFT to allocute to the charges brought against it. Since this proposed Final Judgment does not punish MICROSOFT *in any way*, this proposed Final Judgment does not protect competition.

This proposed Final Judgment does not deter other parties from violating the law. A judgment should encourage parties to obey the law. However, this proposed Final Judgment has the opposite effect; it encourages parties to violate the law. Since this proposed Final Judgment does not punish MICROSOFT *in any way*, other monopolists are encouraged to violate United States Antitrust Law, knowing that they too will not be punished. Since this proposed Final Judgment will encourage other monopolists to violate our antitrust laws, it does not deter other parties from violating the antitrust laws. Since this proposed Final Judgment does not deter other parties from violating the antitrust laws, this proposed Final Judgment does not protect competition. Further, this proposed Final Judgment encourages crackers (malicious programmers who break into other people'e computers) to violate the law and crack computers running MICROSOFT software. If caught, they can defend themselves by claiming they cannot obtain justice from MICROSOFT in a court of law. Also, other nations will refuse to honor extradition treaties with the United States to extradite crackers who attack our computers, citing this proposed Final Judgment as evidence that their citizens cannot obtain a fair trial in the United States. Since this proposed Final Judgment will encourage crackers to crack computers running MICROSOFT software and other nations to dishonor extradition treaties with the United States, this proposed Final Judgment will encourage persons and companies to violate our laws.

Finally, this proposed Final Judgment is an illusory and ineffective remedy because, in practice, the DOJ will not enforce it. As stated above, this proposed Final Judgment requires the DOJ to monitor MICROSOFT'S compliance with this proposed Final Judgment and prosecute MICROSOFT when it fails to comply with this proposed Final Judgment.

Also as stated above, allegedly, the DOJ is settling this case to devote more time and resources to the September 11, 2001 terrorist attacks. Since the DOJ is settling this case to devote more time and resources to the September 11, 2001 terrorist attacks, the DOJ does not want to expend any more time and resources on this case. Futhermore, President Bush is a Republican. Republican Presidents and administrations historically are pro-business and do *not* enforce the antitrust laws.

The fact that the DOJ surrendered the remedy of splitting MICROSOFT into 2 companies, combined with the DOJ's capitulation to this proposed Final Judgment, indicates that the Bush administration will not enforce the antitrust laws, or this proposed Final Judgment. Since the DOJ does not want to expend any more time and resources on this case, and the Bush administration will not enforce the antitrust laws, or this proposed Final Judgment, the DOJ will not enforce it against MICROSOFT. Since the DOJ will not enforce this proposed Final Judgment against MICROSOFT, this proposed Final Judgment is an illusory and ineffectice remedy.

Since this proposed Final Judgment does not accomplish the DOJ's goal in settling this case or protect competition, and is in practice an illusory and ineffective remedy, this proposed Final Judgment is not in the public interest. Since this proposed Final Judgment is not in the public interest, this proposed Final Judgment should be rejected. Instead the DOJ should pursue, and the Court should uphold, Judge Jackson's remedy of splitting MICROSOFT into 2 companies.

MICROSOFT has consistently violated United States Antitrust Law.

MICROSOFT has illegally tied licenses of its operating systems to OEMs'' sales of processors in computers (i.e., ''per-processor'' licenses. See THE MICROSOFT FILE: THE SECRET CASE AGAINST BILL GATES by Wendy Goldman Rohm, Times Business, copyright 1998, at Pages 41–42, 67–68, 73, and 83–85). When the first antitrust case settlement in 1995 prohibited per-processor licenses, MICROSOFT switched to illegally tying licenses of its operating systems to OEMs'' sales of computer systems (i.e., ''per- system'' licenses. See THE MICROSOFT FILE at Pages 190–191 and 203–206). MICROSOFT has continually engaged in ''vaporware'' to kill competing products (See MEMORANDUM OPINION of February 14, 1995, by Judge Stanley Sporkin, Page 35, at http://www.usdoj.gov/atr/cases/f0100/0102.htm).

MICROSOFT has also engaged in predatory pricing by illegally tying/bundling its Middleware Products with its Operating System Products to kill competing products (MICROSOFT illegally tied sales of

WINDOWS to MS–DOS; see THE MICROSOFT FILE at Pages 114 and 192–198.

MICROSOFT illegally tied sales of WINDOWS to MICR0SOFT OFFICE SUITE; see THE MICROSOFT FILE at Page 159. MICROSOFT illegally tied its web browser, INTERNET EXPLORER, with its Operating System, WINDOWS 98, to kill the competing web browser, Netscape COMMUNICATOR; see THE MICROSOFT FILE at Pages 268–269 and 274–275. MICROSOFT illegally tied its streaming media player, WINDOWS MEDIA PLAYER, with its Operating System, WINDOWS XP, to kill the competing streaming media player, Real Networks REAL PLAYER). By committing these acts, MICROSOFT has consistently violated the Antitrust Laws.

MICROSOFT violated the first antitrust settlement. MICROSOFT provoked this antitrust case by violating the first antitrust settlement.

MICROSOFT used its monopoly power in the PC market to coerce the computer industry to use MICROSOFT's web browser,INTERNET EXPLORER, and not the competing web browser, Netscape COMMUNICATOR. Specifically, MICROSOFT used predatory pricing (by illegally tying its web browser with its operating system to force Netscape to give away its web browser for free. See THE MICROSOFT FILE at Pages 268–269 and 274–275) and exclusionary contracts requiring IHVs, ISVs, IAPs, ICPs, and OEMs to use INTERNET EXPLORER and not COMMUNICATOR. By using its monopoly power in the PC market to coerce the computer industry to use MICROSOFT's web browser,INTERNET EXPLORER, and not the competing web browser, Netscape COMMUNICATOR, MICROSOFT violated the first antitrust settlement. MICROSOFT will violate this proposed Final Judgment and continue violating the antitrust laws. MICROSOFT's illegal concentration of monopoly profits make it the most highly valued corporation in the world. Since MICROSOFT's illegal concentration of monopoly profits make it the most highly valued corporation in the world, MICROSOFT can drag out any enforcement action that the DOJ brings against MICROSOFT for violating this proposed Final Judgment. In other words, MICROSOFT can simply outspend the DOJ and thereby avoid punishment for violating the antitrust laws. Since MICROSOFT can drag out any enforcement action that the DOJ brings against MICROSOFT for violating this proposed Final Judgment, MICROSOFT can, and will, violate this proposed Final Judgment.

To stop MICROSOFT from violating the antitrust laws, it must be split into 2 or more separate companies. As stated above, MICROSOFT's illegal concentration of monopoly profits allow it to violate the antitrust laws with impunity. Since MICROSOFT's illegal concentration of monopoly profits allow it to violate the antitrust laws with impunity, the only way to stop MICROSOFT from violating the antitrust laws is to disperse its illegal concentration of monopoly profits. And the only way to disperse MICROSOFT's illegal concentration of monopoly profits is to split the company into 2 or more separate companies. Thus, the only way to stop MICROSOFT from violating the antitrust laws is to split it into 2 or more companies. Since the only way to stop MICROSOFT from violating the antitrust laws is to split it into

2 or more companies, the remedy in this case should be splitting MICROSOFT into 2 or more companies.

SPECIFIC OBJECTIONS

1.Proposed Final Judgment, paragraph 2:

The second paragraph is too lenient to MICROSOFT. The second paragraph states:

AND WHEREAS, this Final Judgment does not constitute any admission by any party regarding any issue of fact or law; Judge Jackson in his Findings of Fact and Conclusions of Law found that MICROSOFT was a monopoly and that MICROSOFT did abuse its monopoly power to violate United States antitrust law (see FINDINGS OF FACT at http://www.dcd.uscourts.gov/ms-findings2.pdf and CONCLUSIONS OF LAW AND ORDER at http://www.dcd.uscourts.gov/ms-conclusions.pdf). Furthermore, the Circuit Court of Appeals for the District of Columbia upheld these findings and conclusions. Since both the District Court and the Court of Appeals held that MICROSOFT was a monopoly and did abuse its monopoly power, the least that the DOJ should do is require MICROSOFT to allocute to these facts and conclusions of law. Optimally, MICROSOFT should allocute to all of the facts and conclusions of law contained in the DOJ's original complaint which initiated this case. Allowing MICROSOFT to settle this case without admitting that it is a monopoly which abused its monopoly power is like settling with Osama bin Laden and not requiring him to admit that he bombed the World Trade Centers. Since both the District Court and the Court of Appeals held that MICROSOFT was a monopoly and did abuse its monopoly power, allowing MICROSOFT to settle this case without allocuting to the facts and conclusions of law is too lenient to MICROSOFT.

For this proposed Final Judgment to be in the public interest, MICROSOFT should be *required* to allocute to Judge Jackson's Findings of Facts and Conclusions of Law. Since MICROSOFT should be *required* to allocute to Judge Jackson's Findings of Facts and Conclusions of Law, the second paragraph should state:

AND WHEREAS, this Final Judgment constitutes an admission by MICROSOFT of all facts contained in Judge Jackson's Findings of Facts and all conclusions of law contained in Judge Jackson's Conclusions of Law; .

2.III.Prohibited Conduct, A. First Paragraph

The first paragraph of III.A. is incomplete and thus ineffective as written. III.A. prohibits MICROSOFT from retaliating against OEMs for using Non-MICROSOFT software. However, III.A. does not prohibit MICROSOFT from making its software incompatible with Non-MICROSOFT software. Specifically, III.A. does not prohibit MICROSOFT from making its software prevent the use of other operating systems or middleware running on a PC. In the past, MICROSOFT has written Windows NT (later Windows 2000 and now Windows XP) to prevent OEMs and end users from installing LINUX or the BSD operating systems (FreeBSD, OpenBSD, and NetBSD) on the same hard drive and/or computer. Furthermore, MICROSOFT wrote its Windows 98 upgrade to break the Dynamically-Linked Libraries for competing middleware (like WordPerfect Office Suite) so that the competing middleware would not work. Since MICROSOFT has previously written their Windows Operating Systems Products to prevent Non- MICROSOFT operating systems and middleware from working on the same hard drive and/or computer, and continues to do so with Windows XP, this proposed Final Judgment should prohibit MICROSOFT from writing its software to prevent Non-MICROSOFT operating systems and middleware from working on the same hard drive and/or computer. Since this proposed Final Judgment does not prohibit MICROSOFT from writing its software to prevent Non-MICROSOFT operating systems and middleware from working on the same hard drive and/or computer, III.A. is incomplete and thus ineffective.

For the first paragraph of III.A. to be in the public interest, the DOJ should rewrite it to expressly prohibit MICROSOFT from writing its software to prevent Non-MICROSOFT operating systems and middleware from working on the same hard drive and/or computer. In particular, MICROSOFT should be prohibited from making its software incompatible with LINUX, the BSD operating systems, Netscape COMMUNICATOR, the OPERA Web Browser, AOL Instant Messenger and related software, SAMBA, and any other Non-MICROSOFT software which runs on a PC. 05———————

3.III.Prohibited Conduct, A. Second Paragraph (from Page 4) The second paragraph of III.A. is incomplete as written. III.A. second paragraph (continuing from Page 4 onto Page 5) states in part:

...Microsoft shall not terminate a Covered OEM's license for a Windows Operating System Product without having first given the Covered OEM written notice of the reasons for the proposed termination and not less than thirty days'' opportunity to cure. ...

As stated above in OBJECTION 1. regarding the second paragraph, both the District Court and the Court of Appeals found MICROSOFT a monopolist which abused its monopoly power. Since both the District Court and the Court of Appeals found MICROSOFT a monopolist which abused its monopoly power, the DOJ and the District Court should monitor MICROSOFT's future behavior very carefully for compliance with this proposed Final Judgment. In particular, this proposed Final Judgment should require MICROSOFT to provide the DOJ and the District Court with copies of any such notice of non-compliance sent to a Covered OEM. Furthermore, these notices should be published in the FEDERAL REGISTER to provide the public with notice of these events. Since this proposed Final Judgment does not require MICROSOFT to provide the DOJ and the District Court with copies of any such notice of non-compliance sent to a Covered OEM, it is incomplete.

For the second paragraph of III.A. to be in the public interest, it must require MICROSOFT to provide the DOJ and the District Court with copies of any such notice of non-compliance sent to a Covered OEM. Thus, the second paragraph of III.A. should be rewritten as follows:

...Microsoft shall not terminate a Covered OEM's license for a Windows Operating System Product without having first given the Covered OEM written notice of the reasons for the proposed termination and not less than thirty days'' opportunity to cure. Microsoft shall provide the DOJ and the District Court with copies of this written notice, which shall be published in the FEDERAL REGISTER. ... .

4.III.Prohibited Conduct, A. Third Paragraph

The third paragraph of III.A. contradicts the first paragraph of III.A. The first paragraph of III.A. prohibits MICROSOFT from retaliating against an OEM for using Non-MICROSOFT software. The third paragraph allows MICROSOFT to reward OEMs based on ''the absolute level or amount of that OEM's development, distribution, promotion, or licensing of that MICROSOFT product or service''. However, OEMs have a limited amount of money. Since OEMs only have a limited amount of money, an OEM can only increase its promotion/usage of MICROSOFT products and services by decreasing its promotion/usage of Non-MICROSOFT products and services. Since an OEM can only increase its promotion/usage of MICROSOFT products and services by decreasing its promotion/usage of Non-MICROSOFT products and services, the third paragraph of III.A. allows MICROSOFT to reward OEMs who only use MICROSOFT products and services. By rewarding OEMs who only use MICROSOFT products and services, MICROSOFT punishes OEMs who do not use only MICROSOFT products and services. Thus, the third paragraph of III.A. allows MICROSOFT to retaliate against OEMs who use/promote Non-MICROSOFT products and services. Since the third paragraph of III.A. allows MICROSOFT to retaliate against OEMs who use/promote Non-MICROSOFT products and services, and the first paragraph of III.A. prohibits MICROSOFT from retaliating against OEMs who use/promote Non-MICROSOFT products and services, the third paragraph of III.A. contradicts the first paragraph of III.A.

For III.A. to be in the public interest, the third paragraph of III.A. should be deleted from this proposed Final Judgment.

5.III.Prohibited Conduct, C. First Sentence The first sentence of III.C. is incomplete and thus inadequate to protect competition. The first sentence of III.C. states:

Microsoft shall not restrict by agreement any OEM licensee from exercising any of the following options or alternatives: ...

This sentence is incomplete because it does not prohibit MICROSOFT from restricting an OEM licensee's options or alternatives by preferential treatment of an OEM licensee's competitors. For example, MICROSOFT might inform an OEM licensee like COMPAQ that if COMPAQ puts the AOL icon on its Windows desktop that MICROSOFT will offer COMPAQ's competitors a discount on MICROSOFT's products and services. Since MICROSOFT can restrict an OEM licensee's options or alternatives by threatening to offer preferential treatment to an OEM licensee's competitors, in addition to restricting an OEM licensee's options or alternatives by

agreement, the first sentence of III.C. is incomplete and therefore inadequate to protect an OEM licensee from exercising the options and alternatives of III.C.

For the first sentence of III.C. to be in the public interest, it should be rewritten as follows:

Microsoft shall not restrict by agreement *or by any other means, including but not limited to, offering preferential treatment to an OEM licensee's competitors*, any OEM licensee from exercising any of the following options or alternatives: ...

————PAGE .

06————————

6.III.Prohibited Conduct, C. 1.

III.C.1. contains an exception which allows MICROSOFT to continue its illegal business practices. The exception in III.C.1. states: ...except that Microsoft may restrict an OEM from displaying icons, shortcuts and menu entries for any product in any list of such icons, shortcuts, or menu entries specified in the Windows documentation as being limited to products that provide particular types of functionality, ... Although this exception requires MICROSOFT's restrictions to be non- discriminatory with respect to Non-MICROSOFT software, in practice MICROSOFT will claim that every Non-MICROSOFT software product that MICROSOFT wishes to destroy does not provide the requisite *particular type of functionality*. For example, MICROSOFT claimed that its Internet Explorer web browser was an integral part of Windows 98, providing a particular type of functionality that could not be separated from the operating system and the competing web browser, Netscape COMMUNICATOR, could not provide. MICROSOFT claimed this to destroy the competing web browser, Netscape COMMUNICATOR. Furthermore, MICROSOFT has bundled its streaming media player software with Windows XP to destroy Real Networks Real Player streaming media player. The fact that MICROSOFT has already claimed that a Non-MICROSOFT software product that MICROSOFT wished to destroy does not provide the requisite particular type of functionality, and continues to do so, indicates that they will use this exception to negate the prohibition of III.C.1. This exception allows MICROSOFT to destroy any competing software by modifying the Windows documentation to state that the corresponding MICROSOFT software provides a particular type of functionality. Since this exception allows MICROSOFT to destroy any competing software by modifying the Windows documentation to state that the corresponding MICROSOFT software provides a particular type of functionality, this exception allows MICROSOFT to continue its illegal business practices.

In practice, the condition placed upon this exception will not be enforced. III.C.1. places the following condition upon the above-stated exception:

...provided that the restrictions are non-discriminatory with respect to non-Microsoft and Microsoft products.

This condition is only effective if the DOJ polices MICROSOFT's business practices and prevents MICROSOFT from applying discriminatory restrictions on OEM licensees. In theory, the DOJ will police MICROSOFT's business practices and prevent MICROSOFT from applying discriminatory restrictions on OEM licensees. However, the fact that the DOJ has surrendered the remedy of splitting MICROSOFT into 2 companies, combined with the DOJ's acceptance of this proposed Final Judgment, indicates that the DOJ will not police MICROSOFT's business practices and prevent MICROSOFT from applying discriminatory restrictions on OEM licensees. Furthermore, as stated in the GENERAL OBJECTIONS, the DOJ does not want to expend additional time and resources on this case. Since the DOJ will not police MICROSOFT's business practices and prevent MICROSOFT from applying discriminatory restrictions on OEM licensees, this condition will not be enforced. Since this condition will not be enforced, it is illusory and thus ineffective.

For III.C.1. to be in the public interest, the exception must be deleted. In other words, III.C.1. should be rewritten as follows:

Installing, and displaying icons, shortcuts, or menu entries for, any Non-Microsoft Middleware or any product or service (including but not limited to IAP products or services) that distributes, uses, promotes, or supports any Non-Microsoft Middleware, on the desktop or Start menu, or anywhere else in a Windows Operating System Product where a list of icons, shortcuts, or menu entries for applications are generally displayed. .

7.III.Prohibited Conduct, C. 2.

As discussed above in OBJECTION 6. about III.C.1., III.C.2. contains an exception that allows MICROSOFT to continue its illegal business practices. The exception in III.C.2. states:

... so long as such shortcuts do not impair the funtionality of the user interface.

As stated above in OBJECTION 6. about III.C.1., in practice MICROSOFT will claim that every Non-MICROSOFT software product that MICROSOFT wishes to destroy impairs the functionality of the user interface. The Internet Explorer web browser is an example of this behavior. Another example occurred in August 2001, when MICROSOFT allowed OEMs to place whatever icons they chose on the Windows XP desktop. COMPAQ, a MICROSOFT OEM licensee, subsequently placed the AOL icon on the Windows XP desktop in place of the MSN icon. MICROSOFT thereupon reversed its policy and stated that any OEM placing a Non-MICROSOFT icon on the desktop must place the corresponding MICROSOFT icon on the desktop as well. Thus, MICROSOFT's past behavior indicates that they will claim that every Non-MICROSOFT software product that MICROSOFT wishes to destroy impairs the functionality of the user interface.

Also, as stated above in OBJECTION 6. about III.C.1., the DOJ will not police MICROSOFT's compliance with III.C.2. Since the DOJ will not police MICROSOFT's compliance with III.C.2., MICROSOFT is free to prevent OEM licensees from installing or displaying Non-MICROSOFT desktop shortcuts. Since MICROSOFT is free to prevent OEM licensees from installing or displaying Non-MICROSOFT desktop shortcuts, this exception allows MICROSOFT to continue its illegal business practices. For III.C.2. to be in the public interest, the exception must be deleted. In other words, III.C.2. should be rewritten as follows:

Distributing or promoting Non-Microsoft Middleware by installing and displaying on the desktop shortcuts of any size or shape.

8.III.Prohibited Conduct, C. 3.

As discussed about III.C.1. above, III.C.3. contains an exception that allows MICROSOFT to continue its illegal business practices. The exception in III.C.3. states: ... provided that any such Non-Microsoft Middleware displays on the desktop no user interface or a user interface of similar size and shape to the user interface displayed by the corresponding Microsoft Middleware.

As stated above in OBJECTION 6. about III.C.1., in practice MICROSOFT will claim that every Non-MICROSOFT software product that MICROSOFT wishes to destroy does not display a user interface of similar size and shape to the user interface displayed by the corresponding MICROSOFT Middleware. For example, MICROSOFT inserted code in Windows 3.1 that detected if a user was running DR-DOS (a competitor to MS-DOS). Upon detecting DR-DOS, Windows 3.1 would warn the user that DR-DOS *might be incompatible with Windows 3.1* and the user should upgrade to MS-DOS (See THE MICROSOFT FILE: THE SECRET CASE AGAINST BILL GATES by Wendy Goldman Rohm, ISBN 0–8129–2716–8, copyright 1998, Times Books, at pages 102–104, 113–114, and 116–118). Since MICROSOFT will claim that every Non-MICROSOFT software product that MICROSOFT wishes to destroy does not display a user interface of similar size and shape to the user interface displayed by the corresponding MICROSOFT Middleware, this exception will allow MICROSOFT to prevent OEM licensees from launching automatically Non-MICROSOFT Middleware at the conclusion of the initial boot sequence or upon connection/disconnection to the Internet. Since this exception will allow MICROSOFT to prevent OEM licensees from launching automatically Non-MICROSOFT Middleware at the conclusion of the initial boot sequence or upon connection/disconnection to the Internet, this exception allows MICROSOFT to continue its illegal business practices. Also, as stated above in OBJECTION 6. about III.C.1., the DOJ will not police MICROSOFT's compliance with III.C.3. Since the DOJ will not police MICROSOFT's compliance with III.C.3., MICROSOFT is free to prevent OEM licensees from launching automatically Non-MICROSOFT Middleware. Since MICROSOFT is free to prevent OEM licensees from launching automatically Non-MICROSOFT Middleware, this exception allows MICROSOFT to continue its illegal business practices.

For III.C.3. to be in the public interest, this exception must be deleted. In other words, III.C.3. should be rewritten as follows:

Lanuching automatically, at the conclusion of the initial boot sequence or subsequent boot sequences, or upon connections to or disconnections from the Internet, any Non-

Microsoft Middleware if Microsoft Middleware that provides similar functionality would otherwise be launched automatically at that time.

9.III.Prohibited Conduct, C. 5.

The exception in III.C.5. allows MICROSOFT to continue its illegal business practices. III.C.5. states:

Presenting in the initial boot sequence its own IAP offer *provided that the OEM complies with the reasonable technical specifications established by Microsoft, including a requirement that the end user be returned to the initial boot sequence upon the conclusion of any such offer*.

As stated above in OBJECTION 6. regarding III.C.1., in practice MICROSOFT will claim that every Non-MICROSOFT IAP offer that MICROSOFT wishes to destroy does not comply with MICROSOFT's reasonable technical specifications. As stated above in OBJECTION 8. III.C.3., MICROSOFT inserted code in Windows 3.1 suggesting to users that DR-DOS does not meet MICROSOFT's technical requirements. Further, after negotiations between MICROSOFT and AOL broke down in August 2001, MICROSOFT made Windows XP incompatible with AOL's internet software. The fact that MICROSOFT has made their Windows Operating System Products incompatible with competing products indicates that MICROSOFT will use the exception in III.C.5. to claim that competing IAP offers from AOL, other IAPs, or OEMs does not meet MICROSOFT's reasonable technical requirements. Since MICROSOFT will use the exception in III.C.5. to claim that competing IAP offers from AOL, other IAPs, or OEMs does not meet MICROSOFT's reasonable technical requirements, this exception allows MICROSOFT to continue its illegal business practices.

Also, as stated above in OBJECTION 6. about III.C.1., the DOJ will not police MICROSOFT's compliance with III.C.5. Since the DOJ will not police MICROSOFT's compliance with III.C.5., MICROSOFT is free to prevent OEM licensees from presenting their own IAP offers in the initial boot sequence. Since MICROSOFT is free to prevent OEM licensees from presenting their own IAP offers in the initial boot sequence, this exception allows MICROSOFT to continue its illegal business practices. For III.C.5. to be in the public interest, this exception must be deleted. In other words, III.C.5. should be rewritten as follows:

Presenting in the initial boot sequence its own IAP offer. .

10.III.Prohibited Conduct, D.

The deadline stated in the first sentence for MICROSOFT to release its APIs and related Documentation to third parties is too long. The first sentence of III.D. states in relevant part:

Starting at the earlier of *the release of Service Pack 1 for Windows XP or 12 months after the submission of this Final Judgment to the Court*; Microsoft shall disclose to ISVs, IHVs, IAPs, ICPs, and OEMs,

... the APIs and related Documentation that are used by Microsoft Middleware to interoperate with a Windows Operating System Product. Currently, the computer industry is operating on Internet time. In Internet time, 3 months is considered equivalent to a normal year. Since MICROSOFT, like its competitors in the computer industry, operates on Internet time, allowing MICROSOFT up to 12 months to disclose their APIs and related Documentation is equivalent to giving MICROSOFT a 3 year head start in developing Middleware for Windows XP and its successors. Furthermore, MICROSOFT's Middleware programmers already have access to these APIs and related Documentation prior to the release of these Windows Operating System Products. Since MICROSOFT's Middleware programmers already have access to these APIs and related Documentation prior to the release of these Windows Operating System Products, and allowing MICROSOFT up to 12 months to disclose their APIs and related Documentation is equivalent to giving MICROSOFT a 3 year head start in developing Middleware for its Windows Operating System Products, this deadline effectively prevents third parties from developing competing Middleware for MICROSOFT's Windows Operating System Products. Since this deadline effectively prevents third parties from developing competing Middleware for MICROSOFT's Windows Operating System Products, the 12 month deadline for MICROSOFT to release its APIs and related Documentation is too long. Since the 12 month deadline for MICROSOFT to release its APIs and related Documentation is too long, this 12 month deadline should be shortened to 3 months. For this part of III.D. to be in the public interest, this deadline should be changed from 12 months to 3 months. In other words, the first sentence of III.D. should be rewritten as:

Starting at the earlier of the release of Service Pack 1 for Windows XP or *3* months after the submission of this Final Judgment to the Court,

11.III.Prohibited Conduct, D. The condition placed upon releasing MICROSOFT's APIs is too lenient to MICROSOFT. The first sentence of III.D. states in relevant part:

... Microsoft shall disclose to ISVs, IHVs, IAPs, ICPs, and OEMs, for the sole purpose of interoperating with a Windows Operating System Product, ...

As stated above in OBJECTION 1 regarding the seond paragraph, MICROSOFT lost this case. Both Judge Jackson and the Court of Appeals held that MICROSOFT was a monopoly and that it abused its monopoly power. Furthermore, as stated in the GENERAL OBJECTIONS, MICROSOFT has consistently violated the antitrust laws. Since both Judge Jackson and the Court of Appeals held that MICROSOFT was a monopoly and that it abused its monopoly power, and MICROSOFT has consistently violated the antitrust laws, the DOJ should not be appeasing MICROSOFT by limiting the scope of use of MICROSOFT's APIs and related Documentation. Since the DOJ should not be appeasing MICROSOFT by limiting the scope of use of MICROSOFT's APIs and related Documentation, this limitation on third parties'' right to use MICROSOFT's APIs and related Documentation is too lenient to MICROSOFT.

For this part of III.D. to be in the public interest, the scope of use of MICROSOFT's APIs and related Documentation should be unconditional. In other words, III.D. should be rewritten as:

... Microsoft shall disclose to ISVs, IHVs, IAPs, IAPs, ICPs, and OEMs, ... the APIs and related Documentation ... .

12.III.Prohibited Conduct, D.

The scope of disclosure of MICROSOFT's APIs and related Documentation is too narrow. The first sentence of III.D. states in relevant part: ...

Microsoft shall disclose... *the APIs and related Documentation* that are used by Microsoft Middleware to interoperate with a Windows Operating System Product. ...

MICROSOFT has consistently withheld APIs from third party developers so that MICROSOFT Middleware would interoperate better with its Windows Operating System Products than with third party Middleware. In particular MICROSOFT has withheld APIs and functions regarding:

* DOS (see UNDOCUMENTED DOS by Andrew Schulman, Addison-Wesley, ISBN 0–201–57064–5 and UNDOCUMENTED DOS 2nd Edition by Andrew Schulman, Addison-Wesley, ISBN 0–201–63287-X)

* Windows 3.1 (see UNDOCUMENTED WINDOWS by Andrew Schulman, Addison-Wesley, ISBN 0–201–60834–0)

* Windows 95 (see UNAUTHORISED WINDOWS 95 by Andrew Schulman, IDG, ISBN 1–56884–169–8)

* Windows NT (see UNDOCUMENTED WINDOWS NT by Prassad Dabak, Sandeep Phadke, Milind Borate, Hungry Minds, Inc., IBSN 0–764–54569–8)

* Windows 2000 (see UNDOCUMENTED WINDOWS 2000 SECRETS: A PROGRAMMER'S COOKBOOK by Sven B. Scheiber, Addison-Wesley, ISBN 0–201–72187–2)

Furthermore, MICROSOFT has also withheld information regarding their File Formats (see WINDOWS UNDOCUMENTED FILE FORMATS: WORKING INSIDE 16- AND 32- BIT WINDOWS by Pete Davis, Mike Wallace, CMP Books, ISBN 0–879- 30437–5). The fact that MICROSOFT has consistently withheld APIs and related Documentation (and information about their File Formats) indicates that they will continue to withhold APIs and related Documentation from Third Party developers. Since MICROSOFT will continue to withhold APIs and related Documentation from Third Party developers, the scope of disclosure required of MICROSOFT in III.D. is too narrow.

Furthermore, III.D. does not explicitly require MICROSOFT to disclose *all* APIs and related Documentation used by MICROSOFT Middleware to interoperate with a Windows Operating System Product. Since III.D. does not explicitly require MICROSOFT to disclose *all* APIs and related Documentation, MICROSOFT will always argue that this proposed Final Judgment does not require it to disclose *all* APIs and related Documentation used by MICROSOFT Middleware to interoperate with a Windows Operating System Product. Since MICROSOFT will always argue that this proposed Final Judgment does not require it to disclose *all* APIs and related

Documentation used by MICROSOFT Middleware to interoperate with a Windows Operating System Product, the scope of disclosure required of MICROSOFT in III.D. is too narrow.

In addition, III.D. does not state who determines which APIs and related Documentation MICROSOFT must disclose. Since III.D. does not state who determines which APIs and related Documentation MICROSOFT must disclose, MICROSOFT will claim that they have the right to determine which APIs and related Documentation it must disclose. Furthermore, as stated in the above GENERAL OBJECTIONS, the DOJ will not expend additional time and resources on this case. Since the DOJ will not expend additional time and resources on this case, they will not contest MICROSOFT's right to determine which APIs and related Documentation MICROSOFT must disclose. Since MICROSOFT will claim that they have the right to determine which APIs and related Documentation it must disclose, and the DOJ will not contest this claim, III.D. basically allows MICROSOFT to determine its punishment. In other words, III.D. allows MICROSOFT to determine which APIs and related Documentation it will disclose. The fact that MICROSOFT is already determining which APIs and related Documentation it will disclose, and is withholding APIs and related Documentation, indicates that MICROSOFT will continue to withhold APIs and related Documentation. Since MICROSOFT will interpret III.D. to allow MICROSOFT to continue withholding APIs and related Documentation, the scope of disclosure in III.D. is too narrow.

Also, as stated above in OBJECTION 6. about III.C.1., the DOJ will not police MICROSOFT to ensure that MICROSOFT discloses all of the APIs and related Documentation used by MICROSOFT Middleware to interoperate with a Windows Operating System Product. Since the DOJ will not police MICROSOFT to ensure that MICROSOFT discloses all of the APIs and related Documentation used by MICROSOFT Middleware to interoperate with a Windows Operating System Product, MICROSOFT is free to continue withholding APIs and related Documentation used by MICROSOFT Middleware to interoperate with a Windows Operating System Product. Since MICROSOFT is free to continue withholding APIs and related Documentation used by MICROSOFT Middleware to interoperate with a Windows Operating System Product, III.D. does not deter MICROSOFT from continuing to withhold APIs and related Documentation used by MICROSOFT Middleware to interoperate with a Windows Operating System Product.

For III.D. to be in the public interest, III.D. must require MICROSOFT to disclose the complete source code to all of their Windows Operating System Products. As stated above, MICROSOFT has consistently withheld APIs and related Documentation from Third Party Developers. Since MICROSOFT has consistently withheld APIs and related Documentation from Third Party Developers, the only way to ensure that MICROSOFT discloses all of the APIs and related Documentation used by MICROSOFT Middleware to interoperate with a Windows Operating System Product is to require MICROSOFT to disclose the complete source code of its Windows Operating System Products.

Furthermore, MICROSOFT must disclose the compilers used to compile the binary files for its Windows Operating System Products. MICROSOFT has history of altering its source code to prevent competitors from writing compatible software. In the mid-1990s, MICROSOFT consistently rewrote its Windows 3.1 source code to ensure that IBM's OS/2 operating system remained incompatible with Windows 3.1. More recently, during the trial of this antitrust case, MICROSOFT altered the code of Windows 98 in an attempt to impeach government witness Edward Felten (see ''A Tangled Web'' at http://www.vcnet.com/bms/departments/dirtytricks.shtml and ''MS-DOJ: Microsoft on the retreat?'' at http://www.zdnet.com/filters/printerfriendly/0,6061,2175958–2,00.html).

The only way to know if MICROSOFT has disclosed the complete source code of its Windows Operating System Products is to compile the source code and compare these compiled binaries with the binaries that MICROSOFT ships to OEMs and end users. Since the only way to know if MICROSOFT has disclosed the complete source code of its Windows Operating System Products is to compile the source code and compare these compiled binaries with the binaries that MICROSOFT ships to OEMs and end users, III.D. must require that MICROSOFT disclose the compilers it uses to compile binaries of its Windows Operating System Products'' source code. Thus, III.D. should be rewritten as follows:

... Microsoft shall disclose... *the complete source code of its Windows Operating System Products, together with the compilers used to compile the source code of the Windows Operating System Product* . ... .

13. III.Prohibited Conduct, D. The means of disclosure of MICROSOFT's APIs and related Documentation in III.D. is inadequate. The first sentence of III.D. states in relevant part:

...Microsoft shall disclose..., *via the Microsoft Developer Network (''MSDN'') or similar mechanisms, the APIs and related Documentation...

MICROSOFT has made their websites unavailable to Non-MICROSOFT web browsers. In 1998, MICROSOFT inserted code in their MICROSOFT Office update website such that persons using Non-MICROSOFT web browsers got a warning message stating that they need to upgrade their web browser to Internet Explorer 4.01 to access the full edition of the update at the website (See ''Use Internet Explorer or...?'' at http://www.vcnet.com/bms/departments/dirtytricks.shtml). In October 2001, MICROSOFT altered their websites so that Non-MICROSOFT web browsers, like OPERA, could not view any webpages at MICROSOFT's website (See ''New look MSN turns away non-MS lovers'' at http://www.theregister.co.uk/content/6/22441.html, ''The Browser Wars are back: Opera smacks MSN'' at http://www.theregister.co.uk/content/4/22618.html, and ''Opera tolerating MSN.co.uk goes live'' at http://www.theregister.co.uk/content/archive/22714.html). The fact that MICROSOFT has made their websites unavailable to Non-MICROSOFT web browsers indicates that they will continue to do so. Since MICROSOFT will continue to make their websites unavailable to Non-MICROSOFT web browsers, requiring MICROSOFT to disclose their APIs and related Documentation on the MSDN, or any MICROSOFT website, means that these APIs and related Documentation will not be available to Non-MICROSOFT web browsers. Since requiring MICROSOFT to disclose their APIs and related Documentation on the MSDN, or any MICROSOFT website, means that these APIs and related Documentation will not be available to Non- MICROSOFT web browsers, the means of disclosure of MICROSOFT's APIs and related Documentation in III.D. is inadequate.

Also, as stated above in OBJECTION 6. about III.C.1., the DOJ will not police MICROSOFT to ensure that MICROSOFT does not block Non-MICROSOFT web browsers from accessing its websites. Since the DOJ will not police MICROSOFT to ensure that MICROSOFT does not block Non-MICROSOFT web browsers from accessing its websites, MICROSOFT is free to continue blocking Non-MICROSOFT web browsers from accessing its websites. Since MICROSOFT is free to continue blocking Non-MICROSOFT web browsers from accessing its websites, III.D. does not deter MICROSOFT from continuing to block Non-MICROSOFT web browsers from accessing its websites.

For III.D. to be in the public interest, MICROSOFT must be required to publicly disclose its APIs and related Documentation in Non-MICROSOFT websites like SLASHDOT (http://slashdot.org) and FRESH MEAT (http://www.freashmeat.org). In other words, III.D. should be rewritten as follows:

...Microsoft shall disclose..., *via Non-MICROSOFT websites, including but not limited to, SLASHDOT (http://slashdot.org) and FRESH MEAT (http://www.freshmeat.org), the APIs and related Documentation... .

14.III.Prohibited Conduct, D.

The deadline for disclosure of MICROSOFT Middleware may be illusory and thus ineffective. The second sentence of III.D. states

...In the case of a major new version of Microsoft Middleware, the disclosures required by this section III.D. shall occur no later than the last major beta test release of the Microsoft Middlware.

MICROSOFT is currently moving towards a subscription-based model for its software. A subscription-based model for new software means that MICROSOFT may not release any more ''new'' software. Instead, MICROSOFT will simply update a user's current software every month or so. Since MICROSOFT will simply update a user's current software every month or so, MICROSOFT will not be releasing any new major versions of their Operating Systems or Middleware. Since MICROSOFT will not be releasing any new major versions of their Windows Operating

System Products or Middleware, MICROSOFT will not be required to release the APIs and related Documentation for these Windows Operating System Products or Middleware. Since MICROSOFT will not be required to release the APIs and related Documentation for these Windows Operating System Products or Middleware, this deadline may be illusory.

To summarize, the requirements of III.D. are too narrow and thus inadequate. For III.D. to be in the public interest, the first sentence of III.D. must be rewritten as follows: Starting at the earlier of the release of Service Pack 1 for Windows

XP or *3* months after the submission of this Final Judgment to the Court, Microsoft shall disclose to ISVs, IHVs, IAPs, IAPs, ICPs, and OEMs, *via Non-MICROSOFT websites, including but not limited to, SLASHDOT (http://slashdot.org) and FRESH MEAT (http://www.freshmeat.org), the complete source code of its Windows Operating System Products, together with the compilers used to compile the source code of the Windows Operating System Product and related Documentation*. .

15.III.Prohibited Conduct, E.

For the same reasons stated in OBJECTION 10. regarding III.D., the deadline for releasing Communications Protocols in III.E. is too lenient to MICROSOFT. III.E. allows MICROSOFT to wait *9 months* after the submission of this proposed Final Judgment before disclosing its Communications Protocols. As stated above in OBJECTION 10. regarding III.D., MICROSOFT and its competitors operate on ''Internet time'', where 3 months comprises an ''Internet year''. Since 3 months comprises an ''Internet year'', the deadline of 9 months for MICROSOFT to disclose its Communications Protocols is too long. For the deadline of III.E. to be in the public interest, it must be shortened to 3 months. In other words, III.E. should be rewritten as follows:

Starting *3* months after the submission of this proposed Final Judgment to the Court,... .

16.III.Prohibited Conduct, E.

The terms of disclosure are too lenient to MICROSOFT. As stated above in OBJECTION 1. regarding the second paragraph, MICROSOFT lost this case at the District Court and Appellate Court levels. Since MICROSOFT lost this case at the District Court and Appellate Court levels, the DOJ should not concede anything to MICROSOFT, including the terms of disclosing MICROSOFT's Communications Protocols. III.E. states in the relevant part:

...Microsoft shall make available for use by third parties, *for the sole purpose* of interoperating with a Windows Operating System Product, *on reasonable and non-discriminatory terms* (consistent with Section III.I.), any Communications Protocol that is, on or after the date this Final Judgment is submitted to the Court, (i) implemented in a Windows Operating System Product installed on a client computer, and

(ii) used to interoperate natively (i.e., without the addition of software code to the client or server operating system products) with Windows 2000 Server or products marketed as its successors installed on a server computer.

First, since MICROSOFT lost this case, the scope of disclosure of these Communcations Protocols should not be limited to *the sole purpose of interoperating with a Windows Operating System Product*. Third Parties should be free to make whatever use of these Communications Protocols that they choose. Allowing MICROSOFT to limit their use to *the sole purpose of interoperating with a Windows Operating System Product* simply gives MICROSOFT the opportunity to deny disclosing these Communications Protocols by claiming that the Third Party is not using them for *the sole purpose of interoperating with a Windows Operating System Product*. Since limiting their use to *the sole purpose of interoperating with a Windows Operating System Product* simply gives MICROSOFT the opportunity to deny disclosing these Communications Protocols by claiming that the Third Party is not using them for *the sole purpose of interoperating with a Windows Operating System Product*, this limitation is too restrictive.

Second, *reasonable and non-discriminatory terms* is legalese for royalty-bearing terms. By allowing MICROSOFT to charge Third Parties royalties for disclosing its Communications Protocols, III.E. allows MICROSOFT to discriminate against Open-Source developers, who generally cannot afford to pay royalties. Since III.E. allows MICROSOFT to discriminate against Open-Source developers, who generally cannot afford to pay royalties, III.E. is too restrictive.

Third, the scope of disclosure in III.E. is inadequate because III.E. does not require MICROSOFT to disclose *all* Communications Protocols. III.E. limits MICROSOFT's disclosure to Communications Protocols that are:

(i) implemented in a Windows Operating System Product installed on a client computer, and

(ii) used to interoperate natively (i.e., without the addition of software code to the client or server operating system products) with Windows 2000 Server or products marketed as its successors installed on a server computer.

Since III.E. limits MICROSOFT's disclosure to only Communications Protocols meeting these requirements, III.E. does not require MICROSOFT to disclose all Communications Protocols which are necessary for Third Party developers to make their software interoperate with MICROSOFT's Windows Operating System Products as well as MICROSOFT's Middleware does. Since III.E. does not require MICROSOFT to disclose all Communications Protocols which are necessary for Third Party developers to make their software interoperate with MICROSOFT's Windows Operating System Products as well as MICROSOFT's Middleware does, III.E. allows MICROSOFT to continue withholding Communications Protocols that allow its Middlware to interoperate with MICROSOFT's Windows Operating System Products better than Third Parties'' Middleware. Since III.E. allows MICROSOFT to continue withholding Communications Protocols that allow its Middlware to interoperate with MICROSOFT's Windows Operating System Products better than Third Parties'' Middleware, the scope of disclosure in III.E. is too narrow.

Furthermore, VI.B. of this proposed Final Judgment defines Communications Protocols too narrowly. The last sentence of VI.B. states:

...Communications Protocols shall *not* include protocols used to remotely administer Windows 2000 Server and products marketed as its successors.

Thus, III.E., when read in light of VI.B., further limits MICROSOFT's disclosure to only those Communications Protocols that are not used to remotely administer Windows 2000 Server and products marketed as its successors. Since III.E., when read in light of VI.B., further limits MICROSOFT's disclosure to only those Communications Protocols that are not used to remotely administer Windows 2000 Server and products marketed as its successors, the scope of disclosure in III.E. in light of VI.B, is too narrow.

For III.E. to be in the public interest, all of these limitations on MICROSOFT's disclosure of its Communications Protocols must be deleted. In other words, III.E. should be rewritten as follows: Starting *3* months after the submission of this proposed Final Judgment to the Court, Microsoft shall make available for use *on royalty-free terms* by third parties, *all* Communications Protocols used by *all Microsoft software.

Furthermore, the last sentence of VI.B., excluding protocols used to remotely administer Windows 2000 Server and products marketed as its successors, must be deleted.

17.III.Prohibited Conduct, F. 2.

The exception of III.F.2. negates the restriction placed on MICROSOFT.

The exception states:

...except that Microsoft may enter into *agreements that place limitations on an ISV's development, use, distribution, or promotion of any such software* if those limitations are reasonably necessary to and of reasonable scope and duration in relation to a bona fide contractual obligation of the ISV to use, distribute or promote any Microsoft software or to develop software for, or in conjunction with, Microsoft.

MICROSOFT will use this exception to avoid the restrictions of III.F.2., always claiming that the limitations are reasonably necessary to and of reasonable scope and duration in relation to a bona fide contractual obligation of the ISV to use, distribute or promote any Microsoft software or to develop software for, or in conjunction with, Microsoft. As stated above in OBJECTION 4. reagrding III.A., ISVs have a limited budget. By requiring ISVs to spend that budget distributing and/or promoting MICROSOFT software, MICROSOFT can prevent ISVs from developing, using, distributing or promoting any software that competes with MICROSOFT software. Since MICROSOFT can prevent ISVs from developing, using, distributing or promoting any software that competes with MICROSOFT software, MICROSOFT will use this exception to avoid the restrictions of III.F.2. Since MICROSOFT will use this exception to avoid the restrictions of III.F.2., the exception negates

the restriction that III.F.2. places on MICROSOFT.

For III.F.2. to be in the public interest, the exception must be deleted. In other words, III.F.2. should be rewritten as follows:

Microsoft shall not enter into any agreement relating to a Windows Operating System Product that conditions the grant of any Consideration on an ISV's refraining from developing, using, distributing, or promoting any software that competes with Microsoft Platform Software or any software that runs on any software that competes with Microsoft Platform Software. .

18.III.Prohibited Conduct, G.1. The prohibition of III.G.1. is too narrow because it excludes Goverments, Educational Institutions, Standards Setting Organizations and Non-Profit Organizations. III.G.1. states in relevant part:

Microsoft shall not enter into any agreement with:

1. any *IAP, ICP, ISV, IHV or OEM*... Microsoft has been doing, and continues to do, business with:

* Local, State, and National Governments

* Standards Setting Organizations

* Non-Profit Organizations

* Educational Institutions like Universities and Public Schools Since Microsoft has been doing, and continues to do, business with these groups, they should be included in the prohibition of III.G.1. Since these groups are not included in the prohibition of III.G.1., III.G.1. is too narrow.

For III.G.1. to in the public interest, it must include these other groups. In other words, III.G.1. should be rewritten as follows:

1. any IAP, ICP, ISV, IHV, *OEM, government, educational institution, standards-setting organization, or non- profit organization*... .

19.III.Prohibited Conduct, G.1.

The exception in III.G.1. negates the restriction placed upon MICROSOFT in III.G.1. The exception states:

...except that Microsoft may enter into agreements in which such an entity agrees to distribute, promote, use or support Microsoft Platform Software in a fixed percentage whenever Microsoft in good faith obtains a representation that it is commercially practicable for the entity to provide equal or greater distribution, promotion, use or support for software that competes with Microsoft Platform Software,...

MICROSOFT has a monopoly in the PC market. MICROSOFT's only competition comes from LINUX, which is available for free. Since LINUX is available for free, every company/entity will *always* be able to represent that it is commercially practicable for the entity to provide equal or greater distribution, promotion, use or support for software that competes with Microsoft Platform Software. Since every company/entity will *always* be able to represent that it is commercially practicable for the entity to provide equal or greater distribution, promotion, use or support for software that competes with Microsoft Platform Software, this exception allows MICROSOFT to continue requiring companies/entities to distribute, promote, use or support Microsoft Platform Software in a fixed percentage. Since this exception allows MICROSOFT to continue requiring companies/entities to distribute, promote, use or support Microsoft Platform Software in a fixed percentage, this exception negates the restriction that III.G.1. places upon MICROSOFT.

For III.G.1. to be in the public interest, the exception in III.G.1. must be deleted. In other words, III.G.1. must be rewritten as follows:

1. any IAP, ICP, ISV, IHV, *OEM, government, educational institution, standards-setting organization, or non- profit organization* that grants Consideration on the condition that such entity distributes, promotes, uses, or supports, exclusively or in a fixed percentage, any Microsoft Platform Software*, or .

20.III.Prohibited Conduct, G. The exceptions ending III.G. negate the restrictions that III.G. 1. and

2. place upon MICROSOFT. The exceptions state:

Nothing in this section shall prohibit Microsoft from entering into:

(a) any bona fide joint venture or

(b) any joint development or joint services arrangement with any ISV, IHV, IAP, ICP, or OEM for a new product, technology, or service, or any material value-add to an existing product, technology, or service, in which both Microsoft and the ISV, IHV, IAP, ICP, or OEM contribute significant developer or other resources, that prohibits such entity from competing with the object of the joint venture or other arrangement for a reasonable period of time.

This Section does not apply to any agreements in which Microsoft licenses intellectual property in from a third party.

These exceptions allow MICROSOFT to avoid the restrictions of III.G. by calling this prohibited conduct a joint venture, joint development, or joint services arrangement (Note that exception (b) does not prohibit *MICROSOFT* from competing with the object of the joint venture or other arrangement for a reasonable period of time, only MICROSOFT's partners) or by claiming that it is licensing intellectual property in from a third party. Since these exceptions allow MICROSOFT to avoid the restrictions of III.G. by calling this prohibited conduct a joint venture, joint development, or joint services arrangement or by claiming that it is licensing intellectual property in from a third party, these exceptions negate the restrictions that III.G. 1. and 2. place upon MICROSOFT.

For III.G. to be in the public interest, these exceptions must be deleted from III.G.

21.III.Prohibited Conduct, H.

The deadline in III.H. for MICROSOFT to conform to the restrictions is too long. As stated above in OBJECTION 11. regarding III.D., MICROSOFT and its competitors operate on ''Internet time''. Three months is a year in ''Internet time''. Since 3 months is a year in ''Internet time'', and MICROSOFT and its competitors operate on ''Internet time'', the deadline in III.H. should be *3* months, not *12* months. Since the deadline in III.H. is 12 months, the deadline is too long.

For the deadline in III.H. to be in the public interest, it must be shortened to 3 months. In other words, the first sentence of III.H. should be rewritten as follows:

Starting at the earlier of the release of Service Pack 1 for Windows XP or *3* months after the submission of this Final Judgment to the Court, Microsoft shall: ... .

22.III.Prohibited Conduct, H.

The restrictions that III.H. places upon MICROSOFT are illusory in light of VI.N. III.H. allows end users and OEMs to select Non-MICROSOFT Middleware Products in place of MICROSOFT Middleware Products. However, VI.N. defines ''Non-MICROSOFT Middleware Products'' as a non-Microsoft software product running on a Windows Operating System Product ... and (ii) of which at least *one million copies* were distributed in the United States in the previous year.

Very few Non-MICROSOFT software products have a distribution of 1 million copies in the United States in the previous year. Only AOL's software and perhaps Adobe PHOTOSHOP meet this requirement. Furthermore, this requirement excludes practically all Open-Source software. Since very few, and practically no Open-Source, software products meet this requirement, III.H. actually reads as follows:

MICROSOFT shall allow end users and OEMs to select AOL and Adobe PHOTOSHOP in place of the equivalent MICROSOFT Middleware Product. In other words, VI.N. renders the restrictions of III.H. illusory. Since VI.N. renders the restrictions of III.H. illusory, VI.N. must be rewritten to delete requirement ''(ii)''. In other words, VI.N. should be rewritten as follows:

''Non-Microsoft Middleware Product'' means a non-Microsoft software product running on a Windows Operating System Product that exposes a range of funtionality to ISVs through published APIs and that could, if ported to or made interoperable with, a non-Microsoft Operating System, thereby make it easier for applications that rely in whole or in part on the funtionality supplied by that software product to be ported to or run on that non-Microsoft Operating System. .

23.III.Prohibited Conduct, H.1.(a)

The exception in (a) of III.H.1. negates the restriction that III.H.1. places upon MICROSOFT. The exception states: ...except that Microsoft may restrict the display of icons, shortcuts, or menu entries for any product in any list of such icons, shortcuts, or menu entries specified in the Windows documentation as being limited to products that provide particular types of funtionality, provided that the restrictions are non-discriminatory with respect to non-Microsoft and Microsoft products; ...

MICROSOFT will always claim that competing software that MICROSOFT wishes to destroy does not provide particular types of functionality. For example, MICROSOFT integrated their web browser, Internet Explorer, into their Operating System, Windows 95/98, and then claimed that Netscape's web browser did not provide similar functionality. MICROSOFT also integrated their streaming media player software, WINDOWS MEDIA PLAYER, to preclude OEMs installing Real Networks's streaming media player, REAL PLAYER. This past August MICROSOFT allowed OEMs to place Non-MICROSOFT icons and shortcuts on the Windows XP desktop. COMPAQ then announced that it was placing the AOL icon

and shortcut on the Windows XP desktop. MICROSOFT immediately changed its policy to requiring OEMs to place MICROSOFT icons and shortcuts alongside Non-MICROSOFT icons and shortcuts of similar functionality. The fact that MICROSOFT has integrated software into their Windows Operating System Products to preclude competition and required OEMs to place MICROSOFT icons and shortcuts alongside Non-MICROSOFT icons and shortcuts indicates that MICROSOFT will use the exception in III.H.1.(a) to claim that competing software that MICROSOFT wishes to destroy does not provide particular types of functionality. Since MICROSOFT will use the exception in III.H.1.(a) to claim that competing software that MICROSOFT wishes to destroy does not provide particular types of functionality, this exception negates the restriction that III.H.1. places upon MICROSOFT.

The DOJ will not stop MICROSOFT from using the exception in III.H.1.(a) to claim that competing software that MICROSOFT wishes to destroy does not provide particular types of functionality. As stated above in OBJECTION 6. regarding III.C.1., the DOJ will not police MICROSOFT to ensure that MICROSOFT complies with this proposed Final Judgment. Since the DOJ will not police MICROSOFT to ensure that MICROSOFT complies with this proposed Final Judgment, MICROSOFT is free to use the exception in III.H.1.(a) to claim that competing software that MICROSOFT wishes to destroy does not provide particular types of functionality. For III.H.1.(a) to be in the public interest, this exception must be deleted. In other words, III.H.1.(a) must be rewritten as follows:

(a)displaying or removing icons, shortcuts, or menu entries on the desktop or Start menu, or anywhere else in a Windows Operating System Product where a list of icons, shortcuts, or menu entries for applications are generally displayed*; and .

24.III.Prohibited Conduct, H.1.(b)

The restriction in III.H.1.(b) is incomplete and allows MICROSOFT to circumvent the restriction. III.H.1.(b) requires MICROSOFT to allow end users and OEMs a ''separate and unbiased choice'' for enabling/disabling MICROSOFT software and automatic invocations of MICROSOFT software. However, this language is vague and allows MICROSOFT to circumvent this restriction. As mentioned above in OBJECTION 8. regarding III.C.3., MICROSOFT inserted code into Windows 3.1 warning DR–DOS users not to use DR–DOS with Windows 3.1. Currently, MICROSOFT has released Windows XP, which contains the Passport software. Passport includes code that causes a pop-up window to appear at least 5 times a day until a Windows XP user opens a Passport account. Furthermore, MICROSOFT refuses to provide technical support to Windows XP users who do not have a Passport account. Since MICROSOFT has inserted code in their Windows Operating System Products to coerce users to use MICROSOFT software and/or open accounts with MICROSOFT to obtain technical support, III.H.1.(b) should restrict MICROSOFT from engaging in this behavior as well. Since III.H.1.(b) does not restrict MICROSOFT from inserting code in their Windows Operating System Products to coerce users to use MICROSOFT software and/or open accounts with MICROSOFT to obtain technical support, III.H.1.(b) is inadequate. For III.H.1.(b) to be in the public interest, it must be rewritten to prohibit MICROSOFT from engaging in the above-mentioned acts. In other words, III.H.1.(b) must be rewritten as follows:

... The mechanism shall not include warnings of incompatibilities warning the user to switch to MICROSOFT software, nor shall the mechanism require confirmation from the user more than once, nor shall the mechanism initiate requesting that the end user install or use MICROSOFT software. ... .

25.III.Prohibited Conduct, H.2.

For the same reasons stated above in OBJECTION 23. regarding III.H.1. (a), III.H.2. is inadequate. III.H.2. requires MICROSOFT to allow end users to designate a Non-MICROSOFT Middlware Product in place of a MICROSOFT Middleware Product. However, III.H.2. allows MICROSOFT to require confirmation from the end user to making this change. As stated above in OBJECTION 24. regarding III.H.1.(b), MICROSOFT has used this confirmation technique to harass end users into using MICROSOFT software and opening accounts with MICROSOFT. Since MICROSOFT has used this confirmation technique to harass end users into using MICROSOFT software and opening accounts with MICROSOFT, III.H.2. must prohibit MICROSOFT from using these techniques. Since III.H.2. does not prohibit MICROSOFT from using these techniques, III.H.2. is inadequate. For III.H.2. to be in the public interest, it must be rewritten to prohibit these harassing techniques. In other words, III.H.2. must be rewritten as follows:

... (via a mechanism which may, at Microsoft's option, require confirmation from the end user. *However, this confirmation shall not include warnings of incompatibilities warning the user to switch to MICROSOFT software, nor shall the mechanism require confirmation from the user more than once, nor shall the mechanism initiate requesting that the end user install or use MICROSOFT software.*)... .

26.III.Prohibited Conduct, H.3.

For the same reasons stated above in OBJECTION 23. regarding III.H.1. (a), III.H.3. is inadequate and should be rewritten to prohibit MICROSOFT from engaging in the above-listed harassing techniques.

27.III. Prohibited Conduct, H.

The 2 exceptions ending III.H. negate the restrictions that III.H. places upon Microsoft. The first exception allows MICROSOFT's Windows Operating System Products to invoke a MICROSOFT Middleware Product if the Middleware Product is invoked solely to interoperate with a server maintained by MICROSOFT. MICROSOFT's current .NET strategy is to have end users run their software from the Internet through a server maintained by MICROSOFT. In other words, MICROSOFT is modifying their Middleware Products so that they will be invoked solely for use in interoperating with a server maintained by MICROSOFT. Since MICROSOFT is modifying their Middleware Products so that they will be invoked solely for use in interoperating with a server maintained by MICROSOFT, MICROSOFT's Middleware Products will completely avoid the restrictions of III.H. Since the first exception ending III.H. allows MICROSOFT to completely avoid the restrictions of III.H., the first exception negates the restrictions of III.H.

The second exception ending III.H. similarly negates the restrictions of III.H. The second exception allows MICROSOFT's Windows Operating System Products to invoke a MICROSOFT Middleware Product if a Non-MICROSOFT Middleware Product does not meet MICROSOFT's *reasonable technical requirements*. As stated above in OBJECTION 12. regarding III.D., MICROSOFT has consistently withheld APIs and related Documentation about their Windows Operating System Products to gain an unfair advantage over their competitors for Middleware Products. The fact that MICROSOFT has consistently withheld APIs and related Documentation about their Windows Operating System Products to gain an unfair advantage over their competitors for Middleware Products indicates that it will continue to do so. Furthermore, the fact that MICROSOFT will continue to withhold APIs and related Documentation indicates that MICROSOFT will withhold the reasonable technical requirements that competitors need to make their Middleware Products interoperate with Windows Operating System Products. By withholding the reasonable technical requirements that competitors need to make their Middleware Products interoperate with Windows Operating System Products and then claiming that Non-MICROSOFT Middleware Products do not meet MICROSOFT's reasonable technical requirements, MICROSOFT can preclude users from invoking Non-MICROSOFT Middleware Products and thereby avoid the restrictions of III.H. MICROSOFT can successfully withhold reasonable technical requirements in violation of this Final Judgment because the DOJ will not police MICROSOFT. As stated above in OBJECTION 6. regarding III.C.1., the DOJ will not police MICROSOFT to ensure that MICROSOFT complies with this Final Judgment. Since the DOJ will not police MICROSOFT to ensure that MICROSOFT complies with this Final Judgment, MICROSOFT will not comply with this Final Judgment. In other words, MICROSOFT will withhold reasonable technical requirements from their competitors to prevent them from making Middleware Products that meet MICROSOFT's reasonable technical requirements.

Since these 2 exceptions ending III.H. negate the restrictions of III.H. they should be deleted from the proposed Final Judgment.

28. III. Prohibited Conduct, I.2.

The scope of the license for MICROSOFT's Intellectual Property Rights (''IPRs'') in III.I.2. is too narrow. III.I.2. states in relevant part:

...the scope of any such license (and the intellectual property rights licensed thereunder) need be no broader than is necessary to ensure that an ISV, IHV, IAP, ICP or OEM is able to exercise the options

or alternatives expressly provided under this Final Judgment...

As stated above in OBJECTION 6. regarding III.C.1., MICROSOFT has consistently withheld APIs and related Documentation from their competitors. The fact that MICROSOFT has consistently withheld APIs and related Documentation from their competitors indicates that they will consistently withhold IPRs from their competitors to prevent their competitors from making Middleware Products that can truly compete with MICROSOFT Middleware Products. Since MICROSOFT will consistently withhold IPRs from their competitors to prevent their competitors from making Middleware Products that can truly compete with MICROSOFT Middleware Products, limiting the scope of the license of MICROSOFT's IPRs to ''no broader than necessary to ensure that an ISV, IHV, IAP, ICP or OEM is able to exercise the options or alternatives expressly provided under' this Final Judgment...'' is too narrow.

Once again MICROSOFT can successfully withhold IPRs in violation of this proposed Final Judgment because, as stated above in OBJECTION 6. regarding III.C.1., the DOJ will not police MICROSOFT. Since the DOJ will not police MICROSOFT to ensure that MICROSOFT complies with this proposed Final Judgment, MICROSOFT will not comply with this Final Judgment. In other words, MICROSOFT will not grant their competitors the IPRs necessary to make Middleware Products that can truly compete with MICROSOFT's Middleware Products. Since MICROSOFT will not grant their competitors the IPRs necessary to make Middleware Products that can truly compete with MICROSOFT's Middleware Products, the scope of the license of MICROSOFT's IPRs under III.I.2. is too narrow. For III.I.2. to be in the public interest, it must be rewritten to grant all software developers a license to all of MICROSOFT's IPRs. Furthermore, this license should be royalty-free for Open-Source Software developers (who generally lack the money to pay royalties). In other words, III.I.2. should be rewritten as follows:

2. MICROSOFT shall license all of its IPRs to ISVs, IHVs, IAPs, ICPs or OEMs. Furthermore, MICROSOFT shall grant a royalty- free license of its IPRs to Open-Source Software developers.

29.III.Prohibited Conduct, I.5.

The requirement of III.I.5. is too lenient to MICROSOFT. As stated above in OBJECTION 1. regarding the second paragraph, MICROSOFT lost this case in the District Court and the Court Appeals. Since MICROSOFT lost this case in the District Court and the Court Appeals, the DOJ should not concede anything to MICROSOFT, especially allowing MICROSOFT to require software developers to license back IPRs they developed from licensing MICROSOFT IPRs. Since the DOJ should not concede anything to MICROSOFT, they should not allow MICROSOFT to require software developers to grant back their IPRs developed from licensing MICROSOFT's IPRs. Since III.I.5. allows MICROSOFT to require software developers to grant back their IPRs developed from licensing MICROSOFT's IPRs, III.I.5. is too lenient.

For III.I. to be in the public interest, III.I.5. should be deleted from the proposed Final Judgment.

30.III. Prohibited Conduct, J.1. III.J.1.(a) allows MICROSOFT to avoid most of the prohibitions of this Final Judgment by claiming they are related to anti-piracy measures. III.J.1.(a) states:

No provision of this Final Judgment shall:

1. Require Microsoft to document, disclose or license to third third parties:

(a) portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria;...

III.J.1.(a) allows MICROSOFT to withhold APIs and related Documentation from competitors by claiming these APIs and Documentation relate to anti-piracy, anti-virus, software licensing, digital rights management, encryption or authntication systems. This concession to MICROSOFT is a joke, as MICROSOFT has the worst, bar none, record for security in the computer industry. Instead of allowing MICROSOFT to withhold APIs and related Documentation based on these grounds, this proposed Final Judgment should require MICROSOFT to disclose these APIs and related Documentation because MICROSOFT has no credible anti-piracy, anti-virus, software licensing, digital rights management, encryption or authntication systems. Since III.J.1.(a) allows MICROSOFT to withhold APIs and related Documentation from competitors by claiming these APIs and Documentation relate to anti-piracy, anti-virus, software licensing, digital rights management, encryption or authntication systems, III.J.1. (a) allows MICROSOFT to avoid most of the prohibitions of this Final Judgment.

III.J.1.(b) is a tautology and is thus superfluous to this proposed Final Judgment. If a governmental agency of competent jurisdiction lawfully directs MICROSOFT not to release APIs or related Documentation, then this Court cannot order otherwise. Since if a governmental agency of competent jurisdiction lawfully directs MICROSOFT not to release APIs or related Documentation, then this Court cannot order otherwise, III.J.1.(b) simply restates the law. Since III.J.1.(b) simply restates the law, it is a tautology and thus superfluous to this proposed Final Judgment.

For III.J. to be in the public interest, III.J.1. must be deleted from this proposed Final Judgment.

31. III. Prohibited Conduct, J.2.

III.J.2. is too lenient to MICROSOFT. III.J.2. allows MICROSOFT to condition licensing any API, Documentation, or Communications Protocol related to anti-piracy systems, anti-virus technologies, license enforcement mechanisms, authentication/authorization security, or third- party intellectual property protection mechanisms of any MICROSOFT product to any person or entity. As stated above in OBJECTION 30. regarding III.J.1., MICROSOFT's security is practically non-existent. Since MICROSOFT's security is practically non-existent, no harm can come from licensing these APIs, Documentation, Communications Protocols, etc. Since no harm can come from licensing these APIs, Documentation, Communications Protocols, etc., III.J.2. is too lenient to MICROSOFT. Furthermore, the conditions that III.J.2. allows MICROSOFT to place upon licensees are vague and thus subject to abuse. III.J.2. states these conditions as:

(a) has no history of software counterfeiting piracy or willful violation of IPRs,

(b) has a reasonable business need for the API, Documentation or Communications Protocol for a planned or shipping product,

(c) meets reasonable, objective standards *established by Microsoft* for certifying the authenticity and viability of its business,

(d) agrees to submit, at its own expense, any computer program using such APIs, Documentation or Communications Protocols to third-party verification, *approved by Microsoft*, to test for and ensure verification and compliance with Microsoft specifications for use of the API or interface, which specifications shall be related to proper operation and integrity of the systems and mechanisms identified in this paragraph.

(b) contains the vague phrase ''reasonable business need''. (c) contains the vague phrase ''reasonable, objective standards''. (d) contains the vague phrase ''verification and compliance with Microsoft specifications''. III.J.2. is also troubling because it allows *MICROSOFT* to determine these conditions. (c) and (d) explicitly state that MICROSOFT shall determine the standards. (c) states ''reasonable, objective standards established by Microsoft''. (d) states that the program shall be submitted to a third party *approved by Microsoft*''. (a) and (b) implicitly allow MICROSOFT to determine the condition. (b) does not explicitly state who determines whether a licensee has a reasonable business need, but given the leniency shown to MICROSOFT in III.J. as a whole, MICROSOFT will argue that it has the right to determine this condition. Likewise with (a). As stated above in OBJECTION 1. regarding the second paragraph, MICROSOFT lost this case; the District Court and Court of Appeals both held that MICROSOFT was a monopolist and abused its monopoly power to maintain its monopoly. Since these Courts held that MICROSOFT violated the law, MICROSOFT should not be the party determining these conditions. Furthermore, since MICROSOFT is computer-security challenged, MICROSOFT should not be allowed to condition the license of these IPRs on these, or other, conditions.

For III.J. to be in the public interest, III.J.2. should be deleted. To be more precise, III.J. should be deleted in its entirety. Furthermore, this proposed Final Judgment should prohibit MICROSOFT from making software relating to anti-piracy systems, anti-virus technologies, license enforcement mechanisms, authentication/authorization security, or third-party intellectual property protection mechanisms until a jury of its peers (SUN MICROSYSTEMS, AOL, and IBM, for example) determines that

MICROSOFT is capable of making secure software. 32. IV. Compliance and Enforcement Procedures, A.1.

IV.A.1. allows MICROSOFT to continue violating the antitrust laws.

IV.A.1. states:

1. The United States shall have *exclusive responsibility* for enforcing this Final Judgment.

In other words, IV.A.1. deprives the States of their concurrent jurisdiction in this case and the corresponding right to enforce this Final Judgment. As stated above in OBJECTION 6. regarding III.C.1., the DOJ will not enforce this proposed Final Judgment. Since the DOJ will not enforce this proposed Final Judgment, the States will have to enforce this proposed Final Judgment. However, IV.A.1. ensures that *no one* will enforce this proposed Final Judgment by granting *exclusive responsibility/jurisdiction* to the United States/DOJ. Since IV.A.1. grants exclusive jurisdiction to the United States/DOJ, and the DOJ will not enforce this proposed Final Judgment, IV.A.1. allows MICROSOFT to continue violating the antitrust laws.

For IV.A.1. to be in the public interest, it must grant concurrent jurisdiction to the States to enforce this proposed Final Judgment. In other words, IV.A.1. should be rewritten as follows:

1. The United States, and the individual States, shall share jurisdiction for enforcing this Final Judgment.

33.IV.Compliance and Enforcement Procedures, A.2.

IV.A.2. is an illusory and thus ineffective remedy. IV.A.2. allows the United States/DOJ to inspect MICROSOFT's documents, premises, and employees for compliance with this proposed Final Judgment. As stated above in OBJECTION 6. regarding III.C.1., the DOJ will not enforce this proposed Final Judgment. Since the DOJ will not enforce this proposed Final Judgment, the DOJ will never inspect MICROSOFT's documents, premises, or employees for compliance with this proposed Final Judgment. Since the DOJ will never inspect MICROSOFT's documents, premises, or employees for compliance with this proposed Final Judgment, this right to inspect is illusory and thus ineffective.

34.IV.Compliance and Enforcement Procedures, A.3.

IV.A.3. is too lenient to MICROSOFT. IV.A.3. states in relevant part: The United States shall *not* disclose any information or documents obtained from Microsoft under this Final Judgment *except for the purpose of securing compliance with this Final Judgment*, in a legal proceeding to which the United States is a party, or as otherwise required by law, *provided* that the United States must provide ten days'' advance notice to Microsoft before disclosing in any legal proceeding (other than a grand jury proceeding) to which Microsoft is not a party any information or documents provided by Microsoft pursuant to this Final Judgment which Microsoft has identified in writing as material...

As stated above in OBJECTION 1. regarding the second paragraph, MICROSOFT lost this case. Since MICROSOFT lost this case, the DOJ should not be making any concessions to MICROSOFT, including withholding evidence from the public. Furthermore, the United States'' taxpayers paid for this litigation. Since the United States'' taxpayers paid for this litigation, they have a right to see what they paid for. In particular, the public have a right to see the documents that MICROSOFT produced pursuant to this litigation. Since the public have a right to see the documents that MICROSOFT produced pursuant to this litigation, and the DOJ should not concede anything to MICROSOFT, IV.A.3. is too lenient to MICROSOFT.

For IV.A.3. to be in the public interest, IV.A.3. should be rewritten to *require* the United States to disclose the documents and other evidence it obtained from MICROSOFT pursuant to this litigation. In other words, IV.A.3. should be rewritten as follows:

The United States shall disclose all information and documents obtained from MICROSOFT pertaining to this litigation, including but not limited to publishing this information and documents in the FEDERAL REGISTER and on the DOJ's website.

35.IV.Compliance and Enforcement Procedures, A.4.

IV.A.4. is too lenient to MICROSOFT. IV.A.4. requires the United States to alllow MICROSOFT ''reasonable opportunity'' to cure alleged violations of this propsed Final Judgment before seeking a court order to enforce this Final Judgment. However, this proposed Final Judgment does not define the term ''reasonable opportunity''. Since this proposed Final Judgment does not define the term ''reasonable opportunity'', MICROSOFT can prevent the United States from enforcing this proposed Final Judgment by claiming that ''reasonable opporuntity'' means 5 years. Or, more likely, MICROSOFT can file consecutive motions delaying the United States from enforcing this proposed Final Judgment by claiming that they are ''working on the problem and need more time'' and thus extend indefinitely the ''reasonable opportunity'' to cure the alleged defect. Since IV.A.4. allows MICROSOFT to prevent the United States from enforcing this proposed Final Judgment, IV.A.4. is too lenient to MICROSOFT.

IV.A.4. also allows MICROSOFT to claim that its attempt to cure the defect is a defense to enforcement of this proposed Final Judgment.

IV.A.4. states in relevant part:

...provided further that any action by Microsoft to cure any such violation shall not be a defense to enforcement with respect to any *knowing,willful or systematic* violation. Proving a *knowing, willful or systematic* violation is extremely difficult. In fact, a lot of prosecutors will not prosecute fraud or other crimes requiring ''knowing, willful or systematic violations'' precisely because proving ''knowing, willful or systematic violations'' is so difficult. Furthermore, as stated above in OBJECTION 6. regarding III.C.1., the DOJ does not want to enforce this proposed Final Judgment. Since proving ''knowing, willful or systematic violations'' is so difficult, and the DOJ does not want to enforce this proposed Final Judgment, *in practice* MICROSOFT will *never* be charged with a *knowing, willful or systematic violation of this proposed Final Judgment. Since *in practice* MICROSOFT will *never* be charged with a *knowing, willful or systematic violation* of this proposed Final Judgment, MICROSOFT will always be able to use their actions to cure an alleged violation as a defense against enforcement of this proposed Final Judgment. Since MICROSOFT will always be able to use their actions to cure an alleged violation as a defense against enforcement of this proposed Final Judgment, IV.A.4. is too lenient. For IV.A.4. to be in the public interest, the term ''reasonable opportunity'' should be replaced with ''30 days''. Furthermore, the phrase ''knowing, willful or systematic'' must be deleted from IV.A.4. In other words, IV.A.4. should be rewritten as follows:

...provided, however, that the United States shall afford Microsoft *30 days* to cure alleged violations of Sections III.C., III.D., III.E. and III.H., provided further that any action by Microsoft to cure any such violation shall not be a defense to enforcement with respect to any violation.

36.IV.Compliance and Enforcement Procedures, B. The Technical Committee (''TC'') described in IV.B. is an illusory and thus ineffective remedy. IV.B.2. describes the qualifications of the Technical Committee as:

The TC members shall be experts in software design and programming.

No TC member shall have a conflict of interest that could prevent him or her from performing his or her duties under this Final Judgment in a fair and unbiased manner. ...no TC member (absent the agreement of both parties):

a. shall have been employed in any capacity by Microsoft or any competitor to Microsoft within the past year, nor shall she or he be so employed during his or her term on the TC;

b. shall have been retained as a consulting or testifying expert by any person in this action or in any other action adverse to or on behalf of Microsoft; or

c. shall perform any other work for Microsoft or any competitor of Microsoft for two years after the expiration of the term of his or her service on the TC.

Practically every ''expert in software design and programming'' has been employed by Microsoft or its competitors either as a programmer or as an expert in this antitrust trial. Since practically every ''expert in software design and programming'' has been employed by Microsoft or its competitors either as a programmer or as an expert in this antitrust trial, no expert qualifies for the TC. The problem here is that, as stated above in OBJECTION 6. regarding III.C.1., the DOJ will not enforce this proposed Final Judgment. Since the DOJ will not enforce this proposed Final Judgment, MICROSOFT is free to pick a TC member biased towards MICROSOFT without the DOJ objecting under IV.B.2. Furthermore, MICROSOFT will object to every expert that the DOJ selects that is biased against MICROSOFT. For example, in the contempt proceeding in early 1998 preceding the present case, Judge Jackson appointed a technical expert to educate the court in computer software, operating systems, and

web brwosers. This expert had made one off-hand comment about his APPLE computer. MICROSOFT objected to Judge Jackson appointing this expert based upon this 1 off-hand comment. The fact that MICROSOFT objected to Judge Jackson appointing this expert based upon this 1 off-hand comment indicates that MICROSOFT will object to *any* expert that the DOJ selects who is biased against MICROSOFT. Since MICROSOFT will object to every expert that the DOJ selects that is biased against MICROSOFT, and the DOJ will not enforce this proposed Final Judgment, the DOJ will ultimately select a TC member that is also biased towards MICROSOFT. Thus, both MICROSOFT and the DOJ will select TC members who are biased towards MICROSOFT. These 2 TC members will then select a third TC member. Since both MICROSOFT and the DOJ will select an expert biased towards MICROSOFT, this third TC member will also be biased towards MICROSOFT. Since all 3 members of the TC will be biased towards MICROSOFT, they will always find MICROSOFT in compliance with this proposed Final Judgment. Since the TC will always find MICROSOFT in compliance with this proposed Final Judgment, this Technical Committee is an illusory and thus ineffective remedy.

For IV.B. to be in the public interest, IV.B.2. and 3. must be rewritten to remove any input from MICROSOFT. MICROSOFT must be prohibited from selecting or having the right to object to *any* member of the TC. Furthermore, *none* of the TC members must have been employed or retained by MICROSOFT at any time. Finally, instead of MICROSOFT choosing a TC member, *MICROSOFT's competitors* should choose a TC member who, together with the DOJ's choice, choose the third TC member. In other words, IV.B.2. and 3. should be rewritten as follows:

2. ...The TC members shall be experts in software design and programming. No TC member shall have a conflict of interest that could prevent him or her from performing his or her duties under this Final Judgment in a fair and unbiased manner. ...no TC member:

a. shall have been employed in any capacity by Microsoft within the past year, nor shall she or he be so employed during his or her term on the TC;

b. shall have been retained as a consulting or testifying expert by any person in this action or in any other action on behalf of Microsoft; or

c. shall perform any other work for Microsoft for two years after the expiration of the term of his or her service on the TC.

3. Within 7 days of entry of this Final Judgment, the United States and MICROSOFT's competitors shall each select one member of the TC, and those two members shall then select the third member. ...

a. ..., the United States and MICROSOFT's competitors shall each identify the members it selects.

b. As soon as practical after their appointment by the Court, the two members selected by the United States and MICROSOFT's competitors shall identify the person they propose to select as the third member of the TC.

c. The United States shall apply to the Court for appointment of the person selected by the Standing Committee Members. .

37.IV.Compliance and Enforcement Procedures, B.6.

The exception in IV.B.6. is too lenient to MICROSOFT. IV.B.6. requires MICROSOFT to compensate the TC members for their employment and expenses. However, IV.B.6. contains an exception that allows MICROSOFT to contest payment of the TC members. The exception in IV.B.6. states:

...except to the extent that such liabilities, losses, damages, claims, or expenses result from misfeasance, gross negligence, willful or wanton acts, or bad faith by the TC member.

In November 1998, shortly after this antitrust case was filed, MICROSOFT lobbied Congress to cut the DOJ's budget. Furthermore, in December 2001, MICROSOFT again lobbied Congress to kill a Senate Judiciary Committee Hearing questioning this proposed Final Judgment (see ''Experts Question Microsoft Action'' at http://dailynews.yahoo.com/htx/ap/20020111/tc/microsoft_antitrust_12.html). The fact that shortly after this antitrust case was filed MICROSOFT lobbied Congress to cut the DOJ's budget, and that MICROSOFT recently lobbied Congress to kill the Senate Judiciary Committee Hearing questioning this proposed Final Judgment, indicates that MICROSOFT will refuse to pay the TC members if they do not find MICROSOFT in compliance with this proposed Final Judgment. Since MICROSOFT will refuse to pay the TC members if they do not find MICROSOFT in compliance with this proposed Final Judgment, the exception in IV.B.6. is too lenient to MICROSOFT.

For IV.B.6. to be in the public interest, this exception must be deleted. In other words, IV.B.6. should be rewritten as follows:

... Microsoft shall indemnify each TC member and hold him or her harmless against any losses, claims, damages, liabilities, or expenses arising out of, or in connection with, the performance of the TC's duties. The TC Services Agreement shall include the following: ...

38.IV.Compliance and Enforcement Procedures, B.8.c.

The first sentence of IV.B.8.c. is too lenient to MICROSOFT. The first sentence of IV.B.8.c. starts:

The TC shall have access to Microsoft's source code, *subject to the terms of Microsoft's standard source code Confidentiality Agreement*

As stated above in OBJECTION 1. regarding the second paragraph, MICROSOFT lost this case. Since MICROSOFT lost this case, the DOJ should not concede anything to MICROSOFT. Furthermore, as stated above in OBJECTION 12. regarding III.D., MICROSOFT should be *required* to disclose the entire source code and compilers used to compile the binaries for their Windows Operating System Products to comply with the prohibitions of this proposed Final Judgment. Since the DOJ should not concede anything to MICROSOFT, and MICROSOFT should be *required* to disclose the entire source code and compilers used to compile the binaries for their Windows Operating System Products to comply with the prohibitions of this proposed Final Judgment, the TC's access to MICROSOFT's source code should *not* be subject to *any* Confidentiality Agreement. Since IV.B.8.c. conditions the TC's access to MICROSOFT's source upon agreeing to MICROSOFT's standard source code Confidentiality Agreement, IV.B.8.c. is too lenient to MICROSOFT.

For IV.B.8.c. to be in the public interest, IV.B.8.c. must grant the TC access to MICROSOFT's source code without being subject to MICROSOFT's standard source code Confidentiality Agreement. In other words, IV.B.8.c. should be rewritten as follows:

The TC shall have access to Microsoft's source code. The TC may study, interrogate, ...

39.IV.Compliance and Enforcement Procedures, B.8.c.

IV.B.8.c. is incomplete and thus inadequate for the TC to perform its duties. IV.B.8.c. states in relevant part:

... The TC may *study, interrogate, and interact* with the source code in order to perform its functions and duties, including the handling of complaints and other inquiries from non-parties. However, IV.B.8.c. does not *explicitly* grant the TC the power to compile the source code. As stated above in OBJECTION 12. regarding III.D., the only way to ensure that MICROSOFT is complying with this proposed Final Judgment is to compile the source code and compare the resulting binaries with the binaries that MICROSOFT ships to OEMs. Since the only way to ensure that MICROSOFT is complying with this proposed Final Judgment is to compile the source code and compare the resulting binaries with the binaries that MICROSOFT ships to OEMs, the TC needs the power to compile the source code of MICROSOFT's software. MICROSOFT will claim that since the proposed Final Judgment does not explicitly grant the TC the power to compile the source code, that the TC does not have the power to compile the source code. Furthermore, as stated above in OBJECTION 6. regarding III.C.1., the DOJ will not enforce this proposed Final Judgment. Since MICROSOFT will claim that this proposed Final Judgment does not grant the TC the power to compile the source code, and the DOJ will not contest MICROSOFT's claim, MICROSOFT will prevent the TC from compiling the source code. Since the TC needs the power to compile the source code of MICROSOFT's software to determine if MICROSOFT is complying with this proposed Final Judgment, and MICROSOFT will prevent the TC from compiling the source code, IV.B.8.c. is incomplete and thus inadequate for the TC to perform its duties.

For IV.B.8.c. to be in the public interest, IV.B.8.c. must *explicitly* grant the TC the power to compile the source code of MICROSOFT's software. In other words, IV.B.8.c. should be rewritten as follows:

... The TC may *study, interrogate, compile, and otherwise interact* with the source code in order to perform its functions and duties, including the handling of complaints and other inquiries from non-parties.

40.IV.Compliance and Enforcement Procedures, B.8.i.

IV.B.8.i. is too lenient to MICROSOFT. IV.B.8.i. allows MICROSOFT to object to the reasonable expenses and fees of the TC. Specifically, IV.B.8.i. states:

... Microsoft may, on application to the Court, object to the reasonableness of any such fees or other expenses. ...

As stated above in OBJECTION 1. regarding the second paragraph, MICROSOFT lost this case. Since MICROSOFT lost this case, the DOJ should not concede anything to MICROSOFT, including the right to object to the expenses and fees of the TC. Since the DOJ should not concede anything to MICROSOFT, including the right to object to the expenses and fees of the TC, IV.B.8.i. is too lenient to MICROSOFT.

For IV.B.8.i. to be in the public interest, MICROSOFT's right to object to the fees and expenses of the TC must be deleted. In other words, IV.B.8.i. should be rewritten as follows:

The TC shall account for all reasonable expenses incurred, including agreed upon fees for the TC members'' services, subject to the approval of the United States. [END OF IV.B.8.i.]

41.IV.Compliance and Enforcement Procedures, B.8.

IV.B.8. is incomplete and thus inadequate for the TC to perform their duties of ensuring MICROSOFT's compliance with this proposed Final Judgment. IV.B.8. does not grant the TC the power to enjoin MICROSOFT from releasing products which violate this proposed Final Judgment. Without this power, this proposed Final Judgment is ineffective. As stated above in OBJECTION 6. regarding III.C.1., the DOJ will not enforce this proposed Final Judgment. Furthermore, IV.A. grants the United States excusive jurisdiction to enforce this proposed Final Judgment, so the States cannot enforce this proposed Final Judgment. Since the DOJ will not, and the States cannot, enforce this proposed Final Judgment, the TC is the only body positioned to enforce it. Since the TC is the only body positioned to enforce this proposed Final Judgment, they should have the power to enjoin MICROSOFT from releasing products that violate this proposed Final Judgment. Since IV.B.8. does not grant the TC the power to enjoin MICROSOFT from releasing products that violate this proposed Final Judgment, IV.B.8. is incomplete and thus inadequate for the TC to perform their duties of ensuring MICROSOFT's compliance with this proposed Final Judgment. For IV.B.8. to be in the public interest, it must grant the TC the right enjoin MICROSOFT's products which do not comply with this proposed Final Judgment. In other words, IV.B.8. should include an additional part ''j.'' as follows:

j. The TC shall have the power to enjoin the release, sale, or other transmission of any MICROSOFT software or products which do not comply with this Final Judgment.

42.IV.Compliance and Enforcement Procedures, B.9.

IV.B.9. is too lenient to MICROSOFT. IV.B.9. prohibits the TC from disclosing any information obtained in the course of performing his or her duties to anyone other than MICROSOFT, the United States, and this Court. As stated above in OBJECTION 1. regarding the second paragraph, MICROSOFT lost this case. Since MICROSOFT lost this case, the DOJ should not concede anything to MICROSOFT, including the public desemination of information that the TC learns in the course of performing his or her duties pursuant to the proposed Final Judgment. Furthermore, the United States taxpayers paid for this antitrust trial. Since the United States taxpayers paid for this antitrust trial, they have a right to know what the TC learn in the course of performing their duties pursuant to this proposed Final Judgment. Since IV.B.9. prohibits the TC from disclosing any information obtained in the course of performing his or her duties to anyone other than MICROSOFT, the United States, and this Court, IV.B.9. is too lenient to MICROSOFT. For IV.B.9. to be in the public interest, it must *require* the TC to publicly disclose all information that it discovers in the course of performing their duties. In other words, IV.B.9. should be rewritten as follows:

The TC shall publicly disclose, in the FEDERAL REGISTER and any other forum deemed necessary, all information obtained in the course of performing their duties pursuant to this Final Judgment.

43.IV.Compliance and Enforcement Procedures, B.10.

IV.B.10. is too lenient to MICROSOFT, for the same reasons as stated above in OBJECTION 42. regarding IV.B.9. For IV.B.10. to be in the public interest, it must *require* the TC to make public statements relating to the TC's activities. In other words, IV.B.10. should be rewritten as follows:

Each member of the TC shall be required to make public statements relating to the TC's activities.

44.IV.Compliance and Enforcement Procedures, C.1.

The qualifications of the MICROSOFT Internal Compliance Officer in IV.C.1. are illusory and thus ineffective. IV.C.1. requires MICROSOFT to designate an Internal Compliance Officer who shall supervise MICROSOFT's activities in complying with this proposed Final Judgment. However, IV.C.1. states that this Internal Compliance Officer ''...shall be an employee of Microsoft...''. MICROSOFT has consistently violated the antitrust laws of the United States and the Euopean Union, among other jurisdictions (for details, see THE MICROSOFT FILE: THE SECRET CASE AGAINST BILL GATES by Wendy Goldman Rohm, Times Business, copyright 1998, ISBM 0–8129–2716–8). MICROSOFT's employees have worked to make these antitrust violations possible. Since MICROSOFT's employees have worked to make these antitrust violations possible, MICROSOFT's employees have a conflict of interest in administering MICROSOFT's program for complying with this proposed Final Judgment. To be more precise, MICROSOFT's employees have *no interest or incentive* to comply with this proposed Final Judgment. Since MICROSOFT's employees have *no interest or incentive* to comply with this proposed Final Judgment, they will *not* ensure that MICROSOFT complies with this proposed Final Judgment. Since MICROSOFT's employees will *not* ensure that MICROSOFT complies with this proposed Final Judgment, designating a MICROSOFT employee as Internal Compliance Officer is an illusory and thus ineffective remedy.

For IV.C.1. to be in the public interest, the qualifications of the Internal Compliance Officer must require that the Officer *not* be an employee of MICROSOFT. Furthermore, IV.C.1. must require that the Officer be selected from MICROSOFT's competitors, specifically SUN MICROSYSTEMS, AOL, and/or IBM. In other words, IV.C.1. should be rewritten as follows:

Microsoft shall designate, within 30 days of entry of this Final Judgment, an internal Compliance Officer who shall be an employee of SUN MICROSYSTEMS, AOL, or IBM with responsibility for administering Microsoft's antitrust compliance program and helping to ensure compliance with this Final Judgment.

45.IV.Compliance and Enforcement Procedures, C.3.d.

The warning contained in the certification that MICROSOFT officers and directors must sign is inadequate and thus ineffective. IV.C.3.d. requires MICROSOFT's officers and directors to sign a certification that he or she:

(i) has read and agrees to abide by the terms of this Final Judgment; and

(ii) has been advised and understands that his or her failure to comply with this Final Judgment may result in *a finding of contempt of court;

The officers and directors of MICROSOFT control the actions of MICROSOFT. Since the officers and directors of MICROSOFT control the actions of MICROSOFT, the actions of the officers and directors of MICROSOFT should be imputed to MICROSOFT. To be more precise, the failure of MICROSOFT's officers and directors to comply with this Final Judgment should be considered a *knowing, willful or systematic violation* of this proposed Final Judgment. Furthermore, punishing an officer or director does not stop MICROSOFT from continuing to violate the antitrust laws. Since punishing an officer or director does not stop MICROSOFT from continuing to violate the antitrust laws, the warning of IV.C.3.d. is not adequate to deter MICROSOFT from continuing to violate the antitrust laws. Since the warning of IV.C.3.d. is not adequate to deter MICROSOFT from continuing to violate the antitrust laws, it is ineffective.

For IV.C.3.d. to be in the public interest, the warning in the certification must be rewritten to impute the officer or director's failure to comply with this proposed Final Judgment to MICROSOFT. In other words, IV.C.3.d. should be rewritten as follows: obtaining from each person designated in Section IV.C.3.a. above...

(ii) has been advised and understands that his or her failure to comply with this Final Judgment comprises a knowing, willful or systematic violation of this Final Judgment;

46.IV.Compliance and Enforcement Procedures, D.3.a. IV.D.3.a. renders this proposed Final Judgment an illusory and ineffective remedy. IV.D.3.a. states in

relevant part: ... the United States may submit complaints related to Sections III.C., III.D. III.E., and III.H. to the Compliance Officer

*whenever doing so would be in the public interest. In other words, IV.D.3.a. allows the United States to abdicate responsibility for enforcing this proposed Final Judgment to MICROSOFT. As stated above in OBJECTION 6. regarding III.C.1., the DOJ will not enforce this proposed Final Judgment. Since the DOJ will not enforce this proposed Final Judgment, the DOJ will seize any opportunity to abdicate enforcing this proposed Final Judgment. Since IV.D.3.a. allows the DOJ to abdicate responsibility for enforcing this proposed Final Judgment to MICROSOFT, and the DOJ will seize any opportunity to abdicate enforcing this proposed Final Judgment, the DOJ will in fact use IV.D.3.a. to claim that letting MICROSOFT resolve these complaints is in the public interest. Since MICROSOFT has no interest in resolving these Complaints, MICROSOFT will ignore these Complaints and continue violating this proposed Final Judgment (Note that MICROSOFT's customers will be submitting the exact same complaints to MICROSOFT's technical support department. Since MICROSOFT's customers will be submitting the exact same complaints to MICROSOFT's technical support department, MICROSOFT will already know about these complaints. Since MICROSOFT will already know about these complaints, they can resolve these complaints without the DOJ submitting the complaints to MICROSOFT). In fact, allowing MICROSOFT to resolve these Complaints is like asking the fox to guard the hen house. Since MICROSOFT will ignore these Complaints and continue violating this proposed Final Judgment, IV.D.3.a. renders this proposed Final Judgment an illusory and ineffective remedy.

For IV.D.3.a. to be in the public interest, the DOJ must be prohibited from allowing MICROSOFT to resolve complaints submitted to the DOJ. In other words, IV.D.3.a. must be rewritten as follows:

a. Third parties may submit to the Compliance Officer any complaints concerning MICROSOFT's compliance with this Final Judgment. [END OF IV.D.3.a.]

47.IV.Compliance and Enforcement Procedures, C.4.d. IV.D.4.d., in practice, prevents the DOJ from ever enforcing this proposed Final Judgment. IV.D.4.d. states:

No work product, findings or recommendations by the TC may be admitted in any enforcement proceeding before the Court for any purpose, and no member of the TC shall testify by deposition, in court or before any other tribunal regarding any matter related to this Final Judgment.

In other words, should the TC find evidence that MICROSOFT is violating this proposed Final Judgment and refers this evidence to the DOJ, the DOJ cannot use this evidence to enforce this proposed Final Judgment against MICROSOFT. Furthermore, as stated above in the GENERAL OBJECTIONS, the DOJ does not wish to spend any more time and resources prosecuting MICROSOFT. Since the DOJ does not wish to spend any more time and resources prosecuting MICROSOFT, the DOJ will not make any effort to discover this evidence through additional depositions or discovery requests against MICROSOFT. Since the DOJ will not make any effort to discover this evidence through additional depositions or discovery requests against MICROSOFT, and IV.D.4.d. prevents the DOJ from using the evidence the TC discovers, IV.D.4.d. has the practical effect of preventing the DOJ from enforcing this proposed Final Judgment against MICROSOFT.

As a sidenote, IV.D.4.d. stands the Federal Rules of Civil Procedure on their head. The Federal Rules of Civil Procedure prevent an *opponent* from discovering and/or using a party's work product. Here, the TC is representative of the DOJ. Since the TC is a representative of the DOJ, the TC and the DOJ are in a sense the same party. MICROSOFT is the DOJ's opponent. IV.D.4.d. prevents a party from using its own work product to prosecute an opponent. In other words, IV.D.4.d. prevents the DOJ from using its own work product against its opponent, MICROSOFT.

Since IV.D.4.d. prevents the DOJ from using its own work product against its opponent, MICROSOFT, IV.D.4.d. stands the Federal Rules of Civil Procedure on their head. For IV.D.4.d. to be in the public interest, it must be rewritten to *require* that the work product, findings, and recommendations of the TC and testimony of the TC be admissible evidence in *any* legal proceeding, in this or any other country or region like the European Union. In other words, IV.D.4.d. should be rewritten as follows: The work product, findings or recommendations by the TC shall be admitted in every enforcement proceeding before the Court for any purpose, and all members of the TC shall testify by deposition, in Court and/or before every other tribunal that calls upon the TC for testimony, regarding every matter related to the Final Judgment.

48.V.Termination, B. V.B. is an illusory and thus ineffective remedy. V.B. allows the Court to extend this proposed Final Judgment when MICROSOFT is found to have engaged in ''a pattern of *knowing, willful and systematic violations*''. As stated above in OBJECTION 35. regarding IV.A.4., proving a *knowing, willful or systematic* violation is extremely difficult. Furthermore, as stated above in OBJECTION 6. regarding III.C.1., the DOJ does not want to enforce this proposed Final Judgment. Since proving ''knowing, willful or systematic violations'' is so difficult, and the DOJ does not want to enforce this proposed Final Judgment, *in practice* MICROSOFT will *never* be charged with a *knowing, willful and systematic violation of this proposed Final Judgment. Since *in practice* MICROSOFT will *never* be charged with a *knowing, willful or systematic violation of this proposed Final Judgment, this Court will never find MICROSOFT to have engaged in ''a pattern of *knowing, willful and systematic violations*''. Since this Court will never find MICROSOFT to have engaged in ''a pattern of *knowing, willful and systematic violations*'', V.B. is an illusory and thus ineffective remedy. As a sidenote, the inclusion of V.B.is kind of amusing. As detailed in the above 47 OBJECTIONS, this entire proposed Final Judgment contains so many exceptions that allow MICROSOFT to continue violating the antitrust laws that MICROSOFT will probably never be in violation of it. Furthermore, the DOJ's reluctance to oppose MICROSOFT's demands in any way indicates that the DOJ will probably never enforce this proposed Final Judgment against MICROSOFT. Thus, given the extreme unlikeliness that this proposed Final Judgment will ever be violated, let alone enforced, including a provision to extend this proposed Final Judgment appears farcical. For V.B. to be in the public interest, the conditions for extending this proposed Final Judgment should be changed to *any* violation of Local, State, National, or International law. In other words, V.B. should be rewritten as: In any enforcement proceeding in which the Court has found that Microsoft has violated any Local, State, National, or International law, the Court shall extend this Final Judgment for at least two years, together with such other relief as the Court may deem appropriate.

49.VI.Definitions, B. As stated above in OBJECTION 16. regarding III.E., VI.B. defines Communications Protocols too narrowly. Since VI.B. defines Communications Protocols too narrowly, VI.B. should be rewritten as explained in OBJECTION 16. regarding III.E. In other words, VI.B. should be rewritten as follows:

''Communications Protocol'' means the set of rules for information exchange to accomplish predefined tasks between a Windows Operating System Product on a client computer and Windows 2000 Server or products marketed as its successors running on a server computer and connected via a local area network or a wide area network. These rules govern the format, semantics, timing, sequencing, and error control of messages exchanged over a network. [END OF VI.B.]

50.VI.Definitions, J.1. The definition of ''MICROSOFT Middleware'' is too restrictive. Specifically, VI.J.1., VI.J.2., and the conjunctive ending VI.J.3. are too restrictive. VI.J.1. states:

''Microsoft Middleware'' means software code that

1. Microsoft distributes separately from a Windows Operating System Product to update that Windows Operating System Product;

J.1. is too restrictive in requiring that the software code be distributed separately from the Windows Operating System Product. MICROSOFT has a history of bundling Middleware into its Windows Operating System Products to destroy competing Middleware. For example, MICROSOFT bundled Internet Explorer into its Windows 98 operating system product to destroy the competing Netscape COMMUNICATOR web browser. MICROSOFT subsequently bundled its streaming media player, WINDOWS MEDIA PLAYER, into its Windows XP operating system product to destroy the competing Real Networks'' REAL PLAYER streaming media player. Since MICROSOFT has a history of bundling Middleware into its Windows Operating System Products to

destroy competing Middleware, MICROSOFT can avoid the requirements of VI.J.1. by bundling all of its Middleware into its Windows Operating System Products. Since MICROSOFT can avoid the requirements of VI.J.1. by bundling all of its Middleware into its Windows Operating System Products, VI.J.1. is too restrictive.

For VI.J.1. to be in the public interest, the requirements of VI.J.1. should be changed to software code that competitors distribute or that was not bundled into previous Windows Operating System Products. In other words, VI.J.1. should be rewritten as follows:

1. competitors distribute as a Middleware Product or that was not bundled into previous Windows Operating System Products;

51.VI.Definitions, J.2. The requirement of VI.J.2. is too restrictive. J.2. states: ''Microsoft Middleware'' means software code that ... 2.is trademarked;

Whether or not software code is trademarked is irrelevant to whether or not the code is Middleware. For example, MICRSOFT did not own the trademark to INTERNET EXPLORER when it released the product. Since MICROSOFT did not own the trademark to INTERNET EXPLORER when it released the product, INTERNET EXPLORER arguably did not qualify as MICROSOFT Middleware under J.2. Since trademarking software code is irrelevant to whether or not the code is Middleware, VI.J.2. is too restrictive.

For VI.J. to be in the public interest, VI.J.2. should be deleted. 52.VI.Definitions, J.3. The conjunctive ending VI.J.3. is too restrictive. VI.J.3. states: ''Microsoft Middleware'' means software code that ...

3.provides the same or substantially similar functionality as a Microsoft Middleware Product; *and* The conjunctive ''and'' is restrictive, requiring software code to meet all 4 criteria listed in VI.J. to qualify as ''Microsoft Middleware''. As stated above in OBJECTION 1. regarding the second paragraph, MICROSOFT lost this case. Since MICROSOFT lost this case, the DOJ should not concede anything to MICROSOFT, including the definition of ''Microsoft Middleware''. In other words, the DOJ should define ''Microsoft Middleware'' as broadly as possible. To define ''Microsoft Middleware'' as broadly as possible, VI.J. should use the conjunctive ''or'', which requires software code to meet only 1 of the 4 criteria listed in VI.J. to qualify as MICROSOFT Middleware. Since VI.J. does not use the conjunctive ''or'' to end VI.J.3., the conjunctive ending VI.J.3. is too restrictive.

For VI.J.3. to be in the public interest, the conjunctive ending VI.J.3. should be changed from ''and'' to ''or''. In other words, VI.J.3. should be rewritten as follows:

3.provides the same or substantially similar functionality as a Microsoft Middleware Product; *or* 53.VI.Definitions, J. The paragraph ending VI.J. is too restrictive and too lenient to MICROSOFT. The last paragraph of VI.J. states:

Software code described as part of, and distributed separately to update, a Microsoft Middleware Product shall not be deemed Microsoft Middleware unless identified as a new major version of that Microsoft Middleware Product. ...

In other words, this paragraph allows MICROSOFT to avoid designating software code as MICROSOFT Middleware by not identifying it as a new major version of a MICROSOFT Middleware Product. Since this paragraph allows MICROSOFT to avoid designating software code as MICROSOFT Middleware by not identifying it as a new major version of a MICROSOFT Middleware Product, this paragraph is too restrictive as to what qualifies as MICROSOFT Middleware.

As stated above in OBJECTION 52. regarding VI.J.3., the DOJ should define ''Microsoft Middleware'' as broadly as possible. To define ''Microsoft Middleware'' as broadly as possible, thte last paragraph should be deleted. Thus, for VI.J. to be in the public interest, the last paragraph of VI.J. should be deleted.

54.VI.Definitions, K.2.b.ii. The definition of ''Microsoft Middleware Product'' in VI.K. is too restrictive and this too lenient to MICROSOFT. Specifically, the conjunctive ending VI.K.2.b.ii. and VI.K.2.b.iii. are too restrictive. VI.K.2.b.ii. states:

ii. is similar to the functionality provided by a Non-Microsoft Middleware Product; *and* For the same reasons stated in OBJECTION 52. regarding III.J.3., the conjunctive ending VI.K.2.b.ii. should be changed from ''and'' to ''or''. In other words, for VI.K.2.b.ii. to be in the public interest, it should be rewritten as follows:

ii. is similar to the functionality provided by a Non-Microsoft Middleware Product; *or* 55.VI.Definitions, K.2.b.iii. The requirement of K.2.b.iii. is too restrictive for the same reasons stated in OBJECTION 51. regarding VI.J.2. For K.2.b. to be in the public interest, K.2.b.iii. should be deleted.

56.VI.Definitions, N. The definition of ''Non-Microsoft Middleware Product'' in VI.N. is too restrictive for the reasons stated in OBJECTION 22. regarding III.H. For VI.N. to be in the public interest, requirement ''(ii)'' of ''Non-Microsoft Middleware Product'' must be deleted. In other words, VI.N. should be rewritten as follows:

''Non-Microsoft Middleware Product'' means a non-Microsoft software product running on a Windows Operating System Product that exposes a range of funtionality to ISVs through published APIs and that could, if ported to or made interoperable with, a non-Microsoft Operating System, thereby make it easier for applications that rely in whole or in part on the funtionality supplied by that software product to be ported to or run on that non-Microsoft Operating System. [END OF VI.N.]

57.VI.Definitions, P. For the same reasons stated in OBJECTION 52. regarding VI.J.3., the definition of ''Operating System'' in VI.P. is too restrictive. For VI.P. to be in the public interest, the conjunctive ending VI.P.(ii) must be changed from ''and'' to ''or''. In other words, VI.P. should be rewritten as follows:

''Operating System'' means the software code that, inter alia

(i) controls the allocation and usage of hardware resources such as the microprocessor and various peripheral devices) of a Personal Computer,

(ii) provides a platform for developing applications by exposing functionality to ISVs through APIs, *or*

(iii) supplies a user interface that enables users to access functionality of the operating system and in which they can run applications. .

58.VI.Definitions, Q. The definition of ''Personal Computer'' in VI.Q. is too restrictive. In particular, the second sentence of VI.Q. exempting certain devices from the definition of ''Personal Computer'' is too lenient to MICROSOFT. The second sentence of VI.Q. states:

... Servers, television set top boxes, handheld computers, game consoles, telephones, pagers, and personal digital assistants are examples of products that are not Personal Computers within the meaning of this definition.

As stated above in the GENERAL OBJECTIONS, the purpose of an antitrust action is to stop monopolizing behavior and to prevent future monopolizing behavior. Here, MICROSOFT is leveraging their monopoly in the Personal Computer (''PC'') market to monopolize the markets for these other products. By excluding these other devices from the definition of PC, VI.Q. allows MICROSOFT to continue leveraging their monopoly in the PC market to monopolize the markets for these other products. Since the purpose of an antitrust action is to stop monopolizing behavior and to prevent future monopolizing behavior, and MICROSOFT is here using their current monopoly to pursue future monopolies in these other markets, VI.Q. defeats the purpose of this antitrust action. Since VI.Q. defeats the purpose of this antitrust action, VI.Q. is too restrictive.

In addition, the first sentence of VI.Q. is too restrictive. The first sentence of VI.Q. defines a PC as a computer containing an Intel x86 compatible processor. Since APPLE computers contain Motorola processors, which are not x86 compatible, VI.Q. excludes APPLE computers from the definition of PC. However, MICROSOFT sells software that runs on APPLE computers, such as MICROSOFT Office Suite and Internet Explorer. Futhermore, as explained in Judge Jackson's Findings of Facts, MICROSOFT conditioned continued releases of its Office Suite on APPLE only using Internet Explorer as the web browser for their computers. Since MICROSOFT conditioned continued releases of its Office Suite on APPLE only using Internet Explorer as the web browser for their computers, MICROSOFT's monopolizing behavior has affected the software market for APPLE computers. Since MICROSOFT's monopolizing behavior has affected the software market for APPLE computers, the definition of PC should include APPLE computers. Since the definition of PC in VI.Q. does not include APPLE computers, VI.Q. is too restrictive.

For VI.Q. to be in the public interest, the definition of PC must include APPLE computers and all other electronic devices for which MICROSOFT sells software. In other words, VI.Q. should be rewritten as follows:

''Personal Computer'' means any computer configured, or which can be configured, to run MICROSOFT software, including but not limited to, computers containing an Intel x86 processor or a Motorola processor, servers,

television set top boxes, handheld computers, game consoles, telephones, pagers, and personal digital assistants.

59.VI.Definitions, S. For the same reasons stated in OBJECTION 52. regarding VI.J.3., the definition of ''Top-Level Window'' in VI.S. is too restrictive. For VI.S. to be in the public interest, the conjunctive ending VI.S.(b) must be changed from ''and'' to ''or''. In other words, VI.S. should be rewritten as follows:

''Top-Level Window'' means a window displayed by a Windows Operating System Product that (a) has its own window controls, such as move, resize, close, minimize, and maximize, (b) can contain sub-windows, *or* (c) contains user interface elements under the control of at least one independent process.

60.VI.Definitions, U. The definition of ''Windows Operating System Product'' in VI.U. is too restrictive. As stated in OBJECTION 58. regarding VI.P., MICROSOFT is leveraging their monopoly in the PC market into other product markets. Since MICROSOFT is leveraging their monopoly in the PC market into other product markets, VI.U. should define ''Windows Operating System Product'' to prevent MICROSOFT from leveraging their monopoly in the PC market into other product markets. Since the definition of ''Windows Operating System Products'' in VI.U. does not include MICROSOFT operating systems for servers, television set top boxes, handheld computers, game consoles, telephones, pagers, and personal digital assistants, VI.U. is too restrictive.

For VI.U. to be in the public interest, the definition of ''Windows Operating System Product'' in VI.U. must include *all* of MICROSOFT's operating systems. In other words, VI.U. must be rewritten as follows: ''Windows Operating System Product'' means the software code that MICROSOFT distributes for use with *any electronic device*.

61.VI.Definitions, U. The second sentence of VI.U. is too lenient to MICROSOFT. The second sentence states:

The software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion. As stated above in OBJECTION 1. regarding the second paragraph, MICROSOFT lost this case. Since MICROSOFT lost this case, the DOJ should not concede anything to MICROSOFT, including the definition of what comprises a Windows Operating System Product. Since the DOJ should not concede the definition of what comprises a Windows Operating System Product, VI.U. should *not* allow MICROSOFT to determine what comprises a Windows Operating System Product. Since VI.U. allows MICROSOFT to determine what comprises a Windows Operating System Product, VI.U. is too lenient to MICROSOFT.

For VI.U. to be in the public interest, the second sentence of VI.U. must be deleted. For the above reasons stated in the General and Specific Objections, I respectfully submit that this proposed Final Judgment is *not* in the public interest. I further submit that even if this proposed Final Judgment is rewritten as the above SPECIFIC OBJECTIONS recommend, it still will not be in the public interest because the DOJ will not enforce it. Since the proposed Final Judgment will not be in the public interest even if rewritten as the above SPECIFIC OBJECTIONS recommend, I respectfully submit that the DOJ and the Court should reject this proposed Final Judgment and adopt Judge Jackson's remedies.

Sincerely yours,
Daniel Maddux
4100 Greenbriar Street
Number 342
Houston, Texas 77098

MTC–00021588

From: richter@zianet.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:05am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jeff Richter
P.O. Box 1648
T or C, NM 87901

MTC–00021589

From: Patrick Wyatt
To: Microsoft ATR
Date: 1/24/02 11:09am
Subject: Microsoft Settlement

Dear Sirs and Madams,

I wanted to respond to the proposed Microsoft Settlement. Through the course of my career in computer programming, Microsoft has been both an ally and a competitor, so while I don't think that I'm unbiased I believe that I have some insight into both sides of the case. Microsoft has always been a fearsome competitor because of their control of the operating system and their ongoing ability to leverage that control to create other business opportunities, like giving users simple and easy access to MSN and Hotmail over other competing alternatives. Going forward, I think that this is just the first small vision of what we'll see in the long term, where Microsoft's power enables them to dominate significantly larger parts of our lives. While this isn't technically illegal, it does give me pause, because too much power concentrated in one location can easily create tyranny.

Without being too long-winded, the solution that I wanted to mention for your consideration is this: make Microsoft convert their ''Office Suite'' of programs to run on other operating systems. Inasmuch as Office already runs on the Macintosh, I expect that they would be able to make it run on the open-source Unix environments like OpenBSD, FreeBSD, NetBSD, and Linux, all of which are quite similar in terms of their interoperability. These operating systems would benefit greatly from having a solid, professional suite of office productivity applications, and would somewhat mitigate Microsoft's ability to dominate the operating system market going forward and hence reduce the concentration of power they now have.

I realize that this proposal would require considerably more thought before implementation, but I wanted to bring the idea up for your consideration. I hope that whatever settlement does eventually get approved does take into consideration not just remedies to correct past wrongs, but also creates mechanisms which will create a free marketplace and reduce the opportunity for dominance by a single entity.

Best of luck, I'm expect that you'll need a fair bit of it before the process is complete!

Patrick Wyatt

MTC–00021590

From: gdevrt@surfside.net@inetgw
To: Microsoft ATR
Date: 1/24/02 11:05am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
George DeVry
803 Magnolia Ave
Corona, CA 92879–3193

MTC–00021591

From: Tj1840@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:08am
Subject: settlement

I think Microsoft has unjustly been picked on. They are the top in the computer world and everyone wants to knock them off. They have great products and have changed the technological world.

Thank you

CC:microsoftsettlement@alexbrubaker.com@inetgw

MTC–00021592

From: j.a.carlson@ieee.org@inetgw
To: Microsoft ATR
Date: 1/24/02 11:06am

Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jeffrey A. Carlson
5950 NW Scheel Terrace
Portland, OR 97229–7957

MTC–00021593

From: Deborah Tribble
To: Microsoft ATR
Date: 1/24/02 11:10am
Subject: Microsoft Settlement

Microsoft is getting off easy, their history of unfair and unethical business practices prove that they cannot be trusted to act in the best interest of their industry or customers. The settlement does not come close to an appropriate reprimand. Please reconsider the terms of the agreement.

MTC–00021594

From: aquaterre@cs.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:07am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse: Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Robert Reneau
27 Loggerhead Lane
Ponte Vedra, FL 32082

MTC–00021595

From: LEONARD LIVSCHITZ
To: Microsoft ATR
Date: 1/24/02 11:09am
Subject: Microsoft Settlement

I strongly dissagree with the proposed settlement

PeoplePC: It's for people. And it's just smart.

http://www.peoplepc.com

MTC–00021596

From: Oystein Lunde
To: Microsoft ATR
Date: 1/24/02 11:10am
Subject: Microsoft Settlement

I truly believe this is a bad settlement.

Best regards,
Oystein Lunde

MTC–00021597

From: papanohair@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:07am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse: Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Skip Queen
2539 Rector Ave
Orlando, FL 32818–3954

MTC–00021598

From: Jan (038) Bill Leth
To: Microsoft ATR
Date: 1/24/02 10:59am
Subject: Microsoft Settlement
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft

We currently use Microsoft products and are also concerned Microsoft stockholders. The purpose of this letter is to express our opinions regarding the settlement made between Microsoft and the Department of Justice. As tax payers and Microsoft stockholders, we feel that to continue litigations would simply be a waste of time and money. Microsoft has agreed to many terms and conditions, which should allow other companies to compete with Microsoft effectively.

For instance, Microsoft has agreed to design future versions of Windows, beginning with an interim release of Windows XP, to provide a mechanism to make it easier for computer makers, consumers, and software developers to promote non-Microsoft software within Windows. This mechanism will make it easy to add or remove access to features built into Windows or non-Windows software.

Overall, we feel that Microsoft has done all, if not more than it should have. The settlement should be finalized and all litigations ended.

Sincerely
William H. and Janet E. Leth
2603 Borst Avenue
Centralia, WA 98531–1415

MTC–00021599

From: patrick_yu@aliusa.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:13am
Subject: Microsoft Settlement

To Whom It May Concern,

I am writing to support settlement made between DoJ and Microsoft. I learnt that the settlement is now in the Tunney Act review period. I am therefore writing to state that making the settlement stayed ''as-is'' is in the public interest.

The whole law-suit between DoJ and Microsoft might haved started with good intention. Unfortunately, time has changed, the industry has changed, companies'' attitude have either changed or revealed its true self. In particular, the private suit filed against Microsoft in the last few days is simply a demonstration of corporate greed rather than the interest of the public. Please do not be distracted in any way by this stupid suit which is nothing but another demonstration of the abuse of the American legal system, tax-payers'' money, and time & resource of government officials that can be better spent on the more pressing issues like terrorism.

Once again, I believe that the settlement made will meet the public interest. The time of our society should be spent on other matters that are more meaningful.

Thank you for the attention to this communications.

Yours truly,
Patrick Yu
An American citizen
Residence of San Jose, California

MTC–00021600

From: jkimura(a)attglobal.net
To: Microsoft ATR
Date: 1/24/02 11:19am
Subject: Microsoft Settlement

I think that the proposed settlement does not adequately restrict Microsoft's anticompetetive business practices. Accepting the settlement will not be in the public interest. I am opposed to it.

James H. Kimura, Ph.D.
End User

MTC–00021601

From: LaGrua Jeffrey A NORC
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 11:13am
Subject: Microsoft Settlement

To whom it may concern,

I am shocked and appalled at the laxity of this proposed settlement. As a former U.S. Marine and Gulf War veteran I have friends who were wounded in combat, and even died on foreign soil fighting for what this country stands for. If they saw that *this* insulting mockery of (alleged) justice was what they fought and died for, I'd hate to see how they

would feel. It's a joke and a slap in the face to all law-abiding citizens to see this megalithic juggernaut get away with the crime of the century just because it has the deepest pockets, the most market power, and the most ''juice on the beltway''. I know that it is a matter fact that large companies, like Microsoft, contribute money to both sides of the political fence as a way of hedging their bets and ultimately getting their fat pulled from the fire when the ''merde'' hits this ''ventilateur'', but I am urging you not to let Microsoft turn our justice system into ''the best that money can buy''.

Respectfully,
Jeff A. La Grua, Corporal
USMC, Former

''It's GOD's responsibility to forgive Bin Laden... It's our responsibility
to arrange the meeting.''
- Anonymous US Marine

MTC–00021602

From: cheifpetty@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:09am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Ralph Bryant
1249 Creighton Ave
Dayton, OH 45420

MTC–00021603

From: mwaite0613@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:07am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Maureen Waite
1501 Oberlin Terrace
Lake Mary, FL 32746–0000

MTC–00021604

From: Hobson, Terrance D
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 11:11am
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea.

MTC–00021605

From: goldandblack@ecr.net@inetgw
To: Microsoft ATR
Date: 1/24/02 11:08am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
marie black
17 Colony Drive
Fredericktown, OH 43019

MTC–00021606

From: Mike Graessle
To: Microsoft ATR
Date: 1/24/02 11:14am
Subject: Microsoft Settlement

As a computer user for the last 10 years, I have watched Microsoft stomp on every perceived threat or competitor. I would like it boycott Microsoft but that isn't an option. I have no choice but to use Microsoft products and the proposed settlement will do nothing to change this.

A just penalty, I continue, would at barest minimum include three additional features: Any remedy seeking to prevent an extension of Microsoft's monopoly must place Microsoft products as extra-cost options in the purchase of new computers, so that the user who does not wish to purchase them is not forced to do so. This means that for the price differential between a new computer with Microsoft software and one without, a computer seller must offer the software without the computer (which would prevent computer makers from saying that the difference in price is only a few dollars). Only then could competition come to exist in a meaningful way.

The specifications of Microsoft's present and future document file formats must be made public, so that documents created in Microsoft applications may be read by programs from other makers, on Microsoft's or other operating systems. This is in addition to opening the Windows application program interface (API, the set of ''hooks'' that allow other parties to write applications for Windows operating systems), which is already part of the proposed settlement.

Any Microsoft networking protocols must be published in full and approved by an independent network protocol body. This would prevent Microsoft from seizing de facto control of the Internet.

Thank you.
Michael C. Graessle
ph: (314) 301–2587 fax: (314) 919–1452
mike.graessle@wwt.com

MTC–00021607

From: Fischer Mark S CONT KPWA
To: Microsoft ATR
Date: 1/24/02 11:14am
Subject: Microsoft Settlement

Your proposed settlement has more holes then a block of swiss cheese and you be assured that Microsoft will use the loophole your weak settlement has in it.

MTC–00021608

From: Jennifer Woelke
To: Microsoft ATR
Date: 1/24/02 11:13am
Subject: ''Microsoft Settlement'' Do not let them get away with this. It is not right.
Jennifer A Woelke

MTC–00021609

From: mark galvin
To: Microsoft ATR
Date: 1/24/02 11:15am
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea. Not only does it not solve Microsoft's anti-competitive activities, it allows them access to a market (education) where they are not a clear leader, thus helping them to expand their monopoly even further.

MTC–00021610

From: jrogers@midmo.net@inetgw
To: Microsoft ATR
Date: 1/24/02 11:10am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Marilyn Rogers
29039 E. Gibson Point Road
Gravois Mills, MO 65037

MTC–00021611

From: Fred Hammer
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/24/02 12:09pm
Subject: netscape suit

the last thing the industry and our country needs is more litigation on frivolous issues such as netscapes' allegations.

I used to use Netscape, but have switched to Internet Explorer out of my own volition and choice. Others have chosen Netscape. Let the market—and consumers decide.

Quit the legal bleeding—our economy needs to move forward

Fred E. Hammer
17292 Cornerstone Lane
Parker CO 80134

MTC–00021612

From: seapuppy99@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:09am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Sandy Winston
po box 664
morro bay, CA 93443

MTC–00021613

From: bettone@hubserv.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:09am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Betty Arnold
71 Wiggins Lane
Hattiesburg, MS 39402–9719

MTC–00021614

From: Bill Baker
To: Microsoft ATR
Date: 1/24/02 11:15am
Subject: Microsoft Settlement

To the Department of Justice,

I am grateful that the Tunney Act requires the acceptance of public comment on a case such as Microsoft's.

This particular comment focuses on Microsoft's behavior with respect to the Java programming language. In summary, I believe that any settlement agreement must strictly require Microsoft to either support cross-platform compatibility standards, or to assist third parties in developing support for them, in Microsoft Windows, and to allow their inclusion, in fully-functioning and fully-compatible form, on newly purchased computers running Windows. A few examples of such standards are Posix, Java, TCP/IP, .NET, Open/GL, Kerberos, and NFS.

Summary: As a professional programmer, I have been dismayed at the results of Microsoft's oppressive response to Java. When Bill Gosling and a team of engineers at Sun Microsystems invented Java, they created a foundation for software that could run on any operating system, transparently, without recompilation. Microsoft appears to have seen this as a threat and has tried to both fragment and debilitate Java, using the leverage of its operating system monopoly. Microsoft's attacks have limited Java's potential to make computing easier and more universal, and appear to have been motivated not by any technological motivation, but merely by the desire to maintain a monopoly on operating systems.

Java's Potential: Java is a language that simply takes modern computer language principles, implements them elegantly and simply, and uses them to provide a means to write software that will run on virtually any computer. Microsoft was one of its first adopters. Microsoft licensed Java from Sun Microsystems and quickly developed, for Windows, one of the best environments to develop and run Java programs. At the same time, many other companies had developed or licensed Java environments, including IBM and Netscape.

Microsoft's Actions: In addition to building a fantastic Java system for Windows, Microsoft also immediately snubbed its license contract with Sun, by removing certain parts (Java Native Interface, or JNI) of the Java language from its own implementation and substituting its own (Component Object Model, or COM). The effect was to make Microsoft's Java subtly but very deliberately incompatible with Sun's standard. Full compatibility would have been required if Java was to become an OS-neutral platform. When Sun protested, Microsoft simply refused to comply with the contract it has previously agreed to. A long court battle ensued, with the result that Microsoft ceased active development on Java, ultimately disabling it by default in Windows XP. There appear to have been no technological reasons for Microsoft's actions. It is understandable that Microsoft would want to add extensions to Java to connect it to Windows (COM), but that extension could have been added

1.without breaking compatibility with Sun's standard (in fact, it has been added in such a fashion by other software companies as Java-COM bridges), and

2.without modifying an important part of Sun's specification for Java (JNI).

Recourse: I believe that since Microsoft has a monopoly on desktop operating systems for Intel x86 architecture computers, and since it is in the public interest that those computers be as fully functional as possible, and not artificially limited in functionality solely to allow Microsoft to retain its monopoly, Microsoft Windows should be strictly required to interoperate with cross-platform standards. Interoperability need not be the sole responsibility of Microsoft, but I believe that Microsoft must 1.provide the documentation necessary to achieve interoperability, and 2.not hinder interoperation by compromising standards or by restricting deployment of software on new computers.

Sincerely,
Bill Baker
Software Engineer
bbbaker@1to1service.com
http://www.orangecrayon.com

MTC–00021615

From: sharonenos@webtv.net@inetgw
To: Microsoft ATR
Date: 1/24/02 11:13am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Sharon Enos
6657 Heron Way
Nine Mile Falls, WA 99026

MTC–00021616

From: Cox, William R

To: 'microsoft.atr(a)usdoj.gov.'
Date: 1/24/02 11:14am
Subject: Microsoft Settlement

The Microsoft settlement is indeed in the public interest, for the past ten years I have worked in the IT world. I have seen Microsoft products get better cheaper and easier to maintain. This has led to the ability of even small business to reap rewards from new technologies without having a full time IT staff.

I use other products (SUN/Linux/Oracle) but I see these companies as failing to invest as heavily in the type of R&D that brings us the improvements that MS garners.

Companies such as AOL,Netscape,Sun,Orcle seem to be asking for some court room help for their inability to compete.

Sun & Oracle for years had an iron grip on the consumer, companies I worked for paid extremely high licensing fees for products that were at best cryptic to use and maintain. Now that MS has brought us better products at for much less they should be rewarded not punished.

I only hope that MS is left to it's own means to innovate and continually bring us better and cheaper products. Thanks, W. Cox
Scottsdale, Arizona
CC:'MSFIN(a)microsoft.com''

MTC–00021617

From: Steven Work
To: Microsoft ATR
Date: 1/24/02 11:09am
Subject: Microsoft Settlement

The proposed settlement in the Microsoft case is grossly unfair to all computer users in this country.

Microsoft has single-handedly strangled small software businesses which tried to offer software which might compete with Microsoft, and provide useful, secure, or original solutions to users.

A settlement is needed that would significantly penalize Microsoft, and also encourage competition in OS and Application development.

Sincerely,
Steven Work
Steven.Work@uvm.edu
802–656–7867, fax:(802)656–0747
Health Science Research Facility
Rm: 115A, Dept. of Mol. Physiology
University of Vermont
Burlington, VT USA 05405
''Home of the Light Tweezers''

MTC–00021618

From: Wykehur88@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:14am
Subject: Microsoft Settlement

January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I write you in reference to the recent settlement between Microsoft and the Department of Justice. I have been opposed to the government's intervention in Microsoft's success from the very beginning. It seems ridiculous to have the government protesting against the whole aspect of free enterprise, when free enterprise is exactly what America has been founded on. More than this, it is puzzling to see, even after Microsoft has complied with the settlement, that there may be even more delays in this process.

I urge you to support this settlement in its current form, and hope you will stop any further actions against this agreement. As our economy weakens, it is evident that we have to support our technology industries. As our IT sector stands by and waits for the government to allow this process to move forward, the global market is sailing past us. That is why if we allow the terms of this agreemnet to speak for themselves, then we would benefit the consumer, the technology industry, and our economy as a whole.

Let's not be the ones to slow down the growth of our own economy. Let's make sure that this agreement is pushed forward and allowed to take hold. Thank you for your support.

Sincerely,
McDonald Wellford, Jr.
530 Wykehurst Drive
Richmond, VA 23233

MTC–00021619

From: Andrew Misyura
To: Microsoft ATR
Date: 1/24/02 11:14am
Subject: Microsoft Settlement

I think the proposed settlement is bad idea

MTC–00021620

From: karynmorton@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 11:12am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Enough is enough. Please put a stop to the economically-draining witch-hunt against Microsoft. Microsoft has already agreed to hide its Internet Explorer icon from the desktop. The issue is resolved.

The fact is, this case against Microsoft is basically ''welfare'' for Netscape and other Microsoft competitors. Not a nickel goes to those supposedly harmed by Microsoft—the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Karyn Morton
1030 E El Camino Real
133
Sunnyvale, CA 94087

MTC–00021621

From: ABELFI361@AOL.COM@inetgw
To: Microsoft ATR
Date: 1/24/02 11:13am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
AL BELFIORE
3253 GIEGERICH PL.
BRONX, NY 10465–4011

MTC–00021622

From: Freda Douglas
To: Microsoft ATR
Date: 1/24/02 11:15am
Subject: microsoft settlement

For far too long I have witnessed the political prosecution of Microsoft. Ever since I have been aware of the so called anti-trust suits I have asked myself why would anybody want to prosecute a company just because the man at the top is so much smarter than his peers in other companies. We certainly have more to worry about than poor losers who can't admit anybody else is smarter than they are. Jealously hurts the corporate big shot as much as the little man who is jealous of his wife for no reason.

Let's quit the bickering and let Microsoft go back to doing what they do best—keeping their customers happy.

Freda Douglas
Hardee County, FL

MTC–00021623

From: Arnoes@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:13am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Arno Schelhorn

224 W. Maplemere
Williamsville, NY 14221–3156

MTC–00021624

From: .buenodeoro@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:13am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Richard Tschauder
732 Sunrise Street
Rathdrum, ID 83858

MTC–00021625

From: Ross Peterson
To: Microsoft ATR
Date: 1/24/02 11:16am
Subject: Microsoft Settlement
To whom it may concern:

I just wanted to say that I think the proposed Microsoft Settlement is bad.

Thank you.
Ross Peterson
President, Trilocal Inc.
Missoula, Montana

MTC–00021626

From: Kamal.Maheshwari@Sun.COM@inetgw
To: Microsoft ATR
Date: 1/24/02 11:13am
Subject: Microsoft Settlement
Dear Sir/Madam,

With all due respect, I disagree with the proposed antitrust settlement between DOJ and Microsoft. The root of the problem in this case is the monopoly powers that Microsoft undeniably holds but more troubling is how they have used it illegally to ''twist'' other companies into their way or no way.

I am against this settlement. This does nothing to improve the competetive landscape. Thank you.

Kamal Maheshwari.

MTC–00021627

From: agetwoage@msn.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:14am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Renee Rodriguez
6985 Big Timber Dr.
Colorado Springs, CO 80918

MTC–00021628

From: Reilly, Andrew
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 11:17am
Subject: Microsoft Settlement

The settlement proposed for the M$ antitrust suit is a sham! You aren't seeking remedies that would punish or curb the monopolistic behavior of Microsoft. Clearly, you would ask that the browser be removed from the Operating system if you were seeking even the minimum amount of recourse for their transgressions.

No, you apparently have caved to the wishes of big money in politics by choosing to ignore all evidence. They took a separate software product and started to irreversibly place it in their OS product. This is illegal, and the purpose of the Sherman antitrust laws. Yet you ignore the basics of this case. Clearly your department is not of Justice, rather more like the SS of a new fascist regime. Was it the legislative losers that take large sums from companies like Microsoft that asked you to ignore the evidence?

Or is it as all would conclude, that the new administration stuck it's nose in and said, ''Give old Billy Gates and his goons the green light for consumer raping.'' Either way you should in no way settle for the lopsided, loop-hole riddled ''settlement'' that you are seeking comment on.

A. Reilly

MTC–00021629

From: fair.in@netzero.net@inetgw
To: Microsoft ATR
Date: 1/24/02 11:14am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Dale Fair
436 S Morgantown Rd
Greenwood, IN 46142

MTC–00021630

From: Thom Cleland
To: Microsoft ATR
Date: 1/24/02 11:13am
Subject: Microsoft Settlement
Greetings,

I am distressed by the weakness of DOJ's ''proposed final judgment'' with Microsoft (US vs. Microsoft). Microsoft's offenses have been firmly and clearly established in findings of fact as well as by numerous third parties not financially influenced by the settlement terms. This settlement, despite its rhetoric, is fundamentally a full concession to Microsoft that does a disservice both to the American justice system and to consumers.

Despite Microsoft's claims to the contrary, the public is never served well by monopoly. If Microsoft's products are as good as they claim, then they should not need privileged access to the operating system based on secret APIs in order to win customers. Certainly Microsoft should be disallowed from using coercive tactics against original equipment manufacturers to bundle Microsoft products with their own—yet Sections III.A-B. clearly permit this practice: one of the primary and most egregious offenses that initiated this lawsuit in the first place.

Microsoft has squelched far more innovation in computer hardware and software than it has enabled. This lawsuit has the potential to structure the playing field so that Microsoft can compete fairly on its merits, without the temptation or ability to ''cheat'' based on its financial and political power. The present PFJ ensures that this will not occur, and should be rejected in favor of a strong, clearly enforceable statement restricting Microsoft's behavior, punishing their scorn for the Justice Department's inquiry, and creating a strong, stable playing field that will foster innovation from a diversity of companies and individuals, including

Microsoft.
Sincerely,
Dr. Thomas A. Cleland

MTC–00021631

From: md55@se-iowa.net@inetgw
To: Microsoft ATR
Date: 1/24/02 11:14am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Mike Holeton
12576 148th Ave
West Burlington, IA 52655

MTC–00021632

From: Paul Ludecke
To: Microsoft ATR
Date: 1/24/02 11:18am
Subject: Microsoft Settlement

I take issue with the proposed settlement issue of Microsoft donating software to the public school system.

Microsoft has been found guilty of being a monopoly, and has been found guilty of harm thru monopolistic actions. Significant and measureable harm.

Harm to an essential engine of American industry.

Offering Microsoft a settlement by allowing them to essentially ''print money'' (thru the donation of their software products to parties that wouldn't otherwise purchase the products anyway) at cents on the dollar is absurd, and cynical. This smarmy collusion between government and corporate interests offers up a mighty stink that everyone can recognize, from the common Joe to the corporate executive.

If the government really wanted to cook up a deal with some teeth involving Microsoft products, I would suggest this:

A government-wide free site license (in perpetuity, or for a significant number of years) of Microsoft products.

Microsoft would see significant impact on their bottom line, and the American taxpayer would see significant relief thru a drop in Government spending on software.

-Paul Ludecke

MTC–00021633

From: Art Liles
To: Microsoft ATR
Date: 1/24/02 11:16am
Subject: Microsoft Settlement

Dear Sirs,

In regards to the litigation between AOL and Microsoft, I firmly believe AOL is way out of line. The founders of Microsoft were people who followed the American dream. They used thier knowledge and talent to build a company that has forever lead the world market in computer programs, operating systems and yes, the Internet Explorer browser.

America was founded on competition. We strive economicaly on competition. But if one builds, designs and markets something better than another, why knock him down and drag him through court from it? Do Ford and GM design, build and market their cars and trucks competitively and then drag each other down and through the courts when one offers better deals, service or incentives? I personally have used each of the two web browsers and Internet Explorer does offer a better experience to the user in most all ways one could compare them. My personal views. But as AOL forces it's users to be advertised to, as it does, in order to use it, AOL advertising intergration into AOL is no different than Microsoft intergrating IE into it's Operating Systems. You have the choices to buy/use or not. It is how they each have chosen to do for their own reasons. I feel that ''Windows'' really does benefit from the way IE is made apart of it. As I do have the choice to add Netscape to my system and use it and not IE to browse, then Microsoft has not made Netscape any less of a product or hindered it a choice to use. Netscape is just not as good as Internet Explorer!

Creative design and marketing should be encouraged and praised. Even if a fortune and empire is built from it. All AOL-Time Warner needs to do is develope a better operating system and then make Netscape apart of it. They were founded on selling products and advertising, not technology to better the american way of life through computers as Microsoft had done. You slap Microsoft down for what AOL wants and you slap down the American Dream in all of us. Microsoft became what it is today because it lead the ''world'' in design and marketing while making it affordable for all of us to have. What's AOL done but create a private community for it's users and placed them into a world of ''forced'' advertising to be apart of it. Case closed.

Sincerely yours
Authur Liles 01/29/2002 9:31

MTC–00021634

From: sharon Enos
To: Microsoft ATR
Date: 1/24/02 11:19am
Subject: Microsoft Settlement

Please settle and stop all the money grabbers.

Sincerely, Sharon Enos

MTC–00021635

From: r—norton@lycos.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:16am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Randy Norton
877 Valley Chapel Road
Walla Walla, WA 99362

MTC–00021636

From: wmclayton@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 11:19am
Subject: Microsoft Settlement

To Attorney General

While I believe free markets are the best way to move technology forward, I also believe that for this to occur that one player cannot be allowed to use its power to suppress competition unless others have the power to act in concert to overcome or suppress that single player. If the gloves are to be off for MicroSoft then they should be off for Netscape, Apple, Redhat, Adobe, IBM, AOL,Omni etc. Allowing Microsoft as part of an antitrust settlement to suppress competition further by giving software and computers to poor schools seems unfair because those who abided by the law and their customers have already been damaged. Poor schools are not the only ones damaged by MS, everyday consumers have also been damaged. It would seem more equitable to give consumers or if need be poor schools a voucher redeemable only for non MS products.

William M Clayton

MTC–00021637

From: Jim Smith
To: Microsoft ATR
Date: 1/24/02 11:42am
Subject: Settlement comments.

The settlement sucks. I am opposed to the settlement as it stands.

Jim Smith

MTC–00021638

From: Auguste Schwab
To: Microsoft ATR
Date: 1/24/02 11:18am
Subject: Microsoft settlement

Sirs/Mesdames:

I read with dismay that Netscape, really its parent AOL, has initiated a lawsuit against Microsoft. Certainly everyone knows that the timing of the lawsuit during the hearing process was intentional and not in the best interests of justice.

AOL and Microsoft have battled for many years. This latest move is just another example of the extent to which AOL and other competitors of Microsoft will go to cause a hardship to Microsoft.

Foremost in everyone's mind should be how much Microsoft has done for the consumer, for the country and for the world and how much they have improved the education of our children. Petty fights about Instant Messaging and the like show that AOL is not objective and is more concerned with their corporate success than they are with the good of the country.

I hope that the DOJ does not allow corporate politics to influence justice.

Auguste Schwab
6281 Evian Place
Boynton Beach FL 33437

MTC–00021639

From: roycestowe@hotmail.com@inetgw

To: Microsoft ATR
Date: 1/24/02 11:16am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
royce stowe
425 dove lane
Fort Worth, TX 76108

MTC–00021640

From: melvin—wellons@dell.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:16am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Melvin Wellons
987 S. Post Oak Ln.
Houston, TX 77056–2203

MTC–00021641

From: djharris@csupomona.edu@inetgw
To: Microsoft ATR
Date: 1/24/02 11:18am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Diahann Harris
9830 Allesandro Court
Rancho Cucamonga, CA 91730

MTC–00021642

From: McLanahan
To: Microsoft ATR
Date: 1/24/02 11:20am
Subject: Microsoft settlement

Attached is a letter for Judge Kollar-Kotally with respect to the Microsoft settlement.

Bruce McLanahan
81 Woodway Ridge Lane
New Canaan CT 06840
Tel 203 966 4895
Fax 203 966 9690
Cellphone 203 247 5429 (often turned off))
e-mail: bmcll@ix.netcom.com
CC: Chris Senecal
MTC–00021642—0001
Bruce McLanahan
81 Woodway Ridge Lane
New Canaan, CT 06840
(203) 966–4895
January 24, 2002
Dear Judge Kollar-Kotally,

Proposed Settlement would Expand Microsoft Monopoly. I urge you to carefully consider Connecticut's position opposing the settlement of the Microsoft antitrust case. In a lengthy and widely publicized trial, a court found that Microsoft illegally monopolized the market for computer operating systems. The Department of Justice proposed settlement, in the view of many, would permit Microsoft to expand its monopoly powers.

The Threat to Users of Windows. Objections to an antitrust settlement may seem arcane—but the practical implications are far reaching. An economist recently testified in the private antitrust hearing that Microsoft used its monopoly power to overcharge the consumer by 85 billion for Windows. Other economists have suggested higher figures.

Proposed Settlement is too Weak. What does this have to do with the proposed Microsoft settlement? The settlement attempts to protect other producers of software from Microsoft's use of its monopoly position in the Windows operating systems. However, it unfortunately falls far short. As Attorney General Blumenthal stated, ''the settlement simply has too many gaps and ambiguities that undermine the remedies necessary against substantial violations of law found by two federal courts.'' In the details, there are so many limitations that it will be business as usual for Microsoft. Additionally, the enforcement mechanism is not supervised by the court, as it should be, but by a committee of limited powers reporting to the Department of Justice. The enforcement is really so weak as to be almost non-existent, especially in view of Microsoft's past history of pushing the law to, and perhaps beyond, its limits. Lastly, if you or I were to have broken the law, we would expect some punishment. There really is nothing in the settlement which addresses the issue of redress for the proven past illegal monopolization.

Greatest Loss is Loss of Choice to the Consumer. Freedom of choice is important. In its new XP version of Windows, Microsoft has or will including programs to provide directories and facilitate internet credit verification. Potentially, if everyone used these two programs, Microsoft could become the ''gatekeeper'' for commercial transactions on the internet, taking a little piece out of every transaction. A fabulous business to be sure but if this happens, it will mean that Microsoft has been able to use one monopoly to create another. With the weak provisions of the proposed Microsoft antitrust settlement, consumers are almost certain to lose that choice. Four years from now, there will be another Microsoft antitrust case. We will have gotten nowhere. We deserve an agreement which is fair to all parties.

Respectfully submitted
00021642—0002

MTC–00021643

From: Mears, Ed
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 11:20am
Subject: This is a copy of the letter I submitted to americans for technology

This is a copy of the letter I submitted to americans for technology leadership. Since I doubt they will forward it to you, I am doing so myself.

You probably will not like nor use this message, but I am glad to express myself. After 20 years of being at the mercy of Microsoft and watching and being involved in their high-handed tactics for doing away with the competition—an usually unfairly—I am disgusted at the hand slap they got. When a company can completely dominate an industry because they have deep pockets, it goes against everything we Americans believe in. And who is Microsoft and her allies kidding—most innovation and competitiveness in American business comes from small business, not large money-hungry corporations.

Give me a break! Microsoft as a hero? Come on! They have been stifling and killing the competition for years. Many of my favorite programs and/or features of common applications have either disappeared or become almost non-entities because of Microsoft's agressive competitive stance and deep pockets. In their place, we have Microsoft telling us what we want—not usually what we need.

Score: 0 for free enterprise
1 for monopolies

MTC–00021644

From: John
To: Microsoft ATR
Date: 1/24/02 11:20am
Subject: Microsoft Settlement

From: JOHN KOLMAR
To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement

Gentlemen:

I oppose the Microsoft settlement agreement. This is a large, subtle, multi-faceted issue about which one could write volumes. I will state my objections as succinctly as possible.

The agreement provides no penalty for the misbehavior that the courts have found. The agreement provides for only weak oversight for enforcement of the agreement.

The agreement contains enormous loopholes which would enable Microsoft to work around the spirit of the agreement and therefore to bypass the weak remedies provided.

The agreement offers inadequate safeguards against Microsoft's monopoly power.

JOHN KOLMAR
418 W Hackberry dr.
Arlington Hts.
Il. 60004

MTC–00021645

From: Harry Crowell
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/24/02 11:21am
Subject: Microsoft Settlement

This has gone on long enough. Our economy is in turmoil and this case and others like it do nothing more than add to the turbulence of uncertainty. The only winners are the attorneys from both sides that continue to make a mockery of the justice system of the United States. Please stop the destruction of the reason for people to become entrepeneurs.

MTC–00021646

From: jl9@bellsouth.net@inetgw
To: Microsoft ATR
Date: 1/24/02 11:18am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
James LeBlanc
53334 LeBlanc Rd.
Bogalusa, LA 70427

MTC–00021647

From: vnmh
To: Microsoft ATR
Date: 1/24/02 11:23am
Subject: Your Honour,

Your Honour,

In accordance with the Tunney Act, I would like to say the following: Microsoft is an illegal monopoly. Bill Gates and Microsoft are trying to get away with what Rockefeller and Standard Oil achieved at the end of the last century in the oil business: a vertical and horizontal monopoly that controls all aspects of the industry and inhibits competition which not only hurts the economy but the public.

In the last twenty years the buzzword in government and the private sector has been deregulation. Fine. That is why Bell Telephone was broken up into AT&T and Sprint and MCI were allowed access to the market. Microsoft makes new operating systems stillborn by threat, coersion and bullying.

Microsoft has shown nothing but contempt for the consumer and government since day one of this case. If the solution pushed by the Ashcroft is set into place, then Microsoft wins and they get to expand their monopoly. When I took economics in college, everything I read said this was bad and this is the reason we have antitrust legislation.

I do not personally begrudge Microsoft a red cent of profit. They produced a product and people buy it. However, if I must buy the product because I am forced to purchase Microsoft programs because other programs which are better will not run on an O/S of my choice, then is this the market place freedom this country is famous for?

Please take the open letter by Dan Kegel seriously as well as Scott Rosenberg's article.

Sincerely,
Marcus Sellers
Homer City, PA
Masters Canidate Biology
Indiana University of Penna

MTC–00021648

From: ALOK JOSHI
To: Microsoft ATR
Date: 1/24/02 11:23am
Subject: Microsoft Settlement

Sir,

I am a user of Microsoft products and developer in Microsoft technologies.

I would like to say that Microsoft has done the greatest benefit to the American Industry by consistently bringing out the best products at most reasonable prices.

Just look at Word, Excel, Outlook, Project and such products. They beat the competition hands down.

They were never bundled with the computer and were never given free.

Just because one product—Explorer was given free and was bundled with the computer—it is no reason to hold Microsoft as using unfair trade practices. Netscape could have given Netscape browser free if it wanted to compete? Netscape could have entered into agreement with computer manufacturers to put its Browser on the computers. Why did it not? Did it try doing it for even those computers which were not in agreement with Microsoft?

If the Software industry is where it is today it is in a great part because of Microsoft. Please give them accolades and awards instead.

Thanks.
Alok

MTC–00021649

From: seaman1181@cox.net@inetgw
To: Microsoft ATR
Date: 1/24/02 11:19am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Tom Taylor
2465 Southern Oak Road
Ramona, CA 92065

MTC–00021650

From: Jackie Meese
To: Microsoft ATR
Date: 1/24/02 11:23am
Subject: Microsoft Settlement

I believe it is a very poor choice to accept the current settlement in the Microsoft case, as nothing has been done to remove the ability of Microsoft to abuse it monopoly, something that has been judged to be true. Basically, the current settlement allows Microsoft to continue to exhibit the behavior that has been found to be illegal, with merely a slap on the wrist. A solution needs to be found that will help consumers and other companies more freedom to do with their computers as they wish, and not what Microsoft has forced other companies to to do with computers.

MTC–00021651

From: Robert George Smith
To: Microsoft ATR
Date: 1/24/02 11:21am
Subject: Microsoft Settlement

Greetings:

The fact that a 51 year old doctor with no computer training is even able to E-mail you is evidence that Microsoft hasn't harmed consumers. I hear that Linux is preferred by computer cogniscenti, and is FREE, and yet is not as popular as Microsoft-designed software.

Drop your drawn-out prosecution (persecution?) of Microsoft, and aid the INS in deporting the 600,000 potential terrorists with defective visas.

Sincerely,
Robert Smith MD

MTC–00021652

From: wportg@charter.net@inetgw

To: Microsoft ATR
Date: 1/24/02 11:20am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Dr.William Gibbons
703 Beaumont Drive
Altoona, PA 16602

MTC–00021653

From: Tryggvi Larusson
To: Microsoft ATR
Date: 1/24/02 11:10am
Subject: Microsoft Settlement

To whom it may concern.

I'm writing to say that I am deeply worried about the settlement the US Justice Department made in the antitrust case against Microsoft. The settlement does virtually nothing, neither to correct the unfair state of the software market today, nor nothing to punish Microsoft for their un-competitive and illegal actions in the past years in the software and PC industries. The question in this case is on one hand: ''What is a monopoly?''—My definition on a monopoly is: ''A situation where people have no choice other than to deal with one party on a specific matter'' and this is exactly the state in the PC industry regarding Operating Systems today.

The strangle hold Microsoft holds on the market consists mainly of API (Application Programming Interface—the tools developers use to make programs) blocks that prevents other players to enter the Operating System market and therefore to compete on healthy grounds with Microsoft on both the OS and general Applications front.

In my opinion a good way to resurrect the competition on the OS market could be if the government would some how mandate Microsoft to open up some parts of its API's (most specifically Win32/MFC). In this way there could finally be an opportunity for new players to enter the OS market. Up to this day all attempts to enter this market have failed and there are numerous examples (OS/2, BeOS and Linux—which has only gained share in server applications but not on users desktops). The Macintosh platform stays alive although it holds only about 4–5% market share of personal computers. It could be argued that Microsoft keeps the Mac platform barely alive (by giving away versions of its Internet Explorer and Windows Media Player and producing its Office suite etc.) to make its case of monopoly in Operating Systems more controvertible to the antitrust case.

There are already attempts to ''reverse engineer'' the Windows API's and the one that has come furthest is an open-source project called ''Wine'' (http://www.winehq.com) but that project has still a lot to go. The government could make sure the Windows API's are kept open for some time in cooperation with this project as this project is open-source and therefore accessible to everyone, either commercial vendors or individuals. The government could ensure that Microsoft publishes the API's in question and makes sure there are open implementations (i.e. Wine) that are sufficiently compatible to run most Windows applications. Another way could be to fine Microsoft a considerable amount and use the money to found a non-profit organization that would provide an open-source implementation compatible with the Windows API's and make users run Windows applications (including Microsofts own) on other platforms than Windows.

In my opinion it is very important that the US government does something about the situation because if Microsoft's progression continues as it has it could have even more damaging effects for users of information technology in the world. The impending risk is that Microsoft would extend it's monopoly from the OS software (as it has already done with Office software) to the Internet and could take control of many commercial services on the Internet and gain access to personal information on every Windows user (this is part of the upcoming .Net, Passport and Hailstorm projects from Microsoft). Users could do little other than participating as almost all other people would continue to use Windows and therefore .Net.

Regards,
Tryggvi Larusson,
tryggvi@idega.com,
Chief Software Architect,
idega Software

MTC–00021654

From: Jennifer Woelke
To: Microsoft ATR
Date: 1/24/02 11:24am
Subject: ''Microsoft Settlement''

They deliberately cripple other programs.

They cost too much, for the volume that they sell—and you have to buy the books separately—so if I pay 300.00 for Win XP, I have to pay them another 30.00–60.00 to get a book to trouble shoot the system?

This is so wrong.

Don't let them get away with everything.

I have no faith in government, and this post is a waste of my time, but I was urged to DO something, so here it is.

Jennifer A Woelke

MTC–00021655

From: Scott Bolden
To: Microsoft ATR
Date: 1/24/02 11:24am
Subject: Microsoft Settlement

TUNNEY ACT COMMENT ATTACHED I have attached my comments on the Microsoft Settlement to this email. For your convenience, I have attached the same file in two different formats. The first format is .rtf, which is readable in most word processors. The second format is plain ASCII, .txt, which should be readable in all word processors.

Thanks,
Scott Bolden
TUNNEY ACT COMMENT ATTACHED

MTC–00021655—0001

January 23, 2002
From: Scott Bolden
3902 5th Street N Apt. 3
Arlington, Virginia 22203
To: Judge Coleen Kollar-Kotelly
United States District Court for the District of Columbia
Antitrust Division
Department of Justice
Re: Tunney Act Comments for the Microsoft Settlement Agreement U.S. District Court, District of Columbia Civil Action No. 98–1232 (CKK)

My name is Scott Bolden and I am writing in my own capacity as a user of Microsoft Corporation's (''Microsoft'') Operating System (''OS'') products, as a consumer, and as a citizen. I believe the Revised Proposed Final Judgment in United States v. Microsoft Corp. (''the agreement'') should be rejected because it is fundamentally flawed and usurps the remedies it was intended to provide. First, the agreement contains several vague provisions that are open to interpretation and will likely be exploited by Microsoft. Particularly troubling is the fact that the provisions are so broad that they allow Microsoft to define and control the terms of the agreement. Second, Microsoft has a proven history of violating the antitrust laws and a prior agreement with the Justice Department. Finally, the agreement takes few steps to restore competition and may significantly hinder true competition in the operating system market. The proposed agreement does not punish Microsoft, does not restore competition, and harms consumers. Accordingly, I urge the court to reject the agreement in its entirety.

I. The Agreement is Vague and Gives Too Much Power to Microsoft

The agreement is lacking in several critical aspects. Although a thorough analysis of this agreement is beyond the scope of this comment, I have highlighted a few areas of general and one area of specific concern.

The first area of general concern is the agreement's provisions that include the clause: ''...for the sole purpose of interoperating with a Windows Operating System Product....'' This clause is extraordinarily restrictive, especially considering that Microsoft has violated the Sherman Antitrust Act in the OS-market for x86-architecture computers. In essence, Microsoft will be ''forced'' to divulge key information (such as APIs) to the designers of application programs that use Microsoft's OSes. Microsoft already provides much of this information to application designers in an effort to encourage the creation of a wide variety of applications for its OSes. The restrictive clause merely sanctions conduct beneficial to and already performed by Microsoft, and does not aid competitors and

consumers. Therefore, this clause should be removed.

Another troubling clause that is often employed is: ''...specified in the Windows documentation...particular types of functionality .... ''See III.C.1; III.H.1. As opposed to the previously discussed clause, this open-ended clause is virtually meaningless. Allowing Microsoft to restrict the agreement's remedies based on its own documentation gives Microsoft the power to control the terms of the agreement.

Although I do not disagree with the general provisions regarding the Technical Committee, see IV, I do disagree with the provisions that eschew public disclosure in favor of nondisclosure. The agreement is drafted to avoid all public disclosure throughout each stage of enforcement. This is an unconscionable result, and effectively allows a company who acted against the public interest to shield any future misconduct from the public. At the very least, the reports of the Technical Committee should be available to the public for review.

The time periods listed in the agreement are a final area of general concern. The five-year length of the agreement is wholly inadequate to remedy Microsoft's anticompetitive behavior. See V.A. In addition, the ''one-time extension of [the agreement] of up to two years'' is laughable. V.B. Microsoft does not even have to release any APIs before 12 months from the entry of this agreement, see III.C. 1, so this agreement is effectively a four-year agreement. The effective length of the agreement is curtailed further by the generous (and undefined) provision that gives Microsoft a ''reasonable opportunity'' to fix any violations of the agreement, before submitting to a lengthy closed arbitration process for continued violations. IV.A.4. A more appropriate remedy would be to enlarge the length of this agreement to seven years, and remove the limitation on the number of extensions available in the future ''when the Court [finds] that Microsoft has engaged in a pattern of willful and systematic violations.'' V.B.

The area of specific concern is section III.J.2 of the agreement. This section allows Microsoft to condition the release of information to a licensee that, inter alia: (b) has a reasonable business need for the API, Documentation or Communications Protocol for a planned or shipping product, (c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business... Id. (emphasis added)

Again, this section allows Microsoft to control the terms of the agreement. By allowing Microsoft to define the phrases ''reasonable business need'' and ''meets reasonable, objective standards,'' this agreement forecloses competition in the OS market by denying information to Microsoft's only potential competitor: the open-software community.

II. Microsoft Has a History of Anticompetitive Behavior

Microsoft has an anticompetitive history, and its past conduct evidences a disregard for the law. The Government first filed suit against Microsoft for antitrust violations in 1994, obtained a consent decree against the company in 1995, and filed suit against Microsoft for violations of the consent decree in 1998. Microsoft's misconduct during the trial court phase is legendary (but was overshadowed by the conduct of Judge Jackson). In addition, representatives of the company have often demonstrated an attitude that borders on contempt for the law and the judicial system. This past conduct is not cause alone for punishing Microsoft, but it compels caution and strict oversight in enforcing antitrust remedies.

III. The Agreement Harms Competition

Finally, and most importantly, the flaws of the agreement and Microsoft's actions in and out of court mandate the view that this agreement will harm competition. Many of the agreement's provisions give Microsoft too much control, permitting the company to avoid disclosure, act anticompetitively, and harm competitors and consumers. The Court of Appeals warned against this result when it stated: ''[I]t would be inimical to the purpose of the Sherman Act to allow monopolists free reign to squash nascent, albeit unproven, competitors at will particularly in industries marked by rapid technological advance and frequent paradigm shifts.'' Unfortunately, the proposed agreement permits Microsoft, a proven monopolist, to continue its anticompetitive behavior against third-party OSes and middleware. Accordingly, I urge the Court to reject this agreement in its entirety.

Sincerely,
Scott Bolden

MTC–00021656

From: amarathonman@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:20am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Lan Nowotny
2639 Westwood Dr. NW
cedar rapids, IA 52405–2142

MTC–00021657

From: Boopster2626@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:23am
Subject: Fwd: Attorney General John Ashcroft Letter

Dear Mr.Ashcroft,

Please get on with this suit and let it be settled now.I feel that it is in the best interest to focus on other matters,that are more important than this issue,like the ENRON PROBLEM,which has effected all middleclass workers,who were going to retire on that now are worthless and bankrupt now.I feel that Microsoft has done everything to work with the Justice Department and the US Government.

Sincerely,
Janice Schiavo

MTC–00021658

From: Gary Heller
To: Microsoft ATR
Date: 1/24/02 11:23am
Subject: Microsoft Settlement

Dear Sirs;

In the anti-trust settlement between the DOJ and Microsoft I feel the responsibility to be heard.

I am not a supporter of the proposed settlement. I have been in the IT / Computing, and particularly Computer Software industries for all my professional life, some 30 years, and I'm appalled with what Microsoft has done to our industry and is allowed to continue to do. They have hurt our economy immensely by being allowed to indiscriminately and unfetteredly enforce their predatory and monopolistic practises. They have inflicted grave damage to the American Industry and citizens.

Innovation has been crushed—the innovators can never make any money from their contributions. Because of the monopoly Microsoft holds no other product has a chance in the marketplace and all those working in the competing industry dissappear as a tax base for the American government.

Microsoft continues to give away software until they gain a monopolistic beach-head and then gouge for their software. Their practices have destroyed superior products, or so severely eliminated their revenue streams so that they can no longer afford to maintain a competitive product in the marketplace. Netscape, Lotus, RealAudio, WordPerfect and others are prime examples of fantastic products that Microsoft alone destroyed by being allowed to freely enforce monopolositic practises.

Microsoft should be held accountable. But more importantly, they should be stopped from continuing their practises. They continue to display a total disregard for the laws of our great nation and any code of ethics. They have stolen or bought most of their products and actually innovated nothing unless its the method of getting away scott-free with anti-trust activities.

The Open Source movement is the last bastion aginst Microsoft. The world over programmers are working *FOR FREE* because a) there's no chance of selling a product that doesn't come from Microsoft and b) because that's the only way to get a product that is any good in many areas. Microsoft has a stranglehold on computing in general, and software development in particular because noone can ever get a return from their software development investment in this environment.

Please don't let this thievery and suppression of proud American engineers, users and industry continue unrestrained.

Thank you,

Gary Heller.

The box said ''Requires Windows NT 4.0 or better'', so I installed LINUX

Gary Heller

407–667–3793

Gary.Heller@ImageSoft.Fiserv.com

MTC–00021659

From: Wilfred_W._Clarkson@HUD.GOV@inetgw
To: Microsoft ATR
Date: 1/24/02 11:25am
Subject: Microsoft Settlement

DOJ

I have to say that the resolution you proposed is far from adequate. It seems you missed the Appeals Court finding. Microsoft is still doing harm to competitors and needs to be controlled. Please re-examine your proposed settlement. It is insufficient and we will all be back at this again if you don't lasso Microsoft while you have the court findings to back up a much stronger settlement. Every day, I find the Microsoft OS to be inadequate and yet only Linux at this time has any hope of competing with Microsoft. And that is because its free. Any bonafide competitor has no chance against a monopoly that keeps its monopoly by anti-competitve behavior.

cheers,

Willy Clarkson

email: willyclarkson@earthlink.net

MTC–00021660

From: pegmg@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:22am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,

Peggy Griffin

6725 W. Canal Pointe Lane

Fort Wayne, IN 46804–4771

MTC–00021661

From: Leonardo Alcantara
To: Microsoft ATR
Date: 1/24/02 11:25am
Subject: Microsoft Settlement

It would be a shame for justice worldwide. For god sake, DO something to punish MS now!

Leonardo Alcantara

MTC–00021662

From: klessig@webound.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:21am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,

Donna Klessig

HC2 Box 95

Gainesville, MO 65655–9209

MTC–00021663

From: Larrywatsn@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:25am
Subject: Microsoft Settlement

Gentlemen:

In my opinion, the settlement between Microsoft and DOJ is fair and should be concluded immediately. Any extention of this settlement only serves to waste Government monies, and does not serve the best interest of either taxpayers or users of Microsoft products.

Sincerely,

Lawrence J. Watson

109 Melrose Court

Ponte Vedra Beach, FL 32082

larrywatsn@aol.com

MTC–00021664

From: boltzs@alfalfa.ifea.rl.af.mil@inetgw
To: Microsoft ATR
Date: 1/24/02 11:21am
Subject: Microsoft Settlement

Dear Sir/Madam,

This letter presents my response to the revised proposed Final Judgement to resolve the United States'' civil antitrust case against Microsoft, which is currently up for public review. I am a citizen of the United States, and a resident of rome, ny.

I. Critique of Proposed Final Judgement

The proposed Final Judgement that the US and Microsoft agreed to on November 6th appears to have the best intentions, and addresses many of the major issues raised by the case. Unfortunately, I feel that it falls short of being an effective remedy.

I agree with many of the points in the following critique of the proposed final judgement, and it is more complete than my own statement will be.

Please review the statement on the antitrustinstitute.org website at:

http://www.antitrustinstitute.org/recent/149.cfm

There is much to consider in that document, the points in the proposed final remedy that I consider most important to review are that:

1) it makes no attempt to address ''ill-gotten gains'' garnered by microsoft through its anticompetitive practices. This is a serious shortcoming because the company's illegal tactics have placed it in a very advantageous position in the industry. In order to make anticompetitive behavior unprofitable, there must be substantive punishment that reduces those gains.

2) the anti-retaliatory clause is insufficient. Section 3.A.1 specifies that Microsoft shall not retaliate against and OEM for ''developing, distributing, promoting, using, selling, or licensing any software that competes with Microsoft Platform Software or any product or service that distributes or promotes any Non-Microsoft Middleware;''.

Section 6.L defines Microsoft Platform Software as ''(i) a Windows Operating System Product and/or (ii) a Microsoft Middleware Product.''

As I read this clause, it still allows retaliation against OEM's for developing, distributing, promoting, using, selling, or licensing, software that competes with other Non-Platform Microsoft Products, such as Office, .Net, and other applications. This opens an important window for Microsoft to continue its anticompetitive practices.

3) the api disclosure provision in section 3.D is impossible to enforce.

The only way to ensure that microsoft isn't hiding undocumented API's is to audit the source code. No body with sufficient manpower has been appointed to do this. A more appropriate solution would be to require disclosure to API's AND source to ISVs, IHVs, IAPs, ICPs, and OEMs. They could then audit suspect code themselves, and present an informed complaint to the Technical Committee, which could verify and investigate.

4) The only punitive measure specified to discourage Microsoft from non-compliance is a 2 year extension of the terms of the judgement. If Microsoft is not complying with the judgement anyway, this is an extraordinarily ineffective punishment.

II. Support for Plaintiff Litigating States' Remedial Proposals

(December 7, 2001)

The proposal filed by the state on December 7th, 2001 is a much more complete remedy. The proposal is available on the web at:

http://www.naag.org/features/microsoft/ms-remedy_f iling.pdf

1) It addresses the Microsoft's ill-gotten gains in section H by Open Sourcing the code to Internet Explorer. The Court's Findings of Fact, issued on 11/5/99, state that Microsoft successfully used its monopoly power to increase the market share of Internet Explorer. These findings of fact can be found on the US Department of Justice webpage at: http://www.usdoj.gov/atr/cases/f3800/msjudgex.htm# vh By Open Sourcing the code to Internet Explorer, Microsoft is deprived of the gains associated with their anti-competitive behavior.

Additionally, consumers and the entire computing industry benefit by augmenting the publically available software infrastructure of the internet.

2) Section E offers a stronger anti-retaliatory clause which covers all microsoft products, and not just Platform Products.

3) Section C offers an API Disclosure provision that is enforceable. ISV's, OEM's, etc are provided access to source as well as API documentation.

This will allow them to inspect suspicious code and present well informed complaints to the Technical Committee.

4) Section O offers excellent punitive measures in the event that Microsoft does not comply with the Judgement. Additionally, section L of this document provides excellent protection against Microsoft co-opting and breaking standards compatibility, as the findings of fact show it did with the JAVA standard. This topic is not addressed in the Proposed Final Judgement.

III. General suggestions

Unbundling microsoft middleware/products/services is a superior solution than requiring alternatives be bundled as well. The latter has the effect of favoring a small number of well established middleware/products/services by creating large barriers of entry to new middleware/products/services that are not included in the OS distribution.

Mandating that Microsoft offer licenses to third-party companies to port its applications to alternative Operating Systems is a superior solution than requiring that Microsoft maintain ports of particular products to particular OS's. Determining whether a port of a given application to a given platform can be profitable is difficult and should be decided by the market. Microsoft should not be allowed to lock-out existing markets by not porting applications and not allowing others to do so. However, is it not feasible to expect Microsoft to port every application to every platform. There is not always a demand.

There should be a reward in the event that microsoft makes every effort in good faith to comply with the judgement. Perhaps make the judgement applicable for 10 years, with an option to terminate the measures in 5 if microsoft makes efforts in good faith to comply.

IV. Relevant Links

1) The Proposed Final Judgement (11/6/2001)

http://www.usdoj.gov/atr/cases/f9400/9495.htm

2) The commentary on the Proposed Final Judgement at antitrustinstitute.org

http://www.antitrustinstitute.org/recent/149.cfm

3) Plaintiff Litigating States'' Remedial Proposals (12/7/2001)

http://www.naag.org/features/microsoft/ms-remedy_f iling.pdf

V. Closing

Thank you for your time and consideration. I hope an appropriate set of remedial measures can be decided upon soon.

Scott Boltz

MTC–00021665

From: Wayne Dernoncourt
To: Microsoft ATR
Date: 1/24/02 11:24am
Subject: the proposed settlement isn't just

I don't feel adequate to express myself, but I will try. There are smarter people that I, hopefully they are also writing on this issue.

Microsoft has been found guilty of illegally using a monopolistic position to further it's market in other areas. They have done the same thing in the past, if allowed they will do the same thing in the future.

The settlement only seems to allow for profit companies to seek a license (going from memory here) to use protocols that MS has modified. Protocols that were originally developed as public protocols thus making the internet possible. MS has made slight modifications to the protocol and called the result proprietary extensions. Legal, yes, just, no.

Specifically, the SMB protocol that MS uses for file transfers(?). This has been reverse engineered to allow non-Microsoft systems to inter-operate with Microsoft based systems. The reverse engineering was done as non-profit by individuals with a need to inter-operate with Microsoft systems. My reading of the proposed settlement would allow Microsoft to declare the use of such free tools to be illegal. As a consumer, I need to be able to work among different systems, but since I don't operate a company that markets such a product, I would be prohibited from using free software that does. Also, Microsoft would have the ability to prohibit companies to essentially stop marketing a product by denying them the ability to use Application Program Interfaces (API's). Again, would it be legal? Yes, would it be just? No.

Take care

Wayne D.

MTC–00021666

From: Joshua D. Sholes
To: Microsoft ATR
Date: 1/24/02 11:26am
Subject: Microsoft Settlement

I am writing to express my disagreement with the proposed Microsoftanti-trust settlement. After reviewing the proposal, it is my belief that it is insufficient to curtail Microsoft's unethical business practices which are hurting the computer industry.

One particular change I recommend is that Microsoft be required to publicly release on the Internet full documentation for all of it's API's and file formats, such as those used by Microsoft Office. This would allow competitors to create software that is compatible with Microsoft's.

Sincerely,

Joshua D. Sholes

MTC–00021667

From: dawnhhill@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:22am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,

Dawn Hill

6246 Guadalupe Ave.

Las Vegas, NV 89108–3353

MTC–00021668

From: Blair Jennings
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/24/02 11:25am
Subject: Microsoft Settlement

The Microsoft settlement should be closed this has gone on long enough Netscape is a poor product which would have died in the market anyway. (I am a Software Engineer who specializes in Internet applications). My biggest problem is the support I have to give to a product which is buggy, unstable and highly behind the times i.e.. Netscape Navigator. The company which needs to be talked to about Netscape is AOL and its handling of the browser after the acquisition of Netscape. Please settle this lawsuit so that the world can get onto more important things. Like finding Osama bin Lauden.

Blair Jennings
Software Engineer
Lion bioscience, Inc.
(858)410–6582
blair.jennings@lionbioscience.com
<<Blair Jennings.vcf>>

MTC–00021669

From: macrae_meadow@
hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:22am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,

Cynthia Dungan

3803 Chablis Cv
Memphis, TN 38115

MTC–00021670

From: jvanhouten@msi-insurance.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:25am
Subject: Microsoft Settlement

The need to consider the state of the US economy must be an important consideration in any decision regarding govt vs business litigation. This lawsuit against Microsoft creates great uncertainty —made worse by others—tobacco, asbestos, the 9–11 deaths, Enron, Etc. There is a growing, and general feeling that no firm's financial situation can be counted upon or understood in what to most of us non-lawyers or non-regulators appears to be an out-of-control litigation feast. I suggest that a high priority be to settle this matter as quickly as possible on mutually acceptable terms rather than continuing litigation.

James F. Van Houten
President
Mutual Service Cooperative, MSI Insurance Cos
Tele: 651–631–7004

MTC–00021671

From: jim jordan
To: Microsoft ATR
Date: 1/24/02 11:25am
Subject: Microsoft Settlement

Hello;

I would just like to say that microsoft should be made to include java in its operating system as this is a direct attempt to squash all competing systems.

MTC–00021672

From: jason.c.miller@home.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:29pm
Subject: Microsoft settlement

I reject the Microsoft Settlement. I don't believe I said that in my previous e-mail. :)

''Love is not Turing Computable''
Jason C. Miller
http://members.home.com/jason.c.miller
Raytheon Imagery and Geospacial Systems (IGS)
NASA Goddard Space Flight Center
jason.c.miller@home.com [home]
jmiller@eoc.ecs.nasa.gov [work]

MTC–00021673

From: hartzell@methow.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:23am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Ward Hartzell
87 Mountain Vista Lane
Twisp, WA 98856

MTC–00021674

From: ELewerenz@ocalafl.org@inetgw
To: Microsoft ATR
Date: 1/24/02 11:23am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Eric Lewerenz
pob 1270
ocala, FL 34478

MTC–00021675

From: Al Smith
To: Microsoft ATR
Date: 1/24/02 11:26am
Subject: microsoft settlement

In my humble opinion the witch hunt of Microsoft has gone on far too long. Let the marketplace take care of them. The rapid move to Linux shows that MS does not in fact hinder other companies efforts. We have one PC using Windows and another using Mandrake Linux. Linux is somewhat harder to grasp than Windows. Let's allow the free market to work. Many people are using Windows because Linux is harder to install and use.

Sincerely,
Alvin C. Smith
Easley S.C.

MTC–00021676

From: Audrey Swearengen
To: Microsoft ATR
Date: 1/24/02 11:25am
Subject: Welfare for Netscape?

Dear Sir:

Why your company should be penalized for being successful is a distortion of our American dream. You have done nothing wrong except failing to give huge sums of money to the Democratic Party, as Netscape and other of their ilk did.

This entire matter should be halted now, and abject apologies paid to all the Microsoft crew who have had to endure this insult to their abilities to make a better ''mousetrap''.

Audrey Swearengen

MTC–00021677

From: Christian Russell
To: Microsoft ATR
Date: 1/24/02 11:27am
Subject: Microsoft Settlement

I am appalled that our Justice department has seen fit to cower to the interests of a ''fat cat'' like Bill Gates. Microsoft has clearly demonstrated in the past its desire to snuff out competition. Numerous leaked internal memos diagram perfectly the insideous nature of the Microsoft war machine and its unparalleled desire to crush opposition. Hopefully this settlement will die and we can re-examine all the facts of the case. The Federal governement should take a hint from the state-level civil lawsuits currently being waged.

Christian Russell

MTC–00021678

From: dvastlik@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:24am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
DONALD VASTLIK
16 CR 173
CORINTH, MS 38834–1373

MTC–00021679

From: Curtis Bowman
To: Microsoft ATR
Date: 1/24/02 11:26am
Subject: Microsoft Settlement

I am disappointed by the Department of Justice's cave-in on the ruling of Microsoft's Anti-trust case. Once again, the goverment panders to big business at the expense of the ordinary citizen and a free-market economy. A product should fail or succede on the overall value not by the marketing and strongarm tactics of the company pushing the product.

Microsoft's paractices as taught to me by our school system are in the same vein of anti-competiton and monopoly as the Vanderbilts and the IBM of old. Once again the case of do as we say and not as we do

is enforced by the system. The case of money makes right is spoken to the new generations of American children by your ruling. Thank you for making me disbeleive the American Justice even more than before.

Curtis Bowman

MTC–00021680

From: toby@smartz.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:24am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Toby Cundell
1162 NE Ulysses
Bend, OR 97701

MTC–00021681

From: Richard C. Anderson
To: Microsoft ATR
Date: 1/24/02 11:28am
Subject: Microsoft Settlement

I DO NOT AGREE here again, Microsoft get's off with changes in definitions of already known words and concepts and all changes are in their favor This company needs to be stopped

eComStation V1, Netscape 4.61
Yahoo Messenger
richard_iesco_dms

MTC–00021682

From: sscheibert@indy.rr.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:27am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Shelly Scheibert
11361 Royal Ct.
Carmel, IN 46032

MTC–00021683

From: Luke deGruchy
To: Microsoft ATR
Date: 1/24/02 11:28am
Subject: Microsoft Settlement

To whom it may concern,

I am writing to express my complete disaproval of and total disillusionment with the Microsoft/United States Department of Justice (DOJ) Settlement. Furthermore, I implore you to recommend that this settlement be soundly overturned.

In my opinion, this settlement does not address the most flagrant aspects of Microsoft's previous anti-competitve behaviour. Furthermore, it does little, if anything, to prevent future antitrust violations. I cannot determine if the DOJ agreed to this settlement due to collusion with Microsoft or sheer incompetence. However, there are a number of blatant oversights in this settlement. The most glaring of these oversights is the specification of Microsoft's competitors as being exclusively for-profit enterprises. This definition completely ignores Microsoft's single biggest competitor and threat: the OpenSource and Free Software communities. These two communities, respectively, are completely non-profit entities and comprise of volunteer programmers writing code in their spare time. They have produced, among many other excellent free and Open Source software, the Linux and FreeBSD operating systems, which their users are free to distribute, modify and copy to whatever extent they choose, in stark contrast with Microsoft's closed source and expensive operating system: Windows. Microsoft will not be required to adjust its behaviour with respect to these communities in this settlement. Therefore, consumers'' greatest hope of seeing competition, and thus lower prices and better software, in the software and operating systems markets is not being helped in any way, shape or form by this settlement.

Microsoft was found guilty of illegally integrating its Internet Explorer browser with its Windows operating system in a vain and ultimately successful attempt to defeat the rival Netscape Communicator browser. This settlement does next to nothing to punish this anti-competitive behaviour, nor does it seek to prevent similar behaviour in the future or to restore competition in the browser market. Consumers will suffer greatly because of this.

Microsoft is guilty of entering into exclusive arrangements with computer original equipment manufacturers (OEM's), the sellers of personal comuputer (PC) systems, to not only distribute Windows to the exclusion of all other operating systems, but to FORCE computer consumers to buy Windows with each new system. There is no option for consumers to buy a ''naked'' PC, that is, a PC without an operating system installed, unless they do business with one of the smaller, independent, less known computer retailers. This agreement has the same effect as a mandatory tax on PC consumers, because if a user wanted to install another operating system, such as Linux, that consumer would have to pay for the Windows license in addition to the cost of the alternative operating system, whether or not that user chose to use it.

Furthermore, upon the purchase of the system, the user is not allowed to sell his or her copy of Windows if he or she chooses not to install it. There is very little in this settlement that addresses this inequitable, semi-regulatory system by a non-governmental entity. Microsoft has illegally leveraged its operating system monopoly to force competitors out of business, many of whom were making better products than Microsoft. For example, when Microsoft introduced its Office productivity suite, it charged a mere $40 for the entire package, using the profits from its Windows and DOS monopolies to cross-subsidize the scheme, an option not available to its competitors. Its competitors had no other sources of revenue but from their primary products (productivity applications), so Microsoft had an unfair advantage in leveraging its Windows monopoly to put its competitors out of business.

This is exactly the kind of behaviour that antitrust laws are designed to prevent.

Microsoft chairman Bill Gates was found to have prujured himself on the stand, denying the existance of an email that the DOJ had later reproduced in court. Why has he not been personally punished for this crime?

Where are the provisions preventing Microsoft from future behaviours not covered by the settlement, such as Microsoft's exclusion of Java software in its latest operating system, Windows XP? This is despite the fact that a large percentage of web sites run Java applets on their sites. Nothing in this settlement will prevent Microsoft from continuing this practice, which clearly goes against consumers'' wishes. In conclusion, I urge you strongly to push for a complete rejection of this highly flawed and totally ineffective settlement. Thank you for your attention in this matter.

Luke deGruchy
Java Developer
Distributel
740, Notre-Dame Ouest, Suite 1135
Montreal, Quebec, CANADA H3C 3X6
tel: (514) 877–0054
fax: (514) 877–5549
ldegruchy@distributel.net
CC: pdeg@abacom.com@inetgw

MTC–00021684

From: Stewart Walker
To: Microsoft ATR
Date: 1/24/02 11:28am
Subject: Microsoft Settlement

I don't think the proposed settlement has enough teeth to do any good. Microsoft has a clear history of circumventing, undermining and lying. It needs to face a significant penalty and damages if more law-abiding companies are to be able to have a fair chance of competing against them. The

cost of Microsoft abuses to other Americans who are law-abiding is very high. The proposed settlement is a cave-in by the DOJ which smacks of political or other interference.

MTC–00021685

From: umi@intnet.net@inetgw
To: Microsoft ATR
Date: 1/24/02 11:24am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Linda Batdorf
1940 Rainbow Dr
Clearwater, FL 33765

MTC–00021686

From: jamesrk709@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:25am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
James R. Kendig
560 S. Fairmount Rd
Ephrata, PA 17522–8533

MTC–00021687

From: peochsner@netzero.net@inetgw
To: Microsoft ATR
Date: 1/24/02 11:25am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001 Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Paul Ochsner
1015 Raffon Court S.E.
Salem, OR 97301

MTC–00021688

From: Rev. Randell E. Tonn
To: Microsoft ATR,Activist@
conservativehq.com@inetgw
Date: 1/24/02 11:28am
Subject: Microsoft Settlement
To those concerned:

In total departure from the rabid comments being furthered by the ''conservative'' Sixty Second Activist, I write to ENCOURAGE the Department of Justice to aggressively pursue its legal actions against the predatory, monopolistic corporation known as Microsoft which has repeatedly and consistently used its monopolistic situation to produce upgrades which often function less productively and efficiently than their predecessors while charging unconscionably, ridiculously and ludicrously high prices for this ''bloatware'' while computer hardware manufacturers find it necessary to produce ever faster and larger equipment (without significant improvement in through-put)

It is high time that the full faith and authority of the federal government and the state governments (in which the predatory and monopolistic Microsoft does business) be brought to bear upon the best interests of the consumer.

The strident voice of the Sixty Second Activist to the contrary notwithstanding, the Microsoft suit is not a waste of taxpayers'' tax dollars, it is a fundamental purpose for which government exists—the protection of its citizens from those who would use monopolistic and quasi terroristic threats (ala the most recent release of the XP Windows) in which a corporation seeks to infiltrate and exercise its control over the citizen's computer.

It is my fervent plea, prayer and hope that the Department of Justice will find the moral courage to pursue the high ground of idealism by repudiating the strident Sixty Second Activist and actively pursuing the break-up of Microsoft in the interest of pursuing its primary function, i.e., the protection of its citizens.

Thank you.

Sincerely,
Rev. Randell E. Tonn
Zapata, Texas
956.765.6197
randyton@Netscorp.Net

MTC–00021689

From: Blatchley, Brett
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 11:29am
Subject: Microsoft Settlement
Dear Sirs;

I did not realize until this morning that I could submit comments related to the Microsoft Settlement, but I've been fuming about this case since it began.

As a 20+ year computer professional, I've been in this business as long as Bill Gates, and I am ever amazed at the degree of audacity, arrogance, and underhanded behavior displayed by Microsoft.

Microsoft is a convicted abuser of the American version of the Free Enterprise System. Moreover, and more to my point: they have not repented— if anything, they continue the very behavior that there conviction is supposed to put an end to. For example, they are up to their old ways with their .Net initiative, their Windows [instant] Messenger, and they are trying to crush Palm inc. in a manner similar to Netscape. They continue to bully their customers with questionable end-user-license-agreements (ELUAs), and now they are infringing in individuals free-use rights with their XP product-activation policies.

Letting Microsoft off the hook will only encourage more of this kind of behavior. And for Microsoft, delay is victory because once they take-over an area there is no undoing the damage; they will readily pay a fine later if it means capturing a market now.

Generally I'm for less government in the affairs of people, but Microsoft as a major problem and they need to be punished appropriately (read: harshly).

Thanks for your time, consideration, and opportunity to speak-out.

Brett Blatchley, MCSD
Technical Architect
Stratapult
2650 Pilgrim Court
Winston-Salem, NC 27106
Ph (336) 631–2825
Brett.Blatchley@stratapult.com
www.stratapult.com <http://www.stratapult.com/>

MTC–00021690

From: Mark Nahabedian
To: Microsoft ATR
Date: 1/24/02 11:29am
Subject: Microsoft Settlement
To Whom it May Concern:

I am writing concerning the proposed settlement in the Microsoft antitrust case.

I have been working professionally as a software developer since 1983 and, I feel, am well qualified to distinguish between operating system and application software capabilities. At no time during my working career have I been employed by any of the numerous companies which have fallen victim to Microsoft's anti-competitive practices. I have no reasons to bear Microsoft any enmity other than for the consistent substandard quality of their products or their heavy-handed anti-free-market business

practices. Such practices harm us all, not just those in direct competition with Microsoft.

In 1994 Microsoft resolved earlier antitrust allegations by signing a consent decree. It's clear from the court's findings in the antitrust case which Microsoft is now battling that they have not moderated their monopolistic behavior since 1994. It is also clear from the manner of their recent entry into the online messaging market that the current case has also not encouraged them to alter their behavior. The only possible remedy that will prevent such egregious behavior in the future is to break up the company, thus denying them the means to engage in future monopolistic practices.

Microsoft should be divided into three separate companies, one for the operating system, one for applications, and one for network services. I'll refer to these entities as OS (Operating Systems), AS (Applications Software) and NS (Network Services) respectively. These companies must operate according to the following rules: No person can serve in a management position or as a director of more than one such entity at a time. No technical consultant shall be employed by more than one company at a time.

There can be no communication among these entities concerning technical issues surrounding their products unless such communication is made publicly and is available to all companies involved with similar development efforts. For example:

OS can not add any functionality that is already available from another software vendor except by broad industry consensus. If such functionality is already provided by another vendor to run under an OS provided operating system, such functionality should be considered to be application software. Applications software mat be developed by AS but not OS.

If AS requires a new feature from OS, it must request it publicly. When OS alters or extends the behavior of the operating system, it must document the changes publicly.

Any protocol which OS or AS software employs to communicate with NS services must be publicly documented at least six months prior to the public distribution of such software by OS or AS.

In addition to the above outlined breakup, Microsoft should pay all fines which have accrued as a result of violation of the previous consent decree.

If the Justice Department lets Microsoft off the hook with anything short of these terms, it is violating its public trust. Any DoJ associates responsible for such compromise are not fit to serve in a government agency.

Do the right thing.

Mark Nahabedian

66 Prospect Street

Cambridge MA 02139–2503

MTC–00021691

From: optimal
To: Microsoft ATR
Date: 1/24/02 11:29am
Subject: Microsoft Settlement

Dear Sirs/Madams:

I am a web developer and a share holder in both Microsoft and AOL Time Warner and I believe that ''Tunney Act'' is *just, fair* and *in the public interest* and should be implemented to bring an end to this soap opera. The latest AOL action is both disturbing and frivolous. As an experienced long-time developer for both browsers, I can attest that IE won its market share on its merits.

Thank you.

Mike Sarieh.

MTC–00021692

From: Bob Deneen
To: Microsoft ATR
Date: 1/24/02 11:30am
Subject: Microsoft Settlement and AOL law suit

It seems to me that we have more important things to solve in this country than frivolous corporate badgering.

What laws did Microsoft violate? Fine them or quit this charade. AOL-Time Warner is a greater threat! They are creating confusion with a frivolous court case that gives ''the law'' its bad reputation for using legal gymnastics to solve marketplace failures.

AOL has no justified claim! I have used the Internet daily for ten years. I looked at Netscape—in no way was I deprived from accessing it. I didn't like it and therefore I don't use it. There is no other reason than that for any non-user.

Is this a free market or not? If consumers decide not to use a product must our tax dollars be used to force us to use it? All of this lawsuits will RAISE PRICES TO CONSUMERS—which AOL is already is doing!

Robert N. Deneen

deneen@adelphia.net

MTC–00021693

From: Huber, Blake
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 11:31am
Subject: Microsoft Settlement

I belive the proposed settlement is a bad idea because it is too lenient on Microsoft. I do not believe that this action will prevent further monopoly abuses by Microsoft in the marketplace.

Sincerely,

Blake Huber

Blake Huber

Coremetrics

Engineering Operations

Ph: 512.342.2623 x2250

Cel: 512.297.8725

Fax: 512. 346.1395

Email: bhuber@coremetrics.com

MTC–00021694

From: apark925@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:28am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division

601 D Street NW, Suite 1200

Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,

Alan Park

2193 Ridgepointe Court

Walnut Creek, CA 94596

MTC–00021695

From: Julian Shapiro
To: Microsoft ATR
Date: 1/24/02 11:30am
Subject: Microsoft settlement

To Whom It May Concern:

I would like to suggest a remedy for the case against Microsoft. Neither the current proposal (a lame slap on the wrist) nor huge monetary fines nor Judge Jackson's breakup scheme will actually benefit the consumer. They are all negative proposals that will hurt Microsoft's stock price but accomplish little else.

Instead I propose that Microsoft be required to provide complete documentation, as well as free technical support 24 hours a day, 365 days a year for all of their products for any licensed customer.

This will cost Microsoft a great deal but the consumer would be the direct beneficiary. Microsoft, for its part, could only reduce its burden by improving the software and the documentation, or by getting out of a particular area of software development—making room for competition.. Again, the consumer would benefit.

It has been suggested to me that this proposal would hand Microsoft a monopoly in the ''help desk'' business. That might be true but the requirements of this proposal would be so huge that Microsoft would have to outsource the work to every ''help desk'' company it could find.

Thank you for taking this under consideration

Julian Shapiro

CC:sarah72

MTC–00021696

From: Walter Metcalf
To: microsoft.atr(a)usdoj.gov
Date: 1/24/02 11:30am
Subject: Microsoft

Dear Sir:

I don't agree!

I think the proposed USDOJ ''settlement'' is little more than a capitulation to Microsoft. During the original trial, there were hundreds and hundreds of pages of original testimony proving beyond doubt that Microsoft has strong-armed companies—even companies as large as IBM—into doing its will. The proposed DOJ agreement almost completely ignores this mountain of evidence! Microsoft also made a deliberate attempt to raising the entry barrier into the operating system industry to achieve a monopolistic position.

Walter F. Metcalf

MTC–00021697

From: John B. Proffitt
To: Microsoft ATR
Date: 1/24/02 11:28am
Subject: Microsoft Settlement

Dear DOJ,

Thanks for undertaking a legal battle against Microsoft on behalf of the American nation. You fought a good fight, but it looks as though Microsoft will emerge essentially unscathed. Microsoft may have lost the judgement, but no effectively punitive measures are forthcoming as a result of the antitrust action. Considering the cost of the case to the taxpayer, one might fairly characterize the outcome as a Pyrrhic victory.

Note that I am in no way personally opposed to Microsoft Corporation. I use their software products daily at home and at work. Through long habituation I have come to prefer the Wintel computing environment over available competition. Yet I believe it may be time to bring Microsoft to heel.

There are negative aspects of Microsoft's business practices that you chose not to address in your brief. But more than this, there is the general condition that corporations wield too much power in this country. They abuse their customers, bamboozle their investors and thumb their nose at governments. When called to account for their actions they simply hire more lawyers and disburse more campaign contributions. Justice, apparently, is for sale in the United States. If we are to reverse this trend, there is no better place to start than with Microsoft.

Our leaders must be able to see through an incessant deluge of advertising. They must be capable of resisting the lure of short-term capital gains. If we, the people, cannot regain control of the tiller of the ship of state, if we cannot assert our will to govern with fairness and wisdom, then it will be time for a second American Revolution. The first one will have failed.

John B. Proffitt

MTC–00021698

From: Michael Pierce
To: Microsoft Settlement U.S. Department of Justice
Date: 1/24/02 11:27am
Subject: Microsoft Settlement
Michael Pierce
3806 Juliana's Way
Round Rock, Tx 78664
January 24, 2002
Microsoft Settlement U.S. Department of Justice

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Michael R. Pierce

MTC–00021699

From: Jill McKenzie
To: Microsoft ATR
Date: 1/24/02 11:33am
Subject: Microsoft Settlement

To Whom It May Concern:

I would like to ask you to please approve the settlement so that our country can get on with other business.

Jill McKenzie
San Diego, CA

MTC–00021700

From: Joshua
To: Microsoft ATR
Date: 1/24/02 11:31am
Subject: Microsoft Settlement

Dear DOJ,

I must make my thoughts known regarding the proposed Microsoft settlement. It is simple, Microsoft illegally kept the makers of personal computers from controlling their own choice of computer operating systems. This behavior was and continues to be predatory and anti-competitive. American's belief in opportunity, competition, and fair play have routinely been trampled by the self sustaining tactics of this industry giant.

Therefore, any settlement or resolution should insure that Microsoft cannot continue its anti-American behavior. I believe that the current settlement does not meet this criteria and implore you to consider more appropriate measures to this end.

Sincerely,
Joshua Pennington
Fresno, CA

MTC–00021701

From: crelfor@sears.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:32am
Subject: Microsoft Settlement

I think the settlement you people in the government have come up with is a joke. Anyone, even an average computer user , can see that this will in no way deter Microsoft from continuing their monopolist practices. If you do not crack down on them now, they will feel free to continue to produce buggy, insecure bloatware at will without fear of competition. I personally agree with the holdout states that Microsoft should make a version of windows that does not contain a browser, media player or word processor and leave those choices up to the individual consumer. Many of us are smart enough to get around Microsoft's pigeonholing us on applications but it is not always easy. By them consistently adding more and more ''functionality'' to their operating system, it is allowing them to little by little squeeze out other utility companies.

The new XP version comes with a built in browser, media player, scanner and digital camera, and printer drivers that are normally supplied by other companies. This is allowing MS to leverage these other companies out because they are creating the operating system these drivers are installed into. I for one think it is high time the government stepped in and really did something for the PEOPLE that it is supposed to represent instead of big business.

Thank You for your time
Carl Relford
Sears Computer Technician
Tucson, Arizona

MTC–00021702

From: mdvjoejbates@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:30am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Joe Bates
4041 S Dells
Harvey, LA 70058–2107

MTC–00021704

From: Edsullivant@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:30am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Edwin Sullivant
PO Box 1576 La Pine, OR 97739–1576

MTC–00021705

From: leyetning—2k@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:30am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.
This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
John Cone
P.O. Box #421
Denton, TX 76202

MTC–00021706

From: RWK2817@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:30am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.
This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Robert Kelley
2817 Kelling Street
Davenport, IA 52804–1551

MTC–00021707

From: RWK2817@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:30am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.
This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Robert Kelley
2817 Kelling Street
Davenport, IA 52804–1551

MTC–00021708

From: Bill Randall
To: Microsoft ATR
Date: 1/24/02 11:10am
Subject: Microsoft Settlement
To whom it may concern,
I'd like to express my outrage at the offer laid upon the table by Microsoft. Once again a Microsoft is playing a shell game. ''Now you see us, now we own you.''
The idea that a corporation could design its own punishment is laughable. Especially considering this so called punishment actually will benefit Microsoft. If this is really going to be a punitive decision, Microsoft should put up the money for purchases and buy equipment and software that they have no financial relationship with. Now that would actually be punishment.
With the settlement previously reached by the DOJ regarding Microsoft's monopoly and anti-competitive tactics, I would, however, believe that true justice will not be achieved and Microsoft will, yet again, benefit from their so called punishment.
Sincerely,
William T. Randall, Jr.

MTC–00021709

From: Bill Bamert
To: Microsoft ATR
Date: 1/24/02 11:26am
Subject: Microsoft Settlement
To Whom It May concern,
I am opposed to the current settlement that is being pursued in the Microsoft Antitrust Case. Another concern I have is the sudden change in my governments stance on this case. Why is Microsoft now being let off with less then a slap on the wrist?
The current settlement is not sufficient to compensate for what has been done or to keep it from happening again. I am a Networking Specialist and I work with a multiple operating systems including those offered by Microsoft. I have been in the field for over 15 years now and have watched and am watching a number of good software products get obliterated by Microsoft. I have also watched as the price tag on Microsoft products goes up and up. If something is not done to correct Microsoft's business practices, there soon will be only one vendor option at an exorbitant prices.
The reason I work on multiple vendor platforms and software packages is that the products from different vendors have different strengths and weaknesses. I like having this choice and variety. It pushes the vendors to make the best product possible and come up with new ideas. I also like that the competition between vendors keeps the price down.

MTC–00021710

From: jedwards@golden exploration.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:32am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.
This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now.
Thank you.
Sincerely,
John Edwards
265 Monroe Street
Denver, CO 80206

MTC–00021711

From: Jamie Starkel
To: Microsoft ATR
Date: 1/24/02 11:35am
Subject: Microsoft Settlement
I think that the Microsoft Settlement is a bad idea and do not support it.
Jamie Starkel
Network Administrator
KTU+A Landscape Architecture
jamie@ktua.com

MTC–00021712

From: Fleming, Grant
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 11:27am
Subject: microsoft settlement
I must say, I have been tremendously disappointed by the Microsoft anti-trust settlement. I don't pretend to admit that I have the legal knowledge to propose what should be done is this case, but I think any professional in the IT industry that is not directly affiliated with Microsoft (or in their pockets) knows that the giant in Redmond is as much of a monopoly as the world has today. It devours other companies, crushes competition, envelops the industry, represses innovation and is putting us in the position where we all have to neatly line up and use

their mediocre products or be ''left in the dark''. They have ingrained themselves in so many aspects of the industry that these days you would be hard pressed not to have many of their products on your machine..and if you are one of those who actually manage that, you are constantly ''swimming upstream'' and wrestling to be able to function in the Computer Society. One company should not have that sway and domination....especially not one who is known to turn out substandard, vulnerable and unreliable products. If Microsoft had achieved their market dominance through superior software, superior support and superior service, I would hold them in high regard. I know...and I'm sure you know....this is not the case.

Thus, much like I have heard from others, I view the settlement as more of an endorsement of their practices than anything else.....and I consider it a travesty. I'm sure deciding what should be done in the case is an incredibly difficult issue and I don't pretend to have the answer. I just know what is proposed is NOT it.

Grant J. Fleming
PC/LAN Administrator
Wellpath Community Health Plans
6330 Quadrangle Drive (Suite 500)
Chapel Hill, NC 27514
(phone) 919–493–1210 x 3756
(pager) 877–683–3820
(fax) 919–419–3854

MTC–00021713

From: Bob McLennan
To: Microsoft ATR
Date: 1/24/02 11:36am
Subject: Microsoft Settlement

You should be ashamed of yourselves.
Sincerely,
Bob McLennan

MTC–00021714

From: Troy Folger
To: Microsoft ATR
Date: 1/24/02 11:30am
Subject: Microsoft Settlement

I think that the proposed settlement will have little or no effect on Microsoft's business practices, and therefore should be rejected. The most telling point is this: the only viable competition to Microsoft operating systems are FREE ones. OS/2, Netware, BeOS, and other operating systems offered for the Intel hardware platform have been crushed by Microsoft's stranglehold monopoly. Linux and other free unix variants survive only because millions of people worldwide are donating their time and talent to the projects.

In addition, Microsoft has not used their monopoly position to strengthen their products. Instead, they have added utilities and features designed to crush competition outside the operating system category (utilities, browsers, media players, etc). Meanwhile, their products suffer from security flaws so outrageous that the public would reject Microsoft products outright—except that there is no alternative.

Any settlement must address the fundamental issue: Microsoft has been found to be a monopoly, and consumers will continue to suffer, more and more, unless an effective barrier to Microsoft's monopolistic practices is erected. The proposed settlement contains no such barrier.

Sincerely,
Troy Folger
Austin, TX
Citizen and Taxpayer of the USA

MTC–00021715

From: failover
To: microsoft.atr(a)usdoj.gov
Date: 1/24/02 11:35am
Subject: Microsoft Settlement

I DON'T AGREE
//Jesper

MTC–00021716

From: Tim Seltzer
To: Microsoft ATR
Date: 1/24/02 11:35am
Subject: Microsoft Settlement

To Whom It May Concern:

I would like to add my voice against the DOJ proposed Microsoft settlement. Microsoft has a history of predatory behavior and I believe the settlement is neither punitive nor preventive of future recurrences of such actions. We must protect the integrity of the competitive environment for the good of the technology sector, which is probably among the most critical there is, and for the long-term good of United States economy.

Regards,
Tim Seltzer
Plano, TX

MTC–00021717

From: Krimo Salem
To: Microsoft ATR
Date: 1/24/02 11:36am
Subject: Microsoft Settlement

Attorney General John Ashcroft
The Department of Justice
Washington DC 20530
Dear Mr. Ashcroft,

Since the suit was brought up, three years ago, the market went down and it never recovered. Let say that Microsoft is like a good quarterback, and the industry is the team. The team (industry) wants to hurt its quarterback (Microsoft), and when the team succeeds in causing harm to its quarterback, it wonders why did not do so well. So this suit is like a losing game for the industry. Carrying on litigation against Microsoft causes harm to the industry. Thus the settlement reached between Microsoft and the Justice Department must be finalized so the team (industry) can get back to scoring.

The settlement might be a 15-yard penalty, but not to settle would mean forfeiting the game altogether. The settlement instructs Microsoft to make all future versions of its Windows OS to be compatible to non-Microsoft software. Moreover, Microsoft has also agreed not to retaliate against any computer makers that would want to ship software that would compete with Windows, such as products from AOL.

As fan of Microsoft and the industry, I must urge you to referee this case fairly. I recommend that you make certain that this settlement is confirmed, and the nation turns to focus on other pressing issues.

Sincerely,
Krimo Salem
President & CEO

MTC–00021718

From: FrankButash
To: Microsoft ATR
Date: 1/24/02 11:37am
Subject: Microsoft Settlement

Dear Sirs,

I think that the U.S. Government should get out of the Free Market regarding Microsoft's alleged monopolistic practices. Let the market place adjust itself without political interference from the DOJ and the Democratic Party.

FB

MTC–00021719

From: lpdljgd37@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:34am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now.

Thank you.
Sincerely,
leonard p daniels
37 crisfield street
yonkers, NY 10710

MTC–00021720

From: johnsboy@bellsouth.net@inetgw
To: Microsoft ATR
Date: 1/24/02 11:33am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now.

Thank you.
Sincerely,

David Rumbaugh
511 McKenzie Court West
North Augusta, SC 29841

MTC–00021721

From: Steve Carlson
To: Microsoft ATR
Date: 1/24/02 11:38am
Subject: Opposition to Microsoft Settlement

I am a computer user and also publisher of industry-specific software that runs on Windows. The proposed settlement would be tragic for small business persons such as me. Please, we cannot afford to have our govenment prop up a dictatorial monopoly that quashes all semblance of competition in the computer industry.

Steve Carlson
Upper Access Books
Non-fiction books and Publishers'' Assistant software
www.upperaccess.com and www.pubassist.com

MTC–00021722

From: Lars Fredrik Dietrichson
To: Microsoft ATR
Date: 1/24/02 11:35am
Subject: Microsoft Settlement

Dear Sirs,

My firm has been an unwilling ''hostage'' of Micro$oft's monopoly for 7 long years, and it is our sincere conclusion that the more we pay for ''buggy'' software and upgrades, the less we actually get!

We will now finally make the transition to wonderful, trustworthy LINUX as opposed to Micro$oft, who makes unreliable, unpredictive, and expensive ''bloated'' software. When complaining about numerous ''bugs'' and annoyances, they have the nerve to claim they are actually ''wonderful features''. This would not be possible, if there was some competition on the desktop, and not only on the server market. We do belive Mr. Gates & Co. have made a tremendous destructive impact on the software market, and they should be severely punished for falsi- fying evidence in court. (Contempt for court.)

Yours sincerely
NAVAL Systems & Electronics A/S
Lars Fredrik Dietrichson/LFD
Head Master in charge/MMIC

MTC–00021723

From: FrankButash@email.msn.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:38am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now.

Thank you.
Sincerely,
Frank Butash
229 South Quaker Lane
West Hartford, CT 06119–1943

MTC–00021724

From: John Carter
To: Microsoft ATR
Date: 1/24/02 11:38am
Subject: Microsoft settlement

Once again—Don't hurt the innovative goose[Microsoft] that has laid so many extrordinarily useful golden eggs!!!

John R.Carter

MTC–00021725

From: dfryk@surewest.net@inetgw
To: Microsoft ATR
Date: 1/24/02 11:36am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now.

Thank you.
Sincerely,
Dan Fryk
302 Sundance court
Roseville, CA 95661

MTC–00021726

From: Steve Burbeck
To: Microsoft ATR
Date: 1/24/02 11:39am
Subject: Microsoft Settlement

First, let me be clear that my views do not represent those of my employer, IBM, in any way.

I read the proposed final judgement in its entirety the day after it was published, and yet again today. It is an artful document. I do not have the legal expertise to appreciate the many subtle uses of legal terms of art presumably put in by the DOJ to place real restrictions on Microsoft's future conduct. But, in the end, this settlement is about how the software industry works. I am enough of a software industry ''expert'' to see many artful ways that Microsoft has virtually neutered its usefulness in redressing past distortions or in preventing further distortions in the software industry caused by their illegal use of their monopoly position. Here are the three I find most egregious:

1) The restrictions on who can be on the three member technical committee or its supporting staff rule out most competent participants in at least two ways. First, each must be a software design and programming expert. That is a peculiar requirement in this increasingly networked world. Expertise is also needed on networking and Web issues, yet many such experts do not necessarily qualify as software designers and programmers. Restricting all of their support staff to be software designers or programmers is too limiting. I have lived and worked with ''design and programming'' experts for more than twenty years (and am one myself). Few of them also understand the business, Web, and Internet subtleties that Microsoft wields so well. Second, the restrictions on employment rule out most viable candidates. Of those that meet the technical requirements, nearly all either have recently or soon will work for Microsoft or one of its competitors (note that Microsoft is a competitor of nearly every kind of software firm, not to mention ISP's, banks, travel software providers, game manufacturers, the news media, and many others). The few that have not and do not intend to work in the software industry (e.g., those who do are retired, independently wealthy, or work for military, the steel industry, university, or perhaps some other nonprofit organization) typically have very little understanding of how the software industry works. Between these two restrictions, the Technical Committee will likely not be of very high quality. Microsoft has proven to be very good at fooling those who try to restrict its ambitions. This committee is designed to be easy to fool.

2) The definition of ''Microsoft middleware'' and ''Microsoft middleware products'' is both vital to the settlement (since much of the settlement is specific to middleware), and quite peculiar, especially from the perspective of an ''expert in software design and programming'' such as those who will populate the TC. And Microsoft has demonstrated willingness to manipulate such definitions when they converted IE from a stand-alone product to an integral part of the operating system. Nonetheless, the TC experts must use this contorted definition instead of their own understanding. Many others have analyzed the middleware definitions and found them wanting as well. All I can say here is that when I first read the definition it was clear to me that Microsoft has won enormous flexibility to determine what is, or is not, middleware. It reminds me of the loophole Microsoft foisted on Ann Bingaman and the DOJ in the ''95 settlement that turned out to virtually emasculate that settlement. That blunder did not help the DOJ's reputation. Nor will this one.

3) Even if the above issues are solved, five years is too short a period of oversight. The two year extension for bad behavior does not materially affect the issue. It will take at least ten years.

Regards,
Steve Burbeck
109 Dundee Court

Cary, NC 27511

MTC–00021727

From: aarona@wizards.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:36am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Aaron Alberg
9027 West Shorewood Drive
Apt. 603
Mercer Island, WA 98040

MTC–00021728

From: Charlotte Martin
To: Microsoft ATR
Date: 1/24/02 11:39am
Subject: Microsoft Settlement

We believe this case has been settled and nothing further needs to be done. We believe the settlement to be in the public interest.

Charlotte Martin
Donald Perry
fluffydg@pacifier.com

MTC–00021729

From: GMRands@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:41am
Subject: Microsoft Settlement

To whom it may concern, which is everyone!

My husband and I are dismayed at the amount of time and money spent to ruin a successful American company that is providing jobs, helping the economy, etc. It appears we have been pulled in to favor competitors. This is not governments job.

As other companies are developing software etc. it appears to even us as novices that they aren't going to be the dominating force in the market. Settle. Let everyone get on with business and life.

We can not help wondering if we paid as much attention to our foreign policy as we do to stopping an American business company if we wouldn't be a lot better off.

Pouring money and most of their efforts into law suits can ruin any company. And why? Let's settle and move on.

Thank you for your help in this matter.

Gary and Marilyn Rands
gmrands at AOL.com

MTC–00021730

From: Elbertsstuff@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:39am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Elbert Pirtle
247 Jones Rd
Hampton, GA 30228–2838

MTC–00021731

From: mcloc@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:38am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Mary C. Weaver
2501 W. 63 St.
Mission Hills, KS 66208–1909

MTC–00021732

From: gayle@andersonsplace.net@inetgw
To: Microsoft ATR
Date: 1/24/02 11:37am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Gayle Anderson
1221 Zaragoza Ave.
Colton, CA 92324

MTC–00021733

From: irinaen@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:36am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Irina Edirisinghe
3905 N. Prospect Ave
Shorewood, WI 53211

MTC–00021734

From: Gerald Meyer
To: Microsoft ATR
Date: 1/24/02 11:37am
Subject: Microsoft Settlement

This country is in the midst of profound trauma and war—enough already with the persecution of Microsoft.

Sincerely
Gerald Meyer

MTC–00021735

From: Scott Burns
To: Microsoft ATR
Date: 1/24/02 11:43am
Subject: Microsoft Settlement

Dear Concerned:

I believe that the proposed settlement between Microsoft and the US DOJ DOES NOT SUFFICIENTLY PUNISH Microsoft Corporation for past illegal behavior. It also DOES NOT PROVIDE A SUFFICIENT DETERRENT to future like behavior. If approved Microsoft will know that it can continue to bury potential competitors with

monopolistic business practices with no fear of more than a slap on the wrist from those charged with protecting the American public from this sort of behavior. ...s. —

Scott Burns <scott@lentigo.net> http://www.lentigo.net

pub 1024D/9DA64618 2001–11–17 Scott Burns <scott@lentigo.net>

Fingerprint: 2F1B A22E 33C3 FD3D BBE4 D5E2 728B 4753 9DA6 4618

MTC–00021736

From: Matt—Conway@i2.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:42am
Subject: Microsoft Settlement

I think the proposed settlement is a very bad idea.

Matthew Conway
matt—conway@i2.com

MTC–00021737

From: albo1319@hotmail. com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:39am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Alison Bliss
1319 Chuckawala Drive
Cottonwood, AZ 86326

MTC–00021738

From: Matt Smyj
To: Microsoft ATR
Date: 1/24/02 11:37am
Subject: Microsoft Settlement

To Whom It May Concern,

The settlement is wrong. It is an insufficient reprimand and does nothing to remedy the Monopoly that Microsoft holds.

Sincerely,
Matthew K. Smyj

MTC–00021739

From: Douglas, Thack
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 11:43am
Subject: Microsoft Settlement

the compromise setllement is a bad idea. microsoft will use the ability to freely distribute their software at a price they are allowed to set to solidify and perpetuate their illegal monopoly practices. they will never be dislodged until they can be actually punished.

thackery douglas
senior network administrator

MTC–00021740

From: w4js@juno.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:42am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
John Sproat
1419 E. Manasota Beach Rd.
Englewood, FL 34223–6341

MTC–00021741

From: Chris Leazure— Systems Engineer
To: Microsoft ATR
Date: 1/24/02 11:44am
Subject: Microsoft Settlement

Hi, I would like to add my opinion that the proposed final judgment in United States vs Microsoft case is insufficient and lacks many corrective actions especially in the area of use of monopoly power to control a market. Microsoft is and has been reacting to the growing use and popularity of Java and cross-platform Java tools to squelch its use by creating incompatible knock-off versions that break the ''write once and run anywhere'' (multi-OS) support, leveraging their 95 desktop OS market monopoly to create market dispersion and trying to kill any form of competition against their OS/Application monopoly. Microsoft could take Java and make it better and run faster on their OS/platform (Intel) without breaking compatibility which would represent some amount and form of goodwill towards the overall computing market being the huge monopoly that they are today. Instead they are sore losers and are leveraging every once of energy they have to preserve their monopoly by pushing, through their huge marketing voice, that they have a better computing methodology (so what if it only runs on our OS), stifiling competition and steering the market into a Microsoft and MS partners only environment.

Usually, the open market that the US has proudly built takes care of monopolistic activities such as what Microsoft is doing with Java and their OS/Application integration but it is sometimes a slow process. Hopefully, with minor thoughtful action by the USDOJ in this case the ground work will be laid to feed continuing innovation in the computing and high-tech markets in relation to monopolistic powers and allow the open market to correct itself.

Regards,
Chris Leazure 972–788–3140
CC:chris.leazure@central.sun.com@inetgw

MTC–00021742

From: klm117@gte.net@inetgw
To: Microsoft ATR
Date: 1/24/02 11:40am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now.

Thank you.
Sincerely,
Keith Miller
11727 SE 270th St.
Kent, WA 98031–7840

MTC–00021743

From: Anthony Lucente
To: Microsoft ATR
Date: 1/24/02 11:39am
Subject: Microsoft Settlement

To be as blunt as possible; Microsoft has proven itself time and again that they cannot be trusted. They've been caught lying in court, they've already exploited loopholes in remides from previous law suits (referring to the 1995 case) and they even attempt to craft remides that seruptiously benefit themselves (referring to the on-going case concerning the 100 or so school districts). Microsoft is evil. They aggressively pursue an anti-competative business stratagy that hurts the computer industry. Their anti-competative acts, in the long run, hold back progress and innovation in the computer industry. For these reasons the Sherman Act was created, and rightly so.

I believe Judge Jackson saw exactly this, that Microsoft is evil and untrustworthy, and concluded that the only real way to protect the computer industry is to break-up Microsoft. It is my belief that a broken-up Microsoft would not only protect the computer industry but protect Microsoft as well. Without any true competiton Microsoft products would stagnat, and some believe that this is already happening. In the end, competiton not any individual company, is the true innovator.

Thank you,
Tony Lucente
Anthony Lucente
Mac and Network Specialist
The Wistar Institute

3601 Spruce Street
Philadelphia, PA 19104
Phone:215 898–3737
mailto:alucente@wistar.upenn.edu

MTC–00021744

From: james@crawford.to@inetgw
To: Microsoft ATR
Date: 1/24/02 11:43am
Subject: Microsoft Settlement

Pro Microsoft. The only way that this settlement could be MORE in the public interest is if it were LESS punitive against Microsoft. It's high time that consumer be returned to the position of judge in software competition. Using the courts to restrain and cripple your competition is unethical even if it IS legal. Stop punishing success.

-Jim Crawford
1104 S 223rd St
Des Moines, Wa
98198
206 371 1776

MTC–00021745

From: cwatts@GUILFORD. EDU@inetgw
To: Microsoft ATR
Date: 1/24/02 11:43am
Subject: Microsoft Settlement

Dear Sirs, I oppose the proposed settlement because it would do nothing to solve the problem of Microsoft's monopoly powers. Yours, Coleman Watts, Greensboro, NC

MTC–00021746

From: novacalif@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 11:44am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200 Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
John Novinger
5067 Cumberland Dr
Cypress, CA 90630

MTC–00021747

From: os2fan@gmx.net@inetgw
To: Microsoft ATR
Date: 1/24/02 11:47am
Subject: subject=Microsoft

Hi!

I simply wanted to state that in my opinion the proposed settlement in the MS case is absolutely inacceptable. It doesn't take into consideration the constant threat MS has posed and is posing against it's competition, and it will instate MS's suppressive monopolistic behaviour as an acceptable economic outcome in this market segment. This suppresses innovation, because innovation has to be a chance given to everybody instead to only one large company (which in fact hardly ever innovates but uses it's monopolistic and financial power to stiffle anyone else's innovative thoughts or products). Let's give Microsoft the same treatment they have given everyone else in the last 10 years; control their every move (as you did when IBM had its monopoly back in the 60s and 70s) and force them to play by the rules which they otherwise will surely be not. They've always found some backdoor, and this settlement is full of backdoors already!

With regards,
Phil
(os2fan@gmx.net)

MTC–00021748

From: JCir2000@aol. com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:45am
Subject: Microsoft settlement

To Whom It May Concern:

I am responding to the recent law suit filed by AOL, through their Netscape devision. This law suit alleges that microsoft brought unfair business practices to the browser market place. I consider this nonsense and an attempt on AOL's part to further disrupt Microsofts ability to develope new products and run its business effectively. The bottom line is that Microsoft was much more aggressive in the market place and infact had a better product for the user. AOL, is part of the group who influenced the investigation by the Jutice department. This kind of corporate behavior using the legal system to bring down a competitor is very disruptive to our American corporate way of life and to the consumer. It is costly and counter productive.

Sincerely,
Joe Cirillo

MTC–00021749

From: jeffs@gandmadagency. com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:41am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jeffrey Saul
719 Westfield Ave.
Westfield, NJ 07090–3324

MTC–00021750

From: James A. Wood Jr.
To: Microsoft ATR
Date: 1/24/02 11:46am
Subject: Microsoft Settlement
James A. Wood Jr.
16 Montagu Street, Apt E
Charleston, SC 29401
January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

As a resident of South Carolina, I am writing to express my support of the settlement between Microsoft and the Justice Department. After three years of litigation, Microsoft and the government have settled a suit that has profound implications for all software developers and the rest of the IT industry.

For example, Microsoft has agreed not to retaliate against computer makers who ship software that competes with anything in its Windows operating system. The company has also agreed to document and disclose for use by its competitors various interfaces that are internal to Windows'' operating system products.

Furthermore, a technical committee will be in place to make sure Microsoft is in compliance with the settlement, and aid in dispute resolution. I urge that you back off your pursuit of Microsoft, and go after companies like Wal-Mart who are destroying our communities.

Sincerely,
James A. Wood Jr.
cc: Senator Strom Thurmond

MTC–00021751

From: Robert J. Gervais
To: Microsoft ATR
Date: 1/24/02 11:45am
Subject: DOJ Microsoft Crusade

Department of Justice:

Please stop this uneeded and tax spending dollar crusade against Microsoft. Supposedly the government has reached an agreement with Microsoft settling the ludicrous charges against them. Settle it. Bill Clinton who couldn't shake them down is out of office. This case is an affront to the few corporations with integrity left in business in the United States. Settlement time has come. Please do what your paid to do. Investigate, reach an acccord, settle it. Spend your time worrying about the Taliban Johns'' of the world, prosecute them as you failed to do with Jane Fonda. Investigate those corporations such as ENRON whose CEO and other high officials who are alleged to have bilked their small shareholders and employees IRA holdings out of a billion dollars in the past year. That's where your efforts need to be directed. GOD BLESS AMERICA

Bob Gervais
Chelan, WA 98816 ———————— Phil

Send and receive Hotmail on your mobile device: http://mobile.msn.com

MTC–00021752

From: cherokeesv@aol. com@inetgw
To: Microsoft ATR

Date: 1/24/02 11:42am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Ed Wenigman
25825 104th Ave. SE
Suite 150
Kent, WA 98031

MTC–00021753

From: roselync@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 11:44am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Roselyn Cresse
P O Box 133
Acton, CA 93510

MTC–00021754

From: Bill Clinton
To: Microsoft ATR
Date: 1/24/02 11:50am
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea. With the security of our country and financial infastructure more and more dependent upon the security of our computer systems, allowing Microsoft a monopoly through unfair practices imperils us all.

William Clinton
Deerfield Beach Florida

MTC–00021755

From: R B Clontz
To: Microsoft ATR
Date: 1/24/02 11:51am
Subject: Microsoft Settlement

It is my greatest desire to see Microsoft receive the most severe, swift, and direct punishment for forcing its monopoly of software usage on the computing public. Microsoft has unfairly squelched competition by making itself the only software available for many users and wants its web browser to be the default for all operating systems. Please render a strong and costly judgment against Microsoft for its monopoly!

Sincerely,
Randy Blake Clontz

MTC–00021756

From: Bill Y.
To: Microsoft ATR
Date: 1/24/02 11:43am
Subject: Microsoft Settlement

Sirs:

I would like to comment on the proposed settlement in the Microsoft antitrust suit.

I find the proposed settlement both insufficient and unenforceable. Here are some justifications for that statement.

A) Not-for-profits fail to be represented. This essentially disenfranchises the second-largest operating systems group in the world (that being Linux) as well as the single most common web server software (that being Apache) as well as the most common file server (that being Samba). III(j)(2) specifies that non-profits need not recieve API, Documentation or Communications Protocols, the proposed ''relief from monopoly'' actually —encourages— further monopolistic practices on the part of Microsoft.

B) Section III(d) allows Microsoft to determine who is to be permitted access to interoperability data (thereby allowing Microsoft to freeze out any up-and-coming competitor), thus ensuring that Microsoft will —continue— to be a defacto monopoly.

C) The final issue, enforcibility, is due to the penalty clause should Microsoft violate the terms of the agreement. Simply stated, the sole penalty is that Microsoft would suffer, should they violate the terms, is to have the time duration of the agreement extended.

This would imply that Microsoft could accept the agreement in court, the judge could bang the gavel and close the case, and then Microsoft could literally rip up the agreement on the court house steps, because the only —penalty— for disobeying the agreement is to have the agreement extended in duration- which, if you're disobeying the agreement in the normal course of doing monopoly business, is no impediment to the monopoly business at all. That's no penalty at all.

Having followed the original trial case with great interest, I would recommend a far more severe penalty for Microsoft, including adding the following penalties: 1) adding significant fines (on the order of 10% of the total market value of Microsoft) 2) requiring, within 2 years, forced divestiture of the following business segments from Microsoft's core (operating system) business: -optional and office software -network / ISP services -mass media, entertainment services, entertainment devices 3) adding a penalty that bars Microsoft from bidding on any government sales when in violation of the current agreement. 4) opening an investigation as to whether any of the responsible individuals at Microsoft committed actionable acts.

I would recommend the following documents as interesting commentary on the proposed Microsoft settlement. —An activist site- written by lawyers for the lay public: http://www.ccianet.org/papers/ms/sellout.php3 -Robert Cringely (noted computer commentator on P.B.S. and all-around smart guy): http://www.pbs.org/cringely /pulpit/pulpit20011206.html

-Sincerely
William S. Yerazunis, PhD,
Research Scientist,
Mitsubishi Electric Research Laboratory

MTC–00021757

From: Chris Dalla
To: with a subject of ''Microsoft Settlement''
Date: 1/24/02 11:47am
Subject: Microsoft settlement

As an individual who has been involved in the field of personal computing almost since its inception, and as a U.S. Citizen who believes that the unbiased administration of justice, above all else, should be the primary end goal of our court system, I would like it known that it is my firm belief that the proposed settlement in the case of the United States v. Microsoft does not levy sufficient punitive action against Microsoft. One of the founding precepts of our nation is that all citizens or entities will be treated equally and dispassionately in the eyes of the law. The market influence, bankroll, and corporate size associated with Microsoft and Bill Gates should in no way except them from just punishment for wrongdoing. For years, Bill Gates and Microsoft have been leeching the vitality out of the field of personal computing, unfairly wielding their market influence to the detriment of their competitors, and conducting business in a manner that is not in the best interest of the public. The time is now to send a message, not only to Microsoft and Bill Gates, but to big business everywhere that the sort of bullying, whiny business practices which Microsoft has established as its standard operating procedure are unacceptable. Acceptance of this settlement does nothing more than send a clear signal to big business, and to the world in general, that our court system is really interested in nothing more than finding in favor of the highest bidder. Furthermore, I feel that this settlement is likely to set a precedent which is could easily to hinder the court's ability to hand down a strong judgement in the future, should a similar case arise in the months or years to come.

Thank you for your time.
With concern,
Chris Dalla
Vice President,
Clear Blue Engineering, Inc.
email: chris@cbe.cc
smail: 6040 West 91st avenue
Westminster, CO 80031
phone: 303–412–9477
fax: 303–412–9457

MTC–00021758

From: Potter, Bob Ext.1411
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 11:51am
Subject: Microsoft Settlement.

(The business world is not a philanthropic organization)

Microsoft should be given an award not continually harassed by their competition. I'm begging you, Please stop this insanity. Bring this case to conclusion and lets get on with life.

Regards,
Bob Potter
(831) 796–1411
www.co.monterey.ca.us

MTC–00021759

From: mhp52@attbi.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:43am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now.

Thank you.
Sincerely,
Rebecca Mihopulos
49728 High St. Ext.
St.Clairsville, OH 43950–1677

MTC–00021760

From: Tony Mangan
To: Microsoft ATR
Date: 1/24/02 11:46am
Subject: On the Microsoft issue

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. ''This is just another method for states to get free money, and a terrible precedent for the future,'' states the AOCTP, ''not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.''

Please end this witch hunt against one of our finest American traditions, ''free enterprise''! If there was a point to be made at the onset of all the Microsoft nonsense, I am sure you would agree that it has been made and it's time to stop the nonsense that can only inhibit companies from trying to grow in the future.

Sincerely,
Anthony Mangan

MTC–00021761

From: Robert Allinson
To: Microsoft ATR
Date: 1/24/02 11:54am
Subject: Microsoft Settlement

I would like to state that as a firm supporter of open source and and gnu-gpl, I think that the settlement is not going to suffice. I would like to see microsoft hit hard for this, and I would like to see there tactics forced to change. These guys are responsible for some of the nastiest business tactics known to man. And we let it slide. Please do something to aid us in our fight to survice against the giant. Free open source.

Robert Allinson

MTC–00021762

From: Tim Poschel
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 11:47am
Subject: Microsoft Settlement

My experience of Microsoft is a company that provides tools and business agreements that encourage smaller companies to endeavor to create new technologies and new markets. Unfortunately, when those markets begin to reach a status that would truly be economically advantageous to smaller companies and their shareholders, Microsoft apishly integrates inferior versions of the technology into there operating systems and declare them ''innovation''. Whether the motivation is malice or fear, the impact is the same.

I've not been closely following the details of the DOJ's case against Microsoft. While I agree with the findings of the District and Appellate courts that Microsoft engaged in illegal practices, I believe the proposed final judgment in the case is weak and ineffective. I comment here with reservation, as I typically embrace a free trade stance in which government has an extremely limited roll in the function of business. Truly, I believe governments prosecute monopolies because they want to eliminate their own competition. As it is, the previous administration's handling of the case was a root cause in the burst of the .com bubble effectively committing one of the largest destructions of personal wealth in modern history. Although the decline in technologies may have been inevitable and warranted, I don't believe the government should have been the trigger.

As the lines between networking and operating system continue to blur, however, I believe the government has a roll in enabling free trade in the computer technology arena. Specifically, the proposed final judgment should include the following remedies:

(1) Microsoft should be mandated to provide at no fee, open source licensing of all operating system code including networking and middleware protocols, device drivers, etc.

(2) Compliance should be monitored and enforced by external independent audit. Operating systems—specifically networking and middleware stacks—comprise a ''software bus'' structure that enables real innovation and competition to occur. Requiring Microsoft to release these would be similar to requiring the AT&T of old to publish standards on transmission voltages, switch requirements, dial tones frequencies, etc. As to compliance, I frankly don't trust Microsoft to self-police; not out of malice, rather out of incompetence.

Thank you for allowing me to comment,
Timothy Poschel
Winix Solutions, Inc.
Roswell, GA

MTC–00021763

From: rogerp@cwnet.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:45am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now.

Thank you.
Sincerely,
Roger Pervere
6706 Tam O'Shanter Dr.
128
Stockton, CA 95210–3320

MTC–00021764

From: judyjohnal@msn.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:44am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now.

Thank you.
Sincerely,
John R. Fish, Jr.
1410 N. Nevada Avenue
Colorado Springs, CO 80907–7431

MTC–00021765

From: Saishankar
To: Microsoft ATR
Date: 1/24/02 11:46am
Subject: Microsoft Settlement

I completely oppose the settlement proposed by the States against Microsoft because:

a) It is purely driven by the personal goals of the companies rather than the needs of the consumers. I being a consumer , feel , I have all the choices in the market to run any OS I want or any applications I want

b) Killing Microsoft is just going to create another one in its place under government sanction

c) All is fair, in Love , Business and War.

d) This will set a bad precedence , as any unsuccessful company , can gain market share by suing the market leader.

Please consider SUN , AOL , ORACLE , IBM . Their track records aren't any better than Microsoft.

Thanx for giving the opportunity to voice our opinions.

A Happy Consumer.

MTC–00021766

From: jimbrown@tconl.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:47am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now.

Thank you.

Sincerely,

James Brown
1865 Maayfair Drive
Omaha, NE 68144–1049

MTC–00021767

From: Travis Watkins
To: Microsoft ATR
Date: 1/24/02 11:49am
Subject: Microsoft Settlement

I would like to state my disapproval of the Microsoft Anti-Trust Settlement:

1) With Regards to Microsoft settling by giving computers and software to schools:

A) Allowing Microsoft to buy it's way out by getting a wedge into a market where it has been unsuccessful in the past is not a good Idea in my opinion

B) At the least, Microsoft should be forced to give Money instead of forcing the schools in question to use Microsoft or gain no benefit from the settlement

2) So long as their ''Dubious business practices'' are more profitable than ''playing fair'' they will continue to use their monopolistic advantage to force out competitors in all fields that they choose to enter.

A) Example: Windows XP. XP, due to it's design is almost like a petri dish for internet viruses. The TCP/IP Stack is completely open, allowing anything from the standard Microsoft attacking viruses to ones that allow a cracker(the malicious type of Hacker) to copy everything off of your computer and take complete control of it (I believe that this sort of virus may already exist, but I think they mostly require that a Trojan program(a program that claims to be one thing but does something else instead, like a word processing program that actually formats the hard drive) to be run before they can work properly. With XP, I would expect that this could easily be incorporated in a worm like the ''I Love You'' virus. While I have not ever written a virus, I am quite familiar with scripting and network protocols, and a whenever you make something easier for the naive user, you also make it much easier for the malicious user, That would be why there are so many more Windows viruses as compared to Unix/linux viruses(in addition to the greater installed Windows base) I have even heard many claims that the vulnerabilities in XP are designed to make the Internet as it is today(Primarily using the TCP Protocol on top of IP[TCP/IP]) untenable due to virus proliferation. This could pave the way for Microsoft to introduce their own proprietary Protocol to go on top of TCP or even IP that would basically divide the internet into two pieces, Those systems running on a Microsoft Operating System, and those that are not, and those that are not could not access anything that was on a system running a MS OS.

The only reason that I would suspect that this is not indeed a Microsoft plot to force everyone on-line to use a Microsoft Operating system, is the fact that Microsoft uses Linux for their own web servers(Probably having found their own operating systems too fragile/bulky/high-maintenance for any serious/vital/mission-critical usage) This is not the first time Microsoft has tried something of this nature, and it won't be the last, unless they are shown that they cannot treat computers as their own private domain.

Travis Watkins
Implementation Services
Data Junction Corporation
512.467.1801 x354
2110 White Horse #E
Austin, TX 78756
twatkins@datajunction.com
www.datajunction.com

MTC–00021768

From: ken—lowe@amat.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:46am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now.

Thank you.

Sincerely,

George Lowe
1031 Waterbird Way
Santa Clara, CA 95051–4214

MTC–00021769

From: MMalo10677@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:47am
Subject: Microsoft Settlement

We believe the Microsoft Settlement is fair and euitable,and would like to see us move on without further delay.

Louise and Michael Maloney
Hardy, VA

MTC–00021770

From: bebruce@greeleynet.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:45am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now.

Thank you.

Sincerely,

Barbara Bruce
2315—20 ST
Greeley, CO 80634

MTC–00021771

From: Phil Oliver
To: Microsoft ATR
Date: 1/24/02 11:49am
Subject: Microsoft Settlement
From: Philip Oliver

To whom it may concern,

Speaking personally as a self taught programmer of over 20 years—and seeing firsthand the computer industry rise from virtually non-existent to the powerhouse that it is today—I can safely say that Microsoft has been enormously productive and enormously —good— in this industry. It is safe to say that without Microsoft there

wouldn't be a PC software industry worth talking about. (No, I do not work for them.)

The success of Microsoft was not due to coercion. That is the realm of the government. Its success was due to simple marketplace success and the fact that its products, for whatever their faults, generally work very well and aid hundreds of millions of people globally, every day, in doing their jobs better, or to state it more dramatically, in doing their jobs period. Those who whine that they couldn't compete are overlooking two simple facts—(1) There are plenty of companies, an entire —industry—, which —does— compete with Microsoft—(2) Microsoft has no moral obligation to ''help out'' those who cannot compete. This is business. Competitive products are a fact of life. So is making a profit, if a company wishes to survive.

It is not however all about competition.

My business, and the business of hundreds of thousands if not millions of other programmers, ultimately depends on the existence of widespread standards which facilitate our ability to work on any one of an enormous number of projects. The operating systems and office application software produced by Microsoft have provided such de-facto standards. It is a safe bet that the very software used by the government to attack Microsoft was written by Microsoft itself! Think about the meaning of that.

In short, the real question here is why the U.S. government is attacking one of America's greatest success stories. I say, personally, as an American citizen: I absolutely do not support any government anti-trust action against Microsoft, and I find it morally repugnant that any such action was ever taken. While the terrorists of the world conspired and successfully took the lives of thousands of Americans, and plunged the American economy into chaos in the process, the U.S. government was spending untold millions of dollars attacking its own companies. Rather than focusing on its actual job of protecting Americans, it showed itself completely incompetent to the job and is, in actual fact, aiding the very work the terrorists wish to accomplish: the undermining of America. This is a monstrously evil inversion of priorities on the part of the U.S. government, and the fact that it suffered grievously itself in the attacks is actually justice, rewarding it for its own inaction and incompetence. It's quite easy to attack Bill Gates, you know where he works and where he lives, and he probably doesn't even own a gun.

Where's Osama bin Laden?

In short—there are plenty of real threats against this country that ought to be taking 100% of the attention of its government. Stop attacking the lifeblood that makes the country worth defending in the first place. If there were such a thing, Bill Gates deserves a medal for the enormous good he and his company have achieved in a scant 27 years of existence.

MTC–00021772

From: madisco@bellsouth.net@inetgw
To: Microsoft ATR
Date: 1/24/02 11:46am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now.

Thank you.
Sincerely,
Dwight Miller
4027 Green Road
Springfield, TN 37172–6956

MTC–00021773

From: kcurtis@mvhs.sad3. k12.me.us@inetgw
To: Microsoft ATR
Date: 1/24/02 11:48am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear, Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now.

Thank you.
Sincerely,
Robert Curtis
143 Palmer Rd.
Thorndike, ME 04986

MTC–00021774

From: grannyllc@msn.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:47am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now.

Thank you.
Sincerely,
Linda Childers
N 613 Conklin Rd
Veradale, WA 99037

MTC–00021775

From: Mike Choy
To: Microsoft ATR
Date: 1/24/02 11:51am
Subject: Microsoft Settlement

I am against the proposed settlement. Microsoft has clearly engaged in anti-competitive behavior for many years and the remedy should be more than just a slap on the wrist.

Thank you.
Michael Choy
Stanford, CA

MTC–00021776

From: lanie@hartcom.net@inetgw
To: Microsoft ATR
Date: 1/24/02 11:47am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now.

Thank you.
Sincerely,
Elaine Jones
2284 Hartwell Hwy
Elberton, GA 30635

MTC–00021777

From: Allen D. Ball
To: Microsoft ATR
Date: 1/24/02 11:49am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. The proposed settlement does not provide a remedy for Microsoft's monopolistic practices but instead reinforces its anti-competitive stance. What's more, providing compensation in ''free'' software costs Microsoft nothing and simply reinforces their monopoly power. An appropriate remedy should punish Microsoft

for their anticompetitive practices and provide real remedies to foster competition.
Sincerely,
Allen D. Ball

MTC–00021778

From: BruLou161@Juno.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:47am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now.
Thank you.
Sincerely,
bruce hudson
161 Bent Tree Drive
Palm Beach Gardens, FL 33418

MTC–00021779

From: mpyleslive@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:46am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now.
Thank you.
Sincerely,
Margaret Pyles
5846 Hickory Hollow Lane
Doylestown, PA 18901

MTC–00021780

From: marrsian@juno.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:49am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now.
Thank you.
Sincerely,
Dave & Celia Marrs
2819 Longmeadow
San Antonio, TX 78224–1212

MTC–00021781

From: Kevin
To: Microsoft ATR
Date: 1/24/02 11:52am
Subject: Microsoft Settlement,
NO!
This settlement is not in the public interest. It is bad for competition in software by not placing protections in place for competing businesses. It does not properly prevent predatory practices by Microsoft because of its narrow definitions and generous provisions. It does not help improve competition in the software world (or for any other business Microsoft decides to get into) because it fails to prohibit Microsoft from using restrictive license terms. It does not protect consumers, because Microsoft can continue to make their product even more incompatible over time, requiring users to upgrade. It also fails to prevent Microsoft from punishing OEMs who attempt to provide consumers additional services or choices that are not in Microsoft's interests or that compete with Microsoft products.
Kevin L. Sitze

MTC–00021782

From: VRDMD@AOL.COM@inetgw
To: Microsoft ATR
Date: 1/24/02 11:47am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now.
Thank you.
Sincerely,
MARY DEMARCO
1182 WEDGEWOOD TERRACE
WESTERVILLE, OH 43082

MTC–00021783

From: Bill McGonigle
To: Microsoft ATR
Date: 1/24/02 11:52am
Subject: Microsoft Settlement
To whom it may concern:
Please know that I am against the proposed Microsoft settlement. No settlement for abuse of monopoly power should strengthen said monopoly position, which is the inevitable outcome of the proposed settlement.
Sincerely,
Bill McGonigle
251 Croydon Tpke
Plainfield NH 03781——
-Bill McGonigle
Research & Development
Medical Media Systems, Inc.
http://www.medicalmedia.com
+1.603.298.5509x329

MTC–00021784

From: Tom (038) Wilma Llewellyn
To: Microsoft
Date: 1/24/02 11:38am
Subject: Microsoft settlement
I feel Microsoft has been hassled enough, Lets stop these frivolous litigations and get on with doing business.
Tom D. Llewellyn
593 Vintage Dr.
Elkton, OR 97436
tomwilma@wanweb.net

MTC–00021785

From: Blair Heiserman
To: Microsoft ATR
Date: 1/24/02 11:54am
Subject: Microsoft Settlement
I would just like to take a moment to voice my displeasure with the current settlement / remedy against Microsoft. The proposed settlement lets Microsoft off with no real punishment for using and abusing their desktop monopoly. Microsoft has leveraged their monopoly to unfairly stop competition. This can be seen in many different areas from the boot loader (restrictions against allowing other operating systems to be able to load with or instead of Windows, BeOS being a good example, through their OEM contracts), the browser (Internet Explorer and prohibitions against bundling Netscape in contracts with OEM manufacturers and even with Apple.
Another recent example is attempting to artificially lock out non-Microsoft browsers from MSN), add on products (Windows Media Player, the built-in DVD player on XP, the MP3 ripper on XP, all of which are inferior products to those sold by independent vendors, but because of their inclusion in the OS will likely cause consumers to put up with the limitations inherent to the included products rather than finding the superior replacements), default application preferences (Windows uses various methods to define what the default application will be for a given file extension, and it is often extremely difficult to change or remove the preference of using a Microsoft application over any alternate program, Programming API (Microsoft maintains

closed Application Programming Interfaces for its products, but the greater problem is the frequency with which they are willing to change underlying code to leverage monopoly power, this was seen with Dr. DOS, with Internet Explorer, and frequently crops up as incompatibilities between OS versions, which force users to upgrade to keep their programs running), file formats (the proprietary and constantly changing file formats for Excel, Word, and Powerpoint, which frequently force upgrades to Microsoft Office since the newer versions are incompatible with earlier versions [note that this has been less true since Office 97]), and version upgrades (Windows 95, 98, 98SE, ME, NT, 2000, and XP. Most of these have simply been bug fixes of the previous versions, and in most cases it was impossible to obtain these bug fixes without upgrading to the newer version which typically introduced new features along with the bug fixes which would create further instability in the system. Additionally Microsoft has canceled service packs for systems in order to force upgrades. Service Pack 7 for NT was canceled, leaving many to apply hundreds of hot-fixes to achieve a secure/stable system). Given the numerous and varied ways that Microsoft is using and perpetuating its monopoly a much stronger judgment should be created. I see a whole host of options from not allowing Microsoft to further integrate other applications into their OS, and in fact forcing them to strip out many of their current add on products, open sourcing their APIs or forcing them to keep their APIs open to vendors who would like to create compatible products, forcing continued maintenance of OS releases, splitting the company to keep the integration for allowing Microsoft to be the single source for all computer programs, limiting their ability to lock out other vendors with OEM contracts. Given Microsoft's proven guilt in this case and non-compliance with previous anti-trust violations I can only hope that this time a more serious punishment will be tendered. Microsoft should be allowed the freedom to innovate, but they should actually have to be innovative as opposed to simply leveraging out their competition.

-Blair Heiserman
Please do not publish my address.
55 Barrett Rd Apt 509
Berea, OH 44017

MTC–00021786

From: Bob Koh
To: Microsoft ATR
Date: 1/24/02 11:52am
Subject: Microsoft Settlement

I am strongly opposed to the DOJ proposed settlement with Microsoft. It is far from adequate in controlling the monopolistic practises of MS. The DOJ must formulate a much tougher package from scratch.

MTC–00021787

From: John Zink
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 11:51am
Subject: Microsoft Settlement

I thought the purpose of the anti-trust laws was to protect U.S. consumers from harmful practices by businesses. I also thought the beauty of our system was that companies would battle head-to-head for markets based on the quality and price of their products. The consumer would then benefit from these ''fair fights''. It seems to me that it is not in accord with this spirit that one company can gain an advantage over another, who is beating it in the marketplace by offering superior products and prices, by unleashing a barrage of lawyers. It also seems to me that is what has happend in the Microsoft case. Microsoft should not have been punished for being innovative and offering good products at good prices. But that is what happened. To end the matter, the company agreed to terms which should be acceptable to all but their competition. Surely, the competition would prefer to have the market to themselves, and will continue to press any advantage to harm Microsoft. The government should not be a party to such business antics. For the record, own both Microsoft and AOL-TW stock...and more of the latter than the former. But fair is fair, and I think the ultimate aim of our elected officials should be that they are fair to all citizens. Thanks for the opportunity to comment.

John Zink

MTC–00021788

From: KWM
To: Microsoft ATR
Date: 1/24/02 11:52am
Subject: Microsoft Settlement
To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement
To: Renata B. Hesse, Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement.

I agree with the problems identified in Dan Kegel's analysis on the World Wide Web at http://www.kegel.com/remedy/remedy2.html. I also agree with the conclusion reached by that document, namely that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

Sincerely,
Kenneth W. Melvin
email: k—w—melvin@yahoo.com
East Bend, North Carolina, U.S.A
CC:k—w—melvin @yahoo.com@inetgw

MTC–00021789

From: BCoolGranny@aol. com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:50am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now.

Thank you.
Sincerely,
Billie Powell
23927 60th Ave. S.
#H-102
Kent, WA 98032

MTC–00021790

From: Brown, Terry
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 11:50am
Subject: Microsoft

I absolutely oppose any judicial action against Microsoft. Based on the evidence, they did not forcefully expropriate money or property from anyone, nor did they through the use or threat of force, prohibit fair competition.

Terry S. Brown
Vice President,
Manufacturing and Process
Industry Practice,
Balanced Scorecard Collaborative, Inc.
55 Old Bedford Road
Lincoln, MA 01773
Tel. 781.402.1183
Fax 703.991.7542
Cell 781.929.2713
tbrown@bscol.com
Join Balanced Scorecard Online Free at http://www.bscol.com

MTC–00021791

From: Doug Cure
To: Microsoft ATR
Date: 1/24/02 11:53am
Subject: Microsoft Settlement

I fully support the settlement. I think it gives the small amount of justice that was needed and still allows Microsoft to develop great software. Microsoft has been bogged down now for a couple years working on this lawsuit that never should have happened anyway. Microsoft is a good company and is providing great solutions for many customers. The fact that their product is better and more people use it should not be case for litigation. It is time for the Government and Microsoft to be done with this, as there are more important things in the world to accomplish right now, like supporting the war on terrorism.

MTC–00021792

From: Todd Perumal
To: Microsoft ATR
Date: 1/24/02 11:54am
Subject: Microsoft Settlement

If microsoft were split up into two companies that would be great for the economy. Office is still a well selling product and with the success with office v.x for mac os x, it can easily be seen that if office didn't have to worry about cutting into profits for windows, it could be ported to every platform out there and thus stimulate the large market for productivity software where

micorosoft is king. This is the same for other products that microsoft produces. Also, since windows would now be separate, it could compete with other operating systems. I do feel that first something needs to be done to even the playing field. Microsoft has been stealing ideas for the past 20 years from other companies and getting rich through bully tactics. It is time to give something back...like maybe having microsoft make windows open source .....all the other os'es are open source. Whatever the choice is, the industry will be much better if it were not dominated by one company.

Todd Perumal
College Student, Dallas, TX

MTC–00021793

From: glendamacrn@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:50am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now.

Thank you.
Sincerely,
Glenda Macdonald
2188 Roaring Camp Dr.
Gold River, CA 95670–7640

MTC–00021794

From: Erratadata@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:54am
Subject: Microsoft Settlement

With regard to the suit recently filed against Microsoft by AOL Time Warner: I feel that AOL Time Warner should spend its time competing for market share through innovation and customer service rather than spending time, money and energy whining to lawyers and judges.

Gary Prickett

MTC–00021795

From: David Suminsby
To: Microsoft ATR
Date: 1/24/02 11:54am
Subject: Microsoft Settlement

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement.

I agree with the problems identified in Dan Kegel's analysis (on the Web at <http://www.kegel.com/remedy/remedy2.html>), namely: *The PFJ doesn't take into account Windows-compatible competing operating systems *Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry. <http://www.kegel.com/remedy/remedy2.html>

*The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

*The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered. <http://www.kegel.com/remedy/remedy2.html>

*The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.
<http://www.kegel.com/remedy/remedy2.html>

*The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.
<http://www.kegel.com/remedy/remedy2.html>

*The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertised as being ''Windows Powered''.
<http://www.kegel.com/remedy/remedy2.html>

*The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.
<http://www.kegel.com/remedy/remedy2.html>

*The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.
<http://www.kegel.com/remedy/remedy2.html>

*The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.
<http://www.kegel.com/remedy/remedy2.html>

*The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.
<http://www.kegel.com/remedy/remedy2.html>

*The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.
<http://www.kegel.com/remedy/remedy2.html>

*The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

*Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.
<http://www.kegel.com/remedy/remedy2.html>

*Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.
<http://www.kegel.com/remedy/remedy2.html>

*Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)
<http://www.kegel.com/remedy/remedy2.html>

*The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

*Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.
<http://www.kegel. com/remedy/remedy2.html>

*The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

*The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.
<http://www.kegel.com/ remedy/remedy2.html>

*The PFJ allows Microsoft to discriminate against small OEMs— including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.
<http://www.kegel.com/ remedy/remedy2.html>

*The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.
<http://www.kegel.com/remedy/remedy2.html>

*The PFJ as currently written appears to lack an effective enforcement mechanism.
<http://www.kegel.com/ remedy/remedy2.html>

I also agree with the conclusion reached by that document, namely that the Proposed Final Judgment, as written, allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

Sincerely,
J. David Suminsby
Sr. Software Engineer
Fundtech Corp.
Burlington, MA

MTC–00021796

From: Jon Grizzle
To: Microsoft ATR
Date: 1/24/02 11:55am
Subject: Microsoft Settlement

I am an Electrical Engineer with 20+ years in hardware and software designing. I have seen the birth of both the MSN browser and

the Netscape browser. The computer market has and is supported by customers that like friendly and intuitive computers. Early computers were very unfriendly and not intuitive. They intimidated the user. Software developers have been known to say the user is a dummy when really they were the dummies. Why software designers are. The control mechanism of the computer is the software which the software person designs, and we the user try to logically use the computer. If the mind of the software designing person is logical the logical mind of the user can easily use the computer. Consequently, the software designers mind or the computer user's mind is not logical. Which one is illogical? Through many reasons job security is not high inside Corporate America. Therefore, the designer adds complexity in his design to prevent other designers from taking their jobs away. Then only the original designer has the life long support of the design. Through Corporate America lay offs a very inexperienced new illogical designer must take over support of the old illogical design, and the logical mind of the computer user, we, must tolerate to be connected and use the computer. I received the following message by e-mail the other day: Some days this story rings true! An unemployed man goes to apply for a job with AOL or Microsoft as a janitor. The manager there arranges for him to take an aptitude test (Floors, sweeping and cleaning). After the test, the manager says, ''You will be employed at minimum wage, $5.15 an hour. Let me have your e-mail address, so that I can send you a form to complete and tell you where to report for work on your first day. Taken aback, the man protests that he has neither a computer nor an e-mail address. To this the MS manager replies, ''Well, then, that means that you virtually don't exist and can therefore hardly expect to be employed. Stunned, the man leaves. Not knowing where to turn and having only $10 in his wallet, he decides to buy a 25 LB flat of tomatoes at the supermarket. Within less than 2 hours, he sells all the tomatoes individually at 100% profit. Repeating the process several times more that day, he ends up with almost $100 before going to sleep that night. And thus it dawns on him that he could quite easily make a living selling tomatoes. Getting up early every day and going to bed late, he multiplies his profits quickly. After a short time he acquires a cart to transport several dozen boxes of tomatoes, only to have to trade it in again so that he can buy a pick-up truck to support his expanding business. By the end of the second year, he is the owner of a fleet of pick-up trucks and manages a staff of a hundred former unemployed people, all selling tomatoes. Planning for the future of his wife and children, he decides to buy some life insurance. Consulting with an insurance adviser, he picks an Insurance plan to fit his new circumstances. At the end of the telephone conversation, the adviser asks him for his e-mail address in order to send the final documents electronically. When the man replies that he has no e-mail, the adviser is stunned, ''What, you don't have e-mail? How on earth have you managed to amass such wealth without the Internet, e-mail and e-commerce? Just imagine where you would be now, if you had been connected to the Internet from the very start!'' After a moment of thought, the tomato millionaire replied, ''Why, of course! I would be a floor cleaner at AOL or Microsoft!'' ;;;Moral of this story: ;;; 1. The Internet, e-mail and e-commerce do not need to rule your life. 2. If you don't have e-mail, but work hard, you can still become a millionaire. 3. Because you got this story via e-mail, you're probably closer to becoming a janitor than you are to becoming a millionaire. 4. If you do have a computer and e-mail, you have already been taken to the cleaners by AOL and Microsoft. I would like to see Corporate America stop laying off and firing their workers for making more money and saving themselves from becoming the next EMRON. Corporate America needs to work together, especially AOL & Microsoft. Take the best of the best designs and work on them together. Otherwise, a new and smaller company will win favor over the computer user and job security at AOL & Microsoft will become reality... I have never used the Netscape browser that much, but have used the MSN browser a lot. The truth is I like what I've used and know best MSN. I don't like Netscape a change I would have to learn new things. My world is very busy. Therefore, say ''I do'' and get hitched the Netscape and MSN browser. It should be required that this integrated browser be in compliant to, none other, a window type operating system. I believe AOL will be the first to disagree and Microsoft will agree. It is time for some attitude adjustments from AOL. Microsoft has been a good sport, and I'm sure Bill Gates will do what best for science and technology. We all want a logical world to live in and work in. Design out all complexities by taking the extra time to simplify. Give the working people sense of job security, and will be more open to simple designs they can share with management.

MTC–00021797

From: Pjludlow@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:57am
Subject: AOL accusations

As a subscriber to AOL I must submit comments in defense of Microsoft. For the last several versions, certainly AOL6.0 and 7.0 their Netscape browser has been conspicuously absent from the scene. Earlier versions queried the user as to which browser they wished to use—Microsoft Internet Explorer or Netscape. Also Netscape appeared as an icon on the desktop. The last two AOL versions do not offer the choice. As a result I end up using Internet Explorer, as it is available with the basic Windows package. It is a fine product and I am happy with it. There are numerous aspects of AOL that I and many others do not like and products from Microsoft would serve the user better if AOL would offer the option, such as a decent word processor. It seems strange that AOL would file a suit when they fail to promote their product. Or is this a ploy to serve a basis for suit against Microsoft. The question you, DoJ, should be addressing is what the benefit is to the consumer not wining companies that are in search of a quick buck for themselves and their attorneys! Maybe that's too much to ask a government agency.

Peter J. Ludlow

MTC–00021798

From: Mike Choy
To: Microsoft ATR
Date: 1/24/02 11:48am
Subject: Microsoft Settlement

I am against the proposed settlement. Microsoft has clearly engaged in anti-competitive behavior for many years and the remedy should be more than just a slap on the wrist.

Thank you.
Michael Choy
Stanford, CA

MTC–00021799

From: Brian Riel
To: Microsoft ATR
Date: 1/24/02 11:56am
Subject: Microsoft Settlement

Dear DOJ authorities, All through this long and drawn out court action involving Microsoft and their business practices, I must say, I have been thoroughly and utterly appalled at the way in which it has been used to do one thing. Bring down Microsoft. Period. It makes me ashamed of the way this countries judicial system has been used and abused to further the ends of Microsoft's direct competitors. No one is denying that Microsoft's strategies aren't aggressive in the market place, but did they do something illegal that warranted this crusade to bring them down. NO. I don't think so for a minute. We, the people, created and molded the economic structure that a retailer has to contend with. From childhood on up, we learn about this arena... look for the best bargain, get the most for your money, ''shopping'' is the catch word of our free enterprise. The american public as consumers are demanding and voracious in their expectations of retailers to ''give'' them reason to give them their business. It is this consumer attitude that is driving this whole issue.

You ask a grandparent, or better yet, a great-grandparent, about the market place in their day. You'll hear about quality products, good service, friendly, neighborly relations, and something that is all but extinct now, loyalty. Even I can remember a time when my dad would do business with one retail establishment, and continue to do so as long as they gave him a fair and honest deal.... out of loyalty. Many consumers did the same. This generation has been taught loyalty to one thing...getting the MOST for their money. Never mind if the offer of a retailer IS a quality product, if it MEETS their needs, or is at a FAIR price. They want ''Added Value'', and they ''shop'' for it. Literally, pitting retailer against retailer to ''battle'' for their patronage.

I can give you a very distinct example. Look at the photocopier/office equipment industry. I entered it as service technician in ''89. At that time, sales was the bread-winning component of the business. Sales made a very tidy revenue, while service was much a necessary by-product of selling. In a very competitive market, the customers

demanding more to give their business, each company dropped sales prices to beat out their competitors. Only problem is, did consumers stop at a ''fair'' price? No way. They knew the position they had the retailers in, and squeezed. By about ''92, office equipment companies were selling equipment for almost no profit. So, what to do? The customer's appetite for ''added value'' didn't stop or wane. Service rates and quality picked up the baton. Companies started offering ''competitive'' rates for service, and that worked. For a while. A company would sell., place., a copier, or very little profit, and look to service to make the revenue. But, once again, the consumers didn't relent. More. More. Until, the companies are now selling, and servicing machines for relatively so little that they barely stay in business. Why do I go to length to describe this? Because, like all retailers, this is the arena in which Microsoft deals. Just like everybody else in business today. Including, Sun, Oracle, AOL, and the rest. What did Microsoft do? They gave ''added value'' to the customer. NO different than any other retailer has, and is, doing. When you go to the grocery store, and buy a bottle of soda, and it is offered at ''buy one, get one free''. They gave you something more, something free, to entice you to buy. When the car dealer, ''throws in'' an option, say, sporty wheels, or the racier interior, at no extra cost, to entice you to buy. So, Microsoft gave customers something extra, at no extra cost, a browser, to entice them to buy.

HOW IS THAT DIFFERENT?! For crying out loud, there is a tire store retailer who gives the customer $100 in free BEEF to get their business. Microsoft is larger, and more successful than a lot of companies.... yes. That is not a crime. Microsoft could afford to do it. That is not a crime. No doubt, it had the desired affect. It drew customers. The competitors, then, had a choice. Like any other retailer, in any other industry, they needed to innovate, strive to find ways to make their product more appealing than Microsoft's. Or, not. No doubt, it is a hard position to be in. Exactly, like my illustration of the copier industry. Microsoft didn't create the consumer/retail game, but like all others, they learned to play in it. But now, the competitors found a third choice. To use the judicial system to do something they were failing to do in the market place. Beat Microsoft. I could go on. But, enough.

The retail arena Microsoft, and all other companies, deal in every day is not an easy, lackadaisical one. It is very competitive to say the least. Microsoft did nothing that no one else is not doing. The main difference may just be that Microsoft is larger than many, and so was more effective because of it. But, being successful, and growing, is what the american dream is all about. What? Is there now a limit put on it? Oh, you have grown enough now...stop and don't do it anymore..... Nothing Microsoft did, is anywhere near deserving harsh judgement, or much less, anything on the scale of ''breaking them up''. Get these competitors out of the courtrooms, and send them back to their drawing rooms. If they spent more time there. Maybe. Just maybe. They might ''make'' or ''sell'' their products better, and win in the marketplace that way.... Gain back the dignity of our Judicial system. Stop catering and listening to biased, vengeful retailers with less than honorable agendas! Thank you. Brian Riel MSN Photos is the easiest way to share and print your photos: Click Here

MTC–00021800

From: dcalabre@twcny.rr. com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:53am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Diane Calabrese
704 Massena Ave.
Rome, NY 13440–2651

MTC–00021801

From: Eli Geller
To: Microsoft ATR
Date: 1/24/02 11:56am
Subject: Microsoft Settlement

This would definitely be a horrible situation.

Eli Geller
49 Elm St. #2 Somerville, MA 02143

MTC–00021802

From: nhrain@bellsouth. net@inetgw
To: Microsoft ATR
Date: 1/24/02 11:54am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Neal Rainwater
1725 Country Way
Gainesville, GA 30501–1432

MTC–00021803

From: DavisD58@hotmail. com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:53am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Debbie Davis
835 Sievers Way
Dixon, CA 95620–3734

MTC–00021804

From: Charlie428cj@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:54am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Sharlene Cartier
58 W. Grand View Ave.
Arcadia, CA 91006–1515

MTC–00021805

From: Kenneth R. Brownsberger
To: Microsoft ATR
Date: 1/24/02 11:55am
Subject: Microsoft Settlement
To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement

I wish to comment on the proposed Microsoft settlement. First, I whole-heartily agree with the long list of problems with the settlement which have been identified by Mr. Dan Kegel. Mr. Kegel's analysis of the Proposed Final Judgment (PFJ) is on the Web at http://www.kegel.com/remedy/remedy2.html. In particular, I agree that as written the PFJ, ? Contains misleading and

overly narrow definitions and provisions, ? Fails to prohibit anticompetitive license terms currently used by Microsoft, ? Fails to prohibit intentional incompatibilities historically used by Microsoft, ? Fails to prohibit anticompetitive practices towards OEMs, and ? Appears to lack an effective enforcement mechanism. Second, I believe the settlement will actually help increase Microsoft's monopolistic dominance in the desktop Operating System environment—by actively placing a great many additional Microsoft platforms into the education field, one of the few areas where Microsoft does not currently maintain an overpowering monopoly. Allowing Microsoft to flood the education field with copies of their software is not a significant, punitive measure—as the real dollar cost to Microsoft will be only a small portion of the claimed ''market value'' of this software, and more importantly, it will only serve to solidify Microsoft's market stronghold—making it that much harder to curb the anticompetitive practices that brought about the lawsuit in the first place! In summary, I feel that the Proposed Final Judgment allows and encourages significant anticompetitive practices to continue and is therefore not in the public interest. It should not be adopted without substantial revision to address these issues.

Sincerely,

Dr. Kenneth R. Brownsberger

Software and Operations Scientist Center for Astrophysics and Space Astronomy

Campus Box 593

University of Colorado—Boulder

Boulder, CO 80309–0593

MTC–00021806

From: Stu Cameron
To: Microsoft ATR
Date: 1/24/02 11:56am
Subject: Microsoft Settlement

To Whom It May Concern:

If you are working on the case with Microsoft, please don't let AOL blur your vision. AOL bought Netscape when it was going down the tubes..they knew what they were getting into. AOL just wants to hurt Microsoft so they can step in, they are trying to crush Microsoft through the courts and not competition. Because AOL has inferior products and cannot overcome Microsoft in any other way.

William Cameron

MTC–00021807

From: IVictor@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:57am
Subject: Microsoft Settlement

As a citizen of the United States, voter and avid computer user I strenuously object to the DOJ settlement in the Microsoft anti trust case. Microsoft has done considerable harm in the market place because of their business practices, further, because it has used it's monopoly status it has stifled competition and innovation. Their software really is awful and you guys (and gals) are weenies for buckling under.

Sincerely,

Victor Medina

MTC–00021808

From: rcndonna@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:56am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,

Roy Brooks

27752 E. 340 Rd,

Big Cabin, OK 74332–9801

MTC–00021809

From: T90GEEB@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:58am
Subject: MICROSOFT SETTLEMENT

Microsoft should be praised for the work it has done in this great country. Look at the taxes and contributions it pays. What other country would jump all over them with lawsuits and keep knocking them down? Please drop all lawsuits and let them get along with the work that they do best—-the American way.

Thank you,
Norm Blackburn,
Tenino, WA.

MTC–00021810

From: shane
To: Microsoft ATR
Date: 1/24/02 11:59am
Subject: Microsoft Settlement

Please see that is forwarded to the Offices of the states attornys general involved in the case. Microsoft is a dishonest company, and we should all think long and hard before doing business with them. From ''DOS ain't done ''till Lotus won't run'', to the stealing of Stac's patented algorithms in order to run them out of business, to putting code in the Windows 3.1 beta to detect if it was being run under anything other than MS-DOS and spit out an error message in order to drive a competitor out of business, to marking the opening of a new e-greeting card service by releasing a version of Outlook that sorted Blue Mountain e-greeting cards into the trash so users never saw them, they have shown they are untrustworthy. They also claim to have invented in-house every technology which they have copied from somewhere else, have payed people to write ''independent'' pro-Microsoft opinions to editors of newspapers and magazines and to Usenet, have created phoney ''grassroots'' groups (including ''members'' from non-existent towns and real but deceased people) to push for dropping the anti-trust case, and have used the Business Software Alliance as a club to force copyright-infringing companies to switch all their Novell software to NT. They continue to pay computer science professors to exclusively teach Microsoft tools, fake evidence in a court of law, forbid OEM customers of Windows from buying and loading another company's third party software under threat of losing their Windows license (Netscape specifically), forbid OEM customers from developing competing software under threat of losing their Windows license (IBM OS/2, and HP OpenMail specifically), lay out plans to defeat hobbyist software by noting that it generally complies with accepted Internet standards so Microsoft can break these standards to prevent hobbyist software from inter operating with theirs. They charge OEMs the cost of a Windows license for each processor shipped, and once shipped a version of Kerberos that refuses to log into any but a Microsoft Kerberos implementation. They create misleading ''Can Your Palm Do That?'' ads referring to features that Palms have by default and are costly add-ons to WinCE devices, and appended an advertisement written in the first person (I recently..) to MSN users'' outgoing email's without their knowledge. They have also required that corporations purchasing computers with Windows licenses must purchase additional licenses to reinstall these same computers with the corporate standard desktop, as well claiming that the default install of NT 3.51 met C-2 security standards when the rating is only made for a single physical installation and the installation which earned the rating had no network connection or removable media. They later claimed that NT4 met C-2 standards when it had not been tested simply because they had said NT3 met the standards. In the past they claimed that you do not need a trained network administrator to run a Windows-based network, claimed that DOS 6.0 was completely stable and didn't crash like DOS 5.0, claimed that Windows 95 was completely stable and didn't crash like DOS 6 and Windows 3.1, claimed that Windows 98 was completely stable and didn't crash like Windows 95, claimed XP is secure despite enabling by default a known security hole. Microsoft has shown itself to be untrustworthy. Over and over again. But then you know that, because Bill Gates lied under oath, to a judge, and submitted faked video as court evidence. Microsoft does not need to fined. Nor do they need to be split into 2 or more companies. They need to be abolished, destroyed, disbanded and the major executives banned from working in the tech sector until after 2025. Your ''settlement'' is a joke and travesty. Pretend you are representing the people long enough to finish this case.—''There won't be anything we won't say to people to try and convince them that our way is the way to go.''—Bill Gates.

MTC–00021811

From: whlycw@foxinternet. net@inetgw
To: Microsoft ATR
Date: 1/24/02 11:55am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division

601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Joseph James
3442 SW 111th St.
Seattle, WA 98146–1765

MTC–00021812

From: Laury D. Coultas
To: Microsoft ATR
Date: 1/24/02 12:00pm
Subject: Monopoly
We truly need more choices, as Microsoft is continually shoving their products down our throats by constantly coming out with ''newer'' products that you must upgrade to, just to stay ''current''. Window 98 is enough for the home user..Windows 2000 is enough for a road warrior, Windows XP is too much...yet you cannot buy a new system without getting XP, which is not an improvement, it just makes more money and gives more control to Microsoft. Don't let Microsoft monopolize the online access and Internet too!
Laury D. Coultas

MTC–00021813

From: gobinbj@ hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:57am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Betty Jean Gobin
713 S Spring
Nevada, MO 64772–3006

MTC–00021814

From: rcndonna@ aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:56am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Roy Brooks
27752 E. 340 Rd,
Big Cabin, OK 74332–9801

MTC–00021815

From: wt.catch1
To: Microsoft ATR
Date: 1/24/02 11:56am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.
Sincerely,
VA 22902–5845

MTC–00021816

From: TLusa84757@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:58am
Subject: Microsoft Settlement
I am a concerned citizen and take exception the suit filed by AOL against Microsoft. I believe its easy to cry foul when you get beat at your own game. Remember Netscape was given away free for many years and I heard no protest then. Lets make the doj read Ann Rands ''Atlas Shrugged'' and take a lesson.
Sincerely,
tlusa84757@aol.com

MTC–00021817

From: crocent@msn.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:55am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Louis Croce
115 W. Montgomery Avenue
Ardmore, PA 19003–1509

MTC–00021818

From: fstoppa@ bellsouth.net@inetgw
To: Microsoft ATR
Date: 1/24/02 11:55am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Frank Stoppa
8044 Swamp Flower Dr. E.
Jacksonville, FL 32244–6160

MTC–00021819

From: caldwell68@ureach.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:57am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of

innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Kimberly Caldwell
430 Diversey Parkway
Apartment 302 Chicago, IL 60614

MTC–00021820

From: S(038)K
To: Microsoft ATR
Date: 1/24/02 11:59am
Subject: Microsoft settlement

We use both Netscape and Microsoft. We find the MS programs to be much more user friendly. and we wish this would be over and let Microsoft go on down the road and invent more great products that we didn't know we needed, but find indispensable once available. It's time for this to be over. thank you,

Taxpayer Karen Frantzen
Crossville, TN 38572

MTC–00021821

From: Marcello Missiroli
To: Microsoft ATR
Date: 1/24/02 11:59am
Subject: Microsoft Settlement

No, don't do it this way!

Marcello Missiroli (1)
marcello.missiroli@tiscalinet.it

MTC–00021822

From: Philip Smith..Rus..ADZOOX
To: Microsoft ATR
Date: 1/24/02 11:58am
Subject: Microsoft Settlement

A very bad idea to do nothing less than break Microsoft into four companies. Hardware Gaming Internet Software A straight cash settlement of 1 billion directly divided equally to all states for the purchase of technology upgrades that do not exclude Linux, Sun, Macintosh.

MTC–00021823

From: Bevens, Len
To: Microsoft ATR
Date: 1/24/02 11:59am
Subject: Microsoft Settlement

Dear Sir or Madam,

The settlement achieved between Microsoft, the Department of Justice, and a bipartisan group of State Attorneys General in the original antitrust case against Microsoft is in the interest of consumers and the high-tech industry. I ask that it be accepted by the Court. At a specific level the Revised Proposed Final Judgment (''RPFJ''), represents over 5 weeks of dialogue between Microsoft, the United States, and the plaintiff States undertaken at Court's own instruction that the parties ''steadfast in their efforts to reach a mutually agreeable resolution.'' According to neutral experts, this effort culminated in a RPFJ that goes considerably further than the Court of Appeals'' decision could be reasonably said to warrant. For example, the RPFJ offers relief on the issue of ''client-server interoperability'', which was not addressed either at trial or by the Court of Appeals. At a general level, continuing litigation in this case or similar ones, such as that filed by AOL on Tuesday, January 22, are a detriment to consumers and the high-tech industry because they require that massive resources be diverted from market place competition and cooperation. It is engagement in these two situations that advances the rich benefits technology brings to our lives both at home and work. I would welcome the opportunity to discuss this with you or to respond to your inquiries. I may be reached by phone at work: (513) 745–2157 or home: (513) 941–3680 or by e-mail: lenb@gasullivan.com.

Sincerely,
Leonard W. Bevens

MTC–00021824

From: VAILS2@cs.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:59am
Subject: Microsoft Settlement

We hope that the settlement can go through. We don't believe that any further litigation is in our best interest, i.e. the interest of the consumer. Microsoft has given us excellent products.

Doris & John Vail
vails@compuserve.com

MTC–00021825

From: Wade
To: Microsoft ATR
Date: 1/24/02 12:01pm
Subject: Microsoft Settlement

Hi,

I have been following the Microsoft hearings for the past few years and the proposed settlement would do nothing to curve the activities of the software giant. In fact, parts of the proposed settlement would actually help Microsoft ensure their market dominance. This is neither fair to competition or in the interest of the antitrust laws. Microsoft has proven time and time again that they cannot conduct themselves in a law-abiding and ethical manner, for which they must be punished for. They need to realize that they cannnot do anything they wish because they own the largest market share. There are several alternative operating systems that millions of people use everyday which deserve to be used with full confidence that they will work with the rest of the computing world. If Microsoft had their way everyone would be forced to use their products without being given a choice. One example of this is their recent lobbying to get the Music industry to use the Microsoft Media Player file format for all audio CDs. This would ensure everyone who buys a CD would install the Media Player application on their computer, forcing out competing products. There is absolutely nothing wrong with the current AIFF audio file format that CDs come in today, which is an open format that hundreds of applications support, not a proprietary format that only Microsoft supports. There are literally hundreds of cases like this where Microsoft uses their market dominance to ensure their competition is unfairly stifled. Please make Microsoft accountable for their illegal actions and police them in the future, since they are obviously unable to do it themselves.

Wade C

MTC–00021826

From: Glen (038) Karen Guenther
To: Microsoft ATR
Date: 1/24/02 12:01pm
Subject: Microsoft Settlement

Dear Sirs,

I'm writing to say how appalled I am by the DoJ's proposed settlement with Microsoft. As far as I know, all of the findings of fact were upheld so why are you capitulating to Microsoft like this?!? You act like the DoJ was the loser here, not Microsoft! Haven't you paid ANY attention to what Microsoft has been doing with Windows/XP and their ''.Net'' plans? They're working hard to extend their monopoly and to shut out all other companies.

I recently upgraded my Internet Explorer browser to version 5.5 and I found even MORE examples of Microsoft promoting its monopoly. I mis-keyed the web address for a website I was wanting to look at. Instead of bringing up the old ''Cannot find...'' screen, it took me to an MSN screen where I could search for the website I was trying to find. I've never used MSN to look up websites before so there's no reason why IE 5.5 should have taken me there.

This is just another way that Microsoft is trying to extend their monopoly by forcing everyone on the Internet to use their services. Windows/XP is even worse. Microsoft is forcing people to use drivers that THEY approve. How easy it is for Microsoft to simply refuse to approve drivers for competing devices and services (or to simply delay them for long periods of time to give themselves a big advantage in time)! They should NOT be allowed to force only using their approved drivers. Or, if there's a valid reason why only approved drivers can be used, there should be an independent group that provides this approval but, no, we've got the fox guarding the henhouse here! And you're just encouraging them by giving them this weak slap on the wrist. Now that they know that they have nothing to fear from the DoJ, I'm worried about what Microsoft will do to extend their monopoly next!

I tend to think that even the opposing states'' proposed remedies to the Microsoft settlement don't go far enough. Still, it's MUCH better than the DoJ's proposal. I think that the opposing states'' remedies should be considered the absolute minimum agreement that should be considered! I still wouldn't be happy with it but at least it wouldn't stink to high heaven like the DoJ's capitulation does. You'll ignore this note, just like you'll ignore all of the other notes that disagree with your subservience to Microsoft, but I had to at least voice my opinion.

I guess the thing that disappoints me the most about this is that I've voted for Attorney General Ashcroft in every election where I COULD vote for him. I've met him and campaigned for him in a few different elections. I was thrilled when he was nominated for Attorney General, all the way up until I heard about the DoJ's capitulation to Microsoft. Maybe he isn't the person who is making all of these decisions about giving in to Microsoft but I know that he could right this wrong if he chose to do so. I know that he's a man of integrity so I am totally baffled why he would let Microsoft get away with electronic murder (of Netscape) here. There are certainly other matters which are more important than this. Nevertheless, this is important enough to me that if this proposed

settlement gets enacted as is then I'll never be able to vote for Governor/Senator/ Attorney General Ashcroft again with a clear conscience and will have to consider campaigning for his opponents. I'm so disappointed in him...

Sincerely and sadly,
Glen Guenther
715 S. 4th Street St.
Charles, MO 63301
(636) 946–8325

MTC–00021827

From: Jonathan McKamey
To: Microsoft ATR
Date: 1/24/02 12:00pm
Subject: Microsoft Settlement

I do not believe that this settelment is in the best interest of the American people. All evidence indicates that Microsoft has taken advantage of it's position of power to extend it's monopoly, and has competed unfairly in the market of both Operation System and Web Browser. I am sure that you are recieving thousands of such e-mails, so i will not ramble on any further. Thank you. pity this busy monster manunkind not... e.e.cummings

-Jon McKamey

MTC–00021828

From: rcndonna@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:57am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Donna Brooks
27752 E. 340 Rd,
Big Cabin, OK 74332–9801

MTC–00021829

From: Maurice H. Lamothe
To: Microsoft ATR
Date: 1/24/02 12:15pm
Subject: Microsoft Settlement

I don't agree with the settlement offers onMicrosoft!

Maurice H. Lamothe
8008 Cardigan Way
Shreveport LA 71129–4901

MTC–00021830

From: Scott—J—Golightly@ Keane.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:00pm
Subject: Microsoft Settlement

This letter is in response to the proposed settlement between Microsoft andthe United States Government and 9 states.

After reading the terms of the proposed settlement I believe that the settlement will provide for a fair and equitable manner in ensuring that Microsoft does not further abuse its market power but still allowing OEMs, ISVs and others the information that they need to work with Microsoft products.

As a professional software developer I would like to see a speedy resolution to the case against Microsoft so that I can work without fear of changes to the underlying operating system which my code is dependent upon.

Scott Golightly
Senior Principal Consultant—Keane, Inc.
Scott—J— Golightly@keane.com
801.576.8800

MTC–00021831

From: Tucker, Chad
To: Microsoft ATR
Date: 1/24/02 12:02pm
Subject: Microsoft Settlement

To whom it may concern:

I am writing to express my extreme displeasure with the Department of Justice's antitrust case against Microsoft.

As a professional economist, I can state unequivocally that the products manufactured by the Microsoft corporation contribute immensely to my productivity and to the productivity of my coworkers. I use Microsoft software everyday, and the forecasts and reports I produce are much better off as a result. None of the software in competition with Microsoft's Office Suite, and none of the operating systems in competition with Microsoft's Windows, are capable of achieving the results that I must have in order to satisfy my company's clients.

As a professional economist, I can also state unequivocally that the antitrust laws are based upon a profound misunderstanding of the factors that govern the economy. Unless the government grants a monopoly to a corporation, that corporation cannot become a monopoly. Microsoft's large market share is not due to any ''restraint of trade'' or anything else of which the DoJ is accusing it, but rather it is due to its superior products. Microsoft sells many copies of its software because consumers of software recognize that its products are worth buying, and for no other reason. The DoJ suit threatens to punish Microsoft for no reason other than because Microsoft excels at giving its customers what they want. Its customers will be hurt to precisely the same extent as Microsoft itself if antitrust action is taken against it.

And, based on my knowledge as a professional economist, I can state unequivocally that the Microsoft antitrust suit is odious in another area: morality. The products produced by Microsoft, and the company itself, are the rightful property of its shareholders and of no one else. The Department of Justice has no right to abrogate the rights of the owners of the Microsoft corporation in demanding that it change its products or be split into separate companies. That the products of a man's mind (in this case, Bill Gates'' and Microsoft's programmers'' minds) are rightfully his, is not only the very basis of American society; it is the exclusive basis of a just and moral society. The DoJ lawsuit against Microsoft undermines the most fundamental undergirdings of American capitalism, and it is a slap in the face to anyone who has ever produced anything of value.

And thus, as a professional economist, I urge you to reconsider your antitrust case against Microsoft. Don't punish Bill Gates for having created something of great value to the vast majority of computer users; rather, commend him for a job well done.

Sincerely,
Chad Tucker
chad.tucker@dri-wefa.com
1200 G Street, NW 10th floor
Washington, DC 20005
(202) 383–2043

MTC–00021832

From: ViolaAbraham@cs.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:02pm
Subject: Microsoft Settlement
January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The antitrust case against Microsoft has been resolved, and I want to give my support to this agreement. It has gone on far too long, and should never have happened in the first place. I cannot believe Microsoft had a suit brought against them. Bill Gates, through Microsoft, has done so much for this country. Microsoft has provided thousands of jobs directly, and correspondingly, auxiliary jobs. Our government is trying to find ways to rebound from the recession, yet punishes the one company that is the major engine of our economy. Further, competitors of Microsoft, not consumers, instigated this suit. I could go on and on, but I want to reiterate my support of this agreement so we can get back to business. Microsoft has also agreed to a great many demands of the Department of Justice. Microsoft has agreed to terms that extend well beyond the products and procedures that were actually at issue in the original suit. Microsoft has agreed to document and disclose for use by its competitors various interfaces that are internal to Windows'' operating system products—a first in an antitrust settlement. Give your approval to this agreement. It is time to go forward and quit second-guessing judicial decisions.

Sincerely,
Viola Abraham
10005 Humphrey Road
Cincinnati, OH 45242

MTC–00021833

From: Fred L. Drake, Jr.
To: Microsoft ATR
Date: 1/24/02 12:01pm
Subject: Microsoft Settlement

I think the settlement with Microsoft does not solve the problems which caused the suit to be brought. The settlement should not be made.

Fred
Fred L. Drake, Jr.
<fdrake at acm.org>
PythonLabs at Zope Corporation

MTC–00021834

From: Linda Welshons
To: Microsoft ATR
Date: 1/24/02 12:01pm
Subject: Goose and Golden Egg

Please, please, please settle this destructive lawsuit against Microsoft! They are one of the United States'' strongest companies and exporters into the international market. Our economy needs them and our government needs the taxes that they and their employees pay, Let us not kill the goose that lays the golden egg!

Linda Welshons

MTC–00021835

From: JimMiller@bluecrossmn.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:02pm
Subject: Microsoft Settlement

I am writing to object to the proposed Microsoft settlement. To date, Microsoft has used unfair and illegal tactics to garner the vast market share of several software arenas, including operating systems, web browsers, and office software. In doing so, they have made their products the de facto standard in these areas. The proposed settlement does nothing to remedy these problems. In fact, by not forcing full sharing of APIs, file formats, and other key information, the settlement will further solidy Microsoft's monopoly on the industry. I strongly recommend that the settlement as outline NOT be accepted, and an alternative found that will ''level the playing field''.

MTC–00021836

From: Roger Haler
To: Microsoft Settlement U.S. Department of Justice
Date: 1/24/02 11:58am
Subject: Microsoft Settlement
Roger Haler
141 Fowler Drive
Leesburg, GA 31763–5013
January 24, 2002
Microsoft Settlement U.S. Department of Justice

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers’ dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Roger L. Haler

MTC–00021837

From: Eric Schatzberg
To: Microsoft ATR
Date: 1/24/02 12:05pm
Subject: Microsoft Settlement

I wish to express my strong opposition to the proposed settlement agreement to the antitrust action by the Department of Justice against the Microsoft Corporation. This agreement completely fails to prevent the strengthening of Microsoft's monopoly in software, let alone reduce it.

Microsoft's dominance of the operating system market is a perfect example of market failure resulting from path dependence effects and the economics of increasing returns, a phenomenon whose significance has been explained by the economist W. Brian Arthur. Microsoft clearly owes its market dominance to these effects, and not to the quality of its products, which are widely criticized by independent software experts.

Microsoft's interests are simply not identical with those of computer users. Users need simple, user-friendly software that does not require professional instruction and hours of frustration to master. Microsoft, in contrast, produces bloated, complicated, expensive and buggy software. Take word processing, for example. While the price/performance ratio of computer hardware has fallen by more than an order of magnitude in the past ten years, Microsoft Word has maintained its high price. I use a version of Word last updated in 1992, as well as the current version. Nine years of innovation have failed to improve usability, while adding a host of secondary features irrelevant to 90 percent of Word users. If there had been real competition in word processing software, I'm convinced that price would have decreased and usability would have increased. The economic consequences of this market failure are tremendous. Numerous studies have documented the failure of information technologies to increase productivity in any degree close to their potential. It is very difficult to quantify the economic losses caused by bad software, but every computer user knows the wasted hours spent getting such software to work properly. The original remedy, breaking up Microsoft into separate companies, at least would add some competition back into the software industry.

Sincerely,
Eric Schatzberg <eschatzb@facstaff.wisc.edu>
Associate Professor
Department of the History of Science
University of Wisconsin-Madison, USA
(608) 262–3973; fax: (608) 262–3984

MTC–00021838

From: aanh@mcsi.net@inetgw
To: Microsoft ATR
Date: 1/24/02 12:03pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Hugh N. Bodey
451 Taylor Street
Myrtle Creek, OR 97457–9733

MTC–00021839

From: lwaite@ptd.net@inetgw
To: Microsoft ATR
Date: 1/24/02 12:01pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
larry waite
333 layfield road
Perkiomenville, PA 18074

MTC–00021840

From: David Medinets
To: Microsoft ATR
Date: 1/24/02 12:07pm
Subject: Microsoft Settlement

Under the Tunney Act, I want make my opinion known about the proposed Microsoft settlement. I feel that Microsoft has acted very much like a monopoly used predatory tactics against competitors. In fact, this behavior continues today.

Please impose monetary fines (used to provide unfettered funds to schools) instead of allowing Microsoft to supply ''free'' software which will only serve to further their market share.

thank you.
David Medinets,
Consultant, http://www.codebits.com
World-Renowned Nested Tree Modeler

MTC–00021841

From: digl@gwl.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:02pm
Subject: Microsoft Settlement is bad for the country and the software industry.

Dear Renata Hesse, Trial Attorney,

The current settlement with Microsoft is unacceptable. The current proposed settlement would strengthen Microsoft's monopoly and that is in spite of the fact that Microsoft has been found GUILTY of maintaining its operating system monopoly in violation of section 2 of the Sherman Act. I would suggest at least the follow penalties for Microsoft as proposed by Dennis E. Powell in the article ''Speak Now or Ever After ... Regret Your Silence''. ''Any remedy seeking to prevent an extension of Microsoft's monopoly must place Microsoft products as extra-cost options in the purchase of new computers, so that the user who does not wish to purchase them is not forced to do so. This means that for the price differential between a new computer with Microsoft software and one without, a computer seller must offer the software without the computer (which would prevent computer makers from saying that the difference in price is only a few dollars). Only then could competition come to exist in a meaningful way.

The specifications of Microsoft's present and future document file formats must be made public, so that documents created in Microsoft applications may be read by programs from other makers, on Microsoft's or other operating systems. This is in addition to opening the Windows application program interface (API, the set of ''hooks'' that allow other parties to write applications for Windows operating systems), which is already part of the proposed settlement.

Any Microsoft networking protocols must be published in full and approved by an independent network protocol body. This would prevent Microsoft from seizing de facto control of the Internet.

I then point out that if the national interest is at issue, as I believe it is and as the judge has suggested it is, it is crucial that Microsoft's operating system monopoly not be extended, and in this I quote the study released a year ago by the highly respected Center for Strategic and International Studies, which pointed out that the use of Microsoft software actually poses a national security risk. In closing, I say that all are surely in agreement that the resolution of this case is of great importance, not just now but for many years to come. This suggests a careful and deliberate penalty is far more important to the health of the nation than is a hasty one.''

MTC–00021842

From: Joseph Majeske
To: Microsoft ATR
Date: 1/23/02 9:06pm
Subject: Microsoft Settlement

Having read about the proposed settlement, I must say that I am not in favor of it in its current form. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to consumers, Microsoft's competitors, and the industry as a whole.

Thank you,
Joseph Majeske
100 S. 4th Avenue
Highland Park, NJ 08904

MTC–00021843

From: vldiehl@pdt.net@inetgw
To: Microsoft ATR
Date: 1/24/02 12:01pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
V.Louise diehl.
203 S.Spruce St.
Liltitz-Lancaster, PA 17543–2315

MTC–00021844

From: Mike
To: Microsoft ATR
Date: 1/24/02 12:05pm
Subject: Microsoft Settlement

This settlement appears to be written by Microsoft FOR Microsoft. Microsoft has killed off Netscape, Wordperfect, and many other companies. I think the settlement needs to be much tougher.

Mike Hampton

MTC–00021845

From: NORSKPOLE@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:06pm
Subject: Microsoft Settlement

The recent suit by AOL regarding Netscape is a travesty. AOL purchased Nestscape at a very low cost, lwith full knowledge that Microsoft had the dominant position for a browser.

This move by AOL, on top of the cases being presented by the nine states that have not agreed with the settlement between the U. S. Government and the other states, is just another example of the bad faith that these parties have brought to the attempt to reach a fair and reasonable settlement. It is not in the best interests of the people of the world to prolong this debacle. Micorsoft has been a stabilizing force which allowed the entire world to communicate in a common language. The integration of the Microsoft Browser into Windows is a basic integration tool for the user. Much more effort is needed by the computer user to use Netscape in conjunction with text programs and spreadsheets.

The entire case of the dissenting nine states, as published in the newspapers is clearly an attempt to gain competitive advantage for companies with strong political ties in the dissenting states.

I am neither a microsoft employee, nor am I a Microsoft stockholder.

Bernard E. Nelson

MTC–00021846

From: dave@oct.net@inetgw
To: Microsoft ATR
Date: 1/24/02 12:02pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
David Pflum
110 w. bertrand
St. Marys, KS 66536

MTC–00021847

From: Mord
To: Microsoft ATR
Date: 1/24/02 11:05am
Subject: Microsoft Settlement

As a concerned citizen it boggles my mind that the DoJ can even think that the current proposed settlement with regards to Microsoft's illegal use of a monopoly has even a chance at terminating that illegal monopoly and denying the defendents the illegaly acquired market dominance that they have obtained. This proposal doesn't even take any direcft measures to reduce the Applications Barrier to entry faced by any new entrant into the markets that Microsoft has already monopolized.

The court of appeals confirmed that Microsoft has a monopoly on x86 based PC OS's, and that the company's market position is protected by a serious barrier to entry, as well as that Microsoft was liable under the Sherman Act for maintaining it's monopoly via licensing restrictions placed on OEM's IAP's, ISV's and Apple Computer (re: JVM.) From these practices, licensing, etc Microsoft managed to strengthen the barrier to entry into its markets and weakened its competition (those that weren't put out of business.) Doesn't the judgement have to find a direct way to reduce those barriers to entry and increase competition to be meaningful?

Some examples of problems with the PFJ.

Section III.A.2 allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system. Basically this lets Microsoft impose a PC tax on everybody who buys computers from large OEM's since no large OEM can afford to ship all their machines without windows on it.

Section III.B allows Microsoft to do anything they want to smaller OEM's. Don't the small OEM's deserve the same protection as the 20 largest? Is there something special about being 20th vs 21st? This section must give the same protection to all OEM's regardless of size. Also this section would allow Microsoft to continue leveraging its monopoly by offering ''Market Development Allowances'' (basically a discount) to OEM's based on the number of copies of X product sold by that OEM.

Sections III.F and III.G don't put an end to several of Microsoft's exclusionary practices towards ISV's. The Microsoft Windows Media Encoder 7.1 SDK EULA doesn't allow it to be distributed with any software that contains, or is derived in any manner (in whole or in part) from any software that is distributed as free software, open source software or similar licensing or distribution models. The EULA goes on to list anything licensed under GPL, LGPL, Artistic License, Mozilla Public License, Netscape Public License, Sun Community Source Public License. Should Microsoft be able to dictate that anyone who uses this piece of their software cannot also distribute other software? Almost every Windows API is shipped as an add-on SDK with associated redistributable components. Anything that wishes to use that API is effectively banned by the EULA from utilizing any free software and this penalizes all companies that chose to use Open Source as a method to distribute their program. This also harms products like Netscape 6 and StarOffice. On top of this the Microsoft Platform SDK makes it illegal to run programs generated by Microsoft Visual C++ on a non Microsoft Windows-compatible operating system.

We should also regulate how Microsfot licenses its products to non OEM's. This includes site licenses or ''enterprises'' and ''enterprise licensing'' as well as end user consumer licensing. Most of the ''enterprise license'' agreements have a strong semblence to per-processor licenses which were prohibited by the 1994 consent decree, in which Microsoft gets money for every computer that could possible run a Microsoft OS not just the ones that are running it. These agreements are anticompetitive because they remove the financial incentive for individuals or departments to run non Microsoft software since you already have to pay for it. It's like insisting that everybody that has a car buy 4 Goodyear tires, even if you want to use somebody elses tires the Goodyear tires are paid for and you have to pay for them. How many people do you think would go buy the Pirelli tires then? The same is true with these licenses. End user license issues can be shown from MSNBC's NewsAlert software, which has a EULA which says ''MSNBC Interactive grants you the right to install and use copies of the SOFTWARE PRODUCT on your computers running validly licensed copies of the operating system for which the SOFTWARE PRODUCT was designed [e.g., Microsoft Windows(r) 95; Microsoft Windows NT(r), Microsoft Windows 3.1, Macintosh, etc.]. This makes it illegal to try running the software under WINE for instnace which can run some windows programs under Linux. Yet the EULA states that this is illegal, hence the only legitimate way to use this software is to own a copy of Microsoft Windows of some form— they mention Macintosh, yet there isnt'' a mac version of this software.)

Isn't this practice anticompetitive? Why has no court fully examined information from the 1996 Caldera vs Microsoft antitrust suit, which clearly showed that there was sufficient evidence that Microsoft intentionally created incompatibilities in their Windows 3.1 product to discourage competition.

I think for the final judgement to be in the publics best interest we need to have the following.

1) ALL Microsoft API's, software hooks, etc must be public, and must be given to the public at least 6 months prior to release.

2) All Microsoft file formats must be also given to the public 6 months prior to use in a product.

3) All OEM's should be under the same restrictions, not just the top 20.

4) All Microsoft software licensing must allow for the software to be run on any validly licensed machine regardless of what OS is running on it. If the machine can run the software it shouldn't be prohibited from doing so by a EULA. Basically instead of Windows/Microsoft OS shoudl be any Windows compatible OS.

5) Any ''middleware'' product should be replaceable by another competing ''middleware'' product. The ability to replace Java with Sun's Java is meaningless after .NET comes about. We must be able to replace .NET with another competing middleware.

6) Windows should include ANY machine that uses any part of the Win32 API (including X-Box, Pocket PC, Windows CE, etc.)

7) There must be an advance notice requirement with regard to ISV's regarding middleware. As it stands Microsoft could simply change the requirements just before the deadline and not inform the ISV's.

8) Competitors must not be prohibited from using the API documentation to build Microsoft compatible Operating Systems.

9) Microsoft must be required to list which software patents protect the windows APIs if any. Non disclosure on said patents should be considered the same as the granting of the actual patent to the public domain.

10) OEM's must be allowed to ship machines in any number with any OS on them without fear of retaliatory pricing on the part of Microsoft.

11) Microsoft discounts should not allow monopoly leveraging in any way shape or form. In other words any discount Microsoft chooses to offer must only be linked to the product being bought, and must be offered to any and every OEM.

12) There must be an active and effective enforcement mechanism (one that will also make Microsoft want to fix their problems.) And no a fine of a million dollars a day isn't sufficient. That would be like fining Michael Jordan a dollar a day because of his Nike affiliation. Do you think he'd care about the dollar? Also there must be an effective monitoring system put into place to observe Microsoft's behavior, review all license agreements, review all OEM agreements, etc.

These things are necessary to protect the consumer. Real remedies must be implemented on a company that has blatantly broken the law. Real insurances must be made that they cannot continue to break the law.

Scott Francis
1812 Herald Ln
Murfreesboro, TN
37130

MTC–00021848

From: Richard Cacciato
To: Microsoft ATR
Date: 1/24/02 12:05pm
Subject: Microsoft Settlement

Gentlemen:

I am a firm believer in free enterprise, but abuses of the system simply don't further free enterprise. Microsoft has engaged in tactics which are restrictive of markets and are bad for competition. As a principal in a web development firm, I have watched initiative after initiative which Microsoft has promoted as ''progress'' which have resulted in customers having less choice and being committed to inferior software and solutions. Its latest attempts, .NET and Passport, threaten to undermine the open standards of the web which have made it such a successful communications medium. .NET and Passport are closed technologies which, like EDI in the past, will restrict information flow in a costly and non-productive manner.

I urge you to reject the proposed Microsoft settlement.

Thank you.

Richard Cacciato <rcacciato@blue-iceberg.com>
Blue Iceberg LLC
Website Development √ Strategic Marketing √ Business Solutions
http://www.blue-iceberg.com
Tel: 212.413.9226 Fax: 212.413.9201

MTC–00021849

From: rosejake@stratuswave.net@inetgw
To: Microsoft ATR
Date: 1/24/02 12:04pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer

technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Roseanne Jacobsen
53 Circle Drive
Burgettstown, PA 15021

MTC–00021850

From: Dan Lipofsky
To: Microsoft ATR
Date: 1/24/02 12:13pm
Subject: Microsoft Settlement

To whom it may concern:

I believe that the proposed settlement agreement in the Microsoft antitrust case is insufficient. It does not go far enough to punish Microsoft for its past violations nor does it provide sufficient protection against future violations. The donations to schools is actually the worst part because it gives microsoft a tool to increase its market share and thus become a worse monopoly.

Thank you for listening.

Sincerely,
Daniel Lipofsky
San Rafael, CA 94903

MTC–00021851

From: pierson@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/24/02 12:09pm
Subject: Microsoft Settlement

The MS settlement is a frustrating one. Why should one company be allowed to so totally control the computer world? The settlement simply adds what amounts to a government approval of monopoly, and engenders the horrific marketing and sales schemes that we see Microsoft so blatently push as of late.

As a US citizen, I am more than disappointed with our judicial system in this regard.

Roger A. Pierson

MTC–00021852

From: Richard Tennis
To: Microsoft ATR
Date: 1/24/02 12:06pm
Subject: Microsoft

Dear Sirs,

I do not believe that the current settlement terms put forth by the DOJ will be effective in correcting the monopoly abuses which Microsoft has committed. Please reconsider this important matter.

Thank You,
Richard Tennis
San Antonio, TX

MTC–00021853

From: waggener941@webv.net@inetgw
To: Microsoft ATR
Date: 1/24/02 12:04pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Paula Waggener
2950 E. Marshall St.
Charleston, MO 63834

MTC–00021854

From: John Folk
To: Microsoft ATR
Date: 1/24/02 12:06pm
Subject: Microsoft Settlement

To Whom It May Concern:

I feel the settlement regarding this case is much too lenient. It still allows for the preservation of the company's monoplization tactics. This was not the purpose of the suit. I feel ashamed to be living in a country where a large company's monopolistic market hold and tactics are considered outside the laws that affect all other companies. If the government cannot reign in this beast, then who can?

By not punishing this behemoth with more than what amounts to the court costs, there is no real punishment. Please reconsider your decisions before we are pledging allegiance to a flag with a Microsoft logo in each corner.

Signed,
John Folk

MTC–00021855

From: jandrako@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:07pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Wanda Andrako
1970 Albion Rd.
Midlothian, VA 23113–4147

MTC–00021856

From: JB Bock
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 12:13pm
Subject: Microsoft Settlement

To whom it may concern;

The Proposed Final Judgment against Microsoft does not adequately address their monopolistic behavior. It does not stop them from ''bolting'' their applications as part of their software bundle, it does not require them to be penalized for their past monopolistic behavior and it does not offer a break-up or convincing regulation to stop their monopolistic behavior. A regulation team with 1/2 of the team represented by Microsoft is not going to sway their past behavior.

As someone who is involved in the technology industry and very well one day could be looking to start a company that competes with Microsoft, the thought is rather daunting if Microsoft is not permanently altered. Microsoft inherently is monopolistic in order to maximize profits. It has the ability and willingness to crush its competitors, quash America's entrepreneurial spirit and forever change the landscape of the software industry.

Thank you for your time,
JB Bock
Somera Communications
PH: 805–681–3322 x323
FX: 805–681–3325
jbock@somera.com

MTC–00021857

From: Stephen Quinn
To: Microsoft ATR
Date: 1/24/02 12:09pm
Subject: Microsoft Settlement

Come on, guys, this is obviously a ploy by AOL to stall the settlement and keep Microsoft distracted from the core business. Please do something to end this on-going and out of date court case against Microsoft. I almost don't care what you do, just end it.

Thanks.

Stephen Quinn, Test Mgr

''The more I want to get something done, the less I call it work.''—R.

Bach <http://www.ag.wastholm.net/author/Ashleigh—Brilliant>

.NET Enterprise Server, SQL Business Intelligence

Office Phone: 425.703.5351, Cell Phone: 425.829.3727

MTC–00021858

From: musikathy@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:06pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Kathleen Johnson
73–540 Woodward Dr.
Palm Desert, CA 92211

MTC–00021859

From: Guthrie, John
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 12:00pm
Subject: Microsoft Settlement

I would like to add my opinion to those you consider in light of the proposed settlement of the Microsoft anti-trust case. It is my belief that the settlement does not go far enough in its remedy in terms of allowing for a competitive atmosphere in the desktop software development arena. The settlement will pretty much allow Microsoft to continue in it's business-as-usual, a practice that has indeed been adjudged as monopolistic.

Thank you for your consideration.

john guthrie
senior software specialist
american institutes for research
jguthrie@air.org
202–298–2716

MTC–00021860

From: lloyd@jcn1.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:05pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Lloyd Gish
12854 Hencher Rd.
De Soto, MO 63020

MTC–00021861

From: RumaRosa@webtv.net@inetgw
To: Microsoft ATR
Date: 1/24/02 12:06pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you. Rosa soliz

Sincerely,
Rosa Soliz
9227 ridge town
SanAntonio, TX 78250

MTC–00021862

From: Vaughan Johnson
To: Microsoft ATR
Date: 1/24/02 12:09pm
Subject: Microsoft Settlement

Under the provisions of the Tunney Act, I want to voice my deep disappointment in the proposed Microsoft Settlement, as I believe it is far insufficient penalty for the crimes committed by Microsoft for so many years. As a computer software professional, I have seen Microsoft operate with impunity in what appear to me to be clearly unfair trade practices, that profoundly stifle innovation and the benefits of competition, for 16 years. To see them now on the verge of minimal punishment for one of these many practices, and after all the work the DOJ has put into the case, is indeed deeply disappointing. Please reconsider.

Thank you,
Vaughan Johnson

MTC–00021863

From: Ivan Thomson
To: Microsoft ATR
Date: 1/24/02 12:10pm
Subject: Settlement comments

I find it ironic that a company which for over a decade crushes every other company in it's way, mkes billions upon billions of dollars for itself and it's founders, has destroyed any competition in the computer industry to the point where there is now only one major OS producer other than microsoft—that being Apple which only has 3%—8% of the market share....so then there is Microsoft...around 98% market share world wide....and they get a slap on the wrist from the U.S. Government.....and we the people are supposed to have faith int he system?

The lesson here that you have provided to the next generation is that doing honest business will put you out of business....but doing mean, hurtful, monopolistic business will get you everything. In other words...if you are a crook and make $10 and only get fined $1...then you are $9 ahead aren't you?

Ivan Thomson
769 Crescent Dr.
Palm Springs, CA 92262

Macintosh User—Ex Atari User, Ex-Commodore User, Ex-Amiga User, Ex-Every other Computer system that used to exist prior to Microsoft user

MTC–00021864

From: Peter M. Jansson
To: Microsoft ATR
Date: 1/24/02 12:10pm
Subject: Microsoft Settlement

I think the proposed Microsoft settlement is not adequate because it fails to remove from Microsoft the gains made from its illegal activities, and it will be very difficult to implement, as opposed to such a structural remedy as separating Microsoft's browser development activities from the rest of the company (a relatively simple remedy that would have a dramatic effect on the competitive landscape). In the absence of such a strong remedy, Microsoft will clearly continue on its path, even if adjusts a little, and will damage consumer choice.

Peter M. Jansson 410 435 2200

MTC–00021865

From: wkflint@pacbell.net@inetgw
To: Microsoft ATR
Date: 1/24/02 12:07pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
William Flint
P.O. Box 905
Danville, CA 94526–0905

MTC–00021866

From: Aaron Sago
To: Microsoft ATR
Date: 1/24/02 12:10pm
Subject: Microsoft Settlement

If Apple computer can create an application to run Linux Applications, why can Linux not create an application to run Windows applications. If you find for Microsoft in this case you must also file anti-trust against Apple.

Aaron Sago
Director, Software Development
nuMethods, LLC
1000 Abernathy Road
Building 400, Suite 632
Atlanta, GA 30328
Phone: 770/730–3600
email: aaron.sago@numethods.com
Business Phone: 770–730–3732
Mobile: 678–938–1237

MTC–00021867

From: REYECUELO7 @CYBERETRAILS.COM

@inetgw
To: Microsoft ATR
Date: 1/24/02 12:07pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.
This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
ROBERT JACKSON
3845 S. VIA DEL REYECUELO
GREEN VALLEY, AZ 85614–5418

MTC–00021868

From: Pats413@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:10pm
Subject: settlement case Stop all these lawsuits
Stop all these Lawsuits. AOL is the pot calling the kettle black and is continuing the disruption of an economic recovery! Create your rules and pardon what ever violations you think Microsoft committed. The consumers are being hurt by these Companies using the Justice system to destory one another so they may take control of the market. Throw out the AOL case immediately. I have stock in both companies and use AOL as you can see by my email address. Microsoft has not inhibited my ability to choose a browser! AOL wants to only be compensated for their own poor judgement in purchasing Netscape and wants to disrupts the competition for broadband. These lawsuits are bad for the consumer, the stock holders and the Country. The only people who win are the lawyers!
''The Stillmans''
Pepper Pike, OH

MTC–00021869

From: Galehnhard@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:09pm
Subject: aol timewarner suit
a note to express my disagreement with aol timewarner decision to bring suit against microsoft. enough of this litigation crap. I own no microsoft stock and have no interest in microsoft other than following the legal turmoil over the past years and I say enough!
georgre lehnhard
galehnhard@aol.com

MTC–00021870

From: latricia@missouri.edu@inetgw
To: Microsoft ATR
Date: 1/24/02 12:09pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.
This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Latricia Vaughn
3404 Mexico Gravel Rd.
Columbia, MO 65202–2626

MTC–00021871

From: Al Turner
To: Microsoft ATR
Date: 1/24/02 12:11pm
Subject: Microsoft Settlement
In my experience, Microsoft products have consistently been the best product for the consumer. If you build a better mousetrap the world will beat a path to your door. Microsoft has done that and should be commended for their effort, not called to task and punished for their good work.
Albert Turner
28101 SW Mohave Terrace
Wilsonville, OR 97070–9257
alturner@hevanet.com

MTC–00021872

From: John (038) Dorothy Johnston
To: Microsoft ATR
Date: 1/24/02 12:12pm
Subject: Microsoft Settlement
I believe that Microsoft is and has done a great service to the advancement of the personal computer in it's usage by the general public. The inclusion of Microsoft's Internet Explorer teamed with Outlook Express has made life much easier for me. My 84 year old responses are not as capable as are my grandkids, who can even work with AOL.
Recently I tried AOL and then Worldnet on a new laptop with disgusting results. After a great deal of effort they both worked in a very sloppy manner. When I tried to uninstall them I found that they had corrupted my Microsoft files so badly that I now must reinstall my Microsoft programs in order to function. This, I think, is a deliberate attack on Microsoft.
Both these companies would rather cry than compete—why do you help them in there attempt to destroy competition?
Wilbur T. Johnston
PO Box 448
Port Angeles, WA
98362–0069
wtj@olympus.net

MTC–00021873

From: Meir Levi
To: Microsoft Settlement
Date: 1/24/02 12:11pm
Subject: Microsoft Settlement
Honorable Judge,
Much like many other citizens in this country, and an owner of a small business, I am very concerned about the outcome of the federal Government proposed settlement with MS.
This shame full settlement SHOULD NOT BE APPROVED. Approval of it, would lead to ONE COMPANY, ONE MAN to decide which promising technologies would live or die. This proposed settlement clearly does not serve the consumer's interest.
By all mean, your honor, Please, reject even the thought of approving it, and help restore the healthy competition in US marketplace.
Meir Levi
Saratoga, CA
(Silicon Valley)

MTC–00021874

From: jandrako@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:08pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.
This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
John Andrako
1970 Albion Rd.
Midlothian, VA 23113–4147

MTC–00021875

From: Jim.Collins@goodrich.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:11pm
Subject: Microsoft Settlement.
The settlement isn't a deturnet to future activity.
James E. Collins, Jr.
373 Hayden Hill Rd
Hinesburg, VT. 05461

MTC–00021876

From: Ben Aein
To: Microsoft ATR
Date: 1/24/02 12:12pm
Subject: Microsoft Settlement
I would like to express my disappointment in the DOJ's meaningless deal with Microsoft. The DOJ under Ashcroft seems much to eager

to settle this matter with no serious changes to Microsoft or even financial penalties for abusing their monopoly power.

Microsoft holds way too much power in the computer world. They keep bringing out new products with new features, thus crushing any competing software providing the same services. But as anyone knows, they do not fix the tens of thousands of bug's in their software. Nor do they address their serious security issues, until after the damage is done. In a competitive market place, a company would not stay in business if they had a track record like Microsoft's. The consumer would stop buying a shoddy product and use something else. But the fact of the matter is that Microsoft has no real Competition, so consumers are left with no other Choice.

At first Bill Gates thought nothing of the internet, even as Netscape was happily turning out new versions of Navigator. Then a light went on in Gates head. People can shop on the internet! People can pay for services like news sights. If Microsoft did not create a program to compete with Netscape, MS would not control the internet and web commerce like they do with the desktop OS space.

So MS created explorer. Then they gave it away for free, in order to gain market share against the established Netscape. But that did not give them the kind of market share they needed. So they decided to merge their OS which has no rivals with their poorly adopted Web browser, thus giving the OS monopoly to the web software. Netscape could no longer compete against a product that was included in an OS.

Which brings up another point. What company or investor would put money in a project that would try to challenge Microsoft in the computer operating system? How would you get distribution from the big computer makers like Dell, when Microsoft charges a TAX for every machine sold whether or not it has Windows loaded on it. A small company called Be tried to gain market share for their OS, but could not get distribution or bundled with the Major Pc makers. Even the FREE linux is not readily available from the Major pc makers.

Microsoft now wants to charge a subscription fee for their software. Why? Because many users are not upgrading their software every time Microsoft releases a new version. So MS is having a hard time sustaining their huge growth. So you make them pay whether they want to upgrade or not, thus becoming a ''utility'' like service.

I believe that if MS is not made to play fair, they will become unstoppable. I see a future in which MS will have their own bank, and their own credit cards for Windows users. So when you shop on line with a windows computer, you will buy things from MS owned sites, with MS credit cards, using MS banks. All that's really left for MS is to start a shipping service! Thus MS would be stepping on the toes of Big Banks and using their monopoly power in the desktop space to steal the business of well established industries that can not compete because they do not own the desktop OS monopoly.

It is clear that MS abused their Monopoly power, continues to do so, and will not stop until they are forced to! They Have caused Billions of dollars of damage to users, business, and the government by having such gaping security holes that allow devastating email viruses like ''I Love you'', ''Love Bug'', and ''Melissa'' to shut down and cause havoc for millions of Windows users. They should be liable for damages for these security issues. IF they were, they would fix the problems!

If MS is split up, they would then Have to be more concerned with fixing all the bugs and security issues with their operating system instead of trying to integrate every feature under the sun into their core operating system, because this would no longer be an option.

Please do not let MS have the ability to continue to stifle the computer industry and control how many business that thrive off it operate. Split them up and let new Competition begin. Please stop them before it is too late.

Ben

MTC–00021877

From: lreilly754@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:10pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Leo Reilly
194 Tuckers Corners Road
Highland, NY 12528

MTC–00021878

From: Digger777@world
net.att.net@inetgw
To: Microsoft ATR
Date: 1/24/02 12:10pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Edward Miller
P.O. Box 255
Moyers, OK 74557

MTC–00021879

From: Connor Smith
To: Microsoft ATR
Date: 1/24/02 12:12pm
Subject: Microsoft Settlement

I am opposed to the proposed settlement.

Connor Smith
Computer Support
Cline Davis & Mann, Inc.

MTC–00021880

From: ajwar@ptd.net@inetgw
To: Microsoft ATR
Date: 1/24/02 12:10pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Andrew Warren
POB 476
New Tripoli, PA 18066

MTC–00021881

From: Mike Choy
To: Microsoft ATR
Date: 1/24/02 11:48am
Subject: Microsoft Settlement

I am against the proposed settlement. Microsoft has clearly engaged in anti-competitive behavior for many years and the remedy should be more than just a slap on the wrist.

Thank you.
Michael Choy
Stanford, CA

MTC–00021882

From: mhalay@satx.rr.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:09pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Renee Halay
8044 Garden North Drive
Garden Ridge, TX 78266–2714

MTC–00021883

From: bill@copper.jeffus williams.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:12pm
Subject: Microsoft Settlement

I think it is a severely bad idea to reward Microsoft with a large number of school kid customers as the punishment for their illegal business practices.

Thank you for taking the time to consider my opinion on this matter.

Bill Arnold
bill@jeffuswilliams.com
Jeffus & Williams Company
907 Capitol Avenue,
Juneau, Alaska 99801
907–586–3700 or fax 586–3703

MTC–00021884

From: Kathie Gregory
To: Microsoft ATR
Date: 1/24/02 1:34pm
Subject: microsoft case

To Whom It May Concern,

I'd like to communicate my thoughts on the Microsoft case. I think this case has gone far enough and don't want any more of my taxes to pay for this. This government intrusion into private business is not what I pay taxes for. It has already cost the taxpayer way too much and should be stopped. Let free enterprise work. I don't want to support a bunch of government attorneys who have nothing better to do than make life difficult for those that succeed.

Sincerely,
Kathie Gregory
20950 S.W. Rock Creek Rd.
Sheridan, Oregon 97378

MTC–00021885

From: gerrymcc@yhti.net@inetgw
To: Microsoft ATR
Date: 1/24/02 12:10pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Gerald Mcclenning
9891 Little Indian Cr Rd
Lonedell, MO 63060

MTC–00021886

From: Tom Dyess
To: Microsoft ATR
Date: 1/24/02 12:12pm
Subject: Microsoft Settlement

Dear Sir,

As a software developer, I am deterred from creating any type of software because of the Microsoft Corporation. Let me explain. If I were to create a software product and release it, one of two things could happen.

First, it would be a great hit, thousands of customers would purchase my company's software boosting the bottom line. I would be thoroughly interested in reinvesting the monies earned from sales into a larger, more robust product, a larger sales force, a larger customer service technician force, and a larger accounting and MIS department to coordinate it all. This would be a wonderful scenario except one thing; if Microsoft saw that it was making money, or saw that it was in any way a threat to their hegemony, they would force me to sell at a depreciated price or threaten to crush the company, putting all my work to rest and all my employees out of work. Under normal circumstances, this would be competitive, but in Microsoft's case it is not.

Similar to Rockefeller, Microsoft takes earnings from one branch of their company, lets say Office or Windows and allocates them to a new branch. Rockefeller executes similar techniques when he took the profits from one town to undercut his competition in another, this eliminating the competition. Once the competition in the new geographic location was removed, he could then raise his prices in that location. This has been done to stiffen competition from their Internet Explorer, Windows Media Player, and other products.

Second, I could purposely retard marketing and promotion in the hopes that I could keep my software ''under the radar'' of Microsoft so I could keep my company. Unfortunately without a well planned and executed marketing campaign, I cannot hire the new developers, new sales force, new customer service representatives and new accounting and MIS teams. Microsoft already has these teams in place and would hire much fewer if any new employees.

Furthermore, since my company was either bought out or purposely reined, other companies would not form to support my software. No new companies to make plugins would form, I could not offload the documentation to a third party, and I would be too small to hire outside consultants to improve my software.

Much of the innovation has been decapitated in this way. Software visionaries, even with a brilliant product that would branch off the technology sector with a totally new discipline would eventually face the obstacle of Microsoft ''competing'' as they call it for the niche. The rhetorical question of ''Why bother?'' comes to mind. Why exerting the blood, sweat and tears of building a company when it will just be bought out at a huge discount, or merely squashed into a quickly fading memory by a company who discovers that this new niche can make money.

Restricting Microsoft will, in the short term, harm the technology sector, but to use an analogy, if you cut a flower off a branch properly, two will grow in it's place. There is no doubt that Microsoft has done wonders for the technology sector, but their wonders are now self-fulfilling. Their only interest is making money, and they no longer need to accomplish that through innovation, which would make money for the entire industry rather than a single company.

Thank you for your interest,
Tom Dyess
Orlando, Florida

MTC–00021887

From: Jason Gilbert
To: Microsoft ATR
Date: 1/24/02 12:13pm
Subject: Microsoft Settlement

I think the proprosed settlement is completely inadequate to prevent further monopolistic abuse from Microsoft. However, in order to not just provide negative without some positive suggestion, here is my remedy.

(1) Force Microsoft to not change file formats in Office products to force comsumer upgrades. How many users would actually upgrade if they didn't have to be compatible with other users/companies that had upgraded.

(2) Make the file formats publicly available and any changes must go through a public review process. The file formats have (for better or worse) become a defacto standard interchange format. They should most likely be controlled by an existing standards body.

(3) Microsoft must ship Office products with the default save format being the standard format and every attempt should be made to keep the user from inadvertently saving in a non-standard format.

Aside from these issues, forcing the release of a windows 2000/XP based OS that only provides the core OS (no IE, IIS, etc) would be advantageous. It might actually be an OS we could use.

Hoping this doesn't go into an abyss,
jason
Jason Gilbert
Homewood, AL

''First, they ignore you. Then they laugh at you. Then they fight you. Then you win''—Mahatma Gandhi

MTC–00021888

From: T. Shannon Gilvary

To: Microsoft ATR
Date: 1/24/02 12:17pm
Subject: Microsoft Settlement

For the reasons listed in Dan Kegel's comments <http://www.kegel.com/remedy/letter.html>, I object to the Proposed Settlement. The Settlement is a slap on the wrist and will not prevent Microsoft from further anti-competitive practices.

T. Shannon Gilvary
Union Beach, New Jersey

MTC–00021890

From: Steven The
To: Microsoft ATR
Date: 1/24/02 12:13pm
Subject: Microsoft Settlement

Dear Sir or Madam,

I've been using computers for more than 20 years and was one of the first to use Internet Browser. I have never paid a penny for a browser even when Netscape was the only company that made production version browser.

I don't think it's right for Netscape and then AOL to go to our government to seek legal remedy for their bad business strategy. I think an internet browser should always be free as File Explorer has always been because with the current technology trend they are indistinguishable. Imagine paying extra for DIR command on DOS or ld command on Unix.

In my conclusion, I wish that AOL lawsuit will not interfere with the current Microsoft Settlement and the lawsuit will be dismissed.

Sincerely yours,
Steven The

MTC–00021891

From: Webmaster
To: Microsoft ATR
Date: 1/24/02 12:13pm
Subject: Microsoft Settlement

To whom it conserns,

I strongly disagree with the proposed final judgement in the Microsoft Antitrust trial. There are many anticompetive practices that would be permitted to continue if this judgement is accepted.

A few of the concerns that I have are as follows.

APIs directly to the operating system and some critical middleware would not be given.

File formats could still remain hidden and proprietary.

The provisions still do not allow for competitors in the operating system field. For instance, competing operating systems could not be developed that would run microsoft applications.

I cannot say at this time that these are my only concerns, but in my brief initial scan of the proposal, these were a few of the main concerns that immediately grabbed my attention.

In conclusion, I feel that if this proposal were to be accepted, competition would see no significant improvement in the software market.

Thank you for hearing my Concerns,
Jon Caudill

MTC–00021892

From: Larry G. Earp & Assoc.
To: Microsoft ATR
Date: 1/24/02 12:14pm
Subject: Microsoft Settlement

Dear DOJ,

I, as a consumer, computer user, and taxpayer, say it is time that we settle this case against Microsoft. This has gone on long enough and a settlement will, among other things, settle down the stock market. And if anyone doubts this, the decrease in the stock market does show a strong coorelation to the start of this suit going back to the Clinton DOJ.

Further more, this is a vehicle that certain states and corporations are using to stuff their coffers at the expense of Microsoft.

Please settle this case, and put and end to all litigation against Microsoft.

Sincerely,
Gordon Earp
Charlotte, NC

MTC–00021893

From: Richard Zak
To: Microsoft ATR
Date: 1/24/02 12:15pm
Subject: Microsoft Settlement

I think Microsoft should be broken up to allow for better and more healthy competition in the computer technology industry.

—Richard Zak
The Odyssey Tech Team
Technology Associate
http://www.theodysseyschool.org/
(410) 467–6668

MTC–00021894

From: colel5@nationwide.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:12pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Larry Cole
2023 Hog Mountain Rd
Watkinsville, GA 30677

MTC–00021895

From: doug.crabtree@aei.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:12pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Doug Crabtree
918 Conifer Ct
Windsor, CO 80550

MTC–00021896

From: JpNieb@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:15pm
Subject: Microsoft%20Settlement

I think the propesed settlement with microsoft, is very bad for the American consumer and the hurt the recovery of our economy, it is a very bad idea!

Jonathan Niebling

MTC–00021897

From: Sheila
To: Microsoft ATR
Date: 1/24/02 12:14pm
Subject: Anti Trust Restitution

Your Honors:

I work in computer sales and have a front seat to the issues that the end users are up against. This is an industry truly in its infancy. Our homes and businesses are flooded with computers and many users who barely understand just what it is that piece of equipment is capable of doing or how it performs. The Virtual world of the internet is hard for many to understand and their own vulnerability is something I discuss with them at purchase. Microsoft and its recent claim two days ago of making security foremost in development is very sad. Billions have been already lost due to careless and irresponsible software authoring by them. Now that Microsoft is in court and in the limelight it is timely of Mr. Gates to profess security. Software production is tedious and much more so when the software is written with security in mind from the very beginning.

Today when a Microsoft product is purchased duplication is illegal and prosecution is real for the end user. In the beginning Microsoft distributed the product for little or no cost and encouraged duplication to blanket the market. Pirating became the norm and they were successful. With that premise Microsoft's responsibility to the public has grown exponentially and abuse of that power is dangerous to millions of people world wide. In this industry's infancy if laws are developed now and enforced strongly we can all enjoy the experience that computers have brought into our lives. Without strict guidelines the

industry will cause great harm to businesses and private citizens.

Microsoft's donation of one billion dollars to the schools would be fine if any product other than Microsoft or Microsoft driven equipment could be purchased. I am tired of trying to explain to my children why so many high profile crimes are lessened and no punishment is given. We owe our children an answer. When customers ask why Microsoft is in trouble I give them a very simple analogy: Imagine most of the country drove Chevrolets and you drove a Ford and the only parts you can find are Chevrolet parts. Those parts will not work with your Ford and Chevrolet will not modify or make available parts that will work with vehicles other than theirs, forcing the market their way. Microsoft's decision to not allow their customers a choice and actually forcing the market is why they are in court.

Embedding their browser software so deeply in the operating system that removal of it is next to impossible is direct proof, choice with Microsoft is out of the question. I don't want Microsoft or any company delegating or restricting the software I use on my computer. If they are allowed to continue in this fashion all choice is gone. Mr. Gates understands the power of the computer industry and has blatantly abused that power. He sunderstands code writing and knows his company has failed to protect the public but did it anyway. I admire business leaders that have built businesses and gave something back to those that have supported them. I don't admire unethical businesses that have violated the public trust and have damaged what so many of us work for everyday. I love my job and enjoy helping my customers understand the computer industry and all of its possibilities. Microsoft's punishment/restitution is pivotal to the future of this industries development and the way business will be conducted in the coming years. Set the precedent now, please.

Sheila Parker
Computer Base
Reno, NV
sheila@computerbase.com

MTC–00021898

From: Jay Martin
To: Microsoft ATR
Date: 1/24/02 12:16pm
Subject: Microsoft Settlement

To Who It May Concern:

This message serves to voice my opinion AGAINST the Microsoft settlement.

The settlement is a travesty to the American People and the nation in general.

Jay Martin
9 Jacqueline St.
Hudson, NH 03051–5308

MTC–00021899

From: Scott Rockwell
To: Microsoft ATR
Date: 1/24/02 12:18pm
Subject: Microsoft Settlement

There are many issues I have with Microsoft however one sticks out. I do not want Microsoft's Internet Explorer. As a consumer, I feel it and it's Outlook mail system are garbage. Why does my machine have to have these programs? As a consumer, it is almost impossible to buy a Windows operating system and not be forced to have these products. Clearly MS is in an unfair competitive position causing harm to firms like Netscape and Qualcom.

Thank you,
Scott Rockwell
408–360–0351

MTC–00021900

From: seabeerex@centurytel.net@inetgw
To: Microsoft ATR
Date: 1/24/02 12:15pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against

Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Rex RoarkMCPO USN RET
213 E Bradley St
Star City, AR 71667

MTC–00021901

From: fredm@pop.erols.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:16pm
Subject: Microsoft Settlement

The proposed settlement between the Department of Justice and Microsoft is insane. It does little if anything to address the egregious transgressions of Microsoft against developers in the software community. What about Netscape and it's browser? What about DR-DOS? What about Java? What about the myriad of other companies that innovate only to have Microsoft strong-arm them, threatening sell to us at our price or will build a competing product and give it away for free.

Embrace, Embellish, Extinguish. That is the mantra of Microsoft, all under the guise of competition.

The proposed settlement does little to nothing to address these past problems and basically alllows Microsoft to continue in its errant business ways. Giving poor schools money to buy only computers that run Microsoft products provides a lock-in to a new market and excludes other system vendors. Is the ''punishment'' to provide Microsoft with additional revenue streams? What about those other companies that were injured?

I could go on but I am bitter and cynical that the US government would just throw away a solid case and worse, establish a precedence.

In closing, I'll just say that the browser is not part of an operating system.

Fred Muhlenberg 2286 Emerald Heights Court
Reston, VA 20191–1746
703.620.1653

MTC–00021902

From: sermines@accutek.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:14pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Sergio Pastor
3680 Grant Ste. K
Reno, NV 89509

MTC–00021903

From: tumnus@nb.net@inetgw
To: Microsoft ATR
Date: 1/24/02 12:11pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Ward Graham
4261 Milligans Cove Road
Manns Choice, PA 15550–8030

MTC–00021904

From: rvanderh1@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:16pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division

601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Robert Vander Hart
8 Hara St
Worcester, MA 01604

MTC–00021905

From: Louisekeane@aol.com@inetgw
To: Microsoft ATR, attorney.general @po. state.ct.us @inet...
Date: 1/24/02 12:20pm
Subject: MICROSOFT SETTLEMENT
DATE: January 24, 2002
TO: microsoft.atr@usdoj.gov
ATT: RITA B. HESSE
FROM: Louise Keane
22 Allen Road
North Haven, CT 06473–1424
louisekeane@Aol.com
RE: MICROSOFT SETTLEMENT

I cannot accurately speak to all my specific concerns about the pending Microsoft case because I am not technically proficient enough to do that. Some of my concerns relate to problems I am having using a Macintosh computer from home, which I have only been doing since the end of November, 2001. Clearly, some of my problems arise from the fact that my new computer is not a Microsoft product. I am just beginning to see some of the problems I am having that may be related to the fact that Microsoft has such rigid control of the home computer market.

I have had this computer for less than two months, but have encountered various problems because it is not a Microsoft product. I have difficulty sending and receiving some kinds of e-mail. AOL, my Internet service provider tells me that the problem exists because my version of AOL cannot perform certain functions for the Mac. Attempts to download various files over the Internet have also been thwarted because either the Internet site or AOL cannot accommodate an interface with my Mac.

I know that I could buy a software package from Microsoft that would allow my computer to emulate a Microsoft product, but I find that solution irritating and unsatisfactory. Why shouldn???t the Internet sites and service providers be totally compatible with both Microsoft and Macintosh products? Is it because 90% of their clients use Microsoft?

I made the choice of a Macintosh partly because the first small computers that I ever used (in the early 1980???s) were Apples. They were efficient, easy to use, and I was familiar with them. Just over four years ago, when I changed jobs, I had to adjust to Microsoft computers because those were the computers that were available in my new workplaces.

When purchasing my Macintosh computer for home this past fall, there were only three possible vendor choices within a twenty-mile radius of my home. I began at the closest location, a Circuit City. In that store, the particular model in which I was interested was disconnected from any power source, making it unavailable for me to try out. Attempts to flag-down a sales person were fruitless, and I decided to try to find a store that would be more helpful for me.

I ultimately had to go to a store that I???d hoped to avoid, that was a twenty mile drive from my house. I hoped it would be worth the drive and the trouble and that the staff would seem more knowledgeable and available to help me.

Had I not been so determined to buy an Apple product, I???m sure I could have gone to any number of closer locations to purchase a Microsoft computer. I am thinking about buying a new mouse and an external disk drive for my computer. Were they Microsoft brand, I would have many options at the Circuit City store about 8 miles from my house. I could probably even buy the components from an office supply store.

When people hear about the problems I have encountered, I feel sure that they will be even more likely to avoid buying non-Microsoft computer equipment. They will not want to be bothered with these kinds of things. The fact that Apple has a smaller share of the current market will probably only prove to ensure that their market share will continue to decrease with time unless something is done to turn this situation around.

I don???t know how this can be done, but to continue to allow Microsoft to run as they are currently running, will do nothing to encourage competitive companies to even try to come to market. As long as Microsoft continues to dominate the market for small computers, vendors will continue to ignore the handful of us non-Microsoft users. We will be left to purchase Microsoft programs to assist us.

The Microsoft Corporation doesn???t seem to realize that they have been charged with operating unlawfully as regards the antitrust laws of the nation. Have they yet even attempted to make any recompense for those violations beyond an offer to extend their corporate influence further into disadvantaged schools by furnishing those schools with refurbished Microsoft equipment? Why did they not offer instead to purchase Macintosh equipment for those schools, in the interest of lessening their dominance in the market?

Unless Microsoft???s operating system and applications systems are separated, an d unless more technical information about the operating system is made available to whose who wish to promote competing products, Microsoft will continue to increase its grip on the computer purchasing public and to increase its influence on the access to the Internet.

I hope that the initial promise we saw at the dawn of the computer age will not diminish. We need to encourage creative minds to feel rewarded for innovation, growth, and development. We want to continue to see true expansion of communication in all directions, not limitations and obstructions imposed by a small controlling group.

I put my trust very firmly behind Richard Blumenthal, Connecticut???s Attorney General. I hold out hope that he will be able to help us to determine what is the right thing to do. He has become an uncompromising champion of THE PUBLIC INTEREST. He is reluctant to let Microsoft off the hook for their blatant disregard of antitrust law and their continuing arrogance and abuse of monopoly power. I know that he will bring many urgent concerns to your attention.

cc: Richard Blumenthal,
Attorney General,
State of Connecticut
attorney.general@po.state.ct.us

MTC–00021906

From: Roland Gauthier
To: Microsoft ATR
Date: 1/24/02 12:19pm
Subject: Microsoft Settlement

Dear DOJ,

As a concerned american, consumer, and professional who uses computers in my daily work, I believe that it is crucial that the Department of Justice follow through with this long drawn out process of rendering justice for the americans who have been harmed by Microsoft's monopolistic behavior. Microsoft should not be allowed to get through this without more than a slap on the wrist and a pat on the back, as the current proposed settlement would do. Letting them give away their own technology and to our schools is not going to remedy the harm they have done to consumers and to technology innovators in the past 15 years. This would not only be a negligible monetary punishment (in comparison to what they've made off of us all), but would instead encourage their choke-hold on school children and consumers alike. Microsoft is thumbing its nose at the american justice system, and I would hope that this administration will not ignore the sins of big business, and instead protect the rights of american people and foster competition in business and technology.

A big problem with Microsoft is that they offer mediocre software. And everyone is force to use it because it is the de-facto standard. One appropriate remedy would be to put Microsoft on probation: to have their software checked by an appointed outside panel of government technology experts—examining potential security issues (for which Microsoft is notorious) and in terms of further monopolistic behavior (ie creating its own standards to control media)—BEFORE they can ship it. This probation should last 5 to 10 years, with a possibility for a ''parole'' for good behavior. Microsoft can improve their software and competitors can more easily flourish.

Microsoft would create (and replenish yearly, based upon its profits) a large

endowment to fund all levels of education. Not by giving away software, or making any ads for their products, but supporting public schools throughout the country to encourage math, science and artistic programs, or school enhancement where they are needed most. That would make an impact, be fair to other tech companies, and give Microsoft a better name.

Thank you. I trust you will serve justice in this case.

Sincerely,
Roland Gauthier
Oakland, CA

MTC–00021907

From: Ken Ian
To: Microsoft ATR
Date: 1/24/02 12:13pm
Subject: Microsoft Settlement

To Whom It May Concern:

As part of the Tunney Act comment process, I wish to inform you that I am strongly opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor does it in any real way inhibit their ability (or desire) to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Ian T. Flockhart
61 Gilson Road
Littleton, MA 01460–1300
ian@flockhart.org / templen@yahoo.com

MTC–00021908

From: joanne.rainey@grandecom.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:17pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Joanne Rainey
130 Elm St #122
Maxwell, TX 78656

MTC–00021909

From: Aliaksandr Dzeshchanka
To: microsoft.atr(a)usdoj.gov
Date: 1/24/02 12:33pm
Subject: Microsoft Settlement

I think the proposed settlement is bad idea.

MTC–00021910

From: Christopher Elliott
To: Microsoft ATR
Date: 1/24/02 12:21pm
Subject: settlement

To Whom it May Concern:

I am opposed to the current Microsoft settlement. I believe the company should be more heavily regulated at the least. Ideally, it should be split into several competing entities.

I also think the government is doing its citizens a disservice by allowing Microsoft to remain intact, with little more than a proverbial slap on the wrist. I intend to fully articulate my displeasure at the ballot box this November.

Best wishes,
Christopher Elliott
http://www.elliott.org
19 Oceana Drive
Key Largo, FL 33037
(305) 453–4781
mailto:christopher@elliott.org

MTC–00021911

From: Steve Schott
To: Microsoft ATR
Date: 1/24/02 12:08pm
Subject: Microsoft Settlement

To whom it may concern

It is disappointing to me that the proposed settlement does little to penalize Microsoft for the vast amount of destruction and abuse that they have caused.

There is nothing in the settlement to prevent further abuse, nor are the penalties enough to even be noticed.

I belive that Microsoft was shown to be a monopoly, and that is from my understanding illegal.

Dividing the company and preventing them from crating their virtually exclusive OEM licensing are the answers.

I am not optimistic that public comment really matters. The decision was purely political.

I am a strong Republican, but this is blatantly political. Microsoft will never agree to anything that will truly disrupt their current business practices.

It would be refreshing to see some moral strength from the DOJ by having this proposed settlement rejected, and pursuing a course that would prevent this from happening again. These problems are the same ones that existed at least as early as 1993.

It is sad to say that I do not believe that the public is being served.

Thank's
Steve Schott
Network Administrator
Waterford Institute
Sandy, UT USA
mailto:steve@waterford.org

Definition of insanity: Repeating the same action over and over expecting a different outcome.

MTC–00021912

From: Vincent P. Broman
To: Microsoft ATR
Date: 1/24/02 12:22pm
Subject: Microsoft Settlement

I think the proposed DOJ settlement with microsoft looks like a bad idea; it does not sufficiently remedy past nor future monopolist activity by MS.

Vincent Broman
US Citizen and registered voter
vpbroman@mstar2.net

MTC–00021913

From: Dirk A. Watson
To: Microsoft ATR
Date: 1/24/02 12:21pm
Subject: Microsoft Settlement

Good Afternoon:

The object of this message is to protest the legal perambulations against Microsoft via court challenges. As settlement finally appeared imminent in the Government case, now new allegations have been put forth against the company (Microsoft) by a competitor, AOL (America Online). This is corporate harassment! Indeed, by permitting the ''sniping away at success,'' our legal system condones the restriction of corporate creativity and innovation. Elements that made this country truly great. Freedom is the keystone of our American way, and just as it is for our citizens, so too should it be for business.

Sincerely,
Dirk A. Watson

MTC–00021914

From: miketpetrojr@core.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:17pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just

another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Michael Petro, Jr.
1021 Irving Avenue
Cleveland, OH 44109

MTC–00021915

From: Greg Raclaw
To: Microsoft ATR
Date: 1/24/02 12:23pm
Subject: microsoft settlement

dear sirs/madam:

the recent filing of litigation by aol/time warner against microsoft is just another example of how we interpret or mis-use the justice system. instead of these two companies competing to acquire market share by offering consumers the best product, we use the courtroom to determine who can compete and who can't. let's not give one or the other the competitive advantage. determine the strenghts and weaknesses of both organization and see where each has gained the most from consumers respect and resolve from there. let them compete based on their strengths. by giving one company the benefit of a settlement, could create another monopolistic advantage for the othere. i am a stockholder of both companies; aol and microsoft. thanks for listening to me.
sincerely, greg

Greg Raclaw
Genesis Manufacturing Inc.
847–839–9898
Fax: 847–839–9918

MTC–00021916

From: Steve Madancy
To: Microsoft ATR
Date: 1/24/02 12:22pm
Subject: Microsoft Settlement

Under the Tunney Act, I am writing today in order comment on the proposed Microsoft settlement.

I wish to voice my strong opposition to the settlement as it now stands, as I believe it does not address many of the anti-competitive practices that Microsoft employs against any potential competitors. Not only is the proposed settlement an ineffective solution to Microsoft's burgeoning monopoly, it actually helps Microsoft extend its reach by providing it entry into the few areas that it does not currently dominate (education, for example).

I urge that this settlement be scrapped, and a solution that effectively breaks Microsoft's stranglehold on the software industry be adopted.

Thank you,
Steve Madancy

MTC–00021917

From: plinda385@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:18pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Linda Parent
1401 E Calvert St
South Bend, IN 46613

MTC–00021918

From: dave mallery
To: Microsoft ATR
Date: 1/24/02 12:36pm
Subject: microsoft settlement

I signed the open letter from kegel.com regarding the many difficulties with the settlement. I believe that the settlement as it now stands only rewards microsoft for their past criminal behavior and gives them new tools to continue their illegal domination of the computer market worldwide.

Thank you for the opportunity to comment.

Dave Mallery, K5EN
PO Box 520
Ramah, NM 87321

MTC–00021919

From: downeyb@ev1.net@inetgw
To: Microsoft ATR
Date: 1/24/02 12:20pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Brenda Downey
405 Ranger Dr.
Buda, TX 78610

MTC–00021920

From: Sheley, Todd A.
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/24/02 12:23pm
Subject: Microsoft Settlement

Here are a few opinions I have about this settlement...

1. I don't think that it goes far enough. I don't think that Microsoft should be broken up but something should be done about the bundling of applications. I just installed Windows XP Pro and I can not even remove Internet Explorer or MSN Messenger. I do not want to use MSN Messenger but I have to have it on my PC. Same goes with the new Microsoft Movie Maker.

2. Microsoft should be made to provide Office for competing OS's. If Office was available for Linux and so forth there would be more competition. The first thing most people say when asked why the don't change Operating Systems it is because of Office.

3. Microsoft should also be made to not only make there products available to other Operating Systems but make them work the same. I run Mac OS X and I have Windows Media Player installed on my Mac. Half the stuff on www.windowsmedia.com does not even work through Windows Media Player for Mac. These are just a few thoughts about the situation. I believe that the settlement is a good thing but it did not nearly go far enough.

Todd Sheley
Programmer/Analyst II
Franciscan Skemp Healthcare
700 West Ave. South
La Crosse, WI 54601
Phone: 608–791–9781 Ext. 4656
Fax: 608–791–9712
Email: sheley.todd@mayo.edu

MTC–00021921

From: wullybuger@rkymtnhi.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:20pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
ray smith
pob 972
kremmling, CO 80459

MTC–00021922

From: Maher Saba
To: Microsoft ATR
Date: 1/24/02 12:24pm
Subject: Microsoft Settlement

Dir Sirs,

I am writing this email to let you know of my personal support for the Microsoft settlement. I have been a customer of

Microsoft for a long time and I like their products. The settlement is fair and a good ending for a long trial. I hope the judge approves the settlement.

Thanks,
Maher Saba
15720 NE 61St Court
Redmond, WA 98052

MTC–00021923

From: Kay Brooks
To: Microsoft ATR
Date: 1/24/02 12:15pm
Subject: Microsoft Settlement

The Clinton Administration started this action against Microsoft to help out their political buddies at Netscape, as well as some others. Everything that has happened so far has hurt the consumer and Microsoft and benefited these FOB's.

It does not hurt the consumer to have Internet Explorer on their computer, and it is easy to delete the icon if you don't want to see it there. It does not cost the consumer anything. It is, like so many other technology based products, a feature you can use or not use depending upon your particular needs.

On the other hand, all of this litigation has cost Microsoft a lot of money and goodwill. The result is that Microsoft's products are now becoming more restrictive, less compatible, and more intrusive than they were before this litigation began. Your continued prosecution will probably result in more and more inconvenience for the users of Microsoft products. It is time to stop it now.

Kay Brooks
14309 Bauer Rd NE
Albuquerque, NM 87123
citizenkay@home.com

MTC–00021924

From: Mark Ebaugh
To: Microsoft ATR
Date: 1/24/02 12:23pm
Subject: Microsoft Settlement

As Microsoft has been found guilty of unfair business , please change the settlement offer in a way that will possibly punish prior actions , and definitely restrict further improper actions . The settlement ,as is , is completely anemic , and new methods of exploiting monopoly power are waiting at every point. Please allow competition to allow freedom to continue.

Mark Ebaugh

MTC–00021925

From: davidsaenz@att.net@inetgw
To: Microsoft ATR
Date: 1/24/02 12:24pm
Subject: Microsoft Settlement

I have sent a letter on to Attorney General John Ashcroft. Sorry for any delay, my printer went down. I am happy to take part.

David F. Saenz

MTC–00021926

From: spinner50o@mindspring.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:21pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
charles griffin
3935 loblolly dr
naples, FL 34114

MTC–00021927

From: Steve Bennett
To: Microsoft ATR
Date: 1/24/02 12:23pm
Subject: Microsoft Settlement

To whom it may concern,

I recently had an opportunity to review the proposed settlement in the Microsoft antitrust trial. I have been developing software for Microsoft operating systems (including nearly every released version of Windows) for nearly 20 years now.

On numerous occasions going back to the Windows 95 days, I encountered issues with various Windows APIs which would have allowed software I was writing to function significantly better in the Windows environment, yet these APIs were either completely undocumented, or their documentation was incomplete. Asking Microsoft for more details on these APIs invariably failed to get that information—Microsoft always had some excuse not to release the information to us, although we've noted that certain 3rd party developers who do not directly compete with Microsoft have received such information.

Many of these APIs fell into two categories:

The first category are undocumented APIs which were part of the operating system as released, but were clearly used by Microsoft application packages. Since these APIs were undocumented, Microsoft's applications had a clear competitive edge by using them.

The second category were APIs which were added into the operating system when installing a Microsoft application package, such as Office, or Intellimouse. These types of APIs were added into system DLLs replaced by the application package, thus enhancing the OS. It is fairly common for Microsoft to enhance their OS in this fashion, giving their own applications exclusive access to the new APIs, before later rolling them into the next OS release. Interestingly, the documentation of these APIs usually is not available until well after they are merged into the OS release, again giving their own applications a longer competitive edge.

I bring this up because, in reading through the proposed settlement, Section VI-A, it appears that it would only require Microsoft to document APIs in use between Windows and various Middleware packages, NOT those APIs which are used by Microsoft application programs. In my opinion, any settlement which fails to require Microsoft to document *all* Windows and Middleware APIs being used by any Microsoft application or middleware program will be completely ineffective in preventing further abuses.

Also, I believe that the specification of what consists of Microsoft Middleware in Section VI-J and K is limited in that it does not include any mention of .Net, does not make allowance for additional types of middleware which may appear in the future, and could easily be bypassed by making name changes or changes in how version numbers are reported. These are the most glaring problems with this settlement—there are many others I will not go into. Overall, it appears to me that this settlement as written will have little if any effect on Microsoft's future behavior, given the number of loopholes it leaves for Microsoft to slip through. Further, it makes little effort to redress the damages Microsoft has done in the past.

While I understand the desire for a settlement on this issue, I'm afraid that this is neither an appropriate nor sufficient settlement, and register my strong objections to it at this time.

Sincerely,
Steven A. Bennett

MTC–00021928

From: John Victor
To: Microsoft ATR
Date: 1/24/02 12:24pm
Subject: Microsoft Settlement.

I strongly urge the Dept. of Justice to forge ahead with the proposed settlement with Microsoft. It is time to end this once and for all. I firmly believe this lawsuit has been politically motivated and has been detrimental to consumers. Please accept the proposed settlement.

sincerely,
John Victor

MTC–00021929

From: Great Horned Owl
To: Microsoft ATR
Date: 1/24/02 12:25pm
Subject: Microsoft Settlement

I am neither a law school student nor an attorney. However, as a member of the public invited to comment on the Revised Proposed Final Judgment, I must object.

As a private citizen who has followed the Federal Government's complaint against Microsoft, I have long believed Microsoft to be a monopoly. In my opinion, Judge Thomas Penfield Jackson's Memorandum and Order, dated June 7, 2000, was correct, and His Honor's Final Judgment, also dated June 7, 2000, was correct and appropriate.

Furthermore, I object to and believe to be entirely inappropriate the Revised Proposed Final Judgment. As I read the Judgment, it includes no provisions for the altering of the corporate structure of Microsoft Corporation, most certainly not on the scale of those provisions in Judge Thomas Penfield Jackson's Final Judgment.

In closing, I most strenuously object to the language in Section III, Paragraph J. In my opinion, this paragraph's explicit language of non-restraint against Microsoft Corporation

severely limits the punitive effect of this Revised Proposed Final Judgment, giving it the effect of a verbal reprimand or slap on the wrist, when what is called for is a far more severe penalty.

Respectfully,
Brian Donnelly
Bedford, NH

MTC–00021930

From: David Sills
To: Microsoft ATR
Date: 1/24/02 12:25pm
Subject: Microsoft Settlement

To whom it may concern:

I write to voice an opinion regarding the Microsoft Settlement currently being considered. In my opinion, this ''remedy'' does not deserve the name, as it does little to restrain the practices that have led to the current situation, and promises little real reform for the future. I wish to take a positive approach, however, and discuss two requirements that would represent a real improvement in the current situation. It is clear from some of the documents available as a result of the case and an examination of Microsoft's practices generally that there are two methodologies for ''fixing'' the playing field that could quite easily be remedied. These are documentation of the interactions between Windows and other software and hardware, and blocking Microsoft's strategy of using patents to restrain competitors who would otherwise be able to produce competitive software. The first would involve require Microsoft to make open and available to anyone all interfaces between software components, all communications protocols, and all file formats. This is not particularly difficult, and could easily be enforced: a court could simply require Microsoft to answer questions raised by any incomplete documentation. In particular, however, two arguments should not be allowed to impinge upon this remedy: nondisclosure agreements and security concerns. It would be trivial to circumvent such an order if Microsoft could simply say in response to such a court order that they could not answer it owing to nondisclosure agreements, which they could indeed require from other firms for exactly this purpose. As to security concerns, even if everyone knows the interfaces involved with Windows, it is unlikely that this actually raises the level of security risk. On the one hand, it makes it possible for standard solutions to any security issues to be promulgated much more quickly and efficiently; on the other, it is doubtful that much of the community attacking security vulnerabilities (including those commonly known ''script kiddies'') actually possess the technical knowledge to make significant use of this information. As to patenting, there is no intention here to keep Microsoft from sharing in the bounty their intellectual property creates. It is simply that some remedy must be found to keep them from patents for ''innovations'' that exist primarily not to solve software problems, but to block access to technologies from competitors. I am not a patent lawyer (I am in fact a software developer, and use both Microsoft and competing products), but am sure that there are persons in that profession with sufficient expertise to advise the court on appropriate provisions.

In sum, I would strongly voice my opinion against the current settlement, and I offer these improvements as a way to assist in fashioning a better one.

Thank you for your attention.
David Sills

MTC–00021931

From: kbzgreen@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:22pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Barbara Green
24014 E Olive Ln Liberty Lake, WA 99019

MTC–00021932

From: morgan@inlandnet.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:22pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Sue & Bill Morgan
4391 Nelson Siding Rd Cle Elum, WA 98922

MTC–00021933

From: Steven Mascaro
To: Microsoft ATR
Date: 1/24/02 12:24pm
Subject: microsoft settlement

Please accept this email as my support for the Microsoft settlement that the Department of Justice has negotiated. There were countless hours spent to find the best compromise for the Microsoft company and their competitors. The millions of dollars spent would be for naught if we don't settle the issue and let the information tecnology industry begin to heal.

Again, thank you for your effforts and I encourage the closure of this issue.

Sincerely,
Steve Mascaro, Representative
Utah House of Representative
District # 47

MTC–00021934

From: Alan Ward
To: Microsoft ATR
Date: 1/24/02 12:29pm
Subject: Microsoft Settlement

I believe that the US government has sold out to Microsoft.

I think the antitrust settlement is a VERY BAD settlement!!!!!!

Alan Ward
2013 Brookwood Drive
Fort Collins, Co 80525

MTC–00021935

From: jocelynn.bailey@verizon.net@inetgw
To: Microsoft ATR
Date: 1/24/02 12:23pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Sincerely,
Jocelynn Bailey
13309 Sturno Drive
Clifton, VA 20124–0957

MTC–00021936

From: eaglesnest143@webtv.net@inetgw
To: Microsoft ATR
Date: 1/24/02 12:25pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Juanita Hoover
130S.FR.St.#411
Sunbury, PA 17801–2603

MTC–00021937

From: Peter Kull
To: Microsoft ATR
Date: 1/24/02 12:23pm
Subject: microsoft settlement

Dear Sirs,

As the owner of a small business I feel compelled to comment.

The idea that funding education efforts to ''make up'' for gross corporate bad behavior seems odd to me. No problem with funding education—but how does that help the businesses that have been at a disadvantage due to the strong armed mafia—like tactics of microsoft?

So...

How about a cash award to the businesses that have had good product unjustly squelched?

Go ahead and let them fund education, too. Cash only to the school districts themselves, to spend on what THEY determine they need. Not warmed over hardware and microsoft software!

Open up their Code. Now we can see some competition open up, to good effect.

Allow customers to buy only the software components they want.

Thank you,
Peter Kull
Peter Kull Graphic Arts, Inc.

MTC–00021938

From: Stewart Hyde
To: Microsoft ATR
Date: 1/24/02 12:27pm
Subject: Microsoft Settlement

FYI,

I think that open sourcing Internet Explorer will be a really bad idea... Why this would allow for hackers to create even more Virus's for PC and in todays days of security risks this would be a disaster for customers and organizations.

It is really interesting to research where hacking comes from and you find out that allot or based on Unix/linux style errors...Open source means that hackers can change to code to break rules and if so this can lead to extreme problems

Is trying to sue/break up Microsoft really a bad thing, look at AOL/Time warner of the years—In sometimes they are worst—Like my parents stuck on AOL because they don't know better... At least Microsoft is not trying control content to make it better for its own companies...

Of course these are my opinions as a costumer and a developer not associated with any of companies evolved.

Stewart

MTC–00021940

From: rjsporleder
To: Microsoft ATR
Date: 1/24/02 12:28pm
Subject: Microsoft government lawsuit

Enough is enough. There has been enough taxpayer tax wasted on this silly butt lawsuit with no reason for it's beginning and nothing to show for it's culmination. Clinton is gone, Bush doesn't wish to pursue this. Drop it!

Richard Sporleder,
Marshall MO
rjsporleder@mid-mo.net

MTC–00021941

From: RRPG3@MSN.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:22pm
Subject: Microsoft Settlement

We think the settlement between Microsoft and The Justice Dept. is a fair settlement. We believe that further litergation will be harmful to the US economy and will serve no purpose except greed.

MTC–00021942

From: Spots1078@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:28pm
Subject: Microsoft Settlement

i think microsoft should not be able to purchase their way out of this one....

MTC–00021943

From: klassen@cobalt1.syght.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:29pm
Subject: Microsoft Settlement

To Whom It May Concern,

I feel that the current settlement offer by the Department of Justice is too lenient on Microsoft. It does not do enough to punish Microsoft for their past transgressions and isn't strong enough to prevent them from operating in exactly the same manner in the future. I also find it odd that Microsoft should be allowed to choose one member of the oversight committee and have veto power over the second member. They are the ones who are supposed to be punished. They shouldn't get to choose who punishes them.

Regards,
Mark Klassen
mark@klassen.cc

MTC–00021944

From: ealong@tampabay.rr.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:25pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Eugene Long
16406 Shagbark Place
Tampa, FL 33618–1200

MTC–00021945

From: Paul Levitt
To: Microsoft ATR
Date: 1/24/02 12:28pm
Subject: Microsoft Settlement

Dear Sir or Madam,

I am writing to register my opposition to the proposed antitrust settlement between Microsoft and the Department of Justice. I believe that, rather than providing a remedy for Microsoft's illegal conduct, will enable them to continue that conduct and exacerbate its impact on computer users, software developers and a wide variety of other businesses.

Others, with more specific technical and legal expertise than I possess, have detailed the many shortcoming of the settlement, so I will confine my remarks to a top level, user oriented view. Microsoft, as the ''findings of fact'' make clear, after obtaining a monopoly on computer operating systems, used that monopoly power to obtain an effective monopoly on the application software used for the vast majority of business functions. These two monopolies are used to re-enforce each other: the OS monopoly enables Microsoft to maintain barriers to entry for developers of competing office applications, and their applications monopoly prevents vendors of competing operating systems from establishing a significant presence in most businesses. The most well documented examples of this are Microsoft's refusal to develop a Linux version of its Office product, and it's threat to end development of the Macintosh version of Microsoft Office. Since the ability to support Office has become a mandatory requirement for the majority of businesses and government agencies (most U.S. government proposals require submittal in Microsoft-proprietary formats), the threat to drop Office gives Microsoft the power to determine whether a competitor survives. It has been widely reported that this threat has been a major factor in Apple Computer's reluctance to port it's operating system to the Intel processor architecture, which would make it a viable competitor to Windows.

Microsoft has also been shown to use these paired monopolies to attack standards based, openly available, cross-platform applications, file formats and programming languages, such as Quicktime, Java and MP3, replacing them with proprietary equivalents.

The end result of these illegal practices has been to restrict the choice available to consumers and to stifle innovate technologies and concepts. Far from being an ''innovator'' , as they claim, MIcrosoft has acquired most of their products by buying the company that originally developed them. Microsoft not only continues its illegal practices, but has acted aggressively to expand them and use its monopoly power to dominate new markets. They continue to deny their guilt, even after conviction, and have mounted a fraudulent campaign of letter writing and op-ed pieces with company funds. They have even

directly attacked the antitrust division of the justice department by lobbying to reduce its budget.

Given the current state of affairs, any settlement must effectively address and reverse Microsoft's dual monopolies in operating systems. It must also be enforceable and define specific, structural remedies that will enhance competition and eliminate barriers to entry in both the operating system and applications markets. Barriers to entry should be eliminated for existing companies, new companies and non-profit entities, such as the open source community.

An enforcement mechanism that provides clearly defined and meaningful penalties is essential. The mechanism must be completely independent of Microsoft influence, and must be equipped with a full array of technical and legal powers necessary to overcome Microsoft's institutional history of evading and subverting previous settlements and remedies. In addition to the many specific features described by others who have commented (include the Massachusetts Attorney General and Ralph Nader) I believe that it is essential that several specific actions be implemented:

?Microsoft should be required to publish, in open source form, all file formats and APIs, with all supporting documentation.

?Microsoft should be required to produce versions of all its Windows applications for Linux and the Macintosh OS, with full implementation of features and equivalent performance.

?Bundling of the MS Office applications should be prohibited. The current bundling practice supports both the OS and Application monopolies—e.g. why buy a competing spreadsheet or database product when it's cheaper to but the entire Office suite than any two components ?

Thank you for your attention in this matter,
Paul Levitt

The opinions expressed in this message are my own, and DO NOT represent the position of TRW or of the Smithsonian Institution.

MTC–00021946

From: pastorbrian@missvalley.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:25pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Brian Wilson
327 South 5th Street
Moberly, MO 65270

MTC–00021947

From: Jim Smith
To: Microsoft ATR
Date: 1/24/02 12:53pm
Subject: Microsoft Settlement

I have read about the proposed settlement, and I am not in favor of it in its current state. This a vote against the current settlement, as well as a vote to seek a settlement that is in favor of fair competition.

Jim Smith
St. Louis, MO
Manager, Tech Svc.
Intercon

MTC–00021948

From: gpopp1@juno.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:22pm
Subject: Microsoft Settlement

I think America has a selfdestructive streak.Whenever we have a Company that towers over its worldwide competitors because of technical manufacturing or business superiority we have to take it down several notches to make it average.Stop harrassing Microsoft.Instead be proud that America has technical superiority in at least one area of technology!!!!!

MTC–00021949

From: Dan Wheeler
To: Microsoft ATR
Date: 1/24/02 12:30pm
Subject: Microsoft Settlement

Microsoft's products cost everyone money way past the actual cost of the products. Ask Microsoft if they have MS products running thier mainframes... Microsoft needs to have a remedy that is severe enough to bring back compition. Otherwise MS will keep cranking out products that have fancy covers and neat bells and whistles, but are very costly for the home user and for business to use and maintain.

MTC–00021950

From: pudge72@prodigy.net@inetgw
To: Microsoft ATR
Date: 1/24/02 12:27pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Paul Rector
7885 Meadow Dr.
Nashport, OH 43830

MTC–00021951

From: hywayhero@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:27pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jack Widmer
98 Sharon Woods Rd.
Wadsworth, OH 44281–9730

MTC–00021952

From: dcraba@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:22pm
Subject: Microsoft Settlement

Our country was established on competition! I experience it EVERYDAY of the week in banking. AS a small bank we fight hard and give service an don t cry because of the larger banks and the NON-TAX paying credit unions!! We try HARDER AN SUCCEED!!! Law suits stifle competition and cost the public dollars in increased prices! Microsoft has brought millions of dollars into our economy from overseas!

MTC–00021953

From: rossmelin@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:22pm
Subject: Microsoft Settlement

The idea that consumers are spending too much for Microsoft Products is absurd. We paid $1 200 for MS products over 3 years and it helped take our company sales from zero to $3 million. What signifigant difference would it have made to me or my employees or our families if I had saved $78??? I call on this government to stop slowing one of our nation s main engines of wealth creation.

MTC–00021954

From: bkunz@lcsd2.org@inetgw
To: Microsoft ATR
Date: 1/24/02 12:22pm
Subject: Microsoft Settlement

Is the government insane?? Why let Microsoft off the hook for its high-handed

monopolistic practices by allowing them to give computers to schools. All that does and trust me Microsoft understands this is increase their stranglehold on our way of life. If you have computers in the schools you have a foot in the door for the future. This will INCREASE Microsoft s strength rather than forcing them to participate on a level playing field. Look at Netscape. Do they have a chance when Microsoft makes it so difficult to use it from within their OS? Who is next Palm? What should be done is to force them to unbundle all of their software to pay cash through the nose to government schools etc who have been forced to see things their way.

MTC–00021955

From: BournEnt@home.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:22pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotelly I believe the decision reached in the Microsoft case is a fair decision.

Please accept this as my vote to endorse the settlement. We need to move on with technology and not waste any more time tying it up in litigation.

Sincerely
Debra Phillips

MTC–00021956

From: mmerkel@adelphia.net@inetgw
To: Microsoft ATR
Date: 1/24/02 12:22pm
Subject: Microsoft Settlement

This case must be settled. We need every company free to conduct business and employ people. Only lawyers have profited from this.The whole thing was trumped up in the first place to help those who had trouble competing with this outstanding company.Our country should have MORE Microsofts!

MTC–00021957

From: mmerkel@adelphia.net@inetgw
To: Microsoft ATR
Date: 1/24/02 12:22pm
Subject: Microsoft Settlement

This case must be settled. We need every company free to conduct business and employ people. Only lawyers have profited from this.The whole thing was trumped up in the first place to help those who had trouble competing with this outstanding company.Our country should have MORE Microsofts!

MTC–00021958

From: chasse39@msn.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:22pm
Subject: Microsoft Settlement

Settle The settlement!This has cost me a tax payer enought money. It s time to move on. Thanks.

MTC–00021959

From: Jerrysafediver@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:30pm
Subject: Microsoft Settlement

AOL's recent suit against Microsoft appears well-timed to disrupt and derail acceptance of Microsoft's proposed settlement for alleged anti-trust practices. It is my opinion that the settlement proposed by Microsoft is reasonable and fair. It is time to close this issue and begin to repair and correct the damage to the marketplace that has resulted. As usual, the consumer has been the biggest loser of all. I urge you to recommend acceptance of Microsoft's proposed settlement.

Regards,
Jerry Effenberger
17511 32nd. Ave. N. E.
Seattle, Wa. 98155

MTC–00021960

From: Muskamouse@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:22pm
Subject: Microsoft Settlement

I Believe the suit against Microsoft should be dropped. Sun Microsystems was a big factor in this suit only because they were unable to keep pace with Microsoft. It is unfortunate that a suit must be filed in order for other companies to succeed. During my working years I was a lone woman amongst many men—well I had to work many times harder to prove that I was capable of handling the job. It is also true of companies trying to produce similar products. Let s get on with life in the US and get this suit taken care of. Life must go on not stagnate. Thank you for taking time to read my view.

MTC–00021961

From: bobak@gwu.edu@inetgw
To: Microsoft ATR
Date: 1/24/02 12:22pm
Subject: Microsoft Settlement

I think Microsoft is getting off too easy. I think they broke the law—a federal court and an appeals court said so. This so-called settlement is as fake as the Naugahide on my couch.

MTC–00021962

From: ruthwright@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:22pm
Subject: Microsoft Settlement

The Govmernment should get off Bill Gates back and do something constructive for the people like getting after Enron management and their so-calles auditors.

MTC–00021963

From: kmessner@worldnet.att.net@inetgw
To: Microsoft ATR
Date: 1/24/02 12:22pm
Subject: Microsoft Settlement

I feel the settlement reached by DOJ and Microsoft was fair and just to both parties. We have an open market society and businesses should not be allowed to use the court system to regulate Fair practices.

As long as fair market practices are used the market will decide who succedes adn who fails— companies that cannot compete should not be able to abuse the court system when they cannot compete in a fair market. If people don t like a product or company they will not buy thier products. The government should stay out of this area if they determine it is a fair playing field. the DOJ has decided the settlement is fair (as has Microsoft). Everything should be settled at this point.

MTC–00021964

From: Paul Harrison
To: Microsoft ATR
Date: 1/24/02 12:31pm
Subject: Microsoft Settlement

This is a BAD DEAL for all of the USA. It will NOT stop MS from going right back and doing the same thing when it (MS) feels it needs to!

pauljh@dslnorthwest.net

MTC–00021965

From: potenisaac@attbi.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:22pm
Subject: Microsoft Settlement

This settlement should be accepted by all parties as soon as possible for the good of this nation. The delatory and litigious actions of the state attorney-generals are counter-productive and and work against the competitive and technological advantage of the United States.

MTC–00021966

From: radpt@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:22pm
Subject: Microsoft Settlement

The litigation should not be to continue and government should leave Microsoft alone.

MTC–00021967

From: Marvin@Parsons.net@inetgw
To: Microsoft ATR
Date: 1/24/02 12:22pm
Subject: Microsoft Settlement

Microsoft was the first company to open up it s MS-DOS code to developers allowing the individual to participate in the computer revolution. Apple was the competition then who had a closed system not allowing others to hook into their code. Microsoft has lead the advancement in software technology based on customer wants and needs. Their server systems were opposite from Novel in that the standard install gave everyone power and it then needed to be limited while Novell gave nobody access rights until given by a IS person. This openess approach has put them in the lead for consumers. Please don t allow competition between companies to become a political question. Developing standards and sharing these standards with other companies has been the norm for Microsoft through their Microsoft Developers Network (MSDN) program. Please don t limit Microsofts ability to develope standards and leading edge practices that give more capabilities to the end user because their competitors are not offering as useful products.

MTC–00021968

From: Louied@home.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:22pm
Subject: Microsoft Settlement

This settlement is a fair and reasonable compromise. We believe that this is in the best interest of our day to day business.

Thank you
Lou DeCarlo

MTC–00021969

From: hohobike@yahoo.com@inetgw

To: Microsoft ATR
Date: 1/24/02 12:22pm
Subject: Microsoft Settlement

government should stay out of the marketplace the marketplace sorts all problems to the best advantage to the consumer. Let competition work out all the issues to the advantage to the consumer

MTC–00021970

From: karen1108@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:22pm
Subject: Microsoft Settlement

enough! if you re concerned about monopolists check out the oil companies or watch AOL TIME WARNER..a few years ago the japanese were beating us in every facet of business..our economy was stymied..along came Bill Gates and almost single-handedly gave America a way to vastly improve productivity..instead of trying hold him down we should be building a monument to him.The settlement is more than fair..don t listen to the cry babies..technology changes too quickly for them to expect constant legal vindication (which they don t deserve). Tell them that justice has been served and that they must return to competing if they want success against Microsoft.

MTC–00021971

From: jdp@ssitech.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:22pm
Subject: Microsoft Settlement

As an IT professional I must say that I am growing weary of the ongoing assault on Microsoft by several independent states and the U.S. government ... despite the fact that an equitable settlement was reached many weeks ago! I particularly ... am very weary of interested third-party coaching that organizations such as AOL-Time Warner are doing from the sidelines to advance their cause (e.g. more bucks) under the guise of community interest and consumer awareness. What BS!! Even as I right this brief note I see where AOL has once again brought litigation against Microsoft with regard to their Netscape Browser and Microsoft s IE. Hey ... just goes to show you that we have the best political thinking that money can buy. If you can t innovate then litigate. Frankly ... when the dust settles on this case ... I want to file a suit against GM because they don t integrate the v10 engine that I prefer ... just because it is made by Dodge! Certainly that can t be right ... or legal? On a more serious note however I as and individual want to choose who I do my business with what I want to run my business on ... and who I want to partner with as a technology leader. That decision will be Microsoft Microsoft and MICROSOFT. If you can show me any successful enterprise in this country that has succeeded without utilizing the same type of aggressiveness initiative and intellectual committment made by Microsoft ... I will kiss your you know what at high-noon and let you pick the place. Stop wasting our time our patience and our money.

There are far more important issues on the table today.

MTC–00021972

From: Jayjcarter@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:22pm
Subject: Microsoft Settlement

We believe Microsoft needs to be taught a lesson needs a more severe ruling than the Federal Government settled for one that will encourage them to be better citizens of the high tech business world.

Their cutthroat business practices are unfair to competitors and limit our choice as customers among differing computer systems. We do not like being pushed into Microsoft products which is what happens when one buys a PC today.

MTC–00021973

From: jetoosn@flash.net@inetgw
To: Microsoft ATR
Date: 1/24/02 12:22pm
Subject: Microsoft Settlement

I feel Microsoft has improperly applied pressure to competitors in the past to impede sales of the competitors. I have carefully reviewed the Revised Final Judgement and find it a remarkable good document which will resolve problems in the past. I find one problem with the findings of the TC members and them not being able to testify by deposition in court. After all the TC members are or ought to be the experts on any violation by Microsoft and therefore allowed to make depositions on behalf of the plaintifs to the court.

MTC–00021974

From: brandon64—99@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:22pm
Subject: Microsoft Settlement

Hello. I do not think that this settlement is fair to companies who provide computers in the educational industry. This gives Microsoft the power to place any PC brand they want in the schools which means that they can give their allies a boost over there enemies in the educational arena. Apple Computer s Macintosh brand will be crushed by the Microsoft giant allowing them to gain even more power in the market. They must be broken up and have strict regulations placed on them. You must do this for the sake of innovation to create a better future for technology and man kind. Thank You.

MTC–00021975

From: thomas. desmond @usa.xerox.com @inetgw
To: Microsoft ATR
Date: 1/24/02 12:22pm
Subject: Microsoft Settlement

Please stop the insanity. Let s settle and get on with things. The States are a joke. New York and California should quit and maybe it would help with some jobs.

MTC–00021976

From: rbelliveau@reliability.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:22pm
Subject: Microsoft Settlement

I am fed up with this unfounded and ridiculous lawsuit. Microsoft has done nothing to harm consumers.

The only entities harmed by Microsoft are those unable to compete with it s far superior products. In my mind this is not a basis for a lawsuit it is the way competition is supposed to be. I ve read that the states pushing the lawsuit want a lower cost product available to consumers. That s odd because 1) pricing is up to the producer of the product. Why don t they tell car makers to lower the prices of their popular SUVs?

Because it s insane that s why and 2) I have never heard anyone say I didn t buy a copy of Windows because it was just too darned expensive! The lawsuit should be settled and put behind us. It s not in the interest of the people or our economy and only serves the sore losers that cannot compete against Microsoft. Hey I have an idea! Why don t the aggressors in this lawsuit go after Walmart! KMart couldn t compete against Walmart so obviously Walmart must be guilty of something!

MTC–00021977

From: davidj@chsengineers.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:22pm
Subject: Microsoft Settlement

Microsoft is a brutal monopolistic organization that just happens to make the best product for the industry. Restricting innovation is not what this country need right now. Allowing other companies to freely compete in the global market is a must. How to ballance these is the task at hand. Good luck with that one.

MTC–00021978

From: dlaynejr@juno.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:22pm
Subject: Microsoft Settlement

Microsoft may have some undedesirable business practices but they have contributed much the advancement of PC software. Microsoft pulled off what everyone really wanted a software platform that pulled software use together. Now that they have accomplished this other vendors cry foul. I don t like or want government interferance with this pracitce of competion. In my opinion it is not governments place to interfere with business. This trial undermines the markets free choice & good old American competative drive to become the biggest & best that you can achieve.

MTC–00021979

From: sudha@mail.humonc.wisc.edu@inetgw
To: Microsoft ATR
Date: 1/24/02 12:22pm
Subject: Microsoft Settlement

If Microsoft is a monopoly what about AOL? AOL has been giving out free disks and CD s for years now! And was not Netscape a monopoly too?

MTC–00021980

From: dmc654@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:22pm
Subject: Microsoft Settlement

To whom it may concern i believe that this has gone on way too long as if we didnt have enough problems with our economy this past year especially since september.11.lets all do what was handed down from the higher courts and be done with it i will always believe in Microsoft and company s that

follow the same traditional way of doing business in our great country.Let us not bicker with lengthly new alligations or try to reverse the decisions that were agreed upon but let us move forward and look at the whole picture so we may learn from this.After this long battle lets move forward not backward s.God bless America.

MTC–00021981

From: djgb@msn.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:22pm
Subject: Microsoft Settlement

Who is John Galt? Do you remember AT&T—Phone services were good then. Do not permit those who cant try to stop those who can. Every High Tech corporation had an equal opportunity to develop and beat Microsoft at their game but the mamby pamby s couldn t compete so they turned to the poloticians. This puffed them up and they went for it—Let s not get Microsoft and screw up the whole world. No operating system other than Microsoft can come close to what the world wants. Stop wasting tax payers dollars and leave the market sort itself out. I object to this frivolity!

MTC–00021982

From: janatmsn@msn.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:22pm
Subject: Microsoft Settlement

i think for once the government has been fair with microsoft. the decision that was recently passed down is very encouraging that the right thing will be done for companies who are either ahead of their time or just plainly protecting what is theirs from others who see an easy profit. it is not in just microsoft s interest that a decision of the sort was passed down but for the good of every business. no one deserves to be treated in the fashion that microsoft was treated in the past.i am glad that period of time is over -everytime microsoft s shares went down so did the shares of a lot of other companies . it caused a horrible chain reaction-those who said they were doing it for some good were not telling the truth. people look up to that company when it started to go down in price people got very nervous-i don t want to see that happen again-it serves no purpose thank you

MTC–00021983

From: Dave Crossley
To: Microsoft ATR
Date: 1/24/02 12:33pm
Subject: Microsoft Settlement

Dear Sirs and Madams,

My name is Dave Crossley. I'm a programmer from Charleston, South Carolina. I'm writing to tell you that I believe that the proposed settlement with Microsoft is a BAD idea. It does not provide the remedies necessary to protect society from the monopolistic threat that Microsoft represents. I can state from experience that Microsoft wields enormous clout in our industry, and I will also state that they have a very bad reputation for both honesty and security.

Please reconsider the current settlement. The earlier breakup plan was a great idea, although I would suggest that the company should be severed into four, and not two parts. Those parts would be Operating System, Applications, Development tools and Internet.

As with Standard Oil and AT&T in the past, the breakup of Microsoft, in my opinion, will be beneficial to society as a whole and will have the additional benefit of protecting freedom of speech by preventing one company from controlling the channels of communication.

Thank You for Your Time,
Dave Crossley
Programmer
Carepoint, Inc.
Charleston, SC
dave.crossley@carepoint.com

MTC–00021984

From: woodyf2@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:30pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Nathan S. Ferris
5902 Westchester St,
Alexandria, VA 22310–1123

MTC–00021985

From: egmears@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:25pm
Subject: Microsoft Settlement

You probably will not like nor use this message but I am glad to express myself. After 20 years of being at the mercy of Microsoft and watching and being involved in their high-handed tactics for doing away with the competition—an usually unfairly—I am disgusted at the hand slap they got. When a company can completely dominate an industry because they have deep pockets it goes against everything we Americans believe in. And who is Microsoft and her allies kidding—most innovation and competitiveness in American business comes from small business not large money-hungry corporations.

Give me a break! Microsoft as a hero? Come on! They have been stifling and killing the competition for years. Many of my favorite programs and/or features of common applications have either disappeared or become almost non-entities because of Microsoft s agressive competitive stance and deep pockets. In their place we have Microsoft telling us what we want—not usually what we need. Score: 0 for free enterprise 1 for monopolies

MTC–00021986

From: dustyt@ppmco.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:22pm
Subject: Microsoft Settlement

Microsoft should be split into numberous pieces this so that no one company or man Bill Gates can have the power or influence that Microsoft and its owner currently have.

MTC–00021987

From: gmarshall@bkiusa.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:22pm
Subject: Microsoft Settlement

There should never have been a case against Microsoft. Microsoft has created a useful (although not perfect) product and has marketed that product well. I think their innovation should not be punished with government watchdogs or regulations because in the end the consumer is the one who pays.

MTC–00021988

From: airfoil2@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:22pm
Subject: Microsoft Settlement

I welcome the opportunity to comment on the settlement in U.S. vs Microsoft. Not only should this case be settled now it should never have been litigated in the first instance. The irony of this is that the case was initiated ostensibly to protect consumers. What a farce! Far more of OUR tax money was spent by the government in prosecuting this case than could have ever been saved on behalf of the consumer even in the wildest dreams of the bureaucratic do-gooders. Moreover anyone with a scintilla of common sense (and there are many of us) realizes that this misguided case against one of the great companies of the world contributed in part to one of the greatest stock market declines since 29. Plain and simple putting Microsoft in a funk with this ALLEGED antitrust case caused negative reverberations throughout the market affecting crybabies like Sun Microsystems Scott McNealy et. al. who sparked the government s knee-jerk reaction in the first instance. This antitrust suit cost the American consumer millions of dollars to prosecute and far more than that in stock market losses which were part of the fallout from the government s case against Microsoft. The bottom line is the American public does not need government intervention in cases of this nature. If corporations feel put upon by competitors let them seek relief by paying for their own litigation. The most appropriate expression for these corporation whiners (and I have stock in some of them) is If you can t run with the big dogs stay up on the porch

Approving this settlement now will prevent further bloodletting of the American consumer through more misguided attempts by the govern

MTC–00021989

From: HERBHOLM@aol.com@inetgw
To: Microsoft ATR

Date: 1/24/02 12:22pm
Subject: Microsoft Settlement

Innovation comes from free market place not one run by the goverment.If yiu froce crippling sanctions on Microsoft will go back to the stone age. Most people use Microsoft for a reason its affordable on any person budget it consumer friendly easy to use. All the States should be forced to settle. In my home town nobody can understand why the goverment toke after Microsoft in the 1st place

Herb Holm
2821 Fairfield street
Eureka Ca. 95501–3524

MTC–00021990

From: woodyf2@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:30pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Nathan S. Ferris
5902 Westchester St,
Alexandria, VA 22310–1123

MTC–00021993

From: pparker@mdot.state.md.us@inetgw
To: Microsoft ATR
Date: 1/24/02 12:26pm
Subject: Microsoft Settlement

I also believe the settlement is a reasonable compromise.....this has been dragging on for toooo long..toooooo long...

MTC–00021995

From: dave.hanley@pcplusol.net@inetgw
To: Microsoft ATR
Date: 1/24/02 12:26pm
Subject: Microsoft Settlement

The original remedy proposed by judge Jackson was the correct one. Whatever benefits Microsoft may have once brought to consumers by way of its market strength it has long since erased by forcing competing products and companies companies with true technological innovation out of markets and/or out of business with its monopolistic and predatory practices. Microsoft exerts enough clout all by itself it doesn t need the helping hand of government through a symbolic settlement to further bolster its dominant industry position. I urge any and all parties having a role in this decision to reject the proposed settlement and to divide this company to help restore and revitalize the U.S. software industry.

MTC–00021996

From: dwolf@prologic-inc.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:25pm
Subject: Microsoft Settlement

Please accept this settlement. The extreme requests of the non-settling states are not in the best interests of consumers only competitors of Microsoft. Please put an end to this enormous waste of taxpayer dollars at the state and federal level and lets move on to more important issues of our nation.

Thank you.

MTC–00021997

From: rnatale@mediaone.net@inetgw
To: Microsoft ATR
Date: 1/24/02 12:25pm
Subject: Microsoft Settlement

Enough is enough. When you attack Microsoft you are hurting the economy putting us out of work and harming our leadership position in the world. The stockmarket crash began at the same time Janet Reno went after Microsoft and it s time for this to come to an end. As September 11th more tha adequately communicated Microsoft is not the enemy!

Sincerely
Ronald J. Natale
Bedford NH. 03110

MTC–00021998

From: PZ Myers
To: Microsoft ATR
Date: 1/24/02 12:33pm
Subject: Microsoft Settlement

The proposed settlement is a very bad idea. As someone who relies on open-source, non-microsoft software both professionally and personally, I am appalled that no effort is being made to stop Microsoft's monopolistic attempts to destroy better software, such as Apache. —

PZ Myers, Ph.D.
(320) 589–6343
Division of Science & Math 2135, 2390 Science
University of Minnesota, Morris
Morris, MN 56267 http://homepage.mac.com/myers/

MTC–00021999

From: terwinl@juno.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:25pm
Subject: Microsoft Settlement

I support the settlement. The suit was never to the benefit of users. The widespread use of pc's and the internet was facilitated by the standardization brought about by technical/business dominance of Microsoft

MTC–00022000

From: rlanders1965@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:25pm
Subject: Microsoft Settlement

Is there enough that you can do to Microsoft to make it a nicer company? I don't know that's not my place. The only thing that I can do is to not purchase their software (if possible). I find that after using MS Windows Macintosh Linux and UNIX systems for the almost 20 years that I've been in the industry MS Windows is the most unstable of the bunch. I'm not a software vendor but I have had experience with many different types of software (hospital industry) and it seems that the fewer types of software that is installed on a Windows PC the better it runs. That's fine if you live in Nirvana Utopia.

But I live in Real World USA. People can not have 6 different machines sitting on there desk tweaked to run a specific application because one application needs version A of a DLL file and a different application needs version B of the same DLL. Competition::I remember always hearing people comment about wanting to come up with a great software idea and then be purchased by Microsoft... Neat.

Retire a millionaire no worries. What could happen if you didn't sell your idea to MS. Seems that they would purchase a competitor's product stamp Microsoft on it and then sell it. The product could be a piece of crap but since it has Microsoft on the label people would buy it because it would interface better with other Microsoft applications. Right now I'm faced with vendors that are changing their server-based requirements from Novell to Microsoft. Why I don't know I'm not one of their programmers.

And I feel nervous about it. Why should I feel nervous about the NOS a vendor wants to use. NT (and other MS apps) has been and will continue to be the target of hackers crackers and virus creators. I've only had one virus where I work and it came through an MS email program (worm). I've also only had one virus at my home computer. At the time of the virus I was using Windows 3.11. I have been using a Macintosh for about 5–6 years now and h

MTC–00022001

From: jamesa@cashco.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:25pm
Subject: Microsoft Settlement

Is this Microsoft compromise a joke? If that is the proposed solution you might as well save the taxpayers a ton of money and not even attempt to do anything to Microsoft. I realize that a person with $80+ billion has a lot of influence on the American justice system but that does not give him the rights to mandate to every single PC manufacturer and PC buyer what we should be using. The only thing this compromise accomplishes is still giving Mr. Gates his money but also costing us the end-users more by having to purchase another option . If you truly want to make the industry fair and best for economy you would force Microsoft to actually have a choice. Let us buy a PC without shoving Windows and Office down our throats. Let us buy it with a non-Microsoft OS and not have to pay for Windows. Give a choice of one or the other or no OS at all. That is truly what the industry wants and needs to see.

Your compromise will in now way punish Microsoft at all. They still get their money. They still have their OS and Office on all PCs. At the very least something should be done to slow down the release of new OSes. It costs American business a small fortune to

keep up with a new OS every two years. Not to mention the IT professionals like myself that are trying to complete certifications it is nearly impossible to keep up with the new OS changes unless you spend $10 000 every two years to go to a boot camp to get your certification. Or even just to get familiar with the new changes in the OS. It is a tech support person s nightmare to keep changing OSes every two years. Thank you for you time and I truly hope that more comes out of this case than the simple slap on the wrist that is proposed.

MTC–00022002

From: dafin1@adelphia.net@inetgw
To: Microsoft ATR
Date: 1/24/02 12:30pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
David Finley
466 Ellen Avenue SW
New Philadelphia, OH 44663

MTC–00022004

From: rsieg@twr.org@inetgw
To: Microsoft ATR
Date: 1/24/02 12:31pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Randolph Sieg
144 Knight Estates Circle
Fuquay-Varina, NC 27526–6544

MTC–00022005

From: Cmurf40@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:35pm
Subject: Microsoft Settlement

To whom it may concern,

I have the following concerns about the proposed Microsoft settlement.

1. It does not alter the overwhelming presence of Microsoft in the computer industry. For instance, even though a recent PCmagazine article rated the corel suite of office software as at least equal to the best they ever tested, they had a subtle warning at the end of the article warning about ''compatibility''. What they meant, but dared not openly say is that Microsoft proprietary file formats have become the defacto standard and no one can afford to ignore that, and it no longer matters how good the competition is. The market forces we rely on to provide for the best available products are not working. This marketplace is broken. The proposed settlement does not change the marketplace, therefore the government's settlement fails to provide the relief intended by congress.

2. The ownership of the only commercially viable OS gives the owner of that franchise a terribly strong base from which to win in any application software market that they choose to enter, whether it be office suites, browsers, compression software or whatever. They can purposely build in obstacles that prevent the operation of competing software while smoothing the interaction of their own appliations with their O/S. The proposed remedy does not alter that fact, a handful of ''umpires'' cannot watch thousands of players. The government has no mechanism in place that enforces this agreement, and it should recognize that this agreement is unenforceable and therefore worthless.

Yours,
Colin Murphy
3309 Haskins Drive
Belmont, CA 94002
colinmurphy@ieee.org
CC:cmurf40@aol.com@inetgw

MTC–00022006

From: leonmcdaniel@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:33pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Leon McDaniel
1280 Island Drive
Merritt Island, FL 32952

MTC–00022007

From: campbell@tularosa.net@inetgw
To: Microsoft ATR
Date: 1/24/02 12:32pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Barbara Ward
Box 404
Carrizozo, NM 88301

MTC–00022008

From: Doc Franklin
To: Microsoft ATR
Date: 1/24/02 12:35pm
Subject: Citizen viewpoint

As a private citizen as well as a business user of Microsoft products and services:

1] I am constantly being harrased to pay Microsoft more servcice fees;

2] Constantly being threatened with ''loss of my email files via destruction by Microsoft, if I do not subscribe to their latest fee-based marketing blitz'';

3] Mysterious appearance of an ''Adult Content'' Microsoft warning screen each time I turn on my computer, immediately following my criticism of their policy.

Microsoft is an arrogant Monopoly, that deserves to be prosecuted by DOJ.

Sincerely,
Lee Franklin, Boulder Colorado

MTC–00022009

From: rpbus@cwnet.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:26pm
Subject: Microsoft Settlement

Enough is enough! Yes Microsoft is a monopoly and yes they were proactive in the growth of their business (like most companies). But if it were not for Microsoft the PC would not be where it is today.

If you left it up to Apple or IBM you would be moving a lot slower and at MORE cost! I am also very curious to what the economy and stock market would do if this was settled. I believe that if AOL or Netscape could get where MSFT is today by doing the same things maybe more or less they would!

Settle it enough is enough! Thank you.

MTC–00022010

From: Jay Riddell
To: Microsoft ATR
Date: 1/24/02 12:34pm
Subject: Microsoft Settlement

The currently proposed settlement (if you1ll excuse the expression) sucks. I have heard it compared to finding the Tobacco Companies guilty of years of lies and collusion and penalizing them by making them give away free cigarettes to children.

Please, address the REAL issue and FORCE Microsoft to change it1s predatory behavior.

Thank you,
Jay Riddell

MTC–00022011

From: rburo@temple.isd.tenet.edu@inetgw
To: Microsoft ATR
Date: 1/24/02 12:25pm
Subject: Microsoft Settlement

I wholeheartedly support the settlement agreement in US vs Microsoft. While it is not perfect it does provide competitive avenues for other companies while providing Microsoft the means to continue to provide products and services as it has. Microsoft has helped to make our technology-driven society and this settlement will encourage continued development in the technology sectors that will strengthen our economy.

MTC–00022012

From: Michael Williams
To: Microsoft ATR
Date: 1/24/02 12:35pm
Subject: microsoft settlement

How does it feel to be used and abused?

That's what AOHELL and Netscape are doing to the justice department. If netscape and AOHELL want to be as good as microsoft let them build a better browser.If the complaint is that internet explorer is free well, DUH so is netscape

Netscape has NOT improved it's browser since AOL got hold of it, and I think that AOL doesn't have the techinacal knowledge or expertise to do so either. AOL'S plan must be to keep taking microsoft to court and try to stay compative that way. In the long and short run we, all of us lose that way.

MTC–00022013

From: Chip Moore
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 12:36pm
Subject: Microsoft Settlement

I have been quiet on this topic for some time, but enough is enough. I have worked in systems for over twenty years. I am not employed by Microsoft, although I am a share holder, 100 shares I think. I do not have my Masters or Doctorate. I am just a system analyst I support hundreds of computers. I have spoken to numerous other analysts and support professionals. Almost all of them universally say that there is no way within their organization to mandate what browser an employee uses. There never has been nor will there ever be. All you have to do is go to www.netscape.com and download the current browser. I have done it. I have tried it out. I do not think it is that good a product. It is two complex to effectively configure and use. I do not like it.

If Netscape aka AOL thinks that they have been wronged it is there own fault as they have done little advertising in the last five years and it has become a non issue, like 8 tracks, and records. The Netscape purchase was a bad decision on AOLs part and if any one should be complaining, it is users who should complain about how Netscape is forced down your throat. Here are two examples, I got a CD with manuals from CISCO system several years ago and you could not even install the product to use until you put Netscape on your machine, is that monopolistic, further I am a Verizon DSL customer and they require Netscape on their DSL installation. My question is I do not see Microsoft requiring you to run Internet Explorer to do things on their web site. It appears that AOL is doing the exact same thing that they accuse Microsoft of doing.

Finally, I am not happy with the AOL instant messenger, here is a service that allows you to chat, nothing more and they expect you to pay to do it. I can understand that you need an internet connection, which I have, but why should I pay 9.99 a month to chat. Again this seems predatory and monopolistic. From my perspective AOL does many of the same things they accuse Microsoft of doing AOL just lacks the capital to be able to carry it off that Microsoft does.

If the Department of Justice and the Attorney Generals were sincere about resolving this case, they would talk to their own IT staffs and some major companies like IBM and see how they came to their browser decision and see if there is any way to enforce a standard. The answer is probably no there is no way to enforce a standard, so get over it, close the case, and if you want to spend some more money spend it looking at AOL, it will not be as flashy but you will find a lot of the same issues.

But really enough is enough

MTC–00022014

From: James Dillon
To: Microsoft ATR
Date: 1/24/02 12:35pm
Subject: Proposed Microsoft Anti-Trust case settelment

Dear Sir or Madam,

I am a working computer professional and have been for 20 years. I have seen the rise of Microsoft from a small company in the 80's to the giant it is today.

Most of their products, while adequate, are by no means the state of the art, or very secure. I have witnessed the way they obscure details and modify code to prevent competing programs from performing correctly. I have seen this from the 80's (DR-DOS) to the early 90's (WordPerfect, Novell) and in the mid 90's with Netscape (Navigator) and Sun Microsystems (Java). The original settlement would split Microsoft into two separate companies. While that would be good, I would prefer to see it split into three separate companies: one for Operating Systems, one for Applications, and the other for Programming Tools. I also believe the undocumented Microsoft API's must be published. Document file formats (DOC, XLS, ect.) must be standardized. Internet protocols (TCP/IP) must remain open and un-modified.

The true sprit of open competition and fair play demands a honest evaluation of the proposed settlement. I believe it does little to curb Microsoft's monopoly actions, much as the consent decree did in the 90's. The American public needs a strong and intelligent DOJ to truly level the competitive playing field.

The current proposed settlement is bad for a number of reasons: It does not redress the past anti-competitive actions of Microsoft, it does little to prevent them from doing it again, and will ultimately allow them to further their stranglehold on the information economy.

Sincerely Yours,
James Patrick Dillon
850 Rosdale #59
Capitola CA 95010

MTC–00022015

From: Martin Fenton
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 12:36pm
Subject: Microsoft Settlement

Gentlepeople:

Enough is enough . It is way past time to closeout the Microsoft litigation. Antitrust regulation is supposed to be aimed at protecting the unwitting consumer who, ostensibly, is being plundered by the rapacious giant corporation.

As a regular user of computers and as one who runs a company that would be lost without them, I can only see benefit from our dealings with Microsoft and we have never had a problem integrating non-Microsoft product into our system if costs and needs so dictated. Microsoft has certainly fought to make themselves indispensable, but in so doing they have allowed the user an ease of communication that was not possible before.

It would seem to me that Microsoft has been a benefactor to me, to us, to the country and to all those in the world that seek to learn for themselves and to communicate with others.

The continuing harassment of this company becomes increasingly petty . . . for the judge to turn down an offer by the company to provide $ 1 billion of computers to classrooms is absurd.

Martin Fenton

MTC–00022016

From: old—school—144@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:33pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Bryan McKay
3610 W Ethan Crossing Ln
Tucson, AZ 85741

MTC–00022017

From: Pauline Schwager
To: Microsoft ATR
Date: 1/24/02 12:35pm
Subject: Microsoft Settlement

We were asked to comment on the proposed settlement of the Microsoft case. I read the complaint, which took almost two hours, and I must admit that I didn't, until now, know the extent of the complaint. It was quite an eye-opener.

I am in favor of free trade—the right of anyone to lawfully pursue business to his advantage and to the benefit of the society at large. I believe competition is good, that it benefits everyone, and that any entity that restricts that lawful competition must be censured and prevented from continuing that policy.

I read the proposed settlement and it seems quite fair. So if it is approval you are seeking for the settlement, I must say that I approve. Thank you for the opportunity of allowing the public to comment.

Pauline Schwager

MTC–00022018

From: wschaf@jps.net@inetgw
To: Microsoft ATR
Date: 1/24/02 12:32pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
wayne schafer
1117 sunlight circle
concord, CA 94518–1912

MTC–00022019

From: Kiraa1@msn.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:33pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Sincerely,
Charlie Angal
2469 Greenbrook Drive
Medford, OR 97504–8321

MTC–00022020

From: Tim Johnson
To: Microsoft ATR
Date: 1/24/02 12:37pm
Subject: Microsoft Settlement

I think that it is ridiculous that a company can have such actions against other companies, and the consumers. Then get off by doing what they do to promote themselves in the academic world in the first place. Which is giving away products that they make and want to have the students feel comfortable with then and lock the students into the use of the Microsoft products. This is what happens all the time for the company to promote themselves.

Microsoft can say that they are paying millions of dollars for a settlement that mainly contains the price of software that to Microsoft only costs 35 cents or so per CD. They are not coming anywhere close to the value of what they say that they are going to be actually penalized for their now reconfirmed (by the courts) predatory business practices.

The use of ''Innovation'' by Microsoft has become their rallying cry. However the general public has only been lulled into believing that Microsoft has come up with there ideas, when the ideas and practices have been around long before. They are just now gracing the ''Windows World'' with things that they bought up with companies or plain ''ol just decided to use.

They should innovate a ''reasonable and fair'' Microsoft.

MTC–00022021

From: Stephen Cronen-Townsend
To: Microsoft ATR
Date: 1/24/02 12:38pm
Subject: Microsoft Settlement

To Whom it May Concern:

I am a senior postdoctoral research associate in the Computer Science department at the University of Massachusetts at Amherst and am concerned about ways in which the proposed final judgment does not appear to restrict future anticompetitive practices by Microsoft. I am submitting these concerns according to provisions in the Tunney Act before the comment period ends on January 28, 2002.

The apparent fact that the proposed final judgment does not obligate Microsoft to release information about file formats is a very serious omission. As a Macintosh and Netscape Communicator user at home, I ran into Microsoft's past anticompetitive use of file formats last year, when I could not look at digitized photographs sent to me by a relative. It turns out that Microsoft invented a proprietary file format for image attachments to email that could only be decoded by their Outlook and other expensive email software. Their free software, Microsoft Outlook, and Netscape's free competing Messenger software (part of Netscape Communicator) that I used a at home at the time could not read the format. After studying resources on the World Wide Web, and despite my capabilties as a computer scientist, I came to the conclusion that there was simply no way to view the images that I was sent on my Apple Macintosh computer, without personally reverse engineering Microsoft's proprietary file format and writing my own decoder, which I did not have the time (100's of hours, probably) to do. There are plenty of completely workable and largely standardized formats for attaching images to email messages (MIME and JPEG, for instance), and it seems clear to me that I was kept from viewing the pictures of my distant cousins by Microsoft's anticompetitive practices. Since the proposed final judgment appears not to address this issue of proprietary file formats, I find it unacceptable.

Thank you for our time,
Stephen Cronen-Townsend
Greenfield, Massachusetts

MTC–00022022

From: jfenrich2@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:34pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Joyce Fenrich
12101 Bass Lake Road Chardon, OH 44024–8405

MTC–00022023

From: Martin Hechtman
To: Microsoft ATR
Date: 1/24/02 12:38pm
Subject: Settlement with Microsoft

A slap on the wrist is not the way to get the Microsoft management to be fair and

honest. They will continue to beaproblem for other development companies AND THE COMPUTER USERS

MTC–00022024

From: Dlh8ball@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:35pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Doris Hessler
166 Frazier Street
Brockport, NY 14420–1747

MTC–00022025

From: Dave Lewis
To: Microsoft ATR
Date: 1/24/02 12:39pm
Subject: Microsoft settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW Suite 1200
Washington, DC 20530–0001

This is a brief note to let you know that I am a co-signer of Dan Kegel's open letter on the proposed Microsoft settlement. I agree with the problems identified there, and believe that addressing them is crucial to the ongoing economic success of the information technology industry.

Regards,
David D. Lewis
David D. Lewis, Ph.D.
858 W. Armitage Ave., #296
Chicago, IL 60614 USA
ph. 773–975–7248; fax 773 442–0262
dave@DavidDLewis.com
http://www.DavidDLewis.com

MTC–00022026

From: Bud-Dee@iname.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:35pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Bud Trill
1771 MacDonnell Dr.
Palm Harbor, FL 34684–2345

MTC–00022027

From: Roselma L. Quinn
To: Microsoft ATR
Date: 1/24/02 12:38pm
Subject: settlement

Please, this has gone on long enough. . . can you not work this out for a settlement????

Thanks for your consideration in this matter.

Roselma Quinn

MTC–00022028

From: cameron—moore@agilent.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:38pm
Subject: Microsoft Settlement

To whom it may concern:

I consider the proposed settlement for the Microsoft anti-trust case to be a farce. There are many flaws contained in the proposed settlement and some would act to actually help Microsoft and not punish them for their tactics and past misdeeds. Most notable is the part where Microsoft would donate used computers and donate software- how incredibly galling!- which enables them to indoctrinate another generation of consumers to use Microsoft products. I'm sure the many responses you've received list the entire litany of problems with the settlement as it stands now. But the settlement as it stands is purely and simply wrong.

If you want a settlement with some teeth, something that will make an impact, consider this: Microsoft can donate computers and software to poorer schools, just make sure they are the products of their COMPETITORS. Whether it be iMacs or PCs running LINUX, this would go far into countering the negative effects caused by the many years of Microsoft's illegal activities. Besides, they're sitting on $32B so a $1B fine is 3% of their cash reserves- that is a very light punishment.

Thank you,
Cameron Moore

The opinions expressed above are my own and are not those of my employer.

Cameron Moore, Ph.D.
Engineering Scientist/5DX Systems Engineer
Automated Test Group
Agilent Technologies, Loveland, CO
970.679.5926(V)/5969(F)

MTC–00022029

From: Abrahamsen, Barry
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 12:40pm
Subject: Microsoft Settlement

Hello,

I am writing to express my dismay at the way the Federal Government's case against Microsoft has ended up. I have worked in the information technology industry since 1966 and Microsoft's behavior has been very detrimental to the health and competitiveness of the IT industry.

Microsoft is not simply an ''efficient competitor,'' it is a business that cannot, and has not, tolerated any competition, almost without regard to the size of the competing business, in the markets Microsoft is interested in. Microsoft has repeatedly said it believes it has done nothing wrong, with the singleminded conviction of a business that has only one goal in mind, to dominate an entire industry. Microsoft has shown that it will thumb its nose at the mild remedies imposed on it in the past, and it will continue to do this in the future, if strict and enforceable remedies are not imposed this time. Leaving Microsoft intact as a company was certainly a mistake.

My belief is that people who are supporting Microsoft have a vested financial interest in the company and their products, there is no ethical or legal consideration on their part. Microsoft still believes no one has the right to ''interfere'' with how it does business and will continue its monopoly behavior in the future—limiting choice, controlling prices and controlling access to the Internet, if allowed. Their schemes for controlling who uses their operating systems under what conditions and their schemes that involve the .NET business model, show the scope of their ambition.

We have little choice today (and businesses have almost no choice for desktop operating systems and applications) and we will have absolutely no choice in the future if something drastic is not done.

Barry Abrahamsen
Seattle, Washington

MTC–00022030

From: jatkeson@gmu.edu@inetgw
To: Microsoft ATR
Date: 1/24/02 12:40pm
Subject: Microsoft Settlement

The proposed settlement against the Microsoft monopoly is inadequate to either punish them or to insure that they won't continue their illegal conduct. Please push Microsoft to be much more open to the public about what their software is doing on our machines.

John Atkeson
3959 Persimmon Drive, apt 103
Fairfax Va. 22031
703 426 0121

MTC–00022031

From: Allan Walters
To: Microsoft ATR
Date: 1/24/02 12:39pm
Subject: Microsoft Settlement

Having read much of the commentary (both pro and con) about the proposed settlement of the Microsoft anti—trust case, I do NOT think that the proposed settlement is in the public's best interests. walters@netaxs.com

MTC–00022032

From: claudiapaz@webtv.net@inetgw
To: Microsoft ATR
Date: 1/24/02 12:37pm

Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
neal swanson
313 ashley oak lane
lake dallas, TX 75065

MTC–00022033

From: mparker@mei.net@inetgw
To: Microsoft ATR
Date: 1/24/02 12:38pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

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Sincerely,
MILDRED PARKER
5071 NORTH SHORE DR
DELTON, MI 49046

MTC–00022034

From: paul wilzbach
To: Microsoft ATR
Date: 1/24/02 12:41pm
Subject: Microsoft Settlement

The DOJ is NOT protecting the Public's interest with the proposed Microsoft antitrust settlement. Until a pc can be shipped without a Microsoft operating system and without economic retaliation from Microsoft, the technology industry will be held hostage to Microsoft's monopoly.

I will be writing my state's Congressional representatives to explore the Tunney Act to help protect us from the DOJ's monumental sellout.

There is no other way I can view this.
Paul Wilzbach

MTC–00022035

From: Steven K. Sharp
To: Microsoft ATR
Date: 1/24/02 12:40pm
Subject: Microsoft Settlement

The current settlement is not sufficient to keep Microsoft from continuing its predatory practices with regards to companies that compete against it. Without further restrictions Microsoft will continue to incorporate more functionality within the OS itself strangling any competition. As a monopoly allows Microsoft to continue producing low-quality, bloated, over-priced software that benefits no one except them. Sufficient judgements would be to split Microsoft into two companies (operating system and applications), open the source of the operating system itself, force Microsoft to document all application programming interfaces and file formats, or all of the aforementioned remedies.

Sincerely,
Steven K. Sharp
10705 Matinal Circle
San Diego, CA 92127

MTC–00022036

From: Peckinpaugh, Brett (Brett)
To: Microsoft ATR
Date: 1/24/02 12:39pm
Subject: Microsoft Settlement

I wanted to make sure my name was counted, Dan Kegel is sending in an excellent document explaining many problems in the current Microsoft Settlement. I agree wholeheartedly with his assesment and would like to see it followed up on. Please read what he sends in and use this information to change the settlement.

Brett Peckinpaugh
Denver Colorado

MTC–00022037

From: Jay Gordon
To: microsoft.atr(a)usdoj.gov
Date: 1/24/02 12:42pm
Subject: Microsoft Settlement
Dear Sirs,

The proposed settlement does nothing to hinder MS's monopoly power in the marketplace. Penfold's breakup plan was the real solution. MS has historically shown a willingness to ignore and evade behavioral sanctions. The OS marketplace can easily support more than 1 system. True competition would greatly increase the amount of true innovation by software companies.

Thank your for allowing my input.
Yours, JG
Jay Gordon
732–888–4895
jay.gordon@ieee.org

MTC–00022038

From: Rita R. Head
To: Microsoft ATR
Date: 1/24/02 12:41pm
Subject: Microsoft Settlement
Dear Ms Hesse:

Microsoft is a company that has long provided good products to consumers and businesses, and it provides opportunities for other software companies to develop programs for the Windows platform, as well. The provisions of the settlement, worked out with one of the nation's top mediators will be good for consumers, business, the technology industry and the economy as a whole On behalf of the Rantoul Area Chamber of Commerce, representing over 350 businesses within our area, I want to express our full support of the Department of Justice and the nine Attorneys General for their efforts to finally put an end to this case and agree to a settlement that is in our nation's best interest.

Sincerely,
Rita R. Head
Executive Director

MTC–00022039

From: Larry Gozrulak
To: Microsoft ATR
Date: 1/24/02 12:41pm
Subject: Microsoft Settlement
Dear Department of Justice,

Following are my comments in support of the recommendations put forth by the nine non settling states.

Microsoft's predatory, monopolistic, and anti- competitive practices are well documented. They are under legal fire in the United States, China, Brazil and Europe. But, with their enormous monopoly gained resources they are able to buy settlements with nine states, to buy endless legal delays (that promote a denial of justice) while their products and associated proprietary training become ubiquitous, capture the marketplace, and eliminate innovation and competition. Microsoft is the only large hi tech company to grow their earnings per share EACH quarter in 2001 and to increase their stock price by 30% BECAUSE they are a monopoly and not subject to pricing pressures. Microsoft's arrogance is magnified in these times when Americans are making sacrifices and responding with unprecedented patriotism to threats against our country and threats against our inherited legal system which protects us all and is the envy of the world.

Microsoft, Enron—the global investment community is watching. America's business practices are on trial.

THIS IS THE TIME FOR OUR LEGAL SYSTEM TO UPHOLD THE LAW FOR THE BENEFIT ALL BUSINESSES, CONSUMERS, INVESTORS, INNOVATION, COMPETITION AND INTERNATIONAL TRADE.

Best regards,
Larry Gozrulak
Lawrence F. Gozrulak
Technical Services Manager
Latin America Operations
Enterprise Services
Mission Towers 1, USCA28–602
Santa Clara, CA 95054–1203
Phone: 408–276–8759
m i c r o s y s t e m sFax: 408–276–8750
larry.gozrulak@sfbay.sun.com
CC:larry.gozrulak@sfbay.sun.com@inetgw

MTC–00022040

From: MARY D PUTTY
To: Microsoft ATR
Date: 1/24/02 12:41pm
Subject: MICROSOFT SETTLEMENT
Dear Department of Justice:

I believe that the suit against Microsoft is nothing more than welfare for Netscape and

others. Please stop this suit right now. Microsoft has suffered enough. I am a computer user and if Microsoft wants to give me something, I appreciate it. I am glad that Internet Explorer comes with my computer's operating system. If I wanted Netscape, I could download it, but I don't.

Thank you,
Mary D. Putty
San Antonio, Texas

MTC–00022041

From: lwright@cap-mpt.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:38pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against

Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Adelyn Wright
2211 E. Washington, #44
Pasadena, CA 91104

MTC–00022042

From: nanya@gte.net@inetgw
To: Microsoft ATR
Date: 1/24/02 12:39pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Patricia Joppien
4575 Thompson Rd.
Mulberry, FL 33860–9516

MTC–00022043

From: Ian Breheny
To: Microsoft ATR
Date: 1/24/02 12:42pm
Subject: Microsoft Settlement

I'd like to say that I strongly feel the settlement terms proposed last year are not only very inadequate but actually strengthen Microsoft by easing their path into the education market, one of the few markets they don't already own, lock , stock and barrel. The terms are fundamentally flawed, because they provide no meaningful remedy to the offense of illegal monopolistic practice; indeed, they ratify Microsoft's illegaly-gained monopoly status. The DoJ needs to realize that the settlement they proposed will not end the Microsoft battles, and work to achieve a more just settlement.

Ian Breheny

MTC–00022044

From: wt.catch1
To: Microsoft ATR
Date: 1/24/02 12:40pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Steven mungle
PO3233
Placida, FL 33946

MTC–00022045

From: Booroy2@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:43pm
Subject: ''Microsoft Settlement''
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse:

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. ''This is just another method for states to get free money, and a terrible precedent for the future,'' states the AOCTP, ''not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.''

This economically-draining witch-hunt has gone on long enough. Please do your part and stop this insane and unconstitutional harassment of legitimate American business.

Respectfully,
Roy M. Collins
3340 Carlton Road
Cumming, Georgia 30041

MTC–00022046

From: Edens, Jim
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/24/02 12:41pm
Subject: Microsoft Settlement

I believe that the settlement is more than fair, and no more time, expense and exorbitant legal fees to trial lawyers should be expended in this case.

If AOL/Netscape were to spend the same amount they are spending on lawyers to improve and make their product and service offerings more competitive, the consumer would be much better served.

Jim Edens
jedens@nespower.com
<mailto:jedens@nespower.com>

- QUOTE OF THE DAY -''The true meaning of life is to plant trees, under whose shade you do not expect to sit.''—Nelson Henderson

MTC–00022047

From: Jon Krueger
To: Microsoft ATR
Date: 1/24/02 12:44pm
Subject: Microsoft Settlement

To Whom It May Concern: I would like to express my analysis of the proposed settlement with Microsoft. I believe it is completely unsatisfactory.

1. It falls far short of what would be needed to discourage continued criminal behavior by defendant. It is a ''slap on the wrist'' that defendant will shrug off just as defendant has done in the past.

2. It fails to remedy the cost and damage defendant's conduct has caused consumers, competitors, and the industry.

3. It fails to establish a competitive market for innovation and value. The proposed remedies are entirely insufficient.

4. It leaves defendant free and indeed with a clear incentive to continue its criminal behavior, to continue to create and exercise monopoly power against the interest of all other parties. It leaves defendant free to extend its monopoly to other markets.

5. It leaves defendant free to continue to keep secret interfaces that lock out aftermarket solutions, cooperative solutions, and compatible solutions, thus depriving customers of substantial value and opportunity.

6. It fails to incorporate remedies designed by knowledgeable sources in the industry.

7. It offers numerous loopholes, weak enforcement, and insufficient remedies. It will do nothing to remedy defendant's conduct.

Thank you,
Jon Krueger
5631 Gatetree Circle
Pleasanton, CA 94566

MTC–00022048

From: PlDiBiase@cs.com@inetgw
To: Microsoft ATR

Date: 1/24/02 12:43pm
Subject: Microsoft%20Settlement

Althouh my knowledge of the proposed Microsoft Judgement is limited, in the final analysis it seems to give Microsoft more opportunities to expand its markets and no punishment for its anti-trust activities. In part I believe this because the little I do know comes from open source development community who feel that innovation will be thwarted and the rights of the people will be subverted. Please re-think this judgement. Computing is in its infancy and Microsoft is simply the richest of the innovators, not the best of them.

Thanks for your time.
Paul DiBiase
29 Sawyer Street
Portland, ME

MTC–00022049

From: WoodIsland@msn.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:38pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
James Wood
246 Cervantes
Lake Oswego, OR 97035–1208

MTC–00022050

From: Roj Snellman
To: Microsoft ATR
Date: 1/24/02 12:43pm
Subject: Microsoft Settlement

I am disappointed that our Justice Department and legal system appear to be selling out to corporate influence including lobbyists and corporate funded politicians. This is contrary to the freedom to succeed and fail required for the survival of our great competitive capitalist system. There is no end in sight to this quagmire. Only the Justice Department can lead the country out of this nightmare. Please consider the Justice Department resources wasted to date and future resources required as this political nightmare drags out over the next 10 years. The nonsense of the basic arguments supported by the Justice Department defy reason:

1. Microsoft is harming consumers by over charging for Windows: The facts prove that Windows is successful because it continues to be the least expensive operating system and provides more capability from the customers perspective.

2. Microsoft is harming consumers by adding new features to Windows: Successive Windows releases continue to add more features without increasing the price. Case in point, less than 7 years ago consumers purchased DOS, Windows, dial-up communications software, Internet Protocol communications software, disk management software, Internet browser software, word processing software, email client software, data exchange software, ... Everyone agrees that these separate software packages cost thousands of dollars and were very difficult to install and use. Microsoft customers demanded Microsoft add these capabilities fully integrated with Windows, bug free, and without increasing the price. Does the Justice Department dispute the fact the Microsoft's customers demanded these capabilities?

Continuous innovation is essential for the survival of many industries. Imagine purchasing a new car then after you drove it home installing a 3rd party trunk, radio, CD changer, speaker system, carpet, 16'' high tech wheels, air conditioning, ... If our auto industry stops innovating for just a couple of years Americans will buy all their cars from Asia and Europe. If the Justice Department slows the innovation of our software industry for the next several years Americans will buy all their software from Asia and Europe.

3. Microsoft's Windows platform is not open to competition. SUN and Apple force their customers to purchase their proprietary operating systems and hardware. Their hardware is not open to competitive operating systems. Their software will not run on competitive hardware. They charge consumers more for their products than Microsoft. Their platforms are not open to competition. This is one of the top 3 root causes of Sun's and Apple's failure in the marketplace.

For example SUN and Apple do not allow 3rd parties to develop video accelerator cards for their platforms. Their are over 10 companies that sell video accelerator cards for the Windows platform. The prices of these cards range from $80 to $350. The top end cards are extremely profitable and cost much more that Windows. Microsoft encourages and helps 3rd party software and hardware developers create new products for the Windows platform. The market for Windows platform 3rd party hardware and software is over $100 billion. This accomplishment is unparalleled by any other company or industry. Summary

Microsoft does not control technology, they are just one of the world's leading companies and will fail when they slow innovation. A good analogy is that Microsoft is riding the waves of technology. The waves of technology are controlled by nature, not companies or countries. Microsoft is in a very precarious position. When Microsoft looses customer focus, agility, or vision they will wipe-out off the latest wave or miss the next wave.

Our innovative technology industry will fail if the Justice Department continues to siphon it's momentum. Companies that focus on the Justice Department instead their customers are doomed to failure. As the Justice Department continues down this path Intel, Dell and every successful high technology company will be in it's sights. The Justice Department is afraid to dismiss this case and address the real threats to our great country. The Justice Department's failure to demonstrate the leadership required to do what is right is forcing every American to pay a high price.

Roj Snellman
rsnellman@cfl.rr.com
321–779–0757

MTC–00022051

From: Master Wizard
To: Microsoft ATR
Date: 1/24/02 12:41pm
Subject: Microsoft Settlement

I don't think the proposed settlement goes far enough. Microsoft has forced many small companies into bankruptcy by leveraging their monopoly on the desktop. The proposed settlement does nothing to stop this practice. This settlement is a bad idea. I am against the proposed settlement!

Edward W. Rouse ′

MTC–00022052

From: MPJ
To: Microsoft ATR
Date: 1/24/02 12:45pm
Subject: Microsoft Settlement

MicroSoft has abused other companies every chance it has had. I propose that a few laws that are not designed to be punitive, could have great effect on preventing companies from destroying competion, not only in the case of an unruly company like MicroSoft, but even with companies who could dominate a segment in the future; like CISCO or AOL.

1) Any sufficiently successful program, protocol or file format that dominates over 60% of it's market on a given platform must make the file format or transmission protocol it is based on an open standard. This would mean that anyone who wishes could read and write Word, PowerPoint and Excel files. This would not represent an undue hardship to a company as long as its product remained competitive. For example, the Flash (.swf) file format is an open standard. Any company could start making a Flash editor at any time. MacroMedia dominates this market because it makes the best product. Consumers win. MacroMedia keeps a dominant position as long as no one else makes a ''better product'' not by virtue of a ''compatible product''.

2) Companies must publish all their APIs for any OS they create. This prevents a company from building hidden accelerations or road blocks to competing application software—which MicroSoft has done on many occassions (WordPerfect, Netscape, Apple's Quicktime, Novell). A company acting ''above board'' would not be damaged by developers knowing their OS's API interface. I would be suprised by any compelling arguement that said; ''developers really know what is going on with our OS, and that is a problem.''

3) If a company is in a position that allows them special access to another companies software development, the standards for

copyright infringement should be higher. For example, if I am a developer and I must submit my application to Microsoft for approval, or I need to give them inside information about the functionality of my application in order to make my software run better on Windows, then the proof of origination in any subsequent software by Microsoft needs to be proven to ''be unique and original''. The court settlement between Apple and Microsoft stipulated that if either side produced a newly patented technique or algorithm, that the other party would have to license it from the first party whether or not they created something without reverse engineering. The burden of original work should be on the company with inside information. When Microsoft sells most of the software development programs, most of the OS and most of the APIs, they are at an advantage with respect to reverse-engineering any application on their OS. The courts and the public and the competing companies shouldn't have to ''trust'' a company with such an advantage. The companies in priveleged positions should have to ''prove'' origination on competing products or algorithms. A collective of business leaders elected in some way by their peers should have a review board to approve duplicate software submissions by priveleged parties before they can be bundled, sold or even given away. This does not in any way include the thousand of ''shareware'' developers that make many applications that are similar, because they do not have priveleged information that could give them an unfair advantage in reverse-engineering.

4) Illegal competition, copyright and patent infringment cases need to be sped up in the court system. Especially in situations where a company has limited capital and resources to defend it's means of revenue. In the case of Stacker software, it had to compete against Microsoft who began bundling it's major application in Windows (a compression program that effectively doubled the amount of data a given hard drive coult hold). It took years to settle in court, meanwhile Stacker had no revenue because the product was now free in Windows. When the case finally made it to court, Microsoft bought up a controlling interest in stock for pennies on the dollar. The the lawsuit was dropped because the major stockholder was not Microsoft—rewarded for their lack of ethics. In reference to suggestion (3), prior art cases where a priveleged party has duplicated the work of another company needs to be addressed within three to six months, with continuances only available to the injured party.

I believe better laws that would help make a more open market for everyone in this new age of intellectual property would pass the test in this settlement. It does not ''directly'' punish, nor is it unequally applied as such rulings could apply to all companies. It also prevents future abuses and benefits consumers in the long run. Enforcing such policies would make it easier on the court system, because it will be harder for Monopolies to abuse intellectual property and standards. Real solutions to this problem need to come forward. The settlement process should be out in the open and fair to the marketplace. There are not many left who actually believe the Microsoft cannot remove Internet Explorer from their operating system when one third party programmer developed a small program that could easily do just that (IEradicator, by Shane Brooks, 1999–2001 http://www.98lite.net). When Microsoft openly dismisses court rulings and even increases it's non-competitive practices (converting MP3s to proprietary MS-only format in XP, .NET in every aspect, automatically adding links onto web pages that connect to advertisers who have paid Microsoft, this list is just a small sample), it will only incourage other abuses of the courts will in the future.

I hope my suggestions may be helpful.

Mark Johnson

Senior Multimedia & Web developer

MTC–00022053

From: mslayton@intelos.net@inetgw
To: Microsoft ATR
Date: 1/24/02 12:43pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Melvin Slayton
3992 Weal Road
Chatham, VA 24531–4041

MTC–00022054

From: Jason Piterak
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 12:47pm
Subject'' Microsoft Settlement

Introduction

I write to comment on the proposed settlement between the US Department of Justice and Microsoft (the Proposal). I believe that the Proposal makes progress in the right direction, but does not go far enough. As a result, I urge you to deny this settlement and consider further action.

As a business owner and entrepreneur in the computer field, this ruling will have a direct impact on the well-being of myself and of my employees. Unfortunately, the proposed remedy will do very little to curb Microsoft's continuing abuse of Monopolistic power. The end result of this is likely to hurt my company and thousands of businesses like it.

I urge you to consider the arguments below. They are result of a combination of discussions with other experts in this field and, I think, give a good accounting of the reasons I and many of my peers oppose this proposed settlement plan.

Summary

* Microsoft holds a dominant position throughout the software industry. A remedy which deals exclusively with ''middleware'' is not sufficient. All Microsoft software should be covered.

* There should be no restrictions on pricing or product tying. Microsoft should be left free to develop and sell its products as it sees fit. The only exception to this are the rules which cover OEMs ability to include competing products instead of Microsoft ones.

* Microsoft's monopoly position is founded on its control of proprietary interfaces. Microsoft products are linked through a network of proprietary interfaces, making it difficult for competitors to produce software that will inter-operate with Microsoft software. If the proprietary interfaces were published then competitors could produce software that competed directly with Microsoft without the expensive and error-prone process of reverse engineering.

* These proprietary interfaces are in the form of file formats, network protocols and APIs. All three need to be made available to competing products.

* Where two Microsoft products work together the interface between them can best be made available by setting up a ''Chinese wall'' between the development groups responsible for them, and then requiring Microsoft to publish all the technical data that is exchanged between these groups.

* Where one copy of a product communicates with other copies of the same product (such as when an MS word document is sent to another MS Word user) the file format or communication protocol should be published in a form which allows independent verification that the product conforms to the published description.

* Special consideration should be taken of Open Source Software development over the questions of cost, trade secret status and patent licensing.

* The ''security related'' exception to disclosure should be narrowed to include only keys, passwords and similar security tokens.

Microsoft's Position

Microsoft currently holds a dominant position in the computer software industry, and as I shall show below it maintains this position through control of proprietary interfaces.

I believe that a fair and effective remedy should destroy the competitive advantage that Microsoft gains through its control of interfaces, but still allow it to compete and innovate on equal terms with its competitors.

In the longer term I would suggest that legislation be created to require all software companies above a certain size to publish the details of their interfaces, and thereby create a truly level playing field in the software market. However that is not the subject of this note.

Over the past decade Microsoft has repeatedly demonstrated a willingness to

evade or ignore regulations aimed at curbing its monopoly power. There is no reason to expect this behavior to change. Therefore any effective remedy must be drafted to block not only the past misdeeds of Microsoft but any it might devise in the future. The rules under which Microsoft is to operate must be unambiguous and, as far as possible, free from the need to make value judgments as to whether Microsoft has fulfilled its obligations sufficiently. Any such judgments will may be used as delaying tactics by Microsoft.

Product Tying

The current case was originally concerned with the alleged tying of Microsoft Internet Explorer with Windows 95, in violation of anti-trust law. However the list of features which users expect to find in an operating system has evolved over time, and continues to do so. A previous example concerns ''disk defragmenters'', which optimize the arrangement of data on a disk in order to speed up access. Before Windows 95 these programs were sold separately by competitors to Microsoft. When Windows 95 was released it included a disk defragmenter. The competing companies could no longer sell their existing products, but there was no public outcry because disk defragmentation is generally considered to be a function of the operating system.

Suppose that ten years ago Microsoft had been effectively prevented from adding new features to Windows: today a modem PC would have to include a dozen or more small packages of software which would be more economically produced and sold as a single product. Computer vendors would have to purchase and integrate all of these small packages, and buyers would have to cope with a bewildering checklist of small but important items that they would have to ensure their computer included.

Thus a fair and effective remedy cannot enjoin Microsoft from ever bundling new functionality in its products, even when a market for that functionality already exists in third party products. US anti-trust law deals with this point by requiring that product tying of this sort be of benefit to consumers, and prohibiting predatory pricing. However this principle is of little help in the software market. There is no ''fair'' price for software in the sense that there is for physical products (i.e. the unit cost plus a reasonable profit) because there is no unit cost. The cost of software is entirely in its original development. Left to themselves software vendors will set a price which maximizes their income, but there is no link between this price and the cost of development. Any plan to regulate Microsoft by imposing fair prices must therefore remove entirely its right to set its own prices, and this in turn will require it to negotiate a price for software before starting development. The result would be an effective nationalization of Microsoft, and is highly unlikely to benefit consumers. But if Microsoft is free to set prices, even to set them at zero, then it can effectively tie products by distributing free add-ons at the point of sale.

Therefore I must reluctantly conclude that regulating Microsoft's ability to tie products is likely to do more harm than good, and should not be included in the final remedy. Microsoft should be left free to determine what functionality is included in each of its products.

The Proposal also sets rules for the related issue of the ''Desktop''. This properly prevents Microsoft from ensuring that its products are more prominent on the desktop than those of its competitors. Such user interface concerns are important, but are not the subject of this note.

Interfaces

The Proposal concentrates on the ''Application Programmer Interfaces'' (APIs) to Microsoft ''Middleware'' (a vaguely defined term, roughly meaning software that sits between the operating system and the applications employed by end users).

The Proposal is right to concentrate on interfaces. Microsoft has always used proprietary interfaces to manipulate the market and lock out competition. To illustrate how this works, suppose Microsoft sells products Foo and Bar which communicate via a proprietary interface. I purchase Foo, and subsequently want the added functionality of Bar. There may be many competitors in the market for Bar, but they are effectively excluded from my consideration because their products cannot communicate with Foo.

Similarly if copies of Foo communicate with each other through a proprietary interface then anyone wishing to work with me must also purchase a copy of Foo. This creates a ''network externality'' which ensures that, even in a competitive market, the best option for an individual consumer is the product with the largest market share, since this brings them into the largest population of potential collaborators.

By creating a web of proprietary interfaces, both between products and between its customers, Microsoft has ensured that it is locked into its market in a way that has never before been possible. It is this stranglehold on the market for software that must be broken. Since Microsoft has used its control of proprietary interfaces to achieve this, it is on interfaces that any effective remedy must concentrate. The focus of the Proposal on ''middleware'' is misguided. It excludes applications and operating systems, which are the two areas where the monopoly power of Microsoft most needs to be restricted. Furthermore its vague definition creates too much opportunity for Microsoft to redefine critical interfaces as something other than ''middleware'', leading at best to argument and delay.

Examples

It is worth looking at two of these interfaces to see how they lock Microsoft into the market.

* Microsoft Office is the leading ''office productivity suite''. There are competitors, but they are critically hampered because their users cannot reliably exchange documents with MS Office users. Some degree of inter-operability does exist, but this has been enabled by painstaking ''reverse engineering'': the competitor can only learn about document formats by inspecting the files created by Office and trying to deduce how each part of the document is encoded in the file. This process is expensive and error-prone, and Microsoft can always introduce new features faster than they can be reverse engineered. As a result no existing competitor to Office can reliably import a complex document. Consumers know this, and therefore avoid these competitors. This prevents the competitors from gaining market share, no matter how good their products might otherwise be.

* The Kerberos security protocol was developed by MIT and has now become an important component of many systems. Microsoft included Kerberos support in Windows 2000, but with a small change. Kerberos is an ''authentication'' protocol: it guarantees that the parties to a transaction are who they say they are. Microsoft added authorization data to the protocol. This meant that Windows 2000 would only grant access to shared files and printers if the Kerberos ''ticket'' presented by the user had been issued by a Windows 2000 server. This appears to have been an attempt to lock competitors (including the freely available MIT server) out of the market for Kerberos authentication products. In response to a public outcry within the computer industry Microsoft first insisted that the format of its extra data was a trade secret, and then released the data on its web site under a ''click-through'' license under which the recipient promised to keep its contents a secret. I will return to this strange license later in the section on Open Source Software. The net effect of this web of proprietary interfaces is to make any mix of Microsoft and competing products less functional than a pure Microsoft solution. A pure non-Microsoft solution is not usually possible, either because Microsoft has driven the competition into the ground or because there is a need to communicate with others who are using Microsoft. Hence the only choice is between a pure Microsoft solution and a mix. In a world which is dominated by Microsoft there can only be level competition if the interfaces to Microsoft software are equally open to all competitors. Files, Protocols and APIs

There are three types of interface which an effective remedy must address: files, network protocols, and APIs. Files stored on disk are an important repository of value for any computer user. The ability to read this data and exchange it with others is the most important requirement for any new software. Therefore Microsoft should be required to disclose the file formats for all its software. This will enable competitors to create software which reliably works with files created by Microsoft software. The main immediate effect of this will be to enable competitors of Microsoft Office to compete on a level playing field. In the longer term it will prevent Microsoft from using the proprietary file format of any popular application to gain a monopoly position through market lock-in.

Similarly, protocols used to communicate over networks should be opened up. The Kerberos example above illustrates how even seemingly minor proprietary extensions can create strong market lock-in. As the Internet becomes increasingly important so the use of proprietary protocols will become an important method for Microsoft to maintain its monopoly position unless it is stopped.

APIs are a much more complicated issue than files and protocols. For every file format or network protocol used by Microsoft there are thousands of ''function calls'', the basic element of APIs. Function calls are used both within a single product and between products. There is no simple way to distinguish the function calls which are made within a product and those made between products unless the products in question are designed to work separately as well as together. Microsoft has already used this fact to obfuscate the question of whether Internet Explorer is intrinsically integrated with Windows 95. It can be expected to use this tactic again in the future. Since it is not feasible to use product tying rules to prevent this (see above), I suggest that Microsoft be required to identify every API which is used to communicate between software in two different products, and disclose that API in full. The smallest unit of ''API'' to be disclosed should be the ''DLL'' (Dynamically Linked library). In Windows a DLL is a single file which provides collection of functions to other software. Making DLLs atomic for disclosure purposes will encourage Microsoft to keep the APIs for communication between products distinct from the APIs within products, thereby reducing the work required by competitors who wish to offer competing products which offer the same APIs.

Disclosure Mechanisms

Detail

The Proposal has nothing to say about what level of detail will be included in the interface descriptions. This issue is not trivial. For programmers, the ultimate description of what a function within an API does is the source code which implements that function, which leads programmers to say ''use the Source, Luke'' when faced with a detailed technical query about a piece of software. However the inspection of source code is not always practical, either because the code in question is proprietary (as in this case), or just because it would take too long to understand. Hence developers routinely produce documentation which describes the functions in an API in a more readable form.

The Proposal seems to envisage this kind of documentation being made publicly available. However there does not appear to be any incentive to Microsoft to make this documentation complete or accurate, other than enforcement by the courts. Since this kind of document can never be 100% complete or accurate the question will arise as to whether it is good enough. If Microsoft acts true to form it will inevitably argue that its documentation is indeed good enough, and will carry on arguing this until it becomes a moot point.

To avoid this problem I suggest that Microsoft be required to erect ''Chinese walls'' between the development groups working on different products. Only published documentation may be exchanged between these groups. Hence if Microsoft wishes to sell two products which work together it can only do so if it also informs its competitors how to make products which will can work just as effectively.

The remaining problem on detail is the file formats and protocols used when one copy of a product communicates with other copies of the same product. The Chinese wall system will not work here. However since this problem is restricted to file formats and protocols the problem of ensuring the adequacy of documentation is much smaller.

Established techniques (such as BNF grammars and state machines) can completely describe file formats and protocols, and these can be used as the basis of an unarguable technical finding that either the software or the documentation is defective. This is not a complete solution to the problem, but it should level the playing field sufficiently to allow competition.

Publication and Open Source

Since this case started Open Source Software (OSS), such as the Linux operating system, has become a significant competitor to Microsoft. Therefore any effective remedy must take account of the special requirements of OSS development over normal commercial software development. The primary issues here are costs, trade secrets, and patents.

Costs:

Whatever disclosure mechanism is chosen for interface descriptions, it must be within the financial reach of open source developers. A subscription of several hundred dollars a year, such as is required for the Microsoft Developer Network, is trivial for a competing software company but a major hurdle for a volunteer developer working on OSS. Given that interface descriptions must be prepared for competitors, there is no reason why they should not be distributed for free over the web rather than only made available to an exclusive club.

Trade Secrets:

Microsoft must not be allowed to pretend that these interface descriptions are trade secrets, as it tried to do with its extension to Kerberos. Because OSS packages include the full source code they inevitably reveal the full details of their operation to any programmer who downloads them. If Microsoft can claim trade secret status on an interface it can effectively block any OSS package from using that interface, since to do so would reveal the ''secret'' of its operation.

Patents:

Microsoft has not made much use of patents to protect its market, preferring to rely on proprietary interfaces. However if it is prevented from using proprietary interfaces it may decide to use patented ones instead.

When Microsoft next introduces a new interface, especially a network protocol, it would be a simple matter to obtain a patent covering the operation of that interface. At that point any competitor wishing to inter-operate with Microsoft products using that interface would have to license it from Microsoft. The usual solution in such situations is to require licenses on ''Reasonable And Non-Discriminatory'' (RAND) terms. However even RAND terms require payment. OSS developers are unable to offer payment. Therefore the Remedy should require Microsoft to license its patents on RAND terms to commercial software vendors and on Royalty Free terms to Open Source projects.

Incidentally, Microsoft has described OSS as ''un-American'' and ''an intellectual property destroyer''. These descriptions try to tar OSS developers with the same brush as software pirates. This is incorrect, Software pirates selfishly take the work of others and use it without paying. OSS developers take their own work and permit others to use it for free. This is a wholly generous act, fully in keeping with the American ideals of volunteerism and service to one's community.

Security Details

The Proposal includes a broad exception for ''security related'' information. However Microsoft could argue that almost any interface, especially APIs and communication protocols, is ''security related'' if it is used to carry any kind of authorization or authentication information. Indeed, it made exactly this argument when it initially refused to reveal its extensions to Kerberos. Therefore the exception for security related information must be narrowly drawn.

Fortunately this is not a major problem. It is a basic principle of computer security that would-be intruders will eventually learn the operational details of your security mechanism, either by reverse engineering or by other less legitimate means. Any security which depends on the intruders remaining ignorant of these details is known as ''security through obscurity'', and regarded by security practitioners as inadequate at best. Therefore the only items which should need to be kept secure are the keys or passwords which operate the software. These can be easily changed if they are compromised. Hence if security interfaces are well designed then they will not need to be kept secret. And if they are not well designed then Microsoft should be required to remedy the fault rather than keep this fact secret.

Conclusion

The proposed Settlement would have little effect upon the business practices of Microsoft. If adopted in its current form them the result will be no change to the behavior of Microsoft, and yet another prolonged court case in another five or ten years.

Any effective settlement must concentrate on opening up the markets that Microsoft has effectively closed by its use of proprietary interfaces, file formats and protocols.

I hereby respectfully submit these comments for your consideration,

Jason Piterak
Jason Piterak
System Architect
CIS Technical Services
33 Main St., Suite 302
Nashua, NH 03064
(603) 889–4684—FAX (603) 889–0534

MTC–00022055

From: Barnett-Lewis, William
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 12:45pm
Subject: Microsoft settlement

The proposed settlement of the DOJ anti-trust actions against Microsoft are completely contrary to the best interests of the consumer and of the nation. Microsoft has shown, repeatedly, an utter contempt for the law and

legal proceedings. The proposed settlement will simply reward them for their contempt of court.

William Barnett-Lewis
238 N. Marquette
Madison, WI 53704

MTC–00022056

From: robin brown
To: Microsoft ATR
Date: 1/24/02 12:47pm
Subject: Dear Sirs,

Dear Sirs,

I'm writing today to express my support for Microsoft and ask that you not impose sanctions on this company. I used Microsoft's products every day by choice and have derived nothing but benefit from them. In no way am I prevented from using other companies products, I simply choose to use Microsofts because they fulfill my needs better. In particular, I use Microsoft's hotmail service, its free email provider. I signed up in 1998, and have used it continuously since then. This has been my lifeline to my friends and family when I have been abroad and has been a great benefit to me. All I have received from AOL has been a continuous supply of unwanted CDs entreating me to sign up for AOL. I have several icons on my computer screen that I've never been able to remove because of software that installed the icons for AOL without my consent. I object to this, and this is the main reason that I will have nothing to do with AOL's products. If AOL feels they are losing market share to Microsoft's products, they should look to their own business practices before they blame Microsoft.

Microsoft's hotmail has been provided for me for free. Would you impose sanctions that would force me to use a fee based service because Microsoft's free email supposedly damages its competitors? What about the damage that imposing sanctions would do to individuals like me? Microsoft is a competitive company that has embodies the american idea of competition and success. Restraining it with the jealousy of unsuccessful competitors will only damage the public. Please leave Microsoft alone.

Best regards,
Robin Brown

MTC–00022057

From: blss@iolwest.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:44pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Barney Sieber
253 Fir Tree Place
Goleta, CA 93117–1110

MTC–00022058

From: miteymo@attglobal.net@inetgw
To: Microsoft ATR
Date: 1/24/02 12:44pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Maureen De Witt
135 Penland Lane
Missoula, MT 59803–2451

MTC–00022059

From: Nelson Bartley
To: Microsoft ATR
Date: 1/24/02 12:46pm
Subject: Microsoft Settlement

I was a Microsoft user since the days of Dos 6.22.

I've used every version of windows from Win 2 to win XP and every time I have felt that my money investment was unjustified in the company.

I have since switched over to linux (this is being written from work on an ME box) as my primary desktop, as well as my file/print server.

I have found it to be a much better investment in time and resources, as it provides a constant stream of updates, and feature enhancements, and provides a strong community of free support on every aspect of the operating system.

NB

MTC–00022060

From: Joe Smith
To: Microsoft ATR
Date: 1/24/02 12:41pm
Subject: Microsoft Settlement

I am writing as a concerned citizen who has worked with computers in Biomedical research for almost 25 years. If the proposed settlement is allowed to stand, I believe it will cause great harm to the computer industry and to our society. Detailed arguments have been published by others better qualified in both information technology and the law, so my comments will be brief:

The proposed settlement

(1) does not punish Microsoft for it's illegal actions.

(2) does not deprive Microsoft of the profit from it's illegal actions.

(3) does not prevent Microsoft from continuing to maintain it's monopoly in desktop operating system and application software.

(4) will not prevent Microsoft from using it's monopoly position to aggressively and unfairly compete in related markets. Many, including apparently the Department of Justice, feel that the status quo is acceptable and that Microsoft's monopoly is ''benevolent''.

This is a fundamental misjudgement. Absolute power in any segment of society is unacceptable, regardless of how efficient or benevolent it may seem. A healthy IT industry and economy requires free competition among a variety of companies and technologies.

That Microsoft's monopoly has already harmed it's customers is plain if you compare the open and competitive PC hardware sector with the Microsoft-dominated PC software sector. Hardware performance has increased geometrically (roughly doubling every two years) while costs have decreased. PC software performance, on the other hand, is marginally better than it was 10 years ago and it is MORE expensive. Perhaps even more damaging is the precedent this settlement creates: a company with a history of anti-competitive behavior and resistance to legislative action, convicted of illegal activity, is walking away essentially unpunished, a corporate scofflaw. This sends a powerful message to other large corporations and even to other countries that the US government is unwilling or unable to pursue such matters to a fair and just conclusion.

Thank you for the opportunity to comment on this matter,

Joe Smith
Thomas Jefferson University
Dept. of Pathology, Anatomy & Cell Biology
577 JAH
1020 Locust Street
Philadelphia, PA 19107
jes@martnet.com

MTC–00022061

From: David Stever
To: Microsoft ATR
Date: 1/24/02 12:46pm
Subject: Microsoft Settlement

I think that it's terrible that the Justice Department has let Microsoft off the hook for it's terrible monopolistic practices. The remedies that have been arrived at are the merest slap on the wrist, and don't adequately address Microsoft's practices.

David Stever
55 N. Griggs St.
St. Paul, MN 55104

MTC–00022062

From: Frank Stephenson
To: Microsoft ATR

Date: 1/24/02 12:49pm
Subject: Microsoft lawsuit

Would you please quit trying to bankrupt Microsoft! Get off their back and let their competitors put out a product that is as good or better and get their money that way. Our current economic situation can probably be traced to this stupid lawsuit.

Frank Stephenson
Stonewall, TX

MTC–00022063

From: Mike Howsden
To: Microsoft ATR
Date: 1/24/02 12:47pm
Subject: Microsoft Settlement

I DISAGREE with the microsoft settlement and I don't think settling with microsoft without adequately punishing them and deterring them from future monopolistic practices is adequate. The current settlement agreement is neither good for the country nor the economy. Also, by allowing Microsoft to ''pay'' with free software, you are basically costing them nothing, if not helping them continue monopolistic practices. A possible solution may be to open the source to windows ''95 or something, at least that could give competitors a much needed edge after years of being illegally discrimated against. the current settlement is less than a slap on the hand. thanks for your time.

Mike Howsden
845 E. 275 N. Apt #3
Logan, UT 84321

MTC–00022064

From: W. Ryan Campbell Jr
To: Microsoft ATR
Date: 1/24/02 12:41pm
Subject: Microsoft Settlement

Please count me as an American citizen who believes that Microsoft's proposed settlement is definitely a bad idea. Please do not accept it.

Sincerely,
William Ryan Campbell Jr.
<mailto:w—c@email.com>

MTC–00022065

From: Leo Schuman
To: Microsoft ATR
Date: 1/24/02 12:49pm
Subject: Microsoft Settlement

This settlement will cripple the long-term health of the software industry.

MTC–00022066

From: Josta46@webtv.net@inetgw
To: Microsoft ATR
Date: 1/24/02 12:43pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Randall Bunch
183 Oak Drive
Kingston, TN 37763–4738

MTC–00022067

From: ATT Mail
To: Microsoft ATR
Date: 1/24/02 12:46pm
Subject: Microsoft Transgressions

While I am a firm supporter of Microsoft operating systems and products, which I believe are the best available, I feel the focus should be on Microsoft's control of the IHVs/ISVs. Microsoft controls the content, form, and function of third-party products through incentives and programs for manufacturers and their ''Logo Certification Process'', ostensibly a quality control program but in practice a way to dictate feature sets and behavior of non-Microsoft hardware and software.

thanks,
Mark Lobodzinski
lobodzinski@attbi.com
817 466–3508

MTC–00022068

From: Camm Maguire
To: Microsoft ATR
Date: 1/24/02 12:50pm
Subject: Microsoft Settlement

Greetings! I think that the proposed final settlement in the Microsoft case fails to address several key anti-competitive practices used by Microsoft to create and sustain their monopoly. These include Microsoft's prohibition against shipping its products in conjunction with publicly available software, Microsoft's prohibition on running applications created with its tools on competing, publicly available operating systems, and Microsoft's per-processor licensing charges to large customers, even when many of these processors are running a competing operating system.

Please reject this settlement in favor of a more comprehensive solution.

Thank you for your consideration.

Camm Maguire camm@enhanced.com

MTC–00022069

From: jtolar@nycap.rr.com
To: microsoft.atr(a)usdoj.gov
Date: 1/24/02 12:51pm
Subject: The government should be the sole expression of power of citizens. When any person, in Microsoft's c

The government should be the sole expression of power of citizens. When any person, in Microsoft's case, a corporate person wields too much power other persons'' freedoms are placed in jeopardy. It is all the worse when a corporate citizen abuses its great power such as Microsoft has done. But in truth no citizen corporate or private should ever hold great power at all unless it is elected by the people to do so. If the foundation of American Democracy and Republic is to be sustainable it must prevent any citizen from having power far in excess of any other by which it can then rival that of the nations elected officials. Microsoft past actions only demonstrate why this principle is sound and why we should take away its ability to bully the market. Quite simply, if it goes unchecked, later will we have the ability to stop Microsoft from bullying the the nation?

James Tolar

MTC–00022070

From: Sam Desmond
To: Microsoft ATR
Date: 1/24/02 12:48pm
Subject: Microsoft Settlement

Dear Madam or Sir,

My name is Sammy E. Desmond, Jr. and I am Senior System Analyst with a major chemical company. I have a Bachelor of Science Degree in Computer Science and I have over 19 years of experience with computers. The purpose of this letter is to submit my comments concerning the Microsoft anti-trust settlement in accordance with the Tunney Act.

As veteran of the computer industry and as a parent advisor to my local school districts technology committee, I have seen first hand the devastating effect Microsofts monopoly power has caused. There are numerous examples of how they abused their monopoly position to stifle competition and reduce consumer choice.

I have thoroughly examined the proposed settlement and cannot find anything that even comes close to being a remedy to the antitrust violations that Microsoft has already been found guilty of. As you are well aware, Microsoft Corporation has already been found guilty of abusing its monopoly power.

At the very least, a just penalty should include the following:

* Restrictions must be put in place that force Microsoft to publish and fully document all present and future file formats of any documents created by Microsoft application software. This will invigorate competition from other software producers and allow the data to be read by other programs and on other operating systems.

* Microsoft must be required to publish and fully document the Windows Application Program Interface (API).

* Microsoft products must be positioned as optional, extra cost items on brand new computer systems. Consumers that do not wish to purchase the Microsoft products should not be forced to do so. The current non-optional bundling of Microsoft products with new computers is sometimes referred to the Microsoft Tax in which the price of the Microsoft products are included in the price of the computer even if the consumer erases the Microsoft products and replaces them with something else.

* Also, any current and any future Microsoft networking protocols must be published and fully documented in full and approved by independent industry bodies.

As the Internet becomes a more important part of civilization, it is extremely important that Microsoft does not extend its past abusive behavior into that realm. If Microsoft is not sufficiently penalized and is allowed

to extend its monopoly influence to the Internet, the results would be disastrous. As a matter of fact, the highly respected Center for Strategic and International Studies released a study a year ago that stated Microsoft software poses a U.S. national security risk. See the following web site, which describes this report:

http://www.cnn.com/2000/TECH/computing/12/29/csis.microsoft.report.idg/

In closing, history offers numerous cases when bad decisions were made for which future generations paid a heavy price. Please take this opportunity to properly punish Microsofts abusive behavior while there is still time.

Respectfully,

Sammy E. Desmond, Jr.

3930 Suncrest / Groves, Texas 77619 U.S.A.

(409) 723–3226 / sdesmondjr@yahoo.com

MTC–00022071

From: mike@Sun.COM@inetgw
To: Microsoft ATR
Date: 1/24/02 12:51pm
Subject: Microsoft Settlement

Dear sirs,

I'm writing to express my opposition to the DOJ/Microsoft settlement. As I'm sure you're aware, Microsoft holds a monopoly position in the desktop operating system market, a position they regularly use to bully and coerce other companies into agreements that benefit only Microsoft, in the long run. This is fact, as supported by the original findings of the DOJ case against Microsoft. Further, Microsoft not only seeks to maintain their monopoly in the desktop operating system space, but to expand it into wireless and handheld devices, as well as low earth orbit satellite systems and media outlets, as evidenced by their controlling shares purchased in those companies and industries.

I urge you to please reconsider this settlement, as it is ultimately bad for consumers and competition, as well as the data processing / communications and mass media industries. I sincerely feel that if this decision is allowed to pass, the DOJ will have to expend far greater resources in the future to reign in a larger, more influential software and electronic media giant than the one we are dealing with today. Please do not waste the tax dollars of myself and others on future litigation. Act now to divest Microsoft, as was originally recommended.

Sincerely,

Mike Roncadori

MTC–00022072

From: McClure, Scott
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 12:42pm
Subject: Microsoft Settlement

Dear Department of Justice executives,

I appreciate the opportunity to express my opinion regarding the Microsoft Settlement via the Tunney Review process. We consumers have the freedom to choose which vendor's operating system we want and what hardware to run it on. In addition we can choose which web browser we want to use. If an operating system upgrade causes problems with old software, then we can choose not to upgrade, or select a different operating system altogether. I think the people should decide which operating system is most compatible with the products they like. That decision is made people who are informed about their technology choices whenever they select one product over another. As people become more informed about their technology choices, there will be few disputes about some vendors success over others. The people will decide when they choose some vendors over others.

Thank you for your time on this issue. I am sure there are other cases that deserve your time more than this one.

Scott McClure

MTC–00022073

From: Gregory Thomy
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 12:51pm
Subject: microsoft settlement

The proposed settlement is BAD idea

MTC–00022074

From: Scott Frey
To: Microsoft ATR
Date: 1/24/02 12:57pm
Subject: Microsoft Settlement

I belive that the proposed settlement for the case will not only be ineffective, it will only prove that Microsoft has a monpoly that includes the federal government. Why does my government buy *anything* from a convicted criminal?

''I was fed up with it. The last straw was when the developers kit for Windows 95 came out on 12 CDs. The entire human genome fits on one CD. You can't tell me that software needs to be that complicated.'' —Jim Kent, UCSC, who wrote the 10,000 line C app that assembled the first draft of the human genome

Scott Frey
608.256.9050
Hyperion Studios: Technical Manager
WORBA: Past President
IMBA: Wisconsin State Representative

MTC–00022075

From: Larkin Selman
To: Microsoft ATR
Date: 1/24/02 12:53pm
Subject: Microsoft Settlement

I need a viable alternative to Microsoft Windows.

I do not feel that the proposed settlement will do much to break monopoly that Microsoft has on the OS market. Microsoft must be forced to make its OS code open to competitors. Microsoft's punishment should be sufficient to dissuade them from future monopolistic behavior.

Larkin Selman, M.D.

MTC–00022076

From: Wade Maxfield
To: Microsoft ATR
Date: 1/24/02 12:51pm
Subject: Regarding the Settlement between US Gov and Microsoft

Microsoft has had a long history of blatantly ignoring the US Department of Justice agreements they have signed. That is why they ended up before the court in the first place.

This latest agreement appears to mimic B'rer Rabbit's Response to B'rer Fox—''Please don't throw me in the briar patch!'' Whereupon the rabbit laughs at the fox and runs off happy as can be. Because Microsoft owns over 90% of the desktop market, and because they act like they own over 90% of the desktop market, their ability to act like a monopoly should be severly curtailed. This means that alternative operating systems owned by other entities (commercial or not) should be introduced into the educational mainstream by Microsoft. Alternative operating systems owned by other entities should be supported and fostered by Microsoft.

For example, Microsoft should actively develop, sell, and support Compilers, Development Environments, Office application systems, Internet explorer, and other products for other operating systems, including Macintosh, AIX, Linux, BSD in an equal manner. Microsoft should also be curtailed from electronically collecting detailed information from end users, whether for product activation or product execution. To allow them to continue their current practices could present a national security risk. Other branches of the government have already shown by anecdotes that Microsoft products have many security holes. According to newspaper reports, Passport has been hacked, Windows XP has been hacked, etc. The FBI has put out stern warnings. The list continues.

To avoid concentrating too much power into too few hands, the information collection systems portion of Microsoft should be spun off into a stand alone unit. Already collected information would be available under the purview of current legal structures in various states. This would allow third parties equal access, preventing a monopolistic freeze out. This would derail much of Microsoft's current advantages.

Finally, please do not allow the current ''slap on the wrist'' to be the final word to Microsoft. It will do nothing to curtail Microsoft's predatory business practices. If it stands as is, it will result in Microsoft ending back in court within a decade, with even more difficult

decisions to be made.

sincerely,

Wade Maxfield

MTC–00022077

From: Matt Scilipoti
To: Microsoft Settlement U.S. Department of Justice
Date: 1/24/02 12:47pm
Subject: Microsoft Settlement

Matt Scilipoti
7539E Weatherworn Way
Columbia, MD 21046
January 24, 2002
Microsoft Settlement U.S. Department of Justice

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition

in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief. Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Matt Scilipoti

MTC–00022078

From: hawcreek@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:49pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Gary McMains
Rt 1 Box 116
Stover, MO 65078

MTC–00022079

From: kenweger
To: Microsoft ATR
Date: 1/24/02 12:46pm
Subject: Microsoft Settlement

Sir:

This, attachment, is a letter sent to you via Fax 1/24/02. I just wanted to make sure you did indeed, receive this plea to let the market place decide on what programs are best for the consumer. I have both Netscape and IE for my browsers, and much prefer IE as being better and more true to what a browser should be. I also, have Linux, O2 & Windows as my operating system, and again prefer MS as better all around and much more to my needs. So, why should those companies, that can't compete with one another, just either become better or stop ''crying'' when another company bests them on their own playing field? I don't find anything that MS has done to be anymore than a better competitor and present a better product for me, as a consumer, to enjoy. It really is my choice as to what I want to use, not the government or the ''cry-babies'' of the industry. Does one team that loses to another better one, file suit as unfair or do they try to improve and be better than their opponent? that is what I feel is happening with Microsoft.

Thank you for your consideration in this matter. I as a consumer will profit.

Kenneth J. Weger
Ken (WA6EMU) & Nancy (KA6FHE) Weger
P.O. Box 1079
Colfax CA 95713
(530) 346–8877
kenweger@cwnet.com
Webmaster for:
http://www.foothill.net/gcpcug (Gold Country PC Users Group)
http://www.calodges.org/no51 (Illinoistown Masonic Lodge No. 51)
http://www.foothill.net/GCDBSA (Gold Country District Boy Scouts)
http://users.cwnet.com/kenweger Personal Information with photos)
http://www.foothill.net/colfax/lions (Colfax Lions Club International)
http://www.foothill.net/colfax/history (Colfax Area Historical Society, Inc.)
http://www.gbgm-umc.org/colfaxumc (Colfax United Methodist Church) http://www.foothill.net/GCDBSA/scouter.html (Ŕsuḿ of a consummate Scouter)

MTC–00022080

From: Tom.Nostrand@goodrich.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:51pm
Subject: (with a subject of ''Microsoft Settlement')

To Whom It May Concern:

I think the proposed settlement is a bad idea. We need to prevent corporate monopolies from squeezing out all our choices.

''No to Microsoft''.

MTC–00022081

From: ThomasAveni@cs.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:49pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Thomas Aveni
279 Westmoreland Road
Spofford, NH 03462

MTC–00022082

From: searcher5@bigfoot.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:51pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Alex Piliper
5330 Zelzah Ave. #9
Encino, CA 91316

MTC–00022083

From: aappell@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:51pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Allen Appell
527 Woodland Road
kentfield, CA 94904

MTC–00022084

From: Paul Dembry
To: Microsoft ATR
Date: 1/24/02 12:48pm
Subject: Microsoft Settlement

Your Honor,

I have followed the various Microsoft cases for many years. My company uses many

Microsoft products as well as many from Sun Microsystems, IBM, Hewlett-Packard, Silicon Graphics, Compaq, and Apple. We run our main software developement system on RedHat Linux.

When Netscape's predecessor browser Mozilla became available, we started using it within our firm. After all the price was right (free!) and it worked ok most of the time. When it crashed, you just restarted it. We are a software development firm and so this did not bother us. When Netscape added features to this original browser and packaged it as the Netscape Browser, we eagerly downloaded and used it for the same low price (free!). At the time, Netscape was the dominant provider and acted like it was the only provider. They were arrogant and when faced with product deficiencies, their response was ''take it or leave it.''.

Then Microsoft decided that the Internet was not going away and produced Internet Explorer for the same low price (free!). The first few releases were not very good and we stayed with Netscape, but over a period of a couple of years, IE really improved to the point that it is much more reliable than NS. At that point, we dropped using NS on Windows and use IE. We still use NS on our non-Windows machines even though there is a Java version of IE but it is not very good. If it improves to the point that it is better than NS, we may switch to it.

My point here is that NS had the market to itself and blew it. Microsoft was late to the party, kept grinding away at improving IE, and is now the main browser provider. Nothing prevents me from downloading NS and using it except for the fact that it is an inferior product. Microsoft did use its muscle to ensure that IE was bundled on each new PC but so what? If the consumer did not want to use it, he could simply download NS and that was the end of it. If you do not like the Ford radio in your new car, replace it with a new one. Apple computer managed to marginalize itself in the same way. Apple had a superior product to Windows for many years. They were arrogant and kept the price high enough that consumers concluded that they could live with the much cheaper and not as good Windows products. Microsoft kept improving Windows to the point where Apple is a very small part of the consumer market.

These cases against MS boil down to one central issue: the failure of Microsoft's competitors to provide better products. Instead of competing in the marketplace, they competed in the courts. Somehow they managed to convince the trial judge that Microsoft used illegal tactics to steal market share. You have an opportunity to expose this travesty of common sense. I do not need the Federal government to spend my tax dollars to tell me what software I need on my systems.

My firm competes against many very large companies in the software arena, including Oracle and Software AG. We have a very hard job convincing potential customers to go with us instead of the ''big guys'' but we manage to do it on the strength of our products. Oracle, for example, has attempted to duplicate some of our technology in its database but we still manage to provide a better performing product. Perhaps we should have gone to the court system and said that Oracle was bundling some of our ideas into their products and thus harming us. I certainly hope that the trial judge would have laughed us out of court! Instead we just keep focusing on improving our products to keep ahead of our competitors, just as Microsoft does.

When the justice system is used against successful business by their less successful competitors, the economy will suffer. Political decision making in the business arena leads to corruption and decay. We have laws that govern personal and business conduct and these must be enforced. This is one function of government. But when competitors abuse the justice and political systems in an attempt to throttle companies, we will all lose. It is important to remember that not one of these Microsoft cases was brought to court by consumers. Consumers have greatly benefited from the software and hardware innovations of the last three decades. There are very few barriers to entry in the software business and this serves to keep all software vendors vigilant. This is all that is required to keep new products and ideas reaching consumers at a reasonable cost.

Sincerely,
Paul Dembry

MTC–00022085

From: Graham Leggett
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 12:57pm
Subject: Microsoft Settlement

The settlement it BAD for America.

Microsoft has repeatedly broken the law and evaded previous restrictions on its anti-competitive behavior. This settlement proves to Microsoft that crime pays very well. The Bush administration is clearly against the free market and on the side of monopoly.

Graham Leggett
President
Computer Quick

MTC–00022086

From: deboss2525@cs.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:51pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Monica Shepard
1412 Vista Grande
Fullerton, CA 92835–2835

MTC–00022087

From: Jean Fonner
To: Microsoft ATR
Date: 1/24/02 12:54pm
Subject: Microsoft Settlement

Honorable Members of Department of Justice:

I am writing to say that as a senior citizen on a very limited income I am very thankful to Microsoft that they included everything (browser, instant messaging, etc.) on my computer when I bought it. Being a novice in technology, I wouldn't have known what to buy.

Please stop all this liigation against Microsoft and let them get back to the business of inventing innovations and items which will help the economy start booming again. I think AOL and Netscape are way out of line and their latest suit should be thrown out as just a frivolous suit to stop competition. Thank you for considering this request of an interested citizen.

Sincerely yours,
Jean B. Fonner
(jbfonner1@hotmail.com)

MTC–00022088

From: Gary D Ott
To: Microsoft ATR
Date: 1/24/02 12:53pm
Subject: Microsoft Settlement

Gentlemen:

I've used personal computers since October of 1983. I do not agree with some of Microsoft's business practices. However, the Microsoft operating system is the de facto operating system on the majority of personal computers in the world.

The Apple Macintosh had the first GUI, but Microsoft rose to the challenge and developed Windows. This is bad? Netscape was a popular browser, but it had its limitations. Microsoft came up with a better (opinion) browser and gave it away. Why is this bad? Netscape could have improved their product and remained the browser of choice, even though their browser was a retail product. It was easier for them to bash Microsoft than to improve their product.

The government's action in the Microsoft case is (to me) just like the government's action with respect to Ma Bell. It wasn't necessary to break up AT&T just to allow MCI to provide long distances services. Rather than regulating business practices, the US government and the department of Justice seem to feel it necessary to ''punish'' companies that gain competitive advantage through sheer bulk. Better the government should spend their time on companies like Enron who are engaged in what appears to be criminal behavior and their watchdogs, like Anderson, who seem to act in concert to promulgate the criminal activity then to destroy the companies who made this country what it is today. AT&T gave us the best telephone system in the world and Microsoft gave us the preeminent personal computer operating system in the world.

Gary D. Ott

Palmdale, CA

MTC–00022089

From: ReturnofCato@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:49pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Gary McElwee
129 E. High St.
Hellertown, PA 18055–1104

MTC–00022090

From: Gary Stahara
To: Microsoft ATR
Date: 1/24/02 12:53pm
Subject: Microsoft Settlement

Hello,

I wish to express my disdain for the proposed Microsoft Settlement in it's current form. This proposal amounts to a slap on the wrist and will not do anything to promote true competition in the desktop computer space. I believe the best solution would be to either split the company into two separate divisions (operating system and applications) or at minimum, mandate that the company provide versions of it's most popular programs (ie: Microsoft Office) on other competing platforms (ie: Mac OS and Linux) and insure that these competing versions provide unequivocal feature parity with the Windows version (ie: no advantage on one platform or another because of features available for one version as opposed to another, as well as be priced similarly. This will promote choice of platform and competition to Windows.

Thank you
Gary Stahara

MTC–00022091

From: Gordon Smith
To: Microsoft ATR
Date: 1/24/02 12:52pm
Subject: Microsoft Settlement

I think the Microsoft settlement is fair and just. Microsoft got to be where they are via innovation and excellent marketing. I'm sure there are some shady sales practices somewhere, but I believe the prosecution of MIcrosoft by many states attroneys general has nothing to do with protecting consumers, and a lot to do with fattening state coffers at Microsoft's expense. And that's a crime.

Respectfully
Gordon Smith
Pleasanton, Ca.

MTC–00022092

From: Karl (038) Betty Schendel
To: Microsoft ATR
Date: 1/24/02 12:54pm
Subject: Microsoft Settlement

I feel that the Proposed Final Judgement in United States vs Microsoft is weak and seriously flawed.

The Proposed Final Judgement has (at least) these flaws:

1. It makes no attempt to prohibit Microsoft from raising artificial barriers against non-Microsoft operating systems which implement the API's needed to run applications originally written for Windows.

2. The definition of ''API'' is excessively narrow, permitting Microsoft to withhold details of API's that do not fit the Proposed Final Judgement definition but yet are crucial. (For example, installer API's.)

3. The Proposed Final Judgement has no effective enforcement mechanism. While there is considerable language setting up investigative committees and officers, none of them have any coercive power over Microsoft. Presumably a violation would have to be enforced by legal action. Isn't that what we have just done? Where then is the enforcement?

4. Under the Proposed Final Judgement, Microsoft still has considerable latitude for coercing OEM's. For instance, Microsoft would be allowed to retaliate against OEM's who wish to ship some computers with no Microsoft operating system at all. It also allows Microsoft to reward OEM's based on criteria such as sales of Microsoft products, thus extending the Microsoft monopoly. Again, isn't this what the lawsuit was all about in the first place? I am not a lawyer, and even I can see that the Proposed Final Judgement is nothing more than a slap on the wrist for Microsoft. It does not satisfy the Court of Appeals'' mandate and should not be adopted in its present form.

Karl R. Schendel, Jr
9111 Cromwell Drive
Pittsburgh, PA 15237
USA

MTC–00022093

From: Clint Weathers
To: Microsoft ATR
Date: 1/24/02 12:50pm
Subject: Microsoft Settlement

I cant belive youre letting those crooks get off so easily. This is exactly the kind of thing that the anti-trust laws are supposed to protect us from, and youre letting them get off scot-free. You should be ashamed of yourself.

How much did Bush administration officials get from Micro$oft in campaign contributions? This could turn into the next Enron for you if you let them get away with this.

-Clint Weathers
KC MO

MTC–00022094

From: Andrew Lee
To: Microsoft ATR
Date: 1/24/02 12:55pm
Subject: Microsoft Settlement

The proposed settlement with Microsoft is a bad idea. It does nothing to deter Microsoft from continuing its monopolistic practices. With some $25 billion in cash, Microsoft can practically buy out or squash all fair competition.

By agreeing to and accepting this settlement, the U.S. DOJ is pandering to the whims of Microsoft, instead of upholding the law and protecting its citizens. Anything short of a genuine break up of Microsoft will achieving nothing significant. Anything less than a genuine break up of Microsoft will be nothing more than a mere slap on the wrist.

Don't let politics cloud your judgment—do what is just and right for the good of the country. Do not accept this settlement. Fair competition is good; monopolies are not.

Regards,
Andrew Lee

MTC–00022095

From: Marilyn Shepard
To: Microsoft Settlement U.S. Department of Justice
Date: 1/24/02 12:50pm
Subject: Microsoft Settlement
Marilyn Shepard
2241 Eucalyptus Ave.
Escondido, CA 92029
January 24, 2002
Microsoft Settlement U.S. Department of Justice,

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers’ dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Marilyn J. Shepard

MTC–00022096

From: Julia Hart
To: Microsoft ATR
Date: 1/24/02 12:53pm
Subject: Microsoft Settlement

1/24/2002

Microsoft's proposed settlement in no way repairs the damage done by their anti-

competitive practices. Furthermore, the influx of Microsoft software into the education market would extend their monopoly, perpetuating Microsoft's ability to use illegal business practices and stagnate the industry.

To truly create a fairly competitive market, Microsoft's control must be restricted, most effectively by splitting the company into two (or preferably three) smaller, specialized, independent companies.

Julia Hart
Columbia University Student
New York, NY

MTC–00022097

From: djackson6@juno.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:52pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Catherine Jackson
6815 56th Court
Kenosha, WI 53142–1537

MTC–00022098

From: Michael Haggerty
To: Microsoft ATR
Date: 1/24/02 12:57pm
Subject: Microsoft Settlement

To whom it may concern,

The crux of the problem is Microsoft's virtual monopoly on PC operating system software and its abuse of that monopoly. One serious abuse that has not been addressed by the proposed settlement is its charging of exorbitant fees for its operating systems. While it is true that operating system prices have been declining, the decline is far slower than that of the prices of comparable software products.

Since the marginal cost of producing software is close to zero, the proper comparison is with other software products that have extremely large unit sales (over which the development costs can be spread). In such a comparison Microsoft's operating systems are found to be considerably more expensive than should be expected. Indirect evidence of its artificially high prices is provided by the unusually high profit margins enjoyed by its operating systems division.

Microsoft's monopoly rents on its operating systems (along with other dirty tricks that have been discussed elsewhere) have enabled it to subsidize the development and marketing of applications in new areas, such as its web browser. By thus financing the ''dumping'' of new applications on the market at prices far below cost, it is able to crush their competitors in the application market and thereby extend its monopoly to the new area. The consumer suffers via lack of choice, overpriced and poor-quality operating system products, plus the same in each application market once Microsoft has squashed the competition.

As far as I can tell, the proposed agreement does nothing to constrain Microsoft's collection of monopoly rents on its operating systems, nor to prevent the recurrence of the predatory pattern enabled by its lucrative operating system monopoly.

Sincerely,
Michael Haggerty
Software Team Leader
JPK Instruments

MTC–00022099

From: Terrence A. Freeman
To: Microsoft ATR
Date: 1/24/02 12:54pm
Subject: Microsoft Settlement

Attached is a scanned copy of the letter mailed to Attorney General Ashcroft. Note I added a handwritten personal note.

Terrence A. Freeman

MTC–00022100

From: TweedieRoy@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:56pm
Subject: Microsoft settlement

The purpose of this e-mail is to lend my voice and help bring speedy closure to the subject settlement.

Too often we find in our country that the legal profession is directly involved in the decision making process in industry. This settlement is a prime example. Microsoft is a very successful company and should be allowed to compete for its share of the computer market. Legal maneuvering by the legal profession on behalf of Microsoft has resulted in expensive delays. Lets act like reasonable and honorable people and help bring this settlement to closure during the first quarter of 2002.

Regards,
Roy Tweedie

MTC–00022101

From: Lloyd McArthur
To: Microsoft ATR
Date: 1/24/02 12:56pm
Subject: Let's get on with life. Settle the issue.

Let's get on with life. Settle the issue.
Phyllis

MTC–00022102

From: jmray@willapabay.org@inetgw
To: Microsoft ATR
Date: 1/24/02 12:52pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. If the same standards were applied against all corporations as have been applied against Microsoft, half of the nation's corporations would be out of business. How can a monopoly be ''enjoyed'' if a company loses ⅔ of its value? Thanks to the initial suit and its supporters, our stock market crashed. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those SUPPOSEDLY harmed by Microsoft: the computer user. But the user has always had ample choices, so the whole thing has been a hoax right from the beginning. Shame on our Justice Department.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Joseph Earley
124 Meadow Lane
Raymond, WA 98577–9249

MTC–00022103

From: johnk@unix1.sihope.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:56pm
Subject: Microsoft Settlement

Dear Sir/Madam,

The proposed settlement is a bad idea. It does not do enough to ensure healthy competition in existing markets and those of the future. I believe Microsoft is using its monopoly position to leverage itself into control of the Internet. Microsoft's power precludes small companies form successfully launching products to enhance consumers'' lives. Microsoft's model for software development leads to lower quality software. By allowing Microsoft to continue and enhance its monopoly, the United States will lose its leading competitive position in software development in the world marketplace.

Respectfully,
John R Kuster

MTC–00022104

From: JCHol@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:58pm
Subject: Microsoft settlement

As part of the public comment opportunity, let me add the following: I believe that this is a frivolous lawsuit and welfare for the states. It is white collar robbery for the most part. I am an experienced computer user and webmaster. I have not been damaged in any way by Microsoft's actions and I find that there are sufficient alternatives to Microsoft application programs so that I am not required to use Microsoft software if I don't choose to.

Thanks for the opportunity to express my views.

Sincerely,
John C. Holliman

113 Kimball Dr.
Lafayette, LA 70508–7801
337–981–3454
jchol@aol.com
johnholliman@cox-internet.com

MTC–00022105

From: Craig E Rasmussen
To: Microsoft ATR
Date: 1/24/02 12:57pm
Subject: Microsoft Settlement

I am a senior software engineer at the Los Alamos National Laboratory and I find the Microsoft Settlement lacking. It does not stop the anticompetitive practice of bundling software with Microsoft's operating systems, which have a monopoly presence in the desktop operating system market.

This allows Microsoft to drive competitors (for instance Real Audio) out of the market by bundling it with their operating system. Microsoft obtains remuneration for the bundled product through the cost of the operating system. But this forces the competitor to compete with a ''free'' product.

This must be fixed to allow for competition in the market place.

Craig Rasmussen, Ph.D.
Advanced Computing Laboratory
Los Alamos National Laboratory

MTC–00022106

From: John Viega
To: Microsoft ATR
Date: 1/24/02 12:56pm
Subject: Microsoft Settlement

I've read all of the information on this case. I think the proposed settlement is fairly ridiculous. It does very little to alleviate the core problems, in my opinion. I would urge you to consider other options that are less favorable to Microsoft.

John Viega
7001 Wayland Dr.
Warrenton, VA 20187
540–349–8041

MTC–00022107

From: Luke Scharf
To: Microsoft ATR
Date: 1/24/02 12:56pm
Subject: Microsoft Settlement

The current proposal does not do enough to curb Microsoft's anti-competitive business practices. Microsoft should not be allowed to renegotiate with OEMs who chose to package non-Microsoft operating systems or products on computers that also have Microsoft products. Furthermore, Microsoft should be compelled to sell the same product at the same price to all of their customers.

Luke Scharf,
jack of many trades
http://www.ccm.ece.vt.edu/lscharf

MTC–00022108

From: wt.catch1
To: Microsoft ATR
Date: 1/24/02 12:55pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
SC 29455

MTC–00022109

From: Joe Buczek
To: Microsoft ATR
Date: 1/24/02 2:32am
Subject: Microsoft Settlement

Dear DOJ,

The proposed Microsoft Settlement is wholly inadequate in addressing Microsoft's -illegal- anti-competitive behaviors. It does not address the mechanisms by which Microsoft was able to engage in these behaviors. The Microsoft corporation is GUILTY of illegal and anti-competitive activities. These activities reduce competition and, thus, increase the price and reduce the quality of available software technologies for all consumers.

As an independent software developer with over 25 years of experience, and as a fair minded U.S. Citizen and taxpayer, I expect Microsoft to be held accountable as a—convicted—lawbreaker, as I would be held accountable if I were found guilty of breaking laws. The punishment must fit the crime. The proposed settlement doesn't begin to approach an appropriate level of punishment or address the anti-competitive behaviors of the guilty party in a way that would allow redress. A reasonable settlement must include at a minimum:

1. Each and every Microsoft API and each and every data file format and message format shall be documented by Microsoft and published, without license or restriction, on the World Wide Web. Further, no software may be released commercially or to developers by Microsoft prior to the publication of these specifications, including any software enhancement revisions. The spirit of this is to enable third parties to write software that can legally and reliably interoperate with Microsoft products.

2. Any instance of Microsoft employing undocumented APIs or intentionally created incompatibilities in their products shall result in a fine of $10,000,000 per day, per instance. Reverse engineering of their products must be exempted under the DMCA for the purposes of the discovery of these and other related practices. Twenty percent (20%) of any fines collected will be awarded to the first person or organization who reports them to the DOJ. Reporting of these offenses shall be facilitated by the establishment of a DOJ server whose sole purpose is to collect and disseminate such reported violations.

3. Microsoft shall be required to sell its software to all parties for the same price, and such prices shall be published without restriction on the World Wide Web at all times. Full disclosure of pricing is necessary to prevent predatory anti-competition in the OEM space.

4. The terms and conditions of all licenses shall be made available to the DOJ for a period of 20 years. No agreement may be entered into by Microsoft or its subsidiaries without the DOJ receiving a copy during this period.

5. Any attempt by Microsoft to circumvent these penalties shall result in a prosecution of the corporation and its management under RICO because the corporation and its officers have already been found guilty of illegal and conspiratory behavior.

Anything less than the above terms would not be in the public interest. Under these terms, Microsoft would continue to be a dominant market force, if not the dominant force, in the software market for years to come. However, forcing them to publish their APIs and data formats would open them up to true competition in technology. They could charge whatever they wanted for products, but they would have to tell EVERYBODY what they were charging for everything, and could not use predatory or bundling pricing to achieve coercion, as they have been found guilty of doing.

Creating a significant punitive punishment system for detecting violations at the technology level would create an incentive for private individuals, most likely in the software business, to keep Microsoft honest. Anyone finding breeches of this part of the judgment would potentially find themselves being funded by Microsoft to become a competitor!! In this regard, enforcement not only isn't a taxpayer burden, but finding and reporting violations could actually result in creating further competition. Ultimately, taxpayers are served twice by this: 1) not having to pay for enforcement, and 2) benefitting from better, cheaper software products.

In closing, I respect Microsoft as a successful American icon. I frequently use their products, but I have also found both my professional and my consumer interests limited by their practices. And because of my professional experience, I also know that better products would be available if true competition were possible. Such competition is not presently possible, nor would it be under the Proposed Final Judgment because nothing in the judgment guarantees that Microsoft will ''allow'' competition of technologies. Since when do guilty parties get to decide what their punishment should be? Who better than the public is in a position to determine ''what is fair'' in this case? Microsoft is GUILTY. The punishment should fit the crime. They are guilty of PREVENTING COMPETITION. The punishment should FORCE THEM TO ACCEPT COMPETITION. Nothing could be simpler than this. If the company is not willing to accept a fair judgment, then justice must prevail upon the guilty party to do what society deems is appropriate. No murderer—wants—life imprisonment or the death penalty, but surely, there are instances where these are Necessary and Right and Just. The guilty party in this case is not going to

acquiesce and accept what is fair. It is up to the justice system to mete out an appropriate punishment. The one I have described above would, in my opinion, be fair.

Respectfully,
Joseph Buczek
San Jose, Ca
jbuczek@vuetia.com
Vuetia Inc.
408.298.6178

MTC–00022110

From: Charles B Cranston
To: Microsoft ATR
Date: 1/24/02 1:00pm
Subject: Please break up Microsoft

It is abundantly clear that the only way to avoid a paralyzing monopoly in computer software (and eventually hardware) is to immediately break Microsoft up into multiple corporations. American business seems to already be falling into a posture where an attached Microsoft Word document is the only way to email formatted documents—and this puts those of us who do not want to further Microsoft by legally acquiring Word at a real disadvantage. The average pointy-headed supervisor thinks ''standardization on Microsoft'' is a good thing, but this will inevitably lead to software monopoly.

Monoculture is dumb. It's dumb for people (National Socialism in 30's Germany), it's dumb for agriculture (what happens when the only kind of corn grown becomes particularly susceptible to a new blight?), and it's dumb for software.

Charles B. (Ben) Cranston
15704 Allnutt Lane
Burtonsville, MD 20866–1404
mailto:zben@umd.edu
http://www.wam.umd.edu/zben

MTC–00022111

From: jdanial99@iwon.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:57pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
JEROME JEROME
5029 COLD SPRING LN
ST. LOUIS, MO 63128–1802

MTC–00022112

From: tomw@sbceo.org@inetgw
To: Microsoft ATR
Date: 1/24/02 12:58pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
THOMAS WISZ
4141 Lockford St.
SANTA MARIA, CA 93455

MTC–00022113

From: kit-10@msn.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:56pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Latisha Kitten
4816 72nd
Lubbock, TX 79424

MTC–00022114

From: Ying, Xingren
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/24/02 1:02pm
Subject: Microsoft Settlement

DOJ,

Please settle Microsoft case. I cannot see any help of consumers and technical innovation in this endless lawsuit. All lawsuit did is try to help Microsoft competitors but using the name of consumers. Actually AOL and Sun behavior are poorer and uglier than Microsoft. The technical focus is change in this three years lawsuit. The program platform is moving from OS to Browser, and then to Network. Nobody can keep the edge without innovation in such dynamic market. Why waste tax payers money to help crying loser and punish one time winner?

Please settle!
Xingren Ying
Sr. Software Engineer
Commerce One Inc.

MTC–00022115

From: carlkatyc@usa.net@inetgw
To: Microsoft ATR
Date: 1/24/02 12:59pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Carl Cunningham
551 W. Ironwood
Chandler, AZ 85225–6540

MTC–00022116

From: dan@powermax.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:05pm
Subject: Microsoft Settlement

I believe that it is important for the US Department of Justice to take a tougher stand on imposing the penalties on Microsoft that they deserve. They are guilty of monopolising the software industry and leveraging their various monopolies to create new ones. This is a behavior, as shown by your prosecuters and confirmed by the presiding judge in the matter, that is not a new thing nor a minor thing but is a fundamental part of their core business model.

For this reason no light penalty is sufficient to punish MicroSoft and begin restoring a measure of competition to this strangled industry. Nothing short of a massive restructuring of the way that they do business will accomplish this, a restructuring that needs to be imposed and enforced by the caretakers of the public good, you.

The current proposed settlement does exactly the opposite of the minimum required restitution. It increases MicroSofts monopolies, makes no restitution for past violations, and makes minimal assurances as to avoidance of future repetitions. For these reasons I feel it is imperative that you reject the proposed settlement and push for more effective measures that better maintain the publics need for competition.

Sincerely,
Daniel Charles Stillwaggon
(dan@powermax.com)

MTC–00022117

From: Scott Trotter
To: Microsoft ATR
Date: 1/24/02 1:02pm
Subject: Microsoft Settlement

To whom it may concern:

The proposed settlement of the Microsoft anti-trust case is a very bad idea. Microsoft is a ruthless competitor which thinks nothing of using illegal and unethical means to achieve it's goal of complete domination of the computer software industry. While the actual case focused on the web browser situation with Netscape, I have personal experience with other, similar situations involving Microsoft which resulted in similar outcomes: Microsoft eliminating competition—and competitors—using illegal and unethical business practices. If left unchecked, Microsoft will continue to engage in such practices, to the detriment of the rest of the industry.

Microsoft was convicted of serious crimes, and deserves serious a serious sentence, one designed to punish the company for its past behavior, undo or compensate for the damages it inflicted on its victims, and most importantly to prevent it from engaging in such practices again in the future. The current settlement proposal is a laughable slap on the wrist which does none of these things, and would actually enhance the company's dominance over a market which is does not already control. The settlement should be rejected and replaced with a more appropriate set of sanctions.

The computer software industry is the foundation of the economy of the 21st century. Don't allow Microsoft to destroy that foundation.

Scott Trotter
Executive Producer
<http://www.parisfranceinc.com/> Paris France, Inc.
<mailto:scott@parisfranceinc.com> scott@parisfranceinc.com

MTC–00022118

From: Dave Ruff
To: Microsoft ATR
Date: 1/24/02 1:02pm
Subject: Microsoft Settlement

I submit the following Tunney Act Comment regarding the Proposed Microsoft Settlement

I feel that the Proposed Final Judgment does not place effective restrictions on Microsoft in many areas where it has exercised anti-competitive actions—

Some specific examples

The Proposed Final Judgment does not place restrictions on how Microsoft can license products to large users (corporations, universities, government). Although per-processor licenses are prohibited by the 1994 consent decree, the enterprise licenses often charge a fee for each computer which could run a Microsoft Operating system, independent of whether any Microsoft software is installed on the computer. This removes any financial incentive for individuals to run non-Microsoft software—making the licensing agreements anti competitive. Microsoft uses licensing terms which are hostile to Windows-compatible competing operating systems (i.e. the NewsAlert) download available from MSNBC. Similar Licensing conditions could be specified which are Microsoft product neutral yet provide similar or better software product protection.

I feel that Microsoft is an aggressive company, engaging in practices which grant no quarter to competitors. If a strong settlement is not generated and enforced, then there will be no observable reduction to its anti-competitive activities.

MTC–00022119

From: lctinkham@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:59pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Lynda Tinkham
712 M St
Eureka, CA 95501

MTC–00022120

From: clorenz@gci.net@inetgw
To: Microsoft ATR
Date: 1/24/02 1:01pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Clyde Lorenz
P.O. Box 73114
Fairbanks, AK 99707–3114

MTC–00022121

From: E. C. Ebert Jr.
To: Microsoft ATR
Date: 1/24/02 1:09pm
Subject: Microsoft Settlement

Gentlemen:

The proposed MS/USDOJ settlement is utter nonsense, disregarding all of the anticompetitive issues found against MS in the original trial, and substituting a nominal wrist slap against MS. Given that an estimated 90% of all PC's worldwide employ MS Windows (Windows 3.1 thru Win-XP) it is abundantly clear that a monopoly exists. The proposed USDOJ settlement is a political remedy and not justice! I demand that our federal government stop the nonsense and uphold the original Court Findings. In lieu of that, the Court could ''find'' that as a monopoly MS must observe certain ''rules as a ''Public Utility'' ''just as power companies and telco's must, although since power deregulation we have seen the economic rape and pillage by California power distributors that ''regulation'' was designed to prevent. Now then, since the first release of Win 3.1 the price of hardware to run the OS have dropped by a factor of four, while MS has more than doubled its price for Windows ... an 8x cost benefit differential. Is this ''rape and pillage'' not obvious to our government litigators? What sort of sleazy game is being played by the USDOJ?

E. C. Ebert Jr.
118 Oxford Road
Waukesha, WI 53186

MTC–00022122

From: Mario Martinez
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 1:03pm
Subject: Microsoft Settlement

As a systems analyst and software engineer with 7 years of experience I'd like to comment on the proposed final judgement in United States v. Microsoft.

In my opinion the settlement does very little to increase the opportunities to compete with Microsoft's operating system products, or it's middleware and application products. Namely, it does not prevent Microsoft from raising any barrier it wants against companies who wish to create ''Microsoft-compatible'' operating systems or applications. This is already evident in the Microsoft Platform SDK EULA which allows it's use soley with a ''Microsoft Operating System Product.''

It would also continue to allow the exclusionary practices Microsoft is guilty of today, such as it's discrimination against Open Source platforms as seen in the Microsoft Windows Media Encoder 7.1 SDK EULA which prohibits distribution on Open Source operating systems. Recently there have been other Microsoft applications whose EULA allows its use solely on platforms arbitrarily selected by Microsoft.

The Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, therefore, the Proposed Final Judgment is not

in the public interest, and should not be adopted without addressing these issues.

Thank you,
Mario Martinez
ILX Systems
111 Fulton St.
New York, NY 10038
212–510–3223

MTC–00022123

From: J Bridges
To: Microsoft ATR
Date: 1/24/02 1:04pm
Subject: Microsoft Settlement

I believe the settlement, as I understand it, is insufficient considering the damage done by Microsoft by their anti-competitive business practices as a monopoly. Even during this trial their practices haven't changed. Not only does it not loosen their stranglehold on the market, I believe it strengthens their grip. The settlement also does not make any reparations for the abuses already done, before and during the trial. Strengthening their monopoly by putting their software in schools that otherwise probably wouldn't have used it is not wise. I am completely opposed to this settlement.

Sincerely,
John Bridges
Clovis, CA

MTC–00022124

From: Brandt, Jim
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 1:03pm
Subject: Microsoft Settlement

To Whom it May Concern,

I think the proposed settlement doesn't even begin to address the problems with Microsoft's monopoly practices. This settlement should -not- be accepted.

Jim Brandt
Application Developer
SUNY at Buffalo

MTC–00022125

From: Ethan Clauset
To: Microsoft ATR
Date: 1/24/02 1:03pm
Subject: Microsoft Settlement

I believe the proposed settlement with Microsoft is a bad idea, as it fails to consider many of the anti-competitive ways in which Microsoft acts and it lacks an effective enforcement mechanism for dealing with the areas that it does cover. I endorse Dan Kegel's analysis of the problems with the proposed settlement, which can be found at http://www.kegel.com/remedy/remedy2.html

Ethan Clauset
852 N Leavitt St #2
Chicago IL 60622

MTC–00022126

From: oreef1@juno.com@inetgw
To: Microsoft ATR
Date: 1/24/02 12:59pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
ROBERT FEERO
645 BIRCHWOOD COURT
LOS ALTOS, CA 94024

MTC–00022127

From: Mac Scott
To: Microsoft ATR
Date: 1/24/02 1:02pm
Subject: Microsoft Settlement

I am tired of the way Microsoft is trying to manipulate the courts, public opinion and the software market. They have demonstrated time and again contempt for the legal process and have taken every opportunity to circumvent the spirit of settlements made in the past. Clearly they are bent on getting away with whatever they can without regard to the will of our justice system. I beg of you, do not ''settle''. Make you penalties against Microsoft strong and enforceable enough to bend them to compliance. Otherwise the technology sector is going to be a a desolate, unimaginative field where Microsoft hands out terms to the public and business, who will have no choice but to accept a mess that you could have prevented.

Let us not forget the principles of biodiversity. It applies to technology as well. If Microsoft is allowed to continue it's monopolistic practices, what will happen when the technology that 98% of the world runs on stops working because of some design flaw or viral attack? This argument is especially frightening given the present world political climate, and the terrifying lack of security in Microsoft software.

Thank you,
Mac Scott

MTC–00022128

From: Ron or Cecelia Oxford
To: ''microsoft.atr@usdoj.gov''
Date: 1/24/02 1:01pm
Subject: Microsoft Settlement

Dear DoJ,

Today I received the Microsoft Freedom to Innovate Newsletter, the following is an excerpt I have taken from it, to which I totally agree with their viewpoint;

''Microsoft has not completed a review of the lawsuit, and therefore cannot comment on specific allegations at this time. We can note, however, that AOL purchased Netscape for $10 billion dollars in the midst of the DoJ trial, even after hearing concrete evidence that IE's success in the market was based on merit, not market share. This latest legal move appears to be an attempt by AOL to once again retreat from the rigors of competition to the safer confines of the courtroom, where the company is clearly more comfortable.

Microsoft is disappointed, though not surprised, that AOL has again chosen litigation. Microsoft has tried consistently to work more closely with AOL in a variety of areas, including improvement of instant messaging interoperability, getting fair and open access to AOL's dominant cable assets and partnering on technology standards that are key to developing future innovative technologies.

AOL has repeatedly rebuffed Microsoft's efforts, to the detriment of consumers and the technology industry, and has turned to politics and litigation instead. But more litigation is the last thing consumers and the industry need. AOL and Microsoft need to focus on market competition and technical cooperation that will make consumers'' computing experience easier, not spend further time and resources in the nation's courtrooms.'' It is truly not in the best interest of the country in general, past, present and future consumers, or even people who have never been a consumer of software to allow such a trial to take place. It is true Microsoft has won dominance in the market place with it's Windows operating system and associated Browser. I believe, not through ''shady dealings'', but through solid innovation and sound business practices. Every corporation in the world strives for market dominance, if they didn't, why stay in business. The fact that AOL lost....GEE too bad, they should have tried harder, and the courtroom is not where they should be trying harder. It is embarrassing that a company the size of AOL-Time Warner/Netscape has to attempt to use the courts to try to gain what it can't in the market place. All the while claiming that it is doing this in the name of protection for the consumer. The damage to consumers and the general economy alike is being done by AOL, through these senseless on ongoing litigations. We the investing public have lost billions thanks to these lawsuits and trials, not to mention what they have contributed to the overall recessionary bent of the economy. It seems to me that, we, the public should be sueing AOL for damages for what this has cost us.

If the Federal Government really wants to intervene in private business, the time and place to do so is here. Put a screaching halt to these riduculous trials, send AOL back to the drawing board and let the country get back to recovering from this recession. Microsoft should not be blamed for AOL's inadequacies.

I hope my voice will make a difference,
Ron Oxford
19128 SE 63rd PL
Issaquah, WA 98027
(425)643–1172

MTC–00022129

From: lcollister@theriver.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:01pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has

already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Lyle Collister
HC 70 Box 5444
Sahuarita, AZ 85629

MTC–00022130

From: Robert Bruggner
To: Microsoft ATR
Date: 1/24/02 1:03pm
Subject: Microsoft Settlement

To whom it may concern,

I just wish it express my concern about the proposed Microsoft settlement in that it fails to address any of the licensing agreement terms that Microsoft uses to prohibit the use of open source applications on Windows. As a student computer science, I have gained a countless amount of invaluable experience through the use of and examination of numerous open source applications. Its a shame that I can't gain this experience on a computer that uses a Microsoft OS.

Sincerely,
Robert Bruggner
CSE Junior
University of Notre Dame

MTC–00022131

From: Larry Boler
To: Microsoft ATR
Date: 1/24/02 1:05pm
Subject: Microsoft Settlement

When are end consumers like me finally getting a break from everybody choosing the chicken way out in competing with Microsoft, who has done more to steering and developing technology and industry standards to the benefit of consumers than anybody else.

New, calculated and unjustified litigation by AOL is just another attempt to undermine previous settlements. It's high time the courts let the consumer decide by simply chosing the better product.

Larry Boler

MTC–00022132

From: Timothy Knowlton
To: Microsoft ATR
Date: 1/24/02 1:05pm
Subject: Microsoft Settlement

To whom it may concern:

There are many flaws with the Proposed Final Judgment in the Microsoft case. The two that are most important to me are the following:

The Judgment does not prohibit Microsoft from retaliating against OEMs who ship PCs with a competing operating system but no Microsoft operating system. This means that OEMs will *still* be forced to deliver machines loaded with Microsoft operating systems to avoid financial and distribution penalties imposed by the software giant. This is not acceptable. To create a habitable environment for competing operating systems, OEMs *must* be able to distribute PCs that use those OSes exclusively.

The Judgment does not require the release of MS Office file formats. Since a file format is not covered by the definition of an API, its release is not required. But those formats are some of the most crucial parts to constructing competing products in the Office Suite field. Sun has made excellent progress on StarOffice, a competing suite, but still lacks complete interoperability with Microsoft Office because these file formats have never been released. In order to stimulate competition in the Office market, the file formats must be released to the public.

I urge those involved NOT to accept this Proposed Final Judgment. These are just two of the many loopholes that would only allow Microsoft to continue its anti-competitive practices in the face of a legal decision. Please take the time to reconsider the ramifications of this settlement.

Thank you for your time.

Sincerely,
Tim Knowlton

MTC–00022133

From: michelle(a)arden.org
To: Microsoft ATR
Date: 1/24/02 1:06pm
Subject: Microsoft Settlement

Dear Department of Justice,

I am a computer executive with over 20 years of experience working in Silicon Valley or some of the best software and hardware companies in the industry—Sun, Silicon Graphics, Novell, and many computer startups—some even successful.

I am writing to express my dismay and extreme disappointment with the settlement of the Dept of Justice on the Microsoft antitrust case. To anyone in the computer industry—or negotiating with Microsoft, as I have done many times—over the past twenty years, the strategy of the company is clear. Microsoft uses predatory, unfair, and patently illegal processes to compete. I have seen them blatently ignore non-disclosure agreements and copy technology to put small companies out of business without shame or excuse. I have seen them acknowledge that there is no need for them to use fair business practices because of their dominance of the computer industry. I have seen many small companies fail—and many large companies decide not to invest—in technology development areas that would benefit consumers, all because these potential developers have determined that Microsoft would unfairly compete and render their efforts useless. I urge you to reconsider the settlement conclusions and impose a stronger Microsoft remedy that shows that the United States Government will not permit unfair monopolies and continued monopolistic behavior of companies within our borders.

Sincerely,
Michelle Arden
michelle@arden.org
Phone: (650) 326–0962
Fax: (650) 329–8440

MTC–00022134

From: Robert C. Holley
To: Microsoft ATR
Date: 1/24/02 1:05pm
Subject: Microsoft Settlement

This attack on Microsoft has gone on much too long, it has turned into blackmail, or terrorism. We all know that one way to win is to keep your opponent in court until he's broke and has to confess, agree, or give the company to his tormentors. We are fighting a war all over the world to stop terrorism and yet our own government practises it on Americans. Not only that, we allow Activist of every sort to blackmail their victims by using terrorist methods. An example is the fur industry and the timber industry. Is not the government a government of all the people or is it just the government of activist. If its just for activist then we must have already become socialist with an axe to grind. We must remove temptation from activist judges, politicians and socialist by getting back to our written law called the Constitution. It is not a living document and it allowed for change by Congress and the States. Lets quit letting slick lawyers, the Supreme Court, the news media and politicians change it by declaring it changed.

R.C. Holley
4800 W. Illinois
Midland, TX 79703
E-mail rcholley1@juno.com

MTC–00022136

From: Nathan Clegg
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 1:09pm
Subject: Microsoft Settlement

It is my opinion that Microsoft's business practices are anti-competitive and that the United States Federal Government needs to take action. Microsoft's practices squash good businesses and products, and stunt technological progress. Its grievances have crossed beyond the legal limit and are hurting our economy and community. Microsoft's own proposed settlement is not only ineffective at solving the basic problems, but is actually beneficial to their position and furthers their monopoly in several markets. Please STOP Microsoft's anti-competitive behavior with action that will make a lasting impression, remedy those harmed, and improve our economy.

Thank you.

Sincerely,
Nathan Clegg

MTC–00022137

From: bweichold9@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:04pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those

supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Barbara Weichold
4407 Woodview Street
Carmichael, CA 95608

MTC–00022138

From: bjh72601@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:02pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Sincerely,
Brenda Hickman
1614 Crestwood Dr.
Harrison, AR 72601

MTC–00022139

From: Jules Siegel
To: Microsoft ATR
Date: 1/24/02 1:02pm
Subject: Microsoft Settlement

I am firmly against this settlement.

JULES SIEGEL Apdo 1764 Cancun Q. Roo 77501
http://www.cafecancun.com

MTC–00022140

From: bcash1990@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:05pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Benjamin Cashner
905 5th Ave. Apt. C
Marion, IA 52302

MTC–00022141

From: rlloyd4020@accesstoledo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:05pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
richard lloyd
2844 boxwood
toledo, OH 43613

MTC–00022142

From: KAnderson@Carver Yachts.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:06pm
Subject: Microsoft Settlement

I don't like how this is going.

Microsoft has too much power and I don't see how the way things are going, that that would change.

MTC–00022143

From: William Shepherd
To: Microsoft ATR
Date: 1/24/02 1:07pm
Subject: the ''ttlement''

1. On the face of it, the suit against Microsoft was ludicrous.

2. The suit against Microsoft sparked the current debacle we used to call a stock market. Nearly every pension fund and most investors were heavily invested in Microsoft. The senseless attack for political and business purposes was, in actuality, an attack on all of us. Microsoft only did what we were taught to do in business school. . . business, classic business.

3. That Microsoft is willing to lay out a tremendous amount of cash to schools in ''penance'' is great. They should do that anyway. The government and the courts should be mollified and go away having smugly dodged the bullet whose name is, frivolous and malicious prosecution. Though we know it cannot just overturn such a highly publicised debacle, the loss of confidence in the system would be too large, we can back off on the punishment. In fact, the court did back off, now let's leave it lie. It was mostly a lie anyway.

MTC–00022144

From: Mike Warot
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/24/02 1:08pm
Subject: Microsoft Settlement—Comments

Who I am

I am Michael Warot, US Citizen by birth, programmer, technician, and currently I am the Manager of Information Systems for Live Marketing, a firm in Chicago, Illinois. I have been programming computers almost from the day I first encountered them back in 1979. I have witnessed firsthand the personal computer revolution, the explosive growth of the software industry, the commercialization of the Internet. I am writing this in the hope that my voice, along with others, can make a difference.

My view

I feel that the proposed settlement is not an appropriate remedy for the behavior of Microsoft. The settlement still classifies insiders and outsiders. The only truly effective way to remedy the situation is to force Microsoft to open all of the source code for its products, and those of its subsidiaries (which would no doubt be introduced to attempt to hide the source code from the public). This approach may seem radical, but it offers benefits to both Microsoft, and to the public at large.

1. Opening the source code, and the subsequent documentation of the various protocols that we have been forced to use (remember, Microsoft IS a monopoly), will allow the peer review of the software, and a subsequent enhancement of the value of those protocols to both Microsoft and the public at large, as value is added by all parties as a part of this process.

2. Since Microsoft is the defacto standard in many environments, its massive market share, and trusted brand name will continue to grow if its standards can be adopted on novel and innovative platforms, to which it can surely adapt its software with the rest of us.

3. The proposed settlement limits its scope to Microsoft and OEMs and ISVs with whom it has a legal contract, this allows the inclusion of restrictive language into those agreements which would quickly subvert the intended purpose of the settlement, buy creating a new barrier to entry. If you allow the public to interact without these restrictions, the barriers to entry will remain lowered, and innovation can once again be introduced by all players, into the marketplace.

4. The public should have the right to inspect the details of the software on which our national security has been increasingly dependent. Hiding this source code from the public creates an artificial barrier to entry for those peers who wish to study the software to help improve it. It effectively eliminates peer review, which is the only truly effective approach to increasing security.

5. Anything less than full and open disclosure of all software source code and

protocol documentation is not justice. I hope this helps you to understand my perspective on this important matter. I hope that all parties will agree that a more open atmosphere will be beneficial to all parties, and the best approach in the long run.

Michael Warot
532 Florence Ave
Hammond, Indiana 46324
Email: mwarot@livemarketing.com, mike@warot.com
Voice: (312) 787–4800x111 (work)
Web: http://warot.com

MTC–00022145

From: shpe@bellsouth.net@inetgw
To: Microsoft ATR
Date: 1/24/02 1:06pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Amarilys Martin
19191 Silver Palm Drive
Miami, FL 33170–5108

MTC–00022146

From: Schaller, Scott
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/24/02 1:19pm
Subject: Microsoft Settlement

I just wanted to say that, from what I've read and seen, I haven't been able to see what the punishment for Microsoft's illegal behavior has been. Putting in requirements that they obey the law in the future (with a panel who has, as far as I can tell, little actual power) is something that they must do anyway. Some form of punitive punishment should be enacted so that Microsoft will think twice before breaking the law again.

Scott Schaller

MTC–00022148

From: lcking@dwave.net@inetgw
To: Microsoft ATR
Date: 1/24/02 1:06pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Larry King
E 6308 Elm Ln.
Wausau, WI 54403–8919

MTC–00022149

From: Andrew J Syska
To: Microsoft ATR
Date: 1/24/02 1:08pm
Subject: Microsoft Settlement

I have been a user of Microsoft Net for a long time. Recently, while visiting our family in Florida, I had an opportunity to use AOL browser and email. I quickly understood why AOL appears to be more comfortable fighting the competition in the courtrooms than in the world of consumers. Those claims of ''fast, easy?'' did not pass my muster. My son and daughter constantly complain how slow AOL is. If only more people were motivated to try MSN and Internet Explorer AOL might pay more attention to performance. I believe AOL's recent lawsuit against Microsoft lacks integrity, and is frivolous.

Andrew J Syska

MTC–00022150

From: Barnhill, William David
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 1:09pm
Subject: Microsoft Settlement

Sir or Madam:

I have been a professional in the field of computing for over 25 years. I have been both an academic computing consultant and manager, and an entrepreneur, having founded four companies that paid taxes, had employees and generally contributed to the economy. I believe I have a solid grasp of the legal issues as well, as the son of a law professor and former prosecutor, I myself spent some years in the law, trying to decide if I wished to become an attorney.

The original settlement was just. The current proposal does nothing to offer remedies. Microsoft has continually produced poorly written software, at a high price, with absurd licensure terms. No other product we buy has ever been as beholden to a single company (perhaps the DeBeers monopoly on the diamond trade rises to this level). If Ford, GM or Chrysler behaved in the cavalier, predatory fashion Microsoft does, the automobile industry would have us using band brakes, hand cranks and we would be forced to purchase our gasoline from Microsoft only gas stations. Every industry in it's infancy has some issues with regulation. This is just like the situation with the railroads in the nineteenth century. Something should be done, something WAS done, and this new settlement undoes the excellently crafted decision of the trial judge. PLEASE reconsider, there is almost no question within the industry that breakup would produce STRONGER companies (viz. Standard oil's breakup). The first time I read an industry editorial suggesting this was circa 1990—isn't it time to listen to the industry, rather than a single player in the industry, no matter how rich and powerful they may be?

Best, and thank you for your consideration,
W. David Barnhill
Senior System Specialist
Academic Computing Technical Services
University of Kansas

MTC–00022151

From: Chris Holland
To: Microsoft ATR
Date: 1/24/02 1:12pm
Subject: Microsoft Settlement

The proposed settlement is incomplete in resloving Microsoft's anti-competative practices.

I am a proponet of Dan Kegel's petition at:
http://www.kegel.com/remedy/letter.html

Chris Holland
Contractor's Source Inc
3001 Red Hill Ave #2–226
Costa Mesa, CA 92626

MTC–00022152

From: Jtdelcap@msn.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:09pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
John Trippe
8145 E. Del Capitan Dr
Scottsdale, AZ 85258

MTC–00022153

From: Thomas D Richardson
To: Microsoft ATR
Date: 1/24/02 1:12pm
Subject: Microsoft Settlement

I am writing to express my disagreement with the proposed Microsoft anti-trust settlement. After reviewing the proposal, it is my belief that it is insufficient to curtail Microsoft's unethical business practices which are hurting the computer industry.

One particular change I recommend is that Microsoft be required to publically release on the Internet full documentation for all of it's API's and file formats, such as those used by Microsoft Office. This would allow

competitors to create software that is compatible with Microsoft's.

Sincerely,
Tom Richardson
Computer Engineering Student, P.S.U.

MTC–00022154

From: Tim Merritt
To: Microsoft ATR
Date: 1/24/02 1:11pm
Subject: Microsoft Settlement

Microsoft is a convicted monopolist which suffers virtually no penalty for their criminal actions under the proposed settlement. Please reject it.

MTC–00022155

From: Luke Crawford
To: Microsoft ATR
Date: 1/24/02 1:09pm
Subject: Microsoft Settlement

Hello,

I would like to state my belief that the proposed settlement does far too little. Especially of concern to me it the lack of a stipulation requiring Microsoft to openly document file formats (see ''Findings of Fact'' paragraphs 20 and 39). This single act alone, while not remedying Microsoft's monopolistic business practices, would provide a far greater possibility for software companies to gain entry into the many software fields Microsoft dominates.

Thank you,
Luke Crawford
R Brooks Associates
Rochester, NY

MTC–00022156

From: Nancy Lehrer
To: Microsoft ATR
Date: 1/24/02 1:11pm
Subject: Microsoft Settlement

The proposed settlement is a very bad idea, effectively cutting off creativity and free enterprise in the home computing and commercial computing environments. Microsoft is renowned for creating decent products and then whipping out the competition with muscle and marketing. Their server products are a joke in comparison to the Java/Unix/Linux products, but are so much cheaper to deploy early and so incompatible with any other product that small companies get sucked in hook-line-and-sinker.

Please reconsider this judgement.
Nancy Lehrer
Computer Scientist
Thousand Oaks, CA

MTC–00022157

From: BESPORT@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:10pm
Subject: Microsoft Suit

To Whom It May Concern:

This American tax payer is sick and tired of the Federal government taking my hard-earned money and wasting it on frivolous and STUPID lawsuits against companies which make America work and employ thousands of people. NOBODY was complaining about Microsoft being a monopoly until their COMPETITORS did it! All it's done is darn near wreck the economy—all you have to do is look at the stock market since Bill Clinton, Janet Reno and their confederates started this asinine stuff in cooperation with Big Law—people we should be more worried about than Big Tobacco, Big Business, Big Oil! Knock it off! Send me my money back!

Thanking you in advance for coming to your collective senses,
Bill Edwards
Fed-up Taxpayer

MTC–00022158

From: Taylor, Robert (ES)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 1:04pm
Subject: Microsoft Settlement

Sirs,

Since when did Microsoft deserve greater consideration with respect to justice than that of any other company? This is an organization that has repeatedly lied to the government and their customers, has been proven to use predatory methods to reduce competition in court (by the DOJ no less) and continues to behave the same way now. Why has the Department of Justice of the United States chosen to give up? To say otherwise would be an absolute lie.

The currently proposed settlement is of little propose if it does not curb the practices that have caused the original trial in the first place. Is justice blind or just stupid? If the currently proposed settlement becomes the judgment against Microsoft then it is doubtful that the issues raised by the trial will be settled in my lifetime. The government has spent tons of taxpayers money on these issues only to give up at the minute? This is the waste that the present administration came to the Whitehouse saying that it would abolish. Do the right thing. Punish Microsoft. Give them a reason to behave as a normal business and not a monopoly power. Do your job.

Robert M. Taylor, Jr.
10400 Faulkner Ridge Circle
Columbia, MD 21044

MTC–00022159

From: Ira J. Minor
To: Microsoft ATR
Date: 1/24/02 1:14pm
Subject: Microsoft Settlement

I believe the proposed settlement is fair and just. I also believe that Microsoft has already implemented and is abiding by its requirements. One additional provision that would enhance the competition in Operating Systems would be to require PC manufacturers to offer new PC's with no software installed, thus allowing the buyer to choose their software of choice. Since the invention of the CD-ROM there is no technical reason to pre-install (bundle) software on the hard drive.

Internet Browser software has been a highly discussed feature. As a pioneer browser user from the days before there was a Netscape or an Internet Explorer, let me put my perspective on the subject. The first modern browser was Mosaic, developed by the NCSA, National Center for Supercomputer Applications, at the University of Illinois, with government funds. The developers of Mosaic went on to found Netscape. When developing the Netscape browser they copied Mosaic but did not license it from the NCSA. I think this is a major Copyright infringement. Netscape became very popular and was available for FREE. When Microsoft woke up and realized they needed an Internet Browser they licensed Mosaic from the NCSA and developed Internet Explorer. I switched from using Netscape to IE when IE matured and became the better product. It was faster, more reliable and offered Java support which Netscape promised but never delivered. Netscape is still available for free and can cohabitate on a system with IE but I continue to use IE because it is still the better product.

Please contact me if I can be of any assistance in helping to resolve the Microsoft Settlement.

Ira J. Minor,
IBM retired,
iminor@bellsouth.net

MTC–00022161

From: drhopson@naxs.net@inetgw
To: Microsoft ATR
Date: 1/24/02 1:09pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
David Hopson
148 Tommy Campbell Road
Jonesborough, TN 37659

MTC–00022162

From: Lou Miller
To: Microsoft ATR
Date: 1/24/02 1:12pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea.

MTC–00022163

From: mtortoriello@nyc.rr.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:09pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft

competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Mary Tortoriello
157–11 Sanford Ave.
Flushing, NY 11355

MTC–00022164

From: Kent Powell
To: Microsoft ATR
Date: 1/24/02 1:09pm
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea. Please do some more research.

MTC–00022165

From: comeonin@midwest.net@inetgw
To: Microsoft ATR
Date: 1/24/02 1:12pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Beldon Campbell
19109 Posen Rd
Nashville, IL 62263–6117

MTC–00022166

From: William R. Hahn
To: Microsoft ATR
Date: 1/24/02 1:15pm
Subject: Microsoft settlement

Gentlemen:

This message relates to the Tunney Review which closes on Monday, January 28. I am a retired businessperson who for many years battled my way in an open and dynamic marketplace. In suing Microsoft AOL chooses to seek the ''comfort'' of the courtroom to protect its $ 10 billion investment in Netscape, instead of trying to prevail in a competitive market. What a waste of time and of taxpayer's money!

Microsoft did not achieve success via government largess, litigation or by seeking restrictions for its competitors. It did it by developing the best operating system and many of the best software programs that money can buy.

Don't interfere with the open market that—in virtually every case—is the best judge as to who should survive and who should step aside.

Sincerely,
William R. Hahn
Ph. 310 442–9923
FAX 310 442–6422
Mobile 310 600–6239

MTC–00022167

From: ODETOJOY77
To: Microsoft ATR
Date: 1/24/02 1:13pm
Subject: Law suit settlement:

Microsoft has given America access to the ''Enternet'' in the most economical way that has ever been conceived by mankind. It is a shame forr them to have divide their profits with their competitors. Shame on the people bringing suit.

Sincerely,
W.G. Pool, Jr.
Post, Texas 79356

MTC–00022168

From: CaptainHealey@aol.com@inetgw
To: microsoft.atr@u;sdoj.gov;;@inetgw
Date: 1/24/02 1:13pm
Subject: Microsoft Settlement

It is with a great deal of dismay and some anger that I read about AOL entering a lawsuit against Microsoft through their subsidiary Netscape Communications. It would appear that this is a frivolous lawsuit designed to waste the taxpayers money and enrich trial lawyers. Everyone knows that the major stockholders of AOL are ''jealous'' of the wealth, leadership, research and development, and success of Microsoft. All the litigants want is to get their hands on the Microsoft profits. This lawsuit is without substance and must be stopped in its tracks. Stop this unlawful pilfering of success of an outstanding American company. Stop these damn lawyers from stealing legitimate wealth. I will keep close watch on these proceedings.

I trust that leadership and intelligence will prevail during the Tunney Review. Again, Microsoft should be held without fault. Cut this crap out. If you allow this to continue, every pissy-assed country in the world, led by Great Britain, France and Germany will be cranking up their non-factual lawsuits in hope of destroying a grand American company, Microsoft. If that would happen, you should all be charged with treason.

Martin L. Healey
1045 Bunker Drive
Fairlawn, OH 44333.

MTC–00022169

From: Adrian Voinea
To: Microsoft ATR
Date: 1/24/02 1:16pm
Subject: Microsoft Settlement

I think the proposed settlement is a very bad idea.

MTC–00022170

From: Mike.Creed@teale.ca.gov@inetgw
To: Microsoft ATR
Date: 1/24/02 1:18pm
Subject: Microsoft Settlement

The proposed settlement is not acceptable. Microsoft stole millions of dollars from competitors. Microsoft destroyed competitors. Microsoft crippled the IT industry. Microsoft crippled the users of IT. Microsoft must not be rewarded for doing these things. Microsoft must never be allowed to repeat these things.

Michael Creed

MTC–00022171

From: Henri Slettenhaar
To: Microsoft ATR
Date: 1/24/02 1:18pm
Subject: Settlement microsoft

It is a bad idea.

Henri J.Slettenhaar,
President,
Silicon Valley Association
15 route de Collex (Webster University Campus
B15
CH-1293 BELLEVUE-GENEVA, Switzerland
phone: + 41 22 774 02 06 mobile + 41 79 255 89 59

MTC–00022172

From: Brock N. Cordeiro
To: Microsoft ATR
Date: 1/24/02 1:17pm
Subject: Stop the Anti-Microsoft Witchhunt

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Brock N. Cordeiro
15 Sagamore Drive
Dartmouth, MA
02748–1261
508–979–8930—Phone
508–996–4622—Fax
BNCordeiro@Mediaone.net

MTC–00022173

From: Ryan Churchill
To: Microsoft ATR
Date: 1/24/02 1:18pm
Subject: Microsoft Settlement

To whom it may concern:

String that sucka up! He should fry.

(...might want to investigate some of the shady things in the past as well...)

Ryan R. Churchill
Computer Science Major / Art Major / Information Tech Major
Northern Maine Technical College
University of Maine System

MTC–00022174

From: Eric—C—Irwin@email.whirlpool.com@inetgw

To: Microsoft ATR
Date: 1/24/02 1:19pm
Subject: Microsoft Settlement

I feel the settlement that is being proposed is a bad idea. It seems that it only further improves Microsofts position as a monopoly in the computer software business.

The money being donated to schools sounds like a good idea, but Microsoft is getting off cheap. Here is one of the richest companies in the world and getting richer everyday. They are placing a value on their software that is way above the actual cost to them. Once the software has been donated, that does nothing to train the teachers that will be using it. This also further entrenches them in the education market. When it comes time to update that software, who do you think will get the revenue? It is almost like Microsoft is investing in the school system instead of paying a penalty for their practices.

I do not know enough about the technical side of the proposal to open

Microsoft systems to developers. I would say that Microsoft has done a lot in the past to close out developers and make changes to their own systems so that they exclude other software. If they have done this all along, what makes us think that a couple of auditors could keep up with them now. This industry changes so rapidly that Microsoft will soon be able to live by the ''letter of the agreement'', but work around it to close people out again.

I don't know what the answer is, but this slap on the wrist is nothing to the Bully of the Market.

Eric Irwin
Saint Joseph, MI 49085

MTC–00022175

From: alex verhoeven
To: Microsoft ATR
Date: 1/24/02 1:17pm
Subject: Microsoft Settlement

The proposed settlement in the Microsoft case is abhorrent, and needs to be seriously reconsidered. In the time this case has been drawn out, two new Microsoft products have been allowed to dominate the market thus extending the monopoly hold Microsoft has on our industry, and ultimately on the world at large through it's operating systems.

This has to stop now. Please do the right thing and allow the IT industry to be able to hold it's own against giants who destroy everyone else's opportunity to be able to play on a level playing field in the development of software code.

Thank you for your time.

alex verhoeven—multimedia developer
alex@webslingerZ.com—http://webslingerZ.com
w: 919.933.1222
w: 800.666.5773
m: 919.824.7318

MTC–00022176

From: Verne Zeller
To: Microsoft ATR
Date: 1/24/02 1:18pm
Subject: microsoft settlement

TO WHOM IT MAY CONCERN/D.O.J. is the doj in support of our competitive, capitalistic system? FREE enterprise has allowed our country to prosper so far, why the sudden show of favoritism? aol has experienced monumental growth during this litigation period, while microsoft has been hindered by suggested illegalities.

owning both stocks, i'd prefer the company i invest in prosper by getting better and competing more vigorously, rather than following the destructive path of legal action (whining). let's get back to business——

verne zeller
aol stockholder
CC:bumpavlz@webtv.net@inetgw

MTC–00022177

From: Bradley Witteman
To: Microsoft ATR
Date: 1/24/02 1:20pm
Subject: Microsoft Settlement

Dear Ms. / Sir,

I would like to voice my opposition to the proposed

Microsoft Settlement.

I have been a user of Macintosh computers since my first Lisa in 1983 and of WinTel computers since I built my first Heath V-20 kit in 1984.

My whole family with the exception of myself are teachers... my mother for 26 years to the severely retarded and autistic, my father to engineering students at a college, my brother to nursing and computer science students at a college, my other brother to third grade Spanish-speaking kids and my sister to first grade speaking-speaking kids.

Each and every one of these five teachers has used a Macintosh to do everything from keeping attendance, creating class activities, authoring tests, writing grants, running class presentations, teaching their students about computers to writing correspondence to administrators and families.

I know my family better than anyone, and am the de facto IT support guy for them... they would never get any of these activities done if they were forced to use Windows computers... and any minute that you tie up with technological mumbo-jumbo is a minute you are stealing from their students.

I appreciate that there is a ''digital divide'' that exists in this country, however, I strongly disagree with the idea that allowing Microsoft to foster future consumption of their products is the way to ameliorate this situation. Take Microsofts billion dollars in cash, and allow those most needy school districts to make their own decision on the technology they would like to deploy. [I would also probably structure a temporary office to disperse this cash to ensure that as much of this money as possible gets into the school administrators hands while trying not to create yet another bureaucracy in Washington that will outlive its original purpose].

The only way that we are going to continue to have a vibrant computer industry is to foster alternatives to the mainstream. If Microsoft had been in a vacuum since 1984, they would never have copied the Macintosh user interface, would never have bothered to write office applications to compete with WordPerfect and Lotus 1–2–3, would never have created Money to compete with Quicken, would never have authored Publisher to compete with Adobe PageMaker, would never have written Internet Explorer to compete with Netscape Navigator.

Im glad that Im no longer staring into an amber display at a command line interface, arent you?

If you have any questions you may contact me at:

Bradley J. Witteman
BradleyJW@yahoo.com
Best regards,
Brad

MTC–00022178

From: Robert van Gent
To: Microsoft ATR
Date: 1/24/02 1:19pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea. If nothing else, it lacks an effective enforcement mechanism, and Microsoft has consistently shown in the past that it will disregard any injunctions without teeth.

Robert van Gent
US Citizen

MTC–00022179

From: bob carlin
To: Microsoft ATR
Date: 1/24/02 1:19pm
Subject: Microsoft Antitrust Trial

This email is to register my opinion about the Microsoft antitrust trial.

I believe that the settlement should require Microsoft to disclose not just its internal operating system interfaces and protocols, but the entire source code for its operating systems. I am not advocating that competitors be given free rein to rewrite the operating system and distribute their own versions of it, just that competitors be given the source code so that developers can know how best to interface to Microsoft's operating system.

Microsoft has abused its position as a monopolistic source of operating systems by providing unstable operating systems and then pushing new versions of the operating systems onto the marketplace, at a cost of about $100 per version. The company has not used its position to develop good value software for the public, only software that maximizes its own profits.

Microsoft Corporation has a history of predatory and unfair business practices. At one time, Microsoft forced OEM computer manufacturers to include Microsoft's operating system on all personal computers that they manufactured. Microsoft was forced to discontinue this. Another example of unfair business practices was Microsoft's warnings that other operating systems would not operate properly with applications for IBM-compatible personal computers. At that time, a company called Data Research was selling an operating system called DR-DOS. By all accounts I have heard, DR-DOS was fully compatible with the applications written for IBM-compatible personal computers. By spreading false information, Microsoft eliminated competition in the marketplace.

The settlement also provides that computer manufacturers and software developers will be free to do business with Microsoft's competitors without fear of retaliation. That provision of the settlement is an implicit admission that Microsoft has used its power

in the marketplace to retaliate against manufacturers and developers in the past. Those are examples of Microsoft's prior unfair business practices. Currently, Microsoft is accused of monopolistic practices that have hampered competitors? efforts to develop applications to run on Microsoft Windows operating systems. The proposed settlement would require Microsoft to disclose internal operating system interfaces and protocols. Given Microsoft's past history of unfair practices, what mechanism will be in place to ensure that Microsoft abides by the terms of the settlement?

Microsoft is, for all intents and purposes, a monopoly. Defining a monopoly as the only provider of a good or service to the market, Microsoft qualifies as a monopoly because it has nearly all of the market share for operating systems for personal computers. The only other viable operating systems for personal computers are Apple Computer's Macintosh operating system and Linux. But these systems together only have about 5 percent of market share. And are not really viable competitors in marketplace for IBM-compatible operating systems. Microsoft publishes a new version of its Windows operating system about once every two years, with the pace increasing in the last few years.

However, succeeding versions of the operating system have not necessarily provided value-added to consumers (both home users and business users). I work in the field of computer security and I am very aware that Microsoft operating systems for network servers are less secure and more prone to crashing than other operating systems for network servers, such as the various types of Unix operating systems. And workstation operating systems are notorious for instability. Microsoft itself tacitly admits that its Windows operating systems for PCs are unstable when it advertises that each new version will be more stable than the previous version.

MTC–00022180

From: rob—roix@mtco.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:16pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Victor De Croix
706 Grandview Way
Metamora, IL 61548–9125

MTC–00022181

From: Lsfgtd@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:20pm
Subject: Microsoft Settlement Gentlemen:

The pursuit of Microsoft is ludicrous when viewed by computer users across America. It is fueled by government avarice and not harm to customers and users. Show me where you have thousands of people screaming that they have been harmed. I used to think that antitrust actions were pursued because the noble American consumer was being abused by evil businessmen. Oh, I see, it isn't necessary to prove that they have been harmed or that they are too stupid to know they have been harmed. The ''Government'' knows better. Well, go find another lawyer employment case because this one is a clear cut case of judicial abuse. This is persecution not prosecution. Where were you all when real criminals were looting Enron???? As Thomas Paine would say, the only thing lacking here is common sense.

Sincerely,
William P Donovan
5292 Stonehedge Court
Yorba Linda, California 92886

MTC–00022182

From: Mary Stearns
To: Microsoft ATR
Date: 1/24/02 1:19pm
Subject: Microsoft Settlement

Please end this unfair action! Where would this sort of thing stop if this passes??? Thank you for your sane thinking on this.

mary stearns

MTC–00022183

From: Doug Gorman
To: Microsoft ATR
Date: 1/24/02 1:19pm
Subject: Microsoft Settlement

Enough! Dont let AOL continue rip off the American taxpayer. Obviously they want to undermine the current settlement in order to compete in the IT industry the only way they know how, with lawsuits.

Truly Disapointed,
Doug Gorman

MTC–00022184

From: Jim Kuska
To: Microsoft ATR
Date: 1/24/02 1:21pm
Subject: microsoft settlement

I find it disturbing that another lawsuit is being brought forward by AOL during the time the judge is trying to resolve the earlier lawsuit. This to me this seems a waste of resources both from the Govt. and private enterprise point of view. I would to see the settlement be what the states have agreed to and then lets get this issue behind us.

Respectfully,
James J. Kuska
common taxpaper

MTC–00022185

From: robertws@camano.net@inetgw
To: Microsoft ATR
Date: 1/24/02 1:19pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Robert Saunders
P.O. Box 1203
Stanwood, WA 98292–1203

MTC–00022186

From: Tony Bruton
To: Microsoft ATR
Date: 1/24/02 1:20pm
Subject: Microsoft Settlement

I think that the proposed settlement is unfair and unethical. Microsoft has a history of undermining opposition such as different Operating Systems and internet browsers through less than legal means.

MTC–00022187

From: Wooster, Steve
To: Microsoft ATR
Date: 1/24/02 1:21pm
Subject: Microsoft Settlement

Dear Sir/Madam:

I am writing in regards to the Tunney Act public comment period on the proposed Microsoft antitrust settlement. I am opposed to the current proposed settlement. It does address the monopolistic practices practised by Microsoft.

The proposed settlement is a bad one; please reject it and have the DoJ and the states go back and draft something that will address the facts found in the District court case.

Thank you.
Steve Wooster
17745 Radbourne CT,
Monument Co 80132

MTC–00022188

From: lisasspot@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:20pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those

supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Lisa Vidikan
11110 Ohio Avenue
Suite 200
Los ANgeles, CA 90025

MTC–00022189

From: Joseph Sheehan
To: Microsoft ATR
Date: 1/24/02 1:21pm
Subject: Microsoft Settlement—way too lenient

As one who is in IT at a large telecom corporation, I cannot help but be increasingly upset by the court procedures. Microsoft has an attitude that they need to take over all areas of the computing world-including the internet. My son thinks that the government is cotowing to them. Microsoft seems to be doing everything to make Netscape, Apple computer, JAVA, various flavors of UNIX (Linux) have ever increasing hard time holding onto their market share. They make me, my wife-everyone have to constantly upgrade Netscape versions on home and work computers to stay able to read web pages for our jobs. They have gotten lots of companies to use their web server software and then use that to leverage making Netscape obsolete. In the newest version OS, XP, we cannot just upgrade Netscape, we have to completely deinstall first. They are constantly forcing Internet Explorer on everyone, including Apple (we have three at home.) Maybe it wouldn't seem so bad if their software worked, but it is very poor design and unstable compared to UNIX and MacOS. When the government hesitates to lean on Microsoft in not wanting to hurt/interfere with companies, they don't realize Microsoft is hurting all the rest of the companies in this country with very poor, high maintenance software.

Thank you for your time
Joe Sheehan

MTC–00022190

From: Shelby Thornton
To: Microsoft ATR
Date: 1/24/02 1:21pm
Subject: Microsoft Settlement

The proposed settlement with Mocrosoft is a bad proposal. It in no way addresses the anti-competitive practices of Microsoft, and as such, promotes Microsoft as a monolpoly in many areas. The appropriate settlement would promote healthy competition, the proposed settlement would kill it.

Best Regards,
Shelby Thornton

MTC–00022191

From: Meriby Sweet
To: Microsoft ATR
Date: 1/24/02 1:22pm
Subject: Microsoft Settlement

Sirs/Mesdames;

The proposed Microsoft Settlement is a bad one: it offers Microsoft a way out of their obligation to obey the law; it provides for punishment that is meaningless to Microsoft—indeed, gives them an opportunity to look like good guys!—and allows, by government edict, the introduction of Microsoft products to the very classrooms where they have had little success, prmarily because they have had little interest in serving a low-bid market. Why is the government becoming Microsoft's marketing pimps?? Do not allow this Settlement to become final. Determine the actual losses Microsoft has incurred on its competitors by burying their products with anti-competitive contracts and then put that money into R&D efforts for the Open Source Foundation, or other such entities trying to develop other software for use by business.

Thank you for your consideration.

Sincerely,
Meriby Sweet
CEO, Cynosure: ABA
Phone: 207–781–5124 eFAX: 510–217–4237 Cell: 207–318–4472 www.cynosure-aba.com ''Of course it's hard; it's supposed to be hard. If it were easy everyone would do it — and then it wouldn't be any fun!''

MTC–00022192

From: lloydell@fbns.net@inetgw
To: Microsoft ATR
Date: 1/24/02 1:20pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Lloyd Ellison
1930 Supplejack Ct
Sugar Land, TX 77479

MTC–00022193

From: Joseph Olson
To: Microsoft ATR
Date: 1/24/02 1:22pm
Subject: Microsoft settlement

I really have problem with this case. Microsoft is a large company; therefore, it must be bad seems to be the logic driving the suit. If people don't like the fact that Microsoft is every where creat a beeter system and market it. If you can not do that shut up and get out of the way. This entire case is ''corperate welfare'' for netscape. I am an individual consumer and this case is being sold to the public based on a consumer protection/unfair trade practises line, yet I get no benifits from this case except that it is now harder to find the icon for the best serch engine ever invented. Leave Microsoft alone and stop hindering the development of new technology by wasting Microsofts resources. Every dollar spent defending this suit keeps me, the ordinary computer user, one dollar further from the next technology and it drives up the price of the technology that I wish to buy and use today.

Joe Olson
2107 Green Valley Dr.
Janesville, WI 53546

MTC–00022194

From: Nathaniel
To: Microsoft ATR
Date: 1/24/02 1:23pm
Subject: Microsoft Settlement

As a consumer, I believe that the Microsoft settlement as it stands now would be a bad idea. I hate the fact that I am all but forced to use Microsoft products due to the lack of competition in the PC OS market. While there are...or at least there were a good deal of options, the only option now as far as alternative operating systems seems to be linux and then you are forced to rely upon the generosity of others to create enough software to make your machine usable for everyday tasks. I was an ex-beos user but after the dissolution of the company and just about every major coporate player pulling out of the market, I have had to revert back to an MS platform so that I could accomplish any sort of productivity at home. As a student, I have very little funds to spend on operation systems which is why BeOS was such an attractive offer. I paid 60 dollars once and any incremental update was free, the R4.5 update having been sent to me in the form of a CD. After that, I need only pay 30 dollars for any major upgrade. Linux isn't an option as I would face many of the same problems I faced with BeOS. While there is more support, there isn't any viable commercial support, most companies denying any request to port their programs to other systems other than windows because they realize that as things stand now, it would be an attempt in futility. What is to guarantee that the operating system will last. Even IBM had trouble competing with Microsoft with their OS/2 platform, I was stung by Microsoft then when IBM decided to no longer support OS/2 shortly after MS released Windows 95 and NT 4. Personally, I would like to see tougher restrictions placed on Microsoft and their business practices closely watched. I would also like to see a change in services run by microsoft as I find it a bit...unfair that I must use Internet Explorer to have full functionality when accessing my hotmail account, and I think that as a user, I should be given the option of what software I want to have installed by default with a new OS instillation. If I don't want IE or MSN Explorer or MSN Messenger, I should be given the option to not have them installed.

-N

MTC–00022195

From: lloydell@fbns.net@inetgw
To: Microsoft ATR
Date: 1/24/02 1:20pm

Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Lloyd Ellison
1930 Supplejack Ct
Sugar Land, TX 77479

MTC–00022196

From: Rut Newman
To: Microsoft ATR
Date: 1/24/02 1:23pm
Subject: Microsoft Settlement

Dear Government,

I believe that the Microsoft settlement that was reached, was not extensive enough. I believe it should be revised again and made more ''fair'' to the consumer.

Thank you for your time,
Rut Newman

MTC–00022197

From: LesReitz@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:23pm
Subject: Microsoft Settlement

I wish this case could be ended and Microsoft could get on with improving the world of us computer users. I have used MS95, 98 and now ME and have always been very satisfied with their operation. I was not coerced into using these products, I did so because they had better systems than anyone else had to offer. The prices I paid were fair.

Now AOL is suing MS and it is a ridiculous suit. They are doing more to push unwanted stuff onto us users than MS. I have been using AOL since 1995, now I am beginning to wonder if I should continue. In just the past week, several of the members of our computer have dropped AOL. They are getting to pricey and to pushy and I do not think their equipment is adequate for the number of people they are serving. It is sometimes almost impossible to log on. If you call them regarding a problem they most often want to mess with your computer instead of admitting they are having a temporary problem.

Thank you.
Leslie Reitz,
6209 E. McKellips Rd. #375,
Mesa, AZ 85215

MTC–00022198

From: Carl Kipp
To: Microsoft ATR,Rense Mark (GEL MSX),Dr—Johnston Wil...
Date: 1/24/02 1:24pm
Subject: Microsoft Settlement

subject=Microsoft Settlement
MS Anti-trust. Tunny Act Comment.
—World ''Dumb-in-Nation''!
My comment in the MS Anti-trust case
Carl Kipp
Columbus, OH, 43202

In Unauthorized Windows 95, Andrew Schulman (wizard & editor) has many quotes from the DoJ vs MS [''settled'' out of court, 1994!] including his own congressional testimony. One was from a MS VP who said ''...my job is to see that Microsoft gets a fair share of the application market. I define that as 100%.''

Perfidy.

This case is an outgrowth of that one. MS agreed to not bundle the browser, did it anyway and claimed it was built-in. A lie, as testimony showed. I own 98Lite a program which merely uninstalls the IE browser. Drug on the market. MS's recent ''$1 Billion'' settlement proposal is typically self-serving. They account their $10 MS Office package cost as ''$600'' retail AND hook students in the education market. This is like letting the TOBACCO companies pay their FINES in cartons of CIGARETTES!

Or Carlos Lehder, of the Medellin cartel pay fines in cocaine packets!

Judge T.P. Jackson did compare MS to a dealership. Truly M$ vs. U.S.!

It was reported last year the MS lobbied Congress to get YOUR DoJ budget cut! Is the USA a Banana Republic? Other Damages to Society:

Microscoff is bad for innovation. [See Caldera's suit for damage to DR-DOS. See Borland.].

Microsloth is bad for programmers. [You don't program, you use MFC objects. Dumb.] Microstuff is bad for IT. [No one understands their proprietary stuff. Even MS! See IIS buffer over run. See the ''FBI warns MS about security''. See Universal P'nP holes]

Microscruff is bad for ZDNet, a media company. [Users have given up understanding. ZD loses readers looking for enlightenment. They are since under new management.] ZDNet editor Kingman said ''No single company, not even Microsoft, is the enemy.'' WRONG. MS=Dumbination The GATES to Dumb-in-Nation!

Carl Kipp
Columbus OH, 43202

MTC–00022199

From: Dan Caless
To: Microsoft ATR
Date: 1/24/02 1:23pm
Subject: Microsoft Settlement

To whom it may concern, I am writing to express my support for Microsoft and against any actions the government may take against it. Microsoft has earned it's great success. It did not achieve it through any sort of coercive means, such as special government protection or subsidies. It did not use actual coercion against it's competitors at all—everything it did was through voluntary agreements with other parties, whether those parties were particularly happy with the agreements or not. Therefore Microsoft's competitors have nothing to complain about: all Microsoft's actions were legitimate business activities that should be protected by the government, not punished by it.

I consider the anti-trust laws one of the worst corruptions of law that has ever occurred in this country. They are non-objective in that they have a very wide scope of interpretation so a business has no way of knowing ahead of time if it is guilty or innocent of breaking them. Virtually every business breaks them in that every business dominates some kind of niche, and every business responds to competitors'' price and product changes. Like Microsoft, every business works hard to get consumers to use their products and undercut competitors. Hence enforcement is very politicized and arbitrary, often the result of what party is in office and the influence of the competitors, consumer advocates, etc. They are Soviet-style—the government can threaten any business with them and use them as a whip to cow companies into doing what the government wants. They are clearly the product of envy, and historically they've been used to bring down the best and most successful companies in the country.

Finally, I'm horrified that persecuting Microsoft might slow down technological progress. The government is persecuting a company that spends billions on R&D and product development. Because Microsoft is so widely used, incorporating new features into it's products greatly speeds up their distribution, which speeds up people using and implementing them. The result is that people and companies can do more with their software and raise their productivity sooner. One important reason why most people have settled on Microsoft products is because they're a standard already. That greatly benefits users because there's a depth of talent available to work with them and users don't have to waste time dealing with different software producers and incompatible products. The standardization around Microsoft makes computing easier, more productive, and speeds new technology distribution, all of which greatly benefits us economically and raises our standard of living, and so makes all of us materially better off.

I would like to see the government totally drop the persecution of Microsoft. Quite the opposite, it should affirm that it protects the right to property and liberty of the shareholders of Microsoft. The purpose of government is not to protect the incompetent or weak or to legislate envy and hatred of success; it's to protect everyone's, including Bill Gates'', right to life, liberty and the pursuit of happiness.

Sincerely,
Daniel E. Caless
Chelmsford, MA.
caless@babson.edu
CC:activism@moraldefense.com@inetgw

MTC–00022200

From: Kevin Garrison
To: Microsoft ATR
Date: 1/24/02 1:22pm
Subject: Microsoft Settlement
January 24, 2002
John Ashcroft, Attorney General
US Department of Justice, 950 Pennsylvania Avenue, NW

Washington, DC 20530–0001

Dear Mr. Ashcroft:

I totally support the decision of the Department of Justice to settle the Microsoft antitrust case. The concessions that Microsoft has made adequately address the concerns that Microsoft has, or will, engage in anticompetitive behavior.

Microsoft has demonstrated good faith by agreeing to terms that go well beyond what was initially at issue in the lawsuit. They have agreed to disclose its code for its competitors'' use. They have agreed not to legally obligate third parties to exclusively distribute or promote Windows technology. They have agreed to be subjected to monitoring by a technical oversight committee. The threat of anticompetitive behavior is greatly diminished by these types of terms. The only downside to the agreement is that more of the states did not sign on to the settlement. The settlement agreement is obviously well thought out. It was arrived at after a long period of negotiating by the parties. There is no reason to continue the litigation.

I appreciate your consideration of these comments. Thank you.

Sincerely,

Kevin Garrison

MTC–00022201

From: Kurt Yoder
To: Microsoft ATR
Date: 1/24/02 1:23pm
Subject: Microsoft Settlement

I do not feel that the proposed Microsoft settlement is fair. Microsoft should be forced to change its monopolistic practices, and a weak settlement does not accomplish this.

Kurt Yoder

Sport & Health network administrator

MTC–00022202

From: ddlloyd69@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:20pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now.

Thank you.

Sincerely,

Doris Lloyd

5107 Oak Hill Road

Delray Beach, FL 33484

MTC–00022203

From: Kyle Bresin
To: Microsoft ATR
Date: 1/24/02 1:23pm
Subject: Microsoft Settlement

There are many other parts of the settlement that concern me, but have included only my main concern for brevity.

I would like to comment on two elements of the proposed Microsoft settlement that I believe do not serve the Public Interest in any significant way, and which, I believe, are particularly necessary to ensure that Microsoft stops abusing it's operating system monopoly. The settlement should specifically prevent Microsoft from integrating it's operating system and applications too closely, this is the only way to make sure there is room for other microsoft application compatible operating systems to enter into the market. This requires two steps. One, that the court ensure that Microsoft publishes it's APIs. This does nothing to harm a legitimate Microsoft, in fact, having clearly defined and abstracted APIs between the OS and it's applications is considered to be ''best practices'' in the software field. A seemingly reasonable request for one of the most successful software companies in the world.

The second step is to prevent the current definitions (specifically definitions A, J, K, U need revision) of API and Middleware that have been crafted in such a way to exclude key Microsoft products, along with creating a half-dozen loopholes that are clear as day to anyone with sufficient technical knowledge. The actual remedies are inconsequential as long as Microsoft is allowed to dictate when and where they have to apply them! An extensive rewrite of the current definitions seems in order, or, at the very least, using the definitions from the original finding of fact...

Respectfully,

kyle.

Kyle Bresin

MTC–00022210

From: RMcamis858@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:24pm
Subject: Microsoft Settlement

Now it's AOL again muddying the waters! This company, one of which I use for my Internet uses, should get on with their business and stop whining about the success of Microsoft. Microsoft has done more for the high tech industry, and created more job opportunities than all of the other tech companies combined. It's a waste of the DOJs resources to hear these issues. Let Microsoft get on with the business they know best, developing the necessary software that ALL of use, in one form or another. Our country was built on invisionaries that had a dream, and carried that dream to fulfillment! LEAVE MICROSOFT TO THEIR BUSINESS!

MTC–00022228

From: Eduardo Matus
To: Microsoft ATR
Date: 1/24/02 1:25pm
Subject: Microsoft Settlement

To Whom it may concern, I am writing as a very concerned consumer in reference to the ordeal happening with Microsoft. I am very concerned at the fact that this is even happening to begin with. Microsoft is a company whose products are very much in high demand and are also highly dependable and reliable. I believe that this very dedication to product quality is what makes them successful. When Microsoft was charged with Antitrust violations I wanted to know just how this came about. I later found that that this is not even a consumer driven issue. I found out that Microsoft's competitors who did not have the same amount of innovation and quality are the ones who began the whole process. In essence these whole proceedings are highly immoral: You are attempting to punish someone for being innovated and dedicated to EARNING wealth through putting out a better product. I work with computers quite often and I am very discriminate when it comes to what I buy. I don't just buy it because it is there. By breaking up Microsoft you are in essence providing welfare for the less competent companies and therefore I will be forced to buy product from someone who is not as good. This is preposterous and completely unacceptable. To think that in this country out of all places, a company is being punished for being efficient and successful, while the ones that are doing less of a job get the rewards, makes me sick and leaves me little reason to even want to enter the marketplace as a businessman for fear of being successful. If you punish Microsoft, you will set a precedence which in turn will destroy everything good about American business: We will show our children that being mediocre is better that achieving your highest potential, that knowing people in high places is better than relying on knowledge and experience, and worst of all, you will leave us with no philosophical ground for us to stand on against anyone that may disagree with our way or life and our country. Many things are riding on this decision. I hope for the sake of the future of American (and worldwide business for that matter) that you make the right decision. Punishing the successful and rewarding the incompetent is UNAMERICAN and highly UNETHICAL.

Yours Truly,

Ed Matus

MTC–00022230

From: obdonna4god@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:21pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Donna Muoio
6218 Preakness
Etiwanda, CA 91739–9585

MTC–00022231

From: joanpeterson
To: Microsoft ATR
Date: 1/23/02 11:46pm
Subject: Microsoft Settlement
Constantly blaming Microsoft for all problems is outrageous! Settle this and let Microsoft innovate. The economy would be better off for it!

MTC–00022233

From: Chris.Latham@majiq.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:26pm
Subject: Microsoft Settlement
The proposed settlement is bad idea
Chris Latham, MCSE, CCNA
Network Engineer
Majiq Systems and Software
8343 154th Ave NE
Redmond, WA
98052–3865
mailto:chris.latham@majiq.com
425.881.7100

MTC–00022238

From: Dale Patterson
To: Microsoft ATR
Date: 1/24/02 1:25pm
Subject: Microsoft Settlement
Sirs,
I believe the settlement you've reached with Microsoft is fair, just and should be implemented. This and other lawsuits filed by their ''so called competitors'' are and have been detrimental to the furthance of technology and at greater expense. I have not been overcharged in the purchase of any Microsoft product.
I first began using the internet in 1996. My ISP provided, Earthlink promoted the use of Netscape's Naviagator Browser which I used excusively for two years. In 1999, I loaded Microsoft's Interner Explorer and began comparing the two browsers. After a six month trial of using both, I determined that iE worked faster and better than Netscape's and now use it exclusively. I do keep the latest version of both browsers on my back-up computer for continual comparsions. Products of other competing software, i.e. Real Products, Word Perfect etc. are also stored on my back-up computer.
I've been harmed more financally by the DoJ's lawsuit against Microsoft which contributed to the decline of Tech Stocks and a slow down in the enconomy.
Please complete this lawsuit and allow technology to again progress.
Dale Patteron

MTC–00022246

From: RWL—CAJUN@HOTMAIL.COM@inetgw
To: Microsoft ATR
Date: 1/24/02 1:23pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
ROBERT LANDRY
880 TULLY ROAD
#23
HOUSTON, TX 77079

MTC–00022248

From: susan.bolser@cinbell.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:24pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you. Sincerely, Susan Bolser 3709 Neiheisel Ave Cincinnati, OH 45248–3127

MTC–00022249

From: gbrooks8510@excite.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:26pm Subject'' Please leave Microsoft alone!
First of all, thank you for letting me submit this opinion.
My main objection to this case is that it was brought to help Microsoft's competition, not to help American consumers. The intent of antitrust is to protect the consumer. As a consumer myself of both Microsoft (hereafter ''MS'') and other software, I fail to see how MS has hurt me. Does it injure me in any way to give me free software? I am capable of not using it if I don't like it—which is, in fact, what I do with all those free AOL CDs!
In my job, I now use the MS Office Suite on a daily basis. Before we had this software, life was much more complicated. The files wouldn't copy, for example, from Paradox (a database) to Lotus 123 (a spreadsheet). I have heard people arguing that their company offers a better product than MS. That is for the market to decide, not the courts. For my purposes, compatability between the applications is very important, so I choose MS.
Success should not be punished in America! Bill Gates was not born ''King of Software'', he and his company worked hard for years to become the leader. They should be rewarded as the market sees fit. Windows 2000 and Windows ME will be obsolete soon, and MS has no guarantee that the MS replacement will be the what the consumer wants in 2004. MS will rise or fall according to the will of the marketplace. Any of the competing companies could come up with a better replacement operating system. At least one already exists: LINUX, and it is available to anyone FREE for the downloading! How can MS compete with that? But it does !
Please let Microsoft continue improving our lives, our work, and helping to keep the USA the world economic leader!
Brooks Gatlin
Spring, TX

MTC–00022250

From: John Laur
To: Microsoft ATR
Date: 1/24/02 1:19pm
Subject: Microsoft Settlement
I am not in support of the proposed settlement for the reasons listed in the following paragraphs. I have read plenty of other arguments that the settlement is poor; however, I don't feel that I understand enough about those reasons to comment. I'm not a lawyer, so I apologize for the lack of extensive references.
It does not take into account systems which can or could be made compatible with the Microsoft Windows operating environment.
It fails to address the issue of Microsoft strong-arming OEM's to limit their freedoms to install what they want on machines they sell.
It fails to provide a means by which the agreement would be enforced if enacted.
This is getting ridiculous. Microsoft continues to blow smoke and buy years of time. Computer hardware manufacturers targeting the consumer market generally produce equipment that meets certain standard and documented criteria so that software (ie any software such as an operating system) can be run on the machine. Due to the complex nature of modern personal computers, application software no longer runs directly on the hardware. Operating systems exist to provide an abstraction layer and further refinement to a standard interface to allow application software to be developed more efficiently. The problem with what Microsoft does is that it continues to make its own interfaces proprietary or undocumented, so that it becomes extremely difficult to develop applications which work efficiently on multiple platforms or use applications which use this interface on other platforms which cannot support it.
In the end, this ends up hurting the consumer tremendously. The constant tweaks and changes Microsoft has to make to its ''Operating System'' to sustain this level

of secrecy only ends up ending in an overly complex system to support the many versions of older interfaces that exist—obsoleted by the simple fact that they are old enough for others to have figured them out!

Thank you for soliciting comments.

Sincerely,

John Laur

MTC–00022251

From: jandb50@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:22pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,

Jim Brennan

529 W. 215th St. Carson, CA 90745–1930

MTC–00022252

From: Bryan J Newman
To: Microsoft ATR
Date: 1/24/02 1:23pm
Subject: Microsoft Settlement

Dear DOJ,

The Microsoft Settlement is full of holes. It will not do anything of consquence re: Microsofts stranglehold on competition, the settlement should be scrapped immediately.

Thanks,

Bryan Newman

Programmer/Analyst—ED Data Warehouse

bryan.j.newman@wamu.net—206.377.7911

MTC–00022253

From: captain
To: Microsoft ATR
Date: 1/24/02 1:26pm
Subject: Microsoft Settlement

I can't write more than a sentence without becoming utterly livid. You should fine MS into non-existence and compensate those who have been most injured by the Evil Juggernaut over the past two decades. The list is LONG.

MTC–00022254

From: Byron York
To: Microsoft ATR
Date: 1/24/02 1:32pm
Subject: Microsoft Settlement

It is so completely obvious that the settlement worked out between Microsoft and John Ashcroft is so fatally flawed and written *BY* Microsoft, that the only remedy that is available is to throw the whole thing out and tell Microsoft and their lobbyists to try again.

The DOJ anti-trust division knows this, and I am sure that the attorneys there that actually have integrity are fuming about the way Ashcroft and Bush have:

(1) cut their funding

(2) took remedies off the table before even entering in to settlement talks

(3) completely and utterly capitulated to Microsoft's ever want

It really makes me sick what a little(or large in Bush's case) campaign contribution can get you.

JUSTICE SHOULD NOT BE FOR SALE IN THIS COUNTRY.

I hope the American Anti-Trust Institute lawsuit against the DOJ and Microsoft prevails. There were so many secret meetings between the DOJ and Microsoft in violation of the Tunney Act that it makes Cheney's secret Energy Task Force look like a bake sale.

P.S. Unlike Bush and Ashcroft, I am not afraid to put my name on my beliefs:

Byron Bernard York

2155 Goldsmith

Houston, TX 77030

713–416–4487

MTC–00022255

From: Paul Brenner
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 1:24pm
Subject: Microsoft Settlement

I support the settlement. I do not believe it is in the interest of consumers to continue this litigation.

Thanks,

Paul Brenner

MTC–00022256

From: David C. Donaldson
To: Microsoft ATR
Date: 1/24/02 1:28pm
Subject: Microsoft Settlement

Dear Sir;

Separating Microsoft in two, one with the operating system, the other with applications, is a great solution and remedy for the market extortion and abuse of the monopoly power exorcised by Microsoft.

Also, I'd like to see the company forced to provide the operating system source code to competitors that make both commercial and consumer programs that run on all windows operating systems. For how long, I don't know. Perhaps for a time to be determined by the court monitoring the marketplace.

I am a retail consumer. Everyone I know using the inferior operating system made by Microsoft suffers direct harm from their market abuse. I wonder how long the legal system will tolerate that.

I am hoping you will take a very, very strong stand against extortion and monopoly market power abuse.

David Donaldson

3208 El Sobrante Street

Santa Clara, CA 95051–3722

Tele: 408–241–3630

david456@pacbell.net

MTC–00022257

From: tbswiggum@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:24pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,

thomas swiggum

1318 ontare rd

santa barbara, CA 93105–1941

MTC–00022258

From: Alex Nicksay
To: Microsoft ATR
Date: 1/24/02 1:30pm
Subject: Microsoft Settlement

Microsoft has long been a domineering force in the computing field. As an American, I firmly believe in the necessity of a free, competitive, thriving market. However, Microsoft has been found to violate both the spirit and the letter of the law in this regard, and drastic action must be taken to curb such behavior. With their operating system on over roughly 95% of all computers in use today, the average consumer sees little choice. In fact, he/she sees no choice; he/she assumes a Windows-based PC and Windows-centric software are the only solution.

The proposed settlement does very little to place any restraint on Microsoft. The proposed body to be placed at Microsoft is small, incomprehensive, and little more than show. Drastic action must be taken to change a drastic situation. One may point to the antitrust proceedings against AT&T many years ago. It's division effectively stimulated competition in a stagnate market, while still leaving AT&T with substantial business interests. It remains a viable player to this day. I propose a similar treatment for Microsoft—a division into two or preferably three smaller companies. Judge Jackson ruled as such, and there seems to be no reason not to uphold such a penalty because his findings (that Microsoft is a monopoly) have been upheld.

The proposed settlement contains specific language that does and, more specifically, will not apply to the appropriate Microsoft products. Example: in previous antitrust cases, specific language was used, regarding the integration of Windows95 and Internet Explorer. By the time the court was settled, Microsoft had delayed long enough to release Windows98 and later products, eliminating the need for compliance. In this trial, attention should be paid to making any settlements or penalties include broad

enough language to apply to future Microsoft products and services. Only then will Microsoft cease to be a monopoly.

Furthermore, the proposed settlement includes measures that would inject a relatively balanced, competitive education market with a large foundation of Microsoft products, services, and software. Contrary to Microsoft's assertions, Microsoft would be the primary and ultimate beneficiary of such a ''solution''. The cost of reproducing software is negligible; the cost (especially in time) of maintaining refurbished computers is very high; the established software and hardware would influence schools to maintain brand-loyalty to Microsoft for convenience, when otherwise a competing product would have chosen. Microsoft's proposed settlement does not effectively restrict further monopolistic practices, extends Microsoft's base into more of a market unfairly, and does not sufficiently benefit the people (every personal computer user, of either Windows or a Window competitor).

Therefore, it should be rejected and harsher penalties should be applied.

Respectfully,
Alex Nicksay
Student, Computer Science, Film Studies
Columbia University
New York, NY

MTC–00022259

From: Leon D. Shaner
To: Microsoft ATR
Date: 1/24/02 1:30pm
Subject: Microsoft Settlement

Honorable Sir or Madam,

I believe that the proposed settlement fails to adequately punish Microsoft for their repeated predatory and anti-competitive behavior.

MicroSoft already has a majority share of the Operating System install-base, yet they have a long history of engaging in scare tactics and other threat-based means to PREVENT hardware vendors from the following:

(1) bundling non-Microsoft OS environments (such as OS/2 or Linux)

(2) bundling non-Microsoft browsers (such as Netscape)

(3) bundling non-Microsoft multi-media support applications (such as RealAudio)

(4) placing icons / menu-picks for non-Microsoft internet services in prominent locations on the desktop and start menus.

By preventing a hardware vendor from exercising discretion RE: which OS and components to bundle, Microsoft has, in effect, limited consumer choice and all but driven third-party software and service vendors out of the market.

Regards,
\Leon
Leon.Shaner@Sun.COM // Internet Architect
Central Area Technology Practice
Sun Professional Services
Sun Microsystems, Inc.
Office: 313–317–2121 // Fax: 630–775–0852

MTC–00022260

From: Dorothy Winick
To: Microsoft ATR
Date: 1/24/02 1:32pm
Subject: Microsoft Settlement

I think Microsoft has done fine and should not be sued again.

MTC–00022261

From: Randy Spencer
To: Microsoft ATR
Date: 1/24/02 1:29pm
Subject: Microsoft Settlement

Just because the president is in the back pocket of industry doesn't mean that the doj should be shirking their responsibility and GIVING IN when they are supposed to be representing and defending the American People against criminal acts such as those of Microsoft.

Stop persecuting foreign nations in unconstitutional manors and get back to your JOBS.

Randy

MTC–00022262

From: Dan Eyer
To: Microsoft ATR
Date: 1/24/02 1:30pm
Subject: Microsoft Settlement

I am writing to express my dissatisfaction with the proposed settlement with Microsoft. In my opinion it completely fails to either punish Microsoft's past bad behavior or to in any way inhibit future bad behavior. I do not consider the settlement to be in the interest of the American public. I have worked as a software engineer for more than 12 years.

Daniel J. Eyer

MTC–00022263

From: David Abbott
To: Microsoft ATR
Date: 1/24/02 1:30pm
Subject: Microsoft settlement

The current settlement with Microsoft is a bad idea. I abhor being limited to just Microsoft products in order to be productive at homeand for work. The other options out there are extreamly costly over time or are nonpractical for day to day operations not to mention the lack of compatibility with them.

Thank You,
D. Abbott

MTC–00022264

From: Max Heffner
To: Microsoft ATR
Date: 1/24/02 8:19pm
Subject: Microsoft Settlement

I am extremely disapointed with the settlement and believe it does nothing to punish or prevent Microsoft from further abusing their monopoly. It is disapointing to see that a company with large amount of money can have more influence then the U.S. government. I did not expect Microsoft to be broken up but at the least I would have expected the government to take a stand and deny Microsoft the ability to bundle their middle ware software products with the Windows operating system. This practice is the most unfair and hurts alternative software developers/vendors as much as it does the consumers.

I deserve as much protection as Microsofts stock holders, but this settlement is exessively liniant towards Microsoft. The DOJ has failed.

MTC–00022265

From: Niels Jensen
To: Microsoft ATR
Date: 1/24/02 1:33pm
Subject: Microsoft Settlement

I believe the proposed settlement is unfair to the many companies— small and large— which has lost business because of Microsoft monopolistic practices.

With kind regards from
Niels Jensen (njensen@get2net.dk),
Slangerup, Denmark.

MTC–00022266

From: rownby@televar.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:31pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Ray Ownby
6321 Rd 3.3 NE
Moses Lake, WA 98837

MTC–00022267

From: Vaughn Cato
To: Microsoft ATR
Date: 1/24/02 8:35am
Subject: Microsoft Settlement

The proposed settlement does not properly address the situation and it must be reconsidered. Microsoft must be placed in a position where it cannot abuse it's monopolistic position.

—Vaughn

MTC–00022268

From: ateepee
To: Microsoft ATR
Date: 1/24/02 1:32pm
Subject: Termination of actions against Microsoft

I urge that you terminate all actions against Microsoft for their ''supposedly'' anti-trust activities. As far as I am concerned, the progress of Personal Computers among all the people of the USA, is largely due to the actions of Microsoft to standardize the use of most of the software.

Thank you,
T.P. Higgins

MTC–00022269

From: mpobrien@wt6.usdoj.gov@inetgw
To: Microsoft ATR

Date: 1/24/02 1:34pm
Subject: Microsoft Settlement
To whom it may concern ,
Please do not accept the proposed settlement in the Microsoft case brought by the Dept of Justice.
This is less than a slap on the hand . In fact I believe that this will increase the marlet share of MS over time.
Another penalty could be implemented . Such as take the proposed amount of monies and support implementation of another system . For example give the schools Macs and support for these systems from the funds suggested by the settlement.
Please rethink this settlement so that a more fair penalty is imposed . thanks you
Michael P O'Brien
1047 NE 10th
Seattle Wa. 98125
mpobrien2@attbi.com

MTC–00022270

From: Gary Heller
To: Microsoft ATR
Date: 1/24/02 1:33pm
Subject: Open Letter to DOJ Re: Microsoft Settlement
Please dd my name to this list.
Gary Heller, Fiserv, S/W Development and QA Manager, VP
http://www.kegel.com/remedy/letter.html
Gary Heller
407–667–3793
Gary.Heller@ImageSoft.Fiserv.com

MTC–00022271

From: Rosenthal, Neil
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 1:24pm
Subject: Microsoft Settlement
To Whom It May Concern:
As an American Citizen I am opposed to the current proposed settlement with Microsoft Corporation. The settlement is frought with language that will, in essence, allow Microsoft to behave in ways that the settlement is supposed to disallow. It is incumbent upon the United States Government, as our representative in this matter, to reject in its totality, the proposed settlement.
Sincerely,
Neil D. Rosenthal
Consultant
James McGuinness & Associates Inc.
nrosenthal@jmcguinness.com
518.393.3635

MTC–00022272

From: jay.haggard@juno.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:30pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.
This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Jay Haggard
11 Regalia Drive
Novato, CA 94947

MTC–00022273

From: jay.haggard@juno.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:30pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
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Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Jay Haggard
11 Regalia Drive
Novato, CA 94947

MTC–00022276

From: Rob
To: Microsoft ATR
Date: 1/24/02 1:34pm
Subject: Microsoft Settlement
Dear Sirs:
I am writing to express my concern over the proposed Settlement between the Department of Justice and Microsoft. In particular, it seems to me that the requirement that Microsoft disclose some of its code interfaces and file formats could be easily evaded without serious reprisal. Without some less ambiguous language, and more specific penalty language, Microsoft could well drag its heels to the point where any would-be competitors would have no chance at all of interoperating with Microsoft software.
As a consultant in the IT field, I prefer not to be locked into one vendor. I have heard similar concerns from my clients. Please don't allow Microsoft to continue to shirk its responsibilities via the inclusion of weak language in the settlement terms.
Sincerely,
Robert J. Kudla
Albany, NY
webmaster@kudla.org

MTC–00022277

From: jbrace@bignetnorth.net@inetgw
To: Microsoft ATR
Date: 1/24/02 1:32pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Jerry Brace
3810 Deer ridge Trail
Beulah, MI 49617–9638

MTC–00022278

From: Travis Fessler
To: Microsoft ATR
Date: 1/24/02 1:34pm
Subject: Microsoft Settlement
Sir or Madam,
I disagree with the U.S. Department of Justice's settlement proposal with Microsoft.
I believe the settlement as written does not provide for redresses that are in the best interest of the American people and are not in line with the findings of facts in this case.
Thank you,
Travis Fessler
175 Raintree Rd
Florence, KY 41042

MTC–00022279

From: Stephen Green
To: Microsoft ATR
Date: 1/24/02 1:35pm
Subject: Microsoft Settlement
Thanks a lot!
Once again, our government has let us, the tax payers, down. You people are supposed to represent we the people! How on earth do you sleep at night. A convicted monopolist is given a slap on the wrist? And we are supposed to take this? ''Awful'' doesn't even come close to how I see this. You people in the DOJ should be ashamed of yourselves. For I am ashamed that this is how my government looks out for me. I'm probably wasting my time writing this e-mail, and if, per chance, any of you wish to discuss this with me, please feel free to respond at your leisure. Either by e-mail or snail mail.
Regards;
Stephen Green
4 Lauder Ave.
Pawtucket, R.I.
02860–6218
thegreens16@home.com

MTC–00022281

From: De Chiara, Christopher J.
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 1:34pm
Subject: Microsoft Settlement

I find the proposed settlement totally and completely wrong. It rewards Microsoft for its absolutely illegal behavior, which continues, despite this case.

I am disappointed that my government has caved in to Microsoft rather than defend the freedom of choice required in the technology marketplace to create a healthy and innovative marketplace. This settlement will allow Microsoft to continue its predatory behavior and consume a depressed market to the point of globally monopolization. Please punish them and break them up and impose stiff and heavy penalties.

Chris De Chiara
4516 Waubansie Lane
Lisle, IL 60532

MTC–00022282

From: Chad Margetts
To: Microsoft ATR
Date: 1/24/02 1:38pm
Subject: Microsoft Settlement

Hello...

I believe that the Microsoft settlement is not in the best interest of the American people, and will not benefit consumers or businesses in the way that the Department of Justice intends. In essence, the punishment really does not fit the crime. In fact, it may even enable Microsoft to participate in more anti-competitive practices such as undermining the Open Source movement.

I implore you to deny the settlement between the DOJ and Microsoft.

Thank you.
Chad Margetts
Ron Allen Consulting
Salt Lake City, Utah

MTC–00022283

From: hankw02134@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:34pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Harold Williams
po box125
Houghton, MI 49931

MTC–00022284

From: Todd Grigsby
To: Microsoft ATR
Date: 1/24/02 1:34pm
Subject: Microsoft Settlement

To whom it may concern:

I'd like to be polite about this, but I can only sum up my opinion in a single sentence as follows: The proposed Microsoft vs. DOJ antitrust settlement is a terrible joke.

Forcing Microsoft to put their operating system into schools is like forcing a beer company to advertise during the Super Bowl. Where is the penalty? The cost to Microsoft of distributing this software comes in revenue not realized by selling the software to the schools, yet this cost is more than repaid in forcing students to become familiar with and use the operating system that will become their OS of choice once they graduate and enter the work force.

I have three better solutions, all of which you've probably already heard:

1. Break MS into an OS company and an office products company. No collusion is allowed between these companies.

2. Force MS to fully disclose the complete Windows API. Every call, every global variable, etc. Also force them to separate Explorer from the OS as they were instructed to do years ago and have failed to do.

3. Instead of having MS install Windows in those schools, have them install new PCs with Linux, new Apples with OSX, new Sun workstations, new Alphas running OpenVMS, etc. Hardware and OS vendors would have X number of days to petition to be included in the list and petitions would be reviewed by a appointed technical panel based on criteria including but not restricted to a minimum 1% of current market share. Schools could choose from the platforms that made the list.

Whatever happens, the idea is to PENALIZE Microsoft, not aid and abet them. The current penalty is itself an injustice.

Todd Grigsby
Director of R&D, Company Architect
Panoramic Software, Inc.
President, Dream Prods.

MTC–00022285

From: Fred Sampson
To: Microsoft ATR
Date: 1/24/02 1:37pm
Subject: Microsoft Settlement

The proposed settlement of the Microsoft anti-trust case is an outrage, and I oppose it.

The settlement leaves Microsoft with too much power. The oversite committee has no actual control or power. There is no punishment of Microsoft, despite it's having been found guilty of illegal conduct. Microsoft is given powers that could devastate open-source software developers. The wording is full of loop-holes that favor Microsoft. The proposed settlement is far to lenient on a convicted monopolist.

Fred Sampson
Technical Writer
Business and Technical Journalist
fred@fredsampson.com
831–728–1339

MTC–00022286

From: Mr. D
To: Microsoft ATR
Date: 1/24/02 1:36pm
Subject: Microsoft Settlement

I am a college student at a Major four year university located in Utah. This semester I get to take Econ 1500 as one of my general education credits for my major. At first I thought I was really going to hate this class, but as I read the first three chapters I noticed that I have become very interested. Part of this interest is the fact that in my class, the company Microsoft has already been mentioned at least 10 times.

If you are wondering why read on. We have learned the basics so far. The U.S. is using some sort of a Free Market Economy system. The Free Market System is usually efficient, blah blah blah. If you work for the DOJ you should understand all of this. Anyways the part where it actually gets interesting is where it talks about Market FAILURE. ''The second case where the market has a failure is when there is a Market Power'' (Quoted from Principles of Macroeconomics, Second Edition, N. Gregory Mankiw). The best part of the above quote is the fact that is in the very first chapter of the book. The book goes on to say that a Market Power can also be called a monopoly. Anyone that has ever heard of Microsoft has probably also heard the word monopoly. Now we are getting somewhere—Right??? The next day in class we go over what we have read. My professor explains that it is the government's job to correct market failure. By the way the word government in the above sentence is referring to you.

Someone asks if that is what is currently happening with Microsoft. My professor gives out a huge laugh. ''Well...it is supposed to be what is happening, but the government isn't really doing its job in that area.'' That quote was from my professor. So to say the least I am kind of disappointed. My professor also explained that the government should punish Microsoft. As I thought about that last sentence I decided that the key word was punish. Punish means making something worth not doing again.

As I understand the case so far Microsoft has been proven guilty of anti-trust acts. If so then it is your job to punish Microsoft. As from what I have heard so far you really haven't proposed anything that will punish Microsoft. A three person panel who can look into Microsoft from time to time is a complete joke. That is like paying a babysitter to watch your safe. The babysitter can't see what is in the safe they just get to watch it from the outside. Common, it is your JOB to punish Microsoft. So don't be afraid of the corporation, no matter how much money they have. You are above that. Look down into your ethical self, find a punishment suited to Microsoft that will make them think a hundred times before they try something like that again.

There is also one last thing that I would like to point out. By failing in this endeavor you risk the future of many businesses that don't even exist yet. If a new company were to create a product superior to something Microsoft created. They would probably be pushed out in some sort of anti-trust way, unless you punish Microsoft and they remember the last time they messed with the DOJ and aren't willing to go there again.

Hopefully my email hasn't fallen on deaf ears.

I pray that you do your job and correct the market failure so that we can go on with an even more efficient market.

Daniel Miller

Comments may be sent to albino@inet-1.com

P.S. I was not paid by Microsoft or Sun Microsystems to create or distribute this email. I created this email of my own free will, and have sent it to you on behalf of myself, Daniel Miller. If alleged that my email was sent in accordance with either of these companies or any company for that matter, please disregard because that isn't true. I am currently unemployed and therefore am doing this to show my support for anti-trust issues. Especially in the case of software companies such as Microsoft.

MTC–00022287

From: michael@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/24/02 1:36pm
Subject: Microsoft Settlement

Most Honorable Persons,

I would just like to say that I have read about the proposed settlement, and I am not in favor of it in its current state. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable in preventing, not aiding Microsoft from continuing it's illegal behavior.

Thank you,
Michael T. Rankin
PO Box 387
Walker Valley, NY 12588

MTC–00022288

From: Aneesh Karve
To: Microsoft ATR
Date: 1/24/02 1:35pm
Subject: Microsoft Settlement

The current settlement is a poor idea.

MTC–00022289

From: mike baldwin
To: Microsoft ATR
Date: 1/24/02 1:38pm
Subject: Microsoft Settlement

The proposed settlement doesn't seem to remedy the monopoly situation. Microsoft is proposing giving away its own software. That only HELPS their monopoly. I would like to see a settlement that fosters alternative operating systems, or an open source version of Microsofts Operating systems. If windows is open source, Microsoft won't be able to abuse the monopoly they have over the computer industry.

The settlement I have read about is NOT acceptable.

Mike Baldwin
PO Box 2861
Socorro, NM 87801

MTC–00022290

From: gcberrier@msn.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:34pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Gary Berrier
5638Janeru Circle
Macon, GA 31216

MTC–00022291

From: bushmarilyn@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:34pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Marilyn Bush
3524 Jeffrey Street
Muskegon, MI 49441–4335

MTC–00022292

From: scott cuddihy
To: Microsoft ATR
Date: 1/24/02 1:28pm
Subject: Comments

This recent lawsuit of Microsoft by AOL-TW further highlights the true motivation of the litigants. The consumer, has not been harmed. Computing in general is easier and less costly than ever in history. Please end this waste of taxpayers money, stop these lawsuits.

Thank you,
Scott Cuddihy

MTC–00022293

From: moranj@plattevsd.k12.co.us@inetgw
To: Microsoft ATR
Date: 1/24/02 1:35pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Phyllis J. Moran
PO Box 115
Chappell, NE 69129–0115

MTC–00022294

From: Phillip Robinson
To: Microsoft ATR
Date: 1/24/02 1:38pm
Subject: Journalist Experience

I am very sorry to hear that the anti-trust case will be settled with so little penalty to Microsoft. With twenty years as a computer industry journalist to my name, I've seen how much of Microsoft's success has been due to truly rapacious behavior against competitors, pushing to exclude competition from the market rather than to win through better products or prices. My faith that my government can maintain a truly free market has been severely hurt.

Phillip Robinson

MTC–00022295

From: Richardson, David M
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 1:37pm
Subject: Microsoft Settlement

End this now, conclude the settlement of Department of Justice and a bipartisan group of State Attorneys General with Microsoft and move on to other issues.

david richardson
2963 vinings forest way
vinings, ga 30339
CC:'msfin(a)microsoft.com'

MTC–00022296

From: R. Love
To: Microsoft ATR
Date: 1/24/02 1:40pm
Subject: Microsoft Settlement

I honestly believe this settlement is not in favor of the American people.

Microsoft is using the profits from their illegal actions to buy their way out of the repercussions of their deeds.

MTC–00022297

From: dropdead777@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:36pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Anthony Bowling
23449 hwy 96
Oronogo, MO 64855

MTC–00022298

From: jtq@cypress.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:39pm
Subject: Microsoft Settlement

Sirs:

This e-mail is a response to a request for public comments by the court hearing the case U.S. v. Microsoft. I understand the request for comments is a part of the penalty phase of the litigation and Microsoft has been found guilty of violating Sections 1 and 2 of the Sherman Act.

By virtue of Microsoft's de facto monopoly of the Operating System (OS) market, I am compelled to use Microsoft products. I would not use those products if I had the choice. There are two reasons that I am forced to use Microsoft products. These reasons provide the rational for my proposed remedies.

First, an overwhelming majority people use the Microsoft OS and their associated office products. I must communicate with them. If I can not communicate, I will suffer a great economic loss. This is commonly referred to as a network effect and Microsoft has brilliantly exploited it. Second, because Microsoft has kept their software file formats and interfaces secret, others cannot functionally duplicate these products.

It is my belief, based on Microsoft's past actions, they wish to extend their reach beyond the PC desktop to control of networking protocols for the Internet and act as its gate keeper. This is their ''.net'' initiative. This would have devastating consequences for the U.S. economy and security. Microsoft has stifled innovation by its monopolistic practices. Microsoft products are notorious for their lack of security and vulnerability to attack by the technical incompetents.

The remedies I propose in this case are:

1) All specifications for present and future Microsoft file formats and Operating System Application Programming Interfaces (API) should be made public. This will help insure that any data or documentation I create will be available to me in perpetuity. It will also allow others to create programs that can meaningfully compete with Microsoft products. Please make no mistake in my intent for this remedy. The specifications must be made part of the public domain. Restriction to ''commercial'' entities is simply wrong. Open Source software initiatives should be allowed to make use of this information. Again, my concern is for the availability and security of the data that I create today going forward into the future.

2) Any Microsoft networking protocols must be published in the public domain and approved by an independent networking protocol body. I suggest the government request the Institute of Electrical and Electronics Engineers (IEEE) initially preside over such a networking protocol body as an independent and impartial organization. (In the spirit of full disclosure, I am a member of the IEEE.) Already I see Microsoft limiting access to web sites that do not use Internet Explorer. This remedy would help prevent Microsoft from partitioning the Internet into Microsoft and non-Microsoft spheres.

3) Microsoft products should not be bundled as a hidden cost of buying a computer. The choice of buying a computer without any Microsoft products must be present. The real cost of Microsoft products should be presented to the consumer. Without this, there will not be meaningful competition in the OS marketplace.

4) Microsoft should be prevented from entering into exclusive arrangements with computer vendors. These arrangements have been used as rewards and punishments of computer vendors in the past and serve only to maintain monopoly status for Microsoft.

Sincerely yours,
John W. Tiede
John Tiede √Principal Design Engr√
Cypress Semicond √Tele:(719) 268–2624
6005 Delmonico Drive, Suite 200, Colo Spgs, CO 80919√Fax: (719) 268–2639

MTC–00022299

From: RLFiala@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:38pm
Subject: MICROSOFT SETTLEMENT

DOJ,

IT IS VERY DISTURBING THAT SO MUCH TIME AND MONEY IS BEING SPENT ON THESE LEGAL BATTLES. MORE LITIGATION IS THE LAST THING WE CONSUMERS NEED. MICROSOFT SHOULD BE ALLOWED TO GET BACK TO DOING WHAT IT DOES BEST—CREATING AND IMPROVING TECHNOLOGY TO BENEFIT OUR PEOPLE AND CIVILIZATION. AOL NEEDS TO FOCUS ON MARKET COMPETITION AND COOPERATION TO MAKE CONSUMER'S COMPUTING EXPERIENCES EASIER, NOT WASTE MORE TIME AND RESOURCES IN LITIGATION. LETS END ALL THIS LITIGATION AND GET BACK TO WHAT'S IMPORTANT FOR THE CONSUMER!

MTC–00022300

From: Sabrina L. Nelson
To: Microsoft ATR
Date: 1/24/02 1:38pm
Subject: Microsoft Settlement

I believe it is important, and healthy for there to be honest competition in the marketplace, and the Microsoft Settlement does not go far enough to ensure there is any leeway or room for healthy competition. The language is unclear and unspecific insofar as what if any competition is allowable or acceptable. Please reconsider the testimony and comments you have received from the general public, as well as those more in a position to address the technical aspects of this case. Please close the gaps in the current settlement's language, so as to ensure there is healthy competition and opportunity for others to develop competing operating systems and middleware.

Thank you
Sabrina L. Nelson

MTC–00022301

From: Ted Priftis
To: Microsoft ATR
Date: 1/24/02 1:37pm
Subject: Microsoft Settlement

To whom it may concern,

I as a taxpayer believe that he states case against Microsoft is ridiculous, Microsoft has been instrumental in building the technological advantage that the United States has currently. If the states believe that suing Microsoft will help the taxpayer they are sorely mistaken, it will only hurt the taxpayer because if the case involves Internet Explorer than Microsoft will have to sell the product separately which would cost everyone more money, so in essence I would be paying twice, once for the cost to take the case to court and twice when Microsoft sells the individual product, as a computer user I'' am aware that I can use another web browser to surf the internet. The reason consumers do not use the other browsers is because the other browsers on the market are inferior, and harder to use.

Thank You,
Ted (taxpayer)

MTC–00022302

From: mikework
To: Microsoft ATR
Date: 1/24/02 1:40pm
Subject: Microsoft Settlement

The proposed settlement doesn't seem to remedy the monopoly situation. Microsoft is proposing giving away its own software. That only HELPS their monopoly. I would like to see a settlement that fosters alternative operating system or an open source version of Microsofts Operating systems. If windows is open source, Microsoft won't be able to abuse the monopoly they have over the computer industry.

The settlement I have read about is NOT acceptable.

Mike Baldwin
PO Box 2861
Socorro, NM 87801

MTC–00022303

From: William H. Sterner
To: Microsoft ATR
Date: 1/24/02 1:40pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse:

I have carefully reviewed the following comments from ''Mike O'Donnell''

<odonnell@satisfaction.cs.uchicago.edu>, and agree with them in their entirety. Having worked closely with Apple computer since 1983 as an implementer of their technology at the University of Chicago, I have often seen the anticompetitive impacts Microsoft's business practices have had on Apple's technology. I have very little confidence that the current ''remedies'' will be effective in restraining Microsoft.

Yours,
William H. Sterner
Lecturer and
Director of Instructional Laboratories
Computer Science Dept.
University of Chicago

I would like to comment on the proposed Final Judgment in United States v. Microsoft, as provided in the Tunney Act.

I find that the proposed judgment is insufficient by a large margin to restore healthy competition in the computer operating systems and software application markets, so it is not in the public interest and should not be affirmed by the court.

The proposed Final Judgment attempts to remedy Microsoft's established illegal anticompetitive practices by prohibiting particular forms of conduct involving overly restrictive licensing terms, terms that vary in order to reward those who accept and punish those who contest a Microsoft monopoly, and terms that make switching to competing products more difficult or more costly. It also prohibits certain forms of retaliation against OEMs who support products competing with Microsoft's products. It also requires Microsoft to disclose APIs and communication protocols for its products under certain circumstances and for certain purposes.

It is inherently difficult, and perhaps impossible, to remedy Microsoft's particular forms of illegal anticompetitive behavior through conduct remedies. Both the underlying concepts in which conduct remedies are defined, and the particular anticompetitive techniques used by Microsoft change far too rapidly, and Microsoft itself has far too much influence on those changes, for them to serve in the foundation of effective conduct remedies.

The remedies in the proposed judgment refer to concepts of ''API,'' ''operating system,'' ''middleware,'' ''application,'' ''platform software,'' ''top-level window,'' ''interface elements,'' ''icons,'' ''shortcuts,'' ''menu entries.'' The definitions of these concepts are not robust and timeless. Compared to concepts in other branches of business and engineering they are relatively ephemeral, controversial, dependent on rapidly changing technological context, and subject to deliberate manipulation by Microsoft. For example, an ''operating system'' in the 1960s was a software system to organize the basic functionality of a computer, and it contained little or no user interface code. In the 1970s ''operating systems'' often contained substantial collections of utility applications and rudimentary interactive user interfaces called ''shells.'' In the 1980s, the X Window system was created as a form of what is now called ''middleware'' to provide a graphical interactive user interface, used widely in conjunction with Unix operating systems. Apple and Microsoft created similar graphical interactive user interfaces, but defined them to be parts of their operating systems, rather than additional middleware. In the near future, distributed and network computing are likely to make it quite difficult to determine the boundaries of a single operating system. In the past, Microsoft appears to have deliberately manipulated the boundaries of such conceptual categories to create and preserve a monopoly position, and I expect it to continue such practices in the future. The proposed judgment provides definitions that narrow these already problematic concepts even further, making them even more vulnerable to deterioration due to technological change and to manipulation by Microsoft.

Furthermore, the particular conduct requirements in the proposed judgment are far too narrow. Every one of the requirements is weak in some way. For example, consider the requirement to ''disclose to ISVs, IHVs, IAPs, ICPs, and OEMs, for the sole purpose of interoperating with a Windows Operating System Product . . . . the APIs and related Documentation that are used by Microsoft Middleware to interoperate with a Windows Operating System Product.'' Microsoft and other software vendors like to treat their Applications Product Interfaces (API) as intellectual property. But in good engineering practice these are key parts of the warrantable specifications of a product. This holds in particular for operating systems and middleware, which by their nature are especially intended for, suitable for, and often useless without interaction with other software products. APIs define the quality of that interaction, but they do not provide it. The implementation of an API in program code (which is naturally protected by trade secret, copyright, and patent law) provides the quality of interaction defined by an API. Without access to the complete API, the licensor of an operating system cannot employ the system freely in the way that good software engineering practice suggests. With complete public access to an API, a software company may still protect its implementation of the API, which contains the real value that it has created. Keeping an API secret does not correspond to keeping the inner workings of a product secret. Rather, it corresponds to keeping the precise function accomplished by that product secret.

So the public interest calls for the widest possible dissemination of API documentation. But the proposed judgment explicitly calls for disclosure of APIs ''for the sole purpose of interoperating with a Windows Operating System Product,'' and only the ''APIS and related Documentation that are used by Microsoft Middleware to interoperate with a Windows Operating System Product.'' This excludes the use of information about the API to provide competitive platforms for running Windows-compatible software. Keep in mind that Windows-compatible software does not necessarily come from Microsoft. Microsoft benefits from the value added to its operating system products by a large number of less powerful software houses that create Windows-compatible software. By holding the Windows operating system API secret, Microsoft in effect keeps crucial information about other companies'' software applications secret, denying those applications the value added by competing operating systems on which they may run.

Compare the Windows market (and the preceding DOS market) to the Unix/Linux/Posix market. Microsoft uses secret and changeable APIs to effectively eliminate competition to provide alternative operating systems running Windows applications. A competing operating system must use different APIs, and therefore cannot support all of the same applications. By contrast, the Posix standard is a completely public API for Unix/Linux. Various companies, such as Sun Microsystems, compete to provide different implementations of the Posix API. Consumers may run Unix/Linux applications on any of these operating systems.

Similarly, in the hardware market for processors, the specification of the x86 instruction set architecture (the hardware analog to a software API), is public. As a result, AMD competes with Intel to implement that architecture, with immense benefit to the public interest. Similar publication of standards in the overall functionality of personal computers led to the immensely beneficial competition among makers of IBM-compatible PCs. The failure to disclose Windows operating system APIs destroys the possibility of similarly beneficial competition among vendors of operating systems.

Very similar considerations to those raised above for APIs apply to communication protocols (for which the proposed judgment provides limited disclosure) and to file formats (not covered in the proposed judgment). Note that Adobe made full public disclosure of its PostScript and PDF formats, compared to Microsoft's secrecy regarding Word formats, and that this disclosure served the public interest immensely by promoting the wide availability of PostScript and PDF printers and viewers.

There are many other detailed shortcomings of the proposed Final Judgment, including the remaining conduct restrictions and the enforcement methods. I expect that other correspondents will treat some of them.

MTC–00022304

From: normaltop@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:37pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the

future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Norma Topolinski
410 Presidio Way
Santa Maria, CA 93458

MTC–00022305

From: Bill Robinson
To: Microsoft ATR
Date: 1/24/02 1:41pm
Subject: Microsoft Settlement.

As a consumer of software and used of the internet, I am asking you to find a favorable resolution for Microsoft in the ongoing litigation and settlement hearings. I originally used Netscape as my browser but changed to Internet Explorer because it served my needs better. The technology supplied by Microsoft is important to all of us. Bill Robinson, Albuquerque New Mexico

MTC–00022306

From: Ozark Refrigeration
To: Microsoft ATR
Date: 1/24/02 1:42pm
Subject: Microsoft Settlement
OZARK REFRIGERATION
P.O. BOX 1897
HARRISON AR 72602
January 23, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

The proposed settlement of the Microsoft case is welcome news. I understand that the Justice Department is required by law to entertain comments prior to finalizing the settlement. I strongly support the settlement.

It is a shame that this case was filed in the first place. Microsoft is obviously being punished because of its size and its success. It is a shame that jealousy has this steep a price, as Microsoft's competitors are clearly motivated by no other reason.

Microsoft has gone the extra mile to resolve this case. It has agreed to utilize a uniform price list when licensing its Windows systems to the twenty largest computer makers, and it has agreed to less restrictive distribution and licensing agreements with its distributors. Additionally, the Windows system will now be open to competition from other software companies and programs.

I am glad the federal government has seen the need to resolve this matter and move forward.

Please stick to your agreement.

cc: Representative Bob Stump

Sincerely,
Blaise Koch
President

MTC–00022307

From: andrew rutherford
To: Microsoft ATR
Date: 1/24/02 1:41pm
Subject: Microsoft Settlement

Sirs:

Please get this suit settled as agreed. Deflect the other law suits. I have no axe to grind. I am a personal user of Microsoft products. I feel that Microsoft has been unfairly crippled in its effort to be the best. This will raise prices that I will have to pay for computer products. Let's forge ahead and not restrict genuine free enterprise. We need strong economic engines to ring us out of this recession.

Sincerely,
Andrew M. Rutherford
e-mail: rutherford@redshift.com

MTC–00022308

From: Mike denholtz
To: Microsoft ATR
Date: 1/24/02 1:44pm
Subject: Microsoft Settlement

So the biggest companies in the world are still fighting over the smallest pockets on earth. It is obvious that that this only leads to higher prices from all of these companies. STOP the litigation and let the best software win. No one has twisted my arm for using one or the other. For the record, of three internet users in one household, 1 uses one service provider and the other 2 use another.

Thanks,
Mike

MTC–00022309

From: Chris Barr
To: Microsoft ATR
Date: 1/24/02 1:43pm
Subject: Microsoft Settlement

I strongly object to the lenient terms in the Proposed Final Judgement. This : Fails to properly remedy damages caused by Microsoft's illegal conduct Appears to lack any enforcement mechanism.

Allows and encourages significant anti-competitive practices to continue Contains Misleading and Overly Narrow Definitions and Provisions Fails to Prohibit Anticompetitive License Terms currently used by Microsoft Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft Doesn't take into account Windows-compatible competing operating systems I support the points of view of the Attorney General of Massachusetts and Dan Kegel.

Chris Barr
21 Riverview Avenue
Wayland, MA 01778
508–788–1542

MTC–00022310

From: CHRIS HAWLEY
To: Microsoft ATR
Date: 1/24/02 1:40pm
Subject: Microsoft Settlement

I am a US citizen currently residing in Ottawa, Ontario Canada. My concerns with the proposed settlement are as follows and I am grateful for this chance to list them. Please, in the interests of restoring a truly competitive environment in the areas of computer operating systems and office productivity software, consider these points:

1) Use industry standard definitions for things like ''API''. The API's are a huge barrier to entry with any application who would compete with Microsoft, because they are kept secret by MS to stifle competition. Any interfaces into Windows or other applications which are designed to be used by programs or automated processes should fall into the term API, and it should be defined in the judgement to be so inclusive.

2) Allow competitors to use the API information to make their software compatible with Windows.

3) The judgement would allow Microsoft to continue a lot of anti-competitive practices, many of which could be leveraged to terrible effect if they were ''legitimized'' in the court by not being struck down now.

4) As a user of Office and Windows, I have tried to use competing products like StarOffice and Linux, but I find that the compatibility with Office or Windows is never good enough to truly replace them. This is directly due to the intentional concealment of standard communications information such as file formats and programming API's.

Thank you for your time.

Chris

Chris Hawley, CISSP √ Information Security
600 March Road / PO Box 13600 √ Alcatel Canada Security Officer (ISSO)
Kanata, Ontario CANADA K2K2E6 √ Tel +1(613)784–3176 FAX +1(613)599–3696

MTC–00022311

From: Perri Nelson
To: Microsoft Settlement U.S. Department of Justice
Date: 1/24/02 1:39pm
Subject: Microsoft Settlement
Perri Nelson
26338 191ST PL SE
COVINGTON, WA 98042
January 24, 2002
Microsoft Settlement U.S. Department of Justice

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Perri Nelson

MTC–00022312

From: Derek Shaw
To: Microsoft ATR

Date: 1/24/02 1:43pm
Subject: too much intelligence, not enough common sense.

I heard that remark today, and it applies perfectly to the situation of the settlement of the DOJ's case against Microsoft, and the whole circus surrounding it.

Microsoft has repeatedly violated consent decrees in the past. Why should they be expected to behave this time, regardless of whatever ''enforcement'' regime exists.

They have violated anti-trust laws, they continue to violate anti-trust laws, and they will continue to violate anti-trust laws.

If you believe otherwise for a moment, please recuse yourself from the case.

Derek Shaw
Business Information Systems Inc.
voice: 250–885–2021 fax: 250–386–4060
PGP Public Key ID: 0xD297D0EA

MTC–00022313

From: Douglas E. Hornig
To: Microsoft ATR
Date: 1/24/02 1:42pm
Subject: Microsoft Settlement

I would like to say that I think the proposed settlement to resolve the United States'' civil antitrust case against Microsoft is terrible. I have been a software developer for over 30 years and I have seen Microsoft engage in anticompetitive practices again and again. I am certain that the proposed settlement will do little to prevent such practices in the future. In fact, I suspect it will have the opposite effect since it will show them that they can get away with such behavior.

I feel let down by my government.

Douglas Hornig
Hanover, New Hampshire

MTC–00022314

From: mike.austin@jcnordt.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:39pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Michael Austin
5309 Malvern Rd.
Roanoke, VA 24012

MTC–00022315

From: ludwig@mac.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:44pm
Subject: Microsoft Settlement

To whom it may concern,

I am appalled at the suggested settlement of the MS antitrust case. It pays but lip service to many of the more serious problems in Microsoft's business practices that lead to their non-competitive actions in the past.

The suggestions that Microsoft publish API's for Internet Explorer, Microsoft Java, Windows Media Player, Windows messenger, and Outlook Express, is a step in the right direction, but the DOJ definition of API is too narrow, allowing MS to easily avoid any of these requirements through semantic loopholes.

Microsoft's strangle hold on the PC market is as much tied to the Window's-only software they make, as it is to the —services— they make. To ensure the existence of fair competition within the PC world, it should be required that Microsoft publish sufficient API's to ensure that cross platform versions of the software (either published third party, or by Microsoft) offer at the least an equivalent user experience to the following Microsoft applications and services when run on a PC running a Microsoft OS: Microsoft Internet Explorer, Microsoft Java, Media Player, Messenger, Outlook Express, Exchange Server, Access. Microsoft should be directly responsible for making available applications and plugins that provide compatibility for Microsoft Java, Media Player, Messenger, Exchange, and Access to cross platform users.

Further, these solutions should provide equivalent functionality, stability, and performance as their Windows counterparts. This compatibility should extend to similar services (i.e. not rendered invalid when Microsoft changes the names of its products). Lastly, Microsoft should be forced to release the most current MS Word, and MS Excel document types, such that competing products can offer full compatibility with documents created using the Microsoft Office Suite. This way, Microsoft can win their customer base by the strength of their solutions and superiority of their software alone, instead of strong-arm monopolistic tactics they've used in the past.

Microsoft should be split into four separate entities to abate unfair business practices they've used in the past:

Microsoft Windows: responsible for the core OS only. The sole functionality of this body is to author software responsible for controlling the PC hardware, and working with third party companies to support peripherals such as network devices, printers, scanners, cameras, mice, keyboards, monitors, etc. They should only work with software and products that reliably translate user input into hardware instruction, and publish no other software, such as word processors, web browsers, etc.

Microsoft Software: responsible for continuing development of Internet Explorer, Office, Messenger, Java, Exchange, Outlook, Media Player, Microsoft's gaming division, solitaire, notepad, DOS applications etc. Microsoft Hardware: Assumes development of microsoft keyboards, mice, game pads and joysticks, other input devices, and XBox development. Microsoft Network: Microsoft's networking solutions, IIS and .NET initiatives, NT technologies, and server strategies.

It should not require decades of litigation and the intervention of the DOJ to ensure that a company conduct business in an honorable fashion. Microsoft is an embarrassment to every honest and good natured human being.

Sincerely,
Leonard Park

MTC–00022316

From: poppy@cyburban.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:41pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Salvatore Pedi
102 North Road
Eastchester, NY 10709–3809

MTC–00022317

From: Steven M. Gallaway
To: Microsoft ATR
Date: 1/24/02 1:41pm
Subject: Microsoft anti-trust

The decision by the DOJ was fair. I do not believe that Microsoft was wrong in the first place. Their practices were simply good business. However, I did find the decision ironic in that it will only increase Microsoft's market share? which I do not have a problem with. Microsoft provides a superior product at comparable prices.

Sincerely,
Steve Gallaway

MTC–00022318

From: Jared Sturgeon
To: Microsoft ATR
Date: 1/24/02 1:44pm
Subject: Anti-Trust Trial

To whom it may concern,

I am worried that the currently proposed plan does not address the crimes that Microsoft has committed. It needs to be reworked and made more punitive. Thank you,

Jared Sturgeon

MTC–00022319

From: Matt Kelsey
To: Microsoft ATR
Date: 1/24/02 1:45pm
Subject: Microsoft Settlement

The proposed settlement is too soft on Microsoft.

M.K.

MTC–00022320

From: jeremy salmon
To: Microsoft ATR
Date: 1/24/02 1:45pm
Subject: Microsoft Settlement

To Whom It May Concern,

This brief email is in concern to the current Microsoft Antitrust dealings and subsequent proposed settlement(s). As the current settlement stands now, I do not believe it is sufficient to correct the majority of Microsoft's more egregious business practices. Several others more articulate than I have contacted you with lists of problems that the plan contains, but I send only this small missive. I request that the proposed settlement undergo further consideration and a stronger, more inclusive plan be formulated and presented.

Thank you for your time.

Sincerely,
Jeremy Salmon
jdsalmon@mail.com
Ann Arbor, MI

MTC–00022321

From: Rober Elliott
To: Microsoft ATR
Date: 1/24/02 1:45pm
Subject: Microsoft Settlement

Dear sir,

I have followed the Microsoft saga closely for many years. From the out right theft of Double Space's code when the government could have really changed things, thru the creation of a monopoly by questionable means, thru the crushing of Netscape and business suites while extending their monopoly using monopoly money. The government has now proven to the world these facts and should break Microsoft the company up into no less than 3 segments. In other course of action will allow the company to continue to use monopoly money to continue in its stated direction. That direction is the domination of the set top console market. That market is currently clearly marked with competition and innovation. Microsoft has already announced they are willing to spend billions of dollars of monopoly money to secure a new monopoly in the area which will then result in ever more monopoly money. Any ''deal'' which does not result in a break up I cannot support and will instead support the American Antitrust Institute http://www.antitrustinstitute.org/ efforts which could return the government to Democratic control by exposing a scandal, Microsoft DID contribute over a million dollars to the Republicain convention. The hard work has already been done in court, now finish the job.

Robert Elliott

MTC–00022322

From: Dwight (038) Jan
To: Microsoft ATR
Date: 1/24/02 1:45pm
Subject: Microsoft Settlement

Department of Justice:

After reading about AOL filing suit against Microsoft on January 23rd, I wonder how many computers users are in agreement with me about how ''modern business'' is conducted today. If you are a competent competitor as AOL is supposed to be, why do you have to conduct your business in a courtroom. I try to equate this to two restaurants in competition in the same town, either you have the product and service to offer or you don't. Either way you don't go to court and whine about it, you settle your differences in a businesslike manner.

I personally don't care for Netscape and prefer to use Internet Explorer, that is my choice, but after this event, I am inclined to delete anything to do with AOL and Netscape. Until they can offer a better product and conduct themselves in an adult businesslike manner, they are history.

Any questions call me at (530)533–5954 or e-mail me at dwightjan@cncnet.com

Janet Lantsberger

MTC–00022323

From: John Manning
To: Microsoft ATR
Date: 1/24/02 1:45pm
Subject: Microsoft Settlement

In accordance with the Tunney Act, I am submitting the following comments on the proposed Final Judgement against Microsoft.

Nothing in the text of the agreement forces Microsoft to change its business practices and technical implementations. It does not prevent Microsoft from bundling application software into its operating system, and allows the company to benefit from its past violations. Please do not let this pass as it now stands. —

John Manning
President
electronworks, inc.voice: +1.703.220.5578
http://www.electronworks.com/ fax: +1.703.995.0402

MTC–00022324

From: Daniel Smith
To: Microsoft ATR
Date: 1/24/02 1:48pm
Subject: Microsoft Settlement

this settlement is a bad idea

MTC–00022325

From: Valliappa Lakshmanan
To: Microsoft ATR
Date: 1/24/02 1:46pm
Subject: Enforcement provisions

Sir,

I am a research scientist developing weather analysis techniques at the University of Oklahoma. Ever since the Department of Justice in the previous (Clinton) administration started to pursue Microsoft for antitrust violations, it has become easier for us to purchase computer hardware capable of running the Linux operating system from mainstream companies such as Dell and Gateway. With the Department of Justice in the current (Bush) administration essentially giving Microsoft a free pass, I have no doubt that these companies will be bullied into avoiding Linux workstations altogether or into introducing ''features'' that preclude the use of non-Microsoft operating systems.

Whenever we purchase a machine with Windows loaded on it, it takes us upto 3 days to delete the Windows operating system, to install Linux and test the installation, longer if everything does not work correctly. This is time and manpower that we could use more productively, in active research. Of course, we also end up paying for an operating system that we never use. Since we are funded by the National Science Foundation and other U.S. government agencies, this wastage ultimately comes from the American taxpayer.

Please do not allow the marketplace for operating systems to become stratified by accepting the weak enforcement provisions proposed by the DoJ. Strict enforcement is essential to keep innovation and competition in the computer market place.

Thank you.

V Lakshmanan

MTC–00022326

From: billnflo@spacestar.net@inetgw
To: Microsoft ATR
Date: 1/24/02 1:44pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Wm & Florence McEachern
1645 155th Ave
Centuria, WI 54824

MTC–00022327

From: Clifton Boots
To: Microsoft ATR
Date: 1/24/02 1:45pm
Subject: Microsoft Settlement

I think the witch hunt on Microsoft has gone on far too long. The suit against Microsoft is being used ill-advised individuals because they just can't stand for such a successful company to prosper. Also for the states looking for a way to obtain large sums of money to further their socialist endeavors.

Thank you. Clifton W. Boots
Anaheim, CA 92804–2504

MTC–00022328

From: Raymond L. Marky
To: Microsoft ATR
Date: 1/24/02 1:47pm
Subject: Microsoft settlement

Gentlemen:

I want to express my support of the Microsoft settlement. First I want to state that I am presently a very small owner Microsoft stock—100 shares— but it is not a factor in my views on this matter.

I think there should be an end to all of this litigation which is only making a lot of money for lawyers for no earthly reason. When I purchased my first computer it was loaded with dos and its usefulness to me was marginal at best.

Microsoft's creation of Windows 3.1 and all of its future OS thereafter is what created the computer that average people could use and without that OS I doubt the average person would have ever become everyday users of computers and the country would be poorer for it. Indeed Netscape and other software companies owe their very existence to Microsoft's Windows. Lets clear up something here. Ever since Netscape hit the market I have had that program installed on my computer and used it regularly until just recently. I simply installed it on my Windows computer and used it without regard to IE. Even after IE came integrated into Windows 98 and Me I still installed Netscape because I was used to it and liked its interface. Indeed I have Netscape installed on my present computer and use it frequently although I am beginning to use IE because I think it is a better product.

All Microsoft did was cause Netscape to stop charging an arm and a leg that it was doing. I guess it would have benefited consumers if Microsoft had charged $50.00 to $75.00 for IE rather than bundle it with Windows and thereby make even more money!

I was opposed to the lawsuit against Microsoft in the first place because I don't think it was in the public interest but the interest of its competitors and it is time to stop this nonsense.

Raymond L. Marky
316 Garner Court
Tallahassee, FL 32301
CC:MSFIN@Microsoft.com@inetgw

MTC–00022329

From: Patty Mackne
To: Microsoft ATR
Date: 1/24/02 1:47pm
Subject: Microsoft Settlement

I strongly support Microsoft in its negotiating settlements with the government and states. Far, far too much time and money has been spent on this to the detriment of the consumers.

MTC–00022330

From: michael.kirk@unisys.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:45pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Michael Kirk
1413 Red Fox Trail
O'Fallon, IL 62269–4210

MTC–00022331

From: Greg Allen
To: Microsoft ATR
Date: 1/24/02 1:48pm
Subject: Microsoft Settlement

I am opposed to the proposed settlement in the Microsoft antitrust trial. I am not sure what is appropriate for this oppressive monopoly, but the proposed settlement does not address several of my concerns.

Thank you,
Gregory Eugene Allen
12011 Scribe Dr.
Austin, TX 78759
Gregory E. Allen, MSEE Engineering Scientist
Applied Research Laboratories:
The University of Texas at Austin

MTC–00022332

From: Patrick Ash
To: microsoft.atr(a)usdoj.gov
Date: 1/24/02 1:48pm
Subject: Microsoft Settlement

I am writing this letter to express my concern over the proposed settlement in the Microsoft vs. The Department of Justice suit. There is no doubt about the guilt of Microsoft, yet I find it very strange that Microsoft is able to dictate the terms of its own penalty.

It seems very ironic to me that when found guilty of being a monopoly, Microsoft decides to make amends by providing $1 Billion of its software to schools. This idea has several flaws. First, the idea that Microsoft can value something it controls at $1 Billion, is ludicrous. The valuation is certainly the full retail price, while in actuality the only cost to Microsoft is that of producing the media. Certainly this is a very small percentage of the retail cost.

Next, allowing a monopolist to further propagate that monopoly with government blessing seems to be the height of oxymoron. How does one punish someone for monopolistic and anti-competitive practices by allowing them to force others into the Microsoft herd.

I suggest the following as a settlement alternative.

1. If Microsoft wants to claim to be spending $1 Billion to settle the lawsuit, require them to put $1 Billion into a trust that the schools can draw from to choose their own hardware and software.

2. Require Microsoft to admit their guilt publicly.

3. Require Microsoft to refund the cost of the operating system in accordance with the terms of the End User License Agreement (EULA) to all of the users who were forced to pay for a Windows Operating System on new computers they bought. The EULA states that if the user does not agree with the terms of the agreement, then he/she should return the product for refund, yet Microsoft refused to allow users to do this.

As an IT professional, I have seen many users who do not realize that there is any choice but Microsoft. I believe that they have abused the power of their position in the market, and I agree that there needs to be some severe punishment. I urge you to reject the proposed settlement and impose something that will require Microsoft to actually pay for their abuses. Thank you.

Patrick Ash
492 Oak Ave
malaga, NJ 08328
Patrick Ash
patash@bellatlantic.net

MTC–00022333

From: scott cuddihy
To: Microsoft ATR
Date: 1/24/02 1:39pm
Subject: Microsoft Settlement

Our comment regarding this action is that it should be ended immediately. This suit was politically engineered by business competing against Microsoft that were falling behind due to their own management. This new private lawsuit filed by AOL-TW underscores our point. Oracle, Sun Microsystems, AOL-TW and various state attorney(s) general stand to benefit from this action while consumers, investors and our economy at large lose. Is this proper use of anti-trust law?

Thank you,

Scott Cuddihy, Karen Di'Antonio, Syl Sowah, Jim Parris, Jeff Parris and the other participants of the
tChief Industries Pension and Profit Sharing Plan

MTC–00022334

From: Vince P. Guzzardi
To: Microsoft ATR
Date: 1/24/02 1:48pm
Subject: settlement of case against microsoft

why is it that if you are successful and make a ''better mouse trap'' that the government thinks you must be doing something wrong.

how about going after PITNEYBOWES who has had a monoply on postage machines for years.

vpg

MTC–00022335

From: Ulrich Gerlach
To: Microsoft ATR
Date: 1/24/02 1:48pm
Subject: Micosoft Settlement

Dear Judge of the District Court,

I rarely write letters to my Congressman, to say nothing about the Department of Justice. However, with the Microsoft case my own future (life, liberty, and persuit of happiness) is being threatened by the outcome. This is why I am taking valuable time out to write you this note.

First of all, being a user of Windows, I resent being characterized as a helpless victim who cannot choose his own software. Just as the government has no right to determine what food goes or doesn't go into my stomach, it is none of the government's business to decide what software goes into my computer.

Second, it is none of the government's business to suppress or favor one religion over another, to ''level the playing field'', even if one religion is more successful in establishing its market share than any other. The same applies to businesses. The government has no right to suppress or favor one business over any other. Customers voting with their dollars, not envious competitors using political pull or fundamentally flawed laws, should determine which business gets the largest market share.

Third, I would like to see a free America where success is not throttled but embraced, where anyone with enough intelligence can be a self-made man like Bill Gates.

Fourth, last and most importantly, Microsoft created and produced its products without any legal restrictions on its competitors, without any government franchises, without any government tariffs, subsidies, privileges or favors; in other words, it achieved its enviable market status fair and square using only what belongs to Microsoft and Bill Gates and no one else: their life, their liberty, and their pursuit of happiness.

An attempt to infringe on these rights in the name of antitrust is not only morally wrong, but is in direct violation of the principles spelled out explicitly in the Declaration of Independence. Tomorrow it will be some other persons, in particular some other productive, creative, efficient, and competent member of society who will be forced to abrogate his rights under the threat of incessant persecution. Witness the ''compromise'' between the FTC and Intel three years ago in which the government trampled on Intel's right to dispose of its own property, and which, under the threat of productivity draining persecution, triple damages, seven-figure fines, and jail time, Intel's CEO by necessity had to call a ''win-win deal''. What is particularly alarming is that the government, which has been instituted to secure each persons right to life, liberty, and persuit of happiness, now, in the name of antitrust, presides over the violation of these rights.

I therefore urge you in the strongest possible terms to:

a) cease and desist your (support of the government's) immoral campaign against Microsoft, to

b) use your resources to defend the Declaration of Independence against those state Attorney Generals and envious competitors who seek to violate it, and to

c) have the government reprimand these violators and have them make a public apology for the unjust hardship, humiliations, and distress which it has brought upon a business which represents the best in

American culture.

Sincerely,

Ulrich H. Gerlach

Columbus, Ohio

MTC–00022336

From: Buchal@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:51pm
Subject: Microsoft Settlement

16917 Ardisia Drive
Pflugerville, TX 78660–2212
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

January 17, 2002

Dear Mr. Ashcroft:

I am writing to you today to express my support of the Microsoft settlement. Three years have now passed since the inception of this case. During this time, federal resources have been squandered in the litigation process. Given the current state of the economy, the continuation of this case would be a ridiculous waste. Although I do not believe the case should have ever been initiated, I am glad that it may finally be resolved.

Microsoft too wishes to see resolution in this case as is evident by its ability to make concessions regarding the issue. Under the terms of the settlement Microsoft will provide for the formation of a review board. The review board will be a technical review board whose job it will be to oversee the terms of the settlement, and make sure they are enacted. I believe that this stipulation should ease the fears of people who would be wary of compliance.

I hope that the Attorney General will enact this settlement with haste.

Thank you for your time.

Sincerely,

Elinor Simmons

MTC–00022337

From: Molarfour@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:47pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,

William Archer

3 George St

Holyoke, MA 01040–2059

MTC–00022338

From: Michael House
To: Microsoft ATR
Date: 1/24/02 1:50pm
Subject: Microsoft Settlement

The proposed settlement with Microsoft is bad. At best, it is a slap on the wrist. At worst, it rewards them for harmful business practices, for which they have shown no understanding that they have done anything wrong. They need to learn the error of their ways, having been proven to be a monopoly despite their best efforts to sabotage the legal process, with lying on the witness stand, in deposition, and with falsifying evidence in court. This proposed settlement will make a mockery of any claims to support the ends of justice. We deserve a real settlement, not this.

Sincerely,

Michael House

macross@gol.com

—

Be Seeing You...

—Michael House, macross@gol.com

Opinions expressed are my own unless otherwise specified.

''Perfection is achieved only by institutions on the point of collapse.''

—C. Northcote Parkinson

MTC–00022339

From: Patrick W.
To: Microsoft ATR
Date: 1/24/02 1:51pm
Subject: Microsoft Settlement

Department of Justice,

It is an honor to be able to add my voice to the reams of letters you must be receiving regarding this incredibly long-lasting and unbelievably frivolous lawsuit filed on behalf of Microsoft's competitors. The merits of Microsoft's arguments are clear: this highly successful company has innovated in the tradition of the best American companies in our history. Microsoft has been attacked in the courtroom only because its competitors were unable to effectively battle in the marketplace.

If we believe in free market capitalism, then we should avoid letting this settlement be knocked off-course by the January 22 lawsuit filed by America Online (AOL) and it's subsidiary, Netscape Communications. This lawsuit is asking the Federal Government to award a company that already received $10 Billion from AOL in it's purchase, punitive damages against a technologically superior browser—Microsoft's Internet Explorer, just because Microsoft gave it away. There is nothing illegal about doing this!

If you want, you can open any search engine on the Internet and type ''Free Browsers'', and you will find Netscape giving its browser away, just like it did all those years ago. You would have found free ones out there in the past, too. I was doing telephone technical support for an Internet Service Provider, and it was my JOB to find an easy, free solution for the customer to use a web browser, if they didn't have one. I tell you from experience: I tested every version of Netscape Navigator browser, and they ALL were inferior to Microsoft's Internet Explorer. Everyone in this industry KNOWS this, and that is why they are not reacting with more disdain at Netscape's collapse of market share. Innovation, NOT litigation, benefits the consumer, and they chose a better browser.

Please allow this settlement to go through, and give our US economy a chance to take off again—and allow the greatest American

success story company to revitalize our economy and revolutionize world technology.

Thank you.

Sincerely,

Pat Walters

Sultan, Washington

MTC–00022340

From: jfranzetti@familyconnect.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:48pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,

John Franzetti

16229 FM 973 N

Manor, TX 78653

MTC–00022341

From: Jim Moss
To: Microsoft ATR
Date: 1/24/02 1:52pm
Subject: Microsoft Settlement

I think the proposed settlement is a very bad idea. It allows many of their anticompetitive practices to continue.

Thanks,

James Moss

Gresham, Oregon

Creative Director

Personal Image Concepts

MTC–00022342

From: Rog1424@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:52pm
Subject: Microsoft Settlement

Dear Sir/Madam:

Microsoft has very good products that it sells at a reasonable price. If you read a history of the software industry, it has succeeded because it sells better products at a lower price. They are an important company in an important industry.

They also export a lot of products when this country has a huge trade deficit. Please be careful in dealing with such a great company. You might create more harm than good in your regulatory efforts.

Sincerely,

Roger Van Cleve

MTC–00022343

From: Chuck Peck
To: Microsoft ATR
Date: 1/24/02 1:52pm
Subject: Microsoft Antitrust Settlement

Dear Sirs—

I saw that this was a forum to comment on the settlement between the DOJ and Microsoft.

I have been a programer for over 35 years and a software developer for the last 20 of those years.

I do not feel that the settlement really addresses my problems with Microsofts Monopolistic Practices. What I would like to see is an agreement that:

1. Forces Microsoft to publishes its interfaces in a timely manner.

2. Prevents Microsoft from using any non-published interfaces in its own applications.

3. Forces Microsoft to continue support for any published interface for a long time without significant relative degradation in performance. The above are not easy requirements, but they are things that a properly operating market and regulatory environment would enforce.

Thanks for reading this.

Sincerely—

Charles B. Peck

9 Nicolle Lane

Salmon, Idaho 83467

cpeck@salmoninternet.com

CC:Chuck Peck

MTC–00022344

From: Martin Ng
To: Microsoft ATR
Date: 1/24/02 1:53pm
Subject: Microsoft Settlement

Sir,

I would like to take this opportunity to comment on the proposed settlement of the Microsoft Antitrust suit. I strongly believe it is in the right direction for all consumers and for the industry. On balance, it is a fair and reasonable solution.

Being a business owner as well as a consumer of the technology, I know first-hand the importance of bringing this to a closure. It's a delicate balance between the free enterprise, competition and governmental intervention. Settling this suit is for the best interest of all. Some of Microsoft's competitors would want this to drag on and on, if for no other reasons than to pull down Microsoft in the process in order to gain some advantage through the courts and not through the market place, as it should be. They are not doing comsumers and businesses like us any favor. The spirit of the Antitrust statue is to protect the consumers via competition. Our country's economic strength is based on the the free enterprise system, and not through some contrived, socialized (and thus non-competitive) leveling of the market place through the court.

Thank you very much for your attention.

Regards,

Martin Ng

President

M D Enterprises

MTC–00022345

From: wwhite7@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:49pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,

Wilma OlerWhite

3618 East 59th Street

Kansas City, MO 64130

MTC–00022346

From: Peter Glassey
To: Microsoft ATR
Date: 1/24/02 1:48pm
Subject: Microsoft Anti-Trust Proposed Settlement

As a citizen, voter, and worker in the software industry I wanted to share my opinion of the settlement between the U.S. Federal Government and States and the Microsoft corporation: I AM STRONGLY AGAINST IT! This deal does little to address the monopoly powers of Microsoft, and their illegal use of those powers to control the technology industry. This deal does nothing to compensate the victims of Microsoft's monopolistic business practices.

The future of the technology industry appears very bleak if Microsoft is allowed to maintain and strengthen its monopolies. No U.S. company should be allowed to exist above the laws of this country. Please don't accept this settlement which essentially is a surrender by the government and the rule of law to the rule of power (both financial and political) of Microsoft.

Thank you,

Peter Glassey

Mountain View, California

CC:Peter Glassey

MTC–00022347

From: johnricks@byu.edu@inetgw
To: Microsoft ATR
Date: 1/24/02 1:50pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just

another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
John Ricks
771 Beechwood
Vallejo, CA 94591

MTC–00022348

From: Tom Tetrault
To: Microsoft ATR
Date: 1/24/02 1:53pm
Subject: Microsoft Settlement

To Whom it may Concern,

This is to express my deep concern and great reservation with the ''Deal'' that has been put forward as remedy for the proven Monopolist company, Microsoft Inc. After reading the settlement document, twice, I still fail to see how it is in the best interest of this great country to proceed as recommended. It in no way curtails the monopolistic practices of this predatory company. Do not misunderstand, I am a capitalist! But a rabid animal must be put down when discovered as it endangers the environment. The recommended settlement does not even come close to this!

Thank you
Thomas Tetrault

MTC–00022349

From: Charlie Reiman
To: Microsoft ATR
Date: 1/24/02 1:55pm
Subject: Microsoft Settlement

I have read Scott Rosenberg's acticle in Salon, and I agree with him. Without an open API to allow for free competition in the OS area, we will never have any competition. While it is true this will cost MS intellectual property, it still seems fair as they have violated previous court efforts to tame their behavior. Taking their money won't even make MS bat an eye. Taking their IP will get their attention and allow for real competition.

Charlie Reiman
1404 Carmelita Ave.
Burlingame CA 94010

MTC–00022350

From: danddraw@voyager.net@inetgw
To: Microsoft ATR
Date: 1/24/02 1:51pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Richard Ward
16495 Hunt Rd.
Hillman, MI 49746

MTC–00022351

From: Reed Harms
To: Microsoft ATR
Date: 1/24/02 1:53pm
Subject: Microsoft Settlement

To whom it may concern, I'm expressing my opinion to please accept the proposed Microsoft settlement.

I have never been hurt by Microsoft...quite the opposite of the lawsuit brought on by the government. My 401k retirement fund and mutual funds have really been hit hard because of this lawsuit. It's time to resolve this and move on! The economy will only get worse if the proposed settlement isn't accepted. I never asked the government to bring this case against Microsoft or spend my hard earned tax dollars on what I think was a political issue.

Thank you,
Reed Harms

MTC–00022352

From: k claffy
To: Microsoft ATR
Date: 1/24/02 1:55pm
Subject: microsoft settlement folks:

the proposed settlement is really really a bad idea. i will send further comments in with dan kegel—

k

MTC–00022353

From: susu@praize.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:51pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Sue Parry
3202 SE 156th Ave.
Vancouver, WA 98683–3711

MTC–00022354

From: Raphael S. Reggie
To: Microsoft ATR
Date: 1/24/02 1:52pm
Subject: Microsoft settlement

I strongly disagree with the settlement. It is clear they have a monopoly and this settlement does not do enough to change that. Microsoft has in the past used unfair and anti-competitive tactics to establish it's monopoly and shows no sign of changing it's ways. Please reject this settlement and do what is right by American consumers. Competition is good, Microsoft stifles competition, that must change if the technology industry in the U.S. will continue to prosper.

MTC–00022355

From: Robert Ruffin
To: Microsoft ATR
Date: 1/24/02 1:57pm
Subject: Microsoft Settlement
320 Southeast 41st Avenue
Ocala, Florida 34471
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

As a longtime supporter of Microsoft, I urge you to bring about an end to this case and go forward with the settlement that was proposed in November. Even though it causes Microsoft to give over a lot of its intellectual rights and profits, I feel that if this is what is necessary in order to bring about a resolution to this case, then so be it.

They are willing to give their competitors access to much of their software in order to increase these products'' competitiveness with Microsoft products. They cannot even retaliate with these products for when they begin to steal Microsoft's share of the market. This is something that would not be required of any other company except Microsoft.

I hope that this settlement will be finalized as soon as possible in order to bring about an end to this long case. I would like to finish by thanking you for opening this period of comment, so that my opinion could be heard. I believe Microsoft has been good for me and certainly good for our great nation!

Sincerely,
Robert Ruffin
CC:Robert Ruffin

MTC–00022356

From: jdmortii@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:54pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer

technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
John & Dorothy Mortensen
1603 W. Lancaster Ave.
Leesburg, FL 34748–6938

MTC–00022357

From: Rakesh Bharania
To: Microsoft ATR
Date: 1/24/02 1:56pm
Subject: Microsoft Settlement

Greetings—

I am writing to urge a rejection of the proposed final judgement on the microsoft issue.

As a technical professional, I am concerned that Microsoft's illegal practices will not be sufficiently deterred or remedied through the PFJ. Microsoft has done great harm to our economy and to the technical industry in general, and the punishment should fit the crime.

Please see http://www.kegel.com/remedy/remedy2.html

Thanks.
Rakesh Bharania
408.526.5981
''The Cosmic Armadillo''
rbharani@cisco.com
Security Architect rakesh@cisco.com
ciscoSystems INFOSEC
PGP Key ID: 0xC5D50B11

MTC–00022358

From: Randall Graham
To: Microsoft ATR
Date: 1/24/02 1:54pm
Subject: Microsoft Settlement

Please just end the whole thing against Microsoft. This case is not to the benefit of anyone other than the attorneys representing Microsoft's competitors. If Microsoft's competitors cannot compete, then so be it, they can go the route of others that haven't been able to compete. Too much has been spent on this already.

Sincerely,
Randall and Lynn Graham,
Riverside, Calif.

MTC–00022359

From: Michael Roman
To: Microsoft ATR
Date: 1/24/02 1:56pm
Subject: Microsoft Settlement

the proposed final settlement is a bad idea
Michael Roman
mrr1@cornell.edu
W: 255–4882
H: 272–8617

MTC–00022360

From: Dan Bidwa
To: Microsoft ATR
Date: 1/24/02 1:55pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. The current proposed settlement neither punishes the actions committed by Microsoft in the past, nor prevents them from similar actions in the future. It is only a settlement in the sense that it allows the DoJ to wash their hands of the issue. This is not what it should be, nor is it what we should accept.

Sincerely,
Dan Bidwa
Pittsburgh, Pennsylvania

MTC–00022361

From: J Herzfeld
To: Microsoft ATR
Date: 1/24/02 1:56pm
Subject: Microsoft Settlement

I would like to just go on record as opposing the proposed settlement between the DOJ and Microsoft in the antitrust case. I think the proposed settlement will do almost nothing to reign in microsoft's monopolistic practices. Look at windows XP. Do you see anything there that looks like an attempt to be less predatory. The bundling in XP is mind boggling and entering all sorts of new areas.

When a new version of the OS comes out, in a normal market, you would expect that the old version would still be available at a reduced cost. This never happens with Microsoft. Either the old version is no longer available (which is happeneing now) OR the older version can still be bought, but only at the same price as the new version. (which has happened in the past) Personally, I think a break up should be brought on the table again. If this causes the litigation to drag on a bit more, so be it. The proposed settlement will waste what has been achieved so far.

John Herzfeld
36 Madison St
Belmont MA 02478

MTC–00022362

From: ceb5500@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:53pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Charles Becker
504 Driewood Ct.
Raleigh, NC 27609

MTC–00022363

From: karlm@MIT.EDU@inetgw
To: Microsoft ATR
Date: 1/24/02 1:52pm
Subject: Microsoft Antritrust Settlement

To Whom It May Concern,

I wish to voice my concerns over the proposed Microsoft antitrust settlement and urge the court to reject the settlement. The court should be concerned that nine states'' attourneys general are opposed to the proposed settlement.

The proposed settlement does not appear to make any notable punishment for past wrongdoing, and instead seems focused solely on correcting future behavior (the details of which seem inadequate). Most disturbingly, my reading of the proposed settlment seems to indicate that Microsoft is given too many loopholes with which to comitt anticompetitive behavior. Intellectual property and security concerns are too easily named as reasons for witholding protocol, API, and file format specifications. In particular, it is a widespread maximin the security industry that a well designed security system relies only on the secrecy of encryption keys (or passwords) and not on the secrecy of the algorithms or processes involved. Microsoft has shown itself to be all too eager to exploit loopholes, and it appears that Microsoft is prepared to do so under the guise of restructing the development process to make security the number one priority. I would also like to point out that in the past year, Microsoft has been caught rigging polls (see

http://news.zdnet.co.uk/story/0,,t269-s2102244,00.html) and taking other actions to create false ''grass roots'' support for Microsoft (sometimes referred to as ''Astroturfing''). It is highly possible that Microsoft is taking similar measures with the proposed settlement and public commentary.

Sincerely,
Karl A. Magdsick
14 Hamlin St. Apt. #3
Cambridge, MA 02141
karlm@mit.edu

MTC–00022364

From: Valerie Elliott
To: Microsoft ATR
Date: 1/24/02 2:39pm
Subject: Microsoft Settlement

DEPT. OF JUSTICE:

As one consumer who loves the products, innovation and determination of Microsoft to improve the technological world we live in, I sincerely hope that the government's decisions will favor Microsoft. It is the only rational action you can take.

AOL's vengeance [on behalf of Netscape] is sad and unfounded, and one based on greed and envy.

As a Microsoft stockholder, my testimony against AOL is fraught with even greater dissatisfaction. It is unlikely I would ever become an AOL user now, in light of this aggression on their part. Our family has sold off any stock holdings we had affiliated with AOL/Netscape et al, as a personal stand against what they now stand for.

Valerie Elliott
Seattle, Washington

MTC–00022365

From: Tim Lenseigne
To: Microsoft ATR
Date: 1/24/02 1:56pm
Subject: Microsoft Settlement

Just some thoughts from a consumer.

As an avid computer user for the last 12 years I have used Microsoft's'' operating system out of my own personal choice. When I first starting using the computer, first in college, and then in the workplace, it was clear that you needed an operating system that would allow you to utilize the programs out there.

At the time there were an equal number of pc programs and Macintosh programs on the shelf. It is clear that the consumers chose pc as the platform to work from. And Windows was there to fill the niche. Just like consumers chose VHS over Beta videocassettes (and now DVD's). Consumers chose the pc platform and Microsoft's'' operating system over Macintosh.

For many years I chosen the programs to run on my computer based on my personal preference. I chose and still use Quicken, although MS Money is probably now just as good.

I chose Lotus 123 as my spreadsheet program until MS Excel became a better program.

I chose WordPerfect until MS Word became a better program.

I chose Eudora as my email program until MS Outlook became a better choice.

And I used Netscape until IE Explorer became a better program.

I never paid for either Netscape or Explorer so the choice wasn't a financial one. Microsoft just came out with a better product in the case of the browser war. End of story.

I realize that anyone can sue anyone these days but rather than waste so much time and money on going after a company that is bringing the consumer what they want let's work on getting the economy back on track and eliminating the terrorist threats in the world.

In the end the consumer will determine how Microsoft fares out based on the products that they bring to market. Maybe if AOL (netscape) concentrated on what the consumer wanted in the first place they wouldn't be whining so much now.

Tim Lenseigne
Residential Marketing Consultant
Windermere Bellevue Commons
Office Phone 425–450–2619
Fax Number 425–450–2600
Access Phone 206–680–4717
Website http://www.tim.mywindermere.com

MTC–00022366

From: Rick Brownback
To: Microsoft ATR
Date: 1/24/02 1:58pm
Subject: microsoft partitioning

I am a computer software professional and have been so for thirty years.

I will be brief.

A programmer creating an application for Windows must rely on a description (documentation) of the Windows Interface.

If a Microsoft application programmer has a problem with his program (for example WORD) interfacing with Windows, he could walk across campus and discuss his problem with an operating system programmer.

I realize that this is only a possibility.

I feel it would help the industry's competitiveness if Microsoft application programmers were at the same disadvantage as others. I would like to see Microsoft partitioned into at least three entities: operating systems (windows/xp), applications (word), and hardware (xbox) thank you for your time

MTC–00022367

From: David Swigger
To: Microsoft ATR
Date: 1/24/02 1:57pm
Subject: Microsoft Settlement (not a form letter)

I have watched with interest the feeding frenzy of politicians over the Enron collapse.

Interest because of the feigned caring about employees and stock holders profits being ''unfairly'' ripped from them.

I take great offense at the DOJ's attack on Microsoft. I am not an employee or a stockholder, but I have family that own stock.

The DOJ has tried to make the case the MS is hurting consumers in some manner. I have yet to see one single person (and I work in the technical field) tell me they were harmed in any way from MS.

The DOJ proclaims that MS uses ''unfair business practices''. Unfair is pure subjectivity on the DOJ's part, the software business is unlike any typical business and is more akin to the record industry. The DOJ might as well go after certain record companies for having the most popular artists signed onboard. In software you either innovate or you fall behind and loose.

Microsoft has provided the world with standards that were sorely needed, technology that they give away for free, and an incredible amount of tools to make the industry a better place.

For the DOJ to pursue harmful actions against MS is an affront to the core principles of capitalism and a complete abandonment of acknowledgement for achievement.

The DOJ has made its case which in every way affirmative action for software companies. AOL, Netscape,Sun, are using the arguments commonly used in affirmative action to give their cause equivalence. If MS was to be broken up today—there would be a large supply of companies ready to fill their shoes, is this the endless cycle of the DOJ's intrusion on the software industry we can look forward to?

Is it in the DOJ's interest to create a plain of success that must not be exceeded? That is the perception that I—and many have received from the attack on Microsoft.

The ONLY people that have benefited from the DOJ's attack on Microsoft have been trial lawyers. The same trial-lawyers which always benefit at someone else's expense. This settlement, this case, this whole ordeal has done NOTHING to help a single US citizen in any shape or form. As a matter of fact, the DOJs insistence on attacking Microsoft created a fall in the Stock Market, and hurt MANY Americans more than can be calculated.

Sun, Netscape, and the Linux crowd have just as much right to innovate and prosper as I do. I take great offense at the prospect that the industry that is driving our nations superiority is being turned into a welfare system for lagging developers.

I feel the lawsuit in the first place was unjustified, and a clear (let me stress very clear) attempt (appears successful) at bilking money out of a company who had not made significant political contributions (evidently to the right people).

I do not view Microsoft as a lottery as the DOJ and the companies and states involved in the lawsuit seem to. I view Microsoft as a company that I as an American take great pride in. I view Bill Gates as a successful man that emanates the American dream. I currently view the DOJ/companies involved/ and the trial lawyers who stand to gain from this—leeches.

David Swigger
(281) 587–0378

MTC–00022368

From: george tsiros
To: Microsoft ATR
Date: 1/24/02 1:58pm
Subject: Microsoft Settlement

Don't give microsoft the right to choose their sentence.

MTC–00022369

From: jen@arthur.ces.utexas.edu@inetgw
To: Microsoft ATR
Date: 1/24/02 1:56pm
Subject: Microsoft Settlement

I am writing to protest the proposed final judgment in the Microsoft antitrust case. The settlement as it exists would be nearly worthless at preventing Microsoft from abusing its monopoly in computer operating systems. This is a company that has been found guilty in federal court (a finding upheld by an appellate court as well) of violating American laws repeatedly, yet the proposed settlement contains no real punitive measures. It merely codifies the status quo and enables Microsoft to continue to bully competitors and maintain its monopoly through illegal and immoral means.

I urge the Department of Justice to reconsider this matter very seriously. The acceptance of this settlement will surely have a massive negative effect on the entire technology industry. The only beneficiaries of this travesty will be Microsoft, which doesn't seem like ''justice'' to me.

Jennifer Woertz
8505 Shoal Creek
#106
Austin, TX 78757

MTC–00022370

From: Sergius Vonschischkoff
To: Microsoft ATR
Date: 1/24/02 1:54pm
Subject: Microsoft Settlement

I think this is a very bad idea.
Sergius VonSchischkoff

MTC–00022371

From: Vic and Gigi
To: Microsoft ATR
Date: 1/24/02 1:53pm
Subject: Microsoft Settlement

To Whom it May Concern;

I am sending this short message to demonstrate my support for Microsoft!! I am convinced that AOL, is much more comfortable competing with Microsoft in a court environment, than they are on the open market.

Sincerely,

Victor Scaturo

MTC–00022372

From: Elly L.
To: Microsoft ATR
Date: 1/24/02 1:58pm
Subject: Fwd: Microsoft Settlement

To Whom It May Concern:

It seems like the proposed settlement for Microsoft antitrust trial is flawed. Because of many different legal loopholes in it, Microsoft will be able to find ways to easily exploit their customers and OEMs to their advantage.

A great analysis of flaws in the proposed settlement could be found here:

http://www.kegel.com/remedy/remedy2.html . Below are my main complains about the settlement:

1) Microsoft's APIs, file formats, and protocols. The complete documentation for these must be made public and be updated in a timely manner. Closed APIs and file formats are a major barrier to entry, since virually no company can afford to convert its existing documents into a new format. Currently anyone using Microsoft products is effectively ''locked in'' to those products because they cannot be easily converted to another format. While some attempts had been made toproduce programs and/or libraries that can read and write files in Microsoft's formats, they are only partially compatible and usually fail on complex documents. The main reasons for this are undocumented changes in Microsoft APIs and lack of complete documentation. Anything that can be done to reduce this barrier can only help to create more opportunity in the market.

2) Microsoft's business practices.

Microsoft must not be allowed to enter into deals with OEMs, ISPs, or other businesses that would create disincentives or prohibit those companies from offering non-Microsoft products or services to their customers. Since the vast majority of the desktop computing world currently uses Microsoft products, OEMs, ISPs, and others must be able to offer those products to consumers. Allowing Microsoft to continue to take advantage of that situation by prohibiting those companies from offering alternatives effectively means allowing Microsoft to continue to hold the industry hostage.

3) Microsoft's attempts to extend their monopoly in new markets * Microsoft attempted (often successfully) to extend their monopoly in several new markets already, using the same monopolistic tactics. Most prominent examples are: * Microsoft .NET and MS's plans to force everybody to sign for a MS Passport (which has already been proven to be a very insecure system), and also to sabotage development Sun Microsystems'' Java language on Windows platform in favor of their own ''.NET'' system.

* Audio/Video market, where Microsoft used their OS monopoly to push products likeWindows Media Player and gain unfair advantage over competitors such as Real Player and QuickTime

* The failed attempt to turn an educational lawsuit into a way to inject their software into yet another market

If these concerns are addressed by the eventual settlement or court ruling, they should remove most of Microsoft's ability to abuse it's monopoly power to the detriment of the industry. I feel that a healthy IT industry should consist of competing products from a variety of companies, all able to interoperate with each other, with no single company able to leverage it's dominance in one area to bolster it's position in another.

Sincerely,
Anton Vysotskiy
Software Developer/Network Engineer
7108 13 Ave #2F
Brooklyn, NY 11228

MTC–00022373

From: Robin Patchen
To: Microsoft ATR
Date: 1/24/02 1:58pm
Subject: Anti-trust suit

Dear Sir or Madam:

Stop wasting my money, and the money of every other taxpayer, by harassing an excellent company that has changed the way America and the world use their computers. They're not perfect. Who among us is?

This suit has had drastic, negative effects on our economy, and it's time to stop.

There are terrorists to fight. There are real criminals. Use your resources to get them, and leave Microsoft alone.

Respectfully,
Robin Patchen
Edward Patchen
2709 NW 159th St.
Edmond, OK 73013

MTC–00022374

From: kilowattkp@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:54pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
ken pierce
157 dillon dr
vallejo, CA 94589

MTC–00022375

From: Sylvia Schulz
To: Microsoft ATR
Date: 1/24/02 1:58pm
Subject: Microsoft Settlement

I do not believe the DOJ is interested in protecting consumer's and fair competitive practices.

Rather, the ongoing, relentless actions of the DOJ againt Microsoft certainly appears to be in response to the greed of big business—specifically Microsoft's competitors who are seeking government intervention to sqwelch their competition.

Also, the actions of Microsoft's competitors and the DOJ directly affects the stock market and the national economy. Millions of Americans believe in Microsoft and it's products and have invested in the company. The future economic strength of the country is most certainly affected by stock market, and the future of millions of Americans who have invested in Microsoft for today and for their future retirement is in great jeapordy.

The actions of the DOJ in response to Microsoft's competitors has certainly created doubts in the minds of millions of Americans. Whose interests is the DOJ really serving?

MTC–00022376

From: Pete Shinners
To: Microsoft ATR
Date: 1/24/02 1:53pm
Subject: Microsoft Settlement

I believe the proposed settlement for the Microsoft case is a bad idea. It does not do enough to promote competition and smaller companies in the market. It also doesn't address the unfair treatment of open source projects competing with Microsoft.

Pete Shinners

MTC–00022378

From: Bill Gish
To: Microsoft ATR
Date: 1/24/02 2:05pm
Subject: Microsoft Settlement

It seems to me the lawyers who do not seem to understand and judges who don't understand can't settle a dispute without see how much the law profession can earn from all the delays. The main objective is not to help the consumer but the big boys who have donated to government officials. The Microsoft programs have been good for me and AOL which I had at one time was not as effective for my use.

Since the economy is so great and is booming why not just keep the case in the courts for a few more years and let the little guys pay for it.

William D. Gish

MTC–00022379

From: Kelly Tetterton
To: Microsoft ATR
Date: 1/24/02 1:54pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea. Microsoft has been found to be a monopoly, and any remedy must address that current power—as well as Microsoft's history in trying to evade anything that would interfere with its power.

Kelly Tetterton
Technical Lead, Macromedia Certified ColdFusion Developer
duoDesign, eBusiness Architects
Internet design, technology and online marketing
847–491–3000 main: kelly@duodesign.com

847–491–3100 fax: www.duoDesign.com
847–491–7125 direct: www.Nexiv.com

MTC–00022380

From: SKNelson@MyILDPortal.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:58pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Dr & Mrs S Kenneth Nelson
9102 Prairieview Lane N
Champlin, MN 55316–2690

MTC–00022381

From: vermoa@lrbcg.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:58pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
M W Richardson
305 Concord Ct.
Huron, OH 44839–1418

MTC–00022383

From: c2lifesavers@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 1:58pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
David Witwer
3255 Brunswick Dr
Colorado Springs, CO 80920

MTC–00022384

From: RNorton@personal
computer.net@inetgw
To: Microsoft ATR
Date: 1/24/02 1:59pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Ruth Davis
710 Southway
Kerrville, TX 78028

MTC–00022385

From: Meg Metzger
To: Microsoft ATR
Date: 1/24/02 2:03pm
Subject: FW: Micorsoft letter
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

I'm writing to urge you to accept the terms of the settlement recently reached between Microsoft and the United States Justice Department. The settlement will result in a much more competitive environment beneficial for all parties involved.

Microsoft has, for example, agreed to grant broad new rights to computer manufacturers and software developers to configure Windows to promote non-Microsoft software programs that compete with Microsoft programs included within Windows. This means computer manufacturers can replace Internet Explorer with Netscape Navigator; Microsoft Media Player with RealPlayer; and Windows Messenger with AOL Instant Messenger. Microsoft has further agreed to not retaliate against computer makers and software developers who choose to take this route, nor will Microsoft retaliate against computer makers who ship competing operating systems.

Overseeing the terms of the settlement will be a Technical Committee comprised of three persons who are software engineering experts. This Technical Committee will assist in any dispute resolution, should a complaint be filed. It is time the case get behind us.

Based on these facts, I respectfully request you to accept the terms of the settlement.

Sincerely,
Margaret A.Metzger
216 Hawthorn Rd
Bellingham, WA 98225

MTC–00022386

From: David Beahm
To: Microsoft ATR
Date: 1/24/02 2:03pm
Subject: Microsoft Settlement

Ending unlawful conduct is best done by correcting the violator, not by bending the law to appease him. The sell-out of the American public by the Department of Justice is shameful, and I oppose it.

The idea that this agreement will somehow curb Microsoft's hideous behavior is undermined by Microsoft's own comments and actions. Within days of announcing they would ''open up the desktop'' and allow systems integrators to install non-Microsoft software and icons on new PCs, Microsoft immediately back-tracked when vendors proposed installing applications which compete directly with Microsoft. Witness also Microsoft's suit to end their previous agreement with the DOJ. To quote a Microsoft employee, ''There's no reason you shouldn't smile the whole time you're pulling the trigger.'' I cannot say whether splitting Microsoft up would be a wise remedy, but I appreciate Judge Penfield-Jackson's belief that anything less severe would be a mere panacea.

The holes in this proposal are numerous and preposterous. Rather than try to restate what others have said better, I refer you to the document at http://www.kegel.com/remedy/remedy2.html#public_interest.

Thank you for your time.
DCB
Williamsport, PA

MTC–00022387

From: Vincent Rogers
To: Microsoft ATR
Date: 1/24/02 2:02pm
Subject: Microsoft Settlement
To Whom it may Concern:

I find that this settlement addresses the concerns brought on by the government. It will clearly give competitors and Microsoft a clear understanding of the rules of the marketplace. And unlike the settlements desired by the non-signing attorney generals

and competitors AOL Time Warner (who by the way seems much bigger down even though they claim Microsoft has prevented them from going about their business) allows both Microsoft and its competitors to compete. And rather then giving out handicaps to competitors, this settlement will show that the better product will become the dominant product.

I thank you for your time,
Vincent Rogers
1036 S Mariana St #3
Tempe AZ 85281–4171

MTC–00022388

From: Howd
To: Microsoft ATR
Date: 1/24/02 2:03pm
Subject: Microsoft settlement

To whom it may concern,

It is time to stop fining Microsoft for doing business in America. The days'' of government corporate welfare must have passed. Now the government is asking for welfare from any business that is sucessful.

Microsoft has done nothing to me or other private citizens. And if you claim they have where's my share of the settlement? This is government greed.

Howard Rice

MTC–00022389

From: JHCragoe
To: Microsoft ATR
Date: 1/24/02 2:04pm
Subject: Microsoft Settlement
BlankJohn H. Cragoe
6310 N.E. 138th Place
Kirkland, WA 98034–4905
January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Three years of litigation against Microsoft in the antitrust suit was flawed and unjustified. In their most recent financial disclosures, the cost of defense is put at nearly two-thirds of a billion dollars. Resources that could have been used for further technological advances, for additional employment opportunities, for lower final prices to consumers, or for local philanthropic purposes have been wasted.

The original aim was to protect consumer rights, but as the litigation continued it has became very apparent to me and to many other people that this case reflects the intense lobbying efforts on the part of Microsoft competitors and lack of concern for the public best interest on the part of politicians and lawmakers. As a user of computer technology for over twenty years, I have chosen Microsoft products because the combination of features, ease of use, continuous upgrades in capability, and low cost were unmatched by any other provider.

The terms of the settlement are entirely too harsh and unfair. Microsoft should not be forced to give away information about its internal interfaces and protocols. They have worked long and hard to develop these secrets and it should be their right to keep them within their company's walls. It is also unjust to bar Microsoft from entering into any third party agreements for exclusive distribution rights. If this will be implemented, than Pepsi and Coca Cola should not be able to sign agreements of the same kind with McDonalds and Wendy's.

While I find the settlement ineffective and biased towards giving competition an edge they could never attain the old fashioned way through hard work and innovation, I think it must be implemented. Further lawsuits will only be more detrimental to our economy. Please take a strong stance on this with the nine remaining states that still oppose settlement. Thank you for your time.

Sincerely,
JHCragoe
John H Cragoe
jhcragoe@attbi.com
Tel: 425–814–8326
Fax: 425–821–3544

MTC–00022390

From: Tucker Cheadle
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/24/02 2:15pm
Subject: Microsoft Settlement

Gentlemen:

Microsoft has been the only company to create a desktop program...despite the efforts of others such as Linux, Sun and Oracle. Sun and Oracle have funded the litigation and it is for their purposes to reduce the possibility that Microsoft will operate in servers (this effects Sun) or operate in database (this effects Oracle).

The case should be settled along the lines proposed of having Microsoft pay the schools and/or contribute software and computers.

The uncertainty of this case on the economy is too great to continue with the litigation.

MTC–00022391

From: Retha Bennett
To: Microsoft ATR
Date: 1/24/02 2:03pm
Subject: microsoft settlement

Time Warner knew that Netscape had real problems when the bought it. Why are they trying to pull down the only web browser that does what it is to do more often than not. The market place has and always will be the one who determines who is going to make it and who is not. It has spoken why cant people just leave this company alone. Time Warner really has nothing legitimate to complain about nor even think of going to court.

sincerely
Retha Bennett

MTC–00022392

From: elmer.cole@GTE.NET@inetgw
To: Microsoft ATR
Date: 1/24/02 1:59pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against

Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Elmer Cole
563 Spring Creek Dr/
Derby, KS 67037–1335

MTC–00022393

From: RR-
To: Microsoft ATR
Date: 1/23/02 9:55pm
Subject: Microsoft Settlement

To Whom It May Concern:

I would like to encourage the Department of Justice and the remaining states to settle this litigation with Microsoft. It has had a detrimental affect on the whole industry.

Let us go forward with this and give this company and all tech companies the ability to innovate, and to solve their own differences without the government being involved.

Sincerely,
Ray Reid
Salem, Oregon

MTC–00022394

From: Rajiv Aaron Manglani
To: Microsoft ATR
Date: 1/24/02 2:07pm
Subject: Microsoft Settlement

i am a us citizen and i think the proposed microsoft/doj settlement is a bad idea. please listen to steve jobs.

thanks
rajiv aaron manglani / rajiv@alum.mit.edu

MTC–00022395

From: Peter Wittenberg K2LRC
To: Microsoft ATR
Date: 1/24/02 2:05pm
Subject: Microsoft agreement
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am happy to hear that Microsoft and the government have reached an agreement. I think Microsoft has conducted itself appropriately as a corporate citizen throughout this entire ordeal, and think what they have agreed to do is fair for all.

If I understand it correctly, Microsoft has agreed to establish a ''Technical Committee'' that will monitor Microsoft's compliance with the settlement and assist with dispute resolution, as well as agreed to terms that extend well beyond the products and procedures that were actually at issue in the suit, for the sake of wrapping up the suit, and has granted computer makers broad new rights to configure Windows so as to promote non-Microsoft software programs that compete with programs included within Windows.

Mr. Ashcroft, this settlement shows the kind of company Microsoft has always been

and that is a company that cares not only about sales, but also about the consumer's needs and abilities to have access to its innovative product. I support this settlement, and hope it will be approved at the end of this comment period.

Sincerely,
Peter Wittenberg
Ursula Wittenberg

MTC–00022396

From: tjl@att.net@inetgw
To: Microsoft ATR
Date: 1/24/02 2:05pm
Subject: Microsoft Settlement

Dear DOJ,

I am a software developer and technology business owner. The combination of the bad economy and endless litigation between the government, Microsoft, AOL, and whoever else, is making things extremeley difficult to be successful. We need to make technology decisions for our customers. Its hard enough to make these decisions based on the products alone but when you throw litigation into the mix its nearly impossible.

I want to make my voice heard as a little guy. The government is supposed to represent the people and in my opinion allowing all these lawsuits to interfere with a free market economy is hurting the little people. Big corporations have plenty of money to throw around while the small business struggles daily to meet expenses.

My experience in the high tech field has shown that all companies resort to aggressive tactics in the marketplace. Microsoft has been singled out rightly or wrongly. They may deserve some penalties but they do not represent evil and AOL or the government represent good. To allow these lawsuits to continue hurts not only Microsoft but the millions of people who have benefited and continue to rely on their technology moving forward.

In another voice for the little guy I encourage any settlement to benefit those who are in the most need in this country. The donation to poor schools would have been a step in the right direction. Those with less have the most right to benefit in this case. Outside of corruption found at Enron, let the mega-corporations fight it out in the marketplace. Let the consumers be the judge with their spending decisions.

Please end the chaos and let us get back to work serving the people of this country.

Regards,
Thomas Lucking
4264 Howe Street
Oakland, CA 94611
(510) 459–4647
(503) 961–1828 fax

MTC–00022397

From: islandhome@hawaiian.net@inetgw
To: Microsoft ATR
Date: 1/24/02 2:03pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Lynne Isom
P.O. Box 1239
Kilauea, HI 96754

MTC–00022398

From: ejellis@wave.net@inetgw
To: Microsoft ATR
Date: 1/24/02 2:00pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Sincerely,
Jack Ellis
1240 Westmont Dr.
Jacksonville, OR 97530

MTC–00022399

From: Peter Allan Laurens
To: Microsoft ATR
Date: 1/24/02 2:08pm
Subject: Microsoft Settlement

I believe that the settlement should be a punishment for the monopolistic ways that Microsoft have been proven to have employed in a court of law. When interpreting the term ''punishment'' I mean that the outcome for Microsoft should be a negative one in every sense—it should be shown that monopolistic/anti-trust ways should be detrimental in the end for those companies using them.

The most recent suggestion that Microsoft donate $1bn of software/computers to schools is in no way punishment—it is not detrimental to the company. Instead it would allow Microsoft to get its foot in the door of a market that has traditionally preferred Microsofts only real competitor—Apple. To upset the market in this way with a $1bn influx in Microsofts favour is a benefit to the company and not in any way detrimental. It would be outrageous should this proposal go ahead—those companies that remain in the industry such as Apple have been put through a hard enough time as it is with Microsoft's ways in the first place, and for them to lose out on this settlement would be insanity.

Peter Allan Laurens

MTC–00022400

From: rolfschey@juno.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:04pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Rolf Schey
1323 21st St. NW
Rochester, MN 55901

MTC–00022402

From: Gregory Swanson
To: Microsoft ATR
Date: 1/24/02 2:07pm
Subject: Microsoft Settlement

Dear Sir:

I am a developer, I have an interest in the outcome of this case because it could affect my career and ability to earn a living. When I was a student, I could not afford a computer from Apple and Unix machines were more expensive than Apple machines. I bought an IBM compatible pc that ran DOS. Besides running on cheap hardware, Microsoft makes lots of software available for little or no cost (For example check out their Platform SDK (software development kit) at http://msdn.microsoft.com/library/default.asp?url=/library/en-us/sdkintro/usage—1817.asp?frame=true). The reason Microsoft is big is because they provide the best value and people trust that they will be in business tomorrow.

I have been involved in seven projects writing applications for Microsoft's Internet Explorer browser and only one project that supports browsers in addition to Microsoft's. The decision to not support other browsers was always made by the company paying for the development. The reason was always the same: it would cost too much and it would take too long to implement the functionality the company wanted.

So before we kill Microsoft, let's find a replacement that everyone can afford.

Thanks,
Gregory Swanson
San Jose, CA

MTC–00022403

From: William Snow
To: Microsoft ATR
Date: 1/24/02 2:07pm
Subject: Your settlement of the microsoft antitrust suit Is frankly ludicrous.

A) allowing microsoft to pay the fine by using SOFTWARE just proliferates the problem.

B)I believe there was insufficient disclosure of the discussions held between the DOJ and Microsoft about the settlement. The public has a right to know how you sold them out.

Thanks,
William Snow
48 Campbell Lane
Menlo Park, CA 94025

MTC–00022404

From: Brad Hale
To: Microsoft ATR
Date: 1/24/02 2:06pm
Subject: Potential MS v DOJ settlement

Your Honor,

I realize you have to read all of these emails so I'll be brief. Obviously the following comments could benefit from a more expanded examination but the basics are communicated well enough.

I believe the best solution is to split Microsoft into two separate entities. One which would be responsible for the Operating System and another which would be responsible for Applications and Development Tools. These two entities should have to operate under the following constraints:

1. The OS Entity should have to make available to any vendor the same API calls and documentation (and any other interaction) that it makes available to the Applications Entity. Apple does this, Linux does this, Unix Vendors do this—there's no reason Microsoft can't.

2. The Application Entity should be required to make available all OS calls it makes (and/or requires) to outside vendors/competitors. This would allow other OS vendors to provide the necessary entry points in their OS so the applications that run on Windows would be able to run on their systems with minimal or no changes. Eventually the reverse would be true as well. This would provide a benefit to the public (and smaller companies) in that there would be more programs available on more platforms at a cheaper cost.

Thank you for your time,
Brad R. Hale

MTC–00022405

From: Matt Gerber
To: Microsoft ATR
Date: 1/24/02 2:09pm
Subject: Microsoft Settlement

As an everyday user of Microsoft's products, I urge the Justice Department to reconsider penalizing Microsoft for its success in the marketplace.

Microsoft deserves accolades rather than punishment for creating standards for developers to write reams of software to ensuring ease of use by bundling products. It has made my life easier and more productive. It has earned the right to be a market leader, even to demand onerous terms in its licensing agreements. Yet neither I nor anyone else has been forced to accept Microsoft's products and services. Every transaction I or anyone has ever conducted with Microsoft has been on a voluntary basis.

Our country, created to protect the individual rights to life, liberty, pursuit of happiness, and property, should ensure that Microsoft keeps what is has earned, not strangle it for its success. If Microsoft is not left free to produce and grow, then all companies would think twice about becoming too successful, about achieving too high a market share, about striving for excellence.

The abridged rights of one company affect the rights of all. Microsoft has been a shining beacon of what makes America great; please do not punish that greatness.

Matthew Gerber
Austin, TX

MTC–00022406

From: William R Ward
To: Microsoft ATR
Date: 1/24/02 2:08pm
Subject: Microsoft Settlement

I have some grave concerns about the proposed settlement between the DOJ and Microsoft. The terms of the settlement are far too easy for Microsoft to get around. For more information about these concerns see the web page:

http://www.kegel.com/remedy/remedy2.html

Thank you for your consideration.
William R. Ward, US Citizen
Mountain View, CA
William R Ward
bill@wards.net
http://www.wards.net/bill/ If you're not part of the solution, you're part of the precipitate.

MTC–00022407

From: Jimmy Jones
To: Microsoft ATR
Date: 1/24/02 2:07pm
Subject: Microsoft Judgment Remedy

Dear Judge,

According to my understanding of the case the proposed remedy by Microsoft is to propagate the Windows OS into schools that currently do not have computers. While on the surface this might seem like a beneficial compromise I would like to point out that this is in fact the DOJ providing Microsoft with a government sponsored captive distribution channel. This remedy is so far from a real remedy that it is laughable.

Why is the DOJ offering Microsoft a remedy that is overpoweringly beneficial to Microsoft?

Jimmy Jones <mailto://jimmy—jones@iname.com>

MTC–00022408

From: Damstar1@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:05pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Denise Morningstar
1019 S Division St
Whitehall, MI 49461–1701

MTC–00022409

From: BenScoopTJ@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:09pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Harry Benson
13930 Barryknoll Ln
Houston, TX 77079–3311

MTC–00022410

From: kmwilhelm@ekno.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:05pm
Subject: Microsoft Settlement

I am unhappy with the proposed settlement. I would expect a settlement to meet the following criteria:

— provide redress to the companies affected by the past and ongoing monopolistic practices of the Microsoft corporation
— restructure the Microsoft corporation to separate operating system and application development
— require the new companies to document their software interfaces and adhere to recognized international and national standards
— require Microsoft to provide financial compensation to companies affected by its

monopolistic practices—note that this does mean providing Microsoft products to schools, which simply extends its monopoly
Respectfully,
Kathleen Wilhelm

MTC–00022411

From: jdattaway@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 2:07pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
James Attaway
3606 Alderwood Dr
Spring, TX 77388

MTC–00022412

From: John D. Heintz
To: Microsoft ATR
Date: 1/24/02 2:10pm
Subject: Microsoft Settlement

I am writing to support Dan Kegel's comments found at:

http://www.kegel.com/remedy/remedy2.html

My name is being added to his open letter at:

http://www.kegel.com/remedy/letter.html

Thank you for your time,
John D. Heintz
John D. Heintz √ Senior Developer
1016 La Posada Dr. √ Suite 240 √ Austin TX 78752
T 512.380.0347 √ jheintz at isogen.com
http://www.isogen.com

MTC–00022413

From: Lilyroth@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:12pm
Subject: Microsoft Settlement.

Please do not consider the ridiculous nature of the law suit between AOL and Microsoft. As a consumer and user of AOL I am sick of constant courtroom tactics. We are sending poor messages to our youth by showing them by our actions that it is better and more productive financially to sue rather than work problems out. If AOL needs more cash, they can raise their rates a buck.

Lily Rothman
Lilyroth@aol.com
Lily Rothman

MTC–00022414

From: Jason Smith
To: Microsoft ATR
Date: 1/24/02 2:15pm
Subject: Microsoft Settlement

I strenuously object to the Department of Justice settlement proposal with Microsoft. This is a company that deliberately and frequently flouted the law. It should be required to pay the price and not be allowed to get a mincing slap on the wrist, only to repeat its actions.

Jason Smith

MTC–00022415

From: newbal@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:08pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Newell Baldwin
38 N. Rim Road
Ransom Canyon, TX 79366–2226

MTC–00022416

From: Cost-Research
To: Microsoft ATR
Date: 1/24/02 2:12pm
Subject: Microsoft Settlemennt

To whom it may concern,

The DOJ and now the AOL Time Warner's lawsuit are turning this whole settlement thing into a circus. Once you settle with the states and the lawyers get their once of flesh, who will be next to file a lawsuit? Is the Department of Justice setting thing up for a free for all in lawsuits? Can Microsoft survive this kind of attack? It just makes me sick to see a great company like Microsoft getting torn apart by the department of Justice and a few cry baby companies who are not smart enough to compete in the business world and have to resort to lawsuits.

Microsoft has changed the world in the way we work and now they are being punished for it. Sometimes it does not pay to be an entrepreneur because if you get too successful the legal system will take you down.

Lawyers just love to take on high profile companies just to make a name for themselves. Just like the tobacco lawsuits, everybody received a bunch of money and nothing has really changed. People still smoke and the smokers have to pay for the payoffs. Please get off Microsoft's back and let them concentrate on the next generation of computer software; this will be the payoff for all of us!

Peter Huysing

MTC–00022417

From: Peter Desnoyers
To: Microsoft ATR
Date: 1/24/02 2:11pm
Subject: Microsoft Settlement

As the deadline for public comments is rapidly approaching, I would like to submit my comments to the Department for consideration. I am a software engineer with 13 years of experience, primarily developing software for hardware devices in the networking and telecommunications industry, working for Apple, Motorola, and a series of small startups. Much of the work I have done is in an industry which would not exist if it were not for the Justice Department's prior actions against AT&T; in fact, long enough before the MFJ, AT&T exerted enough power even outside of the marketplace that it would have been illegal to connect third-party devices (such as the ones I have worked on) to the Bell System network.

My primary concern with the proposed settlement of the Department's action against Microsoft is that it contains no provisions to preserve a competitive market for third-party networking hardware products which would be compatible with Microsoft's products. The language of the settlement refers only to application binary interfaces, between software components on a PC, and appears to have no enforceable provisions related to the network protocols and interfaces. In fact, the language related to security appears to offer blanket immunity to hide the details of any network protocols that are security-related. (note that many network protocols widely regarded as more secure than Microsoft's homegrown ones (e.g. Kerberos) have always published their interfaces, and have relied on inherently secure mechanisms rather than attempted secrecy for their security)

My fear is that by keeping network interfaces secret, and changing them from release to release, Microsoft will be able to prevent third parties from engaging in the legitimate business of creating Microsoft-compatible networking devices, or worse yet be able to pick and choose who will succeed in this market based on who they bestow their favors on, regardless of what the market wants.

Microsoft would no doubt argue that they license this information to third parties, so that the NetApps and EMCs of the industry, for instance, are able to produce Microsoft-compatible systems. However unless this information is provided on a standard, non-discriminatory basis (e.g. as part of the documentation for some level of MSDN subscription), it will not be available to either small startups or open-source developers, both of which are responsible for much of the competition and innovation in this area. By failing to require that networking interfaces—including security-related ones, which are essential to interoperability—be documented on an open and non-discriminatory basis, the

Department has missed a major opportunity to ensure open markets and competition in a significant market.

Finally, I would like to say that I fully support the objections that the Commonwealth of Massachusetts has raised with the proposed settlement, and feel that the state Attorney General would not be representing me properly if they had not objected. I would draw your attention to the following excerpt from the Commonwealth's court filing of 12/7/01: ''(3) to disclose technical information so that rival handheld devices, servers and networks can interoperate with Microsoft's dominant Windows operating system'', which brings up the same objection I have raised.

Thank you for your consideration,

Peter Desnoyers (781) 457–1165
pdesnoyers@chinook.com

Chinook Communications (617) 661–1979
pjd@fred.cambridge.ma.us

100 Hayden Ave, Lexington MA 02421

MTC–00022418

From: Troy Wolverton
To: Microsoft ATR
Date: 1/24/02 2:11pm
Subject: Microsoft Settlement

To Whom it May Concern:

I wholeheartedly oppose the proposed settlement in the Microsoft anti-trust trial. The proposal basically rewards Microsoft for its actions and does little to curtail its future behavior.

The proposed settlement is weaker than the one that was discussed prior to Judged Jackson issuance of his findings of fact and his proposed remedy. If anything, given that his ruling that Microsoft is a monopoly and has abused its monopoly power has since been unanimously upheld by the Court of Appeals, the remedy should be even more restrictive than what was discussed before the findinds were released.

Microsoft is like a child. Unless the government sets and enforces clear boundaries on its behavior and punishes it severely when it crosses the line, the company will continue to try to circumvent the rules. That was the lesson of the earlier consent decree, which Microsoft never bothered to follow. I fear that this settlement will end with the same result.

Microsoft is an extremely aggressive company. It has already translated its monopoly in desktop operating systems into a monopoly in office productivity software and Internet browsers. It is threatening to extend its monopoly into Web server operating systems, operating systems for handheld devices, digital media players and a slew of other areas.

It is against the national interest for Micrsoft to dominate all of these areas. Already its dominance in desktop operating systems and office software has led to little in the way of innovation and an increase in the price of those components relative to other computer components.

The company needs to be stopped. Unfortunately, this proposed settlement will be little more than a speed bump in its path.

Troy Wolverton
84 Lippard Ave.
San Francisco, CA 94131
415.587.6687
notrevlow@yahoo.com
troy@wolverton.net
Troy Wolverton

MTC–00022419

From: Peter Smith
To: Microsoft ATR
Date: 1/24/02 2:11pm
Subject: Microsoft Settlement

Hello!

I want to share with you an idea for restoring competition in the PC market. In particular, this remedy would make it possible to promote both alternative, multi-boot operating systems and browsers for the PC while diminishing MIcrosoft's monopoly. I call my idea the Public Library Operating System Distribution.

Microsoft has a monopoly on Internet computers in public libraries. Nonetheless, four other PC operating systems—-FreeBSD Unix, Linux, IBM OS/2 and BeOS—-are perfectly capable of providing the same service as the combination of Windows and Internet Explorer. It would be a relatively simple task to compile distributions of each of these altenative OSes in a form as simple and minimal as possible since these OSes would only operate browsers—-Netscape, Mozilla, Konqueror, Opera, Lynx—-and simple email programs. These distros might also inlcude the software for FTP, Telnet or other services, but not much more for use in the public libraries. Keeping these public library distributions as minimal as possible would make them highly reliable and make the task of system administration for the libraries as manageable as possible. Microsoft should bear the cost of compiling these distros, which should be quite low, as well as pay for the boot manager software to make it possible to run multi-boot systems in the libraries.

This would make the public aware that there are excellent alternatives to Microsoft in an important public institution. If Apple has problems with this remedy, then perhaps Microsoft could purchase Macintosh computers and donate them to the public libraries.

I hope that you will give serious thought to this remedy. Microsoft could bear the cost entirely, as well it should.

Thank you.

Sincerely,

Peter G. Smith

MTC–00022420

From: bobsand@volcano.net@inetgw
To: Microsoft ATR
Date: 1/24/02 2:09pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,

Robert Sanders
P.O. Box 899
Murphys, CA 95247

MTC–00022421

From: robinsff@msn.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:10pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,

Frank Robins
5706 49th Ave Ct West
University Place, WA 98467

MTC–00022422

From: Levett, David
To: Microsoft ATR
Date: 1/24/02 2:13pm
Subject: My views on the settlement
To: microsoft.atr@usdoj.gov
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html), namely:

The PFJ doesn't take into account Windows-compatible competing operating systems

Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API''

so narrowly that many important APIs are not covered.

The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertised as being ''Windows Powered''.

The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which couldrun a Microsoft operating system—even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)

The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

The PFJ allows Microsoft to discriminate against small OEMs— including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

The PFJ as currently written appears to lack an effective enforcement mechanism.

I also agree with the conclusion reached by that document, namely that the Proposed Final Judgment, as written, allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems

Regards,

David Levett

MTC–00022423

From: James Kelly
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 2:07pm
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea.

James J. Kelly
Sr. Audio Producer
RadioCentral, Inc.
336 Harriet Street
San Francisco, CA 94103
(415)625–1725 (direct)

MTC–00022424

From: paul
To: Microsoft ATR
Date: 1/24/02 2:12pm
Subject' Microsoft

Dear Mr. Attorney General,

Please read the attached letter which describe my feelings on the Microsoft antitrust case.

Thank you, and may God be with you on all your decisions.

Respectfully,
Paul Rinaldi
17126 Hill Creek Court
Orland Park, IL 60467
January 18, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing in support of the settlement of the antitrust case against Microsoft by your Department of Justice, the states. After three years of litigation, and three months of negotiation with a court-appointed mediator, the time is right for a settlement. More importantly, the terms seem as fair as could be expected in this controversial matter.

To settle the case, Microsoft agreed to open its internal Windows interfaces and server protocols to competitors, provide non-discriminatory licenses to its copyrights and patents to competitors who want them, and license Windows to the largest computer makers without negotiation under uniform terms and pricing.

Additionally, Microsoft agreed to make it easy to substitute non-Microsoft programs for integral programs in Windows, refrain from exclusive marketing agreements, and subject itself to a three-person government-sponsored on-site technical committee. In addition, any third party will be free to file complaints about alleged non-compliance with Microsoft's new Internal Compliance Officer, and the technical committee established by the settlement.

You have supported the settlement process so far. Now, please do what you can to get the settlement approved by the federal court. Then, we can all move on, hopefully to still waters and greener pastures.

Thank you for your leadership.

Sincerely,

Paul Rinaldi

MTC–00022425

From: jpgr_4@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:11pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desk

top; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Calvin Heide
2705 Hillrise Drive
Las Cruces, NM 88011

MTC–00022426

From: Larry Larsen
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 2:13pm
Subject: Microsoft

If you don't see Microsoft as a monopoly, it is because you haven't worked in any of the companies that M$ has forced out of business.

If you create any kind of software or method, and Microsoft decides they want your business, you are sunk because you can't compete when they own the ball, bat, and field and are giving away your products for ''free''.

It is going to take a genuine King Solomon to figure out what is ''fair'' because no amount of money is going to bring back the businesses and livelihood that was stolen by M$. The biggest concern of mine is preventing it from happening in the future.

Thank you,
LDL
Larry D. Larsen

Multimedia Editor
Macromedia Certified Flash Developer
The Poynter Institute for Media Studies
http://www.poynter.org

MTC–00022428

From: Kirk Walker
To: Microsoft ATR
Date: 1/24/02 2:14pm
Subject: Microsoft Settlement Comments

Microsoft does not provide customers with an option. This is clearly displayed by the lack of document editors and essential office suites that do not work seemlessly with Microsoft's OS. Also, lack of customer choice is clearly displayed by the outlandish pricing that Microsoft is able to maintain for its software, compared to it's competitors, who have good enough office suite products to compete with such pricing if the platform supported these alternatives. The fact remains that Microsoft prevents 3rd party software from working well with the windows operating system because of its policy of protecting this information from competition from other software vendors. Thus, 3rd party software vendors can only eek out their existence at the mercy of how Microsoft decides to change their OS and what kind of information they will reveal to their partners and competitors.

Kirk Walker

MTC–00022429

From: Deward Blevins
To: Microsoft ATR
Date: 1/24/02 2:15pm
Subject: Disappointed and Disillusioned

I am deeply disappointed and disillusioned by the DOJ and Congress by their handling of the Microsoft cases.

A smaller company would never be allowed the delaying tactics Microsoft has employed.

There should have been contempt citations issued months ago with penalties levied for the actions of Microsoft. Repeat offenders should not be told ''to play nice and we will take your word that you will''. The court has repeatedly done this. It is time Microsoft actually paid some kind of penalty for their crimes.

Donating hardware and software to schools is NO penalty. Most of our larger companies already do so as a matter of civic duty and it is good advertising.

As a deeply patriotic person who believes in the inherent goodness of our country it makes me sad to see the way the handling of this case continues to prove the idea that enough money will put you above the law. Much of the general public already doubts the integrity of our basic institutions. This case and its handling continues to weaken our faith. It would come as no surprise to me if the investigators, legislators and courts begin to come under increasing scrutiny by the public.

MTC–00022430

From: Dave Rose
To: Microsoft ATR
Date: 1/24/02 2:14pm
Subject: Microsoft Settlement

I DO NOT AGREE....
DAVID ROSE
NATIVE BORN U.S. CITIZEN

MTC–00022431

From: Kevin Herrboldt
To: Microsoft ATR
Date: 1/24/02 2:07pm
Subject: Microsoft Settlement

I oppose the proposed settlement on the grounds that will do little to alter Microsoft's practices and does not undo damages caused by Microsoft's illegal monopoly behavior.

A specific point I take issue with involves tying and bundling. Every release of Microsoft software seems to limit what users can do with their systems and increase Microsoft's control over people's computers and their use. This creates an environment that is almost impossible for any software vendor to succeed with any great success as well as hurting end users.

I have been in the computer industry for over 20 years and have watched it grow from a cottage industry to a vibrant competitive market, only to collapse back into one dominant controller (Microsoft) and a ''cottage industry'' of smaller players who are left to earn meager profits on the fringes of computing. As soon as an area gets big enough to draw Microsoft's attention, they move into the space and push all players out. A classic example of this is with word processors. Microsoft Office became dominant due to the leverage of Microsoft's Windows operating system, virtually destroying viable options such as WordPerfect and Ami Pro.

Please reconsider the settlement agreement. I feel it does not go far enough to address Microsoft's transgressions.

Respectfully,
Kevin Herrboldt
kevin@puppethead.com

MTC–00022432

From: Benjamin Graff
To: Microsoft ATR
Date: 1/24/02 2:17pm
Subject: Microsoft Settlement

I oppose the settlement because Microsoft's many API's will never be disclosed. The settlement defines API too narrowly so Microsoft will not these important API's. bmg

MTC–00022433

From: robinsff@msn.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:13pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Frank Robins
5706 49th Ave Ct West
University Place, WA 98467

MTC–00022434

From: jamar@vci.net@inetgw
To: Microsoft ATR
Date: 1/24/02 2:14pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Mary Wilson
4793 US 62
Calvert City, KY 42029

MTC–00022435

From: Patrick Hayes
To: Microsoft ATR
Date: 1/24/02 2:16pm
Subject: Microsoft Settlement

The wrong issues are being focused on. And in fact the accused group isn't the most important one committing a crime.

Microsoft has been found to have broken many laws, and when it has lost in court it has continued breaking those same laws in complete disregard for its judgments. That makes it a CRIMINAL ORGANIZATION. Just like the mafia. But while the US government tries to take away business from the mafia, limit their income, and put them in jail, Microsoft is given nothing but a slap on the wrist. The proposed judgments against Microsoft are barely even that. Criminals in the government have intentionally allowed their crimes to go unpunished, and are as guilty as they are. Who committed the greater crime: the company committing the act, or the politicians and judges allowing it to occur? The mafia is a small player in comparison to the big industries given free reign in the US today.

Microsoft's crimes are merely a symptom of the underlying problem: corrupt politicians and judges at state and federal levels. That Microsoft is guilty is undisputed. They have been proven criminals again and again in court since twenty years ago. While corrupt politicians and judges take their bribes and look the other way, it will never stop. The events at Enron are also symptoms of this corruption of our political system.

How many politicians have received enormous amounts of money from them over the years? And from how many other corporations?

Microsoft has done nothing legal to earn their fortunes. Were it not for their illegal, monopolistic actions, the company probably wouldn't even exist today. Anything useful they have was copied or stolen from superior competitors. But it's the fact that the government has done nothing to stop them that is the truly heinous crime:

1. Microsoft blatantly stole Apple's interface design. It was proven in court. Their penalty: none. They were even allowed to continue using it. The result: Apple is smaller each day, despite their innovative efforts. Bribery in our political system, nothing more.

2. Through the 80's, and until 1994, the Justice Department allowed Microsoft to openly extort a payment (bribe) for every PC sold, whether it included any of their software or not. When it finally ended in 1994, their penalty was: none. Corrupt politicians and judges again.

3. It was proven in court that Microsoft broke the law when they started giving away Internet Explorer, to drive Netscape out of business. Their penalty: nothing significant. And they are still giving it away. Corruption in politics and in court, all over again. Will it never end? Bill Gates'' illegally-earned personal fortune is probably far bigger than any mafia crime family's, and the US government is doing nothing serious about it. And it's only a fraction of the money earned by Microsoft executives. Any politician or judge who isn't against Microsoft would have to be on their payroll, considering the magnitude of their crimes. Those politicians are probably the same people who have been on Enron's payroll for all of these years (you know who you are, and retribution against you will come). Microsoft is merely a little fish in a big pond.

Proposal: a new independent task force which puts corrupt politicians and judges in jail, focusing on those who received money from Microsoft and Enron. In fact, the only way that would ever happen impartially is by including representatives from England and Germany and France and other countries who didn't receive such bribes (otherwise the appointees to the task force will be biased like always; of course I'm assuming they haven't been likewise compromised). Then we'll worry about Microsoft. While the political system is corrupt, a fair judgment against Microsoft or any other criminal organization will never occur. As long as Bill Gates and the other Microsoft executives are billionaires (or even millionaires), justice has not been served.

-Patrick Hayes, Jr.
Software engineer
(US location withheld; I don't want to lose my job)
CC:tunney@codeweavers.com@inetgw

MTC–00022436

From: Mr. Gravity
To: Microsoft ATR
Date: 1/24/02 2:15pm
Subject: Microsoft Settlement

Hello,

I am writing to urge the Dept. of Justice not to accept the proposed settlement with Microsoft Corporation. The issues it addresses and remedies it proposes will do nothing to stop the real problem at hand, that Microsoft controls almost every aspect of PC computing, period! Anything less than a breakup of Microsoft into three separate companies (Operating Systems, Software Applications and Internet Applications) will the computing world have any prayer of some day breaking free of Microsoft's stranglehold on the industry.

I strongly urge the DOJ to abandon the current proposed settlement with Microsoft and fight for a breakup of Microsoft.

Thank you for your time.
Sincerely,
Glenn Cook, President
Zero Gravity Corporation

MTC–00022437

From: ArtG1stD@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:16pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Art Gunter
1359 Whitfield Park Drive
Savannah, GA 31406

MTC–00022438

From: Tom T
To: Microsoft ATR
Date: 1/24/02 2:19pm
Subject: Microsoft Settlement—-is bad

If this settlement goes in effect, it will give Microsoft to much latitude to sabatoge any competeing OS.s that might be more stable, quick and have an open architecture that would benefit any inprovements in OS or the applications that run within a competeing OS.

MTC–00022439

From: Orsvan@cs.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:15pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Otto Svancara
1817 Clare Ct
San Jose, CA 95124–2301

MTC–00022440

From: Phillip Karlsson
To: Microsoft ATR
Date: 1/24/02 2:17pm
Subject: Microsoft Settlement

I believe that the proposed settlement is NOT in the public interest. My background is primarily in technology. I have an undergraduate Computer Science degree from Cornell University, and have been working in the technology industry for the past 7 years. In that time I have written products both for Microsoft's products, as well as for other Operating Systems. I am currently an MBA student at NYU's Stern School of Business. This is the background from which I am evaluating the proposed settlement.

This email concerns only the remedies, as it has already been upheld that they have a monopoly, and _have_ used that power illegally. The settlement must address both redress for past behavior, as well as remedies that will prevent them from continuing to act anti-competitively in the future.

There are several problems with the settlement, which have been written about extensively elsewhere. So the following is a short summary of the problems:

—Definitions of affected products are overly specific. Given Microsoft's past behavior of using semantics to avoid following the spirit of a law or settlement, this is a large loophole which they are undoubtedly already planning to take advantage of.

—it does not provide methods of encouraging or aiding the creation of alternate Operating Systems (OS) or middleware layers that emulate the Windows APIs. This, going forward, is the best way to create competition. A new layer or OS that could run Windows applications would immediately cut into the ''virtuous circle'', or ''positive feedback cycle'', that has allowed Microsoft's growth thus far. Forcing Microsoft to publish the full APIs for all their operating systems and middleware layers and applications,both current, and future changes, would restore vast amounts of competition, and would allow other companies to pursue innovation, in ways that Microsoft has failed to ever do in its corporate history, without fear of being

crushed by Microsoft creating undocumented changes in its compatibility.

—Microsoft should not be allowed to patent, or should not be allowed to charge licensing fees for patents, on the APIs themselves. Although they would be allowed to patent methodologies of implementing algorithms, in accordance with the law, they would not be allowed to use patents to prevent competing products from creating compatible APIs.

—Due to their monopoly power, they should not be allowed to have restrictive licensing agreement with:

—applications writers who use their development tools

—applications writers who require their middleware (i.e., if I'm writing a web-browser replacement, they should not be able o prohibit me from calling their Windows Media Player from my application).

—Enterprise (or other large) Customers, charging varying bundling prices depending on whether Office is included, charging per CPU instead of per seat using Windows, etc.

—OEMs, similar to above.

Given these glaring problems, as well as others not listed above, the current proposed settlement is NOT in the public interest. Primarily this is because it fails to take appropriate or sufficient measures to prevent this convicted monopolist from continuing current anti-competitive practices.

Thank you,

—Phillip Karlsson

New York, NY

MTC–00022441

From: donw@bidtek.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:15pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,

Don and Rachel White

38546 Strawbridge Parkway

Sandy, OR 97055

MTC–00022442

From: Tony Sabbadini
To: Microsoft ATR
Date: 1/24/02 11:13am
Subject: Anti-trust getting out of hand

Department of Justice,

I'm glad you have reached a settlement agreement with Microsoft, for I have lost patience with this entire case and cannot stand to further see Microsoft competitors abuse the court system to further their own business goals. The recent lawsuit filed by AOL claiming that Microsoft has ''unfairly'' competed against them doesn't just border on the frivolous— but jumps into the realm of ludicrous. To the knowledge of myself and anyone or any source I know, Microsoft has never held a gun to someone's head and told them they have to use their browser software. All Microsoft has done is offer a software package at a better value proposition than their Netscape (now AOL) competition. They did this by bundling Internet Explorer into the Windows operating system at NO ADDITIONAL COST to the consumer. If anyone complains about free software, it would be the competitors who can't offer the consumer such a deal. Additionally, by integrating the browser into the OS, Microsoft has made the Internet a more fluid experience that ties into the off line realm of computing. Microsoft wrote their own software, did not steal it, and did not force anyone to use it. Consumers should applaud this, but because they have been brainwashed by jealous Microsoft competitors who can't compete on such a level, they vilify Microsoft as a ''monopolist''. If Microsoft ever stopped offering software at a lower value proposition than it does now, our ''free market'' should put them out of business and allow a competitor to take their place. The government cannot and should NOT try to accelerate this process by interfering with the successful. Not only does this reek of hypocrisy, but also discourages any budding entrepreneur from creating and building something new. Stop listening to these weak competitors and get rid of this case!!!

MTC–00022443

From: OHNOTC@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:14pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,

Tommy Crist

784 Butterfield School Rd

Abilene, TX 79606

MTC–00022444

From: Michael Manojlovich
To: Microsoft ATR
Date: 1/24/02 2:20pm
Subject: Microsoft Settlement

To Whom It May Concern:

As an Information Systems instructor within the largest university in Pennsylvania, I am acutely aware of the impact that Microsoft has had on both advancing and retarding progress in software development. It is my opinion that the negative effects of Microsoft's continuing predatory practices far outweighs any positive design factors. I further feel the proposed settlement is entirely inadequate at curbing further monopolistic transgressions. Michael Manojlovich Instructor, Information Sciences and Technology Penn State University

MTC–00022445

From: paul campbell
To: Microsoft ATR
Date: 1/24/02 2:20pm
Subject: Microsoft Settlement

I think that settlement proposed for the Microsoft is inadequate The settlement acts to inoculate if not encourage anti-competitive practices in the future. Microsoft has not ''gotten'' that they did anything wrong.

They will continue to harm any legitimate completion and now have a settlement that serves as barrier to future complaints. As an example, here is a phrase from a license that Microsoft offers. Here Microsoft is directing themselves at non-profit competitors, in many cases volunteer programmers. I understand the need to protect intellectual property but this type of language intends to prevent any competition from gaining any sort of hold. The Microsoft Windows Media Encoder 7.1 SDK EULA states * * * you shall not distribute the REDISTRIBUTABLE COMPONENT in conjunction with any Publicly Available Software. ''Publicly Available Software'' means each of (i) any software that contains, or is derived in any manner (in whole or in part) from, any software that is distributed as free software, open source software (e.g. Linux) or similar licensing or distribution models * * * Publicly Available Software includes, without limitation, software licensed or distributed under any of the following licenses or distribution models, or licenses or distribution models similar to any of the following: GNU's General Public License (GPL) or Lesser/Library GPL (LGPL); The Artistic License (e.g., PERL); the Mozilla Public License; the Netscape Public License; the Sun Community Source License (SCSL); * * *

MTC–00022446

From: ken klavonic
To: Microsoft ATR
Date: 1/24/02 2:21pm
Subject: Microsoft Settlement

[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]

MTC–00022447

From: Rose Rothe
To: Microsoft ATR
Date: 1/24/02 2:10pm
Subject: Microsoft Settlement

Please note our comments about the following statement: ''AOL Time Warner, through its subsidiary, Netscape

Communications Corporation, filed suit Tuesday against Microsoft for alleged anticompetitive conduct regarding its browser, charging that Microsoft's Internet Explorer illegally harmed Netscape's Navigator browser.'' Our comment on this matter: I have been running Microsoft Windows for years and using Netscape as my browser not Explorer. I find this new suit completely frivolous against Microsoft. I chose to use Netscape as my browser since I first started using the internet a number of years ago. I am sure, millions of other people are doing the same. It is not as though one does not have a choice what they want to use as their browser.

Hopefully the courts will see this for what it is, harassment towards a company that has cause NO HARM against them or anyone. Please put a stop to this by seeing there is no case here for AOL Time Warner and see it for what it is.

We thank you for stopping this at this point for the good of the public and for Microsoft.

Rose Rothe and Dietmar Rothe
Cardiff-by-the-Sea, CA
villatucan@sand.net

MTC–00022448

From: jphelan1@cfl.rr.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:17pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Joseph Phelan
1103 Tequesta Drive
Barefoot Bay, FL 32976–7042

MTC–00022449

From: CCARVER2@MINDSPRING.COM@inetgw
To: Microsoft ATR
Date: 1/24/02 2:18pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
ChrsiCarver Carver
6325 FALLS OF NEUSE RD.
RALEIGH, NC 27615

MTC–00022450

From: Adriano
To: Microsoft ATR
Date: 1/24/02 2:21pm
Subject: Microsoft Settlement

There's no choice, Microsoft MUST be split into two separated units: one for Operating Systems and another for all other activities. This is the only way we can have a free and IT market.

MTC–00022451

From: Will Crowe
To: Microsoft ATR
Date: 1/24/02 2:21pm
Subject: Comment on Microsoft Judgement

To whom it may concern:

In many ways the solution to the Microsoft case is simple:

LET THE PUNISHMENT FIT THE CRIME

However, the settlement, as it now reads, will not provide the above simple remedy—one which even a small child can understand.

If Microsoft cannot be broken up into separate companies (practically the only outcome which completely solves the problem) then three other solutions come to mind:

1. Force Microsoft to unbundle applications from the operating system.

2. Force Microsoft to give away it's operating system free of charge (which will effect the same result as #1 above).

3. Force Microsoft to release the source code to its operating system into the public domain. I can think of no other remedies which can appropriately punish Microsoft for their monopolistic tactics. Monetary damages will not hurt Microsoft, and will only enrichen lawyers and others closely associated with the case. In the present settlement, the public will lose.

Please do your duty and punish Microsoft.

Thank you,
William Crowe
2421 NW 114th Street
Oklahoma City, OK 73120

MTC–00022452

From: confergroup@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 2:20pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Why not go back to investigating Janey Reno, former president Bill Clinton and senator Hillary Clinton.

Their legal transgressions should keep you busy for years

Sincerely,
Holt Confer
58 Saddle Court
Sinking Spring, PA 19608–9514

MTC–00022453

From: eiderdowndemesne@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:20pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Gloria Stricklin
3676 Yucca Mesa Rd
Yucca Valley, CA 92284

MTC–00022455

From: DKleindorf@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:20pm
Subject: Microsoft Settlement

I believe AOL's latest lawsuit is an attempt to overturn Microsofts Settlement and also to go after Microsoft because they are a cash rich company. AOL's position about being pushed out of the Browser market is absurd they must believe that the average computer user is stupid if just because and icon is on the Desktop they won't be able to find and alternative browser I have used both browsers over the years with my first being Netscape but after switching back and forth

several times I came to the conclusion Microsoft Explorer was a better product, not because it was merged somewhat with Windows but many things including ease of use and Appearance! AOL's own software inter mingles with Windows when it installs also and changes basic Windows settings, I know because I subscribe to their service and have for several years and they have been very uncompetetive with there instant messaging service Also! They could still be competetive in the browser market if they would have applied the resources to produce a better product instead of giving it to Lawyers!

But as with children or those that can't do they want to blame someone else!

Dennis Kleindorfer
601 East New York Ave.
DeLand,FL 32724
dkleindorf@aol.com

MTC–00022457

From: Philip Turner
To: Microsoft ATR
Date: 1/24/02 2:26pm
Subject: Microsoft Settlement

Its a bad idea. I'll leave it at that.

Boinky boink doo doo

MTC–00022458

From: Michael E. Cohen
To: Microsoft ATR
Date: 1/24/02 2:23pm
Subject: Microsoft Settlement

To whom it may concern:

I am writing to express my concern at the settlement proposed between the United States and Microsoft. From all I can tell, the settlement relies far too much upon the good faith of Microsoft to avoid any future anti-competitive abuse of their desktop computer monopoly. The company's previous disregard of consent decrees should make it clear that a more enforceable solution is warranted.

Information processing and exchange is an enormous part of the United States economy. Ceding control of such an essential component of our economic well-being to a single company which has, in the past, shown indifference, if not scorn, for the interests of any party other than the company and its stockholders is risky at best. In the absence of either strong regulation of Microsoft's practices or of a structural remedy that can reduce the company's ability to extend its monopoly, we may well be ceding our country's economic future to a powerful entity which is not accountable to the will of the country's citizens.

Sincerely,
Michael E. Cohen

MTC–00022459

From: Powersbk99@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:21pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Bert Powers
7421 Raines Rd
Liberty, MO 64068

MTC–00022460

From: bonnielee2@juno.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:22pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Bonnie Hackett
167 Belle Marsh RD
South Berwick, ME 03908–2148

MTC–00022461

From: mstipicevic
To: Microsoft ATR
Date: 1/24/02 2:25pm
Subject: Microsoft Settlement

To whom it may concern,

I would like you to reconsider the current proposed final judgement. The current judgement does not describe broadly enough the correct conduct Microsoft must follow. For example, the definition of ''Microsoft Middleware'' may allow something as simple as a version change to make certain restrictions null and void. This would allow Microsoft to continue with its current practices. Also, the PFJ should encourage multiple operating systems and products for Intel platforms, not simply force Microsoft to comply with OEM requests. Thank you for your time and please consider my opinion when making your final decision.

—Mike Stipicevic Jr.

MTC–00022462

From: Eric Axley
To: Microsoft ATR
Date: 1/24/02 2:26pm
Subject: Microsoft Settlement

I have read about the proposed settlement, and I am not in favor of it in its current state. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors.

Eric Axley
9508 Trails End Rd.
Knoxville, TN 37931

MTC–00022463

From: John Gorham
To: Microsoft ATR
Date: 1/24/02 2:28pm
Subject: Microsoft Settlement

From the section in the Competitive Impact Statement entitled Microsoft's Campaign to Eliminate the Netscape Threat, it seems clear that Microsoft made a well-planned and deliberate attempt to destroy its smaller rival. And it almost succeeded. Netscape would probably not be alive today if it hadn't been bought by AOL. Netscape's own mistakes certainly contributed to its problems, but, as I understand the issue, this shouldn't make any difference. According to our system, Netscape should have been allowed to stand or fall on its own merits, as judged by consumers. It should not have had to work in a manipulated environment that made success essentially impossible.

Yours sincerely,
John Gorham

MTC–00022464

From: rossact@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 2:25pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Horst Ehrhardt
143 Walden Ridge Dr.
Crossville, TN 38558

MTC–00022465

From: ECONOMIDES, Nicholas
To: Microsoft ATR
Date: 1/24/02 2:22pm
Subject: Comment on the proposed settlement in the current Microsoft case
Ms. Renata B. Hesse Antitrust Division
U.S. Department of Justice
601 D Street NW Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse,

Attached please find my comment on the proposed settlement in the current Microsoft case. Please note that there are three attached documents:

1. The main document: Comment of Nicholas S. Economides on the Revised Proposed Final Judgment

2. Attachment A: CV of Nicholas Economides

3. Attachment B: Electronic copy of Nicholas Economides (2001), ''United States v. Microsoft: A Failure of Antitrust in the New Economy,'' Symposium: Cyber Rights, Protection, and Markets, UWLA Law Review, (April 2001).

Please acknowledge receipt. Thank you.

Sincerely yours,
Prof. Nicholas Economides
Stern School of Business
44 West 4th Street
New York NY 10012–1126
voice (212) 998–0864, (917) 776–8777
fax (212) 995–4218
neconomi@stern.nyu.edu
http://www.stern.nyu.edu/networks/

BEFORE THE UNITED STATES DEPARTMENT OF JUSTICE UNITED STATES OF AMERICA, Plaintiff, V. MICROSOFT CORPORATION, Defendant. STATE OF NEW YORK ex. rel. Attorney General ELIOT SPITZER, et al., V. Plaintiffs, MICROSOFT CORPORATION, Defendant.

Civil Action No. 98–1232 (CKK)

Civil Action No. 98–1233 (CKK)

Comment of Nicholas S. Economides on the Revised Proposed Final Judgment

Contents

1. Introduction
2. Interest Of The Commenter
3. Criteria For Remedies
a. Remedies' Limitations Imposed By Rapid Technological Change
b. Remedies' Limitations Imposed By Network Effects Of Software
4. Evaluation Of The Proposed Remedies in the RPFJ
5. Evaluation Of Other Remedies Proposals
i. Structural Relief
a. Vertical Breakup
b. Hybrid Breakup
ii. Auctioning the Windows code
6. Conclusion
7. Attachment A: Curriculum Vitae of Nicholas Economides
8. Attachment B: ''United States v. Microsoft: A Failure of Antitrust in the New Economy,''

1. Introduction

I am filing these brief comments on the Revised Proposed Final Judgment (''RPFJ'') [1] and Competitive Impact Statement (''CIS'') [2] to provide the Justice Department and the court with a useful economic analysis to assist the court in judging the appropriateness of the remedy in the RPFJ. I believe that the RPFJ is in the ''public interest,'' as that test is applied under the Tunney Act. Accordingly, the RPFJ should be approved.

2. Interest Of The Commenter

I am professor of economics at the Stem School of Business of New York University specializing in industrial organization and antitrust with particular emphasis on network industries. I am filing this submission in my own personal capacity and not on behalf of the New York University or the Stem School of Business. I am not employed or retained as a consultant on matters before this court by Microsoft, the United States Department of Justice, the Attorneys General of various States that sued Microsoft or any other interested party. Furthermore, I am not receiving any compensation from anyone for submitting these comments.

I have followed this case closely and extensively for the past several years, in my academic capacity. Since 1995, I have created and maintain the ''Economics of Networks'' web site on the Internet at http://www.stern.nyu.edu/networks/that has acted as a focal point for academic research in the economics of network industries. Since the beginning of the present Microsoft case, I have added a number of pages on this web site that contain information and my analysis of this case. I have published three articles in refereed journals [3] on the specific issues raised by the present matter and I attach the article ''United States v. Microsoft: A Failure of Antitrust in the New Economy,'' Symposium: Cyber Rights, Protection, and Markets, UWLA Law Review, (April 2001) as Attachment B. I also have published over 70 articles in industrial organization, competition policy, antitrust, networks, and telecommunications issues. My Curriculum Vitae is attached as Attachment A. I believe that my academic expertise, as well as my experience in competition policy in a number of matters, including the merger of MCI with WorldCom and the proposed merger of WorldCom with Sprint, as well as in a number of regulatory telecommunications proceedings is relevant to the issues raised in this case.

On November 6, 2001, the United States and the States of New York, Illinois, North Carolina, Kentucky, Michigan, Louisiana, Wisconsin, Maryland and Ohio reached a proposed final judgment (RPFJ) that will terminate litigation in the above cases. My comments below are supportive of the proposed final judgment, argue against other remedial proposals, and discuss various issues that are relevant to the case. In my opinion, the RPFJ is a good and fair settlement that achieves the objectives of remedial relief without damaging the software industry.

3. Criteria For Remedies

In the Appeals Court decision, Microsoft was found liable of monopolization of the market for operating systems for personal computers. The objective of the remedial relief is to impose prohibitions and requirements that will eliminate Microsoft's practices that were found to be illegal, prevent the recurrence of such practices, and restore the threat posed by middleware to Microsoft's operating systems monopoly. The remedial relief should also make sure that it does no damage the software industry, and should take into account two important special factors that are relevant to the case: (i) the very fast technological growth in these two markets; and (ii) the existence of network effects in the market for operating systems and the market for software applications.

a. Remedies'' Limitations Imposed By Rapid Technological Change

Any intervention by antitrust authorities creates a disruption in the workings of markets. The objective of the remedial relief is to accomplish the objectives mentioned in the previous paragraph without damaging efficient production and competition in the market. The potential damage that antitrust intervention can produce is larger when it is applied to an industry such as software with fast technological change, where leaps to new and more efficient technologies are expected, while the specific nature of the future winning technology is unknown. Firms in the software business confess that they are uncertain of the future winning technology in their field of business. Antitrust authorities know even less than the firms in the field. It is plainly difficult to predict future winning technologies and therefore it is very hard to fashion an antitrust remedy with an accurate prediction of its effect on industry structure and competition a few years down the road. Of course, this uncertainty is multiplied when the remedy creates a significant intervention in the industry. Therefore, lacking the knowledge of the effects of their actions, it is in the public interest that antitrust authorities and courts avoid very extensive intervention in industries with fast technological change. It is best to intervene only to the extent that (i) intervention reverses the effects of actions for which liability was established; and (ii) the effects of the intervention are predictable.

Another implication of very fast technical change in software is that the boundaries among the software products are fungible. Over time, these boundaries can be redrawn. New functions may be incorporated in larger programs, and sometimes it is more efficient to do so. An intervention that fits well in the present market may be counterproductive or irrelevant soon.

b. Remedies'' Limitations Imposed By Network Effects Of Software

The second special factor to be considered is that the Microsoft case focuses on markets with network effects, where the value to a buyer of an extra unit (say of Windows) is higher when more units are sold, everything else being equal. The existence of network effects has crucial implications on market structure and the ability of antitrust authorities to affect it. In markets with strong network effects, even in the absence Of anti-competitive acts, the existence of network effects in markets such as the market for operating systems of PCs, results in very

[1] United States v. Microsoft Corp., Stipulation and Revised Proposed Final Judgment (November 6, 2001).

[2] United States v. Microsoft Corp., Competitive Impact Statement (November 15, 2001).

[3] These are:

Nicholas Economides (2001 a), ''The Microsoft Antitrust Case,'' Journal of Industry, Competition and Trade: From Theory to Policy, vol. 1, no. 1, pp. 7–39 (August 2001), lead article. Nicholas Economides (2001b), ''The Microsoft Antitrust Case: Rejoinder,'' Journal of Industry, Competition and Trade: From Theory to Policy, vol. 1, no. 1, pp. 71–79 (August 2001). Nicholas Economides (2001c), ''United States v. Microsoft: A Failure of Antitrust in the New Economy,'' Symposium: Cyber Rights, Protection, and Markets, UWLA Law Review, (April 2001), lead article.

significant inequalities in market shares and profits. The resulting equilibrium market structure can be called a ''natural oligopoly'' where very few firms dominate the market. The structural features of natural oligopoly for software market cannot be altered by antitrust intervention without very significant losses for society. The very nature of markets with network effects implies that the ability of antitrust authorities to alter market stricture in such industries is limited. I discuss this issue next.

In assessing the Microsoft case, it is important to remember that the case focuses on markets with network effects. Network effects define crucial features of market structure that have to be taken into consideration in understanding competition and potentially anti-competitive actions in these markets.

A market exhibits network effects (or network externalities) [4] when the value to a buyer of an extra unit is higher when more units are sold, everything else being equal. In a traditional network, network externalities arise because a typical subscriber can reach more subscribers in a larger network.[5] In a virtual network,* network externalities arise because larger sales of component A induce larger availability of complementary components B1, ..., Bn, thereby increasing the value of component A. The increased value of component A results in further positive feedback? For example, the existence of an abundance of Windows-compatible applications increases the value of Windows.

There are a number of crucial features of markets with network effects that distinguish them from other markets. First, markets with strong network effects where firms can chose their own technical standards are ''winner-take-most'' markets. That is, in these markets, there is extreme market share and profits inequality.[8] The market share of the largest firm can easily be a multiple of the market share of the second largest, the second largest firm's market share can be a multiple of the market share of the third, and so on. This geometric sequence of market shares implies that, even for small n, the nth firm's market share is tiny.

For example, abundance of applications written for Windows increases the value of Windows and induces more consumers to buy Windows. This increases the incentive for independent applications writers to write applications for Windows, and this further increases sales and market share for Windows. Moreover, consumers are willing to pay more for the brand with the highest market share (since it has more associated applications), and therefore profits associated with this brand can be a large multiple of profits of other platforms. This implies a very large market share for Windows, a small market share for the Mac, a very small market share for the third competitor, and almost negligible shares for the fourth and other competitors.

Second, due to the natural extreme inequality in market shares and profits in such markets at any point in time, there should be no presumption that there were anti-competitive actions that were responsible for the creation of the market share inequality or the very high profitability of a top firm. Great inequality in sales and profits is the natural equilibrium in markets with network externalities and incompatible technical standards. No anti-competitive acts are necessary to create this inequality.[9]

Third, because ''winner takes most'' is the natural equilibrium in these markets, attempting to superimpose a different market structure, (say one of all firms having approximately equal market shares), is futile and counterproductive. If a different market structure were imposed by a singular structural act (say a breakup of a dominant firm), the market would naturally deviate from it and instead converge to the natural inequality equilibrium. If forced equality were imposed as a permanent condition, it would create significant social inefficiency, as discussed below.

Fourth, in network markets, once few firms are in operation, the addition of new competitors, say under conditions of free entry, does not change the market structure in any significant way. The addition of a fourth competitor to a triopoly hardly changes the market shares, prices, and profits of the three top competitors.[10] This is true under conditions of free entry. Therefore, although eliminating barriers to entry can encourage competition, the resulting competition does not significantly affect market structure. In markets with strong network effects, antitrust authorities cannot significantly affect equilibrium market structure by eliminating barriers to entry.

Fifth, the fact that the natural equilibrium in network industries is winner-take- most with very significant market inequality does not imply that competition is weak. Competition on which firm will create the top platform and reap most of the benefits is, in fact, very intense.

Sixth, there is a more fundamental concern about the application of antitrust in network industries.[11] In industries with significant network extermalities, under conditions of incompatibility between competing platforms, monopoly may maximize social surplus. When strong network effects are present, a very large market share of one platform creates significant network benefits for this platform which contribute to large consumers'' and producers'' surpluses. It is possible to have situations where a breakup of a monopoly into two competing firms of incompatible standards reduces rather than increases social surplus because network externalities benefits are reduced. This is another way of saying that de facto standardization is valuable, even if done by a monopolist.[12]

Seventh, in network industries, the costs of entry may be higher but the rewards of success may also be higher compared to non-network industries. Thus, it is unclear if there is going to be less entry in network industries compared to traditional industries. If a requirement for entry is innovation, one can read the previous statement as saying that it is unclear if innovation would be more or less intense in network industries. The dynamics of the innovation process in the winner-take-most environment of network industries are not sufficiently understood by academic economists so that they could give credible advice on this issue to antitrust authorities. However, in the last two decades we have observed very intense competition in innovative activities in network industries uffinanced by capital markets.

Eighth, the existence of an installed base of consumers favors an incumbent. However, competitors with significant product advantages or a better pricing strategy can overcome the advantage of an installed base. :3 Network effects intensify competition, and an entrant with a significantly better product can unseat the incumbent. In network industries, we often observe Schumpeterian races for market dominance. This is a consequence of the winner-take-most natural equilibrium combined with the high intensity of competition that network externalities imply.

4. Evaluation Of The Proposed Remedies in the RPFJ

Evaluating the RPFJ in the framework of an industry with strong network externalities and fast technical change, I conclude that this is a fair settlement that Economides & Flyer, supra note 8, show that, in market conditions similar to the ones in the OS software market, social welfare (total social surplus) can be higher in monopoly. The table below, taken from this paper, shows profits, consumers'' and total surplus in a

[4] The word externality means that a good's value is not intermediated in a market. For the purposes of this paper, we will use the words ''network effects'' and ''network externaities'' interchangeably.

[5] See Nicholas Economides, The Economics of Networks, 14 Int'l J. Indus. Org. at 675–699, (visited Apr.23, 2001) at http://www.stem.nyu.edu/networks/top.html (visited January 15, 2001).

A virtual network is a collection of compatible goods (that share a common technical platform).

For example, all VHS video players make up a virtual network. Similarly, all computers running Windows 98 can be thought of as a virtual network.

[7] Despite the cycle of positive feedbacks, it is typically expected that the value of component A does not explode to infinity because the additional positive feedback is expected to decrease with increases in the size of the network.

See Nicholas Economides & Frederick Flyer, Compatibility and Market Structure for Network Goods, Discussion Paper EC–98–02, Stem School of Business, N.Y.U., 1998, (visited Apr.23, 2001) at http://www.stern.nyu.edu/networks/98–02.pdf.

[9] See Robert E. Litan, Roger G. Noll, William D. Nordhaus, & Frederic Scherer, Remedies Brief Of Amici Curiae On Civil Action No. 98–1232 (TPJ) at www.aeibrookings.org/publications/related/brief.pdf (visited Apr.23, 2001). Litan et al. (2000) err in reasoning that Microsoft's very high profitability is a clear indication of monopolization in the antitrust sense. High profitability for the top platform is natural in this winner-take-most market.

[10] See Economides & Flyer, supra note 8.

The table below, taken from this paper, shows market coverage and prices as the number of firms with incompatible platforms increases, Maximum potential sales was normalized to 1. Table h Quantities, Market Coverage, And Prices Among Incompatible Platforms Number Sales of Sales of Sales of Market Price Price of Price of Price of firms largest second third coverage of second third of smallest and largest.

Note that the addition of the fourth firm onward makes practically no difference in the sales and prices of the top three firms.

In the Microsoft case, both sides had the chance to address this issue, but failed to do so.

market where firms produce incompatible products, as the number of competitors I increase.

TABLE 2: PROFITS, CONSUMERS' AND TOTAL SURPLUS AMONG INCOMPATIBLE PLATFORMS

Total number of firms	Profits of largest firm	Profits of second firm	Profits of third firm	Total industry profit	Consumers' suprlus	Total suprlus
1	0.1481	.....	.....	0.1481	0.148197	0.29629651
2	0.0197	7.159e–3	.....	0.1168	0.173219	0.29001881
3	0.1077	5.377e–3	3.508e–4	0.1135	0.175288	0.28878819

A clear example of this is the win of VHS over Beta in the United States consumer video recorders market. Beta was fast to market and had a significant installed base in the five years of the coexistence of the two competing standards. However, because VHS (i) introduced earlier a recording tape of longer duration; (ii) used wide and inexpensive licensing of its technology; and (iii) its licensees had a much wider distribution system, VHS emerged as the winner, and Sony stopped selling Beta recorders to the US consumer market.

Imposes appropriate remedies for the violations for which Microsoft was found liable. The RPFJ contains some terms that may be seen as favorable to Microsoft, while, in most of its terms, it is favorable to the plaintiffs. Overall, in my opinion, the settlement is more favorable to the plaintiffs than what the final result of a remedies hearing would have been, given the Appellate Court decision.

There are substantial benefits in settling the case rather than continuing litigation that is likely to result in a very similar final outcome. There is substantial uncertainty associated with the judicial process, which is awfully slow compared to the rate of progress in the computing industry. Given the position of Microsoft in the computing industry, the added uncertainty of an extended remedies trial would affect adversely not only Microsoft, but also the rest of the computing industry.

The provisions of the settlement that may be seen as favorable to Microsoft are:

(i) no structural changes, that is, no breakup of the company;

(ii) Microsoft is not restricted from adding functions to the Windows operating system;

(iii) there are no general restrictions imposed on product bundling by Microsoft; and

(iv) there is no wide disclosure of source code; mandated disclosures are limited to interfaces. I discuss each one briefly.

(i) No structural changes

In my opinion, a structural change would be too draconian, especially after the narrowing of the liability by the Appellate Court, and would result in other inefficiencies. It is correctly avoided, and, after the Court of Appeals Decision, USDOJ correctly announced that it would not pursue a breakup (even before it entered into a settlement agreement).

(ii) No restrictions on adding functions to Windows

Freezing Windows in its present from and functionality and mandating that consumers would have to pay extra for future additional functions to Windows would be very detrimental to consumers'' welfare. The addition of functions to Windows while its price has been kept relatively low results is a big benefit to consumers. It would be contrary to the public interest to take actions that would decrease the benefit that consumers receive from this market. Moreover, since this is an industry with very fast technological change, freezing the functionality of a product would quickly make it irrelevant. This is not and should not be the intent of the application of antitrust law.

(iii) No bundling restrictions

The Appellate Court did not uphold the finding of liability of the lower court on tying, which was based on a per se reasoning. The Court of Appeals found that the per se analysis was inappropriate in this case for a number of reasons. The Appellate Court sent back the tying claim to the lower court to be judged (if the plaintiffs were to pursue it) under a rule of reason approach. Under this approach, the plaintiffs would have had to prove, in general terms, that the harm done by the tying was larger than any pro-consumer or pro-competitive benefits of the tying act. The plaintiffs decided not to pursue this course of action. This was wise, since it was likely that it would be very hard to meet the standard of the Appellate Court. Thus, it makes sense that the RPFJ does not impose general restrictions on bundling.

(iv) No wide mandatory disclosure of source code

The source code is the intellectual property of Microsoft. Confiscating intellectual property is a very extreme measure that would discourage innovation. Imposing forced disclosure or licensing would be very close to considering the operating system an essential facility and imposing regulation. It is not necessary to take these extreme measures to remedy the present violation.

The provisions of the settlement that are favorable to the plaintiffs are: (i) The broad scope of definition of middleware products; (ii) the requirement to disclose middleware interfaces; (iii) the requirement to disclose server protocols; (iv) freedom to install middleware software; (v) ban on retaliation; (vi) uniform pricing of Windows for same volume sale; (vii) ban on exclusive agreements; contract restrictions; and (viii) strict on-site enforcement.

(i) The broad scope of definition of middleware products

The settlement defines ''middleware'' to include browsers, e-mail clients, media players, instant messaging software, and future new middleware developments. Most of these middleware products have no chance to ever become a platform that would become a threat to the Windows operating system. Therefore, by applying the settlement terms on all middleware as defined above, the plaintiffs much more favorable terms than they would have received from a remedies trial. In such a trial, given the monopolization liability, only middleware that could be a threat to Windows would have been relevant, and the settlement (or other) terms would have been applied only to such middleware. Here the plaintiffs achieved better terms in the settlement than they were likely to get in a full remedies trial.

(ii) The requirement to disclose middleware interfaces

Microsoft will be required to provide software developers with the interfaces used by Microsoft's middleware to interoperate with the operating system. This will allow development of competing (non-Microsoft) products that come very close to most Microsoft functions. Under the liability of monopolization, this is a reasonable requirement for middleware that has some chance of becoming a platform that will compete with Windows. When this requirement is applied by RPFJ to all middleware, the plaintiffs are getting better terms in the settlement than they were likely to get in a full remedies trial.

(iii) The requirement to disclose server protocols

The settlement imposes interoperability between Windows and non-Microsoft servers of the same level as between Windows and Microsoft servers. Servers and their interoperability with Windows were not part of the monopolization liability, and the plaintiffs would be unlikely to get this term in a full remedies that.

(iv) Freedom to install middleware software

Computer manufacturers and consumers will be free to substitute competing middleware software on Microsoft's operating system.

(v) Ban on retaliation

Microsoft will be prohibited from retaliating against computer manufacturers or software developers for supporting or developing certain competing software. This is a reasonable restriction since Microsoft was found liable of monopolization.

(vi) Uniform pricing of Windows for same volume sale

Microsoft will be required to license its operating system to key computer manufacturers on uniform terms for five years. Microsoft will be allowed to provide quantity discounts. This eliminates the possibility of offering different prices to manufacturers that buy the same quantity.

The effects of this restriction on total consumers'' and producers'' surplus are unknown. The likely effect of the restriction will be a transfer of wealth from Microsoft to computer makers (OEMs). There is no conclusive evidence in economic theory that this restriction will increase total surplus of the combined consumers plus OEMs plus Microsoft surplus. On the contrary, if different OEMs faced different demand curves for PCs (because of variations in the PCs they produce), and this information was known to Microsoft, total surplus could be increased if Microsoft could charge different prices to different OEMs for the same quantity of sale. However, the imposition of this restriction can help avoid possible retaliation of Microsoft, so in the present context, it may be in the public interest.

(vii) Ban on exclusive agreements; contract restrictions

Microsoft will be prohibited from entering into agreements requiring the exclusive support or development of certain Microsoft software. This is a reasonable restriction since Microsoft was found liable of monopolization.

(viii) Strict on-site enforcement

A panel of three independent, on-site, full-time computer experts will help to enforce the terms of the settlement. The panel will have full access to all of Microsoft's books, records, systems, and personnel, including source code. The panel will also have the authrity to resolve disputes about Microsoft's compliance. This provides for a very strict enforcement mechnism and is a major victory for the plaintiffs who have compained in the past that Microsoft deviated from old agreements with the antitrust authorities. I would caution that this panel should not be used as a regulatory body. If regulation is ever to be imposed on the PC industry, it should come as an Act of Congress rather than as a gradual expansion of powers of this panel. As I have stated in the attached paper, there are many reasons why we should avoid for some time imposing regulation on the PC industry.

The above discussion shows that the proposed settlement covers a number of dimensions and imposes a number of requirements that are not strictly arising from the monopolization violation. In my opinion, as part of this settlement, the defendant has conceded to the plaintiffs more than the plaintiffs were likely to achieve in a full remedies trial.

Evaluation Of Other Remedies Proposals

Here I evaluate other proposals, which I find detrimental to the public interest, and I recommend that they should be rejected.

i. Structural Relief

a. Vertical Breakup

Structural relief is a draconian measure that should be reserved for those cases where absolutely nothing else would work. In my opinion, it is very likely that the conduct remedies of the present proposed settlement will work, and there is no reason to resort to draconian measures. Two types of remedies have been proposed. The first is the ''vertical breakup'' imposed by Judge Jackson (and vacated by the Appellate Court) that would divide Microsoft in an operating systems company and an applications company.

Some have made the argument that the breakup is a surgical cut and therefore will disrupt the industry the least. This is countered by the facts. A breakup of Microsoft is an extremely disruptive outcome, and it would, practically speaking, eliminate Microsoft as a flexible and formidable competitor.

The argument, that, since AT&T's 1982 breakup was successful, so would Microsoft's, is incorrect. AT&T was divided into the long-distance company (AT&T), and seven regional operating companies, each of which remained a regulated local telecommunications monopoly until 1996. The destruction of AT&T's long-distance monopoly encouraged competition, which brought sharply lower prices and immense consumer benefits.[14] There are a number of key differences between the two companies and their competitive situations. And these differences make it very likely that a Microsoft breakup, besides harming Microsoft, would harm consumers and the computer industry.

In 1981, AT&T was a 100-year-old regulated monopoly with many layers of management. For historical reasons, the local phone companies within the old AT&T, such as New York Telephone, were managed separately from the ''long lines'' division. Thus, it was not difficult to separate the divisions since they functioned on many levels as separate companies. AT&T also had an abundance of managers to help cope with the breakup. By contrast, Microsoft is a young, entrepreneurial company run by very few top executives (about 25), and its divisions are very fluid. While this has made Microsoft one of the most efficient and successful companies around, it also means that a break-up would pose significant managerial problems and severely reduce the company's flexibility. Finally, AT&T was a regulated utility and regulation guaranteed that the companies emerging from the breakup stayed interconnected. In contrast, the Microsoft breakup is likely to lead to incompatibilities and further loss of efficiency.

The vertical two-way breakup plan was premised on the hope that an autonomous applications company would create a new operating system to compete with Windows. But more than 70,000 applications run on Windows, creating what the government calls ''the applications barrier to entry'' in the operating-system market. However capable the new applications company, it still wouldn't be able to single-handedly create a successful rival operating system. Separately, even with a new applications company's support, Microsoft's biggest operating-system competitor, Linux, is unlikely to become a serious desktop threat to Windows.

A vertical breakup is likely to have detrimental effects. First, the breakup is likely to result in higher prices. If DOJ is correct and Microsoft kept its OS prices low so that it could exercise its monopoly power in the adjacent browser market, the post-breakup Baby Bill[15] that inherits the operating systems will have no incentive to keep the price low. The OS Baby Bill will no longer have the incentive to disadvantage any applications companies. Thus, the OS Baby Bill will now exercise the monopoly power it has and raise the price of the operating system to the detriment of consumers. If Microsoft has significant monopoly power because of the ''applications barrier to entry,'' higher prices will be the direct result of the breakup. Second, as explained earlier, the breakup is likely to eliminate the efficiencies that make Microsoft a flexible and formidable competitor.

The breakup is likely to temporarily eliminate the incentive for interference from OSs to applications and vice versa. Of course, the same could have been accomplished by conduct restrictions without the cost and the disruption of the breakup. Moreover, without permanent restrictions on the post-breakup functions of the companies, the OS and the applications Baby Bills may enter into each other's business soon after the breakup. It is very likely that a few years after the breakup, one of the resulting companies will dominate both markets.

b. Hybrid Breakup

A second breakup proposal is the ''horizontal breakup.'' This extreme proposal would break up Microsoft into three identical companies, with each company acquiring the source code of all the programs that Microsoft currently sells, and one third of its employees.[16] This ''horizontal breakup'' is sometimes presented in combination with the ''vertical breakup'' imposed by Judge Jackson (and vacated by the Appellate Court). In this ''hybrid breakup,'' first Microsoft is broken into two or three companies according to the type of program produced, and then the operating systems company is broken into three parts creating four of five companies altogether.

Besides the loss of flexibility that any breakup would create, a horizontal or hybrid breakup would also produce significant incompatibilities with harmful effects to computer users, applications writers, and Microsoft shareholders. Post-breakup Microsoft companies coming out of a horizontal or a hybrid breakup will have incentives to create incompatible versions of Windows for two reasons. First, post-breakup Microsoft companies will try to differentiate their operating systems to avoid strong competition, leading to small price-cost margins. This is true even in industries without network externalities and has been well established in the economics literature on product differentiation.[17] Second, post-

[14] At the same time, the AT&T breakup did not introduce competition at the local exchange level, and the Regional Bell Operating Companies (''RBOCs'') were allowed to monopolize local telecommunications services as well as access to long distance services. The success of competition in long distance has been hampered by the continuing monopoly of the local exchange, five years after the Telecommunications Act of 1996 was supposed to open the local exchange to competition.

[15] This is a word play on ''Baby Bells'' that came out of AT&T and the first name of the CEO of Microsoft, Bill Gates.

[16] See Litan, supra note 9.

[17] See Claude D'Aspremont, Jean Jaskold-Gabszewicz, & Jacques-Francois Thisse, On Hotelling's Stability in Competition, 47

Continued

breakup Microsoft companies will try to make their operating systems incompatible with each other in a race to become the dominant OS, since the dominant firm receives the lion's share of profits in a winner-takes-most world. This is established in the network economics literature.[18] Differentiating the operating systems by Baby Bills would inevitably reduce the range of software that would be compatible with each user's computer. As a consequence, consumers'' surplus would decrease. The emerging incompatibilities would be a huge headache for both independent applications writers and corporate IT departments. Such incompatibilities would also hurt shareholders, since the combined value of the resulting Baby Bills will be smaller than that of the original Microsoft.

ii. Auctioning the Windows code

Another remedy proposal is auctioning the Windows source code. Given the fluctuating stock market value of Microsoft, Windows source code may be worth as much as $200 billion. No company can bid that much cash in an auction. (Practically speaking, only a handful of foreign governments could). This implies that the source code of Windows would be sold forcibly at a small fraction of its worth—and that would severely reduce the value of shareholders'' equity. Auctioning the Windows code would not only effectively confiscate Microsoft's intellectual property, it would also seriously reduce the incentive for innovation not only for Microsoft but for all potential innovators. Moreover, source code evolves. Over time, different firms will add and alter the Windows code. Soon, incompatibilities will arise, with all the negative consequences of diminution of network effects described earlier.

6. Conclusion

In my opinion, the RPFJ is a good and fair settlement that achieves the objectives of remedial relief without damaging the software industry. I would urge caution against a deeper intervention in the software industry, where fast technological change and very significant network effects make it very difficult to predict the medium and long run effects of such intervention.

7. Attachment A: Curriculum Vitae of Nicholas Economides

8. Attachment B: ''United States v. Microsoft: A Failure of Antitrust in the New Economy,'' Electronic copy of Nicholas Economides (2001), ''United States v. Microsoft: A Failure of Antitrust in the New Economy,'' Symposium: Cyber Rights, Protection, and Markets, UWLA Law Review, (April 2001), lead article.

Econometrica at 1145–50. See also Anver Shaked & John Sutton, Relaxing Price Competition Through Product Differentiation, 49 Rev. Econ. Stud. at 3–14. See Nicholas Economides, The Principle of Minimum Differentiation Revisited, 24 Eur. Econ. Rev. at 345–368.

[18] See Economides & Flyer, supra note 20, and Nicholas Economides, Industry Fragmentation After A Microsoft Breakup (2001) (on file with the author); Nicholas Economides, The Microsoft Antitrust Case, J. Indus., Competition & Trade: From Theory to Policy (Aug. 2001); see also Nicholas Economides,

The Microsoft Antitrust Case: Rejoinder, J. Indus., Competition & Trade: From Theory to Policy (August 2001).

MTC–00022466

From: adsup2@bellsouth.net@inetgw
To: Microsoft ATR
Date: 1/24/02 2:25pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Bill Garrett
P.O. Box 1122
Madison, TN 37116

MTC–00022467

From: Mary Pinion
To: Microsoft ATR
Date: 1/24/02 2:29pm
Subject: Microsoft Settlement
January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

My name is Mary Ellen Pinion and I am a resident of Bremen, Alabama. I am writing to request that you settle the Microsoft matter as soon as possible. I have been a MSFT stock investor for several years and I have closely observed the MSFT court proceedings. It seems to me the Utah Senator complaints stem from interest in his home state based company. Also, I thought Netscape folks were out of the big picture some time ago. The Microsoft case has been pending now for over three years. I understand that Microsoft has agreed to settle the case by opening their Windows operating systems to competition from non-Microsoft software, and by agreeing to avoid restrictive contractual agreements under which manufacturers, distributors and other third parties would be required to distribute or promote Windows technology exclusively. This certainly seems like a fair resolution of the matter to me.

I hope that you can wrap up this case in the very near future. The more time these companies spend in Court, the less time they have to help the economy grow. Thank you for your time and attention.

Sincerely,
Mary Ellen Pinion
2379 County Road 101
Bremen, AL 35033

MTC–00022468

From: Drake, Joshua
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 2:28pm
Subject: Microsoft Settlement

I feel that the settlement should have an included a clause dealing with Microsoft's exclusion of dual boot systems. In order for competition to exist system retailers must be able to install, and allow access to whatever software they choose. Microsoft's exclusionary licensing agreements prevent alternative Operating Systems from being useful to or even used by consumers.

Thank you,
Joshua Drake

MTC–00022469

From: Big Docs
To: Microsoft ATR
Date: 1/24/02 2:28pm
Subject: Microsoft Settlement

I am a Microsoft stockholder, and I am not in favor of the proposed settlement with Microsoft. I don't believe that a settlement as gentle as this is adequate to force Microsoft to change its predatory business practices, to cause the industry to determine that the punishment is suitable, or to cause consumer sentiment to swing in the favor of Microsoft.

I want Microsoft to return to health, and this medicine is not up to the task.

Mike Brant
Microsoft Stockholder
3431 Youngs Circle
San Jose, CA 95127

MTC–00022470

From: Li Jiang
To: Microsoft ATR
Date: 1/24/02 2:27pm
Subject: Microsoft Settlement
Li Jiang
15360 NE 66th CT
Redmond, WA 98052
Jan 24, 2002

To whom it may concern,

I think the settlement between Microsoft and DOJ & 9 states is reasonable and fair. Further litigation is not only costly to government and Microsoft, it will also hurt the American economy, computer industry and consumers ultimately.

Unfortunately a few of Microsoft's competitors have chosen to use this lawsuit as their weapons against Microsoft in market place. They really should concentrate on designing better products and win the consumers through products not antitrust lawsuits.

As a consumer, I wholly support the settlement between Microsoft and DOJ & 9 states. I think it is a very good thing for Amreican economy, for computer industry and for all American consumers!

Sincerely yours,
Li Jiang

MTC–00022471

From: Jeff McCarty
To: Microsoft ATR
Date: 1/24/02 2:28pm
Subject: Microsoft Settlement

As a US citizen, I am writing to express my displeasure at the proposed settlement of the Microsoft anti-trust case. The proposed settlement allows many exclusionary practices to continue, and does not take any direct measures to reduce the Applications

Barrier to Entry faced by new entrants to the market.

Respectfully,
Jeff McCarty
27362 Strawberry Lane, Apt. 302
Farmington Hills, MI 48334

MTC–00022472

From: samiam1@localnet.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:26pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
SAMUEL SANTEUSANIO
136 LUSK AVENUE
HIGHSPIRE, PA 17034

MTC–00022473

From: Compaq User
To: Microsoft ATR
Date: 1/24/02 2:29pm
Subject: RE: Microsoft

Dear D.O.J.

Microsoft has made an offer you really should not refuse. This company has done more for the Computer and software industry than all others put together. Let's get on with other business''. We have a WAR to fight, now let's go win it.....

Sincerely
Gail Radford

MTC–00022474

From: Ross Winn
To: Microsoft ATR
Date: 1/24/02 2:30pm
Subject: Settlement

Ms. Hesse,

Please let me stress how very ill it makes me that the DOJ is considering a settlement with the Microsoft corporation. Microsoft has demonstrated an amazing disregard of both the letter and the spirit of the law.

Comparing the computer industry to the automobile industry, would it be fair for only one company to control 95% of the tire industry, ot gasoline, or brakes? Without them the millions of us who drive every day would cease.

This is exactly what working with a computer is like in 2001.

I implore you to not accept this or any ''settlement'' that does not involve Microsoft admitting guilt, and provide for monetary damages (cash) penalties of no less than 50% of their profits for the entire length of their crimes.

I would urge instead the DOJ to dissolve the Microsoft Corporation into no less than three (3) seperate corporations, and divest of all non software related investments.

Thank you very much!
Ross Winn
3745 40th Lane South Apt 33A
Saint Petersnurg, FL 33711
727.866.0224

MTC–00022475

From: Don Beeth
To: Microsoft ATR
Date: 1/24/02 2:31pm
Subject: Microsoft Settlement

I write in strong support of the Microsoft Settlement.

From the consumer's point of view, the details of a settlement in the government's anti-trust action against Microsoft are less important than that a settlement occur ASAP.

That said, having read the settlement, apart perhaps from the difficulty of finding technically and experientially qualified people who meet and/or will accept the limitations for service on the Technical Committee, and that it does nothing to discourage the hundreds of class action lawsuits spawned by this unfortunate lawsuit, I found nothing that struck me as unacceptably offensive.

But regardless of what I may personally think of the provisions, because the parties have agreed to the settlement, the important thing now is to get it done quickly.

Thank you,
Donald R. Beeth, PhD
5303 Whittier Oaks
Friendswood, TX 77546
281–996–6030

MTC–00022476

From: Michael McConnell
To: Microsoft ATR
Date: 1/24/02 2:30pm
Subject: Microsoft Settlement
Hash: SHA1

The proposed settlement does not nearly go far enough. Microsoft should be broken up into 3 separate but equal companies, each selling, developing, supporting the same products. Just as the U.S. DOJ decided over a century ago with the case against Standard Oil, and the resulting act of Congress: The Sherman Anti-Trust Act.

This way, Microsoft would have to compete against itself, and competition among the

Microsoft spawn would open up its application programming interface, offer its products at reasonable prices.

Thank you for your consideration and time.

Sincerely,
Michael McConnell
4513 Belvidere Lane
Edina, MN 55435

MTC–00022477

From: JRSheafer@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:31pm
Subject: Microsoft Settlement

I want to voice my objections about the Microsoft Settlement. There are several parts that concern me, the biggest of which is section III(J)(2) which will allow microsoft to kill most not-for-profit software that needs to interoperate with their products. Microsoft can not be allowed to set the standards to who has the ability to license the API that they are using in the monopoly product.

It is my opinion that this loophole would make microsoft even more of a monopoly than they already are by giving them the ability to exclude any compitition that they deem fit.

Thank you for your attention in this matter.
Jim Sheafer
41911 Raspberry Drive
Leesburg VA 20176

MTC–00022478

From: gw@devoar.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:27pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Gale DeVoar SR
6214 Carew ST
Houston, TX 77074–7412

MTC–00022479

From: kiser@juggernautics.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:26pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Richard Kiser
2930 Hamilton Road
Cumming, GA 30041–7756

MTC–00022480

From: JSzekelyP@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:31pm
Subject: Microsoft settlement

I am a U.S. voting citizen and I want to add my commentary that I think the proposed settlement is a very bad idea and should be reconsidered to be made more strict.

Julie Szekely
8201 Monona Ave.
Austin, TX 78717

MTC–00022481

From: James Thames
To: Microsoft ATR
Date: 1/24/02 2:31pm
Subject: Microsoft Settlement

I am disappointed in the Proposed Final Judgment for the following reasons.

Pursuit of those who willingly and knowingly violated Federal Law will certainly avoid punishment and most likely retain their respective positions in Microsoft. Worse yet they may even be rewarded. In general I am not in favor of government intervention in a free market economy. But in the case of MS gone awry, I believe that corrective action in the form of a split should be considered. The operating system as one company and the applications yet another would be a good place to start.

Jim Thames
Senior Software Engineer
Westwave Communications

MTC–00022482

From: Stan
To: Microsoft ATR
Date: 1/24/02 2:34pm
Subject: Microsoft Settlement

Hi,

The government doesn't allow privatization of roads and other infrastructure elements because it allows a corporation to control other like markets, like Ford Motors owning all of the freeways and then creating some new ''better tires'' that work so much better on their roads. This is no different than Microsoft. They own and control the operating system infrastructure and then can provide highly specialized software that locks in the customer. But worse, software developers who are competing with Microsoft and also those just developing on the Microsoft platform cannot compete because Microsoft can obfuscate the behavior of the operating system and services above it until they produce a competing product.

Does Microsoft add proprietary extensions to standards ? Yes. (Kerberos)

Does Microsoft change their operating system behavior and does not properly document it ? Yes. (Dr. Dos)

Does Microsoft keep data formats proprietary ? Yes (Microsoft Word)

The solution is to split development of the operating system and core pieces from application development. Development of the operating and core pieces is then overseen by a government body.

Stan

MTC–00022483

From: Jacques Th(00E9)riault
To: Microsoft ATR
Date: 1/24/02 2:33pm
Subject: Microsoft

I think that the whole humanity should pool to build a starship and put Microsoft assets, its officers and in particular all its lawers and send them to the nearest black hole.

I think this is the only way we would be secure and not be bullied around by this arogant entity.

Jacques Thiriault

MTC–00022484

From: Steve and Kathleen Herr
To: Microsoft ATR
Date: 1/24/02 2:33pm
Subject: microsoft.atr@usdoj.gov

Leave Microsoft alone. Stop the witchhunt. Stop trying to punish success. Let the free market operate as it should.

MTC–00022485

From: rosy@pikeonline.net@inetgw
To: Microsoft ATR
Date: 1/24/02 2:30pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Rosemary McKinney
2040 Birchwood Lakes
Dingmans Ferry, PA 18328

MTC–00022486

From: Bill Garrett
To: Microsoft ATR
Date: 1/24/02 2:36pm
Subject: Comments

Dear Ms. Hesse,

Anyone who is intelligent enough to buy and operate a computer is intelligent enough to learn that Netscape is available, as ''Opera'', as well as others. My machines have all had Internet Explorer on them, and I have used the system. I also use ''Opera'' at the moment. Each has plusses and minuses. Let everyone make a choice. I'm of the opinion that Mr. Gates and Co. have gone far enough. It is time to leave them alone and move on to more pressing business.

Best Regards,
Billy G. Garrett

MTC–00022487

From: Dave Schultz
To: Microsoft ATR
Date: 1/24/02 2:34pm
Subject: Microsoft Settlement

I find it very interesting that you are suing Microsoft for EXACTLY the same things that Apple (and many OTHER) system software companies do ADD functionality, ADD EASE of use, and MAKE PROGRAMS INTERGRATED with the system

I USE an Apple Macintosh PRIMARILY BECAUSE they (Apple) DO !! ADD functions to the system (I use 9.1 but when I get a new iMac 2 ! then system X, I have used a MAC for more than 10 years, but PCs from 1984?). The clock used to be a free program written by an individual, NOW it is built-in, so are many other functions INCLUDING a BROWSER speaking of which Netscape used to ADVERTISE that THEIR browser was FREE !!! (and I NEVER EVER paid them one red cent for using it either for Windows [yes I have Intel PCs too even from the days of DOS 3.0 and 2.11]) or any of my 3 Macs. They GAVE it [the browser] away for FREE ''because the CONTENT Providers had to BUY the programs to make the web pages and sites.'' AND their browser was DIFFERENT from Mosiac AND Netscape's pages are NOT always compatible with OTHER browsers, even though there is ''A standard''.

The SAME goes for AVIs & Moovs graphic movies, MPeGs, jpg GIFs (originally a PROPERARY format exclusive to AOL, but since put in the Public Domain, so mow they have ART and it is ONLY compatiable with AOL) or the sound clips. MS makes programs for Macs (Macs BIGGEST supplier of programs and MS's MOST profitable and Apple makes programs for Windows. I prefer the BUNDLED Apple programs INCLUDING Quicktime, iDVD, iMovie etc (partly because I can NOT afford some of the fancier programs, and the supplied ones meet my needs [the features that I can uderstand and use]). YES I DO buy shareware (and PAY the fees) and yes I have purchased MANY programs totaling 1,000s of $$ over the years. But the Apple ones, the ones that are TOTALLY intergrated with the system software work the BEST, have the fewest problems and work just fine.

But I don't (currently) have an iPod nor a USE for one, nor a PDA, web enabled phone. And I do NOT want an INTERNET ready microwave, ice box, home lighting system, VCR (but I might have to think about that one!).

I also noticed that AOL is suing MS AGAIN over the Browser... sigh. Can we just get BACK TO NORMAL (quote by President Bush) and get on with life ! instead of just wasting all this TIME, MONEY (yes my TAX dollars too), etc.

My 2 cents.
Thank you
David Schultz
AMERICAN citizen
tax payer

MTC–00022488

From: smarcuse@swbell.net@inetgw
To: Microsoft ATR
Date: 1/24/02 2:31pm

Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Steven Marcuse
7001 Hardisty St.
Richland Hills, TX 76118–5146

MTC–00022489

From: David Greenblatt
To: Microsoft ATR
Date: 1/24/02 2:34pm
Subject: Microsoft Settlement

I believe, along with many many others that the settlement in the Microsoft Anti-Trust case is unacceptable. It's a bad idea and doesn't do anything besides give Microsoft a tiny scolding, and ultimately enables them to become more embolden in their future actions.

They do their best to make it difficult to use any software, hardware or competitor to them's products intentionally, so that you'll think competitors inferior, or just give up and accept what you cannot change.

It's important you enable the change.

David Greenblatt
// dave.greenblatt
designer.digitas
v.617.867.1735
aim.daveg666
// progress = time*practice;

MTC–00022490

From: dxparker@household.com@inetgw
To: microsoft.atr@usdoj.gov
Date: 1/24/02 2:34pm
Subject: My comment on Microsoft.

Microsoft should have been split up. Throw the book at them. I work in the industry. The more they are punished and watched, the more the industry can innovate. MS stiffles anything not from Microsoft. Happily, that joke of a settlement with the $1B ''donotation'' was thrown out. It just shows that they'll stop at nothing to extend their monopoly.

They should have been split.

David Parker

MTC–00022491

From: Nancy Childerston
To: Microsoft ATR
Date: 1/24/02 2:34pm
Subject: Microsoft Settlement

Dear Sir or Madam:

I believe it is clearly in the best interests of our country for this case to be settled as soon as possible. The proposed settlement addresses all the issues, and it is a just conclusion to this episode. Further litigation in this matter would require an inappropriate use of the resources we need to deal with current global matters.

Thank you very much for this opportunity to express my opinion.

Nancy J. Childerston

MTC–00022492

From: cajun@kscable.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:33pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against

Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Carl Enterkin
1148 Waddington
Wichita, KS 67212

MTC–00022493

From: johlh@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 2:33pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jon Ohlhaver
3966 Union Springs Road
Stockbridge, GA 30281–5710

MTC–00022494

From: ericvwdc@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:32pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please continue your pursuit of Microsoft for the antitrust business practices for which they are clearly guilty.

No company who steals its technology while it lies, cheats and robs its competitors should be allowed to commit such crimes without being brought to justice.

Microsuck needs to be brought to its knees.

Sincerely,
Eric VanderWerff
615 N. O'Connor Rd.
Suite 12
Irving, TX 75061

MTC–00022495

From: taa
To: Microsoft ATR
Date: 1/24/02 2:35pm
Subject: DOJ's Abdication of power

To the Honorable Colleen Kollar-Kotelly:

Please do something to preclude the current travesty of justice that appears to be the result of heavy lobbying and campaign contributions by Microsoft. The initial settlement agreed to by the DOJ, that was wisely rejected wreaked of politics. How can the DOJ justify spending MILLIONS of our tax dollars on rightfully expecting Microsoft to abide by the previous agreement APPEARING to preclude a continuation of the predatory and exclusionary practices used by the Microsoft juggernaut. I have personally seen numerous companies who Microsoft needed put out of business once the need was satisfied.

By not separating Microsoft's operating system group from the application group you will allow the following practices to continue:

Continued Elimination of Competition

1) by Microsoft's ''breaking'' other peoples software via operating system changes.

a) In the days of DOS and the supremacy of Lotus 123 Microsoft had the following jingle:

''DOS'', [the operating system] is not done until Lotus, [123 the application] won't run.

b) Generating false messages of incompatibility to scare customers into using MS products.

2) Microsoft's current game with it's ''Windows XP'' will be to preclude competition via forcing upgrades on MICROSOFT'S timetable or else losing the license for which you've already PAID.

This will effectively prevent competitors from gaining compatibility with the numerous Microsoft application files as Microsoft will simply change the file formats with every release. This will have the affect of preventing ANY non Microsoft applications from gaining a foothold in companies due to not being able to read, for example Microsoft CURRENT Word documents or Excel files. FURTHER protecting their ACKNOWLEDGED and ILLEGALLY OBTAINED MONOPOLY.

Respectfully Submitted,
Tim Anderson, President
T. Anderson Associates, Inc.
CC:president@whitehouse.gov,vice.president@whitehouse...

MTC–00022496

From: Cathy Meltzer
To: Microsoft ATR
Date: 1/24/02 2:38pm
Subject: Microsoft Settlement

FIN Action Alert: AOL TW—Back to the Future (Courtroom) AgainJust voicing my support for the proposed settlement. It seems fair, reasonable, and in the interests of the consumer (me).

MTC–00022497

From: cruzenbye@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:34pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Raymond Hoefler
6674 Mauna Loa Blvd.
Sarasota, FL 34241

MTC–00022498

From: cpollat@electsys.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:34pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Clay Pollat
1821 S. 17th St.
Laramie, WY 82070

MTC–00022499

From: GoodDoug
To: Microsoft ATR
Date: 1/24/02 2:38pm
Subject: Microsoft Settlement

To whom it may concern:

I am concerned about the proposed final judgement being considered in the case of United States v Microsoft. I want to relay my opinion that the settlement is biased and not a true deterrent for anti-competitive actions in the computer industry.

The courts have already decided that Microsoft has been using undue influence to increase its strangle hold on the computer industry. It has also shown that its anticompetitive practices are detrimental to consumers. The final argument as to the effectiveness of the proposed settlement is an issue of trust. Given the history of Microsoft, particularly with regard to intentionally inserting code to disable competing products, and others'' implementations of ''open'' standards such as Java and SMB/CIFS. This issue is not addressed by the current proposal, neither is the issue of enforcement. As it is currently written, there is no real onus of responsibility implied, and the loose structure of definitions such as ''API'' and ''Windows'' allow for many loopholes and a lack of any real impetus to follow the spirit of the settlement.

I urge that you reconsider the settlement and impose a stronger one that will protect consumers and promote the evolution of the computer software industry appropriately.

Thank you,
Doug Whitmore
(831) 239–1183

MTC–00022500

From: zim@infinet.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:36pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jan Zimmerman
7500 Tottenham Place
New Albany, OH 43054–9444

MTC–00022501

From: cookie@ipns.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:34pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a

nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Irene J. Smith
4548 SE 96th Av
Portland, OR 97266–2638

MTC–00022502

From: AnnetteHud@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:36pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Annette Huddleston
6908 Middle Cove Drive
Dallas, TX 75248–2912

MTC–00022503

From: R Welch
To: Microsoft ATR
Date: 1/24/02 2:37pm
Subject: Microsoft Settlement

Why did the government waste all of that tax money on this case if all they wanted was to let Microsoft continue in its monopolistic way? This ''settlement'' is a farce and I consider it a waste of my tax dollars. My vote will defiantly be heard on this subject as anyone connected with this ''settlement'' will not receive it.

R Welch

MTC–00022504

From: Dudley Irish
To: Microsoft ATR
Date: 1/24/02 2:49pm
Subject: Microsoft Settlement

In my opinion the proposed settlement is a very bad idea. It is so blatantly favorable to Microsoft that I can readily imagine it being paid out of Microsoft's advertising budget. A few thousand more children tricked into believing that MS Windows is the way computers should work.

Further, I endose the opinions expressed in Dan Kegel's open letter.

Dudley Irish
IT Consultant
Ars Magna, Inc.
Salt Lake City, Utah

MTC–00022505

From: mbutcher
To: Microsoft ATR
Date: 1/24/02 12:22pm
Subject: Microsoft Settlement

I am very disappointed in the proposed settlement with Microsoft over their monopolistic behavior. It is safe to say that in the technology sector, Microsoft is viewed as nothing short of a tyrant doing it's best to eliminate all competition large and small through unethical (and illegal) practices. Leveraging what amounts to a stranglehold on the desktop operating sytems market, Microsoft has sought to force usage (and hence licensing) of many of their other products, including Internet Explorer, updated versions of the OS (XP, Windows 200), Office, and Windows Media Player, to name a few. The bottom line, for me, is that Microsoft is an anticompetitive monopoly. They have proven time and again that they will not change their practices of their own volition. They have proven time and again that tehy will do what they want without regard to the consumer (consider their new software, Passport, which makes my personal information, including credit card numbers, available to Microsoft at any time). Time and again they have proven to choose profits over concerns of legality or ethics.

The ''slap on the wrist'' settlement proposed by the DOJ does little to solve these problems I've highlighted. I believe the proposal will allow Microsoft to continue in their current practices unchecked. Toothless and ambiguous requeirements (consider section III.A or II.F) are so easily sidestepped that it amazes me that anyone even bothered to put pen to paper. Section H bears the most remarkably ludicrous caveat that it renders the whole section moot. Microsoft Middleware is not allowed to be ''un-deinstallable'' unless competitors'' products FAIL TO IMPLEMENT a reasonible technical requirement? So, as long as IE contains a component that is required by the IS or a Microsoft server, IE may remain ''un-deinstallable.'' Let me tell you what the first things is that Microsoft will add to IE 6.1.... Besides, having patent, trade secret, and copyright protection over those possible features is enough to ensure that no one else will be able to implement those features. The settlement doesn't even seek to discuss the other monopolistic practices of Microsoft, such as including near-mandatory submission of personal data to Microsoft's corporate servers for use by Microsoft. This information includes credit card and other sensitive data, and Microsoft's ''secure'' servers have already been hacked once by external computer crackers.

I am disappointed in the decisions of the DOJ on this matter. As a republican, I usually shy away from radical governement intervention in corporate practices, but MS is an exception. I would have preferred to see serious consequences to serious crimes.

M Butcher
mbutcher@aleph-null.tv

MTC–00022506

From: Beckie Pack
To: Microsoft ATR
Date: 1/24/02 2:55pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement.

Briefly, I feel the proposed settlement is a bad idea. I agree with the problems identified in Dan Kegel's analysis. This analysis is available at the following URL:

http://www.kegel.com/remedy/remedy2.html

I also agree with the conclusion reached by Kegel's document. Specifically:

The Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue.

The settlement would delay the emergence of competing

Windows-compatible operating systems.

Therefore, the settlement not in the public interest. It should not be adopted without substantial revision to address these problems.

Sincerely,
Beckie Pack

MTC–00022507

From: Thomas McNeely
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 2:43pm
Subject: Microsoft Settlement

Hello,

I believe that the proposed settlement with Microsoft is much too weak. Microsoft proved with the consent decree from several years ago that they are unwilling to change their ways, and that they will find ways to circumvent behavioral remedies. The proposal lacks a strong enforcement mechanism. It lets Microsoft off the hook too easily for its many years of unrepentant malicious abuses.

Thanks for your attention,
Thomas McNeely
3140 Adams Ave., apt. C-304
Bellingham, WA 98225

MTC–00022508

From: David Speigel
To: Microsoft ATR
Date: 1/24/02 2:42pm
Subject: Don't go soft on Microsoft

I wish to add my voice to the opinion that the remedy settlement handed to Microsoft was far too weak. This settlement does not go far enough in preventing Microsoft from continuing to illegally dominate the software industry and squash true innovation from real competition.

I read news every day of companies such as Kodak, RealNetworks, and Lindows, and projects such as Kerberos, Wine, etc. that are being unfairly abused by Microsoft. This has to stop. You have the power to stop Microsoft. Please do something to help my industry.

David Speigel.
1670 Manning Ave. #202
Los Angeles, CA 90024
310–441–0200

MTC–00022509

From: jdg@plateautel.net@inetgw
To: Microsoft ATR
Date: 1/24/02 2:39pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
John D Goodwin
PO Box 71
Serafina, NM 87569–0071

MTC–00022510

From: Richard Davis
To: Microsoft ATR
Date: 1/24/02 2:42pm
Subject: Microsoft Settlement

It is hard for me to understand how anyone could question that Microsoft has a Monopolistic hold on the computing industry. And this is and continues to be a determent to computing, office operations and the general growth of the industry.

Starting back with IBM's OS/2, a great operating system that Microsoft put out of business by raising the licensing fees 700% at a time that IBM was cooperating with MS to develop the joint OS. Word perfect, a great word processor and Lotus123 and Quattro Pro, great spread sheet products have been all but eliminated from the desktop by (I suspect) MS coding that gives the MS office an operational advantage. Email, Backup and fax programs have been included in the MS product line and the competing products no longer function very well. I wonder why? The browser war between MS and Netscape

should have brought the trade regulators to their feet, where else do we allow the competitors to dump product (Give it away at no cost, or bundle it in) just to keep the competition from the market they created. What about other Web products and why do we not have some standards to design to that allow security and cross platform operation, because MS has done all it could to keep it from happening.

Then we have things like Java that was to be a standard in the industry that would allow product to be coded for cross platform operations and it was MS that did all they could to derail. To this day, the potential of Java has been cut off by MS wanting to control the makeup of the product such that it has far less potential in today's computing arena.

The MS OS product continues to be released with bugs that do not get fixed until MS comes back with the next great thing. The problem is each new great OS comes with its own bugs and its own very expensive price tag so we never have a stable or dependable OS. The old Windows 95 had some updates and Windows 98 release 2 was some what dependable if you will reboot it on a regular schedule like daily and then completely reinstall it at least once a year, you can keep it operating OK.

Why is it that all the new computers come with the latest MS operating system? (Pre installed)

Where is the choice?

Is this not a monopoly?

How has it helped industry that needs basic computer operations?

The only real question is how do we fix it?

Please note. The above comments are my own personal thoughts and observations.

Richard A. Davis
rdavis@rvar.com

MTC–00022511

From: Geoff Hoyer
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 2:59pm
Subject: Microsoft Settlement

The proposed MS settlement is inadequate. Actions required of MS do not sufficiently penalize them, nor do they mitigate the problems. Too much of Windows is opaque to developers, inhibiting non-MS applications from performing at a competitive level with MS developed applications. To my mind, the linkage between OS and Application development is too close.

Geoff Hoyer
Software Engineer

MTC–00022512

From: Jacques du Plessis
To: Microsoft ATR
Date: 1/24/02 2:42pm
Subject: Microsoft Settlement

The term WINDOWS is not well defined. MS can easily circumvent their obligations with technical loopholes. PLEASE address this issue!!
Kind regards
Jacques du Plessis
Marketing Specialist
3GB Group
1750 Research Park
Logan UT 84341
Tel 435.797.4676
jacques@3gb.com

MTC–00022513

From: Rod Spears
To: Microsoft ATR
Date: 1/24/02 2:42pm
Subject: There must be a Remedy

Dear Judge Kollar-Kotally,

I am a software industry employee and I feel the ''findings of fact'' in the case accurately describe Microsoft's behavior. They are a monopoly and they will protect that monopoly at any cost. Bill Gates talks about how almost any remedy will hurt their ability to innovate. He really overuses that term and fails to understand what that means. Microsoft's idea of innovation is to buy or duplicate competitor's applications and add them to each new release of Windows, thus extending their monopoly further. Bill also talks about limiting choice, but that is Microsoft's sole purpose for existence, is to limit the choice to just Microsoft products.

As a software developer, why I should try to develop new and interesting applications on the Windows platform? If the idea has any promise, I run the risk of Microsoft duplicating my idea in their next version of Windows. The hard part of creating software for the average user is quite often the marketing of it. Microsoft has the best delivery mechanism in the world. They force PC manufacturers to put it on every box they ship. Microsoft must be stopped now, or in the future they will hold all the keys to Internet and personal computing.

The ''Proposed Final Judgment'' will do little to curb their behavior. If Microsoft negotiates a settlement, it is by definition, in their best interest. A remedy needs to come from courts.

Thank you,
Rod Spears
99 North Shore Drive
McCook Lake, SD 57049

MTC–00022514

From: Dale Mcgee
To: Microsoft ATR
Date: 1/24/02 2:43pm
Subject: Microsoft Settlement

To All Involved:

Please do all in your power to settle the Microsoft case as soon as possible. These court cases hurt the consumer and the economy. This case is all about politics and has little to do about competetion.

Please put the techs back to innovating and out of the court rooms.

Thank You, Dale Mcgee

''An AOL stock holder and AOL,Microsoft user''

MTC–00022515

From: Barbara Gilbert
To: Microsoft ATR
Date: 1/24/02 2:44pm
Subject: Microsoft Settlement

It would be helpful for the DOJ to begin looking out for the welfare of the ordinary consumer. I consider myself to be one of those. Supposedly, the DOJ is ''protecting'' us. But Microsoft has been a leader in providing good, cheap technology to the average consumer.. meanwhile boosting our economy, encouraging competition and innovation.

It seems the DOJ is intent on running Microsoft out of the country, by continuing to badger it to death. Would you rather it relocate to China?

Now, the government-sanctioned monopoly of AOL wants to cause even more trouble. Where is the DOJ when a true monopoly shows up? Clapping its hands.

Surely, a plethora of lawyers see only $$$, with no sense of fairness.

What ever happened to the idea of justice, fairness and encouraging American business?

Please, stop harrassing Microsoft. You are making a travesty of the law.

Barbara Smith Gilbert
Yakima, Washington

MTC–00022516

From: Dr. Jack Markuszka
To: Microsoft ATR
Date: 1/24/02 2:44pm
Subject: This is a travesty of justice

The absurd pronouncements of the DOJ (sic) in the Microsoft case just re-enforces the belief that THIS DOJ is not interested in the public welfare, but Corporate welfare John Markuszka

MTC–00022517

From: HENRY KIENZLE
To: Microsoft ATR
Date: 1/24/02 2:44pm
Subject: MICROSOFT SETTLEMENT

I SEE THAT AOL IS AGAIN TRYING TO STIFLE LEGAL COMPETITION FROM MICROSOFT BY GOING TO COURT AGAIN. THIS STRIKES ME AS RIDICULOUS. THE COMPUTER INDUSTRY HAS THRIVED UNDER COMPETITION, BUT THOSE WHO CAN'T COMPETE SEEK TO GAIN AN ADVANTAGE BY GOING TO COURT. THE CONSUMER HAS BENEFITED FROM THIS COMPETITION. IF AOL'S BROWSER WAS ANY BETTER THAN MICROSOFT'S, PEOPLE WOULD BUY IT, DESPITE THE FACT THAT MICROSOFT DOESN'T CHARGE. IT SEEMS THAT AOL BOUGHT SUN MICROSYSTEMS IN HOPES THAT THEY WOULD BE ABLE TO OBTAIN A SETTLEMENT THROUGH COURT ACTION, SINCE THEY MUST SURELY HAVE KNOWN AT THE TIME THAT SUN WAS NOT COMPETITIVE. THEIR CASE SHOULD BE THROWN OUT OF COURT.

MTC–00022518

From: Barkley Anderson
To: Microsoft ATR
Date: 1/24/02 2:38pm
Subject: Microsoft Settlement

I think I may have written a volume or two on this subject in commentary sent to publications, news sites and representatives. I wish to clearly dictate the items of conduct most critically abused by Microsoft and summarize each with a sentence of support. Controlled OEM ISP Sales Distribution Channel Denied competition capability to effectively distribute and therefore compete through exclusionary (less costly product licenses and other favors for OEM/ISPs who exclude competitors) practices with OEMs and ISPs Free the OEMs and ISPs with lock and stock pricing models that can't be

manipulated at any point in the sales channel. Outlaw contracts that dictate behavior, company practices or exclusion of competitors. Directly dictated to industry competitors which products to end-of-life (knifing the baby) and even which markets to exit (ex. Dodge to Ford ''get out of the auto business'')

Apple and Netscape overshadowed a bumper crop of mostly medium to large sized technology, media and software companies. MS browser and email default on the MacOS platform and recollected business conversations where MS suggested Netscape exit the Windows Web Browser market at a time when NS held nearly 90% share of that market. Two words: Moderate Regulation. This sort of conduct dictates a minimum of two government agency industry monitors in my opinion.

MS deliberate complete deflation of entire web browser development industry through devaluation of browser Noble claims to putting the customer first quickly fell away to internal communications that proved that the decision to transition an entire industry from one economic model to another was made primarily for the purpose of destroying a competitor. There's nothing illegal about what Microsoft did in this case. I just wanted you to ask yourself ''Would Henry Ford have cannibalized an entire industry, risking the welfare of all those employed in it, simply to reach a marketing goal?''

MS using the toolsets required by software developers (SDK) as tools (carrots) to extort favor and pursue undue influence. Sabotage was employed by MS engineers who delayed releases of SDKs and in rare cases produced slightly doctored ''toolsets'' or SDKs. MS competitors would receive the less favorable releases of current toolsets than MS own software developers for specific purpose of creating undue time-to-market advantages.

Open source, and freely distribute the SDK. Completely divide the MS programmers who work on the software products from the Windows OS developers. Release a universal SDK to MS software teams and competitors at the same time preventing any undue time-to-market advantages.

MS has acted all along as if they are the ones who will be telling us what the truth is. I believe it is possible that they may have deliberately hammed it up (Gates demeanor and courtroom antics including doctored evidence) in order to elicit reaction from the judge and later claim bias. In the current ''post trial post 911'' media spotlight, the MS propaganda, PR and PAC dollars could add up and cause this case to disappear.

Please think of the internet development firms, software development firms, digital device makers and computer manufacturers. Should MS's power go unchecked, many industries that have flourished during this trail will likely be muscled into compliance with MS policy or be forced out of the industry. Since MS has come under scrutiny, a more open free-market driven competitive landscape has seen the birth of over a dozen new mainstream operating systems and software niche markets (set-top boxes, digital video recorders, browsers for game consoles, web enabled cell phones, PDAs etc etc...) Had MS not been under the microscope, it is widely believed that some if not all of these markets would have either been stunted or overrun by MS, as other competitors and markets had been in the past.

MTC–00022519

From: Edward—Huang@Instinet.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:47pm
Subject: Leave Microsoft Alone

To whom it may concern,

Microsoft is one of the very few company producing high quality software products. In fact they are one of the few company that actually has great customer focus. AOL, Netscape could've competed with Microsoft if they were technologically competent. But unfortunately they lost to Microsoft's relentless pursue of perfection, AOL , Netscape resorted to the means of Law. This kind of action is not in line with Capitalism. Government should not get so involved in a free market society.

Leave Microsoft Alone, they've done nothing wrong, AOL or Any other company would've done exactly the same thing if they were trying to be competitive.

Edward H.

MTC–00022520

From: Barbara Armijo
To: Microsoft ATR
Date: 1/24/02 2:45pm
Subject: Microsoft Settlement

Microsoft is an American asset!

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

''This is just another method for states to get free money, and a terrible precedent for the future,'' states the AOCTP, ''not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.''

This economically-draining witch-hunt has gone on long enough.

Barbara Armijo
3315 28th Street
Lubbock, Texas 79410–3018

''[Leftists] love erasing the truth. They call their lies ''legally accurate,'' ''affirmative action,'' ''saving the Constitution''—and now, ''art''.'' —Ann Coulter

MTC–00022521

From: Daniel Walker
To: Microsoft ATR
Date: 1/24/02 2:45pm
Subject: Curb the Microsoft Monopoly

Microsoft has abused its position as the largest player in the industry to attack competitors with unfair and illegal tactics. They must be punished.

Dan Walker
20999 McClung
Southfield, Mi 48075

MTC–00022522

From: Cano, Orlando
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 2:45pm
<<Microsoft Letter.wpd>>
Orlando Cano
Executive Legislative Assistant to
Democratic Speaker Frank Chopp
January 24, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Re: Proposed Settlement Agreement in US v. Microsoft

Dear Ms. Hesse:

Microsoft is a company that has long provided good products to consumers. The provisions of the settlement will give consumers greater choice when purchasing or upgrading computers and software. Consumers can continue to expect quality new products from Microsoft and can expect these products to work more easily with competitor's software as well.

I support the Department of Justice and the nine Attorneys General for their efforts to strike a balance between the interests of Microsoft and its competitors by designing a settlement that is in consumers'' best interest.

Sincerely,
Frank Chopp
Speaker
Washington State House of Representatives

MTC–00022523

From: LSmith237@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:48pm
Subject: Microsoft Settlement

This country needs to get this case settled. It has hurt the economy. The only people interested in harming Microsoft are its competitors. The everyday users of Microsoft products are more than happy with the products and the price you pay for them. This suit caused me, a 76 year old retired small business man, to lose many dollars in my IRA from losses, not only in

Microsoft stock, but many other stocks. The action against Microsoft precipitated the stock market crash and the recession the country is now in.

J. Lansing Smith
4905 College Acres Drive
Wilmington, NC 28403–1729 Email: lancesmith@ec.rr.com

MTC–00022524

From: bfgulnac@juno.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:44pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer

technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,

Beatrice Gulnac

4761 Elmhurst Rd. West Palm Beach, FL 33417–5331

MTC–00022525

From: Miles Abernathy
To: Microsoft ATR
Date: 1/24/02 2:46pm
Subject: Comment on Proposed Microsoft-DOJ Settlement

Hello!

I believe the proposed settlement with Microsoft, with Microsoft giving computers and software to schools, will be nothing but a benefit to the company. It's like times of old when cigarette manufacturers gave free smokes to soldiers...get them hooked and you've got a customer for life. Given that Microsoft reportedly has $36 billion in cash, I believe that any punishment against the company should be levied in cash.

Miles Abernathy, miles@mail.utexas.edu

MTC–00022526

From: Araemo
To: Microsoft ATR
Date: 1/24/02 2:41pm
Subject: Microsoft Settlement

I have read through the propused settlement, and even on my first read through I found several issues and loopholes, and while reading other people's views, they have pointed out more serious errors. I feel, amongh other things, that a ''Windows-compatible'' operating system market could do wonders for the PC industry. Unfortunately, the proposed settlement makes it more difficult, by making some practices illegal, such as using MSDN information to make a windows-compatible OS, and only requiring that some of the necessary APIs be documented for developers. Unfortunately, this is only the beginning of the problems... The proposed settlement also has no mention of Microsoft.net, or their tablet PC, windows CE, and pocket PC products.

There is also no mention of microsoft's liscensing practices with large users, such as corporations, schools, and government agencies, unfortunately I do not know enough about this to site any particular problems, but I'm sure many companies would be able to explain the problem in great detail. A good essay siting many of the problems with the settlement is available at http://www.kegel.com/remedy/remedy2.html Please reconsider the settlement, it is too specific on what products are to be restricted... such as a ''MS internet explorer 7.0.0'' would be completely free to change APIs such that no competing products could interact with IE or windows in the same way... without microsoft being required to publish the API changes.

Thank you for reading this,

Nathan O'Meara

I have read through the proposed settlement, and even on my first read through I found several issues and loopholes, and while reading other people's views, they have pointed out more serious errors. I feel, among other things, that a ''Windows-compatible'' operating system market could do wonders for the PC industry. Unfortunately, the proposed settlement makes it more difficult, by making some practices illegal, such as using MSDN information to make a windows-compatible OS, and only requiring that some of the necessary APIs be documented for developers. Unfortunately, this is only the beginning of the problems... The proposed settlement also has no mention of Microsoft.net, or their tablet PC, windows CE, and pocket PC products.

There is also no mention of Microsoft's licensing practices with large users, such as corporations, schools, and government agencies, unfortunately I do not know enough about this to site any particular problems, but I'm sure many companies would be able to explain the problem in great detail. A good essay siting many of the problems with the settlement is available at http://www.kegel.com/remedy/remedy2.html Please reconsider the settlement, it is too specific on what products are to be restricted... such as a ''MS internet explorer 7.0.0'' would be completely free to change APIs such that no competing products could interact with IE or windows in the same way... without Microsoft being required to publish the API changes.

Thank you for reading this,

Nathan O'Meara

MTC–00022527

From: cwbrewer@webtv.net@inetgw
To: Microsoft ATR
Date: 1/24/02 2:43pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,

Cleo Brewer

9477 W Mirror Rd

Columbus, IN 47201–9107

MTC–00022528

From: steve kolb
To: Microsoft ATR
Date: 1/24/02 2:51pm
Subject: Microsoft Settlement

I have been a Macintosh professional since 1984. In those years, supporting large numbers of individual and state government users, I have observed an erosion of market share by Mac users and wholesale shift away from the Macintosh Operating System in favor of the ''market leader,'' Microsoft Windows. In 1995, Information Technology decision makers at the California Department of Corrections established a no compromise policy to dump all Apple-based computers and replace them with Windows OS computers, even though a number of organizations within that large organizations were perfectly happy and productive using Macs.

The same thing happened again at the California Department of Transportation, where engineers, graphic artists, trainers, labor relations staff and other assorted professionals were told to spend tens of thousands of dollars to purchase new Windows2000 Pro-based PCs and get rid of their Macs because the Department's IT division wanted a single standard for servers, workstations, and portables. The computers that were replaced included first and second generation Power Macintosh G4 computers with enough power and capability to run circles around the brand new HP Vectra computers that were bought as replacements.

The argument from IT has continued to be in favor of a single Operating System that they can control and, in theory, service. However, the PCs running various versions of Windows (NT, 3.5, 2000) require far more support and are less reliable than the Macs they replaced.

All of this comes as a result of the band-wagon mentality of managers who have been convinced that the one with the most marbles wins and everyone else has to quit the game. Quitting the game for the Mac OS has been very difficult and stressful for users and professionals who support them. And the costs in terms of productivity and worker satisfaction have been great.

The pressure from Microsoft on large institutional installations to maintain only one way of doing things has yielded additional fallout. People who are forced to use Windows-based computers at work, seem to find it less compelling to keep their Macs at home and when it comes time to buy a new computer at home, too often yield and buy a low-cost PC with Windows preinstalled to maintain the illusion of compatibility between work and home.

Any settlement that does not hit Microsoft in the pocketbook very hard and in their business model that has had such a widespread and insidious anti-competitive effect is certainly not in the public interest. If monopolistic practices is what they have been convicted of, then any settlement must include remedies that not only disintegrate their defacto monopoly, but also inhibit its continued growth and future effect in the personal computer and workstation market.

Respectfully Submitted

Stephen L. Kolb

Sacramento, California

MTC–00022529

From: Spencer
To: Microsoft ATR
Date: 1/24/02 2:48pm
Subject: Microsoft settlement

Microsoft should not be allowed to dump its inferior products on our children. I believe any settlement should be in cash and criminal charges where applicable. At the same time, however, I do not feel that Microsoft is a monopoly.

Spencer J. Stang, Ph.D.

MTC–00022530

From: Allen Stajkowski
To: Microsoft ATR
Date: 1/24/02 2:51pm
Subject: About Microsoft Antitrust Settlement...

Dear Reader;

I have one question to you. Microsoft has been found guilty of anti-competitive practices via a monopoly. Why then is the settlement allowing Microsoft to further this monopoly by forcing their products upon the students? This gives Microsoft implicit advertising as well as a captive customer base for very little money.

Thank you for your time.

Regards,

Concerned Citizen

MTC–00022531

From: Kristen Langley
To: Microsoft ATR
Date: 1/24/02 2:50pm
Subject: Microsoft settlement

Good day:

I would like to express my appreciation for the opportunity to support a settlement of the anti-trust activity taken against the Microsoft. I have no financial interest in the decision. I am neither an employee or contractor of the corporation, nor, do I (nor any member of my family) own stock in the corporation.

I am, however, a citizen. I believe that this pursuit of the corporation has—frankly—reached a point where animus and a socialistic ''force Bill Gates to share his wealth'' financial gain is the motivation. In the latter, I would cite the experience with the tobacco settlements. The Attorneys General talked, ad naseum, about the money going for ''prevention'' and ''treatment'' and ''health care'' that would come from these monopolistic purveyors of death and disease. Noble, noble motives! What happened? Some of the funds did go to programs and education, but most went into State general funds and used to fill general fund shortfalls. The money has been [mis]spent in lieu of general tax revenue, and the intended recipient programs/ actions are left underfunded—a ''liability'' on the books that we will be asked to pay for, again, later.

To quote a fitness guru, it's time to ''STOP THE MADNESS''. If Mr. Gates builds a better mousetrap, then let him benefit from it. If some of Mr. Gates'' competitors can't stand that, let them build a better operating system instead of using the authority and resources of the United States, and ''united'' [small ''u''—i.e. the aggregation of states'' Attorney's General) States to substitute for their second-rate and second-rate-popularity product. If Mr. Gates has pushed past reasonable bounds, then penalize him, and move on to more critical issues.

Kristen Langley

MTC–00022532

From: ZAAP1@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:49pm
Subject: Microsoft Settlement

Enough is enough. Move onto putting illegal aliens, terrorists, and real criminals in prison. Remember when DOS was the operating system for personal computers? Nobody but Microsoft moved us past those days. Tell the cry babies to produce software that people will buy. Seems like you guys are being used as a tool to destroy one of the most successful AMERICAN companies EVER!!!! As a United States citizen, Microsoft user and owner of Microsoft stock, I am ashamed that you are allowing a bunch of sore losers use the United States Justice Department to destroy innovation. Why don't you tell the jerks to go out and try to beat Microsoft in the marketplace. After all, never has any value been created by a bunch of lawyers in a courtroom. Thank You.

Mark Bailey

MTC–00022533

From: Bill Wu
To: Microsoft ATR
Date: 1/24/02 2:50pm
Subject: Microsoft Settlement

Hello Renata,

I am a software engineer and I am using various kind of software for 20 years. I like Microsoft's software and I feel that Microsoft really helped consumers like me to provide a comprehensive software package with reasonable price.

Microsoft acquired market fairly through technology inovation. We shouldn't punish a good company just because they are rich. AOL shouldn't join the game so late if they feel that they have a good point. AOL's motivation is very questionable in my point of view.

Regards,

Bill Wu

MTC–00022534

From: mceschen22@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:45pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,

Mary Catherine Sears
P.O.Box 2112
Cave Junction, OR 97523

MTC–00022535

From: Jason Cook
To: Microsoft ATR
Date: 1/24/02 2:51pm
Subject: Microsoft Settlement
ATTN: Renata B. Hesse
Antitrust Division, US DOJ

Dear Ms Hesse, and any others whom it may concern,

I am writing to comment on the proposed Microsoft settlement. It is my individual opinion that the proposed Microsoft settlement does not adequately protect consumers (such as myself) from the effects of further anti-competitive practices. I believe the PFJ as currently written lacks an effective enforcement mechanism.

Sincerely,

Jason Cook
Oakland, California

MTC–00022536

From: Paul Gessing
To: Microsoft ATR
Date: 1/24/02 2:51pm
Subject: Microsoft Settlement

As a private U.S. citizen who has no direct interest in the Microsoft Antitrust Case, I urge you to find that the current settlement is indeed in the public interest. The Tunney Review phase should be the among the final steps taken in this drawn out process that has hard consumers, Microsoft shareholders, and the objectivity of the federal and state goverments. Please end this matter and approve the settlement in the final report and recommendation to the court.

Thank you,

Paul J. Gessing
4839 W. Braddock Road, #203
Alexandria, VA 22311

MTC–00022537

From: Shea Lovan
To: Microsoft ATR
Date: 1/24/02 2:48pm
Subject: Regarding the proposed settlement

As an systems administrator and software designer, I have followed the development of the information technology industry since the early 1990's; my profession requires it. The one thing that strikes me is that, as a consumer, I have *never* chosen a Microsoft product based on technical merits. In 1994, I commented to a colleague that, ''I use Microsoft applications for the same reason I obey the law of gravity. I have no choice.'' Instead, I have been backed into corners by Microsoft's licensing agreements with hardware vendors. At first (around 1993) the mediocre Word, Excel, and Access products were preloaded on newly purchased computers. Vendors would not remove the software and reduce the price to make it reasonable to purchase better, competing products (WordPerfect, Quattro, and Paradox). Their reason was that their agreement with Microsoft prevented it. Next, it was the debacle of Internet Explorer marginalizing Netscape Navigator. Later it there was the battle with Sun Microsystems over the Java programming language. Most recently, there is the incorporation of the Microsoft Media Player and Outlook Express into the operating system. In each of these cases, Microsoft's vaunted ''ability to

innovate'' was lacking; these were poorly-written, knockoff products fighting for marketshare at the OEM licensing level.

While these issues were being debated, even more insidious things were happening. Sybase (a database application company) was nearly destroyed after a cross-licensing deal with Microsoft expired. Microsoft had learned what was necessary to create Microsoft SQL. There was the Microsoft's attempt to purchase Intuit (fortunately, this was halted by the Department of Justice) to consolidate control of the personal finance application market. Finally, there were all of the product press releases that were issued just to create fear, uncertainty, and doubt in the marketplace over purchasing software in segments which Microsoft had little or no experience (yet). None of these issues would have even arisen if not for the vast wealth Microsoft accumulated through its monopoly of desktop operating systems and arguable monopoly of office productivity suites.

Finally, we come to the futility of the proposed settlement. I find it hard to believe that anything Microsoft would agree to will be in the public interest. I had hopes for the consent decree agreed to in 1994. However, Microsoft vitiated that document within months even though it was relatively mild. Now, the situation is much graver. In 1994, Microsoft was not even a player in server operating systems. Since 1996, the corporation has successfully exploited its desktop monopoly and made Windows NT and Windows 2000 into widely deployed, server operating systems. The potential for abuse is higher now than at any earlier time.

When reading proposed remedies over the last few years, I actually thought that a breakup was the best from a consumer standpoint. However, I thought the proposed divisions were poor. For any remedy to be successful, I think it should satisfy the following:

—Network services should be developed by a separate organization than the operating system. For example, Microsoft SQL, SNA Server, and Internet Information Services should not be bundled into the operating system; competition suffers in that case.

—The unit developing applications (such as the Microsoft Office package or Internet Explorer) should not have access to any unpublished operating system information. All the programming interfaces (APIs) should be available to anyone developing software for that platform.

—Microsoft should be prevented from preannouncing products; it causes useful products to never make it to market for fear of being steamrolled. This restriction was, to my mind, a critical piece of the remedy in the IBM anti-trust case.

—Microsoft should have a period in which each product is licensed to OEM's separately. The damage is already done by the agreements made to promote Office by reducing Windows license fees, but the tactic would work again.

—The Findings of Fact must stand. Microsoft has been found guilty of violating the law. People and companies damaged by their actions should be able to recover damages without reproving that Microsoft is a predatory monopoly.

A breakup may not be necessary to affect these changes, but it seems likely. In summary, I simply do not believe that the proposed settlement is satisfactory. It does little to curb current predatory practices and less to prevent creative minds from developing new ones within a few months. Any remedy should guard against future abuses and must preserve Microsoft's ability to innovate, but should force it to be at a level other than end-user licensing.

Sincerely yours,
Shea A. Lovan
2118 Mountain Ave.
Santa Barbara, CA 93101
shea@lovan.com
805.895.7979
CC:shea@lovan.com@inetgw

MTC–00022538

From: djanda78108@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:48pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
debbie janda
3365 green valley rd
cibolo, TX 78108

MTC–00022539

From: John Sheppard
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 2:55pm
Subject: Microsoft Settlement

The proposed settlement is not as good as it could be. Please consider other alternatives presented to you. The Wine project for example. Thanks.

John Sheppard
Customer Service Manager
Corbis Corporation
15395 SE 30th Place
Suite 300
Bellevue, WA 98007
(425) 401–4008

MTC–00022540

From: Rob Hutton
To: Microsoft ATR
Date: 1/24/02 2:47pm
Subject: Microsoft Settlement

Is there any question that Microsoft has violated anti-trust laws? When you look at the market, the answer is clearly no. When the only viable alternative to a product is something that the manufacturer cannot buy or control, then there are obvious anticompetative practices taking place. Our free market system encourages competition, and when there is none, then something is preventing it.

Let's take for instance, the constitution. While it is the basis for our system of government and law such as, it would be impossible to successfully argue a court cased based solely on it without referencing case precident, other laws, or previous findings of the court.

Microsoft has done just that. They have built a foundation, written the laws, and decided the cases, yet all that they have provided is the constitution. And when someone else does write a successful breif, they buy it, steal it, or offer their law services at such a reduced rate that that noone buys the other guy's services. They have said, sure, you can offer legal advise, but we're going to do it cheaper until we run you out of business, and if you are still around, once we have devalued your services, then we will buy you out.

Now, I certainly do not think that the consumer market is not stupid. Eventually there will be a backlash and all of the foolishness will end, but in an economy that is so dependent on technology, not acting on something that stifles innovation, and prevents competition at the earliest possible point is irresponsible. The governement should not be the watchdog policeing every action, but should insure that there are not practices preventing innovation, competition, and free trade, and in this case, there have clearly been all three.

Now, what to do. There are clearly two parts of Microsoft's offerings. There is the operating system, and the apps that run on it. There are the underlying programs and the things that present them to you, and then the things that use those to provide services.

I could care less if the operating system is presented through a web browser or a custom application, but there is clearly a difference between allowing access to files and application installed on a computer, and providing the files and applications. There is a clear difference between the graphical interface and a database engine or web server that runs on top of the OS.

So, I would break Microsoft into an applications company and and OS company. The rules governing transfer of information between the two would specify that the info would be available to any company under similar terms and conditions and reveiwable at any time by an outside body. No financial penalties, just let the market do what it was assigned to do. Level the playing field, and let fair competition decide who the winner is.

Thanks for your time,
Rob Hutton
Security Engineer
eCommSecurity, Inc.
(877) 4-HACKED
www.ecommsecurity.com

MTC–00022541

From: Carl A. Cook
To: Microsoft ATR
Date: 1/24/02 2:57pm

Subject: Microsoft Settlement
Hash: SHA1

I want you to know that to allow the settlement in its present form, is an egregious disservice to the public. Microsoft has viciously shut down all of its relevent competitors, and will continue to do so until we have a disaster.

One company should not be allowed to control all of our computer software. I'm asking that you not approve this settlement for the sake of our futures.

Carl Cook

MTC–00022542

From: Bowers
To: Microsoft ATR
Date: 1/24/02 2:56pm
Subject: Re: Microsoft Settlement—Benifits vs.damage

I as a small business owner feel that I am directly responsible for the Microsoft Antitrust problem. I was an early adopter of the total Microsoft systems. This was done because trying to use and/or coordinate the various software programs was costing me tens of thousands of dollars a year.

BENEFITS

1) Most importantly, networking with the greatest number of customers, clients, associates, suppliers, government etc. etc., was the driving force and my greatest benefit. Once I made my software decision, as a consumer, I and those around me (not Microsoft) drove or caused the total use of Microsoft software.

2) I demanded compatibility in software. I was wasting at least $10k yearly getting all the various software/hardware to just work. A Microsoft choice with it's system wide compatibility was what solved my basic problems and increased my productivity by at least 200%. Yes, there were nice but seldom used features else where, but they provided no foundation, financial stability or guarantee of continued existence.

3) I required anyone doing work with me to be Intel PC compatible using Windows. This was one of the best business decisions I made. I and others did not have time for the loss of trying to get various systems and software to work. We all wanted to communicate quickly and accurately. It took about two years to standardize on Microsoft and AutoCAD.

DAMAGES If I'm to believe the settlement reports, there might be a $10 to $20 per machine ''damage'' to me the consumer. I say, balance this ''damage'' against the tremendous gains the use of Microsoft products gave me: At least a 200% gain in productivity/profitability; Elimination of yearly computer software maintenance costs; Enormous gains in quality and speed of service to my clients via networking;

And finally opening up of the internet to standardization and a vast array internet data, research, and business.

In summary, I and the rest of the world will be better off for having this anti-trust suit settled. It has the beneficial effect of declaring Windows the winner, allowing new features to be added, and placing the operating system with a company that has demonstrated the ability to keep the system coordinated.

Microsoft is a monopoly because most of us have chosen to use it, and have required those who do business with us to be compatible. It allows the specialty and /or hobby systems to continue in their efforts and allows business to continue the serious business of networking all aspects of commerce.

MTC–00022543

From: dlewis@qadas.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:53pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse: As for myself, I am very grateful that some of the states are not going along with letting Microsoft continue to be a harmful and predatory monopoly. I fervently hope that because some of the states will not roll over, the whole ''deal'' with Microsoft will unravel.

I feel that the US Justice Department did our country harm when the let Microsoft walk away. Even their give away benefits them. As a very computer literate individual I see letting them even stay together as a single business entity as something that will repress the open market and harm the development of new technology. New technology for which each of us wouldn't have to pay for again every two year with Microsoft's forced upgrades.

It is a farce that Microsoft will hide it's Internet Explorer icon from the desktop. Internally they still have the advantage over all other vendors that will have to use their desktop software: NT, Windows 2000, etc. Because of their intentional and illegal harm to their competitors, we the computer users have lost the choice of what vendors we can choose.

I see no difference between Microsoft and AT&T, before Judge Green and the Justice Department forced the break up of AT&T . It is a travesty of justice that harms all of us in the United States now and in the future.

Thank you.
Sincerely,
Don Lewis
7025 E. Townsend Dr
Highlands Ranch, CO 80130

MTC–00022544

From: Dick and Judy
To: Microsoft ATR
Date: 1/24/02 2:51pm
Subject: Micosoft Settlement

Attached is a letter expressing my opinions about the Microsoft Settlement. Please give it your consideration. ≤Thank You, Richard Englund

MTC–00022544 0001

9303 Sunset Way
Bellevue, WA 98004
January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

After following the political grandstanding for over three years now, I ask that the government accept the settlement deal with Microsoft and move on to more important business. Microsoft's existence has, without question, provided more benefit than harm in the world and should be rewarded with this compromise.

The decision by Judge Jackson was over the line and showed a lack of understanding of the technology industry. This is not a time for bringing down the big guy, as the court-mediated settlement is more than generous, even exceeding some government demands. Competitors will have unprecedented access to Windows internal source code and be able to license intellectual property, while computer manufacturers will have near-free reign to alternate Microsoft and non-Microsoft software without a cost.

This capitulation will do more than necessary to revive the competition and should more than suffice when the final judgment is made. Please take the reasonable course and keep this company together, as any further disruption would only hurt everyone involved.

Sincerely,
Richard Englund
00022544_0002

MTC–00022545

From: clrdkr@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 2:56pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Carl Ross
43886 Butternut Dr. Temecula, CA 92592–3037

MTC–00022546

From: Richard Lodwick
To: Microsoft ATR
Date: 1/24/02 2:59pm
Subject: Anti-trust charges

I think this witch hunt should be ended. Microsoft has done nothing but help the general public and the fact they have made a lot of money in the process testifies to the American way.

Richard Lodwick

MTC–00022547

From: =?iso-8859–1?Q?H=E5kon?= Wium Lie
To: Microsoft ATR
Date: 1/24/02 2:58pm
Subject: Comment

As the CTO of a company that makes browsers in competition with Microsoft, I've very disappointed with the proposed settlement. It will cement Microsoft's monopoly and turn the free internet into ''Microsoft Plaza''. Please, don't let Microsoft get away this easily.

-h&kon

H?kon Wium Lie

cto ?e(R)±

howcome@opera.com http://people.opera.com/howcome

MTC–00022548

From: David Fisher
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/24/02 2:53pm
Subject: Microsoft Settlement

No to Microsoft!!!!!!

MTC–00022549

From: cgclarknm@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:55pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please break MICROSOFT into at least four seperate companies. MICROSOFT in it's present configuration is a cancer growing on the body politic.

Sincerely,
Charles Clark
1650 Valencia
Las Cruces, NM 88001

MTC–00022550

From: David L. Sall, MD
To: Microsoft ATR
Date: 1/24/02 2:59pm
Subject: Microsoft

Enough!

Please!

Stop prosecuting Microsoft!

Respect for government is low enough already.

David L. Sall, MD Jacksonville, FL

MTC–00022551

From: K Brooks
To: Microsoft ATR
Date: 1/24/02 2:59pm
Subject: Microsoft Remedy

I've heard that Microsoft is planning to ''donate'' Microsoft products as part of their remedy. As this is planned to go to schools, I think a better idea is cash, so the school can choose their own technology. I've also heard that Microsoft donates large amounts of Microsoft products to schools—somehow this seems to be locking them in the market again, while avoiding cries of antitrust. I think Microsoft should truly be punished, and let's leave the politics out.

Regards,
Katherine Brooks

MTC–00022552

From: robroy43_2000@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 2:56pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
James Clark
4648 Pontchartrain Drive
Unit I
Slidell, LA 70458

MTC–00022553

From: Carole Kleinknecht
To: Microsoft ATR
Date: 1/24/02 3:01pm
Subject: Microsoft Settlement

Dear Judge:

I wish to express my opposition to the Proposed Final Judgement which would give Microsoft complete control over the Windows system.

The principles of ''fair play,'' if that term can be applied to business, require that healthy competition in industry be allowed. How can we even think of outlawing that? I believe that Microsoft has violated antitrust laws time and time again, and now wish to be rewarded for that instead of punished.

That doesn't seem right to me! Does it to you? Please don't fail to make the most just ruling in this important case.

Carole Kleinknecht
212–494–0321

MTC–00022554

From: CWillis@ivy.tec.in.us@inetgw
To: Microsoft ATR
Date: 1/24/02 2:58pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Charmane Willis
11322 Hwy 421 N
Milton, KY 40045

MTC–00022555

From: Don Albrecht
To: Microsoft ATR
Date: 1/24/02 3:01pm
Subject: Microsoft Settlement

Microsoft's arrogance is ultimately a threat to our national security. The rest of the world won't put up with it's business practice forever and we as a country and economy WILL pay for it some day.

Don Albrecht

MTC–00022556

From: Pete Thompson
To: Microsoft ATR
Date: 1/24/02 3:04pm
Subject: Microsoft Settlement

As a Canadian, I'm not sure if my input counts. However, I want to stress the importance of this settlement as it has global economic implications. Microsoft has a global monopoly on the desktop operating system market, so whatever decisions they make, it affects me as well. Netscape was my primary browser until Internet Explorer became so widespread that it became impossible to ignore. Then of course, when I bought Windows 98 (Second Edition), it came —with— Internet Explorer. I didn't have a choice to buy it without Internet Explorer. So now I was faced with this decision: download and install Netscape and have two browsers on my system, with one just taking up unnecessary space, or just forget about Netscape and use IE instead.

In my case, Netscape never stood a chance. I simply couldn't be bothered to install extra software for no real gain other than to simply say, ''Ha ha! I'm using Netscape even if it means taking up extra space!'' Microsoft basically made my decision for me. I believe this is true for millions of other users. Yes, I —do— have the option of downloading and installing Netscape, but since you can't uninstall Internet Explorer, that choice is only an illusion.

I believe that Netscape was significantly harmed, and lost so much money that they had no choice but to allow themselves to be bought out by America Online.

Reviewing the settlement proposal, I consider it to be nothing more than a slap on the wrist for Microsoft. What exactly is Microsoft supposed to learn from this settlement? Just throw money around until they get a settlement that they like? What lessons are they supposed to learn? Now with the release of Windows XP, I'm seeing more and more integration happening. MSN is now a part of the operating system (putting ICQ, AIM, and Yahoo! Chat at a disadvantage). Windows Media Player can play MP3 songs (putting Nullsoft's WinAMP at a disadvantage). Windows XP has many ''reminders'' that you should sign up for the Passport service. Then, of course, there's Licensing 6.0—buy the Enterprise edition, and you get the cheapest subscription fees—provided you use ONLY Microsoft products and nothing else. Don't buy it, and you're threatened with the fact that you'll end up paying millions of extra dollars down the road (if you're a business).

All this is happening right now. Microsoft has not learned anything from the trials.

Microsoft has consistently shown nothing but contempt for the trial process.

So, for the sake of the global economy, I urge that you reconsider this settlement and come up with a harsher one.

Regards,
Peter L. Thompson
215–1323 W. 71st Ave
Vancouver, BC
Canada

MTC–00022557

From: John Gilchrist
To: Microsoft ATR
Date: 1/24/02 3:02pm
Subject: The proposed DOJ & Microsoft settlement

Dear Court,

The proposed DOJ & Microsoft settlement is neither a punishment to Microsoft nor a remedy for their proven wrong doings. Microsoft is clearly an unrepentant monopolist and must be forcibly punished and a true remedy (like company breakup) applied. Further, Microsoft, through their monopolistic powers and and lax attitude about computing security (all those internet viruses and worms are directly targeted at the known security vulnerabilities of the ubiquitous Microsoft Office, Email, Web Server and Networking/OS products), are putting our national physical and economic security at risk in a manner unfathomable just ten years ago. We must act now to put Microsoft back in the place of a lawful and safe corporate citizen since they are obviously unwilling to police themselves.

Sincerely,
John Gilchrist

MTC–00022558

From: Michael Haag
To: Microsoft ATR,mhaag@worldjukebox.com@inetgw
Date: 1/24/02 3:00pm
Subject: Microsoft Settlement

To whom it may concern: not only should the settlement proceed without further action against Microsoft, the antitrust suit should not have been filed in the first place.

A permanent monopoly, in the absence of coercion, can not exist. The suit is without merit, and is the result of jealous competitors and a grandstanding and meddlesome government.

sincerely,
-michael haag
70 Leonard St.
Malden, MA 02148

MTC–00022559

From: Gene Elder
To: Microsoft ATR,gelder@mac.com@inetgw
Date: 1/24/02 3:03pm
Subject: Microsoft Settlement

My name is Gene Elder. I disagree with the current proposed settlement issued from Microsoft in its present form. That proposal being the contribution of 60% software, 20% refurbished wintel computers and 20% cash to underprivileged schools (as is my current understanding). This is totally unacceptable seeing as it will only ENCOURAGE Microsoft in monopoly practices. First: the production of software is relatively cheap, even when you include the time for development, the marketing and paying the programmers, Microsoft will only pay a small fraction of the total amount they themselves suggest their software's really worth. Second: The purchasing of refurbished computers will be Microsoft's choice of platform. This platform will have to run Microsoft software and thus propagating Microsoft's stranglehold on another market that the currently dont dominate in, so they will only be strengthening their monopolistic position. Third: the suggestion of 20% cash seems to me to be totally inadequate in the extreme. They should have to pay the full amount in cash and let the schools decide what is best for their technological solutions, that decision belongs to the schools and NOT Microsoft.

I also thing that a breakup into two mini-softs, one for OS, another for applications, may be a good idea, since Microsoft as a combined entity has put to death many good companies that I have no doubt would still be around and thriving were it not for Microsoft buying them out, or taking their market out from underneath them entirely, with force or subversion. Our economy survives on competition and choice, and Microsoft has proven over and over that they do not believe in fair practices involving healthy competition.

I will not claim to be able to suggest an appropriate conclusion, I will leave that to the courts and the honorable judges the preside over said courts. But I must beg that you reconsider accepting ANY resolutions proposed by Microsoft themselves, I don't believe that they have the ability to act fairly in any business dealing. Please make a decision that is fair and unbiased. Let justice prevail in this case, and not money, because Microsoft has so often let their money buy their justice. Please let my faith in true justice prevail.

Gene Elder

MTC–00022560

From: ROBERT H BARGE JR
To: Microsoft ATR
Date: 1/24/02 3:01pm
Subject: Microsoft settlement

A decision in favor of M'soft is wanted by a large majority of Americans. There is no proof of damage to anyone!!!!!

R.H.Barge,
Arcadia, CA.

MTC–00022561

From: wrenne@water.cc.mcgill.ca@inetgw
To: Microsoft ATR,Guillaume Marceau
Date: 1/24/02 3:03pm
Subject: Microsoft Settlement

To whom it may concern,

I would like to state my opinion as a programmer that the proposed judgement in the Microsoft anti-trust case is far too weak with respect to opening up the field for developers of inter-operable systems (e.g. the Wine project).

To break down the entry barriers, all Microsoft specs, including APIs and file formats, current and future, must be freely available to developers. There can only be a free market in today's computing world in an environment where components from disparate sources can be made to interoperate; otherwise there remains a form of mutual exclusion in terms of what runs on a given computer system. Only across the board, enforced openness of specs can enable a real free market by breaking this chain.

Will Renner
Computer Engineer

MTC–00022562

From: JONES,PETER (HP-NewZealand,ex1)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 3:05pm
Subject: Microsoft Settlement

To whom it may concern

In my twenty years in the IT industry I have witnessed a slow erosion of consumer choice, fair competition in the development of products and services for consumers in the PC industry and the growth of an insidious monopoly on the desktop.

The US Department of Justice has squandered an opportunity to return choice, flexibility and innovation to the consumer by, instead, pandering to Microsoft demands in the face of overwhelming evidence of unfair practice in the marketplace.

I, for one, am disappointed.

Peter Jones,
Technical Account Manager
Hewlett-Packard (NZ) Ltd.
DDI:+64 4 802 8957
Mobile:+64 21 452 994
Email:pejon@hp.com

MTC–00022563

From: Thomas Donalek
To: Microsoft ATR
Date: 1/24/02 3:04pm
Subject: Microsoft Settlement

I oppose the proposed settlement.

I believe that the proposed settlement is an inadequate remedy to the harm caused by Microsoft's illegal actions. Also, I believe that the proposed settlement is not adequate to prevent or even discourage Microsoft from continuing to abuse their still-present monopoly position in several critical markets. I believe that the culture at Microsoft is such that they do not believe that they have done harm, and thus they will continue to behave in the same manner.

It is in the best interest of US business and consumers to impose a far stronger sanction that would first, adequately punish Microsoft for the harm they have caused through their illegal actions, second, alter the situation so as to signifigantly reduce their illegally gained monopolies and third, monitor and strongly punish Microsoft for all their future transgressions.

Lastly, the clear inadequacy of the proposed settlement leads to an appearance of impropriety between Micrsoft and the Ashcroft/Bush DoJ which weakens the democratic institutions of our great nation.

Thank you,
Thomas Donalek

MTC–00022564

From: Jean-Marc Chevrot
To: Microsoft ATR
Date: 1/24/02 3:06pm
Subject: Microsoft Settlement

I agree with the comments made in the web page below.. http://www.kegel.com/remedy/remedy2.html

Jean-Marc Chevrot

MTC–00022565

From: Mark Matarrese
To: Microsoft ATR
Date: 1/24/02 3:03pm
Subject: Microsoft Settlement

January 24, 2002

To the Department of Justice;

As a concerned consumer and IT professional, I regret to see the latest actions that AOL has directed towards Microsoft; the recent lawsuit filing for anti-competitive practices. Microsoft has CONSISTENTLY met the demands of business and personal users of their software and by no stretch of any imagination have damage the environment of competition and innovation. If the Suns, Oracles, and Netscape's are unhappy with Microsoft's operating systems and affiliated suites, please pressure them to following the road of innovation to create a system of operating and suite software that competes against their rivals. That is CAPITALISM!! By asking the government to compensate one for inferior software that was unable to offer the user an experience beyond the competitor's expertise is totally ludicrous. Please listen to the real people like myself that must make a living on software that is designed to meet the demands of the consumer—simplicity and ease of operation. What is wrong with making a product better? Is bundling an antitrust issue, a scheme to allow for anti-competitiveness, or a process to make superior software that increases the users positive experience, thus allowing for greater productivity?

We need to allow our country's great companies to become even greater. By restricting a company's ability to innovate through malicious acts of jealousy from their competitors is not how we have become such a great nation. May we never forget how we got where we are today!

Very Truly Yours,
Mark Matarrese
An Independent IT Professional

MTC–00022566

From: marv matson
To: Microsoft ATR
Date: 1/24/02 3:05pm
Subject: Microsoft Settlement
January 24, 2002
To: Department of Justice
(Microsoft Settlement)

I am outraged at AOL Time Warner for suing Microsoft because they purchased an inferior system and find it cannot perform on a standard with Microsoft equipment. Innovate not Litigate should be their guidance. Microsoft leads our nation and the world and is not appreciated by the Justice Department that continues to honor groundless and frivolous claims of competing companies, and Attorney Generals of states trying to improperly help and prop up weaker companies domiciled in their states.

We once held AOL stock but sold it due to the embarrassment of hearing complaints from friends and workers who had AOL as their Internet provider. AOL puts cookies, stops, blockages and all number of impediments in their system to block or diminish competitors from gaining access to AOL customers. People who quit AOL must have their computers professionally purged of these illegal roadblocks at considerable expense to the customer. Dismiss the suit against Microsoft as frivolous and without merit and direct your attention to AOL's un ethical practices.

Marvin L Matson
Tacoma WA

MTC–00022567

From: Mike Rutter
To: Microsoft ATR
Date: 1/24/02 2:58pm
Subject: Microsoft Settlement

Hello,

My name is Michael Rutter, and I am a computing professional. I have been keeping a close eye on the Microsoft case, and I have read the proposed settlement with Microsoft, and I feel that it is inadequate. Not only does it not fully address the problem, but it is so full of loopholes that I sincerely doubt that Microsoft would suffer any effect from it. Please do not let this settlement go through. Thank you for your time.

Sincerely,
Michael Rutter
CDM Technologies

MTC–00022568

From: MLemos@fleming
packaging.com@inetgw
To: Microsoft ATR
Date: 1/24/02 3:01pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Manuel Lemos
2022 Lone Oak Ave.
Napa, CA 94558

MTC–00022569

From: RM Wheeler
To: Microsoft ATR
Date: 1/24/02 3:06pm
Subject: Microsoft Settlement

I believe that the currently proposed settlement is flawed in a fundamental way. Namely, it does not prevent Microsoft from bundling web browsers and other application software into its operating system. While there are measures in place to discourage this kind of practice, the settlement as written does not take adequate steps to ensure that this practice will absolutely cease. Any just and reasonable settlement to this lawsuit must address the prevention of future attempt to bundle software into Microsoft operating systems.

Raymond Wheeler
Berkeley,CA

MTC–00022570

From: Marcus White
To: Microsoft ATR
Date: 1/25/02 3:06pm
Subject: Microsoft Settlement

To Whom It May Concern,

As PC users, my wife and I were extremely disappointed to learn that A0L Time Warner has, once again, filed suit against Microsoft, claiming that Microsoft ''harmed'' AOL's Netscape Navigator.

I have been using the Internet since the days of the Mosaic browser, before either Netscape or IE were in use in large numbers. I well remember downloading free versions of Netscape and IE to test them side by side to see which one was the better browser—and Netscape was the better browser, at first. Very soon, however, it became apparent to me that Microsoft was building the better browser, and today I use Internet Explorer (and MSN Explorer, through the Microsoft Network) not because Internet Explorer is the default browser that comes with the Windows Millenium Edition operating system that we use on both of our PC's, but because the Internet Explorer is simply the best browser for the Internet. If I wanted to use Navigator I would do so.

And this brings me to the whole point about Microsoft, as I see it: Innovation. Certainly there is a profit motive with Microsoft, as there is with any other business in any field. Microsoft has continued to improve their products with each new version of each of their products until today I find very few non-Microsoft products on our computers here at our home. The reason is very simple: Microsoft has the best products available for the things for which we use a computer.

Up until a few weeks ago I was using both Quicken and MS Money to keep track of our family finances. Silly? Of course. But I liked the way each of them worked and provided different ways of looking at the same data. But after upgrading to MS Money 2002 1 soon realized that Quicken was now redundant, so I stopped using Quicken and removed the program from my hard drive. Microsoft makes superior products, in my humble opinion.

Before closing, I would like to ask what America Online has done for their customers lately? The AOL with which I am familiar, and to which I subscribed until recently (when I decided that I could get the same information on MSN with much less hassle, and certainly on a much more stable and user-friendly system), has, with only a few changes, remained the same since AOL 4.0. Several years ago Microsoft developed their version of the instant messaging system, which was initially supposed to allow users of their service to communicate with AOL's AIM, but AOL saw it as a threat to their security (and dominance in that field) and blocked non-AIM users from communicating with their service. Yet they have the nerve to sue Microsoft over the browser issue?! Come on, guys! Get real! Netscape lost out to IE;

AOL bought Netscape knowing that the browser war was over and IE had won, and now they're trying to make financial hay over it! Seems like a suit ''without merit'' to me, eh?

Thanks,

Marcus & Carole White

MTC–00022571

From: john heasley
To: Microsoft ATR
Date: 1/24/02 3:05pm
Subject: Microsoft Settlement

DOJ Antitrust Division,

I am writing this morning to express my support for Dan Kegel's forthcoming petition for further consideration of points of the proposed MicroSoft antitrust settlement.

futhermore, Computing has become a necessity in the everyday lives of nearly the entire population of the globe. The ability to comumicate electronically, from electronic mail to a text document, is based on the fundamental concept of interoperability, which is entirely possible between any computer produced by any manufacturer if the underlying protocols are made known. This is fact and can be applied to almost any process, such as the US postal service, and is exemplified by the Internet Engineering Task Force (IETF, www.ietf.org) standards body which has developed many of the standards used in the Internet today, such as the Simple Mail Transfer Protocol (SMTP) for e-mail exchange. It may also be seen in the ITU, who has developed protocols that make even the most basic telephone call possible.

Without protocols being known, it is impossible for products to compete because customers will not be willing to sacrifice the ability to communicate with others. If the basic Internet protocols had not been published by DARPA in the 1980's, no other networked device would have been capable of communicating with their machines and today over 600 millions machines communicate. Those that have poor implementations of those protocols differentiate themselves from those who excell by their own sword.

Those businesses who create inferior products, such as MicroSoft, or whose product's quality diminishes will find themselves with a mass exodus of customers. Without competition, those businesses have no incentive to excell and customers have no alternatives.

In the case of Intel based computers, customers do have a choice. Alternative operating systems exist. Some of which are actually stable, secure, and reliable. For example, netbsd (www.netbsd.org) running on one of my machines has an uptime (ie: a consistent operating period without any kind of reboot or crash) usually measured in a number of months vs. the comparable Microsoft machine measure in hours or days.

There is no contest in my mind; operating systems exist that are superior to MicroSoft. But within lay two problems.

1) The majority of these alternatives are not suitable for the casual user. They require a more mature knowledge of computing which the average user lacks and is not necessarily easily acquired.

2) In computing, as with a simple telephone, the freedom to choose a product based on it's merits is void if the cost is interoperability. The value of networking is zero if two devices can not communicate or, more precisely, a user can not communicate with any given individual of their choosing.

By MicroSoft being allowed to continue is anti-competitive practices, they are robbing citizens of their right to choose. They can not choose alternatives if those alternatives render it impossible to communicate with those that choose to continue using MicroSoft products. Furthermore, their agreements with other vendors for access to their APIs (Application Programming Interfaces) and other operating system programming specific data exaccerbates the situation by forcing these businesses to make similar information proprietaty and thus it is impossible for other vendors to commuicate (ie: compete).

Imagine yourselves booting your computer and using it error free until a hardware failure or desired upgrade makes it necessary to reboot. Imagine applications that are not as frustrating to use as MicroSoft Powerpoint, but can read and write the documents produced by them. Imagine applications that do not have gaping security holes which allow viruses through to destroy your data and cost your company hours to repair.

It is my firm belief that the DOJ should not consider any settlement that permits MicroSoft to continue it's onslaught of anti-competitive contractural agreements through omission of explicit court demands or vagueness of interpretation of those demands. Please rule in favor of the people.

Cheers,

john heasley

portland, oregon

MTC–00022572

From: Savnole97@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 3:02pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,

Timothy Savage

215 4th St N

Naples, FL 34102

MTC–00022573

From: Brian Reigle
To: Microsoft ATR
Date: 1/24/02 3:06pm
Subject: Microsoft Settlement

I think your proposed settlement is a bad idea. I have been following this through such online sources as Slashdot.org and Macslash.com. I've read through many comprehensive resources detailing the Tunney Act proceedings.

-Brian Reigle

MTC–00022574

From: Raffaella.Calabria@verizon.net@inetgw
To: Microsoft ATR
Date: 1/24/02 3:08pm
Subject: Microsoft Settlement

As a US citizen I am opposed to the Microsoft settlement. I don't think it does enough to punish it.

Sincerely,

Raffaella Calabria

Annapolis, MD

MTC–00022575

From: whmrbart@wabash.net@inetgw
To: Microsoft ATR
Date: 1/24/02 3:06pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,

William Bartels

R.R. 4, Box 116A

Louisville, IL, IL 62858

MTC–00022576

From: Bill Prentice
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 3:01pm
Subject: Microsoft Settlement

I am writing to voice my disapproval of the proposed final judgment in the anti-trust case against Microsoft.

I have found several areas that I feel will not only fail to prevent Microsoft from engaging in anti-competitive behavior in the future but also re-enforce the current status-quo.

Section III–Subsection A. allows for Microsoft to terminate an OEMs Windows Operating system license after 2 warning notices are sent. The section does not define any time frame for which the notices have to be given within. Conceivably, Microsoft could use this provision to terminate licensing to an OEM by counting notice letters sent before the trial began.

Subsection C.2 : The phrase ''so long as such shortcuts do not impair the functionality of the user interface'' is entirely subjective and may be interpreted to mean Microsoft could determine that the functionality is impaired by having two internet browser application icons.

Subsection C.3 : Allows Microsoft to keep OEMs from including software that fore all intents and purposes has the same look and feel of Microsoft software—the same premise that Apple Computers sued and lost to Microsoft in an effort to block the distribution of the Windows OS

Subsection J.2 : Allows for Microsoft to refuse to provide any information as listed in the section to any distributor or developer of any open source type of software as the source code generally must be distributed and therefore could theoretically allow for any or all of the refusal conditions to be met

The main point of the findings of fact of the first proceedings under the Hon. Judge Jackson, and later affirmed by the Appellate Court, was that Microsoft had used such tactics as these to prevent and crush competition in the maintenance of its monopoly. By allowing this proposed settlement the court would be allowing for the continuation, with the sanction of the courts and government, of the very things already found to be illegal.

Sincerely,
Bill Prentice

MTC–00022577

From: glaird@mpinet.net@inetgw
To: Microsoft ATR
Date: 1/24/02 3:04pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Gloria Laird
10532 Linger Lane Orlando, FL 32821

MTC–00022578

From: Miles B.Whitener
To: Microsoft ATR
Date: 1/24/02 3:09pm
Subject: Microsoft Settlement

Attn: US Dept. of Justice

Please settle the Microsoft matter quickly. As a programmer and user of software, I have never felt forced by Microsoft to use any of their products. My experience in writing and using software goes back almost twenty years. I have always felt that I had a choice between Microsoft and other brands. I feel that the UNIX providers did not take the mass market (that is, normal people) seriously back when they could have beaten Microsoft in the market. This is their own fault. If you punish Microsoft, it will largely be for delivering better value to their users, and for failing to pay off jealous politicians.

Thank you,
Miles Whitener
Manchester, Missouri
Tel. 314–518–7511

MTC–00022579

From: STEINMETZFN@JUNO.COM@inetgw
To: Microsoft ATR
Date: 1/24/02 3:04pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Fred Steinmetz
7640 Lakeview Dr.
Hillsboro, MO 63050–1526

MTC–00022580

From: LaurieIW@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 3:11pm
Subject: MICROSOFT ANTITRUST CASE

I am so disgusted with the prolonged and continuously expanding litigations against Microsoft. The company has done more for technology and industry in general than I am aware of any other company having done for a long time. With all of the legal hassle I have seen my meager savings (I am age 72, retired secretary) dwindle, not only my few Microsoft shares, but also the few other holdings I managed to invest in from my puney paycheck. With it has gone my feeling of security, a large portion of my income (income from investments has now decreased to almost zero, and my retirement pay is $900, ss income $553, how would you like to live on that?) . I am now eligible for low-income senior discounts on taxes and other expenses which I was able to pay full amounts for previous to the Microsoft case. Yes other things have affected the economy, but a fair settlement as I thought had been reached, but now seems in jeopardy, would be in the best interest of the public and the economy. Get this damned thing overwith, please. Let's get on with life and protecting the country from more serious matters.

MTC–00022581

From: William G. Wagoner
To: Microsoft ATR
Date: 1/24/02 3:12pm
Subject: Microsoft Settlement
January 24, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW Suite 1200
Washington, DC 20530–0001

To Whom it May Concern:

I am 77 years old and thankful that Microsoft has provided we users with software that makes it relatively easy to use a computer. I was pushed into the computer age by my son-in-law about 8 years ago. How thankful I am.

I have tried AOL and Netscape. In fact when Netscape was charging $24 to subscribe, it was given to me. I didn???t even like it for free.

I subscribed to AOL for approximately 5 years, however I only used it as a means to get onto Microsoft Internet Explorer.

I have tried Microsoft???s money program and found that Intuits Quicken was much better. Most computer users will buy the programs that they feel are the easiest to use or the best available regardless of who makes them.

I feel that the Companies that are suing Microsoft are only trying to bring Microsoft down to their level. They should be trying to develop better software. I have a friend that recently turned 80. He just bought a new computer with Microsoft XP installed and he and his wife are thoroughly enjoying the use of it.

It is now almost foolproof. I guess that I should tell you that the whole package, Computer, 17 inch monitor, and colored printer cost slightly over $400.00.

Do not allow inferior competitors to bring Microsoft down to their level!

Sincerely, William G. Wagoner
2591 Devonwood
Ttoy, MI 48098
Wagner—william@msn.com

MTC–00022582

From: Hilton, Jeffrey
To: Microsoft ATR
Date: 1/24/02 3:10pm
Subject: Microsoft Settlement

To Whom it may concern,

I am a software professional, and find the proposed settlement with Microsoft quite disturbing.

1. It is not enforceable in a practical manner. In this time of war, our government cannot afford to, does not have the resources or will to, and should not have to, keep the constant active vigilance that would be required by this settlement to enforce this settlement. Microsoft has shown a great tenacity in pushing the limits of the law, and it cannot be assumed that Microsoft will suddenly try to adhere to the spirit of the law when it is not to their advantage.

2. It does not prevent Microsoft from artificially raising barriers to competitors. Nor does it have Microsoft redress any of the

many areas were Microsoft used its monopoly to gain advantage. At a minimum the field should be leveled, but after destroying the competitive ecosystem, they are also be responsible for restoring the competitive environment.

3. Microsoft makes its money in a profession were a few changes in wording (code) can make major changes in the results, and they are experts at it. Yet, the wording used in the settlement leaves loop holes in the wording and definitions that are very simple to get around.

As a software professional I could go on for pages on how Microsoft used its monopoly status to destroy its competitors in the software market and that this settlement does nothing to curb those practices. However, I think it would be better for me to leave the details to others and simply state my concern that this settlement is a slap on the wrist, and will do nothing to better the software field (or industry as a whole) and is not in the publics best interest.

Sincerely,

Jeffrey M. Hilton

MTC–00022583

From: Regina Keiter
To: Microsoft ATR
Date: 1/24/02 3:11pm
Subject: Microsoft Settlement
Attorney General John Ashcroft
U.S. Dept. of Justice

Dear Sir,

I am writing you today to express my feelings in regards to the settlement that was reached between Microsoft and the Department of Justice in November 2001. This settlement is as fair as possible, and I am anxious to see this dispute resolved. I sincerely hope that superfluous action against Microsoft is ended.

This settlement contains provisions that foster competition and benefit the whole technology industry. Microsoft has pledged to share more information with other companies, create more opportunities for other companies, and give consumers more choices. Under this agreement, Microsoft must design future versions of Windows to make it easier to install non-Microsoft software and must disclose information about certain parts of source codes for Windows.

During these difficult times, one of our highest priorities should be improving our lagging economy. Hindering Microsoft will obviously not achieve this end. Please do not punish Microsoft for pursuing the American Dream. Please continue to endorse the settlement. Thank you for your support.

Regina B. Keiter
HC 1 Box 2100 Birchwood Dr.
Tannersville, PA 18372
reginak@ptd.net

MTC–00022584

From: NB
To: Microsoft ATR
Date: 1/24/02 3:07pm
Subject: Microsoft Settlement—My take on this

To the Department of Justice:

I'm writing to comment upon the settlement of the Microsoft (MSFT) case and the latest development of AOL to sue MSFT. I believe the rapidly changing nature in the computer industry has shown that there was and is a need to allow the marketplace determine the winners and losers in this industry. The DOJ and the various State's AG's suit against MSFT was ill-advised. Events have proved the point that the computer industry changes so rapidly that innovation in its marketplace may lead a vast majority of consumers to gravitate to a particular operating system or platform based upon marketing, but not solely upon the marketing. Whether that platform is competitive comes down to its flexibility, its utility and its pricing.

Do any of you remember what it was like prior to MSFT's Windows 3.0 and 3.1? The various operating systems and the ''barely adequate'' programs that were designed for them led to a fragmented marketplace and a relatively low utilization of the desktop computer. The subsequent adoption of the PC by a vast assortment of people worldwide was a direct result of MSFT's operating system that proved to be the standard because it allowed manufacturers to predictably make peripherals and applications that worked on a machine. This predictability allowed mass production and distribution so that, for example, the 40 Gigabyte hard drive can now be purchased (let alone be produced in the first place) for 100 USD.

The great productivity in the US economy, particularly its service orientation, has been a direct result of the proliferation of the desktop PC. Because of MSFT's adopted defacto standard operating system and its program applications, the PC has become a standard tool in business. No one ordered American business and consumers to make the PC with the Windows operating system the dominant force in PC desktops; they're there because they work and they allow PC communication to occur. For crying out loud, do you think the vaunted Chinese black market would be producing pirated software of anything other than a Windows-based operating system if it didn't work?

Fragmenting this success story by breaking up MSFT and destroying such a success is only to destroy the productivity base that has led the USA to a global leadership position. Of course, this success does have its downsides, too: my bet is that the Al-Queda and Taliban's computers were all Windows based systems and the encoding that has been talked about in the press were all systems that were introduced to the world because they worked so well on the desktop PC...

Finally, having used browsers from their inception tells me once again that DOJ and the other whiners like Netscape and the states'' AGs have a very short memory. Their browser's 1.0 and subsequent generations just plain got better as the revision numbers continued and we who used them migrated to platforms that worked better. What good is it to use something that decreases productiviity and takes hours to get to do something that can be done in a few seconds. Netscape lost in the marketplace of ideas and execution because it wasn't a great product and didn't become a great product. Netscape would have you believe that since they had the dominant browser at onetime, that the legal system should have frozen everything in time so that you and I would be forced to buy Netscape's product then, even though it proved, in time, to be such an inferior product. Has anyone tried to download and install Netscape 4.8 +? It doesn't install correctly even when you follow all their installation suggestions. Has anyone tried using Netscape's vaunted 6.0+...it doen's live up to their own hype!

Don't take us back to days when we had to use white out and re-type something to merely change a misspelling or change a format. In fact, do any of you remember when the PC wasn't used? Like automatic margin resetting and left justification was the rage BEFORE the desktop PC became a standard. The success of the PC and MSFT's innovation has made such archane discussions of ''typing'' a thing of the past, thank God, so no one dwells on paper format changes in business with the EXCEPTION of courts of law: they write books about such in that profession and number their lines while the rest of the world moves on to innovation.

I encourage you to settle this suit against MSFT and allow the marketplace and innovation to move on.

Nathan Watanabe
San Diego, CA

MTC–00022585

From: robertvill@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 3:09pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. T

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Robert Villanova
98 Shenipsit St.
Ellington, CT 06029–4318

MTC–00022586

From: David Roper
To: Microsoft ATR
Date: 1/24/02 3:09pm
Subject: Microsoft Settlement

Sir,

In my opinion Microsoft has flagrantly and repeatedly exploited its effective monopoly on the supply of PC operating systems to eliminate competition in other sectors. For example, it has used its position essentially to eliminate serious competition in the areas

of office automation suites—word processors, speadsheets, e-mail and news readers, contact managers and calendars and personal databases—as well as in the arena of web-browsers. It is now using its position as vitually the sole supplier of PC operating systems to force users to upgrade not only the OS, but also all these essential software applications on a regular basis. May I suggest that any compromise agreement made with Microsoft must include an absolute requirement for Microsoft to:

(a) publish complete and detailed description of the file formats used by all its ''Office'' applications;

(b) to ensure that any changes to such file formats that are required to support new versions of these applications are published at least six months in advance of the production release by Microsoft of the applications; and

(c) adopt, as the default file format for such office application such publicly defined formats as are from time to time issued by bodies such as the World Wide Web consortium (W3C) and the Object Management Group (OMG). As these membership of these organisations is open to all, Microsoft should have no problem with influencing their specifications to ensure completeness and utility.

Yours faithfully,
David Roper mailto:droper@lineone.net
Mountwest 287 Ltd.
Beechwood Manse,
Glenkindie,
By Alford,
Aberdeenshire AB33 8SH
United Kindom
Tel: +44 (0)1330 833882
Fax: +44 (0)1330 833882
Mob: +44 (0)7753 619219

MTC–00022587

From: geenlane@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 3:10pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Elaine Harbour
Drawer 465
Fairview, OK 73737–0465

MTC–00022588

From: jwwf@salisbury.net@inetgw
To: Microsoft ATR
Date: 1/24/02 3:11pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jerry Wiles
4565 Mooresville Rd.
Salisbury, NC 28147

MTC–00022589

From: Chris Blount
To: Microsoft ATR
Date: 1/24/02 3:15pm
Subject: Microsoft Settlement
Dear Sir;

I have written you earlier indicating that this country needs to settle this unfortunate case against Microsoft. I hope that the settlement approved by Microsoft will be finally accepted.

The new development that AOL now sues Microsoft for ''damages'' in the ''browser war'' is only further proof that this case is all about easy money and lawyers and little about competition in the market place.

Being a software programmer I watched my clients willingly one after another at their own initiative begin to increasingly prefer the Microsoft IE browser, not because it was cheaper or even free, but simply because it step-by-step became a more desirable product yielding business efficiencies far in excess of whatever small cost it may have had.

Unless this country wants to spend all of our R&D monies on lawyers and inferior corporate innovation by competitors of Microsoft, I hope that the DOJ will terminate all this now so that we can get back to business as usual.

DOJ should not become the AOL corporate legal (''R&D'') department; nor should DOJ become the vehicle for certain members of Congress to ''buy'' votes in the districts where Microsoft competitors reside.

Microsoft simply makes more innovative products at a better price year after year and that is what consumers want. What is so difficult to understand? Why all this government intervention socialism?

Sincerely yours,
Chris Blount
PO Box 503
Nome, AK 99762

MTC–00022590

From: jsvink80@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 3:11pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jeremy Svinkelstin
20 Huntington Street
Fairlawn, NJ 08901–1002

MTC–00022591

From: Matthew Trumbell
To: Microsoft ATR
Date: 1/24/02 3:16pm
Subject: Microsoft Settlement

I am very much opposed to the proposed Microsoft settlement. Among my many concerns is the settlement's apparent lack of an effective enforcement mechanism. It is my opinion that the settlement should not be approved.

Thank you.
Matthew Trumbell

MTC–00022592

From: Yuen Liang
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/24/02 3:17pm
Subject: Microsoft
To: Department of Justice District Court Judge in Charge of the Microsoft Antitrust case
Dear Honorable Sir:

I am writing to express my support for Microsoft in the ongoing antitrust case that has been filed against the company. Microsoft is a company that created a user-friendly and user-empowering operating system that took the computer out of the hands of the sophisticated few and into the hands of everyone—in schools, in factories, in art, in business. That it has become the dominant operating system and beat its competition by the merits and virtues of the software is the American Way. It's the reason why I chose to live in this country and not in one where arbitrary favors, race, and a patriarch mentality dominate the culture and government. It is un-American to punish a company for doing good and doing it fairly in an open marketplace. (As an aside, I find it of no little coincidence that the biggest complaints about Microsoft are coming from those who wish to take Microsoft's place. The major difference is that they want to do this dishonestly: by forcing Microsoft to go down using a government decree, instead of letting consumers decide.)

Neither I nor my family work for Microsoft. However, I do know that if it were not for Microsoft products I would not be able to function as I do in life, both personally and professionally. I work for a small company which depends on Microsoft products. We freely chose their platform because it is the most user-friendly and powerful for our needs. I resent the fact that the government is telling me—or any one of its citizens, for that matter—what I can or cannot use. And I do not stand by idly letting the government force me to choose one way or the other.

The proper function of government is to protect the right of its citizens and entities to keep the products of labor and creative work, not to subject human rights to arbitrary whim. I expect the United States government to do just that, by protecting Microsoft's right to exist.

Sincerely,
Yuen Liang
Chicago

MTC–00022593

From: m nickle
To: Microsoft ATR
Date: 1/24/02 3:17pm
Subject: Microsoft Settlement

Dear Sir(s)/Madam(s),

As a worker in the technology industry and a student of economics, I have grave concerns about the proposed microsoft settlement. My concerns are as follows:

1.) By allowing Microsoft to participate in the ongoing development and marketing of operating systems, application software and online content, the plantiff is essentially giving Microsoft the ability to continue to leverage its size and monolithic operating structure to intimidate competitors from entering the market.

2.) There are no safeguards put in place to prevent Microsoft from engaging in predatory pricing schemes to gain marketshare. As we have seen with their entrance into the Internet browser and multimedia server tools markets (media server), these dumping practices have an adverse affect on the competitors while reinforcing Microsofts illegal monopoly.

3.) By allowing Microsoft to continue to develop and market the leading software development environment (>85% market share), the government is allowing the defendant to continue to bundle proprietary APIs that are detrimental to a competitive market. The solution that I would suggest is that Microsoft should be compelled to segregate their content (passport, MSN, Xbox), operating systems and application groups.

Ideally this would be accomplished by appropriately dividing the company into seperate corporations. Alternatively these divisions could be turned into seperate operating companies under the same corporate umbrella. The former proposal would probably have the least impact to shareholders since the value of the various groups would be dispersed to them through new share issuances. Ideally, these mini-Microsofts would be positioned to potentially compete against one another rather than collude as has been the case.

Thank you for the opportunity to comment on this ongoing issue.

Very respectfully,
Michael Nickle, CISSP

MTC–00022594

From: Kevin Soukup
To: Microsoft ATR
Date: 1/24/02 12:15pm
Subject: Microsoft Settlement

As a consumer and a United States Citizen (encouraged to follow the laws of this land and willfully do so) I am absolutely appalled that our US Government is considering settling the case (United States v. Microsoft) without actually punishing them. They're convicted monopolists and our Government is going to encourage their activities by doing nothing!? When President Bush took office, what did he do, call you guys and tell you to quit interfering with his friends or something?

Is that what President Bush is all about, big business? Why doesn't he just come out and say that he doesn't give a crap about the little people in this country and only cares about the powerful RICH people that bought him into the Presidency.

I fully disapprove of the settlement and reference the following since they say it do much more elegantly than I ever could.

The PFJ doesn't take into account Windows-compatible competing operating systems.

http://www.kegel.com/remedy/remedy2.html#abe

Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

The PFJ Contains Misleading and Overly Narrow Definitions and Provisions. http://www.kegel.com/remedy/remedy2.html#def.a The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

http://www.kegel.com/remedy/remedy2.html#def.j

The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

http://www.kegel.com/remedy/remedy2.html#def.k

The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware. http://www.kegel.com/remedy/remedy2.html#def.u The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertised as being ''Windows Powered''.

http://www.kegel.com/remedy/remedy2.html#info.requirements

The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

http://www.kegel.com/remedy/remedy2.html#info.timing

The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

http://www.kegel.com/remedy/remedy2.html#info.use

The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

http://www.kegel.com/remedy/remedy2.html#info.formats

The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

http://www.kegel.com/remedy/remedy2.html#info.patents

The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft.

http://www.kegel.com/remedy/remedy2.html#isv.oss

Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

http://www.kegel.com/remedy/remedy2.html#isv.atl

Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

http://www.kegel.com/remedy/remedy2.html#enterprise

Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)

The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft.

http://www.kegel.com/remedy/remedy2.html#caldera

Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems. The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs.

http://www.kegel.com/remedy/remedy2.html#oem

The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

http://www.kegel.com/remedy/remedy2.html#oem

The PFJ allows Microsoft to discriminate against small OEMs—including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

http://www.kegel.com/remedy/remedy2.html#oem.mda

The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

http://www.kegel.com/remedy/remedy2.html#enforcement

The PFJ as currently written appears to lack an effective enforcement mechanism. We also agree with the conclusion reached by that document, namely that the Proposed Final Judgment, as written, allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

Join 18 million Eudora users by signing up for a free Eudora Web-Mail account at http://www.eudoramail.com

MTC–00022595

From: Alan L. Liu
To: Microsoft ATR
Date: 1/24/02 3:15pm
Subject: Microsoft Settlement

Greetings,

I am sending this email to state that as a U.S. citizen, I am against the proposed Microsoft antitrust settlement, which I believe to be too lenient on the software company.

Linchuan Liu
Mountain View, CA

MTC–00022596

From: QiTanya@netscape.net@inetgw
To: Microsoft ATR
Date: 1/24/02 3:12pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Tanya Altmeyer
7979 E. Princess Dr.
Unit #26
Scottsdale, AZ 85255

MTC–00022597

From: Gail Beddow
To: Microsoft ATR
Date: 1/24/02 3:16pm
Subject: Microsoft Anti-Trust Settlement

I received a mailing giving this as the e-mail address to which send comments on the proposed Microsoft settlement. The organization gave the following as the mailing address (just to make clear for whom this message is intended):
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

The organization encouraged me to support the settlement, but I do not. I sent this letter to the Illinois Attorney-General last November:

I have been a software developer for over thirty years. I can assure you that Judge Thomas Penfield Jackson's findings of fact in the Microsoft Anti-Trust case were entirely correct. I IMPLORE you not to agree to the latest proposed settlement.

The core of the case is that Microsoft has mis-used its dominance of the operating system market to exclude competitors from the applications software market. Their contention that an Internet browser is properly part of the operating system, rather than an independent application, is preposterous. Their deliberately non-standard implementation of Sun's licensed Java language, designed to make competitors'' software unusable under Microsoft's operating systems, is outrageous. Their practice of incorporating independly-developed applications into later releases of their own products without compensation to originators (not addressed in the suit, and widely-believed in the software community to be accomplished by reverse-engineering) is deplorable.

The net effect of their depredations has been to decrease variety and increase costs in the applications market, to the detriment of the citizens of this state.

Again, I ask you to reject the latest proposed settlement.

Sincerely,
Gail Beddow
√Gail Beddow Chicago, IL
√Mainframe, PC, and Internet Consulting √
√e-mail: feaudrey@prodigy.net √homepage:
√ http://pages.prodigy.net/feaudrey

MTC–00022598

From: EndresJA@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 3:15pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Julie Endres
1213 E. Gunn St. #6
Appleton, WI 54915–2793

MTC–00022599

From: Calvin Harrigan
To: Microsoft ATR
Date: 1/24/02 3:19pm
Subject: Microsoft Settlement

I would like to opine that the proposed settlement between the 9 states, the DOJ, and Microsoft is a bad idea. It does not even qualify as a slap on the wrist. If it does anything, it allows Microsoft more presence in a different market. One possible remedy might be, to force Microsoft to open its file formats, all formats, not just some that are rarely used. Thank you for you time.

Sincerely,
Calvin Harrigan

MTC–00022600

From: John Wagenseil
To: Microsoft ATR
Date: 1/24/02 3:17pm
Subject: Re: Microsoft Settlement

Dear Sirs, Now AOL is going to sue Microsoft. Is it endless? What a joke.

All the lawsuits should be dismissed as frivolous.

I wonder if any of the States suing Microsoft have ever had an Anti-Trust suit against anybody before. Hey let's all get together and sue the rich guys, they can afford it. Why, Mcdonalds can afford hundreds of thousands because the coffee was to hot, so Bill can afford to hand out some money.

AOL has a bigger market share of Internet action than Microsoft, how can they say Microsoft is being unfair.

Everybody wants to beat Bill, to get his Billions, and nobody worries what happens to the consumer. My daughter decided to use AOL Messenger a couple of years ago because her friends did, and AOL Messenger would not talk to the her Microsoft E-mail. But they could talk to her!!!! Bill's product was compatible!.

The whole problem is compatibilty. Nobody wants to be compatible except Bill.

Leave Bill alone.

Regards,
Jww

MTC–00022601

From: casey hutchinson
To: Microsoft ATR
Date: 1/24/02 3:18pm
Subject: Microsoft Settlement

I write to you with the bias of someone who owns several computers and no Microsoft products. Microsoft is not a productive monopoly. Their drive for innovation serves only to isolate themselves in the market. They continue to put out upgrades which are mandatory and products which they create a niche for, with neither being useful to customers.

If microsoft is fined then those dollars should be channeled into Free software, but

even that would be a poor way of dealing with this. Microsoft must be forced to sell their products to OEMs at one price for all, no discounts and no restrictions (excepting a one copy one computer license), they must especially be prevented from punishing OEMs who choose to ship computers pre-installed with a Microsoft operating system, and a competing (or Free) operating system.

Furthermore I feel that as Microsoft forbids the resale of Windows licenses by end users, then they should be forced to buy back any copy of Windows at original price. Not only for currently selling computers where the buyer wishes to run a competing (or Free) operating system, but for outdated copies that legally upgrading customers were not allowed to sell on the open market.

I thank you for your time encorage you to seek a speedy but fair resolution to this case.

Casey Hutchinson,
125 Pacheco Ave.
Santa Cruz, CA 95062

MTC–00022602

From: geenlane@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 3:14pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Elaine Harbour
Drawer 465
Fairview, OK 73737–0465

MTC–00022603

From: Howell4619@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 3:16pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jerry Ball
113 Conly Drive
Pineville, LA 71360

MTC–00022604

From: Margaret Cook
To: Microsoft ATR
Date: 1/24/02 3:18pm
Subject: micosoft anti-trust

Stop the ridiculous persecution of Microsoft. What have they ever done except excel at business and creating superior products. Netscape and the others should be ashamed and so should the government.

Microsoft has created jobs and opportunity for thousands of ordinary Americans so leave them alone. Success should be rewarded not persecuted! This is still America!

MTC–00022605

From: marika_46845@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 3:18pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Marilyn Kahn
508 Elektoy Way
Fort Worth, TX 76108–4630

MTC–00022606

From: Bruce Brodnax
To: Microsoft ATR
Date: 1/24/02 3:20pm
Subject: MS settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Bruce Brodnax
Laguna Niguel, CA

MTC–00022607

From: dorganus@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 3:18pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Don Organ
280 squire pl
Corona, CA 92879

MTC–00022608

From: irishind@netins.net@inetgw
To: Microsoft ATR
Date: 1/24/02 3:17pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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This is just another method for states to get free money, and a terrible precedent for the

future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Thomas Fitzgerald
412 178th AVE
Carlisle, IA 50047–9475

MTC–00022609

From: mhb73@netzero.net@inetgw
To: Microsoft ATR
Date: 1/24/02 3:18pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Miriam Boston
12552 Reaves Road
Winter Garden, FL 34787–5501

MTC–00022610

From: blumling1@att.net@inetgw
To: Microsoft ATR
Date: 1/24/02 3:19pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Mary Lou Blumling
6 Ewing Street
Oakdale, PA 15071–2115

MTC–00022611

From: Kirt Thiesmeyer
To: Microsoft ATR
Date: 1/24/02 3:22pm
Subject: Microsoft Settlement

Sirs:

I am opposed to the settlement, or anything else that permits MS to return to business as usual. They are so big and so powerful that they are able to throw corporate responsibility out the window. They make a terrific product, Windows. They deserve their market share because of the excellence of the product. BUT their attempts to dominate other markets by tying Windows use to other products is despicable, highly anti-competitive and destructive of American enterprise. Microsoft is too glib about being the public's friend and about donating software in huge amounts (suggested ''retail'') when it costs them almost nothing, for the free publicity. I think the government should see through these shams.

I would like to see a conditional settlement that puts them on probation, subject to a review in five and ten years to see if MS is participating in healthy competition or still mis-using their monopoly power. Anything less, given their money, power and creative genius, is going to result in a few shifts of emphasis and then business as usual—which means driving out other innovators. That should not be allowed.

Kirt Thiesmeyer
Glendale, CA

MTC–00022612

From: markjamesn@mac.com@inetgw
To: Microsoft ATR
Date: 1/24/02 3:24pm
Subject: Microsoft Settlement

Microsoft's greed and egotism has led to its anti-trust trial(s). Please stem and correct this software company's blind eye to the consumer, who deserves more in terms of options, quality and concern in the personal computing world: adopt a more appropriate settlement, where the inevitable justice awaiting Microsoft is finally served.

Sincerely,
Mark Newlon

MTC–00022613

From: John Robert Boynton
To: Microsoft ATR
Date: 1/24/02 3:22pm
Subject: Microsoft Settlement

I've been a programmer and publisher since the mid 1980s. Since 1995 I've worked in the internet industry for companies around the San Francisco Bay; writing web applications for companies such as Etrade, Sun, and numerous startups.

I have several comments about obvious flaws the proposed settlement, and a suggestion for a small, verifiable behavioral constraint on Microsoft that could reduce its ability to compete unfairly in the browser market. Regarding the settlement....

The proposed settlement in this case appears on the face of it to be as preposterous as the proposed settlement in the civil case. There the proposed punishment for unfair competition was to give away Microsoft software, thereby gaining market share. Here, Microsoft can eliminate competitors with impunity by claiming it is for ''security''. One significant bit of competition Microsoft faces is from open source software. Samba and Linux, for example, provide workable file and print sharing—that would otherwise require purchasing Microsoft servers. Samba and Linux are cheaper and more reliable than Microsoft products. The proposed settlement requires Microsoft to share information, but specifically exempts them from sharing information with open source projects, and requires software developers to pay for ''third-party verification''. Open source projects use their large customer and developer bases for ''verification''.

We have a fair amount of experience with Microsoft's behavior with respect to legal settlements. With Gates as instigator, they have flouted and mocked every settlement. This settlement gives them a loophole that they don't have to share information related to security. Well, surprise! Now after years of ignoring security, and using lack of security to eliminate competitors, Gates says it's all about security. Who could look at Microsoft's record and believe they won't use the word ''security'' as a reason to avoid sharing information with potential competitors?

I trust that the judicial system's review of the settlement will reject the obviously wrong-headed elements of the settlement, and insist on some mechanism that publicly identifies and then stops Gates'' attempts to defy the settlement. I presume this would mean rejecting the proposed settlement outright, and incorporating many of the points in a new settlement— without the loopholes, and with oversight that holds MS publicly and legally accountable.

Regarding a new condition.... I have a suggestion for an easily verifiable condition: all web pages on all Microsoft websites should validate according to the w3c.org validators. MS has already tried to exclude non-Microsoft browsers from their websites. In the face of widespread publicity during the settlement phase, they made a pretense of allowing other browsers access to their sites. If all of Microsoft's websites must validate, MS can't gain an advantage over other browser makers by making MS websites inaccessible to other browsers. ''Can't'', of course, is too strong a word. If they were also required to follow standard accessibility guidelines, there would be less room to cheat. Since Microsoft can test web pages before publishing them to a website, the fine for publishing invalid web pages could be very high. Since anyone with an internet connection can test the validity of any web page, there is little room for Microsoft to hide from this aspect of a settlement. Obviously, Microsoft's billion+ dollar per month net profit means they could afford to pay fines. Telco's—with their regional monopolies—seem to prefer paying fines over allowing competitors'' access to necessary infrastructure. Small, set fines with no other enforcement mechanism aren't likely to change MS's behavior.

Requiring valid html pages on Microsoft websites is a relatively small step toward insisting on fair competition in the browser market, but it would be useful, and easy to verify.

MTC–00022614

From: Nick Belli

To: Microsoft ATR
Date: 1/24/02 3:23pm
Subject: Microsoft Settlement
To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement.

I am opposed to the settlement proposed by Microsoft. I feel the settlement would be very detrimental to education and fail to address the anti-competitive actions of Microsoft. As a elementary school district technology coordinator, I have been involved in implementing computing solutions for instructional and operational uses. The monopolistic nature and anti-competitive actions of Microsoft have forced us to make certain technology decisions that we would rather not have made. In my opinion, Microsoft's domination of the computer market has harmed educational users and consumers.

My district has several schools with over eighty percent of the students receiving free or reduced lunches. We certainly fall in the target group of schools the proposed settlement proposes to assist. We do not need more used computers. Too many businesses think computers that no longer have any value for them will be valuable to a school. In certain circumstances, that is true but usually the computers are more trouble than they are worth. The computers address the businesses'' desire for to help (or more cynically, get a tax write off and get rid of old equipment without the expense of paying someone to pick it up and dispose of it.) We need to be able to chose equipment and software that meets our needs and situations.

I think any settlement should take into account the following points: Any settlement should encourage competition, not help Microsoft dominant yet another market.

If schools are to be the beneficiary of the settlement, make the settlement a cash settlement. Remove hardware and MS software from the settlement and allow schools to freely chose between Windows, Macintosh, and Linux solutions.

Nick Belli
Information Services Coordinator
Salinas City Elementary School District
840 South Main Street
Salinas, CA 93901
831–784–2252 voice
831–784–6893 fax
00022614_0002

MTC–00022615

From: Doug Sherman
To: Microsoft ATR
Date: 1/24/02 3:24pm
Subject: Microsoft Settlement

Dear Sir or Madame:

I am writing in support of the proposed settlement in the Microsoft antitrust case. It is imperative that this matter be settled fairly and as swiftly as possible. Resistance by state governments who continue to insist upon a break up or massive financial penalties will only serve to cripple Microsoft, thereby injurying individual consumers and businesses alike.

Most PC users are far more sophisticated than either the trial court or the Court of Appeals was willing to recognize. In 1995 neither Microsoft nor Netscape, or AOL for that matter, ever even tried to make a profit from web brwsers. Microsoft gave IE away as part of the operating system. Netscape was always a free download, and every modem manufacturer included a copy with its product. AOL repeatedly mailed its proprietary browser to every household in America.

By the release of Windows 98, IE 4.0 had features comparable to Netscape; but users continued to prefer Netscape because it was faster for dialup browsing. However, the emergence of lost cost broadband service made such speed differences trivial. Netscape failed to respond to new hardware technology and consumers no longer had a reason to sit through a 15 MB download.

Most PC users are perfectly capable of and experienced in ''sophisticated'' operations, such as installing Windows. Had the trial court or the appellate court had the simple experience of the average user, there Windows. Had the trial court or the appellate court had the simple experience of the average user, there would have been a finding that the default installation of Windows 98 placed an icon on the desktop which provided direct links to AOL, Compuserve, Prodigy and other online services.

None of these findings were made, and there has been no recognition of the enormous benefit to both individual consumers and businesses of having a nearly universal operating system. The widespread use of Windows results in a compatability benefit which vastly reduces the cost of hardware and third party software. The comparison with Apple, which has a 100% monopoly on both operating systems and hardware, is not favorable. Mac users are repeatedly victimized by Apple's refusal to provide backward compatability.

The balance between abuse of monopoly power and benefit to the consumer might be different if Microsoft had a history of large dividend payments to shareholders and exorbitant pricing for 3 or 4 year old operating systems. This is not the case. Microsoft does not pay dividends; its research and development is the envy of the industry; and it provides cutting edge products at reasonable prices.

Any penalties severe enough to cripple Microsoft's ability to continue to improve its products risks destruction of American leadership in the PC industry. Individual consumers, businesses of all kinds, programers and other IT professionals rely upon and benefit from a strong and innovative Microsoft.

Douglas Sherman

MTC–00022616

From: Brian Bacon
To: Microsoft ATR
Date: 1/24/02 3:21pm
Subject: Microsoft Settlement

The proposed settlement is not a good one. Any acceptable settlement will NOT be made buy the lawyers of Microsoft.

MTC–00022617

From: thorson@magma.aster.com@inetgw
To: Microsoft ATR
Date: 1/24/02 3:25pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW Suite 1200 Washington, DC 20530–0001

Dear Renata,

I have been a software engineer for the last 19 years applying my expertise in the Scientific, Educational and Defense industries. My experience includes a broad spectrum of computer equipment at every level from massively parallel super computers, to Unix systems , all the way down to the Macintosh, Linux and Microsoft desktop systems. Over the years my purchases have been greatly affected by the growing monopoly nature of the Microsoft operating system. I have, at times, been forced by vendors to purchase dozens of copies of Windows which I didn't need nor use. There have been times where I could not purchase Intel based hardware without MS Windows at ANY mainstream vendor.

You can see where this could cause great frustration to someone who is trying to be financially responsible with public funds. When the US courts declared that Microsoft was a monopoly and had participated in unfair trade practices, I was elated. Finally, something would be done about them.

Now, I understand that there is a proposed settlement called the Tunney Act. I have read much about this proposed settlement but find it greatly lacking. It seems to try and address (much too late) the few infractions that were brought up in the anti-trust hearings but does nothing to change the years and years of disgusting strong-arm business practices. I am appalled that some states would even consider this document that looks like it may have been written in Redmond,WA. Be aware that if Microsoft's practices aren't changed now it will be much more difficult when they have control of every part of your daily business.

I am writing this to express my support of the nine states who refused to sign the settlement and hope they are successful in forcing a settlement that truly addresses the problem.

Also, in my search for Tunney Act information I came across an essay written by Dan Kegel. This essay is a ''must read'' for anybody involved with this case and I personally agree with it. You can find the essay this at this location: http://www.kegel.com/remedy/remedy2.html

Thank you.

Bill Thorson
Engineer/Scientist
Mission Research Corp.
Fort Collins, CO

MTC–00022618

From: Rick Bronson
To: Microsoft ATR
Date: 1/24/02 3:26pm

Subject: Microsoft Settlement

Dear Sirs,

The proposed final judgement on Microsoft is too lenient. Microsoft has repeatedly engaged in criminally monopolistic activity, and it needs a judgement severe enough that it will be dissuaded from more criminal behavior in the future.

The proposed final judgement is too narrow. It treats specific symptoms, some of which are already obsolete, but it does not attack the root of the problem. It should restrict Microsoft's ability to use its PC monopoly to enter new markets, but it does not. It should restrict Microsoft's ability to shut out competing software vendors in the PC market by requiring Microsoft to release API information well before software using those APIs is released, but it does not. It should specify how it will be enforced, with Microsoft bearing the burden of proving it is not abusing its monopoly powers, but it does not.

Most importantly, Microsoft should be prohibited from discriminating against open source software. Microsoft should be required to make its APIs available to the public, not just to licensees. Microsoft should be specifically prohibited from licensing any of its products in ways that exclude open source software.

Thank you,

Rick Bronson

Rick Bronson rick@efn.org Tel 541–485–7264

Amazonia Computing http://www.efn.org/rick

5050 Donald Street

Eugene, OR 97405

MTC–00022619

From: Bill Sawyer

To: Microsoft ATR

Date: 1/24/02 3:24pm

Subject: Microsoft Settlement

The settlement proposed by the Justice Department is hardly a slap on the wrist for Microsoft. More sever sanctions need to be imposed to ensure that Microsoft's monopoly does not continue to harm the market. For example, the ''security clause'', which allows Microsoft to choose not to disclose API information if the company believes it may endanger the security of the OS, is laughable at best. The architecture of the Operating System would, according to such terms, ensure that NO data is released to competitors and third-party developers. By tying in technology such as ActiveX and Visual Basic for Applications into the core of the operating system, the company has created intrinsic security problems in their software. EVERY part of the OS could be construed as insecure. Furthermore, the tying in of components is another reason why harsher sanctions must be levied against Microsoft. By forcing the user to use the Microsoft graphical user interface, the Microsoft Internet Explorer, the Microsoft Windows Media Player, etc., the company both makes competition difficult, if not impossible.

Under the US DMCA, competitors are not allowed to reverse engineer MS Windows, as it would undermine Microsoft's technological protection measures. As such, the only way for competitors to remain afloat is to learn about the ''hidden'' APIs and system calls in Windows, which will only come about through a court-ordered release of source code and proper, thorough documentation unhindered by restrictive non-disclosure agreements.

Finally, a settlement or court-ordered sanction should require Microsoft to re-engineer all further versions of it's operating system and software to be modular. Should a consumer wish to remove Outlook Express, Internet Explorer, or Visual Basic and the Windows Scripting Host, he or she should be able to do so easily.

Microsoft has been in the business of taking over the market via their monopolistic practices—not in the business of developing a secure operating system. To ensure that competition occurs throughout the market place, the suggestions outlined above, as well as the suggestions of numerous other groups, such as the Electronic Frontier Foundation and GNU, should be given heed.

Bill Sawyer

371 Centennial Hall

Truman State University

Kirksville, MO 63501

MTC–00022620

From: Peter Denniston

To: Microsoft ATR

Date: 1/24/02 3:24pm

Subject: Feedback on Tunney Review Period of the Microsoft case

Dear Sir:

I am writing to let you know I am very concerned about the continued persecution of Microsoft by its competitors as represented by the 9 states who have indicated they are not going to sign the settlement. I have reviewed the settlement and it seems fair. I am not a legal expert, but I do work in the computer industry and I can tell you that Microsoft has done a lot more good than harm in the industry.

*It has established standards that allow consumers to choose from a variety of different products which has driven prices down (look at the prices of comparibly priced computer peripherals on the Mac market, a closed system, and you will see what I mean).

*Consumers benefit from Microsoft's giving away a browser in its operating system. It doesn't charge extra for the browser and you can always get free updates from their website. Although there are plenty of other browsers out there, both free and commerical, the reason that Internet Explorer has done so well is it is an excellent product that is continually updated with the latest features and security fixes. Yes, it has helped Microsoft to distribute the browser in their operating system. If it wasn't any good however, people wouldn't use it. How many professional designers use Microsoft Paint which is also included in the operating system? Not that many—it is not a distribution issue, it is a quality issue. Why don't people use Netscape? It is a crappy browser that hasn't kept up with industry standards and AOL hasn't done anything to make it better since they acquired the product in the middle of this lawsuit.

Please do not let a bunch of companies use litigation to gain unfair advantage against Microsoft. Other companies should by all means have the right to sell their products to OEMs for inclusion in their bundled systems. They should not however have:

* The right to be distributed with Microsoft product media however unless they mutually work out a deal

* Additional protections from Microsoft competition Consumers and Microsoft are being unfairly hurt by this lawsuit. Litigation must be a huge distraction for the company and its having to be overly sensitive to everything it does must make it very difficult for them to get new products to market.

In my opinion Microsoft have never overcharged consumers for their operating systems. It takes a lot of code to get computers to a baseline where it is easy for programmers to write applications that perform the tasks that we all depend on so much. Even if this in itself was easy (which it is not), the process of establishing standards and consensus amongst the OEM and IHV community is extremely difficult. It is truly amazing what they have accomplished with the industry since the days of the DOS operating system. Having said all this, I do agree it is important to have oversight to prevent unfair competition. An equitable settlement has been reached, an oversite body established, now it is time for the other states to sign the agreement.

Thank you for considering my opinion.

Sincerely,

Peter Denniston

Join the world's largest e-mail service with MSN Hotmail. http://www.hotmail.com

MTC–00022621

From: Phil Burk

To: Microsoft ATR

Date: 1/24/02 3:25pm

Subject: Microsoft Settlement

As a member of the Information Technology sector, I believe the proposed settlement to be a VERY bad idea.

Thank you,

Phil Burk

MTC–00022622

From: Dan

To: Microsoft ATR

Date: 1/24/02 3:29pm

Subject: Microsoft Settlement

I have a hard time understanding how in good conches you can let Microsoft off with so little if any penalty. For the good of the people Microsoft needs more than a finger waved in its face. I implore you to stop Microsoft's monopoly and anti completive practices before they do more harm.

MTC–00022623

From: Kevin Church

To: Microsoft ATR

Date: 1/24/02 3:25pm

Subject: Microsoft Settlement

I believe the current proposed settlement in the Microsoft case will do nothing more than hurt the American consumer more than ever.

Please reconsider.

Kevin J. Church

beaucoup@waste.org

MTC–00022624

From: Joe Provo

To: Microsoft ATR
Date: 1/24/02 3:24pm
Subject: Microsoft Settlement

To Whom It May Concern,

The 'proposed final judgement' in United States v. Microsoft is unsatisfactory. The terms by which Microsoft must abide do very little to keep healthy competition alive, and do absolutely nothing to prevent Microsoft from resuming their abuse practices of thwarting interoperability.

Furthermore, Microsoft's ''payment'' in the form of self-promotion in a market they are demonstrably weak [education] is transparent. They are not wholly responsible for this payment and should be; their contribution is a trivial drop in their corporate coffers. If this form of ''restitution'' is to be implemented, they should be required to provide FUNDS to educational entities such that the educational institutions can perpetuate whatever existing standards, programs and vendor relationships they currently have. This would also give the educational entities the option of persuing used or new equipment as their plans allow. Foisting Microsoft cast-offs onto educational entities as a ''gift'' is a blatant grab for a market in which Microsoft does poorly.

Sincerely,
Joe Provo
Network and computer professional since 1990
107 Marked Tree Road
Needham MA 02492
crimson@sidehack.gweep.net
* jprovo@gnu.ai.mit.edu
* jzp@rsuc.gweep.net
RSUC / GweepNet / Spunk / FnB / Usenix / SAGE

MTC–00022625

From: Dick Shoemaker
To: Microsoft ATR
Date: 1/24/02 3:25pm
Subject: Microsoft Settlement

Dear Sir,

I feel the state and federal governments are over reacting to Microsoft. This is a new time where new technology lasts only a few years. It is a new age. Microsoft has made wonderful new products and has controlled the market because their product is better. I think their prices have been fair given their research and development. Let Microsoft continue to develop their products. They are a large reason that the US is ahead of the world in this area. We should not punish companies for innovation. Judges that don't understand email have sent this case way out of line. Government that doesn't understand email and the short time that software products have the market are hurting our economy. This has gone on way to long.

Sincerely,
Dr. George R. Shoemaker
5510 Ponderosa Drive
Edinboro, PA 16412
cc: Senator Rich Santorun

MTC–00022626

From: Jerry Garren
To: Microsoft ATR
Date: 1/24/02 3:27pm
Subject: Microsoft

I strongly disagree with this plan to reward Microsoft for their illegal anti competitive actions.

Jerry Garren
1595 LOVR 26A
Los Osos, CA 93402

MTC–00022627

From: Aaron Gee
To: Microsoft ATR
Date: 1/24/02 3:21pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I'd like to take a moment to comment on the proposed final judgment in the United States vs. Microsoft case. There appears to be some very serious flaws on the current proposed final judgment. Considering Microsoft's past failure to abide by any agreement made with the government, the lenient remedies with serious loopholes is all the more baffling. Below I will outline some very basic points that I feel have not been addressed in this agreement.

1. The Proposed Final Judgment does not prevent Microsoft from raising artificial barriers against non-Microsoft operating systems designed to communicate with machines running a Microsoft Operating System. The failure to even try to offer this rudimentary protection for companies trying to build products aimed at communicating with windows based machines seems to be a serious oversight. Without this sort of protection Microsoft is free to use it's monopoly power to illegally gain market share in different another market segments by virtue of the desktop. This leads to an extension of Microsoft monopoly and crushes competition and innovation.

For example: MS makes a change to their web browser that causes the browser to no longer display pages from apache web servers correctly. This nuance in the software can be touted as a ''feature'' because (for example) it allow a Microsoft IIS server to add some new multi-media content to web pages. In one stroke Microsoft has made every new system (and many older ones that automatically upgrade) incompatible with the majority of web servers on the planet. If one would like to see information from those server correctly they would have to A. download a non MS product, or the server would be forced to use a MS product. Since most end users would not want to incur the added expense or time to D/L another product, service providers are forced into using IIS if they are to deliver content to their customers.

2. The definition of ''middle ware'' is very different from the definition that was published in the ''Findings of Fact''. With the new definition Microsoft can easily make a change to almost any program considered middleware now so that it does not meet the new definition. Then Microsoft can and will (based on their historic record to date) withhold information critical for others to develop middleware products for the MS operating system.

These are only 2 items in a long list of things I think are lacking in the current proposed final judgment. I hope that the government will continue to try and protect the consumer against illegal practices. Only through strong enforcement of our current anti-trust laws can we protect our ability as a nation to innovate, and remain the competitive economic powerhouse country it is.

Aaron Gee
Chief Technical Officer
BestNet of Palm Coast
Palm Coast FL

MTC–00022628

From: Gail Henrichsen
To: Microsoft ATR
Date: 1/24/02 3:28pm
Subject: Microsoft

I have used computers since before DOS. Until Microsoft developed a uniform system by which software manufacturers could be relatively sure that a large segment of the public and business world could work from uniformly, there was chaos. I am at a loss to understand why the government is allying itself with a competitor of Microsoft and in the process killing the golden goose.

What would the government like? Maybe it would be fun to ruin Microsoft so it goes bankrupt and then the software companies that base their programs on their operating system go bankrupt and finally we all have to learn a new system and ditch all our present programs? At that point home users will just return to watching TV.

Why not concentrate on the utility companies for awhile? Let's see- messed up ATT, lots of techies out of work, unemployment rising—- must be some more mischief you can work!

Yes, I am an old lady but that means I remember a lot of history.

Gail Henrichsen
Thousand Oaks, CA

MTC–00022629

From: Donald Pothier
To: Microsoft ATR
Date: 1/24/02 3:28pm
Subject: Microsoft Settlement

Please be advised that I wish to be numbered within that growing mass of citizens that are appalled that the DOJ would consider to settle in a case where the defendant is so blatantly guilty of violating the rights of the American public by restricting the free enterprise system through coercion of other potential suppliers.

Microsoft seems to be using its ill gotten gains very effectively to overwhelm anyone, including the US government, that tries to limit the MS dominance of the computer marketplace, or even for potential competitors to share in this market on a level playing field .

Please do not settle with Microsoft until and unless their unfair business tactics are curtailed.

Donald F. Pothier
Fort Pierce, Florida
Retired but a regular user of PCs and associated Software

MTC–00022630

From: Jerry Garren

To: Microsoft ATR
Date: 1/24/02 3:27pm
Subject: Microsoft

I strongly disagree with this plan to reward Microsoft for their illegal anti competitive actions.

Jerry Garren
1595 LOVR 26A
Los Osos, CA 93402

MTC–00022631

From: erlemarg@caltel.com@inetgw
To: Microsoft ATR
Date: 1/24/02 3:25pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
ERLE HOWERY
5028 Kiva Drive
P.O. Box 520
Copperopolis, CA 95228

MTC–00022632

From: Chad Smykay
To: Microsoft ATR
Date: 1/24/02 3:30pm
Subject: Microsoft Settlement

I completely disagree with the settlement agreed put forward. Especially the part about the education. While I don't have a problem in the short term of the contract for Microsoft the issue support and/or operating systems for schools I have a problem with it in the long run. What is going to happen is that they will be able to pull all schools in America in to deals that they might not necessary lead.

Please do not pass this settlement without reviewing other options.

Kind Regards,
Chad Smykay
Rackspace Managed Hosting
210–892–4025 ext. 1249
http://www.rackspace.com

MTC–00022633

From: jrrwoodjr@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 3:27pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Joe R Wood, Jr.
607 Ridgeview Cir
Rocklin, CA 95677

MTC–00022634

From: tlittlejohn@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 3:26pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Thomas Littlejohn
27181 Calle Juanita
Capistrano Beach, CA 92624–1063

MTC–00022635

From: Mark S. Irle
To: Microsoft ATR
Date: 1/24/02 3:28pm
Subject: Comment on the Microsoft-DOJ Settlement

Judge Kollar-Kotelly:

The Microsoft-DOJ settlement echoes the punchline ''Stop, or I'll say stop again!'' in the old joke about an unarmed British Bobbie attempting an arrest of a fleeing thief. John Ashcroft's toothless capitulation to Microsoft in this case reminds me of Neville Chamberlin waving his Munich Pact in the wind. While Bill Gates publicly managed to hold his post announcement glee down to his trademark arrogant smirk, privately this appeasement must have him laughing at our ''Justice'' harder than Hitler did at the Brits and French.

Bill Gates and Microsoft are notorious for never signing any contract, entering into any agreement, partnership, or settlement, or seeing any court order he felt obligated to honor (remember, this case started when Microsoft refused to obey its earlier ''settlement'' with the Justice Department). Ashcroft has given new meaning to the counter-cliche ''snatching defeat from the jaws of victory,'' and the losers are us. He sold us out to a criminal organization, freeing them to turn the screws on us, and from here forth we will pay, and pay, and pay.

This settlement is riddled with more holes than the security of a Microsoft Operating System. Nothing in it will stop us from having to pay the ''Microsoft Tax'', forcing us to buy Microsoft's overpriced, ever expanding operating systems bloated with his bundled software along with other Microsoft products when purchasing a computer even if we don't want them, have no intention of using them, and with no recourse for returning them.

Nothing in this settlement will stop Microsoft from demanding that we keep giving them more and more of our personal information to even activate their operating systems, using that information to track and profile us on the internet while selling our information to any cohort willing to pay his price.

Nothing in this settlement will stop Microsoft or their minions from storing our information on his infamously insecure systems, leaving it unshielded from any thieving crackers, phreaks, and lamers that would steal it.

Nothing in this settlement will stop Microsoft from continuing to co-opt or steal any innovation that suits them and destroying any software developers that might threaten their dream of global information system dominance. Nothing in this settlement will stop Microsoft's relentless drive to conquer the internet and make the web their own exclusive proprietary marketplace that we will use only how Microsoft allows us to use it, for which they will make us pay dearly. The possession and control of information is the greatest force in the world today, far more powerful than money, weapons, or energy, and Microsoft will not let some farcical settlement with some trifling government stop their hell bent drive to acquire and command every bit of that power they can capture for their own.

If you accept this agreement, we will be assimilated. Our resistance will be futile.

Mark S. Irle
IT Director
Standard Equity Agency
Suite C–45
5901 Peachtree-Dunwoody Road
Atlanta, GA 30328–7155

MTC–00022636

From: Jeffrey Wescott
To: Microsoft ATR
Date: 1/24/02 3:26pm
Subject: Microsoft Settlement

The current settlement with Microsoft is a disgrace. It is exactly this ''slap on the wrist'' type of behavior that makes us all slaves to corporate interests. As a software professional, I am truly concerned at what this settlement will bring to the industry.

++jeff

MTC–00022637

From: Dan Jansen

To: Microsoft ATR
Date: 1/24/02 3:29pm
Subject: Microsoft Settlement

To whom it may concern:

As a concerned member of the voting public, I find the Microsoft anti-trust proceedings troubling.

Microsoft appears to be attempting to coerce the outcome of the trial to help make the company an even bigger seller of software than they were before the proceedings began. By attempting to capture a significant percentage of the educational market for software, by effectively dumping products into school systems, Microsoft will be shaping the expectations of new users at a very early age, impressing on them that a computer ''should look, feel, behave, and present in a particular fashion''.

Furthermore, it would appear that Microsoft is the only one doing any proposing here. Little has been said, anywhere, about the Department of Justice offering a settlement to Microsoft. There is a ''here, Department of Justice, take it or leave it'' feel to the whole situation. I will cut to the chase. The DOJ is the DOJ, and not some groups of pantywaists that Microsoft should be allowed to bully. Start telling the corporate types what they can and can't do. They're using their own creativity in how to tell the DOJ what they can and can't do, and that's because they don't respect the DOJ, or law, or any other sort of authority besides what makes them the most money.

Enough said.

Daniel E. Jansen

MTC–00022638

From: James Aird
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 3:33pm
Subject: Microsoft Settlement

I find it a rather sad state of affairs when States are going to profit from the supposed harm of having microsofts Internet Explorer preinstalled on computers, which is now part of it's operating system. It's also very sad that the people supposedly harmed by this(the computer user) are not going to get any of the money. I urge you to stop the witch-hunt.

Tax paying Citizen who would like to see states MEET their budget without ripping microsoft off.

James Douglas Aird
100 lakeview park road APT #74
Colonial Heights VA, 23834

MTC–00022639

From: morristl@optonline.net@inetgw
To: Microsoft ATR
Date: 1/24/02 3:28pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Henry A. Pinand
80 Upper Hibernia, Rd.
Rockaway, NJ 07866

MTC–00022640

From: Don Rahl
To: Microsoft ATR
Date: 1/24/02 3:31pm
Subject: Microsoft

Dear Sir,

Please review and complete this process so we can get back to more important business. The settlement seems satisfactory and should be concluded as soon as possible. I think the government has better thing to be done than dragging this out. We need protection from outside the US not from businesses that produce jobs in the US and add to the gross product of our nation.

Sincerely,
Don Rahl

MTC–00022641

From: Timothy Frye
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 3:36pm
Subject: Microsoft Settlement

Hello,

I believe that the proposed settlement between the Justice Department and Microsoft does far too little to make retribution for the practices of Microsoft. In fact, I believe that the settlement is just a minor slap on the wrist for Microsoft and that more needs to be done to ensure that it's business practices and strong-arming techniques do not occur again. The settlement does not address leveling the playing ground with it's competitors as much as it speaks of Microsoft ''giving back'' to the community(country). In fact, this ''giving back'' will just serve to further Microsoft's monopoly by putting more Microsoft products on people's machines. We (the community at large) need to see that this settlement will encourage competition and force Microsoft yield to competition. Perhaps, that could mean releasing source code to some of their more common protocols or maybe even forcing them to release their older software, such as Windows 3.1 or MS–DOS, into the public domain. I would just like to see more intense reprimands.

Thank you,
Timothy Frye
Library Systems Manager
Dimond Library
University of New Hampshire
Durham, NH 03824–3592

MTC–00022642

From: jmd73@juno.com@inetgw
To: Microsoft ATR
Date: 1/24/02 3:30pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
James G. Davis
5454 N. Arroyo Vista Dr.
Tucson, AZ 85718–5429

MTC–00022643

From: jmd73@juno.com@inetgw
To: Microsoft ATR
Date: 1/24/02 3:30pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
James G. Davis
5454 N. Arroyo Vista Dr.
Tucson, AZ 85718–5429

MTC–00022644

From: Margaretreal@cs.com@inetgw
To: Microsoft ATR
Date: 1/24/02 3:32pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the

future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Margaret Corbett
9617 South Bell Avenue
Chicago, IL 60643–1626

MTC–00022646

From: jdewitt@mail.frii.com@inetgw
To: Microsoft ATR
Date: 1/24/02 3:35pm
Subject: Microsoft Settlement

I urge you to REJECT the proposed Microsoft anti-trust settlement. The proposed settlement will NOT, ''provide a prompt, certain and effective remedy for consumers by imposing injunctive relief to halt continuance and prevent recurrence of the violations of the Sherman Act by Microsoft that were upheld by the Court of Appeals and restore competitive conditions to the market,'' as it states. It provides inadequate relief to consumers and victims of Microsoft's monopolistic behavior, and virtually no oversight or encumberance on Microsoft to prevent its continued anti-competetive practices in the future.

James DeWitt
Fort Collins, Colorado,
Software
Engineer

MTC–00022649

From: mfrobinson@pacbell.net@inetgw
To: Microsoft ATR
Date: 1/24/02 3:31pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jim Robinson
4860 Black Oak Mine Rd
Garden Valley, CA 95633

MTC–00022650

From: daytonjef@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 3:31pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jeffrey Rauen
P.O. Box 3995
Visalia, CA 93279

MTC–00022674

From: horsecarriage@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 3:33pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Shirley Gaines
PO Box 939
Flemington, NJ 08822–0939

MTC–00022675

From: mew@vitesse.com@inetgw
To: Microsoft ATR
Date: 1/24/02 3:36pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general. While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Michael Weiblen
Longmont Colorado

MTC–00022676

From: astwit@eoni.com@inetgw
To: Microsoft ATR
Date: 1/24/02 3:32pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Sheryl Sheryl
12 Driftwood Court
Umatilla, OR 97882

MTC–00022677

From: John Engelman
To: Microsoft ATR
Date: 1/24/02 3:35pm
Subject: Microsoft Settlement

Gentlemen:

This economically-draining witch-hunt has gone on long enough. Nothing will be gained by the computer user.

Please settle this.

Sincerely,
John Engleman

MTC–00022678

From: jimstewart7@mac.com@inetgw
To: Microsoft ATR
Date: 1/24/02 3:32pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This

has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
James Stewart
157 1st Ave North
Naples, FL 34102–5902

MTC–00022679

From: Richard Gallery
To: Microsoft ATR
Date: 1/24/02 3:39pm
Subject: Microsoft Settlement

I am urging you to settle the Microsoft litigation against this United State icon.

We the tax payers are spending too much money chasing shadows of unfounded alligations. Microsoft a giant and leader in the industry is spending too much time and effort trying to address the problem. The company could use that effort and money building better products and more job opportunities. We should stop putting all this money into lawyers pockets.

If we don't act soon—some foreign company will replace Microsoft as the leader and our country will be the loser.

Richard J. Gallery
64 Willard Street Unit 405
Quincy, MA 02169

MTC–00022680

From: LJugoz@fcpa.fujitsu.com@inetgw
To: Microsoft ATR
Date: 1/24/02 3:34pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Olga Leilani Jugoz
520 N fifth street
San Jose, CA 95112

MTC–00022681

From: Michael McHale
To: Microsoft ATR
Date: 1/24/02 3:36pm
Subject: microsoft settlement
1066 Chrisler Avenue
Schenectady, NY 12303–1216
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue,
NW Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing you today to express my opinion in regards to the Microsoft antitrust dispute. I feel this dispute has gone on too long. It is time to devote our resources to more pressing concerns. For these reasons, I fully support the settlement that was reached between Microsoft and the government in November. I feel this settlement is fair and sufficient to deal with the issues of this lawsuit. Microsoft has agreed to fully carry out all provisions of this agreement. Among the many provisions Microsoft has agreed to, noteworthy ones include: designing future versions of Windows to make it easier to install non- Microsoft software, disclosing for use by its competitors various interfaces that are internal to Windows operating system, and licensing its Windows operating system products to the 20 largest computer makers on identical terms, including price. This settlement will benefit the entire technology industry.

I have been actively involved in the computer business since 1996. I have discussed this pending decision with many of my customers and the majority of them agree that Microsoft is a company that has contributed a great deal to our society. Our daily lives are made easier by Microsoft products. Stifling this company will only have adverse effects on consumers. Please support this settlement. Thank you for your time.

Sincerely,
Michael J. McHale, CEO NSN Computer Upgrades & Repair

MTC–00022682

From: khwarch@bellsouth.net@inetgw
To: Microsoft ATR
Date: 1/24/02 3:37pm
Subject: Microsoft Settlement
January 24, 2002
Attorney General John Ashcroft
The US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

I am writing you today to voice my support for Microsoft, and the Microsoft settlement that was reached on November 6, 2001. This settlement is fair and reasonable. The continuing law suits only benefit the attorney's at the expense of the public and the stockholders. After three long years of litigation, it will be in the best interest of the public to end this dispute promptly.

Microsoft has been most forward thinking and innovative, thereby providing great service to its customers. It has contributed immensely to our economy and technology industry. Microsoft has also contributed to businesses and individuals by making it easier to conduct business. I feel very strongly that Microsoft should not be penalized for doing its job well and being successful.

The settlement will make it even easier for IT companies to do business. It guarantees that Microsoft will not take any retaliatory measures against hardware firms working with other software firms, and Microsoft also will be forced to avoid confrontation of software firms that enter the operating system market. The increased competition resulting from this will certainly be good for customers, and will make Microsoft more responsive to the market. I am pleased that Microsoft will finally be allowed to devote its resources to innovative practices instead of litigation, which has cost the company millions of dollars. Thank you for your support.

Sincerely,
Kenneth H. Woolf
Cc: Representative Jeff Miller

MTC–00022683

From: gene_sumskis@atk.com@inetgw
To: Microsoft ATR
Date: 1/24/02 3:35pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse: Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Eugene Sumskis
4753 Burns Rd.
Mound, MN 55364

MTC–00022684

From: Geoff Stewart
To: Microsoft ATR
Date: 1/24/02 3:38pm
Subject: Let's get serious

Your honour

I have been in the systems business since 1965. I watched IBM abuse it's monopoly power for decades. Now we have microsoft doing the same. When I call the microsoft help desk for some advice about a problem in their operating system—they dismiss the query unless you are using Microsoft products (I use netscape and macromedia dreamweaver and fireworks). Is this tying?

Much more sinister is their capacity to destroy industry standards with newly created proprietary products. Get you techies to explain to you how Microsoft are destroying the industry standard language java with c#. Also get the to explore how the

latest versions of microsoft operating applications do not recognise the industry standard graphics format jpeg.

Microsoft are what business strategy people call a fast follower. They do not create new and innovative technology they imitate (occasionally buy) or crush new technology. Windows came from Zerox via Apple. Their early browser was an imitation of Netscape. DOS which got them, going originally—was an expansion of QDOS. A quick and dirty operating system written by a salesman in a computer store. They are crushing Java and jpeg.

Don't let the low IQ Texan stumblebum you guys didn't elect as president pervert the course of justice by allowing Microsoft to continue their plunder.

Regards

Geoff Stewart

MTC–00022685

From: LUCAS
To: Microsoft ATR
Date: 1/24/02 3:39pm
Subject: Microsoft settlement

I urge the court to accept the settlement agreed upon by the Justice Department and the reasonable half of the states attorneys general. While I firmly believe that the entire case against Microsoft is fraudulent, and the decision of the appeals court was not based on any logical understanding of harm to consumers, the proposed settlement is the LEAST UNJUST way of ending this travesty of justice.

The principle complainants seem to be Microsoft's jealous competitors who, losing customer support for their technically inferior products, used the political support their contributions had won them with the Clinton Justice Department and the willing assistance of an utterly biased Judge to try and reverse the wishes of consumers. Anyone who ever used (or attempted to use) Netscape understands that Netscape failed because it was INFERIOR, utterly BUG RIDDEN and CUMBERSOME to use. Microsoft simply offered a significantly better solution to internet connection, and made it part of the operating system where it belongs.

It seems too late for common sense to prevail in this overly politicized version of judicial ''theater'', so the settlement is the next best solution.

But the Justice Department's Microsoft mess does follow the pattern of useless legal busywork the lightweights in the Anti Trust Division seem compelled to repeatedly pursue, causing immense harm to American consumers. Will we ever recover from the damage caused to the economy by Judge Green's 20 year micro management of the telephone company (and the ever more costly bungling of the successor demon, the FCC), or the Justice Department's fruitless 10 year jihad against IBM. The single most important thing Attorney General Ashcroft could do to help the economy would be a top-to-bottom housecleaning of the political ideologues in the Anti Trust division.

It's high time America came first.

John Lucas
1621 North 50th Street
Milwaukee, Wisconsin 53208
lucasgroup@telocity.com

MTC–00022686

From: fox@rvi.net@inetgw
To: Microsoft ATR
Date: 1/24/02 3:38pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
John K. Fox, Ph.D.
POB 491
www.johnkfox.org
Talent, OR 97540–0491

MTC–00022687

From: Colby, David L.
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/24/02 3:39pm
Subject: You gave in to Microsoft

Windows 98 still costs $89.00 even after being replaced by two versions (ME & XP). When they can still make users pay that much for out of date software something is definitely wrong.

I hope the judge throws out your settlement.

Dave C

MTC–00022688

From: bwweeks@worldnet.att.net@inetgw
To: Microsoft ATR
Date: 1/24/02 3:36pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Sincerely,
Donald Weeks
P O Box 1026
Arlington, TX 76004–1026

MTC–00022689

From: Craig Milito
To: Microsoft ATR
Date: 1/24/02 3:40pm
Subject: Microsoft Settlement

The Proposed Final Judgment, as written, allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest.

MTC–00022690

From: Roberts, Mark
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/24/02 3:48pm
Subject: Microsoft Settlement

What a wonderful settlement. Microsoft is basically being asked to discontinue acting like a monopoly and not retaliate against anyone they screwed over. Any organization that has 36 billion in cash reserves gained through monopolistic practices needs to be hit a lot harder.

Mark Roberts
Xperts, Inc.
software design & engineering
Interested in B2B? Give us a buzz. 804–967–0700.

MTC–00022691

From: Laurence G. Roth
To: Microsoft ATR
Date: 1/24/02 3:45pm
Subject: Microsoft Settlement

Dear Justice Department—

It is my opinion that any settlement imposed on Microsoft truly address the root of the case: Microsoft used its monopoly share of the market in order to unfairly quash competition, and it continues to do so today. Any settlement that allows for donation of software should be ruled out, other than to current customers of the company—and the value of that donation should be calculated on the basis of the cost of materials, not an inflated retail price.

Any fines imposed on the company should be done so in a way that precludes Microsoft having any say in the disposition of such funds. I consider the original judgement calling for the break up of the company into two separate companies wouild have been a far more appropriate remedy.

Sincerely yours,
Larry Roth

MTC–00022692

From: jailerjack@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 3:42pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
John C Weaver Jr
1300 Maple Ave
Elmira, NY 14904–2834

MTC–00022693

From: Matthew Dowd
To: Microsoft ATR
Date: 1/24/02 3:44pm
Subject: Microsoft Settlement

I am opposed to the microsoft settlement. It does nothing to remedy the damage done by Microsoft's illegal practices and it will not prevent Microsoft from abusing its monopoly in the future.

Matthew Dowd
55 Terrace Ave
Niantic, CT 06357

MTC–00022694

From: David Kris
To: Microsoft ATR
Date: 1/24/02 3:45pm
Subject: Microsoft Settlement

The proposed settlement does not go far enough in curtailing microsofts ability to set the personal computing agenda. The goverment must ask for more concessions.

Kristian G. Kvilekval
email:kris@cs.ucsb.edu office:(805)893–4178 http://www.cs.ucsb.edu/kris

MTC–00022695

From: phildragoo@att.net@inetgw
To: Microsoft ATR
Date: 1/24/02 3:41pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Phil Dragoo
310 Airport Road #311
Santa Fe, NM 87505–1809

MTC–00022696

From: Giles Hendrix
To: Microsoft ATR
Date: 1/24/02 3:41pm
Subject: Microsoft Settlement

USDOJ-

The final judgment in the Microsoft case as currently written seriously lacks an effective enforcement mechanism. The solution given, a Technical Committee with investigative powers, would only continue the cycle of litigation that favors Microsoft's massive legal resources. The public's interest will also be forced into the legal system again when violations continue, thus wasting the much exhausted resources of the government and private sector. A final judgment must be decisive and strictly and easily enforceable. Such a judgment would not only be more effective, but would save more money for the taxpayer in the future. The current judgment does not do this and I do NOT support it.

Giles Hendrix
Brooklyn, NY
Dir. Media Design
webslingerZ, Inc.

MTC–00022697

From: James Roberts
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 3:44pm
Subject: Microsoft Settlement

It is my personal opinion that the proposed settlement not adequate.

James Roberts
Software Engineer
Bankware
(205) 408–9998 x 264

MTC–00022698

From: Russo, Vincent
To: 'Microsoft.atr(a)usdoj.gov''
Date: 1/24/02 3:46pm
Subject: Microsoft Settlement
December 13,2001
The Hon. Richard Blumenthal
Attorney General
55 Elm Street Hartford, CT

Dear Attorney General Blumenthal:

We are writing to express our strong support for your decision to challenge what we consider to be a weak and ineffective settlement of the federal anti-trust lawsuit against Microsoft. We stand with you in your effort to stand up for Connecticut consumers and for restoring competition to an industry so important to our economy. As state lawmakers, we have worked hard and continue to work to strengthen our economy, encourage small businesses that create jobs, and protect consumers. This proposed settlement works against all of us committed to those goals by allowing Microsoft to continue to bully consumers and competitors.

The proposed settlement fails on every front. It will not end Microsoft's monopoly as the law demands. Instead, it will strengthen and extend Microsoft's monopoly power and its ability to inflate software prices, block innovation and prevent competition. Consumers will continue to pay more for fewer choices and for products compromised by a lack of competition and innovation. This proposed settlement rewards Microsoft's tactics of intimidation, not innovation.

Furthermore, the settlement does nothing to prevent Microsoft from attacking other markets with ever more aggressive tactics in the future. The company's newest operating system, Windows XP, is only the company's most recent and most egregious attempt yet to leverage its existing monopolies to create new ones, this time, on the Internet. Microsoft is positioning itself to control Internet commerce with a hand in nearly every commercial online transaction. We know your decision to join eight other Attorneys General in challenge this settlement comes in the face of an unprecedented, multi-million dollar Microsoft campaign of influence buying and political pressure. Microsoft has spent millions in political contributions and phony front groups and lobbyists to win outside the court room what the law and the facts prevented them from winning inside the courtroom. We applaud you for standing up for the consumers and we stand ready to support your efforts.

Sincerely,
Bob Godfrey—110th District
Chris Murphy—81st District
Walter Pawelkiewicz—49th District
John Mordasky—52nd District
Jessie Stratton—17th District
John Geragosian—25th District

MTC–00022699

From: Megan Holbrook
To: Microsoft ATR
Date: 1/24/02 3:22pm
Subject: Microsoft Settlement

The proposed settlement is *bad* idea, and promotes rather than prevents anti-competitive behaviour on the part of Microsoft.

Megan Holbrook—megan@kapow.com
Partner—Business Development
kapow, inc. (www.kapow.com)
kapow, inc. Milwaukee
kapow, inc. Los Angeles
2405 E. Wyoming Place 2130
Sawtelle Blvd, #302A
Milwaukee, WI 53202
Los Angeles, CA 90025
T: 414–273–2446 * F: 419–793–6271 T: 310–479–2020 * F: 310–473–3711

MTC–00022700

From: ronhol@wt.net@inetgw
To: Microsoft ATR
Date: 1/24/02 3:44pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Kim Holliday
14213 4th St.
Santa Fe, TX 77517

MTC–00022701

From: Dale Grover
To: Microsoft ATR
Date: 1/24/02 3:49pm
Subject: Microsoft Settlement

I wish to register my strong objections to the proposed settlement involving Microsoft. One of many problems with this proposed settlement is that it fails to address the issue of proprietary file formats, which can create a barrier to entry for third parties as much as other elements of Windows.

In my opinion, this settlement does not do enough to remedy the illegal practices of Microsoft, and must be strengthened considerably to truly be in the public's interest.

—Dale Grover
Red Cedar Electronics
Lansing, MI

MTC–00022702

From: jaybee31@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 3:44pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jerry Babbitt
38526 Frontier Ave
Palmdale, CA 93550–4314

MTC–00022703

From: Jamie Piperberg
To: Microsoft ATR
Date: 1/24/02 3:49pm
Subject: Microsoft Settlement

The proposed settlement for the Microsoft Anti-trust case is a good step, but it needs to go farther. Microsoft doesn't just need to be punished for their blatant anti-competitive practices, they need to be punished for some of the more subtle things as well, specifically making it easier for people to write a competing software product.

Micorsoft Office is used almost exclusively throughout the business world. I don't use it if I can avoid it, but I still have to be able to read the file formats, and send documents to others in those formats. The file formats for all MS Office applications should be opened to the public. Competing products need to be able to read and write Microsoft's format as well, if not better than Microsoft in order to have any chance of competing. Although the formats for Microsoft Word, Excel, Access, and Powerpoint may not be the best formats for the job, they have become the default standard and like any other standard it needs to be available for everyone to use. What would have happened to the internet if each web browser used different versions of html and wouldn't release the specific specs? You would need multiple browsers open at once depending on which webpage you wanted to look at. Large companies would have to make several versions of their webpage in order to allow anyone to look at it. It would have been a disaster. But Microsoft has moved in there too. There are many webpages out there that do not render correctly in Netscape or other competing browsers (Opera, iCab, OmniWeb, Konqueror etc.) because they use Internet Explorer specific calls. One company should not be able to define the standards for any major aspect of computing, , especially not one as widespread as the internet.

Microsoft also needs to be forced to release more of their API's to the public so competitors have a chance of making their applications run on par with Microsofts. Microsoft has the unfair advantage of knowing all the tricks with the operating system because they wrote it too, They're allowed to see the API's, everyone else should be allowed to too.

Thank you for your concern, and please don't let Microsoft win this battle. It would be very bad for the computing industry as a whole.

Thank you,
Jamie Piperberg

MTC–00022704

From: myrongwaldrop@msn.com@inetgw
To: Microsoft ATR
Date: 1/24/02 3:44pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
myron waldrop
795 jack page ln
canton, GA 30114

MTC–00022705

From: DELEON4943@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 3:47pm
Subject: Microsoft Settlement

Please allow me to add my voice to those who support approval of the settlement between DOJ and Microsoft.

I am a retired attorney, having spent several decades in private practice and as a government trial attorney.and supervisor. During the later portion of my professional career I rendered service as a mediator and arbitrator. I have seen disputes from a variety of perspectives: as plaintiff , defendant, peace maker and arbitrer.

From this vantage point, it has become clear to me that litigation, particularly of the protracted variety, is the worst possible way to settle disputes. There are no real winners,since even the party who prevails bears substantial expense, waste of time, stress and uncertainty. Where, as here, one of the parties is a government agency the additional ingredient of the public interest comes into play. I am not an expert in anti-trust law, my primary experience having been in labor and employment law.

However, from the viewpoint of a member of the public, it is my firm conviction that if the DOJ and a number of the states have reached a settlement agreement with Microsoft, it would be counter-productive to disapprove such an agreement.

The hold-out states have their reasons for not wanting to join in the agreement, and while I have strong opinions concerning such unreasonable intransigence and obstructionism, that is a matter beyond the scope of the comments that have been invited.

Microsoft has made substantial and significant contributions to technology and to the economy. The public will gain nothing through the perpetuation of this unnecessary battle. Settlement will be in the best interest of the public from a variety of viewpoints.

I respectfully urge the Court to approve the Settlement which is now before it.

Respectfully,
Heriberto (Herb) de Leon
P.O. Box 380291
Duncanville, TX 75116

MTC–00022706

From: tgwine@cs.com@inetgw
To: Microsoft ATR
Date: 1/24/02 3:46pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.
Sincerely,
tony grim
box4131
kingston, NY 12401

MTC–00022707

From: Shannon Prickett
To: Microsoft ATR
Date: 1/24/02 3:50pm
Subject: Microsoft Settlement.

I'm writing to express concerns I have with the Proposed Final Judgment in the case against Microsoft.

In particular, Section III.A.2 requires that OEMs ship only units with Microsoft's operating systems installed or be subject to retaliation from Microsoft. This allowance seems created in particular to shackle those companies who would do any business in computers with Microsoft's operating systems installed to doing business exclusively with Microsoft. A loophole like this in the Proposed Final Judgment leaves Microsoft's illegal practices virtually unchanged. I'm asking you to strengthen the measures to be taken against Microsoft in accord with those outlined by Dan Kegel at http://www.kegel.com/remedy/remedy2.html#fix for the sake of consumers.

Thank you for your consideration.
Shannon.

MTC–00022708

From: Corey Cole
To: Microsoft ATR
Date: 1/24/02 3:53pm
Subject: Microsoft Settlement

As a computer professional, I believe that the proposed Microsoft settlement is a fair deal for all concerned. The initial case was bunk, and here we are years later with a much changed competitive landscape. Settle the case and be done with it.

Sincerely,
Corey Cole

MTC–00022709

From: Nancy Ging
To: Microsoft ATR
Date: 1/24/02 3:48pm
Subject: Microsoft Settlement
To: Renata B. Hesse

I have just been reading the settlement proposed for the Microsoft antitrust case, and am appalled at what I've found in the documents. The proposed remedy will in fact serve to further Microsoft's monopolistic hold on the computer operating system market.

They will be installing Windows computers with Windows softwares in our nation's schools. People who receive initial training in Windows are highly unlikely to change later when they begin to purchase products on their own. This is NOT because the Microsoft products are the best. It is because learning a new system is time consuming and expensive. Students trained on Windows will become consumers of Windows only because it's easier. Microsoft has always leveraged that fact of human nature in every way possible. This is just their latest attempt.

If schools had the option to choose their hardware and software *freely* under the agreement (meaning no penalty from Microsoft now or in the future for their choices), that would at least be a little better. Best of all would be if Microsoft was totally removed from the process altogether except for having to fund it. The process should also include honest, factual operating system comparison information (produced by a neutral party) so schools can make an informed decision about the hardware and software they want. Training on any operating system should also be an option. This would allow *real* competition back into the system.

Please do what you can to make this a true remedy, one that actually penalizes Microsoft for their illegal behavior, and not just another example of deceptive tactics on the part of the Microsoft monopoly. It is a great shame for a country based on the benefits of open competition to allow its most promising technology to be controlled and manipulated by the illegal tactics of a monopolistic giant.

I have faith that you and the Antitrust Division will see that Microsoft behavior is truly rectified, justice is served, and the penalty for such illegal behavior is not just paid lip service.

Respectfully,
Nancy Ging
turtle@camano.net

MTC–00022710

From: tammy7@airmail.net@inetgw
To: Microsoft ATR
Date: 1/24/02 3:50pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Tammy Haskins
402 Hidden Oaks Ln.
Corsicana, TX 75110

MTC–00022711

From: Scott McCool
To: Microsoft ATR
Date: 1/24/02 3:53pm
Subject: Microsoft Settlement

I am writing to register my opposition to the proposed settlement in the Microsoft antitrust case. As both a professional software engineer and a long time computer user, I am outraged at the way your department has quite literally ignored previous court rulings and finding of facts. The currently proposed remedies do not even amount to a slap on the wrist, and it appears Microsoft has been able to insert loopholes into every important facet of the agreement.

The insistence that 3rd party middleware can be bypassed if it ''fails to implement a reasonable technical requirement'' basically allows them to define their own requirements (Their proprietary ActiveX technology, for instance), then ignore third party applications that don't implement a requirement that MS defined and controls.

Equally as absurd is the caveat which allows Microsoft to withhold any API on the grounds that it might ''compromise the security of a particular installation...''. First of all, Microsoft is the last company in the world that should be listened to when it comes to designing secure applications. Second of all, the history of computing is filled with examples of open API's resulting in significantly more secure applications and operating systems. Open source software and API's are not just theories or experiments, but rather proven design paradigms that result in robust and secure software.

Aside from particular concerns with the agreement, I find the entire process to be in complete opposition of the spirit and letter of previous court findings. Frankly, it appears as if Department of Justice has decided to ignore every previous finding of fault in Microsoft, as well as previously proposed remedies, and instead come up with a nearly incomprehensible legal agreement with virtually zero teeth and declare it a win for the government. The acceptance of this proposal will do nothing to curtail Microsoft's monopoly, to help competitors, to protect the consumer from the effects of predatory pricing and the lack of competitors, or to punish Microsoft financially for years of illegal monopolistic acts.

Thank you for allowing me the opportunity to voice my displeasure.
Sincerely,
Scott McCool
Reston, Virginia

MTC–00022712

From: tifanyschneider@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 3:48pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.
Sincerely,

Tifany Schneider
321 West G. Avenue
North Little Rock, AR 72116

MTC–00022713

From: edmond temple
To: Microsoft ATR
Date: 1/24/02 3:57pm
Subject: Microsoft Settlement

Why are you letting these crooks off? It increasingly seems that lying , cheating, stealing is the path to corporate success now a days and it seems to have gov't approval

Shame on you
Edmond Temple, Ph.D.

MTC–00022714

From: paad@bellsouth.net@inetgw
To: Microsoft ATR
Date: 1/24/02 3:52pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Patricia Adams
208 Cedarwood Court
DeBary, FL 32713–2222

MTC–00022715

From: Joy-Holly-1@worldnet.att.net@inetgw
To: Microsoft ATR
Date: 1/24/02 3:51pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Joy McDaniel
554 Matthew Dr.
Canton, GA 30114

MTC–00022716

From: revalusa@juno.com@inetgw
To: Microsoft ATR
Date: 1/24/02 3:52pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Rev. Alvin Cordes
3202 Henrietta
St. Louis,, MO 63104

MTC–00022717

From: Dadio
To: Microsoft ATR
Date: 1/24/02 3:52pm
Subject: Microsoft Settlement

In my opinion the settlement is a bad idea.

Frank Ruby

MTC–00022718

From: cnsumm@metc.net@inetgw
To: Microsoft ATR
Date: 1/24/02 3:51pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Norma Summers
1304 E. 10th St. Apt. 16B
Atlantic, IA 50022–1942

MTC–00022719

From: DEACON2002@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 3:53pm
Subject: Attention Renata Hesse

Andy Yates
<AHREF=''mailto:Deacon2002@aol.com''>Deacon2002@aol.com</A>
Wake Forest University
Winston-Salem, NC
January 24, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

As a graduating senior at Wake Forest University and president of the College Republicans Club, I have been a student in the ''technological age'' since I was in high school. In fact, as you may or may not know, Wake Forest was one of the first schools in the nation to require that all students have assigned lap-top computers for their dorms and classes. In the many years I have spent working with these educational tools, of course, Microsoft products iare practically all I have used. During that time, I have never experienced any ''consumer harm'' from being one of millions of Microsoft users on thousands of college campuses across this country.

Since I have great interest in political matters, I have followed the Microsoft case with some interest and I wanted to comment at this time. Despite the fact that I have never approved of the government's handling of this case, I do heartily endorse the settlement in the case because it is the right thing to do. It is wrong to keep a company like Microsoft legally bottled up for so long and to keep government lawyers tied up on a case that would simply go on year after year and appeal after appeal. And since all major parties to the case agree to the settlement—except for nine AGs—why not?

In reviewing the settlement, I saw that Microsoft would come under independent monitoring and would have to make guarantees in regard to product production, etc. This sounds like the kind of conditions that the Department of Justice has been seeking all along and I am glad that all parties will benefit. But such is the nature of a settlement, true?

I appreciate the opportunity to express my views on this topic.

Sincerely,
Andy Yates

MTC–00022720

From: truckpat@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 3:53pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible

precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Patricia B
2428 Chickamauga Avenue
West Palm Beach, FL 33409–5003

MTC–00022721

From: Norman J. Harman Jr.
To: Microsoft ATR
Date: 1/24/02 9:19am
Subject: Microsoft Settlement

[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]

MTC–00022721 0001

[This document is a public comment submitted under the Tunney Act] [CIS] below refers to the document available on Jan 23,2002 at http://www.usdoj.gov/atr/cases/f9500/9549.htm [PFJ] below refers to the document available on Jan 23,2002 at http://www.usdoj.gov/atr/cases/f9400/9495.htm [complaint] below refers to the document available on Jan 23,2002 at http://www.usdoj.gov/atr/cases/f1700/1763.htm To whom it may concern,

I have followed UNITED STATES OF AMERICA v. MICROSOFT CORPORATION for a long time and have spent the last 9, and counting, hours reading essays, editorials and court documents relating to it. I certainly can not claim to know all the law that applies, nor fully comprehend the history of how we (The People of the United States of America) arrived at this point in our case against Microsoft Corporation. However, I do understand that Microsoft's illegal monopoly injures me and that the Proposed Final Judgment has little to no chance of stopping Microsoft from further injuring me nor will it noticeably reduce its illegal monopoly power.

Technology changes too fast, Microsoft has too much money, too many lawyers, and too much industry influence (the money and influence both aided by its monopoly) for any such complex, overly-specific, and non-comprehensive remedy to be effective.

It is filled, with loop-holes, half-measures, inconsistencies, has no ''bite '', and in the end it does not even address the root of our (The People of the United States) complaint that ''Microsoft possesses (and for several years has possessed) monopoly power in the market for personal computer operating systems'' I ask, during these proceedings has it not been difficult and expensive for the plaintiffs to take Microsoft to court? Has it not been a constant tribulation, with Microsoft's legal team using every tactic and trick to delay and hinder (all within the law of course) our case? What makes the parties involved believe for an instant that a 3 person panel and the future victims of Microsoft's illegal activities will be able to hold Microsoft to the complex terms of the PFJ?

Few companies and virtually no individuals are capable or willing to take an entity, such as Microsoft, to court that has monopoly status in their industry not to mention 44 billion in *current* assets (3 billion of that in cash) [Q1–2001 $US as reported by fool.com] I understand that neither is the US government;

''First, the United States considered litigation of the issue of remedy in the District Court. The United States balanced the strength of the 00022721—0002 provisions obtained in the Proposed Final Judgment; the need for prompt relief in a case in which illegal conduct has long gone unremedied; the strength of the parties'' respective positions in a remedies hearing and the uncertainties inherent in litigation; and the time and expense required for litigation of the remedy. The United States determined that the Proposed Final Judgment, once implemented by the Court, will achieve the purposes of stopping Microsoft's unlawful conduct, preventing its recurrence, and restoring competitive conditions in the personal computer operating system market, while avoiding the time, expense and uncertainty of a litigated remedy. Given the substantial likelihood that Microsoft would avail itself of all opportunities for appellate review of any non-consensual judgment, the United States estimated that a litigated result would not become final for at least another two years .... ''

Still, that is lame. It makes me sad to be American. If my government can't stand up to the corporate criminals of our age and win, who can? I don't know what if any impact anything I could possibly say or add to these proceedings would have. Nor am I so vain as to believe what I say is novel, new, or ''the answer''. It's just that I couldn't sit by in silence. When contemplating adequate remedy one must consider the following: That Microsoft has hugely profited (both in monetary terms and in market position) from its illegal activities for many years, and they continue to profit every single day. That this is not the first time they have acted contrary to U.S. law. That their illegal acts have destroyed numerous companies, ruined lives, and swallowed entire markets whole. Finally, that they have been found guilty of violating US law.

This is not about punishing Bill Gates or Microsoft because they were too successful as I have often heard. Microsoft and it's management was not better or smarter, they simply cheated. Personally, I believe Microsoft (or at least its operating system portion of the company) has illegally (in violation of the Sherman Act) ''murdered'' (run out of business) various corporate persons among other crimes and deserves the corporate ''death penalty''. It, the OS division, should be shut-down. Its operating system source code in all its numerous forks and varieties should be stripped from it and placed in the public domain or under the government's choice of open-source license. Unfortunately, for various political and economic reasons I also believe the plaintiffs can never successfully carry through on such a course. Still, I agree with the CIS that, ''Microsoft has monopoly power in the market for Intel-compatible personal computer operating systems and undertook an extensive campaign of exclusionary acts to maintain its operating system monopoly'' No remedy can be just & effective unless it eliminates that monopoly. 00022721–0003

Some specific thoughts on various sections of the PFJ:

IV.B.3 Why does Microsoft get to choose one of the TC members? It makes *no* sense. They have violated serious laws. They will try to subvert the PFJ (I base that opinion on their actions during these proceedings, their demonstrated contempt of the plaintiffs and original judge, as well as their demonstrated disrespect of U.S. laws). Do not give them an advantage by allowing them to appoint one of the TC's.

IV.B.8.e ''The TC shall report in writing to the Plaintiffs every six months I believe these reports should be published and publicly available. Possibly, with provisions for blacking-out/separate (non-published) attachments for any trade secrets or other specific confidential information.

IV.B.10 ''No member of the TC shall make any public statements relating to the TC's activities.'' I don't believe this provision is in our (The People of the United States) best interest.

IV.D.4.d ''No work product, findings or recommendations by the TC may be admitted in any enforcement proceeding before the Court for any purpose, and no member of the TC shall testify by deposition, in court or before any other tribunal regarding any matter related to this Final Judgment.'' I don't understand what this provision is attempting to accomplish. I don't see how this provision eliminates or limits Microsoft's illegal operating system monopoly nor how it facilitates the enforcement of the PFJ.

VI.J.2 ''is Trademarked'' and VI.J ''Software code described as part of, and distributed separately to update, a Microsoft Middleware Product shall not be deemed Microsoft Middleware unless identified as a new major version of that Microsoft Middleware Product. A major version shall be identified by a whole number or by a number with just a single digit to the right of the decimal point.'' This provision provides for two trivial methods with which Microsoft can evade sections of the PFJ. By not trademarking some future ''middleware'' or renaming existing ''middleware and not trademarking it. And by using silly version numbers. Like, say ''Windows XP'' instead of ''Windows 2002'' or 7.0.0.0.1, or ... well the possibilities are nearly infinite.

VI.K.1 ''Internet Explorer, Microsoft's Java Virtual Machine, Windows Media Player, Windows Messenger, Outlook Express''

This misses several (Outlook, C#, .net, etc.) But more importantly the author fails to comprehend the futility in trying to fixate specific (software) technology in law. It (software technology) is a spritely and a ever-changing target. Far more ellusive than *anything* the government has tried to legislate in the past. The government must look away from past methods of law making in order to adapt to this new and novel issue. Comments prompted by the CIS:

Why does the PFJ exclude server and embedded versions of MS operating systems? Is it because the government does not deem Microsoft to have a monopoly in these fields? Is there ''prior-restraint'' limitations to anti-

trust enforcement? That would be a shame. It would be hard to name a more flagrant, consistent, and comprehensive contemporary user of illegal monopoly power than Microsoft. I have no doubt that they are currently and in the future will use their monopoly to illegally compete in these markets. The government should have no doubt either and address this issue today. Why are only the ''20 largest competitively significant OEMs'' protected in Section III.A? Do only large companies suffer from Microsoft's illegal monopoly? In fact, large companies are the most capable at fighting Microsoft's illegal practices. With the prospect of facing Microsoft's legal juggernaut small companies and individuals for the large part can't even afford to take their grievances against Microsoft to court. Small firms and individuals need government protection from Microsoft's illegal activities the most.

The following point is open for debate but I believe history shows that small firms and individuals account for the larger percentage of ''innovation'' in the computer software industry. They are the most likely source of any threat to Microsoft's OS monopoly. Just look at the current threats Microsoft is facing; Linux, Apache, Samba. And past threats; Netscape was a small company, SmartDrive competitors (names lost in time), 4DOS, DrDOS, etc.

How does defining the ill-conceived ''20 OEM's'' as being ''the highest worldwide volume of licenses of Windows Operating System Products'' encourage or allow the erosion of Microsoft's illegal operating system monopoly? One might imagine that the 20 largest sellers of Windows licenses could possibly have a vested interest in perpetuating a Windows OS monopoly as long as they themselves don't get ''squeezed'' too hard. This is not reducing the monopoly just extending it to a trust. A trust that is hopefully still illegal under The Sherman Act.

This statement: ''...and promote particular types of software that could erode Microsoft's 00022721—0005 monopoly ''CIS Just makes me mad. How wishy-washy is that? Come on, Microsoft is THE monopoly power in the U.S. computer industry if not in the entire U.S. economy and has been for several years. Why is the government pursuing something that maybe, could, just might slightly reduce Microsoft's monopoly. The plaintiffs SHOULD BE seeking a decisive, absolute, expedient remedy.

Section III.E is good in spirit. But, stipulating that Microsoft provide protocol licenses under ''reasonable and non-discriminatory terms'' is not sufficient. Protocols and API's should not require a license to implement, period. But, for any communication or ''Middle-ware'' protocol or API that Microsoft chooses to bolt a license onto that license must be made available to any person, organization, or company without fee, and without restriction.

In addition Microsoft should be prohibited from implementing pre-existing API's and protocols in slightly or grossly different and/or incompatible ways. As suggested by one of the remedies reviewed and discarded [as listed in the CIS].

The exclusions for ''anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems'' are huge. I'm only a middling software engineer and I can devise any number of methods to render API's and/or protocols effectively useless without portions that a half-way decent lawyer could argue fall under those categories. Microsoft has enough middling software engineers and half-way decent lawyers to evade much of the PFJ in such a manner.

The PFJ focuses on commercial competitors and large ones at that. This is wrong. The Internet (and it is The Internet, ill advised or not, that the complaint envisions as the tool to end Microsoft's OS monopoly) largely exists and operates on software made and supported by small companies, government agencies, and non-profits. (DNS—bind and others, email—sendmail and many others, FTP—many, Apache, PERL, PHP, MySQL, Linux, various BSD flavors, and the list goes on)

I disagree with the following statement or more accurately I disagree with the conclusion that it is the most workable / best path the government should pursue in order to eliminate Microsoft's illegal monopoly. ''The formidable applications entry barrier may be eroded through platform software known as ''middleware.''''

The concept the PFJ defines as middleware was a new market segment that several companies (Netscape and SUN among others) attempted to create in their desperate search for a niche in which to compete free of Microsoft's monopoly. I believe it is a risky ploy. Not at all assured to 'erode' Microsoft's monopoly status with or with-out the aide of the PFJ provisions.

Finally, ''The ubiquity of the Windows operating system thus induces developers to create vastly more applications for Windows than for other operating systems. The availability of a rich array of applications in turn attracts consumers to Windows. A competing operating system will not attract large numbers of users unless those users believe that there is and will continue to be a sufficient and timely array of applications available for use on that operating system. Software developers, however, have little incentive to write applications for an operating system without a large number of users.'' CIS

The above paragraph suggests several effective remedies. Namely increasing the number of users of competing operating systems and increasing the number of applications available for competing operating systems. The U.S. and state governments have the power to do these things, perhaps not directly as a restriction on Microsoft but through other means. Just make Microsoft foot the bill. A very simple, enforceable, and in my mind just remedy would be to have Microsoft forfeit 1/3 of it's ''current assets'' (about 14 billion) or X billion per year for X years, whatever. Put one billion into a trust in order fund potential future cases against Microsoft. The rest used in any number of ways to promote serious private and public sector threats to Microsoft's illegal operating system monopoly.

I arrived at some of the conclusions above in part because I disagree or find erroneous the following parts of the complaint. Most of it is just too old and doesn't apply to the U.S. software market as it sits today. 1.3 ''Because end users want a large number of applications available, because most applications today are written to run on Windows, and because it would be prohibitively difficult, time-consuming, and expensive to create an alternative operating system that would run the programs that run on Windows''

It is debatable whether most end users want a large number of applications available. Most want; MS Office, a HTTP/HTML browser, and E-mail. With a smattering wanting instant-messaging and file sharing. Although, game players want large number of application(games) available. I know several people who maintain a Window OS solely in order to play games. Everything else they do with some other operating system.

''most applications today are written to run on Windows''

Is only true if one does themselves the great disservice of limiting their definition of 'applications' to those sold commercially by large companies. The wine project [www.winehq.com] and Mandrake's gaming distribution [http://www.linux-mandrake.com/en/games8.0.php] demonstrate how it is not ''prohibitively difficult, time-consuming, and expensive to create an alternative operating system that would run the programs that run on Windows''

Just hard and risky in the face of Microsoft's illegal monopoly. The fact that both projects are open-source might be a clue as to effective tools with which to eliminate Microsoft's illegal monopoly. 1.4 Follows on the questionable points of 1.3 and is therefore questionable itself. As proof I point to Linux in the server and other markets. Linux *is* a ''direct, frontal assault by existing or new operating systems'' and has created significant new markets, new companies, and huge opportunity for existing companies to compete against Microsoft even with its illegal monopoly.

1.6 Maybe when this was written, but Microsoft eliminated this 'threat' long ago.

1.7—1.38 If the government believes this then they should really want to limit Microsoft in the server market. Microsoft's recent and continuing practices with Kerberos, DNS, Active Directory, and IIS demonstrate its continued use of monopoly powers in one market to extend them into another, (server-infrastructure / client-browsers)

It would have been nice to see some commentary and detail on why and how the government came to believe the following remedies (taken from the CIS) were not in the our (The People of the United States) best interest. ''A requirement that Microsoft license the Windows source code to OEMs to enable them to modify, compile and distribute modified versions of the Windows Operating System for certain limited purposes, such as automatically launching Non-Microsoft Middleware, operating systems or applications; setting such non-

Microsoft Middleware as the default; and facilitating interoperability between Non-Microsoft Middleware and the Windows Operating System.''

''A requirement that Microsoft disclose the entire source code for the Windows Operating System and Microsoft Middleware, possibly within a secure facility for viewing and possibly without such a facility.''

''A requirement that Microsoft must carry certain Non-Microsoft Middleware, including but not limited to the Java Virtual Machine, in its distribution of the Windows Operating System.''

''A requirement that Microsoft manufacture and distribute the Windows Operating System without any Microsoft Middleware or corresponding functionality included.''

''A requirement that Microsoft continue to support fully industry standards if it chooses or claims to adopt them or extends or modifies their implementation.''

''requirement that Microsoft waive any rights to intellectual property in related APIs, communications interfaces and technical information if the Court finds that Microsoft exercised a claim of intellectual property rights to prevent, hinder, impair or inhibit middleware from interoperating with the operating system or other middleware.''

btw, this 'Factual Background' from the CIS is false: ''Operating systems designed for Intel-compatible personal computers do not run on other personal computers, and operating systems designed for other personal computers do not run on Intel-compatible personal computers'' This myth might have been perpetuated since Microsoft's operating systems typically cannot run on platforms other than x86 compatible ones. NetBSD and Linux are two contrary examples of operating systems that run on Intel-compatible personal computers and *do* run on other personal computers.

Thank you for your time and opportunity to voice my comments, have a wonderful day.

Norman J. Harman Jr.
njharman@knoggin.com
San Francisco CA

This document has also been sent by 1st class US Mail to:

Renata Hesse
Trial Attorney
Antitrust Division
U.S. Department of Justice
601 D Street, NW, Suite 1200
Washington, DC 20530

MTC–00022722

From: Cory Petkovsek
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 3:53pm
Subject: Microsoft Settlement

Department Of Justice,

I am writing to express my discontent over the proposed settlement between the DOJ and Microsoft. Microsoft has clearly committed wrong action in this country, against consumers and against other businesses. This settlement is a bare punishment with great benefits for Microsoft. Two great benefits for Microsoft are 1) Escape from punishment and justice. 2) The extension of its monopoly into schools, making the poorest schools in America dependent upon Microsoft and their products. If Microsoft is allowed to continue without a real remedy they will both continue in their wrong actions, and set a precedent for other large companies. For years high paid lawyers of large companies will use Microsoft tactics and cases in defense of their own wrong actions.

Those that will suffer from such a poor settlement are American citizens. Immediately, everyone using or perhaps associated with other people using Microsoft software will continue to suffer. For instance if Microsoft had their way, MS Word documents could be opened only by MS Word, requiring everyone to own a copy of MS Word if they are to share documents. If Microsoft had their way, all internet websites would be viewable only by Internet Explorer. Both of these examples are or have been real problems experienced by me and thousands of computer users. Later, as precedents are set, more citizens could become affected as other corporations develop and extend their monopolies.

Please refer to your mission statement: http://www.usdoj.gov/02organizations/index.html ''Department of Justice Mission Statement To enforce the law and defend the interests of the United States according to the law, to provide Federal leadership in preventing and controlling crime, to seek just punishment for those guilty of unlawful behavior, to administer and enforce the Nation's immigration laws fairly and effectively, and to ensure fair and impartial administration of justice for all Americans.''

Is the proposed settlement a real enforcement of antimonopoly law? Will allowing Microsoft to extend its monopoly into our poorest schools ''defend the interests of the US according to the law''? Is such a toothless settlement inline with the DOJ's commitment ''to seek just punishment for those guilty of unlawful behavior?''

I serve my company as a Network Administrator of computer systems running both Microsoft and non-Microsoft software. In such an environment it is very easy to compare Microsoft operating systems and products with non-Microsoft software, as well as the companies which produce them. Microsoft repeatedly expresses their interest and development of new plans for securing their products. Yet each new product is found to contain many security problems symptomatic of a flawed design (as opposed to a flawed implementation) and false marketing. Microsoft claims to be innovative while others are stifling their innovation. However I fail to see how bundling products and releasing ''killer'' applications (C# a Java killer, Internet Explorer a Netscape killer) provides innovation that benefits the consumer.

Real competition is great for the consumer and America. However Microsoft's intentions are wrong. They choose actions that benefit Microsoft, not the consumer, not Microsoft AND the consumer. Their ''competitive'' practices are akin to ranchers killing all of the wolves in the forest to protect their sheep. These actions are against the laws of nature and will result in an out of balance ecosystem. Microsoft performs actions designed to kill off their competitors, which currently results in an out of balance ecosystem. Many people, companies and government agencies suffer from expensive, insecure, unstable operating systems and products (outlook), and are nearly forced to remain with the Windows platform, paying exorbitant prices to do so. I know a company that would like to replace some certain Microsoft software, however are unable to do so because there is not a viable product on non-Microsoft platforms. This is primarily due to lack of competition, for Microsoft's monopoly also extends into the development community as well.

Such selfish actions don't fit the mold of America well. When such selfish actions go to the point of ''playing against the rules'', they need to stop playing. Department Of Justice, as the playground attendant, it is your responsibility to make sure everyone plays together nicely, and to correct those who do not. Please keep the ideals of America strong, unable to be watered down with handwaving and words, bypassed by lies or broken by dollars.

Liberty and Justice for all.

Cory Petkovsek

MTC–00022723

From: Steven York
To: Microsoft Settlement U.S. Department of Justice
Date: 1/24/02 3:49pm
Subject: Microsoft Settlement

Steven York
2700 Colorada Blvd
Santa Monica, CA 92606
January 24, 2002

Microsoft Settlement U.S. Department of Justice ,

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Steven York

MTC–00022724

From: Frank Garber
To: Microsoft ATR

Date: 1/24/02 3:52pm
Subject: Microsoft monopoly hearings
I don't understand how the proposed penalty of donating MS products to school systems keeps them from committing monopolistic practices? I want them broken up. I want fair competition!!!
Frank Garber

MTC–00022725

From: Pastor Deterding
To: Microsoft ATR
Date: 1/24/02 4:00pm
Subject: microsoft settlement
The Microsoft anti-trust suit has been a politically motivated witch-hunt. Let's bring this to an end as quickly as possible and let Microsoft and all its competitors get back to the business of improving computer technology.
Sincerely,
Paul E. Deterding
Carson City NV

MTC–00022726

From: Carlo =)
To: Microsoft ATR
Date: 1/24/02 3:56pm
Subject: Microsoft Settlement
To Whom it May Concern: This proposed settlement is wrong. Why let Microsoft come up with their own punishment? That's a ridiculous way to settle this. Please don't let them go unscathed.
Thank you
Carlo Pitocco

MTC–00022727

From: jdregalla@adelphia.net@inetgw
To: Microsoft ATR
Date: 1/24/02 3:54pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Jon Dregalla
31011 Muirfield Way
Westlake, OH 44145–5060

MTC–00022728

From: word@speakeasy.net@inetgw
To: Microsoft ATR
Date: 1/24/02 3:54pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
jeanette Fenton
6533 6th Street
Rio Linda, CA 95673

MTC–00022729

From: lmicka@internetcds.com@inetgw
To: Microsoft ATR
Date: 1/24/02 3:53pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Linda Micka
PO 725
Merrill, OR 97633

MTC–00022730

From: bethlehempastor@
nanosecond.come@inetgw
To: Microsoft ATR
Date: 1/24/02 3:53pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Paul Deterding
3363 Oreana Dr
Carson City, NV 89701

MTC–00022731

From: djlholt@mac.com@inetgw
To: Microsoft ATR
Date: 1/24/02 3:53pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Jeanie Holt
7027 Mozart Ct
Sun Valley, NV 89433

MTC–00022732

From: Vogel, Alan
To: 'microsoft.atr(a)usdoj.gov''
Date: 1/24/02 3:56pm
Subject: Microsoft Settlement
Alan J. Vogel
Operation's Director St. Louis
Allegiance Telecom
Office 314 783–9339
Wireless 314 616–4440
MTC–00022732—0001
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:
I have been a supporter of Microsoft from day one of the lawsuit against the company. In light of the recent settlement between Microsoft and the government, it is time to end this case and allow this great company the chance to get back to work.
Microsoft has granted computer makers the right to remove various Windows based systems, including Windows Media Player and Windows Messenger. What company in history that has ever volunteered to deliberately allow removal of its product? This provision alone in the settlement is enough to satisfy even the most envious rival. Additionally, Microsoft will use a uniform price list when licensing Windows out to the twenty largest computer makers in the nation. Microsoft has compromised a great deal in this case. Not only has Microsoft

agreed to more than what was asked for, but it has done so graciously and fairly. It is time for the government to end this case and allow Microsoft to continue making superb software and other products.

Sincerely,
Alan Vogel
2747 Danforth Drive
Saint Louis, MO 63129
cc: Representative Richard A. Gephardt

MTC–00022733

From: randyshiner@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 3:54pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Randy Shiner
rd-2box321-a
Dayton, PA 16222

MTC–00022734

From: Adam Hitchcock
To: Microsoft ATR
Date: 1/24/02 3:58pm
Subject: Microsoft Settlement

the proposed settlement is bad idea

MTC–00022735

From: David Rees
To: Microsoft ATR
Date: 1/24/02 3:58pm
Subject: >
Subject: Microsoft Settlement
Subject: Microsoft Settlement

To whom it may concern,

I am opposed to the Proposed Final Judgement in United States v. Microsoft.

David Rees reesdav@yahoo.com 01/24/2002

MTC–00022736

From: Bob Ulmer
To: Microsoft ATR
Date: 1/24/02 4:12pm
Subject: MICROSOFT SETTLEMENT

It is in my opinion in the best interest of America and the world at this time to settle the Antitrust case against Microsoft! Greed and jealousy and politics of other companies and states are feeding this frenzy! Send a signal to corporate America that to compete in the market place you must build a better product than your competition, and not try to steal from them! Microsoft has not done anything more than that which is practiced today in any other corporation in America! Microsoft is good for America!

Please Settle This Antitrust Case Now!

Respectfully Submitted,
Bob Ulmer
3959 Normandy Dr
Owensboro, KY 42303
CC:Microsoft ATR

MTC–00022737

From: Ron Unangst
To: Microsoft ATR
Date: 1/24/02 3:59pm
Subject: Microsoft Settlement

I appreciate Microsoft and what it has done for the computer industry. I will be sending my letter to the Attorney Generals office. I can't believe AOL is doing this. What about their merger with Time-Warner? I think Microsoft has done right by all of us users.

Ron Unangst

MTC–00022738

From: Linda M. Bettin
To: Microsoft ATR
Date: 1/24/02 4:01pm
Subject: Microsoft Settlement

Dear Sirs;

I, as a consumer, would like to see AOL back off on litigation against Microsoft and be more constructive. For instance putting the monies that they use in trying to sue Microsoft to better use. They could put their heads together with Microsoft, work together to make new innovations. It just seems like Microsoft is always trying to defend themselves in court about one charge or another. I for one, feel like they are being persecuted for having a superior product. Leave them alone and let them do what they do best, developing more new software!

Thank You,
Linda Bettin

MTC–00022739

From: Alex Jacques
To: Microsoft ATR
Date: 1/24/02 4:00pm
Subject: Microsoft Settlement

I am aghast that after having successfully prosecuted the anti-trust case against Microsoft (and after having it almost entirely upheld on appeal), the DOJ is willing to accept an incredibly weak and ineffectual ''remedy''.

The loopholes and flaws in the proposed agreement are many, but amongst the more serious are:

1. The definitions of API, middleware and ''Windows Operating System Product'' are much narrower than in the findings of fact or in common usage. This opens numerous loopholes as it allows Microsoft to continue their anti-competitive practices with products that fall outside of these curiously limited definitions.

2. Information concerning authentication and authorization protocols need only be given to concerns that meet Microsoft's criteria as a business. Given that Microsoft has publicly stated that free software (e.g. Linux, Apache, Samba) is its most serious competition, and that such software is frequently developed outside of normal business organizations, this allows Microsoft to stifle its most serious competitor. Any argument that for security reasons information about authentication and authorization must only be disseminated on a limited basis is spurious. Such arguments are referred to as ''security through obscurity'', which has been widely discredited in computer security circles. Indeed, the specifications for many of the most widely used and successful security protocols (e.g. Kerberos) are publicly available. Many computer security professionals will not even trust those protocols that are not widely published and studied.

3. There are no requirements that Microsoft publish documentation for any of their proprietary file formats (e.g. Word). Given that Microsoft's anti-competitive practices have made the use of their proprietary file formats almost universal, and that hence the ability for competing software to read such formats is essential to the success of such a product, this allows Microsoft to forcefully maintain its monopoly.

I urgently hope that the DOJ will reconsider, and only accept an agreement that effectively limits Microsoft's ability to illegally maintain and advance its monopoly.

Alexander M. Jacques
2 Carlson Ct.
Kings Park, NY 11754
ajacques@yahoo.com

MTC–00022740

From: tong@dal.asp.ti.com@inetgw
To: Microsoft ATR
Date: 1/24/02 4:00pm
Subject: Microsoft Settlement

No No No.

Settlement should not enhance the position of the one who is supposed to be penalized.

This is a ''trick''.

If this ''settlement'' is accepted at this present form, it's a form of ''raping the whole public''. It's not even funny thing like this can be even tried.

CC:Tong Wong

MTC–00022741

From: Scott
To: Microsoft ATR
Date: 1/24/02 4:00pm
Subject: Microsoft Settlement

To whom it may concern:

I have been following the Anti-trust suits against the Microsoft Corporation fairly closely. Being an engineer for an Internet Service Provider, many of the issues this suit was intended to resolve are important to me and the work I do. This is true not only for my own work in the office, but for dealing with our customers as well.

It is the nature of Micrsoft's products, all of them, that they will work only in conjunction with each other. Thus, if I, or one of my customers, has need of one of any non-Microsoft products, whether Operating System, Office Suite, or any other software product, we must, by Microsoft's very nature, make a much larger investment in hardware to allow for these incompatible products on an entirely different workstation. Thus, instead of having to purchase one workstation for my small, business, I will need to purchase two so that I can fulfill the needs of my business. All of these products

are incompatible ONLY because of Micrsoft's lack of openness in the programming needs to make them compatible. Even different Versions of the same product are incompatible! So, since, my customer has upgraded to a newer Microsoft product, I must do the very same, simply to be able to properly interact with that customer. But, since I did so, all of the rest of my customers are required to do so as well. Again, just so we can all properly communicate. Making it possible for any one who chooses to do so, to create software that is compatible with the most used Operating System and Office suite in the world. Looking over the information available on the proposed settlement of the Anti-trust suit, this is one of the most glaring failures of the settlement, this is not possible. Though there are statements in the proposal that seem to make this possible, there are enormous loopholes in each one, and even contradictory statements to nearly every one.

The largest interconnected network of computers, commonly referred to as ''The Internet'' is also dependent upon Microsoft. This highlights the glaring issues of Security in the Microsoft Product Line. I have not run across or used any product developed by Microsoft that has not required a security ''fix'' within the first month, at the outside. Because I deal with the Internet and the people who use it on a daily basis, I am constantly evangelizing about the dangers of the Microsoft products. Now, not only must I assist our customers with their Internet connectivity, but I now have to be a Microsoft Security Expert so that I can keep my own network secure and safe. Would I, because of the liaise-faire position of Microsoft when dealing with security issues, be able to charge back to Microsoft all of the costs associated with the time, effort, training, and materials involved in my support of their product? Because they choose not to?

The proposal simply changes ''HOW'' Microsoft must interact with others. Instead of acting in a self serving, threatening, monopolistic fashion that was not only illegal, but entirely unethical; Microsoft would be able to act in a self serving, threatening, monopolistic fashion sanctioned by the Federal Government. If the intent of those who brought and pursued the suit in the first place was to simply make it legal and easier for Microsoft to enforce and reinforce its monopolistic position, then this proposal would succeed admirably.

Thank you for allowing me to provide some input into this process.

W. Scott Page
Sales Engineer
Internet Service Provider
Pennsylvania

MTC–00022742

From: wedanneberg@webtv.net@inetgw
To: Microsoft ATR
Date: 1/24/02 3:58pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Walter Danneberg
1475 Midland Rd 4
Southern Pines, NC 28387

MTC–00022743

From: JBSolyan@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 3:59pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
James Solyan
4972 Webb Drive
Colorado Springs, CO 80916–2231

MTC–00022744

From: doverjj@citlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 3:59pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Geraldine Crawford
568 West Ames Road
Canajoharie, NY 13317–3229

MTC–00022745

From: Annfucci@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 4:00pm
Subject: Enough litigation

I really believe Microsoft has tried to do everything to satisfy the litigants and the Department of Justice has mnade a ruling and Microsoft has complied . . . what more do they expect . . . The competitors have not had the technology that the public wanted . . . they wanted the Microsoft new inovations and that is what should count. The Competitors should go back to the drawing board and come up with something that the public wants more than Microsoft.

MTC–00022746

From: Turnblade@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 3:59pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Microsoft has delayed and evaded its just settlement long enough. Decisively end this case with Microsofts punishment. It may be fair to say that Microsofts evassion tactics has brought the most expensive guilty verdict money can buy. Unless the punishment phase is Microsofts just punishment, end it. Swiftly, Justly, and not infavor of Microsoft.

Regards,
Donald Turnblade
Sincerely,
Donald Turnblade
103 N. 130th Circle
Chandler, AZ 85225

MTC–00022747

From: wsesler@msn.com@inetgw
To: Microsoft ATR
Date: 1/24/02 3:58pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Donna Sesler
3155 Ella Lane
Manhattan, KS 66502–2012

MTC–00022748

From: Akito Hayama
To: Microsoft ATR
Date: 1/24/02 4:03pm
Subject: Microsoft Settlement
the proposed settlement is bad idea

MTC–00022749

From: Jim (038) Debby
To: Microsoft ATR
Date: 1/24/02 4:03pm
Subject: Microsoft Settlement
I remember when I wanted to buy my first PC in 1992. I called about 15 build-to-order firms such as Gateway 2000, Dell, etc. I wanted OS2 instead of Windows—none of them could leave off Windows.
My request was met with silence from a couple of them. I did not realize what was going on at the time, but I am 100% sure that Microsoft was putting anti-competitive pressure on the PC builders then.
As far as Microsoft's claim that the browser is an integral part of Windows, my first edition of Windows 95 had no browser. When I wanted to get on the Internet in 1996, I had to go get a browser and install it.
Nothing I see in my current Windows 2000 tells me that a browser is an essential part of an operating system.
I do not see Microsoft as any less of a monopoly than AT&T was a couple of decades ago. I think the national interest would be best served with more competition in the software industry.
Jim Rickey
2169 Neill Way
Hanford, CA 93230–1536
hiflyers@pacbell.net

MTC–00022751

From: Akito Hayama
To: Microsoft ATR
Date: 1/24/02 4:04pm
Subject: Microsoft Settlement
the proposed settlement is bad idea

MTC–00022753

From: Tito.Martinez@alltel.com@inetgw
To: Microsoft ATR
Date: 1/24/02 4:11pm
Subject: Microsoft Settlement
I fear that all that will happen to microsoft is a small handslap. I'm a developer and I use MS products, but have seen how they have negatively influenced the industry and consumers as a result. I'm just sending in my comments to hopefully influence the settlement as not being too lenient.
Tito Martinez

MTC–00022754

From: James McPherson
To: Microsoft ATR
Date: 1/24/02 4:04pm
Subject: Microsoft Settlement
I Have given a lot of thought to how Microsoft should be made to pay for their past behavior. As someone who has worked for many years in the IT industry, and as a law student at the University of San Francisco, I feel that the best thing for the —industry— would be to force Microsoft to open up its APIs and to ''open source'' Internet Explorer. These two actions will keep Microsoft from making their Windows products incompatible with 3rd party software thereby creating greater competition in the area of applications. Also, opening up the APIs will allow companies to compete with Microsoft directly because the industry will now be able to create new operating systems which are Windows compatible.
Breaking up Microsoft will achieve nothing but create two monopolistic companies where only one existed before. There will be absolutely no benefit to the consumer. It would simply be an act of revenge.
Thank you,
James McPherson
Lafayette, CA

MTC–00022755

From: AXEL@DIGITALPASSAGE.COM@
inetgw
*COM001*To: Microsoft ATR
Date: 1/24/02 4:02pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
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Please put a stop to this travesty of justice now. Thank you.
Sincerely,
CARL BRAUN
249 W ARCHER STREET
JACKSBORO, TX 76458–1745

MTC–00022756

From: Margaret E Stambaugh
To: Microsoft ATR
Date: 1/24/02 1:04pm
Subject: Microsoft Settlement
I firmly believe in the importance of competition in today's market. As there is no competition forth coming in the software industry, everything should be done to foster competition. For this reason, the settlement reached with Microsoft, is not extensive enough to improve growth and diversity in the market. Please Reconsider.
Sincerely,
Margaret Stambaugh

MTC–00022757

From: jtylor1@gte.net@inetgw
To: Microsoft ATR
Date: 1/24/02 4:01pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
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Please put a stop to this travesty of justice now. Thank you.
Sincerely,
R. Finegan
1500A E. College Wy
#436
Mt. Vernon, WA 98273

MTC–00022758

From: msmargeret@svic.net@inetgw
To: Microsoft ATR
Date: 1/24/02 4:01pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
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Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Jesse Barrett
P.O. Box 587
Trenton, FL 32693

MTC–00022759

From: Knightswrd@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 4:02pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
David Knight
10820 Helber Road
Logan, OH 43138

MTC–00022760

From: drmjf@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 4:05pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Michael Fernandes
3079 Simas Ave
Pinole, CA 94564–1158

MTC–00022761

From: Robert Eden
To: Microsoft ATR
Date: 1/24/02 4:06pm
Subject: Microsoft Settlement

I'm a computer professional that uses a multitude of different systems. I constantly see Microsoft abusing their dominant position to extort excessive fees, and to squash competition. It is my understanding that the judgment says the same.

The proposed remedies are a joke. They do little to punish Microsoft, only hope to prevent further abuses. Since Microsoft has ignored previous agreements curb their behavior, why does the DOJ expect this one to be any different? There is even language that protects MS from competition with Open-Source software!

I urge the DOJ to consider true punishment for Microsoft. Yes, it will hurt them, but isn't that the point? Nothing can bring back the companies MS has destroyed, but maybe others (or Open software) can be allowed to grow into competitors.

Robert Eden

MTC–00022762

From: Dan Martin
To: Microsoft ATR
Date: 1/24/02 4:06pm
Subject: Microsoft Settlement

Hello,

My name is Dan Martin, and I am a network administrator for a logistics company. I am writing because I feel that the proposed settlement with Microsoft is a poor reprimand in an anti-trust hearing with so much on the line. Microsoft has 30 BILLION dollars in the bank, gained mostly from sales of it's OS and Office suite applications.

Microsoft has used their 90% market share in the operating system market (started because of an anti-trust hearing on IBM . . .) and pushed out netscape from the market. Please look on Netcraft.com and see the usage statistics on netscape. It used to be the highest, now it is abysmal due to Microsoft bundling their browser with Windows.

Now Microsoft is planning on expanding into other realms. I feel that this is OK . . . a company should be able to forage out into other markets. However, with their photo-suite application (bundled with WinXP) Microsoft had a scuffle (and a proposed lawsuit, if I am not mistaken) with Kodak, because the photo software would launch automatically and not allow the user easy access to software manufactured by another vendor. This becomes even more important when it is found that photo software makes a large amount of money due to sending away for photo's made by Kodak or Fuji.

On the other hand, Microsoft paid millions for hotmail.com, for (what is seems) the sole purpose of having users give microsoft their personal information to be used as a ''passport''. With Microsoft's .NET initiative, their are trying to privitize much of the internet, and unfortunately, due to Microsoft's abysmal security policies, I cannot sign up to use .NET, Hailstorm, or even use Passport. Microsoft leverages their monopoly on the desktop even today. I use windows XP, and the Passport sign-up screen has come up over a dozen times, and I have repeatedly told the software that I do not wish to sign up, but it keeps on trying to get me to send my personal information to microsoft. I don't need Passport to use my computer, or the Internet, but Microsoft obviously wants me to think that I have to.

Microsoft even tried to give 1 billion dollars in ''free'' software to underprivledged schools. Unfortunately, ''free'' software to Microsoft is just that. Free. Microsoft pays for the development, the CD's cost less than a dollar to produce. There is a reason Microsoft has 30 Billion in the bank. Apple computer's mainstay is Educational sales, and that would cut a large chunk out of that. How about microsoft purchases 1 billion dollars of Apple computer's (with Mac OSX) and gives those to underfunded schools.

Bottom line, Microsoft is a very large company with billions of dollars in the bank. They pushed Netscape out of buisness, and it is fairly obvious that the anti-trust settlement proposed will do nothing to stop this company from using their monopoly on desktop computers to drive out competition.

It has happened with netscape. Microsoft was going to do it with Kodak, but relented when they realized that they shouldn't push around a company with so much name recognition.

By the way, 30 Billion dollars cash is enough for hostile takeovers of 12 to 15 fortune 500 companies.

Thanks,
Dan Martin
danm@afcexpress.com0
CC:tunney@codeweavers.com@inetgw

MTC–00022763

From: w9wpo1@midamer.net@inetgw
To: Microsoft ATR
Date: 1/24/02 4:03pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
George Dodds
1006 S. Carbon st.
Marion, IL 62959–1412

MTC–00022764

From: mdeibler@biker.nocpulse.net@inetgw
To: Microsoft ATR
Date: 1/24/02 4:05pm
Subject: Microsoft Settlement

Dear Sirs,

The Proposed Final Judgement is not sufficient—there are too many flaws in it. Some of the flaws I see are:

—The PFJ doesn't take into account Windows-compatible competing operating systems

—The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

—The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

—The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

—The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

—The PFJ as currently written appears to lack an effective enforcement mechanism.

Given the above, the PFJ should be scrapped and redone.

Sincerely,
Michael Deibler
Santa Clara, CA 95054

MTC–00022765

From: Ed Cramer
To: Microsoft ATR
Date: 1/24/02 4:09pm
Subject: Microsoft Settlement

GET THE LEAD OUT AND DO YOUR JOB! HOW MANY TIMES IS M$ GOING TO GET OFF THE HOOK?

—Ed Cramer

MTC–00022766

From: tom@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/24/02 4:06pm
Subject: Microsoft Settlement

I would like for you to have a real settlement with Microsoft. They have been pushing there software down our throats for way to long. I use Linux as my home OS just

to keep away from Microsoft. Allot of great software is available for windows and I don't use it because I don't want to get caught in the Microsoft trap. So I use Linux at this time and I would like to ask for you to make it clear that a PC from A OEM can ship with any OS and the OEM not get charged for Windows when it is not even on a computer !!!

You should also stop there browser monopoly NOW !!!! Netscape is a great browser but many people will never see this software because of Microsoft's way's

Thomas Wickline

MTC–00022767

From: Charles Davis
To: Microsoft ATR
Date: 1/24/02 4:09pm
Subject: Microsoft Settlement

I wish to strongly voice my support for the pending DOJ-Microsoft settlement. I have been a user of Microsoft software for over 16 years, since the first edition of the Windows OS.

In 1991, my family—myself, wife, sons and daughters and in-laws—decided to standardize on the MS tools since we had wasted so much on ineffective SW alternatives. We have experienced an enormous level of satisfaction as a result of that decision and have been frustrated by the constant level of anti-Microsoft press we are forced to witness. None of us have any Microsoft stock so there are no self interests involved except the confidence in the high level of quality provided by using the Microsoft suite of products.

Please do not give in to the barrage of negative opinions offered constantly in so many trade magazines. From our decade of experience, it is simply inconceivable to consider that the DOJ-Microsoft is not in the best interests of my family.

Sincerely,
Dr. Charles R. Davis
9866 Natick Road
Burke, VA 22015
703–725–0147

MTC–00022768

From: William Sween
To: Microsoft ATR
Date: 1/24/02 4:08pm
Subject: microsoft settlement

I think Microsoft has been delt with by the courts and the Federal & State Governments in a grossly improper way. Microsoft has helped the development of this country in a way that no private company has ever done before in our history. The government agencies and other companies that are bringing suit (AOL T/W etc.) are a bunch of crybabies who are looking for a chance to get something from Mr. Gates'' company that they have no right to. Lets recognize Microsoft's achievements and stop persecuting them.

William R. Sween
billbob9@worldnet.att.net

MTC–00022769

From: Xesdeeni Xesdeeni
To: Microsoft ATR
Date: 1/24/02 4:01pm
Subject: Microsoft Settlement

The proposed settlement with Microsoft is a bad idea.

I have had a great deal of experience with Microsoft from the point of view of a non-competing hardware and software developer. And even in such a non-threatening role, we have been strong-armed by Microsoft. The propose settlement will do nothing to alleviate the tactics Microsoft uses every day. Mostly the indirect method of industry control has been accomplished through the preferential price given to computer manufacturers, but only if their PCs met the specifications Microsoft demanded. Of course, hardware vendors are free to ignore the Microsoft specifications, but then they are ignored by the PC manufacturers that would forfeit their discounted price if they used non-approved parts. There are three significant issues with the reality of allowing this situation to continue:

1. Any new innovation made by any company and included in their version of a device that is subsequently adopted by Microsoft is made mandatory in the next revision of their PC requirements. Obviously this removes the advantage of an innovator beyond the first generation, and puts a burden on competitors that may have made the judgement that they do not have the resources to develop this innovation, or that they do not believe that the innovation is important to their customers.

2. In many cases the original innovator may have patented their technology. This means that competitors are forced either to develop alternate methods of accomplishing the same thing (meaning their development time is longer than the original developer), or to enter into painful agreements with their competitors.

3. Because every developer of a particular device must provide all the functionality that Microsoft requires, none of the features may have any additional value associated with them. They must be added to the part ''for free,'' because the features don't elevate the devices above the competition, they only allow them to catch up.

Here are some examples:

1. Our graphics chip design team was forced to create a 3–D hardware design team, a 3–D software design team, and a 3–D test team, so we could develop and include 3–D capabilities in our device, even though our intended market was corporate, and our customers did not want this capability. And because we were playing catch-up with the competition, all of the resources dedicated to this feature could not be offset by increasing the cost of our product. This company no longer makes graphics chips.

2. Our modem design team was forced to add features to our modems that we did not think were necessary for our intended customers. One such feature is called ''distinctive ring detection.'' Distinctive ring is a feature provided by the phone company that allows multiple phone numbers to reach the same telephone. The ring heard on the phone differs for each phone number, so that the customers can tell which number is being called. The modem must detect the differing rings as well, so that it can be programmed to respond only on a particular phone number. The miniscule number of people in the whole country with distinctive ring is only dwarfed by the number of those people who receive incoming phone calls for their modem. Yet this is a requirement for every modem that gets Microsoft's seal of approval. Those few people would likely have been willing to pay a bit more for this feature, if we deemed it worth our effort to even do the development for our mass-market product. But Microsoft forced us to do this work whether we wanted to or not, and then set us up so that we could not ask any more for this product, because everyone else had the feature as well.

3. During development of a new video feature for our graphics chips, we could not interest Microsoft in supporting the new capabilities. However, our customers were concerned that if others added the feature and there was no standard way of accessing this feature across all the brands, they would have difficulty using or supporting the feature. So we created an interface that we shared with our competitors. We did all the leg work, wrote drivers, documentations, and held a development forum to which we invited all of the competitors. Once we had drummed up enough interest in the industry, Microsoft decided to add support for the feature to Windows. Of course everything they did was completely incompatible with the work we had done. They did however, steal all of the knowledge and hard-fought lessons from our interface, and also wooed away one of our engineers in the process. Our company gained nothing by having done all this work, but we had no choice but to move to Microsoft's interface and lose all our work.

4. Further development of the above-mentioned video feature ran into an issue involving the interface between the applications using the interface and our drivers talking to our hardware. Microsoft defined the interface through which application developers would communicate to our drivers, but in this case they had no need to write any code. However, when both application developers and driver writers who had been invited to a development event at Microsoft asked (together) that the interface be changed to fix some problems that both groups were hitting, Microsoft said ''No.'' That feature is still present on every graphics chip, but it is almost never used any more. However, it is still a requirement to receive Microsoft's stamp of approval.

I could go on, but the pattern should be obvious. We were not competing with Microsoft, but they still did things that are the very definition of anti-competitive. Of course, they are pitting non-competing companies against one-another, so the negative effects are not obvious at all. Any solution proposed so far is miles from one that will correct this type of industry-wide manipulation and destruction.

In an Old West traveling carnival, they used to display a bowl of boiling liquid sitting atop a block of ice. The sign said ''the Backwards Element,'' as if to imply that the liquid boiled because the ice cooled it. The liquid was in fact liquid nitrogen. The ice wasn't causing it to boil, it was slowing the boiling. People believe that the computer industry is better because of Microsoft. But in fact it is better in spite of Microsoft.

Without proper and significant punishment, they will only grow more arrogant and manipulative.

And the sad truth is that splitting them into 5 pieces (Desktop O/S, Server O/S, Portable O/S, Applications, and Services) and forcing them to play by the same rules as everyone else will actually benefit them.

They will actually be forced to develop O/Ss that don't crash, applications that don't use up tons of system resources, and services that make sense for the masses.

Anonymous (for fear of Microsoft's backlash in ''their'' industry).

MTC–00022770

From: djw549@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 4:05pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
donna wheeler
14429 s. gray
cheney, WA 99004

MTC–00022771

From: quake—98@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 4:05pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Paul Miller
P.O. Box 417
Utica, OH 43080

MTC–00022772

From: Kris
To: Microsoft ATR
Date: 1/24/02 4:16pm
Subject: Microsoft Getting Away with Murder

Microsoft has systematically killed free market competition in the software marketplace. Please don't give them permission to rape and pillage in the education market, with their ''big software giveaway.''

My husband and I both work in Silicon Valley's high tech industry, and we continue to be amazed at how they stifle creativity in the marketplace. First, my husband worked for SGI on pen-based computing. No outside ventures would fund their company as a separate entity because they were afraid of Microsoft's CE operating system, targeted at palm-sized computers. They killed this SGI division, then hired away the best technical brains from this company.

Now he works at TiVo, a personal digital television recorder, and he's again positioned against Microsoft. Microsoft continues to shovel ill-gotten operating system gains into their Ultimate TV division. They can afford to lose money for YEARS, virtually crushing innovative start ups like TiVo. I first worked with Netscape and watched Microsoft crush them. And now I consult for Apple, and I resent, on a daily basis, that I'm forced to use a Microsoft browser and Word Processor and mail package. No Apple developer dares to enter these Microsoft-dominated markets, so we are stuck with the mediocre Microsoft software solutions indefinitely.

Thank God for Apple's innovation. So please don't give Microsoft license to kill Apple in the education sector.

Respectfully,
Kris Newby

MTC–00022773

From: Twtinkertoy@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 4:12pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Thomas Palmer
235 Reaves Ln.
Adamsville, TN 38310

MTC–00022774

From: Dennis Sosnoski
To: Microsoft ATR
Date: 1/24/02 3:12pm
Subject: Microsoft Settlement

Dear DOJ,

In a prior email I expressed my concern that the proposed DOJ settlement with Microsoft is inadequate and ineffective. Here are my recommendations to the Court for a settlement which would serve the purposes of (1) eliminating the benefits to Microsoft of past illegal activity, (2) restoring competition to the marketplace, and (3) guarding against future illegal activities. Bear in mind that these are written from the standpoint of a software developer and are mainly concerned with the technology issues involved.

1. Microsoft should be required to reverse the present integration of Internet Explorer into the operating system software. If the company wishes to include functions in the operating system which use a web browser they should be required to define a public API to be used by the operating system for accessing the web browser. This will allow the owner of the system to choose any browser which supports that API, eliminating any arguments that Internet Explorer is a ''required'' component of the operating system.

2. Many other types of applications beyond the browser are now being ''integrated'' by Microsoft into the operating system. These include messaging software, multimedia software, and email software. Microsoft supplies their implementations of these functions with the operating system and makes it difficult or impossible to remove these implementations. In addition to limiting customer choice this also creates security vulnerabilities to the consumer, with no recourse under current law. As an extension of activities already found to be illegal these activities should also be stopped.

The court should appoint a technical overseer of the company who will monitor their actions in adding functions to the operating system and determine which additions are really separate applications (i.e., software functions which could plausibly be handled equally well by programs installed separately from the operating system). For any additions found to be applications the company should be required to make the components completely removable, with public APIs if the application is used by the operating system (as for Internet Explorer in 1, above). These public APIs should be required to be published at least six months prior to any shipment of a Microsoft product using the APIs; if an API is changed by Microsoft after initial publication a new six month interval will apply from the time the change is published. Microsoft should have the right to appeal the decisions of the overseer as to which components are applications, but those decisions should be in force while any appeals are in progress. Microsoft should not be allowed to ship any new operating system, version of an existing operating system, or update to an existing operating system until

the technical overseer has had the opportunity to review the changes (including comment from the public) and determine which changes are actually added applications. Outside parties should also have the right to appeal the decisions of the overseer if they feel these decisions are contrary to the settlement.

3. All APIs used by Microsoft applications (including those additions to the operating system which the technical overseer decides are really separate applications) should be subject to the six month publication rule. This should also apply to all file formats and communications protocols used by Microsoft products.

Microsoft should be required to waive any patent or other intellectual property rights to these APIs, formats, and protocols in order to allow free and open competition with their monopoly operating system and related products. They should also be prohibited from circumventing this requirement by licensing intellectual property rights from a third party which they can then use in their products.

The only exceptions to these rules should be for cases where (1) Microsoft needs to license intellectual property rights in order to compete in a market, or (2) full disclosure of an API, format, or protocol would create an unavoidable security vulnerability to the users. It's difficult to see how (2) could ever apply, since if there is a vulnerability in an API, format, or protocol it can normally be corrected by a change to that API, format, or protocol, but if Microsoft is able to prove such a situation to the satisfaction of the technical overseer this should be allowed as an exception. Here again, both Microsoft and outside parties should be allowed to appeal the decisions of the overseer.

4. If Microsoft ships products in violation of the settlement terms they should be required to issue an apology and partial refund to every purchaser of the violating product, including end users who purchased the product indirectly. The amount of the partial refund should be determined by the technical overseer in keeping with the severity of the violation but should be a minimum of five percent of the retail cost of the product. In cases of deliberate violations of the settlement terms the company should also be subject to a fine which is a minimum of all profits to the company from the sales of the violating product during the term of the violation (exclusive of the partial refund to customers). Any company personnel involved in a deliberate violation should also be prosecuted for Contempt of Court.

5. On the licensing front, Microsoft should be made to post an public list of operating system prices to OEMs based solely on volume and operating system version. They should be required to make available versions of all operating systems with and without bundled or integrated applications, with price differences which reflect Microsoft's development costs for the bundled or integrated applications vs the base operating system. The technical overseer should have the right to approve or modify the prices to reflect this agreement, if necessary with the help of accounting audits.

Microsoft should not be allowed to delay or refuse sales to any party at the published rates except for valid business reasons such as nonpayment. Any such refusal should require full documentation, with heavy fines and damages paid to the party involve if Microsoft is found to have acted improperly. Any threats by Microsoft to delay or refuse sales should be considered the same as an actual delay or refusal. Microsoft should be specifically prohibited from delaying or refusing sales on the basis of any alterations to the operating system (such as addition of other software components, or removal of Microsoft-supplied components) performed by the OEM, though they should be allowed to require the OEM to inform the user of any such alterations.

6. All costs of the enforcement of the agreement should be paid by Microsoft. This includes all costs associated with the technical overseer, including costs of audits and technical consulting. I believe these recommendations are fair and equitable, and hope the Court will consider them in arriving at a final settlement for this case.

Sincerely,
Dennis M. Sosnoski
President
Sosnoski Software Solutions, Inc.
14618 NE 80th Pl.
Redmond, WA 98052

MTC–00022775

From: Mark Derricott
To: Microsoft ATR
Date: 1/24/02 4:10pm
Subject: Microsoft Settlement

To whom it may concern,

I am opposed to the Proposed Final Judgment in United States v. Microsoft.

Mark Derricott
117 Standart Street #1
Syracuse NY, 13210
1/24/2002

MTC–00022776

From: Patrice Grant-Mitchell
To: Microsoft ATR
Date: 1/24/02 4:16pm
Subject: Microsoft Settlement

This settlement is a bad idea. If you look at the software companies today there are how many? Not many, why? who can com compete with Microsoft's states. And it does not fit in to the best man wins story when you can't fight against the giant money. Also, in what part of the government or the United states it say that we can build the operating system, and then make the software that works with it, too. This isn't possible if you are working in the Government. I think it has the name of conflict of interest. Is because the people in charge are interested in the money that one can get when you are on board with the giant. This software company does not even give the consumers a choice of any software products that one wants. Look at any computer that you buy in the store. It comes loaded with the operating system and guess what many other software products installed in the system. And of, need a browser, here is one too.

This case is sound more and more like the OJ trial.

concerned consumer

MTC–00022777

From: Karner1271@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 4:14pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Candice Karner
306 S. Highland
Rockford, IL 61104

MTC–00022778

From: Lance Lavandowska
To: Microsoft ATR
Date: 1/24/02 4:12pm
Subject: DOJ vs Microsoft Settlement Proposal

As a long time user of Microsoft products, I don't believe that the proposed settlement goes far enough in remedying the underlying business practices MS employs, nor does the ''enforcement'' team of 3 persons have enough authority or scope to enforce those remedies. The issues raised by the ''objecting'' 9 states better represent my position. In particular, I want to state that the suggestion that Microsoft donate products to public schools to be offensive and contrary to any punishment that may be meted out against the company. If any donations are to be made to public schools, they should be in the form of hard currency, for the schools to spend as they please (on InformationTechnology).

Thank you,
Lance Lavandowska,
Shoreview MN
www.Brainopolis.com

MTC–00022779

From: vic@referentia.com@inetgw
To: Microsoft ATR
Date: 1/24/02 4:15pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method

for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Victor Askman
95–455 Kuahelani Ave., #102
Mililani, HI 96789–1448

MTC–00022780

From: loishamilton@csi.com@inetgw
To: Microsoft ATR
Date: 1/24/02 4:16pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Lois Hamilton
1210 NE 181st Ave, Apt #21
Portland, OR 97230–6761

MTC–00022781

From: senator6@gwe.net@inetgw
To: Microsoft ATR
Date: 1/24/02 4:15pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Ben Alexander
346 South 9th Street
Montrose, CO 81401

MTC–00022782

From: dmillion@ctcis.net@inetgw
To: Microsoft ATR
Date: 1/24/02 4:15pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Darrell Million
1506 Shelby St.
Higginsville, MO 64037–1326

MTC–00022783

From: Samuel Lewis
To: Microsoft ATR
Date: 1/24/02 4:18pm
Subject: Aol suit vs. Microsoft

I feel that AOL's suit against Microsoft, claiming that Internet Explorer illegally harmed Netscape's Navigator browser is without merit and should be turned down. I purchased a computer package that came with Netscape Navigator one year plus two months ago. After learning and working with Nets. Nav. for 9 months, I voluntarily switched to Internet Explorer and much prefer it. IE's success is based on market preference and support by the public.

MTC–00022784

From: russreed@losch.net@inetgw
To: Microsoft ATR
Date: 1/24/02 4:15pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
RUSSELL REED
9 Coal Street, P.O. Box 103
MIDDLEPORT,, PA 17953–0103

MTC–00022785

From: Darren Woody
To: Microsoft ATR
Date: 1/24/02 4:18pm
Subject: Microsoft Settlement

As a long time user in the computing industry. I think the measures taken to date to punish Microsoft for its monopolistic stranglehold on the technology industry is by and far to light of a punishment for a corporation that has more money than most countries of the world do. A slap on the wrist is not acceptable. Having Microsoft donate product worth a billion dollars only furthers the monopoly that Microsoft has. The Punishment for Microsoft needs to be something very clear and painful both financially and ethically. It needs to send a clear message that let's them know that there practices have stifled innovation. Microsoft is only happy with innovative products as long as they have come from Microsoft. The world has begun to accept Windows as an innovative platform, despite the fact that there are several other operating systems out there that in most cases offer a better user environment, are more secure and not riddled with errors or ''Backdoors'' in the coding. Microsoft will never try to make a perfect product, otherwise the entire IT industry as we know it today would be out of work. I would guess Microsoft will never make that perfect product, probably because the company makes as much money on supporting the garbage they have hoisted upon society as they do making the product in the first place. Just my 2 Cents worth. Please consider a tougher sentence and do the right thing for consumers everywhere.

Sincerely,
Darren Woody
Darren Woody
Information Services
RF Code Inc.
480–969–2828
Darren@rfcode.com

MTC–00022786

From: Britton
To: Microsoft ATR
Date: 1/24/02 4:19pm
Subject: Microsoft Settlement

I believe the proposed settlement does adequately punish past MS transgressions or prevent future ones.

Three things in particular bug me:

1. MS claim to the right to withold API information in the interest of security. Anyone who knows anything about computer security will tell you that protocol secrecy is the worst way to try to get it. This looks like just another way for MS to keep critical information out of the hands of competitors.

2. The oversight system looks very poor. I'm sure there are people other than MS who would agree to feed and house these people.

3. There is no reason to put an upper limit on the time to correct things. The problem is ongoing.

Britton Kerin

GNU GPL: ''The Source will be with you... always.''

MTC–00022787

From: Dickg—7@yahoo.com@inetgw
To: Microsoft ATR

Date: 1/24/02 4:17pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Dick Gillespie
6456 Warren Drive
Norcross, GA 30093

MTC–00022788

From: Paul Raymond Busta
To: Microsoft ATR
Date: 1/24/02 4:21pm
Subject: Microsoft Settlement

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. This economically-draining witch-hunt has gone on long enough.

Please put an end to it once and for all and let us all get back to business.

Thank you,
Paul R. Busta
pbusta@msn.com

MTC–00022789

From: Jeremy White
To: Microsoft ATR
Date: 1/24/02 4:20pm
Subject: Microsoft Settlement

[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]

To Whom it May Concern:

Pursuant to the Tunney Act, I am writing to comment on the proposed settlement of the United States vs. Microsoft antitrust case.

Background:

I am the founder and CEO of CodeWeavers, Inc. CodeWeavers provides products and services that enable our customers to use Windows technology in non Windows environments, such as Linux. We use and support an open source technology known as the Wine Project. The Wine Project is an implementation of the Microsoft Windows API. It can run on top of a variety of operating systems, notably the Linux operating system. It provides two important functions: it allows end users to run existing Windows applications on Linux, and it allows Independent Software Vendors (ISVs) to convert their applications from Windows to Linux quickly and easily.

A fully completed Wine Project would have two dramatic impacts on the marketplace. First, if combined with a Linux operating system, it would create a fully Windows compatible version of Linux. This Linux and Wine combination would serve as a direct and effective competitor to Microsoft's Windows Operating System products. Second, if Wine realized its promise, it would be trivial for an ISV with a Windows product to create a version of their application for Linux, thereby lowering the application barrier to competition described in the findings of fact. Therefore, I believe that an examination of the proposed remedy and its impact on the Wine Project is extremely relevant in determining how effective the proposed remedy will be.

The Wine Project is an entirely volunteer effort. It is organized via a central web site, www.winehq.com. While my company tries to play a central role in helping develop Wine, the Wine Project itself cannot reasonably be called a business or even a non profit organization. Specific Failing in the Proposed Settlement: First of all, as I understand the proposed relief, the only sections with direct bearing on Wine are sections III.D and III.E. These sections would seem to attempt to insure that third parties would have access to information about Microsoft APIs and communications protocols.

1. III.D. API Disclosure

It is completely unclear how this requirement differs from what they do now voluntarily. The Windows API is incredibly complex and very difficult to document. One competitive barrier Microsoft uses is that they document most of their API, but omit certain key pieces of information. However, an omission of information is nearly impossible to prove. Further, there seems to be some belief that if third parties have access to the source code, the documentation will somehow magically improve. I do not see how this could be—reviewing the source code and correcting the documentation will be a monumental task, and no third party that I know has the resources or ability to do this.

2. III.J.2 Exceptions

This section specifically excludes Wine from participating in the benefits of III. MS has so ruthlessly exterminated all business competitors, that the only viable competition comes from volunteer efforts. Yet III.J.2 easily allows Microsoft the latitude to exclude Wine Project volunteers from the benefits of these remedies. The Wine Project certainly would fail to meet ''reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business'', because it is not a business.

In fact, III.J.2 could be read such that Microsoft could actually refuse to provide MSDN information to volunteers working on the Wine Project. Thus, as a result of III.J.2, Microsoft would have the ability to cut off information given to projects such as Wine, and this remedy may actually prove harmful to the Wine Project.

Omissions in the Proposed Settlement:

A major component in the Findings of Fact discussed the ''Applications Barrier to Entry'' (section III. B.). The Findings of Fact go on to discuss that if a competitive implementation of the Windows API could be created, it would go a long way towards easing this barrier. It also goes on to posit that the task is too difficult to be viable. However, Wine has made major strides in recent years. Wine is now able to run many Windows applications, and has been used to port some major software systems (including Corel WordPerfect Office and Borland's Kylix products).

Yet nothing in the proposed settlement does anything to encourage the development of competitive systems such as Wine. I think it is unacceptable that the court find that a major barrier to true competition is unsolvable, because I believe there are several actions the court can take that would squarely address the issue, as follows:

1. Actively, not passively, document the Windows API

As touched upon in my comments, above, if a well funded, neutral third party organization was created or hired to research and fully document the Windows API, this would dramatically accelerate the ability of the Wine Project team members to compete with Microsoft.

We spend an enormous amount of our time and energy deducing the correct behavior of the Windows API through difficult trial and error processes, simply because the documentation is not complete enough. This could be rectified if a well funded third party produced a clear and complete set of documentation. In fact, there is already a European (ECMA-234) standard for the Windows API. This third party could enhance and extend this specification.

2. Protect people who would use Wine from retaliation by Microsoft.

One of the reasons that Wine has not been further adopted is that Microsoft has successfully used ''Fear, Uncertainty, and Doubt'' to scare business managers away from using non Microsoft solutions.

For example, when selecting a method of porting a major application to Linux, one prospect of mine was comparing Wine and a toolkit called 'MainWin'. MainWin is made by Mainsoft, and Mainsoft licenses its software from Microsoft.

However, this customer elected to go with the Mainsoft option instead. I was told that one of the key decision making factors was that the Mainsoft representatives had stated that Microsoft had certain critical patents that Wine was violating. My customer could not risk crossing Microsoft, and declined to use Wine. I didn't even have a chance to determine which patents were supposedly violated; nor to disprove the validity of this claim. For my customer, the risk of crossing Microsoft was too great to even contemplate using Wine. I think it is very telling that the attorney for the dissenting States is having to promise protection from retaliation to all of its potential witnesses, and even with that is having trouble finding people to testify.

So, my suggestion would be to amend the remedy to explicitly protect projects such as

Wine, Samba, and Kerberos from the offensive use by Microsoft of its patents. Specific Harm to Consumers For the most part, I have focused my comments on the Wine Project. Let me take a moment and explain how the failure of the Wine Project directly harms consumers.

It is easy, but wrong, to argue that having a single operating system be the standard desktop operating system is actually a benefit to consumers. This argument is like asserting that having only one car model would be easier for mechanics. How would you feel if your only choice was a Yugo? What's the harm, you can drive anywhere you want to, right?

Having viable, competitive operating systems has the potential to dramatically improve the benefit consumers receive from their operating system. For example, having an alternate operating system would mean that corporations would not be shut down periodically by email viruses. Having an alternate operating system might mean that a school system could realize dramatic savings by using Free software, and perhaps accepting some more limited functionality.

The single largest barrier standing in the way of real competition is the applications barrier to entry. People don't select an operating system based on its features; they select it based on what applications it runs. If Wine succeeds, then that barrier will be greatly reduced. By making sure that the remedy chosen to correct Microsoft's monopolist behaviour enables projects such as Wine to succeed, you insure that the market will soon see viable alternative operating system choices, and consumers will be able to reap the benefits in more stable, secure, and cost effective computing environments.

Closing Comments

I have focused my comments here on how the proposed settlement would affect the Wine Project.

I feel that the proposed settlement has other serious flaws. However, I felt it best if I focused on my area of expertise, and let others speak for me on more general issues.

To that end, I would like to echo the comments made by Dan Kegel, whose comments can be viewed at http://www.kegel.com/remedy/letter.html. I strongly support his overall comments on the proposed settlement and would like to add my voice to his.

To whoever is reading this, I realize that you have had to wade through a lot of material. I very much appreciate your time and effort.

Sincerely,
Jeremy P. White
CEO, CodeWeavers, Inc.
MTC–00022789 0005

MTC–00022790

From: michael
To: Microsoft ATR
Date: 1/24/02 4:22pm
Subject: Microsoft Settlement

In order for the Proposed Final Judgement in this case to level the playing field for application developers and for operating system developers, it must —enforce—:

1) Full and timely release of the Windows API (and modifications over time) to the developer community. Timely in this case means that the developers have enough time to make modifications to their application to conform to changes in the API and to release those changes at the same time the OS is released.

2) Hardware providers must be able to ship Intel based systems with the OS of the customers choice without having to pay a fee to Microsoft if Windows is —not— on the system.

3) Microsoft must make full disclosure of Intellectual Property to which it claims rights. This enables developers to correctly identify what ideas are theirs and which have encumberances from Microsoft.

Please make sure that the final judgement is both punative, and encourages innovation in the software industry by allowing equal access to customers.

Michael Roberts
Software Engineer

No animals were harmed in the creation of this message, though the english language was slightly bruised.

MTC–00022791

From: johnnyrom@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 4:20pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
John Romer
7033 Pelican Island Dr.
Tampa, FL 33634–7422

MTC–00022792

From: John Jesmer
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 4:23pm
Subject: Microsoft Settlement

Public Comment response from John Jesmer, Engineering Technician employed by the City of Colorado Springs, CO

jjesmer@ci.colospgs.co.us

The Department of Justice has found MicroSoft Corporation guilty of anticompetetive practices. Suggested penalties and remedies, which appear to benefit private software customers, may overlook the damages incurred by state and federal governments (the case originated from several state attorneys-general).

Local and state governments are legally bound to purchase goods and services under competetive bidding practices, or be held liable to the taxpaying public. As MicroSoft has absorbed or driven competitors out of business, governments now purchase software (with maintenance and upgrades) from an exclusive monopoly which is also the highest bidder. Where all other purchasing complies with standard public notice procedures, software that is included with new hardware is now concealed from open public records. Freedom Of Information Act inquiries on the cost of operating systems and software upgrades for existing hardware are frequently ignored, violating public disclosure law. This, in turn, encourages MicroSoft to increase prices at will and with complete immunity to free market forces. The resultant waste of taxpayer funds prevents governments from addressing urgent public safety and infrastucture maintenance needs. Free and open source software alternatives, where they exist, are excluded from the public bid process, due to real or perceived incompatibility with MicroSoft formats.

This respondant suggests the following remedies when addressing MicroSoft monopoly, particularly with respect to the taking of Public Funds:

1. Require the use of standard government bid documents and public advertisement/award procedures for all hardware, software, computer maintenance and software upgrades whenever such procurement involves public funding or tax revenue.

2. Require vendors to itemize their bids, showing clear distinctions between the price of each software, operating system software, and networking and internet software. In no case should the price of software be included with hardware purchase. This should not, however prevent volume discounting of any of the above software or hardware. Neither should it prevent the token listing of discounted and zero-cost software and software-inclusive bundles, providing that EVERY specific product is itemized, and all software is made available separately from hardware at the same price as pre-installed software on new hardware.

3. Require all vendors to list hardware requirements, as well as compatiblity issues between MicroSoft and other commercial software, and require the inclusion of Open Source (freely distributed) software comparisons, where known.

4. Require vendors to list, and to offer support for all known commercial and open-source software on bids. Where a vendor is unable to list competetive alternatives, require the purchaser to consider bids from no less than two other vendors.

5. When served Freedom Of Information Act inquiries, allow government officials an amnesty period to resolve multiple-license software violations of MicroSoft User License restrictions. Encourage governments to solicit commercial and open-source alternatives to MicroSoft operating systems, internet browsers, office productivity and specialty software.

6. Remove penalties and protect government employees (individuals and groups) from predice for suggesting, installing or using non-MicroSoft products as alternative tools in their respective fields of employment.

espectfully submitted,
John Jesmer

MTC–00022793

From: Steve Jacobs
To: Microsoft ATR
Date: 1/24/02 5:22pm
Subject: Microsoft Settlement

To Whom It May Concern:

This e-mail responds to a request for public comments by the Court hearing the case U.S. v. Microsoft as part of the penalty phase of that litigation.

Two factors insure Microsoft's de facto monopoly of the Operating System market:

1. Most people, businesses and government entities use Microsoft operating systems and associated office products. I must communicate with them. If I cannot communicate, I will suffer economic loss. This is commonly referred to as a network effect and Microsoft has brilliantly exploited it.

2. Microsoft has kept its software file formats and interfaces secret. As a result, competing software developers cannot create programs that interact with Microsoft products in a fully functional way. Thus, an overwhelming majority of computer users have no choice but to use the Microsoft OS and associated office products. It is my belief, based on observation of Microsoft's past actions, they now wish to extend their reach beyond the PC desktop to control networking protocols for the Internet and act as its gate keeper. This is their ''.NET'' initiative. This would have devastating consequences for the U.S. economy and security. Microsoft has stifled innovation by its monopolistic practices. Microsoft products are notorious for their lack of security and vulnerability to attack by the technically incompetent.

I propose these remedies:

1) All specifications for present and future Microsoft file formats and Operating System Application Programming Interfaces (API) should be made public. This will help insure that any data or documentation I create will still be available to me in the future. It will also allow others to create programs that can meaningfully compete with Microsoft products. These specifications must be publicly available and made part of the public domain. Restriction to ''commercial'' entities is simply wrong. Open Source software initiatives should also be allowed to make use of this information. I believe this is essential to insure the long-term the availability and security of my data.

2) Any Microsoft networking protocols must be published in the public domain and approved by an independent standards organization. I suggest the Institute of Electrical and Electronics Engineers (IEEE). Already I see Microsoft limiting access to web sites for users not using Internet Explorer. This remedy would help prevent Microsoft from partitioning the Internet into Microsoft and non-Microsoft spheres.

3) Microsoft products should not be bundled as a hidden cost of buying a computer. The choice of buying a computer without any Microsoft products must be present. The real cost of Microsoft products should be presented to the consumer. Without this, there will not be meaningful competition in the OS marketplace.

4) Microsoft should be prevented from entering into exclusive arrangements with computer vendors. These arrangements have been used as rewards and punishments of computer vendors in the past and serve only to maintain monopoly status for Microsoft.

Sincerely yours,
Steve Jacobs
steve@trinidadusa.net
—
Steve Jacobs
www.trinidadusa.net
Steve Jacobs & Associates
Trinidad, CO US

MTC–00022794

From: daerlman@intrstar.net@inetgw
To: Microsoft ATR
Date: 1/24/02 4:20pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
David Ehrlichman 105 Fox Hollow Clinton, NC 28328–3104

MTC–00022795

From: wrichburg@mpinet.net@inetgw
To: Microsoft ATR
Date: 1/24/02 4:20pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
wanda richburg
36239 clear lake drive
eustis, FL 32736

MTC–00022796

From: bjrobert@utinet.net@inetgw
To: Microsoft ATR
Date: 1/24/02 4:21pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
barclay robertson
po box 787
seven lakes, NC 27376–0787

MTC–00022797

From: James W. Lytle
To: Microsoft ATR
Date: 1/24/02 4:14pm
Subject: Microsoft Settlement

Quite frankly, I expected you to actually do something! I am more than disappointed by your current performance. I would hope that under what I thought would be decent leadership, something would get done, but I suppose that is hoping for too much out of Washington. Microsoft builds an extremely shabby product, and I should know. I am one of those who has to support it each and every day. If Microsoft had been penalized for unfair business practices when they actually began happening, then there would have been some real competition. As it is we are fortunate that Microsoft hasn't just gone ahead and sued the creators of Linux for creating an OS without Redmond's consent. Come on! Get busy and do something. You and I both know Microsoft is using business practices that should not be tolerated, in order to further their company. After all, AT&T did the same thing, and they got broken up. What about Microsoft?!?

James W. Lytle, CCAI, CCNA, MCP
Information Services Director
Gordon Cooper Technology Center
1 John C. Bruton Blvd.
Shawnee, OK 74804
(405) 273–7493 x286
(405) 878–5736 (fax)
(405) 502–6189 (pgr)
jamesl@gctech.org

MTC–00022798

From: jerdman1@new.rr.com@inetgw
To: Microsoft ATR
Date: 1/24/02 4:21pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jan Erdman
922 W. Packard Street
Appleton, WI 54914–3846

MTC–00022799

From: Lauri K
To: Microsoft ATR
Date: 1/24/02 4:24pm
Subject: Microsoft Settlement

Dear sirs/madams,

The recent progress in the Microsoft anti-trust proceedings has been alarming. The court's decision to move away from a structural remedy was, to us, absolutely horrifying, and it looks to us like Microsoft's pushes toward a settlement beneficial to them will harm this industry globally. We also feel that the court's proposed final judgement does not take into account details such as Microsoft's anticompetitive licensing terms, and contains misleading definitions and information. Gone are the days of old-fashioned competition that drives competing parties to produce, develop ? and most importantly, innovate. Microsoft has been granted the right to kill innovation and healthy competition by becoming a bloated behemoth of information technology. The PFJ does not remedy this. It is severely lacking. A comprehensive listing of details that are missing from the PFJ can be found at http://www.kegel.com/remedy/letter.html ? a thorough analysis of the PFJ and its failings is located at http://www.kegel.com/remedy/remedy2.html Everything Microsoft does is to become dominant, to gain a monopoly ? which is what it in all honesty already possesses. While Microsoft argues that the sheer survival of companies such as Apple is sufficient proof that there is no Microsoft monopoly, we at MacZ Software as Apple Macintosh developers must say this is not true. On paper, one can walk into an Apple retail location and pick up a Macintosh computer, and everything looks fine. On paper.

The truth is, the Macintosh is losing market share. A few years ago, it was at 5 percent worldwide. It has now dropped to a mere three percent. Meanwhile, Microsoft's Windows platform has gained market share. This is truly worrying. Despite all acts against Microsoft's obvious attempts to become the one and only choice in the operating system market, in the Internet browser market and in the media player market, Windows, and all of the tied-in products, such as Internet Explorer and Windows Media Player, have not only stood their ground, but also gained share.

The acts Microsoft has played out and the way it has misused its massive market share clearly violate the Tunney Act, and as Microsoft has tied their products ? which are very much unrelated to each other ? closely together to have the end user use only Microsoft tools in the markets in which the company operates, their competition is in a legally unfair situation. If this continues, not only will the Macintosh market be destroyed due to Microsoft's unlawful conduct, it will also wipe out lots of Macintosh developers, such as our company. Without Microsoft's unlawful push for supremacy, the Macintosh platform, among other small platforms, would enjoy a much healthier market share.

Microsoft's conduct is harmful not only in the United States, but also internationally. It is high time for someone to clip their proverbial wings and bring balance and competition back into the marketplace.

Yours sincerely,
Lauri Kieksi
Director of Design
MacZ Software
lauri@maczsoftware.com
http://www.maczsoftware.com

MTC–00022800

From: Lloyd Kvam
To: Microsoft ATR
Date: 1/24/02 4:24pm
Subject: Microsoft Settlement

I am a software developer who depends upon a healthy technology infrastructure to make my living. Microsoft's practices have hurt that infrastructure.

My opinion is that Microsoft should be split into five entities:

Operating Systems
Internet Software (IE, Outlook, IIS)
Business Software (Office Suite)
Consumer Software (games, Encarta, etc.)
Miscellaneous (MSN, HotMail, XBox, etc.)
—
Lloyd Kvam
Venix Corp.
1 Court Street, Suite 378
Lebanon, NH 03766–1358
voice:
603–443–6155
fax:
801–459–9582

MTC–00022801

From: David B. O'Donnell
To: Microsoft ATR
Date: 1/24/02 4:24pm
Subject: Microsoft Settlement

I STRONGLY oppose the settlement Microsoft is proposing. It does NOTHING to address the established fact that they are a monopoly, and in fact does a great deal to further entrench them in the position of crushing competition. —

David B. O'Donnell

MTC–00022802

From: Thomas Skidmore
To: Microsoft ATR
Date: 1/24/02 4:24pm
Subject: Microsoft Settlement

It doesn't seem to me that the proposed settlement is in the best interest of the public, nor does it adequately punish for past anticompetetive practices, or prevent further ones.

While I cannot wade through the legalese of the entire settlement fast enough to form a point by point argument for this, I do know that the settlement has been progressively watered down to the point of being a mere slap on the wrist.

If this is truly a government of by and for the people, do not pass the settlement in its current form. The peoples'' best interest has been replaced with the interest of the Microsoft Corporation... thanks for listening,

Thomas Skidmore
(Columbus, OH)

MTC–00022803

From: Lyric
To: Microsoft ATR
Date: 1/24/02 4:25pm
Subject: Microsoft Settlement

Under the Tunney Act, I'd like to comment on the proposed Microsoft settlement. I believe the settlement must not be adopted without significant revision; it has several major problems, detail on many of which can be found in Dan Kegel's analysis available at http://www.kegel.com/remedy/remedy2.html.

In particular I'd like to highlight that as a software developer myself, many of the proposed provisions do not help the situation, and in some cases even hinder interoperability and compatibility with Microsoft's products. Definitions such as ''API'' and ''Microsoft Middleware'' are so narrow that many APIs and versions of Windows are not covered at all; requirements and documentation disclosures are not nearly broad enough and do not serve their intended purpose—for example, the proposed settlement requires disclosure of API documentation, but prohibits competitors from using it to make their operating systems Windows-compatible. Many important aspects of Microsoft's monopoly are left unaddressed; for example, disclosure of Microsoft Office file formats is not required.

The proposed settlement also fails to prohibit intentional incompatibilities and anticompetitive OEM practices that Microsoft has historically used against its competition.

This judgment is not firm, clear, or broad enough, and should not be adopted without addressing these problems.

Thank you,
John Stoneham
eOriginal, Inc.

MTC–00022804

From: gse@intrstar.net@inetgw
To: Microsoft ATR
Date: 1/24/02 4:22pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Gloria Ehrlichman
105 Fox Hollow
Clinton, NC 28328–3104

MTC–00022805

From: ModernBingo
To: Microsoft ATR
Date: 1/24/02 4:19pm
Subject: $$$ Do you like to win CASH? $$$

MTC–00022806

From: Eric Clark
To: Microsoft ATR
Date: 1/24/02 4:26pm
Subject: Microsoft settlement comments

To whom it may concern,

It has been clear for years that Microsoft1s practices are detrimental in many ways to the American spirit of innovation and fair business practice. Microsoft has repeatedly acted against smaller scale software developers1 right to develop innovative and useful alternatives to their problematic Windows system or even to exist..

I urge you to continue to take strong positions in the Microsoft case, to send the message that such monopolies are un-American in every regard and will not be tolerated.

Free enterprise rests on high moral behaviors whether voluntary or upheld by our legal system.

Respectfully,
E Clark

MTC–00022807

From: Eric Pollitt
To: Microsoft ATR
Date: 1/24/02 4:25pm
Subject: Microsoft Settlement

I do not support the DOJ allowing Microsoft off the hook so easily. Microsoft is a monopoly and they illegally use their monopoly to kill off any competitor that gets in their way.

Microsoft uses the Windows operating system as a means to bundle a competing application and thus distributes their software freely onto over 90% of all desktop computers. For example, Microsoft bundles it1s Internet service, MSN, with each copy of Windows. Of course, AOL is a competitor of MSN, but to have the same access to Windows users, AOL has to pay Microsoft a large sum of money as well as make deals with each and every PC vendor (e.g., Compaq). AOL also has to distribute millions of copies of AOL to entice users to install their software.

For Microsoft to compete with AOL, what does they have to do? Next to nothing! There are no deals to be made with PC vendors, nor any CD1s that need to be mailed out to the masses. No, Microsoft only has to bundle MSN with Windows.

Let's not forget what this antitrust case is about! It1s about Microsoft illegally bundling software with Windows, as well as it1s exclusive contracts with PC vendors, ISP1s, etc.

Eric C. Pollitt, Senior Web Editor
MultiAd Planner Solutions
1720 W. Detweiller Dr.
Peoria, IL 61615–1695
Tel: 309–690–5547
Fax: 309–690–5599
URL: http://content.multi-ad.com/MultiAd
One Company. Many Solutions.

MTC–00022808

From: Michael Ickes
To: Microsoft ATR
Date: 1/24/02 4:26pm
Subject: Microsoft Settlement

I do not believe that the settlement you have made will be enough of a deterrent to keep Microsoft on the right side of the law in their business practices.

At the very least you should make it mandatory that all offences found by your 3 member oversight committee should be published publicly for anyone to review.

I am in favor of the revised document submitted by the non-settling states. While I do not believe that all the measures will in that document would ever be implemented and some may well not be completely necessary, I believe that it is a more realistic approach to ensuring that Microsoft does not use its position in the computer industry to force their software on consumers. Microsoft has the resources at its disposal to make products that should be able to compete without any bullying or ant-competitive practices.

Michael Ickes
Computer Tech assistant.
Wayne College (university of Akron)

MTC–00022809

From: meginnes@myexcel.com@inetgw
To: Microsoft ATR
Date: 1/24/02 4:23pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

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Sincerely,
Matthew Meginnes
1103 Mint Springs Dr
Fairborn, OH 45324–5728

MTC–00022810

From: constructionbook@emailaccount.com@inetgw
To: Microsoft ATR
Date: 1/24/02 4:24pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

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Sincerely,
karl schaupp
PO Bx 6499
Ocean View , HI 96737

MTC–00022811

From: Elizabeth Lester
To: Microsoft ATR
Date: 1/24/02 4:27pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am a California resident and, like millions of Americans, a technology consumer. I believe it is most definitely in the public interest to expedite settlement of the Microsoft case. Please, stop wasting finite government and private resources on this witch hunt. Let's move forward with technology and innovation, and stop punishing those who have done it well. Thank you.

Sincerely,
Elizabeth H. Lester
Fremont, California

MTC–00022812

From: John Knoll
To: Microsoft ATR
Date: 1/24/02 4:28pm
Subject: Microsoft Settlement

Dear Sir,

I'd like to take this opportunity to state that I do not think that the proposed Microsoft settlement is any real form of punishment. First of all, most of the proposed giveaway of Microsoft software will cost Microsoft very little, since the cost of software manufacturing is very low to Microsoft compared to the retail price.

Second, this giveaway would only increase Microsoft's monopoly in the education market, exactly the opposite of our nation's interest. The settlement should be changed so that the schools are given no strings attached cash, so they can choose to spend it how they see fit.

Thank you for your attention.
John Knoll
San Rafael, CA

MTC–00022813

From: kcampbel@agsci.colostate.edu@inetgw
To: Microsoft ATR
Date: 1/24/02 4:26pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Kay Campbell 10817 N. County Rd 3
Wellington, CO 80549

MTC–00022814

From: Dennis Pepler
To: Microsoft ATR
Date: 1/24/02 4:29pm
Subject: Microsoft Settlement
Dear Sirs

The proposed settlement terms look as bad in the UK as they do to many of your fellow-countrymen.

Microsoft did not adhere to previous settlement undertakings. It cannot be relied to do so again, even on a modified honour system. Its gagging of virtually captive OEM customers concealed its illegal acts. Your proposed remedies give no assurance of future compliant behaviour in their present form.

Nothing in your proposals will prevent lock-in tactics by Microsoft. Competition will continue to be stifled and—as always—the customer loses out.

You should be looking for a solution which makes it impossible to carry on rolling the bundling snowball down the Microsoft hill, as seems to be happening with Windows WP.

I write as a Windows user.
Yours faithfully
D G Pepler
Poynton, Cheshire, UK.

MTC–00022815

From: donrbowman@cs.com@inetgw
To: Microsoft ATR
Date: 1/24/02 4:27pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

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Sincerely,
Donald Bowman
1605 Walthour Rd.
Savannah, GA 31410

MTC–00022816

From: Andrew Bogott
To: Microsoft ATR
Date: 1/24/02 4:30pm
Subject: Microsoft Settlement
To whom it may concern,

I am writing concerning the proposed antitrust settlement with Microsoft. As a software developer I have experienced many consequences of Microsoft's monopoly and their abuses of it. I am deeply dissatisfied with the remedies that you are currently considering.

Clearly, Microsoft's ownership of Microsoft Windows is at the heart of their monopoly power. I'm struck, then, at how the proposed settlement dodges this essential fact: if there were other potential providers of Windows-compatible operating systems, Microsoft would cease to be a monopoly. Needless to say, Microsoft will do all that it can to prevent the emergence of such competitors; any antitrust action that permits it to continue to do so will ultimately fail to dislodge Microsoft from its position as a monopoly.

I am an occasional contributor to the Wine project, which is an open-source initiative which seeks to create (in conjunction with Linux) a Windows-compatible alternative to Windows. Wine is by no means the only potential competitor to Windows, but I suspect that the barriers we're encountering have impeded similar projects, commercial and non-commercial.

Most importantly, in order to create a Windows-compatible OS, we need to know —exactly— what it means to be windows-compatible. This would require Microsoft to publish accurate, reliable and up-to-date documentation of their APIs. The settlement proposal requires that Microsoft publish such APIs but, interestingly, it specifically excludes OS designers from the potential recipients of this information: (section E)

''Microsoft shall disclose to ISVs, IHVs, IAPs, ICPs, and OEMs, for the sole purpose of interoperating with a Windows Operating System Product...'' Clearly, this line must be amended to allow this information to be distributed to potential OS (or Windows-compatibility) designers. Additionally, as a Wine developer, I'm uncomfortable that this section discusses Microsoft's duties to specific company types... as Wine is not a company per se, I'd prefer that this information be released to the public domain, plain and simple.

Having dealt with a decade of Microsoft-imposed frustrations, I might like to see the company punished simply out of spite. I am, however, trying to take a utilitarian approach. I think of all the things that personal computers could be today if not for the past years under the monopoly's shadow, and I dream of a future in which true innovation (and the competition that produces it) is possible.

We are at a crossroads—either we can have Microsoft established (like AT&T of the 1900's) as our nation's single, government-protected operating system-provider, or we can have a truly diverse, competitive, innovative landscape for personal computing. The resolution of this antitrust trial will choose one of these paths. As currently written, it chooses the former.

Thank you for your consideration.

MTC–00022817

From: pod mate
To: Microsoft ATR
Date: 1/24/02 4:32pm
Subject: Microsoft settlement
To whom it may concern,

I do not believe that the Microsoft judgement is correct or fair.

For years, Microsoft has used its monopoly in the software and web browser industry to force businesses and software products out of the market. I could not find any piece of the judgement that will force Microsoft to pay for the crimes of the past.

They are simply restricted in how they can do future business. This does not go far enough. Microsoft already has a monopoly in the market. They will not loose that monopoly just because they are not allowed to do or not do certain things, as spelled out in the judgement. Microsoft should be broken into two companies. Or, at least fine them severly (something like 75% of their cash reserves and 10% of all sales for the next 5 years) and impose the current judgement. Thank you for taking the time to read this.

Sincerely,
David Gill
Boston, Massachusetts

MTC–00022818

From: MarilynnmR@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 4:33pm
Subject: Microsoft Settlement
This lawsuit is laughable!!

I have used both platforms and all types of programs in my years of teaching business education and computers. Believe me Microsoft develops outstanding products, gives the consumer great help with problems and resolves any issues in the most professional way. I have been using AOL since it first became available and feel the same way about it. However, Netscape is another issue!! I teach people in their homes how to resolve and learn how to use their computer and the ones with Netscape have much difficulty. This has nothing to do with Microsoft but the program itself!!! Get real!!!!! Why is it that lesser companies try to recreate problems for the more knowledge, creative excellent performing businesses.

They want a handout as far as I am concerned and the legal system shouldn't

allow this!!!! I was very disappointed that the companies that were suing Microsoft wouldn't go along with the donation to the schools. What benefit to short of cash & technology the schools have to deal with that harm children!! But yet the companies are their with their hand out wanting something!! It is disgusting and I am not going to purchase any of those products from those companies. However, I love AOL and will stay with them.

Please look at the whole picture on this ludicrous (as far as I am concerned) lawsuit.

Marilynn M Russell
12116 Cochise Lane SW
Lakewood WA 98499–5247
253 584–0147
FAX 253 589–6813

MTC–00022819

From: Geoffrey Feldman
To: Microsoft ATR
Date: 1/24/02 4:34pm
Subject: Support for Microsoft

I am a proffessional computer programer with 25 years experience. I am an independent consultant and I have never been paid by Microsoft.

I have from day one believed that the anti-trust suit against Microsoft is a farce and a travesty. It should never have occurred. Software is simply a collection of ideas made manifest in a machine. It is no more possible, in my mind, to claim that Microsoft is a monopoly than it would be to claim that Stephen King monopolizes scary books or Disney is a monopolist in the entertainment industry.

When I began in this business, it was dominated by large companies who were far more dominant in their practices than Microsoft ever was. It was almost impossible for independents such as myself to afford the equipment, software and training that we would need to function and stay current in that environment. Thanks to Microsoft, I have my own business of which I am proud. At the same time that my costs have decreased to perhaps a tenth of what they might have been (not adjusted for inflation), the content and complexity of the work has grown ten fold. Microsoft has provided me with a wonderful business opportunity. I pay them, they do not pay me but I have profitted from my association and from having Microsoft in the world.

I believe that if Microsoft were to abuse its market position and raise prices, they would loose business. It would not be hard to produce a product that competes with them, replaces theirs. In fact such products do exist and are not really popular. These products fail because the companies that produce them are badly run and not because of predatory practice by Microsoft.

Companies that it is alleged Microsoft has ''injured'' injured themselves more than they were injured while others are so much larger than Microsoft they can scarcely claim injury. During the period it might be claimed that Microsoft and Netscape were competing I found Netscape hard to deal with, hard to place orders with, producing a demonstrably inferior product and engaging in practices similar to those they claim for Microsoft. Bottom line and in my professional opinion Netscape has an inferior product and was a badly, arrogantly run company and this is why they failed.

In regards to the notion that the browser can be removed from the operating system. This is superficially true but pragmatically irrelevant. As an analogy, one could remove the ability to play sounds on a PC easily enough but then many applications would fail to work. True, the operating system would work but not as a productive product. Similarly, as a technical question the browser could be removed. However, so many programs depend on the browser, not just those produced by Microsoft, that absolutely nobody would want a Microsoft operating system from which the brower has been removed. Help files would no longer work. Products that even compete with Microsoft such as Real Audio would no longer work. Almost nothing would work if Internet explorer were really removed.

As I said this is a farce and it should be simply ended in the most legally expedient way possible.

Geoffrey Feldman
geoffreyf@computer.org
1541 Middlesex St. #8
Lowell, MA 01851
617–429–8966

MTC–00022820

From: mrjc1947@mail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 4:31pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jerry Cook
6917 Noah Drive
Fort Washington, MD 20744

MTC–00022821

From: Burton Cohen
To: Microsoft ATR
Date: 1/24/02 4:34pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotelly,

I am adding my voice to those who feel that Microsoft must be stopped from spreading their technology in an unfettered fashion. You were correct to reject the settlement proposed between Microsoft and the class action lawyers. That settlement would have allowed Microsoft to give away its software as a disguise to aiding schools and school children. It would have hurt competition not helped to create more competition. Recently the headlines have shown once again how Microsoft is not capable of telling the truth or adhering to the law of the land. Last fall they filed papers saying that they did not try to influence the outcome of the case by petitioning congress or the administration. They have amended that statement by saying they in fact did do that.

As came out in the trial with Judge Jackson, Microsoft will lie and cheat even when it comes to dealing with a trial. I refer here to their presentation of a video that was to show how removing the browser caused a machine to slow down. In fact the tape was shown in court to be a false representation, one they could not make right when given a chance.

You can send them a message that when a company is convicted of a crime it cannot dictate their punishment but rather must accept the court1s judgment. I recently came upon a document that tells, better than I, what needs to be done. It shows why it is imperative that Microsoft needs to be stopped from continuing to have their way with the courts and the free marketplace. Now is your time to act decisively.

Dear Judge Kollar-Kotally:

The proposed settlement between the Department of Justice and Microsoft in U.S. v. Microsoft falls far short of what is needed to put an end Microsoft 1 s pattern of predatory practices. This deal does not adequately protect competition and innovation in this vital sector of our economy, does not go far enough to address consumer choice, and fails to meet the standards for a remedy set in the unanimous ruling against Microsoft by the Court of Appeals for the District of Columbia. Its enforcement provisions are vague and unenforceable. The five-year time frame of the proposed settlement is much too short to deal with the antitrust abuses of a company that has maintained and expanded its monopoly power through fear and intimidation.

Microsoft1s liability under the antitrust laws is no longer open for debate. Microsoft has been found liable before the District Court, lost its appeal to the United States Court of Appeals for the District of Columbia in a 7–0 decision, saw its petition for rehearing in the appellate court denied, and had its appeal to the Supreme Court turned down. The courts have decided that Microsoft possesses monopoly power and has used that power unlawfully to protect its monopoly.

The next step is to find a remedy that meets the appellate courtls standard to 3terminate the monopoly, deny to Microsoft the fruits of its past statutory violations, and prevent any future anticompetitive activity. 2 This proposed settlement fails to do so.

The Deal Fails to Meet the Appellate Courtls Remedy Standards This proposed settlement clearly fails to meet the standards clearly laid out by the appellate court. In fact, the weak settlement between Microsoft and the Department of Justice ignores key aspects of the Court of Appeals ruling against Microsoft. Here are several examples of where this weak settlement falls short:

The settlement does not address key Microsoft practices found to be illegal by the appellate court, such as the finding that Microsoft1s practice of bolting applications to Windows through the practice of 3commingling code 2 was a violation of antitrust law. This was considered by many to be among the most significant violations of the law, but the settlement does not mention it.

The settlement abandons the principle that fueled consumer criticism and which gave rise to this antitrust case in 1998: Microsoft1s decision to bind - or 3bolt2—Internet Explorer to the Windows operating system in order to crush its browser competitor Netscape. This settlement gives Microsoft 3sole discretion2 to unilaterally determine that other products or services which donlt have anything to do with operating a computer are nevertheless part of a 3Windows Operating System product.2 This creates a new exemption from parts of antitrust law for Microsoft and would leave Microsoft free to bolt financial services, cable television, or the Internet itself into Windows. The deal fails to terminate the Microsoft monopoly, and instead guarantees Microsoft1s monopoly will survive and be allowed to expand into new markets.

The flawed settlement empowers Microsoft to retaliate against would-be competitors and to take the intellectual property of competitors doing business with Microsoft.

The proposed settlement permits Microsoft to define many key terms, which is unprecedented in any law enforcement proceeding. Loopholes Undermine Strong-Sounding Provisions The proposed settlement shows that it contains far too many strong-sounding provisions that are riddled with loopholes. Here are several examples: The agreement requires Microsoft to share certain technical information with other companies in order for non-Microsoft software to work as intended. However, Microsoft is under no obligation to share information if that disclosure would harm the company1s security or software licensing. Who gets to decide whether such harm might occur? Microsoft.

The settlement says that Microsoft 3shall not enter into any agreement2 to pay a software vendor not to develop or distribute software that would compete with Microsoft1s products. However, another provision permits those payments and deals when they are 3reasonably necessary.2 The ultimate arbiter of when these deals would be 3reasonably necessary?2 Microsoft. The settlement does nothing to deal with the effects on consumers and businesses of technologies such as Microsoft1s Passport. Passport has been the subject of numerous privacy and security complaints by national consumer organizations. However, corporations and governments that place a high value on system security will be unable to benefit from competitive security technologies, even if those technologies are superior to Microsoft l s. Why? Microsoft controls their choices through its monopolies and dominant market share, and still is able to dictate what technologies it will include.

Enforcement

The weak enforcement provisions in this proposed deal leave Microsoft free to do practically whatever it wants. A three-person technical committee will be appointed, which Microsoft appointing one member, the Department of Justice appointing another, and the two sides agreeing on the third. This means that Microsoft gets to appoint half of the members of the group watching over its actions.

The committee is supposed to identify violations of the agreement. But even if the committee finds violations, the work of that committee cannot be admitted into court in any enforcement proceeding. This is like allowing a football referee to throw as many penalty flags as he likes for flagrant violations on the field, but prohibiting him from marching off any penalties.

Finally, Microsoft must comply with the lenient restrictions in the agreement for only five years. This is not long enough for a company found guilty of violating antitrust law.

The Proposed Settlement fails to Adequately Address Consumer Needs The settlement does not go far enough to provide greater consumer choice, and leaves Microsoft in a position that it can continue to charge whatever it wants for its products.

As a recent Chicago Tribune story said: 3If you believe that what1s good for Microsoft Corp. is good for consumers, the proposed settlement of the software giant1s three-year federal antitrust battle is cause for celebration. If you believe that consumers would benefit more if Microsoft could no longer use its Windows monopoly as a springboard into new markets, you stand to be sorely disappointed.2

In addition, consumer groups have opposed the settlement. Mark Cooper, director of research for the Consumer Federation of America, said: 3Wall Street1s view is that Microsoft1s business model doesn1t change. If that1s the case, we will continue to be afflicted with the same anti-competitive behavior.2

Analysts Conclude that Deal Will Not Affect Microsoft1s Practices Sadly, the proposed final judgment by Microsoft and the Department of Justice has the potential make the competitive landscape of the software industry worse, contains so many ambiguities and loopholes that it may be unenforceable, and is likely to lead to years of additional litigation. Analysts of all kinds have indicated that the weak settlement will not impact Microsoft or its illegal practices. Following are a variety of examples:

3As we have stated before, we believe a settlement is a best case scenario for Microsoft. And, this settlement in particular seems like a win for Microsoft being that it would preserve Microsoft I s ability to bundle its Internet assets with Windows XP and future operating systems—a plus for the company. In fact, it appears that Internet assets such as Passport are untouched. Also, as is typical with legal judgments, this settlement is backward looking, not forward looking. In other words, it looks at processes in the past, but not potential development of the future.2 Morgan Stanley, 11/02/01

3The deal ? appears to be ?more, better, and faster1 than we expected in a settlement deal between Microsoft and DoJ. The deal will apparently require few if any changes in Windows XP and leave important aspects of Microsoft1s market power intact.2 Prudential Financial, 11/01/01 3With a dramatic win last week, Microsoft appears to be on its way to putting the U.S. antitrust case behind it. The PFJ between the Department of Justice and Microsoft gives little for Microsoft1s competitors to cheer about. ? There is very little chance that competitors could prove or win effective relief from violation of this agreement, in our view.2 Schwab Capital Markets, 11/6/01

3This is a spectacular victory for Microsoft. 2

David Yoffie, professor, Harvard Business School, New York Times 11/02/01

This deal appears to fall far short of what could have been obtained in court, and what's necessary to protect the public.2 Andrew Schwartzman, public interest firm lawyer, Media Access Project, Wall Street Journal 11/02/01 [The settlement] fails to protect competition in the software industry and does not come close to dealing with the problems that were found to exist by the District Court and the Court of Appeals.2

Albert A. Foer, president, American Antitrust Institute, Washington Post 11/05/01 This is a reward, not a remedy.2 Kelly Jo MacArthur, general counsel, RealNetworks, Inc., Globe and Mail 11/08/01 3It looks like the government is giving them a slap on the wrist. I find that sad. It won It achieve any of the goals of the proceeding.2 Robert Lande, law professor and antitrust expert, University of Baltimore, ZDWire 11/07/01

The strength of any remedy is particularly important given Microsoft1s growing dominance in the software markets. Since the end of the trial in the District Court, Microsoft1s monopolies are stronger in each of its core markets with both the Windows operating system and the Office suite now higher than 92 percent and 95 percent, respectively. In addition, Microsoft has achieved a monopoly in web browsers, and has seen competitors such as the Linux operating system fade.

The Microsoft Monopoly Should not be Exempt from Antitrust Laws Enforcing federal antitrust laws against monopolies is not new or novel. Antitrust law has protected free markets and enhanced consumer welfare in this country for more than a century. The Microsoft case does not represent a novel application of the law, but is the kind of standard antitrust enforcement action necessary to insure vigorous competition in all sectors of today's economy.

These same standards have been applied to monopolies in the past. We do not have one oil company determining how much we pay for gasoline, but instead we have suppliers such as Exxon, Mobil, Amoco and Chevron competing with each other. These companies were all part of the Standard Oil monopoly, which was dissolved because Standard Oil was found to have violated the antitrust laws.

Less than 20 years ago, the nation essentially had one telephone company—AT&T. After the government sued AT&T for violating the antitrust laws, the company was broken up, and competition was introduced in the long distance business. Since competition was introduced into that market, real prices have declined more than 70

percent, and there has been more innovation in the past two decades than in most of the preceding century. Settlement is Based on Flawed Economic Assumption, and Sets a Bad Precedent Some defenders of the proposed settlement between Microsoft and the DOJ have adopted the view that settling this case could somehow revive the slowing U.S. economy. Their motives are good, but their reasoning is flawed. What economic theory holds that protecting monopolies is better for stimulating the economy that promoting competition?

In addition, this case will set an important precedent. Former Judge Robert H. Bork has noted that:

3In settling the most important antitrust case in decades through a remedy that will have not impact on the current or future competitive landscape, and absolutely no deterrent effect on the defendant, the Department of Justice has effectively repealed a major segment of the nation 1 s antitrust laws. Moreover, any potential witness with knowledge of anticompetitive conduct in a monopolized market has to weigh the potential benefit of his or her testimony against the likely response of the defendant monopolist. The DOJ1s proposed meaningless remedy would insure that no witness would ever testify against Microsoft in any future enforcement action. 2

Conclusion

The end result is that this proposed settlement allows Microsoft to preserve and reinforce its monopoly, while also freeing Microsoft to use anticompetitive tactics to spread its dominance into other markets. After more than 11 years of litigation and investigation against Microsoft, surely we can—and we must—do much better than this flawed proposed settlement between the company and the Department of Justice.

The points made in this letter must be addressed to finally free America.

Burton Cohen
TBI Computer, LLC
bcohen@tbicomputer.com
(203) 222–1878 Telephone
(203) 858–4728 Cell Phone

MTC–00022822

From: Jason
To: Microsoft ATR
Date: 1/24/02 4:32pm
Subject: Microsoft Settlement

AOL are incredible! Purchasing Netscape after the media had already reported the MS vs Netscape saga with the clear cut runner being IE as a matter of consumer choice! Internet Explorer is streets ahead in technology, speed, you name it, it is the best browser ever. Do you honestly beleive any courtroom decision will stop me using Internet Explorer. Do you think i wanted Netscape? Is Linux harming Microsoft—its Free!!!!!!!1 What is the U.S.A going to do about that? What about Sun giving away Java? What about the bombardment of AOL cds through my letterbox every single MONTH!!!! My only thoughts are that its about time the US government took a stand against companies targeting microsoft purely to obtain quick financial gain from decisions they took which were inferiror. AOL should be split up. How can you allow such a vast company to control the media channels by using litigation instead of competitive practices.

Shame on you and on the nine states with their obvious corruption led decision making proce$$. Microsoft started as 2 men, hard work, brains and success. AOL was started by a bubble—and its about time it was burst.

Jason

MTC–00022823

From: bob@evans-realty.com@inetgw
To: Microsoft ATR
Date: 1/24/02 4:31pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Robert Evans
334 Ayers Farm Road
Stowe, VT 05672

MTC–00022824

From: Troy Strand
To: Microsoft ATR
Date: 1/24/02 3:37pm
Subject: Microsoft Settlement

Microsoft's proposed settlement will not only not cost them much financially, therefore not truly being a penalty but more of a marketing expense, it will also give them a new and lucrative monopolistic opportunity in the education market. The one market that they haven't been able to bully their way into has been education. Schools have been able to make their own choice based on cost of ownership, ease of use and ease of support.

If Microsoft's proposed settlement was approved, it would take away all opportunities for Apple Computer and many third party software vendors. Companies who create and distribute superior products would be forced out of the education market by way of lower income school districts not having a choice but to use Microsoft/Intel based products since they would be basically free, aside from the total cost of ownership, which is much, much higher than that of comparable Apple products.

Microsoft should be forced to pay a true financial penalty with a substantial amount funding an education pool that would allow school districts to be granted money to make purchases for technology based on their need and desire.

Sincerely,
Troy Strand

MTC–00022825

From: Ilya Volynets
To: Microsoft ATR
Date: 1/24/02 4:36pm
Subject: Microsoft Settlemnt

———-BEGIN PGP SIGNED MESSAGE———-
Hash: SHA1

I think this settlement is plain wrong. You cannot limit monopoly actions, if it wants to abuse it's power: they will always find some way arround. The only way to deal with it is to break Microsoft apart, into many companies: three or four of each sector of activity. By sector of activity I mean things like OS, Office Applications, Databases, Web and Application middle tier (Web servers, Application servers, etc), Web browsers, etc.

Best regards.
Ilya.

MTC–00022826

From: Murray Parker
To: Microsoft ATR
Date: 1/24/02 4:37pm
Subject: MICROSOFT SETTLEMENT

It is clearly time to move forward with this case and complete a final settlement for the best interest of the consumer and the economy. There must be other ''high profile'' cases you can find that have more merit. It's no secret that Microsoft's tactics were obsessive in striving to create a platform standard. But it has done so, more successfully than anyone else. And using the courts to compensate for losses in a competitive market place is a waste of taxpayers $ and diverts resources that could be further contributing to the market.

Some might say other technologies, systems, platforms, etc were superior and I would remind them of the fact that any R&D department knows, that most products area compromises and seldom use the most technically superior solution. That's why product development is separate from R&D. Yes, lots of people have good ideas and there is still an opportunity for those ideas to take hold in the market. At one time, Norel networks and Word Perfect were office standards. They were eclipsed in the market. Some day Microsoft may be eclipsed, but it should be without your help. We are farther along in standardized computing and electronic communication than without a Microsoft.

I would also say that the recent AOL case is clearly an effort to use the courts where competition failed. Netscape was on the slide when AOL acquired them. The product was eclipsed in capability and performance. The lawsuit is again a way to use you to burden Microsoft while AOL themselves hold the dominant position in Cable, Online customers, instant messaging, etc. It's like the pot calling the kettle black. Toss it out and let the markets move on!

Best regards,
Murray B. Parker
808 826–6382
mbp@gte.net
fax 815 371 1915

MTC–00022827

From: Conan Heiselt
To: Microsoft ATR

Date: 1/24/02 4:36pm
Subject: Microsoft Settlement

To whom it may concern,

Although I am painfully aware of the difficulty in arriving at the current Microsoft Settlement, I am not pleased with it. I believe that instead of halting Microsoft's unfair business practices, this settlement will force them to discover other methods. Rather than this little ''slap on the wrist,'' there needs to be something more serious and lasting, not something that can be side-stepped with relative ease.

Sincerely,
Conan Heiselt
Systems Engineer,
Eastman Kodak, Health Imaging Division
Fremont, CA

MTC–00022828

From: Grehan, Yvonne
To: ''microsoft.atr(a)usdoj.gov.''
Date: 1/24/02 4:36pm
Subject: Microsfot settlement

Please forge on with settling the above case. We, the American public, need all the help we can get to stimulate our economy and I believe this would be a GIANT step forward. AOL's timing implies nothing more than self-serving advantage.

Yvonne

MTC–00022829

From: Carol Shelton
To: Microsoft ATR
Date: 1/24/02 4:37pm
Subject: Microsoft Settlement

The case against Microsoft may have had a basis in law in the beginning. However, the case has dragged on so long and the whole computer industry has changed so much in the intervening time that any continuation of the suit or of penalties to be paid to other than computer users is ridiculous. Stop this witch hunt and tell the states and government to look elsewhere for money to spend.

Carol M. Shelton

MTC–00022830

From: kdw19390@cs.com@inetgw
To: Microsoft ATR
Date: 1/24/02 4:34pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Kathleen Werner
101 Duck Woods Drive
Southern Shores
Kitty Hawk, NC 27949–3605

MTC–00022831

From: Safetyware.com
To: Microsoft ATR
Date: 1/24/02 4:37pm
Subject: For Microsoft

Hello

Other software companies like Oracle and AOL can't compete in the marketplace, so they have to stoop to legal attacks. Before we had Microsoft Windows, the computer industry was a mess with dozens on non-compatible software operating systems. Don't take us back to those dark ages. Please... rule against the bad businessmen at Oracle, AOL and other such companies and save Microsoft.

Thank you,
Don Hughes
dh@safetyware.com

MTC–00022832

From: Travis Lynch
To: Microsoft ATR
Date: 1/24/02 4:38pm
Subject: Microsoft Settlement

My small technology consulting business is hobbled by the many anticompetitive practices that are clearly evident in Microsoft's business model. I do not believe that the PFJ adequately addresses the unfair licensing restrictions (imposed on both myself and my clients) that prevent me from providing my clients with simple and elegant non-Microsoft solutions. This leaves me (in many cases) with no choice but to develop using inferior Microsoft proprietary technologies that are more expensive to both me and my clients. I believe that the vagaries of the proposed settlement provide a license for Microsoft to continue with business-as-usual. These business practices amount to ''Unacceptable Barriers To Entry'' for my company and many others in what is probably the most important growing market segment in the world.

Travis Lynch
Chief Technical Architect
Pluggable Systems, Inc.
http://www.pluggable.com
(301)860–1261

MTC–00022833

From: Sharon K Miller
To: Microsoft ATR
Date: 1/24/02 4:37pm
Subject: MICROSOFT SETTLEMENT

MTC–00022834

From: Vikram Chiruvolu
To: Microsoft ATR
Date: 1/24/02 4:39pm
Subject: Cogent argument for Microsoft's break-up

As a software entrepreneur, I must advocate the dissolution of MicroSoft into three separate entities:

—the operating systems company which is tightly monitored and regulated for compliance with anti-trust measures
—the productivity/entertainment software company which is more loosely monitored to ensure no anti-competitive alliances are created between it and the Operating Systems company
—the media company which is monitored as any other is by the FTC/FCC

By way of arguing my case:

Suppose a firm, MicroEngine Corp, had a 90%+ market share, a monopoly, on automobile engines. Suppose the US government has come to terms with MicroEngines that it shall not engage in anti-competitive behavior and is operating under a ''consent decree''. Now suppose you were an entrepreneur who devised an inexpensive gadget and service, called a TuneUpNet. The gadget is designed to easily be added under the hood of any car with a MicroEngine, based upon their published engine specifications. The gadget would allow the details of engine performance to be transmitted via satellite to the service, which would inform you via email when your car needed an oil change or tuneup. No market currently exists for such a product because you are the first to devise it; it is clear that the cost of not getting oil changes and tuneups costs consumers so much in destroyed engines each year that there will certainly be a strong market for it. Supposing it is such a strong value proposition that you are able to raise the small amount of investment capital required to market it, and you bring it to market. You get rave preview writeups from all the trade magazines.

Now suppose in the same week that you release your product to the open market, that MicroEngine Corp. contacts you with a proposal to buy your company. It is clear the alternative, should you not accept is that they will announce they intend to compete with you directly. Because they need only announce such a change to their product, they win the market with no actual investment into product research and development on their part. Further, they claim that network monitoring technology is an ''integral part'' of the engine of the future, and therefore is within their market; the claim seems quite reasonable to judges who have no special expertise in the engine market, and any civil lawsuit on the matter would take a decade to resolve. The judgement, de facto, is that unless you sell out to MicroEngine Corp, you go out of business.

Now imagine you are a competitor to MicroEngines, called GoodMachines, and you command 3% of the automotive engine market. Shortly after being approached by MicroEngine Corp, the head of TuneUpNet approaches you and suggests a deal to integrate his technology into your engines. However, it will require a great deal of custom technology research and development costs to make the product work with your product's published specifications nicely. It is unclear to you how much this will distinguish your product in the market; but it is clear that, if you don't do it, MicroEngine Corp will have a clear advantage. As you are a startup competitor to MicroEngine Corp, you do not have ample capital to finance development of this innovation, nor do you have the power to prevent it from gaining market share on its own. You go ahead with the deal at some significant risk and put a good deal of capital

into financing a partnership with TuneUpNet that would work with your engines.

Three months later, MicroEngine Corp issues a press release stating the next year's version of their product line will have its own network reporting system built in, functionally identical to TuneUpNet. Three months after that, investors pull out of TuneUpNet, its market is sapped by the MicroEngines announcement. TuneUpNet can no longer continue in its partnership, and the integration work is left half completed, and you, take a significant loss. Neither GoodMachines or MicroEngines next years product line have the features of TuneUpNet integrated into it, TuneUpNet is forced out of business, and GoodMachines capital strength has been sorely hurt and cannot compete well at all.

This analogy is all you really need to understand the core of what ought to be done about the Microsoft case. The scenario Ive described has played out so many times in so many ways with MicroSoft using its operating system monopoly to crush what they view as ''competitive'' desktop productivity, entertainment, and network services. If senior management at Microsoft under its current corporate structure are to do their job effectively, they must use their clout in this way—their job is after all to maximize shareholder value. The only way to structurally detach Microsofts operating systems dominance from any incentive or even ability to drown out competition in the market for productivity and entertainment software, is for its operating systems unit to become a separate, tightly regulated company.

Further, note that Microsoft has already succeeded in extending their monopoly to PC productivity software market (word processors, spreadsheets, email readers, web browsers). They have already been successful with Microsoft Office in effectively defeating Lotus 1–2–3, Wordperfect, and Netscapes Navigator and Messenger products along the way. Just as there has simply no competition against Microsoft's ability to use their established market in desktop operating systems to dominate the way the desktop PC software market evolves, there is now no competition for Microsoft to leverage its dominance in the PC productivity/entertainment software market into the emerging market for network services and other media-company type offerings. This is why the Productivity/Entertainment software business must also be spun out as a separate unit from its media businesses, which should form the remainder of the company.

To close with s word of encouragement: government, we the people, must maximize the broader social values at stake—innovation, entrepreneurship, and fair competition. Legal structures exist to embody and enforce our highest values, not obfuscate and evade them. The protectors of such a system, the judges, must have the courage to act decisively when circumstances arise in which the veil of corporate secrecy and the power of corporate interests are in direct and ongoing conflict with our most fundamental ideas about the purpose of a corporation in human society and affairs to promote the general welfare through the innovation and competition inherent in the free enterprise system. Do not shrink from doing the right thing here—America will be better off for it.

Thanks for reading,
Vikram Chiruvolu
6 Villa Place
Eatontown, NJ 07724

MTC–00022835

From: Robert Weiler
To: Microsoft ATR
Date: 1/24/02 4:37pm
Subject: Microsoft Settlement

Robert Weiler
Perfectsense Software
536 Marin Ave
Mill Valley, CA 94941
January 23, 2002
Microsoft Tunney Acts comments
US Department of Justice
Dear Sir or Madam,

I am writing to express my opposition to the proposed final settlement of the Microsoft antitrust case. I have been a software developer for over 20 years and I am currently an executive of a start up corporation and have extensive experience with Microsoft's products as well as those of Microsoft's competitors. In addition, I have followed the trial very closely and have read the relevant documents. I would like to remind the court that the Microsoft has committed extraordinary public relations resources in an effort to influence public opinion, and ultimately, the court. Thus, it is likely that the overwhelming majority of pro-settlement comments were bought and paid for by the criminal. I trust that the court will take this into account and treat those comments accordingly.

Microsoft corporation has committed a serious federal crime. They received a fair trial, and the decision was unanimously upheld by a Court of Appeals. Microsoft has been repeatedly warned for past violations of the law and indeed the entire reason that this case is presently before the court is that Microsoft is unwilling to change their business practices to conform to the law. Microsoft is understandably reluctant to abandon those business practices as they are extremely effective and have allowed Microsoft to illegally eliminate competition and subsequently raise prices. Consequently, Microsoft has been able to make and retain extraordinary profits even despite the current recession. The Proposed Final Judgment is flawed for the following reasons:

1) It will do nothing to restore competition. Microsoft corporation has effectively eliminated competition on the desktop due to illegal practices. Apple computer holds less than 5% of the desktop market. OS/2, as a direct result of Microsoft's violation of the law, holds almost nothing, and Linux, the only likely future competitor, has perhaps 1%. Since Bill Gates, a founder and CEO of Microsoft, publicly derided the quality of past releases of Microsoft Operating Systems products at the Windows XP launch, and has recently derided the security of all Microsoft products, it is fair to say that Microsoft's success has not been due to having a superior product.

Instead, their success is due to illegal licensing terms and the application barrier to entry. The Proposed Final Judgment allows Microsoft to continue discriminatory licensing practices and to continue to maintain the application barrier to entry. In addition, the language contains so many loop holes as to be unenforcible.

I propose the following language for section IIIb: ''Microsoft shall offer their all of their products to all customers at the same price. Microsoft may set a lower limit on the number of copies that are purchased directly from the corporation, but may not set any terms for distributors that buy a large number of copies and redistribute them in smaller volume.''

For section IIIC, I would propose the following wording: ''Microsoft shall impose no additional terms on its OEM's or distributors regarding subsequent resale of Microsoft products.'' Section IIID appears to attempt to reduce the application barrier to entry, but does not do so in any way that is effective. In addition, it contains serious loopholes that would not allow developers to develop for any platform other than Windows, nor does it take into account Microsoft's other monopoly in desktop productivity software. For section IIID, I would propose the following wording:

''Upon release of any Microsoft software product, Microsoft will provide complete documentation of any protocols, file formats, and APIs. In addition, Microsoft will license any intellectual property required to implement such protocols, file formats,and API's under a royalty free and non discriminatory basis to any interested party.'' In addition, section III.J.2 must be dropped in its entirety. The only logical reason for this provision is for Microsoft to prevent competition from GNU Public License software, which Microsoft views as its primary competitor. Microsoft should not be able to select its desired competitors.

2) It imposes no penalty on Microsoft for past violation of the law. As a direct result of illegal business practices, Microsoft has amassed a cash pile of over 35 billion dollars. Some of that money belongs to the taxpayers due to the expense of the trial. In addition, Microsoft should pay some sort of fine for past violation of the law.

3) It fails to recognize that Microsoft posses two monopolies; one in desktop operating systems and another in office productivity software.

I addressed this in my previous comments, but it bears repeating. The proposed final judgment deal only with Microsoft's operating system monopoly. In addition, Microsoft possesses a monopoly in desktop productivity software. To a large extent, this monopoly was also illegally obtained by bundling Microsoft office with the operating system at greatly reduced cost, and using the operating system profits to offset the loss. Once the competitors were eliminated, Microsoft raised prices. Microsoft currently views the Linux operating system as it's biggest competitive threat. The largest factor preventing Linux from competing on the desktop is the lack of a 100% compatible office suite. Microsoft must publish and license their Office protocols and file formats on a non discriminatory royalty free basis. In addition, Microsoft must not be allowed to

use Office licensing fees as a club to prevent operating system competition.

4) It contains no effective provisions for enforcing the judgment. The technical committee proposed would have no actual power to enforce the agreement. In addition, the committee members would have a clear conflict of interest since one of the members is chosen by Microsoft and they would paid by Microsoft. Any violation found by the committee would still need to be brought to court before a remedy could be imposed. I would propose the following:

''The Plaintiffs will appoint a special master with the poser to enforce this judgment. Microsoft shall have the right to appeal decisions of the special master at their expense. The special master and staff will be employed and paid by the Department of Justice. Microsoft will reimburse the Department of Justice for reasonable expenses incurred by the special master and staff incurred in the performance of their duties.''

5) The term of the agreement is too limited. I would like to point out that the term of the agreement is not tied to any goals. The agreement should remain in effect until there is effective competition in desktop operating system and office productivity software markets. Microsoft can hardly complain about this as if the remedy is ineffective, it hardly matters. If it is effective, it will only serve to undo the effects of past illegal conduct and this should be the goal.

Robert Weiler

MTC–00022836

From: senatorjenkins@netscape.net@inetgw
To: Microsoft ATR
Date: 1/24/02 4:37pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
bill jenkins
1610 dalary pt
crystalriver, FL 34429

MTC–00022839

From: ex—marine@msn.com@inetgw
To: Microsoft ATR
Date: 1/24/02 4:38pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Ted Greig
9124 Crebs AV
Northridge, CA 91324

MTC–00022844

From: Billin@dzn.com@inetgw
To: Microsoft ATR
Date: 1/24/02 4:39pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Bill Woodward
3829 Skyline Ave.
El Paso, TX 79904–1142

MTC–00022845

From: baron1927@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 4:40pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
frank frank
335 reserve st
boonton, NJ 07005

MTC–00022865

From: Scott Fenton
To: Microsoft ATR
Date: 1/24/02 4:40pm
Subject: Microsoft Settlement

Dear Sir/Madam:

If you have any idea how grossly inadequate the penalties levied at Microsoft's abuse of the anti-trust statutes are, you would feel compelled to make every effort to increase the severity of settlement. As the president of a California-headquartered investment company, Lodestar Capital Group, Inc., I am an otherwise disinterested party in the settlement. I can say, though, that for the six years our corporation has been in business, we have had to struggle with the enormous drag on productivity that Microsoft's stranglehold on the marketplace for computer operating-system [O/S], as well as for application-software. We have never been able to buy a computer without their operating system, even though half the machines in the house run under Unix or Linux, because they have forced vendors to only offer their operating system through selective contracts. We are then forced to throw out the software and manuals that we have just paid for, before installing the other operating systems such that we can continue our business. This is, in essence, a Bill Gates Tax.

But the lingering effects go further. Because we are forced to buy an O/S that we do not want or use—because of Microsoft's monopolistic abuses—we also invalidate part of our warranty and our technical help contract for the hardware we buy. It's one of several examples of this kind of insidious malignancy that the current settlement inadequately addresses.

Microsoft's products are poor and unreliable, but we in the business community are forced to buy them because of the illegal muscle they have applied to marketplace. We all end up paying a price for the substantial loss in productivity and increase in cost from this inefficiency. I am more than happy to give any further testimony or evidence to strengthen the penalties against this monopolistic corporation.

Scott Fenton
President & CEO
Lodestar Capital Group, Inc.

MTC–00022866

From: Robert E Finnegan
To: Microsoft ATR
Date: 1/24/02 4:36pm
Subject: Public opinion

Dear Sirs,

I must say that my faith in the US justice system was shaken by the wishy washy

treatment finally afforded the prime example of a monopoly of the last century! The message seems to be that ''all animals are created equal, some more equal than others''—that is, that if your pockets are deep enough, you're above the law. A sad day for America.

Robert Finnegan

MTC–00022867

From: David Finkbeiner
To: Microsoft ATR
Date: 1/24/02 4:44pm
Subject: Microsoft Settlement

I would like to voice my dissatisfaction with the proposed settlement with Microsoft. It does not enforce any limitations on its bundling practices. With their next big strategy to take over the home electronics market (digital entertainment systems, etc.) it's vitally important that Microsoft not be allowed to continue its very effective bundling strategy. They must at least be split into an Operating system company and an applications company— that would really level the playing field.

Sincerely,
David Finkbeiner, a US Citizen
David Finkbeiner
10129 Oakwood Chase Ct.
Oakton, VA 22124
703–319–2099
David Finkbeiner email:
David_Finkbeiner@yahoo.com

MTC–00022868

From: mtodd02@attglobal.net@inetgw
To: Microsoft ATR
Date: 1/24/02 4:41pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Mary Todd
1303 Carolina Ct
The Villages, FL 32162

MTC–00022869

From: paul poirier
To: Microsoft ATR
Date: 1/24/02 4:44pm
Subject: Microsoft Settlement

On behalf of all intenet users ,I urge you to settle the case with Microsoft ASAP. Mediate the amount of software and hardware Microsoft must give to schools and other non-profit organizations to satisfy the courts. Netscape/AOL are cry babies. They should spent there time and money developing a competitive product instead of try to make a profit in court at others expense. Netscape was never a good product that could have competed with Internet Explorer.

DoJ should consider Anti- Trust action against AOL/Time Warner for their monopolistic approach to internet access and music and entertainment.

MTC–00022870

From: M Land
To: Microsoft ATR
Date: 1/24/02 4:38pm
Subject: Microsoft Settlement

''Surgeons must be very careful
When they take the knife!
Underneath their fine incisions
Stirs the culprit,—Life!''
Emily Dickinson wrote that.

Or, more bluntly, Robert X. Cringley wrote in a recent article for PBS.org [1]: ''If this deal goes through as it is written, Microsoft will emerge from the case not just unscathed, but stronger than before.'' In this sense, it is not Microsoft who will die over a matter of a slip of the knife, so to speak, but everyone who chooses to offer serious alternatives to anything Microsoft develops and releases. Easily implementable MPEG (a type of audio and video format) decoding standards for DVD video and audio could be trampled to death if Microsoft is easily and freely able to push its more proprietary formats on the DVD industry [2]. For example, owners of non-Windows laptops with DVD players could be seriously affected in the long term. (What if I can't play some DVD I want because there's some obscure incompatibility in my DVD player? This is just one important question that can be posed.)

What may be the worst issue of all is demonstrated by visiting the following URL:

<http://www.microsoft.com/library/shared/deeptree/bot/bot.asp?xmlsrc=/technet/library/1033/toc/tnlib/tnlib6586_.xml>

What you're looking at is a list of just __some__ of the major, KNOWN security issues with Microsoft's software. You'll notice I pulled this link from Microsoft.com itself. The dominance of Windows in the United States is becoming a national security threat [3], and will inevitably become worse as they're left more loopholes in court rulings and established case law. Their seedier actions are rooted in the loose and often downright retarded language in legal precedents, and if they aren't provided with precedents that are solid and thought-out, they will, as Mr Cringley wrote, continue to undermine the intent of courts in which they argue and rulings to which they're told to adhere.

I would have little problem continuing on and on, but I am aware of the almost uncountable amount of communication you must be receiving on this subject, and understand that an extremely long-winded, rambling rant would not be in the best interests of anyone but those about whom I seek to write.

Best regards,
Matthew J. Land
4000 British Woods Dr.
Hopewell, VA 23860

[1] The article referenced and quoted can be found at: <http://www.pbs.org/cringely/pulpit/pulpit20011206.html>.

[2] An article <http://slashdot.org/article.pl'sid=01/12/12/1357232&mode=thread> at Slashdot.org is a good example of what is being referenced here. The pushing of Microsoft's software in such areas could be very bad for the consumer electronics industry if left free to roam unattended. Subsequently, a search on Slashdot.org for the text ''Microsoft'' will yield a mountain of articles that discuss similar issues.

[3] An article <https://www.latimes.com/business/la-000003463jan14.story?coll=la-headlines-business-manual> published by The LA Times discusses an FBI warning—and even notes the inquiry of Rep Rick Boucher—regarding security holes in Microsoft software such as the wildly publicized Windows XP operating system. This is bad, regardless of what Microsoft's publicity team will have you believe about their future intentions regarding security issues with Windows and related Microsoft products.

MTC–00022871

From: eds999@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 4:42pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Edward Schultski
43 Craig Dr
Apt 3R
West Springfield, MA 01089–4717

MTC–00022872

From: ngm81@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 4:44pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Nelson Madrilejo
820 34th St.
Bakersfield, CA 93301–2268

MTC–00022873

From: zmog@chartertn.net@inetgw
To: Microsoft ATR
Date: 1/24/02 4:44pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Sincerely,
zan GREGORY 1041 amersham
kingsport, TN 37660–5092

MTC–00022874

From: jim@midearth.net@inetgw
To: Microsoft ATR
Date: 1/24/02 4:48pm
Subject: Microsoft Settlement

I would like to add my opinion about the Microsoft Settlement. This settlement is not in the interests of the people, the proposed settlement does not do nearly enough to encourage competition. The proposed settlement has to many loopholes which allow MS to continue it's behavior. I would like to thank you for your time.

Derek Harkness

MTC–00022875

From: Dave Sweeney
To: Microsoft ATR
Date: 1/24/02 4:50pm
Subject: Microsoft Settlement

How can you possibly think this is a settlement? When Ma Bell was deemed to have a monopoly on the phone system, was the answer to give more phones to schools so they could use Ma bells service more? It is like dealing with the petroleum monopoly by having them give out more cars.

Who was hurt by Microsoft's action? In my opinion it would be their competitors and the users of competitors products. One example is this: Many years ago there was a Database product called FoxPro, it only ran on the Mac, and it was a very good database. Microsoft bought it, combined it with their product Access, and then discontinued its support for the Mac. Who did it hurt 1) all Mac users, 2) Apple, 3)Everyone, like me who wrote products using FoxPro for the Mac.

If your goal is to help schools, great, why don't you have Microsoft buy 1,000,000,000 worth of Apple hardware and give it to schools. Plus prohibit Microsoft from buying any corporations that create software products. Just for the record, I have both Macs and PCs at home, and the company I work for develops software for windows platforms.

Thanks
Dave Sweeney
IT Manager
Intrinsiq Data
800–565–2279x115

MTC–00022876

From: pwill1466@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 4:44pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Sincerely,
Patricia Williams
917 Union Street
Birdsboro, PA 19508

MTC–00022878

From: Jonas Callewaert
To: Microsoft ATR
Date: 1/24/02 4:54pm
Subject: Microsoft Settlement

hello.

I don't like the settlement proposed between MS and DOJ. I think it does not help consumers or companies who have been hurt.

I like what the 9 states are saying about a striped down version of windows with no frills. Windows runs much better when all the extra stuff is removed . when ever I set up my computer I remove IE with a nifty program called 98lite. it makes the computer much more stable and faster. because the IE integration is removed, as a consumer I wish not to be pushed software from MS onto my desktop. I would like to choose what I want, and have a clean OS nothing but an OS, then choose my software.

thank you for you time.
Jonas

MTC–00022879

From: Matt Krabbenhoft
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/24/02 4:49pm
Subject: Microsoft Settlement

To whom it may concern:

As a Microsoft customer and computer user, I am not satisfied with the Proposed Settlement currently under consideration in this matter. The following item is specifically lacking.

SECTION III.D. states:

Microsoft shall disclose to ISVs, IHVs, IAPs, ICPs, and OEMs, for the sole purpose of interoperating with a Windows Operating System Product, via the Microsoft Developer Network (''MSDN'') or similar mechanisms, the APIs and related Documentation that are used by Microsoft Middleware to interoperate with a Windows Operating System Product. In the case of a new major version of Microsoft Middleware, the disclosures required by this Section III.D shall occur no later than the last major beta test release of that Microsoft Middleware. In the case of a new version of a Windows Operating System Product, the obligations imposed by this Section III.D shall occur in a Timely Manner.

This is not acceptable in terms of competition. Disclosure of the necessary APIs to developers of Non-Microsofte Middleware must be made well prior to any beta version of that software. By the time the Microsoft Middleware reaches its last major beta version, it is considered ready for release. If the Microsoft OS APIs are not available to competing products prior to the last major beta release, Microsoft enjoys a generous, government-sponsored lead in getting their product to market before their competitors. These APIs must released to competitors sooner. The last major alpha release would be more sensible.

In addition, the term ''in a Timely Manner'' in regards to the disclosure of APIs of new Operating System Products is too broad a term and is open to interpretation. Microsoft may argue that a ''Timely Manner'' means ''following the release of Service Pack 1'' of the new Operating System which could take place as much as 6 months following the new software's initial release. Should there ever be a viable alternative to the Microsoft Operating System, this clause, would give Microsoft at least 6 months more time in the market than their competitors. This reduces a competitor's ability to provide a competitive product and leaves me as a consumer with little option but to purchase a Microsoft product.

Overall, this judgement gives the impression that it addresses the anti-trust violations for which Microsoft has been indicted. However, it does not address the current state of the software market which has been and continues to be heavily influenced by Microsoft's actions. In

addition, I do not see that I as a consumer am protected as much as I should be. Specifically, with no viable alternative to the Microsoft Operating System when using less expensive x86 compatible hardware, I am forced (for reasons of compatibility) to use and therefor purchase Microsoft software. It costs me less to purchase that computer equipment, so that is what I buy. To use that computer equipment, I must use an Operating System. Because of the greater availability of third-party software for the Microsoft Windows operating system, I am guaranteed that I can share files with friends, family, and business associates if I chose the Microsoft product over Linux. This is especially so since Microsoft Office (which holds a monopoly in the business productivity sector) is not available on the Linux OS, and there are no FULLY compatible alternatives available.

If I don't want to use Microsoft software on my less expensive x86 compatible hardware and still do business with those who do want to use it, I need a viable alternative which is fully compatible with Microsoft software. To get that kind of compatibility from a currently competing product, I must either pay a premium (to replace my hardware and ALL of my software) to use Apple software, or I must make operational and compatibility sacrifices which may affect my ability to effectively do business and use a Linux OS with software applications which are not fully compatible with Microsoft products because Microsoft will not disclose the necessary APIs. Thus, as a consumer, I am monetarily penalized unless I opt for Microsoft software when using less expensive computer equipment.

Restraining Microsoft from penalizing competitors isn't enough protection for the American consumer. Microsoft illegally forced its way into other markets because it has no competition in its own. In this instance, stimulating increased competition in the x86 Operating System market would better benefit consumers and competiting producers of Middleware. It would improve the availability of alternatives and the quality and security of Operating Systems and Middleware products available on the open market. I want to be able run Microsoft Word or Microsoft Internet Explorer on a Linux OS computer without having to own a copy of Microsoft Windows too. In its current form, this agreement doesn't grant me that option. It addresses the past violations, but does not address the harm it has done to the current software market.

Sincerly,
Matt Krabbenhoft
6605 Hillside Terrace Drive
Austin, TX 78749

MTC–00022880

From: rwgti
To: Microsoft ATR
Date: 1/24/02 7:53pm
Subject: microsoft settlement

enough already, get off Microsoft's back and end this mess. Microsoft is a great American company that we should be proud of, not demonize.

thanks,
Roger Wills
Glendale, WI

MTC–00022881

From: rkerkering@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 4:46pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Susan Kerkering
92701 SW 138th Ave.
Tigard, OR 97223

MTC–00022882

From: RFC–822=Joel.Schneider@effectivetechservices.com@inetgw
To: Microsoft ATR
Date: 1/24/02 6:37pm
Subject: Microsoft Settlement

Joel Schneider
8941 Kell Avenue South
Bloomington, Minnesota 55437
January 24, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

To whom it may concern:

As a software developer with over 10 years of experience, I would like to comment on the United States v. Microsoft Corporation Revised Proposed Final Judgement (PFJ), published in the Federal Register on November 28, 2001.

My reading of the PFJ has lead me to an opinion that it will not adequately curtail Microsoft's exclusionary, anticompetitive, and predatory practices, and therefore does not serve the public interest. This comment describes a number of my concerns.

One concern I have about the PFJ is its expiration date. This supposed remedy is set to expire five years from the date it is entered by the Court, with a potential one-time extension of up to two years.

Considering the fact that Microsoft has already been able to successfully circumvent judgements for Sherman Act infractions dating back to 1994, it seems unwise to limit the PFJ to a maximum term of seven years.

Section VI.N, the definition for ''Non-Microsoft Middleware Product'', includes a requirement that ''at least one million copies were distributed in the United States within the previous calendar year.''

This is a ridiculous requirement, as it requires any Non-Microsoft Middleware Product to first struggle against and overcome Microsoft's monopoly power and the applications barrier to entry for at least one year before becoming eligible for protection as middleware under the PFJ. This numerical constraint should be eliminated.

Section III.C.1 grants Microsoft authority to restrict an OEM from displaying icons, shortcuts, etc. Granting this authority to Microsoft limits the ability of OEMs to compete through customization of their products. This section also does not clearly address middleware for which there is no Microsoft equivalent. Microsoft's authority to restrict the ability of OEMs to customize their systems should be eliminated.

Likewise, section III.C.2 prohibits OEMs from altering the user interface. This infringes on the ability of OEMs to compete by modifying the user interface. Microsoft's authority to stop OEMs from modifying the user interface should be eliminated.

Section III.C.3 requires Non-Microsoft Middleware to display a user interface similar to the corresponding Microsoft Middleware Product. This limits the ability of middleware producers to compete through user interface innovation. Microsoft's authority to control the user interfaces offered by competing middleware should be eliminated.

Section III.C.4 requires that a non-Microsoft boot-loader be used when launching other Operating Systems. OEMs should not be restricted to using a non-Microsoft boot-loader for this purpose, and should be free to use any boot-loader, including a Microsoft boot-loader.

Section III.C.5 requires that the OEM comply with technical specifications established by Microsoft when presenting an IAP offer in the initial boot sequence. This limits the ability of IAPs to compete against Microsoft's IAP (MSN.com) and aids Microsoft in its efforts to extend its monopoly into the IAP business. Microsoft's authority to control competing IAP offers should be eliminated.

Section III.H.1 grants Microsoft authority to restrict users and OEMs from displaying icons, shortcuts, etc. Granting this authority to Microsoft limits the ability of users and OEMs to compete by customizing their systems. This section also does not clearly address middleware for which there is no Microsoft equivalent. Microsoft's authority to restrict the ability of users and OEMs to customize their systems should be eliminated.

Section III.H.2 grants Microsoft control over the way in which Non-Microsoft Middleware Products are presented to the user. This grants favored status to Microsoft Middleware Products and thereby impairs the ability of Non-Microsoft Middleware Products to compete. Microsoft's authority to control the way in which Non-Microsoft Middleware Products are presented to the user should be eliminated.

Section III.H also grants Microsoft the authority to impose technical requirements, such as the ability to host a particular

ActiveX control, upon Non-Microsoft Middleware Products. However, Netscape 4.x, for instance, does not host ActiveX controls, in part due to the security risks they present. This authority should be eliminated.

Section III.J enables Microsoft to withold documentation for some of its APIs and communication protocols based on the pretense of protecting the security of specific installations. It also enables Microsoft to impose limitations on the audience to whom such API documentation is made available.

However, there is a general consensus among computer security experts that the witholding of such documentation (a.k.a. security by obscurity) does not establish true computer security. Microsoft should not be allowed to withold documentation for its APIs and communication protocols based on this pretense.

The PFJ also omits an important consideration. Much of the present and future competition to Microsoft comes from non-commercial Open Source and freeware software products such as Linux, Apache, Sendmail, Samba, and Wine. In January 2001, Microsoft president and CEO Steve Ballmer identified the Linux phenomenon as ''threat number one.'' Apache and Sendmail are established mainstays of the internet. Samba and Wine enable non-Microsoft systems such as Linux to interoperate with (monopolistically entrenched) Microsoft systems. It is reasonable to expect that these and other Open Source and freeware software products are potential targets of Microsoft. Under the existing PFJ, Open Source and freeware software products receive very little consideration, as important portions of the PFJ apply only to companies that meet Microsoft's criteria as a business (see

Section III.J.2). The PFJ should be revised to offer specific protection to Open Source and freeware software products.

The above briefly outlines several of my concerns regarding the PFJ. It is possible, even likely, that the PFJ contains additional significant flaws not mentioned here. I am of the opinion that the existing PFJ would completely fail to accomplish its stated purpose of providing ''a prompt, certain, and effective remedy for consumers by imposing injunctive relief to halt continuance and prevent recurrence of the violations of the Sherman Act by Microsoft.'' The PFJ is in need of extensive rework and should not be accepted in its present form.

In addition to this comment, I have endorsed an open letter to the DOJ, written by Dan Kegel (of Los Angeles, California) and others. The open letter contains an analysis of deficiencies in the proposed Microsoft Settlement, along with suggestions for addressing those deficiencies. At the time of this writing, the open letter is visible on the internet at http://www.kegel.com/remedy/letter.html.

I hope the United States Department of Justice will take these comments into consideration and withdraw its consent from the PFJ. Failing that, I hope these comments will help the Court to reach a conclusion that entry of this PFJ does not serve the public interest.

Sincerely,

Joel Schneider

MTC–00022883

From: Eugene J Rohrer
To: Microsoft ATR
Date: 1/24/02 4:50pm
Subject: Microsoft Settlement

To Whom It May Concern,

I want to submit my comments in support of the settlement the Department of Justice's settlement with Microsoft, as part of the Tunney Review phase of the settlement.

As a somewhat dispassionate observer, I'm amazed how the courts and the political process have been used by weaker competitors to literally punish success. I use Microsoft products (operating system and the word processing and spreadsheet programs), as does most of the working world, because they are better products, not because I felt it pushed upon me by a ruthless monopolist, and had absolutely no difficulty whatsoever choosing to use the Netscape browser over the Explorer browser. I also use the RealNetworks audio player instead of the Microsoft product. The notion that someone couldn't choose to use someone else's product because it was bundled with the operating system treats us all like 2nd graders. It's a flimsy argument that insults the intelligence.

Please, end the uncertainty. We don't need any more in the economy. Settle the case, and let the company with the best products win, not those with the loudest lawyers, or those with the most money to donate to some aspiring state attorney general. End the uncertainty. Approve the settlement.

Thank you.

Gene Rohrer

Eugene J. Rohrer
mailto: rohrerg@hargray.com
843.524.9010 office
917.887.1597 cellular
801.749.3362 eFax

MTC–00022884

From: chuckbeatie
To: Microsoft ATR
Date: 1/24/02 4:51pm
Subject: MICROSOFT SETTLEMENT

Dear Sirs

It continues to be a disappointment for competitors of Microsoft to use the courts to compete instead of innovation and leadership in the field in which they are competing.

It is a real travesty to attempt to stifle Microsoft in order to have others compete.

Whatever happened to innovation to beat the competition instead of litigation to bring your competitors down to your level.

Should I be allowed to sue Microsoft just because I want to get into the browser business, when I don't do as good a job, or charge more for my service* * *

This country was built on competition, innovation, and doing better than everyone else... let Microsoft get back to business, and quit punishing them for being the best of the best... Tell AOL to get on the ball and write better code at a better price, and Netscape will surpass Microsoft.

You know it, and so does everyone else!

Sincerely,

Chuck Beatie

MTC–00022885

From: Seth Wissner
To: Microsoft ATR
Date: 1/24/02 5:16pm
Subject: Microsoft Settlement

To whom it may concern, I believe the proposed settlement is not severe enough. Microsoft should be severly punished, not slapped on the wrist.

Regards.

Seth Wissner

MTC–00022886

From: Charles I. Brown
To: Microsoft ATR
Date: 1/24/02 4:51pm
Subject: Microsoft Settlement

We would like to add my feelings to the proposed settlement. We think it is a waste of the paper it is written upon. We can see no reason it will stop Microsoft from abusing their monopoly as they have done for the past years. Their abuses just seem to get worse with each new update of an operating system. They should have harsh penalties against them, not those currently proposed. Those currently proposed contain no real penalties or future oversight to keep them from abusing their monopoly. It seems the DOJ just folded after so successfully proving their case. Where did all the proposed penalties go? To the White house with all the campaign donations?

Charles I. and Angela F. Brown
Randolph, NH 03570

MTC–00022887

From: Dan Warrensford
To: Microsoft ATR
Date: 1/24/02 4:52pm
Subject: Microsoft Settlement

40 Uranus Avenue
Merritt Island, FL 32953
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing in order to give my opinion concerning the settlement that has been reached between the Department of Justice and Microsoft. While I feel that Microsoft is being asked to give up more than should be asked of them, I feel that whatever is necessary in order to bring about a resolution to this case should be done.

The settlement requires Microsoft to give over, to their competition, access to their software code and grant them intellectual property rights in order to further the ability of competing products to contend with Microsoft's products. Microsoft is not even allowed to retaliate when the completion uses these products to further their own.

This alone goes far beyond what would be expected of any other company. However, Microsoft is willing to do this because it very much wants to see this case over and done with. The average person does as well, and so I urge you to bring it to an end quickly.

Sincerely,

Dan Warrensford

P.S. Microsoft's competitors should not be allowed to use government force to accomplish what those competitor's couldn't accomplish in the marketplace, to wit, come up with a better ''mousetrap.'' If those alleged

competitors wish to play on a Fascistic field, there are several nations which will welcome their machinations; the U.S. shouldn't be one of those nations.

Microsoft has never forced anyone to use Internet Explorer. Every user of every machine has always been able to install and use other browsers of their choosing. As well, all Microsoft has done is provide a good product at a reasonable cost—as a Capitalist corporation in a Capitalist nation is supposed to do.

Indeed, the prosecutors and jurists who've made mini-careers of attacking Microsoft on behalf of Microsoft's competitors, or on behalf of kleptomaniacal state governors ought to have their motives questioned by the U.S. Department of Justice.

Regards, Dan Warrensford

MTC–00022888

From: Robert
To: Microsoft ATR
Date: 1/24/02 4:52pm
Subject: Microsoft Settlement

Sir or Madam,

I am writing to express my concern and opposition to the proposed settlement over the Microsoft Antitrust case. To my understanding, the courts have found it to be a fact that Microsoft, repeatedly and with malicious intent, utilized its OS monopoly to unfairly damage competitors and restrict innovation while simultaneously using it as a wedge to expand its'' own list of (often inferior) products into new arenas.

As a ''punishment'' for this, the settlement proposes (among other things) to allow Microsoft to —increase— its exposure in one of the few major niches in which MS is not yet the major presence—education hardware and software. The purpose for assisting a known malicious monopoly to expand that monopoly as a form of punishment escapes me.

Please do NOT settle on the provided basis. The proposed terms will, at best, do little or nothing to inhibit Microsoft and could, at worst, actually prove to enhance the MS market position.

Thank you for this opportunity to comment.

Robert Giffords

MTC–00022889

From: Jason Blackwell
To: Microsoft ATR
Date: 1/24/02 4:52pm
Subject: Microsoft Settlement

Sirs:

This e-mail is a response to a request for public comments by the court hearing the case U.S. v. Microsoft. After reviewing the Proposed Final Judgment (PFJ) there are many gaps that exist allowing Microsoft to continue with it's unfair, restrictive, and threatening business practices. Microsoft's anti competitive measures coupled with their restrictive licensing terms ensures they remain the de facto Operating System for the Intel-compatible computing platform. Listed below are two reasons I must still use Microsoft products, some chilling thoughts, followed by comments on the PFJ remedies.

Given the choice, I would not use Microsoft Windows as an operating system at all. However, I am forced to use MS Windows because as the de facto Operating System for home and business, and by virtue that MS Office is the widest used Office/Business solution, I often have to use Microsoft products to communicate with customers and business partners. Second, because the Windows operating system is on nearly every retail Original Equipment Manufacturers (OEM) Intel machine sold, users are forced to use some version of Windows. Microsoft's control over the OEM is stifling to say the least. Microsoft currently uses brutish tactics to force OEMs to sell their machines with a copy of Windows on it and nothing else, or the OEM faces retaliatory actions from Microsoft. This practice does not allow the introduction of alternate operating systems to the OEM customer base thereby ensuring Windows is the most widely distributed operating system.

I am equally disturbed by the recent actions Microsoft, specifically Microsoft Network (MSN), has taken to become the ''Premiere'' Internet Service Provider (ISP) of Qwest. Microsoft's terrifying vision of the ''.NET'' initiative is only further reached by this move. How better to ensure that their corporate vision as the single point of presence for entertainment, news, communication, and more important, ensuring their internet standards are widely accepted. The answer is simple, become the ''default'' ISP for one of the largest residential Digital Subscriber Line (DSL) providers in the United States. I fear that the garish tactics displayed by Microsoft in the past towards OEMs and Independent Software Vendors (ISVs) will be used on the competing ISPs.

Comments and proposed remedies:

1) At no point does the PFJ obligate Microsoft to release specifications for current and future file formats be made available. Undocumented Microsoft file formats form part of the Applications Barrier to Entry.

By not allowing the specifications to be made public, any attempts by commercial or Open Source initiatives to make available a compatible program are hindered in doing so. I don't believe this is an Intellectual Property concern, more an effort to ensure there are no competing products made available to consumers. The file formats must be made available to ensure not only cross platform, but same platform operating system different programs can interoperate. Giving the consumer the ability to use what ever platform/Operating System they desire. The government must not allow the specifications be available to commercial entities only, but to all competing entities.

2) The PFJ prohibits certain behaviors by Microsoft towards OEMs. However, Section III.A.2. allows Microsoft to retaliate against any OEM shipping Personal Computers (PCs) containing a competing Operating System but no Microsoft operating system. This makes no sense to me. Currently Microsoft can retaliate against OEMs who put both Windows and an alternate Operating System on a PC, commonly known as dual booting or multi boot. There are currently no provisions in place to protect the OEM against these tactics. Provisions need to be in place that allow the OEM to install what ever operating system they desire or the customer requests, on their products, whether it be Windows, an alternate Operating System, or a dual/multi boot environment. By not providing for the OEMs freedom and flexibility to do so, the PFJ allows Microsoft to continue the use of their current tactics to enforce their monopoly.

3) Microsoft uses license terms that prohibit the use of Windows-compatible competing operating systems the use of their products and discriminates against ISVs who ship Open Source applications. The End Users License Agreement (EULA) of many Microsoft products ties the hands of developers who intend to develop for Windows-compatible and competing operating systems. The restrictions imposed by EULA of the Microsoft Platform SDK make it illegal to run programs built with Visual C++ on Windows-compatible or competing operating systems. The Microsoft Windows Media Encoder 7.1 SDK EULA expressly prohibits the distribution of associated redistributable components in conjunction with any Publicly Available Software. This directly impacts competing middleware products that are to be made available to competing operating systems. Exclusionary behaviors allowed by the PFJ directly contribute to the Applications Barrier to Entry faced by any and all competing operating systems as well as ISV developed middleware.

Sincerely yours,
Jason D. Blackwell

MTC–00022890

From: Roger Marquis
To: Microsoft ATR
Date: 1/24/02 4:52pm
Subject: Microsoft Settlement

Jan 24 2002
Renata B. Hesse
Trial Attorney, Antitrust Division, Suite 1200
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

The DOJ's Proposed ''Settlement'' it is so full of holes as to be entirely ineffective in curbing MS'' illegal business practices. I hope the transparency of this settlement is not lost upon the court. To accept the DOJ's proposal would:

A) keep this case in court for many, many years to come,

B) deny consumers the right to choose applications free from monopoly influence,

C) thwart the free-market competition needed to make software development profitable, and

C) deeply damage many American's belief in the US system of law. The DOJ's proposal would prove that laws apply only to those without the resources to litigate.

The only effective solution, the only solution that will restore a level playing field, not surprisingly the remedy previously entered, is splitting the company into two, OS and applications.

Until Microsoft is split, thereby forcing the OS division to publish ALL file formats, ALL communication protocols, and ALL APIs my business as many other's will continue to be

harmed. We will continue to waste time and money trying to correct intentional incompatibilities between MS and third party software, and our users will continue to be exposed to a completely unnecessary risk of viruses, trojans, and data loss. I urge the court to reject the DOJ's proposed remedy and restore Judge Jackson's order of June 7, 2000.

Sincerely,
Roger Marquis
CEO, Roble Systems
P.O.Box 46
Palo Alto, CA 94302
(650) 323–2777
(also sent via fax)

MTC–00022891

From: Greg Watson
To: Microsoft ATR
Date: 1/24/02 4:54pm
Subject: One computer professional's opinion—they are too powerful

I've been casually following this case since it started and in the process have almost completely changed my opinion of Microsoft and what the government should do about their monopoly. I've been a long-time user of Microsoft products at home and at work (I'm an Information Technology specialist for a medium sized software company). I generally find their software pretty good and my first reaction to the anti-trust case was to wonder why people picked on Microsoft so much. I figured that the other companies were sore losers that just couldn't compete.

After reading countless articles about their dirty tactics and having experiencing one too many incidents in which Microsoft's strong-arming has affected me and my ability to do my job, at this point I almost feel like no punishment would be too strong. A couple steps that seem entirely justified:

1) Split them up. Make Windows separate from Office and from developer tools.

2) Force them hand over office file formats to a standards body and severly fine them if they try to ''embrace and extend'' these standards as they have in the past.

3) Force them to stop developing web browsers. Just do something that will hurt them, force greater competition and allow more standards to be created and followed in the technology field. I strongly feel that Microsoft is just too powerful and if something isn't done, they will hurt far more than help the company I work for and other businesses in the U.S. Keep in mind that these comments are coming from someone who relies on and basically likes Windows and other products that Microsoft makes.

Thanks for your time.
Sincerely,
Greg Watson greg@thewatsons.info

MTC–00022892

From: Steven O'Toole
To: Microsoft ATR
Date: 1/24/02 4:53pm
Subject: Microsoft Settlement

I think the proposed settlement is bad idea. I agree with: http://www.kegel.com/remedy/letter.html

Steven O'Toole
21 Calavera
Irvine, CA 92606

MTC–00022893

From: John Quigley
To: Microsoft ATR
Date: 1/24/02 4:52pm
Subject: Microsoft Settlement

To Whom It May Concern,

I am of the firm belief that the pending United States vs. Microsoft settlement is a profoundly bad course to take, and strongly advised both parties to return to the proverbial drawing boards—this, in order to cement a more restrictive penalty for Mircrosoft's unbearable anti-competitive maneuvers. Thank you for your time.

Sincerely,
John Quigley
Student, SUNY Maritime College
74 North Street
Greenwich, CT
06830

MTC–00022894

From: scott.walker@autodesk.com@inetgw
To: Microsoft ATR
Date: 1/24/02 4:55pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I would like my brief comments to be considered under the Tunney Act regarding the proposed Microsoft settlement.

The courts have already clearly established that Microsoft has used a monopoly power to unfair competitive advantage in the market during the last several years. Please do not let Microsoft's attorneys turn this settlement into a toothless, ineffective attempt at rectifying the situation. Rather, I hope that you will reconsider many of the points of the settlement to insure that actions are indeed in place to prevent Microsoft from further abuses of its monopoly power. As a computer professional with no financial ties to Microsoft's success or failure, I can truly say that from my perspective the industry would be better served by this result.

The issue with which I most take offense is the excessively narrow definition of many terms in the settlement. It seems that the existing definitions of Windows, Windows API, Middleware and many other such terms are so narrow that they would be easily sidestepped by attorneys at Microsoft in future revisions.

The trial is still under way and already Microsoft is pursuing it's next great attempt at strangling an area of the computer industry with it's invasive .NET architecture. It is bad enough that an end user who is uneducated already feels browbeaten into using Microsoft's Passport features in Windows XP, but when system administrators will be more and more frequently pressured into using Microsoft technologies on servers for other reasons they will have little other choice but to use Microsoft's middleware as well as their operating system because of Microsoft's practice of so tightly integrating their own ancillary technologies.

Please, earn your keep. Do your job. Don't make me embarrassed for my government.

All the Best,
Scott Walker
San Francisco, CA
Scott ''Chopper'' Walker
Consulting Network Engineer
Autodesk BCS
scott.walker@autodesk.com
<mailto:scott.walker@autodesk.com>
415.356.3259

MTC–00022895

From: Kerry Kartchner
To: Microsoft ATR
Date: 1/24/02 5:03pm
Subject: Microsoft Settlement

The proposed settlement is a terrible idea. There is nothing to stop Microsoft form flagrantly violating the law again. They clearly have shown from past history that they have no respect for the law; but the settlement as proposed does not specify any significant enforcement mechanism. Furthermore, the settlement does not remedy Microsoft's attempts to restrict barrier to entry by means of their Windows Monopoly by the most direct route: Sections III.D and III.E prevent information relesed by Microsoft be used to create competing operating systems that can utilize a common API—competition IS the best means of eroding monopoly power. Forcing ISV's only to create products solely for Windows only extends Microsoft's monopoly power. If, as Microsoft claims, they are an innovative company they will surely produce the best operating system product and their software will be chosen—but if their product is not best, other products should be able to run programs written to Windows APIs.

Respectfully,
Kerry Kartchner
836 Doyle Rd
San Jose CA 95129

MTC–00022896

From: Logan Hall
To: Microsoft ATR
Date: 1/24/02 4:57pm
Subject: Microsoft Settlement

I would like to voice my views on the States v. Microsoft case. I believe that in the past few attempts to reach a settlement the DOJ has been very lax in pushing for a settlement that is acceptable to the states. Even though Microsoft has been found guilty of abusing its monopoly status, they seem to be in control of their own punishment! I think that the DOJ needs to regain its footing in the trial and push for a settlement that fits the goals of the states, along with providing sufficient punishment to Microsoft. To this end, I believe that Microsoft should not be broken up, but regulated in ways that would prevent it from unfairly crushing its competition. One idea for this would be to have a regulatory board set up that contains representatives from each state, or at least the states that comprise the plaintiff in this case. It is, however, not my position to suggest settlements in this matter; I only wish to show my support for the states case and for the regulation of the abusive monopoly that is Microsoft.

Thank you.
Logan Hall
ASU Information Technology CPCOM 3N54

(480) 965–6070

MTC–00022897

From: hdaross@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 4:54pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Howard Ross
55 Co. Rt. 23
Harrisville, NY 13648–3225

MTC–00022898

From: Bill J.
To: Microsoft ATR
Date: 1/24/02 4:57pm
Subject: Microsoft Settlement

Let's bring this settlement to a conclusion so Microsoft can concentrate on running the business and get out of the legal quagmire. If you're so concerned about saving the consumer money, why not look at the rounding up of minutes policy being practiced by the wireless phone industry.

MTC–00022900

From: tom@mainstreetcomp.com@inetgw
To: Microsoft ATR
Date: 1/24/02 5:03pm
Subject: Microsoft Settlement

To whom it may concern,

I believe it is a prudent and reasonable conclusion on the Court's behalf to bring this case to a settlement with the agreement put together under the direction of Judge Kollar-Kotelly.

The case against Microsoft was primarily dredged up out of competitive spite. And now, many commentators, pundits, and others offering opinions have missed the bigger point. The technology industry is one built on competition, and it advances and evolves through that function. Government regulators, however, must move at the unhurried rate of political expedience, not at the eye-popping rate of development which the information technology industry moves.

Settling this case is most certainly in the public interest. We should bring innovation back to the marketplace and return the technology sector to its competitive spirit.

The economy is better off with Microsoft in the marketplace, and their place at the table in the technology sector generates jobs, opens markets, and brings investment. It only makes sense to settle this case. I urge you to do just that.

Sincerely,
Thomas E. Bowles

MTC–00022901

From: TSurplusman@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 4:53pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Marilyn Phillips
807 E. Main St
Richmond, MO 64085

MTC–00022902

From: jlc@sdrc.com@inetgw
To: Microsoft ATR
Date: 1/24/02 4:58pm
Subject: Microsoft Settlement

I am writing to vehemently object to the proposed settlement between the U.S. Department of Justice, et. al. v. Microsoft. My reasons for objecting to this proposed settlement strongly reflect those expressed by Matthew Szulik, CEO of Red Hat, Inc. in his testimony to Congress on December 12, 2001 (http://www.redhat.com/opensourcenow/speech2.html) and those of Ganesh Prasad, as outlined in an open letter available at LinuxToday (http://linuxtoday.com/news—story.php3?ltsn=2002–01–02–002–20–OP–MS).

I object to this proposed settlement because:

1. It fails to deny Microsoft the fruits of its statutory violations, including the use of those gains to mount its legal defense.

The proposed settlement includes no punishment for Microsoft's repeated violations of the law; it contains only (weak and ineffective) mechanisms to attempt to prevent future wrongdoing. No monetary penalty of any kind is imposed upon Microsoft by this proposed settlement. Microsoft would not have made its huge profits without the benefit of its illegally maintained monopoly; therefore, a large part of its current wealth is illegally earned.

A long-established principle holds that convicted criminals should not be able to use ill-gotten gains to pay for their legal defense. Yet even after Microsoft's conviction, it is still using its nearly limitless wealth to defend itself while several of the plaintiff States are agreeing to settle the case because they are running of out funds to pursue it.

Has fairness and justice in America been totally replaced by the principle that ''those with the biggest pile of cash win''?

2. It fails to ensure that competition within the computing industry will be restored, and in fact, contains provisions which will hamper one of Microsoft's only remaining viable competitors: the open source software community.

The terms of this proposed settlement and the proposed mechanisms for ensuring Microsoft's adherence to them are so weak and vague as to be laughable. Massachusetts Attorney General was overly optimistic when he said ''Five minutes after any agreement is signed with Microsoft, they'll be thinking of how to violate the agreement.'' You can be sure that they will not wait that long. Microsoft's survival depends upon their predatory and illegal business practices: I have no doubt that they have already developed a strategy for conducting their post-settlement business that will push the terms of the proposed settlement to their limits, and then proceed right through its (very large) loopholes. With their huge cash reserves and this flimsy proposed settlement, Microsoft has little to fear from their already vanquished commercial competitors (nor, obviously, from the DOJ). Several provisions of the proposed settlement contain terms which will regulate Microsoft's business relationship with other companies, particularly with respect to licensing. However, these provisions are worded in such a way that they pertain solely to corporate or other commercial entities. They will not hamper Microsoft's ability to retaliate against developers of open source projects, which are their only viable competition. Most open source projects are created by volunteers who have no corporate structure for entering into license agreements nor the financial resources required.

Microsoft is deeply concerned about the competitive threat presented by open source software and has identified it as the single biggest threat to their business. However, there are no terms in this proposed settlement that will provide developers of open source software with the same protections as commercial entities. This is not surprising, since the proposed settlement appears to have been custom tailored to meet Microsoft's own specifications.

3. It was an agreement reached during a period of national tragedy for the purpose of political expediency, not for ensuring an adequate remedy. This proposed settlement is clearly the product of political expediency and is not commensurate with the outcome of the trial and appeals process. Microsoft was convicted for illegally maintaining its monopoly and that conviction was upheld on appeal. Yet the DOJ has agreed to a proposed settlement that is much more favorable to Microsoft than the one that was on the table before it was convicted.

Federal District Court Judge Kollar-Kotelly pressed the DOJ and Microsoft to settle the case, saying a quick resolution of the case had become more important ''in light of recent tragic events affecting our nation.''

While the events of September 11 were truly tragic, they do not justify a mild slap on the wrist for a convicted criminal enterprise that has used illegal business practices to wrong millions of consumers, destroy innumerable competitors, and destroy efficiency and innovation within the computing industry. How many other convicted criminals have received a such a mild sentence since September 11 on the grounds that ''times are tough''?

Microsoft continually argues that they should be free to innovate, but in reality monopolies do not do so. Economics teaches that monopolies are always bad: they stifle innovation, they do not create it. It is not in their interest to do so, as they have already captured the market.

Microsoft has therefore already negatively affected the economy. Ending its monopoly will undoubted cause short-term turmoil with the nation and its economy, but it is the only way that true innovation and competition within the computing industry can be restored.

A proper settlement for this case must be commensurate with the clear-cut findings of the trial and appeals, and must assertively address consumer's and competitor's interests. The terms of the current proposed settlement address only the issue of preventing future inappropriate behavior by Microsoft. The provisions of the current proposed settlement are so weak and vague that they are unlikely to impair Microsoft's illegally maintained dominance of the computing industry in any material way.

The proposed settlement does not address: (1) reimbursing consumers for the excess profits Microsoft has earned as a result of its illegal behavior; (2) reparations by Microsoft to restore competition and choice within the marketplace; or (3) punitive damages over and above reimbursement and reparations to serve as a warning to future monopolists.

The proposed settlement is fatally flawed and must be rejected as not being in the public interest.

Jeffrey L. Clark
Software Engineer
12161 Holly St. NW
Coon Rapids, MN 55448

MTC–00022903

From: Lynn
To: Microsoft ATR
Date: 1/24/02 4:58pm
Subject: Re:DOJ and Microsoft

In my opinion Microsoft has probably done more for the Computer Software part of our economy than any other company.

Netscape even gave their browser software away for free to any educational institute or any student (about 90% free at the time), long before Mircosoft got into the browser business. Now Netscape is complaining foul because Microsoft did the same except it was free to everyone (100%) Why not let Microsoft get back to business without all these suits as a hindrance so they can help our economy to recover* *

Thank you,
Lynn Vance
lvance@rockisland.com

MTC–00022904

From: Bill Nicholls
To: Microsoft ATR
Date: 1/24/02 4:59pm
Subject: Comments on MS Antitrust Proposed Settlement
microsoft.atr@usdoj.gov24Jan2002

To whom it may concern:

I am an Information Technology practitioner with more than 37 years of experience. I am writing to object to the totally inadequate proposed settlement with Microsoft.

I have watched and experienced Microsoft's aggressive and illegal practices since 1987. They have repeatedly injured me by using their monopoly to pressure and harass other software vendors with better products out of business.

The first of these that I personally experienced was Desqview, an excellent product well ahead of Microsoft's early Windows. Microsoft repeatedly made changes to shipping versions of Windows that caused Desqview to crash. Over time, most people gave up on Desqview because even though fixes to Desqview were available, back in those days, they were slow and difficult to get.

I won't go into all the different tricks they used unless you want to see my full listing of direct and indirect injuries. The failure of adequate corrective actions with the first antitrust suit against Microsoft led predictably to the current situation.

To call the current proposed settlement a sellout or inadequate simply reflects the limits of my language skills to describe the situation politely. If applied, these limited actions will actually help Microsoft by enabling them legal protection from needing to divulge anything related to security. Anything could be easily interpreted by MS to include just about every product they make.

This may not be the worst of it. The billion dollar compensation that enables MS to step heavily into an area they don't have a majority in (schools) is wrong both on that basis, and because it is based on the list price of MS software, whose real cost is minuscule to them.

The gagged monitors is another useless step. It is more than useless because it gives the appearance of monitoring without the substance. In fact this whole proposed settlement is form without substance. If the only action the monitors can really take is to institute another (useless) lawsuit, then you shouldn't bother.

What then is really required?

Meaningful reform for MS practices will not be trivial to implement. It needs to deal with certain existing and emerging problems:

* Open up file formats to competitors at least six months in advance of delivery to customers.

* Insure that MS uses only documented API calls. Their use of undocumented calls creates a huge advantage over competitors.

* Insure that MS may not unilaterally implement modified public standards such as are found in the World Wide Web consortium. If they want changes, they must work through the standards group and have them published.

* Standardize the volume discounts for a specific volumes irrespective of customer.

* Forbid the practice of bundling free software, such as Internet Explorer, into the operating system. Internet Explorer was developed at large expense, illegally subsidized by their OS monopoly. It was sold below cost in order to kill Netscape, with the ultimate objective of altering the Internet's operation to impose another monopoly.

* Forbid the practice of increasing prices to preload companies if they want to unbundle MS products.

* Free up the initial boot desktop setup completely.

* Insist that Passport be open to authentication *and* authorization.

There are probably other remedies that are needed, including an independent arbitration board knowledgeable in the IT business to resolve disputes between third party developers and Microsoft. I would be willing to serve on such a board.

The settlement that this court develops with Microsoft will determine to a great extent whether the future of computing is diverse and energetic, or moribund and monopolistic. Microsoft now has more power to dictate the direction and future of IT than IBM ever did when they were ''IBM and the seven dwarves.'' I worked then for IBM's competitors, and I can say from experience that Microsoft is a much greater threat.

Please keep in mind that Microsoft has $36 Billion in cash reserves. A lot of that money was earned through the fruits of their monopoly extensions in office suites, internet programs and abuse of their restrictive preload agreements. Any fine applied to MS should make enough of a dent in their cash reserve that they are not ever tempted to risk that again.

Sincerely,
Bill Nicholls
billn@ywave.com

MTC–00022905

From: Mulhall@USADatanet.net@inetgw
To: Microsoft ATR
Date: 1/24/02 4:57pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
John Mulhall
7 Evergreen Lane
Cazenovia, NY 13035

MTC–00022906

From: Doug Breitbart
To: Microsoft ATR
Date: 1/24/02 5:00pm
Subject: Re: Settlement

You Honor,

Seems to me the only real way to level the playing field does not have to do with a cosmetic Microsoft settlement cum gesture, but an order compelling Microsoft to disgorge the gains of their wrongful behavior. That would be in the form of a monetary penalty roughly equal to 85% of the Company's liquid assets and reserves, said money to be paid to all members of the class damaged by their actions, which would include the states, companies, and any other plaintiffs. With Microsoft deprived of the cash reserves that enable them to do the damage they do (ie give away Explorer to decimate Netscape, simply because they can), and their competitors in receipt of fresh competitive operating capital, a competitive landscape and environment would then result.

I think the proposed settlement is a fraction of what is appropriate. Thank you for your review of the foregoing.

Sincerely,
Doug Breitbart
Douglas L. Breitbart
Principal
BedRock Ventures LLC
315 East Glen Ave.
Ridgewood, NJ 07450
201–689–2150
fax: 201–689–2151
email: Doug@bedrockventures.com

MTC–00022907

From: maurean—e@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 4:56pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Maurean Winger
618 Dutton Dr.
Atlantic Beach, FL 32233

MTC–00022908

From: philborton@netscape.net@inetgw
To: Microsoft ATR
Date: 1/24/02 4:56pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

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Sincerely,
Phil Borton
3919 Lower Roswell Rd
Marietta, GA 30068

MTC–00022909

From: hnmeinert@pcisys.com@inetgw
To: Microsoft ATR
Date: 1/24/02 4:58pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Sincerely,
Herman Meinert
5327 Constitution Ave.
Colorado Springs, CO 80915–1100

MTC–00022910

From: Mike Sendlakowski
To: Microsoft ATR
Date: 1/24/02 4:50pm
Subject: Microsoft Settlement

I agree with Ralph Naders objections to the Microsoft settlement, as well as other criticisms I have read.

Please reconsider the settlement and the effect that it will have on the shrinking technology universe.

Mike Sendlakowski
Sendlakowski Consulting

MTC–00022911

From: Nile Geisinger
To: Microsoft ATR
Date: 1/24/02 5:01pm
Subject: Reject the proposed settlement

To whom it may concern,

I have been carefully following the antitrust case against Microsoft for the past two years. I am dismayed to learn that after the findings of facts were upheld on appeal, the proposed settlement will not prohibit similiar behavior in the future. The language in the settlement is vague, full of loopholes, and does not cover a number of anti-compeitive scenarios. This is not a theorectical problem. In 1995, Microsoft agreed to a consent degree that restricted the company from bundling its browser with its operating system. It then took advantage of the vague language in the consent decree to ''integrate'' its browser with its operating system. The vague language of yesterday is the foundation of today's case. The vague language of today will only lead to future cases.

Please end this cycle by rejecting the proposed settlement,

MTC–00022912

From: Flowers Christian-P29364
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 5:02pm
Subject: Microsoft Settlement

Microsoft continues to flout the law in forcing users to sign up for specific services. In particular, the reliance on Passport for transactions is disturbing. Notwithstanding technical security issues, in pushing and requiring Passport, a large user base can be quickly built. This can be easily used to exclude other personal identification schemes, and shut out applications, retailers, other operating systems, or anyone else Microsoft feels may be competition.

If Microsoft is allowed to continue, they will continue to not only tie in services but REQUIRE their use. The common user will take what is in front of them and convenient. Whether it's Passport, .NET, WMA format, Microsoft will do everything it can to force users to be dependent upon them. Once that dependency exists, it will be difficult if not impossible to remove it.

There are many other reasons, and many other better written responses, but I felt it necessary to add at least my 2 cents.

Sincerely,
Christian Flowers...

MTC–00022913

From: Ron Skoog
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 5:01pm
Subject: microsoft settlement

In my opinion the proposed settlement with Microsoft does nothing to restrain the anti-competitive nature of their business practices. A similarly ineffective settlement was attempted in the early 1990s and did nothing to curb Microsoft. This company is infamous for it's twisting of any legal agreement to mean what it wants. If the settlement is not explicit and capable of easy monitoring Microsoft will simply force any future disagreements into court in order to delay any decisions and in the hopes of overturning parts of the settlement.

The settlement with Microsoft should be as strict as what IBM had, and still has, to

comply with. Microsoft needs to be partitioned into distinct divisions and all information passed between the divisions must be available to outside companies. This would force the disclosure of the operating system and application APIs to companies that are trying to write products that interface with Microsoft products.

The divisioning of Microsoft should be into two operating systems divisions: home and corporate, an applications division, a networking division, and a home appliance or embedded systems division.

Ronald Skoog
Software Engineer
Manufacturing Engineering
TrueTime, Inc.
3750 Westwind Blvd.
Santa Rosa, CA 95403
telephone: 707–636–1840
fax: 707–527–6640
RSkoog@TrueTime.com/ <mailto:RSkoog@TrueTime.com/> www.truetime.com <http://www.truetime.com>

MTC–00022914

From: Avimanviky@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 5:02pm
Subject: support for ms.

I want to let you know that I support Microsoft, all their policies and business practices. I am all for it, and so are all my friends and people I know. Thank you
Manuel H. Avila

MTC–00022915

From: DAG92@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 5:04pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
David Gray
PO Box 789
Lexington, SC 29071

MTC–00022916

From: Marc Conover
To: Microsoft ATR
Date: 1/24/02 5:05pm
Subject: Microsoft Settlement

Marc Conover
23280 NE 15th Street
Redmond, WA 98074
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I would like to see the Microsoft antitrust case settled. As a former program and Multinational OEM Account manager for Microsoft, I understand the rationale behind bringing this case against Microsoft.

However, the reasons behind the initial lawsuit have been resolved since the inception of the litigation.

At this point, there is no reason to continue with the litigation. The terms of the settlement are reasonable. In fact, they go beyond what should reasonably be expected of Microsoft. Microsoft has agreed to grant computer manufacturers rights to configure Windows in such a way so that consumers may access non-Microsoft software or Microsoft software. This will result in more choice for the consumer. Isn't this the aim of any antitrust lawsuit? Additionally, Microsoft has agreed not to retaliate against either computer manufacturers or third party distributors who promote the competition's product. This provision should dispel beliefs that Microsoft is acting in a predatory fashion.

The states that have refused to sign on to the settlement agreement are driven by greed. I applaud the Department of Justice's efforts to settle this case. I am hopeful that the settlement is approved by the Court. Thank you for your time and attention.

Sincerely,
Marc Conover

MTC–00022917

From: Greg Cunningham
To: Microsoft ATR
Date: 1/24/02 5:06pm
Subject: Microsoft Settlement

Never I have seen a settlement that seems so out of touch with the findings of fact.

Microsoft was found to be a monopoly, and found to have abused their position as a monopoly to retain their dominance over the PC market. Other instances of similar behavior (Ma Bell) have typically resulted in punishment for the those who broke the written and known law. Microsoft has a problematic attitude of denial towards their guilt and how to remedy their abuse of our business system. Any settlement option should be a instant enforcement, as Microsoft has proven to break and distort consent decrees in the past, so far as to go completely against the intent of the consent decree re Windows 95 bundling.

If something is not done to punish Microsoft for their illegal bullying tactics, they will, and to this day do, continue to use their market dominance to leverage themselves into new monopolies.

Already Microsoft is using it's clout to steal the console games market from Nintendo and Sony. Microsoft has gone so far as to purchase several of the top Games developers for PC games, to deny their products to the market competition. They are further using their massive cash reserves to ''sell'' these Xbox's at a loss, some have estimated as high as $100 loss per box. Why can they throw money down the drain like this? Because when they own the market completely, they can make all the money there is to make indefinitely.

If this court does not punish Microsoft much more harshly than the remedies proposed, there will be many dire consequences:

-Microsoft will continue to monopolize more and more market segments. This will ultimately cost consumers much more money, and their freedoms of choice.

-Microsoft (with $38 billion in cash and monopolies over several major markets such as office suits, OS, Web Browsers etc) appears to be above the law in the current situation, the government does seem to be able to apply pre-defined legal remedies appropriately. As Microsoft grows larger and larger it will become even harder to control and punish for wrong doing, it may become a threat to the democracy and freedom we hold dear in America.

-With a 5–4 court appointed US President already sitting in office, people are loosing faith in the American justice system, Enron's recent events have only added to this feeling. If Microsoft is allowed to abuse other companies, and US constituents so blatantly without recrimination, not only will Microsoft continue business this way, but other business will be forced to practice once illegal business practices to be able to compete. The overall effect will have a massive damaging effect on the economy and our free democratic way of life.

-Further with Microsoft already flouting the same type of shady illegal and unethical business practices currently while under trial, it is reasonable to assume the will only intensify or at least continue these practices after this trial is over. Since Microsoft's actions are illegal under our present law it is only inevitable that will end up back in court again. Failure to quell Microsoft's stranglehold on the market would historically reflect poorly on this court, as the next jury will ask, ''why wasn't this handled sooner?'' This would not only beg the question of favoritism, or outright payoffs to the current court, but also ultimately would end up costing the American people much more money to run through this whole circus act again.

I plead with this court and the current administration in control of the DOJ to not risk criminal charges down the road from blatantly and grossly ignoring the facts in favor of Microsoft (the defendant has already been found GUILTY by findings of fact.)

Sincerely,
Gregory Cunningham

MTC–00022918

From: Jeff
To: Microsoft ATR
Date: 1/24/02 5:08pm
Subject: My Comments.

Respected Judge,

The proposed settlement between Microsoft and the U.S. Government is in my opinion biased towards Microsoft.

Microsoft is using it's influence and is trying to eliminate more competition that is out there. Microsoft's motto seems to be ''Eliminate ALL competition''. This kind of mindset is not what the United States was founded upon, sure, they have the money to

buy their way through anywhere, but, Justice isn't something one should be able to buy. If this settlement is pushed through, then the world governments will not have any chance to fight the money of Microsoft. As it is, Microsoft throws lots of money to the third world countries and is buying it's way through there.

There are operating systems out there which are more efficient, and less expensive for the businesses to use. Once the managers of these businesses are given the opportunity to learn about these new options, i'm quite sure they will make efficient use and build better businesses, which inturn will make the world economies stronger as costs of doing business fall.

Thank you for taking the time to read my comments.

Sincerely

Jeff Bhavnanie.

MTC–00022919

From: David McKee
To: Microsoft ATR
Date: 1/24/02 5:09pm
Subject: Microsoft Settlement

To whom it may concern,

I apologize for the sharp tone, but this is the only way to express the dissappointment in the DOJ's buckling resolve to prosecute Microsoft: I am outraged to hear that the DOJ is not following its'' responsibility to protect the consumer and free-market competition.

Microsoft has CLEARLY exceeded the bounds of legality and continues to use it's monopoly in nefarious ways. What is worse is that its'' Ad campaign and actions have arrogantly flouted it's power DURING THE TRIAL. A mere mortal can only observe this circus and gag. If this is how MS acts during the trial, imagine what it will be like after a ''slap on the wrist''.

What vile gall MS had in proposing the ''$1 Bil, K12 aid'' settlement, is overshadowed by the limp and impotent spine demonstrated by the defenders of the people.

To those who know the computer industry, it is well known that MS is on the wrong side of ''innovation'' and all that is good. Not because they are financially successful, but because of their never-ending ''legally gray'' methods of persuing their ruthless greed. Competition is something to be eliminated, and they are succeeding.

You have failed us, the people, and all that we can think is that perhaps big business is indeed more powerful that the government. I encourage you to re-evaluate your policy of bowing to MS, and not enforcing the law and the very spirit of what makes this country great. Please, do what is right, redouble your efforts and seek to break up this behemoth of criminal behavior. MS will not stop on its own, and it will continue to take advantage of the consumer.

David McKee
Software Engineer

MTC–00022920

From: ksbaucums6@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 5:07pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Sincerely,
Karen Stanley
180 Dover Rd. NW
Cartersville, GA 30120

MTC–00022921

From: Kip Gebhardt
To: Microsoft ATR
Date: 1/24/02 5:08pm
Subject: Opinion on Microsoft Settlement

I am writing to voice my opinion (under the Tunney Act) on the Microsoft Antitrust Settlement.

The proposed settlement is not sufficient in punishing Microsoft for its previous anti-competitive practices nor does it do anything to ensure that Microsoft will not remain an illegal monopoly or more likely, extend its control into other areas of technology. As a programmer since the age of 10 (22years) I have had experience in almost all areas of computing and software. I have watched Microsoft's rise to ''power'' and the simultaneous strangle hold place on their competitors. As late-comers to the internet arena Microsoft pulled out all the stops (i.e. fair competition) by preventing other browsers (Netscape) from being afforded desktop placement in their Operating System. Simultaneously they sought to redesign their Operating System to force users to use their browser. On all fronts they engaged in unfair and illegal anti-competitive practices.

As a result we are left with one browser that has 80% market share. Is it the best browser. NO! It is buggy, doesn't conform to standards, and generally is a major headache for web developers. Yet I am forced to support it because Microsoft has squeezed out all other competitors illegally.

Please rethink the settlement so that it actually has an impact on Microsoft and works to improve outlook for software, the internet and what may come in the future of information technology.

Thank you,
Kip Gebhardt
Software Engineer

MTC–00022922

From: Joseph.Sutherland@Colorado.EDU@inetgw
To: Microsoft ATR
Date: 1/24/02 5:10pm
Subject: Microsoft settlement

Department of Justice:

I am very distressed by the settlement that has been proposed by your office concerning the Microsoft case. It seems to me that the Bush administration is circumventing copyright law in the favor of Microsoft not by passing laws through congress, but simply by refusing to enforce the law. I find this terribly distressing. President Bush was elected to office and swore an oath that he would uphold the laws of this country. His behavior through your office with regards to the Microsoft case, and his recent involvement with Enron, suggest to me that the Bush administration is more concerned with the welfare of huge corporations than with the proper functioning of the free market and the overall wellbeing of America's citizens.

Sincerely,
Joseph Sutherland
3455 Table Mesa Dr. Apt. F153
Boulder, CO 80305
USA

MTC–00022923

From: l.laudel@worldnet.att.net@inetgw
To: Microsoft ATR
Date: 1/24/02 5:07pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

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Sincerely,
Louis Laudel
58 Webster Acres
St. Louis, MO 63119

MTC–00022924

From: Morelli
To: Microsoft ATR
Date: 1/24/02 5:11pm
Subject: microsoft settlement

Dear Sirs/Madams:

I live in California and have been in the high tech industry for over 10 years. My job in marketing has been to speak with literally thousands of customers about network management software. I spoke mainly to key decision makers and cio's who approve budgets and purchase software. I saw major trends such as a switch in the marketplace from Novell Netware servers to Microsoft Windows. This happened in droves, not because anyone was twisting their arms to switch to Microsoft, but because their products were and are superior.

There is no doubt that microsoft is a very aggressive competitor, but sirs/madams, it seems as though the marketplace realizes that they may no be able to beat microsoft in some instances and are involving government bodies and attorney's to help prevent the possible demise of their own companies. I know may people who work for microsoft both personally and professionaly. This company is by far one of the most top notch companies I've ever seen; from rewarding job performance, to employee benefits, etc, microsoft expects a lot from their employees, and rewards them through generous options programs, paternity leave, etc. This is why they have produced THE BEST products on the market. I believe the settlement they've offered in fair and just. Please consider this message from one who has an eye on the market through direct customer contact and knows that microsoft has become a superior company on its own merits. To punish inappropriately would be a grave mistake.

Sincerely,
Kathleen Morelli-Parvizi
Scotts Valley, California

MTC–00022925

From: Scott Brown
To: Microsoft ATR
Date: 1/24/02 5:10pm
Subject: Microsoft Settlement

Microsoft are as evil as a company can get. Punish themwith extreme prejudice.

Regards,
Scott Brown
Network Engineer

MTC–00022926

From: Kris Browne
To: Microsoft ATR
Date: 1/24/02 5:05pm
Subject: Microsoft Settlement

The proposed microsoft settlement is a bad idea. It will do nothing to censure them from commiting the same acts over and over again in the future, as they have done in the past after settlements, and does nothing to actually punish them for their past crimes.

MTC–00022927

From: Mark Derickson
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 5:13pm
Subject: Microsoft Settlement

How is it LEGAL to NOT FIX BUGS in Windows 95 or 98 when the customers have PAID for a WORKING package ??

Microsoft Continues to CHARGE for UPDATES when the UPDATES fix known ISSUE and BUGS that should NOT have been in the code that the CUSTOMER PAID for. Most of the issues in 95 were fixed in 98 but they STILL CHARGE MONEY even though the CUSTOMER DID NOT GET FULL VALUE from the original operating system.

Mark Derickson MCSE
Technical Customer Service
TrueTime, Inc.
3750 Westwind Blvd. Santa Rosa, CA 95403
t 707.636.1839 f 707.527.6640
mderickson@truetime.com/ www.truetime.com

MTC–00022928

From: damillers@adams.net@inetgw
To: Microsoft ATR
Date: 1/24/02 5:10pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

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Sincerely,
John Miller
3339 Lyric Lane
Quincy, IL 62301

MTC–00022929

From: Robert Simmons
To: Microsoft ATR
Date: 1/24/02 5:13pm
Subject: Microsoft Settlement

No! The proposed settlement is a joke. Microsoft already has a 90 percent share of the operating system market. So, now you're going to hand them the educational market as well? Microsoft is one of, if not the, biggest monopolies in history and you're treating them as if they paid your wages, not the disenfranchised public.

Microsoft and their business tactics are the worst thing to ever happen to the computer industry. All they've given us is built-in obsolescence; buggy, bloated software; susceptibility to endless security and virus attacks; and countless, never-ending, expensive upgrades. On top of that their practice of stifling innovation and squeezing out promising competitive products has actually impeded the growth of the tech market. All by themselves, Microsoft has turned off more people to the digital revolution than any other factor.

Please save us from this blundering behemoth!

Robert Simmons
Ventura CA

MTC–00022930

From: kshisle@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 5:11pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Kenneth Hisle
1279 Floyd Switch Estesburg Rd.
Eubank, KY 42567–8560

MTC–00022931

From: kshisle@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 5:11pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

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Sincerely,
Kenneth Hisle
1279 Floyd Switch Estesburg Rd.
Eubank, KY 42567–8560

MTC–00022932

From: tnjblessed@cfaith.com@inetgw
To: Microsoft ATR
Date: 1/24/02 5:10pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

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Sincerely,
Jim Herring
16 Torey Pine#4
Little Rock, AR 72210

MTC–00022933

From: Ellen Vande Kieft
To: Microsoft ATR
Date: 1/24/02 5:14pm
Subject: Microsoft Settlement

I am no ''techie'', but I have been enjoying my computer and email and all that the internet affords. I have Microsoft to thank for making it possible and easy to navigate the internet and thereby freeing up the world for me with simple clicks.

How can Microsoft's bundling all the wonderful and different functions be ''bad'' for consumers, I cannot understand. All the complaints and law suits have been on behalf of Microsoft's competitors who cannot compete in the marketplace and thus turn to the greedy lawyers to help them get a slice of Microsoft's profits.

I hope the justice department will remember that it is the consumers they are to protect and not the competitors of Microsoft. Ellen Vande Kieft San Mateo 1/24/2002

MTC–00022934

From: AF5488@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 5:11pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
William Loudin
2825 New Center Drive
Sevierville, TN 37876–2270

MTC–00022935

From: oscargarcia76120@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 5:12pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Oscar Oscar
1212 Susan Lane
Apt. 168
Fort Worth, TX 76120

MTC–00022936

From: mateerj@msn.com@inetgw
To: Microsoft ATR
Date: 1/24/02 5:12pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Joanne Mateer
6407 West 83rd Street
Los Angeles, CA 90045–2845

MTC–00022937

From: Mark A. Seaver
To: Microsoft ATR
Date: 1/24/02 5:15pm
Subject: Microsoft settlement opinion

As a long standing member of the computing world, I feel that the current ''settlement'' with Microsoft is light handed at best. To call it a ''slap on the wrist'' as many have, does not go far enough in my mind. I have been involved in the microcomputing and personal computing industry since 1982. In that time I have seen many companies attempt to go head to head with Microsoft, only to lose significant market share due to unfair trade practices. Companies with much larger market shares and far superior products have dwindled to a bare existence, if they have survived at all. Much of this is due to predatory pricing and aggressive ''behind-the-scenes'' deals that force products off the shelf in favor of Microsoft backed products.

As the former Vice-President of Operations for a pioneer PC manufacturer and developer, our firm watched as Microsoft forced us to bundle their operating system with our hardware, or face losing the ability to sell their product at all. If systems were found to have alternate operating systems loaded on them, even if at the customers requests, we would be heavily sanctioned by Microsoft if not cut off from all product entirely. Needless to say, we complied, if only to survive.

I hope that the Department of Justice will step back and look at the damage and devastation that Microsoft has caused in this industry, forcing computer manufacturers to bundle inferior products and causing on going consternation in the consumers minds. Technical support facilities have to be staffed with more personal than necessary in order to handle the flood of calls whenever new products are introduced, with a great deal of the problems caused by products forced upon the public by an all too powerful company, with an unnatural monopolistic hold on the market.

I hope that you will consider this information as you move forward as well as the other letters and e-mails that you have and will receive on this matter.

Thank you for your time
Mark A. Seaver
Mark A. Seaver maseaver@earthlink.net
Information Systems Director 949–366–4950 (Tel)
The Consumer's Choice Network 760–944–7583 (Fax)
2033B San Elijo Avenue, Suite 420, Cardiff, CA 92007
ICANN, Member at Large

MTC–00022938

From: Josh Mills
To: Microsoft ATR
Date: 1/24/02 5:15pm
Subject: Microsoft Settlement

To whomever is listening:

The settlement helps Microsoft form yet another monopoly!!! It would weaken companies like Apple that have been leaders in educational research, while Microsoft build its business monopoly. What were you thinking when you accepted Microsoft1s generous offer to take over the school market by providing old code and a few bucks and entrap schools into dependence on their products.

Jim Mills
Technology Consultant
Trotwood Madison City Schools
Trotwood, OH 45426

MTC–00022939

From: barney1914@MSN.com@inetgw
To: Microsoft ATR
Date: 1/24/02 5:13pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
BRYAN MILLER
1776 Bicentennial Way
N.Providence, RI 02911

MTC–00022940

From: Ben Edge
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 5:13pm
Subject: Microsoft Settlement

I believe the Department of Justice's proposed settlement with Microsoft is excessively lenient. It does not go far enough to prevent future abuses of Microsoft's monopoly position, and it does not punish Microsoft enough for past illegal activity.

Microsoft was found to have acted illegally. It also committed perjury during the trial, by introducing doctored evidence. For that reason alone, I can understand Judge Jackson's attitude toward Microsoft. I frankly think that the Judge's ruling ordering the split did not go too far. It is the only remedy that has a chance to reign in Microsoft's illegal activities without requiring continuous government monitoring. At the very least, the proposed remedy put forth by the dissenting states is more appropriate than the Department of Justice proposal.

Ben Edge
607 Moss Creek Drive
Cayce, SC 29033
803–796–1260
mailto:edgeb@org.tec.sc.us

MTC–00022941

From: William Stearman
To: Microsoft ATR
Date: 1/24/02 5:14pm
Subject: Microsoft Settlement

The Microsoft settlement certainly seems a fair and equable to all concerned,especially to the people who us their amazing products They need the power to innovate and change the world for the better.

Regards, Bill Stearman.

MTC–00022942

From: davisl1012@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 5:14pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Sincerely,
Loraine H. Davis
4828 Medical Drive Apt402
Bossier City, LA 71112

MTC–00022943

From: John Garrison, Sr.
To: Microsoft ATR
Date: 1/24/02 5:12pm
Subject: Microsoft Settlement

Please note AOL's recently announced law suit against Microsoft seems to be an effort to undermine the settlement. It is apparent AOL is again using the courts and political system to ''compete'' against Microsoft instead of innovating and competing in the market place. Respectfully submitted

John E. Garrison, Sr. mailto:johng@sun-usa.com

MTC–00022944

From: MANGORTOO@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 5:17pm
Subject: Microsoft Settlement

Concord, CA 94518–2207
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing to say that I want to see Microsoft go back to business without being further persecuted for being successful. I understand they have agreed to settle the matter now pending and I believe that the settlement is the best thing to do without wasting more time and money in court. I believe the government should have never brought this suit against Microsoft, so it is now incumbent upon the government to accept a reasonable settlement.

Please accept and implement the agreement, and, most importantly, end the federal lawsuit. Thank you.

Thomas Gorman
CC:fin@mobilizationoffice.com@inetgw

MTC–00022945

From: William C Watson
To: Microsoft ATR
Date: 1/24/02 5:16pm
Subject: Microsoft Settlement

Thank you for the opportunity to comment upon this matter. I write as a low profile user/consumer of the computer. Also, my comments are based upon a somewhat limited knowledge of computer functions and technology.

I have always appreciated computer capabilities which would permit me to get online and browse the internet without being confronted by a labyrinth of confusing (to me, at least) maneuvers involving movements between internet access and other, non-internet, computer usages. When Netscape replaced Mosaic, a browser, as determined by my then employer, I developed hopes for such ''one stop'' flexibility. In my perception, this kind of access is a good thing for computer users—and definitely what I wanted.

To my knowledge, Internet Explorer is the only product which actually offers this availability. Why others did not come up with the same or similar possibility, instead of fighting it with adjective laden allegations, seems disappointing to me. As there might be other alternatives to my understanding, I would hope they are to be exploited and determined in the market place rather than seemingly endless litigation. Continuing oposition to settlement suggests to me, a ''sore loser in the market'' attitude and. perhaps, special interest political efforts regarding a matter that ahould now be realized as settled. I do hope settlement can at last be achieved.

Thank you for your attention.
William Watson

MTC–00022946

From: TurboBird36@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 5:14pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Joeleen Lee
308 8th Street
Ogden, UT 84404

MTC–00022947

From: crawfordw@onemain.com@inetgw
To: Microsoft ATR
Date: 1/24/02 5:14pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Wade Crawford
201 N. Mathew St
Porterville, CA 93257

MTC–00022948

From: Michael Logue
To: Microsoft ATR
Date: 1/24/02 5:16pm
Subject: Microsoft Settlement

I think the proposed settlement is bad idea.

I am sending you this because I understand that Microsoft is doing their darndest to flood you with comments backing their side and i want you to know that there are those of us out here who view Microsoft as a predatory monopolist that must be effectively regulated in order for innovation to thrive.

In spite of Microsoft's hype and PR campaign, I challenge anyone to come up with one successful program that originated at Microsoft. All they do is buy, steal, trick and intimidate.

I'm out of my mind, but feel free to leave a message...

Michael Logue The Grateful Union
http://www.earthguild.com/ Earth Guild: Tools Materials Books
mlogue@madison.main.nc.us mlogue@mac.com michaell36@aol.com

MTC–00022949

From: marysimko@webtv.net@inetgw
To: Microsoft ATR
Date: 1/24/02 5:15pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Mary Simko
14500 Graef Rd.
Creedmoor, TX 78640–3973

MTC–00022950

From: Peter Hassenstein
To: Microsoft ATR
Date: 1/24/02 5:17pm
Subject: Microsoft Settlement

Sir:

As an end user, there is a problem with Microsoft's monopoly of the operating system software that I believe has not been addressed in the negotiated settlement.

This has to do with the constant ''upgrades'' of the Windows operating systems and the termination of support for those programs that are ''phased out.'' Microsoft's policy is not to offer support or updates to any Windows system that is not the current one or the one immediately preceeding it. In other words, Microsoft no longer supports Windows 95, Windows NT 4 or any earlier operating system software.

Since it has been ruled that Microsoft has the monopoly for PC systems, it is forcing the users to upgrade whether the customer wants to or not. I think that this is very unfair, and it should have been addressed in the settlement. From what I have been reading, there are at least two more upgrades by Microsoft in the development stage for their Windows systems. The comsuming public will be forced to upgrade in order to obtain support and/or receive any updates. Not everyone has the extra $ 100.00 to upgrade Windows every time.

Microsoft should be compelled to offer support as well as updates to the individual versions or releases of Windows for a period of no less than 7 years, and it should happen no more than once every two years. In this way, the consummer might be able to afford to keep ahead of this vicious cycle of ''phasing out'' support and updates to the operating system software. Microsoft does not make the updating process easy for its users, and this as well has not been addressed. A user is unable to pick and download which updates to keep. There is no way for the PC user to download and save these updates for the operating system on his computer. If one has to reformat and reinstall an older Windows operating system that is no longer supported, he/she is out of luck in obtaining the necessary updates. Soon Microsoft will ''phase out'' Windows 98, and there will be no way to get the necessary updates if one will have to reinstall that operating system. This also should be addressed by the court. Of course, these would significantly increase the expenses for Microsoft to maintain the different Windows operating systems, but as a monopoly, there should be some sort of regulation on Microsoft to prevent it from compelling the personal computer user to constantly upgrade and pay such exorbinate prices for them.

At the present rate, the PC user is forced by Microsoft to upgrade about every two years in order to obtain the support and updates for their Windows operating system software. Of course, a consumer could choose to skip one release of Windows, but then he/she will be compelled to hop back on the upgrade train and pay the price every couple of years.

In conclusion, I would like to see the court address these two problems in the settlement with Microsoft:

1) Extension of the time for support and updaes for each Windows release.

2) Make available separate updates needed for unsupported Windows releases and allow the user download and save them.

I appologize for not being able to write this very succinctly and better. Thank you.

Sincerely,
Peter Hassenstein
221 East 21st Street
Sioux Falls, SD 57105
605–332–1053

MTC–00022951

From: Joseph Palmer
To: Microsoft ATR
Date: 1/24/02 5:17pm
Subject: Microsoft Settlement

Dear Sir or Madam,

I'm writing you to express my opposition to the DOJ's proposed remedy in the Microsoft case.

I personally, have been harmed by Microsoft's illegal acts—I was for three years employed by Be, Inc., who had marketed a competing operating system, and had access to the PC-OS marketplace blocked by Microsoft. Be, Inc., was forced out of the market by Microsoft's exclusionary contracts with PC makers, and has since been forced out of business.

I have read the findings of fact, and do not see how the DOJ's proposed settlemet can prevent Microsoft from further illegal activities.

I have read the states proposed alternate remedy, and find it to have a better chance of preventing future illegal activities.

Feel free to contact me if you have any questions.

Yours Truly,
Joseph Palmer
(Former) Director of Hardware Engineering, Be, Inc.
3128 Acorn Court
San Jose, CA 95117

MTC–00022952

From: Marv Anderson
To: Microsoft ATR
Date: 1/24/02 5:18pm
Subject: Microsoft Anti-trust case

Hello,

As a professional programmer for 35 years, and as a user of Microsoft software for the last 15 of those years, I feel that I have a fairly solid basis of experience on which to make my comments on this situation. Microsoft is most certainly a monopoly, as has been determined by the courts. They are also most certainly predatory. In almost all of their markets, at least one competitor has superior products. In spite of this, Microsoft continues to dominate market after market.

There are several costs for this domination that are borne by all other parties in the software field. First, good products are obliterated by the juggernaut of Microsoft's domination of the OS market. By including their products in packages, they make it impossible for anyone else to compete with them.

Borland International had a magnificent product called Delphi, which was far and away the best programmer development tool available. Yet, they are a totally marginal tool today because Microsoft's Visual Basic had too strong a following in corporations, which is a critical market segment for these tools. This did not occur because VB was a better tool, but because it was easily available and tied in with all of the other Microsoft offerings.

A second cost is that fewer and fewer companies are willing to develop new

products because if the product is technically successful, they will be attacked by Microsoft's bundling tactics before they gain enough market share to make the product a financial success. Netscape Communicator is a perfect example of this, and RealPlayer is likely to suffer the same fate.

Third, as Microsoft destroys competition, their products will inevitably become more and more inferior, while they can demand a higher price for them. The vast amounts of cash that they have accumulated would not have been possible if they had had to compete in any real sense.

I worked for twenty years in a mainframe world dominated by IBM, and all of these same problems existed then. But there are three critical differences. First, there were far fewer users of computers at that time. The public did not depend on them at all for its daily activities. Second, while IBM dominated the OS and hardware platforms, it did not have much presence in applications. Microsoft Office is a dominant application, and as such, most users are unable to avoid Microsoft in any aspect of their work lives.

The third, and most important difference, is that IBM was an honorable company that understood that they benefited by making their customers successful. While they certainly charged a lot for their services, they provided a very high level of service, and their software was extremely dependable.

Microsoft provides almost no services, and their software is riddled with bugs. XP is the first OS that does not crash often, and this is after 15 years of development. This is certainly not something that would be acceptable if there were real competition. Even more important, Microsoft exhibits an arrogance and lack of basic ethics on a regular basis. Microsoft has clearly lied in court, lied to the American public, and ignored the previous court-defined remedies. There is absolutely no doubt in my mind that the very weak remedies agreed to by the Justice Department will be ignored by Microsoft. They don't even acknowledge that the did anything wrong, so it is absurd to think that they will change their practices because of a basically unenforceable agreement. Even if they followed the guidelines, it is not likely to make much changes. The remedies do not address the essential issue of an excessively powerful organization with the means and intention of dominating the lives of as many people as they can.

I hate to think of the day when the United States government cannot function without Microsoft support for software upon which all departments will depend. I hate to think of an environment in which Microsoft controls the Internet the way they currently control desktop computing. At that point, there will be no way to stop them.

Thank You
Marv Anderson
650 573 5790

MTC–00022953

From: Ian Sliwinski
To: Microsoft ATR
Date: 1/24/02 5:18pm
Subject: Microsoft Settlement

Dear Sir or Madam,

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor does it reduce their ability to commit similar actions in the future against consumers.

The vast majority of the provisions do not appear to effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions against consumers.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses.

This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach a settlement just for settlement's sake especially if past acts are not punished. It is my understanding that criminals must pay for their crimes. The current proposed settlement does not hold convicted criminals accountable for their actions as well as not addressing the reduction of prohibited behavior in the future.

Respectfully,
Ian D. Sliwinski

MTC–00022954

From: John Oglesby
To: Microsoft ATR
Date: 1/24/02 7:01pm
Subject: Microsoft Settlement

I think the current settlement agreement is grossly unfair to the consumers who were ripped off and the competitors who were forced out of business. This is a touchy feely settlement that does not address the injustices done to Microsoft's victims.

John Oglesby
15910 88th Street S.E.
Snohomish WA 98290

MTC–00022955

From: Lurvey, Dan
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 5:19pm
Subject: Microsoft Settlement

I'm against the proposed Microsoft settlement. I feel that the settlement only benefits Microsoft.

MTC–00022956

From: lnicoll28@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 5:17pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Lyman Nicoll
2523 E Pinewood Ln
Layton, UT 84040

MTC–00022957

From: MERRILL,DAVE (HP-Corvallis,ex1)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 5:20pm
Subject: Microsoft Settlement

Dear Sirs,

I am concerned with the current proposed settlement with the convicted monopolistic company Microsoft. I believe that the current settlement does not go far enough in creating an open and free market. The standards for document formats and windows should be opened so that others have a change to produce and market products other than Microsoft.

Sincerely,
Dave Merrill

MTC–00022958

From: Phillip Blanton
To: Microsoft ATR
Date: 1/24/02 5:21pm
Subject: Microsoft Settlement

Dear Sirs, In response to your recent request for public comments with regards to the court hearing the case of U.S. v. Microsoft. I understand that Microsoft has been found guilty of violating Sections 1 and 2 of the Sherman Act.

By virtue of Microsoft's de facto monopoly of the Operating System (OS) market, I am compelled to use Microsoft products, which I otherwise would not use. There are two reasons that I am compelled to use Microsoft products. These reasons provide the rationale for my proposed remedies.

First, an overwhelming majority people use the Microsoft OS and their associated office products. I must communicate with these people. If I can not communicate effectively with customers, vendors and the general public, I will suffer economic loss. This is commonly referred to as a network effect and Microsoft has brilliantly exploited it. Second, because Microsoft has kept their software file formats and interfaces secret, others cannot functionally communicate with these products.

It is my belief, based on Microsoft's past actions, they they wish to extend their reach beyond the PC desktop to control of networking protocols for the Internet and act as its gate keeper. This is their ''.net'' initiative. This would have devastating consequences for the U.S. economy and security. Microsoft has stifled innovation by its monopolistic practices. Microsoft products are notorious for their lack of

security and vulnerability to attack by those who wish to harm companies or individuals for whatever reason. The remedies I propose in this case are:

1) Microsoft products should not be bundled as a hidden cost of buying a computer. The choice of buying a computer without any Microsoft products must be present. The real cost of Microsoft products should be presented to the consumer. Without this, there will not be meaningful competition in the OS marketplace. Right now, you cannot go to Dell, Compaq, Gateway, or any of the big computer manufacturers and buy a computer with the operating system of your choice. You must (are literally forced to) buy a copy of Microsoft Windows along with your computer, whether you want it or not.

Providing a round about way for the consumer to apply for a refund from Microsoft is not a suitable remedy. The consumer MUST have the freedom to purchase a computer with the operating system of his/her choice. Microsoft MUST NOT be allowed to penalize a computer manufacturer for allowing their customers choice in the marketplace.

2) Microsoft should be prevented from entering into EXCLUSIVE arrangements with computer vendors. These arrangements have been used to reward and punish computer vendors in the past and serve only to maintain Microsoft's monopoly status, and hinder free and open competition in the marketplace.

3) All specifications for present and future Microsoft file formats and Operating System Application Programming Interfaces (APIs) should be made public. This will insure that any data or documentation I create will be available to me in perpetuity. It will also allow others to create programs that can meaningfully communicate with Microsoft products. Please make no mistake in my intent for this remedy. The specifications must be made part of the public domain. Restriction to ''commercial'' entities is simply wrong. Open Source software initiatives should be allowed to make use of this information.

Microsoft does not own the content that I create on my computer. Storing that content in a proprietary format, which can only be accessed with Microsoft products, hinders my ability to freely manage my own intellectual property in a manner of my choosing. My concern is for the availability and security of the data that I create today, and going forward into the future.

4) Any and all Microsoft networking protocols must be fully documented, published in the public domain, and approved by an independent networking protocol body. I suggest the government request the Institute of Electrical and Electronics Engineers (IEEE) initially preside over such a networking protocol body as an independent and impartial organization. Already I see Microsoft limiting access to web sites, to those who use Internet Explorer. This remedy would help prevent Microsoft from partitioning the Internet into Microsoft and non-Microsoft domains.

With Regards,
Phillip H. Blanton
Senior Software Engineer
TurboPower Software Company

MTC–00022959

From: Marvin Becker
To: Microsoft ATR
Date: 1/24/02 5:20pm
Subject: Microsoft Settlement

I feel that the settlement is a bad idea. Its does nothing to sway Microsoft from its abusive licenses and subscription plan. I needs to require Microsoft to port its software to other x86 operating systems in a set of time close to the initial release. I would also like Microsoft be require to support one open source project. Thank you for you time.

Jacob Becker

MTC–00022960

From: andych1@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 5:18pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Andy Himmelsbach
43 Drucker ln
Old Monroe, MO 63369–2309

MTC–00022961

From: loisc@mtaonline.net@inetgw
To: Microsoft ATR
Date: 1/24/02 5:17pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Lois Conway
P. O. Box 94
Palmer, AK 99645–0094

MTC–00022962

From: STHOMPSON112@HOME.COM@inetgw
To: Microsoft ATR
Date: 1/24/02 5:19pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Sharon Thompson
3415 Jolly Lane
Rapid City, SD 57703–6083

MTC–00022963

From: Evan Romer
To: Microsoft ATR
Date: 1/24/02 5:21pm
Subject: Microsoft Settlement

I feel that the proposed settlement does little to punish Microsoft's past anticompetitive behavior, does little to remedy the harm, does little to prevent Microsoft from engaging in anticompetitive behavior in the future (or in the present, for that matter, witness what they are doing with streaming technology in Windows XP). Microsoft will continue to be a stifling force in technology unless there are negative consequences for these practices.

Sincerely,
Evan Romer
51 Chestnut St.
Windsor NY 13865
eromer@hancock.net

MTC–00022964

From: Roberta E. Hampton
To: Microsoft ATR
Date: 1/24/02 5:20pm
Subject: Microsoft Settlement

Dear Sirs,

It is time to wrap up this mess that Janet Reno's bunch started at the Justice Department. Microsoft has already agreed to hide its Internet Explorer icon from the desktop, which was the main objection I believe most of us had about the Windows program.

Competition is just that, and Netscape, which used to be a good browser, just hasn't been able to keep pace—or hasn't tried. Also, AOL's taking over Netscape should have

gotten it over the hump. Let's get this case settled!

Sincerely,
Roberta E. Hampton
605 W. 10th St.
Lamar, MO 64759–1424

MTC–00022965

From: Lyman Nicoll
To: Microsoft ATR
Date: 1/24/02 5:23pm
Subject: Microsoft settlement
Quit harrasing Microsoft.

MTC–00022966

From: David Dickerson
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/24/02 5:23pm
Subject: Microsoft Settlement

DOJ Antitrust Division:

I do not believe that the current proposal adequately addresses Microsoft's past misconduct (e.g., crushing Netscape Corporation's share of the Web browser market), nor does it, in any way, prevent future monopolistic behavior by Microsoft—behavior which is blatantly occurring now.

Thank you very much for your time and consideration.

Sincerely,
David M. Dickerson
Senior Technical Writer
PEREGRINE SYSTEMS, INC.
616 Marriott Drive
Nashville, Tennessee 37214
UNITED STATES
Phone: +1–615–231–6260, Extension 6491
Fax: +1–615–231–6144
E-Mail: ddickerson@peregrine.com
URL: http://www.peregrine.com/

''In a world of absurdity, we must invent reason; we must must create beauty out of nothingness.''—ELIE WIESEL

MTC–00022967

From: cancerIAT@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 5:19pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
John Wusinich
133 Longford Road
West Chester, PA 19380

MTC–00022970

From: ejreed@prodigy.net@inetgw
To: Microsoft ATR
Date: 1/24/02 5:21pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Elmer J Reed
3711–61st ST
Lubbock, TX 79413–5305

MTC–00022971

From: Steve Loughran
To: Microsoft ATR
Date: 1/24/02 5:25pm
Subject: Microsoft Settlement

Please find attached my comments on the attached settlements. Overall, I think it will be at stopping anti-competitive behavior at Microsoft as the 1945 Yalta Conference was at bringing democracy to Eastern Europe, but ! also have some specific issues worth bringing up.

-Steve

Comments on the Proposed Final Judgment
with Microsoft Steve Loughran, steve—l@iseran.com

As a software engineer with many years experience writing Windows programs, I read the findings of the anti-trust investigation into Microsoft with some interest. It was fascinating and saddening to see how products I had worked with: Borland OWL, QuickTime, Intel's NSP effort, Netscape were all destroyed by Microsoft in order to protect what is clearly a monopoly in both desktop operating systems and application. Given that Microsoft were found to have been maintaining an illegal operating systems monopoly, I would have expected a radical attempt to correct this problem, on a par with the EU–IBM settlement of the mid-eighties.

I was therefore highly disappointed when the final judgement appeared, as it:

? does nothing to remedy the damage already done

? does nothing to prevent a recurrence

I believe the fact that MS are amenable to this settlement shows that they recognize both these facts, and that by rushing to reach such an unsatisfactory agreement, the DoJ will only be wasting another opportunity to increase competition and innovation in the software industry.

Most pertinently, the settlement does not make it easy for alternative operating system vendors to integrate with Microsoft applications, products and protocols, as the scope of what can be disclosed, and the security and business case get-out clauses open to Microsoft, will prevent enough information to do so from ever becoming available.

I would suggest that this settlement is discarded and a serious attempt is made to come up with a solution which actually addresses the fundamental problem, rather than nibbles at the edges. That said, I would also like to take issue with many of the points in the settlement on a case by case basis.

III. D and III. E : Disclosure of Information
On the subject of Microsoft Middleware, I would like to state some examples of where the APIs are not documented in an open manner. They may be available under non-disclosure agreements, but that does not benefit me.

1. How to write a new subsystem under Windows NT; a peer of the Win32 and OS/2 subsystems. This would enable applications written for a different API, such as Unix, to run unmodified on Windows—one could even implement a native Java runtime instead of going through Windows. Microsoft have never documented how to write a new subsystem.

2. How to create new Windows XP themes.

Windows XP has a reskinnable user interface, like the Macintosh does, but MS have not documented how to create new themes, so that developers such as myself cannot make or sell them, Microsoft do sell themes as added value extras, clearly demonstrating how withholding of information continues to provide direct financial benefit. There are rumors that only digitally signed themes can be loaded by the OS, in which case Microsoft will have to remove that feature from the platform or provide a free signing service, otherwise the theme creation information would still not permit competition in the theme product category.

3. What the MSSCI source control interface to Visual Studio is. This is the interface which source code management providers need to implement to integrate their products with Microsoft's development tools; it is available under NDA only, so cannot be supported by open source products. This effectively forces Windows developers to use Microsoft approved source code management tools, which ties them to a windows platform.

4. How to integrate applications with Internet Explorer to the level that the MS Office suite does: when this is installed it adds buttons to the toolbar which indicate that somehow IE is looking at the creating application of every page and determining if it was written by an application in the office family. Third party applications need to be afforded equal rights.

5. COM+. The entire network protocol.

6. The Microsoft Office file format.

I suspect that the ''security'' clause (J. 1) will be used to restrict access to items (1), (2), (5), and would therefore wish for the blanket option to deny requests to be severely curtailed. The TC committee should have the right to see the documentation of the API and determine if that really is the case, and the right to force OS changes to nullify the

security concerns in the interests of interoperability.

I fear that item (3) will be denied on the basis that it is an in-application API, not a middleware product which talks directly to the OS. The same would hold for any API used inside the office products. However the dominant market share of MS in these segments, and their track record in anti-competitive behavior, should require this kind of ''extension API'' to be documented.

This leads me to the conclusion that any ''extension API'' For any Microsoft application, which is made available for aftermarket or add-on products must be made available for developer scrutiny and use, as much as for OS APIs. Effectively the definition of a Microsoft Middleware product (ref. VIJ and VI.K) should include the Microsoft Office and Microsoft Visual Studio platforms.

File formats, such as MS office, are not disclosed in a open manner. Although MSDN does document parts of the format, it explicitly denies readers the rights to use that information to write competing applications or use it on a platform other than Windows. Both of these restrictions restrict competition.

The second of the disclosure clauses (J.2) permits Microsoft to deny information to any person they believe does not have a reasonable business need or fails to meet reasonable, objective standards concerning the authenticity or viability of the business. This will deny access to information to home and open source developers—despite the history of innovation which such people have brought to software. I propose that such decisions as to suitability of the recipient should be left to the technical committee, and that all information should be released without fees or under non-disclosure requirements. I would also propose that some fight of appeal should be available if, for any reason, and information request is denied.

B. Appointment of a Technical Committee

I am concerned that the TC membership requirements: ''you may not work for a competitor to Microsoft for two years'' will unduly hamper who is willing to join the committee. Microsoft view everyone in the computing industry as a competitor for the money of consumers; so that clause denies so many career opportunities that you must be a retired developer to consider the post. Microsoft's own employees are not subject to such rehire restrictions, so why should the technical committee members. I would therefore propose that the TC membership restrictions exactly match those which Microsoft apply to their own employees.

Definitions

I am particularly concerned that the definitions are so tightly defined that they can be avoided with ease. For example, the Microsoft. NET runtime is not defined as middleware, even though the Microsoft Java VM is. This makes it possible for Microsoft to provide undocumented APIs between .NET and the OS, and between the .NET runtime and Microsoft applications.

Middleware should be defined as ''any framework above the basic OS which can be used to write applications or components of applications''; that is the general definition as used in the computer industry.

MTC–00022972

From: Glik, Michael
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 5:25pm
Subject: My Comment on the settlement between the DOJ and Microsoft

I think that the proposed settlement between the DOJ and Microsoft does not have an intentions of either:

1.Punish offender (Microsoft) adequately for the crime

2.Prevent the repetition of the offence, such as using operating system monopoly to get unfair advantage against competition for the other related products such as browsers (Netscape), office (Word-Perfect), databases (FoxPro), disk drivers (Stalker) etc.

The only measure that would do both of the above would be to award monetary damages to the companies (if they exist) or investors (at the time the companies were dissolved).

In other words, if Microsoft (and other legal monopolies) would know that breaking the anti-monopolistic law would not benefit the company (Microsoft) or its investors, they would not break the law. So if Microsoft is forced to pay the amount of money ''reasonably assumed'' to get by Netscape, Opera, etc. to those companies or their investors, that can accomplish both objectives above.

Michael Glik
off. (781) 993–8611
h. (617) 630–2877

MTC–00022973

From: mark hendricks
To: Microsoft ATR
Date: 1/24/02 5:21pm
Subject: Microsoft Settlement

To Whom it may Concern,

We have found the demise of competition in the browser market to cause us much more work in maintaining and developing web sites. As the Internet Explorer browser monopolized the market it became less and less sensitive to standards, to the point that it just runs roughshod over some of those standards most relied on.

For instance, much of our development depends on the Java standard. Microsoft no longer feels the need to support this standard. They instead require their proprietary ActiveX technology to support Java applications. ActiveX is considered a security risk in the real world. Therefore many institutional firewalls do not allow ActiveX, making all our Java applications non accessable to much of our public.

Everything we have done with QuickTime (a firewall friendly technology) has the same issues. These are two of many great standards (developed by Microsoft's former competitors) that people came to depend on. If Microsoft still had competition in the browser market they would not be trampling these standards to promote proprietary technology, they would be competing to make people's lives easier, as they did when there was still competition in the browser market.

Thank you for your consideration,
Mark Hendricks
Project Leader
Public Web Site
Federal Reserve Bank of San Francisco
101 Market St.
San Francisco CA 94105
415.974.3236

MTC–00022974

From: deej@thayer.dartmouth.edu@inetgw
To: Microsoft ATR,deej@thayer.dartmouth.edu@inetgw
Date: 1/24/02 5:30pm
Subject: Microsoft Settlement

I think the proposed DOJ settlement is completely inadequate, and does not come close to stopping Microsoft from continuing to abuse its monopoly position. Please, please reconsider before allowing this current settlement to pass. The proposed modifications made by the states do improve upon the DOJ settlement, but should perhaps be even stronger in the proposed limitations.

I believe that the only way to truly allow competition to Microsoft is to have Microsoft make public the specifications that their software uses to communicate with their operating systems and other applications. Note that this is not asking for the source code for Microsoft software, but rather the information necessary to allow other software to interact with Microsoft's software. Examples of this would be the details of the file formats used in saving Microsoft Word .doc files so that other software, such as StarOffice, could be used to read and write .doc files; network server communications used between the client desktop OS (like Windows XP) and the servers—this would allow programs such as Samba to cleanly interact with Windows clients and other Microsoft servers; specifications used to allow applications like Microsoft Office to interact with the Windows XP operating system—this would allow programs like WINE to be used as an alternative to Windows XP and allow Windows applications to run under other operating systems such as Linux.

Thank you for your time and consideration,

-Dj
Dj Merrill
deej@thayer.dartmouth.edu—N1JOV
Dartmouth College, Hanover, NH 03755
Thayer School of Engineering
Sr. Unix Systems Administrator
8000 Cummings Hall

MTC–00022975

From: Angela Teater
To: Microsoft ATR
Date: 1/24/02 5:28pm
Subject: Microsoft Settlement

To whom it may concern,

As a concerned consumer, it alarms me that the Department of Justice is not taking a stronger stance on the illegal practices of Microsoft. I ask you to use the proposed alternate settlement created by the nine states which did not support the Department of Justice's Proposed Final Judgment in place of that Proposed Final Judgment. Thank you for taking the time to read the request of a citizen.

Angela Teater

MTC–00022976

From: Bill Fass
To: Microsoft ATR

Date: 1/24/02 5:32pm
Subject: Microsoft Settlement
To Whom It May Concern:
Can we just get this case settled and get on with the business of recovery? We who sit on the sidelines and ponder what these various suits are all about are getting very impatient with the ongoing litigation. As a customer of Microsoft I feel that they have done a great job in educating all the ordinary citizens who are not necessarily computer proficient and bringing them into the world of computer technology. This case and all the others have cost both sides considerable time and money that could have been used in a more productive manner. Can't you see that this is slowing the economy and pushing the recovery further in the future.
As President Bush put it ''Lets Roll.''
Signed—Bill Fass Sr. Roseville, CA.

MTC–00022977

From: LHeinsch@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 5:32pm
Subject: microsoft judgement
Please lay off microsoft.

MTC–00022978

From: bcander@wt.net@inetgw
To: Microsoft ATR
Date: 1/24/02 5:30pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.
This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Billy Anderson
17378 E. Greenleaf Lane
Conroe, TX 77306–8211

MTC–00022979

From: rhemoe
To: Microsoft ATR
Date: 1/24/02 5:33pm
Subject: Microsoft Settlement
As a former Netscape subscriber and user I can tell you it wasn't the Microsoft Icon being on my computer that got me to switch, it was the ripoff cost of upgrading my Netscape to the latest versions. After switching I discoved how much better MS is than Netscape. So, now you are giving Netscape a subsudy by allowing them to sue Microsoft. This is unfair and wrong. It's nothing more than balckmail to Microsoft. What is the purpose, are you trying to destroy yet another company and leave in its wake another MOTHER BELL debaule????????

MTC–00022980

From: Lee
To: Microsoft ATR
Date: 1/24/02 5:30pm
Subject: Microsoft Settlement
Since punishing Microsoft is out of the question or maybe even unpatriotic, why not just recommend dropping the whole mess? Maybe even giving Mr. Gates a billion or so as a bonus for his fine work would be appropriate. Taxpayers will cheer. God bless the United States of Redmond. The rest of the world watches in awe as a real democracy operates.
Sincerely,
Don L. Wiggers
911 NE 58th St
Ft Lauderdale, Florida 33334

MTC–00022981

From: JJB7718@AOL.Com@inetgw
To: Microsoft ATR
Date: 1/24/02 5:30pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.
This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
John Bush
83 No. Concord St.
Gilbert, AZ 85234

MTC–00022982

From: elee10@mediaone.net@inetgw
To: Microsoft ATR
Date: 1/24/02 5:30pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.
This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Elaine Lee
15 Hallenan Ave
Lawrence, MA 01841

MTC–00022983

From: Ned Schall
To: Microsoft ATR
Date: 1/24/02 5:34pm
Subject: Microsoft Settlement
Gentlemen:
This settlement should be settled so that the company can get back to business of making computers for the work place better and better. The companies need to spend their energies working for the good of people and not spending time in the courts.
Sincerely,
Mary

MTC–00022984

From: Jim Crumley
To: Microsoft ATR
Date: 1/24/02 5:34pm
Subject: Microsoft Settlement
Hello,
I am writing to show my opposition for the proposed Microsoft anti-trust settlement. The proposed settlement does little to punish Microsoft for its misdeeds and it would probably make it easier for Microsoft to abuse its operating system monopoly in the future. The settlement is so full of holes that actually dropping the charges against Microsoft would probably be a tougher punishment than what has been proposed.
Personally, I believe that the most approprate punishement for Microsoft would be breakup, but failing that remedies with more teeth than this proposal are definitely required. At the very least Microsoft should be forced to open up and document all of their APIs early in the development process. Microsoft should also be constrained from further integration of features into the operating system.
Thank you for your time.
Sincerely,
Jim Crumley
1450 Grotto St. N.
St. Paul, MN 55117
Jim Crumley √
crumley@fields.space.umn.edu √
Work: 612 624–6804 or -0378 √

MTC–00022985

From: RCB
To: Microsoft ATR
Date: 1/24/02 5:35pm
Subject: ''Microsoft Settlement''
BlankJanuary 24, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Fax: 1–202–307–1454 or 1–202–616–9937
microsoft.atr@usdoj.gov
Dear madam:
I understand that the Association of Concerned Taxpayers (www.aoctp.org) is reporting that negotiations over the Microsoft

antitrust suit are at a critical pass, and that the Dept. of Justice is asking for public comment. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare''for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

''This is just another method for states to get free money, and a terrible precedent for the future,'' states the AOCTP, ''not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.'' This economically-draining witch-hunt has gone on long enough.

We wish to let the Department of Justice know how we feel about the Microsoft Settlement: We are satisfied Microsoft customers and love their products. We benefit from their creativity. Instead of going after the terrorists about to attack our nation, Clinton went against an honest American. We want to see this Clinton-era case finally closed.

It is high time that we correct these scams, adjust our priorities, and apply some common sense. Our government and our system of laws ought to protect the welfare of the citizens and not the welfare of ''ecial interests'' that are filling their pockets with taxpayers'' money.

Respectfully yours,
Rosa C. Bengochea
Accountant-Realtor
Owner and Moderator of
FOR FREEDOM & JUSTICE GROUP
http://groups.yahoo.com/group/ForFreedomandJustice
rnb52@bellsouth.net

MTC–00022986

From: Kathleen Donohue
To: Microsoft ATR
Date: 1/24/02 5:35pm
Subject: Microsoft Settlement

This settlement contains misleading and overly narrow definitions and provisions.

Sincerely,
Kathleen A Donohue
Chat with friends online, try MSN Messenger: http://messenger.msn.com

MTC–00022987

From: Phil
To: Microsoft ATR
Date: 1/24/02 5:38pm
Subject: Proposed Microsoft settlement

To whom it may concern,

I am firmly opposed to the proposed settlement as it currently stands. Should a bank robber be allowed to keep the money if he promises not to rob any more banks? I think not. Should Microsoft be allowed to keep their illegal gotten gains if they promise not to do it any more? I think not. I do not see anything in the proposal that addresses this. Not having anything in the proposal to address this seems to send a message to the public that crime pays.

You could make them pay a fine of three or four billion dollars and put it in the telecommunication fund that is wiring up all of the public schools and libraries. This would reduce/eliminate the monthly charge that all people are now paying on their phone bill. Microsoft should be forced to open up their APIs and/or be made to make their applications import/export files using open standards as defined by W3C, IETF, etc. For example: Microsoft Word should be made to export and import files using W3C defined HTML and also standard ASCII. Microsoft Powerpoint should be made to export and import from PDF and Postscript.

Opening up the file formats will enhance the overall business community by allowing seamless interaction among everybody. This will greatly benefit the public. Regarding Section III J 1: Please do not allow Microsoft to be the one to judge if an API is security related, otherwise they will use this to unfair advantage ''in the name of security''. Nobody said creating an equitable settlement would be easy, however the stakes here are enormous and the outcome will impact the public for decades to come.

If you do decide to come up with additions to the settlement and come to a point where you cannot decide between a lenient or harsh penalty I would suggest that you favor the harsh penalty because you can bet that Microsoft will be paying top dollar to their lawyers to find ways around that penalty.

Sincerely,
Phillip Bunch
Maryland Heights, Mo.

MTC–00022988

From: Jim May
To: Microsoft ATR
Date: 1/24/02 5:37pm
Subject: Microsoft Settlement

Your Honor,

As a concerned citizen, I urge you to reject the proposed final judgment in the U.S. vs. Microsoft case before you. The proposed settlement fails to meet the standards set forth in the Appelate Court's decision, and it seems like it would be harmful both to the public and to the rest of the high tech industry. Every court has ruled that Microsoft abused its power and ran afoul of anti-trust laws, yet this judgment would allow them to retain almost all of the profits from this illegal activity. Is that really just? I don't know if anything can be done about it, but there are no provisions in this judgment that would assure us that Microsoft will cease its bullying anti-competitive practices. Therefore, my humble opinion is that you should throw out this proposed final judgment.

Respectfully,
James B. May
365 Meetinghouse Lane
Lancaster, PA 17601
717–299–4487

MTC–00022989

From: alex(a)linker.com
To: microsoft.atr(a)usdoj.gov
Date: 1/24/02 5:37pm
Subject: Microsoft Settlement

To Whom It May Concern:

I would like to express my displeasure with the terms of the settlement as proposed. Whereas the provisions of the settlement provide some measure of value to citizens, I feel the core problem has not been addressed. Microsoft's practices continue unabated. In fact, it seems they will now have legal cover to continue many of the most egregious ones.

Even ignoring the preventative intent of the original lawsuit, the penalty aspect for past excesses seems merely a token—in many ways it seems Microsoft will be in an even stronger position by extending its reach into academia while supplying outdated hardware at minimal cost to itself. An informative line-by-line dissection of the settlement can be found at the following link: http://www.os2hq.com/archives/arch46.htm. Even if only half accurate, the points raised should be addressed.

—Alex Klafter, a concerned citizen

MTC–00022990

From: Arthur Abraham
To: Microsoft ATR
Date: 1/24/02 5:39pm
Subject: Microsoft Settlement

Dear Sirs,

I have been a computer software professional for over thirty years. Over the last ten years I have watched Microsoft exert a strangle hold on the computer software field. Because of Microsoft's monopoly hold on the market I am forced to purchase tools which are exorbitantly priced, and work on an operating system (Windows) which is largely undocumented, insecure, capricious, and un-repairable.

The proposed settlement is very inadequate. It is a license to Microsoft to continue in the future as it has in the past. I am pleading with you reject the settlement, and to craft an effective remedy to these problems.

Thank you,
Arthur Abraham

MTC–00022991

From: Sebastian Becerra
To: Microsoft ATR
Date: 1/24/02 5:38pm
Subject: Microsoft Settlement

I do not like the proposed settlement.

Sebastian Becerra
Tucker, Georgia

MTC–00022992

From: N. C.
To: Microsoft ATR
Date: 1/24/02 5:38pm
Subject: Microsoft Settlement

To Whom It May Concern,

How many federal judges found Microsoft guilty of monopoly? Is the DOJ really going to let them off—without even making M$ pay legal fees?

To hell with conduct remedies, why not a light slap on their wrists and be done with it? Oh, and then have the taxpayers pony up the bill for this mockery of justice. I hope you guys got your g-strings stuffed with a few extra bills, at least.

Absolutely disgustedly yours,
N. C.

MTC–00022993

From: Lyle P. jones
To: Microsoft ATR
Date: 1/24/02 5:38pm
Subject: Microsoft antitrust settlement agreement

Attorney General John Ashcroft
US Department of Justice

950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

I support the Microsoft antitrust settlement agreement. While I have been opposed to this lawsuit from its inception, I believe settling the case now is in everyone's best interests.

The settlement agreement provides for a variety of concessions on Microsoft's part. They have agreed to increase server interoperability. They have also agreed to make a great deal of changes in the way they handle their relationships with software developers. Once the settlement agreement is finalized, Microsoft will not retaliate against software or hardware developers who develop or promote software that competes with Windows. Nothing more should be expected or required of Microsoft beyond the scope of the current settlement agreement.

I urge your continued support of resolving this case. Thank you for your efforts in this regard.

Sincerely,
Lyle P. Jones
PO Box 281/451 Coul Ave.
Buckley, WA 98321
ljones0281@hotmail.cim
phone 360–829–9293

MTC–00022994

From: Dave Newman
To: Microsoft ATR
Date: 1/24/02 5:40pm
Subject: Microsoft Settlement

Having been a professional software developer since 1987 and having observed numerous, predatory actions by Microsoft, I feel the proposed settlement between the DOJ and Microsoft is absolutely NOT in the best interest of consumers, independent developers, or free market competition.

This proposed settlement should be rejected.

Sincerely,
David Newman
tinman@pobox.com

MTC–00022995

From: chet(u)chap
To: Microsoft ATR
Date: 1/24/02 5:38pm
Subject: Microsoft Suits

Dear Sir,

I am neither a holder of Microsoft stock, nor of AOL stock and have never been. My interest in this issue is to resolve these interminable lawsuits by companies and others against Microsoft. I view these suits as nothing more than a nuisance to a the effort of a very viable and productive company (Microsoft) to produce products that have been of tremendous benefit to the American public. I hope that in your findings that you will put an end to these lawsuits. I am a very satisfied user of Microsoft products. It is through these products that the American public has become very productive, without having to learn a multitude of languages for various products of the same type. If this be a monopoly, so be it. The U. S. government is a monopoly also, but I happen to like it the way it is. And the same is true for the way Microsoft is pursuing its business.

All we have here with these lawsuits is a effort by some politicians (particularly those in the San Jose Silicon Valley and an ambitious Attorney General of the State of California), a group of disgruntled companies (AOL, Oracle, Apple), and some greedy trial lawyers to try to muscle in on and impede the success of Microsoft. Please dismiss these lawsuits in a timely manner.

By the way, this whole thing was started by the prior Presidential administration as a payback for the support given to that administration by the various companies in the Silicon Valley. At least that is the opinion of myself and many others to whom I have spoken.

Chester Chapman
P. O. Box 32307
Tucson, AZ 85751
email: chet—chap@msn.com
CC:Chet Chapman

MTC–00022996

From: Eric Murray
To: Microsoft ATR
Date: 1/24/02 5:40pm
Subject: Microsoft Settlement

Greetings,

I am writing to let my feelings on the proposed Microsoft settlement be known, a right provided by the the Tunney Act. It is my belief that allowing Microsoft to continue doing business as a single entity does not sufficiently remedy the circumstances that allowed the company to become a monopoly power in the first place, and subsequently abuse that power. My views are in line with those expressed by Robert Litan and Roger Noll (American Antitrust Institute Advisory Board members) and economist William Nordhaus. I refer you to their Tunney Act comments by way of the following URL:

http://www.antitrustinstitute.org/recent/162.cfm

Please accept my thanks for considering my opinion in this matter.

Eric Murray
independent Computer Systems Consultant

MTC–00022997

From: PMeyer66@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 5:41pm
Subject: Microsoft Settlement

I am requesting that the Department of Justice settle the Microsoft case under the terms of the original antitrust case. As a public school educator employed in a low income area, it would be a windfall for the underprivledged children in the district to have the use of computers and software. These are children that will NEVER have the opportunity again. I beg you to open the door to these deserving children. Without the funds to further their education, a computer background would at least give them skills that can be used in obtaining employment.

The government has spent enough of our tax money trying to cripple an American business. Enough is enough.

Thank you for listening.

Priscilla Meyer

MTC–00022998

From: Kevin Cosgrove
To: Microsoft ATR
Date: 1/24/02 5:25pm
Subject: Microsoft Settlement

Greetings,

The Proposed Final Judgment (PFJ) against Microsoft is so weak and vague as to make a mockery of the justice process. How is this fair or even legal? Can the justice system turn a blind eye to Microsoft's continuation of illegal practices documented in the Findings of Fact even during the penalty phase of the ongoing trial?

I urge you with all the heart I can muster to take all legal steps available to level the competitive playing field in the software arena and allow this area of our economy to realize unfettered innovation amongst a broad range of savvy technologists.

My perspective is that of:
—Electrical Engineer, I design integrated circuits (chips).
—Software Engineer, I create software.
—Educator, I teach electronics.
—Musician, I use music software.
—US Citizen, I expect that the justice system should do its job in upholding the law.

Thanks for your attention.

Kevin Cosgrove, Engineer, Portland, OR

MTC–00022999

From: eelsieh@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 5:38pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Elsie Hendricks
2308-B North Grand Ave.
Roswell, NM 88201–6424

MTC–00023000

From: Art Gittleman
To: Microsoft ATR
Date: 1/24/02 5:41pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea.

Art Gittleman
1902 Park St
Huntington Beach CA 92648
Art Gittleman
Professor, Computer Science
Calif State Univ Long Beach
Long Beach, CA 90840–8302
(562)985–1530
artg@csulb.edu

MTC–00023002

From: Christopher Sean Morrison
To: Microsoft ATR
Date: 1/24/02 5:42pm
Subject: Microsoft Settlement

To Whom it May Concern:

Per the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 (Tunney Act), I am commenting on the revised proposed Final Judgment to resolve the United States v. Microsoft civil antitrust case. I find the proposed settlement to be inadequate; the settlement does not include any terms to enforce restitution or reprisal for the damages Microsoft incurred.

Microsoft was found liable for damages caused by it's actions. The proposed settlement, however, does not go to any significant length to make provisions to any party, individual, or company that incurred a loss through Microsoft's actions. The proposed settlement only takes steps to limit damages that may be incurred in the future.

Given the substantial nature of the damages that were incurred and the period of time over which Microsoft has been able to use it's monopoly for monetary benefit, I believe that direct monetary penalties should be included in the proposed settlement.

It is one thing to try and prohibit Microsoft's future actions and minimize their ability to leverage their position in industry as a monopoly. As the proposed settlement details, hopefully said restrictions will encourage competition in the marketplace and restrict Microsoft's monopoly. Without including settlement terms, however, that include retribution to those impacted by Microsoft's actions, Microsoft is allowed to essentially ''get away with'' everything that they did. To not be punished for improper behavior is to not serve proper justice. Microsoft was allowed to make billions of dollars through their monopoly. Other companies and individuals were directly penalized and damaged. The industry as a whole has also been impacted. The proposed settlement is inadequate because it is looking only to limit future activity. Thank you for your time and attention.

Sincerely,
Christopher Sean Morrison
Senior Analyst
U.S. Army Research Laboratory
Quantum Research International, Inc.
[the opinions and ideas included may not necessarily represent the opinions and ideas of my employer or affiliates]

MTC–00023005

From: Michael Wojcik
To: Microsoft ATR
Date: 1/24/02 5:41pm
Subject: Microsoft Settlement

Section J.1.a of the Proposed Settlement, allowing Microsoft to avoid disclosing APIs and other technical information on various grounds, in effect gives Microsoft carte blanche to conceal technical information about its products on the pretext of protecting security or DRM (digital rights management) mechanisms. It is generally acknowledged that Microsoft has often used and continues to use non-disclosure of technical data about its products (''hidden APIs'') to gain unfair competitive advantage, particularly in interactions between its operating systems and applications divisions. If enacted the settlement as written has no power to prevent or discourage Microsoft from continuing to do so, and so utterly fails to achieve the end it and the legal action it terminates ostensibly sought.

As a practitioner in the field where Microsoft is held to possess illegal monopolistic power, and as a consumer adversely affected by Microsoft's monopolistic practices (which have a chilling effect on the development of superior products), I protest the inclusion of this clause in the proposed settlement.

Michael Wojcik
Principal Software Systems Developer, Micro Focus
michael.wojcik@microfocus.com

MTC–00023014

From: geoffmiller@prodigy.net@inetgw
To: Microsoft ATR
Date: 1/24/02 5:40pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Geoff Miller
346 Burns Dr.
Westerville, OH 43082

MTC–00023018

From: Cathy Cheung
To: Microsoft ATR
Date: 1/24/02 5:43pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea.
Redwood City, CA 94065
Student

MTC–00023020

From: georgef@bitstorm.net@inetgw
To: Microsoft ATR
Date: 1/24/02 5:41pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
George Foster
55 Rosedown Blvd
DeBary, FL 32713–4118

MTC–00023024

From: Richard Hansen
To: Microsoft ATR
Date: 1/24/02 5:46pm
Subject: Microsoft Settlement

I do not like the proposed settlement.

Particularly, I don't like how loose the definition of ''API'' is (definition A).

Also, as far as I can tell, there is no requirement that Microsoft discloses known limitations, bugs, or security issues in the API's (once they are discovered). I would like to see that included because software developers'' products are often directly affected by bugs in Microsoft's products. Microsoft knows about the bugs/limitations and can develop software products around the problem, but third party developers are sometimes left to suffer bad PR because of bugs that are not their fault. One may argue that Microsoft could purposely introduce undocumented bugs and limitations in order to limit functionality of third party and competing software products.

Section III.J.1. should be phrased much more carefully. I believe there are too many obscurities that would allow Microsoft to not document many important API's.

In general, I agree with the arguments made in the following essay:

http://www.kegel.com/remedy/remedy2.html

Richard Hansen

MTC–00023026

From: Ernie Fisch
To: with a subject of ''Microsoft Settlement''
Date: 1/24/02 5:48pm
Subject: Microsoft Settlement

I am against the proposed settlement with Microsoft. It does nothing to hamper their monopolisitic practices.

Ernie Fisch <ernfisch@cox.net>

MTC–00023027

From: Rick Nall
To: Microsoft ATR
Date: 1/24/02 5:41pm
Subject: Microsoft Settlement
The settlement is a bad idea.
Richard T. Nall
1545 Gulf Shores Pkwy #205
Gulf Shores, AL 36542

Never under-estimate the bandwidth of a station wagon full of tapes hurtling down the highway.

A. S. Tanenbaum

MTC–00023028

From: Victor E. Oekerman
To: Microsoft ATR
Date: 1/24/02 5:50pm
Subject: microsoft vs AOL

To Whom it may Concern:

I am a small computer user and am happy with my Microsoft equipment/programs and

do not wish to be forced to buy AOL products just to stay in business.

Thanks for your assistance.

Yours truly,

Victor E. Oekerman

P.O. Box 100

Oceanside, OR 97134–0100

CC:msfn@microsoft.com@inetgw

MTC–00023029

From: brenna burns
To: Microsoft ATR
Date: 1/24/02 5:49pm
Subject: microsoft settlement

please don't let microsoft get its big greedy way! thanks, Brenna Burns

MTC–00023030

From: Bruce
To: Microsoft ATR
Date: 1/24/02 5:51pm
Subject: Microsoft Settlement

I strongly oppose the Microsoft settlement.

MTC–00023031

From: Cmessmer@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 5:52pm
Subject: Microsoft Settlement

Dear Sir or Madame,

I cannot believe that this court and the nine states that don't want to accept Microsoft's Settlement offer are willing to send this very fragile economy into the sewer. As msft goes so goes the market, as we investors all know. This is simply a case of going for them because they have deep pockets and the consumer is very sick of this activity by the courts. A blind person can see that those companies who were competitors of microsoft were also the same companies that politically swayed the DOJ case against them. The states who are not accepting the settlement offer are mostly the states that the aforementioned companies have a large facility(ies) in. Is this right to litigate rather than compete? I guess as long as the courts rule in favor of them why should they compete. In fact, AOL just announced that they are going to sue msft because of how msft treated the company thet AOL later purchased for $10 billion because of the browsers. The timing for this lawsuit is certainly not a coincidence to millions of people. This country is way past being sue happy and we can thank the trial lawyers for that. This whole lawsuit is shameful for this country and our economy. Again I say, it's only a matter of deep pockets and we all know it.

Regards,

Mr. and Mrs. Chris E. Messmer

Seattle, WA

MTC–00023032

From: susan farrell
To: Microsoft ATR
Date: 1/24/02 5:52pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW Suite 1200
Washington, DC 20530–0001

Honorable Justice Hesse,

I am dismayed at the restraint with which the Department of Justice proposes to address the illegal monopolistic practices of Microsoft. Microsoft has for many years acted with contempt for the laws, ethics, common practices, and spirit of fair competition in the computer software and hardware industries. Even now they are poised to take over broadband, media content, e-commerce, and several smaller but crucial industries. They have put other companies out of business in the most ruthless manner, stifling good designs, better products, and even open discussion.

Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems. This problem has seriously affected my work for years, because I use those competing operating systems (MacOS and Unix). Also, the proposed remedies, although seriously flawed in my view, since they do not address many serious issues, do not come with enforcement mechanisms likely to work.

In the past they have treated legal remedies to their anti-competitive practices with contempt by ignoring them. The alarming and potentially national-security-compromising state of Internet insecurity today is their fault, since they continue to ship insecure products while in fact forcing companies and .gov agencies to use them. The state of computing monoculture should be of concern to everyone. When one virus can wipe out billions of dollars in a week, it's time to ask ''why are we so vulnerable?''. Smart organizations, including the armed forces of Australia have already walked away from Microsoft solutions because of their inability to be secured or to be freed from the surveillance mechanisms Microsoft builds in for reasons of its own.

Please come to the rescue of the little companies, the hardware manufacturers, the industries that depend on computing to do business, and the People of the US (indeed of the world), and protect us in a meaningful way from Microsoft's unfair and freedom-stifling business practices. The company is evil and it could destroy what's left of our economy if left unchecked and unpunished. They are almost a sovereign power now, because of their economic power and ability to punish companies who don't comply. Please take them as seriously as they take themselves.

They need to open their APIs. They need to be held accountable for their lack of security in their email and office products. They need to be made interoperable on competing OSs. They need to be prevented from forcing hardware manufacturers to include their products but not competitor's. They need to be prevented from owning the sole means of online transaction management (.Net). And they need to be prevented from dumping free technology that puts other businesses out of business, as they did with Netscape by giving away a browser for free until Netscape foundered. As they tried to do by giving free technology to schools as part of the settlement. Thank you for taking the time to consider real sanctions with real enforcement mechanisms against this long-time bad actor in our economy. Please act quickly before even more companies are forced out of business.

Sincerely,

Susan Farrell

Portland Oregon

User Experience Specialist

MTC–00023033

From: kjan@kscable.com@inetgw
To: Microsoft ATR
Date: 1/24/02 5:50pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,

Jan/Ken Miller

18 E. 28th St.

Hutchinson, KS 67502

MTC–00023034

From: Scott Stadelhofer
To: Microsoft ATR
Date: 1/24/02 5:55pm
Subject: Microsoft Settlement

Please end the case against Microsoft as soon as possible. It is hurting the US economy and all of the shareholders in all of the companies involved.

Scott R. Stadelhofer

sstadelhofer@maranatha.net

703–641–9177

MTC–00023035

From: Joe@orado.
localdomain.private@inetgw
To: Microsoft ATR
Date: 1/24/02 5:56pm
Subject: Microsoft Settlement

I am writing to express my strong disapproval of the Proposed Final Judgement against Microsoft Corp. It does not go nearly far enough to open the market to competition both in the operating systems market and the software applications market; furthermore it allows Microsoft to continue a great many anti-competitive practices.

Ideally, operating systems would be like household electrical outlets (commonplace and 100% compatible), and applications would be like vacuum cleaners and TVs (commodities built atop a common, standard infrastructure). Until that blissful state of affairs exists, the only way to ensure fairness in the software industry is to compel software makers, and particularly operating-system vendors, to clearly document all APIs, and to prevent vendors from offering those APIs preferentially to particular developers, including themselves. The Proposed Final

Judgement takes tiny baby steps in this direction, when what is required is several giant leaps.

Thank you,
Joseph A. Knapka,
Software Developer
jknapka@earthlink.net

MTC–00023036

From: Sanjay Chandra
To: Microsoft ATR
Date: 1/24/02 5:57pm
Subject: Microsoft Settlement

Please see attached letter regarding the Microsoft Settlement.

Thanks,
Sanjay Chandra Ph (972) 296–9599
x202 <Mailto:SChandra@AmericanLeather.com>
Vice-President Fax (972) 590–9291
American Leather <http://www.AmericanLeather.com>
AMERICANLEATHERTM
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am contacting you to ask that you back the settlement reached in the Microsoft antitrust case. This case simply has continued for too long, and an enlightened settlement now exists that should bring this case to a close. The settlement that is currently being made available to both sides will bring improvement and more openness to the IT industry. The settlement allows computer makers to place non-Microsoft systems on their machines unencumbered by contractual restrictions. The settlement also will permit the easy placement of non-Microsoft software on Microsoft operating systems. Clearly this settlement presents a reasonable result for all sides. Pursuit of further litigation in the federal case is, in my opinion, unwarranted. I again respectfully ask that you back the current settlement.

Sincerely,
Sanjay Chandra
Vice President
American Leather, LP
cc: Representative Martin Frost
3700 Eagle Place Drive Suite 100 Dallas Texas 75236
Phone 800–456–9599
Fax 972–296–8859

MTC–00023037

From: Adam Quddus Salter
To: Microsoft ATR
Date: 1/24/02 5:56pm
Subject: Microsoft Settlement

I believe that the proposed mesures are not harse enough to prevent Microsoft from continuing their monopolistic practices. The original decision to split Microsoft into several smaller companies along specific ''offerings'' or ''lines of business'' was, in my humble opion, a good start.

Thank you,
Adam Q Salter

MTC–00023038

From: frank@wymeng.com@inetgw
To: Microsoft ATR
Date: 1/24/02 5:54pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Frank Wymore
545 Shoreview Park Road
St. Paul, MN 55126–7018

MTC–00023039

From: EDBURK@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 5:56pm
Subject: Microsoft Settlement

First I'd like to take this opportunity to tell you how much I respect you for the job you are doing during these trying times. I also find you to be very articulate and a pleasure to listen to on the tv. Now to the matter of Microsoft. Settle it, end it. Enough is enough. This is America and very few of us would expend money and not expect to get rewarded for it.

There are alot of laws that have changed over our existance and by tomorrow they will change some more. Microsoft is innovative and forceful-thats what makes America what it is. Microsoft employs alot of people and is extremely beneficial to charities. Placing their units in underpriviledged schools is a benefit to America and its children. Yes it creates advertising, but come on, who in America or elsewhere doesnt know Microsoft already-thats good govt. The good outweighs the bad-the majority is served. All ''good'' attorneys tell their clients to settle immediately and get on with their lives-please let America get on with their lives regarding this matter-plus if they mess up again-hit them again-simple. MOVE ON.

Thank you for your time,
Sincerely,
Debra Collard
First City Realty Inc.
Southwalk Ltd Inc.
Parkview Dev. Inc.
CBC Investment Inc.
151 Creekside Drive
St. Augustine, Fla. 32086
edburk@aol.com
CC:fin@mobilizationoffice.com@inetgw

MTC–00023040

From: Miles Robinson
To: Microsoft ATR
Date: 1/24/02 5:56pm
Subject: Microsoft Settlement

To Whom it May Concern,

I am saddened to hear that the Department of Justice and Microsoft have reached a tentative settlement of the United States vs. Microsoft antitrust lawsuit. Ibelieve that the proposed settlement does a very poor job and that it is critical that aforementioned settlement be reevaluated and abandoned. To allow a company who has repeatedly ''strong armed'' and forced competitors out of the market (and eventually business) to pay their debt with software coupons is outrageous. In the end it would only expand Microsoft's market share. Where is the punishment in that? Thank you for your time.

Sincerely,
Myles Robinson

MTC–00023042

From: m-yeakel@uiuc.edu@inetgw
To: Microsoft ATR
Date: 1/24/02 5:56pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Martha Yeakel
315 S. Poplar
Arthur, IL 61911–1532

MTC–00023043

From: cmmelanson@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 5:56pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,

Orman Melanson
1 Katie Lane
Raymond, NH 03077

MTC–00023044

From: Denny Denniston
To: Microsoft ATR
Date: 1/24/02 5:59pm
Subject: court settllement

Current proposal is fair and the competitors shuld compete in the market place rather than the courts. c. R. Denniston, Consumer

MTC–00023045

From: Rick Faber
To: Microsoft ATR
Date: 1/24/02 6:01pm
Subject: Microsoft settlement not harsh enough

Microsoft is a monopoly. We have other monopolies in our societies as they are useful in some areas. That is ok. When a monopoly uses and or abuses its status to squash/ intimidate/ or effect other persons/ coorporations, That is not ok. Clearly Microsoft falls in the latter case.

I believe the proposed settlement is too lenient, and Microsoft should be punished more harshly for its actions.

Cheers,
Rick
Department of Biochemistry & Biophysics
2011 Agricultural and Life Sciences
Oregon State University
Corvallis, OR 97331–7305
USA
Tel:(541) 737–3196
(Monday,Wednesday,Thursday)
Fax:(541) 737–0481
fax:(801) 605–4566
CC:nolandpeebles@attbi.com@inetgw

MTC–00023046

From: CMcN3115@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 6:00pm
Subject: Microsoft Settlement

It is time to end all this litigation and get back to business. Let's get the economy started, not bog it down in the courts.

Catherine McNamara

MTC–00023047

From: John Hitt
To: Microsoft ATR
Date: 1/24/02 6:01pm
Subject: Microsoft Settlement

Just wanted to congratulate the DOJ for doing a great job of moving America one more step towards ''a government of the corporations, by the corporations, for the corporations''. This settlement coupled with the superb DMCA laws make everyone feel that their freedoms and rights are being sold out from under them by corporate lobbyists everywhere.

John Hitt
Strategic Applications Engineer, DHPG
Sun Microsystems, Austin, TX
x64073 (Internal) 512.401.1073 (External)

MTC–00023048

From: BILLIEA@MINDSPRING.COM@inetgw
To: Microsoft ATR
Date: 1/24/02 5:58pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
BILLIE ALLENSWORTH
2411 WINTER PARK ROAD
WINTER PARK, FL 32789–6108

MTC–00023049

From: vcason@webtv.net@inetgw
To: Microsoft ATR
Date: 1/24/02 5:57pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Vida Cason
Rt.3,Box 2461
Coushatta, LA 71019–9582

MTC–00023050

From: matesky@peoplepc.cim@inetgw
To: Microsoft ATR
Date: 1/24/02 5:58pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
mark tesky
204 Dublin CT
Blue Springs, MO 64014–4818

MTC–00023051

From: jhuerta1@san.rr.com@inetgw
To: Microsoft ATR
Date: 1/24/02 5:59pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jess & Julie Huerta
14082 Montfort Court
San Diego, CA 92128

MTC–00023052

From: Randall J. Parr
To: Microsoft ATR
Date: 1/24/02 4:04pm
Subject: Microsoft Settlement

The proposed settlement is very, very bad.

Right up there with building cars and making chemicals that kill people.

MTC–00023053

From: drennie
To: Microsoft ATR
Date: 1/24/02 6:03pm
Subject: microsoft settlement

I do not believe that the currently contemplated Microsoft settlement will solve the problems caused by the long-term monopolistic behavior of Microsoft, or prevent these problems from continuing. I was personally adversely affected by Microsofts anti-competitive practices in 1994–1995 as I attempted to start up a small computer business based on the OS/2 operating system. Because of punitive Microsoft contract provisions, my hardware suppliers could not offer me basic unconfigured systems without a financial penalty in pricing if I was not going to use Microsoft Windows operating system. This was a telling financial disadvantage for

anyone wanting to sell OS/2. Please do not fail to not only enforce a remedy that fosters vigorous innovation and competition in the future, but also put in place oversight with ample authority to ensure compliance into the future.

Sincerely,

David Rennie

MTC–00023054

From: janbig@juno.com@inetgw
To: Microsoft ATR
Date: 1/24/02 6:00pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jan Bigler
1492 La Brea
Henderson, NV 89014–2587

MTC–00023055

From: Dwight Munn
To: Microsoft ATR
Date: 1/24/02 6:10pm
Subject: Microsoft Settlement

To whom it may concern,

I would like to register my opposition to the proposed settlement with Microsoft. As an Apple Computer reseller with many contacts in the educational community (including my wife who is a teacher) I have seen firsthand how Microsoft's insidious practices have ''persuaded'' many educational institutions to abandon competing computer platforms in favor of Windows-based solutions, even when it could be demonstrated that they would be better served by using a competitive solution. I feel that the proposed remedy of donating Microsoft software and Windows-based computers would only serve to give Microsoft an unfair advantage in one of the few areas where it does not already enjoy a monopoly. In my opinion, a better solution would be to simply require Microsoft to donate an equivalent amount in cash which schools could spend as they saw fit.

I strongly urge you to reject the terms of the settlement as it currently stands. It does not begin to address or punish the unfair behavior in which Microsoft has engaged and would in fact reward the company for its misdeeds.

Regards,
Dwight Munn

MTC–00023056

From: ELTONCHASE@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 6:04pm
Subject: Microsoft settlement

For almost 30 years I worked for Community Colleges in Washington State as a computer instructor, Data Processing Director and at time of retirement, Director of Information Technology for the Community Colleges of Spokane. During those thirty years I was involved in the decision and approval process for the purchase of thousands of PC's, Apple Computers, Unix systems and computer software. These decisions were always based on what products local industry was using and what was the best technology for the application. When Microsoft products were chosen, it was due to superior products to do the job and to implement the industry defacto standard in order to keep technical support costs reasonable and applications compatible. We found Microsoft an excellent supporter of education in our state. Microsoft worked with the Washington Community College Computing Consortium over the years to provide much needed educational discounts, training and support to faculty, staff and indirectly students.

I do not feel the colleges, faculty or students were harmed in any significant way from the monopoly Microsoft gained over the years in desktop operating systems. Microsoft simply developed the best technology and prevailed in the marketplace. However since the courts have determined that Microsoft benefited unduly from their contracting practices, a remedy should be sought that provides the greatest benefits to our society. A breakup is not warranted, but changes in contracting practices with computer vendors should be implemented.

A decision by the courts that impacts education and students throughout the country will be far more valuable for our society than a rebate scheme to individuals or other companies which primarily benefit attorneys. Since product donations to schools as proposed by Microsoft is objected to by it's competitors as giving Microsoft unfair advantage, an alternative would be for the court to require the company to distribute, as a fine, several billion $'s cash to schools throughout the nation to upgrade and improve their technology. The technology to purchase would be determined by each individual school district or college. They should be free to purchase products such as books, supplies, software, networks, communications, Apple Computers, Unix systems, whatever they determine are their priorities. This approach would distribute a large amount of cash through the schools to a wide variety of vendors, and benefit our economic recovery in the short term.

But most importantly everyone in our country would benefit in the long term as our schools will be better able prepare our students for competition in the increasingly technical and complex world economy.

Finally, it is imortant to conclude this case and let Microsoft and their competitors decide their fates in the marketplace, not in the courts.

Elton W. Chase
2416 Wedgewood Dr. SE
Olympia, WA 98501
360–705–8874

MTC–00023057

From: Patrick Boyd
To: microsoft.atr
Date: 1/24/02 5:59pm
Subject: Microsoft proposed DOJ settlement

I wish this was going to Judge Colleen Kollar-Kotelly and not the Department of Justice, which after the change in administration, should now be called the Department of Injustice. I expect that whoever is reading this will stop at this point in put a check mark in a column against the proposed DOJ settlement.

The proposed DOJ settlement is an insult to everyone except mabey shareholders of Microsoft. It isn't even a slap on the hand. Or if you prefer, it is the perfect example of all the political and legal Justice someone can afford.

Even as we speak Microsoft is using the Business Software Alliance, its equivalent of the IRS/Gestapo, to put the fear of God into the public at large. The end result will be solidifying its monopolist position in the operating system, office productivity, web browser, ect.. Even though other companies are participating members of the Business Software Alliance, it is discounts for Microsoft software that are being used as the carrot for compliance.

A good example is the following excerpt from an article in the Tennessean, the major daily paper in Nashville, TN:

http://www.tennessean.com/business/archives/02/01/12536028.shtml?Element—ID=12536028

''Everyone is scared and thinks they could go to prison,'' said Wayne Adams, president of Night Technologies, a computer consultant company in Nashville. ''We've had a tremendous number of people asking if they need to turn themselves in.''

Microsoft's approach requiring both initial registration of Windows XP, and reregistration when changes to hardware are made, are another perfect example of a monopoly using its power to continue its monopoly. This has the potential to result in a greater database of personal information than even that of the IRS, because it will not only cover virtually every individual and business in the United States, but the world. Databases start small and grow as additional pieces of information are acquired and connected with other pieces of information. It doesn't matter what Microsoft says it won't do with the information, the fact that it will exist will mean it ultimately will be used, or mined as the industry likes to refer to it.

Patrick S Boyd, CLU, ChFC, CEBS
Insurance Consultant & Broker
4708 Granny White Pike
Nashville, TN 37220–1012
Tel: 615–371–8400Fax: 615–370–9288
patrick.boyd@nashville.com

MTC–00023058

From: mariamhughes@msn.com@inetgw
To: Microsoft ATR
Date: 1/24/02 6:02pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division

601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
MARIA HUGHES
14779 S. 600 W.
WANATAH, IN 46390

MTC–00023059

From: EJoy49@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 6:02pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Joy Feller
816 Bonita Ave.
Elk Grove Village, IL 60007–4410

MTC–00023060

From: Earl Rose
To: Microsoft ATR
Date: 1/24/02 6:06pm
Subject: Microsoft Settlement

I think the Microsoft deal is a BAD IDEA!

MTC–00023061

From: Thomas G. Parsons
To: Microsoft ATR
Date: 1/24/02 6:04pm
Subject: Microsoft Settlement

With respect to the proposed settlement of antitrust action against Microsoft:

SETTLEMENT INADEQUATE

I have followed relevant events in the media for several years, and I am seriously disappointed in the proposed settlement. It could hardly be weaker. It does not even begin to approach a remedy, much less a punishment, but comes closer to being a government endorsement of Microsoft's abusive and harmful behavior.

MY POSITION

I am not a computer professional, nor involved in any way with the industry, but I have used home computers since acquiring a Northstar Horizon in 1979. I have tried to keep up with the field, and I regard myself as computer literate.

I have been personally injured by Microsoft's behavior over the years, and the damage continues. Years ago, I was initially involved as a silent victim in the controversy over the separability of Microsoft Internet Explorer from the Windows operating system. Believing Microsoft's publicity about the separability, and attempting to remove IE from my then-new Dell Latitude LM laptop, I destroyed the usability of Windows 95 and had to reinstall from the CD provided. Besides the cost in time and lost data, the operating system has never worked as well since, despite several reinstalls, following every instruction from Microsoft.

At this point, I am working to install and master Linux, despite the notorious difficulties. These difficulties pale in comparison with the many wasted hours and days I have been forced to spend to keep Windows functional. If there had been realistic competition in the marketplace, I would have a choice. I do not. The antitrust judgment recognizes this, but the proposed remedy is no remedy at all.

INADEQUATE REMEDIES

The proposed penalties appear not to require Microsoft to desist from their ''embrace and extend'' tactic of modifying established standards and then patenting, and/or hiding, key elements of their changes (''improvements''!).

The proposed remedies do not appear to give me the option to demand a reduction in the price of a new computer if it does *not* have Windows pre-installed. Thus anything Microsoft chooses to include in its operating system takes on the character of a forced purchase inseparable from the purchase of hardware. This can only extend the existing monopoly. There should be a price reduction that bears a reasonable relation to the retail price of the operating system.

INADEQUATE ENFORCEMENT

Worst of all, the proposed enforcement mechanism of even the too-weak settlement is meaningless. Any detection of a violation by the overseers will not automatically trigger serious penalties, as it should. Such a finding will just initiate another lengthy court battle about the substance and significance of the alleged violation. Back to square one. One could hardly imagine a mechanism closer to the classic ''Throw Br'er Rabbit in the briar patch'' for Microsoft's purposes.

PROPOSED SETTLEMENT DISCREDITS COURTS AND GOVERNMENT

The proposed settlement is so extraordinarily weak that it provides fodder for cynics. It could not favor Microsoft more, if Microsoft had written it and paid for it—which many suspect is not far from the actuality.

Sincerely,

Thomas G. Parsons
[American citizen, currently resident in New Zealand]

MTC–00023062

From: lundberg@fiberpipe.net@inetgw
To: Microsoft ATR
Date: 1/24/02 6:03pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Barbara Lundberg
1669 Nottage Court
Laramie, WY 82072

MTC–00023064

From: Patrick Thurmond
To: Microsoft ATR
Date: 1/24/02 6:07pm
Subject: i think you did the right thing with MS

I am so happy that the JD did not persue the MS antitrust battle! Hurray. The department did the right thing. Let free enterprise ring!

Patrick Thurmond
registered and active voter
Overland Park Kansas

MTC–00023065

From: owen@dixon.DeLong.SJ.CA.US@inetgw
To: Microsoft ATR
Date: 1/24/02 6:07pm
Subject: Microsoft Settlement

To: Renata B. Hesse Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney act, I wish to register the following comments:regarding the proposed Microsoft settlement. I agree with the problems identified in Dan Kegel's analysis, incorporated here by reference (on the Web at http://www.kegel.com/remedy/remedy2.html).

Further, I feel that Microsoft should NOT be allowed to release any additional versions or updates (other than emergency patches for security holes) to any of their software products until they comply with at least the following:

Microsoft shall be required to provide a Reference Implementation in source form, royalty free, and freely available to all users,

for all document formats created by any Microsoft Application Program.

Microsoft shall be required to provide complete documentation of all library calls, system calls, and any other entry point in each and every library (LIB, DLL, VXD, OBJ, or other format) shipped with any Microsoft product. Such documentation must include a description of the functionality provided by each entry point, the calling sequence, returned parameters, error conditions, how various errors are handled, and any other relevant information about each library or system call.

The above two paragraphs come much closer to the definition of an API, and would provide the community a substantially more useful guarantee that code can be written to:

1. Compete with any Microsoft API on a level playing field.

2. Utilize any Microsoft implementation of their API.

An example of such documentation would include the ''Man Page'' collection on any UNIX or UNIX-Like system.

In this instance, it will be necessary for the proposed Technical Committee (TC) to audit this documentation and verify that it is, indeed, complete by comparison to the source code from which the libraries are built.

The current settlement defines all of the restrictions so narrowly that Microsoft will easily be able to circumnavigate them and claim that what they have done does not violate the terms of the settlement. In fact, parts of the proposal will actually assist Microsoft in defending their anti-competitive practices.

Thank you,
Owen DeLong
3251 Firth Way
San Jose, California
95121
owen@delong.com
408–539–9559

MTC–00023066

From: James Slagle
To: Microsoft ATR
Date: 1/24/02 6:08pm
Subject: Microsoft Settlement

I am opposed to tentative settlement of the United States vs. Microsoft antitrust lawsuit. I am a student hoping to get into the computer industry. If this proceeds, it is just a slap on the wrist for Microsoft and I believe it will eventually lead to a smaller job market in computerized areas.

James S Slagle
Las Vegas, NV

MTC–00023067

From: lundberg@fiberpipe.net@inetgw
To: Microsoft ATR
Date: 1/24/02 6:04pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Brian Lundberg
1669 Nottage Court
Laramie, WY 82072

MTC–00023068

From: Mark
To: Microsoft ATR
Date: 1/24/02 6:07pm
Subject: Microsoft Settlement

DOJ:

I disagree with your decision to settle the Microsoft antitrust case. The remedies agreed to do not go far enough to address the problem of a predatory monopoly with a profit margin around 40%. I agreed with Judge Jackson's remedy, and I did not believe that the appeals court decision totally precluded this remedy. I feel that the DOJ should have continued to pursue this remedy until it was irrevocably forclosed. Microsoft has crippled a company I held in high esteem:

Netscape Communications. Netscape employees were the true innovators. Microsoft shamelessly copied them, and used monopoly revenues from their operating system to finance the destruction of a potential competitor. Lawyers can argue all they want, but the public knows the plain truth. Microsoft used revenue from Windows to try to kill Netscape, and succeeded in severely crippling them. This was illegal, because of Microsoft's monopoly status. The fundamental intensions of Microsoft were no different from the outrageous oil trusts which prompted the anti-trust laws. I believe Justice is not well served by the settlement agreement.

Mark Tremblay
Annandale, Virginia

MTC–00023069

From: jhbrister@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 6:04pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Madison and Judy Brister
5633 Sandalwood Drive
Baton Rouge, LA 70806

MTC–00023071

From: sfortman@mindspring.com@inetgw
To: Microsoft ATR
Date: 1/24/02 6:04pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Steven Fortman
18507 Jackson St. NE
East Bethel, MN 55011

MTC–00023072

From: Alex Goldfinger
To: Microsoft ATR
Date: 1/24/02 6:08pm
Subject: Public Comment

The trial judge in his Finding of Facts, enumerated the chronology of the Microsoft actions and showed he understood the essence of the matter when he stated that the control of the API's was at the heart of Microsoft's actions.

In any settlement or court order, the matter of who owns and controls the API's must address how that entity will not have the same motivations, as Microsoft previously did, to use its position to demand exclusive use of them and be absolutely prevented from doing so.

Splitting up Microsoft therefore is not a solution to the API problem, as whichever follow-on entity owns the API's will have the same power and incentives to use it as the present company does. You might consider that as a penalty, Microsoft lose the API's which will be put in some form of public domain or control, whether or not this is Open Source is less important than that Microsoft lose control.

Alex Goldfinger
2306 Edgewood Terrace
Scotch Plains, NJ 07076

MTC–00023073

From: Paul Anderson
To: Microsoft ATR

Date: 1/24/02 6:10pm
Subject: STOP

Its time to stop the effort to stop Micrsoft from doing what they do best....

Paul paulanderson@dtgnet.com

MTC–00023074

From: Michael W. Loder
To: Microsoft ATR
Date: 1/24/02 6:10pm
Subject: proposed settlement

Renata Hesse:

I do not think the settlement which the Justice Department is proposing is in the best interest of either the American public or computer users anywhere. It certainly does not appear to meet the criteria of punishment for an illegal act.

I am particularly troubled by the fact that Microsoft will be allowed to continue to demand exclusive licensing agreements of computer manufacturers, forcing them to include whichever version of the Windows Operating System that Microsoft chooses AND prevent them from offering other choices.

If this monopoly is to end, I believe that Microsoft must be prevented from entering into any exclusive licensing agreement, allowing manufacturers to sell their products with any operating system they choose-or even none at all. Afterall, if I buy a Ford, I'm not restricted to always buying my gas at Ford service stations, am I?

Thank you for your attention to these thoughts and your inclusion of this letter with the public comments.

Michael W. Loder
340 Maple Blvd/Deer Lake
Orwigsburg PA 17961

MTC–00023075

From: PMGeddis
To: Microsoft ATR
Date: 1/24/02 6:09pm
Subject: Settlement

It's time to close this case down. Always, always, antitrust should be viewed through the eyes of the consumer. We consumers were never prevented from obtaining other software or browsers.

In fact, I still use Netscape as my first choice. I use Qualcomm's Eudora for my email. I continue to use Corel's WordPerfect over MS's Word. I use MS Windows rather than Linex. That's my choice and I'm free to do so. Microsoft's bundling may make it more convenient initially to use their products, but they've never prevented me from using another's. Fear of and actual lawsuits only reduce the number of enterprising businesses to emerge. Let go of the marketplace and let us decide the winners at the cash registers.

P. M. Geddis
Los Angeles, CA

MTC–00023076

From: threattctgs@altavista.com@inetgw
To: Microsoft ATR
Date: 1/24/02 6:08pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Charles & Gayla Threatt
5533 West 26th. St.
Odessa, TX 79763–1910

MTC–00023077

From: chris@snogboggin.com@inetgw
To: Microsoft ATR
Date: 1/24/02 6:11pm
Subject: Microsoft Settlement

I don't have a ton of time to write a detailed message concerning all of the reasons for opposing the Microsoft settlement, all I can say is that it is in the best interest of all American's to look closely at the impact of this corporation on everything.

I am not advocating a solution. I am only saying that a better, more effective solution for diminishing the monopolistic powers of Microsoft can be found than the one currently on the table.

Sincerely,
Chris Pelsor
chris pelsor
keep up on my misadventures in norway!
http://www.snogboggin.com
chris@snogboggin.com

MTC–00023078

From: shermsmith@liberty.zzn.com@inetgw
To: Microsoft ATR
Date: 1/24/02 6:08pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Sherman Smith
1242 Cobblestone Ln
Dandridge, TN 37725

MTC–00023079

From: bjfritschmann@nmcsd.med.navy.mil@inetgw
To: Microsoft ATR
Date: 1/24/02 6:09pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
B. JUNE FRITSCHMANN
2211 PACIFIC BEACH DR.
SAN DIEGO, CA 92109–5626

MTC–00023081

From: Richard Barrett
To: Microsoft ATR
Date: 1/24/02 6:22pm
Subject: Microsoft Settlement Unfair!

Dear sirs;

I write to strongly oppose the proposed settlement for Microsoft. I am a strong supporter of the Bush Administration and understand the desire to go easy on technology companies in light of the current economic climate. However, Microsoft has committed criminal acts and should be suitably punished.

The proposed value of this settlement is NO WHERE NEAR $800 million to the American people. In fact, it is nothing more than a Microsoft marketing ploy to get more PCs into schools running the Windows OS and Windows applications. It does punish them, it HELPS them. Please, reject this proposed settlement without hesitation.

You want to discipline Microsoft? Force them to pay the companies they hurt (Netscape, Apple, etc.) or force them to buy $800 million worth of Macintosh computers to donate to schools, with Netscape software loaded on them! Surely we can all see that Microsoft benefits from this. Right?

Thank you for your time,
Richard Barrett
rich@doulos.net

MTC–00023082

From: wpbrence@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 6:10pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Philo Brence
5409 West Wilshire Drive
Phoenix, AZ 85035–1816

MTC–00023083

From: Mark Spain
To: Microsoft ATR
Date: 1/24/02 6:14pm
Subject: Microsoft Settlement

To Whom it may concern:

It is my opinion that settlement of this case is indeed in the best interest of the economy as a whole. Please consider settlement as a satisfactory resolution and move forward. Thanks for listening!

MTC–00023084

From: James G .
To: Microsoft ATR
Date: 1/24/02 6:15pm
Subject: Microsoft Settlement

Dear US DOJ

Why I think Microsoft is ''wrong'':

1. Microsoft dominance means innovation will suffer. If the masses do not have access to the proper tools, construction ''will be delayed''.

2. Dependancy on any one entity for any one service is dangerous (the USGOV should know this).

3. A win for Microsoft is a loss of freedom for the citizens of the United States (and irrelavant for the rest of the world). A MS win would force Non-USA people over to open-source quicker leaving the USA behind.

4. Open-Source is like a house-wife. To some, the wife seems to work for free and is foolish to do so. To others, the quality of her work is most important.

5. PC's come with MS Windows (as like sales tax does), ''like it or not'' (monopolistic).

6. Information technology is too important for any one entity to control. The people of the world should and will have control reguardless in the end of what any one company or government does.

7. If Microsoft one day goes bankrupt (it could happen), then what?

James Galimi
jamesga@kscable.com

MTC–00023085

From: Jay Cousins
To: Microsoft ATR
Date: 1/24/02 6:11pm
Subject: Microsoft Settlement

To Whom it May Concern:

As a web developer and Internet Service Provider since 1994, I have been a witness to the steady erosion of the competitive environment within the framework of the Internet and the software industry as a whole due to the business practices of Microsoft.

In particular, Microsoft has used its licensing agreements to unfairly erode its competitor's market share. Nowhere is this more obvious than in the web browser category of software. The most egregious example, or at least the example that affected the most end users, is that of the Netscape web browser.

In order to restore some measure of competition and fairness to the web browser market, I suggest that the following become part of the final settlement agreement with Microsoft:

1. That three or four of the web browsers with the largest user bases (excluding Microsoft's) be included in all future distributions of Microsoft operating systems and any other software sold by Microsoft that includes a web browser. These browsers should be available as icons on the desktop or in exactly the same manner as any Microsoft browser that is being offered.

2. Microsoft shall be mandated to share, in open source manner, completely and fully, all operating system components that work to integrate any Microsoft browser with a Microsoft operating system. Such sharing to be monitored by the Justice Department and a panel of experts established for the purpose of assuring compliance. This sharing to be without constraint on the part of Microsoft with regard to competitive concerns or issues related to any third party aquiring the knowledge necessary to implement browser software that takes full advantage of a Microsoft operating system; even though such knowledge is considered proprietary by Microsoft.

Thank you for your consideration.

Cordially,
Jay Cousins, General Manager
Runway.net

MTC–00023086

From: Jeff Schroeder
To: Microsoft ATR
Date: 1/24/02 6:15pm
Subject: Microsoft Settlement

Concerning my comments to the potential Microsoft settlement: I am opposed to the proposed settlement in the Microsoft antitrust trial. I believe it does not adequately redress the actions of Microsoft nor provide a good mechanism for preventing their monopolistic practices.

The current proposal will not hinder Microsoft's monopoly in the computer industry. They, of course, are claiming that it is a big victory for the consumer and smaller companies, while the actual result is quite the opposite. The proposed remedy is a mere slap on the wrist telling them not to do it again! Some of the most noticeable problems are listed below:

1. Microsoft uses license terms which prohibit the use of Windows-compatible competing operating systems in its EULA for many products.

2. Large users (Enterprises and Universities) seem to be completely unaffected by the settlement and, as before, have no financial incentive to not use a Microsoft product. They are still charged on a per-processor basis, no matter if the computer runs Windows or not. This problem can also be evidenced by the huge amount of extra software that Microsoft bundles with its Windows operating system. How can any company compete with products that are distributed (without additional cost for the user) on 90% of every personal computer?

3. Microsoft is not prevented from changing its software so that it can not run on non-Microsoft Operating Systems or other dependant components. 4.Narrow definitions in the Settlement provide ample loop-holes for Microsoft to exploit at will. Specific wording defines the current versions of Microsoft products, without any room for future products. Windows CE and other similar versions of Windows are also not included in many important components of the Settlement.

The vast majority of the provisions within the settlement only formalise the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. If an organisation is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

Thank you for your attention.

Jeff Schroeder
1047 Southern Artery #602
Quincy, MA 02169

MTC–00023087

From: Dick (038) Guen
To: Microsoft ATR
Date: 1/24/02 6:11pm
Subject: MICROSOFT SETTLEMENT

January 24, 2002
To: Attorney General John Ashcroft,
US Department of Justice,
950 Pennsylvvania Ave. NW
Washington, DC 20530
From: Richard & Guenivere Foss,
9 N. Cove,
Wenatchee, WA 98801
E-Mail: dickguen@crcwnet.com

Dear Mr. Ashcroft:

My husband and I both are retired. We have experienced the breakup of other companies and the government's interference in matters that does not concern it. A lawsuit should never have been brought against Microsoft. Their fate should not fall into the hands of the U.S. government. PLEASE REMEMBER THAT WHEN A FEDERAL JUDGE BROKE UP AT&T PHONE COMPANY TO HAVE COMPETITION AND LOWER COSTS—thanks to the government interference our costs have gone up each and

every year, phone bills are so many pages long now, (when we got our bill before there was 1 or 2 pages only), now we have 5 to10 pages, WE ARE BOMBARDED BY PHONE COMPANY CALLS TO SWITCH TO THEIR COMPANY, and costs have never gone down. WE ALSO BELIEVE THAT ONE PERSON SHOULD NOT DECIDE THE FATE OF MICROSOFT.

Further litigation will only prolong this extensive negotiation process that we have had to endure for the past three years. And it will only hinder the progress of our computer industry which Bill Gates has advanced remarkably well.

Sincerely,
/s/ Richard & Guenivere Foss,
9 N. Cove,
Wenatchee, WA 98801
E-Mail: dickguen@crcwnet.com

MTC–00023088

From: mcgalsal@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 6:14pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Sara McNabb
3805 Ridgemont Ct.
Bellingham, WA 98226

MTC–00023089

From: kdaylyon@medscape.com@inetgw
To: Microsoft ATR
Date: 1/24/02 6:14pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Karen Day-Lyon, RN, CPHQ
467 Shannon Dr SE
Bainbridge Island, WA 98110

MTC–00023090

From: O'Connell, Daniel P.
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/24/02 6:06pm
Subject: Settlement with Microsoft

Sir/Ma'am,

I am writing this note to express my distain over the relativly light treatment Microsoft seems to be getting in their settlement case. I am very disappointed that a more punative and preventative settlement isn't being metted to Microsoft. Their anti-competative and monopolistic practices haven't been sidelined, and it's to the detriment to all computer users. While I personally have always used Windows computers, I worked as a network administrator in the past, and I marveled at the ease of use, and lack of maintenance MACs needed. Now, Apple, Sun, Netscape, and other's are struggling for survival because of Microsoft's unethical business practices. If you can help keep Microsoft from stiffling competition, we'd all be better off.

Daniel P. O'Connell

MTC–00023091

From: Peter Varlien
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 6:19pm
Subject: Microsoft Settlement

I have read several articles in the media that demonstrate that the Proposed Final Judgment, as written, allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. If this is the case, then it should not be adopted without substantial revision to address these problems.

For the record: I am a citizen of the United States of America, currently residing abroad.

Best regards,
Peter Varlien
Peter VarlienTelephone:+47 7288 0572
Fritz Aabakkens vei 17Mobile phone:+47 917 69 384
N–7072 HeimdalTelefax/Voice mail:+47 904 10 648
NorwayEMail:pvarlien@online.no
ICQ#109226539World Wide Web:http://home.online.no/~varlien/

MTC–00023092

From: codeman2@ev1.net@inetgw
To: Microsoft ATR
Date: 1/24/02 6:15pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Mike Welling
2208 Pennington Dr
Arlington, TX 76014–3512

MTC–00023093

From: Adam Ellis
To: Microsoft ATR
Date: 1/24/02 6:20pm
Subject: Regarding the Microsoft settlement, I don't believe that the current

Regarding the Microsoft settlement, I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundred, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices. Similar to the settlement against AT&T, Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level (40%, for example, assuming one of it's competitors is now also at 40%). This must be true for all Microsoft product lines, before regulation is lifted.

Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition. Imagine the damage to the United States if Microsoft were to fail, as Enron failed. The risks of a monopoly are greater than merely the loss of competition.

Thank you for your time.

MTC–00023094

From: robert-blau@webtv.net@inetgw
To: Microsoft ATR
Date: 1/24/02 6:17pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.
Sincerely,
robert blau
1621 Columbia Ave
Chicago, IL 60626–4198

MTC–00023095

From: barsoom@midsouth.net@inetgw
To: Microsoft ATR
Date: 1/24/02 6:18pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.
This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
billy hamblin
860 Hartman Ct
Adams, TN 37010–8939

MTC–00023096

From: Michael Rowley
To: Microsoft ATR
Date: 1/24/02 6:23pm
Subject: Microsoft Settlement
The Microsoft settlement is a bad idea.
The settlement does nothing to redress any past action of microsoft which has hurt the american consumer and other businesses by denying diversity and technology to the computer public. It also does nothing to address the current monopoly that exists with microsoft. This company has placed themselves in a position very similar to IBM cira 1968, or Standard Oil, and this settlement only makes noise at preventing them from spreading their monopoly. It is less than useless. The only way to redress the problem would be to separate the middleware and OS parts of microsoft in to separate companies and forbid them from coercive behavior by enforcing this separation. Also it would allow more diversity in operating systems, and more choice and therefor more growth.
I believe this settlement was reached out of fear over the economy, and the misguided belief that microsoft somehow holds the key to the computer industry. In truth they have been strangling the computer industry for over 15 years. To truely increase growth microsoft must be stopped, or no growth will occur, as they already control over 90% of the computers run in this country. It is virtually imposible to buy a computer that does not contain a microsoft operating system, or microsoft software as a cornerstone of the computer. As long as microsoft holds that 90% monopoly, they will continue to have a stranglehold on the computer industry.
Michael A Rowley.

MTC–00023098

From: Peter butcher
To: Microsoft ATR
Date: 1/24/02 6:24pm
Subject: MS antitrust case—The Global Perspective
Hello DoJ
Have you considered your global responsibilities in this case? Microsoft needs to be kept strong for the benefit of global consumers and in the interests of the global economy.
I know that the USA takes a dim view of international legal processes, but there is a strong moral argument for protecting the interests of non-US residents. Your country is part of a global community in which which the tyranny of distance is shrinking. Xbox graphics chips are made in Asia. Our young people often seek work overseas. International tourism is (was) increasing. We all tend to use and often depend on Microsoft products.
My main point is: ''What is the relevance of the IE/Netscape rivalries of quite a few years ago to the situation today?'' If antitrust justice is this slow, then it is simply not relevant, and is a damaging distraction.
Microsoft has released over half a dozen new operating systems since then. It is now making a splash in the game console market with the XBox, and is planning a broader invasion of the living room with it's '' Home Station''. We will all be better of if they can be left to focus on technology for the present and the future, rather than fighting rearguard legal actions from the past.
Don't get me wrong. I use Netscape. Mostly 4.7. I recently downloaded 6.2, but do not like it. It may look stylish, but it is too like Internet Explorer for my liking, especially the stop button function. Of course I do not use Outlook or Outlook Express. Initially because I preferred the email client that I was familiar with, but now mostly for security reasons. Several clients of mine have had dreadful virus problems, particularly BadtransB. Problems caused by a bug in the Microsoft email clients that they use.
My point is that if Microsoft had not been so distracted by legal battles from the past, then it could have concentrated more on securing it's current products, and making us all better quality future products. yours
Peter W. Butcher

MTC–00023099

From: Chad Walters
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 6:22pm
Subject: Microsoft Settlement
To whom it may concern,
The terms of the proposed settlement with Microsoft do not go nearly far enough to address the harm that Microsoft's predatory monopolistic practices have wreaked upon the software industry. There are two glaring deficiencies to the settlement as it stands:
1. no punitive damages for Microsoft's past infractions
2. no provision for strong punishment in the event of future infractions
Please reject the settlement as it stands.
Chad Walters
Chief Engineer
Anuvio Technologies, Inc.
415–356–1182
chad.walters@anuvio.com

MTC–00023100

From: root@khan.peak.org@inetgw
To: Microsoft ATR
Date: 1/24/02 6:25pm
Subject: monopoly
i am distressed at the possibility that microsoft will not be treated with justice i am a computer tech with 9 years working on peoples computers.
i have seen the web born and age. i have seen all the anti-free market and anti-innovation that mr gates has deployed. please punish this man and get him counseling.
the hold out 9 states are speaking the truth in the matter at hand and so history will show whether you act justly or unjustly. make windows be just an operating system...period. if the world was running on linux and oracle it is possible sept 11th would not have happened
please please do the right thing
follow those 9 states reccomendations...all of them...i know they are the right actions
please please do it.
john petillo
corvallis oregon

MTC–00023101

From: raylaubenstein@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 6:22pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.
This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Ray Laubenstein
54 Roberts Rd.
Marlborough, CT 06447

MTC–00023102

From: Michael Montz
To: Microsoft ATR
Date: 1/24/02 6:26pm
Subject: Microsoft Settlement
I think to settlement decision reached with Microsoft Inc.will not curtail their practices that started this case and it is not in the best interest of consumers
Regards,

Michael Montz
mmontz@cox.net

MTC–00023103

From: bbmefo@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 6:24pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Barbara Monteith
3095 Silver Lake Blvd.
Stow, OH 44224

MTC–00023104

From: acrome@purina.com@inetgw
To: Microsoft ATR
Date: 1/24/02 6:27pm
Subject: Microsoft Settlement

I believe that the proposed settlement is a mistake. Microsoft will still have a complete monopoly, and an effective statement from the judiciary of State and Federal government that this is a blessed monopoly. Most likely, they will continue to use their abusive tactics and monopolistic market position to quash the rest of the field

My best analogy to this; A state highway department decides to manufacture tires. They then change the surface of the roads to conform to their tire surface, however, non-compliant tires wear twice as fast. As an added bonus, they change the surface of the road and the tires, every two years to keep sales up. (I know it is a far fetched analogy, however, the effect is pronounced).

I think that the Software business and the Operating System business should be seperated, and the Software business should be just as restricted in access as third party software manufacturers are.

Note: This is my opinion alone. This does not reflect upon the opinion of my company, its management or my peers.

MTC–00023105

From: mark hendricks
To: Microsoft ATR
Date: 1/24/02 6:22pm
Subject: Microsoft Settlement

—Original Message—

Reuters (01.23.2002 PST)—
Subject: Surprise Settlement Evenly Splits Microsoft; One Firm To Make Software, Other To Make Patches

Decision Keeps Redmond from Monopolizing Massive Microsoft Patch Industry

Redmond, Wash. In a surprise settlement today with nine U.S. states, Microsoft agreed to be split into two independent companies one that will continue to make Microsoft operating systems, browsers, and server software, and another, potentially larger company that will make patches for Microsoft operating systems, browsers, and server software.

Critics immediately charged that the settlement which overrides a previous agreement with the U.S. Department of Justice does nothing to diminish Microsoft's standing as the world's most powerful software company. But industry analysts argued that providing patches for security holes in Microsoft programs is a major, untapped growth industry, and applauded the states for not allowing Redmond to control it.

''Just consider, Microsoft can make an operating system, such as Windows XP, and sell 200 million copies, but each one of those copies is going to need at least five patches to fix security holes, so that's 1 billion patches,'' said Gartner Group analyst Mitch Fershing. ''That is an enormous, undeveloped market.''

Microsoft employees seem to agree, as sources in Redmond described a ''mad scramble'' among staffers to position themselves for spots at the new company, called Patchsoft. Asked why people would want to leave Microsoft for a startup, the source said the answer was ''really quite simple.''

''Everyone here is asking themselves, ''Do I want to be part of the problem, or part of the solution?'' he said. But J.P. Morgan analyst Sherill Walk suspects another motive.

''Considering the sheer number of patches we're talking about, I think the new company will become another monopoly, and I believe the people who've jumped ship very well know that.'' ''Nonsense. It's really all about consumer choice,'' responded Patchsoft's new co-CEOs, Bill Gates and Steve Ballmer. But how will Patchsoft make money? Currently, Microsoft issues free patches for problems in Windows XP, SQL Server, Internet Explorer, Outlook, Windows 2000, Flight Simulator, Front Page, Windows Me, Media Player, Passport, NT Server, Windows 98, LAN Manager (for a complete list of MS software needing patches, see www.support.microsoft.com). Under the agreement, Microsoft will no longer issue patches, which Gates said explains the recent five-day outage at Microsoft's upgrade site. ''That was planned,'' he said. ''It was a test of the Microsoft No Patch Access system. Went perfectly. No one was able to download anything.''

At a press conference to outline the settlement, Connecticut Attorney General Richard Blumenthal pledged to keep a close eye on Patchsoft to ensure it would not overcharge for its services. He also expressed hope that other firms would soon become Certified Microsoft Patch Developers (CMPDs) and challenge the spin-off. Asked if Patchsoft, with so many former Microsoft employees, will have an advantage over potential competitors in the Microsoft patch market, Blumenthal said the settlement prohibits collaboration.

''Patchsoft developers will not have any foreknowledge of bugs or security holes before software is released. They'll just have to be surprised,'' he said. ''So it will be just like it was when they were at Microsoft,'' he added. One Reuters reporter, meanwhile, questioned the long-term viability of Patchsoft. ''This seems like a logical split right now, but what if Microsoft's products improve to the extent that patches are needed less frequently, or perhaps not at all?'' she asked.

''I'm sorry, I can only respond to serious questions,'' Blumenthal answered.

MTC–00023106

From: bob budke
To: Microsoft ATR
Date: 1/24/02 6:29pm
Subject: Microsoft Settlement

Greetings,

The DoJ proposed settlement is a very bad idea. It is paltry, not even a slap on the wrist, a sell-out. We spent millions convicting a corrupt and abusive company for damages done to competition and innovation, only to sell out when state coffers need a little cash.

If this is the way US companies get off, the same DoJ will probably give Walker a walk, too.

It took 8 years to get rid of a bumpkin in the Whitehouse, is it going to take that long to get rid of a DoJ-for rent?

Bob Budke
Walnut Creek, Ca

MTC–00023107

From: Greg G
To: Microsoft ATR
Date: 1/24/02 6:31pm
Subject: Microsoft Punishment

I don't agree with the idea of Microsoft giving software to schools for their punishment. Microsoft is wanting to get their products into the schools in order to get the kids started on their products. Punishment should be fines and regulations regarding their business practices. I believe Microsoft should be split up into two companies. One for operating systems and one for browsers.

Greg
Greg G
vav750@onebox.com—email
(847) 563–3001 x2339—voicemail/fax

MTC–00023108

From: Brian Merkey
To: Microsoft ATR
Date: 1/24/02 6:30pm
Subject: Microsoft Settlement

Hello,

The proposed Microsoft antitrust trial settlement does not help the schools like Microsoft says it does. Much more could be done than they seem to plan on doing with the supposed $1 billion cost to them. Our nation's poorest schools do not need computers; they need real people who know how to work with them; they need books that are not years out of date and falling apart; they need classroom facilities which promote learning. Computers provide none of this; rather they take away from the learning which could otherwise occur.

I would like to see a punishment which is more in line with helping schools out instead of one which furthers the Microsoft monopoly. Also, a monetary punishment means nothing to such a large corporation. A better solution is to limit its actions by a tightly regulated watchdog group. This would keep Microsoft from abusing their monopoly like they have in the past.

In short, I feel that the proposed settlement does nothing to punish Microsoft for its abuses and instead furthers their presence in the computer world. Their claim of aid to children is a lie and should be disregarded. Their plan does nothing to help the kids, and as such the proposal should be rejected. In plain words: this is a vote against the settlement.

Brian Merkey

MTC–00023109

From: johnjmedway
To: Microsoft ATR
Date: 1/24/02 7:19pm
Subject: Microsoft Settlement

Microsoft is STRANGLING the technology market and should be punished and constrained far more than in the announced settlement proposal.

MTC–00023110

From: Linda DaCosta
To: Microsoft ATR
Date: 1/24/02 6:32pm
Subject: Microsoft Settlement

It's really a shame that the government is supporting the Microsoft monopoly. I as a consumer am very disappointed in the manner in which my opportunities have been limited. Has Bill Gates bought off the US government too?

If you can do anything about this, please do. The future of America depends on it.

MTC–00023111

From: 1john19cole@tdn.com@inetgw
To: Microsoft ATR
Date: 1/24/02 6:30pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Carl & Mable Cole
141 John Street
Kelso, WA 98626–1861

MTC–00023112

From: 1john19cole@tdn.com@inetgw
To: Microsoft ATR
Date: 1/24/02 6:30pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Carl & Mable Cole
141 John Street
Kelso, WA 98626–1861

MTC–00023113

From: Haverkamp Brenda
To: Microsoft ATR
Date: 1/24/02 6:33pm
Subject: Microsoft Settlement

I am writing to express my outrage regarding the currently proposed ''penalty against'' Microsoft(The ''Proposed Final Judgement''), because it is clearly more of a reward than a punishment.

Microsoft is clearly happy because this ''settlement'' can only serve to grow the monopoly it was supposededly intended to ''punish''.

One company shouldn't be coming so close to controlling our whole economy, so much that when it breaks the law, it is rewarded under the a pretense of punishment.

''The liberty of a democracy is not safe if the people tolerate the growth of private power to a point where it becomes stronger than their democratic State itself. That in it's essence, is Fascism—ownership of government by an individual, by a group, or by any controlling private power.''

— Franklin Delano Roosevelt, 1938

MTC–00023115

From: Daynna Rodosovich
To: Microsoft ATR
Date: 1/24/02 6:32pm
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea

MTC–00023116

From: warren497
To: Microsoft ATR
Date: 1/24/02 6:34pm
Subject: Microsoft Settlement

I think the government should be more aggressive to ensure Microsoft competitors are not unfairly destroyed.

Clinton L. Warren

MTC–00023117

From: LdiHawke1954@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 6:32pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Carolq Romano
3801 36th St
Port Arthur, TX 77642

MTC–00023118

From: ddhadley@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 6:32pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Delores Hadley
5 Fernwood Drive
Taylors, SC 29687

MTC–00023119

From: Ray
To: Microsoft ATR
Date: 1/24/02 6:36pm
Subject: Microsoft Settlement

Justice Department:

Its past time to stop the witch hunt against Microsoft—settle this case today and lets let this great nation go forward with all the new advanced items that only we can do in this free nation. Let free enterprise succeed,

Thanks,

Ray & Doris Rogers
685 Fostoria Road
Port Clinton, OH. 43452

MTC–00023120

From: Craighead, Scot D
To: ''Microsoft.atr(a)
usdoj.gov','nolandpeebles(a)attbi...
Date: 1/24/02 6:37pm
Subject: Microsoft Settlement

I was told that I could voice my opinion as a consumer regarding the settlement of the Microsoft anti-trust case to you.

As a consumer, I am appalled by this ''settlement''. This is not a settlement, but the Department of Justice changing sides after having won the case. This settlement does nothing to stop the monopolistic practices of Microsoft in the future. I use MS products as well as products from other sources, but if MS is allowed to continue unhindered, there won't be any other choices much longer. As the court has ruled, MS has on many occasions elected to force the consumer to use MS products. The court has a responsibility to protect the consumer from a company that has shown both the ability and the disposition to use monopoly power to benefit itself at the expense of both the consumer and anyone who might make a competing product. Our government should do everything in it's power to encourage competition between companies. Breaking MS into 2 companies does not hurt the stock holders at MS, but it does relieve the conflict of interest between an operating system and a software vendor that currently exists. As things are now, there is no incentive for an investor to start a new company to make any software product. If the product is successful at all, MS will take action to destroy the company so that it does have to compete.

Remember that it is people that owned the stock of the companies, like Netscape, that have been hurt.

It is competition that has made the United States great. Without competition, a company can produce poor products and charge high rates for it because I, the consumer, have no choice but to buy the product. We need to vote with our buying choices for which product is better to encourage companies to make better products at better prices. Please reconsider this settlement. Thank you.

Scot Craighead
8147 SW Fanno Creek Dr
Tigard, OR 97224

MTC–00023121

From: ddhadley@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 6:33pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Duane Hadley
5 Fernwood Drive
Taylors, SC 29687

MTC–00023122

From: Stephanie R Walker
To: Microsoft ATR
Date: 1/24/02 6:37pm
Subject: Microsoft Settlement

This settlement is a bad idea.

MTC–00023123

From: Kroll, Dave
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 6:30pm
Subject: Microsoft Settlement

Please do not accept the Microsoft Settlement as proposed.

It does nothing to ensure competition in the operating system industry.

Thank you!
David Kroll
Quality Systems Specialist
402–533–1449
* new * 402–533–4071 (Cell)
Dave_Kroll@cargilldow.comltmailto: Dave_Kroll@cargilldow.com>

MTC–00023124

From: Adam Ingleby
To: Microsoft ATR
Date: 1/24/02 6:38pm
Subject: Microsoft Settlement

Adam Ingleby
3247 Alta Hills Drive
Sandy, UT 84093
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Three years ago, Microsoft was brought to trial for various antitrust violations. Six months ago, negotiations began to determine what a satisfactory settlement would entail. Last November, a settlement was finally reached. I am annoyed that the suit has dragged on for this long already. The case has not only had a negative effect on Microsoft and the Department of Justice in terms of wasted resources, it has also been detrimental to the economy, the IT industry, and the American public.

The settlement that was reached last year is perfectly reasonable. Microsoft has agreed to a broad spectrum of restrictions and affirmative obligations aimed not only at prohibiting future antitrust violation, but also at allowing Microsoft's competitors the opportunity to compete fairly in the market. Microsoft has agreed, for example, not to retaliate when any software is introduced into the market that directly competes with Microsoft technology. Moreover, Microsoft plans to document and disclose interfaces integral to the Windows operating system for use by its competitors in order to function within the Microsoft framework. The settlement is not only just, it is fair. Some of the terms Microsoft agreed to extend to products and procedures that the Court of Appeals did not find to be in violation of antitrust laws.

I do not believe it is necessary to continue to try Microsoft in this matter.

I do not believe it is in the best interest of the American people to pursue litigation against Microsoft. Extended suit against Microsoft can only result in more economic hardship and trouble for consumers. I urge you to finalize the settlement as soon as possible.

Sincerely,
Adam Ingleby

MTC–00023125

From: Colin Stuart
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 6:36pm
Subject: Microsoft Settlement

To whom it may concern:

As a former Microsoft employee, I disagree with the terms of the proposed Microsoft settlement. At a minumum, I believe the remedies outlined by Dan Kegel at http://www.kegel.com/remedy/letter.html should be implemented.

In general, an Operating System should publish APIs which allow anyone to write a component that ''plugs'' into place. Currently, Microsoft applications ''plug-in'' to the operating system in proprietary ways, making fair competition on the application front impossible. I feel that competition and quality in the software industry would be maximized if Microsoft were 2 companies, one OS company, and one Apps company.

thank you,
Colin Stuart
Sr. Software Engineer
Anuvio Technologies
San Francisco, CA

MTC–00023126

From: elteran@fallsnet.com@inetgw
To: Microsoft ATR
Date: 1/24/02 6:35pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Alan Soltis
P.O. Box 265

315 Basswood Ave.
Upsala, MN 56384–0265

MTC–00023127

From: conniedavid@juno.com@inetgw
To: Microsoft ATR
Date: 1/24/02 6:38pm
Subject: Microsoft Settlement

To The Department of Justice:

I would like to voice my feelings about the Microsoft Settlement. Recently several friends and I were discussing this lawsuit. Most of us voiced the opinion that the stock market decline began when these lawsuits started against Microsoft. We (90%) have the conviction that Microsoft is an honest company. They are practicing the American free enterprise system. We fervently hope this case will end soon with a good result for Microsoft. I must tell you the group I speak of are mothers and grandmothers. We are not financial wizards. However, we are or have raised children, and we know right from wrong.

Most Sincerely,
Connie McCormick
Fort Myers, Fl. 33919

MTC–00023128

From: Richard Stamm
To: Microsoft ATR
Date: 1/24/02 6:39pm
Subject: Microsoft Settlement

Sirs,

Most briefly, I think the proposed settlement is a very bad idea.

Yours truly,
Richard P. Stamm

MTC–00023129

From: jlake62234@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 6:37pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
James Lake
154 E. Shore Dr.
Whitmore Lake, MI 48189–9441

MTC–00023130

From: giles@netdoor.com@inetgw
To: Microsoft ATR
Date: 1/24/02 6:38pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
John Edwards
149 Giles Dr.
Mendenhall, MS 39114

MTC–00023131

From: Ed, Zhenie, and K.C. Smallwood
To: Microsoft ATR
Date: 1/24/02 6:41pm
Subject: Microsoft Settlement

Dear Sir or Madam-

I would like to protest your proposed settlement with Microsoft of the antitrust case. After going over coverage of the proposed settlement, it would appear at best that there are no teeth in the proposal.

Just what do you intend to do to Microsoft if it does not adhere to the settlement? Indeed, how can you even tell if they are not adhearing to the settlement? What activities does the settlement bar that are not allowed in some other part of the settlement?

Do not allow this settlement to go through. Allowing any one company a stranglehold on a key market, such as computers, is NOT in the public interest.

Edward K. Smallwood

MTC–00023132

From: Harry Wynn
To: Microsoft ATR
Date: 1/24/02 6:43pm
Subject: Microsoft Settlement

I believe this case should be settled in Microsofts favor now. Thank you, Harry Wynn

MTC–00023133

From: Hans Fairchild
To: Microsoft ATR
Date: 1/24/02 6:44pm
Subject: Tunney Act Comment

To be brief:

After observing the computer industry for the last 10 years or so, I have come to the conclusion that one of Microsoft's main techniques for maintaining their monopoly is the use of proprietary file formats and ''standards''. In order for any corrective action to be effective, it must address this concern.

My feeling is that Microsoft should be required to publish full descriptions of all programming interfaces, file formats, communications protocols and authentication protocols.

I feel that any truly unbiased person who fully examines the Microsoft situation would come to the same conclusion.

Hans Fairchild

MTC–00023134

From: NPrewitt
To: Microsoft ATR
Date: 1/24/02 6:45pm
Subject: RE: MICROSOFT SUIT

I personally think it's time to drop this crap with Microsoft and let them get on with running the company and developing products. If it wasn't for Microsoft the normal public would still be in the 1800 century and know nothing about computers, how they work, or ever be able to own one.

Please drop this crap and use the money to try these people who waged a war on the US rather than on stupid law suits against Microsoft.

Thank you....

MTC–00023135

From: Nick Fankhauser
To: Microsoft ATR
Date: 1/24/02 6:43pm
Subject: Microsoft Settlement

Hello-

I am writing this message to comment on the Proposed Microsoft Settlement for consideration in the Tunney act proceedings on this case.

I do not believe the settlement adequately discourages future unfair trade practices on the part of Microsoft. In particular, this settlement continues to allow retaliation against small OEMs that sell Intel-based computers with competing operating systems installed. (Section III-B and Section III-A-2) This is only one of the many flaws in this settlement.

The country is watching.
We understand what this case is about.
We expect Justice.
Nick Fankhauser
nick@fankhausers.com

MTC–00023136

From:
To:
Date:
Subject:
From: Peter Pethoe
To: Microsoft ATR
Date: 1/24/02 6:45pm
Subject: Microsoft antitrust- MS Internet Explorer.

CC:
Peter Pethoe
MTC–00023136—0001
file:///c√/win/temp/tmp.√
microsoft.atr@usdoj.gov

Your Honor,

When first using the Internet I enjoyed using the Netscape browser. I particularly liked the ''search for a word'' in the text feature. It was easy to use and the word being searched remained and did not have to be retyped. Since I was searching for a particular word through many documents this was a real time saver. But other features made use of the Netscape browser more difficult on many websites that used MS Internet Explorer. Results were inconsistent using Netscape, most likely because Microsoft put bugs into these programs to

make Netscape users by disgruntled and switch. I eventually also was reluctantly forced to switch to MS Internet Explorer to escape these software bugs.

Now on MS Internet Explorer search for a word feature the word searched remains in place only if one first cancels the search. The next time Alt F is used the original word to be searched comes up.

But this is a time consuming way of handling this situation.

I seek a remedy to this problem that Microsoft initiated.

I would also like some monetary or some other suitable compensation for my reduced productivity since being forced to use MS Internet Explorer several years ago.

Sincerely,
—- Peter Pethoe
424 Escalona Dr.,
Santa Cruz, CA 95060
—- ppethoe@ix,netcom.com

MTC–00023137

From: pastormerritt@
tempenazarene.org@inetgw
To: Microsoft ATR
Date: 1/24/02 6:42pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Merritt Stru
1343 S Loma Vista
Mesa, AZ 85204

MTC–00023138

From: Sensei Kurisu
To: Microsoft ATR
Date: 1/24/02 6:45pm
Subject: Microsoft Settlement

To whom it concerns,

I believe that the United States government is taking it a little too easy on Microsoft in their antitrust case. I think it should last for more than 5 years. The entire life of the company might be a better way.

MTC–00023139

From: Seth Alan Kintigh
To: Microsoft ATR
Date: 1/24/02 6:46pm
Subject: Microsoft Settlement, my suggestion

I realize my opinion is meaningless to an administration so wholly and completely owned by campaign contributors, but here goes.

After MS was found guilty so many times of antitrust violations in federal court, I'm appalled that the DOJ would sell out and settle at all, never mind craft a ''settlement'' in which MS donates a ''billion'' dollars worth of software to schools, i.e. helping them while causing no harm. Even excluding the fact they have been found guilty of illegally holding prices high, that software donation could conceivably cost them $0.35 for a CDR of the license numbers and some bandwidth for the downloads— software, e-manuals and all. In return the country would have a bigger monopoly and schools full of buggy, insecure software, requiring schools to spend money hiring IT personal to keep it running.

In the future, you need to be a little more sneaky when taking bribes, I mean contributions, as no one but Bill Gates would think that settlement was a good idea. Well, maybe Enron or one of your other owners, I mean contributors, would.

Now here's my suggestion. It's fair and logical, so there's no chance of it happening, but I'm stubborn.

Fact: MS has crushed other business, destroyed companies, and hurt people like me using anti-competitive practices, even ''vaporware'' to kill companies back here in New England just to keep them from innovating. Therefore, a settlement that only helps MS and does not harm them is NOT fair (emphasized for the less intelligent).

Therefore, a FAIR settlement would harm MS. This is called ''punishment.''

Now, the problem is to find a punishment that also helps America, and prevents future abuse, while not destroying MS. One obvious solution is to split MS into two companies: one that makes Windows, and one that makes applications for windows. I think we'll find that the second company will even make their products work on other OSes like Linux, as that is logical, and the only reason MS doesn't do that now is because they are being anti-competitive.

One could also split them into 3 companies, the third being an Internet division, but I'm sure people far smarter than me could better explain that idea.

MTC–00023140

From: dolomc410@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 6:44pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
DOLORES MCLAUGHLIN
410 WEST 24TH STREET
APT. 3L
NEW YORK, NY 10011–1307

MTC–00023141

From: Michaeljp9@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 6:47pm
Subject: Microsoft settlement

In the best interest of the economy, and our country, I would certainly hope that all parties would put behind us this case and abide by the settlement achieved by the U.S. government and various state attorneys''. I view this situation as very harmful to the consumer and our economy. I have always seen this case as big government representing competitors of Microsoft who were able to get the attention of key political leaders to take up their cause. I never could see the harm being brought to the consumer. Competition is tough and that is what our company and family business had to do everyday in order to succeed. I am extremely disappointed by the suit being brought by AOL. It smacks of a possible looting of the bank account of Microsoft. Nobody ever looks at the bigger picture and that is very disappointing. I view at as nothing more than greed and jealousy by our government and certain companies involved in the competitive world with Microsoft.

In all my years of watching Microsoft, I never once heard a consumer talk about being ripped off by Microsoft, I only heard a few competitors crying foul.

MTC–00023142

From: zaphod beeblebrox
To: Microsoft ATR
Date: 1/24/02 6:49pm
Subject: Microsoft Settlement

the proposed settlement is bad idea, people are missing out on a lot of stuff that computers are capable of because of their power.

MTC–00023143

From: RLifsey357
To: Microsoft ATR
Date: 1/24/02 6:48pm
Subject: Microsoft settlement

It is hoped that this settlement comes to a conclusion as soon as possible to avoid any possible further interjections by companies like AOL who only propose to make Microsoft look bad in the eyes of consumers. Bringing further litigation to the table is a waste of tax payer money and only furthers to separate the two companies from coming to an amicable agreement to work together to help consumers.

It seems Microsoft extends it's hand to work with AOL only to have it slapped; a thought to be considered.

Thank you,
Richard Lifsey
Metairie, LA

MTC–00023144

From: billgoldston@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 6:46pm

Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
bill goldston
1 oceans west blvd.
daytona beach, FL 32118

MTC–00023145

From: Scott Bell
To: Microsoft ATR
Date: 1/24/02 6:51pm
Subject: Microsoft Settlement

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement.

Microsoft XP requires an ''activation key'' after being installed for 30 or more days IN ADDITION to the serial code received when the product was purchased.

If the user does not contact Microsoft within the 30 days to get an additional ''activation key'', the computer becomes completely inoperative. In addition the user cannot access ANY private data stored on the computer without getting an activation key.

Microsoft is forcing me to give them private information about me in order to access my personal data on my private computer which happens to be using a completely legal copy of Windows XP that was bought at a legitimate retail outlet.

No company should be able to force a citizen to reveal private information that citizen does not want to reveal in order to access private information on a computer for which they have already paid.

When I buy ANY product, I do so with the implicit understanding that the product is protected by copyright and patent laws and that I cannot reproduce the product. When I buy, for example, a vacuum, I am not required to give the manufacturer of the vacuum my name, address, phone number, or where I bought the vacuum. Nor does the vacuum stop working after 30 days if I refuse to contact the manufacturer. I don't even have to do that for ANY other software I buy.

Microsoft's monopoly allows them to impose incredibly unreasonable restrictions on consumers like me who buy their products because there are no competing products to choose from. As an example, Microsoft's web publishing software comes with a license that restricts the user from publishing web pages that are derogatory or critical of Microsoft or its products. This is like having a telephone company sell you a phone, and then saying you can't say bad things about the phone company if you are using the phone you bought from them!

Microsoft can only do this sort of thing to consumers because it is a monopoly, and there are NO provisions in the proposed settlement to address consumer issues. All the remedies are focused on remedies for software companies who are damaged by Microsoft's illegal business activities, but there are no provisions for reigning in Microsoft's unforgivable behaviour towards the end users who are forced to buy their products for lack of another choice.

MTC–00023146

From: Josh Prokop
To: Microsoft ATR
Date: 1/24/02 6:50pm
Subject: Microsoft Settlement

The proposed settlement is not just a bad idea, it's waste of time and tax payers money. It is so full of loopholes for Microsoft that it has to be a joke. Microsoft has been convicted of anti-competitive practices. This settlement does nothing to prevent this behavior in the future.

It's time to stop playing games and get serious about this problem.

Josh Prokop, Software Developer
P.O.Box 1050
Brewster, MA 02631

MTC–00023147

From: sedwards POP account sedward1
To: Microsoft ATR
Date: 1/24/02 6:50pm
Subject: Microsoft Settlement

The settlement proposed is a shameful embarrassment for this country, and an insult to all men and women of integrity. Bill Gates has shown that he has no concept of ethical behavior, and has predicated his company on the premise that cheating, lying, misleading and stealing are useful tools in the pursuit of success.

Sue Edwards
Salt Lake City, Utah
CC:sedwards@xmission.com@inetgw

MTC–00023148

From: rayjean@ticon.net@inetgw
To: Microsoft ATR
Date: 1/24/02 6:46pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Ray McInerny, sr.,
3565 Greenlawn Terrace
New Berlin,, WI 53151–4371

MTC–00023149

From: Sean
To: Microsoft ATR
Date: 1/24/02 6:51pm
Subject: Microsoft Settlement

to whom it may concern:

i am disgusted by the proposed settlement that microsoft has been given by our government. the government's case clearly stated that microsoft had UNJUSTLY used it's influence and leveraging power as to prevent other companies from competing in the same space.

the idea that to remedy this is by allowing microsoft to give away computers and software to children (where they traditionally have had a much smaller market share) is ludicrous, laughable and unbelievably short-sighted. the government is not punishing microsoft by doing this, it is HELPING them enhance their already punishing stranglehold on an industry and on the education market. please, do not allow this to happen. this settlement in the interest of consumers and numerous businesses MUST be reworked and microsoft must not be allowed to further extend their monopolistic practices.

sincerely and respectfully,
sean driscoll
ny, ny.

MTC–00023150

From: inikk@pldi.net@inetgw
To: Microsoft ATR
Date: 1/24/02 6:49pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Irl Nikkel
325 S. Aurora
Geary, OK 73040

MTC–00023151

From: jacquiemarsh@iglide.net@inetgw
To: Microsoft ATR
Date: 1/24/02 6:49pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200

Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jacquelyn L. Marsh
1350 Woodside Terrace #3
Woodland, WA 98674–9458

MTC–00023152

From: David Posey
To: Microsoft ATR
Date: 1/24/02 6:52pm
Subject: Microsoft Settlement

Greetings,

I think the settlement, as currently constructed, is rediculous. That is, DOJ has apparently caved in to Microsoft, despite having won it's case in court.

Let me get this straight:

a) The court found that Microsoft has been able to exert monopoly power.

b) The court found that Microsoft has and continues to abuse that power to the detriment of US citizens (and state citizens, and other countries, of course).

Despite these reasonably clear findings, the settlement does exactly nothing to improve the situation. Either of the following choices seem reasonable to me:

a) Massive $ penalties for illegal conduct, stifling competition, price gouging, etc.

b) Break the company into smaller entities, with $ penalties explicitly tied to infringement of any of their separation conditions.

I'm extraordinarily disappointed that the DOJ (and the state AGs who joined them) have caved in so completely. This is a complete waste of time and money—if DOJ is incompetent to bring and win these cases, I'd like to see this branch of DOJ disbanded completely. After all, if they can't achieve a reasonable settlement, after spending millions of $ to WIN the case in court, what use are they???

Regards,
David Posey
Software developer since 1980.

MTC–00023153

From: JSweet9030@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 6:52pm
Subject: Microsoft settlement

I am a Microsoft customer. I think they have done great things for the Nation. Please vacate any further action against that company. Those who continue to push this case ar vultures hanging around for some large scraps which they don't deserve. John M. Sweet Boulder, CO
344 S 68th St. 303 494–5259

MTC–00023154

From: ja.haserodt@verizon.net@inetgw
To: Microsoft ATR
Date: 1/24/02 6:50pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Martha Haserodt
7186 Prospect Dublin Road
Prospect, OH 43342–9553

MTC–00023155

From: milesjl@olypen.com@inetgw
To: Microsoft ATR
Date: 1/24/02 6:51pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jim & Loretta Miles
1171 Township Line Road
Port Angeles, WA 98362–7438

MTC–00023156

From: wt.catch1
To: Microsoft ATR
Date: 1/24/02 6:51pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Bernadette Hein
72 Cambridge Dr.
Hershey, PA 17033

MTC–00023157

From: richardnp@iopener.net@inetgw
To: Microsoft ATR
Date: 1/24/02 6:52pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Richard Price
243 S. Medina Line Rd.
Akron, OH 44321–1158

MTC–00023158

From: David Kuder
To: Microsoft ATR
Date: 1/24/02 6:54pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Ms. Hess,

Even while attempting to send this message to you I ran into an instance Of Microsoft's power. My company requires me to use Outlook and it gives Me (that ''Me'' was capitalized by Outlook not me) two choices for composing messages: Word or whatever this thing that I'm typing at is. Whatever it is it's sad. Its programmers believe that I can't spell or type.

I am against the proposed Final Judgement. I feel is does a poor job of punishing Microsoft for its actions. I also strongly feel it does a poor job of requiring or encouraging Microsoft to correct its behaviour. I'm not a lawyer. I just stuck a dart in the PFJ and hit section III.J.2.b.

One reading of that section would be: ''Microsoft promises to continue to deny individuals with purposes such as criticism, comment, news reporting, teaching, scholarship, or research from seeing their APIs because those are not legitimate business needs''. As Bruce Perens writes in http://slashdot.org/features/980720/0819202.shtml:

First, publish the source code to your program, or, in the case of a cryptography program, publish complete details of the encryption algorithm so that a programmer can understand exactly how the code works. Encourage programmers to study your system and to attempt to break it. Only when a program has been publicly reviewed this way, and when people have tried to break it and have failed, can you be assured that it's useful for concealing your secrets.

But PFJ allows them to deny in the name of security the one thing all security experts agree on—there is no security through obscurity.

MTC–00023159

From: Jim Ault
To: Microsoft ATR
Date: 1/24/02 6:57pm
Subject: Microsoft Settlement

The PFJ fails to prohibit Anticompetitive Licensing terms that Microsoft currently uses to keep Open Source applications from running on Windows. I believe that Microsoft is buying its way out of this predicament, and I don't believe the PFJ is satisfactory to consumers at all.

Far too many of Microsoft's anticompetitive practices are continuing to this day, and the PFJ will do nothing to change most of them. Please do not adopt the PFJ without substantial changes to address the deficiencies outlined by Dan Kegel on www.kegel.com.

Thank you
James Ault
1 Hialeah Drive
Albany, NY 12205

MTC–00023160

From: Eric R. Swanson, P.E.
To: microsoft.atr(a)usdoj.gov
Date: 1/24/02 6:58pm
Subject: Microsoft Settlemen

I do not approve of the settlement with Microsoft, Inc. I believe the settlement is neither adequate compensation for the damage done or appropriate to restore vigor and diversity to the software development business. I have had long experience in software development dating back to vacuum tube computers. I watched the extreme expansion of software in the 70's and 80's. Comparatively, little has been done in the last decade. Was this because of Microsoft? Was the ''Dot.com'' revolution technically where it was and when it was because Microsoft wasn't?

Eric R. Swanson

MTC–00023162

From: llmartin@nwlink.com@inetgw
To: Microsoft ATR
Date: 1/24/02 6:56pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Linda Martin
644 SW 144th Place
Seattle, WA 98166–1574

MTC–00023163

From: dicksonn@muscanet.com@inetgw
To: Microsoft ATR
Date: 1/24/02 6:55pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Richard & Sondra Andersen
221 Mary Place
Muscatine, IA 52761–5503

MTC–00023164

From: Ben Jansen
To: Microsoft ATR
Date: 1/24/02 7:00pm
Subject: Microsoft Settlement

I am one of the many people who feel that the Microsoft Settlement is ineffective in accomplishing the trial's original purpose.

Please don't allow this joke to go through.
- Benjamin Jansen

MTC–00023165

From: Raible, Eric
To: Microsoft ATR
Date: 1/24/02 7:00pm
Subject: Microsoft Settlement

As a professional programmer for nearly 20 years (I graduated from MIT), there are so many aspects of the microsoft case that it's hard to know where to begin.

Regardless of other details, to me the single most important requirement is full documentation of all APIs that the company produces. Without full and open documentation, their monopoly power will never be diminished.

Thank you for your consideration.
Eric Raible
Los Gatos CA

MTC–00023166

From: Cog
To: Microsoft ATR
Date: 1/24/02 6:59pm
Subject: Microsoft Settlement

I believe that the settlement currently being proposed critically flawed in a number of ways. Cog.

MTC–00023167

From: efoushee@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 6:58pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
David Foushee
1490 Payne Rd.
Ekron, KY 40117

MTC–00023168

From: jcgagnebin@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 6:59pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you. Sincerely,

Jean-Claude Gagnebin
23 Berkshire Dr.
Danbury, CT 06811–4713

MTC–00023169

From: CSAZ
To: Microsoft ATR
Date: 1/24/02 7:04pm
Subject: Microsoft Settlement

To Whom It May Concern,

I know you are probably receiving a large volume of mail about this and don't have time to read everything.

The short version of my comment is: Leave Microsoft alone and drop all this silly nonsense.

The longer version of my comment is as follows:

I do not, nor have I ever worked for Microsoft. I have no stock or any other financial interest in the company. I am, however, a computer user of many years as well as a self-employed consultant and programmer. I remember well the late 70's and early 80's when there was no dominant operating system other than CP/M, and that required a different version for every computer as well as programs tweaked specifically for that version of CP/M

It is amazing to me that anyone can look at the progress in computers and software and the dramatic decrease in costs to the consumer for both hardware and software, and then turn around and say that Microsoft has hurt the consumer! Word Perfect used to costs hundreds of dollars just for the Word Processor. They chose to ignore the Windows operating system, and they lost their market share as a result. Today, you can buy Microsoft Office with Word Processor, Spreadsheet, Presentation tool, Database, Personal Information Manager, Web Site designer, etc. for less than what Word Perfect used to charge just for their Word Processor. Where has the consumer been damaged in all this?

Netscape used to dominate the browser market and basically gave away their browser. When they owned 95% of the market, nobody in the Justice department was crying foul and investigating them for having a monopoly in the Web Browser market.

Apple computer consistently quashes any attempt by anyone to build systems that are compatible with Apple which results in higher prices for their systems than PC's, yet nobody is investigating them for squelching competition. Sun has been just as draconian with their software and operating systems as Microsoft has, but since they are smaller, they get away with it. They have not helped to lower the cost of software or hardware in any way. They came out with Star Office to replace Microsoft Office, but it hasn't affected prices any as the prices are already very fair for the benefit one gets from them.

If Microsoft has indeed done things illegally, they should be punished for it. However, I think that much of this case is about people missing the boat and who would do and have done the same things they are complaining that Microsoft has done.

Not only has there been no proof that Microsoft's market share has caused anything but benefits to the consumer, nothing has ever been proposed to compensate anyone who has allegedly been damaged by their actions. Taking money from Microsoft and giving it to states to do whatever they want with it hardly compensates consumers for any damages they may have had caused to them by Microsoft.

As a programmer, I am glad I can depend on Internet Explorer being installed on my client's machines. It enables me to add online connectivity easily. If I can't depend on it being there, I either have to write multiple versions of my software for each type of browser that may be installed, or my customer is going to have to install Internet Explorer anyway. I would most likely go to the second option, but it still creates another, and unnecessary, layer of installation issues for my clients.

Sincerely,

Matthew Brock

Matthew J. Brock—<mailto:mjb@delphi-programmer.com

Computer Solutions:AZ—http://www.delphi-programmer.com

Tucson, AZ—Phone: 520–577–6625

Systems Sales, Service, Networking, Troubleshooting

C U S T O M P R O G R A M M I N G A V A I L A B L E ! !

MTC–00023170

From: Scott Thomason
To: Microsoft ATR
Date: 1/24/02 7:03pm
Subject: Microsoft Settlement

I urge you to find the proposed settlement between the DOJ and Microsoft inadequate. Please consider the many rational and fair alternatives so articulately expressed at http://www.kegel.com/remedy/ and the links within. I find the suggestions revolving around the theme of open standards and interfaces to be particularly sensible. A company with Microsoft's size, market penetration, and anti-competitive aggression should be required to develop product and technologies in a way that gives the world a fighting chance at choice.

MTC–00023173

From: Gary Robinson
To: Microsoft ATR
Date: 1/24/02 7:29pm
Subject: Microsoft Settlement

Microsoft has long used its monopoly power to make it impossible for competitors in non-OS fields to survive, by copying their innovations into Windows, under the guise of their right to ''innovate''. They have never innovated. They have only used their monopoly power to copy the innovators and put them out of business.

It is anti-competitive behavior at its worst.

This MUST stop.

Please do the responsible thing and MAKE IT STOP.

As the president of a software company that greatly fears the possibility that microsoft will copy what we do and use their monopoly power against us, I ask you, Please, please do the right thing.

—Gary

Gary Robinson
President
Transpose, LLC
grobinson@transpose.com
207–942–3463
http://www.transpose.com

MTC–00023174

From: Steve Litt
To: Microsoft ATR
Date: 1/24/02 7:07pm
Subject: Microsoft Settlement

From: Steve Litt
Webmaster: Troubleshooters.Com
385 Forest Park Circle
Longwood, FL. 32779
407–786–1278
slitt@troubleshooters.com

To: U.S. District Judge Colleen Kollar-Kotelly

1/24/2002

Dear Judge Kollar-Kotelly:

Reviewing the proposed stipulation and revised final judgment against Microsoft (the settlement), I find the proposed settlement wholly inadequate to restore competition in the marketplace, to provide remedy to those who have been harmed, to prevent future illegal acts by Microsoft, or to establish even a modicum of respect for the credibility of the law. It is likely that provisions III.J.2.b and c will be used to deny API access to Open Source projects. The cost associated with III.J.2.d is not affordable by the vast majority of Open Source projects, so it further denies access, even if Microsofts restrictions are deemed ''unreasonable''. I believe it's no accident Microsoft wanted this language in the settlement.

Open Source (such as Linux) is Microsoft's only remaining competition, due to the extreme marketplace distortion created by Microsoft's illegal acts, such as Microsoft's revenue starvation techniques (see ''We are going to cut off their air supply'' in I.16 of the Civil Action No. 98–1232 complaint). Microsoft cannot kill Open Source by ''cutting off their air supply'' because the Open Source development model requires no revenue. So instead of competing head to head on features and reliability, Microsoft seeks to hamper Open Source by denying them API access in order to interoperate with Microsoft products.

There's no reason to restrict access to the API. API's are not code— they're just a standard. A secret API does not protect one from viruses. In fact, Open Source products, whose API is accessible by all interested parties, has a much better record than Microsoft when it comes to security. Likewise, ''piracy protection'' does not require secret API calls. Microsoft wants provisions III.J.2.b, c and d to restrict their competition, not to prevent security threats or piracy.

If this settlement is approved, Microsoft will have used the court to further sabotage their competition.

Even more unsettling is the enforcement of this settlement. Provision IV.B.6.a places the three member technical committee assigned

to enforce this settlement on the payroll of Microsoft. This is an obvious conflict of interest. It would be better to fine Microsoft an extra few million, and have the government pay the technical committee out of those funds. Worse yet, Microsoft has every incentive to violate this settlement agreement. Section V, parts A and B, provide that the settlement will last 5 years, but if Microsoft violates the settlement it will last a maximum of 7 years. It basically gives them permission to thumb their nose at the law for 7 years, and repress the marketplace for 7 years.

What does this settlement say to the average citizen? Microsoft was found to be an illegal monopoly by Judge Jackson, and this finding was upheld by the appeals court. And their punishment is 7 years of toothless observation, during which time the very language of the settlement provides them with tools to attempt to destroy their one remaining competitor. This is akin to a bank robber being found guilty initially and on appeals, and being placed on observation for 7 years. No repaying the bank. No remorse required. No punishment. No real disincentive to rob again. This settlement weakens respect for the law. For the people of this country, this settlement sets a horrible precident.

I believe Microsoft should be subjected to a structural remedy, or at the very least very serious behavioral remedies. Nothing short of that would change their behavior. Throughout their history, Microsoft has shown themselves to be scoundrels:

* Caldera alleged that Microsoft had placed booby traps in their Windows 3.0 product to prevent its installation over Microsoft competitor DR DOS. Rather than prove their innocence, Microsoft paid Caldera $155 million. (http://seattletimes.nwsource.com/news/technology/html98/cald—20000111.html)

* Microsoft created a ''Windows only'' version of Java, and it took a lawsuit by Java inventor Sun to stop them from removing Java's most sacred feature— write once run everywhere.

* Using predatory pricing, Microsoft destroyed rival Netscape, and removed all incentive for anyone to create a competing browser.

* Microsoft took the Open Standard, Open Source Kerberos authentication standard, added code to make it incompatible with Open Source implementations, and then declared the revised product their intellectual property, thus eliminating Open Source/Windows interoperability. Only those with an iron clad monopoly would cynically cut off the rest of the world like that.

* Unable to kill Open Source with their customary revenue starvation techniques, Microsoft's Jim Allchin put out feelers to congress to outlaw Open Source (see http://news.cnet.com/investor/news/newsitem/0–9900–1028–4825719-RHAT.html).

* Microsoft attempted to commandeer all content passing through their Passport server, regardless of copyright, patent or trade secret. (see http://www.theregister.co.uk/content/4/18002.html).In that case their bluff was called by privacy advocates and newspapers, and they backed down.

* Microsoft's .Net architecture is required for many features of their new operating system, Windows XP.

* Microsoft is in the process of converting everyone to their .Net architecture, which funnels all communication through Microsoft's Passport server. If Microsoft succeeds, they will control the single tollgate on the entire Internet, and they will no longer need an OS, middleware or browser monopoly.

In considering whether the proposed settlement is prudent, please keep in mind that Microsoft has continually behaved as if their core competancy was monopolism. Their product choices were based not on customer needs, but on killing the competition. With their .Net architecture fast on the way to monopoly status, it's clear that their past, present, and future is dedicated to monopolism. Please stop this illegal monopolistic behavior, once and for all.

Finally, as you read the many emails praising the settlement, or even saying it's too tough on Microsoft, consider their source. On 4/10/1998 the L.A. Times reported that Microsoft was paying freelance writers to pretend to be ordinary citizens and write letters to the media (http://seattletimes.nwsource.com/news/business/html98/pr—041098.html). On 8/23/2001 the L.A. times reported that Microsoft had paid freelance writers to pretend to be ordinary citizens and write to the state attorneys general asking the attorneys general to go easy on Microsoft. Two of the purported ''citizens'' turned out to be dead.

(http://seattletimes.nwsource.com/html/nationworld/134332634—microlob23.html). Judge Kollar-Kotelly, it's very likely that most of your pro-Microsoft emails and letters were paid for by Microsoft. If one figures $75 per letter, Microsoft could fund a million letters for $75 million— half what they paid Caldera to stop the DR DOS sabotage suit.

Please protect our economy, our nation and our society from these predators. Reject the settlement, and construct a remedy that punishes past illegal acts and prevents future ones.

Steve Litt
Webmaster, Troubleshooters.Com
http://www.troubleshooters.com
slitt@troubleshooters.com

MTC–00023175

From: darrellfitts1@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:04pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Darrell Fitts
3221 Judy Court
Shreveport, LA 71119

MTC–00023176

From: Momcare2@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:05pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Cheryl Sanger-Morrison
5524 Timbercreek Ln.
Stow, OH 44224

MTC–00023177

From: tomshup@cox.net@inetgw
To: Microsoft ATR
Date: 1/24/02 7:05pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Thomas Shupper
5654 S. Marion Ave.
Tulsa, OK 74135

MTC–00023178

From: SiegerJA@aol.com@inetgw

To: Microsoft ATR
Date: 1/24/02 7:07pm
Subject: ''Microsoft Settlement''

Microsoft is an adjudicated monopolist; it has demonstrated its utter insensitivity to that fact; and it continues to use whatever economic leverage it has as if it were a garage-housed start up company. These guys simply don't get it and, regardless of their intentions, they cannot be allowed, for another decade, to throw Microsoft's weight around the economy without seriously negative consequeces for innovation, if not for software pricing.

Your settlement can't get to the heart of the problem. The heart of the problem is the Gates mentality, which can only be addressed through some kind of an epiphany or through divestiture; and the court took the latter off the table. But you could, at least, insist on behavioral restrictions and disclosure requirements that dampen and/or publicize Microsoft's bullying of other market participants. I don't think you've done that.

John Sieger
Houston, Texas
(713) 869–6574
SiegerJA@AOL.Com

MTC–00023179

From: David Christie
To: Microsoft ATR
Date: 1/24/02 7:08pm
Subject: Comments re: Proposed Microsoft Settlement

Dear Sirs:

I wish to register my disapproval of the proposed settlement in the case of U.S. vs. Microsoft. It does not address the harm done by the illegal conduct of Microsoft Corporation and it would not adequately protect the public against future harm from Microsoft's illegal maintenance and extension of its operating system monopoly.

As a former employee and stockholder of Netscape Corporation I was directly harmed by Microsoft's illegal practices. I have waited patiently for intervention which I always knew would come too late to save Netscape. However, I never anticipated Microsoft would escape effective sanctions, escape being broken up, and emerge stronger and more ambitious in its monopolistic behaviors than ever.

Allowing Microsoft to evade responsibility for its actions, and leaving it free to continue its depredations of the industry, is akin to allowing Saddam Hussein to remain in power after the Gulf War: a big mistake. Microsoft was found guilty. It should now be held accountable. I urge the court to approve only a settlement that effectively restrains Microsoft from illegally extending its monopoly in the future. Of all the settlement provisions that have been debated, the most effective would be to require Microsoft to open the source code of its operating system under an open-source software license. That is the only way to guarantee that Microsoft will have competition in its core marketplace of operating system software. Currently Microsoft's ability to keep its source code private prevents effective competition by allowing Microsoft to hide the details of how compatible competing operating system software could be written. Secret operating system software is bad engineering, bad for the marketplace, and an invitation to illegal monopolistic business practices. It is bad public policy and bad antitrust law to allow it in software that controls 90% of the computers in the marketplace.

If the source code were open, Microsoft would still have a long lead on its competitors, but the possibility of competition would exist. Therefore, Microsoft would be unable, in practice, to exploit its monopoly as ruthlessly as it has in the past.

The remedy seems clear. Microsoft abused its operating system software monopoly illegally. The direct solution is to limit the basis for that monopoly: the secrecy of Microsoft's proprietary source code. Stop Microsoft from keeping its operating system software source code under wraps, level the playing field, and in so doing, open the industry up to competition again.

Thank you.
David B. Christie
915 Peggy Lane
Menlo Park, CA 94025

MTC–00023180

From: A. David Garza Marin
To: Microsoft ATR
Date: 1/24/02 7:08pm
Subject: Microsoft Settlement

Hi. My name is A. David Garza Marin.

Since 1985, the first name I saw in my PC (a very old one) was Microsoft. Since then, the name impacted my life and way of work. Then I was the ''rebel'' one who didn't use Mac or Apple computers, who developed applications with BASIC, and who started to use one strange thing called Windows (and OS/2, by the way).

Through the years, Microsoft had grown consistently and I, strangely, passed from ''the rebel'' side to ''the standard'' side, because Microsoft grown with me and my computer related workings. I also saw in my country, Mexico, that everything started to grow by the first years of the 90's: all of that because Microsoft used its right to innovate with Microsoft Windows 3.x.

Today, there are more than 30,000 people employed by Microsoft. There are lots of additional people who are working RIGHT NOW just because Microsoft used its right to innovate. Just to mention, there are magazines, complete enterprises, consultants, developers, users, ''even boys and girls'' whose income or work depends on Microsoft technologies, and its right to innovate... Here in Mexico, at least 90% of the industry based in computer technology (one way or another) depends on Microsoft technologies and its right to innovate.

Last decade, Microsoft helped in many ways —using its holy right to innovate— many mexican enterprises to grow, and day by day, more other newly created and existing enterprises are using Microsoft technologies to grow in turn. I know that there are many, many other software enterprises that can help to this grow but, how many of the existing users could want to re-invest in their technologies and re-start to learn? What really helped in this ''technologized'' new world are standards, and Microsoft technologies are, now, a standard. Please, let Microsoft to continue use its holy right to innovate.

¶ SALUDOS desde Mexico!
A. David Garza Marin (MSDN RD)
Director General de PRO–3
adgarza arroba pro guin 3 punto com punto mx
adgarza at pro dash 3 dot com dot mx
http://www.pro-3.com.mx

MTC–00023181

From: msbaran@ra.rockwell.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:08pm
Subject: Microsoft Settlement comment

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement.

I agree with the problems identified in Dan Kegel's analysis of the proposed settlement (on the Web at http://www.kegel.com/remedy/remedy2.html) and support modifications as indicated therein.

Sincerely,
Michael S. Baran
Milwaukee, WI
Principal Engineer
Member, American Society of Mechanical Engineers

MTC–00023182

From: Gary Bodily
To: Microsoft ATR
Date: 1/24/02 7:10pm
Subject: Microsoft settlement

I think this thing with Microsoft has gone on long enough. Let's just drop it and let the company get back to business and creating jobs and helping the economy

Sincerely,
Gary Bodily
2295 Kalinda Dr.
Sandy UT 84092

MTC–00023183

From: hndrksnx2@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:07pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Morgan Hendrickson
1796 Kent Circle
Papillion, NE 68046–4118

MTC–00023184

From: cn2691@coastalnet.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:06pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Kathryn Bell
4326 Gum Branch Road
Jacksonville, NC 28540

MTC–00023185

From: Miller, Burton
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 7:10pm
Subject: Microsoft Settlement

government attourneys:

the settlement under consideration fails almost completely in every way. first of all, in addressing the problem of anti-competitive behavior, the settlement hardly restricts microsoft at all. most of the clauses will be easy to get around or ignore, and very hard to prove in the case of transgression. judge jackson had it right; splitting microsoft into separate sofware and operating system companies would have a much greater and positive impact.

secondly, concerning the damages. $1 billion is a drop in the bucket to microsoft, who has $40 billion in cash. punitive measures should be punitive. furthermore, allowing them to pay in kind undermines the already frivolous damages, while simulatneously allowing them to gain unfair market share in the very act of being punished. all damages should be paid in cash, and the amount should be enough to sting a bit, say $20 billion (half their cash reserves). furthermore, the money from the damages should be prohibited from use to purchase microsoft products; this is only fair, as microsoft has many years of unfair advantage under their belts, and all software/hardware purchased with these funds should go to even the scales. the money could be used both for educational purposes, and to fund non-microsoft affiliated high-tech startups (since they destroyed so many of them).

really, though, why settle at all. let the case go to the supreme court. let's see if america can do the right thing for once, or if it will allow legalistic maneuver to undermine justice on the grandest possible scale. theodore roosevelt would turn over in his grave if he saw the travesty that our legal system has become.

burton miller

MTC–00023186

From: murphyjf@msn.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:08pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
John Murphy
2201 168th Ave. NE
Bellevue, WA 98008–2432

MTC–00023187

From: Jennifer Shively
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/24/02 7:08pm
Subject: Microsoft Settlement

I believe the tentative Microsoft Settlement is not acceptable, as it allows too many exclusionary practices to continue.

Jennifer Shively
Pasadena, California 91030

MTC–00023188

From: Frazao, Celso
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 7:11pm
Subject: Microsoft Settlement
To: Judge Kollar-Kotelly Re: Comments on Microsoft Proposed Final Judgment
Date: 24 Jan 2002
From: Celso Frazao

587 Center Dr.,
Palo Alto, CA 94301

I am a computer scientist active in my field for over 30 years. I am familiar with the software industry in general, and Microsoft's product line in particular, including its operating systems, browsers and other tools and applications. I am also familiar with similar products marketed by many of Microsoft's competitors. I have read the Proposed Final Judgment (PFJ) and numerous published articles and reports on the topic.

In my opinion the PFJ is flawed on many counts:

*It does not effectively address or correct Microsoft's illegal practices.

*It does not deny Microsoft the fruits of its ill-gotten gains.

*It does not impose any punitive damages.

*It does not adequately compensate those adversely affected by its past misconduct.

*It does not prevent future recurrence of anticompetitive behaviors.

*It does not do enough to restore competition and offer real choice to consumers.

*It has no effective enforcement.

*Its duration is too short.

The PFJ has no teeth and no real penalties for non-compliance. It relies too heavily on Microsoft's voluntary compliance, cooperation, self-control and good faith. It also leaves the interpretation of key elements of the agreement in the hands of the defendant itself. If past experience is any guide, only a fool would trust Microsoft to abide by such an agreement, because it is by necessity unfavorable to Microsoft and it provides little incentive to comply. This PFJ leaves the fox in charge of the chicken coop. Moreover, sufficient time is needed to restore fair competition to the marketplace, to level the playing field and ensure that it remains level. Removing all restraints after 5 years, even for an otherwise fair settlement, is grossly inadequate.

If allowed to take effect, the PFJ would do little to remedy the current situation, and be an utter disservice to consumers and Microsoft competitors. It would be a farce and travesty of justice.

Respectfully yours,
Celso J. Frazao
celso@netapp.com
Palo Alto, CA.
CC:'microsoftcomments(a)doj.ca.gov''

MTC–00023189

From: Capitmkts@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:14pm
Subject: microsoft Settlement

Dear Mr.Ashcroft, I feel the MSFT settlement was fair and just for the people of the United States of America which both MSFT the consumer and public have paid a dear price in time, money, personel and lives; had we as a nation watched less of our own and more about what forieners were plotining against the United States the twin tower would still be standing along with 3000 lives not to mention the families these people touched. Once again in the news is Aol whitch new and understood what the netscape broser was and the risk of a 10 Billion dollar purchase.'' Elephant.'' The trial was going on during the time of the purchase and the insiders thought they new netscape would control the market after MSFT lost because that did not happen netscape has filed a suit which I personal think is without merit and sould be throw out . We as a nation sould be very thankful for the creativity and jobs that Microsoft started and can only hope that the continued sucess will bring ever greater rewards to this country. Mr. Ashcroft I hope and pray that the settlement stand because it was fair and just for all. God bless. Sincerely

Peter J. Borrello 413–731–2303
CC:Capitmkts@aol.com@inetgw

MTC–00023190

From: LFRICKE580@AOL.COM@inetgw
To: Microsoft ATR

Date: 1/24/02 7:11pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.
This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
LUCILLE FRICKE
7 WAGON TRAIL
BLACK MOUNTAIN, NC 28711–2555

MTC–00023191

From: Warren or Nancy Dodson
To: Microsoft ATR
Date: 1/24/02 7:14pm
Subject: Microsoft suit
Dear DOJ,
Please, just drop this suit against Microsoft. It is costly. It is selective against a respectable and legal US corporation.
Further more this present recession really started into a nosedive when President Clinton began this suit.
Thank you, President Clinton. The biggest monopoly of all is the Federal Government. Some one should investigate IT.
Please just quit this.
Thank you. Warren E. Dodson, West Liberty, Ohio

MTC–00023192

From: deddle@voyager.net@inetgw
To: Microsoft ATR
Date: 1/24/02 7:11pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.
This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
MARILYN DIANE FRY
P.O. BOX 238
MACKINAW CITY, MI 49701–0238

MTC–00023193

From: doramill@msn.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:12pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.
This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
DONAL MILLER
2762 TONY DRIVE
LAWERNCEVILLE, GA 30044–5775

MTC–00023194

From: BRIAN LEJEUNE
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 6:59pm
Subject: Microsoft Settlement
To Whom It May Concern:
I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.
The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.
Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.
While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.
Sincerely,
Brian LeJeune

MTC–00023195

From: jimeklund@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:12pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.
This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Jim Eklund
2440 Green Canyon Rd.
Fallbrook, CA 92028

MTC–00023196

From: Bob Roberts
To: Microsoft ATR
Date: 1/24/02 7:15pm
Subject: Stop the Harasement of Microsoft
Dear Sirs/Madames:
I am writing to express my strong objection to the US Governments continued waste of time and money harassing Microsoft.
I don't know that I find all of their business tactics honorable but I strongly beleive this case is much more about competitors trying to ask for help as opposed to the Government protecting consumers.
I watch in amazement as other operating systems companies such as Apple release new verisons of their operating system with addiitonal free software bundled in (iPhoto, iTunes, iDVD, etc)and they are applauded for bringing more features, convenience and benefit to users. At the same time is chastised and sued for trying to deliver the very same types of advances and benefits to consumers.
As a citizen of this country I am appaled at the blatant manipulation of the US Government by Microsoft's competitors.
Sincerely;
Bob Roberts

MTC–00023197

From: Chris Collins
To: Microsoft ATR
Date: 1/24/02 7:16pm
Subject: Microsoft Settlement
To whom it may concern:
I believe that there is a period of time whereby the Department of Justice accepts public commentary regarding the Microsoft settlement case. I am writing regarding that matter.
I am an average jane working in the educational IT industry, and I feel very strongly that Microsoft's dominance in the

operating system, office suite, and internet browser business represents a clear threat to competition from any other company. I am strongly opposed to any sort of settlement that allows Microsoft to maintain this position. This country is founded on fair competition and it is ludicrous to think that any other company, even giants like IBM or AOL Time Warner, can edge into any of those three categories successfully. At the University where I work, use of the Netscape browser has declined in the last year to just 6%. People who are not very adept with software and computer technology often don't realize that they even have a choice! I speak with students every day who believe that getting onto the internet can only be done with Internet Explorer because that was what showed up on their desktop the first time they booted up a computer!

Microsoft exemplifies a monopoly. I hope the Department of Justice will not allow Microsoft to weasel its way out of restructuring.

Thank you for your consideration of my comments.

Regards,
Chris Collins
1820 Sterling Avenue
Cincinnati, OH 45239

MTC–00023198

From: grbarth@iline.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:13pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Geo R. BARTH
3343 se 17TH ave
Cape Coral, FL 33904–4462

MTC–00023199

From: Steve Zygmunt
To: Microsoft ATR
Date: 1/24/02 7:17pm
Subject: Microsoft Settlement

I personally feel that the current settlement offer for the Microsoft Anti-Trust case is a complete joke. I am absolutely NOT in favor of the current settlement as it does little to nothing to curb the predatory practices of Microsoft. Imposing far more demanding restricitons/penalties will be far more helpful to the computer industry as a whole in the future. Having Micorsoft as a monopoly(which it is by the courts own ruling) is not only dangerous to the growth and innovation of the computer industry but is also fundamentally dangerous to the United States should Microsoft suddenly fail due to attack, mismanagement, or otherwise.

Steve Zygmunt
State College, PA

MTC–00023200

From: carmel@aristotle.net@inetgw
To: Microsoft ATR
Date: 1/24/02 7:14pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Carol Mellinger
5 Carroll Circle
Mabelvale,, AR 72103

MTC–00023201

From: ajustiniano@si.rr.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:15pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Anthony Justiniano
61 hillcrest street
staten island , NY 10308

MTC–00023202

From: fictional_man@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:15pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Joseph Lobosco
50 E Hamilton Ave.
Massapequa, NY 11758

MTC–00023203

From: dmiles
To: Microsoft ATR
Date: 1/24/02 7:20pm
Subject: Micrsoft Anti Trust Tunney Act

I think the proposed settlement is a horrible idea because it allows the software monopoly to tighten its grip in some key areas, see http://www.kegel.com/remedy/ for deails.

MTC–00023204

From: Valerie Kapko
To: Microsoft ATR
Date: 1/24/02 7:19pm
Subject: Microsoft Settlement

I am voicing my opinion in agreement with the following statements made by my associate Jim Lucha regarding Microsoft. Mr. Lucha states:

I am writing to inform you of a great injustice taking place, that left unchecked by good citizens such as myself, will sacrifice freedom for me and future generations.

On November 5, 1999, a U.S. Court found Microsoft guilty of abusing its monopoly. An appeals court upheld that decision.

This past November, the DOJ and Microsoft came to a settlement that appears to have been written by Microsoft, and are not in the best interest of you, the consumer and citizen.

The Department of Justice, the President, and Microsoft are using the tragic events of September 11th to sweep this case under the rug.

1. Microsoft overcharges for its products. Its rate of return on investments is 88%, far above the largest corporations in other industries. For the others 13% is considered quite good. Microsoft is holding approximately 35 billion of your money in cash to further it's bullying of the computer industry. This is illegally obtained money.

Remember their overcharging is passed on to you the consumer and taxpayer. Virtually every single product you purchased, the

producer overpaid for computer software and had to pass that cost on to you. The government also overpaid for software with your tax dollars.

2. Microsoft forced computer manufacturers into illegal contracts prohibiting them from including alternative software and operating systems as choices. While the antitrust trial focused on the software aspects with Netscape the prime example, it did not address the issue of alternative operating systems.

It is my opinion that Microsoft's anticompetitive practices in this area alone have set the computing world back approximately ten years. I often hear from people ''Why aren't computers easier to use.'' or ''When will I be able to talk to my computer and tell it what to do.'' Well, Windows 2000 is only now approaching the level of stability that was available in 1994 with IBM's OS/2. Also, in version 4 of IBM's OS/2, released approximately in 1997, voice recognition was introduced, and you could speak commands to your computer. A feature that to this day is not available in a Microsoft operating system.

3. Microsoft developed a web site for the British government for use by its citizens for taxes. The site is only useable by people using Microsoft's Internet Explorer on its Windows operating system. Not even people using Internet Explorer on the Macintosh platform could use the web site let alone people using alternative web browsers such as Netscape and Opera.

4. In Australia, Microsoft rents its software products rather than sell them. The consumer must pay every couple of years or stop using the product. If they don't renew, then they are only allowed to view their current documents. They can no longer edit them in any way. Microsoft wanted to implement the software rental here in the U.S., but changed their mind due to the then current antitrust case. Consumers will have no choice in the next couple of years.

5. What message are we giving our future generations if we do nothing to convicted criminals and businesses?

WHY THE SETTLEMENT IS INAPPROPRIATE

1. First and foremost, the settlement does not address ill-gotten gains. Microsoft is allowed to keep billions of dollars acquired illegally. How many convicted thieves are you aware of that were allowed to keep their stolen goods?

2. The settlement creates a 3 person panel to make sure Microsoft does not continue its current illegal practices. The first problem is Microsoft gets to select one member of the panel, who in turn has a say as to who the third member is. Microsoft basically controls the panel. The second problem is that the panel members are not allowed to discuss with anyone except the DOJ. If Microsoft is in any violation, the public may never know.

3. No punishment for the executives of Microsoft that knowingly and willingly led their company into law breaking actions.

4. While the API's (programming interfaces) used to communicate with the operating system will be documented and released, it will only be done for companies and business that Microsoft deems have a viable business. The Free Software movement has been acknowledged by Microsoft to be its biggest competition, yet they have publicly stated that businesses with a basis in Free Software don't have a viable business model. So, their toughest competition is excluded from the API's to begin with.

5. The duration of the restrictions is between 5 to 7 years, which is not a significant amount of time to reverse the detrimental damage caused by Microsoft. Also, if Microsoft is found to be in violation, there is no extension to the duration.

6. The settlement is full of loopholes for Microsoft to take advantage of. Remember that Microsoft has been found guilty in previous court hearings, and used the loopholes contained within those settlements to render them useless.

7. The settlement does not address the file formats used by Microsoft's Office programs. With each new version of Microsoft's office suite programs, they change the format of the documents created. This creates a barrier to entry for competing office software. It is also a means to force current customers in a never ending upgrade cycle, where they purchase the upgrade to be able to read the files sent to them by others, even though they themselves do not need the added features of the newer version.

Computer Economics estimated the economic impact of malicious computer code for the year 2001 as $13.2 billion dollars. In 1995, prior to Microsoft's Monopoly, the impact was 1/2 a billion. There has been a steady economic drain year after year. While the costs include all malicious computer code, virtually all were due to Microsoft specific software. The virii that caused that damaged were classified by security experts as lower risk, basically meaning they did not destroy data. There are security experts that have predicted that if a cyber-terrorist attacks with a destructive computer virus, the economic impact will be devastating. It is this reason why the National Security Agency has recommended government agencies to adopt other server software.

I do not feel the Microsoft anti-trust settlement is in the consumer's best interest.

Valerie S. Kapko-Roots
Managed Care Coordinator
San Bernardino Medical Group
Phone: (909) 883–8611, Ext. 2328
Fax: (909) 886–1798
E-Mail: hmo-coordinator@sbmed.com

MTC–00023205

From: jclobosc@suffolk.lib.ny.us@inetgw
To: Microsoft ATR
Date: 1/24/02 7:17pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
John Lobosco
50 E Hamilton Ave.
Massapequa, NY 11758

MTC–00023206

From: Herb Woodruff
To: Microsoft ATR
Date: 1/24/02 7:19pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the

rosoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Herb Woodruff

MTC–00023207

From: Patrick McDonald
To: Microsoft ATR
Date: 1/24/02 7:19pm
Subject: Will you let consumers down again?

To whom this may concern,

I just can't believe how the DoJ was ready to let Microsoft off the hook so easily, and above all, so conveniently for the company. The proposed settlement looked so much like it was politically motivated, that it raises serious doubts as to the DoJ's competence, nay its integrity. After all, you yourselves found M$ guilty of abusing monopoly power, and M$ repeatedly lied to you in court. So the sentence better fit the crime . . . or no-one will take the DoJ seriously again, which spells trouble in a democracy (now here's thought).

Give Microsoft the break they ask for, and they'll be back in no time doing what they do best, i.e. being a brutal and abusive monopolist. And expect them to be back at it with a vengeance. For M$ will have been reminded that strangling competitors using a combination of legal and illegal means is a hugely worthwhile and profitable enterprise. Unless the price to pay for this kind of behavior is heavy enough to deter any corporation (even giants like M$), you (the DoJ) and all of us citizen will have been a laughably short interlude in the life of an unrepentant and all-powerful monopolist. In the name of many consumers from the US and abroad, who think that the DoJ might be our last hope to force Microshaft to play by the rules, please don't let us down... again.

Pat McDonald
Patrick P. McDonald, PhD
Ass. Prof. of Immunology
Pulmonary Division,
Universit• de Sherbrooke
Centre de recherche clinique
3001, 12e avenue Nord, piace 4849
Sherbrooke, Qc J1H 5N4
Canada
tel 819–346–1110 x14849
fax 819–564–5377
email
patrick.mcdonald@courrier.usherb.ca

MTC–00023208

From: gary nader
To: Microsoft ATR
Date: 1/24/02 7:22pm
Subject: I think there should be something do about it.The TEC.sector is to one-sided.Microsoft tells me what

I think there should be something do about it.The TEC.sector is to one-sided.Microsoft tells me what I see. And tells oems what they are aloud to sell with their computers. Microsoft is going to get bigger and bigger.They have complete control over the computers.And it scars me it might be the USA.

Thanks Gary Nader

MTC–00023209

From: Chileverde88@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:19pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Eugene Gonzales
1726 Manor Drive
Hillsborough, CA 94010

MTC–00023210

From: ron_a_villanova@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:20pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Ronald Villanova
272 Shenipsit Lake Rd
Tolland, CT 06084

MTC–00023211

From: Carole E. Mah
To: Microsoft ATR
Date: 1/24/02 7:21pm
Subject: Microsoft Settlement

To whom it may concern,

The proposed settlement with Microsoft is a mere slap on the wrist, and will allow anti-competitive practices by Microsoft continue unabated.

This settlement/final judgment should not be adopted until its weekness are well addressed. I am sure you are familiar with the well-composed list here: http://www.kegel.com/remedy/remedy2.html.

Don't let down users, businesses, and competitors by ignoring problems.

Thank you,
—carole
Carole E. Mah carolem@stg.brown.edu
Senior Programmer/Analyst
Brown University Scholarly Technology Group
phn 401–863–2669
fax 401–863–9313
http://www.stg.brown.edu/
personal: http://www.stg.brown.edu/carolem/

MTC–00023212

From: Douglas Smith
To: Microsoft ATR
Date: 1/24/02 6:57pm
Subject: Microsoft Settlement

Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Hello,

My name is Douglas Smith. I am a software developer for TeraTech, a company in Rockvile, Maryland. I firmly believe that the Proposed Final Judgement (PFJ) against Microsoft is weak and not in the public's interest. This is especially true in the section of the PFJ that has to do with defining the Windows Operating System. Any current and future operating systems designed by Microsoft that use any part of the Win32 API should be covered, since that is the core of the operating system, and the core of what defines the term ''Windows compatible software.''

Definition U: ''Windows Operating System Product''

Microsoft's monopoly is on Intel-compatible operating systems. Yet the PFJ in definition U defines a ''Windows Operating System Product'' to mean only Windows 2000 Professional, Windows XP Home, Windows XP Professional, and their successors. This purposely excludes the Intel-compatible operating systems Windows XP Tablet PC Edition and Windows CE; many applications written to the Win32 APIs can run unchanged on Windows 2000, Windows XP Tablet PC Edition, and Windows CE, and with minor recompilation, can also be run on Pocket PC.

Microsoft even proclaims at www.microsoft.com/windowsxp/tabletpc/tabletpcqanda.asp: ''The Tablet PC is the next-generation mobile business PC, and it will be available from leading computer makers in the second half of 2002. The Tablet PC runs the Microsoft Windows XP Tablet PC Edition and features the capabilities of current business laptops, including attached or detachable keyboards and the ability to run Windows-based applications.'' and Pocket PC: Powered by Windows Microsoft is clearly pushing Windows XP Tablet PC Edition and Pocket PC in places (e.g. portable computers used by businessmen) currently served by Windows XP Home Edition, and thus appears to be trying to evade the Final Judgment's provisions. This is but one example of how Microsoft can evade the provisions of the Final Judgment by shifting its efforts away from the Operating Systems listed in Definition U and towards Windows XP Tablet Edition, Windows CE, Pocket PC, X-Box, or some other Microsoft Operating System that can run Windows applications.

Definition U currently reads:

U. ''Windows Operating System Product'' means the software code (as opposed to source code) distributed commercially by Microsoft for use with Personal Computers as Windows 2000 Professional, Windows XP Home, Windows XP Professional, and successors to the foregoing, including the Personal Computer versions of the products currently code named ''Longhorn'' and ''Blackcomb'' and their successors, including upgrades, bug fixes, service packs, etc. The software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion.

Definition U should be amended to read

U. ''Windows Operating System Product'' means any software or firmware code distributed commercially by Microsoft that is

capable of executing any subset of the Win32 APIs, including without exclusion Windows 2000 Professional, Windows XP Home, Windows XP Professional, Windows XP Tablet PC Edition, Windows CE, PocketPC 2002, and successors to the foregoing, including the products currently code named ''Longhorn'' and ''Blackcomb'' and their successors, including upgrades, bug fixes, service packs, etc.

Douglas M. Smith—Application Architect
TeraTech—Tools for Programmers(tm)
douglas@teratech.com

MTC–00023213

From: Niki Hansen
To: Microsoft ATR
Date: 1/24/02 7:27pm
Subject: Microsoft Settlement

I would like to recommend that the Department of Justice, in the Tunney Review process of the Microsoft Antitrust case, approve the settlement. Actually, I would like to see a settlement more favorable to Microsoft. The Department of Justice has spent way too much money pursuing this non-threat to the consumer at the consumer/taxpayer's expense.

A much bigger threat to the public, software consumers and non-consumers alike, is the giant conglomerate AOL Time Warner. The collection of Books, TV News Channels, Entertainment TV Channels, Cable, Web content sites, Web browsers, and who know what else, in the hands of one corporation is a threat. Books can be hyped as good by their own reviewers, and the word spread by news, TV, and web sites. Books published by others will be handicapped in competing for movie right bids. But, the most frightening, is the serious censoring power when one corporation owns so many sources of news. Even if news is not squelched, it could be slanted by multiple sources that make it sound true. Movie studios were prevented from owning theaters under anti-trust. This big conglomerate is much, much worse.

Nicola S. Hansen
(registered voter over 21)
Reno, Nevada 89509

MTC–00023214

From: gibrmartin@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:20pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Gilbert Martin
644 SW 144th Place
Seattle, WA 98166–1574

MTC–00023215

From: Allan Kalar
To: Microsoft ATR
Date: 1/24/02 7:25pm
Subject: Microsoft Settlement

It is my considered opinion that the marketplace should be the ''great leveler'' in the case of Microsoft. Using the courts to stifle honest competition or to punish success is a sure way to destroy this country. Microsoft's Windows is far from a monopoly. Linux is making great strides against Windows because of it's greater reliability, lower cost/per seat (especially for Internet Servers), and the fact that it's considerably more secure. Also, many versions of Linux come bundled with very powerful software that costs extra with Windows.

Let competition rule. If Microsoft wants to compete against Linux, it will have to improve Windows considerably and lower the cost/per seat. Isn't that what we're supposed to be doing?

Allan Kalar
alkalar@attglobal.net
PO Box 1975
Elma, WA 98541

MTC–00023216

From: fred smith
To: Microsoft ATR
Date: 1/24/02 6:56pm
Subject: microsoft settlement

Gentlepersons:

As a computer professional I wish to make known to you my DISapproval of the Proposed Final Judgement (PFJ) in the Microsoft Anti-Trust case. This is a case in which a huge company has been found guilty of illegal monopolistic practices. The penalties for such practice should be real penalties. It is my belief that the PFJ not only proposes no meaningful penalities, it allows Microsoft to continue to practice business in much the same way as in the past.

I am not a legal scholar, I cannot give you a scholarly argument, so therefore I wish to refer you to many excellent arguments made publicly, on the Web, by others more knowledgeable than I. Also, please note that I have willingly added my name to the list of signers to the ''open letter'' that will be sent to you by Dan Kegel (http://www.kegel.com/remedy).

Mr. Kegel's web site has many excellent discussions of this Microsoft case and the PFJ. There are also a number of links to many other articles/open letters/arguments/discussions on the subject, many of them by well-known and respected people. I specifically refer you to (and urge you to read) the following:

—http://www.linuxplanet.com/linuxplanet/opinions/4020/1/ An interview with Judge Robert H. Bork.
— http://www.boston.com/dailyglobe2/015/business/Microsoft—case—key—to—tech—s—future+.shtml An article by the Attorney General of Massachusetts
—http://www.cptech.org/at/ms/rnjl2kollarkotellynov501.html Ralph Nader's open letter
—http://www.cptech.org/at/ms/rnjl2kollarkotellynov501.html Analysis by the Computer and Communications Industry Association Other important links are:
—http://www.procompetition.org/market/settlement/BorkLetter.html A letter from Robert H. Bork
—http://www.procompetition.org/market/settlement/BarksdaleLetter.html A letter from James Barksdale

While the opinions of the authors of these (and other) articles are not necessarily identical to my own opinions, they do point out many problems with the PFJ, and do so much more eloquently than I could.

But the thrust of my argument (and theirs) is this:

1) the PFJ does not provide any meaningful penalties for past violations of anti-trust law.

2) the PFJ provides too little relief from Microsoft's monopolistic behavior.

3) The PFJ gives Microsoft far too much power to decide to whom they will release API (and other) documentation and too many ways to weasel out of releasing such documentation.

4) The PFJ specifically does not include any allowance for software or operating systems which compete with Microsoft but which are not supported or owned by a commercial entity. The major competition to Microsoft in the operating system arena, currently, is exactly that, and there is no provision in the PFJ to prevent Microsoft from doing anything they want to squash that competition. This type of software is often referred to as ''Open Source'' or ''Free Software''.

5) the commission mandated by the PFJ to oversee Microsoft's compliance is essentially powerless.

Microsoft has shown themselves in the past to be willing to essentially ignore consent agreements, and to work through loopholes in consent agreements. Also, Microsoft has shown no remorse or obvious willingness to change their business practices. We need a judgement that has REAL penalties and the teeth necessry to enforce them. This PFJ has neither. I urge you to please review the arguments above, especially the links given (as well as many others not shown here) to other excellent discussions and arguments on the case, and having done so to then rule that this Proposed Final Judgement is not a suitable remedy for the crimes of which the defendent has been convicted.

Sincerely,
Frederick C. Smith
20 Whipple Ave.
Stoneham, MA 02180
fredex@fcshome.stoneham.ma.us

MTC–00023217

From: TTa5448298@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:25pm
Subject: Microsoft Settlement

To Whom it may concern:

At one time, the Bell System was the best communications system in the world.

If the U. S. government had not interfered, there's no telling what improvements we would have seen by now.

Don't let the same thing happen to Microsoft. Stop the court action now, do not help AOL, Time, Warner in their quest to get unjust compensation on the back of an unjust action in the first place.

T.E. Taylor
3137 W. Country Gables Dr.
Phoenix, AZ 85053–4827

MTC–00023218

From: Dave Nathanson
To: Microsoft ATR
Date: 1/24/02 7:27pm
Subject: Microsoft Settlement

Hello,

I feel strongly that Microsoft has run their business in an unfair & uncompetitave manner, at the expense of the general public. THey have run rough shod over the hopes, dreams, and rights of the people and companies who are or were their comptitors.

To allow them the fantastic opportunity to dominate the educational market with a degree thaty they must give a bunch of computer software & hardware—all valued at retail prices, is absurd. It will benefit M$ rather than punish them for their unfair business practices.

Best,
Dave Nathanson
Mac Medix

MTC–00023219

From: mfry@kscable.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:23pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Michael Fry
229 Southport Dr
Newton, KS 67114–5429

MTC–00023220

From: MJJNSN@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:27pm
Subject: Anti—Trust Case

United States of America
Department Of Justice:

The purpose of this message is to express my strong support for Microsoft, and urge appropriate steps be taken to achieve fast closeure of all pending Anti-Trust cases against Microsoft. This should be accomplished without further restrictions, actions or changes in the structure of the company. The corrective actions already taken by your department, along with world wide competition and fast changing technology, will quickly eliminate any still existing problems. It makes absolutely no sense to damage an American Corporation to solve correctable problems between American Companies. It can have a very negative impact on the American economy and it opens a much too wide door to foreign competitors.

Thank you,
M.J. Jensen
13447 W Gable Hill Dr.
Sun City West, AZ 85375

MTC–00023221

From: jackybird@webtv.net@inetgw
To: Microsoft ATR
Date: 1/24/02 7:25pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jackie Kelton
815 Country Club Drive
Unit E
Libertyville, IL 60048

MTC–00023222

From: Matthew McNeil
To: Microsoft ATR
Date: 1/24/02 7:27pm
Subject: Microsoft Settlement

I am writing this because I think the proposed settlement over the Microsoft case is a bad idea. I believe Microsoft has painted themselves to be a friend to the American consumer and a crusader of technological advancement. Many ignorantly believe this view of Microsoft, and support such a weak settlement.

I however, am in support of a much more suitable settlement, which fairly punishes a company whose business practices are nothing short of deplorable. Please consider this and other such opinions before settling with Microsoft.

I am a Chemistry graduate student at Idaho State University.

Sincerely,
Matthew McNeil

MTC–00023224

From: Howard Kim
To: Microsoft ATR
Date: 1/24/02 7:29pm
Subject: The Microsoft Settlement

To Whom It May Concern:

I find the proposed settlement in the Microsoft Antitrust case to be not a settlement in the public interest. It pains me to see Microsoft abuse it's monopoly power, and claiming they are doing it for the advancement of technology and business, but in fact ruining the entire technology industry for me and those who are not blind to their abuses.

Without rehashing the evidence pointed out during the trial, Microsoft's monopoly position threatens to control the foundations of technology itself. Since Windows is a ''required'' operating system, and since it is a proprietary one at that, Microsoft is leveraging that desktop ubiquity to take over the internet as we know it with their .NET strategy. Using their Passport system gives the keys of identity to Microsoft, a corporation, serving their own bottom line, not the public interest. Other products and APIs are forced on people's computers because they dictate it as such. Those that conflict with Microsoft are shut out entirely. Their DirectX API for example essentially forces game and multimedia developers to depend on fundamental and yet proprietary Microsoft technology for their livelihood, and as such they are tied to the Windows platform.

The same will happen with other fundamental APIs like security and identity (Passport), web services (.NET), etc.

Even our great government is shackled by Microsoft's proprietary and closed products. Why should our tax dollars be spent on products which are controlled by a corporation, especially something as fundamental as computer software? Our public government should be advocating open source software and encourage their use since it serves the public interest, not the pockets of a monopoly. The remedies in the proposed settlement do not address open source development. Non-profit organizations such as the Apache group and communities of developers put out seemingly the few successful competitive products to break the Microsoft hegemony.

I believe the government should advocate more software development in the public interest, and as such remedy the settlement to stop Microsoft from abusing their monopoly power, and also provide mechanisms to foster further growth in open source development.

I hesitated in writing my opinion on this matter for a long time. Perhaps I was afraid of being ''marked'', but this is too important to remain silent. The Tunney act allows us, the public, to voice our opinions. If Microsoft is allowed to continue their abuse, our industry will stagnate and be under the total control of a corporation. Many make jokes about Microsoft as ''Big Brother'', but we approach that as a reality everyday. It makes me want to quit the technology industry—how discouraging is that?

Howard Kim
Software Developer

Brooklyn, NY

MTC–00023225

From: Neno1925@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:26pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Elnora Reid
205 Hilton Ave.
Catonsville, MD 21228–5729

MTC–00023226

From: rsgardner@mindspring.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:26pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Sallie Gardner
7417—165th Ave. N.E.
Forest Lake, MN 55025

MTC–00023227

From: drbob@pacific.net@inetgw
To: Microsoft ATR
Date: 1/24/02 7:26pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Bob Thompson
P O Box 1656
Willits, CA 95490

MTC–00023228

From: Mitchell Lifton
(060)ml26(a)umail.umd.edu
To: Microsoft ATR
Date: 1/24/02 7:29pm
Subject: Microsoft Settlement

The proposed settlement does nothing to alleviate, cure,or otherwise restrict Microsoft's rapacious, aggressive and continuous attempts—largely successful, alas—to control most areas of commonly used software. It essentially guts the proceedings brought against the most egregious monopoly since Andrew Carnegie et al were thundering through the American economic landscape. I urge the court to reject the settlement.

Sincerely,
Mitchell Lifton
Professor
New Media, Digital Narration
University of Maryland
College Park, MD

MTC–00023229

From: JHBEHAN@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:30pm
Subject: Microsoft settlement

It is time to difinitively settle the Microsoft case. It has been proven that Microsoft has given the consumer the best value. Other companies could have come up with other highly competetive software if they had the intelligence to do so. They were not blocked in any way to develop their own more competitive products. AOL is now planning litigation which is untimely and clearly meant to undermine efforts at settlement. It will be costly to the consumer and not in the public best interest.

MTC–00023230

From: conpharm@tampabay.rr.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:27pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Joe Haynes
10012 130th Lane North
Seminole, FL 33776–1709

MTC–00023231

From: Rick Runowski
To: Microsoft ATR
Date: 1/24/02 7:29pm
Subject: Microsoft Settlement

Ladies and Gentlemen,

I would like a chance to comment on the proposed Microsoft Settlement. I agree with Dan Kegl's web site < www.kegel.com/remedy/ > in most aspects and believe it should be seriously considered before finalizing this Settlement.

I have been working in the computer industry for almost 10 years now. I am also a computer science student attending Oklahoma State University. I primarily run Linux at home, and use Microsoft Windows NT, 2000, 98, Me and Unix at work and at school. I work at a major computer component manufacturer as a supervisor, and have experience in supporting multiple operating systems.

Some points that I would like to emphasize: <www.kegel.com/remedy/remedy2.html>

''PFJ Section II: Prohibited Conduct

J. This agreement lets Microsoft keep secret anything having to do with security or copy protection.'' If Microsoft is allowed to continue to keep their security flaws from the public, how are we supposed to know how to defend our systems. Microsoft's OS has a history of insecurity, and Microsoft has made a point to deal with security issues as public relation problems. In order to refute this claim Mr. Gates made a press release stating that Microsoft would focus on security, and make it the ''highest priority''.< http://slashdot.org/article.pl'sid=02/01/17/0259234&mode=thread > This clearly suggests that they will, in the future, continue to treat security flaws and issues and a public relations problem.

''PFJ Section VI: Definitions

A. ''API'' (Application Programming Interface) is defined as only the interfaces between Microsoft Middleware and Microsoft Windows, excluding Windows APIs used by other application programs.'' APIs cannot be limited to ''Middleware''. All Microsoft API's that are used for non-OS functions should be clearly outlined and documented for alternate program vendors to use. Anything otherwise will give (and has given) Microsoft a competitive edge against program vendors. Please note that I'm not suggesting Microsoft

be forced to give away the APIs used solely for the design and implementation of their OS. Only those that are used to create non-OS software.

This final point does however create a problem of defining OS software and non-OS software. An operating system is defined as a program that lies between the user and the hardware. The Operating System should then be limited to that which is required for the user to interface with the hardware. This would explicitly leave out Media Player, Outlook, Internet Explorer, and many other programs Microsoft has not yet begun to capitalize on by including it in their ''OS''.

These are only two of many oversights in the proposed Settlement. Please carefully reconsider your position and rewrite this agreement to be more specific and binding. If there are any questions regarding this mail feel free to contact me using any of the information below.

Thank you for your time.
Sincerely,
Rick Runowski
11103 N. Chatburn Ln.
Stillwater Ok. 74075
(405) 410–1425 Cellular
runowsk@a.cs.okstate.edu
CC:governor@gov.state.ok.us
@inetgw,senator@nickles.se...

MTC–00023232

From: Bradley K. Tober
To: Microsoft ATR
Date: 1/24/02 7:31pm
Subject: Microsoft Settlement

Dear Sirs,

The monopoly that is Microsoft poses a severe threat to the system of economy in America. Microsoft's actions have all but completely wiped out any type of competition, which is a fundamental aspect of the Free Enterprise System. Corporations such as Apple Computer, Inc. have suffered heavily from the lies and deceit of Microsoft. Without Apple, Microsoft would not exist today, as their entire business is based on intellectual property stolen from Apple over 15 years ago. At one time, Apple was a great personal computer manufacturer, and while they still are, they have lost a huge portion of market share due to Microsoft's destructive practices. Any settlement including measures requiring Microsoft to donate money and/or product to suitable organizations will only extend their monopoly and further destroy their competition.

I believe that any settlement to the anti-trust case must involve Microsoft supporting their own competition. Microsoft should be forced to pay continued damages to its competition, such as companies like Apple. This will result in the growth of competition for Microsoft, and eventually even out the market share in the technology sector.

Whatever is chosen in this case, it must be something that will be damaging to Microsoft. You must fight fire with fire.

Thank you for your time.
Respectfully yours,
Bradley K. Tober
btober@mac.com

MTC–00023233

From: bj2bucks@cs.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:28pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jan Buckman
8445 Ranchita Way
Fair Oaks, CA 95628–6122

MTC–00023234

From: DonnetteG@webtv.net@inetgw
To: Microsoft ATR
Date: 1/24/02 7:28pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Donmette Hennigar
1631 Riverview Rd
Apt 504
Deerfield Beach, FL 33441–4361

MTC–00023235

From: Gerry Panganiban
To: Microsoft ATR
Date: 1/24/02 7:32pm
Subject: Microsoft Settlement

I believe the Microsoft Settlement is a bad idea.

Gerry Panganiban
San Jose, CA

MTC–00023236

From: Wm D Loughman
To: Microsoft ATR
Date: 1/24/02 7:32pm
Subject: Microsoft Settlement

I'm in total disagreement with the proposed Microsoft ''settlement''. It does not begin to address the harm already done by Microsoft, to consumers and ''the industry'' itself. It's a teensy slap on the wrist; an encouragement actually for Microsoft to continue its illegal practices.

WD ''Bill'' Loughman, PhD—Berkeley, California USA
wdlkhl@attglobal.net

MTC–00023237

From: Robert Burke
To: Microsoft ATR
Date: 1/24/02 7:32pm
Subject: Comment on the proposed Final Judgement

This email is in regards to the proposed Final Judgement against Microsoft. I have waited this long to comment to make sure I understand the impact of the proposed solution in light of the changing landscape of technology, business, and the law.

To give you my background, I have been a professional programmer for seven years. I have worked in internet related business, scientific software production, IT for a financial institution, and Bioinformatics at UCLA. During my contact with computers, starting in early 1980 at a young age, I have used about every modern operating system and programming tool available in the last decade. Although I don't have and formal legal training, it has overlapped with my computer and business studies on numerous occation.

From this perspective, I have become very nervous about the results of the proposed settlement in the Microsoft case. The most pressing concern is that non-profit computer projects are not included in the judgement. Most authorities consider software such as Linux, Apache, etc. to be the only real threat to Microsoft in the marketplace. Yet there is no provision in the FJ to get information about ''Disclosure of APIs, Communications Interfaces and Technical Information.'' (Section III(D)) out to the developers that are creating the above software. If this isn't corrected, the FJ will have no positive effect on Microsoft's practices, or the makeup of the computer market.

In order for the Open Source community to gain any ground due to this judgement, all information about MS interfaces needs to be freely available to the public in an easily accessible place. This should have no negative affect on Microsoft beyond the intention of the FJ and will add OS developers to the list of people who can produce software for, as well as interfacing with, MS products. Also of concern is the definition of ''Middleware'' in the FJ. Whatever the final definition, it should encompass any interface that may reasonably be used to interface with MS products.

Thank you for your time.
Robert Burke
Santa Monica, California
Programmer, UCLA

MTC–00023238

From: brittne@visi.net@inetgw
To: Microsoft ATR
Date: 1/24/02 7:30pm

Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Celia Williams
16650 Longview Dr
Smithfield , VA 23430–6703

MTC–00023239

From: bhirvela@frontiernet.net@inetgw
To: Microsoft ATR
Date: 1/24/02 7:30pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Brian Hirvela
178 Meserole Ave Apt 4
Brooklyn, NY 11222–2418

MTC–00023240

From: mark@sisko.jsc.nasa.gov@inetgw
To: Microsoft ATR
Date: 1/24/02 7:34pm
Subject: U.S. DOJ vs Microsoft

I have submitted comments once before and wish to extend those comments with these few words:

According to the law as it has been put forth by Congress; any company created within the boundaries of the United States shall be considered, for all intents and purposes, an individual will all rights, restrictions, and abilities which a normal person shall have attained as a member of these United States. Thus, should one company cause another company to cease to exist—for whatever reason, then the company which no longer exists can be said to have been killed by the first company.

My questions are:

1. Is this not murder?

2. Should we, as a nation, encourage, condone, work with, or even aid these actions?

MTC–00023241

From: gedel@houston.rr.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:32pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
George Edel
6610 Wimbledon Trail
Spring, TX 77379

MTC–00023242

From: Ted Johnson
To: Microsoft ATR
Date: 1/24/02 7:35pm
Subject: Microsoft Settlement

I think the settlement is a Bad Idea.
-Ted Johnson

MTC–00023244

From: roy.hamilton@verizon.net@inetgw
To: Microsoft ATR
Date: 1/24/02 7:31pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Roy Hamilton
230 SE 2nd Street
Gresham, OR 97080–7624

MTC–00023245

From: llefort36@cs.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:31pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
A. O. Lee LeFort
1328 Clements Rd
Jacksonville, FL 32211–6352

MTC–00023246

From: Arshad Tayyeb
To: Microsoft ATR
Date: 1/24/02 7:35pm
Subject: Microsoft Settlement

PLEASE do not let Microsoft get away with just a slap on the wrist. Microsoft is destroying competition for computing, and many, many companies and people have suffered because of it.

The current proposed settlement is NOT OK.

MTC–00023247

From: bmitchell@ocsd.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:32pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
BEATRICE Mitchell
10428 Echo River Court
Fountain Valley, CA 92708–5923

MTC–00023248

From: bub
To: Microsoft ATR
Date: 1/24/02 7:37pm
Subject: Microsoft Settlement

Dear Sir or Madam:

If if was not for Microsoft, I would still be using my Apple II+.

I've spent hundreds and hundreds of dollars on PC software that did not function together. An example is mail-merge. To my knowledge, Microsoft Office is the only software, even today, in which the word processor (Word), the spread sheet (Excel), and the data base (Access) work flawlessly together. As a consequence, MS Office is the only business program I need today.

Microsoft is the best thing that's happened to this country since sex!

Please do not kill it.

Jon Glahn
1721 9th Street
Camanche, IA 52730

MTC–00023249

From: David Samuels
To: Microsoft ATR
Date: 1/24/02 7:40pm
Subject: Microsoft Settlement

To Whom It May Concern:

It is time for this needless litigation against Microsoft to end. As a consumer, I am glad that Microsoft continues to innovate and push the industry to provide better products that work together and meet my growing needs. The other companies need to either innovate or get out of the way. Microsoft does not have a monopoly on new ideas or better engineering. They just listen better and deliver to the consumer. My vote is to end this time wasting, money wasting litigation and let the free market work.

I do not work for Microsoft or have any connection with Microsoft other than as a consumer of their products. I don't even own stock in Microsoft, even though I wish I did.

Thanks,
David Samuels
4561 Charlemagne
Plano, TX 75093
972–985–1343

MTC–00023251

From: Phil Dibowitz
To: Microsoft ATR
Date: 1/24/02 7:40pm
Subject: Microsoft Antitrust

Dear Whomever it May Concern:

I am writing with regard to the Microsoft Antitrust suits. I would like to encourage a much harsher penalty for Microsoft that MS's original ''deal.'' Such a sentence where they get to ''pay'' with their own software, which is costing them a few cents per CD and further securing their hold on the market, is unacceptable.

I would also like to point out that it is impossible to ''monitor'' a corporation like Microsoft. It would not be feasible to expect anyone to know everything that goes on at such a massive organization. Instead, restrictions need to be put in place to ensure they *cannot* commit further violations of the law. A course of action that will actually affect Microsoft should be agreed upon, and an even worse one in case they make this mistake again (for example, fees below $1 billion would not do much harm to them and thus should be avoided).

Lastly, I am in full support of a breakup of the giant. In addition to discouraging unfair bundling of their software, stock splits and additional jobs are likely to be results: things we could all use.

Thank you for your time,
Phil Dibowitz
Sr. Systems Administrator
MySmart Solutions

MTC–00023252

From: slk0328@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:39pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Sandy Kremer
815 Hillside Dr. E.
Seattle, WA 98112–5059

MTC–00023253

From: dforrest@digisys.net@inetgw
To: Microsoft ATR
Date: 1/24/02 7:38pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Norman L. DeForrest
160 Pheasant Run
Kalispell, MT 59901–2778

MTC–00023254

From: diann—sigler@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:39pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Sincerely,
Diann Sigler
6825 Wedgestone Drive
Plano, TX 75023–1072

MTC–00023255

From: Tom Lee Mullins
To: Microsoft ATR
Date: 1/24/02 7:43pm
Subject: The Microsoft Settlement!

I don't think the Microsoft settlement is fair to those who try to compete with them. I equate it to the agreement that Chamberlain made to with the Nazi German government and saying it was fair to the Polish. It allows Microsoft to continue what they have been doing before. Is this not what caused the lawsuite in the first place? The monopolistic practices of Microsoft to keep others from competing with them.

TomLeeMullins

MTC–00023256

From: Greg Dardis
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 7:42pm
Subject: Microsoft Settlement

Dear US DOJ

I would like to record my thoughts on the disasterous lack of courage and intelligence on the part of the government in respect to Microsoft's illegal business practices. As a United States citizen I do not blame the government or the Dept. of Justice in such a difficult case. Blame should be on the guilty party, not the process, and that party in Microsoft, Inc. There is no need to debate the culpability of Microsoft. It has already been ajudicated. What needs to happen is for Microsoft to feel meaningful sentencing like all who break the law and affect so deeply the lives of many. It should not be difficult for me to live and work a life using computers independent of any one company that I feel lacks ethical business practices.

Microsoft is no exception to that and it is the job of the courts and DOJ to allow me that freedom.

Please don't let Microsoft corrupt the free enterprise system that so many have fought for. Do not let the truth become a victim of the perception that this is not important anymore. Do not let the years of work of the DOJ be another victim of Sept. 9th. just because some want to ''move on.'' This is perhaps the most pervasive and important judgement that we may have for the economic future of our technical markets for years to come. Do not let this judgement be a victim of the previous judge's indescretion.

Microsoft is guilty. Microsoft has shown no remorse or willingness to change its policies. It deserves to be punished to the fullest extent of the law. The freedom of the marketplace and Microsoft's position in it will be just fine.

Thank you,
Greg Dardis
1945 SE Water Ave.
Portland, Oregon 97214

MTC–00023257

From: Charlotte Martin
To: Microsoft ATR
Date: 1/24/02 7:43pm
Subject: Fw: Attorney General John Ashcroft Letter

Original Message

From: ''Microsoft's Freedom To Innovate Network'' <fin@MobilizationOffice.com>

To: <fluffydg@pacifier.com> Sent: Thursday, January 24, 2002 12:03 PM

Subject: Attorney General John Ashcroft Letter

Attached is the letter we have drafted for you based on your comments. Please review it and make changes to anything that does not represent what you think. If you received this letter by fax, you can photocopy it onto your business letterhead; if the letter was emailed, just print it out on your letterhead. Then sign and fax it to the Attorney General. We believe that it is essential to let our Attorney General know how important this issue is to their constituents.

When you send out the letter, please do one of the following:

* Fax a signed copy of your letter to us at 1–800–641–2255;

* Email us at fin@mobilizationoffice.com to confirm that you took action. If you have any questions, please give us a call at 1–800–965–4376. Thank you for your help in this matter.

The Attorney General's fax and email are noted below.

Fax: 1–202–307–1454 or 1–202–616–9937
Email: microsoft.atr@usdoj.gov

In the Subject line of the e-mail, type Microsoft Settlement.

For more information, please visit these websites:

www.microsoft.com/freedomtoinnovate/
www.usdoj.gov/atr/cases/ms-settle.htm
MTC–00023257 0001
3700 X Street #38
Vancouver, WA 98663–2674
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

Microsoft and the Department of Justice have spent more than enough time hashing out the particulars of the antitrust case in the federal courts. Three years have gone by already, and it is high time that this suit should be settled. Unfortunately, even now as a settlement is pending in the federal courts, Microsoft's competitors and the nine states in which they have sufficient influence, are seeking to undermine the settlement and continue litigation against the Microsoft Corporation. ! do not believe this would serve the best interests of the public, the economy, or the technology industry.

In November of last year, Microsoft and the Justice Department were able to reach an agreement that satisfies the demands of justice. Microsoft has agreed to a variety of terms under the agreement, some of which are restrictive, and some of which require changes in its products and procedures. Microsoft has, for example, agreed not to take retaliatory action against any party that introduces a product into the market that directly competes with Microsoft software. Microsoft has also agreed to provide third parties acting under the terms of the settlement with a license to applicable intellectual property rights, so that they will have the ability to work within the Windows operating system.

I believe the settlement is fair. I urge you to endorse the finalization of the settlement as soon as possible.

Sincerely,
Charlotte Martin Perry
MTC–00023257—0002

MTC–00023258

From: Robert Hebert
To: Microsoft ATR
Date: 1/24/02 7:44pm
Subject: Microsoft/DOJ Settlement

Sirs:

I believe that Microsoft has harmed me by its business practices—past and present—and that the currently proposed settlement between the DOJ and Microsoft is not only insufficient to correct the abuses of Microsoft, it is counterproductive and would be severely damaging to Microsoft1s competitors (Apple, etc.) and amounts to an advertising coups for Microsoft in that the schools would be brainwashed with more MS equipment and software at your direction.

I insist that the damages be paid in cash and at many times the rate settled-on to date and paid to private consumers, computer soft- and hard-ware competitors, institutions and schools, and to governments who have all been harmed by Microsoft1s monopolistic and anticompetitive practices. Additional severe penalties to correct Microsoft in its business practices need to be imposed now and in the future in order to provide for fair competition in the computer hardware, operating system, and program environments and in the internet access and communications fields.

Sincerely,
Robert J. HEBERT
<hebert@theriver.com>
Preston B. HEBERT, CAP (son)
<what@theriver.com>
Alma SANGER-HEBERT (wife)
<almas@qwest.net>
Amika R. HEBERT, 4H (daughter)
<missmillwood@hotmail.com>
5076 South Calle Encina
Sierra Vista, AZ 85650–8972
1–520–803–9919 (home phone & voice messages)
1–520–803–9922 (home phone & voice messages)
1–520–803–9920 (home fax)
1–520–604–6633 (cellular phone)
1–520–458–0888 (work 8am-6pm Mon-Sat)
1–520–458–0999 (work-plain paper fax)
''the Rest of Us''
''...that others may live.''
''Prior Planning Prevents Poor Performance.''
3TEAM: Together Everyone Accomplishes More!''
''Rank does not confer privilege or give power;
It imposes responsibility.'' —Peter Drucker—
''Remember... its not just a job, its an adventure.''

MTC–00023259

From: atoll1211@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:41pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Audrey Toll
9449 Briar Forest Dr. #3911
Houston, TX 77063

MTC–00023260

From: Benjamin Liberman
To: Microsoft ATR
Date: 1/24/02 7:45pm
Subject: Microsoft Settlement

To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I would like to comment on the proposed settlement with Microsoft. The settlement does nothing to solve the problem of monopoly power the software giant wields. Even if Microsoft does everything required of it by the settlement (and there is very little

chance it will, given the settlement's lack of enforcement mechanisms) it will still have too few restrictions on how it can use its considerable power. A real settlement must force Microsoft to make space for alternatives to its dominant software. Complete access to Microsoft's APIs is necessary to allow other software manufacturers to write software that will work as well with the Windows family of operating systems as Microsoft's own software. Microsoft's licensing must also be kept from quelling competition. Microsoft is now in the same position AT&T was twenty or so years ago, and should have similar restrictions placed on it— ideally the company should have been split into several competing software firms, but, barring that, it should have restrictions placed on pricing to allow the competition to catch up with the giant. In the end, that is what it boils down to—competition. If you do not fight for competition in the software arena, it will all but disappear. When it does, our own national security will be at stake, because Microsoft will own the electronic highway that is becoming more and more vital to the national economy. Even a benevolent company should not be allowed this power—and Microsoft has proven itself again and again to be anything but benevolent.

Thank you,
Benjamin Liberman
Santa Fe, NM
Computer Programmer
Accent Optical Technologies

MTC–00023261

From: Scott San Filippo
To: Microsoft ATR
Date: 1/24/02 7:45pm
Subject: Microsoft Settlement

I do not believe the proposed settlement is fair to consumers or developers, and I believe that the government has not done enough to punish Microsoft for the anti-competitive practices. As a software developer, I believe Microsoft, through its business practices, suppresses competition and innovation. As a consumer, I believe their practices result in inferior products.

Scott San Filippo
San Francisco CA

MTC–00023262

From: tandg@ev1.net@inetgw
To: Microsoft ATR
Date: 1/24/02 7:44pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Tommy Howe
610 Cypresswood Dr.
Spring, TX 77388

MTC–00023263

From: Peter Wittenberg K2LRC
To: Microsoft ATR
Date: 1/24/02 7:47pm
Subject: Microsoft Settlement

January 24, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

I am happy to hear that Microsoft and the government have reached an agreement. I think Microsoft has conducted itself appropriately as a corporate citizen throughout this entire ordeal, and think what they have agreed to do is fair for all.

If I understand it correctly, Microsoft has agreed to establish a ''Technical Committee'' that will monitor Microsoft's compliance with the settlement and assist with dispute resolution, as well as agreed to terms that extend well beyond the products and procedures that were actually at issue in the suit, for the sake of wrapping up the suit, and has granted computer makers broad new rights to configure Windows so as to promote non-Microsoft software programs that compete with programs included within Windows.

Mr. Ashcroft, this settlement shows the kind of company Microsoft has always been and that is a company that cares not only about sales, but also about the consumer's needs and abilities to have access to its innovative product. I support this settlement, and hope it will be approved at the end of this comment period.

Sincerely,
Klaus Gormar

MTC–00023264

From: Janet Stephenson
To: Microsoft ATR
Date: 1/24/02 7:48pm
Subject: (no subject)

Leave microsoft alone. Why doesn't the DOJ concentrate on Enron .

Punish Ken Lay not Bill Gates. Bruce and Janet Stephenson

MTC–00023265

From: nthom65478@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:48pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Nathan Thom
795 Haftez Street NE
Palm Bay, FL 32907

MTC–00023266

From: bdaul@pacbell.net
To: microsoft.atr(a)usdoj.gov.
Date: 1/24/02 7:51pm
Subject: Microsoft MUST be brought down a significant notch!

I find it HARD to believe that intelligent people do not see the follie in this dragged-out case. THE US has already decided MS is a monopoly and now you want to congradulated them as a punishment while the rest of the world looses innovation left and right.

Innovation in the computer world is AN ENGANGERED LIFEFORM!!!! How can any small entity compete with this control-freak of a company? All they can do is be absorbed and innovated technology gets shelved.

YOU (THE US GOVT.) need to do something for the people for a change. You continue to perpetuate the reality that companies are more important than individuals...no matter what you belief system is...God or Evolution didn't create organization...individual were created first.

I resent with such ferocity the crap that gets stuffed down my throat by Microsoft. PLEASE do something for the people for a change...give us an environment rich in innovation not a desert.

Bill Daul
3030 Price Ct.
Palo Alto, CA. 94303
USA
650.856.2002

MTC–00023267

From: Bob Goates
To: Microsoft ATR
Date: 1/24/02 7:51pm
Subject: Microsoft Settlement

I believe the proposed settlement of the antitrust case against Microsoft is very inadequate. It provides little or no punishment for past crimes, and I suspect the system it proposes to monitor Microsoft's actions will be easily circumvented.

Also, the duration of settlement agreement will allow Microsoft to be completely unfettered within at most seven years. Considering the effort put into this case, the limited duration of the remedy gives Microsoft little incentive to obey the law in the future.

Sincerely,
Robert R. Goates
1224 Scott Drive
Cheyenne, Wyoming 82007
r.goates@ieee.org

MTC–00023268

From: Eugenia Loli-Queru

To: Microsoft ATR
Date: 1/24/02 7:53pm
Subject: The Microsoft case

Time is running out, and freedom, whatever the flavor to which you cleave, is at stake.

Microsoft wants to control people through their software. Today or in the near future, it will control the people, but within the years, if Microsoft gets into all kinds of digital equipment (they now want to have their software on the digital hub in the house, in a PDA, in a mobile phone etc), it will control the government too. Do not let this happen. Microsoft's ultimate goal is to create an artificial intelligent software that can spy and manipulate our personal data. And if FBI or CIA or whatever run Microsoft products in the future, that sensitive data will also be at stake. At fist, they will supposedly, work with the authorities or the government for this, but as the years go by, they will try to use this information against the authorities. Everyone's freedom is at stake with M$. Please split the company or make them open source the operating system and the browser.

Their illegal ways of keeping the monopoly, has resulted my husband lose his job. His company bailed out for not being able to make their SUPERIOR opearating system successful, because Microsoft had special NDAed agreements with OEMs to only install Windows and not other operating systems. Result: The company bailed out, my husband laid off. No matter how hard they tried, they could not compete with Microsoft's illegal agreements with the OEMs. I am talking about this illegal agreement btw: http://www.byte.com/documents/s=1115/byt20010824s0001/0827—hacker.html

My teacher at college used to say:

''The one who controls the ''information'' is the one true governer.''

Don't let Microsoft have MY or YOUR ''information''.

Thank you,

Eugenia

Editor-in-Chief at http://www.OSNews.com

Email: eugenia@osnews.com—ICQ: 6070904

Home page at http://www.eugenia.co.uk

MTC–00023269

From: Konrad Ko(FFFF)odziejczyk
To: Microsoft ATR
Date: 1/24/02 2:18pm
Subject: Microsoft Settlement

This settlement reduce Microsoft's monopol acts.

MTC–00023270

From: James K. Wiggenhorn
To: Microsoft ATR
Date: 1/24/02 7:53pm
Subject: Proposed Settlement

I am appalled that my government would wash its hands in these procedings. The courts have ruled that Microsoft *is* a monopoly. Micorosft has and continues to use its position as a monopoly to fight down the innovators and to retain its position as a monopoly. As we continue to let Microsoft have its way, we are endangering our position as true leaders in the technology world. A real solution to the stifling effect of Microsoft's illegal monopoly would be something that would keep Microsoft from continuing its ways.

I have read the settile and accompanying documents. I have also read the settlement Microsoft signed in the mid-90s. They are very similar. And, they both have the same effect: Microsoft admits it was a bad citizen and continues as if it hadn't been caught.

Now, with Microsoft's new initiatives, this dominance and arrogance is even more threatening. If I buy Windows XP, I am *required* to register with Microsoft's .net service.... Okay, I am not required to, but I won't be able to use the software beyond 30 days. Let's say I want to check my stock portfolio on CNBC's web site. I must join the .net initiative, thereby giving Microsoft access to much of my financial background (and they already have my name, address, and phone number from my software registration. Order a book at a merchant that requires .net authentication? More information to Microsoft. At some point, Microsoft will know everything about me. This is scarey. This is the pattern Microsoft has continually used throughout its lifetime (did you know that when you reqistered Windows 95 online, you sent a list of the entire contents of your hard drive to Microsoft?).

Can we trust these people, based on their promise this time they really will be good? Let's look at past practices and we will see they are not to be trusted.

Let's try to find a solution that will keep Microsoft from abusing its position again. And again. And again.

Jim Wiggenhorn
Lebanon, NH

MTC–00023271

From: Barbara Opyt
To: Microsoft ATR
Date: 1/24/02 7:53pm
Subject: Microsoft Settlement

In my opinion, the proposed settlement will only increase Microsoft's monopolistic practices. How about if Microsoft gives millions of dollars worth of OTHER companies'' products to schools. That might help!

Sincerely,
Barbara Opyt
email: bopyt@att.net
home: 512/248–0698
cell: 512/965–0834

MTC–00023272

From: Edward DeSpain
To: Microsoft ATR
Date: 1/24/02 7:54pm
Subject: Microsoft Settlement

In Re: Comments on the Microsoft (MS) case—January 24, 2002

Dear Sirs:

1. Anti-trust law is intended to protect consumers and the American people collectively, it is not supposed to be, first and foremost, a weapon or shield for competitors.

2. Microsoft is a monopolist, or so it has been adjudged. It is certainly the owner of the source of monopoly power. Competitive operating systems are not permitted to easily provide the full technical interface between computers and programs written to run with Windows. The current Lindows case is ample evidence that the latent monopoly tendencies are unaffected by the travails of the past couple of years. MS will yield this power only as a last resort and will fight every vestige of arbitrariness in any decisions.

3. The essential source of the MS monopoly power lies in its exclusive control over access to the Applications Program Interface (API) of the Windows operating system(s). Everything else MS produces can be readily supplied by the market. The unique feature of most MS products is their reliance on, and ability to define, the Windows API.

4. Widespread public access to the API would unleash powerful competitive alternatives to the MS products, with enhanced features and/or lower prices. Access to the economic rents emanating from control over the API would provide strong incentives for competitive software writers, both extant and potential. Access must be sufficient to allow rival operating systems providers to include essential functionality to their own products such that programs that work with Windows operating systems are not unreasonably precluded from use with other operating systems or other software..

5. Almost all of the problems arising from the MS monopoly position can be attenuated by breaking the exclusive MS nexus to the API.

6. Conversely, none of the proposed remedies, other than those aimed at liberalizing access to the API, directly addresses the root problem. Breaking up MS leaves control over the API with one of the successor companies, fines penalize MS stockholders, but leave the source of monopoly power intact. Most of the other remedies are, at best public relations or, at worst, a sop to influential rivals. None get at root causes.

7. The enormous administrative and legal costs attending the proposed remedies would be alleviated if such remedies were left to the market after freeing access to the API. Economic rents would be quickly competed away and the innovative forces currently foreclosed to rivals would give birth to new products from rivals to the MS monolith. The focus of anti-trust enforcement would be exactly where it belongs and the market would determine the allocation of benefits and punishment without undue favor. Both MS and rivals would be subject to market discipline and consumers would be the ultimate beneficiaries.

8. MS would still be the lead organizer of Windows standards, but the discipline of the marketplace would force them to be more responsive to the demands of rivals, partners and, especially, customers. Failure to bend to these demands would quickly induce competitive alternatives.

Please consider just where the MS market power comes from. Remedy this and you will go far toward providing an equitable outcome for all. Ignore it and no other remedy will produce a satisfactory solution.

Thank you,
Edward DeSpain
Economic Data Analysts
5639 Anita St.

Dallas, TX 75206
e—d@dr.com

MTC–00023273

From: Brian M. Reisman
To: Microsoft ATR
Date: 1/24/02 7:56pm
Subject: Microsoft Settlement

I am constantly bewildered by our government's lack of direction. I currently use several browsers to peruse the internet and none of them are Netscape... I currently use Opera quite frequently. I don't use Netscape because quite frankly it is the worst browser on the market! I continue to be offended by these companies who can't win in the marketplace and cry foul. Netscape had the market; at one point over 80% of the internet browsers were running Netscape. It is foolish to believe that all of those users stopped using Netscape simply because it wasn't installed by default. In the days of Windows 3.1, no browser was installed. People still found a way to obtain the one that they wanted.

If Netscape wanted to keep their users they would have written better software. Even now, in its latest version Netscape's browser isn't even a product they created. They are using open source code (Mozilla.org) and there is almost no difference between Mozilla and Netscape. Why would people pay for a bad product? Exactly, they wouldn't!

The other day I purchased a cereal box and there was a Lego toy that came ''bundled'' with it; I don't believe Duplo can file a lawsuit for harm do you? I run Linux and Windows and my linux machine came with Netscape (Bundled). There is competition for Windows; the competition just isn't very good. Somehow you find a way to blame Microsoft, please protect us from terrorists and LEAVE OUR FREE MARKET ALONE!!

Let's keep our eye on the ball!
Registered Voter,
Brian Reisman

MTC–00023274

From: billbottle@adelphia.net@inetgw
To: Microsoft ATR
Date: 1/24/02 7:54pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
BILL BOTTLE
6152 N. VERDE TRAIL
SUITE E-217
BOCA RATON, FL 33433–2423

MTC–00023275

From: Erika Fawcett
To: Microsoft ATR
Date: 1/24/02 7:57pm
Subject: Microsoft Settlement

I believe the current settlement offer between the Department of Justice and Microsoft is inappropriate and irresponsible. There is no part of it that inspires confidence in its ability to change Microsoft's business practices. In fact, the new Windows XP operating system release shows more of the ''same old story'' from Microsoft. Even their recent lawsuit against Lindows shows their dedication to driving out competition with the same ruthlessness they used to drive Be Inc. out of business years ago.

In a time of an uncertain political climate, uncertain economy and dicey international relations it is no time to encourage trouble at home by allowing an illegal monopoly in what has become an exceedingly important faucet of modern life.

Erika Fawcett
Dance in the Light of the Pale Cold Moon

MTC–00023276

From: Verdeln@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:58pm
Subject: Microsoft Settlement

MTC–00023276 0001

28444 Verde Lane
Bonita Springs, FL 34135–6816
January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

I want to take this chance to express my support for the settlement concluded last November between Microsoft and the Department of Justice. I believe Microsoft should be free to focus on their business and not have to worry about any more litigation. The agreement requires many concessions from Microsoft regarding their business practices. One example includes agreeing to design future versions of Windows that will provide a mechanism to make it easy for computer makers, consumers and software developers to promote non-Microsoft software within Windows. This mechanism will give consumers the freedom to add or remove access to features built in to Windows or to non-Microsoft software.

I know there have been concerns that Microsoft won't abide by their obligations. But these concerns should be alleviated by the creation of a three-member Technical Committee to monitor Microsoft's practices. This committee will take any complaints from third parties who feel Microsoft is not complying with any provision of the settlement. So the agreement is strong and should continue to be supported by the federal government.

Sincerely,
Joan B.Titus
00023276—0002

MTC–00023277

From: david fowler
To: Microsoft ATR
Date: 1/24/02 7:58pm
Subject: Microsoft Settlement

Please take another look at the practices that microsoft is following since the trial. With the software licensing model, the .net strategy, and the rush to get more software to market, they are making it more difficult for companies to compete in the marketplace.

thank you
david fowler

MTC–00023278

From: vitom@ctrutah.com@inetgw
To: Microsoft ATR
Date: 1/24/02 7:57pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Vito Miragliotta
1445 South State Street
Clearfield, UT 84015

MTC–00023279

From: smartalleck@webtv.net@inetgw
To: Microsoft ATR
Date: 1/24/02 7:56pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Lefa Elliott
1131 Whitworth road

Leitchfield
KY 42754

MTC–00023280

From: Stuart Lamble
To: Microsoft ATR
Date: 1/24/02 8:01pm
Subject: The proposed Microsoft settlement

Greetings.

I am a resident of Melbourne, Australia, working for Monash University as a Unix Systems Administrator. There are a number of valid points that have been made already by Dan Kegel, in an open letter at http://www.kegel.com/remedy/letter.html — being a non-US resident, I am unable to sign that letter; however, I assure you that I would if I were permitted. A number of other points spring to mind, and it is those that I wish to address in this email, rather than cover the ground already more than adequately covered by Mr. Kegel.

Section III.J.1 states that no API or Communication Protocol need be licensed ''the disclosure of which would compromise the security of a particular installation or group of installations of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria''.

There is at least one case in the past where protocols essential for interoperation with Microsoft products (specifically, those implemented by the Samba project) were not properly authenticated at the server side. Instead, the server relied upon the *client* to request only shares that it was authorised to request. If the client did not perform proper authentication and validation of the request, the server would happily provide the data requested.

Details of this vulnerability can be found at the URL http://www.securityfocus.com/cgi-bin/vulns-item.pl'section=discussion&id=1884 Taken in the most literal sense, then, if there were such a flaw in the implementation of some protocol in Windows 2000, Microsoft would not be obliged to release the protocol specifications, because doing so would compromise the system's security.. because the security is on the client's side, not the server's side. Upon such fine points can lawyers wriggle out of the spirit of the agreement, whilst keeping to the letter.

Secondly, section III.J.2 allows Microsoft to make certain requirements on the licensee: specifically,

''(b) has a reasonable business need for the API, Documentation or Communications Protocol for a planned or shipping product, (c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, (d) agrees to submit, at its own expense, any computer program using such APIs, Documentation or Communication Protocols to third-party verification, approved by Microsoft, to test for and ensure verification and compliance with Microsoft specifications for use of the API or interface, which specifications shall be related to proper operation and integrity of the systems and mechanisms identified in this paragraph.''

If I, as an individual, wish to write (for example) a word processor which reads in Microsoft Word documents, I would require the document format specification. However, it may be that I wish to make that program available to all for their use as they see fit, with no formal renumeration from the end users. In this case, it could be argued that, as I am not involved in a business activity (as I do not intend to profit from my activity), I could not have a reasonable business need for this information. In addition, the third-party verification could prove to be cost-prohibitive for all but large-scale businesses.

Finally, an observation that appears to have been overlooked by the DoJ in its consideration: the de-facto standard for the exchange of information between businesses is Microsoft Office—in particular, Microsoft Word and Microsoft Excel. I realise that this point has been covered by Mr. Kegel; however, I feel it of sufficient importance to raise it once more. The largest impediment to any organisation that may wish to move away from a dependance upon Microsoft products is the non-availability of a completely compatible, independant word processing and spreadsheet package. There are independant products of this nature available—StarOffice, KOffice, and Applix are three that spring to mind—however, they are not able to do a completely reliable job of converting to or from Microsoft's file formats.

The Microsoft packages are available only for Microsoft Windows, and the Apple Macintosh. There is nothing in the agreement that covers:

vendors wishing to produce products compatible with the Microsoft Office products;

Microsoft's ability to withdraw, at any time, its Office products from the Macintosh platform;

Microsoft's ability to change, at any time, the file formats used as standard in Office; or

Microsoft's ability to change the pricing on Office to suit their own ends. For example, the Macintosh Office suite is only available as a single package, whilst the Windows suite is available in a number of bundles of varying prices. The price for the Mac suite is significantly greater than the low-end Windows suite, even though a user may only require functionality equivalent to that contained in the low-end Windows suite.

The competitive scene in the personal computer market would be greatly improved were Microsoft compelled to publish, freely available to all (or for a nominal publication and shipping cost), the complete specification required to properly read and write all possible aspects of Microsoft Office files. They should also be compelled to document all the programming languages, such as VBA, that may be embedded within such files.

I greatly appreciate the strains upon you in terms of time and other resources. This matter is, however, of great importance to the computing fraternity. It grieves me deeply to see the market dependant upon one source for the de-facto standard systems, who is free to set prices as they wish.

Finally, I should point out that in these matters, I am speaking on my own behalf, not that of my employer.

Thank you for your time.
Regards,
Stuart Lamble,
c/o IT Services,
Monash University,
Clayton, Melbourne, Victoria, 3168
Australia.

MTC–00023281

From: Geo
To: Microsoft ATR
Date: 1/24/02 8:01pm
Subject: Settlement is ineffective

BlankI oppose the settlement because I believe that it will be ineffective in truly opening the market place to competitors, which would benefit the consumer.

Sincerely,
Geoff Freebern
Tampa, Fl.

MTC–00023282

From: Rob Mayoff
To: Microsoft ATR
Date: 1/24/02 8:02pm
Subject: opposed to revised proposed final judgement

I am opposed to the revised proposed Final Judgement dated 2001/11/06. I have been a professional software developer for 13 years, and I see many problems with the proposed settlement. It will do much too little to prevent Microsoft from engaging in the same types of damaging behavior that resulted in its illegal monopoly. It fails to punish Microsoft for its past behavior. Its term is too brief. The enforcement provisions grant too much power to Microsoft, and fail to specify penalties for noncompliance.

Please withdraw your consent to the revised proposed Final Judgement.

Very Truly Yours,
Rob Mayoff
4207 Palacios Cove
Austin, TX 78749

MTC–00023283

From: Michael H Roland
To: Microsoft ATR
Date: 1/24/02 8:02pm
Subject: Microsoft Settlement

I think the proposed antitrust settlement with Microsoft will have little effect in stopping Microsoft's monoplistic practices. The proposal seems to have a loophole for each proposed remedy. Microsoft has not changed its behavior since being found guilty of monopolistic practices. In fact, Microsoft has become more brazen. Microsoft seems to realise that the proposed settlement will not affect their current business practices.

I believe the proposed antitrust settlement will have to be much more specific to have any effect on Microsoft.

Michael Roland

MTC–00023284

From: Todd Partridge
To: Microsoft ATR
Date: 1/24/02 8:02pm
Subject: big business isn't always better

As a computer user every day, I was one of the small group of people who saw Microsoft actions leading to such economically crippling results far before concerns of monopoly appeared. Any company so large inadvertantly swings into

competitors without notice, but this we must remember is not why Microsoft is being punished. Microsoft directly threatened(verbally and physically) key players in it's industry. So the question is: How do we curb this habit? Thus far we asked Microsoft to write it's own punishment, and like other requests of Microsoft that they did not want to do, they treated it with disdain their lawyers smiling. Is Microsoft above punishment? The government seems wary to punish them. Curbing this behavior is simple with many means to do it? The real question is: Do you have the gusto to?

Todd Partridge—toddpartridge@mac.com

MTC–00023285

From: bmelvin@alltel.net@inetgw
To: Microsoft ATR
Date: 1/24/02 7:59pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Barbara Melvin
1108 n.w. end st.
Springdale, AR 72764

MTC–00023286

From: rbrtstbby@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:02pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Bob McCloud
P.O. Box 5607
Lafayette, IN 47903

MTC–00023287

From: Stephen Martin
To: Microsoft ATR,smartin@vanderfleet-martin.net@inetg...
Date: 1/24/02 8:06pm
Subject: Microsoft Settlement

I would just like to voice my opinion that the proposed settlement does not go any where near far enough to punish Microsoft for thier abuses of power, nor does it provide any guarentee that they will be controlled or stopped from doing more of the same in the future. As a software developer and one who has sat on IETF working groups, I have seen how Microsoft controls and terrorizes the software industry. If a company is lucky, they may survive and flourish as long as they are able to remain under the radar of the giant. This means either servicing a market that Microsoft is not currently interested in, or working to support their cause in an area they at they can not currently be bothered to do themselves. Trying to compete against them at this point is impossible. It's impossible for two reasons, first no one will invest in a company that competes with Microsoft, and secondly how can you compete with a company that has a seemingly endless amount of money to spend on development.

Any solution to the Microsoft problem must require them to fully disclose all API's, protocols, RPC's, interfaces and file formats. It also must require them to place this information under the control of a standards body and provide full disclosure of any planned or proposed changes to them well before Microsoft releases any new software. This is extremely important given that Microsoft has supporting monopolies in both operating systems and desktop applications. Microsoft constantly uses proprietary file formats, protocols, etc. to not only push other vendors out of the market but to lock in consumers and force them to upgrade

Microsoft software for no other reason than Microsoft has made a new version that is incompatable with the previous one. Forcing Microsoft to disclose this information in no way threatens their ability to ''innovate'' nor does it put them at a disadvantage in the market place. What it does do is provide the possibility, however slight, for other companies to enter and access the marketplace.

In closing I would just like to say that as a US resident, tax payer and consumer I do not support the current remedy and ask for something much stricter and comprehensive.

Stephen Martin smartin@vanderfleet-martin.net

80 Hunterdon Blvd.
smartin@behindenemylines.org
Murray Hill, NJ
smartin@binaryblizzard.com
USA, 07974 Phone: (908) 790–9070

MTC–00023288

From: Bob O'Rear
To: Microsoft ATR
Date: 1/24/02 8:06pm
Subject: Microsoft Settlement

I urge you to complete the Tunney Review of the Microsoft Settlement and go forward with this settlement as it is in the best interests of consumers.

Thank You,
Robert O'Rear
9001 NE 26th St.
Clyde Hill, WA 98004

MTC–00023289

From: Devrajpuri@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:06pm
Subject: Microsoft Settlement

2000 Beechwood Road
Hyattsville, MD 20783
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

It has come to my attention that a settlement has been reached between the Justice Department, and Microsoft. I want you to know that I support the settlement, because the terms set forth in it are fair and reasonable. Microsoft will be making a number of specific changes to its products, and business practices. For instance, Microsoft has agreed to allow computer makers to remove the means by which consumers access various features of Windows, such as Microsoft's Internet Explorer web browser, Windows Media Player, and Windows Messenger. Computer makers can replace access to those features with access to non-Microsoft software such as programs from AOL Time Warner or Real Networks.

Furthermore, a three person technical committee will be in place to monitor Microsoft's compliance with the settlement, and aid in dispute resolution. I ask that the government stop prosecuting Microsoft once and for all!

Sincerely,
Dev Puri

MTC–00023290

From: David Felske
To: Microsoft ATR
Date: 1/24/02 8:06pm
Subject: Microsoft Settlement

Gentlemen:

I believe that the settlement process between Microsoft And The Department of Justice should stand. This position is clearly in the best interest of the consumer.

Sincerely,
David E Felske
22532 N Sonora Lane
Sun City West, AZ 85375

MTC–00023291

From: thills@njcc.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:04pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Theodore Hills
147 Rock Road West
Lambertville, NJ 08530–3111

MTC–00023292

From: Don Marti
To: Microsoft ATR
Date: 1/24/02 8:07pm
Subject: Microsoft settlement

To whom it may concern:

The absence of an appropriate, large, fine is a fatal, glaring defect in the proposed settlement. Microsoft broke the law. Microsoft made billions of dollars by breaking the law.

A ''settlement'' that lets them walk away with the money is a mockery of the law.

Don Marti
http://zgp.org/dmarti
dmarti@zgp.org
KG6INA

MTC–00023293

From: rouse@phoenix.icemcfd.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:16pm
Subject: Microsoft Settlement

Dear DOJ:

I want to add my voice to the chorus against the proposed settlement. I do not see that the current settlement will in fact restrain future anti competitive conduct by Microsoft.

I have been using computers since my high school days in the early 1970s. I have worked on a number of operating systems, and with a variety of hardware. As a physicist and now a computer professional, I have had an opportunity to look at a number of different systems and work on a number of different platforms. I can say, without a doubt, that the Windows platform has been about the most unreliable I have had to work on during these years.

The essence of competition is that the Market should have adjusted to this fact and provided competitors to both the Windows operating system and Windows applications. Let me say that there are a number of fine Windows applications that would find a market no matter which platform they were built for. I think that Microsoft Powerpoint, and Microsoft Excel are definitely world class products and could, in an open market succeed rather handsomely. But beyond those two products, I have grave doubts that a level playing field would make Microsoft a dominate player in both the operating system and the application side.

This leads us to the question, why hasn't the market succeeded? The answer was eloquently put by Judge Jackson when he said there is a ''barrier to entry'' into the field. An operating system should simply allow you to run the applications you choose to run. Applications then should carry out the tasks that you choose. Microsoft has turned this logic on its head by integrating both its applications and its operating system so that you cannot choose one without the other thereby erecting the ''barrier to entry'' for other applications and operating systems.

This was aptly demonstrated by the governments case in the anti-trust filing in the case of Netscape. Microsoft forced OEM manufactures to put Internet Explorer onto the machine when there is no technical reason why Windows Explorer should be chosen over Netscape Explorer or visa versa. Microsoft further was shown to have lied when it claimed that the Internet explorer was the only choice for its operating system. The true essense of competition should be to let the consumers decide which application to run on which operating system not by fiat and requirement from Redmond Washington, but by the requirements of the tasks and costs faced by the consumer.

Microsoft certainly has shown no real intent to open a space between its operating system and its applications. Until and unless the company shows a commitment to carrying out this vital task, it will continue to squash competition not by the fair rules of the market, but by its monopoly position in operating systems.

Thank you very much for your consideration.

Forest Rouse.

MTC–00023294

From: Professor Time
To: Microsoft ATR
Date: 1/24/02 8:06pm
Subject: Microsoft Settlement

Hello again. I have a small observation that I would like to share with you.

1) US Government persecutes, sorry, I mean prosecutes Microsoft—shortly thereafter the economy drops through the basement and I find myself out of a job. With a wife and 4 kids I might add.

2) AOL/Time Warner files all kinds of suits against Microsoft yet the US Government never bothers to see if THEY just might be a monopoly—and a vicious one too.

Just for once, how about letting someone who is successful help his country's economy and let me get back to work.

I wonder if anyone up there in the government stratosphere has noticed that the computer industry is now the only place where we have any kind of a serious advantage anymore. Let's not destroy it.

W. Craig Westlake
CC:msfin@microsoft.com@inetgw

MTC–00023296

From: wbraun1216@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:05pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Warren Braun
11531 N. Civano Place
Oro Valley, AZ 85737–1719

MTC–00023297

From: Scott M. Johnson
To: Microsoft ATR
Date: 1/24/02 8:03pm
Subject: Microsoft Settlement

Dear Dept. of Justice,

I am writing as a concerned citizen in Washington State regarding the Microsoft / DOJ Settlement. I strongly urge you to settle the case and agree to the terms that the DOJ and Microsoft have agreed upon. As a 20 year veteran of the computer industry I have seen technology change from a unique perspective and I would like to point out some facts and opinions never mentioned by Microsoft competitors. The reality of the situation is certainly not what is portrayed by the Millions of dollars in lobbying spent by anti-Microsoft parties. *In the computer industry, if you do not have the best product, your market share will decline until you are out of business, or you improve your product.

The ability of a new competitor to take over a market segment can happen overnight if the product is revolutionary or has superior quality and supportability.

The fact that Microsoft has a dominant position in the operating system market came from Quality Products that took millions of hours to create.

This fact, combined with the effort of hundreds of thousands of programmers that adopt Microsoft technologies, because they were easy to use and employed modular coding techniques made it easy to build solutions that work for businesses. (Solutions make business more productive)

The investment cost to build revolutionary products that are used by Millions of people is extreme... Billions of dollars to design and perfect the code to get it to a usable level. Then years of refining and optimization to produce one that works seamlessly, has the best set of functions and doesn't crash. This investment of money and man hours is rewarded in the marketplace by sales. Only through economies of scale, can a profit can be achieved.

The government and Microsoft competitors should not determine what functionality can and can't be included in a given product.

If a company can make a product that has the functions people need then they should

be allowed to develop it and sell it without fear.

In the future you will see a drastically different world then you see today. Thousands of people are working on killer apps, new operating systems, exotic form factors and new products that will someday blow your mind and drastically change the way you live and work.

Microsoft made many of these innovations possible, Microsoft took the risk to invest billions of dollars making these technologies through years of research and development.

Microsoft gives thousands of companies opportunities to make millions of dollars developing products that work on a common platform. Consumers have not been harmed by Microsoft, Consumers are the ones that request the software and the features that Microsoft builds, Consumers are the ones that reap the benefits of software that has innovative new features and works great together.

Because of Microsoft:
Businesses are more productive,
Consumers are more enriched,
My children will go to college.
Thank You,
Scott M. Johnson
Microsoft Corporation
Program Manager
Windows Driver Quality

See http://www.microsoft.com/freedomtoinnovate/default.asp for more information I agree with.

MTC–00023298

From: Dave Gardner
To: Microsoft ATR
Date: 1/24/02 8:13pm
Subject: Microsoft Settlement

I strongly urge the Justice Department to summarily reject Microsoft's own offer for a settlement to the successful anti-trust and monopoly judgement, and instead come up with a settlement that will properly punish Microsoft for their unfair and monopolistic practices, one that will quash the monopoly, as was intended when the anti-trust laws were drafted and put into effect so long ago.

Microsoft's own solution (to be fined a minuscule amount in proportion to their crimes, and to provide the country's schools with copies of Microsoft products and used computers) would only serve to further extend Microsoft's monopoly into an area where they have long been excluded. These copies of Microsoft products (presumably their operating systems and application software) would be counted at or near full retail cost. It actually costs a fraction of that amount for Microsoft to create and distribute compact discs to schools, and this negates the true value of this portion of their penalty. Too, the children in these schools (and their teachers as well) would be forced, and conditioned, into using Microsoft products to the exclusion of all else, and would of course become future full-price Microsoft customers.

This is hardly punishment. It's more like handing Microsoft the keys to the country's cash box, and walking away. For a financial penalty, I propose that Microsoft be fined quite heavily, in true proportion to the crimes of which it has been convicted. I also propose that all of the consumers who have for years not been given a choice while purchasing hardware, being forced to purchase a copy of Microsoft Windows, to be given the power to have their money refunded in full. I also propose that Microsoft be split into two distinct companies, one responsible for maintaining and developing their operating systems (and hopefully paying some attention to an issue they've long neglected, to the detriment of the very customers they have so haughtily trod upon over the years: security), and another company responsible for application software.

These two companies should not be able to act in concert, or as one, to maintain and extend the Microsoft monopoly, and should be prevented from requiring hardware makers to pre-install Windows products on their hardware. Further, the operating system company should not be allowed incorporate any of the application company's software into the operating system, or to provide anti-competitive ''secret'' hooks into the operating system that make their application software run better than that of their competitors, as has been Microsoft's standard practice for years.

This is the only way that consumers can be offered a free choice between the various pieces of application software, operating systems, and even computer hardware, in existence today. That's all the consumer is looking for here: the freedom to decide what they will buy and use, a freedom that exists in almost every aspect of our great society save for the personal desktop and server computer industry. And that's precisely what Microsoft's illegal monopoly has been preventing the consumer from attaining for decades.

Thank you for your consideration of this comment, and for the solicitation of public comments regarding the penalty phase of the Microsoft case.

MTC–00023299

From: John Beal
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 8:11pm
Subject: Microsoft Settlement is not strong enough

Dear Sirs,

I would encourage you to reject the Microsoft proposed settlement as too little, too late. As proposed, the settlement further reduces competition by further marginalizing the Apple Macintosh and Linux operating systems. Instead, Microsoft should be required to open up the code to it's Microsoft Office products and/or pay monetary compensation to those companies and individuals harmed by their monopolistic practices.

Sincerely,
John Beal II

MTC–00023300

From: Ralph G Jaeggli
To: Microsoft ATR
Date: 1/24/02 8:11pm
Subject: Microsoft Settlement

Gentlemen:

It has been a mistake to penalize Microsoft for conducting their business in an agressive and highly effective manner. I have not heard one comment from Microsoft users about being bothered or harmed in any way throught this whole fiasco and I feel this latest action is one more way Microsoft's competitors can get free money.

Ralph G. Jaeggli
15 East Ridgeway Drive
Weaverville, NC 28787–9487
828–645–7600

MTC–00023301

From: Newagent917@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:09pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Brennen Ivy
6222 Meadow View
Las Vegas, NV 89103–1128

MTC–00023302

From: Wayne Kallestad
To: Microsoft ATR
Date: 1/24/02 8:11pm
Subject: Microsoft Settlement

Microsoft has already agreed to hide its Internet Explorer icon from the desktop. To continue to punish Microsoft gives a windfall to Netscape and other competitors, but nothing goes to those supposedly harmed, the computer user. What is happening though is this case is giving the states another method for getting free money and setting a terrible precedent for the future.

The witch hunt has gone on long enough. Please end the case now.

CC:Wayne-Home

MTC–00023303

From: Kellyabq1@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:08pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Julie Kelly
13501 Haines Ave., NE
ABQ, NM 87112

MTC–00023304

From: lnjk@att.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:09pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Larry martin
11529 W. Palm Brook Drive
Avondale, AZ 85323–3839

MTC–00023305

From: Aaron Schmiedel
To: Microsoft ATR
Date: 1/24/02 8:12pm
Subject: Microsoft Settlement

I am TOTALLY against the settlement as is with Microsoft. Apparently, they will just continue using their monopoly to put small competition out of business. Harsh sanctions, not a slap on a wrist, are necessary.

Split the company!

MTC–00023306

From: Frank Kink
To: Microsoft ATR
Date: 1/24/02 8:11pm
Subject: Microsoft Settlement

Alright, I think that it is time to stop all these frivolous lawsuits and lets concentrate on good solid consumer programs. I presently maintain 700 desktop P.C's and have had to completely reload 10 that the new AOL connection software was loaded on. As a company policy now we do not allow anyone to load anything AOL, which is just not a reliable piece of software. This was probably do to some subversive code written within the Microsoft Windows OS that causes these problems. O'' Yes it must be a Microsoft problem. These problems range from system lockups, to software corruption. After trying to uninstall the program several times but to no avail I had to resort to a complete reload. I have never had any problems with internet explorer, no matter what version was installed. I would hope that AOL was willing to defend it's present software, and also the many complaints I have had with their dial-up service. These vary from unable to connect to constantly having to reconnect. AOL problems do not emanate from Microsoft products, but from their own software. Any loss of business that AOL claims was do to the Microsoft browser, would be minute compared to the number of people that quite using AOL do to poor performance.

Maybe someone should file suit against AOL for delivery of a defective product! Witnesses would be simple to find since anyone who is presently using AOL will attest to these and probably many more problems. Lets not use Microsoft as a whipping boy for problems they don't, and would not have had any control over. Lets get out of court with these seemingly endless stupid suits, and start to clean up the backlog of consumer protection suits that really matter or have some merit.

Frank Kink
P.O. Box 7253
Springfield, IL 62791
Frank Kink
franpen@home.com

MTC–00023307

From: dannyjr@inetone.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:09pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Albert Stilwell, Jr.
Rt. 1 Box 923
Pounding Mill, VA 24637

MTC–00023308

From: DCasola@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:13pm
Subject: Microsoft

Microsoft needs to do business. They or Microsoft does not need courts or goverment in there business.

MTC–00023309

From: m-dpayne@mindspring.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:10pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Maurice Payne
8525 Todd Bridge Rd
Owensboro, KY 42301–9615

MTC–00023310

From: Michelle Stecklein
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 8:03pm
Subject: One consumers input To whom it may concern,

It seems to be that if, in fact, it has been decided that Microsoft used its market power in restraint of trade, the settlement ought not futher Microsoft's strenght in the market. By giving a large amount of software to the education market, Microsoft is ensuring that they will dominate a segment which they are not yet fully entrenched. Further, the cost of producing the software is not equivalent to the market value of the software. If the legal remedy includes a fine which is paid with donated software valued at market price, Mircosoft is paying a smaller fine that what has actually been levied.

If Microsoft is guilty of restraint of trade and if a fine is the best remedy, it seems that the fine ought to be paid in cash to those on whom the damage was inflicted—businesses and consumers who purchased the product. The real question is is whether a fine is enough to cause Microsoft to act in a more sportsman-like manner. I doubt that there is a fine large enough. It seems that as long as Microsoft controls the operating systems so completely, they will alway be able to squeeze the next potential software application competitor out of the market. While it may not be the right long term action to split the company, it may be right long term action to force Microsoft to open up the source code for the operating system. It is clearly a complex case. And I have not invested the time and energy nor have the experience of someone of your position. I appreciate the effort that you are putting in to the case. I trust that you will make the just decisions even though many special interest groups may be pushing you to take the path of least resistance.

Respectfully submitted,
Michelle Stecklein
Michelle Stecklein
Managing Director
Thompson Clive & Partners Inc.
3000 Sand Hill Road
Building One, Suite 185
Menlo Park, CA 94025
Office 650 854 0314
Fax 650 854 0670
michelle @tcvc.com

MTC–00023311

From: Jim Bode
To: Microsoft ATR
Date: 1/24/02 8:14pm
Subject: Microsoft Settlement

Settle the anti-trust lawsuit against Microsoft, Please! Do not allow Microsoft's competitors to do battle in the court room. Microsoft has not done anything to hurt consumers. In fact, through their innovations, they have aided consumers in having a better computing experience for less money.

Please end this frivolous lawsuit immediately and let Microsoft get on with doing what they do best, make great software.

Jim Bode

Bode <http://www.bodeenterprises.com> Enterprises Web Site

MTC–00023312

From: Arfon Gryffydd
To: Microsoft ATR
Date: 1/24/02 8:12pm
Subject: Microsoft Settlement

To whom it mat concern,

The proposed Microsoft settlement is, in my opinion, a farce. The settlement does noting to prevent Microsoft from continuing their illegal practices nor provide any compensation to the people that have been hurt by Microsoft's actions. The only real solution is the dissolution of Microsoft! Only that would be acceptable.

A. Gryffydd

MTC–00023313

From: Otto
To: Microsoft ATR
Date: 1/24/02 8:14pm
Subject: Microsoft Settlement

To whom it may concern

I might be the minority in my opinion, nonetheless I do support settling your case with Microsoft. Doing otherwise would provide a precedent for sub-standard products and might start a vicious circle of lawsuits. I am proficient with three different operating systems, Windows, Solaris, and different distributions of Linux. Neither Solaris, nor Linux comes close to what Windows provides on the desktop. There are millions of Windows users who will not be served by this lawsuit and the subsequent limitation of Microsoft products.

Anyone so desired can get other systems without Microsoft software installed on it is free to do so. You should not force people to use sub-standard product. The success of the product should depend on the end user and not the DOJ.

I do hope you'll count my email as a vote for the settlement.

Regards,
Otto

MTC–00023314

From: erich@frontiernet.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:10pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Erich VanSpanje
32 Old Quaker Hill Rd
Monroe, NY 10950–1304

MTC–00023315

From: Roger Bailey
To: Microsoft ATR
Date: 1/24/02 8:14pm
Subject: Please settle the Microsoft case.

Roger Bailey, M.D.
409 A Street NE
Linton, IN 47441–1907
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

Thank you for providing the opportunity for public comment on the proposed settlement of the Microsoft antitrust lawsuit. I support this settlement wholeheartedly and without reservation.

As I understand the settlement, Microsoft has taken steps to open its Windows operating systems to more competition from non-Microsoft software programs. This will help competing Internet providers, messenging services, and media playing systems that may in the past have faced barriers to being installed or pre-installed on Windows. This is good news for both the computer industry and consumers.

I hope that you move forward quickly after January 28, 2002, and end this litigation. I think the Clinton administration-initiated litigation against Microsoft has had a devastating effect on the tech sector of our economy and the entire economy as a whole. I cannot imagine anyone thinking that the advancements over the last 10 years, fueled by Microsoft products have had anything but a positive effect on the consumer and country. I appreciate the opportunity to comment and I appreciate your time.

Sincerely,
Roger Bailey

cc: Representative John Hostettler

MTC–00023316

From: Bernard Bradley
To: Microsoft ATR
Date: 1/24/02 8:13pm
Subject: Microsoft Settlement

I am a software developer and have been creating software for the Microsoft environment for more than a decade. I consider myself a very knowledgeable Windows developer. I have recently transitioned my personal computing environment to the Apple Macintosh platform even though I still program and work exclusively in Windows in my business (I have to because of the Microsoft monopoly!).

I believe the proposed settlement is insufficient in its current state. While it does an adequate job of limiting non-competitive behavior in the future, it does nothing to compensate or correct the monopolistic situation that exists today. If this settlement had been enacted in the mid 1990's, it might be enough. But today, especially with this economic climate, there is no other viable alternative to the Microsoft operating system on an Intel computing platform. Technically there is Linux and other versions of Unix running on Intel, but given their incredible low market share it will be impossible for them to effectively compete. Even Apple, which offers a true competitive product on a different hardware platform, does not have enough of a market share to compete. Apple is also significantly disadvantaged because it does not run on the predominate hardware (Intel) platform. Given the fact that this settlement will do nothing to restore a competitive environment, I believe it is inadequate. A true settlement would be one that not only stemmed the predatory practices, but also created real incentives for other products and innovations to compete with Microsoft at a significant level. Without such incentives, Microsoft will be able to use pricing to effectively eliminate any future competition. They will be able to say that the consumer is getting a great deal and that is why it is good for the consumer, but in reality they will be able to recoup the financial loss from one product because of their monopoly in others.

Secondly, I believe the interest of the consumer is not being served with this proposed settlement. As a developer, I can attest to the fact that the Microsoft Windows operating system is significantly flawed in its design. These flaws are evidenced by the security and reliability problems that have become well known over the years. Without true competition, Microsoft has been allowed to do three things. 1.) Continue to produce an operating system environment with fundamental design flaws; 2.) Hold critical information from competitive software developers about the operating system inner workings that are critical to producing quality product; and 3.) Charge customers upgrade fees every year or two for the latest version of the operating system or application software. The incentive to upgrade is often based on the need to achieve a higher degree of reliability or security. Given that no competition really exists, the latest version of Microsoft product can flourish even if it only resolves a portion of

the issues. In this manner, Microsoft is actually better off financially if it leaves a few flaws in the software. They will be the basic reason for users to consider the next upgrade.

My personal belief is that Microsoft would actually be a better company if it were broken into two organizations. One company to carry forward with the operating system and one to carry forward with the applications. In addition, some form of remedy to encourage or compensate competitive products should be considered. The damage has been done already. The current proposal is like closing the barn door after all the cows have gotten out.

Regards,
Bernard Bradley

MTC–00023317

From: Roger Bailey
To: Microsoft ATR
Date: 1/24/02 8:14pm
Subject: Microsoft Settlement
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

Thank you for providing the opportunity for public comment on the proposed settlement of the Microsoft antitrust lawsuit. I support this settlement wholeheartedly and without reservation.

As I understand the settlement, Microsoft has taken steps to open its Windows operating systems to more competition from non-Microsoft software programs. This will help competing Internet providers, messenging services, and media playing systems that may in the past have faced barriers to being installed or pre- installed on Windows. This is good news for both the computer industry and consumers.

I hope that you move forward quickly after January 28, 2002, and end this litigation. I think the Clinton administration-initiated litigation against Microsoft has had a devastating effect on the tech sector of our economy and the entire economy as a whole. I cannot imagine anyone thinking that the advancements over the last 10 years, fueled by Microsoft products have had anything but a positive effect on the consumer and country. I appreciate the opportunity to comment and I appreciate your time.

IF MERGEFIELD PARA5 But is suspense, as Hitchcock states, in the box. No, there isn't room, the ambiguity's put on weight.<>''''''

Sincerely,
Roger Bailey
00023317—0002

MTC–00023318

From: Michael Syvertsen
To: Microsoft ATR
Date: 1/24/02 8:15pm
Subject: Microsoft Settlement
Lt Michael Syvertsen USN (Ret)
21613 Echo Lake Road
Snohomish, WA 98296–7857
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

As a user of Microsoft products and a strong supporter of the company, I feel that the government has overstepped its bounds in this case. People seem to forget that Microsoft did the most to bring standardization, interoperability, and affordability to the software industry. The company not only built a better mousetrap, but also priced it lower than the competition's. If I have to choose between seeing Microsoft disbanded or the Department of Justice settlement, I choose the settlement.

Under your settlement, Microsoft will allow software engineers and computer makers to configure Windows so as to promote non-Microsoft programs that compete with the programs already included within Windows. This means that Microsoft will more or less allow the competition to use the success of Windows to launch their own programs that compete with those in Windows.

Does that sound like competition or exploitation? I think that if Microsoft made products that competed in more traditional and understandable industries, that we would call these concessions un-American. Imagine if Coke was mandated to include a sample of Pepsi in every can, or if McDonalds had to allow its customers to order a Burger King Whopper at its own restaurants. Would this be competitive? Would we allow it?

I agree that Microsoft could retaliate less against those that promote or produce non-Microsoft products, but that's capitalism and normal business, and should be an ethical question rather than a legal one. So when choosing between a break-up of Microsoft or the settlement, I choose the settlement. I just hope that we're not back at the federal level again in a couple of years, trying to protect Microsoft from competitors that are used to litigating away market share rather than earning it. Thank you for your time.

Sincerely,
Lt Michael Syvertsen USN (Ret)
President Washington State Council of Chapters
The Retired Officer Association
CC:Patty Murray Politician,Maria Cantwell Politician

MTC–00023319

From: agcarr@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:15pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Alice Carr
7500 Hallows Dr
Nashville, TN 37221–1149

MTC–00023320

From: jm9872@webtv.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:15pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jean Martin
615 Towne House Lane
Richardson, TX 75081–3531

MTC–00023321

From: rickbrown123@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:15pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Ricky Brown
136 Exbourne Ave
San Carlos, CA 94070

MTC–00023322

From: agcarr@earthlink.net@inetgw
To: Microsoft ATR

Date: 1/24/02 8:16pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.
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Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Peter Carr
7500 Hallows Dr
Nashville, TN 37221–1149

MTC–00023323

From: Cheungmd@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:18pm
Subject: microsoft settlement
The proposed microsoft settlement is unacceptable because it fails to prevent microsoft from continuing to exploit its monopolistic position to prevent competition while also allowing microsoft to keep profits illegally obtained by its past transgressions. Under no circumstances should this case be settled as proposed.

MTC–00023324

From: con15@arkansas.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:17pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001 Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.
This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Kenneth Paul Spart Sr.
PO Box 1029
Conway, AR 72033–1029

MTC–00023325

From: foxprice@cs.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:17pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.
This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Donna Fox
8123 Cesperdes Ave.
Jacksonville, FL 32217–4068

MTC–00023326

From: JACK BALSAM
To: Microsoft ATR
Date: 1/24/02 8:18pm
Subject: Microsoft Settlement
Despite my being a Microsoft shareholder, I think they are being let off too easy.
There is no question in my mind that they are guilty of monopolistic practices to the detriment of both competitors and the general public. About three years ago I needed a new computer. I called Dell and asked them to include Lotus Smart Suite instead of Microsoft Office as I was used to the former's spreadsheet and word processing programs. They told me that they could not accomodate my request as they did not handle Lotus software. I then asked them to not include the Microsoft programs in the package and give me a credit; that I would buy the Lotus software on my own. Again the answer was in the negative. I made the same request of two other mail order computer vendors with the same results. It was quite evident that Microsoft used its operating system monopoly to force these manufacturers to install only Microsoft products and let the public be damned. I have no doubt that Netscape was similarly harmed in the case of their internet browser.

MTC–00023327

From: CWSBUMPASS@AOL.COM@inetgw
To: Microsoft ATR
Date: 1/24/02 8:17pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.
This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Cheryl Smith
543 Mapleranda Rd
Bumpass, VA 23024–2605

MTC–00023328

From: Donald R McCarty
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 8:20pm
Subject: Worse than nothing
The appalling inadequacy of the proposed settlement is evident even to a non-lawyer. Subsequent public analysis and discussion of the settlement in the press and other forums has widely reinforced that perception. A few points I find most disturbing are listed below:
1. The settlement encourages misbehaviour by future monopolists. Microsoft has benefited greatly from its illegal actions in terms of profit and market position, but suffers almost no real penalty under this settlement. There is evidently great profit to be made in forming and maintaining an illegal monopoly even if one is eventually convicted. Even if we suppose the strictures of the present settlement are sufficient to restrain future misconduct of MS (and they clearly are not sufficient), MS remains far better off and continues to profit greatly from having taken its illegal course of actions against competitors. So why wouldn't they or any future monopolist embark on a similar course today given the opportunity? The evident answer is that they would be foolish not to.
2. The language and definitions in the settlement are carefully parsed and sufficiently ambiguous as to impose no real restrictions on MS. MS is a past master at negiotiating this kind of document. Software is sufficiently maleable that it easily be shaped and concealed within this shell game of definitions. Hence effective enforcement will be difficult or impossible. This has the effect of immunizing MS from future litigation—in effect rewarding their past illegal behaviour. How many times must the courts be flaunted by the contemptuous ''ham sandwich'' defense before this lession is learned? I believe the public would be better served by having no settlement.
3. The repeated invocation of the 9/11 national emergency by the presiding judge as cause for haste in reaching a settlement defies all logic. The dire consequences of failing to adequately restrain an illegal monopolist can only be magnified in a national emergency—especially as MS illegal actions affect innovation in the critical tech sector. The judge's statements are widely perceived as having contributed directly to the climate that produced this very weak and therefore very dangerous settlement.

MTC–00023329

From: Aaron Cherrington
To: Microsoft ATR
Date: 1/24/02 8:21pm
Subject: Nay to the microsoft judgement

I will keep this simple for you. I plead of you not to allow this resolution to pass. Companies have been crushed, the public harmed, and the technical innovation stolen by microsoft. Please do not let the deal stand.

Thank you for serving the ideals of justice,
Aaron Cherrington

MTC–00023330

From: Bill Matthiesen
To: Microsoft ATR
Date: 1/24/02 8:19pm
Subject: microsoft settlement

Dear People—

I'm writing to express my opinion as being AGAINST the proposed settlement with Microsoft. My understanding of the facts of the settlement is that it will neither prevent the monopolistic pratices that were the cause of the suit in the first place—nor will it stimulate investment in better technologies. Both are ample reasons to send this settlement back to the drawing boards, to come up with something that will help both the consumer and the larger computer industry.

Thanks for taking my opinion into consideration.

William W. Matthiesen
33 Stormview Road
Lanesboro, MA 01237
413–442–9172
bill@bfv.com

MTC–00023331

From: shirleyweyand@webtv.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:18pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Shirley Weyand
1923 Flores St.
Hemet, CA 92545–2468

MTC–00023332

From: Edward P. Bolin
To: Microsoft ATR
Date: 1/24/02 8:22pm
Subject: Microsoft Settlement

To Whom it may concern:

As an end user of computer technology since 1980 I have found that my computing experience has been enhanced by changes and advancements in both the software and hardware environments that can be directly attributed to Microsoft's contributions in both development and leadership.

Microsoft lead the way in creating competition in computer hardware manufacturing by making MS-DOS available to not only IBM, but also to startup companies that wished to compete with IBM, which lead to a decrease in cost to the consumer. Microsoft's leadership in creating standards for software applications again saved money for the consumer by decreasing the steep learning curves inherent in the non-standard command structure of early word processors, spreadsheets and databases.

Through the years Microsoft continued to improve its software products and challenged the hardware industry to match its pace by developing more powerful computers to run the advanced software providing better tools for the consumer, and yes, at lower cost.

Did Microsoft prosper from its strategy of seeking excellence and standardization in the highly competitive computer marketplace? Yes and so did all consumers.

As one of those consumers that has to watch his budget carefully, I must choose hardware and software based on price, quality and usability. Based on these factors I have chosen the IBM standard Personal Computer (from IBM to Packard Bell to Dell), Microsoft operating systems (which I choose to upgrade based on my needs, sometimes purchasing a new computer with the operating system pre-installed and sometimes purchasing an upgrade in the box over-the-counter: I went from MS-DOS to MS-Windows 3.11 to Windows 95 to Windows 98 SE and soon will purchase a new computer with Microsoft Windows XP Professional) and Microsoft application software (all versions of Microsoft Office Professional through the years). Was Microsoft always the lowest priced software? No it was not, but it offered the best usability features, making it the most cost effective. Have I owned the competitors'' software? Yes I have and in the end I went back to Microsoft simply because it is a superior product.

Guess what? That superiority, not unfair practices (unless being better is unfair), is why Microsoft is today's technology leader. Isn't that the American way?

By the way, I am not only an end user, I am also a computer technology instructor in a community college. I have seen students from 16 to 75 years of age easily master computer skills using mouse clicks and the simple set of commands made possible by Microsoft software. The students horizons have been broadened and the lives enriched. Thank you, Microsoft!

Sincerely,

MTC–00023333

From: JAMES A THORPE
To: Microsoft ATR
Date: 1/24/02 8:23pm
Subject: Microsoft Settlement

Dear Sirs: I truly believe you have successfully defended my rights as a user of Microsoft products from ''Monopoly'' status. To allow AOL to come in now to continue to confuse the issue would be a travesty. AOL is fast working toward ''monopoly'' status itself with its cornering of the internet access market and is seeking more at Microsoft's shareholders'' and users'' expense.

James A. Thorpe
223 5th Ave. S.
Kirkland WA. 98033

MTC–00023334

From: Nystromdance@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:20pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Stephen Nystrom
458 Falls Creek Rd
Sanford, NC 27330

MTC–00023335

From: John E. Getz
To: Microsoft ATR
Date: 1/24/02 8:23pm
Subject: How can you rape the best company to happen in ages?

Microsoft has done more to help the USA than all the Netscapes and Sun Microsystems combined. It's a travesty of justice, and all I believe this country to stand for, to see the shiester lawyers rape the company that helped me do my work.

MTC–00023336

From: stanriley@directcon.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:21pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Stanley Riley
871 Harris Rd.
Placerville, CA 95667

MTC–00023337

From: Yvonne Hull
To: Microsoft ATR
Date: 1/24/02 8:24pm
Subject: Microsoft Settlement

I am not in favor of the proposed settlement. It is not restrictive enough. Microsoft is too willing to exploit gray areas.

Kind regards,

MTC–00023338

From: SOFTWARE by design
To: Microsoft ATR
Date: 1/24/02 8:25pm
Subject: Attn: Renata Hesse

SOFTWARE
625 East De/ Mar Boulevard—Suite 307—
Pasadena, CA
91101
January 21, 2002
Renata Hesse, Trial Attorney,
Suite 1200, Antitrust Division,
Department of 3ustice,
601 D Street NW,
Washington, DC 20530;
[microsoft.atr@usdoj.gov]
RE: US v. Microsoft proposed final order
Dear Ms, Hesse,

In response to the invitation for public comment on the proposed consent final judgment for US v. Microsoft I offer the following thoughts from my own perspective as a software developer:

An Historical Overview:

Microsoft continually claims that it is defending its right to innovate. This is widely regarded as a cruel joke in an industry that regularly sees its best innovators attacked by Microsoft's unlawful anticompetitive behaviors.

Microsoft's agenda isn't innovation. It seeks to impose suffocating control over user choices and expand its ever-widening monopoly.

Microsoft is continually seeking to leverage its control over computer operating systems to gain control over technical (computer related and consumer) markets. To this end, they employ the use of restrictive contracts, strategically shifting standards, manipulation of product compatibility and other (unlawful) forms of monopolistic warfare.

Microsoft further seeks to expand its domination by transforming the Internet into its own private network.

One result (among others) is that companies must spend enormous resources anticipating and responding to these unlawful practices, which in turn, seriously detract from efforts to innovate or improve existing (competing) products. These very substantial costs are thus effectively hidden in the pricing and availability of competing products generally. The consuming public, in the end, unknowingly bears these costs. What do we get for our money? Mediocre/ unreliable products, and a steadily shrinking array of choices.

Judge Colleen Kollar-Kotelly
U. 5, District Court
age 2

Findings of Fact:

The findings of fact in the Microsoft case are a devastating indictment of the company. Microsoft was found to be responsible for a litany of anti-competitive and illegal practices that have harmed consumers.

Little effort is required to discover a long and tortured history of Microsoft's evasion of antitrust enforcement and its extraordinary embrace of anticompetitive practices—practices recognized as illegal by all members of the DC Circuit court.

Subsequent to these events, Microsoft remains ruthless and totally unrepentant.

The Currently Proposed Remedy:

The currently proposed remedies are toothless and largely cosmetic.

The proposed final order is populated with unintelligible gibberish and fluff such as: ''Microsoft may restrict an OEM from displaying icons, shortcuts or menu entries specified in the Windows documentation as being limited to products that provide particular types of functionality, provided that the restrictions are non- discriminatory with respect to non-Microsoft and Microsoft products.'' As was once remarked in an earlier time, ''There is less here than meets the eye.''

The settlement contains no real penalties and actually perpetuates Microsoft's operating system monopoly.

Among other omissions, the absence of technical disclosure practice demonstrates a complete, profound, and willing capitulation on the part of the Justice Department. Compliance provisions in the proposed agreement embrace the most astonishingly weak oversight regime which includes —secrecy, —a guarantee of undue influence from Microsoft, and —a total lack of strong independent oversight.

The proposal actually legalizes and institutionalizes the continuation of Microsoft's tight control over access to technical information, and as a result, guarantees a continuation of its monopoly power over existing markets by denying meaningful access to needed technical data by would-be competitors.

Judge Colleen Kollar-Kotelly
U.S. District Court
Page 3

A More Meaningful Remedy:

In an industry (software) with short product cycles, changing product definitions & production innovations, it is critical that any remedies address the root causes of Microsoft's unlawful practices.

Among other things, the government must (at a minimum) require (in no particular order):

—full support for nonproprietary Internet protocols,

—nondiscriminatory licensing (independently enforced),

—nondiscriminatory sharing of technical information (ie. file formats)

—divestitures

—no secrecy, public oversight is absolutely essential

—meaningful restitution in proportion to the severity of the offenses.

(this means seriously punitive fines with triple damages)

The software industry, and the consuming public which it serves, will ultimately benefit from more diversity and less monopoly. The current proposal from the Justice Department is a national embarrassment and a cause for deep shame. Finally, both Microsoft and the DOJ, it now seems, have deliberately avoided the disclosure requirements of the Tunney Act process by submitting incomplete and misleading information. It is unlikely that the Do] could have come up with a settlement so warmly accommodating of Microsoft without considerable coaching from Redmond.

Respectfully submitted,
Douglas N. Glenn, Ph.D.
SOFTWARE by design

MTC–00023338—0004

MTC–00023339

From: dwilliamsll
To: Microsoft ATR
Date: 1/24/02 8:24pm
Subject: Microsoft Settlement

DAVID WILLIAMS
7756 Dragonhead Road
Fayetteville, NC 28311
January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft,

The purpose of this letter is to inform you of my support of the Microsoft settlement. After three years of litigation, I find it high time that the Justice Department ends this case against Microsoft. Too many federal dollars have already been wasted on this issue.

The details of the settlement are quite fair. Microsoft has agreed to make concessions in the hopes of resolving this issue. For one, with the release of Windows XP, Microsoft is implementing a new mechanism that will enable users to add and delete programs from the Windows operating system with increased ease. Similarly, this will enable users to delete programs that they do not want from the system such as Microsoft Internet Explorer and Media Player. I imagine that the average consumer would enjoy these changes.

Thank you for your time regarding this issue. Please enact the settlement at the end of January.

Sincerely,
David Williams 30023339—0002

MTC–00023340

From: silents@pcc.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:22pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Steve Vanover
1436 w Erie St
Chicago, IL 60622–6155

MTC–00023341

From: David W Schuler
To: Microsoft ATR
Date: 1/24/02 8:26pm
Subject: Microsoft Settlement

Dear Sir:

I am writing today to protest the recently proposed settlement for damages relating to the monopoly status of Microsoft. I believe that both my employer and I, personally, have been damaged by Microsoft. The recently proposed settlement does not attempt to provide restitution to the affected businesses and individuals who have been forced to either buy copies of Windows when they did not want them, or to pay higher than free-market prices for their software.

To support my first claim that at times I did not want to buy Windows at all, I offer the following. Both my employer and I run the Linux operating system on some of our systems. Those systems purchased from any of a number of companies, including IBM, were only available with Microsoft's Windows operating system pre-installed. As a consumer, I was not allowed to purchase a system without this operating system installed, and I also was not offered a choice of any other operating systems on my Intel-compatible x86 computer. Thus, I was required to purchase software and license for a system on which I did not desire to run the Microsoft operating system. It has also been established that due to it's monopoly position, Microsoft was able to charge a higher than normal price for it's products. For the computers I own at home that do run the Windows operatnig system, I have purchased copies of Windows 95, Windows 98, Windows 98 Second Edition and Windows 2000. All of these copies were purchased as upgrades or full copies, at retail prices. The fact that there are never any ''sale prices'' on Microsoft software points out, in my opinion, part of the monopoly position that Microsoft posesses. They are able to control and manipulate the marketplace sufficiently enough to control pricing at a vast number of different retail establishments.

Any proposed settlement should, in my mind, be viewed as a penalty for Microsoft. It should NOT allow Microsoft to make any ''donations'' of software or services. It should not allow Microsoft to write off the expense as a ''donation'' or contribution to schools or non-profit agencies. ANY SETTLEMENT SHOULD BE IN THE FORM OF A REFUND / REBATE TO THE CONSUMER WHO WAS FORCED TO PURCHASE MICROSOFT'S PRODUCT AT INFLATED PRICES. There should be no strings attached to the refund that require purchase of a future Microsoft product or service, it should be a true no-strings refund. As an injured consumer who has been victimized by Microsoft's monopoly position, I would hope that you would ensure that I am compensated for the way that Microsoft has defrauded me.

David W Schuler
david.schuler3@verizon.net

MTC–00023342

From: marrajo@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:23pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Mari Jo Cline
8080 Hwy 78 West #21
Beulah, CO 81023–9700

MTC–00023343

From: munsel@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:24pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Richard Wagner, Jr.
12006 E. Mapleton Rd.
Mapleton, OR 97453

MTC–00023344

From: Cheungmd@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:27pm
Subject: Fwd: microsoft settlement

The proposed microsoft settlement is unacceptable because it fails to prevent microsoft from continuing to exploit its monopolistic position to prevent competition while also allowing microsoft to keep profits illegally obtained by its past transgressions. Under no circumstances should this case be settled as proposed.

Deanna Cheung M.D.
2865 Atlantic
Long Beach, CA 90808

MTC–00023345

From: usinet.gekovac
To: Microsoft ATR
Date: 1/24/02 8:27pm
Subject: Microsoft Settlement

The settlement proposed does not adequately fine Microsoft for its monopolistic practices and does not inflict enough pine to prevent further transgressions. The proposal to supply free software to the school system is more a reward then a punishment, since software companies would like early exposure of the products to future consumers. I have known small software developers whose software and companies could not survive when competing with Microsoft when their product competes with a Microsoft program, or the vendor refuses to sell his software to Microsoft.

I do not accept that I should pay for a Microsoft OS when purchasing a new computer, as is the current case. This should be prohibited for the computer consumer who does not want Windows.

Fine them big time, and make them pay! Make future abuses unacceptable.

George Kovach MD
27948 229th Street
Le Claire Iowa 52753

MTC–00023346

From: Dale DuVall
To: Microsoft ATR
Date: 1/24/02 8:30pm
Subject: Microsoft settlement opinion

I feel that since the US Department of Justice found Microsoft guilty of being a monopoly and that it has used monopolistic practices to stifle competition and as a result many companies perished, Microsoft must pay a substantial price. The consequence must equal or nearly equal the effect of the behavior. I do not feel that the proposed settlement in any way will prevent Microsoft from continuing it's monopolistic practices. A new settlement with teeth is needed. It must be fiscally and politically painful. Otherwise, the DOJ is sending a bad message to the citizens of the United States. Once again, if you have enough money, there are no real consequences.

Thank you for your time.

Sincerely,
Dale DuVall
Eugene, Oregon

MTC–00023347

From: Michael Bolen

To: Microsoft ATR
Date: 1/24/02 8:31pm
Subject: Microsoft Settlement
This is a bad idea.
Michael Bolen

MTC–00023348

From: Alex Brotman
To: Microsoft ATR
Date: 1/24/02 8:32pm
Subject: Microsoft Settlement
Dear Sir or Madam,

I have quite a few issues with the proposed settlement of the Microsoft/DOJ trial. I will only point out the one that I think would be part of a fair punishment and allow for better competition in the Tech marketplace.

Microsoft has made some good products over the years and may do so in the future. Some of these products save or transmit data in its own propreitary format. This to me is one of the most damaging things about Microsoft and its products. I would propose that for the next 5 years(at least if not more) that Microsoft be forced to provide the specifications for its file formats and its transmission protocols to a general committee. These formats could then be used by competing companies to allow them to open Microsoft documents or send data to a Microsoft server. This would hopefully level the field and force each company to strive to deliver a technically superior product and not rely on a file format to force customers into upgrades and hold them in that chosen product. For example, Microsoft produces a word processor called Word, part of Microsoft Office. This program uses a format that is only known to Microsoft and therefore no other program can have full interoperability with Word. If the format were available for all to use then a program like WordPerfect or Star Office could open and save documents in Word format. This would allow companies to have a better choice in choosing a word processor and hopefully companies would deliver better products.

I have talked with other IT professionals about this and they say that Microsoft deserves to have this monopoly because they make good products. I say—make the formats and protocols available to all and then let the market decide who has better products. I shouldn't be trapped into using a certain product just because it has a special format. That to me is the biggest part of Microsoft's monopoly.

Thank you.
Sincerely,
Alexander Brotman

MTC–00023349

From: total fitness
To: microsoft.atr(a)usdoj.gov,
activism(a)moraldefense* * *.
Date: 1/24/02 8:32pm
Subject: Microsoft Settlement
Dear Sir/Madam,

I am writing regarding the Department of Justice's anti-trust case against Microsoft.

I have watched in dismay as the U.S. Government, whose constitutional duty it is to protect the rights of U.S. citizens, has zealously pursued one of the most productive individuals in U.S. history- Bill Gates, and his company Microsoft.

One of the Department of Justice's rationalisations for its crusade against Microsoft is that the company has engaged in ''anti-competitive'' behaviour that has ''hurt consumers''. I find this accusation ridiculous. Exactly who are all these wounded consumers? I have been happily using, and benefiting from, Windows 98, with Internet Explorer, on my computer for the last two years. Microsoft's products have greatly enhaced my productivity and made my life a lot easier. I certainly do not feel ''hurt'' in any way by Microsoft! Neither do my family and friends who enjoy the benefits of Gate's innovations. Evidently, neither do millions of others around the world who have purchased, and continue to purchase, Microsoft products of their own choice and free will. If the Department of Justice is truly concerned with eradicating anti-competitive behaviour, then it should swiftly get out of the way of those who benefit America and the rest of the world- dynamic, competitive producers and innovators, like Microsoft- and let them do what they do best, free of unprovoked co-ercion. Microsoft should only be the subject of legal action if it can be shown that it has used force or fraud in its dealings with others. I have not seen a skerrick of evidence to suggest this is the case. It is actually the government who has initiated force against Microsoft. It appears the Microsoft case was initiated by competing companies, who, unable to compete on their own merits, lobbied the government to co-ercively restrain Microsoft in order to level the playing field. If these companies want an increase in market share, they should do it not through Government favours, but by appealing to consumers with more competitive offerings and innovations.

The Government's anti-trust stance is not untainted by hypocrisy, either. The U.S. Postal Service IS a true monopoly- it enjoys a priviledged position in the market by virtue of government edict. It is not subject to competition from other firms who would no doubt be more than willing to supply consumers with alternative provision of mail services. However I am unaware of any pending anti-trust action against The U.S. Postal Service.

Yours faithfully,
Anthony Colpo.

MTC–00023350

From: ted046@jps.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:31pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Tom Donahue
255 Colonial Circle
Vacaville, CA 95687–6708

MTC–00023351

From: madeyas@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:31pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
6601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Robert Madeya
803 Carmel Dr.
Belen, NM 87002–7236

MTC–00023353

From: Charles wyatt
To: Microsoft ATR
Date: 1/24/02 8:30pm
Subject: I disagree with the antitrust settlement as it stands.

Microsoft IS a monopoly.

No question there. And their territorial business practices DO hurt competition. Example: Bungie Software, makers of PC games were bought by Microsoft so that they would have the rights to the groundbreaking game HALO so that it would be a premier title on their X-Box platform. They had the money and power to buy a whole company for one piece of software which has yet to be released to PC as it was originally intended. An addendum should be added that Microsoft must turn over ALL of it's source code for Windows for review. And give the government the right to change it and use it for government use. There are so many security flaws that other foreign governments have banned the use of Windows in their government offices. Might Microsoft be keeping tabs on the Government through its own holes?

Microsoft should be barred from any further company purchases, either directly or through a third party. Also they should be prevented from starting up a spinoff company during that time period.

Charles Wyatt

MTC–00023354

From: Gen LaGreca
To: Microsoft ATR
Date: 1/24/02 8:36pm
Subject: Microsoft Settlement

This is to state that I oppose any action taken by the Justice Department against Microsoft as a so-called monopoly. Only government force can create a monopoly by legally restricting entry into a field through regulations, e.g., the US Postal Service and the Medallion cabs of New York City (the latter restriction of competitors being the reason for the $45 cab fare to go 8 miles from LaGuardia Airport to Coney Island!). It is NOT a monopoly if a company outperforms its competitors in a climate of free competition. When is the government going to stop meddling in our economic affairs? If business don't produce (farming), we give them subsidies for not making anything. If businesses overproduce (Microsoft), we shoot them down. It's time to end this arbitrary meddling which limits our freedom of choice and a company's freedom to operate. I say laissez faire—LEAVE IT ALONE!

Yours truly,
Genevieve LaGreca
Chicago

MTC–00023355

From: Dana Lee Ling
To: Microsoft ATR
Date: 1/24/02 8:35pm
Subject: Comments on settlement

I think ultimately technology will outrace the courts on this matter. Any proposed settlement should have sufficient teeth to prevent Microsoft from engaging in non-competitive practices, level the playing field, and actively encourage competitors. That said, the industry will likely render any settlement moot. Compare, for example, the sudden and explosive rise of open source software for Internet servers to the sudden conversion to TCP/IP and Internet protocols in the late 90's that led to the virtual death of software giant Novell. Sure, Microsoft has a monopoly on the desktop. But the arrival of Apple onto the Unix desktop scene is evidence that if a level field is assured, then others can compete and today's software giant is tomorrow's dust bin occupant. Even Microsoft is subject to the markets it created. In the early years of Linux Microsoft said the operating system was not a significant player and that there would never be a version of Microsoft Office for Unix. Now we have Office V.x that runs under BSD Free Unix on the new Macintosh OS X. In some sense, time and technology will do more damage to Microsoft than any legal settlement.

Dana Lee Ling
dleeling@comfsm.fm

MTC–00023356

From: Christopher Heiser
To: Microsoft ATR
Date: 1/24/02 8:35pm
Subject: comment on proposed MS/DOJ settlement

I remember a conversation that I had with a friend about five years ago. He was talking about how he didn't dislike Microsoft, and that the new operating system of the time (Windows 98) was a real improvement over the previous version. While this friend was in fact an avid fan of the Apple Macintosh, he did not share the typical anti-Microsoft fervor that seems to be the norm for a Mac user. He saw Microsoft as getting progressively better, and thought that objections to the company and/or their software were founded primarily on people who were purists and did not understand the reality of the computer industry as an economic machine. I argued with him for a few hours as we drove around the Virginia countryside. The gist of my argument was, and still is:

1) Microsoft has a monopoly

2) Microsoft uses this monopoly to force the entire computer industry to use unstable, poorly-engineered, insecure, and generally inferior software through blatant campaigns of fear, extortion, and bullying

3) This is ultimately bad, as sooner or later another company will produce a superior product, and chances are that this product will come from outside the US where Microsoft can exert the greatest influence on its surroundings

4) Regardless of the future, it is patently clear to anyone in the industry that Microsoft hampers innovation in a major way, which affects not only the computer industry but in fact the entire American economy As someone involved in the investment community of Silicon Valley, I can assure you that there is always a major fear of investing in any new company that is directly or indirectly competing with Microsoft. While this may be a reality for entrepreneurs, it does not help matters when the US Department of Justice seems complicit with Microsoft in preserving and extending this monopoly without any regards for the consequences nor punishments for flagrant violations of US antitrust law. The United States version of free market economy must deal with companies that abuse their monopoly power with severe and meaningful penalties. Any settlement that does not force Microsoft to pay dearly for its transgressions or does not make a significant effort to prevent future transgressions with powerful laws is worthless. –ch

MTC–00023357

From: rghudson@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:34pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft.

This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Roger Hudson
6 Optima
San Clemente, CA 92672

MTC–00023358

From: Gary Ce
To: Microsoft ATR
Date: 1/24/02 8:37pm
Subject: Missing the Crucial Consideration

Your Honor,

The frivolous and anti-free-enterprise case and defences being made regarding the activities of Microsoft are causing the more serious ''offence'' to be missed. Effective application of the Microsoft Windows License Agreement requires that copies of the operating system previously legally purchased may as well be disposed of when old hardware is disposed of because re-use on new equipment is prohibited. This is tantamount to saying that the engine in your old car may not be re-used in a different car. If Intel were to follow this rule with processors, or IBM with hard drives, there would be an uproar. Where is the uproar? This seems to me to be an indefensible application of a purchase agreement. If it is not legal, the public should be so informed and free to seek damages. If it is legal, you or anyone who can must move to strike such a law or the already thin illusion of free enterprise in America become even more thin. Look for industry-wide collusion in the above because the beneficiaries are Microsoft and the hardware vendors et al. Here is how it works;

- Users are never satisfied with the speed of computing equipment over all. (by this I mean real world benchmarks of the entire computing experience, not simply ''boot time'' or ''screen re-draw'' or ''hard drive spindle speed'' and dozens of other terms and tests that have no net meaning).

- Hardware vendors seem to offer a remedy via the purchase of new hardware.

- New hardware generally comes with new Microsoft operating systems.

- The new operating system always uses more hardware resources to deliver the same computing experience. (there are very few ''new'' applications for computers that are actually new. Most things we do with a new computer are the same things we have been doing for a while, we get the new computer in hopes that it will ''go faster''.)

- The public hunger for computing equipment that allows more efficient use of time is not satiable in this scenario.

- Thus the consumer or corporate buyer heads dutifully and with anticipation to the store to ''upgrade'' on a regular basis all software and hardware, yet other than trivial user interface enhancements, all those billions spent don't actually amount to a better computing experience.

- Those of us consultants and professionals who get hired to make this stuff all work more quickly, are not allowed to use the best choice when it comes to operating system (for example Windows 95 on a modern computer) because Microsoft would have us believe there is no legal way to use their better historical products on newer

equipment, and our clients have little interest in being the test case to challenge the mighty Microsoft.

This cycle seems set to continues without abatement even though technological accomplishment in the economy as a whole is advancing exponentially. Failure to focus on this strange little industry collusion would be a mistake if the point of your trial is to improve the lot of the American public with regards to their relation with Microsoft.

In summary, I believe Microsoft has changed the world for the better. Their products are consistently better than the alternative in most categories. If the disingenuous nature of their licensing agreements I have pointed out here could be remedied, all our efforts of late might not be for nothing.

Sincere Regards,
Gary Chernipeski
CC:wes cook,TerrenceWalters@consultant.com@inetgw,Ste...

MTC–00023359

From: Tim Boester
To: Microsoft ATR
Date: 1/24/02 8:37pm
Subject: Microsoft Settlement

To the United States Department of Justice:

Microsoft is a monopoly, and as such, it should be made certain that it cannot use its dominance in operating systems to take control of other parts of the software industry. Specifically, Microsoft should be told to allow users the ability to use open source software in lieu of Windows and/or other pre-loaded software that comes on PCs. In order to help enable this action, Microsoft should be forced into opening up its APIs, not just for the short term, but for the long term. Until Microsoft joins with the rest of the software industry in embracing industry standards, Microsoft will continue to leverage its operating system monopoly to gain control of other software arenas.

Thank you
- Tim Boester
Graduate student, Department of Educational Psychology, University of Wisconsin-Madison

MTC–00023360

From: Ken Humphries
To: Microsoft ATR
Date: 1/24/02 8:33pm
Subject: On the subject of the Microsoft settlement

I normally don't send letters to government agencies, but I feel that to not put my two cents worth on this issue, it would be a big mistake on my part.

I have been in the computer industry since the early eighties, and I was around when Microsoft was a company that produced reasonable quality products for a reasonable price. Somewhere along the way (around the time that Office was released,) the company changed its business philosophy, they started bullying companies, and if you crossed them or you were in an area of the marketplace that they wanted to expand into, they would attack. This has included bullying or tempting resellers to not sell competitive products, stealing ideas & code, hiring away employees, buying a company that has a competitive product, then give it away for a fraction of the cost (often free and more recently bundled as a part of the Operating System.) This strategy has effectively stifled most companies from competing directly with Microsoft. Most companies scurry around the edges of Microsoft, praying that Microsoft doesn't target their niche next.

Microsoft marketing and their lawyers will tell you that this is the way the industry works. Every industry leader does these things. That innovation and better products are why they dominate. I can safely tell you that this is not true. Most of the ''Industry leaders'' that they talk about were driven effectively out of the business, because Microsoft controlled the platform that all of these products ran on. Wordperfect and Lotus were once the #1 word processor and spreadsheet programs on the market, until Microsoft released Office, which cost less than either and was the only product that worked on the then new Windows 3 software (The reason being that Microsoft developed Office at the same time as Windows and didn't allow access to the Windows development team to their competitors.) Now, there is no effective competitor for this product, and they charge an arm and a leg for the product now (I picked up the original Office for $99, now it costs $279, and that's an upgrade price.)

As for this case, Microsoft buys a small developer that has a web browser, because it wants to get into the Internet business. The browser wasn't that good, but Microsoft put their name on it and started giving it away for free. The #1 browser at the time was Netscape, which was charging about $40 for their browser. Even after throwing a large design team to work on their browser, adding features to the product and starting the ''Browser Wars'', most users still didn't flock to Microsoft's browser, they then decided to include it in Windows 95 as a standard feature when they released an update. Why buy a product, when you get one free, integrated in the software? (especially when most machines that you can buy has this updated version of Windows 95 included.) Strangely enough, Netscape, having been forced to give away their software for free as well, lost its market share and Microsoft dominated the browser market. Now, they've put Microsoft Windows specific elements into the browser (to reinforce their OS monopoly) and charge more for their operating system (Windows 95 cost $79 and now Windows XP costs $199.)

There are other examples, like when Microsoft forced Windows on computer manufacturers, but I wanted to keep this short and concise. I know that the Sherman Act was designed to keep companies that have a monopoly from trying to exploit that advantage to make a bigger monopoly, and I think it's safe to say that this fits Microsoft's actions to a T. If I thought the settlement arranged between Microsoft and the Justice department would control Microsoft, I wouldn't even have sent you this letter. I'm just letting you know that as an insider, I still see the same business tactics today, that I saw before the trial. I also know that if all you are going to do is give Microsoft a light slap on the hand and put an impotent group of observers to try to control a company that's company culture is ''Power wins'', especially with them sitting on a $40 billion dollar cash reserve and growing, what do you think will happen? If they aren't punished properly, all we will get is more Microsoft monopoly products in more markets that cost more and work less.

Thank you for your time in this matter.
Ken Humphries
Sr. Project Manager
Quarium, Inc.
khumphries@quarium.com
(408) 246–1585
''Change is inevitable.''
AND
''Change can be either good OR bad.''

MTC–00023361

From: sugg2@surf-ici.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:34pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Mariann Green
980 N Boehning Ave
Indianapolis,, IN 46219

MTC–00023362

From: jmmitchelljr@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:35pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
1108 Fairview Drive
La Canada, CA 91011–2359

MTC–00023363

From: Tracy Rupp
To: Microsoft ATR
Date: 1/24/02 8:39pm
Subject: MicroSoft Opinion

I believe the Microsoft antitrust is highly important if not central to the free enterprise and competition debate with regard to the ''computer revolution''. My qualifications are that I have been using the personal computer for some twenty years, have been an enrolled student of computer science for over two years. I'm 56 years old and a stockholder of MicroSoft.

I am concerned that the near monopoly that MicroSoft has on most aspects of popular computing is detrimental to the advancement of commerce and technology. While Microsoft does innovate, the pace of innovation has been slowed and quality has suffered due to their overwhelming influence. Prices remain higher than would be the case if a more competative environment prevailed. I feel like the government case against Microsoft soften when the economy turned down. I hope expediency will not drive this monumental interpretation of the law in this challenging new era. I lose money on my MicroSoft stock, but, am still in favor of a critical stance against Microsoft.

Thank you,
Tracy Rupp

MTC–00023364

From: eg8wood@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:36pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Edward Gatewood
820 Virginia St., #202
Dunedin, FL 34698–6746

MTC–00023365

From: Semach, Dave
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 8:39pm
Subject: Microsoft Settlement

Please consider the following regarding the Microsoft case.

Thank you for your time.
Dave
<<USAGSemach David 1020 0122.doc>>
MTC–00023365 0001
David Semach
15515 186th Ave NE
Woodinville, WA 98072
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I support the settlement between Microsoft and the U.S. Department of Justice. It is fair and reasonable, and will bring this case to a close. Microsoft has agreed on several matters that extend well beyond the issues of the lawsuit. They have agreed not to retaliate against computer makers who ship software that competes with anything in its Windows operating systems. Microsoft has agreed to license its Windows operating system products to the 20 largest computer makers on identical terms. They have agreed to document and disclose for use by its competitors various interfaces that are internal to Window's operating system products. These are only some of the issues of the settlement that I would call above and beyond the call of duty. No more action should be taken at the federal level. I agree that the settlement is in the best interest of the people, the industry and the economy. Further litigation would only prolong a drawn out lawsuit that was not necessary from the start.

Let's get this behind us and move on with other important business.

Sincerely,
David Semach
0023365—0002

MTC–00023366

From: Tim Weaver—InfoTech
To: Microsoft ATR
Date: 1/24/02 8:41pm
Subject: Forced application bundling

Dear Madams and Sirs:

With 30 years of computer experience as buyer, user and IT consultant, my observations are both positive and negative regarding Microsoft's market power and subsequent abuses. Point #1—I have prospered because Microsoft products required added support which I provide but I am also offended that functions that should work do not; thus requiring the customer to hire me to do extraneous tasks— well known security flaws comprise just one example. Point #2—More egregious abuse however shows not only at Microsoft but also at related ''reseller'' companies such as Dell. When a friend configured a personal computer system he asked me why it was so expensive when the hardware alone was advertised as ''below $700''. As it turns out Microsoft Office Suite was included as a default and my friend was unable to ''deselect'' this option. This alone added $300+ dollars to the overall cost.

The issue is not only that this was a ''forced'' added-on but also that no other office suite is available. Point #3—Finally as a shareholder of other public companies (not of Microsoft) I am aghast that Microsoft holds over $36 billion in cash and refuses to pay a dividend in spite of their obligation to their shareholders.

Thank you consideration of my comments.
Timothy M Weaver
415–550–0525

MTC–00023367

From: Dan Lynch
To: Microsoft ATR
Date: 1/24/02 8:41pm
Subject: Microsoft behavior

Dear Judge,

Since it is now officially recognized that Microsoft has a monopoly with respect to the operating system of the hugely dominant computer architecture of Intel's it is necessary to be sure that they do not use that monopoly to leverage into related areas of computer software. They do it all the time. I would too, if no one stopped me from doing it. I believe you are the one to do the stopping.

Thank you for listening.
Dan Lynch
Los Altos Hills CA

MTC–00023368

From: sdau@ncn.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:39pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Sandra Dau
16811–256th Ave
Spirit Lake, IA 51360

MTC–00023370

From: fangshome@att.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:42pm
Subject: PFJ for Microsoft

Your Honor,

I'm concerned about the proposed settlement in the U.S. vs. Microsoft case, and I urge you to reject it. Microsoft is a convicted monopolist, yet the proposed final judgment allows them to keep vitually all the illegal profits they've amassed over the years. Furthermore, there's no provision to protect the software (and hardware) industry from Microsoft's strong- arm tactics in the future. The monopoly is allowed to stand with very little punishment. In fact, the proposed final

judgment would amount to a government mandate of the monopoly.

Please reject the proposed final judgment for its serious shortcomings.

Sincerely,
Michelle B. Fang
41 Lantern Circle
Stamford, CT 06905
(203) 329–0366

MTC–00023371

From: hank—linda@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:40pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Hank Jonson
6812 Wycliffe Ave'
Waxhaw, NC 28173

MTC–00023372

From: alyne52@email.msn.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:41pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
William Meyers
6660 Loblolly Drive
Huber Heights, OH 45424

MTC–00023373

From: Steve Scherf
To: Microsoft ATR
Date: 1/24/02 8:42pm
Subject: Microsoft Settlement

I am compelled to comment to you that I feel the proposed Microsoft settlement with the DOJ is insulting and wholly insufficient. It will do nothing to stop the antitrust activities of Microsoft, and amounts to even less than a slap on the wrist. It is unfortunate that the DOJ does not seem to understand the issues from a technical standpoint. If the DOJ did truly understand the issues, it would be clear that there need to be strong rules instructing Microsoft to publish critical application interface information for would-be competitors. What does this mean exactly? Microsoft controls everything from the operating system to the web browser to the office applications people use on a daily basis for writing documents, sending and receiving email, and so on. These form the core, the vast majority, of the software used by the computer-using public. Because Microsoft controls these facets of the computer, there is no need for them to disclose the proprietary interfaces used by each piece of software in order to interoperate. In fact, in order for them to maintain this control, they have a great need NOT to disclose these important interfaces to the public.

This effectively forms a roadblock for any would-be competitor who wishes to produce a competing application. Netscape is a prime example. It is incapable of doing many of the things that Microsoft's browser, Internet Explorer, is capable of doing. Netscape lacks the necessary ties with the operating system and its components for it to have the same capabilities as IE. It would be a daunting task, and possible illegal thanks to the DMCA, for someone to reverse-engineer the interfaces necessary to make a browser with the same capabilties as IE.

I feel that the original solution proposed by Judge Penfield Jackson was a logical, just, fair and correct solution to the problem. I understand that such a solution is now quite unlikely, unfortunately. Short of that, I still feel that Microsoft must be made to disclose all programming interfaces to their software that are necessary for competitors to make products with at least as much functionality as Microsoft's own. Microsoft must be required to make full disclosure of all programming interfaces to the public, free or for a nominal charge to cover the cost of publication. Also, they should be required to publish updated information in a timely fashion whenever said programming interfaces are enhanced or modified in any way. I would consider this to be the minimum solution to the problem. Other steps should probably be taken as well, such as rules to curtail their predatory practices. However, I consider what I've said here to be the primary action that should be taken in the absence of more sweeping ones.

Regards,
Steve Scherf
steve@gracenote.com
(510) 849–CDDB
http://www.gracenote.com

MTC–00023374

From: tmyork@home.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:42pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Timothy C. York
7139 Hampstead Lane
Indianapolis, IN 46256–2315

MTC–00023375

From: William Sears
To: Microsoft ATR
Date: 1/24/02 8:45pm
Subject: Microsoft Settlement

To Whom It May Concern,

I do not agree that the proposed settlement in the Microsoft antitrust trial is acceptable. It neither punishes them significantly for past actions nor does it inhibit their ability to commit similar offenses in the future.

Microsoft will continue to be able to abuse their current monopoly and will have no effective deterent from doing so since the scale of their punishment is insignificant compared to the gain they have made on their actions. The smart business move on their part would be to repeat the kinds of actions in the future to maximize their profits. They can easily pay for the minor punishment out of the vast treasure chest that they can amass by continuing.

Respectfully,
William Sears
8313 Beacon Ridge Pl.
Fort Wayne, IN 46835

MTC–00023376

From: Janet Davis
To: Microsoft ATR
Date: 1/24/02 8:45pm
Subject: Microsoft Settlement

This economically-draining witch-hunt has gone on long enough.

MTC–00023377

From: Brad Smith
To: Microsoft ATR
Date: 1/24/02 8:46pm
Subject: Microsoft Settlement

I stand in opposition to the proposed settlement between the DOJ and Microsoft. I believe the settlement is far too lenient, and will in no way act as a deterrent to current and future anticompetitive practices by Microsoft.

As a college student pursuing a degree in Computer Engineering, I shudder to think

that in a few short years, I may very well enter a job market dominated by a single company. A company that controls what type of hardware I'll be developing for. A company that controls what type of software I use. A company that dictates what standards I can (theirs) and cannot (open standards) use. A company trying to control the freedom of the Internet revolution. A company that will have squandered out all but the last faint flickers of competition. A company not unlike IBM once was. Rather then fumbling around trying to express the exact reasons for my discontent with the proposed settlement, I would like to voice my support for a man whom I think has already said it best. Dan Kegel has put together a very detailed and extensive list of the problems with the current settlement, and I agree with him 100 percent. The document to which I am referring is located at: http://www.kegel.com/remedy/remedy2.html

Sincerely,
Brad Smith
Computer Engineering Major
Georgia Institute of Technology

MTC–00023378

From: Sis Hartgers
To: Microsoft ATR
Date: 1/24/02 8:46pm
Subject: Microsoft Settlement Microsoft invades my computer making it difficult to use anything but Microsoft. I resent the intrusions and wish there were an alternate platform to use rather than Windows.

Microsoft has limited the options which could have been available to consumers.

Thank you for allowing the public to have some input into your deliberations.

Florence M. Hartgers

MTC–00023379

From: David Aufox
To: Microsoft ATR
Date: 1/24/02 8:45pm
Subject: Microsoft Settlement

To the Department of Justice, As a Graphic/Web designer, I'd like to comment on the Proposed Final Judgment in United States v. Microsoft. Throughout it's existence Microsoft has chosen coercion and subversion over invention, originality and innovation. Microsoft has a history of bullying and subterfuge in its efforts to gain market share over rivals like Netscape and Corel/Novell (WordPerfect) who offer competing products. Never before has there been a company that manufactures such sub par products, yet at the same time controls such a stranglehold on the market that a person is unable to find a practical and realistic solution or alternative that avoids using that company's products in the course of daily business.

Microsoft time and time again has gotten away with illegal behavior with nothing more than a slap on the wrists. Even after they have been legally found to be a monopoly, they still claim they are not and even try to use a settlement to gain market share in the one market they do not control, education. I fear that this might not change after the current legal battles with Microsoft over and done with, the Proposed Final Judgment has many issues, which I feel, are not in the public's best interest. The Proposed Final Judgment does not take into account windows compatible operating systems. It also contains specifications so narrow they are misleading. One example is the Proposed Final Judgment mandates Microsoft must release its secret API's but defines API's so strictly many API's especially more of the important ones are not covered by the definition. Most of all the Proposed Final Judgment does not take into account Microsoft's current and actions and products it is trying to develop for the future.

I feel that if action isn't taken now against Microsoft for the illegal crimes it has committed and been found guilty of, the Department of Justice will find itself fighting the same law suit several years from now on the same issues but a different offending Microsoft product because Proposed Final Judgment didn't not take future growth and products into account while still allowing Microsoft to function as a company.

Please take these and all the other issues concerning the Proposed Final Judgment into account before acting on it. Thank you very much for you time.

-David Aufox

MTC–00023380

From: bishopr@plantationcable.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:43pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Robert Bishop
116 westviewway
Eatonton, GA 31024

MTC–00023381

From: dragoun@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:43pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Mike Dragoun
65657 Kenilworth Rd.
Lakeville, IN 46536

MTC–00023382

From: tlkeplar@cqc.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:44pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Loretta Keplar
2710 Emmet Drive
Logansport, IN 46947

MTC–00023383

From: Mark Tucker
To: Microsoft ATR
Date: 1/24/02 8:47pm
Subject: Microsoft Settlement

I just wanted to write a note expressing my concerns with the proposed settlement of the Microsoft case. In my reading about this settlement from many different news sources I cannot see that this proposal would have any effect at all on the behavior of Microsoft. It does little to nothing to rectify the damage done to the computer marketplace by Microsoft's anticompetitive actions. Unfortunately, it is so weak that it appears to almost endorse their abusive actions.

Mark Tucker
Consultant
Clifton Park, NY

MTC–00023384

From: mulos@rednecks.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:45pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Robert Solum
226 So. 5th St. W.m
Missoula, MT 59801

MTC–00023385

From: grannybo@swbell.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:45pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
carolyb stokum
1421 s quebec
tulsa, OK 74112

MTC–00023386

From: LECBAC@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:48pm
Subject: microsoft settlement

It is time to move on. Microsoft has created tremendous software tools which have standardization and greatly enhance productivity. As a member of the pre boomer generation, I did not have exposure to PCs and software until I had been in the workforce 20 years. It is hard enough going from one application to another without having to remember separate and different ways to do things because of different vendors, or to figure how out to make one software package compatible with another, or to figure out what computer accessories you need do perform your task.

Microsoft has been found guilty of some incorrect behavior and has reached a settlement with the Dept of Justice. The settlement is very generous. Right or wrong, Microsoft has already paid dearly in many ways, and they've learned a lesson. This settlement should be implemented and the court action closed. Competitors and greedy plaintiffs who see deep pockets they're hoping to pick should not be allowed to do so. Their cases should be thrown out as frivolous and greedy. The courts have ruled, and a settlement has been agreed upon. It is time to get on with it so this case can be closed and companies directly and indirectly involved can focus again on business and competition.

L.E. Carrier

MTC–00023387

From: ejayers@pc-intouch.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:46pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Janis A. Ayers
2405 Queenaire Ln.
Modesto, CA 95350–1939

MTC–00023388

From: calcini@wwnet.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:47pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Sandra Alcini
3827 Lake George Rd.
Dryden, MI 48428

MTC–00023389

From: wolffrc@ismi.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:47pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Ron Wolff
32800 Amrhein
Livonia, MI 48150

MTC–00023390

From: rutharshr@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:47pm
Subject: Microsoft Settlement Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Ruth Sherlock
140 Sso. Dolliver Spc.#02
Pismo Beach, CA 93449

MTC–00023391

From: mng2mala@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:48pm

Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Marvin Tuomala
15832 Clarendon Street
Westminster, CA 92683–6939

MTC–00023393

From: Brian Redding
To: Microsoft ATR
Date: 1/25/02 10:45am
Subject: Microsoft Settlement
To whom it may concern,

I don't believe that the current proposed settlement will prevent Microsoft from continuing to use their illegally gained monopoly position to prevent competition in the personal computer operating system industry. I endorse all of the remedies outlined in Mr. Dan Kegel's open letter in which I have co-signed (located at: http://www.kegel.com/remedy/letter.html).

Please review this letter as well as other letters from people in the software and personal computer industry on possible alternative remedies that lowers the entry barrier for additional choices in personal computer operating systems. This can only be accomplished if the Windows APIs are publicly released and licensed royalty free. To ensure the complete set of APIs are released, requiring ports of Microsoft middleware (including Microsoft Office) to open sourced operating systems including emulators like WINE for linux would ensure that Microsoft could not keep important APIs proprietary. This is the only way to lower the entry barrier for competing personal computer operating systems. This would begin to level the playing field after Microsoft has illegally , based on the findings of fact, manipulated the personal computer operating system market in their favor. Thank you for your time.
Brian A. Redding
Software Engineer
Champaign, IL

MTC–00023395

From: calcini@wwnet.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:48pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Charles Alcini
3827 Lake George Rd.
Dryden, MI 48428

MTC–00023396

From: G4
To: Microsoft ATR
Date: 1/24/02 8:52pm
Subject: Microsoft Settlement
Being soft on Microsoft in this case is equivalent to being soft on Nazi's at Nuremberg. This monopoly must end.

MTC–00023397

From: PrevHistSc@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:53pm
Subject: Microsoft Settlement
Sirs,

It is time to let the microsoft settlement go forward. The constant legal action is producing a hardship upon consumers. To penalize an innovative company in this way is grossly unfair.
Archie C. Prevatte

MTC–00023398

From: Clifford H. Readout, Jr.
To: Microsoft ATR
Date: 1/24/02 8:53pm
Subject: Decision
Your Honor,

Microsoft's proposed settlement (to provide hardware and software for a market they do not dominate) is simply a proof of its corporate philosophy: misuse every possible avenue to eliminate competition. Find a suitable penalty, one that actually will undo Microsoft's unjust and illegal activities. Make a way for Microsoft to justly compensate its victims, both corporate and individual. Suggest that it buy and give away a few billion dollars worth of Apple hardware and software to market segments Microsoft has dominated and listen to it scream of the injustice! Not wanting merely to complain, allow me to suggest two things:

1. a break-up of Microsoft into two parts, one marketing the Operating System, the other everything else;

2. the purchase and free distribution of Apple computers to non-profit agencies, up to a total expense you determine to be just.

For Justice,
Clifford H. Readout, Jr.
Director
The Foundations Forum
26 Somersville Road
East Longmeadow, MA 01028
413–525–2233

MTC–00023399

From: Anne Reece
To: Microsoft ATR
Date: 1/24/02 8:54pm
Subject: Microsoft settlement
If the Department of Justice does not force Microsoft to allow free and open competition in the computer and internet arena, where are the people who have home computers supposed to turn for choices in the software they purchase?
Anne Reece
596 Old Mill Rd
Lampe, MO 65681

MTC–00023400

From: johnfgeraghty@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:52pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.
Sincerely,
john Geraghty
2715 Boardwalk #917
Atlantic City, NJ 08401

MTC–00023401

From: grammarak@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:52pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Johanna Rakhshani
9142 Pioneer Dr.
H.B., CA 92646

MTC–00023402

From: John
To: Microsoft ATR
Date: 1/24/02 8:55pm
Subject: Microsoft Settlement

Dont let microsoft get away with their business practices. Many people believe that microsoft bought it's influence in the judicial system in the latest settlement. Prove those people wrong and force microsoft to offer refunds to customers who bought computers with its operations system. Some computers were pre loaded with windows and the buyer has to remove it to put alternate enviornments together.

Prevent them from forcing users to load their web browser, media player, and msn.

MTC–00023403

From: Paul Martucci
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/24/02 8:54pm
Subject: Microsoft Settlement

The proposed settlement is unfair and serves no justice

MTC–00023404

From: Brenda Womack
To: Microsoft ATR
Date: 1/24/02 8:56pm
Subject: Actions of Software Companies Programs

My apologies but not being a lawyer I couldn't totally decipher the language of the settlement but want to know if at any point in time this action and others will prevent software companies from programing the software to make changes to your PC without your knowledge or consent. In the case of Microsoft software for MSN I recently received a complimentary copy of Britannica Encyclopedia along with my tax software. I was not aware that there was loaded a program on there that loaded MSN as my default home page on my computer without my knowledge. When I went to load in the connection to the Internet - which is Microsoft Internet Explorer (loaded by Time Warner when I got my cable connection) I found that the load of the Encyclopedia had change my default page in the software. I have also had web pages that I connected to that once I made a selection I could not change the selection to another choice such as a different sales agent. This happened on going to the web page for Shaklee to look for a local agent. I don't know if the agent caused this or the company but it was very frustrating and took me a while to figure out how to clear it out.

I do feel you did the correct actions here as more competition does lead to more choices and an improvement in the product for everyone. That is not to say that standardization in some items doesn't improve things—such as I wish we had standardized the phone systems as was done in Europe as it is confusing to see 3 and 4 cell towers together because they each have their own system. Thank you for reading this.

Brenda Womack
Loveland, OH

MTC–00023405

From: James Mays
To: Microsoft ATR
Date: 1/24/02 8:57pm
Subject: No Settlement

In regard to the proposed Microsoft settlement:

I believe that any settlement which allows Microsoft to establish itself in a new market under the guise of a ''free'' donation of software is misguided. Donation of Microsoft software is essentially a Trojan Horse, ultimately forcing the recipients of those donations to either pay up or force losing the utility of the software they receive.

Microsoft's real assets are its intellectual property. To force Microsoft to open the source of some or all of the code to their products, under an open source license, would allow the company to continue to conduct business, but on a level playing field.

-Jim Mays
Stillman Valley, IL

MTC–00023406

From: Ryan Metz
To: Microsoft ATR
Date: 1/24/02 8:58pm
Subject: Microsoft Settlement

To whom it may concern:

I am concerned about the proposed settlement in the Microsoft case. After reviewing all of the different things that the company has done and seeing no changes made in the corporate culture at Microsoft I do not consider the settlement being proposed a solution to the problem. Microsoft has been labeled a monopoly that used illegal means to keep themselves in that situation. They have lied, cheated, and stomped out innovation that might have competed with their products based on the merits of the technologies involved every time it suited them to do so. I am writing this because I was informed that you would take into consideration public reaction over the case due to the Tunney Act. Please consider making it illegal for Microsoft to force computer manufacturers to do whatever Microsoft wants for the sole purpose of stamping out any new competition or innovation. I think one of the main reason that the computer industry is stagnating right now is that Microsoft has locked much of the country into its upgrade cycle (and I'm not talking about the Windows XP licensing scheme) and there isn't any reason for people to go out and buy new tech products.

Respectfully,
Ryan Metz

MTC–00023407

From: (042)(042)(042) Dave Hill
To: Microsoft ATR
Date: 1/24/02 8:57pm
Subject: Microsoft Settlement

Renata B. Hesse Antitrust Division
U.S. Department of Justice
601 D Street NW Suite 1200
Washington, DC 20530–0001

I work as an advanced IT standards developer and researcher at a multi-national engineering company. I am, however, writing as a private citizen. I would like to comment on the proposed settlement of the anti-trust suit against Microsoft.

Microsoft's past behavior, as proven multiple times in court, including in the case at hand, demonstrates its unwillingness to take any corrective action, change its activities, or in any other way comply with legal judgments except as specifically and strongly enforced.

If Microsoft were truly competing in the open market, based on the technical strengths of its products, I would have no problem if the majority of consumers freely chose its systems and tools. My concern is that Microsoft, by becoming a virtual monopoly, and by engaging in anti-competitive practices as a monopoly (the conclusions of the Court in this case) stands opposed to both technical competition and free choice among consumers.

Any settlement outcome from this case which does not provide real, powerful, and punitive checks on Microsoft's anti-competitiveness, or which does not prevent it from engaging in similar behaviors in the future, will be a grave disservice to the industry and to consumers, and serve notice to all corporations that our anti-trust laws can be circumvented as long as you can afford the legal fees. Allowing Microsoft any control over the remedial processes will be a similar disservice.

In terms of specific concerns over the settlement, I would like to include, in its entirety, the petition to be submitted by Dan Kegel, which I have signed, and which can be found at http://www.kegel.com/remedy/letter.html, and his more detailed essay at http://www.kegel.com/remedy/remedy2.html. Finally, any monetary damages imposed upon Microsoft as a result of the Finding of Fact by the Court ought to be collected as monetary damages, and either added to the general fund of the Federal Government, or else distributed in some fashion to consumers, who have borne the final brunt of Microsoft's actions. Allowing Microsoft to administer the nature or distribution of these damages (e.g., providing free software into markets they do not presently control, or valuating contributed software or hardware based on retail purchase price rather than actual cost) will again provide no punishment to Microsoft, no relief of their past actions, and may actually serve to further enhance Microsoft's monopolistic advantage.

Thank you for your time in reading these comments.

Sincerely,
David C. Hill
8149 S. Monaco Circle
Centennial, CO 80112
303–740–7054
dave@hill-kleerup.org

MTC–00023408

From: rwcrankshaft@highland.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:54pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Roy Guinn
162 Carl Garrett Rd.
Lancing, TN 37770

MTC–00023409

From: Diamond Don SE
To: Microsoft ATR
Date: 1/24/02 8:58pm
Subject: Settlement of Microsoft case

Hello:

This is one concerned citizen who wishes the Federal Government would quit attacking Microsoft. I do not work for Microsoft, and I do believe that Microsoft has already been subjected to more than enough of weak attacks brought on by losers (Netscape et al). If you will remember, the market slide began as part of the Clinton administration Microsoft witch hunt, so now that those weak minded people are (hopefully) gone we can now let things get back to normal, where success does not equate to a Federal lawsuit.

Proudly we stand and may liberty reign!

Don Phillippi
9565 Business Center Drive, Suite G
Rancho Cucamonga, CA 91730

MTC–00023410

From: mary@soulsby2000.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:55pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Sincerely,
Mary Soulsby
894 Joseph Club Drive
Mableton, GA 30126–1656

MTC–00023411

From: Thomas Horan
To: Microsoft Settlement
Date: 1/24/02 8:54pm
Subject: Microsoft Settlement

Thomas Horan
12367 Sparta Ave. NW
Sparta, MI 49345–9785
January 24, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Thomas Horan

MTC–00023412

From: Mark Culverhouse
To: Microsoft ATR
Date: 1/24/02 8:42pm
Subject: Microsoft Settlement

Dear Department of Justice,

I have a degree in computer science and over twenty years experience in the software engineering profession. It grieves me to see this action by the government against Microsoft. Microsoft's competitors seem to be using politics, the government and the courts to prevent Microsoft from continuing their long record of technical and business successes.

The anti-trust case seems to have no real consumers who say they have been harmed. If the only software available to consumers came from Microsoft's competitors, like Sun and Oracle, then no ''normal'' human beings would be using computers yet (i.e., only programmers ;-)

I hope this action ends so that we can all get back to innovating, competing and serving our customers first.

Thank you.
Mark Culverhouse
Spring Green, Wisconsin
CC:Mark Culverhouse

MTC–00023413

From: estebbin@nmu.edu@inetgw
To: Microsoft ATR
Date: 1/24/02 8:56pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Evelyn Stebbins
311 Harrison St.
Marquette, MI 49855–3315

MTC–00023414

From: Todd Pytel
To: Microsoft ATR
Date: 1/24/02 9:00pm
Subject: Tunney Act comments

I am strongly opposed to the current settlement offered to Microsoft. The Internet is based on a foundation of open standards. Microsoft has repeatedly shown it's willingness to circumvent or modify these standards to prevent meaningful competition and limit consumer choice. The currently offered settlement does nothing to improve this situation. Please consider a settlement that requires, at least, the opening of Microsoft's data file formats and the unbundling of Internet Explorer.

Thank You,
Todd P. Pytel
Educator, Chicago Public Schools

MTC–00023415

From: Brian Bauer
To: Microsoft ATR
Date: 1/24/02 9:01pm
Subject: Microsoft Settlement

Gentlemen:

If you won't enforce the findings of the Court, who will? If you won't enforce a meaningful punishment upon a monoply, to whom can we citizens turn?

The Enron debacle shows what happens when the Executive branch of the government is in the pockets of corporate power. Is the Judicial branch in the pockets of Microsoft?

The proposed settlement is unfair to consumers, and beneficial to MicroSoft.

You *must* do better.

Brian A. Bauer
42 Linden Ave. #3
Somerville, MA 02143

babauer@mediaone.net

MTC–00023416

From: favazzo@infoave.net@inetgw
To: Microsoft ATR
Date: 1/24/02 8:58pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

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Sincerely,
Vincent Favazzo
308 Resinwood Rd.
Moncks Corner, SC 29461–3523

MTC–00023417

From: Jerre Fischer
To: Microsoft ATR
Date: 1/24/02 9:01pm
Subject: Microsoft

We live in a whole new era and all the old laws that apply to the way business operated than as to how business operates now are outdated and needs to be rewritten! Most laws on the books regulating businesses were passed after the big money people (That controlled oil, railroads, stock market, and the banks) used that money to try and run this country! There were even laws passed to limit the passing of wealth of these people to other members of the family so as to limit the power of the wealthy. Did it work? No! Only the way government controls business! The elective people found ways to skirt around all the laws and created all kinds of ways to keep the wealthy, wealthy!

Now the government is using these outdated laws to regulate the way new era businesses operate! We have advance from the Stone Age though the manufacturing age to the now age of technology! But the people in government are still in the manufacturing age!

All these lawsuits against Microsoft (Using outdate laws) are crazy! Microsoft created a new and better (user-friendly system) for computers that is now being used worldwide and everyone is jumping on a bandwagon suing Microsoft! Yes Microsoft built a better mousetrap (Using terms that people stuck in the manufacturing era understand) and the world came running to Microsoft door. Not with praise and graditude but with lawsuits!

Tandy was developing Deskmate using Microsoft MS.Dos system, Apple had an operating system for their own computers, and even IBM had their own operating system. Basically there needed to be a standard for a system that could be handle all across the world and any maker of a computer could install. Microsoft had the vision to develop such software and the return is lawsuits! The Federal Government, State Governments and AOL are all suing Microsoft! WHY? Because Microsoft built a better mousetrap and everyone wants a share of the profits! Now most don't even have any knowledge of why their filing a lawsuit except that the Federal Government is suing Microsoft on outdated laws saying: ''Microsoft may be a monopoly and needs to be controlled by the government!'' Now I ask you: ''How many operating systems are there available for the use of the people and computer manufacturers? ''Than how many computer systems comes preloaded with software compatible with operating systems all over the world? WITH NO EXTRA COST to THE BUYER OF THE COMPUTER! The consumer is getting hundreds of dollars of free software (Furnished and installed) that is compatible in ever nation on this earth!

The lawsuits are not about trying to control (As in the Robber Baron days) a company that is out of control, But to sue to increase revenue for the coffers! The same way states sued to be reimbursed for the cost of providing medical benefits for smokers! Now we all know that 90% of all that money want into the general fund and were used for everything but tobacco related issues! The Lawyers all got rich and the people never saw a penny of the money!

So what is the Government and State's trying to do to Microsoft? Break the company up? Fine them? FOR WHAT? To extort money out of Microsoft for the Lawyers to get rich and to put money in the coffers! After all the lawsuits are settled what well be accomplished? More millionaire lawyers and larger law firms with more dollars to sue more companys?

This nation needs to get off the ''SUE MICROSOFT'' kick and think of ways to enhance the creativeness of people like Bill Gates and his employees at Microsoft! The Governments and lawyers are always here but they have never done anything to build trust and prosperity. All Governments and lawyers have done is rob the great builders and innovators for their own profit! The question is: ''Did Microsoft create a system that disallowed other creative people access?'' The answer is NO! At no time did Microsoft deny the use of the system software to anyone. What Microsoft did was design a software product that had just about everything a person would ever need to use a computer! For that the hounds are at the door!

Jerre N. Fischer
18735 Midland Dr.
Shawnee, Ks. 66218
913–631–9242

MTC–00023418

From: Michael Cope
To: Microsoft ATR
Date: 1/24/02 9:01pm
Subject: Microsoft Settlement

Microsoft should be held accountable for their actions.

MTC–00023419

From: doom@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/24/02 9:03pm
Subject: Microsoft Settlement

I'm writing to express my distress that the proposed Microsoft settlement does not appear to actually do anything to punish past behavior, and very little to see that it does not occur in the future.

My own opinion is that Microsoft must be compelled to allow competition with it's products on even ground, and that this means they should be compelled to publish all technical specifications for how their products inter-operate. For example, a competitor cannot at present hope to succeed with a product that competes with Microsoft Word, because they first must reverse engineer the file format that Word documents are encoded in, and then there's no guarantee that Microsoft will not change the format for future versions of MS Word (as they have many times in the past).

Microsoft has repeated maintained it's monopoly by threatening OEMs with reprisals for supporting other companies software. To make reparations for this, they should be compelled to make it easier for companies to compete with them in the future. I hope we can all see through Microsoft's attempts at wrapping itself in the flag on this issue. The future of the United States and the US economy does not depend on amnesty for Microsoft's past abuses: if anything, the opposite may be the case.

Sincerely,
Joseph M. Brenner

MTC–00023420

From: aqasprt@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:59pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Thomas Cotti
4055 Hickory Tree Rd.
Saint Cloud , FL 34772

MTC–00023421

From: Paul Norris
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/24/02 9:05pm
Subject: Microsoft Settlement

Microsoft has show that time and time again, money can free you of breaking the law. The continue every day to participate in Monopolistic acts while their lawyers endlessly tie up issues from 5 years ago. Everyday they put more people out of work, and bilk their customers (who really have no choice anymore) for more and more money. Microsoft should be broken up and forced to compete, rather than dictate and bully. MS is the Standard Oil of our time and our economy now runs on computers.

Paul Norris IT Department Technician
Cunningham Field & Research Service, Inc.
(386) 677–5644 ext. 251
paulnorris@cunninghamresearch.com
PGP <http://pgp.mit.edu:11371/pks/lookup?op=get&search=0xE7B32864> public key

MTC–00023422

From: Randy Williams
To: Microsoft ATR
Date: 1/24/02 9:04pm
Subject: Comments re: proposed remedies for Microsoft Corporation

To whom it may concern,

My name is Randy Williams. As a long-time user of numerous computer products and a network engineer by trade, I feel compelled to add my comments to the thousands you've likely received. I've used Microsoft products on the x86 platform for many years now, starting with early versions of their DOS operating system, through the most recent versions of Windows. I am also an avid user of other ''alternative'' operating systems (Linux, *BSD and other Unix varients) and platforms (Sparc, VAX, Alpha). I've also used numerous associated software products for network communications, both from Microsoft and other vendors. I feel this lends my views some credence vis a vis the proposed settlement.

It is my opinion that the settlement is riddled with loopholes that prevent the bulk of its pro-competitive measures from ever succeeding. Take for example the concept of ''reasonable volume discounts'' for OEMs when purchasing Microsoft products (Section III, part B). Essentially, this allows Microsoft to continue their practice of bundling their Office suite, Internet Explorer browser, Media Player et al. for free, or at steep discounts. This shuts out other vendors of similar products from even gaining a shot at OEM bundling, giving Microsoft a de facto monopoly in these areas. This is simply not a penalty. Some vendors that have been obviously wounded by Microsoft in these venues include Corel (makers of WordPerfect), Lotus (makers of office productivity software like 1–2–3 Spreadsheet) and Netscape (makers of the popular web browser).

I also have major concerns regarding section III, part E. As worded, this provides a massive loophole, permitting Microsoft to gain an unfair advantage over their competitors in development and use of existing and future network protocols. Essentially, Microsoft is free to develop proprietary protocols, and not release them to any 3rd party they feel is not using their specifications for direct interoperation with a Windows-based client or server. It also does not make these specifications freely, or inexpensively, available, allowing Microsoft to charge exorbitant fees, preventing all but the largest corporations to gain access to the specifications. Inevitably, battles will be fought between Microsoft and 3rd party developers over licensing of these protocols, but for every day that the specs are hidden, Microsoft gains a stronger foothold in network operating systems and their management.

In other words, time is money, and by not specifically stipulating that any and all developers can gain access to these protocol specifications for a reasonable, agreed-upon set fee is to Microsoft's distinct advantage. This also quietly allows Microsoft to retain proprietary specifications on document formatting (DOC, XLS, PPT) and audio/video formats (WMV, WMA, ASF). It is these specifications that run the ''killer apps'' that run on their monopoly operating system. Forcing Microsoft to open these protocols would allow competitors some ability to compete on a level playing field.

As a network engineer, the concepts of open standards are near and dear to me. Protocols that have been openly shared amongst developers gave us the ability to found the Internet as we know it. Free, open software that runs these open protocols has run the Internet (BIND for name resolution, Apache for web serving, Sendmail for email services). If Microsoft is able to continue to grow their hold on network protocols by leveraging their operating system monopoly, I fear it will damage the global Internet irreparably.

I ask that you join the nine states that have disagreed with this settlement proposol, and demand much stronger remedies, both in conduct and financial penalties. Only then will Microsoft feel any pain from their anti-competitive, illegal activties. I thank you for your time.

Regards,
Randy Williams
Arlington, MA

MTC–00023423

From: Ted Galloway
To: Microsoft ATR
Date: 1/24/02 9:08pm
Subject: Microsoft

I am very much opposed to the Microsoft settlement where they would give computers to schools. Make them pay money and give it to the schools to buy what they want. Don't lock the school in to ourdated computers and old software that the schools will have to upgrade at a premium price from Microsoft. Not only does this help Microsoft but it does great harm to Apple. Apple has a strong market in the schools and Microsoft would take this over.

If this goes through Microsoft will be laughing out-loud at the Justice Department.

Ted Galloway

MTC–00023424

From: JOHN61462@ONEMAIN.COM@inetgw
To: Microsoft ATR
Date: 1/24/02 9:02pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
John Poole
742—225th Ave
Monmouth, IL 61462

MTC–00023425

From: HARLYJON@MSN.COM@inetgw
To: Microsoft ATR
Date: 1/24/02 9:02pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
JOHN DEPEO
29272 N 64TH AVE
GLENDALE, AZ 85308–6670

MTC–00023426

From: geomax@pacbell.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:01pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
GEORGE MAXWELL
214 N. KENNETH ROAD
BURBANK, CA 91501–1442

MTC–00023427

From: Jonathan Pitt
To: Microsoft ATR
Date: 1/24/02 9:04pm
Subject: Microsoft Settlement

MS is a CROOK!!!
BREAK THEM UP!!!!!

MTC–00023428

From: Gateshd@cs.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:01pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Harold Gates
1443 Antone Ln.
Lewisville, TX 75077

MTC–00023429

From: Gateshd@cs.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:01pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Sincerely,
Harold Gates
1443 Antone Ln.
Lewisville, TX 75077

MTC–00023430

From: Matthew Toia
To: Microsoft ATR
Date: 1/24/02 9:05pm
Subject: Microsoft Settlement

I am a concerned American citizen. I feel that the proposed Microsoft settlement is a bad idea and must be revised. I ask that you please consider Dan Kegel's comments.

MTC–00023431

From: YAHWEchild@netzero.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:02pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Barbara Carey
114 N Pasadena Avenue
Fallbrook, CA 92028–2033

MTC–00023432

From: Elmer Weissburg
To: Microsoft ATR
Date: 1/24/02 9:05pm
Subject: Microsoft settlement

Gentlemen:

Among the most stupid and treasonable actions of the USA has been the unremitting attack on Microsoft, the single most civilized and high intellectual contribution to mankind in human history. These anticapitalistic actions stem from the New Democrats, who are the Old Bolshevists in disguise. Their KGB leadership is Hillary and her scoundrel husband William Jefferson Blythe Clinton. Exceeded only in its virulence against our republic by propagation of the myth that the cold war is over, the attack on Gates has greatly harmed our economy, our philosopy of individualism, and our wealth, the storehouse of power on earth. We must attack first the terrorism at home before we expend our resources grinding into sand the Afghan rocks and rag-heads.

Once we regain our sanity we can build fusion energy, convert to the metric system, drill on the north slope, and hang traitors.

Truly yours,
E.S.Weissburg

MTC–00023433

From: atlas
To: Microsoft ATR
Date: 1/24/02 9:05pm
Subject: The settlement is a bad idea

Microsoft needs to be punished, not let off.

MTC–00023434

From: Matthew Barr
To: Microsoft ATR
Date: 1/24/02 9:06pm
Subject: Microsoft Settlement

I'd like to express my dissatisfaction w/ the proposed settlement w/ Microsoft. I do not think that it gives any trouble to a company that has consciously ignored the law and coerced the entire market into doing it's will.

I think the proposed settlement will allow microsoft to gain a large foothold in schools, and force out a major competitor in the education market.

I also think that the company should have a stiffer penalty than one billion dollars, with monitoring to ensure that the abuse of power does not continue.

Matthew Barr
New York
Matthew Barr
mailto:mhb8@cornell.edu

MTC–00023435

From: Chris Ahlstrom
To: Microsoft ATR
Date: 1/24/02 9:07pm
Subject: Microsoft wants to win

About Bill Gates making ''security'' Job 1 ... Gates' new ''directive'' is just the next step in Microsoft's plan to hijack the Internet and charge for every packet. Microsoft is well along on its plans to convince government representatives, beaurecrats, and coporate CIO officers who don't know any better that the ''Internet'' is insecure (a believe that is reinforced by Microsoft's intentional lack of security and ease of propagating worms and viruses in Windows). Microsoft will now proceed to convince these folks that for the good of the country and in order to make the ''Internet'' secure, proprietary Microsoft networking protocols should be required. Legislation to mandate this will be lobbied and passed. Just look at the DMCA as an example. The result will be mandatory use of Microsoft proprietary networking protocols which have to be licensed from Microsoft. Microsoft will then have achieved it goal of being able to charge for every packet on the Internet.

Don't be fooled. Trust the software that started the Internet... UNIX software.

Sincerely,
Chris Ahlstrom
Hope your day is as good as mine!

MTC–00023436

From: Jeffrey Zimmerman
To: Microsoft ATR
Date: 1/24/02 9:07pm
Subject: Microsoft Settlement

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

I am a United States citizen and, as a businessman (small private law practice) an end-user of computer products. I have been using personal computers as a business tool for over 15 years. I am experienced with simple DOS command lines, Windows networking and much in between. I am opposed to any resolution of the Microsoft anti-trust lawsuit that does not break up Microsoft into several disparate companies.

Daily I experience limitations in my computer systems, many of which I can attribute to the lack of viable alternatives to Windows. I have no alternative operating systems which have appropriate applications for my business, so I must use Microsoft products. The too-close relationship between Microsoft's operating systems its the major applications means that I must struggle to make my product fit Microsoft's model when both intelligence and practice dictate otherwise. Most frightening of all is the insistent sense of privacy invasion which comes from the constant demand my Microsoft for ever-more information about me and my practice, matters I am required by law, common sense and decency to maintain as confidential.

I am aware of no amount of monitoring which can ''manage'' Microsoft to make it less invasive, more creative and more flexible. Only by re-creating the company itself to be on a par with other end-user providers can I find the options that fit my needs and the needs of my clients. Microsoft's surge towards uniformity has not produced a vibrant office environment, it has produced Microsoft's invasive and expensive environment; a diverse, competive field will be much more likely to produce the quality tools and services.

Thank you.

Jeffrey Neil Zimmerman, Esq.

Sonoma County, California

MTC–00023437

From: revinron@usa.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:03pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,

Ron Gustas

6672 Duck Pond Ln.

Sarasota, FL 34240

MTC–00023438

From: dickyedwards@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:04pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,

Richard Edwards

7305 Paul Calle Dr

Plano, TX 75025

MTC–00023439

From: Ajit
To: Microsoft ATR
Date: 1/24/02 9:11pm
Subject: Microsoft Settlement

To, Justice Department,

I just can not understand why all these bogus allegations have a place in this volatile time of the world economy. Microsoft for long have worked very sincerely and the developers there put there very best effort to produce products of quality. And as a consumer I will always welcome any innovative work done by anybody. If Microsoft give its loyal customers any product free what's wrong in this. Even now Netscape is available free for download. But still none of is interested to use it and its because of its own demerits.

Simply it can not stand with IE. So I hope AOL to work more on products and spend less time on disturbing others. If AOL have the self-respect and a vision to stand in the market then better concentrate in producing good products, not pull the legs of others.

Microsoft is not going to sue anybody because some people are distributing Linux free and thus affecting Microsoft's window business. The reason behind this is Microsoft believes in itself and had the determination and courage to fight.

So I appeal to AOL not to follow a principle of Taliban to get everything 1000 years back where we will get only a backward society. Let innovation follow its own way and help us for build our future. If AOL can not understand this they may face a problem in future because anybody's prosperity depends on MERIT not on just support of a court or anybody.

Thanks,

Ajit

MTC–00023440

From: onthehogg@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:04pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,

Jeffrey Smith

232 Pindell Court

Lexington, KY 40515

MTC–00023441

From: leeman@jadetech.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:05pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,

Lee Cummings

2908 S Orleans Ave

West Allis, WI 53227

MTC–00023442

From: Nathan Duffy
To: Microsoft ATR
Date: 1/24/02 9:09pm
Subject: Microsoft Anti-Trust Settlement

For the record, let it be known that I am unequivocally opposed to the settlement as it

stands today. Microsoft will not be punished and they will continue to bully and manipulate their allies, while crushing and otherwise playing as dirty as possible with their competitors. The bundling and interoperability concepts strike to the heart of the matter...

If Microsoft wants to make Operating Systems, fine, as long as they do not unduly deny or impede access and functionality of competitors'' products to said operating system. Futher, said operating system must not be arbitrarily changed to deny other potential competiors from producing compatible and competitive products.

If Microsoft wants to make application software, fine, as long as they do not unduly deny or impede access and functionality of competitors'' products to said application's data file structures. Said applications must also retain backwards compatibility with Microsoft's own product, so as to not force upgrading through planned obsolesence. These applications should under no circumstances be required or unfairly enticed by Microsoft to be installed by any vendor, OEM, or reseller, except at their own discretion.

Thank you for your time,

—Nathan Duffy

Plymouth, MN

MTC–00023443

From: Dave Doran-Marshall
To: Microsoft ATR
Date: 1/24/02 9:08pm
Subject: MS antitrust

Please take MS down.This is a company that much of the world looks to as a bully. It's a company that squashes innovation for their own ends. MS and it's products foster a ''do it like me or not at all'' ideal. It's business practices accomplish this by keeping new ideas out of the market, or taking the ideas for their own before anyone else can. It's products do this by squashing things like creativity and free will. To some people, structure and lack of choice mean comfort. To these people, the idea of being controlled is appealing. Whoever is reading this email might be like that. While I respect their way of thinking and right to do so, I am not that way, and MS's business practices hinder me from doing it ''my'' way. Look at the recent Windows XP. Aside from borrowing the X from Mac OSX (released not long before XP was officially named), XP forces users to use MS products, and renders PCs useless if they don't. When a user tries to install new software, XP runs checks to see if it's ''compatible''. While this is supposedly intended to create less friction between software and hardware, it also allows MS to put software on the list that it would rather be rid of. For instance, apple's quicktime software, which is for playing media such as movies and music, could be included, thus rendering it useless when someone tries to install it.

And forcing people to use MS products is not good, either. In Windows Media Player (similar to quicktime), MP3 playback is stunted within the program. When a user listens to an mp3 using WMP, it doesn't sound as good as it did with earlier versions, or different programs. However, when the user creates an audio file using Microsoft's own format, (which is only for windows media player), the song sounds as it should. This makes people put down what they had been using, or could be using, and start using MS's stuff.

In contrast, Apple's Quicktime is the most compatible media player out there. It can play essentially anything, and at the highest quality (can't play WMP files of course). This is why macs are preferred in the music industry. While Apple creates superior software, which is free, MS creates shotty software, which is also free. Seems I'm missing one piece to this puzzle, which is why would anyone put up with microsoft? I will leave that to you, or to someone else. I don't think that people realize just how powerful MS is. I understand that MS holds stock in several large broadcasting networks. Can you say perfect propaganda machine? I am not getting conspiracy theory here, but I think we can agree in the wake of this Enron stuff, that big business should not be allowed to have so much power. How could it ever be that Microsoft would need even more money? Why don't they give up and take the fruit to the bank? How many billions is Gates worth? Well thinking tax and inflation-free, just remember that if you spent a million dollars a year, it would take 1,000 years to spend $1,000,000,000 (one billion dollars). Thanks for giving us the chance to speak up.

Dave DM

2001 College Grad, Art Major. Now working as a Personal Financial Rep for a major bank.

MTC–00023444

From: KarlNKlein@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:08pm
Subject: Microsoft Settlement

To whom it may concern,

I am writing in opposition to the current antitrust settlement plan envisioned by the Department of Justice against Microsoft Corporation. This is one of the most significant antitrust actions ever undertaken by our government, and after a thorough bench trial and subsequent appeals, the federal government has come to a settlement agreement so weak that countless businesses and 9 states, representing a significant portion of this country's population, have stood in opposition to its many questionable provisions.

One key problem is the settlement's limitation to companies ''in business for profit.'' Open source software has the potential to be a great threat to Microsoft, yet the settlement will not afford such tech community efforts any protection from a company that has, on the facts, been found to be an illegal monopolist. To say that an illegal monopolist's actions only affect other profit businesses currently trying to compete with it, is to ignore the innovation and entrepreneurial spirit that is a foundation of our country and society. Microsoft has violated our antitrust laws in its attempt to market a product for a device that is changing our world. Very few matters are bigger or more important, yet this violation is rewarded with a settlement agreement which appears to actually make future control of the same market easier! The belief that the DOJ would actually embrace such a ''punishment'' is incredulous. I urge you to reject the current Settlement Offer and either allow the courts to fashion the proper legal response as they see fit, or for you to develop a realistic settlement plan that addresses this and the other legitimate concerns raised during the public comment period.

Yours,

Karl

MTC–00023445

From: Brandon Bass
To: Microsoft ATR
Date: 1/24/02 9:11pm
Subject: Microsoft Settlement

The proposed Microsoft settlement lacks teeth; it is, in effect, a forfeiture of the principles of the Sherman Act. While I advocate little punishment towards Microsoft—their sustained success is important to the emerging digital future -, it is absolutely imperative that competition be insulated from further anti-competitive practices. I believe it was Justice Oliver Holmes who observed that ''antitrust laws protect competition, not competitors.'' That statement encompasses the danger that Microsoft presents to the U.S. economy and innovation. Through strong-arm and insidious tactics, the company has consistently destroyed any entity that develops a product that might benefit society. The company uses Windows to push Internet Explorer, and Internet Explorer to push MSN, and MSN to push Hotmail, and Hotmail to push .Net... As a consumer, I am afraid of a corporation that spreads both horizontally and vertically by using its currently held market position to crush those who innovate other markets. The longer you let an animal bite you, the harder it is to rein it in when it's grown fierce. In short, I genuinely fear that letting Microsoft escape with little more than a slap on the wrist will not only fail to discourage them from their suspect business activities, but actually encourage them towards more dangerous behaviors that forestall the principles of a capitalist market.

MTC–00023446

From: whiteco2k@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:15pm
Subject: Microsoft Settlement

I am not a Microsoft customer/client. I believe it is time to get off the back of Microsoft and ''cease and desist'' in this settlement business. Sincerely yours, Linda White

MTC–00023446 0001

Ken Klavonic
8080 Altacrest Drive
Concord, NC 28027–3301
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

To Whom It May Concern:

In accordance with the procedures prescribed in the Tunney Act (Antitrust Procedures and Penalties Act, 15 U.S.C. ? 16), I am writing to express my opposition to the

Proposed Final Judgment (PFJ) in the case of US et al. vs. Microsoft. I believe that this settlement is fatally flawed and will not serve justice, nor have the desired effect on the behaviors of Microsoft. Despite the findings of the District court, the Appellate Court, and Judge Jackson is Finding of Fact, the DOJ et al., having effectively won their long-running case against Microsoft, has seen fit to accept a settlement that I feel falls far short of a satisfactory conclusion to the case against Microsoft in three crucial areas: Punitive action for past behavior, corrective action to prevent future abuses, and oversight to ensure compliance with a final order.

First, very little in the PFJ addresses any possible penalty for past actions. The PFJ must serve as more than an edict from the courts to 3Go thou and sin no more(2). It must send a message to Microsoft, and others that would achieve success in the ways that they have, that there is a penalty to be paid for blatant anticompetitive behavior in a free-market economy. While I understand that a structural remedy is quite unlikely, impractical, and probably undesirable in the current environment, I do feel that the behavioral remedies should serve not only to prevent illegal behavior in the future, but also to penalize the illegal behavior that has already occurred. Second, I do not believe that the behavioral remedies laid out in the PFJ, while well-intentioned, go nearly far enough to ensure that Microsoft ends its illegal, anticompetitive practices in the future, nor does it fully prevent new anticompetitive practices. Although time and space do not allow for a point-by-point analysis of the PFJ here, I would like to address a few of the items that strike me as cause for concern:

1. File formats are not addressed by the PFJ. Noted in the Findings of Fact as being a barrier to switching from Windows to a competing operating system, Judge Jackson states that there are considerable costs involved in switching to a competing, non-Intel based platform and that 3It also includes the effort of learning to use the new system, the cost of acquiring a new set of compatible applications, and the work of replacing files and documents that were associated with the old applications(2)(?20). He also notes the 3Positive Network Effect2 that encourages the continuing use of Windows and Windows-based applications because 3The large installed base attracts corporate customers who want to use an operating system that new employees are already likely to know how to use, and it attracts academic consumers who want to use software that will allow them to share files easily with colleagues at other institutions(2). (?39). If files could be easily used within a variety of applications, without regard to vendor, it would serve to reduce this barrier to choice.

It has long been a painful fact of productivity applications that files written in one format, say Microsoft Word, may not necessarily be read correctly in a competing product, StarOffice, for example, nor vice-versa. Although a limited amount of compatibility exists, there are serious shortcomings in that compatibility that prevents the successful use of a competing product. For instance, tables, layouts and other more advanced document formatting do not often translate correctly between competing products. Because Microsoft Office is the defacto standard in office suites, many competing products attempt to utilize Microsoftls file formats.

However, because Microsoft treats these file formats as proprietary trade secrets, it prevents any potential competitor from gaining the status of a viable replacement for their products. Indeed, as long as Microsoft is allowed to keep these file formats a secret, they have the ability to make fundamental changes to them, rending the work of a competing product worthless. Competitors could likely find themselves in an endless game of catch-up as Microsoft changes the file formats of their office products. Forcing Microsoft to disclose all the details of the file formats of their various products, including, but not limited to Office, would allow competitors to build competing office suites, and other software that interoperates with Office, and helps to restore the competitive landscape for these products. Unfortunately, the PFJ, in its current form, does nothing to address this issue.

2. Likewise, the closed, proprietary nature of networking protocols within Microsoftls products, while partially addressed, includes a rather large exception in the PFJ (?III.J.1): 3No provision of this Final Judgment shall: Require Microsoft to document, disclose or license to third parties: (a) portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of a particular installation or group of installations of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria.2

This exception would allow Microsoft to exclude competing products at will, regardless of the legitimacy of the competing product itself. There are a couple of instances where this already occurs in the industry.

The first involves the Kerberos authentication protocol, developed at MIT and designed to be an open authentication scheme for Unix-based systems. Microsoft adopted the use of Kerberos in their Windows 2000 product, beginning around 1997 during the early development of the Windows 2000 product. However, Microsoft utilized a portion of the protocol in an undocumented fashion, preventing the proper interoperability of competing systems with the Windows 2000 product. For years, Microsoft refused to publish the details to allow this interoperability, despite intense pressure from the industry. They later released this information, but in such a way that expressly forbid the use of the specifications to create interoperable systems, instead limiting the use of that information to peer review of the security of their additions.

The second involves the file-sharing protocols native to Windows, SMB (server message blocks). While a product does exist, named Samba (www.samba.org <http://www.samba.org/>), that allows limited interoperability with Windows by Unix-based systems, the projectls efforts are continually hindered by the ongoing refusal by Microsoft to make the protocols public, and by Microsoftls repeated changes to the protocol itself, occasionally preventing interoperability at all.

In both cases, and others, Microsoft could easily and legally continue to block the efforts of its competitors by claiming that the protocols are security-related and therefore disclosure is exempt under the terms of this agreement.

Microsoft should be forced to publish the details of the protocols used on the network by their products to ensure the possibility that competing products can interoperate with Microsoft products. This would not require Microsoft to reveal any trade secrets with regard to the source-code of their products, and again, would serve to restore competition in the industry. Unfortunately, again, the PFJ fails to do this, instead giving Microsoft huge latitude in continuing their behaviors.

3. The PFJ defines APIls and Microsoft Middleware Products far too narrowly. The PFJ defines APIls as 3the interfaces, including any associated callback interfaces, that Microsoft Middleware running on a Windows Operating System Product uses to call upon that Windows Operating System Product in order to obtain any services from that Windows Operating System Product.2 (?VI.A). This definition fails to take into account the various additional APIls that could be used by other applications, even though they donlt necessarily qualify as 3Middleware2 products. A good example of this is the Windows Installer APIs—these would not, in the strictest sense of the definition, qualify for disclosure by the PFJ.

Also, the PFJ defines 3Microsoft Middleware Product2 to mean 3the functionality provided by Internet Explorer, Microsoftls Java Virtual Machine, Windows Media Player, Windows Messenger, Outlook Express and their successors in a Windows Operating System Product2 (?VI.K) This definition is far too narrow and raises some important issues because of what's been excluded.

First, although Java has been included, Microsoftls C# language has not, nor have the .NET products been included. This is of concern since Microsoftls own stated strategy minimizes the use of Java related technologies, instead favoring their own technologies (C# and .NET), which, by the strict reading of this definition, are excluded from regulation within the terms of the PFJ.

Second, although Outlook Express is included, its more powerful sibling, Outlook is not. This is troubling, since Outlook is the client of choice within business, and tends to fit the overall definition better than Outlook Express.

Indeed, a glaring omission here is Microsoft Office itself, which as a complete product, serves in the same capacity as many of the other stated

3Microsoft Middleware Products.2

These omissions prevent the PFJ being an effective behavioral remedy by providing very large loopholes with which Microsoft could easily defend their continuing

anticompetitive behaviors for years to come. Many of these kinds of loopholes exist in the PFJ, allowing Microsoft to retain significant control over its relationships with its OEMs, ISVs, IHVs and other partners.

Third, the PFJ fails to define an effective enforcement mechanism under the terms of this settlement. Although the PFJ does define a committee with investigative powers, it does not vest within that committee the power to arrest behaviors that are in violation of the terms of this settlement. Instead, enforcement power is left to the legal system, which is likely not responsive enough to act in a timely fashion to any actions that are contrary to this settlement.

Microsoft has demonstrated its willingness and ability to test the boundaries and resolve of the legal system in prior consent decrees, illustrating, all too clearly, the ineffectiveness of this approach with them. Allowing Microsoft to 3get away with it2 again would be a terrible miscarriage of justice.

In summary, I believe that the Proposed Final Judgment is ineffective in addressing Microsoft l s past behavior, future behavior, nor the enforcement of the measures contained within it. I maintain the hope that this settlement, as currently written, will be rejected by the court, paving the way for a far more effective set of terms in the conclusion of this case against Microsoft.
MTC_00022446—0005

Thank you for your consideration.
Sincerely,
Ken Klavonic
Concord, NC

MTC–00023447

From: kddgil@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:09pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.
Sincerely,
kenneth donaldson
4324 sterling rd
downers grove, IL 60515

MTC–00023448

From: Richard Plevin
To: Microsoft ATR
Date: 1/24/02 9:13pm
Subject: Microsoft Settlement
To whom it may concern:

I am a professional software engineer, with BS/MS in Computer Science and 20 years experience in the field. I have programmed in DOS, Windows, various flavors of UNIX, and other environments.

Microsoft's unfair practices were well known back in the mid-eighties when I was programming in DOS on an 286-class machine.

I have seen everal far better technologies come and go in this period, unable to compete with the monopoly. While Microsoft claims that it operates in the public interest, innovating and ushering in new technology, the opposite has been true. They have snuffed out innovators (a.k.a. competitors) using a variety of legal and illegal means. I would estimate that Microsoft's practices have set the software industry back a decade.

That Microsoft is a monopoly, and has used this position in an anti-competitive manner is beyond dispute. It has a long history of doing so.

As long as Microsoft maintains an operating system monopoly, they will continue to stifle innovation and make it extremely difficult for innovators to bring any (even superior) product to market. I was pleased when the company was to broken up. It still makes sense. I am very disappointed to see the Dept. of Justice backing down.
Sincerely,
Richard Plevin
40 E. Orchard Rd
Dummerston, VT 05301

MTC–00023449

From: Paul Young
To: Microsoft ATR
Date: 1/24/02 9:14pm
Subject: Microsoft Settlement
Please, for God's sake, get off Microsoft's back. Bill Gates is an absolute genius and the government should leave him alone to do good for the American people!
Sincerly,
P Tom Young, Antioch, Ca

MTC–00023450

From: Steven McDonald
To: Microsoft ATR
Date: 1/24/02 9:12pm
Subject: MSFT
How much time &$ do we need to waste on this? They make the best products! If someone makes a better one, where is it?
A satisfied Microsoft customer. Steven McDonald.Get more from the Web. FREE MSN Explorer download : http://explorer.msn.com

MTC–00023451

From: jrshillinger@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:07pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.
Sincerely,
RICKY SHILLINGER
25810–119th Place S.E.
Kent, WA 98031–8402

MTC–00023452

From: jrshillinger@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:08pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.
Sincerely,
RICKY SHILLINGER
25810–119th Place S.E.
Kent, WA 98031–8402

MTC–00023453

From: Mark Woods
To: Microsoft ATR
Date: 1/24/02 9:16pm
Subject: Against Microsoft Settlement I think the proposed settlement with Microsoft is a VERY bad idea. How can the DOJ allow a company to trample others and them allow them to ''pay the piper'' with used computers and their own software. The penalty should not allow them to continue hurting people, make them pay with cash, earmark it for a special fund and allow the administers to choose how to spend it. They can buy systems from anyone, and equip them with whatever software packages they want. Business need to be afraid of doing wrong. How will they improve there business practices if the penalty is to give away their product after years of selling it for a profit knowing that the consumer will be locked in for years to come. Do the right thing, and HAMMER Microsoft for years of wrongful business practices, don't reward them.
Mark Woods

MTC–00023454

From: Daniel Bungert
To: Microsoft ATR
Date: 1/24/02 9:16pm
Subject: Microsoft Settlement

Greetings.

I disapprove of the Microsoft Settlement as presently worded.

Thanks.

Daniel Bungert

MTC–00023455

From: David White
To: Microsoft ATR
Date: 1/24/02 9:17pm
Subject: Microsoft Settlement

I'm not sure what impact my comments will have. It seems, these days, that compared to large corporations, private citizens have less and less say about how we are governed. Hopefully that isn't the case here.

My impression on the proposed settlement is that it is just another version of the previous government attempt to prevent Microsoft's anti-competitive and illegal business practices. That effort failed and therefore this one is likely to fail as well.

This concerns me greatly. A lot more than Microsoft and the computer industry are at stake here. In the beginning, the United States distinguished itself from the ''old countries'' in that it provided an environment where everybody was free participate in the market. Gone were the old trading guilds that established and, with government assistance, enforced monopolies. American citizens could improve their welfare by hard work and intelligence with out fear that some jealous competitor would be allowed to deploy unfair business tactics and shut them out.

These days, however, it seems that the legal protections for fair business competition and consumer protection are being dismantled one by one. This seems particularly true for businesses involving new technology. What will happen if Americans no longer believe that they have a voice because high paid lobbyists monopolize their elected representatives?

What will happen if Americans stop attempting to form businesses because of fear of being crushed by multinational monopolies like Microsoft. What will happen if Americans no longer perceive the United States as OUR country??

Aren't these issues important enough to ensure that the Microsoft monopoly issue is resolved properly?

Please reconsider the settlement.

David White

private citizen of the USA

CC:tunney@codeweavers.com@inetgw

MTC–00023456

From: Gary Ward
To: Microsoft ATR
Date: 1/24/02 9:20pm
Subject: Microsoft Settlement

To whom it may concern:

I write this email to express my dissatisfaction with the proposed settlement of the Microsoft Antitrust action.

The proposed settlement is rife with problems, poor and overly narrow definitions and is quite unsatisfactory. The most egregious failings, in my view, are that it allows Microsoft to keep the profits and maintain the market position that were ruled to have been obtained illegally, and that it fails to adequately constrain Microsoft's future behavior in either the terms of the settlement, or in enforcement of those terms. Many others have, and will continue to express their concerns over the terms of this settlement in far more precise detail than I have done here. However, please add my voice to theirs in expressing disdain for this proposal.

Thank you.

Gary Ward

Sunnyvale, CA.

MTC–00023457

From: Michael Amster
To: Microsoft ATR
Date: 1/24/02 9:17pm
Subject: Microsoft Settlement

The settlement proposed by the Tunney act leaves Microsoft with an unfair advantage of developing desktop software. They should be required to publish the entire operating system API so that other vendors can create software like Microsoft Office. As it stands, Microsoft has many undocumented features in the operating system that they use for their applications. Since these are not public knowledge, no other company can compete against Microsoft fairly.

-MA

Michael Amster mamster@webeasy.com

Tel: 310.441.1876

Fax: 310.441.1179

MTC–00023458

From: JDuncan21@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:14pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division

601 D Street NW, Suite 1200

Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,

Jeff Duncan

7174 Clydesdale st

Highland, CA 92346

MTC–00023459

From: tlc62545@soltec.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:17pm
Subject: Microsoft Settlement

I know that as a consummer of M S products my ideas and thoughts are of no concern to you as showen in the ass kissing you made to M S. But I will feel better for writing on the subject.

1: I can not see were any thing was done to stop the company from doing as it has in the past.

2: Nothing was done to address damage done to consummers in the past.

3: How does this help me now?

MTC–00023460

From: Emanuel Prostano
To: Microsoft ATR
Date: 1/24/02 9: 17pm
Subject: Microsoft Settlement

Kindly refer to the attachment. Thank you.

MTC–00023460–0001

Emanuel and Joyce Prostano 20 NE Plantation Road # 3–306 Stuart, FL 34996–4450

January 24, 2002

Attorney General John Ashcroft

950 Pennsylvania Avenue, NW

Washington, DC 20530–0001

Dear Mr. Ashcroft:

We are writing to make our public comments in support of the Microsoft antitrust settlement. We are glad to hear that your office is supporting the settlement. Microsoft has been a very beneficial company for America. Microsoft should not be broken up, like AT&T was, or dragged through eighteen years of litigation, like IBM was. That would not be in the public interest of America.

Microsoft is making numerous concessions of its legal rights and business practices in the settlement. Microsoft did not get off easy. It will open up its internal interface codes for its Windows programs and license its other intellectual property on non-discriminatory terms. Microsoft will make it easy for computer builders, software companies and users to take out the software it includes in Windows, like Internet Explorer, Windows Media Player, Windows Messenger, and utilities programs, and replace it with non-Microsoft products. Companies like AOL Time Warner, RealNetworks, and Symantec will benefit from these changes. Assurance of Microsoft's compliance will come from the oversight provided by a government-sponsored technical committee of three software experts, who will also receive and investigate complaints. Taken together, these terms address the issues in the lawsuit, go beyond the issues in the suit, and assist Microsoft's partners and competitors. The settlement will be good for the economy by removing the dark cloud of uncertainty of the lawsuit, and letting the American technology industry concentrate again on making the useful innovations for which it is world-renowned.

Thank you for your continuing support of an end to the lawsuit with the comprehensive settlement. We hope that the federal judge, newly appointed to the case, will approve the settlement.

Sincerely,

Emanuel and Joyce Prostano

MTC–00023461

From: RFC-822=wks@primrose.

nezumi.bloomfield-twp.mi.us@inetgw
To: Microsoft ATR
Date: 1/24/02 10:02pm
Subject: Microsoft Settlement

I would like to express my disappointment with the proposed settlement.

Let me preface my comments with the following:

A. I am not sure I am entirely in favor of our current antitrust legislation. I wish to make this predisposition clear, even if it is irrelevant; the laws have been passed, there is clear legal precedent, and until the laws are changed, we must enforce them.

B. I am a computer science professional with over fifteen years of experience in computer science and software development.

C. I have no legal training.

D. I am a US citizen.

Our laws are clear. There is legal precedent. The court has ruled against Microsoft in the Finding of Fact. All that remains is a settlement. Clearly any satisfactory settlement must:

1. Take measures to correct for the illegal anti-competitive practices found in the Finding of Fact.

2. In the absence of (1), and only in the absence of (1), punitive steps are appropriate to the extent that no affective corrective measures can be found.

3. Take steps to provide confidence that Microsoft will be less apt to continue with the same or substantially similar practices in the near future.

The proposed settlement fails on all counts. I see no corrective measures whatsoever. I believe the punitive measures to be inconsequential. And, while preventive measures are clearly the focus of the settlement, I believe the settlement is wholly inadequate in even this one area of focus. The proposed oversight mechanism seems insufficient. More importantly, given earlier actions by Microsoft in the face of legal restrictions (detailed in the Finding of Fact), the proposed enforcement mechanism seems absurd. I believe that (1) is the most important. Note that in the absence of both (1) and (2), there is absolutely no disincentive for Microsoft and other companies with monopoly power to exploit that power in unlawful ways. If it is left to the judicial branch of the Federal government to call a halt to unlawful practice after the fact, without any punishment or corrective action for those unlawful practices, why would any company seeking to maximize profit stop anywhere short of the point where they are forced to halt practices that (unlawfully) exploit that monopoly? There is no incentive for companies to police themselves.

As a computer science professional, I was very aware of the pains that IBM took 2–3 decades ago to avoid the appearance of overstepping the bounds of the law. Clearly IBM acted out of respect for that law and the anticipated consequences of overstepping the law. Microsoft has shown no such respect or anticipation, and I do not see anything in the settlement that will change that. On the contrary, I suspect that this settle will only worsen the situation.

I have tried to keep my comments here general, without getting into specifics. Partly, this is because I suspect that this email will merely be tallied and that any specific comments will not be absorbed in any rational way, but mostly this is because I find the settlement to be so terribly unsatisfactory that an enumeration of all unsatisfactory points and the reasons for the dissatisfaction would be overly lengthy for this forum (I suspect).

Suffice it to say, as a computer science professional with more than a passing knowledge of the computer industry, software engineering, software development, and Microsoft products, I believe that Microsoft was clearly in violation of the law as read literally and as interpreted by the courts, and that the proposed settlement does very little to address this and if permitted to take affect would signal disregard for the law by the Federal judiciary. I believe that laws should be changed, not disregarded!

Will
William K. Sterbenz
wks@nezumi.bloomfield-twp.mi.us
(at home)

MTC–00023462

From: Peter
To: microsoft.atr(a)usdoj.gov
Date: 1/24/02 9:18pm
Subject: Microsoft Settlement

''I DON'T AGREE''

MTC–00023463

From: riverrat@madisonville.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:15pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Trina Hollander
2063 Richland Rd.
Calhoun, KY 42327–9634

MTC–00023464

From: BFZeolite@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:15pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Elaine Frantz
2 Blackgum Lane
Savannah, GA 31411

MTC–00023465

From: Gary Poster
To: Microsoft ATR
Date: 1/24/02 9:18pm
Subject: Microsoft Settlement

To Whom It May Concern:

Although I am a relatively happy Windows user, I am concerned about the proposed Microsoft settlement. They have acted illegally, and should be corrected.

The proposal, as written, contains so many loopholes that I see, as a computer professional, that it would be less a corrective action and more of a legal game. Loopholes include the short-sighted definition of the Windows platform, the weak API documentation requirements, and language that allows Microsoft to continue with anticompetitive practices under new names, like .NET, XBox, and more.

I am not a Microsoft basher. I am not a letter writer. I believe the government governs best that governs least. I share the government's desire to rest this case.

However, I believe Microsoft has broken a just law, and needs to be corrected, for the sake of righting a wrongdoer and for the sake of upholding our laws. This proposal does not correct, but, perhaps, mildly annoy, at most.

Thank you for your time.

Gary Poster
170 West End Avenue #5R
New York, NY 10023
212–362–0343

MTC–00023466

From: Cliff O'Neill
To: Microsoft ATR
Date: 1/24/02 9:18pm
Subject: Microsoft Settlement

I vote NO! to the proposed Microsoft Settlement.

I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundred, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices.

Similar to the settlement against AT&T, Microsoft should become a government regulated monopoly, until its market share drops to an acceptable level (40%, for example, assuming one of it's competitors is now also at 40%). This must be true for all

Microsoft product lines, before regulation is lifted.

Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Imagine the damage to the United States if Microsoft were to fail, as Enron failed. The risks of a monopoly are greater than merely the loss of competition.

Thank you for your time.

Cliff O'Neill

e-mail: cliffdvr@mac.com

AOL IM: Clifferino

MTC–00023467

From: S. Baker
To: Microsoft ATR
Date: 1/24/02 9:19pm
Subject: Microsoft Settlement

———— Forwarded message ————

I will make my comments brief.

I have 13 years of experience in the software and hardware development industry. I have developed everything from chips, boards and computer systems, to device drivers and applications.

I believe the proposed settlement in the Microsoft Monopoly case is far too generous to a company that has a long history of illegal anticompetitive actions. The settlement, as proposed, will not be an effective deterrent to Microsoft's illegal practices, and will not prevent the company from continuing to stifle innovation in the computer software market by stamping out or buying out any company that manages to compete with it.

It is my further opinion that the anticompetitive actions of Microsoft has held the software industry back from where it could be today without them. Microsoft advertises that they are the great innovators, but close examination shows that nearly everything they bring to market has been developed first by another company. Without a strong remedy that will prevent further monopolistic actions, the computer software industry will fall further behind its potential. Since all industry sectors use this software, their productivity is directly impacted by this. This remedy will effect the entire nation, across all industry sectors, not just the software industry. The penalties for a weak response will be expensive to the entire country.

A stronger remedy than what has been proposed is needed.

Thank You,

Stewart Baker

bakers@erols.com

MTC–00023468

From: jcrube@mail.wm.edu@inetgw
To: Microsoft ATR
Date: 1/24/02 9:21pm
Subject: Microsoft Settlement

To Whomever It May Concern,

In regards to the antitrust practices of Microsoft over the last few years, with special emphasis on it's predatory behavior to Netscape Communications and countless other software and computer makers, I feel that the current remedy being discussed is much to weak a reprimand for Microsoft. Microsoft has repeatedly shown that if it encounters any competitors in its expanding markets, it's initial reaction is to attempt to buy it out and then simply use it's products, or to produce a hastily made, inferior mimic of the competitor's product, and either sell its at a greatly reduced price or simply give it away for free as a bundled feature. This sort of predatory nature is common among monopolies, and Microsoft has stifled competition every chance it has had.

The remedies proposed are much too weak to inhibit Microsoft's desire to abuse it's power. While an actual splitting up of the company is implausible at this point, One prudent solution is to simply dismantle the system by which Microsoft has leveraged it's obscene power in the computer industry. Some have suggested that Microsoft release the source code to it's Windows operating system to the public for any company to use. This ''open sourcing'' while idealistically honest and in earnest, would not be the best solution, as Microsoft does not get by on the quality of it's operating system, only it's huge installer base. Releasing the code would lead to an abandonment of the Microsoft standard by nearly everyone as they would be able to use their existing programs and infrastructure on some free varient of the source code. some argue that this is the right solution, but the remedy should not be a death sentence for Microsoft, however much most software developers and consumers may wish it to be.

Instead, the more level headed solution is to even the playing field for all developers. What has allowed Microsoft to bundle it's own in house software and cripple the attempts of competitors in developing competing products is it's stringent API licensing. The API's are the protocals which allow a software developer to produce software which can intimately work in sync with the OS, thereby being more compatible and intrusive. It is with these API's that Microsoft bullies companies into unfair agreements, as without them, software developed for the Windows platform cannot run as smoothly as software programmed with the API tools. If any company can have access tot these API's, then Microsoft will not be able to harass software developers into biased contracts, where they enter into a sort of indentured servitude in exchange for the ability to program for Windows with intimate knowledge of how the OS works. This reduces Microsoft's ability to coerce smaller developers in the open market. For comparison, The two other largest OS's, the Mac OS and the various flavors of Unix/Linux whose sizes are significantly smaller than Microsoft's share, have no such restrictions on their development, Apple Computers does not license it's operating systems development tools, they are readily available either online or frot he company. Unix and it's major varient Linux, are completely opened sourced, with their code and appropriate compilers available almost anywhere. On a side note, Linux and it's various flavors are among the MOST stable operating systems out there, mainly due tot he fact that the code is constantly being improved upon by it's millions of users around the world. Where as Microsoft dismisses it's products'' massive security holes as ''features'', and eventually may get around to patching the problem, Unix programmers are constantly searching for flaws in their systems, if only for the thrill of being the first to produce a viable solution. This may be the best model for large scale business networks to function on, but, that is onyl wishful thinking. In reality, the Monopoly that is Microsoft is too large to dismantle smoothly in one decision, rather it must be gradually morphed into a competitive company which only survives based on the quality of it's products, like everyone else. Microsoft argues it's only large because it got there for being too good, but in the end this argument is meaningless. US Steel also got big through clever business deals, this by no means infers that it should be allowed to stay that way and abuse it's power if we wish to live in anything resembling a market economy.

Thank You for your time,

Jeffrey Rubenstone

MTC–00023469

From: Granville Barker
To: Microsoft ATR
Date: 1/24/02 9:22pm
Subject: Please don't accept the Microsoft Settlement as it stands.

To Whom it may concern:

I just wanted to write and say that I think the Microsoft settlement is a bad idea. Them providing any software for free costs them nothing. Please do not accept the settlement as written. I'm in the software business and I'd hate to have a monopoly like Microsoft put me out of business. —

Granville Barker

MTC–00023470

From: mcreek@ktc.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:18pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Margaret Moorman
216 Lakeway
Kerrville, TX 78028

MTC–00023471

From: mwharto1@san.rr.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:18pm

Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
BARBARA WHARTON
6003 OAKGATE ROW
LA JOLLA, CA 92037–0921

MTC–00023472

From: Samuel Klatchko
To: Microsoft ATR
Date: 1/24/02 9:14pm
Subject: comments on the Microsoft Settlement
I do not know if my comments are directly applicable to the current anti-trust case, but I still feel I need to weigh in with them. I am a software engineer by profession. At a prior job, I used to develop software for Microsoft Windows. A customer requested a feature in the specific product that I was responsible for. After researching the APIs that Microsoft published, I realized that it was impossible to provide the exact feature that the customer wanted (in order to do so, I would need certain support from the OS that was not available). I proposed an alternative solution that didn't quite do what the customer wanted. I was told not to bother and do not know if we lost the customer over this.
About one year later, I purchased and read the book Undocumented Windows. This book documented certain features of the OS that were not documented but were in use by applications written by Microsoft and other large companies. While reading this book, I discovered a function that would havea allowed me to implement the exact feature that the customer had wanted. By that time it was too late.
This was my first demonstration of behaviour that Microsoft did to give their own application team an advantage over others. In various interviews, Microsoft officers state that they are succeful because they create better products then other companies. That might be true, but in this one case, it was true because they offered features to their own application developers that were not offered to all developers. I don't believe that any behavioural remedy will work. There are so many ways that Microsoft can give themselves an unfair advantage that they will always find away around a behavioural remedy. Please do not accept the current settlement.
R Samuel Klatchko—Principal Software Engineer
Brightmail Inc—rsk@brightmail.com

MTC–00023473

From: acegunda@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:19pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Robert Waligunda
46 Catbird Court
Lawrenceville, NJ 08648–2045

MTC–00023474

From: drdannecker@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:19pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Tom Dannecker
without prejudice
4470 Sunset Blvd. #350
Los Angeles, CA 90027

MTC–00023475

From: wahoos99@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:19pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.
This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Robert Appel
536 Levenhall Dr.
Fayetteville, NC 28314–2624

MTC–00023476

From: tonyb
To: Microsoft ATR
Date: 1/24/02 9:23pm
Subject: Microsoft Settlement
Greetings:
I would like to submit my opinion concerning the final judgment of the Microsoft settlement.
This judgment would only perpetuate the Microsoft monopoly. The only way to insure that there will be competition is to separate Microsoft into two companies, one that would sell an operating system and the other that would sell application software. All API's and file formats need to be made available to the public. This will allow third party software companies to compete without Microsoft having an unfair advantage. With the application software company separate from the operating system company, they would have the freedom to port the applications to other popular operating systems.
Time is of the essence. Every day that Microsoft is not brought to justice is another day that they extend their monopoly.
Thank you for your consideration.
Anthony J. Becker III

MTC–00023477

From: joecgroom@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:21pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.
This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer

technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Joe Groom
26 Sunshine Rd.
dgewood, NM 87015

MTC–00023478

From: judyplusgreg
To: Microsoft ATR
Date: 1/24/02 9:24pm
Subject: Microsoft settlement

Leave Microsoft alone! The US government only knows how to take the hard earned money from producers and give it to non-producers. Microsoft creates wealth instead of destroying wealth as does the government. Without corporations that are profitable there would be no money for the government to take, thus no government workers. Something to think about.....

Greg Holt
Orlando, Fl

MTC–00023479

From: sakerson1@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:23pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Larry C Alford
500 West 123rd Ave.
#3236
Westminster, CO 80234

MTC–00023480

From: Nagaraj.Kulkarni@Sun.COM@inetgw
To: Microsoft ATR
Date: 1/24/02 9:27pm
Subject: Microsoft Settlement

Dear Sir/Madam,

With due respect, I disagree with the proposed antitrust settlement between DOJ and Microsoft. It is like letting Microsoft go scotfree.

I request for a settlement with restraints compatible with the intent and spirit of the case.

Thanks,
Nagaraj

PS: Opinions are mine and necessarily that of the company. —

Nagaraj Kulkarni
SunIT Technology Office—Application Design Center
Sun Ext: 67514 Phone: (650)336–7514 Fax: (650)336–0808
Calendar : http://cal.central.sun.com/?calid=nk119331&security=1

MTC–00023481

From: BillyWilde@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:26pm
Subject: RE: Settlement

TO WHOM IT MAY CONCERN.....I believe the settlement that is being offered by Microsoft is a travesty. Microsoft has an monopoly that should have ended just like ATT's monopoly. Microsoft has to much power and it ignores the common people of this counrty. Microsoft is the worst example of coporate greed, excess and selfishness I've ever witnessed. Microsoft does nothing for the average citizen of this country except to fleece their pockets. The government has dropped the ball on this one. If the government had stuck to the originial trial verdict the people of this country would have supported the decision. But pollticial and financial interests corrupted the verdict and the governments ability to seem fair and unbias. It has become increasingly apparent to me and others that the system is fixed. That there is little that the ordinary citizen can do to change it. I believe the politicans have corrupted our system and that no matter what we the peope want (i.e.....look at the election, Gore won the popular vote but instead Bush is president), the Supreme Court has been corrupted.(there's something wrong when one of the judges sons works for Bush). I feel sorry for future generations.
William C.Glines

CC:microsoftsettlement@alexbrubaker.com@inetgw

MTC–00023482

From: cburkland@ees.eesc.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:23pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Christopher Burkland
7440 Hollow Corners Rd.
Almont, MI 48003

MTC–00023483

From: John Gallup
To: Microsoft ATR
Date: 1/24/02 9:26pm
Subject: Microsoft Settlement

I am writing to oppose the Department of Justice's proposed settlement with Microsoft. The settlement remedies are inadequate to restrain Microsoft from extending its monopoly power, and hence against the interest of the public and continued innovation in the information technology sector. Microsoft has shown great ingenuity in subverting past behavioral remedies after being caught in court. In fact, in every case, it has achieved its objective of protecting its monopoly position from competitors, and the competitors have lost out despite the court remedies. Often these competitors had technically superior products. Since structural remedies for restoring competition in Microsoft's many markets seem to no longer be in the cards, behavioral remedies that have some prospect of effectiveness include prohibiting Microsoft's anti-competitive preload agreements with hardware makers, publicly documenting the data file formats of the Office suite, and submitting Microsoft's present and future networking protocols to an independent open standards body.

Without these remedies, Microsoft can easily maintain its operating system monopoly with the preload agreeements, its office suite monopoly by preventing competitors from reading from and writing to Microsoft formats reliably, and gradually to monopolize access to the Internet through Microsoft's expanding set of proprietary methods for transacting data, assuring security, and making payments over the Internet. Microsoft's tightening grip on large parts of information technology is not broad speculation—all of these threats to competition and further innovation are well documented by Microsoft's competitors and independent observers. You have a duty to protect the public from this threat.

Sincerely,
John Luke Gallup, PhD.
Economist

MTC–00023484

From: Fixemers1
To: Microsoft ATR
Date: 1/24/02 9:26pm
Subject: Microsoft Settlement

To Whom It May Concern:

The opinions expressed herein are my opinions and are not influenced by, or the responsibility of, my employer.

I beleive that the proposed settlement is too weak and offers too many avenues for Microsoft to not comply with the spirit of the settlement. One of the most important facets of the settlement that provides an insufficient remedy is the proposed opening of Microsoft APIs. As a computer user who happens to be a programmer I have as much right to write a program that accesses an API as any ISV, IHV, IAP, ICP, or OEM. I paid money for my hardware and for the operating system. If my system does not do a job that I wish it to do, I should be able to add the desired functionality. I deserve documentation of all of the APIs on or available for my system. I

beleive this is especially true for the operating system, because it is the master program, the program that all others depend upon and interface with.

The format for distribution of the APIs is also insufficient. It should be distributed in industry standard HTML4.0 with PNG or JPEG images. It should also be available, with free registration, for anyone visiting a specified Microsoft development website.

Sincerely,
Jeremy Fixemer
Software Engineer
415 S. Elmhurst Rd.
Mount Prospect, IL 60056

Definition:

API—Documentation describing the form of a function call, any important algorithms, protocols, structure descriptions, any requirements for calling a function or stateful changes that are caused by calling a function.

APPENDIX:

As a programmer I understand that documenting and making publicly available an API will NOT compromise security. Only forcing the distribution of both encryption keys and the API can compromise security. If someone wants to go to the extent of dissasembling a program to obtain an encryption key, then it will not be considerably more difficult to dissasemble and reverse engineer an encryption algorithm. Often algorithms for encoding and decoding data are provided with an API, because part of the API requires an encrypted data stream For this reason, encryption keys, even in Microsoft programs, are hardly ever hardwired into a program.

Also an API will not expose every possible functional interface, only those that present meaningful functionality.

MTC–00023485

From: Rob Kahlbaum
To: Microsoft ATR
Date: 1/24/02 9:18pm
Subject: Comments on Microsoft Settlement

Hello, my name is Robert Kahlbaum. I am a student at Eastern Michigan University, and I am about 1 year away from graduating with a Bachelors degree in Computer Science. I have been working in my field for approximately 2 and a half years now, and as I look at my employment options post graduation, my options seem limited. It seems from the research that I have done in my choice of career, I have one option; program under Microsoft Windows. Everywhere I look, companies want MS Windows programmers, or they want you to be familiar with the Windows operating systems.

I have been keeping track of this trial since its conception, and when Microsoft was deemed a monopoly, I felt that I might finally get some options as to how my career will go. Then, the settlement was agreed to, and my hopes were struck down. It seems that the government, and 9 of the states involved with the trial, including my own state, have agreed to a solution that will only further Microsofts monopoly. It also seems that this agreement allows microsoft to continue its monopolistic practices in other venues. My question is, how can a company that has been deemed a monopoly, not be punished as a monopoly?

Because of the current settlement, I will be continuing to learn how to program under Microsoft Windows. I will be helping further their monopoly because I have few choices of where to work, because Microsoft is where the money is. I admit that I can work anywhere that I want, but it seems that if I want to be successful, and make a living, I have only 1 option. I am hoping that the other 9 states can come up with a remedy that will give me, and other soon to be graduating college students like me, a chance to make a broader choice as to where and how I want to make a living.

Thank you for your time,
Robert Kahlbaum
Eastern Michigan University Student

MTC–00023486

From: John G. Roush
To: Microsoft ATR
Date: 1/24/02 9:27pm
Subject: Comment on Microsoft Settlement

Dear Sir,

I understand that negotiations over the Microsoft antitrust suit are at a critical pass. Please accept my comment as follows:

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

''This is just another method for states to get free money, and a terrible precedent for the future,'' states the Association Of Concerned Tax Payers, ''not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.''

This economically-draining witch-hunt has gone on long enough. The average computer user has actually benefited by Microsoft creativity and productivity. The original settlement sounded fine. Do not force Microsoft to give anything more to Netscape or any other competitor or state governments.

Sincerely,
John G. Roush
400 S. Taft Ave.
Fremont, OH 43420
419–334–9504

MTC–00023487

From: poppe001@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:25pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200 Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Lee Poppe
1036 Carlton Drive
St. Paul, MN 55126–8129

MTC–00023488

From: dillonsnan@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:24pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200 Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Emma Jean Smith
5600 New Hope Rd.
Sweetwater, TN 37874

MTC–00023489

From: Tom Hood
To: Microsoft ATR
Date: 1/24/02 9:28pm
Subject: microsoft

Microsoft is very powerful. Think a bit about Enron. Think a bit about Microsoft. What happens if/when Microsoft fails. What would be the impact to our economy?

All giants stumble. Many giants fall. It could happen. We need more competition to ensure the failure of one giant does not take the rest of us out. The proposed settlement does not help anyone but Microsoft.

Tom Hood
300 E. Granger #14
Modesto, CA 95350

MTC–00023490

From: pyates@ec.rr.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:26pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200 Washington, DC 20530–0001

Dear Ms. Renata Hesse: Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Paul Yates
707 Vernon Dr
Jacksonville, NC 28540

MTC–00023491

From: seymour bronstein
To: Microsoft ATR
Date: 1/24/02 9:28pm
Subject: Microsoft Settlement

SYBRON

As a consumer, a taxpayer, and business owner I strongly object to the continued harassment of Microsoft by the federal government,as well as by the state governments, because of Microsoft's successes. These suits are motivated by greed. The greed and jealousy of their competitors, and the greed of various government for a fast cheap undeserved buck. When will the Governments learn to get off the backs of the most creative, motivated, dedicated, hardworking of its citizens who are the ones who strive to make, and have succeeded in making, this country great?

Seymour Bronstein

MTC–00023492

From: Ryan Watson
To: Microsoft ATR
Date: 1/24/02 9:29pm
Subject: Microsoft Settlement

Hello,

I have been involved in the computer industry since 1977, and I can tell you from experience that you could kill Microsoft all together and not significantly hurt the computer industry, there are enough standards out there that people would do just fine. I would also state that Microsoft does indeed have competition, and that if they weren't a monopoly they would have choked by now because they're not particularly careful programmers. They're built on speed.

None of that matters though, because the real issue at hand is whether or not they broke the law, US courts have held that they did. Therefore they do deserve a fitting penalty. I am sure that the proposal you have put forward as the final settlement is going to have no lasting effect on their conduct. I can't say that I have the answer to the problem, but I know for sure that this is not the correct course of action. Please consider your actions carefully, and realize that whatever happens here and now WILL have a significantly lasting effect on the computer industry as a whole. I would also say that virtually anyone who knows economics could tell you that if you have a product that sells for a high price, and one that is free, in any other industry the free item would be virtually dominant. In this case you have several very good free and well written competitive products, that are not able to make a significant hold in the desktop OS market. Please please please consider carefully what you do.

Ryan

MTC–00023493

From: jccarney@wcta.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:26pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200 Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
J.C. Carney
113 ½ West 3rd Street # 1
Park Rapids, MN 56470–1572

MTC–00023494

From: TweekXX@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:30pm
Subject: Micosoft Settlement

this is a horrible Idea, i run linux and windows and i think that if they shut down wine, then microsoft will rule the world

MTC–00023495

From: PSHSR@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:30pm
Subject: Microsoft Settlement

I have been a long time user of Microsoft products. I feel that the products are of very good quality, and that I always paid a fair price. Value received has always been exceptionally high. Microsoft has always beat the competition by offering better products. Please don't destroy excellence.

Peter S Hanson
809 Vauclain Rd
Bryn Mawr PA 19010

MTC–00023496

From: larrya@gcronline.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:27pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200 Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Larry Anderson
103 Merritt St
South Boston, VA 24592–5017

MTC–00023497

From: sfloyd11@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:27pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200 Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Scott Floyd
129 Alcoa Hwy
Knoxville , TN 37920–5502

MTC–00023498

From: bhughes@grasshoppernet.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:23pm
Subject: Microsoft Settlement

I don't believe that the current proposal effectively punishes the anti-competitive actions of Microsoft, nor will it limit their ability to continue similar actions in the future. To effectively punish illegal behavior, the settlement must deprive Microsoft of the advantages of its past illegal actions. Since their Operating System business is the tool with which they have illegally taken advantage of the marketplace; they should, at the very least, lose the leverage of this monopoly. The proposed settlement imposes supposed restrictions that actually favor Microsoft in the marketplace. Codifying the monopoly is not justice, and will do nothing to discourage predatory business practices from this monopoly.

I feel that this proposed settlement is a weak attempt to reach a settlement for the sake of expediency, but does not serve the interests of the marketplace.

Bill Hughes

CC:bhughes@shagbark.wbh.ks.us@inetgw

MTC–00023499

From: RAY2001@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:31pm
Subject: Persecution of Microsoft

TIME to stop , or is that Time / Warner AOL , Why not have the Taliban prosecute the US for violating their rights during our recent conflict? Just because they can't compete , Microsoft's competitors have chosen to litigate in order to buy time to build their warchest. Time Warner AOL are engaged in a battle to utilize our courts for their own agenda. Enough is Enough. Settle and let the excellent people at Microsoft continue to create newer, more useful products. It is foolish to continue to punish one of the strongest US companies . We should be proud of the accomplishments of Microsoft. They have set the standard and have continued to up the mark. Don't give the competition free reign to steal their focus. Drop the issue, it has been settled by the consumers who continue to purchase and demand more from Microsoft

MTC–00023500

From: Jerry W. Hubbard
To: Microsoft ATR
Date: 1/24/02 9:31pm
Subject: Microsoft settlement

I have believed for a long time that IBM and Microsoft created a new and great market. The early statements by the leaders of both companies shows the extent of growth was unplanned. I am not against Microsoft doing business. I am against illegal business practices.

The settlement should STOP the illegal business practices of Microsoft. The published proposed solution is a PR and marketing win for Microsoft. It does nothing stop the illegal business practices (a finding of the appeals court) of Microsoft.

Please give our country a solution, that will restrain Microsoft from breaking the law. My God give you wisdom.

Jerry W. Hubbard
<jhubbard@mlc.net>
6216 Odell
St. Louis, MO 63139
314–781–2515

MTC–00023501

From: Elizabeth Presler-Marshall
To: Microsoft ATR
Date: 1/24/02 9:31pm
Subject: Microsoft Settlement

I am writing to say that I believe the proposed Microsoft settlement to be completely inadequate. Microsoft has been shown by the court to be in violation of the antitrust laws. The proposed settlement neither corrects for Microsoft's past misdeeds, nor does it provide any credible grounds to believe that it will prevent future misdeeds.

One need only look at the way Microsoft has folded its Passport service into their latest operating system release (Windows XP) to see that Microsoft has no intention of changing their behavior. The personal computer business needs to provide options to consumers if we, the consumers, are to reap the benefits of our free capitalist system.

Please impose a strong structural remedy on Microsoft which will prevent them from becoming the great monopolist of the 21st century. Please uphold the law.

Thank you,
Martin Presler-Marshall
6004 Meadow Run Ct
Chapel Hill, NC 27516

MTC–00023502

From: Gene Wunderlin
To: Microsoft ATR
Date: 1/24/02 9:32pm
Subject: Microsoft Settlement

It is my opinion that the proposed settlement is bad idea.

Regards
Gene Wunderlin

MTC–00023503

From: threemoores3@att.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:32pm
Subject: microsoft settlement

Dear Sir/madam,

I believe it is time to end this suit and let the people buy the products they wish.

Sean Moore
22 agawam north
Yonkers
ny 10704

MTC–00023504

From: Mike Barrett
To: Microsoft ATR
Date: 1/24/02 9:32pm
Subject: Microsoft Settlement

I wish to exercise the opportunity for public comment afforded by the Tunney Act to voice profound objection to the Proposed Final Judgment in United States v. Microsoft. The Proposed Final Judgment does very little to reduce the perpetuation of anticompetitive behavior by the defendant. In point of fact, the wording of definitions and provisions in the Proposed Final Judgment is so overly narrow and misleading that the defendant will be able to use the Judgement as a tool to leverage still greater dominance in a market they have almost entirely (and illegally) monopolized.

For example, C# misses being defined as Microsoft middleware under definition K. While presented as an evolution of Java by the defendant, C# is being positioned as a Java-killer in the same sense that IE was used to crush Netscape. Recent OS software releases by Microsoft are tellingly absent of Java support. In my attempts to research cross-platform support for C# and .NET programming, I repeatedly bounced off ''This page can only be viewed with Microsoft Internet Explorer'' messages, an absurd perversion of the open standards upon which internet networking is based. Also evading the narrow definition ''K'' is MicroSoft.NET, a very ambitious initiative by the defendant to dominate internet network services. It seems not merely likely, but certain that the defendant will leverage its present monopoly position to block competing entry into this nascent (and supremely lucrative) field. It is, after all, outside the scope of the Proposed Judgement as written, except that independent software vendors are specifically prohibited by the Judgement from using released Microsoft APIs in the development of applications for non-Microsoft operating systems. These are just two of many glaring examples demonstrating that the Proposed Final Judgment does not and will not remedy the behavior of the defendant. It would be contrary to the best interest of the People of The United States if the proposed settlement were to become the Final Judgement in the case.

Sincerely,
Michael Barrett

MTC–00023505

From: Marcia Holston
To: Microsoft ATR
Date: 1/24/02 9:33pm
Subject: Settlement

Settle this case and quit harping on Microsoft. Smarter and Better is not illegal. Marcia Holston, Cocoa Beach, FLGet more from the Web. FREE MSN Explorer download : http://explorer.msn.com

MTC–00023506

From: FRISCOdANC@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:33pm
Subject: Re: Microsoft Settlement

Dear Sir/Madam/Judge:

I have been told that this e-mail address is for comments regarding the Microsoft settlement. It is my understanding that this e-mail will be read by attorneys at the Department of Justice and the federal judge presiding over this case. I hope that you read this with an open mind. As graduates of law school, each one of you reading this message must understand something about achievement. It was not ''luck'' or ''happenstance'' or any such thing that made you an assistant US Attorney or a Federal Judge. You have been rewarded with these prestigious positions as a result of your hard work.

As such, you must know the grave injustice of punishing achievement rather than rewarding it. Imagine if upon receiving the highest grades in your law school class, you were not rewarded with law review honors but instead were kicked out of school. Yet this is how it is proposed that we treat Microsoft.

Even if you did not share your notes with others in the class, even if you did not take the time to explain to those who did not understand concepts that were self-evident to you, in the end you did not achieve your law school grades at anyone's expense. You earned them. The same holds true for Microsoft. It earned its profits.

Please do not punish Microsoft. To the extent that the law was violated, it is the law that is wrong, not Microsoft. Who among us would not have voted the other way in the Dred Scot case, notwithstanding the fact that at the time there was ample precedent regarding the legality of slavery to support the opinion? Please do not make the same mistake again; please do not punish Microsoft.

Very truly yours,
Edward N. Mazlish
1409 Sun Valley Way
Florham Park, NJ 07932

MTC–00023507

From: angus72@juno.com@inetgw

To: Microsoft ATR
Date: 1/24/02 9:31pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.
This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Stephen DeBerry
PO Box 186
1312 S. Pamplico Hwy.
Pamplico, SC 29583–0186

MTC–00023508

From: Anthony Venezia
To: Microsoft ATR
Date: 1/24/02 9:34pm
Subject: Microsoft Settlement
I would just like to say that I have read about the proposed settlement, and I am not in favor of it in its current state. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors, yet unfavorable to Microsoft. I hope the irony of using MS Hotmail to send this does not elude you.
Thank you,
Tony Venezia
tv1013@hotmail.com

MTC–00023509

From: pdfnet@fastlynx.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:32pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Paul Fields
1170 Cantina Drive
St Louis, MO 63141–6041

MTC–00023510

From: cgfrinksr@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:32pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.
This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Charles Frink
12216 N. Teal Drive
Fountain Hills, AZ 85268

MTC–00023511

From: Tornfamily@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:32pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.
This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Betsy Torn
2313 29th St.
TX 79411–1307

MTC–00023512

From: Jerry Whelan
To: Microsoft ATR
Date: 1/24/02 9:34pm
Subject: Microsoft Settlement
Dear Sirs,
I am writing to express my disapproval of the proposed DOJ vs Microsoft settlement. I believe that the settlement terms are not in line with the finding of facts regarding Microsoft abusing its position as a de facto monopoly—in general the punishment contained in the settlement is a far cry from being a deterrent towards future abuses by Microsoft and in some ways actually encourages anti-competitive behavior going forward. One particular issue that I have with the proposed settlement is that it allows Microsoft to leverage its monopoly position to very strongly inhibit the proliferation of Opensource Software.
Opensource Software is a brand new and truly innovative way of thinking about how software should be developed, distributed and used and as such it has a potentially critical role to play in the forward progress of our nation and the world as a whole. Unfortunately, the terms of the settlement allow Microsoft to prohibit the distribution of their software in conjunction with Opensource Software. Microsoft has been known to make the completely specious argument that a third party distributing their for-pay or free software in conjunction with Opensource software somehow weakens Microsoft's intellectual property rights on their own software. Nothing could be further from the truth—it should be immediately obvious to anyone that any such actions by a third party can in no way obligate Microsoft to reduce their intellectual property rights. That would be the equivalent of saying that because a library allows you to borrow a book for free, the publisher of the book is now obligated to give away free copies to anyone who asks for one. Simply ridiculous!
Nevertheless, the proposed settlement allows Microsoft to forbid distribution of their software in any conjunction whatsoever with Opensource software. And, Microsoft is already abusing its monopoly position to do just this exact thing. For example, the license agreement for the Microsoft Windows Media Encoder 7.1 Software Developer's Kit forbids the distribution of any software developed with that kit in any combination with Opensource software. Clearly this forbids a third-party developer from even using the Kit to develop Opensource software—which then just serves to reinforce Microsoft's monopoly position at the cost of the consumer and the independent developer.
The issue of Microsoft's licensing policies stunting Opensource growth and distribution is but one of many problems with the proposed settlement, however I think that it is clearly a key problem that at, an absolute minimum, must be addressed before any settlement becomes final.
Thank you,
Jerry Whelan
Independent Software Consultant
3727 W. Magnolia Blvd, #451
Burbank, CA 91505

MTC–00023513

From: G Spielmann
To: Microsoft ATR
Date: 1/24/02 9:36pm
Subject: Microsoft Settlement
To whom it may concern, I oppose the current settlement in the Microsoft anti-trust case. I am an IT professional, currently working as assistant site manager for the

local IT arm of a large, American manufacturing company. I deal with Microsoft products and issues concerning those products on a daily basis. My stance against the current settlement revolves around two issues. First, if one tracks the history of Microsoft, they will see that this sort of anti-competitive behavior persists as part of its corporate operation and, one may say, its corporate culture. Microsoft clearly shows little remorse or concern in these matters and I feel cannot be expected to, in good faith, honor any agreement issued to them by the Department of Justice. I feel the proposed settlement is lax and will lead to yet another trial such as this in the near future.

The second concern I have is one that is even now more prevalent—that of security. In my profession, network security is one of the most mission critical objectives to achieve. The most common roadblock to achieving this goal is the lack of security in many of Microsoft's products. In fact, at my place of employment, it is standard practice not to use certain Microsoft products due to their related security issues. In a post September 11th world, network security is going to be even more important for a wider variety of professions and people. If Microsoft is allowed to operate at the current status quo, their seeming lack of security awareness in their products will no doubt create issues for the US and possibly world at large, if it hasn't already. I feel that the current settlement should be excused in favor of a more strict approach to reprimanding this corporation or, if allowed to operate as a monopoly, they should be held far more responsible for security issues in the products they make.

Thank you for your time,
Sincerely,
Garett Spillman

MTC–00023514

From: Woodkarl@crcwnet.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:33pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Karl Reuss
7530 Icicle Rd
Leavenworth, WA 98826

MTC–00023515

From: hsimkowitz
To: Microsoft ATR
Date: 1/24/02 9:35pm
Subject: Microsoft Settlement

To Whom It May Concern:

It is my opinion, as a software developer and consumer, that Microsoft is NOT guilty of anti-competitive behavior and that the settlement worked out by the DOJ and the participating states is a good one and should be put into effect. I also feel very strongly that it is only Microsoft's few competitors (AOL, SUN, Oracle) that are causing this whole thing to happen purely for their own gain. None of them has products that are as cost effective for the software developer or consumer as those offered by Microsoft. Lets end this.

Howard Simkowitz

MTC–00023516

From: aprice@healthspace.ca@inetgw
To: Microsoft ATR
Date: 1/24/02 9:38pm
Subject: Microsoft Settlement

Your Honor,

Being heavily involved in the computer industry for the last 25 years the MS case is of keen interest to me. I have watched as MS has stifled innovation and crushed competitors using its market presence. I have, in particular, observed as MS has gained massive market share in messaging by leveraging its desktop OS monopoly.

I believe that the proposed settlement will harm the public interests severely, perpetuating MS's monopoly and perhaps strengthening it. I would like to suggest the following simple act as part of the remedy you prescribe:

Force MS to make old versions of Windows open source. This includes all versions up to, and including, Windows 98 SE. Discussion: MS claims that Windows is its ''crown jewels'' and yet it is making a determined effort to force its clients to upgrade to new, revenue generating, products rather frequently. It habitually claims that it has incorporated massive ''innovation'' in its new versions. Fine, let the public buy the innovative new features because it wants them, not because it must. Force MS to provide genuine new features if it wants new revenue. I also strongly approve of the suggestions to force MS to license the source code of Office and IE to third parties who wish to migrate them to other OSes.

Thank you for your consideration,
Respectfully,
Andrew Price
C.O.O.
HealthSpace Integrated Solutions Ltd.
HealthSpace USA Inc.
Tel. (604) 860–4224
http://www.healthspace.ca

MTC–00023517

From: Mark Berger
To: Microsoft ATR
Date: 1/24/02 9:41pm
Subject: US vs. Microsoft

Dear sirs,

I am a programmer with seven years of experience in the software industry. Up until recently I have been a Microsoft fan and supporter. I still make my living using Microsoft products and developing solutions based on their operating systems and development tools. As is happens, that is exactly why I am writing to encourage you to seek additional concessions from Microsoft. For the first time in my career as a Visual Basic programmer I have become aware of the treadmill that Microsoft has put under me. In my current project I have hit a bug in Microsoft's ADO library (code library that allows access to databases) that has existed since the inaugural versions of the library three years ago. Here i am, seven versions of that library later with the bug still there and no possibility of it ever being fixed. Why? Because the ADO library is about to go away and be replaced by ADO.Net. The same bug may be there....but to even determine that I will have to upgrade all my development tools and operating system.

Obviously, this fact, in an of itself, is no crime. All software has bugs. This will by my last Microsoft based development project. I write this email using Sylpheed email client on my Slackware linux box. There are other ways of doing development that will avoid these Microsoft problems and I will pursue them.

This particular bug has a long history. The newsgroups are full of comments, complaints and requests for help in dealing with the problems it creates. Microsoft ignores them. This is my real proof of the *fact* of a Microsoft monopoly. I have never been a victim of any of the security snafus for which Microsoft products are known. I was not even convinced of their monopoly status during the trial. It is this particular bug that has opened my eyes and made me reevaluate the evidence.

The solution proposed by Microsoft, donating computers and software to schools is one of the most brilliant marketing strategies they have come up with to date. Schools are traditionally Apple users. Microsoft would gain an incredible advantage with this solution. So what is the solution. I still don't know if I can endorse the breakup of the company. As bad as Microsoft has been, I fear the government more. I think the forced breakup of a company is worse than their monopoly.

The perfect solution in my mind is to force Microsoft to publish all of their current code under a modified GPL (Gnu Public License). Microsoft could have special permission to continue to develop this code base independantly, outside of the publishing requirements of the GPL. All other developers would then be able to continue development of the same code base...but they would be limited by the GPL and forced to release their code. Microsoft would be allowed to continue the development of proprietary code....but a single snapshot of that code would be revealed publicly. Developers could fix the bugs and security problems that Microsoft has ignored while Microsoft could continue to create their Dot.Net thing.

Maybe some fine tuning of this idea would be best....maybe release the source code for Windows 2000 and previous. If Windows XP is really that great then Microsoft should have no difficulty maintaining their place in the market.

My two cents. Do not reward them for their actions.

Mark Berger
m-berger@mediaone.net

MTC–00023518

From: allan rees
To: Microsoft ATR
Date: 1/24/02 9:40pm
Subject: Microsoft Settlement

To whom it may concern,

I am opposed to the Proposed Final Judgement in United States v. Microsoft.

Allan Rees
Salt Lake City, UT
1/23/2002

MTC–00023519

From: Bknes@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:41pm
Subject: Microsoft Settlement

NO more litigation against Microsoft. The matter is settled. We are satisfied. We are voters. No more litigation against Microsoft.

Elizabeth K. Nesbitt and C. Anderson Dorton

MTC–00023520

From: Arthur Young
To: Microsoft ATR
Date: 1/24/02 9:41pm
Subject: Microsoft AntiTrust Trial Penalty

In light of the guilty verdict handed down to Microsoft regarding its anticompetitve and predatory practices, I believe that the proposed settlement does not serve the public interest. If a company is convicted of illegally maintaining a monopoly, then a settlement should not allow that company to remain a monopoly. A company convicted of illegally maintaining a monopoly should not be allowed to continue the practices which brought about its conviction. A company convicted of breaking the law should not be trusted blindly to do the right thing. A penalty should penalize the company for its behavior. That penalty should include steps to prevent such behavior from happening again and steps to reimburse those who were adversely affected.

If Microsoft had attained its monopoly as a result of putting out a good product that everyone liked, then they should be rewarded for their work. But Microsoft attained their monopoly through threats and coercion. They have been convicted of illegally maintaining a monopoly. Their penalty should reflect that. I do not believe that the settlement proposed by the U.S. Justice Department does that.

Thank you for your consideration.

Sincerely,
Arthur Young

MTC–00023521

From: rjstemen@juno.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:39pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Ray & Judy Stemen
2444 Westpoint
Lancaster, OH 43130

MTC–00023522

From: jandewheeler@juno.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:39pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
James Wheeler
233 Witherspoon Ln.
Hot Springs, AR 71913

MTC–00023523

From: Kiel Oleson
To: Microsoft ATR
Date: 1/24/02 9:42pm
Subject: Microsoft Settlement

I do not look highly upon an acceptance of a substandard settlement. I am 16 years old and have a lot of time ahead of me, I do not want to live a life in which Microsoft can charge what it wants of its operating systems, and more importantly, and oft overlooked, its office program. I cannot afford $700 to do school work. This is outrageous. Either give schools another program or get the price of office lowered. That is the one thing I ask.

Thank you,
Kiel Oleson

MTC–00023524

From: Paul S R Chisholm
To: Microsoft ATR
Date: 1/24/02 9:42pm
Subject: proposed Microsoft settlement

Summary: I don't believe the proposed Microsoft settlement is acceptable in light of Microsoft's prior actions. It neither punishes Microsoft for having abused it's monopoly position, nor discourages Microsoft from future abuse. (I'm a professional software developer, responsible for a program that runs on both Microsoft and non-Microsoft platforms. My employer would not be considered a competitor of Microsoft; there are some products both produce (not the one I work on), and some that work together. This makes me pretty typical for the industry.)

I believe the conduct restrictions imposed by the settlement on Microsoft are reasonable. I particularly agree with the provisions intended to loosen Microsoft's control over what non-Microsoft products can be offered by PC manufacturers (e.g., allowing the latter to sell dual-boot systems).

I don't think the restrictions will be effective.

o There is neither admission of guilt, nor punishment for past misdeeds. This is the company that steadfastly denies having a monopoly position, or any wrongdoing. There's no reason to believe they have any reason to change their general behavior in the future.

o There is no history that Microsoft would abide by the spirit of the letter. This is the company that re-worded the previous settlement to allow precisely the behavior the Government was trying to prohibit; this is the company that, when ordered to produce an operating system without a bundled browser, produced an inoperative operating system and claimed compliance. To describe their ''obedience'' as legalistic is an affront to the legal system.

o There is no downside to Microsoft ignoring the settlement. If they fail to settle, they battle in court; if they settle but violate the settlement, they battle in court. The latter course postpones further action by the court. This is the company that has tried to postpone judicial action at every point in the suit. Signing a settlement can be just another way of doing this. There have been many other criticisms of the settlement; I won't repeat them.

I hope my position aids the court in its decision.

—Paul S. R. Chisholm

With grief, with determination, and with hope.

MTC–00023525

From: revdbau@qwest.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:39pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

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future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
David David
5620 South Amaryllis Pl
Boise, ID 83716

MTC–00023526

From: Clark Venable
To: Microsoft ATR
Date: 1/24/02 9:43pm
Subject: Microsoft Settlement

The proposed settlement does nothing to change Microsoft's behavior. Please reconsider.

Clark Venable

MTC–00023527

From: Yosuke Matsumura
To: Microsoft ATR
Date: 1/24/02 9:43pm
To: **Federal Register**

Re: Microsoft Antitrust Trial

I am currently a college freshman attending Cornell University and have been a computer user since fourth grade. Throughout this time, I have been using Apple computers, and I am familiar with the detrimental effects of Microsoft's monopoly in the personal computer business. I fear that the proposed settlement will not be enough to solve the problems brought up by the antitrust trial. To justly penalize Microsoft for the antitrust violations that it has been found accountable for, the settlement must include the following:

An equal, if not separate, development of its key productivity programs (Office, Outlook, and Media Player) for alternative operating systems.

Furthermore, these programs must be sold at the same price as their Windows versions. As an Apple user, I have been forced to use these products, as they have become the de facto standard in the academic and business community. This would not be problematic if not for the fact that the Macintosh versions of these softwares come at a premium price and with fewer features than the Windows counterparts.

For example, Outlook is not available for Apple's new operating system, OS X. Microsoft includes a different program, Entourage, to view email and organize appointments and contacts. However, while Outlook is able to communicate with Microsoft's Exchange Servers, Entourage is not.

Additionally, while OfficeXP for Windows Standard Edition costs $239 and $479 for the upgrade and full versions respectively, the Macintosh equivalent, Office v.X costs $299 and $499 for the upgrade and full versions respectively. This is for the standard suite for both platforms, which include Word, Excel, PowerPoint, and an email program (Outlook for Windows and Entourage for Macintosh). Furthermore,

Macintosh users are denied the opportunity to buy a ''Professional'' version like Windows users, that comes with Microsoft Access.

By providing second-rate software to other platforms, Microsoft indirectly supports users to switch to a Windows operating system to gain full compatibility and lower prices on software. Since Microsoft also produces the Windows operating system, a conflict of interest arises. A user moving to from a non-Windows machine to a Windows machine will purchase not only the productivity programs they wish to have, but also the Windows operating system. Promoting such behavior by providing less-capable software to competing operating systems only helps Microsoft's position and provides no incentive for the company to improve its software for other operating systems. This addition to the settlement will ensure that users of other operating systems will be able to work effectively without pressure to use the Windows operating system.

Yosuke Matsumura
13238 SE 51st Place
Bellevue, WA 98006
(425) 401–9213
Townhouses A09C
Cornell University
Ithaca, NY 14853
(607) 253–2207
ym63@cornell.edu

MTC–00023528

From: karawynn
To: Microsoft ATR
Date: 1/24/02 9:40pm
Subject: Microsoft Settlement

To Whom It May Concern:

Merely requiring Microsoft to stop dictating what OEMs load onto new machines, and similar minor measures as listed in the proposed final judgment, are like locking the barn after the horse has escaped—too little too late. The real problem is now (and has been for some time) that neither OEMs nor end-users have any reasonable alternative to the Windows operating system. From the end-user's perspective, once you've bought your first computer, and invested money in hardware and software for one platform, you're locked in for life. The cost to scrap all of that and reinvest in an all-new hardware and software configuration is so prohibitive that for most people the option might as well not exist.

But if Microsoft were required to fully and publicly release the Windows APIs, it would give competitors a fighting chance to develop an alternative operating system that will work with PC hardware and Windows-compatible software. A full standardization and public release must be mandatory and enforced; there are too many loopholes in the minor disclosures required by the proposed final judgment, and Microsoft has already demonstrated that it can't be trusted to act in good faith.

This is not, incidentally, a categorical anti-Microsoft rant. I live in Seattle; fully half the people I know are either past or current employees of Microsoft, and therefore highly financially dependent upon the company's continued success—and since the aftermath of 9/11 gutted Boeing, our local economy pretty much rises and falls on the fate of Microsoft. But I don't actually believe that a requirement to release Windows APIs would hurt Microsoft in the long run. Intel hasn't failed just because AMD has emerged as a viable competitor. Both companies are going strong, and the consumer has won out, with rapid development of better processing hardware and falling prices. The Internet and software industries, and their enormous body of consumers, would benefit dramatically by a similar arrangement with regards to Microsoft.

Thanks for your time.
Karawynn Long
Seattle, Washington

MTC–00023529

From: Joe Schafer
To: Microsoft ATR
Date: 1/24/02 9:44pm
Subject: microsoft settlement

Microsoft has been providing the most user friendly operating system for the last 10 or so years.They are able to provide that sevice to the consumers due to the fact that they continue to be a preditory company.They feed and prey on smaller companys that aid to the movement of open source Gnu/Gpl.I for one have noticed this practice increase in intencity and frequenty ever sence the linux operating system has gained popularity.Which is poised to steal a good poriton of the market share in the next few years.I believe that microsoft is a monopoly and hope that they get delt with accordingly,by law.

Thanks.
Joe Schafer
cascadehiker@earthlink.net
EarthLink: It's your Internet.

MTC–00023530

From: NE14T@PeoplePC.Com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:41pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Gerard Cecchettini
1279–43rd Avenue
San Francisco, CA 94122–1212

MTC–00023531

From: Cosmo S
To: Microsoft ATR
Date: 1/24/02 9:44pm
Subject: Microsoft Settlement

This has gone far enough and this lawsuit must be settled immediately. Microsoft has done their part and it's times for all others to follow suit. WE all had the same opportunity to become a microsoft company. Just because we failed microsoft shouldn't be put through the ringer.

Sincerely,
Cosmo Stallone

MTC–00023532

From: Paul C. Zimmerman
To: Microsoft ATR
Date: 1/24/02 9:45pm
Subject: Microsoft Settlement

To Whom It May Concern:

I have serious misgivings with the proposed Microsoft settlements. My discomfort comes from a deep sense that the considered punishments do not adequately fit the crime. A serious re-consideration of a Microsoft breakup, I feel, is necessary.

A breakup of Microsoft would have the following benefits:

1) It would deal the greatest punishment to the executive heads of the company (who most directly orchestrated the company's tactics), and the least punishment to stockholders who are otherwise not culpable in Microsoft's anti-competitive behavior.

2) As opposed to any other proposed remedy, a breakup of Microsoft would be the easiest to implement and enforce, thereby minimizing the long term burden imposed upon taxpayers.

3) Moreso than any other proposed settlement, a breakup of Microsoft would ensure that the company cannot resume its anti-competitive behavior. Breaking Microsoft into three companies—computer operating systems, computer software, and media—would be the fastest, easiest, most directed, and least easily exploitable solution to the problem of Microsoft's anti-competitive behavior, its skewing of the marketplace, the burdens that its market dominance places on consumers, and its willful disregard of prior legal rulings. I urge you to reconsider this remedy.

Sincerely,
Paul C. Zimmerman
Computer Support Specialist
The Dalton School
New York, NY 10128

MTC–00023533

From: Chris Torgerson
To: Microsoft ATR
Date: 1/24/02 9:48pm
Subject: US vs microsoft

Put another vote towards forcing Microsoft to open their Windows source code to the public. Along with a large financial penalty. My career as a Java programmer has been hurt by Microsoft's tactics in the Marketplace.

Chris Torgerson
phone: (858) 882–8500 ext. 2320
fax: (858) 882–8501
Technical Manager
email: ctorgerson@nm2.com
New Media Merchants
www: http://www.nm2.com

MTC–00023534

From: margaret@nwol.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:44pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Margaret Ross
P.O. Box 69364
Odessa,, TX 79769–0364

MTC–00023535

From: Elliot Jordan
To: Microsoft ATR
Date: 1/24/02 9:36pm
Subject: Microsoft Settlement

To whom it may concern:

I feel the proposed settlement is not strict enough against Microsoft. What they did was obviously illegal in many ways, and much of it goes unpunished if the current proposal is followed. However, I'm glad the offer by Microsoft contribute to our nation's schools was rejected. That proposal would have only served to boost the company's monopoly by allowing them to take over the education area, which is currently dominated by other operating systems.

I agree with Dan Kegel's proposals found here: <http://www.kegel.com/remedy/letter.html>, and I have co-signed the letter.

Thank you for continuing this case, and I hope Microsoft tastes justice before this case ends.

Elliot Jordan
elliotjordan@mac.com
http://students.luther.edu/jordel01

MTC–00023536

From: John Hughes
To: Microsoft ATR
Date: 1/24/02 9:46pm
Subject: Antitrust and Microsoft

To whom it may concern,

So far the whole process seems to be at a failure point. Microsoft is getting off relatively free, and is almost assuredly going to be in a stronger than ever position and certainly able to move in and take over more and more markets. How did this happen? I realize that the situation is complex, but Microsoft to too large to be affected my natural selection(or the business world version of it). Could this even have happened if it were a Car/Gasoline maker instead of an Computer Operating System/Application maker? Could the Car/Gas producer have even got to a 95% market ownership? Would the Government have even let it get that far? Ok, the computer industry really sort of snuck up on the U.S. Government, that said though, please do something to correct the situation. What is so far being pushed through is not the answer...it is certainly not enough.

John Hughes
455 W 46th St #5A
New York, New York
212–262–9237

MTC–00023537

From: Artur Niyazov
To: Microsoft ATR
Date: 1/24/02 9:46pm

To Whom It May Concern:

It seems like the proposed settlement for Microsoft antitrust trial is flawed. Because of many different legal loopholes in it, Microsoft will be able to find ways to easily exploit their customers and OEMs to their advantage. A great analysis of flaws in the proposed settlement could be found here: http://www.kegel.com/remedy/remedy2.html . Below are my main complains about the settlement:

1) Microsoft's APIs, file formats, and protocols.

The complete documentation for these must be made public and be updated in a timely manner. Closed APIs and file formats are a major barrier to entry, since virually no company can afford to convert its existing documents into a new format. Currently anyone using Microsoft products is effectively ''locked in'' to those products because they cannot be easily converted to another format. While some attempts had been made toproduce programs and/or libraries that can read and write files in Microsoft's formats, they are only partially compatible and usually fail on complex documents. The main reasons for this are undocumented changes in Microsoft APIs and lack of complete documentation. Anything that can be done to reduce this barrier can only help to create more opportunity in the market.

2) Microsoft's business practices.

Microsoft must not be allowed to enter into deals with OEMs, ISPs, or other businesses that would create disincentives or prohibit those companies from offering non-Microsoft products or services to their customers. Since the vast majority of the desktop computing world currently uses Microsoft products, OEMs, ISPs, and others must be able to offer those products to consumers. Allowing Microsoft to continue to take advantage of that situation by prohibiting those companies from offering alternatives effectively means allowing Microsoft to continue to hold the industry hostage.

3) Microsoft's attempts to extend their monopoly in new markets*

Microsoft attempted (often successfully) to extend their monopoly in several new markets already, using the same monopolistic tactics. Most prominent examples are:

* Microsoft .NET and MS's plans to force everybody to sign for a MS Passport (which has already been proven to be a very insecure system), and also to sabotage development Sun Microsystems'' Java language on Windows platform in favor of their own ''.NET'' system.

* Audio/Video market, where Microsoft used their OS monopoly to push products like Windows Media Player and gain unfair advantage over competitors such as Real Player and QuickTime

* The failed attempt to turn an educational lawsuit into a way to inject their software into yet another market

If these concerns are addressed by the eventual settlement or court ruling, they should remove most of Microsoft's ability to abuse it's monopoly power to the detriment of the industry. I feel that a healthy IT industry should consist of competing products from a variety of companies, all able to interoperate with each other, with no single company able to leverage it's dominance in one area to bolster it's position in another.

Sincerely,
Arthur Niyazov

MTC–00023538

From: woyce@uslink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:45pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Wayne Johnson
38571 Scenic Hwy.
Bovey, MN 55709

MTC–00023539

From: rmtheisen@worldnet.att.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:44pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Rose & Charles Theisen
13009 W Sunnyvale Drive
Nine Mile Falls, WA 99026

MTC–00023540

From: JMccul3504@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:47pm
Subject: (no subject)

For God's sake back off and let the market place decide. We have the job-eating asbestos blob- which the government should have restrained years ago- a veritable slush fund for tort lawyers—and which has caused numerous bankruptcy of many companies, past, present and future. We have the ridiculous and extremely costly dredging of the Hudson River by the government. We have faked lynx hairs by the Federal Parks and Wildlife Agency to shut down huge area of the Western States. We have a lousy accounting system that the Congress refused to correct years ago when it was beiong urged to do so.It would be refreshing if the Governement addressed these problems, along with the hopelessly complex IRS situation, before again harrassing one of the really successul entrepreneurs

John McCulloch.

MTC–00023541

From: huntingbeagles@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:45pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Cosmo Stallone
804 Cooks Brook Road
Roscoe, NY 12776–7102

MTC–00023542

From: koufi@lvcm.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:45pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Sincerely,
Peter Koufos
9101 West Sahara Avenue
105–153
Las Vegas, NV 89117

MTC–00023543

From: Justin Hilliard
To: Microsoft ATR
Date: 1/24/02 9:49pm
Subject: Microsoft Settlement

Microsoft's proposed settlement is a bad idea. Please do not allow their terms to be accepted. Thank you.

Justin Hilliard

MTC–00023544

From: Nelson, Allan
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 9:44pm
Subject: microsoft settlement

The current settlement with Microsoft does nothing to further the public interest. The weekest aspect of the settlement is the 3 person group who is to review MS behavior and technology. Historically such entities tend over a relatively short period of time to become captives of the industries they attempt to regulate. Further no three humans are capable of giving the kind of detailed oversight that would be needed to thouroughly vet the masses of code that MS has released in products over the years.

The settlement also does nothing to punish MS for the monoply behavior that the company was found guilty of. Indeed with the consent given to the settlement to MS embrace and extend tactics coupled with the massive cash reserves of the company mean that MS can engage in a flurry of acquisitions that will further extend their monopoly. They can acquire companies on the cutting edge of web services standards development and take those standards privite. With relatively few changes they can effectively make an emerging public standard a proprietary one. Leaked internal documents already have articulated this strategy on MS's part. To inhibit this kind of behavior, the company should be fined at least half of the cash reserve they have accumulated because their conviction as a monopolist taints the profits that the company has received since the release of Windows 3.0.

The courts should also vacate all existing agreements that allow MS any advantage in terms of gettingg their OS loaded on a PC. Further MS should be prohibited from making any such agreement in the future.

Finally only some kind of disclosure that prevents MS from arbitrarily changing libraries and their interfaces is needed to prevent MS from capitalizing on the inherent advantage that application developers have if they work for the company that produces the Operating System.

Allan Nelson
Cooper Industries
Oracle DBA
713.209.8624

MTC–00023545

From: dghlt@quixnet.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:47pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
David Hogan
8105 Lister Street
Philadelphia, PA 19152

MTC–00023546

From: Hari Nair
To: Microsoft ATR
Date: 1/24/02 9:50pm
Subject: Comment on anti-trust settlement

Dear Sirs,

I am deeply concerned with the proposed settlement the government has offered to end the anti-trust case with Microsoft. As no doubt many other letters have pointed out, the settlement does nothing to prevent further monopoly abuses by Microsoft.

This is dangerous because Microsoft, having an entrenched monopoly on desktop computer operating systems, is now extending that monopoly to other areas, with the pocket PC, the Xbox, and their Windows Media format.

The internet was founded on open standards beyond the control of any one organization. I am worried that Microsoft will hijack the internet as its new cash cow if they continue to operate as they have in the past.

If I may suggest a remedy, I would hope the government would begin to encourage the use of non-Microsoft products in its own agencies. Imposing behavioral restrictions on Microsoft isn't likely to accomplish anything, as they have shown little regard such remedies in the past. The government is a powerful driver of the market, and can level the playing field much more easily in a constructive way by choosing competing products which can do the job as well.

Thank you for your attention.

Regards,
Hari Nair

MTC–00023547

From: JPH
To: Microsoft ATR
Date: 1/24/02 9:51pm
Subject: Microsoft Settlement

I think the governments handling of this case is bureaucratic, appeasing to Microsoft (not punishing) and downright pathetic. The U.S. Government and Microsoft deserve each other if this ''lighthearted'' settlement is given the Go-ahead. No wonder nothing gets done right, the government itself runs just like a Windows operating system!

MTC–00023548

From: clemson—J@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:48pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
James Clemson
20920 Nectar
Lakewood, CA 90715

MTC–00023549

From: Bill Menner
To: Microsoft ATR
Date: 1/24/02 9:52pm
Subject: Microsoft Settlement
CC: tormist@ag.state.ia.us@inetgw

MTC–00023549 0001

January 24, 2002
Hon. Colleen Kollar-Kotelly
U.S. District Court, District of Columbia
c/o Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Judge Kollar-Kotally:

The proposed settlement between the Department of Justice and Microsoft in U.S. v. Microsoft falls far short of what is needed to put an end Microsoft's pattern of predatory practices.

This deal does not adequately protect competition and innovation in this vital sector of our economy, does not go far enough to address consumer choice, and fails to meet the standards for a remedy set in the unanimous ruling against Microsoft by the Court of Appeals for the District of Columbia. Its enforcement provisions are vague and unenforceable. The five-year time frame of the proposed settlement is much too short to deal with the antitrust abuses of a company that has maintained and expanded its monopoly power through fear and intimidation.

Microsoft's liability under the antitrust laws is no longer open for debate. Microsoft has been found liable before the District Court, lost its appeal to the United States Court of Appeals for the District of Columbia in a 7–0 decision, saw its petition for rehearing in the appellate court denied, and had its appeal to the Supreme Court turned down. The courts have decided that Microsoft possesses monopoly power and has used that power unlawfully to protect its monopoly.

The next step is to find a remedy that meets the appellate court's standard to ''terminate the monopoly, deny to Microsoft the fruits of its past statutory violations, and prevent any future anticompetitive activity.'' This proposed settlement fails to do so.

The Deal Fails to Meet the Appellate Court's Remedy Standards

This proposed settlement clearly fails to meet the standards clearly laid out by the appellate court. In fact, the weak settlement between Microsoft and the Department of Justice ignores key aspects of the Court of Appeals ruling against Microsoft. Here are several examples of where this weak settlement falls short:

1) The settlement does not address key Microsoft practices found to be MTC–00023549—0002 llegal by the appellate court, such as the finding that Microsoft's practice of bolting applications to Windows through the practice of ''commingling code'' was a violation of antitrust law. This was considered by many to be among the most significant violations of the law, but the settlement does not mention it.

2) The settlement abandons the principle that fueled consumer criticism and which gave rise to this antitrust case in 1998: Microsoft's decision to bind—or ''bolt''—Internet Explorer to the Windows operating system in order to crush its browser competitor Netscape. This settlement gives Microsoft ''sole discretion'' to unilaterally determine that other products or services which don't have anything to do with operating a computer are nevertheless part of a ''Windows Operating System product.'' This creates a new exemption from parts of antitrust law for Microsoft and would leave Microsoft free to bolt financial services, cable television, or the Internet itself into Windows.

3) The deal fails to terminate the Microsoft monopoly, and instead guarantees Microsoft's monopoly will survive and be allowed to expand into new markets.

4) The flawed settlement empowers Microsoft to retaliate against would-be competitors and to take the intellectual property of competitors doing business with Microsoft.

5) The proposed settlement permits Microsoft to define many key terms, which

is unprecedented in any law enforcement proceeding.

Loopholes Undermine Strong-Sounding Provisions

The proposed settlement shows that it contains far too many strong-sounding provisions that are riddled with loopholes. Here are several examples:

The agreement requires Microsoft to share certain technical information with other companies in order for non-Microsoft software to work as intended. However, Microsoft is under no obligation to share information if that disclosure would harm the company's security or software licensing. Who gets to decide whether such harm might occur? Microsoft.

The settlement says that Microsoft ''shall not enter into any agreement'' to pay a software vendor not to develop or distribute software that would compete with Microsoft's products. However, another provision permits those payments and deals when they are ''reasonably necessary.'' The ultimate arbiter of when these deals would be ''reasonably necessary?'' Microsoft.

The settlement does nothing to deal with the effects on consumers and businesses of technologies such as Microsoft's Passport. Passport has been the subject of numerous privacy and security complaints by national consumer organizations. However, corporations and governments that place a high value MTC–00023549—0003 on system security will be unable to benefit from competitive security technologies, even if those technologies are superior to Microsoft's. Why? Microsoft controls their choices through its monopolies and dominant market share, and still is able to dictate what technologies it will include.

Enforcement

The weak enforcement provisions in this proposed deal leave Microsoft free to do practically whatever it wants.

A three-person technical committee will be appointed, which Microsoft appointing one member, the Department of Justice appointing another, and the two sides agreeing on the third. This means that Microsoft gets to appoint half of the members of the group watching over its actions.

The committee is supposed to identify violations of the agreement. But even if the committee finds violations, the work of that committee cannot be admitted into court in any enforcement proceeding. This is like allowing a football referee to throw as many penalty flags as he likes for flagrant violations on the field, but prohibiting him from marching off any penalties.

Finally, Microsoft must comply with the lenient restrictions in the agreement for only five years. This is not long enough for a company found guilty of violating antitrust law.

The Proposed Settlement fails to Adequately Address Consumer Needs The settlement does not go far enough to provide greater consumer choice, and leaves Microsoft in a position that it can continue to charge whatever it wants for its products.

As a recent Chicago Tribune story said: ''If you believe that what's good for Microsoft Corp. is good for consumers, the proposed settlement of the software giant's three-year federal antitrust battle is cause for celebration. If you believe that consumers would benefit more if Microsoft could no longer use its Windows monopoly as a springboard into new markets, you stand to be sorely disappointed.''

In addition, consumer groups have opposed the settlement. Mark Cooper, director of research for the Consumer Federation of America, said: ''Wall Street's view is that Microsoft's business model doesn't change. If that's the case, we will continue to be afflicted with the same anti-competitive behavior.''

The Microsoft Monopoly Should not be Exempt from Antitrust Laws Enforcing federal antitrust laws against monopolies is not new or novel. Antitrust law has protected free markets and enhanced consumer welfare in this country for more than a century. The Microsoft case does not represent a novel application of the law, but is the kind of standard antitrust enforcement action necessary to insure vigorous competition in all sectors of today's economy.

These same standards have been applied to monopolies in the past. We do not have one oil company determining how much we pay for gasoline, but instead we have suppliers such as Exxon, Mobil, Amoco and Chevron competing with each other. These companies were all part of the Standard Oil monopoly, which was dissolved because Standard Oil was found to have violated the antitrust laws.

Less than 20 years ago, the nation essentially had one telephone company—AT&T. After the government sued AT&T for violating the antitrust laws, the company was broken up, and competition was introduced in the long distance business. Since competition was introduced into that market, real prices have declined more than 70 percent, and there has been more innovation in the past two decades than in most of the preceding century. Settlement is Based on Flawed Economic Assumption, and Sets a Bad Precedent Some defenders of the proposed settlement between Microsoft and the DOJ have adopted the view that settling this case could somehow revive the slowing U.S. economy. Their motives are good, but their reasoning is flawed. What economic theory holds that protecting monopolies is better for stimulating the economy that promoting competition?

Conclusion

The end result is that this proposed settlement allows Microsoft to preserve and reinforce its monopoly, while also freeing Microsoft to use anticompetitive tactics to spread its dominance into other markets. After more than 11 years of litigation and investigation against Microsoft, surely we can—and we must—do much better than this flawed proposed settlement between the company and the Department of Justice.

Thank you for your time.

Regards,

William J. Menner

Grinnell, Iowa

MTC–00023550

From: m cp
To: Microsoft ATR
Date: 1/24/02 9:53pm
Subject: Microsoft

The proposed settlement cannot work. Why do they have the chance to be anti-competitive, dump crap equipment and software on our children and schools at an inflated valuation, and come out smelling like roses? If I was found guilty by the you, I seriously doubt I could say my old 2-button mouse was worth more than a laugh towards a settlement. It is your DUTY to be consistent. You need to ask yourself if you would treat an individual defendant the same way you would treat a corporation.

MTC–00023551

From: jdiu47@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:51pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Joan Domrow
5024 Hemlock Ln.
Ft. Wayne, IN 46815–5004

MTC–00023552

From: michael collins
To: Microsoft ATR
Date: 1/24/02 9:54pm
Subject: Microsoft Settlement

To whom it may concern;

I truly believe Microsoft is a detriment to the software industry and to fair competition. I'm too busy to review all the public documents on the subject, therefore I must trust the US court system with this case. Please do what no other organization can do and break up this monopoly.

thank you
michael collins
San Francisco CA.

MTC–00023553

From: Clay Lenhart
To: Microsoft ATR
Date: 1/24/02 9:54pm
Subject: Settlement

Illegal actions should be punished. Microsoft should not go unpunished.

Clay Lenhart

MTC–00023554

From: Photozen
To: Microsoft ATR
Date: 1/24/02 9:57pm
Subject: Microsoft Settlement The settlement is really bad.

MTC–00023555

From: aschuler@mc2k.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:53pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Martha Schuler
12 Aldridge Ln
Bella Vista, AR 72714

MTC–00023556

From: Scott L. Fields
To: Microsoft ATR
Date: 1/24/02 10:10pm
Subject: Microsoft Settlement

MTC–00023556 0001

I have been in Information Services for all of my professional career. I started in computer hardware maintenance in the 80's and progressed to being a Systems Architect today.

As such, I have a historical view of Microsoft, their business practices, and their attitude toward anyone that isn't them (including the government). As such, I have established a few points-of-view regarding them.

1. Microsoft dislikes any technology they do not directly control, and either will be that technogy outright, or will do anything in their power destroy it. Cases in point:

a. Stacker
b. OpenGL
c. Netscape Communicator
d. Any OS other than their own on the same hardware platform

2. Microsoft feels above the law. Whenever Microsoft has been charged with breaking the law, they have a history of litigating it to the point that the the charging party gives in (settlement or buyout), or the outcome of such a lawsuit is irrelevant (Netscape).

3. Whenever threatened in the public, they often hide behind the defense that punishing them would hurt ''innovation''. The truth is that Microsoft has done VERY little that could be considered innovation. In fact, Microsoft actively stifles innovation. Again, refer to my first point. Practically every technology Microsoft pushes existed BEFORE Microsoft implemented them.

Examples:

Source Vendor Product Microsoft Implementation

Apple Macintosh Windows
Apple Quicktime Media Player
Netscape Communicator Internet Explorer
IBM Plug And Play (AIX) Plug And Play
AOL Instant Messenger MSN Instant Messenger

What is laughable about the above is that Microsoft sounded off about AOL being a monopoly with Instant Messenger. I found that very hypocritical, and typical of how they operate.

So, if Microsoft does NOT innovate, then how come they are the largest software company in the world today? Simple, they have consistently

MTC–00023557

From: cerdon@eaznet.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:56pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Donna Orbegoso
8286 S. Navajo Dr.
Safford, AZ 85546

MTC–00023558

From: Mark Kirby
To: Microsoft ATR
Date: 1/24/02 9:59pm
Subject: Microsoft Settlement

Dear Sir or Madam:

Microsoft is continuing to abuse their monopoly in desktop operating systems to compete in other software markets. If this is allowed to continue, consumers and competitors will be further harmed. The settlement offered by DOJ is not strong enough to contain Microsoft's illegal behavior, and should be reconsidered.

I have personally observed cases where Microsoft has discounted the price of their desktop operating systems, on the condition that a corporate customer replace competitive server products. These server products include electronic mail, electronic commerce, database and internet servers.

Microsoft is also actively integrating these same services into the desktop and server operating systems.

Any remedy which does not create a competitive environment in operating system—is doomed to fail. Therefore, please consider remedies which either:

1. Force Microsoft to license their software ''code'' to potential competitors.

2. Force Microsoft to ''publish'' (to a limited, controlled audience) their software ''code'' for the purpose of identifying links between the operating systems and applications.

3. Force Microsoft to divest either the applications or operating systems business.

Thank you.

MTC–00023559

From: jeff chasick
To: Microsoft ATR
Date: 1/24/02 9:59pm
Subject: Re U.S. v. Microsoft case

MTC–00023559–0001

''it is my responsibility oversee the deployment of new technologies to our company. My position gives me ample freedom to implement whatever software or hardware I see necessary to keep the company network running smoothly and to satisfy user requests. Unfortunately, though my position may give me that freedom, the current software economy cannot.

''I would dearly love to replace all Microsoft technology in my office with Open Source software, and if the software economy give me as much freedom as my job did, I would do just that. However, the most defeating problem is what Microsoft chooses to keep secret—it's network protocols, the layout of it's Office files, and the precise technology needed to migrate from their email server.... I am asking the court to force Microsoft to publish these protocols in detail.

''I am also urging to court to act on future technologies as well. Microsoft is now planning to add vast pieces of the Internet to it's web of interdependencies. With it's initiative .Net, whole portions of the web would be cut off from non-Microsoft technologies. We have seen a glimpse of the monopolist's vision of the future with the UK and MSN portal, designed by Microsoft and accessible only with Microsoft technology....''

''Because the most successful competitors in recent years in product markets in which Microsoft holds a true or de facto monopoly (eg. personal computer operating systems, Internet browsers, and office productivity software) have arisen from the open source software community, I believe it is of extreme importance that any settlement protect and enhance this community's ability to produce products that provide end-users with viable choices.

''In my reading of the proposed settlement, such protection is not provided. On the contrary, the settlement will serve to allow Microsoft to continue to hinder the open source software community's efforts.

''The proposed settlement speaks of disclosure of APIs and licensing of intellectual property. I fear that any information disclosed by Microsoft will only be licensed to vendors or developers under conditions of a non-disclosure agreement, thus preventing the implementation of such protocols in an open source project or product. Another issue I have with the proposed settlement is the restrictions that are placed on the entities with which Microsoft must share their API's. In the

explanations I have seen of the proposed settlement these entities are restricted to 'commercial'' ventures, implying for-profit status. This is simply wrong and way too restrictive. I believe that to be truly effective the parties with whom Microsoft should share their API's and the like should be broadly defined, maybe something like 'any party or entity that could potentially benefit from such information'. In other words this information should essentially be in the public domain.''

''This settlement, if implemented as proposed, will serve to entrench Microsoft's monopolies further, by allowing it to exclude the open source software community from any future technologies and APIs it develops. As this community is currently one of Microsoft's most serious competitors, it seems unbelievable that the proposed settlement will aid Microsoft in eliminating this 'threat'' to their monopolies.

''As an example of the current 'problem'' of Microsoft's monopoly in the OS and office productivity software markets, I point to the ubiquitous '.doc'' file. This one proprietary file format I believe is one of the cornerstones of Microsoft's OS/productivity suite monopoly. Many people I know in the academic and business communities regularly purchase updated versions of Microsoft Windows and Microsoft Office for the sole reason that their correspondents send them .doc files as e-mail attachments. The options for importing these files into 3rd party applications are many; however, having personally tried a large number of such programs, both free and commercial, I can safely say that many work well some of the time, none work well all of the time. The continuing cycle of forced upgrades to maintain compatibility with correspondents lies at the heart of Microsoft's monopoly. ''As a solution to this kind of problem, I believe that Microsoft should be compelled to disclose the specifications of the file formats used by its products to anyone who sends or receives files in such formats and requests the information.

''Left unsolved, this problem is bound to be more severe in the future. It has been widely reported recently that Microsoft is considering moving to a yearly licensing-fee system for its OS and Office software. In this case, files created with licensed software and saved in proprietary formats may be permanently unavailable to the creator or owner of the data in the file if a user or company chooses to terminate its license. I may own the copyright of the work I create, but that is of little value if the only copy of the work in existence is one saved in a format to which I do not have access.

''Of course the .doc file format is not the only proprietary file format Microsoft products use, and the arguments above apply equally well to other products and file formats. The .doc format is likely the most important however, because text-based documents appear to be the most commonly shared and transmitted.

''A second cornerstone of Microsoft's monopoly is the fact that many computer manufacturers will not sell computer hardware without a Microsoft OS. I understand that the proposed settlement will prevent Microsoft from entering into exclusive arrangements with vendors, but I believe that stronger protections are required.

''If Microsoft's agreements with computer vendors forced the vendor to disclose to the computer purchaser the price of the Microsoft products included, it would help consumers choose products and vendors that were appropriate to their needs. As an example, I point to Dell which will, as far as I can tell, not sell a computer without a Microsoft OS and office productivity suite. If purchasers knew that without these products they could save some number of dollars, that now often amounts to a sizable percentage of the computer package purchase price, they could apply pressure to the vendor to provide alternative (likely less expensive) products. Microsoft has stated concerns that selling computers without operating systems equates to software piracy. This assertion is absurd, and has become irrelevant with Microsoft's newest release of Windows XP, which requires license activation.

''Having consumers and end-users with more information is clearly in the public interest. All of what is suggested here concerns supplying information that enables computer users to make informed decisions, and to access their own work on their own computer.

''I personally think that is probably a little radical, but then I see demo copies of Microsoft's XP operating system on all the workbenches of my local post offices and I do wonder what is going on here. I do not see any other vendors product demos available there. This seems to indicate implicit approval of Microsoft products and no other by a government entity? Thus I am perplexed at the current 'penalties'' being 'imposed'' on Microsoft.

They seem to be more of an encouragement for Microsoft to continue in the same ways it has been and those are the very same ones that brought this issue to the DOJ in the first place. If these are implemented as currently stated then fair business practices, innovation and competition are DEAD in the computer field.

''The Court declares Microsoft operating system products 'criminally compromised intellectual property'. This is a special state of copyright protection vacancy, under which Microsoft operating system products lose their patent and copyright protections exactly five years after their release dates.

''First off, it has one essential characteristic of anything that will be effective upon Microsoft, simplicity. They feed on loopholes. There are none in the above. There's nothing they can do about the Fed not protecting the copyrights their existence depends upon.

''There is nothing for them to cooperate with. ''This doesn't require any cooperation or good faith from Microsoft, which is also crucial. (They may actually favor this remedy, however.) ''It does actually partially break their monopoly. The AOLs and Oracles and Rick Hohensees of the world can produce thier own alternatives to Windows, based on older versions of Windows. (I personally have to be very well paid to look at a Windows desktop, but distastes vary. I use Linux.) ''The focus is on the software others are dependant on, operating systems. This leaves Microsoft untouched as to application products such as Office.

.comment: Your Voice Another Approach

Dennis E. Powell

From Florida a careful dissection of Microsoft's attempts to maintain its monopoly and to create new ones:

''I am a Software Developer who has worked in the industry for almost 30 years. I have used many Microsoft products, and have enjoyed the increasing abilities of software systems developed by Microsoft. I also enjoy using other operating systems, but as a software developer, I have to follow market trends to keep myself fed—regardless of the market trends. ''However, it is apparent that Microsoft has attempted to maintain a monopoly on the Internet Web Browser market to any casual software user. It is more apparent to a software developer who work within Microsoft operating systems. The technical aspects involved in the operating system itself, specifically, development with the Microsoft Foundation Classes and use of ''.Net'' technology marries the software developer (happily or unhappily so) to Internet Explorer, and the operating system.

''Furthermore, specific training programs such as MCSE (Microsoft Certified Software Engineer) and MCSD (Microsoft Certified Solution Developer) are geared towards maintaining the Internet Browser market by way of gearing Microsoft Certified individuals (who pay for courses and tests!) to use only Microsoft Products. Operating Systems. Software. Software Development. In an Internet enabled world, these are the tools for maintaining a monopoly on the Internet Browser Market.

''One could argue that nobody else has attempted these things on the level that Microsoft Inc. has. Yet that is my point. Nobody should. Freedom of Choice.

''The newer versions of Windows have the Internet technologies wrapped in them. This IS an obvious attempt to maintain a monopoly on the Internet Browser market. They may be able to prove that they did not do it 'on purpose', but they have done it. If I run over a man with my car, and I broke a traffic law while doing so, the offense is manslaughter. It I planned to do it (premeditated), it's Murder 1. The fact remains that a man would be dead.

''Odds are that when this is read, it will be read on a Windows NT 4.0 machine. Why? Because the U.S. Government has certified Windows NT 4.0 as a secure operating system. Furthermore, this mail message will probably be read through another one of Microsoft's applications. ''The U.S. Government, for lack of any other 'secure'' operating system, has gone with the highest bidder. Neil Armstrong quipped about going to the moon on everything built by the lowest bidder, and here the United States states that we'll go with the ONLY software manufacturer that creates an operating system. This seems counterintuitive. Freedom of Choice. If you need more proof than the software that the reader of this document is using, and my ability to predict that, I'm at a loss.

''These two points highlight the fact that the average American consumer is paying

more than once for the same software—first as consumers, then as taxpayers. When banks charge twice for ATM withdrawals, we cringe and say that it may be legal, but it is obviously immoral. Given, the hardware manufacturer is hiding the price of the operating system on new computer systems, the fact remains the same.

''This is a sticky situation, but legal recourse in the interest of the people of the United States (and the rest of the world!) should contain the following items:

''(1) Microsoft products—or products of any software manufacturer—must be sold as separate items by computer vendors. Users can then make a CONSCIOUS choice. Other software manufacturers then also have a chance to compete. Installation of the USER SELECTED software can remain free.

''(2) Any Microsoft networking protocols must be published in full and approved by an independent network protocol body. This would prevent Microsoft from seizing de facto control of the Internet.

''(3) The specifications of Microsoft's past, present and future document and network formats must be made public, so that documents created in Microsoft applications may be read by programs from other makers, on Microsoft's AND other operating systems. This is in addition to opening the Windows Application Program Interface ('windows API', the set of ''hooks'' that allow other parties to write applications for Windows operating systems), which is already part of the proposed settlement.

''(4) The level Microsoft is certified by the Software Engineering Institute must be made public to the consumer, as well as insight into their development process for Operating Systems. SEI level 3 is required by the United States Government for software companies that supply software to it (or that was coming in 1999). This certification was created to protect the government from software manufacturers that had no software development process. This same certification should protect the average consumer, AND insight into the Software Development Process for creation of their operating systems would give software manufacturer's a chance to keep up with Microsoft.

''(5) Device Driver information for new operating systems MUST be made public prior to the release of the operating system by a minimum of 6 months. This is VERY important when dealing with future web enabled embedded devices. This is also very important to the average consumer—they get a better product!

''This judgment is not only of import to the United States, where it is a national issue. It is in fact an INTERNATIONAL issue, since the monopoly itself extends to all corners of the world. Judgment in this case MUST be fair to the consumer, because future cases along these lines will look toward this precedent. And, in future, it may not be as domestic an issue.

''Furthermore, if Microsoft Inc. were a foreign company, this would be seen as a security issue. It should be seen this way despite the fact that Microsoft is a domestic software manufacturer for the SAME reasons. ''Please realize that the implications in an Internet based society reach further than the next few years. They affect society ad infinitum.''

''In summary, I believe the proposed settlement is seriously lacking, and will, if implemented as proposed, aid Microsoft in its efforts to hinder its most viable competitors. Any successful settlement must protect the rights of computer users to choose the products they desire to access their data.''

MTC–00023560

From: jpersel@home.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:56pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
John M. Persel
507 Oakview Dr.
Toms River, NJ 08753

MTC–00023561

From: root@solarflow.dyndns.org@inetgw
To: Microsoft ATR
Date: 1/24/02 9:58pm
Subject: Microsoft trial

There are some things I can say, but to keep this short since you must receive a lot of email, please don't just let Microsoft get away like this, it's a very important matter and it extends well beyond the computing world.

MTC–00023562

From: jduncan@seidata.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:56pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
James R. Duncan
338 Crestwood Dr.
Madison, IN 47250

MTC–00023563

From: Rev. Dr. Andrew Hermetz, D. D., H.M./S.H.
To: Microsoft ATR
Date: 1/24/02 9:59pm
Subject: Microsoft Settlement

What can I say that hasn't already been said?

In our Constitutional Republic and its capitalist underpinnings, there are clearly defined rules for many situations, circumstances. Adaptable, flexible, and founded on logic, these standards for self-goverence allow us to determine when a fellow citizen has stepped outside of prescribed boundaries...and ''We the People'' have found Microsoft to be guilty.

For nearly two decades, it had been an open secret among people inside the computer industry that, from its humble beginnings as a subcontractor for IBM's original Personal Computer to the World's Largest Software Co. with a 90% lock on every computer sold on the face of the Earth, Microsoft used any means at their disposal to achieve their goals. Industry insider testimony at the trial demonstrated this repeatedly. What to do next?

Surely no punishment doled out to Microsoft should be so narrow as to serve as a loophole for future violations; nor should it be so broad as to be unenforceable. One thing for sure is that no penalty should be without some form of future oversight to prevent abuse after the eye of investigators has been turned to some other matter. An effort to build and maintain a level playing field will have to utilize some method(s) for opening up some of the doors kept closed through Microsoft standard operating procedures.

I urge my duly elected public officals to take *real* action in administrating the penalty phase of this case.

Andrew Hermetz
Dayton, Ohio
Independent Research Engineer
Humanadyne
ahermetz@onebox.com

MTC–00023564

From: balanes.teresa@ssd.loral.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:56pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those

supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Teresa Balanesi
37051 S. Chrisman Rd.
Tracy, CA 95377

MTC–00023565

From: nesservco@home.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:57pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Lynn Nordeen
2Windy Hill Lane Laguna Hills, CA 92653–6077

MTC–00023566

From: Dave
To: Microsoft ATR
Date: 1/24/02 10:01pm
Subject: Microsoft Settlement

Hey All,

I wented to let y'all know that I think the Proposed Settlement is a bad idea. I am not convinced that the Settlement Proposal as it exists goes far enough to restrict Microsoft's anticompetitive practices. At very least, Microsoft needs to publish all of its APIs so that applications can be developed with the intent to port to windows and non-windows operating systems without licensing restrictions.

Thanks,
Dave Cotton
friend@vortex4.net

MTC–00023567

From: csmith@stoneboro.
uucp.cirr.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:00pm
Subject: Microsoft Settlement

I am appalled at how Microsoft is being turned loose to repeat its antitrust violations. Breaking MS up into an Apps half and an OS half would at least have addressed the problem. The proposed settlement, especially if implemented by MS in the way they historically do ''comply'' with such orders, will do almost nothing to keep them from using their OS monopoly to gain a monopoly in any software they want to. It falls woefully short of the minimum needed.

Chris Smith
1408 Stoneboro
Richardson TX 75082

MTC–00023568

From: udochef@msn.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:57pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Udo Walter
76481 Bob Levy Rd. #1
Talisheek, LA 70464

MTC–00023569

From: Ray Morro
To: Microsoft ATR
Date: 1/24/02 10:02pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am writing to register my objection to the proposed Microsoft settlement. I do not believe the current proposed settlement serves the interests of promoting competition or remedying the impact on the Amercian consumer, nor does it fully redress the actions committed by Microsoft in the past or inhibit their ability to commit similar actions in the future. The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Furthermore, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

Finally, I believe the settlement should include requirements for Microsoft to provide open access to interfaces between its products, and to provide an unbundled version of Windows (no Internet Explorer, no Windows Media Player, etc.). These actions are needed to afford competitive products, including open source alternatives, with an environment in which they can compete on a level playing field with a competitor which controls the incumbent desktop operating system technology. Without true, timely and open access to interoperability information, the barriers of entry for alternative commercial and open source products will be too high to overcome the leverage held through its desktop operating system monopoly. To truly avoid a recurrence of past practices, an oversight committee of some sort is truly needed. Your attention to this matter is greatly appreciated.

Sincerely,
Raymond Morro
Telecommunications Engineer
Lucent Technologies
Wayne, New Jersey

MTC–00023570

From: omcquain@neumedia.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:59pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Okey McQuain
227 Evergreen Drive
Elkins, WV 26241–3007

MTC–00023571

From: Scott L. Fields
To: Microsoft ATR
Date: 1/24/02 10:06pm
Subject: Microsoft Settlement

Scott L. Fields
4220 River Birch
Fort Worth, TX 76137
Phone: 817–847–7889

MTC–00023572

From: Mary Irvin
To: Microsoft ATR
Date: 1/24/02 10:03pm
Subject: Microsoft Settlement To whom it may concern:

I believe that this matter has been litigated long enough. The Government, Microsoft, and a number of states have determined that the Settlement is acceptable and I don't think it is in the public interest for the attorneys general of a few states to drag this out any longer. The public will ultimately pay for this litigation-past, present, and future-and we have paid enough.

Stop it now and let everybody get on with their business.

Robert A. Irvin, Taxpayer

MTC–00023573

From: lbparker@attbi.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:01pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Larry Parker
8134 Vomac Road
Dublin, CA 94568–1442

MTC–00023574

From: leybie@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:01pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Lee Bonney
1764 S. Holland St
Lakewood, CO 80232

MTC–00023575

From: Frank E. Friedman
To: Microsoft ATR
Date: 1/24/02 10:50pm
Subject: Microsoft Settlement

To Whom It May Concern,

Regarding the Microsoft settlement, I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundred, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices. Microsoft has been declared guilty of past wrongs, and must now be held accountable in some measure.

In previous antitrust cases, companies such as the phone company and Standard oil were broken into pieces (many pieces) in order to restore competition. Granted, after each breakup, the economy declined a bit. However, competition was restored and the economy came back stronger than before. With competition restored, employment will rise and innovation will be stronger than it has in the past decade.

I say that the DOJ and US government should be putting a stop to Microsoft's monopoly. Breaking up the company is one way to restore a level playing field (or competition). Other methods to level the playing field would be to force them to release their file formats, source code, protocols, API's or something similar. (However, even that may not be enough). But the current settlement simply shows that the government no longer has the power to enforce the laws that control our capitalist country. Microsoft will continue to do what it has done in the past knowing that they can get away with it.

Thank you for your time,
Frank E. Friedman
Frank E. Friedman
fritz68@timmie.dhs.org

I do not feel obliged to believe that the same God who has endowed us with sense, reason, and intellects has intended us to forgo their use.—Galileo

MTC–00023576

From: Robert Pulaski
To: Microsoft Settlement U.S. Department of Justice
Date: 1/24/02 9:59pm
Subject: Microsoft Settlement

Robert Pulaski
190 Harper Loop
Grants Pass, OR 97527–5338
January 24, 2002

Microsoft Settlement U.S. Department of Justice

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Robert Pulaski

MTC–00023577

From: Doug.Reed@infonet.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:02pm
Subject: Corruption in the Courts

To whom it may concern,

I am no lawyer, but I am a United States Citizen, and as such, I find the Microsoft settlement disturbing. From my view the only possible explanation is corruption on the part of Judge Coleen Kollar-Kotelly. She has effectively eliminated any impediment to an absolute monopoly by Microsoft Corporation, and done irreparable harm to the antitrust laws in the United States. In the future, any monopolist can use these proceedings as precedent to completely ignore US Antitrust law. I not only urge that the Justice Department review this case, but that Judge Coleen Kollar-Kotelly be investigated for her obvious complicity with Microsoft.

Regards,
Doug Reed
Redondo Beach
California

MTC–00023578

From: DMFBuggydriver@AOL.COM@inetgw
To: Microsoft ATR
Date: 1/24/02 10:03pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Dennis Franklin

RT.#3, 4113 Bennett Ave.
Billings, MT 59105

MTC–00023579

From: rjjenkel@gjct.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:03pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Robert L. & Joyce Jenkel
587 E. Conestoga Circle
Grand Junction, CO 81504–7004

MTC–00023580

From: jim2@bellatlantic.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:02pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
James Mullins
329 Riverside Drive
Logan, WV 25601–4033

MTC–00023581

From: Sharon Stone
To: Microsoft ATR
Date: 1/24/02 10:06pm
Subject: microsoft settlement case

I believe Microsoft used its enormous size and its dominance in the operating system market to essentially eliminate its competition in the browser market.

They have done the same thing in many other areas of software development. How can new business start up if they don?t having a fighting chance against Microsoft. He has all the money and power to wipe out any new business that may appear.

The monopolistic, anti-competitive practice will continue to grow with the growth of MSN, the Passport service, Windows XP.

I disagree with the settlement proposed by the Dept of Justice, it does nothing to stop these practices by Microsoft.

Yours sincerely,
Lucille Khornak.

MTC–00023582

From: Tom Kazunas
To: microsoft.atr(a)usdoj.gov
Date: 1/24/02 10:05pm
Subject: Microsoft antitrust

The proposed Department of Justice/ Microsoft settlement is NOT a sufficient remedy for Microsoft's monopolistic business practices. A United States federal appeals court has determined that Microsoft is guilty of numerous antitrust law violations, yet Microsoft blatantly continues those same practices. I sincerely hope you will reward Microsoft's scorn with an appropriately severe penalty.

Thank you
Tom Kazunas
Madison, WI

MTC–00023583

From: Chris Dennin
To: Microsoft ATR
Date: 1/24/02 10:07pm
Subject: Microsoft Settlement
Dear Sirs,

I writing this note in response to the Microsoft Settlement. I feel Microsoft should be punished for their strong arm tactics over the past several years and punished severely. However I do not think it should be crippling and here is my 2 part proposal.

Part 1:Microsoft should be required to make their existing software code available to everyone much in the same way Linux does.

Part 2: Whatever the dollar figure Microsoft is to be fined. The courts should multiply it by 5 and allow them to pay it off over 20 years, much the same way the Tobacco Settlement was designed. The fine should be paid only in CASH only. Not software or hardware and should be paid directly to the States to do with as they please.

Regards,
Christopher G. Dennin
8701 Shore Road
Brooklyn N.Y. 11209

MTC–00023584

From: smokeyblu@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:04pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Charles N Culp
501 Kennard ave
Edgewood, MD 21040

MTC–00023587

From: Jim Bauer
To: Microsoft ATR
Date: 1/24/02 10:08pm
Subject: Microsoft Settlement

I am witting to say that I am strongly against the proposed Microsoft settlement. The only effect it will have on Microsoft's business practices is to *increase* their Monopoly hold on much of the computer industries. It fails to really address many key areas including the need to have only open (documented and freely available) protocols and file formats.

The sole purpose of the government is to protect the rights of the *people*. IT is clear that no one was thinking of the people when this settlement was drafted. —

Jim Bauer, jfbauer@home.com
Elkridge MD, US

MTC–00023588

From: Lana Taylor
To: Microsoft ATR
Date: 1/24/02 10:08pm
Subject: Dear Attorney General Ashcroft, please have the department back away from

Dear Attorney General Ashcroft, please have the department back away from the Microsoft case. The first go-round of the case against them began the downward spiral of our economy in March of 2000—this will not enhance our prospects for recovery. The case is needless and flies in the face of free enterprise!

Please take care of yourself and get some well-needed—earned rest, you have bigger fish to fry in regards to ensuring our nation's safety. I know you inherited a lot of this from you-know-who's administration, but let's keep on with the truly important things, preservation of life and security issues.

I am so proud to know you and to have supported you and Janet in your campaigns for office. I hope your family is all doing well and that Jimmy is getting more delightful with each passing day. I missed your Christmas card this year with an update, too!

Warmest regards,
Lana R. Taylor
1318 E. 152nd Terrace
Olathe, KS 66062–6707
913 764–6646

MTC–00023589

From: bhutson@swbell.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:05pm

Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Bill Hutson
406 Lincoln
Deer Park, TX 77536–6250

MTC–00023590

From: Howard C Woodard
To: Microsoft ATR
Date: 1/24/02 10:08pm
Subject: Microsoft Settlement

In response to the public comment period to the proposed Microsoft settlement. I would like to voice my opinion.

I think enough of taxpayer resources have been expended on this case. It should be settled at once to allow the resources to be used on other legal needs.

I never agreed with the charges and effort. I see it setting a dangerous legal precedent.

Companies who cannot compete with an innovative organization will come to the government and use taxpayer resources to help them do what they were unable to do in the market place.

The market will always solve these problems in the long run and should be left to do so.

If you review the history of anti-trust cases almost every case cured a problem that no longer existed because the market had moved on to newer technology.

Settle the case and allow Microsoft to provide the products that the public demands.

Sincerely,
Howard C. Woodard, CCP, CCNA, CCAI
Associate Professor of Information Systems & Communications

MTC–00023592

From: Gordie Freedman
To: Microsoft ATR
Date: 1/24/02 10:10pm
Subject: Microsoft Settlement

I am writing under the Tunney Act concerning the proposed Microsoft Settlement (United States v. Microsoft Corp., Civil No. 98–1232).

I believe the settlement is unfair, as it will not serve to end Microsoft's unlawful conduct, and does not adequately penalize Microsoft for it's unlawful conduct. I have co-signed a petition which details my position in greater detail, and am writing this to officially note my opinion as allowed by the Tunney Act.

Thank you very much,
Gordon Freedman

MTC–00023593

From: Kyle Lussier
To: Microsoft ATR
Date: 1/24/02 10:10pm
Subject: Microsoft Settlement

The Microsoft anti-trust case is about one thing alone. It is about a company, that has become so dominant as to be able to deprive others, including competing software companies, of our right to the freedom to compete. Microsoft has absolutely done that, and they continue to do it. This fight is a fight for our freedom to build the software that we want to build. Microsoft will never allow us to build software well, that competes with anything they offer.

I ask of the judge, please *DO NOT* support the Bush settlement. The only people saying it will fix the problems is Ashcroft, Bush, and Bill Gates. All of which have financially benefited from Microsoft. America's entrepreneurs are being deprived of our freedom to compete.

That is what this case is all about. I have read that Rupert Murdoch is scared of Microsoft's control and that makes me even more scared. The *only* hope is at your feet judge. Please throw down the politically and financially motivated Bush/Ashcroft settlement and return to America's entrepreneurs, our right and the freedom to compete with Microsoft.

As it stands now, they control who competes, and they are making decisions that deprive of us of our rights to compete.

This case is a lot simpler than it would seem.

Kyle Lussier
AutoNOC LLC
770 222–0991 x15
770 222–0998

MTC–00023594

From: smith.house@sbcglobal.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:12pm
Subject: Microsoft Settlement

I have read over the text regarding this issue, and many commentaries. I am completely against the settlement as proposed, and my opinions follow:

1. When I buy a new computer, I want a choice of OS. Since Microsoft began coercing OEM's to *only* install Microsoft products, there has sadly been little choice of OS. A few IBM computers with OS/2 were available once, and now one or two are available with Linux, but that is about it. One has to search far and wide to find any kind of pre-installed choice on a new machine. If I am going to buy a new machine and replace the Microsoft product [with FreeBSD, at this point], I don't want to have to pay the extra price for the Microsoft License I will not use, and I don't want Microsoft getting any of my hard-earned money. That is what choice is about—deciding who will get my money.

2. The specifications of Microsoft's present and future document file formats must be made public, so that documents created in Microsoft applications may be read by programs from other vendor's programs [whether it be word processor, spreadsheet or database], in addition to the APIs, already part of the settlement.

3. Any Microsoft networking protocols must be published in full and *approved* by an independent network protocol body before they can be implemented. This would prevent Microsoft from seizing de facto control of the Internet, and maybe even prevent some of the glaring security flaws in their software [mail programs and server OS's alike].

I'm not anti-Microsoft.. I just want to make sure that there is fair competition. Customer satisfaction resulting from experience with a number of different OS's should be the standard by which the ''best'' OS is determined, not the marketing arm of Microsoft.

As it stands, IBM's OS/2 Warp 4.0 is *still* an entirely better product for desktop computing than anything Microsoft has yet to unveil. IBM just couldn't conceive of stooping to their level to market their software.

In the end, capitalism, to work effectively, requires competition. This settlement doesn't allow that.

J. Marshall Smith
St. Louis, MO
System Administrator
Amateur Radio Callsign N0OCT

MTC–00023595

From: sparksphoto@juno.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:09pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
William McDermott
790 Birch St
J.C., OR 97448

MTC–00023596

From: PLR595@AOL.COM@inetgw
To: Microsoft ATR
Date: 1/24/02 10:09pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Phillip Reynolds
25844 May Street
Edwardsburg, MI 49112–9149

MTC–00023597

From: normdn
To: Microsoft ATR
Date: 1/24/02 10:13pm
Subject: Microsoft Settlement

I would like to log my opinion re the importance of the DoJ coming to a quick and fair settlement. The courts earlier offer I thought was a fair and generous one and was disappointed to see that the judge overseeing did not agree. It is time for the DoJ and the other states that did not go along with the initial settlement to bring this to a speedy recovery. I was especially disapointed to see that my own state of Iowa did not join in the earlier settlement offer and decided to continue to spend my tax payer on continued litigation. The only benefactors of this continues to be the lawyers. I was also disappointed to see that AOL has now joined to try to get an additional piece of the pie. Netscape did not gain market share because they were trying to milk the consumer for additional revenue for a service that a competitor was able to offer for free. Getting out smarted should not be the basis of litigation in the open marketplace. It is only hurting consumers such as myself and the free enterprise system if companies such as Microsoft are forced to continue to battle and sacrifice vital research and develpement dollars to defend themselves. AOl appears now to try want to salvage their overpayment(billions) for Netscape by taking advantage of the DoJ's incapacity to accept a valid legal settlement agreement with continued interferance and indecision. Its time to move on and let the free marketplace and the consumer decide who are winners and who are losers. And its time for the DoJ to do the same and turn their energies to more important pressing national security issues. Thanks for the opportunity to voice my opinion.

Respectfully,
Norman D Nieuwenhuis
Orange City, IA

MTC–00023598

From: Sebastian Mindling
To: Microsoft ATR
Date: 1/24/02 10:13pm
Subject: Microsoft Settlement

The proposed Microsoft settlement is a really bad idea. It does little in quite a few areas to restrict Microsoft from engaging in anti-competetive business practices, and specifically in sections III.D. and E. it severely restricts any non-Microsoft implementations of the Windows APIs. This is a key failure, given that some of Microsoft's strongest competition comes from open source projects like Linux and WINE.

Thank you,
Sebastian Mindling
Lithocraft Inc.

MTC–00023599

From: Daethe@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:14pm
Subject: Microsoft Settlement

For what MS has done, they deserve far more punishment than they are receiving in this settlement. It also appears to me that these conditions will do little to prevent similar behavior in the future. There is also the troubling matter of MS's unwillingness to cooperate with extenal parties to provide adequate security for its products. Given their ubitquity, this is a public health and national security concern. These settlement conditions are simply too favorable to MS, and too weak to provide protection to non-MS entities.

MTC–00023600

From: shillmann
To: Microsoft ATR
Date: 1/24/02 10:15pm
Subject: Public Comment

Your Honor,

I have watched the personel computer industry mature for 17 years. During that time I have seen Microsoft steal, copy, or otherwise take some of the best ideas and products of smaller firms and talented individuals, disguise them as a Microsoft innovation and bundle it with their Windows operating system, effectively snuffing the life out of smaller, less powerful companies and individuals. If they can not steal the idea, they buy it and let it die on the vine. If you agree to this settlement, computer innovation will be what Mr. Gates says it should be. This industry is too vital to the future of the world economy to let it be controlled by one man or one company.

I urge you to reject this settlement offer. Do not let Microsoft, an illegal monopoly, get away with a slap on the wrist. They have abused their power in the market palce and acheived their dominant position in the industry by violating the law. They were found guilty and should be effectively punished. The punishment should open the doors to competition which will inevitably stimulate the flow of new ideas in this country and others. Competition is critical to today's information economy and I believe will ultimately force Microsoft to become a better software company. Please do not let the political motivations of the Bush justice department override the sound judgement of the trial judge who seemed to have an understanding, at a fundamental level, of the importance of a strong remedy in this critical case.

I would like to see at least two Microsoft divisions; operating system and applications. Outside application developers should have the same access to operating system interfaces as the Microsoft application company. This plan is of course not original with me but gets to the heart of the matter. I do my computing on the Macintosh platform as it remains one of the last havens of forward thinking in the industry. Unfurtunately, even Apple Computer is threatened continuously with extinction by the monopolist in Seattle who continue to copy Apple ideas to this day.

Thank you for your time.
Scott J. Hillmann, MD

MTC–00023601

From: Roger Townsend
To: Microsoft ATR
Date: 1/24/02 10:15pm
Subject: Microsoft settlement

Dear Mr. Ashcroft,

I think the Justice Department should drop all action against Microsoft and let the company get back to normal operations. Penalizing Microsoft for being a World leader in technology and providing this country with balancing exports to offset our dreadful trade deficits is sending the wrong message. It just isn't the American way to punish success.

Sincerely,
Roger G. Townsend
1471 West Genesee Rd.
Baldwinsville, NY 13027–9665

MTC–00023602

From: ritesavd@cfw.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:12pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Tony Wright
104 Southfork Drive
Waynesboro, VA 22980–9363

MTC–00023603

From: Stephen D. Williams
To: Microsoft ATR
Date: 1/24/02 10:16pm
Subject: Microsoft Settlement

As a software engineer with over 19 years of experience who is also a consultant to the government, businessman, and consumer, I would like to comment on the Proposed Final Judgment <http://www.usdoj.gov/atr/

cases/ms-settle.htm> in United States v. Microsoft.

Language in the agreement:

Specific complaints:

Definitions that indicate that only commercial products are covered completely excludes open source ''products'', projects, cooperatives, or even use by individuals. Open source projects are often the only viable alternatives to many Microsoft products that have reached effective monopoly status in the commercial marketplace. In addition to the basic operating system, this includes all kinds of middleware, office software, many communications components, project scheduling, closed authentication systems, and undocumented protocols, apis, and file formats. OEMs, hardware vendors, large users, ISVs, and ISPs should be held at arms length and not be coerced with regard to any potentially competitive product, bundle, interface, etc.

Enforcement is extremely weak and based on past Microsoft disregard for even federal gov. agreements, this agreement has no teeth to accomplish anything. Microsoft will stall and buy its way out of any attempted action on this plan with resources that are a miniscule fraction of the benefit it drives from past, present, and future illegal monopoly maintenance and collusion.

General comments:

The computing industry, contrary to the simplistic views of non-technical consumers saturated with Microsoft marketing, has been severely held back by the lack of competition in many areas caused by the Microsoft monopoly and Microsofts repeated and pervasive illegal efforts. My estimate has been that we are 10 years behind where we would have been had there been an open operating system, office product, development environment, etc. Progress made in the last five years on GNU/Linux and other software projects seems to bear this out. Unless anti-competitive actions are terminated with extreme measures, the economy and progress in technology and society will continue to suffer greatly.

It is telling that the Only attempts that even go beyond planning in many application areas are open source projects where Microsoft can't buy the company or product out of existance, or otherwise prevent a viable market. The barriers to entry are gigantic in any commercial space where Microsoft has been able to extend and tie to the existing monopoly pool, beginning with the operating system and office software. Microsoft will continue to thwart the spirit of antitrust/Sherman Act law and therefore constitutes a threat to the proper function of American commercial activity. Without competition and with an ever increasing breadth of product, there is potentially no end to the number of industries, products, services, and everyday actions that Microsoft may control, benefit from, and essentially to tax as a sovereign entity.

sdw —

Stephen D. Williams

Former Consultant to AOL (1995–1998)

High Performance Technology, Inc.—Senior Technical Director

Concinnous Consulting, Inc.—President and Senior Consultant

43392 Wayside Circle

Ashburn, VA 20147–4622

703–724–0118 703–371–9362 Mobile

MTC–00023604

From: Thomas Keefe
To: Microsoft ATR
Date: 1/24/02 10:15pm
Subject: settlement

Please settle this case..I believe it is harmful to every citizen that companies choose to litigate rather than to compete. I do not believe the public has been harmed because Microsoft has consistently developed a better product. Remember the way people waited in line for hours to be able to get the latest product???

Nobody made them be there. They were excited because it was a Microsoft product. I also feel that the stock market has gone into a free fall with every threat (by lawsuit) of a competitor. I think the very real fear here is if the Justice Department can disrupt Microsoft in the way that it has what chance would a smaller start up have if they became competitive?? This lawsuit has had a damaging effect on the whole country and it's values. I do not understand how if AOL was willing to pay BILLIONS OF DOLLARS FOR NETSCAPE how they were hurt financially. AOL has not done anything to enhance Netscape since they purchased it...How is that Microsofts fault???

Thank You , Ann & Tom Keefe

MTC–00023605

From: Roy Bixler
To: Microsoft ATR
Date: 1/24/02 10:17pm
Subject: Microsoft Settlement

Roy Bixler
1312 E. 53rd St.
Apt. 211
Chicago, IL 60615

Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

As a systems administrator and programmer, I have followed the Microsoft anti-trust case with great interest and would now like to comment on the Proposed Final Judgement. While the Judgement's goal of ''prompt, certain and effective relief'' is an admirable one, I fear that the proposal, if approved, would fall short of bringing effective relief. Particularly, release of Windows interoperability information to independent developers is a step in the right direction, but the Judgement's provisions do not go far enough. The problem of Microsoft's monopoly will continue unless their ability to impose proprietary standards is curtailed.

Open Source Software such as the Linux operating system and the KDE desktop have been mentioned in the trial as potential competitors to Microsoft, but there is no provision in the Judgement explicitly allowing Open Source developers access to interoperability information. Right now, Open Source desktops are a niche in the market and, for example, if the developers of Open Source desktops had access to information on Word document file formats, the opportunity for market gains would increase. But, since the Word document format is secret and only Microsoft software can be fully compatible, businesses are stuck with requiring Microsoft software for internal and external collaboration.

Another example is the Kerberos Authentication Protocol. This was originally an open standard developed at Massachusetts Institute of Technology. Eventually Microsoft adopted it for Windows 2000 authentication. However, there is a secret authorisation field in Microsoft's implementation and, as a result, only a Windows server can authenticate Windows clients. Microsoft does not yet possess monopoly power in the server market, but this proprietary pollution of an open standard is an attempt to attain a server operating systems monopoly by leveraging their overwhelming market share in client operating systems. Requiring Microsoft to disclose interoperability information to open source software developers would allow savvy Chief Technology Officers to better manage their dependencies on Microsoft, an already dominant vendor.

It is my hope that access of Microsoft interoperability information to open source developers can create a more competitive market in PC operating systems and maintain a level playing field in competition for the market in server operating systems. Such access would not impinge Microsoft's ability to ''innovate'', but it curtails their ability to stifle competition.

Respectfully,

Roy Bixler

rcb@bix.org

24 January 2002

MTC–00023606

From: Helga Walter
To: Microsoft ATR
Date: 1/24/02 10:17pm
Subject: Microsoft agreement

Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW Washington, DC 20530–0001

Dear Mr.. Ashcroft:

I am happy to hear that Microsoft and the government have reached an agreement. I think Microsoft has conducted itself appropriately as a corporate citizen throughout this entire ordeal, and think what they have agreed to do is fair for all.

If I understand it correctly, Microsoft has agreed to establish a ''Technical Committee'' that will monitor Microsoft's compliance with the settlement and assist with dispute resolution, as well as agreed to terms that extend well beyond the products and procedures that were actually at issue in the suit, for the sake of wrapping up the suit, and has granted computer makers broad new rights to configure Windows so as to promote non-Microsoft software programs that compete with programs included within Windows. Mr.. Ashcroft, this settlement shows the kind of company Microsoft has always been and that is a company that cares not only about sales, but also about the consumer's needs and abilities to have access to its innovative product. I support this settlement, and hope it will be approved at the end of this comment period.

Sincerely,
Helga Walter

MTC–00023607

From: rmkidd@flare.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:14pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Richard Kidd
1090 Yale Farm Rd.
Romulus, NY 14541

MTC–00023608

From: Randy Campbell
To: Microsoft ATR
Date: 1/24/02 10:19pm
Subject: Microsoft Settlement

I wish to comment on the proposed settlement with Microsoft Corporation. I am a software engineer, working for a large corporation. Although Microsoft/Intel (or Wintel) platforms are not my most common development target, I have done some work in that area. Although Microsoft has some fine products for software development, I have also experienced the pain and annoyance of dealing with Microsoft ''extensions'' or alterations to industry standard interfaces, chiefly POSIX, HTML, and the DCE RPC API in my experience. Microsoft clearly implements these changes to make software developed for their platform incompatible with software developed on other development platforms *that follow the same standards*. I see nothing in the Proposed Final Judgement that would prohibit this practice.

Further, I note that Section III.A.2 of the PFJ fails to prohibit Microsoft from retaliating against OEMs who might choose to ship some systems with a competing OS and NO Microsoft OS. In other words, as I read it, Microsoft is only forced to allow coexistence of other OSes with theirs. This seems to drastically subvert the purposes of the suit.

I believe there are probably other flaws and loopholes in the proposed agreement, but I don't have time to comment on all of them.

Please take the above problems into consideration and alter the settlement.

Thank you,
Randall B. Campbell

MTC–00023609

From: Mike (038) Amy Coutinho
To: Microsoft ATR
Date: 1/24/02 10:15pm
Subject: Microsoft Settlement

Hello,

I am very displeased with the proposed settlement between Microsoft and the United States Department of Justice. If the settlement were to go through as it stands now, there would be no benefit to the consumer. The settlement is a bad idea.

Microsoft has played unfairly in the computer industry, hiding their API's, making secret deals, purchasing companies to decimate markets and in general not playing well with others. Please make Microsoft pay for what they have done.

I have never met a person who was excited to shell out $400 for office, nor have I met anyone who can say they ''love'' all the great features of windows.

mike coutinho
614–475–1677 —

MTC–00023610

From: Neal
To: Microsoft ATR
Date: 1/24/02 10:19pm
Subject: Microsoft Settlement

My Name is Neal R. Haslam.

I wish to have my comments included among those who do not agree with the Microsoft settlement. I have done a great deal of reading on both sides of the issue and personally feel that We, the American People, will not be best served by the settlement as it stands.

I believe that a portion of our freedoms are at risk. I believe the settlement will allow Microsoft to continue its current practices without consequence. I believe We are exposing Our collective selves to a psuedo-governence by a corporate monopoly.

We all know that societal computer networking, internetworking for the purpose of exchanging and storing personal and financial data, is increasing rapidily. It is becoming the means by which our banking, education, entertainment and even health care will be recorded and tracked. Standardization of those records is mandatory, but allowing a single corporate entity, who holds its own pecuniary interests paramount, to set those standards is contrary to the American way or life.

Please do not let that happen. America is willing to wait to have the issue thoroughly evaluated and solutions properly developed. Let's do it right.

Neal R. Haslam
500 Bayview Terrace
McAdoo, PA 182387

MTC–00023611

From: FRANKSADLO@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:21pm
Subject: MICROSOFT SETTLEMENT

I HAVE WATCHED THIS FROM THE START. MR. GATES & COMPANY HAVE DONE NOTHING BUT STEAL OTHER PEOPLE'S WORK AND MAKE A HUGE FORTUNE OUT OF IT WHILE WREAKING HAVOC ON THE CONSUMERS. THEIR DOS SYSTEM WAS NOT THE BEST SO WHAT DID THEY DO ? THEY DROVE DIGITAL RESEARCH OUT OF BUSINESS AND THE OWNER COMMITTED SUICIDE (OR SO I HEAR). THEY TRASHED NETSCAPE WHEN IT WAS FAR BETTER THAN EXPLORER, DUE TO THEIR BUNDLING AND THEY WITH HELD THE SOURCE CODES FROM IBM FOR W95 UNTIL THE DAY IT WAS RELEASED WHICH COST IBM $24 MILLION DOLLARS. THE BIG SECURITY HOLE THAT WAS FOUND IN XP APPLIES TO ALL THEIR INTERNET EXPLORER PACKAGES (I FOUND THIS OUT BECAUSE I USE W98, NT, APPLE OS-X AND OS-9) AND ALL THE FIXES WERE RELEASED THE SAME DAY. THE DAY MICROSOFT LOST THE SUIT I BOUGHT AN APPLE IMAC. I HAVE NEVER BEEN HAPPIER WITH ANY COMPUTER (EXCEPT PROBABLY THE FIRST ONE I BOUGHT IN 1987) AND SINCE MAC OS-X HAS BEEN RELEASED THIS IS A DREAM. AFTER LOOKING AT OS-X AND WINDOWS NT I FOUND OUT THAT NT IS ALSO A RIP OFF OF UNIX. THANK MR. GATES FOR CREATING ANOTHER COMPLETE DISASTER OUT OF A GOOD OPERATING SYSTEM. NOW I HEARD THAT M/S WANTS TO SETTLE ANOTHER SUIT BY GIVING A BILLION DOLLARS WORTH OF THEIR OPERATING SYSTEM RUNNING ON REFURBISHED COMPUTERS TO SCHOOLS BUT THE LICENSE IS ONLY GOOD FOR FIVE YEARS (THIS WAS REJECTED BY THE COURT, THANK GOD). MR. GATES WANTS A DIGITAL WORLD BUT WITH ALL THE FEES AND ROYALTIES IN HIS POCKET. THIS PREDATORY MONOPOLY MUST BE STOPPED AND THE ONLY ONES WHO CAN DO IT IS THE FEDS.

THANKS FOR YOUR TIME- FRANK SADLO

MTC–00023612

From: corky
To: Microsoft ATR
Date: 1/24/02 10:21pm
Subject: Microsoft Settlement

Dear DOJ

I do not come from your country. But I feel the way you have caved into Microsoft, effects me and indeed everybody that has to put up with Microsoft's blatant and deliberate quest to quell free choice and to keep its monopoly of a huge section of the IT market.

Your department is known around the world as one of the leaders in protecting the rights of the individual. Your settlement with Microsoft is a mockery of those ideals. The people you clam to protect are now powerless and frustrated. The awful truth is staring them in the face. The DOJ can be bought like any politician or police man. There is nobody left to protect them.

Liam

MTC–00023613

From: Bill Treadway
To: Microsoft ATR
Date: 1/24/02 10:23pm
Subject: Microsoft Settlement

Microsoft and Mr. Gates have laid waste to hundreds of companies, partners and competitors in the world of personal computers. It is true that they are better business men than most of their victims.

Unfortunately they have also been shown to be liars and law breakers. Those of us who use computers to make our living (as opposed to those of us who make our living off of computer users) pay daily for the lack of choice and the half assed implementations that we HAVE to use. We have to use them because Microsoft has been able, through illegal and unethical means to amass such a huge position of control of the market place.

I'm sure that the damage they have done to computer users, shareholders of other companies and the economy in general can never be repaired but you can keep it from getting worse. If you simply make them sit in a corner, or (even worse allow this giveaway of hardware and software instead of money) to be their punishment they will simply smirkl at your ignorance and continue in their foul and arrogant fashion. You have the power to put a stop to this and injejct some variety and competition into this market again . . .don't blow it.

Bill Treadway

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MTC–00023614

From: Grant Shackelford
To: Microsoft ATR
Date: 1/24/02 10:22pm
Subject: Microsoft Antitrust Suit

I am an individual that makes a living from computers and computer networks. As such. I have worked around computers, operating systems, and the Internet for over 10 years. I have tried to keep up with the Microsoft antitrust suit over the last several years and I must say I was very optimistic about how the suit was going until recently. Microsoft, in typical fashion, showed their arrogance by trying to buy public opinion, fabricate evidence, and in general avoid the issues and lie about their monopoly practices. After the issues with Judge Jackson and his public comments, it seems as if Microsoft is going to get away with exercising their monopoly power because the Justice department wants to avoid a long drawn out legal process. At this point, it seems that the Justice Department is seeking the path of least resistance and intends to give Microsoft a figurative slap on the wrist and make them promise to be good. In my opinion, this would be tragic. The US Government itself has had assets and information put at risk because of the insecurity and unreliability of Microsoft products. For this and their monopolistic practices, they need to be levied with real punitive action that will have a permanent positive effect on the behavior of this software monopoly. To merely levy fines and extract hollow promises to try to do better from Microsoft is the wrong approach to take. Microsoft needs to either be reorganized or forced to open up their APIs and potentially their source code to foster some competition. They should also be required to void all of the exclusive agreements with computer companies regarding what opearting systems and software can be placed on their systems. Microsoft already controls the desktop, the default start page for most people, most of the desktop operating system, and many of the applications used by most people. Would the US Government sole source this many components of any critical infrastructure from the same supplier?

Grant Shackelford

Louisville, KY

MTC–00023615

From: dhoffma2@isd.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:19pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Dean Hoffman
12908 Hennen Rd
Burnsville, MN 55337

MTC–00023616

From: Anne Reuter
To: Microsoft ATR
Date: 1/24/02 10:23pm
Subject: microsoft settlement

I am writing to you to express my concern about the Microsoft settlement. Over the years, Microsoft has become a monopoly that dominates the technological world we live in at work as well as at home. It is apparent that Microsoft is a part of our daily lives as we send e-mails, compose letters via word processing, develop databases, prepare spreadsheets, etc? It seems we have no choice but to use Microsoft! This monopoly in turn has created shortfalls: poor quality software as well as lack of customer support. A company such as Microsoft does not prevail because they have a product worthy of public support but because they have violated anti-trust laws and have eradicated and/or removed any competition that challenges their market share.

Because of the lack of competition, Microsoft has dominated our lives in the past decade. How can we say we have a free, open and competitive market, if we continue to allow one company to monopolize the technology market. I trust that the United States government will do the ?right thing? by imposing an adequate sanction on Microsoft for anti-trust violations as well as insure that Microsoft no longer has an edge over the competition. Otherwise the time spent by the Department of Justice as well as the taxpayers money will have been a waste and it will be business as usual. What message do we send to our youth and children if business continues as usual? I believe we are sending the message the if you are a powerful company such as Microsoft you can circumvent the law.

Thank you for affording me the opportunity to voice my concerns.

A. Reuter

MTC–00023617

From: Dave Dahl
To: Microsoft ATR
Date: 1/24/02 10:24pm
Subject: You guys are missing the boat!

Hello,

Please don't miss this point . . . Microsoft's monopoly extends back to 1996 when they killed all competition in the word processor market by introducing ''MSWord for Windows'' at $99. At the time, Wordperfect dominated and Microsoft's calculated cut-throat $99 new price point for Word basically killed the $400 Wordperfect.

Microsoft survived that price point because revenue from the OS division funded this monopolistic move. It's also common knowledge that Microsoft did not share Windows technology with Wordperfect at that time which let them gain timing advantages.

THE PROBLEM IS NOW IN 2002, with Wordperfect and others removed, Microsoft raised the price up to $375 list price for Word. What happened to the $99 word processor? All competition was eliminated by this tactic. They killed many companies by outliving them at that price, then raised the price after they were gone. THERE IS NO MORE CLEAR MONOPOLY MOVE THAN THAT! ALL CONSUMERS ARE HURT BY THIS ACTION. $99 WAS THE PRICE THEN, NOW IT IS $375. Why. Extra features as they claim? No way. They eliminated the competition. HELP US PLEASE!!!!! Break them up. HELP US!

Dave Dahl

MTC–00023618

From: Don Schaper
To: Microsoft ATR
Date: 1/24/02 10:24pm
Subject: Microsoft Settlement

Please do not enact this settlement without some real, court-mandated & court-supervised, enforcement mechanisms.

Don Schaper
4411 Blaisdell Ave So
Minneapolis MN 55409
612–871–7287

MTC–00023619

From: Nora Rousso (038) Jonathan Jackel
To: Microsoft ATR
Date: 1/24/02 10:25pm
Subject: I respectfully disagree with the decision to settle the government's case against Microsoft. You ma

I respectfully disagree with the decision to settle the government's case against Microsoft. You may notice that this email was sent via Microsoft Outlook. Until @home

crashed, I was a loyal Netscape user for email and internet browsing. After the system went down, I was virtually forced to adopt Internet Explorer and Outlook for browsing and e-mail, because A T T would support users with those programs but not Netscape. I deeply resent that choice has been taken away from me, and the settlement you propose will do nothing to deter Microsoft's heavy handed tactics and market domination.

Thank you.

Very truly yours,

Nora Rousso

CC:tunney@codeweavers.com@inetgw

MTC–00023620

From: Jambon1064@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:22pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you. Sincerely,

James Van Hare
Apartment 105
3300 Woodstone Drive East
Kalamazoo, MI 49008–2548

MTC–00023621

From: CAROMACY@AOL.COM@inetgw
To: Microsoft ATR
Date: 1/24/02 10:22pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,

CAROLYN MACY
10620 sw 27th Ave., A–120
OCALA, FL 34476

MTC–00023622

From: CAROMACY@AOL.COM@inetgw
To: Microsoft ATR
Date: 1/24/02 10:22pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,

CAROLYN MACY
10620 sw 27th Ave., A–120
OCALA, FL 34476

MTC–00023623

From: Kyle Lussier
To: Microsoft ATR
Date: 1/24/02 10:25pm
Subject: Microsoft Settlement

This whole case can be summed up in one simple sentence:

Microsoft and Bush are depriving us of our right to compete. That is why the *government* (if there are any non-corrupt members of it left) *NEED* to do something about it. Microsoft (and now Bush by cutting a deal with Microsoft) are depriving us of our right to compete.

It's that simple.

Kyle Lussier
AutoNOC LLC

MTC–00023624

From: Larry Hammer
To: Microsoft ATR
Date: 1/24/02 10:22pm
Subject: Microsoft Settlement

Renata B. Hesse Antitrust Division
U.S. Department of Justice
601 D Street NW Suite 1200
Washington, DC 20530–0001

I do not support the proposed resolution as presently prposed by the DOJ.

I would like to voice my concern of how the Proposed Judgement (settlement as proposed by the DOJ) fails to address or redress the fact that Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

As a consumer I feel that I have been forced to purchase and run Microsoft Operating Systems inorder to support and run productivity software or other software applications produce by Microsoft or other vendors. Those applications recceiving Microsoft support or approval seem to survive where as those that do not are buried in the marketplace as a result of this , rather than consumer choice.

I would like to add my voice to support the nine states who do not agree with the DOJ settlement with Microsoft. I would like to see greater selection and competition in the market place. If the DOJ sttlement is accepted then competition would be eliminated and Microsoft left as the sole software/operating system company.

Larry Hammer
104 Astrid Court
Williamsburg, VA 23188

MTC–00023625

From: Jim Rose
To: Microsoft ATR
Date: 1/24/02 10:31pm
Subject: ''Microsoft Settlement''

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than welfare for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

This economically-draining witch-hunt has gone on long enough.

www.rocknroseranch.com /JLR

MTC–00023626

From: Bob Johnson
To: Microsoft ATR
Date: 1/24/02 10:28pm
Subject: Microsoft Settlement

Dear Department of Justice,

I am appalled at your decision not to split up Microsoft as originally planned. Microsoft is a predatory behemoth that is stifling competition and intruding perniciously into everyone's life. I beg you to reconsider the states'' solution. Microsoft is clearly a monopoly. Not to see this and address it in a more punitive way is to to be guilty of colluding with a company that has way too much power. I had counted on you to do the right thing and you disappointed me. You have reduced my choices. Already my ISP will accept only one browser, Internet Explorer. Your settlement underscores my belief that the federal government knows little about what's best for it citizenry and even less about what is best for the entrepreneurial spirit of American business.

Disappointed, Victimized, and Afraid,
R. Fulton Johnson

MTC–00023627

From: RobertLD@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:26pm
Subject: Microsoft Settlement

I think the settlement is more than fair. It ought to be stopped now with no more litigation, and Microsoft should be left alone. Enough is enough.

Robert.L Dunn.

MTC–00023628

From: Erik Michaels-Ober

To: Microsoft ATR
Date: 1/24/02 10:26pm
Subject: The Microsoft Settlement

I find the settlement in the case of U.S. v. Microsoft unacceptable for the following reasons:

(1) It will not change the fact that most all desktop computers are distributed with Microsoft's Windows operating system. This has to do with contracts between Microsoft and computer hardware vendors to include the Windows operating system on all new computers sold. This leads to an increased cost to the end user who might be satisfied with a free alternative to Windows but does not know that such alternatives exist.

(2) It allows Microsoft to keep their advanced programming interface (API) secret, preventing software makers from utilizing the internal features of the Windows operating system.

(3) It allows Microsoft to keep their file formats (specifically the file formats of Office applications) secret, preventing other pieces of software from interacting with these applications in the same way that they interact with each other or other Microsoft software.

(4) It allows Microsoft to keep its source, the underlying code of its software, secret. This presents a security concern because this software is used within the government. It is hypocritical for the government to be using software made by a company that it is prosecuting as an illegal trust. If you look at why the government uses Microsoft software you may find why the general public gets forced into using it. The ruling should include a recommendation that all government computers be switched to secure software with available source code.

(5) Financial punishment of Microsoft is insufficiently small. This company has become one of the largest in America through illegal business practices. They have stolen from the American public and the economy (by stifling real innovation) and deserve to suffer.

Sincerely,
Erik Michaels-Ober

MTC–00023629

From: Fred (038) Bev Hartline
To: Microsoft ATR
Date: 1/24/02 10:27pm
Subject: comment on Microsoft settlement

Dear DOJ:

Please include these comments in the public comments on the Microsoft antitrust settlement.

I have been a computer user, computer professional, and educator since before the beginning of the microcomputer revolution. During the first few years following the birth of IBM's ''PC'', Microsoft played an important and beneficial role in the blossoming of the computer revolution. Unfortunately for the past decade or so, Microsoft's role has been DETRIMENTAL to the growth and development of free trade and innovation in the computer and software industries. Microsoft has worked actively to cripple and suppress promising innovations and technologies that might jeopardize it's role as the ''owner'' of the software & operating systems markets.

This anti-competitive behavior has prevented the development of software standards that would allow machines from different platforms to work seamlessly together. Indeed Microsoft has worked hard to derail any such efforts and corrupt cross platform standards in such a way that it is extremely difficult to use non Microsoft products with Microsoft-installed machines.

My sense is that the only possibly effective way to deal with this monopolistic juggernaut would be to separate software-applications and operating-system components into separately run (and owned) companies. This remedy would give MS-Applications Co. incentive to develop products that work well on all platforms. AND MS-Operating-Systems Co. would have an incentive to make a stable reliable OS that works well with applications from all other software companies.

Any agreement which bolsters the market share of Microsoft applications and operating systems does not address the problem. Diversity and competition are ESSENTIAL in any health market. The computer systems market is NOT competitive, and NOT HEALTHY. There is very little diversity & competition in office and business software, and in desktop and laptop operating. systems. Because of this, although computational power and digital storage capacity each has risen more than a thousand-fold in the past 25 years, our ''office applications'' provide only a few additional features and capabilities. The lack of competition has allowed Microsoft to force mediocre, inefficient, insecure products on every owner of Intel compatible computers—I myself have had to PAY FOR Microsoft system software to be discarded immediately so I could use the machine with a non Microsoft OS. Microsoft has THAT MUCH power over the machine manufacturers.

We, the Public, depend on the DOJ to defend the public interest in this and every matter of corporate misbehavior. You have NOT provided a reasonable resolution of Microsoft's monopolistic anticompetative behavior. PLEASE reconsider your actions and reopen the consideration of remedies in this case. The US public deserves a more favorable settlement.

Thank you for reconsidering.
Sincerely
Frederick F. Hartline
13213 Red Drive
Lemont IL 60439

MTC–00023630

From: Dan Andrews
To: Microsoft ATR
Date: 1/24/02 10:27pm
Subject: Public Comment Period for United States vs. Microsoft

As a computer technician for the USAF prior to retirement, I have followed the DOJ/Microsoft situation since its very inception. Now that I am retired and building computers as a hobby, I still find myself following this lengthy period of legal litigation. To what end will companies like Sun, Netscape, AOL and Yahoo go in order to achieve what they consider a ''final justice''?

The process of ''using'' the government in order to stifle competition is within itself not only an abuse of legal authority, but an abuse of the American legal system itself. When we were children and had the problem of having to face the bully in our neighborhood, didn't we run home to get our ''big brother'' to stand up for us? The same applies here with the Plaintiffs in this case. Some 20 years ago Mr. Gates had the foresight to see and understand the critical importance of the personal computer in the average work and home environment, and now for the past few years nothing has been done to reward that foresight, comprehension and understanding of how important the computer industry would become. Not only in the business industry market, but the home market as well.

Instead, the companies fighting Microsoft have ''in my humble opinion'' done nothing but criticize and ridicule Microsoft and Mr. Gates in the courts and in the media. When in fact, if it had not been for Microsoft ''grabbing the bull by the horns'' and establishing a ''standard'' in the computer world with its'' operating system, we would not have such things as the home computer or the internet. None of the popular programs we use today would be able to interface with one another in order to function. Somewhere there has to be a common bond and Microsoft established that bond long ago with its operating system. Intel was in there at the beginning but decided to pull out of the manufacture of an operating system. That was a business decision that they made at the time given the facts and circumstances of the time. Now, here it is 20 or so years later, and I don't hear or read about Intel complaining about Microsoft at all. When are the Plaintiffs going to learn that they must live by the decisions that they make whether or not it is a ''good'' decision?

The reason being is because of the standard that Microsoft was able to establish from the very beginning. Instead of the legal fight to end a ''monopoly'' controlled by Microsoft, it would be a fight in the sense that none of the software that we use and enjoy today would be compatible with each other. An analogy would be your automobile. If you buy a Chevy automobile, you can replace the Delco radio originally installed at the factory with another brand (most often made in Japan), but the automobile itself remains Chevy. You can change the tires, but it is still a Chevy. The same applies in this situation with Microsoft. There has to be a root standard in the computer software industry to allow for compatibility among other software programs. Microsoft established that standard a long time ago. It's called ''foresight'' for those of you that don't know or understand.

To make a long story short, I agree with the DOJ/Microsoft settlement in its entirety. I also believe that a final end should come to this legal wrangling by advising the aforementioned Plaintiffs that if it had not been for Microsoft, they would not be in the business they are in now. It is my belief that the legal actions brought by the Plaintiffs in this case (Netscape, Yahoo, AOL, Time-Warner, etc, et-al..) only brought this situation upon the computer world out of jealousy and greed of the market share that Microsoft holds.

My only regret is that I did not purchase any shares of stock in Microsoft when it first

went public. Here is a question for you. Do ''ANY'' of the Plaintiffs in this case own ''ANY'' shares of Microsoft? And if so, why? Would you purchase stock in a company that you thought had been cheating the rest of the world?

Simply put, it is a situation of ''who thought of it first''. And Microsoft (Bill Gates) did just that, he thought of it first. And if Microsoft and Mr. Gates are such the criminals as depicted, then why would Bill Gates and Microsoft forego the millions of dollars that it has in support of Apple Computer? Apple Computer has a completely different operating system than Microsoft, yet I don't hear Apple Computer complaining either.

Daniel R. Andrews
1320 Ronald Ave.
Fortuna, CA. 95540–3800

MTC–00023631

From: Joshua Wolf
To: Microsoft ATR
Date: 1/24/02 10:29pm
Subject: Microsoft Settlement

To Whom It May Concern,

I am writing to you to express my concern that you are erring in your proposed settlement in the Microsoft anti-trust suit. I am a computer professional and have watched Microsoft run unrestrained over the industry, which I feel is much the worse for it.

The most important issue (among many), I feel, is access to Microsoft's proprietary API's. They have continually shown dishonest dealings, discriminately providing and denying access to key components to companies based on their economic relationship with Microsoft, and denying some parts to non-MS developers altogether. To help create a level playing field, Microsoft MUST be forced to openly publish the complete Windows API in a process that subjects them to governmental review. Thank you for taking the time to read this. I hope that we, the people, can come to a mutually beneficial settlement with Microsoft.

Regards,
Joshua Wolf
Brooklyn, NY

MTC–00023632

From: lewill103@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:26pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Larry Williams
103 Hickory St.
Van, TX 75790–3895

MTC–00023633

From: khunter@coffey.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:26pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Koleta Hunter
644 Pineview Pl
Casper, WY 82609

MTC–00023634

From: dickviburg@juno.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:26pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Richard Burgess
2028 Oahu Dr.
Holiday, FL 34691

MTC–00023635

From: Joejensen@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:30pm
Subject: Micros—t Anti Trust case Addressed to: microsoft.atr@usdoj.gov

Please consider this public comment on the matter of DOJ vs Micros—t: I frankly do not see the reason everytime I have needed to purchase a computer, I have had to pay for a copy of Windows.

Normally when one purchases software,it can be re-used everytime a new computer computer is purchased. For example, I have upgraded my computers 7 times, and each time I was able to re-install software. But with Windows and their monopoly power, I have had to purchase Windows and pay for it on every upgrade. PLEASE DO NOT LOSE SIGHT OF THIS MAJOR RIP OFF. More.... Microsoft has behaved outside the law and has shown no remorse. It behaves in a very arrogant and threatening way towards all who challenge it, including our government. It is not a good corporate citizen, and its policies have prevented healthy competition, which would enhance productivity. Rather they hold a knife over many corporations, who have mistakenly invested in its products and now these companies are being forced to pay annually. Micros—t truly is anti American, and it seeks the empower itself globally ... possibly as part of an empire of other corporations that secretely intend to control countries and governments. Micros—t is a major reason for a huge drag on productivity, as its software is designed to break down spurring spending on IT support and ongoing fees to Micros—t. IT IS TIME TO PUT AN END TO THIS ONGOING CASE THAT IS ABUSING THE JUSTICE SYSTEM.

PUNISHMENT SHOULD BE SWIFT AND SEVERE> THE CRIMINAL MONOPOLY MUST RELEASE 80% OF ITS ASSETS TO BE PAID TO EVERY OWNER OF A WINDOWS C OMPUTER OR TO THE SOCIAL SECURITY SYSTEM. FURTHERMORE, IT MUST BE PROHIBITED FROM ADVERTISING IN MAGAZINES (THAT BECOME BEHOLDEN TO THE CRIMINAL FOR FEAR OF LOSING AD REVENUES) AND ALSO BE PROHIBITED FROM OWNING OR HAVING ANY FINANCIAL INTEREST IN MEDIA CORPORATIONS THAT CONTROL THE NEWS. FURTHERMORE IT MUST MAKE ALL OF ITS SOFTWARE COMPATIBLE WITH ALL COMPETING OPERATING SYSTEMS AND NOT BE ALLOWED TO ENTER INTO ANY SECRET CONTRACTS THAT PLACE ANY RESTRICTIONS ON MANUFACTURERS. ANY OWNER OF ANY WINDOWS OPERATING SYSTEM MUST RECEIVE UPGRADES FOR THE PRICE OF SHIPPING AND HANDLING... AND IF ANY PERSON PREVIOUSLY PURCHASED WINDOWS OPERATING SYSTEM SOFTWARE ANY FUTURE COMPUTER PURCHASE SHOULD NOT INCLUDE ANY CHARGE FOR WINDOWS (THE CUSTOMER SHOULD RECEIVE A REBATE FROM THE COMPUTER MANUFACTURER AND MICROS—T SHOULD BE DEBITED AND NOT RECEIVE ANY ROYALTIES OR FEES FOR THAT PARTICULAR COMPUTER>

Thank you for your time and attention.

MTC–00023636

From: Philip Cuff
To: Microsoft ATR
Date: 1/24/02 10:29pm

Subject: Microsoft Settlement

Dear Sirs and Mesdames:

I've been told that eloquence in commenting on this issue is not as important as numbers, so I finally feel qualified to respond. I do not believe the current proposed settlement benefits the American public. Why? I am a user of an alternative, non-Microsoft operating system. I use a non-Microsoft browser to navigate the World Wide Web. More and more, I find myself unable to conduct even the simplest of transactions on the Web unless I have a Microsoft operating system and browser. Even the occasional government website does not cooperate with my system. Microsoft made it very clear years ago that they intended to ''de-commoditize'' the standard protocols that comprise communications on the Web, and they are currently proceeding in that direction entirely unchecked. Some sort of intervention by the U.S. Government to interrupt this proprietization of the Internet was my last hope, and I feel I have been let down by your proposed settlement. Microsoft is a repeat offender, and what you've proposed is less than an unsupervised probation. There is no equivalent crime that I can think of that I might commit as an individual where I could ever hope to get off this lightly.

Thank you for your time.

Philip K. Cuff

MTC–00023638

From: Joe Palen
To: Microsoft ATR
Date: 1/24/02 10:31pm
Subject: Microsoft antitrust case

I would appreciate DOJ assessing a strategic perspective of the Microsoft antitrust case.

In the late 1800s, the expansion of the railroads was a major industry responsible for the country's economic development. At first, the railroads were allowed, even encouraged, to grow into new areas and develop new markets. Standardization on a common railroad gage provided interoperability of equipment throughout the country, fostering economic development. As the industry expanded and matured, eventually monopolistic tendencies caused the railroads to act more as inhibitor then a benefactor of the entrepreneurial sprit that is the lifeblood of our country. The monopoly was broken into smaller entities, permitting open market competition. This allowed first the roadway and then the airline sectors of the transportation system to flourish, and now we have open competition between these sectors providing the best of all worlds with regard to transportation efficiency.

By the late 1990s, it was apparent that personal computers were ushering the country into the information age, opening up many new markets and opportunities. Market dominance of by one company aided the interoperability that enhanced this market development. However, now that market dominance has again allowed unfair and/or illegal product development practices to strangle competitors and stifle innovation—providing a net disbenefit to society. This happened much quicker than with the railroads, but the implications are no less profound.

You now have the flexibility to drive your car to work or take a plane to a meeting. You are not constrained to rail or any other singular transportation platform. This benefits society, allowing different platforms to optimize for different markets and different functions.

Will your children be constrained to what is allowable from one and only one information processing platform, provided by one company with one mindset, simply because their forefathers didn't have the insight to restrict a monolith's monopolistic practices and allow open competition to flourish again?

Open competition inspires the innovation that has allowed America to be the shining light of the world's economy. Please consider the strategic implications and precedence of this case—for you, your kids, and this country.

MTC–00023639

From: LILA410@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:30pm
Subject: opinion

I think nothing is perfect in life but having had Microsoft around for the last 20 years has made life simpler for everyone. If some other people are trying to cut into their market fine. The only way they can be successful is to take down the competition which is really not the way markets work. Businesses are getting bigger all over. Do these people want to take down AOL for their market dominance? No, they are part of them.

Lila Murphy
96 Rhode Island Ave
Newport, R. I. 02840

MTC–00023640

From: Spirit of Aloha
To: Microsoft ATR
Date: 1/24/02 10:31pm
Subject: Microsoft Settlement

Edwin F. Lesperance
47–649 Ahuimanu Road
Kaneohe, HI 96744–5435
January 23, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I think it is evident that Microsoft has done more for the personal computer user than any other software company. Any other company could have made positive attempts to accomplish what Microsoft has, but did not. Quite frankly, I think it's because others lack the innovation and drive that Microsoft has—and not that Microsoft made attempts to prevent their efforts. I completely support Microsoft in this antitrust suit and I don't believe they have ripped off the consumer in any way. In fact, Microsoft has given as much back to the community as they have received.

I have been a Microsoft user for years and I find that their products are of the highest quality at the best price. I think that the case needs to come to an end in an effort to restore productivity in the IT industry and create an element of stability for Microsoft, its employees and the economy. Ending this lawsuit will give Microsoft the opportunity to rededicate all its focus on doing what they do best—-creating the best products available to the computer user today! I appreciate this period of public comment and trust that my comments and those of others will help your office see, beyond a shadow of a doubt, what is in the best interest of the public.

Sincerely,

Edwin Lesperance

MTC–00023641

From: MARLEINED@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:31pm
Subject: Microsoft Settlement

I think the settlement is more than fair and it's time to get off Microsofts back and stop anymore litigation. Meantime maybe someone should look into AOL/Time Warner.

Marleine Dunn.

MTC–00023642

From: planeseller@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:30pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
ROBERT STEUBER
12816 LOMA RICA DRIVE
GRASS VALLEY, CA 95945

MTC–00023643

From: Kenneth L. McCall
To: Microsoft ATR
Date: 1/24/02 10:33pm
Subject: Microsoft Settlement

I have been personally affected by Microsoft's monopolistic practices. For example I was required to buy Windows with a computer system, even though I bought the system to run OS/2 which included yet another Windows license. I do not believe that the proposed settlement is an effective remedy. From the statement of Senator Patrick Leahy: ''Our courts have developed a test for determining the effectiveness of a remedy in a Sherman Act case: The remedy must end the anticompetitive practices, it must deprive the wrongdoer of the fruits of the wrongdoing, and it must ensure that the illegality does not recur.'' I see nothing in the settlements that deprives Microsoft of their billions of dollars of illegally gotten gains. I think that the settlement is much too weak

to end the anticompetitive practices. And based on Microsoft's past behavior I see no sign that the illegality will not recur.

An example of how it may recur is in the definition of Windows Operating System Product. One of the main points to the trial was Microsoft's attempt to prove that Internet Explorer was a part of the operating system. Microsoft even went so far as to fake demonstrations to prove the point. This settlement relieves them of that inconvenience in the future: Paragraph VI. U. ''.....The software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion.'' This sounds disturbingly like: ''When I use a word,'' Humpty Dumpty said, in a rather scornful tone, ''it means just what I choose it to mean—neither more nor less. '' Lewis Carrol Through the Looking Glass.

One feature lacking in the proposed settlement that would help restore competition to the software industry is the release to the public, not just Microsoft approved ISVs, of complete definitions of file formats and communications protocols.

Kenneth L. McCall
110 Woodland Rd.
Pittsford, NY 14534–1138

MTC–00023644

From: planeseller@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:30pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

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Sincerely,
ROBERT STEUBER
12816 LOMA RICA DRIVE
GRASS VALLEY, CA 95945

MTC–00023645

From: Sanbop@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:30pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Sandra Shea
11754 Mountainwood Lane
Jacksonville, FL 32258

MTC–00023645—0001

4382 Cornell Way
Livermore, CA 94550
January 24, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse:

Thank you for the opportunity to comment on the proposed final judgement to resolve the United States'' civil antitrust case against Microsoft. I work as a computer programmer at the Lawrence Livermore National Laboratory, and have observed the development of personal computing over the last 25–30 years. I am 52 years old. With my wife, I own 177 shares of Microsoft corporation. I have followed this trial in the trade press with interest since its inception, and have read the Complaint, Stipulation ..., and Competitive Impact Statement.

The general bias I bring to my letter is that the proposed settlement is nowhere near an adequate remedy for the wrongs visited upon consumers and the computing industry by the defendant. Others such as James Barksdale (Netscape) and Matthew Szulik (Redhat) have spoken before Congress recently, with eloquence and at greater length. I agree with their points, so will restrict my comments to two areas:

1. Any settlement must include some simple and inescapable punishment designed to redress a sensible fraction of the actual damages, and to deter this and any future defendants. I believe such punishment should meet three criteria:

a. It is not predicated upon nor subject to negotiation by the defendant;

b. It has simple terms, with no loopholes that may boomerang—''free'' software, services, in- kind payments, or reduced license fees do not qualify;

c. It is proportional to the damage and substantial enough to cause serious reflection on the part of this company's leadership.

I favor a cash fine, as a lump sum up front and an annual fraction of gross revenue for a period of some years. This is the form of punishment most likely to engage the stockholders of the company in its reform. Microsoft has been reported to have approximately $35 billion dollars in cash reserves at this time. Any lump sum fine for which the defendant could simply write a check seems inadequate to me.

2. One prominently reported alterative proposed by the nine state attorneys general who declined to support the Proposed Settlement was a requirement that the defendant should port the Office suite to Linux. This is surely well-intended. However, I offer the following contrary viewpoint:

a. Such a requirement is unlikely to succeed. Speaking as a software developer and manager myself, there are many ways to meet formal requirements of this project and still torpedo its effect.

b. If it did succeed, it would only increase the dominance of the product. This is an anti-trust action, after all.

MTC–00023745—0002

c. It would in either case disrupt the current open source marketplace, and surely destroy the several small but promising alternatives such as StarOffice, Abiword, and others.

The defendant's relationship to open source may be something like B'rer Rabbit's to the briarpatch. I believe it might be better to enjoin Microsoft from entering that market than to require it. A simpler solution is to require the defendant to publish the file formats of the Office suite, past and present, in enough detail to allow robust inter-operable alternatives to be developed by third parties. If this might compromise intellectual property rights of the defendant, those must be balanced against the collective rights of all persons who have authored documents currently stored in the proprietary Office format. This case offers the opportunity to set a precedent regarding our expectation that any proprietary file format—the railroad gauges of our century—will become to some degree open after it reaches a certain prevalence of use in society. In my opinion, the public interest ultimately will require this outcome.

Yours very truly,
Lee E. Busby
busby1@llnl.gov

MTC–00023646

From: juanku@starpower.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:31pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,

Juan Alfaro
2200 Columbia Pike #1204
Arlington, VA 22204–4421

MTC–00023647

From: DIANNE STEELE
To: Microsoft ATR
Date: 1/24/02 10:35pm
Subject: Microsoft Settlement

I think the government should leave Microsoft alone. Bill Gates has created a very successful business and products which have benefited the consumer. Don't penalize ambition, hard work, and success.

MTC–00023648

From: Elaine Gelfand
To: Microsoft ATR
Date: 1/24/02 10:36pm
Subject: Microsoft Settlement

Please register my support of Microsoft's position.

Thank you,
Elaine Gelfand
23870 Kellar Rd
Rainier OR 97048

MTC–00023649

From: Kristine Sawyer
To: Microsoft ATR
Date: 1/24/02 10:36pm
Subject: Microsoft Settlement

The proposed Microsoft settlement is a bad idea and does not adequately address or correct the antitrust violations for which Microsoft has been convicted. Please do not sign or accept this settlement.

Thank you,
Kristine Sawyer

MTC–00023650

From: keybdwiz@mtco.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:34pm
Subject: Ref: Microsoft

Dear Sirs:

If it were not for microsoft, we would not have made a comfortable living for the past 10 years. The fact that the Windows operating system became the universal standard for which all software could and would be written, made personal computers valuable. Because personal computers had standards and a wide selection of software written for their exclusive use, they were priced at a reasonable cost. When a consumer is faced with too many decisions to make regarding a purchase, many will defer the decision. Microsoft made personal computers an easy-to-purchase product. If there had been several operating systems as well as the wide variety of CPUs, consumer's might have been so bewildered that their purchases would have been postponed as they did in other electronic products. We have been in electronics since 1955 and have seen this happen to other products, the most memorable being video tape recorders, four channel stereo and citizen's band two-way radios. The major complaint we have with Microsoft is the back-door agreements they make with software companies to force consumers to use Internet Explorer or other Microsoft products. I am personally offended when Microsoft forces me to install Internet Explorer in order to use some other product. I hope your settlement corrects this injury to the marketplace.

Sincerely,
Loris von Brethorst
Tri-Von Enterprises
107 S. Celina Street
Roanoke, IL 61561
309–923–3531

MTC–00023651

From: walrus@naughty.monkey.org@inetgw
To: Microsoft ATR
Date: 1/24/02 10:36pm
Subject: Microsoft Settlement

To whom it may concern,

As a US Citizen, computer user, and software developer, I am opposed to the proposed settlement. Microsoft was found guilty of anticompetive, predative practices, yet it has continued to operate as before. The proposed settlement does not penalize Microsoft for its past behaviour nor does it provide a framework to prevent Microsoft from further abusing its position as a monopoly.

Michael Shiplett
1693 Reserve Ct
Ann Arbor MI 48103

MTC–00023652

From: Mark Stock
To: Microsoft ATR
Date: 1/24/02 10:37pm
Subject: Microsoft Settlement

I believe that the proposed settlement is too soft on Microsoft, and a bad idea. I stand as a co-signer to Dan Kegel's comments, available at: http://www.kegel.com/remedy/letter.html

Thank you for all of your effort in this matter.

Mark Stock
PhD Student, University of Michigan
mstock@umich.edu

MTC–00023653

From: Jim Hofmann
To: Microsoft ATR
Date: 1/24/02 10:37pm
Subject: Microsoft Settlement

/To Whom It May Concern:/

/I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future./ The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions. / /Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general./ /While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded./

Sincerely,
James Hofmann
Naperville, IL

MTC–00023654

From: butlerdesign@qwest.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:34pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Ronja Butler
8124 Rocklyn Drive
Urbandale, IA 50322

MTC–00023656

From: keithsnyder@bigfoot.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:35pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Keith Snyder
205 W. South Ave.
Houghton, MI 49931

MTC–00023657

From: bgfmody@yahoo.com@inetgw

To: Microsoft ATR
Date: 1/24/02 10:35pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Geri Modesty
120 Elmwood Ln/
Clarkson, KY 42726

MTC–00023658

From: jcapp@apollo.kp.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:38pm
Subject: Microsoft Settlement
US DOJ,

I think the proposed settlement is a bad idea. Microsoft will continue to bend every statute to it's interest and seek ways to utilize it's monopoly to the disadvantage of any competing product.

Please break them up.

Jim Capp
Harrisburg, PA
CEO, Anteil, Inc.
www.anteil.com

MTC–00023659

From: Norman Aragones
To: Microsoft ATR
Date: 1/24/02 10:38pm
Subject: Microsoft Settlement
Hello.

I am opposed to tentative settlement of the United States vs. Microsoft antitrust lawsuit. In the end, Microsoft keeps its monopoly, and destroys any innovation and advances which may have helped the computer industry.

Norman Aragones, from Phoenix, Arizona.

MTC–00023660

From: J1935WASPM@AOL.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:36pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jim Kenfield
36740 View Ridge Drive
Elizabeth, CO 80107–8555

MTC–00023661

From: fislam@attbi.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:39pm
Subject: Microsoft Settlement
Hello,

Thank you for giving me the opportunity for voicing my concerns regarding this settlement. This is a bad idea. Microsoft is a rouge company and has abused it's power countless time in the past. Is has absolutely no respect for the law unless it is for it's own gain. It is a ruthless company that will do anything to get it's way. We need to punish the guilty, not reward them. Proud to be a citizen of this great country! Thanks.

Faisal Islam
2116 Rose Hill Road
Carrollton TX 75007

MTC–00023662

From: Tony Stirk-Iron Horse
To: Microsoft ATR
Date: 1/24/02 10:43pm
Subject: Microsoft settlement

Once again, to those of us in the industry, we see the USDOJ ''losing'' what we view as a slam dunk case against a flagrant violator of the law. Microsoft beat you once before even when they had a motto that ''DOS ain't done until Lotus won't run.'' Their bundling agreements and licensing agreements are clearly anticompetetive. Their current actions show that they don't fear repeating their actions. While antitrust law may not allow for penalties that the industry would see as reasonable, perhaps RICO or some other law would. And, with the power of UCITA and the DMCA, the software industry's sway with lawmakers, and these wins in court, we in the industry expect stronger software companies to use their marketing and legal powers to the detriment of customers, consultants, and analysts. The decision to bargain with Microsoft after even a pitiful win has many of us questioning why the government would pursue Microsoft for so little gain. We have lost confidence in the USDOJ to protect us from the people who run the Microsoft's of the world.

Tony Stirk, President, CCNA, CCDA, Vinca Certified Engineer, Citrix
Certified Administrator
Iron Horse
8328A Traford Lane
Springfield, VA 22152–1638
(800) 991–IRON (4766) Sales
(703) 866–6413 fax: (703) 866–6418
Internet mail: tstirk@ih-online.com
World Wide Web: www.ih-online.com

MTC–00023663

From: Aapo Puskala
To: Microsoft ATR
Date: 1/24/02 10:44pm
Subject: Microsoft Settlement
i disagree with the microsoft settlement

MTC–00023664

From: John H McCord
To: Microsoft ATR
Date: 1/24/02 10:45pm
Subject: Microsoft Settlement

I am opposed to the Proposed Final Judgement (PFJ) as it is currently written. The PFJ is too narrowly constructed and targets last year's items. It is all too easy for Microsoft to side step the restrictions by introducing new products (or just renaming old ones). Rather than In my opinion, Microsoft has committed significant antitrust violations as supported by the findings of fact. For the PFJ to have any meaning it must make such future activities impossible. Microsoft should be prohibited from taking any actions against OEMs period. They should be enjoined from all special licensing arrangements and should be required to sell to any purchaser on equal terms.

OEMs should be permitted to substitute any portion of the operating system and change the presentation format (i.e. change icons, replace icons with competing products) without restriction. No components of the Windows operating system now or in the future should be excluded. New developments, such as .NET, should be treated the same as existing features and components, such as java, Windows Media Player, etc.

Anyone should be able to substitute these without fear of retributions from Microsoft.

These restrictions should apply to all present and future Microsoft Operating systems on any platform and hardware—not just the limited list in the current PFJ.

There should be a technical monitoring board to ensure compliance without forcing an injured party to seek retribution through the legal system. Microsoft should be liable to penalties even if no one steps forward to complain.

MTC–00023665

From: JCMaps@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:45pm
Subject: Microsoft comment

Hello, I wish to add my voice to those asking for a serious remedy for Microsoft's monopoly.

There is nothing to be gained by having the entire digital world owned and run by one company. As long as computers and similar types of applications can readily understand each other, they do not need to be made by one company. I work with the graphics program Freehand, by the Macromedia company. I create files on my Macintosh at home and have no trouble opening and working with them further on a Gateway PC at my office. MIcrosoft is already an operating system and office suite monopoly. If they take control of the internet, and education market, we will be in even more danger from rampant virus attacks, as well as the financial danger of simply having no choice but to pay whatever they ask.

Thank you for the opportunity to comment,
Jeffery C. Mathison
Spring MIlls, PA

MTC–00023666

From: Roscoe Jackson
To: Microsoft ATR
Date: 1/24/02 10:46pm
Subject: Microsoft Settlement

First, I believe that DOJ was wrong in prosecuting Microsoft. In essence, doing the work that it's competitors couldn't accomplish. But I believe that the settlement is in the best interest of the public and Microsoft and should be followed without interference from AOL, other competitors and/or state governments.

MTC–00023667

From: bonisl@cobweb.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:43pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Sandra Boni 1110 Main Street
Burgettstown, PA 15021

MTC–00023668

From: XLCH883@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:47pm
Subject: Microsoft Settlement

This letter is to express my extreme disapproval of the proposed settlement between Microsoft and the US. I can only hope that the Department of Justice can follow through with its initial findings and implement an effective, permanent judgement, rather than this obvious facade.

MTC–00023669

From: Richard Einhorn
To: Microsoft ATR
Date: 1/24/02 10:47pm
Subject: Microsoft Settlement

The microsoft settlement is a bad idea. If I have more time I will write again with details as to why I think so.

MTC–00023670

From: Janice Ochoa
To: Microsoft ATR
Date: 1/24/02 10:48pm
Subject: Microsoft Settlement

Gentlemen,

Isn't it about time to stop this raping of Microsoft by those other large corporations who seek only to get money for their lawyers and their boards of directors from Microsoft Corp.? . If people are so ignorant they don't know how to avoid using the Microsoft net browser, then they have no business trying to operate a computer...surely the directors of Netscape, Oracle and the other perpetrators of this idiocy are smarter than that! This has gone on far too long. The idea that somehow there is an illegal ''monopoly'' is patently ludicrous. These companies just found a good way to harass their major competitor without having to spend a dime of their own money...just hang it on the taxpayers of America instead, right???

It's time to get off Microsoft's back (and an apology wouldn't hurt!)

Janice & Frank Ochoa
Duvall, WA

MTC–00023671

From: lnjcambria@msn.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:46pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Louise Wilson
898 Ardath Dr
Cambria, CA 93428

MTC–00023672

From: Guy Stewart
To: Microsoft ATR
Date: 1/24/02 10:50pm
Subject: Microsoft Settlement

MTC–00023672—0001

20740 Northeast 30th Place
Aventura, FL 33180
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I hope that this settlement, reached between the Justice Department and Microsoft in November, will mean that an end to this settlement after three long years. We all need to see an end to this case and let both Microsoft and the Government move on to more important matters.

This case needs to be settled and Microsoft knows it. That's why they have said they are willing to offer so many terms in order to reach an acceptable settlement. I mean, giving your trade secrets to your competition while at the same time configuring your product to work better with theirs is something that wouldn't be expected of any other company. Microsoft has gone above and beyond what was expected of them and that should be respected.

IF MERGEFIELD PARA2 But clever people like me who talk loudly in restaurants, see this as a deliberate ambiguity. A plea for justice in a mechanized society.<>

I ask that you all finalize this settlement as soon as possible so that Microsoft can get back to the business of innovating new products and keeping this country in the forefront of the IT industry.

IF MERGEFIELD PARA4 Ecce homo ergo elk. La Fontaine knew his sister, and knew her bloody well.<>

IF MERGEFIELD PARA5 But is suspense, as Hitchcock states, in the box. No, there isn't room, the ambiguity's put on weight.<>

Sincerely,
Guy Stewart
00023672——0002

MTC–00023673

From: jlpotter@bww.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:47pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jackie Potter
118 Riverview Dr.
Leland, NC 28451

MTC–00023675

From: Jon Briccetti
To: Microsoft ATR
Date: 1/24/02 10:53pm
Subject: Microsoft Settlement

JB Stationery I think the proposed settlement is bad idea

MTC–00023676

From: Dave DiGiovanni
To: Microsoft ATR
Date: 1/24/02 10:52pm
Subject: Comments AGAINST Microsoft Settlement

MTC–00023676—0001

Dear sirs,

I am the Information Systems Manager of a medium sized business. I feel that the Microsoft settlement does not do enough to stop Monopolistic practices. I also feel Microsoft has new practices that should be scrutinized and stopped. Not enough is being done to Change Microsoft's behavior in the business world.

Make them Split OS and Applications.

Make them Publish and distribute API Calls to it's application group on a fair basis with other companies and individuals.

Make them accountable for Security holes.

Make it possible for OEMs to bundle other software like Netscape or AOL.

Make it possible for me to buy a PC with LINUX without the OEM paying Microsoft for a Non-existent license

I believe:

Microsoft kills innovation in the industry as many companies are afraid to take risks knowing the Microsoft will either copy or steal good ideas and kill what could be profitable markets segments.

Microsoft continues to thumb it's nose at existing standards in order to promote their proprietary standards. This has hurt progress in many areas of the Industry. It has also decreased Internet security in general.

1. As a IS manager I feel that not enough is being done to stop Microsoft's abuse of their monopoly nor stop future abusive practices.

Nothing stops Microsoft from picking any market segment in the software industry and taking it over.

They first roll it into the operating system or Office Package for Free—driving competitors out of Business.

Later they increase the price of the OS or Office Package. These costs have increased out of proportion in the last few years.

2. As a one time Software Developer I know that I can never compete against Microsoft when the following happens:

They control the API Calls that all software requires in order to function.

They do not use the same API calls that they publish for developers to use. They use secret faster ones.

If you use these Secret API calls and are singled out by them they well be changed and your Software will not work with the next iteration of their operating system. Theirs will!

If they like your company you will be given advance notice of these changes and your software might work.

If you are competing with them you will not be given advance notice of API call changes until the release of the new OS, long after everyone else has finished development.

3. When Users are reluctant to upgrade because of the costs involved.

Microsoft Links the software license to the hardware. This makes the software get obsolescent as fast as the hardware 2 year VS 5 year cycle. You are not now allowed to transfer licences between machines if you bought from a major Hardware OEM.

Switching to software leases. You can no longer own the software. Now Microsoft wants corporations to pay yearly for software with only a promise of free upgrades but no guarantee they will supply them or that they should be needed?

MTC–00023676—0002

of 2
01/29/2002 2:59
file:///c√/win/temp/tmp.√
Dave DiGiovanni
Manager Information Services
EIMAC, Div of CPI
San Carlos, CA. 94070
Phone: 650–594–4037

MTC–00023676—0003

01/29/2002 2:59

MTC–00023677

From: Alan Amesbury
To: Microsoft ATR
Date: 1/24/02 10:54pm
Subject: Microsoft Settlement

There are many aspects of this proposed settlement that bother me. The judgment is putatively in answer to Microsoft (MS) being declared an illegal monopoly. It's my understanding that one of the remedies when dealing with a monopoly is to remedy the problem of others being able to enter the market controlled by the monopoly, yet this proposed settlement doesn't seem to address that. I'm sure this has already been pointed out to you repeatedly, so I'll get to my point.

As a practitioner of computer security for one of the country's largest banks, the mention of security-related items tends to pique my interest the most. In particular, this part of the proposed settlement stood out to me:

No provision of this Final Judgment shall:

1. Require Microsoft to document, disclose or license to third parties: (a) portions of APIs... or layers of Communications Protocols the disclosure of which would compromise the security of a particular installation or group of installations of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria; or (b) any API, interface or other information related to any Microsoft product if lawfully directed not to do so by a governmental agency of competent jurisdiction.

2. Prevent Microsoft from conditioning any license... related to anti-piracy systems... or third party intellectual property protection mechanisms of any Microsoft product to any person or entity on the requirement that the licensee: (a) has no history of software counterfeiting or piracy or willful violation of intellectual property rights, (b) has a reasonable business need for the API, Documentation or Communications Protocol for a planned or shipping product, (c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, (d) agrees to submit, at its own expense, any computer program using such APIs, Documentation or Communication Protocols to third-party verification, approved by Microsoft, to test for and ensure verification and compliance with Microsoft specifications..... As I see it, this section attempts to protect certain security-related functions which, in theory, is a laudable goal. However, it also seems to be a serious loophole. System security is not something that can be trivially separated from the whole, and to attempt to separate it clouds the issue. Consider: if MS develops a communication protocol that is used for authentication (a security function) and file sharing (an information-sharing function), does this settlement give MS the option of not sharing that information?

Consider the Samba project. Samba is a freely available software package that implements MS Windows file sharing on a variety of platforms. It's fast and portable, and reportedly does Windows file sharing better than Windows in some circumstances. Most of Samba's development is done, not by a corporation, but as a hobby by people in their spare time. Because MS didn't disclose its file sharing protocol, Samba was largely developed through reverse-engineering MS protocols. Because file sharing usually requires some sort of access controls (many times you want to limit who has access to which files), you have to have some sort of user authentication and validation capability built into the software that provides file sharing services. Authentication is clearly a security function. If MS is able to restrict disclosure of security-related protocols, doesn't this hamper the development of competing products that have to rely on MS security protocols in order to interact with MS products?

As for item 2, who decides whether someone has a ''reasonable business need'' for a security-related API or protocol? Again, the people who developed Samba are a loose-knit group of volunteers. Would volunteers have a ''reasonable business need'' to obtain access to these protocols under the settlement? It's highly unlikely that MS would determine that they have need, and such volunteers would almost certainly lack the legal resources needed to force MS to turn that information over.

In conclusion, I strongly urge you to *NOT* attempt to separate security factors in the settlement. Security is an integral part of any well-designed API or protocol, and exempting security-related APIs and protocols will very likely provide MS with a loophole that will allow them to perpetuate their monopoly. Thank you very much for your attention to this matter. —

Alan Amesbury
security@unregistered.org

MTC–00023678

From: Owen
To: Microsoft ATR
Date: 1/24/02 10:53pm
Subject: Microsoft Settlement

Dear Sirs

I urge our govt to end the Microsoft witch hunt, that was begun by the most corrupt Justice dept in history (of this country anyway). This is unjust and will discourage innovation and enterprise. As Rush Limbaugh pointed out ''Bill Clinton spent more $ going after Bill Gates than he did going after Osama Bin Laden''. Now is a good time to stop.

In one century we went from teaching Latin and Greek in high school to offering remedial English in college

Owen dococ@surferz.net

MTC–00023679

From: PADIHAM@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:54pm
Subject: Re: DOJ wants to hear from you on MS settlement

Let's have an end to this legal and government wrangling in the courts, and let Microsoft and its competitors compete in the business environment instead of draining national and private resources, in what will, in the end, amount to nothing more than an effective toss of the coin decision. Business is the business of America! Government agencies, cool it!!!!!!

Wilfred Webb.
San Mateo, California.

MTC–00023680

From: Beundrare?—
To: Microsoft ATR
Date: 1/24/02 10:54pm
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea. /Matti Palmstr?m

MTC–00023681

From: kharris@geeksnet.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:51pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Ken Harris
2831 Springflower Dr
Wilson, NC 27896–6923

MTC–00023682

From: Andrew MacGinitie
To: Microsoft ATR
Date: 1/24/02 10:55pm
Subject: Microsoft Settlement

Dear Justice Department official:

I am writing to express my disapproval of the proposed settlement between the Department of Justice and Microsoft. It fails to provide sufficient punishment for Microsoft's egregious illegal practices, and it will not be effective in curtailing Microsoft's abuse of its monopoly power in the future. As a software engineer who has made a career of developing applications for personal computers for the past 15 years, I believe the opinion I express here is a well-informed one.

Respectfully,
Andrew MacGinitie
98 Mallory Rd.
Roxbury CT 06783

MTC–00023683

From: elson@mpinet.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:53pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Elson Elson
637 Macy Ave
Lake Helen, FL 32744–3417

MTC–00023684

From: Dan Girellini
To: Microsoft ATR
Date: 1/24/02 10:55pm
Subject: Microsoft Settlement

To Whom it May Concern,

In accordance with the Tunney Act, I would like to present my comments on the Proposed Final Judgment in the United States'' civil antitrust case against Microsoft.

I must strongly assert that I do not feel the the proposed settlement is restrictive enough in its actions against Microsoft. It leaves many areas and issues unaddressed while containing several loopholes for Microsoft to circumvent the restrictions it does impose.

To begin with, the definitions the settlement bases its terms on are defined more narrowly than they are used in common language and practice and therefore allow to avoid the restrictions they impose. The settlement still allows much anticompetive behavior on Microsoft's part against OEMs that ship competing Operating Systems. The definition of Windows does not, in fact, include all of the relevant versions of Windows that Microsoft produces now or may produce in the future.

It doesn't prohibit the restrictive licensing terms that Microsoft issues to prevent use of Open Source software and operating systems. These are just a few of the many problems I see with the proposed settlement. In general I don't feel the settlement will present any significant discouragement of Microsoft's fiercely anticompetitive practices. It should be revised and rewritten to address the concerns I cite above before its acceptance is considered.

Sincerely,
Dan Girellini
Software Engineer
28 Juliet St.
New Brunswick, NJ 08901

MTC–00023685

From: Thomas Ward
To: Microsoft ATR
Date: 1/24/02 10:57pm
Subject: Microsoft Settlement

Break them up. Only honest, and just thing to do.

MTC–00023686

From: John and Heidi Van Patten
To: Microsoft ATR
Date: 1/24/02 10:57pm
Subject: Microsoft Settlement

The settlement is wrong.

MTC–00023687

From: minshimron@webtv.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:55pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Ronald Shimono
601 12th Ave. NW
#F3
Issaquah, WA 98027–2669

MTC–00023688

From: KarenLane@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:54pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Karen Pennebaker
HC 78 Box A22
Troy, WV 26443–9710

MTC–00023689

From: Joshua Keith
To: Microsoft ATR
Date: 1/24/02 10:58pm
Subject: Microsoft Settlement
To who it may concern,
The proposed settlement agrements are a very bad idea. These will allow Microsoft to continue it's current practices and further use it's strong arm techniques.
Thank you,
Joshua Keith

MTC–00023690

From: Aryeh Selekman
To: Microsoft ATR
Date: 1/24/02 10:58pm
Subject: Microsoft Settlement
I would like to express my feelings that the proposed Microsoft settlement is a terrible idea. Microsoft has been found guilty, and this settlement does little to punish Microsoft or prevent further violations.
-Aryeh Selekman
aselekma@umich.edu

MTC–00023691

From: phroper1@swbell.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:55pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.
This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Paul Roper
1127 Haltown Dr.
San Antonio, TX 78213–2022

MTC–00023692

From: ajv8@netzero.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:55pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.
This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Al Vickers
424 Northern Trail
Leander, TX 78641

MTC–00023693

From: dale wick
To: Microsoft ATR
Date: 1/24/02 10:59pm
Subject: MICROSOFT SETTLEMENT
ATTORNEY GENERAL JOHN ASHCROFT
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:
I am writing to express my opinion concerning the antitrust suit against Microsoft. I support the settlement and all litigation needs to end. This lawsuit has taken three years and has cost me and the rest of us (tax payers) billions of dollars. I believe that Microsoft has agreed to terms that are fair and reasonable; let's get this thing behind us and Microsoft.
It is my view that the law suit against Microsoft was not in the best interest of the public and was groundless anyway. Its time to get the federal government out of the Microsoft bashing business and to agree to the terms that Microsoft has already agreed to.
Dale L. Wick
17913 117th St. SE
Snohomish, WA 98290–6306

MTC–00023694

From: ldefend@azstarnet.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:56pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.
This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Len Defendorf
8050 E. 8th St.
Tucson, AZ 85710–2420

MTC–00023695

From: jdiscip@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:56pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.
This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Joseph Discipio
109
30th Street
La Grange Park, IL 60526–1015

MTC–00023696

From: Joseph J Hansen
To: Microsoft ATR
Date: 1/24/02 10:59pm
Subject: Microsoft Settlement
January 24, 2002
The proposed settlement is a bad idea! We believe Microsoft should be broken up as originally proposed by Judge Jackson, and should be made to compensate Netscape and other companies that have been harmed by its illegal and anticompetitive actions.
Joe Hansen, President, Lexington Strategic Associates
Joseph J. Hansen
Lexington Strategic Associates
221 Follen Road
Lexington, MA 02421–5802, U.S.A.
http://www.LexSA.com
tel (781) 863 5003
fax (781) 862 8845
jhansen@LexSA.com

MTC–00023697

From: TRW077@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:58pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the

fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Walter Talley
920 43 Ave NE
St.Petersburg, FL 33703

MTC–00023698

From: FRANKEROUSE
To: Microsoft ATR
Date: 1/24/02 11:00pm
Subject: MICROSOFT SETTLEMENT

GENTLEMEN;

I AM WRITING TO ENCOURAGE YOU TO FINALIZE THE SETTLEMENT WITH MICROSOFT.

AS THE ECONOMY CONTINUES TO FALTER, THE LAST THING WE NEED IS FURTHER LITIGATION WITH MICROSOFT AS SOME OF THE STATES AND AOL WOULD GREEDILY LIKE TO SEE.

I HAVE USED MICROSOFT PRODUCTS FOR YEARS AND DO NOT FEEL THE LEAST BIT DAMAGED. IN FACT, I FEEL DAMAGED BY THE RESULTS OF THE LITIGATION PRESSED BY THE CLINTON ADMINISTRATION ON BEHALF OF THE MICROSOFT COMPETTITORS. I WAS A SMALL BUSINESS OWNER FOR 25 YEARS AND NO ONE EVER PROTECTED ME FROM COMPETITION. ACCORDINGLY, I FEEL THE MICROSOFT LITIGATION WAS INITIATED BY POOR COMPETTITORS WHO GOT THEIR LEGISLATORS TO FIGHT THEIR BATTLES FOR THEM. THAT IS NOT FAIR TO MICROSOFT OR THE PUBLIC.

PLEASE SETTLE THE MATTER WITHOUT FURTHER DELAY OR LITIGATION.

FRANK ROUSE
YAKIMA, WA

MTC–00023699

From: Matt Taggart
To: Microsoft ATR
Date: 1/24/02 11:00pm
Subject: Microsoft Settlement

I am against the currently proposed settlement in United States v. Microsoft. While this proposal begins to address some of Microsoft's illegal practices it does not ''terminate the illegal monopoly'' and amounts to little more than a slap on the wrist. If this settlement becomes final I have no doubt that Microsoft will continue their current illegal practices because it will still be ''worth it'' if this is the type of punishment they will receive.

Please reconsider this settlement.

Thank you,
Matt Taggart
matt@lackof.org

MTC–00023700

From: Steve Sherry
To: Microsoft ATR
Date: 1/24/02 11:00pm
Subject: Accountability would be good

Being a network administrator, I have to deal with various software vendors and systems. The one thing that always stands out about Microsoft is that I hear from the company for two reasons; the first is the various security updates that always need to be applied to our system due to the result of sloppy coding. When Windows 98 was released, it was released with a huge number of known bugs in the code, if a manufacturing company released a substandard and potentially damaging system they would be taken to court to be held accountable for the damages that their indifference caused. Why should a software manufacturer be any different?

The second time that I hear from Microsoft, and this is quite regular, are phone calls concerning Marketing information or Licensing information. Never have I received a phone call asking me on what improvements that I would like to see implemented, and I would like to think that my experience as a Network Admin could be a useful tool to a company that is trying to improve their product. Being Cisco Certified, I deal with Cisco quite a bit also, and they are constantly asking for input. The major difference that myself and my fellow technicians discuss is that we wished Microsoft products worked as well as Cisco products, but the difference between the two seems to be that Cisco does one thing, but does it well, while Microsoft tries to do everything and as a result does nothing well. The best example that I can think of to demonstrate this point is that if you try to use anyones software, they usually ask you to agree with a licensing agreement. If you go to the Windows update, they ask you many times to agree to their terms. I think that Microsoft would be better off if they put as much effort into troubleshooting, testing, and releasing code that worked as they do into making sure that people are paying for it.

One last note, Microsoft's latest OS, Windows XP, is supposed to be the pinnacle of it's Windows NT and Windows 9X OS's, yet the only real improvements that have been made is some more customization of the desktop and a faster boot time. The security is awful, and all the benchmarking tests that have been performed indicate that there is almost no improvement in system performance over Windows 2000. To me, it seems as if the only aim of the Windows XP OS is to allow Microsoft the ability to cut down on pirating, but this has been done at the expense of the usability of the system since the security breaches are so bad and the fixes cause the systems to become unstable. hardly a day goes by when I do not read another story about how XP seems to cause more problems and downtime (expenses) while Microsoft continually claims that piracy costs the economy billions of dollars a year. How much money has the XP OS cost the American economy already because of bad coding by a company that only wishes to control the market.

Stephen Sherry

MTC–00023701

From: Brian Poole
To: Microsoft ATR
Date: 1/24/02 11:03pm
Subject: Microsoft Settlement

I'd just like to chime in with my opinion on the proposed settlement on the Microsoft Antitrust case.

My opinion is that the case is being resolved with far too light of penalties, probably in no small part due to Microsoft being able to drag the case along as it pleases and leaving the government with what may seem like the best, and certainly easiest thing to do; settling with an agreement that doesn't truly prevent Microsoft from continuing in its actions.

The loopholes and exceptions are numerous in the proposed settlement as many, many papers have been written on and I can only hope that the government considers this and decides to draft another revision on the settlement before simply accepting what Microsoft offers.

Thank you,
Brian Poole
Systems Administrator
CERIAS, Purdue University

MTC–00023702

From: J.C. Allen
To: Microsoft ATR
Date: 1/24/02 11:02pm
Subject: Microsoft Settlement
[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]

MTC–00023702_0001

To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Subject: Microsoft Settlement

To Judge Kollar-Kotelly and whom it may concern,

My name is J. C. Allen. I reside in Hampton, Virginia. I am a citizen by birth of the United States.

It should not be necessary to relate this information via email. However, Microsoft Corporation (''Microsoft'') has, in the past, falsified support for its position as market leader and its monopolistic, predatory practices. It is imperative that the U.S. Department of Justice (USDOJ) carefully scrutinize the responses it receives regarding the antitrust complaint filed against Microsoft and the proposed Final Judgment, because of these past actions on the part of Microsoft. Some of the email the USDOJ receives may in fact have been manufactured by Microsoft to intentionally deceive the USDOJ. Microsoft has resorted to such impromptu ''lobbying'' in the past in order to create the perception that the public supports Microsoft's actions in the nation's marketplace. I have no desire to read, in a few months, about a similar deception with regard to the proposed Final Judgment (''Proposed Final Judgment''). It is my opinion that Microsoft will use every tactic possible to convince the USDOJ that the public believes the Proposed Final Judgment is fair. I am the public, and I do not believe it is fair. I can assure you that I am not alone.

The following URL details the efforts of Microsoft to influence Utah Attorney General Mark Shurtleff using these tactics: http://seattletimes.nwsource.com/html/nationworld/134332634—microlob23.html A portion of the above article (which was originally published by the Los Angeles Times) is quoted below: ''Letters purportedly written by at least two dead people landed on the desk of Utah Attorney General Mark Shurtleff earlier this year, imploring him to go easy on Microsoft for its conduct as a monopoly. The pleas, along with more than 100 others from Utah residents, are part of a carefully orchestrated nationwide campaign by the software giant... Microsoft sought to create the impression of a surging grass-roots movement, aimed largely at the attorneys general of some of the 18 states that have joined the Justice Department in suing Microsoft. The Microsoft campaign goes to great lengths to create an impression that the letters are spontaneous expressions from ordinary people. Letters sent in the last month are on personalized stationery using different wording, color and typefaces, details that distinguish Microsoft's efforts from lobbying tactics that go on in politics every day.'' I would like to begin with a quote by former Judge, Stanley Sporkin:

''Simply telling a defendant to go forth and sin no more does little or nothing to address the unfair advantage it has already gained...'' I would also like to list some of those companies that have unfairly suffered because of Microsoft's illegal monopoly and predatory marketing practices. Following the company name and separated by a colon is the name of the product that Microsoft intentionally sabotaged, copied, or stolen outright. Following the product name and separated from the competing company's name by a semicolon is the name of the product Microsoft developed to integrate the functions of these competing applications into Microsoft operating systems. Note that many of these competing applications are no longer being actively developed because these companies, which depended on revenues from sales, are no longer in business. A few others continue to market new releases, but their user base has dramatically declined:

1. Digital Research, Inc. (then Novell, now Caldera): DR DOS; MS-DOS 5.0 and Windows 3.1, which were intentionally designed by Microsoft to alter the base upon which applications were written for Microsoft operating systems, so that applications written for Microsoft operating systems would be incompatible with DR DOS. The announcement that Windows 3.1 would not be compatible with DR DOS resulted in sales of that product dwindling to practically nothing in months.

2. Real Networks: Real Player; Microsoft Windows Media Player, which has almost completely supplanted Real Player as the de facto internet standard streaming media application. Windows Media Player is bundled with Microsoft operating systems, and is available as a free download for Microsoft operating system users.

3. Netscape Corp. (now America Online/Time Warner): Netscape Navigator; Internet Explorer, which has effectively supplanted Netscape Navigator as the browser of choice among most internet users. In 1995 the vast majority of internet users used Netscape Navigator to access the internet. Internet Explorer is bundled with Microsoft operating systems.

MTC–00023702—0003

4. Apple Computers: Apple's Graphical User Interface (''GUI''); although Apple borrowed heavily from XWindows for UNIX, Microsoft's first attempt to produce a true GUI operating system featured an almost exact replica of Apple's desktop, right down to the trash can, which Microsoft renamed ''Recycle Bin''. Apple's GUI became the basis for the present look and feel of Microsoft operating systems.

5. Corel: WordPerfect; Microsoft Office (Microsoft Word). Also: Quattro Pro; Microsoft Office (Microsoft Excel). Both Microsoft Office and Microsoft Word, separately, are frequently bundled with new installations of Microsoft operating systems.

6. Quarterdeck Corp. (now owned by Symantec): QEMM; EMM386.*, a memory manager that enabled DOS-based programs to access more than 640K of memory. EMM386.* (et al.) are necessary components of Microsoft operating systems that run in real and protected mode.

7. STAC Electronics: hard drive compression scheme; Microsoft DoubleSpace. DoubleSpace is a disk utility that is included with Microsoft operating systems.

8. Go Corp.: pen-based computing; Microsoft incorporated the code into its operating systems so that they would be able to recognize the device.

9. IBM: Lotus 1–2–3; Microsoft Office (Microsoft Excel). Also: OS/2; Windows 95. Microsoft refused to provide technical details necessary for third-party developers to develop applications for both Windows 95 and OS/2 to IBM, resulting in a net migration of users away from that operating system as the number of available applications fell. Microsoft Office is frequently bundled with new installations of Microsoft operating systems.

10. Sun Corp.: Java, Sun Java Virtual Machine (''JVM''); Microsoft J++, J#, C#, ''.NET''. Microsoft's non-standard implementation of Java (J++, J#) forced Sun to sue to prevent Microsoft from designing proprietary extensions to the language that were only functional on Microsoft operating systems. Microsoft lost and in retribution announced it would no longer support Sun's JVM in order to force a migration away from the use of Java and to force implementation of Microsoft's ''.NET'' initiative.

In addition, Microsoft has incorporated new features into its newest operating system to further extend its monopoly and sabotage applications in markets which it intends to dominate, for example: Roxio EasyCD Creator (Microsoft bundled the software required to ''bum'' CDs into its newest operating system, Windows XP); Adobe Photoshop, et al. (Microsoft PictureIt! is marketed to directly compete with these applications, using a proprietary file format which non-Microsoft middleware cannot support because PictureIt!, by default, stores images in the proprietary file format, and Microsoft has not released details of the file format to third-party developers); Norton Personal Firewall, et al. (Microsoft bundled a limited firewall into Windows XP).

In short, Microsoft has demonstrated time and time again that it is not an innovator, but that it is a ruthless integrator—buying, copying or stealing other companies'' innovations and intellectual property outright, and bundling applications which utilize these innovations with its operating system in order to drive its competitors out of business. Fear of the pending Final Judgment has not caused Microsoft to cease this abusive practice. In fact, the newest components of Microsoft Windows XP (e.g., CD burning software) were developed well after the anti-trust action against Microsoft was initiated.

It is my contention that the Proposed Final Judgment will not ''provide a prompt, certain and effective remedy for consumers by imposing injunctive relief to halt continuance and prevent recurrence of the violations of the Sherman Act by Microsoft that were upheld by the Court of Appeals and restore competitive conditions to the market.'' I believe that the Proposed Final Judgment does ''little or nothing to address the unfair advantage [Microsoft] has already gained''.

I have no special skills or training which qualify me to comment in detail on the Proposed Final Judgment against Microsoft. I am neither a lawyer, nor an employee of any of the companies which directly compete with, or depend on, Microsoft software. However, I use Microsoft software daily in my work and at home, and it is my belief that the opinions of those who actually use Microsoft products in their daily lives should weigh heavily in any deliberation. We are, after all, the ones who stand to gain or lose the most by any Final Judgment, and we stand to lose a great deal if the Proposed Final Judgment is adopted. My objections to the settlement offered by the United States Federal Government are as follows:

1. A. The internet was developed using open, non-proprietary standards.

B. Microsoft has extended, and is extending, its monopoly by developing proprietary standards which unfairly exclude rivals from developing applications which are fully functional on computers running Microsoft operating systems. C. Microsoft will profit from this exclusion. D. Microsoft should not be allowed to profit in the future from unfairly excluding competitors in the past.

Repeatedly, the court has stated that Microsoft integrated its Web browser into Windows in a non-removable way. However, at the time this claim was made, very early in the anti-trust action against Microsoft, it was a deception. It is possible to remove Internet Explorer (''IE'') from Windows 98. This has been demonstrably proven: http://www.cnn.com/TECH/computing/9903/09/removeie.idg/

In fact, an application was developed to remove IE from Windows 98 called ''98lite'': http://www.981ite.net/

I am not ignorant of the fact that this would eliminate some of the features offered by the

integration of Windows 98 and Internet Explorer. However, it would eliminate many of the vulnerabilities which have plagued Microsoft software from the time Microsoft incorporated IE as a component of the Windows operating system and offer enhanced security to the user. Yet requiring Microsoft to enable the end user of Windows to completely remove IE, and therefore eliminate direct access to the operating system (which IE, as a component of the operating system, was designed to allow), is not a condition of the Proposed Final Settlement.

At the time the integration of IE into Windows 98 was first undertaken by Microsoft, the anti-trust action against Microsoft had not yet begun. However, shortly thereafter Microsoft desperately needed a legal defense against the argument that it illegally bundled its Web browser with its operating system to crush rival Netscape. The bundling of IE with Windows 98 allowed Microsoft to establish market dominance and become the de facto standard Web browser. By demonstrating that Windows 98, with IE removed, was incapable of functioning as designed, Microsoft ''proved'' that IE was a ''necessary'' component of Windows 98. However, this claim is clearly ludicrous, and has not been completely remedied by the Proposed Final Settlement.

My principle objection is that the USDOJ appears, by way of the language of the Proposed Final Settlement and Competitive Impact Statement, to have accepted Microsoft's claim that IE ''cannot'' be removed from Windows. I simply refuse to believe that the company that integrated its Web browser with its operating system cannot un-integrate it.

It is my contention that Microsoft's future corporate strategy revolves around the development of a method of delivering digital content and services (''DCS'') securely to a computer user, and that, as a business, it is aware of how profitable this will be. Part of this effort is the integration of Digital Rights Management (''DRM'') and other schema (encryption, licensing, authentication, etc.) into daily use of the computer through the Windows Explorer shell, and therefore through IE. Any DRM scheme (et al.) proposed by Microsoft will therefore be very lucrative for Microsoft, and for Microsoft's partners, by requiring any user of Microsoft's software to pay a per-use Microsoft ''tax'' to access DCS via the internet, and by requiring any developer to license this technology from Microsoft.

It is also my contention that the integration of IE with Windows was purposefully undertaken by Microsoft to crush Netscape and establish market dominance before the internet had grown to the point that the technologies for the secure delivery of DCS were necessary, i.e., before there was a market for such technologies. I tip my hat to Microsoft's business acumen. However the internet has grown to the point that no one company can be allowed to stand between the public and the information it offers, freely, to all. With the vast majority of computer users using Microsoft operating systems, this guarantees that internet access is contingent on satisfying whatever conditions Microsoft chooses to impose.

It is my contention that DRM or other schema involved in the delivery of DCS over the internet cannot be proprietary, and that the seeming acceptance, on the part of the USDOJ, of the integration of IE with Windows has given Microsoft an unfair advantage by allowing Microsoft to utilize the leverage gained by establishing its web browser as the dominant web browser to secure, future profits, which will allow Microsoft to unfairly extend its monopoly into new computer technologies.

The Proposed Final Judgment does nothing to remedy this, but instead allows Microsoft to profit from actions which would be prohibited under the terms of the Proposed Final Judgment. I propose that the Proposed Final Judgment ''level the playing field'' by requiring, for example, that language or provisions such as Section III.E of the Proposed Final Judgment be stricken in toto:

''Section III.E ... exempts from these licensing requirements certain very limited and specific portions or layers of Communications Protocols which would, if disclosed, compromise the system security provided by Microsoft anti-piracy, anti-virus, software licensing, digital rights management, encryption and authentication features.''

It is my contention that the only relief for Microsoft's past abuse is to force Microsoft to openly and publicly disclose all features exempted by the Proposed Final Judgment, to allow no exceptions to the rule of public disclosure, and to require that this occur immediately, i.e., before the one year deadline for disclosure of Microsoft's application programming interfaces (''APIs''). This would allow the development of competing applications immediately. Companies which have unfairly suffered because of Microsoft's status as a monopoly will be able to offer competing applications much sooner than they would have under the proposed schedule. It would have the added benefit of allowing interested third parties to examine Microsoft's proposed DRM, licensing, authentication, et al. to ensure that security is not sacrificed for ''features''.

2. A. Microsoft's has repeatedly demonstrated that, as a corporation, it does not place a great emphasis on security. B. This has placed an unfair burden on American businesses and individual consumers to secure Microsoft software. C. Microsoft's corporate values are a direct result of the integration of Microsoft ''operating systems'' and ''applications'' development under one corporate umbrella. D. The ease with which Microsoft application developers utilize features exclusive to Microsoft operating systems contributes to a corporate climate which is organizationally incapable of responding to security vulnerabilities which exploit those features. E. The only remedy for this situation is to divide the corporation into two separate halves—one to develop the operating system and the other to develop applications to be run by the operating system—and to require that any APIs necessary to properly integrate an application with the operating system be disclosed to competitors in accordance with the provisions of the Proposed Final Judgment.

I am aware that Microsoft's founder, Bill Gates, recently made a pronouncement concerning computer and information security, in which he stated that security must become Microsoft's top priority. As for me, this is too little, too late. I believe the recent memorandum from Bill Gates is part of Microsoft's strategy to create a safe harbor and shelter large portions of its code base from the disclosure terms of the Proposed Final Judgment—if every API has something to do with ''security'', none of them are required to be disclosed. This must not be allowed to occur, and if the language of the Proposed Final Judgment is allowed to stand, Microsoft's status as a monopoly will not even be challenged.

The results of Microsoft's ''lip service'' to security have been widely publicized. Computer worms and viruses written to exploit known weaknesses in Microsoft software have, in the past year, cost American businesses that depend on that software billions of dollars, and been a terrible inconvenience for thousands of computer users who lost data, personal or professional, to malicious code. I have personally invested in anti-virus software and a firewall to prevent worms and viruses that exploit known weaknesses in Microsoft software from affecting me. This may be Microsoft's idea of ''driving software development'' or the ''upgrade cycle'', but it is not mine.

The ubiquity of Microsoft software is, in large part, responsible for the cost of cleaning up after such outbreaks and patching vulnerabilities caused by ''features'' that would have been exposed by a thorough code audit, if security had ever been Microsoft's priority. For example, Outlook Express (''OE''), by default, previews a message it MTC–00023702—0008 receives if the ''preview pane'' is turned on, and parses any executable script it encounters. This allows a received message, without any further interaction from the user, simply on the basis of being received by that user via OE, to execute malicious code on that user's computer.

Who, at Microsoft, was responsible for making the decision to incorporate this ''feature'' into OE? Why was it not reviewed and why was it not decided that its inclusion would make OE too vulnerable to attack?

Microsoft, as a corporation, is not capable of developing a truly secure application. The current code base is simply too large for even forty thousand employees to accurately and completely review. It is therefore my contention that Microsoft should be broken into two (or more) separate companies, one to develop Microsoft operating systems, and one to develop applications for Microsoft operating systems. Under the disclosure terms of the Proposed Final Judgment and 1. above, any Final Judgment should require Microsoft to disclose the APIs necessary to properly integrate an application with the operating system in accordance with the provisions of the Proposed Final Judgment. Requiring Microsoft to disclose any APIs necessary for its applications developers to write applications that seamlessly integrate with Microsoft operating systems would guarantee that although Microsoft might gain

market share from new APIs which take advantage of integration with the operating system, any competing application developer would be free to use those APIs to enhance their own software in a unique way. Though Microsoft might profit temporarily from the use of exclusive Microsoft APIs, it would not be able to retain a monopoly through obscurity; Microsoft would be forced to truly compete by developing applications which best serve the needs of their users.

3. A. Microsoft has undertaken the development of tools (J++, J#, C# and ''.NET'') which seek to supplant established programming languages or internet protocols (C++, Java, etc.), and which offer limited, or non-existent, functionality on computers not running Microsoft operating systems or IE. B. These tools directly subvert the open, non-proprietary standards which the internet was developed around. C. Allowing Microsoft to further dilute these standards will increase the cost America's consumers must pay to access DCS via the internet.

It is my contention that Microsoft has undertaken this action to further extend its illegal monopoly, and dominate future internet technologies. The Proposed Final Judgment does not completely remedy this. What has already been proposed, ensuring that Microsoft is no longer allowed to punish Original Equipment Manufacturers (''OEMs'') who choose to include competing technologies in their hardware or software products, does limit Microsoft's monopoly somewhat. However, it does not completely address the issue because software developers will always be at Microsoft's mercy when developing applications for Microsoft platforms via the application barrier to entry. This issue is also addressed, in part, by requiring the disclosure of Microsoft's APIs, which I have already commented on above.

I again assert that Microsoft should not profit from behavior that would have been illegal if the terms of the Proposed Final Judgment had been in force. By requiring the immediate disclosure of all APIs, DRM and other schema, immediately and without exception, competing applications may be developed using established programming languages or internet protocols which provide as much functionality as applications developed using proprietary Microsoft programming languages or internet protocols. This would deny Microsoft the opportunity to further entrench itself as a DCS provider by excluding its rivals with proprietary technologies which only provide full functionality on computers running Microsoft's operating systems or IE, with which Microsoft's proprietary programming languages or internet protocols can be fully integrated.

The loss of revenue due to sales of J#, C# and .NET development tools, instruction manuals, books, peripherals, etc. will be a punishment that truly fits the crime. By trying to encompass and control access to the internet, Microsoft will ensure that future internet technologies offer truly universal access. This will benefit consumers by offering more choices, not less, and by keeping the internet free of the control of pervasive corporate interests which threaten it. DCS will remain inexpensive, in that consumers will not have to pay a hefty ''tax'' to Microsoft (or any of its partners) simply to access DCS via the internet. The internet was built with the tax dollars of America's consumers, and should be managed by the government in concert with the global community, corporations, and citizens the world over, on behalf of all humanity. Microsoft must not be allowed to control access to the internet, or relegate consumers to a ''second-class internet'' simply because they are not Microsoft customers. This concludes my comments. Thank you for your consideration.

J. C. Allen

MTC–00023703

From: Chris McGraw
To: Microsoft ATR
Date: 1/24/02 11:03pm
Subject: Microsoft Settlement

I believe the only viable settlement is none at all. Microsoft has had its share of second chances and it's time they be punished for their crimes as any other company would surely be. Their repeated monopolistic activities and poor product making has lowered the standards of not only Americans, but the world as well. Don't let them bully the world into their mediocre ways. Chris McGraw

So the next time you're at work and thinking that the best thing about the operating system you're using is FreeCell, consider asking your boss for a Mac. If he refuses, consider getting belligerent and making thinly-veiled threats of violence. What's the worst that could happen— you could get fired? Big deal; they made you use Windows anyway...

MTC–00023704

From: Dark Mage
To: Microsoft ATR
Date: 1/24/02 11:04pm
Subject: Comment on U.S. v. Microsoft

To quote John Stuart Mill, ''The only freedom which deserves the name is that of pursuing our own good, in our own way, so long as we do not attempt to deprive others of theirs, or impede their efforts to obtain it.'' I am a conservative, but unlike many of the famous conservatives out there, I fully believe that the only proper settlement in this case is to break up Microsoft. For I am also a network administrator in a mixed Novell/Linux/Windows2k environment and have to face the hardships of this monopoly everyday. When I see Novell struggling to keep their head above water when their network operating system is far superior to that of Microsoft. But they are losing ground anyway, partially because of Microsoft's amazing marketing machine, but mostly because of Microsoft using strengths in other areas to push their operating system. The Exchange/Outlook combination for mail and calendar delivery has a very slick interface that users like. It has tons of functionality bugs, and many security holes, but it's pretty, and users (and CEOs) demand to run it. And that's fine. That's market pressure. Unfortunately, you must run Windows as a desktop OS, and Windows as a server OS, in order to do it. Same with MS SQL Server 7. A fine product on its own, except that it is not as scalable as Oracle, BECAUSE it has to run on Windows NT, which isn't as scalable as the Unices and NetWare that Oracle runs on. So people buy more NT and 2000 servers to run it.

And this is the problem. They have a very weak operating system that can't compete on its own, so they use their influence in other markets to gain monopolistic market share that they otherwise couldn't get. The only solution to this is to split them in two. The applications and the operating systems. The result of this would be products such as MS SQL Server for Solaris. MS Office for Linux. And an operating system that would work out its bugs and fix its security holes to survive rather than relying on the crutch of the applications to stay number one.

It is my personal opinion that this is Mr. Gates'' ego at work. Windows is his pet project. It's how he got his name. And he knows that Windows would struggle in such an environment, so he resists a split being ordered. Never mind that the application division would grow by leaps and bounds, released form the shackles of only developing for Windows. Never mind that true competition would return to the marketplace the likes of which haven't been seen since Microsoft sabotaged Apple in the first place by stealing their Macintosh interface from them (although they stole it from Xerox, they asked Xerox nicely first). His baby, Windows, would be hurt in the short term, and he can't let that happen. Unfortunately, this course of action will hurt everyone else in the long term, and that is what the Department of Justice originally set out to do. Hopefully they'll find the stomach to return to this course of action and do what's right, not what they think is the most politically popular because of a change in the White House staffing.

Sincerely,
Jason L. Snowden
darkmage@speakeasy.org

MTC–00023705

From: tonic@cox-internet.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:01pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Toni Crawford

915 E. 2nd St.
Moutain Home, AR 72653

MTC–00023706

From: KHurlb8641@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:03pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Karin Hurlburt
3814 Goldstein Lane
Louisville, KY 40272–2906

MTC–00023707

From: Price
To: Microsoft ATR
Date: 1/24/02 11:09pm
Subject: Microsoft

To whom it my concern

Please do something about Microsoft. If you knew what I know about computers you would act right away.

Regards
Price Sicard

MTC–00023708

From: C Zehner
To: Microsoft ATR
Date: 1/24/02 11:08pm
Subject: Competition

Greetings,

It should be competition that makes microsoft penalized, not the court. Time will come when someone will come up with a better mouse trap.....

Charlie Zehner
Monterey, Indiana

MTC–00023709

From: crawfordmomc@cs.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:05pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Pauline Crawford
32178 Hwy 87
California, MO 65018–3251

MTC–00023710

From: drkgable@pacbell.net@inetgw
To: Microsoft ATR
Date: 1/24/02 11:04pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Gregory Lane
2667 Alosta Street
San Diego, CA 92154–4202

MTC–00023711

From: Kevin Taylor
To: Microsoft ATR
Date: 1/24/02 10:23pm
Subject: Microsoft and the affect on education

As a consumer and computer professional, I have a great deal of first-hand experience in the affects of the Microsoft monopoly on the lives of Americans and want to share them with you along with my comments.

A recent, and most disturbing episode that is *directly* relevent to the remedy offered by Microsoft and accepted by the DOJ. My wife, a student at the University of Texas at Dallas, is currently in an environment very much like one that this settlement would create all over the United States. An environment where Microsoft products are very close to free ($18 for MS Office, compared to $600+ for consumers, for example) because of an ''agreement'' between UT and Microsoft.

In this environment, my wife had to take a mandatory course for anyone graduating with a business (or business-related) degree. This course says nothing about Microsoft products, quite the contrary really—it says you will learn about basic computer functions, as well as word processing, spreadsheets, etc. In the first meeting of this class, the professor said the words that students all over this country will be hearing if this remedy is put in place:

''I will only accept documents in Microsoft Office XP format, you can pick it up down at the bookstore for $18'' The problem doesn't stop there. The actual course material that this institute of higher learning is using reads more like a Microsoft commercial than an impartial introduction to computers that ''well-rounded'' people should received in college. The course materials are all done in Microsoft proprietary formats, and include a slide sporting the picture of Bill Gates, claiming him to be ''the most influential man in computers''. In this same courseware, there is a slide talking about operating systems. *Every* shipping operating system from microsoft is listed, and over 20 operating systems (just that *I* know of) that are Microsoft competitors are not.

These students are the policy- and decision-makers of the future, and everyone one of them from UT will *only* know about Microsoft technologies, and being ignorant of alternatives will push these solutions in the business world of the future. Not because it is ''innovative'', not because it is even the ''best'' solution—but because they don't know about anything else. They have been indoctrinated by school mandate, and that is the end of the story.

The most likely, and most frightening, possibility to emerge from the proposed settlement is that this problem will not be limited to the University of Texas, but to every University in this country. What would make it worse is that it would no longer be school mandated indoctrination, but government mandated.

Just imagine if those overseeing the anti-trust hearings for AT&T had simply said—''Your punishment is to make long-distance service cheaper for families with children'', or worse yet, ''you must give out free extra lines to families with children''. Today, we would all have AT&T service, and I'm quite sure it wouldn't be 7 cents/minute.

I urge you to consider real behavioral remedy, if it is going to be taken. Make them open up their file formats, so that compeditors can interoperate and compete for market share. Make them pay money, not software (which really costs them nothing at all). (As Microsoft has proven with the University of Texas, they are making these deals for near-free software with schools without being forced to—and not because it's charity, but because it's good business for the future. To really give competition a chance, make them pay the damages (as money, not software) to a non-profit foundation that can be used to help software projects that compete with Microsoft to get equal access to markets. If Microsoft will give software to schools, then this fund could be used to help offset the costs of smaller compeditors to do the same. Students, and all Americans, should have choice, and if breaking up Microsoft is not the solution, we must make sure that Microsoft cannot use its size and cash reserves to prevent others from having access to student and consumer mindshare as well.

In conclusion, I urge you to consider a remedy that will insure a future that is full of opportunity for all. The worst thing to come of this would be to find ourselves in this same monopolized environment in 10 years, but with one key difference—*no* competing companies left to choose from.

Kevin Taylor
Innovative Linux Solutions
kevin@innovativelinux.com
Phone: (972) 437–0343
Fax: (972) 422–8678
Cell: (214) 763–9507
280 E. FM 544
Suite 104–113
Murphy, TX 75094–4021
CC:dennispowell@earthlink.net@inetgw

MTC–00023712

From: JoenAnne5@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:09pm
Subject: Microsoft Settlement.

Judge Kollar-Kotally:

I have recently read a brief concerning the proposed settlement of the Antitrust violations committed by Microsoft and I believe they do nothing to punish or prevent Microsoft from continuing to violate the laws of our country. As a user of the computer I believe that all companies participating in that business should be able to play on a level field. Microsoft has over the past 5 to 7 years prevented the computer field from being anything but level. I strongly request that the present Proposed Final Judgment (PFJ) be evaluated and changed to a meaningful finding of a company that has truly been found guilty of severe antitrust violations.

Respectfully
Joseph L. Parrillo
1679 Capri Way
Charlottesville, VA
22911
CC:microsoftsettlement@yahoo.com@inetgw

MTC–00023713

From: root@stdml3.u-aizu.ac.jp@inetgw
To: Microsoft ATR
Date: 1/24/02 11:10pm
Subject: Freedom please

Please give us all freedom from MS monopoly, that is duty bound to serve itself interest and thereby served is corrupt and knows no political philosophy.

Carl Vilbrandt, MFA, Associate Professor
University of Aizu———Computer Arts Lab
Tsuruga, lkki-machi, Aizu-Wakamatsu City, Fukushima, 965–8580 JAPAN
phone 81–242–37–2792 / fax 81–242–37–2772 / email vilb@u-aizu.ac.jp

MTC–00023714

From: hank
To: Microsoft ATR
Date: 1/24/02 11:12pm
Subject: Microsoft Settlement

I think the proposed settlement is not a wise one. I think that returning the choice of what software to use—by giving money—to the recipients would be appropriate. Giving more Microsoft products away increases Microsoft's dominance.

I have been using personal computers since before the Microsoft company was formed and before the first IBM PC was available, using dBase and WordStar first on a CompuPro computer operating using CP/M and CP/M-86, and later on an original IBM PC operating under CP/M, DR-DOS and finally the Concurrent DOS operating systems.

Hank Roberts
1529 Beverly Place
Berkeley Ca 94706

MTC–00023715

From: Andrew Vinton
To: Microsoft ATR
Date: 1/24/02 11:12pm
Subject: Microsoft Settlement

Dear Sirs,

I am software developer, as well as a user of commercial software. I firmly believe that we all benefit from free and fair competition in the software market place.

Over many years, I have watched Microsoft use their near monopoly in the computer operating system market to drive competitors into obscurity or out of business. They have used predatory pricing tactics.

They have coerced computer vendors to prevent them from installing competing software on computers that the vendors are offering for sale. The best known examples are their dealings with competitors to Microsoft Word and Internet Explorer. Their recent attempts to steal the market for Java from Sun Microsystems and others are not well known to the general public, but no less ruthless.

When I heard that the Justice Department was suing Microsoft, I hoped that something would be done to curb Microsoft's behavior and restore a little balance to the market place. What I am hearing about the proposed settlement indicates to me that in the short term very little will be done, and that in the long term, Microsoft will be largely trusted to monitor it's own compliance with the few restrictions that are imposed. The company's consistent history of ruthlessness tells me that any such monitoring will be worthless.

Microsoft has worked very hard to negotiate a settlement that will not hurt them in any way. I fear that they have succeeded. This distresses me because I am convinced that they will conclude that there is no reason for them not to continue their misbehavior.

Sincerely,
Andy Vinton
vinton@acm.org

MTC–00023716

From: bmoss3@prodigy.net@inetgw
To: Microsoft ATR
Date: 1/24/02 11:09pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Robert Moss
32 NE 29th Street
Fort Lauderdale, FL 33334–1043

MTC–00023717

From: L Vogtmann
To: Microsoft ATR
Date: 1/24/02 11:13pm
Subject: Microsoft Settlement

I do NOT agree with the settlement. I am a cosignor of Dan Kegel's comments.

http://www.kegel.com/remedy/letter.html
Lyle D. Vogtmann

MTC–00023718

From: b-terry@comcast.net@inetgw
To: Microsoft ATR
Date: 1/24/02 11:11pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Brent Brent
725 Lambert Drive
Nashville, TN 37220

MTC–00023719

From: joyousone46@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:14pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel

going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Joy Ann Roberts
1656 Westminster Drive
Apt. 8
Green Bay, WI 54302–5740

MTC–00023720

From: mac123@syclone.net@inetgw
To: Microsoft ATR
Date: 1/24/02 11:17pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
stan mcdonald
97 admiral point circle
dawsonville, GA 30534

MTC–00023721

From: Bill Bremer
To: Microsoft ATR
Date: 1/24/02 11:18pm
Subject: Re: U.S. v. Microsoft: Settlement Information

I see the proposed ''settlement'' which Microsoft has offered as no settlement at all... and does nothing to stop Microsoft from continuing the ruthless practices which brought them to the attention of the Federal Courts in the first place.

I honestly can't believe the Microsoft co. actually thinks this is a fair settlement of their case... or if so, then only fair for Microsoft... In no way does their offer to put old computers, using only their products, recompense the software developers they shafted, or the public, whose access to these alternative products they have tried to deny...

I think that if Microsoft's proposal of a billion dollars was to be considered at all, then the only fair thing for the public, would be to have a cash only deal, no strings attached, to the school- systems chosen to participate in the proposed settlement. Then the school systems themselves could choose which computer systems and which software they would prefer to actually use, instead of having no choice in the matter at all. Giving ''no choice'' seems to be the ''Microsoft Way'', after all. I believe that Microsoft sees this as another way for them to weasel their way into the pockets of the American public. This time through the children in some of the poorest schools in our country...

Schools, which given a ''Choice'', might very well not wish to be using the products foisted upon them, by a company whose tarnished reputation is not exactly what they would be wishing to present to their classes every day.

I believe this is just a very transparent attempt by Microsoft to to gain market share in one of the few remaining areas in which it doesn't already dominate. As long as Microsoft is the one who is to set the rules on how the proposed settlement money is doled out, then there will never be a ''fair'' conclusion to this case. Secondly,

I see no way that the proposed settlement makes any amends to the software developers and other companies which were harmed by their overly aggressive and unlawful business practices.

If fair was fair, then these are some of the ones who should be making suggestions as to what steps should be taken to make sure that this company is not allowed to continue the practices which brought them to the attention of the courts in the first place...

Finally... I don't believe that a defendant found guilty, should be the one turned to, when it comes time to suggest either a penalty or a remedy.

Thank you...
Bill Bremer
Benson, NC

MTC–00023722

From: Trust Me
To: Microsoft ATR
Date: 1/24/02 11:19pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

[Reprinted with permission of the original author: Brian Koppe, Buffalo Grove, IL]

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. It is my understanding that the purpose of the Proposed Final Judgement should be to reduce, as much as possible, the Applications Barrier to Entry. In other words, make the market more open to competition from other products. After reading the Proposed Final Judgement and multiple essays on its problems and benefits, I have noticed many things that I take issue with. However, I'd like to focus on one in particular. This problem is in the issue of Microsoft End User License Agreements (EULA).

It has been shown that Microsoft creates EULA's that place anticompetitive restrictions on the user, and that Microsoft has intentionally created incompatibilities to keep users from using Windows applications on compatible operating systems that are not Windows. One example of this is in the license agreement for the Microsoft software, NewsAlert—offered by MSNBC. In that license it says, ''MSNBC Interactive grants you the right to install and use copies of the SOFTWARE PRODUCT on your computers running validly licensed copies of the operating system for which the SOFTWARE PRODUCT was designed [e.g., Microsoft Windows(r) 95; Microsoft Windows NT(r), Microsoft Windows 3.x, Macintosh, etc.]. ...''

Users of competing operating systems, such as Linux, which are capable of running some Windows applications are not legally capable, under this restrictive license, to use this program. One suggestion as to how restrictive licenses such as this should be forced to be changed is for the excerpt above to be re-written as follows:

''MSNBC Interactive grants you the right to install and use copies of the SOFTWARE PRODUCT on your computers running validly licensed copies of Microsoft Windows or compatible operating system.''

In the past, it has been shown that Microsoft places technical barriers on competition as well. The 1996 Caldera v. Microsoft case shows how Microsoft added code to its product so that, when run on a competing operating system (DR-DOS in this case), it would give the user an error. As I'm sure you can easily look up, the judge ruled that ''Caldera has presented sufficient evidence that the incompatibilities alleged were part of an anticompetitive scheme by Microsoft.''

Unfortunately, with the Proposed Final Judgement as it stands, there is no language to prohibit these restrictive licenses nor is there language to prohibit future intentional incompatabilities. Therefore, in its current state, the Proposed Final Judgement assists Microsoft in continuing these actions and does not succeed in opening the Applications Barrier to Entry.

In closing, I would like to add my support for Dan Kegel's essay, ''On the Proposed Final Judgement in United States v Microsoft,'' located at http://www.kegel.com/remedy/remedy2.html, which is the source of the facts I have included in this letter. I would also like to add my support for his suggested amendments to the Proposed Final Judgement, which are described near the end of his essay, and to the alternate settlement proposed by some of the plaintif states and located on the website for the National Association of Attorneys General at http://www.naag.org/features/microsoft/ms-remedy—filing.pdf.

Sincerely,
AJ Sacco, Palatine, IL

MTC–00023723

From: Jesse Stence
To: Microsoft ATR
Date: 1/24/02 11:19pm
Subject: Microsoft Settlement

Dear Sir:

Please settle this suite soon, as Microsoft has bent over backwards to try to settle. It appears that a lot of companies want a bit of Microsoft. Is there any mercy left in the court system?

Sincerely,
Jesse Stence

MTC–00023724

From: Brian Bliss

To: Microsoft
ATR,jaquelynb@attbi.com@inetgw
Date: 1/24/02 11:20pm
Subject: Another example of Microsoft's behavior

Here is just one example of Microsoft's anti-competitive conduction that may have been overlooked:

Somewhere in the 1997–1998 time frame, Netscape Communicator was distributed online as a single downloadable file of approximately 13 Mb. At the same time, Internet Explorer limited the size of files that it could download to just under that, so that you could not use Internet Explorer to download the latest version of Communicator. Instead, one had to download an older version of Communicator and install it, then use it to download the latest version.

This ''trap'' frustrated a friend of mine enough that, after purchasing a new computer, he switched to using Internet Explorer (which was, of course, pre-installed on the new computer), when he preferred to continue using Communicator. The Internet Explorer file size limit was so close to the size of the file distributed by Netscape that I do not believe it was a coincidence.

I do not believe that Microsoft can be trusted to to comply with the spirit of any court order which limits its anticompetitive conduct. Even if the loopholes in the current remedy were closed so that Microsoft does not have control over the content that computer manufacturers add to Windows, it does not (nor can it) prevent Microsoft from producing software whose behavior makes it inconvenient to use a competitor's products. If Windows were distributed under an open source license, however, the anti-competitive tweaks that Microsoft adds to its software could be quickly located and removed.

Brian Bliss
42638 Isle Royal
Fremont, CA 94538
brianbliss@attbi.com
jaquelynb@attbi.com

MTC–00023725

From: John Athayde
To: Microsoft ATR
Date: 1/24/02 11:27pm
Subject: Microsoft Settlement

To whom it may concern—

The settlement that you all are proposing does not solve many of the issues that tax payer money has been funding the fight against and in fact will allow the company to return to it's anti-competitive practices as of the next generation of it's OS (and variants thereof).

Because of the way that you have defined ''Windows Operating System Product,'' any issue of the Win32 based operating system branded as Microsoft Windows that is not
—Windows 2000 Professional
—Windows XP Home
—Windows XP Professional is not party to this agreement and therefore cannot be held under the regulations it implies. Simple language such as ''including but not limited to'' or ''including all future products developed as'' etc.

This is already an issue in the example of Windows XP Tablet PC Edition. Since that is neither Windows XP Home nor Windows XP Professional, it would appear to be exempt from this ruling. Since this is the DOJ's settlement, contra proferendum would work against the US Government and allow Microsoft leeway, since the Government failed to properly define this item. Same issue exists with ''Windows CE''.

There are many things like this throughout the settlement, which does little to quench the key problem: The method Microsoft employs is total domination of the market. If they can't innovate it, buy it. If they can't buy it, copy it and market the hell out of it until the competition succumbs. The DOJ should push for Microsoft to open up it's APIs, prohibit the Microsoft ability to retaliate against OEMs that ship computers without a Microsoft OS (section III A 2), and afford smaller OEMs, outside the top 20, the same rights of disclosure (Section III B) if they offer competing products.

I use Microsoft products. I'm typing in a Microsoft program right now. The DOJ needs to represent the rights of the majority of the citizens of the United States in providing fair competition and other open standards that Microsoft has repeatedly shown it cannot or will not provide on it's own accord.

Thank you for your time.
John Athayde
General Partner
Meticulous Design Group
Washington, DC
contact:
202.285.3544
jmpa@meticulous.com
http://www.meticulous.com/

MTC–00023726

From: Karl Randolph
To: Microsoft ATR
Date: 1/24/02 11:23pm
Subject: Not a good settlement

Karl W. Randolph.
44 Edinburgh Street
San Francisco, CA 94112
kwrandolph@email.com
Renata Hesse, Trial Attorney
Suite 1200, Antitrust Division, Department of Justice
601 D Street NW, Washington, DC 20530
microsoft.atr@usdoj.gov
Re: Microsoft settlement

Dear Attorney Hesse: In the 1800s, railroads would charge high rates on lines where they had no competition, so that they could use the revenues to subsidize lines where they had competition. If that competition was smaller, particularly when that line was its main revenue producing asset, this tactic often was able to ruin that competition. This was what the anti-trust laws were originally written to address.

Fast forward to the 1990s. Instead of physical tracks, we have software categories. There is the operating system category, word processing category, the spreadsheet category, several other categories and a new one in the 1990s, the web browser category.

The people at Microsoft pretty much ignored the web browser market other than to produce Internet Explorer and charge market rates for it. That is, until the head of Netscape, Mr. Andreeson, publicly admitted that the Netscape web browser was the same as a front end for a windowing operating system. He speculated that he could develop his web browser into an operating system.

Windows is an operating system. It is the software category that Microsoft considers its most valuable asset. It is the asset that Microsoft uses to leverage its other software assets to give them greater market share, and to charge higher prices. Microsoft also uses the availability of its other software products to help it sell Windows. It is that synergy that Microsoft uses to consolidate, maintain and expand its monopolies.

Microsoft reacted as a classic nineteenth century trust. Whereas Internet Explorer was only a minor revenue source for Microsoft, its competition from Netscape was Netscape's main revenue source. By giving Internet Explorer away for free, Microsoft was able to impoverish Netscape to prevent it from producing a competing operating system. This is just one example of Microsoft maintaining its monopolies. This is the example that is the basis for the guilty verdict in the anti-trust suit.

What is the proper sentencing as befitting this illegality? As per two paragraphs above, Microsoft uses a synergy between its operating system software and its applications software to consolidate, maintain and expand its monopolies. Therefore, it is logical that an effective way to prevent Microsoft from continuing its illegal actions is to break it up into two companies: the operating system company selling Windows with Internet Explorer, since it is finally integrated into Windows; and the applications software company. I still think that would be the best response.

The proposed settlement announced by the Justice Department does nothing to address the continuing actions by Microsoft to maintain its monopolies. As such, it is an affront to the American people.

The proposed settlement is bad for the American consumers. By maintaining its monopolies, Microsoft is denying American consumers the best software that could be made.

The proposed settlement is bad for business. There are whole regions in the software world that are virtual wastelands, with Microsoft software leaving no real competition. It is known in investment circles that it is very difficult to impossible to raise investment capital to develop products to compete with Microsoft software because Microsoft's predatory tactics will make it difficult to recover the development costs.

The proposed settlement is bad for the country. In a time that we are at war against terrorism, the quality of Microsoft's software, both its operating system software and its applications software, are a liability in this war. Because of the software bugs and design failings, it makes the American economy open to cyber attack and other mischief.

The proposed settlement is bad because it not only does not address Microsoft's efforts to maintain its monopolies, but it actually helps Microsoft increase its monopoly position.

In conclusion, the proposed settlement ought to be rejected to get an effective answer to Microsoft's illegal actions that resulted in the guilty verdict in the anti-trust trial.

Yours,
Karl W. Randolph.

MTC–00023727

From: WIDGEON212@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:23pm
Subject: microsoft settlement

Again I implore you to settle the suit against the most inovative company anywhere in the world. Please don't stifle initiative and progressive creativity.

Paul smith

MTC–00023728

From: Mic Westcoat
To: Microsoft ATR
Date: 1/24/02 11:25pm
Subject: Microsoft Settlement

I am opposed to the current Proposed Final Judgment (PJF) and believe that it is not in the public interest because I feel it is not adequate enough to remedy Microsoft's anticompetitive practices. One area that I feel the PJF is inadequate in its efforts to erode the Applications Barrier to Entry.

To remedy that, Microsoft should be required to standardize and publish all of it's APIs to more freely enable competing operating systems and products (such as the Linux middleware know as WINE) to directly run software written for Windows. It should be ensured that Microsoft is powerless to hinder such products, whether by changing its APIs, or by any other means. I feel the successful completion of such products is essential to breaking Microsoft's monopoly and ensuring a more competitive field of operating systems.

An amended PJF should do everything it can to insure that such middleware projects have whatever information and cooperation they need from Microsoft in order to succeed. I feel the current PJF will not accomplish this.

I would also like to state that I am endorsing Dan Kegel's Open Letter, which is available at http://www.kegel.com/remedy/letter.html

Sincerely,
Michael T. Westcoat

MTC–00023729

From: lareb58@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:23pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Roger K. Anderson
7400 Glen Leaf Dr. #193
Shreveport, LA 71129

MTC–00023730

From: jmhenshaw@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:24pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jan Henshaw
6009 SE Heike St.
Hillsboro, OR 97123–8296

MTC–00023731

From: gam777@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 11:23pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001 Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Glen Moore 407 E. State St. Apt. A
Fremont, OH 43420

MTC–00023732

From: revdwf@juno.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:24pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
David Flower
3619 N Del Lu Dr
Springfield, MO 65803

MTC–00023733

From: bdmahle@usachoice.net@inetgw
To: Microsoft ATR
Date: 1/24/02 11:23pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Brad Mahle
RD#4
Box 137C
Brookville, PA 15825

MTC–00023734

From: Ron—Williams4@excite.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:24pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

The governments of many states as well as the US government are becoming destructive to this society. They go after businesses like the tobacco companies, gun manufacturers, and companies like Microsoft. It is high time for the Microsoft suit to end. It is far from being a monopoly. As an example I do not use their operating system, yet I choose to use their Internet Explore.

If Netscape wishes to sue Microsoft over some issue that is one thing, but if the government gets involved that is quite another matter all together.

Please stop the lawsuit.
Sincerely,
Ron Williams
4206 Gertrude St.
Simi Valley, CA 93063–2928

MTC–00023735

From: Alex
To: Microsoft ATR
Date: 1/24/02 11:27pm
Subject: Microsoft Settlement

To Whom It May Concern,

I am opposed to the proposed settlement in the Microsoft anittrust trial. The predatory behavior and laws that Microsoft have broken are in no way reflected in the proposal. A much stronger remedy must be enacted which keeps the best interest of the citizens of the US in mind. A decision which favors the right for linux and open source projects/products to innovate, as well as Microsoft competitors, is necessary. Microsoft is not in need of leniency, they are one of the most powerful corporations in history, literally controlling the entire computer landscape. They must NOT be treated with kid gloves, but kept in check, especially considering all of their past predatory actions. If we do not act strongly and swiftly, I fear that the innovation of computation as a tool for humanity will be significantly hampered.

Sincerely,
Alexander Schwarm, Ph.D.
9303 La Puente Dr.
Austin, TX 78749

MTC–00023736

From: critser@pacific.net@inetgw
To: Microsoft ATR
Date: 1/24/02 11:24pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Danny Critser
5070 Willow Avenue
Kelseyville, CA 95451

MTC–00023737

From: Michelle Ingram
To: Microsoft ATR
Date: 1/24/02 11:29pm
Subject: Microsoft Settlement

I don't agree with the proposed settlement.

MTC–00023738

From: LOroake@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:31pm
Subject: Microsoft Settlement

Once again I wish to express how I feel about the importance of settling the Microsoft case. I am disapppointed that AOL Time Warner has filed a suit against Microsoft. Maybe it is time for the government to look at AOL. Isn't it time that the government not be deterred by companies that I feel are taking advantage and jumping on the proverbial bandwagon for their own self interest? I might add that it is unfair, unjust and self-serving. Please settle this case and stop the obvious motives to prolong the settlement.

MTC–00023739

From: R. Knox
To: Microsoft ATR
Date: 1/24/02 11:53pm
Subject: Microsoft Settlement

I feel that the proposed settlement is lacking in very important ways. One desirable goal is to allow vendors to create an environment in UNIX style operating systems which allow windows applications to run outside the Microsoft controlled environment. The proposed settlement does nothing to implement this.

The Proposed solution restricts information released to be used ''for the sole purpose of interoperating with a Windows Operating System Product''. This prohibits innovators from using Microsoft technical specification information for the purpose of writing UNIX or Linux based systems that run Windows programs. You are locking windows programs into the Microsoft owned environment—making stronger their monopoly. Richard Knox

MTC–00023740

From: Matt Kuhns
To: Microsoft ATR
Date: 1/24/02 11:32pm
Subject: Microsoft Settlement

January 24, 2002

I am writing to express my comments on the proposed Final Judgment in the Microsoft antitrust case, and to urge you to reject the current settlement terms.

After years of blatant misconduct by Microsoft, followed by years of legal battles, Microsoft was officially found guilty of abusing monopoly power. With that unambiguous judgment in hand, there should be no question of whether or not Microsoft's misdeeds will continue. Yet the proposed settlement leaves the door wide open for Microsoft to continue abusing its unbroken monopoly power. Essentially the ''solution'' offered for Microsoft's violations of the law is that they promise to follow rules which restrict them from breaking the law. In the face of Microsoft's repeatedly-proven indifference to laws and regulations, the idea that this settlement will have any impact on them is insulting.

I don't believe anyone is fooling themselves in regards to the proposed settlement, either. The terms have been roundly criticized by media observers too great in number to dismiss as a biased minority. Nine states'' Attorneys General, after investing great effort to bring Microsoft to justice, have declared the settlement's terms unacceptable and chosen to fight on.

I find it unlikely that you really have any more enthusiasm for this settlement than they do. There is, I realize, considerable political pressure to let Microsoft off the hook. But that's all the more reason why their power needs to be broken.

After all the arguments surrounding this settlement, the fact remains that Microsoft is guilty of consistent, illegal abuse of monopoly power. The sole effective solution for abuse of monopoly power is to end the monopoly. Break up Microsoft.

A Microsoft break-up will free the market from Microsoft's heavy hand, and restore natural competition. Ultimately everyone will benefit; businesses, customers, investors and even Microsoft itself. Please, do the right thing and abandon the proposed settlement in favor of a real solution.

Sincerely,
Matt Kuhns
mjk@edgeofspace.net

MTC–00023741

From: bgraham@chartermi.net@inetgw
To: Microsoft ATR
Date: 1/24/02 11:31pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Bonnie Graham
5783 N. 6th St.
Kalamazoo , MI 49009

MTC–00023742

From: Jake Phuoc Trong Ha
To: Microsoft ATR
Date: 1/24/02 11:33pm
Subject: Microsoft Settlement

Please don't break Microsoft, they are best what they have been doing to offer customers the best OS ever made!! Thanks

MTC–00023743

From: Edan Lev-Ari
To: Microsoft ATR
Date: 1/24/02 11:34pm
Subject: Microsoft settlement

Dear Sir/Madam:

I am strongly opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the currently proposed settlement does not fully address the actions committed by Microsoft in the past, or stop their ability to commit similar actions(crimes) in the future. I do not believe that the current proposal adequately protects or compensates

those injured by Microsoft's anti-competitive behavior. Hundreds, perhaps thousands, of small and large companies have ceased to exist over the years because of Microsoft's exploitation of their monopolies on operating systems and office applications. Microsoft's monopoly has done incalculable damage to the technology industry.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively stop Microsoft from abusing its current monopoly position in the operating system market. This is especially important because the seriousness of Microsoft's past transgressions. If Microsoft is not stopped now, their monopoly will only grow more oppressive.

Most importantly, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their past abuses (many in violation of previous consent decree's). They prohibit only the future repetition of those past abuses. This, I think, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts and not been punished. That is not justice, not for the victims of their abuses and not for the American people.

I have been using computers daily since the mid-eighties, when my parents brought home a Macintosh Plus. I have seen the death and withering of all commercial, consumer directed, non Microsoft computing platforms (Amiga, Atari ST, Macintosh). Much of this has been the results of Microsoft exploiting their dominant market position by bundling software together and by exploiting closed file formats and protocols.

Microsoft has adopted a policy of ''embrace and extend.'' Microsoft will embrace an open standard. Then, Microsoft will ''extend'' the standard. Each time Microsoft does this; they split the market between the open standard and the Microsoft standard. All people working with the open standard must then rewrite their software/hardware to support with Microsoft's extended standard since Microsoft is %90+ of the operating system market. Microsoft tries to spilt virtually every open standard into two incompatible versions; a proprietary Microsoft version and an open version. Microsoft then exploits the standards chaos they created to lock competitors.

While the Court's desire that a settlement is reached is well-intentioned, it is plain wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is many times compounded.

Sincerely,

Edan Lev-Ari <elevar1@pride.hofstra.edu>

MTC–00023744

From: John Andrews
To: Microsoft ATR
Date: 1/24/02 11:35pm
Subject: Microsoft Settlement

As a computer support professional who works for a specialized software company, I have seen victims of Microsoft's monopoly that are normally not reported on in the mainstream media: their customers. Because of Microsoft's operating system and Office software monopolies, the only software available for my customers'' unique needs requires Microsoft products. Other companies offer comparable software, but it too runs on Microsoft. With no real competition, Microsoft's products have become low quality, and the American economy suffers because of it. I have witnesed numerous small insurance agencies that have been either unable to operate effectively or at all, due to failures of Microsoft software, and from infections from computer viruses—most of which are caused by security lapses in Microsoft's software. —

John Andrews
john@aattic.inav.net http:\\aattic.inav.net

MTC–00023745

From: Lee Busby
To: Microsoft ATR
Date: 1/24/02 11:35pm
Subject: Microsoft Settlement.

Sirs:

I attach a PDF file containing my letter regarding the proposed microsoft settlement, and will fax a signed copy shortly.

Thank you—
Lee Busby
CC:busby1@llnl.gov@inetgw

MTC–00023746

From: InjunJim14@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:33pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
James Guinane
1060 E. Broadmor Dr.
Tempe, AZ 85282

MTC–00023747

From: mel49092@cs.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:33pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Elmer LeLeux
4909 Dolphin Street
New Iberia, LA 70560

MTC–00023748

From: steve hanlon
To: Microsoft ATR
Date: 1/24/02 11:36pm
Subject: Microsoft Settlement

The United States should not accept the proposed settlement with Microsoft. I feel this is a very bad idea and Microsoft should be given a just punishment for their crimes. A quick settlement does nothing to prevent this type of business practice from occuring in the future. The DOJ exists to protect the interests of the public, not the corporations.

Steven Hanlon
US Citizen
(address and SSN available unpon request)

MTC–00023749

From: Head of the Councel of Wizards
To: Microsoft ATR
Date: 1/24/02 11:37pm
Subject: Concerning the microsoft antitrust case.

First, let me make it clear that I'm a capitalist in pursuit of the all-allusive dollar. I have been in the computer industry for approaching 20 years, and was on the Internet 15 years before it became the Information Super Hi-way.

Now, I'm worried about my industry. Innovation has been squashed many times over the last 13 years. DRDOS was disabled, OS-2 discarded, Netscape was crushed, among many others. I'm afraid if something isn't done to stop Microsoft, innovation in our industry will be outlawed. Microsoft has done a good job of promoting themselves over there competitors. To good a job. They were allowed to build an operating system that dominated the industry, then they wrote the major applications used by that operating system to lock out other operating systems, even if they were more efficient and more powerful. This eliminated DR DOS, OS2 and several others. I've worked in and around ISP's for 10 years, and 5 years ago, when they decided to start doing there own network, they came into ISP's, and used the same tactics in the ISP world. The one I've particularly hated has been there embrace and extend methodology. This has effected my job many times.

They have been given chances before. They've been slapped on the hand by the courts many times. Even now, they are having there own people flood online polls, etc to improve how they rate against there competitors. I'm willing to bet that sending

you email has been done by most everyone in the company. They've also been caught forging letters to politicians. You might want to check and make sure all the email you receive is from people that are still alive. My letter is digitally signed, and NOT forged.

You may contact me to verify this is the letter I've sent. Thank you for your time.

Richard Hart
1298 Columbine Drive
Castle Rock, CO 80104
303 660–0784

MTC–00023750

From: steve@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/24/02 11:38pm
Subject: I protest the Microsoft Settlement.

I have followed the Microsoft anti-trust case and read the proposed settlement—and I have to say that I am deeply horrified. Why is the DOJ letting a proven illegal monopoly off the hook?

We have seen MS extend it's tentacles in subtle yet devastating ways. They claim that there is viable competition and yet have the power to sweep that away at a stroke at any time.

To pick just one of hundreds of events, consider the recent news that Microsoft purchased dozens of patent rights relating to 3D graphics from Silicon Graphics Inc. At first sight, this is no big deal—but those of us who try to use 3D graphics in a non-Microsoft Operating System can see this as a way to wipe out their competition at a stroke.

There is a pre-existing 3D graphics standard ('OpenGL') that was created by Silicon Graphics—and which is covered by many of the patents that Microsoft now own. Microsoft hate OpenGL because it's a portable, universal standard. Instead of embracing a universal standard, they methodically set out to create a deliberately (and unnecessarily) incompatible competitor.

The support for OpenGL under Microsoft OS's has eroded steadily. Now they have the power to completely eradicate it—not just on their own platform—but on everyone else's too.

If that happens then Linux and MacOS will no longer have the ability to render 3D images. Period. There will then be no possibility of computer games on any other OS. No domestic computer users will even consider a platform that cannot run 3D games and Linux and MacOS will be sunk.

The OpenSource community could design a new 3D graphics interface from scratch—but pursuading the hardware vendors such as nVidia and ATI to support it is truly an impossibility. nVidia in particular cannot afford to upset Microsoft because such a large fraction of their revenue is coming from another one of Microsoft's tentacles—the X-Box video game system.

This is but one example—I could list dozens of others. The point is that if MS had a monopoly in just one narrow area, a small, dedicated group could try to compete against it—but when they spread tentacles into MANY areas, the synergy that this generates for them can make it literally impossible to get competition started. Splitting the company in two parts was a GOOD solution. I am disgusted that this is now off the table in favor of this watered down, ineffectual sell-out.

Steve Baker
Mail: <sjbaker1@airmail.net>
WorkMail: <sjbaker@link.com>
URLs : http://www.sjbaker.org

MTC–00023751

From: Marty Criswell
To: Microsoft ATR
Date: 1/24/02 11:38pm
Subject: Microsoft Settlement

My name is Marty Criswell 730 Allen rd Lot 170 Manhattan, KS 66502 and I wanted to give my view on how Microsoft should be disciplined for violating antitrust laws. The easiest solution I believe would to require Microsoft to open the source code for the operating system. Microsoft would be able to keep the source for the other products but would no longer be able to prohibit other software developers from producing better programs.

MTC–00023752

From: luckie@sonnet.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:35pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Chris & John Luckie
21680 Fortuna Mine Road
Sonora, CA 95370

MTC–00023753

From: spicermc@uffdaonline.net@inetgw
To: Microsoft ATR
Date: 1/24/02 11:35pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse: Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Marlene Spicer & Family
805 South 17th Street
Grand Forks, ND 58201–4240

MTC–00023754

From: msw151@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/24/02 11:38pm
Subject: Comments on proposed Microsoft settlement

Dear Sirs,

I don't like the proposed settlement with Microsoft. Rather than addressing Microsoft's anticompetitive behavior, I believe it actually helps them to further strengthen their monopoly by gaining a bigger foothold in the public schools.

I would like to see a settlement that will make it easier for software companies to compete with Microsoft so that consumers such as myself can enjoy tangible benefits, such as improvements in security, better interoperability with other software, or simply lower prices. My belief is that requiring Microsoft to publish detailed specifications of file formats, communication protocols, and programming interfaces would allow software companies to write interoperable software which would then result in meaningful, realistic, long-term competition in the personal computer software industry.

Thank you for allowing me to email my comments.

Mike Wright
1050 Meadowlark Dr.
Enon, OH 45323

MTC–00023755

From: jtucker852@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 11:36pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
James Tucker
11420 Eucalyptus Hills Dr.
Lakeside, CA 92040–1211

MTC–00023756

From: S. Olsen
To: Microsoft ATR

Date: 1/24/02 11:40pm
Subject: Microsoft Settlement

Gentlemen,

The proposed settlement in the Microsoft Anti-trust case does nothing to address the basic issue of illegal business practices that Microsoft has engaged in. Any settlement needs to deal directly with these illegal business pracitices to prevent any reoccurance in the future.

It is necessary to have an open and freely operating computer industry. Microsoft has been a bottleneck throttling down the creativity and innovation that has been a characteristic until Microsoft decided that all innovation should come from them.

The current settlement is a travisty and should not be implemented.

MTC–00023757

From: mwalkjord@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:36pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Marilyn Jordan
3214 Washington Rd.
West Palm Beach, FL 33405

MTC–00023758

From: Zachary McCord
To: Microsoft ATR
Date: 1/24/02 11:41pm
Subject:

Insufficient Microsoft antitrust action

I am deeply concerned about the limited effects of the antitrust action against Microsoft Corporation.I believe the current PFJ leaves a number of loopholes that Microsoft Corporation may be able to use to reduce the effects of the PFJ

*The PFJ's definition of ''middleware'' includes Outlook Express, but fails to include the more powerful Outlook application and Microsoft Office itself, despite the fact that Office contains applications that fit the definition of middleware. The PFJ also allows Microsoft to negate the effects of the sections pertaining to middleware by changing version numbers, and would not cover new versions of Microsoft software. It also does refer to Microsoft java, but does not refer to Microsoft.net and C#, both of which are intended by Microsoft to replace the aforementioned Microsoft Java application.

*The PFJ's definition of API is too narrow to include certain key Microsoft APIs such as Windows installation APIs.

*The PFJ's definition of ''Windows'' does not include Windows 2000 (as opposed to Windows 2000 Professional), Windows XP Tablet PC Edition and Windows CE. Many applications need little or no alteration to be used in other Microsoft platforms.

*The PFJ gives no real means of enforcement.

*The PFJ requires vendors of competing middleware to meet ''reasonable technical requirements'' seven months before new releases of Windows, yet it does not require Microsoft to disclose those requirements in advance. This allows Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

Zachary McCord, Student

MTC–00023759

From: rick
To: Microsoft ATR
Date: 1/24/02 11:41pm
Subject: Netscape vs Explorer

This latest suit by AOL against Microsoft over the Netscape browser, (that they bought knowing full well that it was an inferior browser), is invalid. The DoJ should see this for what it really is, Netscape represents about %10 of browser usage. This is the state of things simply because it is an inferior product compared to Explorer. It does not support XML or web services, it does not follow the W3 consortium standards for the DOM (document object model), does not handle stylesheets properly, does not support Iframes, etc. The list of problems with Netscape is endless and that is why they lost market share. Microsoft simply built a better product. It would be like Ford suing Toyota because the Escort lost market share to the Corolla, that market share was lost because Corollas are better cars than Escorts.

Lets let the web publishing industry get back to normal, browsers are NOT about technology they are about the electronic equivalent of paper and ink, and Microsoft is ahead because they worked harder, faster and smarter at giving consumers a great Internet experience. If Netscape is so great then why is AOL itself still shipping an ''embedded'' version of Microsoft Explorer as their ''AOL'' browser. They are not even using their OWN product in their OWN user interface, but instead chose Microsoft.

go figure,
Richard Hansen

MTC–00023760

From: GARY A MODUN
To: Microsoft ATR
Date: 1/24/02 11:40pm
Subject: Settlement of Microsoft Suit

Dear Attorney Gen. Ashcroft:

I have followed the Government's case against Microsoft over the past few years and I am writing to ask you to please grant your approval to the pending agreement so that we can all move on with much, much more important matters like keeping secure our rights, liberty, and basic freedoms from this unprecedented onslaught of terrorist activity. Please, Sir, there are much more pressing and urgent matters confronting the nation than to expend precious public resources and time continuing to take action against a U.S. corporation that has done much to enhance the lives of individuals and business in general. It is past time for all parties to agree to a just compromise and move on. I am looking forward to your approval of this settlement that is fair, just, and beneficial for all parties involved.

Thank you,

Mr. Attorney General, for your time and consideration.

Sincerely Yours,
Gary A. Modun
Olympia, Wash.
CC:fin@mobilizationoffice.com@inetgw

MTC–00023761

From: Richard Becker
To: Microsoft ATR
Date: 1/24/02 11:41pm
Subject: Please consider the future

Dear Sirs:

I've worked in the technology industry for over 10 years, and am president of MATRIX Information Systems Inc. I've seen the rise of Microsoft, and witnessed their business practices and find it amazing that such practices are condonned by the American justice system. If the proposed settlement is accepted, Microsoft would have gotten away with a mere slap on the wrist (if that), and would essentially have complete authority to continue doing what it has been doing, maybe even going beyond those limits. I see a very tough time for any competition, and likely a rough ride for the open source movement and any technical inovators.

Interesting how Microsoft even now is extending it's monopoly to the ''family room'' with the X-Box, and using .NET in an attempt to take over the Internet. I don't have a problem with a company being successfull, but I do have a problem with the business practices of Microsoft, and especially their technology. Their technology is closed, lacks security and lags behind others, but continues to thrive because of lack of choice for the consumer. I guess a marketing campaign of Fear, Uncertainty and Deceit, really does work.

Here is one case where the justice system could make a real difference to the average person, by giving them choice, competition and quality, in other words ''breaking up MS''. I doubt whether they would have a chance if they had to face real competition, and were not allowed to continue their illegal activities.

I guess this is a test case to see if Microsoft managed to put a little ''weight'' on the scales of justice in their favour. I'm sure this is likely the case, just too bad we like to talk about freedom, and independance, and justice, but really it is just talk. When the opportunity presents itself to put our princibles before our corporations, we always choose our corporations (that's the American way).

Thanks,
Richard J. Becker

MTC–00023762

From: Jay Dahl
To: Microsoft ATR

Date: 1/24/02 11:42pm
Subject: More on Microsoft
Hello,
Could you PLEASE put an end to this madness?? AOL is now suing Microsoft. Give me a break... I like Netscape. I like Internet Explorer... Let ME choose which I want. I do NOT want the court system determining which is better, which is more honest, which is more whatever. I WANT TO CHOOSE. Please end the suit and let the American Public decide with their ''dollar votes''
Respectfully,
James K. Dahl
3815 South Kalispell Street
Aurora, CO 80013–2703
voice: 303.693.9869
fax: 303.617.0308
email: jdahl@pipeline.com

MTC–00023763

From: LK Oon
To: Microsoft ATR
Date: 1/25/02 12:32am
Subject: Microsoft Settlement
The settlement is a BAD idea!

MTC–00023764

From: peaceb53@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:41pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
barb peace
845 n hasmer hill rd
osgood, IN 47037–9396

MTC–00023765

From: richard (038) dianna sanders
To: Microsoft ATR
Date: 1/24/02 11:46pm
Subject: Microsoft settlement
AOL and the government need to get out of the courts in regard to these technical issues. The reason I use the MS browser is that it is better than Netscape. I had Netscape, provided to me free by my isp and I changed because I did not like it as well as the MS browser. Since I did not pay for either one how was AOL hurt? If AOL has its way we all would be held hostage to them. AOL is much more anti consumer than anyone I know. I cannot IM with my brother because he has to use AOL. AOL blocks his access to me and my access to him. Get lost AOL. you are in second place because you are not as good.
Get out of the way, and out of court, US government, and let the marketplace decide who is best.

MTC–00023766

From: Steve Curtin
To: Microsoft Settlement U.S. Department of Justice
Date: 1/24/02 11:42pm
Subject: Microsoft Settlement
Steve Curtin
7047 W Lamplighter St
Boise, ID 83703
January 24, 2002
Microsoft Settlement U.S. Department of Justice ,
Dear Microsoft Settlement U.S. Department of Justice:
The Microsoft trial squandered taxpayers’ dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.
Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.
Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.
Thank you for this opportunity to share my views.
Sincerely,
Steve Curtin

MTC–00023767

From: Pkshadow
To: Microsoft ATR
Date: 1/24/02 11:47pm
Subject: Microsoft Settlement
The settlement is wrong. It is a simple answer that all the public knows. This settlement benefits MS and not the public.

MTC–00023768

From: James Wall
To: Microsoft ATR
Date: 1/24/02 11:47pm
Subject: Microsoft Settlement
To whom it may concern
I oppose the proposed settlement with Microsoft. A major reason for this is the lack of a quick and efficient means to enforce this agreement. Microsoft is well known for it's persistent use of any tactic, legal and illegal, to avoid and circumvent any agreement that they feel prevents them from achieving goal they have. This creates a situation where the Guardian of the Public Good is muzzled and gagged. —
James Wall
rtb.ink@mindspring.com

MTC–00023769

From: Derek Dohler
To: Microsoft ATR
Date: 1/24/02 11:47pm
Subject: Microsoft Settlement
None of the arguments that I might make regarding this settlement are likely to be ones which have not been heard before. So I will be brief, and simply state that I feel very strongly that Microsoft must be dealt with in a manner appropriate to its actions. It has acted illegally, and it must now pay the consequences. A breakup would be an ideal solution. Although I realize that a breakup is unlikely, Microsoft MUST not get away with a ''slap on the wrist'', or it will prove that anyone with enough money can defy even the government.
Thank you for your time.
Derek Dohler
Concerned Citizen

MTC–00023770

From: Bob Techentin
To: Microsoft ATR
Date: 1/24/02 11:47pm
Subject: Microsoft Settlement
I would like to submit an opinion for your consideration during the Tunney Act public comment phase of the Microsoft Anti-Trust trial settlement.
While there are many flaws the the recommended remedies, I am particularly concerned because they appear to be insufficient to prevent Microsoft from continuing to use technical details to support anti-competitive practices. The definitions of terms such as ''API'', which Microsoft is required to disclose, is vague enough that they would not necessarily have to disclose all important APIs to competing software vendors. Microsoft could also continue its long history of changing APIs without suitable notice or documentation, effectively redering third-party software non-functional.
Overall, as one of the public that is supposed to be protected from the monopolistic practices of Microsoft, I am not satisfied that my interests will be protected by this agreement.
Sincerely,
Robert W. Techentin
1846 36th Ave. SE
Rochester, MN 55904

MTC–00023771

From: Scott Boland
To: Microsoft ATR
Date: 1/24/02 11:47pm
Subject: The Microsoft Settlement
As I write these comments on a MicroSoft OS, using MicroSoft's mail client, sending it most likely to a MicroSoft Server. All I can think is how our Justice Department has failed us.
I have been a professional in the computer field my entire career. I have grown up with the machines that preceeded the PC of today. There used to be TV commercials where different makers would hype ease of use, competive price, or peerless features. Today we get flying people and feel good music.

Competition for the OS in the PC market is currently dead, and the agreement I have seen sees fit to bury the corpse out of sight where it won't stink things up. The biggest profitable competitor today for market share is the older copies of Microsoft's OS.

The miserly places the market is —not— controlled by Microsoft are in the embedded markets, graphics houses, schools, and utility servers. The agreement, as structured, would further the control of Microsoft into these arenas without returning any notable benefit to the public at large. The wording is such that the competitor in the utility and embedded market, Linux, would no longer be allowed even an attempt at interoperation. The schools, a traditional stronghold of Apple, would be assigned equipment requiring Microsoft contracts from this time forth. The graphic houses, already feeling preasure to conform to the MicroSoft PC, may find the company declaring software makers ''dubious'' and therefore remove the little cross platform software still made by the Seattle giant. Only those companies willing to pay MicroSoft in exclusive and secret contracts will be allowed to view holy writ on how to interface with these systems.

A monopolist who abuses his abilities in the marketplace must not be given greater control over their product, but less. Microsoft should not be the one who chooses who will be allowed to see their documentation for purposes of compatibility. Microsoft must not be the one deciding who is a 'valid' competitor. Microsoft should not be allowed secrecy and unknowable agreements tying OEMs and contractors to their aprons. The only way to spur more competition is to give others advantages to overcome the inertia being built up by the one company.

To that end, I would suggest making all contracts made by Microsoft be visible to the general public after one year's time. I would suggest that sales of the OS and Applications be based on fixed prices to all users, be they OEM, retail, or school to prevent further market manipulation. Due to the destruction of the browser competitor, the current Microsoft browser code should have all interfaces and API's released to the general public that was damaged by the removal of competition. At the furthest end of the spectrum, should they not abide by the court, they should lose the protections of copyright over the materials they have already released to increase the level of competition from the only real alternative, the previously sold copies of Microsoft software!

I am forced to work with and for the companies cooperating reluctantly with Microsoft every day. Currently I am now laid off due in part to my multi-platform skills no longer being needed by the majority of industries. Corporations are not ethical. They do not restrict themselves unless forced to. Every previous agreement with this company has been subverted. It is a travesty of justice to reward them with the settlement currently on the table.

—Charles Scott Boland

—BA Computer Science, System Administrator and Software Development QA

MTC–00023772

From: Daniel Gowans
To: Microsoft ATR
Date: 1/24/02 11:48pm
Subject: Microsoft Settlement

Name: Daniel R. Gowans, Fort Collins, Colorado; Design Engineer, Agilent Technologies

MTC–00023773

From: David Clark
To: Microsoft ATR
Date: 1/24/02 11:48pm
Subject: Microsoft Settlement

I am writing this to express my dissatisfaction with the proposed Final Judgement against Microsoft. The most disturbing parts of the proposed Final Judgement are as follows:

1) Microsoft can refuse to release critical information to open software projects on the sole basis that they do not meet Microsoft's definition of a viable business. The closest thing to competition Microsoft has are several open source projects/groups such as Apache, SAMBA, and Linux, yet these groups can be denied access to the API's. In other words, those who can do the most good for consumers with the API's will be denied access to them.

2) There are no provisions for financial penalties in the proposed Final Judgement.

3) Too much hinges on the definition of ''Microsoft Middleware.'' Microsoft has a tendency to make middleware part of their OS, thus making it OS software, not middleware. I believe that Microsoft will accelerate their tendency to move softare into the core OS so that they will not be subject to the stipulations of the Proposed Final Judgement.

4) There are insufficient guards against Microsoft eliminating competition in newer markets such as Media Players and handheld devices. Competition is still alive and well in these markets and the DOJ needs to stop Microsoft's predatory practices before these new markets suffer the same fate as the consumer OS and browser markets.

David Clark

MTC–00023774

From: Troy Arnold
To: Microsoft ATR
Date: 1/24/02 11:48pm
Subject: Microsoft Settlement

Time is running out to comment on this case, so I'll be quick rather than eloquent. In short, though, the proposed settlement: Does not punish Microsoft enough for their innovation-stifling practices; does not guarantee in strong enough language that competitors will be allowed to compete on an even a somewhat level field; does not spell out in serious and clear terms penalties for further Microsoft violations.

It is important that the spirit of any judgement be enforced with teeth. Microsoft has in the past shown the willingness and ability to use their tremendous resources to find and exploit any available loophole. In particular, I'm concerned that section III:E, the licensing of network protocols, be enforced in a way realistic and useful to competitors. I use Linux, my girlfriend uses Windows. The Samba Project allows us to share files and collaborate in our work. It's been my experience that Samba fileservers can run on cheaper hardware and with more reliability then, say Windows NT or 2000. If the network protocols are sufficiently obfusated by Microsoft, then businesses and individuals will be *forced* to use a MS operating system to interoperate with other Windows users. On a related note, MS uses the spectre of software patents to steer developers away from the creation of competing products. After all, what's the use of writing something useful if a core protocol can later be patented? Force Microsoft to come clean with their patent intentions (no more indefinite threats) so that developers can get back to work.

I'm currently shopping for a new notebook computer. It is difficult to find a quality, brand name machine without Microsoft windows preinstalled, often with a slew of Windows applications. As a Linux user, I do not which to pay for a bevy of software for which I have no use.

III. A. 2. of the Proposed Final Judgment is a step in the right direction, but should be amended to read: (see ''c'') 2. shipping a Personal Computer that (a) includes both a Windows Operating System Product and a non-Microsoft Operating System, or (b) will boot with more than one Operating System, or ''(c) includes a non-Microsoft Operating System but no Windows Operating System Product;''

Finally, in judge in 1996 Caldera v. Microsoft found that ''Caldera has presented sufficient evidence that the incompatibilities alleged were part of an anticompetitive scheme by Microsoft.'' In my opinion, DR-DOS was superior in several ways to MS-DOS yet was not allowed to compete. Years of such violations, and toothless penalties allow Microsoft to continue to laugh at fair practice and gouge the personal user and business alike. They have some terrific software, but so do many others and it *must be* allowed to flourish.

Thank you for your effort and time on this case.

-troy

MTC–00023775

From: cdbh
To: Microsoft ATR
Date: 1/24/02 11:47pm
Subject: Microsoft Settlement

I am writing to let you know that I believe the government should settle with Microsoft as quickly as possible. Microsoft has exercised extreme diligence in preserving the compatibility of its older products while introducing newer products. This has saved consumers countless, countless dollars and headaches. Although Microsoft gains from this through maintaining its customer base, it is such a great service to the public that Microsoft should be rewarded rather than punished. Also, it is BAD for the stock market, the public and the US economy at large to have Microsoft's stock continually take a beating. Microsoft's enemies see that Microsoft is vulnerable and they leap into the fray. Enough is enough! Put a halt to all the attacks and the nonsense. Settle with Microsoft as quickly as possible. Let the country move on!!

MTC–00023776

From: Cherry Sowder

To: Microsoft ATR
Date: 1/24/02 11:51pm
Subject: Microsoft Settlement

Break that evil monopoly up their past performance up to and including their behavior in court only proves that they can not be trusted to act in the best interests of the consumer.

MTC–00023777

From: bleak
To: Microsoft ATR
Date: 1/24/02 11:53pm
Subject: microsoft settlement

Another AOL suit? Will this ever end. It is time to get the MSFT settlement done and get the company out of court. My retirement is tied to the MSFT shares I purschased over the years, not the federal government, and I need MSFT to be free to pursue its software business. The settlement benefits all parties. How is the gvt. protecting me from MSFT? I still haven't figured that one out. Anyway I hope my little plea won't go unnoticed. Let the settlement proceed.

Bob Bleakley,
Tarpon Springs, Fl.

MTC–00023778

From: Daniel Gowans
To: Microsoft ATR
Date: 1/24/02 11:52pm
Subject: Microsoft Settlement

I am opposed to the proposed settlement in United States vs. Microsoft. I feel that it is premature and doesn't deal with the problem Microsoft is causing in the software market. Their monopolistic activities are being allowed to continue on many levels including API secrecy and undisclosed standards.

Daniel Gowans
Fort Collins, Colorado

MTC–00023779

From: Mcckevatsa@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:53pm
Subject: Microsoft Settlement

This may be my second e-mail on this topic, but, if so, I did not realize that the Tunny Act allowed public comment which might actually be read by Judge Kollar-Kotelly. I would like the Judge to know that I am strongly opposed to the proposed settlement. An unelected administration has joined with a vicious monopolist to anoint a new tyranny. The ''pre-load'' agreements, which require a percentage of Microsoft operating systems to be installed on new computers, seems to me to be a per-se violation of the anti-trust law. The destruction of Netscape by predatory pricing (giving away Internet Explorer) and restricting access to distribution channels is an historic and remarkable example of the exercise of monopoly power. These, in my opinion, are the two most egregious examples, but I am sure there are hundreds more. In my own case, I believe I have been harmed by being forced to purchase inferior software at inflated prices and to purchase and use inferior computers at similarly inflated prices. Software which I had invested time and effort to learn was sabotaged by Microsoft, I refer specifically to WordPerfect. The inferiority of Microsoft software is dramatically demonstrated by the numerous ''virusus'' which impair the operation of the internet. As another personal example, I acquired a ''Certified Microsoft Professional'' certificate for ''Windows NT in the enterprise'', which turned out to be a pile of complete schlock. After a great deal of time and effort, and expense of over $2,000, I was taught very little about computer networking, but there was a great deal of Microsoft promotional material. After I learned more about computer networks (no thanks to Microsoft), I really felt cheated. Only a very powerful and completely arrogant, manipulative, and ruthless monoply could pull off the crap that Microsoft has gotten away with. In short, Microsoft is, in my opinion, a criminal enterprise that deserves to have the book thrown at them. Instead, I consider the prospect of the judicially created administration in alliance with a judicially sanctioned corporate lord of computing. I respectfully request that the court reject the settlement, prevent a continuation of this destructive monopoly, and impose strict penalties on Microsoft.

Sincerely,
Kevin McCormick

MTC–00023780

From: Jerry (038) Ginger Bateman
To: Microsoft ATR
Date: 1/24/02 11:56pm
Subject: Microsoft settlement.

Sirs,

It would be good for country and technology in general to settle this and get it behind us. I think that Microsoft has suffered enough, and we do not need another Enron collapse to do more damage to our country and Its economy.

Gerald Bateman,
3816 16th ST.,
Lewiston, Idaho 83501

MTC–00023781

From: Anthony Marola
To: Microsoft ATR
Date: 1/24/02 11:56pm
Subject: Microsoft Settlement

My major problem with the settlement as it stands, is the lack of any significant enforcement mechanism. I think most people that have followed this case definitely feel that MS made anti-competitive practices part of their business plan, yet will they stop this in the absence of any true sanctions against them?

MTC–00023782

From: Ed Lancki
To: Microsoft ATR
Date: 1/24/02 11:56pm
Subject: Freedom or Microsoft?

For over a decade, Sadam Hussein has manipulated the people of Iraq for his benefit. He has systematically snuffed out any traces of opposition, and persistently pushes against the legal limits placed on him by the civilized world. But little by little, he is winning. Today it can be said that the Iraqi people are little more than slaves to Sadam.

During that same decade, Microsoft has been skillfully manipulating the information industry for its benfit. Microsoft has systematically snuffed out any traces of competition, and persistently pushes against the limits placed on it by the laws of our country. But little by little, Microsoft is winning, and some day it will control how we do almost everything. We will be little more than Microsoft's slaves.

Any people who refuse to resist such tyrannies deserve their fate.

Ed Lancki

MTC–00023783

From: jimparker1@mindspring.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:55pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
James Parker
5313 Angelina Avenue
Carmichael, CA 95608–3603

MTC–00023784

From: John Richeson
To: Microsoft ATR
Date: 1/24/02 11:58pm
Subject: Microsoft settlement

I am a small business owner in Tampa, FL. I urge you to quit wasting the taxpayers money by dragging out the Microsoft case any further! The attorneys seem to once again be the profiteers here. I also strongly disagree with AOL's suit against Microsoft. It is simply unjustified. Anyone who has been using computers for any length of time knows that AOL has bullied itself in the area of dominating Instant Messaging. They are just being overly mean and aggressive as usual. They, as a company, have not helped consumers but have hindered them. Microsoft, on the other hand, has contributed much to our society and world in the form of dozens and dozens of innovative products which have helped consumers the world over. Do not destroy this great American company which is an example of innovation and the American spirit. Please stay out of our lives and leave Microsoft alone. Let us decide which products we like and do not like. Netscape was lousy compared to IE. Simple as that. Netscape lost the competition and are sore losers. Thank God Microsoft improved the browsing experience and gave it to us for free. How can this be bad? Only the government can find evil in something that is free and easy to use. If you destroy Microsoft (which appears to be your goal)

you will be destroying part of the heart of this great country. And it will cost us consumers billions in the future.

John Richeson
President
Bay Area Window Cleaning, Inc.

MTC–00023785

From: www.bonvidax2@aol@inetgw
To: Microsoft ATR
Date: 1/24/02 11:55pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
David Nathanson
5310 Oak Park Ave.
Encino, CA 91316–2626

MTC–00023786

From: Abhishek Agarwal
To: Microsoft ATR
Date: 1/24/02 11:58pm
Subject: The Microsoft Settlement is more than fair!

Dear Sir/Madam,

This email is in support for the fairness of the Microsoft settlement with the DOJ in the anti-trust case. I strongly feel that Microsoft, in the interests of putting all this litigation behind, has actually agreed to some points which it needn't have agreed to, thus saving the company as well as the state huge legal expenses (which can be better spent, I am sure, in development efforts). Inspite of that, the remaining 9 states and some of Microsoft's competitors are hell bent on trying to hamper the company's working and strangle its efforts to innovate.

In my humble opinion, these troubled times call for a boost to the companies that are willing to take risk and innovate (as Microsoft has amply demonstrated with its awesome .Net push). Its Windows XP release late last year may be the single biggest reason for the economy coming out of its slump. The least it should be allowed to do is continue to help the economy as it has been doing.

Sincereley,
Abhishek

MTC–00023787

From: Diesel
To: Microsoft ATR
Date: 1/24/02 11:59pm
Subject: Microsoft Settlement

To whom it may concern,

Microsoft has gotten to the position it now enjoys through a little luck, massively copying other people's or companies ideas, and/or outright buying them. The proposed settlement will do nothing to break the stranglehold Microsoft has on the operating system market, nor will it allow other companies to compete fairly.

MTC–00023788

From: trigg@swbell.net@inetgw
To: Microsoft ATR
Date: 1/24/02 11:55pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
T. Trigg Lupher
9915 Kleppel Rd.
Tomball, TX 77375–3201

MTC–00023789

From: drbob
To: Microsoft ATR
Date: 1/24/02 11:58pm
Subject: Microsoft

Dear Microsoft

I have been using your products for the past several years, ever since I got a computer. I will admit that I did use Netscape at first mainly because my son had it in the computer when he gave it to me. I now use only and have been using only Outlook express and Internet Explorer. I am well pleased. I have found that by using Microsoft I find that other software works best, Thank you for an excellent product, I am new with computers, and being 72 yrs old I find your products fit the bill and easly learned.

In my own opinion this court battle going on is wrong. It seems to me that by allowing suits of this nature it will surely curtail others from coming forward with new technology for fear of finding them selves in court

All the best and may God continue to Bless your and your company.

Bob Thompson
drbob@pacific.net mailto:drbob@pacific.net
''No man's life, liberty or property are safe while the Congress is in session''

MTC–00023790

From: Evan Flink
To: Microsoft ATR
Date: 1/24/02 11:59pm
Subject: Microsoft Settlement

To Whom it May Concern,

I have followed the Microsoft case for some time hoping to see redress of the wrongs this company has done since the days when their informal corporate slogan was ''Our job's not done ''til Lotus won't run''. The current PFJ is so weak as to make a mockery of the Federal Justice System. Do not allow Political democracy has been overthrown by corporate tyranny. Serve the public trust & revise the PFJ to make it a potent weapon in the arsenal of anti-trust law.

Sincerely,
Evan Flink
Santa Rosa, CA

MTC–00023791

From: admiralus@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:56pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
c scarmeas
834 stevens st
lowell, MA 01851

MTC–00023792

From: Josep L. Guallar-Esteve
To: Microsoft ATR
Date: 1/25/02 12:01am
Subject: Microsoft Settlement

To whom it might concern,

I'm an Information Technologies Engineer, with more than 6 years of experience in IT, now working as a Test Engineer in a Quality Assurance team. I think that the proposed settlement in the Microsoft Antitrust Case is a bad idea. Please reconsider your position.

I have co-signed and I endorse the open letter that Mr. Dan Kegel has posted on the Internet here:

http://www.kegel.com/remedy/letter.html

Mr. Kegel points it nicely:

According to the Court of Appeals ruling, ''a remedies decree in an antitrust case must seek to ''unfetter a market from anticompetitive conduct'', to ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future'' (section V.D., p. 99).

The current proposed settlement, does not seek to unfetter nothing. It is uncapable of terminating illegal monopoly practices. It

does not deny Microsoft Corp. the fruits of its statutory violation. And it does not ensure that Microsoft Corp. will end its current illegal practices. For example, some ways that could enforce Microsoft Corp. to end its illegal monopolistic practices would be:

—Make open and public the documentation that specifies Microsoft Corp.'s file formats, like MS-Word, MS-Excel... Make open and public the specifications of actual and future file formats (when available). This will serve to open the market to competing products. The consumer will have a selection.

—Disclose MS-Windows API that will make possible for competing products to use programs designed for MS-Windows. This way, ''MS-Windows compatible'' Operating Systems could be presented as a real choice to the consummer. —Mandate Microsoft Corp. to do not discriminate (in their licenses or wherever) against competing technologies or products. For example, nowadays, their ''licenses'' forbid to use MS-Windows components in conjunction with Microsoft Corp's technology competitors. Yes, with their licenses, you cannot use MS-Windows Media without MS-Windows, when it is technically possible to do so using the emulator ''WINE'' under Linux (quoting their license: ''you shall not distribute the REDISTRIBUTABLE COMPONENT in conjunction with any Publicly Available Software. ''Publicly Available Software'' means each of (i) any software that contains, or is derived in any manner (in whole or in part) from, any software that is distributed as free software, open source software (e.g. Linux)'').

Well, there's more and in more depth at Mr. Kegel's website.

Yours sincerely,
Josep L. Guallar-Esteve
Chapel Hill, NC 24514
QA Test Engineer,
IT Professional, Member of IEEE—Computer Society
CC:jlguallar@computer.org@inetgw

MTC–00023793

From: marstan@lanset.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:58pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Marian Kroll
5581 Lantern Grove Lane
Roseville, CA 95747

MTC–00023794

From: me
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 12:03am
Subject: Microsoft Settlement

Ladies and Gentlemen,

According to everything that I have read on this subject for the past few years and the terms of the settlement reached between the Justice Department and Microsoft it is my beleive that the case should be settled now.

The rest of the states that do not want to settle should stop playing games with tax payers money. Supposing that Microsoft really over charged me for a product, (which considering how good these products are, I seriously doubt that they did) a couple of dollars of refund is not going to make a difference in my life or anyone elses for that matter. The expense in tax payers money in a long drawn out case will probably offset any benefit.

''The people'' are really the ones being hurt by this case. I believe that this case has precipitated a series of down turns in the high tech sector fueled by fear of how badly is the goverment going to hurt Microsoft. This has had a cascading effect in a other sectors of the market. Many 401k, and retirement funds, that had Microsoft in their investment portfolios have been seriously hurt by this case. Now, many people who were going to retire at 65 years of age can't, or they will have to do it on much less money.

Sincerely, I like many other people never thought that this case was really about protecting the people but about protecting a few companies who could not or would not compete.

Thank you,
Juan C. Torres

MTC–00023795

From: Omernas@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 12:02am
Subject: Microsoft Settlement

Dear Sir:

I am quite annoyed about the Microsoft case. I am a senior citizen who is learning computer language daily and greatly admire innovation and progress. It would not be plausible for Microsoft to surrender their codes. That is the same as asking KFC to disclose their recipes. I feel Microsoft is on a fast train of entreprenual and innovative ideas for the public good at a reasonable price. There are some who cannot measure up to the fast train so they are crying ''foul.'' This is not fair to hamper progress. If you can't stay on the train, get off and follow!!!! It is time to get off of Microsoft's back and wallet. Please leave this wonderful company alone.

Sincerely,
Virginia Fodi,
St. Augustine, Fl.
CC:msfin@microsoft.com@inetgw

MTC–00023796

From: Peter Whinnery
To: Microsoft ATR
Date: 1/24/02 11:58pm
Subject: Microsoft Settlement

Regarding the Microsoft settlement, I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundred, even thousands, of small companies have ceased to exist over the decades because of Microsoft's business practices.

Similar to the settlement against AT&T, Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level (40%, for example, assuming one of it's competitors is now also at 40%). This must be true for all Microsoft product lines, before regulation is lifted.

Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Imagine the damage to the United States if Microsoft were to fail, as Enron failed. The risks of a monopoly are greater than merely the loss of competition.

Thank you for your time.
Peter Whinnery
Lansdowne, PA

MTC–00023797

From: Robert Bickart
To: Microsoft ATR
Date: 1/25/02 12:02am
Subject: Microsoft Settlement

We are hoping the Microsoft case can be settled quickly. We are concerned that the settlement will include changes in Microsoft software that will make PC's more difficult to use. It appears to us that many of the remedies proposed by Microsoft's competitors would do just that.

Robert & Mary Bickart
Haines City, Fl

MTC–00023798

From: bbn@eoni.com@inetgw
To: Microsoft ATR
Date: 1/25/02 12:00am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Billie Nelson

717 Mt. Adams Ave.
Boardman., OR 97818–9720

MTC–00023800

From: dick allan
To: Microsoft ATR
Date: 1/25/02 12:04am
Subject: Microsoft Settlement

Come on you guys, this one from M$ doesn't cut it either. Since when does the criminal get to call the remedy?

MTC–00023802

From: msw151@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/25/02 12:05am
Subject: Microsoft Settlement

Dear Sirs,

I don't like the proposed settlement with Microsoft. Rather than addressing Microsoft's anti competitive behavior, I believe it actually helps them to further strengthen their monopoly by gaining a bigger foothold in the public schools.

I would like to see a settlement that will make it easier for software companies to compete with Microsoft so that consumers such as myself can enjoy tangible benefits, such as improvements in security, better inter operability with other software, or simply lower prices.

My belief is that requiring Microsoft to publish detailed specifications of file formats, communication protocols, and programming interfaces would allow software companies to write inter operable software which would then result in meaningful, realistic, long term competition in the personal computer software industry.

Thank you for allowing me to email my comments.

Mike Wright
1050 Meadowlark Dr.
Enon, OH 45323

MTC–00023803

From: David A. Hasan
To: Microsoft ATR
Date: 1/24/02 11:59pm
Subject: U.S. v. Microsoft

This is a comment pertaining to proposed settlement of the U.S. v. Microsoft antitrust case.

The proposed settlement now before the court falls far short of providing the kinds of remedies that are needed (1) to punish the anti-competitive practices of which Microsoft has been found guilty and (2) to discourage future anti-competitive behavior by the company. Indeed, the settlement as proposed gives Microsoft a green light to proceed in the future as it has in the past. This is particularly dangerous for the health and viability of our technology-driven nation in which individual innovation has been shown to fuel progress. The future health of our economy is at stake. A decision to settle the case would lead to dominance by Microsoft in increasingly many areas of computing and related fields, driving out competition and stifling innovation.

We need strongly drawn structural or behavior remedies which have substance. The proposed settlement provides neither. I strongly urge you to reject it.

David A. Hasan
davidahasan@yahoo.com
4701 Monterey Oaks Blvd., #1114
Austin, TX 78749

MTC–00023804

From: Lance Smith
To: Microsoft ATR
Date: 1/25/02 12:12am
Subject: Microsoft Settlement

Please do not let Microsoft get away with unfair business practices.....I want a choice!!!

Lance Smith
115 Shepard Way
Newnan, GA 30265
(770) 310–4042

MTC–00023805

From: Jerry Rowe
To: Microsoft ATR
Date: 1/24/02 11:56pm
Subject: Microsoft Settlement

Dear Sir,

I am concerned that the Microsoft settlement rendered will be too mild to be a remedy at all. I firmly believe that the federal govnerment has the right to regulate Microsoft under tha Constitution since they do business outside the state of Washington.

I have personally been affected by Micorsoft's monopoly since the days of DOS. At one time I attempted to purchase a computer with ''DRDos 6.0'', a competing version of an operationg system. However the computer manufacturer admitted to me that they could not provide it because Microsoft would force them out of business if they sold just a single copy of DRDos with a computer instead of Microsoft's MSDOS.

And it continues today, such that Microsoft makes it nearly impossible for the average person to purchase a computer without Microsoft software. I fear that without severe restraint, Microsoft will infiltrate its monopoly throughout the US economy and become impossible to restrain, and the quality and price will become disadvantageous to the user.

I work in the computer support industry full time as a server and workstation support expert, and have much experience in these matters. I just read a very good article by Judge Bork, and feel he covers the subject well when he said:

[http://www.linuxplanet.com/linuxplanet/opinions/4020/1/]

''The end game, of course, is as the end game always is in such situations: unhindered, Microsoft would, its monopoly not just established but enshrined, begin to get rid of its own people, and reduce the utility of its products, and charge more for them, because what other choice would we have? The monopolist, absent competition, has no reason to strive for excellence. Oops, innovation.''

''Again, Microsoft moving on the Internet has the potential of locking us out. The only reason they haven't done this yet is that their products are so shoddy and unsecure that they've failed—the company has overreached. It is unlikely to make the same mistake next time.''

''All that is at stake is our freedom, in a real, down-to-earth, palpable sense of the word. Which is something that has meaning to all of us, none more than to those of a conservative bent, who did after all in their strict constructionist way go to so much trouble, lose so much treasure, and shed so much of their own blood in the course of inventing the idea of individual freedom 225 years ago.''

Thanks for your attention to these matters.

Jerry L. Rowe
Marion, Indiana.
jerryrowe@usa.net

MTC–00023806

From: David Olegar
To: Microsoft ATR
Date: 1/25/02 12:08am
Subject: Microsoft

Restore competition to the software industry. Break up Microsoft.

MTC–00023807

From: Richard Bargiel
To: Microsoft ATR
Date: 1/25/02 12:09am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions. Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Ryszard Bargiel

MTC–00023808

From: mrcaution@mac.com@inetgw
To: Microsoft ATR
Date: 1/25/02 12:09am
Subject: Microsoft Settlement

The proposed settlement is bad idea!!!
Thank you for your time.
Jansen

MTC–00023809

From: UncleCal
To: Microsoft ATR
Date: 1/25/02 12:10am
Subject: Microsoft Settlement

I was told this email box is dedicated to soliciting the public's opinion on the settlement for the Microsoft Anti-Trust

lawsuit. If that is true, I would like to offer this:

If Microsoft is guilty of using monopolistic practices to promote their products and their OS, they should be required to develop their product suite (including development languages) on three alternate platforms (OS's) for the next ten years. If this mailbox is for some other purpose, please excuse the interruption.

David Meixner
Armada, Michigan

MTC–00023810

From: Peter Rinehart
To: Microsoft ATR
Date: 1/25/02 12:10am
Subject: my comment on the Microsoft Antitrust case
To: Renata B. Hesse Antitrust Division
U.S. Department of Justice
601 D Street NW Suite 1200
Washington, DC 20530–0001

Dear Sirs,

I wish to provide my opinions on the current Microsoft antitrust case. Let me begin by saying that I am also a co-signer of Dan Kegel's e-mail, and that I agree wholeheartedly with the points he raises in it. I would like to add that it is imperative that the settlement to this case be thorough and binding enough to prevent Microsoft from expanding their already extensive monopoly on personal computer operating systems to other aspects of computing. Microsoft's products have proven, time and again, to be insecure and a popular target for various attacks. The company does not see this as a problem for their software engineers, however, but for their public relations department. They have not shown any significant interest in improving their software in order to prevent problems, rather, they are only interested in stopping problems after they affect enough users.

How could the personal computer market come to be dominated by one poor product being procuded by an apathetic company? Because the natural market forces were prevented from correcting this problem. Microsoft enjoys the monopoly it has only because it has constantly sought to protect its business by any means necessary, most of which have proven to be unfair and anticompetitive. I believe that if companies and individual users had a truly fair choice in which operating system to use, Windows would not have nearly the market share it does now. I realize that creating a level playing field at this point is all but impossible; Windows is here and so many people use it that it will be here for a long time, despite its many flaws. However, now is the time to act to ensure that this situation does not get worse. As Dan Kegel states, the current proposed settlement does a poor job of preventing Microsoft from continuing to engage in anticompetitive behavior in the near future, and therefore should be revised or replaced with something more appropriate.

Thank you for your time.

Sincerely,
Peter Rinehart

MTC–00023811

From: csaunders@databytesoftware.com@inetgw
To: Microsoft ATR
Date: 1/25/02 12:11am
Subject: my personal view on the ms vs doj case

Dear Sir / Madam

On the face of it, it would appear that my view on this matter is irrelevant; I am after all a British citizen living in New Zealand, half-a-world away from your great nation.

However your decision in the matter of the Microsoft will affect my life deeply. I am a senior IT professional, working with Microsoft products daily. In short my very living will be affected by your decision. The world, and I await with baited breath what impact this will have on our lives.

It is under such circumstances that I offer my humble opinion:

My summarisation is this, that it would appear to be a decision of the issue of ''freedom'', how much ''freedom'' should a corporation be allowed vs. the freedom of the public to enjoy goods and services at a competitive price. In fact it would appear that the entire issue is summed in the above fashion. Most people today believe that ''I can do whatever I like, pursuing what ever goals I determine to be to my best interest, SO LONG as I respect the rights of others and do not impinge on their right to do the same.'' It is that above view, which I find utterly abhorrent. I propose that the belief that your great forefathers held such a view is a lie, and a dangerous lie designed to steal your freedom from right underneath you. If this issue (and all the similar arguments like it) are decided based on the merits of who has ''which freedoms to do what'', then the end result will be incorrect and self-serving, no matter how noble your aims. If entities such as governments, businesses, organisations and ultimately people, really believe that they have a ''right'' to follow their own desires, without hurting others, they will, given enough time, destroy everything around themselves.

Like a horrible Midas curse, it is not possible to gain your own goals without affecting others. The pursuit of self, at all costs is disgusting. The dangerous lie that it is possible to peruse self, without impinging on others is a falsehood. No man is an island, all decisions involve costs. Any decision based on the ''faintly'' held notion that it is permissible to pursue your own goals as ''long as you don't hurt others'' will produce a result that is a real evil in itself.

I urge you to consider your forefather's real aims and goals in promoting liberty, not one of ''SELF'' but rather ''OTHERS FIRST''. If you are proud of your heritage you will put others first, and demand of both the plaintiff and the defendant that they show how they are putting ''OTHERS FIRST''.

The result will be a judgement based on the activities of both parties, designed to show whether self-interest or others-interest was the goal. It is obvious then that by upholding the freedoms of both parties, both will suffer equally. If both parties are forced to place the other party first, the result will be a correct settlement, designed to uphold the other's rights. If the ''people'' are willing to allow Microsoft the right to ''practice business'', then Microsoft must allow the ''people'' the right to make their own livings. (I imagine the issue of forcing OEM vendors to pre-install windows will be shown for the foul business practice it is, self-serving and abhorrent.)

Self-first always results in loss of freedom, never the promotion of freedom. It is your own forefathers whom taught their children to follow the ways of the man that first promoted the idea of ''Others First'', en-masse to the public. He was Jesus. Parents often paraphrase his teachings like this ''Treat others as you would have them treat you.'' He actually said, ?Love the Lord your God with all your heart, all your mind and all your soul. And love others as yourself.?

May the Lord grant you the wisdom of Solomon as you consider such a weighty decision.

Thank you for allowing me the opportunity to speak.

Kind regards,
Colin Saunders
PO Box 98817
South Auckland Mail Centre
New Zealand
csaunders@databytesoftware.com
CC:pohj@ihug.co.nz@inetgw

MTC–00023812

From: Guy Sewell
To: Microsoft ATR
Date: 1/25/02 12:10am
Subject: Microsoft Settlement

Dear Sirs,

I would like to express my dismay at the proposed Microsoft settlement. I am particularly concerned over the lack of recognition by the DOJ as to the importance of not-for-profit organizations to the future of IT, and to the discrimination against not-for-profit organizations in the proposed settlement.

Also, I have yet to hear a compelling argument as to why the MS breakup remedy was not chosen. The company was found guilty of being an illegal monopoly. The company has a obscene profit margin with no significant competition in either the OS market or the office suite market, how can this not be detrimental to consumers or competitors? It has a greater % of total market than AT&T or Standard Oil did. Diversity is a desirable trait in ecosystems, in societies, and in commerce. Break up Microsoft and make the the units compete in a free and level market place.

Guy W. Sewell, Ph.D.
President
Sewell Environmental Associates, LLC

MTC–00023813

From: John Holstein
To: Microsoft ATR
Date: 1/25/02 12:19am
Subject: Microsoft Settlement

The proposed settlement with Microsoft is an extremely bad idea. Microsoft has ridden rough-shod over the Computer and Computer Software Industry for too long.

Out of the hundreds of complaints I could complain about concerning Microsoft, from their inability to provide a secure OS, out of the box, to their lack of effort in patching existing software for known bugs, the basis of my ''problem'' with the way they do things

is their effort to set and/or change existing standards. These standard practices (RFC's ''Request for Comments'') that computer professionals go by when installing, administrating and developing new software are the basis for our everyday lives. Microsoft has the audacity to try and change these standards to suit their needs, at any given time, seemingly without regard to their customers ''computer well being''.

Microsoft will continue to pull the wool over the eyes of people that don't know any better. We need to help protect the end users that don't have the ability to understand the ''behind the scenes'' actions that take place. I know, I understand, and I am not a fan of what Microsoft has done to the industry. Allowing it to continue will only hinder future developments.

John Holstein,
Cotse Helpdesk/Support

MTC–00023814

From: shockey@pacbell.net@inetgw
To: Microsoft ATR
Date: 1/25/02 12:15am
Subject: Microsoft Settlement

I am just plain amazed that our system condones the predatory practices of companies like Microsoft, what a tangled web we weave.

bill shockey

MTC–00023815

From: Frank Fox
To: Microsoft ATR
Date: 1/25/02 12:16am
Subject: The Microsoft monopoly.

Microsoft is a monopoly.

At almost any time Microsoft can push its choice on any of its large customers such as Dell or Gateway, and strong-arm hardware suppliers like Intel, or give away free software until competition is eliminated. These items have been demonstrated in the find of facts. How to control or limit such power is the question. There are three choices, break up, financial penalty, and auditing of business practices.

Break Up. The Windows operating system is worthless without the Office Suite (Microsoft Word, Excel, and PowerPoint). MICROSOFT successfully used the threat of taking away the Office software against Apple Corporation. Splitting the business along these units makes some sense, but what forces the Office division to start writing for other OS's. Since Windows already has the biggest share, satisfying that customer alone is good enough. Just look at video games, many are Windows only products because they have the market share and why spend the money to develop for another much smaller audience. The Office Suite needs to be ported and supported to multiple OS's to prevent the Windows strangle hold.

Decision: Don't break up the company. Instead require the Office Suite to be equally support on the Macintosh OS (easy enough since it already is) and moved also to Linux (this would drive them crazy).

Financial Penalty. How much money would you have to charge MICROSOFT to get them to care? We are taking cash here not software or hardware give aways. And if you set the fee based on an independent analysis of the damages caused to other businesses and consumers, how long would it be tied up in court?

Decision: Good idea but years of legal battles and huge lawyer fees. Still for a big enough fine I could live with this. Let AOL battle this one out. If they win other plaintiffs will come forward.

Audit Business Practices.

1. Standard fees for everyone. Not to say that higher quantities won't give discounts but no side deals to favor one customer over another. They are a monopoly; any side deals are just to force other companies to comply.

2. No free or drastically reduced software, without a business plan to recover the costs that doesn't include elimination of competition and dominance of market sector, i.e., the free software has to turn a profit before taking away significant market share from competitors.

3. Relinquish control of desktop. The choice of visible icons and button are to be configurable by distributors. If Dell wants to have an icon that launches their web site using Netscape, then MICROSOFT can't say no, or penalize Dell in any way. Sure MICROSOFT owns the rights to the OS but the desktop display belongs to the customer.

4. No breaking a competitors software by providing insufficient or incorrect information to software developers. E.g., MICROSOFT releases a OS upgrade and company B's software that worked fine under the old OS, and MICROSOFT did not release the info to the public that would have allowed company B to release a patch in time.

If you really want to break the Microsoft monopoly, some combination of all thee should be used until Apple, Linux, OS2, Be, operating system can come forward with enough market share to resist MICROSOFT deep pockets. -

Frank Fox

MTC–00023816

From: millse@sangikyo.co.jp@inetgw
To: Microsoft ATR
Date: 1/25/02 12:16am
Subject: Microsoft Settlement

Dear Sir or Ma'am

I am writing to tell you that I feel the microsoft settlement has been very poorly decided. It does not appear that this settlement would at all effect the current state of Microsoft's business practices.

Emerson Mills

MTC–00023817

From: dlm63785477@netscape.net@inetgw
To: Microsoft ATR
Date: 1/25/02 12:13am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
D.Landis Murphy
147 Suburban Terrace
Stratford, NJ 08084–1413

MTC–00023818

From: Russell Nelson
To: Microsoft ATR
Date: 1/25/02 12:16am
Subject: Microsoft Settlement

Hi. I object to the proposed settlement because it allows Microsoft to retain proprietary file formats. These form a barrier to entry for competing applications—one reason why Microsoft has been able to sustain its monopoly. Please make sure that Microsoft must document its file formats!

-russ nelson
http://russnelson.com
The problem with do-gooders
Crynwr sells support for free software
PGPok and governments is that they
521 Pleasant Valley Rd. +1 315 268 1925
voice always think the government
Potsdam, NY 13676–3213 +1 315 268 9201
FAX will choose as they would.

MTC–00023819

From: Andy Colligan
To: Microsoft ATR
Date: 1/25/02 12:17am
Subject: Microsoft Settlement

Dear Sir or Madam,

The proponents of an anti-trust suit should have but one goal: The limitation or reduction of a trust. Cementing a trust's hold on a market is the antithesis of that goal.

Please do not allow this settlement to become a travesty of justice and freedom. Please do not expand Microsoft's monopoly though this settlement.

Speaking as someone who has watched the Internet grow, explode, and begin to mature, I would like to be able to see it become a place that allows freedom of expression and choice. Speaking as someone who has seen what computers are truly capable of, I implore you to allow the same freedoms onto the desktop. Customers should be allowed to choose how they want to interact with their computer. Currently, Microsoft does not allow that choice. If they have any say in the matter, they never will. However, you do have the power to change how Microsoft does business. I ask you to exercise that power. You may find this message to be silly, but the outcome of this case is anything but.

Andy Colligan
Email: gtg410b@prism.gatech.edu

MTC–00023820

From: dlm63785477@netscape.net@inetgw
To: Microsoft ATR
Date: 1/25/02 12:15am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Robert Murphy
147 Suburban Terrace
Stratford, NJ 08084–1413

MTC–00023821

From: John Slomka
To: Microsoft ATR
Date: 1/25/02 12:31am
Subject: Microsoft Settlement

Upon reviewing the proposed Microsoft Settlement, I find it to be overly optimistic and highly inadequate. It is based entirely on Microsoft willingly complying not only with the letter of the settlement, but the spirit of resolution. In the past this company has ignored attempts by the government to curtail it's monopolistic abuses and will in all likelihood continue to do so. Even if Microsoft did comply with the letter of the settlement, such compliance would only be a smoke screen for devising ways to manipulate the technology to leverage their monopoly power in ways not specifically covered in the agreement, if not altering the technology in ways to render the settlement unenforceable or irrelevant.

This settlement does nothing to discourage Microsoft from further anticompetitive and monopolistic practices, but merely states that the current abuses of monopoly power be discontinued or at least altered. It does not weaken Microsoft's operating system monopoly, nor does it provide any true barrier to future abuses of that monopoly.

Sincerely,
John Slomka

MTC–00023822

From: dlm63785477@netscape.net@inetgw
To: Microsoft ATR
Date: 1/25/02 12:16am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Tricia Murphy
147 Suburban Terrace
Stratford, NJ 08084–1413

MTC–00023823

From: ChloeCKM@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 12:19am
Subject: microsoft settlement

please , in the public interest, proceed with the settlement that is so badly needed for the U.S. economy and in the interest of the public that is surely weary of continued competiveness. please , let us get back to sanity. thank

you
sincerely
Chloe murdock
chloeckm@ Aol.com

MTC–00023824

From: jimavis@prodigy.net@inetgw
To: Microsoft ATR
Date: 1/25/02 12:16am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
James Cook
1530 Sharon Drive
Yuba City , CA 95993

MTC–00023825

From: csm
To: Microsoft ATR
Date: 1/25/02 12:20am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

As someone who uses Microsoft products as part of his job, and who also uses products at home that compete with Microsoft products, I would like to offer the following comments and suggestions regarding the ''proposed final judgment in United States v. Microsoft''. In general the settlement described in the ''proposed final judgment'' tries to prevent the anti-competitive behaviors that Microsoft has used in the area of (what the settlement calls) ''Middleware Products'' intended for user interaction with the Internet. I feel it focuses a little too narrowly on ''Internet-centric'' programs such as browsers and E-mail agents. In fact, there are probably lost opportunities here for correcting anti-competitive behaviors in the areas of operating systems, software development tools and what is euphemistically called ''office productivity'' software (such as Microsoft's Office suite of programs). While these types of programs may seem more distant from the Internet than web browsers, etc., in point of fact almost all of them are also being upgraded to interoperate with Internet APIs and remote services. I wish this had been examined in more detail.

However, taking the proposed settlement as written, there are several changes in wording that I believe would expand the scope of what is being required where it is overly narrow.

In particular, under Section III.A.2 (hardware licensing):

2. shipping a Personal Computer that (a) includes both a Windows Operating System Product and a non-Microsoft Operating System, or (b) will boot with more than one Operating System;

should be amended to:

2. shipping a Personal Computer with one or more bootable non-Microsoft Operating System(s) either instead of or in addition to any Windows Operating System Product;

to ensure that not only can Microsoft not retaliate against a computer hardware vendor who ships a Personal Computer that dual boots Windows and some non-Microsoft Operating System, but also that it cannot retaliate against a vendor who ships a separate line of Personal Computers without Windows at all, in addition to also shipping Personal Computers that do have Windows installed. This is particularly important to growth of the (Open Source) Linux Operating System as an option for businesses.

In section III.D, in addition to ''the APIs and related Documentation that are used by Microsoft Middleware to interoperate with a Windows Operating System Product'', the internal formats of disk files created by Microsoft products need to be cited as a necessary part of the ''related Documentation'', particularly for the Microsoft Office products. Microsoft Office is a pillar of the current desktop monopoly. It is reasonable to ask that ''flat'' files produced by Word, Excel and other components of the Microsoft Office suite have their internal layout and format fully documented so that non-Microsoft products can interoperate with them with full knowledge of any planned changes from one version of Microsoft Office to the next. This is important because these files are routinely exchanged via E-mail and other methods of information exchange over the Internet (for instance, many company Personnel departments now require resumes and job applications to be E-mailed in Microsoft Word format). The exceptions to this would be the database file formats of Microsoft Access (one part of the Microsoft Office suite) and Microsoft SQL Server (a

separate product), which should rightfully remain proprietary knowledge.

Section III.J.1 needs to be tightened to provide outside verification that any denial of disclosure because it ''would compromise the security of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria'' is justified by the facts of the matter.

Also III.J.2 appears to provide a loophole for allowing Microsoft to refuse information to Open Source developers, since it has already disparaged the ''authenticity and viability of'' the Open Source model of doing business. This loophole must be closed, since Open Source software is one of the few surviving competitors that Microsoft products face currently.

Definition VI.K.1 should include Microsoft Office among the list of ''Microsoft Middleware Products'', again because it is so routinely used in document exchange across the Internet.

Thank you,
Paul Connelly
P.O. Box 290
Oakham, MA 01068–0290
(US Citizen)
CC:connelly@darc.org@inetgw

MTC–00023826

From: TBV001@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 12:19am
Subject: Mirosoft Settlement

Enough! This suit must end. Microsoft supposedly harmed consumers, well, I'm a consumer and I've not been harmed. This suit is little more than ''welfare'' for Microsofts'' competitors and another method for states to get free money. This economically-driven witch hunt has gone on long enough. End it.

Sincerely,
Elise Tompkins
Sammamish,WA

MTC–00023827

From: Scott Snider
To: Microsoft ATR
Date: 1/25/02 12:21am
Subject: Microsoft Settlement

Your Honor,

I am a big believer in the free market system and do not believe that Microsoft is at fault in there business practices. My children and I have leaned a lot about computers thanks to Microsoft and all there helps and free software from them. In fact thanks to the openness of Microsoft my children have leaned HTML, Java and mpeg design for web pages. Am I one sided maybe I have been with Microsoft in away on computers since the days of DOS.

I believe that any negative judgment against Microsoft is more something I would see in a communist country.

Scott Snider
9082 Via Vista Dr
Buena Park, CA 90620

MTC–00023828

From: MightyPete
To: Microsoft ATR
Date: 1/25/02 12:20am
Subject: Microsoft Settlement

On the very day that this ''Deal'' was released to the public Microsoft blocked all none Microsoft browser from entering the MSN.com web site saying that they where not compliant and that a upgrade to Internet Explorer was necessary to view the web pages. Well a check of compliance to the standard revealed that fully more than 80% of MSN.com pages where not compliant and that browsers that spoofed the servers into thinking that they where Internet Explorer could surf the MSN.com web site without any problems. This happened on the very same day this deal was announced. Are we learning anything here?

This deal is just plain bad for consumers. Microsoft has learn nothing and they continue to abuse there monopoly ever chance they get. Enough is enough. Enforce the law ! They broke it and continue to break it, now why are not being held accountable? Putting Internet Explorer on Linux is not a option.

Sincerely
G Conner

MTC–00023829

From: dnp607(a)pacbell.net
To: Microsoft ATR
Date: 1/25/02 12:22am
Subject: Microsoft Settlement

I am writing under the Tunney Act concerning the proposed Microsoft Settlement (United States v. Microsoft Corp., Civil No. 98–1232). I believe the settlement is unfair, as it will not serve to end Microsoft's unlawful conduct, and does not adequately penalize Microsoft for it's unlawful conduct. I have co-signed a petition which details my position in greater detail, and am writing this to officially note my opinion as allowed by the Tunney Act.

Thank you very much,
Dan Peknik

MTC–00023830

From: R (038) C
To: Microsoft ATR
Date: 1/25/02 12:22am
Subject: Microsoft Settlement

The proposed anti-trust settlement with microsoft is laughable. We might as well change USA to MSUSA,. Apparently, someone has jumped into bed with this partner and is promoting this willing mate to a climax of a lifetime. Please don't make the taxpaying bystander watch and pay for this liaison! This settlement is not acceptable.

MTC–00023831

From: Carlos Santellanes
To: Microsoft ATR
Date: 1/25/02 12:24am
Subject: Microsoft settlement

The proposed settlement is INSULTING to the word justice. Nothing is going to change with such a settlement, REAL punishment must be done this time or else the WHOLE computer industry will suffer.

MTC–00023832

From: Scott Neugroschl
To: Microsoft ATR
Date: 1/25/02 12:25am
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

To whom it may concern,

I am submitting this under the Tunney Act, to comment on the Revised Proposed Final Judgement (RPFJ) in the case of U.S. v. Microsoft. I am a software engineer with 18 years of professional experience, and over 25 years of computer experience. My belief is that the RPFJ does not fully address the harm caused by Microsoft. Many people, including the Honorable Robert Bork share this belief (see http://www.linuxplanet.com/linuxplanet/opinions/4020/1).

In this letter, I would like to give my overall impressions, and then address a few specific points within the RPFJ.

First, Microsoft was found guilty of violating the Sherman Antitrust Act. As I understand it, the US Circuit Court of Appeals upheld the guilty verdict; they merely threw out Judge Jackson's remedies. The Findings of Fact still stand. Why, then, is the DOJ essentially conceding this case? Do all convicted criminals get to negotiate their own punishment for violating the law?

Second, there are no punitive provisions. Microsoft profited from its illegal activities. Where is the punishment for the violation of the law? Why should they be allowed to retain the ''fruit of the poisonous tree''? To use lay terms, the RPFJ reads almost as if Microsoft were saying ''We did nothing wrong, and we won't do it again.'' In addition, Microsoft has shown that mere procedural remedies are insufficient, as shown by its actions in the light of the 1994 consent decree.

Now I would like to discuss some specific provisions of the RPFJ. Section III.I.5 requires any ISV, IHP, IAP, ICP, or OEM (third party) that receives information on Microsoft APIs and protocols to license back to Microsoft any IP that they create based upon those APIs and protocols.

At first glance, this appears reasonable. However, Microsoft has a history of taking such third party information and abusing it, to extend their hegemony. See Stac Electronics v. Microsoft for an example.

Section III.J.2 allows Microsoft to deny licenses to the APIs and protocols to any person or entity that does not have a ''reasonable business need for the API, Documentation or Communications Protocol for a planned or shipping product'' (III.J.2.(b)), or does not meet ''reasonable objective standards established by Microsoft for certifying the authenticity and viability of its business'' (III.J.2.(c)).

First of all, students, who are obviously not businesses, and do not have ''planned or shipping product'', develop many Open Source projects. Second, the requirement that Microsoft certify the business model of its licensees is open to abuse, given Microsoft's official positions on Open Source software as a business model. See Craig Mundie's comments at http://www.microsoft.com/presspass/exec/craig/05–03sharedsource.asp, and Jim Allchin's comments, as reported by C√Net at http://news.com.com/2100–1001–252681.html.

Section III.J.2.(d) contains yet another onerous provision. It requires any licensee to agree to ''submit, at its own expense, any computer program using such APIs, Documentation, or Communication to third-party verification, approved by Microsoft, to test for and ensure verification and compliance with Microsoft specifications.''

Again, as stated above, many developers are not businesses, and do not have the financial resources to pay for such testing.

In summary, I believe the RPFJ is fatally flawed. I have provided some general comments and three specific comments detailing my reasons for so believing. I urge the Court to reject this settlement. Thank you for your time and consideration.

Sincerely,

Scott A. Neugroschl

23949 Archwood Street

West Hills, CA 91307

cc:Nini Redway (CA Attorney General's Office)

CC:Nini.Redway@doj.ca.gov@inetgw

MTC–00023833

From: Philip Utley

To: Microsoft ATR

Date: 1/25/02 12:25am Re: Anti-competitive collusion between Microsoft and Corel Corporation

Please find a remedy for the current anti-competitive collusion between Microsoft and Corel Corporation, an activity which appears to have eliminated serious competition and given Microsoft a virtual monopoly in the Apple Macintosh word processing market.

Early this year Microsoft invested US $135 million in shares of financially troubled Ottawa based Corel, a graphics software company that had purchased the cross-platform word processing company WordPerfect half a decade before. Microsoft sold the shares in February 2001 after the US Department of Justice and Ontario Securities Commission announced an investigation of the event. Microsoft may seem only to have lost $70 million on the deal because of stock price deterioration—but in fact it gained Corel as a business ally. Corel announced immediately it would no longer produce its graphics and WordPerfect software for Linux, the competing open-source operating system. Corel agreed to make its products compatible with.NET, Microsoft's business software line acquired through purchase of Great Plains.

It had been rumored in 2000 that balance-sheet problems would force Corel to sell its WordPerfect software to large companies like Adobe or IBM, which had the management skills and capital for a potential restoration of WordPerfect to its position as the most widely purchased word processing program— one which functioned on both Microsoft and Apple computers. Corel now continues to upgrade WordPerfect for Windows—still the best word processing software, but now purchased much less frequently than Microsoft's klunky Word. That is because businessmen can still remember the early years when Windows was replacing DOS as the most popular PC operating system: Microsoft withheld enough information about source codes to keep WordPerfect programmers from easily developing their Windows version. WordPerfect lost market share because it was slow to develop a good Windows version that did not crash regularly. But within a couple years WordPerfect for both platforms was again the best: now relatively crash-proof and as user-friendly as ever, with, for example, superior table, macro,''Reveal Codes'' and outlining functions.

In April 2001, Corel announced that it would make no effort to develop WordPerfect for OS X, Apple's new Unix-based operating system. Corel could have converted the old WordPerfect 3.5e for Macintosh OS 8 and 9, still the best word processing software for the Mac. It could also have done something even easier: ''porting'' its already developed WordPerfect for Unix-based Linux to Unix-based OS X. It could have made money by licensing development rights. The ostensible reason: Corel did not think there was a market for a Mac WordPerfect program. Corel had no way of knowing this because it had not advertised, upgraded or supported WordPerfect 3.5e for about six years. It had ignored communications from users imploring it to develop the program. In the year or two prior to April 2001, it had provided the program as a free internet download, but now it withdrew the download from the internet and pressured other sites to withdraw the software to which it still held the copyright.

In the same April announcement, Corel said it was developing graphics software for OS X. I am not an expert on graphics, but have read that many consider its graphics software mediocre in comparison with the extremely sophisticated products of companies like Adobe. Apparently it rapidly gained graphics market share because it was quick to develop a working Windows version of its program when Windows was replacing DOS.

That leaves AppleWorks and Nisus as two good but rudimentary Mac word processing programs that are still developed, supported and available for OS X.

Microsoft Word is the third—now the only sophisticated Mac word processor with ongoing upgrades and support. And it is the only one that is ''cross-platform''—with easy conversion of documents between Mac and Windows versions.

Thus Microsoft's new-found friendship with Corel allows the killing of WordPerfect competition in the Macintosh market as well as the Linux market.

What of the Windows market? That is where Microsoft cannot afford to look like a monopolist. John D. Rockefeller liked having one or two small competitors so that he could claim that Standard Oil was not a monopoly. And Microsoft has been arguing throughout the antitrust case that Netscape's continued existence proves Microsoft does not monopolize internet applications on Windows.

If there are to be serious conduct remedies in the current case against Microsoft, one should be designed to assure the preservation of WordPerfect as cross-platform software.

Philip Utley Ph.D.

203 W. 81st St. #2E

New York NY 10024

1. Originally a private company, WordPerfect was sold to Novell, which sold it to Corel.

2. Information I use in this article is culled in large part from <http://www.r8ix.com/lists.html>. It is a Mac WP e-mail users'' group and it has a digest of the e-mails over the years. There are some internet articles on the events of February-April 2001 at <http://www.newsfactor.com/perl/story/7520.html>, <http://www.security-informer.com/english/crd—corel—440464.html>, <http://www.aaxnet.com/news/M010224.html> and <http://maccentral.macworld.com/news/0102/14.feds.shtml>. CC:Microsoft.Settlement@concentric.net@inetgw

MTC–00023834

From: Robert W. Means

To: Microsoft ATR

Date: 1/25/02 12:26am

Subject: Comments on the settlement between DOJ and Microsoft

Dear Judge,

It seems to me that AOL, SUN, Oracle and several states are making a mockery of the legal system by opposing the settlement and pursuing frivolous lawsuits driven by personal animosities or political considerations, not economic crimes. You should recognize this fact, articulate it publicly and try to settle this case before it stretches on into the next century.

Robert W. Means

MTC–00023835

From: THIESENTO@aol.com@inetgw

To: Microsoft ATR

Date: 1/25/02 12:27am

Subject: Microsoft Settlement

Gentlemen:

As a retired teacher I've been following the case and especially the proposed settlement with great interest. Schools need materials, equipment and software to provide our students with modern tools to meet present goals. Apple computers were wonderful in the 1980s but they are not practical when 95% of the business world uses the Windows platform. Time is essential and the proposed settlement will allow the schools to provide students with the tools they need now. We can't wait another twenty years to have this case debated and delayed by additional lawsuits.

I urge you to continue with the original offer so that the next generation of students will not be another twenty years late.

Sincerely,

Tom Thiesen

8940 Libby Road NE

Olympia, WA 98506

MTC–00023836

From: Bob Horvath

To: Microsoft ATR

Date: 1/25/02 12:27am

Subject: Microsoft Anti-trust settelment

I have read the settlement agreement, and find no remedy for Microsoft in that it has finally been acknowledged as a monopoly. In fact, it appears to me that it give Microsoft the green light to continue their practices. As specific as it is, they will bend their software and call it something else, so that it no longer sounds like that which is described. Witness the calling of Internet Explorer a part of the operating system. I have been in software for 18 years, and calling a browser a part of the

operating system has no technical merit. It shows that those making the legal decisions do not understand the technology. Walk into any Best Buy, or other electronic store, and see how many items are being offered for $400 less if you sign up for MSN (Microsoft's Internet service). This must have cost them a fortune. What are they trying to buy? They don't need any more software market share. They are trying to buy Internet and make it impossible for others to play on an even playing field. Their .NET strategy is another example.

Please consider that there is a whole world of software out there beyond what comes with the Microsoft shrinkwrap on it. Competition is good, especially in software where things can change so rapidly. Please understand that Microsoft is a bully in the software marketplace and needs to be controlled.

MTC–00023837

From: Bill Vlahos
To: Microsoft ATR
Date: 1/25/02 12:28am
Subject: Microsoft Monopoly

I believe that Microsoft has clearly and unlawfully abused its monopoly for many years and am dismayed that the ''remedies'' discussed so far are neither appropriate nor will be effective in either punishing or changing Microsoft's behavior.

Assuming that Microsoft is guilty, which has been proven and re-affirmed in court, then not only should their behavior change but they should be punished. There are numerous products and companies which no longer exist because Microsoft eliminated them. Let me suggest a solution that would not only meet the goals of the anti-trust case, be relatively easily achieved, but actually would effect a change.

1. Make the file formats for Word, Excel, and Powerpoint open so that other companies can make competitive products which would transparently interoperate with Microsoft's products.

2. Prohibit the Government (U.S. and States) from purchasing any Microsoft products for a period of time based on how long Microsoft abused their monopoly. This would punish Microsoft for past abuses while at the same time provide a waiting market for competing products.

These remedies would certainly hurt Microsoft which is appropriate. They also would stimulate competition which would be good for consumers.

Bill Vlahos
bvlahos@gte.net

MTC–00023838

From: Tobias DiPasquale
To: Microsoft ATR
Date: 1/25/02 12:28am
Subject: Microsoft to make the next EKG machine

From FCNN (Fake CNN), 01/24/2002:

''In a surprise announcement today, Microsoft Corp. announced that it would shortly be entering the health-care software market, specifically, it would write software to run EKG machines initially (called Microsoft HeartBuddy), and then expand to other critical systems. The specifications on the machines are not known, but Microsoft claims that EKG machines running Microsoft HeartBuddy software would experience ''previously undreamed-of'' performance, such as 40% uptime and only 120 known security holes upon shipping of the product. There specifications were agreed upon when they discovered that the average human body can withstand missing up to 5 heartbeats and not be seriously injured. Quoting Microsoft CEO Steve Ballmer:

''We figured that as long as it stayed up for most of an 8 hour shift in a day, it didn't need to do much more than that. I mean, really, who's gonna notice if it crashes a couple times?''

Microsoft was unable to explain how their product would be beneficial, given that current EKG technology allows for 100% uptime in almost all cases, and costs significantly less than HeartBuddy.

Microsoft plans to charge around $100,000 to $150,000 per unit, with upgrades mandatory every three months. The upgrades will cost around $75,000 apiece, and will be cryptographically signed by a special digital signature known only to Microsoft, giving competitors no chance to reclaim lost market share in this field. Microsoft also plans to seamlessy integrate it's Office software into HeartBuddy, giving the doctor the ability to write and print death certificates right on the EKG itself.

In the past, Microsoft's security measures have been cracked fairly easily. In one such instance, Windows XP's much lauded copyright protection scheme was broken within hours of the XP launch party, but Microsoft sees this as a fluke, and not worth comment. Jack Valenti of the RIAA, however, had this to say:

''We're paying Microsoft quite a bit of money to keep our material secure, and they can't get it done! They can't even keep their own servers secure!'' (he is referring to the two times Microsoft's network was cracked by outside hackers, one defacing the Hotmail email service, and the other stealing the source code to Windows itself)''

Many others are also skeptical about Microsoft's move to enter this market, saying that their software is not reliable enough and has too many security holes, citing the IE 6.0 remote take-over vulnerability, or the literally hundreds of email viruses Microsoft Outlook makes possible, or the many holes in Microsoft's IIS web server. But Microsoft soothes these nay-sayers by stating that anyone who makes statements against Microsoft will have it's product copied by Microsoft and given away free in the next version of Windows.''

This is a spoof of a real news article, but if you allow Microsoft to continue it's monopoly, this kind of thing is not far off. It will have no reason to provide quality, competitive products and services, since it will have government approval to squash it's competition and charge outrageous prices for substandard goods. Don't allow the Standard Oil of the 21st century to beat us: rule in the interest of the people.

Sentence Microsoft to a three-way breakup: one company to handle IE, one to handle Office, and one to handle Windows itself. I know you will do the right thing. Thank you.

A Hopeful American,
Tobias DiPasquale
toby@ece.villanova.edu

MTC–00023839

From: chris wolske
To: Microsoft ATR
Date: 1/25/02 12:31am
Subject: Microsoft Settlement

Department of Justice Representative,

I would like to respond to the Proposed Final Judgement to U.S. v. Microsoft. There are many aspects of this ruling which I find disturbing, including the following:

In section III (Prohibited Conduct), section A.2. reads:

[A.2] ''shipping a Personal Computer that (a) includes both a Windows Operating System Product and a non-Microsoft Operating System, or (b) will boot with more than one Operating System; or''

- this interpretation ignores systems shipped without a Microsoft operating system, including computers that ship with only Linux or other Free (FSF) software with Windows compatability software included. An alternative may read as follows:

''shipping a Personal Computer that (a) includes both a Windows Operating System Product and a non-Microsoft Operating System, or (b) will boot with more than one Operating System, or (c) includes a non-Microsoft Operating System but no Windows Operating System Product; or ...''

Section VI (Definitions), section U, defines the following:

''Windows Operating System Product'' means the software code (as opposed to source code) distributed commercially by Microsoft for use with Personal Computers as Windows 2000 Professional, Windows XP Home, Windows XP Professional, and successors to the foregoing, including the Personal Computer versions of the products currently code named ''Longhorn'' and ''Blackcomb'' and their successors, including upgrades, bug fixes, service packs, etc. The software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion. - this focuses narrowly on the a subset of the operating systems offered by Microsoft and may be better represented by:

''Windows Operating System Product'' means any software or firmware code distributed commercially by Microsoft that is capable of executing any subset of the Win32 APIs, including without exclusion Windows 2000 Professional, Windows XP Home, Windows XP Professional, Windows XP Tablet PC Edition, Windows CE, PocketPC 2002, and successors to the foregoing, including the products currently code named ''Longhorn'' and ''Blackcomb'' and their successors, including upgrades, bug fixes, service packs, etc.

Thank you for your time.
Kind regards,
Christopher Wolske

MTC–00023840

From: Dawney
To: Microsoft ATR
Date: 1/25/02 12:34am
Subject: Microsoft Settlement

Antitrust Division

U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
January 24, 2002

Dear U.S. Department of Justice:

As a member of the public, I would like to add my comments on the Microsoft Settlement.

If I understand correctly, under the Tunney Act I may submit comments regarding the Microsoft Settlement documentation. In order to accurately convey my opinion, I must first clarify that I respectfully but strongly disagree that Microsoft has had or does have a monopoly in the web browser industry.

Our local news reported recently that our only local telephone utility provider is planning to share our personal information, including to whom we call and how long we stay on the phone line.

Needless to say, the customers are not happy about this and are trying to get an opt-out option. But if we can't, and it is legal for the company to share our private information against our will, then we have no alternative but to continue using this utility company or to discontinue the use of our local phone service because there is no other option. THAT is a monopoly.

I am easily able to obtain and use Netscape or Internet Explorer or AOL if I so choose. These three web browsers are easy to find and affordable if not free. Microsoft has developed a successful operating system (and application software) that has revolutionized (actually introduced) the public to the ever-increasing benefits of personal computer use. It was not long ago that the market of computer users was a minute group limited to the isolation and dullness of DOS. The creation of Windows has given wings to the minds of developers and end users. Microsoft has cultivated its Windows operating system with improvements such as Internet Explorer that are a benefit to the consumer.

My perspective is that of great appreciation for successful development and true competition. Microsoft has no more channels of opportunity than any other company as far as marketing and distribution, unless they've created their own, which is productive innovation. If Microsoft is successful in distributing knowledge about its products and creating accessibility, it is commendable and a plus for consumers.

I've read that it would be too expensive for Netscape to develop its own competing operating system. Too expensive for whom? Netscape? Consumers? If having a unique operating system is a desire of Netscape in the development of its product, then it ought to gather investors, developers, etc., to enable itself to achieve these developmental goals. Isn't that what most companies have to do? Microsoft successfully built and developed its concepts and products, relationships and consumer trust from ground up. They didn't try to jump on the coat tails of a larger company. Too expensive for consumers? If my limited knowledge of competition serves me correctly, then by Netscape building their own code, products and relationships, it would actually facilitate true competition and even reduce prices (for consumers).

With that said, out of respect for the authority of the Department of Justice to pass judgment on whether or not it feels the Sherman Act has been violated, I acknowledge the decisions that have led to the Microsoft Settlement. While I do not agree with much of the settlement language, it takes two sides to reach an agreement. With two sides agreeing to a set of terms and to be bound by the settlement, I agree that a swift close to this matter would be of benefit both financially and mentally to the public.

I have been wanting to write this letter for over several weeks but have felt so strongly on some parts of this case, that I wanted to make sure and re-read the available public documents, then write with a clear mind and ''cool jets'' so to speak. My main concern when reading the complaints and settlement information is that of wanting reasonable justice and closure. I have been concerned foreseeing that Microsoft's competition would not honor the authority of the DOJ nor the binding settlement language; but rather, they would continue to pursue litigation after litigation. And as of January 23, 2002, unfortunately this foresight seems to be correct in reading that AOL is again suing Microsoft.

I believe that it is in the best interest of the public and our economy to strictly and completely enforce all terms of the settlement, and then ensure that Microsoft's competition is not allowed to make a mockery of the system by misinterpreting their role (if any) in the agreement. This kind of abuse would be a waste of money and time (which would stifle would-be creative developments for consumers). I also believe it would be detrimental to consumer confidence.

The decisions have been made. Let the DOJ and Microsoft carry out their parts of the agreement. Let the competing companies build their products to the best of their available resources (as with all businesses). Then let the consumers be free to choose their products and services.

Thank you greatly for your time.

Dawn Reagan
1765 Tullis Dr.
Coeur d'Alene, Idaho 83815
(208) 665–2317
dawney@toontakes.com

MTC–00023841

From: CGDOWD@AOL.COM@inetgw
To: Microsoft ATR
Date: 1/25/02 12:31am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Christine Dowd
1835 Portola Road
WOODSIDE, CA 94062

MTC–00023842

From: l.moore@att.net@inetgw
To: Microsoft ATR
Date: 1/25/02 12:32am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
LaDon Moore
103 Ridge CT
Centerville, GA 31028

MTC–00023843

From: kf6snf@pacbell.net@inetgw
To: Microsoft ATR
Date: 1/25/02 12:33am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Clayton Ford
2942 Mallorca Ln
Davis, CA 95616

MTC–00023844

From: jay_talsma@hotmail.com@inetgw

To: Microsoft ATR
Date: 1/25/02 12:34am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.
This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Jay Talsma
534 Del Vista Dr.
Bloomington, IL 61704–7654

MTC–00023845

From: nathaniel
To: Microsoft ATR
Date: 1/25/02 12:39am
Subject: Microsoft Settlement
Dear sir/miss,
I am writing to express my opinion that the proposed settlement with Microsoft Corporation is not yet satisfactory. Microsoft has and continues to display a willingness to do whatever it takes, undehand or otherwise, to utterly extinguish all competition. While the sole ethic of a successful comapny is indeed to make profit, and while having not one competitor would certainly enable Microsoft to achieve this goal, it is most certainly -not- ethical with concern for a free marketplace based on satisfying the consumer through business competition.
Thank you.
Sincerely,
Nathaniel Heinrichs
Nathaniel Heinrichs
nheinrichs@isskk.co.jp
Security Engineer
nheinric@umich.edu
Internet Security Systems KK
TEL: +03–5475–6451
Managed Security Services Division
CEL: 090–6479–6295

MTC–00023846

From: Jonathan D. Nolen
To: Microsoft ATR
Date: 1/25/02 12:39am
Subject: Microsoft Settlement
I strongly disapprove of the proposed final judgment in the Microsoft Case. As written, it fails to achieve any meaningful benefit for the software-using public. It is insufficient to curb Microsoft's use of predatory and anti-competitive tactics, which have been working against the public good for two decades. Likewise, it fails to redress the damage that Microsoft has done to the software industry and the computer-using public at large during their reign as monopolists.
Please see Dan Kegel's (http://www.kegel.com/remedy/letter.html) comments for further detail on the shortcomings of the proposed settlement.
Sincerely,
Jonathan D. Nolen
Jonathan D. Nolen
Santa Barbara, CA
mail: nolen@rhodesalumni.org

MTC–00023847

From: MARK836@HOTMAIL.COM@inetgw
To: Microsoft ATR
Date: 1/25/02 12:36am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
MARK HARTWELL
7337 TRADE ST #1155
SAN DIEGO, CA 92121

MTC–00023848

From: Ben Lachman
To: Microsoft ATR
Date: 1/25/02 12:40am
Subject: Microsoft Settlement
The settlement as it stands does nothing to change the way microsoft will act in the future. much greater action should be taken.
Ben Lachman
Athens, Ohio
lachman@boochee.com
blachman@mac.com
(740)592–6430

MTC–00023849

From: cjgill1@juno.com@inetgw
To: Microsoft ATR
Date: 1/25/02 12:37am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.
This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Carol Gillenwater
13250–5th-Ave -SW
Seattle, WA 98146–3201

MTC–00023850

From: chrise@SPRI.Levels.
UniSA.Edu.Au@inetgw
To: Microsoft ATR
Date: 1/25/02 1:09am
Subject: A right to use
It is difficult describe how I fell about the antitrust case against microsoft. I am unsure at this time how this email will be received. I am a 30 year old Information Technology and Telecommunications engineer working in South Australia, I have been involved with computers and computing since I was 15 years old, so I have 30 years experience dealing with computing issues and operating system.
I am unsure if the American judicial system is allowed to consider opinions from out side of the USA. However, when you talk about the computer industry and partially Microsoft any anti-trust suit is not just important to Americans it has far reaching effects all around the world.
Software defies conventional trade boundaries, a new piece of software can be all over the world in a matter of weeks and be used by billions of computer businesses and home users in this time. What Microsoft has accomplished in it's time as the major operating system is develop the computer platform to a stage where anyone in the world can use it and use it effectively.
But it has done this at a cost. The first PC I acquired was an Amstrad 286 at the time windows was not even an OS and DOS was king. Thousands of companies produced word processing programs land other utilities and the consumer was able to talk with their wallets. If a piece of software was no good then they migrated to another and never used that software again.
This is the way it was in the beginning. The free market at it's best. Mac had a market dominance, it's OS and windows type platform was the easiest for all users to use. A large number of users used the mac platform instead of the PC as the PC OS was difficult to use. Then along came windows.
Windows was produced to compete against the Mac OS which made Mac's one of the most sold computer systems there was. Windows copied a lot of the Mac features and low an behold a Graphical user interface was available for the IBM PC. Real competition began in the PC market.
The combination of the IBM PC and the Microsoft windows product won out over the Mac. Not because it was the better of the two systems they were both pretty much the same it's just the IBM PC's were cheaper then Macs and thus market forces won the day.
Microsoft became the main OS of today. This wasn't a problem as Windows used DOS

as the basis for it's OS and all the DOS software companies could easily port their packages to the windows format.

But microsoft wanted more, recognizing their clear advantage due to there financial, market and marketing dominance they started to develop the peripheral programs, borrowing ideas from these other companies and going with the market trend.

The Microsoft OS today could no longer strictly be called an OS. The operating system of a computer controls the interface between the human and the computer components and allows programs to talk and control these components in a managed manner.

Microsoft dose this and so it in a reasonable manner. But it a lot includes programs which load automatically without the user asking. And as things like word programs, net surfing programs, picture editing programs are freely available why go out and by the other superior programs as well the ones we have may not be the best but they will do. By allowing microsoft to continue to add programs to there OS that do not have anything to do with the OS you perpetuate the destruction of superior software and operations during our time. Microsoft is holding the world in a computing stasis, by not allowing the best program to be presented to the consumer, developments are lost and our pool of knowledge shrinks.

At this time microsoft has dominance of the world computer market. They control 99% of the worlds computers. Their software has proven time and time again that it is not the best, but it is adequate and why by the better stuff if the stuff I have works.

I have had several programs that I love to use of the years become useless because microsoft change small parts of it's code to make it more difficult for other programs to run under windows. Microsoft at the issuing of a new OS can decided that the world has to change to suit it's vision. In actual fact when you think about it Microsoft has more power then the US government and the US court systems.

Microsoft can make changes that effect the world in radical and dramatic ways. They can broaden or shrink the differences between the haves and the have not. This gives them a massive amount of power and ultimate power corrupts.

The microsoft solution is a difficult one and I do not envy you. The split up of microsoft will be a blow to the company no doubt. But, I believe they said that there development divisions (those that produce office and Internet Explorer) would not be able to work as efficiently as they do now when they are connected to the OS side of things.

This is definitely true ! However, isn't this what all other companies have to put up with. Microsoft limited access to their software interfaces to external companies. Meaning that the internal software development teams have an unfair advantage when it comes to developing software as they can use the full set of microsoft OS tools, while other companies can only deal with half the OS tools or less.

If you can do nothing else you should at least include in the settlement that MS must release the full Software and interface specs to the MS Windows OS to allow others to compete on a more level playing field.

Yours
Chris Evans

MTC–00023854

From: smcnally_bayoucity@
yahoo.com@inetgw
To: Microsoft ATR
Date: 1/25/02 12:37am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Sheryl McNally
14130 Highcroft Drive
Houston, TX 77077–1441

MTC–00023856

From: baileypayne@prodigy.net@inetgw
To: Microsoft ATR
Date: 1/25/02 12:36am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jean Payne
501 Fairway Trail
Springfield, TN 37172–4013

MTC–00023857

From: BIOLABTECO@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 12:42am
Subject: AOL LAWSUIT AGAINST
MICROSOFT

Sir:

I think in my opinion AOL should now spend time to enhance and innovate their system rather than spending time in the courtroom. It is just the right thing to do. Time to move on AOL you are hurting the economy of the United States of America.

MTC–00023858

From: efortain@netscape.net@inetgw
To: Microsoft ATR
Date: 1/25/02 12:46am
Subject: Microsoft Settlement

For over a year I used Netscape Navigator. Eventually, I decided to try other browsers—Internet Explorer and Opera- because I was becoming frustrated with Navigator's lack of features. I was much happier with Explorer's flexibility and features, so I removed Navigator.

All three programs were free to the public, but one offered more and satisfied me more than the other. I also bought a Ford Bronco several years ago. I was not satisfied with the stereo that came ?bundled? with it, so I shopped around and bought a better stereo to replace it. The stereo was much more costly and troublesome to replace than Internet Explorer is to replace. Cars come bundled with stereos and tires and I can buy different tires and stereos for my car, just as a computer can come with Windows, Mac OSX, Linux, etc., but I am still free to choose whatever web browser or other software I prefer with the operating system of my choice.

Please don't take away our rights or responsibility to choose and decide for ourselves what products we will use.

Politicians harm consumers when they give unfair advantage to producers who cannot compete with companies that create better products. Allowing politicians to interfere with the marketplace and consumer choice is an uncompetitive and unconstitutional practice.

Sincerely,
Eugene Fortain
5707 Los Alamos Ct.
Santa Rosa, CA 95409 —

MTC–00023859

From: Bob Boothby
To: Microsoft ATR
Date: 1/25/02 12:46am
Subject: Microsoft Settlement
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue,
NW Washington, DC 20530

Dear Mr. Ashcroft:

Is further litigation on the Microsoft antitrust case going to get us out of this recession? I don?t think so! I was hopeful when Microsoft and the Department of Justice reached a settlement back in November, but now it looks to me like we are in for another round of fruitless litigation. We have nine state Attorney Generals playing politics and AOL is back in court with an old complaint that was proven to be unfounded in the current DOJ lawsuit.

I, Robert, am a Software Engineer. I worked for RCA Computer Systems Division in the 1960s and Hewlett-Packard from the early

1970s to the present. From personal experience I can tell you that the Netscape browser lost its dominant position because it was defect- ridden and its performance was miserable. The Netscape browser still has a near monopoly on UNIX workstations and AOL Time Warner & Sun Microsystems still deliver a defect-ridden browser with miserable performance to that market.

Microsoft has agreed not to go after computer companies who ship software that competes with anything in its operating system.

Microsoft has also agreed not to retaliate against software or hardware developers who develop or promote software that competes with Windows or that run on software that competes with Windows.

What else is expected of Microsoft? Let's move on. Let's put an end to the litigation!

Sincerely,
signed: Iku Boothby
Iku Boothby
signed: Robert Boothby
Robert Boothby

MTC–00023860

From: brick@icehouse.net@inetgw
To: Microsoft ATR
Date: 1/25/02 12:45am
Subject: Microsoft Settlement

If anyone there didn't catch this, this pretty well sums it up. This is an excerpt of in interview, (Acceptance of the proposed settlement in U.S. v. Microsoft would clear the road for the company to extend its monopoly to most if not all aspects of computing, says Judge Robert H. Bork. ''I don't think it does anything to Microsoft,'' said Bork in an interview with Linux Planet. ''I think it just lets them continue as they were before.'') The internet link to the article is: http://www.linuxplanet.com/linuxplanet/opinions/4020/1/

Thanks again, hope your listening.
Jeff Roberts
Spokane, WA.

MTC–00023861

From: David Lawler
To: Microsoft Settlement U.S. Department of Justice
Date: 1/25/02 12:42am
Subject: Microsoft Settlement
David Lawler
333 E Ontario #4412b
Chicago, IL 60611
January 25, 2002
Microsoft Settlement U.S. Department of Justice,

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
David Lawler

MTC–00023862

From: hfarson@juno.com@inetgw
To: Microsoft ATR
Date: 1/25/02 12:44am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Helen Farson
917 N. Louise St.
Apt. 402
Glendale, CA 91207–2164

MTC–00023863

From: Pari Haridim
To: Microsoft ATR
Date: 1/25/02 12:51am
Subject: Microsoft Settlement

To whom it may concern,

I would like to express my complete disagreement with the case that has been brought against Microsoft. I and many other Americans made the decision to voluntarily trade with Microsoft. They did not initiate force against others to make people buy their products. The only thing that Microsoft did was become successful by pleasing consumers like me.

This is the United States of America, a country that is supposed to allow her citizens to pursue ''life, liberty, and the pursuit of happiness.'' As an American citizen, I am willing to defend my country so long as there is something to fight for—freedom and protection of individual rights (including property rights). Without this, America is no different then her enemies.

Sincerely,
Pari Haridim
Urbana, Illinois

MTC–00023864

From: bettyj@surfside.net@inetgw
To: Microsoft ATR
Date: 1/25/02 12:45am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Betty Johnson
9102 Hyde Park Drive
Huntington Beach, CA 92646–2327

MTC–00023865

From: matern@juno.com@inetgw
To: Microsoft ATR
Date: 1/25/02 12:46am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
H. R. Matern
POB 1669
Ft Defiance, AZ 86504–1669

MTC–00023866

From: jjgreen@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/25/02 12:45am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
John Green
2125 Elanita Dr
San Pedro, CA 90732–4433

MTC–00023867

From: Bradley Greger
To: Microsoft ATR
Date: 1/25/02 12:38am
Subject: Microsoft Settlement

the proposed settlement is bad idea

MTC–00023868

From: julienorma@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 12:50am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Norma Holmes
5500–21 Lennox Avenue
Bakersfield,, CA 93309–1571

MTC–00023870

From: Paul Staley
To: Microsoft ATR
Date: 1/25/02 12:55am
Subject: Microsoft Settlement

Dear Sirs and Madams:

I believe the Microsoft settlement is a nothing more than a license for Microsoft to continue its monopolistic practices to the detriment of genuine competition and consumer choice. The language of the settlement is so vague and ambiguous that MS will have little trouble evading enforcement of its own ''alleged'' breaches.

Particularly troubling is MS's offer to resolve by donating millions of dollars in software to educational institutions, by which action it would erode one of the few markets in which Apple still has a significant, but dwindling, market share. In addition to immediately pushing Apple further into the background, MS would own the next generation of users who, as a result of MS's enticements, will have sucked at the teat of MS during their early years.

I cannot protest too loudly that MS's monopolistic practices must be reined in. Thank you for listening.

Sincerely,
Paul Staley
Attorney at Law

MTC–00023871

From: Jason A.Van Cleve
To: Microsoft ATR
Date: 1/25/02 1:52am
Subject: Microsoft Settlement

Judge Colleen Kollar-Kotelly,

I do not support the new proposed settlement in the Microsoft case. As most of us have known all along, Microsoft has been acting unfairly and to the detriment of competition and—more importantly—innovation in the software industry. They should be penalized for this, and penalized in a way that will actually make them think twice about their actions. But I stoutly believe more direct steps should also be taken to prevent similarly unfair and dishonest practices in the future, for Microsoft and any other company. I believe Microsoft should be split between the OS department and those of their other large software applications, which should definitely include I.E. Let me repeat that. Internet Explorer, along with Office and the rest of Microsoft's desktop applications, should be managed separately from Windows operating systems development. It is clear to me, as a software engineer, that this would solve a great many problems with Microsoft and prevent further unjust injury to competing software vendors.

Thank you,
Jason Van Cleve

MTC–00023872

From: LloydHarkey@AOL.com@inetgw
To: Microsoft ATR
Date: 1/25/02 12:53am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Lloyd Harkey
210 Beacon Hill Drive
Longview, WA 98632

MTC–00023873

From: Haydn Huntley
To: Microsoft ATR
Date: 1/25/02 12:56am
Subject: Re: US vs. Microsoft

Dear Judge,

I'm not sure what more to say than that if Microsoft is not puninshed in a manner commensurate with the seriousness of its crimes, then it will almost certainly commit more crimes—to the public's detriment.

I am a professional software engineer with a MS in CS and over 20 years of experience on almost every kind of microcomputer and operating system, and I'm not surprised that Microsoft was repeatedly found guilty in this case, and that they also lost on appeal. That they are guilty beyond any reasonable doubt has been amply demonstrated, and I was also especially irritated by some of their deceptions (such as claiming that the browser is integral to the OS, when it is as integral as your car's radio, or when they submitted a video taped demonstration which had been doctored!). Such actions indicate their contempt for justice and the judicial system.

Not only that, but during the last year they have continued their efforts to maintain and extend their monopoly, for example by prohibiting users from using other browsers on their websites and by removing Java from Windows XP. They certainly don't seem to behave in a reformed manner!

What should we do with such a pernicious offender?

We must punish them in such a way that it will teach them and cause them to behave differently in the future.

I've heard that during the last few years, while they were doing their illegal activities, that they have saved up some 36 billion dollars. Perhaps a large substantial fine would be a good remedy, and use it to pay off the national debt. Mightn't that be good for society as a whole?

Also, forcing them to publish all of their file formats for their office products, forcing them to unbundle Internet Explorer from Windows, and to place the source code for Windows into the public domain would also be good. If these remedies were used, then Microsoft would not have profitted from their illegal behavior, and they would not be able to profit in the future from it either. Isn't this a reasonable remedy?

Anything less will simply reward them and allow, or even cause, them to continue! Doesn't our society as a whole deserve just reparations in this case?

—Haydn
Haydn Huntley
huntley@ArtSelect.com
voice: 641–472–1495 x133
http://www.artselect.com Custom Framed Art at a 40–50% Savings!

MTC–00023874

From: John E Pillow
To: Microsoft ATR
Date: 1/25/02 12:56am
Subject: Microsoft Settlement

I think the settlement is not good. It lets Microsoft continue to control the marketplace.

Thanks

John E Pillow

MTC–00023875

From: Darrow Wendoloski
To: Microsoft ATR
Date: 1/25/02 1:01am
Subject: Microsoft settlement

As a US citizen currently living and working overseas, I am appalled at the laxity of the proposed judgement against Microsoft. I work in academia, in the biological and biomedical sciences. Traditionally these disciplines have used Apple operating systems; however Microsoft's stranglehold on the US and world programming market means that software developers cannot afford not to be a Microsoft shop. In turn, this means that new software (eg DNA sequencing programs) is developed only for MS/IBM clones, with the net effect that if researchers want to use these new programs they have to fork over exorbitant sums of money to replace their entire departmental software systems, plus the perfectly functional software they already have. And no university department has that kind of money.

Microsoft's conduct with respect to buying out competitors and destroying their product is odious in the extreme, and the practice of ''bundling'' their browser Internet Explorer with Windows operating system software in such a way as to render competing browsers unstable is deceitful and reprehensible. Their attitude to the open-source community (Linux, BSD etc) is nothing short of paranoiac.

The USA has long prided itself on being a nation where anyone, if they work hard enough, could make themselves a millionaire or even become President. The despicable anti-competitive practices engaged in by Microsoft make a mockery of the Great American Dream. Many thanks for the time you've taken to read this,

Darrow Wendoloski
Department of Microbiology
University of Melbourne
Ph. +61–3–8344–5711
Fax +61–3–9347–1540

MTC–00023876

From: Shay Logan
To: Microsoft ATR
Date: 1/25/02 1:01am
Subject: Against Settlement

I think the settle is not much a punishment to Microsoft.

MTC–00023877

From: Bill Rodgers
To: Microsoft ATR
Date: 1/25/02 1:07am
Subject: Microsoft Settlement

I find the behaviour of AOL appauling. It seems that AOL are more intent to be seen as a successful court litigator than as a company that would provide quality software to the public. They can't compete with expertise and quality products so they seem to want to ''knock'' the industry standard down to their own level. This will do nothing for the advancement of technology and the benefits that can have to consumers. It is time AOL were given a clear message that they either start to get their software development act together and contribute to the development of users computing experience or they get out of the game.

Bill Rodgers
Newcastle, Australia

MTC–00023878

From: gani delos santos
To: Microsoft ATR
Date: 1/25/02 1:07am
Subject: Microsoft Settlement

proposed settlement is bad idea

MTC–00023879

From: chill@ecentral.com@inetgw
To: Microsoft ATR
Date: 1/25/02 1:04am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Carole Hill
233 Jackson Circle
Louisville, CO 80027–1630

MTC–00023880

From: thomask4@juno.com@inetgw
To: Microsoft ATR
Date: 1/25/02 1:05am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Thomas Kiker
4124 N. Beltline Rd. Apt. 248
Irving, TX 75038

MTC–00023881

From: gregTHOMY
To: Microsoft ATR
Date: 1/25/02 1:08am
Subject: MS BS proposal

I totally DISAGREE w/ MS's proposed settlement for their illegal activity. Chop em up!

Thank you.

gregTHOMY

PS: It is increasingly difficult to AVOID using this monopoly's products...this would be ok in communist china but not America!!!

MTC–00023882

From: Les Fischer
To: Microsoft ATR
Date: 1/25/02 1:09am
Subject'' Microsoft Settlement

MTC–00023882 0001

As a U.S. Citizen I am petitioning you under the turney act to refuse microsofts settlement on the grounds that microsoft has practiced unfair buisness practices in the area a unresonable bariers to entry. The policy I will cite is the benifit by means of hefty discount microsoft offers new pc manufactures such as Dell, Compaq And HP to only include their computers with microsoft product. This effectivly barrs competitors such as linux, sun micro systems, and unix from the new computer market.

MTC–00023883

From: pc
To: Microsoft ATR
Date: 1/25/02 1:09am
Subject: Severe punishment is demanded.

Letting Microsoft get away with anti-competitive practices sends a clear message to other businesses that the US Supreme Court has no teeth.

You have already found them guilty of a monopoly that has netted them billions in ill-gotten gain. You must show the backbone to PUNISH THEM in kind. Microsoft MUST be made to suffer for their blatant transgressions to the FULL extent of the law. Or perhaps we should change the adage to: ''Cheaters never prosper. Unless they drag it out in court...'' Do the right thing. And make it HURT them financially. You can't bring the companies they put out of business back to life, but you have a duty to make damn sure Microsoft thinks twice before trying it again. They have already exhibited a pattern of remorseless anti-competitive behavior, even in the face of litigation! They will not understand anything less than severe punishment. I am writing not just for me and my beliefs, but for millions of those who won't take the time to write. All is fair in business. Except anti-trust. They cheated. Don't send America a message that screwing people is an acceptable business practice. Punish Microsoft with extreme prejudice.

Peter Crosby

MTC–00023884

From: justin delos santos
To: with a subject of ''Microsoft Settlement''
Date: 1/25/02 1:10am
Subject: Microsoft Settlement

The proposed settlement is a bad idea.

MTC–00023885

From: Lina Delos Santos
To: with a subject of ''Microsoft Settlement''
Date: 1/25/02 1:11am
Subject: Microsoft Settlement

The proposed settlement is a bad idea.

MTC–00023886

From: Scott popcorn
To: Microsoft ATR
Date: 1/25/02 1:12am
Subject: Microsoft Settlement

If you truly want to make a difference with your decision in this case, I would like to put forth some things for you to consider, and to help clarify the situation. I am by no means against Microsoft being a player in the computer market. However, I am on the side of consumer choice.

First and foremost, the ultimate solution will not come from taking care of one symptom of the problem. The root of the problem needs to be dealt with, and that is what this letter is intended to point out. While bundling a web browser with the operating system, and making it an integral part of the operating system could be looked on as a ''problem'', there is a deeper problem which, if dealt with in a fair manner, would remedy ALL of the ''symptoms''.

A bit of background is needed at this point. The idea of an operating system is very new. The concept of what it actually does was never even considered before computers were invented, and to this day, most people can't sufficiently explain its purpose. To call it a ''bridge'' between hardware and software is a very simplistic view. Let's create an analogy to help explain it further.

Let's say the computer hardware is an automobile. Would the operating system be the engine? No, the processor would be the engine. So, what would the operating system be? I like to think of it as the gasoline. The car can't go anywhere without gasoline. This is still a fairly simplistic view, but as I continue the analogy, perhaps it will become more clear.

So, what would applications be in this analogy? Let's make the applications be cities in this analogy. The car has to go to a given city to do a certain task, and it has to move around in the city to get the task done. When you are working in a word processor, writing a letter, you have to go through various menus to change fonts, format the text, save the document, and print. In our analogy, we would drive our car to a typeface store, and get our typefaces, go across town to a formatting store, go to the bank to store our work in a safe deposit box, and go to a printer to have it printed out.

I think you can start to see how much work, and how important an operating system is. But now let's get to the root of our problem. When we go into a city, imagine if we could only buy one brand of gasoline. Imagine if we were required to use that brand of gasoline to perform our tasks in that city, even if we had found a different brand of gasoline that we like better, or gives us better gas mileage, or produces less emissions, or for any other reason, we like a different gasoline. This is where the problem lies.

For anyone to be able to go to Microsoft Office City, or Wordperfect Suite Metropolis, or any other major city, consumers either have to drain their gas tanks of their chosen gasoline and buy gas from Microsoft, or have two tanks, one for Microsoft gas. This totally eliminates consumer choice. Would this be legal in society if it were not in the computer realm? I don't think so. If the ''gasoline'' were blended a certain way to limit pollution, I can see it happening. However, the gasoline would not be from just one company. Instead, all gasoline companies would blend their fuel to this required standard. Hopefully you now understand the underlying problem, and I would like to proceed with my ideas to create a solution. The very first part of the solution is to provide for the standard that the ''gasoline companies'' can blend their fuel to. For this, I would suggest that Microsoft provide full documentation of the API (Application Programming Interface) for all of their operating systems, including the ''undocumented'' API's which Microsoft keeps to itself for Microsoft- written applications. This should be available to anyone who asks for it, so that operating system programmers (such as Linux, FreeBSD, BeOS, etc) can write an extended API, which will then allow any application that was written for Windows to be run on any operating system. This would allow consumers freedom of choice for operating systems (free to choose the ''gasoline'' they want to use).

An additional measure beyond this solution would be to have various programmers get together and devise a ''standardized'' API. Basically, coming up with a completely new API which would take advantage of the choice of operating system capability. Perhaps creating an API which, when installing the application, the installer would convert the application for the best performance with whichever OS it is installed under.

Second, there should be nothing in any contracts or programming that prevents the use of other operating systems, such as in a dual-boot setup. Microsoft has had contracts with its dealers that stated that a non-Microsoft operating system could not be installed to dual-boot with a Microsoft operating system, when the computer was sold to a customer. Finally, I would like to comment on the file system and file formats. The file system is the underlying structure that dictates how files are stored on the hard drive. Think of it as how your file folders are arranged and labeled in your file cabinet. This information should be provided to computer developers so that one operating system can read files from another operating system's drive. File formats deal with Microsoft Office, not the operating system itself. However, if consumers choose not to go to Microsoft Office City, they should be able to read documents created there, especially if it is claimed to be a ''standard file format''. Older file formats are readily available for computer programmers to write translators, but the newest file formats coming out of Microsoft are not. The information regarding the file format either needs to be provided so that other document-handling applications can read these new file formats, or these file formats should not be allowed to be called ''standard''.

I hope this letter has provided useful insight to help with your decision. Again, I would like to say that I am not against Microsoft, but rather I would prefer if everyone was on a level playing field, and Microsoft can compete equally next to other operating systems, rather than Microsoft having the tools to keep vital information away from other operating system programmers, preventing competition. If Microsoft was in the position of having to actually compete for its share of the computer operating system market, I think you would find that innovation, stability, and user-friendliness would come much more quickly to consumers.

Thank you for providing me the opportunity to post my comments on this subject. For the sake of the future of the Computer and Information Age, I hope you make the right decision.

Scott Lagaly

MTC–00023887

From: Danny Delos Santos
To: with a subject of ''Microsoft Settlement''
Date: 1/25/02 1:12am
Subject: Microsoft Settlement

The proposed settlement is a bad idea.

MTC–00023888

From: Nancy
To: Microsoft ATR
Date: 1/25/02 1:13am
Subject: Microsoft settlement

I feel that the proposed settlement with Microsoft is very bad and a sure way for the company to gain yet another monopoly area ''notch'' on their gun. Please rethink this! Do NOT allow this settlement to proceed!

Nancy Godfrey
Las Vegas, NV

MTC–00023889

From: webmaster@polish-pope.com@inetgw
To: Microsoft ATR
Date: 1/25/02 1:11am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Bill Donohue
423 42nd St.
Richmond, CA 94805

MTC–00023890

From: Michael Sweetman
To: Microsoft ATR

Date: 1/25/02 1:15am
Subject: Proposed Microsoft Settlement

Dear Sirs,

I wish to voice a couple of concerns I have about the proposed settlement of the Microsoft Antitrust Case. I have a number of concerns about Microsoft's conduct in the past and I am very concerned about the direction the company's business practices are taking.

I was, and still am, a frequent user of Microsoft's spreadsheet program Excel. The program release Excel 97, was a remarkable piece of work for it's time, and is still an impressive program. However, subsequent releases of the program have included only marginal improvements. This is can be evidenced from Microsoft's publicly expressed concerns that the pace of upgrades for the Office Suite is slowing. Microsoft's proposed solution to this problem is subscription licensing, in other words, you pay for upgrades, whether they improve the software or not. Any other company would have their sales associates laughed out of business with tactics like this. However, the Microsoft Office format has become a de facto standard, and no business can afford to be without it. I am very concerned the pace of innovation with this product will slow even further, even as the cost of the software rises. My next concern is with Microsoft's refusal to institute a volume licensing scheme for home users. I have a large family, and I it is near necessity for every child from middle school on to have their own computer for their school work. To achieve this, I have either purchased, or salvaged 5 low grade Pentium computers. However, these machines did not come with an operating system. Includingsales tax, a legal install of windows on these machines would cost over $1000. This price has no rreasonableccorrelationto the use that these machines rreceive Therefore I found it necessary to use the Linux operating system for these machines. However, this is not a viable aalternativefor families that do not have a resident engineer, as Linux requires a great deal more technical proficiency. I believe that this practice has kept used computers from becoming a low cost alternative to a new computer for many low income families.

Finally, I want to express my absolute outrage over the OEM volume licensing agreements. Excel is the ONLY Microsoft product that I use. However, since Microsoft refuses to port it Linux, I also must have a copy of windows. However, now that I have this, I have no more desire to purchase a computer with Windows. It is however, impossible to purchase an Intel compatible PC without Windows pre loaded from any major manufacturer. This leaves me with no alternative, but to build my own system. I am forced to deal with poor quality, short warranties, and poor service in order to buy a computer without paying Microsoft's exorbitant licensing fee. It's not much I'm asking for, just the choice to buy Dell, for instance, with Linux; but Microsoft has precluded this. For all the talk of their freedom to innovate, my freedom to chose, and to contribute to the fastest growing alternative operating system is severely curtailed.

In closing, I urge you to take strong action against Microsoft, in order to restore competitiveness to the computer marketplace. I realize that breaking up the company is probably an impractical solution, but that doesn't matter, because a better alternative exists anyway. That lies is Microsoft's vast collection of intellectual property. The purpose of IP protection is to ensure that a wide variety of artist and scientific works become commercially available. Protection of Microsoft's IP is at this point is having the opposite effect. I believe that forcing Microsoft to disclose selected portions of their source code for various programs will have the effect of causing viable and inter operable alternatives to Microsoft products to come to the marketplace.

Sincerely,
Michael Sweetman

MTC–00023891

From: dalewsr@quixnet.net@inetgw
To: Microsoft ATR
Date: 1/25/02 1:15am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division 601 D Street NW, Suite 1200 Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Dale Weckbacher 4116 N. 72nd Drive Phoenix, AZ 85033–3151

MTC–00023892

From: Cerrise W
To: Microsoft ATR
Date: 1/25/02 1:18am January 25, 2002 To whom it may concern at the Department of Justice,

I am opposed to the proposed settlement in the Microsoft antitrust trial. I am a victim (as are you) of shameless abuse by the Microsoft corporation. If I do something that is against the law, I will be punished. This deterrent is the foundation of our justice system. If I live in some parts of the country, and I break the law (any law) three times, I will go to prison. There can be no exceptions.

I do not expect to have more liberty than anyone else in this country. I also do not support any judgement in which the judicial system awards one person or entity more liberty than any other person or entity. This is discrimination.

With the Proposed Final Judgement in this case, you will be making the following statement true: ''I (a citizen of the United States of America) do not own or operate a powerful monopoly, therefore I would be punished for breaking the law, even though the owners and administrators of a powerful monopoly can knowingly and gratuitously disregard the law and not only escape punishment, but actually profit from their many and brutal crimes.'' Note: I feel that invading my privacy for the purposes of exploitation; actively denying me or anyone the opportunity to compete economically—enforcing a monopoly; and interfering with my constitutional rights in any way, are brutal and unforgivable crimes, which should be severely punished. Please do not discriminate against me by approving the Proposed Final Judgement; which lacks any punishment whatsoever for undeniably heinous and illegal acts by the Microsoft corporation.

I (and every other citizen of the U.S.) have been exploited and abused by the Microsoft corporation, therefore I ask that you do more than shake your finger at them. They are undeniably guilty of very serious crimes against the American people. They are responsible for what amounts to information terrorism. Please do not encourage them to do it again and ruthlessly, by not punishing them.

If you approve the Proposed Final Judgement; you will be giving away my rights to a corporation, in the interest of money. I will be apalled, ashamed, and even afraid to live in a country where the law can be so blatantly ignored.

Sincerely,
Cerrise Weiblen
Freelance XA
1559 Taft Court
Louisville, CO 80027

MTC–00023893

From: Kevin Waller
To: Microsoft ATR
Date: 1/25/02 1:18am
Subject: Microsoft Settlement

Renata B. Hesse Antitrust Division U.S. Department of Justice 601 D Street NW Suite 1200 Washington, DC 20530–0001

Dear Mrs. Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Kevin Waller
76 Eddiceton Circle South S.E.
Meadville, MS 39653

MTC–00023894

From: Doug Schafer

To: Microsoft ATR
Date: 1/25/02 1:11am
Subject: Microsoft Settlement

I am strongly opposed to the proposed settlement. It does not take into account Microsoft's past avoidance of the intent of the consent decree. It should be assumed Microsoft will act in bad faith as they have in the past. If this assumption is made, the proposed settlement easily allows Microsoft to continue monopolistic practices that will cause long-term damage to this country. To allow free-market forces to reign, Microsoft cannot be allowed to turn what is currently a public resource (the internet) into its private tool. This would be akin to a company subtly modifying all the on and off ramps of the federal highway system so that only company-approved vehicles could use them. Competitors must be able to interoperate with, and replace components of, Microsoft operating systems. This requires that the government prevent Microft from blocking this access via legal or tecnical means. The proposed final jugdement falls far short of this.

Sincerely,
Doug Schafer <pfj@schafers.com>
5720 Ridgebrook Drive
Agoura Hills, CA 91301
818.444.2356

MTC–00023895

From: SMLohry@attglobal.net@inetgw
To: Microsoft ATR
Date: 1/25/02 1:18am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200 Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Dr. & Mrs. Raun Lohry
25637 K-22
Merrill, IA 51038

MTC–00023896

From: Karen Corbitt
To: Microsoft ATR
Date: 1/25/02 1:22am
Subject: Microsoft Settlement

Thank you for allowing public input on the Microsoft Settlement.

As a consumer, I appreciate the balance America maintains between innovation and illegal monopoly efforts. With both elements in place, the our standard of living and economy has greatly increased. It is important that the legal safeguards are followed, but that they do not interfere with or cripple companies that promote innovation. If litigation is allowed to hamper legitimate efforts that experience success in the marketplace, we will soon be a nation without advances in many fields.

I believe that the Microsoft Case has already hurt consumers, crushed the stock market, and hampered innovation of both Microsoft and its competitors. It is time to settle the grievances and encourage growth in a struggling economy. —

Karen Corbitt, karenc@try.to

MTC–00023897

From: Deborah Alexander
To: Microsoft ATR
Date: 1/25/02 1:21am
Subject: comments on emasculating anti-trust suits

When Microsoft Word shut down my entire computer in the spring of 2000, and corrupted—almost beyond retrievability—my Master's thesis—I rejoiced that the far-superior WordPerfect might NOT be put out of business by the Microsoft monopoly, if only the DOJ might prevail Now, the *new* DOJ is suggesting a ''punishment'' of placing this software with huge numbers of K-12 kids? That is like giving (bad) drugs away for free. I note that *during* settlement negotiations, Microsoft shipped out a Windows XP product that will shut down users'' *entire* machines—and all other applications—if the Microsoft goes without activation beyond a set date I also note that *since* the DOJ ''settlement'', Microsoft has (1) had the audacity to refuse FBI requests to Email notice of security problems in its software *found* not by Microsoft but by an independent watchdog; and (2) now admits that it suppressed information on a legal brief by failing to disclose lobbying of Congress in connection with your anti-trust suit.

Why are these wealthy monoipolists continually hiding information and thumbing their collective noses at our administration—without any apparent consequences?

As a law student at Rutgers, I am looking forward to seeing an ultimate anti-trust victory by the states which bravely refused to be co-opted into DOJ's settlement.

I hope you will make the right decisions for a *true* capitalist democracy and prove those pundits wrong who point to the proposed DOJ settlement as proof that Microsoft campaign money bought the same level of power in this administration as had Enron...

This is your opportunity prove us wrong, and avoid making a desperately bad settlement even more embarrassing.

Sinceley,
Deborah Alexander
75 Hillcrest Road
Warren, NJ 07059

MTC–00023898

From: jbrady@klune.com@inetgw
To: Microsoft ATR
Date: 1/25/02 1:20am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200 Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jack Brady
3400 Cortez St.
West Covina, CA 91791

MTC–00023899

From: James Puckett
To: Microsoft ATR
Date: 1/25/02 1:25am
Subject: Microsoft Settlement

Dear Sir or Madame,

Please do NOT move forward with the proposed Microsoft antitrust settlement. In its current form, the settlement proposed by the Department of Justice will do little to break Microsoft's monopoly. By only restricting Microsoft's behavior toward other commercial entities, you restrict Microsoft's behavior toward a group of companies it has already conquered and will have little trouble continuing to dominate. Open Source and Free software are the only real competition that Microsoft has left in this world; and because that work is non profit, developers of said software will receive no protection in your proposed settlement. Given free reign to attack Open-Source and Free software, Microsoft will flex all the muscle it can to destroy products like Apache, Samba, Linux, and anything else that Steve Ballmer and Bill Gates feel threatens their company's monopoly. You MUST move to an alternate remedy. First, Microsoft should be split, just as judge Jackson recommended, so that the Office and Windows monopolies can no longer be used to strongarm users, vendors, and OEMs toward both products. Second, Microsoft most open the workings of their APIs and networking protocols so that they cannot constantly work to shut out others in such simple areas as file sharing and network domains.

Please do no sell out the future of computing, the internet, and who knows what else to Microsoft. Microsoft's guilt and arrogance are obvious in this case, and if a real punishment is not issued, the Microsoft monopoly will only get worse, and will be abused even more. America needs you. Stop Microsoft now. Thank you.

Sincerely,
James Puckett
12010 Waterside View Drive
Apartment 34
Reston, VA 20194

MTC–00023900

From: Rochkman@kai.net@inetgw

To: Microsoft ATR
Date: 1/25/02 1:22am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200 Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Bob Kubera
PO Box 868
Millinocket, ME 04462

MTC–00023901

From: john campisi
To: Microsoft ATR
Date: 1/25/02 1:26am
Subject: Microsoft Antitrust

There is an opportunity at this juncture to demonstrate that the Laws of the Land are enforced and fairly applied regardless of monetary or political clout. There has been a determination of violation of the antitrust statutes by Microsoft. A remedy must be imposed that is significant and serves to correct the market imbalance caused by the violation. Due to the advanced stage of market domination achieved through monopolistic practices, it is imperative that remedies must be focused on opening and leveling the playing field. Such remedies must be continuing and monitored for effectiveness and should not be restricted to one time financial penalties (no matter how large). It is clear that a meaningful remedy will have similar aspects as affirmative action. Effectively, it is necessary for Microsoft to be put at a disadvantage to its competitors until sufficient balance in the market is achieved for open and fair competition to succeed. Aspects to consider include:

1. Limitation of the practice of the bundling of software with hardware purchases to allow consumer choice without incurring cost penalties.

2. Ensuring that the details of the structure of the Microsoft operating system and industry standard application file structure is made available to all application developers to equal extent.

3. Requiring Microsoft to provide application programming interfaces to its operating system for use by application developers of all types.

MTC–00023902

From: kwent@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/25/02 1:23am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200 Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Keith Schacher
6795 S.W. King Blvd.
Beaverton, OR 97008–5323

MTC–00023903

From: Jonathan Lupa
To: Microsoft ATR
Date: 1/25/02 1:40am
Subject: Voicing opposition to the current MS settlement.

As a professional win32 software developer, there are many aspects of the settlement that I find troubling not least of which is the fact that the government is entering into a concilliatory agreement with a proven monopolist who has committed crimes and flaunted previous consent agreements.

To save both our time, I will mention just one of my many grievances which is that without a structural change in the management of API vs. Application layer within the windows operating system, any remedy found by the agreement will only be temporary as it leaves open the door to further abuse of their monopoly position to price and engineer competition out of the win32 product market.

I apologise for not entering a technical breakdown of the reasoning I used to reach this conclusion, but in the short time you have to review these letters, I doubt you will find the time to check everyones logic. I wish you the best in your endevours on this project.

Respectfully,
Jonathan Lupa
Senior Win32 Developer
Creative Solutions Inc. —
jjlupa@jamdata.net

MTC–00023904

From: Jon V. Reuter
To: Microsoft ATR
Date: 1/25/02 1:28am
Subject: Microsoft Settlement

To the United State Department of Justice:

I would like to comment (via the Tunney Act) on the proposed settlement in the Microsoft antitrust case. I am strongly opposed to the proposed settlement as it does absolutely nothing to address Microsoft's violations of antitrust laws—it only prohibits them from abusing these laws in the future, and even that is questionable. If an organization engages in illegal activity, benefits from this activity and then receives as a ''punishment'' instructions that they can no longer engage in illegal activity, they have still benefited without any consequences. This is not justice—not for the victims of their abuses and not for the public which the U.S. Department of Justice should be representing.

Microsoft has been clearly found guilty of abusing their monopoly. Monopolies, and the lack of competition that they produce, stifle innovation and result in lower quality products. The public now suffers the consequences of this as they have no choice in desktop software, are forced to upgrade and are stuck with whatever products Microsoft produces (along with their inherent quality and security issues). At the same time, Microsoft has had no incentive to address quality and security issues because they have a lock on the market.

For the benefit of the public, I encourage you to rework the proposed settlement for a more fitting punishment for Microsoft's violation of U.S. antitrust laws and for a more fair desktop software market.

Technology works well when independent standards are created, clearly defined and strictly followed. Every vendor has an equal opportunity to follow and implement the standards with their best effort. When this happens, the public can decide for themselves which product they like best and this results in a healthy assortment of products and companies to choose from. This philosophy has worked well in many areas of technology, particularly in hardware, where we have seen an abundance of healthy competition and increasingly better and less expensive products. Unfortunately this has not worked well in the software industry, but there is no reason that it couldn't. While establishing software standards is arguably more complicated and more involved, many successful independent standards have been developed. The database Structured Query Language (SQL) is a good example. If I want to build a database, I have many database vendors to choose from that all follow the SQL standard. I can even change vendors at a later time and still have the interoperability I require.

To this end I would like to recommend the following (at a minimum):

1. Microsoft should be required to publicly disclose all APIs, protocols and file formats. These should be available to ANYONE—NOT just parties with a justified business case. The documentation of all Microsoft APIs, protocols and file formats should be carried out by an independent, overseeing party (not Microsoft), as to ensure quality and accurate documentation. This measure would create a more fair market place by opening up competition to implement interoperable products in desktop software.

2. Microsoft should be penalized for any independent standards that they alter. Microsoft has often altered standards for their own benefit and for extending their monopoly. For any standard Microsoft alters or does not adhere to, they should be required to correct for full compliance.

3. Microsoft should also be required to release their source code for any products that they no longer support. Consumers should not be forced to upgrade their software any time Microsoft releases new products, but that is typically what happens. Having source code available for any products that Microsoft no longer supports will give the consumer a more fair choice about the decision to upgrade.

4. Finally, Microsoft should not be allowed to dictate what gets bundled with their operating systems. This is exactly what they use to extend their monopoly, making the market place unfair and putting other companies out of business. As part of their punishment for violating U.S. anti-trust laws, everything they decide to bundle with their operating system should be scrutinized and approved by an independent governing body.

I would appreciate your consideration of my comments.

Thank you,
Jon Reuter
Consulting Engineer

MTC–00023905

From: tim@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/25/02 1:28am
Subject: US v Microsoft comment

Sirs;

Microsoft has a long history of deception and unethical and illegal methods in the pursuit of corporate profits. Unfortunately it is long past time that the Federal government take substantial action against their actions.

Off the top of my head:

—Tactics used against Netscape, specifically, bundling Internet Explorer in the base operating system and giving it away. Microsoft subsequently lied saying it could not be removed.

—Microsoft struck a licensing deal with Spyglass [NCSA] for the Mosaic code which was reborn as Internet Explorer. The deal was a percentage for each copy of IE sold. Microsoft then bundled Internet Explorer with the operating system and so never paid any royalties.

—Forcing computer hardware vendors to install and pay for their operating system on every computer shipped using their licensing agreements as leverage. This cost is still passed on the the consumer even if the consumer does not want Microsoft's operating system. This same tactic was used to force hardware vendors to remove Netscape from their installation software bundles.

—Windows 98 online registration would send Microsoft a unique hardware-based composite ID for the registrants machine, which could then be used to track that machine online. The registration program would send the ID to Microsoft even if the registrant declined.

—Microsoft's .NET architecture give them unannounced access to every computer running their operating system. This should raise an immediate concern over privacy and security issues given Microsoft's history and nature. Does the Federal goverenment use Microsoft operating systems? After all this Microsoft proposes to give away it's software to schools as restitution for past antitrust [and other] actions thus spreading their monopoly to school children. This would be the .NET architecture.

I sincerely hope my government is not duped in to becoming the next victim of Microsoft's corporate rape and plunder mentality.

Regards,
Timothy D. Moore

I have:

—been in the software engineering business since 1980

—owned personal computers since the IBM-PC days

—bought Microsoft products prior to their transition to illegal and unethical company

—worked for companies like Digital Equipment Corporation and Sun Microsystems

—started my own company in Silicon Valley I do not and will not use any Microsoft products or services.

408.249.9859—650.224.7437c

MTC–00023906

From: Marpoo@prodigy.net@inetgw
To: Microsoft ATR
Date: 1/25/02 1:27am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division 601 D Street NW, Suite 1200 Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
marylyn Ohlmann 148 King Ave East Dundee, IL 60118–1504

MTC–00023907

From: Warren TenBrook
To: Microsoft ATR
Date: 1/25/02 1:31am
Subject: Microsoft Settlement

I am writing to express my disapproval with the proposed settlement between the US Department of Justice and Microsoft Corporation. I encourage the Court reject this settlement proposal.

Among the settlement's many flaws, I particularly disapprove of terms which do not control Microsoft's ability to enter into anticompetitive licensing agreements. For example, the settlement does not control Microsoft licensing terms that restrict OEM installation of competing operating system software where no Microsoft operating system is installed.

Thank you
Warren TenBrook
http://home.pacbell.net/tenbrook/
tenbrook@pacbell.net

MTC–00023908

From: Dave Neu
To: Microsoft ATR
Date: 1/25/02 1:33am
Subject: Microsoft Settlement

I dislike the proposed settlement, and find it alarming on a number of points which are, I am certain, well documented in Dan Kegel's open comments letter.

Thanks for your time.
Dave Neu

It is tempting, when the only tool you have is a hammer, to treat everything as if it were a nail.

Abraham Maslow

MTC–00023909

From: Niki Kovacs
To: Microsoft ATR
Date: 1/25/02 1:33am
Subject: Microsoft Settlement

Dear Sirs,

I'm an Austrian Citizen living in Montpellier / South France, and working part-time as a webdesigner. I want to briefly express my opinion about Microsoft and the Anti-Trust Settlement. I'll be brief: I truly think the commercial brutality of Microsoft is only equalled by the bad quality of their products. To give you an example from everyday life , I've been designing websites for two years now, and I've been forced to spend more time behind my PC than in front of it, due to a very badly designed Operating System. But everytime you go to a computer shop, they can only give you advice on Microsoft Products, and nothing else.

Imagine American Citizens (no: everybody on earth!) would only be allowed to buy a Trabant for a car (that's an east-german brand, a very badly designed car). Unfortunately, everytime a car retailer wants to sell a new brand of cars (say: a Chrysler, or a Renault), the Trabant trust comes in and forces him to buy their wrecks. Now you know how I feel about Microsoft. Personal remark: I'm currently studying Linux, taking an intensive two-month-course. After only two weeks, my enthusiasm about this goes far beyond my expectations. Because for the first time, my PC actually *works* without crashing.

In my not so humble opinion, the world would be a better place without Microsoft products, at least for programmers. But in the meantime, it would be nice to allow some place for the concurrents who build much better operating systems.

Regards,
Niki Kovacs

MTC–00023910

From: Denny
To: Microsoft ATR
Date: 1/25/02 1:34am
Subject: Microsoft Settlement

The proposed settlement is bad idea.

MTC–00023911

From: Steve Benninghoff
To: Microsoft ATR
Date: 1/25/02 1:38am
Subject: Microsoft Settlement

Dear Judge (or more likely the poor clerks who must read e-mail all day), I write to express my concern that the government would, after all the work of winning the court battle, not just drop the ball in terms of a remedy, but effectively play into Microsoft's hands by extending their monopoly into one of the few niches where there still is a competitor. There is no doubt the use of the donated software would lead to an increase in MS market share in the poorer school districts, and once they have established that position, those new poor districts will be their customers for life—they would not have the money to switch if they chose to. No good. It really is astonishing to think how far all the dependence upon Microsoft has been allowed to go—for the great majority of people, in all walks of life, their really is little choice. And given how incredibly important computers have become to the country and economy, this is just a bad, bad idea. And there is simply no question that MS has done everything in its power—and that is a lot of power— to directly prevent there ever becoming another player in their game. While the DOJ can't single-handedly fix this massive problem for the security and economic viability of the country, it can make sure there is some opportunity for the situation to right itself by normal market forces. That can't happen when, at every single opportunity, MS plays as dirty a pool as it can to keep other players out of the game. Please, please come up with a remedy that will force them to compete fairly— this is far more important than people realize, from strategic, economic, and national interest perspectives—and by all means don't play right into their hands by letting them supply second-rate equipment and their software to train the poorer districts that Microsoft will control their world—courtesy of an anti-trust remedy!

Thank you sincerely for the work and the effort so far, and all the best wishes in your continued endeavors,

Steven T. Benninghoff

Interim Director of Technical Communication

Case Western Reserve University

MTC–00023912

From: McKenney
To: Microsoft ATR
Date: 1/25/02 1:39am
Subject: Microsoft Settlement

Tera McKenney

MTC–00023913

From: V.Popov
To: Microsoft ATR
Date: 1/25/02 1:41am
Subject: Microsoft Settlement

the proposed settlement is bad idea

V.Popov mailto:popov@ukrpost.net

MTC–00023914

From: Richard Moore
To: Microsoft ATR
Date: 1/25/02 1:43am
Subject: Microsoft Settlement

I am writing to express my concerns about the proposed settlement in the Microsoft case.

It surprises me that a violator is being given the opportunity to negotiate a settlement when a conviction has already been reached. What do the people get in return for this agreement? Almost any judge would be certain to impose a much more effective remedy. The proposed settlement appears to be driven by politics, rather than by a desire to correct a bad situation. The fact is, the settlement contains no ''teeth''. We had the consent decree several years ago, but it solved nothing. Microsoft continued its usual business practices, and even further extended its monopoly during this time. Under the proposed settlement, we can expect more of the same. Microsoft extends its monopoly by keeping its APIs and file formats secret, subverting standardization efforts in the computer industry. Microsoft should be required to publish this information for each of its software products (operating systems especially) prior to the release of the product. This should be applied retroactively to require the immediate release of such documentation for all current products. Going further, it would also be effective to require publication of source code for each operating system under an open source license, after some fixed interval (such as a year) following the release of the operating system. Also, any effective solution must put an end to the OEM pricing deals that Microsoft makes, which it uses to ensure that practically every PC sold includes a Microsoft operating system license, whether the buyer wants to use Microsoft software or not. I hope the Dept. of Justice will reconsider this settlement and insist on one that will actually produce a more level business and technology playing field.

Sincerely,
Richard Moore
3 Thornwood
Irvine, CA 92604

MTC–00023915

From: Stennis
To: Microsoft ATR
Date: 1/25/02 1:43am
Subject: Microsoft Settlement

To Whom It May Concern:

I would like to express my support of the Microsoft Settlement that has been proposed. It is past time that this fiasco be put behind us. While I feel there was very little merit in the original suit, it is best that we do that which is necessary to remove this cloud and move forward. There is no doubt that all of this has contributed to the Nation's economic troubles and will continue to do so until it is resolved.

I am not a computer expert but we do have two computers which we use on a daily basis. On both of these computers we use Netscape. I hold a Ph.D. in economics so I have a little understanding of the economics involved. Netscape's and Sun's problem was that they had inferior products. While I use Netscape, it has many problems. It is not a matter Netscape sales because it tends to be a free good to anyone that will use it—they make their money on all of the ads they flood one with. In our department we used Sun work stations but with the event of more powerful PC's, we found that the job could be done with less expensive hardware and without complication of using Unix. The free market provides that those who can provide a product most efficiently will prosper and those who cannot compete will move on to other enterprises. What we are saying now is that we will penalize those do the job best and protect inferior products which cannot compete on a level playing field.

I should note that one part of the settlement I disagree with is the limitation of Microsoft's ability to to include Explorer with their operating system. A consumer should have the right to receive a product which has all of the features that he/she might want to use. One does not have to use Microsoft's features—I could still use Netscape if I desired. But I do object to a court denying me the right to receive that which would be offered. I would like to be able to walk into the store and purchase a product which provided all of the features I might need. Any vendor should have the right to provide the same thing but they should not have the right to prevent someone else from doing so. Look at this way. When I go in to purchase a car, I do not expect to receive a frame and a body and to be told that I must go to other venders to get my engine, my tires, my radio, etc. In summary, let us get this behind us. The Justice Department and the self serving parties who filed this suit have done enough damage to the economy, consumers, and the Microsoft.

Sincerely,
Earl A. Stennis
117 Little John Lane
Starkville, MS 39759
662 323 7809

MTC–00023916

From: David Anfinrud
To: Microsoft ATR
Date: 1/25/02 1:45am
Subject: Microsoft Settlement

I feel that this case is unjust. Innovation is being hurt by these litigations. It appears that people just want to take all of Microsoft's war chest that allows it to continue to innovate even more. What will happen if we have no Microsoft. Will innovation continue. Microsoft has been a leading edge in the last few years.

I was a Netscape user I paid for my copy of Netscape in spite of the free Internet explorer. I supported the company I respected. Until they provided a poor product during several upgrades. Each time I loaded the latest and greatest it had even more problems than the previous product. When that took place the third time I stopped using it. A company has to earn my money. They need to innovate. I had so many crashes and problems with Netscape I said enough is enough. No matter how good they said they were if it doesn't work it is not worth having or paying for. It was the innovation and the improvements that made the difference not the cost. I want something that works not something that was hit and miss.

I have used a large number of Word Processors in my time. I was a big fan of Word Perfect but again innovation started to disappear from the product. I also owned the complete Word Perfect Suite. I paid for a quality product. At that time Word Perfect was the innovator that Microsoft had to compete against. In the early years no one

could touch Word Perfect Office. Now I can't compare the two. Microsoft has developed a better Office suite. Now Microsoft Office meets my needs. Word Perfect is still dear to my heart but again innovation is what has won out. I will stay with a company only so long. Today It is Microsoft Office. Tomorrow who knows but it had better be a better product than what Microsoft has developed. Innovation again wins out. It was the way the companies see about developing their products. Yes Microsoft was aggressive but is it not true in any business. You find where you are lacking and improve the weakness and innovate.

Today Microsoft is the Leader. They are looking ahead. While the competition should be improving their own products they spend money and political favors to try to prevent the next series of innovations from taking place. Is it the interest of the public to prevent a better product from being developed because those who don't want to innovate feel they are being cheated? Are we to provide poor quality items instead of excellent ones? Where is the public interest in that? What is happening behind the scenes? I see congressman trying to destroy Microsoft in favor of companies in their own states.

I believe it is in the best interest to get this court case over with. Enough is enough. Resources that could provide a better product for

Microsoft Users is being hindered and given to lawyers. The only winners here are the lawyers, a few non innovating companies, and the states but not the public. Every one wants something. There are a number of companies out in the market who practice even worse monopoly powers. They just don't have the exposure. This case has hurt the Tech sector of the economy. It still provides a drag with no end in sight. In a middle of a recession and still the good of Microsoft and its present day accomplishments are demonized because of what happened years ago.

Sincerely yours,
David A. Anfinrud
234 243rd Ave SE
Sammamish, WA 98074

MTC–00023917

From: Ron the Golfer
To: Microsoft ATR, Backman Ron
Date: 1/25/02 1:39am
Subject: Microsoft Settlement

Since the dispute in question is between the US Government and Microsoft, a possible condition for settlement might be instruct all US Government, all its agencies and their associated contractors NOT to do business with Microsoft. I have worked for the US Navy for 37 years as an IT professional, and I assue you there are plenty of alternative software systems and applications in the marketplace to pick from to do our daily business. This NO Business clause would include all Microsoft operating systems, Network browsers, Enterprise e-mail servers, Office applications, drawing tools and database tools.

Simply deny Microsoft the business of the US Government! To implement this decision is rather simple. Modify Federal procurement regulations directing all Contracting agencies and Contracting Officers to NOT do business with Microsoft and directing the same agencies to replace existing Microsoft products within a certain time period, (i.e. 18 months) The cost of this transition would be paid for by Microsoft as part of the penalty clause, thus costing the taxpayers nothing.

This response would punish Microsoft appropriately and reward companies like Apple, Netscape and Sun, who are viewed by the public as the victims. The message would be straight and clear. The US Federal Government will not do business with a ''monopoly'' in any way, shape or form. Our government is large enough to make a difference to the business income of Microsoft. At the same time, businesses that were the victims of these un-business like tactics would be rewarded by additional sales and support.

Ron Backman
Chief Technology Officer
FeelGoodGolf Learning Centers

MTC–00023918

From: John Mulhall
To: Microsoft ATR,ArmComm@ twcny.rr.com@inetgw
Date: 1/25/02 1:43am
Subject: Microsoft Settlement

Ms. Renata B. Hesse Antitrust Division,
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms Hesse:

By way of introduction, my name is John A. Mulhall. I am a practicing pharmacist with Eckerd Drug in Syracuse, New York. As a taxpayer and consumer, I strongly support the proposed settlement with Microsoft in the government's long-standing Clinton-era antitrust lawsuit. So far, it has been estimated that the lawsuit has cost the American taxpayers more than $35 million. What a waste of taxpayer dollars in this witch hunt! I urge you to put a stop to this travesty of justice NOW.

The way I see it, this lawsuit has been nothing more than a form of welfare for Netscape and other competitors of Microsoft, as well as a way for states to get ''free'' money. It has done absolutely nothing for those supposedly harmed by Microsoft, the computer users of this nation, and has greatly discouraged technological innovation. This is not ''the American Way''. At least not the America in my mind's eye. The waste of taxpayer dollars aside, I, for one, hold the United States government, and specifically the Department of Justice, responsible for crippling this premier high-tech cog in the nation's economy. Is this really an opportune time when we can afford to continue to harm the backbone of this country? Has not the DOJ suffered enough ''black eyes''? Microsoft has already agreed to hide its Internet Explorer icon from the desktop. The proposed settlement is in the best interest of all involved:

—Microsoft: can continue to provide innovative software that integrates new products

—Competitors: can return to the creation of new products which can be incorporated or made compatible with Windows

—Consumers: can have more software choices —Investors: can have marketplace stability If the lawsuit is allowed to continue, the expenditures involved will be even more outrageous to the American taxpayer than they already are. The nine states and the District of Columbia still involved in the case have retained many high-priced lawyers intent on dragging this out for a very long time. They have issued twice as many requests for information, including frivolous subpoenas of non-involved third parties, during the remedy phase of the trial than the previous 19 states did in the entire liability phase.

It is high time to put an end to this abuse of hard-working American taxpayers. The economy is in dire need of a remedy to this situation. The proposed settlement is a fair one. I thank you in advance for your time and consideration in this very important matter. It is my hope that you and your staff can keep me up-to-date regarding the status of the settlement.

Sincerely Yours,
John A. Mulhall, RPh
7 Evergreen Lane
Cazenovia, New York 13035
(315)655–4859

MTC–00023919

From: stephen@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/25/02 1:48am
Subject: US versus Microsoft

I would like to add my comments concerning the proposed settlement between the DOJ and states versus Microsoft. I very much feel that Microsoft is a monopoly that has abused its monopoly power. Microsoft has not found it sufficient to become a dominant player in the markets in which it works—rather it wants to completely control these markets. I think that you guys will have had heard many arguments that I could end up rehashing. So let me try a different tack. Like John Ashcroft, I am a Christian. I believe the Bible is the word of God. So let me attempt to argue from a Christian perspective.

I do not think that market forces are God given. In my limited understanding, many of our modern notions of capitalism derive from Adam Smith rather than from any religious ideas. Yet, many today act as though the current economic structure is ''natural''—that the way in which businesses fight each other, using market forces to leverage their way to the top, is perfectly legitimate, and that somehow rules like the antitrust laws are simply artificial contraints designed to protect the weaker less able companies. In this view, it is perfectly legitimate to use all ones economic resources to destroy the work of another. But the economic structure in Old Testament Israel, described in Leviticus 25, was quite different. There were many similarities—there certainly was the concept of ownership—it was not communism. But there were also rules designed so that one person would not become completely economically dominant. In particular, every 50 years debts were cancelled. This meant that land would be restored back to the original family. This meant that indebtitude would not be passed from generation to generation. And most of all, it meant that one

person or family could not keep collecting and collecting more and more property and wealth so as to completely dominate everyone else. These laws were meant to control obsessive greed, and God promised severe retribution to those who would disobey or abuse these laws.

I believe that the antitrust laws are good and righteous laws. I believe that it is important both for the spiritual and economic health of the country that these laws be upheld. I very much believe that it is a blessing from God to receive wealth and prosperity, but also that it is wrong to pursue money to the expense of all else—''the love of money is the root of many evils.''

I feel that if the Department of Justice fails to pursue the full provisions of the antitrust laws, that ultimately they will allow a bully to go unchecked. Those who have the power to help the weaker members of society will have stood by and let it happen. Those appointed by God to carry out justice will have defaulted upon their responsibilities.

Stephen Montgomery-Smith
stephen@math.missouri.edu
http://www.math.missouri.edu/stephen

MTC–00023920

From: Gary Lindgren
To: Microsoft ATR
Date: 1/25/02 1:45am
Subject: Microsoft Settlement

Clerk of the Court:

Please work with Department of Justice and the 9 States Attorney Generals that recommend settling this case. The settlement seems fair. The most important issue is that Microsoft be allowed to add whatever features they seem fit to have. Software developers always see new ways to make the product more useful and easier to use or more secure from hackers. This must continue. However, Microsoft must agree to the terms set down. I suggest:

1. Publish operating APIs on there web site within 6 months of settlement date.

2. Publish open pricing for operating system and other applications and not force penalties if PC builders add other software. The recent suit that AOL has brought against Microsoft is without merit. Netscape lost users because their product is not as good as Microsoft Internet Explorer. Netscape application is always available for download or can be received in the mail. I must receive at least a dozen copies of AOL CD-ROM a year.

Please lets get this case settled.

Gary Lindgren
585 Lincoln Ave
Palo Alto CA 94301
650–594–3846

MTC–00023921

From: John C. Stilin
To: Microsoft ATR
Date: 1/25/02 1:52am
Subject: Microsoft Settlement

Now AOL Sues For Netscape? I seem to recall that the Netscape Navigator Browser could be downloaded free from the Netscape Web site and oh by the way they forced you to accepted it with a home page default set to Netscape. Did anybody ever bother to check how many people paid for the free browser per the Netscape agreement? How can Netscape claim harm when Microsoft priced their product Internet Explorer to equal that of Netscape? How do you undercut free? Just goes to prove if you can't compete in the high tech industry, forget personal accountability, blame somebody else and sue. It's the American way. Let's not waste more taxpayer dollars in this matter just because Netscape doesn't know how to run a business.

John C. Stilin
johnstilin@msn.com
17611 NE 110th Way
Redmond WA 98052
425.881.1632
tel 425.881.6173
fax 425.922.3435 cel

MTC–00023922

From: Codifex Maximus
To: Microsoft ATR
Date: 1/25/02 2:07am
Subject: Microsoft Settlement

To whom it may concern and:
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001,

I am concerned with the length of duration of the judgment as proposed in the Proposed Final Judgment against Microsoft. Microsoft has shown a contempt for consent decrees and judgments in the past and based on past experience will probably do so again.

I am alarmed at the impunity in which Microsoft acts in the information and technology spheres. It would seem to me that Microsoft is attempting to usurp the constitutional powers of the United States Government—is not disregarding the rule of law such an action? Should Microsoft not abide by a decree or judgment until it is overturned or nullified rather that continuing business as usual while the wheels of justice turn? To contain such activities, I've constructed an example of an alternative duration of Judgment. Bear in mind that I am not a lawyer.

// Duration of Final Judgment

This Final Judgment shall remain in force until Microsoft has been judged, by the tripartite oversight committee and the court of jurisdiction, to have maintained compliance with this document (final judgment document) for an initial 5 years and for 2 additional years for each adjudged infringement of the controls in this document. Each adjudged infringement of the controls in the Final Judgment document, by Microsoft or it's entities, shall also have a financial penalty assessed. Such financial penalty is to be determined by a schedule of penalties determined by the tripartite committee and the court of jurisdiction. The penalties shall in no way deprive lawful entities under the jurisdiction of the United States of America of their civil right to suit.

I am a Citizen of the United States of America and I wish to remain in command of my rights and liberties as guaranteed under the Constitution and the Bill of Rights including all statutory and common law rights. I pray that the Department of Justice will protect these rights by ensuring we have a free and competitive market in information as well as other technologies.

Sincerely,

—

Bennie Gravitt
codifex@charter.net
Phone: 817–946–2332

MTC–00023923

From: PEARLYGATES3@JUNO.COM@inetgw
To: Microsoft ATR
Date: 1/25/02 1:51am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
MARGARET GATES
14090 SPRIGGS ROAD
WOODBRIDGE, VA 22193–3600

MTC–00023924

From: Todd C. Lawson
To: Microsoft ATR
Date: 1/25/02 1:57am
Subject: Microsoft Settlement

I have used Microsoft products for years, but I have largely stopped since I've heard about the predatory practices that were brought to light in the anti-trust suit against them. The findings of fact against Microsoft were right on, and should be followed to their natural conclusion—a break up. One of the few key roles for government in the economy, after the printing of money, is the breakup of monopolies. Monopolies such as the one demonstrated by Microsoft not only stifle the marketplace, they injure consumers. As such, I stand firmly opposed to the settlement. Even if you disagree with me that the suit should not be continued, there is NO WAY Microsoft should be allowed to settle by putting its software out gratis to schools—a thinly veiled slap at one of the few markets it doesn't dominate, thanks to Apple Computer's efforts in education. Agreeing to this permits Microsoft to EXPAND their monopoly, and is not a middle ground safe for a settlement.

We now find ourselves in the midst of a re-assessment of what common business practices should be, in the post-Enron era. The predatory practices of Microsoft are more shameful than the corrupt practices of Enron, and MUST NOT STAND. Do NOT let them weasel out of it and broaden their monopoly in the process. You owe it to the market, the customers, the students and the taxpayers.

Todd C. Lawson
311 West Glenrosa Avenue
Phoenix, Arizona 85013

MTC–00023925

From: Steve Van Damme
To: Microsoft ATR
Date: 1/25/02 1:56am
Subject: Microsoft Settlement

I'm outraged at the Department of Justice's settlement with Microsoft. I'm not an industry player, just a consumer. But I can smell a bad deal for the public when its that ripe.

How could you be so blind about the intentions of Microsoft when it offered to give away ''a billion dollars worth'' of its software and some old hardware to schools? Its obvious they are trying to make lemonade out of their loosing the court case by getting their products into schools unfairly where they are not exactly wholeheartedly embraced, and for good reason. Give schools, not Microsoft, the chance to choose what THE SCHOOLS think is best for them.

Make them give the billion in cash; make them EARN their share of school budgets. If you don't, you've either been paid off by Microsoft, or you've been suckered by them, and in my opinion, either way makes you much less respectable.

Steve Van Damme
639 Whispering Hills Rd, #805
Boone, NC 28607

MTC–00023927

From: Jerry Higdon
To: Microsoft ATR
Date: 1/25/02 1:53am
Subject: Microsoft Settlement.

Dear Mr. Ashcroft:

I hope that the Justice Department will stick by the settlement it has reached with Microsoft. I feel it's a fair and just settlement and I hope that you urge the rest of the states who haven't yet settled to do so. Microsoft has been put through the ringer for long enough and it's high time to end this whole mess and let them get back to business. The settlement is reasonable enough not to hurt them to the point where they are forced to go out of business but is harsh enough to silence most of their critics. For example, Microsoft will have to share information about the internal workings of its Windows operating system, which will allow computer makers to more easily install non-Microsoft software on Windows-based machines. This is harsh, but it is still better than Microsoft being broken up into little pieces. The settlement will appease all interests in the Microsoft antitrust case. I support it, and hope to see if finalized soon. Thank you.

Sincerely,
Jerry Higdon

MTC–00023928

From: vasily
To: Microsoft ATR
Date: 1/24/02 6:05pm
Subject: Internet

Microsoft's doing it again; seems like it's trying to monopolize the net with .NET. Hopefully you'll get ''em. (You wouldn't be in this mess if IBM didn't get a rejection from the CP/M guys in the 1970–80s.) sorry though; Anyway, good luck.

MTC–00023929

From: divinegigi@pop.earthlink.net@inetgw
To: Microsoft ATR
Date: 1/25/02 2:06am
Subject: Microsoft Settlement

To whom it may concern:

I am writing to express my concerns regarding the proposed settlement between the United States Department of Justice and Microsoft Corporation regarding the finding of antitrust activities of Microsoft.

I am highly concerned that through the predatory actions of Microsoft, Microsoft products are the de facto standards for many areas of personal and business computing and office work. The barriers to competition raised by Microsoft through its intertwined operating system, network products, and Office Suite make it nearly impossible for any competitors to arise in these areas. I am personally quite disappointed in the quality of these Microsoft products, and would be quite willing to purchase alternatives if they existed. I believe that without remedy the situation with Microsoft dominance of whatever product lines they choose will become worse.

I believe that the present remedy proposed by the DOJ will do nothing to improve this situation, or curb Microsoft's predatory practices. In the interest of brevity, I will discuss the one remedy that I find most important. In an office environment, I find that the use of alternatives to Microsoft products, (Macintosh, Linux, or Office alternatives) is limited by the practical limitations of transferring data (email, documents, etc) from a Microsoft platform to a competitive platform. That is, for me to function in a modern office environment, any documents I send to others must open flawlessly by Microsoft products; any documents sent to me by Microsoft product users must be opened flawlessly by me. Since Microsoft keeps its data standards proprietary, it is nearly impossible to develop a 100% compatible alternative.

Through its practices, Microsoft now dictates the de facto standards for email, word processing, spreadsheets, and presentations. I would urge the DOJ to find a remedy that would force Microsoft to make their format an open standard, readily open to competitors to use. Microsoft would not be forced to turn over sensitive information to competitors on their products; rather, they would be compelled to enable functional competition within data formats that they have made as industry standards through their practices.

I am sensitive to Microsoft's claims that their know how in application software should be preserved. I am much more interested in enabling competitors to build programs that can compete with Microsoft by being compatible with Microsoft file formats. Data must not be captive to one company and format, but be transferable across different formats and systems. The DOJ has it in its power to enable this competition into the future. In any case, the current proposed settlement is horrible, so I do urge its rejection.

Sincerely,
Paul Drzaic
Morgan Hill, California

MTC–00023930

From: lorraine snyder
To: Microsoft ATR
Date: 1/25/02 2:05am
Subject: Mi

Please settle this unjustified court case. I am a customer of Microsoft and many other software companies. I do not feel I was ever treated wrongly! Microsoft does not charge more than other software in the industry. Microsoft does not hurt Netscape or other companies. netscape sold for Billions. I do not see that as being injured by Microsoft. It is time for this country to help our economy by stopping hurting Microsoft! The problems with the economy started with microsoft being drug into court unjustly.

People stopped trusting the stock market. Now as things are beginning to turn around, The BIG MONOPOLY ''AOL'' is at it again! Suing Microsoft will not help the sagging economy!

PLEASE SETTLE THE MICROSOFT CASE and .....DO SOMETHING to STOP every one who DOES NOT WANT COMPETITION to SUE, SUE, SUE !!!!!!

Lorraine Snyder
15018 SE Fairwood Blvd.
Renton, Wa. 98058

MTC–00023932

From: George Helmke
To: Microsoft ATR
Date: 1/25/02 2:10am
Subject: Microsoft Settlement

I am no legal expert, but it seems like letting Microsoft off easy is the lazy way out. They are in a position to do major damage to a healthy marketplace, and their reach extends more every year. They have acted illegally, and done so for years. That has been proven in court.

The U.S. government is the only body strong enough to create limits for a company as powerful as Microsoft. If it looks the other way just because Microsoft is big enough, and doesn't seem SO harmful, then an injustice has been done.

Please do what is RIGHT.

Sincerely,
George Helmke
U.S. Citizen

MTC–00023933

From: dlshort@stargate.net@inetgw
To: Microsoft ATR
Date: 1/25/02 2:08am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the

most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
David & Lisa Short
4340 State Route 193
Cherry Valley Township
Dorset, OH 44032

MTC–00023934

From: dquinn1398@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/25/02 2:10am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Denis Quinn
1578 11th Avenue
San Francisco, CA 94122–3615

MTC–00023935

From: rewt@sover.net@inetgw
To: Microsoft ATR
Date: 1/25/02 2:12am
Subject: Microsoft settlement comments

I have been involved in computers and software systems for more then 20 years—I derive pleasure and profit from my knowlage and understanding of the systems I use and support in my work.

I believe that the proposed settlement in the US vs Microsoft is a true failure of the government to understand the issues at hand. It is not simply an issue of monopoly powers at work within the market place; our very future is at risk because of this monopoly. Here are a couple of thoughts on how:

By wanting to control all media flow to ''customers'' via broadband internet connectivity and/or computer access to information, Microsoft will, in effect control the right to be heard in any forum or any non- face to face contact. The EULA (End user licence agreement) for one of thier products, Front Page 2000 contains language forbiding users to express an opinion which shows or describes Microsoft in a negative way.

Our stock market and credit systems are suffering heavilly after a decline in technology stocks; while this is normal and proper given the .com foolishness, Microsoft still represents a huge, single basket for many many too many eggs to be in.

The current conflict in Afghanistan is largely being won by knowlage much like the gulf war was in 1991. By allowing a single entity (one which the goverment has proven to be guilty of breaking its promises of conduct.) control or at the very least ''responsibility'' for citizens access to information and for thier voices to be heard seems very very wrong. Especially as Microsoft has outright bought testimonials from various technology press.

I believe a better solution or remedy should contain most if not all of the following actions: Splitting Microsoft into 3 or more companies; an OS, a services company and an application software company Preventing all non-OS companies any ''inside'' knowlage of the OS code unless the same agreement had been made with no fewer then 3 other companies Preventing the marketing or delivery of products which do not meet IETF/IEEE specifications for protocols which they utilize; end the embrace-and-extend(pervert) stratagy which has led to so many competitors market place failures.

Limiting the number of media channels any single company could own; tv, cable, radio and major websites such as yahoo or msn.com as the FCC currently does with broadcast stations. End the practice of application preload with the OS (as would happen if the company were split.)

And, finally, as a last item, to require TRUTHFULL publishing of every API(application programming interface) and system fuction call with every licence of the OS sold (without additional cost to consumers) to facilitate AT LEAST application competition.

John Antram
Cornwall, Vermont 05753

MTC–00023936

From: Richard E Wallis
To: Microsoft ATR
Date: 1/25/02 2:14am
Subject: Microsoft settlement

To the Honorable John Ashcroft, Attorney General

Dear Sir:

I have recently received a solicitation from Microsoft encouraging me to ask you and the Justice Department to wrap up the ongoing litigation. Their stipulation is that Microsoft has gone above and beyond what the courts have asked for and continuing the litigation would only hamper Microsoft's ability to innovate; and invigorate the American economy. Unfortunately, I disagree.

I do not oppose Microsoft's efforts to do business and to provide consumers with software packages for their computers. What I do oppose is Microsoft's apparent efforts to thwart the consumer's right to choose. Any consumer should have the right to decide what kind of operating system, Internet browser, office suite and email application they use. By wrapping its software applications together Microsoft limits a consumer's ability put together a software suite that is most comfortable for them. Ultimately, the best scenario I can think of is for various computer system manufacturers to offer consumers choices of software packages. Choices in operating systems like Windows, Linux, or even Unix; choices in Internet browsers like Netscape, Internet Explorer. or Opera; choices in offices suites like Coral's Word Perfect or Microsoft's Word; or even in games. In summary, I would like to encourage the Justice Department pursue its case against Microsoft. The settlement should provide that Microsoft uncouple its operating system and applications.

Sincerely,
Richard E Wallis
Honolulu, Hawaii

MTC–00023937

From: Lubo Diakov
To: Microsoft ATR
Date: 1/25/02 2:14am
Subject: ''Microsoft Settlement''

To whom it may concern:

I am writing this as a computer user who wishes to urge you to pursue any and all remedies permitted under the law to force Microsoft to do what is right. Their actions in the past have demonstrated to me (as undoubtedly they have to others as well) that they have little or no regard for ethics. Considering the restrictive and exclusionary contracts with both computer manufacturers and end-users which have come to light during the legal proceedings, the giving away of products at a loss to drive competitors into bankruptcy, the bullying, the pressure tactics, the incessant PR spin and advertisements which often amount to lies, I feel the most just remedy is to break Microsoft up. But I am a realist, and know that sadly this won't happen for practical and legal reasons.

Instead I propose you punish them with very stiff monetary fines, which can only be repaid with money that is given ''no strings attached'' to purchase any computer equipment (including if the plaintiffs wish all-non-Microsoft equipment) with no legal clauses or hidden conditions. Further I suggest you reject any offer to ''give'' ''free'' equipment, as undoubtedly you will receive Microsoft products, which is not only not a punishment, it is a ''get out of jail free'' card for Microsoft to expand its monopoly powers to arenas which they have less or no foothold in currently, such as education.

Please note that even as you sue them about practices in the computer industry, they continue to use the same (or worse) tactics to expand even further in to non-PC areas like PDAs (PocketPC), game consoles (XBox), Internet Access (MSN Broadband). Their non-PC rivals (Palm, Sony, AOL-Time Warner) will undoubtedly tell (probably years from now) a tale similar to that of their computer competitors—one of arm twisting and being driven out of business by the sheer ruthlessness and remorselessness of a corporation so convinced (myopically) that the world needs nothing but its products, that it does anything it can (often just this side of legal, and in many case because a lot of laws don't cover the ''information age'') to prevail. The business equivalent of the Taliban—''fundamentalist monopolists''.

You undoubtedly know plenty about Microsoft's violations of anti-trust law, but allow me to summarize by listing some of the entities it victimized, in most cases despite those entities having superior products to market before Microsoft.
Sun Computers—Java
Apple Computer—Macintosh

Real Networks—Real Audio and Video
Apple Computer—Quicktime
Linux—various distributors and VARs, and
the open-source community worldwide

All these had products that dominated either because they were first in their fields, or because were actually good (or both). Microsoft dominates because it has the most money, and it can give things away until everyone else folds and then charge as much as they want. Is this what America (and the world) wants? I think not.

Finally I leave you with this tidbit, attributed to no other than Bill

Gates himself:

''Imagine the disincentive to software development if after months of work another company could come along and copy your work and market it under its own name...without legal restraints to such copying, companies like Apple could not afford to advance the state of the art.''—Bill Gates, 1983 (New York Times, 25 Sep 1983, p. F2)

MTC–00023938

From: Brent Casavant
To: Microsoft ATR
Date: 1/25/02 2:17am
Subject: Microsoft Settlement

MTC–00023938—0001

Date: Friday, January 25, 2002

Submitted to the United States Department of Justice, in accordance with the public comment period provided by the Tunney Act, in regard to the case United States vs. Microsoft (Civil Action No. 98–1232 (CKK)
Introduction

Comments upon the proposed Final Judgement in its whole

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If there is one striking feature of this proposed Final Judgement, it is the lack of any form of punishment or restitution imposed upon Microsoft such that it forfeits the gains due to its anticompetitive practices. The remedies therein provide only for behavioral modification and oversight, but fail in any manner to deny Microsoft the fruits it has enjoyed from its illegal behavior.

While I do not propose a specific punishment, I believe it is in the interest of the United States, its citizens, and all commercial entitites to discourage anticompetitive practices. Unless this proposed Final Judgement is significantly strengthened the provisions will serve as little more than a ''slap on the wrist''. This sends a clear message to all monopolies that the law may be freely flouted and disregarded as long as legal proceedings can be sufficiently drawn out to firmly enthrone the monopoly in an unassailable market position. More importantly, this sends a clear message to Microsoft that it may do so again at any time it should so choose.

There is also a specific behavioral and punitive remedy which is notably lacking from the proposed Final Judgement which should be considered for inclusion. Microsoft has achieved large portions of its market dominance through ''locking in'' end users to its proprietary application (i.e. Word, Excel, Powerpoint) data file formats, and through making incompatible changes to such formats, forcing end users into purchase of new application software to conduct business with other parties.

This could be remedied through either of two means: Require Microsoft to make available, in a timely manner, all information regarding application file formats necessary for third parties to develop software which is capable of interoperating with the Microsoft application software. Require Microsoft to implement, as the default and preferred option, file formats which are trivially reverse-engineered by third parties for the purpose of interoperability.

In either case Microsoft should be required to assign licenses to any intellectual property needed to properly implement software which can interoperate with the Microsoft application software. There is another area of general weakness in the proposed Final Judgement. Underlying the entire judgement is a presupposition that only for-profit commercial entities will enter into licensing agreements (either explicitly or through the purchase of Microsoft products and services). However, there is a large and increasing number of not-for-profit organizations which develop software (typically so-called ''Open Source'' software) which is distributed free of charge. Such organizations cannot in and of themself wield the financial incentives necessary to cause Microsoft to provide them the documentation or intellectual property rights necessary to implement software which is interoperable with Microsoft products. While Microsoft certainly has a reasonable right to expect compensation for its efforts, research, development, and intellectual property, it is also clear that they will use their monopoly position to choke out any competition from these not-for-profit organizations. The proposed

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Final Judgement should be amended to provide for the release of information necessary for interoperability to these not-for-profit organizations. This is only one of the many ways in which amends can be made for the anticompetitive practices of Microsoft, and to take some small bite out of the fruits of their illegal behavior.

Comments upon specific provisions of the Proposed Final Judgement

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Section III.E

The terms of this section are inadequate to address harms and disadvantages already imposed upon third parties with regard to Communications Protocols. Microsoft has demonstrated with regularity that it will modify existing protocols, both those of its own design (i.e. the SMB protocol) and of other widely accepted protocols (i.e. the Kerberos protocol), with tenuous technical justification. While one cannot adequately judge Microsoft's every intention in such matters, it is often clear that these decisions do little more than lock out competetitors from interoperating with Microsoft products.

As such, the remedy in Section III.E should be amended to cover existing protocols for current Microsoft Windows Operating System Products.

This section remedy also fails to address the terms under which these Communication Protocols must be made available to third parties. There is no provision that such disclosures must be made under reasonable or fair terms to the third party. This inadequacy should be addressed so as to prevent Microsoft from circumventing the spirit of this order by an action as simple as making the price of such information practically unobtainable for all but the largest of ISVs.

Sections III.H.1 and III.H.2

Thes provisions are inadequate to the extent that they do not stipulate that Microsoft must reasonably ensure the correct operation of the specific Windows Operating System Product after these actions are taken. This section should also restrict Microsoft from displaying alarming messages or languages which would serve to dissuade end users from utilizing Non-Microsoft Middleware Products.

Microsoft has demonstrated its willingness to deliberately compromise the stability of their own software products in order to discourage the use of third party software. This was demonstrated most clearly in the early 1990's when they implemented checks for the DR-DOS operating environment in their Windows Operating System Products. In this case an alarming message was displayed to end users which served to discourage use of the DR-DOS product, and the Windows Operating System Product was (anecdotally) deliberately designed to interoperate poorly with the DR-DOS product.

Section III.H.3

There is little technical justification for the arbitrary limit of 14 days, after which Microsoft Operating System Products may automatically prompt the end user to confirm alteration of an OEM's configuration. While it is certainly justifiable to allow the user to cause the Operating System Product to revert to a Microsoft-specified configuration, it is not reasonable to automatically ask the user to confirm or prohibit this reconfiguration.

As such, this provision should be amended as to prevent Microsoft from implementing a system which prompts the user to restore Microsoft-specified configurations, unless the end user has initiated a deliberate action to

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cause this to occur. That is to say, the end user should need to initiate the action which causes a Microsoft specified configuration to be restored.

Section III.H.2 (second set of numbered items)

This section allows a Windows Operating System Product to invoke a Microsoft Middleware Product in a case where the Non-Microsoft Middleware Product fails to implement certain technical requirements. This section should be amended to include language which prohibits the Windows Operating System Product from taking this action due to additional technical requirements imposed after release of the Non-Microsoft Middleware Product. That is, Microsoft must be prevented from requiring ISVs to update previously compliant (by the terms of this provision) products. This limitation, however, should not apply in the case of a major revision of the Windows Operating System Product.

Section V.B

Microsoft has demonstrated a remarkable ability to delay and hinder legal proceeding against it. As such this provision should be amended to provide for an indefinite limited term extensions of the Final Judgement while any legal proceedings against Microsoft according to this provision are underway. Such an amendment should also provide that the Final Judgement will expire no earlier than one year after the date of termination of such proceedings, in order to further ensure compliance.

Background and contact information .....

I am interested in this matter as a long-time technology enthusiast and worker. My formal education is in computer and electrical engineering, and my work experience and personal interests have given me a deep understanding of the technical merits and considerations involved in software development, particularly in the area of operating systems. I am currently in the employ of a major computer systems manufacturer and vendor, a competitor in some fields with Microsoft, with my engineering work focusing on operating system software development.

Brent Casarant
3627 26th Avenue South
Minneapolis, PIN 55406
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MTC–00023939

From: tjgleason@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:18am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Truman J Gleason Jr
P O Box 2930
Pahrump, NV 89041–2930

MTC–00023940

From: Clark Morgan
To: Microsoft ATR
Date: 1/25/02 2:22am
Subject: Microsoft Settlement

Hello. I am an independent software engineer (i.e., contractor) who lives in Hillsboro, Oregon. I wish to comment on the proposed Microsoft Settlement.

I believe that the potential effects of the proposed settlement can be easily judged by the responses from the monopolist (Microsoft) and its adversaries (the nation's computer software industry): Microsoft is delighted and the computer software industry thinks the settlement does nothing to rein in Microsoft's abuses. Conversely, the last time I recall that the United States successfully prosecuted a monopolist, the affected party (AT&T) bitterly complained about the proposed remedy. The fact that Microsoft thinks this settlement is wonderful should give the court pause, to ask a very simple question:

Is the court being played by Microsoft?

In my opinion, the answer is a definitive ''Yes.'' In my opinion, if the court does not take decisive action to punish this company for its anticompetitive practices, then Microsoft will never again fear retribution for its actions. I hope the court will recall the long list of companies that Microsoft has crushed, including: WordPerfect (now Corel), Lotus, Novell, Apple, Stac, and Netscape. If nothing is done to hobble this monopolist, then once its ''punishment'' phase is over, Microsoft will never, ever again fear government intervention and/or regulation. After all, if a company gets convicted as a monopolist and walks away with a ''delightful'' settlement, what should it worry about in the future? Recall that when AT&T was broken up, the long distance market was opened to competition, which lowered long distance rates to extremely inexpensive rates. For example, I currently pay $0.05/minute for long distance calls placed in the evenings and all day on weekends. If AT&T still held the monopoly for long distance, I —know— I would not have access to $0.05/minute calls.

As things stand now, Microsoft is the AT&T of the software industry. Every new release of its Windows operating system is the same price: $90-$100 for an upgrade, $225 for a complete release.Every new release of its office suite is the same price: $200–225 for an upgrade, $400 for a complete release. Where is the competition? There is none, which is the consequence of buying from a monopolist. The court has a chance to step in here and squelch this monopoly. Please don't let Microsoft dictate the terms of this settlement.

Respectfully,
Clark O. Morgan
346 NW Treglown Ct.
Hillsboro, OR 97124
(cmorgan@aracnet.com)

MTC–00023941

From: James M. Corey
To: Microsoft ATR
Date: 1/25/02 2:22am
Subject: Microsoft settlement

MTC–00023941—0001

Hello. I'm an engineer currently working in the computer field. I received my Master's degree several years ago, and am now raising a family in Oregon.

Know that I have been following the adventures of Microsoft for over 15 years now, and for the past 9 years I have been acutely aware of disturbing behavior evident in Microsoft's business practices. So I started to pay more attention to them, and what I saw I did not like. For the past 5 years now, I have avoided using their products, which is not an easy thing. I hardly need to go into detail about the damage they have done to technologically valuable initiatives such as the Java portability initiative, the world-wide-web connectivity initiative, and now the public-interest software initiative (by which I am referring to the recent trend toward volunteer software projects by and for computer users, under the open source licensing agreement that Microsoft has begun to lobby against). The trouble they have caused for hundreds of specific competitors, large and small, pales in comparison to the damage and stunted growth they have caused to the industry in general, and thus, to the populace. I think we can agree that for all its shortcomings, computer technology has brought many benefits to the modern world. I take seriously the threat posed by Microsoft to our national information infrastructure, and also the harm they have done to the progress of the computer industry in general. I take offense at their attempts to lay claim to the modest progress that has been made, in many cases despite their own efforts.

You might think it odd to hear these comments from an employee of Intel, a company seen as ''co-conspirator'' of Microsoft, at least in the eyes of the PC consumer. Intel is a company that seeks to be selected by consumers as a matter of choice, and indeed the consumers currently have several choices in this regard. Intel has expressed interest in the availability of similar choices in PC operating systems, such as with their interest in NeXT Step and their interest (and investment) in RedHat. However, these software ventures can not succeed in the current Microsoft-controlled climate. So, Intel is stuck with Microsoft at the helm. In fact, there is now a strong atmosphere of fear within the ''troops'' at Intel regarding internal departure from Microsoft products, as though Microsoft has the resources and inclination to chastise us. I can only hope that such is not the case. However, apparently Microsoft has expressed disapproval on several occasions regarding Intel projects that don't fit in with Microsoft's plans, resulting in lost opportunities for Intel. I ask you, if such large companies as Intel, IBM, and HP are frightened by Microsoft, where does that leave the consumer? Unfortunately, the public assumes our complicity is voluntary, but the truth is, it has not been entirely voluntary, nor has it been very conducive to progress. Thus our reputation suffers indirectly, by association.

But I seem to be beating a dead horse. By my understanding, the crimes of, and harm caused by, Microsoft have been established. The issue is apparently what response to provide. I read about the dismissal of Judge Jackson with some distaste, but not nearly as much as when I heard the new proposed penalty of giving Microsoft software to primary schools. As the PENALTY? This seemed like a joke in very poor taste. The idea could only have come from Microsoft. It is hard for me to understand how they

could be so lucky in escaping justice. It seemed almost as if they were being rewarded rather than punished. Something is very wrong with the way these events have been developing.

So I had my doubts when I went to review the proposed final judgment at http://www.usdoj.gov/atr/cases/f9400/9495.htm, but I am glad to see it seems to contain some restrictions. Unfortunately, it doesn't seem restrictive enough to be effective. Microsoft has

MTC–00023941–0002

continually acted in flagrant violation of the law; they obviously think it is their right to act as they have acted. If they are not dissuaded more effectively, two things will result. First of all, I fear others will conclude that no one including the United States government can stand up to Microsoft and their lawyers, which will lead others to fear Microsoft even more than they already do. Secondly, it will continue a dangerous precedent of tolerance, of which other large organizations may take note.

I notice that the protections afforded by the judgment are heavily slanted toward middle-ware, which seems like an unnecessary distinction. Microsoft has described web browsers as an intermediate platform and API for software applications to run on, thus falling broadly under the category of middle-ware, but this is heavily colored by their fear of how quickly a combination of Java and a web browser could erode customers'' dependence on their own products. Yet, the main purpose of a web browser is simply to provide a multimedia, hypertext interface to information on the web. A viewer with one-way interaction, not an operating system. Nor any kind of middle-ware, unless you consider a document viewer to be middle-ware, as it is with a Microsoft Word virus. There has been, and continues to be, a need for safe web browsers which limit the damage that can be caused to the user's computer simply by viewing a document on the web. In typical fashion, Microsoft ignores this simple need of the consumer in favor of their own selfish need to usurp control of the web viewer (and eventually web server) industry and prevent it from threatening their customer lock-in. Consider, though, that the result is the same as for many other important types of software in which they have taken an interest. Movie software, for instance, is their current target. Soon, they will take over that market and control it as they have so many others.

If for some reason they should find it convenient to portray it as middle-ware, then their new operating systems would suddenly have an increased emphasis on 3D, animated interaction, thus making the multimedia layer integral to the operating system, and the computer software universe will warp to their will. But I digress. The middle-ware distinction is arbitrary.

Even so, if the protection must be limited to middle-ware, the restrictions are so specific regarding which product and which scenario, that they will soon be outdated and ineffective. Here are some specific points I came across:

*. III in general, is much too kind in its careful elaboration of exactly which scenarios Microsoft isn't allowed to retaliate in. It should instead have simply barred Microsoft from retaliating against business partners for any business choices they make, by mandating a fixed price, and prohibiting the practice of selectively distributing copies of their operating system as though the supply were limited. There was no mention of this latter practice, as far as I know. III.H.1 is clearly addressed to one symptom of the squeeze-out behavior. I fear that after so much worrying over one particular tactic used by Microsoft, that they will simply emphasize other tactics or invent new ones. The basic behavior of misusing their advantage must be addressed, as well as these particular methods they have come to rely on. The exceptions to III.H would appear necessary only from the viewpoint that wishes to preserve the advantage of Microsoft middle-ware over non-Microsoft middle-ware. The second exception, in particular, is so open-ended and convenient for Microsoft, that I suspect it will undo even the limited protection which III.H is meant to afford.

*. IV.B.10 and parts of IV.C.3 suggest a very limited disclosure of Microsoft's dealings with the compliance enforcers (i.e. TC). Taken together, the picture is that of a company whose run-ins with the law are kept private. Of course this has the advantage

MTC–00023941–0003

of limiting impact to Microsoft's public image, but this is als0 a disadvantage. By keeping such things private, an aspiring developer, or even a consumer, is kept in the dark about dangerous situations that may be quite relevant to their own involvement with Microsoft. Also I see no reason why only officers and directors should be briefed regarding the TC. Shouldn't all Microsoft employees be aware of the arrangement? It sounds so secretive. If there is some other reason for such details, please forgive my ignorance.

*. IV.B.8.b.i is illustrative of the surplus care which has been taken to avoid impacting Microsoft. In effect if the TC wishes to talk to an employee, it will likely be categorized as an interview, notice will have to be served to Microsoft, and the employee will almost certainly be accompanied by a Microsoft lawyer. Although I wouldn't dare to suggest that anyone at the company would ever lie, on the record or off, I have to wonder what kind of incriminating evidence one would expect to gain from such a conference. From a theoretical point of view, I have some trouble imagining how the employee's career could legally be defended from taking a wrong turn if information were disclosed.

*. VI.N.ii—Limiting protection of non-MS middle-ware to those with one million copies distributed during the previous year seems to imply that only large, well-established players will be protected. New ventures must then fight an uphill battle. Unfair.

*. V. The extension clause doesn't help much. Of course, 5 years is a long time, but not long enough. Now, if one has to get court consensus to extend by a year, I presume that the usual delay tactics could push the decision itself past one year anyway. I would have thought that if the TC had to lift one finger against Microsoft, that alone should be grounds for another 5 year extension, with no limit. I suppose the interest is in figuring out how Microsoft will circumvent the measures in the short term, which may well be the most pertinent question. These are examples of the things that worry me when I read the judgment. I haven't the expertise to analyze the document in great detail, and that is to be expected. So I leave you with my impressions as a citizen. The proposed final judgment seems to have a lot more language granting loopholes and exceptions to Microsoft, than it contains restraints upon them. Having read this document, I fear that it is not strong enough to stop Microsoft's criminal behavior. I am dissatisfied with the judgment, even to the point that I felt slightly ill when I first read it. People are joking that Microsoft has gotten off pretty easy, and it does indeed look that way. I think Microsoft has had too much input into the proposed final judgment.

If you want my recommendation, focus on the fact that Microsoft's lock on the market, and its power over competitors, rests fundamentally on its control of standards. The only way I know of to wrest that control from them is to let an independent party, perhaps a government laboratory, to write the standards and make them publicly available for all developers and companies to work with. That would provide a positive and healthy result from this massive embroilment. This should be done regardless of whether Microsoft is to escape direct penalization.

As a prologue, after writing the above, I checked on the web for other opinions on the settlement, and it appears that I naively missed many deeper problems. In order that my correspondence not be unduly influenced, I have not rewritten it, but the situation is worse than I realized. As worded, the judgment may even work in Microsoft's favor, rather than merely failing to curtail. Please, do not let this travesty continue unchecked.

James M. Corey

MTC–00023941–0004

jmcorey@ptdcs2.intel.com
Intel, Ronler Acres Campus (Oregon)

MTC–00023942

From: David Stoddard
To: Microsoft ATR
Date: 1/25/02 2:21am
Subject: Microsoft antitrust case

As a graphic designer and a college teacher I deal with web page production on a regular basis. It is my experience that Microsoft's web browser Internet Explorer has default settings which are designed to force designers to depend on Microsoft products for web page development.

By setting the default size of html text to a large size Microsoft insures that text will appear too large and therefore may cause some designs which depend on sliced images in tables to have gaps or otherwise be distorted. To compensate for this designers may have to reduce the size of type to such a small size that it becomes difficult to read on other browsers. This effectively makes it difficult to design for any browser but Explorer and makes using non Microsoft

development tools require extra steps. Since the other development tools are often more intuitive to use than the Microsoft tools, not going through the extra steps requires designers to use less effective products.

Undermining the standard in order to control the market seems to be Microsoft's main method for success. The strategy seems to be irritation over innovation, This is such a bad practice. Internet Explorer is a great product. So, I can't tell if it is greed or paranoia that motivates Microsoft to attempt to control all aspects of the web where software is concerned.

Practices such as this should be regulated or punished. Unfortunately, no one is in a position to punish Microsoft in the market place. It would be good if government would do its job. If corporations could be trusted to do the right thing we would not need government. I think we need to see something better than a slap on the wrist or rewarding Microsoft by giving them a sure method of getting their products into schools without competition. How does this change things for the better?

David Stoddard
a concerned citizen

MTC–00023943

From: Ethan Larson
To: Microsoft ATR
Date: 1/25/02 2:22am
Subject: Microsoft Settlement

Microsoft is a proven monopoly. Its illegal practices are a detriment to innovation. Microsoft's continuance as a monopoly, which the current settlement has assured, will be a hindrance to the market, not an aid.

Sincerely,
Ethan Larson

MTC–00023944

From: L. C. Rees
To: Microsoft ATR
Date: 1/25/02 2:28am
Subject: Microsoft Settlement

I oppose the Proposed Final Judgment in United States v. Microsoft. The PFJ is a pardon, yet no sentence has been given. Pardons follow sentences, correcting injustice, yet Microsoft has suffered no injustice. The Findings of Fact say Microsoft committed a crime, yet, in the PFJ, we see no sentence, we see no punishment, we barely see crime. The crime is there. No pardon, no ''settlement'', can wipe it clean. Microsoft's crime is treason.

It calls convenience at the price of security ''adding ease of use to their products''. I call it giving aid and comfort to the enemies of the United States.

It calls hiding security holes from its customers ''keeping critical information in the hands of responsible parties''. I call it adhering to the enemies of the United States.

It calls selling products so porous they beg to be breached ''enhancing shareholder value''. I call it levying war upon the United States. Is the gunmaker responsible for its gun's crimes? The gunmaker can be excused: a gun is designed to kill. Software is not but crimes committed with software can be greater; guns can kill people, software can kill nations.

Microsoft bears greater guilt than the gunmaker. Its crime stems not from conscious design but from conscious neglect, making it more explicit and more damning.

Microsoft is a clear and present danger to the United States of America. Through its neglect of security, compounded by bottomless arrogance, Microsoft has left this country vulnerable to those who would destroy it.

It has committed treason in spirit if not in fact. Victory is not a crime. Victory rotting the nation's foundations is. Microsoft's victory left behind a brittle software ecosystem with gaping holes. The price of total victory is total vulnerability. The software infrastructure of our government and business lies open to all comers. Enemies of democracy are ever active. Their hold over the minds of their followers gives them greater focus in the short run than democracies.

Democracies win in the long run but in the short they lack focus. The United States slumbers happily, free from history; our blessing, our curse. In the past we had time to react. That time is over. The world is ever smaller, ever faster. The margin for error is gone. We cannot see every threat. We cannot attack every shadow. We must eventually man the defenses and just wait.

The terrorist has total initiative, the gift of his madness; he can choose his point of attack. It helps if the walls deterring his attack aren't labeled ''Kick Me''.

Microsoft's self-declared jihad is ''ease of use''. Ease of use is a freedom, true. In a networked world, however, the road to hell is not only paved but greased with this sort of good intention. The freedoms of a standalone machine are different than those of a machine tethered to the world. Microsoft is oblivious to this. They act as if every machine is an island unto itself.

Defenders of Microsoft quote Ben Franklin's dictum that ''He who gives up a little freedom for greater security will get neither freedom or security''. Freedom to be raped because Microsoft dropped your trousers is no freedom at all. You must be secure before you can appreciate ease of use. Microsoft's ease of use is synonymous with aid and comfort, aid and comfort to the enemy. No dancing paper clip will save you when the gates are breached.

It's said Sparta needed no walls because its virtue protected it. In truth, Sparta's streets and houses grew so twisted over the years that they were impenetrable. Perhaps Microsoft products with their tortuous mazes of accumulated source code are like Sparta. Perhaps this confusion is our best defense against invasion. It wouldn't be Microsoft's virtue.

If you're native to the maze, stuck with it, it helps to know where you can defend your native city. Microsoft has denied that knowledge. They condescendingly tell you that they will guard the city while you go about your business. With their track record, would you trust them?

Microsoft has cast its lot with the enemies of democracy. Openness is a key ingredient of democracy. Microsoft abhors openness. Too much knowledge is dangerous for you, it tells its customers. We will protect you. Trust us. In their heart, Microsoft is adhering to the enemies of the United States, with their doctrines of ''We Know Best''. Microsoft's greatest treason is its war on choice. By destroying choice, they have left us vulnerable to attack. As the only choice for many needs, many Americans are locked into Microsoft's products with their Swiss cheese defenses, including critical portions of our defense infrastructure.

Microsoft's unyielding war on its competition has become war on the United States. In burning their enemies, Microsoft burned down the forest. Those left behind can only shiver in the cold of a suddenly wide open world.

Choices do remain. Microsoft's incessant manipulations of the market so warped its fabric that no commercial competitors survive. The only opposition is a social movement, open source software, that can't be crushed with tactics available to private corporations. Its products are free. Countries at the periphery, with less reliance on Microsoft products, will adopt and adapt them and move ahead less cost. American organizations, reliant on Microsoft, will be left behind, with costs to our national competitiveness as well as our national defense.

Microsoft will fail. Its best competitors are free. In the end, you can't beat free. But we can spare our country the cost of going down with Microsoft's losing rearguard action by easing the transition to cheaper, more secure software. The roads to adapting to the Microsoft-free world of the future are closed. Government action at this point can open them, allowing organizations who wish to adapt to new technologies the freedom to change. The ability to change is our greatest strength. Microsoft threatens that. Treason should be suppressed. Microsoft should be required to put security over convenience, be it theirs or the consumers, open their code so that the holes can be exposed and fixed in the light of day, and they should be forced to ship products that don't leave us vulnerable to foreign threats.

If every Microsoft shareholder has to lose one hundred dollars for every illgotten dollar Microsoft made, such are the wages of sin. But the future of this nation should not be held hostage to a criminal private corporation. Microsoft is not the fulfillment of the American dream, it is its negation.

Lynn C. Rees
Salt Lake City, UT
January 24, 2002

MTC–00023945

From: Moe
To: Microsoft ATR
Date: 1/25/02 2:27am
Subject: Microsoft Settlement

As computer users, my wife, Grace, and I seriously urge you to reject the Microsoft settlement. From the many reports we have read, we believe that the proposed settlement is primarily aimed at extending Microsoft's stranglehold on the computer market to our very significant detriment, and to the detriment of all computer users. We cannot buy a computer without paying a fee, through the vendor, to Microsoft, even though we prefer to use another operating system.

We note in passing that Microsoft has confused the whole browser issue by using

the term EXPLORER for two very different blocks of software. The plain MICROSOFT EXPLORER is essentially a block of software that provides for calling up various other programs. The MICROSOFT INTERNET EXPLORER is the browser that they bundle in with the operating system. Two very different sets of functions whose names appear to be deliberately chosed to confuse the courts about the separability of the browser function from the operating system.

It is this kind of double dealing that has changed us from being Microsoft supporters into users of anything BUT Microsoft products.

Moe Aitel & Grace Aitel
3126 West Ox Road
Herndon VA 20171–1908
<moel@his.com>

MTC–00023946

From: Phil Stracchino
To: Microsoft ATR
Date: 1/25/02 2:29am
Subject: Microsoft Settlement

To whom it may concern:

As a computer user and tech industry worker thoroughly familiar with Microsoft's business practices, I am highly dissatisfied with the Justice Department's proposed remedy in the Microsoft anti-trust case. The proposed settlement amounts to nothing more than another consent decree of the kind that Microsoft has brazenly and openly flouted in the past, and having Microsoft heavily represented on the board in charge of policing its own compliance is, indeed, putting the fox in charge of the henhouse. Microsoft's business and coding practices have stifled, not fostered, innovation and competition in the industry. Microsoft wouldn't know innovation if it stumbled across it in a bowl of breakfast cereeal. The legacy of Microsoft is a nationwide business infrastructure that never saw a virus it didn't like, that can be hacked into by an industrial thief, an Islamic terrorist, or a bored teenager with equal ease. Recent attacks made possible by Microsoft's appallingly cavalier disregard of security, including the Nimda and Code Red worms, have cost American businesses billions of dollars in lost revenues and repair costs. Meanwhile, Microsoft ruthlessly crushes its competitors and shamelessly steals product ideas it likes the sound of, relying upon its vast financial resources to stall any lawsuit until the theft victim runs out of money. The proposed remedy in this case will allow it to continue doing so with impunity.

My understanding is that most of the state Attorney Generals involved in the Microsoft suit have rejected the Justice Department settlement proposal, and are seeking independent action. I am told that even career officials at the Justice Department, who had pursued the case since the beginning, displayed their apparent displeasure with the agreement by not signing it. So many dissenters, so highly placed, probably have a point. Perhaps someone should pay attention to it before it's too late. Microsoft is, in considerable part, behind many of the problems facing the tech sector today, and this politically-motivated proposed settlement says to innovators in the tech sector that the government doesn't care, that Microsoft can do as it pleases so long as it has more money than those it wrongs. This is not the message that this administration should be sending.

The tech sector economy is grim enough already. Don't make it worse by giving Microsoft carte blanche to loot and pillage at will.

Phil Stracchino
Tracy, California
Former tech sector worker, jobless since 8/31/2001
Fight Back! It may not be just YOUR life at risk.
phil stracchino
alaric@babcom.com
halmayne@sourceforge.net

MTC–00023947

From: steve ray
To: Microsoft ATR
Date: 1/25/02 2:32am
Subject: citizen's opinions

To whom it may concern:

I see Microst as an unfair competetor in the economy, and a still growing monolopy. This fine government has the power to regulate them. I beg of you, please do.

Stephen Ray
1905 Abernathy Rd.
Lynnville TN 38472 —

MTC–00023948

From: Dim-skies
To: Microsoft ATR
Date: 1/25/02 2:34am
Subject: aol vs. microsoft

Dears Sirs,

I think the AOL lawsuit is just another attempt to bleed a successful business, when you can't compete. I feel that a monopoly is when the consumer has nowhere else to turn. If I don't like my cable, or phone company, where do I go? Granted, other OS's aren't as pervasive, but they are available. That is hardly the same as ''not available''.

AOL paid big money for a loser, and now they want help. What has happened to America? This is just another shameful example running to the Government for help for everything, including stupidity.

Sincerely,
Tom Wong
Port Orchard, WA 98366

MTC–00023949

From: Mark Moeller
To: Microsoft ATR
Date: 1/25/02 2:39am
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally,

Microsoft has clearly acted in its own best interests at the expense of other businesses and the public. And while their crimes have been well recognized by the technology and courts for years, they have managed to continue to benefit while playing tricks with the legal system and stalling for time. Enough is enough.

The damage must stop. I strongly support the following statements. The PFJ SHOULD terminate Microsoft's illegal monopoly. The PFJ SHOULD deny to Microsoft the profits of its past behavior and penalize them. The PFJ SHOULD prevent any future anticompetitive activity.

Regards,
Mark F. Moeller
2108 California Street
San Francisco, CA 94115

MTC–00023950

From: Mike Graham
To: Microsoft ATR
Date: 1/25/02 2:41am
Subject: allowing a Microsoft monopoly

To allow Microsoft to do exactly as they please will have profound, negative effects on the Internet, and on computing in general.

Microsoft can, and will, stifle competition in more and more spheres of Information Technology, just as they have done with the web browser market. Their current aim is not just application or OS competition, it is control over the Internet. With their ''.net'' project, they clearly wish to create an environment where one must use their kind of browser, and their OS, to access as many sites as they are able to influence. MSN and their affiliates are the first case—but by manipulating the web browser, OS and .net environments, Microsoft will try to make the World Wide Web as inhospitable a place as possible for anyone not 100% compliant.

There are precedents: in the period 1997–1998, one had to use IE to access Microsoft's gaming site. Until mid-2001, one had to use IE to download 128-bit encryption strength NT service packs—which IT and Tech Support types must do quite often. Also, given that IE is installed by default on Windows, that makes it that much easier to use, for example this e-mail is written in a Java window in IE.

The worst danger, in my view, of Microsoft monopolizing much of the Internet, is it will naturally stifle competition—Microsoft does not suffer competition to exist unless they are safely niche (such as Apple Computer). Other firms doing Internet ventures may not be able to develop or adapt as quickly, as they will have to work around whatever Microsoft wants to do—just as exists now in the desktop application industry. Consider the day when Cisco may have to develop around Microsoft's strategy.

The Internet was built by people passionate about quality product for its own sake, people like Jon Postel. I see the Internet becoming stagnant in the near decade, that which was the economic engine of the 90's and is now a cornerstone of prosperity worldwide.

Please reach a restrictive conclusion in the current Microsoft anti-trust case, ideally breaking up the monopoly. Otherwise, the corporation may become more powerful, more insidious, more corruptive than anyone now cares to imagine.

Thank you,
Mike Graham
registered Independent, Santa Clara County CA

MTC–00023951

From: gaslgs@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:40am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Grace Stewart
5312 Bethany Way
Lakeland, FL 33810–1827

MTC–00023952

From: J. Lucha
To: Microsoft ATR
Date: 1/25/02 2:54am
Subject: Microsoft Settlement

I was in complete shock and outrage when I first read the Proposed Final Judgment. I've been a computer programmer for the last six years, and have been a computer hobbyist for more than twenty.

I have used virtually every type of computer software and hardware during those years from Microsoft and its competitors. Unlike the general public, I have first hand experience with most of the products that Microsoft has destroyed over the years through anti-competitive practices. In many cases, the competitors product was superior. There is no doubt in my mind that Microsoft has held the computing industry back more than ten years. Our world will never know what could have been achieved had the computing world not been crippled. The settlement fails to provide the remedy needed for a healthy, productive and competitive technological industry.

In fact, it may be argued by many that the settlement actually strengthens Microsoft's monopoly and allow them to bully those that compete with them.

Here are just a few of the many points where the Proposed Final Judgment fails:

1. First and foremost, the settlement does not address Microsoft's ill-gotten gains. Microsoft is allowed to keep billions of dollars acquired illegally. How many convicted thieves are allowed to keep their stolen goods?

2. The three person technical panel created by the settlement has some glaring problems. The first problem is Microsoft gets to select one member of the panel, who in turn has a say as to who the third member is. Sounds like Microsoft basically controls the panel. The second problem is that the panel members are not allowed to disclose any information to the public. If Microsoft is in any violation, the public will not know.

3. No punishment for the executives of Microsoft that knowingly and willingly led their company into law breaking actions. A strong message must be sent to businesses that unlawful and unethical behavior will not be tolerated. Without such a deterrent, business are encouraged to act in whatever means will lead to their greatest profits. The burden then lies upon the victims. I do not want my tax dollars constantly spent correcting wrongs that might not have occurred if the proper deterrents were in place.

4. While the API's used to communicate with the operating system will be documented and released, it will only be done for companies and business that Microsoft deems have a viable business. The Free Software movement has been acknowledged by Microsoft to be its biggest competition, yet they have publicly stated that businesses with a basis in Free Software don't have a viable business model. So, their toughest competition is excluded from the API's to begin with.

5. The duration of the restrictions is a mere 5 years, which is not a significant amount of time to reverse the detrimental damage caused by Microsoft. As a software developer myself, I can assure you it will take at least five years before a competitor can accumulate the necessary business infrastructure (funding, staff). It would probably take another five years before a useable product is developed. Also, if Microsoft is found to be in violation, there is no extension to the duration of the restrictions.

6. The settlement is full of loopholes for Microsoft to take advantage of. The main ones being the definitions defined in the Proposed Final Judgment such as API. I also find it alarming that the definitions have already been altered from the ones used in the ''Findings of Facts''. Microsoft has been found guilty in previous court hearings, and used the loopholes contained within those settlements to render them useless. What good will it have done to have spent so much taxpayer money, and have nothing to show for it. For examples of ways in which Microsoft may twist the meaning of the definitions to render them useless please read http://www.os2hq.com/archives/arch46.htm.

7. The settlement does not address the file formats used by Microsoft's Office programs. With each new version of Microsoft's office suite programs, they change the format of the documents created. This creates a barrier to entry for competing office software. It is also a means to force current customers in a never ending upgrade cycle, where they purchase the upgrade to be able to read the files sent to them by others, even though they themselves do not need the added features of the newer version.

A Final judgment that would be in the best interest of the consumer might include some of the following:

1. Microsoft would have to give a sum of at least $5 billion in cash to the Free Software Foundation. One of the goals of the Free Software Foundation is to support the development of software that is a viable alternative to Microsoft's products. Microsoft has publicly acknowledge d that Open Source is their most viable competitor. True competition can be brought about by helping fund the independent developers found in the Open Source community.

2. Microsoft would have to pay the legal expense of any business that brings a legal case against Microsoft during the duration of the restrictions. This would prevent Microsoft's typical defense against competitor lawsuits: stalling. There are numerous cases that have never been brought against Microsoft because the company or individual didn't have the financial resources for the long, drawn out case that Microsoft's legal army executes.

3. All Microsoft executives and managers would have to enroll in a University business law and ethics class every year at the individuals expense for the duration of the settlement. They must attain a grade of of at least a ''B'' or they must retake the course the following semester/quarter.

4. Any specification or API that must be known to offer a competing product must be well documented at least six months prior to Microsoft's release of the product. If the specification is changed, then the product released date must also be delayed.

5. Any contract between Microsoft and the major OEM's (Gateway, Compaq, Dell), ISV's (AOL, CompuServe), etc., must be approved by an independent panel.

6. If Microsoft is to bundle application software such as Internet Explorer with their operating system software, they must also include a competing product such as Netscape Communicator.

7. The true price of Microsoft's applications and operating systems must be listed as a line item when purchasing computers. Currently the costs of Microsoft's products are bundled into the hardware costs, and the consumer is unaware of the true price paid for the Microsoft product. If the price is listed, a consumer that feels it is too much, will inquire about alternatives.

If we set forth laws, and do nothing when those laws are broken, then there is no point to have our society. Microsoft has violated the law, but the Proposed Final Judgment does nothing but ask them not to violate them any more.

James Lucha
Programmer/Analyst
Moreno Valley, CA
E-Mail: lucha@pe.net

MTC–00023953

From: DEUTCHMN@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:52am
Subject: Microsoft Settlement

Gentlemen:

I have resided on this planet for a series of decades. I have managed to live through the era of governmental regulation of monopolies such as railroads, steel, oil, airlines, telephones, and utilities. And I have seen the results. Competition unfet-tered by regulation works well, as Adam Smith predicted. But when the legal system enters the economic arena, it is a sore losers contest where only the legal profession benefits.

I have used and abused both browser systems, and like Beta-Max and V H S, one will survive....BUT LET IT BE THE CONSUMER, not the courts which determine this end. I have always had a distinct distaste for the mink in the duck pond which destroys purely for the sake of destruction. And that is the aim of AOL in this matter...Despicable at best.

Sincerely,
Craig G. Pause
&
Trinidad Brown
Note: Our family does own shares in both corporations...I may dump AOL on ethical grounds alone.

MTC–00023954

From: Ronald Tomlinson
To: Microsoft Settlement U.S. Department of Justice
Date: 1/25/02 2:53am
Subject: Microsoft Settlement
Ronald Tomlinson
317 Dicenzo Blvd.
Marlboro, MA 01752
January 25, 2002
Microsoft Settlement U.S. Department of Justice
Dear Microsoft Settlement U.S. Department of Justice:
The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.
Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.
Thank you for this opportunity to share my views.
Sincerely,
Ronald Tomlinson

MTC–00023955

From: mcollins@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/25/02 2:58am
Subject: Microsoft settlement
I am writing to express my concern regarding the settlement terms agreed to by Microsoft and the United States Department of Justice. It is my opinion that the settlement will do nothing to dissuade the leaders of company with a pathetic history of anti-competitive and illegal behavior from continuing in their ways, nor does it provide any relief for consumers who have seen every component associated with personal computers except the operating system improve in both value and reliability over the past twenty years. It is virtually impossible to buy or use a computer at this point in time without incurring costs directly related to Microsoft's dominating position in the industry, a position which has been found repeatedly to have been gained in part through illegal means.

Any effective remedy must at the very least fulfill these objectives: 1. It must prohibit Microsoft from further increasing its reach into other markets simply because it has gained control of the computing environment to an almost exclusive extent through illegal and anti-competitive means.
2. It must force Microsoft to allow true competition to be restored to the computing industry. This would include, but not necessarily be limited to, requiring Microsoft to abide by published standards and protocols and to publish its internal protocols and formats for utility software products (such as Word, Excel and other Microsoft Office packages), with substantial punishment specified for any infractions.
3. It must provide suitable punitive measures to discourage future illegal and anti-competitive actions. This is essential, I believe, not only to finally convince Microsoft of their obligation to compete fairly, but also to prevent other corporations from attempting to dominate using illegal and anti-competive tactics as Microsoft has.
Any settlement terms which do not encompass the three objectives listed above would deeply affect my confidence in the government's willingness to ensure that our free market operates fairly for all. The settlement which the Department of Justice has approved does little to convince me that individuals unhindered by ethical standards cannot do business without regard for legal boundaries, provided they possess sufficient wealth to influence those elected to enforce the law.
Sincerely,
Michael P. Collins
1124 E. San Carlos Way
Chandler, AZ 85249 —
Michael_P_Collins@mailhost.org
CC:Michael Collins

MTC–00023956

From: Jens_Eike_Jesau@eu.irco.com@inetgw
To: Microsoft ATR
Date: 1/25/02 3:00am
Subject: Microsoft Settlement
I don't agree.
Gruss/kind regards
Jens Eike Jesau
Product Design Engineer
Torrington Ingersoll Rand
jens_eike_jesau@ingersoll-rand.com
http://www.torrington.com

MTC–00023957

From: rick
To: Microsoft ATR
Date: 1/25/02 3:02am
Subject: Microsoft
To whom it may concern:
I hope the government will see that because of Microsoft many companies are not around to offer input to this case, they were either bought or run out of business by the unethical business practices of Microsoft. It seems the pages of history that stuck with Mr Gaits were the antitrust laws, he seems to have used all of the things that required these laws to bring his company to where it is. Please send a message that smaller companies can exist without the fear of being put out of business by the likes of the Microsoft.

It is difficult to say how the ''business'' practices of Microsoft have changed the course of software and personal computers as we cannot turn the clock back and find the innovation that may have been lost. Microsoft is not about innovation, only control, power, and money. The products that Microsoft has, were bought—not created. If you control the standard, there is no reason to progress. The major changes in there products have been in the area of controlling software theft, infringement on the privacy of the consumer that uses their products and promoting there own interest. (Such as blocking the products of other companies by controlling the OS to their own advantage).
I would also like to offer this comment I overheard at a computer trade show. An attendee commented on the T-shirts that the Microsoft employees were warring at the show saying ''those look just like the shirts worn by ???? company at the last show'', the reply by the Microsoft employee was ''We are Microsoft, we will steal anything.'' I include this as a comment on the mindset of Microsoft.
Netscape is still active, but as a part of a larger company, not the small innovative company that woke the wrath of the giant. They had a plan to be in business, to make money. They didn't have the means to compete with the bank account of Microsoft. Please send a message, and please don't let Microsoft choose how to compensate for its crime. Thank you RJ

MTC–00023958

From: martha szoke
To: Microsoft ATR
Date: 1/25/02 3:10am
Subject: microsoft settlement

MTC–00023958_0001

To whom it may concern,
We support the Bush administration on the settlement of the microsoft dispute. In our opinion, Microsoft puts out an excellent product and all the monies being spent in litigation only hurts the taxpayers.
Thank you. Sincerely,
Dennis and Martha Szoke
MSN Photos is the easiest way to share and print your photos: Click Here

MTC–00023958_0002

MTC–00023959

From: EMARDGATE@AOL.COM@inetgw
To: Microsoft ATR
Date: 1/25/02 3:08am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.
This is just another method for states to get free money, and a terrible precedent for the

future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
KATHLEEN EMARD
405 W. SYCAMORE ST.
ANAHEIM, CA 92805–2638

MTC–00023960

From: smccorkle@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/25/02 3:09am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Sandra McCorkle
2434 Apsis Ave
San Jose, CA 95124

MTC–00023961

From: Matthew Coughlin
To: Microsoft ATR
Date: 1/25/02 3:15am
Subject: Microsoft Settlement

MTC–00023961–0001

To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

As a software engineer and a US citizen, I wish to comment on the following aspects of the proposed Microsoft settlement:

Lack of a meaningful punishment

The settlement in the US v. Microsoft anti-trust trial lacks any form of meaningful punishment for Microsoft's past illegal behavior. There is no fine or structural remedy being imposed on Microsoft that discourages them or other companies from engaging in such activities.

The only clear penalty for non-compliance by Microsoft during the 5-year probationary period is an additional 2 years of probation. There are no obvious penalties for further non-compliance by Microsoft during the 5-year period or during the 2-year extension. This offers Microsoft no meaningful incentive to restrict or modify their future business practices.

IV.B.10. ''No member of the TC [Technical Committee] shall make any public statements relating to the TC's activities.''

IV.B.9. ''Each TC member [...] shall sign a confidentiality agreement prohibiting disclosure of any information obtained in the course of performing his or her duties as a member of the TC [...] to anyone other than Microsoft, the Plaintiffs, or the Court.'' The Technical Committee (TC), designed to ensure that Microsoft complies with the behavorial restrictions during their 5- to 7-year probationary period, has a public gag order, preventing them from reporting any illegal business practices to the general public.

IV.B.3. ''the Plaintiffs as a group and Microsoft shall each select one member of the TC, and those two members shall then select the third member'' Microsoft chooses 1 of the 3 members of the Technical Committee, and the person they choose has a say in choosing 1 of the other 2, allowing Microsoft to control a majority of the Technical Committee. Why should Microsoft be allowed to have a say in even a single member of a Technical Committee that's designed solely for the purpose of policing them?

Recurring theme of Microsoft setting the terms of their own conduct restrictions

Why is it that Microsoft, a convicted illegal monopolist, and one with a history of disregarding a prior consent decree, is being allowed to define the restrictions on their conduct? How would the public react if convicted thieves and murderers were allowed to decide for themselves the restrictions on their conduct? Why should it be any different in the business world?

III.J.2. ''third-party verification, approved by Microsoft, to test for and ensure verification and compliance with Microsoft specifications for use of the API or interface'' If the third-party verification has to be approved by Microsoft, and if it's based on Microsoft's own specifications, then Microsoft effectively controls the verfication process; they can abritrarily assign whatever specifications they choose, whether or not the specifications are relevant and necessary for the API or interface. They could establish a verification process that no company or entity would be able to pass successfully, thereby allowing them to avoid disclosing APIs, Documentation, and Communications Protocols to any company or entity.

III.C.2. ''provided that the OEM complies with reasonable technical specifications established by Microsoft'' If Microsoft is allowed to determine the technical specifications, as well as what constitutes ''reasonable'' technical specifications, then they are free to arbitrarily make their technical specifications as restrictive and prohibitive towards their competitors as they see fit. They could effectively exclude all of their competitors.

III.J.1. ''No provision of this Final Judgment shall require Microsoft to document, disclose or license to third parties: (a) portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of a particular installation or group of installations of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria''

If Microsoft claims that an area of their code base has any functionality related to security, Microsoft does not have to provide the APIs, Documentation, and Communication Protocols for that area. As such if Microsoft adds or claims to add security-related functionality to every area of their code base, they would not have to provide APIs, Documentation, and Communication Protocols for any area of their code base. III.D. ''via the Microsoft Developer Network (''MSDN'') or similar mechanisms'' Why do the architectural mechanisms have to be similar to MSDN? Who determines what constitutes ''similar mechanisms''? This presents a barrier to entry for any architecture that is not closely modeled after MSDN, and potentially presents a barrier to entry for all non-MSDN architectures. III.D. ''In the case of a new major version of Microsoft Middleware'' Who decides what constitutes a major version? What if Microsoft officially refers to all future releases of their Middleware as minor versions, or what if they use some terminology other than ''major version''? What if Microsoft stops officially distinguishing different versions of middleware —which may conceivably happen once they move their software to a subscription model? III.D. ''obligations imposed by this Section III.D shall occur in a Timely Manner''

Is Microsoft free to decide for themselves what constitutes a ''timely manner''? Can they arbitrarily choose any amount of time as they see fit?

MTC–00023961–0003

The settlement does not address open-source software and non-profit organizations. III.J.2. ''has a reasonable business need'', ''meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business'' If the business-viability standards are established by Microsoft, then Microsoft has free reign to arbitrarily choose for itself what companies or entities are entitled to their APIs, Documentation, and Communications Protocols.

Microsoft would likely exclude any company or entity that is not intending to make money directly off the usage of their software. This would allow them to exclude most open-source software projects and non-profit organizations.

Furthermore, if Microsoft decides that for a company or entitity to have a viable business the company or entitity must not be competing against them, then they could exclude all of their competitors. III.J.2. ''willful violation of intellectual property rights'' Microsoft has previously defined the GNU General Public License (GPL) as an ''intellectual property destroyer''. If Microsoft is allowed to determine what constitutes ''willful violation of intellectual property rights'', then by their definition of the GPL, any company or entity that uses or supports GPL software engages in willful violation of intellectual property rights; thus, Microsoft

would not have to disclose APIs, Documentation, or Communications Protocols to any company or entity that uses any GPL software.

The settlement does not address OEMs that provide computers without a Windows Operating System Product. III.A.2. ''shipping a Personal Computer that (a) includes both a Windows Operating System Product and a non-Microsoft Operating System, or (b) will boot with more than one Operating System''

What about shipping a computer with a single non-Windows Operating System Product? The above section does not prevent Microsoft from retaliating against an OEM if the OEM provides some computers that have only a single non-Windows Operating System Product on them.

III.C.1. Offering users the option of launching other Operating Systems from the Basic Input/Output System or a non-Microsoft boot-loader or similar program that launches prior to the start of the Windows Operating System Product.

What about providing a computer without a Windows Operating System Product? The above section does not prevent Microsoft from restricting OEM licenses if the OEM provides some computers that do not have a Windows Operating System Product on them.

The settlement does not address the disclosure of file formats. One of the strongest monopolies Microsoft is able to leverage is that of their Office file formats. Without full disclosure of file formats, Microsoft can continue to extend the existing barriers to entry in the office software space, by using the Digital Millennium Copyright Act (DMCA) to create file formats that cannot be legally reverse-engineered.

Worse than doing nothing, the settlement appears to legalize Microsoft's business practices

After Ronald Reagan took office for his first term as president, the US Department of Justice (DOJ) dropped the running anti-trust case which had been made against IBM by the previous administration(s). While G.W. Bush was running for president, he made it clear that he would side with Microsoft on their anti-trust case, by saying he would ''favor innovation over legislation'', echoing Microsoft's own PR line about the trial. With the precedent having been set by Reagan, it seemed certain that the US DOJ would drop the anti-trust case against Microsoft if G.W. Bush were elected president.

Rather than dropping the anti-trust case, the DOJ has chosen to pursue a settlement that puts on the appearance of reasonable punishment, while allowing Microsoft to determine what restrictions they must abide by. This brings the risk of effectively legalizing Microsoft's business practices, so long as their actions don't conflict with the behavioral restrictions imposed by the settlement—the restrictions that Microsoft themselves determined.

Significantly threatens the credibility of the US justice system Microsoft and other companies, as well as the general public, are being given the message that the government will tolerate illegal business practices from companies that are able to wield sufficient financial, political, and public relations might. Is this the message that the US justice system should send to the public?

Sincerely,
Matthew Kendall Coughlin
2701 Brommer Street
Santa Cruz, CA 95062
USA
Software Engineer

MTC–00023961—0005

MTC–00023962

From: Andrew Shearer
To: Microsoft ATR
Date: 1/25/02 3:17am
Subject: Microsoft Settlement
Microsoft Settlement: Not Strong Enough

There have been many essays already written that point to the weaknesses of the current Microsoft antitrust settlement. Many of the weaknesses are the same as those present in the original consent decree, Microsoft's noncompliance with which the Justice Department had to spend so much effort in court trying to establish: it mainly told Microsoft to start obeying the law, without penalties or damages for past violations, and even then contained loopholes that rendered it ineffective. (Some columnists have even raised the specter of new immunities from antitrust law as long as Microsoft is careful to keep to the letter of the settlement while exploiting its loopholes.) I won't go into those arguments, except to state that the settlement is widely viewed as a win for Microsoft, even though court's decision largely sided with the Justice Department. There are additional arguments I could make, but I'll choose just one: the implication that a settlement such as this is good for the economy, better for it than if the Justice Department had kept on fighting.

On the day the settlement was announced, people from the Justice Department implied and Microsoft executives explicitly stated that given the state of the economy, it was the right thing to do. The clear implication was that what's bad for Microsoft would be bad for the economy. Therefore, being tough on Microsoft would worsen the outlook for everyone. This assumes that the economy exists largely inside Microsoft. In fact, I can think of few things worse for the economy than an uncontrolled monopoly over something so crucial to American businesses as computers.

It's in Microsoft's best interest to keep their status quo, which in its eyes is a monopoly based on the Windows platform. The ''duty-to-the-shareholders'' rule goes so far as to state that it's irresponsible to do otherwise. As long as the monopoly holds, there is no incentive to expend money and effort improving quality (and even the incentive of attracting paid upgrades is fading because of recent subscription- based approaches) and there is not much incentive to hold prices down. It doesn't matter if millions or even billions of dollars are spent by other businesses on Windows where new technologies might cut that overhead. It's also much safer for Microsoft to quash new technologies if at all possible, or at least remake them as Windows- centric, that risk giving up the advantage of owning Windows. Microsoft's attempt to covertly make Sun's platform-independent Java language Windows-specific, and then their creation of the extremely similar C# language and .NET platform when the previous approach failed for legal reasons, makes a good example. As the court findings stated the clearly, new technologies (such as Netscape's browser and Sun's Java) threatened change, which for Microsoft meant reduced reliance on the Windows platform. It was Microsoft's job to snuff them out. Similarly, when they cross the line it is the government's job to enforce the law and punish those who break it, especially when just about everyone else has been harmed.

Untold thousands of business decisions have been and will continue to be made based on Microsoft's aura of invincibility and inevitability. My instructor in a Microsoft Windows NT Server certification class started things off by saying that the way he saw things, Microsoft's products were going to be dominant over at least the next decade, whether any of us liked it or not, so if we wanted to work on computers we would have to learn the products. It would be a practical necessity. In corporations, IT directors don't want to be responsible for choosing a product that is later extinguished by Microsoft, even if it has some advantages over Microsoft's offering. They want to bet on a winner. And the smarter software companies, in their planning meetings, don't even try to make a product that Microsoft could classify as a competitive threat. They saw what happened to earlier competitors, and then they saw what happened to Netscape.

Many of these people don't believe that Microsoft makes the best products. They think that Microsoft will do what it wants, legal or otherwise, and don't think the government will stand up to Microsoft. And judging by results, so far they'd be right. That's why the current perception of the settlement as a Microsoft win so tragically undermines the legal victory. But what about that unspoken assumption that punishing Microsoft would hurt others too? If there were a harsher penalty and actual competition were restored, Microsoft's ''ecosystem'' of resellers, trainers, consultants, and other vendors would still survive- -they would use whatever tools were available in the marketplace. And life would still go on for the IT directors, the consumers, and the software vendors. Life would go on, but might well be better, since they now had options that weren't available to them before. Microsoft's best products have come as a result of competition. When they were pushed to compete, as they were for a time with Netscape, they produced a good browser. But take away the competition, and the product stagnates. The court's findings detail the extra steps Microsoft took to ensure Internet Explorer's dominance. I've noticed the same cycle of rapid improvement, dealings to remove the competitor, and sudden neglect with other products dating back into the 80s. (The history of Microsoft's Macintosh QuickBASIC is an example.) If there is no one left to compete with Microsoft, where will Microsoft's incentive be to improve at all? The future of computer technology in every business and millions of people's lives may depend on whether that question has an answer. That's why whatever

settlement is worked out with Microsoft must do more than the current proposal.

Andrew Shearer
atls@shearersoftware.com

MTC–00023963

From: Christopher Robert Decoro
To: Microsoft ATR
Date: 1/25/02 3:24am
Subject: Please end the Microsoft case

To whom it may concern: After years of prosecuting Microsoft, no good has come of it. There has never been any legitimate reason to attack Microsoft for their success—they have no monopoly, as there is no resource to monopolize, and they cannot force anyone to use their product.

I am currently typing with a machine running Redhat Linux. The server on which the mail client is actually running is an UltraSparc60 running Sun Solaris. Microsoft has not forced me not to use these products, and has not forced me to use their own. Sun Microsystems has done very well, despite any tactics Microsoft has used in the past, and will continue to do well. They are in no danger of being eliminated by Microsoft. As for Linux, it is freely available, produced by volunteers like myself, and could never be forced out of the market while people are still interested in working on it. There will always be other options to Microsoft products. They do not have a monopoly.

I do not use Microsoft operating systems, because as a Computer Science researcher, they do not suit my needs. However, for many people, Microsoft Windows is an easy to use, functional operating systems that does suit their purposes. In the best interest of the consumer, you should allow Microsoft to continue making products, and let the market and the consumers, like myself, to vote with their wallets. Please end the Microsoft case, and accept their settlement.

Thank you for your time.
Chris DeCoro
cdecoro@ics.uci.edu
(714)776–4211
Researcher, UC-Irvine Computer Graphics Lab

MTC–00023964

From: tntvideo
To: Microsoft ATR
Date: 1/25/02 3:24am
Subject: Stop this NOW!

To whom this really concerns,

Our Nation, is up in arms because of the events of 9/11/01 as well as we still worry about future events! We try to rise above all this by Uniting as ONE!

More Lawsuits, NOW, of all the times again against a Company that has done nothing really wrong! Except make the technology era of the world a lot of money in the past!

Now when the stock market needs a lift and needs a company like Microsoft to help lead the way again! There have been many people hurt deeply as they were coming close to retirement age! They didn't want to worry about an SSI check and living from month to month! All they did was try to do the best they could for themselves and there families! Instead now there Mutual Funds have all but dried up they have nothing left to there once well balanced 401k and they don't have another 25 years to make there losses up!

Sounds a bit sad as well as familiar! AOL at this point has no good sense but to add more pain to all Americans who have worked hard all there life! This is a shame! And it shows in there stock price for which I am a shareholder!

Let Microsoft's case be settled and STOP the MADNESS and let the one company just go on to innovate and lead the way for other's to do the same! AOL Time Warner is all sour grapes about that there fun in the sun was coming to an end and now they don't want the party to stop! Now tell me ''Who is really a Monopoly at this time'' ?? It spells AOL that is who!

Our nation, needs to recover more and more people have been losing there jobs! Is this what AOL wants more of. Perhaps Mr. Greenspan didn't want the middle class to get rich but at this point he's made it so the rich can't get any richer as a matter of fact some of them are getting poorer! Where's it going to end, If you have any say in this matter Please I beg you to do the right thing and make it so Microsoft can settle their case and be left alone until they really and truly were to do something criminal but until then we as a nation are losing out on being able to help ourselves to keep our own economy stable.

Thank You
Terrence Lipinski

MTC–00023965

From: A.Lizard
To: Microsoft ATR
Date: 1/25/02 3:25am
Subject: public comment

quote from an interview with Bork at: http://www.linuxplanet.com/linuxplanet/opinions/4020/1/

Acceptance of the proposed settlement in U.S. v. Microsoft would clear the road for the company to extend its monopoly to most if not all aspects of computing, says Judge Robert H. Bork.

''I don't think it does anything to Microsoft,'' said Bork in an interview with Linux Planet. ''I think it just lets them continue as they were before.'' For the US government to roll over and play dead in the context of the proposed settlement not only will mean that all the millions of dollars of taxpayer money spent to clearly and convincingly demonstrate that Microsoft used its monopoly power in violation of the Sherman Anti-Trust Act will have been wasted, but will put a damper on the ability of the US computer industry to grow and innovate.

If the US DOJ and the courts *want* the future of computing in America to become increasingly influenced by foriegn competition unfettered by a Microsoft monopoly effectively given the force of law by an unjust and unfair psuedo-penalty of the type proposed by DOJ, then the DOJ settlement should be enacted exactly as proposed.

The alternative is to provide a *real* penalty to Microsoft. Forcing them to reveal the proprietary information they have been using to make it impossible for third-party developers to write products for the Windows environment would be a good first step. Forcing them to stop using their monopoly power to dominate new markets by building products to fit them into their operating systems would be good. Fining them to remove the profit from actions which have been found to be illegal would be good. If antitrust legislation is to stand, it must be enforced no matter how large the company or how large their political contributions are.

James R. Perry III
PO Box 931
Oakley, CA 94561

MTC–00023967

From: Lisa Henderson
To: Microsoft ATR
Date: 1/25/02 3:26am
Subject: Microsoft Settlement

I understand this to be the public comment address for the Microsoft Antitrust Settlement. Here is my comment:

I am a longtime Windows and C++ programmer. Microsoft has continually used their Windows monopoly to kill any product line that competed with any of their products—by giving away the product, by threatening computer manufacturers and resellers, by revising Windows to break competing software, by using hidden Windows APIs to give their applications a performance edge that outside companies cannot match. The proposed settlement will do nothing to prevent this. This case has gone so far, to cave in now is shameful.

The arguments from Microsoft, especially that stupid integration argument, are incorrect and manufactured. They deliberately chose to integrate IE into system DLLs, made their system less stable and less secure by ''integrating'' the application into the system DLLs. All they did was copy a few functions from the IE DLLs into the Windows DLLs—this is both easily reversed by them, and a completely manufactured integration. There was no good programming reason to do this—in fact, it violates a large number of programming principles (abstraction, object orientaion, extra dependencies, lack of encapsulation, and poor security). A programmer who designed a system like that would be considered incompetent.

Microsoft has shown for more than a decade that they have no respect for the laws, and will do anything to increase sales and destroy the competition. This will not stop with the current very weak settlement—the settlement will encourage them to believe that they can continue their current behavior, and continue to get settlements and slap on the wrist treatment. The only solution is to hit them hard—to require either a split of the company, or to require Windows to be open source or something similar. I have been in this business for about 7 years, and the number of companies that have come up against Microsoft and been destroyed by illegal and unethical methods is unbelievable. Lots of active and innovative markets just vanished once Microsoft showed up and began bundling, altering windows, or using internal APIs to gain an unfair advantage, and killed the market. So long as they have the Windows monopoly they will continue to abuse it, and the amount of choice the consumer has will continue to decline; the cost of the products will continue to increase.

The states have it right, this is not the time to give up. Withdraw the settlement, and let's resolve once and for all Microsoft's usurping of the software industry. I don't want or expect to see them destroyed, but they will never stop abusing their monopoly until forced to do so, and the settlement will not do it.

Lisa Henderson
San Diego, CA 92122

MTC–00023968

From: David Brady
To: Microsoft ATR
Date: 1/25/02 3:34am
Subject: Microsoft Settlement

I would like to express my sincere dismay at the injustice of the proposed settlement terms of DOJ vs. Microsoft. I have sat by and watched Microsoft bully the entire software industry. The effects of which are so great, its sad to imagine what could be today. Please help restore competition to the industry I love. You must act now to make sure the Internet, and communications standards remain open to everyone.

The following are critical to any agreement terms:

1. Any application or web service distributed by Microsoft which communicates over a network must first have its protocol approved and published by a fair committee. (The idea is not to hinder Microsoft's ability to create their own protocols, only to insure that other applications will compete on their relative merits.)

2. The committee will also provide a protocol compatibility suite (PCS) for the protocol.

3. No Microsoft product, patch, or web service may be distributed without first passing the protocol compatibility suite (PCS).

4. The latest Java Runtime Environment must be installed and configured on all future Microsoft products for the next ten years—including Java WebStart.

MTC–00023969

From: MIKEoCHICO@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 3:37am
Subject: Microsoft Settlement.

I've said it for years, Microsofts strong arm tactics are what have made computers a household appliance. DO NOT send us back to the days of non-compatibility, 40 different operating systems, computer manafacturers coming and going,leaving us with worthless $4000 paperwieghts. Microsoft has given the people universal access to information. PLEASE DON'T LET ANY REPUBLICANS SEE THAT STATEMENT !!!! An educated and informed public is the bane of those who base thier platform on the catch phrases ''Cut taxes, smaller government & shoot guns'', while bilking the working class out of its hard earned dollars.

Microsoft allows others others to write programs for use on its operating system, without charge, to use and modify microsofts property, without charge, they even provide the tools to do so, without charge. You want to go after a monopoly? Look at Apple.

Mike Hagen
Chico, CA. 95973

MTC–00023970

From: Tim Uckun
To: Microsoft ATR
Date: 1/25/02 3:42am
Subject: Microsoft Settlement

To whom it may concern.

I am opposed to the proposed settlement in the Microsoft antitrust trial. Whatever punishment the court chooses must fully redress the actions committed by Microsoft. Furthermore the court must make sure mechanisms are in place so that Microsoft can never commit similar actions again. The current settlement is inadequate in both respects.

Thank you.
Tim Uckun
Mobile Intelligence Unit.
''There are some who call me TIM?''

MTC–00023971

From: Brian J. Won
To: Microsoft ATR
Date: 1/25/02 3:46am
Subject: Microsoft Settlement

To whom it may concern,

In short, the proposed Microsoft settlement is inadequate in more ways than one.

Section III.B. is full of many possible legal workarounds for Microsoft. A comprehensive set of rules, easily enforced, is required- not swiss cheese for lawyers.

Section III.D. allows Microsoft considerable leeway in WHO the APIs are released to; the language defining when and who the APIs are released to is not strict enough.

Other areas are flawed, but that is what I have time to comment on. I believe the proposed Microsoft Settlement would allow Microsoft to escape with insufficient punishment and would be a major setback for consumers and the US Government in failing to take appropriate punitive action.

Thankyou for your time.
Brian J. Won

MTC–00023973

From: DCL8@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 3:54am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
David Leng
19377 E. Pacific Oaks
Rowland Heights, CA 91748

MTC–00023974

From: Chris Bennett
To: Microsoft ATR
Date: 1/25/02 3:55am
Subject: Microsoft Settlement

It certainly seems to me that Microsoft use very dodgy practices and that the settlement seems wrong.

Cheers
Chris Bennett
Melbourne
Australia
chris@scarletstar.com.au

MTC–00023975

From: Warren Kriedman, MD
To: Microsoft ATR
Date: 1/25/02 4:06am
Subject: MICROSOFT SETTLEMENT

AS A CONCERNED UNITED STATES CITIZEN IT IS TIME THE MICROSOFT SETTLEMENT WITH THE DEPARTMENT OF JUSTICE IS SETTLED.

AOL RECENT SUIT IS A PLOY TO LITIGATE FURTHER A MATTER IS AN INTOLERABLE ACT. WE HAVE ENOUGH PROBLEMS IN THE ECONOMY.

AOL IS A HUGE MONOPOLY... THEY SHOULDN'T THROW ROCKS WHEN THEY ARE STRONG ARMING THE TELEVISION MEDIA, THE INTERNET, THE MOVIE INDUSTRY AND THE PRINT MEDIA.

FOR YOUR INFORMATION, I AM A LARGE STOCKHOLDER OF AOL/TIME WARNER .

WARREN S. KRIEDMAN, MD
FLORHAM PARK, NJ

MTC–00023976

From: Jim Hoyt
To: Microsoft ATR
Date: 1/25/02 4:14am
Subject: Microsoft Settlement

To Whom It May Concern,

In my opinion the currently-proposed settlement with Microsoft is not a good one.

Without considerably more than a slap on the wrist and long-term restrictions/observation on its behavior Microsoft will behave just as badly as previously. It's simply the nature of the beast.

Please add teeth to whatever penalty is imposed.

Thank you,
James G. Hoyt
Portland, Oregon

MTC–00023977

From: bernard j franklyn
To: Microsoft ATR
Date: 1/25/02 4:21am
Subject: microsoft settlement

Dear Ms.Renata,

I have been following the Microsoft case since it's inception. I am familiar with the history of computers & the internet. I am very familiar with the history of Microsoft.

If Microsoft's monopoly resulted in a better, bug free, cheaper product, I probably wouldn't be as upset with them as I am. If Mr. Gates would stop claiming that his products are the latest in software innovation, rather than the subsuming of other peoples'' genius, I probably wouldn't

be as upset with them as I am. If Mr. Gates hadn't arrogantly terminated support to Windows 95, I probably wouldn't be as upset with him as I am. Finally, if Mr. Gates had allowed me to freely & easily choose which browser to use rather than trying to force his own brand on me, I wouldn't be nearly as upset with him as I am. The basis of our economy, our way of life, is a free market economy. Mr. Gates is seeking to subvert that. What he is doing is blatantly un-American! I was very disappointed when I learned that DoJ was going to settle. I was very proud of my state (California) & those other states who decided to continue the battle. I find it ironic that a Democratic attorney general is so vigorously defending the free market system while a ''compassionate conservative'' seems willing to roll over & expose the nation's belly to the beast.

I strongly urge you not to settle. Mr. Gates has shown a complete disregard for any kind of good faith agreement. Even his so called good will gestures are hollow as exemplified by his offer to provide his outmoded equipment & software to the underprivileged. How cynical is that!!!

Microsoft is a bully. The only thing a bully understands is force & dire consequences. It is time to impose these dire consequences. Without the imposition of severe penalties, Mr. Gates will continue to strangle commerce & innovation at a time when this country needs it most. I urge you, your dept., & the judiciary, as advocates for the American people, to impose penalties as severe as the law allows.

Thank you,
Bernard Franklyn

MTC–00023979

From: Faughn Justin Allen
To: Microsoft ATR
Date: 1/25/02 4:34am
Subject: Microsoft Settlement

I believe that the settlement now arranged with Microsoft is not a good idea, and would encourage the illegal business practices that Microsoft has engaged in to continue.

Concerned citizen....
Justin Faughn

MTC–00023980

From: bnale
To: Microsoft ATR
Date: 1/25/02 4:40am
Subject: Microsoft Settlement

I personally think the settlement is crap. All it means is that Microsoft can push $1 billion worth of ancient technology, crappy versions of windows (come on, did you really think Windows 95 was really that spectacularly stable?), and an attempt to gain new Microsoft recruits into public schools, a place that Microsoft has never dominated.

If I were you, I would honestly punish Microsoft. At the least, I would force them to donate $1 billion to help out the poorest, most dilapidated schools. That would pay for far more than you could possibly imagine. I would also force them at least to make the relevant portions of code for windows available to all device manufacturers. This would eliminate so many hardware problems.... IF you really were about punishing them, you'd do more than simply open up a new market and a new recruiting drive for them.

GO AVALANCHE! WIN ONE FOR BORQUE!

-Brian Nale—A total puckhead.

MTC–00023981

From: Jean-Luc Boccon-Gibod
To: Microsoft ATR
Date: 1/25/02 4:50am
Subject: Microsoft Settlement

I strongly oppose the proposal of MS to give hardware and software to schools in need worth 1 billion US$ in order to avoid a fine of the same amount. This would make a breach into a stronghold of Apple in the world of education and would be a completely unfair commercial practice. I do hope that the Department of Justice will not be abused by this impudent proposal.

MTC–00023982

From: Renu Bora
To: Microsoft ATR
Date: 1/25/02 4:52am
Subject: Microsoft settlement

Hello,

As per Dan Kegel's analysis of the Proposed Final Judgment in United States v. Microsoft, (http://www.kegel.com/remedy/remedy2.html), I believe that the Proposed Final Judgment is inadequate. It fails to prevent Microsoft to engage in anticompetitive practices. I believe it is not in the public interest for the current Proposed Final Judgement to be signed.

Sincerely,
Renu Bora
CFO, Linux Public Broadcasting Network
Graduate Student, Duke University

MTC–00023983

From: Alain Bertrand
To: Microsoft ATR
Date: 1/25/02 4:57am
Subject: Microsoft Settlement

I just read the proposed settlement between Microsoft, and the DOJ (and several states) and it seems that Microsoft is being given a government sanctioned monopoly, instead of a punishment meant to keep it from continuing to abuse it s monopoly. Microsoft is in a position now to take over, and monopolize several other markets, if they are not stopped now. The bigger we let the problem get, the harder it will be to fix later.

Microsoft has a long, clear history of abusing it s position as a monopoly, and exploiting every possible loophole to continue doing so. Even a non lawyer can see several loopholes in this agreement that would allow Microsoft to continue with the business practices that started the whole court battle. Unless something far stronger then this is done to keep Microsoft in check they will continue to use their monopoly position in Operating Systems to push other products into monopoly positions.

I firmly believe that the proposed final judgment will not even slow Microsoft s expansion through illegal means. If this proposal is made the final judgment we will have a much larger monopoly to try to deal with in a few years. This agreement is a complete victory for Microsoft, at the expense of the consumer.

One final thought, if Microsoft is allowed to get away with such blatant violations of antitrust laws, how can we expect any other large, rich corporation to take these laws seriously. It is not just Microsoft on trial here, but now the antitrust laws themselves are threatened.

Thank you for your time,
Alain Bertrand

MTC–00023984

From: Sean Finney
To: Microsoft ATR
Date: 1/25/02 5:02am
Subject: Microsoft Settlement

To whom this may concern,

Hi. My name is Sean Finney. I am 20 years old and live in Stanwood, WA. I will try to make this as short as possible. I've been building PCs since the age of 13. I have always used Microsoft products and have been pleased with the overall quality of them. The one thing I'd like to see is a ''bare bone'' version of their operating systems without add-ons (internet explorer, outlook express, windows media player, and other applications that a poised to compete in an open market with many others that are not pre-installed with Microsoft operating systems). I also do not know why their products cost so much, and why other software developers do not have the same sort of ''source code'' access that internal Microsoft programming departments behind the pre-installed applications have. Since there are many other firms trying to gain access in the same space as Microsoft they should have the same chances to succeed. At a very BASIC level this is the same thing as equal rights! Remember that when making the decision to either let Microsoft keep their edge on all the competition or to level the playing field.

Thank you for your time,
Sean Finney (res05dyj@gte.net)

MTC–00023985

From: Josh Granek
To: Microsoft ATR
Date: 1/25/02 5:03am
Subject: Microsoft Settlement

Josh Granek
3160 Ellerslie Ave.
Baltimore, MD 21218

Ms. Hesse:

I would like to register my objection to the Final Judgement proposed to settle the antitrust case against Microsoft. I am just an average citizen, a graduate student who's opinion is influenced by extensive use of a variety of different computers, operating systems, and software packages. I agree with the findings of fact that microsoft has abused its overwhelming monopoly position. I think that this abuse has led to software that is worse than it would be in a truly competative market, and prices that are higher than they would be in a truly competative market. Instead of showing some respect for the government and citizens of this country, throughout the trial, and even after being found guilty of anti-competative practices, Microsoft has continued to be a bad corporate citizen. This was evidenced to me most recently when I set up a new computer for my mother, it came with Microsoft's latest

operating system, Windows XP. In the short period of time I used this computer, it was obvious to me that Microsoft had put considerable effort (effort which in my estimation, would have been better spent improving the operating system itself) in incorporating new software in the operating system that directly competes with software that is already freely available, in an effort to extend its dominance of the software market. I expect that Microsoft's monopoly position will result in the new software incorporated in XP putting other often better software out of business.

Two examples of Microsoft's abuse are striking to me. First, having gained dominance of the web browser market, Microsoft now plans to eliminate support for plug-ins from future versions of Internet Explorer, the clear intention here is to force users to use Microsoft versions of currently available plug-ins (for example, eliminating use of the Real Network's Real Audio Player, and replacing it with the Microsoft Media Player). While it might seem acceptable to eliminate plug-ins when Microsoft provides replacements, it truly becomes a problem in situations where there is no reason to expect that Microsoft would make a replacement. For example, in my field, many people use a browser plug-in called Chime to view the structures of chemical compounds and biological molecules. This is a very useful tool, but it has a limited audience, and Microsoft will never produce a replacement. When future versions of Internet Explorer eliminate support for plug-ins, we will no longer be able to view structures in Internet Explorer. Plug-in support in web browsers furthered the democratization of the World Wide Web, allowing third parties to produce software that would interact with web browsers, now Microsoft plans to put this to an end.

Microsoft's Office software is another example of the company's abuse. Microsoft releases new versions of its office package every few years, and most releases use file formats that are incompatible with other versions. This practice forces businesses and individuals to buy each new version in order to be able to exchange office documents with others. Additionally, in contrast to many other software packages that use file formats which have been published (Adobe is a particularly good example of this—file formats used by their software, such as the Postscript, Portable Document Format, and even the file format for Adobe's Illustrator software are published), so other software can include filters that enable the files to be read, Microsoft Office uses file formats that are proprietary, so other software can't read these files, further cementing the monopoly.

Microsoft seems to believe that it is in every citizen's best interest (or at least their investors') that they be allowed to do whatever they want, but as George Will recently said, capitalism only succeeds when properly regulated by the government. While I understand that Microsoft's job is to, at all cost, maximize its profits for its investors, it is the government's job to counter this tendency when it begins to hurt consumers and the public in general. I think it is important that Microsoft be prevented from continuing to abuse its domination of the computer software market, and as a result, reducing the diversity in available software, and increasing the price of software.

I am no expert in business or antitrust law, but I think that the proposed settlement will do little to prevent Microsoft's continued abuse of its monopoly. I am not in a position to propose a better settlement, and I wouldn't presume to, many very good alternatives to the current proposal have been made by those much more qualified than me to do so.

Thank you for your attention.

Sincerely,

Josh Granek

MTC–00023986

From: tscott
To: Microsoft ATR
Date: 1/25/02 4:01am
Subject: Microsoft Settlement

dont accept a compromise. microsoft will only do it again!

This e-mail is intended for the addressee shown. It contains information that is confidential and protected from disclosure. Any review, dissemination or use of this transmission or its contents by persons or unauthorized employees of the intended organisations is strictly prohibited.

The contents of this email do not necessarily represent the views or policies of East Norfolk Sixth Form College, its employees or students.

MTC–00023987

From: Anonymous Person
To: Microsoft Settlement U.S. Department of Justice
Date: 1/25/02 5:01am
Subject: Microsoft Settlement

Anonymous Person
111 N. Street
Anonymousville, CA 35976
January 25, 2002

Microsoft Settlement U.S. Department of Justice,

Dear Microsoft Settlement U.S. Department of Justice:

I agree with everything pre-written below, but would like to add that the only reason other co's and parties are suing MS is because they want more profits from the market which MS ''owns'' a majority of. Microsoft is playing by the rules of business. Concerning the action AOL is taking agains MS now, saying MS is using illegal tactics by bundling IE with Windows is absolutely foolish. One could say the same thing about AOL, bundling Netscape browser and AOL Instant Messenger with their software.

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies. Thank you for this opportunity to share my views.

Sincerely,

Anonymous

MTC–00023989

From: ebo@smtp.asu.edu@inetgw
To: Microsoft ATR
Date: 1/25/02 5:13am
Subject: Proposed Microsoft Settlement

After reading Dan Kegel's analysis of the proposed Microsoft Settlement <http://www.kegel.com/remedy/remedy2.html> I must concur. Not only have they made a habit of misrepresenting their products to gain early market share, it is reasonably well documented as Kegel mentions that:

''The Court of Appeals affirmed that Microsoft has a monopoly on Intel-compatible PC operating systems, and that the company's market position is protected by a substantial barrier to entry (p. 15). Furthermore, the Court of Appeals affirmed that Microsoft is liable under Sherman Act ? 2 for illegally maintaining its monopoly by imposing licensing restrictions on OEMs, IAPs (Internet Access Providers), ISVs (Independent Software Vendors), and Apple Computer, by requiring ISVs to switch to Microsoft's JVM (Java Virtual Machine), by deceiving Java developers, and by forcing Intel to drop support for cross-platform Java tools. ''

The situation has not changed nor is likely to under the XP licensing strategy (where users are forced to upgrade their software on Microsoft's schedule and the program is made inaccessible until you do so and pay the fees).

I feel that Microsoft will continue bullying the competition until someone with some serious teeth puts them back in their place. In this country, the DOJ is one of the few organizations that have the wherewithal to opening back up the licensing restrictions on OEMs, IAPs, ISVs, etc. Please push for an appropriate level of injunctions/sanction against Microsoft to force them to stop doing ''business as usual''.

Sincerely,

John David—ebo@sandien.com>

MTC–00023990

From: Jim Changaris
To: Microsoft ATR
Date: 1/25/02 5:17am
Subject: microsoft settlement

I have read the stipulation and revised proposed judgment. I own 3600 share of Sun Microsystems and 3600 shares of Microsoft and no shares in Oracle. I believe that the Attorney General of California, the leader in the objection to the settlement, is objecting it for his political enhancement and should be ignored

MTC–00023991

From: ref
To: Microsoft ATR
Date: 1/25/02 5:17am
Subject: Microsoft Settelemnt

AOL is out of line on this latest ploy to attack Microsoft Internet Explorer.

I have tried AOL twice in the past, recently this past month, AOL is non competitive and over-bearing.

I switched back to Internet Explorer because it offers a superior browser without being intrusive. I had Netscape Navigator when I first got my internet service 5 years ago. It was not up to standard and created difficulty while browsing the Internet.

A friend told me about Internet Explorer so I tried it. I have been very happy with this service. AOL should take note and provide people what they want instead of cramming their idea of what we want down our throats.

This is suppose to be a country that allows people to make choices based on their own needs and wants.

It is not right that anyone be taken to court for litigation just because they offer a choice to the consumer.

If Aol/Netscape Navigator offered the best service they would not have to bring suit in order to get the consumer to switch to their product. We consumers are not stupid nor will we be intimidated or forced to except an inferior service that is not our choice! It appears that AOL like the Dept. of Justice is singling out Microsoft because it offers innovative ideas that the consumer finds user friendly and therefore gravitates to the best product on the market.

As I pointed out, I have tried both Netscape Navigator and AOL recently and have switched back to what I believe is a better service.

Sincerely,
Edie L. Fisk

MTC–00023992

From: Malcolm Dean
To: Microsoft ATR
Date: 1/25/02 5:28am
Subject: Justice requires speed and severity.

Justice requires speed and severity. Anything less is giving Microsoft permission to continue bending the software environment to its desire. Great economic benefits will also result from a software market freed of Microsoft's domination.

Malcolm Dean
Writer, Editor
1015 Gayley Av #1229, Los Angeles CA 90024–3424
malcolmdean@earthlink.net
213–401–2197 fax
Recent publications:
Contributing Editor, DesktopLinux.com
www.desktoplinux.com/articles/AT2152579590.html
www.desktoplinux.com/articles/AT6783676122.html
The O'Reilly Network (www.oreillynet.com/pub/au/228);
CertMag; Certification Corner
Former News Editor, Maximum Linux, XML Journal

MTC–00023993

From: Dr David G.Lovering
To: Microsoft ATR
Date: 1/25/02 5:32am
Subject: Microsoft Settlement

Crystal clear—Microsoft is GUILTY.

Why not take this opportunity of making an example of this arrogant company. Strike a blow for the common man. Let the penalty fit the crime. Bankrupt the operation and hand it over to the open source community. There is absolutely no sympathy for Microsoft anywhere in the world. Daily, they disgrace the great American people.

David G Lovering.
From: Dr David G. Lovering
The David Graham Consultancy in Science & Education
FARINGDON SN7 7EY UK
Tel/Fax: +44 (0)1367 241 750
base email: davidgl@tesco.net
roving email: dgl@talk21.com (opened weekly)
http://www.geocities.com/dgrahaml
http://homepages.tesco.net/davidgl

MTC–00023994

From: Zolly (038) Kay Zemar
To: Microsoft ATR
Date: 1/25/02 5:40am
Subject: The ''American Dream''

To the Department of Justice

I do not understand all that is going on with Microsoft and Bill Gates. I do know that Microsoft has been beneficial in the pioneer in the computer industry, and has been responsible for making it possible for people like me to enjoy a computer that an average person can understand and operate.

Bill Gates is a SELF MADE person. He is certainly a fine example of what a person can achieve with determination and hard work. He created Microsoft and with the help of his friends and employees made it a ''mega-huge'' company. Now the Justice Department has decided he is too big??? I guess the ''American Dream'' is only for people who dream small.

You can only be what you want to be if you don't want to be too much . . . is that it?? Bill Gates and Microsoft has done so much to help so many people; yet he has been persecuted by the American Justice Department. Isn't it about time you started concentrating on an issue that matters . . . go after the ''bad guys'' and leave the decent, dream achieving Americans do what their hard work, genius ability, and tenacity allows them to do!! From a disgruntled and disappointed American citizen . . .

Kathryn Zemar

MTC–00023995

From: N. Hagan
To: Microsoft ATR
Date: 1/25/02 5:42am
Subject: Microsoft Settlement

The latest round of litigation against Microsoft by AOL/Netscape is the ultimate manipulation of our legal system. Netscape is a company that apparently cannot or will not compete on its own merits and has now, once again, turned to the court system to achieve what it cannot through the free market and fair competition. Americans and shareholders are tired of this abuse of our court system and the litigation process. It has to stop. I don't expect sanctions against such harassing and frivolous lawsuit although any responsible judge would throw this case out promptly for lack of merit.

Whether Netscape's losses of market share is now purposeful (so that it can avail itself of ''damages'' and more public relations) or simply the result of incompetence, we cannot be sure. However, it is time that our legal system and the taxpayers money stop being used by private industry to harass and damage a company that has been wonderful for the consumer, it's shareholders and our economy. It's tragic that AOL and Netscape cannot cut it, but it is no longer the government's or Microsoft's problem. It's time to cut these economic dead weights loose from our economic recovery.

MTC–00023996

From: S Johnson
To: Microsoft ATR
Date: 1/25/02 5:43am
Subject: Microsoft Settlement

Punishing, Not Just Correcting Microsoft

Too often what I hear about the proposed action as a result of Microsoft being found as having abused its copyright can be paraphrased as ''go forth and sin no more''. The ways this message is delivered is very different, of course, for each solution. Some favor the idea of an overwatch commitee for a specified amount of time to prevent the abuse happening again. Others proclaim restricitng Microsofts ability to flex it's monopoly powers as the real answer. Sometimes they see doing this through technical means such as opening up the APIs of the operating system and associated works. Saying that surely pulling Microsofts favorite weapon over fellow software developers out of it's arsenal would ensure competition. Almost what all proposed remedies to the situation lack however is punishment. Yes punishment for it's crimes seems mysteriously absent from all of the popular remedies that are bandied about. If a child steals a choclate does a parent take away the chocolate and think that is enough. That not having the chocolate is punishment enough for having stolen it. If a youth vandalizes the side of a building by spray painting pictures or words, is the proper course of action taking away the cans of spray paint? Of course not. Adults that murder (taking this line of reasoning to its ridiculous end) are not seen as punished if all that is done is taking away their gun. A crime has been comitted. While ensuring that the criminal does not lash out again is very important, almost more so is what penalty is too be associated with exploiting a monopoly to crush one's competition. It is easy to miss this important part as commonly the solution does both. Going to jail takes an individual out of society and puts him in a very undesirable environment (punishment), and at the same time jail is seen as a correctional facility (preventing the action from recurring). How effective it is to make someone more fit for common society by putting them in the position of having to be as or more dangerous than the worst of society is a whole other arguement. However the point remains that any proposed remedy should do both.

I propose that the punishment and the corrective action should be easly seen as

separate parts. Just as a parent explaining how wrong it is to steal the chocolate and then spanking or grounding seeks to correct future theivery. The punishment is also the easist to deliver. Referring again to the case of the chocolate loving child. It is comparativly much easier to spank or ground a child (even though they are loved) than explaining to them in ways that their impressionable young minds will understand why you have to spank or ground them and how bad them taking a chocolate from a store, that seems to have an abundance enough not to notice one missing, is. A fine of some amount noticeable to the deep coffers of Microsoft could serve as such a punishment. However in my perception of the finances of Microsoft a fine of an any amount might be disliked but easily forgotten with their influx of money. For while it might take great resources to produce their product the resulting physical manufacturing of their work is virtually nil compared to what it is sold for. This is why any hole could be quickly filled and any loss of quality could be palmed off on the fine. This is why they should be forced to pay a fine to the Free Software Foundation, an orginization that seeks to enrich humanity through quality free software. Quite apart from how morally right they might be a large amount of money to the Free Software Foundation, arguably Microsofts biggest competitor, would be a punch directly in the solar plexus of the unrepentant software giant. This would be a remedy that could not so easily be shrugged off. A fine to any orginization that directly and competitively opposes Microsoft would do the job just as well. A strong oversight body that had the ability to direct fines so at continued uncorrected behavior would have very sharp teeth. Even without directly helping Microsofts competitors, a fine would be a clear example that the final verdict was not just another ''go forth and sin no more'' proclomation to Microsoft.

Samuel O Johnson

MTC–00023997

From: Jim Changaris
To: Microsoft ATR
Date: 1/25/02 5:44am
Subject: microsof settlement

Sunflower

I own 3600 shares of Sun Microsystems common stock and an equal number of shares of Microsoft common stock. I have an interest in seeing the Microsoft litigation ended. Continuing that litigation is not good for the economy. Microsoft the leader in technology innovations along with many other technology companies have been largely responsible for the economic growth of the 90s. The attorney general of California in needlessly opposing the settlement to satisfy his personal political interests.

There is no question but that he will be candidate for governor within the next four years. He is pandering to the money in silicon valley for campaign contributions from Sun Microsystems and others in California's Silicon Valley and pursuing the needless litigation at the huge expense of the California taxpayers, including me. Continuing the litigation is not in the best interests of the nation. Continuing road blocks to the innovation of technology will do damage to our economy. I have read the stipulation and the proposed judge and believe it is more than fair to the Microsoft competitors who obviously want Microsoft destroyed. I urge the approval of the settlement.

MTC–00023998

From: Zak
To: Microsoft ATR
Date: 1/25/02 5:44am
Subject: It seems clear that Microsoft has avoided any serious

It seems clear that Microsoft has avoided any serious penalty that would curb its anti-competative behaviour.

The nature of business leads to companies using whatever means necessesary to tip the scales in their favour; legal or illegal. Microsoft has immense power with no real incentive to use it in a benign way.

My favoured result would have been to see the company split into around 20 different businesses, based on product lines; which I believe would have led to greater innovation and competition; although it would probably impact the ''integrated'' nature of Microsoft software in the short term.

MTC–00023999

From: Goksin Bakir
To: Microsoft ATR
Date: 1/25/02 5:45am
Subject: MS Settlement, Settle At Once

In the last 20 years there has been a giant thrust in the software industry. The number of software developers have increased with computers becoming available to everybody. Microsoft has a big role in realizing this dream.

Not only in the US, but all around the world software industry made job opportunities avaliable to millions of people. A big number of small Businesses exploited computing machines more and more every day. Microsoft has a big part in this becoming true as well.

Now there is a case against Microsoft for being dominant in the market. If Microsoft had not lowered prices and increased availability of software (along with its partners) the above points would not be true. So, Our Belief is that Microsoft is not only a benefit for American people and Industry but to the other parts of the world as well. Please Support the settlement on the Microsoft case.

We appreciate your efforts in th?is matter.

Goksin Baky'r.
Yage LTD
Istanbul, Turkey

MTC–00024000

From: Mark Rushing
To: Microsoft ATR
Date: 1/25/02 5:45am
Subject: Microsoft Settlement

To whom it may concern:

We feel it is IMPERATIVE that the DOJ, if reaching a settlement with Microsoft, be very exacting in its definitions regarding the scope of restrictions and requirements regarding Microsoft API's, proprietary technologies and business practices.

The development of technologies will be severely hindered by continued predatory repression of diverse advancements in the Information Technologies arena.

Microsoft must be required to acknowledge their ubiquitous position and act accordingly, with little room for legal machinations that further narrows and hinders creativity and freedom.

Allowing one company to control the methods of access and of processing of information is certainly unwise.

We encourage the DOJ to act definitively and thoroughly in this case and/or settlement.

Thank you,
Mark Rushing
IT Analyst
Orbis Lumen
Seattle, WA

MTC–00024001

From: Bissell, Tim
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 5:48am
Subject: Microsoft Settlement

I am not a US citizen, but I thought I would write anyway to express a strong belief held by me and many of my colleagues that the proposed Microsoft settlement should be rejected. I think my comments are valid, even if written in English rather than US English!

It appears to me that rather than punishing Microsoft for its past, illegal behaviour, or providing for effective control of its future behaviour, it simply enshrines the current status quo in law, namely that Microsoft has obtained and maintained a monopoly in the operating system market, by illegal means (not allowing vendors to sell machines which can boot into more than one operating system) and has used that monopoly position to obtain monopolies in other markets (''Office'' productivity suites and Web browsers to name two) to the detriment of consumers.

One example of where the proposed settlement is weak is that it takes no account of Open Source products. Samba is an open source system which allows Unix or Linux servers to provide networked disk for Windows client machines, and requires access to Microsoft APIs. THis knowledge is encoded in programs which are freely available. If Microsoft is allowed to license this information, as proposed in the settlement, it can (and will, based on past behaviour) demand that the information be treated as a trade secret, and thus exclude all Open Source systems from the information. This would enable Microsoft to ''legally'' kill off Samba, and thus enable them to spread their operating system monopoly still further, by requiring that Networked disks for Windows clients can only be provided by Windows servers. This is only one example of the many deficiencies in the proposed settlement; I could have picked many more. Please reject the proposed settlement and start again.

On behalf of myself, and not my employer
Regards,
Tim

Work:tim.bissell@drkw.com+44 (0)171 4758789

Home:tim@bissells.org+44 (0)1480 451022

MTC–00024002

From: King Monty
To: Microsoft ATR
Date: 1/25/02 5:52am
Subject: Microsoft Anti-Trust Trial

Hi

I live in Cape Town, South Africa and am a strong supporter of the information era. I have the following comments regarding the Microsoft Anti-Trust trial.

Firstly, due to my location, I may not have been entirely able to follow every detail of the case. To be fair,

I believe that due to the complexity of the trial and indeed the entire case, there are ery few people who probably were able to follow the case in its entirety. My background is for the most part development in the information technology sector. I'm also deeply involved in the entertainment and new media industry.

I am effectively forced—like so many others—to use Microsoft products. Not because it's a standard Operating System with most companies in South Africa, but because it's a monopoly. Due to economic systems where our exchange rate from our currency to US dollars and the fact that Microsoft is effectively an American company means that the cost alone for microsoft products are extremely exaggerated. This cost is reduced to zero when using something like linux. When I first got involved in the information technology sector, the majority of South Africans used the Netscape Navigator internet browser. Today, thanks to the bundling system, the figures for use of Microsoft Internet explorer as an internet browser is more than 80% of the internet active population of South Africa (these are substantiated facts). Microsoft have affected South African businesses in severe ways, targeting them with huge marketing campaigns, forcefully trying to make them believe that there is no other operating system available. With the advent of a massive internet boom in South Africa, large ISP's extend Microsoft's monopoly further by forcing home users to use software that only works on Microsoft Windows. New PC buyers in South Africa cannot purchase a new computer without having Microsoft Windows XP installed.

There is no choice where you are not given one.

CC:juan@magiq.co.za@inetgw,jonathan@magiq.co.za@inetg...

MTC–00024003

From: Harve
To: Microsoft ATR
Date: 1/25/02 5:47am
Subject: microsoft-usdoj settlement is a bad idea anfd a real shame

I would like you to know that I and a lot of people like myself do not appreciate the lack of representation our government is giving us in the fight to control outright monopoly. Microsoft not only makes it hard for small companies to innovate in the personal computer arena, but it also provides an inferior product, without the cleansing effect of competition to enforce improvement. I waste perhaps 30 minutes a day because I am forced to use inferior Microsoft products due to this monopoly.

Stop giant companies now and give the opportunity back to small business (and by that I mean companies of 1–50 employees, not companies of 1000.

There is no Republican/big business mandate in this country, as much as it may appear to be so.

Harvie H. Branscomb
Carbondale CO 81623
Owner, Charybdis (a small computer software company trying to survive)

MTC–00024004

From: Matt Bardeen
To: Microsoft ATR
Date: 1/25/02 6:08am
Subject: Concerned Citizen

As a citizen of the United States of America, I'm concerned. As a computer user, I'm concerned. As a network administrator, I'm concerned.

First, a little background. I am in no means your average computer user. I started programming when I was 11 years old. That was 17 years ago. My first real computer came with a copy of Microsoft DOS (Disk operating system). I have been using Microsoft products in some form or another for all of the past 17 years. I have watched Microsoft grow from a small computer software manufacturer to one of the largest (and most profitable) in the world.

In that time I watched many competing products and companies, most of them truly innovative, fall before Microsoft's marketing and business strategies. There were products such as the GEM windowing desktop, Desqview DOS, and IBM OS/2, and companies such as Netware, Lotus, and Netscape.

I used Microsoft products and I didn't think anything of it. I put up with the instabilities, the fact that they only really worked well with other Microsoft products.

Then in 1995, I started working in a billion dollar company, supporting their worker's computer and administering part of their network. This company went from using a mixture of Microsoft and other products to using Microsoft products exclusively. During the 5 years I worked there, I saw Microsoft become more aggressive and more dangerous in the marketplace. I finally quit that company because I was fed up with telling the people I worked with ''There's nothing I can do, it's a Microsoft problem.''

The Internet is becoming increasingly Microsoft centric. There are sites that I used to use, but cannot anymore because they don't support my browser. Recently there has been a push by Microsoft to get record companies to use their Windows only media format for all new music releases. Microsoft's selling point on this is the inclusion of Windows Media Player in all the operating systems they sell. This is not benficial to competition and will only serve to raise the barrier to entry into the operating system market. Recently, Microsoft has been pushing a system of software ''rental'', where you have to pay for your operating system every year, whether you require it or not. Given their monopoly power, they stand a good chance of implementing such a scheme. Once again, a Microsoft ''innovation'' that is of dubious gain to consumers.

The latest Microsoft marketing scheme is .NET and Passport, where they hope to implement (and corner) the market on micropayments on the net. Many analysts have pointed out that the key to .NET's success is the success of Microsoft's latest operating system, Windows XP, because it has the essential grouding for .NET built in to it.

All of these ''innovations'' are examples of Microsoft's current attempts to use their monopoly power to invade other markets. I feel that these attempts will be left untouched by the current remedies proposed by the Justice Department in the settlement of this case. This seems absurd to me because it is practices such as these that are specifically declared illegal under antitrust law, and indeed the same practices that the court has already found Microsoft guilty of using.

So, as a consumer, a network administrator, and a citizen, I can only demand that the settlement as proposed be scuttled and a more appropriate remedy be found which prevents Microsoft from further breaking the law.

MTC–00024005

From: James J. Decoulos
To: Microsoft ATR
Date: 1/25/02 6:16am
Subject: Microsoft Settlement

MTC–00024005 0001

file:///C√/win/temp/tmp.√

Pursuant to the Tunney Act, I hereby submit my comments on the proposed settlement of United States v. Microsoft Corp., Civil No. 98–1232.

In order to provide an effective remedy to the Court of Appeals decision, Microsoft should be required, inter alia:

(1) to make the most current version of Windows available on an open source basis, compensating Microsoft for the fair market value of the intellectual property;

(2) to make the most current version of Internet Explorer available on an open source basis, compensating Microsoft for the fair market value of the intellectual property;

(3) to port the latest version of the application Microsoft Office to work on the Linux operating system.

Thank you.

James J. Decoulos, PE, LSP Decoulos & Company 248 Andover Street Peabody, MA 01960, tel: 978–532–8154, fax: 978–359–6034 web: www.decoulos.com

MTC–00024006

From: Marcus
To: Microsoft ATR
Date: 1/25/02 6:16am
Subject: Microsoft Settlement

Aloha,

I, Marcus Marchesseault, a natural-born citizen of the United States of America and a resident in the State of Hawaii would like to voice my opinion in the important matter of the anti-trust suit againts Microsoft. I believe that the monopoly has gone on far too long and great damage has been done to our economy. The stranglehold that Microsoft has on the market inhibits the ability of competitors to create new and innovative products. Microsoft's blatant violation of

anti-trust law by restricting the ability of competing software companies to effectively use it's operating system are numerous and I am dismayed why nothing has been done to stop them.

With help from IBM, Microsoft gained a dominance in the market with their operating system even though there were several better systems available. Most of the competitors are now gone (Atari, Commodore, and Apple) and there is no way for anybody to break into the market unless Microsoft gives them permission to use their operating system. There is no company that has the financial resources and market position to compete against Microsoft and this situation should have been prevented. The company should have been separated into Operating Systems and Applications divisions several years ago. The fact that the world has settled upon one operating system for all it's needs arose from an early benefit of standardization in programming. Now, Microsoft uses that monopoly to give it's own applications dominance over any other company. If this situation is allowed to persist, there will soon be only one software company in operation and all of the operation of U.S. corporations will depend on the whims of Microsoft. Microsoft has gradually taken over all of the significant applications markets and it is only a matter of time before they are able to disallow other companies from creating any new products for Windows operating platforms.

I thought that I should explain why I say that Apple corporation is no longer a Microsoft competitor.

Microsoft bailed out Apple in an attempt to keep them alive long enough for the Justice Department to think that there is some sort of competition in the market. This simply is not true. There is only ONE player in the personal computer applications market and that is Microsoft. Apple is simply a puppet that is allowed to exist long enough for Microsoft to get out of trouble. Now that they are not going to be significantly punished, all remaining competitors will be flushed from the market.

I hope that a serious resolution can be implemented.

Mahalo,
Marcus Marchesseault
marcusm@hawaii.rr.com
Honolulu, HI 96821

MTC–00024007

From: Rich B.
To: Microsoft ATR
Date: 1/25/02 6:18am
Subject: Microsoft Settlement

I think this settlement is a bad idea. Microsoft should be held accountable for its'' illegal actions.

—Rich Brennan
rbrennan@wzrd.com

MTC–00024008

From: dacaco@prodigy.net@inetgw
To: Microsoft ATR
Date: 1/25/02 6:30am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt againstMicrosoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
David Nunn
6738 E 10th St
Tulsa, OK 74112–4612

MTC–00024009

From: dontmakemecancel@
netscape.net@inetgw
To: Microsoft ATR
Date: 1/25/02 6:33am
Subject: Microsoft Settlement

As consumer who has basically been forced fed shoddy, virus propagating microsoft products, as I watched all alternative options for an operating system disappear. Let's not forget, that I HAVE TO PAY for the software that continually needs to be updated (at a price) and takes more and more control away from ME, the person who paid for it. I have been playing around with IBM pc's for about 15 years, I know how it works and the programs that SHOULD run on it. I don't need or want MS telling me what I can and can't do with MY computer. I don't need Internet Explorer shoved down my throat.

I am absolutely outraged that MS for the umpteenth is allowed to continue to do business as usual after being found guilty of something. A perfect example is, the only DSL service in my area is MSN, fair enough, I use it. The problem is, I HAVE to use MS products to send and receive email through the MSN domain, no other email programs are allowed to access their mail servers. Hmmm, any other ISP will let you use whatever you'd like. Couple this with I have been WAITING 2 WEEKS for them to delete an email containing a file THEIR product can't download and is clogging my mail box. This is a prime example of unfairly removing any competition, forcing their own products and then ignoring me, THE PAYING CUSTOMER when it doesn't work as advertised.

This huge gift and free ride of a ''settlement'' isn't going to cut it. If MS isn't punished appropriately to the vast crimes they have committed (and found guilty of) and will continue commit, I shall be voicing my opinion at the voting booth.

A forced and resentful MS consumer,
Mark Orr

MTC–00024010

From: John Eriksen
To: Microsoft ATR
Date: 1/25/02 6:37am
Subject: Microsoft Settlement

Divide up microsoft . . .

We all know why . . .

Fining them a billion or two. . . p l e a s e. . .

Mr Gates could write you a check tomorrow. . . personally. . . for 70 times that amount. . .

A Fine does not address the problem. . . Microsoft rakes in money almost as fast as the federal Govt. . .

Divide up microsoft. . . you did it to standard Oil

You did it to At&T

Its time you did it again.

MTC–00024011

From: Pandora844@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 6:34am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Eileen Novosel
1703 Lansdale Avenue
Bethlehem, PA 18017

MTC–00024012

From: Frady1lady@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 6:48am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Terry Frady
5 Palmira Ct.
Brownsville, TX 78526–1952

MTC–00024013

From: vin
To: Microsoft ATR
Date: 1/25/02 6:52am
Subject: Microsoft Ruling

Please take stringent action against Microsoft's Monopoly. In today's current software marketplace Microsoft has a strangle hold not just on the Browser, but on the whole operating system. To make matters worse they are also the de-facto standard in business productivity applications with the .doc file. The have grown way to powerful and pervasive. What worries me as a citizen is the world wide reliance on a single computer platform. What is going to happen when a hacker writes a virus that is truly destructive and wipes out 95% of the worlds data. Microsoft has shoe-horned us into a dangerously exposed technology position.

Sincerely
Vin Capone

MTC–00024014

From: Peter Kirch
To: Microsoft ATR
Date: 1/25/02 6:56am
Subject: Microsoft Settlement

I find the proposed Microsoft settlement to be a scam..

I have been a consultant in IT since 1984. I have been involved with IT projects since 1978. I have worked with apple II, IBM mainframes, and DEC VAXes. I have watched Microsoft attack and destroy company after company using their position and wealth. Microsoft only ''innovates'' when they are attaching competition. When the competition is gone they sit on their laurels.. I watched the original trial (1995) and thought the outcome was a scam.. This proposal is for this trial (2000) is also a scam. Microsoft has silenced companies by ''investing'' in them or by threatening them.

Please open the playing field back up. Do not slap them on the wrist.

The present proposal is nothing more than a WASTE OF MY MONEY.. PLEASE USE MY MONEY WISELY.

As a taxpayer I insist on a better proposal.. this one stinks of politics..

Peter Kirch

MTC–00024015

From: Wendy Krieger
To; Microsoft ATR
Date: 1/25/02 6:57am
Subject: Microsoft Settlement

[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.] MTC–00024015—0001

Dear Sir or Madam

I have read the Microsoft Judgment, and found it excludes areas where Microsoft has been anti-competitive, but the matters not brought to trial on this. I therefore offer my comments on this matter.

Wendy Krieger

Comment on the Revised Final Judgments.

I read the final judgment, and I see a series of loopholes. The restrictions apply mainly to OEM distributions, and not retail versions. This allows Microsoft scope to engage in anti-competitive behavior in the upgrade market and server side.

Microsoft should be compelled to undo the damage done to competition. What is offered here is additional items designed to have Microsoft fix up the disadvantage of its acts, in much the same way that AT&T had to replace the telephone fittings to a more open standard.

I Undoing the Damage to Clients.

The conditions affect only copies distributed by way of OEM sales to the largest vendors. It does not prevent the same sort of behavior against upgrade copies.

For example, Windows 2000 upgrade prevents the dual booting of it and any non-Microsoft operating system. In order to overcome this, one must apply a 100 MB service pack 2, and take into effect all of the other ''features'' that comes with it.

Microsoft should be compelled to manufacture, and distribute at nominal costs, a fix for every affected operating system (ie Windows 95 OS/R2.x, 98, 98SE, ME, 2000 and XP), a patch that undoes the following anti-competitive elements:

a: Any commingled browser, or other Microsoft Middleware.

b: Any code that prevents or damages on each boot, any non-Microsoft boot-loader

c: Any code or instructions that detect non-Microsoft drivers from loading. MTC–00024015_0002

The computer shall be able to boot and function in such capability. [This gets around the functionality of removing core code that is required to function with both the browser and the operating system.]

It shall also distribute, on the same media, installable versions of its own middleware, and installable versions of competing middleware, as provided by the manufactures.

a: Alternate versions are to be provided to facilitate the capabilities of different machines.

This prevents a version of IE being distributed that requires a certain version of Windows to be installed.

Microsoft shall, in its browsers, reinstate and facilitate, any interface and streaming to non-Microsoft clients, such as:

a: The Netscape plug-in interface, introduced in IE 3, and later withdrawn: See the Apple deposition in the Antitrust trial.

b: Streaming of data to non-Microsoft middleware. This allows a partially down-loaded file to be displayed in the client window. If the file is not streamed, the complete file must be downloaded before it is passed to the middleware to display.

The cost of distributing this media shall be borne by Microsoft, and shall be made freely available at any outlet that sells or distributes any Microsoft software.

Where Microsoft's actions are set to harm or provide confusion, then Microsoft's shall act to undo the damage of its invasion. For example, partitions formatted as HPFS or NTFS present themselves to any utility as being the same type. Software that scans hardware looking for errors will present the HPFS partition as being corrupt, and offer to ''correct'' it.

This will damage the data in the partition. Microsoft was aware of this, since Windows NT 3 and Windows NT 4 support the partition. The NTFS is therefore ''intrusive'' onto ground already established as identifying as a HPFS partition. Since HPFS has a pre-existing claim, it is

Microsoft's fault for intruding onto its space, and Microsoft's costs to repair it. Microsoft shall continue to offer for sale, at a discount rate, older versions of its operating systems. This prevents it forcing changes on the market-place. All versions of operating systems offered shall contain the patch cdrom as described above. MTC–00024015_0003

Microsoft shall make available, at nominal costs at retail outlets, compact disks that contain patches for its various operating systems. This saves people having to download 100MB files over faulty connections at great expense. [Windows 2000 SP 2 is not available except by download. At 100MB, this takes a very long time to download. There is no reason why a OS patch disk should not be available where the operating systems are sold.]

II. Undoing the damage on the server side.

This is aimed at removing restrictions to the use of non-Microsoft browsers on the web, and aimed at making the internet accessible to alternate browsers and other middleware.

For the purpose of this section, ''non-Microsoft middleware'' carries the connotation that it must be technically able to do the task. It also includes older versions of Microsoft middleware, that do not have the latest code that provides artificial restrictions.

The access to the services for a user to administer his or her account shall not be restricted to one operating system or browser. Ideally, this should be accomplished through actions on the server side. Much other electric commerce is independent of this restriction. At the minimum, the ISV should be able to redistribute a html document that contains links to essential services, that it may be accessed through any browser off any operating system.

Microsoft shall not restrict access to any of its internet networks or services to technically capable non-Microsoft clients. One should be able to enter a chat room from a non-Microsoft chat client, have mail from one's Hotmail account forwarded to a capable non-Microsoft client. [You can do this to Outlook and Outlook Express, but not with the rivals like Endora]. Where Microsoft provides an enhancement or change to its service, it shall continue to provide access to the services using the standard interfaces.

Microsoft shall assist, at its expense, alterations to be made to sites that prevent access by non-Microsoft browsers and middleware.

For the purpose of law, any site that is not accessible with non-Microsoft middleware and browsers, on a non-Microsoft operating system, is deemed to be ''unaccessable'', and therefore not in compliance with any stated requirement to be ''accessible from the internet''. This will encourage other parties to dismantle their ''Microsoft Only'' networks. MTC–00024015_0004

III. Network Communications and Clients.

Microsoft shall not interfere with, and provide support for, standard network protocols, to the extent that any version of Windows may interact with a machine loaded with a different operating system, whether Microsoft or not. This is aimed at the embrace and extinguish practices of Microsoft.

This condition is not intended to interfere with the development of specialist network interfaces, it is more intended to allow any operating system, out of the box, to participate in a network using standard protocols. For example, video adapters, in addition to the manufacturer's specialist interfaces, can operate in VGA mode.

IV. Altered Standards and confusing names

Microsoft shall recognize and respect pre-existing standards. Where it modifies a standard, or implements it in a way that will cause confusion and incompatibilities with the pre-existing standard, then Microsoft shall use a different identifier and name (while acknowledging the Intellectual property of the base remains with its original owners).

This is intended to overcome the use of names that are likely to confuse: OS/R2 [Curiously, Only Windows 95 was described in this manner: OS/2 was a serious competitor. Windows 98 and later was not described like this.], J++ and MS Java (the differences between this and Sun's version has been tested in court), NTFS and HPFS (Microsoft modified HPFS to such an extent that the NTFS driver can not read HPFS and HPFS can not read NTFS: but they are identified as the same partition type, correspondingly, each think the other is corrupt.]

V. Microsoft Hardware.

Microsoft shall provide with its hardware, drivers and software to allow the use of its hardware under a non-Microsoft operating system. Such software shall not be any more intrusive or interfering than any other compatible non-Microsoft driver, or the Microsoft driver on a Microsoft software.

[This condition prevents Microsoft Mouse for OS/2 advertising Windows, or displaying a splash screen with a five second delay]. VI. Compliance MTC–00024015_0005

Microsoft will be required to comply with these terms, under the same management as the judgment already entered.

Wendy Krieger
27 Coverdale Street
Indooroopilly, Q 4068
AUSTRALIA MTC–00024015_0006

MTC–00024016

From: Hooky Sun
To: Microsoft ATR
Date: 1/25/02 6:59am

As someone familiar with computing and the computer industry, and the adverse effects of Microsoft's monopolies in these areas, I do not see how the settlement that is put forth even pretends to remedy the antitrust crimes of which Microsoft has been found guilty. The company has already been found in violation, (this is the penalty phase of the case) but the settlement contains no penalties and even increases Microsoft's monopoly. A just penalty, I continue, would at least carry three additional features:

(1) Any remedy seeking to prevent an extension of Microsoft's monopoly must place Microsoft products as extra-cost options in the purchase of new computers, so that the person who does not wish to purchase them is not forced to do so. This means that for the price differential between a new computer with Microsoft software and one without, a computer seller must offer the computer without the software (which would prevent computer makers from saying that the difference in price is only a few dollars). Only then could competition come to exist in a meaningful way.

(2) The specifications of Microsoft's present and future document file formats must be made public, so that documents created in Microsoft applications may be read by programs from other makers, on Microsoft's or other operating systems. This is in addition to opening the Windows application program interface, which is already part of the proposed settlement.

(3) Any Microsoft networking protocols must be published in full and approved by an independent network protocol body. This would keep Microsoft from seizing de facto control of the Web or, yes, the Internet. If the National Interest is at stake then surely to further the monopoly does not serve it for how many times has a weakness been found and exploited for harm within the black boxes sold by Microsoft? Do we wish to increase such occurrences?

MTC–00024017

From: evanjudy@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 7:00am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Evan Goltl
124 e. mulberry st.
Hill City, KS 67642

MTC–00024018

From: Maloney
To: Microsoft ATR
Date: 1/25/02 7:07am
Subject: Microsoft Settlement

Leave Microsoft alone, they're doing a GREAT job! They've created a world-wide computing standard that is GOOD for me and my family, as well as everyone else in the great US of A!!!!

Jeff Maloney

MTC–00024019

From: Jim Connery
To: Microsoft ATR
Date: 1/25/02 7:07am
Subject: Microsoft Settlement

I consider this settlement to be a bad idea, the proposed settlement does a very poor job for everyone BUT Microsoft.

James E. Connery
jimcisme@houston.rr.com
13314 Granada
Houston Tx. 77015

MTC–00024020

From: Jamie Dow
To: Microsoft ATR
Date: 1/25/02 7:07am
Subject: Microsoft Settlement

I would like to register my displeasure with the state of the Microsoft Settlement. I believe that Microsoft has gone too long without punishment for what has been found to be a number of illegal acts violating American antitrust laws. I also believe that the current settlement does not do nearly enough to remedy this situation, and that Microsoft will be getting off with just another ''slap on the wrist'' as has happened so many times before. Although Microsoft would like us to believe that it innovates, it only serves to stifle innovation through the use of it's considerable muscle as a monopoly (or at the very least, near-monopoly). It has repeatedly used illegal practices to push its competition out of the marketplace.

This is a very ''Un-American'' thing to do. We are a country that prides itself on capitalism and free trade, and the keystone of capitalism is that there must be competition for the system to work. By allowing Microsoft to continue with it's anticompetitive activities, we destroy the very foundation of the American economy.

I urge you to reconsider your settlement, and not to let Microsoft get off too easily once again.

—Jamie Dow (Newport Beach, CA. Student—University of California, Irvine)

MTC–00024021

From: Lambrecht, Joris
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 7:13am
Subject: Microsoft Settlement

I hope the court takes into account the numerous ''tactical'' bugs which are actually a way of orchestrating the market. Also, the extent of the way ''exploits'' appeared in Microsoft products combined with the NSA-key controversy is quite disturbing to all who care about privacy. Microsoft only recently turned focus to security thus actually confessing to NOT have cared in the past while company's and people surely were made to believe so. These previous topics have been a way which seriously misled a lot of people into believing a Microsoft product is what it claims to be. In fact, Microsoft should be paying people to install one of their security-fixes. Looking at the revenue and profits Microsoft has at it's disposal it's quite frustrating to realize they've never cared for delivering a better, less bug ridden, product in the first place thus actually stealing money from trusting citizens.

Finally, Microsoft products should be banned as a defacto standard for the educational system as they've managed to accomplish all over the world. Mostly by out-buying their competitors or by launching a F.U.D.-campaign against perfectly viable alternatives as there is Open Source Software. Moreover, right now they are raising the prices of educational licensing by as much as 40%. Good grief. This is a strangling policy typical for the disregard in which Microsoft interacts with the market and the public.

Tax-payers, like me, worry more and more about company's like Microsoft who lay claim to solutions instead of providing one.

Kind Regards,
Joris Lambrecht
Ebone NOC IP Operations
[Phone] +32 2 658 52 52 [Fax] +32 2 658 51 06
Operations : http://www.ebone.com/ebone.nsf/goto/6030

MTC–00024022

From: E. Jane Wineteer
To: Microsoft ATR
Date: 1/25/02 7:15am
Subject: Microsoft Antitrust Cases

I am totally sick of the government interfering in the legitimate success of American business. Either Americans can handle competition (and benefit from it) or they can?t; the market should decide, not the courts.

It appears to me that detractors are simply trying to make money by suing Microsoft rather than turning their efforts to making better products and thus succeeding in the marketplace rather than the courts. I do not think the Justice Department should be a willing party to this activity.

E. Jane Wineteer
ewineteer@kc.rr.com

MTC–00024023

From: C. Faye Keller
To: Microsoft ATR
Date: 1/25/02 7:16am
Subject: Microsoft Settlement

PLEASE END THIS NIGHTMARE! The AOL vs Microsoft wrangling is not consumer friendly.

We users and surfers have suffered during these legal proceedings. AOL's goal appears to be to drive Microsoft out of business. Should this succeed the losses of jobs and stock earnings will make the Enron bankruptcy look like peanuts. The Recession began with the political and ignorant Penfield decision.

The Depression will begin if the Bush DOJ does not stop this snowball bound for Hell.

The DOJ and States'' AGs, AOL conglomerate and Class Action lawyers are the only winners. Consumers are already paying increased prices for: internet access (up 18% including AOL), operating systems and programs (up 15%). The cost to stockholders is already a negative 20% to 50%.

AOL has instituted another frivolous lawsuit. Please stop AOL's goal of driving Microsof into bankruptcy and our country into Depression.

Christine F. Keller
9181 Market Ave.
Hartville, OH 44632–8715

MTC–00024024

From: Jason
To: Microsoft ATR
Date: 1/25/02 7:19am
Subject: Microsoft Settlement

To whomever it concerns:

I believe the proposed settlement with Microsoft is a joke. The were proven guilty and they only given a slap on a wrist. Microsoft needs to unbundle all non OS related programs from its operating systems.

They only bundle software in order to take over the market share and make their monopoly stronger. If they truly cared about the customer they would bundle Office into the operating system but that would affect their revenue on a product that they have already a monopoly in. I believe the penalties for Microsoft should be much stiffer.

Thanks for listening
Jason Klemesrud

MTC–00024025

From: Tim (038) Wendy McGill
To: Microsoft ATR
Date: 1/25/02 7:23am
Subject: Please drop your current suit against Microsoft. The reason for their market share is simply that t

Please drop your current suit against Microsoft. The reason for their market share is simply that they have provided the consumer a superior product at a reasonable price. I have tried Netscape and it is garbage. That is the reason they can't compete.

Tim McGill
Kingsland, Ga.

MTC–00024026

From: Creighton Kirkendall
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 7:22am
Subject: Microsoft monopoly and how they affect me.

I am a Senior Software Engineer at a successful publishing company. We have both CD software and websites that we maintain. Our CD ROMs support both Mac and Windows and the websites are Netscape & Microsoft compliant. Recently I found that the newest versions of internet explore decide to remove the code that supported the open standard for plug-ins. This in turn caused some major ramification to how I have to handle multimedia on my site. It seems that with out adding special code on my site that the user can not view any of the multimedia even if they could before upgrading. This is due to fact that some of the multimedia on my site is based off of QuickTime format and not Microsoft own multimedia format. Now I am not anti-Microsoft, but its decision to bundle its multimedia support with it browser and then drop support for plug-ins causing others like QuickTime to become inoperable, with out code modification, cost my company money. Had Microsoft conformed to open standards in place in the industry, this would not have happened? I am a user of both Windows and Internet Explore and I feel that I have been harmed by Monopolistic activities. I feel that Microsoft is bringing the old browser wars into multimedia industry and its using it dominant stance in the browser market to do it. I will personally say that I am worried about supporting other formats other than Microsoft's because I can not afford to have users going out to my site and it not function because Microsoft has decided not to support other technologies in their browser.

Creighton Kirkendall
Senior Software Engineer
Hobsons

MTC–00024027

From: griffons@bignet.net@inetgw
To: Microsoft ATR
Date: 1/25/02 7:25am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
karen griffon
914 s. main
milford, MI 48381

MTC–00024028

From: SCURRY13@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 7:33am
Subject: Microsoft Settlement

i would like to voice my objection to the so called settlement that Microsoft and the DoJ has made. the object in any settlement in to at least punish the offending party (avoiding a more serious one if the case continues). this settlement rewards microsoft more than it does anything else. the decenting states settlement, while having more teeth, is likewise not enough, but is much better than the DoJ's pat on the back.

Scott Jack
Butler, PA

MTC–00024030

From: Keith
To: Microsoft ATR
Date: 1/25/02 8:36am
Subject: Microsoft Settlement

I believe Microsoft is the biggest and most abusive monopoly in history. At a time when *information* drives our economy, we, as business and personal computer consumers, need choices in the tools we use to manage information.

Unfortunately, the only real choices we have are flavors from the same monopoly. Microsoft has worked to squash competition, most noticeably in their monopolistic crushing of Netscape. MS did not really need

to integrate their browser into their operating system and they certainly did not need to give it away. They give very little away. I believe they realized that browsers, because of the way plug-in programs could be integrated, had the potential of becoming an operating system within an operating system. There is no reason that browser plug-ins could not be developed to handle most routine user requirements. Hence, they crush that competition. Within their own product lines their behavior is that of a monopoly. Take MS Works. It is probably the most simplistic software suite available today. If we use the automotive industry as an analogy, it would be a Yugo. If General Motors were a monopoly, they could offer only a Yugo and a Buick. Consumers would realize the all-too-obvious limitations of the Yugo (MS Works) and pay through the nose for the Buick (MS Office).

Additionally, MS monopoly behavior has produced unreliable operating systems with huge security holes. They have no reason to care because there is no competition. The DoJ should do the same thing to Microsoft that they did to ''Ma Bell'' and split the company into a minimum of five corporations. At least ''Ma Bell'' gave us the best phone system in the world. The only thing of worldwide note that Microsoft has produced is producing one of the world's richest men.

Eventually, some parts of the split MS company might re-merge, just as some of the Bell units have. But, in the meantime, we would have a period when investors could bring us truly competing companies, just as happened in the telecommunications industry. Today, no one in their right mind would spend anything to try to compete with the world's biggest monopoly. No one! Without a breathing space created by a 5-way split up, we are doomed to endure high prices and mediocre products, the hallmarks of a monopoly. While I am a firm free-market advocate, American consumers do deserve protection from certain levels of monopoly. If Microsoft does not meet that threshold, no company ever will.

Sincerely,
Keith Ryan
Consultant

MTC–00024031

From: Irmgard Wilson
To: Microsoft ATR
Date: 1/25/02 7:40am
Subject: Microsoft Settlement

MTC–00024031—0001

+5714 Carriage Barn Lane Montgomery, AL 36116
January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

Thank you for the opportunity to express my opinion on an issue that I feel is of great importance to the country and the economy: the proposed settlement of the Microsoft case.

The case was a wrongheaded exercise of raw political power from the outset. It operated from the faulty economic assumption that big is always bad. It was prompted in great part by the inability of Microsoft's competitors to compete not because Microsoft precluded them from competing, but because their products just could not compete with the quality of Microsoft's.

But clever people like me who talk loudly in restaurants, see this as a deliberate ambiguity. A plea for justice in a mechanized society.<> .....

I hope the concessions made by Microsoft in the areas of systems configuration, pricing, and industry relations will suffice to finally end this case. It does the economy no good to have one of its main engines locked away in Court. Thank you for your time and attention.

Sincerely,
Irmgard Wilson
J0024031—0002

MTC–00024032

From: Jeanette Love
To: Microsoft ATR
Date: 1/25/02 7:40am
Subject: Good Heavens

This whole thing is ridiculous! I swear that these cry baby companies are just as bad as a bunch of ''petty jealous women''.

Has anyone ever thought that if those companies had a product as good as the Microsoft products they wouldn't have these problems?

I buy Microsoft because they are good programs—I wouldn't have Netscape on my computer and it irritates me to death to have to designate which one I want to use.

As for AOL —what a farce. People can choose whichever one they want to use from within the OS. As a matter of fact, I detest AOL as much as I do Netscape. The first thing I do when I install a new OS is go in and delete the junk about AOL, Prodigy etc—just don't want it there in my way, cluttering up my machine.

Its time for the cry babies to just get over it and produce a better product that people will want to use.

Nobody forces me to use Microsoft products—I use them because I prefer them over any of the others.

Jeanette
jlove@austin.rr.com

MTC–00024033

From: Ralph Perna
To: Microsoft Settlement U.S. Department of Justice
Date: 1/25/02 7:39am
Subject: Microsoft Settlement
Ralph Perna
10414 Amblewood Dr.
Houston, Tx 77099–4105
January 25, 2002
Microsoft Settlement U.S. Department of Justice

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers’ dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Ralph Perna

MTC–00024034

From: mischka2@dslextreme.com@inetgw
To: Microsoft ATR
Date: 1/25/02 7:43am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft.
This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Gaye Honeycutt
3508 West Magnolia Blvd.
Burbank, CA 91505–2911

MTC–00024035

From: Gregg Rice
To: Microsoft ATR
Date: 1/25/02 7:48am
Subject: Proposed MS Anti-Trust Remedy

I am writing to express my opposition to the proposed Microsoft anti-trust remedy on the grounds that it does not go far enough in sanctioning the obvious anti-competitive tactics employed by Microsoft in its business practices.

I further want to indicate my support for the views expressed in Dan Kegel's ''Open Letter to the DOJ'' about the proposed settlement. I have requested inclusion as a cosigner of that document.

Thank you.
Gregg Rice

Computer Consultant
Toledo, OH

MTC–00024036

From: Larry Bauer
To: Microsoft ATR
Date: 1/25/02 7:51am
Subject: Microsoft settlement

Leave microsoft alone! You don't have to use Explorer, it's an option.

Larry Bauer

MTC–00024037

From: Michael Young
To: Microsoft ATR
Date: 1/25/02 7:51am
Subject: Microsoft Settlement

The currently proposed settlement will not sufficiently change the current business practices of Microsoft. I find it completely absurd that anyone would agree with it.

Michael Young

MTC–00024038

From: nanasrp@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/25/02 7:48am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Sharon Prechel
8654 E. Cypress ST.
Scottsdale, AZ 85257

MTC–00024039

From: R. Bradley Tilley
To: Microsoft ATR
Date: 1/25/02 7:59am
Subject: Microsoft Settlement

To Whom it may concern:

Please stop Microsoft from taking advantage of users and businesses. Don't allow them to keep their illegally obtained monopoly.

Their control of the PC market combined with their insatiable desire for power and their total disregard for computer security will cause great damage to businesses and home users in the future.

They continually produce insecure software and place it on computers all over the world. There is no choice. Call Dell or Gateway computer corporation and try to order a PC without Microsoft Windows installed, and they will tell you that that isn't possible. There is NO choice.

Bring choice and freedom back to America's PC users!!!

Brad Tilley PBK
University of Virginia Tech
Phone: 540.231.6277
Web: http://bursar.vt.edu
Fax: 540.231.3238

MTC–00024040

From: Julie Mackert
To: Microsoft ATR
Date: 1/25/02 8:00am
Subject: Microsoft Settlement

I think the proposed settlement is a truly bad idea.

Julia Mackert

MTC–00024041

From: Dan Weeks
To: Microsoft ATR
Date: 1/25/02 8:04am
Subject: Microsoft Settlement

To Whom it May Concern:

I am writing today to express my concern with the Microsoft Antitrust Settlement. After reading through the settlement and many summaries I feel there is at least one issue which must be addressed.

According to the settlement Microsoft will be forced to share its Application Programming Interfaces (APIs). While this is good the clause demanding that any users of those APIs share their code with Microsoft is ludicrous. Forcing companies to give their hard work and trade secrets on products to Microsoft will cause two problems.

First, those companies that do give their code to Microsoft will be in the same position that caused the antitrust case in the first place, Microsoft will be able to undercut their competition and release bundled or stand-alone products that compete with the original authors, but potentially uses the original work.

Second, the amount of new entries into the market and investments in research will more than likely be drastically reduced. If companies see that Microsoft might be able to take all of their work for free then they will be reluctant to invest the time and money to develop a new product.

APIs are a central part of an operating system. If Microsoft wishes to publish an operating system as part of it's core business they should publish open APIs and be done with it. This will level the playing field and the best products will come to the top, rather than one company deciding the market and forcing competitors out of business just because it has the resources to do so.

Thank you for your time.

Dan Weeks
Harrison, New York
dan@danimal.org

MTC–00024042

From: Eric Marshall
To: Microsoft ATR
Date: 1/25/02 8:05am
Subject: Microsoft Settlement

The proposed settlement is a bad idea. Please modify it to benefit the entire computing industry, not just Micro$soft.

MTC–00024043

From: aspinwall@btinternet.com@inetgw
To: Microsoft ATR
Date: 1/25/02 8:06am
Subject: DOJ v Microsoft

Hi,

I feel that the proposed remedy agreed by the DOJ and Microsoft will not have any benefical effect in curbing Microsoft abuse of its monopoly with the computer market.

Due to the way Microsoft operates it is very hard for companies to move away from the Microsoft products they have already installed because of file compatibility or the ability to communicate with customers.

It appears from information circulating around various security new groups that Windows 2000 makes surious DNS (Domain Naming System) requests when communicating with Non-Microsoft DNS Servers (a cumulative effect which can slow down a Network!). The Fix is to install a Windows based DNS Server (for which you have to pay client access licenses), while on Unix you do not.

Microsoft due to its size and cash can enter any market and spent its way to dominate the market.

Microsoft needs to be split into the following divisions:

1. Operating Systems (Intel X86, Itanium)
2. Embedded Systems (PDAs, ATMs)
3. Application Development (Development Tools)
4. Internet Systems (including IE, BizTalk)
5. Office Applications (Office, Exchange)
6. Business Partnerships (other businesses which Microsoft has bought completely or has more than 5%)

Microsoft should also publish the complete API for Windows, and publish common inport/export formats for all applications to permit free movement of information into and out from all Microsoft products. eg Office, Outlook, etc.

Regards

CC:aspinwall@btinternet.com@inetgw

MTC–00024044

From: dorisu@webtv.net@inetgw
To: Microsoft ATR
Date: 1/25/02 8:05am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Doris Urquhart
21 Woodvale Ave.
Fishkill, NY 12524–1112

MTC–00024045

From: sherziecat@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 8:06am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
sharon Culpepper
2526 Washington
dubuque, IA 52001

MTC–00024046

From: Jim Weage
To: Microsoft ATR
Date: 1/24/02 8:05pm
Subject: Microsoft

It is time to drop the Microsoft lawsuit.

Thank you, D. Jmaes Weage
2420 Larry Road
Clarksville, TN 37043

MTC–00024047

From: Jess Collins
To: Microsoft ATR
Date: 1/25/02 8:12am
Subject: Microsoft Settlement

I believe the proposed Settlement with Microsoft is a bad deal for the people of the United States.

I have signed on as co-signer of Dan Kegel's petition: ''Open Letter to DOJ Re: Microsoft Settlement''

I ask that you seriously consider the suggestions for correcting the flaws and closing the loop holes pointed out by Mr. Kegel.

Sincerely
Joseph Collins

MTC–00024048

From: Adam Glass
To: Microsoft ATR
Date: 1/25/02 7:45am
Subject: Microsoft Settlement

To whom it may concern,

I am writing in opposition to the settlement proposed between Microsoft and the Department of Justice. It will not lessen the monopoly power of Microsoft over the software industry. The settlement may even have the reverse effect ... secure in the knowledge that they can do whatever they wish without adverse consequences, Microsoft may now exert their power to take over new emerging areas of the technology arena.

Microsoft claims it wants and needs the ability to innovate. If so, the same applies to all other companies in the computing industry. But Microsoft's monopoly power denies this ability to any company that would like to compete against them. It is preferable to impair Microsoft a little in this regard, especially since they have been found guilty, to level the playing field for everyone. Why should Microsoft be able to innovate while they keep their potential competitors from doing so?

You, the Department of Justice, have proven in a court of law that Microsoft has done wrong. The next step should be significant punishment, not encouragement to continue to do wrong. Please live up to the name of your department. Discard this settlement and pursue real justice.

Thank you
—Adam Glass

MTC–00024049

From: Allen Barnett
To: Microsoft ATR
Date: 1/25/02 7:13am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Subject: Microsoft Settlement

Summary

The Revised Proposed Final Judgment (PFJ) in the case Civil Action No. 98–1232 (CKK), United States of America vs. Microsoft Corporation (defendant), and Civil Action No. 98–1233 (CKK) State of New York, ex. rel. vs. Microsoft Corporation, does not appear to achieve the mandate given in the decision of the United States Court of Appeals in Case No. 00–5212/00–5213, namely, ''to ''unfetter a market from anticompetitive conduct,'' ([a quote from] Ford Motor Co., 405 U.S. at 577), to ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future,'' [a quote from] United States v. United Shoe Mach. Corp., 391 U.S. 244, 250 (1968).''

The PFJ fails to meet the appeals court mandate in, at least, the three following areas:

1. The PFJ provides no effective enforcement mechanism.

2. The PFJ fails to address the free software movement.

3. The PFJ does not effectively prohibit anticompetitive pricing practices.

Therefore, this resolution is not in the public interest and should not be adopted without substantial revisions.

Discussion

1. Enforcement

In his testimony before the United States Senate Committee on the Judiciary on December 12, 2001

(http://judiciary.senate.gov/te121201f-lessig.htm), Professor Lawrence

Lessig thoroughly discusses the failure of the PFJ to provide an effective enforcement mechanism. The lack of a ''special master, or panel of masters'' to resolve disagreements about application of the terms of the consent decree efficiently is a ''fatal weakness''. The duties and power of a special master are spelled out in detail in section N of ''Plaintiff Litigating States'' Remedial Proposal'' (http://www.naag.org/features/microsoft/ms-remedy—filing.pdf). As Professor Lessig states, the personal computer field changes so rapidly that by the time matters are litigated in a traditional manner, the original complaint is usually moot.

Further, neither the special master nor the Technical Committee envisioned by the PFJ should be selected by, or under any financial obligation, to the defendant. They should be United States federal employees with their own staffs and offices. Finally, to insure that there are no conflicts of interest, the proceedings of the special master and/or technical committee must be open to public inspection, subject to the privacy of third parties bringing complaints under the PFJ.

2. Free Software

The PFJ gives the defendant too much scope to prevent disclosure of interoperability data to developers of competing software. For example, there are several operating systems which are capable of running on the same hardware as Windows Operating System Products, several of which are free software. (The nature of ''free software'' meant here is discussed in http://www.gnu.org/philosophy/free-sw.html.) However, the PFJ specifically states that the defendant does not have to reveal interoperability information to any entity which the defendant deems as not having a authentic and viable business (section III.J.2). This appears to be deliberate attempt to prevent free software implementations of Windows Operating System compatible products. Since many of these projects are entirely volunteer-based, there is no corporate entity which can be said to be a business.

Further, such intellectual property which the defendant is required to disclose will be available only under Reasonable and Non-Discriminatory licensing terms (section III.I.1). Free software developers cannot afford even the most modest licensing fees since there is no direct financial return on their work. Therefore, all documentation of APIs, Communication Protocols and other intellectual property made available to commercial entities must be made available on a royalty-free basis to free software developers.

3. Anticompetitive Pricing

The PFJ requires that the defendant publish a uniform schedule for royalties on Windows Operating System Products. It then lists several exceptions whereby certain OEMs may be offered discounts, specifically that the top-most ten and next top-most ten licensees of Windows Operating System Products are granted special status (section III.B). Such differentiation will have a substantial, negative impact on small OEM computer businesses, so-called regional ''white-box'' (i.e., no brand name) vendors.

During the trial, it was observed that, over time, the cost of the Windows Operating System has been an increasing percentage of the cost of a personal computer. Therefore,

even the most modest variations in the price of the operating system can make a substantial difference in the cost of a computer. Regional vendors who do not have access to the top twenty vendor discounts will face a substantial disadvantage selling low-cost systems. Further, since they are not ''Covered OEMs'', there appears to be no restraint on retaliation against these vendors for offering Non-Microsoft Operating Systems Products.

Conclusion

In spite of Attorney General John Ashcroft's statement that the Revised Proposed Final Judgment ''completely addressed the anti-competitive conduct outlined by the Court of Appeals'', the PFJ still allows exclusionary practices to continue. It does not effectively lower the barrier to entry of competitors into the operating systems market; instead, it strengthens the defendant's position by erecting new barriers whereby the defendant can determine who receives information necessary to produce interoperating or competing software.

These areas must be addressed before the PFJ can be considered a suitable resolution to this case.

Sincerely,
Douglas Allen Barnett, Jr., President
lignum Computing, Inc.
Pattersonville, NY

MTC–00024050

From: Beachmarr4@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 8:19am
Subject: Microsoft Settlement

No to Microsoft!

MTC–00024051

From: Kurt Sorrell
To: Microsoft ATR
Date: 1/25/02 8:26am
Subject: Microsoft Settlement

It is my firm belief that the proposed settlement regarding the anti-trust case against Microsoft is inadequate. In fact, it will only serve to entrench the company by exsposing children to Microsoft's products exclusively. Consequently, putting competeing software companies, and their products, at a tangible disadvantage in the maketplace. This is the exact opposite remedy sought by the United States and it's citizens.

Respectfully,
Kurt Sorrell

MTC–00024052

From: James.William
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 8:18am
Subject: The Microsoft Settlement....

I think the Microsoft settlement does not go far enough. The stranglehold of Microsoft on innovation in this country has stifled any opportunity for real competition until they are a defacto standard in the workplace. Nothing that I have sen in the settlement actually addresses this issue. If it doesn't work on Windows it doesn't get produced. Even Apple has been unable or unwilling to fight Microsoft because of the money and power they wield not only in the marketplace but in the schools, governments, and other businesses.

By using their marketing expertise and their fiduciary clout they have either weakened or destrroyed any real competition in browser software, operating systems, and office software. They are even trying to stifle complaints by adding conditions to their licensing. That is the action of a company that is afriad of dissent and willing to do anything to control it — actions that only a monopoly would even attempt.

Please keep Microsoft from running an entire industry! They are even trying to get into the hardware side with their X-box machine. Thanks for listening.

Bill James
2937 Arthur Drive
Murfreesboro, TN 37130
O:(615)849–4344
H:(615)907–8234

MTC–00024053

From: David Jantzen
To: Microsoft ATR
Date: 1/25/02 8:25am
Subject: Proposed settlement will extend MS monopoly

The suggested remedy in the Microsoft antitrust case is not an adequate reprimand for the illegal behaviors through which Microsoft has maintained its monopoly. Moreover, it is difficult to imagine that the remedy would successfully curtail future monopolistic behaviors; rather, it will merely result in the indoctrination of an entire new generation into the use of Microsoft products.

As a software developer, my greatest concerns are 1) the closed file formats that Microsoft regularly modifies, resulting in broken compatibility with competing software products; 2) proprietary extensions to open standards (the so called ''embrace and extend'' tactic) that hinder interoperability with non-Microsoft products; and 3) the highly restrictive licenses to which Microsoft holds PC manufacturers, which appear to prevent the factory installation of competing operatings systems alongside of Windows.

A world in which file formats and communication protocols are open standards, and in which PC manufacturer's have greater freedom, will result in much enhanced competition and hence a better experience for the consumer.

Sincerely,
David Jantzen
Seattle, WA

MTC–00024054

From: cpfi@tricon.net@inetgw
To: Microsoft ATR
Date: 1/25/02 8:24am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Mary M. House
107 Fieldcrest Rd.
Bristol, TN 37620–4505

MTC–00024055

From: Ray Semiraglio
To: Microsoft ATR
Date: 1/25/02 8:29am
Subject: Microsoft Settlement

As someone who makes their living in the computer industry, I know how much is at stake in the antitrust ruling against Microsoft. As such, I feel that I should make my opinion known. In my mind there are many problems with thesettlement, and many issues that it does not address. Microsoft has managed to gain complete control over the operating system market, the ''productivity'' softwaremarket, the internet browser market, and is making major inroads into the hand-held and streaming media markets. I don't profess to know how to best rein Microsoft in from their anti-competitive behavior, but I do know one thing that might go a long way towards helping.

However they got into their position of power, Microsoft has gained a great deal because of it. Their stock is still considered one of the best performing out there, and they are rumored to have over $36 billion in the bank. This last point is my problem. Microsoft has said repeatedly that they are at risk of being superceded by any company out there with a better idea. I agree that this is apossibility, as long as that company also has $36 billion in the bank. This bankroll lets them sell at a loss or give away software to kill competitors. It lets them buy ''innovation'' and weather bad economic times. It's been alleged that they use their vast storehouse of cash to smooth over earnings speed bumps. This as much as anything else gives them an unfair advantage over anyone who played by the rules and didn't establish and maintain an illegal monopoly.

More importantly, they gained this money through their anti-competitive behavior. To let them retain the bulk of the cash that was gained via (as per the findings of fact) illegal behavior would be like letting burglars keep their stolen merchandise after being convicted. So my view on the settlement is that Microsoft should be monetarily penalized, both to even the playing field, and to remove their ''ill-gotten gains.'' Whether this cash should be re-distributed to stock holders, Windows users, Netscape, charity, or if it just ends up with the lawyers is for the courts to decide. But allowing them to keep it will ensure that Microsoft will be back in court again.

Thank you
Raymond Semiraglio Jr.

MTC–00024056

From: Kurt Sorrell
To: Microsoft ATR
Date: 1/25/02 8:32am
Subject: Microsoft Settlement

The proposed settlement of the anti-trust case against Microsoft Corp. should be abandoned. Instead of providing relief to consumers, it will further entrench their dominance in the marketplace.

Respectfully,
Kurt Sorrell

MTC–00024057

From: Glenn Hauman
To: Microsoft ATR
Date: 1/25/02 8:30am
Subject: Microsoft Settlement

What an incredibly bad idea. The current settlement gives a slap on the wrist to a perjuring recidivist abuser of monoploy power. If the impetus in removing the Judge at the late date was because granting an interview showed bias, I would suggest that not charging Microsoft with perjury for introducing doctored videotapes at trial is a strong repudiation of that argument.

Furthermore, the arguments that there is no suitable remedy because the damage has already been done, we can't fix the damage to Microsoft's competitiors is morally equivalent to saying ''we can't bring someone back to life, so let's not charge murderers with crimes.''

The company should be busted open, either its code or its corporate structure.

Best—
Glenn Hauman
President, BiblioBytes
Weehawken, NJ

MTC–00024058

From: dan
To: Microsoft ATR
Date: 1/25/02 8:30am
Subject: microsoft settelment

I do not like it at all

MTC–00024059

From: joelscott@att.net@inetgw
To: Microsoft ATR
Date: 1/25/02 8:33am
Subject: Life, Liberty, and Property

''The only action taken against Microsoft should be a statue of Bill Gates erected in the Center of Settle.''

Bill Gates and Microsoft have commited no crime. They have created product and services which companies and people have willingly purchased.

Every man has a right to the fruit of his efforts. That includes the corporation he forms. If his product becomes so popular that everyone needs it than he has done his job correctly.

This is America. Where John Adams and our founders set up an evironment of freedom, not governmental trials and lynchings.

-Joel S

MTC–00024060

From: ConnieJane@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 8:32am
Subject: Microsoft Settlement

To whom it may concern:

I guess I must not be too bright but I just don't understand why the government keeps dragging out this settlement with Microsoft. As a registered voter who exercises my right to vote in every election I urge you to settle this matter and get on with other things that are really important!

The fact that the government brought this action in the first place amazes me. It has always appeared to me that Microsoft built a better mouse trap. The general public liked the new mouse trap and bought them by the millions. Seeing that the mouse trap was so successful, Microsoft made it easier to use and interact with the mouse trap. This upset the other mouse trap manufacturer's who ran to the government whining that they couldn't fairly compete because Microsoft's mouse trap was so much better and popular. These competitors hired powerful lobbyists so the government then agreed to try and make it more difficult for Microsoft to make and sell so many of their better mouse traps. Free enterprise becomes very expensive for Microsoft and it's stock holders, employees and customers who all suffer as this drags on. Can Checker's get the government to go after McDonald's because they sell more hamburgers? I think KMart should have you close a few Wal-Marts and Targets to save their butts. This whole thing has been nothing more that sour grapes from the companies who aren't as smart at Microsoft but have the money to hire the right lobbyists.

PLEASE settle and let the businesses who are hiding behind the government's power work on building their own better mouse trap.

Sincerely,
Connie Hall
Clearwater, Florida

MTC–00024061

From: pgafour@erols.com@inetgw
To: Microsoft ATR
Date: 1/25/02 8:30am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Peang Gafour
7405 Parkwood Ct.# 301
Falls Church, VA 22042

MTC–00024062

From: Ron Wielage
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/25/02 8:34am
Subject: Microsoft Settlement
Renata B. Hesse Antitrust Division
U.S. Department of Justice
601 D Street NW Suite 1200
Washington, DC 20530–0001
Re.: Microsoft Settlement

Dear Ms. Hesse:

In response to the request for comments in USDOJ vs Microsoft in accordance with the Tunney Act I ask that such settlement be rejected.

Having read the Revised Proposed Final Judgment, as proposed by USDOJ and Microsoft, and having read the proposed judgment by the nine states, and having understood that the purpose of the Tunney act to solicit feedback from US citizens affected by the outcome of a final judgment is to make sure that any such final judgment is in the best interest of the consumer, I now submit the following:

1. That, in order to be in the interest of the consumer, it seems fair that any such judgment can be clearly understood by the consumer.

2. That, while the Revised Proposed Final Judgment may be comprehensible by the attorneys who drafted it, I cannot clearly comprehend its implications.

3. That I can comprehend the proposed judgment by the nine states and that the proposed judgment by the nine states meets my needs for creating an environment in which it can buy at a fair price what has become a ubiquitous product in a non-competitive market place.

Therefore I have placed my signature below to signify my desire that the court reject the proposed USDOJ vs Microsoft final judgment and instead adopts the remedies in the proposed final judgment of the nine states as the final judgment.

Sincerely,
Ron Wielage

MTC–00024063

From: mmjd01@netscape.net@inetgw
To: Microsoft ATR
Date: 1/25/02 8:31am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Mark Peterson
7715 SE Lambert St
Portland, OR 97206–8550

MTC–00024064

From: Peter Mengaziol
To: Microsoft ATR
Date: 1/25/02 8:35am
Subject: Microsoft As Monopoly

The US Government must stop Microsoft from extending its reach into any other aspects for the simple reason that it has shown itself to force control over information to its own ends no matter what the cost to the consumer. Its monopolistic practices have kept alternatives out of reach for many people to the detriment of all users worldwide.

Besides creating the shoddiest sort of operating environment available it has attempted to control the ''content'' of documents via its Smart Tags technology which can add linkages that were not intended by the original authors of the document. This meddling with information is too frightening in its implications. If Smart Tagging can alter documents in any case, can the user be sure that this will NEVER be done under ANY cicumstances with or without the users knowledge of it???

The US Government must also remove its dependency on Microsoft products for its own useage since the levels of insecurity that Microsoft products provide is deplorable. There are several valid alteratives that must be deployed so that the US Goverment itself is not beholden to a single information technology provider (Linux, UNIX, MacOSX)

Peter Mengaziol

MTC–00024065

From: John Durrant
To: Microsoft ATR
Date: 1/24/02 3:38am
Subject: Microsoft Settlement

surely everyone who gets into business gains market share at the expense of some one else and the aim is to make as much cash for yuorself as possible. The fact that others are not as successful does not give them a right to complain.The opportunity to use other browsers within windows is not denied users, it just takes a little more effort. I have never seen the problem here and still dont. My feeling is that this has been seen as a way of inhibiting rivals and opening the possibility of free cash using lawyers not core business strategy and effort.

john

MTC–00024066

From: Mel Krewall
To: Microsoft ATR
Date: 1/25/02 8:36am
Subject: Comment on the Microsoft Antitrust case

It is my opinion that the current proposed settlement with Microsoft is wholly inadequate to make any change to Microsoft's business practices.

They have already entered into two consent decrees and have been found guilty in this third instance. I hope the court will reexamine a breakup of the company, which I believe will be the only way any curb can be placed on Microsoft's anti-competitive behavior.

Mel Krewall
Fort Worth, TX

MTC–00024067

From: Ed.S.Lentz@gsk.com@inetgw
To: Microsoft ATR
Date: 1/25/02 8:35am
Subject: Microsoft Settlement

I believe the proposed MS DOJ Settlement in a BAD Idea. I believe the settlement is not in proportion to the extremly illegal and monopolistic acts taken by MS.

The govermnent should not have settle so easily, MS needs much stricter penalties.

Edward S Lentz
Programer/Analyst GSK

MTC–00024068

From: rdillard@msxi.com@inetgw
To: Microsoft ATR
Date: 1/25/02 8:35am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Richard Dillard
249 2nd Street
Wyandotte, MI 48192

MTC–00024069

From: blackburn.je@mellon.com@inetgw
To: Microsoft ATR
Date: 1/25/02 8:36am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
John Blackburn
606 Pineridge Drive
Oakdale, PA 15071–9370

MTC–00024071

From: wielager@iquest.net@inetgw
To: Microsoft ATR
Date: 1/25/02 8:39am
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW Suite 1200
Washington, DC 20530–0001
Re.: Microsoft Settlement

Dear Ms. Hesse:

In response to the request for comments in USDOJ vs Microsoft in accordance with the Tunney Act I ask that such settlement be rejected. Having read the Revised Proposed Final Judgment, as proposed by USDOJ and Microsoft, and having read the proposed judgment by the nine states, and having understood that the purpose of the Tunney act to solicit feedback from US citizens affected by the outcome of a final judgment is to make sure that any such final judgment is in the best interest of the consumer, I now submit that that the proposed judgment by the nine states better meets my company's needs for creating an environment in which it can buy at a fair price what has become a ubiquitous product in a non-competitive market place.

Therefore I signify my desire that the court reject the proposed USDOJ vs Microsoft final judgment and instead adopts the remedies in the proposed final judgment of the nine states as the final judgment.

Sincerely,
Trio Data Systems
Ron Wielage
President

MTC–00024072

From: Charles Jennings
To: Microsoft ATR
Date: 1/25/02 8:34am
Subject: Microsoft Settlement

Dear Sirs,

I feel that, as a citizen who is concerned with the future freedoms of expression in our country, that action should be taken to prevent Microsoft from furthering their strangle hold over computer users. Please consider alternatives that will assure that citizens have choices when considering what products and services they have available to them.

I thank you.
Charles Jennings
PO Box 25292
Miami, FL
33102

MTC–00024073

From: Eric Hilferding
To: Microsoft ATR
Date: 1/25/02 8:45am
Subject: Microsoft Settlement

Hello,

I am the President and CEO of Shirts & Caps in Zephyrhills, Florida. we are in the decorated garment & promotional product

industry. My company also has developed a few software packages for Windows and Macintosh platforms. I have been interested and purchasing computer equipment for my business since 1982. It has been my observation that Microsoft has with out a doubt been acting outside fair practices. Many software packages that I have used that where better than any other product available where destroyed by the Microsoft methods of marketing. They have forced incompatabilities, and manuvered compediting products out of the marketplace—not through providing a better product or a better price—but through manipulating the customers access to the product. The Windows operating system has been the vehicle that Microsoft has used to push its other software packages. The most notable of these ''incidents'' are as you know, the competing operating systems of PS/2, Linux, Macintosh. The most notable program Nestscape Navigator—a far superior product that was copied and killed by Microsoft. As a fledgling software developer we often joke about if we make it big one of two things will happen—Microsoft buys us out or kills our programs. I have no desire to compete with a company that uses the type of business practices that Microsoft uses.

It is my feeling that the only way to fix the problem is to split Microsoft into a minimum of 3 parts—the operating system, hardware and the software branches. Microsoft has now entered the hardware market with xbox—a fully functioning pentium 733. The only way to keep the playing field level is to break the unfair advantage that Microsoft abuses with its three branches. At the minimum the software and operating systems need to be split. I heard about the Microsft proposed settlement offer to donate to schools. I belive this was a manuver that was attempting to gain market share against one of only 2 OS competitors left—Apple. This attempt on their part signals that they do not entend to cooperate nor do they recoqnize the decision of the judge that determined they are in violation of anti-trust laws. They continue to act in arrogant defiance in the face of the United States of America and its people.

Thank you,
Eric Hilferding
Shirts & Caps
Zephyrhills, Florida
getyourshirts.com

MTC–00024074

From: Bruce Buckelew
To: Microsoft ATR
Date: 1/25/02 9:41am
Subject: Microsoft Settlement

[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]
To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, we wish to comment on the proposed Microsoft settlement.

In my experience, the judgment does not address one of the most critical issues Microsoft causes through their practices. The administration of the EULA for MS Windows 95 and Windows 98 attempts to obsolete millions of perfectly good computers by preventing the use of MS Windows products EVENTHOUGH THESE PRODUCTS HAVE BEEN PAID FOR. The effect on schools, non profits and the poor, not to mention the environment, is devastating. For the past several years, since my retirement from the computer industry, I have run computer reuse facilities that refurbish and place computers in the Oakland Public Schools. We (several business partners, the School District, hundreds of student workers and more hundreds of volunteers have placed over 5000 computers in classrooms and labs and over 2500 in student homes.

We run a very low overhead operation with donated equipment, warehouse space and labor.

I have pasted the quotes from Microsoft webpages below on ''Guidelines for Accepting Donated Computers'' and would like to comment on them in context.

You can see them at the following website.

http://www.microsoft.com/education/?ID=DonatedComputers

I have also pasted an apparent internal MS memo with further guidelines.

Our main expense has always been the purchase of Microsoft products. Often this must be done WHERE THERE WAS LIKELY A PRODUCT (Windows 95 or 98) already purchased. Most companies don't keep the license with the computer. Most companies that I have worked with purchased their computers from vendors that preinstalled the software (Dell, Compaq, IBM, Toshiba, etc.). It is my experience that most Pentium level computers CAME WITH WINDOWS originally. If I read the antitrust case correctly, OEMs were REQUIRED to install Windows if they wanted to maintain their relationships with Microsoft. If this is indeed the case, THE PRESUMPTION SHOULD BE THAT THE OPERATING SYSTEM IS INCLUDED EVEN IF YOU CANNOT FIND THE DOCUMENTATION. Microsoft could have made this very easy. They could have said ''If you receive a computer from one of the following vendors (include a list such as the above) and it is a P75 or greater, you can assume that it came with Windows 95. If it is a PII 266 or greater, assume Windows 98. See Microsoft's answer to question #1 below. If there is a legal requirement that the software remain with the hardware, you shouldn't need any special documentation of the license to make it legal.

I have worked with Compaq Services and they can tell me exactly what software was originally installed. Through them, I can prove that W95 or W98 was purchased from Microsoft. This is not, according to MS, sufficient. They would like an additional, secon purchase. In any case, because of the risk of Microsoft either coming after me/you for software piracy or the desire not to make Microsoft mad because they might give me/you something in the future, most recyclers want to lay low and not take MS on.

This is because we want to best help our clients/customers and we know that they will be using MS products in the workplace, school, libraries, etc and want to get them what is most useful. In any case, in order to stay completely legal, our organization has used our scarce resources to buy MS products when we were pretty sure that they had already been purchased for these machines.

This is appalling.

What is more appalling is the lack of an aftermarket for MS products. You'd think, 5 or 6 years after it came out, that you could buy a copy of Win95 for $5 or $10. It would be great if you could buy it from MS, BUT THEY ONLY SELL THE CURRENT STUFF THAT WON'T run on the older machines. They will sometimes graciously tell you that if you buy a current version (what does XP cost, $1497), you can run a prior version, but I haven't seen this on their web site.

If you go to a local computer show, you can find Win95 for $10, but MS says it is not legal. They have been going after resellers on Ebay, lately.

Why is MS so afraid of their older products? The reason is that the emperor has no clothes. The product hasn't actually gotten any better to do the things that I want. Windows XP has absolutely nothing that I need that I can't get in Windows 95 or 98 with a few free addons from the Internet (Realplayer, Netscape, etc., etc., etc.).

MS wants an all XP world. But what would such a thing do to the world? It would make millions of computers obsolete and headed for landfill. Do you realize how few older computers can run XP?

What should MS really do if they wanted to help with the digital divide issue? Very simple. Make Window 95 or 98 free to non-profits (as so many other companies have done with their products). We could use it for schools, community centers and on computers that we send to homes of people that don't have computers. I actually think this would help MS in the long run (which I don't mind) and it would sure give millions access that don't have access today. Reviewing the second document from Microsoft (below) makes me understand why MS is finally interested in this issue (besides ridding themselves of the class action lawsuit). The MS marketing folks are spending a lot of time telling their (angry) corporate customers why it is so hard to donate their excess equipment to the public schools and other non-profits. It has nothing to do with trying to bridge the digital divide. MS doesn't have that much good will. The settlement proposal is the crudest, most transparent attempt I've seen for MS to TRY to look like a good corporate citizen when they have been responsible for the problem from the outset. The following in quotes comes from MS website with comments by me (in CAPS, not in quotes.) http://www.microsoft.com/education/?ID=DonatedComputers ''A Guide to Accepting Donated Computers for Your School

''The decision to accept or decline an offer of donated computers for your school can be complicated. There are many important questions to ask, including:

Will the computer run the software that your school currently uses?''

USUALLY YES, UNLESS MS HAS SOLD THE SCHOOL DISTRICT A BILL OF GOODS TO TRY TO GO TO ALL XP.

''What is the cost of integrating the hardware into your existing networks?''

USUALLY IT IS CHEAPER TO INTEGRATE A RECYCLED COMPUTER THAN A NEW ONE. YOU NEED A LESS EXPENSIVE LOCKDOWN DEVICE. YOU CAN PROVIDE SPARES. MOST OF THE COMPUTERS INSTALLED ARE LIKELY THE CLASS OF THE RECYCLED ONES. A MORE INTERESTING QUESTION IS WHAT IS THE REAL COST OF REPLACING YOU EXISTING COMPUTERS WITH NEW ONES.

''Will your teachers or students need additional training to use the computer?''

USUALLY, NO. THEY WILL NEED IT, HOWEVER, IF THE SCHOOL DISTRICT MAKES THE MISTAKE OF GOING TO XP TOO EARLY.

''To help you in your decision-making process, we encourage you to read the article Donating used Computers to Schools: Boom or Bust? If you feel it is in the best interest of your school to accept the donated PCs, make sure that the hardware donation includes the original operating system software. Keeping the operating system with the PC is not just a great benefit it is a legal requirement.''

IF IT IS A LEGAL REQUIREMENT, SHOULDN'T IT BE ON MICROSOFT TO PROVE THAT A COPY WASN'T PURCHASED (USING THE GUIDELINES MENTIONED ABOVE), ESPECIALLY IF IT WAS A NAME BRAND COMPUTER?

Questions and Answers

Q. Why should a donor include the operating system with their PC donation?

A. It is a legal requirement that pre-installed operating systems remain with a machine for the life of the machine. If a company or individual donates a machine to your school, it must be donated with the operating system that was installed on the PC.

THEREFORE, WE CAN ASSUME THAT ANY COMPUTER THAT ORIGINALLY HAD MS SOFTWARE STILL HAS IT. EVEN WITHOUT THE DOCUMENTATION.

MTC–00024074–0005

Q. What does the donor need to do to donate a PC with the operating system? A. PC owners have to transfer their license rights to the operating system to your school along with the PC. They may do so as specified in their End-User License Agreement (received at the time of purchase) as part of a permanent sale or transfer of the PC.

FOLLOWING QUESTION 1, THEY DON'T REALLY HAVE AN OPTION. IT MUST GO WITH THE COMPUTER. WHY REQUIRE LOTS OF ADDITIONAL (HARD TO FIND) DOCUMENTATION?

Q. How does the PC owner transfer their license rights for the operating system? A. The following should be included with the donation of the PC.

All copies of the software on original disk or CD, including back-up and/or recovery materials

Manuals and printed materials

End-User License Agreement

Certificate(s) of Authenticity

YOU'VE GOT TO BE KIDDING.

Q. What if the donor can't find the backup CDs, End-Use License Agreement, End-User manual and the Certificate of Authenticity? Can they still donate the PC and operating system?

A. Microsoft recommends that educational institutions only accept computer donations that are accompanied by proper operating system documentation. If the donor cannot provide this documentation, it is recommended that you decline the donated PC(s).

WHAT DOES MICROSOFT RECOMMEND BE DONE WITH THIS PC? SHOULD IT GO TO LANDFILL? WHAT A SHAME WHEN IT IS SO USABLE AND THEIR IS SUCH A NEED? INTERESTING THAT MS DOESN'T SUGGEST THE SCHOOL FIND AN APPROPRIATE OPERATING SYSTEM. TOO BAD THEY DON'T SAY, ''IF THIS COMPUTER ORIGINALLY CAME WITH A MS OPERATING SYSTEM...SEE ABOVE LIST...IT CAN BE RELOADED WITH THE EQUIVALENT...BECAUSE MS HAS ALREADY BEEN PAID FOR IT.

THE ARROGANCE. DECLINE THE DONATED PCS? HOW ABOUT GIVING THEM TO ME AND I'LL PUT NEWDEAL ON THEM AND GIVE THEM TO FAMILIES. I MIGHT PUT A STICKER ON IT THAT SAYS THAT ''THIS COMPUTER ORIGINALLY CAME WITH A MICROSOFT OPERATING SYSTEM, BUT, SINCE WE CAN'T FIND THE ORIGINAL CD, YOU'RE JUST OUT OF LUCK...ASK AROUND, PERHAPS A FRIEND OF YOURS HAS THE ORIGINAL CD AND YOU CAN LOAD IT (IF YOU HAVE ALL THE REST OF

MTC–00024074–0006

THE DOCUMENTATION.''

Q. Can I upgrade the operating system on a donated machine? A. Yes, once the machine and installed operating system is transferred to your school or institution you own the PC and the licensed software. You can upgrade via Microsoft Academic Licensing Programs: Microsoft School Agreement Subscription, Microsoft Campus Agreement Subscription, Microsoft Academic Open or Microsoft Academic Select. Contact your preferred Microsoft Authorized Education Reseller for details.

THE OTHER ANSWER IS THAT IF THIS IS SPECIFICALLY FOR A SCHOOL, YOU CAN OFTEN BUY A LICENSE FOR AN OLDER OPERATING SYSTEM AT A REDUCED PRICE USING SCHOOL PRICING. THE PRICE FOR OFFICE 98 LICENSE (NO MEDIA) IS SLIGHTLY UNDER $50 AT THE CURRENT TIME. I'M NOT SURE, BUT I THINK MS IS TRYING TO STOP DOING THIS WITH THE NEW XP LICENSING NONSENSE.

Following is an apparently MS Internal document dealing with this issue. Again I have added comments in CAPS.

<<Donated PCs and the Transfer of the MS OS.doc>>

<<DONATED PCs OEM QA.doc>> Please feel free to forward any of these documents to the agencies that are donating the community centers computers w/out an OS.

Best regards,

Robin Willett

Microsoft Education Solutions Group

Phone 800.426.9400x 11648

Fax 425.936.7329

robinwi@microsoft.com http://www.Microsoft.corn/education

Empowering people through great software anytime, anyplace, and on any device.

LETTER STARTS HERE

Donated PCs and the Transfer of the Microsoft Operating System

MTC–00024074—0007

Background for 9/6/00 Conference Call

Background: Donations of used or outdated machines by businesses and government organizations to K-12 schools and charities worldwide is increasing. Today, 10% of all newly acquired PCs going into K-12 are donated, approx 250,000 machines. (This number is forecasted to grow significantly over the next few years.) Many times these PCs arrive without an operating system, or if the OS is included, without the legal documentation or proof of license for the OS.

Schools and charities that receive these machines are not able to purchase a bootable desktop operating system from Microsoft and there hasn't been clear communication around our policy, a systematic process, or self-serve set of tools for transferring licenses with donated hardware. This has resulted in customer satisfaction issues for the schools and charities receiving the equipment and the organizations (many being our enterprise customers) making the donations. As a result, most of our reps are spending cycles on this issue with their customers. SO MICROSOFT IS INTERESTED BECAUSE OF ''CUSTOMER SATISFACTION ISSUES''. ANGRY CUSTOMERS THAT CAN'T DONATE THEIR SURPLUS EQUIPMENT TO THE SCHOOLS.

Long Term Solution: Microsoft does not endorse the use of second-hand hardware in schools; in fact we actively position the benefits of using the latest hardware and software technology to schools, teachers and students. However, PC donations continue to grow and requests to Microsoft have increased over the past 12 months to the point where a solution is required to minimize field overhead and better satisfy customers. Because education customers represent such a large percentage of the entities receiving recycled PC's the education group has led a cross-company effort to implement solution.

THERE ARE NO BENEFITS. JUST COSTS.

First, a website has been created to serve as the primary source of information for all Microsoft customers concerning the issues of donating and receiving recycled pc's with Microsoft software. The website is designed to educate and inform all parties involved with donated machines, from the businesses and governments making the donations to the schools and charities who are receiving them. Most importantly the web site will clarify how to donate a machine to a school or non-profit organization. This will include clear messaging of the legal requirement that the original OS stay with the machine and that naked machines should not be accepted. It will also provide a downloadable legal document acting as proof of ownership for those organizations donating machines, but unable to locate the EULA, COA, and back-

up discs required when transferring the OS. With this the school or charity will have legal proof in the form of a document signed by the donating organization that they are licensed for the OS.

In addition, the web site will provide a simplified process for donating Select, Enterprise Agreement, and Open licenses to a school or non-profit. To support this, the website includes a simple online license transfer tool that requires the donating organization to enter all pertinent data from their volume license agreement. After entering the required and validated data the business will be given access to the legal document that grants transfer rights to another entity. Microsoft will have access to and track the information about the licenses being transferred by each account. This process automation will reduce field, customer, and business-desk time and enable our volume license customers to transfer licenses with donated equipment in a simple and secure way.

However, after spending several months developing a solution it became evident that ownership of the policy and process needs to reside in WW Licensing. They have agreed to add this to the plate of the new K12/HEd license person when they are hired, but this will be low on the priority list given all the other immediate needs.

Proposed Short Term Solution: Given the growing customer satisfaction issues and the time the reps are investing in this issue, I believe that we need to put a short term solution in place that consists of more than Jane, Andrea and I fielding customer and rep questions and communicating that a website should be available shortly (we've been saying this for 6 months.) Therefore I am proposing that we launch the PC recycling website so that there is a place to point customers for information upon request. We will not proactively market the website. In addition, there will be no one fielding questions around the site—the reps will need to do this with help from us as needed.

Pros:

Reps/telesales have a place to direct customers

Allows us to capture customer data from those donating PCs and transferring the OS licenses that can be audited later

Cons:

Any questions that arise around the site will need to be fielded by the reps of field.

There will not be an alias where customers can send questions.

The website could be changed/pull down once WW licensing takes ownership of the policy Timeline: The website described above is near completion -it requires some revisions to the content and database prior to being propped. It is estimated that the changes will take about 4 to 6 hours by a web developer. Website: You can view the contents of the website on the test server at:

http://internet-build2/giving/dpcs.htm

Here is link to the database without the required changes (problem with a couple of fields— state/province and license# with OEM product.):

http://fasteddy/education/license/pcrecycle/default.asp

Once a customer has inputted the required information, they will have access to the appropriate transfer letters.

OEM Licensing Q&A

Q. I just received a (new or used) PC with Windows installed on it. How can I tell whether my PC is legally licensed?

ANSWER: To ensure you are getting genuine Microsoft software with your PC purchase, you should first look for the Certificate of Authenticity (COA) Label affixed to you PC. http://www.microsoft.com/piracy/howtotell/how/coa.asp THIS DIDN'T START UNTIL WINDOWS 98 SECOND EDITION AND WASN'T APPLIED UNIFORMLY MY BUSINESSES DUE TO LAG TIMES WITH MICROSOFT.

Q. I got my new system with a COA but w/o a MS CD, is it still legal?

ANSWER: Depending on your source for software you may or may NOT have an Edge-to-Edge CD included with your PC. Please check this web site for further clarification.

http://www.microsoft.com/piracy/howtotell/how/coa.asp

Q. Some of my PCs are not licensed for Windows full OS. How do 1 get a legally licensed OS for my PCs?

ANSWER: Contact your local OEM/SB who can sell you OS bundled with computer hardware for your existing PCs.

Q. Is it illegal to purchase a naked PC? INTERESTING USE OF TERMS TO DESCRIBE MILLIONS OF PCS EVERY YEAR.

ANSWER: It's not illegal. However, you may end up paying more for your OS if one was not pre-installed by the System Builder. If you do not have an OS pre-installed you have only two options to obtain a full OS:

Purchase an OEM license with additional hardware from your OEM/System Builder

Buy the FULL-PACKAGED PRODUCT from a retail store

It is important to note that all new machines should come with a bootable operating system pre-installed (i.e., MS-DOS with Windows 3.11, OS/2, etc.). For example, a customer who has an OEM version of MS-DOS 6.22 and Windows 3.11 pre-installed on a new machine is eligible to acquire a Windows 98 Version Upgrade or enroll in Windows Upgrade Advantage or he/she may acquire a Windows 2000 Pro Competitive Upgrade. The Select 5.0, Select 4.0, Select 3.0 and Open License programs only offer upgrade licenses, so the customer cannot acquire a ''naked'' PC and install a full operating system license under any Microsoft volume licensing program.

Q. Does volume licensing include a full Microsoft Operating System (OS)?

ANSWER: No, Microsoft Volume licensing only licenses you for the OS upgrade and sometimes downgrade. There are only three ways to obtain a FULL OPERATING SYSTEM:

1. Buy the FULL-PACKAGED PRODUCT from a retail store

2. Purchase a PC with an OEM version of the operating system preinstalled, or

3. Purchase an OEM license with additional hardware from your OEM/System Builder.

All other licensing programs from Microsoft offer only upgrade licenses for operating systems. If the customer does not have a full operating system license under those upgrades, they are not fully licensed and are not compliant.

Q. If I accept donated computers, what do they need to come with?

ANSWER: If your organization accepts donated computers; make sure that the hardware donation includes the original operating system software. Keeping the operating system with the PC is not just a great benefit—it's a legal requirement

http://www.microsoft.com/giving/dpcs—old.htm

http://www.microsoft.com/education/license/pcrecycle/

Q. What if I have already received a donated machine without an operating system and no proof of a legal operating system license?

ANSWER: You have three options

Request a proof of license from the organization that donated the machine. Once you receive their documentation confirming legal proof of license, you may install the operating system for which you are licensed.

Return the donated machine to its original owner and request they reinstall the operating system. Visit www.microsoft.com/oem/to learn more about how you can participate in Microsoft's System Builder Program.

Q. What if the donor can't find the backup CDs, End-User License Agreement, end-user manual and the COA? Can they still donate the PC and operating system?

ANSWER: Yes, but the donor needs to sign a letter stating they are unable to find the original paperwork and software. Here is a sample proof of license letter that is available to download. The organization's information needs to be filled in and included with the donated machines. This letter will serve as proof of license for the school or nonprofit.

Q. Can I transfer my operating system license from an old PC to a new one?

ANSWER: No. Current OEM licenses for all operating system products are not transferable from one machine to another.

For more information:

cpitgcfs15\USSALES\ Public\ Anti-Piracy\Channel\OEM\ LICENSINGQA.doc

Q. If I bought a new PC that has Windows 2000 Professional installed, am I allowed to down grade to Windows NT Workstation?

ANSWER: Not under your OEM License. However some Microsoft volume license agreements allow you to downgrade. Visit www.microsoft.com/licensing for more information.

Q. If I bought a PC that has both Windows ME and Windows NT Workstation installed, does that mean I'm licensed for both?

ANSWER: No. The EULA dictates what a customer can do with their software after they receive it preinstalled on their PC. For example: The EULA for Win 2K Pro states:

The manufacturer may have elected to provide you with a selection of Microsoft operating system software for the COMPUTER. If the SOFTWARE PRODUCT includes more than one (1) Microsoft operating system (''Microsoft OS''), you are licensed to use only one of the Microsoft OS selections provided. As part of the setup process for the SOFTWARE you will be given

a one-time option to select one (1) Microsoft OS. Upon selection, the one Microsoft OS selected by you will be set up on the COMPUTER, and the other Microsoft OS(s) not selected by you will be automatically and permanently deleted from the hard disk of the COMPUTER.

Other sites:

http://www.microsoft.com/education/license/pcrecycle/

http://www.microsoft.com/giving/dpcs—old.htm

http://www.microsoft.co n/business/downloads/licensing/OS—License—requirements.doc

The bottom line is, through MS predatory licensing practices, millions and millions of computers are rendered ''obsolete'' by Microsoft every year. These computers are perfectly good for schools, non-profits, and millions of people on the other side of the digital divide. Microsoft is doing everything in their power to get rid of older computers. Their practices virtually eliminate an aftermarket.

Thank you for your consideration.

Bruce Buckelew

Founder and Director, Oakland Technology Exchange

426 Alice, Oakland CA, 94607

MTC–00024075

From: Mathieu Gagne
To: Microsoft ATR
Date: 1/24/02 10:16pm
Subject: Microsoft Settlement is Wrong

To Whom this may concern:

I wish to express my fear that the proposed settlement with Microsoft goes against the public interest. For many decades now the process of software development has been best understood in terms of ''task subdivision'': take one big task, subdivide it into multiple smaller tasks, and have each of those tasks communicate with one another through well-defined and well-known ''interfaces''. That these interfaces be public is critical, as it allows the greater number of programmers (like myself) to reuse existing technology to improve products. Thus progress is made.

Microsoft is exercising its monopolistic powers to hide a number of previously well-known ''great interfaces'':

—the interface between the operating system and the browser (Internet Explorer);
—the interface between the operating system and hardware drivers (proprietary deals with particular hardware vendors);
—the interface between a document and a program that can process this document (the proprietary nature of all of Microsoft Office document formats);
—the interface between a web server and a web browser (proprietary extensions to web standards like HTML); etc.

From a technological standpoint, hiding these interfaces can only be detrimental to the public. It slows down software progress. In extreme cases, it also opens the door for egregious and terrifying security abuses, the existence of which is hotly debated but ultimately impossible to deny. Paradoxically, Microsoft is one of the biggest proponents of the notion of ''open interfaces'' in the software industry, as a quick glance at the computer section of any bookstore will reveal by the wealth of books dedicated to COM and MFC. All these books, many of which are published by Microsoft Press, essentially proclaim the same truth: ''open up your interfaces, and everyone will profit: you, the public, and Microsoft''. This is true, and good. They can only be commended for this achievement.

However, these COM and MFC interfaces are of a much lesser realm than the ''great interfaces'' above. The latter, Microsoft has decided, should in fact be closed and hidden in order to lock the consumer into buying its products. That the progress of software development suffers is immaterial to them.

The proposed settlement agreement does nothing to remedy the hiding of the ''great interfaces''. Undoubtedly, these interfaces are documented within Microsoft proper. Breaking up Microsoft, as has been proposed in the past, is one self-evident way of exposing the interfaces, the most viable solution in the long term. At the very least, any settlement with them should force the disclosure of all these interfaces.

Otherwise, Microsoft's monopoly will continue to hurt the development of new software technology and to threaten the security and reliability of computers everywhere.

Best,

Mathieu Gagne.

MTC–00024076

From: James E. Felton
To: Microsoft ATR,letters@news.com@inetgw,ASKDOJ
Date: 1/25/02 8:46am
Subject: Microsoft Settlement/Computing you can rely on

A response to:

Pro: Computing you can rely on

By Craig Mundie,

Chief Technical Officer, Microsoft Corporation

http://news.com.com/2010–1078–820500.html

Mr. Mundie, this has to be one of the most hilarious things I've heard of in my lifetime! A Microsoft executive talking about ''achieving the goal of trustworthy computing''? That's about like Attila the Hun's right-hand-man talking about achieving the goal of ''peace and love''! HAHAHAHAHAHAHAHAHA!

Craig, GET A BRAIN! You work for the world's largest CRIMINAL ORGANIZATION! Virtually everyone on the planet knows it at this point! And those who don't will figure it out eventually! Microsoft doesn't have a trustworthy bone in it's (corporate) body! It is a plague on mankind!

A little history... In early 1995 I watched the story of Bill Gates on Biography. This show had me totally convinced that Bill Gates was a bona fide hero! I bought my first PC in February 1995. I had a degree in electronics, but I had never used a PC. I was surprised to find that I absolutely hated Windows 3.1! Some hero Bill Gates is! Windows 3.1 was GARBAGE! In the following months my wife must have heard me threaten to throw the PC in the yard at least 50 times! Well, the unfortunate fact was that I was stuck with a $2000 PC that I HATED. In my view, ANYTHING would be an improvement. So I was among the first to install Windows 95 upgrade, and I was also among the first 500 to join MSN! At least with Windows 95 I was able to accomplish basic tasks like writing a letter, or connecting to the Internet. And as a result, over the next few months, rays of truth about Microsoft slowly began to accumulate through my use of Prodigy and MSN. In the course of using MSN, I became interested in sending ''multimedia files'' (photos, etc.) to friends. However, in.trying to send ''multimedia files'' to others who did not use MSN, Microsoft's ''proprietary fence'' became increasingly clear to me—I'd send someone a picture and all they got was a large download GIBBERISH! Very embarassing!

In about February 1995 I heard about Netscape's ''Gold Rush'' campaign. They claimed they could set me up with an independent ISP, a Netscape browser, and a ''personal web space'' in ONE HOUR! Somewhat skeptical, I signed up with Concentric Network and was surprised to find that they did exactly what they claimed they could do. Now THAT was trustworthy computing! Suddenly, not only could I write and publish my own web pages using a browser with a built-in WYSIWYG editor, but I could insert, or attach photos, sound files, and etc. in emails and people actually received what I sent! BYE, BYE MSN!!!

The greatest thing about freedom is that it enables people to search for, and find, TRUTH! In the 5+ years that I've been using a PC, and the Internet, I've uncovered a great deal of truth about Microsoft. And the TRUTH IS that Microsoft is a HUGE roadblock to ''trustworthy computing''! Not only is Microsoft fundamentally crooked to the core, but it's crookedness trickles down to infiltrate our entire society! NO COMPANY can compete fairly with Microsoft. Microsoft cheats, lies and steals, so every company that wants to survive has to mimic this behavior! From ''creative bookkeeping'' to vaporware to deceptive product claims (a 32-bit P750 is faster than a 128-bit custom 295 mhz processor? NOT ACCORDING TO MY CALCULATOR!), Microsoft has set new standards of crookedness, unmatched in the history of the world!

Mr. Mundie, I am the son of an HONEST MAN. My father was the kind of person that would drive 10 miles to take back the 18 cents too much change the ''checker'' at the grocery store gave him. He was a Sunday school teacher, a Boy Scout leader, a full-time father—a man whose only goal in life was making the world a little better place. Do you have any idea of the responsibility I bear in being the son of a man like that? Every single day of my childhood my father taught me by example! He was never afraid of a question. He would explain exactly WHY it's wrong to lie, cheat, exaggerate, or etc. At the age of 5, he taught me the poem ''If'' by Rudyard Kipling!

I've heard of Microsoft personnel, possibly including yourself, referring to Linux and the GPL as ''cancers''. Sir, if Linux and the GPL are cancers, then the english language, as well as all other means of self expression are also cancers! After all, the only real

difference between machine code and a spoken language is the percentage of the population is that is familiar with it. Microsoft's purpose is to use our lack of familiarity as a means to defraud us, the public, of our right to free speech! In other words, in a sense, Microsoft is unconstitutional! Microsoft wants to put a proprietary fence around it's collection of stolen (code) ideas under the guise of ''intellectual property''.

I am currently in the process of writing an article called ''Hamburger Piracy''. The purpose of the article is to convince the public that software code is simply a recipe, much like a recipe for soup, or pie, or a hamburger. McDonnalds, Wendy's and Burger King have a right to each sell their version of the hamburger. But none of them can OWN the hamburger. NEITHER can they succeed in claiming that a cookbook is a ''cancer''.

Mr. Mundie, the ability of the individual to write, speak, and publish are inalienable rights. And the creation of a free standard ''markup language'' known as HTML has enabled the public to participate in the creation of a great information source known as ''the Internet'' that belongs, and provides benefits to everyone who is able to access it. Therefore, as a matter of ''logical progression'', I submit to you that the creation of a free standard of reading and writing computer code will provide similar benefits.

Mr. Mundie, sir, if TRUSTWORTHY COMPUTING is the goal, then LINUX AND THE GPL are the solution! Like our United States Constitution, Linux and the GPL are a system OF THE PEOPLE, BY THE PEOPLE, AND FOR THE PEOPLE.

James E. Felton
Editor, NC News
http://www.ncns.com

MTC–00024077

From: Jim Burke
To: Microsoft ATR
Date: 1/25/02 8:46am
Subject: Microsoft Settlement

I don't care if you fine them, but you should make them open up the sources to the Application Program Interfaces (APIs- I think is what that translates to). I use OS/2 and Microsoft's use of insider information to design their operating system been used to make continued development of this operating system difficult because competing designers don't have the information to see what it is they have changed and figure out ways to circumvent the changes. By the time programmers can figure out what has been changed, their programmers have ''redesigned'' the operating system and the next release breaks. The effect of this ever-changing scenario is to put software developers for OS/2 into an ever declining market for their products. IBM gave up trying to compete against them, but there are still a few companies who could benefit if Microsoft were able to have the APIs made open source.

I'm just a user so the technical details may be off target. I hope you get the drift.

Jim Burke

MTC–00024078

From: Will.Bauer@cincyblind.org@inetgw
To: Microsoft ATR
Date: 1/25/02 8:48am
Subject: Microsoft Settlement

The current settlement is weak. It would barely be considered a slap on the wrist to Microsoft.

MTC–00024079

From: John Malish
To: Microsoft ATR
Date: 1/25/02 8:50am
Subject: Microsoft Settlement

The proposed settlement is too soft on Microsoft. Please revise the settlement to impose fair business tactics much more forcefully. I have heard the stories of IT adminstrators losing job after job because Microsoft is almost willing to give their product away to get companies to switch from Lotus to Microsoft Exchange.

MTC–00024080

From: Michael
To: Microsoft ATR
Date: 1/25/02 8:50am
Subject: Microsoft Settlement

MTC–00024080—0001

I think the proposed settlement is a bad idea.

Michael Junkroski, CTO
vsm.net
992 Winterberry Dr.
Marco Island, FL 34145
941.642.0304
01/29/2002 12:40

MTC–00024081

From: MT Software- Myron Thomas
To: Microsoft ATR
Date: 1/25/02 8:52am

Subject'' Closing the Microsoft AntiTrust Suit

Please accept this attached letter for what it is: One letter asking that you bring the Microsoft antitrust suit to a close and let the already erected steps-to-justice work toward a level playing field within the IT industry.

SOFTWARE
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

As a software developer I feel no great love for the Microsoft Corporation, however, as a business owner I feel that the antitrust suit against this corporation needs to come to an end. It is my belief that the settlement that has been reached in this case is fair and will make strides in leveling the playing field within the IT industry.

From what I understand...

The settlement will ensure that Microsoft does not utilize any business tactics that may be considered either predatory or retaliatory.

The company will disclose various internal interfaces within its Windows operating system that will be used by its competitors to design products that will run within the system.

Microsoft has also agreed to design all future versions of Windows to be more compatible with the products of other companies.

There will also be a three-person technical oversight committee, appointed by the government that will monitor Microsoft and ensure that they do not violate the tenets of settlement.

When the government begins to become involved in business we lose that which has made this nation great: free enterprise. The suit brought against Microsoft has been reasonably settled, continuing the litigation will not aid this nation. Thank you for your support in this issue, and for protecting free enterprise in this nation without stifling fair competition.

Sincerely,
Myron Thomas
Owner
MT SOFTWARE INC.
9715 S. W. Broward Blvd. #126 Plantation, FL 33324 Local:
965–475–2004 Fax: 954–473–2785 Web-Site: www.mtsoftware.com
E-Mail: finaease@mtsoftware.com
Natalie Dunlap
316 Webster Street
Lewiston, ME 04240–4854
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I was pleased to learn the federal government decided to settle its antitrust case against Microsoft. This should have been done a long time ago. Nonetheless, I am in favor of the steps that have recently been taken to resolve this lawsuit.

I am a very strong supporter of Microsoft. As a result of Microsoft's hard work and innovation, we live in a world where I can communicate with loved ones across the country with ease. I firmly believe this case was brought as a result of the misguided idea that a successful company should be knocked down, and its competitors should be awarded the fruits of their labor.

Notwithstanding my belief that this case lacked merit from its inception, I think the settlement agreement's terms are fair. The court should not hesitate in its approval of the settlement. Microsoft has agreed to make it easier for its competitors to compete with Windows. They agreed to document and disclose to their competitors portions of the Windows code. They also agreed not to retaliate against those who promote software that competes with Windows. Nothing more should be expected or required of Microsoft beyond the terms of the settlement agreement.

Sincerely,
Natalie Dunlap

MTC–00024082

From: Matt Shepherd
To: Microsoft ATR
Date: 1/25/02 8:51am
Subject: Microsoft Antitrust Settlement

The United States government has failed the very people it is meant to serve in its antitrust case against Microsoft. In case there is any doubt as to who the government is supposed to serve it is the people, not multinational corporations.

Just at the time this case has seemingly come to a close Microsoft has released its latest operating system- Windows XP. This operating system goes further than any Microsoft software before it in pushing Microsoft's power onto an unitting public. Tools for burning CDs, playing videos, listening to music, etc. are all packaged in the operating system, and beyond that it is often difficult if not impossible for users to uninstall these add-ons should they decide they want to use a 3rd-party product. I for instance have no idea how to uninstall Microsoft Outlook Express.

Aside from limiting consumer choice, this is a danger to the consumers. Outlook Express, much like the Microsoft operating systems itself is a gaping security hole that I do not want running on my computer. The FDA tests food and pharmaceutical products to be sure they are safe to be released to the public, and yet the public has no protection against equally dangerous computer software. Windows XP is not only a slap in the face of the DOJ and its antitrust case with these bundled programs, but it is also a major security risk which puts common everyday citizens in danger of having their identities stolen, their financial information stolen and abused, and/or of having their computer hardware hijacked and used in distributed denial of service attacks.

Please do not let the current ''settlement'' pass. It is nothing more than a surrender on the part of the government and a signal to Microsoft that they have free-reign over the computer software market.

Thank You,
Michael M Shepherd
http://www.care2.com

MTC–00024083

From: Christopher Winton
To: Microsoft ATR
Date: 1/25/02 8:49am
Subject: Microsoft Settlement

I think the proposed settlement is bad idea

MTC–00024084

From: Thomas Strong
To: Microsoft ATR
Date: 1/25/02 8:51am
Subject: Microsoft settlement

January 25, 2002

Re: the proposed settlement consent decree

Dear Sir or Madam:

The recent ruling of the Court of Appeals in the Microsoft case upholds the findings of the District Court on just one of the four original violations of anti-trust law raised by the government. This narrowing of the ruling does not even include the ''tying'' claim which was the central argument of the government's case. It makes sense, given the Court of Appeals ruling, for Microsoft, the DoJ and the states to reach agreement in this case and move forward. The AG's of those states holding out for tougher remedies have not accepted this narrowing of the legal findings. They are in denial re: Judge Jackson's dismissal from the case, and their expectations are therefore unrealistic.

Meanwhile, AOL has filed suit in an obvious attempt to disrupt the resolution of the case? Why is Microsoft's inclusion of the IE browser on the Windows desktop any different that AOL's prominent display of, and reference to, its internet Messenger Service during CNN's news and call-in shows? If AOL alleges that the success of Microsoft's Internet Explorer (IE) is due to illegal monopoly maintenance, why does AOL continue to use IE rather than Netscape Navigator with its own internet service? AOL's contract to use IE has terminated, and it is certainly free to use its own product. Absent any other information, I can only infer IE is a better product.

I am hopeful the District Court will accept the settlement between Microsoft, the DoJ and several of the states in this case. Please do not spend any more government resources pursuing this case as it no longer serves the interests of the nation's consumers, but instead serves AOL, Oracle, Sun Microsystems and other Microsoft competitors, as well as the political goals of certain state attorneys general.

Sincerely,
Thomas Strong
Sammamish, WA

MTC–00024085

From: Dan Schwartz
To: Microsoft ATR
Date: 1/25/02 8:51am
Subject: Microsoft Settlement

I think that the settlement is a bad idea. It simply lines microsofts pockets with future sales and doesn't really do anything to create competition in the industry or resolve the monopoly problem.

Dan Schwartz
Bath, PA

MTC–00024086

From: Darrelhh@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 8:53am
Subject: Microsoft Settlement

I believe the proposed settlement is a BAD idea and do not agree with it.

Darrel Hanks

MTC–00024087

From: Steinke, Kate (CBC)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 8:55am
Subject: Microsoft Settlement

509 Lopax Road, Apt. L13
Harrisburg, PA 17112
January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I would like to take this time to give you my thoughts on the recent settlement of the Microsoft Anti Trust case. To begin, this case has been a burden on the technology industry and our entire economy. Consumers have only benefited from Microsoft's innovative technologies, the only harm that Microsoft has caused is being very successful and making our computer industry what it is today. This settlement cannot be delayed any further; Microsoft needs to focus on innovation, not costly legal battles.

I am a Software Engineer and I do applications development using both Microsoft and their competitors'' products. Although they have utilized some rather aggressive marketing strategies, I applaud Microsoft for creating such a well-integrated system. As part of the settlement, Microsoft will now be sharing more of their server protocols, internal interface design and source codes. They will allow OEM's to pre-install competing products within Windows and have promised not to retaliate against third parties who decide to distribute both Microsoft and their competitors'' products. Although the settlement concedes more than Microsoft may have wanted, it is certainly more than fair and will promote competition in the computer industry.

Please uphold this settlement and ensure that no further action is taken against Microsoft. Our economy is in no shape to withstand any more hardship.

Sincerely,
Katherine Steinke

MTC–00024088

From: bkbrunk
To: Microsoft ATR
Date: 1/25/02 8:56am
Subject: Microsoft Settlement

I am writing to protest the proposed settlement in the government's case against Microsoft. Allowing the guilty party to design its own punishment—and in particular, one which will *increase* its monopoly over its competitors (providing the educational system with MS software—when the schools are currently using Apple technology)—is corrupt, weak-willed, and Just Plain Wrong. I hope the court is *far* more punitive with Microsoft and takes charge of this case. As of now, it appears that political concerns are driving a legal decision and that is a disgrace.

Betsey King Brunk
Dallas, TX
bkbrunk@att.net

MTC–00024089

From: Lonnie Hutchinson
To: Microsoft ATR
Date: 1/25/02 8:56am
Subject: Microsoft Settlement

To whom it may concern,

I am writing this email to express my concern at the proposed remedy to the Microsoft anti-trust case. I feel that since Microsoft has been found guilty they should be punished accordingly. The proposed settlement does not seem propotional to the vast resources used to convict them.

Anthony Hutchinson
16 Galer St. #1
Seattle, WA 98109

MTC–00024090

From: Harrington B. Laufman
To: Microsoft ATR
Date: 1/25/02 8:58am
Subject: Microsoft Settlement

Hello Department of Justice,

To assess the impact of the Microsoft software monopoly one only has to look at the areas of information technology where competition still exists. Today's cheapest off-the-shelf PC boasts hardware that ten years ago was called a super computer, and at the price. Processor speeds and efficiency has increased over a 100 fold. Disk capacity has increased over 50 fold. Random access memory is pennies per megabyte rather than dollars. Hardware capacity is now ahead of

the demands of all but the most extreme hobbyist. The cost of this fantastic hardware is affordable by almost anyone.

Can we say the same for software? A resounding ?No!?. In fact many in the IT field note that software has degraded under the Microsoft monopoly. ?Bloat ware? is common as the advances in hardware compensate for poor programming and software design. Office productivity software is stagnant, buggy, and unreliable. Questionable ?ease of use? features are the only changes with new versions. The price of these functionally stale packages is flat or rising. The only pockets of software innovation are in the Open Source development, the Linux operating system, rogue applications like Napster and Gnutella, and the edgier side of gaming.

In spite of the disingenuous proclamations otherwise, Microsoft's monopoly has set software development back 20 years. For another eye opener, try to calculate the lost productivity caused by the exploitations of Microsoft's software security flaws. Fundamentally poor design decisions, sloppy programming, and a rush-to-market philosophy, have put everyone who uses a Microsoft equipped PC at risk of loosing dozens of hours of work simply by reading their e-mail. This level of inferior product would not be tolerated in any other consumer area.

Regards,
Harry
Harry B. Laufman Manager, Computer Operations
OSU College of Food, Agricultural, and Environmental Sciences
101 Vivian Hall 614–292–6554
2121 Fyffe Rd. Laufman.1@osu.edu
Columbus, Ohio 43210–1097

MTC–00024091

From: jroberts@gseworld.com@inetgw
To: Microsoft ATR
Date: 1/25/02 8:55am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jo Roberts
33222 Coe Lane
Magnolia, TX 77354

MTC–00024092

From: James E. McGrath
To: Microsoft ATR
Date: 1/25/02 8:58am
Subject: Microsoft Litigation

Sir/Madame.... Microsoft has standardized the industry and brought stability to an emerging sector. However the pendulum has swung too far. Analogizing Standard Oil 100 years ago is appropriate. Too much power is centralized with MS and the company is no longer nimble. MS can use it's market dominance to hinder or deny competition. It is a pattern often repeated. This same mass has begun to create products which have huge amounts of code but aren't nimble either. In my opinion MS products expect customer conformance rather than vice versa.

I'd like to MS split into five or more parts. Each with the same beginning point, that is, the core codes. These new companies would be extremely competitive. Their products would be compatible in order to saleable. This would be much more effective than a muddled and complex govermental regulation. Gate's worth would increase like Rockefeller's after the breakup. Seems like a win/win for all.

Thank you...
Jim McGrath,
Laramie, Wyoming

MTC–00024093

From: Carl Monroe
To: Microsoft ATR
Date: 1/25/02 8:58am
Subject: BREAK-UP MICROSOFT & Fine them $10 Billion
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Trial Attorney,

Microsoft is the STANDARD OIL TRUST of the 21st Century! Microsoft is NOT a technology leader. They follow & copy others technological developments. Their products are of poor to mediocre quality at high prices considering their value. The only thing they have going for them is that in essence they have Monopoly Market Domination with 95% of the market in computer operating systems. Were that not so we would all be paying much less for computer software of much better capability, reliablity, quality and technological advances.

You will probably receive many email comments from a supposedly non-profit organization ''Americans for Technology Leadership'' (www.techleadership.org) which is sureptitiously sponsored by Microsoft. I'm sending my comments by separate email to you as I suspect that were I to submit these comments thru them the message would be deleted.

Microsoft is the STANDARD OIL TRUST of the 21st Century! MICROSOFT should be fined $10 BILLION and BROKEN-UP into about half a dozen smaller companies.

Best of luck to you in your suit against Microsoft!

Carl Monroe
PO Box 6221
Chandler, AZ 85246

MTC–00024094

From: Richard Stuhan
To: Microsoft ATR
Date: 1/25/02 9:00am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I am very disturbed at the proposed antitrust settlement as it has been proposed. First, it is my belief that the proposed settlement will do very little to correct the anti-competitive behaviour of Microsoft. The proposed damages rememdy that would provide free software to schools is a very dangerous idea. This would give Microsoft the chance to improve their corporate image (Why would that be part of a corrective measure?) and unfairly give them greater access to one of the few markets in which they do not currently dominate. The result of this unfortunate oversight will be to enable Microsoft to directly attack Apple Computer in an one area where they (Apple Computer) are strong and competitive. Clearly, the proposed settlement puts Apple Computer at a dissadvantage, how will they compete with free software?

Their are many other problems I find in the proposed settlement but I will not address them all here. Let me finish by saying that I agree with the observations made by Dan Kegel on his website:

http://www.kegel.com/remedy/remedy2.html

Thank you,
Richard Stuhan
12716 W. Voltaire Ave
El Mirage, AZ 85335

MTC–00024095

From: Gary Moffatt
To: Microsoft ATR
Date: 1/25/02 11:10am
Subject: Microsoft Settlement

Have you read the man's book? To say Mr. Gates ambition is Hitlerian is faint praise. If you think monopoly is a crime, take steps that oppose the consolidation of power. Payment of fines in Microsoft products is rediculous. Listen to the people who have something at stake besides the status quo. It seems to me the goal of any action should be to lay the groundwork for individuals to defend themselves against the monster, not to close the books on a bit of stickey business. How can you even consider this act of non-contrition that Microsoft proposes? The whole world is watching. Sincerely

MTC–00024096

From: Andrew_Bartholomew@percussion.com@inetgw
To: Microsoft ATR
Date: 1/25/02 9:01am
Subject: Microsoft Settlement

To Whom It May Concern,

Regarding the Microsoft settlement, I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior. Hundred, even thousands, of small companies have ceased to exist over the

decades because of Microsoft's business practices. Similar to the settlement against AT&T, Microsoft should become a government regulated Monopoly, until its market share drops to an acceptable level (40%, for example, assuming one of it's competitors is now also at 40%). This must be true for all Microsoft product lines, before regulation is lifted.

Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

Imagine the damage to the United States if Microsoft were to fail, as Enron failed. The risks of a monopoly are greater than merely the loss of competition.

Sincerely,
Andrew S Bartholomew
33 Garfield St Apt A
Cambridge, MA 02138

MTC–00024097

From: Jeremy Heath
To: Microsoft ATR
Date: 1/25/02 9:01am
Subject: Microsoft Settlement

Microsofts historic action against competitors and refusal to act to the intent of the 1995 Consent Decree shows that this company will act strongly against any attempts to regulate the way it does business. I think that the proposed settlement is a bad idea.

I disagree with the way the proposed rememdy treats non-commercial conserns. The proposed remedy exclude information sharing with companies or entities that are not in business to make money. Some of these non-profit entities include such well used projects as: Apache Web Server, Linux Operating Systems and the Java Programming language. These are only a few of competitors which Microsoft will be able to strangle by with-holding information.

I would like to see a remedy that would force Microsoft to allow anyone to freely download the APIs and specification that allow any outside program to iter-operate with any Microsoft program (including Windows, Media Player and the Office products). The penalties should be stiff and well documented if Microsoft attempts circumvent these remedies.

I am encouraged by the Technical Committee that will observe Microsoft's business practices and encourage Microsoft to abide by the indent of the remedy. This board will force Microsoft to ''play fair'' by making sure that Microsoft does no pollute open standards by adding their own extensions. But I believe that the board should be established for more that its current proposed 5 years; I see 50 years as a better length.

I would like to see Microsoft allow any non-Microsoft software to be distributed on its install CDs or DVDs. I can see a company petition the outside board of expert to be included on the install CD as a way to encourage competition and allow for the greatest choice the the consumer. An unbundled version of Windows (at a cheaper price) as recommended by the dissenting nine Attorney Generals is good start, but resellers should be able to bundle what-ever they think their customer would want to use. Choice to the consumer is what this is all about; expediency should not out-weigh freedom of choice.

MTC–00024098

From: Joe and Alice Weintraut
To: Microsoft ATR
Date: 1/25/02 9:02am
Subject: Microsoft Settlement

The following excerpt Sums up, my and many of my peers views on the proposed Microsoft settlement.. a settlement which is completely inadequate in stopping Microsoft from continuing ''As usual.'' regarding fair business practices. Other companies and organizations (including ''not for profit organizations,) absolutely MUST be allowed to develop Computer operating systems that can efficiently run Microsoft software, and make calls to Microsoft developed sub-systems. Without a ruling to this effect, Microsoft will come out of this litigation as the winners, with the American, and world public as the clear losers.

Joe Weintraut
3422 Crocus CT.
Westfield IN, 46074

The remedies in the Proposed Final Judgment specifically protect companies in commerce—organizations in business for profit. On the surface, that makes sense because Microsoft was found guilty of monopolistic activities against ''competing'' commercial software vendors like Netscape, and other commercial vendors—computer vendors like Compaq, for example. The Department of Justice is used to working in this kind of economic world, and has done a fair job of crafting a remedy that will rein in Microsoft without causing undue harm to the rest of the commercial portion of the industry. But Microsoft's greatest single threat on the operating system front comes from Linux—a non-commercial product—and it faces a growing threat on the applications front from Open Source and freeware applications. The biggest competitor to Microsoft Internet Information Server is Apache, which comes from the Apache Foundation, a not-for-profit. Apache practically rules the Net, along with Sendmail, and Perl, both of which also come from non-profits. Yet not-for-profit organizations have no rights at all under the proposed settlement. It is as though they don't even exist. Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...''

So much for SAMBA and other Open Source projects that use Microsoft calls. The settlement gives Microsoft the right to effectively kill these products. Section III(D) takes this disturbing trend even further. It deals with disclosure of information regarding the APIs for incorporating non-Microsoft ''middleware.'' In this section, Microsoft discloses to Independent Software Vendors (ISVs), Independent Hardware Vendors (IHVs), Internet Access Providers (IAPs), Internet Content Providers (ICPs), and Original Equipment Manufacturers (OEMs) the information needed to inter-operate with Windows at this level. Yet, when we look in the footnotes at the legal definitions for these outfits, we find the definitions specify commercial concerns only. But wait, there's more! Under this deal, the government is shut out, too. NASA, the national laboratories, the military, the National Institute of Standards and Technology—even the Department of Justice itself—have no rights. It is a good thing Afghanistan is such a low-tech adversary and that B-52s don't run Windows.

I know, I know. The government buys commercial software and uses contractors who make profits. Open Source software is sold for profit by outfits like Red Hat. It is easy to argue that I am being a bit shrill here. But I know the way Microsoft thinks. They probably saw this one coming months ago and have been falling all over themselves hoping to get it through. If this language gets through, MICROSOFT WILL FIND A WAY TO TAKE ADVANTAGE OF IT.

The preceding is an Excerpt from ''He's Not in It for the Profit''

By Robert X. Cringely

MTC–00024099

From: Dan Davis
To: Microsoft ATR
Date: 1/25/02 9:03am
Subject: Microsoft Settlement

To whom-it-may-concern:

The proposed Microsoft settlement should ALLOW for other companies to FAIRLY have access to the same markets. Microsoft has money and clout, but their products are highly integrated together forcing other companies out of the picture. The American way says free enterprise allows competition and innovation. If Microsoft is allowed to undercut other companies with less money and clout and a possible lower quality product, is that a fair settlement? ....I don't think so. People are starting to notice Microsoft's security failures now in a larger way. Do we want them to control our data without full accountability? Accountablity helps when other companies can be used as leverage to force compliance.

Thank you!!
Dan Davis
davis.37@osu.edu
Ohio State University
Physical Facilities
2003 Millikin Rd
Columbus, OH 43210
CC:davis.37@osu.edu@inetgw

MTC–00024100

From: Sean E. Millichamp
To: Microsoft ATR
Date: 1/25/02 9:04am
Subject: Microsoft Settlement

I am a concerned citizen of the United States of America. I have worked in the technology field for over 10 years and have a B.S.E. in Computer Engineering from the

University of Michigan. I work daily with both Microsoft environments and non-Microsoft environments and would like to add my comments regarding the settlement to the Tunney Act comment process.

I have observed Microsoft engage in (at best) questionable business practices over the years and it came as no surprise to me that the Court of Appeals affirmed that Microsoft has a monopoly on Intel-compatible PC operating systems, and that the company's market position is protected by a substantial barrier to entry.

From my extensive experience in the technology field it is clear that there is one primary underlying issue that needs to be addressed in order to provide the opportunity for other companies and software to be able to compete with Microsoft's offerings on a level playing field. This issue is interoperability between different software packages and the operating system itself. In the language of technology it is addressed in three ways:

1) Application Programming Interfaces (APIs) An API is the method by which one software module (or program) calls functions (or services) in another module (including functions provided by the operating system itself). If Microsoft was required to make accurate documentation for the full API in all versions of the Windows operating systems it would be possible to create replacements that would, if Microsoft's documentation were full and accurate to the way the API functions in Windows, allow any program written to run on Windows to run on any program that duplicates the published Windows API. There is one such project currently underway for Linux (http://www.winehq.com) but their progress has been hampered by incomplete, inaccurate, and often missing documentation about how the Windows API functions. Also, for this to be a truly effective and universal remedy the documentation must be accessible to all of those who wish to reference it without agreeing to any sort of a Non-Disclosure Agreement. Such restrictions would make it impossible for Open Source software projects to benefit from the availability of such materials.

2) Document Formats Microsoft not only has control via the Windows Operating System, but also via it's dominance in office productivity applications with it's Microsoft Office product.

Businesses and individuals have been forced into a situation where they often have no choice but to use Office because they need to exchange documents that have been created by others in a proprietary format only supported in Office. Microsoft has deliberately failed to document the format that the information is structured in within these document files. This has prevented other office suite competitors from creating mechanisms by which they could reliably read and write these files to promote document interchange.

Furthermore, this undocumented file format effectively locks up billions of dollars worth of documents of the businesses and people of the United States of America wholly under Microsoft's control. Real time and money has been invested in the creation of those documents and without the file format it is impossible to have access to your own data without using the proper Microsoft tool. This gives one company an uncomfortably high degree of control over the rest of the computer users in the country. If you decide you don't want to use Microsoft's products anymore you can not effectively extract your own data from their proprietary formatted files.

3) Network Protocols

A Network Protocol defines how one computer program can interact with another computer program over a network. TCP/IP (the protocol that the Internet uses) is an open and published standard where all of the communication mechanisms and features can be read in reference documents for any and all to implement. This is the primary reason that Internet accessibility is a feature of virtually all computer platforms regardless of their vendor, operating system, or end-user functionality.

Microsoft has a number of protocols that they use on the network. One such protocol is CIFS (formerly SMB) which allows Microsoft computers to share files and printers. Microsoft has documented some (but not all) of the protocol it uses to do this communication and much of what is documented does not match what their implementation in Windows actually does.

The omission of even a small part of the protocol can effectively make it impossible to implement a functioning version of any of it. This has been demonstrated most recently and effectively by Microsoft's design and implementation of their Active Directory services in Windows 2000. In order to be able to claim that they are using open and published standards Microsoft built their Active Directory services (which provides, among other things, workstation logins to a server) around two well established protocols: the Lightweight Directory Access Protocol (LDAP) and the Kerberos protocol. Microsoft followed all of the standards except made one proprietary modification to Kerberos in the ''Privilege Attribute Certificate'' (PAC) which they have only documented under a non-disclosure agreement in such a way as to prevent any competition from legally using the documentation to create a compatible non-Microsoft replacement. Without the knowledge of how this field is used, it is impossible to re-implement the functionality that a non-Microsoft server can server Microsoft Windows clients or so that non-Microsoft clients can access all the functionality of a Microsoft Windows server. One such project that has been hurt by this ''embracing and extending'' of open standards and then Microsoft's subsequent refusal to document their changes has been the Samba team (http://www.samba.org) which has created software that attempts to re-implements the functionality of Microsoft file and print servers for Unix-based operating systems. This would give users a choice of which servers they can use to provide file and print services to Microsoft Windows workstations.

Summary: The core problem is that Microsoft, in their position as a monopoly, have repeatedly failed to freely provide sufficient and comprehensive documentation that allow programs to communicate with the operating system, programs to communicate with each-other, and people to exchange and access their own data freely. The remedy would be to require Microsoft to freely provide complete and accurate documentation on all of their APIs, network protocols, and file formats used in their applications. This would, if executed properly, allow others to create software that could interact with and/or replace equivalent Microsoft offerings thus giving the consumer the ability to chose the best software for the job and not just the only software that will let them fully and effectively interact with other computer users. It is my opinion that any settlement and remedy that does not include these provisions will be wholly ineffective at providing a real solution.

Thank you for your time and consideration.

Sean E. Millichamp
1920 Spruce Lane
Ypsilanti, MI 48198–9492
—
Sean E. Millichamp, Director of Technical Services
Ingematics—A Division of Compu-Aid, Inc.

MTC–00024101

From: DESmutny@dstsystems.com@inetgw
To: Microsoft ATR
Date: 1/25/02 9:05am
Subject: Microsoft Settlement

I feel the settlement between the Department of Justice and Microsoft, in regard to the anti-trust trial, is both fair and just. It serves to keep Microsoft from engaging in anti-competitive business practices going forward, which is all that can really be done to ensure competition in the future.

Thank you for your consideration,
Donald Smutny

MTC–00024102

From: John Plunkett
To: Microsoft ATR
Date: 1/25/02 9:06am
Subject: Microsoft Settlement

Microsoft has a monopoly. Just like AT&T in the 80's, they need to be disbanded. Settlement is not an option.

John Plunkett
Operations Support
Virginia Transformer
540–345–9892 ext 173

MTC–00024103

From: csosjk@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 9:04am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the

computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Sharon Kostenbauder
3511 Dartmouth Avenue
Tampa, FL 33603

MTC–00024104

From: Dianne Jennings
To: Microsoft ATR
Date: 1/25/02 9:03am
Subject: Microsoft Settlement

Dear Sirs,

I would like to urge you to consider remedies against Microsoft that will permit freedom of choice for me and my children in the future. I am concerned that Microsoft has become so powerful that they are imposing monopolistic methods on the public that adversely affect me and my descendants. I feel that freedom of choice is one of our greatest freedoms. I look to you to assure those freedoms.

Thank you,
Dianne Rowley
PO Box 25292
Miami, Fl 33102

MTC–00024105

From: Michael Capozzi
To: Microsoft ATR
Date: 1/25/02 9:16am
Subject: Microsoft Settlement

I think they settlement is a bad idea. IT gives microsoft too much.

Capozzi, Michael E
capozzme@jmu.edu

MTC–00024106

From: Rebackslayton@cs.com@inetgw
To: Microsoft ATR
Date: 1/25/02 9:15am
Subject: Proposed Final Judgment

Dear Judge,

I am an attorney in Charlottesville, VA. I am concerned that the Proposed Final Judgment with Microsoft (hereinafter ''MS'') that you are currently reviewing does not go far enough to ensure that MS will not continue to unfairly hurt its competitors. First, it does not end Microsoft's monopoly over the operating system market. Second, it does not sufficiently punish MS for its anticompetitive behavior that was found by the Judge during the trial. Third, the Proposed Final Judgment includes enforcement mechanisms that will prove to be ineffective in protecting smaller software companies from monopolistic activity. Since, MS's operating system is a monopoly and is one of the engines upon which our economy heavily relies, I suggest that MS be regulated like a utility.

Thank you for carefully considering my opinions.

Sincerely,
Marshall M. Slayton
Reback & Slayton
PO Box 20
710 East High Street
Charlottesville, VA 22902

MTC–00024107

From: Wilmoth7@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 9:14am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Mary Wilmoth 1872 Bay Oaks Circle
Milton, FL 32583

MTC–00024108

From: James Karpinski
To: Microsoft ATR
Date: 1/25/02 9:19am
Subject: Microsoft Settlement

I would like to comment on the proposed MS anti-trust settlement. From my understanding of the proposed settlement it does not go far enough to allow competition. The PC BOOTLOADER NEEDS TO BE OPEN to other non-MS operating systems installed by the OEMs, without any penalty from MS. I also think that if MS wants to control everyone's software, then MS SHOULDN'T BE IN THE ON-LINE AND HARDWARE/GAMING SYSTEMS BUSINESSES also. They should spin-off or sell their interests in Microsoft Network, XBox and other hardware products like keyboard and mice. MS strangling their competition is great for MS shareholders, but it doesn't help the average PC user who has Windows crash on them everyday.

Jim Karpinski

MTC–00024109

From: ndvdraft@worldnet.att.net@inetgw
To: Microsoft ATR
Date: 1/25/02 9:17am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Nicole Vogle
5404 Coach Rd.
Bossier City, LA 71111

MTC–00024110

From: kpachla@mill.
lsait.lsa.umich.edu@inetgw
To: Microsoft ATR
Date: 1/25/02 9:22am
Subject: Microsoft Settlement

Hello,

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I believe the settlement does not go far enough to limit Microsoft's anticompetitive behavior. Microsoft has, in the past, inserted intentional incompatibilities in its applications to keep them from running on competing operating systems. The Proposed Final Judgment, as written, fails to prohibit intentional incompatibilities historically used by Microsoft. Thank you for this opportunity to comment.

Karen Pachla
36980 Munger
Livonia, Michigan, 48154

MTC–00024111

From: damberge@mol.biol.ethz.ch@inetgw
To: Microsoft ATR
Date: 1/25/02 9:21am
Subject: Microsoft Settlement

I would like to comment on the proposed final judgement in the case U.S. vs. Microsoft. I do not feel that the proposal is in the public interest in the following points:

The definitions of various terms made in the proposal restrict the application of the judgement to prevent unfair practices resulting from a monopilization of the position of the windows operating system in computer systems using Intel-based processor chips:

Definition A

The term ''API'' is generally used to mean interfaces between application programs and the operating system, however in the proposed judgement this term is restricted to mean the interfaces between Microsoft Middleware and Microsoft Windows, excluding Windows APIs used by other application programs (definition A). This has the unfortunate consequence that important APIs such as the Microsoft Installer APIs which are used by installer programs to install software on Windows are ommitted. The API definition should be alterred to include these APIs so as not to put other software providers at a disadvantage since correctly functioning installer programs are a prerequisite for using such software in the Windows environment.

Definition J

The term ''middleware'' is generally used to mean application software that itself presents a set of APIs which allow users to write new applications without reference to the underlying operating system. In the proposed judgement, Definition J defines middleware in a much more restrictive way,

and allows Microsoft to exclude any software from being covered by the definition in two ways:

1. By changing product version numbers so that updated versions of a product would nolonger be considered Microsoft middleware.

2. By changing how Microsoft distributes Windows or its middleware, for example by introducing new version of Windows through the Update service so that this new version was not considered ''Microsoft middleware''.

Definition J should be modified to prevent such loopholes.

The proposed judgement does not adequately protect developers of alternatives to Windows which can run programs that are windows compatible:

The judgement should be modified to forbid retaliation against developers of such alternative operating systems.

It should also be modified to force microsoft to modify windows to allow the use of non-microsoft middleware.

The judgement should ensure that microsoft does not raise artificial barriers to prevent non-microsoft operating systems from using APIs needed to run applications written for windows.

The judgement should be modified to force Microsoft to modify their liscencing agreements so that users do not violate their liscencing agreements when using windows applications on windows-compatible competing operating systems.

Due to these points I conclude that the proposed final judgement allows anticompetitive practices to continue and allows Microsoft to create artificial barriers to the developement of alternatives to the Microsoft windows operating system. As such the proposed final judgement is not in the public interest and should not be adopted without modifications to address these issues.

Thank you for considering my opinion in the course of deciding how to proceed with the final judgement in the case U.S. vs Microsoft

sincerely,

Fred F. Damberger, Ph.D.

U.S. citizin living abroad

Institute for Molecular Biology and Biophysics

ETH-Hoenggerberg HPK H2/ Zurich, Switzerland

MTC–00024112

From: H. Bieber
To: Microsoft ATR
Date: 1/25/02 9:20am
Subject: Microsoft Settlement

I think the Microsoft proposed settlement is a BAD idea.

Harold Bieber

MTC–00024113

From: John Muccigrosso
To: Microsoft ATR
Date: 1/25/02 9:22am
Subject: Microsoft Settlement

I am disappointed with the way the Microsoft case seems to be ending up. The proposed final judgement is lacking in a number of areas, bu I am particularly concerned that the PFJ appears to allow Microsoft to continue a number of its anti-competitive activities. I hope that this judgement will not be accepted and that a stronger, more effective one be created.

John Muccigrosso
<http://www.quondamtech.com/>
Quondam Technology & Education
Voice (201) 874–9153
jdm@quondamtech.com
FAX (801) 751–6811

MTC–00024114

From: Perry
To: Microsoft ATR
Date: 1/25/02 9:23am
Subject: Microsoft Settlement

To whom it may concern:

I am writing in regards to the Tunney Act public comment solicitations on the Microsoft antitrust settlement.

I am concerned that the provision for requiring Microsoft to provide information only to commercial middleware vendors of Microsoft's choice would allow Microsoft to work to break open source middleware projects such as Samba.

Even if this issue was resolved, the provisions of the settlement are almost irrelevant because of the lack of means provided for effective enforcement of any violations of the settlement by Microsoft.

Respectfully yours,
George Perry
32905 NE Chamberlain Road
Corbett, Oregon 97019

MTC–00024115

From: William D. Stockwell
To: Microsoft ATR
Date: 1/25/02 9:29am
Subject: Microsoft Settlement

The proposed settlement is a bad idea!

William (Bill) D. Stockwell
133 S.E. Fenway Avenue
Bartlesville, OK 74006–2706
(918) 335–2673
Email: wds@bartnet.net

MTC–00024116

From: Andre—A—Smith@RL.gov@inetgw
To: Microsoft ATR
Date: 1/25/02 9:23am
Subject: Microsoft Settlement PLEASE READ

The only thing the Microsoft's competitors really need to level the playing field is to have access to Microsoft's file formats, free of charge or at most nominal, for the Office range of products. Without access to these they will never have the ability to compete in the corporate world. IT departments simply cannot ostracize themselves by picking an alternate OS then not having compatibility with their computers via email and document exchanges. How frustrating is it for you when someone sends you a file via email that you cannot open, now imagine that times a 1000 or 10,000 how long would you keep your customer base. There are great products out there that major corporations simply cannot afford to use them do to the amount of work involved in getting them to be useable outside of the company by their customers and business contacts or partners. Just take Microsoft's ability to lock customers in just because that's what every body else uses.

Andre' Smith

LMSI Solutions Center
1981 Snyder Richland Wa 99352
(509) 373–4207

MTC–00024117

From: Richard Horsman (Merch)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 9:25am
Subject: Public comment

As an American citizen, I am not in favor of the current proposed settlement in the Microsoft antitrust case. I would like to see a stricter penalty, including opening of certain file formats (.doc, etc.) to the software industry at large. Thank you.

Richard Horsman
Belleville, Michigan

MTC–00024118

From: samuri18@juno.com@inetgw
To: Microsoft ATR
Date: 1/25/02 9:24am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
phil moon
4374 rock creek rd
pueblo, CO 81005

MTC–00024119

From: mjainsley@mindspring.com@inetgw
To: Microsoft ATR
Date: 1/25/02 9:27am
Subject: Comment

Dear Sirs;

I find the settlement between the DoJ and Microsoft to be astonishingly lenient. In my opinion, it amounts to a very light ''slap on the wrist'' for Microsoft, and should have been far harsher than it was. As a heavy user of computers and software, I have observed over the years as Microsoft repeatedly mimicked, if not stole, ideas from some of the best hardware and software companies, then used its power to sometimes force the public to use its lesser copies. While it wasn't always force, Microsoft did make it very difficult for people like me to continue using the better quality materials.

This is the simple face of the case, and all the millions of dollars spent on dancing around the issue are a complete waste of taxpayer money in light of the fact that virtually nothing will be done about this unethical practice.

Regards,

MJ Ainsley
Salinas, CA

MTC–00024120

From: Randy Tidd
To: Microsoft ATR
Date: 1/25/02 9:27am
Subject: Microsoft Settlement

I am a professional software engineer that has been writing software for both Windows and non-Windows platforms since 1986. The proposed settlement against Microsoft is woefully insufficient to stop or reverse the damage they are doing and have done to the computing field. It is impossible for any innovations in the desktop PC software industry to survive and Microsoft has a technical, financial, and creative stranglehold on the industry.

The American capitalist system is founded on the ideas of free trade and free competition and there are laws in place to maintain such a marketplace. Microsoft has been in violation of these laws for years and the way they do business must change if our wildly successful capitalist principles are to apply to the desktop software and related industries.

Thank you,
Randy Tidd
rtidd@speakeasy.net

MTC–00024121

From: Scott Schweinsburg
To: Microsoft ATR
Date: 1/25/02 9:26am
Subject: Microsoft Settlement (positive)

Good morning,

I am a computer professional who works closely with Microsoft products every day. Microsoft makes excellent products and innovations that people want. I want to voice my support of the proposed judgement on Microsoft. If anything I would say that this is too stiff of a punishment for a company that is a world leader in quality and design of software.

Sincerely,
Scott M. Schweinsburg
Network Engineer

MTC–00024122

From: Gahlord Dewald
To: Microsoft ATR
Date: 1/25/02 9:30am
Subject: Microsoft to be granted easier monopoly in schools

I want to state that the idea of Microsoft giving their product for free to educational institutions seems out of line. This act would further discourage competition for educational products as any Microsoft competitor would be charging for product. Please reconsider the decision to increase the leverage Microsoft has in the educational market. Perhaps they could set up a trust fund equal to the financial value of their proposed donation, the_funds_of which would be disbursed to educational institutions.

Thank you for your consideration.
J. Gahlord Dewald
Gahlord Dewald
v: 802.658.4267
http://www.thtfct.com
THTFCT
Creative: Interactive, Motion, Print
416 Pine Street
f: 800.863.9606
Burlington, VT 05401
e: gahlord@THTFCT.com
USA

MTC–00024123

From: Christopher Weberg
To: Microsoft ATR
Date: 1/25/02 9:21am
Subject: Microsoft Settlement

This settlement decision is bad.

I am opposed to the proposed settlement in the Microsoft antitrust trial.

I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Christopher Weberg
2443 Woodside Way
Atlanta, GA 30348–5150

MTC–00024124

From: Arenaro, Richard
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 9:30am
Subject: Microsoft Settlement

Dear Sirs,

The proposed compromise solution of Microsoft being allowed to ''donate'' it's anti-competitive practice/products to schools is absolutely disgraceful. However, for an American citizen to expect justice to be served where there is enormous amounts of cash (and political egos) at stake is wishful thinking, at best. It absolutely boggles the mind that the Justice Department can even consider such a proposal. But then again, I'm just an average citizen, not a legal expert.....thank God.

Richard Arenaro

MTC–00024125

From: D. C. Sessions
To: Microsoft ATR
Date: 1/25/02 9:28am
Subject: Tunney Act comments on the proposed Final Judgment

D. C. Sessions
14215 N. 43rd Way
Phoenix, AZ 85032
602–867–4694

For reasons that have been extensively covered in the Press and by other comments to the Court, I believe that the proposed Final Judgment is at best ineffective and at worst an explicit invitation to Microsoft to continue the abuse of monopoly that originally led to this case. As the Court has undoubtedly been bombarded with these observations, I will confine my comments to a point which to my knowledge has —not— been brought up elsewhere.

Under the definition in (VI)(U), ''Windows Operating System Product'' means the software code (as opposed to source code) distributed commercially by Microsoft for use with Personal Computers as Windows 2000 Professional, Windows XP Home, Windows XP Professional, and successors to the foregoing, including the Personal Computer versions of the products currently code named ''Longhorn'' and ''Blackcomb'' and their successors, including upgrades, bug fixes, service packs, etc. The software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion.

The definition in (VI)(K) (not quoted for brevity) also depends on the definition of ''Windows Operating System Product,'' and by (VI)(L): ''Microsoft Platform Software'' means (i) a Windows Operating System Product and/or (ii) a Microsoft Middleware Product. Others have pointed out the danger of allowing Microsoft sole discretion to replace other firms'' products as part of its ''Platform Software,'' effectively judicially-endorsed predatory pricing. My concern, though, is with the possibility that Microsoft will *remove* features from their definition.

For instance, there are a large number of utilities currently included with Windows that are used to set it up, configure it, and so forth. These utilities depend on intimate knowledge of the Microsoft design and cannot be readily duplicated, yet without them the system is utterly useless. For a number of reasons (including their dependence on undocumented features) they cannot be readily obtained from any other source. Microsoft could remove them in perfect compliance with the proposed Final Judgment.

If something like this did occur, Microsoft's customers (e.g. the computer OEMs) would have no choice but to acquire them from Microsoft under whatever terms Microsoft chose. Being outside of the scope of the proposed Final Judgment, there would be no constraints on those terms, however abusive. In effect, the entire proposed Final Judgment would be a dead letter since all of its terms depend in the end on the above definitions.

In sum, the proposed Final Judgment is not just flawed in detail, but contains a loophole which allows Microsoft to escape from all restraints. In the case of an abusive monopolist with Microsoft's record, this is patently not in the public interest.

Respectfully submitted this 24th day of January 2002,

D. C. Sessions

MTC–00024126

From: Mike Bartkowiak
To: Microsoft ATR
Date: 1/25/02 9:30am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
Date: January 25 2002
Subject: Microsoft Settlement

As a U.S. Citizen and Computer Professional, I wish to comment on proposed Microsoft settlement in accordance with the Tunney Act. It is my opinion that the current agreement does not provide adequate protection for the American consumer. The language and remedies provided are not written to prevent Microsoft from continuing it's current pattern of illegal anticompetitive practices. Much of the technical restrictions are written in such a way as to easily be circumvented on legal terms. As and example, I did not find any direct reference to the newest or future Microsoft operating system products. There are many more glaring issues that I would be glad to provide further input on if it is so desired. The bottom line is that this document is not an acceptable solution for the American consumer.

Thank You.
Michael Joseph Bartkowiak
4035 Bentley Lake Rd
Howell, MI 48843
bartman@livingonline.com

MTC–00024127

From: Prigot, Forde
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 9:26am
Subject: Microsoft Settlement

A vote against the settlement

After reading over material provided by the government and analysis by independent parties I can only come to the conclusion that the proposed settlement will not solve the problem at hand. I strongly suggest that the settlement not be adopted and that the government should find a better solution possibly something similar to the IBM anti-trust decision.

Forde Prigot
System Analyst

MTC–00024128

From: shane watson
To: Microsoft ATR
Date: 1/25/02 9:31am
Subject: Microsoft Settlement

No to Microsoft

MTC–00024129

From: Crosby, Thomas A
To: Microsoft ATR
Date: 1/25/02 9:34am
Subject: Microsoft case

Microsoft needs to be taught that the American public will not tolerate...

1. $100 updates to a program that didn't work in the first place(crashes) that we have no choice but to buy(see #2)

2. forcing all PC users to upgrade every couple of years because they keep releasing ''improved'' software and their ''partners'' will no longer support the older software due to their market domination.

3. New features that collect data on the user's habits, hardware and preferences and then upload, secretly to Microsoft's websites everytime you log on the net.

4. New ''features'' that make competing software not work as well as Microsoft's offering. Like we have a CHOICE in operating system software! This removes the choice of other software.

5. Network software that forces corporate customers to be using Microsoft products....We were very happy with Lotus Notes—thank you.....now we have MS Outlook.

They are too big and have too much market share. They can dictate the market and the choices their customers can make, both directly and indirectly.

Tom Crosby
Delphi Thermal
200 Upper Mountain Road
Lockport, NY 14094

MTC–00024130

From: Sarah Leitner
To: Microsoft ATR
Date: 1/25/02 9:35am
Subject: Micrfosoft Settlement

I think this is DEFINETLY a bad idea.
Sarah Leitner

MTC–00024131

From: DDavpilzer@cs.com@inetgw
To: Microsoft ATR
Date: 1/25/02 9:36am
Subject: Settlement of Microsoft Case

Gentlemen and Ladies:

The proposed settlement in this case should be approved. It is my feeling this case was ill conceived at the outset. The cost to various parties has been high in more ways than one. I am fully in favor of ending the litigation.

Thank you for your considerations in this matter.

D. Pillsbury
Richmond, VA

MTC–00024132

From: my99st1100@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/25/02 9:34am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
buddy loanzon
box 251298
west los angeles, CA 90025

MTC–00024133

From: Philip J. Koenig
To: Microsoft ATR
Date: 1/25/02 9:37am
Subject: Microsoft Settlement

I am a computer user since the 1980's, a user of Microsoft products since DOS 3.1, an online computer user for 14 years, and currently have my own computer industry consulting business.

I am writing today to express my strong dissatisfaction with the currently proposed settlement in the Microsoft antitrust matter.

I have watched Microsoft's behavior for many years, and I feel the current proposals are not adequate to ensure further abuses of Microsoft's dominant position in desktop operating systems, internet browsers, office productivity applications, server operating systems, and a variety of other key consumer and commercial computing products.

Microsoft today has in excess of $30 billion in cash in the bank, and I think the DOJ has to think carefully about the real impact of small one-time fines and/or minor conduct remedies that Microsoft will either easily find ways to circumvent, or turn into a public relations disaster for the US govt.

Microsoft likes to argue that to place any limits on them ''stifles innovation'', but as those of us who have been in the industry for many years can attest, Microsoft is hardly known as a technology innovator. Yet the impact of their monumental dominance of every market they enter into has a tremendous negative impact on the total innovation of the industry as a whole, due to the chilling effect it has on potential competitors who see little reason to enter a market against the Microsoft ''800 lb gorilla'', with all the massive resources they can bring to bear in any market they choose to enter. (The latest being telephones and home game consoles)

For this reason, Microsoft themselves actually chill overall industry innovation, and while in some ways the US govt may look upon Microsoft as a corporate success story and valuable strategic asset, the computer and technology industry as a whole suffers. I urge the DOJ to take into consideration the position of the 9 holdout states which have chosen not to enter into the currently proposed settlement, I believe their position is principled and based on sound evidence and the needs of the industry and consumers both.

I have actually advocated for some time that the best remedy for Microsoft's illegal conduct is to separate the company into separate, autonomous divisions. While I realize at this juncture that this option may be precluded by decision(s) rendered by the appellate court, I nonetheless still firmly believe that the only way to ensure Microsoft does not continue to leverage various subtle technological and corporate advantages associated with their monolithic ''vertically integrated'' company is to separate the company into 3 divisions. This would have the added benefit of relieving the US government of becoming a constant target of criticism for the manner in which its agents

oversee day-to-day corporate operations at Microsoft for years to come, which seems to be what they are facing with the current proposal.

I thank you for your consideration.

Sincerely,
Philip J. Koenig
915 Cole St. #152
San Francisco, CA 94117

MTC–00024134

From: Lauren Elliott
To: Microsoft ATR
Date: 1/25/02 9:39am
Subject: Microsoft Settlement

I do not think it provides sufficient punishment to balance Microsoft's offenses, namely their anti-competitive practices, nor sufficient incentive to prevent them from continuing this behavior in the future. Furthermore, the idea of punishing a monopoly by requiring them to extend their monopoly into the US educational system is incomprehensible.

Respectfully,
Lauren Elliott
San Diego, CA

MTC–00024135

From: Toycop
To: Microsoft ATR
Date: 1/25/02 9:38am
Subject: microsoft settlement

Unfair for the consumer.

If a car or childs toy has a minor defect allowing safety problems, in time, such will be recalled. (we bought such a toy this past Christmas, yet the mfgr has no desire to replace it for the child, they are just interested in getting it for review at any cost including child's loss of use since out of stock, Santa's identity revealed, child crying over replacement with other item). Perhaps a few will die before the red tape is unravled, but it will get unravled.

Why not the same treatment for microsoft? In their case, millions of people have been harmed, yet it continues. Appears to be much more than a minor defect.

Further, they must be forced to continue to support windows 98 and secure it up. Failure to do so could result in major problems for America while millions continue to use windows 98 as their operating system and will continue to do so for a long time.

We all know the high courts opinion, during the presidental who won lawsuit they basicaly said Americans need to vote for persons who will put knowledgeable, nongready, nonbiased judges into power. Seems money is the root of robe evil rather than robes ruling without bias.

Big corporations in America seem to have found their niche, create a product, rush it to market and let the public test it for them. Deny problems, deny death relation to defect until the press finds the financial ties with the court. Such marketing methods are erroding consumer confidence as seen in the large tax reliefs for corporations who need such as Americans slowly boycott their products after being stung on other products and inability to get an item fixed when it breaksdown after a short allowed return time.

Allowances from the courts are erroding confidence. If the court system was really doing it's job, they'd have known our airports were unsecure (the common American knew that) and made a ruling of adjustment before anything went wrong. Such and others streches from sea to shinning sea.

Look at walmart, it's common knowledge that they will deny a consumer's injury was due to their policy or state of store. They have the financial backing and the power of the police to assist them. Meanwhile, the common American watches as those who have marked on their work car, ''To serve and protect'', the officer drive around the dead animal laying in the middle of the road. Meanwhile the next citizen to swerve to avoid gets pulled over and ticketed for weaving or crossing the center line and then pays a fee to the court when the judge rules in favor of the state. Whatever happened to serve the public vs serve only big corporations since they must hire lawyer and private detective to prove case while corporations can use the Police network?

Few years ago, a judge I had to go in front of a few months prior for a speeding ticket would not listen to my excuse that I had to increase speed due to the activity of the motorist I was attempting to pass prior to the two officers stationed on each side of the road at the crossover road. When the judge was found to be taking kickbacks from his rulings and disrobed, why wasn't I refunded my fine payment? He was corrupt, and using the badged gun carriers to pad his wallet and city coffers at my expense rather than face the problem which would have been to consuming for the court system to get at the root of the evils.

Sure, the judge listened to me and stated I sounded honest but he had his bias opinion decided in advance. I could see it in his body language while he reached with his gavel multiple times. At least the court system finally had the sense to rule against Carmel Indiana and require them to videotape all traffic stops after many blacks and other minorities were hassled, it took the pull over of a black state trooper to get it done tho Carmel officer insists he was correct. Should have seen his body language as he walked up to the old car and the complete change over when he spotted the black officers uniform, I did.

That's one lying Carmel officer, I saw the entire event. When the blackman went thru the light, it was green contrary to the white officers claim. He was distracted by the expensive new cars running the red light on the crossroad making it appear the black officer ran it instead.

MTC–00024136

From: George Bevis Jr
To: Microsoft ATR
Date: 1/25/02 9:38am
Subject: Microsoft Settlement

The purpose of the antitrust case against Microsoft is to increase competition. There can be no competition without defined published interfaces, because users get locked into a particular combination of software and operating system. It is therefore critical that the interfaces between Microsofts products, the APIs, be published so that others can build software that competes with different portions of the Microsoft monopoly.

Any resolution that ignores this is not a solution, no mater how much it punishes Microsoft, or what they give away to schools.

George Bevis

MTC–00024137

From: kebullard@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 9:35am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Kent Bullard
#6 Terrace Drive
Helena, AR 72342

MTC–00024138

From: Kevin Price
To: Microsoft ATR
Date: 1/25/02 9:38am
Subject: Microsoft Settlement Comments

My views:

The two parties (Microsoft and the US Government) are playing two different games. Microsoft's definition of success is ''business growth''. The Government's definition of success is ''fair marketplace''. Because there are different goals, there will always be conflict. But overriding this entire dispute is the principle that the good of the whole (the Government) should take precedence over the good of the individual (Microsoft, in this instance).

Microsoft has the willingness to succeed and the ability. That ''ability'' can be via producing excellent products (which they do) or, given their decided monopoly power, by strong-arming business members within the industry (which they also do). It is this second ''ability'' which the Government needs to focus on addressing.

The Government has both the willingness and the ability to succeed (i.e., achieve a fair marketplace). To do so, the Government must focus on developing (1) sanctions to prevent future anti-competitive behavior from Microsoft and (2) penalties for Microsoft's past behavior.

IMPORTANT: (2) above (i.e., penalties) MUST be sufficient as to act as a deterrent for (1) above (i.e., to prevent future anti-competitive behavior).

NET: In my view, the Government has substantially weakened its position by agreeing to ''penalties'' which even the courts

believe are not sufficient (let alone the injured participants). And 9 states also don't buy the proposed ''agreement''. (That school proposal from Microsoft was a JOKE!!!! Steve Jobs was absolutely right in his views.) What to do: The Government needs to rethink its position and do a MUCH better job developing MUCH more severe penalties. The ''sanctions'' are fine (though they will require monitoring and enforcement resources). But the ''penalties'' is where future anti-competitive behavior can really be prevented. The answer clearly lies between a company breakup and the weak penalties ''agreed to''. My advice to the Government is: Be significantly more aggressive and let the courts sort out the disagreements. The Government has taken it all this far...the Government needs to keep the pressure on until the end for the good of the whole.

Kevin Price
Fairfield, CT
203–256–1100

MTC–00024139

From: RGRPRR@Tlab.net@inetgw
To: Microsoft ATR
Date: 1/25/02 9:37am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
ROYCE ROBINSON
2183 E FM485
CAMERON, TX 76520–4805

MTC–00024140

From: Tom Collison
To: Microsoft ATR
Date: 1/25/02 9:42am
Subject: Microsoft Settlement

Dear Sir: I still believe that Microsft is just a very aggressive company and that their innovations in this field have advanced the entire group forward in a very beneficial way for the American people. I believe any futher judgements against Microsoft will result in higher costs to the consumer.

Thank You, Tom Collison

MTC–00024141

From: Brian Furry
To: Microsoft ATR
Date: 1/25/02 9:46am
Subject: Microsoft Settlement
To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. Microsofts use of restrictive licensing terms keeps opensource applications from running on windows.

This is really a crazy idea that Microsoft does with their OS. I am not banned from using other car parts when fixxing my automobile. If I can get the part to fit and work properly in my car GM or Ford or Saturn ... do not have a ban prohibiting me from using nonproprietary parts. The same idea should apply once I buy the OS. Why can't I choose what software I want to run on windows?

Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

Why must I use the Windows OS for MS applications. If a third party OS can run a MS app like Excel, why can't I use Excel on that OS. If I purchase the software I should be allowed to use it on any OS I please.

Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.) This license idea really tells me that I must also buy their OS too.

Similarly If I purchased a GM car and they said I must buy GM tires in 70,000 miles when they need replaced and I need GM oil filters when they are replaced every 3,000 miles.

Microsoft is very hostile to their customers in very sneaky ways and I really feel that they need to have their system opened for all to use.

I don't have any freedom.

Brian R. Furry
Department of Mathematics & Computer Science
Watchung Hills Regional High School
108 Stirling Road
Warren, NJ 07059
(908) 647—4800 x5919
(908) 647—4852 fax
bfurry@whrhs.org

MTC–00024142

From: Bold, Gregory
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 9:39am
Subject: Microsoft settlement

I believe the settlement is a bad idea and is too lenient on Microsoft.

Greg Bold

MTC–00024143

From: Lois Schultz
To: Microsoft ATR
Date: 1/25/02 9:45am
Subject: Case against Microsoft—public input

I have followed the Microsoft charges since their inception due to my husband being in the computer industry (Director/software architect).

Please stop the government intrusion into the free market. The persecution against Microsoft needs to end. It is apparent that this successful industry was the one area that was functioning and growing exponentially free from the governmental intrustion that is existent everwhere else and that could not be allowed to continue. Let the free market prevail and put the government dollars/energy into Constitutionally directed areas, i.e. national defense.

Thank you for your serious consideration of my observations.

Lois Schultz
Pittsburgh, PA

MTC–00024144

From: Daniel Berry
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 9:48am
Subject: Microsoft Settlement

Sirs,

This settlement does nothing to curb Microsoft's predatory tactics.

Ask anyone in the industry who does not work for Microsoft and they will tell you the same thing.

Daniel A. Berry
Sr. Project Engineer
Teletrol Systems, Inc.
603.645.6061

MTC–00024145

From: Joshua Eckert
To: Microsoft ATR
Date: 1/25/02 9:51am
Subject: The New Barons

As a person who spends his life delving into the workings of computers and computer related services the Microsoft case has been a constant thorn. The most painfull thing to hear is how my government is be bamboozled by legal, literary, and spoken hat tricks of Microsoft. Instead of standing up and stopping the tsunami of problems about to arise, the government would rather hide under the covers with a ''If I don't see it, it doesn't exist'' attitude.

Despite all the confusion that exists in the computer world for a laymen, ethical standards do not stop at the door with this industry. And like the Barons of early America, Microsoft has began to replace ethics with dollar signs. Example: Several hundred thousand dollars in campaign contributions to both presidential candidates, to cover both bases. This little investment has caused the government to roll over for the company.

The time for playing dead is over. This brood of software barons must be stopped. You can not allow their ploys to blur your eyes from the truth, this company has acted unethically and illegally to gain the power it has, and if it is not stopped you will rue the day you let them run free. And by that time they may be to big to stop.

MTC–00024146

From: David Phillips
To: Microsoft ATR
Date: 1/25/02 9:51 am
Subject: Microsoft Settlement

The attached has been faxed to AG Ashcroft's office.

\ Dave Phillips...
Maranatha & Associates, Inc.
January24,2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear AG Ashcroft:

Microsoft had been responsible for some business practices that could be construed by others as anti-competitive. Whether this had actually been over the point of legality or not is, in my opinion, an open question. There are many examples of other IT companies that have—and still do—exert this kind of anti- competitive behavior who have not been as visible as has Microsoft, or for whatever reason have remained closer to the political mainstream.

Nevertheless, it is far better that this litigation has ended with a settlement. The terms of the settlement address the main points of the original lawsuit, such as the problems of retaliatory action and allegedly unfair licensing. Settling the lawsuit has the advantage of causing less disruption in the IT industry than would have resulted in Microsoft had been broken up.

For this reason, I support the settlement, though I remain skeptical that the original suit should ever have been brought originally.

Sincerely,
David Phillips
President
Maranatha & Associates, Inc. PO Box 1598; Lorton VA 22199
(703/541–0823/(FAX)703/550–1646)

MTC–00024147

From: Michaud, Andrew
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 9:51am
Subject: Microsoft Settlement

To whom it may concern,

I work in the software industry and have for over 7 years. I am a Microsoft Certified Trainer and have taught Microsoft products for many years. I now work for a small software company. This experience, I feel, gives me a failry unbiased point of view regarding the proposed settlement between Microsoft and the DOJ.

The proposed settlement does not adequately address the anti-competitive behavior of Microsoft.

From this observer's position it appears that the settlement was written by Microsoft's lawyers. Consumers must be allowed to purchase and run the software that they want. Microsoft's argument that the browser is part of the OS is specious and disingenuous. They should not be allowed to continue the destructive, anti-competitive behavior that sparked this case.

Regards,
C.Andrew Michaud
Senior Customer Support Engineer
COURION CORPORATION
TEL 508–879–8400, ext. 240
FAX 508–879–3139
amichaud@courion.com
<http://www.courion.com/>
www.courion.com

MTC–00024148

From: Davenport, Randy
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 9:47am
Subject: Microsoft Settlement

In my opinion, forcing Microsoft to sell off units is a great idea. I fully support the states proposal. Microsoft has too much of a monopoly, thus increasing prices.

Randy Davenport
Library Computer Systems Coordinator
SWBTS
817–923–1921 x 2733

MTC–00024149

From: Anders
To: Microsoft ATR
Date: 1/25/02 9:41am
Subject: Microsoft Settlement

I think the proposed Microsoft settlement is a bad idea. You are letting Microsoft get away with having monopolized the market and misused their power only because they are so big and powerful.

-Anders Ramsay

MTC–00024150

From: John Lahtinen
To: Microsoft ATR
Date: 1/25/02 9:52am
Subject: Microsoft Settlement

This proposed settlement is obviously insufficient.

Sincerely,
John M. Lahtinen

MTC–00024151

From: Josh Reashore
To: Microsoft ATR
Date: 1/25/02 9:54am
Subject: MicroSoft Settlement

Hello,

As an avid computer gamer, I support the current MicroSoft market position. Having MicroSoft in it's current position enables it to force software and hardware manufacturures to produce product that works together for a good computing experience (note: whql program). I have been using Windows products (98se, ME, XP Professional) for over 4 years, and in that time, my computer has only ''crashed'' (suffered a no-recoverable error resulting in loss of data or functionality) once....

I believe that the court is overlooking a important fact in the field of complaint that is reliability...People who know how to use a computer have no problem with MicroSoft....People who are computer illiterate or not able to grasp the basic functions of computer maintenance (unfourtunatley, a large percentage of the populace) are the ones whogripe and complain.

Clearly, the solution for this aspect of the case is Education of the population, not punishing a corporation

Thank you for your time
J.Reashore

MTC–00024152

From: Berry, Frederick
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 9:43am
Subject: Microsoft Settlement

MTC–00024153

From: JLEONE1060@AOL.COM@inetgw
To: Microsoft ATR
Date: 1/25/02 9:51am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
JUDITH LEONE
419 OAKDENE AVE
CLIFFSIDE PK, NJ 07010

MTC–00024155

From: John Bijnens
To: microsoft.atr(a)usdoj.gov
Date: 1/25/02 3:57pm
Subject: Microsoft Settlement

Dear Sir,

Hereby I want to explicity declare I don't agree with the settlement that has been arranged for Microsoft.

Yours sincerely,
John Bijnens
Dijkbeemdenweg 29
3520 Zonhoven
Belgium

MTC–00024156

From: dutton@flash.net@inetgw
To: Microsoft ATR
Date: 1/25/02 9:55am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
GRANVILLE DUTTON
9810 ridgehaven
DALLAS, TX 75238

MTC–00024157

From: wt.catch1
To: Microsoft ATR
Date: 1/25/02 9:55am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200

Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Richard Crum
15518 Cobre Valley
Houston, TX 77062

MTC–00024158

From: Tom
To: Microsoft ATR
Date: 1/25/02 10:12am
Subject: U.S. v. Microsoft

As a private citizen, I find the arrogance of Microsoft to be unacceptable. Microsoft owns nearly most of the computer market (my perspective). They are now spreading out like a cancer (like MSN, WinCE, etc.). Eventually, no one, not even the government of the United States, will have a choice but to pay Microsoft their taxes. What the heck am I talking about? What is the difference between paying Microsoft or paying the government? The government gets their due only once a year.

Given a position of owning everything, computers (desktop or not), the communications between computers, etc. , Microsoft could easily collect information on any politician, judge, professional, etc. and influence them to see things Microsoft's way.

They claim to be humanitarian—''look at all the money we are giving to charity''. I believe that this action to be a public relations trick. Looking at the overall perspective, what is a 100 million dollars compared to a company worth hundreds of billions? A drop in the bucket!

Lastly, What will prevent Microsoft from holding the United States government hostage? Microsoft is going to a subscription based product line. Fail to pay them their taxes, and they will cut off the product. Our military is increasingly dependent on equipment which uses the Microsoft products. Are you frightened yet?

If nothing is done to break up the monopoly of Mircosoft, then nothing will stop them.

MTC–00024160

From: klcallies@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 9:54am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Karen Karen
123 N Spencer Rd
Onalaska, WA 98570

MTC–00024161

From: Dave
To: Microsoft ATR
Date: 1/25/02 8:49am
Subject: Microsoft Settlement
Hello;

THis settlement is a raw deal. To call it a slap on the wrist would be an insult to a real wrist slap. THey broke the law. They suppress competition more effectively than Standard Oil did, and they INSPIRED all following anti-trust law.

DON'T DO IT!
Dave Arkle

MTC–00024162

From: George Rebovich
To: Microsoft ATR
Date: 1/25/02 10:01am
Subject: Microsoft Settlement

The proposed settlement with Microsoft is a BAD idea. Please reconsider.

George Rebovich

MTC–00024163

From: cindybrand@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/25/02 9:58am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Cynthia Brand
330 Merwin Ave. A6
Milford, CT 06469

MTC–00024164

From: Al T
To: Microsoft ATR
Date: 1/25/02 10:00am
Subject: I am against the proposed settlement

Many Microsoft critics have said this trial was only a waste of tax payer's money. If the proposed settlement path is taken, it will be a waste of money.

In my limited understanding of law, I see a company which has been accused of a terrible crime. Also, this type of crime is not committed accidentally. The Antitrust Laws are written in such a way that they cannot be broken by everyday business practices.

Allow me to make a parallel with another terrible crime, murder. In the law, there are many ways to consider the killing of an innocent person: from first degree murder (pre-meditated, cold-blooded) to involuntary manslaughter (something unexpectedly lead to the death of another). Punishment is very different for these two crimes. For the first, some states allow the death penalty. For the latter, people may not even go to jail, if it can be proved that the death was 100% accidental.

Microsoft did not commit ''involuntary monopoly maintenance.'' The breaking of antitrust law was premeditated and done will all intentions to kill competition and monopolize other markets. The same goes for all other things Microsoft has already been found guilty of. But, in this proposed settlement, it seems Microsoft will ''voluntarily impose'' guidelines on itself to change its behavior. If this were a trial of a person accused of first degree murder, would you let him or her go free if they promised not to carry a gun anymore? If this was child molester, would you let him / her go free if they promised not to visit school playgrounds?

If the answer is ''no,'' then why is the DOJ allowing Microsoft to walk out of the courtroom with a slap on the wrist, and a simple promise to behave in the future? What about punishing them for what they have already done? I can see this settlement might take care of future problems, but what about punishing the guilty for their crimes? What punishment is Microsoft going to receive for breaking the law?

If the DOJ accepts this settlement, it will fail to provide justice: it will let the first degree murderer of free trade to go unpunished, in hope s/he will behave in the future. That is not justice. Justice requires the guilty to pay back the victims or society for their crimes. Microsoft is not paying back anything for their crimes.

If this settlement is accepted, it will be a dark day in America and in American Justice. I'm glad I live in a state where justice will still be sought if this dark day should come upon this great nation.

Alberto Trevi?o
Orem, Utah @

MTC–00024165

From: Geoff Vanden Bout
To: microsoft.atr(a)usdoj.gov
Date: 1/25/02 9:06am
Subject: Microsoft Settlement

I would like to start by saying that I'm not overly familiar with the law, especially as it pertains to anti-trust situations. But I have done some homework regarding this subject, and the proposed settlement worries me. I cannot even begin to tell you what I think should be done instead, but I can say that I am not in favor of the current suggestion. My primary concern is the scope. This settlement is needlessly limited in scope. It's narrow focus does eliminate some of the anti-competitve practices which the settlement is trying to get rid of, but it leaves out others.

I will give a few examples of remedies I would suggest, but I don't expect they will be practicle, due to my low knowledge and understanding of the law. First, definitions of thins such as middleware and Windows Operating System Product should be definitions rather than specific products, and should be brodened to avoid loopholes, such as the version numbering system being part of the definition of middleware. Also, I consider it dangerous to allow Microsoft to penalize or reward (if used in certain ways these are the same) OEMs and other distributors for selling competing software or computers containing competeing software.

MTC–00024166

From: Mark MacKenzie (Shaw)
To: Microsoft ATR
Date: 1/25/02 9:54am
Subject: Microsoft AntiTrust case

I believe strongly that Microsoft has leveraged its predominant position as supplier of operating system software to stifle competition and my choices as a user/.consumer of PC services. I use a variety of personal computers at home and at work. It is obvious to me as I have experienced these problems, that Microsoft calculatedly decided to hide parts of normally separate applications in its operating system routines and menus and did the opposite as well which is probably worse. They made parts of their operating system to be installed by otherwise separate applications such as Internet Explorer. This created an interlocked spider web of operating system and supposedly separate applications and created a practically unassailable protected monopolistic environment.

It is also obvious that Microsoft has few if any honourable intentions to clean up its act. There is also strong indications that high powered business politics has influenced some of the current proceedings. I refer to the change in heart of the DOJ in prosecuting this case after the recent change in government.

I believe strongly that Microsoft has demonstrated an unwillingness to accept the philosophy of the court decision and still seeks to stifle competitiveness. The recent attempt by Microsoft to invade and ''swamp'' competition in the school system and soften the financial impact of the judgement by better than 60% by using its own software and refurbished older computers is proof of this.

Regards Mark G. MacKenzie

MTC–00024167

From: Alan Gardner
To: Microsoft ATR
Date: 1/25/02 10:04am
Subject: Microsoft settlement

I am a founding partner in a technology company that specializes in internet based software solutions. We have been in business for 18 months and have enjoyed the struggles of a fledging new business competing in the open market. I would like to share with you my thoughts of the anti-trust suit against Microsoft from the perspective of one who has faced the challenges of competing in the open market and the affect Microsoft has had on us as a company.

In the last 18 months of business I am aware of two separate occasions when we have discussed the marketing plan of our two products in which we have entertained the idea of establishing a partnership with Microsoft. On both occasions, we felt that due to Microsoft's history of ''borrowing'' ideas of other companies and then offering the same product to the public at a substantially lower price, that we could not compete against our own product at the price Microsoft would offer. We have decided to look elsewhere to fulfill our marketing needs.

I believe the free market of the United States of America is integral to the economy. I believe that the ability for any American to start a computer company and compete in an open and fair market is vital to that economy. For as new comers to the industry compete, they will be forced to be innovative to survive—and that innovation will advance technology and improve the lives of more Americans.

I sincerely believe that my ability to advance my company's products and serve the needs of my present and future customers will be at risk of Microsoft is allowed to expand it's monopoly in the technology industry. I believe accepting the settlement as agreed to by the DOJ and Microsoft will do exactly that.

I urge you to seek a more fair solution—one that protects the free market and protects companies who are willing to play by the rules.

I appreciate your time.
Sincerely
Alan Gardner
VP Design
IMPAVID Technologies
1935 East Vine Street, Suite 200
Salt Lake City, 84121
801.274.3721 (office)
801.274.3726 (fax)
801.391.0109 (mobile)
alan@impavidtech.com

MTC–00024168

From: John Diley
To: Microsoft ATR
Date: 1/25/02 10:05am
Subject: Dear Sir or Madam:

Dear Sir or Madam:

The following summarizes my views about this case: ''The settlement being prepared by Charles James (1) would not prevent the central ways Microsoft was found to have illegally maintained its Windows monopoly, (2) does nothing to restore competition in the OS market, an express Court of Appeals requirement for a Microsoft remedy, and (3) has no provisions directed to Windows XP and other new endeavors of Microsoft to extend and protect its monopoly to new markets in the future, another express Court of Appeals requirement for a Microsoft remedy. The proposal is so far outside the mainstream of antitrust law, and so completely contradicts the DC Circuits unanimous opinion affirming Microsofts guilt, that the only explanation must be political pressure. Whether or not the public learns of the backroom activities will be the responsibility of Judge Kollar-Kotelly under the Tunney Act public hearings that are required before approval of antitrust settlements.''

The only thing I can add is that if ''settlement'' is allowed to proceed, the Department of Justice should change its name to the Department of Injustice or perhaps the Department of Graft and Bribery.

Sincerely,
John Diley
405 West Side Dr., #301
Gaithersburg, MD 20878
(240) 632–2101

MTC–00024190

From: Shawn Davis
To: Microsoft ATR
Date: 1/25/02 10:03am
Subject: Microsoft Settlement

To whom it may concern:

The proposed settlement is hopelessly flawed and should be re-written. I've read the settlement proposed by the dissenting states and it is what the Proposed Final Judgement should have been. The weakness of the PFJ and Microsoft's disregard for the law may be clearly seen in the release of Windows XP with it's host of anti-competitive features (e.g. MyMusic, Passport, and even remote control). As a concerned citizen responding under the Tunney Act, I strongly oppose any settlement, including the Proposed Final Judgement, that does not completely prohibit Microsoft's anti-competitive practices. s.

MTC–00024192

From: Vaughn Van Asten
To: Microsoft ATR
Date: 1/25/02 10:09am
Subject: Microsoft Settlement

I don't think the settlement with Microsoft will work, because they have broken laws in the past, and will continue to do so.

Vaughn Van Asten
1315 Hendricks Ave
Kaukauna, WI 54130

MTC–00024193

From: scott swentek
To: Microsoft ATR
Date: 1/25/02 10:11am
Subject: remedy for microsoft monopoly

i have used microsoft operating systems since DOS 3.2...& i must say that the products were far more secure & bugfree when there were effective competitors in the marketplace...when i now use one of microsoft's later windows operating systems i must attempt to disable many aspects of it...such as the browser & email functionality...because those products are simply too unreliable & insecure for any rational person to use...microsoft's products would greatly benefit from the type of rigorous competition that occurs in a non-monopoly marketplace...please consider

breaking microsoft up into distinct...competitive...entities

MTC–00024194

From: Alex Lindsay
To: Microsoft ATR
Date: 1/25/02 10:12am
Subject: Microsoft Settlement

I am opposed to the Microsoft settlement as it appears to include no guarantees that Microsoft will modify it's behaviour. It also appears to cost Microsoft very little in actual costs. This is not right and should be abandoned as a viable settlement.

MTC–00024195

From: Jason Day
To: Microsoft ATR
Date: 1/25/02 10:59am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Jason Day

MTC–00024196

From: Southeast Region CSA
To: Microsoft ATR
Date: 1/25/02 10:13am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I believe the Proposed Final Judgement (PFJ) for the Microsoft case falls short in a number of areas:

1. I do not believe the PFJ puts into place a sufficient enforcement mechanism.

2. The definitions of ''API'', ''Microsoft Middleware'', ''Microsoft Middleware Product'', and ''Windows Operating System Product'' are not sufficiently broad to prevent Microsoft from effectively circumventing the intent of the PFJ in many cases.

3. The PFJ would much more effectively strengthen competition in the Intel-compatible marketplace by explicitly allowing and protecting the use and implementation of Windows APIs on competing operating systems. This would allow applications written for Windows operating systems to be run on competing systems, thereby lowering the high barrier to entry for those competing systems.

4. The patents supposedly covering the Windows API should be disclosed. As it stands, the undisclosed patents act as an additional barrier to entry for competing operating systems that seek to re-implement the Windows API.

5. The PFJ should explicitly demand that descriptions of file formats used by Microsoft application software be made public and freely usable. This would allow applications written for Windows or competing operating systems to interoperate more effectively with Microsoft applications, thereby reducing the high barrier to entry for competing systems.

6. The PFJ needs to be expanded to address exclusionary practices that harm competition from Open Source software and operating systems that compete with Microsoft Windows. For example, in its current form the PFJ does not address Microsoft SDK End User License Agreements (EULAs) that prohibit the SDKs'' use with Open Source software. These practices raise the applications barrier to entry for competing operating systems. Thank you for taking the time to consider my comments. Note that these comments represent my own opinion and do not necessarily those of my employer.

Regards,
Chris Armstrong

MTC–00024197

From: Mark Figlozzi
To: Microsoft ATR
Date: 1/25/02 10:13am
Subject: Microsoft Settlement

The proposed Microsoft Settlement does not go far enough in attempting to stop Microsofts ongoing, anti-competitive behavior. The danger Microsoft poses to consumers, the Internet, and our economy, has never been greater.

Truly, the browser wars are over. But critical new battles are being fought on new fronts. As a software engineer, I perceive that Microsoft is leveraging its Operating System monopoly to take control, and charge the Microsoft Tariff on all transactions, in three key areas:

1) STREAMING MEDIA.

Microsoft continues to leverage its Operating System monopoly to force its inferior (bundled) Windows Media Player on uneducated consumers, who will frequently use whatever the default is on their computer. New releases of Microsoft Internet Explorer frequently contain bugs that disable competing technology like Apples Quicktime. In fact, Microsoft has gone so far as to ELIMINATE browser plugins, forcing developers to scramble to release new versions of their competing media players which rely on Microsofts DirectX technology. This does not benefit consumers; it serves only to extend Microsofts monopoly. It forces creators of CONTENT online to license tools from Microsoft, rather than using free tools available elsewhere, to communicate their message. It implements a Microsoft tariff on all streaming media.

2) INTERNET STANDARDS & ONLINE TRANSACTIONS.

Microsofts new .net initiative strikes a dangerous blow against the concept of industry standards which made the Internet the massive success it has become. It undermines the HTTP protocol, and uses proprietary technology to conceal data from engineers attempting to develop systems. As a software engineer who has worked with a variety of standards in network programming, I perceive that .net was not designed to assist consumers: It was designed SOLELY to ensure that Microsoft will get a little bit of money from every single transaction that occurs online. .Net extends the Microsoft Tariff to all web developers. The feature most sited by IT directors considering .net: it integrates with windows. And most frighteningly of all:

3) NEWS AND CONTENT.

Operating System and web browser features implemented by Microsoft increase traffic to Microsofts MSN News Network. For example, when a user enters an address to a web page that is no longer there, the HTTP Protocol (the universally-accepted protocol which powers the internet) calls for a message to be displayed which says Error: Page Not Found. But users of Windows XP have quite a different experience: Instead of displaying a standard error message, the newest version of Internet Explorer sends all viewers to a Microsoft Network Search Page. These search pages have links to News stories and other content within the Microsoft Network. By sending users of a web browser to a specific web page within its network, Microsoft is attempting to leverage is Operating system monopoly into the area of News and Content.

Additionally, Microsoft has created smart tags which will embed false links into NON-MICROSOFT websites, misdirecting consumers to Microsoft-sponsored content. This is equivalent to Sony embedding technology into television sets which inserts commercials for Sony CD Players during commercials for competing electronics products, or for Sony Pictures movies into news broadcasts about rival films. Microsoft has announced, but not yet shipped its Smart Tag enabled browser. Presumably, they will await the outcome of anti-trust actions.

Please do not allow Microsoft to extend its Operating System monopoly into News and Content publication. They have already demonstrated that they are not a trustworthy information source.

SECURITY ISSUES

Biologists teach us that the most secure ecosystem is a DIVERSE one. When viruses wipe out crops, money and lives are lost, but the human race lives on because we grow more than one variety of food: not all of our crops are susceptible to the same virus. The Internet, however, is increasingly dominated by one strain: Microsoft. Their track record on security is abysmal. This leaves us INCREDIBLY vulnerable to cyber attacks.

Please do everything in your power to ensure the safety of the Internet. Take stronger action against Microsoft. Protect competition in the free market. This is a crucial time and an issue of critical importance.

REMEDY

After my years in the technology sector, I have become convinced: Allowing consumers the option to uninstall Internet Explorer, or to purchase a stripped down version of Windows will do VERY LITTLE to protect consumers, the Internet, and the ailing technology sector in general, from Microsofts illegal, anti-competitive practices. The only way to stop Microsoft from leveraging their Operating System monopoly into other markets is to create Real Competition. And the only way to create real competition is to SEPARATE the Operating System developers from the developers of other software at Microsoft. This means BREAKING THE COMPANY IN TWO. One action that would help alleviate the Microsoft Tariff is forcing the company to publish and permanently open the file format for Microsoft Office documents, which have become ubiquitous in the business world. Please take this unique opportunity to do more to help our struggling industry, caught between the recession and the choke hold of a determined monopolist.

Thank you for your time and hard work.

Sincerely,
Mark Figlozzi, Software Engineer
39 Goldsmith St.
Boston, MA 02130

MTC–00024198

From: rmrfirst@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:10am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Richard Brendsel
14860 Fillmore Ave. N. W.
Clearwater, MN 55320

MTC–00024200

From: Corner, Lisa, CA NAR/US
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/25/02 10:05am
Subject: Proposed settlement

This is a quick note to say that I totally endorse the open letter composed by Dan Kegel—I am a cosigner! The problem with the proposed settlement is that using the literal interpretation there are more holes in it than in a sieve. What I am trying to say is that as defined by the settlement none of Microsoft's ''new'' operating systems will be impacted, nor will many of the strong arm tactics that Microsoft employs against OEMs be prohibited nor even discouraged. I can't even begin to describe how the concept of donating hardware and software to the education system (while wonderful in concept) with out proper oversight will hinder Microsoft's competition both open source and proprietary.... As a consumer I am disgusted with the requirement Microsoft has imposed on some pc manufacturers ... If I the consumer do not want the software, why should I have to pay for the privilege of deleting it when I get my new system home?

All in all I feel the justice department has totally missed the boat it's not just internet explorer that is the issue or even icon real estate on the desktop. The real issue is at the core of how Microsoft does business.

Lisa Corner
Systems/Network Administrator

MTC–00024201

From: rrdolson@t-one.net@inetgw
To: Microsoft ATR
Date: 1/25/02 10:11am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Robert Dolson
1688 S. Darr
Scottville, MI 49454

MTC–00024202

From: MKoenecke@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:15am
Subject: Microsoft Settlement

To the Honorable Judge Kollar-Kotelly:

It is my fervent hope that both the judicial branch and the executive branch (i.e., the office of the Attorney General) will take the Microsoft case seriously, and implement a judgment which will aid in keeping the flow of information, and the formats thereof, freely available. I am a conservative, and I am a Microsoft Windows user as well. I believe in a limited role for government; however, I believe the essence of that limited role is for the government to ensure freedom for the people, which not only encompasses Bill of Rights issues but also includes economic freedom. It is Microsoft's avowed goal to control standards for the Internet and for common file formats; a goal which, if unhindered, will result in anyone who wishes to do business having to pay Microsoft whatever fees it may demand. For there will be no alternative.

Please do everything in your power to protect the future economic freedom of the American people.

Respectfully,
Michael A. Koenecke

MTC–00024203

From: Christian Swanson
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/25/02 10:16am
Subject: Microsoft Settlement

My comments on the settlement are as follows:

I work in IT—in a Microsoft NT/2000 environment. I have read the news of the settlement and briefly looked at the documents on your website. Working in the industry, I am witness to the lack of choice, or hurdles that need to be jumped to choose alternate operating systems & browsers. Netscape, Linux, Unix, MacOS, BeOS, Sun, Oracle & Novell should all be alternatives to Microsoft & their OEMs. Microsoft marketing wants us to believe they need ''the freedom to innovate'' and this anti-trust lawsuit is a infringement on their free market business. On the contrary, I feel this is more analogous to the railroad & oil empires of the 19th century. The first to dominate had free reign until they were regulated & rectified by the government. I would hope that the DOJ Antitrust division would take this opportunity to re-evaluate their original settlement and propose a new settlement that would allow innovative people like Bill Gates & Steve Jobs to start a business in their garages & be able to take on giants like IBM and surpass them in technology.

Now that's freedom to innovate—we need a level playing field. It's what America is all about!

Christian M Swanson
Network Administrator, IT
Evergreen Healthcare
Phone: 425.899.3710
Fax: 425.899.1755

MTC–00024204

From: nikolayeva@NiagaraMohawk.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:18am
Subject: Settlement is bad

Settlement doesn't do anything to punish Microsoft for their deeds and it doesn't do enough to restore competetiveness of the marketplace and real innovation, not Microsoftish ''innovation'', which is nothing more than stealing or buing out others ideas and integrating them into their monopolistic products. Microsoft does nothing to provide interoperability with other companies products, unless it serves their goal to crush competition (WordPerfect and Lotus 1–2–3). It introduces incompatibility between versions of its own software in order to force users to upgrade perfectly working products and pay more to Microsoft (Word 6.0 to Word 95 migration).

Microsoft destroyed internet browser market by integrating middleware functions into operating system. Now Microsoft tries to do the same thing with messaging software and authentication services, integrating them into new version of their operating system. Microsoft destroyed operating systems market using their licensing schemes, which punished hardware manufacturers for installing other systems (IBMs OS/2, BeOS or Linux distributions). By doing this, Microsoft disregards our right for freedom of choice and stiffles real innovation.

Andrey Nikolayev,
Software Engineer
Emplifi Inc.

MTC–00024205

From: jrichar9@bellsouth.net@inetgw
To: Microsoft ATR
Date: 1/25/02 10:16am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
James Richardson
1009 Nina Drive
Springfield, TN 37172–6089

MTC–00024206

From: Damian Busby
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 10:18am
Subject: Comment on the Proposed Settlement

To Whom It May Concern:

As a professional who has been in the computer industry for nearly 10 years now, I am deeply concerned with the settlement Microsoft has proposed as ''punishment'' for it's illegal acts. If the court were to accept the settlement as proposed, they would be effectively telling the country, and the world, that what Microsoft had done to build, and maintain, it's illegal monopoly was acceptable, setting the stage for further raping of the technological industry. The behavior of Microsoft cannot go unpunished. In a country born and bred on variety and freedom, it would be a shame to see a creative and important industry ceded to an unjust tyranny that resides in Redmond.

Damian Busby
310 SW 79th Way
North Lauderdale, FL 33068

MTC–00024207

From: A R
To: Microsoft ATR
Date: 1/25/02 10:19am
Subject: Microsoft Browser Monopoly

Microsoft Antitrust Suit
Department of Justice

I'm an ordinary Internet and Web user.

I prefer to use Netscape browser versions and have noticed some problems that have increased during the past few months with Netscape mounted on Windows 98. After Microsoft bought the stand alone E-Mail server, Hotmail.com, they began a program of remodeling the service. Within the past few months, Hotmail has been firmly integrated into MSN.com. Netscape and Internet Explorer Hotmail presentations and features are not identical. Netscape Hotmail has reduced operations through Windows 98. When logging out of Hotmail, a user is redirected to MSN.com. IF Netscape is the browser in use, the connection to MSN.com can take up to one minute using a T1 connection, the fastest connection available to the average user. While the redirect is going on, all other open windows and applications are frozen. No work with them is possible until the connection is made to MSN.com.

Additionally, there are increasingly frequent incidents of Netscape on Windows 98 ''freezing'' and requiring a computer restart if one wants to continue using Netscape. At the same time though, Microsoft's Internet Explorer can be opened and run. I believe Microsoft is continuing to create obstacles to the use of any browser other than their Internet Explorer. I believe that as someone else has pointed out ''it is apparent that Microsoft has attempted to maintain a monopoly on the Internet Web Browser market to any casual software user.''

Sincerely,
Albert Rohla
383 Duane St.
Glen Ellyn, IL 60137

MTC–00024209

From: turkeycall@socket.net@inetgw
To: Microsoft ATR
Date: 1/25/02 10:18am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
John Hanley
118 N. Leeds
Eldon, MO 65026

MTC–00024210

From: ruth.jones@om5daystar.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:20am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Ruth Jones
6001 Clear Bay Drive
Dallas, TX 75248

MTC–00024211

From: Larry Groebe
To: Microsoft ATR
Date: 1/25/02 10:23am
Subject: Microsoft Settlement

I just want to add my voice to those that think the current government settlement with Microsoft is inadequate to address the situation. A break-up of the company is the only way to bring a measure of competition back into the market, and the only way to ensure that other companies have a fair opportunity to innovate and dream up more advanced solutions. The fact that no company would dare introduce a new operating system, but even a new spreadsheet or word processor, because it would be a foolhardy endeavour, is evidence that the situation needs to be changed. Beyond the business implications, the pace of technological innovation has completely stalled due to Microsoft's dominance. I use a Macintosh at home and the office, but even here I MUST use Microsoft software for basic business applications, because there simply IS NO OTHER CHOICE. Until the company is broken into smaller units, this will remain the case.

Sincerely yours,
Larry Groebe

MTC–00024212

From: tylerthe3rd
To: Microsoft ATR
Date: 1/25/02 10:24am
Subject: Microsoft Settlement

Please add my voice to those protesting the Microsoft settlement. I find the suggestion that Microsoft should donate computers to school systems absurd. Microsoft did violence to the system that we all rely upon, whether we want to or not, to ensure that the goods and services that we consumers buy

are available at the lowest price. Microsoft repeatedly and callously sought not to provide better and cheaper products than its competition but only to use its position to prevent its competitors from offering their better and cheaper products. Microsoft now seeks to do penance by donating computers to poor school systems. Not only would such a punishment fail to be of a size that would deter future wrongdoing by Microsoft, but it is of a piece with the conduct that Justice is seeking to prevent in the future. By donating these computers which would, of course, run the Microsoft Windows operating system, Microsoft seeks nothing less than taking even more market share, this time from Apple Computer. The fact that such a proposal is even being seriously considered makes me and others wonder does Justice care more about closing this case than it does about ensuring the survival of our free market system. Please overrule this proposed settlement and bring economic justice to us.

Tyler E. Williams, III
P.O. Box 428
Drakes Branch, Virginia 23937

MTC–00024213

From: lwprid@localnet.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:22am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Larry Pridmore
31 Carlton Rd.
Waterloo, NY 13165–1636

MTC–00024214

From: Seth Taplin
To: Microsoft ATR
Date: 1/25/02 10:24am
Subject: Microsoft Settlement

As a professional in the computer world, I'm ashamed that my government has ''sold-out'' to Microsoft with the proposed settlement. I feel that the following article has a valid description of the ways in which the settlement fails to address Microsoft's monopolies: http://www.ccianet.org/papers/ms/sellout.php3 As a user of many different computing platforms and operating systems, I see Microsoft as having a stranglehold on the consumer PC market, and using their operating system's monopolistic powers to prevent any other competing companies from gaining a foothold with applications that challenge applications produced by Microsoft. This includes browsers, email applications, etc. This situation is leading to a stagnation of the software market that can only be addressed by drastic action. Hopefully public comments like this will lead the government to realize that this affects all users, not just those sending in comments under pressure from Microsoft and its major competitors, but EVERY person who has, does, or will use a personal computer.

Thank you,
Seth Taplin
Software Engineer

MTC–00024215

From: Baakkonen, Rodney
To: ''microsoft.atr@usdoj.gov''
Date: 1/25/02 10:23am
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea. I have never actually chosen to buy a Microsoft product of my own free will. Their products were always put on the machine I bought by someone else. Thus discouraging from actively pursuing alternatives to Microsoft. Why should I buy something from some one else, when I already have software loaded on my machine for free. I believe that this monopoly in the end hurts creativity and competition. And that a more satisfactory solution must be found.

Rod Baakkonen
7003 Rolling Hills Rd
Corcoran, Mn 55340
763–498–8958

MTC–00024216

From: Gar Ryness
To: Microsoft ATR
Date: 1/25/02 10:24am
Subject: Microsoft Settlement

Dear Judge,

I love living in the US and love that it is a free market. I have always learned that an aid in that free market is that monopolies are disallowed. Therefore, I am puzzled by this PFJ. I have a good friend that works at Microsoft but I'm not mad at her. I am however, disappointed that her company has become this protected monster that has somehow recruited the goverernment to do away with any serious competitors. This is not fair. I would ask that you reconsider this ruling.

Thank you,
George A. Ryness IV
3331 Appleton St.
Los Angeles, CA 90039

MTC–00024217

From: Spencer Crissman
To: Microsoft ATR
Date: 1/25/02 10:29am
Subject: Against Current Settlement

I am writing to convey my disagreement with the currently proposed settlement of the Microsoft antitrust case. I believe that the settlement, as it stands now, would not suffice to prevent Microsoft from continuing to use their monopolistic power in a way which, while beneficial to themselves, has a negative impact on innovative development within the software market. As a computer programmer, I believe that a better remedy is one which provides an opportunity for other companies and individuals to compete with MS on even footing, such as the forcing the company to reveal the .doc and .xls formats, as well as making all API's and protocols such as networking public. This would ensure that while MS is able to put out products which work well on its platforms, other developers have a chance to release software which works just as well, and can potentially help break the monopoly which MS now holds. Also, note that I believe that any proposal of MS to pay punitive fines via the donation of its software and/or machines which run its operating system is absurd, as such action would serve only to extend their monopoly further, a fact of which they are no doubt aware. Such offers are hollow at best, and for the most part, insulting.

Thank you for taking my comments into consideration in this matter.

Spencer Crissman
Toledo, OH

MTC–00024218

From: McGlaughlin, Jeffrey A
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 10:28am
Subject: Microsoft Settlement

It is my opinion that the DOJ settlement is not in the best interest of the end-users of Microsoft's products, or the software industry. The alternate proposed settlement put forth by California, et al, is better and could be modified to serve the end-user interest by adding language giving recourse to the users who have been damaged by Microsoft's actions.

Jeffrey A. McGlaughlin CID
Sr. Designer
Battelle Memorial Institute
Columbus Ohio

MTC–00024219

From: Tony Flagg
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 10:25am
Subject: Microsoft Settlement

An episode from the 1996 Caldera v. Microsoft antitrust lawsuit illustrates how Microsoft has used technical means anticompetitively. The judge in the case ruled <http://www.kegel.com/remedy/archive/final4.html> that ''Caldera has presented sufficient evidence that the incompatibilities alleged were part of an anticompetitive scheme by Microsoft.'' That case was settled out of court in 1999, and no court has fully explored the alleged conduct. The concern here is that, as competing operating systems emerge which are able to run Windows applications, Microsoft might try to sabotage Windows applications, middleware, and development tools so that they cannot run on non-Microsoft operating systems, just as they did earlier with Windows 3.1. The PFJ as currently written does nothing to prohibit these kinds of restrictive licenses and intentional incompatibilities.

*Tony Flagg—Architect/Analyst

MTC–00024220

From: srogers@Dartmouth.EDU@inetgw
To: Microsoft ATR
Date: 1/25/02 10:30am
Subject: Microsoft Settlement

I am writing to voice my concern and dissatisfaction with the proposed DOJ settlement with Microsoft. The criticisms and suggested amendments of this have been outlined in detail by many in the field, including Dan Kegel whose petition I fully support. Please consider that as stated, the settlement will not result in opening the market to competition from other vendors as, I would hope, is its intent.

Stephen R. Rogers, PhDNumerical Methods Lab Manager

Dartmouth CollegeHanover, NH 03755

MTC–00024221

From: Chris Eash
To: Microsoft ATR
Date: 1/25/02 10:30am
Subject: Microsoft and ''freedom to innovate''.

Hello,

As an undergraduate engineering student at the University of Tennessee, I use Microsoft software on a daily basis, not by choice, but only because no alternative exists for certain applications. As a user of other operating systems (Linux, Macintosh, Sun Solaris) I am keenly aware that the internet provides excellent cross platform interoperability. Things are changing however, as web sites follow the trend of writing HTML that is Internet Explorer specific. Try vising the 2002 Winter Games web site on a Macintosh using Netscape, the page is not navigable. Microsoft's monopoly is so extensive that despite complaints, most sites will not alter HTML that does not function on non Microsoft software. Eventually the internet will be navigable only with Microsoft products, or products with reverse engineered compatability. With Microsofts propriatary software and legal clout, reverse engineering might one day become impossible. Add the Microsoft .NET strategey and you have a company that has made great leaps in controlling the computer desktop and the internet while crushing competitors and avoiding any significant punishment. To Microsoft ''freedom to innovate'' means freedom to build a monolpoly, crush Netscape, Linux, Apple, Corel, or any other significant competitior, in any market. Ask yourself: ''Why does Microsoft charge for MS Office but give away Internet Explorer for free?''.

Thank you,

Chris Eash

MTC–00024222

From: Nell Dougherty
To: Microsoft ATR
Date: 1/25/02 10:35am
Subject: settlement

I do not think the settlement with Microsoft went nearly far enough and am extremely disappointed in this.

Nell Dougherty

Houston, Texas

MTC–00024223

From: M Lobo
To: Microsoft ATR
Date: 1/25/02 10:32am
Subject: Microsoft Settlement

Hello:

My name is Michael Lobo, 15 Matthew Drive, Franklin MA 02038. I wanted to ask you folks to reconsider your proposed settlement with Microsoft. As a software engineering manager (I am currently the Director for Software Development at a small startup company) with 15 year experience in the software world (the last 7 have been ''Microsoft'' focused)—I have seen enough abuse from Microsoft. They have fantastic products. In the past I have cheered them on—glad to have some universal standards that people can focus on. Now that they have THE operating system, THE Office package, THE development products—they are taking advantage of their monopolistic position. They are completely abusing their powerful position—proof of that is in their recently released licensing scheme WPA. If any other company tried to sell a product that requires (requires!!!) a phone call or email to activate—even through the customer fully paid (in whole!) for that product—the company would fail. That policy is ONLY viable in a monopoly. The ensuing hardships for individual and small business users (I am both) is significant.

If I had a realistic alternative—I would use it—but Microsoft is successfully doing everything they can to prevent that from happening. We need to protect the software industry from this type of abuse. Handing MS the proposed settlement will be the same as giving them a green light to continue their predatory and anti-competitive practices.

Regards,

Michael

MTC–00024224

From: Bob Lewis
To: Microsoft ATR,attorney.general@po.state.ct.us@inet...
Date: 1/25/02 10:34am
Subject: Comments on DoJ vs Microsoft proposed remedy

To whom it may concern,

My name is Bob Lewis. I write the ''Survival Guide'' column for InfoWorld. Several readers have encouraged me to share the following with you—it's a column I published shortly after Judge Jackson's original verdict proposing an alternative remedy to those already discussed. I've appended the text below; the URL is http://www.infoworld.com/articles/op/xml/00/04/24/000424oplewis.xml. A few additional comments beyond what the column itself describes:

* As I'm sure quite a few other correspondents have already suggested, the negotiated remedy fails a very basic test: It doesn't penalize Microsoft in any significant manner.

* In addition to the Windows APIs described below, I'd also suggest including the MS Office file formats and interfaces in the scope of the remedy. In a sense, opening the Windows APIs is the remedy for actual damages; the MS Office APIs are punitive damages.

* A benefit of this remedy not stated in the article is that it addresses Microsoft's primary complaint about the trial itself and some other proposed remedies: By opening the interfaces to Microsoft's products, this remedy encourages further innovation on Microsoft's part since it can't simply defend its market position by making it too difficult to create competing products.

* A possible alternative to the $50 million per hidden API penalty described in the article: Start with $5 million for the first discovered hidden API or feature, and double the penalty for each succeeding one found. Aside from these small points the article stands on its own. Even if it doesn't alter your thinking, I trust you'll find it amusing.

Bob Lewis, InfoWorld

Headline: Some suggestions for Judge Jackson as he considers what penalty Microsoft should get

''Your honor, we find the defendants incredibly guilty!''

— Jury foreman, about Zero Mostel and Gene Wilder, in Mel Brooks'' film The Producers

CAN YOU IMAGINE if Lance Ito had been the judge? By the time this column appears, the verdict itself (for the Microsoft trial, of course ... have there been any others?) will be old news. The obligatory snap judgments will all have been printed, so you've read that (a) Judge Thomas Penfield Jackson was right and should throw the book at Microsoft; (b) he may have been right in theory but technology has passed the whole issue by, so the penalty should be light; (c) the whole trial should never have taken place because antitrust laws are bad for bidness. The fact is, in the eyes of the law, Microsoft did harm and is guilty. The task now is finding a suitable punishment. What strikes me about this subject is the dreary sameness of the proposed solutions. Every one of them involves either breaking up the company, expropriating its intellectual property (read ''Windows''), and/or supervising the company closely while telling it to stop being so naughty.

Sadly, not one of these punishments withstands the most basic of ethical tests: The punishment should fit the crime. The worst is breaking up the company, because in the wacky world of Wall Street, a broken-up Microsoft would probably exceed a unified Microsoft in total market capitalization. The goal of issuing a punishment is not to enrich the guilty. Here's one punishment that does not enrich the guilty and does fit Microsoft's crime of abusing its Windows monopoly by bundling and dumping other nonmonopoly products with it. What would be a suitable punishment? Prevent dumping, require the bundling of competing products, and break the monopoly.

Resolving the bundling and dumping issue is easy: If Microsoft bundles a product, it must also bundle the three leading competitors and only give away a product after at least one rival company has done so. Breaking up the monopoly is a more interesting challenge. Here's one way: Require that Microsoft do what it should do—both publish and respect the OS interface.

In other words, put the Windows API in the public domain—not Windows itself, just its API. The court would enjoin Microsoft from hiding APIs or changing specifications once published. This would create near-instant competition of Windows clones. Without any hidden or changing APIs, clone makers would only be limited by their ability to write code that works. Enforcing this

penalty is where the fun would start: The court should establish a bounty, which would be paid by Microsoft to the first person or company uncovering a hidden or changed API. Make it $50 million or so per API, and the average delay between infraction and detection would be measured in minutes. Here's the best part: Internet Explorer is part of the operating system, so its API, along with the API for the rest of Windows—all versions—will now be in the public domain. So will the APIs for any other applications Microsoft declares to be integral to the OS. Wham! Microsoft suddenly has a strong incentive to respect the distinction between OS and application.

That's my solution. Even if you don't like it, at least it's different from the same old stuff. If, on the other hand, you do like it and are pals with Judge Jackson, feel free to mention it to him. Or mention it to a pal of a pal of his. Six degrees of separation should get it there.

MTC–00024225

From: Benjamin Guite
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 10:34am
Subject: Microsoft Settlement

Get off Microsofts back.
Many Thanks,
Benjamin Guite
Gold Technical Support Analyst
WatchGuard Technologies

MTC–00024226

From: frankco20@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:30am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
frank coffee
4935 Monte del Sol Ln
North Las Vegas, NV 89031

MTC–00024227

From: Johnson, Lane
To: Microsoft ATR
Date: 1/25/02 10:35am
Subject: Microsoft Settlement

I believe that the Microsoft settlement is a good thing at this time.

Regards,
Lane Johnson

MTC–00024228

From: june—lindeman@msn.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:27am
Subject: Microsoft Settlement

This lawsuit should be settled immediately. Let Microsoft benefit the school systems with their donations. School Boards in this country are all underfunded. It would be great for the students and teachers. This should result in higher test scores and better schools. et Microsoft go about their of making excellent products for the world.

MTC–00024229

From: nela@telenet.net@inetgw
To: Microsoft ATR
Date: 1/25/02 10:27am
Subject: Microsoft Settlement

I am in favor of the settlement between Microsoft and the Federal Government and the attorneys general to bring an end to the lengthy antitust case. Don t let Microsoft s competitors undermine the settlement and prolong the process for no public benefit.

MTC–00024230

From: tturcotte@nbdint.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:26am
Subject: Microsoft Settlement

What has happened to Americas Long standing policy of Laize-fair? No one was forced to purchase or use anything they didnt want too.

MTC–00024231

From: mshomphe@acm.org@inetgw
To: Microsoft ATR
Date: 1/25/02 10:27am
Subject: Microsoft Settlement

I believe the proposed settlement for US v. Microsoft is a terrible idea for consumers. Microsoft owns the keys to the computing world and is hindering progress. Though some of their products are laudable their practices are awful. These practices often lead to better systems getting crushed. Microsoft must be stripped of its monopoly broken up into separate companies and heavily fined.

MTC–00024232

From: cbaum@nmbar.org@inetgw
To: Microsoft ATR
Date: 1/25/02 10:27am
Subject: Microsoft Settlement

I think the government should stay out of private industrie business unless it affects national security. The Microsoft monopoly does not affect national security. Let the marketplace sort it out (eg AOL s purchase of Red Hat and Apple s use of Linux).

MTC–00024233

From: rwa@winterassoc.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:27am
Subject: Microsoft Settlement

I believe that the November 3rd settlement agrred to by the Federal Government and Microsoft is in the public interest. I believe that this settlement is fair and in the interest of everyone: the tech industry the economy and especially the consumers.

MTC–00024234

From: Bch1229@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:27am
Subject: Microsoft Settlement

The settlement was fair. Any further law suits is only to help greedy DA. and States trying to score more money. This is absurd and will only hurt the markets.

MTC–00024235

From: john—doe@bestconsulting.org@inetgw
To: Microsoft ATR
Date: 1/25/02 10:27am
Subject: Microsoft Settlement

I don t think the government has done enough to prosecute Microsoft. Not only are they squashing competition they are trying to make companies forever dependant on them through their new licensing strategy. Does everyone know that MS is a founder of this website (techleadership.org) that is sponsoring this feedback application. I got a flyer in the mail and a call at the office about responding via this web site. Only Microsoft could be behind this kind of effort. Microsoft s tactics are so heavy handed I am afraid to put my real name down because of fear of reprisals. Somebody has to do something about them.

MTC–00024236

From: chip—joslin@matria.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:27am
Subject: Microsoft Settlement

As a senior IT executive I am disappointed that the Justice Department did not go further in punishing Microsoft. It is my experience that they routinely use predatory business practices and are not good corporate citizens. They only do what is good for Microsoft and do not care what problems they create for everyone else. Although I do not necessarily support a breakup I believe they are a monopoly of the worst sort. I have heard that part of the settlement is for them to donate PCs and Software to schools. I believe that this is nothing but a marketing ploy and should not be allowed. I would rather see a major fine that is used to directly support education. The fine should be in the range of several Hundreds of millions of dollars. Microsoft is arrogant and has ignored previous court orders and should feel the pain.

MTC–00024237

From: steeler35@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:27am
Subject: Microsoft Settlement

The settlement between Microsoft and the DOJ is a good one and it should be accepted by the Judge. It is time to get on with more important issues. The computing world had alot to thank Microsoft for. Most of us would not be using computers or the internet today were it not for Microsoft. Thanks for listening

Thomas Keiter

MTC–00024238

From: walharpiii@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:27am
Subject: Microsoft Settlement

THE PURNISHMENT WAS NOT CLEAR TO ALL PEOPLE WHO OWN A COMPUTER.

MTC–00024239

From: erikap@christianlifectr.org@inetgw
To: Microsoft ATR
Date: 1/25/02 10:27am
Subject: Microsoft Settlement

The settlement is good. Anything else would not be fair to Microsoft. Other companies should be required to do more to get my business. I believe Microsoft is being attacked because of their success. Anyone else could have done what they did. Don t make them pay for doing well in the industry.

MTC–00024240

From: gerald.b.pohl@boeing.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:27am
Subject: Microsoft Settlement

Please expedite the settlement with Microsoft reached in November. This lawsuit was ill based from the begining. Microsoft has done more for this country in the way of automation and has through building the most stelar products arrived at a de-facto standard. The government benefits from this standard because all businesses can share data and files with the government without translation. For these reasons it is better to have one company emerge as the monopoly so the government does not become like the tower of babel trying to translate all the different file formats that we be sent to it from business. Respectfully Please cease and desist and settle this infamous lawsuit that is costing the American taypayer millions of dollars with no benefit! Gerald B. Pohl Long Beach Calif.

MTC–00024241

From: rick.langhorne@
ci.greensboro.nc.us@inetgw
To: Microsoft ATR
Date: 1/25/02 10:27am
Subject: Microsoft Settlement

I manage a computer network of about 1500 Windows PCs and 50 Windows servers for the CIty of Greensboro North Carolina. Your suit against Microsoft has created a lot of uncertainty about the future of Microsoft products and is impacting our ability to plan for the future of our computer users in a negative way! I have been involved with computer software and hardware for a good while. I am pleased with the new features that Microsoft has incorporated into their software. It saves a lot of time and a lot of money! I am no expert on legal matters but I can say for a fact that Microsoft software is less expensive than most of their competition s software. If you do not believe me just price Oracle database software Sun Solaris or IBM AIX. High tech is the future for today and for tomorrow as well. Please try to bring some common sense to the table when deciding on this issue. These comments are my personal opinion and not the official position of the City of Greensboro North Carolina.

Rick

Langhorne Desktop Services Manager City of Greensboro

MTC–00024242

From: duanej@microsoft.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:27am
Subject: Microsoft Settlement

The settlement makes sense the 9 uncooperative states should be sent home with no reward for being stubborn and abusive.

MTC–00024243

From: Brian Kolaci
To: Microsoft ATR
Date: 1/25/02 10:36am
Subject: Microsoft Settlement

I believe that the proposed resolution does not remedy the monopolistic problem that Microsoft represents. I believe that the company should be broken up into several smaller pieces. The operating system(s) should be covered by a totally separate organization. It also fails to remedy the problems that many developers such as myself that have lost alot of money (and potentially millions/billions of dollars) due to allowing them to continue their unfair practices so long. The damage is already done and the world has had to pay for it with a current product that should have been (and would have been) created over 10 years ago, but Microsoft holds the whole computer industry back due to its unfair practices.

Thanks,
Brian Kolaci
12 Westminster Court
Montvale, NJ 07645

MTC–00024244

From: Selwacorp@msn.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:27am
Subject: Microsoft Settlement

I favor standardization of technology in the markets for a level playing field. Taking apart Microsoft might only increase competition rise prices for software and erode American leadership in this technology. Therefore for economic reasons I support the anti-trust settlement.

MTC–00024245

From: jnelms@finalfrontiers.org@inetgw
To: Microsoft ATR
Date: 1/25/02 10:27am
Subject: Microsoft Settlement

I believe the decision already made by the court is sufficient. I feel it should stand and all other attempts at modifying it be dismissed.

MTC–00024246

From: barney@kaarmls.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:28am
Subject: Microsoft Settlement

Close this action NOW! No need to prolong this case. We all have benefited from MICROSOFT individuals non-profit organizations profit organizations profit corporations competitors governments and even our legal system. CLOSURE!

MTC–00024247

From: aliceajose@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:27am
Subject: Microsoft Settlement

Microsoft has done a lot of the community and the computer industry as a whole. I really do not like the way any other company and the government can try and hurt a company like Microsoft. What happened to freedom of choice. The consumer has also had a choice on the type of software that they use. This has not changed. This case is really affecting the economy and needs to end. I vote to leave Microsoft alone and let the other companies come up with great products to make the market competitive.

MTC–00024248

From: kjones@saicapital.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:28am
Subject: Microsoft Settlement

I would like to voice my opinion on the Micosoft Settlement. I am a registered voter. I am interested in the Dept. of Justice settling the case with Microsoft. Please let me know if there is anything else I can do.

MTC–00024249

From: dac@magiccablepc.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:27am
Subject: Microsoft Settlement

Sirs American business is growing stagnant with all the laws that are on the books now. Microsoft has done more to forward the tecnical field of personal computers and been rewarded less than any other company in history. One crybaby yelling out loud has created this whole mess. A company that looks forward enough to come up with inovative products is now being strangled because another company wants a large slice of the pie. Lets stop this nonsense and get on with more useful projects like maybe checking the books at Enron? Thank you Dick A. Campbell

MTC–00024250

From: schirgotis@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/25/02 10:27am
Subject: Microsoft Settlement

Accept the Microsoft settlement and let this be over with. Companies continue to bring suite and the tax payers continue to pay for all of the litigations. I believe the settlement is in the best interest of the public.

MTC–00024251

From: briard@ptd.net@inetgw
To: Microsoft ATR
Date: 1/25/02 10:28am
Subject: Microsoft Settlement

This settlement contains provisions that foster competition and benefit the whole technology industry. Microsoft has pledged to share more information with other companies create more opportunities for other companies and give consumers more choices. Under this agreement Microsoft must design future versions of Windows to make it easier to install non-Microsoft software and must disclose information about certain parts of source codes for Windows. During these difficult times one of our highest priorities should be improving our lagging economy. Hindering Microsoft will obviously not achieve this end. Please do not punish Microsoft for pursuing the American Dream. Please continue to endorse the settlement.

MTC–00024252

From: stpranch@hotmail.com@inetgw

To: Microsoft ATR
Date: 1/25/02 10:27am
Subject: Microsoft Settlement

I think that the goverment should stay out of private enterprise . Look what happened to AT&T. Prices went up and we are charged with hidden fees. If the government wants to intervene in business they should look to Enron. Now there is something to be concerned about. THey spent millions on the Whitewater investigation and to what end. I don t think that Microsoft should be punished for there leadership in Technology.

MTC–00024253

From: robertdenyer@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:27am
Subject: Microsoft Settlement

It s time the federal government settle this case with msft. You have a healthy company that s innovative and brings us great products and then you have Enron...where should the feds focus?

MTC–00024254

From: dmholmes@webtv.net@inetgw
To: Microsoft ATR
Date: 1/25/02 10:27am
Subject: Microsoft Settlement

the settlement should end this case microsoft and bill gates are america s hope and pride against the rest of the world especially orientals in the computer arena god bless them and cherish them!

MTC–00024255

From: bruceherz@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:27am
Subject: Microsoft Settlement

I believe that this settlement is a tough but fair compromise that is in the best interest of everyone—the technology industry the economy and especially consumers

MTC–00024256

From: eoreilly@bioskids.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:27am
Subject: Microsoft Settlement

Dear Sir/Madam: Please express my comments in favor of settling the Microsoft anti-trust suite. Microsoft(MS) is one hundreds of companies that design develop and market software. The MS operating system has been and continues to be an innovator in PC Operating System technology for the common PC user. Given the complexity of the modern day CPU MS has lead the industry in the providing CPU manufactures direction in the development of new CPU s as well as innovative software technology to enhance its capabilities. One reason for Microsofts O/S large market share is for the high demand for quality performance and easy to use Graphical User Interface(GUI).

Sincerely
Edward J. O Reilly

MTC–00024257

From: c2adams@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:27am
Subject: Microsoft Settlement

I think that Microsoft has been punished enough. I also don t agree with any breaking up of Microsoft into mulitiple Co s or some sort of Deregulation. (I think the goverment has messed up enough companies with deregulation.) I urge the DOJ to not slow down the speed of technology with goverment red tape.

Thanks Chris Adams

MTC–00024258

From: lgreen@busynet.net@inetgw
To: Microsoft ATR
Date: 1/25/02 10:27am
Subject: Microsoft Settlement

I feel that ms should be held to the agreement and that a 3 man panel be installed at the company. Also we should be giving a new windows program without IE or some way to remove ms programs from the operating systemMake them send a disk out to all reg. users

MTC–00024259

From: Larry.Clapp@ararental.org@inetgw
To: Microsoft ATR
Date: 1/25/02 10:27am
Subject: Microsoft Settlement

This suit should be settled NOW. In fact I do not believe it should have been brought in the first place. If they were doing illegal things then convict them of that. The damage this has done to the industry cannot even be calculated. Get is over with NOW.

Larry Clapp MIS Manager

MTC–00024260

From: comp-joe@grnco.net@inetgw
To: Microsoft ATR
Date: 1/25/02 10:28am
Subject: Microsoft Settlement

I think that this agreement is the best for everyone given the circumstances. Now the government can spend its time and resources perusing more important cases for instance Emeron and the prevention of other attacks against this great country of ours.

MTC–00024261

From: Lsmaf@mvps.org@inetgw
To: Microsoft ATR
Date: 1/25/02 10:28am
Subject: Microsoft Settlement

I concur and support the settlement with the DOJ. It is time to move on and finalize this case. The MA AG and probably some others enjoy grandstanding and are doing so to gain political mileage for a future run for higher office. The MA AG is doing nothing to protect MA residents in attempting to continue this case ad infinitum.

Sincerely
Leonard Segal

MTC–00024262

From: Barry Burgamy
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 10:31am
Subject: Microsoft Settlement

To Whom it may concern:

Please enter this as a statement of opinion regarding the settlement in this case. It appears to me and most of the contacts I have that the only outcome here that is right and proper is to allow our capitalism to have its full control in matters such as this. Monopolies are in existence in many places and it is often for the benefit of the consumer. Policing by the means that has transpired is of value to keep larger firms in control and insure that unfair practices are not allowed, but to any understanding person further litigation on this subject is counterproductive. Please take steps to close this matter and spend the funds on development and more productive pursuits. Thank You!

MTC–00024263

From: mjenks@anysoft.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:27am
Subject: Microsoft Settlement

Please stop this nonsense. Do the settlement and let everyone move on. Stop using my tax dollars to pursue this ridiculous witch hunt.

MTC–00024264

From: bemlmorrow@erols.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:27am
Subject: Microsoft Settlement

It is past time to put this case to rest. We have wasted millions of taxpayers dollars trying to kill the American dream. Not many people can start with nothing and become a billionaire. We should be putting him on the front page showing what an American can do or better what you can do in America. Further he gives more money to help others than any other single American. I guess thats what bothers the liberials they want the money for themselves. And we can see that the crooked lawyers are getting rich and nobody is complaining about that. Put a stop to it now

MTC–00024265

From: norma152@webtv.net@inetgw
To: Microsoft ATR
Date: 1/25/02 10:27am
Subject: Microsoft Settlement

i agree with the settlement.enough is enough. let it be over and done with.

MTC–00024266

From: shiftkit@specialtytrans.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:27am
Subject: Microsoft Settlement

This is a Total waste of Taxpayers Time and Money. This is what others do when they aren t # 1 They waste everyones time and money instead of putting all that effort & money into their Product. The very same people that started this BULL are the only ones thast will profit not the taxpayers. MOVE ON!

MTC–00024267

From: hvgreen1@prodigy.net@inetgw
To: Microsoft ATR
Date: 1/25/02 10:28am
Subject: Microsoft Settlement

Dear Renata Hesse I have closely followed the Governments unwarranted attack upon Microsoft on behalf of Microsoft s multi-millionaire competitors whose companies cannot compete well in the technology market and who seek to destroy Microsoft in their greed to make more millions of dollars while providing a high-priced user unfriendly and partially defective. product.

There is no way that Microsoft cannot be considered a monopoly when it has buy consumer choice 80% of the market. I would think the Government would be proud to have an American company as the free world leader n computers and computer software. Instead the Government at the urging and money contributons of Microsoft s competitors are intent in destroying this great American icon. How shameful this is and what a laughing stock the USA government is making of itself to the rest of the world. Please do your job and stop this thrashing of the leading software company in the world. There are many other worthwhile areas for the Justice Dept to concern themselves with than carrying the water for incapable millionaire technologists.

Sincerely
Harold V. Green
1009 KInsey Dr
Huntsville AL 35803

MTC–00024268

From: deanr@avisloans.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:28am
Subject: Microsoft Settlement

I believe that Microsoft has helped and paved the way to make industry extremely efficient. Let them keep up the great work and help to make all of our lives easier through comptuers.

MTC–00024269

From: KarenShook@msn.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:28am
Subject: Microsoft Settlement

I believe the terms of the Microsoft settlement are quite fair and in fact require Microsoft to disclose information to competitors that could give them a leading edge in competition. My understanding of the free enterprise system is that it fosters an environment for superior products and innovation. I don t believe that marketshare should be achieved through legal maneuvering but rather by producing superior products that the consumer wants. Perhaps Microsoft s competitors should spend more time money and effort developing innovative products that can compete in the marketplace rather than squandering their resources to on legal battles to make Microsoft look bad.

MTC–00024270

From: Paul.Witek@
oakland.k12.mi.us@inetgw
To: Microsoft ATR
Date: 1/25/02 10:28am
Subject: Microsoft Settlement

I've been an educator for thirty years and involved in technology for the same amount of time. Microsoft has always supported education in a variety of ways including favorable pricing and support for teachers. Nobody talks about how thier leadership has allowed for the integraton of many software programs. This was not always the case and if they had not assumed a leadership role I believe that we would still be fighting the battle for a standard which all software companys could write if they chose. Microsoft in some aspects has become similiar to a public utility. You want the assurance of compatability and reliability that is not a given if you don t have a leader.

MTC–00024271

From: als123@mediaone.net@inetgw
To: Microsoft ATR
Date: 1/25/02 10:27am
Subject: Microsoft Settlement

Lets stop wasting the TAXPAYERS money and accept Microsofts generous offer.

MTC–00024272

From: arosen@microsoft.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:27am
Subject: Microsoft Settlement

The hidden agenda here is about Japan verses the US. If this settlement is not approved then the usage rule technology in your next TV set will be controlled by the foreign companies that already manipulate the MPA member Studios. I am a career television engineer and a former WarnerBros employee.

MTC–00024273

From: kneppar@mediaone.net@inetgw
To: Microsoft ATR
Date: 1/25/02 10:28am
Subject: Microsoft Settlement

Please be so kind as to settle the case with Microsoft. I believe you have spent more of the publics money than the case is worth.

MTC–00024274

From: thomaszhao@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:28am
Subject: Microsoft Settlement

The proposed settlement WAS NOT enough to punish the guilty party and restore competition in the industry. Besides by funding and operating biased organizations Microsoft is further using its financial power to benefit itself using predatory techniques. The lengthy lawsuit is directly caused by Microsoft s intentional delay to make a defacto victory over Netscape using its monopoly power. Now with XP it is moving further in a more aggressive and illegal direction. It will be most unfortunate for America if this settlement is passed in its current form.

MTC–00024275

From: ssochor@stny.rr.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:28am
Subject: Microsoft Settlement

We need to settle this case so that Business can come back to business.

MTC–00024276

From: mammacub2@prodigy.net@inetgw
To: Microsoft ATR
Date: 1/25/02 10:28am
Subject: Microsoft Settlement

Settle this suit. The Federal Government had no justifiable reason to attack Microsoft to satisfy their competition. This suit caused the stock market to start to tank last year. Microsoft has been the greatest cause of inovation and changes in the 20th century. Settle and let America get back to work.

MTC–00024277

From: jerry.doerr@c3ilex.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:28am
Subject: Microsoft Settlement

It s hard for me to see that consumers have been harmed by Microsoft—consumer software is dirt cheap regardless of (or perhaps due to) Microsoft s activities. But it s possible that their power could lead to abuses of the consumer so the Settlement is perhaps a good thing to avoid future damage. Now let s get back to work!

MTC–00024278

From: harrytolen@attbi.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:28am
Subject: Microsoft Settlement

Constantly incorporating new functionality into an operating system is a real benefit to the consumer and I hope that the government doesn t take it away. I have purchased communications software in the past and I am glad that I don t have to do that any more. For Netscape and other competitors to argue that they should have been able to gouge me for their products when I could get a better product built into my operating is idiotic and anti-consumer. If I was determined to use them I could have downloaded them or gotten Linux and written my own...but I didn t. The vast majority of the American consumer marketplace wants service and convenience and Microsoft s dominance is due to their success at meeting those wants and needs. Leave them alone.

MTC–00024279

From: MyTeeMax2@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:28am
Subject: Microsoft Settlement

This is a suit which should never have been brought in the first place. An equitable settlement has been reached and it is time to put an end to the litigation. The only reason for any state attorney general to keep going after Microsoft is greed. If these trends continue it won t be long until there s no businesses left in this country. Enough is enough!

MTC–00024280

From: wlwjones@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:28am
Subject: Microsoft Settlement

Tough competition has served this country very well. Big companies tend to create lots of opportunities where small aggressive companies can grow and often do. Don t kill the drive to be big and great for the sake of trying to be fair. It just doen t work.

MTC–00024281

From: gary.wolfram@hillsdale.edu@inetgw
To: Microsoft ATR
Date: 1/25/02 10:28am
Subject: Microsoft Settlement

Microsoft was able to gain and maintain its marekt position through its ability to offer customers a better product at a cheaper price than its competitors. It is impossible for government officials or judges to know that forcing Microsoft to take actions other than it would in the market will make the consumer better off. I direct your attention to the book Antitrust: The Case for Repeal or

Friedrich Hayesk s discussion of monopoly in The Constitution of Liberty. The point is that the government should never have been involved in the Microsoft case to begin with and the settlement is better than might have been expected.

MTC–00024282

From: dbwhite@quixnet.net@inetgw
To: Microsoft ATR
Date: 1/25/02 10:28am
Subject: Microsoft Settlement

I have read the court settlement and reviews of the settlement. After reading the settlement I agree that the steps taken seem resonable. I regret that the courts have to try and control Free Enterprise. I m don t believe that Microsoft is the only Big company that is trying to have control.

MTC–00024283

From: amiller26@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/25/02 10:28am
Subject: Microsoft Settlement

This lawsuit has gone on too long. The browser issue has long been dead. The average consumer doesnt really care about it. The average consumer can download any browser it wishes and not use IE. Its true Microsoft did strong arm competitors but they are also strong arming their customers with product activation and licensing fees. Time to fine them heavily and go on with life. Source code is proprietary and they should not be forced to give it up. However this is not about lack of choice for consumers this is about aiding Microsoft competitors because in actuality they dropped the ball. Sun AOL etc didnt have the vision or marketing genus that Gates had. Thereis No reason at all to help the competition which is what this suit will do. Make MS pay a fine and get it over with. There are much more important issues than their security bug ridden software. Consumers do have a choice. They can speak with their wallets . Dont buy or build new computers . Use Linux or purchase a MAC. I wish the DOJ and government would get it through their heads. ITS THE ECONOMY GET PEOPLE BACK TO WORK. Quit wasting tax payer dollars on this nonsense. The software and computer industry will take care of itself. The consumert will take care of the industry also by speaking with their wallets. Government has an uncanny ability to botch things up . leave things alone. Average Joe could care less. Get Average Joe back to work so he can pay bills and feed his kids

MTC–00024284

From: wguyco@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:28am
Subject: Microsoft Settlement

After reviewing the final settlement I favor the agreement and see no reason that it should not be implemented as stated.

MTC–00024285

From: FUCK—MICROSOFT@msn.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:28am
Subject: Microsoft Settlement

FUCK MICROSOFT

MTC–00024286

From: russ@quickchange.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:28am
Subject: Microsoft Settlement

I strongly support the governments case against Microsoft and find the judgement against them to be if anything too lenient. Please continue to make it clear to the Microsofts of the world that unfair business practices will not be tolerated in a free capitalist society.

MTC–00024287

From: rskakun@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:28am
Subject: Microsoft Settlement

Often times rules and regulations do not fit. In these times talent like that at Microsoft from leadership to work-force is vitally needed and should not be hampered by poor achievers. It is really time to get off of the company s back.

MTC–00024288

From: bcyburt@acromag.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:28am
Subject: Microsoft Settlement

If the government was acting in my best interests then this lawsuit would have never made it to court. The fact is that Microsoft has drastically increased my productivity while decreasing my expense to do so. The lawsuits are a government backed money grab that benefits lawyers and political agendas at the expense of the public. Please get off Microsoft s back so that they can get back to innovating my future and the future of my company.

MTC–00024289

From: swingc@msn.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:28am
Subject: Microsoft Settlement

My husband and I are for Microsoft. We do not believe it s a monopoly. Where would we be with out Microsoft? No Where!!! Bill Gates is a fair and honest man. I think some people just envy him because of what he has. He has worked hard for ever dollar he has. Get a life and let people go on with theirs!

MTC–00024290

From: nhbrown@mediaone.net@inetgw
To: Microsoft ATR
Date: 1/25/02 10:28am
Subject: Microsoft Settlement

Those that spend my money to persecute Microsoft do not speak for or represent me. If Netscape AOL Word Perfect ect. would expend the same amount of energy on their products that they do on their lawyers they may be able to make a product that I wash to buy.

MTC–00024291

From: gbaron@eznet.net@inetgw
To: Microsoft ATR
Date: 1/25/02 10:28am
Subject: Microsoft Settlement

I have listened to the arguments for both sides of this case for years. In the end the only ones that I feel come out on top are the lawyers. They have nothing better to do than go after the most successful business in the world. Companies like AOL Netscape Sun and Oracle are jealous of the success of Microsoft and feel that their products are not as good. Why not let them produce higher quality product(s) and let that beat Micosoft. I think that this should come to and end very fast with Microsoft allowed to innovate create and deliver their high quality integrated products that the consumer wants. All of this legal action makes the prices go higher. Let s put a stop to it now.

MTC–00024292

From: jwbowman@msn.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:28am
Subject: Microsoft Settlement

i am for the settlement

MTC–00024293

From: sfc@whidbey.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:28am
Subject: Microsoft Settlement

The sooner the gov t. gets its meddling fingers out of this business the better. Do you really think the tech downturn (and the rest of the economy followed) and the timing of the anti trust case was pure coincidence? I place the full blame for the severity of this recession on a few pesky senators with a constituency of whiny second rate software companies. Let s organize and get control the worst monopoly of all... the US Gov t.

MTC–00024294

From: Miller, JP
To: Microsoft ATR
Date: 1/25/02 10:37am
Subject: Microsoft settlement

Microsoft has been harassed enough. The whole case against them is an assault on brilliance, productivity, savvy marketing, quick acting, independence and the success that comes from it. Those who seek to gain by this case are sluggish, unproductive parasites who wish for windfalls at the hand of government coercion. Settle with the smallest restriction on Microsoft as possible. I want the best they can offer me at the lowest possible cost. I am not speaking on behalf of my employer,

JP

MTC–00024295

From: michael.gaydar@computer.org@inetgw
To: Microsoft ATR
Date: 1/25/02 10:28am
Subject: Microsoft Settlement

I strongly support the settlement reach with Microsoft and wish to end the government prosecution. There is no monopoly and Netscape and AOL use more anti-competitive tactics than Microsoft. I routine get AOL and Netscape icons and programs loaded without any say. In fact Verizon DSL loads a version of Netscape with no option to stop the installation. Stop all future prosecutions of Microsoft.

MTC–00024296

From: skeeling@redcreek.net@inetgw
To: Microsoft ATR
Date: 1/25/02 10:28am
Subject: Microsoft Settlement

I agree with the settlement

MTC–00024297

From: cudell@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:28am
Subject: Microsoft Settlement

I strongly support any settlement that separates the operating system section of Microsoft from its applications section. Maybe then Microsoft will be more concerned about releasing a product that is good for all users when they release the next version of Windows.

MTC–00024298

From: raydeschenes@mpainc.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:28am
Subject: Microsoft Settlement

It is high time to let Microsoft get back to the business of running its business. We have seen extreme damage inflicted on Microsoft by forces who believe that the easiest way to compete is via the court system and NOT by providing product excellence. Over the years Microsoft products have come to dominate their market niches simply by being the best of breed. Please don t let the government get in the way.

MTC–00024299

From: yesphonics@qwest.net@inetgw
To: Microsoft ATR
Date: 1/25/02 10:28am
Subject: Microsoft Settlement

Let the settlement stand. Lets get on with business.

MTC–00024300

From: Eric Hughes
To: Microsoft ATR
Date: 1/25/02 10:38am
Subject: Microsoft Settlement

MTC–00024300 0001

As a private citizen and software professional, I am troubled by proposed settlement in the Microsoft anti-trust case. As a computer scientist, I'm most troubled by the illogical definitions of ''API'' and ''middleware'', which considerably weaken the relevance of the proposed settlement, and in some cases negatively impact the competitive practices of other vendors, which the settlement should be helping instead.

As a US citizen, I'm left with the feeling that a great deal of time and money were spent to address illegal practices by Microsoft, but this investment will have no lasting benefit. It appears that the few potentially meaningful actions in the proposed settlement are eviscerated by simple loopholes, like changes to the names or version numbers of Microsoft products. The proposed settlement fails to identify Windows-compatible operating systems like Linux, which have an important role in the PC software market. In my opinion, this further erodes the position of US vendors in this crucial global market. I urge you to carefully reconsider the proposed settlement in light of the findings of fact in the case.

Thank you,
Eric Hughes
Waltham, MA

MTC–00024301

From: smachaevich
To: Microsoft ATR
Date: 1/25/02 10:38am
Subject: Microsoft Settlement

The proposed settlement has not gone far enough to fixed what Microsoft has done over the years sweeping the little man out of the way for big prophets, the settlement should reconsider more harsh fines and implement safety checks to ensure that it CAN NOT continue its practice of killing fair play in software.

Steven A. Machaevich
903 Fireside Circle
Smyrna Tn 37167

Thank you for listening.

MTC–00024302

From: nelindaschenk@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:29am
Subject: Microsoft Settlement

I implore you to end the settle the case sgainist Microsoft immediately. This is not and never has been about consumer protection but just a ploy by a few large corporations that are unwilling/unable to let the marketplace decide the leader. The marketplace has spoken. As I said in letters to the SC senators. There are no victims here please stop this harrassment of MSFT on behalf of AOL et al.

Respectufully submitted
Melinda Fischer Schenk

MTC–00024303

From: John Bleichert
To: Microsoft ATR
Date: 1/25/02 10:39am
Subject: Microsoft Settlement

Greetings!

I am writing to express my concern with the proposed settlement in the anti-trust trial against Microsoft. I am concerned not only as an American citizen, but as a citizen who has chosen not to run Microsoft computer products at home and, as a result, has seen his ability to navigate and utilize the internet decrease due to the Windows-specific protocols that are pervasive on the network. I greatly fear that, should this settlement prove ineffectualy, within 1 year I will no longer be able to even log on to the internet, much less use it in my daily life, unless I am running some version of a Microsoft operating system. There is one specific part of the propsed settlement that presents a problem[1]:

''* Further ensuring computer manufacturers'' freedom to make middleware decisions by requiring that Microsoft provide uniform licensing terms to the 20 largest and most competitively significant computer manufacturers.'' This is rather vague and open to wide interpretation. To be frank, there are *no* ''competitively significant computer manufacturers'' in the areas that Microsoft maintains a monopoly. In the ''middleware'' area they are in fierce competition with several competitors, most of whose products are free and open-source, thus protecting them from being bought out of the business by Microsoft. The competition in middleware, while in peril, is still rather strong. The major monopoly that Microsoft maintains (and mention of which is mysteriously small in document [1]) is that of their desktop operating system. Just try to go to Dell's website or CompUSA and buy a computer that doens't have some form of Windows on it. Sure, one can purchase an Apple computer, but their share of the market is so small that, due to the economy of scale, Apple computers are very expensive relative to their Windows-based counterparts. It is this monopoly situation that is most relevant to the consumer, not the middleware situation. Microsoft faces intense scrutiny and competition in that area (middleware), and I think (hope) it will be won by an open standard based on technical merits, not the capital strength of one company. Please recall that most of Microsoft's actual competition on this planet is freely available from non-corporate entities who will probably not be helped (or hindered) by the proposal as it stands. The middleware provisions are aimed at the nebulous business competition of Microsoft, and the consumer may or may not profit from this.

Any business sanctions levied against Microsft will prove ineffectual. This has been proven in the past. The reparations must be more fundamental in a computing sense:

1.) Force Micorsoft to publish (and adhere to) the specifications for its Internet Explorer browser and all it's add-on technologies (ActiveX, VBScript, etc.) so that other, competitve browsers can view the same content created with/for those addons and co-exist with Internet Explorer on the Internet.

2.) Force Micorsoft to publish (and adhere to) the specifications for all networking protocols used by its server and desktop operating systems, so that other operating systems may co-exist with Micorsoft systems on a network.

The publishing of these protocols must begin promptly to prevent Microsoft from sidestepping their publication in some manner. It is these exclusionary tactics in content and networking that provide the greatest threat to the American (and planetary) consumer. One corporate entity owning (yes, owning) the desktop operating system (and therfore all the data, personal and professional) of 95% of this planet's population is a disturbing thought. I thank you for your time and, as an angineer in the computing field, I trust in your resolution to close this anti-trust trial in a manner which provides the consumer with considerably more choice than they currently have.

Sincerely,
John Bleichert

MTC–00024304

From: C.J. Keist
To: Microsoft ATR
Date: 1/25/02 10:35am
Subject: United States v. Microsoft Settlement

I'm sending this note to show my full support and agreement with the Open letter to the DOJ by Dan Kegel. His letter can be found at the following URL: http://www.kegel.com/remedy/letter.html I just want the chance to prove ''Money can't buy Happiness''—a bumper sticker

C. J. Keist

UNIX/Network Manager
Engineering Network Services
College of Engineering, CSU
Ft. Collins, CO 80523–1301

MTC–00024305

From: Ron Shonkwiler
To: Microsoft ATR
Date: 1/25/02 10:32am
Subject: Microsoft judgement

Dear Judge Kollar-Kotelly,

I want to express my opinion that Microsoft's near monopoly has been harmful to innovation in the computer industry. I would cite these examples, from the past, of companies other than microsoft who brought great ideas to the computing scene. These companies are in danger of going away under the heel of Microsoft's near monopoly. To start with, Apple computer brought the mouse/icon oriented graphical user interface (GUI) to the general public in the early 1980's. This was a stunning innovation which opened up computing to the masses. The Unix community brought networking to the computing pubic in the early 1980's. Among the public benefits of this is Email and remote printing of documents. Networking comprises of several innovations such as ethernet, the TCP/IP protocol, methods for internet addressing and routing of data. All these and many other networking inventions make for the great world wide connectivity of computing today. Apple computer brought the innovation of proportional fonts to computing in the middle 1980's. With this, they opening the way to desk top publishing.

MIT brought the idea of X windows to computing, again in the 1980's. The innovation here is the method of combining a GUI with networking. X windows allows any computer, no matter what type, to have a graphical interface. It also allows for remote and distributed graphical computing. Sun microsystems brought the idea of network file sharing to computing and donated their tested and proven protocol to the computing public. With this innovation, computer programs can be centralized and maintained in a single location. Wordperfect brought the innovation of word processing software to the public. Wordperfect is now all but gone away. What helped to bring about their demise is that fact the Microsoft had a competing word processing product, Microsoft Word, and Microsoft controlled the operating system on which Wordperfect had to compete. Microsoft is known to have made Wordperfect's software difficult to run on their operating system. Sun microsystems brought the innovation of Java programming to the computing scene. This allows for a single version of software to be written that runs on all computers. This marvelous technology also allows actual computer programs to be run on any browser anywhere in the world. This invention has already been instrumental in several fields such as education over the internet. Besides not inventing something like Java, Microsoft actually attempted to destroy it. Fortunately the courts intervened and Java development continues.

Netscape brought the innovation of the internet browser to the general public. I don't need to mention how big and important that has been. Microsoft initially did not appreciate this great invention. I think THIS IS A VERY IMPORTANT POINT. We might not still have browsers if it were not for Netscape. In time Microsoft realized their error. Then they attempted to squash Netscape just as they had Wordperfect. That Microsoft was criminal in their attempt to usurp the browser has been proven in court, it is without question. All these things, and hundreds more, show how much better off we are when thinking people have the freedom to develop their ideas. This could not happen if computing is dominated by one company. A company know more for usurping the creativity of others than for its own inventions.

The proven charges against Microsoft cry out for redress. This company has shown itself to be villainous in the computing community and a detriment to innovation for the good of the pubic. Laws have been broken and appropriate punishment must be meted out. How else to punish a company leveraging its near monopoly in one field to eliminate competing in another than by breaking it up? In my opinion, I thought the original requirement that Microsoft should be split into the operating system company and the applications company was marginally appropriate. The browser section might also have been split off. I still think that minimally Microsoft should be broken up. This would be beneficial in my opinion for the public.

Ronald Shenk

MTC–00024306

From: Kennedy, Matthew
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 10:40am
Subject: Microsoft Settlement

To Whom It May Concern,

I am a software engineer,

I am young enough to remember my experience with computers in the course of my k-12 education. The proposed Microsoft settlement, particularly the portions regarding donations of software and computers to schools, benefits Microsoft and helps to extend their monopoly powers in disgusting ways that I can't even believe are being considered. Young people in schools become familiar with computers by using them as tools. It is important for the technology industry that the set of tools the rising generation of professionals is familiar with is a diverse one. If young people are exposed to many competing technologies, they will carry that knowledge into professional careers and foster competition among vendors. It does not behoove the health of the industry if young people are only exposed to Microsoft operating systems and software or Microsoft operating systems running on Macintosh hardware.

Furthermore, this is hardly a punishment for Microsoft. People who become familiar with Microsoft tools in school, will be more likely to buy Microsoft software later, hence generating revenue for Microsoft in the long run. It costs almost nothing in terms of real money for Microsoft to donate software, how is that punishment? The proposed settlement doesn't even require Microsoft to bear the entire burden of hardware costs. There should be no mistake that Microsoft has acted unethically in its business practices and should actually be punsihed for that behavior. The schoolyard bully should be given detention, not allowed greater reign of the schoolyard.

-Matthew Kennedy

MTC–00024307

From: ESee@aicpa.org@inetgw
To: Microsoft ATR
Date: 1/25/02 10:40am
Subject: I believe MS is an abusive monopoly

To whom it may concern, Thank you for taking the time to view my comment. I am an average, but informed computer user and have been using a PC (in various incarnations) since 1984. It is my informed opinion that Microsoft (MS) has greatly abused its position in the market place to stifle competition in all areas in which it competes. Most notably, the web-browser market. Given the flagrant disregard displayed my MS for the court, I beg you to take clear and decisive action to remedy the problem with MS. Please do not administer a simple slap on the wrist. No fine, no oversight committee, no reprimand will change the way they do business. MS has demonstrated this to us before. Every year that passes without a real remedy is another year MS has in the marketplace to destroy competition and innovation.

I want very much to quit using Microsoft's operating system but find it nearly impossible to find a competing product. If MS is left unchecked, those alternatives which have not yet been squashed by them will certainly be wiped out in the near future. Please take swift and sure action to mitigate the damage Microsoft has already done to the markets and stop any further abuse of power.

Thank you
Eric See
Inventory Control Coordinator

MTC–00024308

From: dculver@c4.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:38am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Dave Culver
6256 Andrews Drive East
Westerville, OH 43082

MTC–00024309

From: Sue Kindzia
To: Microsoft ATR
Date: 1/25/02 10:41am
Subject: Microsoft Settlement
2208 Katherine Drive
Niagara Falls, NY 14304–3011
January 25, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

This is to give my approval to the settlement reached between Microsoft and the Department of Justice. I think it is time to put this behind us and go forward. Our economy has suffered enough from hamstringing one of our most successful companies. Bill Gates built Microsoft from the ground up. Other companies had this chance also. Bill Gates just did it smarter and quicker than anyone else. I wonder if anyone remembers what the world was like before Microsoft. Computers and programs worked together poorly, if at all. Bill Gates changed that. He made the computer revolution real for the average person. It used to be that we rewarded innovation. Now it seems to be considered a major sin, punishable by lengthy, costly, time-consuming lawsuits. Microsoft has accommodated the Department of Justice. It has agreed to design future versions of Windows with the capability to make it easier to promote non-Microsoft software within Windows; and agreed to a technical oversight committee to ensure future adherence. Enough is enough. Please give your approval to this agreement. It is best for the country if we can allow Microsoft to get back to business. Thank you.

Sincerely,
Anthony Kindzia

MTC–00024310

From: Thad Hoffman
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/25/02 10:42am
Subject: Microsoft Settlement

I believe that IE must be pulled from the OS. This all started when they forced Netscape out. Now the browser market has regained some momentum, Netscape 6.2 and the Mozilla movement both have working browsers available, if IE were to be a separate company, not tied to MS, then fair competition could return to the internet world. But with .Net and IE all being interrelated, MS is just furthering their monopoly stranglehold. AND DO NOT SETTLE TO HAND MS THE EDUCATION MARKET. What kind of idiots are you? Sue them for a Monopoly and you solve it by handing them another market?! Why am I paying taxes to pay for incompetance?

Thad Hoffman

MTC–00024311

From: Steven F. Crisp
To: Microsoft ATR
Date: 1/25/02 10:44am
Subject: Microsoft Settlement

Dear Sirs: The Microsoft/Windows monopoly continues to make life difficult for users, impedes progress towards interoperability, stifles competition from new companies, and even marginalizes established companies due to loss of market share.

The proposed settlement does not, in my view, remedy Microsoft's ongoing monopolistic practice. I was very disappointed to see this administration step back from vigorous prosecution of this dispute, since it weakens the bedrock of our capitalistic free-market economy. I am sorry to see the State's left to pursue stricter remedies on their own. I include one specific problem area, but this is only illustrative of my overall view of the proposed settlement: The DOJ settlement would not restrict the core way in which Microsoft unlawfully maintained its Windows operating system (OS) monopoly, namely bundling and tying competing platform software (known as ''middleware'') like Web browsers and Java, to the OS. The Court of Appeals specifically rejected Microsoft1s petition for rehearing on the bundling issue, and the DOJ settlement does nothing about it. Please reconsider your position on this matter,

Respectfully,
Steven F. Crisp
Work: MITRE Corporation
202 Burlington Rd: Voice: 781–271–4568
Bedford, MA 01730: Fax: 781–271–2096

MTC–00024312

From: Seth Anderson
To: Microsoft ATR
Date: 1/25/02 10:43am
Subject: Microsoft Settlement

Dear Renata B. Hesse, Antitrust Division, U.S. Department of Justice, I feel quite strongly that the proposed Microsoft settlement is not in the best interest of consumers. What stops Microsoft from continuing its normal, borderline illegal practices? thank you,

Sincerely,
Seth Anderson
CIO, DLA, Inc.
626 W. Randolph St., Ste 603
Chicago, IL 60661

MTC–00024313

From: Smith, Crystal
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/25/02 10:38am
Subject: Microsoft Anti-trust Suit
January 24, 2002
Hon. Colleen Kollar-Kotelly
U.S. District Court, District of Columbia
c/o Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Dear Judge Kollar-Kotelly:

I would like to share with you my thoughts on the pending antitrust suit against Microsoft. While I appreciate the range of quality products and services that Microsoft provides, I am greatly concerned that they do so at the expense of their competitors via an unfair monopoly. Just as we cannot have one phone or cable company, we cannot allow the ever-growing technology field to be monopolized by a single corporate entity. I urge you to not let Microsoft off the hook by settling the lawsuit. Please keep my thoughts and concerns in mind when weighing whether or not to settle and I thank you for your time.

Sincerely,
Crystal Smith

MTC–00024314

From: aridley@corrado.co.uk@inetgw
To: Microsoft ATR
Date: 1/25/02 10:42am
Subject: Microsoft Settlement
Dear Sir,

I write to you from the UK to express my views on the Microsoft Settlement. I do not doubt that you will have received much correspondence on this matter and realise the enormous responsibility it carries. I work as a computer engineer and in truth probably owe my career to Microsoft (indeed I am a Microsoft Certified System Engineer), they have brought great advances in computing and made it accessible to those who may previously have stayed away from it. This however does not mean that how they achived this is right or that other companies would not have achieved the same thing in the absence of Microsoft. Given the amount of time that has elapsed since the original case and the pace of technology it is important to consider that any settlement based on the past will not impact the present or the future, and therefore ultimately will not bother Microsoft let alone prevent them from repeating such behaviour. As such any settlement must have an impact on present and future Microsoft business practices, and must leave no doubt in Microsoft's mind, or any other business that contemplates the same, that big business is above the law. Competing business'' should now be given the opportunity of a level playing field against Microsoft products at the expense of Microsoft and its propriatory technology. Since this is the core of Microsoft's monopoly position and its strength, it is only fair that this should suffer in order to restore the balance. Microsoft is large enough to survive this event and it may give them pause to look to the quality of their products once more since users would then really have alternatives to turn to (this is particularly relevant given Mr. Gates recent memo to the company regarding the security of their products, an area that has been seriously under developed in recently times at the expense of Microsoft customers).

I have been following the media coverage of the case with great interest and find that the settlement agreed with Microsoft will have little or no effect on the company, stronger messures must be taken to punish the guilty and right the wrongs, the settlement proposed by the breakaway states is a very good start towards bringing this case to an effective resolution.

Regards
Ash Ridley, MCSE.

MTC–00024315

From: Les Millichamp
To: Microsoft ATR
Date: 1/25/02 10:46am
Subject: Microsoft Settlement
To Whom it May Concern:

You call this a settlement? I simply don't agree that it even comes close! It is difficult for me to believe that what has been

purported as a settlement is anything other than a sham as it fails to address the monumental multiple problems created by Microsoft's antics in the marketplace they dominate because of their unfair practices. Microsoft has stepped on every person who operates a computer system, from the smallest to the largest, and has deliberately hurt small business concerns in an effort to get rid of them!

Respectfully,
Les Millichamp
President,
Compu-Aid, Inc.

MTC–00024316

From: baldeagle1@mcleodusa.net@inetgw
To: Microsoft ATR
Date: 1/25/02 10:48am
Subject: Microsoft Setlement

Microsoft built a better mouse trap, lets not punish them for that. Where would the computer technology be if it were not for Microsoft.

David Day
8o5 Jerome St
Marshalltown, Ia. 50158

MTC–00024317

From: Bill MacKay
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 10:57am
Subject: Microsoft Settlement

To whom it may concern:

I believe the proposed settlement for the Microsoft anti-trust suit is NOT Good. In my opinion, it does NOT allow for Open Source usage under Windows to the extent necessary.

Sincerely,
William T MacKay

MTC–00024318

From: Chuck Howell
To: Microsoft ATR
Date: 1/25/02 10:51am
Subject: Microsoft Settlement

I am concerned about two aspects of the the proposed remedy that in my opinion do not go far enough to foster true competition in the public interest. The PFJ's overly narrow definitions of ''Microsoft Middleware Product'' and ''API'' means that Section III.D.'s requirement to release information about Windows interfaces would not cover many important interfaces. No part of the PFJ obligates Microsoft to release any information about file formats, even though undocumented Microsoft file formats form part of the Applications Barrier to Entry (see ''Findings of Fact'' ?20 and ? 39). Required full disclosure of APIs (including so called ''hidden'' APIs used by Microsoft products) and of file formats would enable third party developers to better integrate with Microsoft applications, leading to true competition in operating systems.

Sincerely,
Charles C. Howell
20508 Straham Way
Sterling VA 20165–5147
(703) 450–4928.
I am a U.S. Citizen.

MTC–00024320

From: Leigh Letson
To: Microsoft ATR
Date: 1/25/02 10:52am
Subject: Microsoft Settlement

The settlement the government is considering for Microsoft does nothing but allow them an even larger share of the market thus negating any possible punitive effects such a settlement is intended to render. Please reconsider this action at this time and devise a punishment which will actually be a punishment.

Leigh Alan Letson

MTC–00024321

From: Leigh Letson
To: Microsoft ATR
Date: 1/25/02 10:52am
Subject: Microsoft Settlement

The settlement the government is considering for Microsoft does nothing but allow them an even larger share of the market thus negating any possible punitive effects such a settlement is intended to render. Please reconsider this action at this time and devise a punishment which will actually be a punishment.

Leigh Alan Letson

MTC–00024322

From: Barry Wilson
To: Microsoft ATR
Date: 1/25/02 10:52am
Subject: Microsoft Settlement

The settlement as proposed does not punish Microsoft enough for the crimes they have and continue to commit. Most of what I have read seems to be an attempt to stop Microsoft's future activities and yet they continue even now to abuse their monopoly power using new tactics. My greatest concern is Microsoft's forrays into the media. They are attempting to buy public opinion even after they have been found guilty in court. Don't let Microsoft become the ''corporate O.J.'' Put some teeth into the settlement.

-Barry Wilson

MTC–00024323

From: Alfred Petermann
To: Microsoft ATR
Date: 1/25/02 10:53am
Subject:

Gentlemen: We are a small group of organizations, one not-for-profit Gentlemen: We are a small group of organizations, one not-for-profit targeted to the poor, which are often overwhelmed by data processing and by communication needs. We have experienced nothing but support from the Microsoft products and feel that their software is critical to our success. The attacks on Microsoft because of their size, because of their founder, because of their aggressive business practices and for other reasons have just about reached the limit. The time has come to put this episode to rest and to stop further attacks, especially the most recent AOL suit. When will these guys begin competing in the marketplace and stop using our government and the courts to try to get even.

Sincerely,
Alfred R Petermann

MTC–00024324

From: Christian Roy
To: Microsoft ATR
Date: 1/25/02 10:53am
Subject: Comments on the appeal

Dear Reader,

I am canadian, i know i do not have your constitutional rights but i feel responsible in a way to voice my opinion. As you must know Canada and U.S are neighboors. You must also know that the decision you will make will not only make a difference in the United states but also all around the world. I would like alot if you would all take this fact into account when you propose a solution. It is true that Microsoft has a monopoly. And it is also a fact that justice isnt fast enough to react to it appropriately.

Thank you
Christian Roy
Independant Developper
Quebec, Canada

MTC–00024325

From: Luke Fowler
To: Microsoft ATR
Date: 1/25/02 10:38am
Subject: concerns about Microsoft case

Hello,

I am writing to voice my concern with and disaproval of the proposed settlement in the Microsoft antitrust trial. I do not believe that the current settlement will do enough to prevent Microsoft from continuing to abuse their monopoly position in the operating systems market. I fear that if this abuse is not stopped, that Microsoft will use this power to unfairly leverage themselves into other sectors of computers and technology in general. They have already done this with their Internet Explorer browser. I was a steadfast Netscape user until Microsoft started to disregard the HTML standards, and build incompatabilites with Netscape. As a result, many web sites have been designed with Explorer and this non-standard HTML code in mind, causing Netscape to render these pages either incorectly or not at all. The current settlement proposal does not come close to recouping the illegal gains that Microsoft has made from consumers. I am in favor of a settlement that, at the least, opens the Windows operating system and Office suite APIs (application programmer interfaces) and file formats.

Sincerely,
Luke Fowler

MTC–00024326

From: Bill
To: Microsoft ATR
Date: 1/25/02 10:56am
Subject: Microsoft Settlement

I feel the settlement with Microsoft for it's illegal practices, as it stands now, is a bad idea. While there are many problems with the situation as it stands now, one in particular disturbed me when I heard it: the possibility that Microsoft could get out of this by ''donating'' product to schools. This would bring us right back to the initial problem: their defective software being in so many places and used by so many that noone can find options that actually work. If you really want to hit them where it hurts, tell them to pay for the legal fees and the fines they've incurred in CASH. Giving it to schools would be a great idea, but make sure it's in currency and not in worthless product. They couldn't give enough of that junk away to make up for the damage they've done.

Sincerely,
Bill Hubscher
Huntsville, AL

MTC–00024327

From: Curtis Lisle
To: Microsoft ATR
Date: 1/25/02 10:58am
Subject: Microsoft Settlement
To: Renata B. Hesse or or other appropriate official
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Dear Ms. Hesse,

I would like to register my opinion that the anti-trust decision against Microsoft should be further strengthened before its adoption. I agree with Mr. Dan Kegel's petition that some definitions and punitive measures are too narrow and provide Microsoft with opportunities to work-around the government's intended result. I have an extensive background in software design, including a Ph.D. in computer science to assist my understanding of the technical details of this anti-trust case. I request that the Department of Justice officials make every effort to maintain open practices for software engineering including fostering operating system competition and the propogation of free, reusable software. These freedoms will continue to fuel the creative results of both large and small businesses in the US. Please feel free to call if I can be of additional assistance. Thanks for your consideration.

Sincerely,
Dr. Curtis R. Lisle
Solution Architect,
SGI (Silicon Graphics)
Maitland, FL
407–206–7940

MTC–00024328

From: William Verthein
To: Microsoft ATR
Date: 1/25/02 10:58am
Subject: In Favor of Settlement

I am strongly in favor of the settlement and closing this ugly period of corporate warfare disguised as consumer protection. It has always been clear to me that this case has been primarily driven by the competitors of Microsoft and not consumers themselves. The so called consumer advocacy groups who have spoken out against Microsoft and the settlement are more often than not funded by the same competitors who have pushed this suit forward. Further efforts to prolong this case will only hurt the US economy and will never help consumers but instead help those companies who cannot win in the market.

Settle this case NOW.
Bill Verthein

MTC–00024329

From: Mike Quan
To: Microsoft ATR
Date: 1/25/02 10:59am
Subject: Microsoft Settlement

The proposed Microsoft settlement is an insult to our nations policy of fair play and justice. It was found and upheld on appeal that Microsoft is guilty of being an illegal monopoly. Even without a court finding, anyone familiar with the computer market can see that Microsoft is the most ruthless monopoly this company has ever seen. It's actions have effectively crushed competition and it continues to use this power to illegally prevent any competitor to enter the market. I believe that the any effective and fair settlement should require a break up of Microsoft with at least two formerly Microsoft companies competing in the operating arena and two in the applications arena. If this is not possible, then the remedy must include strong and decisive regulation by the court with the intent of dissipating the monopoly and preventing the spread into other areas of technology until Microsoft's market share in the operating systems and applications areas are reduced at least 10 per cent. The settlement should also provide adequate compensations to past victims of their unfair practices such as Netscape, Apple, AOL, Word Perfect, and others.

Thank you for this opportunity to comment.

Michael Quan (a MSFT shareholder)
P.O. Box 6277
Torrance, CA 90504

MTC–00024331

From: NIKKI WHITTLE
To: Microsoft ATR
Date: 1/25/02 10:59am

I realize the Tunney period closes on Monday for the Microsoft Settlement. Being a resident of Washington, a tester of Microsoft software, and a person that recommend technology to other including seniors, I feel that the entire suit brought by the government is ridiculous. I also am someone who has worked with micro small businesses mainly minority owned for several years. I have spent my entire business life watching businesses struggle with cash flow and struggles to meet obligations and tax payments. I understand how hard it is to grow and get a chance with the big guys. However I also realize that it is extremely expensive to be innovative. I suggest that the smaller guys learn to work with the big guys rather than use the courts to control competition.

I train many people that are retired or homemakers who have never used computers before. I can't imagine what it would be like for them if they had to deal with their operating system and their browser separately. Face it Netscape just didn't keep up with the wants and needs of people. I could see computer manufacturer's putting in two browsers for your choice, but to break up the company would be adding to the frustration most people have with who to talk to on any problem.

I heard and read in the news all the arguments from the competitors, those terrible things Microsoft said in sales meetings. Well I beg you to sit in on any sales meetings of any companies that are successful, probably even some that aren't too successful. That is how businesses rally the troops.

As far as hurting the consumer which is the basis of this suit. Hurting us? Microsoft has built a better mouse trap. The are truly interested in figuring out what the public wants and needs. Their pricing is very competitive and they also offer many ways to get into software at reduced costs.

It's time to get this thing settled, I think it has hurt the industry in general and hurt the economy. Let's get back to the work at hand and let Microsoft have the freedom to innovate.

Pacific Alliance Intl Inc.
NW Business Services
Whittle Whimsies

MTC–00024332

From: idiot@bumfuck.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:57am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Iman Idiot
222 Fuckwit Drive
Bumfuck, CA 90210

MTC–00024333

From: Mike Rice
To: Microsoft ATR
Date: 1/25/02 11:00am
Subject: re: Microsoft Settlement
Dear Sir,

The point of the anti-trust decision against Microsoft Corporation was, I hope, to reduce their effective capacity to act as a monopoly. Unfortunately, allowing Microsoft to propogate their software into the classtrooms of America will only increase their market share. If the software forced onto school computers is the Microsoft product, this is like ramming a state-sponsored religion into the throats of every American child in the manner of a ''captive audience''. Please consider forcing Microsoft to contribute only hardware and not software to the schools, perhaps taking into account the advice by Rob Young of RedHat.

Already schools have a fair mix of Microsoft and Apple software, allowing a third software opinion into the schools can only increase the minds of our kids.

Thanks for your consideration.
Mike Rice

MTC–00024334

From: Dr. Scott Steinman
To: Microsoft ATR
Date: 1/25/02 11:06am
Subject: Microsoft Settlement

I am a user of both Microsoft and non-Microsoft products. I have been appalled by the business practices of Microsoft, as uncovered in the evidence presented in the antitrust trials and manifested by the company since the trials. Microsoft continues to use their monopoly status to bully other companies, whether they are allies or foes, to crush competition, to stifle innovation and to reduce the choices of consumers. Hardware manufacturers are forced to pay royalties to Microsoft whether or not Windows will be sold or used on that machine. Their new .NET strategy will strengthen their monopoly status by forcing users to pay for mandatory upgrades and funneling much of the internet's advertising and financial services through Microsoft channels. I realize that the government is averse to breaking up Microsoft (although I agreed with this plan). However, the current antitrust settlement is too simplistic and does not prevent Microsoft from maintaining and extending its monopoly and anticompetitive practices.

I encourage you to enforce strict restrictions and impose heavy punitive sanctions against Microsoft.

Thank you.

Scott Steinman, O.D., Ph.D., F.A.A.O.
Chair, Biomedical Sciences
Southern College of Optometry
1245 Madison Avenue
Memphis, TN 38104–2222
Phone: (901) 722–3380
Fax: (901) 722–3325

MTC–00024335

From: Jonas Roel
To: Microsoft ATR
Date: 1/25/02 11:01am
Subject: Microsoft Settlement

To whom it may concern;

I feel that the proposed Microsoft settlement is a BAD idea. In the long run, Microsoft's monopolistic predominance of the American Tech market will only hurt American tech companies in the future. These are companies which try to innovate, and forward technology. Microsoft only tries its best to stagnate this innovation my snuffing out their competition. Please reject the Microsoft Settlement and save America's predominance in the tech sector.

Sincerely,
Jonas Roel
Tampa, Florida, USA

MTC–00024336

From: Joe Dumais
To: Microsoft ATR
Date: 1/25/02 10:58am
Subject: Microsoft Settlement

Dear Sir or Madam:

I would like to enter my comments on the ongoing Microsoft litigation. I believe it is time to close the case and reach a negotiated settlement. The measures the court is now suggesting are in my opinion sufficient. I disagree with those states that are pressing for further measures. I also believe that the case has left the realm of benefiting the consumer and has acquired the appearance of a personal quest by government lawyers to bring down this corporate entity. Please move forward with the existing settlement agreement.

Thank you.
Regards,
Joe Dumais, Ph. D.
1712 Westview Road
Fort Collins CO 80524
(970) 495–1053

MTC–00024337

From: Mark Morlino
To: Microsoft ATR
Date: 1/25/02 11:02am
Subject: Microsoft Settlement

To whom it may concern:

You probably get a lot of these so I will keep it short. I believe that the Proposed Final Judgment in United States v. Microsoft matter is NOT in the best interest of the public. In my opinion, the PFJ will make it too easy for Microsoft to continue to be a ubiquitous and evil empire.

Regards,
Mark Morlino
Systems Engineer
InterSystems USA
303.858.1000

MTC–00024338

From: Michael C. Appe
To: Microsoft ATR
Date: 1/25/02 11:02am
Subject: Microsoft Settlement

TO: Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

This brief note is intended to express my support for a quick settlement to the prolonged ordeal that is the Microsoft anti-trust case. This case is ripe for settlement. An agreement exists which has your Department's preliminary blessing, the concurrence of Microsoft and most of the state complainants and the sanction of the trial court. There is no rational reason not to ratify this agreement.

The settlement requires Microsoft to offer its Windows products to computer manufacturers at uniform terms, without exclusive software tie-ins. It requires Microsoft to configure new Windows systems in ways that embrace the use of non-Microsoft software. It obligates Microsoft to essentially open up its technology to its competitors. In return for this and more Microsoft may continue to exist in its present corporate state. This is a fair compromise. Let us allow this productive company to get back to the business of leading the IT industry and our economy into the new century.

Sincerely,
Michael Appe
30 Campfire Circle
Alton, NH 03809

MTC–00024339

From: Hans-And-Lisa Hazelton
To: Microsoft ATR
Date: 1/25/02 11:04am
Subject: Microsoft Settlement

I do not believe the proposed settlement does enough to address Microsoft's ongoing unfair business practices, nor does it do enough to correct the results of their past actions.

Hans Hazelton
Anchorage, Alaska

MTC–00024340

From: Vocalal1@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 11:02am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Al Jacquez
490 Huntington Dr.
Ann Arbor, MI 48104

MTC–00024341

From: red2@mac.com@inetgw
To: Microsoft ATR
Date: 1/25/02 11:06am
Subject: Microsoft Settlement

Hi,

I just wanted to express my opinion on this issue. I feel very strongly that Microsoft should not be let off with a weak settlement. Despite its claims of innovation, Microsoft has a history of squashing innovation with its Windows monopoly. Internet Explorer was clearly not nearly as good as Netscape several years back. But simply by supplying Explorer with Windows and not allowing vendors to include Netscape, Netscape became all but irrelevant and development basically stopped. The worse product one because it was not a fair market. If Microsoft is let of with a simple settlement, they have won.

Thank you for listening to my opinion.
-Sean Kennedy

MTC–00024342

From: Louis F. McDonald
To: Microsoft ATR
Date: 1/25/02 11:07am
Subject: Microsoft Settlement

It's in the best interest of me and the rest of the nation's consumers that the antitrust litigation be terminated as soon as possible. Please, accept the proposed settlement. L

Louis F.McDonald
4250 Lansdowne Dr.
Atlanta, GA 30339–4615
(770) 434–3816

MTC–00024343

From: John W. Naylor, Jr., P.E.
To: Microsoft ATR
Date: 1/25/02 11:09am
Subject: Microsoft Settlement

I am sure you have heard all the arguments of what MS is doing wrong and what MS proponents are saying they should be left alone. But one argument that I see being

avoided is what effect MS has on the ''so called'' independent marketplace. MS's position in the marketplace has been so dominant and their tactics so intimidating that the trade mags fear any negative reporting will cut them off from access to MS product information thereby destroying their very survivability. Lets go all the way back to 1995 when Windows95 came out. PC Magazine did an exhaustive review in their December issue where they benchmarked and reported on 100+ machines. About 65 of these PC's arrived at the testing labs with the new W95 OS and the rest had the older W4WGs. The magazine went into paragraphs of detail how machines with this type of Hard Drive outperformed those with another type by 3 % and that those with this type of video chip outperformed the others by 5%, etc. Yet, there was not a single mention that the machines the older W4WGs OS outperformed those with the new Windows 95 OS by 40 %. Three manufacturers (Gateway, Dell, Micron) submitted two almost identical machines. the ones with W4WGs outperformed those with Win95 by an average of 37 %. Now how could these authors make a big deal of the 3 and 5 % differences in hardware performance and fail to notice a 40 % difference in performance between two types of machines ? Why did PC magazine decide to place the tables containing the benchmarks of Win95 machines and W4WGs machines 100 pages apart ? A year or so later, PC mag compared database programs with the two primary ones being Lotus Approach and MS Access. The Lotus product scored 11 Excellence and 1 Good in 12 categories; whereas Microsoft scored 7 Excellents and 5 Goods in the same 12 categories....they tied for Editor's choice ! 11 to 7 is a tie ? Why couldn't we get that last year when the Mets played the Yanks....think how good that would have been for NY ! Yanks and Mets tie for World Series title, Yanks winning 4 games to Mets 1.

As a business owner , using the MS operating system becomes more and more cumbersome and more and more of a threat to security. I own an engineering firm and do work for the government. I have serious concerns about the security of MS operating systems when they illegally bundle their other products in the OS. Internet Explorer and Outlook Express are NOT part of the operating system. I do not want them and the security risks they represent on my office machines. I do NOT want a MS passport, but the only way I can get MS tech support is to sign up for another venture that MS has invested in.

To thwart competition from DR DOS, MS sold OEM's DOS/Windows for $29.95 whereas Windows only $45. That's like me having a choice of taking a bus and train to work or and having to pay more for the train ride if I decided to skip the bus and walk to the train station. The DOJ has got to stop this behavior and MS intimidation of the free press. As a minimum, the DOJ should insist that:

1. No products for other MS marketing initiatives are installed by default with the OS. If they can include Accessibility Options (stuff for handicapped users) as an install ''option'', they should certainly be able to let Passport, MSIE, Outlook and all the other software bundled in XP as an ''option''.

2. MS should be forced to disclose and detail any ''hooks'' which it's MS Office and other programs use to interact with the OS.

3. The government must NOT become an accessory to the crime and accept MS's offer of establishing them in one of the few markets they don't control (schools). This penalty will make MS a ton of money when they are forced into the never ending MS Upgrade cycle. It would also squeeze out the companies that have been servicing this market before MS discovered them. 4. MS must not be able to disavow responsibility for their negligence. MS knew about the UnPnP security vulnerability before the OS was released but released it anyway, exposing millions of their customers to attack and financial loss for two months before they released a patch.....just so they could take advantage of the holiday buying season. I am concerned about my liability and the damage that could result if a terrorist hacked into our network and downloaded plans say to a federal couthouse building that my firm designed. I have taken all plausible steps to secure this network environment but now MS left a known hole in the OS that I had no knowledge of, that they did have knowledge of but didn't tell me about even though it posed a real threat to my own network's as well as national security since they didn't tell millions of usres with possible access to sensitive information just so they could rake in more cash for the Xmas season.

Jack Naylor, P.E.

President, Naylor Engineering

Executive Board Member, NYS Society of Professional Engineers

Legislative and Governement Affairs Committee, National Society of Professional Engineers.

MTC–00024344

From: Brian Allbee
To: Microsoft ATR
Date: 1/25/02 11:07am Subject'' Microsoft Settlement
[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]

MTC–00024344 0001

To Whom It May Concern:

With the deadline for public response to the proposed Final Judgement against Microsoft upon us, I've run out of time to make this as coherent as I would like, so some of this may be little more than citation of web- pages or other media that make some of the points I am concerned with. These problems lead me to conclude that the Proposed Final Judgment, as written, allows (sometimes encourages) significant anticompetitive practices to continue. I do not believe that the Proposed Final Judgment (as it stands now) is in the public interest, or that it should be adopted without addressing various issues:

Revised Proposed Final Judgement

III.A.2: (Microsoft shall not retaliate against an OEM ... because it is known to Microsoft that the OEM is or is contemplating) shipping a Personal Computer that (a) includes both a Windows Operating System Product and a non-Microsoft Operating System, or (b) will boot with more than one Operating System. What about machines that do not boot with ANY Microsoft OS? A VERY cursory count of alternative operating systems that are available for Intel-compatible PCs yields 18+ alternatives (see http://dir.yahoo.com/Computers—and—Internet/Software/Operating—Systems/), NOT including all the various different distributions of Linux (20+ different alternatives as a bare minimum) and varieties of Unix (6+ alternatives, at least). Is this remedy supposed to allow the companies that produce these ''alternative operating systems'' to compete on a fair basis with Microsoft? One of these alternatives has already essentially died (BeOS), and I strongly suspect that a good part of the reason it did was because it COULD NOT compete with Microsoft's on a fair basis, despite it being in my opinion) technically superior software.

III.C: (Microsoft shall not restrict by agreement any OEM licensee from exercising any of the following options or alternatives) [items paraphrased]:

1. Installing Non-Microsoft middleware/applications;

2. Distributing/promoting non-Microsoft middleware/applications within the Windows OS;

3. Auto-launching any non-Microsoft middleware/application(s) upon completion of the Windows boot-process;

4. Allowing third-party boot-loaders to launch a second OS (presumably installed by the OEM);

5. Allowing pre-boot promotion of its own IAP offer; 6. Exercising any of the options under section III.H (summarized below)

III.H: (Starting at the earlier of the release of Service Pack 1 for Windows XP or 12 months after the submission of this Final Judgment to the Court, Microsoft shall) [items paraphrased]:

I. Provide easy removal of Microsoft middleware/applications to users and OEMs;

2. Provide easy means to users and OEMs to allow non-Microsoft middleware/application configuration as defaults for various file/document types;

3. Make certain that no Microsoft product makes alterations to any OEM-configured defaults without alerting the end-user that such alterations are being made (and presumably what effects they will have); Again, I note no explicit language prohibiting Microsoft from acting against OEMs that provide non-Microsoft OS system-options (though III.C.4 is a step in the right direction). None of these points makes more than a token effort to allow a consumer (through the OEM) to CHOOSE whether they want a Microsoft OS or something else entirely/exclusively (including no OS whatsoever from the OEM). If the core of Microsoft's monopoly is the Windows OS (and derivatives thereof), then it seems logical that any final judgement must make some effort to address the potential consumer desire to NOT have Windows on their PC. To do otherwise is to take NO action towards allowing fair competition between the various OS options available.

Even simply guaranteeing an end-user the right to return an undesired/unused MS/Windows installation disk for a full refund from Microsoft would be better than nothing—If an end-user has no reasonable choice but to purchased a new PC from an OEM with Windows pre-installed, and they have no use for (or desire to use) that OS, they should be free to remove it from the machine without having to shoulder the burden of a non- returnable Windows disk. Frankly, even if they use Windows initially to retrieve an alternative OS from the Internet, so long as they are not using it when the new OS is installed, they should be allowed to return it (providing; of course, that they REALLY aren't using it again), in my opinion. It's not —that— different from taking a car for a test-drive, and seeing another car at another dealer during that test-drive, in my opinion. There seem to be no provisions to prohibit Microsoft from holding back application and/or protocol information that are required to be available to for-profit third-party competitive concerns from not-for-profit concerns (i.e., Open Source projects, which inarguably compete with Microsoft). From http://www.pbs.org/cringely/pulpit/pulpit20011206.html: ''Well, Microsoft now appears to be exacting its revenge, leaning this time on the same letter of the old law to not only get a better deal, but literally to disenfranchise many of the people and organizations who feel they have been damaged by Microsoft's actions. If this deal goes through as it is written, Microsoft will emerge from the case not just unscathed, but stronger than before. Here is what I mean. The remedies in the Proposed Final Judgement specifically protect companies in commerce— organizations in business for profit. On the surface, that makes sense because Microsoft was found guilty of monopolistic activities against ''competing'' commercial software vendors like Netscape, and other commercial vendors—computer vendors like Compaq, for example. The Department of Justice is used to working in this kind of economic world, and has done a fair job of crafting a remedy that will rein in Microsoft without causing undue harm to the rest of the commercial portion of the industry. But Microsoft's greatest single threat on the operating system front comes from Linux—a non-commercial product—and it faces a growing threat on the applications front from Open Source and freeware applications. The biggest competitor to Microsoft Internet Information Server is Apache, which comes from the Apache Foundation, a not-for-profit. Apache practically rules the Net, along with Sendmail, and Perl, both of which also come from non-profits. Yet not-for-profit organizations have no rights at all under the proposed settlement. It is as though they don't even exist.

Section III(J) (2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, so much for SAMBA and other Open Source projects that use Microsoft calls. The settlement gives Microsoft the right to effectively kill these products.

Section III(D) takes this disturbing trend even further. It deals with disclosure of information regarding the APIs for incorporating non-Microsoft ''middleware.'' In this section, Microsoft discloses to Independent Software Vendors (ISVs), Independent Hardware Vendors (IHVs), Internet Access Providers (IAPs), Internet Content Providers (ICPs), and Original Equipment Manufacturers (OEMs) the information needed to inter-operate with Windows at this level. Yet, when we look in the footnotes at the legal definitions for these outfits, we find the definitions specify commercial concerns only. But wait, there's more! Under this deal, the government is shut out, too. NASA, the national laboratories, the military, the National Institute of Standards and Technology—even the Department of Justice itself—have no rights. It is a good thing Afghanistan is such a low-tech adversary and that B-52s don't run Windows. I know, I know. The government buys commercial software and uses contractors who make profits. Open Source software is sold for profit by outfits like Red Hat. It is easy to argue that I am being a bit shrill here. But I know the way Microsoft thinks. They probably saw this one coming months ago and have been falling all over themselves hoping to get it through. If this language gets through, MICROSOFT WILL FIND A WAY TO TAKE ADVANTAGE OF IT.'' Other good points are raised (more succintly and in more detail than I have time to go into) at http://www.kegel.com/remedy/remedy2.html (this list is taken from the end of the page, and is linked on the page it came from to the relevant sections of the article) * The PFJ doesn't take into account Windows-compatible competing operating systems * Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry. * The PFJ Contains Misleading and Overly Narrow Definitions and Provisions * The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered * The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all. * The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET The PFJ should therefore allow users to replace Microsoft.NET with competing middleware. * The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertised as being ''Windows Powered''. * The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs. * The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware— —but only after the deadline for the ISVs to demonstrate that their middleware is compatible. * The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows. * The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents. * The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users. * The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft * Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows. * Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems. * Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running Linux. (Similar licenses to OEMs were once banned by the 1994 consent decree.) * The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft * Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems. * The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs * The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system. * The PFJ allows Microsoft to discriminate against small OEMs—including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software. * The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas. * The PFJ as currently written appears to lack an effective enforcement mechanism. Most of the article at http://www.ccianet.org/papers/ms/sellout.php3 (though it may be a bit harsh) raises some good points, as does Ralph Nader's open letter

Brian D. Allbee

MTC–00024345

From: Daniel Boudrot
To: Microsoft ATR
Date: 1/25/02 11:10am
Subject: Microsoft Settlement

To whom it may concern, Under the Tunney Act, I would like to add my opinion of the Microsoft settlement. I believe that this settlement in no way will cause Microsoft to behave any less anti-competitively than they have in the past. Not only are there enough

loopholes in the definitions to allow Microsoft to sidestep the settlement at any time, but even if they violate it there is no real enforcement mechanism other than to try them in court again.

Thank you.

Sincerely,

Daniel Boudrot

MTC–00024346

From: rayclyde@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 11:07am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,

Ray Clyde
112C Love Loop
Richards, TX 77873–4207

MTC–00024347

From: Steven F. Neill
To: Microsoft ATR
Date: 1/25/02 11:10am
Subject: Microsoft Settlement

I Steven F. Neill, believe this settlement to be not nearly adequate. The monetary amount is not enough and the method of payment is ludicrous. Punishing a monoply by further strengthening it is no solution. I sincerely hope that this will not stand.

-Steven F. Neill

MTC–00024348

From: Mcubed Technologies
To: Microsoft ATR
Date: 1/25/02 11:10am
Subject: Microsoft Settlement

We think the proposed settlement is a bad idea.

-Staff of Mcubed Technologies

MTC–00024349

From: bm@tempest.sonic.net@inetgw
To: Microsoft ATR
Date: 1/25/02 11:11am
Subject: Microsoft Settlement

Dear Sir or Madam,

I think that the Microsoft settlement is a bad idea. I think that it is a bad idea because the schools should have the money and choose for themselves what they want . In addition should Microsoft base their settlement on the ''list'' or ''retail'' price of the items, there would be the opportunity that I think is unfair, to take advantage of everyone again, the schools, the government, and the people. If this were tax deductible, they could claim full list price on merchandise that they could not otherwise easily sell. Please do not let them get away with this.

Sincerely,

Bill Marlin
541 Emerald Park Court
Santa Rosa, CA 95409

MTC–00024350

From: Bevill, Rob
To: Microsoft ATR
Date: 1/25/02 11:12am
Subject: NO to Microsoft!

The settlement is a BAD idea. I oppose it.

-Rob

MTC–00024351

From: dcshaddix@netscape.net@inetgw
To: Microsoft ATR
Date: 1/25/02 11:10am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,

Doug Shaddix
502 Stillwaters Drive
Marietta, GA 30064–2551

MTC–00024352

From: Mars Cheung
To: Microsoft ATR
Date: 1/25/02 11:16am
Subject: Microsoft Settlement

Please leave Microsoft alone, for God's sake. You get better things to do than wasting tax payer's money.

MTC–00024353

From: Kyle Gaspar
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/25/02 11:16am
Subject: Microsoft Settlement

I am opposed to the settlement because it doesn't address the Microsoft OEM license agreements which penalize OEMs if they install another operating system (such as linux) in the bootloader.

Sincerely,

Kyle Gaspar
Philadelphia, PA
Republican

MTC–00024354

From: Gotshall, Ron
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/25/02 11:17am
Subject: Microsoft Settlement

Ronald A. Gotshall
5217 Starwind Point
Hermitage, TN 37076
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

The purpose of this letter is to express my support of the settlement reached between the Department of Justice and Microsoft. After three long years of litigation, I was pleased to hear that the Justice Department had finally found an agreeable mediation. Too much money has already been squandered over this issue. Any more waste of taxpayer dollars is unconscionable in my opinion. I urge the Justice Department to enact the settlement at the end of January. Microsoft has made many concessions within the details of this settlement. Microsoft has agreed to license Windows at the same rate to the twenty largest computer manufacturers, which will thereby eliminate competition for rights between producers. In addition to this, Microsoft will also disclose some of the protocols internal to the Windows system. This provides for the design of competing software that is increasingly assimilated into the Windows operating system. It is clear, then, that Microsoft has made their share of concessions throughout the mediation process. I would hope that the Justice Department recognizes the importance of enacting this settlement. Thank you so much for your time regarding this issue.

Sincerely,

Ronald A. Gotshall

MTC–00024355

From: Sean Rose
To: Microsoft ATR
Date: 1/25/02 11:18am
Subject: Microsoft Settlement

I am writing to express my concern with the settlement of the Microsoft anti-trust case. I find it hard to believe that a company that is guilty of fraud and anti-competitive prices is getting any breaks at all. I ask for the most severe restrictions and punishments that can be levied against Microsoft. I am a computer programmer. I have been working with computers since 1982 and have experience in a number of computer platforms. Apple is a wonderful technology company that almost everyone agrees has been hurt by Microsoft's illegal dealings. However, Apple's technology is so far ahead of MS, that I am not worried about them. The people that I worry about are the startup companies... the entrepreneurs that start the new revolutionary company that change the way will work and live. These companies cannot start under Microsoft's current reign. That hurts competition, deprives the consumer of choice and leaves us stuck with an overpriced inferior product called Windows. A perfect example is the stellar BeOS. BeOS is simply the best operating system created and put to market. It was easy to use and pretty, as well as being devilishly

fast and 100% reliable. When BeOS came out for the x86 platform (Intel Pentium compatible processors) the entire developer community was excited. Here you had a super stable OS with a great set of free developer tools and what looked to be a skyrocketing market of users.

But that fell through very quickly when Microsoft pulled out their license with OEMs and read, ''You cannot put any other operating system on a computer sold with Windows (pick your version here).'' So, all the excitement became, well, yeah it's the best, but what's the point? Microsoft shut them down and now all of those people are out of work and BeOS is gone. What very well could have been the next revolution in computing is now nothing more than a small blurb in a history book. That is adversely affecting the economy. They stole the Macintosh interface and called it Windows 95—hurting one of the most inventive and progressive computing companies ever. They killed Netscape. They have put security as a minumum priority, a Microsoft memo published on the web says, ''unless security promotes the bottom line, it goes.'' Less than one month ago, Bill Gates himself said that the company would be focusing more on security. Why? The some 60,000 viruses for Windows are getting out of hand and after selling themselves to businesses as the best business platform, it's becoming quite obvious that any UNIX flavor is easily a better solution for a secure, business computer.

To bring the problem back to a personal level—just think of using Word. How many times has it messed up a document you were working on? Do you know any one who likes Word? I don't. We have to use Word because Microsoft killed Word Perfect, Lotus Word Pro and all the other word processing programs. One thing Microsoft learned was good marketing can sell anything to everyone. I am not opposed to that either, obviously we all take responsibility for making uninformed choices. However, the bad choices of the public have steamrolled us into the position of no longer having a choice and leaving Microsoft to do as they please. I have stopped using Microsoft products and no longer develop software for Windows. I can only imagine that someday my family will be one of those getting laid off or unable to fulfill their dreams because we are trying to compete in a field where there is no competition and no rules. I won't be a part of that. Please take all steps you can to levy the heaviest punishment you can on Microsoft.

Sean Rose
srose@cycline3.com

MTC–00024356

From: .
To: Microsoft ATR
Date: 1/25/02 11:20am
Subject: Microsoft Settlement

Hello and thank you for listening.

I would like to state that I do not believe that the DOJ's settlement with MicroSoft is the best idea. MicroSoft as a company has shown too much disregard for the public and government already. They seem to believe that they are above the law.

Please do not allow them to continue their path of market domination and control. This is another example of America not paying attention. We will become as dependant on MicroSoft as we have been to Middle Eastern oil. And look where that has taken us.

Thank you again for listening.
Respectfully,
Matthew R. Ross
P.O. Box 2613
East Peoria, IL 61611

MTC–00024357

From: MGSeeley
To: Microsoft ATR
Date: 1/25/02 11:22am
Subject: Microsoft Settlement

I am writing to voice my displeasure with the proposed judgment against Microsoft in the US vs. Microsoft antitrust lawsuit. I agree with the thoughts of many of the opponents of the settlement including Ralph Nader and Thomas Reilly, my home states AG. The settlement leaves far too many loopholes for Microsoft to continue in its anti-competitive practices and offers no more then a slap on the wrist for their past indiscretions.

I firmly believe that Microsofts actions warrant a harsher, more restrictive punishment or there will be no actual changes in the way they do business. —

Michael Seeley
3 Knowles Avenue
East Wareham, MA 02538–1330
mgseeley@mediaone.net

MTC–00024358

From: Shon Frazier
To: microsoft.atr(a)usdoj.gov
Date: 1/25/02 11:20am
Subject: Microsoft Settlement

I disagree with the proposed settlement. Regardless of the *apparent* intent of the proposed settlement, I believe it will server to further the monopolistic grip of Microsoft on the software industry. I am in agreement with many of the points presented in Mr. Dan Kegel's essay located at http://www.kegel.com/remedy/letter.html.

—Shon Frazier
270 Five Oaks Drive
Covington, GA 30014
shonf@speedfactory.net

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MTC–00024359

From: Fred Malouf
To: Microsoft ATR
Date: 1/25/02 11:21am
Subject: Microsoft Settlement

I am voting NO on this settlement.

I am writing with regard to the Tunney Act concerning the Microsoft Settlement, Civil No. 98–1232.

The settlement is unfair because it will not end Microsoft's monopoly on the market nor its unlawful conduct.

-Fred Malouf
Fred Malouf
1303 Snow Street, Apt. E
Mountain View, CA 94041

MTC–00024360

From: Matthew M. Burke
To: Microsoft ATR
Date: 1/25/02 11:21am
Subject: Microsoft Settlement

My name is Matthew Burke. I am a U.S. citizen residing at 7109 Wayne Dr., Annandale, VA 22003. For over 10 years I have been a professional software engineer, an Assistant Professor of Mathematics and Computer Science, and a graduate student in Mathematics and Computer Science. After following the Microsoft anti-trust case, reading the proposed final judgement (PFJ), and commentaries on the proceedings, I have come to the conclusion that the PFJ is not in the public interest for the following reasons:

1. The PFJ contains misleading and overly narrow definitions.

The definition of ''API'' in the PFJ is so narrow that many of the most important APIs are not covered. The definition of ''Microsoft Middleware'' is so narrow that the next version of Windows would not be covered. The PFJ fails to take into account the fact that Microsoft is phasing out their version of Java with .NET. Therefore, the provision to allow users to replace Microsoft Java with a competitor's version is meaningless. The PFJ does not cover Windows XP Tablet PC Edition, Windows CE, Pocket PC or the X-Box although all these products are based on essentially the same technology—-the Win32 API —-and all these products are supported by what the court has determined to be illegal uses of monopoly power. The PFJ fails to require advance notice of technical requirements. This allows Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline and not informISVs.

The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware. But they are not required to do so until after the deadline for the ISVs to demonstrate that their middleware is compatible.

The PFJ requires Microsoft to release API documentation. The PFJ, however, prohibits competitors from using this documentation to help make their operating systems compatible with Windows. The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents. This is despite the fact that Microsoft has been illegally using their Operating System monopoly to force consumers to use their Office products as well. The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

2. The PFJ fails to prohibit anticompetitive license terms currently used by Microsoft Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of

computers which could run a Microsoft operating system—even for computers running Linux. (Similar licenses to OEMs were once banned by the 1994 consent decree.)

3. The PFJ fails to prohibit intentional incompatibilities historically used by Microsoft.

Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

4. The PFJ Fails to prohibit anticompetitive practices towards OEMs.

The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system. The PFJ allows Microsoft to discriminate against small OEMs—including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software. The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

5. The PFJ as currently written appears to lack an effective enforcement mechanism.

Therefore I conclude that the PFJ allows and encourages significant anticompetitive practices to continue and is consequently not in the public interest. The PFJ should not adopted until the above issues are meaningfully addressed.

Thank you for your attention in this matter. I would be more than willing to discuss these issues futher and may be contacted at the address in the first paragraph of this letter, by return email, or by phone (703–645–9751).

Sincerely,
Matthew Burke

MTC–00024361

From: plwilliams@varco.com@inetgw
To: Microsoft ATR
Date: 1/25/02 11:18am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Peggy Williams
2203 Barnett Drive
Cedar Park, TX 78613–4423

MTC–00024362

From: Matt Hucke
To: Microsoft ATR
Date: 1/25/02 11:22am
Subject: Microsoft Settlement

I urge you to REJECT the proposed Microsoft settlement. The proposal will have very little effect on Microsoft's proven anti-competive behavior. They will continue to abuse their power over OEMs to discriminate against alternative operating systems. They will continue to pursue unfair license agreements that will make it nearly impossible for OEMs to ship any other operating system.

Microsoft has, in the past, used its high market share to pressure hardware manufacturers to not ship any competing operating system. They have done this by fixing markedly different price levels for those manufacturers that enter into an exclusive agreement to ship only Windows; while those who refuse are charged much higher rates, and cannot compete.

The proposal does nothing to stop this, and therefore must be rejected.

Sincerely,
Matt Hucke
7446 N Damen #2S
Chicago IL 60645
hucke@cynico.net

MTC–00024363

From: Miriana Clark
To: Microsoft ATR
Date: 1/25/02 11:24am
Subject: I oppose the settlement being considered

I am strongly opposed to the Microsoft settlement that is currently being concidered. It calls into question why we should be proud to call ourselves Americans when the legal system can be bought and manipulated by one powerfull company. This settlement forces me to unwillingly surrender my rights to a fair and arbitrary legal system. I am ashamed of it. Spcecifically, I am opposed to the ammount of control that Microsoft has in administering the terms of the agreement. Too many grey areas and judgement calls are left wide open as potential loopholes. They have been found guilty in a court of law, and shouldn't be their own guard. More importanly, I am opposed to the gag order of the 3 person oversight committee. Without a voice, there is no way that the can do their job effectivly. Finally, I am opposed to the shortsightedness of this agreement. It does nothing to curb Microsofts illegal use of its Monopoly on the desktop to corner other markets. Innovation is stifled, and Americans loose.

I respectfully urge you to throw out the proposed agreement, and see that true justice is done.

With respect,
Miriana Clark
Portland, OR

MTC–00024364

From: Charlie Hunt
To: Microsoft ATR
Date: 1/25/02 11:28am
Subject: Microsoft Settlement

I would like to express my concerns on the proposed MicroSoft settlement. Below are a list of concerns.

1. The DOJ settlement would not restrict the core way in which Microsoft unlawfully maintained its Windows operating system (OS) monopoly, namely bundling and tying competing platform software (known as ?middleware?) like Web browsers and Java, to the OS. The Court of Appeals specifically rejected Microsoft's petition for rehearing on the bundling issue. Yet the settlement has chosen to ignore this fact.

2. The DOJ settlement has no provisions to create competition in the OS market that Microsoft unlawfully monopolized. The DC Circuit ruled that a remedy must ?unfetter [the] market from anticompetitive conduct? and . . . ?terminate the illegal monopoly,? but the DOJ settle will do nothing to restore competition with Windows. The DOJ settlement allows firms better access to information (known as ?APIs?) necessary to make software work with Windows, which only reinforces the Windows monopoly.

3. The DOJ settlement has no provisions directed to new markets where Microsoft is using the same bundling and restrictive practices to preserve and extend its Windows monopoly. Typified by Windows XP, which ties Internet services, digital media software and instant messaging (among other features) to Windows, Microsoft is demolishing potential competition in these new markets just as it did in 1995–98 to Netscape. The Court of Appeals ruled that a remedy must ?ensure that there remain no practices likely to result in monopolization in the future,? but the DOJ settlement does not even try to restrict ways in which Microsoft could (and already has)leverage its Windows monopoly in the future. The settlement also suffers from a serious problem of ineffectiveness, because even its limited provisions (API disclosure, icon removal, etc.) rely exclusively on OEMs to pro-vide a competitive alternative to Windows. PC manufacturers have recognized Microsoft's power and have long refused to depart from the Microsoft strategic plan, since it is the source of their revenue.

In today's OEM market, with rapidly declining prices and profit margins, failures and mergers, and the slowing of PC demand for the first time in more than a decade due to market saturation, there is no likelihood that any OEM will use its small freedoms under the settlement to choose to compete with Microsoft.

In summary, the settlement would not prevent the central ways Microsoft was found to have illegally maintained its Windows monopoly, (2) does nothing to restore competition in the OS market, an express Court of Appeals requirement for a Microsoft remedy, and (3) has no provisions directed to Windows XP and other new endeavors of Microsoft to extend and protect its monopoly to new markets in the future, another express Court of Appeals requirement for a Microsoft remedy.

Sincerely,
Charles J. Hunt
(Software Architect)

MTC–00024365

From: MARCUSEE@aol.com@inetgw

To: Microsoft ATR
Date: 1/25/02 11:24am
Subject: Microsoft Settlement

I think that Microsoft should either be broken up or forced to reveal their source codes. It is not good for one company to be so dominant in such an important field. Competition would be preferable to standardization at all costs I do believe.

Marcus Edward Ellison
1522 Rosemary Lane Apt. E
South BEnd, IN 46637

MTC–00024366

From: Chris
To: Microsoft ATR
Date: 1/25/02 11:23am
Subject: Microsoft Settlement

Does Microsoft hurt consumers? Yes it does. I1ve been paying a premium for my computer hardware and software for years, simply because I choose not to use a Microsoft-based computer. Should I not have a viable choice in the computer marketplace? Yes I should. Microsoft has built an empire on illegal practices, and a small fine is not going to remedy the problem. Fining Microsoft even a few billion dollars would be analogous to catching a bank robber who made off with a million dollars in cash, and fining him $10,000. Sounds like a good business proposition, for the crook that is. Microsoft has violated the law. Its competitors have suffered as a consequence. Consumers have suffered. Consumers will continue to suffer as Microsoft expands its illegal monopoly into other markets. Once successful companies (WordPerfect, Novell, Lotus, Netscape, etc.) are now burned-out shells due to Microsoft1s immoral and illegal business activities. Please do not squander this opportunity to make things right.

Chris Wirick
Aliso Viejo, CA

MTC–00024367

From: Joseph Gledhill
To: Microsoft ATR
Date: 1/25/02 11:25am
Subject: Against Proposed Settlement

I would like to state that I am strongly opposed to proposed Microsoft settlement.

Microsoft is harming the industry and consumers by creating proprietary protocols and using their massive resources to force them on the general public. Then once they own the protocol or format then everybody is forced to pay licence fees to them, or are not granted the liscence at all. Microsoft is also forcing consumers to use their products by bullying OEMs to distribute their operating systems. The proposed settlement will not aleviate these abuses and therefore needs to be reconsidered.

Thank you,
Joseph Gledhill

MTC–00024368

From: Chris Gosnell
To: Microsoft ATR
Date: 1/25/02 11:25am
Subject: comment in U.S. v. Microsoft

Please consider my opinions listed below in the judgment of this case. I believe that Microsoft operated in a non-competitive and predatory manner that harmed companies directly, and caused others to go out of business altogether. Because Microsoft manufactures not only the operating system, but the applications and tools to develop applications for their operating system, they have an unfair advantage to promote their products before all others and have done exactly that.

1) I believe that I have been deceived by Microsoft when I bought software that did not work as advertised, but could not request a refund because of the End user License Agreement ''EULA'' that must be agreed to before inspecting the product. (Windows 95 USB support, for example). In this EULA, Microsoft cannot be held liable for the performance of the product.

2) Microsoft's operating system has been shown to intentionally damage the operation of competing application software. (Netscape Navigator and others)

3) Microsoft's sales practices to OEM's prevented the OEM's from selling computers with competing operating systems preinstalled. (BeOS and others)

4) Microsoft's dominant position in the market has allowed them to modify existing standards to make the result incompatible with all but Microsoft products. (C, Java, Kerberos, MPEG, etc...) Microsoft's development tools use the incompatible formats deny computer users the choice of applications to use.

All of the practices Microsoft has used were intended to promote their products and harm to all others unfairly.

Please rule for the dissolution of Microsoft Corporation into at least 3 separate companies; Operating systems (Windows 2000, XP, etc...), Applications (Microsoft Office,Internet Explorer, etc...), and Development tools.

You may notice that I am using a Microsoft application in drafting this e-mail. This is not by choice.

I'm a great believer in luck, and I find the harder I work the more I have of it.

- Thomas Jefferson

Christopher Gosnell
50 South Wade Ave.
Washington, PA 15301
(724)229–6075
cgosnell2@earthlink.net

MTC–00024369

From: Sharon K Miller
To: Microsoft ATR
Date: 1/25/02 11:24am
Subject: MICROSOFT SETTLEMENT

LET'S SETTLE THIS CASE ONCE AND FOR ALL— IN FAVOR OF MICROSOFT.

MTC–00024370

From: J. C. West
To: Microsoft ATR
Date: 1/25/02 11:25am
Subject: Microsoft Settlement Dear U.S. Attorneys...

I strongly encourage you to require Microsoft to relinquish their position of only protecting ''for profit'' competitors from predatory practices. There are no ''for profit'' competitors of Microsoft. The issue is a sham. The only competition to Microsoft domination of the OS and applications fields is the ''not-for-profit'' open source software community. Please take the time to re-read the Halloween Papers. Linux, Unix, GNU, itself, and all their open source brothers are not only in need of protection, you are the only protector upon which they can ultimately rely. We are at the last showdown. Please, simply make Microsoft drop the ''for-profit-only'' concept.

I have the temerity to write to you... Because my state Attorney General suggested it to me. Because I am a quiet resident of Norwalk, a blue-collar city in lower Fairfield County, Connecticut where I publish scholarly reference books, college texts, and political fables and satires. I am not political and am a fairly average citizen of this state.

I graduated from both Harvard College (AB, 1970) and Dartmouth College (MBA, Amos Tuck, 1972) and did a bit of post-graduate work at the USN War College. At Harvard, my (undergraduate) Constitutional Law training consisted of Paul Freund's ''Philosophy of the Law'' classes in Sanders Theatre and Marty Shapiro's course on SCOTUS (he was visiting from UC Davis). Perhaps you know or will recall them. At Tuck my Business Law Professor was Justice Johnson of the NH Supreme Court. In short, I am no attorney, but I do have some insight into what Mr. Justice Holmes thought of the law, and why, and what he thought it could accomplish. And I have watched Microsoft abuse this country and its legal system for Mr. Gates'' entire business career. As for today, my publishing houses are current recipients of multi-year grants from the Henry Luce Foundation, the Andrew W. Mellon Foundation, and the Korea Literature Translation Institute among several others. My CD-ROM publication of the US DOL DOT can be seen in every US Social Security office (including ALJ, appeals, and State level DDS hearing offices), nationwide. I learned to program in the BASIC language in 1970 (while its author, John Kemeny, was still president of Dartmouth),

I have taught several electronics technologies in several places and in several contexts and hold current mainstream certifications in a few computer technologies and am a member of IEEE, COMPtia, and some other computer-related organizations. I serve on the advisory board for a local alternative high school and helped design their new computer technology career academy program.

I have no need to impress you and, frankly, I don't think I have. But I did need to catch your attention so I included the above pertinent mini-credential in hopes of raising my credibility above the background noise.

In summary...and seriously... Dear reader...Please take and/or encourage your colleagues to consider an even firmer stance against Microsoft—especially, and most importantly—regarding protection of the open source ''nonprofit'' competitors.

It is a bit dramatic to call it a crusade but, dammit, it is...and you, like it or not, are a crusader. The open source community is comprised of folks who can't afford to quit their day jobs but who have come up with Apache—over 80% of the web runs on it because it's superior to Microsoft—and who are the only competition to the richest man in the world. They're not revolutionaries—they're you and me. Over the years the

American people have entrusted me with a command or two and have decorated me, personally, several times for this and that but I never had it in my power to accomplish anywhere near what you can. You hold the key to the world in which my daughters (11 and 12) will live. You hold the power to shape their quality-of-life. Please wield it wisely on behalf of my daughters—and on behalf of yours.

Thank you.

CDR Joe West USCGR (ret)

CC:Richard Blumenthal

MTC–00024371

From: Joel Barsotti
To: Microsoft ATR
Date: 1/25/02 11:27am
Subject: Microsoft Settlement

I believe this settlement is bad for the public.

Microsoft will continue to build it's monopoly, stifle any independent innovation, and basically assimilate every computer on the planet at the cost of consumers rights.

MTC–00024372

From: Keith (038) Bobbye Bing
To: Microsoft ATR
Date: 1/25/02 11:24am
Subject: Microsoft Settlement

I am a home PC user with Windows 98. After reading much of the complaints against Microsoft, I beg you to let this settlement go forward and dispense with this case against the company. Certainly, Microsoft has played hard-ball, but its products are exceptional and has made computer use easy enough for even me to learn and enjoy. If someone comes up with a better operating system, MS will not be in such a powerful bargaining position, but until then, they should be allowed to market their programs to their best advantage. OEM's are not forced to sign contracts; if they find a better operating system, they can tell MS to bug-off. To destroy this company simply because it has excelled at what it does cannot be constitutional. The government and the courts should stay out its way and let the market take care of it. As for antitrust, what is with letting Time-Warner/AOL consume everything in sight? Won't we soon be going through the same thing with them, or are they protected in some way not now evident?

Sincerely,

Bobbye Bing

MTC–00024374

From: Jan Hvilsted
To: microsoft.atr(a)usdoj.gov
Date: 1/25/02 11:27am
Subject: Microsoft Settlement

To whom it may concern, I don't agree with the proposed settlement between the Department of Justice and Microsoft. A major reason for my position in this matter is that I'm the owner of several Microsoft licenses ranging from Windows 95 to Windows NT. I have never used any of the Windows operating systems, but it is and has for many years been impossible to buy any brand name computer without it being preloaded with a Microsoft operating system. As you can understand, I have been ''forced'' to pay licenses for Microsoft's products I have never wanted, requested or even used, just because I wanted to buy a brand name computer.

The first thing I have always done is installing a different operating system (IBM's OS/2 and lately Serenity System's eComStation), without even booting the preloaded Microsoft operating system.

Thank for listening and best regards

Jan Hvilsted

hvilsted@adslhome.dk

MTC–00024376

From: Gregory Gelfond
To: Microsoft ATR
Date: 1/25/02 11:27am
Subject: Microsoft Settlement

To Whom It May Concern,

It has come to my attention from various sources, including a recent interview with Judge Robert Bork, that the current Microsoft antitrust settlement would do the opposite of what it intends. Instead of breaking Microsoft's monopoly of the personal computer operating systems market, it would enable the company to expand its monopoly into other arenas. Specifically, the areas of Internet service, and content.

As it currently stands, web sites created using Microsoft's Frontpage program are only viewable using Microsoft's Internet Explorer web browser. While by itself, such tight integration between products may seem a boon to consumers, it is actually quite harmful. What the company has done, is subtly change the open standards set by an independent body concerning the protocols, and language in which web sites are created, to a proprietary ''standard'' owned and controlled by Microsoft. This makes other browsers, and even in some cases other computer platforms unable to read such sites. In their recent iteration of the Internet Explorer web browser, Microsoft has also broken support for certain plugins, namely Apple Computer's Quicktime plugin. This has a similar effect to the one I described above, and also has the effect of rendering a substantial amount of web content Microsoft only. This defeats the entire purpose of the world wide web. Similar examples can be seen with the companies developement of it's own Java language, which again breaks the open standard, and with it's .NET initiative.

If the company is allowed to continue in such a fashion, it would do a great deal of harm not only to the consumer public at home, but also in the education environment where the free flow of information is a vital necessity. Also with the recent security flaws in their operating system, a corporate monopoly would compound the problems by prohibiting better products from gaining a foothold in the marketplace.

One proposed remedy that I believe would benefit the consumer more is the following : Microsoft's preload agreements with computer vendors should be vacated and new ones prohibited, Microsoft's should open it's office suite data file formats, and Microsoft should submit present and future Microsoft networking protocols to an independent open standards body.

Thank You For Your Time,

Gregory Gelfond

MTC–00024377

From: Mark
To: Microsoft ATR
Date: 1/25/02 11:28am
Subject: Microsoft Settlement

I used to support Microsfoft until they came out with the licensing for the Xp products. The company is clearly out of control. The settlement should open up the source code for the operating system, loosen the license, and encourage competitive products like WINE on Linux that will also run software designed for windows.

MTC–00024378

From: ruben276@cs.com@inetgw
To: Microsoft ATR
Date: 1/25/02 11:25am
Subject: Microsoft Settlement Ms. Renata B. Hesse, Antitrust Division 601 D Street NW, Suite 1200 Washington, DC 20530–0001 Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,

James H. Nix

302 Forrest Hill Dr.

SAn Antonio, TX 78209–3054

MTC–00024379

From: Sharon K Miller
To: Microsoft ATR
Date: 1/25/02 11:30am
Subject: MICROSOFT SETTLEMENT

IT'S TIME TO SETTLE THIS CASE ONCE AND FOR ALL—IN FAVOR OF MICROSOFT.

MTC–00024380

From: Guy Schroff
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 11:25am
Subject: Comment on Microsoft Settlement for Public Review To whom it may concern.

I do not believe the proposed resolution in the Microsoft v. US will discourage Microsoft from the behavior that has led to the charges of which they have been convicted.

I offer these two examples that occurred recently.

1) Among other things, at work and as Manager of Information Services, I develop and maintain web content. In doing so I test the finished pages on both Microsoft Internet Explorer (IE) and Netscape Navigator (Netscape), both of which are installed on my workstation. Last week I upgraded IE to the latest version available at that time from the Microsoft Web Site. Prior to upgrading IE I had set Netscape to be my default browser—that is, it is used automatically when a browser is needed. Upon completion of the upgrade, the default configuration on my

workstation had been changed so IE, their product, was now the default browser.

The upgrade changed my preferred default configuration of my workstation to use their product. It made these changes without asking whether on not it should make the changes nor even alerting me that the changes either would be or had been made.

2) During installation of their operating system, Windows 98, upon choosing a custom installation, you have the option of removing the installation utilities for internet services including MSN, Microsoft's internet web service. If you choose to remove the option during installation, the installation will still install the installation utilities on the desktop. The users selection during the installation process is clear that the services are not wanted and that the installers should not be installed, yet Microsoft ignores this selection and tries to again push their products. I would expect that during this time, when these legal proceedings are nearing their completion, Microsoft would be on their best behavior. Yet they continue to demonstrate a disregard for the preferences of their customers and to use subversive methods to steer users to their products. As computers and the internet continue to be more central to this nations economy, it is imperative that the government protects the economy (and thereby the interests of its citizens) from a business that abuses the advantages of a monopolistic product. Therefore, in addition to a significant punitive judgment, Microsoft should be prohibited from any practice that gives an advantage to any of their ''middleware'' which utilize the advantages of having operating systems that monopolize the industry. ''Middleware should include browsers, office productivity software including, but not limited to, word processors, spreadsheets, etc. as well as, and perhaps especially, any software which is utilized in the transactions for internet commerce. This prohibition, which in reality is just compliance with the law, must remain in effect for as long as Microsoft operating systems maintain their monopoly.

Any punitive judgment must be strong enough to be a true deterrent. It must be damaging to their business. Contributing their products to schools and other areas of public interest would not be punitive. Instead of being punished, they actually will use the settlement to further their domination and influence in the industry. It would be a marketing coup. Microsoft has and continues to demonstrate complete disregard for the laws that govern them. It is imperative that a strong judgment be made to show that such behavior will not be tolerated. Anything less would send the signal that they may continue such practices with impunity.

Guy Schroff

A Manager of Information Services for a not-for-profit trade organization

1034 Knight Lane

Herndon, VA 20170

gyserprime@aol.com

gschroff@siaonline.org

MTC–00024382

From: Vladimir G. Kogut

To: ''microsoft.atr(a)usdoj.gov''

Date: 1/25/02 11:31am

Subject: If monopoly in any Industry (in this case IT Industry) is using its power

If monopoly in any Industry (in this case IT Industry) is using its power illegally to protect itself against innovations that could threaten its power, then finally the IT Industry itself is going to be affected. So if today USA is still keeping its world leading position in that Industry, it is unlikely that it'll be possible to save this position in a long term without breaking down such a monopoly.

Thanks,

Vlad Kogut

Application Analyst

Chester Water Authority

5th & Welsh Streets

Chester, PA 19016

Phone: 610–876–8185x295

E-mail: vgkogut@chesterwater.com

MTC–00024383

From: wendy@spsi-az.com@inetgw

To: Microsoft ATR

Date: 1/25/02 11:28am

Subject: Microsoft Settlement Ms. Renata B. Hesse, Antitrust Division 601 D Street NW, Suite 1200 Washington, DC 20530–0001 Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,

Wendy Carney

6903 W. Oraibi Drive

Glendale, AZ 85308–5537

MTC–00024384

From: VANTUYL—JAMIE—NONLILLY@LILLY.COM@inetgw

To: Microsoft ATR

Date: 1/25/02 11:33am

Subject: I do not agree witht the pending Microsoft decision the courts are ready

I do not agree witht the pending Microsoft decision the courts are ready to pass down!

MTC–00024385

From: John Tebbutt

To: Microsoft ATR

Date: 1/25/02 11:33am

Subject: Microsoft Settlement To Whom It May Concern,

I write to register my opposition to the Revised Proposed Final Judgement in the case United States v. Microsoft. In particular, I write in support of Mr. Dan Kegel's ''Open Letter to the DoJ, Re: Microsoft Settlement'' (http://www.kegel.com/remedy/letter.html), and to confirm that I am a signatory to Mr. Kegel's letter. In my opinion, Mr. Kegel states the case against the Proposed Final Judgement both elegantly and comprehensively, and there is little that I can add in terms of specific information.

The findings of fact in this case demonstrate that Microsoft has done everything in its power to stifle competition, not by building superior products, but through restrictive business practices and by using its sheer economic might in the industry to buy out or litigate away competition.

I am a computer scientist by profession, and have been since 1984. In my opinion, the single most important factor in the dramatic growth of the market for information technology has been the commoditization of personal computer hardware. Intense competition between PC component suppliers has driven down the cost of the electronic components required to build a PC dramatically over the last decade, while at the same time spurring enormous improvements in the quality and functionality of those components. The result is that many homes can now afford computer systems of such power that they would have been unthinkable outside of a corporate budget only a decade ago. Contrast this with the situation in software, and particularly operating systems, for these same machines. Microsoft cornered the lion's share of the PC market at an early stage, through luck more than judgement, and by placing their emphasis on the the profit to be made by the premature shipping of products at the expense of product quality control (which is to say at the expense of the consumer).

Thus, Microsoft has grown as a company by reliance on the innocence of the consumer and the colossal increases in the capabilities of PC hardware. And it continues to do so. Microsoft does not innovate, and never has. While there have been huge advances in computer science over the last decade, Microsoft's products have grown steadily slower, more ''bloated'', less reliable and less secure. Moreover, as the facts in this case show, Microsoft acts to stifle innovation where such innovation might threaten its monopoly.

In the United States we now have an IT infrastructure, a large part of which is constantly being compromised by viruses, worms, trojans, and other forms of attack. This represents a huge vulnerability to cyberterrorism, and is a direct result of Microsoft's casual attitude towards product quality, and particulary towards security issues. This, in turn, comes as a result of Microsoft's monopoly in the PC operating system market. There has never been an incentive for them to improve their product quality because there has never been anybody with a reasonable shot at competing with them.

The Proposed Final Judgement does little or nothing to curb Microsoft's monopoly (as Mr. Kegel's letter amply demonstrates), and thus in effect maintains the threat to homeland security that this monopoly has fostered. In times when our nation is under threat, this settlement is doubly unacceptable.

As a citizen and a taxpayer, I am shocked, saddened and furious that the federal governemnt should take so much time and

spend so many taxpayer dollars on this case, only to effectively admit that somehow it was wrong to bring the case in the first place.

Sincerely,
John Tebbutt
10840 Gambrill Park Road
Frederick, MD 21702–1618
dettifoss@yahoo.com Linux: in a world without fences, who needs Gates?

MTC–00024386

From: Mendez, Wilson
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 11:35am
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea.

Wilson Mendez, Jr.

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MTC–00024387

From: michael lauer
To: Microsoft ATR
Date: 1/25/02 11:36am

Subject'' Two Supporters for Microsoft Settlement PLEASE! Please print attached since we live in very rural North Carolina and do NOT have a fax.

Thanks!
The Lauer

MTC–00024387–0001

Michael & Linda Lauer 4866 Moore Street
Sherrills Ford, NC 28673
January 25,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The purpose of this letter is to express our strong support of the settlement reached last November between the Justice Department and Microsoft. The settlement is long overdue. The case has lasted three years, thus far. Too much money and energy has already been expelled over this issue. The Justice Department should enact the settlement at its earliest ability. In addition, the terms of this settlement are altogether fair. Microsoft has made many concessions to resolve this thing. Among the most important of these is Microsoft's agreement to the formation of a technical review board. The purpose of this board will be to ensure that Microsoft enacts the terms of the agreement. The board is composed only of members external to the Microsoft system to assure objectivity.

Microsoft agrees to this to show its dedication to the settlement. I would hope that the Justice Department would agree with these sentiments and enact the settlement with haste.

Sincerely,
Michael Lauer
Linda Lauer

MTC–00024387—0002

MTC–00024388

From: Lee C ''Bud'' Smith
To: Microsoft ATR
Date: 1/25/02 11:27am
Subject: Microsoft Settlement

Please do not let Microsoft get away with unfair business practices. I want to have a choice as to whom I do business. If you let them off that choice goes away for everyone.

Thank you
Lee C Smith
130 Meadowview Cir
Tyrone, Ga 30290
770–487–6043

MTC–00024389

From: Jim W Myers
To: Microsoft ATR
Date: 1/25/02 11:36am
Subject: Microsoft Antitrust Settlement CC: fin@mobilizationoffice.com@inetgw

MTC–00024389–0001 January 24, 2002 com:office:office''

To: Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
From: Jim W Myers
40835 244th Ave
S E Enumclaw, WA 98022

Dear Mr. Ashcroft:

I strongly recommend that the Court approve the Microsoft antitrust settlement agreement. The uncertainty of this situation continues to damage the economic condition of our country far more than any actions taken by Microsoft. As a business person, I am all too familiar with the dog eat dog climate in the business world. All Microsoft did was play the game too well and the other teams got mad and jealous.

The restrictions that will be placed on Microsoft pursuant to the settlement agreement will allow the competition an extra edge, but they will still have to learn to play the business game as well as Microsoft. Microsoft has agreed not to retaliate against computer makers who promote non-Windows software. They have also agreed to make it easier for consumers to replace features of Windows with non-Microsoft software. Additionally, a technical review committee will monitor Microsoft's business practices to ensure no further antitrust violations occur. No settlement can make Microsoft competitors stronger competition; they have to do it themselves. This settlement is good for the country but still unfair to Microsoft. Microsoft has approved it and so should the country! This case has dragged on for long enough. I am anxious to see the settlement agreement finalized and the case brought to an end.

Thank you,
Sincerely,
Jim W Myers
Thank you,
Jim W. Myers
myersjw@hotmail.com

MTC–00024390

From: Raymond Thompson
To: Microsoft ATR
Date: 1/25/02 11:32am
Subject: Stop Microsoft Now!

I have been employed in the tech industry for 20 years. It has become increasingly alarming to watch a Microsoft become more and more powerful based on illegal behaviors. Many freedoms that we cherish as Americans will eventually be threatened if they are allowed to continue to MOCK the LAW.

Please pursue their misdeeds to the full extent of the law.

Raymond Edward Thompson
787 S 1680 E
Pleasant Grove, UT
84062
801—796—9467

MTC–00024391

From: todd ferguson
To: Microsoft ATR
Date: 1/25/02 11:34am
Subject: Microsoft Settlement Dear Sir or Madam:

I feel that the settlement proposed in the Microsoft case will not be effective in curbing the anti-competitive practices of the company, and that the real issues of Microsoft's anti-competitive practices have yet to be addressed. The three chief concerns I have with Microsoft's business practices are as follows:

1)They have forced competing operating system (OS) makers out of business, and kept other operating systems to an extremely marginal market share through the illegal leveraging of their monopoly power in the software field to influence the decisions of manufacturers of computer hardware.

2)They have kept file formats (especially for the ''Office'' programs closed and proprietary, to the detriment of the consumer and to those companies that would want to compete with them on that front. 3)Their application programming interface (API) for Windows remains largely unpublished, making it more difficult to compete against them. I am a user of the Be operating system, produced by Be, Inc. This OS could never gain enough market penetration to become profitable because of Microsoft's restrictions upon, and threats against computer manufacturers. In one publicly known incident, the company Hitachi was ready to ship computers that would boot into either Microsoft Windows or the BeOS. When Microsoft heard about this, they threatened Hitachi by saying they would no longer license Windows to them to sell on their computer systems. Faced with this threat, Hitachi chose to disable the BeOS on those computer systems on which it had already been installed, and quit installing it on any others. Because people are far more likely to adopt an OS when it is pre-installed on their computer, and not very likely at all to go out and purchase an unheard of OS, the BeOS was dead in the water, so to speak, if it

couldn't come pre-installed on premanufactured computer systems.

My second grievance I think becomes clearer when we look some other areas of computer technology. There are numerous choices in the fields of computer graphics design, viewing, and editing, computer audio design, recording, playback, and editing, and computer video design, playback, and editing. These are also all markets where Microsoft has failed to gain the substantial market share that is has in other computer markets (e.g. OS's and Office software). I think the most important reason is that open file formats (e.g jpeg, mpeg, .wav, etc.) became the standard in these areas of media production, before the closed file formats of Microsoft had a chance to take hold. In the area of Office suites, however, Microsoft was able to get an appreciable market share early on, and the world now has, literally, billions of documents, spreadsheets, etc. in MS Office format.

People will not try out another Office suite, because none of them will open up these files correctly, because Microsoft has not disseminated the necessary information about these file formats.

Third is the API. The only people that have full access to the Microsoft API is Microsoft. How can another company expect to publish competing software on the Windows platform, if they do not have access to all the tools necessary for writing software for that platform. Many companies have to write their own API's for Windows, because they cannot get the needed information from Microsoft. This is yet another clear abuse of Microsoft's monopoly.

The current settlement addresses these issues little, if at all. I would please ask you to reconsider the proverbial slap to the wrists that you are about to give Microsoft, and come up with a solution that will actually bring about change, and return fair play and competition to the computing industry. Any settlement needs to prevent Microsoft from bullying computer manufacturers, needs to force them to open their file formats, and needs to force them to publish their API's. Anything less than that, I feel, will be to little to do any good.

Thank you for taking the time to read this,
Todd Ferguson
William A. Blakley Library
University of Dallas
972–721–5329

MTC–00024392

From: ctryon@eng.mc.xerox.com@inetgw
To: Microsoft ATR
Date: 1/25/02 11:37am
Subject: Proposed Microsoft Antitrust Settlement Sirs:

I wanted to add my comments regarding the proposed settlement in the antitrust case of the US vs. Microsoft.

I want to say that I am horrified at the current proposed settlement!

In my view, the proposed ''solution'' not only lacks any real remedy for the past illegal actions of Microsoft, or protection for the host of other corporations that they have already raped, but rather enshrines Microsoft's monopolistic Empire! In particular, it does nothing to curb the exclusive relationships which Microsoft can now force on manufacturers and distributors of computers and other electronic products. In addition, the proposed settlement has no clear method of enforcement, so that whatever remedies might eventually be implemented, Microsoft will have a huge number of loopholes and intimidation tactics to work their way around them.

Given the government's and the court's current hesitancy to break up Microsoft into separate, competing corporations, the ONLY suitable behavioral remedy must involve the opening of all of Microsoft's secret API's, file formats (e.g., MS Word) and network protocols. While this would in no way diminish Microsoft's ability to compete on the basis of the quality and price of their products (the very HEART of our Free Enterprise economy), it would prevent them from creating an environment where it is impossible for other companies to get the slightest toe-hold in the market.

Please, do NOT let Microsoft off the hook for their long string of illegal activities with nothing more than a chuckle and a slap on the back. The future of the US Free Economy depends on a free and open market, run on the principle of Law, and not manipulated by tyrannical corporations acting with the implicit blessing of the US Government!

Thank you for your time!
Charles Tryon
ctryon@ciber.com
ctryon@eng.mc.xerox.com

''Never laugh at live dragons, Bilbo you fool!''

—Bilbo, after a scorching from Smaug...

MTC–00024393

From: rswagner@prodigy.net@inetgw
To: Microsoft ATR
Date: 1/25/02 11:37am
Subject: Microsoft Settlement Ms. Renata B. Hesse, Antitrust Division 601 D Street NW, Suite 1200 Washington, DC 20530–0001 Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Robert Wagner
2723-A South Walter Reed Drive
Arlington, VA 22206

MTC–00024394

From: Nathaniel Chan
To: Microsoft ATR
Date: 1/25/02 11:44am
Subject: Microsoft Settlement

I'm sorry, but the Subject shouldn't read ''Settlement''. It should state reality: sell-out, capitulation, or a weak-willed attempt at enforcing well-intentioned but easily-usurped-by-lobbyist$$ laws. You get the idea I hope.

It is sad enough that as soon as ''I got a gentleman's C'' Bush became President, the environmental laws were re-written by Texas Oil. Now, you are perverting the surprisingly noble work by Slick Willy Clinton at forcing the modern day equivalent of Standard Oil (close enough I hope) to actually play competitively. How many companies must fold before your jello spines stiffen?

Forget future dreams of a political appointment to a tropical island as an ambassador. Why not take a stand and fight for the people who suffer from M$'' daily business practices? Not just rival software companies who either see their organizations bought out or even worse, their products copied almost verbatim without a single cent in licensing fees. How about the average consumer who has to spend countless hours keeping up with the almost daily patches to fix garbage software?

This is what complacency and more importantly, a dominant market position where you have crushed your ''competition'' by any means necessary, will result in. A company that no longer gives a damn about quality or the impact of its shockingly low level of ethics on consumers.

MTC–00024395

From: Bill Brooks
To: Microsoft ATR
Date: 1/25/02 11:28am
Subject: Microsoft Settlement

I am opposed to the current Microsoft settlement as I believe that the settlement does NOT go far enough considering the damage that has occurred, the damage that is occurring, and the damage the will continue to occur because of the actions of Microsoft in the area of software products. I would also be opposed to any settlement that would have Microsoft providing Microsoft software products to Education as it is a self-serving action in that if Microsoft gives their software to Education, then the students would learn Microsoft software products, and as all of us know— we tend to lean towards using products that we currently know. Giving Microsoft software to Education is a MARKETING PLOY by Microsoft—not a valid settlement option.

The two products that have helped form my opinion are:

* Microsoft Word vs. WordPerfect (word processors)—I have both products at home and feel that WordPerfect is more user friendly, a feeling that is shared with some others that have used both word processors. But many people use Word because it ''came with their computer'' and ''did not cost them anything''.

* Another product is the web browsers IE and Netscape. For many years Netscape was far better, but as Microsoft gave IE with the operating system users started using it as it ''came with the computer'' and ''did not cost them anything''. IE is now better then Netscape—I believe because the cost of IE was included in the cost of the operating system whereas Netscape had to match the price of IE (this means give it away free). A

problem is that IE only works on Microsoft's operating system and the Apple operating system—what about the other operating systems? As a consumer I feel that I would be better served by splitting the Microsoft operating systems away from other Microsoft software products (word processors, web browsers, spread sheets, databases, etc). By this I mean to say—BREAK UP THE MICROSOFT MONOLOPY and give me the choice of what I want to buy.

Thanks
Bill Brooks
Consumer and Software Engineer
bbbrooks@sisna.com
bbrooks@clearstonecorp.com
CC:bbbrooks@sisna.com@inetgw

MTC–00024396

From: Larry
To: Microsoft ATR
Date: 1/25/02 11:43am
Subject: Microsoft Settlement

The settlement with Microsoft is not nearly adequate. They are being allowed to continue with their monopolistic practices. At the VERY least they should be required to separate their browser from the operating system. While I don't necessarily agree with a breakup of the company, I do feel that the current administration has decided to be way too easy. The separating of operating system from user programs is a minimum they should be required to do. Please stand up against MS and their anti-competive behavior.

L. M. Basart
Chicago, IL.
lbasart@attbi.com

MTC–00024397

From: Bob Currie
To: Microsoft ATR
Date: 1/25/02 11:45am
Subject: Microsoft Settlement Dear Judge Kollar-Kotally,

I spend 4–6 hours a day on my computer, using it for Sales Support to sell commercial printing.

I am appalled that our legal system allows one company to monopolize an industry and squelch competition.

In my business I expect to win sometimes and lose sometimes. A fair & free market is what makes our society valuable and desirable to work in.

Please do the right thing & hold Microsoft accountable for their actions, and protect our work environment for the rest of us.

Thank you,
Bob Currie
Color Copy Printing
Sales Representative
1649 Adrian Rd.
Burlingame, CA 94010
Ph: 650–259–0823

MTC–00024398

From: BILLINGSLEY BRENDAN W
To: Microsoft ATR
Date: 1/25/02 11:45am
Subject: Microsoft Settlement

The proposed microsoft settlement is bad. It should not be allowed.

Brendan Billingsley

MTC–00024399

From: Jeanette Matte
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 11:42am
Subject: Microsoft Settlement

Settlement is a bad idea!

MTC–00024400

From: Frank Fountain
To: Microsoft ATR
Date: 1/25/02 11:46am
Subject: Microsoft Case Gentlemen:

I strongly urge the Department of Justice to finally and completely settle the Microsoft case on the basis of most recent joint agreement between you and Microsoft.

While it is true that Microsoft is a very aggressive competitor, it is also true that the general public has greatly benefited from the Windows (Microsoft) standardization of computer's operating system. It is NOT true that Microsoft suppresses and dominates all competitors. Adobe, Intuit, IBM, and others all produce and successfully market products competitive with those of Microsoft.

The law should encourage the innovation and development superior products. Not the recourse to legal action when products are not competitive.

Yours truly,
Frank S. Fountain
2 Park La. Delaire
Wilmington DE, 19809–2012

MTC–00024401

From: Kine, Peter J
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 11:47am
Subject: Tunney Act review & MS Settlement

I believe that the settlement that was reached between the DoJ and Microsoft is a productive way to return value to consumers. Please put an end to these legal proceedings that are sucking up consumer/taxpayer money. PLEASE PUT AN END TO THIS CASE.

Microsoft (MS) understands that it can't afford to eliminate its competition and it continuously works with its competitors to ensure this. As a result of the legal actions of late, the competition has gained some advantages—is that fair? Some competitors to MS have resorted to a legal war rather than focusing on becoming more competitive on a product and service level. Consumers have many choices when it comes to IT products and there is nothing stopping them from purchasing those products. It seem that consumers like the MS product and that is why they buy it. If they didn't like it, they can go purchase something else.

The competitive landscape is very different now than when the action started years ago. Lets move on.

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MTC–00024402

From: Zane Horton
To: Microsoft ATR
Date: 1/25/02 11:47am
Subject: Microsoft Settlement

I think the proposed settlement with Microsoft is a bad idea.

Zane Horton

MTC–00024403

From: Adam Bauer
To: Microsoft ATR
Date: 1/25/02 11:48am
Subject: Microsoft Settlement Your Honorable Kollar-Kotally,

I wish to register my disappointed with the proposed final judgment between the U.S. Department of Justice and Microsoft.

Currently, I'm a CEO/Co-founder for start-up firm in Silicon Valley. Though my firm does not compete directly with Microsoft, I experienced first hand the company's anti-competitive practices.

In the mid-1990, I worked for Borland International, a chief competitor to Microsoft in office software and programming tools products. During that time, I witnessed the price collapsed in the software market. Products that once sold for $400 per individual license now cost less than $100. Bundling became the rage, pushing average selling prices even lower.

Many at Borland believed Microsoft's revenue from operating systems unfairly subsidized their office software. Microsoft possessed no cost advantage yet was able to offer their products at dramatically lower prices. Ultimately, Microsoft won the office software market with this approach. Companies such as Borland could not economically produce comparable products (access to DLLs also hampered development). Ultimately, I watched the demise of our office software business unit.

I witnessed this same situation again while at Claris Software, a subsidiary of Apple Computer. Microsoft sold products that we directly competed against as lower price points. Their practices took away Claris'' market share leadership in the large education sector.

Thirdly, I recalled interviewing for Microsoft in 1997 for the Visual Studio product line, which are programming tools. During the my interview, a senior person in the Visual Studio group shared Microsoft's objective for this product was not profit but rather market share. In short, more developers using Microsoft programming tools protect their operating system market share position. A dominate tools position helps with other software tools as well.

In short, I believe this agreement does not go far enough to restore competitiveness in large segments of the PC software market. Moreover, future markets, including not just software but on-line services as well. As a citizen who's passionate about the internet ability to further positive societal changes that beget prosperity, I'm deeply concern that a single company might hamper competitiveness hence innovation and growth in on-line services. Services offered

over the Internet will fundamentally change how we live and work. In the coming decade, massive consumer and business spending will shift from off-line to on-line. It's inevitable given the law of transaction economics that given our free-market, capitalistic economic system. So you think Microsoft a problem now, just you wait. What should be done? Breaking the company into three. Albeit, I personally dislike pulling apart such a glorious American success story. Mr. Bill Gate and et al were simply pursing an end state our economic system encourages, which ironically is monopoly. However, when a firm reaches this end-state, we marvel and acknowledge them at their accomplishment, and then do what's right: break the company apart. Natural breakpoints for the company come from the current marketplace structure. Operating System, Business/Consumer Software, On-line Services. This breakup will foster competition in critical marketplaces, the benefits to which you're no doubt aware. I know you have a tough choice to make. And you heard many complex, compelling arguments. But the laws of economics in our system are surprising quite straightforward.

I hope you find my opinion helpful. If I can be of service to your court, don't hesitate to contact me.

Best regards,
Adam Bauer
CEO / Co-founder
eSanti Corporation
abauer@esantecorp.com

MTC–00024404

From: Barbara O'Connor
To: Microsoft ATR
Date: 1/25/02 11:48am
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Ms Hesse:

I am writing to express my concern over the current proposed settlement with Microsoft. I am prompted by my interest in technology policy in general and, more specifically, as an educator concerned with the impact of technology in the lives of our students.

I have been a professor of communications for over 25 years with much of that time spent focusing on the role of media and technology in society and its impact on citizens, institutions, and the democratic process. I also served for eight years, by appointment of the Governor, the California Legislature, and the Superintendent of Public Instruction, as chair of the California Educational Technology Committee. The committee has an annual budget of over $16 million and is charged with infusing technology in California's K-12 schools. I also served as the founding chair of the Alliance for Public Technology, a national non-profit organization devoted to fostering full and equitable access to advanced information technologies and services.

My experience leads me to believe that without significant changes, the Microsoft settlement simply will not be in the public interest. The recommendations of the nine dissenting Attorneys General, however, if implemented, could bring us much closer to true competition. They would require Microsoft to:

? Produce a basic version of Windows that gives computer makers and consumers the ability to pick and choose components;

? Share its code for Internet Explorer with competing developers;

? Auction the right to create versions of the Microsoft Office suite of software for other operating systems; and

? Include Sun Microsystems'' version of Java in Windows XP—allowing competing software developers to provide expanded interoperability of products and consumer options.

Furthermore, I agree with the Attorneys General that the proposed enforcement mechanism lacks any real ''teeth,'' and support the appointment of a ''master'' to enforce the judgment, as well as a meaningful penalty system. Right now, the only penalty would be to extend the monitoring period. Instead, I support the recommendation of the Attorneys General. If Microsoft is found to be acting in an anti-competitive manner, it should be forced to make the source code for Windows available to competitors.

I urge you to consider my views and make the amendments suggested above. Only then can you preserve the greatest possible innovation and choice in the technology marketplace for all Americans.

Dr. Barbara O'Connor
Professor of Communications

MTC–00024405

From: cindymay4@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 11:45am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Cindy May
PO Box 110
Cortland, IL 60112–0110

MTC–00024406

From: BURNELL Jeff
To: Microsoft ATR
Date: 1/25/02 11:49am
Subject: Proposed microsoft settlement

I am Jeff Burnell, US Citizen. I have bought two Microsoft Operating Systems for home use. I am also a computer programmer and work with Microsoft products on a daily basis.

Regarding the proposed settlement between Microsoft Corp. and the US Dept of Justice and the nine states signing on to the settlement:

I AM AGAINST THE PROPOSED SETTLEMENT BETWEEN MICROSOFT CORP AND THE US DEPT OF JUSTICE AND THE NINE STATES WHICH HAVE AGREED TO THE SETTLEMENT

It is my opinion that the settlement does not discourage Microsoft from continuing to take advantage of its Operating System monopoly to artificially raise the prices and stifle competition in the markets it enters. This harms consumers and the economy in general.

My work experience has shown me that the one of the biggest challenges organizations face is the management of data. If Microsoft had not stifled and driven out of business many other companies on its path to power, consumers and the economy would be much better off than they are today.

I am concerned that if this settlement goes forward, Microsoft will see this as free reign to continue stifling competition and raising prices.

- Jeff Burnell
Oregon State Police Application Development
503–378–3720 x 4814
jeff.burnell@state.or.us

MTC–00024407

From: Hibdon
To: Microsoft ATR
Date: 1/25/02 11:49am
Subject: Microsoft Settlement

I think the proposed settlement is bad idea.

Thank you,
Terry Hibdon
5689 Barcroft Dr
Grandville,
MI 49418

MTC–00024408

From: Craig Campbell
To: Microsoft ATR
Date: 1/25/02 11:50am
Subject: Microsoft Settlement

I would like to comment on the proposed Microsoft settlement. I believe that there are a number of problems with the current proposal. These are described in great detail in an open letter from Dan Kegel and others including myself. Please carefully consider these arguments in your judgement.

Thank you.
Craig Campbell
Everett, WA

MTC–00024409

From: Page Laughlin
To: Microsoft ATR
Date: 1/25/02 11:50am
Subject: Dear Sir: My husband and I hope you will read the attached letter. I feel very strongly about this a

Dear Sir: My husband and I hope you will read the attached letter. I feel very strongly about this and trust you will give it consideration.

Sincerely, Dr. and Mrs. Henry P. Laughlin

MTC–00024409 0001

3200 Baker Circle Unit [03S
Adamstown, MD 2 1 71 0–9656
January 227 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–00Ol
Dear Mr. Ashcroft:

I am writing you today to express my opinion in regards to the Microsoft settlement that was reached in November. I support this settlement and urge you to do so as weft. This settlement is fair and was reached after extensive negotiations. Microsoft has agreed to grant computer makers broad new rights to configure Windows so as to promote non- Microsoft software that competes with programs included within Windows. Microsoft has also agreed to license its Windows operating system products to the 2o largest computer makers on identical terms and conditions, including price. This settlement contains many more provisions similar to these, which will benefit competing companies. This settlement will serve in the best public interest. Again, I urge you to support this so Microsoft can get back to the business of creating innovative software. Thank you for your time.

Sincerely,
Page Laughlin

MTC–00024410

From: polk60@home.com@inetgw
To: Microsoft ATR
Date: 1/25/02 11:47am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Carl A. Polk
1548 Max Avenue
Chula Vista, CA 91911–5419

MTC–00024411

From: Patrick J. LoPresti
To: Microsoft ATR
Date: 1/25/02 11:51am
Subject: Microsoft Settlement

I oppose the PFJ in the Microsoft case. The PFJ will accomplish nothing.

Please reconsider breaking the company into two or three pieces. That would be the single best thing the DoJ could do for consumers and the computing industry as a whole.

Thank you.
Patrick LoPresti
Cambridge, MA

MTC–00024412

From: devinney@mts.jhu.edu@inetgw
To: Microsoft ATR
Date: 1/25/02 12:01pm
Subject: Microsoft Settlement

I am opposed to this settlement. Microsoft clearly has a monopoly on the operating systems market. Americans always prefer a choice and the way things are going, they will soon have only one choice, Microsoft. Thank you.

Sincerely,
Jason DeVinney
—
Jason DeVinney
Dept. of Mathematical Sciences
Johns Hopkins University
301 B Whitehead Hall

MTC–00024413

From: Madoli@ao1.com@inetgw
To: Microsoft ATR
Date: 1/25/02 11:51 am
Subject: Re: Microsoft antitrust suit

Attached please find my letter relating to this matter which I feel very strongly about!

MTC–00024413 0001

Isabel N, Blackburn
88 Elm Street
Cohasset, MA 02025
January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I am in favor of the settlement agreement in the Microsoft antitrust case. It is clearly in the best interest of consumers that this case be resolved.

In my view, the terms of the settlement agreement are fair. In fact, the concessions Microsoft has made go well beyond the complaints initially made against Microsoft. Microsoft has agreed to take steps to prevent any further allegations of predatory business practices. They have agreed not to retaliate against computer manufacturers who promote software that competes with Windows. They have also agreed to license Windows to the main computer makers at a uniform price.

There is no reason to continue litigating the case, especially since Microsoft's compliance with the settlement agreement will be monitored by a review committee. In such difficult economic times, the focus should be on encouraging thriving businesses not trying to weaken them. I also ask you to consider this: smaller companies and others like to attack Microsoft because of their huge success and power, in much the same that the United States is dislike and attacked by many countries, (especially those that actively promote terrorism)

MTC–60024413—0002

because it is such a successful and powerful nation. Why is success being punished?

Other companies should expend more of their energies on finding new and innovative products instead of piggybacking on the success of Microsoft.

I am hopeful the Court approves the settlement agreement in its present form and this suit comes to a conclusion as soon as possible.

Sincerely,
Isabel Blackburn
cc: Representative William Delahunt

MTC–00024413—0003

MTC–00024414

From: smithjo@mediaone.net@inetgw
To: Microsoft ATR
Date: 1/25/02 11:51am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Joseph Smith
15 Woburn Abbey Dr.
Bedford, NH 03110

MTC–00024415

From: Charles J. Lingo
To: Microsoft ATR
Date: 1/25/02 11:53am
Subject: Comment on DOJ vs. Microsoft

Charles J. Lingo
9240 Dabney Dr.
Denham Springs, LA 70726–2265
E-mail: clingo@i-55.com
Date: Jan. 25, 2002
To: Judge Colleen Kollar-Kotelly.
U. S. District Court.
Washington, DC 202
RE: Comments about the proposed settlement between DOJ and
Microsoft
Your Honor:

It is my opinion, and I hope yours as well, that the playing field in the computer software industry must be returned to level. The slope came into existence when Microsoft was allowed to keep the anti competitive licensing fees agreements for MS-DOS based upon number of CPUs sold rather than upon the number of installed operating systems. That license agreement placed the Microsoft license fee upon top of the license fee of any other operating system

effectively impeding the sale of competing operating systems by forcing the payment of a second license fee in order to choose any other system.

I believe that now the only way to effectively level the playing field is to absolutely prohibit the installation of operating systems and application software by the computer manufacturer. The sale of the computer hardware and software including operating systems must be maintained separate until the sale to the end user. Neither the price of the computer nor that of the software may be reduced if they are purchased together. Simply prohibiting the ''exclusive contracts'' that Microsoft has used in the past will not level the field as the hardware will remain closed to others when it is shipped with software already installed. The lack of an ''exclusive contract'' will be meaningless. Hardware manufacturers may be allowed to offer an operating system with the hardware, provided that they offer at least three choices and that they comply fully with the price separation described above.

Microsoft, and other software companies must be prohibited from supplying software that invades the hard drive and modifies existing software without first advising the installer of exactly what will be done. Modification of existing software without warning to and approval from the installing party MUST be treated as distribution of a virus. I mention this because I have personally had Microsoft software that I installed modify non-Microsoft software that was already installed on the computer onto which the Microsoft software was being installed. Windows 3.1 installation replaced both the memory manager and the disk cache in the Digital Research 6.0 operating system when it was installed. No warning that this action would be performed was given. No warning that this was about to be done was given. No approval was sought. Windows 95 OSR2 installation onto a hard drive, which already had Novell DOS 7.0 and IBM OS/2 Warp 3 installed and controlled by the IBM Boot Manager, invaded the Boot Manager and changed the settings to remove choice and allow only Windows 95 to be booted. Again, no warning was given nor approval sought. This invasion and modification without warning is the action of a virus. It should be treated as such. Any software which deliberately interferes with the operation of other software should be considered a virus. The obvious exception is anti virus software which is intended to prevent the virus from functioning. I realize that the scope of this trial most likely does not give to you the authority to define a computer virus. I believe that in the penalty assignment phase however, that you can specifically prohibit the virus like activity.

Please, in your decision in this case do four things.

1.) Prohibit the preloading or bundling of Microsoft software products with any hardware products prior to retail sale. The purchaser must perform the installation himself or pay separately to have the installation performed.

2.) Prohibit any modification of existing software without complete disclosure and acceptance by the installing party.

3.) Do not allow an exclusion of liability for merchantability, fitness for a particular purpose, or infringement, with respect to the product. The manufacturer, or supplier of any product must be held liable for the performance of the product in the manner in which it is intended to be used, and must be liable for any infringement upon the rights of others. It is unconscionable to hold the buyer liable for checking for copyright and patent infringement by the seller. This is especially true when the seller is a large corporation and the buyer is an individual person.

4.) Require that Microsoft ''de-integrate'' any ''productivity item'' from the operating system if any other software supplier offers substantially the same thing as a stand alone application. (Allow the item to be ''bundled'', that is, shipped with but not ''integrated'', that is, part of the operating system. ''Bundling'' is fair competition. ''Integration'' is restraint of trade.

Sincerely yours,

Charles J. Lingo

MTC–00024416

From: Jim Wiedman
To: Microsoft ATR
Date: 1/25/02 11:53am
Subject: Tunney Act Comments

Tunney Act Comments by Jim Wiedman

I am a Computer System Administrator with experience maintaining Operating Systems from numerous vendors including Microsoft. Over the past seven years I have grown increasingly frustrated by the severe limitations in Operating System choice. I have frequently had to pick an Operating System, not because it was the best for the job, but because it was the only OS that would work with the required software. Because of Microsofts monopoly, this situation has grown increasingly worse. For this reason, I felt compelled to comment when I realized how poorly the agreement between the United States, nine of the plaintiff states and Microsoft (henceforth, the Agreement) will protect consumers.

The Agreement between Microsoft and some of the plaintiffs is surprising in that it is dramatically less comprehensive than the earlier decision in the District Court and the unanimous decision by the Circuit Court would warrant. More importantly, this agreement, rather than preventing Microsoft's abuse of its monopoly, actually protects Microsoft as it extends its monopoly into new areas.

According to the government's ?Competitive Impact Statement?, page 24, because Microsoft put up a barrier to competition in the form of blocking competing Middleware, the remedy must be to prevent Microsoft from blocking future Middleware. This does not follow. The Agreement is the anti-trust version of closing the barn door after the horse has been stolen. Since overcoming its challenges from Netscape and Java, Microsoft is structuring Windows in such a way as to be immune from future competitive Middleware products. Nothing in this agreement deprives Microsoft from the benefits received from their abuse of monopoly, and very little in this agreement will restore competition to the industry.

There are numerous loopholes in this agreement. Section III.H (page 6) allow Microsoft to invoke its own Middleware in any instance when the Middleware ?would be invoked solely for use in interoperating with a server maintained by Microsoft ...? Through its .Net strategy, Microsoft is already moving toward a model where each end user system will do more and more work with Microsoft servers. This restriction is already well on its way to obsolescence. Despite government assurances to the contrary, the plain language of the agreement allows Microsoft to restrict ?portions of the APIs or Documentation or portions or layers of Communications Protocols? that deal with security. Section III.J.1. While at first this restriction seems reasonable, this exception swallows the rule. Recently, Microsoft Chairman Bill Gates has announced that every aspect of Microsoft programming will put security first and foremost. While this emphasis at Microsoft is long past due, it also gives them ample opportunity to exclude programs from interacting with Windows.

Requiring Microsoft to ?[a]llow end users ... and OEMs ... to enable or remove access to each Microsoft Middleware Product ...? is inadequate. Section III.H1., page 5 (emphasis added). This neglects two things: 1) removing access leaves the bulk of the unused program taking up space on a user's hard drive, thus ensuring that end users who chose a competing product may require twice as much disk space (Microsoft's product, plus the competitor's product) as they would if they stuck with Microsoft's product, and 2) even after an end user or OEM has chosen to remove access to a Microsoft product, Microsoft can restore access to that product in seconds, while end users may be required to take hours downloading a competitor's product. This requirement is practically meaningless. Further, the Agreement is vague. Phrases like ?complies with reasonable technical specifications? invite varied interpretation and abuse. Agreement page 3.

Weak Enforcement Mechanisms

The Agreement includes too many sections that leave enforcement up to Microsoft itself. Microsoft can exclude anyone from access to APIs that it deems has no ?reasonable business need for the API??. Language from the Agreement includes ?established by Microsoft for certifying the authenticity and viability of its business,? or ?approved by Microsoft?. Section III.J.2 page 7.Microsoft has too much control over its own anti-trust enforcement, something they have proven incapable of doing in the past. By using MSDN to give access to those who wish to work with APIs, Microsoft can restrict vendors from sharing products created using Microsoft APIs. This would require each separate vendor to create independent tools, and discourage standardization. This reinforces Microsoft's control over the industry. Further, access to MSDN is expensive and nothing in the Agreement controls the price of this access. Using MSDN and a vehicle for API access gives Microsoft an immense amount of control.

The primary weakness is the committee that the Agreement proposes to monitor the agreement. Section IV.B establishes a

?Technical Committee? (TC) to oversee compliance with the Agreement. It is problematic that a group of three technical people will be responsible for ensuring the enforcement of a complex and vague agreement, but this is not the most pressing problem with this section.

The Agreement gives Microsoft an incredible amount of influence over the Technical Committee. First, Microsoft gets to directly chose one-third of the Committee. Secondly, Microsoft's choice for the committee gets to help choose another committee member. Thirdly, after the TC has been at work for thirty months, these two committee members will rely, directly or indirectly, on Microsoft's approval. If these committee members have acted in a way that displeases Microsoft, they can be certain of finding themselves unemployed at the end of their first term. Finally, by establishing the committee's main office on the Microsoft campus, Microsoft has an immense direct opportunity to influence the committee. Further, Section IV.B.5. Allows removal from the committee only on the U.S. governments initiative, not that of other plaintiffs in the case. Section IV.B.8 does not explain what vote of the TC would be required to report violations or settle disputes. Must these be unanimous votes? Can any member initiate such action? This is too vague and leaves too much open for abuse.

Agreement excludes the only serious competition to Microsoft Evidence is mounting that OpenSource software allows for the only viable competition to Microsoft, yet Section III.J.2 excludes OpenSource projects and government agencies from access to network protocols and APIs. According to the definitions section, ?ISV?, Section VI.I, means ?an entity other than Microsoft that is engaged in the development or marketing of software products.? (Emphasis added). While this definition should include private OpenSource developers, the ?V? in ?ISV? suggests ?Vendor?, and other sections of the Agreement state that Microsoft can require these entities to be ?businesses?. This certainly was written to exclude OpenSource projects. Thus, the Agreement allows for the exclusion of a vast number of private programmers who work on independent projects. These projects including SAMBA, Apache, Openssh, Linux and a plethora of others are the primary forces competing with Microsoft. Microsoft competitors such as IBM, Apple, Hewlett-Packard, RedHat and others have used projects created and maintained by these independent programmers as foundations for their software offerings. Independent programmers provide standards that disparate computer vendors can rely on, which lets these businesses compete on a fair footing, while consumers benefit from products that work together. By excluding these programmers from access to the Windows API, the Agreement hinders the very tool that will allow all computer vendors (Microsoft included) to compete fairly.

This agreement is not in the public interest and should be reworked to resolve the deficiencies outlined above.

James W. Wiedman

9180 #L Hitching Post Lane
Laurel, Maryland, 20723
jim@wiedman.com

MTC–00024417

From: jsaultz@cityscope.net@inetgw
To: Microsoft ATR
Date: 1/25/02 11:49am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
James Saultz
7230 Olson Ln
Pasadena, TX 77505–2612

MTC–00024418

From: Sally Campbell
To: Microsoft ATR
Date: 1/25/02 11:53am
Subject: To the Justice Department: When will this end? Why is a contribution

To the Justice Department: When will this end? Why is a contribution that exceeds what the government can donate a bad thing? Think of the children who will benefit from this company's contribution to education. Please side with a company that does things so well that their competitors can only compete thru the judicial system. Thank you.

Sally Campbell

MTC–00024419

From: John
To: Microsoft ATR
Date: 1/25/02 11:53am
Subject: Microsoft Settlement

Hello,

Just wanted to comment quick on the Microsoft issue. From my understanding, no where in the settlement is Microsoft obligated to release any information about file formats, even though undocumented Microsoft file formats form part of the Applications Barrier to Entry. This alone makes the proposed settlement a bad idea. Microsoft seems to be able to get away with anything they want, and as a software developer myself, I'm tired of it. Here's a typical Microsoft ploy from an article I read (http://msn.com.com/2100–11–503840.html?legacy=zdnn). I quoted part of the article: Question: ''Does Microsoft plan to make more of its source code available to customers? You already do that with Windows; do you plan to expand that in any way to the applications?''

[Answer From Mr. Gates:]

We have some very cool tools now where we don't have to ship you the source. You can debug online, through the Internet. So it means you don't have to get a bunch of CDs. If you really want it for debugging and patching things, we can do that through the Internet. That's a real breakthrough in terms of simple source access. I don't know that anyone has ever asked for the source code for Word. If they did, we would give it to them. But it's not a typical request.''

I requested the source code for Word, and after several e-mails with a representative of Microsoft this was the final answer I received:

''Hello John,

Please except my apology for the delay in our response. I have done quite a bit of research to find out what our exact position on our Source Code is and I have come up with quite a bit of information for you.

Due to the article you have listed below, Microsoft actually did open its Source Code to certain companies that partner with Microsoft. I have found that Microsoft's position on Source Code is Shared Source NOT Open Source meaning that we only release the Source Code to Specific companies and not to the general public.

Here are a few Official Microsoft Documents that I found regarding this issue that you are more than welcome to read.

http://www.microsoft.com/presspass/exec/craig/05–03sharedsource.asp

http://www.microsoft.com/PressPass/features/2001/may01/05–03csm.asp

http://www.microsoft.com/BUSINESS/licensing/sharedsource.asp

http://www.microsoft.com/BUSINESS/licensing/sscommitment.asp

I apologize that I am not able to fulfill your specific request but I hope that I have given you the information explaining why.

Thanks again for your interest in our products,

Calvin

Microsoft.com Products Web Feedback Team

Microsoft Corporation''

My response to that which never was replied to follows:

''Hi,

I just wanted to thank you for taking time to acknowledge my reply and giving me further information on the issue. I know that like everyone else you're swamped with work. The only issue I have with this is that when the president of the largest software company makes a public statement he should stand behind it. I guess my point is this. If someone at Microsoft makes a statement that if a person asks for something that they'd be more than happy to give it to them that's an important statement; whether it's from a customer service person on the phone, or a technical support person giving some help. But as often happens with companies sometimes people that are new, or are not aware of policies offer things that they really shouldn't be doing. From that perspective it's frustrating to the customer, but at times can be overlooked. However, when the president of a company does the same thing I believe that his statement should hold much more weight. After all, he's running the proverbial ship. If the company won't stand behind

what the president states (in this case Mr. Gates) in a public interview, then I believe that he's misrepresenting his company. If as a small business owner I tell my client that I will give him software I'm developing for free, but then when he asks for it I tell him only certain people may get it he's going to question my ability to come through in the future. As a small business person I can't afford to do that because I would lose a client. If Mr. Gates did this when he first started perhaps he would not have grown his business to what it is today. I believe just because Microsoft is such a large company that they take advantage of this and their customers. I believe this leaves a bad feeling amonst many people in the community. If you can't go by someone's word, well it's hard to go by anything. In any event, that's just my opinion, a small businessman who runs a company with his wife whose word to his clients is the only thing that allows him to keep his clients. I wish larger companies would follow the same principles.

Thanks again for your time and effort in providing me the information you did.

Sincerely,

John''

So to sum that up, one one hand Mr. Gates in a public interview states he will give the source code away if someone asks for it, but when a person asks for it, that person is told only certain people will get it. Microsoft seems to always be talking a ''different game'' as opposed to what they actually do.

Please do

not accept the tentative settlement. Thank you.

Sincerely,

John Quinn

MTC–00024420

From: ashley niblock
To: Microsoft ATR
Date: 1/25/02 11:54am
Subject: Microsoft Settlement

i do not think that the Microsoft settlement was sufficient punishment for a company that broke the law. Please find harsher measures to ensure fair competition going forward as well as the redress of historic wrongdoings. yours

Ashley Niblock

MTC–00024421

From: prashanth@jibenetworks.com@inetgw
To: Microsoft ATR
Date: 1/25/02 11:53am
Subject: On the Microsoft Antitrust Settlement

January 25, 2002

Honorable Judge Colleen Kollar-Kotelly

United States District Court for the District of Columbia

333 Constitution Avenue, NW

Washington, DC 20001

Your Honor:

I am a software engineer in the Bay Area, and am working on developing networking client software that runs on Microsoft's Windows platform.

I am of the strong belief that open and accessible standards, especially for activities that are central to everyday living and commerce, are an unqualified good. Examples of this are email and web standards like HTML. And text document standards should be as well; unfortunately, the Word document format prevails in most of the business world today (prevalent from employee applicant resumes, to forms, to meeting minutes). In order to interact with most people, businesses and publications via email, one needs to run Windows Office software due to these unofficial standards. For quite a lot of people, Windows platforms are not the platforms they would willingly choose to run.

The antitrust settlement is flawed in that it allows Microsoft to propagate its platform on even more users, specifically schools, even though as is well known, most schools would rather prefer to use a Apple Macintosh platform (or increasingly, the Linux platform).

I would urge the court to reconsider this settlement. There have been numerous criticisms of it, both from IT industry analysts as well as ordinary users. One recommendation for a settlement design I would like to draw your attention to is at: http://www.gnu.org/philosophy/microsoft-antitrust.html

I repeat the best points below:

* Require Microsoft to use its patents for defense only, in the field of software. (If they happen to own patents that apply to other fields, those other fields could be included in this requirement, or they could be exempt.) This would block the other tactic Microsoft mentioned in the Halloween documents: using patents to block development of free software. We should give Microsoft the option of using either self-defense or mutual defense. Self defense means offering to cross-license all patents at no charge with anyone who wishes to do so. Mutual defense means licensing all patents to a pool which anyone can join—even people who have no patents of their own. The pool would license all members'' patents to all members. It is crucial to address the issue of patents, because it does no good to have Microsoft publish an interface, if they have managed to work some patented wrinkle into it (or into the functionality it gives access to), such that the rest of us are not allowed to implement it.

* Require Microsoft not to certify any hardware as working with Microsoft software, unless the hardware's complete specifications have been published, so that any programmer can implement software to support the same hardware.

Secret hardware specifications are not in general Microsoft's doing, but they are a significant obstacle for the development of the free operating systems that can provide competition for Windows. To remove this obstacle would be a great help. If a settlement is negotiated with Microsoft, including this sort of provision in it is not impossible—it would be a matter of negotiation.

These two provisions would provide more choice for both participants and consumers in the IT industry. This should be central to the design of an antitrust settlement, especially since Microsoft has been found guilty, via the court's Findings of Fact, of obstructing competition. Respectfully yours,

Prashanth Mundkur

Software Engineer

Jibe Networks, Inc.

3 West 3th Ave., Suite 17

San Mateo, CA 94403.

MTC–00024422

From: Dan DeClerck
To: Microsoft ATR
Date: 1/25/02 11:54am
Subject: Problems with the Microsoft settlement

To the powers that be at the Anti-trust division of the Department of Justice.

We are now in the era of reduced cost wireless communications. Cell phones are increasing in complexity, features, quality, security and capability, while reducing in size and cost.

The consumer has benefited the most in this evolution and revolution of the managed public airwaves.

What drives this huge benefit for the consumer?? Competition, plain and simple.

Multitudes of companies with new features, concepts and innovation. New technologies being standardized in forums with open communication, and usually the best technology wins

Let's take a look at the computing industry. Since Microsoft has gained a monopoly share of software for computing the cost to the consumer has gone up (windows was less than $100 at it's inception, and now costs well over $300). Defects and security issues abound.

Let's take a look at innovation: the basic configuration of a personal computer has not changed since about 1990. We still have a mouse and keyboard, and display. Even Cell phones have eclipsed PC's in one area, voice recognition. Since Netscape was forced to sell itself to AOL to survive, browser innovation has slowed to a snails'' pace.

Ever since Microsoft tied it's office suite with Windows and dominated the industry, we haven't had any major breakthroughs in workgroup computing and collaboration.

It is clear to those of us in the technology industry that innovation has stagnated during the ''Microsoft Era of Dominance''.

To allow Microsoft to remain intact as one company, will enable it to extend it's desktop monopoly into future data and voice communications industries. These industries, through competition, are greatly benefiting the consumer. In the present slowdown of the economy, it is not prudent to disallow innovation by allowing one company to hold the keys to the digital future.

Dan DeClerck

Distinguished Member of the Technical Staff

Motorola

MTC–00024423

From: cwohimes@bellsouth.net@inetgw
To: Microsoft ATR
Date: 1/25/02 11:51am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division

601 D Street NW, Suite 1200

Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the

fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
James Himes
PO Box 324
5 Ella Lane
Etowah, NC 28729–0324

MTC–00024424

From: Kennedy, Beth
To: Microsoft ATR
Date: 1/25/02 11:54am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html), namely:

*The PFJ doesn't take into account Windows-compatible competing operating systems

*Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

*The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

*The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

*The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

*The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

*The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertised as being ''Windows Powered''.

*The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

*The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

*The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

*The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

*The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

*The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

*Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

*Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

*Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)

*The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

*Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

*The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

*The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

*The PFJ allows Microsoft to discriminate against small OEMs— including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

*The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

*The PFJ as currently written appears to lack an effective enforcement mechanism. I also agree with the conclusion reached by that document, namely that the Proposed Final Judgment, as written, allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems

Regards,
Elizabeth Kennedy

MTC–00024425

From: Mary Beth Lohse
To: Microsoft ATR
Date: 1/25/02 11:55am
Subject: Microsoft Settlement

To whom it may concern:

I am writing to express my strong opposition to the proposed settlement in the Microsoft antitrust trial. The current proposed settlement is inadequate in that it does not fully redress the actions committed by Microsoft in the past, nor does it inhibit their ability to commit similar actions in the future.

Microsoft's past transgressions are quite serious, yet the vast majority of the provisions within the settlement only formalize its current practices. None of the remaining provisions effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. The most unacceptable aspect of the proposed settlement is that it does nothing to correct Microsoft's previous actions. It contains no provisions for redress of their previous abuses. It prohibits only the future repetition of those abuses. The effect of this is to allow Microsoft to benefit from its illegal acts. In my opinion that is not justice. I understand the Court's desire to reach a settlement and avoid lengthy litigation. But hasty approval of this ill-conceived settlement will not serve the American people.

Thank you very much for your kind consideration.

Sincerely,
Mary Beth Lohse
Senior Lecturer
Department of Computer and Information Science
The Ohio State University
2015 Neil Avenue
Columbus, OH 43210
(614) 292–1309
lohse@cis.ohio-state.edu
CC:Mary Beth Lohse

MTC–00024426

From: Jim Delong
To: Microsoft ATR
Date: 1/25/02 11:57am
Subject: Microsoft Settlement

Attached are the comments of the Competitive Enterprise Institute.

James V. DeLong
Senior Fellow- Project on Technology & Innovation
Competitive Enterprise Institute
1001 Connecticut Ave., NW—Suite 1250
Washington, DC 20036
(202) 331–1010 TEL (202) 331–0640 FAX
jdelong@cei.org www.cei.org/HighTech.shtml

MTC–00024426_0001

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA
UNITED STATES OF AMERICA,
Plaintiff
Civil Action No. 98–1232 (CKK)
v.
MICROSOFT CORP.
Defendant
COMMENTS ON THE PROPOSED SETTLEMENT
BY:
Competitive Enterprise Institute
James V. DeLong
Senior Fellow—Project on Technology & Innovation

1001 Connecticut Ave., NW—Suite 1250
Washington, DC 20036
(202) 331–1010 TEL (202) 331–0640 FAX
jdelong@cei.org www.cei.org

Mr. DeLong is a former Assistant Director for Special Projects in the Bureau of Consumer Protection of the Federal Trade Commission and a former Research Director of the Administrative Conference of the United States. He is a graduate of Harvard Law School, where he helped edit the law review, and has written both academic and popular articles on antitrust law and administrative law. For his full biography, see www.cei.org.

RECOMMENDATION: ACCEPT THE SETTLEMENT The proposed settlement provides extensive relief for the alleged offenses, more than the court would find proper were proceedings to continue. It should be accepted. A serious argument can be made that the settlement goes too far and should be rejected as a misguided effort at industrial policy imposed by the lawyers and economists of the ''antitrust industry'' 1 that is antithetical to the public interest. Supporters of this view can cite the detail of the settlement and its underlying premise that the drafters know how competition should be structured in a highly complex and rapidly-changing industry. By attempting to put relations among the companies into a straight jacket, the settlement may suppress competition rather than enhance it.

However, on balance, the damage the litigation is doing to the industry and to the legal system is serious and the sooner it ends, the better. Also, Microsoft has accepted this settlement as better than continued proceedings, and it seems unfair to force it to maintain the battle to protect the interests of the public rather than itself. The involved government(s) are supposed to exercise that function. The serious intellectual and analytic failings afflicting antitrust law and policy are topics for public debate and for Congress, but should not delay the termination of this proceeding.

THE DECREE IS SUFFICIENT

The context within which the settlement must be evaluated was set forth by Charles James in testimony before the Senate last month:

The D.C. Circuit, however, significantly narrowed the case, affirming the district court's finding of liability only as to the monopoly maintenance claim, and even there only as to a smaller number of specified anticompetitive actions. Of the twenty anticompetitive acts the court of appeals reviewed, it reversed with respect to eight of the acts that the district court had sustained as elements of the monopoly maintenance claim. Additionally, the DC Circuit reversed the lower court's finding that Microsoft's ''course of conduct'' separately violated Section 2 of the Sherman Act. It reversed the district court's rulings on the attempted monopolization and tying claims, remanding the tying claim for further proceedings under a much more difficult rule of reason standard. And, of course, it vacated the district court's final judgment that had set forth the break-up remedy and interim conduct remedies.

The antitrust laws do not prohibit a firm from having a monopoly, but only from illegally acquiring or maintaining a monopoly through interference with the competitive efforts of rivals. There has never been any serious contention that Microsoft acquired its operating system monopoly through unlawful means, 1 See Robert Reich, The Antitrust Industry, 68 Geo. L. J. 1053 (1980); James V. DeLong, ''The New Trustbusters,'' Reason (March 1999) <www.reason.com/9903/fe.jd.the.shtml.> and the existence of the operating system monopoly itself was not challenged in this case.2

Mr. James could have added that the Court of Appeals opinion also said: ''We have found a causal connection between Microsoft's exclusionary conduct and its continuing position in the operating systems market only through inference,'' and quoted the late Phillip Areeda to the effect that imposition of any remedy going beyond a simple injunction against the illegal conduct should be based on a clear causal connection, and emphasized that ''great caution'' is necessary in crafting intrusive relief.3 The court's cautionary remarks focused on the remedy of divestiture, which was then still on the table, but they apply to any radical remedy—and the remedies in the settlement are unprecedented in their scope and intrusiveness.

Granting full respect to concepts of ''fencing in'' and other doctrines to the effect that a remedial decree should prevent future illegal activity, the requests by opponents of the decree go far beyond what is proper. They seem based on the premise that the government won on all its counts. Even if this premise were true, even if the government had proven all of its charges, the proposed settlement would be a more than adequate remedy.

Nor is the opposition entitled to play ''gotcha,'' assuming that because the Court of Appeals decided that some of Microsoft's actions should be held to be illegal— and it must be remembered that this is an ex post facto judgment because the law applicable to dominant firm behavior remains blindingly unclear—the plaintiffs are entitled to carte blanche on the remedy. The dissenting plaintiffs want the equivalent of the death penalty for a speeding ticket.

HARM TO THE LEGAL SYSTEM

Another powerful argument for accepting the settlement is that this case is doing for antitrust law what the O. J. Simpson trial did for the criminal law—it is making it into an object of public derision, and is greatly contributing to public cynicism about the law and the legal system in general. For example:

As has been extensively documented, the case was conceived in spin, so to speak, as various players in the computer industry spent millions of dollars 2 Charles James, AAG Antitrust Division, Statement before the Committee on the Judiciary, United States Senate, The Microsoft Settlement: A Look to the Future (Dec. 12, 2001) <http://www.senate.gov/ judiciary/te121201f-james.htm> 3 U.S.v. Microsoft Corp., 253 F.3d 34, 80, 106–07 (DC Cir. 2001). retaining former government officials to develop arguments that would create a comfort zone for the head of the Antitrust Division. 4

The contacts between the trial judge and the press were the subject of unusually scathing language by the Court of Appeals.

Since the settlement was announced, numerous press releases by interested parties and by the attorneys general of the non-consenting states have misrepresented the situation by charging that the government ''won'' and is now surrendering. These traduce Charles James, and even seem designed to put pressure on the court to decide according to political factors rather than legal ones.

Were the case to continue, its destructive impact could only worsen because the nature and validity of the Findings of Fact on which any revised remedy would have to be based are hopelessly confused. Many of them are what administrative law classifies as ''legislative facts.'' As the undersigned wrote before the Court of Appeals decision:

Among the judge's 412 findings of fact, covering 140 pages of text, are some specific conclusions about who did what when. But they are overshadowed by complex technical assessments about the results of these actions, by conclusions about the economics of the high- tech world, and by predictions about the future ..... Even if the rules on dominant-firm behavior were clear, which they are not, and even if the assessment of when a firm is dominant were straightforward, which it is not, the computer and communications revolutions have so changed the context that the proper application of the antitrust rules has become a matter of considerable bafflement.

A reviewing court will have a tough time determining which of the findings in Microsoft are real, factual findings to which it must defer, which are conclusions of law disguised as facts, and which are legislative facts(5) To uphold Judge Jackson's findings, the Court of Appeals had to determine that Microsoft had failed to challenge them, not that they were correct. The Supreme Court declined to hear the argument that the Findings of Fact should be vacated ab initio because of the bias of the trial judge.

Because of these decisions, if the remedies phase of the case were to be re-opened, this court would face an impossible task. It would be required to craft a 4 John Heilemann, ''The Truth, the Whole Truth, and Nothing but the Truth,'' Wired, Nov. 2000, p. 260 <www.wired.com/wired/archive/8.11/microsoft.html>. 5 James V. DeLong, ''No Fool for Microsoft,'' Legal Times, Nov. 6, 2000 <available on www.westlaw.com>. For a detailed analysis of the Findings, see Alan Reynolds, The Microsoft Antitrust Appeal: Judge Jackson's ''Findings of Fact'' Revisited, Hudson Institute 2001. remedy based on findings that do not qualify as real ''facts'' in a situation where all parties are acting strategically and attempting to retry the original action in the guise of an inquiry into the proper remedy.

And overhanging the enterprise would be the issue—still undecided by the Supreme Court and not waived by Microsoft—whether the original Findings of Fact should have been vacated and the liability issue retried.

To a certainty, if the settlement is reopened, more years of litigation are in prospect, to the further detriment of the legal system and the economy.

CONCLUSION

The settlement presents an opportunity to escape from the Big Muddy that should not be missed.6

RESPECTFULLY SUBMITTED,

James V. DeLong

Competitive Enterprise Institute

Senior Fellow—Project on Technology & Innovation

1001 Connecticut Ave., NW—Suite 1250

Washington, DC 20036

(202) 331–1010 TEL (202) 331–0640 FAX

jdelong@cei.org www.cei.org

6 See Pete Seeger, ''Waist Deep in the Big Muddy'' (1967)

http://www.dickalba.demon.co.uk/songs/texts/bigmuddy.htm.

MTC–00024426_0006

MTC–00024427

From: Dave Hopper
To: Microsoft ATR
Date: 1/25/02 12:05pm
Subject: Microsoft Settlement

By the way, I felt a need to respond, as this site http://www.codeweavers.com/jwhite/tunney.html run by a competitor of Microsoft's is lobbying for poeple to negatively respond about the settlement.

I feel that the proposed settlement is a GOOD IDEA. It is fair and not overly harmful to a corporation that is desperately needed by this country. Microsoft is a true innovator and their ability to innovate should not be hampered. Already we are seeing litigious activity by AOL who aquired Netscape specificly as a result of Netscape's poor business dealings. Netscape has a poor product that they gave up on and when their stock price reflected this, AOL plucked them, taking advantage of their low stock price. Now, they wish to sue Microsoft, whose innovation and development coupled with Netscape's poor management and development efforts assisted AOL in being able to afford Netscape. How can AOL claim damages, when if Netscape would have had better management and no competition, AOL would not have been able to buy them.

The easy way to do the ''right'' thing

1.. Open an email window to microsoft.atr@usdoj.gov (with a subject of ''Microsoft Settlement').

2.. Read through some of the many comprehensive resources on this case and the Tunney Act proceedings:

a.. Dan Kegel's excellent collection of resources (mirror is here).

3.. Pick your favorite problem with the proposed judgement. One is fine; hopefully a lot of people will be doing this.

4.. Compose a simple, polite, email describing the problem and how you feel about it.

5.. Send the email, and if you like, bcc (important do not cc) us at tunney@codeweavers.com.

6.. [Optional, but nice] Print your letter out (maybe reformat it a little), and mail it to:

Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

MTC–00024428

From: Tim Sullivan
To: Microsoft ATR
Date: 1/25/02 12:00pm
Subject: Microsoft Settlement.

Department of Justice,

I want to start out by acknowledging that I am a shareholder in several Tech companies. I own stock directly and indirectly (mutual funds). I own both Microsoft and AOL directly.

I am a firm believer in free enterprise and a fair playing field. I am coming to the conclusion that many of Microsoft's problems seem to be coming from companies that have not been able to compete in the market place and feel that litigation is the answer to their prayers. Let me add that many States seem to fit a subcategory of this group, (Shakedown artists for companies and poor constituents.) Yesterdays announcement by AOL is a case in point. I am outraged at this ploy. I have been able to use both Netscape and Explorer. I choose to use Explorer.

Microsoft has been a godsend to a non tech like me. I am more productive and able to work my way through most computer related applications. I want as seamless and easy to use programs as possible. I want Microsoft to be able to expand their products as much as possible. I also would like for Microsoft to be able to use the money that they are spending for legal representation to be used for more productive endeavors.

I would like the Justice Departments overview to consider this. Is Microsoft the terrible company that some are saying, or are the 9 states, some companies, and the European Union just using the courts to shakedown Microsoft. If you can't compete in the marketplace you can always go to court. I hope that the review process will quickly and fairly settle this mater.

I find it tragic that I look at the nine states that are holding out for more flesh from Microsoft as being greedy self serving blood suckers. I think many look at Microsoft as they looked at tobacco companies.

As an easy mark to get dollars. Shame on them!

Best Regards.
Tim Sullivan
8111 Cameron CT SE
Caledonia, MI 49316

MTC–00024429

From: Kevin Bailey
To: Microsoft ATR
Date: 1/25/02 12:02pm
Subject: Microsoft Settlement

Dear Sirs:

I am a US citizen as well as a long time user of Microsoft's operating systems and other ''competing'' operating systems so I would like to comment on the proposed settlement with Microsoft as specified under the Tunney Act.

I do not believe the proposed settlement will curb Microsoft's illegal behavior and furthermore it does nothing to lower the barrier to entry faced by competitors.

The proposed settlement may require Microsoft to publish the documentation to its APIs but it doesn't specify what an API is well enough to cover everything that's needed by a competitor. Furthermore, the settlement requires competitors to pay royalties to even use the API and leaves copyright and patent issues unclear.

Competitors like Wine are left worrying as they make an alternative to Microsoft's operating systems.

Above all, there is no enforcement of this settlement. An oversight group is formed but it has observational powers only which is further diluted by one of the members being a Microsoft representative. It seems to me that we're left hoping that Microsoft will police itself which we know that they are incapable of doing since they claim they've done nothing wrong to this day. I predict they will continue doing everything they've done until they're are brought back to court. Even if they are brought back to court, there is enough ambiguity within the settlement that any competent lawyer could make the case that Microsoft hasn't broken the settlement, as mentioned above.

Regards,
Kevin Bailey

MTC–00024430

From: Janis Grinhofs
To: Microsoft ATR
Date: 1/25/02 11:58am
Subject: Microsoft Settlement

Hello,

just give us education market to Microsoft as a ''punishment'' and you will have what ve have over here in Latvia: the only school with Macintoshes is a private art school in the end: only guys with rich parents will be able to find a job in a graphic design—media—publishing company, where macintosh knowledge is a must

Best regards,
Janis Grinhofs

MTC–00024432

From: Edmund J. Klein
To: Microsoft ATR
Date: 1/25/02 12:02pm
Subject: Microsoft's Freedom to Innovate

I am in full support of Microsoft's Freedom to Innovate Network. I don't believe the government should be involved in this lawsuit. Curtailing Microsoft's efforts to innovate would seriously hurt not only millions of customers but also the government. I strongly recommend the government find a way to diplomatically bow out of this needless lawsuit.

Ed Klein, retired from McDonnell Douglas Corp as Director of Electronics Technology

MTC–00024433

From: Joseph Regina
To: Microsoft ATR
Date: 1/25/02 12:01pm
Subject: Microsoft Settlement

Gentlemen:

I am writing regarding the current developments involving actions by AOL Time Warner to subvert the proposed settlement between DOJ and Microsoft. I am in favor of the settlement and believe that the government needs to stay neutral in the battle between AOL and Microsoft and others. Taxpayer have already suffered enough expenses as a result of previous administration picking sides. Each litigant needs to pay their own lawyers and pursue

their own legal objectives without the government playing favorites. All parties involved have substantial resources to make their case. It is my opinion that the best that the government can do is to provide an unbiased court where each party can make their case before an impartial judge. That has already proven to be a tall order, given the conduct of Judge Jackson.

Best regards and good luck

Joseph Regina

MTC–00024434

From: eda31 Keefe
To: Microsoft ATR
Date: 1/25/02 12:02pm
Subject: Microsoft Settlement

6426 N. Campbell Avenue
Chicago, IL 60645
January 25, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

You are doing a wonderful job. I and my family are very grateful that you are our Attorney General. Keep up the good work!

I would like to communicate some of my views regarding the Microsoft antitrust case. I believe that after three years of litigation that the issues have been addressed. I think it is best for our nation to settle the matter and move on.

The settlement agreement your office reached is fair and reasonable, and has proven extensive enough to be approved by nine of the suing states. I do not see the need for further federal action, especially while Microsoft is negotiating with the remaining states to reach an agreement. The concessions it has agreed to make antitrust precedent and will require changes in the way that Microsoft licenses, develops, and markets its products.

Computer makers and software engineers will be allowed to configure Windows so as to promote non-Microsoft programs that compete with programs already included within Windows. A technical oversight committee will ensure that Microsoft complies with the terms of the settlement. Perhaps most importantly, the competition will be allowed to sue Microsoft directly if they feel they've been treated unfairly, thus avoiding future federal action.

I think the necessary changes have been made to allow us to close this case. The sooner the IT industry returns its focus to innovation, rather than litigation, the sooner the market and the economy can move forward.

Sincerely,

Edmund A. Keefe

MTC–00024435

From: omar@madscientist.com@inetgw
To: Microsoft ATR
Date: 1/25/02 11:51am
Subject: Comments regarding the Microsoft Antitrust settlement

Your Honor,

I respectfully submit a few thoughts regarding Microsoft and subsequent proposals for settlement.

In October 1997, I was employed by Netscape as the Webmaster. During my tenure I watched our share of the browser market plummet, our revenues chopped in half and several hundred people laid off. The cause was the free availability of browsers from Micrsoft.

I took advanced courses in manufacturing during my college days, and learned of the decline of US chip making during the RAM dumping era of the 1980's. The analogy between the behavior of Japanese chip makers and the subsequent effect upon US manufacturers, and the current issues with Microsoft are striking. At the beginning of the ''chip war'' there were eleven manufacturers of DRAM in the US, by the time the war was over, there was one. The government became aware and national security interests were raised—remedies were enacted, but it took many years for the modest recovery of US production capability.

The foreign chip makers did only one thing—they offered product at below cost and knew their deep pockets would crown them the winner in the long term.

Microsoft did the same thing. Products that had thriving competitive markets have been effectively terminated by price undercutting and free distribution that a deep pocket company can afford. This behavior has neither brought better product nor greater innovation. It has effectively driven many companies out of business—not because they had poor products or were not innovating but because Microsoft made similar products available and used monoploy power and deep pockets to drive competition away.

To summarize my thoughts:

1. The breakup of Microsoft into products and OS will lead to greater competition & innovation. This division of the corporation will be a benefit to the American people and a benefit to the industry.

2. To keep Microsoft as a single entity fosters an opportunity for inappropriate and anticompetitive behavior.

3. Fiscal penalties need to be done in cash and *not* in-kind products.

The proposals that have been reported in the media for in-kind reparations are simple self serving and will *not* address the core issues of the anti-competitive behavior.

I thank you for your consideration.

Respectfully submitted,

Omar Ahmad

San Carlos, CA

MTC–00024436

From: pckizer@nostrum.com@inetgw
To: Microsoft ATR
Date: 1/25/02 12:03pm
Subject: Microsoft Settlement
To: Renata B. Hesse

Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft Settlement. I have over 14 years of professional experience in the computer field. In all of that time I have seen many claims of Microsoft being innovative. Almost all of those situations involved them purchasing said innovation from a competitor or putting that competitor out of business to lay claim to the new method or product. In a few cases, they just take existing technologies and claim they are the best in the field, which a majority of the public seem to believe since they are the loudest self-promoters/advertisers.

I have seen them egregiously take existing methods of inter-operation between computer systems and say they are using that method within their own systems; yet, the reality is that they took a standard and modified it such that existing systems would not actually inter-operate with their new operating systems due to not having certain modifications to the methods they will not even document.

It would actually be very easy for me to take the emotional line of saying that the Microsoft corporation is the one company that has actually done more to harm the computing industry that any other over the past 10 years. As I stand back and attempt to look at the issues a bit more rationally, I have to admit that the emotional response really is not that far off. Time after time, products that were technically better in some way or products that were easier to use and serving needs very well have been purchased and suppressed by Microsoft, or a Microsoft offering bundled into the Microsoft operating system seemingly for free to the public, or had an interface upon which they relied changed without notice, or explicitly marked, without technical cause, within a Microsoft product as not allowed to operate.

The entire situation of them being dominant is not due to technical superiority, but only due to marketing and anti-competitive business practices.

After reading the settlement, I do not feel that the root causes of their anti-competitive behavior will be change in any significant way. The settlement does not address not-for-profit entities. The settlement fails to make known the methods of communicating with their products available, even to government entities. Source code is not even necessary, only inter-operation. The settlement does not address the needs to ensure that they compete fairly in a technical arena.

As such, I feel the proposed settlement should not be allowed.

Thank you,

Philip Kizer

Philip Kizer, Senior Lead Systems Engineer, Texas A&M University USENIX Liaison to Texas A&M University <usenix@tamu.edu> Texas A&M CIS Operating Systems Group, Unix <pckizer@tamu.edu>

MTC–00024437

From: bjcfrank
To: Microsoft ATR
Date: 1/25/02 12:03pm
Subject: Microsoft Settlement

U.S. DEPARTMENT OF JUSTICE
TO WHOM IT MAY CONCERN:
RE: MICROSOFT SETTLEMENT

I think that ''THE MICROSOFT CASE'' should be settled immediately!!! Why punish a Company or Corporation for being successful? If You punish One; why not punish Wal-Mart; the biggest monoply going at this time!!!

Microsoft has brought technology to the World!!!

Please settle and get on with Our Economy..
RESPECTFULLY,
Frank Crawley
2909 N. Downing Ave.
Bethany, Oklahoma 73008

MTC–00024438

From: kjmoore269@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 12:02pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Kenneth E. Moore
269 Indian Road
Wayne, NJ 07470–4917

MTC–00024439

From: Rose Ricker
To: Microsoft ATR
Date: 1/25/02 12:05pm
Subject: Microsoft Settlement
This matter has been dragging on more than necessary.
I am 81 years old, and more than timid about working with my computer, but find that my Microsoft software is more than helpful to me. Leave them alone to continue to provide their excellent service.
Sincerely yours,
Rose P. Ricker (Mrs. George A. Ricker, Jr.)
26 S. Hodgdon Hill Road
Buckfield, ME 04110

MTC–00024440

From: postmaster
To: Microsoft ATR
Date: 1/25/02 12:06pm
Subject: Microsoft Remedy
Your Honor,
I am a software engineer and have worked at Sun Microsystems, Inc. for the past six years. I wish to make clear that my opinions are my own and not those of Sun Microsystems. Further I am not writing to you based primarily on my experience at Sun, but rather based on my 27 years in the software industry, and my extensive experience with Microsoft over the past two decades.
I could write a book based on first hand experience detailing the behaviors which I have seen Microsoft engage in during that time. However, I know you have a large number of opinions to read. So let me just say this. In my opinion Microsoft is not an honest company. In my experience they are aggressive, hostile, dishonest, and will break any prior agreement they have made or any law of the land with little concern for the possibility of negative consequences. Hence any resolution to Microsoft's continued illegal use of its monopoly position must be structural. I personally believe it would be best to break Microsoft into three companies, segregating its business as follows: operating systems; development platforms; and applications
Regarding applications, although Microsoft maintains that Internet Explorer is an integral part of its operating system, it is in fact an application which has by choice been closely tied to the underlying operating system. Operating systems consist of components which are by nature integral and must be supplied by the operating system vendor or someone working closely with them. No one makes an add on file system to replace Microsoft's, or an executive, or a scheduler, or an alternate device driver API. That is because these things can not be done by third parties. Browsers on the other hand can be and are written by third parties to run on top of Microsoft's operating systems.
Sincerely,
Michael A. Moran, Ph.D.
901 Nobel Drive
Santa Cruz, CA 95060
mamoran@erstatz.com

MTC–00024442

From: matt.weigle@wardmfg.com@inetgw
To: Microsoft ATR
Date: 1/25/02 12:04pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Matthew Weigle
Williamsport, PA 17701

MTC–00024443

From: shred
To: Microsoft ATR
Date: 1/25/02 12:08pm
Subject: Microsoft Settlement
Microsoft has crippled the computing industry for long enough, and this settlement amounts to little more than a light slap on the wrist.
Sincerely,
Randy Froc

MTC–00024444

From: Ryan Damm
To: Microsoft ATR
Date: 1/25/02 12:08pm
Subject: Comment from a law student on the proposed settlement
I've been watching Microsoft squash other companies'' products since the early Nineties. While the ''commonality'' of desktop software we're now surrounded with makes some things simpler, it weakens our overall technology base in two ways:
1) The strength of the Internet is in platform-neutral interoperability; but Microsoft has a history of corrupting Internet standards (their ''embrace and extend'' philosophy) which results in the de facto standards being /Microsoft's/. We weaken ourselves when the growth medium of our electronic communications systems is hostile to new genotypes—but that is exactly the sort of environment a monopolist wants.
2) Like it or not, there are forces in the world hostile to American interests. A homogenerous software environment makes virus writing and vulnerability exploitation easier, especially when the environment allows coders to do so much with so little caution. Even Mr. Gates's recent memo to his employees telling them to ''focus on security'' can't overcome the basic weakness of a single strain of operating system and application suite. If we allow this to persist we're setting ourselves up for extinction when a /real/ challenge (not just a business challenge) to our technological survival rears its head. Darwin's theory assumes that variation in type already exists. We (and Microsoft) won't have time to ''create a new way'' when the crisis comes. —-
I don't think the settlement does enough to restrain this very powerful (and very self-absorbed) company. —
Ryan Damm
email:dammit@u.washington.educell: 206–391–0054

MTC–00024445

From: Graham Hunter
To: Microsoft ATR
Date: 1/25/02 12:08pm
Subject: Microsoft Antitrust Ruling
As an empoylee in the tech sector, I strongly disagree with Microsoft's monopoly position being allowed to continue. Over the years I've seen Microsoft's predatory practices not only wipe out companies, but reduce the number of new companies entering the market with innovative products.
Why spend the time building something new when a massive gorilla will jump on your back as soon as you're showing some signs of success. I'm a believer in the government staying out of the economy, but this is one case where we need the intervention of another powerful body to stop this. Please don't allow Microsoft to continue on its trail of rampage!
Graham

MTC–00024446

From: Christopher White
To: Microsoft ATR
Date: 1/25/02 12:13pm
Subject: Microsoft Settlement

Dear Renata B. Hesse and the United States Department of Justice Antitrust staff, I believe that the proposed settlement between the DOJ and Microsoft is woefully inadequate.

Microsoft broke the law and harmed other companies. Its monopoly status in the consumer OS world, its continued attempts to dominate other markets (like high-end servers), and its arrogant stance regarding the law and ethical business practices, needs to be addressed in the firmest manner. The nine states that refused to sign on to the proposed DOJ/Microsoft settlement have the right idea. Microsoft needs to be punished for breaking the law. Microsoft needs to open up its proprietary systems and allow others to have a chance to build software for its operating system (OS) instead of bundling everything into one monolithic system (look at Windows XP—there is an example of even worse bundling!). I favored Judge Jackson's remedy of breaking up the company, but failing that, Microsoft at least needs to be severely disciplined, its business practices scrutinized carefully, and its monopoly status destroyed. Without a severe remedy the computer industry will still be at the mercy of Microsoft—and other OSes (like Linux and Mac OS X) will languish for lack of support.

I am a professional in the computer industry. I am a programmer and systems administrator. I have to use and support Microsoft's OSes, as well as others, every day in various capacities (desktop and server). I like many things about Microsoft, and the company makes many good products. But it is harming its own reputation within the industry, and alienating many of its potential friends, by its behavior. The problem is that Microsoft just can't seem to behave like a team player. It has become a monopoly. It now behaves as such. Just as the DOJ broke up AT&T years ago, so it needs to break up Microsoft—or at least severely restrict its predatory business policies.

Please don't waste this opportunity to help the computer industry by reining in Microsoft before it owns the entire industry. Abandon your inadequate settlement proposal and put your weight behind the nine states that did not agree with this settlement.

Sincerely,
Christopher T. White
Santa Rosa CA

MTC–00024447

From: Donamarie Keefe
To: Microsoft ATR
Date: 1/25/02 12:11pm
Subject: Microsoft Settlement
6426 N. Campbell Avenue
Chicago, IL 60645
January 25, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Attorney General Ashcroft:

I agree with my husband that you are doing a wonderful job.

I would like to advise some of my views regarding the Microsoft antitrust case. I believe that after three years of litigation that the issues have been addressed. I think it is best for everybody to settle the matter and move on.

The settlement agreement your office reached is fair and reasonable, and has proven extensive enough to be approved by nine of the suing states. I do not see the need for further federal action, especially while Microsoft is negotiating with the remaining states to reach an agreement. The concessions it has agreed to make antitrust precedent and will require changes in the way that Microsoft licenses, develops, and markets its products.

Computer makers and software engineers will be allowed to configure Windows so as to promote non-Microsoft programs that compete with programs already included within Windows. A technical oversight committee will ensure that Microsoft complies with the terms of the settlement. Perhaps most importantly, the competition will be allowed to sue Microsoft directly if they feel they've been treated unfairly, thus avoiding future federal action.

I think the necessary changes have been made to allow us to close this case. The sooner the IT industry returns its focus to innovation, rather than litigation, the sooner the market and the economy can move forward.

Sincerely,
Donamarie Keefe

MTC–00024448

From: ThePlanRes@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 12:12pm
Subject: microsoft settlement
To Whom It May Concern:

We think it would be best for consumers, the economy and for business if the Microsoft settlement happens quickly. Lawsuits should not be allowed to drag on for years.

Sincerely,
Peter and Nancy Nottonson
171 Marlborough Street
Boston, MA 02116

Federal Register

5–3–02 **Friday**
Vol. 67 No. 86 **May 3, 2002**

Book 8 of 12 Books
Pages 27483–28121

Part II—Continued

Department of Justice

Antitrust Division

United States v. Microsoft Corporation; Public Comments; Notice

MTC–00024449

From: Keith B. Bassett
To: Microsoft ATR
Date: 1/25/02 12:11pm
Subject: Microsoft Antitrust Case

Hello,

I am writing to address the possible settlement of the US vs Microsoft case. Simply put, the current remedy worries me. If we subscribe to a strictly behavioral punishment for a company which has been proven a monopoly, then how can we design it so that the changing face of technology doesn't allow Microsoft to sidestep it? Because of the volatile nature of the field of technology, and because of Microsoft's proven habit of undermining or purchasing competitors, how can any behavioral punishment forsee the direction that the company will move? Microsoft has shown great ingenuity in getting around this sort of punishment in the past, and the current remedy doesn't appear to be properly drawn to prevent Microsoft from doing so again.

I still subscribe to the idea that a structural remedy would be the best course of action. A dissolution of the company into parts that could compete with each other would seem to produce the greatest economic good for the largest number of consumers and companies. Microsoft would produce better products without the stranglehold on the oem market that they currently hold. Oems would have the option of going with several varieties or flavors of the current Microsoft offerings, which would cause serious competition and improvement in the OS offerings. Bugs would be fixed quickly, and the basic solidity of the OS offerings would increase at a similar rate, as the companies struggled for position. File formats might still be a weapon against competitors, but without one clear leader, the level of interoperability would be a serious selling point. Currently the Office offerings import all documents perfectly, but cannot export to other formats without major problems, even ostensibly ''open'' formats. However, it appears that the structural remedies have been discarded in favor of action which will be perceived as less drastic. Perhaps some appropriate remedies include the dissolution of the current OEM preload aggrements, with a prohibition of future ones. The Microsoft office suite data file formats could be placed into the public domain, with future format changes coming under review from an independent open standards body. The .NET formats, interconnects and standards could be placed under the overview of an independent open standards body, as could the Microsoft networking protocols.

A drastic, but effective solution would be the seizure and relicensing of the core source code for the range of Microsoft's OSes. If they were relicensed under an open source license they would remain available regardless of the changes made to them. This, while extreme, would allow for the use of the code by the entire marketplace and increase competition in other areas, forcing Microsoft to compete elsewhere. These solutions may seem extreme, but they depend upon the fact that Microsoft has a proven monopoly which was obtained by illegal means. If they did not have a monopoly or if it was retained legally these rules would not apply.

If an effective long term remedy is not obtained, then Microsoft will have been given implicit permission to continue their current and former business practices. In fact it will be an endorsement of them and will endanger what little remaining commercial competition they have. I don't know what this will mean for other big companies in the information business, but it certainly gives them a frightening level of control of the American public's access to those companies and to information in general.

Thanks for your time, I know that this was a simple and general letter, but I wanted to let you know what the general public was feeling.

Keith B. Bassett

MTC–00024450

From: James M. Moe
To: Microsoft.atr(a)usdoj.gov
Date: 1/25/02 12:14pm
Subject: Microsoft Settlement

I do not agree.

Microsoft is a monopoly as found in the original judgment. While not a bad thing in itself, Microsoft has persistently abused its position to the detriment of the computer and software industries. Further it is contemptuous of the prevailing laws and openly continues its abusive practices.

MTC–00024451

From: Dankovits, Kris
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 12:14pm
Subject: Microsoft Settlement

I disagree with the Microsoft settlement. It is a foolish move, designed to help only Microsoft.

Kris Dankovits

MTC–00024452

From: Ryan Lucier
To: Microsoft ATR
Date: 1/25/02 12:14pm
Subject: Microsoft Settlement

I think Microsoft develops O.K products, but getting rid of competition is not a good practice.

MTC–00024453

From: Don Ramier
To: Microsoft ATR
Date: 1/25/02 12:16pm
Subject: Microsoft Settlement

Dear Sir or Madam:

I would like to have my comment entered into the **Federal Register** as required by the provisions of the Tunney Act (Antitrust Procedures and Penalties Act) with respect to the proposed ''settlement'' of the Microsoft Corporation anti-trust case.

Since Microsoft has shown absolutely no remorse or change in business attitudes following the 1995 anti-trust decision rendered against it, and has been found to be in contempt of court regarding subsequent violations, business activities, business strategies, and programs, I hope and pray that the Federal Government will deny the validity of this settlement on many grounds, including and not limited to the one mentioned above.

This provisions of this settlement are unenforceable. The penalties cannot be enforced, monitored, or even imposed upon the Microsoft Corporation.

I never wanted to have a browser supplied by Microsoft Corporation with their operating system forcibly imposed on my property, my Personal Computer, called Internet Explorer. I use Netscape, a competitor of Microsoft's. My computer fails to operate properly due to malicious engineering by the operating system (Windows) when I respond that I don't want to use Internet Explorer as my default browser. How can I be sure that the I.E. code is to blame? How can the provisions of this settlement be enforced? Computer programming can be ''transparent to the user'' and can cause lingering damage, and even crippling effects on the property of people like myself, if I don't answer the questions the way the code interprets I should. How can situations like this be monitored by the U.S. Government, or by anybody else, for that matter? This is just one of many examples I could use to describe the performance (or lack thereof) of my property, my Personal Computer, when maimed by any number of versions of the Windows operating system. I am a technical writer by trade, and it is my job to document highly technical programming code of sophisticated software applications. Over the last twenty years, I have been employed by the International Business Machines Corporation (IBM), the Federal Express Corporation (FedEx) and three smaller software development corporations. I have been very well trained to know what the code is supposed to do, and what the code is NOT supposed to do (the actions and mistaken actions of programming code).

In these twenty years of computer related technical writing experience, I have seen the emergence of the operating system named DOS (short for Disk Operating System) that Microsoft created for delivery on the IBM PC, the evolution of DOS to Windows, and, over time, the gradual, yet perceivable, encroachment of the Windows operating environment on my ability to perform my specified tasks within the framework needed. Jumps from versions of operating systems affected the performance of other applications that should not have been affected and this caused much delay in the delivering of my services to my employers in a timely manner.

How can the U.S. Government hope to understand, much less enforce, the terms of this proposed settlement on the intricacies of the Windows operating environment and the thousands upon thousands of lines of code? It is inconceivable to me that the U.S. Government, in all it's might and glory, cannot see that this settlement is just a cop out and is not justice, but an appeasement to the monolithic Microsoft Corporation.

For these and other reasons, I hereby voice my concern over the terms of the proposed settlement and ask that remedial steps be taken to truly and justly dismantle the monopolistic Microsoft Corporation by force of law.

Sincerely,
Don A. Ramier, III
Documentation Specialist
Geobot, Inc.
Memphis, Tennessee

MTC–00024454

From: Jonathan Kamens
To: Microsoft ATR
Date: 1/25/02 12:17pm
Subject: Microsoft Settlement

To whom it may concern:

I have been developing computer software for Windows, Linux and other operating systems for over fifteen years.

I have reviewed the Proposed Final Judgment (PFJ) in United States v. Microsoft. In my opinion, the remedies outlined in that judgment are inconsistent with the Finding of Facts in the case and will not achieve the required goals of eliminating Microsoft's anticompetitive conduct and making it possible for other software vendors to compete with Microsoft on an even playing field in the future.

To mention just one of the many problems with the PFJ, it stipulates that Microsoft must document Windows API's so that competitors can write software which uses those API's to interoperate with Windows, but (a) the definition of what constitutes ''API's'' and therefore must be documented is just plain wrong, (b) there are no requirements on when API's must be documented, and hence Microsoft may be so slow in documenting them as to make it impossible for other software vendors to take advantage of the documentation in time to compete effectively. Furthermore, the terms of the PFJ and of Microsoft's own end-user license agreements would seem to imply that Microsoft can continue to prohibit other software vendors from implementing and/or using emulations of Windows API's on non-Windows operating systems. For example, even under the PFJ the legality of the ''WINE'' Windows emulator for linux would still be questionable, despite the fact that ''WINE'' is clearly one of the largest and most effective tools for leveling the playing field between Windows and Linux.

I sincerely hope that the Court rejects the Proposed Final Judgment and instructs the Justice Department to come up with a new one which addresses the many problems which I'm sure have been brought to your attention.

Sincerely,
Jonathan Kamens
Curl Corporation

MTC–00024455

From: Ernie DeVries
To: Microsoft ATR
Date: 1/25/02 12:19pm
Subject: Microsoft Settlement

I am not a lawyer. I cannot speak to the legal points of the proposed settlement of DOJ's anti-trust action against Microsoft. Although I am a computer professional, in many ways I am just a consumer who is directly affected by the actions of Microsoft because I use personal computers. I can speak to the impact of a settlement on consumers.

The largest personal impact of Microsoft's conduct has been the lack of choice by consumers. Microsoft has a long history of actions such as pre-announcements, feature add-ons and exclusive agreements which have been done not to improve the use of MS products, but simply as preemptive strikes to keep competitors from continued development on products. For me, this kind of behavior is the core issue in MS using it's existing monopoly to enter new markets.

Although it was not specifically addressed in the trial, events at Gateway computer illustrate this problem. There was a time when Gateway included ''Office'' software with each new computer at no additional charge. Gateway customers were given the choice between Microsoft Office and WordPerfect Office, with no push or coercion toward either product. This practice did not last long, but was replaced by Gateway offering no choice—only MS Office. Anyone who believes that Gateway took this action on its own, without behind-the-scenes ''encouragement'' from MS, is a fool.

The connection to this case is that even if MS never actually leaned on Gateway to exclude competing products, MS was able to create an environment wherein vendors had to live with the constant threat that they would be cut off by MS or have prices increased by MS so that the manufacturer could not compete. This environment lead directly to reduced choice for consumers with resulting higher prices and lower productivity because the ''better mousetrap'' never had a chance in the marketplace.

Certainly there were errors in judgment by the original trial judge regarding the sharing of his thoughts about the trial, but as I watched the trial unfold I was repeatedly struck with the thought that Judge Jackson seemed to be the only one involved in the case who was making any sense at all. If the actual judgment of Judge Jackson cannot be implemented, then certainly his intent needs to be preserved.

To accomplish this, I see the following as being critical pieces of the conclusion of this case:

(1) Consumer choice will only be restored when MS is forced to open its files to share information on API calls and file formats so that all competitors have the same advantage as the internal developers at Microsoft. This is not sharing source code, but interfaces.

(2) Exclusive contracts must be prohibited between MS and its OEM customers as well as with VARs (Value Added Resellers).

(3) MS must be prohibited from giving away products. I know this is very difficult to define, but we must never again have a situation like Internet Explorer which was created and given away for the exclusive purpose of undercutting a competitor that did not have the same financial resources as MS. Consumers are not benefited by ''free'' products when the result is the lack of real alternatives in the marketplace.

(4) Financial penalties. The financial penalties from Microsoft's past behavior must be so severe that MS will never again consider repeating its behavior.

The bottom line is that we need a sentence that restores choice and innovation to the marketplace. MS must become one player among equals instead of being the only player that counts.

Thank you for your time.
Sincerely,
Ernie DeVries
Flagstaff, AZ

MTC–00024456

From: KMGREENHAW@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 12:20pm
Subject: Microsoft Settlement

Dear Department of Justice:

Please accept the settlement with Microsoft.

Bringing this matter to a conclusion will help the economy and boost confidence in the stock market.

Thank you,
Kevin Greenhaw

MTC–00024457

From: Tony H
To: Microsoft ATR
Date: 1/25/02 12:21pm
Subject: Microsoft Settlement

All I can say its a BIG JOKE.
Users Lose
Microsoft Wins
Thank You
Tony Hromadka

MTC–00024458

From: Paul Dupuy, Jr.
To: Microsoft ATR
Date: 1/25/02 12:21pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Paul Dupuy
Software Engineer
Vancouver, WA

MTC–00024459

From: Lori Dupuy
To: Microsoft ATR
Date: 1/25/02 12:22pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the

current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

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While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Lori Dupuy
Mother
Vancouver, WA

MTC–00024461

From: Scott Tietjen
To: Microsoft ATR
Date: 1/25/02 12:22pm
Subject: Microsoft Settlement

Commentary due to the Tunney Act requirements:

I am a Consultant Computer Programmer/Analyst and Data Security Analyst. I have reviewed the proposed settlement with Microsoft, and have read many commentaries on it, and I am shocked that our government and nine states have given in to Microsoft in such an outrageous way. There is no possible chance that Microsoft will change its behavior in any noticeable way with the application of this settlement—they will in fact be left alone to do what they want, to whomever they want, any time they want, with no controls whatsoever, despite this ''review committee'' will do or say. This settlement does nothing to stem Microsoft's anti-competitive behavior—in fact, it provides so many large loopholes that you can drive a truck through them (and, Microsoft will drive many trucks through those loopholes). I will not go into any significant detail—my other collegues that have provided commentary that more than do justice to the topic.

In closing, I support the other nine states and their attorneys-general who disagree with the proposed settlement. Their proposals come a lot closer to actually restoring almost reasonable competition to the marketplace, although they are not perfect requirements either. I am of the camp that believes that Microsoft properly needs to be broken up into several smaller companies, that the industry and economy will not be harmed by such a breakup (just like AT&T, the industry will thrive after such a breakup), and that anyone that claims that harm will result from such a breakup is merely parroting Microsoft spin doctors.

—Scott Tietjen, West Haven, Connecticut

MTC–00024462

From: Christopher Fitch
To: Microsoft ATR
Date: 1/25/02 12:23pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I would like to comment on the proposed Microsoft Settlement. In the Antitrust trial, a number of findings were made. Further, upon appeal a number of facts were affirmed including that Microsoft has a monopoly on Intel-compatible PC operating systems, and that the company's market position is protected by a substantial barrier to entry. ''Furthermore, the Court of Appeals affirmed that Microsoft is liable under Sherman Act ? 2 for illegally maintaining its monopoly by imposing licensing restrictions on OEMs, IAPs (Internet Access Providers), ISVs (Independent Software Vendors), and Apple Computer, by requiring ISVs to switch to Microsoft's JVM (Java Virtual Machine), by deceiving Java developers, and by forcing Intel to drop support for cross-platform Java tools.'' (from Dan Kegel: http://www.kegel.com/remedy/remedy2.html)

Since Microsoft illegally maintained its monopoly, Microsoft enjoys a strengthened Barrier of Entry and little or no competition in the Intel-compatible operating system market. As such, the Final Judgement must remedy the situation by significantly reducing the Application Barrier of Entry and by greatly increasing competition in the market. The proposed settlement does not remedy either situation, and it actually strengthens their current monopoly and allows for new monopolies to be created. There are a number of areas that are flawed in the Proposed Settlement. A list of them is located here: http://www.kegel.com/remedy/remedy2.html

Some other problems:

* There is no provision for preventing an extension of Microsoft's monopoly into other areas. Any Microsoft products must be provided as additional-cost options with a new computer which allows for a user to not be forced into buying them if they do not wish to.

* There is no provision for opening Microsoft's current and future file formats so that any competitors'' applications can properly read/write/modify documents created using Microsoft applications.

* There is no provision for requiring Microsoft to publish, in entirety, the specifications for any networking protocols used in Microsoft's products.

One other critical flaw is the lack of any enforcement in the settlement and the lack of any serious punishment if Microsoft violates the terms of the settlement. In the Proposed Settlement, only investigative issues are covered. There are no mechanisms for punishing Microsoft if they violate any terms. This is akin to a convicted criminal (which Microsoft is) being told at a sentencing hearing that his only punishment is to agree to not commit the crime again, and if the criminal does commit the same crime, he will just be ''watched'' some more. Without any mechanism for punishment, Microsoft can easily violate the settlement terms with no fear of costs or consequences. The current Antitrust proceedings resulted from Microsoft's violation of a Consent Decree from 1995, and indicate a willingness by Microsoft to break the law to maintain their market share.

For years, it has been stated that computing is critical to the United States'' economic future, and as such, to the entire world. If we allow Microsoft to continue to impede competition and destroy innovation by accepting the Proposed Settlement, the country's future and perhaps the whole world's future are in danger of suffering significant damage from which it may take years to recover. Competition is vital to any important market and provides benefits to customers and to the economy. A great example of competition's benefits is in the area of Intel-compatible processors or CPUs. Intel and AMD are the two main competitors in this area, and their competition has had a large positive effect. Their products are better, cheaper, and easily available.

Finally, Microsoft has eliminated customers'' choices by restricting changes to applications bundled with their operating system and by forcing computer manufacturers to install their operating system through the use of restrictive contracts. One of the cornerstones of our country is freedom of choice. Microsoft has violated that right and must be prevented from violating freedom of choice any further.

In summary, Microsoft has been found guilty of violating the law. These violations and their damage to the market must be remedied, and future damage must be prevented. The Proposed Settlement does neither and MUST be rejected since it does not serve the public interest.

Thanks for your time,
Christopher Fitch
Senior Software Engineer
Memphis, TN

MTC–00024463

From: Marc Grubb
To: Microsoft ATR
Date: 1/25/02 12:24pm
Subject: Microsoft Settlement

Honorable Judge Kollar-Kotelly:

I would like to call to your attention what I feel are glaring omissions in the PFJ, which allow Microsoft to continue to dominate and monopolize in almost every market, allow exclusionary practices to continue, and fail to adequately punish Microsoft for its anti-competitive behavior. As a Macintosh user, I feel the effects Microsoft's strangle hold on the consumer software market every day. By using the Macintosh Operating System, I can avoid using Windows, though it is a constant struggle to avoid having to use Microsoft's Explorer for Web Browsing or Word and

Excel for Word Processing and Spreadsheets, which are just a few examples. Through their domination, they have virtually eliminated competition for consumer and small business software applications even within the Mac OS.

The PFJ is so vague that it only STRENGTHENS Microsoft's barriers to entry and WEAKENS competition. This hurts consumers and limits innovation and is contrary to the free market principles of our nation's economy. Please strengthen the PFJ to satisfy the Court of Appeal's mandate ruling ''a remedies decree in an antitrust case must seek to ''unfetter a market from anticompetitive conduct'', to ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future'' (section V.D., p. 99).

The PFJ, in its current form, does none of these things, thereby violating the public trust.

Thank you for your consideration.

Marc Grubb

Roslindale, MA

MTC–00024464

From: Mark Stevenson
To: Microsoft ATR
Date: 1/25/02 12:25pm
Subject: Microsoft settlement

The proposed settlement is a poor one because the ''remedies'' imposed are so unrestrictive and narrowly-defined as to let Microsoft continue with anitcompetitive actions with almost no change in corporate behavior. There is no sting, and there is no remedy in the proposed settlement.

Mark Stevenson

Fishers, IN

Personal computer consumer/enthusiast

MTC–00024465

From: William Buchanan
To: Microsoft ATR
Date: 1/25/02 12:25pm
Subject: Comment on Microsoft-DOJ settlement

I am outraged at the proposed ''settlement'' of this conflict. It makes as much sense to me as the first court conclusion in the OJ Simpson case. Gates has simply conned his way out of being found clearly guilty by the very expensive but well executed investigation of Microsoft's actions by the Clinton DOJ. Gates'' entire career is based on lying, cheating, stealing and bullying his way around in the consumer community. He has no scruples, other than continually doing anything he can to get the public's money in exchange for their purchases of Microsoft's so-called ''innovative'' products. These sub par products only appear to be innovative because he has used his wealth and maligned cunning to squash any legitimate competitors. Jackson's characterization of him as a ''little Napoleon'' is right on. And now for the corrupt tie between G.W. Bush and W. Gates (following White House meetings between the two) to surface as a ''just settlement'' thrown quickly before a war-distracted US public and its Congress, is really rubbing salt into a big wound.

Hooray for the valor of the states who are holding out and continuing to gun for a real ''just settlement'', in this case. The only reason the other states that originally were involved had to drop out is that the Gates machine is so well endowed, financially and legally, it is able to intimidate even a relatively large collective of public/legal representatives in its obsessive path of destruction. I'm glad to be a citizen of California, and able to watch my attorney general, Bill Locklyer, lead the charge against prematurely settling with Microsoft.

I would hope that the Federal DOJ could follow the same path in this case, but think that the eagerness of the current administration to satisfy Gates'' dreams of walking away unscathed from this situation are so far handing him his wishes, just as though it was a ''pardon''. If there is still such a value as ''justice'' in our US, then let it reign supreme. Require Microsoft to be held accountable for what it has already been found guilty of, and make it pay the full and responsible cost of having deliberately committed its heinous actions. And see to it that the Bush administration be held just as responsible and accountable for exercising its Constitutional requirement to uphold justice in this case. Anything less only brings to light that the Bush administration and Microsoft are colluding to dupe the taxpayer into believing that both are worthy of honor, a conclusion that is just not acceptable and well should not be.

CC:abraham fred,Jacobsen Dianne,Lips Rolf,Marasco Joe

MTC–00024466

From: pickens—kim@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 12:22pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,

Kim Pickens

1901 W Imhoff Rd

Norman, OK 73072

MTC–00024467

From: Chris Mayhall
To: Microsoft ATR
Date: 1/25/02 12:26pm
Subject: Microsoft Settlement—AOL Private Suit

The last thing our country and economy needs right now is yet another frivolous lawsuit that will surely do further damage to nearly everyone's retirement portfolio (particularly in light of recent events with Enron Corporation). Please dismiss the recent lawsuit file by AOL Time Warner against Microsoft Corporation, and ask that AOL Time Warner compete with technology instead of litigation.

Three important points should be noted regarding AOL Time Warner:

1. AOL purchased Netscape for $10 billion dollars in the midst of the DoJ trial, even after hearing concrete evidence that IE's success in the market was based on merit, not market share.

2. Microsoft has tried to with AOL in a variety of areas, including improvement of instant messaging interoperability and getting fair and open access to AOL's dominant cable assets.

3. AOL has repeatedly rebuffed Microsoft's efforts, to the detriment of consumers and the technology industry, and has turned to politics and litigation instead.

As a small-business entrepreneur, I view the relationship between Microsoft's Internet Browser (IE) and AOL's browser (Netscape Navigator) as a straight-forward, very tough, competition between two companies operating in a free-market arena. Nothing more.

AOL Time Warner needs to step up to the plate, quit whining (or rather, attempting to derail Microsoft and as a side-effect derail our economy via litigation), and come out with a superior browser and method for interacting with the internet. AOL Time Warner certainly has the financial assets to compete, and no doubt has technology and personnel to compete, AND has massive leverage in the form of its cable rights and media content (via Time Warner assets).

Do I file a lawsuit when my competition across town comes up with a better service? Hell no, I work longer hours, invest in newer technology, and get my &%$ in gear or else I'm out of a job and the vision that is my company goes down the tubes.

Sincerely,

Chris Mayhall

Applied Digital Photography, LLC

MTC–00024468

From: Michele Midofer
To: Microsoft ATR
Date: 1/25/02 12:26pm
Subject: Microsoft Settlement

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. The conclusions reached in the Revised Proposed Final Judgment is NOT in the public interest.

It encourages Microsoft's monopolitic ways to continue, and this is wrong.

Sincerely,

Michele Midofer

MTC–00024469

From: Ev Plant
To: Microsoft ATR
Date: 1/25/02 12:26pm
Subject: Microsoft Settlement
July 22, 2001
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

It is time to stop fiddling with the Microsoft antitrust lawsuit, while the American technology industry burns. I strongly support your leadership in directing your Department of Justice to settle this embarrassment. After three years of lawyering and three months of negotiations, I am glad that the parties, including my home state of Illinois, have agreed to what agreed to what may be the least flawed settlement possible.

Microsoft agreed to give up a great deal in the settlement. Were I in charge of Microsoft, I fantasize that I would have led out to maintain the principles of American free enterprise. However, I respect what Microsoft went through, and Microsoft's choice. Under the settlement, Microsoft sets a precedent as the first company to disclose to its competitors the code for its internal interfaces of an operating system, its popular Windows programs. Further, Microsoft will release its server interoperability protocols, and on a non-discriminatory basis license its copyrights and patents to other companies who might otherwise infringe. Microsoft will modify Windows XP and later to make it easy for others, including competitors, to add their own programs or remove Microsoft's programs integral to Windows. A three-person oversight committee will monitor compliance and field complaints from any party. I think at all of this is too much, but support Microsoft's decision to accept the settlement.

America has always been at the forefront of computer software development. Let's maintain America's leadership position. Your leadership was essential to reaching the settlement. Now your leadership can help convince the Federal Judge to accept the settlement. I appreciate your strong leadership.

Thank you.

Sincerely,

Everett Plant

20 Grand Circle

Danville, IL 61832

CC:fin@mobilizationoffice.com@inetgw

MTC–00024470

From: Al Yee
To: Microsoft ATR
Date: 1/25/02 12:27pm
Subject: Microsoft Settlement

Ever school child in America has been taught about fairness and justice and yet the American political system continues allow Microsoft to crush its rival. The legal system has proven Microsoft guilty so enforce the law and for once prove that the justice system is above politics.

MTC–00024471

From: Josh
To: Microsoft ATR
Date: 1/25/02 12:30pm
Subject: Microsoft Settlement

I just want to say that I disagree with the proposed settlement. I don't think I need to go into great detail as to why I disagree with it, I'm sure many others have already. My feeling is basically this: This settlement is equivalent to sentencing a serial killer to 100 hours of community service instead of the life sentence (or worse) that they deserve.

Joshua Fluty

Independent Programmer

Greenville, SC

MTC–00024472

From: gagetman33@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 12:26pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,

Donald Grempler

611 West drive

Glen Burnie, MD 21061–2034

MTC–00024473

From: Shilpa Tilwalli
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 12:33pm

To Whom It May Concern:

In accordance with the Tunney Act I am submitting my opinions on the proposed government settlement with Microsoft in regards to the pending anti-trust case.

I am firmly opposed to the current proposed settlement term in the Microsoft case. The terms do no fully redress the actions committed by Microsoft in the past, nor their ability to commit similar or anti-competitive actions in the future.

Many of the provisions in the current settlement will not effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. In view of Microsoft history of anti-comptetitive practices correcting this is vitally important.

A few issues that have been brought to my attention are:

1) The settlement does not take into account Windows-compatible competing operating systems. Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the settlement fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

2) The settlement Fails to Prohibit Anticompetitive License Terms currently used by Microsoft. Microsoft currently uses restrictive licensing terms to keep Open Source applications from running on Windows.

3) The settlement Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft. Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

4) The settlement Fails to Prohibit Anticompetitive Practices Towards OEMs. The current settlement allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

Please refer to http://www.kegel.com/remedy/remedy2.html for other issues that must be addressed for the settlement to be fair and equitable to all interested parties.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. I implore you to look into these and the other issues before before pursuing closure on this matter.

Thank you.

Shilpa Tilwalli

MTC–00024474

From: dave robinson
To: Microsoft ATR
Date: 1/25/02 12:31pm
Subject: Microsoft Settlement

To whom it may concern:

I believe that the proposed settlement is a bad idea. It will not prevent Microsoft from breaking antitrust laws in the future, or punish them for the illegal damage they have already done to companies in my area.

Thankyou very much for your consideration,

David Robinson

MTC–00024475

From: David Sullivan
To: Microsoft ATR
Date: 1/25/02 12:31pm
Subject: Microsoft Settlement

The proposed settlement is inadequate as it stands. There are a number of glaring flaws—for instance, the PFJ prohibits certain behaviors by Microsoft towards OEMs but allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system. But this means that the proposed remedy is little remedy at all for it allows Microsoft to continue to dominate the Intel based OEM market with abandon.

Please reconsider the proposed settlement.

David Sullivan

Associate Professor, MSCD

MTC–00024476

From: Christal Phillips
To: Microsoft ATR
Date: 1/25/02 12:32pm
Subject: Microsoft Settlement

the proposed settlement is bad idea !!!!

MTC–00024477

From: Caroline Lambert
To: Microsoft ATR
Date: 1/25/02 12:33pm
Subject: Microsoft Settlement

I am sending this email because I am concerned that the Proposed Final Judgement does not go anywhere near far enough to stop Microsoft's anti-competitive behavior. There are too many loopholes which others have

adequately described. Microsoft's only concern at the end of the day is how many dollars they can suck out of their customers. If the remedies are not made more severe, there will be no limit to the damage they will cause to consumers and the high tech industry in the future.

Caroline Lambert
IT Infrastructure Manager
Agilent Labs

MTC–00024478

From: Mike Zyphur
To: Microsoft ATR
Date: 1/25/02 12:33pm
Subject: Microsoft Settlement

To whom it may concern,

My name is:
Mike Zyphur
New Orleans, LA 70118

I am a Ph.D. student in Industrial and Organizational Psychology at Tulane University, a US citizen, and I do not agree with the proposed ruling. This settlement is a bad idea. If this settlement is the outcome of what was a very telling antitrust trial and fact-finding process by the DOJ then I am going to lose even more faith in the ability of the DOJ to be an island in a sea of corporate-sponsored governmental policy-making than has already been eroded by past DOJ actions. If the currently proposed ruling is allowed to stand, Microsoft will continue its subtle and publicly covert operation of stifling competition and innovation, and (for those who know a fair amount about technology and programming) blatantly produce some of the worst products on the market with virtually no competition that is adequately Windows compatable. Please, please, please, reconsider your proposed decision and be true to the name of your organization. The name that is, in this country, supposed to mean something: The Department of Justice. For how can we, as a nation, attempt to bring and preach justice throughout the world (as we are currently attempting to do) if we cannot even remain unbiased and just in our homeland?

Thank you for your time,
Mike Zyphur

The immature man desires to die for a cause. The mature man desires to live for a cause, humbly.

J.D. Salinger

MTC–00024479

From: jitrbugb@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 12:30pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Betty Norman
326 N. Evans
Pierre, SD 57501

MTC–00024480

From: Anne Dirkse
To: Microsoft ATR
Date: 1/25/02 12:34pm
Subject: Microsoft Settlement

I would like to express my sincere dismay at the injustice of the proposed settlement terms of DOJ vs. Microsoft. Such a settlement does nothing to remedy the stifiling impact that Microsoft has had on the industry. Quite the opposite, in fact It opens up a new audience for Microsoft in a market that they would very much like to permeate. Tecnology can and will do great things for this country, but the essence of its sucess should be the same essence that made this country great: freedom. By allowing Microsoft to continue their non-competetive practices you all but ensure that they will not only have increasing control over the operating system market but also that they will continue their attempts to obfuscate and disable other viable technologies, protocols and revolutionary ideas.

You must act now to make sure the Internet, and communications standards remain open to everyone. The following are critical to any agreement terms:

1. Any application or web service distributed by Microsoft which communicates over a network must first have its protocol approved and published by a fair committee. (The idea is not to hinder Microsoft's ability to create their own protocols, only to insure that other applications will compete on their relative merits.)

2. The committee will also provide a protocol compatibility suite (PCS) for the protocol.

3. No Microsoft product, patch, or web service may be distributed without first passing the protocol compatibility suite (PCS).

4. The latest Java Runtime Environment must be installed and configured on all future Microsoft products for the next ten years—including Java WebStart.

Sincerely,
Anne L. Dirkse
anne@annedirkse.com

MTC–00024481

From: barrie@siast.sk.ca@inetgw
To: Microsoft ATR
Date: 1/25/02 12:32pm
Subject: Microsoft Settlement

The Settlement does not go nearly far enough in punishing Microsoft for it's business practices. The Justice Dept, for political reasons only, completly caved on the settlement.

Bryce Barrie

MTC–00024482

From: Helen Traaen
To: Microsoft ATR
Date: 1/25/02 12:38pm
Subject: Microsoft settlement

Please settle with Microsoft and quit spending tax payers money on this long drawn out process, thank,,,,,

Helen Traaen

MTC–00024483

From: (q)Charles Hethcoat(q) (060)Charles Hethcoat
To:RFC–822=verify@*fxsp0;-kegel.com.microsoft.atr@usdoj.gov@i...
Date: 1/25/02 12:36pm
Subject: Microsoft Settlement

Name: Charles L. Hethcoat III
City: Houston
State: Texas
Title: Concerned citizen; Senior Engineer/Stress Analysis
Organization: Currently unemployed

To Whom It May Concern:

I have signed Dan Kegel's Open Letter to the DOJ because I fully agree with it. Microsoft is being rewarded, not punished. Now, as a part of this goofy ''settlement,'' the Pied Piper of Redmond is geing given the next generation of school children to do with as he wishes.

I say it's spinach and I say to Hell with it.

Cheers.
Charles Hethcoat

MTC–00024484

From: Matthew Jones
To: Microsoft ATR
Date: 1/25/02 12:37pm
Subject: Microsoft Settlement

I believe the current Microsoft settlement is not a good idea. Please review the settlement and make sure it meets requirements and standards of existing laws and regulations. When a corporation such as microsoft defies federal anti-trust laws and calls it aggressive business practices, something must be done about it. now is the time to hold microsoft accountable for their actions and see that the company does not continue in its illegal courses of action.

Thank you for your time
Matt Jones

MTC–00024485

From: ddaupert@csc.com@inetgw
To: Microsoft ATR
Date: 1/25/02 12:12pm
Subject: Microsoft is a monopoly.

Microsoft has been found guilty of monopolistic practices, but my government is set to reward its behavior.

The DOJ/Microsoft settlement is a disproportionately weak response to the harmful, predatory practices of that business entity. Most of the time I believe it is not in our best interests for the government to micromanage free market activities. But in this case, the actions of Microsoft have proven to be harmful to the marketplace community, and by extension the larger economy.

If my government fails to protect the interests of its citizens on such a hugely influential matter, that failure will corrode the trust its citizens place in it. Furthermore,

letting the monopolist off so lightly essentially codifies into law its monopolistic practices, and paves the way for further and more egregious activities.

It is my view that a structural response, such as breaking the company into operating system and application entities is not an unfair nor an uncalled for response. I believe Microsoft has proven in the past it is well capable of circumventing the rules other business entities follow in its predatory campaign to stamp out competition. Thus, I believe more conservative behavioral remedies will, in the end, prove no barrier to further illegal and egregious behaviors on the part of this entity.

Dennis Daupert

MTC–00024486

From: ayahone@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 12:35pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
F N Ingram
POB 12446
Odessa, TX 79768

MTC–00024487

From: sherbet—50@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/25/02 12:36pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Herbert Rowland
7565 Keating Dr.
Indianapolis, IN 46260–3300

MTC–00024488

From: Christopher Plummer
To: Microsoft ATR
Date: 1/25/02 12:33pm
Subject: Microsoft Settlement

Greetings,

I would like to submit the following as a Tunney Act comment regarding my opposition to the proposed final judgement against Microsoft:

As an information technologies professional for twenty years I have observed the rise of Microsoft and noted with concern many of its anti-competitive and monopolistic practices, only some of which have been addressed by the DOJ case.

In general I am convinced that the remedy proposed will not prevent Microsoft from unfairly maintaining its monopoly, not stop it from thwarting competition and innovation in the computer and every other industry it touches, and will not in the end prevent Microsoft from harming consumers by hindering their choices in the marketplace. The PFJ Contains Misleading and Overly Narrow Definitions and Provisions, Fails to Prohibit Anticompetitive License Terms currently used by Microsoft, Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft, Fails to Prohibit Anticompetitive Practices Towards OEMs, and as currently written appears to lack an effective enforcement mechanism.

Please go back to the drawing board and come up with a remedy that will actually protect and benefit consumers!

Thank you,
Christopher Plummer
Lotus Notes Administrator
Independent Contractor
Flemington, NJ USA

MTC–00024489

From: bsteinhour@santeccorporation.com@inetgw
To: Microsoft ATR
Date: 1/25/02 12:36pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Bill Steinhour
220 Malibu Street
Castle Rock, CO 80104

MTC–00024490

From: Tazanator
To: Microsoft ATR
Date: 1/25/02 12:40pm
Subject: Microsoft Settlement

sir;

I believe that the original proposal of splitting up microsoft into several smaller independant companies is truely what is needed in the intrest of fair play. The court records show they have run a monopoly and violated anti-trust laws and have continued to bully the computer market even during the trial. To belive they won't continue to do the practices that made them the largest in the business is a travisty to justice. In fact to belive they will change and be open to compition is to belive that the windows XP isn't them tring to fix the lemons in Windows 95. If they built cars you know they would have been pushed out of business by now for inferior support and a product that is very unstable. They have kept the markets closed thru their legal department and arm wrangling to the point that there has never been a chance for the american people to stand up and voice what we belive is a better product let alone a company to try to make a better product available to the people.

Please in the interest of the american idea of free competiton bust the microsoft monopoly into several smaller corporations. It would give the computers back to the people that created them allowing the programs to improve instead of repair what microsoft has crippled. —

MTC–00024491

From: Sam Mills
To: Microsoft ATR
Date: 1/25/02 12:40pm
Subject: Microsoft Settlement

Do not settle with microsoft. People who abuse the system must be held accountable.

Sam Mills

MTC–00024492

From: Cesar Rebellon
To: Microsoft ATR
Date: 1/25/02 12:41pm
Subject: comments

Just a quick comment on Microsoft— My feeling, for whatever it may be worth, is that Microsoft, intentionally or not, has so much market share that they inhibit the very competition that our country prides itself in promoting. Just my two cents worth...

Cesar J. Rebellon, M.A.
Applied Research Services

MTC–00024493

From: IVAN BOTVIN
To: Microsoft ATR
Date: 1/25/02 12:41pm
Subject: Microsoft settlement

Gentlemen, I understand that you are now in the process of reviewing the governments settlement with Microsoft. It is my opinion that the settlement is fair and should not be touched. Microsoft is a very important player in the growth of the computer industry. It has been the leader in developing the technology

that has brought the computer into the homes of a large percentage of our people. It also is an important source of foreign sales which helps us in our balance of payments problem. It has helped make American business more competitive with it's applications for them. In short, we need Microsoft and we need it with the ability to keep innovating. I support the settlement as it now stands.

Sincerely,
Ivan J. Botvin
5300 E. Weaver Dr
Centennial, CO

MTC–00024494

From: Andy Rosen
To: Microsoft ATR
Date: 1/25/02 12:40pm
Subject: Proposed settlement—unacceptable

To whom it may concern,

I have worked in the computer industry as a software engineer and systems administrator for over 15 years. I am writing to express my concerns about the proposed settlement by the Dept. of Justice and Microsoft. There are two primary goals in any anti-trust remedy: gains achieved through illegal means should be recovered and competition should be restored to the relevant market.

It is my strong belief that, if approved, the settlement would not penalize Microsoft in any way, nor would it restore competition to the relevant market. In fact, it would further entrench Microsoft's monopoly position and allow them, legally, to extend that position to new markets. The proposed settlement includes no penalties for Microsoft. They would simply be allowed to keep the countless billions of dollars they have acquired as a result of their illegal practices.

While the relevant market was defined as Personal Computer Operating Systems, the proposed settlement does nothing to restore competition to that market. Instead, it tries to ensure that third parties will have continued access to the information necessary to write application software for future Windows platforms.

It was shown in the trial that there is a significant ''applications'' barrier to entry. By helping companies write *more* applications for Windows we would be helping Microsoft to strengthen their position. Additionally, there are loopholes that even a casual observer can recognize. For example, Microsoft would be allowed to determine who will have access to new and existing system interfaces. In other words, they would be allowed to pick and choose who their competition will be in any application software market.

Microsoft would also be allowed to block all access to major portions of their interfaces by claiming they are part of system security, or virus protection, or content management, etc. As they have shown in the past, Microsoft is quite capable, and willing, to tie unrelated products together not for technical reasons, but to eliminate competition. Instead we should be taking steps to bring existing applications to platforms that attempt to compete directly with Windows, such as OS/2, Linux, BeOS, FreeBSD and UnixWare.

Microsoft had their year in court and were found guilty. The trial is over. The appeals process is over. Now is not the time for settlements. Now is not the time for judgment. Now is the time for remedy.

Andy Rosen <ajr@ajr.cx> Senior Software Architect and Systems Administrator
http://www.ajr.cx/pubring.asc

MTC–00024495

From: Carl Stewart
To: Microsoft ATR
Date: 1/25/02 12:41pm
Subject: The Microsoft Case

Hi there,

While I may not be a US citizen, I'm in Canada by the way. Microsoft has abused its monopoly and it should have a remedy put at it. And here's my proposed remedy for it.

1. Split it up into 3 companies. One for operating system products. One for Internet software. And the third for any other kind of software.

2. Make it open up the API for all of its operating systems, and future operating systems. So that programmers have the same chance to make great products as it does itself.

3. Any proprietary feature in its Browser that it has, it must open up so that competitors that make other internet browsers can have that same set of features. In other words, it has to submit it to W3C first, then if its approved, it can then add it to its browser. So then its competitors can have the same features as well.

4. When it gives out licenses to OEM's, it cannot limit the OEM to just having its operating system on the computer. This way if the OEM wants to put 2 operating systems on the computer to give its customer's a choice of which operating system to use, or to explore another operating system like linux, while still using windows.

5. Give the OEM's a choice of which browser to ship with the operating system. So if an OEM wants to ship Netscape instead of Internet Explorer, it can. And if the consumer wants to use Internet Explorer, then it can download it from Microsoft. Or at the very least, a stripped down browser, with basic download capabilities and html reading so that the consumer can choose which browser to use.

6. Open up the samba sharing system, so that competitors can have full access on how to implement it in their operating systems. Including how to access it from their operating system.

7. Microsoft cannot limit OEM's as to which software to include and not to include, for example Microsoft cannot give them a lower price or some other deal by only including Microsoft Office and not a competitors Office Suite.

Well there's my ideas on the type of remedy Microsoft should be given. Thanks for listening.

Regards,
Carl Stewart

MTC–00024496

From: chasmid@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 12:39pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Charles Middlebrooks
5005 Casa Grande Dr.
Dickinoson, TX 77539

MTC–00024497

From: Ed Boutros
To: Microsoft ATR
Date: 1/25/02 12:22pm
Subject: Microsoft Settlement

As a user of Apple computer products it should be noted Microsoft has not produced a version of their database called Access for the Macintosh. To many people this may seem insignificant, but what it does is eliminate the full integration of apple computers in business environments. The other point is that in the windows version of Outlook, the mail client, Microsoft created a networked calendar system, which again was not provided for the Macintosh mail client called Entourage. People may say so what, what I say these omissions were done on purpose to maintain Apple's niche status in the computer industry, since when an Apple computer is sold Microsoft generates no money from the transaction, but may my benefit from the purchase of their limited office suite. In order to level the playing field, the company needs to be split in 3 ways, one for operating systems, one for add on software and another for services like web tv and .net. The company has vast influence and must be monitored more closely, since now Microsoft now has the ability to shut off software that is purchased but not registered. There is always the possibility that at some point there could be massive computer shut downs if someone hacked into the activation system, or if a bug occurred in the activation system. This would represent a serious nation security risk to the national and world economy. The implications are serious.

Ed Boutros
24 Oak Brook Dr.
Ithaca, NY 14850
607–272–8902

MTC–00024498

From: Nall, Clinton (SCH)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 12:45pm
Subject: Microsoft Settlment

I would like to register my disappointment with the current proposed final judgement in this case. The terms API and middleware are

so narrowly defined as to make the impact of this judgement minimal to Microsoft. If anything, it will be licensed to continue it's anti-competetive practices with impugnity. Any settlement that does not toss out Microsofts preload agreements and open their office suite formats and networking protocols to the light of day will be a travesty and will pave the way for many more years of the Microsoft non-benevolent monopoly.

Go back and get it right!

Clint Nall
250 Fairfax Drive
Alpharetta, GA 30004

MTC–00024499

From: Kevin Carter
To: Microsoft ATR
Date: 1/25/02 12:43pm
Subject: Microsoft Settlement

RECOMMENDATION: Reject the current proposal. Two facts lead to one conclusion my recommendation:

FACT 1: Microsoft Corporation has proven itself to be a powerful and dangerous force because of the many ways it has leveraged its monopoly in Windows OS-dependent markets.

FACT 2: The current potential settlement between Microsoft Corp. and the U.S. Department of Justice proposes to maintain that dynamic in the long term and impose short-term restraints based on regulatory oversight. CONCLUSION: The current proposed settlement between DOJ and Microsoft Corp. will fail to put an end to the illegal monopoly; fail to prevent a return to anticompetitive behavior; fail to deny the violator the benefits of its illegal actions; and fail to ensure competition going forward.

RECOMMENDATION: Reject the current proposal.

Thank you.
—Kevin Carter
—18 Longfellow Road
—Arlington, MA 02476

MTC–00024500

From: Travis Morgan
To: Microsoft ATR
Date: 1/25/02 12:46pm
Subject: Microsoft Settlement

The proposed settlement for the Microsoft Anti-Trust case is outrageous and should not be allowed!

Travis Morgan
CIO, Inc.
Main Line: 913.962.6222
New Direct Dial: 913.562.5645
Turning Systems into Solutions
www.cioinc.com <http://www.cioinc.com/
Please make note of our new address:
11656 West 75th Street
Shawnee Mission, KS 66214

MTC–00024501

From: bruceleev823@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 12:43pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
bruce venable
26311 judy circle
romulus, MI 48174

MTC–00024502

From: Robert K. Murawski
To: Microsoft ATR
Date: 1/25/02 12:46pm
Subject: Microsoft Settlement

The settlement falls short.

Robert K. Murawski
Research Assistant
Physics Department
Stevens Institute of Technology
Hoboken, NJ 07030
work 201.216.5657
fax 201.216.5638

MTC–00024503

From: GO2GARCIA@
HOTMAIL.COM@inetgw
To: Microsoft ATR
Date: 1/25/02 12:44pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jose Garcia
245 N RIDGEWOOD PLACE
APT. #110
LOS ANGELES, CA 90004–4045

MTC–00024504

From: macworks@telocity.com@inetgw
To: Microsoft ATR
Date: 1/25/02 12:48pm
Subject: Settlement unjust!

Re-instate the original verdict and recommendations of the trial judge. Microsoft should be broken up into a operating system company, and an applications company. The Explorer browser and interface should be removed from the operating system to become a standalone application. Substantial fines should be levied against it for the outrageous misconduct engaged in by Microsoft.

Thanks for listening!

MTC–00024505

From: Steve Meyer
To: Microsoft ATR
Date: 1/25/02 12:49pm
Subject: Microsoft Settlement

I am completely perplexed at the actions of AOL. It is so obvious that AOL (among others) is using the Justice Department/States Atty Generals'' offices to act as its private outside counsel in its battle against Microsoft, that it's hard to for me to believe that no one in the government can see what's occurring. This is pure economic politics on the part of the hold-out states and economic blackmail on the part of AOL; and as a taxpayer, I find it offensive that AOL has been using my tax dollars to boost earnings that it cannot get in the marketplace via old-fashioned competition.

If the hold-out states are truly interested in stamping out anti-competitive practices, they need to look no further than their AOL bedfellow. Weren't they the ones who promised open access if they were allowed to acquire Time-Warner? Didn't they promise to allow other instant messaging vendors access to their IM system so we all could benefit? They can't have it both ways. You can't claim Microsoft is anti-competitive in one market while AOL is doing the same thing in another market.

For the record, I don't own Microsoft stock (nor have I ever), but I do use their products daily which is why I, and thousands like me, have jobs today.

Pull the back the covers and stop the charade.

Steve Meyer
Communication Partners, Inc.
858–673–2266 x110

MTC–00024506

From: Barron Koralesky
To: Microsoft ATR
Date: 1/25/02 12:44pm
Subject: Microsoft Settlement

To whom it may concern—

I am firmly against the current Microsoft settlement. The penalties do not at all address Microsoft's misdeeds in the past. Moreover, it allows them to futher gain footholds in other markets. Thereby —increasing— thier monopoly status.

Please rethink the settlement terms.

Thank you,
—Barron Koralesky
Barron Koralesky
AIA[Science]
Macalester College

MTC–00024507

From: Timothy A. Musson
To: Microsoft ATR
Date: 1/25/02 12:50pm
Subject: Microsoft Settlement

I would like to voice my opinion that Microsoft should be severely punished for their anti-competitive actions. The corporate ''citizen'' that is Microsoft has used its

monopoly to severely injure fellow corporations, and thus has hurt consumers. Their actions warrant heavy financial penalties (real dollars to be spent completely freely by the recipients, not donated software and old computers) and oversight.

Thank you,
Timothy Musson
1900 E 30th St. #601
Cleveland, OH 44114 —
Timothy A. Musson
NASA's John Glenn Research Center at Lewis Field
Software Engineer
Zin Technologies
216–977–0608
mussont@zin-tech.com

MTC–00024508

From: shirleyb3@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/25/02 12:47pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Shirley Basista
8623 Hollis Lane
Brecksville, OH 44141–2031

MTC–00024509

From: clrunger@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 12:48pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Carol Runger
24372 N 113th Pl
Scottsdale, AZ 85255

MTC–00024510

From: A. Corkins
To: Microsoft ATR
Date: 1/25/02 12:51pm
Subject: Microsoft Settlement
Dear Judge Kollar-Kotaly:

I'm a Network Engineer working for a large networking equipment provider. I'm writing to express my disagreement with the Proposed Final Judgement for the Microsoft AnitTrust Lawsuit.

After all the effort that has been expended and the findings of numerous Courts that Microsoft in fact established an illegal monopoly. This PFJ does not go far enough to remedy the past wrongs, nor create sufficient provisions to curtail its behavior in the future.

I am very much in favor of free markets and competition, and allowing those that win by establishing new technologies that clearly benefit society from profiting from their efforts. I work for a large networking company that is clearly the leader in its industry, and I also enjoy the fruits of our collective efforts and am proud of how we have benefitted society as a whole.

Microsoft though has sought to maximize its profits and market dominance, through methods which I believe compromise the delicate ethical balance between the benefits of competing in free markets and benefitting society.

Their predatory practices of using their market strength to wrestle Intellectual Property from competitors and partners, they have violated all kinds of fairness standards in my mind. I don't mind seeing weak companies and products being beat, that is certainly a normal and healthy part of business. But when those that might develop competing products are bribed not to do so, are we really better for that? The PFJ supposedly addresses this, disallowing Microsoft from paying people not to develop code, but then allows it if it is ''reasonably necessary''. But there is no provision for who decides this standard.

The ''bolting'' of IE, where Microsoft feigned ignorance in allowing people to use other HTTP browsers in my opinion was again abuse of their OS monopoly. IE is an inferior product to some of the other browsers that are no longer being advanced, because Microsoft (who is supposed to be serving its customers well with its OS product), creates barriers to ease of use for other browsers.

Their pre-installation of ''middleware'' products that can't be removed is yet another area I believe the PFJ doesn't sufficiently address.

Please do not allow this PFJ to go forward in its current form, this would be a dis-service to the General Public.

Best Regards,
Adam Corkins
PO Box 640244
San Jose, CA 95164
408–527–5098
CC:microsoftsettlement@alexbrubaker.com@inetgw

MTC–00024511

From: Philip Sekar
To: Microsoft ATR
Date: 1/25/02 12:53pm
Subject: Microsoft Settlement
Dear Mr. Hesse,

There is an old saying:'' Do not beat the cow that feeds you with milk''.

I am a consumer. As a consumer all I need is the best software for a good price. Bill Gates has provided this to me. I am not alone. We have millioons of people around the whole world who depend on Microsoft Products.

Bill Gates is one of the major contributors to our economy. It is totally unwise to hurt him. I have used Netscape Communicator. My computer was crashed. Netscape Communicator is not as good as Microsoft Internet Explorer. Therefore, if Netscape is not up ro the mark, why should Micrsoft be Punished?

Please spare Microsoft. Please Do not beat Microsoft.

Thank you .
Sincerely,
Philip c. Sekar,Ph.D

MTC–00024512

From: William keith
To: Microsoft ATR
Date: 1/25/02 12:55pm
Subject: Microsoft Settlement
Gentlemen,

Enough is enough regarding the attempted AOL/Netscape interference with the settelment of the Microsoft case. It should be remembered that the ''injured'' netscape was sold for an enormous amount of money during the litigation over it's ''injury by Microsoft''. If the company that bought it thought it was so ''injured'', why did they pay so much money for it? The simple fact is, Netscape is not as good as the Microsoft product, and people do not want to buy it. Please proceed with the settlement, disregarding the attempt to prolong it by AOL.

William N. Keith
HC 1
Box 650
Pontiac MO 65729
417–679–3421

MTC–00024513

From: Michael Thomas (San Diego)
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/25/02 12:58pm
Subject: Microsoft Settlement
To whom it may concern:

I would like to make my comments against the proposed Microsoft Settlement of the Antitrust suit against them, pursuant to the Tunney Act. I oppose the Settlement in its current form.

The Proposed Final Judgment (PFJ) has many issues that do little or nothing to prevent Microsoft from continuing their monopoly of the personal computer operating system market, and is therefore —not— in the public's interest. I agree with all of the problems identified by Dan Kegel's

analysis of the PFJ (on the Web at http://www.kegel.com/remedy/remedy2.html).

I would like to expound on one of the issues that affects my interests the most. If I would like to purchase a computer from any of the major Original Equipment Manufacturers (OEMs) in the market (Gateway, Dell, HP, Compaq), but would like to get a computer with a freely available Open Source Operating System (such as Linux, OpenBSD, etc.), I am unable to do so. This is because these OEMs have found it fiscally unfeasible to offer such alternative Operating Systems.

I would like to point out the oddity of the statement that an OEM can not sell a computer with an operating system that incurs no cost to them, because it is fiscally unfeasible. This unfeasibility derives from the fact that these OEMs entered into contracts that allow them to purchase a Windows Operating System at a lower price, due to Market Development Allowances— in effect, discounts. These contracts prevent the OEMs from selling other Operating Systems, by threatening to no longer sell them the Windows Operating System at a lower cost, effectively raising the cost of their manufactured PCs, which leads to fewer sales for that OEM (due to competition amongst the OEMs).

The PFJ has no recourse for this issue, and in fact allows such things. The PFJ prevents Microsoft from retaliating against OEMs that ship computers that have a Windows Operating System —and— a non-Microsoft Operating System, but makes no mention for computers that have —only— a non-Microsoft Operating System. Microsoft is given free reign to retaliate against OEMs that want to sell machines in a configuration that will have either a Windows Operating System or a non-Microsoft Operating System. This is not the way to prevent Microsoft's monopoly from continuing. Instead, it furthers it, allowing Microsoft to force OEMs to sell computers that contain their products.

This is but one of the many things I find problems with in the PFJ. Again, I oppose the PFJ in its current form. Please consider this my plea to reconsider, and to work to make a stronger, PFJ to better serve the public's interest.

Michael J. Thomas
San Diego, CA

MTC–00024514

From: Deanna St. Louis
To: Microsoft ATR
Date: 1/25/02 12:57pm
Subject: Microsoft Settlement

Please uphold the the ruling in the Microsoft Lawsuit. The settlement is fair, and further action, such as breaking Microsoft up or stiffer penalties, would lead to higher costs for both consumers and for businesses. As a computer user, I have not seen the evidence that they state in this lawsuit. I use a variety of software from many different manufacturers. Through the years I have used, and still do, a variety of browsers. Internet Explorer is the browser that I prefer for my general web surfing. This is only because I prefer it to Netscape. Before Netscape or IE, I used Mosaic and Spry Mosaic. I have also experienced other browsers, such as Genii and have written my own browser in Java. All these browsers were free, even before Netscape or IE existed. I downloaded them legally free, received them bundled with a software program, or got them from an ISP. When Netscape became available, I changed from Spry Mosaic. At that time, it had a better interface and more functionality. I then tried Internet Explorer. At first, I did not like IE as much and I was also used to Netscape. However, I continued to use both browsers equally depending on what mood I was in that day. Then newer versions of IE came out with functions and a more professional appearance that I preferred to Netscape's interface. I believe that they were not improving Netscape in its functionality or design. Both browsers installed has not caused my computer to become unstable. Throughout the years, I never noticed any problems with downloading or getting any browser free and legally, including finding the links to download them. I also, did not purchase other software programs that I use, such as Corel's Word Perfect Suite because it had Netscape or Microsoft's Office because it included IE. Today, I use IE. I still have Netscape installed and use it to test Web Site Development. Because the browser now comes as a part of Windows is not the reason that I prefer it, as I started to prefer IE's functionality far before this occurred. In my position I also have to know about a variety of software programs, including browsers. I use Linux, and Windows as operating systems. I have found that Windows to be more user friendly. Costs to businesses that had employees who must learn Linux or both operating systems would be high. However it is an alternative operating system for those who want to use it. In that Linux is available, I do not feel that Microsoft has been curtaining software development. I also am concerned that needing to create new chipsets to run new operating systems or different versions will drive the cost of computers up. I am sure that Hardware manufacturers pass the cost of this research and manufacturing onto the general consumer. Unix has the monopoly on the Internet as it runs on more servers than Microsoft products. I do not feel that Microsoft is curtailing the creativity or competition of software developers. The information that Microsoft has provided in their knowledge base on their product is beyond what most other companies provide to their customers. I appreciate this aspect of Microsoft. Other companies provide little information, and often require a consumer to pay for their repair services for their software products. Giving information about the product would not be a large financial burden to them. Microsoft has been extremely fair to the consumers of their products. I have had OEM's make changes to the Operating System to make their bundled software run. It has been my experience that this has lead to severe instabilities in the operating system. Our financial world and industry depend upon the stability of that operating system. I feel that any advancement toward this end, whether it is integrating the browser or not allowing changes to the start-up screen is very important.

Computers are not easy to troubleshoot when something goes wrong. It simply makes the technicians job harder and adds more costs to businesses. They can already make enough changes to the windows desktop, to satisfy most general office workers and computer users. Since the world economy and my own work relies upon the stability of the operating system, some standardization may need to be done to continue to provide this growth.

As someone who has used computers, taught computers, developed programs in java, c++, and c, I have not seen the evidence of the issues in the lawsuit. I can only feel that this has been done for other reasons. Since some businesses have made bad business decisions or not produced a superior product, Microsoft should not be broken up or undergo further penalties.

MTC–00024515

From: Ryan VanderMeulen
To: Microsoft ATR
Date: 1/25/02 12:58pm
Subject: Microsoft Settlement

Like many other people I'm sure you've already heard speak out, I don't understand how you can say the proposed settlement with Microsoft is fair and just. For as much of my tax dollars that went into fighting them in court and ruling against them, I don't see anything to show for it. Since when does the court allow the guilty to choose their own punishment? I strongly urge you to please reconsider your previous judgment and to do something that will actually punish Microsoft for the horribly anticompetitive actions they've undertaken.

-Ryan VanderMeulen

MTC–00024516

From: Jason Edwards
To: Microsoft ATR
Date: 1/25/02 12:59pm
Subject: Microsoft Settlement

I would like to comment on the Proposed Final Judgement(PFJ). First I hate buying a new computer and not having a choice for the operating system. I think this settlement will help give people a choice in operating systems. While the PFJ prevents Microsoft from changing it's commercial relations with an large OEMs if that OEM is shipping a system with Windows and a non-Microsoft OS, or with more than one OS, it does not prevent Microsoft from changing it's relations with the OEM if the OEM is shipping a system with only one non-Microsoft OS. Additionally, the PFJ does not prevent Microsoft from changing it's relations with small ''hometown'' OEMs. Please consider these things into consideration when the final judgement is made.

Sincerely,
Jason Edwards
Software Engineer, Utah Interactive
801–983–0275
68 South Main Street SALT LAKE CITY, UT 84101–1525

MTC–00024517

From: Lou Ceci
To: Microsoft ATR
Date: 1/25/02 12:59pm
Subject: Microsoft Settlement

I am writing under the Tunney Act concerning the proposed Microsoft Settlement (United States v. Microsoft Corp., Civil No. 98–1232). I believe the settlement is inadequate and unjust. It will not serve to end Microsoft's unlawful conduct, and does not adequately penalize Microsoft for its unlawful conduct. I am writing this to officially note my opinion as allowed by the Tunney Act.

Sincerely,
Louis G. Ceci

MTC–00024518

From: Jan Robison
To: Microsoft ATR
Date: 1/25/02 1:02pm
Subject: Microsoft settlement
2470 Caladium Drive
Atlanta, GA 30345
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The last thing the economy needs is for Microsoft to suffer damage at the hands of the federal government. If Microsoft is punished to the extreme for their antitrust violations, the consumer will suffer and the technology industry will receive a crippling blow. Last November, a settlement was proposed that allows Microsoft to remain intact, but prevents future antitrust violations. I do not believe that further action is necessary on the federal level.

The settlement provides means through which computer makers and software producers will be able to compete fairly with Microsoft, either by operating within the Microsoft framework, or working independently. For example, Microsoft has agreed to reformat future versions of Windows so that non-Microsoft programs will be supported within the operating system. Microsoft has also agreed not to take retaliatory action in the event that software should be introduced into the market that directly competes with Microsoft technology. I believe the settlement is generous on Microsoft's part, and I do not wish to see this generosity taken advantage of. I do not believe litigation should be continued against the Microsoft Corporation. Those who are currently seeking to undermine the settlement do so for their own profit and not for the greater good. I urge you to support the settlement. It is time to move on.

Sincerely,
Janet Robison

MTC–00024519

From: fmr@mtcw.org@inetgw
To: Microsoft ATR
Date: 1/25/02 12:58pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Frank M. Rich, III
114 Lenape Drive
Lansdale, PA 19446

MTC–00024520

From: Tom Yahnke, Sr.
To: Microsoft ATR
Date: 1/25/02 1:01pm
Subject: Microsoft Settlement

Hello,

I state my opposition to the proposed settlement as follows: The settlement as proposed allows Microsoft to keep their ill-gotten gains. MS has made far more money by illegally leveraging their monopoly power than this litigation has cost them. No amount of new rules, guidelines or increased oversight will change this. If the settlement goes forward as it now stands, they will have come out ahead by billions of dollars. What's a few million in legal fees compared to the billions they've garnered by illegally leveraging their position?

The ''security'' provision is an enormous loophole. This section of the settlement is so broadly worded that Microsoft can and will drive a truck through it. Word has recently leaked from Redmond that ''security will now be a fundamental part of everything we do.'' While I applaud this change from their previous ''see no evil'' policy, one must question the implications of its timing. If Code Red, Nimda, and a million email viruses didn't cause them to do this, why now? The answer is clear. If security related technology is exempted from disclosure...

Microsoft does not negotiate in good faith. How many consent decrees and other such agreements were broken before the current suit was filed? Why should we believe that they will follow either the letter or spirit of the proposed settlement, given their past behavior? If they violate the terms of the settlement, how many years will the ensuing litigation take? How many more billions will they glean from their illegal practices in the time that takes? How many more consumers and businesses will be shackled to their revenue stream in that time? Microsoft's negotiations should be given as much credence as the testimony of a convicted perjurer.

The public has a golden opportunity here to curb the abuses of an otherwise untouchable monopolist. Please do not squander it out of any desire for expediency.

Thank you.
—TY

MTC–00024521

From: gprechel@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/25/02 12:58pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Gordon Prechel
777 E. Thomas Rd.
Phoenix, AZ 85014

MTC–00024522

From: Jason Hummel
To: Microsoft ATR
Date: 1/25/02 1:02pm
Subject: Microsoft Settlement

Microsoft's stranglehold on the computer industry is stifling competition in almost every sector of the computer field. The proposed settlement is incredibly light and will not deal with their anticompetitive practices at all.

Jason Hummel

MTC–00024523

From: Franz
To: Microsoft ATR
Date: 1/25/02 1:02pm
Subject: Microsoft Settlement

I support the current settlement between Microsoft and the Department of Justice. The settlement provides a fair and reasonable outcome of the case. The settlement will deliver what the DOJ intended to receive without limiting the competition in the market. One has to keep in mind that the ruling will not only effect the way Microsoft can and will do business, but also how the competition and new industries will have to conduct themselves. In my opinion, it's the consumer who is still able to make a decision and they will chose the best and least expensive solution. Other companies are free to develop and market better solutions and the market will take care of this. Any limitation of one company alone will not be just. It will have to be a solution which is valid for all and will also be relevant for the future, no matter which company or product will have the highest market share.

Regards
Franz Rau
Redmond, WA

MTC–00024524

From: Mariette Knoblauch
To: Microsoft ATR
Date: 1/25/02 1:04pm

Subject: Microsoft Settlement

My thoughts are that the proposed settlement in the Microsoft case is completely inadequate. It ignores the damage Microsoft's past anti-competitive practices have done in the past to competing systems (OS/2 and Amiga, for example), and does not do enough to prevent future anti-competitive practices. Any fair settlement must allow competitors access to the desktop and to the APIs, and must contain provisions for oversight of Microsoft's dealings with competitors and OEMs.

Mariette Knoblauch

MTC–00024525

From: Shane Williams
To: Microsoft ATR
Date: 1/25/02 1:04pm
Subject: Microsoft Settlement

I am writing to indicate that I believe the proposed Microsoft settlement is insufficient, contains loopholes and does not properly ensure a fair market for competitors. A number of the flaws with the settlement are listed at http://www.kegel.com/remedy/letter.html (which I have co-signed).

In addition, I would like to emphasize a few problems in particular. First, I strongly believe that one of the keys to creating a fair playing field for Microsoft's competitors (both in the OS and application markets) is opening ALL the APIs in all of Microsoft's OSs. Application developers have long believed that Microsoft (MS) has held back a number of ''secret'' APIs that allow its software to run more effectively and smoothly on its OSs. In my expereience as a computer user I strongly believe this to be the case. Forcing MS to document such APIs openly and completely will place non-MS application developers on the same footing as MS application developers. In addition, open and complete API documentation would allow competing operating systems to implement similar APIs in the own code. Such non-Microsoft implementations of Microsoft APIs would allow software written for Microsoft operating systems to be significantly more compatible with competing operating systems. In order to not put microsoft at a disadvantage by requiring that only it release full API documentation, the settlement could stipulate that any competing operating system wishing to implement Microsoft's APIs should also make their APIs open and available.

On another note, I am greatly disappointed by the lack of a punitive facet to the proposed judgement. The Findings of Fact in this case clearly indicate that Microsoft abused its monopoly powers to increase it profits and keep out competitors. Furthermore, Microsoft's conduct during and since the trial would seem to indicate no sense of remorse over their actions. To this day they still paint this legal battle as the big government vs. ''the right to innovate'' rather than out of control monopoly vs. truly free markets. I strongly believe that corporations who not only violate antitrust laws, but continue to flout such restrictions should be punished. Further, if we follow the Findings of Fact that Microsoft's actions helped it strengthen its market position, it is only reasonable to assume that such strengthening led to an increase in Microsoft's profits, even if indirectly. For instance, it is worth noting that since Microsoft's market position has strengthened over the last decade, the prices of their products has increased at a rate beyond simple inflation. This price-gouging is precisely one of the results that antitrust laws were desgined to prevent.

Thank you for you consideration of these points regarding the proposed DOJ settlement with Microsoft and I look forward to hearing about changes to the currently proposed remedies. —

Shane Williams
Systems Administrator UT-GSLIS
Public key #7BBC68D9 at
http://pgp.mit.edu/

MTC–00024526

From: Rodney Gooding
To: Microsoft ATR
Date: 1/25/02 1:04pm
Subject: Bad idea for government settlement

Hi

I wish to voice my objections too the government's settling of the Microsoft anti-trust case as Microsoft still hasn't made any changes necessary as ruled prior with regards to the Microsoft vs. Netscape cases.

What hope is their that any settlements now will be fulfilled. Unless you really allow competition, we are all going to be paying ridiculous pricing for software as their will be no real choice..

Thanks, rodney gooding
Real media user
Opera browser user
Linux user

MTC–00024527

From: Flores, Herbert
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/25/02 1:05pm
Subject: Microsoft Case
Herbert D. Flores
MCSE, MCT, CNE, CNI, CTT
ITD—St. Network Engineer x 6405
Sony Electronics, San Jose
CC: Flores, Herbert
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue
Washington, DC 20530

Dear Mr. Ashcroft,

I understand that the settlement that was recently agreed to between the federal government and the Department of Justice is currently undergoing a sixty-day public comment period. It is my hope that when this period is over, the court will accept the settlement.

The settlement is fair and reasonable and is a far better alternative to breaking- up the company. The settlement was reached after intense negotiation and does not let Microsoft ''off the hook,'' as some of its adversaries are claiming. Not only does the settlement address the all of the complaints in the original lawsuit, but Microsoft has agreed to measures not even at issue in the original case. First and foremost, Microsoft has agreed to share portions of its patented code for the Windows operating system. On a more pedestrian note, it has also agreed not to enter into any agreements obligating any third party to distribute or promote Windows technology exclusively or in a fixed percentage. Furthermore, it has agreed not to retaliate against software developers that develop or promote software that competes with Windows. These measures should appease Microsoft's competitors.

A Microsoft break-up is not necessary. To do so would have seriously compromised the integrity of its operating system that would have disastrous consequences for everyone. This settlement is a far better alternative.

Sincerely,
Herbert Flores
Owner

MTC–00024528

From: adam bowker
To: Microsoft ATR
Date: 1/25/02 1:06pm
Subject: Microsoft Settlement

To whomever it may concern,

I am against the proposed final judgment in US vs. Microsoft. I feel the damage Microsoft has done to the software and OS marketplace is incalculable, and the proposed settlement does little to correct it. I don't feel the settlement levels the playing field for competing operating systems or office software, and would like to see a much stronger penalty imposed. The proposed settlement does not sufficiently relieve Microsoft of the ability to leverage hardware and computer manufacturers unfairly against competing products, nor does it adequately open the Windows API to programmers.

Adam Bowker
Dover, NH

MTC–00024529

From: Jon Laufersweiler
To: Microsoft ATR
Date: 1/25/02 1:06pm
Subject: Microsoft Settlement

Hello,

I state my opposition to the proposed settlement as follows: The settlement as proposed allows Microsoft to keep their ill-gotten gains. MS has made far more money by illegally leveraging their monopoly power than this litigation has cost them. No amount of new rules, guidelines or increased oversight will change this. If the settlement goes forward as it now stands, they will have come out ahead by billions of dollars. What's a few million in legal fees compared to the billions they've garnered by illegally leveraging their position? Why should they change their behavior if it continues to be profitable in spite of antitrust litigation?

The ''security'' provision is an enormous loophole. This section of the settlement is so broadly worded that Microsoft can and will drive a truck through it. Word has recently come from Redmond that ''security will now be a fundamental part of everything we do.'' While I applaud this change from their previous ''see no evil'' policy, one must question the implications of its timing. If Code Red, Nimda, and a million email viruses didn't cause them to do this, why now? The answer is clear. If security related technology is exempted from disclosure...

Microsoft does not negotiate in good faith. How many consent decrees and other such agreements were broken before the current suit was filed? Why should we believe that

they will follow either the letter or spirit of the proposed settlement, given their past behavior? If they violate the terms of the settlement, how many years will the ensuing litigation take? How many more billions will they glean from their illegal practices in the time that takes? How many more consumers and businesses will be shackled to their revenue stream in that time? Microsoft's negotiations should be given as much credence as the testimony of a convicted perjurer.

The public has a golden opportunity here to curb the abuses of an otherwise untouchable monopolist. Please do not squander it out of any desire for expediency.

Thank you.

—Jonathan Laufersweiler

MTC–00024530

From: evil_spock@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 1:04pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Robert Giramma
16 Crestview Avenue
Medway, MA 02053–1431

MTC–00024531

From: za60@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 1:04pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Alex Zappavigna
9250 Dunhill Ct.
Colorado Springs, CO 80920

MTC–00024532

From: Maureen Yahnke
To: Microsoft ATR
Date: 1/25/02 1:07pm
Subject: Microsoft Settlement

Hello,

I state my opposition to the proposed settlement as follows: The settlement as proposed allows Microsoft to keep their ill-gotten gains. MS has made far more money by illegally leveraging their monopoly power than this litigation has cost them. No amount of new rules, guidelines or increased oversight will change this. If the settlement goes forward as it now stands, they will have come out ahead by billions of dollars. What's a few million in legal fees compared to the billions they've garnered by illegally leveraging their position? Why should they change their behavior if it continues to be profitable in spite of antitrust litigation?

The ''security'' provision is an enormous loophole. This section of the settlement is so broadly worded that Microsoft can and will drive a truck through it. Word has recently come from Redmond that ''security will now be a fundamental part of everything we do.'' While I applaud this change from their previous ''see no evil'' policy, one must question the implications of its timing. If Code Red, Nimda, and a million email viruses didn't cause them to do this, why now? The answer is clear. If security related technology is exempted from disclosure...

Microsoft does not negotiate in good faith. How many consent decrees and other such agreements were broken before the current suit was filed? Why should we believe that they will follow either the letter or spirit of the proposed settlement, given their past behavior? If they violate the terms of the settlement, how many years will the ensuing litigation take? How many more billions will they glean from their illegal practices in the time that takes? How many more consumers and businesses will be shackled to their revenue stream in that time? Microsoft's negotiations should be given as much credence as the testimony of a convicted perjurer.

The public has a golden opportunity here to curb the abuses of an otherwise untouchable monopolist. Please do not squander it out of any desire for expediency.

Thank you.

—Maureen Yahnke

MTC–00024533

From: Keith E. Risler
To: Microsoft ATR
Date: 1/25/02 1:07pm
Subject: Microsoft Settlement
EMAIL TO: microsoft.atr@usdoj.gov
RE: Microsoft Settlement
FROM: KEITH E. RISLER
DATE: 25 January 2002

These comments are supplied as part of the public comment process required by the Tunney Act, and refer to the proposed settlement of the antitrust trial involving Microsoft Corporation.

As you are likely aware, Microsoft Corporation maintains a mailing list that it refers to as the ''Freedom to Innovate Network.'' During the long period involving its antitrust trial, Microsoft Corporation has sent many ''FINFlash'' mailings (the term FINFlash being coined by Microsoft itself in such mailings) to persons on their ''FINFlash'' list.

Microsoft has recently been dispatching FINFlash mailings encouraging people on the FINFLash list to submit comments on the proposed settlement, as permitted by the Tunney Act. Microsoft noted in a FINFlash I received on December 31, 2001 that:

''The law (officially called the Tunney Act) requires a public comment period between now and January 28th after which the District Court will determine whether the settlement is in the ''public interest.'' Unfortunately, a few special interests are attempting to use this review period to derail the settlement and prolong this litigation even in the midst of uncertain economic times. The last thing the American economy needs is more litigation that benefits only a few wealthy competitors and stifles innovation. Don't let these special interests defeat the public interest.''

Although I do not agree with Microsoft's unsupported assertion that ''special interests'' seek to defeat the proposed settlement, I do wish to offer comment as allowed by the Tunney Act. I am not a particularly ''special'' interest, but for many years was supportive of Microsoft Corporation, purchasing thousands of dollars worth of fully licensed Microsoft software.

I am one of Microsoft's most loyal, repeat customers. I have been on Microsoft's FINFlash mailing list for some time; during the initial phases of the Microsoft antitrust trial, I was a supporter of Microsoft Corporation with respect to the allegations made by the U.S. Government against the company. During the trial and especially in light of the Findings of Fact in the case, my position changed.

I was compelled to conclude by the rational and logical way in which the Findings of Fact summarized many Microsoft practices that had seemed a mystery to me in previous years, that Microsoft has indeed engaged in illegal practices.

As I reviewed the Findings of Fact, it became logically and rationally evident that Microsoft for many years has not been so much in the business of selling products in demand by the public, so much as Microsoft has been aggressively funnelling the public to products it happens to market, or has plans to market.

I use Microsoft products that I have acquired both from my location in Canada, as well as direct from Microsoft in the United States. I am a licensed user of Microsoft Visual Basic version 6.0, and have used that product dating back to its early days as Microsoft QuickBASIC. I am a licensed user of two fully licensed copies Microsoft Office 2000 Premium Edition, one such package being acquired in the United States, in addition to other Microsoft products, the

patches and upgrades for which have often been shipped from Microsoft in the United States.

As one who has used Microsoft products in one form or another for almost 18 years now, I can only conclude that the proposed Microsoft antitrust trial settlement is inadequate. My comments are as follows:

1. The proposed settlement fails to effectively prohibit in the future the same illegal or similar conduct that Microsoft Corporation committed in the past.

The oversight concept that has been rolled into this settlement will do no more than guarantee the same kind of corporate behavior that Microsoft engaged in with respect to the previous consent decree. That is to say that, in effect, no real restrictions have been placed on the company by the settlement, in terms of people who would supposedly supervise Microsoft in some ill-defined manner.

2. The proposed settlement does nothing to reign in Microsoft's ability to shape the market as it pleases.

My understanding of U.S. antitrust law is that the general presumption is that the potential harm to the consumer should be the guiding factor; that principle seems to be ignored in the proposed settlement or at best given short shrift.

I believe there is plenty of extant evidence to suggest that Microsoft, despite the antitrust trial proceedings, is even now exercising a degree of market manipulation that suggests it totally dominates most of its key markets. It is reasonable that the court consider how the proposed settlement affects such ability on Microsoft's part to effectively decide where both consumers and competitors go today, tomorrow, and long into future.

Case in Point: Microsoft Corporation some time ago announced its .NET (pronounced ''Dot Net'') initiative. Referred to as bringing ''tware as a service'' to the market, when I for one haven't heard anyone I know express an interest in what amounts to forced rental of software, .NET very clearly implies Microsoft's capacity to shape the market at will to the detriment of consumers and competitors.

To be more specific, consider how Microsoft has behaved, and is behaving at this very moment, with respect to its very widely used Visual Basic software, previously in current version 6, and reissued with a pricey new twist in ''upgraded'' .NET form.

When Microsoft recently announced that the next versions of its programming languages were available, Visual Basic users found that they could no longer continue to upgrade to just Visual Basic! Instead, the Visual Basic user must acquire or ''upgrade'' to the full suite of Microsoft programming languages now reworked as Visual Studio .NET, just to upgrade Visual Basic. The standalone Visual Basic product has been abruptly eliminated.

Microsoft, as of this writing (January 25, 2002) maintains a web page with a Visual Studio .NET FAQ (''Frequently Asked Questions'' page). It is located at: http://msdn.microsoft.com/vstudio/prodinfo/qa.asp

One of the rhetorical questions on that FAQ page asks: ''Where are the Professional and Enterprise versions of Microsoft Visual Basic(R) .NET and Microsoft Visual C++(R) .NET?''

The glib Microsoft answer on that FAQ page is that: ''The functionality previously available in Professional and Enterprise versions of the individual language products is now available in the Professional and Enterprise versions of Visual Studio .NET .... ''

Few companies that I know of have the ability to engage in such tied selling and make it work to their advantage without losing market share. Although one is nominally free to continue using Visual Basic, one has to buy the new Visual C#.NET (pronounced ''See Sharp Dot Net'') .NET programming language as well, as it comes with Visual Studio .NET. One cannot see many small developers bothering to continue with Visual Basic after being forced to buy much of Microsoft's .NET kitchen sink. Once this forced march investment is made one might as well cave in and rationalize the ''investment.''

This is the kind of nudging that I have seen Microsoft use over the years; it comes in many forms in my experience, the key indicator being that one tends to be forced marched where Microsoft wants to go today or whenever. Very few companies have the capacity in the marketplace to take a product that stood alone and sold well as such, and then tie its continued currency to buying a full range of .NET specific programming languages as well. I submit that no company should have such power in the marketplace. Aside from the compelled option of having to buy into much of .NET just to get Visual Basic's latest upgrade, there is the not-so-trivial issue of the major cost increase that is involved as well.

Moreover, this bundling move on the part of Microsoft will surely result in .NET applications evolving faster, artificially tending to entrench to a greater degree than otherwise the .NET application framework.

I also feel that one can see Microsoft's control of the marketplace in other respects that the settlement does not address.

Case in point: Once upon a time there existed a whole range of relatively inexpensive tape backup drives that operated off of the floppy cables within desktop personal computers (PCs). Windows 2000 eliminated support for such tape drives, obsoleting users of these devices overnight.

I had two such tape drives in service. One was an HP Colorado 350, the other an Iomega Ditto Max tape drive that was barely two years old. These drives could both operate off of separate controller cards in the PC but they both ended up being unsupported by Microsoft under Windows 2000. In the early days of the PC it tended to be software alone that was obsoleted by version upgrades; now we are seeing a pattern of hardware devices being obsoleted rapidly as well.

I do not believe that it is entirely coincidental that the availability of tape drive support for reasonably priced tape drives in Windows has diminished just as Microsoft introduces optional web-based data storage options. Here is that nudge again.

What seems key here is that Microsoft controls the operating system, which no longer has support for such low-cost tape backup devices built in. The company should not have the power to position consumers to rent subscription (ultimately ''.NET'') storage space for data, by virtue of dropping out low-cost localized backup options, if indeed that is what the firm has been up to here. After all, Microsoft has maintained support in its operating systems for other devices of similar vintage.

Consequently, I suggest that it is especially important for the court to carefully and studiously examine Microsoft's .NET initiative before issuing any final ruling.

Although Microsoft has claimed that the .NET standards broadly adoptable, the key .NET programming tools are clearly proprietary to Microsoft. If past patterns hold, Microsoft will emerge dominant on the Internet with .NET just as it dominated the desktop with Windows.

It has been said by others that .NET is essentially a Windows redo for the Internet; I believe that to be the case and that the court should examine .NET with great care in this context. Microsoft by all accounts is now sitting on mammoth cash reserves, a portion of which surely represent ill-gotten gains from its antitrust practices.

Microsoft is therefore positioned to leverage its dominance of the emergent software-as-service market from a position of strength even greater than in the past.

In this respect as well, the proposed settlement's failure to require Microsoft to publish the source code of its operating systems (and the code for the .NET framework) looms as a glaring omission, as critics have long argued that Microsoft likely builds secret hooks into software code that favor its own products'' operational efficacy.

Any final settlement should require the unconditional, unrestricted, fully public-accessible publishing and web-posting of Microsoft source code, at the very least for all of its operating systems and .NET, past and present.

3. Microsoft was found to have engaged in illegal antitrust practices. My understanding is that there exists a requirement that the party so convicted be deprived of the gains from such activity.

There is nothing in the proposed settlement that suggests any substantive penalty here.

I would suggest that a fair penalty must reflect the removal of some major part of the ill-gotten gains. Perhaps a fair compromise would be to ban Microsoft from proceeding with .NET for a period of some years, and from offering any product definable in any manner as a ''web service,'' or as, ''software-as-a-service'' or anything broadly equivalent for an appropriate period of time as well. Care would have to be taken to prevent Microsoft from simply establishing separate firms, or partnering with other firms in this respect, during any period of prohibition.

To address the gains Microsoft made during past periods of antitrust behavior, some very heavy dollar penalty should also be imposed in my view, in order to reduce the ill-gotten cash reserve that Microsoft has available now to over-leverage future endeavors.

Such a financial penalty should be sufficient to reduce Microsoft's cash assets to

levels similar to other software companies. This would effectively prevent Microsoft from leveraging its massive cash assets and effectively subsidizing its process whereby it funnels both consumers and developers to .NET.

Thank you for affording the public an opportunity to comment at this time.

Keith E. Risler
80 Adelaide Street South, London, ON Canada N5Z 3K5
Wireless: (519) 851–1323
FAX: (630) 214–5568
Email:
kerisler@execulink.com or KeithRisler@alumni.uwo.ca
http://go.to/KeithRisler.com

MTC–00024534

From: ben@stanford.edu@inetgw
To: Microsoft ATR
Date: 1/25/02 1:09pm
Subject: Break microsoft up

Hi, I hope this is the address to which the public should send comments on the Microsoft trial. I would like an effective remedy of Microsoft's monopoly. I really resent how everyone sends me .doc files and I have no way to read them unless I give MS some money.

Thanks.
Ben Escoto

MTC–00024535

From: Laurie Keegan
To: Microsoft ATR
Date: 1/25/02 1:10pm
Subject: Microsoft Settlement

I believe the microsoft proposed Settlement is not a good idea. They are a monopoly hurting small business. Please do not sign on to this horrible proposal and force them to come to a real solution to this problem. Don't allow politics to get in the way of justice!

Thank You,
Laurie J. Keegan

MTC–00024536

From: Geoff Newberry
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 1:13pm
Subject: Microsoft Settlement

The proposed settlement lacks strong penalties against Microsoft which is the better beneficiary in the end. Microsoft will continue to conduct its business regardless of the requirements by law to change their monopolistic practices. Your settlement itself lacks ''innovation'', a term Microsoft loosely uses to describe their product line. Another sad day for America if this settlement is approved.

Geoff Newberry
IT Support
(954) 973–2477
(954) 979–4414 Fax
Taylor Made Environmental
2000 N Andrews Ave Ext.
Pompano Beach, FL 33069

MTC–00024537

From: Bryan Maggard
To: Microsoft ATR
Date: 1/25/02 1:06pm
Subject: Relief from Illegal Actions of Microsoft Monopoly

Dear DOJ,

Following the findings of fact in the U.S. v. Microsoft case, which have stood on appeal, my sincere wish is that relief from future illegal actions by this monopoly can be provided by my government, acting through our courts. Please do not give up the fight to protect US from continuing illegal actions simply because the fight will be long and arduous. I believe that the proposed settlement not only establishes, but enshrines the behaviors of Microsoft that have been found to be illegal and have been significant factors leading to their current monopolies (Operating Systems, Office Productivity Software, Web Browsers). I believe that the consequences of the proposed settlement would be to reward the past illegal acts of Microsoft by encouraging Microsoft to behave illegally as they use the power of their current monopolies to leverage and extend into new monopolies in Internet commerce/trade, Internet certification/credentialing, and providing Internet application services. These three examples are potential growth areas where I am afraid we will see strangled competition and Microsoft establishing new monopolies through illegal actions under the proposed settlement of U.S. v. Microsoft.

I wish to see a remedy that will deter (not encourage) future illegal actions by this monopoly. I realize that it may be impossible to restore competition in current monopoly areas because many of the competitors have long since fallen by the wayside. We need to focus on the future where changes can be made.

Very Truly Yours,
Bryan Maggard
J. Bryan Maggard, Ph.D.
Harold Vance Department of Petroleum Engineering
Texas A&M University
College Station, TX 77843–3116
Phone: (979)845–0592 FAX: (979)845–1307

MTC–00024538

From: wt.catch1
To: Microsoft ATR
Date: 1/25/02 1:08pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please continue the economically necessary prosecution against Microsoft. This hasn't gone on long enough. Microsoft has only agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''levelling the playing field'' for Netscape and other Microsoft competitors, with not a nickel going to those grieviously harmed by Microsoft: the computer user. This is another method for states to recover illegally obtained money, and an important precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please prosecute this much delayed and stymied execution of justice more forcefully than has been the case previously. Thank you.

Sincerely,
John McDonald
247 Bancroft
Pacifica, CA 94044

MTC–00024539

From: Hcards707@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 1:09pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Louanna Peace
204 Cambridge Sta. Rd.
Louisville, KY 40223

MTC–00024540

From: vitamin@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/25/02 1:21pm
Subject: Microsoft Settlement

Dear Sir & Madame,

I'm writing to register my opinion in the Microsoft anti-trust settlement. The proposed decision is an inadecuate response to the problem posed to the computing & consumer market by Microsoft's business practices. My only request is that your office reconsider the pending decision further to account for the broader interests of the U.S. and global computing market. My experience as a system administrator (maintaining and managing Microsoft products) has given me a different perspective on the issue. If monopoly practices in themselves do not offend your office, perhaps a consideration of the billions of dollars in lost business and personal revenue caused in the last year alone from the insecure products Microsoft has released with their guarantee of security may give you pause. Microsoft behaves like a classic monopoly, and spends more money on public relations than it does on securing their products. Their interest in control of the market and the planned obsolecence of their products (for further future revenue) are contrary to the public interest. Only by breaking their hold on the computing world will competitors be able to force higher standards on them. Again, please register my disapproval with the current proposed settlement. I thank you for your time and your efforts in your service.

Sincerely,
Louis Juska
851 Guerrero St. Apt.10
San Francisco, CA 94110

MTC–00024541

From: Michael Klein
To: Microsoft ATR
Date: 1/25/02 1:13pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea. Microsoft continually breaks the law, and shows no respect for the legal process.

—Michael Klein, 25-year veteran programmer

MTC–00024542

From: AlanLand@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 1:15pm
Subject: Microsoft settlement

I'm afraid I must agree with Steve Jobs complaint about the proposed settlement for Microsoft in the anti-trust issues. Having Microsoft ''give'' HW and SW to schools is tatamount to ''giving'' Microsoft part of Apple's most loyal customer base. It really doesn't relieve the pressure of monopoly on any of Micosoft's competitors. I had hoped to see a settlement that helped competitors keep their marketshare, not the reverse. Just having Microsoft ''give'' away some of the billions of $$ they made using anti-competitive practices doesn't alleviate the issues in the marketplace, especially if it opens new doors in a competitor's market.

Alan Land
Technical Educator and Engineer
San Diego, CA

MTC–00024543

From: DougMurch@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 1:16pm
Subject: Microsoft Settlement

I wish to add my comments to the proposed Microsoft Settlement. I am a person who has been heavily involved ever since the mid 1950s with application software development, and am a current user of Microsoft's PC software.

I urge acceptance and implementation of the settlement and an immediate end to the associated litigation. From my experience as a user of software products over almost 50 years, I am convinced that Microsoft has brought far more benefits to mass market PC consumers than has any other software company. Microsoft has been a major force for simplifying products, reducing prices, and bringing order out of chaos in a field where techie, user-unfriendly, expensive products and services run rampant. Microsoft simply understands better than its competitors do what the average consumer wants and needs, and how to satisfy those needs at low cost. The average consumer can use Microsoft's products more easily—without expensive consulting help—than the usually more expensive products of other vendors needed to accomplish the same result. Throughout the 1950s, 1960s and 1970s, computer users spent far more to develop and maintain their software than to buy and maintain their computer hardware. When the PC arrived, it dramatically reduced computer hardware costs. One would have expected the relationship between user software and hardware costs to become even more heavily weighted toward software costs. But thanks almost entirely to Microsoft, the exact reverse happened. Software - both operating systems and applications—now cost much less than PC hardware. This is so in spite of the fact the absolute cost of PC hardware keeps dropping at a delightfully rapid rate.

Those who assert that Microsoft's actions have damaged consumers are simply dead wrong. No such damage has occurred or is likely to occur. Quite to the contrary, enormous consumer benefit has resulted. Microsoft is a leading pro-consumer company of our age. It is with great angst that I have observed federal and state litigation against Microsoft in recent years. There are many who, for their private reasons, would wish this litigation to succeed. But had it succeeded in its original form, it would have severely limited the extent to which Microsoft could further improve its products. That would be extremely hostile to consumer public interests. It would mean that consumers would be forced to deal with more software vendors, pay for more for their software products, and endure costs and frustration of having to coordinate among multiple software vendors. Please, do not let this happen. It is time to end this litigation madness now. The Court should approve the Microsoft Settlement and deny all efforts to expand the scope of the Settlement.

A. Douglas Murch
3 Seton Court
Rancho Mirage, CA 92270

MTC–00024544

From: Benjamin Moser
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 1:16pm
Subject: Microsoft Settlement

I believe that the proposed settlement in the Microsoft case is leaving many doors open to anticompetitive behavior. Microsoft has demonstrated in the past that they will consistently exploit any loopholes in a ruling to continue the very behavior that the intent of the ruling is designed to prevent. There are many excellent information sources on the world wide web detailing various loopholes which Microsoft can and probably will exploit if they are not corrected. This settlement should not be approved in its current form.

Benjamin Moser

MTC–00024545

From: Kevin Swarts
To: Microsoft ATR
Date: 1/25/02 1:15pm
Subject: Microsoft Settlement

Dear Mr. Ashcroft:

With all due respect, the lawsuit that the Federal Government brought against Microsoft was a tragic waste of time and taxpayer money. Unfortunately the biggest losers in this ordeal have been the economy and technological innovation. I am very pleased that a settlement was reached between Microsoft and many of its adversaries and that it will not be broken up. My division of Smead Manufacturing creates document management software and our success relies on standardization and Microsoft's integrated software design. If Microsoft were to be broken up it would surely jeopardize the standardization of software we depend on, and thus adversely affect our efficiency. The results could be devastating. Anyone who analyzes the settlement will recognize that it is very fair and resolves the government's grievances against Microsoft. If anything, it deals with Microsoft too harshly. First and foremost, Microsoft has agreed not to retaliate against computer makers who ship software that competes with anything in its Windows operating system. Second, it has agreed to document many of Windows'' protocols that help with interoperability. It also sets up a commission to deal with future problems.

Please finalize this settlement as soon as possible. It is the right thing to do for America.

Kevin M. Swarts
Software Development Manager
Smead Software Solutions
2651 E. Chapman Ave., Suite 201
Fullerton, CA 92831
Phone: (714) 446–6600 ext. 100 Fax: (714) 446–6604

MTC–00024546

From: Marv06@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 1:15pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Elam Family
Box 1423
Pearland, TX 77588

MTC–00024547

From: choluk@shelton.wednet.edu@inetgw
To: Microsoft ATR
Date: 1/25/02 1:14pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method

for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Conrad Holuk
732 West Satsop Road
Montesano, WA 98563–9734

MTC–00024548

From: Jordan M. Hirsh
To: Microsoft ATR
Date: 1/25/02 1:17pm
Subject: Microsoft Settlement

Any remedy seeking to prevent an extension of Microsoft's monopoly must place Microsoft products as extra-cost options in the purchase of new computers, so that the user who does not wish to purchase them is not forced to do so. This means that for the price differential between a new computer with Microsoft software and one without must be equal to microsofts MSRP for the products bundled with the system, Only then could competition come to exist in a meaningful way. The specifications of Microsoft's present and future document file formats must be made public, so that documents created in Microsoft applications may be read by programs from other makers, on Microsoft's or other operating systems. This is in addition to opening the Windows application program interface (API, the set of ''hooks'' that allow other parties to write applications for Windows operating systems), which is already part of the proposed settlement. Any Microsoft networking protocols must be published in full and approved by an independent network protocol body. This would prevent Microsoft from seizing de facto control of the Internet. As I believe it is and as the judge has suggested it is, it is crucial that Microsoft's operating system monopoly not be extended, and in this I quote the study released a year ago by the highly respected Center for Strategic and International Studies, which pointed out that the use of Microsoft software actually poses a national security risk. In closing, I say that all are surely in agreement that the resolution of this case is of great importance, not just now but for many years to come. This suggests a careful and deliberate penalty is far more important to the health of the nation than is a hasty one.

Jordan Hirsh
1098 B Street
Ashland OR. 97520
541–488–3190

MTC–00024549

From: Aunger, Mitch
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 1:22pm
Subject: Microsoft Settlement—Don't allow this to happen!

I am shocked that the DOJ can possibly believe that this ''settlement'' is good for anyone except for Microsoft. I'll put it this way—how can you say that Microsoft is a monopoly—and then allow them to expand the monopoly by giving them a bigger hold on the education market? Especially when they give away products that cost them NOTHING to make! I could go on and on, but nobody'd want to read it. I think you get my point. I'm against the current ''settlement''!!!!!!!!!!

Mitch Aunger
1934 Parkridge Ave
Brentwood
MO
63144

MTC–00024550

From: Randy Weinstein
To: Microsoft ATR
Date: 1/25/02 2:38pm
Subject: Microsoft Settlement

the remedies to microsoft's monopoly in this settlement are too weak. more must be done to restore competition in the industry.

MTC–00024551

From: Ruth Carver
To: Microsoft ATR
Date: 1/25/02 1:23pm
Subject: Microsoft Settlement

The proposed settlement of the Microsoft Antitrust case is far too favorable to Microsoft and does not go far enough in punishing Microsoft for past behavior not does it contain terms strong enough to prevent a reoccurrence of the type of behavior that cause the Government to bring the suit in the first instance. In particular the school settlement provision is a boon for Microsoft.

Ruth Carver

MTC–00024552

From: Allan Baruz
To: Microsoft ATR,ASKDOJ
Date: 1/25/02 1:24pm
Subject: Microsoft Settlement

Dear Ms Hesse,

The proposed settlement is no remedy for the proven monopolistic behavior of Microsoft as found in the statement of fact. If you believe that corporate wrongdoers should be held accountable for their actions; if you believe that that accountability should be commensurate with the wrong done; if you are a Democrat who believes that the public interest should be protected from ravening corporations; if you are a Republican who believes that corporations should compete on a field free of bullying and threats; if you believe that the future of software, computing, technology, media, and even business should not be left in the hands of the specimen that has consistently shown the worst behavior in each of these fields; if you are at all a moral, ethical, or even self-interested being; you will find that the proposed settlement is no remedy to Microsoft???s monopolistic behavior. As a programmer, I find it most disturbing that the proposed final judgment does not lower the applications barrier to entry in terms of either undocumented file formats or undocumented APIs, for corporations or non-profit organizations. The arrogance of Microsoft speaks of disrespect for its customers, its competitors, and the government which tries to keep a level playing field between them. Please amend the proposal in a manner consistent with the fair application of law—Microsoft must be shown that they are not above the law.

Allan

MTC–00024553

From: Job7@bright.net@inetgw
To: Microsoft ATR
Date: 1/25/02 1:23pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Frank Ca;enda
5147 N Countyline Rd
Marion, OH 43302–9718

MTC–00024554

From: Jamie
To: Microsoft ATR
Date: 1/25/02 1:26pm
Subject: Microsoft Settlement

Dear Department of Justice Folks,

I'm writing to add another voice to the chorus against the proposed Microsoft settlement. It appears to reward Microsoft for years of criminal and predatory practices that have damaged and eliminated innovative competitors and limited consumer choice. Good technologies have been lost, standards have been hijacked into a proprietary fiefdom, consumer choice has been diminished and we now have an industry dominated by a company, Microsoft, that has a history of winning through intimidation rather than through merit. Microsoft's much ballyhooed ''freedom to innovate'' seems to really mean ''freedom to intimidate.'' They continue to use their monopoly position to move into other markets by forcing others out or simply buying out other companies using their huge stash of ill-gotten gains. It seems to me your case has been too narrowly focused on only a few of the abuses, and even at that, the currently proposed remedy does not have sufficient teeth to prevent further such abuses in the future. It basically tells the world that, in our country, justice is about having money and influence.

As a consumer and as a software developer I am appalled at the limited choices and poor state of technology in the operating systems market as now dominated by Microsoft. I mourn for better technologies that have been eliminated along the way, such as the Amiga and BeOS. I am alarmed at the prospect of Microsoft's philosophy of bullying and mediocrity taking over other markets in technology, commerce, media and the internet itself, all leveraged illegally off of their desktop monopoly. If we are going to have an effective government by and for the

people, it behooves us to make every attempt to keep our corporations under our control as a nation, rather than vice versa. If we want a vibrant competitive marketplace that helps us lead the world in technology, commerce and real innovation, we cannot afford to let Microsoft's criminal abuses go essentially unpunished nor can we afford to let these sorts of abuses continue. If we want our economy to thrive we need to unleash real competition.

Best Regards,
Jamie Krutz

MTC–00024555

From: lbstuart@webtv.net@inetgw
To: Microsoft ATR
Date: 1/25/02 1:26pm
Subject: Microsoft Settlement

It is high time all legal litigation be put to rest. The people now need to get on with the need for building back their ''nest eggs'' this is not necessary. Any more of this kind of court battle needs to be nipped in he bud. It is clearly a waste of money which everyone needs. Stop this now!!

L.B. Stuart

MTC–00024556

From: Devon E Bowen
To: Microsoft ATR
Date: 1/25/02 1:28pm
Subject: microsoft case

I am writing to express my concern over the recent proposed settlement to the Microsoft case. My understanding is that the settlement involves allowing Microsoft to ''repent'' by donating large amounts of software to schools. Honestly, it is hard to believe this settlement is even being considered. It should be clear to anyone that allowing Microsoft to further spread themselves—especially to youths in a state sponsored educational system— will only serve to extend their monopoly. Education is one of the few areas where truly innovative competitors like Apple still have a reasonable share of the market. Please reject this settlement to the Microsoft case. It is bad for the public, bad for the industry, bad for innovation in general. The only one that will benefit is Microsoft. And aren't they supposed to be being punished?

Devon

MTC–00024557

From: Carnduff, John
To: Microsoft ATR
Date: 1/25/02 1:29pm
Subject: Microsoft Settlement

Input into the settlement process: Navantis, a independent software developer, and our customers are exasperated by the ongoing DOJ issues with Microsoft. This issue and other related legal efforts by competitors run counter to the principles of a free market and in our view are an attempt to distract Microsoft from focusing on developing innovative products and on operating its business. These tactics negatively affect us as well as Microsoft customers. We do not sense that Microsoft customers and partners believe Microsoft is acting inappropriately; we believe that competitors are using unfair tactics to impede Microsoft efforts to satisfy customers instead of directing energy into improving their products, services and marketing messaging. We actively support Microsoft and pass these comments forward as input into the settlement process.

John Carnduff
Executive Vice President
Chief Strategy Officer
Navantis Inc.
21 Randolph Ave., Suite 300
Toronto ON, M6P 4G4
t: 416.532.5554 x271
f: 416.583.4937

MTC–00024558

From: Glenn Shuster
To: Microsoft ATR
Date: 1/25/02 1:21pm
Subject: Microsoft has been through enough letter

Dear ATG Ashcroft, While you have many matters before you, I feel strongly enough about this one to add to your office's burdens. Please end the intercine warfare between the economic leaders of the United States and the government thereof.

Very Truly Yours,
Glenn Shuster

MTC–00024559

From: Edlund, Paul
To: Microsoft ATR
Date: 1/25/02 1:29pm
Subject: Microsoft Settlement
January 24, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

The settlement reached between Microsoft and the Department of Justice will be beneficial for the IT industry and the economy during this difficult time. The antitrust suit may not have directly affected my IT-based business, but it does not mean that it did not have an adverse affect on businesses across the nation. The settlement is designed to provide a guide for good business practice. The settlement promises to provide consumers with more choices, and compensates the so-called losses of Microsoft competitors. Microsoft has agreed to license out its Windows operating system to the 20 largest computer makers on equal terms and conditions. The settlement also instructs Microsoft to provide its competitors with information regarding the various interfaces of Windows. This will lead to better software, at lower prices overall. I strongly recommend that you decide to finalize this settlement so things in the technology sector get back to usual. The usual of the technology sector should be innovation, not litigation.

Sincerely,
Paul Edlund
Quest Technologies

MTC–00024560

From: Job7@bright.net@inetgw
To: Microsoft ATR
Date: 1/25/02 1:27pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Frank Calenda
5147 N Countyline Rd
Marion, OH 43302–9718

MTC–00024561

From: kfmiers@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/25/02 1:26pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
kelly miers
1011 hewitt avenue
everett, WA 98201

MTC–00024562

From: baatman74@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 1:25pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry

the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Virgil Cottongim
3090 64th St SW
Naples, FL 34105–7300

MTC–00024563

From: Jarred Fehr
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 1:26pm
Subject: Microsoft Settlement

Hello,

I have reviewed much of the proposed DOJ settlement with Microsoft and I must say that it is not adequate. I lack the time to go through all the points I have problems with, however I am sure many others will point them out. I can only say that I hope that my government representatives will uphold this nations belief of a government ''for the people, by the people'' and not ''for the corporations, by the lobbyists.'' Please do not approve any settlement without further review and stronger enforcement.

Thank you,
Jarred Fehr
PC Coordinator
Peachtree Business Products
Marietta, Georgia
678–819–1825

MTC–00024564

From: Boyle, Kevin
To: Microsoft ATR
Date: 1/25/02 1:30pm
Subject: microsoft settlement
To: Renata B. Hesse,
Antitrust Division

Dear Renata,

I object to the current settlement that Microsoft is offering. They are promising to open up their operating system to all and at the same time promising to specialize in security. Their security measures will force every software developer to use their ''secure'' applications which creates another monopolistic situation. Please reject the currect offering infavor of a truly workable solution, ie. dismemberment or restrict Microsoft's available markets.

Thank you,
Kevin Boyle
Systems Engineer
Diebold, Inc.

MTC–00024565

From: Gary Shade
To: Microsoft ATR
Date: 1/25/02 1:28pm
Subject: Microsoft Settlement

microsoft.atr@usdoj.gov Microsoft Settlement

Hello,

The settlement offered by the Bush administration and some states was not in the public interest. The antitrust case involved abuse of monopoly power by releasing the Windows operating system with the Internet Explorer browser embedded into the operating system. The remedies offered by the Bush administration do not address the nature of the case, and would only serve to further reduce competition in the schools, one of the last remaining venues where competing software can still be found. Any sound remedy should separate the Internet Explorer browser from the operating system. The remaining states that refuse to settle stress this point. Each time the government allows Microsoft to release another version of Windows with the Internet Explorer browser embedded into the operating system, the monopoly path is entrenched further. Make the remedy be an actual remedy to the facts of the case.

Sincerely,
Gary Shade
US Citizen and software consumer

MTC–00024566

From: Robert Eugene Wood
To: Microsoft ATR
Date: 1/25/02 1:30pm
Subject: Microsoft Settlement

The following document is an electronic version of a document faxed to your office on 25 Jan 2002. It is unchanged from the Faxed version.

Robert Wood
117 Gibbon Drive.
Harvest, AL 35757
25 January, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse:

The following document is a brief objection to the terms of the proposed settlements to Civil Action No. 98–1232 and 98–1233. It is being sent on 25 January 2002 both as a signed FAX (202–616–9937 or 202–307–1454) and as an e-mail message (microsoft.atr@usdoj.gov) to aid in any transcription that might take place. As a defense engineer whose work has been associated with Information Technology for the past 15 years, I have witnessed the damage done by the monopolistic activities of the Microsoft Corporation. I am concerned that if these activities are allowed to continue (and the proposed settlement does not seem to do anything to curb these practices) the company will continue to squeeze out competing operating systems and ISVs until there are no practical alternatives to the Microsoft products. For the sake of innovation, competition, and security we need viable alternatives for operating systems and applications that have been developed independently of Microsoft's codebase. The high numbers of macro viruses (both in documents and e-mail attachments) as well as the recent IIS worms demonstrates the danger of widespread adoption of a single product. With healthy competition, there are enough alternative products that it is impossible to attack them all since they will have different weaknesses. Paragraph III.J of the proposed settlement is especially troubling, since the argument can be made that any component of a Communications Protocol has the potential to ''compromise the security of a particular installation or group of installations...'' Considering that Microsoft has recently announced that they are finally going to ''make security its first priority,'' I believe that this section will be used to withhold any useful data from release. I recognize the positive aspects of Microsoft's role as the dominant provider of Intel Operating system software, middleware, and applications. The software industry can benefit from the leadership of one entity who has the power and resources to introduce new technologies. Unfortunately, I have seen Microsoft's dominance increasingly used to force alternative products and approaches out of the marketplace. For example, in my organization, no alternative to Microsoft Word is considered by management because it is presumed that no other product can read/write Word formatted text files perfectly. Even those products that currently do a good job on Word file reading/writing are not guaranteed to be able to continue to be able to keep up with the changes to the largely undocumented Word format. The documentation of the modifications Microsoft made to the widely-accepted Kerberos authentication protocol was distributed under a restrictive license designed to prevent the information about the changes to an open standard to be used to create compatible software. This is a disturbing trend. The proposed settlement does not appear to do anything to curb the monopolistic practices of Microsoft. It appears, in fact, to simply formalize them and allow the company to continue its practices with little interference. It does not touch on some of the most commonly used Barriers to Entry that the company puts up to discourage competition such as document formats and changing communications protocols. The proposed settlement appears to set up a system where any potential competitor is relegated to the role of a Microsoft Developer (MSDN is explicitly mentioned as a delivery medium for some of the information) rather than a competitor. It is difficult to compete in an environment where you can not get necessary information on a product until it is almost ready for release. Quality software demands extensive testing in addition to basic development time and if the required information is only released ''no later than the last major beta release,'' then by the time a competitor's product can be finished and tested, the Microsoft product would have long since been deployed.

In the interests of competition, security, and interoperability, Microsoft should be compelled to develop and deploy those protocols required for communication and authentication in cooperation with an appropriate standards body for the widest possible examination and testing. The standards body could then properly oversee the distribution of the protocol to ensure that competitor's software is truly interoperable with the Microsoft product as well as ensuring that competing products do not introduce incompatibilities with the Microsoft product. Microsoft should be compelled to disclose upfront which elements of a new and existing API, Communications Protocol, or Middleware product are covered by the company's own or licensed intellectual property as a part of this standards acceptance process. The result would be a set of protocols that benefit from community involvement and more extensive security testing than Microsoft is capable of on its own.

Sincerely,
Robert Wood

MTC–00024567

From: ray@greeble.com@inetgw
To: Microsoft ATR
Date: 1/25/02 1:31pm
Subject: Microsoft Settlement

Microsoft has put forth a very good proposal that will benefit the country in many ways. Please end this waste of money and time quickly, keeping Microsoft in tact.

MTC–00024568

From: Nate Clark
To: Microsoft ATR,ntclark@attglobal.net@inetgw
Date: 1/25/02 1:32pm
Subject: Microsoft Settlement January 25, 2002 re: Public comments; US VS Microsoft Coporation

To Whom it may concern:

This e-mail is in response to the request for public comments on the case of the U.S. VS Microsoft. My major concern is that those responsible for assessing the extent of the damages to the US consumers, businesses, and general technology environment are fully aware of the breadth of the damage that has been caused by Microsoft's actions.

I watched a US official commenting on Microsoft's actions as he acknowledged the fact that Microsoft's actions were in fact unjust and plain wrong, but went on to say that afterall, Microsoft's superior implementation of software technology produced a browser that was much better than the competition—mainly, the Netscape Browser. The very important point missed by this official is that—It IS NOT About the quality of or any aspect of the browsers that have come out of the respective companies in the last few years. Indeed it is not about internet browsing at all !! Please remember that what Microsoft did to bury Netscape was NOT driven by the potential sales of browsers—Free or not, this was not Microsoft's goal. The record states clearly that Netscape was attempting to build a platform and operating system independent environment within which ANY company could develop applications, or any other type of software, REGARDLESS of where their customers buy their computer or operating system. The browser would have been just a minor stepping stone along. As a product, even today many years later, the browser is nothing. It was the intent of the technology that Netscape wanted to develop, the browser being just the first manifestation of this technology, that we NOW DO NOT HAVE.

Netscape saw the opportunity to free the US consumer from the predatory pricing of proprietary computer hardware and software that had been the norm up to and at the start of the small computer revolution. Because of this, Netscape wanted to develop a way for Open Systems software development to work. This is NOT Open Source or free software development, this IS that any company anywhere could write software and compete in a fair marketplace on the merits of its good ideas, excellent qualifications, and better implementation.

What Microsoft did to prevent Netscape from bringing this concept to fruition has been EXTREMELY damaging to the current state of technology in the very real sense that had this not happened, we would now be much further advanced in the ubiquitous integration of computer technology into our society. My personal feeling is that we are at least a decade behind where we ought to be in terms of the extremely powerful and mature use of computer technology. For example, we are seeing more and more powerful supercomputer class equipment, yet it is still in the hands of specialty laboraties. I believe that by this time, these types of machines would have become available to even small businesses; had those that produce software for such systems had the opportunity to supply those solutions to the small systems platforms through the (would have been) open systems nature of the technology. In the original findings of fact against Microsoft, I refer to the often mentioned ''Applications Barrier to Entry'' which describes the wall, if you will, that Microsoft knowingly and vicously constructed to prevent, or at least delay, other technology companies from playing in the windows game IF they also wanted to target other computer platforms and markets. It has become very clear that it is absolutely NOT possible for software companies to provide multi-platform applications at the single-platform development cost. Why should Microsoft be allowed to so wantanly manipulate the market place such that this is the case ? Unbelievably, companies utilizing Microsoft's version of Java, a language whose basis is that it will help to ensure products can be cross-platform, found out too late that Microsoft had even knowingly placed barriers to cross-platform implementation within that tool. Providing the explanation that these were ''enhancements'' to the Java environment while trapping developers which may very well have been otherwise successful in an Apple or Linux market. I reiterate my most important point. It is absolutely crucial that those considering the level of punishment Microsoft should recieve MUST understand the impact the company's actions have had on our society from the DEEPEST technical perspective. It is absolutely not true that the consumer has come out all right through what Microsoft has done. 1) In the absence of Microsoft's actions, we would be much more advanced technologically than we are now. It is not in any way true that the brightest technology minds just happened to be at Microsoft over the last 2 decades. And 2) Microsoft's software is not nearly the best there has been or could have been developed. Frankly we have missed what could have been astounding innovation over the last decade at least. Microsoft's software is by no means the best that we could have achieved by this point. As amazing as this technology, and some of the software (including Microsoft's) we've seen come out of it is, I want those who think Microsoft has provided us with some nirvana in software power and sophistication, even without choice, to consider the difference in software between now and even 6 years ago. I contend that the chasm between features and functionality over that time frame would be twice the size today. I contend that Microsoft has kept us from getting there.

Sincerely,
Nathan Clark
625 Popes Valley Dr
Colorado Springs, CO 80919
(719) 265–5191

MTC–00024569

From: Wayne Cater
To: Microsoft ATR
Date: 1/25/02 1:31pm
Subject: Microsoft Settlement

Dear United States Department of Justice,

My name is Wayne Cater. I am a 34 year old computer programmer. Over the past 12+ years I have been fortunate enough to work in the computer field. I have a diverse background of experiences, but as most of the world I have largely made my living writing software that runs on the Microsoft Windows platforms. When the antitrust suite first came up, I supported Microsoft. Then I had a perspective change. I personally don't live in one of the ''high technical meccas'' of our great land, but I realized that many of the small businesses that used to be around are gone largely because Microsoft decided to include very similar products as part of the Operating System installation. I thought about my family budget. To cut costs and save money, I would take a free package over a purchasable one in most cases. A little late, but better than never—I have realized that Microsoft's actions have stifled creativity in the market. Yes, a larger number of folks are enjoying the functionality / possibilities of the Personal Computer, but revenue that could have been more diversly dispensed across the market and country, has gone into one coffer—Microsoft's Account.

My perspective change has caused me to largely take action. I am moving to Linux desktop product development and to non Microsoft Web based development. While this is not a quick, nor easy move, I am willing to risk the time to prove that it will be better in the long run. My one recommendation would be to force Microsoft to pay for hardware for poor schools and to set up an account in which money could be given to school districts to purchase operating systems and software packages that it would prefer. Please consider my recommendation.

Respectfully,
Wayne

MTC–00024570

From: Ray Ross
To: Microsoft ATR
Date: 1/25/02 1:38pm
Subject: Microsoft Settlement

I don't like the proposed Settlement. Giving Microsoft software to schools costs Microsoft little, and further increases their monopoly. I think they should be required to pay a large cash penalty that the schools can then use to buy what computer equipment and software that they (the schools) see fit.

Thank you,
Raymond Ross

MTC–00024572

From: Buckeyeswede@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 1:33pm
Subject: Microsoft Settlement C/O Renata Hesse, Esq

Thank you MS Hesse for allowing me to respond to the above settlement. I had the opportunity in the mid 60's to be involved with the startup of a small software/hardware company in Sunnyvale California. We had a tough time getting the company going and had encounters with larger companies who were trying to defeat our company's mission of being the best in the market. We fought back and we eventually grew strong and became the leader in the industry. We received a good offer from a major organization after our sales were in excess of $100 million per year. That is why I defend the free marketplace. The issue here is similar, but only larger in scope. Messieurs Gates and Allen together with a good support team have build a wonderful company that addresses the marketplace. The marketplace is the key issue here with Microsoft. They know the market and the market likes and trusts their product and support line. Sure there is good competition, but it has to remain fair and not negative in its actions. It appears to me that some of their competitors did not analyze the market in enough detail. Therefore, they did not get the market share that they had hoped for in their business model. The settlement is fair and I trust your department will uphold the settlement agreement.

Thank you for your attention to my notes.

Carl E. Holmberg

MTC–00024573

From: Ryan—MacDonald@allianzlife.com@inetgw
To: Microsoft ATR
Date: 1/25/02 1:37pm
Subject: Microsoft Settlement

This is a bad deal for everyone but Microsoft. Please don't let them get away with this.

Thank You for your time,
Ryan MacDoanld
Excelsior, MN 55331

MTC–00024574

From: Jay Chu
To: Microsoft ATR
Date: 1/25/02 1:20pm
Subject: Microsoft Settlement
Attorney General John Ashcroft
January 25, 2002
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

It has come to my attention that the antitrust suit against Microsoft has reached a settlement as of November 2001. It is my opinion that this settlement should be full and final. One of the biggest complaints from Microsoft's competitors was that the Windows product had a complete monopoly within the computer makers industry. This settlement allows computer makers free reign over which software they choose without reprisals from Microsoft if a competitors product is chosen. I think that this fully addresses this issue fully. It is time to bring this antitrust case to an end. Microsoft has offered good terms to its competitors and to the government. There can be no reason to prolong this case any further. Thank you.

Sincerely,

Paojeh Chu
President
J Chu Consulting Inc.
329 E Beech Drive
Schaumburg, IL. 60193
(Tel) 847–891–3997
(Fax) 847–891–8857

MTC–00024576

From: Darren Blaser
To: Microsoft ATR
Date: 1/25/02 1:22pm
Subject: Proposed MS DOJ Settlement

A quick recap of events:

(1) Microsoft begins breaking the antitrust laws.

(2) After a legal spat with the government we get the Consent Decree.

(3) Microsoft abuses the antitrust laws in worse ways than before the consent decree.

(4) Microsoft (a repeat offender now) is convicted in court of breaking several antitrust laws (things seem to be getting worse not better) Now here we are discussing a ''settlement agreement'' for which there are absolutely no penalties associated with the actual convictions mentioned in item 4, and the thrust of the agreement seems to be: ''The previous consent decree seemed to work really well before, lets try and do something just like it again.'' At least now I understand why my college law professor claimed that our legal system is not about justice, and that it will never provide a just settlement between a ''large ruthless entity''(think Microsoft) and a ''smaller kinder entity''(think DOJ). The US Government has always been considered the big kid on the block up to now, and as a result our society has enjoyed the benefits of the rule of law generally. It sadens me to think what the future will bring now that one company has demonstrated that the government is no longer the big kid on the block and there are others out there who can ride rough shod over the government's law if they please.

Truely a sad day for the United States. . .

Darren Blaser
5777 N Meeker Ave
Boise, ID 83713

MTC–00024577

From: rlott@insolwwb.net@inetgw
To: Microsoft ATR
Date: 1/25/02 1:31pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Rick Lott
1303 Dupwe Dr.
Jonesboro, AR 72401

MTC–00024578

From: Jonathan Kurtzman
To: Microsoft ATR
Date: 1/25/02 1:35pm
Subject: Microsoft Settlement

Microsoft uses its control over the operating system to lock out competition by (a) preventing competitors from having the same access to the operating system as Microsoft applications have and (b) absorbing promising competitive fields into the operating system. The former means that such applications as Microsoft Office have significant competitive advantages. The latter means that potential competitors are deterred from entering into markets that Microsoft may then absorb.

Both of these are wrong.

MTC–00024579

From: Rod Hauser
To: Microsoft ATR
Date: 1/25/02 1:21pm
Subject: Dear Sir or Madam,

Dear Sir or Madam,

I am writing to protest the current ruling on the Microsoft AntiTrust case. I am a registered voter, taxpayer and citizen of these fine United States. You may verify my identity if you need to:

Rod Hauser
1748 Scenic Meadows Drive
Imperial, MO 63052
636–464–0321

As a professional with more than ten years of experience in the Information Technology field, I have firsthand experience with the problems that Microsoft has caused the consumer, and their support staff. I have supported teachers and students in the K12 public school system, and have performed purchasing and license compliance functions in that same role. The monopolistic behaviors of Microsoft have been significant, and they continue to make software that is not only proprietary, but that does not allow fair competition, one of the tenets of this country. This monopolistic behavior is extensively documented, and I was in favor of the initial ruling against Microsoft. The overturning of that ruling is an abomination, a sign to the American public that the golden rule is very much in effect, and that Microsoft can purchase a ruling with expensive lawyers and big campaign contributions.

Please review the appeal, and take whatever steps are required to force Microsoft to *actually* stop acting like a monopoly, not so simply *say* that they will.

Thank you.

Sincerely,
Rod Hauser
CISSP, St Louis Missouri

MTC–00024580

From: mlhull99@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/25/02 1:32pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,

Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Marie Kuzma
77 Worth Ave
Hamden, CT 06518

MTC–00024581

From: ringme16@pacbell.net@inetgw
To: Microsoft ATR
Date: 1/25/02 1:33pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
james keefer
1211 1/2 guerrero st
san francisco, CA 94110

MTC–00024582

From: Russell Harding
To: Microsoft ATR
Date: 1/25/02 1:36pm
Subject: Microsft Settlement

To Whom it May Concern,

I am writing regarding the proposed settlement between the U.S. Dept. Of Justice and Microsoft Corporation. I feel as a citizen of the United States, that my best interests are not represented in this settlement. I strongly disagree with the proposed terms of this settlement. I encourage the Dept. Of Justice to reconsider their actions, and let the case be decided by a competent judge, rather than settled out of court.

Sincerely,
Russell Harding
Boulder, Colorado

MTC–00024583

From: jeff garland
To: Microsoft ATR
Date: 1/25/02 12:36pm
Subject: Microsoft Settlement

Hello,

I am a teacher. I try to teach students good values by example and by punishment when necessary. Letting MS get away with their idea of an adequate settlement undermines our efforts to produce good citizens. That is the most important reason for devising a punishment that does not serve MS interests. The whole company ethic disgusts me.

Sincerely, Jeff Garland
Jeff Garland
Science Department
South Eugene HS
541–687–3116
400 East 19th Avenue
Eugene, OR 97401

MTC–00024584

From: Lars Johansson
To: Microsoft ATR
Date: 1/25/02 1:36pm
Subject: Microsoft Settlement

BlankGentlemen: The current Microsoft case is about providing a fair opportunity for all to compete on a level playing field. A federal district court and the District of Columbia Court of Appeals both determined that Microsoft broke the law by illegally maintaining its monopoly in computer operating systems and applications. When a monopolist abuses its position of power to choke off competition by its rivals, it is not only bad for consumers, competing businesses, and the market place, it is also illegal. The United States Department of Justice has proposed a settlement. This letter is written pursuant to federal law which requires the Court to take public comment on the settlement to determine whether approval of the settlement should be granted. The determination shall be based on whether the settlement is in the public interest. The proposed settlement stipulates in part that Microsoft will provide a certain amount of computer hardware and applications to schools. Unfortunately this ''penalty'' will only strengthen Microsoft's monopoly in the long run. Expressed in the simplest of terms, the proposed settlement is no different than putting the fox in charge of the hen house. As further elaborated upon below it is my opinion that the settlement is not in the public interest and, therefore, it should be rejected. The consumer must be given a free choice to purchase hardware, operating systems, and applications commensurate with his real needs rather than needs perceived and dictated by Microsoft. By opening up the market place to competition the consumer will be assured that the cost of software goes down and that its reliability increases. In fact, software at least equal to that now bundled into the Windows operating system is readily available in the market place for a fraction of the cost Microsoft charges. Let me provide two examples of the costly dilemma an individual user such as myself can be forced into as a result of Microsoft's abuse of power, and which will not be corrected in the proposed settlement:

(1) Two years ago I attempted to buy a lap top computer to be used as a navigational and radio communication aid on my boat during long offshore passages. Needless to say, I had no intention to make my navigation station into an entertainment center, nor did I have any desire to use up valuable space on my hard drive, intended primarily for chart storage, for applications such as word processing, spreadsheet programs, browsers, etc. Considering reliability and service I approached several of the major vendors, such as Dell, Compaq and Gateway, about buying a computer with only the Windows 98 operating system installed. The companies I contacted did not even have the courtesy of providing a response. In fact, they were most likely prohibited from meeting my requirements under their exclusive agreements imposed by Microsoft. I ended up buying a lesser known brand.

(2) For home use I have used Lotus Products during many years. Although a few years old this software is more than adequate for my purposes and will meet my requirements for many years to come. I have also developed extensive spreadsheet programs in Lotus 1–2–3 97 which I use daily and which would take weeks to adapt to Excel. It follows that if I were to buy a new home computer today I would be forced to pay for a range of Microsoft applications which I have no use for, and which I would most certainly delete immediately.

In summary, I recognize that Windows is the operating system of choice for nearly all computer users. However the market place must be opened up to competition in order to to achieve the goals outlined above. Microsoft must be forced to:

(a) discontinue ''bundling'' of unrelated applications into its Windows operating system, and b) allow the computer manufacturers to pre-load applications of the consumer's choice, if any. Needless to say, this second requirement may require monitoring of the computer manufacturers as well.

Sincerely, Lars Johansson 246 La Pera Circle

Danville, CA 94526–3025 39

MTC–00024585

From: tomkeyes
To: Microsoft ATR
Date: 1/25/02 1:34pm
Subject: Microsoft Settlement

Dear Sir or Madam,

I encourage you to settle the Microsoft lawsuits in the quickest way possible. The current settlement being considered by several states and the Department of Justice seems to be the most efficient means of disposing of this suit. I am an experienced small business user of computer products. I have used at least 10 different operating systems on different computer brands in the last 20 plus years. Microsoft is the oly company that delivered a continually improving mostly effective operating system during that time. Its continual inclusion in the operating system of tools developed by itself and third parties to solve certain problems has been an absolute boon to consumers. You are faced with political contributions and legislative pressure to

make life easier for certain competing firms. Complaints abound that access is not simple. You isolate on the inclusion of the browser. Why did you not initiate action when the various fonts were included in the operating system? The use of third party fonts, and bit maps was a real pain by the consumer. Today, I seldom think about them. They are part of the utility. I never used a browser until it became part of the system. Then the browser helped me, the consumer. Now, at the instance of businesses that could not maintain a lead over a utility that Microsoft made part of the system, you are interfering in areas of technical development that is beneficial to the consumer, and to the economy.

I have much more I can say in support of settlement being considered. Like, why did you not help when we consumers were faced with the fraudulent sales of systems that promised ''we can do that'' when they could not. I was once told a system could perform some simple accounting functions. It could not even line up the decimal points. I asked government organizations for help. I was told that I should have performed better due diligence, and that it was a contract problem. Now that we have a system that works, you want to limit it. From a consumers perspective, you have picked the wrong target. You should have gone after the various UNIX developers for failing to maintain a uniform system when fragmentation kept consumer prices higher and increased costs of transferring data from system to system. Instead, you go after a working system that continually decreases consumer costs. Nuts!! I told the MN Attorney General that I would organize voters against him in future elections when he joined the suit. I did. He lost. ??0024585—0002 I thought Gore was part of the decision to proceed with the suit, so I organized as many votes against him as I could. I will continue to organize the few voters I know against those that continue to pursue this Microsoft suit until the economic decisions are back into the hands of the consumer economists. We know that a continually improving product at a continually lower price is important. Some folks do not seem to understand that. Settle the suit. Tom Keyes, #262 2650 W. Union Hills Drive
Phoenix, AZ 85027

MTC–00024586

From: srcontracting@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/25/02 1:34pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Harry Rembe
96 Ryan's Way
Hoschton, GA 30548

MTC–00024587

From: jlgrdnr@juno.com@inetgw
To: Microsoft ATR
Date: 1/25/02 1:34pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Jerry Gardner
1023 McMahan Ave
Nashville, TN 37216

MTC–00024588

From: Barry Tolnas
To: Microsoft ATR
Date: 1/25/02 1:40pm
Subject: Microsoft Settlement

I think the settlement proposed will have little impact in correcting the monopoly powers that Microsoft has been found by several courts to possess and exercise. Please try to do what is right for the people. Ultimately that is what will help business the most in the long run as well.
Barry Tolnas
213 Rogers St. NW
Olympia, WA 98502

MTC–00024589

From: Graham Metcalfe
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 1:37pm
Subject: Microsoft Settlement

Under no circumstances should the DOJ settle with Microsoft in any way which would allow them to increase their market share. This would certainly include any proposals which would create a government ''sanction'' in allowing them to dramatically increase marketshare in areas where they are historically not the dominant player. In specific, direct grants of software/hardware systems to K-12 and higher education institutions would help them increase marketshare in an area where use of other operating systems (mainly Macintosh and Linux) have a dominant role.
Graham Metcalfe
Creative Strategist/Senior Architect
(707)780–1709
multimedialive
625 Second Street
Petaluma, CA 94952
(707)773–3434

MTC–00024590

From: TURCOFE@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 1:39pm
Subject: Microsoft Settlement

Dear Attorney General Ashcroft: As a Microsoft user and stockholder (only 100 shares), I have followed with interest this ongoing anti-trust case for the past few years. I must say I was heartened when it seemed to be reaching final resolution. But, like many other disputes, it seems to be taking on a life of its own, with some groups unwilling to accept the resolution that both the U.S. Government and Microsoft have agreed upon. I feel that Microsoft is a strong, innovative leader in the computer industry and that the growth of its company has been very positive for the employment picture in the Seattle area and elsewhere. It seems to me that the beginning of the downtrend of technology stocks in the Nasdaq correlates to the beginning of the Microsoft anti-trust suit approximately 2 1/2 years ago. Conversely, seeing a true end to this conflict could bring a much-needed rally to that segment of our economy. I have always felt that Microsoft's competitors saw a chance to weaken a strong competitor by crying ''monopoly'', and, had they spent the time improving their own products over the past few years that they have spent accusing Microsoft, there would be no possibility of monopoly by anyone in the computer/software industry. I believe Microsoft has agreed to the terms of the settlement proposed by the U.S. Government. It seems they are trying to act in good faith. Hopefully we can close the book on this litigation and move forward. As a country, we seem to have many, many more serious problems to deal with in 2002.

Thank you for your kind attention to this matter.
Frances Turco
1065 Rockefeller Drive
Sunnyvale, CA 94087

MTC–00024591

From: Shmuel (Seymour J.) Metz
To: Microsoft ATR
Date: 1/25/02 1:40pm
Subject: Microsoft Settlement

I believe that the proposed settlement with Microsoft is not in the public interest for several reasons. First, Microsoft was violating the consent decree that it negotiated with Ann Bingamon almost from the moment the ink was dry. There is no reason to expect better compliance with a new consent decree. Second, the propsed agreement does nothing to alleviate or redress the harm that Microsoft's illegal conduct has caused and continues to cause to users of, e.g., Linux, OS/2. Third, the proposed agreement diverts penalties into advertising for Microsoft. Providing free Microsoft products to the schools would only exacerbate the harm that it's anticompetitive practises have cause to

developers and vendors of competitive products. I am a longtime user of the operating system OS/2, and expect to be a user of the operating system Linux. When I buy a PC, I neither need nor want a copy of Windows. However, Microsoft has used its economic power to force dealers to sign contracts under which the dealers must pay Microsoft a license fee for every computer sold. Those dealers, of course, pass the cost on to their customers, and Microsoft has consistently refused to pay any refunds to those customers. I believe that in order to be in the public interest and to satisfy the intent of the law, any settlement must include the following elements:

1. Require refunds to everyone who has purchased a PC from a dealer who bundled Microsoft products, unless the customer is using those products.

2. Require penalties to be paid to developers on competitive applications and operating systems

3. Require separation of Microsoft into independent hardware, applications, network and operating systems companies.

4. Require publication of all current and future proprietary file formats, communications protocols, etc. and a free perpetual license for their use.

5. Require the divested companies to provide interface data to their competitors at least 6 months prior to providing them to other Microsoft companies. There should be periodic review to determine whether to adjust the length of the interval.

6. Require the applications companies to release new versions of its application for non-microsoft platforms, and require that all new features be available on competitive platforms for at least 6 months prior to making them available on microsoft platforms. As with item 5, there should be periodic reviews.

7. Impose substantial fines.

8. Require providing non-microsoft applications and operating systems to the schools.

9. Prohibit providing microsoft applications and operating systems to the schools.

10. Prohibit any contract with a hardware vendor that requires or encourages bundling of microsoft products.

11. Require the hardware company to develop drivers for non-Microsoft platforms, and require that all new features be available on competitive platforms for at least 6 months prior to making them available on microsoft platforms. As with item 5, there should be periodic reviews.

Shmuel (Seymour J.) Metz, SysProg and JOAT
Atid/2
Team OS/2
Team PL/I

MTC–00024592

From: Johnnie Douglas Muse
To: Microsoft ATR
Date: 1/25/02 1:40pm
Subject: Proposed Microsoft Settlement—Hell No

What a joke. Microsoft would be getting over on the DOJ COMPLETELY if this settlement is allowed to go forward as it is now. This would completely defeat the judgment of monopoly against this arrogant corporation. Please, for the sake of the educational consumer market, do not allow this sneaky attempt to saturate the education market by Microsoft with their shoddy software and the inferior hardware that it runs on. It will only increase the recipient school's expenses in the long run as these computers and the Windows operating system is very problematic and requires more technical assistance and maintenance than systems based on the Mac OS or Linux.

Thank you for your consideration of this viewpoint.

Sincerely John Muse

MTC–00024593

From: Raphael Fleishman
To: Microsoft ATR
Date: 1/25/02 1:40pm
Subject: Microsoft Settlement

I am writing under the Tunney Act concerning the proposed Microsoft Settlement (United States v. Microsoft Corp., Civil No. 98–1232). I believe the settlement is unfair as it will not serve to end Microsoft's unlawful conduct and does not adequately protect competitors, VARs, and OEMs against retaliatory or future anti-competitive action by Microsoft. The spirit of the Sherman Antitrust Act, particularly those clauses of which Microsoft was convicted of violating, is to protect consumers by protecting competition. I believe the burden rests on Microsoft to prove to the courts that adequate anti-monopolist protection is being provided. I have co-signed a petition which details my position in greater detail, and am writing this to officially note my opinion as allowed by the Tunney Act.

Thank you very much,
Raphael Fleishman
Stanford University
Beckman Center B403
Stanford, CA, 94305–5307
650–723–4025

MTC–00024594

From: meltondm@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/25/02 1:38pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Dawn Melton
CWU
Ellensburg, WA 98926–7875

MTC–00024595

From: Phipps, James B SWG
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 1:38pm
Subject: Microsoft Settlement

The Microsft Corp provides a service with the products that they offer, however they are monopoly in every sense of the word. They use a variety of tactics to ensure their position in the business. Without question the Government should look at the AT&T Break up as a reliable model in dealing with Microsoft. I am in favor of breaking Microsoft up into segments that don't overwhelm and control the computer industry and much business today.

James (Jim) Phipps
PMC Solutions
U.S. Army Corps of Engineers
Galveston District
Project Management Branch
Phone (409) 766–3919
Fax (409) 766–6372

MTC–00024596

From: Kerry Gerhard
To: Microsoft ATR
Date: 1/25/02 1:43pm
Subject: Microsoft Settlement

The purpose of this email is to show my support for Microsoft's decision to integrate a browser into their operating system. The following paragraph, taken from a technical piece, best describes my support. ''Since Internet Explorer 3.0, Microsoft has provided an open architecture, inviting application developers to integrate Web technology into their applications. Most see this simply as a way to integrate Web browsing into their application. Others see this as a way to implement sophisticated display features that were previously too difficult to implement, or perhaps to replace a less-flexible and hard-to-maintain homegrown system. And best of all, since Microsoft has positioned its Web browser technology as part of the operating system, this functionality comes without prohibitive licensing and royalty issues.'' Taken from an article written by:

Dave Templin
Microsoft Corporation
January 2000

As a software developer, every time Microsoft adds a new feature into the operating system, that is another piece of code I don't have to develop myself or license from a third party. This benefits consumers because software vendors can utilize these features without further cost to the customer. With that in mind I can only hope for a speedy settlement that is favorable towards Microsoft.

Sincerely,
Kerry Edwin Gerhard

MTC–00024597

From: Raphael Molina
To: Microsoft ATR
Date: 1/25/02 1:43pm
Subject: Microsoft Settlement

I believe that the proposed agreement is unjust. You will be forcing schools to have an open arena of technology. By forcing Microsoft down schools throat, I believe that

schools, consumers, or anyone in general should have the freedom to choose any computing platform. Microsoft should be forced in giving the schools monetary amounts that then the schools can use at their will as to what platform to go to in the computing world. Otherwise Microsoft will continue its monopoly that is currently holds.

Thanks,

R. Molina

MTC–00024598

From: meowdw@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 1:41pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,

Dolores Wolf

5002 Olympic Drive

Los Alamitos, CA 90720

MTC–00024599

From: Dan, Brian and Miranda
To: Microsoft ATR
Date: 1/25/02 8:32am
Subject: Microsoft Settlement

Ladies and Gentlement,

Anyone who knows better, thinks the proposed settlement is bad idea

MTC–00024600

From: Brent Ware
To: Microsoft ATR
Date: 1/25/02 1:41pm
Subject: Microsoft Settlement

The proposed Microsoft settlement is a bad idea for many reasons, not least of which is that it is no punishment at all for a twice-convicted monopolist. Allowing them to give away ''$1 billion'' worth of software which costs them virtually nothing to manufacture is merely a way for them to pry Apple out of the school market, which in fact just furthers their monopoly at the cost of yet another competitor. They have $38 billion dollars in cash, projected to increase by $10 billion in the next year—have them give an actual $5 or $10 billion cash to the schools. They feel a slight financial pinch, the schools get to buy things they need, and it doesn't necessarily kill Apple in that market. In fact, it allows the market to work, instead of having Apple driven out of the school market as a result of Microsoft being thrown in the briar patch.

Brent Ware

MTC–00024601

From: swingingclub
To: Microsoft ATR
Date: 1/25/02 1:45pm
Subject: Microsoft Settlement
Thomas P. Johnson, III Esq.
3904 Montrose Driveway
Chevy Chase, MD. 20815
Phone (301) 215–9889
Fax (301) 215–4178
January 25, 2002

Dear Madam or Sir:

May It Please The Court: I am in favor of a Settlement of the Microsoft matter based on the fact that prolong litigation does nothing for either side but waste resources. In retrospect, this protracted matter of anti-trust litigation against a company who has greatly influenced modern technology does nothing for creativity in the business community. When the Honorable Judge Thomas P. Jackson issued a decision to break up Microsoft, the decision had an earthquake reaction on the stock market. The entire market declined on the day his decision was issued. Further, no entity has come up with definitive numbers to show how Microsoft has caused actual damages. The damages that have been formulated against Microsoft by the plaintiffs have been pure hyberbol and mere speculation at best. I would speculate that the recent move to file a law suit by AOL is a retaliatory act because of Microsoft's involvement in the bidding for AT&T's cable network against AOL. Comcast was the winner and AOL was the loser. Case law in contract matters states: ''where there is competition'' fairness is not part of the calculus as long as there are no illegal acts. The same principle apply to matters involving Microsoft and its competitors. Some of the business plaintiffs in this proceeding did not have the financial resources to compete in the development of their products prior to this law suit; and, now is crying foul because Microsoft is at a disadvantage at this juncture. There is never a level playing field when there is competition. Microsoft should not be penalized because of the largess of its pocket book. You compete with the cards you are dealt when you do not have the financial resources to compete. A settlement is in the best interest of all sides because: limited judicial resources; defendants, plaintiffs, and the shareholders of all entities involve will benefit because the resources used to litigate this matter could be better used to pay shareholders in terms of dividends derived from profits instead of a writedown because of litigation cost; the litigation cost will most likely be deducted from research and development of new products; and, there will be more money available to settle this claim instead of litigation. On record, which is public knowledge it has been factually shown that the states who participated in the tobacco settlement did not use the money they receive properly according to the terms of the settlement agreement. The states were supposed to use the money to curb teen smoking. Some states used only a fractional amount. I argue this point because the attorneys generals from the various states who are participating in this proceeding cannot show actual physical injury. Economic injury which the states will most likely argue is pure speculation. Economics is a science of speculation and courts do not reward damages based on speculation. This case is unlike the tobacco suit where people died because someone was less than candid about a particular product. This case hinges on business competition and not personal injury. Settlement by any means necessary and not protracted litigation. I would speculate in the event of litigation it will greatly impact our economy negatively as will be reflected in the stock market as was the case in a past decision.

Respectfully submitted,

Thomas P. Johnson, III

MTC–00024602

From: Michael
To: Microsoft ATR
Date: 1/25/02 1:48pm
Subject: Microsoft Settlement

I believe the proposed settlement is a bad idea. I am not in the computer industry, just an end user who has had a personal computer since 1983. I have purchased Microsoft products as well as products from their competition. It is my observation that many hardware as well as software companies failed due to unfair business practices on the part of Microsoft. Others with far great expertise than I have detailed this out for you. As a concerned citizen, I want you to know that I believe the proposed settlement will not effectively stop Microsoft from continuing on as they have in the past, i.e. benefiting from unfair business practices. Thank you for your time.

Sincerely,

Michael Kane

MTC–00024603

From: Brent Ware
To: Microsoft ATR
Date: 1/25/02 1:47pm
Subject: Microsoft Settlement

The proposed Microsoft settlement is a bad idea for many reasons, not least of which is that it is no punishment at all for a twice-convicted monopolist. Allowing them to give away ''$1 billion'' worth of software which costs them virtually nothing to manufacture is merely a way for them to pry Apple out of the school market, which in fact just furthers their monopoly at the cost of yet another competitor. They have $38 billion dollars in cash, projected to increase by $10 billion in the next year—have them give an actual $5 or $10 billion cash to the schools. They feel a slight financial pinch, the schools get to buy things they need, and it doesn't necessarily kill Apple in that market. In fact, it allows the market to work, instead of having Apple driven out of the school market as a result of Microsoft being thrown in the briar patch.

Brent Ware

MTC–00024604

From: Steven Barnes
To: Microsoft ATR
Date: 1/25/02 1:49pm
Subject: settle now

MTC–00024605

From: kforrest
To: Microsoft ATR
Date: 12/17/01 1:15pm
Subject: Microsoft Settlement

Microsoft needs to be repentant and not rewarded for its previous actions. For years Microsoft has attempted to squeeze into the K–12 education market and now they elect to do it as ''compensation'' for previous wrong-doing. Please don't give them this ''free lunch.'' If they want to do pentance for k–12 education let them drop a billion dollars into the e-fund and supply truly FREE internet access to all underfunded schools in the nation.

thanks
Kent Forrest
Technology Leader
Parkway School District
Chesterfield, MO

MTC–00024606

From: parkru@saic.com@inetgw
To: Microsoft ATR
Date: 1/25/02 1:46pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Russ Park
9826 Colt Lane
Lakeside, CA 92040

MTC–00024607

From: james t. pendergrast
To: Microsoft ATR
Date: 1/25/02 1:50pm
Subject: Microsoft Settlement

My name is James Pendergrast. I have used Microsoft products, but have settled upon the Macintosh operating system as being superior for my needs. It is disconcerting to me to see the business practices Microsoft employs to dominate the field and drive their competitors out of business. The lack of government interest in creating an effective remedy, particularly since the advent of the Current Bush administration, has been disheartening. The current proposal, with Microsoft giving a sham offer to schools is like a slap in the face to everyone who holds fairness and equal dealings for all persons in high regard. It won't cost them anywhere near what they will get credit for, and have the effect of further increasing their presence in the education market, at the expense of Apple computer. Some punishment indeed. Please do what is necessary to prevent such a travesty of justice taking place.

Yours truly,
James T. Pendergrast.

MTC–00024608

From: Syndergaard, Ernie
To: Microsoft ATR
Date: 1/25/02 1:51pm
Subject: Microsoft Settlement

I work in the IT Industry and am very concerned with the proposed settlement of the Microsoft Antitrust Suite. Of particular concern is: Section III.A.2. allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system. Section III.B. requires Microsoft to license Windows on uniform terms and at published prices to the top 20 OEMs, but says nothing about smaller OEMs. This leaves Microsoft free to retaliate against smaller OEMs, including important regional ''white box'' OEMs, if they offer competing products. These sections clearly allow Microsoft to continue to strong arm most companies who wish to stay competetie ''bend'' to microsoft will. This proposed settlement is NO FIX TO THE MONOPOLISTIC POLICIES OF MICROSOFT AT ALL! This is purely my personal opinion and does not in any way reflect that of Compaq Computer Corporation or any of it's subsidiaries.

Ernie G. Syndergaard
IT Specialists
Compaq Computer Corporation

MTC–00024609

From: DJMaytag
To: Microsoft ATR
Date: 1/25/02 2:02pm
Subject: Microsoft Settlement

I am part of a worldwide network that is working on getting the BeOS or equivalent back into the market place, but there is no hope of success if the following issues aren't addressed: examples: open Office file formats, Win32 APIs, make dual-boot options mandatory, etc... I am not a very eloquent speaker/writer so I am going to include some links to another who is. I can say with certain confidence, that any remedy that leaves out the OEM bootloader license will have zero effect on any competition being able to someday enter the marketplace to compete against Micorsoft. Here are some exceprts from some articles written by Scot Hacker from byte.com: Regarding the state of the Microsoft monopoly: ''But the reality is that Be's failure has made a point to the world, to whit: ''Don't bother trying to create a better commercial desktop OS—it doesn't matter how hard you try, how many engineers you throw at the problem, how much money you spend, or how many years you put into it. Microsoft owns that space and, worse, the public is totally complicit with that fact. People will not stop using Windows. It is a losing battle.'' It is unlikely now that anyone will ever again attempt what Be, Amiga, and IBM attempted. And that's the saddest thing of all—the insidious ways in which the monopoly has wormed itself into the fabric of our economy and culture. The message that ''resistance is futile'' has been hammered home. The only OS projects that stand a chance are open source, because they don't play by the rules of the economy.'' Regarding the part of the monopoly the DOJ has seemingly completely missed, the Microsoft bootloader:

''In the 1998–1999 timeframe, ready to prime the pump with its desktop offering, Be offered BeOS for free to any major computer manufacturer willing to preinstall BeOS on machines alongside Windows. Although few in the Be community ever knew about the discussions, Gassee says that Be was engaged in enthusiastic discussions with Dell, Compaq, Micron, and Hitachi. Taken together, preinstallation arrangements with vendors of this magnitude could have had a major impact on the future of Be and BeOS. But of the four, only Hitachi actually shipped a machine with BeOS pre-installed. The rest apparently backed off after a closer reading of the fine print in their Microsoft Windows License agreements. Hitachi did ship a line of machines (the Flora Prius) with BeOS preinstalled, but made changes to the bootloader - rendering BeOS invisible to the consumer—before shipping. Apparently, Hitachi received a little visit from Microsoft just before shipping the Flora Prius, and were reminded of the terms of the license.''

''So here we are in 2001, and guess what? It's still not possible to purchase a dual-boot Win/Linux machine. Doesn't that seem kind of odd? With all of the hype Linux has gotten, and with the technical simplicity of shipping dual- boot machines, not a single PC OEM is shipping such a beast. The technology marketplace is glutted with options. Vendors use even the smallest opportunities to trumpet their differentiating factors. Linux is free. And yet there are no commercially available dual-boot machines on the market. Not one. The silence of the marketplace speaks volumes. There is no other way to explain this phenomenon other than as a repercussion of the confidential Windows License under which every hardware vendor must do business.'' From an article entitled ''The De Facto Hardware Monopoly'' http://www.byte.com /documents/s=97/byt19990727s0011/ index.htm ''While the Department of Justice trial focuses on issues such as browser integration, the real point of the trial is often lost in all the hubbub: The hardware industry is, by necessity or by choice, beholden to Microsoft. It's one thing to see an ''Intel Inside'' sticker on a new machine, but when I see hardware labeled ''Designed for Windows 98'' or ''Windows 98-compatible'', a shiver of frustration runs up my spine. Since when should hardware care what operating system it's working with?'' From http://lists.elistx.com/archives/interesting-people/200108/msgOO238.html

From: ''Brian David Hungerford'' <bhungerf@umich.edu>

To: ''David Farber \(by way of Bernard A. Galler\)'' <dave@farber.net>

The boot license doesn't actually say that you can't install a second OS.

What is says is:

1. You can't deliver a preinstalled machine in which Microsoft's code bootstraps someone else's OS. It is technical possible to

do this with NT/2000/XP/etc., because the NT bootloader is specifically designed to respect the preexistence of another OS and incorporate that into the boot sequence; any MCSE knows this. It's how NT systems allow you to preserve your previous boot option when you upgrade from DOS, OS/2, or Windows 9x/ME. However ...

2. OEM's must use Microsoft's preinstallation tools to deploy the OS on the machine. Since those tools (usually) start by blasting away the contents of the disk and laying down Windows in a fresh partition, any preexisting OS would be destroyed in the process. Hence the trap: deploy the other OS first, and the OEM tools wipe it away;

Deploy it after Windows, and you've used Microsoft's boot code to launch a different OS.

It is trivially easy for end users and VAR's to set up dual-boot systems. But—as the article points out—this would require some interest on the part of customers for post-purchase installation, and there is none. http://www.theregister.co.uk/content/archive/21410.html Between 1997, when the DoJ began taking the browser issue seriously, and when the final arguments were made late in 1999, Be was the only competitor whose business solely depended on providing competition to Microsoft on the consumer desktop. It's strange then that it should ignore such compelling evidence of anti-competitive behaviour. But the Antitrust staff aren't the only people who are reluctant to grasp the nettle. There's a widespread view in the Linux community that offering head-on competition to Windows on the desktop isn't how Linux will eventually win. The argument has some sound reasoning—it points to historical changes in the economics of the infrastructure, of the sort which saw midrange system replaced client/server PCs—but ducks the difficult question. If you are going to offer consumers an alternative to Windows, you're going to need distribution, and overwhelmingly the least troublesome and most convenient distribution point is a preloaded, pre-configured installation. That means access to the PC's boot sequence.

At the LinuxWorldExpo panel discussion Jeremy Allison made few people comfortable with his point that unless you break the client monopoly, ''your alternative infrastructure is irrelevant,'' Very few OEMs can afford not to offer Windows, and while their freedom to offer alternatives is dictated to by the Beast, the alternatives will languish. http://www.theregister.co.uk/content/4/22670.html One possible concession by Microsoft in the proposed AntiTrust settlement has come too late to save the company which pressed hardest for its inclusion: Be, Inc. Section C/4 of the remedy states that Microsoft may not forbid OEMs ''offering users the option of launching other Operating Systems from the Basic Input/Output System or a non-Microsoft boot-loader or similar program that launches prior to the start of the Windows Operating System Product''. OEM agreements preventing PC manufacturers from advertising the fact that an alternative was in fact, right in front of the user, pre-installed.

In the case of Hitachi, the most significant OEM to offer BeOS preinstalled, the user had to manually install a boot manager to activate the BeOS partition, a process which involved creating their own floppy boot disk. The package could not include a boot floppy, and the Windows desktop had no icons enabling the automation of the process, or even giving any indication that an alternative existed on the PC. I can't grab everything from this article, but it's a good read: http://www.netaction.org/msoft/world/ I found this document via http://www.nyx.net/-lmulcahy/microsoft-bad- faith.html There a whole host of articles out there explaingin why the DOJ missed the boat and why Microsoft is going to get away scot free from this mess if some sever changes don't take place. I can't even begin to explain how bad this is going to be for the US and world economy if Microsoft isn't stopped.

Thank you for yout time,
Mitch Anderson

MTC–00024610

From: Tom Denman
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 1:52pm
Subject: Microsoft
AVTEX
Thomas J. Denman
5775 West Old Shakopee Road
Suite 160
Bloomington, Mn 55437
(952) 831–3710
January 9, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing this letter to simply state my support of the DOJ antitrust settlement involving Microsoft. The settlement reached between Microsoft and the Department of Justice is fair and reasonable. The design of the settlement is to be beneficial to both the IT industry and the consumer alike, without unfairly attacking Microsoft.

It is essential that the DOJ resolve this issue swiftly. An exorbitant amount of American tax dollars have been spent just so that Microsoft's competitors could attack their opposition. This country is based on free enterprise, and it seems that the settlement already goes against the grain of that idea. To continue litigation would just mean a slow suffocation of laissez-faire principles.

As it is, Microsoft will have to give up software codes and intellectual property just to appease the DO J, yet some jealous and selfish special interests would prefer to move on, even though this is clearly not in the public interest. I strongly recommend that all action at the federal level be stopped.

Sincerely,
Thomas Denman
Executive Vice President

MTC–00024611

From: luthered@cox.net@inetgw
To: Microsoft ATR
Date: 1/25/02 1:49pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Edward Luther
94 Henry Clay Rd
Newport News, VA 23601

MTC–00024612

From: Jonathan Leinwand
To: Microsoft ATR
Date: 1/25/02 1:52pm
Subject: Microsoft Settlement

I am concerned that the Microsoft settlement is letting Microsoft do something that would otherwise be illegal. By letting Microsoft provide free software to a market it has not yet dominated, the Justice Department is letting them do exactly what was done to Netscape. Free Windows software will tilt decisions towards Intel based computers running Windows, thus hurting competition in the education market place. The settlement needs to correct the behavior of the offender and not try to punish it or try to do a good deed. Giving out free software from Microsoft will not benefit educators, students or competition.

Jonathan D. Leinwand, Esq.

MTC–00024613

From: Charles Borner
To: Microsoft ATR
Date: 1/25/02 1:55pm
Subject: Microsoft Settlement

Pardon me if I seem naive about this. I simply do not understand why, if Microsoft is guilty of monopolistic practices, the government isn't stepping in and demanding real measures to dismantle this monopoly. Simply allowing Microsoft to give away product and old, refurbished computers isn't an effective remedy to this. It simply mirrors what happened when they began giving their Internet Explorer browser away for free.

Because they have huge, effectively bottomless cash reserves, they can easily weather this settlement. Note: The settlement's cash value is roughly equal to Microsoft's MONTLY profit margin. It doesn't even begin to touch the billions Microsoft has socked away in the bank. Additionally, this damages the competition even further. Because now the government is effectively distributing software for Microsoft. For free. How are competitors supposed to compete with products being GIVEN away? The answer? They CAN'T. So the settlement isn't even a slap on the wrists for Microsoft. It has the effect of giving a government sanction to an illegal monopoly.

And more, government assistance in furthering that monopoly. The DOJ needs to stop trying to take the easy, feel-good way out of this, admittedly, painful situation. The DOJ needs to begin seeking hard, truly workable soloutions that REALLY penalize Microsoft for their illegal activities. Stop doing what's easy, and do what's RIGHT for a change.

Charles Borner: chas@evilnet.net
5550 Abbey Dr.
Suite 4M
Lisle, IL 60532

MTC–00024614

From: P T Withington
To: Microsoft ATR
Date: 1/25/02 1:52pm
Subject: Microsoft Settlement

In my opinion, the Proposed Final Judgement in United States vs. Microsoft is insufficient to prevent Microsoft's continuance of anti-competetive practices to the detriment of computer users everywhere.

P. T. Withington

MTC–00024615

From: David Halonen
To: Microsoft ATR
Date: 1/25/02 1:57pm
Subject: Microsoft Settlement

I oppose ''fining'' Microsoft by allowing them to have a free hand to donate MS software to schools—its tanamount to letting the fox in the henhouse! The fact that MS writes bad code, has a lousy user interface, and can't spell security to save Bill's fortune is beyond refute. And should not be a part of this settlement process. The fact is that MS has been found in violation of the law. The fact that they look at the law in disdain (ignoring prior rulings) calls out for a stiff punishment. I strongly encourage the gov't to punish MS to the fullest extent of the law. MS has clearly demonstrated time and time again, it only respects pure, unadulterated force. Hit them between the eyes! Its the only language they understand.

Regards,
David Halonen
The Halonen Company
10131 Fairlane, Suite 1215
South Lyon, MI 48178
(734) 449–2956
(810) 923–0780 cell

MTC–00024616

From: Aaron Sherman
To: Microsoft ATR
Date: 1/25/02 1:55pm
Subject: Propose Microsoft settlement

I'll keep this short, since I'm sure many who submit will not. The basic problem that Microsoft's business practices present to the rest of the industry is incompatibility of interfaces. The rest of the industry works very hard in standards organizations, documentation and in other ways to unify interfaces between software applications. Microsoft has done just the opposite. If the only change that results from this investigation is that Microsft is forced to publish details of their interfaces between, e.g., Internet Explorer and the Windows NT/2000/XP operating systems or between Office and the Win32 subsystem in full (not in general detail), then the industry would be able to compete on those platforms with the existing Microsoft products. Generally, this is not required of software companies because they do not straddle the operating system and application software markets. Where Microsoft does, they present a barrier to market for non-Microsoft applications simply by hiding the interfaces that their application products use.

So, in short: publish interfaces well in advance of major revisions; maintain and support published interface implementations accross minor revisions; restrain Microsoft from applying for any patents which could prevent application software competitors from using said interfaces without paying royalties (note: this does not prevent Microsoft from acquiring patents, so long as they do not touch on application/platform interfaces). Interfaces should include: save file formats; application embedding protocols and controls; network protocols; extension languages; system libraries; operating system interfaces to application such as the browser.

MTC–00024617

From: Florence Jones
To: Microsoft ATR
Date: 1/25/02 1:56pm
Subject: Microsoft antitrust settlement agreement

Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I support the Microsoft antitrust settlement agreement. While I have been opposed to this lawsuit from its inception, I believe settling the case now is in everyone's best interests. The settlement agreement provides for a variety of concessions on Microsoft's part. They have agreed to increase server interoperability. They have also agreed to make a great deal of changes in the way they handle their relationships with software developers. Once the settlement agreement is finalized, Microsoft will not retaliate against software or hardware developers who develop or promote software that competes with Windows. Nothing more should be expected or required of Microsoft beyond the scope of the current settlement agreement. I urge your continued support of resolving this case. Thank you for your efforts in this regard.

Sincerely,
Florence Jones
PO Box 281/451 Coul Ave.
Buckley, WA 98321
phone 360–829–9293

MTC–00024618

From: Phil Parker
To: Microsoft ATR
Date: 1/25/02 2:06pm
Subject: proposed settlement

I support the Kansas AG and *do not* support the pending settlement.

Phillip E. Parker
Math. Dept. #33
Wichita St. Univ.
1845 N. Fairmount
Wichita KS 67260–0033
USA

MTC–00024619

From: mcgraw@cejka.com@inetgw
To: Microsoft ATR
Date: 1/25/02 1:55pm
Subject: Microsoft Settlement

Microsoft is a convicted monopolist and I do not trust them with my data. I will vote with my conscience next time you guys are up for re-election or anything. ''What's good for General Motors is what's good for the country'' is and was WRONG.

Haven't we learned enough about the Enron scandal, for instance? What are you guys thinking?

Patrick McGraw
Network Analyst
Cejka & Company
800.678.7858
fax 314 863 1705

MTC–00024620

From: Getz, Steve (SM)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 1:59pm
Subject: Microsoft Settlement

This settlement is a bad idea. You need to break up the company—split off the operating system group from the rest. First they claim the browser is now part of the operating system. What keeps them from next saying Microsoft Office is now part of the operating system thus killing off the competition for word processing, spreadsheets, etc. Then they can add virus utilities to the operating system.

Steve Getz
Sarnia
519–339–6412

MTC–00024621

From: MKEYSTONEFI@CS.COM@inetgw
To: Microsoft ATR
Date: 1/25/02 1:55pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
MONROE STRAWN
P. O. BOX 1001
NORTH HIGHLANDS, CA 95660

MTC–00024623

From: Tim Van Riper
To: Microsoft ATR
Date: 1/25/02 9:06am
Subject: Microsoft Settlement

In order for this settlement to be fair, Microsoft should not be allowed to pay

damages by providing ''free'' software and/or hardware. The penalty must be monetary so schools can have the freedom to choose which platform they wish. By giving Microsoft the option of paying their penalty in kind, they not only settle the lawsuit, but grab and even larger marketshare by dumping their garbage software and tired old clone hardware off on unsuspecting students and teachers. That surely wouldn't be fair. Make Microsoft pay with REAL money.

Timothy Van Riper
Salem, Virginia

MTC–00024625

From: David Diplock
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 2:03pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW Suite 1200
Washington, DC 20530–0001

As a software engineer with over 10 years of experience developing for various platforms, I wish to comment on the proposed Microsoft settlement (PFJ) under the Tunney Act. I agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html <http://www.kegel.com/remedy/remedy2.html>), and have asked to be included as a co-signer to his letter. In addition, I would like to summarize my personal views on the PFJ. The PFJ as currently written simply does not go far enough. There is no doubt, given Microsoft's past behavior, that it will attempt to circumvent and evade the terms of this agreement. The PFJ is so narrowly defined that it allows plenty of maneuvering room, especially considering that it will be applied in an industry as fluid as the software industry. Therefore, the PFJ will fail in its intended purpose—to prevent Microsoft from continuing its illegal and anticompetitive practices. Such failure would clearly not be in the public interest. Strengthening the settlement agreement, as proposed by Dan Kegel and by certain plaintiff states, is necessary for the remedy to be effective.

Sincerely,
David Diplock
San Diego, California
Software Engineer,
Peregrine Systems

MTC–00024626

From: Michael Dragone
To: Microsoft ATR
Date: 1/25/02 2:02pm
Subject: Microsoft Settlement

To Whom it May Concern:

I'll keep my comments regarding the proposed Microsoft Settlement brief. The settlement in its current form essentially gives Microsoft the legal right to continue to do as they please. Furthermore, I've noticed that it seems to be relatively easy for Microsoft to circumvent any restrictions that are in place that they find to be a hindrance. Microsoft has been found to be a monopoly. This has been affirmed by a Court of Appeals. When AT&T was found to be a monopoly, they were broken up into Baby Bells. I'm not entirely certain that a breakup of Microsoft is the best solution (a slew of Baby Microsofts might not help the matter). Regardless, a harsher penatly must be imposed on this company. They literally have their collective hands in almost every facet of the Information Technology industry. Their use of disgusting business practices to enhance their own net worth causes nothing but disdain. If they are not stopped now, our entire IT infrastructure may one day be entirely Microsoft-driven. This is highly undesirable.

Thank you for your time.

MTC–00024627

From: LUC,BIEN (HP-Cupertino,exl)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 2:03pm

Hi Mr Attorney General,

Attached please find my opinion about the Microsoft litigation.

Thanks,
Bien Luc
19420 Homestead Road
Cupertino, CA 95014–0606
January25,2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Attorney General:

The economically damaging and unfair litigation against Microsoft must come to an end. The current settlement with Microsoft is in the best interests of California, the IT industry, and the economy. The settlement has placed a number of restrictions on Microsoft. For example, Microsoft has agreed to a ''Technical Committee'' that will monitor the company's compliance with the settlement. In addition, Microsoft agreed to design future versions of Windows to make it easy for consumers and computer makers to promote non-Microsoft products within Windows. Also, Microsoft has agreed not to retaliate against computer makers who ship software that competes with anything in its Windows operating system. These changes in Microsoft's behavior will result in more options for consumers as well as expanded competition in technology sector. More importantly, the settlement will end three years of unnecessary litigation and will let us move forward. I urge you to support it.

Sincerely,
Bien Luc

MTC–00024628

From: Ann Lee
To: Microsoft ATR
Date: 1/25/02 2:03pm
Subject: Microsoft Settlement

I believe that the proposed settlement that has been offered, Microsoft giving approx. $1 billion in refurbished computers and software to schools to settle their lawsuits, is not only acceptable, but possibly illegal. Nor does it do anything to address the actual people and businesses that have been harmed by it's monopolic behavior. As John Kheit pointed out in his article in The Mac Observer, http://www.macobserver.com/, ''. . . Such predatory pricing and/or dumping tactics are normally illegal for a convicted monopolist. U.S. v. Columbia Steel Co., 334 U.S. 495, 530 (1948); Western Concrete Structures Co., Inc. v. Mitsui & Co. U.S.A.), Inc., 760 F.2d 1013, 1018 (9th Cir. 1985). Thus, it is currently illegal for Microsoft to give its software to the educational market for free or at a price below its costs because they have been found to be a monopoly. However, if the government agrees to Microsoft's proposed settlement with the states, then the government will at the very least be providing Microsoft with an exception to this rule, or at worst be a collaborator in illegal predatory pricing and dumping.''

Microsoft should be punished for their anti-competitive behaviour, not rewarded with another market to monopolize. Also, any settlement should be focused towards the consumer and business community, not an irrelevant third party.

E. Ann Lee
2520 W 32nd Avd
Denver, CO 80211
303–455–6728

MTC–00024629

From: Chris McGrew
To: Microsoft ATR
Date: 1/25/02 2:03pm
Subject: Microsoft Settlement

Dear Sirs,

It is my opinion that the proposed settlement is flawed. If Microsoft is guilty of monopolistic practices, as they have been found to be, then the proposed remedy of solution amounts to nothing more than a wrist slap. Microsoft will be little inconvenienced by these measures. I don't believe that breaking up Microsoft into different companies will help and that is not what I believe is fair. I do believe that MS is guilty of monopolistic practices, though I also believe that virtually any company that was able to maneuver themselves into the same position, would have employed almost identical tactics. These need to be curbed to allow industry to flourish.

Microsoft is not a very innovator company, but they do update their products from customer input. They should not be allowed to kill off the smaller fish in the pond before these fish can become real competition by giving away a competing product for free. This practice doesn1t allow for fair competition.

I am not sure how to fix this, but as I have stated earlier, the proposed settlement is nothing more than an ineffectual wrist slap.

Chris McGrew
2605 Oaks Ave
Everett, WA 98201

MTC–00024630

From: Mike Everett-Lane
To: Microsoft ATR
Date: 1/25/02 2:03pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the Microsoft settlement's inadequacy in improving the competitive environment in the software industry. Specifically, I would like to address the veto against open source programming.

Open source programming is one of the most important revolutions in computer science. The Internet has enabled programmers from across the globe to create software collaboratively. Examples include Apache, GNU/Linux, Samba, etc. Under section J.2.c., Microsoft does not need to make ANY API available to groups that fail to meet ''reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business.'' This effectively gives Microsoft a veto over sharing any information with open source development projects, because Open Source projects are usually performed by volunteers, and therefore would not be considered authentic, or viable businesses. This will have a chilling effect on Open Source development—which in turn will reduce competition and halt the creation of new software. I cannot see how this would benefit consumers. The DOJ should revise its settlement, so that Microsoft cannot discriminate between for-profit and nonprofit groups in API disclosure.

Sincerely,
Michael Everett-Lane
155 Seventh Avenue
Brooklyn NY 11215

MTC–00024631

From: Ron Robertson
To: Microsoft ATR
Date: 1/25/02 2:03pm
Subject: Microsoft Settlement

I wish to comment that I don1t think the proposed settlement against Microsoft goes far enough. Nothing will change or be improved with your current proposal. I also think it1s wrong the way Microsoft breaks every standard and uses their market share to force everyone to use their products, particularly web browsers.

Sincerely,
Ron Robertson
Fresno, CA

MTC–00024632

From: doodles8@pacbell.net@inetgw
To: Microsoft ATR
Date: 1/25/02 2:04pm
Subject: Microsoft Settlement

Gentlemen,

A few brief words stating how upset I am that you are letting Microsoft get away with anti-competitive practices with nothing more than a slap on the wrist. No fine could be enough, given the company's huge resources, and the whole idea to give schools their inferior software was just another obvious grab for market share. The only way to force MS to cooperate is to force them to open their operating system's code for all to see. Barring that, they must make all API files open source, so that other software companies might be able to write programs without the handicap of not having access to the internal system dynamics. If this is the best that the Department of Justice can do for the people of America, you may as well turn in your resignations.

disrespectfully yours
Steve Gattuso

MTC–00024633

From: Larry Melillo
To: Microsoft ATR,microsoftcomments @doj.ca.gov@inetgw
Date: 1/25/02 2:04pm
Subject: Comments on the Microsoft Proposed Final Judgment

TWIMC: Having read the Proposed Final Judgment, I believe harsher remedies are needed to prevent Microsoft from extending its monopoly in the future. In particular, Microsoft can not be allowed to self-regulate itself regarding the classification of new technologies as part of the Windows OS. Unless emerging companies are allowed to have a fair opportunity to develop and exploit breakthrough technologies, this proposed PFJ may allow future technology development to be delayed/ignored based on the whims of a single company's strategic intent. As technology will likely continue to be a major driver of the world's economy, this simply is not an acceptable alternative. At the very least, harsher regulatory controls should be implemented as part of the PFJ.

Regards,
Larry Melillo
San Francisco, CA 94109

MTC–00024634

From: Spunk S. Spunk III
To: Microsoft ATR
Date: 1/25/02 2:05pm
Subject: Microsoft Settlement

Hello,

I would like to voice my opinion of the Microsoft Settlement and ask you to PLEASE continue the trial. The current settlement does nothing to Microsoft and worse yet, many of the ''penalties'' actually strengthen Microsoft's monopoly. I think it allows them to continue bullying everyone who gets in their way as they always have done and, in fact, are continuing to do.

Thank you,
Brian Ray

MTC–00024635

From: aruss1@gte.net@inetgw
To: Microsoft ATR
Date: 1/25/02 2:02pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
andrew russell 2414 state street erie, PA 16503

MTC–00024636

From: ed@alcpress.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:05pm
Subject: Microsoft Settlement

The settlement reached between the Department of Justice and Microsoft is a disgrace. Microsoft committed crimes and their punishment is no punishment at all! How can I be proud to be an American under these conditions? I take an active part in the education of my children. How do I explain to them that our country is based on law but that law does not apply to the wealthy—that our leaders are corrupt. You're destroying MY country and it's heritage. I'm ashamed of the whole lot of you. You disgust me.

Ed Sawicki

MTC–00024637

From: RBush11235@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:05pm
Subject: Microsoft Settlement

To whom it may concern:

The constant litigations brought against Microsoft, simply because the company is a success, need to stop, and those already brought against Microsoft need to be dismissed, or at least, diminished. The original case brought against Microsoft was a case of ''sour grapes'', fueled by the liberal, and nonsensical idea that ''it's not fair'' that one company succeeds more than another. That same nonsensical idea extends to the individual, and therefor those indivduals who succeed are excoriated and punished by an increasingly dictatorial and intrusive government. The idea that the success of one individual helps the success of the next individual is no longer paramount in this country, because that is a capitalistic concept, and the country is becoming more and more socialistic. if not out-right communistic. However, Communism and Socialism are not what made this country great, nor will they keep it great.

Richard L. Bushman
165 Fruit Street
Hopkinton, MA 01748
508–435–4003

MTC–00024638

From: Rod Martin
To: Microsoft ATR
Date: 1/25/02 1:52pm
Subject: Microsoft Settlement

The proposed settlement for Microsoft is a very bad idea and completely insufficient.

MTC–00024639

From: George Heller
To: Microsoft ATR
Date: 1/25/02 2:06pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea. All it will allow for is big companies with deep pockets to tie up cases in court long enough that when the time comes for judgement the whole case seems irrelevant. At that point, they're unaffected because they've already accomplished what they've wanted to do: completely destroy all competition.

MTC–00024640

From: E. Tomchin
To: Microsoft ATR
Date: 1/25/02 2:06pm
Subject: Microsoft Settlement
To: Renata B. Hesse

Antitrust Division
U.S. Department of Justice
Washington, DC 20530–0001

Dear Ms. Hesse,

After reviewing the Microsoft settlement documents it is my considered opinion that the proposed settlement not only does not prevent Microsoft from continuing in their heavy-handed and competition-strangling behavior, but it completely fails to address one of the worst offenses Microsoft has committed to date: to wit, the inauguration of Microsoft's new XP operating system with its Windows Product Activation (WPA) function. WPA appears fraudulent and monopolizing in that if a consumer fails to get Microsoft's permission to activate the operating system, which arguably is their right, it prevents that consumer from accessing their own personal and private files on that computer and permanently locks that consumer out of their own computer. This simple fact seems prima facie evidence that Microsoft has not only failed to adhere to the spirit of the settlement agreement, but has taken their heavy-handed monopoly to new heights.

Further, Microsoft has announced that it soon will cease all support of earlier operating systems, including Windows 95, Windows 98, Windows ME and Windows 2000. This appears to be a monopolizing move that is designed to force people to abandon any earlier operating system they may own and choose to keep and force them to purchase XP. This cessation of support for earlier Microsoft operating systems would not be that heavy-handed and monopolizing if Microsoft would allow the downloading of all necessary security patches and Service Packs so that a user may bring those operating systems up to secure functionality when the operating system needs reinstalling, which it quite frequently does due to numerous bugs and defects in the original product. Overall, it appears that Microsoft is being allowed to continue to control and interfere with a consumer's right to maintain an operating system they have purchased from Microsoft. The settlement does not address any of the issues I have put forth above.

Thank you for the opportunity to address these issues.

Sincerely,
Edward A. Tomchin
P. O. Box 10009
Golden Valley, AZ 86413

MTC–00024641

From: kanb—us@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:04pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Betty Launius
3827 Verner Dr.
Peoria, IL 61615

MTC–00024642

From: Drew Dean
To: Microsoft ATR
Date: 1/25/02 2:07pm
Subject: Microsoft Settlement

(I'm not sure this got through the first time; it's the same text)
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse and Judge Kollar-Kotelly:

I wish to express my belief that the Revised Proposed Final Judgment (RPFJ) in US v. Microsoft is not in the public interest, and respectfully urge the Court not to approve it. While the RPFJ is a substantial improvement over the original PFJ, it remains the case that the exclusions swallow the rule. The following three examples are illustrative, but by no means the only problematic areas in the RPFJ.

(1) Section III.J.2. The exclusions in subpart (b), ''has a reasonable business need for the API, Documentation, or Communications Protocol for a planned or shipping product,'' (c) ''meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business,'' and (d) ''agrees to submit, at its own expense, any computer programs using such APIs, Documentation, or Communication Protocols to third-party verification, approved by Microsoft, to test for and ensure verification and compliance with Microsoft specifications for use of the API or interface, which specifications shall be related to proper operation and integrity of the systems and mechanisms identified in this paragraph.'' serve to exclude the people that most need this documentation, namely, the Samba team (see http://www.samba.org). The Samba team has produced an open-source implementation of the Microsoft SMB/CIFS protocols for file and printer sharing. Being an open source project, their code is freely available, and they are not a business. A reasonable interpretation of subparagraphs (b) and (c) would make them ineligible to benefit from the remedies prescribed in Sections III.D and III.E. Furthermore, the cost of the testing required by Section II.J.2.(d) is likely to be prohibitive for individuals, and non-profit open source projects, further limiting competition. While the Samba team is the most immediately relevant example, these concerns also apply to the developers of the Linux operating system and the Apache Web server.

All three of these programs are used by large numbers of people, and represent direct competition to Microsoft.

(2) The definitions in Sections VI.J, VI.K, and VI.T (''Microsoft Middleware'', ''Microsoft Middleware Product'', and ''Trademarked'', respectively) appear to exclude Microsoft's Reader (see http://www.microsoft.com/reader). Microsoft Reader is the company's software for the display of electronic books. I reach the conclusion that Reader is not covered by the RPFJ as follows: (1) Sections VI.J.2, and VI.K.2.b.iii both require that the software ''is Trademarked.'' (2) Section VI.T defines ''Trademarked''. Sub-paragraph (iii) says ''asserting the name as a trademark in the United States in a demand letter or lawsuit. Any product distributed under descriptive or generic terms or a name comprised of the Microsoft(r) or Windows(r) trademarks together with descriptive or generic terms shall not be Trademarked as that term is used in this Final Judgment.''

(3) Microsoft Reader certainly is a name comprised of ''Microsoft'' and a generic term, ''Reader,'' and by the plain meaning of Section VI.T.(iii) is not Trademarked. Hence, it is neither Microsoft Middleware nor a Microsoft Middleware Product, and appears to fall entirely outside the scope of the RPFJ. While the electronic book market is highly immature at present, many believe that it will come to dominate traditional, paper-based, publishing. The potential economies of digital storage and transmission are enormous. Publishing is a multi-billion dollar per year market and so the status of Microsoft Reader and competing products will be of great competitive significance. I believe that the public interest is best served by letting this potential market evolve in a free, competitive manner. Leaving Microsoft unconstrained is not consistent with this goal. I also note that Microsoft can avoid having any new product designated as a Microsoft Middleware Product under the RPFJ by the simple expedient of naming it so that it falls outside the definition of Trademarked (Section VI.T). (3) I quote Section VI.U in its entirety: ''Windows Operating System Product'' means the software code (as opposed to source code) distributed commercially by Microsoft for use with Personal Computers as Windows 2000 Professional, Windows XP Home, Windows XP Professional, and successors to the foregoing, including the Personal Computer versions of the products currently code named ''Longhorn'' and ''Blackcomb'' and their successors, including upgrades, bug fixes, service packs, etc. The software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion.

This definition has two problems. First, it is internally inconsistent. It begins by defining the code comprising a ''Windows Operating System Product.'' It then follows that definition by contradicting itself, ''The software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion.'' Which definition is meant to prevail? Neither is clearly subordinate to the other. Second, in numerous places in the RPFJ, language of the form ''not inconsistent with this Final Judgment'', ''consistent with this Final Judgment'', or ''exercising any of

the options or alternatives provided for under this Final Judgment'' appears. It is, however, notably missing in Section VI.U. Given the numerous other appearances of this language, its lack here appears to be significant. While one might assume that any such determinations by Microsoft would have to be consistent with the RPFJ, plain reading of this definition does not require it. As there is no indication that this definition is subordinate to the rest of the RFPJ, this could be interpreted as undermining the intent of the RFPJ, particularly in regard to middleware products. I believe the settlement would be substantially strengthened by replacing the final sentence with: ''The software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion, consistent with this Final Judgment.''

The above examples are illustrative of the flawed approach taken in the Revised Proposed Final Judgment. I believe that the Revised Proposed Final Judgment is not in the public interest, and respectfully urge the Court not to approve it.

Sincerely,
Drew Dean
21070 White Fir Ct.
Cupertino, CA 95014

MTC–00024643

From: Terryk
To: Microsoft ATR
Date: 1/25/02 2:14pm
Subject: Microsoft

I am adamantly opposed to the proposed DOJ settlement. I have been in the computer business since the early ''60's. I watched for years as Microsoft ran business after business, out of business. Netscape, a fine browser, was one of the most visible, but by far, not the only one. Stac, a disk compression company is one that comes to mind, when Microsoft ''added'' a near copy of it to Windows, in the form of ''Double disk''. The original proposed settlement, breakup of Microsoft, and a Windows product without Internet Explorer was by far the best proposal. I believe the remaining nine states, and now AOL, are absolutely right to demand a much better solution to a major monopolistic company that Microsoft is. Not to mention the arrogance of Mr. Bill Gates.

I. L. Koelling email = ikoelling@houston.rr.com

MTC–00024644

From: Russell Tilton
To: Microsoft ATR
Date: 1/25/02 2:11pm
Subject: microsoft

We hope that Microsoft stays strong in the marketplace. Personally, we like their products and have no complaints about their service. I would hate to see another negative impact on the NW at this point in time. As long as there are checks and balances, I don't even mind if they control the market place because decentralization may be cumbersome and difficult to work with given the technical expertise needed to work with different systems. They would all need to be integrated. A big order, wouldn't you say?

MTC–00024645

From: Jerome
To: Microsoft ATR
Date: 1/25/02 2:10pm
Subject: Microsoft Settlement

The Federal Anti-trust settlement in this case was a travesty. It did little to a company that violated past agreements on anti-competative behavior of microsoft. The American public deserves a Judicial system that will look out for them, and this settlements do not do this. The Government has proven their case agenst Microsoft, and the Federal Courts have a duty to the people of the United States to ensure that it does not happen again, and the only way that they can do this is to apply a penelty which will discourage, or make it impossable for Microsoft to practice this behavior in the future. Given some of Microsoft's latest aquisitions (intelectual property which includes a rival 3-D graphics technology, Open GL), and software technologies in thier latest OS, I feel that they have continued these pracices even while litigation in the current Anti-trust case is pending. I would like to see harsher penelties applied to Microsoft for these reasons.

Jerome Gantner

MTC–00024646

From: Nick Snyder
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 2:12pm
Subject: Microsoft Settlement

I believe that the only thing Microsoft should be able to do, is pay the money. They should not donate software, computers and what not. They should put the money into a ''fund'' for each school and have the school buy what computer software, hardware and whatever other computer stuff they need.

Thought I would share.

Nick Snyder

MTC–00024647

From: L.C. Mathison
To: Microsoft ATR
Date: 1/25/02 2:16pm
Subject: Stop Microsoft's Monolopy

The proposed DOJ vs Microsoft settlement is bad for everyone except Microsoft. Please do not accept and make legal the monolopy Microsoft now holds. Please take any appropriate measures to completely stop Microsoft's monolopy by breaking them into competitive companies or stop the pre loading of Microsoft Operating systems and add-on programs such as Internet Explorer which caused the first public outcry.

Please!
Please!
Listen to the people!
Leslie C. Mathison
1128 West Collinwood Circle
Opelika, AL 36801
Phone 334–749–5891

MTC–00024648

From: Son, Seha (S.)
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/25/02 2:14pm
Subject: Current AOL litigation

I believe that the both companies time and resources should be spent toward ultimate end-consumers, not in the courtroom. Both companies should be engaged in fair and mutual competition and perhaps cooperation for the benefit of ,again, consumers. I'd like to see AOL's litigation to end immediately so that the consumers win.

MTC–00024649

From: phillyfanatic@juno.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:13pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now.

Thank you.
Sincerely,
Glenn Koons
5314 4th
Long Beach, CA 90814

MTC–00024650

From: Tom
To: Microsoft ATR
Date: 1/25/02 2:16pm
Subject: Microsoft Settlement

The proposed settlement is not sufficient punishment to Microsoft. Microsoft uses their control of the operating system harm other companies who were trying to compete. A proper settlement would lessen the power that Microsoft wields over the industry.

Tom Solnok
706 Sumac Rd
Derby, KS 67037

MTC–00024651

From: Scott Layman
To: Microsoft ATR
Date: 1/25/02 2:18pm
Subject: Microsoft Settlement

I would like to see Microsoft broken up. If not broken up, then the governmnt needs to keep a very close watch on them. Microsoft shouldn't decide on thier punishment. The courts should, and the punishment should not be in Microsoft's favor. The giving 1 billion $ of microsoft products to schools is just feeding the monoploy fire! Microsoft's business practices are down right EVIL. It amazes me at how they could get away with most of the stuff they do. Microsoft's punishment needs to be harsh.

MTC–00024652

From: rdlamb@attbi.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:18pro
Subject: Microsoft Settlement
RICHARD LAMB

1357 43rd Avenue Unit 35
Greeley, Colorado 80634
January 25,2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

The reason I am writing to you is to ask that you make certain the settlement that was reached recently between the Justice Department and Microsoft is concluded. I am concerned that anti-Microsoft groups may try to harm the settlement process. The Justice Department and Microsoft want to settle this case. Antagonists of the settlement contend that this agreement is hard enough on Microsoft. However, considering this settlement makes Microsoft share more information with competing software firms than ever before proves these contentions are wrong. This settlement discloses Microsoft/Es internal interfaces, which is a major concession and unprecedented. Also, Microsoft has agreed to share its secrets of server interoperability. With these two disclosures, Microsoft will be creating more competitiveness in the IT industry. Opponents of the settlement don't seem to be concerned with this; they appear to have more concern with punishing Microsoft.

I appreciate you taking time to consider my views on this issue. I urge you to settle this case as has been planned.

Sincerely,
Richard Lamb

MTC–00024655

From: Sonia Arrison
To: Microsoft ATR
Date: 1/25/02 2:20pm
Subject: Microsoft Settlement
January 25, 2002
Ms. Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Re: Settlement of US v. Microsoft

Dear Ms. Hesse:

The Pacific Research Institute is a non-profit, San Francisco-based public policy think tank dedicated to promoting individual freedom and personal responsibility. This letter is being submitted to the courts as part of the Tunney Act proceedings as it relates to the Final Judgment Stipulation and Competitive Impact Statement in US v. Microsoft. On behalf of Pacific Research Institute, I have written on and researched the Microsoft issue extensively. It is the position of our organization that approving the settlement in this case is in the best interest of consumers and the technology industry.

As the director for the Pacific Research Institutes Center for Technology Studies, I have worked on this issue from very early on in its history. I reviewed the position of the federal government and state attorneys general as well as the position taken by MicrosoftA competitors. The antitrust case brought against Microsoft was neither justified nor in the best interest of American consumers. Now, four years later, the courts have an opportunity to mitigate the mistakes made by the Justice Department and previous courts by supporting the settlement. The settlement being proposed is the right course of action to take. By forcing Microsoft to open their operating system, prevent unfair bundling, and create various forms of oversight, the settlement will address the concerns of those who called for this trial in the beginning. As an added benefit, accepting the settlement will provide a greatly needed lift for the national economy. The damaging effect of this case on our economy is obvious. In the two weeks when the first round of settlement talks between Microsoft and Justice Department collapsed, the value of Microsoft stock in the California Public Employees Retirement System fell by over $700 million. Our current economic climate is not one that can easily withstand another setback of that severity. I am including with this letter an article I wrote in July 2001 and a white paper written by our policy fellow, Helen Chaney. I hope this information is helpful to the court.

Sincerely,
Sonia Arrison
Director, Center for Technology Studies
Pacific Research Institute
755 Sansome Street, suite 450
San Francisco, CA 94111
451–989–0833 x107

MTC–00024656

From: dr2nd@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:17pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Clyde Reynolds
2012 17th Ave
Forest Grove, OR 97116

MTC–00024659

From: Phil Russell
To: Microsoft ATR
Date: 1/25/02 2:20pm
Subject: Microsoft Settlement

I respectfully ask that you carefully avoid being swayed by a massive Microsoft-led write-in campaign. I do not favor the ''billion dollars in computers and software to schools'' settlement for many reasons. It is difficult to trust Microsoft, given the lies Bill Gates is prone to telling. Would Microsoft claim the $429 cost for every copy of Microsoft Office it would give to schools? Or would they claim their actual cost of somewhere less than $2? I suspect the latter. When that copy of Microsoft Office has to be upgraded, doesn't this lock the schools into Microsoft products far beyond the initial copy of the application? Apple Computer is much admired and used in schools. This is one area where Microsoft does not have a 90 to 10 advantage over Apple. The proposed settlement would tear into Apple's share. Given the extreme wealth of Microsoft, gained while unlawfully running roughshod over other companies, one billion dollars in restitution is a huge joke. Perhaps 10 or 15 billion might be more rational. Microsoft is one huge predatory company, intent on taking over EVERYTHING in the computer and internet world and MORE. Strong penalties are necessary.

Thanks for listening to an every-day computer user.

Phil Russell
1420 SW Crest Circle
Waldport, OR 97394
541–563–2501

Explaining the proposed Microsoft punishment:

''...someone is caught breaking into your house, offers to repair the damage instead of going to jail, if they can put up a massive billboard for their house maintenance business in your front yard for six months...''—MacOpinion

MTC–00024660

From: Joel T. Osburn
To: Microsoft ATR
Date: 1/25/02 2:21pm
Subject: Please reject the proposed settlement

A quick review of pertinent Facts: * Microsoft had (and maintains) a monopoly on desktop computer operating systems. * Microsoft used (and still uses) this monopoly to extend it's reach into other markets. * Microsoft developed monopolies in other markets using this general tactic, including but not limited to: internet browsing software, office suites, entry level database software. * Microsoft violated a Consent Decree issued 15 July, 1994 (Civil Action # 94–1564, US vs. Microsoft (http://www.usdoj.gov/atr/cases/f0000/0047.htm), also as a result of abusing it's monopoly to stifle competition, and extend into new markets. * In court, Microsoft, including it's Chairman and it's CEO, repeatedly lied under oath. * By extending it's monopoly via these illegal means, Microsoft has grown at unprecedented rates for twenty years, and is one of the richest corporations in the world, with no debt, and a vast amount of cash. Observations regarding the impact of the above facts on consumers: * The price of software in those markets which Microsoft dominates has remained steady while in other markets average prices have dropped. * There have been no new innovations in general internet browsing software from Microsoft since they released version 5 of Internet Explorer over four years ago. The pace of innovation previously observed was a direct result of competition that no longer exists. Microsoft's Internet Explorer has yet to conform to published, accepted standards;

instead, web developers conform to Internet Explorer's peculiarities rather than the accepted standards. This leads to: By dominating markets, Microsoft has positioned itself and it's products as a defacto standard by extending it's monopoly. This prevents competition; potential competitors cannot meet an unpublished defacto standard, and therefore cannot compete; products developed in this manner appear substandard to the public, which expects behavior as per the ''standard'' set by the monopoly. Thus competition is stifled and innovation outside of Microsoft limited to those areas in which Microsoft either cannot or has yet to leverage it's existing monopolies to enter.

The proposed settlement fails to: * Compensate any of those affected, either directly or indirectly, by Microsoft's pattern of illegal behavior. * Require Microsoft to either adhere to published standards, or publish those features and behaviors that it has established as defacto standards. * Prevent Microsoft from tying any given new product to it's existing monopolies unbeknownst to the general public, through the common practice of requiring Non Disclosure Agreements before any information is exchanged or contract negotiated. Therefore a company must risk it's very existence under threat of lawsuits, in order to accuse Microsoft of repeating it's illegal behavior. * Provide expedient, impartial resolution of future examples of the same illegal behavior. A ''three strikes'' type clause may be appropriate, and I'll note that this particular case is actually a second strike, having been brought about by Microsoft's failing to abide by the Consent Decree it agreed to over seven years ago. * Provide any current or future competitors any assurance that they will be able to compete on equal footing, thus raising the requirement to even begin to compete. * Prevent Microsoft from holding equity in or substantial contracts with any direct competitors. They currently hold equity in Apple Computer, which is currently the only legitimate competitor for desktop operating systems, and have a major development agreement with Corel, makers of WordPerfect. This creates a potential conflict of interest for those ''competitors'': Apple Computer stopped shipping Netscape Navigator with it's personal computers, instead shipping Microsoft's Internet Explorer (which defeats Microsoft's argument that Internet Explorer is a part of the Windows Operating System, and, since this was in exchange for $150 million) constitutes illegal dumping); immediately upon receiving from Microsoft a major influx of capital along with a development contract, Corel stopped development of it's version of the Linux Operating System, and the version of the WordPerfect suite of ''office'' applications for the Linux Operating system. This would appear to be anti-competitive.

Please reject the proposed settlement; many more appropriate suggestions have been fielded for how to remedy the illegal behavior exhibited by Microsoft.

Thank you for your time.

Sincerely,

Joel T. Osburn

MTC–00024665

From: Peter C Lott
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 2:21pm
Subject: USAGLott_Peter_1016—0115.doc
2700 S Sunland Drive
Tempe, AZ 85282–3387
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

As I read more about the recent developments in the Microsoft settlement, I become more frustrated in the fact that it may be even further delayed. By delaying the enforcement of this agreement, we directly delay the advancement of our American technology industry. As the rest of the global market moves on, America's technology industry is forced to focus on litigation rather than innovation. Not only has Microsoft agreed to make changes in licensing and marketing, but has agreed to design future versions of Windows for easier installation of non-Microsoft software. Beyond this, Microsoft has agreed to be monitored by a committee in order to ensure that they follow proper procedure. All of these concessions are clearly a step toward a more unified technology industry. By working together, we help our American technology industry maintain its position of leadership in this highly competitive global market. As we face this competitive market, we must be prepared for the many changes involved in this industry. By being able to focus on innovation, we can be prepared for these changes and stay on top of the market. By enforcing this agreement, we will be able to utilize it as a guideline for advancement within the market.

Sincerely,

Peter Lott

MTC–00024686

From: John Coble
To: Microsoft ATR
Date: 1/25/02 2:23pm
Subject: Public Comment

This is a Public Comment on the proposed settlement among the Justice Department, the Nine States and Microsoft Corporation. I am also including comments about AOL in its recent filing: I have been a user of Microsoft Windows and many other Microsoft Products for many years. Definitively not because they are the only ones available, but solely because they are the best. (And indeed I have tried many others). No one using Microsoft Windows (any version) is forced to use MSN Internet Browsers as every computer manufacturer lists a wide range of other providers. As for many others including the worst AOL you can go to any computing store and many other stores and get a free CD to load in to your PC in a matter of minutes and use their service. Just because Microsoft has started including Internet Explorer as an integral part of Windows does not force you into something that you do not want. You can indeed delete their ICONS and use any other provider that you desire without any degrade to the general functioning of Windows. I was with AOL and used Netscape and found them to be rife with problems and forced spam of every thing from porno to advertising of anything you could name. I finally got off of AOL and went with QWest because they offered a high speed connection (DSL). I continued to use Netscape until I could no longer stand the errors and finally switched to MSN Internet Explorer and could not be happier. Every Microsoft product that I use is the best and at the best price.

Finally, I do believe that every one that appeared before the courts against Microsoft have in some way been connected to other manufactures or states. (Probably paid off). This case can be settled quickly if the U.S. District Judge, Colleen Kollar-Kotelly would issue an order that with any settlement there will be no money involved. Each party will handle their own legal expenses and once the Judge rules on the case, that is it. No further charges or appeals will be accepted. And for any person or group testifying against Microsoft they must be investigated to determine their ties to other manufactures, states and now AOL. As a final step in the settlement the Judge should ask that the nine states involved should report back to the court within one year on their actions to stop using Microsoft Products. This is a long dissertation; however, I am fed up with my tax dollars being spent on this insurrection against one of the best companies in the world by a bunch of money hungry companies/states that could not succeed on their own.

John T. Coble
2647 98th Ave. NE
Clyde Hill, WA 98004
425 454–4632

MTC–00024688

From: Frank de Lange
To: Microsoft ATR
Date: 1/25/02 2:22pm
Subject: On the Microsoft settlement

Dear sir/madam,

Even though I may not be a US citizen, I still want to add some comments to the proposed settlement in the case Microsoft vs. DoJ. I am a self-employed IT service architect, who has been employed by several Dutch and international companies. Others have commented on many aspects of the settlement. Much of the text seems reasonable. I see two minor points which might need some improvement.

Point 1:

Under I.1. ''All terms, including royalties [...] reasonable and non-discriminatory.'' I would like to refer you to a discussion on RAND (Reasonable and non-Discriminatory) licensing as has been proposed for the world wide web consortium (The organization which sets standards for the world wide web). http://www.w3.org/TR/2001/WD_patent_policy_20010816/ Note especially objections made by some of the w3c contributors. To wit: rand is not non-discriminatory. It discriminates directly against Open Source and Free Software projects. These projects simply cannot use or pay for such RAND licensing due to their legal structure. The arguments that could be made here are very similar to those stated in the w3c discussion. Here are some arguments

of my own: Royalty Free (RF) Licensing has been proposed as an alternative, and overcomes this weakness. Why are Free Software and Open Source Software important? There are two arguments based on reason, and one is based on simple demonstration: (1) The free software operating system GNU/Linux is considered by many to be a somewhat important competitor to Microsoft. It is distributed under the GNU general public licence (GPL) which is a distribution license. Allowing Microsoft to discriminate against such competitor would not be fair. It could also hardly be called non-discriminatory, of course.

(2) As far as I know, original implementations of RFC 791 (Internet Protocol) and RFC 793 (Transmission Control Protocol) were released under the university of California's' ''Berkeley Software Distribution'' License. This is a free software license. These 2 protocols form the heart of the current day Internet. The implementation was left Royalty Free, and hence all parties adopted it. Also, since the original source was open, all parties could learn from it, and the TCP/IP system was quickly adopted worldwide. This is very important. references: IETF RFCs can be obtained from many sources. Here is one on the world wide web.: http://www.ibiblio.org/pub/docs/rfc/rfc791.txt http://www.ibiblio.org/pub/docs/rfc/rfc793.txt

(3) Quite simply put: The Simple Mail Transfer Protocol(RFC821) is royalty free, to the best of my knowledge. This protocol is used to transmit E-mail across the Internet. If it were not for SMTP, and if it were not for its royalty free status, I would not have been able to send this message. A possible solution to the shortcoming in I.1. (and similar problems with related points under I) would be to allow for Royalty Free licensing of at very least the data interchange formats used by Microsoft.

As an aside: Requiring Microsoft to submit their data formats (such as word and excel) to the International Standards Organization (ISO) might improve the situation further. Such standards organizations argue that good standardization has demonstrably improved economic gain, and stimulated competition between all parties concerned. I think that even Microsoft might actually gain from such an action in the long run. I see nothing wrong with this, because such gain would result from fair competition. Reference: www.iso.org

Point 2:

Under J it is said that Microsoft may not disclose information about security systems, and may set almost any requirement when sharing security information with a security vendor.

I am a hacker, not a 'certified computing security professional'. I do not feel the need to be certified by any vendor, as these certifications usually are no more than a guarantee of sbujectivity. Open knowledge of algorithms and methods is a requirement for truly strong security. This seems reasonable to me. After all, if one knows of a certain weakness, one can compensate for it and prevent people from exploiting it.

If a hostile element was to be the only person to know a weakness in a security system, then that person would certainly be able to exploit that weakness. Further, security systems which are put up for public review can quickly be assessed for potential weaknesses, and these weaknesses can be repaired. No such process can be used for systems which are kept secret. A second slight problem which some people have brought up is that there might be a weakness here. People might state ''security concerns'' as an excuse to sidestep what they are required to do under I in some situations. In fact this does not seem very hard to do from a technical perspective.

In short, section J on the whole might have some weaknesses. It might be a good idea to gain advice from one or more security experts (such as perhaps a professor teaching about data encryption, or people employed by a government security agency) to determine if this is indeed the case.

Kind regards,
Frank de Lange
Moldau 27
8226MV Lelystad
The Netherlands

MTC–00024689

From: pd@complex.Eng.Sun.COM@inetgw
To: Microsoft ATR
Date: 1/25/02 2:23pm
Subject: Microsoft Settlement

I don't feel that the proposed settlement of the Microsoft anti-trust action adequately addresses the issue of monopoly. It lets the monopoly remain. I feel that the best solution would be to break Microsoft into at least 3 pieces, each with rights to the full intellectual property of the existing company. The new companies would then have to compete against each other. The disruption during the breakup would also provide some time for alternative competition to join the market or gain market share. I personally am an Apple MacIntosh user, and I am continually frustrated by the lack of ''shelf space'' that retailers provide for non-Microsoft products. I am also worried about the gradual creep of Microsoft software becoming the only supported software on Apple systems. My ISP, AT&T broadband, does not support Netscape as a browser or email client. They only support Internet Explorer and Outlook Express from Microsoft.

Thank you for your consideration,
Peter C. Damron

MTC–00024690

From: Lawrence F Povirk
To: Microsoft ATR
Date: 1/25/02 2:24pm
Subject: Microsoft settlement
8127 Brown Road
Richmond, VA 23235
January 25, 2002

To the United States Department of Justice:

Like many investors, I own, through various mutual funds, thousands of dollars worth of Microsoft (MS) stock. Yet, lately I find myself wishing MS would simply close down and vanish. Why? Because I am also a computer user. I spend at least half my working hours at the computer, and like most users, I have dealt with MS products for years. The quality of those products has been variable, but that has been true of most software, so I could not complain too loudly. If I found one of their products genuinely dysfunctional, I could dump it and choose a competing product, as I did several times. Lately, however, I feel I am being increasingly coerced into using MS products, as the alternatives have gradually disappeared. As anyone familiar with the industry knows, this is not because MS has come up with more innovative or more reliable software. Rather, it is because they have been able to target any popular piece of software they choose, use the cash flow from Windows to build a functional duplicate of it from the ground up, bundle their copycat version with Windows or sell it below cost, and drive their competitor out of business. This is classic, textbook monopolist behavior, and it is beginning to stifle the whole computer industry. We need not belabor whether MS acted improperly. Their culpability has already been established. What is at is issue is coming up with an effective remedy, that will restore some degree of consumer choice. It is not only companies harmed by MS's behavior, or consumers frustrated by their lack of choice, but disinterested industry analysts as well, who all agree that the settlement now proposed will do almost nothing to alter MS's mode of business or to bring competition back to the software market. There are, however, remedies that might actually make some progress toward that end.

First and foremost, no one should have to pay for a MS product that they do not want. I recently began shopping for a notebook computer, and found it was virtually impossible to buy one from a major manufacturer that was not preloaded with Windows. IBM and Dell both used to offer models with Linux instead, but no longer. Tellingly, both manufacturers took them off the market just when the Justice Department gave up its only real leverage in the antitrust case by removing the threat of a MS breakup.

This coercion of consumers to buy a product they do not want (Windows) in order to get one that they do want (a computer) is precisely what the antitrust laws were intended to prevent. Hence, at a bare minimum, a simple mechanism should be set up such that anyone can get a full refund for any piece of MS software that was bundled with any piece of hardware that they purchased. To circumvent MS's considerable skills in price manipulation, amount of the refund should be set at the greater of the amount the manufacturer paid MS for the software, or a fixed fraction, say 70%, of the retail price of the software. Moreover, the price charged by MS to manufacturers for preloaded software should be required to be published and uniform, so that MS cannot reward manufacturers for promoting MS's interests, or, more importantly, punish them for not doing so. If a consumer wants to return only part of an ''integrated'' piece of software say, keep Windows but get rid of Internet Explorer, they also should be able to do so, and get a partial refund based on the approximate size of that part of the software (i.e., number of lines of computer code) relative to the whole. Obviously, MS itself cannot be trusted to handle the refund

process itself; that will have to be done by an independent entity set up specifically for that purpose, and under court oversight. In the past, MS has argued that, were this to be allowed, users would return the software, and keep using it anyway, or use an illegal copy. But with MS's new authentication/registration requirements, this practice will become impossible, and their argument will become moot—the one small benefit of an otherwise reprehensible policy that may soon widen the ''digital divide'' into a chasm.

Second, to help level the field in application software, MS should be required to publish the specifications of its main file formats such as .doc, .ppt and .xls. Currently, I am often forced to use MS Word, a program I passionately hate, because coworkers send me documents in MS Word (.doc) format. While competing word processors have devoted considerable effort to creating filters to import and export .doc files, those filters not very reliable, partly if not primarily because the .doc format is secret and ever-changing. Publishing the specifications would probably not solve all interconversion problems, but it certainly would help. Furthermore, MS should be required to maintain input filters of their own for the next three competing applications (e.g., WordPerfect, StarOffice and Applixware word processors), so that documents created on those applications will open in Word, Powerpoint and Excel. Again, and unfortunately, an independent entity will have to be set up to monitor compliance. Even so, none of this even begins to address what may be a much greater means of coercion in the future: MS's apparent plans to make it more and more inconvenient for any Windows user to use any internet services that compete with their own MSN and Passport services. We are now getting only the first hints to what those tactics will be, but they are clearly going to be inextricably built into Windows, and virtually impossible for any Windows user to avoid. Given their control of so much of the basic operation of home and office computers, they really should be barred from providing network services at all. Given that such a restriction is unlikely, their behavior in this area will have to be closely monitored as well, to ensure that they do not shut out competitors entirely.

Of course, I realize that there are those who are perfectly satisfied with the closed, controlled world of computing provided to them by Microsoft. But 20 years ago, there were those who were equally satisfied with AT&T's monopoly phone service, and were dumbfounded at the government's effort to break it up. There were even those who were satisfied with the state-controlled monopolies of the Communist era. That doesn't mean they should have been preserved. History has taught us over and over again that monopolies are a stagnating, corrosive influence on any industry they control, whether it's oil or software. In every case where they were broken up, the result was a wave of innovation and expansion, often going beyond the dreams of even the most enthusiastic trust-busters. I would challenge you to name a single case where the forced restoration of competition in an industry, resulted in worse products being available to consumers. Despite their stability and economies of scale, monopolies are, invariably, a bad deal for consumers, entrepreneurs and society at large; a bad deal for everyone but the monopolists themselves. Microsoft is no different. A copy of this comment in PDF format with facsimile signature, is attached.

Sincerely,
Lawrence F. Povirk

MTC–00024691

From: Robin Downie
To: Microsoft ATR
Date: 1/25/02 2:25pm
Subject: Microsoft Settlement
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

The enclosed letter is for your consideration.

Thank you,
Robin Downic
2684 Elm Drive
Brier, WA 98036–8940

January21, 2002
Attorney General John Ashcroft
US Deparment of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing today to urge you and the Department of Justice to accept the Microsoft antitrust settlement. The issue has been dragged out for over three years and it is time to put it to rest. Microsoft and the industry need to move on.

Some critics say that Microsoft has gotten off easy. In fact, the settlement is quite strict. Microsoft agreed to give computer makers the freedom to install and promote any software that they see fit. Microsoft has also agreed not to enter into any contract with any computer maker that obligates the computer maker to exclusively promote Microsoft software. In fact, Microsoft has agreed to terms that extend well beyond the products and procedures that were actually at issue in the suit. In order to move forward, Microsoft has The settlement is fair and should be accepted. forward is to put the case in the past. made many concessions. The only way to move

Sincerely,
Robin Downie 00024691—0002

MTC–00024691

From: Tony Magnuson
To: Microsoft ATR
Date: 1/25/02 2:25pm
Subject: anti-trust case

The settlement was presented in a way that showed Microsoft's cost in settlement as inflated. The perception is one of Justice serving special interests. This is in the face of the large cache of capital Microsoft maintains which constitutes a tax break for the company and its investors and inflates the value of its stock. A decision by Justice should foster competition, increase shareholder value overall, increase transparency, and send a message that dissembling tactics are not acceptable, even by powerful corporations. I believe the original proposal to break Microsoft into discrete units would have accomplished this. Microsoft is not the only company in the tech arena to be guilty of such tactics, but it represents a clear starting point. This action should not finish with a settlement like this that shows the federal government partnering with Microsoft in wrongdoing. This action should be a beginning of scrutiny of the standards of behavior for industry and the nation as a whole. You will remember Enron.

I am a small business owner and investor in Northern California and user of Microsoft products. I do not want a refund from the company nor anything that would benefit the company nor even the sector specifically. Such a settlement would validate legal bullying and squabbling as a method of reducing competition. I would like to see any settlement invested in the establishment of fairness and transparency in industry as a whole.

sincerely,
David Magnuson
Moss Beach, California

MTC–00024693

From: John (038) Sandee Walker
To: Microsoft ATR
Date: 1/25/02 2:27pm
Subject: Gates lawsuit

This is not about forcing people to buy browsers other than Microsoft. This is about inferior products being pawned off on unsuspecting consumers. The average computer owner has little or no knowledge of how their computer operates—they shouldn't have to it should be designed to work for them. Bill Gates puts out inferior products before they are perfected. He has the money to hipe his products. Unsuspecting consumers have to go through hell using his inferior products. Hard working quality minded smaller companies interested in coming out with superior products don't have the funds or connections to get their products included in the sale of a computer. The general public will benefit because small businesses with superior products are benefiting because Bill Gates has been called on the carpet for unscrupulous tactics. Please realize Bill Gates is not interested in quality product. His ONLY interest is quantity profits at any expense.

MTC–00024694

From: Rick Peterson
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 2:14pm
Subject: Microsoft Settlement

Your Honor,

I have worked in Silicon Valley for 15 years and have personal contact with many high-tech companies. There is a very common theme and that is ''fear of Microsoft''. Microsoft has clearly abused their monopoly. There are companies that never get funded because they predict that Microsoft will not allow the competition. This is unhealthy for our economy! We need the best technology and the best software to have a chance to make it to the marketplace and to compete fairly there. This won't happen if Microsoft is somehow threatened by it. Microsoft has demonstrated its

complete disregard for the law. They do not operate with honor or fairness in the marketplace. Please do what is right and needs to happen. Please break up this ruthless monopoly and force Microsoft to play by the rules of commerce, that govern our great country.

Sincerely,
Rick Peterson, IDSA
Vice President
Studio RED
Tel:650.324.2244 x231
Cel:650.722.2782

MTC–00024695

From: Shulamit
To: Microsoft ATR
Date: 1/25/02 2:24pm
Subject: Microsoft Settlement

Under the Tunney Act, the court must consider public comments prior to deciding on the Microsoft proposed settlement. I am writing to urge you to reject the proposed settlement offer. It does nothing to solve the problem of Microsoft's monopoly and in fact will increase Microsoft's stranglehold in the education market, further adding to the problem.

MTC–00024696

From: JT Thomas
To: Microsoft ATR
Date: 1/25/02 2:27pm
Subject: Microsoft Settlement

In the words of Robert X. Cringely (from pbs.org): Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...'' This loophole (as well as others, but I find this the most offensive) are unacceptable. Please reconsider the settlement decision.

Thank you for your attention to this matter.

MTC–00024697

From: jeff
To: Microsoft ATR
Date: 1/25/02 2:29pm
Subject: Microsoft Settlement

Hello Renata—

As a resident of Washington you would think I would be favoring Microsoft in this action. That is not the case. The current settlement actually has the effect of further strengthening Microsoft's monopoly. Make them give the school cash and let the schools decide on what equipment and software to purchase.

Apple Computer has traditionally been very strong in the education market and this is simply a backdoor play for Microsoft to gain market share.

Thank you for letting me voice my opinion.

Jeff Chin

MTC–00024698

From: jpence711@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:28pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jamie Pence
PO Box 752
Clinton, MO 64735–0752

MTC–00024699

From: Landrus, Kurt
To: Microsoft ATR
Date: 1/25/02 2:30pm
Subject: Microsoft Settlement

I think this settlement is an extremely bad solution. This is not a punishment form Microsoft monoplistic prcatices, it merely enables them to expand into another niche market (education) they do not yet already own.

They have plenty of cash, the settlement should require them to put up cash not donations of MS software.

Please stop this insaity from being approved.

Kurt Landrus

MTC–00024700

From: CICBV@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:30pm
Subject: Microsoft Settlement

Dear Sirs:

The settlement with Microsoft seems fair and equitable and should be settled. It would seem that at this point in history the people would be better served utilizing government resources in more productive ways.

Sincerely yours,
Claudia Pletter

MTC–00024701

From: niner@xel.net@inetgw
To: Microsoft ATR
Date: 1/25/02 2:31pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
J. NINER
149 Topaz
Kissee Mills, MO 65680

MTC–00024702

From: Connie Wickland
To: Microsoft ATR
Date: 1/25/02 2:32pm
Subject: Microsoft settlement
9928 181st Avenue NE
Redmond, WA 98052
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my opinions regarding the Microsoft antitrust case. I believe that your office reached a fair and reasonable settlement that should allow the industry to return its focus to innovation, rather than litigation.

Microsoft has already agreed to concessions that have set new antitrust precedent. The competition will be allowed to use Windows as a springboard to launch their products that compete directly to those programs already included within Windows. Also, Microsoft will disclose, for the competition, various interfaces in its Windows operating system. Most importantly, Microsoft has agreed not to retaliate against any software or hardware developers that develop or promote software that competes with Windows or that runs on software that competes with Windows.

Microsoft has made these concessions because it realizes that settling the case sooner is better than later. If these concessions were asked from more traditional and understandable industries, I think they would be denounced as going against the principles of competition and free enterprise. Imagine if every Coke can had to have a sample of Pepsi inside, or if McDonalds had to offer Burger King's Whopper to those that wanted it. Would that be reasonable?

This settlement will allow the consumers, the industry, and the economy to move forward. I hope when reviewing this case it will be judged it by its merits, and not by the everlasting chain of competitors'' demands.

Sincerely,
Connie WicklandGet more from the Web.
FREE MSN Explorer download :
http://explorer.msn.com

MTC–00024703

From: Jay W. Luther
To: Microsoft ATR
Date: 1/25/02 2:35pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

United States v. Microsoft has been a long and complicated case, and a detailed critique of the proposed settlement it has spawned is best left to those who have considered the implications of every line. As one who has represented software concerns, and has some sense of the industry, I would simply offer my conclusion: It is highly likely that the proposed settlement will be completely ineffectual. Put another way, it appears to me that it will have no impact on the industry as the industry currently exists, though some of its provisions might have been modestly helpful in preserving browser completion during the Netscape-Explorer fight.

Particularly egregious here is the carve-out of the free software movement from essentially all of the proposed judgment's benefit. In operating systems, this is the only competition to MS that is significant today, and if there is to be any benefit to consumers from the judgment, open source representatives must have full, complete, and prompt access to all significant interoperability data for Windows, MS middleware and MS Office, with access being controlled by disinterested third parties. This is also true for all competitive office applications. After all these years, it's time to bring to a close the famous axiom, ''DOS's [Windows's] not done ''til Lotus [WordPerfect, Netscape, etc.] won't run.''

Jay W. Luther
Law Offices of Jay W. Luther
Voice: 415–456–6197
Fax: 415–456–8597 00024703—0002 01/29/2002 10:08

MTC–00024705

From: Thomas M. Ferlauto
To: Microsoft ATR
Date: 1/25/02 2:36pm
Subject: Microsoft Settlement

I oppose the settlement. Microsoft has proven to be a monopolistic predator. From Netscape to Java to countless other examples, Microsoft has used its dominate position in the PC desktop OS market to bully competitors or even drive them out of business. The justice department, at the tax payer's great expense, prevailed and demonstrated Microsoft to have violated the law. This settlement renders all of that effort futile and teaches Microsoft the valuable lesson that you can violate the law, but if you fight like hell in the courts you can get away with it. This will only encourage Microsoft to continue its illegal behavior (to this day, Microsoft contends they did nothing wrong). To teach Microsoft a lesson, to deter future criminal conduct, to make Microsoft a good corporate citizen, to foster free competition, and to benefit the consumers, it is imperative that the settlement be rejected and more drastic remedies be sought.

The problem is Microsoft's dominance in the OS market. This gives Microsoft the power, which they are too at ease with using, to dominate every other aspect of computing. Control over the OS leads to control over office suites, which leads to control over web browsers, which leads to control over internet access and content. This domino effect will never end until Microsoft's OS division is made a separate company from its software and internet divisions. That is the remedy that I suggest.

MTC–00024706

From: C.D. Larson
To: Microsoft ATR
Date: 1/25/02 2:36pm
Subject: Microsoft Settlement

Dear DOJ Team:

First, thank you for all you've been busy doing on the terrorism front. I deeply appreciate and support what your team has been doing—both publicly and behind the scenes—to keep all of us safe. I'm writing regarding the Microsoft Settlement. I've been in the computer industry for some number of years and have seen how Microsoft operates, and I'm disappointed by the proposed settlement. It stifles competition and the economy, and is a real disaster for our industry. Once upon a time, there were many companies who made workable word-processing programs. Innovation and competition flourished. How many such firms can you name today? Not many, I'll bet. That's because of Microsoft's aggressive tactics with Microsoft Word. Is it the best word processing program out there? Hard to say, because nobody compares any more. And there's almost nobody around to compare TO. And that's what I'm talking about. There should be dozens of companies, writing great products and competing on price. And they should be around the world, not just in Seattle.

What our industry is objecting to is Microsoft's continued rampage against area after area of computing. First it was operating systems, then spreadsheets, then word processing, then browsers. Databases are next, followed by imaging. My company's offerings are next; MS is copying our technology to use in their product so they can tell us to go fly a kite. I am not arguing against competition; I'm suggesting we should HAVE some.

My objection is not to Microsoft's ''ability to innovate'', it's their ability to keep others from innovating. By crushing other firms, they force everyone to use their product regardless of what it costs or how good it really is. That's bad for competition, bad for products, and bad for our country.

I think the settlement—especially in the face of the judge's findings in the case—is a weak slap on the wrist and will not address any of the grievances made. What should be done? I don't think it's necessary for the company to be broken up IF they could be successfully kept out of the applications world.

Charles D. Larson, Jr.
Senior Manager, Technical Marketing
Writing as a Private Citizen

MTC–00024707

From: Johnny Hsu
To: Microsoft ATR
Date: 1/25/02 2:36pm
Subject: Microsoft Settlement

DO NOT SETTLE

Settling with Microsoft will only allow them to substantially increase the market share in core industries where their only competition have an edge. To do so will only hinder the efforts of other companies to operate in a competitive society. To do so will allow Microsoft a backdoor into business areas they've always had trouble breaking into. Microsoft has billions of dollars behind its name, and plenty of this available in cash. A settlement with their goods would cost them a minute fraction of the entire settlement value. A settlement by definition implies some kind of wrongdoing. When a kid does something wrong, you don't just let them go. Good parents will punish them so that they do not make the same mistake again. Allowing them to settle with their products is barely a slap in the wrist. If a settlement is deemed necessary, then the government should punish them realistically, by forcing them to donate cash, not goods or services, on demand. Too many companies have been bullied out of competition through vaporware, through bullish and threatening tactics, through unfair business practice. Any other settlement besides a billion dollar cash settlement would be unjust.

MTC–00024708

From: Frank
To: Microsoft ATR
Date: 1/25/02 2:36pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses.

This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Frank Partipilo
234 W Main St
Waukesha WI 53186

MTC–00024709

From: Schulz54@aol.com@inetgw
To: Microsoft ATR

Date: 1/25/02 2:36pm
Subject: Microsoft Settlement
To whom it may concern:
I think the proposed settlement between the Department of Justice and Microsoft is not in the interests of consumers. Please reject this settlement and adopt the one proposed by the nine states.
Sincerely,
E. Matthew Schulz
117 South Scott Blvd.
Iowa City, IA 52245

MTC–00024710

From: spookalew@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:34pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.
This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Robert Lewis
5675 Brynwood Lane
Ash Grove, MO 65604

MTC–00024711

From: sev
To: Microsoft ATR
Date: 1/25/02 2:34pm
Subject: Microsoft Settlement
I think the proposed settlement is a bad idea.

MTC–00024712

From: Dale Caughey
To: Microsoft ATR
Date: 1/25/02 2:40pm
Subject: Dear Sirs:
Dear Sirs:
Further llitigation is a wste of taxpayers'' funds. Every end user had the opportunity to pick Netscape of Microsoft's Browser. I, like most users picked the better browser.
For the unpicked Netscape to seek the protection of a court is absurd;
Judge Jackson should have recused himself, or resign his position, as he didn't, nor does understantthe American system of fair play.
Dale Caughey, JR

MTC–00024713

From: Matt Bingham
To: Microsoft ATR
Date: 1/25/02 2:43pm
Subject: MS Antitrust case.
How to put it succinctly...? You let em go with a warning. (Rhetorical:) Anyone at DoJ actually believe you won't have to do this again in 5 years and do it right?

MTC–00024714

From: Scott Bergstrom
To: Microsoft ATR
Date: 1/25/02 2:42pm
Subject: Microsoft Settlement
Your Honor,
Those businesses behind the antitrust action against Microsoft are simply second-rate. That they failed to win my allegiance and that of the consuming public is not a product of Microsoft's ''vicious business practices'' made their products hard to get, but a result of the inferiority of their products. As a former Macintosh user, I switched to Windows when I realized that it was, in my opinion, a better program. The same applies to Microsoft Explorer vs. Netscape Navigator; the former is simply a better product.
I resent immensely the implication that somehow, as a member of the public, I have in any way been duped by Microsoft's practices. To the contrary, they have given me products of tremendous utility at little or no cost.
In short, they're guilty of nothing more than doing business well and providing services to the public cheaply.
I'm writing this to you not as a political activist but as someone who believes—strongly—that the courts should not be suckered by second-rate businesses who are not adept enough in their industry to take on honest and fair competition.
Sincerely,
Scott Bergstrom
Scott Bergstrom
Sr. Copywriter
J. Walter Thompson Specialized Communications
466 Lexington Ave., New York, NY 10017
T: 212–210–1162
F: 212–210–1097
scott.bergstrom @jwtworks.com

MTC–00024715

From: Joseph Roni
To: Microsoft ATR
Date: 1/25/02 2:42pm
Subject: Microsoft Settlement
Department of Justice:
We read with dismay the recent news that AOL-Time Warner has brought suit against Microsoft on behalf of Netscape. We feel this is a political attempt to influence your decision against Microsoft.
Again a few special interest groups are attempting to use this review period to derail the settlement of the Microsoft case and to prolong the litigation even in the midst of these uncertain economic times. As a private citizen my wife and I object to continuing this litigation. The last thing the American economy needs is more litigation which benefits only a few wealthy competitors who cannot compete with their own innovation.
Please don't let these special interest groups defeat the public interest. My wife and I are retired and our invested retirement worth has declined significantly since this litigation was initiated and it seemed to us that it was one of the leading causes for the rapid decline of the NASDAQ stocks and the stock market in general. Let's settle this thing now for the good of the consumer, the industry and the American economy.
Regards,
Joseph and Virginia Roni
Federal Way, Washington

MTC–00024716

From: aleonczy@student.umass.edu@inetgw
To: Microsoft ATR
Date: 1/25/02 2:42pm
Subject: Microsoft Settlement
Section III,2,b clearly allows Microsoft to retaliate against an OEM that is or is contemplating shipping a PC without a Microsoft operating system. This is unacceptable. Microsoft should not be allowed to realiate against an OEM that ships a PC which does not include a Microsoft operating system. ''shipping a Personal Computer that (a) includes both a Windows Operating System Product and a non-Microsoft Operating System, or (b) will boot with more than one Operating System;'' (US vs MS PFJ)
I propose an amendment: (c) does not include a Microsoft Operating System
Thank You for your consideration,
Andrew Leonczyk

MTC–00024717

From: Stephen Fountain
To: Microsoft Settlement U.S. Department of Justice
Date: 1/25/02 2:38pm
Subject: Microsoft Settlement
Stephen Fountain
374 West Daffodil Rd
Ruckersville, VA 22968
January 25, 2002
Microsoft Settlement U.S. Department of Justice
Dear Microsoft Settlement U.S. Department of Justice:
The Microsoft trial squandered taxpayers’ dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.
Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.
Thank you for this opportunity to share my views.
Sincerely,

Stephen Fountain

MTC–00024718

From: Paul Hayes
To: Microsoft ATR
Date: 1/25/02 2:43pm
Subject: Microsoft

I am appalled that so little has been done to deter Microsoft from continuing their business practices. They have clearly and repeatedly operated in a way counter to fairness, they are unquestionably a monopoly, and they constantly squelch competition. These certainly seem to me to fall within the purview of the US Justice department, and yet you do nothing. It removes my faith in our system of jurisprudence to see these maladies go without remedy.

Thank you for your time.

Paul Hayes —

Why waste time learning when ignorance is instantaneous?—Hobbes

MTC–00024719

From: Bert Rivera
To: Microsoft ATR
Date: 1/25/02 2:43pm
Subject: Microsoft Settlement

Dear Judge,

Please do not let justice become a victim in the Microsoft monopoly case. This PFJ should terminate Microsoft's illegal monopoly. The PFJ SHOULD deny to Microsoft the profits of its past behavior and penalize them. The PFJ SHOULD prevent any future anticompetitive activity. Please make sure Microsoft doesn't get their hand slapped. They are a MONOPOLY!

Thank you.

Sincerely,
Bert Rivera
5444 West 138th Place
Hawthorne, CA. 90250

MTC–00024720

From: Zachary J. Paradis
To: Microsoft ATR
Date: 1/25/02 2:37pm
Subject: Microsoft Settlement

i just wanted to voice my opinion that i believe that Microsoft had been bullying companies for years. they have caused the demise of more than a few tech companies with bright futures. these companies could have continued to thrive and employ people today. microsoft's products are generally less robust and less secure than their competitors, yet their monopoly in the OS/intel market has continually allowed them to win out. the Graphical User Interface, the Media Player, Chat Software, etc., are all examples of software which MSFT has essentially stolen, reproduced crappy versions of and then tied to their OS.

i believe settlement should NOT include the donation of any microsoft products to schools, non-profits, etc. instead, it should be a significant(more than the 1 Billion dollars offered) fine, reparations to the likes of Apple, Netscape, Yahoo, etc., as well as a break up of the company. i also believe it is imperative that the government does NOT use microsoft software. not only is it not secure, but it contributes considerably to the problem.

it is possible to create and open standard with which unix, macOS, linux AND windows could work...

microsoft is just not interested in doing it. for the sake of the country's technological future, it is imperative that the government forces microsoft to open up.

zachary j. paradis
chicago, il

MTC–00024721

From: Steven Marx
To: Microsoft ATR
Date: 1/25/02 2:48pm
Subject: Microsoft Settlement

I am completely opposed to this so-called settlement which imposes no penalties for Microsoft's monopolistic actions and has so many pro-Microsoft loopholes that it would allow the company to continue with any behavior it chooses. The DOJ is acting as if it lost the case and must accept Microsoft's term. Instead, it of course won the case in court and on appeal in every respect. Microsoft should be actually punished for their past behavior and put under severe and enforceable oversite in the future. Any restriction must be quickly enforceable rather than what has happened in the past such as this case, where they tie things up in court for years as they further expand their illegal monopoly as they have with Windows XP and their new software licensing scheme. The current agreement does nothing of any significance, it is actually worse than nothing as it fails to punish and allows Microsoft to continue business as usual. Remember, YOU WON.

Steven Marx, Ph.D. —

MTC–00024722

From: Ben Kuryk
To: Microsoft ATR
Date: 1/25/02 2:45pm
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea!

MTC–00024723

From: Kansas Legislative Education (038) Research
To: Microsoft ATR
Date: 1/25/02 2:45pm
Subject: Microsoft Settlement

January 25, 2002
Ms. Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms Hesse:

On behalf of KLEAR, Inc., an association of Kansas state legislators representing nearly a third of this state's current House and Senate office holders, I write today with their explicit authorization in strong support of the proposed Final Judgment to the Microsoft antitrust case offered by the U.S. Department of Justice and endorsed by nine state attorneys general. Regrettably, Kansas is not yet among the states agreeing to end their pursuit of this ill-conceived litigation. However, we will continue to press the free-market rationale for an end to this counter-productive legal course. With the direct means at our disposal, we have already severely restricted the state resources that may be devoted to its prosecution. The rationale for ending the litigation is squarely in line with our KLEAR philosophy. We stand for the Constitutional principles of limited government, individual liberty, free enterprise and traditional family values. From its initiation forward, the antitrust action against Microsoft has been an affront to these principles that hold real hope in achieving the greatest good for the greatest number of people.

In harmony with a glut of esteemed economists and legal scholars from around the country, we consider the justification for the lawsuit to be baseless. New competitors have emerged to challenge Microsoft's well-earned dominance. Consumer have benefited greatly from reduced prices and improved products. In fact, conspicuously absent at trial and in endless media accounts of the controversy is any evidence that consumers have been harmed. To the contrary, Kansans have lost hundreds of millions of dollars as a result of the antitrust litigation. Our own pension program for government employees in this state has seen its unfunded liability mushroom as a direct product of the legal attack on Microsoft.

When we take into account such tangible negative effects, the fragile case theory, the inappropriate and counter-productive remedies imposed by Judge Jackson, and the threat to this country's core principles of liberty, our decision to support the proposed Final Judgment to this lawsuit is

KLEAR-cut.

Sincerely,
Bob L. Corkins
Executive Director
Kansas Legislative Education & Research, Inc.
827 SW Topeka Blvd., Topeka, KS 66612
785.233.8765 phone
928.244.3262 fax
ks-klear@swbell.net

MTC–00024724

From: iain
To: Microsoft ATR
Date: 1/25/02 6:44am
Subject: Microsoft Settlement

Dear Sir/Madam:

I am writing to express my concern over the Microsoft settlement. This settlement is extremely limited, and absolutely unacceptable and ineffective in limiting Microsoft's predatory, anti-competitive behaviors that have resulted in its massive wealth and monopoly. Sorry I don't have time to write more,

Best Regards,
Iain Huxley.

MTC–00024725

From: Eric C. Forat
To: Microsoft ATR
Date: 1/25/02 2:43pm
Subject: Microsoft Settlement

Your Honor: this Settlement offered by the DoJ is a disgrace to Justice in the US, and it will besmirch whatever was left of the image of impartial justice after the arrival of ''barely President'' G.W. Bush. In most their endeavours until now, his administration has consistently betrayed their oath to protect the Constitution, and has certainly been the the

worst administration since the good bad days of Nixon's. I dare hope that the independent Judiciary will not buckle under their relentless pressure. Please be true to the ideals of Justice that certainly you held once, and do not unleash a rogue Monopolist to continue its depredations on the American future.

Sincerely yours,
Eric C. Forat

MTC–00024726

From: Bonnie Williams
To: Microsoft ATR
Date: 1/25/02 2:46pm
Subject: Microsoft Settlement
Letter attached.
Bonnie Williams
Have a nice day!
bonniew@txcyber.com

MTC–00024726–0001

7562 Highway 21 W
Madisonville, TX 77864
January 24,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The intent of this letter is to urge the Justice Department to enact the settlement reached with Microsoft last November. The settlement that was reached is extremely fair and represents an end to this attack against Microsoft. I would hope that after three years of extensive mediation, the Justice Department would finally be satisfied with its pursuit of this antitrust dispute.

Further, the settlement that was reached will benefit consumers of the technology industry. With the interim release of Windows XP, Microsoft will enact a mechanism into the Windows system that will enable users to add and delete programs into their operating system. Thus, users will have increased power to configure their operating systems to their own accords. IF MERGEFIELD PARA2 1/2PARA2+<>

These terms are obviously beneficial to consumers. In addition, enacting this settlement will increase confidence in the technology industries once again. I would hope that the Justice Department recognizes the benefits in enacting this settlement at the end of January. IF MERGEFIELD PA RA4 1/2PARA4+<> IF MERGEFIELD PARA5 1/2PARA5+<>

Sincerely,
Bonnie Williams 00024726——0002

MTC–00024727

From: Kodi Wright
To: Microsoft Settlement U.S. Department of Justice
Date: 1/25/02 2:43pm
Subject: Microsoft Settlement
Kodi Wright
PO BOX 118
Oakton, VA 22124
January 25, 2002
Microsoft Settlement U.S. Department of Justice ,

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Kodi Wright

MTC–00024728

From: Mark Smith
To: Microsoft Settlement U.S. Department of Justice
Date: 1/25/02 2:44pm
Subject: Microsoft Settlement
Mark Smith
123 Easy Street
Springfield, NJ 08831
January 25, 2002
Microsoft Settlement
U.S. Department of Justice ,

Dear Microsoft Settlement U.S. Department of Justice:

To Whom it May Concern;

Wazzzzzup?

The Microsoft trial squandered taxpayers’ dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Your truly
Mark Smith

MTC–00024729

From: wt.catch1
To: Microsoft ATR
Date: 1/25/02 2:46pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Barbara Mecham
916 Heather Drive
San Carlos, CA 94070

MTC–00024730

From: David Grantham
To: Microsoft ATR
Date: 1/25/02 2:50pm
Subject: Microsoft Settlement

As a person that has been using computers since the early eighties, I personally welcome the changes that Microsoft has developed. People tend to forget that before Windows 3.11 and then Windows 95 was released computers were fairly difficult for average users to deal with. The ease of use of these operating systems helped substantially with the boom in computer sales and usage to the everyday consumer.

Even with these advances however many manufacturers of computer systems insisted on adding their own software to systems to make them even *easier*. From a purely technical standpoint many of these added features made useing the system much more difficult due to incompatibilities and poorly written software that made the operating system unstable. Microsoft in order to protect itself did the right thing by dictating what should be on the desktop and how the user should see the system. It is their operating system and it should be work as they see fit.

The inclusion of Internet Explorer with Windows has only improved the useage of the internet. When I first ventured into the world that is the internet I was only provided with a copy of Netscape Navigator...version 1. IE did not even exist yet. For years I used Netscape only, even after IE came out because Netscape offered a superior product, and it was free. However with version 4 of IE that changed.

I was able to download another free browser that offered a faster cleaner web experience. In comparison Netscapes offering was slow and clunky. Therefore I quit useing Netscape and have stuck with IE ever since.

Once IE was melded with Windows 98 it only improved the operating system, makeing navigation in Windows easier. Netscape as a free download still worked under Windows though and in no way did Windows 98 + Internet Explorer keep me from useing Netscape Navigator...instead it was the slowness and instability of Netscapes browser that let IE change my opinion of it. Some argue that Microsoft cripples the Netscape browser when installed on Windows systems. I have never personally experienced this as Netscape on Linux is just as slow and problematic as it is on Windows.

To me without Microsofts efforts we would still be useing many diffrent incompatible systems and the computer boom never would have happend. As it stands today we have three desktop platforms,

Microsoft, Apple, and the many diffrent Linux Distributions. Microsofts monopoly of the desktop has offered us the ability to finally have a compatible platform without the worries of transferring files between numerous types of computers and operating systems. Apple gives us a similar platform offering just as much as Microsoft albeit at prices most people reject. Which leaves Linux as an upstart that may one day work out its usability issues but today still offers more incompatibilities than anything else.

Microsoft should be allowed to dictate how its operating system is distributed on computer systems and what software can and cannot be bundled with it. Without this we will be thrown back to the years where there was more time spent with the headaches of incompatibility and instability than with productivity. Microsoft has done nothing but improve the lives of computer users and should not be punished for this. Instead they should be thanked for pulling all of us out of the dark ages of computers and continuing to provide us with more software features.

MTC–00024731

From: Eric Tooley
To: Microsoft ATR
Date: 1/25/02 2:51pm
Subject: Microsoft Settlement

The Microsoft settelement in my opinion does not stop Microsoft from unfairly using it's market dominance in it's operating systems to control software markets. Microsoft should be split into two companies, software and operating systems.

Thank you for your time.
Eric Tooley
Fireball

MTC–00024732

From: clif
To: Microsoft ATR
Date: 1/25/02 2:51pm
Subject: Microsoft Settlement

Dear Sirs,

I feel there are maney problems with the proposed Microsoft Settlement. One is that you have not realy addressed the applications barrier to entry.

Another option not provided by the PFJ would be to make sure that Microsoft raises no artificial barriers against non-Microsoft operating systems which implement the APIs needed to run application programs written for Windows. The Findings of Fact (?52) considered the possibility that competing operating systems could implement the Windows APIs and thereby directly run software written for Windows as a way of circumventing the Applications Barrier to Entry. This is in fact the route being taken by the Linux operating system, which includes middleware (named WINE) that can run many Windows programs.

Thankyou for your attention,
Clif Cox; system administrator

MTC–00024734

From: Max
To: Microsoft ATR
Date: 1/25/02 2:52pm
Subject: Microsoft Penelties

I think the government should do more in regards to the antitrust case against Microsoft. Microsoft continues to use it's monopolistic market position to gain unfair competitive advantages with it's Windows XP product. The settlement should include more specific measures to restrict this type of behavior. I understand that the government is attempt to expedite the process and bring to a close the case which has dragged on for far too long. But unless the government comes up with a settlement that addresses future products and behaviors more completely, I fear that we will witness the same actions that caused the need for this trial in the first place. We will be in the same place and spend even more of the tax payers money to bring to trial Microsoft again. Isn't the legal process suppose to keep wrongful actions from occurring again, rather than just punish for what has happened in the past? Indeed, we are already witnessing this (Microsoft) corporate repeat offender in action again with Windows XP. enough is enough!

MTC–00024735

From: Alison N. Smith
To: Microsoft ATR
Date: 1/25/02 2:53pm
Subject: Microsoft Settlement

I think that the proposed settlement with MIcrosoft is a bad idea.

alison smith

MTC–00024736

From: Mike Su
To: Microsoft ATR
Date: 1/25/02 2:53pm
Subject: MS/States settlement

Dear Sir or Madam:

This is a matter of ANTITRUST. The proposed settlement only further encourages more monopolistic activities by Microsoft. This is not a punishment in any sense. The settlement is but a tool for MS marketing.

Ying Fu Su
47 Ceadr Street
Chapel Hill, NC 27514

MTC–00024737

From: Jeff Disher
To: Microsoft ATR
Date: 1/25/02 2:52pm
Subject: Microsoft Settlement

Hello,

I do hope that you will not allow Microsoft to settle under the current terms. First of all, it is a very small penalty ($1 billion) in comparison to the amount of money they have made by committing these crimes. This would not properly ensure a deterrent to stop them from doing it again. Also, the distribution of this money as their own products is purely ridiculous. Note that, since Microsoft would be primarily donating their own software to parties that would not otherwise be buying it, they aren't actually spending any money to provide these reparations. Most important is the long-term effect of this settlement on the receiving markets. Since these markets were going to continue using products made by the competitors of Microsoft, they would now be in a position where it was in their best interests to continue using the software they had acquired for free rather than paying to update what they were using. This will have a terribly detrimental effect on the computer software industry since none of their competitors would be making sales to these markets. In effect, this settlement would be perpetuating and aiding the problem that it was meant to solve. This is simply ridiculous since it leaves the software industry in a worse condition than it was before this began.

I can see a few reasonable solutions: 1) Uphold the earlier decision of the court to break-up the company and proceed with that (bad side effects: short-term disruption in the computer industry on a theoretical level. Since the application and operating system devisions of the company would still exist, albeit as different parts, they could still service all of their customers. The only difference the end-user would notice would be a change in the company name and logo but that shouldn't effect their productivity. Good side-effects: potential to open new markets that were formerly unreachable by competing companies as well as potentially stronger long-term revenues of technology companies currently under financial pressure. Primary benefits would be to companies distributing alternative operating systems, competing office suite products and platform-independence tools such as Java).

2) Insist that Microsoft pay a greater settlement fee than $1 billion and insist that it is in cash, not their own products (bad side effects: this would not actually solve any problem relating to this case. Good side effects: the markets receiving this money would immediately benefit from it. All companies in the market would benefit from the spending of this money in more ''fair'' measures).

I hope that my ideas and your experience can help resolve this issue in a method that could benefit all parties involved to their owed degrees.

Sincerely,
Jeff Disher
President and Lead Developer of Spectral Class

Spectral Class: Shedding Light on Innovation
http://www.spectralclass.com/

MTC–00024738

From: Eric Anderson
To: Microsoft ATR
Date: 1/25/02 2:54pm
Subject: Microsoft Settlement

To whom it concerns:

I understand you're soliciting feedback on the proposed ''Microsoft Settlement''. I have

not read the settlement. What I know about it has come from television, radio and print media. From what I know of the proposed settlement, I share the concern expressed by those who believe that if Microsoft is allowed to provide that quantity of hardware and software to schools, this may unfairly expand Microsoft's market share in an area they are not presently dominating.

I believe there is a simple answer to this concern. Take the dollar value of the hardware and software that Microsoft will donate, and allow the recipients to choose what hardware and/or software they prefer to work with. This suggestion likely tacks on some administrative cost, but if Microsoft really wants to be fair, they should not be opposed to it, and should be willing to re-negotiate the deal to reflect this approach. Even if it costs them more money.

That's my opinion.

God bless America.

Eric D. Anderson

653 4th St. N.

Hudson, WI 54016–1051

MTC–00024739

From: Ross Kinzler
To: Microsoft ATR
Date: 1/25/02 2:54pm
Subject: Microsoft Settlement

I oppose the proposed settlement for the following reasons: a) The proposed settlement provides for no monetary payments by Microsoft. b) The term of the agreement is limited to 5 years and it should provide for a permanent injunction.

Ross Kinzler

Executive Director

Wisconsin Manufactured Housing Association

MTC–00024740

From: mpreul
To: Microsoft ATR
Date: 1/25/02 2:47pm
Subject: Microsoft Settlement

Microsoft needs to be broken up—come on government get with it. Making the operating system and the software to run on it is just plain not fair. I read somewhere that this is akin to a situation wherein the post office would be the only one selling the letters and boxes, and then sells the stamps to send them. But this is not right— what Microsoft has is the not just the letters and boxes, they're the only ones with the secret to making paper and cardboard and the right to sell the letters and boxes, and the stamps to run on them. This is more like if GM were the only ones to build cars, and that in order to run at over 30 mph, you had to buy gasoline produced by GM—this just is not fair. Our computer wrold will not fall because of Microsoft's break up—this will allow entrepreneurs to step into the gap.

Take Microsoft apart!!

Mark Preul

8628 E. Davenport Dr.

Scottsdale, AZ 85260

MTC–00024741

From: Richard Gorton
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 2:57pm
Subject: Microsoft Settlement (it is a joke)

Sirs,

The proposed anti-trust settlement with microsoft is, as far as I can ascertain, a joke. The terms are so vague as to be completely ineffective. The harshest penalty possible appears (to my reading) to be: ''You were bad. Since you were bad, we're going to watch you longer to see if you are bad some more''. As for the terms, I was able to come up ways to completely nullify/circumvent a couple of them with only a few minutes of thought. And that's without being an attorney. Personally, I believe a much more effective way to halt Microsoft's continued traditional predatory behavior is to break them up, into a minimum of three groups, and to put chinese walls between them.

Regards,

Richard Gorton (for myself)

161 Temple St.

Framingham, MA 01701

MTC–00024743

From: Steve Steele
To: Microsoft ATR
Date: 1/25/02 2:57pm
Subject: Microsoft Settlement

Please DO NOT allow Microsoft to ''give away'' software licenses to schools. Please make them instead give money to an independent third party institution that will act as a fund for school systems to purchase the computer systems of their own choice. Allowing them to give away or donate the Windows OS will just allow them to become a bigger monopoly.

Sincerely,

Steve Steele

Systems Admin.

Rice University

MTC–00024744

From: Ben Hall
To: Microsoft ATR
Date: 1/25/02 2:58pm
Subject: Re: Public comments ending soon in MS/States settlement

Please do something to make sure that Microsof cannot just walk away from this with their stock two dollars off the mark for a couple of months. I have been in the technology sector for more than seven years and everytime they have encroached on a technology it has turned out to completely stagnate the said area of development. If there was one instance of Microsoft not trying to completely control whatever they touched it would be one thing but I have yet to see a technology that they have not stolen and changed 10% only to then call their own. Thier OS, Web browser, Office Suite, Email products, Hotmail, MSN, and most especialy their media player have all been from reverse engineering of other company products. Because of the nature of the business they have the advantage of throwing quaduple the amount of people onto a product to meet the release date of any other company. Although this may not be entirely illegal it does say something about their ethics when it comes to how they interact with others. Never have they released or created an open sourced standard or given people access to products without tying three more of their services into it. If this is not using a Monopoly to encroach into existing markets, I don't know what is. And when I speak of this I do not mean Windows 95 but of thier Operating System released after they were found guilty of Monopolistic practices.

Thank you for taking the time to recieve this letter of concern and I hope a just resolution is found.

Sincerely,

Ben Hall

Media Developer, Fallon Inc.

612.758.2131

MTC–00024745

From: Walt Asher
To: Microsoft ATR
Date: 1/25/02 2:59pm
Subject: Microsoft Settlement

Pursuant to the Tunney Act, I am writing to comment on the proposed settlement of the United States vs. Microsoft antitrust case. I am just an ordinary user. I am not a computer guru even though I did build my first computer from a Heathkit. I generally like the Microsoft Windows operating system, however, I did not like the way they have forced people to use their other products. Microsoft had seems to have pushed computer manufactures to include a wide range of their products. As a result so many people use Microsoft Office only because it was included as a free program with the computer when they purchased it. That is ceratinly unfair. I have been useing Corel WordPerfect for several years and found it far better than Microsoft Word, yet few people use it and even fewer computer manufactures include it.

Another complaint I have is that I am forced to accept Microsoft products that I don't need because Microsoft includes them as part of the operating system. Intenet Explorer is a perfect example. I do not like and do not use Internet Explorer, yet it has to be installed on my system. I am not computer literate enough to remove it without causing problems to the operating system. Microsoft could sell a version without Internet Explorer very easily. I am of the strong opinion that Microsoft should be forced to sell the striped down version ONLY. Anyone wanting Internet Explorer, or any other Microsoft product, should be be required to make an effort to obtain that product just is they must do now for Netscape, WordPerfect, etc. When that happens, the market will decide which products are used by businesses and individuals.

One final remedy which I strongly believe should be implemented is that Microsoft should be required to reveal how its other programs are integrated with the operating system. This would allow other software manufactures to make the use of their products interface with and convient to use as Microsoft now does with their products. These things would make Microsoft windows and stand alone product for the benefit of everyone. It will open the doors to fair competition and allows the markey to decide what it wants rather than having Microsoft decide so they can increase the profits and shut out everyone else. I have not problem with Micrsoft making tons of money. I object to being forced to give them my money for products I don't like and don't use just because they have to power to do so.

Thank you,
Walter W. Asher
766 West Key Rd
Troy, TN 38260–4442
(731) 536–5146

MTC–00024746

From: aaron matthew croyle
To: Microsoft ATR
Date: 1/25/02 3:01pm
Subject: Microsoft Settlement

I feel the proposed settlement gives Microsoft too much room to violate the proposal's intention.
—Aaron Croyle

MTC–00024747

From: Lupe Anguiano
To: Microsoft ATR
Date: 1/25/02 3:00pm
Subject: Consumer Protection

Dear Renata Hesse:

I a Latina Technology and Fundraising Consultant. I advice and recommend use of Technology products to education, non-profit organizations and small start-up Latino Businesses in Southern California— mostly in the Los Angeles and Ventura County area. When I add (via basic math) and compare the cost of Microsoft products with AOL, Oracle and others—my adding machine shows great savings purchasing Microsoft products vs. other products. The time for TRUTH has arrived—Why is the Government using tax payers money (my check shows I contribute 40% of my earnings to my Government—Federal and California) to market the products of Technology Companies whom buyers do not purchase from? Why is Government interfering with our FREE MARKET—WHY IS GOVERNMENT INFLUENCING THE CHOICE OF CONSUMERS. WHY IS GOVERNMENT MARKETING HIGHER PRICES. Government has failed to produce an honest consumer related argument against Microsoft. I am so tired of this entire false word game played by lawyers especially from States who refuse to settle with Microsoft. Has Government asked the question—''Is what we are doing hindering the growth and development of the Technology Industry?'' We are living in difficult economic times—our Technology Industry needs to be free to grow and innovate in both our Country and in the World—If free to be creative Technology can be a tool to improve peoples lives—not only in the USA but in the World.

I hope what I have written is taken seriously, it comes from a struggling consumer—who is barely making ends meet.

Respectfully,
Lupe Anguiano
Lupe Anguiano & Associates, Inc.
14420 Kittridge St. #220
Van Nuys, CA 91405–5109
Phone: 818.787.8807
Fax: 818.787.8911
languian@gte.net

MTC–00024748

From: Susie Koester
To: Microsoft ATR
Date: 1/25/02 3:00pm
Subject: Microsoft Settlement ->
To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html), namely:

* The PFJ doesn't take into account Windows-compatible competing operating systems

* Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

* The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

* The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

* The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

* The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

* The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertised as being ''Windows Powered''.

* The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

* The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

* The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

* The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

* The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

* The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

* Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

* Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

* Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)

* The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

* Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

* The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

* The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

* The PFJ allows Microsoft to discriminate against small OEMs— including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

* The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

* The PFJ as currently written appears to lack an effective enforcement mechanism.

I also agree with the conclusion reached by that document, namely that the Proposed Final Judgment, as written, allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

Sincerely,
Susan Koester

MTC–00024749

From: rubietuesday@netscape.net@inetgw
To: Microsoft ATR
Date: 1/25/02 2:57pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever

seen. Please put a stop to this travesty of justice now. Thank you.
Sincerely,
RUBIE C. CARTER
1464 KEELER.DR.
IRVING, TX 75060–2640

MTC–00024750

From: Jack, Jeremy C
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 3:02pm
Subject: Microsoft Settlement
It is a sad, sad thing to see a government organization being purchased wholesale. The fact that the justice department is part of the American government makes me profoundly embarassed. In an environment which actually supports the DMCA, however, I suppose this is inevitable. Since Microsoft has made it very clear it does not intend to stop exploiting consumers, the channel, or manufacturers and was willing to boldly and obviously lie in court, and yet has received what amounts to substantially less than a slap on the wrists is truly truly tragic. There is little justice to be found here. Money has spoken far louder.
—Jeremy C. Jack // The thoughts, opinions, and facts stated here are mine alone and not related to Intel or its affiliates.
neutiquam erro

MTC–00024751

From: Matt.Gilbert@PearsonEd.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:58pm
Subject: Microsoft Settlement
I would like to add my voice in opposition to the federal government's givaway to the Microsoft Corporation. While the provision that stops Microsoft from forcing OEMs from producing systems that run alternative operating systems is a step forward, the rest of the agreement will more than likely prove to be unenforceable. You are essentially rewarding Microsoft for abusing its monopoly and encouraging it to engage in more anti-competitive behavior. We can see that the company has wasted no time in using its monopoly power to drive more competitors from the market by the latest version of Windows.
Owning Soldier Field does not give the Chicago Bears the right to build retractable concrete posts in the endzone to prevent the other team from scoring.

MTC–00024752

From:
To:
Date:
Subject:
Ed Teller
Microsoft ATR
1/25/02 3:02pm
Microsoft Suit
Please see attached letter!
THANKS,
Ed Teller
EMAIL: edteller@hotmail.com

MTC–00024752–0001

Wilson E. Teller
3148 Pine Road
Orange Park, FL 32065
January, 25,2002
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:
As an active member of my community and an avid supporter and user of Microsoft products, I feel I must take a moment of my time in order to voice what I feel is in the best interest of the American people.
Microsoft has done more for the IT world than any other company in history, and as a firm believer in the American ethic of everyone having the opportunity to prosper, I believe Microsoft, under the stated settlement plan, has the right to rid itself of any further legal action. The use of the valuable time and money of the American people has been spent for three long years in this case, long enough for a settlement to be reached.
The settlement would require Microsoft to undergo various changes that further open the gates of competition to new and struggling IT companies. The thrust of the Justice Department's case, that Microsoft used unfair business practices, has now been addressed. The American people deserve to benefit from new innovations in computer software, not just for the sake of the economy, but also to keep American businesses at the head of the pack in the global market.
In your capacity as attorney general, I hope you will speak on behalf of the consumer and tax payer, who want to see Microsoft get back to what it does best: serving the people with manageable, affordable, and innovative computer software.
Thank you for your time and consideration in this crucial matter.
Sincerely,
Wilson E. Teller

MTC–00024753

From: Gina Lee
To: Microsoft ATR
Date: 1/25/02 3:01pm
Subject: Microsoft Settlement
The proposed settlement is a really bad idea, Microsoft is a bunch of crooks, they need to pay for what they have done!!
Gina L. Erickson
137 Fir Street
Camarillo, CA 93010

MTC–00024754

From: Andy McKee
To: Microsoft ATR
Date: 1/25/02 3:03pm
Subject: Microsoft Settlement
The settlement is fair and just; however there are concerns that arise from this action.
(1) If agreed upon, what safeguards would be in place to prevent a repeat of this case under another administration or even a different market.
(2) Would could be the long term solution not to just Microsoft, but others in the information industry?
(3) Would this stop the process or would it just keep on going every time a judge feels differently.

MTC–00024755

From: alaconis@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 3:00pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.
This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
vincent laconis
1006 22nd ave
vero beach, FL 32960

MTC–00024756

From: Vernon.Guilford@
mail.sprint.com@inetgw
To: Microsoft ATR
Date: 1/25/02 3:03pm
Subject: Microsoft Settlement
I think the proposed settlement is a bad idea!!!!!!!!!!!!!!!!!!!!!!!!1
Vernon Guilford

MTC–00024757

From: todd ferguson
To: Microsoft ATR
Date: 1/25/02 3:02pm
Subject: Microsoft Settlement
Dear Sir or Madam:
I feel that the proposed settlement of the Microsoft anti-trust case will not be effective in combating the illegal practices of the company. Furthermore, I feel that the real issues of Microsoft's illegal activities have yet to be addressed. I mainly object on these three points:
(1) They have used their monopoly to push around computer manufacturers, thus forcing competing operating system (OS) makers out of business, and keeping other operating systems to an extremely marginal market share.
(2) They keep their file formats (especially ''Office'' formats) closed, making it harder for other applications to gain a foothold in the market.
(3) They keep their application programming interface (API) for Windows secret, making it more difficult to compete against them.
I am a user of several alternative operating systems. Thus far, no other OS's have been able to gain market penetration to a substantial degree.
This is largely due to Microsoft's restrictions upon, and threats against computer manufacturers. In one publicly disclosed incident, the company Hitachi was ready to ship computers that could boot into either Microsoft Windows or the Be Operating System. When Microsoft heard

about this, they threatened Hitachi by saying they would revoke their license to sell Windows on their computer systems. Faced with losing the ability to pre-install the most widely used OS on their computers, Hitachi chose to remove the ability to boot into the BeOS from their computers. People are much more likely to use an OS if it come with their computer. Because people have not been able to get computers with both Windows and other alternative OS's installed, Microsoft has managed to maintain its grip on the OS market.

My second grievance I think becomes clearer when we look some other areas of computer technology. There are numerous choices in the fields of computer graphics design, viewing, and editing, computer audio design, recording, playback, and editing, and computer video design, playback, and editing. These are also all markets where Microsoft has failed to gain the substantial market share that is has in other computer markets (e.g. OS's and Office software). I think the most important reason is that open file formats (e.g jpeg, mpeg, .wav, etc.) became the standard in these areas of media production, before the closed file formats of Microsoft had a chance to take hold. In the area of Office suites, however, Microsoft was able to get an appreciable market share early on, and the world now has, literally, billions of documents, spreadsheets, etc. in MS Office format. People will not try out another Office suite, because none of them will open up these files correctly, because Microsoft has not disseminated the necessary information about these file formats.

Third is the API. The only people that have full access to the Microsoft API is Microsoft. How can another company expect to publish competing software on the Windows platform, if they do not have access to all the tools necessary for writing software for that platform. Many companies have to write their own API's for Windows, because they cannot get the needed information from Microsoft. This is yet another clear abuse of Microsoft's monopoly.

The current settlement addresses these issues little, if at all. I would lease ask you to reconsider the proverbial slap to the wrists that you are about to give Microsoft, and come up with a solution that will actually bring about change, and return fair play and competition to the computing industry. Any settlement needs to prevent Microsoft from bullying computer manufacturers, needs to force them to open their file formats, and needs to force them to publish their API's. Anything less than that, I feel, will be to little to do any good.

Sincerely,

Todd Louis Ferguson ''We are the music makers, we are the dreamers of dreams.''

Gene Wilder, Willy Wonka and the Chocolate Factory

MTC–00024758

From:
To:
Date:
Subject:
Roger Allen
Microsoft ATR
1/25/02 3:03pm
Microsoft Settlement
Okeechobee, FL 34974<>
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my support of the recent antitrust case settlement between Microsoft and the US Department of Justice. While I think that the lawsuits have dragged on too long I am happy to see a possible ending and that Microsoft will not be broken up. Under the terms of the settlement Microsoft will be increasing it relations with computer makers and software developers, not retaliating against competitors who develop or promote non-Microsoft products, licensing its Windows operating system to the 20 largest computer makers on identical terms and conditions, and forming a three-person team to monitor compliance with the settlement. The terms are fair and should appease all parties involved in the dispute. IF MERGEFIELD PARA2 But clever people like me who talk loudly in restaurants, see this as a deliberate ambiguity. A plea for justice in a mechanized society.<> .....

Please implement the settlement as soon as possible and reprimand the 9 states that are holding out. Thank you for your time. IF MERGEFIELD PARA5 But is suspense, as Hitchcock states, in the box. No, there isn't room, the ambiguity's put on weight.<>

Sincerely,
Roger Allen
15 Montica Drive
Pueblo, CO 81005
00024758—0002

MTC–00024759

From: e.von.breyman@juno.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:55pm
Subject: Microsoft Settlement

Please get this settlement finalized! Microsoft is NOT the consumers s enemy.

MTC–00024760

From: Kdowsiany@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 3:02pm
Subject: Microsoft Settlement January 25, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
RE: U.S. v. Microsoft

OVERVIEW

For more than three years Microsoft has been defending itself in antitrust litigation brought by the U.S. Justice Department and eighteen states, including Ohio. The proposed consent decree between Microsoft and the U.S. Department of Justice reflects a settlement, which adequately protects the interests of the Department of Justice, the states and Microsoft, while achieving the desired goal of consumer protection.

UNCLEAR BASIS FOR ANTITRUST ACTION AGAINST MICROSOFT

Many critics, including the Buckeye Institute (Ohio's free market think tank) questioned the Justice Department's use of antitrust laws against Microsoft to punish the company's innovative use of technology, which provided useful products to businesses and individuals at low prices. The involvement of the state attorneys general was even more puzzling. It has never been clear how Ohio's citizens have been in any way harmed by Microsoft's business practices. The only clear beneficiaries to this antitrust case are Microsoft's competitors who prefer to have Microsoft mired in litigation instead of competing in the marketplace.

IMPLICATIONS FOR ANTITRUST LAW IN THE DYNAMIC TECHNOLOGY MARKETPLACE

This case calls into question the relevancy of antitrust laws in the fast-changing technology marketplace of today. One of the main reasons for the government's case was to ensure competition in Internet browsers. However, within several months of commencement of the case, the marketplace changed dramatically.

Microsoft's core business—writing the operating systems of personal computers—is under serious challenge from Linux and Apple. The center of gravity for computing is shifting away from the personal computer, where Microsoft has a significant presence, onto the Internet where the conglomerate AOL-Time Warner is the major player. As technology progresses, the focus will likely move to personal digital assistants, web-enabled telephones, satellite-based communication devices, and other tools.

The litigation against Microsoft sent a message to the rest of the technology economy that the use of innovation to meet consumer demands in an efficient manner will be punished by government agencies in the courts. This message sent shock waves throughout the American economy and hurt development in the technology sector.

EFFECT ON OHIOANS

The value of Microsoft stock tumbled by nearly 40% as the case dragged on. The more than 100,000 Microsoft shareholders that reside in Ohio collectively lost millions. And that does not include those investors who hold Microsoft stock in their mutual or pension funds. Other smaller technology company stocks fared even worse.

BREAK-UP OF MICROSOFT WOULD WEAKEN ECONOMY AND HURT CONSUMERS

The Buckeye Institute has publicly commended Ohio Attorney General Betty Montgomery, who has been involved with the case from a very early stage, for her support of the settlement and resistance to pursuing the break-up of Microsoft. She recognized that breaking up Microsoft would weaken our already slow economy, hurt consumers, and set a bad precedent effectively discouraging other high tech firms from investing in innovation and creativity.

SETTLEMENT MEETS GOALS OF CONSUMER PROTECTION WHILE PERMITTING CONTINUED INNOVATION IN THE MARKETPLACE

For those who have concerns about Microsoft's business practices, the settlement contains significant rules and regulations on how Microsoft designs, develops, and

licenses its software. For example, all new Microsoft operating systems would have to include a mechanism that allows easier removal of the Microsoft Internet browser to switch to a different browser.

Importantly, however, this settlement will still allow Microsoft, which has been a lead engine of the American economy over the last decade, to focus on innovation and productivity instead of on defending itself from government attacks in the courts.

The proposed settlement satisfies the Justice Department and nine of the states that joined in the antitrust action. It adds consumer protections while permitting Microsoft to a responsible industry leader. In the long run, Microsoft's continued ability to innovate and create products that meet marketplace demands is the real benefit to consumers.

Sincerely,
David J. Owsiany, J.D.
President
The Buckeye Institute for Public Policy Solutions
4100 North High Street
Suite 200
Columbus, Ohio 43214
Phone: (614) 262–1593
Fax: (614) 262–1927
E-mail: owsiany@buckeyeinstitute.org

MTC–00024761

From: wendyfairfield@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:55pm
Subject: Microsoft Settlement

I strongly endorse the current settlement.

MTC–00024762

From: verell@rahab.net@inetgw
To: Microsoft ATR
Date: 1/25/02 2:55pm
Subject: Microsoft Settlement

Giving away software as a freebie to a purchaser is hardly creating a monopoly. This sales tactic is used all the time by thousands of vendors cash rebates Hawaii vacations etc. are all used to vendor advantage. This should force the competitor to build a better product—not to sue the givers of incentives to consumers. In a country where we have three corporations controlling 80% of all cereal grains 80% of all red meats 90% of poultry with NO freebies to consumers and only an occasional price discount why do you pick Microsoft to prosecute? Coca Cola and Pepsi actually conspire to keep smaller brands OFF vendor shelves. We have some really bad monopolies in the U.S. that are gouging consumers horribly on a necessity of life [food] yet you choose to ignore their greed and go after a company that has enabled consumers to take part in the communications boom. Why?

MTC–00024763

From: chstaf01@athena.
louisville.edu@inetgw
To: Microsoft ATR
Date: 1/25/02 2:55pm
Subject: Microsoft Settlement

Microsoft has a monopoly on personnel and business software that is costing this Country and economy excessively and more open competitiveness is required.

MTC–00024764

From: mf.mathis@gte.net@inetgw
To: Microsoft ATR
Date: 1/25/02 2:55pm
Subject: Microsoft Settlement

This settlement is fair and will finally end this lengthy and costly suit. Both the national economy and the local economy here in the Northwest will benefit from this settlement. The bottom line is that this is in the best interests of the consumer and is vital to the health of the tech industry and the economy as a whole.

MTC–00024765

From: bkeller@calibresys.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:55pm
Subject: Microsoft Settlement

It s a sad day when innovation and success have to be hobbled by the government just because some some people just can't keep up with the needs of the consumer.

MTC–00024766

From: mursolo@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:55pm
Subject: Microsoft Settlement

First off I want to congratulate Bill Gates and Microsoft for all they have accomplished what he has done with his company is truely the american dream. I also want whomever this concerns to know I am tired of my tax dollars paying for a lawsuit that simply put was initiated by a bunch of sore losers. I do realize that our great countries laws protect against market monopolies but when it happens do we have to treat them as though they are being punished? The fact is Microsoft has accomplished what every company wishes they can complete domination with a quality product. If any other company (Apple AOL & Netscape etc. . .) had the chance they would have done the same. The point is they could not and cannot achieve this so they start pointing fingers and by pointing fingers they openly admit to an inferior product. I am more than capable of installing different products on my Windows systems but I choose not to because I prefer Microsofts products. If the government splits Microsoft or makes them exclude some of the components of the operating system it will actually make Microsoft s market larger because people like me will still buy the seperated components which will probably cost more and hurt the consumer that the government was trying to protect in the first place.

MTC–00024767

From: bickster@att.net@inetgw
To: Microsoft ATR
Date: 1/25/02 3:01pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
William Bicknell
35–17 Ditmars Blvd
#113
Astoria, NY 11105

MTC–00024768

From: christine—doerr@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

Any corrective measures must be weighed against the well-being of consumers. In fact the very monopolistic practices for which Microsoft has been criticized were BENEFICIAL to consumers because they provided a standard platform that all application developers can depend on. The result? More reliable application software (=less frustration for consumers). The proposed settlement seems to me to prevent future abuses while protecting consumer rights. We should go forward with it.

MTC–00024769

From: rdornbos@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:55pm
Subject: Microsoft Settlement

I've been using Microsoft products for almost 20 years. Never any problems. Never been pressured to use their products did it by CHOICE as it should be. Govt. should stay out of this and let the public decide what products they prefer to use. McNeely and Ellison are simply unable to compete so they are crying to the Govt. for help. Let the users decide what products they want to use ! ! ! !

MTC–00024770

From: bobnaomi@juno.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:55pm
Subject: Microsoft Settlement

leave ms alone

MTC–00024771

From: hrtuck@att.net@inetgw
To: Microsoft ATR
Date: 1/25/02 2:55pm
Subject: Microsoft Settlement

Microsoft was found guilty of monopolistic practices. Enron was on the edge of accounting rules Microsoft went over the edge in dealing with competitors and PC manufacturerers. They are delaying a just penalty. They offer to give $1 Billion in software to schools. In 1969 one of the issues in the antitrust case against IBM was that they were selling or giving away computers to Universities. Microsoft has the chutzpah to say this is a good deed when it is nothing more than a marketing ploy to get into k–12

schools. The bundling of Internet Explorer into Windows without permitting PC manufacturers from deleting it was a predatory action against Netscape. When a powerful company offers something free that competes with a product or service of a small company that is predatory. When it looks like a skunk and smells like a skunk it s a skunk.

MTC–00024772

From: traines@inforefinery.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:55pm
Subject: Microsoft Settlement

The government s (at the behest of Netscape and others) continued pursuit of the case against Microsoft is an outrage. I use Microsoft s products every single day. Not because I am forced to by a monopoly or other pressures but because they make quality software. Given the choice between a Microsoft product and another company s I'll almost always choose Microsoft s. Building a browser (or any other functionality) into their operating system is convenient for consumers. And I can load Netscape s browser (or any other software) onto my computer any time I like. I just choose not to. Microsoft should be allowed to incorporate any additional features they choose.

MTC–00024773

From: gbelldabfo@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

I feel very strongly that the settlement is fair and just. I also feel that those that do not think so are driven by competative motives that are not in the interest of those that use technology on a daily basis. I use MS products but do not feel that I have to use them and do use other products that compete with MS products. In no way do I feel that I am hindered as a consumer due to MS s business practices if there is a better product out there I will purchase it to run my business.

MTC–00024774

From: wa—mouse@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:55pm
Subject: Microsoft Settlement

I am in support of this settlement just because I want the matter to go away. Let s close the book on this issue and let the market decide who the winners and loosers not the government or states. This is a free market society and governments and states have no business or knowledge about technology.

We spend too much time in litigation and not much time left for innovation and progress. All this cost tax payers millions of dollars for nothing only politicians and lawers got rich from it. I WANT MY TAX DOLLARS TO BE USED FOR SOMETHING MORE USEFULL (AND THIS LITIGATION IS CERTAINLY NOT USEFULL) OR GIVE ME MY TAX MONEY BACK.

MTC–00024775

From: dcpab@Juno.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:55pm
Subject: Microsoft Settlement

I have purchased and used Microsoft software for over 15 years. I have tried others and always came back to Microsoft. I do not believe that other companies should be given the technology that Microsfot designed. Let these other companies come up with their own. Too much money has been spent punishing a company that was only carrying out the idea of free enterprise. I suggest that more time be spent on matters that will protect us as individuals from something serious.

Respectfully submitted
D. Carroll Brackett

MTC–00024776

From: csicskcj@rose-hulman.edu@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

At this time in the United States it would seem that going back to business as usual would be the obvious choice. I agree. I think that this settlement although at times unfair to microsoft is better than prolonged litigation. As a consumer I have to say that I was happy to get a free web-browser from microsoft so have no sympathy for netscape s old practices. This settlement should stand and as American corporations the competitors of Microsoft who are really the interested parties should strive to win in the marketplace not the courtroom.

MTC–00024777

From: june.allen@gte.net@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

As a senior citizen and great grandmother I m appalled that this Microsoft case was ever accepted by the courts in the first place. I will NEVER do business with those companies who filed against Microsoft and have personally deleted AOL and any product of the complaintives out of my computer. Please accept the settlement on behalf of all the consumers who were never injured in the first place with the browser.

Best wishes and thank you
June M. Allen

MTC–00024778

From: jmd@wrkgrp.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:55pm
Subject: Microsoft Settlement

The expansion of OS services beginning with the inclusion of TCP/IP to Win95 has been a significant boon to consumers. The Internet explosion occurred with the release of free browsers to the public which financed their invention at the University of Illinois. The concept that the public was harmed by MSFT giving away the browser it originally purchased from the copyright holders mocks any standard of fairness.

MTC–00024779

From: scott.a.oberle@boeing.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

Enough is enough!!!!!!!! The first suit was ridiculous now with the AOL suit it is getting out of control. Find another golden goose. Microsoft and the US economy as a whole have suffered enough!!! The justice department netscape and AOL should have to reimburse everybody hurt through this.

MTC–00024780

From: jgsmith@jamesmith.com@inetgw
To: Microsoft ATR
Date: 1/25/02 3:21pm
Subject: Microsoft Settlement

I find the proposed Final Judgement to be deficient in several areas, especially when compared to how like behavior would be treated if the defendent were an actual person.

Section III.C.4 does not prohibit Microsoft from requiring a Microsoft Operating System be installed or sold on/with any system containing an alternative Operating System. Nor is this behavior prohibited by section III.G.1.

Section III.D is a closed forum. An open forum modeled perhaps after that of the IETF (Internet Engineering Task Force) should be used to ensure everyone has access. The purpose of this section is to enhance competition. Anyone who is for competition should not be against a little more. Section III.E is also a closed forum. Communication Protocols should be published and should be standardized outside of Microsoft. Internet protocols MUST be standardized via the RFC processes within the IETF.

Section III.G.1 is too weak to keep Microsoft from returning to prior practices. The words 'except that Microsoft may enter into agreements in which such an entity agrees to distribute, promote, use or support Microsoft Platform Software in a fixed percentage whenever Microsoft in good faith obtains a representation that it is commercially practicable for the entity to provide equal or greater distribution, promotion, use or support for software that competes with Microsoft Platform Software'' should be struck.

Section III.J.2 should include more than just commercial products. APIs should be available without cost to anyone who has an interest, whether as a hobby or as a business. This is a market economy. If someone wants to do something for free, they should be able to. By limiting access to crucial APIs and protocols to only people and entities which can demonstrate that they will profit from the knowledge, the market has not been significantly opened up. Many innovations, to borrow a term that has been bastardized by Microsoft, come from people toying around with ideas and not trying to make a profit.

By not punishing Microsoft in any significant way, Microsoft, and indeed the world, has learned that to be a success means to break the law big and quick, make a lot of money, and contribute to political parties when you get caught so no one will steal the lunch money from the bully. Enron is making good on this at the moment as well.

In most drug-related cases, the defendent's money is seized before being found to have commited a crime because the money is from illegal behavior, as defined by the prosecution and the police. If that can be done before the case has ever seen a court room, then how much easier must it be to

remove money from Microsoft who has already been proven to have broken the law. Microsoft should pay damages in some multiple of $10 billion. Money is all that companies care about—their bottom line—their reason de etre. Everything else in any judgement is just window dressing and will be lived with.

The Justice Department has an opportunity to help the consumer, but the President has an opportunity to help his constituency. I pray the Justice Department will prevail.

James Smith—jgsmith@jamesmith.com/
http://www.jamesmith.com/
jgsmith@tamu.edu http://cis.tamu.edu/systems/opensystems/
CC:jgsmith@jamesmith.com@inetgw

MTC–00024781

From: albaocasio@juno.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

Keep settlement as it is

MTC–00024782

From: bobj@microsoft.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:55pm
Subject: Microsoft Settlement

The remaining State CIO s have a political agenda to help prop up Microsoft s competitors. Microsoft has done a great service by building a huge industry in the United States. Microsoft has helped consumers by bringing low cost computing to all of them. The very competitors who are complaining about Microsoft have done nothing to lower their prices to bring more power to consumers except in response to Microsoft s low prices.

Bob Jones

MTC–00024783

From: cncco@alaska.net@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

We are very much in favor for the goverment and Microsoft to settle. Microsoft has done more for the world in PC computer use than any other company. The continous lawsuits by the 12 states and others is nothing more than to extract money for both the lawyers and the states. Go after the types of Enron and accounting firms that would do a lot more good for the public.

Sinserely
Josef Ressel

MTC–00024784

From: michael.little@
worldnet.att.net@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

As a Microsoft product consumer would someone please tell me where I have been harmed?????? There are 75 people DEAD as the result of Firestone tires and not near the attention or dollars have been spent on investigating that issue. Yet taxpayers dollars at the prodding of Microsoft competitors continue to be misspent!!!!!

MTC–00024785

From: DaynaWh@windhamhills.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

Please do not punish Microsoft for being forsighted and innovative. They are wonderful. They have made my job so much easier. I can troubleshoot so easily with their products and they integrate seamlessly. This is a waste of taxpayer money and of Microsoft s funds. We the consumer are the ones that will ulimately pay the price. Stop the insanity.

MTC–00024786

From: ormetony@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

As a taxpayer and consumer I believe that the recent law suit filed by AOL/Time Warner against Microsoft is an indication that AOL and other Microsoft competitors are using antitrust law as part of their business strategy to compete against Microsoft s products. I do not believe that sanctions against Microsoft will benefit consumers in any way.

MTC–00024787

From: scottomalley@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

To whom it may concern It is my opinion that the antirust suit brought against the Microsoft Corporation is unfair. I fear it is motivated by business interestes rather than the interests of the consumer—which is why antitrust laws were created. I ve worked for 2 years in the Internet industry where I ve learned firsthand why Microsoft dominates the various markets it competes in—their products are superior to the competition. In our society a superior product is rewarded with profit. Please do not penalize a company that makes quality products because of anti-big business propaganda born in the Public Relations departments of Microsoft s jealous competitors.

Thank you.
Scott

MTC–00024788

From: Andrew Frank
To: Microsoft ATR
Date: 1/25/02 3:04pm
Subject: Microsoft Settlement
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530–0001

Dear Mr. Ashcroft,

Like most other companies involved in the IT industry, I have not experienced any particular problem directly attributable to the rather inflammatory litigation involving Microsoft and our government. Our concerns, like most other businesses, center more around concerns of our country's softening economic picture than anything else. That having been said, however, is not to suggest that had this lawsuit continued to its anticipated bitter end, its result would not have complicated the business picture for most IT companies one way or another. It is better for our country and the IT business that this lawsuit has been removed from the contentious battlefield of the courts and has instead been relegated to a settlement. This settlement addresses the issues raised by the court action and serves as a quieter, less factious way to conclude this matter to everyone's satisfaction. It quietly shifts the onus of licensing Windows from individual OEMs to a collective of the top twenty hardware manufacturers. It also subtly forces changes in the way Microsoft designs Windows to accommodate software companies.

I am very much supportive of the settlement, and am hoping that with its acceptance, we can all benefit from being able to move forward.

Sincerely,
Andy Frank
Andrew K. Frank, PhD
Vice President & General Manager
The Training Camp
1812 Marsh Road, Suite 200
Wilmington, DE 19810
1.302.475.0283—phone
1.302.475.1571—fax
afrank@trainingcamp.net
Visit our website at http://www.trainingcamp.net/

''Because you are only as good as what you know''

MTC–00024789

From: forspam2@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

Microsoft must be stopped from using its vast predatory powers. There must be NO settlement until this out of control corporation is held accountable for its monopolositic practices. Instead of giving its vastly inferior operating systems to schools it should be made to supply Linux. To do otherwise only allows this monopoly to grow.

MTC–00024790

From: missbalckie@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

What mankind really needs is a break from people like Orin Hatch and Sun Microsystems CEO Scott G. Mc-Nealy who complain about Microsoft. None has bothered to offer a superior product. Instead they have used the government as a strategic weapon to cover their own inability to develop something better.

The time has long since past for people like Orin Hatch and the government to leave Microsoft alone!!!

Douglas Shortridge
117 Cameron Dr.
Battle Creek Mi. 49015

MTC–00024793

From: barrydbloom@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:55pm
Subject: Microsoft Settlement

It is time for companies to quit using the federal government and the judicial process because they can t compete. The computer industry is one of the strongest most profitiable industries in the world. Government interfernce at this point in its

history is premature and damaging. Please focus your efforts on problems with the telecom industry and leave the computer industry alone. We don t need your help.

MTC–00024794

From: Ramesh.Shah@
sspsolutions.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:55pm
Subject: Microsoft Settlement

I feel the settlement reached by the govt is fair and equittable.In my opinion Microsoft has been picked on for being an sucessful co.I dont see any monopolistic behaviour.Its time to move on and stop wasting tax payer money.

MTC–00024795

From: kennhat@attbi.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:55pm
Subject: Microsoft Settlement

It time tell the friends of Sen. Hatch and the other parties to beat Microsoft in the marketplace and quit trying to use the Goverment and the courts. It is my place as a consumer to pick and chose the best products not the courts. Let us pick the winner not the Goverment !!!!!!!

MTC–00024796

From: agapa1@juno.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

THE ONLY REASON RENO (CLINTON) BROUGHT CHARGES WAS BECAUSE BILL GATES DIDN T GIVE MONEY TO EITHER PARTY. I FEEL THAT ALL CHARGES SHOULD BE DROPPED.

MTC–00024797

From: missal101@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

Enough of this attack on one of our most respected companies Microsoft. We expected as much from the previous administration but did not expect the witch hunt to continue in the Bush Administration. Our portfolio has been negatively affected by the Clinton Justice Department s attack on MS. Stop it now and get back to catching real crooks.

MTC–00024798

From: creightonlvx@juno.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

It s time to get off Microsoft s back. This garbage revolves around a FREE software bundle and a lot of us can see right through the whining about it. THis is really a message that the government will enable anyone to go after successful capitalists and it s a lousy grab for power. Get over it.

MTC–00024799

From: DmanHS@juno.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

Bill Gates is just a man in business like anybody else and he came up with a product that s been aggressively marketed and perhaps better than anything else like it. Why should someone or a company be faulted for being better and more successfull than anyone else provided that they are being ethical about it.

MTC–00024800

From: chuckselk@juno.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

Can you imagine what life would be like without the computer? How advanced do you think the world would be in computer usage if Bill Gates and Microsoft never existed. Bill Gates should be recognized at the man of the 20th century that has done so much for not only the USA bu the whole world. Other companies are already benefitting from Microsoft s taking risks in the 80s and its pool of ingenuity and software dominance. Don t punish people for being successful except in the income taxes they pay. All branches of government city county state and federal have benefitted from the taxes Microsoft and its employees have paid. Don t stifle new inventions and software.

MTC–00024801

From: Mgostovich@triumphtx.org@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

We founded this country on the belief of free enterprize and freedom to compete in open markets. When a company like Microsoft does this too well everyone jumps in and forces the government to save them. The truth is that if other software manufacturers could put a product that worked as well as Windows we would be using it. Microsoft should have the right to do what it wants with a product that it created. The government nor the other software companys own windows Microsoft does. To tell them what they can and can t do with it is appalling to me.

MTC–00024802

From:
dodd.harris@tricon-yum.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

I am fully supportive of the settlement negotiated between Microsoft and the various Attorneys General referenced here. The uncertainty this case has caused the technology sector has had a strongly deleterious affect on the sector and the stock market and cosumers desperately need security that a final conclusive settlement will provide. Please effectuate the terms of the settlement with all due haste.

Cordially C.
Dodd Harris IV

MTC–00024803

From: lj25seitz@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

Please stop this none-sence! It all started with Netscape and it was not a working system than nor is it much better now! It still works like the writer of that program(Netscape) has less than a year of experience. Also every PC that I have bought has always had Netscape loaded on it!!!!!!! They do not have a leg to stand on.

MTC–00024804

From: mikekern@microsoft.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

I think the sttlement was unfair to Microsoft and is being inconsistently applied to computer vendors. There is nothing that MS did that companies complaining about MS have not also done. Indepenent of the question of fairness/rightness there is a blatent inconsistency being applied here. THIS IS CALL FREE ENTERPRISE! Not monopoly. The competitors are taking advantage of the justice system and polictical favortisum to make up for what they lack in their own product line and abilities. This inconsistency would be laughable if it were not for the serious ramification were MS forced to stopped providing the public with the best products it can. Please consider all factors in the light of free enterprise and consistent business practices of all competitors.

Thank you.
Mr. Kernaghan

MTC–00024805

From: RSadler@Tadv.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

For too long the government has assisted Microsoft s competitors. It s time for them to compete in the marketplace not in the court room. The settlement proposed by DOJ is more than fair for all the parties involved and paves the way for a return to normalcy in the technology sector.

MTC–00024806

From: Dessertfox@juno.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

Please accept the current settlement and avoid additional litigation. Thank you

MTC–00024807

From: jamesc@phoenixhitec.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

Microsoft has provided great convenience for my life and our company s operation. Their products are so good and in the meantime I don t have problem to switch to their competitor s product if needed.

However I will still prefer the Microsoft products. I don t see the monopoly. And I can only see the inconvenience by restriction of a pre-loaded Windows. I totally support the settlement. And I strongly suggest you that not let a few special interests person and not so great competitive competitor to ruin such a great company and their products.

MTC–00024808

From: karen@Reportware.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

Please accept this settlement and put this to bed. I believe this settlement is a fair (though tough) compromise that is in the best interest of everyone—the technology industry the economy and especially consumers. For the sake of the economy please use your influence to accept this settlement and allow Microsoft do what they do best develop and distribute integrated software.

Sincerely Karen Hanshaw

MTC–00024809

From: bruce—amberson@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:57pm
Subject: Microsoft Settlement

The current settlement with Microsoft is sufficient. Do not allow those companies who have an agenda other than innovation in the free market sway a fair decision.

MTC–00024810

From: bob@arnoldsmithins.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

I feel the seetlement reached on the Microsoft Case is more than fair and adequate and should be finalized.

MTC–00024811

From: blomsoy@harborside.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:57pm
Subject: Microsoft Settlement

Please do the patriotic thing let Microsoft produce without further interference.

MTC–00024812

From: Todd Azzara
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 3:03pm
Subject: Microsoft Settlement

Dear Sirs,

I believe that the proposed settlement agreement is a bad idea, m'kay? No, really. There are no provisions for Microsoft documenting the API's they DO release, and there is very restricted third-party developer access to any API's, among many other items. Microsoft must be taken to task for its constant anti-competitive practices and this settlement WILL NOT accomplish anything.

Thank you.

Respectfully,

Todd Azzara, Senior Real-Time Adaptor Developer

EP1 Core Adaptor Team

S1 Community and Regional eFinance Solutions Group

12401 Research Blvd. Bldg. 1, Suite 400, Austin, TX 78759

512.336.3000 x3032 / 512.336.3250 Fax

Email: todd.azzara@s1.com

MTC–00024813

From: mgb—bas@mediaone.net@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

Darn it get on with this assinine case and accept the settlement completely NOW. Don t let the courts do to a successful and forward thinking company what they did to AT&T. If competing companies want a greater share of the market let them BUILD A BETTER MOUSE TRAP IF THEY CAN.

MTC–00024814

From: Patricia Abbott
To: Microsoft Settlement U.S. Department of Justice
Date: 1/25/02 3:00pm
Subject: Microsoft Settlement
Patricia Abbott
177 Hobble Creek Canyon
Springville, UT 84663
January 25, 2002
Microsoft Settlement U.S. Department of Justice

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Patricia Abbott

MTC–00024815

From: eric@northcomp.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:57pm
Subject: Microsoft Settlement

As a user of both Microsoft and other products forcing Microsoft to submit to this sort of scrutiny is a waste of my tax dollars. Unlike the Baby Bells that seem to avoid all scrutiny like this Microsoft continues to provide BETTER products and BETTER service. Perhaps DOJ should focus on the real crooks like Enron.

MTC–00024816

From: Jera Darklighter
To: Microsoft ATR
Date: 1/25/02 3:06pm
Subject: Microsoft Settlement

To whom it may concern,

I believe that the proposed final judgment for the Microsoft settlement will not effectively eradicate the monopoly that Microsoft has on both middleware and PC operating systems.

Firstly, there are several loopholes in the judgment that will easily allow Microsoft to keep on bundling middleware like Internet Explorer with Windows and thus keeping out competitors like Opera and Netscape. All they have to do is change the product number, and the judgment won't consider it ''middleware'' anymore. That is just asanine.

Microsoft makes a lot of software that is the industry standard. However, it only runs on Windows (for PC platforms—of course they make it for the Mac too). This makes it really difficult for people who prefer other operating systems, like Linux, to run the programs they really need. These individuals, including myself, are ''stuck'' using a product that they may feel is inferior to others available. This should not happen in an open market, where competition forces companies to make better products so they can have the largest market share.

Furthermore, although the judgment does take some positive steps toward lessening Microsoft's monopoly, it does not adequately provide for enforcement of the judgment. Please give this judgment some teeth so the average Joe out here has a little choice when it comes to operating systems.

Thank you for your consideration.

Sincerely,

Jordana Kocher

Senior Web Designer

@MOTION, Inc.

MTC–00024817

From: crystal@Reportware.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:57pm
Subject: Microsoft Settlement

Please accept this settlement. It is fair and in the best interest of everyone.

Sincerely

Crystal Shuey

MTC–00024818

From: douggoodyear@att.net@inetgw
To: Microsoft ATR
Date: 1/25/02 2:57pm
Subject: Microsoft Settlement

I have been opposed to the federal government s lawsuit against Microsft from the day it was filed. I have always thought it was a bad idea to punish a company for being successful in the marketplace. Worse it seemed as if the Justice Department was doing the work of Microsoft s competitors—AOL Sun Oracle to name a few—for them primarily because they were losing in the marketplace. For that reason I support the proposed settlement with the government. The suit never should have been brought in the first place. If there s an opportunity to settle it we should do so ASAP—no more money time or energy invested in persecuting this successful company. I support the DoJ s efforts to settle and hope the Department will focus on prosecuting real criminals instead of manufacturing trumped-up cases against good corporate citizens. No more regulation via litigation please.

Sincerely

Douglas Goodyear

MTC–00024819

From: Mac.com
To: Microsoft ATR
Date: 1/25/02 3:06pm
Subject: Microsoft Settlement

Dear Sirs,

I am stockholder in Apple Computers. I am also an instructor of computer sciences at the college level in Tulsa, Oklahoma. As you

might expect the outcome of this trial is for most on my mind. I have been reviewing all related materials I can regarding this case since it's inception, and I am a firm believer that our computer experiences would be much better off if Microsoft where a better corporate and consumer partner.

I have read the proposed settlement between MS, the DOJ, and nine states, and agree with many analysts who have said this settlement would do little to inhibit MS from continuing there previous behaviors.

I feel that in order to allow free competition in the operating system market, Microsoft should not be allowed to bundle new software with there OS. To do so allows the company an unfair marketing advantage over competitors. Further, staple applications such as Microsoft Office should be available for all competing OS's with significant market share to warrant a profitable product. That would include the continuation of MS Office for Macintosh and the developing of MS Office for Linux.

Lastly, MS should set specific prices for there products based upon volume and not based on the specific customer. In other words, if Compaq and Dell purchase an equal number of licenses then they should each pay the same price. This would prevent MS from bulling PC venders around based on the business practice of the particular vender.

Joel Sutton
Tulsa Community College
(918) 595–7000 ext 7146

MTC–00024820

From: aitala@olemiss.edu@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

Microsoft must be stopped—they are now spamming folks with requests for favorable comments on the settlement. Break Microsoft up stop them from making things even worse.

MTC–00024821

From:
kmaxwell@fabio-perini.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

This settlment forces Microsoft to license any intellectual property rights that others might need to compete with Microsoft. I disagree with this penalty placed on Microsoft which has been placed on Microsoft not for the reason this case initially brought to trial but to penalize Microsoft for being the only company to successfully create an operating system for X86 platform. If the court is going to offer this appeal the appeal needs to be such that in ALL software developers will be forced to license their intellectual property rights. For example Sun Microsystems would have to license their intellectual property to Microsoft. Only in this sense will settlment truly offer something fair and justified.

MTC–00024822

From: Phil Tomson
To: Microsoft ATR
Date: 1/25/02 3:26pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act's provision for public comment I would like to comment on the proposed Microsoft settlement.

I have been involved in the computing industry as an engineer since 1984. For the last eight years I have been a software engineer. During this time I witnessed firsthand how the rise of Microsoft's monopoly in the operating system market adversly affected the software industry by limiting choices. Microsoft has been found guilty of anitcompetitive practices and illegally maintaining a monopoly. The proposed settlement effectively does nothing to stop Microsoft's anticompetitive practices and in fact I fear that it will actually give Microsoft the cover of legal authority to continue such practices in even greater amounts. If the proposed settlement is approved unchanged it will have grave negative consequences for the computing and software industries as well as for access to the Internet. These industries are key to the US economy and this settlement effectively hands them over to Microsoft.

The proposed settlement could be fixed with the following requirements:

* Require Microsoft to make it's office suite data file formats public. This would allow competing companies and organizations to create products which can interoperate with Microsoft's office suite, thus allowing competing operating systems to have applications which can read and write these formats which are now ubiquitous due to Microsotf's monopoly.

* Require Microsoft to submit present and future (perhaps for a period of ten years) networking protocols to an independent open standards body. This would prevent Microsoft from creating incompatible netoworking protocols that would shut out competitor's access to the Internet.

Require Microsoft's preload agreements to be vacated and prohibit the creation of new preload agreements.

Require the Windows OS API (Application Programmer's Interface) to be publicly documented. This would allow the development of competing products that could interoperate with Windows. It would also expose certain portions of the API which Microsoft has kept secret up to this point. And this provision should apply to ALL versions of Windows, including Windows XP and WinCE (which are not covered in the current agreement).

Require Microsoft to list which software patents protect the Windows API so that developers of Windows-compatible operating systems can determine what is patented and avoid infringing.

Require that Microsoft change their EULAs to not discriminate against ISVs that distribute Open Source software. Many of Microsoft SDK (Software Development Kit) EULAs prohibit their use with Open Source (freely available under certain licenses like the GPL (GNU General Public License)). This type of discrimination should be eliminated.

And finally, the current agreement appears to lack an effective enforcement mechanism. It does provide for the creation of a Technical Committee with investigative powers, but appears to leave all actual enforcement to the legal system. The agreement needs to be ammended so that it has an effective enforcement mechanism that is invoked when Microsoft breaks the agreement. This is a matter of utmost importance. If the current agreement is not changed, it will effectively hand over large portions of the computing industry and the Internet over to Microsoft's control—this would be a very tragic outcome and it is avoidable.

Phil Tomson
Software Engineer
19310 SW Oak St.
Aloha, OR 97007
ptkwt@aracnet.com

MTC–00024823

From: dogjerde@worldnet.att.net@inetgw
To: Microsoft ATR
Date: 1/25/02 2:57pm
Subject: Microsoft Settlement

The Federal Government has been much too harsh on Microsoft. In the first place there never was a monopoly on Microsofts part. Everyone knows that anyone can and does write software. Nobody has or ever will have a monopoly on writing software. So there was no monopoly and the case should have been dismissed at that point. We who have invested our life savings in a very fine company like Microsoft now see the government destroying everything that we have worked so hard for. Every time lawyers and judges destroy investor confidence by actions such as this our economy our nation our investor spirit is weakened. It is small wonder that our economy is in such bad shape. Every time we consider investing in a particular company we become fearful of what the government may do to a fine company. We are supposed to be a free country. Microsoft certainly followed all the laws. So why punish them? Which companies are we to invest in if not fine companies like Microsoft? It sounds so much like the Democrats. Wait for someone to do well. Then become jealous and ask the government to destroy the company that you are jealous of.

MTC–00024824

From: jenfunk@mac.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:57pm
Subject: Microsoft Settlement

This judgement is a farce. Complete idiocy. Bad Microsoft! We order you to establish yourself in a market you do not already own and in fact one of your most dreaded compettiors DOES own as a PUNISHMENT. Oh yeah I m sure MS is cryin in their beer here. APPLE is the WELL KNOWN dominant educational platform and the judgement all but hands it to them on a silverplatter by REQUIRING THEM to become active in it s makeup. PUNISHMENT would be the m having to SUPPORT the ecucational systme by BUYING APPLES to put in schools. Is this justice? Hell no. It says long live monoploies becasue you ve just insured to get more of the same. More MS dominating every market and NOW the educational market as well wow some punishment. Good job buckwheat.

Hope you can salvage your soul from hell. Yay america. I sure hope the same jdges don t decide the terorrist s fates because they ll be sent to Club Med with explosives.

MTC–00024826

From: shamus@industrialego.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

I support the settlement of US Government s case with Microsoft. I think it is the best interest of consumers to let Microsoft get on with the business of making great software products. The state Attorney Generals are holding out for political reasons that are not in the consumer s best interest. Here in California the state AG is playing to the leaders in high-tech such as Larry Ellison of Oracle and Scott McNealy of Sun Microsystems. What these men have been unable to achieve by consumer choice in the marketplace they wish to force on people using the strong-arm of the government. Sounds likes the mafia to me. Settle the case now.

Shamus Brown

MTC–00024827

From: Stephen Nosal
To: Microsoft ATR
Date: 1/25/02 3:08pm
Subject: the microsoft settlement Folks—

I would just like to express my displeasure with the proposed settlement with microsoft. I oppose it because it does not specifically address the issue of ''free'' software and volunteer development. If there is no specific language validating volunteer software developers I believe Microsoft will use a ''viable business'' requirement to exclude these people from developing useful software. As a small business owner, I am unable to afford many of the products that microsoft sells—it comes directly off of my bottom line. Please modify this settlement to insure the rights of volunteer developers to create and release compatible software.

Thank you for your time.

- Stephen Nosal
mybrewpub.com
New York, NY

MTC–00024828

From: mjacobs@microsoft.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:57pm
Subject: Microsoft Settlement

Microsoft has done more than any other high technology company to build products for the people. Please bring this trial to an end as quickly as possible so that the industry can focus on serving the best interests of the American public and not a few of Microsoft s competitors. Settle now and move on.

Thank you.

MTC–00024829

From: morcos@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

I applaude the DOJ for willing to finally settle this ridiculous lawsuit with Microsoft. I believe that the market takes care through competition and hard work and this is what the American system is all about. Let the company do its business and keep the US as the most advanced country in the world and let the whiny competitors of Microsoft work to satisfy their customers by producing better products. It is after all customers who decide which products are the best.

MTC–00024830

From: aadieringer@juno.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

Enough is enough stop wasteing money and settle case

MTC–00024831

From: Randy@ReportWare.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:56pm
Subject: Microsoft Settlement

Please put the Microsoft case to rest and approve the pending settlement. As a technology professional I have a great appreciation for the innovation and quality represented by Microsoft s software and don t want to see them impaired by intrusive government action— action pushed by competitors who seek unfair advantage for their inferior products. I don t work for Microsoft nor have any ties to them I simply want the best tools to allow me to do my job and I believe that Microsoft provides them.

MTC–00024832

From: idealist—@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 2:57pm
Subject: Microsoft Settlement

The ruling between Microsoft and the States is extremely fair and should be allowed to stand. The economy can not take all this tearing down of American companies. Don t we still have something called capitalism?

MTC–00024833

From: Jon Bell
To: Microsoft ATR
Date: 1/25/02 3:07pm
Subject: Microsoft settlement

Hello, I strongly agree with the government's stance on this case against Microsoft. In the mid-90s, before this case was brought against MS, I read up on the subject quite a bit.

I went from most people's opinion (''they found the american dream and now they're being punished'') to a more informed one. It's obvious that they've abused monopoly power, and it's obvious that it's hurt the market. They haven't necessarily harmed consumers, but abusing the monopoly power they have is bad enough to bring a case against them.

I hope this case results in serious, measurable consequences for Microsoft. You have my support.

Thanks,
Jon

MTC–00024834

From: FXR3464@AOL.COM@inetgw
To: Microsoft ATR
Date: 1/25/02 3:04pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Frank Roche
393 West 49th St 5NN
New York, NY 10019–7900

MTC–00024835

From: ethelp@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/25/02 3:04pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
ETHEL PARKES
1737 TIMSON LAME
BLOOMFIELD HILLS, MI 48302

MTC–00024836

From: Brian Morton
To: Microsoft ATR
Date: 1/25/02 3:08pm
Subject: Microsoft Settlement

As a Macintosh and Linux user, with the exception of using Internet Explorer for OSX, I have read and listened to much of the commentary about the DOJ's settlement with Microsoft and it looks like you guys are selling out. We have seen Microsoft use it's monopoly status and greed to invade every market they enter, let us do the ''right thing'' and put a hurt on them. I think breaking them up as originally proposed would be a great solution and would then offer some real competition into the computing space.

Brian Morton

MTC–00024837

From: FixIt
To: Microsoft ATR
Date: 1/25/02 3:10pm
Subject: Microsoft Settlement
bad idea guys

MTC–00024838

From: Jim Hassinger
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/25/02 3:10pm
Subject: Microsoft Settlement
This disgraceful defanging of the court's decision will go down in history as a missed opportunity, brought about by the Bush administration's toadying to all sources of capital, from Microsoft to Enron.
The original decision should have been executed, as a bare minimum. My views on the matter are neatly stated by Prof. Lawrence Lessig's recent work on related matter, ''The Future of Ideas.'' The Internet, in particular, must be saved as a truly neutral platform for development. If the government, and its eminently qualified scientists, were to continue actively supporting that rule, Microsoft would be forced to break up by the ''free'' market created.
Yours truly
James Hassinger
1149 Coronado Ter
Los Angeles, CA 90026

MTC–00024839

From: Randy Ajax
To: Microsoft ATR
Date: 1/25/02 3:10pm
Subject: Microsoft Settlement.
I believe the terms proposed under the Microsoft settlement to be just and fair for all parties.
Thank you
Randy Ajax
President, Vending World
Please visit our web site at:
http://www.vendingworld.com

MTC–00024840

From: Michael R. Brumm
To: Microsoft ATR
Date: 1/25/02 3:11pm
Subject: Microsoft Settlement
I have reviewed the revised proposed final judgment for the USA and individual states against Microsoft.
As an ISV who develops software for Windows, I feel that the proposal is more than fair.

MTC–00024841

From: Art
To: Microsoft ATR
Date: 1/25/02 3:10pm
Subject: Microsoft settlement...
Didn't Netscape give away it's browser in order to insure there would be no competition arise to compete with its'' product? If that's not anti-competetive, what is? If Microsoft with its'' deep pockets hadn't come along there'd have been no incentive for improvements to Netscape and no Microsoft browser alternative. And Netscape has no damage because its'' browser product was being given away free. Microsoft should demand a set-off from Netscape because the growing popularity of IE reduced the financial damage Netscape was inflicting on itself by giving its'loser browser product away.
Art Krannawitter
135 Camino del Sol
Vallejo, Ca 94591
707–557–5909

MTC–00024842

From: moodybk@iimef.usmc.mil@inetgw
To: Microsoft ATR
Date: 1/25/02 3:07pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Bryan Moody
124 Wilson Court
Jacksonville, NC 28546

MTC–00024843

From: Gary Curtis
To: Microsoft ATR
Date: 1/25/02 3:12pm
Subject: Microsoft Settlement
This final settlement does nothing to punish Microsoft for its past behavior or to address that damage that has been done as a result. The effect of this settlement is to bar Microsoft from certain behaviors that have been found to be anti-competitive and illegal. As a result the settlement looks more like a clarification of the law, as it applies to Microsoft business practices. I am certain that Microsoft will find ''innovative'' new ways to use its monopoly power to hinder competitors even if this particular settlement is rigorously enforced. I am very disappointed that more will not be done to address the damage that Microsoft has done to the advancement of the state of the art in computing.
Gary Curtis (Ph.D Computer Science) —
CC:garycurtis@home.com@inetgw

MTC–00024844

From: Atlas Int'l
To: Microsoft ATR
Date: 1/25/02 3:12pm
Subject: Microsoft Settlement
hello—
i do not have the time in my busy schedule to pen my objections to every single point of the microsoft settlement. suffice to say that this farce of a settlement proposal would be nothing short of comical if it were not for the fact that you (the DOJ) are actually considering it. the whole point of the original lawsuit centered around the ''lockin'' principle, whereby an entity in essence infects a host (computer user) so profoundly with its product (windows and other microsoft software) that migration to a to a more effective, cheaper, more efficient, or otherwise better system becomes economically and/or logistically unfeasible.
any proposal by microsoft to not only perpetuate its ''lockin'' practices, but to further press them into areas (education) where it has not been fully implemented is laughable.
the core of the ''lockin'' problem lies in the fact that microsoft will not divulge information (software APIs) needed by competitors to produce products capable of nominal performance on the same hardware. there is a similar scenario in the microprocessor production industry between AMD, Intel, Cyrix and other chip makers. through intensive and carefully scrutinized licensing agreements, this area has remained free from the strong-armed tactics we see microsoft employ (which Intel would be quite happy to implement ala microsoft—were it not for these agreements). this relationship between microprocessor producers did not happen by accident. it has been the result of the annual multi $million legal efforts put out by the standards boards and involved companies. this is the sort of action that needs to be taken with microsoft. simply allowing microsoft to pass out software which will further their dominance in established markets (and incidently doesnt cost them a thing—-what's a cd cost $.02?) and improve dominance in other markets will not solve a thing.
please, for the love of America FORCE this bully of a corporation to play by the same rules as the rest of us.
bob holkan
8109 otium way
antelope, ca 95843
(916) 454–3447

MTC–00024845

From: Michael Favor
To: Microsoft ATR
Date: 1/25/02 3:10pm
Subject: Tunney comments from one software developer
I appreciate the opportunity to comment. I will be as brief as possible, and I hope my comments will be taken seriously.
The proposed remedy recognizes that if Microsoft can keep part of the API secret, it has an unfair advantage over competitive Windows applications, but the proposed remedy seems to limit the use of the
API information by devleopers of competitive operating systems. If Microsoft is required to compete for the operating system market as well as the applications software market, information about the API must be available for use by developers of other operating systems as well as developers of application software. The limiting language in the proposed remedy may seem harmless, but this is a very important point.
Next, if Microsoft is allowed to develop proprietary protocols for network applications like email or web pages,

Windows would be required in order to use those applications. In order to allow other application and operating system devlopers to compete fairly against the monopoly, these network protocols must also be published, similar to the API information.

Lastly, the file formats used by Microsoft applications such as the Office software are the logical ''interface'' between those programs, similar to the Windows API and network protocols. To the extent that these file formats are kept secret, they direcectly hinder the development of competitive and compatible software for Windows and competitive operating systems. I believe that each of these points is critical to the effectiveness of the proposed remedy, and that each one must be addressed in order to prevent Microsoft from directly impeeding the development of competitive and compatible software, and extending a monopoly that has been built based on unfair competition. Thank you for considering my comments.

Sincerely,
Michael Favor
favor@sunset.net

MTC–00024846

From: hanturner
To: Microsoft ATR
Date: 1/25/02 3:13pm
Subject: Microsoft Settlement ATTENTION: JUDGE COLLEEN KOLLAR-KOTELLY

Please settle the lawsuit between Microsoft Corp and the government now. I believe it would benefit the consumer and the economy. As a tax payor, I feel that the government has wasted a lot of money on a lawsuit that should of been settled long ago. Let's do something productive with our tax money. I'm self-employed and been using computers since the early 80's. Computer programs in the 80's were very diificult to learn to use. Microsoft created software that was user friendly and easy for the average person to use. It has improved my productivity and my life.

I URGE YOU TO HELP SETTLE AND THE LAWSUIT NOW. THANK YOU FOR LISTENING TO ME.

Sincerely.
Hanneli Turner
7118 174 St SW
Edmonds, WA 98026

MTC–00024847

From: John Booher
To: Microsoft ATR
Date: 1/25/02 3:14pm
Subject: Microsoft Settlement

To whom it may concern,

I have two brief suggestions on modifications to the DOJ/Microsoft settlement that would be beneficial to consumers and to the software industry. File Formats

All windows file formats should published so that competing developers can make compatible applications available to the public. This would make it more difficult for Microsoft to maintain its monopoly because competitors could make applications that are compatible with Microsoft Office. API

All Windows Application Programming interfaces should be made available to all developers. This would allow developers to produce competing applications in a more equal environment. Also, this information should be freely usable by competitors such as Sun Microsystems and Lindows. This would allow developers to produce competing operating systems in a more equal environment.

Thank you for you time,
John Booher

MTC–00024848

From: Jarod Belshaw
To: Microsoft ATR
Date: 1/25/02 3:17pm
Subject: Microsoft Settlement

I am writing to register my objection to the proposed Microsoft settlement. I do not believe the current proposal serves the interests of promoting competition or remedying the impact on the Amercian consumer. Specifically, I believe the current proposal will stifle competition by giving Microsoft a leg-up on competitors under the guise of a settlement. Permitting Microsoft to settle the matter by delivering Microsoft products to school systems, which traditionally tend to favor other vendors (e.g., Apple), would be tantamount to state-sponsorship of the extension of Mcirosoft's monopoly.

Your attention to this matter is greatly appreciated.

Sincerely
Jarod Belshaw
jarod@oridian.com

''Whom the gods have chosen to destroy they will teach IBM JCL programming.''

MTC–00024849

From: EUROSIGN METALWERKE
To: Microsoft ATR
Date: 1/25/02 3:15pm
Subject: ATTN: US DEPT OF JUSTICE ATTN: US DEPT OF JUSTICE RE: MICROSOFT

Microsoft has made it possible for small businesses like us to afford computers and increase efficiency. Anti-Microsoft companies like Sun, Oracle, Apple et al offer software which is too expensive for the small business/home owner/student. If Sun, Oracle, Apple, Netscape-AOL had competitive products, the market would have rewarded them accordingly. The negative attitude by Microsoft's competitors is truly un-American -where the market rewards companies with the best values in service and products.

It is time to let Microsoft innovate freely!!

Very truly yours,
Jerome R. Bulkan
senior Vice President
Eurosign Metalwerke, Inc.
Margate, Fl

MTC–00024850

From: crouchsr@erlanger.org@inetgw
To: Microsoft ATR
Date: 1/25/02 3:12pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Sheila Renee Crouch
1603 West Varner Road
Hixson, TN 37343

MTC–00024851

From: William Tsun-Yuk Hsu
To: Microsoft ATR
Date: 1/25/02 3:16pm
Subject: Microsoft settlement

To whom it may concern,

I would like to voice my disapproval of the proposed settlement between Microsoft and the Dept of Justice. I don't think it will be at all effective in reducing Microsoft's monopolistic and predatory practices.

Bill Hsu
Associate Professor
Department of Computer Science
San Francisco State University

MTC–00024852

From: IGARFINKLE@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 3:16pm
Subject: Microsoft Settlement.

As a consumer, I want the Microsoft case settled. Microsoft has contributed more to the economy of this country (and the world) then any other entity in history. Let Microsoft get on with the business of innovating.

Irwin P. Garfinkle, Patent Attorney (Retired)
366 River Road Carlisle, MA 01741

MTC–00024853

From: vampsl@email.msn.com@inetgw
To: Microsoft ATR
Date: 1/25/02 3:15pm
Subject: Microsoft Settlement

44 Elsie Lane
Grand Island, NY 14072–2704 IF
MERGEFIELD LCSZ
Okeechobee, FL 34974<>
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

The Department of Justice and the Microsoft have ended their three-year antitrust battle. I think this settlement was long overdue but I welcome an end to this litigation. I do not think the initial lawsuit was merited; but I want to give my support to this present agreement and ask that you do so also. It is time to put this behind us and get back to business.

Microsoft has more than acceded to the Department of Justice's demands. Microsoft has agreed to grant computer makers the rights to configure Windows to promote non-Microsoft software programs; Microsoft has also agreed to a monitoring committee to oversee future compliance. The company is even agreeing to reveal internal information about Windows to enable rivals to write more competitive software. Enough is enough.

We need to move forward. Give your support to the settlement that your department negotiated.

Thank you. IF MERGEFIELD PARA5 But is suspense, as Hitchcock states, in the box. ambiguity's put on weight.<>

Sincerely,

No, there isn't room, the

Patricia Vampotic

0024853—0002

MTC–00024854

From: Pete Rourke
To: Microsoft ATR
Date: 1/25/02 3:16pm
Subject: Microsoft Settlement Enough!

I think that the terms of the settlement are sufficient and tough enough on Microsoft, and they are fair.

I think that we are circling the vultures that are trying to profit from this. The ingrown toenails of the legal battlers should receive another salve besides continuing to fan the flames of media controversy. I think not putting an end to this, will stifle the productive output of Microsoft, which makes products that keep a huge number of other companies generating income and employing millions of workers because of this.

If the legal wranglers of this case are latched on to gaining personal wealth for themselves, or are grandstanding for the benefit of keeping their elected positions, don't recognize that we are tired of this and should go on to other endeavors that produce a more positive output, then our country will continue to be victimized by vultures.

Pete Rourke
480–782–7744 W
480–225–8943 C

MTC–00024855

From: Kelley, David
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 3:20pm
Subject: Microsoft Settlement To Whom it May Concern;

I really think this has gone on to far. I think AOL is using this to much to there advantage. Doing anything to Microsoft will hurt the economy especially in the US. Microsoft is the ultimate example of Capitalism and allowed to continue to contributed to our overall success in the market place and as a country. Can we just even settle on the agreed upon terms and move on?

Further this suite filed by AOL is a cold vicious attack on its competitors over an issue that had already been settled.

David J Kelley
IT—Web Development Lead
Mutual of Enumclaw
800.366.5551 x 3448
253.639.6349
dkelley@mutualofenumclaw.com
pieseczek@hotmail.com

MTC–00024856

From: DavidNXA@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 3:18pm
Subject: Microsoft Settlement To Whom It May Concern:

As your decision is under consideration in this matter, please remember that it is important to all US citizens to retain freedom in the computing world. To preserve our rights, please make a decision that promotes freedom of choice of operating systems, software and hardware in digital creation and communication.

Thank you.

David Nicksay

MTC–00024857

From: Denny McClarren
To: Microsoft ATR
Date: 1/25/02 3:18pm
Subject: Microsoft settlement

How long are we going to allow this giant to crush any company that come up with brilliant ideas? The proposed settlement is definitely a BAD idea!

Judy McClarren
Holmes Beach, Florida

MTC–00024858

From: Paul C. Dain
To: Microsoft ATR
Date: 1/25/02 3:19pm
Subject: Microsoft Settlement

January 25, 2002
Attorney General John Ashcroft
microsoft.atr@usdoj.gov
US Justice Dept.,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

I am writing to express my support for this settlement reached between your Department of Justice and Microsoft. While the specific terms of the settlement encompassed more than did the lawsuit itself, the settlement at least brings this entire unfortunate chapter to a close. While I do not necessarily agree with everything that Microsoft has done, I do feel that there could have been any number of preliminary steps that could have been taken before plunging our government into a costly, protracted federal lawsuit. There is an erroneous assumption that Microsoft's products should somehow be in the public domain, as if they, too, are a government entity. Clearly they are not. Microsoft, like any other private American business, should be free to dictate the terms under which it will grant license to use its product.

Sincerely,

Paul Dain
Director, Application Development
Wirestone Chicago
pauld@wirestone.com

MTC–00024859

From: Dorothy Lutey
To: Microsoft ATR
Date: 1/25/02 3:21pm
Subject: Microsoft

Netscape, AOL, looking for the deep pockets. Go out and earn your own money. Hard work, ingenuity doesn't always pay off.

Kudos to Bill Gates.

MTC–00024860

From: Matthew Motley
To: Microsoft ATR
Date: 1/25/02 3:20pm
Subject: Microsoft Settlement Dear Sir,

I feel that it is imperative that microsoft terminate its monopolistic practices. That is the only result of the settlement that I will consider acceptable. I do not pretend I have any idea about the best way to accomplish this; I leave such judgments to you. However, that Microsoft might continue to parlay its dominant position in computer software into dominance in other markets is unacceptable. Moreover, microsoft clearly has acted in an anti-competitive manner on numerous occasions, without remorse or any sign of a willingness to modify this behavior, and as such should suffer consequences. The penalty must be damagingly stiff, or the damages that microsoft has caused others must be reversed. Perhaps packaging Netscape, not internet explorer with their next 10 million windows sales might help mitigate one of the many anti-trust infractions. But do not back down from justice.

Yours,

Matthew Motley
351A Clinton St.
Brooklyn, NY 11231

MTC–00024861

From: David Huntsman
To: Microsoft ATR
Date: 1/25/02 3:15pm
Subject: Microsoft Settlement Dear Sir:

I have been listening to all this talk and arguments concerning Microsoft. About how all these other companies are jealous of Microsoft and Bill Gates. Here are a few things to remember before passing judgement on this case.

*It was Bill Gates who said, ''I will put a computer in every household.'' All the computer manufacturers laughed at him.

*It was Bill Gates who took the Federal Governments lack of forsight on the internet, and turned it into a trillion dollar business for the world.

*It was Bill Gates who came up with operating systems that a novice computer person could work.

MacIntosh and Apple did nothing but try to get the business community to buy systems that were very difficult to work, extremely slow, very inefficient, and extremely expensive. But now they are angry with Microsoft because Bill Gates did what he set out to do, and every year he is constantly comming up with better ideas for the working class people. Just remember that its the working class people that pay for most everything in this country. Now I grant you that Bill Gates is not being nominated for Sainthood, but think about it, he has accomplished the american dream, and those who couldn't make their dreams come true, are trying to steal his.

In my opinion, which may or may not be relevant, this anti-trust suit is nothing more than another way to waste tax dollars, and the courts time.

Both of which could be used more usefully.

David Huntsman

Harrah, Oklahoma...

MTC–00024863

From: Jimmy Combs
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 3:18pm
Subject: If it weren't for Microsoft . . .

. . . the Department of Justice probably wouldn't even have computers!

If there is just one personal computer, anywhere at the DOJ, that holds Microsoft hardware or software, then the DOJ should be hung out to dry! As bad as you think they are, Microsoft is still the best at what they do. If the competition can't keep up with them and their developments, then tuff luck.

I read today that Wal-Mart is now the largest company in the world. I suppose next week, the Department of Justice will want to shut them down as well.

Thanks.

CC:'webmaster(a)microsoft.com''

MTC–00024864

From: David Witt
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 3:25pm
Subject: ms penalties deal DOJ-

as a technical computer user and graphic/interactive designer, i have been on the front lines of the pc wars for 10+ years—although i use multiple OS's, i most definitely prefer Macintosh, and as such, it has been painful for me to witness the numerous ''dirty tricks'' that Microsoft has pulled over the years in effort to lock users into their platform and programs. i won't go into details, but will make a few comments, and then make a proposal for penalties:

first off, it is ridiculous to claim that Microsoft is an ''innovator'—it is well known that Microsoft's ''innovation'' is to either buy a smaller company's technology or create copycat programs, which they then leverage into the marketplace using their installed base. secondly, Microsoft hinders computer users worldwide by not adhering to standards developed by industry consortiums—they want consumers to think that a ''standard'' is something like Microsoft Word—their ''extend and embrace'' model means that they create a largely compliant product, but then alter crucial code so as to induce confusion, uncertainty and doubt into the marketplace, hopefully locking customers into their platform ''for their own good''.

i am not optimistic that this judgement will change Microsoft's behavior, unless there is substantial remedy, and i don't mean money—here is my proposal:

Force Microsoft to publish ALL APIs for their Windows operating systems—including the so-called ''hidden APIs'—this would allow developers for Windows software to be on a level playing field w. Microsoft's own engineers, as well as allow outside scrutiny of their code. it has been long speculated that Microsoft maintains a huge advantage in developing for Windows because it alone has access to many APIs that outside developers never see

I would like to see additional penalties/remedies, but have no further suggestions—my opinion is that Microsoft has and continues to leverage it's monopoly position for its own gain, and to the extreme detriment of its competitors and its own customers, and without considerable remedy, and lasting monitoring, they will continue unabated, as their recent XP expansion suggests...

sincerely,
-David Witt
Interactive Designer

MTC–00024865

From: Derek Schatz
To: Microsoft ATR
Date: 1/25/02 3:25pm
Subject: Microsoft Antitrust Settlement

Dear DOJ-

I wish to express my extreme disappointment in the structure of the settlement with Microsoft. The agreement does not impose any real hardship on Microsoft, and instead lets them capture positive PR by donating money and software to schools. This part of the agreement, by the way, further strengthens Microsoft's market position by encouraging assault on Apple's traditional strong place in education. Overall, there are insufficient penalties and controls on further anti-competitive behavior. Microsoft in their arrogance clearly regards this whole antitrust episode as merely another business issue to deal with, rather than an impetus to fundamentally change the way they do business. The software industry is somewhat unusual in that the nature of platform standardization enables the market leader to erect strong barriers to entry against new competitors. This is why Microsoft must be limited in a greater fashion than would a market leader in a more traditional type of industry.

Sincerely,
Derek Schatz
Information Security Consultant
Irvine, California
714–508–9344
dpschatz@home.com

MTC–00024866

From: Ron LaMange
To: Microsoft ATR
Date: 1/25/02 3:26pm
Subject: Microsoft Settlement

it's time to setttle this case and move on. The economy is in rough shape and any signs of recovery remain distant. Does delay in settling and moving on help anyone, is it a make work project for the government lawyers

Signed , a concerned taxpayer
Ron LaMange

MTC–00024867

From: dottilivengood@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/25/02 3:26pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Dotti Livengood
512 Portola Street
San Dimas, CA 91773

MTC–00024868

From: Alex Morcos
To: Microsoft ATR
Date: 1/25/02 3:28pm
Subject: Microsoft Settlement

I am writing to share with you that I am in total support of the Department of Justice and Microsoft on te proposed settlement that was reached recently. The US economy depends on firms like Microsoft for the innovation necessary to keep the US ahead of the rest of the world. As we realized after September 11, America has bigger fish to fry and the DOJ needs to pursue more emminent targets that Microsoft. Microsoft is a good company that produces great products that people love and cannot live without. Let them keep their innovation and creativity and encourage their competitors to do the same rather than use the justice system to weaken Microsoft.

I sincerely hope that you will resolve the issues with Microsoft and that you will finalize the settlement sooner than later. The new administration is already doing some great things that I believe will be remembered in history as the one of the best administrations to govern America. Keep it up and get on with more important issues.

Thanks for reading this. Alex Morcos.

MTC–00024869

From: V
To: Microsoft ATR
Date: 1/25/02 3:29pm
Subject: Microsoft Settlement

I believe that Microsoft has provided great values all along in their products and services, and that the Justice dept and all the competitors that are against Microsoft should settle this case once and for all and quit wasting tax payers money on this bogus filing against Microsoft now and any others in the future.

MTC–00024870

From: Scott Hemmert
To: Microsoft ATR
Date: 1/25/02 3:29pm
Subject: Microsoft Settlement

I have reviewed the DOJ-Microsoft settlement and believe that the settlement could have a detrimental on consumers. The settlement does nothing to jump-start innovation which has been stifled by the Microsoft monopoly. In fact, the many loopholes will in effect legitimize the business practices which the courts have found to be illegal. I feel that this settlement should not be allowed to stand.

Karl Hemmert
Orem, Utah

MTC–00024871

From: Caleb Basinger
To: Microsoft ATR
Date: 1/25/02 3:31pm
Subject: Microsoft Settlement

Stop letting Microsoft leverage their System Software (Windows) Monopoly to drown out all of their Application Software competition. It's absolutely anti-competitive!

The ONLY remedy is to break up the company, so that they won't have the ability to use their Windows market share to boost their application software sales.

It's that simple!!!

Caleb Basinger
Basinger@mac.com

MTC–00024872

From: David Roberts (MCS)
To: Microsoft ATR
Date: 1/25/02 3:31pm
Subject: Microsoft Settlement

As a citizen, a business person, and more importantly a parent; I feel the settlement is fair, just, timely, and makes a difference in the lives of children who are in desperate need o f the fruits of this settlement.

I just came back from Puerto Rico, where they were very supportive of receiving the benefits to the k-12 education system.

Please stop this clearly biased lawsuit protocol and move on.

Respectfully,
David Roberts
Father, Husband, and concerned citizen

MTC–00024873

From: Sira Webmaster
To: Microsoft ATR
Date: 1/25/02 3:31pm
Subject: Microsoft Settlement

To Whom it may concern,

This is a letter from a concerned citizen. I am actually a college student, which puts me in greater contact with computers, as they are in constant use throughout campus. I also work with computers as I am a freelance web design specialist. I felt it necessary to add my thoughts to the pool of doubts and grievances being thrown at microsoft. From my personal experience, Microsoft products continue to meet low quality standards. I feel, as a consumer, that I am being marketed Microsoft products like Hershey's markets candy bars, by throwing new colors and useless features on the outside, while still producing a defunct, mercilessly frustrating product.

Compared to all other operating systems in the world today, I would rate Microsoft Windows lowest on the list. It is badly made, doesn't serve consumer needs, and is a blatant copy of apple's operating system. I feel that Apple never should have lost the lawsuit against Microsoft because the operating system is an obvious mirror image. That issue aside, the quality of Microsoft's products is due to their emphasis and orientation towards producing more, selling more. It is an example of capitalism gone awry, and so I urge you to take matters into your own hands and amend the situation.

Thank you for your time, and I urge you to make a speedy and just decision.

Michael Jergins
The Stein Institute for Research on Aging
http://medschool.ucsd.edu/SIRA/
sirawebmaster@ucsd.edu
(858) 534–6299

MTC–00024874

From: Khouri Giordano
To: Microsoft ATR
Date: 1/25/02 3:31pm
Subject: Settlement

I am a programmer with 15 years professional application writing experience.

About ten years ago, I came to the decision that Microsoft Windows 3.0 was a way to get the graphical interface of the Apple Macintosh on my cheaper Intel based hardware. I went to the Microsoft sponsored developer conferences and came home thinking of how I was going to use the great new stuff coming out of Redmond. Since that time, I've seen Microsoft move into more areas and push out other software vendors, most notably Netscape. Having to write and support software that runs on Windows, I've seen that platform become more complex and more prone to problems. Instead of being able to discover the real cause of a few problems, I've had to work around them. If I were able to fix a problem in Windows and there was a place to submit a change, I would have.

There came a point where I uninstalled Netscape and became a dedicated Internet Explorer user because it had more features and was more stable.

These days, I refuse to buy anything with Microsoft connections. I've switched from Internet Explorer to Mozilla which is the open source project on which the current Netscape is based.

I've come to loathe the company, their practices and their top decision making executives. I and the other Windows programmers where I work all laugh along with the Macintosh programmers at the Microsoft jokes. No one defends them any more. What intelligent person would defend a company that stymies any effort of hard working and innovative people.

I've seen DR-DOS (MS-DOS compatible), GEM (Windows alternative) and even OS/2 (Windows alternative from *IBM* of all companies) come and go. Other efforts to provide compatible software are rendered completely incompatible with every new release from Microsoft. That applies to Windows and their other applications.

I realize now that Microsoft was able to outlast the Clinton administration and now the winds have changed. Microsoft stopped putting up a fight because they knew that the consequences of losing have disintegrated.

My opinion is aligned with that of a wide range of professionals in my field. The current settlement proposal does nothing to inhibit Microsoft. It leaves them free to infiltrate other facets of peoples lives and there is no evidence to make us believe that will not use their hefty presence to squeeze out other players and buy out or crush anyone in their way.

More of the code I've been writing is now for both Windows and Macintosh versions of our products. Both at work and at home, I've come to favor FreeBSD (UNIX operating system) for my Intel hardware. Whenever given the choice to help Microsoft or help someone else, I have to go with the company that plays fair in the marketplace and provides the best products for the best price. That always ends up being NOT Microsoft.

Khouri Giordano
Software Technology Researcher
Nikon Electronic Imaging http://www.nikonusa.com/
kgiordano@nikondev.com 631–547–4335 631–547–0361 Fax

MTC–00024875

From: Ken Graham
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 3:33pm
Subject: Microsoft Settlement

To Whom it May Concern:

Regarding section III H 3, a copy of which is pasted here:

... Microsoft Shall:

3.Ensure that a Windows Operating System Product does not (a) automatically alter an OEM's configuration of icons, shortcuts or menu entries installed or displayed by the OEM pursuant to Section III.C of this Final Judgment without first seeking confirmation from the user and (b) seek such confirmation from the end user for an automatic (as opposed to user-initiated) alteration of the OEM's configuration until 14 days after the initial boot up of a new Personal Computer. Microsoft shall not alter the manner in which a Windows Operating System Product automatically alters an OEM's configuration of icons, shortcuts or menu entries other than in a new version of a Windows Operating System Product.

Please be advised that the above language, specifically: Microsoft shall ''Ensure that a Windows Operating System Product does not ... (b) seek such confirmation from the end user for an automatic ... alteration of the OEM's configuration until 14 days after the initial boot up of a new Personal Computer.'', does not constrain the length of time for such a reminder, thus allowing Microsoft to indefinitely issue such a dialog until such time as the user caves in, and selects such Microsoft Product or offering.

Is it not the job of the DOJ to redress the harm done by Microsoft? This agreement clearly does not do so. All this language does is delay their existing behavior. It does not fundamentally alter any of the existing Microsoft practices which fall within the scope of the aforementioned section, and fail to fundamentally redress the egregious behavior for which Microsoft has been repeatedly found guilty.

Please be advised that under no circumstances, should any installation of any product from any vendor ever modify any configuration of any component without user confirmation when said component is not directly and obviously under the pervue and user control of said product. Please consider the consequences of allowing any action to the contrary.

That the statement, ''the manner in which a Windows Operating System Product automatically alters an OEM's configuration of icons, shortcuts or menu entries'' even exists in this agreement is evidence of the DOJ blessing existing Microsoft behavior. It is one thing for AOL to behave like this within

their own product. This is an annoying and arrogant behavior on the part of AOL. Since AOL does not allow any third party to interfere with their dysfunctionality, they are perfectly permitted to commit this cardinal sin without fear of judicial review. Additionally, were language like the above employed, they could still behave in such an egregious manner, for what they change is still under their control. However, when Microsoft does this same behavior it is different. This is an uncontested fact(except by Microsoft) who only wants complete free reign. Microsoft has blatantly set out to thwart and circumvent all attempts to prevent it from controlling all aspects, like AOL, and unfortunately, it looks like the DOJ is beFUDdled.(FUD=Fear Uncertainty Doubt/See Sun vs Microsoft). When I install a new version of any product, on any platform, there should never, ever, be an automatic reconfiguration of any product not clearly and obviously ''owned'' and affected, by the vendor and application, being installed. Seeing as installing a ''new version of a Windows Operating System Product'', is clearly unavoidable, they should not be allowed to infect the data and configuration space of vendors and products, not clearly under user control within the application(s) being installed.

A clear case of this, is the look and feel of MS Windows Explorer and MS Outlook(client).

Their behavior is controlled and configured within Internet Explorer. The poor computer user who is not well acquainted with the insidious behavior of Microsoft would be at a total loss to explain this seemingly terrible design and implementation, much less discover how to correct the problem. Upon investigation inside the Microsoft Knowledge Base, one will encounter the phrase ''As Designed'', which literally means, that this behavior is intended. It is not a bug. They intended to show that Internet Explorer is required, when clearly(to those who are informed and of sound mind and body) it is not.

A cursory examination of the UI's used by Outlook will clearly show that not only is Internet Explorer not fundamental to the OS, but that it was adhoc'ed onto existing applications, in a poorly implemented retrofit, so as to show to the uninformed exactly how required IE really was, when to any sane individual it was clearly not the case.

Regarding:

''Notwithstanding the foregoing Section III.H.2, the Windows Operating System Product may invoke a

Microsoft Middleware Product in any instance in which: '', subsections 1, and 2, of same.

With the issues of securing an operating system, from the point of view of the Microsoft Mindset, as blessed within the guidelines of this agreement, it seems that to abrogate all provisions, requires only the creation of an ''OS''(quotes added for emphasis/humor) which has ''security'', (read as attempt to provide illusion of security). Please refer to the patent granted to Microsoft, by the uspto, called ''Digital Rights Management Operating System''(application 227561). Under the guise of security, and NDA(non disclosure agreement), the ability of the public to know what Microsoft is doing will be non-existent. As a primary consequence, no complaint can be filed. Given that congress(lower case to show proper respect) has caved in to corporate conglomerates with the DMCA, then any attempt to discover how Microsoft has broken this agreement will also be illegal. Since this agreement relies on complaint driven inquiry to assess Microsoft compliance, the result will be again for Microsoft to have outwitted and clearly trivialized the DOJ and this court. You need to understand. Microsoft has no intention of keeping this agreement, any more than they have kept prior agreements.

This is not an inappropriate attribution. There exists mountains of evidence to support such an opinion and to act without regard to this evidence is tantamount to negligence and Dereliction of Duty. This agreement is naive, and shortsighted. It is consistent with a desire by the FBI to abridge the rights of citizens to privacy, without judicial review or constraint. This can only be truly accomplished in a closed system, like Windows, and not via the Open Source community. That this opinion is warranted can easily be attested by such things as ''carnivore'', and ''magic lantern'', as reported by Reuters, and confirmed by the FBI.

It is the opinion of this citizen, that the DOJ wants Microsoft in place, with its monopoly intact, so as to place their ''carnivore''/''magic lantern'' on every PC. Everybody knows(that is to say, that both vendors and consumers recognize the need for protection from what Microsoft allows, which is not allowed by default, if not impossible, everywhere else) that Microsoft products are the worlds worst culprits for replicating virii(multiple of virus), and without the possibility of user intervention, thus behaving ''as designed''(common phrase Microsoft uses to describe what would normally be called an egregious break of security or serious design/implementation flaw). The protections stated in this agreement do not include the Open Source community. The level of attention and the number of individuals of common intelligence involved in this case suggest that this cannot be an oversite. How is this possible given that Microsoft only considers the Open Source Community and Linux to be a threat? This evidence supports opinions already expressed above regarding the intentions of the DOJ. The DOJ, in order to create the appearance of Justice, allows for: V B, ''In any enforcement proceeding in which the Court has found that Microsoft has engaged in a pattern of willful and systematic violations, ...'', which is made moot by provision: IV 4 D 4 d, ''No work product, findings or recommendations by the TC may be admitted in any enforcement proceeding before the Court for any purpose, and no member of the TC shall testify by deposition, in court or before any other tribunal regarding any matter related to this Final Judgment.'' A provision, which by declaration, prohibits testimony relevant to the former by those who are most in a position to testify to ''a pattern of willful and systematic violations''. I was under the impression that it was the intent of the DOJ to effect a change in behavior at Microsoft, and not just the appearance of doing so. I see no method outlined to address situations where legitimate differences of opinion occur. It is not difficult to foresee Microsoft testing the boundaries of this agreement, and getting, via ''case law'', precedents that result in another 1995 pointless agreement. Especially as it is nothing but SOP(standard operating procedure).

Were I asked to categorize what would be observed in this agreement by any person of sound mind and body, it would be a persistent attempt to appear to constrain Microsoft, without actually doing so. With rare exception, Microsoft is not substantively constrained. In fact, with recent announcements, and the desire of the FBI in concert with the Administration to abridge constitutional rights(''carnivore'' and ''magic lantern''), it would seem inevitable that justice will in this instance, again, not prevail. What I do humbly suggest to this court, which is within the scope and timbre of the existing agreement, is that all complaints be made public via a non DOJ and non Microsoft website(evidence suggests the DOJ is not ''clean'', and Microsoft we already know cannot be trusted). As each complaint is addressed and resolved, the originating complaint should be annotated as to status and resolution, so that the marketplace, by being fully informed, may execute justice.

Sincerely,

Ken Graham

MTC–00024876

From: Kdowsiany@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 3:34pm
Subject: Microsoft Settlement (corrected)

January 25, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530
RE: U.S. v. Microsoft

OVERVIEW

For more than three years Microsoft has been defending itself in antitrust litigation brought by the U.S. Justice Department and eighteen states, including Ohio. The proposed consent decree between Microsoft and the U.S. Department of Justice reflects a settlement, which adequately protects the interests of the Department of Justice, the states and Microsoft, while achieving the desired goal of consumer protection.

UNCLEAR BASIS FOR ANTITRUST ACTION AGAINST MICROSOFT

Many critics, including the Buckeye Institute (Ohio's free market think tank) questioned the Justice Department's use of antitrust laws against Microsoft to punish the company's innovative use of technology, which provided useful products to businesses and individuals at low prices. The

involvement of the state attorneys general was even more puzzling. It has never been clear how Ohio's citizens have been in any way harmed by Microsoft's business practices. The only clear beneficiaries to this antitrust case are Microsoft's competitors who prefer to have Microsoft mired in litigation instead of competing in the marketplace.

IMPLICATIONS FOR ANTITRUST LAW IN THE DYNAMIC TECHNOLOGY MARKETPLACE

This case calls into question the relevancy of antitrust laws in the fast- changing technology marketplace of today. One of the main reasons for the government's case was to ensure competition in Internet browsers.

However, within several months of commencement of the case, the marketplace changed dramatically.

Microsoft's core business—writing the operating systems of personal computers—is under serious challenge from Linux and Apple. The center of gravity for computing is shifting away from the personal computer, where Microsoft has a significant presence, onto the Internet where the conglomerate AOL-Time Warner is the major player. As technology progresses, the focus will likely move to personal digital assistants, web-enabled telephones, satellite-based communication devices, and other tools.

The litigation against Microsoft sent a message to the rest of the technology economy that the use of innovation to meet consumer demands in an efficient manner will be punished by government agencies in the courts. This message sent shock waves throughout the American economy and hurt development in the technology sector.

EFFECT ON OHIOANS

The value of Microsoft stock tumbled by nearly 40% as the case dragged on. The more than 100,000 Microsoft shareholders that reside in Ohio collectively lost millions. And that does not include those investors who hold Microsoft stock in their mutual or pension funds. Other smaller technology company stocks fared even worse.

BREAK-UP OF MICROSOFT WOULD WEAKEN ECONOMY AND HURT CONSUMERS

The Buckeye Institute has publicly commended Ohio Attorney General Betty Montgomery, who has been involved with the case from a very early stage, for her support of the settlement and resistance to pursuing the break-up of Microsoft. She recognized that breaking up Microsoft would weaken our already slow economy, hurt consumers by limiting product development, and set a bad precedent effectively discouraging other high tech firms from investing in innovation and creativity.

SETTLEMENT MEETS GOALS OF CONSUMER PROTECTION WHILE PERMITTING CONTINUED INNOVATION IN THE MARKETPLACE

For those who have concerns about Microsoft's business practices, the settlement contains significant rules and regulations on how Microsoft designs, develops, and licenses its software. For example, all new Microsoft operating systems would have to include a mechanism that allows easier removal of the Microsoft Internet browser to switch to a different browser. Importantly, however, this settlement will still allow Microsoft, which has been a lead engine of the American economy over the last decade, to focus on innovation and productivity instead of on defending itself from government attacks in the courts.

The proposed settlement satisfied the Justice Department and nine of the states that joined in the antitrust action. It adds consumer protections while permitting Microsoft to continue as a responsible industry leader. In the long run, Microsoft's continued ability to innovate and create products that meet marketplace demands is the real benefit to consumers.

Sincerely,
David J. Owsiany, J.D.
President
The Buckeye Institute for Public Policy Solutions
4100 North High Street
Suite 200
Columbus, Ohio 43214
Phone: (614) 262–1593
Fax: (614) 262–1927
E-mail: owsiany@buckeyeinstitute.org

MTC–00024877

From: jackie hill
To: Microsoft Settlement
Date: 1/25/02 3:29pm
Subject: Microsoft Settlement
jackie hill
367 springdale
bradenton, fl 34210
January 25, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

MTC–00024878

From: Tom Minchin
To: Microsoft ATR
Date: 1/26/02 6:35am
Subject: Microsoft Settlement

Your Honor,

As a private consumer of Microsoft products, I would like to put on record my firm belief that Microsoft has been the victim of a terrible injustice and if anything is owed an apology.

Microsoft has conferred great economic benefits on me, by making my business far more efficient through use of its software. I can only applaud its policy of upgrading its products. If this makes it hard for competitors, instead of trying to shackle Microsoft, these competitors should re-double their efforts to come up with a better mousetrap.

The US is a great country that is supposed to champion capitalism. This means that it should repeal the non-objective Anti-trust laws and let a great company like Microsoft lead the world.

Yours,
Tom Minchin,
1 Robinson Court,
Bayswater North,
Melbourne,
Victoria, Australia 3153

MTC–00024879

From: johnoneill36@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 3:34pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
John O'Neill
2797 Calle Alegre
CA 94566–5878

MTC–00024880

From: abrsr@epix.net@inetgw
To: Microsoft ATR
Date: 1/25/02 3:33pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the

fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Alfred Roeckel
150 N. Crescent St.
tremont, PA 17981

MTC–00024881

From: Dirk Van Dongen—NAW
To: ''microsoft.atr(a)usdoj.gov .''
Date: 1/25/02 3:42pm
Subject: Microsoft Settlement

The National Association of Wholesaler—Distributors strongly endorses the bipartisan settlement negotiated between the U.S. Department of Justice, several states and Microsoft . The settlement represents good news for the economy and for consumers of technology.

High technology is not a single industry, but various types of businesses linked together: chip makers, software developers, equipment manufacturers and marketers, service providers, and more, all working to the ultimate benefit of consumers. When government negatively impacts a pillar of the industry such as Microsoft, the entire sector suffers, as do consumers and the economy.

The terms of this settlement address the aspects of the case that were upheld by the Appeals Court, and do so without damaging Microsoft's ability to compete. Microsoft is constrained from harmful competition, but can continue to compete to improve upon and offer Windows, which is used throughout our industry, at a reasonable price.

That is precisely what our members, who are highly dependent upon networked computer systems, need: technology which is easy to use which is available at a good value.

The Microsoft settlement is the best way to achieve these ends , to the benefit of all. Prolonged litigation will only further damage our economy.

Thank you for the opportunity to allow our organization to voice our endorsement for the settlement. We urge its adoption with all due speed.

Dirk Van Dongen
President
National Association of Wholesaler—Distributors
1725 K St., NW
Washington, DC 20006

MTC–00024882

From: Sally70596@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 3:38pm
Subject: Microsoft Settlement

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys'' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Michael & Sally Pickett
963 Morello Ave.
Martinez, CA 94553–4749

MTC–00024883

From: louzano@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 3:36pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
LOUIS SPEZZANO
19 WILD HORSE ROAD
STAMFORD, CT 06905

MTC–00024884

From: Christopher J. Carroll
To: Microsoft ATR
Date: 1/25/02 3:39pm
Subject: Microsoft Settlement

Microsoft has clearly demonstrated an utter contempt for for the law of this nation. Time and time again, this corporation has exerted monopoly power to strangle competing technologies. This has resulted in the consumer being forced to purchase and use deeply-flawed Microsoft products due to an effective unavailability of other options. This court should demand fundamental structural changes to ensure that Microsoft can never again use its market power to harm our economy.

MTC–00024885

From: Ogg Robert G
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/25/02 3:40pm
Subject: Microsoft Settlement.

I believe now is the time to settle. After so many years this ongoing case has had a bad ongoing affect in the IT industry, I believe the terms of the deal to be acceptable to both party's and a settlement can and will also help to turn the slowing down of the IT industry as people/company's and concentrate on creating new and improved products

MTC–00024886

From: Carse312@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 3:41pm
Subject: Microsoft settlement

To Whom it mat concern,

I understand that a few liberally politically comtrolled states comtinue to hold out for a big payday. I consider their actions to be using their constituants as a veil for extortion. No one really believes that these politicians/lawyers concern is for those individual citizens wronged through Microsoft's alleged anti-trust.

On the contrary, if anything at all, most individuals across America, and the world benefited greatly through Microsofts inovative development of components for third party development of Windows and Internet explorer applications.

Microsoft held no one back, rather if anyone was held back in the highly competative software industry, it was of their own undoing.

I remember well in the early 90's, how publicly owned computers at various public libraries across the State of Illinois, refused to install Internet Explorer on their public Internet access enabled computers. Only Netscape was allowed on—public computers then.

How do these States now argue that Microsoft manipulated government agencies into accepting IE on their computers. I see a very deeply seaded attempt by these state governments to dip into Microsoft's deep pockets for no other reason then a source with easy access. You government types really need to be a bit more covert when taking money from a baby.

Sincerly,
Carson E. White, Lawyer/Software developer.

MTC–00024887

From: Charles Myers
To: Microsoft Settlement U.S. Department of Justice
Date: 1/25/02 3:35pm

Subject: Microsoft Settlement
Charles Myers
4326 Mariner Lane
Fairfax, VA 22033
January 25, 2002
Microsoft Settlement U.S. Department of Justice ,

Dear Microsoft Settlement U.S. Department of Justice:

I have closely followed the progress of the Microsoft case. I am greatly saddened at the amount of tax payer's dollars used in this case. While I feel that the Federal government is correct in using legislation and the courts to ensure fair competition and open markes, the time has come to cleanly and clearly make an end to this case. With the United States in a state of economic recession, now is not the time for a prolonged court battle. The technology sector is one of our greatest assets as a nation, and we need to allow them to go back to work on innovating products for this new millenium.

As such, I feel strongly that the breakup of Microsoft is not needed.

What is needed is:

Clear guidance on what is allowable for ''bundling'' of software;

Release of the source code for present and future Microsoft and non-Microsoft operating systems, and;

Limits on current modes of software licensing.

On this last point, I feel the most strongly. At the turn of the last century, book sellers would put a notice in their books that the book could not be ''resold'', as the book was considered the intellectual property of the publisher. In another similar case, recording companies in the 1930s tried to expand their rights under copyright protestion by using licenses (or contracts) that were implied to be consented to when the consumer opened the package. This was found to be illegal under RCA v. Whiteman by the Second Circuit Court of Appeals.

Yet, in this new century, we are allowing software manufacturers to force consumers to constantly pay for features they do not want or need because of licensing. A simple return to copyright law to apply to all media, i.e. books, recording, and software, would be more beneficial, less costly, and more timely than the current situation. Product innovation should spurn consumer spending—not the fine print on unread licenses! Return software to the protection (and ONLY the protection) offered by copyright law and the doctrine of first sale.

Sincerely,
C. Daniel Myers

MTC–00024888

From: Bill Davies
To: Microsoft ATR
Date: 1/25/02 3:42pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am appalled by the Government's desire to brush a huge monopoly under the rug in the interests of ''saving the econonmy.''

A federal judge has ruled that Microsoft engaged in monopoly practices, and they should be dealt with accordingly. Your office should not cave.

They continue to drag this out and get their hooks into more and more markets while the parties dicker over a settlement. Can't you see that? Pretty soon people will not be able to access the internet unless they have a Microsoft product or Microsoft operating system. This is sheer madness. I can't believe your office is so toothless.

I hope your office will wake up and put some honest effort into antitrust enforcement against Microsoft, which has been adjudged a monopolist, and which ruling has not been overturned.

Bill Davies
Member, California and Alaska Bar

MTC–00024889

From: dwight@ellensburg.com@inetgw
To: Microsoft ATR
Date: 1/25/02 3:41pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Dwight Bolton
630 ALFORD RD.
ELLENSBURG, WA 98926

MTC–00024890

From: Brandon Harvey
To: Microsoft ATR
Date: 1/25/02 3:40pm
Subject: Microsoft Settlement

To Whom It May Concern,

I would like to point out briefly that my e-business, Artsonia.com, runs largely on the Windows platform. We do a great deal of scripting and automation in the course of running an online museum and custom production workshop. We would benefit greatly if Microsoft software interoperated better with software from other developers.

We believe that the proposed settlement does not do enough to ensure this.

Sincerely,
Brandon Harvey
Program Director
Artsonia
http://www.artsonia.com

MTC–00024891

From: Rajen J. Shah
To: Microsoft ATR
Date: 1/25/02 3:45pm
Subject: Microsoft Settlement

I am writing to you with my comments on the proposed settlement between the DOJ and Microsoft on this long-running case.

(1) I am very relieved that a settlement has been reached. In particular, I think a lot of time and money was spent on this case by both sides, and it also caused a lot of distraction in the industry. I am happy to see an end where money is used for more productive activities.

(2) I am concerned that Microsoft be kept from its earlier rough handed practices. There is no need for such behavior in this industry. I believe that the settlement adheres to the findings of the court and will hold Microsoft accountable for conducting legal business practices.

(3) I totally disagree with the ''holdout'' states stand on increasing the scope of any settlement. What they have proposed smells very much like what Microsoft's competitors have been trying to do to Microsoft—particularly Sun Microsystems, Oracle and AOL. I don't want taxpayer dollars going to fighting on behalf of companies that cannot compete in the marketplace.

(4) I am a software engineer and spend a lot of time on building web sites for customers. My platform of choice is Windows (2000). I had spent an untold number of hours, which I consider wasted, trying to make my software work on multiple platforms. In particular, at least 40% of any project is spent making my applications work on both IE and Netscape. Netscape has fallen way behind in terms of features and should be killed. Also, there is no need to have another browser available to the public, especially if it is something that is developed out of the source of IE that the holdout states are proposing. That will confuse the public and will also cause real problems for people like me.

(5) Also, proposals to provide software such as Office on multiple platforms does not make sense. An untold number of hours would be wasted by Microsoft to do this, and it does not even make sense from a business perspective. If some other company wishes to develop such software for operating systems such as Solaris or Linux, they should do it with their own money. Microsoft already supports Windows and the Apple.

Overall, I strongly support the settlement and wish to move on to solving user problems.

Thank you.
Rajen J. Shah

MTC–00024892

From: j. wesimeyer
To: Microsoft ATR
Date: 1/25/02 3:45pm
Subject: Microsoft Settlement

Dear Madam/Sir: (Jan 25, 2002)

The spelling at the top of this page is slightly in error. The correct spelling is:
John Wiesenmeyer
Caulfield, Mo. 65626

And yes, Im a taxpayer, homeowner, voter. You will find the above person in the Howell County Missouri archives.

I consider myself a Microsoft user, customer, and might I say, VICTIM!!!!!!!!!!!

Effective e-mails should be short, especially at this time, so I cannot elaborate at length as to my complaints with Microsoft, but Ill list a few:

I had 4+ years experience with Microsofts old OS, DOS 6.22/Windows 3.1 before trying

Windows 98 this past November. So Im not a newbie, as they say.

Nevertheless, it took me several days to figure out how to get Netscape 4.7.8 to run in Win 98. Little obscure dialog boxes all over the place that have to be set so Netscape can work clean and free without Internet Explorer barging in and taking over.

You folks should know all this. Why do you ignore it? And look at the way the Internet Explorer files are WOVEN IN AND THROUGH the Windows Directory. The Windows directory is the heart and soul of the OS.

If I.E. is thickly embedded therein, than how can we conclude I.E. is some kind of separate entity?

Oh well, aside from what is obvious, another gripe I have is that the bar associations, and you at DOJ, have allowed all software producers, not just Microsoft, to run free and clear of any legal retaliation for their defective products. Companies like MS and hundreds of others, have their lawyers write out those clever USER ACCEPTS SOFTWARE [AS IS]] licensing agreements (so-called), which is an insult to consumers.

HOW FAR WOULD YOU HAVE ALLOWED FIRESTONE AND/OR FORD MOTOR COMPANY TO SLITHER AWAY FROM LIABILITY WITH LEGALESE OF THAT SORT????

But you let the software companies do it day in and day out.

Why??????????????

Defective software, from Microsoft and others, has cost me hundreds of hours of wasted time, and in a business setting, costs companies millions of dollars each year in pure waste, because of sloppy program code, and you let them get away with it.

YOU ARE NOT LETTING THE AIRLINES GET AWAY WHEN THEIR PLANES CRASH.

YOU ARE NOT LETTING FIRESTONE GET AWAY FROM LIABILITY.

Your standards stink. Your justice is far from blind; it is prejudicial, to the extreme.

Thank you.

John Wiesenmeyer, voter, taxpayer and veteran of U.S. Army 51st Infantry Division, Charlie Co., 3rd Btn. 1970

417–284–3951

call me, and Ill give you an earful of testimony why all these software bandits should be tar and feathered.

Thank you.

MTC–00024893

From: jim@bostonvr.com@inetgw
To: Microsoft ATR
Date: 1/25/02 3:54am
Subject: Microsoft Settlement

Greetings,

I am writing in regards to the impending settlement issues with the US government and Microsoft.

I am deeply concerned of the tone set by the Justice Department and it's willingness to accept the settlement of computers and services for poor schools. This has been well stated in broad terms and I concur with the facts that this sanction against Microsoft is unacceptable.

Furthermore, I am concerned that this settlement is a political move. The issue is that Microsoft has broken the law and been found guilty of monopolistic practices. The only way to control further problems is to break the company up. They won. Now it is time to dismember the company into components and let them as well as other companies continue to compete for business.

This is not a serious problem since the cash the company has can be used to allow each segment of the company to flourish for the short term.

Let each division compete against each other. This is the American way!

Let us look 20 years from now. Microsoft will control your tv, internet, and your online transactions. They potentially have the opportunity to control communication as well as a major player in the banking market. How did they get there, with the resources obtained through a monopoly. Having one company controlling greater than 94% of the computers in this country is a pretty scary.

I will say that again Having one company controlling greater than 94% of the computers in this country is a pretty scary.

This is not a question of innovation. This is a question of control and power.

Would the justice department be concerned if any one country controlled(and Microsoft does) 94% of a market

What if Citibank controlled 94% of all banking in the country

What if Kemper Insurance controlled 94% of all insurance policies commercial and residential?

What is Exxon sold 94% of all oil in the country?

What is Johnson and Johnson manufactured 94% of all drugs in the country?

The list can go on and on. . . . . America is about competition and capitalism.

Taking the software and making code open to others is just plain wrong. The amount of resources required to redevelop new products would take too long for a company to catch up to Microsoft. By breaking the company into parts allows for capitalism to breed a new.....the basis for what this country stands for.

How could the company be broken up.....3 parts.....each company gets all rights to all parts of Microsoft. (intellectual, monetary, as well as assets) Basically this is what happened to ATT but in that instance, there were location issues.....hence the actual dividing was done in territories.... The nature of software is portability....hence let all parts take ownership.

This would allow each part to decide which way the new companies can go forward.

What did the government do with ATT.....ATT had to give up control of the local wires.....

If you break Microsoft up, you will get cheaper products and a race to make a better product.

Microsoft is too big to contend with in any other way. Monetary damages are not enough for it will be the American public that pays.....not Microsoft.

Let's look at this a some foresight, courage as well as wisdom. It is the obligation of the justice department to correct a problem that is going to get much worse. I hate Vanilla, let's put some more flavors on the menu.

Sincerely
Jim Mooney
3 Lamb Lane
Boston, Ma 02021

MTC–00024894

From: Janice Kramer
To: Microsoft ATR
Date: 1/25/02 3:47pm
Subject: Microsoft Settlement
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I understand that you will be deciding shortly on finalizing the terms of settlement reached in November with Microsoft. I want the Department of Justice to leave Microsoft alone. This antitrust lawsuit has been the biggest waste of time, has cost the taxpayers millions of dollars, and has negatively impacted the computer industry and the economy. Microsoft has been forced, at the vise of the competition, to defend their business practices, and battle to keep their innovative products and business intact.

With no foreseeable end to the litigation, Microsoft has agreed to satisfy demands made by the competition. The settlement is far more than fair to the competition. I don't feel Microsoft should have to give anything away, and certainly not forced to. I know Microsoft is sharing parts of its Windows programming to allow the computer manufactures to offer software programs other than Microsoft's and users to make the operating system more changeable to their own preferences. I feel that these changes will produce even more superior products from Microsoft and give Microsoft more dominance in the software industry.

Whatever has to be done to return Microsoft back to business immediately is the right thing to do.

Microsoft feels that settling this is the proper thing, and I entirely support this position.

Microsoft has been treated terribly for giving the world Windows. There should be no further legal action taken against Microsoft. Accepting the terms of the Microsoft settlement is the only justifiable course of action.

Sincerely,
Janice Kramer
120 Horton Hwy.
Mineola, NY 11501

MTC–00024895

From: Jansa Hobbs
To: Microsoft Settlement
Date: 1/25/02 3:42pm
Subject: Microsoft Settlement
Jansa Hobbs
Route 1, Box 142
Mauk, Ga 31058
January 25, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement: The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious

deterrent to investors in the high-tech industry.

It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Jansa HObbs, Taylor Co. Ga.

MTC–00024896

From: Philazz@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 3:48pm
Subject: (no subject)

I get the impression that the United States Government is allowing itself to be used to stop Microsoft, by competitors. They want the government to do for them what they have not been able to do for themselves.

Let Microsoft continue to do the wonderful job they are doing. Where would we be without them. At least Microsoft is keeping the cost of software reasonable.

Phil Azzolina
philazz@aol.com

MTC–00024897

From: Rob Lingelbach
To: Microsoft ATR
Date: 1/25/02 3:48pm
Subject: Microsoft Settlement

The proposed Microsoft Settlement is a very bad idea.

sincerely,
Rob Lingelbach
Sysadm, Computer Animation Lab
California Institute of the Arts
rob@film.calarts.edu
http://www.alegria.com
rob@alegria.com

MTC–00024898

From: Jeff Dean
To: Microsoft ATR
Date: 1/25/02 3:50pm
Subject: Microsoft Settlement

I believe the terms of the settlement agreement between Microsoft, the DOJ, and the 9 participating states are reasonable and fair. I encourage final adoption of this agreement.

Thank you,
Jeff Dean

MTC–00024899

From: Nayfield, Rod
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 3:50pm
Subject: Microsoft Settlement

I believe that this proposed settlement will only lead to extension of the monopoly position of Microsoft. I believe that you should reject this settlement.

MTC–00024900

From: McJ
To: Microsoft ATR
Date: 1/25/02 3:45pm
Subject: Microsoft Settlement

I don't agree with the Microsoft Settlement. I have been dogged and obstructed from doing my job as a process instrumentation and control engineer since 1994 by Microsoft's strangle hold on the computer industry. I have struggled with OEM e.g. Dell, Gateway, Micron, Compaq, and IBM to get computers pre-loaded with other operating systems other than Microsoft, and have repeatedly been told we can't supply anything else. I have asked for OEMs to provide systems without Microsoft Windows e.g. no operating system at all, and have been told I must purchase the systems with Microsoft Windows whether I wanted it or not. So I end up paying for something I didn't want, need, and couldn't use to do the job I was assigned to do. To get around this situation I had to build my own computers and load the desired operating system to do the job. However, there was still an issue with finding software to run on other operating systems other than Microsoft Windows, everybody is writing software for Microsoft Windows. I DON'T AGREE WITH THE MICROSOFT SETTLEMENT! What should be done is to take the money from Microsoft that they obtained illegally through their monopoly power and use it for consumer education about computer operating systems choices, foster development of software for other operating systems, make OEMs provide choices of operating systems to the consumer and disclose to them their capabilities.

MTC–00024901

From: Dean Daniels
To: Microsoft Settlement U.S. Department of Justice
Date: 1/25/02 3:45pm
Subject: Microsoft Settlement
Dean Daniels
6128 Elliot Ave So
Minneapolis, Me 55417
January 25, 2002
Microsoft Settlement U.S. Department of Justice

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers’ dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry.

It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief. Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Dean Daniels

MTC–00024902

From: Jeff Wright
To: Microsoft Settlement U.S. Department of Justice
Date: 1/25/02 3:46pm
Subject: Microsoft Settlement
Jeff Wright
4616 Village Drive
Fairfax, VA 22030
January 25, 2002
Microsoft Settlement U.S. Department of Justice

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry.

It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Jeff Wright

MTC–00024903

From: Darrick Brown
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 3:53pm
Subject: Against Microsoft Settlement
From:
Darrick Brown

80 Mariani Ct
Redwood City CA 94062
(650) 365–5413

Dear Sir/Ma'am:

I work in the computer software industry and I strongly oppose the proposed settlement against Microsoft. The settlement is a step in the right direction, but it is severely inadequate in its reach and scope. I feel that it will insufficiently prohibit Microsoft from committing similar acts in the future, and the proposed settlement also does little to punish them for the acts of which they have been found guilty.

I urge you to find a comprehensive solution that will actually benefit individuals, restore competition to the computer software industry, punish Microsoft for their illegal past actions, and prohibit Microsoft from committing such actions in the future. The health and future of the computer and software industry depends heavily on this decision.

Sincerely,
Darrick Brown
80 Mariani Ct
Redwood City CA 94062
(650) 365–5413

PS—I have included my specific thoughts below in the case where they may be helpful.

In Section III.A, the end of the second paragraph reads: ''Microsoft shall have no obligation to provide such a termination notice and opportunity to cure to any Covered OEM that has received two or more such notices during the term of its Windows Operating System Product license.''

OEM licenses terms could stretch years, if not decades. This gives Microsoft too much room to exploit this. Section III.A does not give specific situations when Microsoft could issue termination notices. Microsoft could just issue notices for minor problems to get past this ''two notice'' minimum, at which point they could resume their practice of threatening OEM's with unnannounced license terminations. This part of the proposal should be eliminated.

Section III.J reads: ''No provision of this Final Judgment shall:

1. Require Microsoft to document, disclose or license to third parties: (a) portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of [a particular installation or group of installations of] anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria...''

You may have noticed that Microsoft has recently changed their entire corporate focus to ''security and trustworthy computing''. Section III.J would allow Microsoft to easily circumvent the provisions in Section III.D (API disclosure) by claiming that it contains sensitive security related information. The API disclosure should be open accross the board, including security and digital rights management functionality. If their security models were good, it shouldn't matter if other individuals/corporations see them. The security would work as apart of its design rather than its obscurity.

These are the largest flaws of the proposed settlement. These two flaws would cause little change to how Microsoft operates as it provides them ample opportunity to circumvent the major provisions within the proposal. Eliminating these two flaws would make the proposal much better, but it would still fail to properly punish them for the actions they have been found guilty and the proposal is still extremely weak in its enforcement of the provisions going forward.

Thank you for your time.

Sincerely,
Darrick Brown

MTC–00024904

From: avery bartlett
To: Microsoft ATR
Date: 1/25/02 3:51pm
Subject: lay off microsoft

all the government should lay off microsoft because nobody in the government know's anything about running of a business.

MTC–00024905

From: Tim R. Broering
To: Microsoft ATR
Date: 1/25/02 3:49pm
Subject:
Timothy R. Broering
President
Programming And Micros, Inc.
tim@pamcc.com
(937)437–1113
MTC–00024905—0001
PROGRAMMING AND MICROS
146 N. Washington SL
New Paris, Ohio 45347
Phone: [937] 437–1113
Toll free: 888–5-FOR-PAM
Fax: [937] 437–1117
E-mail: Info@pamcc.com
URL: http://www.pamcc.com
January 10,2002
Attorney General John Ashcroft, US DOJ
950 Pennsylvania Ave.
Washington, DC 20530

Dear Mr. Ashcroft,

I really think that our government went to extremes filing this lawsuit against Microsoft several years ago. Of course, Microsoft had a virtual lock on the operating systems software market. But this wasn't necessarily due to Microsoft's refusal to be fair; rather, this was due to the fact that they had the best, most reliable software of its kind that fostered an entire generation of computer users. This is not a monopoly. This is good business.

Microsoft prevented no one from competing with its software, as the U.S. Post Office does by preventing local mail delivery. However, since its software has been so flexible and intuitively easy to use, more and more consumers voluntarily chose it, and are now avid computer users.

All this having been said, I am pleased that there is a settlement in place. Even though this settlement goes beyond the scope of the lawsuit, even obligating Microsoft to divulge interoperability protocols and monitoring Microsoft with a new three-person committee, it has the advantage of ending the litigation. I am hopeful that this settlement will prevail and we can all put this episode behind us.

Sincerely,
Timothy Broering

MTC–00024906

From: Brad Anderson
To: Microsoft ATR
Date: 1/25/02 3:54pm
Subject: Microsoft Settlement

To whom it may concern;

I am fully opposed to the settlement regarding the Microsoft case. I regard the settlement as another opportunity to allow an already very powerful company excessive inroads into the educational market which remains one of the strongholds of Apple computers market share. Though my interest isn't so much in their gain, I fear that any settlement reached with Microsoft that could bias the platform determination of a school, may lead to Apple computers overturn, thereby leaving my, and millions of other users, investments without continued support.

A more fair solution may be to continue with the same monetary settlement, which would have to be spent on competitor's products, i.e. non-wintel systems. This would still provide schools with much needed equipment, while not allowing the corporation to benefit from legislative active which is intended to be a punitive.

Thank You
Brad Anderson
37 Earl Street #3
Malden, MA 02148
781.605.0153
jordiebrad@mediaone.net

MTC–00024907

From: Paton J. Lewis
To: Microsoft ATR
Date: 1/25/02 3:54pm
Subject: Microsoft Settlement

I feel that the proposed settlement with Microsoft is not good for America, and will not prevent Microsoft from continuing its long history of anti-competitive practices.

I am writing as an individual, and not as a representative of Adobe.

Thank you for your attention,
Paton Lewis
Engineering Manager
Adobe Systems
206.675.7399

MTC–00024908

From: Sharrob2@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 3:55pm
Subject: Mcrosoft settlement

To whom it may concern....

I am in agreement with any settlement that Microsoft has agreed to.

Robert W. Moore

MTC–00024909

From: Robert Button
To: Microsoft ATR
Date: 1/25/02 3:55pm
Subject: Microsoft Settlement

I completely DISAGREE with the U.S. v. Microsoft proposed settlement. Microsoft has been found GUILTY of operating a monopoly to the harm of consumers. The proposed settlement does NOTHING to protect consumers from further damage Microsoft could inflict. Something SUBSTANTIAL

must be done to ensure that consumers have viable alternatives to Microsoft products in order to maintain competition in the marketplace.

Sincerely,
Robert M. Button
28344 Stonegate Circle
Westlake, OH 44145

MTC–00024910

From: Catfish
To: Microsoft ATR
Date: 1/25/02 3:57pm
Subject: Microsoft Settlement

The original idea that MS should be broken up is the only one that will work—basically they are now getting off scott free because nobody has the balls to challenge them. How a bunch of overpaid government employees and lawyers can argue for years over the bloody obvious is a scandal. It is a self evident truth that they abuse their OS monopoly to strangle everyone else out of the market.

What is there to discuss, break them up.

MTC–00024911

From: Valeri Liborski
To: Microsoft ATR,governor@governor.ca.gov@inetgw
Date: 1/25/02 3:57pm
Subject: Microsoft Settlement

I would like to express my concerns about direction where Microsoft Settlement is going.

Bunch of the companies that not capable to win market place in fair competition with Microsoft are trying to ruin the company by:

Sponsoring Non-profit organizations (and influencing them to take actions that harm MS): American Antitrust Institute (AAI) which finances partially by Oracle;

Failing ridiculous law suites (AOL/Netscape);

Trying to build negative PR about MS by publishing unverified/incorrect or out of context info (CNET)—every day http://news.com has from one to 4 articles about MS, none of which describes how much company does for customers (more than any other Software company in the world);

Lobbying for Standards bodies to use their technology vs new innovative from MS using muscles of anti-MS coalition and longer market presence: SUN with Java, backed up by Oracle, AOL;

Having double standards for MS and other companies—Java licensing belongs to SUN and MS was sued for using it in its products; and complains about MS not including Virtual Java Machine in XP (perhaps MS doesn't want to have one extra law suite?);

We, people, who are paying both Federal Taxes and California Taxes are concern that these funds are being used to damage economy of country; economy of state; jepardize jobs and wellfare of hundreds of thousands (millions) of people who do have job thanks to Microsoft Technologies—including people who work in thousands of Silicon Valley companies which wouldn't exist otherwise since they are making products on top of MS technologies; decrease quality of life of hundreds of millions of people around the globe who are using Microsoft Products that have best quality and design.

I would recommend settle the outstanding cases and let people in Microsoft do the job and their customers enjoy outstanding products, instead of supporting competitors and allowing endless law suites (seems like anyone who is not lazy is submitting law suite against MS). We all should support US economy and don't kill it.

Market should prove who is best, not regulations on how many titles of Software each company is allowed to produce.

MTC–00024912

From: Ernie Fisch
To: Microsoft ATR
Date: 1/25/02 3:56pm
Subject: Microsoft Settlement

I sent an email yesterday but it was quite brief. I want to expand a bit. As a user of a minority operating system I feel the bite of Microsoft's illegal tactics every day. I can't get drivers for new equipment because of Microsoft's exclusionary agreements with equipment manufacturers. I have more and more trouble using what are supposed to be open media because of Microsoft's subversion of open standards. Too many instances of this stuff occur for it to be an accident. Microsoft wants to destroy minority operating systems.

I find it quite incredible that having proven that Microsoft is monopolistic and uses their position to destroy competition that the government would propose such a feeble and essentially useless remedy. Microsoft monopolistic practices must not only be stopped, they must be reversed.

Ernie Fisch ernfischMicrosoftcox.net

MTC–00024913

From: David Brown
To: Microsoft ATR
Date: 1/25/02 3:57pm
Subject: Microsoft Settlement

I support the agreement of the Department of Justice and the antitrust settlement between Microsoft and DOJ and nine states.

I do not think any further actions are needed and feel that in these times of more important issues we should move on. As a tax payer I think my money could be better spent on other issues.

I hope that the settlement between Microsoft and DOJ will be final in this long issue.

David D Brown
309 Gandy Court
West Columbia, SC 29169
803–951–3789

MTC–00024914

From: Edward Goodrich
To: Microsoft ATR
Date: 1/25/02 3:58pm
Subject: letter to Mr.Ashcroft

Dear Microsoft.

Something happened to the letter I attempted to send to Mr. Ashcroft. Please send it to me again.

I feel that i will need help to forward it. Please call me by phone at 828 287 3434 so that I may comply.

Edward E. Goodrich

MTC–00024915

From:
To:
Date:
Subject:
Dave Beers
Microsoft ATR
1/25/02 3:58pm
Pro-Microsoft

MTC–00024915 0001

It is a tragedy that Microsoft, perhaps the most important and uniformly ethical company in the history of the US, continues to be targeted by incompetent competitors, lawyers, and other parasites who are effectively killing the industry and world economy.

Every industry in every sector has benefitted from Microsoft's unrelenting focus on doing what's fight for the customer, regarless of cost to itself. All arguments within the company about what to do revolve not around how to eradicate competition, but how to do what's right for the customer—get them more features, more capacity for less money.

As a corporation, and as a group of individual employees, no company can claim a more serious and more tangible dedication to education, the arts and sciences, promotion of diversity, and other charitable and laudatory social causes.

As I am primarily an Apple-user, I have personally benefitted from extensive innovation on all three major platfoms (windows, apple, and unix). My bias remains in favor of relatively blue-collar-behavior of IBM/Microsoft/Apple/Dell entities who keep their nose to the grindstone, continually investing in R&D in an endless pursuit of more benefits and better value for their customers, and to whom litigation is at the bottom of their priorities

It is unfathomable to me that any goverment or judicial entity would prefer to hear a story from entities like AOL/Sun/Oracle who have gone years without making any improvements in either the quality or the value of their own products, in favor of disparaging and litigating against Microsoft, and who spurn investments in R&D, preferring instead to invest in lobbyists, lawyers, and anti-MSFT marketing. AOL with it's cross-media empire that includes controlling interest in cable companies and access to broadband distribution is by far the scariest entity—more so than Microsoft ever was, or could be—to those of us consumers who continue to get billed without recourse, months and years after trying to terminate a relationship with them.

Steve Case and Larry Ellison are the shady and unethical parasitic salesmen.

Bill Gates, Steve Balmer, Michael Dell, and Steve Jobs are creative geniuses and heroes.

.02 cents from: Dave Beers, Seattle WA

MTC–00024916

From: iand and wei
To: Microsoft ATR
Date: 1/25/02 3:59pm
Subject: Microsoft Settlement.

Dear Department of Justice:

Under the Tunney Act, I would like to comment on the proposed final judgement in the United States v. Microsoft case.

As a concerned citizen who has some experience using computers running

operating systems from Microsoft and other organizations I am concerned that the proposed final judgement does not protect consumers and companies competing with Microsoft. I use Microsoft operating systems where I work. A few weeks ago my computer suddenly started shutting down improperly, and I called our help desk to ask if they could fix the problem. I was told that the problem was a well known defect in Windows 98, and that Microsoft had no intention of fixing it. This is just a small illustration of the way Microsofts monopoly affects consumers. If there was a true marketplace with competition, Microsoft would have had to fix the problem long ago.

Unfortunately the proposed settlement does precious little to try to develop a competitive marketplace. It proposes to open Microsofts APIs, but the language is so weak as to make it useless in promoting competition. In fact, the only competition for Microsofts APIs, the open source WINE project, is excluded from the API disclosure in Section III.J.2 of the proposed final judgement, because the WINE project is not a business (all business competition having been extinguished long ago by Microsofts business practices).

The major reason people and businesses run Microsoft operating systems is because they need to run the applications that run on those systems. A successful reimplementation of Microsofts APIs, could go a long way to restoring competition in the marketplace. I hope that any final judgement in this case will restore competition.

I fear if this proposed settlement is made final it will cause irreparable harm to the U.S. consumer, to the U.S. software industry, and possibly to the country as a whole.

Sincerely,
Ian Kennedy
1900 S. Eads St., Apt. 512
Arlington, VA 22202

MTC–00024917

From: Gibbs.Ivan.J
To: Microsoft ATR
Date: 1/25/02 4:00pm
Subject: Microsoft Settlement

If Microsoft doesn't get punished for what they have done, you will hurt the American entraepreneurial spirit. I have degrees in Engineering Physics and Electrical Engineering. If I know that a big company can just squash my dreams, I lose motivation to innovate. No matter how much people may like to have one leading monopolistic company to provide everything, it hurts individuals. And this country is made up of individuals, not monopolistic companies.

MTC–00024918

From: Weathers, Norman R.
To: Microsoft ATR
Date: 1/25/02 4:00pm
Subject: Microsoft Settlement

To whom it may concern:

I am writing in reference to the recent settlement talks between the US DOJ and Microsoft. I am saying on record that I strongly oppose the actions that are currently being taken by the DOJ against Microsoft because they are too lenient. My reasoning for this is as follows:

(1) Microsoft has been found guilty of harboring an illegal monopoly. They have been found guilty of destructive business practices, and because of this, they need to have a penalty that once again levels the playing field between the software producers. Opening up some API's to some companies does not allow for competition within the market, especially when a viable alternative to Microsoft is completely overlooked in the settlement, any Open Source Project. For example, a competitor to Microsoft's own network drive capabilities is the SAMBA project, yet, under the current settlement, no API's can or ever will be made available to them. This must be remedied.

(2) Microsoft has levereged parts of its foundations to further its monopolies. For instance, Windows is Microsoft's OS, and through its OS, levereged its own Office Suite to a monopoly of the desktop publishing/ word processing/ information market. Now, many individuals would love to be able to interchange information and data with other individuals who may or may not use a Microsoft Office component, but the sad truth is that the format has never been documented, and has changed with each release of the Office Suite. For example, during a recent job search, I was required to send my resume in Word 98 format. Not just Word, but specifically Word 98. I was fortunate to have a copy of Office 98 installed, but, why couldn't I have used an open format such as RTF, HTML, PDF, XML, etc, etc.... This is because the Office format is the central strangle hold that has held competition out of the market. Open the document formats to the public, and watch competition surge, and with it, better applications.

(3) Microsoft has further entrenched itself into other areas, and will soon become a monopoly due to its strong tactics and user base. For instance, Internet Explorer and Microsoft Network. Microsoft has for all intents and purposes ''won the browser wars'', or so it thought. They have created several enhancements to the original HTML code (as well as Netscape and some others), but now, due to the fact that Microsoft has a larger user base, they can now dictate ''standards'' that become very Microsoft centric. This can lead to web sites that don't just say ''Best when viewed by MSIE'', but web sites that say ''Can ONLY be viewed by MSIE''. This effectively can shut out a large group, such as Linux, BSD, Apple, Sun, that do not have easy access to IE (I know there are ports available for some of these OS's, but they tend to be troublesome, unstable, and useless). Now, you can dictate another standard that effectively kills off any competiting product because you create the standard. This can be disastourous.

(4) Microsoft continues to further move into markets that are no longer vertical. For instance, the new game console, the XBox. This is now an attempt to move into home game consoles, gaming networks, online gaming, and possibly 2 or 3 other markets. Now, if they move in and follow all the rules and procedures, than they can compete with Sony and Netscape, and create a thriving market. However, if Microsoft handles this market as they have others, by settling easy during this time, do we allow them to legally manuever into this new market and take it over as well?

I am beseaching any and all to please, read this, look back at Microsoft's history, its doings and non doings. Look at the litigations and court cases that have happened, that are pending, and that should have happened. B

y now, we have broken apart AT&T, and Standard Oil. While breakup may not be the answer (but then again, it may be), neither is this slap on the wrist that is basically allowing Microsoft to continue its practices. Remember, not only are they continuing them, but now, with the way we have settled with them, we are getting ready to say, ''It's OK, Microsoft. Go ahead and be a monopoly. You are doing nothing wrong.''

Let's not send that signal to this convicted illegal monopoly. Let's not take the short road to justice, and thereby ignore justice. Let's not end it for ''the country's sake''. Let's do the right thing and finally penalize Microsoft for doing what it has done for a long time, breaking the law. Further open API's including document formats and interfaces, open up parts/all of the OS source code, allow other non-profit organizations to be included within the scope of the judgement and ruling, and above all, let's do something to once again promote competition within the world of software development so that we can have a lower cost of software, higher quality, and a higher standard of living through that better software.

Thank you for your time in this matter.
Norman Weathers
System Administrator
Ponca City, OK
74604

MTC–00024919

From: Martin Runyan
To: Microsoft ATR
Date: 1/25/02 4:01pm
Subject: Microsoft Settlement

Dear Sirs,

I am writing to express my strong belief that the Microsoft antitrust matter must be brought to a close quickly and fairly. I believe the Justice Department has found a fair formula for the settlement. I am concerned however that the continued litigation by the states and by Microsoft's competitors is unwarranted and will only hurt our economy.

As a consumer, I feel that Microsoft's products are well designed and fairly priced. I also believe there is more than adequate competition in the emerging Internet services marketplace to ensure that Microsoft's future success will be based on the merit of their new products and not on their past dominance in the operating system arena.

There is no need for further litigation. The only segment of our economy to benefit from that will be the legal profession.

Sincerely,
Martin E. Runyan

MTC–00024920

From: EXKODAKER@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 4:00pm
Subject: Department of Justice and Microsoft

Corporation settlement.
January 25, 2002
Department of Justice
Re: Antitrust settlement between the Department of Justice and Microsoft Corporation.

Dear Sirs:

I want to take the time to voice my personal opinion about the antitrust settlement agreement. I believe that the provisions of the agreement are tough, reasonable and fair to all parties, and go far beyond the findings of the Court of Appeals. I must also say that I did not agree with the lawsuit itself when it was first filed.

The Microsoft Corporation is the pioneer in our history of technology. They started with little more than ideas and have become a pillar of capitalism, as we know it in this world today. Don't sacrifice what our great nation has been built on.

I therefore urge the District Court to rule that the terms of the settlement are in the public's best interest.

Thank you for your consideration.

Sincerely,
Raymond Merritt
Tucson, Arizona

MTC–00024921

From: genep49@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 3:59pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Eugene Peplowski
P.O. Box 3071
Show Low, AZ 85902–3071

MTC–00024922

From: Chadbourne, Seth
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 4:01pm

I write to give you my opinion on the Microsoft settlement. First, let me tell you that I don't have a horse in this race. I don't own any securities of Microsoft or any of its competitors, nor do I do business directly with Microsoft or its competitors. In short, I have no monetary relationship in any way with Microsoft or any of it's competitors. What I do have, is seven years experience as an analyst and portfolio manager for one of the largest and most respected high yield bond asset management companies in the world.

As a patriot, and fierce defender of free markets and the American capitalist system, the entire Microsoft case sickened me from the outset. The genesis of this case was the vitriolic hatred the extreme left wing of the Democratic party has for successful U.S. companies. This was a political case brought by a politicized Justice Department. Now that the scoundrels that ruled the Clinton Justice Department have left their offices, the Bush Justice Department should allow justice to prevail by dropping the case entirely. While Microsoft may have used some aggressive business practices, they did nothing to flagrantly violate the US antitrust laws. Furthermore, U.S. businesses must be allowed a certain amount of leeway if they are to successfully compete in the global economy. Most intelligent professionals on Wall Street agree that even the settlement to which Microsoft agreed is unfair to Microsoft. Please do not punish Microsoft for being a successful American company, as the socialists would have you do.

CC:Hendon, Travis

MTC–00024923

From: Dirtbandit@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 4:02pm
Subject: Microsoft Settlement
Karen Hoffman
27633 SE 400th Way
Enumclaw, WA 98022
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The reason for this letter is to request that you make a good effort to ensure the settlement reached in the Microsoft antitrust case becomes a reality.

Challengers and foes of Microsoft may pressure officials to delay this settlement in favor of continued litigation in this case. They are working under the premise that the courts should punish Microsoft. I do not believe the courts should be used in this way.

Furthermore the settlement that is being offered is a good agreement. The settlement will allow easier placement of non-Microsoft products on Microsoft operating systems; including easier removal of Microsoft components. Additionally the settlement will permit computer makers to place non-Microsoft operating systems on computers with fewer restrictions, even if they also use Microsoft systems. Moreover the settlement creates a technical review committee that includes a full time government monitor to ensure all elements of the settlement are enforced. It is clear that this settlement should be implemented and this settlement is good.

Sincerely,
Karen Hoffman

MTC–00024924

From: ncoley@vnet.net@inetgw
To: Microsoft ATR
Date: 1/25/02 3:59pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Norman Coley
266 Vance Dr NE Apt C
Concord, NC 28025–3369

MTC–00024925

From: Doug
To: Microsoft ATR
Date: 1/25/02 4:03pm
Subject: Make Microsoft give out code needed for compatiblity

Regarding the current settlement between Microsoft and the D.O.J. needs to be addressed. I do not know a great deal about it, but I read the Microsoft is NOT required to give software competitors the information needed for compatibility with their operating system.

Software programmers need specific information in order to ensure that their product will work on any Windows based PC. There are also many other issues that need to be addressed with the settlement. I am voicing my disagreement with the proposed settlement.

It gives Microsoft too many advantages.

Douglas Strick
Basehor, KS

MTC–00024926

From: novaman
To: Microsoft ATR
Date: 1/25/02 4:02pm
Subject: Microsoft Settlement

I am so sick of these suits. They were garbage to begin with and the costs to the governments, investors, state pension funds, the economy and Microsoft have been enormous. For God's sake let it die.

The settlement is far better than Microsoft's opponents deserve. The whiners have won and the consumers and investors have lost.

Thomas P Noonan
—4600 S Four Mile Run Dr #219
—Arlington, VA 22204

MTC–00024927

From: Timothy—L—Bennington@RL.gov@inetgw
To: Microsoft ATR
Date: 1/25/02 3:51pm
Subject: Comments

Move forward with the settlement and end the petty persecution of Bill Gates and

Microsoft for having the courage to set standards in the software industry. The sour grapes contention that Microsoft is damaging competition is simply a series of self interest whining promoted by weak unimaginative firms who would rather get even than ahead.

CC:barbbenn@exchange.

microsoft.com@inetgw

MTC–00024928

From: Dirtbandit@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 4:04pm
Subject: Microsoft Settlement
Randy Hoffman
27633 SE 400th Way
Enumclaw, WA 98022
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The reason for this letter is to request that you make a good effort to ensure the settlement reached in the Microsoft antitrust case becomes a reality.

Challengers and foes of Microsoft may pressure officials to delay this settlement in favor of continued litigation in this case. They are working under the premise that the courts should punish Microsoft. I do not believe the courts should be used in this way.

Furthermore the settlement that is being offered is a good agreement. The settlement will allow easier placement of non-Microsoft products on Microsoft operating systems; including easier removal of Microsoft components. Additionally the settlement will permit computer makers to place non-Microsoft operating systems on computers with fewer restrictions, even if they also use Microsoft systems. Moreover the settlement creates a technical review committee that includes a full time government monitor to ensure all elements of the settlement are enforced. It is clear that this settlement should be implemented and this settlement is good.

Sincerely,
Randy Hoffman

MTC–00024929

From: gkcook@alltel.net@inetgw
To: Microsoft ATR
Date: 1/25/02 4:00pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Gerald Cook
2840 Albert Reid R.
Sautee Nacoochee, GA 30571

MTC–00024930

From: Marshall, Cheshana
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 4:02pm
Subject: Microsoft Settlement

Proposed settlement is a bad idea

MTC–00024931

From: John Torrence
To: Microsoft ATR
Date: 1/25/02 4:05pm
Subject: Microsoft Settlement
John A. Torrence
2906 Coolidge Drive
Bellingham, WA. 98225
January 25,2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Re: Microsoft Settlement

Dear Mr. Ashcroft,

I am writing in response to the antitrust settlement between Microsoft and the Department of Justice. In my opinion, the settlement is more than fair, considering Microsoft has agreed to terms that extend well beyond the products and procedures that were actually at issue in the original suit.

As I understand it, among dozens of other things, Microsoft has agreed to server interoperability, meaning that Microsoft gives its competitors the protocols implemented in Windows that are used to interoperate natively with any Microsoft server operating system. They also have agreed to submit to the authority of a three-person technical committee, which will monitor Microsoft's compliance with the settlement and assist with dispute resolution. It is obvious that Microsoft is willing to do what is necessary to bring closure to this matter. The Department of Justice should in return bring all further litigations to a halt.

Sincerely,
John Torrence

MTC–00024932

From: lorddrayke@draykestower.com@inetgw
To: Microsoft ATR
Date: 1/25/02 4:05pm
Subject: Microsoft Settlement

To whom it may concern,

I am writing this hoping that many others who have been in a similar position on Microsoft throughout the years will do the same. I am relatively new to the computer industry, having bought my first computer in 1995, and as thus have little to no input for the times preceding this.

I have always been a curious and technically intuitive person and computers proved to follow the same pattern for me. I quickly learned to upgrade and eventually build new computers from their various components. I was oblivious to a great many things early on..... and am still oblivious to many this very day. There is one thing, above most others, I am grateful for becoming aware of during the last 2 years, And that is the behavior of a particular company.... Microsoft. I have been frustrated at the lack of stability, security in their products for many years.... but still find myself having to use them... Simply because there is no viable alternative.... They have preached time and again about how their next Operating System will be stable, or secure but still each subsequent operating system had it's major stability issues and security breeches. But I'm losing my train of thought..... I recently (Nov-Dev 2001) read through the entire findings of fact in the Anti-trust Vs. Microsoft and was just absolutely astonished at the atrocious, and very harmful things they have done. I'm sure you have read through the findings of fact in the case so won't run through all the harm they have done Acting against those who either or indirectly went against their wishes. I am far from an expert on market dynamics and antitrust laws, but there is one thing which I know.

I know it just as I know my name, where I live, or my social security number. I know that the settlement in the antitrust case is not even close to nearing a punishment that will discourage further misdeeds. The establishment of the 3 person Technical Reviewer Board from what I have read has little to no power to actually enforce anything... And what most consider one of the more severe punishments.... The donation of 5 Billion in Computers and Software to the schools.... You know they are going to be donating Microsoft software whenever possible. Their Windows operating systems, MS Office products, and whatever else they can get in. So Let me get this straight..... their punishment is to expand their market share in an area that has traditionally been dominated by Apple? What kind of punishment is that? I can definitely understand why Apple is so distraught over the settlement.

The bottom line is that I feel Microsoft has been taking advantage of their monopoly position to overcharge the consumers for a very long time. Now they have been using it to maintain their dominance and the, ever so important, barrier to entry for any would be competitve technologies. The end result being for them to increase their market share in an area traditionally dominated by one of their only competitors as punishment...

I know I am only one person..... One consumer..... One citizen.....

But I for one am not pleased at this settlement.....

And I for one don't feel the best interests of the consumer were taken into consideration in this settlement.... Since this settlement will in no way hinder or discourage Microsoft from taking advantage of the consumers.

Thank you for your time,
Don Leger

MTC–00024933

From: serenity459@cs.com@inetgw
To: Microsoft ATR
Date: 1/25/02 4:02pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division

601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Kathryn Brophy
111 Wall St.
Kalamazoo, MI 49001

MTC–00024934

From: Howard Peterson
To: Microsoft ATR
Date: 1/25/02 4:14pm
Subject: MICROSOFT SETTLEMENT

IF THE U.S. GOVERNMENT SPENT AS MUCH MONEY PURSUING ''OSAMA BIN LADEN'' AS THEY HAVE IN ''HOUNDING BILL GATES AND MICROSOFT'', WE WOULD NOT HAVE HAD THE SEPTEMBER 11TH TRAGEDY.

HOWARD PETERSON
907 VANCE ST N
WILSON, NC 27893

MTC–00024935

From: wendy willson
To: Microsoft ATR
Date: 1/25/02 4:08pm
Subject: Microsoft Settlement

Dear Esteemed Justices;

I would like to voice my opinion that it is far beyond time to put a close to this matter and further litigation. The remedies to be imposed are fair and just, and pave the way for competition on a level playing field.

I beseech you to do your best to put an end to what has become an expensive (and now irrelevant, given the more open XP platform and other technological innovations recently) battle. I have confidence that Microsoft has learned its ''lesson'', and I hope you see the logic in closing this chapter for the sake of our economy, for I do believe, if a settlement is made, stockholders and retailers all over the country will sigh a sigh of relief that will resonate ''round the world. I think this single event would make more of a difference than any rate cut by Mr. Greenspan ever could.

Sincerely,
Wendy Willson

MTC–00024936

From: sgmbennett@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 4:03pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Robert Bennett
2400 Southlea Dr.
Dayton, OH 45459–3645

MTC–00024937

From: Michael Keating
To: Microsoft ATR
Date: 1/25/02 4:25pm
Subject: Microsoft Settlement

Microsoft is forcing users to use their second rate products. They are forcing open source programs and applications out of the way, by making sure they do not run on windows. Microsoft inserts code into their applications for the sole reason of stopping it from running on other Operating systems.

I am not going to bother with the technical and legal mumbo jumbo which I am sure that many other people have both complained about before, and I am sure that the lawyers have brought to your attention, that is of the unfairness of the Final Judgment in United States v. Microsoft. Microsoft is forcing the computer hardware industry into a wall. It is immpossible to buy a personal computer, either from Gateway, Dell, Compact, or Hewllet Packard, that does not contain Microsofts XP.

Microsoft XP is a horrible product. You are punished if you dont use it, because of lack of newer software on the other operating systems. They release products before they are ready, and then 2 years later release another one that fixes half of the problems.

More should be done to stop this company. They are downright EVIL and that is an understatement. They dont care about their consumer base, just about getting their money.

Please help the american people, by making their lives a little bit less hassled by eliminating their computer woes by taking this company and forcing them to actually ACT upon their mistakes to fix these problems in America's Time of Need.

Anyone that doesn't see how the Microsoft Trail makes a big impact on people's lives (and more so in the future when more products and PCs are a bigger part of our lives), doesn't really deserve to be called an American unless they are CONCERNED about how this hurts the American people, and they feel their pain but dont act upon it.

Thank you,
God Bless the US
The Keating Family

MTC–00024938

From: Harold Morgan
To: Microsoft ATR
Date: 1/25/02 3:44pm
Subject: Microsoft settlement

For Pete's sake, enough already. I believe it is time to end the Microsoft madness and drop these court findings that are damaging our economy. I suggest that the time will come in several decades when the public will look back on the Microsoft debacle as a time of governmental stupidity.

Further, the Gates team and his current software developers will be seen in the same light as Bell, Edison and other progressive inventors. I believe I would not have the wonderful and cheap computer software if it were not for

Bill Gates.

For Pete's sake just stop it.

Harold Bishop Morgan
hmorgan@evansville.net

MTC–00024939

From: Theo Gantos
To: Microsoft ATR
Date: 1/25/02 4:11pm
Subject: Microsoft needs to have checks and balances

Thanks for the opportunity to put these remarks on the record. I have written several articles on the issue of Microsoft in the IT industry and think that allowing them to operate as they have is a great impediment to the industry. Since the IT industry is dominated by the US, this also represents a threat to our GDP. Previous remedies are as insufficient as 2 man police car patrols were against street gang activity in Chicago. Only ''proactive'' checks and balances will protect our industry. These must that assume that this company will continue to do what it has in the past, abuse its monopoly power. Waiting several years and spending millions of dollars to bring them to trial over violations is like trying to lock the house after it has burnt to the ground.

The government established emissions and safety regulations when it became apparent that the auto industry was inherently unable to self-regulate. I think that Microsoft has the burden to prove that it can prevent future transgressions, which it cannot. I remember a computer industry dominated by IBM in the 1970's which was devoid of serious innovation.

Microsofts hold on the industry is even more pronounced and dangerous.

Here are the links to my publications about Microsoft. I'd like these entered into the record as well.

http://www.teka.com/publications/paper19971030.html

http://www.teka.com/publications/paper19971106.html

http://www.teka.com/publications/paper19980115.html

http://www.teka.com/publications/paper19980304.html

Regards,
Theo Gantos
theo@teka.com
TEKA
1321
Ashland Ave
Evanston, IL 60201–4039

Ph: (847) 864–7390
http://www.teka.com
CC:David M. Deaver,Wendy Crespo work

MTC–00024940

From: j. wesimeyer
To: Microsoft ATR
Date: 1/25/02 4:11pm
Subject: Microsoft Settlement

Dear Madam/Sir: (Jan 25, 2002)

As part of DOJs (and the States) suit against Microsoft, I propose the following as part of the settlement:

1. That Microsoft be handed a court order to change their official company name from: Microsoft—to —- THE BUG FACTORY—. And if it should happen that said name is already in use by some well-meaning firm, then just modify same to: THE SOFTWARE BUG FACTORY, or anything so similar. Dont need to be too particular, eh?

2. The courts should also order Microsoft to change their official company logo to that of a spider, mosquito, cockroach, or whatever creepy-crawling critter the justices think most appropriate. Just so it presents the unsuspecting consumer with a general idea that the product inside is BUG INFESTED...

Ladies and gentlemen, what is wrong with this idea? Stevie Balmer, King Willhelms (aka Gates) number one mouthpiece, admitted in the summer of 2000, that Windows 98 had 25,000 known bugs (that is, known to Microsoft). What? Oh sure, Mr. Balmer was speaking at the festivities kicking off the launch of Windows 2000, at that fancy-dan hotel there in San Francisco. Yes, here we have the highest officials of Microsoft admitting before a packed audience, that they know, they admit, that Win 98 had no less than TWENTY FIVE THOUSAND KNOWN DEFICIENCIES, and they got away with that. Consumers had to accept this level of garbage.

Please include the above suggestions in your settlement decree. I would not mind purchasing King Wilhelms next OS, if it was packed inside a box with little bugs printed all round the carton. It would be a form of embarrassment that MS soundly deserves.

Thank you
J.Wiesenmeyer
417–284–3951
veteran
taxpayer
voter
homeowner
law-abiding citizen

MTC–00024941

From: Ted Roby
To: Microsoft ATR
Date: 1/25/02 4:12pm
Subject: Microsoft Settlement

In regards to the proposed settlement for the Microsoft Antitrust Trial, to be submitted by January 28th, 2002:

In reviewing the details of the proposed settlement, I find many loopholes and variations in it's definition. I would like to express simply, and clearly what makes sense to me in regards to the operation of Microsoft.

First, definitions of both Windows OS and Middleware should not be so limited. Microsoft, like any other forward moving business will within the year have new services and applications available that will not be covered by these definitions. To put it plainly, I offer the following statements:

1. Any developer should be able to write software that will run on Microsoft Operating System platforms, in use now or in the future.

2. Any developer should be able to create their own OS that would allow Microsoft and Windows-based applications to run on their OS.

3. Microsoft should not be able to in any way, coerce or use leverage over any computer hardware manufacturer to prevent them from developing for non-Microsoft developers and companies.

In my opinion, this would create an environment where Microsoft's applications and operating systems would stand on their own merit. There is no reason for Microsoft to release any of it's source code if it does not wish to. So long as source code and tools are made available for the use of creating applications that can run on Microsoft operating systems, and operating systems that can run Microsoft applications.

Any punishment taken against Microsoft should be with respect to keeping Microsoft from bullying any developer, service provider, or manufacturer who wishes to use something besides Microsoft products.

Under normal circumstances I would agree with letting a company reward those who use it's products, but since Microsoft has already gained it's monopoly, and has been found to hold far more power than should be allowed, I believe no such benefits shoud be given.

Microsoft needs to let it's applications and services stand on their own merit for a while. It should be encouraged to focus it's efforts on making a product that stands out on it's own without the bullying and coercion that Microsoft has been famous for.

Ted Roby
Systems Engineer
SRA NetWorks
1787 Lencar Way
San Jose, CA 95124
http://www.sranetworks.com
Office: (408)436–6048
Pager: (800)710–5228

MTC–00024942

From: Ruth Millward
To: Microsoft Settlement U.S. Department of Justice
Date: 1/25/02 4:07pm
Subject: Microsoft Settlement
Ruth Millward
9716 Bighorn
Pocatello, ID 83204
January 25, 2002
Microsoft Settlement U.S. Department of Justice

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies. Thank you for this opportunity to share my views.

Sincerely,
Ruth Millward

MTC–00024943

From: Eileen T Bender
To: Microsoft ATR
Date: 1/25/02 4:12pm
Subject: To whom it may concern:

To whom it may concern:

While I am aware and appreciative of the contributions, both technological and philanthropical, of Microsoft and the Gates Foundation, I am concerned that the proposed settlement with this company will do nothing to curtail its monopolistic and exclusionary business practices—practices which seem to fly in the face of their social and ethical commitments. The ethos of exclusion is built in to every product they sell, in effect thwarting the entrepreneurial and creative energies of a free market. This lesson was brought home to me forcibly over the holidays, when I received a gift of a new computer equipped with ab NS XP platform. THe MS software is not only a dominant presence on the desktop, but must be overridden in many cases in order to install the non-MS software which I find necessary to do my work. Sad to say, it is what I as a consumer have come to expect of Microsoft, and I see nothing in the proposed settlement that would restore a consumer's right to choose. Thus, I must boice my disappointment of the proposed settlement, and my hope that it will not be made final until these egregious practices have been curtailed.

Eileen T. Bender
Department of English
Indiana University South Bend
1700 Mishawaka yAve. Box 7111
South Bend, IN 46634
ebender@iusb.edu
574–237–4221

MTC–00024944

From: Jeanne Sarfaty Glazer
To: Microsoft ATR
Date: 1/25/02 4:06pm
Subject: Microsoft Settlement

Just a quick note to let you know I think the proposaed Microsoft settlement is a BAD IDEA!

Sincerely,
Jeanne Sarfaty Glazer Silver Spring, MD

MTC–00024945

From: gail austin
To: Microsoft ATR

Date: 1/25/02 4:15pm
Subject: Microsoft Settlement

I belive the settlement that has been worked out is fair. And now you need to go look at some body like ENRON how realy needed looking at.

MTC–00024946

From: Jeff Knapp
To: Microsoft ATR
Date: 1/25/02 4:16pm
Subject: Microsoft Settlement

Hi, I just wanted to voice my personal opinion on the Microsoft Settlement. First off, I am a Macintosh user only. I do not use Microsoft Windows or Intel based hardware. This is as much a philosophical and ethical stance as much as it is also a practical one. The ethical stance is simply one of being very opposed to Microsoft's predatory and unethical business practices. Their whole stance is one of conquer and destroy the competition.

The practical reasons are primarily rooted in that Macintosh systems and OS are simply superior products that are more ideally suited for my kind of work (animation and visual effects for video).

Over the years, MS has engaged in finding ways to buy out or quash out any competition including attempts at stamping out Apple Computer (though, not before stealing ideas and innovations Apple comes up with). They did so with Netscape by choking off an important source of revenue to Netscape by giving away for free what Netscape had been charging for—the web browser.

Another tactic Microsoft is currently, actively engaging in now to choke off competition is to build their OS in such a way that it is almost impossible to create competing products for ''features'' built into Windows. Windows XP has a set of built-in media handlers such as video players (Windows Media Player), music and web browsing. MS has written Windows XP in such a way that it is very difficult for a user to get any competing products such as RealMedia and Apple's QuickTime running well. The same goes with web browsers, Netscape and Opera both are cumbersome to get to run adequately in Windows XP. If you want to play an MP3 file, Microsoft has made it nearly impossible to do so in order to quell the MP3 format as competition to it's own music streaming initiative.

On the internet, Microsoft is making many attempts to impose standards and technologies that run only on the Windows platform. A very good example of this is NBC. Any MSNBC, NBC network or NBC affiliate web site that has any sort of streaming media content will not play on the Macintosh platform even though there is no technical reason for such a limitation, Windows Media Player does work on the Mac after all—and that is what is being used on these web sites. It is apparently, strictly a marketing decision to limit the streaming media to Windows only.

My fear is that unless there is a real resolution that has real teeth In it that Microsoft cannot slither its way around, their conduct will continue to be unchecked, they will continue to do business as they always have. I fear an internet that is closed off to everybody who isn't using Windows. I fear any other platform being forced to either conform to Microsoft or be put out of business.

Right now, Microsoft has far too much power and control over the computing environment. I find myself having to dig through the morass of Windows only products and services in search of the few Macintosh products out there. Go into any major computer retailer and it is all Windows. The Macintosh retailers are few and far between. Many of the services out on the internet are Windows only primarily because the developer has chosen to use a Microsoft development product that, of course, only supports Windows users. These developers make these choices often out of fear of Microsoft.

No one entity should ever have so much control that they can dictate the market thus, dictate our range of choices. As it is right now, it is getting very close to the point where it is Microsoft's way or no way. This is ethically and morally wrong.

During the whole Anti-trust trial against Microsoft and the very strong judgment against them, I had counted on the Justice Department to do its job and put a stop to Microsoft's predatory and illegal business practices. Then Bush got elected and I knew all of that was over. Microsoft will, at best, get a light slap on the wrist in the form of some consent decree that was so full of loop holes that they would be able to just move on unimpeded.

The so-called proposal Microsoft has put forward is not only the very piece of swiss cheese I feared but, actually has the audacity to include a mechanism that actually increases their stronghold on the computing world by making schools dependent on Microsoft products and services. It's the old marketing strategy of giving away the razor handle for free and making all the money on the blades.

I implore my government to do its job and put a stop—for real—to Microsoft's predatory and opportunistic business practices and to re-level the playing field so real competition can once again exist in the computer platform market.

Thank you for your time,
Jeffrey J. Knapp
jkdigital@jkdigital.com
Www.jkdigital.com

MTC–00024947

From: Stan Liebowitz
To: Microsoft ATR
Date: 1/25/02 4:16pm
Subject: Microsoft Settlement

I would like to state that I believe the current proposed remedy is reasonable in that it prevents Microsoft from using exclusionary contracts while not harming consumers by fragmenting a market that they prefer to remain intact, as did some other proposed remedies including that of Judge Jackson. Nor does the current remedy reward Microsoft's competitors by hobbling Microsoft's pro-competitive behavior, as other proposed remedies would do.

Although Microsoft may have stepped over the bounds with its contracts, those contracts had little to do with its success, or more importantly, with the failure of its competitors, including Netscape. As my co-author, Stephen Margolis, and myself demonstrate at length in our book: ''Winners, Losers & Microsoft'' Internet Explorer was a better browser (Microsoft's economist witness misspoke on this issue when he stated that there was little difference between the two-our work was more thorough than his) and as we also demonstrated, large shifts in market share routinely occurred when a new product was acknowledged to be of higher quality, whether it was Microsoft's or someone else's.

Additionally, Microsoft's overall market behavior has been beneficial to consumers. Microsoft is largely responsible for the large decrease in software prices that occurred throughout the 1990s, and is also demonstrated in our book. For an examination of software markets that went well beyond the scope of the trial, in order to see the forest through the trees, I suggest that you read our book. Lest you think that we are merely apologists for Microsoft, I note that we have been propounding the ideas put forward in the book for over a decade in leading academic journals, well before the Microsoft case arose or could even be imagined.

Since Microsoft's illegal behavior had little to do with its success, the remedy should be to prevent that behavior but not to reward its competitors who failed to succeed in the marketplace due to their own missteps. The current remedy does just that. It would be wrong to punish Microsoft merely because Microsoft's competitors wished to weaken competition in the market, as they clearly do. Why else would companies like Sun, which does not have any products in the Windows universe, be so intent on a more ''punishing'' remedy. Sun has no interest in seeing the Windows/Intel market do well, or for more vibrant competition to occur in that market. It merely wants less competition in the market for workstations and servers, a market that did not play a role in the case since Microsoft is not the dominant player there. Antitrust should not be allowed to be the handmaiden of attempts to subvert competition.

Stan Liebowitz
Professor of Managerial Economics
University of Texas at Dallas
972–883–2807, fax 972–883–2818

MTC–00024948

From: Kevin Ahern
To: Microsoft ATR
Date: 1/25/02 4:16pm
Subject: Microsoft Settlement

Hi:

I'm writing to indicate my displeasure with the proposed Microsoft settlement. It will allow the Microsoft monopoly to not only continue, but to flourish. The Department of Justice needs to rethink its policy and put real teeth in the settlement—not what has been done to date.

Kevin Ahern
Dr. Kevin Ahern, Contributing Editor, Science Magazine
Senior Instructor
Department of Biochemistry & Biophysics

Oregon State University
Corvallis, OR 97331
Voice—541–737–2305
***Note New Email—
ahernk@onid.orst.edu
Web—http://www.davincipress.com

MTC–00024949

From: Doreen Stokes
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 4:17pm
Subject: Microsoft Settlement
CC: ''tormist(a)ag.state.ia.us''
January 25, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street, NW
Suite 1200
Washington, DC 20530–0001

To Whom It May Concern:

I hope that you will reconsider the decision to settle the United States Department of Justice antitrust lawsuit against Microsoft Corporation. American consumers may have been overcharged $20 billion by the Microsoft monopoly. Your agreement with Bill Gates'' company does nothing to rectify past sins by this company or protect against future gauging.

As you know, at least ten consumer groups disagree with your agreement to settle. Microsoft has little incentive to change any of its practices. Their concessions are insignificant. I am proud that my state's Attorney General, Tom Miller, rejected this Microsoft agreement. I believe that Mr. Miller and the other eight state attorneys general see the many loopholes and problems with enforcement that does little to affect change in the computer software industry. Splitting Microsoft into two or three companies may not be the proper response, but neither is this.

Your decision to prematurely end litigation against Microsoft is a mistake. The agreement offers no real incentive to stop monopolistic, anti-trust efforts. It won't help much smaller companies compete and it doesn't serve the American consumer. I ask that you continue to go after Microsoft. It is a duty of the Justice Department to protect the average citizen from companies that have grown too large and too powerful by questionable business practices.

Sincerely,
Doreen Stokes
3609 Wolcott Avenue
Des Moines, Iowa 50321
CC: Iowa Attorney General
US Dept of Justice
microsoft.atr@usdoj.gov
Iowa Attorney General Tom Miller
tormist@ag.state.ia.us
Barb Hildebrandt
benandbarb@qwest.net

MTC–00024950

From: Joseph Ingraffia
To: Microsoft ATR,Microsoft's Freedom To Innovate Netw...
Date: 1/25/02 4:17pm
Subject: Microsoft letter to Attorney General John Ashcroft

Microsoft can only harm themselves by not innovating and overcharging customers.

MTC–00024951

From: GWhit79564@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 4:18pm
Subject: Microsoft Settlement

Gentlemen:

It is my humble opinion that the terms of the settlement are fair and reasonable to all parties, and exceed the ruling of the Court of Appeals. It is important to our economy that this matter be settled promptly and the industry and Microsoft to move forward.

Sincerely,
George Whitbeck

MTC–00024952

From: Nathaniel Pendleton
To: Microsoft ATR
Date: 1/25/02 4:19pm
Subject: Microsoft Settlement

I must agree with the finding of fact from US v. Microsoft 2001, and Messers Litan, Noll and Nordhaus, http://www.antitrustinstitute.org/recent/162.pdf that Microsoft has violated Section 2 of the Sherman antitrust act, to illegally crush, and will continue to illegally crush, commercial competitors.

Microsoft anti-competitive activity damages the pace of growth, by closing and poisoning standards, to maximize Microsoft's return. Even poising previous Microsoft product standards with incompatibility forces many consumers to upgrade or loose access to a large install base of current users/applications.

Microsoft is very effective at bridling growth of choice with its install base.

Ironically, Open Standards fueled the growth of the internet and information age by creating larger install base for network economies, quietly handling email, and webpages across the net. We must return to, or in some cases reinforce, Open Standards, to fuel choice and price wars.

Microsoft's one way street for importing open standard data, but rarely providing adequate export formats other than proprietary save formats, is preventing users from having alternative choices. Even upgrade of Microsoft products is complicated by incompatible closed and obscure file formats from previous versions of Microsoft products.

But Microsoft's denial of OS and office tools choice, further perpetuates network economy dominance/install base, spurring yet more opportunity for Microsoft to maintain its control of core technologies and add outlying technologies, avoiding price wars, with competitors through tying ensuring license fees, and furthering its control and its dominant role.

Open Standards could again fuel growth by distributing opportunity and control with OS development, application development, and portable data formats. This is not a new trend.

Take for example, TV footage from the 1968 and 1972 Presidential Campaigns, which was closed format and hardware. Most of footage is inaccessible or gone, lost from the historical record, due to technological change.

But in Microsoft's case, we are not loosing access via obscure hardware, because open hardware standards have created compatibility and affordability. We are loosing data access due to arbitrary format changes each software generation by Microsoft.

Computer data can and should be like my boxes of college text books, that I still open and read from for references or pleasure. But Microsoft's closed or poisoned standards will block access to our nations historical record.

Much like NPR's ''Lost and Found Sound'' only highly paid experts will be able to access historical information by carefully maintained old hardware and old software, will we be able to open obscure Microsoft's data formats such as MS Word's data buffer dump called ''quick saves.''

This is a yet higher invisible price to pay for Microsoft dominance. Breaking up Microsoft would force a rebirth of Open Standards and spurring real growth and competition in the proposed Baby-Microsoft's, Linux/GNU, MacOS, PalmOS, and even Java.

Open Standards built the internet. Fueling explosive growth in sharing of information and services. Let open standards out of the corner that Microsoft is trying to push them.

Let portable middleware, APIs and exchange formats flourish, and truly see the fabled convergence that we promised actually come rushing in.

Reject the settlement for one with real teeth, break up the company. Separate Windows OS from applications such as Office and Internet Explorer.

Nathaniel Pendleton
5012 45th St. NW
Washington DC 20016

MTC–00024953

From: James Duncan
To: Microsoft ATR
Date: 1/25/02 4:20pm
Subject: Microsoft Settlement
RE: Microsoft Anti-Trust Settlement

Microsoft has been and is out of control. Their plans for the next few years, including the .NET initiative, blatantly leverage their ongoing monopoly status.

I'm voting with my feet.: I'm a contract systems administrator who has used mostly Microsoft applications and operating systems since that's what most businesses are in effect forced to use. I've grown concerned with Microsoft's attitude and policy initiatives. My New Year's resolution was to absolutely reduce my dependence and that of my clients on Microsoft products. Such migrations can be extremely difficult since most overall development has had to be focused on Microsoft compatible applications.

I urge more careful consideration of all Microsoft settlements.

Thank you,
James Duncan
drdunc@earthlink.net
Scotts Valley, CA 95066

MTC–00024954

From: Helchie Charles
To: Microsoft ATR
Date: 1/25/02 4:22pm
Subject:

After the horrible attacks of September 11th I believe that this country needs to start

uniting and supporting American based companies. We need to return honor to this nation not litigation. Our success is necessary on all fronts especially technology.

Hopefully, the court and the DOJ will back Microsoft in settling this political case once and for all. It would be nice to see the competitors all unite to start working on great technology instead of trying to create legal smoke screens to fog great visions for our future. Long live the American freedom to work hard and succeed not hire a lawyer. Please settle this mess and let Microsoft get on with it.

Thank you for your time.

Helen Charles

MTC–00024955

From: Karen Thompson
To: Microsoft ATR
Date: 1/25/02 4:22pm
Subject: Microsoft Settlement
Karen Thompson
2520 Oakes Avenue
Anacortes, WA 98221
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

I am writing you today to voice my opinion on Microsoft. I am a Microsoft supporter, and I support the settlement that was reached in November. This settlement is fair, and I am anxious to see this three-year-long dispute resolved. There are bigger fish to fry at the present time.

The settlement that was reached in November is sufficient to deal with the issues of this lawsuit. Microsoft has agreed to carry out all provisions in this agreement. Under this agreement, Microsoft must grant computer makers the right to configure Windows in promote non-Microsoft software programs that compete with programs included within Windows. Microsoft also agreed to license its Windows operating system to the 20 major computer makers for an identical price. This settlement will benefit the entire technology industry.

I urge you to support this settlement. This settlement will serve in the best public interest. Thank you for your support.

Sincerely,

Karen Thompson

MTC–00024956

From: Gary L. Vandenberg
To: Microsoft ATR
Date: 1/25/02 4:22pm
Subject: Microsoft settlement

To Whom It Concerns,

Please finish the Microsoft settlement as it has been proposed. Microsoft is one of America's competitive assets in the world economy. It needs to be able to focus on business without more delays and legal proceedings.

Thank you.

Gary L. Vandenberg
Real Estate Solutions/1031 INC
1031 Lake Drive, SE
Grand Rapids, MI 49506
Ph 616–774–1031

MTC–00024957

From: Marlene Morley
To: Microsoft ATR
Date: 1/25/02 4:15pm
Subject: Microsoft Settlement

This Email is to let you know that I agree with the statements made regarding the proposed Microsoft settlement at http://www.kegel.com/remedy/letter.html as well as the content on http://www.kegel.com/remedy/ —

Marlene Morley
Linux Administrator
Hypernet Communications
Website: http://www.hyperusa.com/
Email: marlenem@hyperusa.com
hyperusa.com

MTC–00024959

From: ccarlsen1@compuserve.com@inetgw
To: Microsoft ATR
Date: 1/25/02 4:22pm
Subject: Microsoft settlement
2903 116th Avenue, NE
Lake Stevens, Washington 98258
January 25, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I would like to start off by saying that I am not a strong supporter of Microsoft. I don't really have any stong ties to them, but I don't agree with the antitrust suit against them. The settlement that was made between Microsoft and the Department of Justice is more than fair, and it is time this matter was over with. Millions of state and federal dollars have been wasted on this suit. The United States is based upon a free enterprise system; while we may not always agree with the tactics employed by big business, our interference in business undermines the very foundation this nation has been built upon.

Microsoft has agreed to terms that will enable other companies to compete. They have to license the internal codes of Windows to the top twenty companies so they can produce software that is compatible with Windows.

Because of the competition that will arise from this settlement a wider variety of products will emerge. So now, not only will the consumer have a better product, but the prices will be more reasonable. Also, Microsoft will be forced to produce a better product in order to stay competitive.

I would like to reiterate that I am not writing this letter because the issue is personal to me. I am not a huge stockholder and I know no one who works for Microsoft. I do know what is right though, and ending this ridiculous suit against Microsoft is the right thing to do. Thank-you.

Sincerely,

Carl Carlsen

MTC–00024960

From: Calia, Maryann
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 4:23pm
Subject: microsoft settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
January25,2002
RE: Comments on the Microsoft Proposed Settlement Agreement

Dear Ms. Hesse:

The case of United States v. Microsoft has been a challenge and an opportunity for both the high tech industry and the American consumer. New and innovative solutions for resolving such a dispute were paramount in coming to a settlement. The continuation of sanctions on Microsoft to foster greater competition in the software industry, as well as allowing Microsoft to remain a viable company has resulted in a benefit for the consumer as well as for the industry. Protecting the consumer and encouraging the creation of new and effective products is always essential in a healthy free economy.

The settlement that the United States has negotiated with Microsoft is in our nation's best interest. It comes at a critical time in our economic recovery when our nation needs more reconciliation than confrontation. I am encouraged by the action of the Department of Justice and support the efforts to settle this case.

Very truly yours,

SALVATORE F. DIMASI
Majority Leader
Massachusetts House of Representatives

MTC–00024961

From: Myroslaw Ryndyk
To: Microsoft ATR
Date: 1/25/02 4:22pm
Subject: Microsoft Settlement
Your Honor:
Myroslaw Ryndyk
250 Velarde Street
Mountain View, CA 94041

As a citizen of this country, a customer and user of high tech products and as a career member of the high tech industry(over 30 years as a software engineer), I want to register my concern about the Proposed Final Judgement(PFJ) in the Microsoft case.

This case has been tried at the Federal District Court level and reviewed at Federal District Court of Appeals. It has been stated by the Appeals Court that Microsoft had aggressively and repeatedly violated United States antitrust laws. Further, the Appeals Court has stated that any settlement between the Government and Microsoft must protect members of the technology industry and the general public by ensuring that any such settlement contain the following three elements: (1) it must terminate Microsoft's illegal monopoly, (2) it must deny to Microsoft the fruits of its past violations and (3) it must prevent any future anticompetitive activity.

From what I have been reading in the press and other sources, it appears that the PFJ falls woefully short on providing those protections:

1. It does not end Microsoft's monopoly and even allows Microsoft to expand its monopoly into other technology markets.

2. It does not adequately address anticompetitive behavior identified by the Appeals Court.

3. It incorporates such large loopholes to its enforcement provisions as to render enforcement meaningless.

4. It does not provide an effective enforcement mechanism for the weak restrictions it does implement.

5. It does not deny to Microsoft the fruits of its past statutory violations. I have watched Microsoft use its predatory monopolistic position to stifle any new product development by potential competitors that might challenge its preeminent position. That activity deprived me, and thousands, if not millions, of other potential users of access to new and innovative products and forced us to, either do without those products, or to rely on less adequate Microsoft substitutes.

It was my fervent hope that the antitrust action by the Department of Justice(DOJ) would reel in this predatory behemoth. The PFJ does NOT meet the standards enumerated by the Appeals Court. I strongly, and respectfully, ask that the Court rule against the PFJ, and, since it's unlikely that further negotiations between the DOJ and Microsoft will produce an agreement that provides the type of protection that the Appeals Court stipulated, I respectfully suggest that Court render a decision based on the trial evidence and the decisions of both the original Federal District Court and the Court of Appeals.

Thank you.

CC:microsoftcomments@doj.ca.gov@inetgw

MTC–00024962

From: Marc Tramonte
To: Microsoft ATR
Date: 1/25/02 4:24pm
Subject: Microsoft Settlement

Microsoft has worked for 25 years to secure a strong but hardly invulnerable position in the computer industry. As long as Apple, Linux, Solaris X86, FreeBSD, dedicated computing devices, and other options exist—by free choice and to anyone as it is today—the very notion of ''monopoly'' here is fundamentally flawed.

Even if we accept the spectacularly narrow market definition crafted for this case, and accept that Microsoft dominates it, the range of substitute platforms and products and the lightning-fast pace of change in the industry render it meaningless. Windows is a proprietary product, by one company, that took 10 years of hard work to perfect—not an essential service or raw material of finite supply that can be monopolized.

The subtext of the entire case seemed to be ''new entrants deserve to win.'' I disagree. Let them work for 25 years and suffer the slings and arrows if need be, and accomplish their own success the old-fashioned way: Please millions of customers. Fight for it. Earn it. Like Microsoft did. It's hard, but there is precedent.

With all that said, the settlement is a fair compromise given the harsh realities of the situation, and I fully support its acceptance. I hope the judge does okay it and finally puts this case to rest.

MTC–00024963

From: Beth Epperson
To: Microsoft ATR
Date: 1/25/02 4:23pm
Subject: Microsoft

Hello,

As you can see from my email address, I work for Netscape. Even though I am a Netscape employee, I believe that I have an open and objective attitude about fair business practices, ethical conduct and the need to move ones business into new directions.

When the web began to excel and expand beyond government and academia, I do not believe anyone had the vision that it would be as widespread as it has become. The web has provided more exposure and access to so many people around the world, it has indeed been one of the most influential tools of the century. From a business perspective, the exposure is overwhelming, you can reach literally thousands of households with minimal expense. It has truly changed the way we do business.

The most difficult aspect of the web is how to generate revenue. Looking at the culture of business on the web, it is in direct opposition to how we have traditionally done business. In the past, if you wanted or needed a service, you paid for it. The service provider set the price and you were at their mercy. Advertisement was not a true revenue generator, companies spent thousands of dollars per year in getting their brand out to the public. Instead, advertisement was an evil necessity, necessary to the survival of any company. Today, on the web, services are for free, software is free, and many other services that were traditionally revenue generators. Advertisement is a revenue generator, however, advertisements are not for your company, but for other companies on your web site, that is a very dramatic change. Could you imagine 25–30 years ago, getting a brochure in the mail from company XYZ, only to see advertisements in that brochure for companies ABC and DEF? That would just not have happened.

I think in the beginning, Microsoft didn't see the advantages of this new web thing. I think they saw it, analyzed it and walked away. Then the web began to evolve. Numerous companies sprang up based solely on the activities and services—browsing, email, data exchange, etc. AOL, Compuserve, Netscape are just a few of the companies that began to grow and expand. I think that is about the time Microsoft figured out that there was money to be had, but didn't quite know how to get that to happen. The traditional business methodology was not there. Advertising was different, software applications were different, the audience was different, just about everything was different. Netscape at that time had a firm hold on the browser market, and that was our sole source of revenue—the browser, the web server software and advertisement revenue on our site. Microsoft threw hundreds of people into building a browser that would compete—not necessarily to promote competition, but rather to keep people in their market place. But, Netscape continued to dominate the market. At that point in time is where I think Microsoft pursued the path of poor business ethics, they lowered themselves to a level of dirty deeds and actions. If they could not gain market share by creating a superior product, then they would do whatever they had to to run Netscape out of business. And with that task in hand, they did an excellent job.

What I really don't understand, is how do the people who made that conscious decision sleep at night. To lower oneself to perform in such a manner is beyond my comprehension. Should Microsoft be sanctioned for their business practices, yes I believe they should. Would I fine them, no. Would I make them remove applications from their desktop, no. Would I force them to provide alternative software in their bundles, no. What I would do, however, is force them to make their operating system open, accessible and free. Allow all software companies access to the operating system, allowing for greater flexibility and freedom for all users of windows. This would allow companies such as Dell, Compac, Apple to provide software bundles of varying content. It would allow companies such as Netscape to finely integrate with the operating system. This would prevent Microsoft from hiding worms and performance bugs into their operating system that is only triggered via non-Microsoft products. This would allow users to pick and modify the desired software found on each persons desktop. Let the operating system be open and let the specific application software be revenue driven.

Thank you for letting me air my concerns.

Regards,

Beth Epperson

MTC–00024964

From: Anne DeBlois
To: Microsoft ATR
Date: 1/25/02 4:16pm
Subject: Microsoft Settlement

Hi,

I am glad that the DOJ and Microsoft reached an out-of-court settlement. However, as a consumer, I would like you to know that I have never ever approved of such an antitrust trial against Microsoft from the very beginning. Netscape's failure was somehow my own fault, as I did elect to give it up and install Internet Explorer on my own computer. I wish there had been no trial at all, actually. I feel that nobody ever listened to me. Rivals talked, antitrust experts talked, lawyers talked, but what about consumers? What about me? What about MY own choice of software? What about my desire for an unedited Windows XP, because I love it like it is? What about those who won't even think of buying a version of Windows that doesn't include all the stuff they want (Media Player, Internet Explorer and so forth)?

I never felt harmed in any way by Microsoft. On the contrary, I could learn to use a computer very easily thanks to Windows 95. Because of my interest in computers, I then chose to make it a profession, and I found absolutely nothing wrong in Microsoft software, otherwise I would not be using anything from Microsoft today.

I still believe that Microsoft is innocent, and I don't want any ruling to hurt the company, as it would also hurt hundreds of businesses that rely on Microsoft's great technology, it would also cause even more job layoffs in the high-tech field.

I still believe that the marketplace and consumer choice, not Microsoft, sank Netscape and other companies, and I still believe Microsoft has nothing to do with some rivals'' failure. For instance, while the trial was underway, I could download a few updates of Microsoft Internet Explorer, but Netscape Navigator, although it was acquired by AOL, did not improve as well as I wanted it to. THAT is why I gave up Navigator. I don't want Microsoft to pay for Navigator's lack of features.

Please don't forget us consumers! Please keep in mind that we might be hurt by anything you may want to impose on Microsoft. It is not only a matter of triple damages or something, it is a matter of consumer choice and public interest. I don't want corporate greed to win over software quality. I don't want companies like AOL and Sun to be paid millions of dollars while the high-tech industry suffers from that cash flow. Please let Microsoft alone, they are one of your best corporate citizens, no courtroom must kill America's best.

Best regards,
Anne DeBlois, from Canada
CC:kimpoy@microsoft.com@inetgw

MTC–00024965

From: Gwwolter@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 4:24pm
Subject: opposing the proposed Microsoft settlement

I would like to express my disapproval of the proposed settlement of the Microsoft antitrust suit.

As I see it, Microsoft was found guilty of using its monopoly of the desktop to create a near monopoly of the browser. This was done in spite of the earlier consent agreement where Microsoft agreed to end ''tying'' other products to the desktop. Microsofts actions have shown that it is not trustworthy.

The proposed settlement essentially has Microsoft agreeing not to repeat their illeagal behavior, not to use their desktop monopoly to leverage browsers. This is closing the door after the horse has escaped. Micorsoft has won the browser war by their illegal activities. Microsoft is now turning its attention to the internet through the .NET venture and to entertainment through its Windows Media Player venture. In both of these Microsoft appears to be using its Monopoly on the desktop to impost a standard on the industry. History has shown that a Microsoft de facto standard soon morphs into a Microsoft only standard. The Monopoly extends. The proposed settlement does require Microsoft to share some of their programers interfaces, or API's. However, the ''sharing'' is done strictly under Microsofts terms. A better solution is for Microsoft to be required to publish, in open literature, these APIs without use restrictions and agree not to change them before giving ample notice to competitors. The proposed settlement also ignores Microsofts other monopoly, the Office applications (Word, Excel, Powerpoint, Access). Microsoft uses the office upgrade cycle to lock out competition by changing file specifications each upgrade. This prevents competing products from being compatible with Office. Any settlement that intends to prevent future exploitation of Microsofts monopoly needs to address this. At a minimum, Microsoft should be required to do with Office what they are required to do with Windows, release the programers interfaces. Better would be to require that Microsoft publish the API's and file specifications in the open literature so that competitors can create innovative but compatible products.

I urge the government and the court to reject the proposed settlement and rejoin negotiation with Microsoft and the states involved in the suit to propose a meaningful consequence to Microsofts illegal activities.

George Wolter
565 Gibbs St.
Whitehall, MI 49461

MTC–00024966

From: nanikin
To: Microsoft ATR
Date: 1/25/02 4:32pm
Subject: Microsoft Settlement

Greetings:

The proposed settlement, if allowed to stand, will give Microsoft unprecedented access to the minds and pocketbooks of our children for decades to come. Do NOT allow this multi-headed snake of a corporation to slither its way out of a just and fair outcome, by letting it ''contribute'' Microsoft products and services to educational institutions. Any in-kind settlement MUST include free choice of software platforms, or even a mandated mix of non-Microsoft products, by the intended beneficiaries.

It's bad enough that some of the most interesting sites on the Internet are rapidly becoming inaccessible unless you are using MSIE. I've maintained a Microsoft-free home for many years and intend to keep it that way as long as I possibly can.

Thank you.
Nancy Hoffarth

MTC–00024967

From: John Dowd
To: Microsoft ATR
Date: 1/25/02 4:27pm
Subject: Microsoft Settlement

Dear Sirs:

Below is an article excerpted from the ZDNet News a magazine that has been continually anti-MSFT in its editorial bias. Even they see the frivolousness and pointlessness of AOL's latest foray into this matter. This suit is not about consumers as their has been no harm to consumers demonstrated rather there is only the speculation of possible future harm. If that is the rule to which a company is to be held who would stand up under this benchmark? This whole thing is an effort on the part of MSFT's competitors to win in the halls of government what they couldn't win in the market place. They want to use the government to enrich themselves without bringing better products to the market place. It is really disgusting to find my government not being smart enough to see that it is being manipulated by losers.

Sincerely,
John F. Dowd

Commentary
Advice to AOL: Sit down, shut up
By David Coursey
AnchorDesk
January 24, 2002, 5:20 AM PT

COMMENTARY—AOL Time Warner's decision to sue Microsoft—essentially repeating the federal antitrust case all over again—is hardly surprising. Yet I had hoped that instead of wallowing in the past, Chairman Steve Case and his East Coasters would realize that Netscape lost the browser war because it deserved to lose. And Netscape has continued losing, because AOL Time Warner hasn't done very much to make it a winner—perhaps in a cynical attempt to maintain a cause of action against Microsoft.

Did Microsoft play hardball with Netscape? Of course it did. Did Microsoft go over the line of legality in certain business practices? That's what a federal court has ruled, and the Justice Department has agreed to settle. Is that settlement enough? I don't think so and have already called for stiffer sanctions. But should AOL Time Warner sit down and shut up? Damn straight.

THE NEW LAWSUIT seems to have been filed for the valid reason that the proposed settlement doesn't go far enough. But another decade of legal battles—kept alive by East Coast corporate types dueling people from Washington state—won't improve the situation. AOL Time Warner should push for a better settlement, but opting for endless court actions to settle issues long in the past doesn't seem right.

Indeed, Netscape should have sued years ago, and its case—like the federal one—should be winding its way down rather than just getting started.

I am sure it must be galling for Steve Case and whatever part of Netscape's soul that survived assimilation into AOL (and again into Time Warner) to see Microsoft enjoying a resurgence.

BUT THE FACT REMAINS that since AOL has owned Netscape, it has used its own mighty resources—more subscribers than Microsoft's MSN—and its ability to swing deals with hardware OEMs to very little effect.

Netscape went off into its ill-advised Mozilla open-source effort and has released new versions of its browser that failed to ignite the market. As I remember, the Netscape 6 reviews pretty much said that Microsoft had the better browser.

So if it seems like AOL Time Warner has been swimming upstream, it's not all Microsoft's fault. Again stipulating—I love getting into this Perry Mason stuff—that Microsoft violated antitrust laws and should be punished, the real reason Netscape failed is very simple: customers.

I AM AMAZED that people still debate this, though I think it's mostly from an unwillingness to concede any point to the hated Microsoft, but the browser really does belong as part of an operating system. Indeed, browser technology (along with look and feel) has provided a common user interface and way of doing things. Tying the browser to the operating system, as Microsoft has done, has made computing easier for all of us.

Microsoft was right to bring browsing into the OS, just as it is right to better support multimedia and photography, home video,

and soon, broadcast television. Does doing this compete with companies that build stand-alone applications? Of course it does.

But what those companies are supposed to do is create better products that extend and enhance what Microsoft builds into Windows. What Netscape did—actually what AOL did to Netscape—was throw in the towel. That, or the battle just wasn't winnable, not so much because of Microsoft, but because Netscape/AOL Time Warner didn't offer customers anything they really wanted—other than an alternative to Microsoft, and that argument seemed to fall on deaf ears.

If AOL had run the Netscape business to compete, things might be different today. Instead, AOL turned the shell of Netscape into a media company with just enough development around to maintain the fa?ade of being a software company. AOL is many things, after all, but one of the things it's not is a software company.

Suppose AOL had invested heavily in the Netscape server businesses or had sold it to someone who would? Maybe things would be different today, as Netscape browsers used cool features available only from Netscape servers and Microsoft was left in the dust.

MAYBE NETSCAPE AND SUN could have done something more important with Java. Or perhaps the Novell/Sun/Netscape alliance could have gone somewhere. Perhaps if Netscape had been given the resources to fight on, things would be very different today.

I doubt it. Which is why I think Netscape has gone the way it has. Customers voted, and they voted for Microsoft. Were they pushed a bit by Microsoft's illegal practices? Surely, though not as much as I think Microsoft's critics want to believe.

AOL Time Warner has every right to sue, and the case is not without merit. But I hope this new lawsuit is more a ploy to get a better settlement in the federal case—which is warranted—than a means to prolong this battle indefinitely.

But if AOL Time Warner wants to battle over what Microsoft did to Netscape, then the case ought to at least figure in what AOL itself did to the once high-flying browser pioneer.

MTC–00024968

From: Alexander Wallace
To: Microsoft ATR
Date: 1/25/02 10:32am
Subject: Microsoft Settlement

This is a terrible setlement, you are letting MS buy this one!

MTC–00024969

From: gviewgran@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 4:25pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Nancy Wheeler
2176 Morgans Mill Rd.
Goodview, VA 24095–2767

MTC–00024970

From: bert hunsicker
To: Microsoft ATR
Date: 1/25/02 4:28pm
Subject: Microsoft Settlement

I would like to have the DOJ accept the settlement with Microsoft and put this whole thing to rest.

In the first place, I think it is wrong to prosecute MS as a monopoly. I am old enough to know that the original reason for creating laws to protect the public against monopolies was because of the harm they could do to the public. I truly believe that MS has done more for the public than any other company in the US. They have kept the price of software down to where it is affordable by millions of people instead of just the wealthy. An examination of the primary complainers against MS, namely Sun, AOL/Time Warner, and Apple are all who stand to gain a great deal if the government continues to attack MS. Take a look at Sun and see if they would sell their operating system for $100. and the same goes for Apple. The reason they don't compete well with MS is that they want to ROB the masses with much higher prices for their product.

I find it ridiculous to think that MS has no competition. Unix has been around a very long time as well as Sun and they are competitors. Now there is Red Hat or Linux and AOL/Time Warner is attempting to buy them so they can compete with Windows as an operating system. They paid several Billion dollars for Netscape so I don't think they truly believe they are unable to compete against MS. I put my money where it will do me the most good and that is with Windows by MS. If these others would come up with a good product and keep the price competitive with Windows and other programs by MS, I would certainly consider purchasing from them, but I won't hold my breath as I don't think they are capable of doing anything but bitching about how they are being treated so poorly now.

This whole case has done nothing good for anyone except the Lawyers who live for these cases to come along and the Justice Department is wasting the taxpayers money to continue the case. Penfield Jackson should be disbarred for his so obvious prejudice in his mishandling of the case to start with. Why should he be trusted with any other cases?

I could go on at great length, but suffice it to say that I think this should be ended now and let the courts get on with some real business instead of being used by the complainants. As far as the states who don't want to settle, all they want is a free ride and a bucket full of money.

Bert Hunsicker
8933 East 62nd Court
Tulsa, OK 74133–6362 (
918)459–9533
BertHun@Hotmail.com

MTC–00024971

From: Noel Holshouser
To: Microsoft ATR
Date: 1/25/02 4:44pm
Subject: Microsoft Settlement

As a citizen of the United States of America, a former teacher and an independent computer consultant, I find the proposed settlement objectionable. We who have had to attempt to work in environments containing Microsoft Windows have long suffered from their reliance on hidden, undocumented ''hooks'' into their operating system. The proposed settlement will do very little if anything to alleviate this. Rather than decreasing the monopolistic position, this settlement will strengthen Microsoft's dominance in one of the few areas where it doesn't already have such position.

Noel Holshouser—Independent Consultant
Plain Dealing, LA

MTC–00024972

From: dbradley@ebenx.com@inetgw
To: Microsoft ATR
Date: 1/25/02 4:32pm
Subject: Microsoft Settlement

Hello,

I have multiple concerns regarding MS and any settlement. I have yet to hear any plausible, sincere expression of *contrition* from MS, despite the judgement against them. I believe any punishment should fit the crime. Since the judgement will not be reversed, any punishment or ''settlement'' needs to address past, present, and potential future transgressions. I don't think it plausible that MS would be ''punished'' by any attempt at a (even a well-intentioned) ''behavior-modification-based'' remedy, certainly not by one that actually EXTENDS their (monopolistically gained) marketshare.

Although it is unlikely given the current political climate, (and not precluded by the Appeals Court), I still wish and believe that a split-up MS would be an appropriate punishment because I believe that would create actual (both OS and application) competition amongst the industry players (Apple, Oracle, Netscape, OSF, etc.).

Isn't that what an anti-trust punishment SHOULD do? Souldn't any punishment/settlement be meet (at least) this test? Unless the punishment is —actually— painfull MS will be emboldened to continue to propagate software that makes it easy for some disgruntled teenager (or terrorist) from even a ''third-world'' location to infect/damage/commandeer-for-unsavory-purpose thousands of (private and public) machines world-wide (some owners of which could (still) be ignorant/unable/apathetic). —

Dave Bradley

MTC–00024973

From: Donahue, Christopher
To: ''microsoft.atr(a)usdoj.gov''

Date: 1/25/02 4:31pm
Subject: Microsoft Settlement

To Whom This May Concern:

I believe that the terms of the settlement are tough on Microsoft and may hurt it's revenues. This company has been an innovator in the technology field and has played a key part in the technology revolution. The settlements are fair and reasonable to all parties, and meet—or go beyond—the ruling by the Court of Appeals, and represent the best opportunity for Microsoft, the industry and the economy to move forward.

Thanks for your time in this matter,
Christopher J. Donahue
Pfizer Global Research and Development
Discovery Technologies
Assay Development
2800 Plymouth Road
Ann Arbor, Michigan 48105
734–622–1473 phone
734–622–3244fax
christopher.donahue@pfizer.com

MTC–00024974

From: James Voorhees
To: Microsoft ATR
Date: 1/25/02 4:47pm
Subject: Microsoft Settlement

The proposed settlement should be rejected. I suggest four grounds for doing so. First, the settlement does nothing to undo the damange done by Microsoft in the course of gaining iand then maintaining ts monopoly. It gained that monopoly in part through practices that were uncompetitive.

Second, the provisions for enforcement are inadequate. Should Microsoft be found in violation of the settlement, recourse seems to be, in essence, a continuation of the lengthy legal procedure that has characterized the case thus far. The sanctions Microsoft would face if it violated the judgement should be made more explicit. At the least, a finite procedure should be made explicit.

Third, the Internal Compliance Officer, as an employee of Microsoft, is more than likely to serve, not as a good faith proponent of the settlement, but as Microsoft's apologist to the Plaintiffs, the technical Committee, and the court, explaining why Microsoft followed the letter of the judgement while violating its spirit. This, I believe, follows from Microsoft's corporate culture. It is a central principle of software quality assurance that the person who determines whether a project or program is following the processes and procedures it needs to cannot be paid by or otherwise beholden to that project or program. The Internal Compliance Officer, in essence, serves to assure the quality of the final judgement. The same principle should apply.

Fourth, the selection of the technical committee is biased in Microsoft's favor. In the first place, the criteria for excluding people from consideration are too broad. Given Microsoft's broad reach across the information technology industries, how many qualified technical experts are there who have not worked for a competitor, given a broad definition of the term ''competitor,'' and giventhat Microsoft, having the right to object, can use the broadest of definitions if it chooses to? Is it in the public's interest that this possibility be open? Is it in the public interest that Microsoft have the right to select one member, the right to object to another, and an indirect veto (through its chosen member) of the appiointment of the third?

Please understand that I am not inherently against Microsoft. Indeed, I make my career largely through Microsoft products. But, as I have explained, I dod not believe the proposed judgement serves the public's interest.

James Voorhees MCSE, MCP+I, MCP

MTC–00024991

From: bcawcaw@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 4:30pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Barb Crow
1144 N Kokomo
Derby, KS 67037

MTC–00024992

From: James E Jurach Jr.
To: Microsoft ATR
Date: 1/25/02 4:34pm
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea. I would like to echo the comments made by Jeremy P. White at http://www.codeweavers.com/jwhite/tunneywine.html and those of Dan Kegel at http://www.kegel.com/remedy/letter.html

Sincerely,
James Jurach, Texas; Developer, Online Banking Services company

MTC–00024994

From: kate.
To: Microsoft ATR
Date: 1/25/02 4:31pm
Subject: Microsoft Settlement

Settling is a horrible idea, prosecute their monopolistic selves until they allow free market competition.

While I believe strongly that their products are unreliable and shoddy enough to drive them out of business on merit alone, their market share forbids this and they strive to maintain this with every move they make and every condescending idea they throw at the government to let them off with a mere telling off when they deserve to be broken in to tiny pieces on the floor.

Catherine Jenkins
State College, Pennsylvania.

MTC–00024995

From: David A. Milligan
To: Microsoft ATR
Date: 1/25/02 4:33pm
Subject: Microsoft Settlement

Dear Attorney General John Ashcroft: I support of the recent settlement between the US Department of Justice and Microsoft. This settlement comes after two generations of software have occurred and it is time to settle. I am glad that Microsoft is not being broken up, but I think the terms of the settlement will correct some of the concerns that I have had with Microsoft's marketing tactics.

Essentially, I think Microsoft has shown heavy-handed methods in their marketing tactics. I think competition is necessary to grow an industry and Microsoft is doing no one any good by wiping out their competitors. The terms of the settlement force them to disclose interfaces that are internal to Windows operating system products and not retaliate against computer makers or software developers that promote non-Microsoft products. I believer that these concessions by Microsoft are fair and represent a step in the right direction. I think that any settlement should include terms that improve competition which is very important to improving our standard of living and productivity.

I hope your office finalizes the settlement and encourages the states to ensure that any further litigation on their part be justified.

Thank you.

David A. Milligan, Principal Engineer, Matches, 2005 N. Mistletoe Lane,
Edmond, OK 73034–6054, (405) 340–2673, Fax (405) 340–7884,
damilligan@matche.com

MTC–00024997

From: Tim Kulogo
To: Microsoft ATR
Date: 1/25/02 4:34pm
Subject: Microsoft Settlement

Any anti-trust settlement that helps Microsoft replace Macintosh in the School System will make Microsoft more powerful in the marketplace, which isn't much of a punishment. For this case to been anything but a waste of time and money, it must result in the creation of an operating system that is available at a lower price than windows, and can efficiently run the software that is available for the windows environment.

Tim Kulogo
Werner Electric Supply
920–969–2132

MTC–00024998

From: Jhilge1032@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 4:33pm
Subject: Microsoft Settlement

We, Mr. and Mrs. John Hilgendorf, believe the settlement is in the best interest of the consuming public and believe it should be approved. Continuing legal action can hurt the public rather than help it. Please let the open competition between companies continue without hindering a company

which has done so much for the general public.

Thank You for your attention!

MTC–00024999

From: Harry vanderBurg
To: Microsoft ATR
Date: 1/25/02 4:35pm
Subject: Microsoft antitrust case

I would suggest to leave the software competition in the market place and spend the millions of legal fees (tax money) on better subjects such as education and healthcare. I personally believe Microsoft did a great job for our society and it was made possible by dedicated hard working developers. I still have to see the so-called negative impact for consumers. Software has never been so cheap and avalaible for a wide range of people throughout the world. Its rivals have to beat this company by making better products instead of going the easy way and try to fight in court.

H.W. van der Burg MBA
Business Consultant
The Netherlands

MTC–00025000

From: GGlenday75@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 4:35pm
Subject: Has your opinion been counted

I FAXED my letter back to you yesterday.

Sincerely,
George A. Glenday

MTC–00025001

From: Ray Casper
To: Microsoft ATR
Date: 1/25/02 4:42pm
Subject: Microsoft Settlement

January 25, 2002
Attorney general John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. ashcroft:

This letter is in support of the settlement with Microsoft. The settlement is in the best interest of the state, the IT industry, and the economy because it will allow us to direct those millions of dollars into other more important cases and programs.

There are many restrictions on Microsoft as a result of this settlement. for instance, Microsoft has agreed to make available to its competitors any protocols implemented in Windows'' operating system products that are used to interoperate natively with any Microsoft server operating system. In addition, Microsoft has agreed to license its Windows operating system products to the 20 largest computer makers on identical terms, including price. Plus, Microsoft has agreed not to retaliate against computer makers who ship software that competes with anything in its Windows operating system.

Not only is the settlement fair and seems reasonable, but it also will prevent any future anticompetitive behavior. This project has gone on long enough and the general public wants to end the case and return to business as usual.

Thank you for your attention to this matter as well as the other pressing day to day problems you have handled well during your time as Attorney General.

Sincerely,
H. R. Casper
102 Concord Drive
Watkinsville, GA 30677

MTC–00025005

From: cananns@postoffice.
pacbell.net@inetgw
To: Microsoft ATR
Date: 1/25/02 4:35pm
Subject: MICROSOFT SETTLEMENT

DOJ:

I am writing to register my objection to the proposed Microsoft settlement. I do not believe the current proposal serves the interests of promoting competition or remedying the impact on the Amercian consumer.

The current proposal is merely an agreement by Microsoft to soft pedal its competition-stifling practices in return for the use of built-in loopholes that give it a leg-up on competitors. For example, permitting Microsoft to settle the matter by delivering Microsoft products to school systems, which traditionally tend to favor other vendors (e.g., Apple), is tantamount to state-sponsorship of the extension of Mcirosoft's monopoly. Microsoft should be required to make payment in cash, and then permit the school systems to direct the use of these funds in the (hopefully technical) areas of its choosing.

Futhermore, I believe the amount of the settlement is grossly inadequate to remove the incentive for Microsoft to continue its practices. I believe Microsoft will treat the settlement as a ''cost of doing business'', much as any other ''administrative overhead''.

Finally, I believe the settlement should include requirements for Microsoft to provide open access to interfaces between its products, and to provide an unbundled version of Windows (no Internet Explorer, no Windows Media Player, etc.). These actions are needed to afford competitive products, including open source alternatives, with an environment in which they can compete on a level playing field with a competitor which controls the incumbent desktop operating system technology. Without true, timely and open access to interoperability information, the barriers of entry for alternative commercial and open source products will be too high to overcome the leverage held through its desktop operating system monopoly.

Finally, to permit realistic options for enforcement and to avoid a recurrence of past practices, an oversight committee of some sort is truly needed.

Your attention to this matter is greatly appreciated.

Sincerely,
Alyssa Canann

MTC–00025018

From: Randall Hale
To: Microsoft ATR
Date: 1/25/02 4:37pm
Subject: Microsoft Settlement

To whom it may concern,

I would like to submit to you my opinion briefly.

I believe that Microsoft has used and will continue to use delay tactics to lessen any hardship that may be required of the company and it officers. This has been effectively practiced in this case and other recent legal cases to the point that they have made a mockery of our justices. I know that the appeal process is part of the system and they have the right to do so. But the justices they should not be blind to the intention and the craftiness of this organization.

The Justice was right to not accept Microsoft's last offer it only would have served to reward their bad behavior.

I think that Microsoft should be penalized to the point that it will conform to fair and legal business practices. Microsoft is so powerful that it can change the direction of the wind, with power like this a we need to treat it very respectfully and with sterness.

Randy Hale

MTC–00025019

From: Oliver Barnes
To: Microsoft ATR
Date: 1/25/02 4:36pm
Subject: Microsoft Settlement

I would like to it to be known that I think the Microsoft Settlement to be a farse.

I believe the only way to end Microsoft's monopoly would have been to break it up into two separate companies, one in the Operating System businees and the other in the Application Software business. This settlement was a direct product of this Administration's ties to Microsoft.

I subscribe to the views expressed in Dan Kegel's petition, and have signed it myself.

Oliver Barnes, US Citizen
Web Developer, self-employed
Brooklyn, NY

MTC–00025020

From: grant@drbelgard.com@inetgw
To: Microsoft ATR
Date: 1/25/02 4:34pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Grant Belgard
9566 East Van Pl
Baton Rouge, LA 70815

MTC–00025021

From: Mat Caughron
To: Microsoft ATR

Date: 1/25/02 5:02pm
Subject: proposed settlement is not in the public interest

To Whom it May Concern:

I have nearly a decade of experience in the retail software industry.

The proposed settlement is a bad idea.

Please consider Dan Kegel's suggested revisions.

Thank you,
Mathew Caughron
co-founder
Proteron LLC
11649 Westwood Lane
Omaha NE 68144

MTC–00025022

From: Burt Pittman
To: Microsoft ATR
Date: 1/25/02 4:40pm
Subject: Microsoft Settlement

To whom it may concern

It is clear from court documents and other public information that Microsoft has acted illegally and from all indications will continue to do so in spite of any penalties imposed or agreed to. It is becoming increasing clear that the power that Microsoft holds is not only greater that the other participants in it's market, but it greater even than the Department of Justice itself. The performance of the Dept. of Justice and the political and legal system as a whole does not speak well for Democracy in this country.

MTC–00025023

From: Betty Rae
To: Microsoft ATR
Date: 1/25/02 4:40pm
Subject: Microsoft Settlement

Dear Holders of the Public Trust!

I truly believe that it is in the best interests of the public at large to settle the case between the Department of Justice, the 9 states, and Microsoft.

We and our beloved country need to continue to benefit from the development of the resources and knowledge that Microsoft continually works toward providing, for the good of all, even for their competitors!

Diverting of their finances and energy toward lawsuits on every side is wasting the funds that could much better be utilized for such development. I realize that lawyers involved in this field need to make a living, also, but, indirectly, it seems that it is being done excessively, at the expense of the good of many of our people. I feel this way, because many improvements in medicine, business and daily life are waiting, unfunded, to be developed by Microsoft, and yes, even by those States and Competitors who filed against Microsoft.

The costs, of what I think are lawsuits that benefit few people, place these developments on a back burner, where they should not be.

Let us settle this antitrust case now, without further ado. From here on, please let Microsoft and the States, Competitors, as well as the Department of Justice, go out and do the GOOD that you can do. Please quit wrangling with one another.

Thank you for allowing me to communicate with you. I wish you all the very best.

Sincerely,

(Mrs.) Betty R. Hartwick

MTC–00025024

From: David Williams
To: Microsoft ATR
Date: 1/25/02 4:41pm
Subject: microsoft settlement

A company such as Microsoft should be rewarded for what it has done not penalized.

Sincerly,
David S. Williams

MTC–00025026

From: Kevin Moore
To: Microsoft's Freedom To Innovate Network
Date: 1/25/02 4:42pm
Subject: Re: Has Your Opinion Been Counted?

Let me be honest with you. I think that what the Federal government engaged in during the Clinton administration was political grandstanding, perhaps even some sort of vendetta, but certainly not in the national interest.

I also believe that Microsoft engages in predatory marketing and sales practices. You dominate the computer industry because you are good, but also because you have and continue to throw your weight around. I don't like it any more than I like our huge Federal beaurocracy and it's results.

I agree that it is time to move on. Stop trying to put your competition out of business. And, I strongly suggest that the government—DOJ especially—worry about national security, immigration, and misinterpretation of our Constitution.

Kevin Moore
Erie, PA

——- Original Message ——-
From: Microsoft's Freedom To Innovate Network
To: ''KWMERIE@HOTMAIL.COM'' Sent: Friday, January 25, 2002 1:59 PM
Subject: Has Your Opinion Been Counted?

Has Your Opinion Been Counted?

Earlier this month, you took part in a letter-writing campaign to express your opinion of the antitrust settlement between the Department of Justice and Microsoft. We would like to thank you for your efforts and make sure that when we assisted you in organizing your thoughts on paper, you were completely satisfied that the draft letter fully expressed your own views in the matter. If you would like any changes, we would be happy to make them now.

The public comment period on this settlement ends on January 28. The provisions of the agreement are tough, reasonable, fair to all parties involved, and go beyond the findings of the Court of Appeals ruling; however, the settlement is not guaranteed until after the review ends and the District Court determines whether the terms are indeed in the public interest.

If you would like your opinion to count, now is the time to send in your letter! Please send your comments directly to the Department of Justice via email or fax no later than January 28. If you have already done so, or will do so in the near future, please be sure to send a signed copy to the FIN Mobilization Office, OR SIMPLY REPLY TO THIS EMAIL WITH A SHORT NOTE INDICATING THAT YOU HAVE SENT YOUR LETTER.

Please take action today, to ensure your voice is heard.

Once again, the Attorney General's contact information is:

Fax: 1–202–307–1454 or 1–202–616–9937
Email: microsoft.atr@usdoj.gov

FIN Mobilization Office contact information:

Fax: 1–800–641–2255
Email: fin@mobilizationoffice.com

Your support is greatly appreciated!

FIN Mobilization Office
CC:Microsoft ATR

MTC–00025027

From: Ronald R. Cooke
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 4:44pm
Subject: Tunney Act Comments: Microsoft Settlement

January 24, 2002
Ms. Renata Hesse, Trial Attorney, Suite 1200, Antitrust Division
Department of Justice
601 D. Street, NW
Washington, DC 20530.
Reference: Tunney Act comments in United States of America v. Microsoft Corporation, Civil Action No. 98–1232 (CKK) and State of New York v. Microsoft Corporation, Civil Action No. 98–1233 (CKK).
microsoft.atr@usdoj.gov
With copies to: Interested Parties
From: Ronald R. Cooke
Cultural Economist and Industry Analyst

The Settlement Proposed By The Justice Department Overlooks Reality Consumers within the Information Systems industry have expressed their skepticism about the settlement proposed by the Justice Department. In a poll of readers, for example, ZDNet asked: ''Did Microsoft get off easy in the DOJ settlement?'' Seventy four percent of the respondents said ''Yes''. To quote columnist David Coursey, ''Nobody is precisely sure what it means, but the total effect seems little more than a hand slap .... Prohibitions that exist in one section seem to be rendered meaningless by another''.l Consumer and industry respondents to the Tunney review process will probably contend that the proposed remedy does not effectively end the anticompetitive practices, will not materially deprive the wrongdoer of the fruits of the wrongdoing, and will do virtually nothing to ensure that the illegality does not recur. The terms of the settlement are much too vague to be of much use. They can be manipulated and rendered ineffective through the legal process. The enforcement mechanism is inadequate. And finally, there is no clear cut way to prohibit monopolistic behavior.

There is a more fundamental issue, however, that has not been adequately addressed by the process of law. It can be expressed as a simple question: How much unconstrained power do we want one single company to have? As the Enron debacle has demonstrated, this is not an idle question. Unrestrained corporate behavior can severely damage consumer rights.

Microsoft has demonstrated that it can dominate the thinking of the PC Culture that

it so zealously nourishes. It has an overwhelming influence over the press—and therefore—the opinions of an uncritical public. Within the information systems industry, Microsoft is acknowledged to have indisputable economic, political and cultural power. Comments by members of congress suggest this company also has a growing influence over the legislative process.

Given its announced strategic plans, it should be obvious this company wants more. Much more. Microsoft wants to wield the same kind of influence over the entertainment and communication industries that it does over the computer industry. It currently has aggressive initiatives to dominate the services and content of the Internet and is pressing forward with plans that will effectively manage the access, distribution and use of networked consumer entertainment. Mobile and location technologies will be used to penetrate additional consumer services. .Net will drive the consumer to Microsoft approved content and services. If these initiatives are successful, this single company will be in a position to dictate how we create, store, edit, access, distribute and use all kinds of electronic information. Worldwide. Across three industries.

The reality of this situation raises a number of questions. Given its growing political and economic power, why do we believe that Microsoft will feel compelled to abide by the proposed settlement terms? Will they modify Microsoft's business strategy? Product plan? Will they prevent Microsoft from using integration, bundling and tying as weapons to lock out competitors in three industries? Will the proposed behavior monitoring process guarantee the delivery of reliable products? Improve consumer security? Prevent the abuse of corporate power? Ensure open markets? Encourage competitive innovation?

It would appear that the answer to all of these questions is a resounding ''NO''. If that is true, then how can any reasonable person claim that the proposed settlement serves the public interest?

Who Is The Consumer?

Consumers have the right to expect that our federal institutions will deliver a settlement that has an immediate, substantial and permanent impact on the restoration of competition within the information systems industry.

But, who is the consumer?

Media and political personalities frequently project the image that all ''consumers'' are deficient, clueless and vulnerable. It is an image favored by self proclaimed consumer protection groups. Consumers are easily victimized and thus considered in need of protection. Hence in the Microsoft anti-trust case, both the Justice Department and the presiding Judge were concerned that the ''consumer'' had been victimized by excessive software prices and a lack of choice. This somewhat ill-defined person had been forced to purchase Microsoft software through a captive retail channel and may have been overcharged.

In reality, this image of the ''consumer'' is misleading. If we want to reach a settlement that protects both personal and institutional rights, we must first agree on a definition for the word ''consumer'' that incorporates all classes of buyers. For the purposes of this settlement agreement, therefore, we must consider two broad classifications of the concept ''consumer''

There are personal consumers and there are Enterprise consumers. Personal consumers engage in personal consumption. This happens when people make purchases for themselves, their families, their friends or anyone (or thing) else that commands their interest. They use their own money. Typical purchases include food, clothing, housing, vehicles and so on. Personal consumption accounts for roughly two thirds of America's GDP.

Enterprise consumers spend money that belongs to the Enterprise. They buy products, property or services for their employer or their business. Broadly defined, Enterprise consumers include any entity defined by the standard industrial classification codes: i.e. insurers, manufacturers, retailers, hospitals, educational institutions, government agencies, personal service businesses and so on. Enterprise consumption accounts for approximately one third of America's GDP.

Both segments of America's consumer population must be protected from Microsoft's assertive marketing power. We must not leave either group of technology buyers in the position that they will be forced to chose key products and services from one vendor, good or not, on terms and prices they can not evade.

One of the more glaring problems with the proposed Microsoft settlement is that while Federal and State authorities have properly reacted to personal consumer complaints, they have failed to deal in a meaningful way with the problems of the Enterprise consumer. Industry wide issues include:

Enterprise networks have become incredibly expensive and difficult to maintain.

Existing PC operating systems are hard to manage and very costly to own.

Internet and Intranet security problems have become so bad that they threaten electronic commerce and the viability of Enterprise operations. There are multiple industry reports that address these issues in great detail. It is worthy to note that excessive information system costs have been calculated in the $ billions per year and that industry publications continue to report on the related management and operating problems. It is also clear that these impediments will continue to plague the Enterprise consumer because there is no effective competition for the architectural concepts promoted by the dominant vendor.

In this legal action however, Microsoft's alleged disregard of consumer needs was never pursued. There appear to be several reasons: some political, some practical, and some due to the inherent obsolescence of the Sherman Antitrust Law. But the issues remain:

If PC operating system development has been paralyzed by the domination of a single vendor, has the consumer been harmed? And if the products are defective, what is the burden of liability?

If network systems design has been primarily driven by the product plan and business model of a single vendor, has the consumer been harmed? And if the underlying system design was dysfunctional, what is the burden of liability?

If a vendor, in order to deflect competition, announces products that do not exist, or products that never make it to market, has the consumer been harmed? And if the consumer was mislead, at what point does this constitute consumer fraud? What is the associated liability?2

If consumer security and safety have been jeopardized by deficient systems architecture and defective products, what is the vendor's liability?3

The complaints against Microsoft are far more numerous than those covered by this narrowly defined legal action. If the court wishes to impose a meaningful settlement on Microsoft, it will have to consider both the concerns of this specific case and the underlying intent of the Sherman Act. There is case law and there is the reality of dealing with an overwhelming marketing machine that is essentially able to set its own agenda.

This reality puts the court in a quandary. If the court is to be forthright in its desire to protect the consumer, it must provide substantial relief for both personal and Enterprise consumption. It will have to deal with both the specific and the ambiguous. It must certainly expand the interpretation of the Sherman Act. And finally, the court will have to make its findings with the knowledge that this settlement will have a bearing on future actions against AOL/Time Warner.

Microsoft The Company

Microsoft's corporate culture is driven by the mantra of revenue growth, institutional power and market control. Software is developed to gain market share or to demolish competition. Software defects and chronic insecurity have been institutionalized as components of the product plan. Microsoft does not have to be driven by consumer wants and needs. Microsoft is free to be driven by whatever strategy protects its revenues and extends its power into additional markets.

Microsoft has been able to adopt competitive software concepts within its Windows architecture, thereby rendering the competitive software irrelevant. Examples include the incorporation of the Internet Explorer browser into the Windows user interface in order to destroy Netscape's Navigator and the inclusion of ''Java like'' features in the company's .Net strategy, a ploy that will eventually render Java redundant within the Windows environment.

When faced with standards based competition, Microsoft has frequently been accused of using an ''embrace, extend, extinguish'' strategy to render the standard useless. Microsoft's version may even flaunt the concept of ''open standard'' by restricting Windows clients from working with any platform other than a Windows server.

Microsoft has convinced a wide range of technologists, journalists, legislators and consumers that it has the exclusive wisdom to provide software innovation.

This—of course—is absolute nonsense. Microsoft is not the only company that understands the fundamentals of software technology. Were it not for the company's

monopoly control over the market, consumers would be able to purchase a far superior PC operating system. Other vendors have developed, and are marketing, embedded operating systems with better technology and excellent reliability. Enterprise users have embraced a variety of alternative server operating systems because they have superior reliability and a lower cost of ownership. There are certainly alternative ways to build consumer friendly Internet, e-mail, word processing, spreadsheet, graphics and data base applications. And there are many companies that develop software for the cell phone, PDA, set top box, in-home server and game markets.

Unfortunately, few alternatives can effectively compete against Microsoft's marketing power. This company continues to use integration as a predatory weapon. Competing products, services and content will be hobbled—and thus less desirable.

Management has a vision. Microsoft plans to dominate the computer game, cell phone and PDA/HPC (Personal Digital Assistant/ Handheld PC) markets, will force its way into the cable business and fully intends to be a leading provider of Internet services. These are key revenue growth strategies. The company's XP operating system is important because it drives Microsoft's largest revenue stream and the future of the company's .Net strategy. The Stinger cell phone and Pocket PC HPC OS launches open up new recurring mobile network revenue opportunities. The XBox game platform opens a strategic path to the convergence of entertainment and computing in the home. The company is actively tying its computer and communication software product strategy to its Internet services and content strategy. The Internet gives Microsoft a virtually unlimited marketplace that can be molded to the company's operating philosophy. Hailstorm and Passport fit perfectly into this scenario. Network clients using Microsoft software will be tightly integrated with Microsoft application and content servers.

This is, after all, what convergence is all about.

Unfortunately for the consumer, management's vision has a potential downside. Microsoft will be able to demand access to all of the software we use, modify it with or without our knowledge, and make copies of our files. This company will be in a position to monitor our use of the Internet, our political philosophy, our purchase behavior, and our friendships. Will Microsoft actually do this? Will a hacker be able to do the same thing? Does the consumer really want to be this vulnerable? We can understand that Microsoft's business model is driven by the visceral desire to absolutely dominate all high volume software applications. We can also understand that the company's prospects for revenue and profit growth are interdependent with the accumulation of power over the consumer's use of computing technology within the computer, communication and entertainment industries.

It is time, however, to ask one simple question: Does this ubiquity serve the public interest?

On the one hand we acknowledge Microsoft's accomplishments, the intensity of its vigorous pursuit of new markets and its right to function as an independent business. But on the other hand, the court must fashion a remedy that incorporates genuine protection for the consumer. The PC era was lots of fun. The Internet era was a wild ride. But going forward, Enterprise and personal consumers must have cost effective software that is reliable, predictable, useful, secure, easy to manage and open.

Will a court imposed settlement provide the key?

Alternative Remedies

Nine States4, along with the District of Columbia, have presented an alternative proposal of remedy that would, if implemented, partially correct these deficiencies. This proposal has credibility because it directly addresses the findings of this specific case and establishes remedies that are consistent with prior court tests that judged the validity of relief from infractions of the Sherman Antitrust Law.

1. Microsoft would have to offer a stripped version of Windows. Although much thought must go into the implementation methodology of this recommendation, it could have the effect of reducing consumer costs by encouraging the development of alternative personal computing appliances with competitive applications software. It would also have the effect of making it more difficult for Microsoft to exclude competition by tying its operating systems to its applications, content and services.

2. Microsoft must support Java.

Enterprise consumers have espoused Java as a highly useful programming language. Because it is an interpreted, object oriented, platform independent language, Java can be used to reduce the cost of developing, deploying and supporting networked applications. Despite the obvious benefits to the consumer, Microsoft wants to kill Java by making it irrelevant within a Microsoft controlled programming environment. Forcing Microsoft to give its full support to Java would give the Enterprise consumer and applications software developer incremental choice in the selection of development environments.

3. Microsoft would be compelled to make Office available for all popular operating systems.

Consumers have been forced to accept either Apple or Microsoft PC operating systems as a defacto prerequisite for using the company's Office suite. If Office were made available for all popular non-Microsoft operating systems, consumers would have a wider choice of operating system environments. In addition, this recommendation would encourage the development of competitive PC operating systems, presumably based on architectures that could deliver superior reliability, function and security.

Given a carefully constructed court approved implementation and supervision methodology, these recommendations would be most helpful to the restoration of competition within the PC and network appliance software industries. However, if we want to preserve an open and competitive market, and if we want to be vigilant in our support of acceptable corporate behavior, then we should consider three additional recommendations.

4. Restrict Microsoft from the Embedded Systems market. There are a number of reasons to restrict Microsoft's participation in the embedded systems market5. For the purposes of this specific settlement, however, we must focus our attention on the restoration of competition and innovation within the PC market. Going forward, we also need to ensure consumer choice in the markets for set top boxes, entertainment devices and communication appliances, as well as network based content and services. As discussed above, Microsoft's announced strategy is to tie its software products to its services and content businesses. If Microsoft is successful with these initiatives, this company will have greatly extended its marketing power and will be in a position to monopolize segments of the entertainment and communications industries.

For a period of seven years, therefore, Microsoft should be prohibited from selling any embedded systems software products, including CE, its derivatives and any comparable products. If there is to be any credible competition for Microsoft's existing monopoly over PC operating system architectures, it is most likely to come from the manufacturers of network attached appliances. Over time, the embedded software within products will increase in sophistication. There is no reason why these system architec tures can not be used to provide the consumer with the whole range of PC applications.

Microsoft would be compelled to establish a separate company for its CE, Stinger, XBox, PocketPC, set top box and all other currently active embedded systems product efforts within 8 months of signing a settlement agreement. Microsoft would not be allowed to own any part of the company or its stock for a period of 7 years. Any funding for the newly spun-off company must come from sources in which Microsoft has no financial interest. Five years after the spin-off, Microsoft would be allowed to start a new embedded software development effort that could be offered for sale no sooner than seven years after signing the settlement agreement. Placing restrictions on Microsoft's embedded systems efforts will reduce the company's ability to dominate the related communication and entertainment markets. Microsoft would be encouraged to establish partnerships with the existing content and service companies as well as the manufacturers of embedded hardware and software products. These markets can then evolve in ways that are not tied to a single company's business strategy and revenue plan.

5. Place Microsoft under Court Supervision

It is difficult to imagine how the proposed settlement terms will prevent Microsoft from engaging in anti-competitive behavior. One would have to assume that Microsoft is immune from the temptations of corporate power. It would be helpful, therefore, if Microsoft were placed under the supervision of the court. A methodology must be developed that permits complaints of

wrongdoing to be reviewed in a prompt and fair manner. Fines and restrictions, where necessary and justifiable, should be imposed by the court after a hearing process.

Court supervision should reduce the need for further Justice Department action and could be used to establish the parameters for pending civil actions. The intention is that Microsoft could engage in any permitted business practice, strategy and tactic it wished, so long as the court agrees that its actions are lawful. The period of supervision should be continued until the court, by its own determination, believes that supervision is no longer justified.

6. Insist on a Code of Conduct

If we assume that we do not want our larger corporations to be driven solely by the mantra of revenue and profit growth, then any company that achieves a dominate position within any single industry has an obligation to adjust its behavior to operate in the public interest. The usual mechanism is through the imposition of government regulation. Absent this solution, the alternative is to insist that the dominant company have a set of enforceable standards against which it is possible to judge individual employee conduct.

Under court supervision, Microsoft should be compelled to adopt a Code of Conduct. Specific sections should address this company's relationship with competitors, suppliers, consumers, and partners. A methodology must be developed that permits complaints of wrongdoing to be reviewed in a prompt and fair manner. Fines and restrictions, where necessary and justifiable, should be imposed against individual employees.

It would appear that these recommendations can be implemented in a fair and equitable manner. The objective is not to unduly punish Microsoft. The Third and Fourth Waves of computing are history. We must look forward, not backward. Punishment is less desirable than the creation of a competitive, needs driven, marketing environment for the consumer. It would appear that all six recommendations, if implemented as a whole, would have a minimal impact on Microsoft's existing revenues and profits. There would be little interference with the company's PC and server software business. Over the next 5 to 7 years, the net effect is that Microsoft would not grow as fast and it would have to look to industry partners for some products compliment its .Net strategy.

For the consumer, however, the restoration of competition within the PC industry will be enormously beneficial. New innovation can take the form of products that are easier to manage, more reliable, more secure, and less costly to own.

The Sherman Antitrust Law

AS a piece of legislation, the Sherman Antitrust Law appears to be obsolete. The Sherman Antitrust Act of 1890 was designed to deal with the political and monopoly power of (frequently interlocking) trusts. Specific companies had pricing, availability, distribution and product power over the consumer. Relief came in the form specific restrictions to business practices and monetary punishment.

The Sherman Antitrust Law does not address the defacto standards issue. Over the last 75 years, the telephone, teletype, electric, water, radio, entertainment, and television industries have been characterized by the evolution of increased concentration based on a company dominated list of defacto standards. Within the public services industries, regulation has been used to ensure that these standards are beneficial to the public interest. There are additional examples of industrial standards that have been promoted for the benefit of all potential players. When RCA set the defacto standards for color television, for example, multiple industry participants were able to adopt them for their individual benefit. Dominant players set the rules of competition and corporate existence. All industries are vulnerable. Airlines, banking, insurance, manufacturing, retailing—it does not matter. The potential for domination—whether by marketing power, financial strength, or technology—exists. And if 21st century industries tend to gravitate toward single standards established by one dominant player, then we need to ask multiple questions:

What is an open and competitive market?

What is the basis for determining economic concentration?

What is market domination?

Should a company be allowed to use it's domination of one market to leverage its customer base into the domination of other markets?

If the consumer is forced to purchase defective and/or dysfunctional products because there is no viable alternative, what is the dominant company's implied liability?

What are consumer rights? (How can they be measured?)

At what point does the power of the dominant player jeopardize consumer rights?

What is a fair penalty for jeopardizing consumer rights?

If a market is dominated by a single company, at what point does this imply that it must assume a fiduciary responsibility to act in the public interest? And what are the guidelines for corporate behavior? How will they be enforced?

How much political and economic power do we want a single company to accumulate within a specific market?

And finally; What is the mechanism for restructuring competition? Obviously, there are many more questions that need to be addressed if the Sherman Act is to be rendered relevant to the realities of 21st Century Corporations. The purpose of this more limited discussion, however, is to demonstrate the deficiencies of the Sherman Act when considering the specific parameters of this settlement. Neither the Sherman Act, nor the proposed settlement, address the realities of existing market structures, emerging technologies, defacto standards, the issues of convergence or the use of 21st century corporate power.

Since the Sherman Act currently provides inadequate guidelines for establishing what will be—essentially—public policy, then the court has two choices:

*Interpret the law within the narrow confines of this case using legal precedent (which essentially will let Microsoft off the hook); or

*Broaden the interpretation of the Sherman Act in order to protect the consumer from further harm that may occur in the future (which will require the Court to consider issues and questions not necessarily documented within the scope of this case).

Either way, the court's determination will be sent to the Supreme Court for resolution.

Conclusion

Since the proposed Justice Department settlement provides only limited relief for a very narrowly defined case, it will fail to provide the public policy guidelines that are so desperately needed to protect the consumer from the abuse of corporate authority. It does nothing to relieve the increasing concentration of political, economic and marketing power that is now occurring within the computer, communication and entertainment industries.

We are thus faced with two realities. On the one hand there is the reality of the specifics of this case and the proposed settlement remedies. On the other hand, there is the reality of the need to maintain open and competitive markets for the products, services and content. A really good settlement will bridge these two realities.

As for the Sherman Act? Corporate governance is out of control. Unfortunately, we all know that Congress will not act until it is politically expedient to do so. Failure to act implies acceptance of the status quo. Competition will fade. Corporate power and influence will be concentrated. More Enron's will happen. By the time congress acts, if at all, it may be too late to impose meaningful reform.

So it is up to our court system, and perhaps the Commissions of the European Union, to both make and execute the guidelines we need to protect the consumer. We want our corporations, including Microsoft, to be successful. We expect them to grow their revenues and profits. We want them to pursue new business opportunities. But we also want them to operate within open and competitive markets so that consumers have an opportunity to purchase the products, services and content they want, at a price they can afford, and on terms that make them practical. That means that our legal system must guard against the potential abuse of corporate power and the inherent problems of market domination. In this settlement, we are asking the court to define those guidelines in a way that protects consumers from the potential of future abuse.

Is that too large a task? Too sweeping a challenge? Too far from the specifics of this case? I think not. It is the reality of 21st century technology and market structures. Convergence, after all, implies consolidation. And consolidation breeds domination.

MTC–00025028

From: Spearlib@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 4:42pm
Subject: Microsoft Settlement
Attn.: Renata B. Hesse.

The subject settlement is one of the most disappointing things that government has done in a long time. It has no really bases in my opinion. If there is any monopoly it is government.

It appears to me that Netscape and other like companies are pursuing this issue to feather their own nest. It is of no benefit to the American citizens as far as I can see. In fact it is diverting many resources from one of the most creative companies to keep over zealous regulators and litigators from destroying it's ability to compete in the old fashion American way. In my opinion what you, that is the justice department, are doing is about as un-American as it gets.

Spear Lancaster

MTC–00025029

From: Jeff Chirico
To: Microsoft ATR
Date: 1/25/02 4:43pm
Subject: Microsoft Settlement

I am amazed that the DOJ continues this special interest and corporate biased trend of regulating competition in the courtroom. At various times in history different companies have excelled in specific business areas, but as is usual in a market driven economy the balancing of business is achieved through vigorous competition in industry, not through litigation. IBM looked unstoppable when I was growing up, and went through the same defining moments as Microsoft. Years later after IBM's strength was weakened the DOJ then dropped the anti-trust case. What did this endeavor actually resolve, but the weakening of an American enterprise.

Thankfully Microsoft products are American and represent a market segment that the United States still has a significant lead and growth in. Yet, only in America do we thwart such innovative products from growth using the courtroom to pad folks'' resumes in the DOJ.

I hope the Republicans in office will recognize a more laissez-faire approach to the economy, and will now halt this trend by pushing this case out the door with a limited remedy. The current remedy proposed that benefits education seems more than reasonable and honorable to me. The states that do not agree at this point have their own special interests, and are purchased lobbyists for AOL, Sun, and Oracle.

Sincerely,
Jeff Chirico

MTC–00025030

From: Jesse Wheeler
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 4:44pm
Subject: Microsoft Settlement

The proposed settlement with Microsoft is bogus. Please reconsider.

MTC–00025031

From: Darrell McKigney
To: Microsoft ATR
Date: 1/25/02 4:40pm
Subject: Microsoft Settlement

Comment from the Small Business Survival Committee on the Proposed Settlement in United States v. Microsoft

January 25, 2002
Darrell McKigney
President
&
Raymond J. Keating
Chief Economist
Small Business Survival Committee
1920 L Street, NW, Suite 200
Washington, DC 20036
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The Small Business Survival Committee (SBSC) believes that the proposed settlement between Microsoft Corp., the federal government and nine U.S. states in the case of United States v. Microsoft Corp. generally serves the ?public interest? and the nation's economic well being.

In its settlement, Microsoft has agreed to a variety of restrictions on its business practices for at least five years. Microsoft also would be subject to (and have to pay for) a full-time, on-site monitoring panel of three computer experts, who would have complete access to Microsoft's software code, systems, books, records, personnel, etc.

Considering that the antitrust case against Microsoft had absolutely no basis in economic reality, and that the government brought its case at the behest of competitors?not consumers—who could not keep up in the marketplace, we view any findings against Microsoft, and related restrictions placed on the firm, as unwarranted. However, given the costs, looming uncertainties, the current economic climate, and penchant for bad law and convoluted economics to dominate in the antitrust realm, Microsoft certainly made the correct business decision in reaching this settlement. Investor's Business Daily hit the nail on the head when it recently (January 22) editorialized:

Late Thursday, Microsoft reported its earnings for the fourth quarter. They included a hefty charge of $660 million, or 8 cents a share, for expenses linked to antitrust lawsuits and ongoing legal action by some states.

Think about it: that's two-thirds of a billion dollars. It could fund a lot of research, give a lot of raises to workers, even fund more Microsoft charity around the country.?

So, the costs of this case for the company, the taxpayers and the economy in general have been formidable.

And make no mistake, these costs are felt by many small businesses. Small enterprises certainly can be affected by the costs of this antitrust case (and others) in their roles as consumers of Microsoft products, and as suppliers to Microsoft. In addition, entrepreneurship and business can be impacted by the message sent by government in a case such as this, i.e., that if a business works and competes hard to succeed and gain market share, the government may move against it through regulation and litigation. That is not a positive economic message for government to be broadcasting into the marketplace.

Microsoft, the many businesses which serve as its suppliers and consumers, and the software industry have been placed at risk due to the government's long antitrust inquisition against Microsoft, and real costs have been incurred. The government's antitrust case against Microsoft has boosted costs, increased uncertainty in the high-tech community, and thereby, hurt the entire U.S. economy.

Looking ahead, it is quite disturbing that government officials—including regulators, lawyers, and judges—have the ability to impose their own anachronistic views of how markets should work on the rest of us, including the high-tech industries of today and tomorrow. Antitrust regulation remains a dangerous wild card in the marketplace. Depending how the latest political breezes happen to be blowing, our nation's most successful companies are in a position to be punished for their success via antitrust actions.

Antitrust law is regularly presented as a bulwark of competition and free markets. In reality, however, antitrust law, for the most part, is distinctly anti-market and anti-competition because it allows government bureaucrats or judges to overrule decisions made by consumers in the marketplace. In the end, government antitrust actions in this case have amounted to nothing more than an effort to protect some of Microsoft's current rivals from the rigors of competition, and/or an effort to expand the reach and control of government.

It needs to be understood that in the free market, businesses compete against current and future competitors. The rapid pace of innovation in the computer industry makes this abundantly clear. Therefore, many antitrust actions exhibit an inability on the part of regulators, government lawyers and some judges to understand the dynamic nature of the marketplace. Markets are not static. The classroom lesson about ''perfect competition'' does not exist in the real world. Instead, the economy involves a rough-and-tumble competitive process whereby entrepreneurs and businesses create new products and services, innovations, and efficiencies, often generating temporary monopolies that are then obliterated by competitors. Prices and profits act as signals in the marketplace to other businesses and entrepreneurs. An activist antitrust regime, as was exhibited over the past several years in the Microsoft case, disrupts this beneficial economic process.

The fact that antitrust law looms unchanged—to be erratically used as a club by government—will continue to cast a shadow over the U.S. economy, particularly dynamic high-tech industries in which temporary monopolies are the clear rule.

Ideally, the Microsoft case should have been dropped altogether, and looking ahead, dramatic antitrust reform needs to be undertaken to reflect economic reality.

Short of such action though, a settlement in this case, which obviously steps far back from a proposed break up of Microsoft, makes sense. Hopefully, since much of the government's case has been thrown out or overturned, perhaps this Microsoft settlement will serve as a warning that antitrust restraint on the part of the government far better serves consumers, entrepreneurship and innovation, than does antitrust activism.

Darrell McKigney is the president of the Small Business Survival Committee.

Raymond J. Keating serves as chief economist for the Small Business Survival Committee (SBSC).

SBSC is a nonpartisan, nonprofit small business advocacy group headquartered in Washington, DC

MTC–00025032

From: Kevin Mounts
To: Microsoft ATR
Date: 1/25/02 4:45pm
Subject: Microsoft Settlement

As a long-time professional software engineer living in Seattle, I have been privy to a great deal of information about Microsoft's behavior in the software industry, through careful attention to various news media, discussions with other software engineers, including those working at Microsoft, and personal experience. What I know of Microsoft's business practices leads me to the unavoidable conclusion that the company is severely anti-competitive, has been a constant hindrance to progress and innovation in the field of software development, and will not be deterred in the least in some of its more egregious, if less public, practices by the proposed settlement.

Settling with Microsoft on these terms is the business equivalent of Prime Minister Neville Chamberlain's 1938 statement that he had ensured ''peace in our time'' through his settlement with Hitler over the Sudetenland.

Personally, I don't feel that anything short of liquidation would provide adequate remedy for the harm Microsoft has done to the industry, but as that is unlikely to happen, a break-up along lines similar to Judge Jackson's proposal would be the minimum that would have a noticeable effect.

Kevin Mounts
Mahana Enterprises
kevin@mahana.com

MTC–00025033

From: Will Francis
To: Microsoft ATR
Date: 1/25/02 4:45pm
Subject: Microsoft Settlement

The proposed settlement does very little to limit the scope of Microsoft's anti-competative and anti-consumer acts. Microsoft's ''embrace and extend'' policy attempts to have solely them control any standard into their own defacto standard therefore not allowing anyone to compete in any meaningful way. Whenever another company invents something novel which may compete meaningfully with a Microsoft product, those companies are either bought outright, or Microsoft ''innovates'' those same services into their Operating System such that it's pointless to purchase the original competitors products. Java is such a perfect example where Microsoft licensed Java and then ''extended'' it in such a way that broke compatibility with the original version. This allow Microsoft with it's massive installed base to become the defacto controller of Java. Thankfully, Microsoft lost in court against Sun, but to counter that, they simply stopped shipping Java with their products and invented their own Java-like language. Obviously the same pattern can be said about their browser, their media client, Office products, games, email clients and many more.

In my opinion, Microsoft should be broken up into two companies:

1. An OS company
2. Everything else

Allow other companies to provide services for the OS on a level playing field as Microsoft itself. As long as Microsoft can grow their OS to include whatever industry they which to dominate next, few will dare to compete with them.

Thank you.
Will Francis
US citizen
San Jose, CA
(408) 297–5988

MTC–00025034

From: Patrick Elliott
To: Microsoft ATR
Date: 1/25/02 4:45pm
Subject: Microsoft Settlement

To whom it may concern:

I believe that the terms of the settlement against Microsoft Corporation are reasonable and fair to all parties involved, and meet—or go beyond—the ruling by the Court of Appeals, and represent the best opportunity for the industry to move forward. While I personally do not see any wrongdoing on the part of Microsoft, I am glad to see their willingness to work with the DOJ and the industry to continue to promote fair, competative business practices.

Sincerely,
Patrick M. Elliott, Petersburg, VA

MTC–00025035

From: jamespapa51@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 4:43pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
James Papa
66 Camille Dr
Rochester, NY 14612

MTC–00025036

From: Francesco Gallo
To: Microsoft ATR
Date: 1/25/02 4:46pm
Subject: Microsoft Settlement
From: Francesco P. Gallo
216 Hitching Post Dr.
Wilmington, DE 19803
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice

These my few lines are a follow up of the short comments I addressed to the Assistant Attorney General Mr. Charles A James at the beginning of January. As one of the consumers we hope that finally the case of Microsoft will be settled, in order to continuing enjoy the improvements in the technology that we are witnessing in our daily life. We fill it is vital that the company, together with the others in the sector, dedicate more time and resources to increase the value added that our Country so badly needed, especially during this period of slow down.

We hope that the conclusion of this case will also avoid other futile actions, as the one we just read in the newspapers about a new legal suit advanced by Aol Time Warner, through Netscape. This settlement that is in the public interest should discourage any future actions that attempt to solve in the courtroom their problems. We thank you for your attention.

Respectfully,
Francesco P. Gallo
CC:Francesco Gallo

MTC–00025037

From: J. Warner
To: Microsoft ATR
Date: 1/25/02 4:47pm
Subject: Microsoft Settlement

I'm hoping the right decision is made and future unlawful practices are deterred. But it appears that Microsoft has been able to side step their unlawful practices, in the past, and continue work as normal. They continue to try and control all computer operating systems and to deter any alternative systems. The proposed Educational solution was just another example of their controlling their destiny. This would have been no punishment for them. It was their way to dominate the Educational market, besides their continued domination of the business and home computer markets. (Also their continued efforts to control the internet.) I'm writing to let you know I appreciate you letting me express my opinions, on the matter, and hope all factors are taken in to consideration. I believe Microsoft has a choke hold on the computer world. If they are not made to let go of that grip, one day it may be to late and we will all pay dearly. Thank you again for your attention.

J.P. Warner

MTC–00025038

From: Robert Calhoun
To: Microsoft ATR
Date: 1/25/02 4:43pm
Subject: Microsoft Settlement

This is in response to the request for Public Comment regarding Civil Action 98–1232 (CKK), United States of America vs. Microsoft Corporation. I do not agree with the proposed settlement. I do not think that the remedies it provides will prevent Microsoft from continuing to abuse its monopoly power in the field of computer operating systems.

About me: I am a professional software developer. I develop custom software primarily for users of Microsoft operating systems. I use development tools sold by the Microsoft Corporation and by National Instruments. I also use and write software for the Apple Macintosh, primarily using development tools provided by Apple Computer.

I have used and programmed microcomputers since 1983. I have used and written web pages for the World Wide Web since 1993. My use of this technology predates Microsoft's interest in it, and this has an influence on my comments. I have a strong belief that the World Wide Web should be based on open standards which allow any software developer to write a browser which allows the user to experience the World Wide Web fully. My specific suggests on the remedies follow my comments on the complaint.

On the complaint: The Government's 1998 complaint is focused on web browsers, specifically on Internet Explorer 4. At this point, Microsoft has released improved versions of their browser, known as Internet Explorer 5 (''IE5'') and Internet Explorer 6 (''IE6''). The so-called ''browser war'' is essentially over, with Microsoft Internet Explorer substantially obliterating the competition from a market-share point of view. (Recent browser usage statistics from TheCounter.com show IE5 has the largest share, at 64%; combined statistics for IE4, IE5, and IE6 top 90%.)

If anything, the Government's complaint underestimates the efforts that Microsoft has taken to reach this outcome. A large part of the problem is the significant amount of time that has elapsed since the complaint was filed. Much of this delay is due to requests for stay and appeals that Microsoft has made. I believe that Microsoft has attempted to delay resolution of this complaint until the political winds changed in Washington, or until the issue became irrelevant. Both have occurred.

Microsoft is clearly capable of writing a best-in-class browser. Microsoft's browser for the Macintosh, IE5 for Macintosh OS 9, is arguably the best browser on any platform. It combines reasonably good standards adherence with significant user-interface enhancements. Apple now ships this browser with every Macintosh. While the browser is certainly very good on its own merits, it has been suggested that Microsoft required Apple to make IE5 the default browser in order for the development of Microsoft Office for the Macintosh to continue. I do not know if such allegations are true, but they are worrisome.

IE5 on the Windows platform also impressive features. One of the most impressive, especially compared with Netscape's offerings, is its rapid launch speed. IE5 simply demolishes the later versions of Netscape Communicator in launch speed and memory footprint.

This rapid launch speed is partially the result of the fact that many parts of IE5 are now built in to the Windows operating system. Not only does IE5 make great use of these specialized operating system components, several software components which are essential for operation of non-browser software are installed as part of the Internet Explorer 5 installation process. Nowhere is this more clear than in the nature of the ''file browser'' used in Window 2000. This browser is essentially the same software as IE5.

One is called ''Explorer.exe'' and one is called ''IEXPLORE.EXE'', but these two applications have so much in common that it is possible to surf the Web with Explorer, or investigate files on a disk drive with Internet Explorer.

It is a well-known fact to software developers that many strange and inexplicable problems with deploying projects that make use of Microsoft's ActiveX technology are solved by the installation of IE5. I do believe that Microsoft is correct when they declare that Internet Explorer is fundamental to the functioning of the Windows operating system. I also believe that they deliberately created this situation. Microsoft has made IE5 an integral part of the Windows operating system, to the point that it Internet Explorer now has its own section under ''Internet Explorer: Platform SDK [Software Development Kit]''. IE5 is Microsoft's recommended ''container'' for testing component software using Microsoft's ActiveX interface, and it is at this point 100% necessary when developing certain (non-browser) software on the platform. A World Wide Web full of web pages designed to be viewed with Internet Explorer is a difficult place for the users of other browswers.

I feel I need to make it clear that I don't have a problem with Microsoft adding web capabilities to the core of the Windows operating system. I am not against Microsoft innovating in this area nor in any other area of software development. Certain features (accessing Web pages, parsing the HTML language used to write them, etc.) are relatively low-level functions that arguably belong in a modern operating system. Microsoft has added many, many other operating system technologies (DirectX, NetShow, Windows Media) which also give the end user a richer experience and make it easier for developers to write software for the Microsoft Windows platform.

Where I disagree with Microsoft's approach is that they tend to view any software which has a significant, or potentially significant, market as an area in which they should seek a dominant market position, and they use their monopoly power in operating systems to achieve this.

The principal approach used is a) add components to the operating system which give the operating system new power and flexibility, b) allowing Microsoft's internal software developers superior access to these technologies and c) giving away technologies for free in order to obtain a dominant market position.

With respect to (a) and (b), Microsoft has at different times claimed on one hand that a ''brick wall'' exists between its operating system groups and its end-user groups, and on the other that customers would suffer harm if the closely coupled operating system groups and end-user groups were broken up into two separate companies. These two statements are mutually exclusive. With respect to (c), Microsoft has argued that free software is in the consumer's best interest. Free software is unquestionably in the consumer's best short-term interest. Sometimes, however, the process is in Microsoft's best long-term interest. As an example, take Microsoft's proposed settlement of the present case with those States which have not signed on to the Justice Department's proposed settlement. Microsoft offered to give refurbished computers and Microsoft software worth a total of approximately $1 billion to the nation's poorest 14,000 school districts. Schools are one of the few markets where one of Microsoft's few remaining competitors in the operating system market, Apple Computer, has a significant market share. The purpose of these free computers and free software appears to be twofold: first, to help students in these poor districts, and second, to ensure these districts make a decisive switch to Microsoft operating systems.

Were it not for Microsoft's monopoly power, I would not be concerned by any of their business practices. The close working relationship between operating system engineers and end-user product engineers is, for example, carried on at Apple Computer and has resulted in the release of highly respected products such as Final Cut Pro (video editing software), to the detriment of the former market leader in this area, Avid. But since Apple Computer does not have monopoly power, it cannot be argued that Apple's 00025038—0003 actions are in violation of the Sherman Anti-Trust Act. It is only because of Microsoft's monopoly power that we must view their business actions in a different, and more critical, light.

In this light, the original 1998 complaint of the Government should be properly viewed as an *example* of Microsoft's anticompetitive practices, rather than a *summary* of Microsoft's anticompetitive practices. The example in the original complaint is no longer relevant, as Microsoft has obtained the market supremacy with Internet Explorer that it desired.

It is too late to correct this: nothing can be done about Internet Explorer's dominance at this point. Rather, the goal of any settlement should be to ensure that Microsoft does not continue to exploit its monopoly power in an illegal and noncompetitive manner. Areas which Microsoft does not yet have market dominance, but which it is currently seeking market dominance comprise the following:

1) The market for streaming audio and video. Currently there are three dominant players: Real Networks's RealMedia, Microsoft's Windows Media, and Apple's Quicktime Streaming. It is generally agreed that the Real Networks product yields the best user experience over unpredictable public networks. Microsoft is currently seeking market dominance in this area by bundling the Windows Media Player with its operating system. This is not always the best experience for consumers; I have found the Windows Media Player to be slow and ungainly for listening to simple .WAV audio files compared with Microsoft's older and less sophisticated audio player, which is no longer available.

2) On-line services: AOL is still the dominant on-line service despite Microsoft's investment in MSN. Microsoft still attempts to increase the use of MSN via a) in-store promotions for new PC owners b) desktop icons for MSN and c) MSN as the default start-up screen for Internet Explorer. If not for these constant promotions and heavy subsidy from Microsoft, it's unlikely that an unprofitable enterprise like MSN would still

exist. AOL allegedly bought Netscape more for the Netscape ''portal'' than for Netscape's software. This is supported by the fact that the AOL browser is based on Internet Explorer rather than the Netscape browser. AOL failed to realize that as the use of the Netscape browser fell to single digit percentages, the value of the Netscape portal (which was the default home page for that browser) would fall accordingly, which it has. Microsoft has argued that AOL's purchase of Netscape suggests that Netscape was actually a successful, viable company despite Microsoft's anticompetitive efforts. Microsoft has also argued that AOL has squandered this asset, and now seeks legal redress for AOL's failure to use the Netscape resources in an effective manner. I cannot really argue this latter point. AOL was unwise to buy Netscape, which was clearly headed for bankruptcy and, whether or not AOL acquired it, a complete exodus of key personnel. AOL tremendously overvalued Netscape as an asset. It overpaid for it, and it has completely failed to use what remained of Netscape's technological assets in a remotely effective way. Just because AOL is dumb does not mean that Microsoft does not have monopoly power, that they did not abuse that monopoly power in the Netscape case, or that they will not continue to abuse their monopoly power in the future. AOL's purchase of Netscape should be viewed in light of the whole Internet bubble economy, which allowed marginally profitable companies like AOL to buy other companies with overvalued stock. In the case of Netscape, AOL got little for its overvalued AOL shares. In the case of Time-Warner, AOL got a lot. The $4.2 billion dollar Netscape acquisition does not imply that Netscape had a fair-market value of $4.2 billion dollars, because no one in their right mind would pay $4 billion dollars in cash for Netscape. 00025038—0004 Microsoft has stated that AOL spent $10 billion for Netscape, but this is incorrect.

3) Database Technology: Microsoft current makes an excellent database server, known as MSDE, available to developers who own Microsoft's development suite, known as Visual Studio. This product is of very high quality, and developers may deploy it free of charge. The goal appears to be to encourage the use of database routines which are compatible with Microsoft's enterprise-class database product, SQL Server. Microsoft also has developed a blizzard of database-interface technologies (ODBC, OLE-DB, DAO, RDO, ADO, and now parts of the new .NET) which the most diligent database provider would have a hard time keeping up with.

I speak as a developer here. I need to use database technologies in my Microsoft Windows-based applications, and I use MSDE. It's free, it's fast, and it works well with Microsoft's ADO layer, since Microsoft wrote ADO, the OLE-DB layer that ADO calls, and the SQL-Server layer at the bottom.

I doubt that Oracle, IBM, Sybase, and MySQL have the same ability to keep up with Microsoft's changing interface layers that Microsoft's own engineers have.

There are many other examples of areas where Microsoft is currently seeking market dominance. The settlement should be designed to allow Microsoft and other software venders to compete in an unfettered manner without giving Microsoft the unfair advantage of having written the operating system.

Regarding the Settlement:

Sections A–C:

These remedies are focused on preventing Microsoft from retaliating against hardware venders (OEMs) for installing non-Microsoft middleware. The remedies do not prevent Microsoft from installing Microsoft middleware along with the operating system, or at a later time via an automatic download.

In the past, installation of Microsoft software components has often broken competing products that offer similar services. It is not clear whether the behavior is intentional or a result of the relative fragility of the Windows operating system. Usually the end-user's best option is to stop using the non-Microsoft product. Merely preventing Microsoft from retaliating against OEMs is insufficient.

Section D:

This remedy is not enforceable. The Windows API is very complicated. Portions of it could be left undocumented, or provided with documentation which is vague or difficult to understand, and it would be very difficult to prove otherwise. Because the API is so large, it is unlikely that third parties could verify that Microsoft's own engineers used only publicly documented routines in publicly documented ways without a very large engineering effort.

Section J:

Cryptography experts agree that secure cryptographic systems are best built on published algorithms which have a strong mathematical basis for their robustness. This section allows Microsoft to modify cryptography systems, such as the Kerberos system developed at MIT, while keeping the changes 00025038,0005 private. This makes it hard for ISVs to develop products (such as VPNs) which are compatible with Microsoft's offerings.

In General:

The settlement affects only ''Middleware'' This does not address Microsoft's end-user applications such as Microsoft Office, a widely used program with a proprietary file format. This program has been used to influence the actions of Apple Computer and the lack of it on the Linux operating system makes it difficult to use Linux in an office environment.

Microsoft's approach to software development makes heavy use of shared code (''DLLs'') and shared user interface features ''ActiveX controls''. It is possible for Microsoft to write applications which make use of these DLLs and ActiveX controls to create end-user applications that launch very fast and use little non-shared memory. With these objects built in to the operating system, ISVs have a hard time creating software that can match the small installation size of Microsoft applications. While 3rd parties can add DLLs and ActiveX controls to Windows, they clearly can never remove a pre-existing Microsoft component, which might cause the OS to break. This provides Microsoft with a significant advantage.

The settlement does not address publication of the proprietary networking protocol SMB/CIFS, which any competing operating system must support in order to network with Windows computers. Although Microsoft calls this the ''Common Internet File System'', it is undocumented. The settlement will be difficult to enforce. Microsoft violated the previous consent decree which was supposed to prevented it from charging OEMs for Windows on a per-machine (rather than per copy of Windows) basis. Nothing was done to Microsoft for violating this consent decree. A simpler solution would be to break Microsoft into two or more companies, one of which would own the Windows operating system and its successors, and one of which would own end-user applications. This approach worked well with Standard Oil and with AT&T. AT&T's situation was vastly more complicated than a Microsoft split would be because of the physical infrastructure involved and the overly specific way the settlement was written. In contrast, IBM was never split up. The IBM consent decree dragged on and on, providing a restraint on IBM's activities and hurting its international competitiveness. I do not want Microsoft's international competitiveness to be damaged. But I do not want them to become the only viable vender of software for large markets.

Microsoft could be split into two companies fairly easily. Both companies could compete, both companies could be successful, and both could have high stock prices. This is the easiest way to ensure that Microsoft provides a level playing field for non-Microsoft software developers.

Sincerely yours,
Robert B Calhoun
Qwerta Corporation
249 Elm St
Oberlin, OH 44074 00025038—0006

MTC–00025039

From: Nathan Myers
To: Microsoft ATR
Date: 1/25/02 4:04pm
Subject: Microsoft settlement

Following are my comments on the court's settlement with the convicted offender, Microsoft, Inc.
Nathan Myers
Placerville, California.

1. It appears to me that all the proposed settlements treat the company as if it had not yet been convicted. Worse, they ignore the company's prior history of consciously circumventing the spirit and letter of court orders. This is a company whose officers have frequently denied the authority of the government to control its abuses. For the outcome of this case to be useful, it must not only prevent the company from harming the nation further, it must demonstrate to Microsoft and others that the law does have teeth even where a large and wealthy corporation is involved.

2. The main public reason for limiting the severity of a sentence has been to avoid driving the offender entirely out of business, harming its employees, existing customers, and stockholders. With Microsoft's monopoly profiteering unchecked lo these many years, it is equipped with tens of billions of dollars to help it ride out any temporary inconvenience, regardless of severity. I see no

practical need to mute the terms in order to allow the company to continue operating. It can afford almost anything, for years.

3. All the proposed settlements I have read were complicated and hard to administer, which probably would result in both successful circumvention and further litigation. Simplicity is essential. Furthermore, the burden of proof that the company is faithfully abiding by the terms must be on the company, not on the government(s) or the company's victims.

4. The primary means by which the company has been able to cement its monopoly has been through enforcement of exclusionary contracts. One effective means of limiting its power would be to specify broad conditions under which courts are directed to rule against the company in disputes, despite contract terms or court precedents. (The company's monopoly and deep pockets inevitably tilt the scales, despite any settlement terms; the court should artificially tilt them back.)

5. Another means by which the company has excluded competition has been to limit access to preferential prices to those who obey it (contract or no). This mechanism should be made unavailable by requiring that all products be available to anyone at a fixed price, regardless of circumstances, with no permission to tailor a product for a particular customer. Even volume discounts tilt the field against smaller competitors; the company has no immediate need to charge smaller customers more.

6. The company has used its control of details of its products'' implementations to exclude competitors. It does this both by changing existing products in undocumented ways to make them incompatible with competitors'' products, and by keeping details of new products secret. Forcing the company to publish freely all details of the external behavior of their products—their ''APIs'', ''protocols'', and ''file formats''—would reduce this threat. (Note that exceptions for ''security details'' have already been proven unnecessary and actually harmful to security; given such an exception, critical competitive details could easily be concealed.) The company should be prevented from releasing products until the completeness and correctness of the documentation has been established, so it has incentive to document well.

7. The company has eliminated competition by purchasing control of smaller companies that threatened to develop market share in areas it hoped to dominate. The company should be prevented from acquiring control of other companies, and should be forced to sell off subsidiaries and divisions that would place it in new markets.

8. The company has acquired a large portfolio of patents which could be used as an alternative means to exclude (at least smaller) competitors. While they appear not to have used this mechanism much yet, once other avenues of exclusion are forbidden the company will be tempted to exercise exclusionary patent rights. These patents should be released into the public domain immediately.

9. Much of the company's ability to attack markets comes from its cash reserve. This should be placed in escrow, and cash metered out for individual expenses once it is determined that they do not contribute to monopoly dominance.

10. The penalty for failure to perform up to the terms of the final settlement should be the wholesale loss of trade secret and copyright status for the affected product(s).

11. Those company officers who lied under oath and falsified evidence should immediately be prosecuted for perjury and obstruction of justice.

MTC–00025040

From: Dave Howe
To: Microsoft ATR
Date: 1/20/25 4:48pm
Subject: Microsoft Settlement

Hello:

If you want to fine them a billion dollars then fine them a billion dollars not equipment in kind or refurbished computers. Software CD's cost less than $ 1.00 with overheads fully accounted for. Add a $2.00 book and it's sold by M/S for between $100—$500....''Give'' it away and take a tax write off for half...what kind of penalty is this. Refurbished computers are worthless, my old computers won't run squat and no one wants them. Plus the ''free'' runs out and then you let them start charging for service??? If I could get the Government to help me gain a huge hunk of market share with a positive payout in 3 years I'd do it also regardless of what you called it..

Take the cash and get a penalty with teeth NOT dentures.

MTC–00025041

From: Patricia Riendeau
To: Microsoft ATR
Date: 1/25/02 4:49pm
Subject: Microsoft Settlement

My commnets:

I believe that the terms of the settlement are reasonable and fair to all parties, and meet—or go beyond—the ruling by the Court of Appeals, and represent the best opportunity for Microsoft and the industry to move forward.

Patricia A. Riendeau
Shareholder

MTC–00025042

From: Robert Crull
To: Microsoft ATR
Date: 1/25/02 4:48pm
Subject: Microsoft Antitrust Settlement
Robert John Crull
400 Breckenridge Dr. #4
Huntsville, Al 35802
Attn: Renata Hesse
Trial Attorney
Suite 1200, Antitrust Div.
Dept. of Justice
601 D St. NW
Washington, DC 20530

Dear Sirs:

As a US citizen I am going on record as being opposed to the proposed anti-trust settlement with the Microsoft Corp. It is inadequate to punish them for past monopolistic practices and will not prevent them from engaging in future anti-competitive activities. Any fair settlement that protects the rights of the consumer and a strong competitive US economy must do two things:

Microsoft must be forbidden from entering into exclusive agreements with computer hardware vendors that forbids those vendors from selling computers with non-Microsoft-based computer operating systems. They must also be forbidden from entering into agreements that, while allowing computer vendors to place alternative operating systems on their hardware, require that the Microsoft OS always be the primary boot-up operating system.

Microsoft must be forced to publish all the data required to allow non-Microsoft programmers to write applications that interact with the Microsoft computer operating systems. There can be no secret or hidden access to the Microsoft operating system that only Microsoft applications writers are aware. Such hidden code gives the applications division at Microsoft an unfair advantage in writing their software.

Thank you for your time and consideration.

Sincerely,
Robert John Crull

MTC–00025043

From: HTOPILOWMD@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 4:48pm
Subject: microsoft settlement

Dear Sir:

As a daily computer user, both at home and in my medical office, I have benefitted greatly from the software produced by Microsoft. It is inexpensive, easy to use and makes work and play easier on many different fronts. I strongly urge you to terminate the ongoing legal harassment of Microsoft and settle the case based on the agreement already negotiated by the DOJ and Microsoft. This will benefit consumers like me who want new and better software from Microsoft and do not want to see the Company spending its money and time defending itself from frivolous suits initiated by its competitors who now have the 9 remaining states as their hired goons. Thank you.

Harvey W. Topilow, MD

MTC–00025044

From: Chris Holt
To: Microsoft ATR
Date: 1/25/02 4:52pm
Subject: Microsoft Settlement

Take the settlement with Microsoft.
Chris Holt
1450 North 1st St. #80
Salinas, CA 93906
831–444–6396

MTC–00025045

From: Gene Coussens
To: Microsoft ATR
Date: 1/25/02 4:52pm
Subject: Microsoft Settlement

I volunteer at a high school where I am trying to keep 30 computers running for the students. My experience with MicroSoft (MS) has been extremely difficult and at times I could not run the required software.

Security of software: MS has no protection against students changing the operating system and application programs unless you

purchase the professional version which is extremely hard to maintain. Using another operating system (Linux) the task would be trivial and the software would be secure. Since MS has a monopoly, the application software is only available to run under the MS operating system.

Cost: MS requires licenses for each machine, for a connection to a server, a server license, and licenses for each application that is contained in a computer. The system is designed to maximize the number of licenses because you cannot run an application on the server (central computer) and get the results on the client (the users computer). Each machine must be a full system, on other operating systems one can run applications on the server and view the results on a stripped down machine in front of the user. All of the software for the other system is FREE. Each computer in our school has more than $150 worth of licenses again because MS has a monopoly and prevents software vendors from offering the same material on other operating systems. Because MS updates their software every two years we spend about $75 per machine each year, we call this the MS tax. If vendors try to offer their software on other operating systems MS will not license their application on the MS system.

Ease of Maintenance: MS has been patching together an operating system based on a poorly designed core of software which has been updated every two years. Some application software will run only on some versions of the operating system and not on others. This makes a tangle of application software and different versions of the operating system on different machines. Keeping track of which program is where is very time consuming. On other operating systems there is a slow evolutionary migration of the software which does not require frequent updates and the system appears almost seamless and it is quite stable.

XP Version of Office: MS has changed the licensing method and cost for the new version of Windows. Instead of bulk licensing for schools they now require that we keep track of each license separately. A machine description and the individual license assigned to that machine is registered with MS and we are not allowed to change parts of the computer without contacting MS for a reactivation of the license. This is method of forcing us to get permission to change configuration on our own computers is draconian in nature and we will do without rather than submit to these conditions.

The settlement that is proposed does nothing to prevent the company from proceeding with these practices. Far from preventing abuse this settlement says that the company is correct and is free to find even more ways to fleece the public.

The settlement that the remaining litigants are proposing is a far better agreement for protecting the public. In essence the MS operating system is now a standard imposed upon the industry and should be treated as such rather then the private domain of one company. The settlement proposed by the remaining states creates fair and open standards that will allow the application software companies to write software for the other operating systems, we can then give the end customer some choice in which system is best for their application.

Respectively,
Eugene Coussens
retired Engineer, Hewlett Packard.

MTC–00025046

From: BunBunjr@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 4:53pm
Subject: Microsoft settlement

Please settle this case now. My recommendation is that everyone should just walk away from it all.

Jim Landfield
Tel 703–734–0840
FAX 703–790–9049

MTC–00025047

From: lowilliams
To: Microsoft ATR
Date: 1/25/02 4:54pm
Subject: Litigation

Sirs

I have used computers since the sixties. I have worked with IBM operating systems, UNIX, DOS, and today use MICROSOFT Products. In the early days IBM tried to keep everything proprietary to their systems. For a number of years they were successful. For a while in the seventies the DOJ talked about breaking them up, fortunately nothing came of it. Then IBM became arrogant and figured that no one could ever compete with them. Their positions aided in the demise of Control Data and Univac. Then DEC came along with their smaller VAX but more capable systems using UNIX for technical computing. DEC greatly reduced IBM scientific computing business. Their place in the sun lasted until the mid eighties and then they in turn faced effective competition from HP. HP now holds a major part of the technical computing market. There were dozens of other companies that competed unsuccessfully for this market. IBM created MICROSOFT when they decided the IBM Personal Computer was never going to become big business. They let Bill Gates write the operating system. There were other small computers based on the INTEL, ZLOG and MOTOROLA single chip processors that used several other operating systems. In the early PC days I used a Radio Shack Model 4 (Z-80 processor) with an operating system the name of which I can no longer recall. All this is just to show that companies come and companies go.

With free trade, MICROSOFT will probably be strongly challenged by an Indian or Chinese software firm some time in the next 20 years. The challenge will not come from AOL unless they spend their time and brain power in trying to make a better operating system, browser or what ever and beat MICROSOFT in the market place.

MICROSOFT has created and enforced order out of chaos to the benefit of all humanity. Take word processing as an example. Since the early eighties I have used: ''Run Off'' a Digital Equipment product, ''Scripsit'' a Radio Shack Product, ''Wolkswriter'' a ? product, ''Word Star'' a ? product, ''Word Perfect'' a ? product, and ''MS WORD''.

With most of these other programs digital files were not compatible between computer systems or word processing programs. Today with MS WORD I wrote a book, with text and significant art, and sent it to my publisher in England in WORD format. The publisher can use it for the book without any conversion.

From a users standpoint MICROSOFT products should be ubiquitous. One of the advantages the United states has over Europe and many parts of the world is the fact that 280 million of us speak about the same language. The world of personal computers should also speak one language and until the Indians or Chinese invent a better one, let it be MICROSOFT.

The current agreement reached by the DOJ and MICROSOFT is a good one and should be implemented. Further suits by AOL and the other states should be ignored as frivolous. the Judge should tell AOL to compete on with better products rather than trying to get the government to restrain their competition.

Laurence O. Williams
1059 Oakwood Drive
Alliance, Ohio 44601
330 829 2963

MTC–00025048

From: Joe Parrette
To: Microsoft ATR
Date: 1/25/02 4:56pm
Subject: Microsoft Settlement

Dear Sir or Madam:

The settlement should be vacated and rewritten because of Microsoft's recent billing practices. They have become so onerous that only a monopoly could hope to survive. You have not done enough to disassemble this giant of business. Just look around at their liscensing practices for businesses.

I am sorry I did not have more information to give you but this is just a quick note and reflects a recent change in my stance on this settlement. Up until a few weeks ago I really thought you should stop bothering MSFT but no more.

Thank you for your time.
Joseph Parrette

MTC–00025049

From: Charles Myers
To: Microsoft ATR
Date: 1/25/02 4:57pm
Subject: Microsoft Settlement

I think it would be beneficial for the entire country to settle this case as soon as possible.

Sincerely,
Charles L. Myers, D.V.M.

MTC–00025050

From: prc@duke.edu@inetgw
To: Microsoft ATR
Date: 1/25/02 4:58pm
Subject: Microsoft Settlement

It is my opinion as a citizen of the United States of America that the proposed settlement of the Microsoft Antitrust suit is a bad idea, and that it does not prevent further monopolistic abuses by the company. The best way (in my opinion) to resolve Microsoft's monopoly status is to break the company into several pieces.

History has shown that dividing monopolies brings greater value than allowing them to remain intact. As examples, look at Standard Oil and AT&T—in the long term, these resulting multiple-company systems resulting from each breakup were worth more, paid more taxes, and employed more people than either company ever would have on their own.

Shareholders in these enterprises benefited as well from this growth—the value of their shares soaring as the individual companies competed against each other.

Finally, because of the increased competition that was possible against AT&T and Standard Oil, even more economic growth could be experienced by the nation as outside competitors were able to grow as well.

Thank you,
Patrick Campbell

MTC–00025051

From: John Tanzillo
To: Microsoft ATR
Date: 1/25/02 5:01pm
Subject: Microsoft Settlement

Please complete this action as quickly as possible. The whole process has taken too long. Whichever way it goes is fine with me, just end this legal mess quickly.

Thanks.

MTC–00025052

From: John Carothers
To: Microsoft ATR
Date: 1/25/02 5:59pm
Subject: Microsoft Settlement: split the company

Greetings-

I am writing to ask that you deal severely with Microsoft in the settlement process, as they clearly are a monopoly. Their market share of operating systems must be well over 90%. If that isn't a monopoly what is? This has been the case for over a decade. If that isn't a monopoly what is? They have unfairly come to dominate the web browser market as well with hard-ball tactics, yet many who have suffered dare not criticize them lest they suffer further. If that isn't a monopoly what is?

Please bring competition to the market—don't let them ''pay'' by giving away their software free and thus further establishing their monopoly. Split the company up!

SIncerely,
john carothers
Dr. John H. Carothers
Biology Instructor
Cabrillo College
Aptos, CA

MTC–00025053

From: Wayne Minor
To: Microsoft ATR
Date: 1/25/02 5:00pm
Subject: Microsoft Settlement

I wish you would stop harrassing Microsoft. I use their products because they are the best value for the money. If you ask me, Apple is a monopoly— you can only use their software on their hardware. But if apple was so good, everyone would use it. Anyway, I think my Justice department has better things to do than try to bring down microsoft. God bless america, you can build a company from nothing to something, and then your enemies can whine to the government to bring you down. Netscape lost out by having a poor product. Oh well.....

Wayne Minor
Alcoa, TN 37701

MTC–00025054

From: Donna Aldinger
To: Microsoft ATR
Date: 1/25/02 5:00pm
Subject: microsoft settlement
4074 N Gelding Drive
Prescott Valley, AZ 86314
January 18, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing to express my opinion about the recent settlement in the antitrust case between the US Department of Justice and Microsoft. First, I do not think my rights as a consumer have been infringed upon. Second, I think that Microsoft has not acted as a monopoly. They have consistently delivered quality products and have not taken unfair advantage of pricing.

Microsoft has agreed to terms that go beyond the issues in the lawsuit. Microsoft must disclose internal interfaces and protocols within Windows, as well as grant computer makers broad new rights to configure Windows to actively promote non-Microsoft products. Microsoft has agreed to the terms in the settlement to bring a close to the litigation. The settlement is in the best interests of the IT sector, the economy, and the public. The alternative is further litigation that is costly to our nation.

Please finalize the agreement and close the case as soon as possible.

Sincerely,
Donna Aldinger

MTC–00025055

From: Julian Dwyer
To: Microsoft ATR
Date: 1/25/02 5:01pm
Subject: Microsoft Settlement

To whom it may concern:

I am writing to voice my thoughts on the Microsoft antitrust case. It seems amazing to me that the punishment for Microsoft, who has acknowledged monopolizing the marketplace with their operating systems and their browser, is for them to supply schools with grants and more computers with their OS and browsers on them. What has become of the Judicial Branch of the United States ?!?! How is this compromise acceptable? Why is it the AT&T has to split up based on government and Federal Court rulings, when they as far as the public knows were not as manipulative in their business practices as Microsoft?

As I write this email, I am using Microsoft software— because it is what Microsoft dictated to Apple that it made the default software. It is good software, but there are several other software vendors that make great email clients that will never be popular because they don't have the muscle of a giant like Microsoft, and can't get a foothold into the market because of that lack of power. I am an avid user of the Apple Macintosh. My entire office uses Apple products. Most of my friends do. We use it because it is a better computer, a better operating system. We use Office for Mac because EVERYONE else uses it— and we need to share files with our clients. If it were up to me, I would probably still use Word— although there is scant competition on the Mac platform, because it is a good product. At least I would have made that choice based on myself and not what I was forced into, as we are now. That it the difference.

The Court has a major role to play in it's rule in delivering a verdict that is amenable to the American people. We have already been disappointed in the Court's deciding of the Presidential Elections. Bear in mind, that I am neither Liberal nor Conservative, Democrat nor Republican. I am, like many Americans a believer in the ''American Way'' and always searching for Truth and Justice—in its purest form.

Microsoft will never change its business practices unless the Government of the United States, in particular the Department of Justice, does something that ensures that the American people have a choice, a real choice. Do what's right, stop the monopoly. Punish them justly and accordingly.

Thank you,
Julian Dwyer,
Senior Art Director
AD-TECH Communications, Inc.
215 S. 21 Avenue
Hollywood, FL 33020
Tel: 954.923.1600
Fax: 954.923.9005
http://www.medadtech.com

MTC–00025056

From: Stewart Jenkins
To: Microsoft ATR
Date: 1/25/02 5:01pm
Subject: Comments for **Federal Register**

From Webster's Revised Unabridged Dictionary:

Punishment \Pun'ish*ment\, n. Severe, rough, or disastrous treatment. [Colloq. or Slang] 2. Any pain, suffering, or loss inflicted on a person because of a crime or offense. 3. (Law) A penalty inflicted by a court of justice on a convicted offender as a just retribution, and incidentally for the purposes of reformation and prevention.

As defined, Microsoft has not been punished as a result of being found guilty. Microsoft was found guilty of violating both sections 1 and 2 of the Sherman Act. It is unfathomable that the winner in a case, the United States government, would attempt to promote a compromise for the punishment. There is no compromise in punishment. Microsoft lost. They are to be punished.

Justice will not be served by hastening a decision that will affect the people of this country or the security of this country and the world. Microsoft should not be allowed to use the events of September 11 to maintain their illegal monopoly under the guise of ''national security''. Expediting a settlement will have no effect on defeating Al Qaeda. Allowing Microsoft to maintain its illegal monopoly, as has been suggested by the proposed settlement, will be to the detriment of our nation's security. In late December

2001, the FBI's National Infrastructure Protection Center warned the American public that using the Universal Plug and Play feature of Windows XP would allow an attacker to execute any commands and take any actions they choose on the victim's computer. Other vulnerabilities exist and are listed on the FBI's web site. Using

Microsoft products actually pose a national security risk. A thoughtful, deliberate punishment should be delivered to Microsoft, expediency be damned. Microsoft's monopoly must not be allowed to continue. The only acceptable punishments should include forcing Microsoft to publish their file format standards. Microsoft Word is the most common word processor used. Once you have a grammar checker, a spell checker, multiple fonts, a graphics processor/ importer, tables, frames, collaboration features and colored text, then what else is there to exploit? Yet, Microsoft introduces a new version of Word every year or so, its sole purpose being to make the previous version obsolete by changing the file format, or the way the text is stored on a computer. If I write a book using Microsoft Word 2000 and save it to a recordable CD, then I carry the CD to my publisher for publication of my book, I must be sure he can read it on his computer. If he only has a license for Word ''97, he can't open the file my book is stored in. The file format changed from 1997 to 2000, even from 1999 to 2000. Text is text, yet at Microsoft's discretion, I cannot use my own creation unless I maintain a Microsoft licensed product. Pretty powerful company, in that they can control how I might access my own intellectual property. Yet a common, or published file format can always be accessed. Others can program competing products to make it possible for me to access my intellectual property on Microsoft operating systems or other operating systems. Microsoft has all the control now.

If anyone thinks Microsoft doesn't want to control the majority of the internet, they haven't been keeping up with the computer industry over the last ten years. Microsoft should be required to publish all current and future internet and networking protocols. If Microsoft does to networking protocols what it has done to document file protocols, we are only a few years away from their being able to control all internet access via their own protocols. They will have a hand in every transaction that takes place over the internet. No money will change hands, no commerce will exist unless Microsoft says so, via their control of the protocols used for internet commerce.

The ability to buy an off the shelf computer system without Microsoft Windows for a lower cost than with Windows should be possible. It currently is not possible. Microsoft operating systems are installed on all consumer grade IBM PC compatible computers. I pay for Microsoft Windows whether I plan to use it or not. If the operating system was sold as off the shelf software, just as all other off the shelf computer software, the customer could then make an informed decision about which operating system would best suit their needs. This would also prevent Microsoft from creating pre-load deals with manufacturers. The customer would commit to the cost of the operating system as a conscious act. Those that don't wish to use Windows could choose an open source or other commercial operating system and would not be forced to pay a Microsoft tax by buying a pre-installed version of Windows that they never planned to use. I currently have licenses for several Microsoft products that I have never used because I could not buy the computer without them. Why do I have to pay this cost? Because Microsoft says I do. —

Stewart Jenkins
Rt.2 Box 147G
Gladewater, TX 74647

MTC–00025057

From: Erick (038) Vielka(a)Home noSpam
To: Microsoft ATR
Date: 1/25/02 5:03pm
Subject: Microsoft Settlement

To the DOJ

As a concerned citizen and a person who makes a living with computers I feel an obligation to send you a comment on the Microsoft settlement. To the point, It is unjust. Microsoft was found to be a predatory monopoly. They still will admit no wrong. Their track record shows that they will not abide by the letter or spirit of this settlement. You seek to place certain people as ''watchdogs'' over Microsoft yet you cripple them with non-disclosure. Personally I am not a big fan of breaking up Microsoft. However letting them retain all of their code as secret and sacred without prohibiting them fro adding additional ''functionality'' is a free ticket for more them to continue as they always have. At the very least you must force them to document and disclose their api's this one action will allow others to start to compete on a fairer playing field. What your about to do is sentence everyone to continue to be unable to start to provide an alternative and build a business on it. Microsoft claims that Linux is competition. In many ways this is almost true. However because of Microsoft's history of co-opting creative peoples work changing it just enough and then adding a feature to their os the Linux community has been forced to adopt the GNU license. This means that most development is done for love and not money. This issue frightens many companies that would like to develop and market software to stay away. Microsoft will either steal their idea and put them out of business change their API's to not work with your software and cause you millions in bad press and development. Thanks for listening, please stop this embarrassment of a settlement from going forward. It is anti-competitive, it allows Microsoft to continue all of it's illegal practices, and it is plain unjust.

Sincerely
Erick Jones

I am a registered voter, I do vote, And I have a long memory

MTC–00025058

From: Stacey Barrett
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 4:56pm
Subject: microsoft settlement

It seems obvious that this settlement is not going to solve the problem of Microsoft's monopolizing ways. If anything, it just seems that justice can be bought. THIS SETTLEMENT IS A BAD IDEA!

MTC–00025059

From: arthurguay
To: Microsoft ATR
Date: 1/25/02 5:04pm
Subject: Microsoft Settlement

I spent the majority of my professional career in the nuclear industry (feed materials, plutonium and tritium production) working for AEC prime contractors. As the PC made its debut, we all had the opportunity to test the software developed by Microsoft. Did we like it? You had better believe it! The early word processing and data base programs were a delight. As we moved into retirement, the Microsoft software was even better and we are all in unamimous accord that we wish Microsoft had come to us sooner.

Don't stifle progress. Support Microsoft for what they have contributed to our society ; for what they have done for our kids and grandchildren and others'' parents and grandparents.

It seems the major opponents to Microsoft's success are its competitors who can't compete with Microsofts'' capability and ingenuity.

Arthur E. Guay
Reno, NV.
(775) 852 1074

MTC–00025060

From: adauria@colesys.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:03pm
Subject: Microsoft Settlement

As an IT profession and technologist I strongly object to the government's persecution of an industry leader. Our industry naturally determines a dominant player in a partcular area. Nonetheless, it is very competitive without the overbearing hand of government because of the rate at which technology moves and new dominant players are selected.

Leave Microsoft alone. The case is wrongly motivated (unfairly protecting competitors and hurting consumers) and will only hurt the industry and the American economy.

MTC–00025062

From: bob@bob.usuhs.mil@inetgw
To: Microsoft
ATR,bob@bob.usuhs.mil@inetgw
Date: 1/25/02 5:03pm
Subject: Microsoft Settlement

As a programmer for 30 years, a University professor for 20 years, and now as a faculty member in a department of Medical Informatics, I would like to comment on the Proposed Final Judgment (PFJ) in United States v. Microsoft. I know that many of my collegues have written to you with detailed explanations about how the PFJ will allow Microsoft to continue to exercise effective anticompetitive conduct that continues its monopoly. I have read some of them. They are accurate and well argued. I urge you to read the message sent to you by Dan Kegel.

I strongly support his view. Much of the PFJ has been crafted in such a way that it allows Microsoft to get around most restrictions, and many important restrictions are missing altogether.

A software engineer can see this where perhaps a lawyer cannot. For one small but potent example, nothing in the PFJ requires Microsoft to release information about file formats. Note that undocumented Microsoft file formats form part of the Applications Barrier to Entry (''Findings of Fact'' paragraphs 20 and 39). Why was this omitted?

There are more agreggious problems with Microsoft's behavior that are not addressed by the PFJ. For example, Microsoft ''encourages'' rumors that WINE, a program that runs under the Linux operating system and allows Windows programs to run under Linux, violates Microsoft Patents. Just what patents those may be has never been revealed, but this rumor has cut off funds and development that would have gone to the support of the WINE project. Microsoft does not promote the best technology.

It innovates by buying up it's competition when it can, and by overwhelming it's competition with inferior substitutes packaged with Windows.

The Proposed Final Judgement is not in the public interest and should not be approved without substantial repair.

Dr. Robert Williams

The opinions expressed herein are those of the author and are not to be construed as representing the USU, the DoD, or the U.S. Government in any way.

MTC–00025063

From: Rob LaRiviere
To: Microsoft ATR
Date: 1/25/02 5:04pm
Subject: My Opinion,

My Opinion,

MFST is still allowed to create new interfaces or modify existing interfaces in thier operating system before release without publication. This allows all internal applications, like Office apps, to utiltize these interfaces before anyone else has access... Giving the applications done by MFST a head-start.

Rob

MTC–00025064

From: David Cole
To: Microsoft ATR
Date: 1/25/02 5:02pm
Subject: Microsoft Settlement

I think the proposed settlement is a veeeeeeeeery bad idea

It makes Microsoft's bad biz practices profitable.

It doesn't prevent bad behavior, anymore than another promise from a fox to not eat any more chickens.

David Cole
Concerned U.S. citizen
CC:0 David Cole

MTC–00025065

From: Sandy W
To: Microsoft ATR
Date: 1/25/02 5:05pm
Subject: Microsoft Settlement
Sandra Walker
229 Lee Street
Rock Hill, SC 29730
January 23, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

The reason for this correspondence is to express my support of the settlement reached in the Microsoft antitrust case and to state I believe you should do likewise. For far too long Microsoft has been coerced into court, spending millions that it could be using to build better products and create jobs.

The settlement reached will give computer makers broad new abilities to offer non-Microsoft products, either as separate operating systems or as components on Microsoft operating systems. This settlement will actually give competitors new advantages against Microsoft. Unbelievably, competitors still are condemning this settlement because they want something that is much more detrimental and unfair for Microsoft.

I strongly urge you to support the settlement that is available in this case and to repel those interests that want to derail it.

Sincerely,
Sandra Walker

He who ignores discipline comes to poverty and shame, but whoever heeds correction is honored.Proverbs 13:18, NIV

MTC–00025066

From: arctophile@msn.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:05pm
Subject: Microsoft Settlement

I wish to strongly defend Microsoft's actions in the marketplace and encourage those involved to minimize if not eliminate the penalties being assigned to Microsoft in the current settlement being proposed. Thank you for your time and attention.

Adam Schmidt
WebTone Technologies
Atlanta, GA
CC:arctophile@msn.com@inetgw

MTC–00025067

From: david shaner
To: Microsoft ATR
Date: 1/25/02 5:06pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am writing regarding the Microsoft Settlement.

Before getting some things off my chest I want to say that the Settlement penalizes Microsoft far more than either is necessary or deserved. If in the end you decided that Microsoft has to much say in contracts then your Settlement is more than enough to correct the situation and so just get the thing done. It is enough. The truth is that the case was never about Microsoft having too much power or even a monopoly; this case was never about truth or justice or even law. This case was always about a few competitors (for the most part competitors who were largely unaffected by Microsoft's contracts with OEMs) abusing the power of the state to protect markets, their overinflated prices and generally prevent Microsoft from competing with them. The law and the American legal system were used as a tool to attack and attempt to destroy a competitor. I cannot tell you how disgusted I was to witness what occurred in this case. What was evidenced is that law in this country is handmaiden to powerful politicians and popular culture. I hope to God I never get dragged into a court of law in this country because the truth is that if the judge doesn't like me the truth won't matter; the truth is that if there is political gain to be made by hanging me, the truth won't matter and I will be hung. Nine states have not agreed to the settlement because Scott McNealy and Larry Ellison and their ilk don't want the states to settle. Nine states have not agreed to the settlement because a few self-serving politicians think they can gain more power by not settling. There is absolutely nothing in their decisionmaking about an adequate settlement or a settlement that best serves consumers. Please salvage some respect for American Law and our justice system. Please show that antitrust law is at heart for consumers not for the few corporate creeps to hide behind when their ineptitude leaves their companies in danger of failing. Please just get the current settlement signed.

Sincerely,
David J. Shaner

MTC–00025068

From: Dan Rose
To: Microsoft ATR
Date: 1/25/02 5:06pm
Subject: Microsoft Settlement

To whom it may concern,

I am writing to express my dismay—or more accurately, utter disbelief—at the Justice Department's proposed settlement in the Microsoft antitrust case. I urge you to reconsider.

The essential problem with the settlement is that it offers no punishment for the years of antitrust violations found by three federal judges. It offers only some weak guidelines for future behavior. This is equivalent to having a trial for a bank robber, finding him guilty, and then sentencing him to being nicer next time he robs a bank.

I have been working with computers and as part of the computer industry for over twenty years. I have been a programmer, a student, a researcher, a manager, and the Chief Technical Officer of a company. I have worked for Fortune 500 companies and 3-person startups. I have a Ph.D. in Computer Science. I have used all sorts of computer operating systems dating back before Windows even existed. I have used the Internet for years, long before the World Wide Web was created. So I think I have a pretty good perspective on how the industry has changed, and what role Microsoft has played in those changes.

Microsoft has portrayed itself, through advertising (as well as a fake letter-writing campaign) as an innovator flourishing in the free market. This simply flies in the face of the facts. Nearly every one of Microsoft's so-called innovations was either purchased from someone else or simply copied. In the latter case, the true innovators were then put out of business through Microsoft's illegal monopolistic practices.

Here are just a few examples, known to even the most casual student of computer history. Which of these innovations came from Microsoft? MS-DOS, the operating system Microsoft provided for the original

IBM PC? No, that was created by Seattle Computer Products. It was originally called QDOS (for ''Quick and Dirty Operating System'') and was hurriedly bought by Microsoft after Bill Gates learned that IBM needed an operating system for its new PC. Gates told IBM that he had an operating system, then quickly went and bought one. The spreadsheet? No, that was VisiCalc, invented by Software Arts and later perfected by Lotus's 1–2–3.

The modern word processor? No, there were many others, such as WordPerfect, before Microsoft Word.

The ability to network PCs? No, Novell and Apple did that long before Microsoft.

The graphical user interface? Hardly; SRI, Xerox PARC, and Apple all developed the ideas that Microsoft used in Windows. The Internet Explorer web browser? No, that was licensed from Spyglass, the company that commercialized the original version of an earlier browser called Mosaic, which was itself developed at a government-funded research center.

In fact, every one of those innovations was invented by another company and was available to consumers before Microsoft was involved. Microsoft's primary contribution to the computer industry has been in putting the true innovators out of business. It's gotten to the point where entrepreneurs avoid certain markets entirely because they fear the wrath of Microsoft.

I am a capitalist, and I believe in the free market. Yet I also believe that when a company tilts the playing field by ignoring the laws that others are following, it must be held accountable. No one can bring back the many companies Microsoft put out of business. But if Microsoft were held financially responsible for the damage it has done, and made to give back its ill-gotten gains, then there would be an explosion of new innovations that would benefit all of us.

Sincerely yours,

Daniel E. Rose

MTC–00025069

From: Paschke, Kellie
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 5:08pm
Subject: microsoft settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street, NW, Suite 1200
Washington, DC 20530–0001
Re: Comments Submitted in Support of the Proposed Microsoft Settlement Agreement

Dear Ms. Hesse:

As Chair of the Iowa House of Representatives Judiciary Committee, I can appreciate how difficult it was to reach a proposed settlement in the Microsoft antitrust litigation. I am pleased to add my voice in support of that settlement, not because I agree with the entirety of the case or every single aspect of the agreement, but because it is time to move on. If accepted by the Court, this settlement will allow Microsoft and its competitors to continue the amazing innovation that has defined the past twenty-plus years while also defining the direction of the government's role in the high-tech industry.

Please continue to urge the Court to accept this settlement, because to do so will bring more certainty to an area of the law that can ill afford to be without it.

Sincerely,

Chuck Larson

MTC–00025070

From: register@washingtonpost.com@inetgw
To: American Atr,Microsoft ATR,ASKDOJ,president@whiteh...
Date: 1/25/02 5:08pm
Subject: A washingtonpost.com article from leederone1@yahoo.com

You have been sent this message from leederone1@yahoo.com as a courtesy of the Washington Post (http://www.washingtonpost.com).

SO, WHAT DO YOU HAVE TO SAY ABOUT THESE BACKHANDED DEALINGS! THE PEOPLE DESERVE AN ANSWER TO THIS!!!!

To view the entire article, go to http://www.washingtonpost.com/wp-dyn/articles/A34746–2002Jan24.html Group Faults Disclosure of Microsoft's Lobbying

By Jonathan Krim

Microsoft Corp. and the Justice Department failed to make key public disclosures in connection with their proposed settlement in the company's antitrust case, an organization of antitrust lawyers and academics has charged. In a complaint filed yesterday with the federal judge handling the case, the American Antitrust Institute said Microsoft did not adequately report its lobbying activities about the agreement, as required by the federal law that governs antitrust settlements. Microsoft reported no conversations or contacts with members of the Bush administration about the agreement, except between lawyers who negotiated the deal, which are permitted. The disclosure law is designed to reveal any improper political pressure that might be exerted on the Justice Department on behalf of a company involved in legal action. Microsoft's report surprised many consumer groups and Microsoft opponents, who have watched the software giant spend upwards of $5 million a year on lobbying in Washington. In particular, Microsoft did not disclose any congressional lobbying in connection with the agreement. The company has said it is following precedent in other cases, in which only contacts with the executive branch have been reported under the law, known as the Tunney Act. The antitrust institute, which opposes the settlement, believes this interpretation violates the law, and hopes the judge will enforce it now. ''The Tunney Act is supposed to be a meaningful statute, providing meaningful disclosures that will inform the public so that it can fully evaluate an antitrust settlement,'' said Albert A. Foer, president of the organization. ''In this, the most important antitrust case of our generation, it is essential that the process be adhered to with care and commitment.''

Microsoft spokesman Vivek Varma said the company's lobbying disclosure complies with the law and ''we are looking forward to court review of the settlement.'' But late yesterday the author of the law, former senator John V. Tunney (D-Calif.), filed an affidavit with the Justice Department saying Microsoft's disclosure violates the intent and letter of the act. ''Congress meant members of the Executive, Legislative, and Judicial branches of government,'' wrote Tunney, now a lawyer in Los Angeles. ''Congress specifically intended to cover communications by officers of a defendant corporation, lawyers of such corporation, lobbyists of such corporation, or anyone else acting on behalf of such corporate defendant. If I had not been satisfied this was the plain meaning of the statute, I, as the principal author of the legislation, would not have pressed the legislation through to final passage.'' In addition to its concerns over the lobbying disclosure, the antitrust institute argues that the Justice Department failed to adequately explain why it limited the agreement to certain sanctions and rejected others that had been pursued by prosecutors in the Clinton administration. Foer said the judge should not rule on whether the agreement is in the public interest until Microsoft and the Justice Department comply with the disclosure provisions. He also said the judge should extend the period for public comment. Microsoft questioned the motives of the institute, saying it has received contributions from Oracle Corp., a Microsoft rival. Foer said Oracle does not influence policy at the institute and is merely one of many companies and organizations that have contributed small sums to it pay its bills. The Justice Department declined to comment on the institute's complaint, which was part of a flurry of activity as the long-running Microsoft case enters a new and more complex phase. The 60-day period for public comment on the proposed settlement is scheduled to end Monday, and both Microsoft and its rivals have been feverishly preparing their views for submission to the court. Trade groups supported by each side have been attempting to generate grass-roots support. In one incident, a telemarketing firm representing pro-Microsoft forces accidentally called one of the leaders of an anti-Microsoft coalition. Gauging public sentiment is difficult, however, because the Justice Deartment so far has declined to make the comments public. A department spokeswoman said past procedures dictate that all the comments must first be collected, and department responses drafted, before the material is submitted to the court and made public. The Justice Department has until the end of February to respond to the comments. After that, it will be up to District Court Judge Colleen Kollar-Kotelly to rule on the settlement. Meanwhile, however, she is scheduled to begin separate hearings on March 11 into whether tougher sanctions should be imposed on the company for violations of antitrust laws. Nine states and the District of Columbia balked at signing on to the federal settlement deal, and are pursuing the case on their own. And this week, AOL Time Warner sued Microsoft directly, seeking damages for its Netscape subsidiary, which was found by courts to have been hurt by anti-competitive acts by Microsoft.

MTC–00025071

From: bobby_fine@entersolve.com@inetgw
To: Microsoft ATR

Date: 1/25/02 5:09pm
Subject: Microsoft Settlement

I am pleased that this is finally coming to an end. We have better things to spend our time AND money on.

Unfortunately, AOL has decided to continue this pursuit. My honest opinion is that Netscape lost its market share because they would not create a browser that complied with standards and ended up frustrating users.

CC:bobby_fine@entersolve.com@inetgw

MTC–00025072

From: Jason Bailey
To: Microsoft ATR
Date: 1/25/02 5:08pm
Subject: Microsoft Settlement

I think that the Microsoft settlement is a bad idea. As a computer user, software developer, and American citizen, I am very unhappy with the terms of the settlement—they are easily met with little financial impact or effect on the way Microsoft operates.

—Jason Bailey

MTC–00025073

From: Lewis Kopp
To: Microsoft ATR
Date: 1/25/02 5:09pm
Subject: Comments on the Microsoft Anti-Trust Settlement

To Whom It May Concern:

I have been involved with computers since the late 70's, having built a MITS Altair 8800 computer, bought an Apple][in '79, and used everything from: a Kaypro ''portable'' computer that weighed around 25 pounds; DEC PDP–11/23's & 11/73's; DEC Vax and Alpha computers, Apple Macintosh computers, various brands of PCs (I was the micro-computer specialist for the Cleveland VA at one time); and so on. Up to the current PC's with Intel Pentium 4 processors and Macintosh G4s. I even have a paper tape backup of MITS Basic that, I believe, was the first product that Bill Gates wrote and sold.

That paper tape also represents probably the last thing the Bill Gates wrote and originated. Since that point he has made use of his true genius as a marketing person and knowing what products to buy or copy to take Microsoft to the point where it virtually totally dominates the market. The courts have finally admitted what most people in the industry with an ounce of common sense have known for years—that Microsoft was, is, and with the current, proposed settlement will always be—a monopoly.

Better products that Microsoft couldn't buy have been slaughtered in the market place by Microsoft's overwhelming advantage of writing both the operating system AND the primary business applications used under that operating system. Microsoft has NEVER had the best operating system, they have simply have one that is generally adequate along with a set of applications that are pretty good. But this combination and their marketing muscle have led to them dictating terms to businesses around the world. Due to the need for data compatibility between computers, people have been forced to use Microsoft products—whether they wanted to or not.

The proposed settlement largely ignores reality and the way people and companies actually work. When a manager's salary depends on how many employees he manages, it is not likely that he will ever pick a product that would reduce the need for his employees. Consequently, Microsoft products are picked and Information Systems departments (especially the support departments) continue to grow. Along the same lines, consultants will rarely recommend a product that would not require them to come back and help train and maintain it. These realities mean that the proposed settlement is largely a farce and will not in any way curb Microsoft's anti-competitive practices. This is evident in the release of the latest version of their operating systems, Windows XP. Now users will basically be required to have an internet connection so that they can register their copy of XP. And this isn't just the first time they use it! No, they have to do this if they make too extensive of a modification to their computer—whether due to upgrading it or replacement of defective components as well as on a yearly basis. And the yearly registration isn't free! Sure, they get upgrades installed automatically during the year, but the upgrades get installed whether or not they want them! As a software engineer, I know that this is likely to be a nightmare for anyone who uses XP. User: ''The computer was working fine yesterday, but now it won't work. I didn't change anything so what happened?'' Tech: ''Well, there's a problem with the latest update of XP for your particular model of computer. That update was installed automatically when you logged onto the internet this morning.'' Microsoft's new initiatives for copy protection of music and movies is yet another example of them using their dominance to dictate terms to the public and businesses. In this case, they may have some assistance from shortsighted Hollywood executives who will do anything they can to make it impossible for the average person to make fair use of music or videos that they buy, even though it doesn't prevent a determined professional from making copies that they can then bootleg and who represent the vast majority of illegal copies.

Personally, I believe that Microsoft should be split into at least two companies—one systems software and one application software. The two companies should not be allowed to deal with each other anymore closely than either would with a third party company. This sort of solution would bring competition back into the marketplace instead of letting Microsoft continue on as they have in the past—which is what they did after the previous settlement and is what they will do if the proposed settlement is put into place. As a secondary issue, the monitoring process proposed would be a waste of taxpayer money as well as being totally ineffective. I urge that the proposed settlement be rejected and one put in place that will prevent the abuses that Microsoft has been perpetuating for so long! The courts have ruled that Microsoft is a monopoly. They should be treated as such and broken up.

Sincerely,
Lewis Kopp

MTC–00025074

From: Rusty Carruth
To: Microsoft ATR
Date: 1/25/02 5:10pm
Subject: Microsoft Settlement

The proposed settlement falls far short of the minimum needed to address the violations of law, while it is a good start. One concern I have is related to the following story: http://www.linuxworld.com/site-stories/2001/0820.austin.html which, among other things, says:

''There is an insidious aspect to a citywide, multi-year plan. It locks users into Microsoft products only. While the Enterprise Agreement doesn't specifically prohibit the use of other products, effectively it does. It's logical to assume that if you're paying for MS Exchange for three years why allow a department to consider an alternative. (Microsoft makes hay of this point in a Word-formatted white paper extolling the Enterprise Agreement.)''

Motorola has apparently entered into one of these Enterprise Agreements with Microsoft, and from the way they (Motorola) are acting, it appears that the no-non-Microsoft-software effect may be more than just a side-effect, as Motorola is on a massive effort to REPLACE perfectly working non-windows (and free) mail (and other) tools with Microsoft's versions. Against the strong objections of those whose tools are being replaced. This indicates to me that Microsoft has made little, if any, change to its behavior. This behavior has resulted in the practices which were found to be in violation of the Sherman Act.

Also, since Microsoft has used ''middleware'' to keep its operating systems monopoly, especially Internet Explorer, it seems that any kind of just settlement must include at least one, and possibly more, of the following remedies:

(1) disallow Microsoft from developing, selling, or buying companies which develop or sell middleware (for a period of, say 7 years from the date of the settlement, after which the limitation will be reduced) (note that this includes .net);

(2) place Internet Explorer in the public domain or otherwise remove it from the suite of Microsoft tools;

(3) place Windows in the public domain or otherwise separate it from the non-OS offerings of Microsoft;

(4) require Microsoft to establish a fund, from which half of the cost of developing/porting software to non-Microsoft operating system(s) would be paid, to a maximum of $500,000 payment. This fund should have some amount of cash up front, with some percentage of Microsoft OS sales price being placed into the fund for some period of years (for example, 10% of the customer sales price would be put into the fund, paid by Microsoft on a quarterly basis, for the next 7 years).

(5) require Microsoft to become more than one company. In any case, the proposed remedy does not adequately address the misdeeds of Microsoft, nor does it even begin to redress the wrongs promulgated against the computer-using public.

I am a computer professional. I write software on Unix systems, and I have been

directly (and very negatively) affected by Microsoft's predatory practices.

Please note that I also support and strongly agree with Dan Kegel's Open Letter, which I will be a cosigner of.

Thank you very much

Rusty Carruth

Rusty E. Carruth Email: rcarruth@Tempe.tt.slb.com or rcarruth@slb.com

Voice: (480) 345–3621 SnailMail: Schlumberger ATE ———

FAX: (480) 345–8793 7855 S. River Parkway, Suite 116 \e/

Ham: N7IKQ @ 146.82+,pl 162.2 Tempe, AZ 85284–1825 V

ICBM: 33 20′ 44″N 111 53′ 47″W http://tuxedo.org/~esr/ecsl/index.html

''Why would anyone choose a tool that is the primary virus vector of the known universe?''—me

CC:rcarruth@tempe.tt.slb.com@inetgw

MTC–00025075

From: GP
To: Microsoft ATR
Date: 1/25/02 5:09pm
Subject: An open letter concerning the Microsoft Anti-trust settlement

To whom it may concern:

I am categorically and diametrically opposed to any settlement with Microsoft corporation that:

1. Fails to severely punish Microsoft for its crimes, and

2. Does not apply the strongest remedies available to prevent those crimes from reoccurring

You must make absolutely certain that Microsoft is forever prevented from ever again using its ill gotten market dominance and vast cash reserves to stifle fair competition and innovation in the U.S. computer industry. The damage already done has been great, but make no mistake—this company continues to use the same methods today that initiated this case. From all indications, it will continue to do so until strong legal action is taken to stop it.

History will look back on this critical case and harshly judge whether our judicial system succeeded or failed when faced with such incomprehensible wealth and corrupting power. If you do not stop Microsoft at this time—and the hour is very late indeed—it will soon complete its stranglehold on all areas of the U.S. computer industry including the Internet and beyond and thus destroy the last great competitive advantage our country retains in the world market. History has clearly proven such rogue monopolies to be intrinsically the enemies of our democracy and free market system. Let this duly convicted criminal monopoly know you recognize it for what it truly is.

Highest regards,

Gary Piland

CTO, VP Interactive

Callahan Creek, Inc.

CC:Gary Piland,skeene@callahancreek.com@inetgw,tjohns...

MTC–00025076

From: FJ660@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:11pm
Subject: Microsoft sttlement
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania,NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to you today to voice my opinion in regard to the settlement that was reached between Microsoft and the government in November of last year. I feel that this issue has drawn on long enough and that it is time to end this dispute permanently. I support this settlement.

Microsoft has pledged to disclose more information with other companies, such as certain internal interfaces in Windows. Microsoft has agreed to make available any protocols used in Windows operating system that are used to interface with any Microsoft server. These provisions will make it easier for companies to compete. Additionally, Microsoft will agree to be supervised by technical oversight committee created by the settlement.

This settlement will enable Microsoft to get back to the business of technology. I support the settlement, and believe it should be implemented as soon as possible.

Sincerely

Fred Jimeian

MTC–00025077

From: Bud Graham
To: Microsoft ATR
Date: 1/25/02 5:15pm
Subject: Microsoft Settlement

Gentlemen,

Why doesn't AOL wake up and smell the roses and try cooperation once instead of running to the courts.

The consumer would certainly benifit in the long run.

MTC–00025079

From: arthurguay
To: Microsoft ATR
Date: 1/25/02 5:14pm
Subject: Microsoft Settlement

I urge you to look in your own offices and see the proliferation of the ''BEST BUYS FOR YOUR MONEY'' on your desks and the desks of your interns, aids, and secretaries. What do you see? INTEL-PROCESSOR- POWERED-PERSONAL COMPUTERS WITH MICROSOFT SOFTWARE Why do you see this combination? You see it because you bought the best. YOU MADE THE BEST BUY! If you need further substantiation of your SMART BUYS, go to the Senate and House offices and you will find the same best-of-breed buys.

MTC–00025080

From: Helen Froyd
To: Microsoft ATR
Date: 1/25/02 5:15pm
Subject: Antitrust settlement between Dept of Justice and Microft

Sirs: This lawsuit has continued long beyond any reasonable time period. Probably because it should have been thrown out before it began. However at the present time the provisions for settlement go far beyond what you deserve and I urge you to accept the settlement without further delay.

Sincerely

Helen Froyd.

MTC–00025081

From: jbendo@att.net@inetgw
To: Microsoft ATR
Date: 1/25/02 5:14pm
Subject: Microsoft Settlement

I strongly feel that the government should settle this suit and get on with cleaning up the laws controling all industries and standardize regulation on all government department and their personal to assure that they enforce the laws to the benefit of the public not industry self interest.

John Bendokaitis

17182 Eastview Dr

Chagrin Falls, Ohio 44023

MTC–00025082

From: Terry Egan
To: Microsoft ATR
Date: 1/25/02 5:15pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html), namely:

The PFJ doesn't take into account Windows-compatible competing operating systems:

Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

The PFJ Contains Misleading and Overly Narrow Definitions and Provisions:

The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered. The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all. The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware. The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertised as being ''Windows Powered''.

The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs. The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft:

Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows. Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems. Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)

The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft:

Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

The PFJ allows Microsoft to discriminate against small OEMs—including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

The PFJ as currently written appears to lack an effective enforcement mechanism.

I also agree with the conclusion reached by that document, namely that the Proposed Final Judgment, as written, allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

Sincerely,
Terrence M. Egan
tegan@ix.netcom.com
Geodesic Tripoint
Cupertino,CA

MTC–00025083

From: joe985@hawaii.rr.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:15pm
Subject: Microsoft Settlement

Why is the government wasting their time and our tax dollars by letting AOL get away with this. As anyone wonder why AOL has to sue in order to compete? Could it be that Microsoft has a better product? I think so. I use IE because it is far better than Netscape.

AOL spends its time and money to gobble up all the smaller ISPs such as CompuServe. They want the competition to go away so they don?t have to compete in a free market. I know they are not using the money to improve AOL's infrastructure. I can tell you some horror stories about AOL and their poor service from my own experience and others.

I have always wonder why is Microsoft being accused of being a monopoly while a company such as AOL Time Warner is not considered a monopoly. IF AOL can not survive on it's own without help from the DOJ, then it should be allowed to fold due to it's own poor product and service.

Thank you for reading my views.
Lawrence Ohnheiser
Aiea, Hawaii

MTC–00025084

From: Joseph Kitchenman
To: Microsoft ATR
Date: 1/25/02 5:14pm
Subject: Microsoft Antitrust Settlement

Mr. Attorney General:

Please advise the competition of Microsoft to stop crying and build a better product! The market place will go with the winner and we all will enjoy their new and wonderful products, as we have done with Microsoft.

This is the American way of business.

When you rip off Microsoft we all lose.

Thank you.

Joseph Kitchenman

MTC–00025085

From: dweist@buckeye-express.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:17pm
Subject: Microsoft Settlement

End this now.

CC:dweist@buckeye-express.com@inetgw

MTC–00025086

From: Karl Klein
To: Microsoft ATR
Date: 1/25/02 4:10pm
Subject: Microsoft Settlement

Dear Ms. Hesse:

It would be a sad miscarriage of justice if the proposed remedy results in the elimination of the one market (education) where MS does not wield complete monopoly power.

The terms of this settlement are completely puzzling to me. How do the terms of this settlement compel Microsoft to change it practice(s)? Please revisit the terms of this settlement and be sure that it does not ''reward'' Microsoft with a complete monopoly in every aspect of computing—including education.

Respectfully submitted,
Karl W. Klein
Instructional Technology
Education Department
PO Box 2000
State University of New York College at Cortland
Cortland, NY 13045
kleink@cortland.edu
607.753.2444 (voice)
607.753.5976 (fax)

MTC–00025087

From: Paul Mugar
To: Microsoft ATR
Date: 1/25/02 5:17pm
Subject: Microsoft Settlement

2 Inez Street
Camarillo, CA 93012
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I understand the Courts will make a final decision at the end of this month on whether the proposed Microsoft settlement will benefit the public. I believe it's fine as long as Microsoft is left standing, when it's all said and done. If the nine states are allowed to overturn the agreement and move ahead with additional litigation, it could take another three years and billions in legal expenses all incurred by the consumers and the taxpayers. How is that a benefit? Microsoft has agreed to not enter into any agreements obligating any third party to distribute or promote any Windows technology exclusively or in a fixed percentage, subject to certain narrow exceptions where no competitive concern is present. The Company has also agreed not to enter into agreements relating to Windows that obligate any software developer to refrain from developing or promoting software that competes with Windows. From this one could see that Microsoft is more than willing to cooperate in order to resolve this issue.

I urge you to end this now. No more action should be taken at the Federal level.

Sincerely,
H. Mugar
cc: Representative Elton Gallegly

MTC–00025088

From: rbf
To: Microsoft ATR
Date: 1/25/02 5:25pm
Subject: Microsoft settlement

To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Subject: Microsoft Settlement

Dear Ms Hesse,

I would like to comment on the Proposed Final Judgement pursuant to the Tunney Act. The settlement does not deal with software incompatibilities introduced by Microsoft to impair competing products, or with their corruption of open standards to the same end. This has been a favorite anti-competitive tactic of theirs, which they have the temerity to call 'innovation'.

The definitions of ''middleware'' & ''API'' are excessively narrow, permitting Microsoft to evade them with semantic manoeuvres

such as calling a communication protocol an administrative protocol. It does not deal with Microsoft's continuing anti-competetive behavior since the original judgment, such as tying windows XP with .NET. It allows Microsoft to continue milking the public & frustrating competition by introducing undocumented changes in Office formats. It allows Microsoft to continue licensing practices intended to prevent competing products from being installed under their operating system. It relies on behavioral remedies which have in the past been quite ineffective with Microsoft, who simply disregard any agreements to cease their deprecated practices .

I have been a software practitioner for over 25 years. In my experience, Microsoft are without peer in the shoddiness of their products. If they were required to compete on the merits, they would not enjoy their present monopoly, consumers would have reliable computing facilities, & the business world would not be spending $10 billion a year remedying Microsoft's cavalier disregard for quality.

While time is on the monopolist's side, & it would benefit the public to settle the case before Microsoft can extend its monopoly further, the proposed settlement is not in the public interest & should be rejected.

Thank you for the opportunity to comment.

—Rich Fuchs rfuchs@post.harvard.edu

Richard B. Fuchs
1117 Hamilton Ln.
Burlingame, CA 94010–3346
(650) 697 7214

MTC–00025089

From: S T
To: Microsoft ATR
Date: 1/25/02 5:19pm
Subject: Microsoft Settlement

To whoever reads this

My Opinion on this is that you are letting Microsoft off the hook. I completely disagree with letting them off because as both a user and a technical support person, I am sick and tired of dealing with their mess of overly integrated software. I feel that I have been forced to use Microsoft Operating systems, and product, do to Microsoft's Monopoly Why can't I run office on Linux?, Why do I have to spend hours pulling my hair out trying to fix a damaged system that could be easily fixed if I could remove unwanted pieces of the bundled software the installs with a Microsoft OS? I am getting more and more tied of them limiting how I can control my computer. If I was given a chose to run a Microsoft OS or a version of Unix/Linux I would run Unix, because it is stabler, more configurable, and I have the ability to replace any part of the system I want. Plus I can find what any part of the operating system does, because of how available information is on the subject. This isn't the case with Microsoft. I have purchased their technical manuals which for the most part are a joke, and have been getting worse as the years go by. This is a very short list of things that cause me problems, and I don't want to force who ever read this to go on and on. So to sum things up please force Microsoft to change currently they have control and the ability to kill off any one who gets in their way please stop this from continuing.

Thank you
Sam Taxis

MTC–00025090

From: Stanley A. Klein
To: Microsoft ATR
Date: 1/25/02 5:20pm
Subject: Microsoft Settlement

In my view, Microsoft has used a large number of approaches in maintaining its monopoly. The proposed settlement essentially gives Microsoft a government-endorsed license to continue using many of these approaches. Two issues that I will address are the business model apparently assumed by the proposed settlement and Microsoft's use of its office application proprietary data formats as a means of maintaining its monopoly. Implicitly Assumed Business Model

The proposed settlement appears to implicitly assume that the basic business model of the software industry is the closed source model. Under this model, which is used by Microsoft and many other companies, the intellectual property in the software is kept as the proprietary property of the provider. Source code and much of the documentation are disclosed only under limited circumstances, generally involving payment of fees and execution of non-disclosure agreements.

Continued dominance of this business model in the marketplace is very much in the interest of Microsoft, and is especially reflected in the requirement of Clause (ii) of Definition N that defines a Non-Microsoft Middleware Product as one distributing at least one million copies a year. There is another business model, known as the free software or open source business model. (The term ''free'' in ''free software'' is in the sense of libre, not necessarily in the sense of gratis.) In this business model, the intellectual property in the software is dedicated to what Lawrence Lessig calls an ''innovation commons.'' There is no fee, royalty, or permission required for the right to obtain the source code, or to copy, modify, or distribute the software. The details, history, implications, and important public benefits of this business model are best explained (in terms understandable by legal professionals) in Lessig's book ''The Future of Ideas.''

According to numerous press reports, many public statements of its executives, and (in at least one case) an explicit provision included in a non-negotiable end user license agreement, Microsoft regards the free/open-source business model as a major potential competitive threat. The inclusion of clause N (ii) of the settlement allows Microsoft to refuse to provide rights under the settlement to products of ISV's who adopt the free/open-source business model.

For example, it may be almost impossible to determine how many copies of a free/open-source middleware product or software application are distributed in any given year. The software is freely copyable and redistributable by anyone. There is no license registration required under the free/open-source business model, and no other indication that a copy has been distributed unless the user has contracted for value-added services (such as warranty or support) from a particular distributor of the software. As a minimum, Clause N (ii) should be deleted. In addition, the entire settlement should be reviewed to ensure that none of its provisions allow Microsoft to withhold rights under the settlement from ISV's who are part of the community surrounding the free/open-source business model. In that community, a relevant ISV could be a single, technically-qualified individual who makes significant contributions of software to the innovation commons on a spare-time basis. This is reasonable, because software produced by such individuals is often used by millions of users. Office Applications

In my experience, one of the major approaches used by Microsoft in maintaining their monopoly is through their office applications, including Word (word processing), Excel (spreadsheet), Powerpoint (presentation slides), and Access (database). This approach would have been blocked had Microsoft been broken up as provided in the original decision of Judge Jackson. The break-up having been disallowed by the Appeals Court, there need to be provisions added to the settlement that block this approach. Microsoft maintains its monopoly through its office applications by using proprietary file formats that can only be properly interpreted or produced by Microsoft products that run only on Microsoft operating systems. I am an independent consultant in computers, communications, and management science. I have long preferred office applications produced by competitors to Microsoft. My preference is based on what I regard as the superior functionality of those products. However, when I wish to exchange documents with clients or with other participants in professional committees, I am often forced to use formats compatible with Microsoft office applications or to use the Microsoft office applications themselves. Attempting to use third party software with Microsoft proprietary formats often leads to difficulty, because Microsoft uses a variety of technical and legal measures to make it difficult for competing applications to interpret or produce documents in their proprietary file formats. As a result, it is very difficult for a user to avoid using Microsoft applications and Microsoft operating systems if the user desires to exchange office documents with other users. Examples of the measures used by Microsoft include making the formats for new versions of an office application incompatible with the formats of previous versions and prohibiting reverse engineering in their non-negotiable (''click-wrap'') end user license agreements.

To prevent Microsoft from using such measures, I believe that the settlement be amended to:

1.Require Microsoft to openly disclose all details of its proprietary file formats, and

2.Require review by the Court of all Microsoft non-negotiable end user license agreements to ensure that the terms and conditions of such agreements do not support maintenance of Microsoft's monopoly. To remedy the Microsoft monopoly will require an extensive period of transition during which users can be expected to use both Microsoft and competing office applications. The period of transition (and therefore the

duration of the settlement requirements) should run at least ten years.

Stanley A. Klein
Principal Consultant
Stan Klein Associates, LLC
P.O. Box 2523
Rockville, MD 20847–2523
301–881–4087

MTC–00025091

From: ESS Computers
To: Microsoft ATR
Date: 1/25/02 5:23pm
Subject: Microsoft Settlement
ESS Computers, Inc
1807 HWY 31 SW
Hartselle, AL 35640
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I would like to inform you that I believe that the settlement reached between Microsoft and the Department of Justice regarding the antitrust suit will be a benefit to the IT industry as a whole. The suit has delayed the progress of the technology sector, while along also slowing down the economy. The politicians that carry on litigation against Microsoft have continued to dig further and further into taxpayers'' pockets to fund their personal crusade. This must be stopped. Microsoft has agreed to not retaliate against any OEMs that may ship software that competes with the Windows OS. Microsoft has also agreed to the establishment of a three person ''Technical Committee'' that will monitor its compliance to the agreement.

It is time to put this suit behind us. We cannot go on depleting public resources for an issue that has come to a conclusion. All that remains now is that you make certain that the settlement is finalized, and Microsoft is allowed to return to doing what it does best: innovate.

Dinah Horner
President

MTC–00025092

From: Dennis F. Kahlbaum
To: Microsoft ATR
Date: 1/25/02 5:22pm
Subject: Microsoft Settlement

I will make this brief.

I am in total disagreement with this so-called ''settlement''. Microsoft has been rightfully convicted as being a monopoly, and therefore should be severely punished. This ''settlement'' is simply a slap on the wrist and will NOT change this company's predatory and dominating behavior. The DOJ has wasted years of effort, and money, if this ''settlement'' is adopted. I strongly urge the DOJ to reconsider its position and do whatever it takes to allow FAIR competition to return to not only the computer operating system market, but to whatever Microsoft decides to conquer next (PDAs, Gaming Consoles, etc.)

Thank you.

Dennis F. Kahlbaum

MTC–00025093

From: Harry Binswanger
To: Microsoft ATR
Date: 1/25/02 5:24pm
Subject: Comment on MSFT settlement

To whom it may concern:

I think any attack on Microsoft is unjustifiable. They have done nothing other than create and market software—which anyone is free to use or not, regardless. There's been no coercion and no charge of coercion against Microsoft.

It looks like they are being prosecuted for the ''sin'' of being ''too successful''—i.e., providing ''too much'' value.

No, I am not a Microsoft employee or stockholder—and I don't even like a lot of Microsoft's software. E.g., I use Netscape as my browser. And I use XyWrite instead of Word. Supposedly, I'm not ''free'' to do that—but I am. I am able to decide for myself.

Microsoft should be lauded for its success, not hobbled by government's coercive powers.

Regards,
Harry Binswanger, Ph.D.
President,
TOF Publications, Inc.
Harry Binswanger
hb@alum.mit.edu

MTC–00025094

From: Jerry Clabaugh
To: Microsoft ATR
Date: 1/25/02 5:24pm
Subject: Microsoft Settlement

''None of the people who run divisions are going to change what they do or think or forecast. Nothing.''

-Bill Gates, interview in The Washington Post on the 1995 consent decree, August 1995

''The practices Microsoft agreed to forgo had already served their purpose. Gates was right when he summed up the effect of the [1995] consent decree in one word: ''Nothing.''

-James Gleick, ''Making Microsoft Safe for Capitalism''

The present Consent Decree has many shortcomings which render it ineffective in ''unfettering the market from Microsoft's anticompetive conduct''. In particular, the Technical Committee, which has been characterized as a major concession by Microsoft, gives the proposed Decree the appearance of meaningful enforcement while moving the reality of enforcement beyond reach. These are some of the difficulties with the Technical Committee:

(1) The Committee has wide powers to look at documents and interview individuals, but has no power to cause Microsoft to behave differently.

(2) The information gathered by the Committee will be confidential, unlike information gathered in the past by the Justice Department, further complicating enforcement (B9).

(3) Since Microsoft appoints one of the first two members, and the third member will be appointed by the first two, Microsoft is permitted to establish a committee with a majority of members who have no interest in enforcing the consent decree, even if thay had the power to do so.

(4) The members are supposed to be individuals who are experts in software design and programming (B2), while they will also require expertise in antitrust law and history.

Even though the terms of the proposed Decree are very relaxed, Microsoft, if it remains under the same management and philosophy of the 1990's, will pay no heed to the proposed Decree. If the Decree is accepted, we will be in the same position as in 1996, with a decree in place, but no enforcement options beyond bringing yet another antitrust action.

It is my belief that breaking up Microsoft would be a bitter experience, full of dislocations for all those with an equity in Microsoft; managers, employees, stockholders, and customers. Yet when the antitrust action is brought yet again, the only reasonable remedy then will be a breakup. The only measure we can take now to prevent this outcome is to provide meaningful, effective enforcement in the current case.

The Committee only impedes the job of enforcement. The dissenting States'' proposal does include real enforcement terms, and is a preferable alternative to the proposed Consent Decree.

I have focussed on the Technical Committee, but the present Decree gives Microsoft the imprimatur of the Department of Justice to pursue many anticompetitive strategies. Reading the proposed Decree without context gives one the impression that it was the government that was found guilty of interfering with Microsoft's right to abuse its monopoly. If I have read the news accounts correctly, then it is instead the case that every federal judge who has had to evaluate the Microsoft's behavior (nine, to date) has found Microsoft guilty of abusing its monopoly. Why then, are there so many limitations and exceptions? Is Microsoft in such danger of being unfairly treated by law enforcement, when that enforcement has been vindicated again and again by the courts?

The proposed Decree unfairly limits the ability of the public to seek enforcement of antitrust law against Microsoft, and should therefore be discarded. Even a simple fine would motivate management at Microsoft to learn about the meaning of antitrust law, without limiting the rights of the public.

In addition, the proposed Decree does nothing to ''deny Microsoft the fruits of its violations of the Sherman Act'', as instructed by the Appeals Court.

The importance of implementing an effective remedy looms larger than ever before, since computer security is now an issue that needs very serious attention in the United States:

''In a report released this month titled ''Cyber Threats and Information Security: Meeting the 21st Century Challenge,'' the Center for Strategic and International Studies (CSIS) concluded that the government and the private sector should be concerned about the ''trustworthiness'' of future Microsoft products''

-cnn.com, December 29, 2000

''Gartner recommends that enterprises hit by both Code Red and Nimda immediately investigate alternatives to IIS, including moving Web applications to Web server software from other vendors, such as iPlanet

and Apache. Although these Web servers have required some security patches, they have much better security records than [Microsoft's web server software] IIS''

-Gartner Group, September 19, 2001

The fact that Microsoft's attitude toward security remains so casual, despite many high-profile security failures is an indication of the unhealthy effect of their monopoly power. In a competitive market, competitive pressure should have caused Microsoft to ''clean up its act'' with respect to security. Today, the United States cannot afford an unrestrained predatory monopoly in computer software.

Besides security, the other important reason to reject to proposed Decree and instead insist on real enforcement is economic: Microsoft's policy of extinguishing innovation that it cannot co-opt certainly has benefitted Microsoft and its investors, but threatens the larger United States economy.

The Microsoft monopoly and the consumer software market emerged simultaneously, so no one can say what the economic benefits of antitrust enforcement would be. I can only hope that the Court will give prosperity a chance.

I am in no way a competitor of Microsoft. Thank you for the opportunity to be heard,

Jerry Clabaugh
20 Magoun Street
Cambridge, MA 02140

MTC–00025095

From: wbergset@isd.net@inetgw
To: Microsoft ATR
Date: 1/25/02 5:25pm
Subject: Microsoft Settlement

This anti-trust suits against Microsoft are awful for our economy and for the consumer's. The only people that benefit are lawyers & Microsoft competitors that want to overcharge for their inferior products. I think the government is punishing Microsoft for being successful.

CC:wbergset@isd.net@inetgw

MTC–00025096

From: craigshaynak@
compuserve.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:25pm
Subject: Microsoft Settlement

To Whom it May Concern:

I am writing to express my support for Microsoft in its attempts to reach a settlement on the antitrust action.

It pains me to see valuable resources in the government and at Microsoft wasted on litigation that ultimately has backfired and ceased innovation. As a computer consultant, I am not an agent of Microsoft, but like many others I use their products and development tools in my work. For years people have had a choice concerning which operating system and browser to use on their office and home computer. Did Microsoft strong-arm dealers into selling its operating system with the hardware? How can this be? Consumers in the real world demand and need an operating system for these machines at purchase time. ''OEM'' licenses grow out of CONSUMER DEMAND, not the demands of a software giant. Does Microsoft benefit? Of course they do. How does this hurt innovation? It is in Microsoft's perpetual interest to innovate because the demands of consumers grow each year; new peripheral and hardware technology demands new operating systems and browsers as well as new applications to handle the merging of these technologies. In fact, Microsoft depends on the new revenues from new versions of its operating system. A well-known criticism of Microsoft is that they charge for upgrades and new OS versions. However, people buy these updates despite the fact that it is still possible to perform all personal and business work running Windows 95 on older machines. Why do people buy the new systems? It usually to take advantage of new hardware or third party technology. Does SUN or AOL Netscape suffer? Simply put, there is no AOL without Windows. There is no Netscape browser without Windows. It is utterly ridiculous for these companies to claim injury while they ride on the backs of the Microsoft operating system themselves. Could operating systems be better? Of course they can, but creating an OS for machines made by a myriad of manufacturers and sold in an infinite number of configurations by various retailers is a large task. I do not see SUN or AOL creating operating systems that are better. I do not see the R&D dollars going towards creating a better mousetrap. This is because litigation has replaced innovation at these companies. Would it be difficult to create an operating system that individuals and businesses would flock to? Yes, of course; unless this OS could run existing business applications and handle existing hardware. This is a tall order and until someone else comes along, Microsoft is filling the need. Not only that, Microsoft helps developers use its technology in offering free seminars and classes. Bookshelves are filled with ''How To'' manuals on MS development because it is easier to build on Windows than to create an OS from scratch. This is just smart business practice on the part of Microsoft, not unfair.

A case in point to illustrate the Microsoft scenario: Coca Cola and Pepsi have demanded exclusive contracts with supermarkets and fast food chains for years with a minimal amount of antitrust action against them. When Royal Crown was pushed out of these markets, they claimed that Coca Cola and Pepsi engaged in unfair business practices. How often do you see RC in these markets now? Litigation cannot change consumer demand. For all intent and purpose, two cola manufacturers held a monopoly. Do you think supermarkets and McDonalds complained that they had to stock Coke? Of course not. As far as the packaging of the Internet Explorer browser with the Operating System goes, it is unbelievable that this simple concept of integrating the browser with the OS has escaped the Justice Department and the judicial system. An Operating System IS A BROWSER for your hard drive. With technology tending towards Wide Area Networks and Internet services, it is naturally the next step to integrate and combine the browser with the OS. This innovation and simplification has been destroyed by the government and judging from the recent action taken by AOL Netscape, it will be even further delayed if not killed altogether.

I hope you understand that I do not work for Microsoft. I regularly use IBM technologies with many clients including Lotus Notes, AS400 and DB2 databases. These products and services have their place in the market too. In fact, I believe XML technology stems from IBM, if I am not mistaken. How has Microsoft reacted to this? Well, rather than sue IBM or other creators of XML, Microsoft has INTEGRATED and ADOPTED this technology and INCORPORATED it in its new products. Sounds like a smart business practice to me.

So, if AOL wants to make a browser, let them. If SUN wants to recapture some portion of a market they never had, let them create their own OS. That is what Apple has been doing for years. Do they have the large part of the market? No, but they are innovative and successful in their market. In this time of recession and economic recovery, please do us all a favor and help redirect the resources being wasted in this antitrust action.

Craig Shaynak
CRS Consulting
(323) 661–6927
(213) 499–0972 pager
CC:Kurt Eric Schenk (E-mail)

MTC–00025097

From: Greg Smethells
To: Microsoft ATR
Date: 1/25/02 5:25pm
Subject: Microsoft Settlement

Microsoft is a monopoly. This has come about because Microsoft does not play fair when it comes to interfaces that allow interaction with their software or by-products of their software. A major component of this, in the simplest form, is file formats. The major problem different operating system have when interacting with Microsoft's OS is that their competing applications do not properly handle the file formats that are prevalent everywhere due to the Microsoft monopoly.

A remedy would be to enforce all Microsoft file formats to have open specifications that must be correct for periods of time (no lying in the specification). Any changes to the specification would need to be broadcast so that others had time to react. No hurt to Microsoft can come from that aside from better competition. A better solution would be to open-source the code that implements utilization of the file formats in all manner of ways. It would also be wise to enforce that writing programs to these specifications work in almost all cases before assuming that indeed the code and specifications for important protocols is truly opened up. The best solution would be to enforce the openness through a standards committee run by third-party individuals from academia who have no ties to Microsoft, Sun, or Linux companies (Red Hat, etc).

Only when the Microsoft monopoly file format's, protocol's, and interface's specifications are open-sourced, correct, and unchangeable for extended periods, can we assume that others will be able to compete.

Greg
Gregory J. Smethells
Computer Science Graduate Student
University of Wisconsin—Madison

MTC–00025099

From: JonathanGoldblatt@
CompuServe.Com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:25pm
Subject: Settlement is bad for me...

The settlement does nothing to stop MicroSoft from destroying Real Audio the same way that it destroyed Netscape. The settlement does nothing to prevent MicroSoft from making it's online service incompatible with other operating systems and browsers, which it has already done for a short period, to maintain it's monopoly in desktop operating systems and browsers, or devising other novel methods to illegally protect it's monopoly. The settlement does nothing to prevent MicroSoft from making it impossible for free software developers to adapt their software to operate in conjuntion with software on platforms running MicroSoft operating systems, again to illegally protect it's monopoly.

Obviously what would be best for all would be for MicroSoft to come to its senses and accept the responsibilities of being a law-abiding corporate citizen. What is gained for the public by punishing MicroSoft?

Unfortunately, MicroSoft is unwilling to do this, as it has shown by the ambiguous, legalistic language that it has used to describe it's future conduct and it's continuing defence of past conduct that both a District Court judge and a unanimous Appeals Court have found to be illegal. Unfortunately, by not ''punishing'' MicroSoft, not only will MicroSoft be encouraged to continue its predatory, illegal, anti-competive practices, but others will also. Please spare us.

CC:attorney.general@po.state.ct.us@inetgw

MTC–00025100

From: jayreitz@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:28pm
Subject: Microsoft Settlement

The proposed settlement is absolutely fair in my opinion. Why do less successful, talented and innovative companies feel that the only path to success is through litigation. They should concentrate on building better products.

The settlement should be accepted.

CC:jayreitz@hotmail.com@inetgw

MTC–00025102

From: Jorge Martin
To: Microsoft ATR
Date: 1/25/02 5:27pm
Subject: Microsoft Settlement

I would like to add my name to those who think the proposed settlement with Microsoft is not good.

Jorge Martin
Addison, VT

MTC–00025103

From: Robert N. Brauer
To: Microsoft Comment
Date: 1/25/02 5:27pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

The following proposal is intended as a public comment on the Proposed Final Judgement under the Tunney Act. Executive summary

The Justice Department's proposed antitrust settlement with Microsoft seems to demand that Microsoft do more to open up its application programming interfaces (APIs) to commercial competitors. A more effective remedy would be one that required Microsoft to standardize and publicize the entire set of Windows APIs and the file formats of its Office applications with the express goal of allowing all competitors, including non-commercial developers, to build Windows software applications and operating systems that compete with Microsoft on a level field. Proposal

The Justice Department's proposed antitrust settlement with Microsoft seems to demand that Microsoft do more to open up its APIs to competitors. This addresses the main technical advantage that Microsoft weilds as a monopoly; that many of the Windows APIs and Office applications file formats are hidden, undocumented, or changed at will. This leaves consumers locked into Microsoft's control because their applications cannot be run in a competing environment, and their information cannot be accessed with competing applications. But the fine print makes it clear that Microsoft could pretty much continue with business as usual. No requirement is given for complete disclosure of the Windows APIs and Office file formats. If Microsoft is given the means to withhold portions of these interfaces from competition, then it's monopoly position remains unaltered.

A more effective remedy would be one that required Microsoft to standardize and publicize the entire set of Windows APIs and the file formats of its Office applications with the express goal of allowing competitors to build Windows software applications, and operating systems, that compete with Microsoft on a level field. This should be a public disclosure and not limited to a few Microsoft selected developers. It needs to include all developers so that true competition may be revived.

The remedies in the Proposed Final Judgement specifically protect companies in commerce, organizations in business for profit. On the surface, that makes sense because Microsoft was found guilty of monopolistic activities against ''competing'' commercial software vendors like Netscape, and other commercial vendors like computer vendor Compaq, for example. The Department of Justice is used to working in this kind of economic world, and has attempted to craft a remedy that will rein in Microsoft without causing undue harm to the rest of the commercial portion of the industry. But Microsoft's greatest competition on the operating system front comes from Linux—a non-commercial product—and it faces increasing competition on the applications front from Open Source and freeware applications.

The biggest competitor to Microsoft Internet Information Server is Apache, which comes from the Apache Foundation, a not-for-profit. Apache supports a significant portion of the World-Wide-Web, along with Sendmail and Perl, both of which also come from non-profits. Yet not-for-profit organizations have no rights at all under the proposed settlement. Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...''

The settlement gives Microsoft the right to select it's competition and effectively kill other products, like Open Source projects that use Microsoft calls.

Section III(D) takes this disturbing trend even further. It deals with disclosure of information regarding the APIs for incorporating non-Microsoft ''middleware.'' In this section, Microsoft discloses to Independent Software Vendors (ISVs), Independent Hardware Vendors (IHVs), Internet Access Providers (IAPs), Internet Content Providers (ICPs), and Original Equipment Manufacturers (OEMs) the information needed to inter-operate with Windows at this level. Yet, when we look in the footnotes at the legal definitions for these outfits, we find the definitions specify commercial concerns only.

Under this deal, the government is shut out, too. NASA, the national laboratories, the military, the National Institute of Standards and Technology, even the Department of Justice itself, have no rights. Clearly the disclosure of APIs and file formats must be public and available to the entire software industry. Such a plan would require careful oversight and enforcement, since Microsoft could easily engage in all manner of foot-dragging. If Microsoft set out to be uncooperative, it could release the API information slowly, in deliberately confusing ways, or assiduously following the letter of the court's order while flagrantly violating its spirit.

(There's precedent here: This is precisely how Microsoft behaved during the trial when it told the court that it would supply a version of Windows with Internet Explorer removed from its guts, but gee, sorry, then Windows wouldn't work.)

Remember that Microsoft is in court as a repeat offender; the current antitrust suit, in which a federal district court and an appeals court have both affirmed that Microsoft is a monopoly and that it has abused its monopoly powers, arose out of the failure of a previous consent-decree settlement of an earlier antitrust case. At some point, having repeatedly violated the law, Microsoft needs to pay a price, or it will continue with its profitably anticompetitive ways.

There's no reason to think the Justice Department's proposed settlement will work any better than the consent decree of last decade did. And financial penalties can hardly wound a company that has a cash reserve of billions of dollars. But intellectual property—that's something Bill Gates and his team really care about. Requiring them to divulge some of it in order to restore

competition in the software market might actually get them to change the way they operate.

With Microsoft's APIs and file formats fully standardized, documented and published, other software vendors could compete fairly—which, after all, is what antitrust laws are supposed to promote. We might then be faced with a welcome but long unfamiliar sight: a healthy software market, driven, as today's hardware market is, by genuine competition.

Portions of this proposal contain text authored by columnists Scott Rosenberg and Robert X. Cringely.

Regards,

Robert N. Brauer

MTC–00025104

From: mike@sax.net@inetgw
To: Microsoft ATR
Date: 1/25/02 5:26pm
Subject: Microsoft Settlement

To Whom It May Concern,

I would like to express my complete support for the settlement reached between the Department of Justice and Microsoft in the recent anti-trust trial. The settlement addresses all significant issues raised during the trial while at the same time avoiding excessive regulatory measures. I believe that the terms of the settlement will give the parties who opposed Microsoft during the trial important new rights and abilities which will significantly enhance their competitive position. At the same time, the settlement preserves the right for Microsoft to continue to enhance its product based on customer feedback, which has been the fundamental reason for its enormous success.

My sincere congratulations go to both Microsoft and the Department of Justice for their continued commitment to come to a settlement that benefits American consumers and business.

Sincerely,
Mike Sax
President,
Sax Software Corp.
Eugene, Oregon
541) 344–2235
2852 Willamette St. #359
Eugene OR 97405
mike@sax.net
CC:mike@sax.net@inetgw

MTC–00025106

From: paulp@rocketworks.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:27pm
Subject: Microsoft Settlement

My name is Paul H. Parry. I am the Chief Technology Officer of Rocketworks LLC, an Internet integration firm with experience with web server platforms from companies including Microsoft, IBM, Sun, and AOL(Netscape). I am writing to SUPPORT the proposed settlement as the best and fastest way to restore competition to the affected markets, preserve existing competition in related markets, and quickly stabilize to the technology economy at a time when stability is badly needed.

As has been shown in recent analyses (http://www.actonline.org/ press—room/ releases/ACTNov5.pdf), this settlement addresses every concern and infraction upheld by the Courtof Appeals, and provides many additional consumer benefits that are not required by the court's ruling.

The previous, overturned, ruling would have affected other markets, including web server platforms, handheld device operating systems, web content and e-commerce activities, that were not affected by Microsoft's behavior. All of these are thriving, competivive markets in which Microsoft is one of several innovative players. This settlement preserves that competition.

As many have said, Antitrust laws exist to protect consumers, not competitors. This settlement protects consumers more than adequately. The overturned order, as well as the newer request of the non-settling states, are aimed at providing benefits to Microsoft's competitors, without any judgement of whether their failings were due to Microsoft's anti-competitive behavior or their own lack of innovation. The matter of providing remedies to competitors is best left to private actions, such as the one being brought this week by AOL.

Consumers'' views of Microsoft and its competitors are clear. In the latest Harris Interactive survey of corporate reputations (http://www.harrisinteractive. com/pop—up/rq/gold.asp), Microsoft was judged to have the 2nd best reputation among the US's 60 most visible corporations. This is up from 9th place in 2000 and 15th in 1999. Meanwhile, America Online placed 50th, down from 39th in 2000 and 26th in 1999. This is just one of many indications over the last four years that consumers like Microsoft's products, services, and corporate reputation.

Thank you for your attention,
Paul H Parry
Chief Technology Officer
Rocketworks LLC
211 Perry Parkway
Gaithersburg, Maryland 20877
CC:paulp@rocketworks.com@inetgw

MTC–00025107

From: Gruber, Brad
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 5:27pm
Subject: Microsoft Settlement

The first resolution of splitting Micro$oft, was by far the best and should have been executed. The only people who didn't want that to happen is Micro$oft and their preferred partners.

I blame the current technology recession on Micro$oft. Sure! They scared every computerized company on the planet into upgrading their systems because of Y2K, draining their budgets, forcing them to spend money they didn't even have. Well guess what... who wrote the software in the first place that was so susceptible to the year 2000 bug?

One topic I have yet to see, is FALSE ADVERTISING! Micro$oft has continually lied about how secure their products are. I shouldn't have to explain this one to anyone that can read. Lied about how much easy it is to use when it is progressively getting more difficult. Selling products that don't work as they are advertised is simply wrong.

There are lemon laws for cars, recalls for everything under the sun. Why doesn't Micro$oft (and every other software company) have to stand by the products they make? If it doesn't work the way it is advertised, why are they the only industry that can get away with it?

There is quite a bit of speculation about the DOJ's decision to ''Wimp out''. There are also quite a few people that have formed the conclusion that Micro$oft paid for the DOJ's decision and now some of you have summer homes, fancy cars, and trust funds for your kids that you never had before.

Do your job and protect us!

If you don't... who will?

MTC–00025108

From: Derick Siddoway
To: Microsoft ATR
Date: 1/25/02 5:28pm
Subject: Microsoft Settlement

To Whom it May Concern:

Pursuant to the Tunney Act, I am writing to comment on the proposed settlement of the United States vs. Microsoft antitrust case.

My comment on the Proposed Final Judgement is simple. Microsoft has been found guilty in a court of law of not only being a monopoly but of improperly using its position as a monopoly to harm consumers. Any settlement must therefore address this simple statement of fact.

The Proposed Final Judgement does many things, but what it does most effectively is present the appearance of doing something. It may or may not be appropriate to punish Microsoft for past misdeeds, but it is certainly relevant and appropriate to prevent Microsoft from future misdeeds.

The Proposed Final Judgement does none of that. I should probably go further into specifics on this, but others have already done so and have done so much better than I can. Please direct your attention to the comments on this URL: //http:// www.kegel.com/remedy/letter.html

Sincerely,

Derick Siddoway, Salt Lake City, Utah

Derick Siddoway II. Impact Non-privileged primitive users can derick@bitflood.net cause the total destruction of your entire invasion fleet and gain unauthorized access to files.

—CERT Advisory CA-96.13

MTC–00025109

From: parx@theshearers. com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:30pm
Subject: Microsoft Settlement

I, Parx Shearer, believe that Microsoft's actions have been a disgrace to the computing industry and worthy of harsh retribution. Microsoft unashamedly sought to bring down competitors in any manner possible, legal or otherwise. Now Microsoft believes that it can not only get away with this behavior, but continue this behavior in the future. I find this unacceptable and send this comment to you in hopes that justice will be served against Microsoft so that all software vendors may have equal opportunity to offer their products for the betterment of the American society.

Thank you, Parx Shearer

MTC–00025110

From: John S. Hartley
To: Microsoft ATR
Date: 1/25/02 5:32pm
Subject: Microsoft Settlement
CC:MSFIN@Microsoft. com@inetgw, kentammerman@onebox.com...

MTC–00025110 0001

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Dear DO J,

As I have said and believe with all my heart many times; you people can and do screw up more things than you can possible correct. Enron is something you should focus on. Leave people alone, Microsoft does more good that we benefit from directly as consumers than any other company, when it comes to computers. I dislike the government enough without you people messing around with my computer and software at home. Ask yourself, what could you tell me that might possibly change my mind? 9–11 ? Not hardly! I have since 9–11, come to feel that this government is solely responsible for what happen to us. Now we have given up some more freedom for security. We are a nation of sheep!

Our leadership have been greedy, corrupt, self-serving, too ambitious and many more weaknesses. Sin really can kill! I start at Kennedy (and lets not forget Clit-tongue), (even Westmoreland and Johnson should have been put on trial as war criminals) because that is when I started looking and experiencing the world. I was stupid and young, wanting to do as Kennedy suggested, ''Ask not what your government can do for you but what you can do for your country''. Idealistic and stupid! The government use to belong to the common American, now it is the hands of... The little guys like me sit out here in the real world, dealing with your realities created by weeping hearts. I have to live your screw-ups and watch the true values of America being flushed down our commodes. How unintelligent our country's leaders have become, not to mention the people that constitute it (me to). I served my country for 10 years and put my life on the line. Now as I look back, I would not do that, I am older and wiser. Would you like to tell me to my face that I am not patriotic? I don't think so, not to my face anyway. I realize you are only a department of this government and I can't expect you to do much more than what you are doing. Individuals that make up our government are fine people, still I wonder how many are too ambitious and self-righteous. Would I welcome any of you into my home? I seriously doubt it with all my heart, just as I know in my heart that our leaders are responsible for letting 9–11 happen. Sorry I have no faith in our government and most of the people in it. Still, I was born and reared in the hills of Virginia. The most I can do is to teach my children that, ''this country is only as great as its people and they with many more generations have much to do to make it great again''. Because we the people have let stupid leaders both democrat and republican take us astray from the true values. God's values! And yes I write my government representatives and they are in the same boat with you. We don't have the America I grew up and fought for. It was great then but not now. How's that for a prelude to a hate crime?

God Bless America, George Bush
And John Ashcroft
John Hartley
1154 Londonberry Lane
Glen Ellyn, Illinois
(jhartley3@msn.com)

MSN Photos is the easiest way to share and print your photos: Click Here

MTC–00025110—0002
01/29/2002 3:50 P

MTC–00025111

From: Rick Lazansky
To: Microsoft ATR
Date: 1/25/02 5:37pm
Subject: Microsoft Settlement

I'd like to voice my objection to the proposed settlement for Microsoft.

I've been involved in the development of software for 25 years, starting with the software development for operating systems and software tools with Intel Corporation. Over this period, it has become virtually impossible to develop independent software. Most alarmingly the nature of the difficulty has grown exponentially over the past decade.

Competitive software requires modular, independent software application interfaces, open standards, and the free exchange of ideas, techniques, and algorithms. The availability of this information has decreased abruptly in each area in which Microsoft has launch an initiative. Even where Microsoft has participated in an open standard, subsequent events have either a) revealed that their real resources were directed to a proprietary standard, b) that their actual participation in the standard development served to delay the standard in practice, c) they hid or blocked progress towards resolving critical areas or d) that they later sought to ''make proprietary'' later versions of the standard. Computer users deserve a choice of solutions, whether general software for the consumer, or specific tools for business, engineers, or even software development. Microsoft has increasingly kept this from occurring. The subtlety by which it is possible to preclude effective outside development frightens me. It has become less obvious to even long term practioners perhaps, but using internet interfaces, Java, and even the C programming language has become nearly impossible without incurring delay as well as proprietary platform dependence.

Regards,
Rick Lazansky
Rick Lazansky
VP Product Development
408 987 0603 x314
http://www.xpedion.com
mailto:rick@xpedion.com

MTC–00025112

From: Ron Bolin
To: Microsoft ATR
Date: 1/25/02 5:33pm
Subject: Microsoft Antitrust Business Practices and Preception
RE: Microsoft vs. 9 States

Hi,

Just my 2 cents.

I truly think that Microsoft has excellent products. However, I also believe that they will bury anyone who gets in their way. Something akin to ''it's my way or the highway''. I'd like to see a binding ruling that makes them more co-operative with others. I guess some of that power comes with their wealth. I don't envy anyone that has to make the ruling. Good luck and do you best job.

Ron

MTC–00025113

From: Jason Thomas
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 5:31pm
Subject: Microsoft Settlement

Please consider the attached comments authored by C. Boyden Gray, Chairman of Citizens for a Sound Economy and partner at Wilmer, Cutler, and Pickering.

Jason M. Thomas
Citizens for a Sound Economy
1250 H Street NW, Suite 700
Washington, DC 20005–3908
phone: (202)942–7621, fax: (202) 783–4687
www.cse.org

Citizens for a Sound Economy...organized Americans committed to preserving our economic freedoms.

CC: Erick R. Gustafson,Paul Hilliar

MTC–00025113—0001

January 23, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

To Whom It May Concern:

I write to endorse resolutely the proposed settlement between Microsoft Corporation and the United States Department of Justice. The consent decree agreed to in U.S.v. Microsoft enjoins all Microsoft actions that were found to be illegal and imposes severe restrictions on the company and its business practices. The decree is the most forceful and the most regulatory ever negotiated by the U.S. Justice Department, wherein Microsoft agreed to provisions that were substantially more punitive than what plaintiffs could have expected to achieve through litigation. For instance:

The company is prohibited from exclusive dealing arrangements or any preferential treatment from manufacturers, access providers, suppliers and vendors. Manufacturers will retain greater freedom to display non-Microsoft software, and will no longer face the risk of retaliation from Microsoft should they choose to promote products made by Microsoft competitors. Should Microsoft fail to abide by any of these restrictions, a committee of experts is to be created that will receive all complaints pertaining to Microsoft's business practices.

The consent decree runs for five years, with an additional two years if Microsoft is found to be in violation of any of its terms—a lengthy period of time in any industry; more so in an industry as volatile and dynamic as computer software.

Despite all of this, opponents of the decree—which include, not surprisingly,

many of Microsoft's industry rivals and their supporters—continue to belabor two points: First, that the Court of Appeals decision that led to this settlement upheld the core argument of the government's case, that Microsoft held a monopoly in operating systems; and second, that the settlement between the company and the government is not only inadequate but unenforceable.

First of all, yes, the Court of Appeals did find Microsoft's exclusive dealings to be monopolistic, which is exactly and specifically what the company has been prohibited from doing in the future, according to the terms of the decree. The current District Court judge in the case even made the point that ''the scope of any proposed remedy must be carefully crafted so as to ensure that the enjoining conduct falls within the [penumbra] of behavior which was found to be anticompetitive.'' (transcript of Scheduling Conference before the Honorable Colleen Kollar-Kotelly, September 28, 2001, at 8.) It would seem that specifically prohibiting the company from engaging in the activities that were found to be monopolistic would meet this criterion.

MTC–00025113—0002

As for enforceability, included in the unprecedented provisions of the decree is the creation of an independent three-person technical committee to monitor Microsoft's compliance with the agreement. The committee will reside at Microsoft headquarters and that will have complete access to all Microsoft facilities, records, employees and proprietary technical data. This includes the source code for Windows, which some have pointed out is the equivalent of having access to the ''secret formula'' for Coca Cola.

In addition to the Technical Committee, the Department of Justice and each of the nine states that have so far settled with the company, will all have the power to monitor Microsoft's compliance and to seek remedy if the company fails to meet the terms of the decree. Microsoft has also agreed to create and implement an internal compliance program to educate their managers and employees about the different restrictions and obligations the decree imposes on them. All of this goes far beyond what the Court of Appeals originally required.

It seems none of this is good enough for those who are determined to pursue this case until the bitter end—an end that could mean bitter consequences for this nation's high-tech industry, not to mention the economy as a whole. The claims that survived the Court of Appeals decision were, and remain, very narrow. The idea of splitting the company apart had been dismissed. The company's ''tying'' practices were found to be legal. All that was left were proposed measures such as forcing Microsoft to sell Windows software without including its Web browser, instant messaging or media player applications—an indication of just how trivial this case has become in terms of ''harm to consumers'' when measures such as these become the bargaining chips.

One Microsoft opponent has said that you assume consumer harm results from monopolization. But it is difficult to see how consumers might benefit from having the Media Player or Instant Messaging applications deleted from their software. Microsoft did in fact offer a browserless version of Windows at one point during litigation. Nobody wanted it.

It is important to remember that decrees in civil antitrust cases like this are designed to remedy, not to punish. Microsoft was found to be engaged in illegal business practices, it has been prohibited from those practices in the future, and faces severe repercussions should it fail to meet these prohibitions. And yet, opponents continue to complain that the decree is useless because it will have no ''material'' impact on Microsoft's business.

Microsoft's opponents like to say there are loopholes in the loopholes, and speak forebodingly of the years of additional litigation that will result. The irony here is that they are the ones refusing to settle the case, they are the ones prolonging the litigation, and they are the ones finding fault with enforcement provisions that are unprecedented in a conduct decree such as this.

MTC–00025113—0003

The Department of Justice, which represents the public and is the principal interpreter of the federal antitrust laws to the Judiciary, has achieved a powerful settlement and wants to move on. There are a few attorneys general with questionable expertise who want to prolong the uncertainty clouding the marketplace. They should recede from the federal action, and let the private sector litigants get back to creating jobs instead of enriching lawyers.

If this case is truly about protecting consumers from illegal and monopolistic business practices, then that has been accomplished in a reasonable, enforceable and unprecedented manner through the consent decree negotiated between Microsoft and the Justice Department and supported by nine States. If, on the other hand, this case has turned into an opportunity to prolong litigation and wring additional dollars out of Microsoft, it is in the best interest of the public, the economy, and indeed the judiciary to bring this case to an end as precipitously as is possible.

Sincerely,

C. Boyden Gray

MTC–00025113—0004

MTC–00025114

From: arthurguay
To: Microsoft ATR
Date: 1/25/02 5:33pm
Subject: Microsoft Settlement

Please recognize three key facts:

1.) Those who are suing Microsoft are second-best companies who can not compete with Microsoft on the quality of software needed by the masses.

2.) I have never met an individual who has said he/she were not satisfied with Microsoft's software. People are NOT saying they have been cheated and or overcharged.

3.) These people, who are purported to have been cheated and or overcharged, do NOT exist. These people are imaginary people who have been created by the second-best software companies.

MTC–00025115

From: Storm North
To: Microsoft ATR
Date: 1/25/02 5:34pm
Subject: Microsoft Settlement

Dear Reader:

Pursuant to the Tunney Act, I am writing to comment on the proposed settlement of the United States vs. Microsoft antitrust case. The following is just one instance why I think the proposed is problematic. Microsoft created intentional incompatibilities in Windows 3.1 to discourage the use of non-Microsoft operating systems An episode from the 1996 Caldera v. Microsoft antitrust lawsuit illustrates how Microsoft has used technical means anticompetitively. Microsoft's original operating system was called M–DOS. Programs used the DOS API to call up the services of the operating system. Digital Research offered a competing operating system, DR–DOS, that also implemented the DOS API, and could run programs written for MS–DOS. Windows 3.1 and earlier were not operating systems per se, but rather middleware that used the DOS API to interoperate with the operating system. Microsoft was concerned with the competitive threat posed by DR-DOS, and added code to beta copies of Windows 3.1 so it would display spurious and misleading error messages when run on DR-DOS. Digital Research's successor company, Caldera, brought a private antitrust suit against Microsoft in 1996.

To whoever is reading this, I realize that you have had to wade through a lot of material. I very much appreciate your time and effort.

Sincerely,
Storm North
Plover, Wi. 54467
715.345.2806

MTC–00025116

From: Izzy Blacklock
To: Microsoft ATR
Date: 1/25/02 6:48pm
Subject: Microsoft Settlement

I don't know how much weight my words will have seeing as I'm a Canadian citizen, but I've decided to write anyway. If for nothing else, to show that Microsoft's influence and behavior in the industry is far reaching, effecting people around the world, not just in the US. I've been following this case with great interest since the beginning. There is no doubt in my mind that Microsoft has a monopoly and has used its influence to maintain it's strangle hold on the industry and to leverage it's interests in other areas. This case has clearly shown that Microsoft's behaviour is illegal under your laws and that punitive action is necessary to restore balance to the industry. I've read significant criticism of the proposed settlement from several industry leaders as well as legal experts and the general consensus seems to be that this settlement will do little to stop Microsoft from continuing it's Monopolistic behaviour. This is of great concern to me, as it should be to everyone. Microsoft has shown time and time again that they will take advantage of any loopholes it can, and this settlement seems to be filled with them!

I urge you to seriously consider all the opposition to this settlement when making

your decision. The monopolistic behaviour of Microsoft has done more harm then good to the industry in the past. Giving them a simple slap on the wrist now will encourage them to continue this behaviour.

...Izzy

MTC–00025117

From: Tony Cizerle
To: Microsoft ATR
Date: 1/25/02 5:37pm
Subject: Microsoft Settlement

The heck with everyone worried about losing their ''comfort zone'' that Microshaft HAS illegally woven then into—so they therefor don't want the beast bothered—MicroShaft broke (breaks) the law and NOTHING is done to them.

C'mon—All computers should be able to be PURCHASED WITHOUT any company's software on them—We should not be FORCED by MicroShaft and the DOJ to continue putting up with this illegal garbage...

Dell and all the other mfgrs were BLACKMAILED by MS!!!

Tony Cizerle
http://www.computerbay.com
t@computerbay.com <NEW>
Phone: 602–265–1529 <NEW>
Fax: 602.532.7286

MTC–00025118

From: MikeAaron1@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:37pm
Subject: Microsoft Settlement

Dear Antitrust Division,

I am writing to contribute my comments to the public comments being accepted regarding hte Microsoft Antitrust matter. It appears as if Microsoft is barely being punished for its monopolistic practices. I recommend stiffer penalities including the decoupling of products from their operating system. Is the Internet browser necessarily an integral part of the operating system? Is MSN part of their operating system? Is Windows Media Player part of their operating system? Should Microsoft be allowed to continue bundling these products with their OS to the exclusion of competing products?

This bundling creates a barrier to other software developers. If there is something that comes in Windows on your computer and is presented to you, you will be apt to click the defaults and end up using Microsoft products and subscribing to Microsoft services. This all happens without people knowing there are choices. My father in law and grandmother are not computer experts. They can be hearded around dialog boxes and windows to fulfill Microsoft business plans.

Creating an environment for competitive products to have a chance would help individual developers and small startups achieve economic success. Thanks you for the opportunity to comment.

Mike Aaron

MTC–00025119

From: Frank Devlin
To: Microsoft ATR
Date: 1/25/02 5:37pm
Subject: Microsoft Settlement

To Whom It May Concern,

As a very satisfied user of Microsoft products for many years I believe that the Justice Department suit against the firm was misguided at best. I don't believe the firm has done any wrong to consumers. Consequently, no DOJ actions should be taken against the firm.

Sincerely,
Frank Choltco-Devlin
7175 Horton Road
Hamilton, NY 13346

MTC–00025120

From: Jeremiah C.
To: Microsoft ATR
Date: 1/25/02 5:37pm
Subject: Microsoft Settlement

I strongly support the government in the anti-trust trial. Companies in the past were broken and yet Microsoft wants to get away with a mere billion dollars. Hit Microsoft hard where it really counts: in the bank. Force Microsoft to pay 50 billion dollars (their quarterly revenue) over a year for schools to buy any technologies and forbid any agreements between Microsoft and PC manufacturers to bundle an OS with a computer. I scoff at any settlement that will not change Microsoft deposition towards consumers and competition.

Warm regards,
Jeremiah Cohick

MTC–00025121

From: JEROME TEEVENS
To: Microsoft ATR
Date: 1/25/02 5:36pm
Subject: Microsoft Settlement

There is not much more to add except that it would truely be sad if Microsoft were allowed to continue the practices that limit consumer's choices. The settlement seems to do very little to improve the situation.

PeoplePC: It's for people. And it's just smart.

http://www.peoplepc.com

MTC–00025122

From: Chad Redman
To: Microsoft ATR
Date: 1/25/02 5:38pm
Subject: Microsoft Settlement

MTC–00025122—0001

Dear Sirs,

I would like to add my voice to those who are against the lenient terms of this settlement. For a reasonable non-sociopathic business, one would expect that once they had agreed to the terms, they would follow its intent. But it is clear from past behavior that Microsoft will find any feasible loophole, and barring that, will violate the terms outright. It has shown this not only by **violating a previous consent decree**, but by bundling even more software with its latest operating system, and rushing it out to vendors before the DoJ could restrain it. Most of the specific arguments against the proposal have been expressed more elegantly by Dan Kegel (http://www.kegel.com/remedy/remedy2.html). Although the potential loopholes I point out below may sound absurd, Microsoft has demonstrated that it does not shy from ''creative'' legal interpretations.

From: III. Prohibited Conduct

(sec. A)

...Microsoft shall not terminate a Covered OEM's license for a Windows Operating System Product without having first given the Covered OEM written notice of the reasons for the proposed termination and not less than thirty days'' opportunity to cure ....

Nothing requires that Microsoft's reason be valid. A trumped up complaint could be issued, possibly one which the OEM cannot comply with. After 30 days, the OEM is not licensed. (sec. D)

...Microsoft shall disclose to ISVs, IHVs, IAPs, ICPs, and OEMs, for the sole purpose of interoperating with a Windows Operating System Product, via the Microsoft Developer Network (''MSDN'') or similar mechanisms, the APIs and related Documentation...

The groups listed are a subset of all possible users. Can MS exclude anyone from joining MSDN? And what is the cost of joining. For programmers creating cost-free software, is the subscription price prohibitive? Is someone with access constrained from sharing it with others who are not members? Are users constrained in any way in the use of the APIs, such as in creating software under the Free Software Foundations GPL, or in an open source project, such as Linux or Wine, both MS competitors.

... the disclosures required by this Section III.D shall occur no later than the last major beta test release of that Microsoft Middleware. In the case of a new version of a Windows Operating System Product, the obligations imposed by this Section III.D shall occur in a Timely Manner. Meanwhile, all MS project teams can access the APIs at any time earlier than this, which it can use to get ahead of competing products. This is why the term ''Chinese wall'' gets invoked a lot, and why the proposed remedy was to split the company into OS and software companies. (III.J.2)

c. meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business Microsoft may argue that cost-free or open source software creators are not viable businesses. In fact, they have publicly stated as much already. IV.B.3

Within 7 days of entry of this Final Judgment, the Plaintiffs as a group and Microsoft shall each select one member of the TC, and those two members shall then select the third member. I don't know why MS needs to be involved in this. The TC members are to assist the plaintiffs in the enforcement that the judgment grants them. The Plaintiffs should be able to choose whomever they feel would do the best job at assisting them, hostile to MS or not, as long as their oversight does not violate privacy protections this document grants to MS. How would an MS-chosen TC be helpful to the Plaintiffs? (v)

1. Unless this Court grants an extension, this Final Judgment will expire on the fifth anniversary of the date it is entered by the Court. 5 years is not enough.

2. In any enforcement proceeding in which the Court has found that Microsoft has engaged in a pattern of willful and systematic violations, the Plaintiffs may apply to the Court for a one-time extension of this Final

Judgment of up to two years, together with such other relief as the Court may deem appropriate 7 years is not enough. (VI)

B. ''Communications Protocol'' means the set of rules for information exchange to accomplish predefined tasks between a Windows Operating System Product and a server operating system product connected via a network, including, but not limited to, a local area network, a wide area network or the Internet. These rules govern the format, semantics, timing, sequencing, and error control of messages exchanged over a network. It should also include MS server products; i.e., tasks between a Microsoft Product and a *client* operating system product. This would include the hypothetical case where an MS online service ''embraces and extends'' existing internet protocols. Really, this definition should just define it as information exchange between two machines or applications, independent of where the machines are or whose OS is on them.

I. ''ISV'' means an entity other than Microsoft that is engaged in the development or marketing of software products. I presume the V in ISV stands for vendor. If someone creates a product that he gives away for free instead of sell, is he still an ISV J. ''Microsoft Middleware'' means software code that ... 2. is Trademarked;

Software code may be copyrighted, not trademarked. I would think this means software product, not code. Oddly, definition (K) does defines ''Microsoft Middleware Product'' separately, but as a rather narrow set of products. P. ''Operating System'' means the software code that, inter alia, (i) controls the allocation and usage of hardware resources (such as the microprocessor and various peripheral devices) of a Personal Computer, (ii) provides a platform for developing applications by exposing functionality to ISVs through APIs, and (iii) supplies a user interface that enables users to access functionality of the operating system and in which they can run applications.

Does this mean that MS does not consider a web browser, MSN services, links to MS's preferred online photo developers, or Minesweeper part of the operating system? Q. ''Personal Computer'' means any computer configured so that its primary purpose is for use by one person at a time, that uses a video display and keyboard (whether or not that video display and keyboard is included) and that contains an Intel x86 compatible (or successor) microprocessor.

Servers, television set top boxes, handheld computers, game consoles, telephones, pagers, and personal digital assistants are examples of products that are not Personal Computers within the meaning of this definition.

MTC–00025122–0003

It is significant that this does not cover server computers such as web servers, and excludes handheld computers or PDAs. And what's the difference between these last two? R. ''Timely Manner'' means at the time Microsoft first releases a beta test version of a Windows Operating System Product that is distributed to 150,000 or more beta testers.

Why is it important that MS be allowed to withhold information until that point? Surely, anyone can benefit from the information, even if it is subject to change.

U. ''Windows Operating System Product'' means the software code (as opposed to source code) distributed commercially by Microsoft for use with Personal Computers as Windows 2000 Professional, Windows XP Home, Windows XP Professional, and successors to the foregoing, including the Personal Computer versions of the products currently code named ''Longhorn'' and ''Blackcomb'' and their successors, including upgrades, bug fixes, service packs, etc. The software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion.

The acts this judgment remedies were taken by Microsoft the Corporation. Therefore, all MS products should be covered, not just this very limited group. In addition to the above specific criticisms, I would like to see protections for freely available operating systems (e.g., Linux) and open source software at least mentioned in the judgment. MS has targeted Linux and open source software as its current primary threats, and will use any tactic within its disposable to extinguish these competitors. For example, a new MS practice is to construct licenses (whether or not for a product covered by the judgment) that specify that the user cannot use a product to create ''viral'' software, which is specifically targeted at open source software covered by the Free Software Foundation's GPL (MS does or did have such a license for one of its handheld product developer kits).

Thank you for your consideration,
Chad Redman chad.redman@yale.edu
ITS/Admin. Sys., Yale University
00025122—0004

MTC–00025124

From: eric@saddleback.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:41pm
Subject: Microsoft Settlement

Please approve the proposed settlement so this entire issue is put to rest. While no settlement is perfect, this one seems to be quite fair. I think Microsoft should be left alone to produce world class software and that their competitors should do the same instead of dragging this whole thing out.

I think it is in the public interest to approve this settlement so we can all move ahead without further tax dollars spent on this case.

Eric Busby
Foothill Ranch, CA
CC:eric@saddleback.com@inetgw

MTC–00025125

From: Michael Detlefsen
To: Microsoft ATR
Date: 1/25/02 5:40pm
Subject: Microsoft settlement

I think the proposed settlement with Microsoft is a bad idea. Microsoft has shown by their behavior over a number of years that they will ignore any government orders that they do not want to obey.

I was appalled when I read that Microsoft said they wouldn't agree to proposed remedies. This is just another example or the continuing arrogance of the top people of the company. Defendants don't have to agree with remedies ordered by a court, they just have to follow them. Or it was this way last time I checked. If I were in court, I certainly wouldn't get to pick and choose my punishment, why should they?

If they are not handed a remedy that will change their behavior, then they will finally know for certain that they can get away with anything. They should be punished for not only their current behavior, but for not following previous remedies.

It's not very hard to see that their behavior has resulted in severely restricted choices in available software packages over the last ten years. It's hard to see how this situation is of any benefit to consumers.

Mike Detlefsen

MTC–00025126

From: Mike Prettyman
To: Microsoft ATR
Date: 1/25/02 5:41pm
Subject: Microsoft Settlement

To Whom it may concern,

Where to begin? There are so many pages of documentation regarding this case I honestly have only had time to briefly glance over some of it since I have work to do. However, given the information that I have obtained, and based on my own experience in multiple areas of the computer industry over the past years (I was a tech for a small OEM for a few years, then I went on to work for a prominent ISP,Earthlink , as a technician, and currently I am working for a midrange/mainframe broker) I certainly feel that Microsoft is clearly getting the short end of the stick so to speak.

I have no affiliation with Microsoft, nor am I receiving compensation of any sort for voicing my opinion in their favor. What other product on the market is so open that the vast majority of competitors products will function on said product(s). Can you walk into a Ford dealer and ask for a Chevy motor in your new ranger pickup truck? Ok, how about all the onboard computers that control features such as fuel injection systems, traction control, etc? If you believe that Honda has superior electronics can you ask for them in your Dodge? I think you'd get laughed out of the dealership plain and simple.

Now lets take a look at other computer products on the market as a comparison shall we? If I purchase an SGI and want to run down to Best Buy to purchase the latest accounting software to do my taxes will it run on my machine? No. Ok how about if I go get a new video card and more RAM, will it just drop right in and will I be up and running in minutes? No. I would be forced into buying proprietary applications AND hardware if I wanted to add more functionality to my base machine... But I really like the IRIX operating system, wont it run on my PC? No. The same can be said about Sun Microsystems, IBM, and even Macintosh (apple) to an extent. All of the aforementioned systems are closed, proprietary systems that offer an enduser little flexibility and very little in the way of an upgrade path. I don see anyone screaming foul where the other company's are concerned.

Now an ''industry standard'' has been established. Obviously the bar has been set in terms of performance, flexibility, and a user friendly interface. Is it Microsoft's fault that no other company has even come close to creating a product that can compete on even ground? Do they owe a competitor anything? Should they be forced to fully reveal their API so that other's can steal it, and tap into their bread and butter product? I personally, as well as many of my associates, would answer a resounding NO! That's like forcing coke to disclose what their secret formula is and to go a step further, include a can of Pepsi in every six-pack in the name of ''what's good for the consumer''. Please let products stand on their merit instead of trying to make everyone ''play nice and friendly''. The world of big business isn't for the weak, and if a company cannot stand the heat, they should look to get out of software development since its a very cut throat industry.

Surely you will get many email's from people with something at stake (IE: Financial gain if they can force their way into the market by riding Microsofts coat tails into an industry instead of innovating new ''must have'' products) but you must see them for what they truly are.

Sincerely,
Mike Prettyman

MTC–00025127

From: Les Clark
To: Microsoft ATR
Date: 1/23/02 10:17pm
Subject: Microsoft

I do not agree with the proposed settlement of the Microsoft case. The company has exceeded every limit of decency, pushed legalities to the edge, expressed contempt for the prior settlement against them, and continues in its monopolistic and exploitative ways. It expresses the worst of commerce and the ways in which it operates are most definitely not in the interest of consumers.

MTC–00025128

From: pvieites@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:41pm
Subject: Microsoft Settlement

My name is Pete Vieites and I am an avid consumer of somputer software from various companies. I agree with the settlement actions and feel it's in the publics best interest. It's time for all companies involved to move on and concentrate their efforts on building better products that we demand. For the record, Microsoft's products, have never harmed the consumer. However, this ongoing bickering between Microsoft, the states (as well as the competitors companies they represent) and the Justice department are doing more harm than good.

CC:pvieites@hotmail.com@inetgw

MTC–00025131

From: CMS
To: Microsoft ATR
Date: 1/25/02 5:45pm
Subject: Microsoft Settlement

I feel the current proposed settlement is a very bad idea. It will only reinforce Microsoft's monopoly in the long term. This will only make it more difficult for competition to exist and it will leave the country and the world in a worse position than it is now with regard to Microsoft.

It is my hope that the settlement will be reevaluated and changed into something that solves the monopoly problem, instead of being something that essentially ignores the issue.

Thank you,
CS

MTC–00025132

From: Sandy W
To: Microsoft ATR
Date: 1/25/02 5:46pm
Subject: Microsoft Settlement
Sandra Walker
229 Lee Street Rock Hill, SC 29730
January 23, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

The reason for this correspondence is to express my support of the settlement reached in the Microsoft antitrust case and to state I believe you should do likewise. For far too long Microsoft has been coerced into court, spending millions that it could be using to build better products and create jobs.

The settlement reached will give computer makers broad new abilities to offer non-Microsoft products, either as separate operating systems or as components on Microsoft operating systems. This settlement will actually give competitors new advantages against Microsoft. Unbelievably, competitors still are condemning this settlement because they want something that is much more detrimental and unfair for Microsoft.

I strongly urge you to support the settlement that is available in this case and to repel those interests that want to derail it.

Sincerely,
Sandra Walker

MTC–00025133

From: Paul Mugar
To: Microsoft ATR
Date: 1/25/02 5:44pm
Subject: Re: Microsoft Settlement Letter

——Original Message ——-
From: Paul Mugar
To: microsoft.atr@usdoj.gov
Sent: Friday, January 25, 2002 2:17 PM
Subject: Microsoft Settlement 2 Inez Street
Camarillo, CA 93012
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I understand the Courts will make a final decision at the end of this month on whether the proposed Microsoft settlement will benefit the public. I believe it's fine as long as Microsoft is left standing, when it's all said and done. If the nine states are allowed to overturn the agreement and move ahead with additional litigation, it could take another three years and billions in legal expenses all incurred by the consumers and the taxpayers. How is that a benefit?

Microsoft has agreed to not enter into any agreements obligating any third party to distribute or promote any Windows technology exclusively or in a fixed percentage, subject to certain narrow exceptions where no competitive concern is present. The Company has also agreed not to enter into agreements relating to Windows that obligate any software developer to refrain from developing or promoting software that competes with Windows. From this one could see that Microsoft is more than willing to cooperate in order to resolve this issue. I urge you to end this now. No more action should be taken at the Federal level.

Sincerely,
H. Mugar
cc: Representative Elton Gallegly
CC:Gallegly Elton

MTC–00025134

From: Mark.Varsel@frit.frb.org@inetgw
To: Microsoft ATR
Date: 1/25/02 5:46pm
Subject: Microsoft Settlement

Dear Sir,

Any settlement with Microsoft, short of breaking the corporation into smaller business units, is a mistake. As much as Bill Gates would like to contend that Microsoft has advanced personal computing, his company has done immeasurable damage to the PC industry. Microsoft has stifled innovation with its practice of buying the competition. For years, if Microsoft could not successfully compete with a company, they bought the company and shut it down. This practice is easily demonstrated by Microsoft's inferior implementation of data compression and memory management. Microsoft first incorporated data compression into its Windows operating system, which put Stacker Electronics out of business. Microsoft offered its version of disk compression for free. The Quarterdeck Company had superior memory management utilities (QEMM) and multi-tasking software. Microsoft incorporated inferior memory management capabilities into its OS which led to the downfall of Quarterdeck and forever stifled further innovations in each of these areas. In the same way, Microsoft has unfairly crippled Netscape by incorporating its inferior web browser into its OS. Giving away an inferior product that will get a user by is a sure way to stifle further innovation. Stifling innovation at the expense of limiting competition is wrong.

Unfortunately, with the current state of computing, most users will never know what innovations and advancements would have been possible had Microsoft not had a free hand to kill the competition with the power of its monopoly. It is for this very reason that monopolies are illegal.

The government should not give in to Microsoft and Microsoft should be forced to pay for the damage that has been done to the PC industry.

Sincerely,
Mark Varsel

MTC–00025135

From: Frances Burmeister
To: Microsoft ATR
Date: 1/25/02 5:46pm

Subject: Microsoft Settlement

I am absolutely convinced that the settlement recently arrived at between the Microsoft, DOJ, and nine states is more than sufficiently harsh to cover any improper competetive practices they may have used.

It is also critical to consider the enormous good that Microsoft has achieved for not only millions of consumers but also thousands and thousands of business. Microsoft provides top quality applications which have provided benefit to many many users over the years. In addition, by providing a solid, widely accepted development environment, it has made it possible for thousands of small businesses to grow, flourish, and prosper.

I work for one such company and am far more concerned about the serious damage to our business and those thousands of others if Microsoft is restrained from innovating or is so harshly punished that they cannot afford to continue their top quality development efforts.

Frances A. Burmeister
1120 East Madison
Fairfield, Iowa
52556

MTC–00025136

From: G. Del Merritt
To: Microsoft ATR
Date: 1/25/02 5:48pm
Subject: Microsoft Settlement

Dear Renata B. Hesse or To Whom It May Concern—

I offer the following comments on the ''Stipulation and Revised Proposed Final Judgment (11/06/2001)'': http://www.usdoj.gov/atr/cases/f9400/9495.htm

Specifically:

—Under the ''Prohibited Conduct'' section, III.J, concerning the requirements of when Microsoft can/must disclose APIs or Documentation, too much latitude is given to Microsoft by both paragraphs 1 and 2. They can ''spin'' or re-implement almost any documentation or API such that it could be labeled as potentially able to compromise the overall security of the system. The explanation of this section in http://www.usdoj.gov/atr/cases/f9500/9549.htm is of some use here, but I do not feel comfortable with the wording of the Final Judgement itself.

—I fear that section IV.B, ''Appointment of a Technical Committee'', is destined to failure. Because of the breadth of Microsoft's presence in the software technology sector, just about any non-academic who has technical knowledge can be considered either a competitor of Microsoft or a likely employee/contractor of them. This makes item # 2 difficult to resolve.

—Also in section IV.B, I feel that items 9 and 10 are counterproductive to reigning in Microsoft's practices; without being able to report to the public further transgressions, there are no teeth to the committee. This, I presume, is exactly what Microsoft wants.

—Under section V.B, ''Termination'', I feel that should Microsoft be found to willfully engage in a pattern of further abuse, the clock should be reset: there should be no ''one-time extension'' of the remedies. Instead, each infraction can set up a brand new 5-year plan for monitoring Microsoft; there should be no limit to the number of extensions requested.

Throughout this case, and in general, Microsoft's practices have been clearly documented as irresponsible and anti-competitive. There are times when you have to make up for the harm you have done to others; this is one of those times for Microsoft.

—Del Merritt
10 Belknap Point Road
Damariscotta, ME 04543

MTC–00025137

From: Jason Paul Kazarian
To: Microsoft ATR
Date: 1/25/02 5:47pm
Subject: Tunney Act Comment

Microsoft used its monopoly power in one market, namely that for personal computer operating systems, to boost its market share in another market, namely personal computer application software. This practice is illegal. The finding of fact that the preceeding is true was also upheld on appeal.

The court must break the tie. Microsoft has a right to its operating system monopoly but not its application software business: Microsoft engaged in an illegal practice to build and nurture that business.

Any remedy that does not include breaking this tie allows Microsoft to continue operating in violation of the Sherman Anti-Trust act. Such a settlement must not be considered. =====

Jason Paul Kazarian
Email: jpkazarian@leftbrainedgeeks.com
Web: http://leftbrainedgeeks.com/

MTC–00025138

From: John G. Miller
To: Microsoft ATR
Date: 1/25/02 5:47pm
Subject: Microsoft Settlement
January 17, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

The antitrust suit against Microsoft has not had an adverse affect upon my technology-based company as of yet, but if this suit were to continue, it would surely affect it. In a worst-case scenario, if Microsoft were broken up, I could go out of business, even though I am not employed by Microsoft.

There are probably thousands of businesses like mine that would face the same problem. The settlement that was reached between Microsoft and Department of Justice promises to prevent any adverse effects if litigation is stopped.

Under the settlement, Microsoft has agreed not to retaliate against any computer makers if they ship software that would compete with its Windows operating system. Microsoft has also agreed to make all future versions of Windows to be compatible with non-Microsoft products. The settlement also establishes a three-person ''Technical Committee'' that will monitor Microsoft's compliance to it.

I also do not want to see Microsoft forced to open the code for Windows* to the world. I would not want to be forced to buy my software from India, Germany, Japan or China. If you think that opening the source code to Windows* will help Microsoft's competitors, what do you think it will do to those same competitors when they have to compete with companies in other countries.

To continue litigation is to squander all the time and money spent formulating this settlement. The government must not waste such scarce resources amid recession. I urge you confirm this settlement and allow the industry to move ahead.

Sincerely,
John G Miller
President

MTC–00025139

From: Amy Ayer
To: Microsoft ATR
Date: 1/25/02 5:48pm
Subject: Microsoft Settlement

I was disturbed to learn that the proposed settlement does not include strong requirements that Microsoft document exactly how its operating system works, releasing the information immediately after each change, so that other software companies can design software to run reliably under Microsoft operating systems.

As a professional software instructor, I have observed that many fine programs such as Adobe Photoshop and the Corel office suite run unreliably under Windows, even though Photoshop runs beautifully on Macintoshes and the Microsoft office suite displays far fewer problems.

I believe Microsoft has a history of keeping specifications secret and writing non-standard code (e.g. the scandal a few months ago when they designed www.msn.com to run badly on the Opera browser) as a way of forcing people to use their products rather than superior products by other companies. This is an abuse of power gained by their monopoly on operating systems.

Please alter the judgement to include

1) Clear and full documentation of Windows

2) Clear and full documentation of Microsoft applications, so they can be run on other operatings systems.

Sincerely yours,
Amelia Ayer

Norwich, CT MSN Photos is the easiest way to share and print your photos: http://photos.msn.com/support/worldwide.aspx

MTC–00025140

From: MARK GHALY
To: Microsoft ATR
Date: 1/25/02 5:48pm
Subject: Microsoft Settlement.

MTC–00025140 0001

Mark Ghaly
4452 141st Avenue SE
Bellevue, WA 98006–2310
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW Washington, DC 20530–0001
January 23, 2002

Dear Mr. Ashcroft:

In ancient Greece, a good Athenian is the one that would leave Athens better than he found it. This is precisely why I am writing you this letter. Microsoft can only be accused of democratizing the personal computer. The operating system Windows has enhanced

productivity of the PC and made computing available to any one who cared to use it with minimal required skills.

Prior to Windows OS. One was a captive hostage to Apple PC with its planned obsolescence, unless one was willing to invest innumerable hours to learn DOS. I feel that Windows was a gift to us [non-computer literate] and has made computing to the average person easy, intuitive and painless. If we did not have Windows probably we would have had various competing software with a mass confusion in the market.

I am writing you to urge you and the federal government to endorse and implement the proposed settlement plan in the anti-trust case against Microsoft.

The settlement will, I think justly, allow the company to remain a single corporate entity. In view of the enormous contributions Microsoft has made to the IT industry, this a proper response to deeds done and hopefully a harbinger of future good works. Right now the industry needs a stimulant badly.

The government's plan asks a steep price for the company's continued existence. Microsoft will have to open itself up to its competitors in many ways. Windows will no longer be its sole province, nor its marketplace Trojan horse. Windows will now be configured so as to not just accept but promote others software. A government oversight committee will ensure that the company no longer engages in anti-competitive practices.

In short, I believe that the settlement is a proper workable compromise. Please support this plan. I trust and I hope that the motto of the classical Athenian would prevail
00025140—0002
I of 2 01/29/2002 3:59 [
Sincerely,
Mark Ghaly
Get your FREE download of MSN Explorer at http://explorer.msn.com.
00025140——0003
01/29/2002 3:59 I

MTC–00025141

From: Joan Baskett
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement

U.S. Department of Justice,

My husband and I want you to know that, as taxpayers and consumers, we strongly support the Microsoft settlement. Please approve the settlement today!

Thank you for your consideration of our views.

Sincerely,
Ferol & Joan Baskett
7338 S.E. Berryton Rd.
Berryton, KS 66409

MTC–00025142

From: Stephen Quinn
To: Microsoft ATR
Date: 1/25/02 5:49pm
Subject: Microsoft Settlement

I think the government has dragged Microsoft through the mud long enough. Let America get back to business and start by finishing this case with Microsoft.

Thank you for your consideration. S. Quinn

MTC–00025143

From: jhartley3@msn.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:47pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
John Hartley
1154 Londonberry Lane
Glrn Ellyn, IL 60137–6110

MTC–00025144

From: Thomas Crook
To: Microsoft ATR
Date: 1/25/02 5:51pm
Subject: Microsoft Settlement.
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

In accordance with the Tunney act I would like to comment on the Proposed Final Judgment (PFJ: http://www.usdoj.gov/atr/cases/f9400/9495.htm) in the United States of America vs. Microsoft case. I am concerned that so many loopholes are left open in the language of the PFJ that it will be largely ineffective for its stated purpose.

My name is Thomas Crook. I am a US citizen currently living in Sydney Australia and working for a small computer software company with US, UK and Australian offices. I have been involved in the computer industry in some form since the late 1970's and have followed the rise of Microsoft almost since its inception. I have many years experience working as a software engineer and computer scientist. In addition, I have an MBA and studied marketing and economics at the doctoral level for several years.

I have taught university undergraduate and masters classes in business and economics faculties at the University of Utah and the University of Sydney.

An Instance of Consumer Harm and a PFJ Loophole

I start by relating a personal example of a specific harm to consumers arising from the Microsoft monopoly: A few years ago my University department decided that we wanted to move all our computers from Windows 95 and 98 to Windows NT. We also planned to buy some new computers.

Under our University agreement with Microsoft, we purchased Windows NT licenses to cover our existing departmental computers. The agreement required us to buy licenses in multiples of five and we ended up with surplus licenses that we anticipated would be used on newly acquired machines. When the time came to purchase the new computers, we were disappointed to find that well known vendors such as Dell computer would not sell us small quantities of computers without Microsoft Windows licenses. We were forced to purchase software licenses that we would never use. From published press accounts, I subsequently understood that this was required under OEM contracts with Microsoft.

Section III G of the PFJ initially addresses the harm we suffered in this instance, but then immediately offers a gaping loophole!

G. Microsoft shall not enter into any agreement with: 1. any IAP, ICP, ISV, IHV or OEM that grants Consideration on the condition that such entity distributes, promotes, uses, or supports, exclusively or in a fixed percentage, any Microsoft Platform Software, except that Microsoft may enter into agreements in which such an entity agrees to distribute, promote, use or support Microsoft Platform Software in a fixed percentage whenever Microsoft in good faith obtains a representation that it is commercially practicable for the entity to provide equal or greater distribution, promotion, use or support for software that competes with Microsoft Platform Software

Based on Microsoft's past actions, I anticipate that this loophole will be used to ensure that in practice nothing will change and that ordinary consumers will not be able to purchase computers without a Microsoft operating system. (Indeed, I just did a quick online survey of major mail-order hardware vendors and could find none selling a computer without a Microsoft operating system). This loophole should be removed. A Second Instance of Consumer Harm not Addressed by the PFJ

Going back to my personal anecdote: the least expensive way we could purchase our new computers was to buy them with Windows 98. As soon as the new machines arrived, I installed Windows NT on them. We never used the Windows 98 license on the new machines. Further compounding our injury, I noted that the End User License Agreement that came with the Windows 98 prohibited us from using it on a different computer than the one we purchased it with. Contrast this with the case of computer hardware. If I purchased a new computer which came with a modem, and I already had a modem, no one would even think of objecting if I used the new modem on a different machine or turned around and resold it to someone else. Economic theory would argue that such restrictive licensing could only be viably exist in a very imperfect market (e.g. a monopolistic one). Indeed, at the time, given a choice, I would have gladly purchased a functionally-equivalent non-Microsoft product that had no such onerous licensing stipulations—had one existed. I note that the PFJ does not address the type of consumer harm we suffered in this

instance. Consumers should not be forced to purchase software they don't need and should be free to resell software they cannot use.

Exclusion of Not-For-Profit Organizations from the Terms of the PFJ PBS columnist Robert X. Cringely noted that ''not-for-profit organizations have no rights at all under the proposed settlement.'' (See http://www.pbs.org/cringely/ pulpit/ pulpit20011206.html.) This is an egregious failing. Microsoft has through means fair and foul managed to eliminate the bulk of its for-profit competitors over the years. It has had a harder time dealing with not-for-profit entities. This is not for lack of trying. In the past two years Microsoft has begun to move against the open source movement, as evidenced by its spokespersons using perjoritive terms such as ''viral'' when referring to certain open source licenses. The PFJ must be altered such that these true competitors are not shut out.

My Agreement with Others'' Comments

(1) Codeweavers CEO Jeremy P. White (http://www.codeweavers.com/ jwhite/ tunneywine.html) noted weaknesses in the PFJ that would allow Microsoft to undermine the Wine project, an important initiative in restoring competition to the personal computer operating system market.

(2) Dan Kegel noted a number of problems with the PFJ in its current form (http://www.kegel.com/remedy/remedy2.html) I agree with the points he makes.

It is my strong belief that the PFJ in its current form will be largely ineffectual and should not go forward.

Sincerely
Thomas Crook
Engineering Manager

MTC–00025145

From: David Dehghan
To: Microsoft ATR
Date: 1/25/02 5:50pm
Subject: Microsoft Settlement

Please settle this case. Don't waste more time and money. ———— MSN Photos is the easiest way to share and print your photos: http://photos.msn.com/support/ worldwide.aspx

MTC–00025146

From: RKH110833@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:51pm
Subject: Microsoft Settlement

The settlement IS in the public interest! I am an AOL subscriber (I don't know about much longer) but I use MS Internet Explorer consistently & don't like to be told (by AOL or Netscape) that I have to use an operating system without Internet Explorer! Richard K. Haynes

MTC–00025148

From: cgreyw@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:50pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse: Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Christina Greywitt
1914 Coe's Post Run Westlake, OH 44145–2021

MTC–00025149

From: Kris Klindworth
To: Microsoft ATR
Date: 1/25/02 6:04pm
Subject: Microsoft Settlement

Dear Sirs,

As a professional in the information technology industry, I must respectfully protest the proposed settlement in the Microsoft anti-trust case. This is a company that has been convicted of violating the anti-trust laws at the very time it was under an anti-trust related consent decree. They are a monopoly, they have ignored the law, and I absolutely believe that they have purposefully presented false and misleading testimony under oath. They will continue to do so under this settlement. The difference is that they won't be breaking the law any more because this settlement will give them permission to do these things.

I have read many commentaries which explore the huge and empowering holes this settlement opens for Microsoft, but I will point you to only two that state the case so much better than I could. http://www.kegel.com/remedy/remedy2.html http://www.pbs.org/cringely/pulpit/ pulpit20011206.html

You will no doubt have received many emails in support of this settlement from people who have a financial interest in the success of Microsoft. They have no doubt argued that it is in our counties best interest to accept this settlement and put this thing behind us. The problem is that it is neither in our best interest nor will it put this behind us. Our nations interest is best served by a free and open market.

This agreement would only pave the way for Microsoft to consolidate the monopolies it currently holds and use them to move into other areas that they currently have a presence in, but do not yet control. This agreement is not about the past, but about the future and that is what scares me most.

By the way, I should mention that I am speaking here as an individual and a professional, but not on behalf of my employer. Thank you for your time and consideration.

Sincerely,
Kristopher K. Klindworth
Database Administrator
Carle Clinic Association
Urbana, Illinois.

MTC–00025150

From: dale—meredith@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:53pm
Subject: Microsoft Settlement

It's my opinion that Microsoft fulfilled the demands of it's customers. I personally am appalled at the actions of the states that were involved in the suit.

Microsoft has allowed other high tech companies to flourish and has pushed the technology to where it is today. If it were not for Microsoft I feel that we would be putting with substandard software, hardware and interfaces.

The government in this case is ''shooting'' itself in the foot by punishing a company that has done nothing but answer the requests of its customers. Having worked within the computer industry for the past 10 years, I have seen Microsoft make decision and implement marketing strategies, that those that complain only wish they would/could have made. Shame on all of you for damaging this company and trying make Microsoft ''suffer''.

I will make Microsoft my prime software vendor, and I will STOP purchasing products from the companies that have done nothing but whine and complain like children about this suit.

My voting and financial donations this year will also reflect my opinion.

—Dale Meredith
CC:dale—meredith@hotmail.com@inetgw

MTC–00025151

From: cgreyw@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:51pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Christina Greywitt
1914 Coe's Post Run
Westlake, OH 44145–2021

MTC–00025152

From: Sandy W
To: Microsoft ATR
Date: 1/25/02 5:54pm
Subject: Microsoft Settlement

David Walker
229 Lee Street
Rock Hill, SC 29730
January 23, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

The reason for this correspondence is to express my support of the settlement reached in the Microsoft antitrust case and to state I believe you should do likewise. For far too long Microsoft has been coerced into court, spending millions that it could be using to build better products and create jobs.

The settlement reached will give computer makers broad new abilities to offer non-Microsoft products, either as separate operating systems or as components on Microsoft operating systems. This settlement will actually give competitors new advantages against Microsoft. Unbelievably, competitors still are condemning this settlement because they want something that is much more detrimental and unfair for Microsoft.

I strongly urge you to support the settlement that is available in this case and to repel those interests that want to derail it.

Sincerely,
David Walker

MTC–00025153

From: kburt2@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:53pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Kenneth Burt
17 Bel Aire Ave.
Merrimack, NH 03054–3712

MTC–00025154

From: Todd Henderson
To: Microsoft ATR
Date: 1/25/02 5:56pm
Subject: Microsoft
CC: tormist@ag. state.ia.us@inetgw
MTC–00025154 0001
January 22, 2002
Hon. Colleen Kollar-Kotelly
U.S. District Court, District of Columbia
c/o Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Dear Judge Kollar-Kotelly:

As a small businessman that has been active in the Iowa political process for years, I write to you today because I have come to feel strongly about the Microsoft antitrust case. I feel that the U.S. Department of Justice is trying to settle this case in a manner that does not adequately represent the citizens of this country, let alone the international community.

If my information is correct, Microsoft has already been found to engage in practices that violate antitrust laws, and they should not be exempt, just as I am not exempt. If Microsoft does not like the present scope of antitrust laws, they need to work to have Congress change them, not arbitrarily do as they please. The Justice Department's attempt to settle this case only reinforces their monopoly.

I do not intend to ramble on about all the issues of this broad reaching case that disturbs me, but feel that the very fact that I have this opportunity to be heard, and to have Iowa Attorney General Tom Miller and his staff take an active role in challenging the U.S. Justice Department, is reassuring.

I was taught as a child that a punishment must fit the crime. It appears the U.S. Department of Justice does not hold this belief. Thank you for your time.

Sincerely
Todd Henderson
Cedar Rapids, Iowa
Cc: Attorney General Tom Miller
MTC–00025154—0002

MTC–00025155

From: Bill Beyer
To: ''Microsoft.atr (a)usdoj.gov''
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement

I am writing as a concerned citizen regarding the Microsoft Antitrust Case.

Over the past several years the Microsoft Antitrust Case has been litigated on both the State and Federal level. Recently the Federal government and 9 states have reached an agreement with Microsoft. I believe coming to settlement with Microsoft is good for consumers, the industry and most importantly the American economy. Now is NOT the time to continue litigation on this case. Doing so only benefits the lawyers and a handful of wealthy competitors. More importantly prolonged litigation on this case negatively affects consumers, the industry and the American economy.

Please settle this case now as I believe it is in the people's best interests.

Bill Beyer,
707 West 4th St. #25,
Long Beach, CA 90802

MTC–00025156

From: David Gilman
To: Microsoft ATR
Date: 1/25/02 5:56pm
Subject: Microsoft Settlement

I'm not sure if I've sent you email before or not but in either case... Please settle this lawsuit as quickly as possible. It has been a total waste from the beginning. Microsoft never harmed consumers. The case was a brilliant move but their competitors who were, and continue to be, unable to compete in the open market. Microsoft is being punished for being successful. The case has damaged the economy and the entrepreneurial spirit in the hi-tech industry. The CASE and not Microsoft has damaged consumers.

Thanks,
djg

MTC–00025157

From: SPRURE@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:56pm
Subject: Microsoft Settlement—Please Do Not Delay Settlement
Hello:

I would like to voice my opinion of the Microsoft Settlement. I feel that this settlement is just and very fair for all parties in this matter. You have more important matters to take care of rather than to delay this settlement. Let Microsoft complete this settlement as stated so that they can get on with business. I bet if this settlement is granted the economy will begin to pick up pace shortly thereafter.

So, please grant the settlement because it is fair for all concerned.

Sincerely,
Russell Spruill and Family

MTC–00025158

From: railbender 30378304863059430702 @msn.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Richard Willett
534 West Cheyenne Road
Colorado Springs, CO 80906–2468

MTC–00025159

From: Claude Bravmann
To: Microsoft ATR
Date: 1/25/02 5:57pm
Subject: Microsoft Settlement
Gentlemen:

I feel that instead of constantly harassing Microsoft that the company should be

allowed to do business with as little outside/governmental interference as possible. We don't need more government interference, we need more and better products developed and marketed by companies that have the ability and desire to produce those products.

Claude S. Bravmann

MTC–00025160

From: Gordon Bane
To: Microsoft ATR
Date: 1/25/02 5:50pm
Subject: Microsoft Settlement

The settlement will be good for consumers and software manufactures and competitors

Gordon Bane

MTC–00025161

From: Shannon Vest
To: Microsoft ATR
Date: 1/25/02 5:59pm
Subject: Microsoft Settlement

Microsoft is the kind of company that Anti-trust laws were made for. Microsoft has a long history of making money from resources that were once traded freely among computer programmers.

Microsoft has hurt the computer industry through abusing their monopoly on operating systems. In a hundred years, history will bear this out I believe, as people start to examine the differences between the advances that were made against the advancements that COULD have been made in a more level market.

Look at the features in the first or second version of Word?, and look at the features in the current version. Are the tiny differences in productivity worth the thousands ($10,000+) that keeping your application up to speed with the ''new'' operating system will cost a single user?

NO!

But WE DON'T HAVE A CHOICE! Because of the nature of operating systems these days, a person HAS to upgrade, because inevitably, the simple updates to the system you've purchased will over time render your machine useless without the aforementioned ''new'' operating system that is always around the corner.

Microsoft has already done all the damage it can do. The settlement will reflect whether or not the Government can admit that damage. Please don't let them off the hook by giving them huge inroads to the education market.

Please show some common sense with dealing with this company. The government certainly have the people to understand what's going on. All that's left is to stand up for what is fair.

Sincerely,
Shannon Vest
Computer Programmer
Edmond, Oklahoma

MTC–00025162

From: Claudia Lively :)
To: Microsoft ATR
Date: 1/25/02 6:00pm
Subject: microsoft settlement

Please get this behind us BY SETTLING.

Our country has much more important issues than interfering with the successful business because of complaints by complainers. If we don't keep plunging ahead, we may belong to England again.

Thanks

MTC–00025163

From: kalawai@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/25/02 6:02pm
Subject: microsoft settlement

In the interest of the U.S. economy, please do not let disgruntled competitors use the courts instead of competing in the marketplace. This so-called ''browser war'' is ancient history. It is hurting the stock market recovery and the u.s. taxpayer as well.

Microsoft is an engine of economic growth...which we are in desperate need of now...as we try to recover from not only the effects of the recession, but the tragedy of 9/11.

ENOUGH LITIGATION. LET'S MOVE ON!

Jeanne Drury

MTC–00025164

From: arthurguay
To: Microsoft ATR
Date: 1/25/02 6:01pm
Subject: Microsoft Settlement

In 1992, the General Electric Company was in the process of upgrading their local and wide area networks.

Key to the upgrade were ''best-of-breed'' software programs. The nuclear energy division (GENE) had hundreds of proprietary programs for design of nuclear systems and components and also had access to the UCLA statistical programs (Statpacks).

What else was needed by mighty GE? We needed an email program! Did we write the code ourselves? NO !!! We wanted the best and so we all had Microsft's email installed on our PCs. Thousands of us got the best, quickly; at a bargain price, and it worked right off the bat. NO DEBUGGING NECESSARY. Microsoft talks about the need for companies to have ''freedom to innovate''. They have demonstrated their technological expertise many times over and this nation is better off because they have used that freedom.

Curtailing that freedom would result in a serious loss by our nation

MTC–00025165

From: Tad
To: Microsoft ATR
Date: 1/25/02 6:02pm
Subject: Microsoft Settlement
To Who it May Concern:

Pursuant to the Tunney Act, I am writing to advise that the proposed settlement of the United States vs. Microsoft antitrust case allows and even encourages anticompetitive practices to continue. The proposed settlement should not be adopted without substantial revision, and is not in the public interest. Of primary concern to me are the following issues which are not addressed in the proposed settlement (From Dan Kegel's analysis on the web at http://www.kegel.com/remedy/remedy2.html):

1. The PFJ places restrictions on how Microsoft licenses its products to OEMs, but not on how it licenses products to large users such as corporations, universities, or state and local governments, collectively referred to as 'enterprises'. Yet enterprise license agreements often resemble the per-processor licenses which were prohibited by the 1994 consent decree in the earlier US v. Microsoft antitrust case, in that a fee is charged for each desktop or portable computer which could run a Microsoft operating system, regardless of whether any Microsoft software is actually installed on the affected computer. These agreements are anticompetitive because they remove any financial incentive for individuals or departments to run non-Microsoft software.

2. Microsoft uses license terms which prohibit the use of Windows-compatible competing operating systems. MSNBC (a subsidiary of Microsoft) offers software called NewsAlert. Its EULA states: ''MSNBC Interactive grants you the right to install and use copies of the SOFTWARE PRODUCT on your computers running validly licensed copies of the operating system for which the SOFTWARE PRODUCT was designed [e.g., Microsoft Windows(r) 95; Microsoft Windows NT(r), Microsoft Windows 3.x, Macintosh, etc.]. ...'' Only the Windows version appears to be available for download. Users who run competing operating systems (such as Linux) which can run some Windows programs might wish to run the Windows version of News Alert, but the EULA prohibits this. MSNBC has a valid interest in prohibiting use of pirated copies of operating systems, but much narrower language could achieve the same protective effect with less anticompetitive impact. For instance, ''MSNBC Interactive grants you the right to install and use copies of the SOFTWARE PRODUCT on your computers running validly licensed copies of Microsoft Windows or compatible operating system.'' would still allow use of non-microsoft (yet compatible) operating systems.

What is the use in allowing the development of Microsoft-compatible operating systems when Microsoft practices anti-competitive tactics to restrict the use of all other software? There are many other issues we should be concerned with. A more comprehensive list can be found in Dan Kegel's analysis at http://www.kegel.com/remedy/remedy2.html.

Again, I would like to re-iterate that I am commenting on this proposed settlement as provided by the Tunney Act, and I do not feel that the proposed Microsoft settlement is in the best public interest, nor does it effectively prevent Microsoft from continuing anti-competitive practices.

Sincerely,
Tad L. Goetz
thentil@speakeasy.org
303.596.2105
Aurora, Colorado, USA

MTC–00025166

From: J. Joseph Loehr
To: Microsoft ATR
Date: 1/25/02 6:03pm
Subject: worn out and sold out...

I write to express my absolute dismay and disgust with the proposed settlement.

It is unfathomable how our government could consider allowing Microsoft to escape basically intact, with what amounts to not much more than a ''slap on the hand, and please don't do it again''. If I were Bill Gates,

based on how much his company is convicted of doing, and how little he is being punished, after such a long, long delay, I don't think I'd hesitate to aggressively pursue the next opportunity to dominate and monopolize any market. If you think he will, you are sadly naive. As it is, I'm CEO of a small software company, and I and every single CEO of software companies I personally know is well aware of the fact that Microsoft is essentially escaping real and corrective penalties. They have literally decimated and intimidated 100's of software companies into irrelevance, and they do the same with customers, essentially controlling all the choices that are truly available to the typical business. Only the most advanced and astute businesses are able to function without absolute dependence on the Microsoft monopoly. And it will apparently continue. Nothing in this settlement brings significant recompense to the companies and customers who have injured by over 15 years of Microsoft predatory practices.

To have won the conviction against Microsoft was a great step forward. Unbelievably, you've chosen, on behalf of the American Public, to give back that advance in the current settlement. I thank God that there are still some state governments intelligent enough to recognize your capitulation, and who are refusing to settle. I can only imagine that politics have played into this significantly. Essentially, Microsoft's money and influence has resulted in a change of priority regarding pursuit of a Microsoft breakup. I want you to know that as a voting Republican, and small business owner, I am seething about the Justice department's cowardice and compromise in this matter. With unlimited resources and a guilty verdict already in your hand, you should be ashamed. You are supposed to protect the public and business community. In this, you have managed, tragically, to snatch defeat from the jaws of victory.

Joseph Loehr
CEO
PSO Profit Technologies

MTC–00025167

From: P. McDermott-Wells
To: Microsoft ATR
Date: 1/25/02 6:01pm
Subject: Microsoft Settlement
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

RE: Microsoft Settlement

I have been most disturbed by the Federal government's continued proceedings against Microsoft Corporation. In my opinion, the entire suit brought by the Federal government and several states was extremely ill-founded, and strikes a negative blow at the very heart of the free enterprise system through which this country has prospered.

I bought my first ?personal? computer in 1978. It was an Ohio Scientific brand, and it contained 3 separate CPUs and 3 separate operating systems. One of the operating systems was CP/M, which was the front-runner at that time. The second operating system was DOS (by Microsoft). I no longer remember the name of the third operating system, as it never became widely used. There was no ?standard? in PC operating systems at that time, but it was presumed at that time that CP/M would become the prevailing operating system.

Obviously, that did not happen. Microsoft's DOS and later its Windows operating system because the prevailing product in the market.

There are many reasons for this, including:

1. Superior feature content which was readily accepted by users

2. Wide selection of compatible application software, due to a programmer-friendly development interface

3. Availability of information to enable developers to write applications to run on this operating system

4. Affiliate and partnership programs with developers, software and hardware vendors

In short, Microsoft came to the forefront of the industry by offering ?a better mousetrap? than the competition. The Federal government itself has affirmed this fact by making Microsoft products its own desktop standards. (Our company had the privilege of delivering training on Microsoft products to all of the regional offices of the General Services Administration several years ago.)

Microsoft has contributed immensely to the prosperity of this country. And there are thousands of small businesses like ours that would probably not even exist today if we had not had the benefit of Microsoft's partner programs.

It is an extremely dangerous precedent to allow a competitor in the open market to bring suit when it fails to ?win? in the market place. Forcing a company to share its proprietary and confidential research and development information in order to allow its competitors to better compete squelches the free market initiative to invest in R&D. It also has a decidedly malodorous aura of Socialism.

In my opinion, this continued legal action is motivated as much by the anticipated revenues of the legal firms involved as by the competitors? wishes to gain marketplace by any means possible ? an obvious instance of the ?deep pockets? syndrome. Even though the settlement goes further than original complaints in the suit, Microsoft has chosen to settle so that it and the market can move forward. The settlement requires Microsoft to disclose information regarding how it develops it software. Microsoft has also agreed not retaliate against computer-makers that may ship software that would compete with its Windows operating system. Just these two remedies by themselves will have an enormous impact on Microsoft, but there are even more stipulations than that, as you are well aware.

Although I firmly believe that Microsoft should not even be subject to these settlement requirements because I believe it won the prevailing market position by offering superior products, it would be beneficial to the entire industry and to this country to confirm the current settlement agreement and move on to other issues. Therefore, we are urging you to confirm the current settlement agreement as soon as possible, and let the IT industry be free to develop products in an unfettered free enterprise environment.

Yours truly,
Pat McDermott-Wells, President
Mega-Data Services, Inc.
Tel. 561–798–3940
www.mega-data.com

MTC–00025168

From: Alexander Kalymon
To: Microsoft ATR
Date: 1/25/02 6:02pm
Subject: Microsoft Settlement

Dear DOJ,

I believe that the terms of the terms of the antitrust settlement between the Department of Justice and Microsoft are reasonable and fair to all parties. It it critical for a speedy economic recovery of this great nation of ours that a companies such as Microsoft be permitted to continue to innovate and enhance their products in order to maintain their position of providing the favored software used by more computer users than any other around the world.

We need to put this behind us and move forward.

Respectfully,
Alexander Kalymon

MTC–00025169

From: C—Holloway@Juno.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement

Dear Renata Hesse

Thank you for reviewing my comments on the proposed Microsoft settlement. I have viewed the proposed Microsoft settlement and believe that largely serves consumers well. I believe that the settlement will prevent Microsoft from abusing its monopoly position but will still leave Microsoft room to continue innovating. Microsoft has brought some order to the chaos that ruled in the old days. I don t think that Microsoft should be penalized for that. Please respond so that I will know that you received my mail.

Sincerely
Charlie Holloway

MTC–00025170

From: bsuttn@rjsonline.net@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement

I suppport this settlement. Let's get on with it. Enough time and money has been spent already.

MTC–00025171

From: jonathan—
tolson@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 6:05pm
Subject: Microsoft Settlement

The government can be helpful in many areas, international trade and diplomacy to name a few. But I believe in the new economy it has bitten off more then it should chew. The software industry is a grotesque anomaly of companies of yesterday and today, enemies, allies, and then enemies once again all merged into one. They are fighting together against a force which is unstoppable

by any government force this is time and progress. Every minute that passes the highly perishable goods of software become rotten. The wares must succeed or be trampled by big business, world political powers, or even little children on a PC.

This market is too dynamic to be understood and acted upon by any government, even one as progressive as ours. It is a valiant effort, however inhumane, to control such an animal in the way that has been done. Billions of dollars of progress have been misspent to defend against the possibility of massive controls.

Disservice has already been done to the United States and the rest of the world. Is more punishment necessary?

Jonathan Tolson
Tulsa, OK 74105

MTC–00025172

From: ky7x@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement

The government s suggested settlement is both fair and equitable. Please let it stand as is with finality.

MTC–00025173

From: steve—sodos@moldev.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement

I fully support the DOJ settlement on 11–3–01. Microsoft has led the PC revolution and should be congratulated for their significant achievements rather than sued. This entire antitrust action has been a blatant attempt by Microsoft s frustrated competitors to get the results in the courtroom that they have been unable to get in the marketplace.

MTC–00025174

From: bonwit69@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement

I am appalled that a settlement cannot be reached. This is supposed to be America the home of capitalism and free enterprise. I vote for the settlement!

MTC–00025175

From: geschmierer@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement

I am in favor of Microsoft being able to produce new tools . However this requires listening to the customers as to what they want. Currently it appears that Microsoft is not listening. There are several points that Microsoft needs to consider: 1) Do not be afraid of competition welcome it. Stop being afraid of Browsers currently if I had a choice I would choose IE. This one is a no brainer! 2)Licensing —A salmon swims upstream against the prevailing battle—yes they usually make it but then they die.

You can force your invasive licensing and .NET on the world and you may upset everyone doing it—then your company dies—think about it. 3) Cost of product vs pirating—a) let's face it there are some people out there that will steal no matter what b) there are those who want to comply but the cost is out of reach— consider $100 for FULL version of any OS except high end servers $100—$150 for FULL version of Office—offer larger discounts of multiple license (Home School and Business) c) Multiple computer families—either create a Home license (affordable) for multiple computers or lower the prices per CPU

Remember APPLE essentially built their customer base on students having MAC computers/software in the classroom. Personally Microsoft falls way short—steeper discounts for school. If Microsoft does not upset the customer with their attitude they won t care about competition—the majority of the customers will buy Microsoft products. I would hate to see that go away—What about you!

MTC–00025176

From: hui.wu@ncr.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement

Support Microsoft and the settlement

MTC–00025177

From: epssr@prodigy.net@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement

Lets leave MSN alone.

MTC–00025178

From: Louis.Sawyer@gnf.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement

I am a long time IT professional with 36 years experience. I have participated in the evolution of information technology over a long period of time. I was there at the start of the personal computer revolution and have seen Microsoft become the world s largest software company—starting from that point—by making good decisions good products and competing effectively. From the beginning I was amazed by the antitrust action against Microsoft. End users and IT organizations have only benefitted from Microsoft's products. It's clear that the only entities that benefit from continued litigation are Micrsoft s competitors. It s time to bring this sorry chapter to an end by putting this settlement into effect and moving on. I'll always be amazed that my government chose to hold back a high growth business segment where we lead the world. A lot of damage has been done—let s cut our losses and move on. Thank you for your consideration.

MTC–00025179

From: bduke@dccpub.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement

I believe that Microsoft s innovations have played a very positive role in our develop as a technology leader and hope they are able to continue to innovate without undue restraints. I urge a settlement so that Microsoft and the Department of Justice can both focus on more pressing issues.

MTC–00025180

From: bigrandma@Juno.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement

I agree with the settlement

MTC–00025181

From: buttons@eaglebutton.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement

Gentlemen:

It is a pleasure to add my voice to those of millions of other Americans who are appalled at some of the steps being taken to harass a company that demonstrated to the entire world the advantages of our capitalistic system. Because of our system which rewards those who are innovative hard working and display leadership Microsoft Corporation has emerged as one of the leading companies not only in the United States but in the entire world. They have attained their position by innovative merchandising and superior products which they continue to update and improve while keeping their prices on a downward course. In addition Microsoft has created features which have facilitated the use of technical products especially among those who find it difficult to integrate these features when offered separately.

What more can our system ask of a company than to provide continually improving products that are on the cutting edge of technology at lower and lower prices and thereby increasing productivity and the well being of all our citizens. Those companies that were unable to compete in the market place because their products were less suitable and their merchandising less satisfactory were unsuccessful and companies such as Borland Novell Netscape and Word Perfect were in fact voted out by the American consumer. Why then at taxpayer expense are actions taken on behalf of other private companies such as those noted above and such companies as Sun Oracle and AOL to divert Microsoft from its mission of providing the best and most advanced technology to American business and consumers at ever lower prices? If these companies would devote their energie

MTC–00025182

From: auntmimi12@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement

Let s get over with this lawsuit and leave Microsoft alone. Our country is built on competition. I love Microsoft and there products.

Mary Ann Bullamore

MTC–00025183

From: jerryg@value.net@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement

I feel this is a more than fair settlement. If it is the consumer you are concerned about and not the competitions best interests then this should be done and over with and this settlement accepted.

MTC–00025184

From: rayh1933@aol.com@inetgw
To: Microsoft ATR

Date: 1/25/02 5:55pm
Subject: Microsoft Settlement

I approve of this settlement only because it brings to an end an ill advised and wrongful intrusion of the Department of Justice and the courts into the legitimate competitive ecomomic processes of industry.

MTC–00025185

From: nbleyer@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement

My comments on U.S. vs. Microsoft. It is in the public s best interest to bring this settlement agreement with Microsoft to an end.

MTC–00025186

From: theblackotter@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement

Microsoft has suffered enough under the government s Anti-Trust lawsuits. A company marketing low-price and high-quality wares is being sued by the government for driving its competitors into the ground with lower prices and free extra applications. Isn t this what capitalism is all about???

This madness needs to stop we are punishing people if they are successful in life! I hope you consider that by making this settlement happen you are also helping to solidify the stock market also. Since the crusade against Microsoft began 4 years ago its stock has been tumbling bringing along with it the Dow Jones.

MTC–00025187

From: cmnsy@juno.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement

I was once in business and I couldn t compete. I had to take it on the chin and start over. No one rescued me. Why are the plaintiffs against Microsoft any different?

MTC–00025188

From: Marc Turkel
To: Microsoft ATR
Date: 1/25/02 6:04pm
Subject: Microsoft Settlement

Perhaps, as a Microsoft Employee, my input wouldn't be considered objective. However, as someone who lived and breathed the Mac OS platform for 10 years before becoming a Microsoft full time employee 5.5 years ago, I can tell you this company lives to improve the lives of consumers in every way, every day.

Respectfully stated, the DOJ anti-trust suit seems out of step with most of the American public or, more germane to the case, what consumers perceive about the value Microsoft delivers in today's marketplace. In my travels, talking to relatives and friends, many of whom are still running the Mac OS, there is the overwhelming sense that this lawsuit doesn't represent the best interests of consumers but rather, represents the special interests of smaller less successful companies. This then, would be an anti-trust case motivated by commercial interests; the DOJ is being leveraged as a competitive tool by those seeking an advantage in the marketplace. This is a cynical message for the public and the world from the architects of a free market economy.

Since we have a dominant operating system or platform, every electronic interaction consumers receive is compatible with the system you're running, Linux, Mac or Windows. The incentive for software developers to write interoperability in to their applications is not altruistic but economic. If there were no central operating system, we would live in a world of fragmented communication; indeed the very foundation of today's electronic infrastructure would be truncated and shriveled by comparison. In such a scenario, the ability for the average consumer to own, operate and enjoy a computer, would be practically non existent. Computers would still be niche item, enjoyed by a few, the value to society and unfulfilled promise.

The vision Bill Gates had was, ''A computer on every desk and in every home''. Although this vision is no longer operative at Microsoft, it is plausible that as a society we've arrived as close to this reality as is possible. Due to an economy of scale, prices of hardware and software have dropped while the power and functionality of these products has increased substantially.

Is Microsoft perfect? No. The best I could hope for is a pragmatic and systematic review of the value delivered by Microsoft to the public and the contribution Microsoft has made (directly and indirectly) to the experience of computing overall. Then, as duly elected officials, make decisions in the best interests of consumers and the American public. Reject the sour grapes of competitors who would gladly trade places with Microsoft if they could.

Sincerely Yours,
Marc A. Turkel
American Citizen
11221 75th Ave. NE
Kirkland, WA. 98034

MTC–00025189

From: doriswinfla@juno.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement

Microsoft has done a great job and I think it should be treated fairly and justly. I am proud to be a user of this great company and trust it will not be bothered by further litigation.

Doris & Winnie Jacobson

MTC–00025190

From: bigelse436@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement

I am FOR the settlement

MTC–00025191

From: kyowva@zoomnet.net@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement

I AM VERY SATISFIED WITH MICROSOFT AS MY SUPPLIER OF MY NEEDS TO OPERATE.

THEY ARE SUPERIOR TO ANY OTHERS THAT I HAVE USED. LEAVE THEM ALONE.

MTC–00025192

From: kennethjguy@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement

The government decision about Microsoft should be left alone

MTC–00025193

From: gary.mills@mkcorp.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement

I beleive the action being taken by the DoJ is a proper one. Microsoft should allow OEM s to offer whatever packages they deem best for their customers. If Microsoft Middleware is as greate as MS believes it is then natural Free-market should determine that not the locking down of an OS level access.

I also content that Microsoft does have a great product for some uses and UNIX is good for other uses but that should be the determination of the end-user not the manufactorer of a product.

MTC–00025194

From: lpropheter@Yahoo.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement

The proposed settlement is a FARCE ! Microsoft should be PUNISHED not scolded !

MTC–00025195

From: jackhh1@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement

It seems we have become a society of legal nit pickers. We need more latitude in business for inovation without looking over your shoulder for a potential law suit. Once a legal action is filed(which is a relatively trivial effort) it can generate millions in expenses and lost time for the defendant. There should be a better process to pre screen anti trust legal activity to prevent the non meritorious actions from causing the market place disruption that occur with examples such as the many Microsoft actions. I am sure a general public pole at this point would have very few supporters of continuing the Microsoft suits.

We are undisputed leaders in the world in a few areas software is one why screw it up.

JHH

MTC–00025197

From: talbers@neo.rr.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement

I think that the Microsoft settlement is O.K. Microsoft has done a lot for the computer and probably does it more economically than a bunch of little companies could do.

MTC–00025198

From: tandv1@mindspring.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement

AS A CONCERNED CITIZEN I WISH TO EXPRESS TO YOU THAT THIS

SETTLEMENT BE DONE AND OVER WITH..WE HAVE SPENT ENOUGH TIME ON THIS. I CAN ONLY SAY THAT I HAVE NO LOVE FOR BILL GATES OR MICROSOFT BUT FEEL WE SHOULD SETTLE AND BE DONE WITH THIS...
THANK YOU

MTC–00025199

From: vrandall@grand.state.ut.us@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement
SETTLE IT AND LET THE COMPANY GET ON WITH RESEARCH AND BUSINESS

MTC–00025200

From: billpucci@webtv.net@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement
Please let Microsft alone.This is a country of inovation.

MTC–00025202

From: Ryan Dewalt
To: Microsoft ATR
Date: 1/25/02 6:27pm
Subject: Microsoft Settlement
To Whom It May Concern:
I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.
The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.
Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.
While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.
Sincerely,
Ryan Dewalt
Ryan Dewalt rdewalt@meridianksi.com tet@solfire.com—PCCG

MTC–00025203

From: Lura and Dave Ratts
To: Microsoft ATR
Date: 1/25/02 6:05pm
Subject: Microsoft settlement
I want to express my concern that the Microsoft settlement is so long in coming. I feel strongly that we need to stop harassing Microsoft. Microsoft has already agreed to hide its internet explorer icon from the desktop.
Any further action serves only as a gift to the competitors of Microsoft. No money will go to the consumers, supposedly the ones who have been hurt by Microsoft's icon's being on the desktop when the software is purchased and installed.
I know that I made a conscious decision as to which browser I wanted to use, even though the Microsoft icon showed up on my desktop. Surely that is not too difficult to do for the average consumer. We need to allow the competition that exists between companies to do its thing. It is not right to artificially ''set'' the competition in order that one company or another has an advantage over the others. It would be the same as making Safeway change some of their ways of doing business just because other grocers are not able to do as well.
This sets a terrible precedent for the future. One of the things that makes America great is the free enterprise system!
Thank you for your interest in my opinion.
Lura Ratts
Vancouver, WA

MTC–00025204

From: ronaldon@bellsouth.net@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement
Please lets end the fight against microsoft so that they can put the money they spend on lawyers into new and better software. My personal opinion is that a lot of the productivity that is being experienced now is the direct result of computer technology of which microsoft is the leading company in the software industry.
Thanks
Ronald Don

MTC–00025205

From: hornswamp@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement
I support the settlement with Microsoft. I believe Microsoft is a great company. They have greatly benefited my business with their software. I think our government should put its resources to better use rather than continuing to harrass a fine company like Microsoft.

MTC–00025206

From: Cookiegramma@Juno.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement
I believe in free business. If you invent an idea it shouldn t be taken from you. Jealousy is the usual reason.

MTC–00025207

From: Roy Weeks
To: Microsoft ATR
Date: 1/25/02 6:03pm
Subject: Microsoft Settlement
To: DOJ:
It seems to me that today in this country the government is out to take as much money from every legitimate business it can; tobacco whose product was, and still is a legitimate product for those over 21 years of age. In fact it was legal for years for those 18 and over in many states. What compounds your hypocrisy is the fact that you enjoy millions of dollars for pet programs on the backs of those who choose of their own free will to purchase tobacco profits; ref. federal tax on tobacco products.
Additionally, the federal government subsidized the tobacco farmers for many years probably still does. Now you have sued one of the most successful high tech corporations in the history of this nation because they provided the ''best'' product to the American public. It's time to get off your pedestal and rethink what your greed for these successful company's profits....you already take too much from ''john q. public.'' You've lost this citizen's respect based on your past and present actions.
Roy L. Weeks
Roy L. Weeks
rweeks@cableone.net
CC:MSFIN@microsoft.com@inetgw

MTC–00025208

From: dbuckley@clevelandgear.com@inetgw
To: Microsoft ATR
Date: 1/25/02 5:55pm
Subject: Microsoft Settlement
hands off Microsoft. government s role is to protect me under the constitution supply me with water roads and control the enviroment though limited taxation. other than that let the free market control itself.

MTC–00025209

From: john licht III
To: Microsoft ATR
Date: 1/25/02 6:07pm
Subject: Microsoft Settlement
John Licht
331 Harbor Place SW
Fort Walton Beach, FL 32548–6503
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:
I am writing today to encourage the Department of Justice to accept the Microsoft antitrust settlement. The government has been harassing Microsoft for over three years now and it is time to put the issue to rest. A settlement has been reached and the terms are fair, the government should accept it and move on.
Some people believe that Microsoft has gotten off easy; in fact they have not. The main issues have been settled. Microsoft has agreed to give computer makers the flexibility to install and promote any software that they see fit. Microsoft has also agreed not to enter into any agreement that obligates computer makers to use only Microsoft software. Microsoft has also agreed to provide their competitors with part of the Window's base code in order for them to develop more compatible software.
Microsoft has given up much in order to settle. It is time to allow them and the US economy to move forward. Please accept the Microsoft antitrust settlement. I am really tired of hearing Oracle, Sun, and Aol whine?
Sincerely,
John Licht

cc: Representative Jefferson Miller

MTC–00025210

From: John Crean
To: Microsoft ATR
Date: 1/25/02 6:07pm
Subject: microsoft settlement

If Netscape was a superior product I would be using it.

It is not and never will be.

This is a ridiculous action by an inferior company to gain an advantage.

The only thing Microsoft is guilty of is supplying the public with a quality product. The free market is the judge not Netscape

John Crean
Oneonta NY

MTC–00025211

From: Mohammad Shakeri
To: Microsoft ATR
Date: 1/25/02 6:07pm
Subject: Microsoft Settlement

Although AOL has been lobbying against the settlement through it's media power Time Warner, I believe that the settlement terms are reasonable and fair to all parties. The terms of the settlement are tough, but it represents the best opportunity for Industry and Microsoft to move technology forward and offer the best solutions to customers.

Thank you,
Mohammad Shakeri

MTC–00025212

From: gihuey@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 6:08pm
Subject: Microsoft Settlement

When the whole world is crashing around our ears and the DOJ continues to work with companies such as AOL, Sun, and Oracle to destroy a company who?

s makes better products then they do is flat out wrong. To allow people that are filled with hate (and yes, the word is not even close to strong enough), let me repeat, HATE Microsoft, they are not out for the welfare of the American people, they have only one addenda in mind and that is to destroy Microsoft. Please do not let this happen. If nothing else, a class action law suite needs to be brought against companies like AOL, Sun, and Oracle for the harm they have done to Microsoft and the American people by using the courts instead of producing a better and affordable product in the market place.

Please stop the madness. Please quit hurting the American people and kick these cases out of the court.

CC:gihuey@hotmail.com@inetgw

MTC–00025213

From: Karausthomasb@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 6:05pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Thomas Karaus
1057 So. 28 St.
Omaha, NE 68105

MTC–00025214

From: Jeff Zheng
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 6:08pm
Subject: Microsoft Settlement

I am for the Microsoft settlement.

It's time for the companies to drop the lawsuits and get on with the business of competition.

MTC–00025215

From: cr—perry@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 6:04pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Clint Perry
797 W Walden Hills Dr
Murray, UT 84123–5407

MTC–00025216

From: cvinson
To: Microsoft ATR
Date: 1/25/02 6:09pm
Subject: Microsoft Settlement
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The purpose of this letter is to encourage the swift enactment of the settlement reached between Microsoft and the Justice Department. Over the past few years, I have followed the litigation process with great interest.

In this time I have been increasingly upset with the amount of time and money that have been wasted over this dispute. I believe that the terms of the settlement are fair and that the agreement should be enacted.

Microsoft has made many concessions throughout this mediation process. Microsoft has agreed to license Windows at the same rate to the larger PC manufacturers. In addition, Microsoft will also agree to disclose information regarding the internal interface design of Windows. Microsoft has also provided for the creation of the technical board that will review the stipulations of this case.

Microsoft has made many compromises in an attempt to resolve this issue. I trust that the Justice Department would concur and enact the settlement with haste.

Sincerely,
Clay Vinson
1602 Syracuse Drive
Richardson, TX 75081

MTC–00025217

From: ron.baker@blackwell.com@inetgw
To: Microsoft ATR
Date: 1/25/02 6:07pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Ron Baker
20444 S. Sweetwood Lane
Oregon City, OR 97045

MTC–00025218

From: Paul Tomori
To: Microsoft ATR
Date: 1/25/02 6:10pm
Subject: Microsoft Settlement—remove the chains that bind Microsoft... show some respect for our capitalistic ways

To Department of Justice,

With regards to the current legal issues concerning Microsoft, I would like to stand behind Microsoft.

It is apparent that the practices undertaken by Microsoft, if they had been taken by a smaller company on the rise, would have been rewarded. They would have been congratulated on their competitive strategizing and their superior products. It is

only because Microsoft is a big company and that its competitors whiners that this has come to a legal battle. Had Microsoft been small and relatively unknown, there would not be this case. It is because they are big that the issue is at hand. They are being punished for being good at what they do... This is symptomatic of our ''age of resentment'' and a culture who asserts its ''entitlement'' to the unearned.

My entire company used to use Netscape. We put up with the bugs in their software and the inconsistencies of layout in trying to design websites. When Microsoft came out with their superior browser, we dumped Netscape BY CHOICE and now eagerly await any new innovations Microsoft is able to introduce. If it weren't for the innovations presented by Microsoft and of their commitment to produce cutting edge consumer products, I would not have my business; I would not have my career.

With regard to this over pricing issue... how utterly absurd! I don't think they charge enough !! Show some respect for the core values of America. Let Microsoft be free to design its products as it sees fit and to attach whatever price they so desire. If people don't like the price, they can do without!! If Microsoft tries to price their products too high, the competition will move in. I thought this was the beauty of capitalism. I thought this was the differentiating aspect of America. I thought this was the seat of our example to the world that democracy coupled with capitalism is the only truly ethical system. The funny thing is... I believe Microsoft is only just getting started. There is so much left to do in the world of computing... from Business services to Health services to Artificial Intelligence to communications... etc... etc... Microsoft will rise to these challenges. That is if you let them continue unhindered.

Thank you,
Paul Tomori
Paul Tomori, President
ACTION Corporation
Website Management Excellence
http://www.ActionCorporation.com
paul@ActionCorporation.com
ph. 1–905–734–1780
fx. 1–905–734–7093
cp. 1–905–933–8616
tf. 1–866–848–7778
CC:MSFIN@Microsft.com

MTC–00025219

From: Richard Power
To: Microsoft ATR
Date: 1/25/02 6:12pm
Subject: Microsoft Settlement

LeavesFolks, it's time to put all this nonsense behind us. We, as consumers, were never hurt by Microsoft. We were helped. Legal action against Microsoft is and always was totally unwarranted. Just settle it and let's get our economy back rolling again.

Richard Power
Attorney at Law
P.O. Box 476
Shingle Springs, CA 95682
(530) 677–6344
www.appealsunlimited.com

MTC–00025220

From: Phillip Cripps
To: Microsoft ATR
Date: 1/25/02 6:08pm
Subject: Microsoft Settlement

I believe that the proposed Microsoft/DOJ settlement is not in the public interest for the following reasons:

1. Microsoft has been found guilty of crimes but the proposed settlement does not punish them—it only modifies certain future behavior.

2. Proposed limitations on their future behavior are not adequate since Windows XP already extends the Microsoft monopoly.

3. The proposed settlement fails to remedy the findings of fact.

4. Microsoft does not admit guilt.

5. Microsoft violated the Tunney Act by lobbying the Vice President and members of Congress and failed to appropriately disclose it.

I urge you to do the right thing and reject the settlement and impose remedies that will properly reflect the seriousness of Microsoft's illegal monopolistic activities.

Phillip Cripps
6945 De Celis Place
Van Nuys, CA 91406
818–994–8055
philads@webintellects.net

MTC–00025221

From: Shelley Way
To: Microsoft ATR
Date: 1/25/02 6:14pm
Subject: Microsoft Settlement

I have worked at Microsoft for over ten years. It has been an incredible experience to be part of this company. I started here supporting customers on Microsoft products. This companies success has been in listening to what customers want and delivering it.

I have seen this company grow from approximately 10,000 employees to over 50,000 employees. I have seen the tremendous growth of high tech jobs in the Puget Sound region and throughout the United States. It amazes me that the Clinton administration can take credit for our unprecedented economic growth and yet attack the company that significantly contributed to that growth over the past decade. I can assure you that Microsoft employees in general are hard working, smart, and driven to change the world through technology. We are also people of integrity. We compete aggressively with other software companies, but isn't that the nature of a capitalist society? Microsoft employees are also very generous. Hundreds of employees quietly donated hundreds of hours and hundreds of thousands of dollars to charity as well as contributing time and resources to disaster relief efforts such as the recent tragedy in New York on September 11th. I have also seen millions of dollars donated to charities since I started. Libraries and schools around the world have benefited from Bill and Melinda Gates and Microsoft's prosperity.

The Windows product has created tens of thousands of jobs across the United States, and provided great opportunities for even our competitors. I don?t think it is in the US consumers, our economy, or the high tech industry's best interest to bring down this company.

In the short sidedness and self-serving attitude of the DOJ and our competitors, they have brought this suit against Microsoft. Judge Jackson has sent a dangerous precedent. Based on his interpretation of the anti-trust law, AOL, Cisco, Sun Microsystems, Intel, and Apple are all ''monopolists'' as well. Waging an attack on these companies as well would decimate our economy and jeopardize the United States preeminent position as the World Technology leader.

I would ask, as a one of the 50,000 employees at Microsoft, to settle this matter fairly and equitably.

Sincerely,
Shelley Way
Seattle, Washington

MTC–00025222

From: filledwiththespirit@
hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 6:07pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Elizabeth Jacobs
1308 1/2 Douglas
Wayne, NE 68787

MTC–00025223

From: Dale Hample
To: Microsoft ATR
Date: 1/25/02 6:09pm
Subject: Tunney Act comment re: Microsoft

I am a professor of Communication at Western Illinois University. I have been using computers since 1967, and desktop computers since 1984. I write from the viewpoint of an informed user and concerned citizen. I have no connection with any part of the computer industry, except as a consumer.

As I understand the legal status of the case to this point, Microsoft has been found guilty of establishing its monopoly through illegal means. As a citizen, I am primarily concerned that no individuals or corporation be permitted to retain ''profits'' obtained illegally.

Convicted kidnappers don't get to keep the ransom, after all. The growth of Microsoft has occurred in good part because of the various

predatory business practices they follow, and I hope that the court will take action to undo the profit. It is unreasonable to expect the court to be able to compensate the companies that went out of business, their employees who lost jobs (or who failed in their hopes for entreprenuerial success), or the users who found themselves trying to use software that wasn't supported because the manufacturer was bankrupt.

If you can find a remedy to undo the damage, I hope you will. But even if you cannot, you must destroy the profit. Part of your responsibility is to ensure that no one can enrich themselves by breaking the law, and then just waiting out the length of time that it takes to move a substantial anti-trust case through the court system.

The proposed remedy will not work, in my view. The finding of fact clearly establishes a presumption that Microsoft will certainly try to exploit the inevitable ambiguities in your ruling—inevitable because the computer industry, its products, its services, its very vocabulary, change at a very rapid rate. More, the previous court findings justify the assumption that Microsoft will acatually try to break the law. I am certain that the court is not so naive as to suppose that Microsoft lacked high quality legal advice throughout its monopolistic ascent.

The same lawyers who told them that they could break the law for years before anyone could successfully press a case will tell them the same thing again, within hours of your ruling.

I believe that Microsoft should be broken up, and each of the resulting parts should be placed in such financial straits that they will have difficulty competing. To permit even parts of the present Microsoft to inherit the illegal advantages of monopoly would justify the arrogant contempt for law displayed in Microsoft's actions to date.

Dr. Dale Hample
Dept. Communication
Western Illinois University
Macomb IL 61455

MTC–00025224

From: David Muller
To: Microsoft ATR
Date: 1/25/02 6:10pm
Subject: Microsoft Settlement

I believe the proposed settlement with Microsoft actually entrenches their operating system further in our culture by placing it deeper in the educational system.

I have been affected by their practice of promoting non-compliant standards native to the windows operating system that limit the functionality of my operating system on websites authored with their software. This default ''standard'', acheived only by the monopoly of their operating system, attempts to cripple the viability of other platforms.

The company demonstrates no concern over it unfair practices, and can surely be expected to continue unless it is appropriately restricted. The current settlement is much too favorable to Microsoft and does not go far enough in establishing effective controls.

David Muller
Ransomville, NY 14131

MTC–00025225

From: Torgeir Kateraas
To: Microsoft ATR
Date: 1/25/02 6:12pm
Subject: Microsoft Settlement

I support Microsoft Torgeir Kateraas

MTC–00025226

From: SCS
To: Microsoft ATR
Date: 1/25/02 6:19pm
Subject: Microsoft settlement

Dear Sir/Madam:

I strongly support the present agreement, between the DOJ and Microsoft, to end the anti-trust litigation.

To impose further restrictions on Microsoft goes beyond reason and gives its competitors advantages—by way of legal remedies—that they cannot get in the market.

Truly yours,
Sergio C. Stone
CC:MSFIN@microsoft.com@inetgw

MTC–00025227

From: shell.net.nz admin
To: Microsoft ATR
Date: 1/25/02 6:13pm
Subject: Microsoft Settlement

I think the proposed settlement is bad idea, enough said.

- Mr Blair Absalom
- Westport, BULLER
- New Zealand
- Network Administrator—Team SNZ
- admin@shell.net.nz
- www.shell.net.nz

CC:petition@kegel.com@inetgw

MTC–00025228

From: GGGhosn@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 6:15pm
Subject: Microsft Settlement

To Whom it may concern,

It is obvious to all that this is a misguided political vendeta against Microsoft. Everysence this case has started the market and then the economy has suffered.

It is time to let free enterprise work and get the economy going again.

It is a shame the companys that are backing this suit against Microsft connot see that they are cutting their own throats by destroying the market and the economy.

Sincerly,
George G. Ghosn DDS MAGD FICD FPFA

MTC–00025229

From: mxw9@attbi.com@inetgw
To: Microsoft ATR
Date: 1/25/02 6:16pm
Subject: Microsoft Settlement

Please accept my comments suggesting that the settlement proposed by Microsoft, the DOJ, and 9 states, be accepted without modification.

This case has gone on now for several years. During those years consumers have enjoyed lower and lower pricing, increased performance and capabilities of both hardware and software, and what can only be described as the fruits of competition on every front.

To suggest that there isn't competition in the OS market is silly: just walk down the isles of any computer store and look at the dozens of variants of Linux for sale. In Fry's, which is a massive computer store in the Bay Area, you will find more books on Linux than on Windows. The Mac section is also overflowing.

Please don't let this case drag on forever. We consumers are in favor of the settlement and want it to be resolved.

Mark Wagner
2150 E. Interlaken Blvd
Seattle WA 98112

MTC–00025230

From: Sherene Kershner
To: Microsoft ATR
Date: 1/25/02 6:16pm
Subject: Microsoft Settlement

I believe the settlement that is being proposed for the Microsoft Anti-trust case is reasonable and fair. I believe it should be adopted.

I believe it is time to resolve this issue and move on.

Thank you,
Sherene Kershner
14445 NE 40th #D-102
Bellevue, WA 98007
(425) 556–9346

MTC–00025231

From: Robert Dale
To: Microsoft ATR
Date: 1/25/02 6:14pm
Subject: microsoft settlement

Gentlepersons

I believe the proposed settlement is as wrong as if you were handing out a stern look to the guys at Enron. Microsoft's predatory, piratic monopolistic practices have been egregious and harmful to every computer user in the world, and they must not be allowed to continue in this vein.

Robert C Dale

MTC–00025232

From: Jim (038) Marian Buss
To: Microsoft ATR
Date: 1/25/02 6:21pm
Subject: Microsoft Settlement

Honor the settlement! Get the courts and Politicians out of Technology. In the end Technology and consumers lose! Help get the economy moving with Microsoft innovation. Put taxpayers money to better use!

AOL is the biggest conglomerate the world has ever seen!!!

MTC–00025233

From: BeanieCBS@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 6:18pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel

going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Carol Hilmers
7915 Shady Grove
Houston, TX 77040–4416

MTC–00025234

From: Nathaniel Gray
To: Microsoft ATR
Date: 1/25/02 6:18pm
Subject: Microsoft Settlement

To Whom it May Concern,

I write this letter to state my opposition to the proposed settlement of the Microsoft antitrust case. It does nothing to punish Microsoft for their destructive anticompetetive past behavior or restore competition to the operating systems market and makes only superficial gestures at preventing additional anticompetetive activity in the future. In particular, the open source software community, which in many areas is offering the only viable competition to Microsoft products, appears to be left out in the cold. For example, the proposed settlement gives Microsoft too much leeway in deciding what projects to cooperate with on matters of interoperability.

Section III.J.2.b of the proposed settlement allows Microsoft to veto the licensing of certain APIs, documentation, and communications protocols to any person or entity which does not meet ''reasonable, objective standards ESTABLISHED BY MICROSOFT for certifying the authenticity and viability of its business.'' (emphasis mine) Open source projects are often not-for-profit enterprises, and thus there is no business to judge in this manner. In addition, given Microsoft's past conduct it is outrageous that they should establish the standards by which interoperability decisions will be made. Another baffling oversight of the proposed settlement is its failure to compel Microsoft to make public its many unpublished file formats. One of the most significant barriers to success that any new office software project faces is achieving the ability to load and save documents in Word, Excel, or Powerpoint file formats. Forcing the publication of these formats would finally allow viable alternatives to Microsoft Office, reintroducing competition to a market that Microsoft has monopolized almost as effectively as the operating systems market.

These are but two examples among many complaints I have against the proposed settlement. Rather than repeat the arguments of others I will simply refer you to Dan Kegel's thorough and insightful analysis of the proposed settlement at:

http://www.kegel.com/remedy/remedy2.html and Zimran Ahmed's open letter at: http://www.winterspeak.com/columns/121001.html which analyzes the effect of the proposed settlement on several well-established and legitimate open source projects. In addition, please read the GNU organization's proposals for remedies that would have a real and significant effect on competition in the operating system and application markets:

http://www.gnu.org/philosophy/microsoft-antitrust.html

Microsoft's criminal actions have led to an impoverished computing landscape of closed de-facto standards and no competition. Any settlement which fails to punish Microsoft in a real way for these actions and enable effective interoperability with Microsoft products for commercial AND non-commercial competitors is not just. Any settlement that does not include strong measures to ensure its own enforcement is not just. The current proposed settlement is such a settlement. Please do justice for the American consumer by rejecting it.

Thank you for your attention,
Nathaniel Gray
Graduate Student
California Institute of Technology
Computer Science Department

MTC–00025235

From: lpb@apocalypse.org@inetgw
To: Microsoft ATR
Date: 1/25/02 6:19pm
Subject: Comment on the Microsoft Settlement

Dear Justice people:

I started working with microcomputers in 1985. Back then home and business users had choices of several different kinds of computers. There were Ataris, Commodore 64's, Apples and Apple Macintoshes, and IBM compatible computers, to name a few. There were several different hardware and software platforms. Things weren't compatible with other things, but people shopping for computers had several good choices that provided different features and different price points.

You'll notice today that people have only a few choices when they want a computer. If you go to the store, you can buy a PC running Microsoft Windows, or a Macintosh. The Mac software shelf is much smaller than the PC shelf.

And you know what? If you buy a PC, you take it home and instantly get attacked by viruses and identity thieves. Then you have to pay Microsoft even more money for an ''upgrade'' that fixes some bug that makes it impossible to get any work done.

You'd think in the last fifteen years that computers would have gotten easier to use, but they haven't. Microsoft keeps saying that their stuff is winning because of better quality, not because they are a monopoly. I don't believe it for a second. I've been here a bit, and computers were easier to use in ''85 before Microsoft owned everything.

Lauren P. Burka
305 Walden Street
Cambridge, MA 02138
(617) 876–3574

MTC–00025236

From: Charles Graham
To: Microsoft ATR
Date: 1/25/02 6:17pm
Subject: Letter to the Justice Department regarding Microsoft Settlement

Dear John Ashcroft,

Attached please find my response to your request for input on the Microsoft settlement. Good Luck.

Sincerely,
Chuck Graham
Salem Automation Inc.
4500 Indiana Ave, Suite 40
Winston-Salem, NC 27106
cwgraham@sai-net.com
Phone 336–661–0890xl 06
Copied to Sue Myrick- US House Rep.
CC: Jesse Helms

MTC–00025236—0001

Falem Automation Inc.
Systems Integration Specialists
4500 Indiana Ave. Suite 40
Winston-Salem, N.C. 27106
Phone 336 661–0890 ext 106
cwgraham@sai-net.com
January 25,2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

As a member of the software industry since graduation with a BSClS and BSBA from Ohio State University since 1984, a Microsoft stockholder and a Microsoft business partner, I find it refreshing to see this ugly chapter of government interference in the fast moving high tech industry coming to a close. Microsoft should be held to the same laws as every other corporation in the land. However, the actual damages to anyone in this case is highly suspect. It appears that this case was brought by a number of companies unable to succeed in the industry without resorting to the courts, and some sympathetic government lawyers eager to hang the Microsoft hide on their wall as a trophy. The issue between Netscape and Microsoft as long since been settled as evidenced by Netscape becoming a Microsoft business partner. Microsoft came up with their own browser, a fairly simple piece of software, rather than buy Netscape licenses for it's thousands of employees. Since the development of the browser was already paid for, they offered the browser as part of their operating system to enhance their Internet presence. I see nothing wrong with this. The general market has flourished well due to the standardization Microsoft provided in operating systems and office suites (Word, Excel, etc.). This country's government should be treating Microsoft as a national treasure. The US government should be approaching Microsoft and asking how we can enhance the development of Microsoft and grow the software industry in the USA as it is one of the few industries with any future in the USA. We are lucky that Bill Gates didn't pack up his company and move it across the border into Canada. Other countries would nurture a wonderful success such as Microsoft, not try to tear it down.

This lawsuit caused the technology bubble to burst and caused more loss in shareholder value for millions of Americans than any other single event in history. If I was a government lawyer, this is not the legacy I would want to leave behind. A legacy in

which millions of Americans were robbed of their retirement savings, a legacy of millions of layoffs and company closures. And for what? What did this lawsuit actually accomplish? Even if Microsoft had been broken up, was this a good thing for America? Once again, what could the motives behind this lawsuit be other than a bunch of ''has been'' sour grapes from companies like Sun Microsystems who got together with a bunch of underpaid government lawyers who want to make a name for themselves and fostered by the Clinton administration who may have been angry with Microsoft for not contributing enough to the Clinton campaign. Isn't there a better use of the justice department's time than this? Isn't there any ''real'' criminals that you should be focusing on? The settlement, three years and three months in the making, is an agreement that fosters competition, increases innovation and ensures that all parties involved will be held accountable. Microsoft has agreed to a series of provisions that go above and beyond the government's original list of grievances. Windows operating system internal computer interface and native server interoperability protocols will be released by Microsoft to it's very own competitors—that is uncalled for, but true -and a first. Microsoft will help its competitors compete with it by making it easy for them add and remove software in Windows. This settlement should be the end of this judicial debacle and the final chapter in this unfortunate saga. I strongly urge your office to take no further federal action against Microsoft and encourage the states to follow suit. Thank you.

Sincerely,
Charles Graham
Vice-President Salem Automation Inc.
C: Jesse Helms-
Sue Myrick
NC Senator
NC House Representative

MTC–00025237

From: jonathan—
tolson@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 6:03pm
Subject: Microsoft Settlement

The government can be helpful in many areas,international trade and diplomacy to name a few. But I believe in the new economy it has bitten off more then it should chew. The software industry is a grotesque anomoly of companies of yesterday and today, enemies, allies, and then ememies once again all merged into one. They are fighting together against a force which is unstoppable by any government force this is time and progress. Every minute that passes the highly perishable goods of software become rotten. The wares must succeed or be trumpled by big business, world political powers, or even little children on a PC. This market is too dynamic to be understood and acted upon by any government. Even one as progressive as ours. It is a valiant effort, however inhumane, to control such an animal in the way that has been done. Billions of dollars of progress have been miss spent to defend against the possibility of massive controls.

Disservice has already been done to the United States and the rest of the world. Is more punishment necessary?

Jonathan Tolson
Tulsa, OK 74105

MTC–00025238

From: Nelson Burrell
To: Microsoft ATR
Date: 1/25/02 6:20pm
Subject: miocrtosoft. suit

DEAR SIR :

I WOULD LIKE TO SEE YOU ACCEPT THE SETTLEMENT AS PRESENTED BY MICROSOFT AND LET THE MARKET PLACE DECIDE WHO CAN DELIVER THE BEST SERVICE.

SINCERELY;
NELSON

MTC–00025239

From: Ray D'Andrade
To: Microsoft ATR
Date: 1/25/02 6:21pm
Subject: Microsoft Settlement

I have been using Microsoft products for many years now. I am a computer consultant and I work in many different systems. Their products far exceed the quality of their competitors on the market. In addition, their products are well marketed. They made it easy for anyone to develop software for their platform, and that is why there is more third party support for their platform than any other. These are the reasons that they have the market share of desktop PCs. Now they are starting to dominate the server and backoffice market for the same reasons. I have used competitors products for desktop software and backoffice, and no other competitor comes close to the low cost, high functionality, and high user-friendliness, and customization of Microsoft's products.

The people that I know that work there say that it is an excellent company to work for and it's well managed. They are model for other technology companies to follow. The bottom line is that Microsoft is a well managed company that develops some of the best software that is available on the market. This is why they dominate the market, NOT because of unfair business practices. The initial settlement was unfair to Microsoft because they did not do anything wrong. Any further pursuit of action against Microsoft is even more unfair. You are punishing a company for creating excellent products at affordable prices.

I look forward to the day when these hearings are over and we can all get back to business as usual. No further action is required against Microsoft. The punishment Microsoft received far exceeds what it deserves.

A concerned citizen and technology business owner,
Ray D'Andrade
Bright Network Solutions, Inc.
Princeton, NJ

MTC–00025240

From: Gayle Green
To: Microsoft ATR
Date: 1/25/02 6:21pm
Subject: Microsoft Settlement
4119 North Simpson Road
Otis Orchards, WA 99027–8721

January 12, 2001
Attorney General John Ashcroft
US Department of Justice
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I support the settlement of the Microsoft Antitrust Case. I am outraged about the amount of money and time that has been devoted it. This case should not have been brought in the first place. I am even more outraged by the handling of the case by the judiciary. I believe firmly that the government should simply drop the case against Microsoft, however, as the likelihood of this happening is slim, I support Microsoft's agreement to comply with the terms of the settlement agreement in the interest of ending this costly, wasteful, unwarranted, and needless litigation.

The terms of the settlement are more, considerably more, than fair, just, and reasonable. Microsoft has gone far above and well beyond what should be expected of it. Microsoft has agreed to disclose to its very competitors the interfaces that are internal to its proprietary Windows Operating System. Similarly, Microsoft agreed to not enter into contracts with third parties that would require that third party to exclusively promote or distribute Microsoft products. There should be no hesitation in accepting these terms; no hesitation on the part of the Department of Justice; and, no hesitation on the part of the Court. A nation that hesitates in times of crisis is lost.

And our nation is facing a crisis. I believe firmly that this case was brought as a result of the government's ongoing pattern of interfering with successful American businesses.

Innovative companies, like Microsoft, should be free to further their businesses. When innovative American companies are allowed to freely innovate, American businesses, American consumers, and the American economy in general, will benefit.

Thank you in advance for your attention to this matter and, please, let our nation move forward.

Sincerely yours,
Gayle E. Green

MTC–00025241

From: Peter Ollodart
To: Microsoft ATR
Date: 1/25/02 6:21pm
Subject: Microsoft Settlement

Dear Sirs/Madams:

I wanted to provide comment on the settlement proposal between Microsoft and the Department of Justice Antitrust Suit. I strongly believe we need to finalize this settlement and put this case behind us. It's been going on too long and not settling it at this point does nothing but drag down the economy and helps a few other non-competitive companies whose real motive has nothing to do with the case. This is particularly important at a time when our justice system needs to focus on eliminating terrorism and making our country a safe place to live and work. I have always thought this suit was counter-productive. This suit has been a drag on the high tech economy brought on by our own government. It has been blown way out of proportion and has

done a lot of harm to Microsoft, the PC industry and the cottage industry that depends on Microsoft for their livelihood. Quite frankly, it hasn't helped our competitors either. The collapse of the .coms has clearly shown that Microsoft competitors chose a path that relies on over-inflated business plans that are not competitive in the marketplace. It was never clear to me that consumers were ever harmed by Microsoft. In fact, the opposite seems true, where more and more people are able to enjoy computing because of Microsoft. I believe this is a fair settlement that allows enough control while not choking the life out our company. I for one would like it just to be over.

Regards,
Peter Ollodart

MTC–00025242

From: LPhysics@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 6:20pm
Subject: microsoft settlement

I think it's outrageous that MS has been allowed to bully their way to the top for all these many years. Their requirements to place their browser on the desktop at the expense of Netscape, earlier requirements to bundle Office with machines or not get the latest OS on time, the original complaints that third party developers wouldn't get info about the latest OS until MS had the market wrapped up with their own offerings are all textbook examples of MS promoting and protecting their monopoly in the OS and now the browser market.

As much as I dislike the government sticking their noses where it doesn't belong, it is the only way to protect the public when the free market has been manipulated and subverted as it has by Microsoft. At the very least they should have their business highly regulated and possibly broken up into competing branches. I recommend separate companies for OS and applications. Gates, Balmer, et al should not be able to sit on both boards. The government should constantly monitor the business decisions by both companies (a nonvoting member on each board perhaps) and report back monthly to the Justice Department. As for MS offering to donate used machines and their software to poor schools . . . what a crock! It makes absolutely no sense to let them use a punishment to move into the education market and make even more schools dependent upon their software.

Please help to repair the free market place and slow down the MS juggernaut!!

Lane Hoback

MTC–00025243

From: Peter du Fosse''
To: Microsoft ATR
Date: 1/25/02 6:27pm
Subject: Microsoft Settlement

Any settlement that goes through should be eyed critically and not in ANY way offer any benefits to MS in terms of their barely slowed monopoly. Enforcing a choice for all PC-makers as well as encouraging compensation for companies hurt in the past by their monopolistic behavior would also be a good start (Netscape, IBM, Apple, etc.)

This will determine the future of computing and if you want it to be as lackluster as it has been, with only the interesting things coming from companies *OTHER* than MS, you need to do open the market(s) to *REAL* competition again. (remember the days of 5–7 different ''mainstream'' computer OSes? I barely do either!)

Thank you for your time.
-Peter du Fosse''
Pete du Fosse''
Photoshop QA
Adobe Systems, Inc.
345 Park Ave. W10–306
San Jose, CA 95110
408.536.3296

MTC–00025244

From: William Liu
To: Microsoft ATR
Date: 1/25/02 6:29pm
Subject: Dear Judge,

Dear Judge,

Microsoft is an organization that has abused it's position as a leader in operating systems software. I have used their products for over eight years and I feel that the upgrades and bugs have cost me and my family hundreds, if not thousands, of dollars. Not only are the upgrades flawed themselves, most users know that they will be needing a newer version in only a couple of months. Something needs to be done to strictly monitor and regulate this problem because the consumers are suffering without reason.
Thank you for your time

Will Liu
7143365923
Orange, CA
CC:microsoftcomments@doj.ca.gov@inetgw

MTC–00025246

From: Dan Dittenhafer
To: Microsoft ATR
Date: 1/25/02 6:26pm
Subject: Microsoft Settlement

To whom it may concern,

While the terms of the settlement are tough, I believe they are reasonable and fair to all parties, and meet—or go beyond—the ruling by the Court of Appeals. I support the settlement of this case based on the current terms.

Thank you,
Daniel Dittenhafer
1203 White Oak Cir.
Melbourne, FL

MTC–00025247

From: Smith Kevin
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 6:28pm
Subject: Microsoft Settlement
Re: Comments on the Proposed Microsoft Settlement Agreement
To: Renata B. Hesse, Anti-trust Division, USDOJ
Fr: Kevin A. Smith, Chairman, Arkansas Senate Technology Committee

I just want to add my comments in favor of the Microsoft Settlement. I think it is the right balance between Microsoft's market strenght through the use of its O.S. while allowing continued innovation in software development. Thank you for striking a good and fair balance for the people of the United States, and for innovation in the marketplace (which also helps the US).

Kevin A. Smith

MTC–00025248

From: den geil
To: Microsoft ATR
Date: 1/25/02 6:27pm
Subject: Microsoft Settlement

Gentlemen; I am strongly in favor of a settlement now of the Microsoft fiasco the Clinton engineered. Lets get this settled as currently proposed.

Denis W. Geil, Reno, Nv

MTC–00025249

From: Justin Merkovich
To: Microsoft ATR
Date: 1/25/02 6:24pm
Subject: Microsoft Settlement

To Whom It May Concern,

I want to voice my displeasure with the apparent ''kid gloves'' approach to the recent Microsoft case. As a user who primarily employs a Macintosh I have to say that I have been on the receiving end of Microsoft's deplorable business practices for quite some time. I wish it to be known that I will be very disappointed in what I will view as acquiescence on the part of the Department of Justice should the DoJ decide not to press Microsoft on its business practices. How long will the government stand for the monopolistic position of Microsoft and the abuses that it enjoys as a result? Are you really afraid that the economy will collapse if you rein in this behemoth? Did communication in the U.S cease to exist when ''Ma Bell'' was split up? Now is the chance to give competitors a level playing field and let Microsoft stand on the merits of its products rather than on the free rein that the U.S. government has given it to destroy its competition. I don't expect that Microsoft will be sanctioned in any way as a result of this letter or the many other thousands like it that you have surely received. The Department of Justice has given me no reason to believe that it will do ANYTHING to curb Microsoft's DOCUMENTED abuses in light of the fact that it has had chances in the past which were not taken advantage of and that it appears that this opportunity has been squandered as well.

In short, if Microsoft's practices are not a clear cut case of abuse from which the Department of ''JUSTICE'' is designed to protect the citizens of the United States from, then I don't know what constitutes abuse or what the Department of Justice is doing to protect me. I hope my voice can add to the din of outrage at the apparent bowing to the whims of Microsoft.

Thank you for your time,
Justin Merkovich

MTC–00025250

From: Rick Rousseau
To: Microsoft ATR
Date: 1/25/02 6:27pm
Subject: Microsoft Settlement

To Whom It May Concern:

I've been a computer professional for the last decade working both in systems administration as well as software engineering. I find the proposed Microsoft Anti-trust settlement inadequate and unacceptable. Nothing short of dividing Microsoft's business into seperate operating

systems and applications business units makes sense. That's not even taking into consideration any punitive measures that should be imposed on Microsoft for it's unlawful practices.

Please consider your actions carefully.

Rick Rousseau—computer troll

Nearly all men can stand adversity, but if you want to test a man's character, give him power.

—Abraham Lincoln

MTC–00025251

From: DAHud80@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 6:30pm
Subject: Re: Has Your Opinion Been Counted?

We feel that Microsoft has been un fairly picked on and now is the time to cease and decist any further charges. We have been very happy with Microsoft and thank them for all their help in the computer industry. So lets get off their back.

Sincerely DAHUD80

MTC–00025252

From: colette bottinelli
To: Microsoft ATR
Date: 1/25/02 6:33pm
Subject: Microsoft Settlement

Dear Sir or Madam,

I am writing to voice my support for Microsoft in the DOJ case. I have grown tired and impatient with this matter, as it is clearly a case funded and formed by Microsoft's competitors, NOT its customers (as its competition has been positioning the case).

Microsoft has been accused of overcharging its customers for software. I encourage you to take an audit of what the competitors are charging for their software (and what you get for that price). I believe you will find that Microsoft products are competitively priced, and often offer many more features/benefits to the customers than many other products that are on the market today.

I would also like someone to explain to me how Microsoft can be tagged as a ''Monopoly''—while a huge media conglomerate such as Time/Warner, and AOL/Netscape (who is now known for ''owning'' the internet) can be allowed to join forces without anyone batting an eye?! It has reached the point of being ridiculous.

It is a sad state of affairs this country has found itself in, when lawsuits become the first call to action instead of a last resort. Companies like AOL believe that by suing, they can keep competitors on the defensive and stop them from creating an offering that is better than their own product. AOL has market share dominance, and they have decided that in order to protect that market share they must sue a competitor rather than improve their product to retain/attract more customers. This is a lazy, unethical business practice. I think they have truly embarrassed themselves with this action.

If the government allows these absurd law suits to continue, it will soon have on its hand a crippled industry that has not moved forward in innovation due to forced stagnation. What we will see is more American jobs lost, and foreign competitors soon owning the high-tech sector. It's time to put a stop to this and send a clear message to companies that truly do not have the customers interest at heart, but are using this guise to further their own selfish and uninspired agendas.

Thank you for your time and consideration.

MTC–00025253

From: aauer@deadprogrammers.org@inetgw
To: Microsoft ATR
Date: 1/25/02 6:27pm
Subject: Microsoft Settlement

Dear Sirs/Madams,

I write regarding the ongoing question of remedies in the DoJ vs. Microsoft trial. I am not entirely aware of your policies on considering input from those outside your borders, but given that profound repercussions are likely to be felt from this outcome by industry members and citizens around the globe, I felt that it was imperative that I at least voice my concerns.

It is my opinion, as an IT professional and engineer with computing background, that to ratify the current settlement proposal between Microsoft and the U.S. Department of Justice would be extremely imprudent. Whatever the rationale the Department had in coming to this proposal, I believe it to be erroneous in that it is not only completely wanting in remedy for consumers, but in fact shackles them to further Microsoft monopoly by enshrining many of their monopolistic strategies in legal precedent. Specifically, the lack of requirement to bring the file format of Word into the public domain, the allowance that Microsoft verify entities as ''legitimate businesses'' (a term as loosely and ambiguously interpretable as they like) and the pencil-thin definitions which will allow Microsoft to continue, and indeed expand, it's unfair monopolistic practices.

I can only hope that this is read, and perhaps, considered.

Very truly yours,

Anthony Auer

CTO, MediaShell Corporation

Toronto, Ontario

MTC–00025254

From: Andrew Lenharth
To: Microsoft ATR
Date: 1/25/02 6:36pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft Settlement. I beleave the preposed settlement is ineffective in it's attemps to curb Microsoft's anti-competitve behavior.

One of the most effective tools used by microsoft to maintain it's monopoly are propritary file formats used by their application. Without clearly, correctly, and thoughly document file formats, it is extremely difficult for a competitor to create a competing application. This is due to Microsofts monopoly in the office application market. Any competing product that cannot read a microsoft generated file or document has an extremely hard time establishing a foothold, since it cannot deal with the majority of the douments its user receives.

There are many additional problems with Proposed Final Judgement that make it an ineffective tool to combat the finding of fact that Microsoft has anti-competitive behaviors.

Andrew Lenharth

Network Administrator, State of Washington

Debian GNU/Linux Maintainer

Everett, Washington

MTC–00025255

From: Amy Rogers
To: Microsoft ATR
Date: 1/25/02 6:33pm
Subject: Microsoft Settlement

To Whom It May Concern:

I would like voice my concern regarding the government's actions taken against Microsoft. I appreciate the role of the government in acting as a ?guardian? to protect businesses from unfair practices. However, I do NOT support the continued use of taxpayer dollars to appease those competing with Microsoft. For the most part, those complaining about Microsoft are also huge profitable corporations. They are not small to mid-size businesses that are struggling to get by while Microsoft seeks to destroy them. I believe that if AOL or any of the other big complainers were forced to go through the same scrutiny Microsoft has had to endure for many years they would have failed the test. In fact, many would not remain in business. On the contrary, Microsoft continues to lead the way in technological advances and has also weathered our poor economy well. Despite others efforts to cause the downfall of one of our nations finest corporations it has risen above the controversy and moved forward. It is time for the federal government and remaining states involved in the law suits against Microsoft to move on as well.

As a taxpayer and a voting and concerned citizen I say, ?enough is enough?. Microsoft has agreed to change their business practices. While the standards are tough they have agreed to do what has been declared fair and right by the courts. The law suits need to stop and the government needs to send the message that while protecting fair competition it will not discourage business and technology that gives our nation an edge in the world market.

Microsoft has done far more good than bad. We need more companies like Microsoft to innovate. The freedom to innovate is an important part of our culture and one that allows individuals and corporations to excel domestically and abroad.

Let Freedom Ring!

Amy Rogers

Amy F. Rogers

425–451–1187 Home

425–451–1185 Fax

mailto:amy@doingood.net

CC:Jeff Rogers

MTC–00025256

From: Melanie C. Alexander
To: Microsoft ATR

Date: 1/25/02 6:37pm
Subject: Microsoft Settlement

Dear Sirs:

I protest the laxity of the DoJ settlement in the Microsoft antitrust suit. I am not a software developer, but have been involved in applications development since 1986. I am also a student of history. Microsoft does not make the best operating system or software, but over the years, its unfair practices have beaten down the competition using unfair competitive practices.

The arrogance in Microsoft's response to this suit is too reminiscent of the coal industry, the oil and gas industry, and other ?dirty? industries the trustbusters took on in the past. In these days of business consolidation, and multinational corporations, the Department of Justice should be more representative of the American public, rather than an internationally based corporation looking primarily at the corporate profit picture. I expect the US Department of Justice to take a firmer stand in protection of the rights of American consumers, and the free enterprise system.

MTC–00025257

From: Jolie Maki
To: Microsoft ATR
Date: 1/25/02 6:36pm
Subject: Microsoft Settlement

I agree with the terms of the settlement that the DoJ, Microsoft and the 9 states have painstakingly worked together on. We desperately need to move on to the next set of pressing government issues and leave the business matters of software where they belong, in the hands of the companies that create it, not the courtrooms.

I am truly concerned and disappointed that the ''special interests groups'' are taking the continued ''petty'' litigation approach in addressing their shortcomings, to the point of adnauseam. I have always felt privileged to live in a country that supports innovation and forward thinking for the consumers who choose to purchase (or not) such products. However, I believe if we continue this litigation path my faith in the legal process will diminish greatly and our countries economy will continue to suffer as a result.

Please let's get on with it!

Jolie M. Maki
Snohomish, WA
Registered voter- 44th Legislative District

MTC–00025258

From: Scot Ballard
To: Microsoft ATR
Date: 1/25/02 6:32pm
Subject: Microsoft Settlement

Make Microsoft document every file format, and every network protocol so that other software vendors don't have and automatic disadvantage. You should also make sure that they couldn???t dissuade other vendors from actually using these standards.

Do this and you will give Microsoft the right to truly innovate.

Scot Ballard
scot@apple.com
408–974–0575
G.C.S.S.E.

MTC–00025259

From: Bill Durham
To: Microsoft ATR
Date: 1/25/02 6:40pm
Subject: Microsoft Settlement

Honorables,

Under the Tunney Act, I wish to add my voice to those commenting on the proposed Microsoft settlement.

I have perused the Court's findings of fact, and the terms of the proposed settlement. While I do not pretend to be a lawyer, I am a software engineer who has been studying the High Technology industries for well over twenty years. I thus speak as a professional versed in technologic matters.

To put it simply, the court not only has recognized that Microsoft is indeed a monopoly, but they have also found that Microsoft is guilty of actions illegal for such a monopoly—and I find the notion of allowing the convicted to dictate the very terms of its own punishment to be wholly illogical. In examining the proposed remedy, it not only represents a tiny pittance of punitive damage against such a massive entity, but it actually rewards the defendant by giving it the means to extend that monopoly further into a market where they previously held no such status. How, if such a settlement were to be upheld, could it be considered fair and just if the convicted really profits from the so-called ''punishment'', while their (innocent) competitors are harmed?

Furthermore, it has come to my attention that at the same time that Microsoft was found guilty of violating Sherman, and while proposed remedies have been whittled down to where they actually benefit the convicted, Microsoft has been continuing to thumb its nose, if you will, in the face of justice—and that they are indeed carrying out further predatory attacks against their competitors. The chief complaint I have of late, effecting my own business and career, is the acquisition, last year, of key patents from Silicon Graphics Inc. that could threaten the viability of the only real competitor to Microsoft's Direct3D Software API (Application Programming Interface), namely, OpenGL. If this were to go unchallenged, then Microsoft would be allowed to actually gain control of their competition in this area, and have serious repercussions on the entire 3D Computer Graphics industry including 3rd party software vendors and hardware vendors and even the video game console market.

This is very serious. Microsoft has already been cited for wantonly using the licensing of its own API's, in many areas of Software Development, not just 3D Graphics, as a means to control developers. And allowing this monopoly to now control the licensing of the —competing— API's in 3D Computer Graphics means they now control both sides of that equation—shattering any hope for true competition.

This one example of Microsoft flaunting its might—even in the face of having been found guilty by the Court—is an affront to the very ideals of justice, and would put a dire, oppressive strangle-hold on this industry. If Microsoft prevails in their own sentencing, then

I fear they will continue to proceed unabated in their anticompetitive actions.

I know that, given the current sour state of the economy, political ''realities'' have been suggested as an argument—that in this assumption we must prevent Microsoft's fate from impinging on the economy—nevertheless, for the good of our progeny and for the Rule of Law to be sustained, something extremely —serious— needs to be done to drive home to the convicted party that their actions are to no longer be tolerated in a free and open market. It may still be too much to hope that a serious break-up would be upheld, since—as presumed by many—that such a remedy might actually contribute to the weakening of the economy—but then if that were true, then the very fact that the welfare of just one such corporation could have such an impact on the —whole— economy means that the situation with that obvious monopoly should be rectified to —reduce— its impact, not increase it (as Microsoft's own suggested remedy would cause to occur). If any one company is considered so vital to the whole economy, then, logically, measures must be taken such that we do not have ''all our eggs in that one basket.''

Please, we beg you, give this considerably more thought.

—Bill Durham,
Independent software engineer

MTC–00025260

From: William Parradee
To: Microsoft ATR
Date: 1/25/02 6:40pm
Subject: Microsoft Settlement

I think the Microsoft settlement is a bad idea.

It will give Microsoft an even more complete monopoly than Microsoft has now.

Some families now use other operation systems and programs. This settlement will cause those families to buy Microsoft products in order to help their children in school. It may keep some children from using other operating systems and programs such as Mac, Linux, FreeBSD, Unix and others. Or any of the other lines of browsers.

If you must order Microsoft to provide computers to schools, order them to install an operating system other than their own—and in good working order. Or perhaps install two operating systems so arranged that either of the two may be accessed and used easily. In that case, perhaps, one of the systems may be their own.

William A. Parradee

MTC–00025261

From: akadug@juno.com@inetgw
To: Microsoft ATR
Date: 1/25/02 6:39pm
Subject: Microsoft settlement

Pleas end this costly argument as soon as you can. Douglas Stevens

MTC–00025262

From: Tom Watson
To: Microsoft ATR
Date: 1/25/02 6:39pm
Subject: Microsoft Settlement

The Microsoft settlement is BAD.

Why why why do you let the offender get away and further his monopoly by making

schools forced to use the very product that is the subject of the anti-trust action. It makes as much sense as letting a drug pusher give away crack at a school.

NO NO NO!!

Tom Watson I'm at home now!!

tsw@johana.com

MTC–00025263

From: Ronald G Davis
To: Microsoft ATR
Date: 1/25/02 6:39pm
Subject: Microsoft Settlement

The Justice Department should accept the settlement offered by Microsoft and rule to put an end of all lawsuits. Microsoft has used smart business to be at the top of the technical business. Consumers will not be served by continued harassment.

Ronald G. Davis, Portland, Texas

MTC–00025264

From: OKCashel@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 6:36pm
Subject: Microsoft Settlement

Dear Sir or Madam:

Having followed the Department of Justice v. Microsoft proceedings from the beginning, I believe it is now time to put this matter behind us.

Microsoft is undoubtedly a great American success story; any country would be honored and proud to have them, to reap the vast benefits they have showered on so many for so long, and to take pride in the significant contributions they have made, all over the world. If in fact they did wrong, they have paid the price; we, as a nation, have your pound of flesh, we do not need to draw blood?

Let's get on with business now and focus our attention on much more important matters, such as Enron.

Michael F. Merrick

MTC–00025265

From: Noble Eden
To: Microsoft ATR
Date: 1/25/02 6:43pm
Subject: Microsoft Settlement

Please allow the proposed settlement with Microsoft become final.

Noble Eden, Jr.
5710 Indian Springs
Livingston, TX 77351

MTC–00025266

From: C F Beaver
To: Microsoft ATR
Date: 1/25/02 6:44pm
Subject: Microsoft Settlement

I just wanted to add my voice to the many who say that the agreement reached between Microsoft, the DoJ and several of the states is a reasonable and fair solution to the issues raised by the anti-trust suit.

I believe that the suit was ill-advised from the beginning. In my view, the self-serving actions of Microsoft's competitors initiated a serious and expensive misdirection of industry and national resources, under the false pretense of consumer protection. The negative consequences of that mistaken chain of events are still troubling the nation's economy. Moving on now is in the nation's best economic interest.

Catheirne Beaver
325 Omni Drive
Sparks, NV 89436

MTC–00025267

From: Shirley Adams
To: Microsoft ATR
Date: 1/25/02 6:44pm
Subject: Microsoft Settlement

Please drop this rediculas, ongoing for months & tend to businesses much more important. Ex: Social Security Medical Insurance & % of yearly increases to at least meet cost of living Or % given government empoyees—-Feed the HUNGRY Americans—-& stop borrowing from S.S. so you can stay in black!

Microsoft has offered a generous settlement to the school children of the U.S .A by setting up computers for them to broadening their capabilities.

Your time spent on M/S could have been spent to solve these problems in less time, than this has taken.

Shirley J. Adams
7800 Mockingbird Ln.
Lot 189
N. Richland Hills, Tx.76180
P.S. Thank you for reading this.

MTC–00025268

From: Andrew Wolff
To: Microsoft ATR
Date: 1/25/02 6:41pm
Subject: Microsoft Settlement

AOL had it all and lostr it all. That's American free enterprise! Don't intefere with regulations and penalties.

MTC–00025269

From: reh@grove.ufl.edu@inetgw
To: Microsoft ATR
Date: 1/25/02 6:42pm
Subject: Microsoft Settlement

I am a computer programmer and computer systems administrator. I have been doing this work for nearly twenty years, and I remember the first Microsoft anti-trust case and the earlier IBM anti-trust case.

Having established my old-codgerdom, please allow me to comment on the ''Proposed Final Judgement in United States v. Microsoft''.

The proposed remedy has many flaws in the details, but more importantly, some basic shortcomings:

1) Inadequate allowance is made for the fact that Microsoft is a serial, unrepentant lawbreaker. Far too much is given over to Microsoft's discretion. For instance, they may withold critical interoperability information if that information would ''compromise the security of a particular installation or group of installations of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems''. (III.J.1)

Microsoft is not only technically able to engineer gratuituous dependencies on such exempted APIs, but apparently is the party that decides whether such a dependency exists in the first place. Microsoft should never be in the position of interpreting any part of the final judgement. A special master or other external agency should make any interpretation.

Microsoft has earned a presumption of bad faith.

2) No explicit provision is made for competitors to Microsoft that are not, strictly speaking, businesses. The Wine project (http://www.winehq.com) and the Samba project (http://www.samba.org/samba/samba.html) are volunteer efforts that produce software that serves some people, for some purposes as an alternative to Microsoft. The volunteers on these projects do this by reading the documented API, performing experiments and determining the real API. Then they implement as much of that API as they can.

It is true that such an organization often has some corporate assistance, but the project itself is not structured as a business and so would fail to ''meet[s] reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business''. (III.J.2.c)

3) No provision is made for lowering the user's barrier to migration. Users may well have significant time and effort invested in documents in proprietary Microsoft formats. Microsoft should be forced to open up these formats, so that other vendors may produce fully compatible (at the file level) products, allowing users to move their own work product to other platforms, should they so desire.

—- Sincerely,
Rodger Hendricks
Sr. Systems Programmer,
AT/CIRCA, Univ of Florida
E520 CSE
P.O. Box 116140
Gainesville, FL 32611–6140
(352) 392–2007

MTC–00025270

From: RNFrank@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 6:41pm
Subject: proposed settlement

Any non substantive penalty against Microsoft is a strong reinforcement for corporate malfeasance. By substantive I mean a fine of around 50% of Microsoft's net worth or breaking the company into small enough units that it no longer has the power to rent congress. Richard Frank

MTC–00025271

From: Brian Schack
To: Microsoft ATR
Date: 1/25/02 6:43pm
Subject: Microsoft Settlement

Don't let Microsoft get away with everything they have done to put other companies out of business unfairly and strengthen their monopoly.

MTC–00025272

From: vhavin@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 6:45pm
Subject: Microsoft Settlement

To Whom It May Concern:

I have a strong feeling that the Sherman Act, proposed long before the software industry was established, and tailored for the traditional business is a wrong vehicle for delivering justice in this particular case. Certain software industry specific merits

were completely disregarded by the case originators:

1. Software industry in the US and the entire world is driven by de-facto standards. Large number of leaders (or standard establishing companies) creates obstacles for the industry advancement and in effect harms the consumer. I still remember times when there where dozens of operating systems at the market and mere moving data from one computer to another was therefore a hard problem to solve. This situation simply had to evolve into just a few standard-establishing companies. I personally welcome MS as a leader in software standards since it is employing the most brilliant minds in the software industry today.

2. With all due respect, the software industry can not be ruled by today's judiciary system. They just live in different dimensions. The modern software development is moving in much faster pace, thus making most judiciary rulings obsolete by the time they gets accepted. See for yourself: software industry in general and Microsoft as a company today are very different from what they where back in 1998 when this all started. That's why it is so hard to propose remedies in this case. The final remedies are for the wrong cause and for the wrong times.

3. The product bundling term is very different in today's software that is constantly moving to the component-based architecture. All known operating systems have certain basic components (like Web browser). Sun Solaris, Mac OS and Unix are not exceptions. It's like blaming a car maker for bundling the engine with a car.

4. In this particular case the complaint came not from consumers and/or consumer advocates, but rather from the losing competition. I don?t think the industry should create the precedent when a less successful company can sue the more successful one for loosing the battle. My personal impression is that Netscape Communications has to blame itself for loosing the browsers war. They were enjoying their easy success for too long while their product quality and feature set was deteriorating compared to the competition.

I am sure that the common interest today is finishing this process and all copycats resulting from it. More than enough taxpayer's dollars have been already wasted without any sensible effect.

Sincerely,
Victor L. Havin
Software Specialist.
CC:vhavin@hotmail.com@inetgw

MTC–00025273

From: Glenn Sebolt
To: Microsoft ATR
Date: 1/25/02 6:43pm
Subject: Microsoft Settlement

To Whom It May Concern,

I believe the terms outlined by the current agreement between Microsoft and the Department of Justice are adequate to address the Anti-Trust concerns by all parties.

As an end user, and as an Information Technology professional I have used and will continue to use, support and recommend Microsoft products to my clients. This includes Operating Systems as well as Windows, Apple Office Applications and Internet Browsers. I do believe that Microsoft has the best product, support and pricing on the market and in that I see tremendous value to me and my clients as consumers. I do view the continued pursuit of additional sanctions against Microsoft as productive in any way, and I don't see how additional value would be derived from the additional penalties.

I would hope all parties can bring this matter to a final resolution in a expedient manner.

Thank You,
Glenn Sebolt
1234 28th Street SE
Cedar Rapids, IA 52403
gsebolt4@home.com

MTC–00025274

From: Jon Doe
To: Microsoft ATR
Date: 1/25/02 6:46pm
Subject: Microsoft Settlement

I consider my computer ''my tool''. I paid for it, and I should be able to use it in any way I like provied that I do not use it to break any laws. If I were to buy a hammer, nobody would tell me that I could only hit nails with it. No one would say, ''You can't use YOUR hammer as a nutcracker.''

Unfortunately, my computer is useless without an Operationg System. I have to run Windows because some of my programs are not available for other OSes(Thanks to the monopoly). Frankly, Windows is a flawed operation system, and I would rather not use it because it occationaly restricts my productivity. For this reason, I am strongly opposed to any practice(Both technical sabotage and monopoly like practices) that discourages the development of software that works with or in place of Windows.

In its current form, I believe the Proposed Final Judgement is full of loopholes that will continue to let Microsoft exercise a monopoly on the computer industry. The Windows OS must not be allowed to impair the abilities of other software or operating systems. Furthermore, Microsoft should be forced to take further steps to make it easier for developers to create products designed for Windows in order to insure a free market economy.

In addition, I strongly recommend an addition to the settlement which prohibits Microsoft from requiring any sort on internet access or logging onto any Microsoft network to gain full use of Windows.

In other words, Windows should be a stand alone product that does not need to connect to the net to gain functionality. Some people do not have internet connections to make this possible and some would prefer not to get such a connection. I believe that this part should be a temporary stipulation to be reviewed in about five years. At which point a non-biases committee should decide whether to lift the sanction in order to accomodate new technology.

MTC–00025276

From: Brian Freeman
To: Microsoft ATR
Date: 1/25/02 6:46pm
Subject: Microsoft Settlement

this is a bad idea!!!!!!!!

MTC–00025277

From: Holden
To: Microsoft ATR
Date: 1/25/02 6:47pm
Subject: microsoft settlement

Please settle this thing and let it go. It is already costing the consumer too much money.

Much more than we can afford. I truly beleive that this started the economic downturn. If you want to go after a monopoly, why don't you get rid of the post office? It will break us all.

Mr. and Mrs. Robert s. Holden
Let go and let God

MTC–00025278

From: Chad Miller
To: Microsoft ATR
Date: 1/25/02 6:48pm
Subject: Microsoft Settlement

I think the proposed settlement is terrible. In particular, III(J)(2) should not restrict distributions to ''businesses''.

The only real potential for competition to Microsoft comes from organizations that are too informal (and not-for-profit!) to be called businesses. Other non-business orgs (like the Government) should not be excluded, either. Require MSFT to publish (on an unrestricted website!) the same API documen- tation that their internal application developers have.

Chad Miller <cmiller@surfsouth.com>
<url: http://www.advogato.org/person/cmiller/>

MTC–00025279

From: Woynarowski, Jan
To: Microsoft ATR
Date: 1/25/02 6:45pm
Subject: Microsoft Settlement

To whom it may concern,

January 24, 2002

I would like to express my concern regarding the obstacles to the final settlement in the Microsoft case. It is my deepest belief, that the general public and the economy of our country will benefit from the expedite finalization of this case. Microsoft is a successful company that in not insignificant way has contributed to the computer revolution. I feel that attempts to restrict the further growth of Microsoft serve primarily a very narrow segment of our society that comprises those of Microsoft competitors who are not innovative enough but still would like to impose their un-competitive products on the public and collect un-deserved profits. Being a cancer research scientist, I need efficient software and powerful computers for all aspects of my professional activities. I see very acutely, that it was Microsoft, who has brought us the badly needed software tools at reasonable prices. This in turn has precipitated the never-ending progression in computer hardware power and the development of new scientific instruments that enormously increased our capacity and accelerated biomedically-oriented research. Microsoft has become pseudo-''monopolist'' only because its customers voted for its products with their wallets, like I did. Having restricted funds for research, coming in part

from taxpayers, it was always my concern to stretch my research dollars by buying quality software, both operating systems and applications. With my purchases, I have voted for innovation and efficiency. Microsoft has responded to my needs over the years in terms of both quality and affordability.

My cancer research laboratory is not an exception. In thousands of laboratories, Microsoft products contribute to the ongoing biological revolution that is already benefiting our lives. Let Microsoft continue to innovate in their specialty, software, because their today's innovations will give us scientist tomorrow new cutting edge tools. Let them continue to develop comprehensive operating systems that will work as smoothly as possible with their application software, because this will save us all money and will increase our efficiency and productivity. Let them donate computers to schools. It will not strengthen Microsoft ''monopoly'' . To the contrary—some of these kids will get a chance to become Microsoft competitors—and this will benefit all of us.

I feel that it is in the best interest of American science and American society that the infamous Microsoft case is finally closed according to the terms of the agreed settlement. I urge you to accelerate your efforts in that direction.

With regards,

Jan M. Woynarowski, Ph.D.

Associate Professor, Molecular Pharmacology

Cancer Therapy and Research Center

Institute for Drug Development

and

University of Texas Health Science Center

Department of Radiation Oncology

14960 Omicron Dr.

San Antonio, TX 78245

Phone 210–677–3832 Fax 210–677–0058

E-mail: jmw1@saci.org

Jan M. Woynarowski, Ph.D.

Associate Professor, Molecular Pharmacology

Cancer Therapy and Research Center

Institute for Drug Development

and

University of Texas Health Science Center

Department of Radiation Oncology

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Phone 210–677–3832 Fax 210–677–0058

E-mail: jmw1@saci.org

CC:MSFIN@microsoft.com@inetgw

MTC–00025280

From: HalnMarie@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 6:49pm
Subject: Microsoft Settlement

Dear Sirs:

I believe the proposed settlement with Microsoft is fair and appropriate. The status has been in limbo long enough and the industry has been damaged enough by the uncertainty of the outcome. President Bush has advocated a quick resolve to this in the interest of the U.S. economy as a whole, and I personally agree with him since I, along with all the other stockholders of tech stocks, have lost a lot of my retirement savings during the time it has taken to stabilize the market with a just resolution. Please do not delay any further to accept the agreement reached by Microsoft, the Department of Justice, and nine states, which in my opinion is tough but fair to all parties. I need to regain confidence in the American economy and in my investment portfolio.

Sincerely, Marie Allen Smith, Ed. D.
Retired Educator

MTC–00025281

From: Margaret Ho
To: Microsoft ATR
Date: 1/25/02 6:49pm
Subject: Microsoft Settlement

I'd like to give my opinion of the Microsoft settlement with the government: let the settlement stand and and get the other nine states in on the settlement. Haven't we had enough litigation already? Where is the free market? If Microsoft make inferior products, it would have been left behind. If Microsoft's competitors can't keep up, they need to think of other products or more innovations, not run to big government to pull back Microsoft. We certainly do not need Congress to tell people what to buy or what services to use. Why should Microsoft be punished for success??? The marketplace should level the playing field, not politicans who know little of the details of the workings of business. Microsoft is not the Standard Oil of New Jersey; Microsoft grew big and strong on its own without buying and cobbling together its parts. Does the government want to distract Microsoft with lawsuit after lawsuit so it will fall back with products and innovation (like with IBM years ago), thereby leveling the playing field for its competitors? Let the settlement put an end to this unfair hounding of Microsoft, and the marketplace will take care of business. I really like and use my Microsoft programs and other products every day—I don't want my computer life interrupted! Thanks for listening.

MTC–00025282

From: rhad@rhad-linux@inetgw
To: Microsoft ATR
Date: 1/25/02 6:50pm
Subject: comment on MS settlement
FROM: Hanskarl Borck
2802 W. Bay Area #1704
Webster, TX, 77598
TO: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

To the United States Department of Justice:

I am writing in response to the proposed settlement to the Microsoft Antitrust Case. This matter has become quite important to me in the past several years as a student at the University of Houston, and an active computer user and enthusiast. Within this letter I will first explain why Microsoft must be punished more severely than the settlement proposes. Then I will outline what I consider to be a more fitting settlement.

The Problem with Microsoft

The primary reason that I believe in punishing Microsoft more severely revolves round their blatantly unfair actions in an extremely competitive market. For instance, I can easily cite their purely anti-competitive deals with OEM computer manufacturers, or the obvious bundling of Internet Explorer with the OS purely to dominate the browser market.— However, my primary concern tends to lie not with these problems as much as their unwillingness to adapt to current computer standards and open up their most common APIs and document formats.— It is obvious that Microsoft totally dominates the computer industry.— Through this dominance, its document formats (.doc, .xls, .ppt etc.) have become increasingly used throughout the corporate and personal world.— However, Microsoft won?t let anyone else play. The formats utilized by these programs are unreleased and a closely guarded trade secret.— More importantly, Microsoft has released more and more of their communications protocols to the Internet world without supplying sufficient data to let other systems communicate with them.— They blatantly ignore current standards and introduce intentional bastardizations solely to leverage their monopoly further.— For instance, Internet Explorer contains intentional problems with properly reading and displaying normal HTML as defined in various standards papers.— However, rather than being held responsible for this ?bug?, Microsoft implied that the web sites were responsible instead.— As the public became further and further entrenched in Internet Explorer (via the OEM deals and bundling aforementioned) web designers were forced to ?correct? their good code to display properly on Internet Explorer, leaving people not using Internet Explorer wondering why all of the sudden their standards-conforming browsers no longer worked.

There are hundreds of other examples like that one, many of them much more important. Specifically, with the possible emergence of Microsoft's .NET plan, normal operation under the web, already heavily drugged by Microsoft, would become almost inherently Microsoft based.— The way I read it, .NET creates a one-time access point for all web communication.— You login a .NET server, and then grab the appropriate information to complete online transactions, downloads, password completion, maybe even web-site access.— Does anyone honestly think such unbelievable control would be used fairly by Microsoft?— Does anyone even think that a different operating system would be allowed to login without deliberate loss of functionality, if it could login at all?

MTC—00025282—0002

In summary, Microsoft has abused its monopoly and stifled competition via three prime methods:

1) OEM deals which lock out the competition.

2) Increased bundling of their products with the Windows OS.

3) Releasing file formats, APIs, and communication protocols in proprietary formats.

The Ideal Solution

Contrary to a large majority of people like me, I do not believe that breaking up the company would result in any productive fix

for the Microsoft monopoly.— Rather, I would stress that there are two things that must happen.

1) Microsoft must stop making deals with OEM vendors that disallow competition, or punishing those vendors that refuse to capitulate via increased fees or withholdings.

2) Microsoft must release its most common formats, communication protocols and APIs to the public.

With regards to 1), the DOJ settlement has outlined a good set of regulations except the restriction that non-MS middleware must either not display a user interface or should display a user interface similar to the corresponding MS product. This forces competing software vendors to imitate Microsoft's lead in these product lines. To the user then, it seems that Microsoft is the only innovator and the other vendors are merely copying. There should be no restrictions on competing middleware products. The desktop configuration should be entirely up to the OEM.

However, objective 2) is addressed by the settlement but fails in a huge way. Ideally I hope to see after the settlement this type of scenario:

Jon Doe is not a rich man, but he is not poor either.— He desires to buy a computer for his family, and so he heads to the store.— His first option is a computer with the Microsoft Windows OS.— Jon is familiar with it, as he has used it before at his workplace, but he was unaware of the cost, which is much more than he can afford. Upon a closer examination, he realizes that the Windows computer forces you to buy many other bundled pieces of software as well; an office suite, a firewall, a CD-burning program, a paint program, and more.— Reading a little more, J0n als0 discovers that he cannot install any of the programs on another machine in his house because he is only ?renting? the software, and must pay Microsoft again in order to use it again.— Uncomfortable with such limited control over what he pays for, Jon moves further down the aisle to the Linux computer section, which has lower prices. You can buy either a stripped down low cost version, or an intensely modified and software heavy version. Better yet, the cost for the software is next to free, and it can be reinstalled as much as you want. Here is the kicker for Jon:— And it will fully support standard Windows formats and protocols to ensure proper communication in a Windows network. Jon could also look at the Apple section; it too states full computability with the common Windows machines found on the Internet.

MTC–00025282—0003

What I wrote above cannot happen today since the computer and Internet world has been enveloped in Microsoft products. No competition can truly occur until it does happen. Obviously, if these formats and protocols were opened, Microsoft would be forced to lower their prices (finally), and perhaps even offer computer manufacturers a less-bundled operating system. This is the key.— Microsoft in my mind can bundle as much as they want. It drives the price up, and increases complexity.— However, if the competition can compete in a Microsoft dominated Internet and computer world, the lower costs and increased options will force Microsoft to adapt in ways that benefit the consumer.— In other words, Microsoft can certainly attempt to sell as much as they want.— No one can deny that their products are useful and, while lacking stability and security, are fairly user-friendly.— At the moment though, Microsoft has managed to become the only option. They no longer have to price competitively, or market their products based on performance.— They have managed to make alternatives intentionally less functional from a Windows perspective. It is the car equivalent of Microsoft supplying cars that run best on their own proprietary gasoline.— Once they achieve some market dominance, carmakers and gasoline manufactures are suddenly in deep trouble when it comes to breaking into the market.— I believe that it is these proprietary formats and protocols that are really to blame in Microsoft's monopoly abuse.— In order to promote fair competition, these must be made open, and not just to some select groups as the settlement foolishly states.— Open to the General Public.— The people forced to maintain Microsoft products, and use their software are not just these select vendors and groups. More importantly, these binary formats and protocols cannot be seen as intellectual property since Microsoft has managed to become such a dominant player.— They are now the de facto standard.

There are many other things about the settlement I think could be made more friendly to the computer industry and software professionals Microsoft has continually abused.— However, I truly feel that the majority of these discrepancies are unimportant when compared to the necessity of opening the Microsoft APIs, file formats, and communication protocols.— This freedom to expand on the now (albeit unlawfully) standard Microsoft product-line will allow the industry as a whole to slowly catch-up to Microsoft in the computing sector.— This competition and increased innovation will naturally spur Microsoft to better products as well, all benefiting the consumer.— And that is the goal right?

To benefit the consumer.

Sincerely,

Hanskarl Borck

MTC–00025282—0004

E-Mail: rhad <hborck@mail.uh.edu>
Date: 25-Jan-02 Time: 17:54:36 This message was sent by XFMail

MTC–00025282—0005

MTC–00025283

From: mike
To: Microsoft ATR
Date: 1/25/02 6:50pm
Subject: Microsoft Settlement

To Whom it May Concern,

I must strenuously object to the proposed settlement with Microsoft. It is clear that Microsoft is not phased by your actions as they continue, even now the very activities of which they have been convicted. In the past several weeks they have filed a frivolous lawsuit against Lindows Inc. in an attempt to use their vast wealth to bankrupt a competitor. Further, even with action hanging over their heads, they released an operating system with yet more forced hooks in it, and are branching out into the internet infrastructure (.net) and the game box (xbox) arenas. Earlier this week they announced they would extend the capabilities of the xbox to include web browsing, e-mail and other computer related functions. This is clearly a first step (well not really a first step, remember the PC99 standard) to break into the computer manufacturing business. Microsoft producing computers would place the final nail into the coffin of choice for PC owners.

On the issue of a breakup, I don't think this is a good idea. I believe leaving Microsoft intact and compelling them to abide by the additional constraints of being a monopoly would be more effective. A much better solution would be to restrict their exercise of their software patents, and prohibit further patent action. Along with this a true opening of their file formats and apis would be in order. A breakup would leave 2 or more companies, unencumbered with the stigma of monopoly, but with the same majority stockholders and management team. This would almost incurs in the realm of a reward for wrong doing. If a breakup were to be effective it would need to completely disassociate the resulting companies. More importantly the development tools division would have to be spun off. With the development tools being created by an autonomous company, the stranglehold that Microsoft holds on the industry may be broken. No more would there be apis visible only to the developers that create Microsoft operating systems and applications. And perhaps the steady decline of useful documentation for the development tools would come to an end.

Thank you for your attention in this matter.

Michael G. Grello
Principal Programmer
MaranaTha Software

MTC–00025284

From: GTEmail
To: Microsoft ATR
Date: 1/25/02 6:51pm
Subject: Microsoft Settlement

GlacierDear Sir:

I support the settlement agreed to by both parties and I believe efforts to modify the settlement terms are miss-guided.

Please proceed with the settlement on the terms now proffered and accepted. I believe this action will benefit all interested parties.

Sincerely,

Mark K. Young

MTC–00025285

From: pendleth@intelnet.net.gt@inetgw
To: Microsoft ATR
Date: 1/25/02 6:48pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has

already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
T.H. Pendle
119 Phyllis Ct.
Vallejo, CA 94590–8118

MTC–00025286

From: Frederick A Farley
To: Microsoft ATR
Date: 1/25/02 6:52pm
Subject: Microsoft settlement

We think this is gone far enough! To do further litigation would only cost more money to the taxpayers and muddy the waters more yet to no avail. We think that Microsoft has paid enough. Lets let them get on with their business of producing quality equipment and programs to better serve the public. Thank You

Loralee & Frederick Farley

MTC–00025287

From: Ron Smith MD
To: Microsoft ATR
Date: 1/25/02 6:51pm
Subject: My Comments

I don't have a clue how the government can prosecute and win the antitrust suit against Microsoft, and then give them back every monopolizing area they already had.

I'm an Apple Macintosh user, so I'm very familiar with Microsoft's attitude toward competition.

The agreement stinks and smacks of someone in the government being paid off.

This settlement is corrupt!

Ron Smith, MD

MTC–00025288

From: VISHNU A GOKHALE
To: Microsoft ATR
Date: 1/25/02 6:52pm
Subject: ''Microsoft Settlement.''
The Justice Department
Washington D C

Dear Sirs,

Please accept the settlement with Microsoft.

I want to let you know that consumer interests have been well served, and the time to end this costly and damaging litigation has come. Dragging out this legal battle further will only benefit a few wealthy competitors, lawyers, and special interest bigwigs. Not one new product that helps consumers will be brought to the marketplace.

Sincerely,
Vin Gokhale
1/25/02

MTC–00025289

From: Anitabrubaker@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 6:52pm
Subject: Microsoft Settlement

Honorable Judge,

It is my view that the proposed final judgment in the U.S. vs. Microsoft antitrust suit is seriously flawed.

Microsoft is a convicted monopolist who has run afoul of this country's antitrust laws, making many billions of dollars in the process. This proposed settlement would allow the company to keep almost all of these illegal profits.

I am also concerned that there are no provisions in this proposed settlement to prohibit this monopolist from continuing to engage in anticompetitive activities. Allowing Microsoft to police itself is no solution, and we certainly don't need a government-mandated monopoly.

I urge you to reject the proposed final judgment.

Sincerely,
Anita Brubaker
1502 Esbenshade Road
Lancaster, PA 17601
(717) 295–7374

MTC–00025290

From: actsman1@juno.com@inetgw
To: Microsoft ATR
Date: 1/25/02 6:52pm
Subject: I am against these bureacratic lobbyiests and let's get on with the best

I am against these bureacratic lobbyiests and let's get on with the best for all people involved. This has gone on far enough and it is time to do what is right and ethical. I am tired of this political Wrangeling. Where are the people who were sent to Washington for the good of the voters? Get off of your fat duffs and let's be truthful for once. For shame!!!!!

Sincerely,
Douglas Sargeant

MTC–00025291

From: Michael Musty
To: DOJ vs. Microsoft
Date: 1/25/02 6:54pm
Subject: Microsoft Settlement

I am writing to state my opinion of this settlement issue. Firstly, I am a computer consultant and programmer and I use a variety of software languages and platforms. My feeling is that Microsoft has succeeded in the market place because the quality of their software products is far superior to any of the other software vendors. They know how to build software very well. And they deserve their position in the market. I buy their products because I know they will treat me right. You can't say that about Netscape or alot of the other software vendors.

However I do not know much about the inner business strategies and behaviors of the MBAs on their non-technical staffs, so I can't speak about them. I do know, from a technical point of view, they put out a far superior product than netscape and the other software vendors. Please don't restrict their ability to continue producing software the way they do!

Michael Musty
Datapattern Inc
Minneapolis, MN

MTC–00025292

From: jason—lamb@mac.com@inetgw
To: Microsoft ATR
Date: 1/25/02 6:54pm
Subject: Microsoft Settlement

I do NOT feel comfortable with this settlement. Please do not make it easier for Microsoft to tighten its strangle hold on the American people. Every day I try to convince someone else to try an operating system besides windows. Linux, BeOS, or MacOS are all good choices. They tell me ''Why switch when I know that Microsoft will bully any other competitor out of the way?''

I don't have an answer for them right now. When I see the direction this case is going, I cant argue with them on that point. Why try to evangelize when Microsoft is above the law?

Jason Lamb
Hardware Engineer

MTC–00025293

From: rvuppula@microsoft.com@inetgw
To: Microsoft ATR
Date: 1/25/02 6:56pm
Subject: Microsoft Settlement

I approve the proposed settlement in the case between Microsoft, the federal government, and nine states.

-Ravi
CC:rvuppula@microsoft.com@inetgw

MTC–00025294

From: rmbradfo@
rockwellcollins.com@inetgw
To: Microsoft ATR
Date: 1/25/02 6:55pm
Subject: Microsoft Settlement

Dear Sir or Madam:

I am writing to express my opposition to the proposed Microsoft settlement. Microsoft has made it abundantly clear over the years that it will willingly cross the line into monopolistic behavior whenever it pleases.

The only feasible remedy to this situation is to break the company into multiple new companies that compete directly. It is not enough to break Microsoft into one operating system company and one applications company, as this would apparently have the effect of spawning two new monopolists in separate markets.

By the way, I am a Microsoft stockholder and have been for many years. As I stockholder, I can and should ordinarily expect the officers of a company to maximize profits. Given the virtual monopoly Microsoft enjoys in the operating system market, however, we can conclude from basic economic theory that Microsoft will not be maximizing profit unless it restricts output below the (competitive market) equilibrium price, thus restricting sales below the welfare-maximizing level. As this is harmful to the public welfare, I hereby sincerely ask that you limit the returns of stockholders such as myself by ending the monopolistic practices of Microsoft once and for all. I have no wish to profit from harm to the public.

Respectfully,
Richard Bradford
Cedar Rapids, Iowa

MTC–00025295

From: Whitney Tracy

To: Microsoft ATR
Date: 1/25/02 6:57pm
Subject: Microsoft Settlement

Dear Sir or Madam,

It is my opinion that the currently proposed settlement with Microsoft is INADEQUATE and IRRATIONAL. I believe that a fair settlement should include a hefty amount of cash ($1 billion+) and legal restrictions on Microsoft's future business developments.

Sincerely,
Whitney A. Tracy
Austin, TX
A concerned US citizen.

MTC–00025296

From: efdjbaron@juno.com@inetgw
To: Microsoft ATR
Date: 1/25/02 6:56pm
Subject: Microsoft Litigation

I believe that the proposed Microsoft settlement offers a reasonable compromise that will enhance the ability of seniors and all Americans to access the internet and use innovative software products to make their computer experience easier and more enjoyable.

I strongly urge the Justice Department to adopt this settlement and end the prolonged litigation and high costs to the government of this procedure.

I am offering these comments under current law (known as the Tunney Act) which allows public comment on the proposed settlement up until January 28th.

Thank you for your consideration.
Elmer F. Baron
24670 S.W. Old Hwy 99 W.
Sherwood, OR. 97140
efdjbaron@juno.com

MTC–00025297

From: Jeff Jackowski
To: Microsoft ATR
Date: 1/25/02 6:58pm
Subject: Microsoft Settlement

The Proposed Final Judgement in the case United States v. Microsoft will not prevent Microsoft from continuing anit-competetive practices. The PFJ has a number of loopholes that will allow Microsoft the latitude for monopolistic actions, and Microsoft has already proven that it can find and exploit such loopholes.

The loopholes include:

* Narrow definition for API
* Narrow definition for Middleware
* New Windows operating systems are not covered by restrictions
* Per-processor licensing allowed to continue for enterprises
* Allows restrictions against the creation of Windows compatible systems
* Allows discrimination against Open Source software

These loopholes must be corrected if the anti-trust case against Microsoft is to have its intended effect of restoring competition to the market.

Jeff Jackowski
110A Northington Place
Cary, NC 27513

MTC–00025298

From: Brian Beattie
To: Microsoft ATR
Date: 1/25/02 6:57pm
Subject: Microsoft Settlement

The Proposed Settlement in this case, is severly flawed, propable fataly so.

Microsoft has arguably held a monoply in the PC OS market since 1990 and has used this fact to disadvatage and destroy competitors. This has clearly harmed consumers, by limiting there options. It is difficult to guess as to what developments never say the light of day due the chilling effect of Microsoft actions. That a number of products were not allowed to compete fairly in the marketplace is clear.

Microsofts actions since the inital verdict nakes it clear that Microsoft is unlikely to act lawfully in the future, nor to allow competition to return to the marketplace.

MTC–00025299

From: Maia, Joe
To: Microsoft ATR
Date: 1/25/02 7:00pm
Subject: Microsoft Settlement
Joseph P. Maia
15 Brook Drive
Burlington, NJ 08016
Renata Hesse
Trial Attorney, Suite 1200
Antitrust Division
Department of Justice
601 D Street NW
Washington, DC 20530

The following comments pertain to the Revised Proposed Final Judgement, 6 Nov 2001 (''Revised Judgement'') for the antitrust case against Microsoft (''MS'').

I will also refer to the Plaintiff Litigating States'' Remedial Proposals, 7 Dec 2001 (''Alternate Judgement'').

I am a senior software engineer with over 23 years experience in the software development industry. I have worked as both an employee and as a consultant. I currently work for a major software systems development firm in the defense industry.

Over the course of my career I have worked on development projects for both the defense and commercial industries, designing and developing both system and application software. And as one would expect, over the years I have used a variety of operating systems and programming languages. Most recently I have been developing applications using the Java programming language and runtime system.

The depth and breadth of my experience in the software development industry puts me in a position where my comments may provide additional insight into evaluating the merits of the Revised Judgement. A judgement which I characterize as woefully inadequate. First and foremost, I am deeply disappointed at the decision of the Department of Justice (DOJ) not to pursue any breakup of MS. I was also disappointed when Judge Thomas Penfield Jackson's remedy was announced. I feel that MS should be split into at least four companies: operating systems, office products, enterprise/server products, and consumer products. However, upon reading the details of that remedy, I felt it was the absolute minimum which must be done if there is to be any hope of a successful remedy which will not require continued litigation further down the road. Baring a structural remedy, many of the conduct-only remedies should be designed as if MS were being broken up, as this in many ways is the heart of the problem—MS controls both the operating system (''OS'') and many important applications, and has not hesitated to pursue illegal means to use this to their advantage. Since the possibility of a breakup appears moot, the remaining comments deal specifically with the Revised Judgement.

Since my expertise is in the area of software development and not marketing, my comments will deal primarily with the needs of the software development community and the impact that might have on consumers.

A FEW DEFINITIONS

There are a couple of terms which the press seem to always get wrong, or to use interchangeably, when only one term is correct. These terms are used when discussing how a product or application may be included in a supporting OS. ''Bundled Product'' A bundled product is one which is simply ''dropped into'' an OS. Its files are completely separate from any OS files. If the product is removed from the OS, it does not affect the continued operation of the OS or of any other application (barring the possibility of unintentional file naming conflicts where certain definition files may have to go into common locations).

''Integrated Product'' An integrated product on the other hand is tied into OS files in one way or another (also called ''co-mingling of code'') so that you cannot remove the product without adversely affecting the operation of the OS and possibly other applications. An ''Integrated Product'' is quite different from functionality which appears ''integrated''—the latter referring to how seamless the interface feels to the user. ''Plug-in''. A plug-in architecture or API allows for the addition of added functionality to an application or OS through a standardized interface. This may or may not include additional top-level windows, or any new user interface at all. For example: this might allow third-party additions to a graphics editing program which would include additional windows, or it could also define a way for an OS to allow the OS developer or any third party developer to provide ''integrated'' functionality without undue benefit to the OS developer and without undue bias against any third parties (such as HTML interpreters, or digital video format interpreters).

THE HOUSE THAT MICROSOFT BUILT

I have found that comparing the software development industry to the housing construction industry helps to clarify the issues at hand and will help to point out the problems I see with the Revised Judgement.

The computer OS is very similar to a newly constructed house when you consider what should or should not be included with it. Both provide a framework and a collection of basic services for you to use with all the personal belongings you own. In the new home you have standardized outlets, pre-wired phone lines, a central air/heat unit, built in kitchen appliances, possibly pre-wired cable TV lines, built-in connections for laundry washer and dryer, a water tap for refrigerators which make their own ice cubes, and possibly other items as well.

The computer OS also provides a number of services and built-in applications for basic operations.

The big difference between the two industries is that in the housing construction industry all your built-in appliances, electrical service, etc, are all standardized and publicly known (any built-in appliance can be replaced with another appliance from any manufacturer)—but in the software development industry, the primary OS, the one with a 95% share of the desktop market, has a stranglehold on the industry because of proprietary built-in products (integrated products) and hidden APIs.

The final remedy should address this inequity so the OS is more like an empty new house. This is not to suggest that the OS must be laid bare, but due consideration should be given to the effect on the software development industry as well as consumer choice, if certain products are allowed to be included in an OS without some sort of limitations on how the product or capability is added.

The only equitable way to guarantee an even playing field is to simply not allow any integrated products in a monopoly OS.

Bundled products and plug-ins should be allowed, but only if they can be completely removed and/or replaced with competing third-party products, without restraint, by either hardware manufacturers/resellers or consumers.

If MS were in the housing construction industry, they would want to sell you a furnished house filled with MS-branded appliances and furniture—and so constructed that you would not be able to replace any built-in product with a non-MS product. What is even worse, MS's new licensing policy would be the equivalent of only renting new houses to its customers!

The next few sections detail specific changes and additions to the Revised Judgement which are necessary if there is any hope at all of providing equity to third-party software developers, a Technical Committee with the ability to actually be effective, and true choice for consumers.

THE NEEDS OF SOFTWARE DEVELOPERS

For software developers, the OS is a commodity which drives all product development. Without all-inclusive and detailed information about the services available in the OS, developers cannot develop viable products for that OS. And if one group of developers is given more complete information than other groups, then the more informed developers will produce the more compatible, the more ''integrated'' (i.e.: more seamless interface), and the more full- functioned product. In a monopoly environment, it is even more important than ever to guarantee the equal distribution of detailed documentation about the controlling OS as well as included Middleware products.

First and foremost, there can be no time limits on requirements that MS divulge full documentation on all existing and new APIs, or upcoming changes to existing APIs, to non-MS developers. Otherwise, the day after the Judgement expires, MS could very easily make a few minor changes to their APIs and not publicize them—and we would be right back where we are today. In fact, all of these comments pertaining to software developers— as well as the comments below discussing consumer choice— should have no time limits!

The Revised Judgement is unfair to non-MS developers in allowing MS to not divulge changes to their APIs until the ''last major beta''. MS should be required to announce all proposed changes to APIs in the form of a ''White Paper'' at the time the change is proposed. As each new version of an API is defined or necessary changes to an API are decided upon, MS should be required to announce the new API description. And MS should be required to announce, as accurately as possible, the timeline MS plans for formal release of the modified API. Any ''early-release'' versions of API libraries made available to MS developers must also be made available to non-MS developers. Any delay in informing non-MS developers of upcoming changes to APIs is an unfair advantage to MS developers. There can be no limitation on who can see this documentation— this information must be available to any interested party without restriction, either via published books at reasonable prices and/or via freely available web pages on the Internet.

The wording of the Revised Judgement pertaining to the definition of ''documentation'' leaves much to be desired. I believe MS can interpret this to mean they can keep the same level of documentation they current have—which is to say the omission of certain API details as to give MS developers the advantage over non-MS developers. The wording in the Alternate Judgement does a better job of describing what is needed. There can be no question that a full and complete detailed description of all APIs necessary for an developer to develop any kind of software to run on any MS OS or Middleware product be available (preferably on the web) for any developer to reference. I emphasize that ANY MS OS or Middleware product be included in this requirement—this should include handheld devices, new devices (such as the X-Box), and server-side OSs and Middleware.

The level of detail and completeness should be sufficient so that any competent developer can use the API without the need to examine the source code to resolve questions the documentation should answer. This level of detail is well recognized within the software development industry.

Not mentioned in the Revised Judgement are file formats. In a monopoly position, it is important to require the monopolist to divulge file formats which controlling OSs, Middleware, or applications use. These full disclosures allow non-MS developers to develop competing products which can read and/or modify these files. These competing products might run on any OS, not just MS's OS. When MS plans changes to these file formats, they should be required to follow the same procedures detailed above for APIs.

When an OS enjoys a monopoly position, it is very important for the health of the software development industry, the benefit of consumers, as well as the continued operation of standards- development and approval bodies, that the controlling OS supports such standards and does so faithfully. MS should be required to faithfully support all recognized standards which the software development industry and other OSs support now and in the future. MS must be required to implement these standards so that any MS or non-MS product which follows the ''standard'' can inter-operate with the OS and other MS products without any degradation of function. If MS wants to add ''enhancements'' to a standard, it must do so in such a way that any product which strictly follows the standard does not see any degradation of function. Failure to require MS to faithfully support standards will ultimately result in important ''standards'' becoming ''Microsoft-ized'' which will force users of the ''standard'' to use MSs OS and applications.

Integration of applications into the OS simply should not be allowed! MS should be required to un-integrate its Internet Explorer product, as well as other products it has integrated into its newest Windows XP OS. Only bundled products and plug-ins, as I described above, should be allowed to be added to an OS. If any ''default'' applications can be specified in the OS, then any application with the same basic functionality, whether MS or non-MS, should be able to be set as the default. The location in the OS where a default application can be set should be intuitively obvious and not hidden away in a hard to find menu somewhere.

With the above exclusion of integrated products in the OS, any bundled or plug-in product, MS or non-MS, should be allowed to be completely deleted from the OS. In the case where a product must be specified as a default for proper operation of the OS, the user should still be allowed to delete any vendor's product, MS or non-MS, and be given a choice to specify a different default. The only time a deletion would not be allowed is if the product were the 0nly product installed on the OS which could be specified as that default. To ''delete'' a product should never mean ''hide its icon from view''—which is what the Revised Judgement allows. This supports the continued integration of application code into the OS. The code of the hidden product, even though the user no longer sees its icon, can still affect the operation of the OS and potentially disturb the operation of competing non-MS products. Developers need to know that an OS version is stable and unchanging and that installing a new application is not going to change some OS files (i.e. API libraries) and potentially break their applications.

The developing MS .NET initiative should also be mentioned in the final Judgement. A core idea of .NET is the ''Common Language Runtime'' (CLR). This is a Middleware product just as Java's Runtime System is a Middleware product. It should be clearly stated in the final Judgement that MS cannot develop an OS version where every product is forced to run on the CLR (in other words, MS cannot integrate the CLR into their OS such that other products would not be able to run properly without it). This requirement goes hand-in-hand with requirements stated above to disallow integration of products and

to require MS to support existing and future standards as the industry needs. As a monopoly OS, MS must be required to continue to support the widest range of applications and services to guarantee a healthful and innovative climate for software developers.

Specific mention of ''intentional incompatibilities'' should also be made in the final Judgement. MS was found guilty of adding intentional incompatibilities in an earlier court case involving Windows 3.1 and DR DOS. MS should be warned not to continue this practice in any form. Hopefully the Technical Committee to be set up will be independent and strong enough to be able to guard against this.

THE TECHNICAL COMMITTEE

The proposed Technical Committee must not have undue influence from MS. To this end, no member of the committee should be appointed by MS and MS should not have any veto power or any other kind of oversight power over the committee. There should be no limitation on who can be selected for the committee. MS should provide all necessary money to pay for the committee, but an independent organization should manage the administration of the money.

Technical Committee members should be totally free to divulge to the public any problems or questionable practices it discovers, though source code should not be allowed to be divulged without proper peer review. When questions arise concerning source code, they should first be put through a formal review—if the code is indeed found to contain ''illegal'' code, then the source code should be allowed to be divulged and MS forced to fix the problem.

The Technical Committee should have full access to not only the source code but all tools, compilers, and pre-processors which might be used by MS so that the committee can verify independently—by generating its own executables from the source code and verifying their equivalence to the released executables—that they have a complete copy of the source code which actually produced the released product. This will protect against the possibility that MS might be hiding bad code by introducing last-minute patches to their source files as they generate their executables.

If the Technical Committee finds repeated infractions of the Judgement, or gross negligence, it should be stipulated that the Court can reconvene at any time to ponder splitting up MS if the conduct remedies are not effective or are simply being ignored.

EQUITY IN CONSUMER CHOICE

The final Judgement should stipulate the following principles which MS must follow to maximize consumer choice:

1. The setting of default applications, and the installation or deletion of applications, should always be user driven. Never should the code decide on its own to do these things.

2. MS should be required to provide only an ''empty house'' OS with additional CDs which contain all the MS products MS wishes to bundle and/or plug-in to the OS. These additional products are optional. Each product can be individually installed or deleted from the OS. MS cannot scare the consumer into installing its optional products over non-MS products by any comments in documentation or installation windows. Hardware manufacturers and resellers are free to install either MSs optional products or non-MS products. To keep MS from killing other market categories, and to potentially reinvigorate market categories it has already hampered or decimated, MS should not be allowed to include any products on these additional CDs where other non-NS products already exist in the marketplace unless these other products are also offered for free. When competing products for sale exist, MS must compete for market share with separate products at reasonable prices.

3. MS can publish a separately available OS for purchase by consumers which includes all its allowable bundled and plug-in MS products, but it must still include the additional CDs mentioned above so users have full access to installation and deletion options.

4. MS must compete with all other software developers to provide quality products for bundling and plugging in. MS must publish price lists for these products, including volume discounts, just as described for OS price lists, so MS cannot force its add-ons on its vendors.

5. No MS OS, Middleware, application, or plug-in can periodically pop up a dialog or some other message asking the user if they wish to do this or do that or purchase this service or purchase that service. Windows XP is an example of this horrendous behavior. At the very least, the user must be able to turn this ''feature'' off at any time.

6. When MS releases new versions of software which support modified file formats, MS should be required to provide separately available, reasonably priced or free, software which will convert not only the older format to the new format, but also convert the new format to the older format. This will negate the benefit MS gains by purposely changing file formats for no other reason than to force customers to purchase the latest version of their software.

THE BOTTOM LINE Most of the above suggested remedies would come naturally if the court simply split MS into at least two companies as was originally decreed.

Joseph P. Maia

MTC–00025300

From: Weston Cann
To: Microsoft ATR
Date: 1/25/02 6:59pm
Subject: Microsoft Settlement

I wish to write to express my dissatisfaction with the proposed final judgment (PFJ) in the Microsoft case. I am not a legal professional, but I am a software developer with 10 years of experience developing across the Windows/DOS, Macintosh, and Unix platforms. As an observer of and worker within the software industry, it is my conclusion that while the intent of some provisions in the judgement are worthy, overall, the judgement as written allows and even encourages significant anticompetitive practices to continue. As both a remedy and a punitive action discouraging future misbehavior, it seems likely to fail unless areas of concern are addressed:

(1) The PFJ as I read it in section III requires Microsoft to open up its networking protocols and APIs to certain businesses deemed viable and safe by Microsoft itself, under terms it determines. The release of such protocols and APIs is an essential part of any good remedy, and it is heartening to see it in the proposal.

However, having Microsoft make the decisions about what constitutes a viable business is a formula for failure. It is not difficult to imagine a scenario whereby the processes/criteria for obtaining API and protocol information become a barrier to entry, especially for those organizations not in Microsoft's favor.

Furthermore, a whole host of legitimate organizations are left out under the language of the agreement: academic institutions, governments, public interest groups, and open source developers. Not the least of these are foundations and cooperatives such as the Apache Group, makers of the market leading webserver Apache, and the SAMBA team, makers of software which enables networking interoperability between Windows and other operating systems. Each of these organizations provide valuable and widely used software, but do not qualify as businesses. Microsoft has publicly stated that it considers open source software among the biggest threats to its business, and so Microsoft has incentive to avoid disclosing information to these organizations. A fully effective PFJ absolutely must contain reasonable provisions enabling academic institutions, government organizations, public interest groups, open source developers, and others to easily obtain required information.

It is not lost on me that security concerns are referenced as reasons for the apparent concessions that let Microsoft determine recipients of documentation. Security is not an unreasonable consideration, especially as computing is increasingly associated with connectivity and communications. However, the argument that security must be maintained by secrecy regarding protocols and mechanisms is weak. Modern accepted professional security practices, much like modern academic practices, rely on extensive and open peer review of a security mechanism or protocol, and a system is considered truly trustworthy only after being widely tested with its inner workings exposed. While no system is without security flaws, the recent plague of security problems in Microsoft's email, webserver, and office productivity products highlight the relative ineffectiveness of Microsoft's current ''closed'' approach.

Thus, a high degree of openness—even regarding things related to security—is unlikely to hurt Microsoft, and might in fact make their products more secure. Additionally, if Microsoft is allowed to avoid disclosing things related to security, is not difficult to imagine a scenario where it would intermingle security protocols and standard communication protocols, thereby relieving itself of any obligation to provide information about those protocols to an outside party. Because the ''security'' provision outlined in section J provides only weak legitimate benefits at best for Microsoft, and has great

potential for abuse, it will need to either be struck from the agreement, or carefully modified with these concerns in mind.

Additionally, the disclosure agreement leaves out file formats, which lag only slightly behind communications/networking protocols and APIs in terms of essential importance to interoperability. Addition of these to the list of things disclosed under the agreement frees consumer data from lock-in by Microsoft, and removes a significant barrier to competing products.

(2) In section III of the PFJ, there is some effort against prohibiting Microsoft from drafting agreements with OEMs that are likely to be harmful to the consumer and competitors. The intent of each agreement seems worthy, but I question the overall effectiveness of the agreements, especially in light of the resourcefulness Microsoft has displayed in skirting the intent of earlier prohibitions on their activities with OEMs. The provisions in the PFJ must be tightened. A complete solution would impose several requirements on Microsoft agreements with OEMs:

(a) Microsoft may only differentiate the prices for any of its products (and associated support services) based on the volume purchased by the buyer. This price may never be greater than the published retail price for the product, or the average of the lowest retail prices found at three retailers, whichever is lower. The list of prices must be publicly available to any individual.

(b) Microsoft must sell (and deliver in a timely manner) to any buyer at the prices established, and may not make any stipulation of OEMs or resellers as a requirement of such a sale, nor make any such stipulations of them as requirement to resell licenses.

Combined with a sufficiently severe penalty for violation, these requirements would effectively immobilize Microsoft efforts to manipulate OEMs. It would also be easy to police: any organization which Microsoft refused to sell a product to or charged a higher-than-published price could simply report to the appropriate enforcement body.

(There is some flaw to these requirements alone—concerns about other incentives would still be present. Microsoft could, for example, say to an important OEM ''we'll pay for your marketing budget for the whole year if you will not include Competitor X's software on your machine''. This highlights the difficulty of any general solution. Perhaps a mixture of the general language of the PFJ —which discourages Microsoft retaliation —and this section in my document could address the problem.)

(3) Definitions within the PFJ provide loopholes big enough to drive a truck through. The language of the document suffers from lack of technical precision, which, in the end, will degrade legal precision and in turn prevent firm and timely enforcement. I advocate definition changes similar to those recommended by Dan Kegel in his online document at http://www.kegel.com/ remedy/remedy2.html

(4) I am concerned that the proposed Technical Oversight Committee will have limited power to report their findings and activities publicly. Especially considering the potential for different attitudes regarding enforcement at the DOJ (dependent on prevailing political winds), it would seem important for the industry and the public at large to know how effective the proposed remedies are. The actions and reports of the committee should be a matter of public record.

It is my hope that the court will carefully consider these points and include them in the final judgement.

regards,
Weston Cann
1089 N 250 E
Orem UT 84057
801.225.0304
weston@canncentral.org

MTC–00025301

From: Kromholz Seth-p53201
To: 'microsoft.atr (a)usdoj.gov''
Date: 1/25/02 7:00pm
Subject: Microsoft Settlement

Dear Sir Or Madam:

I am a software engineer who writes code for a living. In addition, I have been following the computer industry intently for twenty years.

Last night I was flipping through an old catalog of software titles for early ''mid-eighties'' computer systems. Each product in the catalog was sold by a software maker that no longer exists today. Many of these companies were acquired by Microsoft. Others were put out of business by Microsoft.

The software industry today is a repressive environment, mostly due to the lack of ability to compete in so many markets. Every time a new product or innovation is introduced, a department at Microsoft is formed to counteract the threat by introducing a similar product, usually given away for free. There has been no real market force to stop them from using their natural monopoly in software operating systems to dominate nearly every other field of computing. It's as if the maker of the foundation of your house got to dictate everything that gets built on top, from your walls to your window draperies.

I would very much like to see Justice done in this case. The attempt that Microsoft and Bill Gates made to settle the antitrust suit was reprehensible (donating software to schools which cost them next-to-nothing to make but which would entrench them even more heavily in that market at the expense of would-be competitors). Please make sure that this sort of insulting arrogance does not go unpunished.

Sincerely,
Seth D. Kromholz
Software Engineer
General Dynamics Decision Systems
seth.kromholz@ gd-decisionsystems.com

MTC–00025302

From: Alessandro Simonini
To: Microsoft ATR
Date: 1/25/02 7:00pm
Subject: Microsoft Settlement

This settlement is now the only way to keep peace in this complicated market, please leave Microsoft the right to innovate! The Information Technology Market is a Trillion Dorrar Market every year in the world, Microsoft count only for 30 billion, even if you think Microsoft is a Monopoly let this happen, you must to interven only when this monopoly don't innovate more, you may see innovation walking from monopoly to monopoly, from a company to another one... when the innovation is done and the market steady, and only when and if you will see monopoly you will have my consenus to fight the monopoly!

Thanks to read me,
Alessandro Simonini,
Ferrara, Italy.

MTC–00025303

From: Bridget Pitt
To: Microsoft ATR
Date: 1/25/02 7:00pm
Subject: Microsoft monopoly

You need to seriously reconsider the remedies you are taking against Microsoft. If you fail to reduce their total domination of computing, via the leveraging of their operating systems, you have failed the American People. It stifles competetion and innovation and if you dont believe that Microsoft will stop with computing you are truly blind. Revisit the thought processes of the 20th Century's greatest President Theodore Roosevelt. The man who took on the Robber Barrons and won. Bill Gates and Microsoft are even more powerful than J.P. Morgan and John Rockefeller-use the Sherman Anti Trust Act the way Teddy Roosevelt did, do whats best for the United States of America, not the economy in it's current state or the Presidents approval rating; but what is best for the Country long term. Severe measures will allow new start ups with fresh ideas to prosper-as it is now they are forced to play by Microsoft's rules until Microsoft can swallow them whole.

Please consider harsher penaltiesfor the Ghengis Khan of American Business.

Thanks for listening
Ken Pitt

MTC–00025304

From: rwhite9852@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 6:59pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Sue Whitehorn
2021 Gunn Road
Carmichael, CA 95608

MTC–00025305

From: Peter Cohen
To: Microsoft ATR
Date: 1/25/02 7:01pm
Subject: Microsoft settlement

To whom it may concern:

I have been following the Microsoft case from the very beginning and I have enjoyed a front row view having been an employee of Sun Microsystems for the last four years. In short, I am completely in favor of the settlement that has been reached. And I would insist that all further actions by the states attorney generals end immediately. I never thought the government should have entered this case. It is a totally political action brought about by Microsoft's competitors who have not been able to win in the marketplace based on their own business skills or rather the lack of them. Scott McNealy, the CEO of Sun desperately wants to be Bill Gates, in the worst way. And he is going about it in the worst way. He is extremely envious of his success, wealth, position, etc. and because he can not out market Microsoft he plans to out sue them, and use the government to help. And he is not the only one.

Basically, the government has become a pawn of overzealous,greedy, envious Silicon Valley tycoons who want more. That is a disgusting position for the government to be in and history will show the folly and the mistake it's been. It sets an extremely poor example to the rest of the world that our own government would take sides to bring down one of the most successful companies ever created on these shores.

I and many others are completely shocked that the politicians pontificating about Microsoft's menace can be so fooled and so stupid.

If the other companies complaining had used the same energy they ''ve put into this case to create new technologies and innovations they would have already been way ahead of the game by now.

I want to be clear. I don't write this as a disgruntled employee, as I am still heavily invested in Sun as a company. I write this as a person interested only in the truth, which sadly has been missing from this entire case.

MTC–00025306

From: andy fuertes
To: Microsoft ATR
Date: 1/25/02 7:03pm
Subject: microsoft ruling

To whom it may concern,

As a consumer, US citizen, and hi-tech analyst, i am deeply concerned by the lack of measures to punish and/or change microsoft's conduct. The current proposal, which nine states have signed off on, does little to stop Microsoft's illegal conduct. I am apalled. I believe that we need stricter penalites on Microsoft as well as immediate and sustained action to actually stop their abuse of their monopoly position.

Regards

Andrew Albert Fuertes

MTC–00025307

From: David J. Ourisman
To: Microsoft ATR
Date: 1/25/02 7:04pm
Subject: Microsoft Settlement

the microsoft settlement doesn't go far enough

MTC–00025308

From: Arsenio Calle
To: Microsoft ATR
Date: 1/25/02 7:03pm
Subject: Settlement

As an American sufffering for the current state of the economy, in need of a job and work opportunities, I ask that you kindly settle the dispute with Micrtosoft. I don't believe we are going to see the economy bouncing back unless these outstanding legal problems with our major corporations are put behind us, and the companies are allowed to go back to work and invest in new research and development.: and their products start selling and they start hiring more people.

Respectfully yours,
Arsenio Calle

MTC–00025309

From: angell118@juno.com@inetgw
To: Microsoft ATR
Date: 1/25/02 7:04pm
Subject: Microsoft settlement

I APPRECIATE WHAT MICROSOFT HAS DONE TO ENHANCE SENIOR CONSUMER EFFORT TO AVAIL THEMSELVES OF ENRICHING OUR LIVES, KEEPING IN TOUCH WITH FAMILY AND OVERALL TO KEEP IN TOUCH WITH THE ''REST OF THE WORLD'' IN OBTAINING INFORMATION TO BETTER OUR LIVES; AND ALSO TO BECOME AWARE OF SENIOR ISSUES THAT MIGHT IMPACT US...BOTH FAVORABLY...AND UNFAVORABLY.

STOP THE GRIEVING PROCESS AGAINST MICROSOFT.

Angell

MTC–00025310

From: Sybil A. SKAKLE
To: Microsoft ATR
Date: 1/25/02 7:04pm
Subject: Microsoft Settlement

It is time this case is set to rest. It has gone on too long. From all I know, Microsoft has not done anything wrong. Don't mess up this company and the lives of those who are employed by the company.

Best wishes,
Sybil A. Skakle

MTC–00025311

From: Galen Panger
To: Microsoft ATR
Date: 1/25/02 7:05pm
Subject: Antitrust case

Hello,

I strongly urge the courts to seriously curb Microsoft's power. The market needs to be reopened to competition. Take a look at Microsoft's record with the security of its products—it's full of holes. More competition would force Microsoft to be serious about protecting its users.

Also, Microsoft has so much influence with its Windows operating system, it could practically take over any market—take a look at how it killed Netscape, how it's trying to kill the MP3 format with Windows Media. Look at how it decided now to not include Java in Windows XP. Microsoft is advancing its strategy using every force necessary—and unfortunately for the competition, it's power is too strong, it's pockets too deep. Do people want Software as a Service? Do people want Microsoft's Software Assurance? Not me. But I will probably be forced to use it.

I thought that splitting Microsoft's Windows from its Applications software was a brilliant idea—and exactly the way to make Microsoft stop using the influence it has to serve its applications'' interests (i.e. Internet Explorer). But, please do not force Microsoft to open its source code—that will only help the Company better its products with improved source code. Nonetheless, Microsoft thinks that what it says goes in the market. I really don't like knowing that if Microsoft is introducing a new product, it must make sure it stiffles the competition—aka .Net and Java. Very sad. I hope that somehow Microsoft's power to eliminate competition is severely curbed.

Sincerely,
Galen Panger
Zion, IL

MTC–00025312

From: Rudolf Forster
To: Microsoft ATR
Date: 1/25/02 7:06pm
Subject: Microsoft settlement

My comments regarding the proposed settlement:

I strongly feel that there has already been too much time and money spent on this sham legal attack by the sworn enemy's of Microsoft and the company's leader. I have followed the controversy closely and I find very little merit in the position that has been taken against this company. The action was promulgated by competitors that advocate the destruction of this company as a means to enrich themselves by ridding the marketplace of a strong competitor. The average user of personal computers have benefited immensely by the products and leadership of Microsoft. Because of this company the world has been able to adopt and unite behind the Microsoft standards, and therefore avail themselves of what amounts to a virtual universal language. MS is number 1 for a very good reason. They have produced a product that works quite well. That they got to the market first with the most should be no crime in America. The government should get out of the way and allow the capitalist market to work its magic. Companies that cannot compete successfully should be allowed to fall by the wayside, and not be propped up artificially by government fiat.

Sincerely,
Rudolf Forster
rforster@alltech-inc.com

MTC–00025313

From: WenParrish@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 7:06pm
Subject: Microsoft Settlement

To whom it may concern:

I agree with the terms of the settlement, and believe it's fair, and reasonable. I also believe it's in the best interest of America, and will help the struggling economy.

Please approve this settlement.

Wendell Parrish
488 W. Plumb Lane
Reno, NV 89509

MTC–00025314

From: Ammie Nelson
To: Microsoft ATR
Date: 1/25/02 7:07pm
Subject: Microsoft Settlement
To Whom It May Concern:

I have used the internet for a decade. When AOL first came out I joined not realizing I was not on the world wide web, but stuck in the AOL space where information outside was not made available. (Or at least not that a newbie could understand.) It's that way today!! Ask anyone if they prefer AOL (limited access) to any other company like MSN or Juno or Yahoo and ''hands down'' the experienced user says NO!! You are trapped inside AOL! Business's advertising in aol must use a different address for access outside AOL. Does that mean all other companies have a monopoly because AOL chooses to remain separate from the rest? AOL is alone and is not compatible with all other companies so they are screaming for a court system to make a judgment on ''free'' enterprise and innovation that excels the AOL application!! The software made by Microsoft is duplicatable and sets an example of interacting programming that makes the public users life easier. So let AOL get off the pot and developed their own!! WE (john doe public) can chose between them!! The courts really should see the big picture and tell AOL to stop bothering them and wasting my hard earned tax paid dollars!! I will not use AOL EVER AGAIN!! I will use any other application but not theirs!! I have only had bad experiences with that company and the public service policy holds the key to the companies future. Just step back and look at what AOL has done to improve it's position in the technology is uses to exist! Nada! Zilch! Zip!! ''I wish I could cry ''monopoly'' every time my life isn't as successful as any corporation! Just because they have all the brains and money I don't have doesn't mean they should develop above me.'' Get my point???

MSN has done nothing but excel in this country and it has allowed every home to own a computer!! Free Enterprise!! Free Innovative, Interactive Software technology! Doesn't AOL have this too??? Let them develop something bigger and better and see how much they complain. MSN has never stopped them or any other company from doing just that!

Ammie Nelson
715 Greenbriar Townhouse Way
Las Vegas, NV. 89121
1–702–451–5313

MTC–00025315

From: d minix
To: Microsoft ATR
Date: 1/25/02 7:08pm
Subject: Microsoft Settlement

Please do not allow the Microsoft corporation to settle the case with their offer of software to schools. They must be punished for their anti competitive stance and allowing them to dump their software on public schools only entrenches their monopoly. Let them give cash and let the schools decide how to use it.

Thank you.
David Minix

MTC–00025316

From: Philip Haddad
To: Microsoft ATR
Date: 1/25/02 7:11pm
Subject: Microsoft Settlement

The Association of Concerned Taxpayers (www.aoctp.org) reports that negotiations over the Microsoft antitrust suit are at a critical pass. The Dept. of Justice is asking for public comment.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. ''This is just another method for states to get free money, and a terrible precedent for the future,'' states the AOCTP, ''not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.''

This economically-draining witch-hunt has gone on long enough. We need to let the Department of Justice know how we feel about the Microsoft Settlement.

Sincerely,
Philip Haddad

MTC–00025317

From: Michael Allen
To: Microsoft ATR
Date: 1/25/02 7:12pm
Subject: Microsoft Settlement

In my opinion, all lawsuits against Microsoft should be dropped or settled. Let's focus on getting the economy back on track.

-Michael Allen

MTC–00025318

From: karen.holland@abbott.com@inetgw
To: Microsoft ATR
Date: 1/25/02 7:12pm
Subject: Microsoft Settlement

Dear Sirs,

Although I have co-signed the open letter provided by Dan Kegel at his website, I feel it necessary to provide my own comments on the matter of the Microsoft Settlement. It was not until very recently that I was made aware that I could contribute comment in regards to the settlement, and although it is likely that I will not have time to complete my review of the settlement before the deadline for commenting, here are the comments that I have determined to date:

Section III.D.

I agree that the covered items are insufficient to provide equitable development capabilities to Microsoft and non-Microsoft developers. As well, it provides no means to insure promptness of publication (the definition of ''timely manner'' can easily be worked around) nor remedies for internal communications about the future plans of APIs to which Microsoft programmers may be privy and for which they may accordingly provide for in their programming.

Section III.I.

This section does not provide sufficient requirements to define the patent scope and licensure for intellectual property of Microsoft. A major inhibitor to development by non-Microsoft software developers is the potential of having to defend against the giant that is Microsoft. Legal fees alone may put all but the largest companies out of business long before the suit could be completed even should it result in a favorable decision for the other party. This section has merely provided some access to these patents and intellectual property without providing for their application.

In general, I have been very disappointed with this judgement and do not feel that it is a sufficient remedy. I do not believe that Microsoft has, or will, behave in any better good faith than they have shown in the past and that this settlement does not provide the means to unfetter the market for the long term, if possibly not even for the short term.

Sincerely,
Karen Holland, PE
Sr. Instrumentation & Controls Engineer
Northborough, MA

MTC–00025319

From: Jim Copeland
To: Microsoft ATR
Date: 1/25/02 7:12pm
Subject: microsoft settlement

Dragging out this legal battle further will only benefit a few wealthy competitors, lawyers, and special interest big-wigs. Not one new product that helps consumers will be brought to the marketplace.

James R. Copeland
5763 St. George Ave.
Crozet, VA, 22932
434–823–4293

MTC–00025320

From: Ron MacKinnon
To: Microsoft ATR
Date: 1/25/02 7:12pm
Subject: Microsoft Settlement

To Whom It May Concern;

I'd like to add my concern to the many others who have already made their feelings known on this matter.

I am very practical and pragmatic as to the tools I use, and I don't care much where a quality product comes from. If Microsoft software was the best available and Microsoft had become the dominant player simply due to the fact that they had the best tool for the job at hand and had risen to the top on true merit, I would really have no problem with their being the dominant player in the computing world. I don't want to turn this into a diatribe on the quality of Microsoft's products, but the above is simply not the case.

Microsoft has become the dominant player on the computing desktop through the use of anti-competitive tactics, force, bullying, and the use of a tremendous amount of money and other influence, irrespective of the quality of their products. I believe that the proposed settlement between the Government and Microsoft is a disservice to the tax-paying public. I cannot feel that my

wishes have been served by this inadequate solution.

Microsoft must be forced to compete on a level playing field along with all other companies with similar products to offer. If the proposed settlement is allowed, they will simply continue as they have been in the past.

An inadequately subdued Microsoft will continue to attempt to disallow my choice in computing software and hardware. They will continue in their attempt to force me to do my work (and play!) the way they think I should, according to their ''vision'' for my computing future. They will continue to limit my choices and my options. They have leveraged themselves into a position where they can decide for me how I will use my computer, and almost completely choose what kind that computer will be and what system and application software will be on it.

I have great hope that my voice, and those of the many others who have taken the time to respond to this issue, will be heard and that our wishes will be served.

Thank you very much;
Ron MacKinnon
45840 Hopactong St.
Temecula, CA 92592

MTC–00025321

From: mmn
To: Microsoft ATR
Date: 1/25/02 7:12pm
Subject: ''icrosoft Settlement''

Honorable Justice Department, Sir:

The consumer interests have been well served. Please end this damaging litigation.

Respectfully,
Cecil Nickelson
175 Monumental Circle
Sparks, Nevada 89436.

MTC–00025322

From: csbrown@mail.camalott.com@inetgw
To: Microsoft ATR
Date: 1/25/02 7:10pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Laura Brown
304 Alvera
Winters, TX 79567

MTC–00025323

From: Roberta Skibba
To: Microsoft ATR
Date: 1/25/02 7:13pm
Subject: Microsoft Settlement

I believe the proposed settlement stinks. Microsoft needs to be punished enough so that it hurts and they won't err again. Otherwise, it is meaningless.

MTC–00025324

From: Jane Montague Scott
To: Microsoft ATR
Date: 1/25/02 7:14pm
Subject: Microsoft settlement

I would like to recommend that the agreement between Microsoft, the DoJ and nine states be accepted.

It is so foolish, especially at this time of a national economic slump to continue to disable Microsoft.

Sure, lots of unemployed Microsoft technicians might be called back in to resolve the mess if this agreement is rejected, but this is a poor way to resolve the unemployment crisis in the tech world. It appears that the ones wanting to reject it, have crossed the line, from trying to make it fare to all tech companies to get a piece of the action, and have moved into the realm of ''lets get microsoft'', lets try to make them die.

I'm a home user who just wants all my stuff to work correctly and microsoft does a better job of doing that, as well as constantly creating more solutions to running businesses. In disabling Microsoft, you are disabling users like myself.

Mac computers seem to dominate the market in elementary schools, why don't we site them for unfair practices?

Thanks for listening.

MTC–00025325

From: Michele Acerra
To: Microsoft settlement
Date: 1/25/02 7:15pm
Subject: Antitrust settlement between Microsoft, the DoJ and nine states.

Gentlemen!

I understand that Monday Jan.28 is the last day for public comments on thesubject of this e-mail.

Respectfully, as a shareholder, as a Microsoft software user since day one, as a citizen, believe that all this matter has to stop and that the proposed settlement should be accepted by all parties. The terms of the settlement are tough, but are reasonable and fair to all parties, and meet, and perhaps go beyond, the ruling by the Court of Appeals, and represent the best opportunity for the industry and everybody to move the hell forward!

It is incredible to me that ''these pain in the ass'' of the AOL subsidiary ''Netscape Communications Co.'' have the balls to still screw around with this matter, now with a private lawsuit! I believe that you guys at the DoJ have to read of the most important industry analysts, including James K. Glassman, (http://www.techcentralstation.com/ 1051/techwrapper.jsp?PID=1051– 250&CID=105 1–012302E) who specifically says: ''Instead of straightening out its business problems, AOL has decided to spend its time and effort filing lawsuits against tough competitors—a petty, distracting pursuit that won't help AOL or, for that matter, the U.S. economy, which depends on firms like Microsoft for the innovation necessary to bring about a technology revival.''

As an AOL shareholder I could not be more in agreement!

Please stop all this nonsense for the Industry and the Country by starting to inforce the subject settlement.

Thanks for your time and attention
Michele (Mike) Acerra
10, Summer Lane
Califon, NJ 07830

MTC–00025326

From: Steven Paul, CPA
To: Microsoft ATR
Date: 1/25/02 7:16pm
Subject: Microsoft Settlement
RE: Microsoft Antitrust Settlement

I would like to see the proposed settlement with Dept of Justice and the various States Attorneys General concluded. I believe that Microsoft competitors were behind the instigation of the government's lawsuit in the beginning and no value exists in continuing this effort. An effort, I might add that seems to have at its heart the goal of propping up products which may not truly be competition to Microsoft products.

Standardization of various software platforms and aggressive software development guardianship was in my opinion at the root of and will continue (if allowed to continue by conclusion of this case) to keep America at the forefront of this industry. The software products, platforms and hardware development that the government believes were harmed by Microsoft's alleged anti-competitive behaviors were probably not the best platforms, software and hardware protocols in the marketplace. This Darwinian Natural Selection should not be artificially derailed simply to appease Microsoft's competitors.

I found it interesting that Netscape Navigator filed suit against Microsoft in the waning days of the public comment period on the Anti-trust settlement. The timing and stated-motivation were intended to draw attention to another allegation by a competitor of unfair competition by Microsoft. Don't buy it.

This is all part of the show intended to change the proposed settlement terms and protract the government's litigation for the benefit of Microsoft competitors. I'd guess that AOL...the biggest fish in the Internet Service Provider pond...probably knew what it was doing when it purchased Netscape for $10Billion during the Dept of Justice litigation. I don't really think it was gambling on a court judgment that would result in Microsoft's breakup when AOL decided on the purchase. It only indicates how tenuous the leader's real role is in this rapidly evolving industry. And look at AOL/Time Warner itself. It probably controls the largest content for potential future internet traffic. I believe AOL's proclaimed motivations in guiding Netscapes lawsuit against Microsoft are disingenuous.

I do not feel I have been harmed economically from Microsoft's business

practices and don't believe you could find any consumers who have been. In fact, I believe that the large drop in prices of computer hardware and peripherals while at the same time having ever more powerful, faster and easier to utilize hardware and software applications has been, at least in part, the fruit of those business practices.

I would like to see the proposed Settlement accepted by all parties. It's time to move on and halt the flow of government resources into this current misguided effort.

Sincerely,
Steven Paul, CPA
4201 Roosevelt Way NE, Suite 206
Seattle, WA 98105
(206) 322–6040

MTC–00025327

From: eneudorff@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 7:13pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Emilia Neudorff
7806 Jason Ave.
West Hillsq, CA 91304–4434

MTC–00025328

From: alan tsuda
To: Microsoft ATR
Date: 1/25/02 7:17pm
Subject: Microsoft Settlement

I believe the settlement does not go far enough.

Alan Tsuda

MTC–00025329

From: RogerCubs@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 7:16pm
Subject: Microsoft Settlement

Attached is a memo to John Ashcroft, Attorney General, regarding the Microsoft settlement.

Roger Cramer

CC: fin@mobilizationoffice.com@inetgw
January 26,2002
John Ashcroft, Attorney General
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Sir:

The purpose of this letter is to inform you of my support for the recent settlement reached between the Justice Department and the Microsoft Corporation. America is currently in a period of recession. Americans are faced with increasing layoffs and a slowing stock market. Further litigation against Microsoft at this time is unwise policy. In contrast, resolution of this case will spur consumer confidence in the economy and benefit American industry significantly.

The details of the settlement include many concessions made by Microsoft benefiting its competition. Microsoft has agreed to the formation of a supervisory board whose job it is to assure compliance with this settlement. Anyone wary of Microsoft's compliance then should be reassured given the objective nature of this board.

The time has come to finally put this antitrust dispute behind us. The American economy deserves it.

Sincerely,
Roger Cramer

MTC–00025330

From: DUB0543C@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 7:15pm
Subject: Microsoft Settlement.
1601 3rd Street Southwest
Cedar Rapids, IA 52404–2814
(319) 362–0013
January 23, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

When I was informed about my rights under the Tunney Act to express my opinion on the Microsoft case, I could not help but utilize this opportunity. For the past three years I have watched in frustration as this case as dragged on and on and now some states want to push for further litigation. This is unreal! This lawsuit has already cost the taxpayers, Microsoft and the IT industry unspeakable amounts of money.

I am in agreement with this settlement and believe the terms more than allow for competitor's access to Microsoft's infrastructure. For instance, Mircosoft has agreed to allow computer makers to configure Windows in a way that will accomadate non-Microsoft software . They have also agreed to design future versions of Windows that will all for interoperation with non-Microsoft programs. In an addition to all of this Microsoft has made an unprecedented agreement to share internal Windows interfaces with their competitors.

If the aforementioned terms are acceptable to the competitors, what are the states finding fault with. I hope that you will make the decision necessary to bring formalization to this settlement as soon as possible.

Sincerely,
Verlyn Davis

MTC–00025333

From: Jim and Carol McClure
To: Microsoft ATR
Date: 1/25/02 7:18pm
Subject: Microsoft Settlement

Gentlemen:

In reviewing Mr. Gate's performance with the Microsoft Company I urge you to pass the proposal as it is presented by Microsoft without editing.

Sincerely,
Carol A. McClure

MTC–00025334

From: Lou Lopez
To: Microsoft ATR
Date: 1/25/02 7:19pm
Subject: Microsoft Settlement

Gentlemen;

I know of no single contribution in my 35 plus years in business that has enhanced productivity more than the work product of the Microsoft Corporation. Were they guilty of predatory and/or monopolistic practices....you have the facts and you have ruled on them. That is past and there is not one shred of evidence that any of that type of behavior has been expressed in any way by the Microsoft Corporation in the last several years. Indeed, they probably are one of the most ethical firms in the country if not only for the fact that they know that there are numerous parties with virtually unlimited resources that are forever looking for such evidence to create another drain on the public's coffers via your good offices and to drain as much as they can from Microsoft in the naive belief that if they (i.e. Sun, Oracle, AOL) succeed, the loss in market position that Microsoft would suffer would be gained by them.

That ''Zero sum'' logic is so patently obvious that it is offensive. Is it fair for AOL to dominate both the content and delivery channels of so much of what is available via the internet and television? Is it fair for AOL to now impose increases on the rates of those intermediate ISPs that serve remote areas that suffer from being victims of the digital divide by connecting those folks to AOL? Didn't Netscape really nail its customers in clever ways when it was in its heyday.....look carefully and you will see what I saw.

The ''Scott and Larry'' show that attempts to provide a ''One-two'' punch to Microsoft to anyone that will give them an audience is as offensive as their obvious ''Zero sum'' strategy. If anyone that ever worked for Oracle ever gave honest testimony you would learn from them that the daily demand on every employee from Larry Ellison himself was for them to do what it took to displace any competitor so that Oracle would not only be the dominant database engine provider....but would in time be the only database engine provider. If he had succeeded in his goal he would have had a monopoly ....he just was not good enough to get there and continues to lose market share as I craft this letter to you. Don't think for a minute that if Scott and his Sun team could have locked up the engineering workstation or the Java Script language market potentials for themselves that they would have said ''No''. Scott, like Larry failed to succeed in monopolizing their chosen market sectors as Bill did....and so their egos and envy and very deep pockets turned them into fools with too much money and too much free time on their hands so they set out to use those resources against Microsoft and in so doing effectively cost the American taxpayer hundreds of millions of dollars to accomplish what a much less aggressive approach might well have accomplished.

There are a number of firms that effectively monopolize their market niches and perhaps without meaning to they effectively employ predatory practices by making it clear that if their customers don't do what they want they will not have access to that firm's goods and or services. Senator Sam Ervin said something in the Watergate hearings that seems to fit, it was the old ''Two wrongs don't make a right''.

On the other hand it seems unfair that just because Microsoft was the largest of those firms that monopolize their market niches that they alone should be singled out as they have been.

It is time that we redirect our limited DOJ resources to more urgent issues and stop wasting the publics time and money to accommodate the interests of these three enterprises. Microsoft has agreed to the settlement terms and you can be sure that they will not want to go down this path again so this type of behavior will not likely be seen in Microsoft again for years to come. I most sincerely request that we move on to more important issues.

MTC–00025335

From: clancy
To: Microsoft ATR
Date: 1/25/02 7:18pm
Subject: Microsoft brake up

I think this is an attempt to socialize all businesses and against Capitalism. The other companies are only complaining because they did not think of doing what Microsoft is doing. Otherwise they would be doing the same thing.

Stop all the law suits an get back to defending our nation.

Clarence Kahler

MTC–00025336

From: Jorge Barrera
To: Microsoft ATR
Date: 1/25/02 7:19pm
Subject: Microsoft Settlement
15824 168th Avenue NE
Woodinville, WA 98072
January 2, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I work in television production. The future of digital technology in the television industry will again revolutionize our society. For the best benefit to our American society, Microsoft must be free to join in the innovations that will empower our still-unfolding and expanding digital future. I believe that there was never a need to tear Microsoft into pieces, as actually happened with AT&T.

I thank you for your support of the Microsoft settlement. It is the best solution available to us now. The settlement will allow Microsoft to stay together, while also opening up its Windows operating system to the computer industry. Microsoft has agreed to reveal the crown jewels, the internal interfaces and server protocols of Windows. It will license its copyrights and patents on non-discriminatory terms, rather than refuse infringing companies access to its brainpower. The settlement makes sense for the betterment of the industry. I appreciate your efforts to reach this settlement and have the federal court approve it.

Sincerely,
Jorge Barrera
MagicHour Films, Inc.
phone:206 443 9818
fax:206 443 1453
visit our website at:http://www.magichour.com
CC:fin@mobilizationoffice.com@inetgw

MTC–00025337

From: Clark N. Quinn
To: Microsoft ATR
Date: 1/25/02 7:20pm
Subject: Microsoft Settlement

I would like to register my dissatisfaction with the proposed settlement with Microsoft. I understand that the requirements are insufficient to prevent further abuse, and it appears that there are no consequences attached to the anti-competitive actions that have hampered an industry.

Please do review and strengthen the conditions, and consider the justice system remedies for illegal behavior, before settling. Thanks,—

Clark —
Clark N. Quinn
OtterSurf Labs
clark@ottersurf.com
925–200–0881
http://www.ottersurf.com/

MTC–00025338

From: Mark
To: Microsoft ATR
Date: 1/25/02 7:21pm
Subject: Microsoft Settlement

The proposed settlement has many flaws and is not in the public interest. More needs to be done, as many DoJ people apparently believe; I will pick one key issue.

Creation of an environment where viable alternatives to Microsoft's dominance in desktop operating systems flourish, and where competition in the variety of related monopolies that have arisen and will arise from that dominance is allowed and feasible, requires, in a fast-paced technology environment, both speed and pragmatism.

Speed requires that the eventual actions required of Microsoft should be carried out fully and in a timely manner—the definition of timely to be decided, and compliance to it to be monitored, by the court or the DoJ or other appropriate body, advised by industry.

Pragmatism requires recognising the critical relief that should be provided to non-Microsoft innovators to ''level the playing field''—that is, to publish fully all the APIs and file formats used by Microsoft itself, past, present, and, where relevant, future—relevance, to be determined, again, by the court or the DoJ or other appropriate body. It is ingenuous to suppose that Microsoft can be trusted to act fully and completely in accordance with whatever final settlement is reached, and in particular with these two aspects—hence the need for active and appropriate compliance monitoring.

Lindows, Codeweavers WINE, and numerous other innovations will—given these actions—produce in the relatively short term a non-Microsoft desktop operating system that will run Microsoft and other applications software. There will then, and only then, be an environment in which real competition exists.

MTC–00025339

From: Campbell Marquette
To: Microsoft ATR
Date: 1/25/02 7:21pm
Subject: Microsoft Settlement

G'day,

As a long time user of Microsoft products I wish to make a few comments about the proposed settlement.

Microsoft has done more than any other company in making computers a major part of people's lives. They have made software that has enabled anyone to sit down and use a computer, any computer. This would not have possible without the great work Microsoft has done.

The proposed settlement is more than fair, in fact I believe that Microsoft is completely in the right and should be left to continue the great work they have started. Microsoft has done nothing wrong. It is the companies such as AOL that hide behind the courts instead of living in the real world where true competition occurs.

The proposed settlement will force Microsoft to make several major concessions to its operating systems and its business practices. The proposal will make computers more difficult to use, less user friendly and less innovative, unfortunately this may be the best solution we can come up with.

Microsoft is a great company and any harm that is done to Microsoft will cause only harm to the users of computers in the world.

I ask of you to accept the proposed remedies and let Microsoft continue being an innovative company.

Cheers,
Campbell.

MTC–00025340

From: Lloyd Smiley
To: Microsoft ATR
Date: 1/25/02 7:20pm
Subject: Microsoft Settlement

The antitrust lawsuit against Microsoft hit Microsoft and the economy in March 2000; contributed significantly to the slide of the stock market and poor performance of most companies throughout the country for the past 23 months. We cannot justify the continuation of damaging Microsoft for the benefit of Apple, Oracle, AOL Time Warner and the remaining nine envious detracting states.

Linux has become the primary operating system in IBM's most advanced servers, just introduced, a substantial switch from Microsoft Windows and NT to a highly competitive alternative OS. Innovation and the market is working without Federal and State Government intervention. AOL Netscape with 33,000,000 has three times more subscribers than Microsoft Explorer, yet AOL files a lawsuit that Netscape has been disadvantaged. AOL also withholds documents from the litigation process and encourages the nine intransigent states to prosecute with no ending, What gall! What runaway greed!

The Appeals Court and Department of Justice Antitrust Division have an opportunity to put this costly litigation with Microsoft to rest and somehow placate the nine foot-dragging states so we can move on to a more productive period for the entire economy. For God's sake, please put this legal morass in back of us so we can breathe normally again.

As Microsoft customers for the past 20 years we have never experienced any wrongdoing in overcharges in fees or software; in fact, we hope and pray we can do as well over the next 20 years in relying on Microsoft in their outstanding innovations and service to customers, the industry and the economy.

Lloyd Smiley, President
Performa Company
4830 East Coventry Drive
Vero Beach, FL 32967–7301
Lloyd—Smiley@Hotmail.com
Telephone: 561–564–9825

MTC–00025341

From: junecascio@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 7:20pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
June Cascio
654 Jordan St
Shreveport, LA 71101

MTC–00025342

From: Brian Cebull
To: Microsoft ATR
Date: 1/25/02 7:23pm
Subject: Microsoft Settlement
January 25, 2002
Attorney General John Ashcroft
The Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

I strongly support the settlement terms that the Department of Justice and nine states reached with Microsoft in November 2001, and I urge you to adopt the terms of the agreement as soon as possible.

The settlement contains tough yet reasonable provisions that will make it easier for companies to compete with Microsoft. Competing companies will receive more information than ever from Microsoft regarding software codes and books. Microsoft must also design future versions of Windows, starting with Windows XP, to make it easier to install non- Microsoft software.

This settlement will not only benefit competing companies but will benefit the technology industry as a whole by allowing Microsoft to devote its resources to innovative software design, rather than litigation. Again, I strongly support this settlement and feel it will serve in the best interest of the public.

Sincerely,
Brian R. Cebull
Nance Petroleum Corporation
PO Box 7168
Billings, MT 59103
(406)245–6248

MTC–00025343

From: Sandra Wright
To: Microsoft Settlement U.S. Department of Justice
Date: 1/25/02 7:17pm
Subject: Microsoft Settlement
Sandra Wright
1104 Old Lynchburg Road
Charlottesville, VA 22903

January 25, 2002

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
sandra f. wright

MTC–00025344

From: Stephen Baber
To: Microsoft ATR
Date: 1/25/02 7:23pm
Subject: Microsoft Settlement

To whom it may concern,

It is a great risk to my career as a software engineer that I write to you for the public record as permitted by the Tunney Act. Given Microsoft's vengeful corporate culture, this very document will surely be used to bar me (and the many other's writing in opposition to Microsoft's illegal leveraging of it's monopoly power) from working, if left unregulated and in our lifetimes, by the only remaining technology company in America.

My primary concern is that the settlement being prepared by Mr. Charles James (1) would not prevent the central ways Microsoft was found to have illegally maintained its Windows monopoly, (2) does nothing to restore competition in the OS market, an express Court of Appeals requirement for a Microsoft remedy, and (3) has no provisions directed to Windows XP and other new endeavors of Microsoft to extend and protect its monopoly to new markets in the future, another express Court of Appeals requirement for a Microsoft remedy. The proposal is so far outside the mainstream of antitrust law, and so completely contradicts the DC Circuit's unanimous opinion affirming Microsoft's guilt, that the only explanation must be political.

My suggestions for restoring fair competition are to (1) spin-off every Microsoft product which has market dominance into it's own separate corporate entity, and (2) require that Microsoft publish the file formats and communications protocols used by those products so that competitors may create compatible software and hardware.

My suggestions for punishing this repeat offender are (3) any fines required by the 1995 Consent-Decree should be paid as well as all court costs, and (4) Company president William Harold Gates III and CEO Steven Ballmer should admit their wrong doing on national television, also (5) Microsoft should be barred from spinning their loss into a case of government interference.

Our citizens have given their lives for the principles on which this nation was built, a nation of laws and not a nation of men, I urge you to perform your duty as guardians of justice and protect us from a corporation which has committed flagrantly illegal acts for the maintenance of their monopoly powers. Posterity will remember if we acted when there was still time to stop the disappearance of consumer choice and the free market system.

Sincerely,
Stephen Baber
Software Engineer
2904 24th Ave W
Seattle WA 98199

MTC–00025345

From: Merv R Heebner
To: Microsoft ATR
Date: 1/25/02 7:23pm
Subject: Microsoft Issues

I am writing to let you know that I think that Microsoft is being given the shaft. It is certainly within their rights to market their products as they have done. This country has been built on entrepreneur ship. Actions against Microsoft is a slap in the face of what has made America great.

Thank you.
Merv Heebner

MTC–00025346

From: Nicholas Esposito
To: Microsoft ATR

Date: 1/25/02 7:24pm
Subject: Microsoft Settlement
Please read attachment below.
Nicholas T. Esposito
24 Juniper Creek Boulevard
Pinehurst, NC 28374
January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

The purpose of this letter is to inform you of my support of the Microsoft settlement. Over the past three years, the federal government has launched a legal attack on Microsoft. The result of this attack has served only to curb productivity in our technology sectors. Given the current economic recession, I believe that settling this issue will facilitate growth in the industry once more.

Compromises have been made throughout the process. Microsoft has agreed to license Windows at the same rate to the largest producers of PCs. This will ensure that computer makers have a level playing field. Further, PC makers will have the option to market computers that have non-Microsoft software enabled onto the Windows system upon sale. Microsoft agreed all of these changes to in the interests of resolving the issue. I would hope that you see the importance in enacting this settlement at your earliest convenience. Thank you for your time regarding this issue.

Sincerely,
Nicholas Esposito
cc: Representative Howard Coble

MTC–00025347

From: aprice@healthspace.ca@inetgw
To: Microsoft ATR
Date: 1/25/02 7:25pm
Subject: Microsoft Settlement
Your Honor,

I believe the recommendations made here: http://www.securityfocus.com/news/315 would be of very substantive benefit in helping prevent future abuses of monopoly by MS.

Thank You
Andrew Price
C.O.O.
HealthSpace Integrated Solutions Ltd.
HealthSpace USA Inc.
Tel. (604) 860–4224
http://www.healthspace.ca

MTC–00025348

From: John
To: Microsoft ATR
Date: 1/25/02 7:25pm
Subject: Microsoft Settlement
15 Broadway
Ocean Grove, NJ 07756
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I urge you as strongly as possible to settle the Microsoft antitrust case and to end the extensive and costly legal proceedings against them. I find the amount of money spent fighting the case an irresponsible use of resources, and the case should be wrapped up as quickly as possible at this point.

As an everyday computer user, I find a uniform operating system to be beneficial in my ability to smoothly operate my PC. Though some of Microsoft's tactics have been heavy-handed, there is no denying the success they have had in making programs work seamlessly with each other and creating a standard other companies have yet to match. Though they will lose some of their entrepreneurial freedom in disclosing Windows coding to competitors, it will allow Microsoft to get back to business, and to continue paving the way for innovations that benefit millions of people.

Therefore, I am in favor of settling the case as soon as possible. If our past President, Mr. Clinton had spent as much time, energy and money pursuing Bin Laden and company as he had pursuing Bill Gates and company (Microsoft), we as a nation would be in better shape. One of the main reasons I voted for President Bush was in the belief that he would do the right thing.

Sincerely,
John Sosenko

MTC–00025349

From: John
To: Microsoft ATR
Date: 1/25/02 7:25pm
Subject: microsoft settlement
15 Broadway
Ocean Grove, NJ 07756
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I urge you as strongly as possible to settle the Microsoft antitrust case and to end the extensive and costly legal proceedings against them. I find the amount of money spent fighting the case an irresponsible use of resources, and the case should be wrapped up as quickly as possible at this point.

As an everyday computer user, I find a uniform operating system to be beneficial in my ability to smoothly operate my PC. Though some of Microsoft's tactics have been heavy-handed, there is no denying the success they have had in making programs work seamlessly with each other and creating a standard other companies have yet to match. Though they will lose some of their entrepreneurial freedom in disclosing Windows coding to competitors, it will allow Microsoft to get back to business, and to continue paving the way for innovations that benefit millions of people.

Therefore, I am in favor of settling the case as soon as possible. If our past President, Mr. Clinton had spent as much time, energy and money pursuing Bin Laden and company as he had pursuing Bill Gates and company (Microsoft), we as a nation would be in better shape. One of the main reasons I voted for President Bush was in the belief that he would do the right thing.

Sincerely,
John Sosenko

MTC–00025350

From: bekki
To: Microsoft ATR
Date: 1/25/02 7:25pm
Subject: Microsoft Settlement

Please do not accept the proposed settlement as an adequate solution to the Microsoft monopoly. Speaking as a consumer, I am very concerned that this is inadequate protection and in fact only encourages them to continue their illegal actions.

Thank you,
Rebecca Andrews
18 Lansing Street #402
San Francisco, California 94105

MTC–00025351

From: David Kidd
To: Microsoft ATR
Date: 1/25/02 7:28pm
Subject: Microsoft Settlement

I am opposed to the tentative settlement of the United States vs. Microsoft antitrust lawsuit.

David B. Kidd
Mableton, GA

MTC–00025352

From: David Jones
To: Microsoft ATR
Date: 1/25/02 7:28pm
Subject: microsoft.atr@usdoj.gov . DON'T DO IT.....

Please note that as a consumer who has suffered under Microsoft's strangle hold on the technology that I hope and pray you will not allow the current settlement proposal to be approved.

Thank you,
David Jones

MTC–00025353

From: Steve Hilditch
To: Microsoft ATR
Date: 1/25/02 7:28pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Please find enclosed my comments regarding the pending settlement between the United States Government, several individual states and Microsoft Corp.

First, let me state that I am neither in the employ nor have any dealings with of any of the parties directly affected by this action, but am a consumer whose past and future access to technology and the advancement to society that a diverse and thriving technology sector offers has been diminished by Microsoft's anticompetitive corporate behavior.

It is my view that the proposed remedies are a grossly disproportionate to the violations of which Microsoft has been proven guilty. The proposed settlement verges on being meaningless in enforcing upon Microsoft any degree of compliance with the principles of justice that are required to curb Microsoft's ongoing anticompetitive behavior .

It is my firm belief that nothing short of the partitioning of Microsoft into separate corporations, each prohibited from engaging with the other to any extent beyond that

afforded to a third party, will suffice. In order to avoid the continuance of the damage that has been inflicted within the marketplace to formerly able bodied competitors requires substantial and meaningful action.

I urge you to step above narrow partisan politics and enforce to the fullest degree possible under the law strong measures to deal with the past and future actions of Microsoft Corp.

Sincerely,
Steve Hilditch

MTC–00025354

From: Anil Godbole
To: Microsoft ATR
Date: 1/25/02 7:28pm
Subject: Microsoft Settlement

I believe the settlement with DOJ is very very fair. We should let Microsoft innovate & introduce new products as long as they abide by non-monopolistic business practices.

-Anil Godbole
Cupertino, CA 95014

MTC–00025355

From: Dale Phurrough
To: Microsoft ATR
Date: 1/25/02 7:28pm
Subject: Microsoft Settlement

I agree and support the proposed settlement.

Sincerely,
Dale Phurrough
1723 25th Ave #C
Seattle WA 98122

MTC–00025356

From: Edward Liu
To: Microsoft ATR
Date: 1/25/02 7:33pm
Subject: Microsoft Settlement

Dear Sir or Madam:

I am writing to you under the auspices of the Tunney Act to express my great disappointment in the Proposed Final Judgement in the case of the US vs. Microsoft. In my opinion, the proposed settlement does not adequately punish the acts detailed in the findings of fact, which stated rather unequivocally that Microsoft used its monopoly power to damage its competitors unfairly.

The current settlement is little more than a slap on the wrist, and is disturbingly similar to the consent decree of 1995, where Microsoft promised to amend its behavior in the marketplace. Clearly, as Microsoft's legally defined anti-trust violations demonstrate, the consent decree was completely ineffective in correcting Microsoft's anti-competitive behavior.

I am a computer programmer by profession. In my opinion, the actions of Microsoft do far more harm than good in the industry, stifling creativity and alternatives, while foisting second-rate software on the population through their operating system monopoly. I beg you to reconsider the settlement terms in the anti-trust case.

Thank you for your attention.
Edward Liu

MTC–00025357

From: Darcy James Argue
To: Microsoft ATR
Date: 1/25/02 7:30pm
Subject: Microsoft Settlement

Hello,

As a concerned computer user, I would like to object to the proposed final judgment in United States v. Microsoft. In my opinion, Microsoft has reaped the rewards of years of abusive, illegal, monopolistic practices, and is being let off with a light tap on the wrist. This proposed settlement will not end Microsoft's anti-competitive conduct and does nothing to effectively penalize the company for damage already done.

Only penalties commensurate with the extraordinary scale Microsoft's abuses—including, possibly, the breakup of the company—coupled with strong regulation to prevent further monopolistic practices will restore fairness and competitiveness to the Intel-compatible OS market.

Sincerely,
Darcy James Argue
djargon@mac.com
Boston MA

MTC–00025358

From: dgast@paonline.com@inetgw
To: Microsoft ATR
Date: 1/25/02 7:28pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Donna Gast
511 Lamp Post Lane
Camp Hill, PA 17011

MTC–00025359

From: W. B. Hackett
To: Microsoft ATR
Date: 1/25/02 7:30pm
Subject: Microsoft Settlement

PLEASE SETTLE. END THE MATTER.

My beloved Uncle Sam appears to me (and to many others both in the United States and abroad) to be caught up in time-consuming, very expensive, arguing back and forth. That sort of involvement is counter-productive for all of us.

Microsoft has made enormous contribution to the economy of the United States. Please consider and be as fair and just as possible, but please settle. Please end the whole matter. Please try to do it now.

Godspeed!
Bill Hackett

MTC–00025360

From: Dan Dougherty
To: Microsoft ATR
Date: 1/25/02 7:25pm
Subject: Microsoft Settlement
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Ave NW
Washington, DC 20530

Dear Mr. Ashcroft:

I have been following the Microsoft litigation for some time now. And now I see some states want to continue this litigation. How long does the public have to put up with this?

A company like Microsoft, that has done so much for this country, has been punished enough.

They have agreed to many concessions and have gone out of their way to correct what others have acussed them of doing.

Please do everything you can to bring this matter to a close and allow Microsoft to get back to what they do best and that is to help keep this country in the forefront of technology. They are very good at that.

Sincerely,
Dan Dougherty, Ret SgtMaj USMC
207 Pineview Rd Jacksonville, NC 28546
Home of Camp Lejeune

MTC–00025361

From: Belcou
To: Microsoft ATR
Date: 1/25/02 7:30pm
Subject: Microsoft Settlement
P.O. Box13148
Burton, WA 98013
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Now that an agreement has been reached, I ask you to approve the settlement in the Microsoft case. The previous break-up attempt seemed to arise from a personality clash during the early stages of this case; however, companies should not be dismantled for such reasons. This recent, more balanced solution should stand.

Microsoft may have been involved in very aggressive marketing techniques, but the company really deserves more appreciation for all the great things it has accomplished for the new economy. The bottom line is that the competition has been weak, and controversial issues—such as bundling features—are actually very convenient. Upon reflection, the deal that has been worked out with the help of a court mediator seems quite reasonable.

If this plan can proceed, industry rivals will have plenty of chances to gain market share. For instance, competitors will benefit from increased flexibility in adding or removing Microsoft software from the Windows operating system, and they will have access to its internal code. Please accept the proposed terms and let the free market decide the rest.

Thank you.
Sincerely,
James Pappin

MTC–00025361—0002

MTC–00025362

From: Justin Aichele
To: Microsoft ATR
Date: 1/25/02 7:35pm
Subject: Microsoft Settlement

Hello,

I am submitting my comments for the Microsoft Anti-trust case. During this case, the evidence that I saw clearly demonstrated that Microsoft tried to destroy competitors like Sun and Apple and Netscape and increase their market share underhandedly rather than by trying to make the better product and win customers by their own choices. This evidence is crystal clear according to what I saw on the internet that was posted by major news organizations who were covering the case.

Personally, I don't necessarily have a problem with a company dominating a particular market or industry. In conversations with friends, I compare Microsoft to Cisco. Cisco has almost as much market share for networking equipment as Microsoft does for operating systems. In fact, 3Com gave up their core switch market because they could not compete with Cisco. I've personally dealt with both Microsoft and Cisco as a customer and as a technician. The difference is this: Cisco listens to their customers and doesn't try to force them into making decisions they don't want to make. They got to number 1 because they built a better product. It is usually priced higher, but the quality matches the price. As a whole, Cisco cares about their customers and doesn't try to dictate to them how things are gonna be done. It doesn't try to exert too much control and take away free choice. Based on Microsoft's recent licensing schemes, it sure seems like Microsoft would love to take away choice from people. They want a revenue stream when they want it and if it doesn't happen that way, then they will penalize people by not allowing them to upgrade for reasonable prices. Microsoft to me displays intense arrogance that has basically gone unchecked. They have something to leverage, though, otherwise people would have left a long time ago. I think that for the health of computing in general, they should be split up. I think a ton of new products would emerge if it was split up. Microsoft wants total control of things and they mask that as services. Services are great to offer, but they become chains when there's no other option. Microsoft wants to eliminate options from people and they have not done a darn thing to earn my trust. I would never trust them with my financial information on one of their servers. It's my info and it'll stay that way.

The bottom line is that this company has grown to be huge in both legitimate ways and in illegitimate ways. Their recent behavior shows that they would love to continue to leverage their control in unethical ways. Split them up and then let's see what happens. The world will recover, and will probably thrive if you guys would stand up to this mega-company and show them that US laws are put into place for a reason.

Hope this helps.

Justin Aichele

''He is no fool who gives up what he cannot keep to gain what he cannot lose''—Jim Eliot, missionary to Ecuador.

MTC–00025363

From: Reg Diodati
To: Microsoft ATR Date 1/25/02 7:34pm
Subject: Microsoft Settlement

Gentlemen and Ladies,

I believe Microsoft should be allowed to abide by the terms of the settlement, and any further action would be designed to destroy the company, doing great harm not only to the US economy but perhaps the world's. The only organizations to be satisfied would be those opposing the existence of Microsoft. They, of course, were no better at wanting to do what Microsoft has accomplished, but simply were not as successful.

Reginald R. Diodati
Troy, PA

MTC–00025364

From: Oldelm@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 7:33pm
Subject: Microsoft Settlement

I join with many friends who welcome settlement of this extremely complex and very costly case. Just about when we average folks are sighing, ''At last!'' , along comes AOL with another suit! I hope the highly skilled people at Microsoft , AOL, and other high-Tech companies will focus on innovation and service, rather than entangling everyone in litigation.

I've continued to be an AOL subscriber, because of relatively simple access to information & communication—& I can simply NOT choose chat, celebs, movie ratings, ''instant savings'' offers, etc. I would expect a top-rated provider to be bright enough to invest in ongoing service improvements, rather than assuring wealth for attorneys—at tax-payers'' expense. I'll probably continue to use AOL, hoping they lighten up—and brighten up. Users of the remarkable and innovative technology now available do have the privilege of choosing products and services suited to their needs. I believe most of us do not feel trapped by one company or another. We appreciate the Department of Justice efforts to get this monstrous distraction settled!

Grace Allen

MTC–00025365

From: Clyde w. Butler
To: Microsoft ATR
Date: 1/25/02 7:35pm
Subject: Microsoft Settlement !

Hi ! I hope this settlement achieved between Microsoft the Deptartment of Justice and abipartisan group of State Attorneys General is indeed settled in the public interest !

Thank You !
Clyde W. Butler
14701 Dohoney Rd .
Defiance , Ohio 43512–8709
cwmjb@ defnet.com

MTC–00025366

From: Bonnie (038) Cleve Svetlik
To: Microsoft ATR
Date: 1/25/02 7:35pm
Subject: Microsoft Settlement

I believe the DOJ is knuckling under to big business and that the proposed settlement is nothing more than selling out the Citizens of the USA to Microsoft.

I strongly urge continued litigation such as the States who have a spine have done.

Mr.. Cleve Svetlik
2545 Brainard Road
Pepper Pike, Ohio 44124

MTC–00025367

From: Norman Chapman
To: Microsoft ATR
Date: 1/25/02 7:34pm
Subject: Justice Dept. Agreement

Gentlemen:

It is very distressing to see the continued efforts of competitors of Microsoft trying to destroy efforts of the Justice Dept. and Microsoft in having reached an agreement that is fair and workable.

This latest move on the part of AOL is no more than another attempt to influence both public thinking and the legal system in continuing efforts to punish Microsoft until it is reduced to a company unable to provide the quality of software and services which have served this country so well. It is abhorrent to think that companies such as AOL, Sun, Oracle and others have continued to resort to attempts to defeat competition by litigation instead of the much needed innovation to provide to the American public as well as the rest of the world continued improvements in the quality of computer software and other related components. Our family is pleased with the possibilities that your efforts along with those of Microsoft will result in the removal of further litigation and allow both Microsoft and its competitors to re-engage in the job of developing and delivering the world's finest technology.

Sincerely,
Norman & Isabella Chapman
CC:norm@cadenza.com@inetgw

MTC–00025368

From: Don M. Weber
To: Microsoft ATR
Date: 1/25/02 7:21pm
Subject: Proposed settlement

I am infavor of the compromised settlement agreement with Microsoft.

Thank you
Don M. Weber,Retired in Missouri

MTC–00025369

From: Jerry Spencer Mings
To: Microsoft ATR
Date: 1/25/02 7:37pm
Subject: Microsoft Anti-Trust

From what I've read, the judgment against MS is more of a reward than a punishment.

My first home computer was handbuilt 6800 from a kit (SwTP) and used an ASR33 teletype with punched paper tape as the sole offline storage. Eventually the system was maxed out at 32 kilobytes of pseudo-static RAM.

I remember vacationing in Silicon Valley and lunching with the author of Tiny BASIC. Bill Gates became a hero for releasing 4K (and later 8K) BASIC. Later the original IBM PC was released under a disingenuous marketing plan claiming the 8-bit 8088 microprocessor as being a 16-bit system and hijacking the acronym PC. The home

computing comunity was in large part outraged, but business lived and died by the aphorism ''Nobody ever got fired for buying IBM.'' At the time there were several 6800 based home computer systems running UNIX variant operating systems that failed against the tidal wave of EYE-BEE-EM.

Then, somehow, the IBM PC design opened up to independent manufacturers and the hardware market exploded once they discovered to their amazement that the public wanted clones and not compatibles.

Now we reach the point where I gave in and bought a compatible because: 1) It's what they were using at work. 2) There was a LOT of free or cheap software out there.

Then—

I had to upgrade to DOS 3.1 because it was more reliable and fixed the bugs from the previous release.

I had to upgrade to DOS 3.2 because it was more reliable and fixed the bugs from the previous release.

I had to upgrade to Windows 3.2 because it was more reliable and fixed the bugs from the previous release.

I had to upgrade to Windows 95 because it was intergrated and more reliable and fixed the bugs from the previous release and the cheap printers required it and it came with my new faster computer because the new programs were untollerably slow.

I had to upgrade to Windows 98 because it was more reliable and fixed the bugs from the previous release and the cheap scanners required it. IBM was no friend—I bought OS/2 and OS/2 warp 3.

Apple was no friend with their proprietary (overpriced) hardware and software - I had an Apple IIe and the joke was ''After you had to buy the entire library of documentation (each manual referred you to another manual) for another $50 you got Steve Job's home number.''

I don't have a reasonable solution (I favor breaking MS into a thousand pieces and refunding all Windows [another hijacked name] upgrade fees), but suggest you contact Richard M. Stallman at http://www.fsf.org as his is the loudest sanest voice in the wilderness.

Richard Balding

MTC–00025370

From: Loren Shirk
To: Microsoft ATR
Date: 1/25/02 7:37pm
Subject: Settlement

I agree with the settlement.

Loren Shirk
188 Las Lomas Rd.
Duarte, CA 91010

MTC–00025371

From: JugheadGOP@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 7:38pm
Subject: microsoft settlement

The case was not justified in the first place.

Why is it the roll of Big Government to punish success because competetion complains?

This Country and all Americans can be proud and thankful for the inovation of Mirosoft and Bill Gates.

Sincerely,

Ken Keller

MTC–00025372

From: Steven Ohmert
To: Microsoft ATR
Date: 1/25/02 7:39pm
Subject: Microsoft Settlement

I would like to express my opinion that the proposed settlement in the Microsoft antitrust case be accepted. I believe the remedies are sufficient. It is time for this issue to be done with. The uncertainty and disruption this case has caused in the industry is a prime contributor and belweather for the downturn of the high tech industry in the stock market. The resolution of this matter will be a significant step in the recovery of initiative and innovation that has fallen away as a result of the uncertainties.

I am not necessarily a cheerleader for Microsoft. Clearly, they have agressively and sometimes inappropriately used their market position as a bullying tactic. I believe there are lessons to be learned from this on all sides. I believe this is addressed in the settlement. Punitive actions proposed by opponents to the settlement are drastic, vengeful, and superficial. Acceptance of the settlement sends the clear message that the US government can be a fair and final arbitrator of such situations without being a blind executioner, and cuts short the use of the system as a forum for marketing public opinion and corporate images (by both sides).

Thank you

Steven Ohmert
25731 78th Ave SW
Vashon, WA 98070

MTC–00025373

From: Kevin Jerbi
To: Microsoft ATR
Date: 1/25/02 7:42pm
Subject: Microsoft Settlement

Hello,

I am writing to express my dissatisfaction with the proposed antitrust settlement with Microsoft.

I believe that this settlement does nothing to prohibit Microsoft from continuing its predatory practices in information technology. This settlement has little provision to prevent Microsoft from asserting that any other applications are now part of their Windows operating systems, or from using their strong position in that market to thwart other innovations in different applications.

I fully support the right of Microsoft to continue to develop its products and innovate as they see fit. However, as a confirmed monopoly, they have a specific responsibility to ensure that their monopoly does not illegally extend into emerging markets.

I also fear the enforcement of this agreement. It should be recalled that Microsoft's brazen indifference to their 1995 consent decree began this particular case.

Thank you for your consideration,

Kevin Jerbi
Sr. Technical Support Specialist
Targeted Genetics Corp.
Seattle, Washington.

I am a US citizen, and my address is 1125 NW 56th Street, Seattle, WA 98101.

MTC–00025374

From: meanymom54@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 7:39pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Anne Reiser
47 Meritoria Drive
East Williston, NY 11596–2004

MTC–00025375

From: joylf4533@webtv.net@inetgw
To: Microsoft ATR
Date: 1/25/02 7:39pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now.

Sincerely,
Joyce Foss
731 S. Bluff St.
South Beloit, IL 61080–2165

MTC–00025376

From: AVCS
To: Microsoft ATR
Date: 1/25/02 7:38pm
Subject: Miscrosoft Settlement

TO WHOM IT MAY CONCERN:

Are we not living in America? Land of free enterprise, supposedly a capitalistic economic structure. It is time to leave Microsoft alone. Move on. Do something more constructive with your time. This is nothing more than a witch-hunt on this company.

Rhonda Hubler
949 Enders Road
Halifax Pa 17032

MTC–00025377

From: Joe Cotey
To: Microsoft ATR
Date: 1/25/02 7:43pm
Subject: Microsoft Settlement

Dear Department of Justice,

I am strongly opposed to the proposed settlement. The three top reasons are:

1) It allows Microsoft to keep the financial and business advantages it gained by operating an illegal monopoly,

2) It allows Microsoft to keep the distortions, such as Internet Explorer, Media Player, and others, it added to Windows in defiance of a court settlement,

3) There is no provision to enforce any provisions of this settlement and Microsoft has a long history of doing as they please.

It appears to me that it would be a shame if an industry standard operating system weren't a result of this action. Since Windows is the de-facto O. S., it seems reasonable to me to require Microsoft to release Windows to a standards organization such as IEEE, ANSI, or others. They have certainly recouped and profited adequately for their investment, and the loss of Intellectual Property to the public good seems to me a proper punishment.

Oliver J. Cotey
580 Ahwanee Ave., No. 58
Sunnyvale, CA 94085
tel: (408) 245–3487
e-mail: j.cotey@att.net

MTC–00025378

From: billo123 Owens
To: Microsoft ATR
Date: 1/25/02 7:44pm
Subject: Microsoft Settlement

Please get off Microsofts ass.

William E. Owens

MTC–00025379

From: David Bacher
To: Microsoft ATR
Date: 1/25/02 7:45pm
Subject: Microsoft Settlement

To Judge Kollar-Kotelly and the United States Department of Justice,

I would like to comment on the proposed Microsoft Settlement as allowed under the Tunney Act.

As background, I am a software engineer with 6 years of professional experience developing on Unix and Macintosh platforms.

I have read the Findings of Fact and the Revised Proposed Final Judgement as posted on www.usdoj.gov and I have come to the conclusion that the Proposed Final Judgement does very little to limit Microsoft's acknowledged monopoly power.
Impact on Open Source Software

As a proponent of (and contributor to) open source software, I am concerned by the language that allows Microsoft to conceal APIs selectively from competitors simply because it does not agree with their business model.

To quote Ralph Nader's open letter (http://www.cptech.org/at/ms/rnjl2kollarkotellynov501.html) ''What is surprising is that the US Department of Justice allowed Microsoft to place so many provisions in the agreement that can be used to undermine the free software movement. Note for example that under J.1 and J.2 of the proposed final order, Microsoft can withhold technical information from third parties on the grounds that Microsoft does not certify the ''authenticity and viability of its business,'' while at the same time it is describing the licensing system for Linux as a ''cancer'' that threatens the demise of both the intellectual property rights system and the future of research and development.''

As the most powerful corporation in the software industry today, Microsoft should be forced to provide equal access to information to anyone, regardless of whether their business model meets Microsoft's approval.

Failure to Punish Illegal Actions

In addition, the proposed settlement does nothing to punish Microsoft's illegal monopolistic tactics. Microsoft has willingly abused its position in the marketplace and it should be punished. At the very least, it would be appropriate to fine Microsoft for their actions. In addition, Microsoft should be forced to divest itself of those technologies in which it has used its monopoly power to gain a controlling presence. Microsoft should not be allowed to reap the benefits of its illegal actions.

Please consider my comments as a vote against the proposed settlement. Thank you.

Sincerely,
David Bacher
1511 Addison St.
Berkeley CA 94703
drbacher@alum.mit.edu

MTC–00025380

From: john fruttero
To: Microsoft ATR
Date: 1/25/02 7:47pm
Subject: Microsoft Settlement

I am a very concerned citizen who vehemently disagrees with the Proposed Final Settlement.

Thank you for your time and consideration of my view,

John Fruttero; (626)391–8282; 1611 Brockton Avenue, #1, Los Angeles, CA 90025

MTC–00025381

From: Jumana Scoggins
To: Microsoft ATR
Date: 1/25/02 7:48pm
Subject: Microsoft Settlement

Dear Mr. Ashcroft:

I want to use this opportunity to express my support for the settlement reached last November between Microsoft and the Department of Justice. I believe it is time to move forward and allow both sides to concentrate on more important matters.

The settlement is comprehensive and requires many changes on the part of Microsoft. For example, Microsoft has agreed to design future versions of Windows to provide a mechanism to make it easy for computer makers, consumers and software developers to promote non-Microsoft software within Windows. Consumers will have the freedom to easily add or remove access features built in to Windows or to non-Microsoft software. And to assure this and other provisions are met, Microsoft agreed to the formation of a technical committee that will monitor the company's business practices going forward.

This case has been going on long enough. It is time for Microsoft to get back to competing and designing new software. And it is time for the government to use taxpayer money on more urgent matters like stimulating the economy.

Sincerely,
Jumana Scoggins

MTC–00025382

From: Frank J Gombos
To: Microsoft ATR
Date: 1/25/02 7:48pm
Subject: Microsoft Settlement

I am very disturb that you want to punish successful companies like Microsoft.

They delive superb product and at superb prices.

This is a communist method, to punish successful people.

Sicerely,
Frank Gombos

MTC–00025383

From: Carlin H Freeberg
To: Microsoft ATR
Date: 1/25/02 7:48pm
Subject: Settlement

Go get ''em! M'Soft is as guilty as sin and their proposed settlement is nothing more than another devious scheme to leverage themselves into the schools/public agencies, thereby increasing users'' dependency on M'Soft products. Hang in there, don't let M'Soft's endless appeals wear down the quest for justice.

MTC–00025384

From: gijosh4507@mac.com@inetgw
To: Microsoft ATR
Date: 1/25/02 7:48pm
Subject: Microsoft Settlement

Microsoft is doing anticompetitive things to keep applications on its platforms. One example is OpenGL and DirectX. OpenGL and DirectX are two APIs that compete with each other. These API's are heavily used in 3D games a market aimed at young people. As of now Microsoft suports OpenGL in it's operating systems, but Microsoft could at its own discretion decide to no longer support OpenGL this would force companies to abandon OpenGL to go in favor of DirectX. Because Microsoft owns DirectX they can keep other platforms from using it.

MTC–00025385

From: d933@lakeozark.net@inetgw
To: Microsoft ATR
Date: 1/25/02 7:48pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other

Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Don DeFoy
HCR 76 Box 229U
Camdenton, MO 65020

MTC–00025388

From: wt.catch1
To: Microsoft ATR
Date: 1/25/02 7:48pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Eric Rasmussen
97 Bartlett Place
Brooklyn, NY 11229–6361

MTC–00025389

From: Chuck and Deanna
To: Microsoft ATR
Date: 1/25/02 7:50pm
Subject: microsoft settlement

Sirs: Why you want to continue to badger a entrepreneurial company is beyond me! They have made continuous efforts to settle this yet you continue. Our nation could stand to have it's time and funds spent on people and things that are trying to destroy our country instead of a company that has been helping education, economy, and free enterprise. Wake up.

MTC–00025390

From: stoeker@isgroup.net@inetgw
To: Microsoft ATR
Date: 1/25/02 7:51pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Richard Stoeker
Ridge Road
Rt 15 Box 3078
Lake City, FL 32024–8907

MTC–00025391

From: Paul Adams
To: Microsoft ATR
Date: 1/25/02 7:43pm
Subject: my thoghts on this whole ridicuous thing

Follow the money is a good rule to follow and when I saw the AG of I think Mass. answer a question about the legal costs I knew I had it pegged. He said we don't worry about legal costs as Microsoft has to pay all of them because of the original finding. So they are going to work this forevermore. What a shame. We all know who is going to pay.

It also seems to me that the real imploding of the tech sector happenened just after the Clinton folks filled their legal actions. I liked Microsoft Windows and bought some stock years ago and it went right up over $100 and the attack by Clinton put my stock right in the tank and then the others started going with it. I honestly think it was the ''trigger''. Let the statisticians prove me right or wrong.

All along I kept wondering what it was all about. I liked Netscape and had it on my computer and used it. I liked Real Player for a while and used it also. Then I tried Media Player and switched. Whose fault?

When I went on cable access they started me on Internet Explorer and I found I liked it better then Netscape and now use it. Netscape is still on my computer in case I ever want to use it. Whose fault is this?

So all these setlements are doing absolutely nothing for me except trash my stock value. Pleas cease and desist and do something constructive.

Paul Adams
466 W San Ramon #101 Fresno, Ca 93704

MTC–00025392

From: henrywpark
To: microsoft.atr(a)usdoj.gov
Date: 1/25/02 7:53pm
Subject: Microsoft Settlement

I think that the Microsoft Settlement is a bad idea because it does not address truly preventing Microsoft from leveraging its operating system into other markets.

Henry Park
email—henrywpark@mindspring.com

MTC–00025393

From: JA Stephens
To: Microsoft ATR
Date: 1/25/02 7:54pm
Subject:

Please let Microsoft continue to serve with easier programs to use for those of us that are computers users- but not compute brains. Their programs make it easier-and if it wasn't for their programs, we'd have never purchased a computers. Windows is great.

Thank you.

J.A. Stephens

MTC–00025394

From: John Swanson
To: Microsoft ATR
Date: 1/25/02 7:57pm
Subject: Microsoft Settlement

The Department of Justice should settle the Microsoft case as previously agreed by the parties. The States that continue to fight should be barred from using all Microsoft products and be required to use the inferior products. John Swanson Renton, WA

MTC–00025395

From: Daly Patrick
To: Microsoft ATR
Date: 1/25/02 7:55pm
Subject: Microsoft settlement

I am writing to let you know that in my opinion the proposed settlement between Microsoft and the Department of Justice is a travesty. Microsoft's predatory behavior represents a profound threat to the health not only of the technology sector, in which I work, but of US industry as a whole, and of the United States itself.

If Microsoft can dictate its terms to the US government, who is it that really governs? I urge you to reinstate the eminently fitting decision of Justice Jackson, and break the company up so as to separate the ownership of the operating system from that of the desktop applications.

Patrick Daly
1020 Louise Street
Menlo Park, CA 94025

MTC–00025396

From: WARREN POMPEI
To: Microsoft ATR
Date: 1/25/02 7:55pm
Subject: ANTITRUST SETTLEMENT

Now is the time to finalize the settlement between the Justice Department and Microsoft. As the President of the United States has stated.....''we want to encourage innovation, not regulation''. The country has been in a steady economic decline for nearly two years since the first verdict was issued by Judge Jackson. Since then it has been an enormous drain on all parties involved.....especially this country. I for one, believe that this issue was ill conceived since the beginning. With the September 11th, 2001 terrorist attack, we, the voting public, are quickly learning that there are far more serious issues for us to be focusing on. I was never one to be very ''politically interested'', but after watching how some of our elected officials have been handling themselves during this process, from this day forward I intend to take my vote far more seriously when it comes to casting it for political candidates seeking election to public office.

Warren R. Pompei
wpompei@hotmail.com

MTC–00025397

From: RRhein2557@aol.com@inetgw

To: Microsoft ATR
Date: 1/25/02 7:56pm
Subject: Microsoft Settlement

I believe that it is in the best interest of the US consumer that the Department of Justice proposed antitrust settlement with 9 states and Microsoft be accepted.

Richard M. Rheinhardt
1001 Sierra Blanca Ct.
Lady Lake, FL 32159

MTC–00025398

From: Jeff Breitner
To: Microsoft ATR
Date: 1/25/02 7:56pm
Subject: Microsoft Settlement
January 24, 2002
8732 Sumpter Road
Maybee, MI 48159
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW Suite 1200
Washington, DC 20530–0001

Dear Renata Hesse:

I am writing to express my displeasure with the proposed settlement between Microsoft and the USDOJ for Microsoft's proven illegal activities. In the name of brevity, I'll keep my letter to three main points. First, how the proposed ''opening'' of API's, hooks and other areas of Microsoft products will not benefit other companies. I'll also note how Microsoft's acquiescence to allow computer manufacturers to modify the default installation of Windows on their computers isn't the alleged bargain. And finally, the main sticking point in the whole settlement is the federal government's seemingly blind-eye to the billions of dollars of revenue realized through Microsoft's crimes.

The proposed settlement would allow others access to inside information to Microsoft's API's. While this may seem a fitting way to re-introduce competition in the software industry, the language used in the settlement makes it clear that Microsoft still has a significant amount of control over what is actually divulged. The language states that Microsoft will have the ability to determine the suitability of the recipient of this type of information. Within the proposed settlement, there is little detail of who would be qualified and therefore it appears that those able to receive information on API's, hooks and software information is totally arbitrary and subject to the final review of Microsoft.

Further disturbing is the ability of Microsoft to have a unilateral veto of all requests of this type of information under the guise of software security. Simply put, Microsoft could say that the information could not be provided because it would constitute a security compromise of their products.

Open-source operating systems such as Linux or FreeBSD have lived with this situation for over 10 years and have used it to their benefit. Consequently, the ability to control API information as a security precaution seems to be nothing more than one way to slow or stop the dissemination of this information.

Armed with the ability to ''lock-down'' the API's and the Windows system itself, Microsoft could conceivably use this settlement as a way to thwart interoperability between Windows products and competing operating systems. Through crafty use of frequent Windows updates and patches, Microsoft could simply change its operating code to eliminate products such as Samba, and then point to this settlement as the permission to do so. Since it would be termed a ''security'' issue, the changes would remain within Microsoft's confidence, and the proposed settlement itself is used as a tool to continue Microsoft's monopoly.

Computer manufacturers and OEMs have complained bitterly over Microsoft's insistence that the appearance of Windows not be modified on personal computers. The settlement gives OEMs significant abilities to bundle products with the sale of the computer and operating system. While this certainly appears to be for the benefit of the consumer, it is blanket authorization for Microsoft to continue to use the monopoly on the desktop operating system to extend into other areas. Already with WindowsXP, Microsoft is demonstrating what would happen with this new-found freedom. Preferential treatment (if not outright advertising) for Microsoft properties exists for Internet connectivity, chat, instant messaging and other services whenever the consumer accesses these services through WindowsXP. This settlement is the government's authorization that Microsoft can use the desktop to continue to promote or even force consumers to use Microsoft services (e.g. Microsoft Passport), ostensibly because the OEMs are allowed to bundle their own services. Language in the settlement is absent that states how this bundling and presentation is to occur, which gives Microsoft incredible leverage over its competition.

The major point I have against this proposed settlement is the ill-gotten gains from Microsoft's abuse of their operating system monopoly. Simply put, I find it reprehensible that anyone associated with the justice department would consider letting Microsoft keep one penny of the billions of dollars raised through these abuses. The message the settlement sends is one of ''crime doesn't pay unless you happen to be a large politically active corporation, then it pays handsomely''. This is a terribly disturbing message considering the recent Enron debacle. Microsoft acted unfairly, engaged in illegal business activities, economically harmed the consumer and made billions of dollars doing it. They should be penalized and the penalty should commensurate with their earnings and worth.

As a personal note, when the DOJ started their lawsuit against Microsoft, I was vehemently against it. It was Microsoft's own behavior within the trial and it's business practices during and subsequent to the trial that has changed my opinion of the company. They are a predatory company that would not hesitate to use any method for their profit. Their practices are deeply rooted within the company culture, and it is my belief that the only way to make this company ''fly-right'' is to bring them back to reality with the penalties that would be exacted upon me if I had stolen billions of dollars.

Thank you for your time.
Sincerely,
Jeffrey Breitner

MTC–00025399

From: Ross, Jason
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/25/02 7:58pm
Subject: Microsoft Settlement

i am opposed to the proposed antitrust settlement against microsoft. the penalties for manhanling the entire industry are far from sufficient. If the USA is at all concerned about the security of it's digital communication, they have a vested interest in diversifying the computing landscape. The proposed settlement does little to accomplish this, or keep microsoft from continuing in its business practises which led to the monopoly verdice in the first place.

thanks for your time.
Jason ''olo'' Ross

MTC–00025400

From: pogo
To: Microsoft ATR
Date: 1/25/02 7:59pm
Subject: microsoft puiblic comments

There are too many things on the economic plate and the Microsoft decision should be made immediately.

Walter Robinson
pogo@gnt,net

MTC–00025401

From: David McDonald
To: Microsoft ATR
Date: 1/25/02 8:00pm
Subject: Microsoft Settlement

Please accept the Microsoft settlement as proposed. I believe that it is fair and just. Microsoft delivers a fine product at a very attractive price. I worked in the computer business for 30 years prior to retirement (not with Microsoft) and Operating systems were never so powerful and, imagine, available at only $ 99.

Ever since the action against Microsoft, the entire Technical stock market has been in the tank.

Let's accept this and do what is right for America.

Yes, we do vote.
David McDonald (303) 818–4999
MENU Corp www.menucorp.com
6525 Gunpark Dr., Ste 370–299
Boulder, CO 80301
(303) 530–4986 Fax (303) 530–0983

MTC–00025402

From: EHenn56406@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 8:00pm
Subject: Microsoft Settlement
3919 Fait Avenue
Baltimore, MD 21224
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

We are writing you today to express our opinion in regards to the Microsoft settlement that was reached in November. We feel that this settlement is fair and reasonable, and we are anxious to see this

dispute resolved. We feel this settlement will serve in the best public interest.

This settlement was reached after extensive negotiations. Microsoft has agreed to all terms and conditions of this agreement, including disclosing information about certain internal interfaces in Windows and any protocols implemented in Windows. Microsoft has also agreed to license its Windows operating system products to the 20 largest computer makers on identical terms and conditions.

This settlement will benefit the economy, the industry, and consumers. Please support this settlement so our precious resources can be devoted to more productive causes. Thank you for your support.

Sincerely,

Emily & Elmer Hennigan

MTC–00025403

From: BILLROCKE@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 8:02pm
Subject: Microsoft Settlement

Dear DOJ:

I am an independent critic of the Microsoft Settlement. As a resident of Massachusetts, and a Computer Scientist, I support MA Attorney General O'Reilly's objection to the settlement.

My objection centers around the ''unavailability'' of other browsers because of the ''interweavability'' of Microsoft's Internet Explorer, which comes packaged with Microsoft's Operating Systems, that is, Windows 95,98, ME and now XP.

The built-in compatibility inherent in the Microsoft browser is conspicuously, by design, missing in all the browsers and cause many, many problems and inconvenience when you want to use Netscape or AOL or any other browser.

My real PET PEEVE—AOL is not completely free of its own set of problems and exclusionary practices that warrant your scrutiny.

Bill Roache, CAGS
Computer Scientist
billrocke@aol.com
CC:BILLROCKE@aol.com@inetgw

MTC–00025404

From: Lawrence Neumann
To: Microsoft ATR
Date: 1/25/02 8:04pm
Subject: Microsoft Settlement.''

Enough is enough, stop any further action against Microsoft. The continuation of this vendetta by some competitors must stop.

Lawrence A Neumann
33 Blue Ridge Drive
Trumbull CT 06611–4001
(203) 377 1329
neumannl@snet.net

MTC–00025405

From: Gerald Vidal
To: Microsoft ATR
Date: 1/25/02 8:05pm
Subject: Microsoft Settlement

Aloha from the island of Oahu!

The case against Microsoft should be dismissed all together: Look who is complaining, is it the consumers or special interest who uses the law to get ahead in market share (the earning of money). Look who owns Netscape browser(not Microsoft,) look who owns AOL browser (not Microsoft,) and now look what is happening to Netscape and where it is going as a browser and why (not because of Micosoft, but because one owner with two browsers, Netscape and AOL. Microsoft should move as fast as possible to bring the American people software that will better our lives, and not be held back because of mis-use of the Justice in our government.

''The law (officially called the Tunney Act) requires a public comment period between now and January 28th after which the District Court will determine whether the settlement is in the ?public interest.?

Unfortunately, a few special interests are attempting to use this review period to derail the settlement and prolong this litigation even in the midst of uncertain economic times. The last thing the American economy needs is more litigation that benefits only a few wealthy competitors and stifles innovation.''

Mahalo,
Gerald Vidal
PO Box 208-MS
Pearl City, HI 96782–0208

MTC–00025406

From: tim jennings
To: Microsoft ATR
Date: 1/25/02 8:04pm
Subject: Microsoft Settlement

Microsoft is an unrepentant felon. Who can doubt that they will continue their illegal, destructive practices, unless they are dealt with very severely indeed. Everything they have said, everything they have done, reinforces this conclusion.

Let's see some law and order where it counts!

Tim Jennings
Jennings and Ponder * World Tales
Sheefra * Celtic Music
Vermont Storytelling Festival
Eastern Coyote Productions
PO Box 1601 Burlington VT 05402
http://www.folktale.net
tim@folktale.net

MTC–00025407

From: Motelman2@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 8:06pm
Subject: Microsoft settlement

Enough is enough! The Dept of Justice has a fair and tough settlement with Microsoft which will allow the country to go forward with more important things.

It is not necessary to make the lawyers wealthy by carrying on this suit unnecessarily.

Blanche Johnson

MTC–00025408

From: Gus Galeano
To: Microsoft ATR
Date: 1/25/02 8:05pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html), namely:

* The PFJ doesn't take into account Windows-compatible competing operating systems

* Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

* The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

* The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

* The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

* The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

* The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertised as being ''Windows Powered''.

* The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

* The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

* The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

* The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

* The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

* The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

* Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

* Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

* Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft

operating system—even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)

* The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

* Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

* The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

* The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

* The PFJ allows Microsoft to discriminate against small OEMs— including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

* The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

* The PFJ as currently written appears to lack an effective enforcement mechanism.

We also agree with the conclusion reached by that document, namely that the Proposed Final Judgment, as written, allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

Sincerely,

Gus Galeano, Fort Lauderdale, Florida; Graphic Designer

MTC–00025409

From: Jason Cook
To: Microsoft ATR
Date: 1/25/02 8:06pm
Subject: Comments for the **Federal Register**
Renata Hesse,

Is it a crime to maintain a monopoly? Yes it is. Microsoft has already been found in violation. The question now is a question of just punishment. How does the United States of America take appropriate actions to end the Microsoft monopolies and prevent them from recurring?

The proposed settlement does not begin to remedy the antitrust violations for which Microsoft has been found culpable. This is the penalty phase of the case and yet there are no penalties outlined in the settlement. In fact, the proposed settlement arguably would advance the capabilities of Microsoft's monopolies by allowing the corporation to maintain them. Furthermore, that precedent could weaken antitrust law. What other corporations would take advantage of Microsoft's clean break in future cases?

A just penalty would somehow prevent Microsoft from extending its monopoly. For example Microsoft products should be optional when purchasing new computers. That way consumers who do not wish to purchase those products are not forced to do so. This also means that for the price differential between a new computer with Microsoft software and one without, the computer seller must offer the software without the computer. Then and only then can competition come to exist in a meaningful way.

The specifications of Microsoft's present and future file formats must be made public, so that files created with Microsoft applications, whether they be documents or audio-visual media, may be read by programs from other makers, on Microsoft's and other operating systems. This is in addition to opening the Windows API (application program interface).

Any and all Microsoft networking protocols must be published in full and approved by an independent network protocol body (ISO, International Standards Organization). This would prevent Microsoft from seizing de facto control of the Internet.

This is indeed an issue of national interest. Strength in diversity is a biological reality that translates well to this scenario. It has been suggested by the Center for Strategic and International Studies that the use of Microsoft software actually poses a risk to national security. Consider how that risk could increase if there is not a careful and deliberate penalty imposed upon Microsoft for its transgressions. By creating a monopoly Microsoft has strengthened itself and weakened its competitors. But but the bigger it grows, the greater the risk to national interest.

-J

MTC–00025410

From: LGK01@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 8:06pm
Subject: MICROSOFT SETTLEMENT
CC: fin@mobilizationoffice.com@inetgw
Leo G. Kivell
48060 Brewster Court
Plymouth, MI 48170
January16,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Attorney General:

I am asking that you settle your ongoing case against Microsoft. My faith in antitrust programs has been reduced as a result of this and past trials.

I worked for Ford at the dawn of the technology age, and we had a different computer system for practically each division. The ability to interact was limited by a lack of common standard, which ends up costing consumers more. Microsoft should not be punished for offering consumers the opportunity to embrace and build on such a standard. The concessions Microsoft is making in the settlement it reached with your office go further than the ones other companies in similar situations have made, and they even encompass issues never addressed in the original lawsuit.

I urge you to end all litigation against Microsoft and to settle the antitrust case as quickly as possible. Thank you.

Sincerely

Leo Kivell

MTC–00025411

From: Dr. Homer L. Ontman
To: Microsoft ATR
Date: 1/25/02 8:06pm
Subject: Microsoft settlement

It is my opinion that the settlement made by Microsoft is a fair one and additional litigation would ill-serve the public and therefore should not continue.

MTC–00025412

From: Jack Blalock
To: Microsoft ATR
Date: 1/25/02 8:09pm
Subject: Microsoft Settlement

To Who It May Concern,

When will this all end? When will stop spending the taxpayer's money with all of these ridiculous court proceedings against the one company that seems to make a difference in this country?

The jobs, service, and donations that Microsoft and its employees give to this country are second to none. How can we continue to beat the dead horse about what should be allowed into an operating system for consumers? The product's ease-of-use and integration of products only benefits the users of software users around the world.

Let's get on with life! Enough of all this!

Jack Blalock
Charlotte, NC

MTC–00025413

From: Paul Guppy
To: Microsoft ATR
Date: 1/25/02 8:09pm
Subject: Microsoft settlement.

January 25, 2002
To: Judge Colleen Kollar-Kotelly
c/o Antitrust Division
U.S. Department of Justice
601 ?D? Street, NW
Suite 1200
Washington, DC, 20530

Attn: Renata B. Hesse

Subject: Comment on Proposed Final Judgment in the Microsoft Case.

Dear Judge Kollar-Kotelly

We respectfully encourage you to accept the proposed settlement in the anti-trust case involving Microsoft. We are an association of independent, state-based, non-partisan policy research groups dedicated to promoting free markets and open competition.

This settlement reflects a triumph of the rule of law. It is a perfect map of remedies laid alongside the areas where the Appeals Court found against Microsoft. Certain Microsoft competitors and other critics of the proposed settlement make the core of their objections a call for more stringent restrictions, ranging from prohibition on what they call ?product tying? to a breakup of the company. More extreme critics complain that the remedies do not address products that were not even part of the case.

These objections ignore the decision of the Appeals Court which reversed much of Judge Jackson's original findings. The Appeals Court threw out findings on many fronts related to Microsoft's anti-monopolistic behavior. One key area rejected was the basis used for claiming that integrating Internet Explorer and Windows represented monopoly abuse. The court went further to

state that any new burden of proof for ''tying'' would be immense. The court also rejected the breakup order and made it clear such an order moving forward would be difficult to sustain given the court ''drastically altered [i.e., reduced] the scope of Microsoft's liability.''

One final objection raised by critics is that Microsoft has a past history of consent decree violation so the company cannot be trusted to adhere to a new decree. This is a patently false assertion. The Appeals Court in June of 1998 rejected the very claim that sent the parties into litigation ? the Department of Justice claim that Microsoft had violated an earlier consent decree. Furthermore, this settlement takes the extraordinary step of creating an onsite oversight body. There are, therefore, no legitimate grounds for an assertion that a consent decree will not constrain Microsoft's behavior in the ways the court intends.

Rather, the proposed settlement directly and concretely addresses each and every key finding upheld by the Appeals Court, and does so with an undeniably stringent remedy. The areas of violation addressed include requiring OEMs to preserve visible access to Internet Explorer, to preserve the original boot sequence, to preserve all Microsoft-supplied desktop icons; entering into exclusive contracts with Internet Access Providers; threatening companies over support for other middleware technologies; and every other key area identified by the Appeals Court.

In our view, there can be no valid objection to this settlement because every major finding of the Appeals Court is stringently addressed with a targeted remedy that specifically prohibits and prevents the behavior in question.

Acceptance of the proposed settlement will send a signal throughout American industry and the country as a whole that in the United States rule of law is alive and well—that defendants face remedies only for those findings against them. Anything beyond this settlement would represent a victory for those who do not seek remedy but rather also unwarranted punishment, and this would be a serious blow to the smooth functioning of free markets and the law that protects them. Participants in the American economy would forever be forced to fear whether the laws they rely upon to safely conduct business will be applied fairly.

As leaders in advancing free market competition in our respective states we believe this settlement serves the best interests of the American public. It fairly resolves a complex and burdensome anti-trust case that is having severe impacts far beyond one company, a case that is acting as a drag on one of the most vibrant sectors of our economy. Settlement of this case will free the high-technology industry to put its fullest efforts into innovation and creativity, and will spur competition in a way that will directly benefit consumers.

Thank you for your consideration.

Signed,*

Daniel Mead Smith ? President
Washington Policy Center
4025 Delridge Way, S.W.
Suite 210
Seattle, WA 98106

Steve Buckstein ? President
Cascade Policy Institute
813 SW Alder
Suite 450
Portland, Oregon 97205

John McClaughry ? President
Ethan Allen Institute
4836 Kirby Mountain Road
Concord, VT 05824

Bob Williams
President
Evergreen Freedom Foundation
P.O. Box 552
Olympia, WA 98507

T. Rogers Wade ? President and CEO
Georgia Public Policy Foundation
6100 Lake Forrest Drive
Suite 110
Atlanta, GA 30328

David Kopel ? Director
Center on the Digital Economy
The Heartland Institute
19 South LaSalle
Suite 903
Chicago, IL 60603

Jon Caldara ? President
Independence Institute
14142 Denver West Parkway
Suite 185
Golden, CO 80401

Forest Thigpen
Mississippi Policy Institute

Don Racheter ? President
Public Interest Institute
600 North Jackson Street
Mount Pleasant, IA 52641

Gerry Dickinson ? Vice President for Policy
South Carolina Policy Council Education Foundation
1323 Pendleton Street
Columbia, S.C. 29201

Jeff Judson ? President and CEO
Texas Public Policy Foundation
8122 Datapoint
Suite 326
San Antonio, TX 78229

*State Policy Network group affiliations are listed for identification purposes only.

Founded in 1992, the State Policy Network (SPN) is an association of independent, non-profit, state-based policy research groups dedicated to promoting free markets and open competition.

MTC–00025414

From: Adrian Gill
To: Microsoft ATR
Date: 1/25/02 8:10pm
Subject: Microsoft and the downfall of BeOS

Dear Sir, One of the reasons for the failure of BeOS, was the inability to induce OEMs to provide true dual-boot machines. Be Inc adopted a non-confrontational approach, seeking to provide a Windows alternative rather than a replacement. It later produced a version that boots from inside Windows, and it even offered OEMs BeOS for free.

However, Microsoft OEM contracts forbid a visible dual-boot option, and although OEMs were keen to differentiate themselves by offering Be's ''Media OS'' as an alternative, they risked breaching the OEM agreements.

When Hitachi took up the challenge, it was obliged to ship a machine that could —only— boot Windows. It couldn't provide one-click access to activate the sleeper OS that was also included on the machine, and couldn't provide similar easy access to install the BeOS bootloader.

Thank you for your time.

Yours faithfully,

A. Gill

MTC–00025415

From: sidesoft
To: Microsoft ATR
Date: 1/25/02 8:10pm
Subject: Microsoft Settlement

DOJ,

Why are we losing jobs across this country? Why are the stocks of technologies companies free-falling?

The answer is rooted in this litigation. This crusade to increase the stature of a few Attorney General's has gone on to long. This delay has discouraged investors small and large from investing in the technology sector and brought the NASDAQ to historical lows. This effect is real and was predicted by leading economists at the onset of this litigation.

The atmosphere around this and other corporate litigation has a discouraging effect and has created a capital shortage for growing companies resulting in a major decline in economic growth, earnings and most importantly jobs. Please send the Attorney Generals'' home to their states, stop wasting our tax dollars and stop the corporate litigation that robs capital needed for growth. As taxpayers, investors and consumers, we can ill afford this protection of our pocketbooks. This litigation has affected retirement funds, college funds and government income. And now our daily jobs are disappearing!

We have recently witnessed the major corporate collapse of ENRON and the major losses to shareholders of this company. These shareholders have placed the deserving blame on the corporate officers of this company. We MSFT investors feel we have been wronged, but have little recourse since the major blame is with our government and specifically our state Attorney Generals.

End your litigation crusade on corporate America and specifically ''end the Microsoft case'' so our stock markets can flourish and our economy can return to normal.

A small investor from Iowa,

Warren McKenna
Kalona, IA

MTC–00025416

From: walter bogaardt
To: Microsoft ATR
Date: 1/25/02 8:1 lpm
Subject: Microsoft Settlement

As a software engineer and user of various computer operating systems, Unix, Windows, and Linux. I'd like to make my comments known about the Proposed final Judgment in United States v. Microsoft.

The following is my observations and complaints about the DOJ's proposed settlement.

If the proposed settlement is left as is consumers and developers will be held within the continual push of Microsoft propaganda and ideals. Some of these can be

detrimental to our scientific and academic communities.

Even one of Microsoft execs have stated that Linux could stiffle innovation. If innovation is being stiffled it is by Microsoft. The scientific communitity as well as the United States government research centers have used linux to create ''cheaper'' alternative clusters of computers using Linux to create processing power as powerful as some super computers. Higher costs are not inovative. Doing more with less is inovating and cost saving.

Microsoft would lead you to believe that innovation was created only by commercial business. Most of the technology we see today was created in schools by the academic community and by computer enthusiasts. The basic fundamental elements of the internet were designed to share information and not to horde the information for sale.

We must not allow our schools education be dicated by one monopolistic entity. In so far as that our children are forced to learn only of Microsoft Windows OS and there by go into the workforce expousing and reenforceing microsoft os in the workplace and continuing the momentum of monopoly.

Microsoft now has established product lifecycle for license availability and assisted support limits on their software. Now older versions of their software may no longer be supported by them.

This thereby forces the users to purchase a newer version and because of the higher hardware demands of the software requires a user to buy a new PC when their current pc may work just fine. Software that is for sale should be continually serviced by the selling entity if the software continues to work for the user. This should be the cost of doing software business as a software company. Software and specifically Microsoft software has completely avoid all standards of product liability. If a car were to crash or break down as much as their ''inovative'' products do where would we all be now?

The proposed final judgment by the DOJ is not sufficient in not only the intrest of the consumer, but those entities that must support computer technology in general. Software developers and IT technicians are constantly having to find solutions to problems that Microsoft technology constantly hides. From Application Programing Interface(API) changes to new network protocals and file formats.

Take for instance Microsoft File formats for their word documents. In order to allow other software to read and successfully print or display the contents of this document the programer must ''reverse'' engineer the information so that it can make sense in another program. This same policy by microsoft of hidding details from other companie's programers lead to the demis of Netscape. Does this mean the demise of WordPerfect, StarOffice, and other wordprocessing programs too? It must be stated that the API's that Microsoft uses to interface to its Windows OS and its Middleware (Microsoft Office, Internet Explorer) should be made more available to public developers.

Microsoft is currently operating in a capacity in it has gone beyond the desktop OS environment and is assimilating B2B services with their .NET and Passport services. They continue to attack companies that they percieve as competitive such as Lindows, which is building a system on top of Linux that allows windows applications to install and run seemlessly. They have almost succeded in eliminating Java from the desktop and with .NET will try to eliminate Java from the server space as well.

Microsoft should do business either as an OS vendor, or a break up of its middleware and server groups into separate entities. In this outside developers should be allowed free access to well document public API's in the windows OS so that they can perform their jobs, and provide consumers with alternative innovative products. This in turn reinvigorates the economy by establishing competition within business.

As a software engineer and user of various computer operating systems, Unix,Windows, and Linux. I'd like to make my comments known about the Proposed final Judgment in United States v. Microsoft.

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MTC–00025417

From: ravenwood171@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 8:08pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer

technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Lawrence Clark
171 Ravenwood Blvd.
Barnegat, NJ 08005–2205

MTC–00025418

From: frankijohn@conen.net@inetgw
To: Microsoft ATR
Date: 1/25/02 8:12pm
Subject: Microsoft Settlement

I've followed this anti-trust case closely, and have read the proposed settlement. The only thing I have to say is this: Shame On You, DoJ, for selling out the trust of the taxpayers.

MTC–00025419

From: Warren F Taylor
To: Microsoft ATR
Date: 1/25/02 8:14pm
Subject: Microsoft Settlement.

There they go again! Here's what one writer, James K. Glassman, said: ''Instead of straightening out its business problems, AOL has decided to spend its time and effort filing lawsuits against tough competitors—a petty, distracting pursuit that won't help AOL or, for that matter, the U.S. economy, which depends on firms like Microsoft for the innovation necessary to bring about a technology revival.'' (http://www.techcentralstation.com/1051/techwrapper.jsp?PID=1051–250&CID=1051–012302E)

He also said about consumers that he ''can't understand how they're hurt by a business strategy that offers browsers for free.'' I have written several times to make the point that the only entities being hurt throughout this ridiculous fiasco are those incompetetent businesses—like Netscape—which can't compete. And talk about the pot calling the kettle black! AOL, having bought Netscape for an obscene amount of money, is part of one of the largest communication trusts the world has ever known.

This makes what Theodore Roosevelt faced a century ago seem like a walk in the park.

I still say that the courts and politics should keep out of technological innovation. I know of no better way to guarantee this nation a mediocre future than to destroy the ability of companies to innovate.

Settle this case and let's get on with the business of solving human problems through technological ingenuity and innovation.

Sincerely yours,
Warren F Taylor
Porterville, CA

MTC–00025420

From: John Fodor
To: Microsoft ATR
Date: 1/25/02 8:14pm
Subject: Microsoft settlement

I am completely opposed to the lawsuit against Microsoft that has been filed by AOL. I trully believe that AOL should focus on solving their own problems rather than filing frivolous lawsuits.

I urge that the lawsuit be rejected.

sincerely,
John Fodor

MTC–00025421

From: Redsoccerdevil11@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 8:14pm
Subject: microsoft settlement

I think the proposed settlement on the microsoft antitrust act is a bad idea

MTC–00025422

From: Russell Gordon
To: Microsoft ATR
Date: 1/25/02 8:16pm
Subject: Microsoft Settlement

Get off of Microsofts back and let the consumers settle the dispute by what they buy.. Government has no business involving itself in private business....

MTC–00025423

From: Bud B. Kern
To: Microsoft ATR
Date: 1/25/02 8:16pm
Subject: Microsoft Settlement

It is long since time to get off the back of Microsoft and agree to the settlement as it stands. Microsoft has been good for our country by providing a means for many people to enjoy the technology. Those competitors who joined in this suit have not proven that they were damaged in any way. Please put an end to this suit and let Microsoft and the rest of the industry get on with the process and progress of doing business for the betterment of all of us.

Harry B. and Dona Kern, Sierra Village, CA.

MTC–00025424

From: John Putnam
To: Microsoft ATR
Date: 1/25/02 8:17pm
Subject: Microsoft Settlement

Without Microsoft...I wouldn't get paid...

I want Microsoft to have the ability to continue down the path of innovation without interference from the government.

John H Putnam

MTC–00025425

From: lydiawink@juno.com@inetgw
To: Microsoft ATR
Date: 1/25/02 8:17pm
Subject: Microsoft Settlement

Enough is enough.

Let everyone know that Clinton did wrong by trying to bring Microsoft down to their friends level. That did not help the economy. Lets move on and let the people choose Microsoft or if they are not happy with them they can start their own.

Lydia Winkler

MTC–00025426

From: Bob Kerstetter
To: Microsoft ATR
Date: 1/25/02 8:18pm
Subject: Microsoft Settlement

Summary: Diversity in OS's would end the plague of viruses, as diversity is difficult to attack. In the nation's security interest MS should be busted.

At first I thought the lawsuit was a crock. I am not an MS product user or a detractor, but always thought Mr. Gates earned his bucks fair and square. But I really don't think so anymore. He basically copies and intimidates to do well. He is really afraid of face to face or shoulder to shoulder competition. He has copied the Apple OS time and again. He has spread lies about Open Source, as witnessed by the Halloween Papers. When Apple innovates something for an MS OS he makes it difficult to operate in Windows. When Apple comes up with an iMovie he makes a cheap copy. He has even copied the name of Mac OS X by calling his own cheap look alike XP, exploiting the confusion factor. He has also copied Apple Digital Hub concept. Finally, IE is too integrated into the MS OSes.

MS is too big and monopolistic for the good of the community. Diversity in OS's would end the plague of viruses also, as diversity is difficult to attack. In the nation's security interest MS should be busted. Get it over. Just do it. Like this:

Division One: Office Products.
Division Two: OS
Division Three: IE
Division Four: Consumer Products
Division Five: Games
Division Six: Hardware as in X Box and Mouse.

Six Divisions would be good.

Also, make them pay Apple $2 Billion for stealing ideas: the look, the feel, the packaging of products.

MTC–00025427

From: JL Kottal
To: Microsoft ATR
Date: 1/25/02 8:19pm
Subject: Microsoft Settlement.

Hello,

I am sadly disappointed in the provisions of the Microsoft Settlement. It would appear that the DOJ proposal abrogated completely any responsibility to recommend punishment of a company that was found guilty, not once but twice. In doing so, the DOJ has wasted a lot of the taxpayer's money on a court case and settlement that will do no justice to those who looked to the DOJ for it.

There seems in the proposed settlement to be no punishment at all, and certainly nothing that would encourage Microsoft to change its business practices. In fact, since then, Microsoft has continued even more so its predatory practices: they have integrated Internet Explorer more tightly into their Windows operating system; their operating system plans for the future named .Net push much more dependency upon using their products; and their latest offering, Windows XP, misleads its users into thinking that they must register with their Internet provider company MSN to use the Internet.

If the DOJ thinks that their proposed settlement has stopped the Microsoft monopoly, then I urge their lead lawyer to call Dell, Gateway or almost any national-level computer manufacturer and ask to buy a computer without a Microsoft operating system on it. Almost without exception, the answer will be that this is not possible: that one must pay for some version of Windows, and that even to buy without an operating system at all and install an alternate system such as Linux is not possible. Until this changes, as far as I am concerned, then the Microsoft monopoly continues to be alive and stronger than ever.

This is only part of the problem with the settlement. As it is, the proposed settlement

* does not take into account Windows compatible competing operating systems

* contains many misleading, or far too narrowly defined provisions, especially in regard to Microsoft's programming application interfaces, in as much as it does not require release or forbids their use, or make clear which patents they use

* does not require release of Microsoft Office documentation, allowing continued use proprietary formats, which are arbitrarily changed with each new version

* fails to address the extremely restrictive license terms Microsoft uses that prevents any of their products from running on other operating systems

* fails to stop Microsoft's retaliation against OEMs who ship personal computers without a Microsoft operating system or with a competing operating system

* lacks an effective enforcement provision

I would like to see a new settlement that takes into account the above. Furthermore, I would like to see a substantial fine imposed upon Microsoft: the only thing that Microsoft seems to understand is the making of money at all costs. Why not punish them in a way that they would understand by imposing a $15 billion fine (about 1/2 of their current operating reserve)?

As it is, the current proposed final judgment will simply allow, if not encourage, significant continuation of Microsoft's anticompetitive practices. As currently written, it is not at all in the public interest and should not be adopted without substantial revision.

J. L. Kottal II

MTC–00025428

From: Barbara Hastings
To: Microsoft ATR
Date: 1/25/02 8:19pm
Subject: Settlement

To whom this may concern:

I believe it would be in the best interests of our country to quietly and quickly settle the case with Microsoft. I say this not because I know anyone who works for Microsoft, but because this dubious case against Microsoft has drug on for way too long. The persons this benefits most are the lawyers who love this all the way to the bank. This situation is counterproductive to the ordinary citizens of the US who stand to lose the most in the long run. The government should not be getting involved in free enterprise.

Sincerely,
Barbara Hastings
bhastings@twmi.rr.com

MTC–00025429

From: Jeff Shuey
To: Microsoft ATR
Date: 1/25/02 8:20pm
Subject: Microsoft Settlement

To whom it may concern;

Please stop wasting our taxpayer dollars supporting the efforts to prosecute Microsoft. The proposed terms of the agreement are going to be difficult for Microsoft to implement and ultimately will harm the consumer in all areas of business. Microsoft is being persecuted for being successful. The United States of America is a capitalist society and should always reward capitalistic behaviour. The claims by the plaintiffs are rife with competitor bashing. If Microsoft competitors cannot win on business level they should not be allowed to win via the courts.

The consumer has NOT been harmed by Microsoft's continuous innovation. In fact, just the opposite is true. Personal computers have become a required tool for in modern society for the home, education and business consumers. Microsoft and the thousands of software developers that have innovated upon the Microsoft platform should be thanked. Microsoft helped create an industry and hundreds of thousands of jobs. The tax revenue alone from these jobs should be considered as great windfalls for some parts of the country—computers being built in North Dakota and in Idaho. Software developers being able to innovate from anywhere—assured that their work will be able to operate on an industry standard platform. Based on the feedback and constant attention to detail the Microsoft Corporation has continued to evolve and innovate the platform by which hardware and software vendors create their livelihood. The personal computer industry is an industry surrounded and founded upon innovation. Microsoft and the thousands of software and hardware developers that have been able to build upon a secure, stable, and innovative platform should be thanked. Microsoft should not be penalized for helping companies succeed. Microsoft should not be forced to become anti-capitalistic.

Please stop wasting my taxpayer dollars to support the frivolous and groundless claims against Microsoft. Please help the economy return to normal by fostering competition—not squashing it with legal rhetoric.

Thank you for your time,
Jeff Shuey
A Concerned Citizen
22914 NE 17th Place
Sammamish, WA 98074

MTC–00025430

From: nat ward
To: Microsoft ATR
Date: 1/25/02 8:21pm
Subject: microsoft settlement

To Whom It May Concern,

I would like to posit at this juncture that I believe that Microsoft, and in turn, Bill Gates, have acted towards both the courts and the American public with a unfathomable disregard for the law.

It saddens me to see the courts capitulating once again to a corporate interest so obviously full of contempt towards the legal system because of their own wealth and power.

I just want it noted that once you , the justice department, bow before the Microsoft giant and give in with little more than a slap on the wrist for Mr. Gates and his corporate cronies, you should hang your heads in shame for you have done a disservice to the American People, and the law which you are supposed to enforce.

Thank You,
Nathaniel Ward

MTC–00025431

From: aull@emeraldis.com@inetgw
To: Microsoft ATR
Date: 1/25/02 8:20pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Luther Aull
1711 Ninety Six Hwy
Ninety Six, SC 29666

MTC–00025432

From: RAYMOND A MATHISEN
To: Microsoft ATR
Date: 1/25/02 8:22pm
Subject: Microsoft settlement

As a senior citizen ,and as a active Internet user I strongly support the Microsoft settlement.

Raymond A Mathisen
<RBMathisen@juno.com

MTC–00025433

From: Rhett Michelson
To: Microsoft ATR
Date: 1/25/02 8:22pm
Subject: Microsoft Settlement

I do not understand how a monopoly such as this (microsoft case) can result in apparently little or no punishment. The proposed settlement is so poor in light of the proverbial mounds of evidence, that my faith in the federal judicial system is now gone.

Rhett J. Michelson, Ph.D.
Department of Molecular and Cellular Biology
Life Sciences South, 409
University of Arizona
Tucson, AZ 85721–0106
phone: (520)621–9358
fax: (520)621–3709 (dept)

MTC–00025434

From: mindfull
To: Microsoft ATR
Date: 1/25/02 8:24pm
Subject: Microsoft Settlement

more needs to be done.

MTC–00025435

From: Gordon H. Kenyon
To: Microsoft ATR
Date: 1/25/02 8:24pm
Subject: Microsoft in Clahes with it's

identically oriented competitors.

The absurdity of to-days rules of conduct in business, typified by the Enron actions and accounting fiasco, make any minor infingement on a co-competitor seem trivial.....especially when that competitor would most willingly have trespassed on the other, if it had thought of it first.

Look for the benefits received by mankind.....not the minor gains or losses experienced in to-days competitive struggle between players in the field.....someone has to be second, or even third.

Respectfully yours,

Gordon H. Kenyon

MTC–00025436

From: Joshua Sucher
To: Microsoft ATR
Date: 1/25/02 8:25pm
Subject: Microsoft Settlement

The Microsoft settlement will be useless in preventing antitrust acts of theirs in the future.

-J

MTC–00025437

From: Ppress322@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 8:25pm
Subject: Microsoft Settlement

Please don't penalize Microsoft for being a successful company in a free enterprise system that we have in the USA.

Be well and take care,

Paulette Singer

MTC–00025438

From: Scott Key
To: Microsoft ATR
Date: 1/25/02 8:25pm
Subject: Microsoft Settlement

To Whom It May Concern.

Please make sure that Microsoft pays actual out-of-pocket money in the upcoming settlement. I wish you would go further and actually stop their monopoly and unfair business practices.

Microsoft is a company without a conscience—perhaps the greatest software pirate of all time—known by all in the industry as a company which would rather steal something than design it for themselves. Then they have the gall to call it ''innovation'' when they release it. Have you ever tried Windows Media Player and compared it to QuickTime?

Even today, in Windows XP, they release MS Java which effectively kills Sun's inter-platform True Java—a product which a few years ago even Microsoft itself adopted as a ''standard.''

Java gave the internet viability. Now Microsoft is effectively removing it as the standard they once supported. That again shows their monopolistic power and their actions erode compatibility. Think of the calculator keypad and the telephone keypad. Why are they opposite of one another. Think of the Dvorak keyboard unadopted by the U.S.—even after the Navy Department recommended purchase of 80,000 typewriters in WWII. That keybord is way more efficient and less error prone. THink of how many fewer carpal tunnel injuries there would be had someone stood up for the better mousetrap.

We computer professionals desire—no demand—innovation. We do not get it from Microsoft.

Please be careful of anything proposed by their legal team. Their recent agreement to give a billion dollars worth of software and hardware to under-privileged schools was a sham.

I bet if you figure their true out-of-pocket expense in that proposal, it would have come closer to $100 million. You don't really think that they spent $500 for each copy of MS Office they would ''give'' to schools. More likely their true cost is $20-$50 per unit. Add to that their trojan horse attempt to gain a foothold in the Apple-dominated education market and you can see they are very slippery operators, indeed.

Please do not fall for Enron-style accounting. Make them pay and stop their monopoly.

Can you believe their attitude?—even as one settlement is proposed, others Like AOL are having to sue to have a chance at viability. In their arrogance, the recent Windows XP was so full of security holes—in this time of war—that they single-handedly eroded the security of the internet. There certainly must have been a pretty big problem for DOD and Justice Department, etc. to call them on the phone.

Then to have Steve Balmer refuse to have his company email purchasers of Windows XP just shows that you are not able to control these guys.

Do not white wash this one.

Thanks for reading this.

S C O T T K E Y =-= keyland@attbi.com =-= 970–223–8179

MTC–00025439

From: Lenn Hann
To: Microsoft ATR
Date: 1/25/02 8:25pm
Subject: Microsoft Settlement

I strongly feel that the proposed settlement is an inadequate remedy to Microsoft's anti-competitive behavior.

Lenn Hann

MTC–00025441

From: Sandy Rylander
To: Microsoft ATR
Date: 1/25/02 8:26pm
Subject: Microsoft Settlement

Rylander Consulting
January 29, 2002
Computer Training and
Macro Programming Specialists
Attorney General ,John Ashcroft
USDepartment of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Annoyed...This is the only word I can think of when the antitrust case against Microsoft comes to mind. This case is a waste of taxpayers'' money, and the U.S.

Government needs to focus on more important issues, such as the cable industry.

Even though the terms of the settlement are more than fair, competitors must be aware that this case contradicts most of the practices of small and large businesses. For example, one of the issues in the settlement is a uniform price list, under which Microsoft agrees to license its Windows operating system products to the 20 largest computer makers on identical terms and conditions, including price.

I am a loyal follower of Microsoft. As a business owner who teaches Microsoft Office Suite, this settlement will help my business continue to flourish. And I will keep urging my customers to do the same.

2708 222nd Avenue S.E.
Sammamish, WA 98075
Tel: (425) 392–9710
Fax: (425) 392–4784
E-Mail:
sandy—rylander@msn.com

Sincerely,

??

Sandy Rylander

MTC–00025442

From: DocRay
To: Microsoft ATR
Date: 1/25/02 8:26pm
Subject: Microsoft settlement

Please allow Microsoft the freedom to innovate.....if a company's products are widely used and accepted by the public as better than the competition, then that company deserves the success it has achieved.

Dr. Thurman J. Ray

MTC–00025443

From: dudebackus@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/25/02 8:23pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,

Walter Backus
14 Mariano Road
Santa Fe, NM 87508–8750

MTC–00025445

From: Thom Lockner
To: Microsoft ATR
Date: 1/25/02 8:26pm
Subject: Microsoft Settlement

Please settle this litigation now so that we can all move on .

respectfully yours

Thom Lockner

MTC–00025446

From: Greg Heck

To: Microsoft ATR
Date: 1/25/02 8:26pm
Subject: Microsoft

Please realize that Microsoft has and still is manipulating the public and businesses everyday. With no real choice in computing platforms, we are at there mercy. By making software unstable unless the company plays by Microsoft's rules we the public are cheated out of some very great and useful software. I could continue for days, but I will stop here and say.

PLEASE PUNISH MICROSOFT TO THE FULL EXTENT OF THE LAW!

Anything less will be a travesty of justice.

Thank you

Respectfully

Greg Heck

MTC–00025447

From: Mike KAZEEF
To: Microsoft ATR
Date: 1/25/02 8:27pm
Subject: Microsoft settlement

I urge DoJ and the nine states to go ahead and approve the final version of the anti trust settlement currently considered for approval.

Innovation should not be taken for granted as if it were a mere commodity.

It is essential for growth and is the engine of progres. Innovation needs favorable conditions to germinate.

The distraction and concerns surrounding an on going and uncertain legal feud, is definitely working in the other direction. It is true at the executive and creative level as well as at the operating level where scores of employees are working watching over their shoulders.Not the kind of mindset to innovate and take risks!

America was built on past innovation. The future will still depend on a vigorous one.

Respectfully

Mike Kazeef

2000 Santiago Dr

Newport Beach, CA 92660

MTC–00025449

From: Andrew Page
To: Microsoft ATR
Date: 1/25/02 8:32pm
Subject: Microsoft Settlement

Dear Sir or Madam,

I believe the proposed settlement with Microsoft will not be effective in preventing Microsoft from committing future antitrust violations.

Sincerely,

Andrew M. Page

MTC–00025450

From: Esther Williams
To: Microsoft ATR
Date: 1/25/02 8:33pm
Subject: Microsoft Settlement

I would like to see this final judgment accepted and let Microsoft and everyone else move on to new innovations.

I worked in programming for scientific research and also network mangement and information systems for 35 years at the University of Illinois. In the early years of desktop computers it was so complicated to have parts of systems from many different software and/or hardware companies and they didn't always work together and it was a headache. My work got so much easier around the time that Windows (especially Windows 95) came out as there seemed to be cooperation in producing compatible software.

At least things worked together without a lot of trouble. And each version of Windows got better.

Please don't send us back to the time when everything was such a mess. Let us accept this agreement and go on. Stop wasting time and money on this battle.

Being at the University of Illinois all of those years, I was aware that both Netscape and Internet Explorer came out of the University of Illinois. I knew that Microsoft wasn't allowed to sell Internet Explorer because of the agreement with the Trustees of the University of Illinois through Spyglass. I knew that the developer of Netscape was allowed to go out and start a company. Microsoft was not allowed to sell Internet Explorer in competition to Netscape—they had to give it out free.

I also understand why Microsoft built their operating system with a browser as so integral a part.

The idea is to make access to other servers on the network or on the internet transparent. In the long run, it was to make it easier for users. As a programmer, I can understand how hard it would be to integrate every single browser—that is part of what would make that mess I was mentioning above.

Obviously, I am not an attorney, but as a user of software both at home and at work, I am satisifed with the final judgment and competitive impact statement.

Thank you for your attention.

Esther A. Williams, Ph.D.

eaw@uiuc.edu

MTC–00025451

From: Sylvia Sur
To: Microsoft ATR
Date: 1/25/02 8:33pm
Subject: Microsoft Settlement

It is incredible that the chief monopolist AOL whose subscribers have to do some work to get to use either Internet Explorer or Netscape is suing Microsoft.

Those who can like Microsoft, innovate. Those who cannot like AOL, sue to paper over their financial and technical diffuculties.

The Microsoft attack action over the past three years has had a deleterious effect on our economy and investments.

Please settle this case and let us all move on.

Thank you,

Sylvia Sur

MTC–00025452

From: Jim Williamson
To: Microsoft ATR
Date: 1/25/02 8:33pm
Subject: Microsoft Settlement

I think you guys have whipped up on Microsoft long enough. Let's get on with this settlement.

I for one recall what personal computing was like before Microsoft brought product standardization to my desktop. I don't want to go back!!!!! Nor do I want to see the Federal Government stifling progress by continuing this foolhardy pursuit.

Thanks,

Jim Williamson
PO Box 220
8434 Savage-Guilford Rd
Savage, MD 20763
JDWilli@toad.net
JD
JDWilli Web Site

MTC–00025453

From: carolyn oblak
To: Microsoft ATR
Date: 1/25/02 8:33pm
Subject: Consumer interests have been well served, and the time to end this costly

Consumer interests have been well served, and the time to end this costly and damaging litigation has come.

Dragging out this legal battle further will only benefit a few wealthy competitors, lawyers, and special interest big-wigs. Not one new product that helps consumers will be brought to the marketplace.

thanx

carolyn oblak

MTC–00025454

From: acorbin@iwon.com@inetgw
To: Microsoft ATR
Date: 1/25/02 8:31pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,

Alvin Corbin

1087 E. CR 1200 S.

Clay City, IN 47841

MTC–00025455

From: frehse@wcta.net@inetgw
To: Microsoft ATR
Date: 1/25/02 8:33pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Larry Frehse
23122 Green Pines Road
Park Rapids, MN 56470–6312

MTC–00025456

From: Patricia J Bennatts
To: Microsoft ATR
Date: 1/25/02 8:36pm
Subject: Microsoft Settlement

Please stop this threat to progress and consumer support and settle this case to the company that has shown ability to provide new and desirable innovations in this industry. Let not those who wish to destroy and take unearned advantage of this good company succeed but advise and require they operate and invent their own success and talent.

MTC–00025457

From: Phil (038) Connie Sonntag
To: Microsoft ATR
Date: 1/25/02 8:38pm
Subject: Microsoft Settlement

January 25, 2002
To: US DOJ
Re: Microsoft Settlement

Please settle this case ASAP. AOL can't produce a competitive product, so it has to litigate out its'' competition. I have used both AOL's ''NetScape'' browser as well as Microsoft's ''Internet Explorer'' browser and Microsoft's is FAR superior.

Let the consumer decide like they always have in the past and save the consumer (we taxpayers) from paying for AOL's latencies in the courtroom. Let us shift our focus to national security problems rather than AOL's insecurities.

Phil Sonntag
Computer Consultant since 1979

MTC–00025458

From: john marriott
To: Microsoft ATR
Date: 1/25/02 8:38pm
Subject: Microsoft Settlement

I am writing in to voice my opinion against that of Microsoft's. Microsoft is pure evil, for reasons that I'm sure many, many others have already mentioned.

John Marriott

MTC–00025459

From: Gregory P. Keeney
To: Microsoft ATR
Date: 1/25/02 8:41pm
Subject: Microsoft Settlement

I am a software engineer by trade. I make my living by writing software.

Microsoft's practices have resulted in most software development jobs requiring the use of Windows, as well as Microsoft's expensive development tools. While there are many excellent free software development tools available (from the Free Software Foundation and Apple Computer Corporation, and others), these products cannot develop Windows applications.

I strongly believe that any settlement that does not involve Microsoft making their API's (Application Programming Interface) and file specifications publicly available is insufficient.

Thank you.
Gregory P. Keeney

MTC–00025460

From: PolkaDots@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 8:42pm
Subject: Microsoft Settlement

I think this whole allegation against Microsoft is absurd.

If Netscape had the rule, I would would be paying them every year for the ''privilege'' of using their browser.

The antitrust laws are here to ''protect'' the consumers. They are not intended to protect Netscape's income. Let's protect the consumer from having to pay through the nose for stuff that Microsoft provides for free.

Mary Doo
55 Ramblewood Drive
Warwick, RI 02889

MTC–00025461

From: kbertsche@mcsi.net@inetgw
To: Microsoft ATR
Date: 1/25/02 8:40pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Katherine Bertsche
281 Sue Ellen Lane
Roseburg, OR 97470–4180

MTC–00025463

From: Lindsay, Pat
To: Microsoft ATR
Date: 1/25/02 8:44pm
Subject: Microsoft Settlement

I respectfully request that this lawsuit against Microsoft, its employees and its stockholders be settled as soon as humanly possible. This lawsuit does our country no good. This lawsuit has cost taxpayers untold dollars, hurt the growth of the entire tech industry, and contributed to the slowing of our economy. The lawsuit was very ill-advised and unfortunate. Let us have closure.

Sincerely,
Pat Lindsay
509 Briar Lane
Mattoon, IL 61938

MTC–00025464

From: Greg Metcalfe
To: Microsoft ATR
Date: 1/25/02 8:44pm
Subject: Microsoft Settlement

I'm amazed that Microsoft's refusal to allow any other OS to be loaded on a hardware vendor's systems (making them dual-boot capable) was never mentioned in the first trial. Surely this is a leveraging a monopoly? Until this issue is addressed, few contenders from the Linux world will have an even remote shot at a noteable desktop market share. I own no Red Hat Linux, et al, stock. And I usually run Linux at home. One of the few, though, and I wish it would spread. Few home users are even aware that fragile operating systems are a Microsoft pecularity. They think ''that's just the way computers are.'' Because the market is *so* MS dominated.

Isn't the DoJ supposed to be protecting us? Why the cave-in?

Greg Metcalfe

MTC–00025465

From: Jennifer Stock
To: Microsoft ATR
Date: 1/25/02 8:45pm
Subject: Microsoft Settlement

i am against the proposed settlement.
J
Jennifer L. Stock
permanently under construction
http://www.kdpublish.com

MTC–00025466

From: Larry Jordan
To: Microsoft ATR
Date: 1/25/02 8:45pm
Subject: Microsoft Settlement

I would like to voice my opposition to the currently proposed Microsoft settlement.

My fear is that if it is applied, Microsoft will be reasonably free to continue business as usual, which is to act in a anti-competitive, predatory way within the software development community. Here's an example from personal experience that leads me to state the Microsoft needs much more severe sanctions.

In, about, 1993, Stac, a software developer in San Diego, developed a efficient software program for encrypting and/or compressing data files on a computer.

Microsoft licensed their technology then, in violation of their licensing terms, bundled it as part of the then-current Windows 3.1 operating system.

Stac sued Microsoft in court and won. Microsoft was found to have violated the terms of their license agreement, as well as applicable copyright and trade secret laws. Microsoft was forced to pay a $4 million fine.

Microsoft paid the fine, but kept the purloined code in Windows. No longer able to sell their product, Stac went out of business, forcing over 100 people out of work. I never worked for Stac, but had many friends that did. This is not the proper way to reward hard, creative industrious work.

Where is the justice in giving Microsoft a slap on the wrist, when all they'll do is keep on doing what they've been doing?

This is neither fair, nor does it create incentives for other companies to compete against Microsoft.

Anti-competitive, anti-trust behavior needs to be punished in such a fashion that it does not recur. Anything less hurts all of us.

Thank you,

Larry Jordan

MTC–00025467

From: andrew marvin froehle
To: Microsoft ATR
Date: 1/25/02 8:45pm
Subject: microsoft settelement

I bekieve this burocescy against microsoft has gone on long enought. I bekive there was a fare settlement in this matter and it is time to move on before the older citisens get hirt buy having to spend more money on upgrades from what is workking fine for them know.

MTC–00025468

From: Boop Collectibles
To: Microsoft ATR
Date: 1/25/02 8:46pm
Subject: Betty Boop Watches, Water Globes, & More! [Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]

MTC–00025469

From: frank moreno
To: Microsoft ATR
Date: 1/25/02 8:49pm
Subject: Microsoft Settlement

Gentlemen;

I think that we need to see an end to the costly and damaging litigation brought about by Microsoft competitors.

Tank you.

Frank Moreno

MTC–00025470

From: Gil Poulsen
To: Microsoft ATR
Date: 1/25/02 8:51pm
Subject: Comments on the proposed Microsoft antitrust settlement

As a longtime Macintosh user but also someone who recognizes the immense value of the open source movement, I have significant reservations about the proposed settlement. My primary concern is that none of the remedies appear to offer any protection for any of the open source OSs or applications, those which Microsoft is clearly intent on eradicating and which Steve Ballmer actually referred to as a ''cancer'' in June of last year.

I believe that were remedies specifically put in place to protect open source software from Microsoft's predatory and clearly anti-competitive actions, it would breed some healthy competition for Microsoft, which in the end is best for the consumer. And isn't that what the case is really all about? Thanks for listening. —

Gil Poulsen, Mac Wirehead
AltiM@c Consulting
111 Mali Drive
N. Plainfield, NJ 07062–2355
Voice: 908–222–9001
FAX: 908–222–9002

MTC–00025471

From: fwheeler
To: Microsoft ATR
Date: 1/25/02 8:53pm
Subject: Microsoft Settlement

Gentlemen:

I think the antitrust settlement between Microsoft, the Department of Justice and the nine States'' Attorneys General is equitable and fair and should be adopted. It appears to be in the best interest of of the public and will permit the industry to move forward.

Sincerely,
F.E. Wheeler
(fwheeler@Aeneas.net)

MTC–00025472

From: fburdick@juno.com@inetgw
To: Microsoft ATR
Date: 1/25/02 8:52pm
Subject: Microsoft settlement

I strongly urge the Department of Justice to reach a reasonable settlement with Microsoft. With the soft economy we have today we do not need another Enron. Microsoft employs thousands and a layoff would be disastrous to the economy, especially in the western states. I do not believe that Microsoft has done anything that their competitors have done in a smaller scale, yet they expect the government to advance their causes—or should I say ''agenda''.

Sincerely,
Frank Burdick
Pueblo, Colorado

MTC–00025473

From: Gilbert A. Wesson
To: Microsoft ATR
Date: 1/25/02 8:52pm
Subject: Microsoft Settlement

I believe that the proposed Microsoft settlement is much too lenient and won't discourage Microsoft's monopolistic practices.

MTC–00025474

From: Mike Saunders
To: Microsoft ATR
Date: 1/25/02 8:53pm
Subject: Fw: Attorney General John Ashcroft Letter

———-Original Message———-
From: Mike Saunders <msaunders@blueridge.net>
Date: Friday, January 25, 2002 8:52 PM
Subject: Fw: Attorney General John Ashcroft Letter
———-Original Message———-
From: Microsoft's Freedom To Innovate Network <fin@MobilizationOffice.com>
To: ''MSAUNDERS@BLUERIDGE.NET'' <MSAUNDERS@BLUERIDGE.NET>
Date: Monday, January 21, 2002 2:04 PM
Subject: Attorney General John Ashcroft Letter

>Attached is the letter we have drafted for you based on your comments. Please review it and make changes to anything that does not represent what you think. If you received this letter by fax, you can photocopy it onto your business letterhead; if the letter was emailed, just print it out on your letterhead. Then sign and fax it to the Attorney General. We believe that it is essential to let our Attorney General know how important this issue is to their constituents. The public comment period for this issue ends on January 28th. Please send in your letter as soon as is convenient.

>When you send out the letter, please do one of the following:

>* Fax a signed copy of your letter to us at 1–800–641–2255;

>* Email us at fin@mobilizationoffice.com to confirm that you took action.

>If you have any questions, please give us a call at 1–800–965–4376. Thank you for your help in this matter.

>The Attorney General's fax and email are noted below.

>Fax: 1–202–307–1454 or 1–202–616–9937

>Email: microsoft.atr@usdoj.gov

>In the Subject line of the e-mail, type Microsoft Settlement.

>For more information, please visit these websites:

www.microsoft.com/freedomtoinnovate/
>www.usdoj.gov/atr/cases/ms-settle.htm

MTC–00025475

From: WIN B ENDERS
To: Microsoft ATR
Date: 1/25/02 8:54pm
Subject: Microsoft settlement

I think both, the DOJ and Microsoft should accept the terms of the settlement and stop this endless litigation and get on with being productive.

win enders

MTC–00025476

From: brookvue@uslink.net@inetgw
To: Microsoft ATR
Date: 1/25/02 8:51pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Gene Kitzmann
1818 East Five Poiny Lake Dr NW
Hackensack, MN 56452

MTC–00025477

From: Michael T. Wilson
To: Microsoft ATR
Date: 1/25/02 8:56pm
Subject: Microsoft Settlement

To Whom It May Concern:

The settlement offer should be accepted and this matter should be brought to a close.; Microsoft built a better mousetrap and the

public bought it. The individuals attempting to undermine the settlement are business entities who want the law to be used as a bludgeon to beat Microsoft out of a portion of the marketplace for them.

Let's end this matter and get on with living. Should anyone have any questions regarding my position on this case please feel free to use the contact information in this email to reach me.

Thank you.

Michael T. Wilson
Attorney and Counselor at Law
631 Crestridge Court
Wichita, KS 67230–1621
Telephone: (316) 218–9998
Facsimile: (316) 218–9998
Website: www.mwilsonlaw.com
Email: mwilson@mwilsonlaw.com
(316) 218–9998.

MTC–00025478

From: Donlorfl@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 8:56pm
Subject: microsoft settlement

do not penalize success which is now in short supply. don moriarty, nokomis fl.

MTC–00025479

From: inetnow@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 8:58pm
Subject: Microsoft Settlement

The case against MS has stalled the IT industry long enough. We are in a recession. The case is old news anyway.

MTC–00025480

From: inetnow@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 8:58pm
Subject: Microsoft Settlement

The case against MS has stalled the IT industry long enough. We are in a recession. The case is old news anyway.

CC:inetnow@hotmail.com@inetgw

MTC–00025481

From: Dan Matulich
To: Microsoft ATR
Date: 1/25/02 8:59pm
Subject: Microsoft Legal Battle

Dear US Government,

Let me clarify: I am a retired engineering manager who uses computer daily and who has learned over the years how to communicate better thanks to Microsoft's ingenuity.

I admire this company as much as I admire Edison. In our market driven economy innovation is the key and competition is the means that customers use to get the best deal. Microsoft was innovative and competitive and daring to take risks. Competitors lost and are trying now through the back door to get some of the lost market share.

Further government intervention will only further exacerbate the economic conditions we presently are experiencing by slowing down further the innovation which was key to a bit prosperity we have had. I do not see any Microsoft competitor coming up with some new ideas other than hiring lawyers to get money by other means. How sad. Don't encourage this kind of effort.

Respectfully,

Dan Matulich
5017 Range Horse Lane
Rolling Hills Estates
CA 90274
Tel 310–373–2940
Dan.Matulich@Verizon.net

MTC–00025482

From: Gary P Greenland
To: Microsoft ATR
Date: 1/25/02 8:59pm
Subject: Microsoft Settlement
To Whom it may concern,

I would like to submit my thoughts on the Microsoft case. I believe it is time to place this matter behind us and move forward. I think that further litigation will only serve to hurt the American consumer. I do not believe Microsoft has committed any antitrust violations. Please rule on this promptly. Thank You.

Gary P. Greenland

MTC–00025483

From: Ger1329@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 9:01pm
Subject: microsoft settlement

Surely the government-suggested settlement with Microsoft has been patiently arrived-at and seems eminently fair. After all the time and money spent by both sides, isn't now the time to conclude this business and let the government and the company make better use of its energies? I believe so.

Gerald Miller, New York City

MTC–00025484

From: Mike Smith
To: Microsoft ATR
Date: 1/25/02 9:02pm
Subject: Microsoft Settlement

I think it's time for the Government to close this case against Microsoft and give up the Witch hunt the Clintons started . I see no reason to keep dragging this case out .

MTC–00025485

From: bear
To: Microsoft ATR
Date: 1/25/02 9:02pm
Subject: microsoft settlement

It's no secret that Steve Case, Scott Mc Nealy and Larry Ellison are not friends of Microsoft. Competitors often disagree but usually settle their differences by letting the players, in this case the consumer to choose the winner.

What did Microsoft do wrong? Not charging individuals for Internet Explorer was brilliant. I was not hurt as a consumer it was free. As a result I recently downloaded the Netscape Browser for free. Would this be possible if Internet Explorer didn't exist? No matter how you look at it the consumer benefits. Yahoo adopted a similar business plan by giving consumers free access. As a user of all the listed products I think it's great.

In the end the DoJ will decide how big an impact on our economy this settlement will have. A speedy decision will help the economy by providing clarity by Quantifying risk. Investors in 401k, IRA's, mutual funds, state and federal pension plans, and individual investors nervously await the out come. Anything less will leave a cloud of uncertainty, which will keep MSFT and the rest of the market from focusing on their businesses. In this case all investors and the economy will be hurt.

I know the DoJ believes they are smarter and think I'm a simpleton. But my response is to protect my interests not that of MSFT. As a small business owner I believe in free market competition not protectionism. My view is Microsoft gave the end user the best deal. They gave us more for less with seem-less integration. Any claim to the effect things would be better if Microsoft innovation is impeded is pure speculation. How many innovations have competitors given to consumers at no charge? People and companies don't always make good on their claims and tend to exaggerate when ''if and buts'' are added in the mix.

Larry Oshita

MTC–00025486

From: draycox@netscape.net@inetgw
To: Microsoft ATR
Date: 1/25/02 8:58pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Dennis Cox
315 Ashebrook Rd Apt 60
Salisbury, NC 28147

MTC–00025487

From: Mac User
To: Microsoft ATR
Date: 1/25/02 9:04pm
Subject: Microsoft Settlement

To Whom It May Concern,

I am strongly opposed to the settlement offered in the Microsoft antitrust trial. Microsoft has repeatedly used anti-competitive practices to undermine other companies to maintain their monopoly. They also continually use their monopoly power to leverage other markets. This has severely hampered innovation in the computer industry. The penalty for their actions must allow for the re-introduction of true competition into the marketplace. The settlement does absolutely nothing to address these serious issues. Indeed, only a true break-up of the company along with opening up of the source code and data file formats can help. Further a ban is required on their

ability to contract with computer manufacturers which prevent them from selling competing software.

As a developer in the computer industry, I personally feel the negative effects of the Microsoft monopoly every day. Something better needs to be done to rectify the situation, and Microsoft will never willingly agree to what is needed. I implore you do the right thing and forget about settlement and enact a fitting penalty that will be effective.

Do not forget that they willfully fabricated false testimony in the original case. How can they be trusted to develop a fair settlement?

Sincerely,
Frank Schima
Gaithersburg, MD USA

MTC–00025488

From: tedorgan@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 9:01pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Tracy Dorgan
1 Birch Hil Drive
Nashua, NH 03063–2502

MTC–00025489

From: Evan J Hale
To: Microsoft ATR
Date: 1/25/02 9:05pm
Subject: Microsoft Litigation

I firmly believe that it is time to end this very expensive court case that is costing taxpayers millions just because one company (Microsoft) makes a better product than it's competitors, thus sells more. It is lining the pockets of competitor big wigs and lawyers. Of course they would like to drag it on. I have urged Utah's Attorney General to go along with other states in bringing this to a halt and hope that the Justice Department can mitigate this before any more money is spent.

Evan J. Hale
ejash@juno.com

MTC–00025490

From: Earl H Barton
To: Microsoft ATR
Date: 1/25/02 9:04pm
Subject: Microsoft settlement

Sirs:,

I think the time has come to put this to an end. The settlement as is, is fair to all and should be ended now. No other company has helped the public as much as Microsoft. They are the only one's I know of that's gives so much to Charity. I dont see any of the others doing this. Just because Microsoft has the best product, as I have used, Is no reason to try to break up the company... Thats just not the American way.

You may use this in any way you see fit. Thank you for letting me put in my two cents worth..

Earl H. Barton, age-70
68 Pine Rd. POB–182
Norris, Tn 37828
earbar1@juno.com

MTC–00025491

From: Mason Thomas
To: Microsoft ATR
Date: 1/25/02 9:07pm
Subject: Microsoft Settlement

MTC–00025491 0001

As a professional working in the technology sector, I often have occasion to use Microsoft software and competing products. I am therefore concerned that the Revised Proposed Final Judgment in the Microsoft antitrust case has a number of deficiencies that prevent the Judgment from providing certain and effective relief for Microsoft's violations of the Sherman Act. Unless these flaws are corrected, the Revised Proposed Final Judgment is clearly against the public interest and will positively harm third parties.

This Comment addresses five serious deficiencies of the Revised Proposed Final Judgment. The deficiencies are discussed in the order they appear in the Judgment, not necessarily in their relative order of impact on injunctive relief. The deficiencies are:

1. The Judgment provides no remedies for past unlawful conduct.

2. Allowing volume discounts anticompetitively maintains Microsoft's monopoly (Section III.A. and III.B.).

3. Restrictions on disclosure of communications protocols maintains a barrier to competition (Section III.E.) .

4. Arbitrary five year term of Judgment harms the public interest (Section V.).

5. The definition of ''Non-Microsoft Middleware Product'' maintains a barrier to competition (Section VI.N.).

Although it is unreasonable to expect a truly optimal Judgment that best serves the public interest, the existence of any one of the above deficiencies—and certainly the coexistence of several of them—will not end Microsoft's unlawful conduct nor avoid a recurrence of violations of the Sherman Act, and is thus outside the reaches of the public interest.

1. Judgment provides no remedies for past unlawful conduct Although the Revised Proposed Final Judgment provides limited remedies ''to halt continuance and prevent recurrence of the violations of the Sherman Act by Microsoft'' (Competitive Impact Statement, Section I.), it does not in any way ''undo its anticompetitive consequences'' (Competitive Impact Statement Section IV.B.). There is no provision in the Judgment to remedy any past anticompetitive actions by Microsoft: all provisions in the Judgment attempt to alter the current and future behavior of Microsoft. As such, the Judgment does not effectively restore the competitive conditions experienced by Microsoft prior to its violations of the Sherman Act.

An effective remedy for Microsoft's past illegal actions requires a careful balance to empower injured competitors while not unduly damaging Microsoft. A simple but fair remedy would create a pool of Microsoft's money based on a percentage of sales of Microsoft Operating System Products since the filing of the antitrust complaint till the time of the Final Judgment entered by the Court. The parties damaged by Microsoft's anticompetitive behavior (e.g., Sun Microsystems, Netscape Communications Corp., etc.) would be payed from this pool. The size of the pool and the relative payment terms to competitors are details that require careful consideration.

2. Allowing volume discounts anticompetitively maintains Microsoft's monopoly

Allowing volume discounts serves no procompetitive interest and is in fact very much against the public interest as it serves to illegally maintain Microsoft's monopoly. Section III.A. of the revised proposed final judgment stipulates that ''Nothing in this provision shall prohibit Microsoft from providing Consideration...commensurate with the absolute level or amount of that OEM's development, distribution, promotion, or licensing of that Microsoft product or service.'' Section III.B.2 provides for a licensing fee schedule that ''may specify reasonable volume discounts based upon the actual volume of licenses of any Windows Operating System Product...'' These provisions allow Microsoft to continue to leverage its monopoly position to illegally maintain that monopoly. The Competitive Impact Statement entirely ignores the anticompetitive ramifications of these terms.

Unlike traditional manufacturing, where the production or distribution of a large quantity of a product can generate ''economies of scale'' and thereby procompetitively justify non-uniform pricing (e.g., volume discounts), the licensing of software has no significant economies of scale. A comparison with traditional manufacturing is useful. For a car dealership selling hundreds of cars per month, there is economic justification for the car manufacturer to provide a volume discount to the dealership: the distribution costs (shipping) per car are lower than for a dealership selling only ten cars per month. With software however, the only economy of scale obtained is slightly cheaper production materials: compact disks for distribution and paper for documentation and product boxes. OEMs typically only include a compact disk with a new computer purchase, for which the volume production cost is under one dollar (USS1.00) . Hence the economies of scale afforded by large scale OEMs to Microsoft are less than one percent (1%) of the retail value of typical Windows Operating System Products. Hence there is no significant procompetitive reason to allow volume discounts to large OEMs.

Allowing Microsoft to offer volume discounts will further entrench its monopoly position. With volume discounts, Microsoft would retain the ability to price its Windows Operating System Product licenses at an artificially low cost to the largest OEM vendors. These vendors would thus have a strong incentive to continue to offer exclusively or predominantly the Microsoft Operating System Product on new Personal Computers. The largest OEM Personal Computer suppliers would have a free market incentive to choose alternate Operating System Products if Microsoft's Operating System Product were instead priced at an open market value. Avoiding volume discounts increases competition while preventing Microsoft from leveraging its monopoly to stifle competition.

This deficiency of the revised proposed final judgment is remedied by deleting the words ''distribution'' and ''licensing'' from the last paragraph of Section III.A. and by modifying Section III.B.2 to read ''the schedule may not specify volume discounts based upon the actual volume of licenses of any Windows Operating System Product or any group of such products.'' These modifications will still allow Microsoft to compete in the marketplace based on the merits of the Windows Operating System Products, but prevent Microsoft from anticompetitively erecting barriers to competitive products.

3. Restrictions on disclosure of communications protocols maintains barrier to competition

The Revised Proposed Final Judgment maintains a significant barrier to competing Non-Microsoft Middleware Products by restricting the disclosure of Communications Protocols. Section III.E. of the Judgment provides that Microsoft shall disclose Communications Protocols ''on reasonable and non-discriminatory terms.'' Such terms, however, prevent a large number of established and nascent competitors from obtaining the Communication Protocols. ''Reasonable and non-discriminatory'' license terms act as an anticompetitive barrier to potential Microsoft competitors, while providing no procompetitive advantage for Microsoft.

''Shareware'' software developers typically provide software products (including middleware) free of charge for end users to evaluate, and only demand payment if the end user decides to continue using the software product. Such developers would be unable to comply with ''reasonable and non-discriminatory'' licensing terms unless a very large percentage of end users payed for the software product. Similarly, the entire ''open source'' class of software would be unable to meet ''reasonable and non-discriminatory'' terms as the ''open source'' licenses allow virtually unlimited duplication and derivation rights. Several important Non-Microsoft Middleware Products are ''open source'', notably the Samba program (http://www.samba.org), that provides file transfer and print services through the Microsoft SMB Communications Protocol. The Samba program is a well-established and widely used alternative to Microsoft Middleware Products, but it would be effectively prevented from competing with Microsoft through the adoption of ''reasonable and non-discriminatory'' licensing terms for future changes in the SMB protocol.

This deficiency of the Revised Proposed Final Judgment can be remedied by a simple wording change. The phrase ''reasonable and non-discriminatory'' in Section III.E. of the Judgment should be changed to ''royalty free''. Since Microsoft's ability to hide Communication Protocols serves only to prevent competitors from effectively interoperating with Microsoft products and does not in any way increase competition, a mandatory royalty free license would serve to allow both large and small competitors to interoperate with Microsoft products.

4. Arbitrary five year term of Judgment harms the public interest

The Competitive Impact Statement in Section IV.C. claims that a five year time frame for the Judgment ''provides sufficient time for the conduct remedies contained in the Proposed Final Judgment to take effect...and to restore competitive conditions to the greatest extent possible.'' The Competitive Impact Statement provides neither evidence, nor precedence, nor logic to support this claim.

In fact, a five year term may well be too long. The provisions of the Revised Proposed Final Judgment may turn out to be so effective at restoring competition that Microsoft loses its dominance in less than two years in the Operating System market for Personal Computers and becomes unnecessarily hobbled by the restrictions of the Judgment. In such a case, Microsoft would be unfairly restricted from competing in the market for another three years, possibly causing great economic damage to Microsoft and depriving consumers of the fruits of a vibrant competition in the Operating System market.

Alternatively, the provisions of the Revised Proposed Final Judgment might not be sufficient to hinder Microsoft's anticompetitive actions, and Microsoft could continue to violate the Sherman Act through an extended seven-year Judgment period. Clearly such a situation would severely harm the public interest, again depriving consumers of the benefits of a competitive market and stifling the entire Operating System and Middleware market. The arbitrary five year Judgment term length would only be beneficial in the most serendipitous of circumstances, and the arbitrary two-year extension does not mitigate this fault.

The overriding concern of this Judgment is to prevent Microsoft's anticompetitive actions and to restore competitive conditions to the market, and it is that principle that should guide the term length of the Judgment. The most straightforward application of this principle would be to terminate the Judgment when Microsoft no longer enjoys monopoly status. This could be achieved with the following replacement for Section V. (Termination) of the Revised Proposed Final Judgment:

''This Final Judgment will expire when Microsoft's Windows Operating System Product has less than fifty percent share of the Personal Computer Operating System market (as determined by a market study provided by a mutually agreed upon third party).''

With this revised termination clause, the Judgment will stand exactly as long as necessary for the public interest. An alternate definition of monopoly status (i.e., instead of ''fifty percent market share'') may also be acceptable, provided it is logically and legally defensible, and maintains the intent of the Judgment.

This new termination clause will ensure the return of healthy competition to the Operating System market without unduly burdening—or harming—Microsoft. At the point that Microsoft's Windows Operating System Products have less than fifty percent share of the Personal Computer Operating System market, there is clearly healthy competition in that market, with at least one other dominant competitor to Microsoft. There is then no further reason to impose the conditions of the Judgment. However, Microsoft is not prevented from maintaining its monopoly on the technical merits of its products. The ongoing terms of the Judgment would not be onerous to Microsoft should it maintain a monopoly position without resorting to anticompetitive actions.

5. Definition of ''Non-Microsoft Middleware Product'' maintains barrier to competition

Although the Revised Proposed Final Judgment seeks to ''restore the competitive threat that middleware products posed prior to Microsoft's unlawful conduct'' (Competitive Impact Statement, Section IV), the proposed definition of ''Non-Microsoft Middleware Product'' serves instead to maintain barriers to competition. Section VI.N. of the Revised Proposed Final Judgment stipulates that a software product, among other requirements, can only be considered a ''Non-Microsoft Middleware Product'' if ''at least one million copies were distributed in the United States within the previous year.'' This requirement is explained in the Competitive Impact Statement, Section IV.A. as being ''intended to avoid Microsoft's affirmative obligations...being triggered by minor, or even nonexistent, products that have not established a competitive potential in the market...'' As the Competitive Impact Statement makes clear, the definition of ''Non-Microsoft Middleware Product'' intentionally limits the possible competitive impact of nascent middleware products. Such a limitation is antithetical to the desired goals of the Judgment.

This deficiency of the Revised Proposed Final Judgment can be easily remedied by deleting Section VI.N. (ii) and thus removing the restriction on number of copies distributed. The Competitive Impact Statement in Section IV.A. states that the restriction on number of copies distributed ''is intended to avoid Microsoft's affirmative obligations—including the API disclosure required by Section III.D. and the creation of the mechanisms required by Section III.H.—being triggered by minor, or even nonexistent, products...'' In other words, Microsoft should not endure an onerous burden in its obligations. However, deleting Section VI.N. (ii) would not create such a

burden. Since Section III.D. already specifies that APIs and related Documentation shall be disclosed via the Microsoft Developer Network or similar mechanisms, Microsoft will not require any further effort to make the APIs and Documentation available to ISVs or other middleware developers that have not established a competitive potential in the market—but that nevertheless have the potential to become competitors with Microsoft. Furthermore, the mechanisms required in Section III.H. (such as the creation of Add/Remove icons) are sufficiently generic that they will only need to be created once—and likely already exist—to accommodate all Microsoft and Non-Microsoft Middleware, and hence the expansion of the number and kind of possible middleware competitors to Microsoft again does not create an undue burden on the company.

This Comment has been submitted through both e-mail and facsimile copy.

Respectfully submitted,
Mason Thomas
4333 Wildwest Circle
Moorpark, CA 93021
(805) 530–1502
January 25, 2002

Join the world's largest e-mail service with MSN Hotmail.
http://www.hotmail.com
00025491 0005

MTC–00025492

From: LARRY HAYDEN
To: Microsoft ATR
Date: 1/25/02 9:07pm
Subject: WHAT DID I FIGHT FOR

WHY DID I FIGHT TO KEEP AMERICANS FREE ?WHEN OUR OWN GOVERMENT AND OTHERS LIKE THEM WON'T LEAVE OTHERS ALONE TO PURSURE THE DREAM . IF OTHERS DON'T HAVE A DREAM OF THERE ON THEN DON'T GET INTO OTHERS. BILL GATES AND OTHERS LIKE HIM HAD A DREAM BUT THE GOVERMENT PUT THERE TWO CENTS WORTH IN. THE OTHERS LIKE THE OTHER 9 STATES AND NOW AOL? WELL I GUESS ALL THE THINGS I WENT THROUGH AND OTHERS LIKE ME WELL, I GUESS IT WAS ALL IN VAIN. WE ARE NOT A FREE COUNTRY WHEN THE GOV CAN TELL YOU WHAT YOU CAN INVENT FOR THE BENNIFIT OF OTHERS. I GUESS IT WAS JUST A DREAM.

LARRY HAYDEN

MTC–00025493

From: Dan Liscinsky
To: Microsoft ATR
Date: 1/25/02 9:08pm
Subject: Microsoft Settlement

the proposed settlement is a bad idea.

MTC–00025494

From: Joe King
To: Microsoft ATR
Date: 1/25/02 9:08pm
Subject: Microsoft Settlement

To whom it may concern:

As a consumer of computer software and hardware items, I urge that the Microsoft Case be settled as soon as possible and let this industry resolve the issues through competition rather than through politics and unjust justice.

Thanks, Joe King

MTC–00025495

From: piyush gupta
To: Microsoft ATR
Date: 1/25/02 9:08pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotelly:

I am a first generation immigrant, having arrived here from India 23 years ago. I remember the two things that had most impressed me a short time after I landed. One was the highway system—so cleverly built that one could go from one end of the country to another without encountering any barriers like traffic lights! And the second was the anti-trust system underlying our free market economy that has made ours the most powerful nation on Earth. It was an immense eye-opener for me to find out how the anti-trust sytem had successfully decoupled the film sales market from the film development market and enabled two thriving, competitive markets to develop and benefit consumers nationwide.

Well, I feel that our anti-trust system is letting us down in the MicroSoft case. At least two Federal courts have now determined that MicroSoft is an illegal monopoly—a fact that has been evident for years to professionals in the computing field like myself. I have had some first hand experience in seeing how MicroSoft deals with potential ''partners.'' MicroSoft has yet to deliver any original piece of technology to the marketplace. Their operating system monopoly has been based on getting the DOS software from someone else, partnering then driving IBM away. Their database was stolen from Sybase. Netscape created the browser market, and MicroSoft illegally used their Windows monopoly to virtually drive them out of business.

I work in the computer industry in Silicon Valley. Any enterpreneur who tries to start a company and raise venture capital is now asked how they will prevent MicroSoft from crushing them if they are successful! You can imagine the chilling effect this is having on innovation. If MicroSoft is allowed to continue unchecked, it will be disaster for the American IT industry. Why would you bother to create another innovation like the web browser when you know MicroSoft will copy it, bundle it with Windows, and drive you out of business!

I'm glad the civil suit settlement was rejected— can you imagine, the civil settlement would have provided MicroSoft with a toehold in the education market, the only one where Apple has been able to hold the off!! I hope you will see fit to reject the proposed DOJ settlement as well. It does not punish MicroSoft for its past anti-competitive practices, nor prevents it from continuing to do so in the future. Approving the current settlement will spell disaster for the future economic well being. Thank you.

MTC–00025496

From:MOLITUO@aol.com@inetgw
To: Microsoft ATR
Date:1/25/02 9:08pm
Subject: Fwd: Microsoft Settlement

MTC–00025496 0001

Dear DOJ:

I want to say so much, perhaps too much! Instead I shall offer a number of sentences, keeping them as brief as possible:

(1) As a consumer, I want all manufacturers of the products I purchase to enjoy the freedom to make those products better for me, without the jeopardy of Big Brother Interference!

(2) AS a reader of multiple articles on this endless government harassment of Microsoft, I have concluded simply that a number of companies [all of whom share some specific monopolistic piece of the pie] turned to Government Officials to hamper and hammer Microsoft when this cadre of companies decided they could not defeat Microsoft in a marketplace controlled by the long-standing principles of the American Economic System! Like a child who decides not to slug it out with his nasty classmate; but to go home to summon his ''big'' brother to do the fighting for him!

(3) As a past student of some psychology courses, I think that Jealousy has had too much to do with this legal pursuit of a premier company. The multibillionaires in control of the ''offended corporations'' are envious of the astounding success of the richest! Even the Federal and State Governments fall prey to the venom of jealousy seeing what a well-organized and truly innovative Corporation can achieve; while these governmental entities prove largely feckless to their tasks and reckless with taxpayers'' money in the process!

(4) In view of Judge Jackson's relentless pursuit of Microsoft and his self-declared antagonism for its officers, it bedazzles me that the Court of Appeals would uphold his Findings as unprejudiced and valid! The fact that he may have declared his belligerence toward Microsoft only subsequent to Court Proceedings cannot distract a thoughtful individual from the fact that those belligerent statements revealed his mindset and opinion throughout the entire course of this legal saga!

(5) By upholding the Jackson Findings, the Court of Appeals covered the ''behind'' of the Judiciary System; but, in its attempt to protect the Honor of that System, it failed to do true Justice! Could the Judges not see -or did they see but pretend not to see- that hostile statements made by Judges against Principals in their Courts display for the world not a ''new prejudice'' against a defendant just now judged to be guilty? Simple chronology cannot be invoked to defend a long-standing, vindictive attitude and mindset that dishonor the very Judiciary System the Court of Appeals tried so hard to protect. Despite obvious partiality on the part of the Trial Judge -obvious at least to ordinary laypeople- virtually all his condemnatory Findings were upheld!

(6) The slap on Judge Jackson's hand did not achieve Justice! The Jackson Findings were mortally flawed through and through by the prejudices of a judge who is paid to be unprejudiced! The rejection of a split-up of Microsoft as a remedy was too obvious, really, even to have taken up the Appeal Court's time! Judge Jackson had wrongly escalated his proceedings far beyond the

scope of the suit itself. As a matter of fact, the essence of the case against Microsoft, ie. the bundling, was found by the Court of Appeals in Microsoft's favor! How can a man accused of murder be declared guilty of murder if he is shown to be an adulterer? How can a company accused of illegal bundling -and the finding of illegal bundling is subsequently overruled- be required to pay damages because it had bad business manners?

(7) We are faced now with a New World of Commerce! Competition is no longer valued as the arbiter of corporate success or failure. Now Government and the Judiciary are to be given carte-blanche to police and to punish those corporations that have the temerity to be TOO SUCCESSFUL FOR THEIR COMPETITORS'' LIKING!

Thank you.

MTC–00025497

From: Donald W. Hurta
To: Microsoft ATR
Date: 1/25/02 9:09pm
Subject: Fw: Microsoft Settlement

——Original Message——
From: Donald W. Hurta
To: microsoft.atn@usdoj.gov
Sent: Friday, January 25, 2002 6:19 PM
Subject: Microsoft Settlement

To whom it may concern, Enough is enough!!! Let's get on with the economy. leave Microsoft alone!!!

What were you people thinking to start with ? They no more a monopoly than General Motors or Ford. Quit wasting public money on this ridiculous boondoggle.

Sincerely,
Donald W. Hurta

MTC–00025498

From: Carll Frye
To: Microsoft ATR
Date: 1/25/02 9:08pm
Subject: Microsoft Settlement
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing this letter in regards to the antitrust settlement between Microsoft and the Department of Justice. My opinion is that the litigations against Microsoft need to come to an end and the settlement that has been reached is more than fair and reasonable. Microsoft has agreed to terms that extend well beyond the products and procedures that were actually at issue in the suit. This litigation shows that a normal hardworking person can only get so far. You take a company and put your whole life into it, build it up from the ground up and then the government comes in and tells you that you have to tear it down.

Furthermore, Microsoft gives thousands of people jobs, donates millions to charity, and has developed software that has enabled people to run their own businesses more efficiently. The terms that Microsoft has agreed to have shown that they are willing to do what it takes to end this matter, enabling themselves and the courts to concentrate on more pressing issues. Microsoft has consented not to retaliate against software and hardware developers and promoters that compete with Microsoft. Also, Microsoft will make it easier for non-Windows programs to run within Windows.

It is obvious this issue needs closure. Litigations will continue to waste millions in tax dollars not to mention the effect that it has had on the IT industry and the economy. Microsoft has worked hard to become the company it is and should not be torn down or hassled any further.

Sincerely,
Robyn Frye
15903 SE 58th Street
Bellevue, WA 98006

MTC–00025499

From: estr747962@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 9:06pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
E Strange
35223 Cielo Vista
Cathedral City, CA 92234

MTC–00025500

From: Darlene Wallach
To: Microsoft ATR
Date: 1/25/02 9:08pm
Subject: Microsoft Settlement

The proposed settlement is a very bad idea. It is NO punishment for Microsoft rather it furthers their products being used and precludes the use of other products.

Darlene Wallach
47 Boston Avenue
San Jose, CA 95128–1902
wallachd@earthlink.net

MTC–00025501

From: Rosemary Scanlon
To: Microsoft ATR
Date: 1/25/02 9:10pm
Subject: Microsoft Settlement

Please see the attached letter urging that this settlement be completed.

Enough is enough.
Rosemary Scanlon
10 Clinton Street # 9T
Brooklyn, NY 11201
January 25, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I have been following the ongoing antitrust lawsuit between the U.S. government and Microsoft, and I would like to see it settled according to the terms both sides agreed to in November. Microsoft is making several important concessions to end the case, and I feel that your office should comply with the settlement.

Microsoft has agreed to significant changes to end the suit, changes that will benefit both its competitors and consumers as a whole. Designing new means for computer makers and users to customize their use of Windows and its affiliated programs, as well as to integrate programs by competing developers, enhances the public's freedom of choice, while protecting Microsoft's right to continue developing some of the most innovative technologies in the marketplace.

I believe that the case has been active long enough, and the potential settlement is the only likely way to end it any time soon. I urge you to finalize the settlement and move on to more important matters.

Sincerely,
Rosemary Scanlon

MTC–00025502

From: Matt Covey
To: Microsoft ATR
Date: 1/25/02 9:11pm
Subject: Microsoft Settlement

I'm a software engineer with more than 20 years'' experience developing for numerous platforms. I'd like to comment on the Proposed Final Judgment (PJF).

Specifically, I believe the PFJ has 3 serious flaws:

a) it allows many exclusionary practices to continue

b) it does not take any direct measures to reduce the ''applications barrier to entry'' faced by new entrants to the market

c) it does not deny to the defendant the fruits of its statutory violation

I won't go into details—there are other public comments describing these points*. Instead, I would say that after reading the proposed settlement and it's technical remedies, I see nothing that stops Microsoft from continuing it's current style of business. These remedies will have very little real-world effect. And if Microsoft is allowed to retain the benefits of it's past misconduct and more importantly continue it's anti-competitive behavior, how is this a settlement that benefits anyone except Microsoft?

Certainly it doesn't benefit the consumer.

Sincerely,
Matt Covey
President, Classical Software

* Two examples: http://www.kegel.com/remedy/

http://www.antitrustinstitute.org/recent/162.cfm

MTC–00025503

From: FFALLENBY@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 9:12pm
Subject: microsoft settlement

i believe the microsoft case has gone on long enough. with all the problems the country has now we should get on with the future and not have att gen's of the various drag the case on longer. considering the anti cigarette debacle with the states missusing huge amounts of funds, it makes little sense to allow them to attempt hurting a company that has been so innovating and successful in expanding the tech world. they have been an asset to the country and their pricing has kept the cost of computing reasonable for all of us. Frank Friedland 6945 Fountains Circle

Lake Worth, F e-MAIL ADRESS ffallenby@aol.com

MTC–00025504

From: Juan Rodriguez
To: Microsoft ATR
Date: 1/25/02 9:13pm
Subject: US vs. Microsoft

Dear Sirs,

I am a network administrator for a small CPA firm in Southern Indiana, and I am also a CPA. As someone who works with computers every day, I will be affected by the outcome of US vs. Microsoft. However, I believe the proposed settlement is not appropriate given the facts of the case or the fact that Microsoft, Inc. has already been found guilty of illegally maintaining its monopoly.

The proposed settlement does not address several issues that I believe are extremely important.

The settlement does not keep Microsoft from preventing computer manufacturers and/or resellers from bundling competing products with the computers and Microsoft operating systems.

The proposed settlement allows Microsoft to keep its illegally obtained profits. Microsoft's monopoly profits are the direct result of its anti-competitive practices. Consumers have overpaid for Microsoft products, specifically the Windows 95 operating system, but this issue is not addressed. Consumers are being harmed because they have overpaid for Microsoft products but that money is not being repaid. Such repayment might have a positive side-effect on the economy because consumers will probably spend at least some of that money if it is repaid. Also, criminals should not be allowed to keep their ill-gotten gains. Criminals should also not be allowed to use their ill-gotten gains to pay for their legal defense.

The settlement makes no attempt to punish Microsoft for their wrongdoings. While the settlement establishes some mechanisms to prevent future wrongdoing, it does not address punishment for past wrongdoings. This is not consistent with the American Justice System.

A more fair settlement should address the following:

1. In order to prevent an extension of Microsoft's monopoly, its products, particularly its operating systems, should be placed as extra-cost options in the purchase of new computers, so that consumers who do not wish to purchase them are not forced to do so. This would help consumers see what they are actually paying for Microsoft products and might cause consumers to consider alternatives. A more informed public should be a desired outcome of the trial for the US Government.

2. The specifications of Microsoft's present and future document file formats must be made public. This will allow documents created with Microsoft applications to be read by applications from other software makers or developers.

3. Any present and future Microsoft networking and authentication protocols must be published and approved by an independent body. This would help prevent Microsoft from seizing control of the Internet and data centers.

4. The money that consumers have overpaid for Microsoft products should be repaid, in order to rectify some of the harm consumers have endured.

Please reject the proposed settlement and work towards stiffer penalties for Microsoft.

Regards,
Juan R. Rodriguez, CPA
New Albany, Indiana

MTC–00025505

From: Paul Slagle
To: Microsoft ATR
Date: 1/25/02 9:17pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed settlement of the United States vs. Microsoft antitrust case.

I agree and support several well-written and detailed arguments against the settlement. These include:

http://www.kegel.com/remedy/letter.html

http://www.gnu.org/philosophy/microsoft-antitrust.html

http://www.codeweavers.com/jwhite/tunneywine.html

Personally, I have been a software engineer for over 20 years, working with mainframes, PCs, and Unix boxes. I've worked w/ operating systems from IBM, DEC, Microsoft, SUN, and HP among others. By far the most enjoyable and enriching years have been those working w/Unix and its variants, including Linux. The openness of the Unix community, including commercial companies, is far more in the public interest than Microsoft could ever dream to be.

Microsoft is a monopoly, interested in serving the interests of Microsoft, not the interests of the public. If Microsoft was truly and sincerely concerned about the public interest, full specifications of their APIs would be published. Source code would be freely available. Cooperative efforts on products would be encouraged and would flourish. But that is not how a monopoly such as Microsoft operates, and the proposed settlement does little to change the actions of said monopoly.

Thank you for your time and efforts.

Sincerely,
Paul Slagle
CC:pslag@mail.com@inetgw

MTC–00025506

From: res0s8pt
To: Microsoft ATR
Date: 1/25/02 9:14pm
Subject: Stop Punishilng Success

We urge you not to give in to Microsoft's competitors'' unreasonable demands. Our country's increasing harshness towards corporations will not help anyone. Wouldn't we be much better off if families like the Kennedys had used their millions to go into business, thereby employing thousands of people, rather than going into government on the backs of the working class and impeding those who are employing us?

We are retired now, but feel we were much better served by those willing to create business than by politicians claiming to have the interests of the worker at heart while getting paid by our taxes.

Three cheers for Bill Gates, his vision and his courage.

Agnes and Roland Peterson
Malibu, CA 90265

MTC–00025507

From: robert p cp calnan
To: Microsoft ATR
Date: 1/25/02 9:13pm
Subject: MICROSOFT SETTLEMENT

HEY YOU GUYS, STOP THAT CRAP NOW.....SETTLE IT!!!!!!!!

THE WORLD NEEDS MICROSOFT AND YOU GUYS NEED TO GET BUSY ON OUR MORE IMPORTANT ISSUES LIKE HEALTH AND RETIREMENT STUFF.

LISTEN TO THE GRAY HAIRED PEOPLE WHO HAVE LOTS OF EXPERIENCE AND HAVE SPENT TOO MUCH TIME OBSERVING LITTLE FORWARD MOVEMENT IN WASHINGTON.

DO SOMETHING FOR THE PEOPLE INSTEAD OF THE BIG BUSINESSES MICROSOFT HAS SERVED ALL OF US WELL AND DRAGGED US TO WHERE WE ARE TODAY. LEAVE THEM ALONE, GO AFTER THE MORE PRESSING ISSUES.....HOW ABOUT THE HOMELESS, GET THEM ARRESTED SO THEY CAN GET 3 SQUARES.....PLEASE STOP THIS MADNESS. WE ARE AT WAR, LEAVE THIS CRAP ALONE.

BOB CALNAN LAKE ELSINORE, CA.

MTC–00025508

From: William James Hart
To: Microsoft ATR
Date: 1/25/02 9:15pm
Subject: MICROSOFT SETTLEMENT

THANK YOU FOR REACHING A REASONABLE AND FAIR SETTLELENT IN THE MICROSOFT CASE.

I USE MICROSOFT PRODUCTS BECAUSE OF THEIR EXCELLENCE AND THE PRODUCTIVE RESULTS I GET.

PLEASE DO NOT LET OTHERS SEEK TO ADVANCE THEIR BUSINESSES BY FALSE CLAIMS, ESPECIALLY WHEN THEY DO THE SAME COMPETITIVE THINGS. LET COMPETITON SORT OUT BUSINESS, PLEASE. SUN MICRSOSYTEMS ARE GIVING AWAY STAR OFFICE AND IT IS A FINE PROGRAM. MICROSOFT ARE NOT CHARGING THEM WITH ANYTHING. THE TRUTH IS THAT SUN AND OTHERS CANNOT GIVE AWAY THINGS BECAUSE MICRSOFT ARE SO MUCH BETTER.

CC:William James Hart

MTC–00025509

From: Popcox13@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 9:16pm
Subject: Microsoft Lawsuit
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my support of the United States Department of Justice's recent efforts to settle the Microsoft antitrust lawsuit.

This case really should not have been brought against Microsoft. Microsoft's innovations have and continue to contribute immensly to the productivity and economy of the United States . Microsoft single-handedly through ''Window's Operating System'' made computers accessible to the world. Computers are now in virtually every household and bussness in the country. Microsoft may have been aggressive in their business dealings, but that is the way of the business world in a free-market society. Aggressive business tactics are not necessarily the same as antitrust violations. Despite my feeling that this case should not have been filed, at this stage of the game I think the wise course of action is to settle the case. The settlement agreement the parties negotiated is fairly reasonable. It will require Microsoft to refrain from retaliating against computer manufacturers that install software other than Windows on their computers. Along those same lines, it will require Microsoft to not retaliate against software developers who develop programs that compete with Windows. These concessions should help the competition operate on a more level playing field.

I appreciate your efforts to settle this case.

Sincerely,
Howard w.Cox

MTC–00025510

From: info@lawtonpauldesign.com@inetgw
To: Microsoft ATR
Date: 1/25/02 9:17pm
Subject: Microsoft Settlement

To Whom it May Concern:

Under the Tunney Act, below are comments on the proposed settlement of the United States vs. Microsoft antitrust case.

The United States Government and the DOJ are doing a great disservice to all Americans by allowing Microsoft to continue to run roughshod over the entire computer industry. The proposed settlement is far too weak and vague and will allow Microsoft to continue in a business-as-usual mode. Microsoft business tactics squelch innovation and keep prices for software high by not allowing other competitors in the market.

Of many, here are two specific areas of the proposed settlement that are lacking power:

1. The proposed settlement does not prohibit anticompetitive license terms. Microsoft uses these restrictive licensing schemes to keep Open Source apps from running on Windows and keeps Windows apps from running on competing operating systems. (In a truly competitive arena, Microsoft Office would run on Linux.)

2. The proposed settlement does not stop Microsoft from using intentional incompatibilities. Microsoft continually inserts intentional incompatibilities to prevent its applications from running on other operating systems.

Thank you,
David Parker
Graphic Designer/3D Artist/ Teacher
Lawton Paul Design
info@lawtonpauldesign.com

MTC–00025511

From: Ken LLewellyn
To: Microsoft ATR
Date: 1/25/02 9:17pm
Subject: Microsoft Settlement

To whom it may concern,

I believe very strongly that the proposed settlement is an extremely BAD IDEA! All you have to do is look at all the loopholes that Microsoft will, of course, take advantage of. The overall effect of the proposal will curb Microsoft's behavior only to a small degree. Once again, the proposed settlement is an extremely BAD IDEA!

Thank you.

MTC–00025512

From: Andrew Hon
To: Microsoft ATR
Date: 1/25/02 9:17pm
Subject: Microsoft Settlement

Settle with Microsoft and you're being had!

MTC–00025513

From: AK Khattab
To: Microsoft ATR
Date: 1/25/02 9:17pm
Subject: Microsoft Settlement

Dear Sirs and Madams''

I believe that the settlement is hard but fair. —

AK Khattab
Lecturer
Aerospace Engineering,
California State University, Long Beach
Tel: 562 985 4339
E-mail: akhattab@csulb.edu

MTC–00025514

From: Cebert Shrum
To: Microsoft ATR
Date: 1/25/02 9:18pm
Subject: Microsoft Settlement

It is our opinion that the Microsoft offer should be accepted. We think that it is a shame what is being done to this company because of their success.

It is another example of meddling like the case of AT&T. We had the best telephone company in the world and now we have a mish-mash and we get less service and it costs more because of one judge. The public is the ones that suffer.

In this case the public has already suffered because the stock is less valuable and if the company is punished more their products will suffer and cost more and cause more jobs to go overseas and increase unemployment.

We think it is time to let Microsoft alone.

Mr. and Mrs. Cebert W. Shrum
3733 Southern Manor Drive
St. Louis, Missouri 63125–4478

MTC–00025515

From: DONALD SCHUMAN
To: Microsoft ATR
Date: 1/25/02 9:19pm
Subject: Microsoft

To Whom it may Concern: Enough is enough. The government, states that continue the lawsuit against Microsoft, and the companies that are unwilling to compete on product capability alone (AOL, Sun Micro Systems, etc) should be stopped. Let's get on with upgrading technology and continuing the capability of company's that are willing to develop products that effect positively the rising productivity gains caused by technology. Let Microsoft and other independents go and produce gains in technology by positive development of products rather then hiding behind the court system and continuing to file unjustified lawsuits. Let freedom ring!!!!! Don Schuman
donald.schuman@worldnet.att.net

May the best product win. A taxpayer and pro freedom of technology person.

MTC–00025516

From: Paul Slagle—WOH email master
To: Microsoft ATR
Date: 1/25/02 9:22pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Pursuant to the Tunney Act, I wish to comment on the proposed Microsoft settlement.

I feel the settlement does not go far enough in penalizing Microsoft for their monopolistic actions. It also leaves too many specifics out of the document in the area of APIs, middleware, ''Windows'', and others.

It is certainly not in the best interests of the public.

Sincerely,
Paul Slagle

MTC–00025517

From: Kzipperer@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 9:21pm
Subject: microsoft settlement

I am very much for the antitrust settlement between Microsoft, the Dept. of Justice etc. This is a very equitable settlement for all parties.

Kathleen Zipperer

MTC–00025518

From: Arnett Doug
To: Microsoft ATR
Date: 1/25/02 9:21pm
Subject: Comment on the proposed microsoft settlement

I think the proposed microsoft antitrust settlement is a joke. I don't see any effective remedy in it. Microsoft disregarded the spirit of the earlier DOJ agreement, they showed their disregard for the Court in the antitrust trial, and with this proposed agreement they will be able to escape being held accountable for continuing to kill developing technology and competitive companies. You can still see their fundamental behavior in their approach to Windows XP and Passport in spite of their loss in Court.

It is a shame for the Justice Department to have won the battle but now under a new administration throw away that victory.

Sincerely,
Douglas B. Arnett
4405 4th Ave NE
Seattle, WA 98105

MTC–00025519

From: Justin
To: Microsoft ATR
Date: 1/25/02 9:20pm
Subject: Microsoft Settlement

I do not agree with this settlement, and do not believe it to be a good idea.

MTC–00025520

From: Elly Davis
To: Microsoft ATR
Date: 1/25/02 9:23pm
Subject: microsoft settlement

Dept of Justice PLEASE agree with the settlement with Microsoft, thank you,
Elenora Davis, 7652 ''C''
Plantz Rd Marysville, Calif. 95901.

MTC–00025521

From: Garrett Slagle
To: Microsoft ATR
Date: 1/25/02 9:27pm
Subject: Microsoft Settlement
TO: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I do not think the proposed settlement is in the best interest of the public.

Sincerely,
Garrett Slagle

MTC–00025522

From: David Horrocks
To: Microsoft ATR
Date: 1/25/02 9:24pm
Subject: Microsoft Settlement

Hi there,

I'm From New Zealand. In a place that is a green beautiful country, competitive amongst the best of the world for its tourist dollar. Yet in the computer industry our computers here are amongst some of the cheapest in the world!! Yet Companies here are dying over that competitiveness.

What is happening to Microsoft I feel is totally wrong? Instead of embracing the spirit of what Microsoft has done and inspire others to do the same it is being torn down and destroyed so another can take its place? I thought the American dream was to prosper and be an asset to society and your community. If that is a crime the yes Microsoft is wrong. Just because others are late and missed the boat and cant get their act together. Instead have to fight and proclaim war against others that succeed.

Are you going to war against Apple now because they are a monopoly with their own system? On the other hand, slam Linux users because it's free? Please I support what Moorcroft is doing, it's a pioneer in the PC and Internet industry, Microsoft have brought it into our homes into our lives and as to they help enormously in the community, world wide.

Regards

A DR Dos user first, now Microsoft user by choice

David Horrocks
Desktop Applications Trainer
with Microsoft, Adobe and Corel software products note: copies of this email have been sent to other parties for archival purposes

MTC–00025523

From: Brian Korver
To: Microsoft ATR
Date: 1/25/02 9:24pm
Subject: Microsoft Settlement

The proposed settlement is lousy for everyone but Microsoft!

-brian

MTC–00025524

From: Gator
To: Microsoft ATR
Date: 1/25/02 9:25pm
Subject: Microsoft Settlement

Micrsoft must pay for its sin against the people that want choices in there life. It is a human right and must be protected. They have skirted the truth and have done everything in there power to suppress technological vision unless it is there own. May God direct you in your decision.

MTC–00025525

From: Grant Slagle
To: Microsoft ATR
Date: 1/25/02 9:29pm
Subject: Microsoft Settlement
TO: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW Suite 1200
Washington, DC 20530–0001

I do not think the proposed settlement is in the best interest of the public.

Sincerely,
Grant Slagle

MTC–00025526

From: Woosten@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 9:26pm
Subject: MicroSoft Settlement

Dear Sirs:

I feel that Microsoft's monopoly in the software market is anticompetitive and anti-consumer and should be corrected by requiring them to pub information on their APIs and other portions of the Windoze operating system. This would allow other software companies to write code that is unimpeded by the interface machinations currently being foisted on us by this company. It would also make changing from one operating system to another relatively painless if the file formats were standardized.

Thank you for the work you have done on this matter.

Sincerely,
Adrian D. Carey
woosten@aol.com

MTC–00025527

From: Samrod Shenassa
To: Microsoft ATR
Date: 1/25/02 9:32pm
Subject: Microsoft's Plea Bargain

To whom it may concern:

Plea bargains are to take place before trials, when the defense enters a guilty plea. Why is Microsoft, after being found guilty of multiple anti-trust violations, given a voice in its own punishment?

The primary goals of any remedial action should be to 1) prevent Microsoft from using its marketshare as a tool to succeed over its competitors, and 2) seek punitive damages for the success it has already enjoyed using those tactics.

If Microsoft is only prevented from further leveraging Windows to destroy future competitors, then it has already won for its past actions. Windows has achieved its dominance, Internet Explorer has already destroyed Netscape, and Office already beat Lotus and WordPerfect. The relative significance to halting future anti-competitive growth is miniscule compared to what has already been achieved.

Microsoft's competitors should be allowed to again compete on equal terms. The trial's initial focal point was the issue of Microsoft handcuffing the browser to operating system to destroy Netscape. As a remedy, Microsoft should be forced to do exactly what it forced Apple to do: bundle both browsers with the OS. It should also be forced to unroot Internet Explorer from Windows, giving users the freedom to safely uninstall it entirely from the system. By shipping Windows with the latest versions of both Netscape and Internet Explorer, users have the choice of completely removing either, both, or neither browser from their system. If Internet Explorer continues to dominate, it will have done so through fair competition. To be fair Microsoft should have the choice of either bundling both or neither browser with Windows— but never one.. The key is to make acquiring and uninstalling equally easy for both browsers. While IE is pre-installed and impossible to uninstall, users need to find and download Netscape from the Internet.

This same requirment can be applied to Windows Media Player, RealPlayer, and QuickTime as well. Either bundle all three, or none at all. Microsoft should also be forced to adopt the ''Play Fair'' policy currently practiced by Real Networks and Apple: inform users what media types the player supports; recommend alternatives for unsupported media types; give users the option of which supported media types to associate with the player; and don't adversly affect the functionality of other installed media players.

Then there's the issue of fair compensation to its competitors, which seems to have been completely overlooked in this settlement. But that issue may be better settled in Netscape's recent civil case against Microsoft. And finally, what was the reason for not breaking up Microsoft? In other words, why will the government allow the dominant operating sytsem and the dominant Office suite to be in control of a single entity? Does the government truly expect Microsoft's behavior to change, despite highly questionable actions it continues to take to this day, throughout the trial? Has there be any thought given to Microsoft's .NET strategy of market domination? Will Microsoft ever convert Internet Explorer to a fee-based, distributed software model, forcing users to pay a browser fee to surf the net? If so, will

users have the option of chosing Netscape or Opera without losing core Windows functionality? Will Microsoft migrate any of the operating system's core functionality to a fee-based, distributed model, forcing users to pay fees even if they chose competitors'' products? With the direction the company is already taking with Windows XP and .NET, the answer to those questions is clear. Thank you for your time.

MTC–00025528

From: Richard Madril
To: Microsoft ATR
Date: 1/25/02 9:28pm
Subject: Microsoft Settlement

Mr. Ashcroft:

Attached are my comments on the Microsoft case. Before you make a decision on this case, please remember all the good things this company has done for our country. It is indirectly responsible for the success of many other companies. Mr. Gates is very generous with his money by helping others as well. Microsoft is responsible for the technological revolution that we have had in the past few years. The government needs to leave them alone.

Sara Smith
993 Athens Road
Crawford, GA 30630
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I think it is irresponsible of the government to make such a tremendous fuss about Microsoft. I do not believe the government has any right to interfere in business. Microsoft has been the means by which a great portion of the country has benefited. Bill Gates has done about as much for the country as anyone else. Microsoft is not an oppressive corporation. Because of the advances Microsoft has made, you do not have to be an expert to use a computer. Now, not only has suit been brought against Microsoft, but also there are those who are not satisfied with the settlement that has been reached and are seeking not to serve justice in the matter, but to cripple Microsoft.

Microsoft does not need to be crippled. The settlement that was reached last November is perfectly reasonable. It prevents future antitrust violations and allows competition within the technology industry to return to normal. Microsoft has agreed, for example, to refrain from taking retaliatory action against anyone who introduces a product into the market that directly competes with Microsoft software. Microsoft has also agreed to reformat future versions on Windows so that non-Microsoft software will be supported by the Windows operating system. This will not only allow its competitors the ability to introduce their own software into Windows, it will also enable computer makers to use Windows as a platform to market their own product.

I do not believe it is in the best interest of the public to continue litigation against the Microsoft Corporation. Microsoft has done nothing that would harm the consumer. I urge you to support the settlement and allow Microsoft to move on.

Sincerely,
Sara Smith

MTC–00025529

From: Jon Grizzle
To: Microsoft ATR
Date: 1/25/02 9:30pm
Subject: Microsoft Settlement

I am a Senior Electrical Engineer who thank that Microsoft has developed a better product than AOL's Netscape browser. I have used the MSN browser and find it very friendly and comprehensive. When I complain to Microsoft Support at mailto:Msupport@microsoft.com they respond to try and help or fix their browser. I pay Verizon $19.95 per month for providing my dial up service. However, I use the MSN browser and Microsoft's Outlook Express. Also, Microsoft Word, Excel, Access, Visual Basic, Power Point, Photo Draw, and other Microsoft applications. I like them all because they have been designed to work together and are reasonably priced. My son and Mom & Dad like that MSN Messenger allows us to save long distance cost to talk daily free. I thank it is a shame having to pay for monthly utility bills when some are for duplicate services. We pay for Internet across the telephone lines, talking over those same lines and talking on a cell phone uses those same lines again. Consequently, we get three different bills every month for those same phone line coming to our home. Soon those same lines will provide TV and many other signals. Homeowners get so many different bills, I'm thinking about a total disconnect.

Back to Microsoft. I like Microsoft and have always thought Bill Gates is an angle when compared to Ken Lay of Enron. If the US Government has nothing better to do and more money than brains spend government time and money bring to court the real crooks like the Lays & Andersons of the world. Clean up our elections, and outlaw soft money. Tell AOL to quit spending money on lawyers and spend their money on R & D. Even if Microsoft lost I would still use their products. I would become a stronger believer in Microsoft.

Regards,
Jon Grizzle

MTC–00025530

From: garyshade
To: Microsoft ATR
Date: 1/25/02 9:28pm
Subject: Microsoft Settlement

Hello,

The settlement offered by the Bush administration and some states was not in the public interest. The antitrust case involved abuse of monopoly power by releasing the Windows operating system with the Internet Explorer browser embedded into the operating system.

The remedies offered by the Bush administration do not address the nature of the case, and would only serve to further reduce competition in the schools, one of the last remaining venues where competing software can still be found.

Any sound remedy should separate the Internet Explorer browser from the operating system. The remaining states that refuse to settle stress this point.

Each time the government allows Microsoft to release another version of Windows with the Internet Explorer browser embedded into the operating system, the monopoly path is entrenched further.

Make the remedy be an actual remedy to the facts of the case.

Sincerely,
Gary Shade
US Citizen and software consumer

MTC–00025531

From: Gregg Christman
To: Microsoft ATR
Date: 1/25/02 9:31pm
Subject: Microsoft Settlement

Dear DOJ:

The settlement is extremely fair allowing over a billion dollars of computers and free software to low income schools.

Secondly, I would like to make a very important point to the DOJ that seems to exist in LALA land. Microsoft is a business that creates products that must be sold to generate profits that in turn pays taxes to the Government. No company that exists today or in the future is guaranteed success it is not automatic and it is earned, so the notion by the by the Federal Government and Microsoft competitors (that want to hide behind the courts rather than compete in the markets) that Microsoft is a monopoly are wrong. Microsoft must go out and compete everyday to win customers by the features and benefits of their products. Microsoft is not forcing anyone to purchase their software consumers have a choice.

Finally, I would like to make one more point regarding the Civil lawsuit by AOL against Microsoft this week. AOL doesn't have a leg to stand on regarding their Netscape and Microsoft's Explorer browser. AOL acquired Netscape during the intial law suit and bundled Netscape with AOL just as Microsoft had already done and they are creating a law suit over a mute point. It is called competition and they copied Microsoft's business model and because Microsoft had already bundled their browser before AOL'a acquisition of Netscape AOL is suing Microsoft. The AOL lawsuit is absolutely ridiculous and completely unfounded.

Gregg Christman
greggchristman@earthlink.net

MTC–00025532

From: Milorad Golubovich
To: Microsoft ATR
Date: 1/25/02 9:33pm
Subject: opinion

By being design, project and engineering manager for over forty years, I knew that creativity and innovation in the work was always rewarded.

If competitors of Microsoft are incapable to be creative and develop new product, we should not penalize the Microsoft engineers but on the contrary encourage them in their efforts for innovation. Only trough the progress in technology we can expect the progress in everyday life and preserve our nation technical leadership in the world.

—Milotad Golubovich

—milgol@earthlink.net

—EarthLink: The #1 provider of the Real Internet.

MTC–00025533

From: John Roth
To: Microsoft ATR
Date: 1/25/02 9:33pm
Subject: Microsoft Settlement
No to Microsoft!!!!
John Roth
jroth1@gte.net

MTC–00025534

From: Gordon McKay
To: Microsoft ATR
Date: 1/25/02 9:35pm
Subject: Microsoft settlement
I'm taking this time to urge you to accept this agreement with Microsoft as my wife and I both consider it to be the most equitable and fairest way to setttle this Antitrust suit.
Sincerely Yours
Gordon C. McKay

MTC–00025535

From: J lowe
To: Microsoft ATR
Date: 1/25/02 9:36pm
Subject: Microsoft Settlement
Judge Kollar-Kotally,
I'm a concerned citizen who believes Microsoft is being let off easy after amassing billions of dollars of illegal profits. Every court has ruled that Microsoft violated anti-trust laws, but the proposed final judgment falls far short of punishing Microsoft adequately. Not only does Microsoft retain its ill-gotten profits, but there's no protection in the settlement from future anti-trust violations. Microsoft's distribution of its products to schools is nothing more than an expansion of the company's monopoly. I urge you to rule against the proposed settlement.
Respectfully submitted,
Jhana Lowe
1040 Edgebrook Lane
Glencoe, IL 60022

MTC–00025536

From: JR
To: Microsoft ATR
Date: 1/25/02 9:37pm
Subject: Microsoft Settlement
Microsoft, through it's monopolistic policies has stifled innovation leaving consumers with technology that is years behind where it would otherwise be. While I applaud the governments efforts to correct this situation the proposed settlement will do little to correct the situation.

The terms of the agreement are too specific and will do nothing more than slightly change the manner in which Microsoft bullies the industry. Any settlement agreed on by the government should be more than a slap on the wrist. Microsoft has been found guilty of engaging in monopolistic practices and should be punished accordingly. More importantly they should be stopped from restricting innovation. Microsoft is becoming the only software company in America. This will ultimately hurt this country as other nations seek alternatives to Microsoft products and ultimately become the ones innovating new technologies.
Thank you,
John Rodriguez
Software Engineer

MTC–00025537

From: telasha@qwest.net@inetgw
To: Microsoft ATR
Date: 1/25/02 9:38pm
Subject: Microsoft antitrust case
January 25, 2002
To Whom it may concern:
I don't agree.
I don't agree with the DOJ's proposed settlement with Microsoft. As a physician and consumer of computer hardware/software solutions, I have found numerous situations in which the behavior of Microsoft impaired my ability to build cost effective solutions to the need for computerization of my medical practice. While part of the government wants HIPAA compliance miracles, the DOJ apparently believes that criminal behavior in Bellvue, Washington is exempt from punishment. Yes, criminal behavior, as there appears to be no dispute that the antitrust laws were violated. How will the proposed settlement repair that damage i.e. ''make me whole''. The trivial interventions will not bring back the competitors that would have provided me with a wide range of tools. Nor will it provide the kind of level playing field that would allow new competitors to flourish. Shame upon the lawyers who tout this as good work. If I were to lower my standards of practice to that degree, the DEA would not renew my narcotic license, I would be barred from Medicare and Medicaid practice and the state Board of Medical Examiners would start proceedings to pule my license to practice. Yes, I am angry. I am mad as (deleted).
Sincerely,
David P. Telasha, MD
10330 SE 32ND AVE
SUITE 320
MILWAUKIE, OR 97222–6519
Voice: (503) 659–3960
Fax: (503) 659–6607
Web: NWOBGYN.COM

MTC–00025538

From: Edwin S Oxner
To: Microsoft ATR
Date: 1/25/02 9:39pm
Subject: Microsoft Settlement
Gentlemen,
It's time to stop this foolishness. Why punish successful businesses? If a competitor isn't competing, let him die. What you're doing to Microsoft is ridiculous. Why not punish WalMart and target for putting K-Mart into bankruptcy? What's the difference? Or is it that K-Mart management hasn't asked you? Why is it that you love capital but hate capitalism?
Regards,
Edwin S. Oxner
Manchaca TX 78652

MTC–00025540

From: Bill Barney
To: Microsoft ATR
Date: 1/25/02 9:49pm
Subject: Microsoft Settlement
The proposed settlement is a very bad idea. This settlement practically rewards Microsoft instead of punishing them for committing the acts they did and does nothing to make sure they they cannot and will not commit these acts in the future. The fact that such a proposal is even being considered by the DOJ only further erodes my belief that the DOJ is actually interested in justice and not just political maneuvering.
Thank you,
Bill Barney

MTC–00025541

From: Todd Warner
To: Microsoft ATR
Date: 1/25/02 9:44pm
Subject: Microsoft Settlement
My comments will be brief:
Microsoft is guilty of abuse of monopolistic power. Central to this abuse, as with all anti-trust cases, is the practice of building unreasonable competitive barriers for entry into the market. The proposed settlement being fought by ''the nine states'' is fraught with bad judgement and simply extends Microsofts monopology, and more importantly, raises, ever higher, that barrier for entry by Micosofts competitors.

My solution? Good question. I don't have the answer. Probably something along the lines of Microsoft being forced to disclose all API's of all its software. That is not unreasonable and will allow other to compete on, at least somewhat competitive footing. Another possible, or additional, solution: open-source all Micosoft code. (a) the world would know for sure, how secure Microsofts code truly is, (b) competitors would be able to fully harness Microsofts APIs, and (c) a lot of intellectual property openly visible would stimulate inovation across the industry. Closed-source leads to less innovation.
/odd Warner—<taw@pobox.com>
Tank Commander—NC Army National Guard Software Engineer

MTC–00025542

From: floyd fisher
To: Microsoft ATR
Date: 1/25/02 9:45pm
Subject: Microsoft Settlement
The proposed settlement is nothing more than a chance for Microsoft to get a good PR spin out of their predicament. It totally goes against the idea of paying for your crimes you have committed. Intel was forced to liscense out their chip technology, why can't Microsoft be forced to allow other companies to publish and sell their own versions of Windows? That would make better sense.
IMHO.

MTC–00025543

From: Fred E Bird
To: Microsoft ATR
Date: 1/25/02 9:47pm
Subject: Microsoft settlement
We believe the proposed Microsoft settlement offers a reasonable compromise. Please do not litigate it further!!
Two interested Seniors,
Fred and Edna Lee Bird
4270-B Lewis Ave.
Penney Farms, Florida 32079

MTC–00025544

From: Richard W Carr
To: Microsoft ATR
Date: 1/25/02 9:46pm
Subject: Microsoft settlement

Isn't it about time that these 9 states folded their tents, and stop doling out tax payers money to support a ''few whiners'' who can't stand up to any competition .–.–. That includes Netscape.–.–.– Again, if they want a bigger piece of the market, let them get out and do something radically different to improve over Microsoft's software.–.–.–. Also, maybe they just don't have a dynamic marketing organization.–.–.– Let's end it now.

Dick Carr

MTC–00025545

From: charles e chapman
To: Microsoft ATR
Date: 1/25/02 9:47pm
Subject: Microsoft Settlement

Please settle this case and allow microsoft to continue making my life better. I have been retired for over 20 years and am very appreciative of Microsoft and what they have done to make computers more friendly.

Charles Chapman

MTC–00025546

From: rscarlet@TheWorld.com@inetgw
To: Microsoft ATR
Date: 1/25/02 9:51pm
Subject: Microsoft Settlement
To: DOJ re Microsoft Settlement

Dear DOJ,

I am deeply distressed that the DOJ, in its proposed antitrust settlement with Microsoft, has abandoned any pretense of ending or controlling Microsoft's abusive monopoly. In particular:

BUNDLING—NOT ADDRESSED—PART I.

I recently purchased a new computer with Windows. I was forced by Microsoft's monopoly to purchase Windows bundled with many other programs I did not need, as I already had these programs (including Web browser, CD writing program, multimedia playing program, etc.). Microsoft's spectacular monopoly-controlled profit margins on Windows make it abundantly clear that the cost of including such extra functions is covered by the charges that I and others pay for Windows. Yet, despite ample legal precedent for controlling such bundling, DOJ makes no attempt to do so. Please note that I also own a Macintosh computer, allowing me to avoid some such charges, but I use computers for my consulting business and I am totally forced by the monopoly to also own a Windows computer. Hence I am forced by the monopoly to pay for whatever bundled extras Microsoft chooses to include.

BUNDLING and ANTICOMPETITIVE PRICING—NOT ADDRESSED—PART II.

By placing no restrictions on bundling, DOJ acknowledges Microsoft's right to destroy any competitor at all. As DOJ knows, a competitor that is perceived as threatening can be wiped out by Microsoft's inclusion of its own competitive software in Windows and Microsoft's forcing of the customers to buy Microsofts version, and/or by Microsoft's use of its monopoly driven wealth to underprice competing products. It is an insult to the public that DOJ has essentially decided to overturn anti-monopoly laws by allowing such business behavior.

ANTICOMPETITIVE BUSINESS STRUCTURE

Microsoft's monopoly includes office software as well as Windows. Microsoft clearly plans its office software strategy to enforce its overall monopoly, even if the office strategy does not otherwise make business sense. It is obvious that a separate office software business plan would by now include a version of Office for Linux, but since Microsoft sees Linux as a competitor to Windows it is happy to otherwise damage its office software potential in order to protect its monopoly. DOJ, by making no attempt to control this behavior (which would probably require splitting Microsoft), is allowing illegal anticompetitive behavior.

SPECIFIC DEFECTS IN THE TOO-LIMITED PROPOSED REMEDY

In section III.C.1 and elsewhere the remedy states: ''.–.–. except that Microsoft may restrict an OEM from displaying icons, shortcuts and menu entries for any product in any list of such icons, shortcuts, or menu entries specified in the Windows documentation as being limited to products that provide particular types of functionality .–.–.''

This exclusion says that Microsoft, at its own discretion, may take monopoly ownership of any software functionality it chooses. It can do this trivially and without restriction by including all reasonable access methods to the functionality in its Windows documentation. Any Windows user knows there are often many methods to reach the same functionality. Microsoft can list, and hence reserve to itself, all reasonable access methods and make it too confusing or complex to users to reach the functionality provided by a different vendor. Microsoft is making a complete fool of DOJ by slipping in this exception.

Section III.H.2 is greviously, egregioiusly, outrageously (I could go on .–.–.) defective. This section turns the Internet over to Microsoft. It says that Microsoft can implement its own non-standard Internet protocols, accessible only by Microsoft's Windows software, and make the non-standard protocols look ''standard'' to the Windows (only) user by having Microsoft's software jump in if the customer has been so independent as to dare to use software, even on Windows, from another vendor. Again Microsoft is making a fool of DOJ with this exception. Without this exception, Microsoft's non-standard protocols would be awkward and have difficulty in the marketplace, but this allows them to leverage their monopoly without restriction to force these on the public. If this holds, then 10 years from now as the pundits ask, ''How did Microsoft gain control of the Internet?'' they will look to DOJ's approval of this exception as the cause! With great disappointment in your anti-public, contrary-to-law, settlement proposal.

Richard Scarlet
rscarlet@theworld.com
Massachusetts

(Small business owner, not in the computer or software business except as an end user.)

MTC–00025547

From: Harvey Lange
To: Microsoft ATR
Date: 1/25/02 9:54pm
Subject: Microsoft Settlement
Hash: SHA1

The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs. Section III.A.2. allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

Have you looked to see what operating systems choices are offered from DELL or Gateway? It does not matter if you are purchasing a new or a refurbished PC, your selection for an operating system is limited to Microsoft Windows 2000/ME/XP. You cannot even order one of these systems without an Operating System. If you buy a system from one of these two vendors, then you must also purchase a Microsoft Operating System to go with it. Even if your old system is crashed and you just want to replace it and install the software (with license) you already have, you can't. Why, because they have to and can only ship Windows.

Section III.B. requires Microsoft to license Windows on uniform terms and at published prices to the top 20 OEMs, but says nothing about smaller OEMs. This leaves Microsoft free to retaliate against smaller OEMs, including important regional ''white box'' OEMs, if they offer competing products.

I cannot purchase a ''Home Brew'' PC from most local computer stores with a Windows Operating System installed even if I have an original license and CD. When asked why, I get various reasons like ''we don't think your license is real'', or ''we can only install Windows if we sell you the license'', and in one case they admitted ''we don't want to risk being sued by Microsoft''. It is much safer to sell PCs without operating systems and avoid legal hassles because they cannot afford the legal fees. The government appears to be protecting the big corporations and not the small businesses.

Thank you.
Harvey Lange
Toney, AL

MTC–00025548

From: DALLIN4492@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 9:54pm
Subject: Microsoft Settlement

To Whom it May Concern,

In light of the recent events concerning Enron, can the DOJ move beyond this rediculous anti-trust suit against Microsoft? Enough is enough. It seems Americans are penalized no matter what they do in an effort to save money for their futures. Not only do we have to struggle to make ends meet with exorbitant medical costs for health coverage, but we also must be penalized by watching our investments deteriorate because the government has decided to spend years trying to prove something—what exactly, no one is sure, not even the DOJ. One judge thinks Microsoft and Bill Gates are the Hitlers of the business world; the other judge tells the two sides the thing can be resolved out of court.

Meanwhile, dishonesty commited by a behemoth energy company on a scale seldom seen in recent times, has gone on, unnoticed

by the DOJ, because? ? ? ? ? ? ? Why ? ? ? ? ? ? ? ?

Please, end this fruitless pursuit and let Americans enjoy their computers, their investments, and regain a sense of confidence in ''just for all.''

Linette Widen

MTC–00025549

From: Beth DeHaven
To: Microsoft ATR
Date: 1/25/02 9:56pm
Subject: Microsoft Settlement

I have worked in this industry for 25 years. Anyone that believes Microsoft has harmed the consumer has got to be kidding. Microsoft has driven the cost of computing down to the point that those of us trying to sell technology solutions can barely make a living. It has been GREAT for the consumer. I only wish Microsoft would enter the furniture or clothing markets. Maybe then those goods would operate on a more reasonable profit model. I believe that the DOJ case in great part is the result of a bunch of competitors that can't figure out a better way to try to improve their market position. Consumers will decide if they don't want to do business with a particular company. Get it out of the courts. This case needs to be behind us. Settle it in a fair manner and then maybe my technology stock portfolio will start to improve. This case is like a dark cloud over the entire tech industry.

MTC–00025550

From: Ken Howells
To: Microsoft ATR
Date: 1/25/02 9:57pm
Subject: Microsoft Settlement

Sirs,

Allowing Microsoft to put more of their systems into schools, where students will only get more used to Microsoft systems and less exposure to alternatives, such as Linux, which I use extensively, is not a punishment for their monopolistic practices at all—it is a reward.

Please find a way to actually disciplin Microsoft for their breach of ethics, and also find ways to force them to allow realistic competition. The fact that computer viruses which only affect Microsoft systems sweep through the internet more and more often, crippling many businesses for hours or days, shows undeniably the folly of having too much of the economic infrastructure relying on one system. Genetic diversity is a powerful defensive weapon in the biological world. Operating system diversity would serve as a similar defense in the digital world.

Best Regards,
Ken Howells
Crestline, CA
CC:ken@willswing.com@inetgw

MTC–00025551

From: clwnm@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/25/02 9:55pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
chris weiss
pobox 142
sandia park, NM 87047

MTC–00025552

From: Samuel S. Lung
To: Microsoft ATR
Date: 1/25/02 9:58pm
Subject: Microsoft settlement

To Whom It May Concern

I am writing to state my point of view on the Microsoft settlement case. When technology is developing at such a speedy pace, holding back a leader for years will hurt the competitive edge of US companies in the world market place.

The other countries subsidize their companies to compete internationally while the US suppress their own. Foreign countries will not hold back but join in the kill of America's best. To improve our sick economy we need to help US companies to compete in the world marketplace. Some European countries are joining in the lawsuit against Microsoft and this really hurts to hear this kind of news.

The lawsuit has been dragged on long enough, for the sake of the US economy and the unemployed, I recommend the Department of Justice to settle the case with Microsoft.

This will have a bigger effect on the economy than the numerous rate reductions by the Federal Reserve.

Best regards,
Samuel Lung

MTC–00025553

From: ELLIOTT F CHARD
To: Microsoft ATR
Date: 1/25/02 9:58pm
Subject: MICROSOFT SETTLEMENT

I urge that the JUSTICE DEPARTMENT to accept without further litigation, the proposed compromise settlement being considered. Further litigation would only feather the nests of Microsofts competitors, the Attorneys involved, Lobbyists, and those who would further punish Microsoft. I feel any further action would be detrimental to Seniors like myself in the use of our home computers.

Sincerely
Elliott F. Chard
CC:LeroyRip@aol.com@ inetgw,cristina_ling@hotmail.com@...

MTC–00025554

From: Francis Ketner
To: Microsoft ATR
Date: 1/25/02 9:59pm
Subject: Microsoft case

We recommend that the proposed compromised settlement of the microsoft case be approved. This will provide many opportunities for seniors to have the privilege of using the internet. We have webtv.net and are able to communicate with our family and friends across North America as well as any place in the world. Also, many helps for health and life information are very helpful. We can be connected with the whole new world.

Thank you in advance for your consideration.

F,D.Ketner

MTC–00025555

From: MrMacman23@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 9:59pm
Subject: Microsoft Settlement

It is wrong for Microsoft or any other company infringe on laws with they have broken many many time. please send a message to Microsoft that breaking the law

MTC–00025556

From: Stephen Granadosin
To: Microsoft ATR
Date: 1/25/02 9:59pm
Subject: Microsoft Settlement
Stephen Granadosin
16230 NE 99th Street
Redmond, WA 98052
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing you to encourage the Department of Justice to accept the Microsoft antitrust settlement. The issue has been dragged out for too long now, and it is time to put an end to it. Now that a settlement is available, I think the government should accept it. Competitors think that Microsoft has gotten off easy, but this is simply not true. The settlement was reached after extensive negotiation with a court-appointed mediator, and Microsoft actually agreed to terms that extend to products and procedures that were not even mentioned in the suit. To assure Microsoft's compliance with the terms of the settlement, a technical committee will be set up to monitor Microsoft. The terms of the settlement are fair, and a structure has been created to assure that Microsoft follows the new rules.

Microsoft and the technology industry need to move forward, but in order to move forward this issue needs to be put in the past. Please support the Microsoft antitrust settlement. Thank you.

Sincerely,
Stephen Granadosin

MTC–00025557

From: sundrise51@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/25/02 9:57pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Greg Sundt
4201 Hedgewood Dr.
Bloomington, IN 47403

MTC–00025558

From: Jim Bond
To: Microsoft ATR
Date: 1/25/02 10:00pm
Subject: Microsoft Settlement

From Washington State. I say that the government is not doing anything near what they should be doing to stop Microsoft's terrible ''business'' practices.

MTC–00025560

From: Lundebrek
To: Microsoft ATR
Date: 1/25/02 9:58pm
Subject: Microsoft Settlement

I am a student and a developer of website targeted design and content creations. I feel that Microsoft Corporation has consistently proven itself to be a cruel and anti-competitive corporation, and that the proposed settlement will not substantially prevent them from continuing their current business practices.

Dustin Lundebrek
Morris, Minnesota

MTC–00025561

From: Dane Jackson
To: Microsoft ATR
Date: 1/25/02 10:04pm
Subject: Microsoft Settlement

Do we really need another toothless consent decree? In fact that would be bad enough, but the current settlement is actively harmful. It basically legitimizes many harmful practices of Microsoft. One of my personal favorites would have to be the part of the settlement that allows Microsoft to exclude documentation of anything relating to security (which any security expert will tell you is the exact wrong way to go about security [1]). With Microsofts recent announcement that they are now (after 20 years) finally really focusing on security, they can now exclude anything they want by claiming ''it's for security''. Am I mistaken? I thought Microsoft was found to be a monopoly that has abused it's power. The punishment for actions has nothing to do with how much time has passed, or whether the market is the same or different. The remedy needs to contain effective measures that will allow competition to re-emerge in the computer software market. [2] I think there are many things that could be done to help re-establish competition and innovation.

Quoting from Dennis Powell (dennispowell@earthlink.net) in his article ''Speak Now or Ever After . . . Regret Your Silence''

A just penalty, I continue, would at barest minimum include three additional features:

* Any remedy seeking to prevent an extension of Microsoft's monopoly must place Microsoft products as extra-cost options in the purchase of new computers, so that the user who does not wish to purchase them is not forced to do so. This means that for the price differential between a new computer with Microsoft software and one without, a computer seller must offer the software without the computer (which would prevent computer makers from saying that the difference in price is only a few dollars). Only then could competition come to exist in a meaningful way.

* The specifications of Microsoft's present and future document file formats must be made public, so that documents created in Microsoft applications may be read by programs from other makers, on Microsoft's or other operating systems. This is in addition to opening the Windows application program interface (API, the set of ''hooks'' that allow other parties to write applications for Windows operating systems), which is already part of the proposed settlement.

* Any Microsoft networking protocols must be published in full and approved by an independent network protocol body. This would prevent Microsoft from seizing de facto control of the Internet. I then point out that if the national interest is at issue, as I believe it is and as the judge has suggested it is, it is crucial that Microsoft's operating system monopoly not be extended, and in this I quote the study released a year ago by the highly respected Center for Strategic and International Studies, which pointed out that the use of Microsoft software actually poses a national security risk. In closing, I say that all are surely in agreement that the resolution of this case is of great importance, not just now but for many years to come. This suggests a careful and deliberate penalty is far more important to the health of the nation than is a hasty one.

In addition to these I feel that Microsoft should not be allowed to buy other companies or technologies from other companies. Microsoft very loudly proclaims to have to innovated extensively, and yet when you look, nearly every successful recent product has been bought from somewhere else. Let them compete against other companies on a fair level. Microsoft should be fined their cash reserves. No other company keeps such a large cash reserve. It would seem this is partly a tax advoidance mechanism[3], and partly to have a lot of cash on hand to facilitate take-over of other industries of companies. [4] Why should a criminal be allowed to keep their ill gotten gains?

[1] It is called ''security through obscurity''. Most security experts refer to it as this with derision.

[2] I remember a time when I had a choice in office suites. A time when I could buy an x86 computer without a Microsoft OS on it.

[3] The income from dividends is taxed differently than income from stock gains. http://www.cptech.org/ms/rn2bg20020104dividend.html

[4] For an example of this, see Microsoft's selling of the X-Box at a loss to break into the game console market. Why can they do this? Because they have huge cash reserves from their illegal actions.

Dane Jackson—B.Sc. Computer Engineering

Profanity is the one language all programmers know best.

MTC–00025562

From: BWhitehurs@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:05pm
Subject: Microsoft Settlement
Bobby L. Whitehurst
2803 Creek Bend Court
McKinney, Texas 75070
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylnania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

I want to give my support to the settlement that was reached in November between Microsoft and the Department of Justice. After three years of litigation, it is time to wrap this up and move forward in the interest of our economy.

The settlement's provisions clearly show that Microsoft did not get off easy, and in fact, made many concessions. Microsoft has agreed to design future versions of Windows to provide a mechanism to make it easy for computer makers, consumers and software developers to promote non-Microsoft software within Windows. This gives consumers the freedom to easily add or remove access to features built in to Windows or to non-Microsoft software. In addition, Microsoft's compliance will be monitored by a three-member Technical Committee to be created by the settlement.

Our economy is hurting right now and continuing this litigation will only add roadblocks to a future recovery. Microsoft is too critical to the business community and the economy to hamper their technological innovation any longer. So I urge you to take no further action on the federal level.

Sincerely,
Bobby Whitehurst
cc:Representative Dick Armey
CC:BWhitehurs@aol.com@inetgw

MTC–00025563

From: James Wood
To: Microsoft Settlement
Date: 1/25/02 10:01pm
Subject: Microsoft Settlement
James Wood
240 Oak Tree Ave
Salem, IL 62881–3550
January 25, 2002
Microsoft Settlement

U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers’ dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
James R. Wood

MTC–00025564

From: Andrew Shafer
To: Microsoft ATR
Date: 1/25/02 10:07pm
Subject: Microsoft Settlement

I wish to state to you my comments on the current Microsoft court settlement.

Punishing corporations for being too successful is counter-productive and discourages individuals from innovating and creating. It casts a long, dubious shadow on the software industry that says, ''Succeed, but don't work too hard, that will cause trouble.'' I urge you to pass the anti-trust settlement in an effort to help all parties involved. A quick, fair ending will ensure continued innovation in the software industry and stimulate economic growth through sales in new markets.

Sincerely,
Andrew Shafer
46867 265th St.
Sioux Falls, SD 57106–7040
shaferandrew@prodigy.net

MTC–00025565

From: BOBA28@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:06pm
Subject: Microsoft Suit

I have written to you before on this issue and I support the proposed settlement that has been reached with the DOJ and half of the states. You should close this case out by supporting this settlement. AOL has now muddied the water. The term ''cry baby'' comes to mind when I look at what they are trying to do. AOL needs to receive two messages. ''Do good in the market place and you will be rewarded'' and ''The courts should not bail you out if you fail in the market place.'' AOL needs to receive both of these messages loud and clear. I am thinking of changing from AOL as my ISP. Please, let Microsoft get on with the business of providing quality products at ever decreasing prices to the consuming public. I have no strong relationship with either MS or AOL. I probably own some of each stock in index funds.

Very truly yours,
Bob Andrews
1864 Castle Oaks Court
Walnut Creek, CA 94595–2358
925–933–6569
925–933–8991 (Fax)

MTC–00025566

From: Pat Ivie
To: Microsoft ATR
Date: 1/25/02 10:11pm
Subject: suit/antitrust

Enough if enough. It is time to stop hounding Microsoft because they are successful in marketing their products. Why should we subsidize those who cannot compete? Patricia S. Ivie

MTC–00025567

From: timalvaro@home.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:07pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Timothy Alvaro
902 E Sixth St
Royal Oak, MI 48067–2818

MTC–00025568

From: Nancy S. Goroff
To: Microsoft ATR
Date: 1/25/02 10:02pm
Subject: Microsoft Settlement

I am writing to express my concern at the proposed settlement of the Microsoft vs. U.S. antitrust case. The court has found that Microsoft illegally used its monopoly power, yet the settlement as it stands provides litte assurance that Microsoft will end this behavior. In fact, predatory monopoly bullying is the norm for Microsoft. The settlement needs to have significant muscle behind it to get Microsoft to change its corporate strategy and culture. As written, the settlement lacks an effective enforcement mechanism.

In addition, the wording of the settlement is overly narrow, making it easy for Microsoft to claim that next year's products are outside the scope of the agreement. Terms such as ''API'' and ''middleware'' are defined in limited ways that do not apply to all current Microsoft products. Also, Microsoft is supposedly required to provide information to possible competitors, but only in limited form, and at times late in the product development cycle.

In short, the settlement is full of loopholes, and even then it is not easily enforced. Consumers like me need more protection from anticompetitive behaviour. The settlement should be rejected in favor of something better.

Sincerely yours,
Nancy Goroff Whitney
Setauket, NY 11733

MTC–00025569

From: bpfeeney@mediaone.net@inetgw
To: Microsoft ATR
Date: 1/25/02 10:09pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Brian Feeney
12611 Rose Ave.
Los Angeles, CA 90066–1519

MTC–00025570

From: Christa Kocher
To: Microsoft ATR
Date: 1/25/02 10:13pm
Subject: microsoft settlement

To whom it may concern,

Please do not settle with Microsoft. The current settlement is unacceptable becuase a majority of schools use Macintosh computers, for which the current settlement would be worthless.

Microsoft is a trust to the true definition of the word. You cannot buy a PC computer that does not have windows and the inherent internet explorer already installed on it. Please. We must put a stop to these deplorable business practices.

Sincerely,
Christa M. Gruber

MTC–00025571

From: Jeff Mao
To: Microsoft ATR
Date: 1/25/02 10:13pm
Subject: Microsoft Settlement

I would like to say that allowing MS to give money and/or equipment to the educational system without restrictions simply furthers their dominance in the market. In addition, as a professional educator who is in charge of integrating technology into education, MS products are rarely my first choice. Everyone knows that the total cost of ownership for a windows PC is far higher than for a Macintosh computer. If computers are thrust upon a school without prior planning and an installed support structure will only waste time and money. The computers wil probably collect dust as the schools in greatest need will not have the funds to support the computers or train their faculty.

I think MS should pay out, but perhaps placing that money into a fund similar to the E-rate funds. Those fund then can be given out to schools that need it after they have shown both need and a plan to use it. Allow them to spend it on anything technological in the same way E-rate is used for anything related to telecommunications. Further, 1 Billion dollars seems to be too small an amount for a company like Microsoft. If my company made as much money as Microsoft, then having to pay out 1 Billion dollars wouldn't bother me. It would just be part of the cost of doing business, but it would not change my practices. Bill Gates and his wife alone gave over 20 Billion dollars away last year in charity,...so what do you think 1 Billion dollars for the entire corporation is going to do? Nothing! Increase the fine to something significant so that the company will think again about how they do business. A mere slap on the hand will change nothing. And put the money into a fund that is managed by an outside group, perhaps the government,...perhaps, to ease the cost of administration, simply make them put Billions of dollars into the E-Rate fund. There is already an established structure so it wouldn't add any work or labor or cost,...but it would allow those schools that really need the funding to get it. Perhaps it would allow more schools in need to be able to pay for internal wiring and connectivity. It would allow them to reallocate their own funds to purchase the computers and software, the training and support,...and leave the wires, connectivity etc to the E-Rate.

Thanks for listening,
Jeff Mao
Technology Coordinator
Allendale Columbia School
519 Allens Creek Road
Rochester, NY 14618
585–381–4560 x262
585–383–1191 FAX
jmao@allendalecolumbia.org

MTC–00025572

From: Andrew Anchev
To: Microsoft ATR
Date: 1/25/02 10:14pm
Subject: Microsoft DOJ settlement

I would like to voice my support for the DOJs settlement with Microsoft. I would like to state for the record that I am no nor never have been employed by Microsoft or any of it's contractors, nor do I hold stock in the company or have any other vested financial interest. I have been in the technology industry as a consumer for the last 12 years, and I believe that Microsoft should not be hindered in their attempts to constantly improve and add new abilities to their products. If we begin to apply limitations on what Microsoft can add into their operating system, then we should place the same restrictions on all other operating system vendors.

Sincerely,
Andrew Anchev
San Jose, Ca.

MTC–00025573

From: whalemeat@shaw.ca@inetgw
To: Microsoft ATR
Date: 1/25/02 10:15pm
Subject: Microsoft Settlement

I have read the text of the proposed settlement, as well as various opinions and analyses appearing in the on-line press, and I believe the proposal as it exists is very, very weak. Weak to the point of irrelevance, even. Where is the penalty? What price must Microsoft pay for having broken the law? There is nothing here that is going to prevent or even discourage MS from continuing to bully their own customers. There is nothing here that is going to substantially alter the relationship between MS and their competitors. History has shown that once MS decides to integrate a piece of software into Windows, the competition quickly vanishes. How can anybody compete against something that is being given away? If there is to be a thriving, innovative, competitive software industry MS must be prevented from stealing their competitors customers in this way. The only real, effective, long-term solution I can see is to break the company up. To attempt to police MS in the long term is simply not practical. The bureaucracy that would have to be created to do this effectively would be enormous.

I am extremely dissapointed in the DoJ. I feel they have sold us out, and I hope the Judge sees it too.

M Hale
average computer user

MTC–00025574

From: beasleyd@ptsi.net@inetgw
To: Microsoft ATR
Date: 1/25/02 10:13pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
David Beasley
Rt 1 Box 29a
Beaver, OK 73932

MTC–00025575

From: lydic@penn.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:12pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Helen Lydic
264 Haskell Rd.
Coudersport, PA 16915–7945

MTC–00025576

From: Annechas611@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:14pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Charles Obermeyer
611 The Cape Blvd.
Wilmington, NC 28412–3422

MTC–00025577

From: Allen Austin
To: Microsoft ATR
Date: 1/25/02 10:07pm
Subject: microsft settlement
Sir,
The attached letter best states my view on the recent events in the courts concerning the operating practices of Microsoft.

MTC–00025577—0001

Allen Austin
5301 Plomondon Street, Apt. E20
Vancouver, WA 98661–8501
January22,2002
Attorney General John Ashcroft
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:
I support the Microsoft antitrust settlement reached by your Department, nine states, and Microsoft with the help of a court-appointed mediator. I agree with the 32 states that decided that this suit should never have been brought in the first place. More than anything else, the suit seems driven by of envy and jealousy of Bill Gates, his success, his widely used innovations, his billions of dollars, and his millions of happy customers.
I am one of those happy customers. I have freely chosen Microsoft products because I really like the ease of use and increased functionality I have seen from using them. I use Microsoft Windows, Microsoft Internet Explorer, and Microsoft Works. With Works I have made templates for my repetitive tasks, and designed my own checkbook program, which, thanks to the Microsoft software, has perfect arithmetic.
The settlement will make easier for Microsoft's competitors to integrate their products into Windows, by giving them information about Windows interfaces and server protocols, and making it easier to add or delete the programs and features Microsoft includes in Windows, such as Internet Explorer—which is my browser of choice. Everyone should have freedom—freedom of choice and freedom to innovate.
Your support for the settlement is crucial. America will benefit from the resulting increased cooperation and innovation within the American computer industry. Thank you for your support. And as a member of the public, thank you for your consideration of my comments.
Sincerely,
Allen Austin

MTC–00025577—0002

MTC–00025578

From: ROMROMT35@AOL.COM@inetgw
To: Microsoft ATR
Date: 1/25/02 10:13pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.
Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.
This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
ROSE MARIE TAFLIN
2525 IROQUOIS CIR.
WPB, FL 33409–7216

MTC–00025579

From: efduhr1
To: Microsoft ATR
Date: 1/25/02 10:14pm
Subject: Microsoft Settlement
Dear Sir or Madam:
Is the Proposed Final Judgment in the public interest? There is one problem I see in the III. A. 2. provision barring retaliation toward OEMs ''shipping a Personal Computer that (a) includes both a Windows Operating System Product and a non-Microsoft Operating System, or (b) will boot with more than one Operating System''. The instance of selling Intel-compatible PCs with only one, non-Microsoft, operating system is not considered; it appears Microsoft could retaliate against OEMs who sold PCs equipped this way. For a settlement in the public interest, let the public buy its PCs equipped with whatever operating system they desire, and without consequence to the vendors, from Microsoft, for providing them.
Now going to III. J. 2. (c), where is the consideration for entities that do not happen to be profit-oriented businesses? Striking internet examples are Apache and Perl, both widely used, both developed by non-profit organizations. Since such an organization would have to meet ''standards established by Microsoft for certifying the authenticity and viability of its business,'' Microsoft can deny licenses or access to APIs, communications protocols and documentation, as the Proposed Final Judgment is now written. I don't see that it is in the public interest to exclude the non-profits from the remedies of the PFJ.
Thank you for accepting my comments, under the provision of the Tunney Act.
Edward Duhr 25 Jan 2002
2553 Larkin Road 45
Lexington, KY 40503

MTC–00025580

From: michael—vandellos@msn.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:17pm
Subject: Concerns regarding Microsoft Settlement
I believe it is time to move on with the business of business and stop listening to the complaints of Microsoft competitors who have failed in the marketplace. Please end this tremendous waste of money by both Federal and State Governments, as well as wasting the time, money and energy of one of the few very successful American companies that make a positive impact on the overall economy.
Thanks,
Michael Vandellos
CC:michael—vandellos@msn.com@inetgw

MTC–00025581

From: Milton Karafilis
To: Microsoft ATR
Date: 1/25/02 10:14pm
Subject: microsoft settlement
It's time to accept the settlement and get the economy going again.
Milt Karafilis

MTC–00025582

From: Hanneli Turner
To: Microsoft ATR
Date: 1/25/02 10:19pm
Subject: Microsoft Settlement
ATTENTION: JUDGE COLLEEN KOLLAR-KOTELLY
Please settle the lawsuit between Microsoft Corp and the government as soon as possible. I believe it would benefit the consumer and the economy. As a tax payor, I feel that the government has wasted a lot of money on a lawsuit that should of been settled long ago. Let's do something productive with our tax money.
I'm self-employed and have been using computers since the early 80's. Computer programs were very difficult to master. Microsoft created software that has improved my productivity and my life.
I urge you to help settle the lawsuit. Thank you for listening.
Sincerely,
Bill & Hanneli Turner
CC:hturner@windermere.com@inetgw

MTC–00025583

From: King Wright
To: Microsoft ATR
Date: 1/25/02 10:18pm
Subject: Microsoft Settlement
To Whom It May Concern:
In my opinion Microsoft is doing a great service in creating a uniform platform with many convinces. Let them do what the need to do. Go Microsoft!!!
Nancy Wright

MTC–00025584

From: King Wright
To: Microsoft ATR
Date: 1/25/02 10:18pm
Subject: Microsoft Settlement.
To Whom It May Concern,
Leave Microsoft alone. They are doing a great Job!
King Wright

MTC–00025585

From: Mark Farley
To: Microsoft ATR
Date: 1/25/02 10:22pm
Subject: Microsoft Settlement
I would like to register my discontent at the light punishment proposed to be shown to Microsoft after their having been found to abuse their monopoly position. While it is not illegal to be a monopoly, it is critical to the health of the US and world economies that companies in a monopoly position are not allowed to use their unusual position anti-competitively to disrupt the invention process and ruin the possible success of competitors. Maintenance of a monopoly

position in the marketplace should only be legally held by continuing to offer superior products and services, and not through the undermining of potential competition.

I soundly reject Microsoft's argument that their behavior has been good for consumers. If you kill my neighbor, take his home, and give a dollar of what you have stolen from him to me, you cannot argue that I am better off. (This is particularly true if I needed him to help jump-start my car tomorrow.) We will never know how well Netscape and a number of other companies that have been assassinated by Microsoft may have fared on a level playing field.

Proposed settlements at the state level have ludicrously seemed to actually reward and extend the monopolistic abuse rather than give it cause to reconsider its behavior. Thank God for the wisdom of the judge who saw the proposal for what it was.

I can only hope that Microsoft is punished fairly, but very firmly, in a manner that stops cold the abuses of the past. If only a trivial price need be paid for destroying a competitor through illegal action, then no lesson is learned; Only a fair market value of extinguishing competition will have been determined. Microsoft needs to learn that the price is more than they can afford to pay next time. A cost of only a few hundred million dollars is easily passed on to customers at the next program update and the abuses will continue.

I think an amount equal to a year or two of earnings is not too little, nor too much. They will survive.

Thank you for your consideration.

Regards,

Mark Farley

1819 Alta Vista Avenue

Austin, Texas 78704

MTC–00025586

From: (060)Bradley A. Singletary(062)
To: Microsoft ATR
Date: 1/25/02 10:20pm
Subject: Microsoft Settlement

The settlement in the U.S. versus Microsoft case falls short of the mark. Microsoft must allow other companies to compete in their market. Microsoft must take responsibility for it's actions in the computer industry.

As an informed computer user/developer/researcher, I would hesitate to suggest that the U.S. government back a corporation that generates revenue by encouraging stagnation in the american software community. The settlement fails to inhibit or accurately classify Microsoft's behaviour. Therefore, do not accept the settlement as it stands.

Bradley A. Singletary

Ph.D. Student in Computer Science

Atlanta, GA

MTC–00025587

From: David and Shara Danziger
To: Microsoft ATR
Date: 1/25/02 10:20pm
Subject: Microsoft Settlement

To Whom It May Concern:

Please grant approval to the settlement of the Microsoft suit. This is the most straightforward and fairest settlement likely to emerge from this. It is time to put this sorry episode in the past and let Microsoft and its competitors settle things in the marketplace rather than having to focus on fighting lawsuits.

Sincerely,

David Danziger; dsdanziger@yahoo.com

MTC–00025588

From: Eric Rounds
To: Microsoft ATR
Date: 1/25/02 10:21pm
Subject: Microsoft Settlement

Hello;

I want to place my public opinion with the others against Microsoft.

I believe Microsoft has monopolized the computing industry both on the personal/consumer and professional levels. I do not feel that all of their products are ''popular'' as they advertise. They buy or crush all competition, and offer poor products with unattractive and faulty interfaces. But many of use do not have another choice, because Microsoft has dominated 95% of the industry. I feel that my choices have been increasingly limited to Microsoft, or Microsoft. Not because they have a good product, they don't. It's because they are everywhere. There are other alternatives. But not as ''supported'' as Microsoft. I say ''supported'' because, again, who else has the strength in the market? I would personally like to see Microsoft broken up so that XBox, Windows, Expedia, and all the other crappy things they chuck out can compete fairly. If they each have to support there own marketing, then other competitors might have a better chance. This will give use consumers more choice, it will increase higher quality of products, and make me happy.

Thank You,

Eric Rounds

MTC–00025589

From: MORRIS KAY
To: Microsoft ATR
Date: 1/25/02 10:24pm
Subject: MICROSOFT SETTLEMENT

To Whom It May Concern:

Enough is enough.... The proposed settlement by Microsoft, in my opinion, is not only fair, but generous....

Lets stop the bleeding by all, and accept the settlement offer. MorrisKay@Prodigy.net

MTC–00025590

From: Michael C. Thomas
To: Microsoft ATR
Date: 1/25/02 10:23pm
Subject: microsoft settlement

to Whom it may concern:

I am personally very concerned over the Microsoft settlement. It appears that the judgement allows Microsoft to continue their predatory business practices without penalty. I am concerned a verdict without significant consequences for Microsoft will allow the company to continue extinguishing innovation, and competition over a broadening swath of our culture.

-Michael Thomas

MTC–00025591

From: Jerome J Donaldson
To: Microsoft ATR
Date: 1/25/02 10:21pm
Subject: Microsoft Settlement

I believe the proposed settlement with Microsoft is reasonable and proper and this litigation should be drawn to a close now. I also believe that any further delay will continue to have a negative effect on the economy.

I am a retired senior and much of my enjoyment is in using my computer.

Thank you,

Jerome J. Donaldson

6212 Hobart Avenue

Las Vegas, NV 89107–1326

(702) 878–9295

jpdonald@juno.com

MTC–00025592

From: Arthur J Sather
To: Microsoft ATR
Date: 1/25/02 10:22pm
Subject: Microsoft Settlement.

Dear Sirs;

It looks to me that Microsoft was singled out by its jealous competitors and sympathetic government bureaucrats because of it's success.

I concur with the Senior's Coalition that the proposed settlement offers a reasonable compromise that will enhance the ability of Seniors and all Americans to access the Internet and use innovative software products.

God with the settlement agreed with the Government and nine state and end this costly and damaging litigation.

This settlement will have a positive impact on the American economy and help pull us out of the recession.

Dragging out this legal battle further will only benefit a few wealthy competitors's attorneys and special interest bigwigs!

Sincerely,

Arthur J. Sather

11296 So. Clara Anita DR.

Yuma, Az. 85367

MTC–00025593

From: edgewood@mtco.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:22pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,

Donna Rott

1000 Co. Rd. 1400 N

Henry, IL 61537–9438

MTC–00025594

From: gary lin
To: Microsoft ATR
Date: 1/25/02 10:27pm
Subject: Fwd: Microsoft Settlement

I believe that the agreement reached between Microsoft and DOJ and the nine States is good enough to close the case. We have more important things to do than trying to do a ''perfect'' job that everybody likes. The subject of safety of our society against terrorists far outweight the last penny of the settlement. We should divert this energy to better protect our freedom.

God bless America.

Gary Lin

MTC–00025595

From: edgewood@mtco.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:25pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Carl Rott
1000 Co. Rd. 1400 N
Henry, IL 61537–9438

MTC–00025596

From: James R. Van Zandt
To: Microsoft ATR
Date: 1/25/02 9:10pm
Subject: Microsoft Settlement

I oppose the proposed Microsoft Settlement.

The proposed disclosure of APIs is not enough to allow free and open competition in the development of applications and middleware. Here are four significant defects:

The disclosure is too late. If API documentation is only released at the ''last major beta test'' of a new product, then any competing product would start with a handicap of several months, which in the software industry amounts to most of a generation. There is also no assurance that Microsoft would continue to use historical patterns of beta testing. It could, for example, use a series of test versions each released to only 140,000 beta testers. None of these releases would then trigger the disclosure of the APIs.

Potentially significant exclusions. Excluded are ''anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems''. Without question, Microsoft has legitimate needs in these areas. However, it is well known in the computer security field that ''security by obscurity'' can work only temporarily. True security is based instead on open protocols and implementations that can be studied, criticized, and improved by many developers. On the other hand, Microsoft can claim that almost any API or protocol has some relevance to piracy, virus protection, authentication, etc. If necessary some authentication measures could be added to ensure this. This would give Microsoft an excuse not to disclose those APIs.

Implementation roadblocks. If someone does implement a protocol or API which Microsoft claims has anti-piracy etc. relevance, then Microsoft can require them to pay a third party to test it. Microsoft could easily use this requirement to delay and financially burden the small companies and independent programmers that have provided so many innovations in the software industry.

Excluded business areas. The agreement addresses only software for ''personal computers'', apparently permitting Microsoft to set up new monopolies in software for ''servers, television set top boxes, handheld computers, game consoles, telephones, pagers, and personal digital assistants'', which ''are examples of products that are not Personal Computers within the meaning of this definition''.

For these reasons among others, I believe the proposed agreement would not effectively prevent Microsoft from maintaining its monopoly in personal computer operating system software, or from setting up new monopolies in other business areas.

—James R. Van Zandt

MTC–00025597

From: John Royo
To: Microsoft ATR
Date: 1/25/02 10:29pm
Subject: Microsoft Settlement

Dear Ms. Hesse:

Thank you for the opportunity to comment.

Since 1986 I have used the Apple Macintosh platform to perform my work.

I find that Microsoft not only stifles competition, but also limits functionality for the consumer. It's operating system, and software are flawed in code and performance. The fact of Microsoft's shear wealth only is the entity able to stop encroachment to its market share by startup's and lesser size companies who do not possess the financial resources to fight this monopoly and it's sub-prime products.

Thank you again.

Sincerely,
John Royo
John J. Royo, III
Financial Resources, Inc. / S.A. Funding Group, Ltd.
john@safunding.com
www.safunding.com
Providing capital to commercial and medical businesses.
Member: BNI (Business Network International) Bethesda Friday Breakfast Chapter
7476 Merrymaker Way, PMB 118A
Elkridge, MD 21075–6887
voice 410–379–6900
Toll Free: 877–311–6736
efax 928–447–9800 (preferred fax)
fax 410–579–4750
I reward for referrals!

MTC–00025598

From: Michael Phillips
To'' Microsoft ATR
Date'' 1/25/02 10:42pm
Subject'' Microsoft Settlement
January 11, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I work in the financial services industry. I see first-hand the economic consequences of ''world events''. One of the events that negatively affected this country's economy was the antitrust suit brought against

Microsoft. This suit was very unfair. It was a pure political decision; based on the fact Microsoft has deep pockets and failed to have a lobbying group in Washington. I think it is unfortunate that the world works this way, but Microsoft and the Department of Justice did settle. Now it is time to move on. The reason I urge you to approve this settlement is the importance of Microsoft to this country's economy. The ''economic slowdown'' we are experiencing can be partially traced to the indictment against Microsoft.

The day of the indictment, the stock markets plummeted. Sir our economy will improve, but if we can remove the dark cloud of uncertainty regarding this settlement from the picture, things will improve much faster.

IF MERGEFIELD PARA2 But clever people like me who talk loudly in restaurants, see this as a deliberate ambiguity. A plea for justice in a mechanized society.<> .....

I urge you, as someone who is very knowledgeable about our economy to give your approval to the Department of Justice and Microsoft settlement. Thank you.

IF MERGEFIELD PARA4 Ecce homo ergo elk. La Fontaine knew his sister, and knew her bloody well.<>

Sincerely,
Michael Phillips
January 11, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I work in the financial services industry. I see first-hand the economic consequences of ''world events''. One of the events that negatively affected this country's economy was the antitrust suit brought against Microsoft. This suit was very unfair. It was a pure political decision; based on the fact Microsoft has deep pockets and failed to have a lobbying group in Washington. I think it is unfortunate that the world works this way, but Microsoft and the Department of Justice did settle. Now it is time to move on. The

reason I urge you to approve this settlement is the importance of Microsoft to this country's economy. The ''economic slowdown'' we are experiencing can be partially traced to the indictment against Microsoft. The day of the indictment, the stock markets plummeted.

Sir our economy will improve, but if we can remove the dark cloud of uncertainty regarding this settlement from the picture, things will improve much faster. I urge you, as someone who is very knowledgeable about our economy to give your approval to the Department of Justice and Microsoft settlement. Thank you.

Sincerely,

Michael Phillips

MTC–00025599

From: Alexandra Radbil
To: Microsoft ATR
Date: 1/25/02 – emsp;10:30pm
Subject: Comments on Proposed Microsoft Settlement

I am writing to express my views on the proposed Microsoft Settlement. My concerns stem from the fact that the settlement favors Microsoft and does not recognize the problems inherent in the settlement for the consumer and for the computer industry. There seems to be no recognition that the ''remedies'' do not allow for open competition and innovation, but allow Microsoft to continue to dominate the playing field.

Are there any protections for existing open source programs and operating systems such as Linux? I don't think so. Without these protections the consumers lose because there is little opportunity for healthy and innovative competition.

Thank you for the opportunity to express my thoughts on this important issue.

Alexandra Radbil
Project Director
Princeton Strategy Consultants, Inc.
103 Carnegie Center Suite 113
Princeton, NJ 08540
(609) 452—8669—Voice
(609) 452—1017—Fax

MTC–00025600

From: TMarraro@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:30pm
Subject: Microsoft Settlement

To Whom it May Concern:

Isn't it time we moved forward? Let's settle and figure out what happened at Enron please...

Tony Marraro

MTC–00025601

From: Joyce C Allenton
To: Microsoft ATR
Date: 1/25/02 10:32pm
Subject: Microsoft Settlement

This is of special public interest to end and settle this costly and damaging litigation as quickly as possible.

There is no reason to drag this situation on any longer and destroy a good thing.

JA

MTC–00025602

From: Virginia Yager
To: Microsoft ATR
Date: 1/25/02 10:36pm
Subject: Microsoft Settlement

To Whom it may concern:

I agree with the Microsoft settlement. Enough money has been spent on this law suit.

Virginia Yager

MTC–00025603

From: Beatrice Sutton
To: Microsoft ATR
Date: 1/25/02 10:40pm
Subject: Microsoft Settlement

Let's get this settled and move on. Consumer interests have been well served. It is time to end this costly and damaging litigation . Dragging out this legal battle further will benefit a few wealthy competitors, lawyers, and special interest big-wigs. Not one new product that helps consumers will be brought to the marketplace.

Beatrice Sutton; Webster, Florida
blesutton@scia.net

MTC–00025604

From: Neil Schneider
To: Microsoft ATR
Date: 1/25/02 10:40pm
Subject: Microsoft Settlement

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html), namely: The PFJ doesn't take into account Windows-compatible competing operating systems

Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry. The PFJ Contains Misleading and Overly Narrow Definitions and Provisions The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered. The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

The PFJ allows users to replace Microsoft Java with a competitor's product — but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertised as being ''Windows Powered''.

The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs. The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible. The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users. The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft. Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows. Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems. Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)

The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft. Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems. The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs. The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system. The PFJ allows Microsoft to discriminate against small OEMs—including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software. The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas. The PFJ as currently written appears to lack an effective enforcement mechanism.

I also agree with the conclusion reached by that document, namely that the

Proposed Final Judgment, as written, allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

Neil Schneider pacneil@linuxgeek.net
http://www.paccomp.com
Key fingerprint = 67F0 E493 FCC0 0A8C 769B 8209 32D7 1DB1 8460 C47D

.. Windows XP... ''most reliable Windows ever.'' To me, this is like saying that asparagus is ''the most articulate vegetable ever.''

— Dave Barry

MTC–00025605

From: Beatrice Sutton

To: Microsoft ATR
Date: 1/25/02 10:42pm
Subject: Microsoft Settlement

The proposed settlement offers a reasonable compromise that will enhance the ability of seniors and all Americans to access the internet and use innovative software products to make their computer experience easier and more enjoyable.

Betty Lands
blesutton@scia.net

MTC–00025606

From: John Goodnough
To: Microsoft ATR
Date: 1/25/02 10:42pm
Subject: Microsoft Settlement

To whom it may concern:

I am completely opposed to the governments settlement in the civil antitrust case with Microsoft. Microsoft has been a predator in the technology sector for years and has grown fat by getting away with it. When this case was filed I thought there might actually be justice in the world. But know you're just going to let them continue to abuse the systems and safeguards we put in place in this country to prevent companies like Microsoft from gaining too much control.

I can only encourage you in the strongest terms to reverse this decision and take Microsoft to task for the abuses of our capitalist system. We are not a strong country because of companies like Microsoft. On the contrary, we are strong because of the companies that Microsoft has gutted and destroyed over the years. I can only imagine where we would be if Microsoft had been prevented from stifling development by companies that dared to compete with them. We might not be struggling with a recession today if Microsoft had been stopped 10 years ago. Please take the necessary action now to prevent further damage to the system that build America in the first place. Punish Microsoft for their self serving actions.

John Goodnough
32 Hosmer Street
Acton, MA 01720
978–263–5457

MTC–00025607

From: LelaOmta@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:42pm
Subject: Microsoft Settlement

I'm in favor of excepting the present terms on the Microsoft & DoJ settlement & droping all this appealing. What a waste of funds & time. Lela Omta

MTC–00025608

From: Leon Moore
To: Microsoft ATR
Date: 1/25/02 10:44pm
Subject: Re: Public comments on the settlement between the DOJ and Microsoft

I would like to add a comment for your consideration in the settlement of the Microsoft case. I can say it no better than Russell Pavlicek did in his column The Open Source from InfoWorld.com, Wednesday, January 23, 2002. Let me quote that and ask only that the settlement you configure with Microsoft not reward the company for it's actions that have been deemed in Federal Court as monopolistic.

Personally, I like the counterproposal put forward by Red Hat: Let Microsoft donate money for computing resources for underfunded schools, but let those donations go toward hardware only; then populate those machines with open-source software.

Why open source? Consider the future: What will the schools do when they need to upgrade? If you give schools Microsoft software, they will be caught in the endless upgrade cycle that has characterized life in the Microsoft world. Those upgrades will cost money, money that these targeted school districts, by definition, cannot spare.

Instead, arming schools with open-source software will have two benefits. First, it will set schools down a long-term path that they can afford. The cost of obtaining open-source upgrades is trivial. Without low-cost software upgrades, all those nice shiny computers run the risk of becoming boat anchors in short order. I'm sure someone is saying, ''But open source is too difficult to administer!'' Such does not have to be the case, but I'll deal with that issue in a future column.

Also, the Red Hat proposal does not reward Microsoft in the long term. If a company is convicted of overpowering markets, why would you reward them by putting one of the few markets they don't lead under their control? This sounds a lot like a seed-unit program for education, not the penalty imposed from losing a trial.

Corporate misdeeds are supposed to earn punishment, not long-term investment opportunities. I believe we would all be better off if the courts acknowledged the difference between the two. —

leon moore USUHS/BID 4301 jones bridge road bethesda md 20814
moore@cim.usuhs.mil 301–295–3669 (ph)
301–295–3585 (fax)

MTC–00025609

From: Eric (038) Emmi Lappoehn
To: Microsoft ATR
Date: 1/25/02 10:41pm
Subject: Microsoft Settlement

To whom it may concern. I, Eric B. Lappoehn, at 8916 Signal Terrace Dr. Las Vegas, NV. 89134 - e-mail: eelapp@lvcm.com sincerely and urgently request that you stop persecuting Microsoft. In all the litigation that has been going on for the last year or so, no one and I mean no one has asked the millions of computer users what they thought about this persecution of Microsoft. Microsoft's competitors are upset that Microsoft is giving away, for free, programs to millions of computer users that THEY want us to pay for. I am very happy to use all the programs Microsoft offers and I DO NOT need THEIR competition. If THEY produce a product that is superior to Microsoft's I will consider it. Up to this point in time I have not seen anything better offered by anyone else. Sincerely, Eric B. Lappoehn

MTC–00025610

From: jim@gemini.smart.net@inetgw
To: Microsoft ATR
Date: 1/25/02 10:49pm
Subject: Microsoft Settlement

As a registered voter in the state of Maryland and a computer professional with 18 years of experience, I would like to take advantage of the opportunity to comment on the proposed settlement between the Department of Justice and Microsoft. While I am not qualified to comment on the legal aspects of the case, I am quite qualified to comment on the technical aspects. However, it is from my perspective as a parent that I have taken a position on this issue.

I volunteered my services in thePTA Technology committee of my daughter's elementary school for 3 years. During that time, the school was provided a computer lab which used Microsoft operating systems and networking software. In planning sessions with the county's IT representatives, we discussed how teachers would be able to use the lab for classwork. I asked how they planned to provide students with user IDs and private work space and discovered that this would not be possible because of the expense and support requirements. When I asked how the students were to maintain their work, I found that the other schools with labs provided floppy disks for each student.

I was astounded. I cannot imagine teachers having time to insert and eject 20 to 30 floppy disks on a regular basis, and so I was sure that the computer lab's effectiveness would be reduced tremendously. In fact, when my daughter began using it, she told me that all she ever did in it was to play some semi-educational games.

The Microsoft and Apple personal computer operating systems were originally designed to be used exclusively by individuals, and therefore do not have multi-user controls built into them. There have been additions to provide some features of a multi-user system, but these are minimal, and in many cases, ineffective. Other operating systems, in particular those based on UNIX, were designed from the beginning for multiple users.

If it were not for the illegal monopolistic practices of Microsoft, school computer labs could be provided with systems that would support many users, each with their own private environment, which would be easily accessible by teachers. This would enable teachers to take advantage of the power of computers to assist in teaching, as opposed to the computer labs being so difficult to use that they become little more than a recreational break.

I hope that the court will weigh heavily the evidence of negative consequences such as these, which have occurred mostly due to Microsoft's abuse of its monopoly. I support a judgement that will prevent Microsoft from continuing to use its monopoly in ways that have been determined by the appeals court to have been illegal.

Thank you.
James J. Sansing
1465 Maryland Ave.
Severn, MD 21144

MTC–00025611

From: carl.lisa@juno.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:49pm
Subject: Microsoft Settlement

U.S. Justice Department
Washington, DC

Please be advised that we support the present proposed settlement for Microsoft , and oppose further litigation. This case has gone on long enough in our opinion and has already probably cost millions in litigation fees. Let Free Enterprise now take over.Do competitors desire fiurther litigation ? Enough is enough!

Carl R. and Lisa Scheuplein 468 Dempsey Drive

Cocoa Beach, Fl 32931

MTC–00025613

From: Burrows Family
To: Microsoft ATR
Date: 1/25/02 10:49pm
Subject: Microsoft Settlement

Microsoft has continued its abusive anti-competitive practices by incorporating into Windows/XP a streaming audio-visual display product. This streaming product is intended to compete with RealNetworks product which had been rapidly gaining marketshare before the advent of WindowsXP.

Having been proved a monopolist (which abused its market position to force the Netscape Navigator web-browser out of the market by including its own Windows Explorer into the Windows operating system) which distorted the market in its packaging of Windows 98, Microsoft has yet to change its behavior—in spite of the court's findings. The solution suggested by the Department of Justice as a settlement provides for no change to this behavior, and provides no punishment for repetitions of past behavior. It requires no change to Windows/XP. It treats the retail cost of software distributed by Microsoft as if it were the real cost incurred by Microsoft in manufacture and distribution.

The Court must set substantive and enforceable limits on Microsoft's behavior. The Court must order Microsoft to make whole its damage to Netscape and to Real Networks; and to cease its packaging abuses in Windows 98 and Windows/XP by unbundling its browser and streaming software as separate installable (or uninstallable) products, purchased separately.

Ben Burrows
406 Shoemaker Road
Elkins Park, PA 19027

MTC–00025614

From: ednellz@ juno.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:47pm
Subject: Microsoft Settlement

To the Justice Department

I understand that you are in the final stages of the deliberation on whether to accept the settlement or to litigate it further. Why continue to spend money just because some of the companies were not able to keep up with the progress Microsoft was making. The settlement offers a reasonable compromise and I ask that you accept it and get on with other business.

Thank you for the work that you have done.

H. Edgar Roye

MTC–00025615

From: Stephen Lee
To: Microsoft ATR
Date: 1/25/02 10:50pm
Subject: Keep innovation alive

Microsoft is feared by Fortune 500 CEOs. Businesses, many of which have been hurt by Microsoft, refuse to bring up a case against the Redmond giant for fear of reprisal. Software companies stay out of Microsoft's path because they know that if they sell a competing product, they will compete against a ''free'' version that comes bundled on Windows.

The Dept. of Justice should have Microsoft sell a ''stripped'' down version of it's operating system.

MTC–00025616

From: mljjj@flash. net@inetgw
To: Microsoft ATR
Date: 1/25/02 10:49pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Mike Herrington
1340 Riverwood
Algonquin, IL 60102–3813

MTC–00025617

From: wrflynt@ yahoo.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:52pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Rob Flynt
P.O.Box 1251
Georgetown, TX 78627–1911

MTC–00025618

From: Jason Broccardo
To: Microsoft ATR
Date: 1/25/02 10:55pm
Subject: Microsoft Settlement

To Whom It May Concern,

I am 25 years old. I am part of the first generation of adults who have been using a computer for most of their lives. From the age of ten, there has been a computer in my house. For the past 5 years, in the various jobs I have held, my work could not have been done without a computer. Based on my experience, it is conceivable that when my two year old daughter is my age, the idea of living or working without a computer would be unimaginable to her. Computers, for better or worse, are central to how we interact socially and how we conduct business. Taking this into consideration, I respectfully ask that the government and the courts please reject the proposed Microsoft settlement. Microsoft, having been found guilty of violating the law and being the largest manufacturer of computer operating systems and software in the world, should not be allowed to ''get off so easy''.

The courts have found Microsoft guilty. The lower courts proposed punishments have been rejected by the Appeals court. Regardless, that does not mean that Microsoft should now have its way. Microsoft should not benefit in anyway from a settlement. If there is to be a settlement, then Microsoft should be held accountable for its actions and punished in such a way that it will not repeat past offenses. I'm afraid that the proposed settlement would encourage Microsoft to do just that.

Please reject the proposed settlement.

Thank you for your time.

Jason Broccardo
Westmont,IL
jkb@mac.com or jkb@splendidezine.com
Jason Broccardo
jkb@splendidezine.com
http://www.splendidezine.com

MTC–00025619

From: ricwhi404@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:57pm
Subject: (no subject)

2–25–2002

To The Office of the U. S. Attorney General; During this public comment period I wish to voice my opinion on the MICROSOFT suit.

The conditions of the present and concluding decision on the Microsoft case are fair and reasonable, so the Government's review should end swiftly. The court should proceed forthwith to agree that the terms are in the public interest. Had the suit been reasonably and rapidly negotiated to begin with, the nation's economy would have been untold billions of dollars better off in 2000 and 2001. For the welfare of the U. S. we sorely need no further interference in private enterprise in this case.

Sincerely yours,
Richard N. Whittier
3991 Briarcliff Rd. N.E.
Atlanta, Georgia 30345–2647
CC:fin@mobilizationoffice.com@inetgw

MTC–00025620

From: Kyle Crawford
To: Microsoft ATR
Date: 1/25/02 10:58pm
Subject: Microsoft Settlement

By not providing some aid for independent software vendors engaged in making Windows-compatible operating systems, the Proposed Final Judgement is missing a key opportunity to encourage competition in the operating system market. The statement in sections III.D. and III.E that the information released is to be used ''for the sole purpose of interoperating with a Windows Operating System Product'' is too restrictive. It does not promote competition.

Also, the definitions of ''Middleware'' are too narrow. Middleware should include .NET, Office, Outlook and other Microsoft products. All Middleware APIs need to be documented and available to independent software vendors prior to release. There must be no confusion over which APIs are covered by patents.

The discrimination against Open Source applications is unacceptable. Many of the competing applications are open source.

MTC–00025621

From: E. Glenn Brooks
To: Microsoft ATR
Date: 1/25/02 10:59pm
Subject: Microsoft Settlement

The proposed settlement is a thinly-veiled attempt to extend the Microsoft monopoly to the schools of the US and to pay about 5¢ on the dollar in settlement fees. I completely object to the current settlement.

-Glenn

MTC–00025622

From: johniejack@home.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:56pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
jack jack
1218 El Rey Ave
El Cajon, CA 92021

MTC–00025623

From: johniejack@home.com@inetgw
To: Microsoft ATR
Date: 1/25/02 10:56pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
jack jack
1218 El Rey Ave
El Cajon, CA 92021

MTC–00025626

From: Randall Krause
To: Microsoft ATR
Date: 1/25/02 10'59pm
Subject: Microsoft Settlement

MTC–00025626—0001

P.O. Box 116
Port Gamble, WA 98364
January 23, 2002
Dear Mr. Ashcroft:
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

I am writing to express my disapproval of three years of lengthy and costly litigation brought against Microsoft. The lawsuit was flawed form the start and represents the political self-interest of a few that have no concern for the American public.

The terms of the settlement are flawed and biased. Microsoft should not be forced to grant computer makers broad new rights to configure Windows'' so that competitors can more easily promote their own products, nor should they have to disclose interfaces that are internal to their Windows'' products.

While unjustified, I must support the settlement being implemented because our economy needs Microsoft back at business and not worrying about political disputes. Please make sure this settlement comes to a quick end and that no further litigation is taken against one of our nation's greatest assets.

Sincerely,
Randall Krause MTC–00025626—0002

MTC–00025627

From: Mark H. Bickford
To: Microsoft ATR
Date: 1/25/02 11:04pm
Subject: Microsoft Settlement

Dear Ms. Hesse and associates,

I would like to object to the Proposed Final Judgment in the case of United States vs. Microsoft, for the following reasons:

1. The Settlement as proposed only protects the interests of the 20 largest OEMs, and does nothing for small-business PC manufacturers who may wish to make alternative operating systems available to their customers, or provide a link to a local ISP;

2. The Settlement only protects large OEMs who wish to install multiple operating systems on one machine alongside Windows; it does not say that Microsoft cannot retaliate against an OEM who wishes to sell a PC with only an alternative operating system installed. This would have the effect of continuing to force OEMs to install a copy of Windows with every PC they ship.

3. Similar to item 1 above, the Settlement only protects OEMs who wish to install Middleware which already ships at least 1 million copies / year. It does not protect those who wish to install programs which are too new to have that size an installed base, or which may compete with Microsoft products in their intended usage but do not meet the definition of ''Middleware'' because they do not currently expose APIs (for instance, a simple Email client). In closing, I feel that Microsoft has repeatedly abused their operating system monopoly by using it to create new monopolies (both the current ''Middleware'' issue and the current state of the office sute category come to mind), and that a judgment that is both more restrictive of Microsoft and more considerate of the needs of small business is called for.

Best regards,
Mark H. Bickford
Portland, ME

MTC–00025628

From: Beryl N Northrup
To: Microsoft ATR
Date: 1/25/02 11:04pm
Subject: Microsoft Settlement

We desire that the Justice Department accept the proposed Microsoft settlement. This has gone on long enough and is jeopardizing the ability of seniors and all Americans to access the Internet and use innovative software products.

Norman N. Northrup and Beryl F. Northrup

MTC–00025629

From: Patrick Insko
To: Microsoft ATR
Date: 1/25/02 11:09pm
Subject: Microsoft Settlement
January 25, 2002
Insko Computer Consulting Group
7922 Burr Oak Road
Roscoe, IL 61073
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

To whom it may concern:

In researching the proposed final agreement in the case against Microsoft, I am

troubled by the lack of substance regarding the punishment of Microsoft for abusive and illegal monopoly conduct. I add my voice to those who have already gone to great lengths to illustrate concerns over the proposed final agreement. In addition to that, however, I would like to enumerate a few points, from the perspective of a Macintosh user, which I hope will serve to illustrate predatory behavior on the part of Microsoft and offer alternative remedies and penalties:

1. Although Apple lost its copyright infringement lawsuit against Microsoft alleging that it had copied the Macintosh OS too closely in Windows, Microsoft has effectively isolated Apple from the marketplace since having obtained a monopoly with Windows. Microsoft has since entered into contracts with OEM's (original equipment manufacturers) that preclude them from shipping another manufacturer's operating system, which is a barrier to entry for Apple to pursue OEM's to which it could license its operating system. Any proposed final agreement should preclude Microsoft from contractually prohibiting OEM's from licensing, shipping, and/or supporting a competing operating system. Furthermore, the settlement should contain measures that would prevent Microsoft from retaliating against OEM's that choose to license, ship, and/or support a competing operating system.

2. Microsoft further damages Apple's potential by withholding software, sometimes indefinitely, for the Macintosh. Considering the incredible pace at which the technology industry moves, customers cannot afford to wait many months for software to become available on the operating system of their choice. As such, customers are often forced to purchase personal computers running Windows in order to be technologically current. Consider that Microsoft's agreement with Apple in which Microsoft agreed to provide upgrades to Office for a period of five years expires this year. If Office were not available for the Macintosh platform, it is widely accepted that Apple would have no chance for survival. Were Microsoft to discontinue Office for Macintosh, it would effectively destroy Apple's viability, and as such would constitute a violation of its monopoly power. Any proposed final agreement should offer protection to competitors such as Apple by requiring Microsoft to continue support for critical applications like Office, in order to preclude those companies from going out of business. It should be recognized that a company that is run out of business as the result of another company abusing its monopoly power no longer has the means to pursue a remedy or recourse.

3. Measures must be put in place that would prevent Microsoft from further abusing its monopoly power through its efforts to ''embrace, extend, and extinguish.'' Microsoft has long made it a practice to embrace technologies and standards it regards as potentially lucrative. It then extends the technologies and standards to include proprietary, Microsoft-only additions. Since it has such a vast market share with its operating system, Microsoft is able to force the Microsoft-only technology or standard on millions of customers, which effectively makes the Microsoft version of the technology or standard the one that is overwhelmingly adopted. The inevitable result is that Microsoft's competitors, which in many cases were responsible for the new technologies and standards, are extinguished from the very market they had created. One such example of this abusive and predatory tactic can be found by examining Microsoft's attempts to redefine the standards of Sun Microsystem's Java programming language.

4. Perhaps the most notorious and egregious violation of Microsoft's monopoly power was its decision to freely license Internet Explorer once it recognized that Netscape threatened to dominate the new Internet market. The end result, to date, has been to render Netscape unable to profit from its Internet browser in order to compete with Internet Explorer. Microsoft utilized its massive cash reserves to fund the development and free distribution of software in order to decimate a competitor. Any proposed final agreement must prevent Microsoft from using its massive cash reserves to wage a war of attrition against smaller, less advantaged, companies.

5. The proposed settlement agreement penalizes Microsoft about one billion dollars, which is a fraction of the amount of cash reserves Microsoft maintains. This dollar amount, examined in the perspective of Microsoft's market capitalization, is roughly the equivalent to the amount of money it would lose if its share price were to drop approximately 0.1%. Any proposed settlement agreement must represent a realistic penalty to Microsoft's bottom line as a means to deter future abuses of its monopoly power. A more realistic penalty would be twenty billion dollars.

I hope the Department of Justice takes its role seriously in providing adequate and meaningful penalties and remedies in this case. Microsoft has decimated competition in the software industry, and it is the highest imperative that competition be restored for the good of the consumer.

Sincerely,
Patrick Insko
Principal
Insko Computer Consulting Group

MTC–00025630

From: Ruth (038) Rusty Warner
To: Microsoft ATR
Date: 1/25/02 11:10pm
Subject: Microsoft Settllement

I think this gone on too long. This does nothing but make some lawyers rich. The public as a whole receives no benifits.

CC:William Russell Warner

MTC–00025631

From: Robert P. Fickenwirth
To: Microsoft ATR
Date: 1/25/02 11:10pm
Subject: Microsoft Settlement

To those responsible for litigation in this case. Enough already—please expedite the settlement of this case. More litigation is the last thing I, as a consumer, or the industry needs. Please settle so we all can move forward.

MTC–00025632

From: dh
To: Microsoft ATR
Date: 1/25/02 11:11pm
Subject: microsoft settlement

To Whom It May Concern:

I'm a self-employed IT professional working primarily with personal computers; I use, and support users of, various operating systems, including Macintosh and several flavors of Windows. Although I've not read all the documents relating to the current proposed settlement in U.S. v. Microsoft (Civil Action No. 98–1232), I have been avidly following the case since it began. Based on my understanding of the industry, Microsoft's role in it, and the courts'' findings relative to same, I am flabbergasted and appalled at the terms of the proposed settlement.

Microsoft enjoys a virtual monopoly over large segments of the market, and has engaged in illegal practices in furtherance of this position. Remedies, by definition, should seek to undo the damage inflicted by these practices. The proposed settlement doesn't simply fail in this regard; it will actually exacerbate the damage.

It's long been understood that seeding schools with proprietary technology results in increased sales of that technology to those who've been exposed to it thereby. The reason for this is pretty obvious: people tend to buy those products with which they are familiar, and therefor comfortable. Education being one of the few PC markets that Microsoft doesn't currently dominate, any steps that increase the company's presence in that market will thus have a magnified effect.

So, donating equipment and software to schools is simply good business practice from Microsoft's perspective. This is so even if the real cost of those donations to the company is high, which may or may not be true in this instance, and even if the value to the schools is also high—again, an open question. I am baffled as to how anyone could fail to see the granting by Microsoft of large quantities of its products to the public school system, as being anything other than a boon to the company.

In short, I believe that any meaningful settlement to this case would simultaneously benefit the public, mitigate some of the competitive damage which has resulted from Microsoft's illegal behavior, and discourage the company from behaving in such a fashion in the future. The proposed settlement fails miserably to meet these criteria, and should be scrapped.

Sincerely,
David Hauer
1818 10th Street
Berkeley, CA 94710
david hauer

MTC–00025633

From: snive
To: Microsoft ATR
Date: 1/25/02 11:11pm
Subject: Microsoft Settlement

To Whom It May Concern:

Let's settle this case and move on. All the government's case has done so far, is to hurt the public, which it was suppose to protect. It would be nice if the government would

explain, just how all of us will be better off as a result of their case. Are they going to send us a check for dollars lost in stock value because of their actions?

It appears that the Justice Department should have been focused on Enron, which has hurt the American public much more than Microsoft ever could. Maybe microsoft should have contributed more.

Just do It.

Sincerely,

John M. Snively, Jr.

MTC–00025634

From: Loren Chang
To: Microsoft ATR
Date: 1/25/02 11:14pm
Subject: Microsoft Settlement

To Whom It May Concern,

As a citizen of the United States and an avid computer user I feel the need to speak up regarding the settlement proposed by Microsoft Corporation for the antitrust lawsuit being filed against it.

The settlement as proposed by Microsoft is nothing more then a sham and a brazen attack upon the law, the government, and the American people, and shows Microsoft's utter disregard and contempt of the law and the intelligence of the people of this nation. It is also evidence of the laxness and complacency among the highest levels of our government, and the willingness of some of these individuals to sell out all principle in exchange for personal gain. Microsoft has been nothing short of arrogant and uncooperative since the beginning of the antitrust case against it, as demonstrated by it's recent thinly veiled attempt at inundating the lucrative educational market with it's products, even after the guilty verdict was levied.

I urge you to not let this challenge on the freedom, and the law by Microsoft go unpunished. Through it's recent actions, Microsoft has shown that it is a true threat to both innovation, and a fair and free marketplace. I urge you to levy the strictest penalties possible on Microsoft, so that it may never again be the threat to freedom and innovation that it has shown itself to be in the past, and indeed, to this very day. Nothing short of the freedom of our nation, and perhaps the world, rests upon this decision.

Sincerely yours,

Loren Chang

MTC–00025635

From: Hausernet@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 11:14pm
Subject: Microsoft Settlement

Dear Sirs: I am thankful for the Microsoft Windows softward standard, enabling me to correspond without difficulty, use computers at other locations without difficulty and connect to my own computer from other locations. The wide use of Windows also means that it is much easier for programmers to come up with something new, not having to deal with multiple types of software.

We all know the nightmare of dealing with multiple phone companies and their systems. I have never felt that I was overcharged for Microsoft products and feel that bundling has made using the computer easier and cheaper, down-loading only one program rather than several. I am aware of the contents of the settlement and feel it is fair. I believe that competition should take place in the marketplace rather than the courts.

Edna Hauser

MTC–00025636

From: Marc (038) Jeanne
To: Microsoft ATR
Date: 1/25/02 11:16pm
Subject: Microsoft Antitrust

Honor, Judge Colleen Kollar-Kotelly,

Please I urge you, your Honor, to review ''The Proposed Final Judgment'' with the DOJ and Microsoft. I have been in the IT business for many years and have seen countless times that Microsoft has been less then fair in their business practices, ethical competition, and consumer choice. The IT industry needs protection from Microsoft and Microsoft needs to cease their monopolistic practices.

Thank You,

Marc R. McCamey BST, Tech+
Network Administrator
Interstate Specialties Inc.
1807 Pittsburgh Ave.
Erie, PA 16507
1.800.533.6847
CC:nolandpeebles@attbi.com@inetgw

MTC–00025637

From: Rudy Stefenel
To: Microsoft ATR
Date: 1/25/02 11:22pm
Subject: Microsoft Settlement
To: U.S. Department of Justice
From: Rudy Stefenel
3138 Drywood Lane
San Jose, CA 95132
408–263–5332
1/25/02

It is essential that you incorporate the solution proposed by California, Connecticut, Florida, Iowa, Kansas, Massachusetts, Minnesota, Utah, West Virginia and the District of Columbia into the final Microsoft antitrust settlement. The current settlement has too many loop-holes. Here are are the three points proposed by these states along with the reasons to incorporate them.

Require Microsoft to give computer makers more freedom to feature rival software on their machines. This is absolutely essential and obvious. Computer makers must have this freedom or Microsoft clearly has a monopoly.

Order Microsoft to sell a cheaper, stripped-down version of its Windows operating system. This is a superb requirement because it gives freedom of choice to everyone who uses Windows without stopping Microsoft from innovating. Otherwise Microsoft is forcing everyone to pay for Microsoft's application software programs when purchasing Windows, even if some people prefer non-Microsoft applications software programs.

Order Microsoft to do more to reveal the workings of Windows to competitors. This is absolutely essential. At present, Microsoft's application software programs can run better than their competitors software because Microsoft is not not telling their competitors about all the ways to hitch their software up to Windows.

As an example, part of Microsoft's defense is that their Web Browser, Internet Explorer, is merged with Windows and it cannot be separated out. Actually only part of Internet Explorer is integral with Windows and Windows would function fine with other parts removed.

Microsoft must disclose how to utilize the parts that could not be removed to competitors so that their Web Browsers can use them too or the competitor's web browsers don't have a chance of working as well as Microsoft's.

How does this make Microsoft's Internet Explorer web browser work better? Think about how long it takes to load a web browser. A competitor's web browsers can't possibly load as fast as Microsoft's because the whole browser must be loaded. Only part of Microsoft's browser needs to be loaded because the other part is integral to Windows. People get irritated if they have to wait too long for a browser to load and will end up using Microsoft't browser, even if the prefer other browsers for other reasons. Can't you see how Microsoft is using their Windows operating system, in this case, to leverage unfair competition?

These three requirements, proposed by a few states, are not vindictive and they address Microsoft's antitrust violations head on. They don't stop Microsoft from selling a version of Windows with integral applications software. People who prefer other applications software are not stuck with paying for Microsoft's. Microsoft has full freedom on innovate and so does their competitors. Computer makers have freedom of choice and so does every everyone who uses Windows.

Sincerely,

Rudy Stefenel

MTC–00025638

From: Vagabonds2@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 11:25pm
Subject: Microsoft Settlement

To Department of Justice,

Let us move on with what would help our country and economy the most.

Let us PLEASE move forward. Half the states have agreed with the decision. The Microsoft case has no justifiable reason to continue. The truth is that most consumers appreciate how MICROSOFT HAS MADE COMPUTERS REALLY USER FRIENDLY.

I am also a very typical American public who agrees with most Americans to ''MOVE ON!''

Thank You
For Taking The Time
To Read This,
Tamara Fine

MTC–00025639

From: dube
To: Microsoft ATR
Date: 1/25/02 11:28pm
Subject: microsoft settlement

People are sick about AOL .It not the first time that AOL suit some companies .Every time they want to block the expansion to some companies just because them bought the small companies for almost nothing and after that, need some time to get a chance to

come first with their technology. They do not have any interest for the customers.

The only thing is important for them to be number ONE. No matter what painful for the old and young peoples who did not have chance to learn the computer at school to use it.I thank you very much micrsoft for what they do for the world; our life change ,I learn to use the computer by myself 15 years ago.It was hard to use all commands and I spent very much time to catch up everything to understand how this will work and be able to fellow the conversation with my children and the employes. The window come and it was the happy time for all to use the computer faster and more efficienty. I use both ten years ago NESCAPE and msn explorer .Always I come back with msn explorer because it was easier.

sincerely dube@sensible-net.com

MTC–00025640

From: elgloyna@ykc.com@inetgw
To: Microsoft ATR
Date: 1/25/02 11:23pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
emmett Gloyna
5947 County Road 284
Edna, TX 77957

MTC–00025641

From: elgloyna@ykc.com@inetgw
To: Microsoft ATR
Date: 1/25/02 11:23pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse: Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
emmett Gloyna
5947 County Road 284
Edna, TX 77957

MTC–00025642

From: John S. Howell, Jr
To: Microsoft ATR
Date: 1/25/02 11:26pm
Subject: Microsoft Settlement
Attn: Renata B. Hesse
Antitrust Division, U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001
January 25, 2002
RE: MICROSOFT ANTITRUST CASE—
PUBLIC COMMENT for the DISTRIC
COURT TO CONSIDER

I am an avid computer hobbyist and software entrepreneur that started in the 1970's, years before Microsoft's name was well known. I have carefully watched, and dealt with Microsoft since they were a tiny company, and I believe this gives me a somewhat unique perspective on Microsoft and their competitors.

The products I have licensed from Microsoft include programming languages like BASIC, Visual Basic, and ''C'', operating systems like MS-DOS and Windows, and productivity tools like Word, Excel, Outlook e-mail and PowerPoint. I have also licensed software products from Novell, Apple, IBM and others.

More than all of the others combined, the Microsoft products have benefited my business and my personal life in many, many positive ways. From the very first purchase I have found Microsoft products to be of unusually high quality, often innovative, extremely useful, and perhaps above all, a tremendous value for the money. The company is usually very easy and straightforward to deal with.

My company started with IBM, Novell and Microsoft as suppliers. Although we initially favored IBM and Novell products, over the years, we valued Microsoft's more than the others—I believe mainly because Microsoft seemed to understand the technologies and tradeoffs better than their competitors, and were able to consistently produce superior products at a very low price, which made them a lower risk, and a better supplier to us.

One of my concerns with this case is that the complaint against Microsoft originated not with individual consumers, or with Microsoft's partners, but with Microsoft's unsuccessful competitors. These failed businesses must not be allowed to set the rules for the markets in which they failed.

I purchased Microsoft products for my business over their competitors because they were able to consistently provide the best balance features, ease of use, and performance, AND make their products available at extremely attractive prices. Over the years, I have witnessed many hundreds of other business people make their own independent evaluations that resulted in the same conclusion— Microsoft's products were overall better than the competitions—and so they purchased them.

I resent any characterization by the government that Microsoft's customers are ''helpless victims'' who cannot choose software. Nothing could be further from the truth. More than almost any other type of product I have found that buyers of computer products seek the advice and comment of others before making a purchase.

I also do not believe the government should have any say in what software I should run on my computer, and I resent the idea that a successful business and a successful product should be a threat to anyone.

I believe it is a dangerous policy for politicians to protect some businesses from others. Continued application of the antitrust laws against successful businessmen can only lead to corruption and economic disaster.

And lastly, I believe Microsoft should have the right to its own property, and that it is the government's job is to protect this right, not to take it away.

Sincerely,
John S. Howell, Jr
Naples, FL

MTC–00025643

From: Dino Rachiele
To: Microsoft ATR
Date: 1/25/02 11:27pm
Subject: microsoft settlement

I am outraged by the attack against Microsoft. Microsoft is constantly being punished for being the first and the best at what they do. This is discouraging to many of us who have hopes of attaining the American Dream. Leave those folks alone... please. I have stock in AOL and Microsoft. I am ashamed that AOL has taken this stance. They have better things to do!

Thank you,
Dino Rachiele
President,
Luxury Home Products, Inc.
The Rachiele Group, Inc., Custom Sinks by Rachiele
Oxitech, Inc.
www.luxuryhomeproducts.com
www.rachiele.com
www.oxitech.org

MTC–00025644

From: cruiser@chartermi.net@inetgw
To: Microsoft ATR
Date: 1/25/02 11:25pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Michael Merrick
1605 Baker Dr.
Kalamazoo , MI 49048–1215

MTC–00025645

From: Jeff Donner
To: Microsoft ATR
Date: 1/25/02 11:29pm
Subject: Microsoft Settlement

Hi,

I think the MS settlement should include prohibiting them from putting restrictions on where you can run MS application software. Right now they are beginning to put clauses into their End User License Agreements forcing you to agree to use it only on MS operating systems; this is very anti-competitive, as it is otherwise slowly becoming possible to run MS apps on other OSes, like Linux (using Wine). The only point of such restrictions is to suppress competition with MS'' operating systems, the Windows. It does not protect MS intellectual property in any way; users still have bought the MS software, after all.

Thanks,
Jeff

MTC–00025646

From: J.C. Allen
To: Microsoft ATR
Date: 1/25/02 11:28pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Subject: Microsoft Settlement

To Judge Kollar-Kotelly and whom it may concern,

My name is J. C. Allen. I reside in Hampton, Virginia. I am a citizen by birth of the United States.

It should not be necessary to relate this information via email. However, Microsoft Corporation (''Microsoft'') has, in the past, falsified support for its position as market leader and its monopolistic, predatory practices. It is imperative that the U. S. Department of Justice (USDOJ) carefully scrutinize the responses it receives regarding the antitrust complaint filed against Microsoft and the proposed Final Judgment, because of these past actions on the part of Microsoft. Some of the email the USDOJ receives may in fact have been manufactured by Microsoft to intentionally deceive the USDOJ. Microsoft has resorted to such impromptu ''lobbying'' in the past in order to create the perception that the public supports Microsoft's actions in the nation's marketplace. I have no desire to read, in a few months, about a similar deception with regard to the proposed Final Judgment (''Proposed Final Judgment''). It is my opinion that Microsoft will use every tactic possible to convince the USDOJ that the public believes the Proposed Final Judgment is fair. I am the public, and I do not believe it is fair. I can assure you that I am not alone.

The following URL details the efforts of Microsoft to influence Utah Attorney General Mark Shurtleff using these tactics: http://seattletimes.nwsource.com/html/nationworld/134332634—microlob23.html

A portion of the above article (which was originally published by the Los Angeles Times) is quoted below: ''Letters purportedly written by at least two dead people landed on the desk of Utah Attorney General Mark Shurtleff earlier this year, imploring him to go easy on Microsoft for its conduct as a monopoly. The pleas, along with more than 100 others from Utah residents, are part of a carefully orchestrated nationwide campaign by the software giant... Microsoft sought to create the impression of a surging grass-roots movement, aimed largely at the attorneys general of some of the 18 states that have joined the Justice Department in suing Microsoft.

The Microsoft campaign goes to great lengths to create an impression that the letters are spontaneous expressions from ordinary people. Letters sent in the last month are on personalized stationery using different wording, color and typefaces, details that distinguish Microsoft's efforts from lobbying tactics that go on in politics every day.''

I would like to begin with a quote by former Judge, Stanley Sporkin: ''Simply telling a defendant to go forth and sin no more does little or nothing to address the unfair advantage it has already gained...'' I would also like to list some of those companies that have unfairly suffered because of Microsoft's illegal monopoly and predatory marketing practices. Following the company name and separated by a colon is the name of the product that Microsoft intentionally sabotaged, copied, or stolen outright. Following the product name and separated from the competing company's name by a semicolon is the name of the product Microsoft developed to integrate the functions of these competing applications into Microsoft operating systems. Note that many of these competing applications are no longer being actively developed because these companies, which depended on revenues from sales, are no longer in business. A few others continue to market new releases, but their user base has dramatically declined:

1. Digital Research, Inc. (then Novell, now Caldera): DR DOS; MS-DOS 5.0 and Windows 3.1, which were intentionally designed by Microsoft to alter the base upon which applications were written for Microsoft operating systems, so that applications written for Microsoft operating systems would be incompatible with DR DOS. The announcement that Windows 3.1 would not be compatible with DR DOS resulted in sales of that product dwindling to practically nothing in months.

2. Real Networks: Real Player; Microsoft Windows Media Player, which has almost completely supplanted Real Player as the de facto internet standard streaming media application. Windows Media Player is bundled with Microsoft operating systems, and is available as a free download for Microsoft operating system users.

3. Netscape Corp. (now America Online/Time Warner): Netscape Navigator; Internet Explorer, which has effectively supplanted Netscape Navigator as the browser of choice among most internet users. In 1995 the vast majority of internet users used Netscape Navigator to access the internet. Internet Explorer is bundled with Microsoft operating systems.

4. Apple Computers: Apple's Graphical User Interface (''GUI''); although Apple borrowed heavily from XWindows for UNIX, Microsoft's first attempt to produce a true GUI operating system featured an almost exact replica of Apple's desktop, right down to the trash can, which Microsoft renamed ''Recycle Bin''. Apple's GUI became the basis for the present look and feel of Microsoft operating systems.

5. Corel: WordPerfect; Microsoft Office (Microsoft Word). Also: Quattro Pro; Microsoft Office (Microsoft Excel). Both Microsoft Office and Microsoft Word, separately, are frequently bundled with new installations of Microsoft operating systems.

6. Quarterdeck Corp. (now owned by Symantec): QEMM; EMM386.*, a memory manager that enabled DOS-based programs to access more than 640K of memory. EMM386.* (et al.) are necessary components of Microsoft operating systems that run in real and protected mode.

7. STAC Electronics: hard drive compression scheme; Microsoft DoubleSpace. DoubleSpace is a disk utility that is included with Microsoft operating systems.

8. Go Corp.: pen-based computing; Microsoft incorporated the code into its operating systems so that they would be able to recognize the device.

9. IBM: Lotus 1–2–3; Microsoft Office (Microsoft Excel). Also: OS/2; Windows 95. Microsoft refused to provide technical details necessary for third-party developers to develop applications for both Windows 95 and OS/2 to IBM, resulting in a net migration of users away from that operating system as the number of available applications fell. Microsoft office is frequently bundled with new installations of Microsoft operating systems.

10. Sun Corp.: Java, Sun Java Virtual Machine (''JIM''); Microsoft J++, J#, C#, ''.NET''. Microsoft's non-standard implementation of Java (J++, J#) forced Sun to sue to prevent Microsoft from designing proprietary extensions to the language that were only functional on Microsoft operating systems. Microsoft lost and in retribution announced it would no longer support Sun's JVM in order to force a migration away from the use of Java and to force implementation of Microsoft's ''.NET'' initiative. In addition, Microsoft has incorporated new features into its newest operating system to further extend its monopoly and sabotage applications in markets which it intends to dominate, for example: Roxio EasyCD Creator (Microsoft bundled the software required to ''burn'' CDs into its newest operating system, Windows XP); Adobe Photoshop, et al. (Microsoft

PictureIt! is marketed to directly compete with these applications, using a proprietary file format which non-Microsoft middleware cannot support because PictureIt!, by default, stores images in the proprietary file format, and Microsoft has not released details of the file format to third-party developers]; Norton Personal Firewall, et al. (Microsoft bundled a limited firewall into Windows XP).

MTC–00025646–0003

In short, Microsoft has demonstrated time and time again that it is not an innovator, but that it is a ruthless integrator—buying, copying or stealing other companies'' innovations and intellectual property outright, and bundling applications which utilize these innovations with its operating system in order to drive its competitors out of business. Fear of the pending Final Judgment has not caused Microsoft to cease this abusive practice. In fact, the newest components of Microsoft Windows XP (e.g., CD burning software) were developed well after the anti-trust action against Microsoft was initiated.

It is my contention that the Proposed Final Judgment will not ''provide a prompt, certain and effective remedy for consumers by imposing injunctive relief to halt continuance and prevent recurrence of the violations of the Sherman Act by Microsoft that were upheld by the Court of Appeals and restore competitive conditions to the market.'' I believe that the Proposed Final Judgment does ''little or nothing to address the unfair advantage [Microsoft] has already gained''.

I have no special skills or training which qualify me to comment in detail on the Proposed Final Judgment against Microsoft. I am neither a lawyer, nor an employee of any of the companies which directly compete with, or depend on, Microsoft software. However, I use Microsoft software daily in my work and at home, and it is my belief that the opinions of those who actually use Microsoft products in their daily lives should weigh heavily in any deliberation. We are, after all, the ones who stand to gain or lose the most by any Final Judgment, and we stand to lose a great deal if the Proposed Final Judgment is adopted. My objections to the settlement offered by the United States Federal Government are as follows:

1. A. The internet was developed using open, non-proprietary standards.

B. Microsoft has extended, and is extending, its monopoly by developing proprietary standards which unfairly exclude rivals from developing applications which are fully functional on computers running Microsoft operating systems. C. Microsoft will profit from this exclusion. D. Microsoft should not be allowed to profit in the future from unfairly excluding competitors in the past.

Repeatedly, the court has stated that Microsoft integrated its Web browser into Windows in a non-removable way. However, at the time this claim was made, very early in the anti-trust action against Microsoft, it was a deception. It is possible to remove Internet Explorer (''IE'') from Windows 98. This has been demonstrably proven: http://www.cnn.com/TECH/computing/9903/O9/removeie.idg/

MTC–00025646–0004

In fact, an application was developed to remove IE from Windows 98 called ''981ire'': http://www.981ite.net/

I am not ignorant of the fact that this would eliminate some of the features offered by the integration of Windows 98 and Internet Explorer. However, it would eliminate many of the vulnerabilities which have plagued Microsoft software from the time Microsoft incorporated IE as a component of the Windows operating system and offer enhanced security to the user. Yet requiring Microsoft to enable the end user of Windows to completely remove IE, and therefore eliminate direct access to the operating system (which IE, as a component of the operating system, was designed to allow), is not a condition of the Proposed Final Settlement.

At the time the integration of IE into Windows 98 was first undertaken by Microsoft, the anti-trust action against Microsoft had not yet begun. However, shortly thereafter Microsoft desperately needed a legal defense against the argument that it illegally bundled its Web browser with its operating system to crush rival Netscape. The bundling of IE with Windows 98 allowed Microsoft to establish market dominance and become the de facto standard Web browser. By demonstrating that Windows 98, with IE removed, was incapable of functioning as designed, Microsoft ''proved'' that IE was a ''necessary'' component of Windows 98. However, this claim is clearly ludicrous, and has not been completely remedied by the Proposed Final Settlement.

My principle objection is that the USDOJ appears, by way of the language of the Proposed Final Settlement and Competitive Impact Statement, to have accepted Microsoft's claim that IE ''cannot'' be removed from Windows. I simply refuse to believe that the company that integrated its Web browser with its operating system cannot un-integrate it.

It is my contention that Microsoft's future corporate strategy revolves around the development of a method of delivering digital content and services (''DCS'') securely to a computer user, and that, as a business, it is aware of how profitable this will be. Part of this effort is the integration of Digital Rights Management (''DRM'') and other schema (encryption, licensing, authentication, etc.) into daily use of the computer through the Windows Explorer shell, and therefore through IE. Any DRM scheme (et al.) proposed by Microsoft will therefore be very lucrative for Microsoft, and for Microsoft's partners, by requiring any user of Microsoft's software to pay a per-use Microsoft ''tax'' to access DCS via the internet, and by requiring any developer to license this technology from Microsoft.

It is also my contention that the integration of IE with Windows was purposefully undertaken by Microsoft to crush Netscape and establish market dominance before the internet had grown to the point that the technologies for the secure delivery of DCS were necessary, i.e., before there was a market for such technologies. I tip my hat to Microsoft's business acumen. However the internet has grown to the point that no one company can be allowed to stand between the public and the information it offers, freely, to all. With the vast majority of computer users using Microsoft operating systems, this guarantees that internet access is contingent on satisfying whatever conditions Microsoft chooses to impose.

It is my contention that DRM or other schema involved in the delivery of DCS over the internet cannot be proprietary, and that the seeming acceptance, on the part of the USDOJ, of the integration of IE with Windows has given Microsoft an unfair advantage by allowing Microsoft to utilize the leverage gained by establishing its web browser as the dominant web browser to secure future profits, which will allow Microsoft to unfairly extend its monopoly into new computer technologies.

The Proposed Final Judgment does nothing to remedy this, but instead allows Microsoft to profit from actions which would be prohibited under the terms of the Proposed Final Judgment. I propose that the Proposed Final Judgment ''level the playing field'' by requiring, for example, that language or provisions such as Section III.E of the Proposed Final Judgment be stricken in toto: ''Section III.E ... exempts from these licensing requirements certain very limited and specific portions or layers of Communications Protocols which would, if disclosed, compromise the system security provided by Microsoft anti-piracy, anti-virus, software licensing, digital rights management, encryption and authentication features.''

It is my contention that the only relief for Microsoft's past abuse is to force Microsoft to openly and publicly disclose all features exempted by the Proposed Final Judgment, to allow no exceptions to the rule of public disclosure, and to require that this occur immediately, i.e., before the one year deadline for disclosure of Microsoft's application programming interfaces (''APIs''). This would allow the development of competing applications immediately. Companies which have unfairly suffered because of Microsoft's status as a monopoly will be able to offer competing applications much sooner than they would have under the proposed schedule. It would have the added benefit of allowing interested third parties to examine Microsoft's proposed DRM, licensing, authentication, et al. to ensure that security is not sacrificed for ''features''.

2. A. Microsoft's has repeatedly demonstrated that, as a corporation, it does not place a great emphasis on security. B. This has placed an unfair burden on American businesses and individual consumers to secure Microsoft software. C. Microsoft's corporate values are a direct result of the integration of Microsoft ''operating systems'' and ''applications'' development under one corporate umbrella. D. The ease with which Microsoft application developers utilize features exclusive to Microsoft operating systems contributes to a corporate climate which is organizationally incapable of responding to security vulnerabilities which exploit those features. E. The only remedy for this situation is to divide the corporation into two separate halves—one to develop the operating system

and the other to develop applications to be run by the operating system—and to require that any APIs necessary to properly integrate an application with the operating system be disclosed to competitors in accordance with the provisions of the Proposed Final Judgment.

I am aware that Microsoft's founder, Bill Gates, recently made a pronouncement concerning computer and information security, in which he stated that security must become Microsoft's top priority. As for me, this is too little, too late. I believe the recent memorandum from Bill Gates is part of Microsoft's strategy to create a safe harbor and shelter large portions of its code base from the disclosure terms of the Proposed Final Judgment—if every API has something to do with ''security'', none of them are required to be disclosed. This must not be allowed to occur, and if the language of the Proposed Final Judgment is allowed to stand, Microsoft's status as a monopoly will not even be challenged.

The results of Microsoft's ''lip service'' to security have been widely publicized. Computer worms and viruses written to exploit known weaknesses in Microsoft software have, in the past year, cost American businesses that depend on that software billions of dollars, and been a terrible inconvenience for thousands of computer users who lost data, personal or professional, to malicious code. I have personally invested in anti-virus software and a firewall to prevent worms and viruses that exploit known weaknesses in Microsoft software from affecting me. This may be Microsoft's idea of ''driving software development'' or the ''upgrade cycle'', but it is not mine.

MTC–00025646—0006

The ubiquity of Microsoft software is, in large part, responsible for the cost of cleaning up after such outbreaks and patching vulnerabilities caused by ''features'' that would have been exposed by a thorough code audit, if security had ever been Microsoft's priority. For example, Outlook Express (''OE''), by default, previews a message it receives if the ''preview pane'' is turned on, and parses any executable script it encounters. This allows a received message, without any further interaction from the user, simply on the basis of being received by that user via OE, to execute malicious code on that user's computer.

Who, at Microsoft, was responsible for making the decision to incorporate this ''feature'' into OE? Why was it not reviewed and why was it not decided that its inclusion would make OE too vulnerable to attack?

Microsoft, as a corporation, is not capable of developing a truly secure application. The current code base is simply too large for even forty thousand employees to accurately and completely review. It is therefore my contention that Microsoft should be broken into two (or more) separate companies, one to develop Microsoft operating systems, and one to develop applications for Microsoft operating systems. Under the disclosure terms of the Proposed Final Judgment and 1. above, any Final Judgment should require Microsoft to disclose the APIs necessary to properly integrate an application with the operating system in accordance with the provisions of the Proposed Final Judgment. Requiring Microsoft to disclose any APIs necessary for its applications developers to write applications that seamlessly integrate with Microsoft operating systems would guarantee that although Microsoft might gain market share from new APIs which take advantage of integration with the operating system, any competing application developer would be free to use those APIs to enhance their own software in a unique way. Though Microsoft might profit temporarily from the use of exclusive Microsoft APIs, it would not be able to retain a monopoly through obscurity; Microsoft would be forced to truly compete by developing applications which best serve the needs of their users.

3. A. Microsoft has undertaken the development of tools (J++, J#, C# and ''.NET'') which seek to supplant established programming languages or internet protocols (C++, Java, etc.), and which offer limited, or non-existent, functionality on computers not running Microsoft operating systems or IE. B. These tools directly subvert the open, non-proprietary standards which the internet was developed around. C. Allowing Microsoft to further dilute these standards will increase the cost America's consumers must pay to access DCS via the internet.

It is my contention that Microsoft has undertaken this action to further extend its illegal monopoly, and dominate future internet technologies. The Proposed Final Judgment does not completely remedy this. What has already been proposed, ensuring that Microsoft is no longer allowed to punish Original Equipment Manufacturers (''OEMs'') who choose to include competing technologies in their hardware or software products, does limit Microsoft's monopoly somewhat. However, it does not completely address the issue because software developers will always be at Microsoft's mercy when developing applications for Microsoft platforms via the applications barrier to entry. This issue is also addressed, in part, by requiring the disclosure of Microsoft's APIs, which I have already commented on above.

I again assert that Microsoft should not profit from behavior that would have been illegal if the terms of the Proposed Final Judgment had been in force. By requiring the immediate disclosure of all APIs, DRM and other schema, immediately and without exception, competing applications may be developed using established programming languages or internet protocols which provide as much functionality as applications developed using proprietary Microsoft programming languages or internet protocols. This would deny Microsoft the opportunity to further entrench itself as a DCS provider by excluding its rivals with proprietary technologies which only provide full functionality on computers running Microsoft's operating systems or IE, with which Microsoft's proprietary programming languages or internet protocols can be fully integrated.

The loss of revenue due to sales of J#, C# and .NET development tools, instruction manuals, books, peripherals, etc. will be a punishment that truly fits the crime. By trying to encompass and control access to the internet, Microsoft will ensure that future internet technologies offer truly universal access. This will benefit consumers by offering more choices, not less, and by keeping the internet free of the control of pervasive corporate interests which threaten it. DCS will remain inexpensive, in that consumers will not have to pay a hefty ''tax'' to Microsoft (or any of its partners) simply to access DCS via the internet. The internet was built with the tax dollars of America's consumers, and should be managed by the government in concert with the global community, corporations, and citizens the world over, on behalf of all humanity. Microsoft must not be allowed to control access to the internet, or relegate consumers to a ''second-class internet'' simply because they are not Microsoft customers.

This concludes my comments. Thank you for your consideration.

J. C. Allen

MTC–00025647

From: Joe Marasco
To: Microsoft ATR,waba@scientist.com@inetgw
Date: 1/25/02 11:32pm
Subject: RE: Comment on Microsoft-DOJ settlement

I do not agree with you.
Thanks.
Joe
Original Message
From: William Buchanan [mailto:waba@scientist.com]
Sent: Friday, January 25, 2002 9:26 AM
To: microsoft.atr@usdoj.gov
Cc: abraham, fred; Jacobsen, Dianne; Lips, Rolf; Marasco, Joe
Subject: Comment on Microsoft-DOJ settlement

I am outraged at the proposed ''settlement'' of this conflict. It makes as much sense to me as the first court conclusion in the OJ Simpson case. Gates has simply conned his way out of being found clearly guilty by the very expensive but well executed investigation of Microsoft's actions by the Clinton DOJ. Gates'' entire career is based on lying, cheating, stealing and bullying his way around in the consumer community. He has no scruples, other than continually doing anything he can to get the public's money in exchange for their purchases of Microsoft's so-called ''innovative'' products. These sub par products only appear to be innovative because he has used his wealth and maligned cunning to squash any legitimate competitors. Jackson's characterization of him as a ''little Napoleon'' is right on. And now for the corrupt tie between G.W. Bush and W. Gates (following White House meetings between the two) to surface as a ''just settlement'' thrown quickly before a war-distracted US public and its Congress, is really rubbing salt into a big wound.

Hooray for the valor of the states who are holding out and continuing to gun for a real ''just settlement'', in this case. The only reason the other states that originally were involved had to drop out is that the Gates machine is so well endowed, financially and legally, it is able to intimidate even a

relatively large collective of public/legal representatives in its obsessive path of destruction. I'm glad to be a citizen of California, and able to watch my attorney general, Bill Locklyer, lead the charge against prematurely settling with Microsoft. I would hope that the Federal DOJ could follow the same path in this case, but think that the eagerness of the current administration to satisfy Gates'' dreams of walking away unscathed from this situation are so far handing him his wishes, just as though it was a ''pardon''.

If there is still such a value as ''justice'' in our US, then let it reign supreme. Require Microsoft to be held accountable for what it has already been found guilty of, and make it pay the full and responsible cost of having deliberately committed its heinous actions. And see to it that the Bush administration be held just as responsible and accountable for exercising its Constitutional requirement to uphold justice in this case. Anything less only brings to light that the Bush administration and Microsoft are colluding to dupe the taxpayer into believing that both are worthy of honor, a conclusion that is just not acceptable and well should not be.

CC:abraham fred,Jacobsen Dianne,Lips Rolf

MTC–00025648

From: Bob E
To: Microsoft ATR
Date: 1/25/02 11:34pm
Subject: Microsoft Settlement

NOT FAR ENOUGH

MTC–00025649

From: scn@san.rr.com
To: microsoft.atr(a)usdoj.gov.
Date: 1/25/02 11:34pm
Subject: Settlement With Microsoft

Let's move forward and complete the more than fair settlement reached among DOJ, Microsoft and the nine states. To do otherwise is very unsettling to the economy and delays Microsoft's continuing record of helping improve the productivity of companies thoughout the United States of America.

Thank you,
William & Stephanie Necoechea
6509 Caminito Catalan
La Jolla, CA 92037

MTC–00025650

From: Alex Hill
To: Microsoft ATR
Date: 1/25/02 11:34pm
Subject: Microsoft Settlement

The Proposed Settlement of the Microsoft antitrust case is inadequate. There are many problems with the settlement, far more than I can go into. Therefore, I will mention only a few of the inadequacies.

1. Microsoft must allow all third party programmers free access to all APIs and communications protocols used to interoperate with Windows or any other Microsoft products. Section III.J.2b allows Microsoft to release APIs only to a third party that ''has a reasonable business need for the API, Documentation or Communications Protocol for a planned or shipping product.'' This access cannot be limited to commercial programmers. Specifically, programmers who do not seek to make a profit or who are working on open source projects must have the same access to APIs and communications protocol documentation that commercial, for-profit programmers have.

2. Section III.J.1a is a glaring weakness to the stipulation that Microsoft reveal its APIs. Microsoft has repeatedly hidden behind claims that it cannot reveal key elements of its software for ''security reasons.'' This is often called ''security through obscurity'', and its merit is highly questionable on security grounds; many security experts agree that the only way a security measure can be considered adequate is by allowing the security measure to pass rigorous inspection by security experts. Any good security measure should be strong enough so that even a person who has access to the entire source code of the security protocol cannot break the security.

I do not propose that Microsoft be forced to open its source code for review by outside security experts; such a provision would unfairly limit Microsoft's ability to compete. However, security is not an acceptable reason for Microsoft to refuse to document APIs or communications protocols that, by the Final Judgment, they would otherwise be required to disclose.

3. In productivity software, the most important factor for a potential competitor to Microsoft is the ability to read and write files that are fully compatible with Word and Excel files. The Final Judgment does not adequately require Microsoft to fully document their file formats, so any consumer who does not use Microsoft Office will continue to be at a disadvantage whenever he needs to share a file with an Office using person. Current Microsoft file formats can be read by competing office suites such as Sun's StarOffice or Apple's AppleWorks as long as the files are quite simple. However, any Microsoft Office file that contains more complicated elements such as tables does not display well in other office suites. Therefore, the Final Judgment must be amended to force

Microsoft to fully document its file formats, without including any features in the file format that only Microsoft products can effectively use.

Thank you for your time.
Sincerely yours,
Alex Hill
email: alex.hill@oberlin.edu
OCMR 1201
Oberlin College
Oberlin, OH 44074

MTC–00025651

From: vfaas@msn.com@inetgw
To: Microsoft ATR
Date: 1/25/02 11:34pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Vicki Faas
7021 E Townsend Dr
Highlands Ranch, CO 80126

MTC–00025652

From: Lisa Downing
To: Microsoft ATR
Date: 1/25/02 11:15pm
Subject: Microsoft Settlement

The proposed Microsoft settlement is a pathetic slap on the wrist, which will do nothing to restrain a company that has proven again and again that it will do anything to dominate the market, including threatening to strangle its competitors (e.g. Apple, Netscape).

MTC–00025653

From: lorraine snyder
To: Microsoft ATR
Date: 1/25/02 11:39pm
Subject: Mic

Please end the case against Microsoft, now! Microsoft is the gage to the economy in this country! As a country, we cannot afford to have Microsoft attacked! When Microsoft is attacked, the consumers back off from investing! If you want the economy to go under, just keep Microsoft being attacked by yourselves and MONOPOLY'S like AOL WARNER!!! Their Netscape HAS THE MARKET, and they have NEVER BEEN HURT BY THE LITTLE SHARE OF the internet market Microsoft has!

I WANT AOL TAKEN TO TASK FOR BEING AN AGGRESSIVE MONOPOLY!!!! The whole country loves and respects Microsoft except a few of their competitors! All companies have competitors so WHY should this company be discriminated against and allowed to be attacked by their competitors as well as their own country who happily take the tax generated from their products!

Sincerely,
Lorraine M. Snyder
15018 SE Fairwood Blvd.
Renton, Wa 98058

MTC–00025654

From: shawn—hm@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/25/02 11:39pm
Subject: Microsoft Settlement

Please accept this settlement. The charges levied against Microsoft are brought on behalf of competitors and not consumers. Microsoft is a stabilizing force that allows me to know which programs will work with my computer and allows less technical people to have a ''breed'' of software that they are familiar with. Without that, the industry is likely to fragment and become less secure, predictable, and valueble to businesses and consumers. Microsoft has already attempted

to rectify many of the behaviors that have been at issue in the case and this settlement will ensure that they continue to do so. The states that are agains the settlement have no real stake in this case. They're simply attourneys general trying to make a political name for themselves. The DOJ knows that its time to put this issue to bed, as do half the states. Given the economic and social conditions today, it's in everyone's best interest to move on to more pressing issues.

MTC–00025655

From: Steve Pissocra
To: Microsoft ATR
Date: 1/25/02 11:40pm
Subject: Microsoft Settlement

I find the current settlement proposition extremely weak and would like to see harsher penalties levied on Microsoft for the crimes they were found guilty of committing.

Thank you,
Steve Pissocra

MTC–00025656

From: Frank Echanique
To: Microsoft ATR
Date: 1/25/02 11:51pm
Subject: Microsoft Settlement the proposed settlement is bad idea if they win this Microsoft will only continue to rape the computer community for every penny it can get

MTC–00025657

From: Edward J. Dalton
To: Microsoft ATR
Date: 1/25/02 11:47pm
Subject: Microsoft Settlement

I think it is well past time to close the case on Microsoft and allow the settlement to remain as it is. The nine states that are holding out should be required to accept the DOJ's settlement or receive nothing. It's idiotic to claim that Microsoft charged too much for their software and that consumers are entitled to a refund. I have found Microsoft software to be an excellent product at a reasonable price. How would the states refund any money to the consumers after the state and the weasel lawyers take their share off the top: Pennies, perhaps. They're wasting the government's time and money and they should be stopped. As far as the AOL suit goes, they are far worse then any other computer related company when it comes to shady dealings and overcharging customers. In additon, the program disks they mail to potential customers are the worse form of junk mail and are a nuisance. That suit should be thrown out.

Edward J. Dalton

MTC–00025658

From: Don D Thompson
To: Microsoft ATR
Date: 1/25/02 11:46pm
Subject: MICROSOFT SETTLEMENT

I strongly believe that the settlement agreed to between the DOJ and Microsoft was very fair to we the American people. I urge you to not waver from that settlement.

Don Thompson
POBox 5358
Kent, WA 98064

MTC–00025659

From: Jason Pierce
To: Microsoft ATR
Date: 1/25/02 11:45pm
Subject: Microsoft Settlement

I strongly believe that the proposed settlement is a bad idea, and lets Microsoft off with nothing but a wrist slap.

Jason Pierce
www.musmis.com

MTC–00025660

From: trailboss@bigplanet.com@inetgw
To: Microsoft ATR
Date: 1/25/02 11:47pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Tommy Worrell
18725 Bandera Rd.
Helotes, TX 78023–2801

MTC–00025661

From: dfw222@mindspring.com@inetgw
To: Microsoft ATR
Date: 1/25/02 11:49pm
Subject: Microsoft Settlement

I strongly oppose the DOJ recommended settlement in the Microsoft antitrust lawsuit. Microsoft has been adjudicated as an illegal ''Monopoly in restraint of trade'' and the Court's remedy should address that illegal Monopoly by adopting the proposals of the ''9 States'' who have courageously refused to join the DOJ's settlement proposal.

David White
computer user

MTC–00025662

From: Len Frazier
To: Microsoft ATR
Date: 1/25/02 11:48pm
Subject: Microsoft Settlement

I believe the proposed settlement is poorly considered. MS, while in some ways has advanced computing in general, has taken its success and used it to stifle competition and innovation.

I believe that the MS settlement requires much more from both MS and continuing, serious, regulation of the company's behavior. Len Frazier

MTC–00025663

From: Gary Liebe
To: Microsoft ATR
Date: 1/25/02 11:48pm
Subject: Microsoft Settlement

Having read through the ''Microsoft Settlement'' I think that this proposal is a BAD idea , in my job I have the Displeasure of Working on a Windoze Machine running proprietary software. The proprietary software works great and is well written nd intuitive, upon switching back to the Microsoft partition it invariably hangs and / or Freezes. Where I work they have been Dealing with this problem for 10 years. I feel it is only fair to tell you I Am an Ardent APPLE user and from the perspective of standing on the outside looking on as Microshaft slips it to the working public in a most unsatiable condition . Allowing the ''Microsoft Settlement'' to be implemented would be GRAVE ERROR in my Humble opinion.

Zaiphod@earthlink.net

MTC–00025664

From: Walt Jackson
To: Microsoft ATR
Date: 1/25/02 11:51pm
Subject: Microsoft Settelment

Hello

Dof J This case has gone on way to long,lets conclude it,every thing I have read about thee settlement sounds fair.

Lets move on ,if the other soft companies would focus on development we all win.

MTC–00025665

From: ESBiever@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 11:51pm
Subject: MICROSOFT SETTLEMENT
Attorney General John Ashcroft
US Department of Justice

Dear Mr. Ashcroft:

I am writing to have my voice heard during the 60-day public comment, granted to the settlement of US vs. Microsoft and the ongoing lawsuit.

Microsoft has done nothing but prove that the American dream is alive a well, make a better product and the people will buy it. They have supplied our country with affordable and easy to use software. I for one had never had or used a computer, before March of 2000. I purchased a new Gateway w/ windows 98 2nd edition, and I was up and running in just one day. No classes, just learned from what was supplied to me. I AS A CONSUMER WAS NOT HARMED IN ANY WAY!!

Microsoft has contributed greatly to our national gross product, and kept American software standards in constant motion. They have provided thousands of American with jobs. Not to mention the great generosity of the Gates Foundation.

I believe that the lawsuit should be dismissed, if that is not possible, then the closure is absolutely necessary in order to continue the prosperity of our country and implore Senators and local legislators to stand up for the American people and the American principle. Let Microsoft keep doing what they do best, especially considering they've already accepted the proposed settlement forced on them. Keep the Federal Court from having to deal with this nonsense issue any longer.

Thank you for taking the time to read my letter and I hope you, along with other government heads are really considering the American consumer. WE HAVE NOT BEEN HARMED.

Sincerely,
Ed Biever
Sandwich, IL.

CC:speaker@mail.house. gov@inetgw,dick@durbin.senate.g...

MTC–00025666

From: EVERHJ@aol.com@inetgw
To: Microsoft ATR
Date: 1/25/02 11:53pm
Subject: Microsoft Settlement

MTC–00025666—0001

114 Greenwood Drive
Hagerstown, MD 21740
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to voice my support of the settlement reached between Microsoft and the Department of Justice. This case has been going on for years and I don't see how this issue really represents the consumer interest. Microsoft has hurt no one and it certainly isn't their fault that their competitors aren't as intelligent and innovative. There is already far too much politics in our business and this lawsuit certainly does not provide a good example for future behavior. Money-hungry politicians gave into the complaints of Microsoft's competitors and now taxpayers are footing the bill for a lawsuit that is in no way benefiting them. This settlement, although unfair to Microsoft, fairly addresses the issues of the lawsuit and will indeed restore competition to the computer industry. Microsoft has agreed to share more information with their competitors regarding technology. They will also be making it easier for consumers to configure Windows to access non-Microsoft products. If this does not satisfy Microsoft's competitors, then they are only looking for a break-up and are obviously not willing to compromise. I hope that you make the right decision and accept this settlement to prevent any further tax money being used for selfish and pointless lawsuits. Thank you for your time.

Sincerely,
Hugh Everline

MTC–00025667

From: bev.ted@juno.com@inetgw
To: Microsoft ATR
Date: 1/25/02 11:53pm
Subject: Micro Soft Law suite

I feel that any more wasted time investigating Micro Soft will not benefit the General Population, The only ones that will benefit will be a few High Paid Lawyers and Micro Soft Competitors. STOPP THIS NONSENSE NOW!!!

Sincerely T.W. Axtell

MTC–00025668

From: Richard & Sondra Andersen
To: Microsoft Settlement
Date: 1/25/02 11:49pm
Subject: Microsoft Settlement

Richard & Sondra Andersen
221 Mary Place
Muscatine, IA 52761–5503
January 25, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies. Thank you for this opportunity to share my views.

Sincerely,
Richard & Sondra Andersen

MTC–00025669

From: Erik Friedlander
To: Microsoft ATR
Date: 1/25/02 11:55pm
Subject: Microsoft Settlement

The proposed settlement with Microsoft in insufficient, and currently a bad idea. It needs to be more restrictive on Microsoft for it to be effective

Erik Friedlander
erikf@cse.ucsc.edu
Admit Nothing.
Deny Everything.
Make Counter-Accusations.

MTC–00025670

From: thaddeus@TheRamp.net@inetgw
To: Microsoft ATR
Date: 1/25/02 11:52pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Thaddeus Wronkiewicz
143 Dolores Drive
Bensenville, IL 60106–3419

MTC–00025671

From: Steve Fox
To: Microsoft ATR
Date: 1/26/02 12:04am
Subject: Microsoft Settlement

I am writing to state my opinion that I think the proposed Microsoft settlement would be completely ineffective with regards to curbing anti-competitive behavior from Microsoft.

I have read Dan Kegel's letter at http://www.kegel.com/remedy/letter.html and I agree with the statements made in this document.

Please consider this email a vote against the proposed settlement.

Thank you.
Steve Fox
4215 2nd St NW
Rochester MN 55901

MTC–00025672

From: George Haeh
To: Microsoft ATR
Date: 1/25/02 11:57pm
Subject: Microsoft Settlement

As a software developer for the past three decades, I have been following developments in this case with considerable professional interest. Well before the advent of Windows, I was deeply versed in IBM mainframe operating system technology and able when necessary as a customer to examine source code in IBM operating systems and program products to diagnose programs or produce modifications.

Microsoft however has a different way of doing business that has been thoroughly documented in depositions and direct evidence.

As proposed, the settlement between Microsoft and the Federal Department of Justice will effectively legalise Bill Gates as the Don Corleone of desktop software. No software firm with any aspiration to profitability will dare compete with any application MS chooses to bundle with its operating system.

Worse still is the prospect that once a new desktop application gains a significant market, the proposed settlement does absolutely nothing to prevent Microsoft with its billions from deciding to write a competing application and bundle it with the operating system, just as they have done to Netscape and Real Networks. If the original developer of the new application is lucky, it will get an offer it can't refuse from Microsoft.

The ultimate economic result will be that Microsoft will become the sole source of new desktop applications. This proposed settlement utterly smothers competition in desktop applications.

Yes—Microsoft sells operating systems (and office software) that just about

everybody is forced to use to communicate with others—but why does that monopoly entitle Microsoft to create all sorts of new application monopolies in browsers, instant messaging, media players ad infinitum simply by including new applications with its operating systems for ''free''?

For consumer convenience, I could find it perfectly acceptable that Microsoft could include an application bundle with their operating system that would be separately priced, just like their Plus! pack.

To prevent propagation of new monopolies, Microsoft should be required to charge a non-predatory price for each separate application (each application could be unlocked through an internet-accessible registration procedure or with license keys separately available at time of purchase). Other software vendors would then be able to compete with their own application bundles made available the same way on a considerably more level playing field. And just as important, every MS-supplied application including MS Office would be built to published operating system interfaces as verified by a master appointed by the court. These interfaces should be made available to outside software developers at the same time they are made available to internal Microsoft application developers (with the proviso that pre-release interfaces are subject to change which will be published externally at the same time as internal publication).

Given Microsoft's key position in the software marketplace, file formats used by its applications and operating systems need to have the same status as programming interfaces to enable the marketplace to compete with equivalent and enhanced products. Do that and you will have real competition and something to show for all the litigation. The previous comments were written before the remedy proposal from the Plaintiff Litigating States was filed. Having read this proposal, I am struck by its simple common sense.

The Plaintiff Litigating States'' proposal is the sensible and straightforward set of remedies that directly addresses the findings upheld unanimously by the Appeals Court and puts competitors on a level playing field that should have come from the DOJ if the Federal Attorney-general was faithfully doing his duty as counsel to his client's best interests, the American public.

George Haeh
643 Logan Ave.
Toronto, ON
M4K 3C4
416–465–2292
ghaeh@idirect.com
CC:Nini Redway

MTC–00025673

From: Dave Karnecki
To: Microsoft ATR
Date: 1/25/02 11:59pm
Subject: Microsoft Settlement

To Whom It May Concern:

Enough already! A settlement has been reached, Microsoft has been slapped ''in the manner that is appropriate''.

What Sun, Netscape, Oracle, AOL, et al need to do is produce a superior product and THEN and ONLY THEN will they gain the increased market share they desire. The courts ARE NOT the place for determining what's best for the consumer and business, the marketplace is. Let's stop the drag and keep those people working! All a prolonged court battle will produce are increased layoffs and job losses.

Respectfully,
Dave Karnecki
Gainesville, Virginia
dck@dasu-ent.com

MTC–00025674

From: beattymp@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/25/02 11:59pm
Subject: Microsoft Settlement

Let me begin by saying that I completely support the settlement and want this entire case brough to completion. Below are some thoughts that came to mind while reading the case against Microsoft.

First of all, the whole browser issue is a complete waste of time for every party involved, and it makes me sick to my stomach to think of how much money my government has wasted chasing this irrelevant case. As a technology consultant who has vast experience in many software platforms, the issue of the browser is ridiculous because any programmer worth their weight in beans could easily program their own browser to any operating system. Netscape had a commanding lead in browser share, which was wasted away by their own business policies and made even worse when Sun acquired Netscape. I used to have a lot of respect for Sun when I was consulting on their platform, but then I saw how their pricing and arrogance stifled innovation in the functionality and integration capabilities of the Netscape browser.

This was also true with Java. It was great when it first came out, as the promise of the technology was the sweetest thing to hit the industry in a long time. By keeping such a tight hold on java, Sun has not only missed opportunity to advance the language, but they have kept many companies from innovating the language to provide a feature set that meets the needs of enterprise customers. When Microsoft added to java, they were only meeting the needs of their customers by filling the void in functionality that Sun refused to provide. Other companies have done the same, IBM, BEA, and others to the point that it takes a ''port'' of the code from one operating system to the next. This is completely opposite of what the early promise of java was ''write once, run anywhere''. To meet the needs of my business customers, we always have to find a vendor specific java such as IBM so that we can get the features out of the language that make it usable. If the language was submitted as a standard, these enhancement s would have been made to the language. Instead, Sun has kept the royaltees on all java licensing and has caused the rest of the industry to innovate around their stubbornness. Needless to say, I can better meet the needs of my customers by using another vendors ''flavor'' of java versus the straight Sun implementation.

The thing that bothers me the most about this case is that most of the ''facts'' (using the term loosely since I completely disagree with the previous findings of ''fact'' by the biased judge Jackson) brought to the government's legal team have come from Microsoft competitors, the ones who have the most to gain by hurting Microsoft. I have explained my thoughts on Sun, java and Netscape, and they are just a sampling of why this case should have never made it to the courts in the first place. To blanket this whole case and say that Microsoft is not allowing the industry to innovate is completely ridiculous. Microsoft should be punished for specific actions that have violated the law, and only for those specific actions. Given the amount of venture capital money that was fed into the economy over the last 10 years, there was plenty of opportunity for any company to come to market with new and compelling products. In regards to the settlement, it appears that both sides have made significant concessions to see this to an end. Ever since the DOJ brought this case against Microsoft, the economy has been in a tailspin. It appears that as long as this case is active in the courts, the chains of ''waiting to see what happens to Microsoft'' will remain, and the economy will remain stale. This tailspin has rippled into other industries and if we are ever to start recovering from this recession, this case needs to be completely settled and resolved.

Please bring this case to an end and let our industry regulate itself. If people are seeing unethical or extremely competitive behavior, they can make their own decisions on who to support with their IT dollars. If companies are explicitly breaking the law, punish them for those specific acts and do not bring the rest of the industry down (and in this case, the whole economy) with them.

Thank you,
Michael Beatty
CC:beattymp@yahoo.com@inetgw

MTC–00025675

From: Myles MacVane
To: Microsoft ATR
Date: 1/25/02 11:58pm
Subject: Microsft Monopoly

Dear Sirs:

If owning the rights to copies of an operating system used by 98% of the computers in the country does not, prima facie, constitute a monopoly, I don't know what does. Imagine that Microsoft owned the rights to the internal combustion engine. Much as with their Windows operating system, they could control most of the peripherals: radios, CD players, tape players, and GPS systems, for example, that General Motors, Chrysler, Ford, Honda, etc. could put into their vehicles. A better analogy might be...suppose Microsoft, owning the rights to the internal combustion engine, decide to engineer their engine so that only the gasoline refined by their own oil company worked well in that engine. What would happen to the other oil companies? They'd be kaput! That's just about what Microsoft is doing. Microsoft is basically anti-competitive, and it is the public who suffers.

Myles MacVane
13 Lyons Plain Rd.
Weston, CT 06881–0816
m—a—macavane@yahoo.com

MTC–00025676

From: Rich Wendling
To: Microsoft ATR
Date: 1/26/02 12:00am
Subject: Microsoft Settlement

Finally! I wanted to let it be known that it's a good thing you are finally settling this case. The DOJ has more important things to do than to pursue this matter. Thank you.

MTC–00025677

From: Gerard Jeronowitz
To: Microsoft ATR
Date: 1/26/02 12:01am
Subject: Microsoft Settlement

I am ashamed that the U.S. Government is actually considering this settlement with Microsoft. The settlement as proposed will not accomplish the goal of alleviating Microsoft's strangle hold on the computer retailers and industry at large. Remedy by agreement has not worked with Microsoft in the past, and no-one has gone back to actually follow up with, or enforce previous settlements with the company allowing those agreements to be ignored at will.

Microsoft is a predatory monopoly that stifles any real competition by either purchasing the competition, or eliminating a market by providing a free product and bundling it with their operating system, then forcing retailers to install that software as a default. Microsoft has repeatedly attempted to stall any legal proceedings by any means necessary, attempted to mis-lead the courts with falsified or manufactured testimony, and shows nothing but contempt for the process of law.

I do hope that the court will see through this travesty of a settlement and provide substantive, meaningful, and long term remedy. My suggestion is to break the company in to four smaller entities: Internet (MSN, Explorer, IIS), Media and Entertainment (games, XBox, Windows Media Player), Applications and Operating systems (MS Office, Windows) and lastly, Hardware (keyboards, mice, PocketPC). This mix, though likely seen as drastic by many, would minimize the ability of one company to gain advantage from the work of another and provide for an environment of open, honest competition in the spirit of Capitalism and the open market system.

Action such as this is necessary if TRUE innovation and competition is to continue in the future. Thank you for your time.

Gerard Jeronowitz
3041 N Sawyer
Mesa, AZ 85201

MTC–00025678

From: Luke Lin
To: Microsoft ATR
Date: 1/26/02 12:00am
Subject: Microsoft Settlement

I think the Microsoft Settlement is a horrible plan. It allows Microsoft to overtake the only area they currently do not dominate—education.

Luke Lin

MTC–00025679

From: Donald Fox
To: Microsoft ATR
Date: 1/26/02 12:03am
Subject: Microsoft settlement

I feel very strongly that Microsoft has been unjustly accused and persecuted in the matter of their alleged monoply of computer operating and applications systems. I think it is time to put a halt to this action and proceed with what seems to me to be a very fair settlement.

I don't believe that tough competition should be discouraged in order to protect others from their inability to compete. I believe to do so deprives everyone from using the fruits of that competition. If Microsoft is the one that survives, then so be it. I agree that they should not use predatory and unfair means to achieve their position but as I followed the court actions, it seemed to me that it was not proved that they followed illegal practices.

I strongly urge you to accept the proposed settlement forwith.

Donald Fox
105 Via Eldorado
Warner Robins, GA 31088

MTC–00025680

From: Avi Rappoport
To: Microsoft ATR
Date: 1/26/02 12:04am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I object to the proposed Microsoft Settlement, the Proposed Final Judgement. I have been personally injured by Microsoft's monopoly practices, both when I worked for a Macintosh OS software developer, and when I worked for a web server developer. In the latter case, Microsoft included a free web server in Windows NT, which made our cross-platform server software entirely uneconomic. There was simply no longer a market for server software, which destroyed the server division of of my employer, Quarterdeck.

As a consumer and small businessperson, I have been hurt by a lack of choice in operating systems and office automation applications. I had to buy a Windows machine to run certain programs, although I prefer to use the Macintosh OS. I know Microsoft Word, Excel and PowerPoint very well, and would not use them if I had a choice. However, to share files with my consulting clients, I am required to pay for these applications.

I believe that any settlement with Microsoft should have the following characteristics:

—It should reduce barriers to development of applications, especially those which compete with Microsoft products.
—It should require Microsoft to publish all secret APIs used by Microsoft inhouse and close partner developers.
—It should require Microsoft to disclose all patents protecting Windows APIs to avoid inadvertent infringements.
—It should allow users to replace Microsoft.NET with competing middleware.
—It should apply to all flavors of Windows which use the Win32 and associated APIs.
—It should require advance notice and documentation of technical requirements and changes to the middleware.
—It should require complete and current documentation of Microsoft Office file formats, and infrequent changes to these formats.
—It should remove any restrictions on Open Source software.
—It should remove any restrictions on Microsoft software on competing Operating Systems.
—It should punish intentional incompatibilities, as Microsoft has used in the past to keep software from running on other Operating systems.
—It should restrict Microsoft from punishing any OEM, especially smaller companies, that do not want to license Windows for all their systems.
—It should disallow discounts based on sales of other products.
—It should have a strong and automatic enforcement mechanism, with some kind of heavy fines or damages for each infringement.

The Proposed Final Judgement fails in all these aspects, allowing Microsoft to leverage its monopoly in operating systems to other aspects of technology and reducing the free market of ideas. I urge you to consider the issues above in creating a fair settlement that is in the public interest.

Thank you,
Avi Rappoport

MTC–00025681

From: lpear16122@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 12:00am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Lois Pearson
E. 11114 48th Ave. Spokane, WA 99206

MTC–00025682

From: howard(a)tayler.com
To: Microsoft ATR
Date: 1/26/02 12:05am
Subject: Microsoft Settlement

I believe the proposed settlement is a bad idea. It will not prevent illegal monopolistic

behavior in the future, and will actually strengthen Microsoft's desktop monopoly, giving them MORE power to illegally exploit that desktop to soak consumers.

Howard Tayler
Orem, UT

MTC–00025683

From: Steve Corwin
To: Microsoft ATR
Date: 1/26/02 12:05am
Subject: Microsoft Settlement

Throughout this case there's been a lot of talk about Microsoft's freedom to innovate, but what about my freedom to innovate? I'm a profesional software developer with over 10 years experience. Suppose I come up with an idea for a new piece of software, something that most anyone can use. Suppose I start a company to sell it. Under the terms of this agreement, Microsoft is free to release a competing product for free & put me out of business, just like they did to Netscape. Microsoft has almost $38 billion in the bank to fund their efforts. I need venture capital. What venture capitalist will fund me? They know what happened to Netscape. They know what happened to IBM's OS/2. They figure they know what will happen to me. What about my freedom to innovate?

Steve Corwin
steveco@san.rr.com

MTC–00025684

From: Maryln Pedgrift
To: Microsoft ATR
Date: 1/26/02 12:05am
Subject: Litigation

Dear Mr. Ashcroft,

I wish to express my opinion regarding the Microsoft settlement that I thought was resolved in November. I wish to support this settlement in supporting Microsoft. Otherwise, no one will really benefit if this suit continues. Microsoft is a fair company and has agreed to respect other companies in which is fair and lawful. This company has benefited so many people and consumers will be hurt by a continuing litigation. It has agreed to comply with disclosure for use by its competitors and internal interfaces for the windows operating systems.

Please support the settlement. Thank you so much.

Very truly yours,
Maryln Pedgrift
Maryln@primeline.com
CC:fin@mobilizationoffice.com@inetgw

MTC–00025685

From: Edward W Goodwin
To: Microsoft ATR
Date: 1/26/02 12:08am
Subject: Microsoft Settlement

Dear Sirs:

It is high time that the legal actions taken against Microsoft come to a final conclusion. I strongly support the Justice Department in determining a quick and final solution to this law suit. To continue the delay of a final settlement only enriches the pockets of attorneys and a few special interest groups. This case has gone on long enough. The Justice Department now has more pressing issues to face in light of 9/11.

Sincerely,
Edward W. Goodwin
Greenville, SC

MTC–00025686

From: SDFGOLF@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 12:10am
Subject: Microsoft Settlement

I want to give my support to settlement of the antitrust settlement between Microsoft, the DOJ, and nine states. To let the greedy states and Microsoft competitors seek to persist in their efforts to prolong this case is plain wrong.

In December of last year I bought a new Dell Computer. WindowsXP and Office 2000 are marvelous. Microsoft is a great company with great products. If competitors developed new products and managed as well as Microsoft they could earn money through their product sales insted of suing Microsoft.

Stanley D. Fuqua
5708 92nd Ave. S. E.
Mercer Island, Wa
98040

MTC–00025687

From: Elaine C. Martinez
To: Microsoft ATR
Date: 1/26/02 12:14am
Subject: Microsoft Settlement

Gentlemen:

Please accept the settlement so that Microsoft can get on with the business of serving the people of this country. It is my opinion that Microsoft should never have been singled out and persecuted as it has been in recent times. I love Microsoft products, and I think Mr. Gates is wonderful for giving people such great software at affordable prices.

The ideas put forth by Microsoft are always geared toward increasing productivity, and everyone should support them so we can all have a better life.

I'm retired now, but I really enjoyed working with some of the computers I used in my jobs as a secretary. I consistently found that the computers I liked were all ''loaded'' with Microsoft products! I hope the courts get finished with Microsoft so that Mr. Gates and his company can get back to business.

Sincerely,
Elaine C. Martinez
Seattle, Washington

MTC–00025688

From: patrick
To: Microsoft ATR
Date: 1/26/02 12:14am
Subject: MICROSOFT SETTLEMENT

Hello

Please expedite this extravagant attorney parade to its inevitable conclusion ASAP.

Do you guys think for one moment our real competitors, the Japanese, the Chinese, the Europeans, would waste any time trying to destroy one of their most successful companies the way we let the parasitic lawyers trash American firms like Microsoft?

Please stop wasting our time and money with this show. Microsoft has helped the world become standardized and productiive.

Please go chase real criminals, like the international drug syndicates ruining our childrens opportunities to even use Microsoft's products. Go chase the importers who are slowly destroying American productive manufacturing jobs. Do somthing that really helps the country, not just the attorneys. The ''Justice'' department just makes me angry.

Yours Truly,
Patrick J. Driscoll P.E.

MTC–00025689

From: weeones3@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 12:13am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Kathleen smith
9617 S. Bell
Chicago, IL 60643–1626

MTC–00025690

From: Harry Lee
To: Microsoft ATR
Date: 1/26/02 12:17am
Subject: Microsoft Settlement

Dear Attorney General,

One of the most productive companies in the United States is Microsoft. Due to its innovations in software, Microsoft has contributed a good share in the growth of the U.S. and the world economy. However, instead of rewarding for its contributions, it is punished for being too big and monopolistic. In its quest for growth, it may have hurt its competitors, but isn't that the way business operates? In competition, there is always one winner and many losers. But losers may improve and win the next time.

Microsoft has done its part to rectify the complaints against it. It has proposed a solution that will be beneficial to schools and the disadvantaged. It is a cost-effective solution, and it is time to move on. Any additional litigation will only raise the cost of software for everyone. In the end, who really pays? It is the consumer. That is not the way to bring us out of recession.

Thank you for reading this e-mail.
Harry P. Lee
HI-IQ Products, Peizen Industries
P.O. Box 1198
Camarillo, CA 93011–1198
Ph: (805) 484–2454
Fax: (805) 383–5909

MTC–00025691

From: John Battick

To: Microsoft ATR
Date: 1/26/02 12:20am
Subject: Microsoft Settlement

Dear Mr. Ashcroft:

I am writing to address the matter of the settlement in the Microsoft Antitrust suit. I am in agreement with the current settlement insofar as to say that no further action should be taken against Microsoft. Although I am in favor of accepting the antitrust settlement I believe that it was wrong from the start for Microsoft to have been sued. I do not think that Microsoft should have been penalized; rather, they should be rewarded for their innovation and creativity in the IT field. As I see it, the entire antitrust proceedings were unfounded and unfair to the concept of free enterprise.

Now is definitely not the time to be handicapping an industry leader such as Microsoft with costly and time-consuming litigation. The current downturn in our economy needs the stimulation which the IT field can generate. By tying up both corporate and taxpayer dollars in the courtroom we are depriving the economy of valuable resources, which could be used to help get our country back on track. For these reasons I believe that accepting the current settlement is not only in the best interest of Microsoft, but it also in the greater interest of the economy as a whole.

Sincerely,
Nancy C. Battick

MTC–00025692

From: Daniel P. Brown
To: Microsoft ATR
Date: 1/26/02 12:20am
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
January 25, 2002

Dear Ms. Hesse,

Microsoft is a convicted monopolist. Well, adjudicated monopolist, anyway.

This case should not end without a remedy that restores competition. Any remedy should have four concurrent goals: to put an end to the illegal monopoly; to prevent a return to anticompetitive behavior; to deny the violator the benefits of its illegal actions; and to ensure competition going forward.

Microsoft must be forced to offer a version of Windows unburdened by Microsoft's monopolistic add-ons. The free market, and not Microsoft, must be the mechanism by which emergent technologies are judged. Microsoft must be permanently banned from forcing independent software vendors and internet service providers into exclusive contracts with Microsoft. Allowing a monopolist to withhold platform support from nascent and independent entrepreneurs is antithetical to the functioning of a free market, and strangles, rather than supports, real competition. The appointment of a Special Master overseeing Microsoft compliance must be a part of any settlement. The seed which became the ''second'' multimillion dollar effort to bring Microsoft into compliance with the law was planted with Microsoft's blatant and arrogant disregard of an earlier toothless compliance decree from the government. This remedy will meet the same expensive end if it is not accompanied by adequate enforcement.

Thank you for your time.

Sincerely,
Dan Brown
Saint Paul, Minn.

MTC–00025693

From: ewaldfernbach@compuserve.com@inetgw
To: Microsoft ATR
Date: 1/26/02 12:21am
Subject: Microsoft Settlement

Dear Honorable Judge Kollar-Kotally , my name is Ewald Fernbach, I am working as IT manager for Vector Labs, 30 Ingold Rd., Burlingame, CA, 94087.

Regarding the proposed settlement for the antitrust lawsuit against Microsoft I have the following concerns: The settlement fails to terminate the Microsoft monopoly, and instead guarantees Microsoft's monopoly will survive and be allowed to expand into new markets. All monopolies must be carefully watched to make sure they don't abuse their monopoly position. Indeed, many monopolies are either broken up or carefully regulated in order to protect the public interest. Why is Microsoft allowed a waiver to this general rule? Does the Justice Department think that Microsoft is going to suddenly change its operating methodology? The proposed deal with the justice department does not address the fact that Microsoft has abused its monopoly and is likely to do so again, and again, and again in the future to the detriment of others.

The proposed settlement does not address Microsoft's proven ability to retaliate against would-be competitors and to, in effect, appropriate the intellectual property of its competitors—and even its partners—in fact all who do business with Microsoft. The Appeals court found such past conduct by Microsoft highly egregious yet the Agreement does not address these issues. Again, many of us have been on the receiving end of these types of Microsoft bullying tactics. Bolting. The proposed settlement, as far as I understand it, does not address the issue that fueled consumer criticism and which gave rise to this antitrust case in 1998: Microsoft's decision to bind—or ''bolt''—Internet Explorer to the Windows operating system in order to crush its browser competitor Netscape. This settlement gives Microsoft ''sole discretion'' to unilaterally determine that other products or services which don't have anything to do with operating a computer are nevertheless part of a ''Windows Operating System product.'' This creates a new exemption from parts of antitrust law for Microsoft and would leave Microsoft free in future versions to bolt financial services, cable television, or the Internet itself into Windows.

Non MS standards. The Court of Appeals affirmed that Microsoft had unlawfully and intentionally deceived Java developers and ''polluted'' the Java standard in order to protect its monopoly and defeat competition. Yet, the proposed settlement does not restrict Microsoft's ability to modify, alter or refuse to support computer industry standards, including Java, or to engage in campaigns to deceive developers of rival platforms, middleware or applications software. Indeed, Microsoft's decision not to distribute Java technologies with Windows XP, which hurts developers and consumers alike, will be the shape of things to come under the proposed deal unless the Court requires Microsoft to continue to support accepted industry standards such as Java technologies, even if they do not originate from Microsoft.

Middleware. As part of the proposed settlement, Microsoft is required to allow the PC manufacturers to hide Microsoft middleware programs and allow them to install icons or links to competing middleware programs. The only problem is that the PC manufacturers are not allowed to remove the code that could be used to reactivate Microsoft's middleware programs. In other words, two weeks into owning the machine, a consumer could be asked if they want to reconfigure their desktop, install all the Microsoft middleware and delete all the competitor's middleware, which many users would undoubtedly do, without really knowing what they are doing. If they then would find out that the reinstalled Microsoft product is inferior to the competitors product, they would not have an easy way to fall back to the previous settings.

Communication Protocols. The settlement states that Microsoft must now share information on how its middleware and server software work together with Windows. However, Microsoft does not have to disclose this information for middleware it does not distribute separate from Windows, or for middleware it has not trademarked. This leaves the door open for ''bolting'' discussed above. If Microsoft wants to drive a competitor out of business, they just attach the specific type of software the competitor is involved with to their Windows platform. Once they do that, they do not have to share the API's and other basic information that is needed by the competitor to ensure its software works with Windows. And without reliable access to 90% of the PC's in the world—no competitor can survive. Once the competitor is out of business, Microsoft can separate the software from the Windows package, sell it separately and derive huge margins. In addition, Microsoft does not have to disclose their information to companies that in ''their view'' do not have a ''viable business'' (defined as selling at least 1 million units in the previous year).

This loophole will allow Microsoft to hamper new software start-ups from becoming true competitors simply if in Microsoft's ''view'' they are not a ''viable business''. Who can really say which new start-up is a ''viable business''? Certainly this should not be left to the judgment of a voracious monopolist. Lastly, Microsoft does not have to disclose this coding information if Microsoft deems such disclosure would harm the company's security or software licensing. There is no provision to say who is to make this determination, leaving it on a defacto basis up to Microsoft Enforcement of Settlement Compliance. The proposed settlement requires a three-man compliance team to oversee Microsoft's compliance with

the Agreement. Microsoft will appoint one person, the Justice Department another, and the third will be chosen by the two people already appointed. In essence, Microsoft will control half the team. This new team will not be allowed to inform the public of their work, and cannot impose fines. In addition, the work of the committee cannot be admitted into court in any enforcement proceeding. The committee's sole remedy for infractions is for them to inform the Justice Department of the infraction and then the Justice Department will have to conduct their own research and commence litigation to stop the infraction. The Justice Department does not need a compliance group to tell them when Microsoft is doing something wrong, so in reality this group is just a smoke screen and will waste taxpayers money.

In conclusion I think that the proposed settlement has nothing to do with justice but represents the capitulation of the judicial system of the USA. The message this settlement sends is: ''you can get away with anything if you have enough money in your corner''. This is a very dangerous and discouraging message for corporations as well as for individuals and will definitely add to the already significant corrosion of the publics trust in their country's judicial system.

To me it looks like with the proposed settlement the Justice Department is trying to pretend that justice has been served, whereas in reality Microsoft was able to put itself above the law. As citizen of this country and as computer user I urge you to do everything to prevent Microsoft from continuing its detrimental business practices. I strongly oppose to accepting the proposed settlement in the form discussed above and I suggest a thorough revision of the whole case.

Best Regards
Ewald Fernbach

MTC–00025694

From: Jack Sperry
To: Microsoft ATR
Date: 1/26/02 12:26am
Subject: Microsoft Settlement
15706 SE 173rd Street
Renton, WA 98058–9106
January 25, 2002
Attorney General John Ashcroft
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing to address the recent settlement between Microsoft and the Department of Justice. I am more than happy with this agreement and think it should stand. Any further litigation will be counter-productive and hamper any chance of revitalizing our economy. I did not support the initial lawsuit. There was no consumer abuse. I use Microsoft products because they are quality products at a reasonable price. What's the problem? If there were other products out there of equal quality and equal price, I would use those, but there aren't. Microsoft's competitors have had the same chances as Microsoft. They just have not been able to perform as well. Hence, they run to the government for a leg up.

I am also concerned with the intervention of government in what is supposedly our free market system. Government is taking the intellectual property of a company, and forcing same to disburse it among its competitors. Why should anyone bother to invent something any more if they know it will be subject to delineation among their competitors if they are ''too successful''? Would you?

Microsoft has agreed to this principle in that it has agreed to disclose for use by its competitors various interfaces that are internal to Windows'' operating system products; Microsoft has also agreed to help companies write software that networks well with their own. Enough is enough. I urge you to give your support to this agreement and allow Microsoft, and this country, to get back to business.

Sincerely,
Jack C. Sperry

MTC–00025696

From: Brent Pickert
To: Microsoft ATR
Date: 1/26/02 12:27am
Subject: Microsoft Settlement

To whom it may concern:

I would like to make my voice heard in the Microsoft Antitrust settlement.

I do not believe that the current settlement will discourage Microsoft in any way from continuing the practices that have led to the trial. I believe that whatever settlement is finally approved needs to make certain that not only is Microsoft punished for their years of law breaking, but also that the settlement puts into place avenues for competitors to make inroads that will add competition to the market. Thank you for your time, Brent Pickert

MTC–00025697

From: mjbgoetz@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 12:26am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
JOYCE GOETZ
32128 CANYON CREST CT.
WESTLAKE VILLAGE, CA 91361

MTC–00025698

From: Florian
To: Microsoft ATR
Date: 1/26/02 12:28am

MTC–00025699

From: Harry P Gallagher
To: Microsoft ATR
Date: 1/26/02 12:28am
Subject: leave Microsoft alone.

without them there would be no computer industry. I started out twelve years ago with an apple 2C and progressed to a PC. Microsoft made it possible for the unsophisticated operator to learn to operate a computer. Without windows there would have been no computer industry like it is today. They built a better mousetrap and the world beat a path to their door. It created a huge industry which benefited the federal government with more tax income due to the many companies that sold computers. Stay off their back and be glad they are in business.

H.P. Gallagher
4738 Collinos Way,
Oceanside, CA 92056

MTC–00025700

From: AL OIEN
To: Microsoft ATR
Date: 1/26/02 12:29am
Subject: DESTRUCTION OF LIBERTY IN AMERICA

TO WHOM IT MAY CONCERN:

IF YOU ARE UNABLE TO COMPETE IN THE MARKETPLACE THESE DAYS, WHINE TO THE GOVERNMENT AND THEY WILL REWARD YOU BY FORCING YOUR COMPETITION OUT OF BUSINESS. ANOTHER TRIUMPH OF THE MOTHERS OF AMERICA.

al

MTC–00025701

From: grouch
To: Microsoft ATR
Date: 1/26/02 12:30am
Subject: Microsoft Settlement

The ''Proposed Final Judgement'' in the case of ''Civil Action No. 98–1232 (CKK)'' appears to be another recipe for failure in a long line of such failures by the Department of Justice with regards to Microsoft. It appears to have no strength with which to interrupt the predatory practices of which Microsoft has been found guilty. It appears to have no ability to restore competition in a market which has been devastated by the illegal leveraging of monopoly power for which Microsoft has been found guilty. It appears completely inadequate to anticipate the future moves Microsoft may make to continue illegally leveraging their existing and expanding monopoly powers.

The provisions of the Proposed Final Judgement appear on the surface to be adequate. However, there are so many exceptions and phrases of ''nothing ... shall prohibit'' that the settlement is rendered little more than a catalog of past behaviors that the Department of Justice meekly requests that Microsoft not repeat, if it's not too inconvenient for Microsoft. One provision goes so far as to give Microsoft an easy way to circumvent all of the provisions regarding APIs; they only have to tie those APIs somehow to security measures and claim revealing those APIs would compromise security. It should be remembered how

Microsoft claimed their browser was a necessary and integral part of the operating system. Even the definitions are inadequate for they allow much leeway for Microsoft to continue expanding their monopoly into other marketing areas.

The Proposed Final Judgement does little to address the applications barrier to entry. Every provision that prohibits retaliation by Microsoft against OEMs, ISVs, or IHVs, includes loopholes concerning security or intellectual property rights which allow Microsoft an easy side-stepping of the prohibitions. Additionally, nothing is done about the network effects of Microsoft products in creating the barriers to competitors. The data formats of all Microsoft software will continue to be a fearsome weapon preventing the use of any competing product. So long as Microsoft is allowed to hold data hostage to its file formats, the monopoly power is assured and can be leveraged to extend that monopoly in other areas. No competitor may make inroads on a network on which Microsoft has established its lock on the customers data. Once again, while the Department of Justice picks nits with the past, Microsoft has moved on to other ways of ensuring monopolistic power over computer users. The findings of fact showed how Microsoft effectively eliminated the threat to its monopoly from middleware products. The proposed final judgement does nothing to remedy this, and in fact section III.H. has two exceptions that handily provide the means for Microsoft to extend its monopoly into the server market with ActiveX ties between Microsoft middleware and Microsoft servers. As for Sun's Java, Microsoft is well underway to using its current monopoly powers to supplant Java with .NET and C#, again outpacing the Department of Justice as it has repeatedly in the past.

I do not pretend to know the protocols and fine points of the legal profession, but it looks like the criminal in this case gets off without paying for the crime and gets to define much of the contraints, or lack thereof, placed on the criminal's future actions. I see no punishment, no restitution, no barrier to Microsoft continuing to harm customers, competitors, and the computing industry in general in this proposed final judgement.

Terry Vessels

MTC–00025702

From: Larry Anderson
To: Microsoft ATR
Date: 1/26/02 12:33am
Subject: Microsoft case comments

I don't believe the current penalties against Microsoft do justice to them for their wrongdoings or for us, as consumers who are seeing as they settle this case they are manipulating the hardware/software industry on other fronts which most likely will lead to more cases against their practices.

The breakup of Microsoft was in my opinion more just as it would unleverage the company from multiple in-house assaults on various markets from its serveral fronts (operating systems, applications, internet, and development tools). The Education idea as mentioned is only a benefit to microsoft in the long run rather than a punishment. I don't think it is fair to tell a compnay to do create something for or support a platform it does not have interest—but if one holds a monopoly, they should be responsible for keeping the playing field stable and open for competition—Microsoft needs to offer inroads for new technologies (publish standard interfacing detail to key operating system and performance features) to make a product that can work with others (and that will still work with others for a significant period of time) or that others can be data compatible with microsoft's without the threat of them just changing the rules and dargging all the hapless comsumers along with them thus leaving everyone else incompatible again. When you have an 80%+ stake in a broad but key technology (the OS) and with the right marketing you know you can get that 80% to purchase any upgrade in two years (i.e. offer corporate/government/educational discounts on newer but slightly incompatible technology, which forces the need for lower level businesses, local government and consumners to upgrade to also be compatible with the higher levels,) whether they really needed to or not.

I think Microsoft has a need to innovate but also live up to its (and its competitor's) promise of ''standard'' so others can use microsoft's ''standard'' to build from without having it turn into the ''old standard'' my MS too soon. If Microsoft continues to ''business as usual'' it will keep costing the conumers: corporate, government, public and private in upgrades and constant re-invention of our technologies and while we keep paying MS for their un-fair practices.

Larry Anderson
San Andreas, CA
(209) 754–1262

MTC–00025703

From: crb
To: Microsoft ATR
Date: 1/26/02 12:38am
Subject: Microsoft Settlement

I believe that the proposed settlement in the Microsoft case is deeply flawed and will only allow Microsoft to continue its predatory tactics in one form or another. I've spent years trying to circumvent Microsoft's control over my personal computer—for instance, I had to spend many hours figuring out why Netscape Navigator wasn't downloaded when I installed my Mac OS. Finally figured out that Netscape Navigator WAS on the disk, but that I had to install it manually (it was obvious that NN was meant to be hidden from the average user).

Microsoft has harmed personal computer users like me who want alternatives to Microsoft products. I am a fervent user of Apple computers, and I want real choice in the marketplace. If Microsoft is allowed to evade any meaningful sanctions, it will just extend its monopoly power indefinitely. Please punish and constrain Microsoft in some real fashion.

Thank you.

Colette Brooks

MTC–00025704

From: Andrew Stewart
To: Microsoft ATR
Date: 1/26/02 12:35am
Subject: I do not agree

This just a light slap on the wrists to Microsoft. Regardless of the alleged importance to the computer industry. Microsoft should be made to understand that you can not just break the law and bully competitors.

>>>>>Andrew Stewart<<<<<<

MTC–00025705

From: Bob McKenna
To: Microsoft ATR
Date: 1/25/02 11:35pm
Subject: Microsoft Settlement

Please see my attached letter requesting an end to the government prosecution of Microsoft in the interest of American consumers and investors.

Bob McKenna
email address: bobmck@hal-pc.org
Phone: (713) 690–6996
2734 Bernadette Ln.
Houston, TX 77043–1801

MTC–00025705–0001

Robert G. McKenna
2734 Berrnadette Lane
Houston, TX 77043–1801
Januarry 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The purpose of this letter is to request that the government conclude and settle the case against Microsoft. After three years of litigation, too much time and money has been spent in negotiating this case. The investing public has suffered significant losses, as the government has drug Microsoft through the legal system. Continuing this litigation process would serve only to decrease important federal resources and further impact consumers and investors. Microsoft has not gotten off easy in this settlement agreement. The settlement that was reached may not satisfy everyone, but it is in the best interest of all to enact it quickly.

The terms of the settlement agreement are very fair in that they provide for many compromises on behalf of Microsoft. Microsoft has agreed to license Windows at the same rate to the largest PC manufacturers. In addition to this, Microsoft will also disclose all of the information regarding the internal interface and protocols of the Windows system. This allows developers to develop new software and hardware that is increasingly compatible with the Windows system. Moreover the formation of a technical review board will provide for the oversight of Microsoft's further action. This technical board will prevent Microsoft from entering into any anticompetitive behavior. Hence, I believe that the terms of the settlement are fair, further enacting the settlement will benefit the technology industries. Enacting this settlement will help restore confidence in the suffering technology industry. Given the current state of the economy, this is the best course for the Department of Justice.

Sincerely,
Robert G. McKenna
Robert McKenna

MTC–00025705–0002

MTC–00025706

From: DTaylor744@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 12:32am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
David Taylor
3120 E. Westcott
Visalia, CA 93292

MTC–00025707

From: TMM
To: Microsoft ATR
Date: 1/26/02 12:36am
Subject: Microsoft Settlement

To Whom it May Concern,

Please make sure that Microsoft pays the the highest penalty possible for the damage they have done to people by trying to monopolize the computer software industry. Also don't let them make unfair inroads against Apple computer in the education market by ''dumping'' PCs on schools, let Microsoft make cash donations instead!

Thank you,
Tom McGrath
1323 Princeton St.
Santa Monica, CA 90404

MTC–00025708

From: JC
To: Microsoft ATR
Date: 1/26/02 12:37am
Subject: Microsoft Settlement

As an American citizen and an avid computer user I'd like to send my voice in regards to the Microsoft Vs DOJ Settlement.

We all know that Microsoft has abused its monopoly power to harm competitiors and consumers. Judge Jackson & The Appeals Court have told us that. That's not in dispute here. It's what we need to do to prevent further abuse of power by Microsoft that we need to resolve.

What Mr. James and DOJ agreed to in the settlement is nothing but a ''slap in the wrist''. It does not open up competition, it leaves OEMs handcuffed and does not affect Microsoft's behavior in any way. What it does do is legalizes some of the business practices that Microsoft has been thought to be doing illegally.

Microsoft attacks competitors on several fronts. To kill off Netscape and RealPlayer they simply bundle their own competing products in Windows and stops OEM from bundling competing products. They refuse to offer a version of Windows without their own ''middleware'' programs. They use a different method to kill of competing Operating Systems. First they prevent OEMs from setting up dual-boot systems. Thus that effectively eliminated OS/2 and BeOs out of the market. Those two products were far superior to Windows but Microsoft flexed its antitrust muscle to knock them out.

What does Mr. James offer as a solution to this problem? He forces Microsoft to normalize Windows license prices. But the loophole is that Microsoft can punish OEMs by inflating the cost of Microsoft Office licenses or can simply refust to licese Windows. So that remedy has no effect. Next he opened up OEMs to bundling competing middleware applications. But Microsoft will not have offer a version of Windows without the apps bundled. I guess that's enough of all this explanation, I'm sure you've heard everything already. As a computer user who has followed this case very carefully from the start and know all the ins and outs, I know this ''deal'' is a raw-deal for the consumers and competitors. Remember the DOJ has won this case in trial, there is really no reason to settle for a slap in the writst now. You could've done that years ago.

Why waste the effort that was put into the case? Just my 10 cents.

MTC–00025709

From: silverhaired3@juno.com@inetgw
To: Microsoft ATR
Date: 1/26/02 12:39am
Subject: Microsoft Settlement

Ladies and Gentlemen,

I believe that the proposed settlement offers a reasonable compromise that will enhance the ability of seniors and all Americans to access the Internet and use innovative software products to make their computer experience easier and more enjoyable.

This settlement itself is tough on Microsoft, but is a fair outcome for all parties—particularly senior consumers. Most important, this settlement will have a very positive impact on the American economy and will help pull us from the recession we have experienced over the past year. Consumer interests have been well served, and the time to end this costly and damaging litigation has come.

Dragging out this legal battle further will only benefit a few wealthy competitors, lawyers, and special interest bigwigs. Not one new product that helps consumers will be brought to the marketplace.

Sincerely,
Bohdan (Don) Tuziw
3108 Coffey Ave
Bellevue NE 68123–1331
PH: 402–291–7177
e-mail: silverhaired3@juno.com

MTC–00025710

From: Olivia Stalter
To: Microsoft ATR
Date: 1/26/02 12:39am
Subject: microsoft settlement Letter sent.
Olivia Stalter stalter@tscnet.com

MTC–00025711

From: Clifford R. Earle
To: Microsoft ATR
Date: 1/26/02 12:41am
Subject: Microsoft Settlement

Dear US Department of Justice and States Attorneys General: I must say, after following Microsoft in the press for the last few years, and the antitrust action specifically, that the proposed settlement in this case seems to do be a poor solution. The reasons are various, ranging from the settlement's poor definition of ''covered OEM''; to the too-limited 14-day protection of an OEM's desktop configuration; to the exceptions for invocation of Microsoft Middleware; to impossible conditions for membership in the Technical Committee; to the appointment of an *internal* (?!) Microsoft compliance officer; to the impractical limitation of a one-time only extension of the final judgement; to a confusing and contradictory definitions of Microsoft Middleware, Platform Software, and Windows Operating System Product; to a limiting and back-looking definition of personal computer; to the lack of any language whatsoever that prevents the whole agreement from being rendered null and void if only part of it is—all of which are avoidable or even exploitable by a company which seems to know little, if any, shame.

Please do not allow such a flawed resolution to a solid case.

Best regards,
Clifford R. Earle
Sunland, CA

(California, West Virginia, and the District of Columbia were excluded from the cc line only due to their regretable use of on-line feedback forms rather than e-mail addresses.)

CC:attorney.general@po.state.ct.us@inetgw,ag@oag.stat...

MTC–00025712

From: cgmccurdy@aol. com@inetgw
To: Microsoft ATR
Date: 1/26/02 12:39am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Cynthia McCurdy

920 Brookwood Dr.
New Albanyh, IN 47150

MTC–00025713

From: Robin Harding
To: Microsoft ATR
Date: 1/26/02 12:42am
Subject: Fw: MSFT Settelment.
From: ScubaNark@aol.com
Sent: Friday, January 25, 2002 2:38 PM
To: barkerj@3-cities.com;
tcox@ctc.ctc.edu;
Popcox13@aol.com;
ronandcec@msn.com;
hagajim@yahoo.com;
Rmespinola@aol.com;
Neil—Middleton@lambweston.com;
RPerez7581@aol.com;
sunshinecandle@hotmail.com;
samandrosie@home.com;
Sandychip@aol.com;
springen@concentric.net
Subject: MSFT Settelment.

Following is a letter I am sending to the attorney general in support of MSFT case settlement. If you agree in settlement and would like to forward, following is the Email address etc.

The Attorney General's fax and email are noted below.

Fax: 1–202–307–1454 or 1–202–616–9937

Email: microsoft.atr@usdoj.gov

In the Subject line of the e-mail, type Microsoft Settlement.

For more information, please visit these websites:

www.microsoft.com/freedomtoinnovate/

www.usdoj.gov/atr/cases/ms-settle.htm

January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my support of the United States Department of Justice's recent efforts to settle the Microsoft antitrust lawsuit. This case really should not have been brought against Microsoft. Microsoft's innovations have and continue to contribute immensly to the productivity and economy of the United States . Microsoft single-handedly through ''Window's Operating System'' made computers accessible to the world.

Computers are now in virtually every household and bussness in the country. Microsoft may have been aggressive in their business dealings, but that is the way of the business world in a free-market society. Aggressive business tactics are not necessarily the same as antitrust violations. Despite my feeling that this case should not have been filed, at this stage of the game I think the wise course of action is to settle the case. The settlement agreement the parties negotiated is fairly reasonable.

It will require Microsoft to refrain from retaliating against computer manufacturers that install software other than Windows on their computers. Along those same lines, it will require Microsoft to not retaliate against software developers who develop programs that compete with Windows. These concessions should help the competition operate on a more level playing field.

I appreciate your efforts to settle this case.
Sincerely,
Roger CoxGet more from the Web.

MTC–00025714

From: FC003@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 12:43am
Subject: Microsoft Settlement

Three years ago, the U.S. Department of Justice charged Microsoft with having engaged in anti-competitive behavior based on allegations by its top competitors. Many have argued, and I believe, that Microsoft was singled out by its jealous competitors and sympathetic government bureaucrats because of its success and a desire to see it punished.

I am aware that the Justice Department is in the final stages of deliberating on the proposed Microsoft settlement to decide whether to accept the settlement or to litigate it further. I strongly believe that the proposed settlement offers a reasonable compromise that will enhance the ability of seniors and all Americans to access the internet and use innovative software products to make their computer experience easier and more enjoyable. In my opinion it appears that a few of Microsoft's competitors have continued their aggressive lobbying campaign to undermine the settlement negotiated with the federal government and nine states. The settlement itself is tough on Microsoft, but is a fair outcome for all parties—particularly senior consumers. Most important, this settlement will have a very positive impact on the American economy and will help pull us from the recession we have experienced over the past year. Consumer interests have been well served, and the time to end this costly and damaging litigation has come. Dragging out this legal battle further will only benefit a few wealthy competitors, lawyers, and special interest big-wigs. Not one new product that helps consumers will be brought to the marketplace.

Respectfully,
Perry L Phipps
1418 Virginia Ave
Severn, MD 21144–2632
CC:FC003@aol.com@inetgw

MTC–00025715

From: Lois Cope
To: Microsoft ATR
Date: 1/26/02 12:43am
Subject: AOL has surprised many of its former ''constituents''

Sirs:

I am very disappointed to learn that AOL has just filed another lawsuit against Microsoft. It has gotten to the level of ''silly'', jealous behavior. As it happens, I was one of AOL's first customers I think in the early eighties, when I was using an Apple II in business. Steve Case is a native of Hawaii and I've been very proud of him as a former classmate of one of my daughters.

When the company needed money and offered ''deals'' if people would advance them funding, I personally did so. Eventually, however, I dumped the Apples and went to the Microsoft equipment because it was more reliable as well as for many other reasons. I eventually have ''dumped'' aol but use another of their products, Roadrunner, the broadband part of the business as do all the power users I know. To see them turn on Microsoft, which lent them I think $150,000,000 a few years ago when they needed it is really shocking. There is no reason all the software equipment cannot be used together if desired.

I see no reason to give into them now, when the very reasonable settlement has been reached. It is a frivolous lawsuit which appears to have been brought by losers.

Thank you for listening and good luck in your endeavors.

Aloha,
Lois P. Cope
808 488–9413

MTC–00025716

From: Marjoroie Dale
To: Microsoft ATR
Date: 1/26/02 12:44am
Subject: letter to Ashcroft

Letter has been sent on Microsoft's behalf. Hope it helps!

Marjorie Dale

MTC–00025717

From: mom2000
To: Microsoft ATR
Date: 1/26/02 12:45am
Subject: Microsoft Settlement

Gentlemen,

In my humble opinion, it seems Microsoft's competitors are doing everything they can to leverage the Justice Department to do what they could not do in a free market (increase their market share on their on merits). If we the consumers (the market place) did not prefer Microsoft's products over its competitors; and it does have competitors, they would not be the market leader they are today.

With that said, I admonish, that the penalties not penalize Microsoft for its market share, but, only for those areas of liability it should bear for any illegal or proven unfair business practices.

Thank you for all consideration.
MKTG. OPTY=$$$
Marketing Opportunities=Money!
Michael Larkin, IT Executive
1331b Crique Way
Roswell, Ga. 30076–5232
770 641–6591

MTC–00025718

From: Glen Richardson
To: Microsoft ATR
Date: 1/26/02 12:54am
Subject: Microsoft Settlement

I fully support the proposed settlement between Microsoft and the DOJ. Let's end this now.

Glen Richardson
Fort Worth, Texas

MTC–00025719

From: Myroslawa Tuziw
To: Microsoft ATR
Date: 1/26/02 12:50am
Subject: Microsoft Settlement

Ladies and Gentlemen,

I believe that the proposed settlement offers a reasonable compromise that will enhance the ability of seniors and all

Americans to access the Internet and use innovative software products to make their computer experience easier and more enjoyable.

This settlement itself is tough on Microsoft, but is a fair outcome for all parties—particularly senior consumers. Most important, this settlement will have a very positive impact on the American economy and will help pull us from the recession we have experienced over the past year. Consumer interests have been well served, and the time to end this costly and damaging litigation has come.

Dragging out this legal battle further will only benefit a few wealthy competitors, lawyers, and special interest bigwigs. Not one new product that helps consumers will be brought to the marketplace.

Sincerely,
Myroslawa (Myra) Tuziw
3108 Coffey Ave
Bellevue NE 68123–1331
PH: 402–291–7177
e-mail: MIPKA@juno.com

MTC–00025720

From: pricerob@mac.com@inetgw
To: Microsoft ATR
Date: 1/26/02 12:53am
Subject: Microsoft Settlement

Dear Sir or Madam

I find it absurd that Microsoft should be permitted to provide to public institutions their operating system and other software as well as hardware that is specific to running their operating system in lieu of a pure cash settlement. Accepting this settlement offer only strengthens Microsoft's monopolistic position and paves the way for further abuses within an environment in which they are not historically strong (i.e. schools). In the long run this will stifle innovation and contribute to a lack of diversity of computer operating systems and hardware. This in turn will make the computing infrastructure more vulnerable to cyber attack and the damage such an attack would produce would be more severe. I urge you to resist the proposed settlement and make the settlement for their illegal activities a true and just settlement which will undo some of the harm Microsoft has inflicted on the computer industry and on consumers. Do not be taken in by this transparent attempt by Microsoft to turn their defeat into their victory.

Sincerely
Robert Price
Research Scientist

MTC–00025721

From: Mike Ryan
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/26/02 1:00am
Subject: Microsoft Settlement

Dear DOJ

I urge you to settle the case with Microsoft. The consumer was not hurt by their market dominance. I was actually helped.

As an engineer at a company of 850, when computers first came to the office only the lucky few who had bosses that liked computers could get all of the software they wanted since each item was sold separately and you had to justify each one. And what a mess it was. Some were using non-compatible programs and not all of us had that great boss and could only get minimal software. Then Microsoft started bundling all of the great programs together and the price came way down. Not only that, we all were given ''Office'' and everyone had compatible programs and everyone had all of the great applications not just the privileged few. So please tell me how did that hurt me. And this browser question, what a bunch of BS. I used Netscape for a long time. Everybody had that option. Anybody with a computer could down load it from their web site. But after a while it just did not have as many features as MS offered. So I switched to the better program. So how did I get hurt? I didn't. Look at Apple, they have a great computer but they always built it themselves and charged too much for both hardware and software. They did not allow clones, which by the way produced the great computer revolution we know today. So I bought a lower cost computer with lower cost software. So how did I as a consumer get hurt? I didn't. Please settle the case with Microsoft and let them continue to produce great software for the consumer at a great value.

Mike Ryan
Bellevue WA
425 641–6920

MTC–00025722

From: Clay C.Landis
To: Microsoft ATR
Date: 1/26/02 12:57am
Subject: Microsoft Settlement

Any company with this much contempt for the laws of our nation should been taught a lesson. Microsoft's monopoly has hurt the development of computing and created an atmosphere where smaller developers simply give up on projects instead of trying to compete with a company willing to do whatever it takes to beat them for no other reason than to beat them. Microsoft produces products that are full of programming errors and poor security that has cost many companies, schools and government offices millions if not billions of dollars. They are not an asset to this country, they are a cancer. And no settlement that adds to Microsoft's monopoly should be considered.

Clay C. Landis

MTC–00025723

From: Tim Lewis
To: Microsoft ATR
Date: 1/26/02 12:57am
Subject: Microsoft Settlement

To Whom It May Concern:

I am vehemently opposed to the current proposed Microsoft settlement. I believe it is nothing more than a slap on the wrists, and that it does nothing to curb or even dissuade Microsoft from future abuses of its monopoly powers. Microsoft has already repositioned itself so that if the current proposal is left unaltered, they will have already slipped themselves through its monstrous loopholes!

Anything short of a breakup of the type ATT experienced will not bring sufficient competition back to the market. As long as Microsoft has the dominant share of the market, they will continue their illegal abuse of monopolistic power.

Thank you for listening.
Sincerely,
Timothy W. Lewis

MTC–00025724

From: joy.holt@att.net@inetgw
To: Microsoft ATR
Date: 1/26/02 12:56am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Joy. Holt
2210 S. 50th St.
Kansas City, KS 66106

MTC–00025725

From: Marcia M Clarke
To: Microsoft ATR
Date: 1/26/02 1:00am
Subject: MICROSOFT SETTLEMENT

I would like to express my view point regarding Microsoft. I feel consumer interest has been well served and it is time to end this damaging and costly litigation against Microsoft. Please accept the proposed settlement as fair and in consumer's best interest. Feel the settlement will have a very positive impact on the American Economy which is so greatly needed at this time.

Thank you.
Marcia Clarke

MTC–00025726

From: Lyn—Hiatt@berlex.com@inetgw
To: Microsoft ATR
Date: 1/26/02 1:01am
Subject: Microsoft Settlement
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing in order to express my opinion regarding the three-year-long antitrust suit involving the Department of Justice and Microsoft. I do not feel that the suit should have been brought in the first place, but since it was I now feel that it is time for it to come to a close. Microsoft has done their part to bring this matter to a close. They have agreed to terms and conditions that were not even in the original suit.

Every company has a right to explore opportunities and every company's goal is to

dominate their marketplace. Microsoft did that. Their competition is angry that they have been left behind. Yes, Windows is the dominant operating system. Due to many factors, including the fact that Microsoft developed relationships and contracts with hardware manufactures and other companies to bundle products. This is common practice in a competitive market. There are other products on the market from which consumers may choose. Consumers choose not to alter the operating system that came with their computer, but they may if they wish.

Microsoft dominates the market because they have the best product for the money. If it were not for Microsoft, I do not believe I would be writing this to you on a computer smaller than the size of my father's first adding machine.

In my mind this suit was unnecessary and unwarranted in the first place. Now I feel the Department of Justice needs to support the settlement and bring a close to all further litigations. Microsoft has done more than what was necessary in this situation.

Sincerely,
Lyn Hiatt
8714 13th Ave. NW
Seattle, Wa 98117

MTC–00025727

From: noel vaneynde
To: Microsoft ATR
Date: 1/26/02 1:03am
Subject: Microsoft Settlement

To whom it may concern,

Please note my dissatisfaction with the Proposed Microsoft Settlement. I have been an active Macintosh user for over 10 years and the actions that Microsoft has taken to limit access to their systems and their barrier to entry into competitive operating systems has caused me and my business great trouble over the years.

The settlement in it's current form will only succeed in strengthening Microsoft's hold on the educational markets and make the current problems worse.

I would be willing to discuss these matters further with you at your request.

Thank you for your attention.

Sincerely,
Noel VanEynde
Afterimages Film & Video
W: 312–661–1122

MTC–00025728

From: Alice Schafer(MITRE)
To: Microsoft ATR
Date: 1/26/02 1:04am
Subject: Microsoft Settlement-Not tightly drawn!

I think that the Microsoft Settlement leave too many loopholes for MS to use. Do not go through with it!

Sincerely,
Alice Schafer
11 Flagg Rd.
Acton, Mass 01720

MTC–00025729

From: Guy Groner
To: Microsoft ATR
Date: 1/26/02 1:05am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I am a Certified Internal Auditor (CIA), Certified Information Systems (CISA) and CISSP, a member of the Institute of Internal Auditors, the Information System Audit and Control Association and Information Systems Security Association. I have 18 years'' experience is managing and auditing computer systems from microcomputers to mainframe computer. I would like to comment on the Proposed Final Judgment in United States v. Microsoft. Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I agree with the problems identified in Dan Kegel's analysis (on the Web at HTTP://WWW.KEGEL.COM/REMEDY/REMEDY2.HTML), namely:

THE PFJ DOESN'T TAKE INTO ACCOUNT WINDOWS-COMPATIBLE COMPETING OPERATING SYSTEMS

—Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

THE PFJ CONTAINS MISLEADING AND OVERLY NARROW DEFINITIONS AND PROVISIONS

—The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

—The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

—The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

—The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertised as being ''Windows Powered''.

—The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

—The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

—The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

—The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

—The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

THE PFJ FAILS TO PROHIBIT ANTICOMPETITIVE LICENSE TERMS CURRENTLY USED BY MICROSOFT

—Microsoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows.

—Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

—Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running competing operating systems such as Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)

—The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

—Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

—The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

—The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

—The PFJ allows Microsoft to discriminate against small OEMs—including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel—compatible operating systems to increase its market share in other areas.

THE PFJ AS CURRENTLY WRITTEN APPEARS TO LACK AN EFFECTIVE ENFORCEMENT MECHANISM.

I also agree with the conclusion reached by that document, namely that the Proposed Final Judgment, as written, allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows—compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems. Additionally, in the the computer security field already have to deal with the heightened risks associated with the numerous viruses and ''hacks'' of Microsoft software due to their dominance in the market. The risks of a monopoly are greater than merely the loss of competition.

Sincerely,

Guy Groner, CIA, CISA, CISSP, Wheaton, Illinois

MTC–00025730

From: Daniel Voran
To: Microsoft ATR
Date: 1/26/02 1:10am
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice

I am sending this email to comment on the Microsoft Settlement about the pending settlement between the United States Government, several individual states and Microsoft Corp.

I find the settlement to be too lenient for Microsoft. The settlement does not do nearly enough to control Microsoft's monopoly. Microsoft is now trying to take control of the internet through its .net initiatives. A more appropriate settlement would have been to split Microsoft into three or four companies. The proposed settlement is just a slap on the wrist for the company and if it is approved, Microsoft will continue its monopolistic practices to the detriment of the computer industry.

Daniel Voran
dan@hjmag.com
Avenue Services, Inc.
PO Box 23219
Seattle, WA 98102–4105
206–325–4250

MTC–00025731

From: ROBERT WARREN
To: Microsoft ATR
Date: 1/26/02 1:11am
Subject: DOJ—Microsoft

Dear DOJ,

Over the past 20 yrs one cannot help but see the Lawyer Organization may mean well, but the road to hell is always paved with half-truths. It's sad to see this stand-off has nothing to do with the well being of the people. In a comical way, it appears our States are employing a reverse Enron run. Please think of America's future in your decision, we have enough economic stress.

Sincerily,
Bob Warren
Towaco NJ.

MTC–00025733

From: Mtnmegan1@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 1:14am
Subject: Microsoft settlement

Please finish negotiations and make a settlement soon. It is not beneficial to the public or to seniors to drag this litigation on any longer. The proposed settlement seems fair.

Thank you,
Megan Duffy
Breckenridge, CO 80424

MTC–00025734

From: Ray W Daugherty
To: Microsoft ATR
Date: 1/26/02 1:15am
Subject: Microsoft Settlement

Honorable Judges:

It is high time that this subject is laid to rest. In my opinion it never should have been started in the first place and accepted by the courts. I believe that the patent rights laws should have given protection to Microsoft for what they developed in their own laboratories. The drug companies have protection, why not Microsoft too? Ford and or Chrysler cannot sue General Motors to have them release the specific plans used to develop and produce the very efficient Cadillac 32V Northstar engine, can they? So, how come a competitor of Microsoft can do what they are trying to do?

The sniveling competitors that did not have the expertise to develop the programs on their own should have not even been listened to. They should even be charged for all the expense that Microsoft has been shackled with to defend themselves.

If someone develops a better mousetrap, he is entitled to any and all net proceeds that he can derive from it to compensate him for his time, efforts and ingenuity in developing it. The same principle should also protect Microsoft from undermining by unhappy competitors. They are entitled to any and all profits for their efforts! Enough said! I will be eagerly observing what happens with this matter!

Ray W. Daugherty
RayWDaugherty@juno.com
From: lists@senior.org
To: raywdaugherty@juno.com
Date: Fri, 25 Jan 2002 17:21:20-0500
Subject: SENIORS COALTION URGENT ACTION ALERT Microsoft and big government
Message-ID: <200201252221 g0PMLKK19835@seniors.2rad.net>
URGENT ACTION ALERT

Your immediate response is needed!

Three years ago, the U.S. Department of Justice charged Microsoft with having engaged in anti-competitive behavior based on allegations by its top competitors. Many have argued that Microsoft was singled out by its jealous competitors and sympathetic government bureaucrats because of its success and a desire to see it punished.

The Justice Department is in the final stages of deliberating on the proposed Microsoft settlement to decide whether to accept the settlement or to litigate it further. The Seniors Coalition strongly believes that the proposed settlement offers a reasonable compromise that will enhance the ability of seniors and all Americans to access the internet and use innovative software products to make their computer experience easier and more enjoyable.

Unfortunately, a few of Microsoft's competitors have continued their aggressive lobbying campaign to undermine the settlement negotiated with the federal government and nine states. The settlement itself is tough on Microsoft, but is a fair outcome for all parties—particularly senior consumers. Most important, this settlement will have a very positive impact on the American economy and will help pull us from the recession we have experienced over the past year.

You can offer your opinion to the Justice Department to counter the self-serving and punitive lobbying effort of Microsoft's competitors. Current law (known as the Tunney Act) allows public comment on the proposed settlement up until January 28th. The U.S. District Court will then decide whether the settlement is in the ''public interest.'' Please send your strong message to the Justice Department that consumer interests have been well served, and the time to end this costly and damaging litigation has come.

Dragging out this legal battle further will only benefit a few wealthy competitors, lawyers, and special interest big-wigs. Not one new product that helps consumers will be brought to the marketplace.

YOUR VOICE IS VERY IMPORTANT AND TIME IS VERY SHORT.

Only comments received by January 28th will be included in the public record and submitted to the Court for its consideration. Consumers need to win this battle, so please send your comments immediately to the Justice Department—either by email or by fax—and do it before January 28th.

Don't let these special interests defeat the public interest. Email: microsoft.atr@usdoj.gov . In the Subject line of the e-mdash;mail,type ''Microsoft Settlement.''

Fax: 1–202–307–1454 or 1–202–616–9937

To find out more about the settlement and the Tunney Act comment period, go to the Department of Justice Website at: http://www.usdoj.gov/atr/cases/ms—settle.htm

Raising your voice now on this issue really will have an impact.

Thank you for your time.
Mary M. Martin
Chairman and Executive Director
The Seniors Coalition
CC:RayWDaugherty@juno.com@inetgw

MTC–00025735

From: William Glover
To: Microsoft ATR
Date: 1/26/02 1:12am
Subject: Microsoft Settlement

I disagree with the Proposed Final Judgement (PFJ).

The judgement doesn't take into account Windows—compatible, competing operating systems.

> Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

MTC–00025736

From: The1stBA@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 1:17am
Subject: Microsoft Settlement..

This is THE most obtrusive, ridiculous and annoying.. I do subscribe to AOL, but that is short lived I am sure.....I am a 72 year old widow, and have owned a pc for 3 years....prior to that I had never even sat in front of one... Clicked in to AOL, and I am still there....It is easier because I know it.....Well, guess what.....not for long. I have the ability (and did) download the XP from the ME, so I am not a real dummy. Our Mr. Gates is the why we are here from the beginning.....hats off to him...We owe him SO much. For God's sake.....how about a little credit where a lot is due. I cannot imagine that anyone has read, or will read this e

—mail, BUT....again, thanks that things ARE finally beginning to ''Open UP''...i.e.....ENRON/Anderson, etal.

I truly hope that this is just the beginning.....Bill Gates/Microsoft....NO problem...

(Yes, I am a shareholder—50 shares!!!).
Barbara Ann Wilcoxson

MTC–00025737

From: Charlotte
To: Microsoft ATR
Date: 1/26/02 1:21am
Subject: Microsoft Settlement

Your Honor,

I do not know how a company that has been found to be a monopoly, and a vicious one at that, can be dismissed with a settlement. I believe the behavior was criminal, and yet no criminal remedies have been pursued. I do not see how monetary punishments would bother this company, nor provide incentive to change.

Perhaps they could be required to use the money to buy and distribute their competitors products well into the future. I believe that would bother them far more, and maybe enough to change.

Sincerely,
Charlotte Davis

MTC–00025738

From: Ilya Sandler
To: Microsoft ATR
Date: 1/26/02 1:21 am
Subject: Microsoft Settlement

[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]

MTC–00025738–0001

Dear Sirs:

I am respectfully submitting the comments below in hope that the settlement conditions would be strengthened to more efficiently prevent Microsoft illegal behavior and encourage competition in software industry.

I am a professional software engineer with a PhD degree in Physics. I have worked with both Microsoft and non Microsoft products. I am deeply concerned about destructive effect of Microsoft on competition in software industry. (The company I am working for is not in software industry and is not competing with Microsoft)

Sincerely yours,
Ilya Sandler
isandler@friends-partners.org

III.A. Microsoft shall not retaliate against an OEM ... because it is known to Microsoft that the OEM is or is contemplating:

1. developing, distributing, promoting, using, selling, or licensing any software that competes with Microsoft Platform Software or any product or service that distributes or promotes any Non-Microsoft Middleware;

2. shipping a Personal Computer that (a) includes both a Windows Operating System Product and a non-Microsoft Operating System, or (b) will boot with more than one Operating System;

The requirement should be expanded to cover any Microsoft business partners (not just OEMs). OEMs are not the only channel through which Microsoft can illegally protect and expand its monopoly. An example of non OEM partner would be America Online and Apple: by threatening to withhold some critical services from these companies Microsoft forced them to replace Netscape Navigator with Internet Explorer as a default browser. In ''item 1'' the phrase ''any Non Microsoft Middleware'' should be replaced with ''Any Non Microsoft Software'' and ''competes with Microsoft platform software'' should be replaced with ''competes with any Microsoft software''.

Microsoft should not be allowed to use its monopoly power to interfere with Non-middleware non-platform competition. Item 2 should be expanded to include (c) will have no Microsoft operating system installed (either will have an alternative operating system or have no operating system at all, many computer users would prefer to do installation themselves)

Obviously, without this addition Microsoft is free to retaliate against anyone who ships a Linux only PC (or a PC without Operating System).

III B. Microsoft's provision of Windows Operating System Products to Covered OEMs shall be pursuant to uniform license agreements with uniform terms and conditions

MTC–00025738–0002

There are two kinds of monopolistic behavior which this measure could prevent (a) using existing monopoly in one market to gain a monopoly in another market (b) use its monopolistic position to maintain artificially high retail prices (in particular, forcing unnecessary upgrades) (a typical scenario for (b) works like this: a few key partners are given the latest MSOffice product for a very low price, this latest product uses file formats different from formats of the previous product. So soon there are documents flying around in this latest format and the only way to read them is to upgrade existing MSOffice with upgrade costs in hundred of dollars per seat) Behavior (b) is possible only when there is no competition. In competitive market such a behavior is impossible (e.g. repair/service/most of spare part business of Toyota cars is not controlled by Toyota: Toyota has almost no pricing power over ''post-sale'' service market) suggested modification 1:

The proposed measure prevents behavior (a) but only partially. Operating Systems are not the only product where Microsoft can use threats of existing license termination as a way to push another product. For example, very few companies may afford to lose MsOffice licensing. Thus Microsoft should be required to uniformly license any product where Microsoft holds a dominant market position (the list of such software should be reviewed regularly and at present it definitely should include all of MS Office components (Word, Access, Excel, PowerPoint). suggested modification 2:

The proposed measure does not address behavior (b) at all. So I propose that the uniform/non-discriminatory licensing covers ALL sales/licensing of specified products (not just sales to ''Covered OEMs''). For example, if a covered OEM can buy 1 million of Windows licenses for $5 millions then anyone (including resellers) should be able to buy 1 million licenses for the same price.

This also means that Microsoft should not be able to require a buyer of its software to ship it with a new PC—software can be sold separately. (this should apply to the end user too) This modification greatly reduces Microsoft monopolistic pricing power. An important consequence of these modification (non-discriminatory licensing of specified Microsoft products to all with an explicit permission to resell) is that this would make sections III.A and III.F mostly redundant, as Microsoft will not be able to retaliate against anyone if everyone has non-discriminatory access to all critical Microsoft products.

III.C. Microsoft shall not restrict by agreement any OEM licensee from exercising any of the following options or alternatives:''

The words ''any OEM licensee'' should be replaced with ''any licensee'' (including the ''end users'', see comments to III.A for rationale). The list of activities which any Microsoft licensee should be free to do, should be expanded to include (1) use any Microsoft product in the manner customer sees fit (e.g. run MsOffice under Wine Emulator on Linux operating system, Microsoft however should not have any obligation to support any non-standard environment)

MTC–00025738–0003

(2) resell (with destruction of original copy if applicable/ any Microsoft product at any price

(3) License, use, distribute, promote, develop, sell, support any non-Microsoft products in any lawful manner customer sees fit. Similar comments apply to sections III.F, III.G and III.H In general, my suggestion would be to avoid differentiating Microsoft users into many categories (IHV, ISV, OEM, ''Covered OEM'', ''end user'') and granting every category specific rights and instead grant uniform rights to all users. This would simplify both the judgment and its enforcement (as there would be fewer conflicts) >>>

III.E.Starting nine months after the submission of this proposed Final Judgment to the Court, Microsoft shall make available for use by third parties, for the sole purpose of interoperating with a Windows Operating System Product, on reasonable and non-discriminatory terms (consistent with Section III.I), any Communications Protocol that is, on or after the date this Final Judgment is submitted to the Court,

(i) implemented in a Windows Operating System Product installed on a client computer, and

(ii) used to interoperate natively (i.e., without the addition of software code to the client operating system product) with a Microsoft server operating system product. <<<

While this is a good measure, it is made nearly meaningless by the III.I section and III.J.2 exception. (See below for III.I and III.J.2 comments) Instead of subjecting disclosure to III.I section, disclosure of protocols information should be subject to ''Interoperability Information disclosure'' suggestion below.

Furthermore, the waiting period should be eliminated (the disclosure should begin immediately after the Final Judgment is accepted by the court).

Suggested Interoperability information disclosure. (mostly supersedes III.I and III.J.2)

No competition is possible in software unless a would-be competitor has enough information to interoperate with existing software and especially with Microsoft's. Thus conditions on which the interoperability information is disclosed are extremely important.

The proposed final judgment essentially requires (in section III.I) a would be competitor to negotiate with Microsoft to gain access to interoperability information. This—allows Microsoft to greatly complicate a would be competitor's life—gives Microsoft an ample advance warning of a potential competitor and section III.F.2 gives Microsoft explicit power to allow/disallow competition in many (potentially, all) cases.

Using the car analogy: to manufacture cars which can compete with and provide a drop-in replacement for Ford cars, one does not have to negotiate/enter into any kind of agreement with Ford. Similarly , software developers developing products competing with Microsoft's ones should not have to negotiate/enter into any kind of agreement with Microsoft, even more so, given Microsoft's history of antitrust law violations.

So I suggest that all the information necessary to interoperate with (thus allowing development of viable alternatives for) Microsoft products should be as easily and widely accessible as possible.

The only feasible way to ensure wide and easy access to this information would be to publish it on the web with the following conditions: (approximately in the order of importance)

(1) it definitely should not require *any* kind of agreement (in particular, no mandatory registration) between the reader/implementor and Microsoft (basically, anyone should be able to read it and implement a competing product it without ever talking to Microsoft)

(2) access to it should be free.

(3) Microsoft should also allow

(a) mirror the documentation verbatim (clearly separated comments should be allowed)

(b) translate it into other computer readable formats (e.g. from MSWord to HTML or to pdf)

(c) translate it into other human languages (and publish the translation)

This disclosure requirement should definitely apply to information mentioned in section III.D (API disclosure) and III.F (network protocol disclosure). It should further apply to File Format disclosure discussed below.. This disclosure requirement does not apply to any information which is not related to interoperability.(for instance if a MSWord utilizes a unique Spell Checker, Microsoft does not have to disclose how the Checker works) This requirement of free access to disclosed information has some obvious consequences:

—Microsoft would not be able to enforce any patents if may have on interoperability information (file formats, network protocols, APIs) (it still may hold and enforce patents on specific implementations of those interfaces)

—if disclosure of interoperability information requires disclosure some 3-rd party information, then Microsoft will have to either drop the product or change it so that 3rd party information is not needed or renegotiate with the 3rd party to allow information disclosure.

The information disclosure procedure suggested above eliminates many potential conflicts between Microsoft and an information request or.

I want to emphasize that having to enter into any kind of negotiation with Microsoft to even start developing a competing product is a major entrance barrier (and this barrier does not exist in most other industries!) and the only way to remove it is to grant a free and easy access to interoperability information as outlined above. >>>

III.J. No provision of this Final Judgment shall:

2. Prevent Microsoft from conditioning any license of any API, Documentation or Communications Protocol related to anti-piracy systems, anti-virus technologies, license enforcement mechanisms, authentication/authorization security, or third party intellectual property protection mechanisms of any Microsoft product to any person or entity on the requirement that the licensee:

(a) has no history of software counterfeiting or piracy..

(b) has a reasonable business need for the API, Documentation or Communications Protocol for a planned or shipping product,

(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business,

(d) agrees to submit, at its own expense, any computer program using such APIs, Documentation or Communication Protocols to third-party verification, approved by Microsoft, to test for and ensure verification and compliance with Microsoft specifications .... <<<

While an obvious intention of this clause is to prevent piracy/security breaches, such a prevention is not in any way related to this antitrust case. For instance, if a Windows Media Player can play certain content, Microsoft should provide enough information to implement a competing player with exactly same functionality.

If the competing player provides some extra functionality, then whether or not such an extra functionality violates some other law (such as DMCA) should be a separate (and independent of Microsoft antitrust case) issue.

Furthermore, ''authentication/authorization security'' is an extremely broad concept. For instance, Windows file sharing protocol includes some authentification as do many other protocols (including such wide spread ones as ftp and http which are used on the Internet), so these protocols seem to fall under III.J.2. Which makes section III.F (Network protocol disclosure) dependent on meeting III.J.2 requirements.

Then it should be obvious that III.J.2(b, c, d) requirements give Microsoft enough freedom to never disclose anything (or disclose with a significant delay which is almost the same): consider these scenarios

(1) a startup company will not meet (b) and (c)(business might not seem reasonable or viable)

(2) R&D department of a large company may want to prototype something without specific plans for a specific product (if the prototype succeeds, then the product will go into planning) this will fail test (b)

(3) Microsoft gets a convenient advance warning of any potential competition

(4) requirement (d) allows to delay introduction of any competing product.

(5) open source competition (such as Linux which Microsoft cites as THE threat both in and out of court) would not meet (b) and (c) requirements

(6) Nearly any software feature can be recast as having something to do with security, anti-piracy, or authentification.

In short, I believe, that section III.J.2 is not needed and in its current form it essentially negates any information disclosure requirements which exist in this judgment. Section III.J.2 should be dropped Disclosure of file formats.

Microsoft should disclose its file formats: first and foremost for Microsoft Office applications (where Microsoft already has a dominant position and possibly *all* file formats used by any software sold by Microsoft. I want to emphasize that file format information is needed for competitors both to MSOffice products AND to Windows Operating System (such as Linux or Solaris)—no competing Operating system stands a chance on a desktop if there is no application for it which can read already existing documents in MSOffice format (and provider of a competing Operating System can not (and should not!) rely on Microsoft to port MSOffice to a competing operating system). Disclosure of file formats would significantly reduce artificial barriers for competitor entrance for both office and operating system markets.

I worked as Director of Windows Products Engineering for Borland International (later to be known as Inprise) in 1997 and 199%. During that period, I was responsible for ''the Microsoft relationship'' and worked with Borland's attorneys on contracts and other matters with Microsoft. I was asked to contribute my thoughts about Microsoft's anti-competitive behavior during this time, and I wrote the following memo in April of 1998. Its primary message is that Microsoft has never been a proponent of innovation, nor a particularly keen innovator. The same can also be said of the other monopoly force in the PC industry, Intel. However, a big difference between the two has been Intel's strict observance of the law and Microsoft's attempts to circumvent the law. While I was at Borland, several times Microsoft proposed that we sign agreements that forced us to recommend and distribute Microsoft's Internet Explorer to our customers—we ALWAYS red-lined these parts of the agreements.

The bottom line is that this probe could have gone further. Prior to Borland, I spent 11 years with Digital Equipment, now a part of Compaq. During that period, I was exposed to Microsoft's tactics in negotiating licensing of their operating system software to PC manufacturers. You've seen testimony of some PC vendors about this. Microsoft has been able to deliver flawed software to these manufacturers while dictating terms that

force the manufacturers to assume most of the technical support burden.

The current remedy being proposed does not go far enough, particularly with a company that has made an art of working around the law. I was very disappointed that a structural remedy was not part of the solution, and I hope that the oversight of the proposed remedy is strict and vigilant.

Thank you,

Joe Falcone

Half Moon Bay, California

A few things that have gone wrong in the PC industry... PC's have never been high tech.

The operating systems are years behind the times in features, scalability and robustness. As Microsoft tries to prove the enterprise-quality of their software, this has become obvious. No Microsoft software is ready for 7x24 operation. When Microsoft made their big pitch for the Enterprise, they committed themselves to run Microsoft on their own products—Windows NT Server, SQL Server, Back Office, etc. Word on the street is that Microsoft is too big to run themselves on their own products. The obvious solution is to go with the flow and put Oracle's DBMS in—but Oracle won't sell to Microsoft for competitive reasons. So this is one of the reasons why the rumor circulated that Microsoft was going to buy Informix (it still could happen). Although this would allegedly buy Microsoft an enterprise-class database engine, the classic Informix relational database product is old (it's been compared to Oracle 6—two generations behind Oracle's current product). Microsoft is between a rock and a hard place.

Some number of Microsoft products are not Y2K safe (Year 2000). And any strong mention of this in public is suppressed—an academic who was collecting Y2K software problem reports on a web site was sent a ''cease and desist'' letter by Microsoft's legal department. Only Microsoft knows what is good for Microsoft. PC hardware is crude and primitive. I/O buses are slow, difficult to expand, and tricky to design for. For example, some first generation PCI option cards will not work with recent PCI motherboards. This is because the PCI spec was driven largely by Intel to fulfill their agenda. Alternative views are co-opted—Digital's PCI bus committee rep was hired away by Intel early in the program.

The only time Intel had the world's fastest microprocessor was when they had the world's first and only microprocessor. Once other vendors entered the game, the mediocrity of Intel's architectures came to the forefront. The fact is that Intel is a relative newcomer to the computer architecture field. IBM, UNISYS, Digital and others have been designing computers since the 50s. With that experience comes a level of maturity and a portfolio of patents that make it difficult for others to achieve ''best-in-class'' performance. Today, nearly every RISC architecture in production (Alpha, HP–PA, PowerPC, MIPS, SPARC), is faster than the fastest Pentium-II. Now that AMD, National Semiconductor, and IDT have foundry agreements with IBM, all of them may get access to the high-speed copper interconnect chip process which IBM innovated and may have a substantial lead in due to its own intellectual property. In other words, within a year or so, Intel may not be making the fastest x86 processor.

Microsoft and Intel have tried to restrict what the PC manufacturers can build thru acquisitions, intellectual property (patents), and their PC 9x initiatives. However, these are principally driven by Microsoft and Intel to fulfill their agenda. The original reason to have these initiatives was to try to guarantee for Microsoft that the manufacturers were sticking to a single spec of base PC functionality for their products, rather than have them go off and implementing new buses, graphics, etc. Of course, the result is an industry with no innovation and no variety. All the products are the same. The original objective was to enforce PC 9x compliance by withholding logo branding (Intel Inside or Designed for Windows xx) if the product did not meet PC 9x. It's not clear to what degree they've been able to do that.

The latest incarnation of the initiative is PC 99. Adaptec is a participant in PC 99. Aparently Microsoft in one of their playing god moods decided to remove SCSI hard disks as a supported technology in PC 99. The idea was to replace it with IEEE 1394. The Adaptec folks had to point out that there are virtually no disk drive products available using 1394 as an interface.

Earlier versions of PC 9x made no mention of mobile systems. Even the current mobile systems spec of PC 99 is considered grossly inadequate to the point that a consortium of notebook manufacturers (as reported recently) is banding together to form their own standards group.

Now Intel is using their intellectual property (primarily patents on the Pentium-II interface bus) to restrict who can build chipsets for PCs. Right now, you can really only buy Pentium-II chipsets from Intel. Intel has threatened to sue other companies who enter this field. Traditionally, the pinout of a non- military-classified chip sold on the open market has been a public spec. If you think about it, where would the computer industry be today if you could BUY a chip on the open market, but you couldn't INTERFACE it to anything without a LICENSE from the chip manufacturer. This, in fact, was the problem with the IBM MicroChannel bus. You could build MicroChannel option cards, but you needed to register them with IBM and get an ID for your card (for autoconfiguration) before you sold it. MicroChannel failed as a result, even though it had PCI-class technology years ago (the PCI connector is in fact a MicroChannel-style connector).

Intel's argument is that they are no longer selling ''chips'' as such, but computer system modules for a patented, proprietary bus (Slot 1 et al). For this there is precedent of course. All of the big computer manufacturers used proprietary buses, for which you generally had to get licenses to build peripherals for. The problem is the tradition and vitality of the PC industry was built around technology that was not under intellectual property restrictions. Now you can only buy chipsets from Intel. The chipsets effectively determine the basic features of the PC, including power management in the case of notebooks. As noted earlier, the notebook manufacturers are already blanching at the thought of having their features, such as power management, determined solely by what Intel's Pentium-II mobile chipsets deliver.

As Intel's standards (Slot 1, PCI, AGP, I20) become established, it becomes easy for Intel to dominate each segment, either solely or collusively with another vendor, such as the case with the intelligent I20 I/O bus and Wind River Systems. When you purchase the i960 RP processor (the heart of the I20 spec), you get the IxWorks I20-compatible Real Time Operating System by Wind River Systems (License included with processor). This event sent shockwaves thru the Real-Time Operating System industry as it would guarantee a stream of revenue for Wind River once I20-enabled systems began shipping in volume.

As Microsoft's initiatives have spread into other areas, such as palmtop computing, we see the same control. In the Windows CE area, the hardware specification is controlled by Microsoft. Manufacturers build to the Microsoft spec and Microsoft delivers executable code to the manufacturers. No source is available and Microsoft develops all the drivers. Is it any wonder that all CE products look the same? The only concession that Microsoft has granted has been the support of different microprocessors, insisted upon by the aggressively competitive Japanese contenders in the high-MIPS-per-milliwatt category. Everyone in the CE space is losing money, everyone except for Microsoft who is apparently charging more for CE than for Windows 95, basing this on the fact that they've architected the entire product, etc, etc. In fact, what Microsoft has done is architect the innovation OUT of the product by controlling it too strictly and not allowing their partners to innovate.

Their goal is to be the mobile communication and computing platform of choice when we get to the point of convergence between palmtops, notebooks, wireless networks, and cell phones—a sort of Pilot on steroids. The most interesting competition going on right now is that between CE and the Pilot, especially now that IBM is backing and reselling the Pilot. Unlike the past, it is clear that anti-competitive actions by Microsoft in that market will not go unnoticed. All of this information is publicly verifiable by hitting the right web sites with the right search keywords. Even the rumors have been reported in one place or another. Just haven't seen anyone put the whole picture together. Enjoy!

MTC–00025739

From: Steve(u)Lieberman
To: Microsoft ATR
Date: 1/26/02 1:21am
Subject: Microsoft Settlement

Dear Sirs:

Please do not allow the AOL lawsuit to derail the important and appropriate settlement between Microsoft and the Department of Justice. For the good of this country and the economy, I urge you to ratify the present settlement between MS, the DOJ and the nine attorneys general.

Steve Lieberman

Oceanside, CA

MTC–00025740

From: qtiptopg@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 1:23am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Tamela Forbes
12812 Sierra Creek Rd.
Victorville, CA 92392

MTC–00025741

From: DeathTar@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 1:28am
Subject: (no subject)

Although I am not entirely on one specific topic that has been directly addressed by the battles against Microsoft I feel that I should point out some major problems I have been experiencing with the company's policies and software lately.

To start off, I should point out that I do use Microsoft windows ME as an operating system so I can't say that I am unwilling to use some of their products but I do find some problems with them. I enjoy using opera as my web browser rather than Internet explorer because it has more features and runs faster and therefore I have chosen to use it. This may seem like an arbitrary statement but it is not because I do not wish to use Internet explorer at all. This is simply not a possibility when using windows as an operating system and I feel that this ''feature'' of windows not only hurts smaller software companies such as opera or Netscape, which I have also used in the past, but it also detracts from what I as a user and consumer want to experience. If a product does not function to par then the consumer or user, whatever the case may be, should be allowed to choose an alternate source. It is true that internet explorer is a free product and some may even argue that it is part of the operating system, but so is windows media player and I am not forced to use that program when I find another program to take it's place. Every time I open a window I must use Internet explorer. Another problem I have encountered while using opera is that sites that use a MSN passport do not fully support this browser. This would seem opera's fault if it were not that these are the only sites that I have encountered that have this problem. Microsoft is purposefully designing web pages that adhere only to their software. I for one do not find this fair business at all.

MTC–00025742

From: Joe Falcone
To: Microsoft ATR
Date: 1/26/02 1:28am
Subject: Microsoft Settlement

I worked as Director of Windows Products Engineering for Borland International (later to be known as Inprise) in 1997 and 1998. During that period, I was responsible for ''the Microsoft relationship'' and worked with Borland's attorneys on contracts and other matters with Microsoft. I was asked to contribute my thoughts about Microsoft's anti-competitive behavior during this time, and I wrote the following memo in April of 1998. Its primary message is that Microsoft has never been a proponent of innovation, nor a particularly keen innovator. The same can also be said of the other monopoly force in the PC industry, Intel. However, a big difference between the two has been Intel's strict observance of the law and Microsoft's attempts to circumvent the law. While I was at Borland, several times Microsoft proposed that we sign agreements that forced us to recommend and distribute Microsoft's Internet Explorer to our customers—we ALWAYS red-lined these parts of the agreements.

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MTC–00025743

From: Duane Diesing
To: Microsoft Settlement
Date: 1/26/02 1:26am
Subject: Microsoft Settlement
Duane Diesing
PSC Box 6098
Goodfellow AFB, TX 76908
January 26, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers’ dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Duane Diesing

MTC–00025744

From: taojones
To: Microsoft ATR
Date: 1/26/02 1:31am
Subject: Microsoft settlement

Letting them use equipment or software to increase market share in education would be a big mistake let them cough up the cash and let the beneficiary of the settlement decide where it is best spent. Unfortunately being second rate on quality is not a crime but is against the American sprit. Teach them a real lesson and make them reveal source code so that people can undo what they want to tweak themselves if you want to put a holly carburetor on your ford minivan ford has no right to stop you... once you pay for it its your car.Once you fork over your fee you deserve to see what you have bought. Developers have a right to information so they can improve things rather than catching the (security hole) horse out the gate

William Pellegrini
48 Oakcrest Drive
South Huntington
Ny 11746

MTC–00025745

From: steve
To: Microsoft ATR
Date: 1/26/02 1:34am
Subject: Microsoft Settlement

Microsoft has not risen to where it is today by innovation or product quality, but by purloining others technologies into their fundamentally faulty suite of products.

By virtue of simply being in the right place at the right time some 20 years ago, they aquired a toe hold that then became a foot hold in a new and burgeoning industry.

As this foot hold grew, it came to be able to at first just kick its way around, but then learned it could walk all over anyone it chose at anytime it choose. Just because it could didn't mean it had to, but it did. At almost every opportunity. Thus they in effect became the sole arbiter of what products would survive and what ones languished in this new industry. Were the ''Standard'' they purport to represent a legitimate one based on performance that would be one thing, but it isn't. When MS released Windows-XP recently they touted it as the ''Most mature and secure OS they'd ever made!''. While that may be true, in terms of the rest of the world it was anything but secure.

Within a few weeks of its release, severe security issues were found by several independent parties. Severe enough that for the first time in its history, the FBI called its own news-conference to announce the dangers they conveyed.

Furthermore, when Microsoft tried to post the fixes XP required to their own site recently, they crashed it, taking it offline for over 5 days. While the irony of the ''Most advanced and secure OS!'' requiring a ''fix'' just 2–3 weeks post-release that when applied created a new, bigger and and even more obvious problem is not to be missed. It is a demonstration of the low level of fundamental quality inherit in their software.

This not a unique example, only the most recent (and perhaps most telling). The

U.S.Army, Navy, and FBI have, along with many other .gov sites, dispensed with their Windows based servers as they tired of being hacked so readily.

MICROSOFT IS/HAS/BEEN/ALWAYS WILL BE: Pervasively aggressive in all areas of its endeavors. It has copied even its core functional approach and appearence from outside sources (while stifiling most competing efforts regardless of their actual merit). No amount of money can compensate for the loss of the dynamic society could have had if innovation in a broad field of players had been allowed. If free-market values and innovation had been at play instead of a singularly self-centered corporate one, this issue would represent less today than it does. Any judgment or penalty against MS should go to developing other sources/ venues of hardware/software innovation etc. that DON'T depend on Microsoft products to function. Otherwise, the penalty actually create's more need for the already intrusive offender.

Thanks for your time.

This is important, please do the right thing.

MTC–00025746

From: UNITEDJR@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 1:36am
Subject: Microsoft Settlement

With all the problems this country is having it should be top priority for our government to settle all the Microsoft law suits. The future must have technology working at its best or the terrorist could over come. We must protect free enterprise which is the root of our system. PLEASE vote to settle the Microsoft Law Suits.

Thank you Jerry Robinson

MTC–00025747

From: Alfie Costa
To: Microsoft ATR
Date: 1/26/02 1:38am
Subject: Microsoft Settlement

The Proposed Microsoft Settlement should not allow what it does allow. It is like a muzzle that hasn't been fastened.

Some say that Microsoft has, by various direct and indirect means, purchased this ominously favorable outcome. Supposing this cynical opinion were true, then those who have done the selling should reconsider, if only out of delayed self-interest. The reason being that if they ''look the other way'' today, (in so manifest an instance of duty), their reputation as guardians of the public interest will diminish tomorrow, so that their services would very probably be seen as hardly necessary. Any office whose duty evaporates, and devolves into a meek sinecure, can't expect much in the way of future emoluments.

MTC–00025748

From: BobNordan
To: Microsoft ATR
Date: 1/26/02 1:36am
Subject: Microsoft Settlement

Microsoft is guilty of the worst case on monopoly in history. The company should be punished harsely and should be broken up into two companies, one for operating systems and the other applications. Fines should be high enough to make sure Microsoft can't afford to break the law again. If they are not stopped now, there will be no stopping them in the future.

Robert Nordan Jr

MTC–00025749

From: bpetit@mac.com@inetgw
To: Microsoft ATR
Date: 1/26/02 1:46am
Subject: Microsoft Settlement pI believe the Microsoft Settlement is not going to solve any problems or antitrust issues.

I feel stiffer penalties need to be enforced on this company. Microsoft should not be allowed to make there browser the default browser for the OS.

They abused their position dealing with Netscape and therefore should lose their privilege of forcing manufacturers to except IE as the default browser. I also feel they should compensate ex-Netscape employees for ruining their business model. Microsoft does stand in the way of free market enterprise and actions need to be taken.

Brian
CA, USA

MTC–00025750

From: Dr. Giorgio G. A. Miceli, Sr.
To: Microsoft ATR
Date: 1/26/02 1:49am
Subject: Microsoft Settlement pHello:

Something has to be done about these crybabies... a.k.a. AOL and Netscape. Microsoft is making their product better and better... AOL and Netscape are way behind.

Don't let these crybabies ruin a company that doing their best in innovation.

MTC–00025751

From: Jim Miranto
To: Microsoft ATR
Date: 1/26/02 1:49am
Subject: Microsoft Settlement

Enough with this already. Stop wasting my tax dollars on this trivial stuff.

Spend it on getting our county back on it's feet and safe from terrorists.

James A. Miranto, MCSE
Information Technology Consultant
Email: jim@miranto.net

MTC–00025752

From: Matthew Reed
To: Microsoft ATR
Date: 1/26/02 1:54am
Subject: Microsoft Settlement

The United States Government has an excellent opportunity to encourage competition and help the consumer. The proposed settlement does not fulfill this end. Microsoft should be punished to the degree of their crime.

MTC–00025753

From: Bob
To: Microsoft ATR
Date: 1/26/02 1:58am
Subject: Microsoft Settlement
U.S. Department of Justice.
Reference: Microsoft Settlement.

Consumer interests have been well served, and the time to end this costly and damaging litigation has come. Dragging this legal battle further will only benefit a few wealthy competitors, lawyers, and special interest Big-Wigs. This is ridicules to continue any kind of litigation unless you are anti consumer. Not one new product will be brought to the marketplace, so what's the point???

Respectfully
A Senior Consumer
Robert E Hahn
POBox 899
Buena Vista, CO. 81211

MTC–00025754

From: guybarcelo@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 1:50am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Martin Barcelona
6642 Lamb Road
New Orleans, LA 70126

MTC–00025755

From: D.Carrico
To: Microsoft ATR
Date: 1/26/02 1:58am
Subject: Microsoft Settlement

Microsoft is a monopoly. You do not need 100% of the market to be a monopoly.

1. Open source *ALL* of the ''Internet Explorer'' web browser program code.

2. Make them develope a version of ''Internet Explorer'' and MS Office for Linux.

3. Tell them under *NO* circumstances, can they collect *private information* from there customers using there operating system or applications.

4. All of there current and future protocols must be *approved* by a open standards organizations.

5. Fine them 25 to 50 percent of there *NET* profit. That will help the national debt.

Thank you for your time and help in this matter.

Donald Carrico Jr.

MTC–00025756

From: Ian Johnson
To: Microsoft ATR
Date: 1/26/02 1:59am
Subject: Microsoft Settlement

To Whom it May Concern:

I am not involved in the computer industry. I am an ordinary cititzen and end-user of computer software and just wanted to

take a moment to voice my strong objection to the proposed Microsoft settlement.

It takes only a very basic understanding of Microsoft's history to understand that they have succeeded not through innovation but through aggressive and anti-competitive business practices. From the very beginning, in the mid 70s when Bill Gates purchased MS-DOS from a small software company in Seattle and made billions reselling something that cost him about $50,000, to the open aping of Apple's Macintosh operating system in Windows and all subsequent OS releases, Bill Gates has been a copycat, a thief maybe, but not an innovator. Every single product they have ever released has been ''inspired'' by something that came before.

The operating system monopoly that Microsoft enjoys has given them the leverage to thwart upstart competitors. We all know and acknowledge this. The proposed slap on the wrist makes it apparent that antitrust laws have no teeth. Without a punishment that fits the crime, there is no disincentive for other companies now and in the future to avoid running afoul of antitrust laws.

I resent the millions of taxpayer dollars spent over many years in an effort that apparently will result in a conclusion that antitrust laws were violated but that it's OK to let Microsoft off easy, once again. Those who believe in the free market as an absolute have no understanding of American history and no appreciation for the need for antitrust laws in our highly successful form of capitalism.

sincerely,
Ian Russell Johnson
Corvallis, Oregon

MTC–00025757

From: gramadarz@juno.com@inetgw
To: Microsoft ATR
Date: 1/26/02 2:00am
Subject: Microsoft settlement

I feel it's time the government take a stand against the bilking of Microsoft. Please get involved and end this persecution of a company because others can't get their stuff together.

Darlene Dwyer
Everett, WA 98208

MTC–00025758

From: root@umr.edu@inetgw
To: Microsoft ATR
Date: 1/26/02 2:02am
Subject: Microsoft Settlement

Microsoft has used their monopoly powers time and time again to strangle innovation, it is time for that to be put to a stop.

MTC–00025759

From: Laura Stephenson
To: Microsoft ATR
Date: 1/26/02 2:08am
Subject: Re: Microsoft settlement

Dear Sir,

I greatly appreciate Microsoft ability to innovatively create sofware projects which assists the consumer in not only their word processing needs, but also in the area of the internet. Yes, there are links between Microsoft and other companies. And true, Microsoft in the largest computer company and the other have not been competing as well. My personal opinion is that the man behind the company is the key. If it weren't for Bill Gates innovative approach to life as well as business, consumers would not buy his company's products. Because Microsoft is simply the best in their area of expertise, they are being punished. Why punish such a terrific company who has simply figured out the key to good business?—-working with other to make the best and the most efficient products and services on the market. As a teacher, I want to be the best teacher for my students every day all of the time. Other teachers may become jealous because I am rewarded for my diligence and excellence in the service I provide to our children.

Therefore, I get punished because they can't stand to see someone else half their age do a better and more efficient job than them. In theory, this analogy paints the true picture of what has happend to Microsoft. Other companies are simply jealous of the tremendous network that Microsoft has created and wish that they had done it themselves. They are in it for the money like any other business here on earth!!! What a great ability to meet the needs of their consumer while also doing what they feel called to do!!! Creation of new ideas is often rejected in our society, especially if it goes against the grain of our pocketbook. Another example would be the change from fuel-run vehicles to electric car which are more efficient and more environment friendly.

Anyone who can say that what Microsoft has done is wrong is a hypocrite because no one can truly say that working with others in the business world to create the most efficient and effective products and services is bad. Microsoft simply and intelligently thought of it first!!!

Thank You for keeping Microsoft a leading company in this game that we call computer life!!! May the Lord be with you are you make this historical decision that could positively or negatively affect millions of consumers nationwide!!!

In His Name,
Laura Stephenson
2412 Pleasant Rose Cr.
Bryan, Texas 77808
(979)731–1217

MTC–00025760

From: Colin Kinlund
To: Microsoft ATR
Date: 1/26/02 2:06am
Subject: Microsoft Settlement

To whom it may concern:

I am writing to express my dismay at the inadequacy of the current proposed settlement against Microsoft. It provides neither concise so-called ''punishments'' nor methods of enforcement and control; Microsoft has repeatedly shown itself to be incapable of independently conducting fair and legal business.

This distinct lack of self-control is exemplified by their continued and blatant monopolistic practices even in recent months, such as their intentionally poor encoding of MP3 files in Windows XP, making their included Windows Media Audio the better choice in quality by default, and leaving the average consumer with no choice but to use Microsoft's new ''standard.''

Microsoft has shown no change in its approach to business since it was found to be a monopoly 6 years ago, and the current Final Settlement allows Microsoft to continue its illegal practices with virtually the same degree of anti-competitive behavior as before. It is a poorly worded document riddled with loopholes and incomplete statements, and it does nothing to truly address the nature of Microsoft.

I do not support this settlement in its current form. I also urge you to read Mr. Dan Kegel's proposed revisions to the settlement at http://www.kegel.com/remedy/remedy2.html

Thank you.
Sincerely,
Colin Kinlund
Bristol, Vermont

MTC–00025761

From: Tim Thomas
To: Microsoft ATR
Date: 1/26/02 2:10am
Subject: Microsoft Settlement

Dear Sirs;

The proposed Microsoft settlement is a farce. These people are guilty of arrogant and willful acts of disregard for the law, and they should be punished, not rewarded.

I am ashamed of our legal system for their lack of integrity in even considering this settlement.

Sincerely,
Tim J. Thomas
Editor, Mouse Droppings and The Communiqúi
Board member, The Alaska Apple User Group

MTC–00025762

From: Eddie Fourie
To: Microsoft ATR
Date: 1/26/02 6:14pm
Subject: Microsoft Settlement

Enough is enough!

No-one asked me as a consumer whether I was hurt or not by Microsoft's innovation. As a programmer and a technologist myself, I have given up some of their competitor's tools and decided to use Microsoft's platforms, operating systems and products as choice.

Our company makes a living from products Microsoft creates and sells, and it's absurd for people who are non-technical to make decisions of this magnitude.

I therefore urge you stop this crazy lawsuit and get to settlement as soon as possible, as your actions and or lack of affects our business, but not only ours, but hundreds of thousands of other small business out there.

Regards
Eduard Fourie

MTC–00025763

From: Marc S Weintraub
To: Microsoft ATR
Date: 1/26/02 2:11am
Subject: Microsoft Settlement

MTC–00025763–0001

Dear Sir,

In accord with the Tunney Act, I am submitting my comments on the Proposed Final Judgement in the Microsoft proceedings

(commonly known by the somewhat inaccurate description: ''DOJ vs Microsoft'').

There are many reasons why I find fault with the proposed settlement. In order to keep this comment brief, I will focus my comments on one specific are that I believe has not received a great deal of commentary from the public. I am very concerned about the faulty definitions and their implications, there are numerous examples of alterations to definitions found in the Findings of Fact as they have been ''reproduced'' in the PFJ. For example:

Definition A—''API''

The FOF defines ''API'' as ''the interfaced between application programs and the operating system.'' The PFJ has altered it to mean only ''the interfaces between Microsoft Middleware and Microsoft Window, excluding Windows APIs used by other application programs.'' The PFJ's definition of API permits Microsoft to omit important APIs that are crucial to Independent Software Vendors'' ability to write software that integrates with Windows to the same extent to which competing Microsoft products are able to do so.

Definition J—''Microsoft Middleware'' The FOF defines ''middleware'' as ''application software that itself presents a set of APIs which allow users to write new applications without reference to the underlying operating system.'' The PFJ destroys the intent and spirit of that definition by making it possible for Microsoft to avoid compliance simply by altering the form of version enumeration or the method of distribution of the products it miserly lists as ''middleware.'' The PFJ leaves so many holes open to Microsoft as to make the concept of ''middleware'' a moot point in terms of measuring Microsoft's adherence to the PFJ's rememdies. That is simply wrong and must not be permitted.

Definition K—''Microsoft Middleware Product''

The PFJ restricts the list of products to Internet Explorer, Microsoft Java, Windows Media Player, Windows Messenger and Outlook Express. It deliberately omits the obvious selections of Microsoft .NET, C#, Outlook and Office. There are, no doubt, other products that fit the proper definition of ''middleware'' and should be included as well. In fact, ideally, there should not be a list of what DOES apply, rather there should be a list of what DOES NOT. The fact is that no one at Microsoft is going to willingly include every product that should be a member of the list unless forced to do so. By changing the rules of defining the term ''middleware'' such that everything is included except that which is explicitly excluded, Microsoft will be forced to realistically explain the VALID reasons why any product should be added to the exclusion list. Only then can there be a reasonable expectation that essential APIs MIGHT become available to ISVs.

Definition U—''Windows Operating System Product''

The PFJ makes unreasonable assumptions about what constitutes a Windows Operating System product. It specifically restricts the definition to ''only Windows 2000 Professional, Windows XP Home, Windows XP Professional and their successors.'' What about existing Windows products such as Windows CE? What about the XBox which Microsoft clearly states runs an embedded version of Windows XP? Does ''embedded'' mean it is not ''Home'' and it is not ''Professional'' and therefore it ''does not count?'' What about the Tablet PC featuring Windows XP Tabled PC Edition? I do not see the words ''Home'' or ''Professional'' in that name, does it count? I am certain that my and the ISV industry's answer to each ''does it count'' question is a resounding YES, however I am equally certain that Microsoft's is a resounding NO.

As the PFJ definition currently reads, Microsoft can evade the provisions of the Final Judgment by shifting its efforts away from the Operating Systems listed in Definition U and towards Windows XP Tablet Fdition.

MTC–00025763–0002

01/31/2002 6:37 PM

Windows CE, Pocket PC, X-Box or some other Microsoft Operating System that can execute Windows applications. That is simply wrong and must not be permitted. True competition cannot be ensured due to the faulty definitions included in the PFJ. The unwarranted restrictions and syntactic gymnastics employed ensure that Microsoft can evade the purpose behind the action taken by the DOJ and several State's AGs. The purpose should be clear to everyone, it is to ensure that Microsoft ceases and desists from i anti-competitive practic

How should the Final Judgment erode the Applications Barrier to Entry?

The PFJ tries to erode the Applications Barrier to Entry in two ways:

By forbidding retaliation against OEMs, ISVs, and IHVs who support or develop alternatives to Windows. By taking various measures to ensure that Windows allows the use of non-Microsoft middleware. A third option not provided by the PFJ would be to make sure that Microsoft raises no artificial barriers against non-Microsoft operating systems which implement the APIs needed to run application programs written for Windows. The Findings of Fact (52) considered the possibility that competing operating systems could implement the Windows APIs and thereby directly run software written for Windows as a way of circumventing the Applications Barrier to Entry. This is in fact the route being taken by the Linux operating system, which includes middleware (named WINE) that can run many Windows programs.

By not providing some aid for ISVs engaged in making Windows-compatible operating systems, the PFJ is missing a key opportunity to encourage competition in the Intel-compatible operating system market. Worse yet, the PFJ itself, in sections III.D. and III.E., restricts information released by those sections to be used ''for the sole purpose of interoperating with a Windows Operating System Product''. This prohibits ISVs from using the information for the purpose of writing operating systems that interoperate with Windows programs.

MTC–00025764

From: Del Ivey
To: Microsoft ATR
Date: 1/26/02 2:13am
Subject: Microsoft law suit

Dear Mr. Attorney General,

I am writing you to urge you to put an end to the seemingly endless litigation and appeals and new suits brought by the less-than-tenuous attorneys under your jurisdiction. I have been a stock holder and user of Microsoft products for more than fifteen years and find the products more than adequate and very reasonably priced in the market place. I believe what has been accomplished to date in the litigation is more than adequate to restrain Microsoft and allow all the oversight necessary.

Please end this senseless wrangling and get on to more important matters ; such as off shore partnerships of off-balance sheet SPE of you know who.

Yours truly,
Delbert G. Ivey
ivdel@digisys.net

MTC–00025765

From: brian—l@mac.com@inetgw
To: Microsoft ATR
Date: 1/26/02 2:18am
Subject: Microsoft Settlement

This ''settlement'' does nothing to stop Microsoft from continuing to abuse its monopoly power, nor does it provide any remedies for past abuses.

MTC–00025766

From: Walter
To: Microsoft ATR
Date: 1/26/02 2:21am
Subject: Microsoft Settlement

Dear Mr. James,

The ''settlement'' you folks have worked out with Microsoft does not address any of the core monopolization violations affirmed by the Court of Appeals (unanimously) in June of last year.

Your settlement is so far outside the mainstream of antitrust law and so completely contradicts the Court of Appeals decision that the only explanation is that you are getting political pressure from Microsoft beneficiaries in the government to cave in.

Microsoft will now go breezily back to its heavy handed practices of pushing out competition. Don't you realize that it is small business that fuels the economy? With your settlement, we might as well give the entire country to Microsoft.

Disgustedly,
Diane Walter
CC:diane@donder.com@inetgw

MTC–00025767

From: kang xu
To: Microsoft ATR
Date: 1/26/02 2:22am
Subject: Re: My comment on Microsoft case

Dear Sir:

Attached please find a letter which expresses my opinion on the antitrust case with Microsoft.

Thanks.
Sincerely,
Kang

Send and receive Hotmail on your mobile device: http://mobile.msn.com

CC:
fin@MobilizationOffice.com@inetgw

MTC–00025767–0001

Kang Xu and Ying Zhang
10521 Polk Square Court
North Potomac, MD 20878
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I would like to give you my thoughts on the Microsoft antitrust case. I support the reasonable settlement that was reached and oppose further litigation. It can only benefit consumers if this case were to come to an end, allowing Microsoft to focus on their business of creating superior, innovative products. I am a government contract researcher and use Microsoft both in my office and at home. Microsoft has standardized computer software, creating increased efficiency for businesses. It is unfortunate that a company is being punished for being successful.

I urge you to please accept the proposed settlement, as it is more than reasonable and will surely promote healthy competition in the computer industry. For example, under the settlement terms, Microsoft will not only share its source codes with their competitors, but also allow extensive flexibility to computer makers in way they configure Microsoft software, and that of its competitors on new computers. This, along with other stringent restrictions in the settlement will surely limit Microsoft's own competitiveness, but they are willing to concede to these terms in order to get back to the business of what they do best: providing innovative IT solutions that not only benefit American consumers, but the economy as a whole.

Sincerely,
Kang Xu

K. Xu, 10521 Polk Square Court, North Potomac, MD 20878

Tel.: (301)-394–0043(o);(301)-279–5952(h); e-mall: kang—xu@hotmail.com

MTC–00025768

From: bud kuenzli
To: Microsoft ATR
Date: 1/26/02 2:28am
Subject: Microsoft Settlement

Recently I ''signed'' (electronically) a letter found at http://www.kegel.com/remedy and this is to be sure you understand it was not done hastily or without consideration. The points made by Dan Kegel were better expressed than had I written my own simple paragraph. I believe it will be a travesty of Justice if the Microsoft case is not brought to a stricter settlement and accounting. I urge you to hold Microsoft to a much stricter standard than that which has been proposed, so as to meet the concerns expressed by Mr. Kegel directly and by me, through his well done web site and commentary.

Thank you.
Bud Kuenzli
Technology Manager,
Austin E. Lathrop High
School, Fairbanks Alaska
wk email: bud@northstar.k12.ak.us
personal email: kuenzli@gci.net
Ab Kuenzli
2025 Persinger Dr.
North Pole AK 99705

MTC–00025769

From: Marc S Weintraub
To: Microsoft ATR
Date: 1/26/02 2:35am
Subject: Microsoft Settlement

Dear Sir or Madam,

In accord with the Tunney Act, I am submitting my comments on the Proposed Final Judgement in the Microsoft proceedings (commonly known by the somewhat inaccurate description: ''DOJ vs Microsoft''). There are many reasons why I find fault with the proposed settlement. In order to keep this comment brief, I will focus my comments on one specific area that I believe has not received a great deal of commentary from the public.

I am very concerned about the faulty definitions contained within the Proposed Final Judgement (PFJ) and their implications. There are numerous examples of alterations to definitions found in the Findings of Fact (FOF) as they have been ''reproduced'' in the PFJ. For example:

Definition A—''API''

The FOF defines ''API'' as ''the interfaced between application programs and the operating system.''

The PFJ has altered it to mean only ''the interfaces between Microsoft ''Middleware'' and Microsoft Windows, excluding Windows APIs used by other application programs.'' The PFJ's definition of API permits Microsoft to omit important APIs that are crucial to Independent Software Vendors'' (ISV's) ability to develop software that integrates with Windows to the same extent to which competing Microsoft products are able to do so.

Definition J—''Microsoft Middleware''

The FOF defines ''middleware'' as ''application software that itself presents a set of APIs which allow users to write new applications without reference to the underlying operating system.''

The PFJ destroys the intent and spirit of that definition by making it possible for Microsoft to avoid compliance simply by altering the form of version enumeration or the method of distribution of the products it miserly lists as ''middleware.'' The PFJ leaves so many holes open to Microsoft as to make the concept of ''middleware'' a moot point in terms of measuring Microsoft's adherence to the PFJ's rememdies. That is simply wrong and must not be permitted.

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The PFJ restricts the list of products to Internet Explorer, Microsoft Java, Windows Media Player, Windows Messenger and Outlook Express. It deliberately omits the obvious selections of Microsoft .NET, C#, Outlook and Office. There are, no doubt, other products that fit the proper definition of ''middleware'' and should be included as well. In fact, ideally, there should not be a list of what DOES apply, rather there should be a list of what DOES NOT. The fact is that no one at Microsoft is going to willingly include every product that should be a member of the list unless forced to do so. By changing the rules of defining the term ''middleware'' such that everything is included except that which is explicitly excluded, Microsoft will be forced to realistically explain the VALID reasons why any product should be added to the exclusion list. Only then can there be a reasonable expectation that essential APIs MIGHT become available to ISVs.

Definition U—''Windows Operating System Product''

The PFJ makes unreasonable assumptions about what constitutes a Windows Operating System product. It specifically restricts the definition to ''only Windows 2000 Professional, Windows XP Home, Windows XP Professional and their successors.'' What about existing Windows products such as Windows CE? What about the XBox which Microsoft clearly states runs an embedded version of Windows XP? Does ''embedded'' mean it is not ''Home'' and it is not ''Professional'' and therefore it ''does not count?'' What about the Tablet PC featuring Windows XP Tabled PC Edition? I do not see the words ''Home'' or ''Professional'' in that name, does it count? I am certain that my and the ISV industry's answer to each ''does it count'' question is a resounding YES, however I am equally certain that Microsoft's is a resounding NO.

As the PFJ definition currently reads, Microsoft can evade the provisions of the Final Judgment by shifting its efforts away from the Operating Systems listed in Definition U and towards Windows XP Tablet Edition, Windows CE, Pocket PC, X-Box or some other Microsoft Operating System that can execute Windows applications. That is simply wrong and must not be permitted.

True competition cannot be ensured due to the faulty definitions included in the PFJ. The unwarranted restrictions and syntactic gymnastics employed ensure that Microsoft can evade the purpose behind the action taken by the DOJ and several State's AGs. The purpose should be clear to everyone, it includes (but is not limited to):

*erasing the barriers to entry onto the competitive field by ISVs

*promoting positive and unfettered competition

*ensuring that Microsoft ceases and desists from its anti-competitive practices

*preventing Microsoft from obtaining and abusing future monopolistic powers

The proceedings surrounding this case have far reaching implications to the future of Microsoft and the Computer Information Industry. If the barriers to true competition are not eliminated now, they probably never will be. This is a momentous time given the indisputable fact that a US Court has judged (for the first time ever) Microsoft to have used and abused Monopolistic powers and to have actively engaged in a systematic process of preventing and obliterating competition in key sectors of the Computer Information Industry.

If the DOJ permits Microsoft to escape with a slight slap on the wrist and a Settlement that is, for all intents and purposes, unenforceable by virtue of the highway-sized loopholes it gives Microsoft then I must ask you ''why do we have a DOJ? What service does it provide to the people of the United

States of America that cannot be better served by the Private Sector and the States'' AGs?''

I believe the DOJ serves the people of our nation well, with dignity and honor 99% of the time. I am gravely concerned that the Microsoft Settlement falls under the 1%.

Thank you for you time and attention to this very important matter. Some say this case will make history. I say it already has and will continue to do so for decades to come. We are at a crossroads. We will either have a 900 pound Monopoly Gorilla or we will have the competition that has been the ideal and hallmark of the American Free Trade system. We, the American people, are relying upon you to do what is right and we have faith in your ability and determination to do so.

/s/ Marc S. Weintraub
Springfield, VA

MTC–00025770

From: Charles Martin
To: Microsoft ATR
Date: 1/26/02 2:36am
Subject: Microsoft Settlement

To Whom It May Concern:

I understand you have been bombarded by emails and letters during the public comment period, so I will keep this brief for the benefit of those having to read all those comments.

Point One

Microsoft as a corporation has broken the law repeatedly, even when ordered to stop doing so. They will seemingly use any tactic short of felony murder to maintain their anti-competitive monopoly. This does NOT benefit consumers, it harms them in exactly the same way the US economy would be harmed if GM suddenly made it impossible for any other car maker to work with standard parts. The proposed settlement does little or nothing to PUNISH Microsoft for previous bad acts and bad faith, and in doing so REWARDS the company for this behaviour and thereby guarantees further such lawbreaking, deception and anti-competitive practices.

I suggest that a very, very large fine—in the billions of dollars

—is the only remedy coercive enough to actually foster a behavioural change in the ''corporate culture'' of Microsoft. Much of the money from this fine should be used to redress wrongs done to MS competitors including AOL/Time Warner, Apple Computer and many PC hardware manufacturers and hundreds of smaller former companies who were bullied right out of the market. The rest of the money should be used to fund efforts to encourage the development of alternate, specialised OSes (for example, an ultra-secure OS for government servers). The precedent for this is already present in the government's own settlement with the tobacco companies.

Point Two

Microsoft has harmed consumers in myriad ways, but they have also harmed—in a considerable way—the security of the United States government, and the US economy through their admitted lapses in security and their drive to become sole-supplier and controller of all microcomputer operating systems and infrastructure. Billions upon billions have been lost in real revenue and productivity thanks to viruses based on weaknesses in Microsoft code. Top secret material and other sensitive data by the truckload has been stolen and criminal behaviour facilitated by security blunders and loopholes deliberately built into Microsoft's OS for either marketing purposes or to enhance the convenience of possible future Microsoft plans for intrusive monitoring. The right to privacy, once the centerpiece of our democracy and the original cornerstone of the Internet, is now but a dim memory that is rapidly eroding thanks to our deep dependence on buggy, vulnerable software and a company who's interests are often in conflict with the best interests of the United States. If a foreign company were doing this to us, we'd likely have charged them with treason via sabotage by now. At the very very least, the government and its contractors should punish Microsoft by doing a thorough audit of government computer usage and replace Windows systems with alternatives wherever possible for at least a period of five years.

Point Three

Microsoft's continued flouting of the law and fair business practices, combined with their documented (by MS itself) threats to competitors by high-level executives in the company (up to and including Chairman William H. Gates III) pose a danger to both society and capitalism itself. Despite it's propaganda efforts, Microsoft is in fact the *least* innovative software manufacturer on the scene and actively crushes innovation it cannot control or buy. The proposed settlement offers no incentive for Microsoft to cease this behaviour, and in fact reaffirms their monopoly and reinforces their right to bully competitors and squash innovation.

My suggestion would be to set vigourous, firmly-enforced limits on Microsoft's ability to interfere with competitors in any arena, and the best way in my honest opinion to do this would be to inflict jail time and other ''real punishments'' on the top executives of the company, up to and including Bill Gates. A clear message must be sent to both Microsoft *and* future companies that would emulate them, and jail time for white-collar executives would definitely send the right message. The MS executives can share a cell with the Enron executives if you prefer, that's up to you. :)

But it is long past time that Corporate Criminals got treated more like the real criminals they are—they do REAL harm, they hurt REAL people and companies, and they should get REAL punishment. Otherwise, the widening gap between justice for the rich/powerful and justice for the poor/weak will widen into a yawning chasm, and to be blunt I expect that at some point we'll foster civil unrest and a further weakening of our democracy if we as a society continue down that path.

Sincerely,
Charles Martin
Maitland, Florida

MTC–00025771

From: Todd Colburn
To: Microsoft ATR
Date: 1/26/02 2:35am
Subject: Microsoft Settlement

I would like to protest the pending settlement with Microsoft. I do not feel that the proposed punishments will do any good in preventing the continued monopoly practices of Microsoft.

Thank you.
Michael Todd Colburn
Clovis, CA

MTC–00025772

From: James Simons
To: Microsoft ATR
Date: 1/26/02 2:37am
Subject: ''Microsoft Settlement''

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement.

I strongly disagree with the proposed settlement with Microsoft.

Thank You.
James Edward Simons.

MTC–00025773

From: Donald G. Ebner
To: Microsoft ATR
Date: 1/26/02 2:38am
Subject: Microsoft Settlement

Dear Attorney General Ashcroft,

As a concerned citizen interested in justice, I am writing to encourage you to do your part to get the Department of Justice to accept the Microsoft antitrust settlement. This issue, which has dragged on for an inordinate amount of time (over three years!), is taking an adverse toll on our fragile economy and needs to be settled with dispatch. From my reading of the proposed settlement, Microsoft has indicated a willingness to accept a long list of concessions, which I consider more than fair. In my considered opinion, the Government needs to accept the firm's offer and move on. You'd be doing a service to our country and the technology industry if you would accept the Microsoft antitrust settlement.

I know you occupy a demanding position, one that forces you to put long hours in your work. But please know that there are a great number of people, yours truly included, who are indebted to you for your tireless efforts and contributions to our nation.

Thank you for your noble service and also for considering this request.

Sincerely,
Donald G. Ebner, Ph.D.
CC:fin@mobilizationoffice.com@inetgw

MTC–00025774

From: Adam Lippiatt
To: Microsoft ATR
Date: 1/26/02 2:41am
Subject: Microsoft Settlement

Dear Sir/Madam

Microsoft should not be allowed to settle on the basis of software, or hardware running their software, being given to schools. This ''dumping'' of software should be considered anti-competitive and be proscribed. A more appropriate settlement would be cash donated for computers with no strings attached in relation to the software or hardware purchased.

Microsoft should also suffer other penalties which appropriately punish it for its anti-competitive behaviour. Further, limits should be placed on the way it behaves in the future and its ability to use its market power to

negatively affect the industry. The Department of Justice should not settle the matter before appropriate sanctions are placed on Microsoft.

Regards

Adam Lippiatt

MTC–00025775

From: dgrigg5885@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 2:48am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Roee Grigg
11266 N 95 E
Idaho Falls, ID 83401

MTC–00025776

From: THOMAS P Mc GUIRE
To: Microsoft ATR
Date: 1/26/02 2:49am
Subject: MICROSOFT SETTLEMENT

MTC–00025777

From: David Groom
To: Microsoft ATR
Date: 1/26/02 2:55am
Subject: Microsoft Settlement

Good People,

Microsoft has been a champion of ensuring consumers benefit from low cost and high volume economics of the PC market. In college, I remember that Apple computers were nearly double the cost of a PC and of course systems from the likes of Sun Microsystems have only been accessible to pocket books of big corporations. Microsoft's success in building popular products at reasonable prices is the obvious reasons for the size of its market share. On the other hand, it is disconcerting that the antitrust trial has drug on so long only to favor the likes of big corporations like AOL, Sun, and Oracle. It is sad to see an American company which has brought such consumer benefit, held back for the welfare of corporations like AOL and Sun.

Let Microsoft compete freely. Let the market place decide which products should win.

Regards,
David Groom

MTC–00025778

From: dave
To: Microsoft ATR
Date: 1/26/02 3:05am
Subject: Microsoft Settlement

Bad form letting Microsoft get away with such a sweatheart deal.

dave di re

MTC–00025779

From: Hans Huang
To: Microsoft ATR
Date: 1/26/02 3:12am
Subject: Microsoft settlement

Let's settle it and move on....good for consumers, good for USA, good for the whole world.....

Hans

Hans Huang,
Executive QA Pgm Mgr, APQA

MTC–00025780

From: Edith Ang
To: Microsoft ATR
Date: 1/26/02 3:13am
Subject: Microsoft settlement

We should thank Microsoft for its operating system and internet web and email programs. There is nothing wrong to offer their programs all bundled together with a discount price. Companies do it all the time. Loss leaders are done at grocery stores. Restaurants offer either Coke or Pepsi products but never both.

If rivals spend more time on offering better programs, public will buy it. Why act like cry babies and ask government to interfere by punishing the hard working and smarter kids. Let the competitors know they must grow up on their own

Just like the auto industry. Each one of them has to come up with something different to compete for the public. Apple Computer has its followers because they keep on develop new things for their customers. Crest toothpaste for a long time out sells Colgate, now the trend is reversing because of new innovation.

Please stop spending tax money to interfere and fatten the lawyers'' pockets.

MTC–00025781

From: David C
To: Microsoft ATR
Date: 1/26/02 3:35am
Subject: Microsoft Settlement

I think the settlement is a really bad idea, Microsoft deserves far more strict penalties, they need to remember to be good in the future. They wield too much power for a slap on the wrist.

David Christensen
UC Berkeley Student
Berkeley, CA

MTC–00025782

From: David Lee
To: Microsoft ATR
Date: 1/26/02 3:35am
Subject: Microsoft Settlement

Dear Sir/Madam,

Microsoft should be left alone to make as much money as it can make, and to dominate it's competitors as well as it can. In a free society, the most competent company will dominate, so instead of despising Microsoft for their success, I love and admire the company, and look up to Bill Gates. I don't care about other computer/software companies. I choose Microsoft because they make great products at cheap prices. Even if they raise their prices later, they have a right to do it. I believe Microsoft has the right to sell in a way that pushes it's competitors out of the market. I do the same for the business I work for, to make more money. I respect the opposition companies that do better than ours. These better companies don't owe us their lives. If our business fails, we will take it and respect the opposition more.

I don't believe in self-sacrifice. I believe that if a company fails to compete against Microsoft, how dare that company improve it's market share by the musket of a gun; that is, through the government. Let men live, not by permission, but by right.

David Lee

MTC–00025783

From: james paraiso
To: Microsoft Settlement
Date: 1/26/02 3:36am
Subject: Microsoft Settlement
james paraiso
411 dorothy st #20
el cajon, ca 92019
January 26, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayersO dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
jim & Carrie Paraiso

MTC–00025784

From: Jay Blackman
To: Microsoft ATR
Date: 1/26/02 3:42am
Subject: Microsoft Settlement

I urge the Department of Justice and all other parties to accept the Microsoft settlement agreement. I believe it is a settlement that conforms to the criteria

imposed by the Court and is a valuable opportunity for the government and the industry to move forward. Thank you.

MTC–00025785

From: Michael R James
To: Microsoft ATR
Date: 1/26/02 3:42am
Subject: Microsoft Settlement

I believe history will look back on this age in America as the one that did the most damage by abandoning the ideals that made this country so great. This country was founded on the idea that we, as individuals, can achieve what we set out to achieve. We have only the right to try, not to succeed. The clam sits at the bottom of the ocean waiting for food to happen by as it filters the water waiting for nutrition, never experiencing anything other than it's simple existence. The eagle, on the other hand, flies up to a hundred miles searching for food, souring over the landscape and seeing an ever-changing world. The Eagle, not the clam is the symbol of America. What will be our symbol tomorrow? We are surrounded by instances of individuals and corporations pointing fingers at the success of their competitors and whining about how they should be in that seat. How, if everything were more fair, they would be the leaders. It strikes me as more than a little hypocritical for the world's largest communications company (that absolutely refuses to open such a critical tool to today's communication as instant messaging to free competition) to be pointing at Microsoft and whining that they're (recently) acquired Netscape would have been more successful if Microsoft didn't embed IE into windows. Come on, AOL-TW !! You yourselves opted for the superior performance and features of IE over Netscape for your own AOL browsers not too long ago!!!!!!!! Look at the real market facts.. Netscape did fine against IE, even though IE was embedded in windows, Netscape was the preferred browser by most, and was rated as a better product in the media for several versions. Then, starting with version 4.0, IE started to offer more competition as it improved it's performance and feature set. Eventually the media started touting IE as the winner in the ''Browser Wars''. It was then, and only then, that Netscape started losing market share. Not because IE was embedded into windows (it always had been), but because it became a better product. Simple, huh? As I said we will be looked upon as the age that destroyed competition by punishing those that succeed. Making the right judgment in the Microsoft case will not change this, but at least it will not contribute to it. Who has really been pushing for judgments against Microsoft? The consumers? No. No, I mean the ones REALLY behind all of this. Our government has been wielded like a puppet by those who stand to gain financially. It is so, blatantly obvious to almost everyone I talk to what is really going on. It is embarrassing to watch our own government be played like this. Michael R James Galileo <http://www.galileobas.com/> BAS, Inc. Office 623–551–4296 Mobile 602–549–3903 Fax 623–551–4297 Email <mailto:mjames@galileobas.com> mjames@galileobas.com

MTC–00025786

From: James Plante
To: Microsoft ATR
Date: 1/26/02 3:56am
Subject: Axe to grind—7 to 9

Microsoft microsoft.atr@usdoj.gov Thank you for this opportunity for me to post an incident that was caused by the Microsoft Internet Explorer software package permanently linked to the Windows 98 OS package. Prior to the install/upgrade to Windows 98, my system operated on Windows 95. While working with the 95 OS I choose to upgrade my Wordperfect 5.x to the newer Wordperfect Suite 7.0 (WP7). It is important to realize the sequence in which this occurred. With these two packages installed on the 95 operating software there were no incidents that occurred that would have indicated a compatibility problem. However, after several months of what appeared to be an acceptable operating environment I choose to upgrade the OS to the newer Windows 98, with it's promise of stability and FAT32 capabilities, which I required for expanding my memory storage in support for working with graphics. For approximately 6 to 9 months I worked with the Suite 7.0 with no apparent problems except for a few incidents of an occasional error message indicating a problem reading a bad WP7 operating file. As this time period progressed the error message increased in frequency to eventually delivering the message the file could not be read and a reinstallation of the missing file would be necessary. The problem begins. Several attempts to reinstall the file resulted in permission denied to complete the install. Working on this for several days I finally resorted to calling the WP help desk. After describing the problem to the phone technician, he responded with the question ''Do you have Microsoft Internet Explorer (IE) installed on your system? I acknowledged that I did have it installed since it was linked to the current OS, but noted that I choose to use the Netscape internet browser as a preference, so the IE browser was not active. He informed me that regardless, with the IE browser tied to the OS, the affect the IE package has on your system is inevitable. The problem with trying to install WP7 files after the Microsoft IE package is installed is to block the installation of WP7. The phone technician said he would send me a patch, that may or may not work, to work around the effect of the Microsoft IE browser blocking the reinstall of WP7. If it did not work, allowing me to complete the install, then I would have to upgrade to the Wordperfect Suite 9 application software. I did not bargain for The IE Browser's affect on my applications. My intentions were to upgrade, for improved performance, to a better Operating System. With the browser tied into the OS, the browser literally destroyed the reliability of my other applications. This NEVER should have happened. I would like to see this outfit (Microsoft) broken up. Thank you Jim Plante

MTC–00025787

From: Sean Lee
To: Microsoft ATR
Date: 1/26/02 3:59am
Subject: Microsoft Settlement HTC-00025787—0001 file:///C/win/temp/tmp.htm

Dear DO J,

No settlement in this case against Microsoft can bring back the justice, if the settlement is in any way beneficial to Microsoft. The current proposed settlement by Microsoft is totally ludicrous in that it gives Microsoft even more market share in the educational market which is traditionally dominated by Apple, Inc. The raw cost to Microsoft is very minimal. Each copy of Microsoft OS is probably less than $1 (each CD cost about 20 cents in a retail store). However, Microsoft is selling them for probably $100. A billion dollar in software may be just $10 million dollar raw cost in CDs. And obviously, if they choose to distribute the bulk of the software via internet distribution, the raw cost is close to zero, except the occupied download bandwidth.

Dear Judge, the pervasive existence of Microsoft software has become a danger to the public. No email softwares in the brief computer history have been susceptible to virus attack. But Microsoft came up with their ''ingenious'' Microsoft Outlook email software which has opened SO MANY holes to virus & warms, such as the famous Melissa virus, etc. The monopoly of Microsoft has paralyzed the software industry and consumer public. Without substantial competing choices, we are left with buggy and unsecure products, and the lack of competition fostered an environment where blatant problems are ignored or accepted. So why is Microsoft not liable for the virus problem, when indeed it is Microsoft Outlook that opens the big door to the virus itself?. And it was just simply a total stupidity on Microsoft part that cost the whole United States to spend billions of dollars to fix a Y2K problem. If in 1995, at the time Microsoft publish their Window95 OS, or in earlier 90s, when they publish their MSDOS 6.0, the ''ingenious'' Microsoft programmers can count their year from 1995 to 2000 or 2001, and then they would have realized that their stored dates in the files are not sufficient. And these MS guys didn't even need to pay for 1 cent for Y2K cost. Instead, they could pitch their new softwares Win98, or Win2000, that those don't have Y2K file:///Cwin/temp/tmp.htm problems. I just don't know what kind of justice is there, if Microsoft is not punished for their mistakes and business practices which have suffocated software innovations.

Sincerely,
Sean

P.S. I'm a software programmer for 20 years, and a hardware chip designer for 5 year. I am sorry to say that software programmers at Microsoft have one of the lower IQs on this planet. They just cannot count from 1995 to 2000, nor they don't know that attached files in the email can be malicious, nor do they know anything about 30 years of speech recognition research at IBM, and ends up buying a speech recognition company, and was unable to develop their own.

MTC–00025788

From: Tims

To: Microsoft ATR
Date: 1/26/02 4:05am
Subject: Microsoft Settlement

I think the proposed settlement for the Microsoft case is a bad idea. It will cost Microsoft a fraction of the estimated cost to donate software and the like. Also, it would reward Microsoft by allowing them to expand their market share in the area of education. There needs to be a ''cash'' pay out to schools with no incentive to purchase Microsoft related equipment.

Tims Johnson
Winter Springs, FL 32708
Blacklist Productions
http://www.blacklistfilm.com

MTC–00025789

From: MrActorGuy@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 4:07am
Subject: Microsoft settlement (against)

Hello:

I am against the Justice Department's proposed Microsoft settlement as it now stands because I believe it does nothing to restore competition in the software industry.

First, Microsoft was found to use its monopoly power to stop competition in areas that it felt threatened it's Window's monopoly. These two areas specifically were the internet browser market and where the Java programming language was concerned. This was because both technologies threatened to undermine the Window's Operating System, the source of Microsoft's power. I am against the proposal because it does nothing to restore competiton to the internet browser market, and it does nothing to prevent Microsoft from not supporting Java. I will further explain these two assertions. First, Microsoft already owns the internet browser market due to its anticompetitve efforts. Even if the proposed settlement was to take effect, Microsoft would be under no threat from competition in this market because it has already tied its Internet Explorer browser to Windows. In fact users of Windows have to go out of their way to use alternative products such as Netscape's Navigator Browser and from my experience many people do not even know that alternative products exist (in some cases better products). The proposed settlement does not recitify this situation, as it merely is an effort to stop Microsoft from using its power in this manner again in the future. This really is little concern for Microsoft because it does not need to do this again as it has already killed the competition in this area, and the lack of competion threatens to destroy competition in even other areas, as I will explain further later.

I want to first say that any effort to undue the wrong done by Microsoft must force it to untie its browser from Windows so that other browsers have a chance to compete with Microsoft's browser. Furthermore, Microsoft's browser must be forced to conform to open internet standards and not be allowed to use it's monoploy power to exclude alternate technologies, as it is doing now. For example, many websites now will only work correctly with Microsoft's Internet Explorer. Furthermore, some of these sites will only work correctly if you are using the version of Internet Explorer for Windows, which encourages people to use Windows out of necessity not choice. To illustrate this point I can be using the same version of Internet Explorer on a competing platform, such as a Macintosh computer, as on a Windows machine and some websites will not work properly because Microsoft has made both browsers work differently to the benefit of the Windows version. If a person needs to access some of these internet sites, or encounters this type of problem enough, that person might buy a Windows based computer the next time around just because Microsoft has made it impossible for that person to use another platform. With Netscape's browser I never had this problem. Internet sites viewed on any platform worked the same when using Netscape Navigator. Netscape made the Internet open, Microsoft attempts to make the internet only open to users of its products, which kills competition.

Another thing the settlement should force Microsoft to do is include Java support in any version of Windows that it ships. Windows XP does not do this even though other versions of Windows did. This is a devastating blow to competition. By doing so Microsoft is making it harder for developers to write software for multiple platforms because developers have to write software individually for multiple platforms without Java, whereas with Java they can write software once and it will work on various platforms. As a Macintosh user I can attest to the fact that developers will often neglect the Mac platform because they will have to spend a majority of their time writing software for Windows, which is a larger market. This kills competiton in the operating system market because people will often not buy a Mac because of a lack of software. If a developer can use Java, this problem is greatly alleviated, and Microsoft accordingly should be forced to support it. The current settlement does not do this.

Additionally Microsoft has often held an axe of sorts over the closest consumer based competitor in the operating system market. I am referring to Apple. Apple needs Microsoft Office to survive as most people who want to use Macs still want to communicate with people using Windows. Microsoft in the past has threatened to stop making Office for the Mac if Apple did not bend to its wishes, even though making Office is profitable for Microsoft . Some of these demands have been for Apple to replace Netscape Navigator for Internet Explorer as the default browser on Macintoshes(this dmaged Mac users as Netscape was equal on multiple platforms), for Apple to share some of its proprietary technology with Microsoft so it could make Windows better (taking away Apple's Operating System's superiority), and trying to get Apple to stop making Quicktime, its competing software, for Windows. A deal that guarenteed that Microsoft would produce Office for the Mac is about to expire. Microsoft should not be able to hold the Office knife to Apple's throat any longer. As long as Office is profitable on the Mac platform, Microsoft should be forced to make a version of it for the Mac that is compatible with the Window's version. Even if it is not profitable Microsoft should still be required to make the software for a while, as Microsoft's anticompetive efforts have hurt Apple's market share, and Apple should be given a chance to recover some of this. Microsoft Office started on the Mac, it should be kept there. Doing so allows Apple to compete with Microsoft without the fear of retribution. If this issue is not address, Microsoft will continue to control Apple, which might result in Apple unfairly going out of business. If this happened people like me, who prefer alternate technologies to Microsoft's offerings, will eventually be forced to use only Microsoft products. This not only is anticompetive, but anti-American, as America is about the freedom to choose. Microsoft exterted a great effort to prevent people from doing this, a stricter settlement is in order reverse the damage that Microsoft has done.

Sincerely,
Thomas Paluchniak
414 Kellogg Street #50 Ann Arbor, MI 48105 (734) 665–6381

MTC–00025790

From: donald mead
To: Microsoft ATR
Date: 1/26/02 4:10am
Subject: Microsoft Settlement

The DOJ argument in the Microsoft, MS, antitrust case were excellent. Please carry that excellence through to the end of the process and revise the settlement to reflect the findings in the case. An example of one condition that would bring the settlement more inline with addressing the findings and be cleanly enforceable would be to require MS to make freely and publicly accessible -without any restrictions prohibiting outside usage- all specifications and related information for Application Programmer Interfaces (APIs,) protocols and other interconnections between all software and hardware components at least six months to one year before MS can release a second software component that utilizes that specification. Also when MS implements any standard established by an outside organization that MS be restricted to full compliance with the standard without any additions or modifications other than approved and incorporated into the standard through procedures established by the standard setting organization. Any violation would require MS to remove from the market -with a buy back plan- all products which contain a component which is in violation of this condition with the prohibition from engaging in any activity whatsoever with regard to the product -other than offering to repay any and all purchasers- for a term of six months to one year plus the time which the initial release fell short of compliance. Any further non-compliance would result in MS relinquishing to the public domain the source code for the violating software.

This specific part of a reasonable remedy would allow MS to continue innovating while allowing other vendors to fairly compete within the operating system or application area and restricting MS from using its monopolistic advantages from subverting standards designed to benefit a competitive community and the public.

Thank you for your considerable efforts and diligence,
donald mead
Tucson, AZ
[I am an independent computer consultant whose only connection with this case is that of a concerned citizen and computer user.]

MTC–00025791

From: ruth.annd@ verizon.net@inetgw
To: Microsoft ATR
Date: 1/26/02 4:18am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Ruth Ann Danielson
5411 144th Pl. SW
Edmonds, WA 98026

MTC–00025792

From: Leonard Cecil—Music of Note
To: Microsoft ATR
Date: 1/26/02 4:46am
Subject: Microsoft Antitrust case
Hello!
If you've got enough money you can buy anything—including your competition. microsoft has proved this time and time again. With the current proposed settlement, Microsoft is proposing to ''buy'' the school market with it's $1-billion penalty. Donate used hardware and software of it's own kind to schools (btw—is that $1-billion market value or production value. I doubt seriously that a CD with MS-Office cost MS more than $1 to produce, but if donated at market value will be ''worth'' many hundreds of dollars!) and thereby force the schools to tow the Microsoft line because they will not be able to afford other possible solution in the future without totally new money outputs. In this case MS sets itself up—as it's own punishment—a school monopoly by giving away Microsoft compatable hard- and software.

Now if Microsoft were to donate $1-billion worth of it's competitors'' hardware and software, that's more like a punishment, than the above reward they are being sentenced to for monopolistic practices. And furthermore, since when does the convicted get to suggest his/her punishment? The bank robber? The rapist? certainly not. Not even other white-collar criminals like embezzelors and tax evaders. But if you are big enough and rich enough, you can even buy your own punishment.
Phooey!
greetings
Leonard Cecil

MTC–00025793

From: shahid ali
To: Microsoft ATR
Date: 1/26/02 4:51am
Subject: Microsoft Settlement
they filed lawsuit only for a full marketing purpose. They are doing nothing but marketing their own name, everyone knows that microsoft is devoted for the betterment of computer industry. If microsoft favouring the people of the world then who are they to stop microsoft, favouring mankind.
shahid

MTC–00025794

From: A1 Davis
To: Microsoft ATR
Date: 1/26/02 4:56am
Subject: Proposed anti-trust settlement
[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]
CC: davisal@usa.net@inetgw

MTC–00025794 0001

Albert R. Davis, MD
438 May Street
Elmhurst, IL 60126
Renata Hesse, Trial Attorney
Suite 1200, Antitrust Division
Department of Justice
601 D Street NW, Washington, DC 20530
January 25, 2002
Dear Ms. Hesse,
I would like to take this opportunity to forward my comments to you regarding the proposed anti-trust settlement in the case of USDOJ v Microsoft. I am an anesthesiologist by profession, but have used personal computers since purchasing my first in 1982, and have an undergraduate degree in Accounting and Business Data Systems. I have maintained a strong interest in computers since 1982 and have business experience both as a programmer and as the owner of a computer sales firm.

I want to make it clear at the outset that I am completely opposed to the settlement as proposed. Microsoft's reasons for their position are specious, at best, and the proposal offers neither remedy for Microsoft's past transgressions nor protection from further abuse of both competing interests and the public at large.

As you know, Microsoft was essentially born with a silver spoon in its mouth. The company was intially granted a contract to provide IBM with an operating system for their then-new PC, which at the time immediately overran the PC world and rapidly eliminated virtually all of IBM's hardware competition in terms of non-IBM based architecture. While IBM developed an open architecture for their hardware, Microsoft immediately and aggressively pursued supplier contracts with IBM's competitors, thus very rapidly achieving a monopoly position in terms of operating system market share. By the time IBM introduced the PC-XT, Microsoft held well over 50% of the OS market, including the PC-DOS product sold by IBM under license from Microsoft. In the mid-1980s the limitations of MS-DOS were becoming apparent and IBM and Microsoft started work on what eventually became IBM's 0S/2 and Microsoft's Windows NT. Meanwhile, Microsoft initiated sales of their DOS-based Windows product. While early Windows products languished, Microsoft made enormous profits from sales of DOS which they used not only to improve Windows but, more importantly, to buy influence in the PC press and among manufacturers. At a time when PC Magazine often contained more than 400 pages per issue Micorosft bought enormous quantities of ad space, and the largesse of their parties at trade shows and media events was legendary. Microsoft was certainly a major force in the industry and until this point the company was an all-American success story of luck combined with high energy and intelligent business manuevers.

MS-DOS was essentially unchanged from its initial versions until the release of version 4, at which point Microsoft began to write code designed to take advantage of improvements in PC architecture. Its early experience was dismal however, and not only did Microsoft receive its first substantial criticism in the press, it also left itself open for the first time to competition from competing software firms. It was Microsoft's response to this competition—Quarterdeck's desqView and it's associated memory management software, QEMM—that led to my first personal encounter with their detrimental and predatory practices. To make a long story short, I found that Microsoft's Windows 3.0 installation routine searched for a memory manager product from Quarterdeck called QEMM. If it found QEMM, Windows would refuse to install. QEMM released patches, and Microsoft promptly came up with new ways to seek out QEMM and refuse to install. The issues were not related to incompatability or instability—QEMM was a clearly superior product. The entire situation was due to Microsoft's intentional and deliberate willingness to sacrifice the user's time and money in order to defeat Quarterdeck in the memory manager application space. Quarterdeck ultimately declared bankruptcy in the early ''90s. This was about the same time period that Microsoft first became noticed within the industry for possible antitrust violations because of a series of alleged patent infrigements and copywrite violations against various companies writing software utilities designed to enhance the performance of Windows. In every case, however, Microsoft succeeded in either appropriating technology or simply driving companies out of business because they had such enormous cash flows that no single small competitor stood a chance against them in court. This was also the time period when Microsoft began to impose what is now called the ''Microsoft tax'' on PC buyers. Microsoft began to write exclusive, ''per-processor'' royalty agreements with computer sellers, which meant that anyone who bought a PC was forced to buy the current version of Windows whether they intended to use it or not. The exclusive nature of those contracts prevented

PC retailers from offering any OS other than Microsoft's, and the per-processor tactic forced PC buyers to pay for an MS OS even if they wanted a computer with no OS on which they would subsequently install a non-MS OS. While the ''per-processor'' clauses may have been eliminated by Microsoft's 1995 consent decree, the fact remains that it is nearly impossible today for an individual to purchase a PC which does not have Microsoft's OS de jour installed on it. In 1995, however, when I went shopping for a PC with IBM's OS/2 OS installed on it, I was unable to find one, despite contacting each of the top 10 PC manufacturers in business at the time. In every case, I was told that I would have to purchase a PC with Windows on it; buying a PC with no OS was not an option. That was the year I began to build my own computers, which is a practice I continue today for essentially the same reasons.

MTC–00025794–0002

Microsoft's business practices from the early 1990s to today are, I'm sure, well known to you. While Microsoft's legal strategy throughout the antitrust struggle has focused on ''innovation'', the fact is that their business strategy has been much more focused on acquisition. Today 0S/2 is not available on any retail PC that I am aware of, and Linux is supported only as a grudging concession to user demands by companies which are afraid to anger Microsoft.

Microsoft's monopoly has indeed been bad for the industry—witness the decrease in the size and number of both popular and trade journals and magazines, despite the ever present growth of the PC industry (until this year.) Consider that OS/2, which has had practically zero support from IBM since 1988, is still in use in banks and insurance companies across the county. Imagine the growth and innovation which might have arisen from this radically different OS had they had the benefit of a fair sales environment for the past decade. Linux, which is certainly the most innovative business model of the past 50 years, and which offers direct competition to Microsoft, has been stifled much more by Microsoft's strong-arm techniques than by the shortcomings of its sales approach. Even when one considers what is called the ''network effect'' of an OS which tends to generate pressure towards a monopolistic economic model, the network effect alone cannot begin to account for the inability of either of these equivalent (if not superior) operating systems to affect Microsoft's market share.

Microsoft's monopoly has been equally bad for consumers. The vast majority of computer users simply are not equipped by either propensity or training to become software experts any more than the average driver is equipped to become a mechanic. In the automobile industry reliability has become a given precisely because of that fact. In the Microsoft dominated OS industry, however, unreliability has become a fact of life, to the extent that having a friend or neighbor with computer experience is often listed as an important factor in the computer purchase decision. Microsoft's monopoly position has allowed them to abrogate their support responsibility towards their customers almost completely; since the vast majority of OS sales occur in tandem with new computer sales, and since Microsoft now requires many OEMs to support Windows for them, Microsoft has lost practically all incentive to design reliable products. They are pouring their time and expertise into the acquisition and development of new technology, while caring little for the reliability of their current products. The time and expense costs to both individuals and businesses is enormous; it is common to hear stories of upgrades that never happen because ''We finally got it working right, and we don't want to mess with it.''

MTC–00025794–0003

The current proposed anti-trust agreement is completley unsuited to solving the problems which exist today because of Microsoft's monopoly, but there is a simple, fair solution. Rather than writing a detailed, convoluted agreement which attempts to address a myriad of problems in a very specific way, each of which can easily be circumvented, the DOJ can achieve the goals of fair business practices, customer service improvement and the elimination of an illegally maintained monopoly thrugh two simple actions.

First, the DOJ should prohibit Microsoft from selling any of its software as part of a hardware ''bundle'' for a period of at least five years. Microsoft should be allowed to sell directly, through retail, as a contracted supplier to busines or by any other means possible, as long as their products are not bundled with, contingent upon or in any other way linked to the sale of computing hardware unless the hardware is manufactured by Microsoft (such as their mouse, but even including a complete PC should they choose to manufacture one.)

Second, Microsoft should be forbidden from purchasing any company outright, obtaining a majority share in any company or exclusively licensing any company's technology for an equally long time period.

The application of these two constraints will meet all of the DOJ's requirements while not placing unfair, irresponsible or destructive mechanisms in place against the company. Forcing Microsoft to sell its products to the public rather than to OEMs will finally allow the general public to become aware of Microsoft's competition simply because they will see it in the store when they shop; business users, meanwhile, will be able to negotiate with Microsoft for the products they need without the necessity of factoring the ''Microsoft tax'' into their purchasing decisions. Placing responsibility for the sale back into Microsoft's hands will also require them to once again consider the reliability and stability of their products—performance issues will no longer be ''someone else's problem.'' Installation, maintenance and comparability will all benefit from Microsoft's assumption of this responsibility.

By forbidding Microsoft from gaining exclusive control of computing technology, the restriction against purchasing/exclusive licensing will ensure that Microsoft will not be able to use their 80 billion dollar cash hoard to simply shut out the competition from innovation. Microsoft may obtain new technology as it evolves in the industry, but they must be restrained from preventing their competitors from accessing that same technology.

These two constraints are simple, difficult to circumvent, easily enforceable and reasonably achievable. While economic shifts are anticipated from any effective remedial measures, these restrictions will ensure that the market changes will be relatively gradual and non-disruptive to the company. Assuming that the market responds to the public's need for simple installation and operation of computer OSs the impact on the public will be minor. The additional expense of purchasing an OS will be offset by the decline in hardware prices. While these remedies would not prevent a Microsoft competitor from attempting to obtain exclusive licensing agreements with OEMs, the practical residual effects of Microsoft's current monopoly would make it unlikely for any OEM to sign such agreements. Microsoft has transformed over the years from a lucky, plucky company in the right place at the right time into a malicious behemoth interested only in the domination of its competition without regard to the best interests of its own customers. The currently proposed remedies do not substantially alleviate this transformation, and some other means must be found to re-introduce real innovation and competition into a vital sector of the American economy.

MTC–00025794–0004

I hope you will give serious consideration to these comments, and I appreciate your attention.

Sincerely,

Albert R. Davis, MD

MTC–00025795

From: PAUL HENRY
To: Microsoft ATR
Date: 1/26/02 4:57am
Subject: MICROSOFT SETTLEMENT

I CAN'T UNDERSTAND THE ABSURDITY OF THIS CASE AGAINST MICROSOFT WHO IS NOT A MONOPOLY I DON'T CARE HOW THE JUDGE SEES IT WHAT A MANIPULATION OF THE COURT SYSTEM . CHECK IT OUT TODAY LINUX IS STEALING BUSINESS FROM MICROSOFT IBM HAS A LINUX ONLY SERVER AVAILABLE , AOL HAS FORTY MILLION USERS AND WITH TIME WARNER HAS AN ENORMOUS EDGE OVER MICROSOFT ON THE INTERNET AN UPSTART CALLED LINDOWS IS CHALLANGING MICROSOFT BEA OPERATING SYSTEM IS READY TO CHALANGE ON THE .NET STRATAGY . THE ORIGINAL CASE WAS FOR BUNDLING INTERNET EXPLORER WHERE IT WAS RULED BY THE COURT THAT MICROSOFT WAS WITHIN THE LAW TO DO SO , AT THAT TIME THE CASE SHOULD HAVE BEEN DROPPED , BUT JUDGE JACKSONS VENDETA AGAINST MICROSOFT KEPT HIM GOING TO BRING CHARGES THAT WERE NOT IN THE ORIGINAL CASE CAN SOMEBODY EXPLAIN TO ME HOW WHEN YOU HAVE ALL OF THESE BILLIONARES

SCOTT MCNEALY, LARRY ELLISON,ECT ... THAT THE COURT ALLOW'S THEM TO COMPETE TO DESTROY MICROSOFT WITH LAWYERS INSTEAD OF MAKING THIER OWN COMPETING PRODUCT , THEY HAVE THE RESOURCES ,IBM WAS A JUGGERNAUGHT WITH OS2 WHEN BILL GATES WAS A NOBODY . EVERYBODY HAS A CHOICE TO BUY AN APPLE COMPUTER WHICH IS A PERSONAL COMPUTER JUST THE SAME AS A WINDOWS PC IT ''S OPERATING SYSTEM IS BASED ON UNIX THE SAME AS SUNS SOLAIRIS AND THE MANY OTHER FLAVORS OF UNIX WHICH IS WHAT MOST COMPANY'S AND THE GOVERNMENT USE ON THEIR SERVERS. OTHER OS'S ARE BEA, CALDERA ,DOS, COBALT, DR. DOS, ECT... PEOPLE USE MICROSOFT BECAUSE THEY ARE THE BEST, BECAUSE THEY ARE THE ONLY ONES WHO HAVE SPENT BILLIONS IN RESEARCH TO DEVELOP THE ONLY NEW OPERATING SYSTEM BUILT FROM SCRATCH IN FIFTY YEARS , AND BECAUSE THEY ARE THE ONLY ONES WHO HAVE BUILT SOFTWARE THAT WILL WORK WITH THE MILLIONS OF PROGRAMS THAT ARE WRITTEN OUT THEIR .CONSUMERS HAVE A CHOICE SO MICROSOFT IS NOT A MONOPALY JUST THE BEST . SYMANTEC , MCAFEE , AND GAME MANUFACTURERS MAKE FAR MORE MONEY THAN MICROSOFT WITH LITTLE EFFORT COMPARED TO THE MAKING OF WINDOWS XP FOR NINTY NINE DOLLARS , LESS THAN A GOOD MEAL AT A RESTARAUNT I GET FREE UPDATES FOR YEARS , AND IN THE PAST MOST USERS SHARED OR PIRATED A COPY FOR THEIR FRIEND'' S TO BOOT AT MICROSOFTS EXPENSE . SYMANTEC AFTER PAYING SEVENTY DOLLARS FOR THIER VIRUS PROGRAM WARNS ME ON A DAILY BASIS AFTER TEN MONTHS TO ANTY UP FIFTY MORE DOLLARS FOR AN UPRADE I HAVE TO PUT UP WITH THIS DAILY AND IF I CAN'T STAND IT ANY MORE, LOSE TWO MONTHS BY PAYING UP . MICROSOFT IS WITHIN THEIR RIGHTS TO DO THE SAME THING MAKE YOU PAY EVERY YEAR TO USE THE OS , AND THEY ARE WITHIN THIER RIGHT TO CHARGE FIVE THOUSAND DOLLARS A COPY AS IT IS MY WRITE NOT TO PAY IT . HOW DARE THE GOVERNMENT AND AOL , SUN , ECT...USE TNE COURT SYSTEM TO EXTORT MONEY FROM MICROSOFT JUST BECAUSE THEY ARE SUCCSESFUL WHY DON'T THEY COMPETE IN THE MARKET PLACE , AND TO THE GOVERNMENT TAX EACH OPERATING SYSTEM IF YOU WANT MONEY, CALL IT WHAT IT IS BECAUSE THE PRICE WILL HAVE TO GO UP TO GIVE YOU YOUR SHARE, BUT REMEMBER YOU ARE NOT ONLY STEALING FROM MICROSOFT , YOU ARE ALSO STEALING FROM THE STOCKHOLDERS , 401K RETIREMENT ACCTS. , TEACHERS ,FIREMEN, POLICE , MOTHERS, CHILDREN ,ECT ... LET THE MARKET DICTATE WHAT HAPPENS , LET BILL INOVATE AND LET US ENJOY WHAT WE HAVE BECAUSE OF HIM . HE SPEND S BILLIONS ON CHARITABLE CAUSES BESIDES WHAT HE HAS DONE FOR MODERN TECHNOLAGY DON'T CAUSE THIS COMPANY TO FOLD LIKE ENRON BECAUSE OF FRIVILOUS LAWSUITS

MTC–00025796

From: valuelink1
To: Microsoft ATR
Date: 1/26/02 5:00am
Subject: Microsoft settlement
240 N Michigan Avenue
Villa Park, IL 60181–2073
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
Washington, DC 20530–0001

Dear Mr. Attorney General:

I had been hopeful that the Justice Department would settle its anti-trust lawsuit against Microsoft for the last year and a half, and I am glad to see the two sides were finally able to reach a reasonable compromise in November of last year. This case has dragged on for much too long, and it is time for the government to spend its time and energy on more important issues than trying to hinder the success of an innovative company such as Microsoft.

Our nation's economy is struggling at the moment, and settling this case will do much to stimulate it. Once competition increases in the technology industry it will get a real boost, and this will affect the whole economy. This will be made possible by Microsoft's willingness to grant rights to computer-makers that will allow them to promote non-Microsoft products within Windows. There is no reason to extend this lawsuit past this point. I appreciate your settling this case and stopping litigation at the federal level. I am looking forward to seeing the government focus on improving the economy in the future.

Sincerely,
Dennis Chesney
dennis@valuelink1.com
cc: Representative Henry Hyde

MTC–00025797

From: ROBERT E LAMBDIN
To: Microsoft ATR
Date: 1/26/02 5:16am
Subject: Microsoft Settlement..

Dear Sir.. Think that the agreement with Bill Bates of Microsoft is fair, and I don't think that you need to drag your feet any longer on this matte settle and lets get on with life and turn your time into helping us X Service men with our dire needs. help is needed today..Robert Eugene Lambdin.. Retired USN..

MTC–00025798

From: Luc Pardon
To: Microsoft ATR
Date: 1/26/02 5:25am
Subject: Microsoft Settlement

Dear Sirs,

Although a citizen of a European Community country, and not a U.S. citizen, I'd like to have my objections on the proposed Microsoft settlement on record.

The proposed settlement will not reverse the harm done by Microsoft as a result of its unlawful actions. Instead, it attempts to prevent them from continuing these actions. To most every prohibition listed, however, there is an ''except'' clause, listing in vague terms the conditions under which Microsoft would be excempt from the restriction.

It is clear that this will make enforcement impossible, since costly lawsuits will be needed to stop any percieved infringement. This is out of reach for most competitors. It certainly is for companies like mine.

Therefore it is clear that the proposed settlement is ineffective and insufficient. In fact, it will freeze the current situation, which has been established as a consequence of Microsoft's unlawful actions.

Finally, I'd like to point out the harm done to the U.S. international reputation. The sudden reversal of position by the DOJ upon the instatement of Mr. Bush's government has not gone unnoticed, and was in fact expected. Western civilisation is based on separation of powers. The current situation is percieved as a vaudeville. It severely undermines the credibility of the United States as a Western civilized nation.

Thank you for your attention, Luc Pardon
Chief Executive Officer
Skopos Consulting
Middeveldweg 1
Hombeek
Belgium

MTC–00025799

From: Anders Stankiewicz
To: Microsoft ATR
Date: 1/26/02 5:25am
Subject: Microsoft Settlement

In order to restore competition in the software business, Microsoft must be broken into 3 separate companies. One for windows, one for office applications and a third for internet related software. The windows company must be restricted to only building APIs that othercompanies may use.

The Office company must be restricted in the same way from adding direct internet functionality. Rather they must build links to standardised functions such as mail and viewing web contens from inside the office applications. These links must allways be generic and open and allow any other vendor to sell such a software.

If a product is the best, it must have a chance to win... that is not the case currently when Microsoft sets its sights on something.

Sincerely
Anders

MTC–00025800

From: donkenney@compuserve.com@inetgw
To: microsoft.atr(a)usdoj.gov
Date: 1/26/02 5:36am
Subject: Microsoft Settlement

I am merely a layperson and perhaps I misunderstand. I thought that the purpose of an antitrust settlement after the misbehavior of the defendant was determined, was to ensure that the defendant would go forth and sin no more. I must say that Microsoft does not seem to me to be a very repentent miscreant, and that—given that Microsoft probably has no intention of giving up its monopolistic ways without a fight, the DOJ negotiated agreement appears to be utterly inadequate.

It appears to me that the agreement constitues a summary of Microsoft's past anticompetitive practices and a collection of

niggling legalisms that might — on very good days—prevent some of them from being repeated.

I would suggest that what is needed instead is a blanket prohibition on ANY practices that allow Microsoft to use its monopoly in the operating system market to further ANY non-OS Microsoft corporate activity of any sort. This should be coupled with effective enforcement mechanisms and draconian financial penalties for transgressions.

I would suggest that any settlement that falls short of that level will merely lead to another trial, another conviction and another settlement a few years downstream.

Why not do the job properly now?

Donald Kenney

MTC–00025801

From: Megan Deon Cross
To: Microsoft ATR
Date: 1/26/02 5:43am
Subject: Rationals

MTC–00025802

From: Philippe Verdy
To: Microsoft ATR
Date: 1/26/02 5:49am
Subject: Microsoft Settlement

About the James K. Glassman's quote: ''Instead of straightening out its business problems, AOL has decided to spend its time and effort filing lawsuits against tough competitors—a petty, distracting pursuit that won't help AOL or, for that matter, the U.S. economy, which depends on firms like Microsoft for the innovation necessary to bring about a technology revival.'' How can such an argument come to the legal field ? There is absolutely no reason why a company can do all it wants, simply because it has a dominating position in the market place. Microsoft has a dominating position, but this CANNOT be an argument that authorizes it to ignore legal constraints that apply to it and all its competitors. If it was the case, then the laws that prevent a company or person to abuse its dominating position in a given area would be senseless.

Fair competition requires that even dominating actors respect the same constraints than its competitors, even when this dominating actor is important or vital for a given economy: the economy is based on the fair competition between actors, whatever their size, nature, or importance. This allows for renewal of the marketplace. And this is also required for the constitutional rights in most democracies that gives the freedom of establishing businesses to every people or company.

The laws that protect consumers or competitors, and allow them to make business in a free but regulated market, act for the long-term safety of the economy: a dominating actor is exposed to the general business-place risks, and may not survive a possible future business-crash, and it is vital for the overall economy that competitors can offer the service previously offered by the dominating actor. And allowing competitors to make business also acts in favor of innovation, by allowing a richer range of alternative products, services and technologies: this is a benefit for the consumer which can determine what he really needs, and which can buy something else that the expensive package what the dominating actor proposes. All this means that Microsoft, as well as its competitors, must respect all fair business rules, including equilibrated business contracts between it and its consumers, providers or co-branding partners. When an actor has a dominating position, the terms of such business contracts tend to become mostly unequilibrated in favor of the dominating actor, which adds constraints and rules that prevent it from its fair obligation without giving any counterpiece to its co-contractants. This is caused by the fact that these contractants have in fact no real possible choice when signing a business contract with this dominating actor.

In that case, the legal intitution must control the terms of all business contracts proposed by the dominating actor, and compare it with terms proposed by other competitors, so that unequilibrated terms of such contracts can be declared void by the justice. When a practice becomes too common, the authorities can regulate nationaly or internationaly to fix a common direction for the justice authorities, and give them legal arguments that can prevent unfair practices.

Philippe Verdy.

France.

MTC–00025803

From: Glenn Holmer
To: Microsoft ATR
Date: 1/26/02 6:09am
Subject: Microsoft Settlement

Dear Sirs:

I am writing in reference to the proposed settlement in the Microsoft antitrust case. I am a professional programmer with 15 years experience, covering numerous operating systems, computer architectures, and programming languages.

I do not feel that the proposed remedies are adequate in the area of documentation. In order to remedy Microsoft's past behavior and prevent it from occurring in the future, the government needs to require that *all* programming interfaces be made public. This includes not only operating system APIs, but networking protocols and file formats as well. (I do not think Microsoft should be required to make its source code public; the implementation details of these interfaces are what make one company stand out with a superior product, and should be protected if the company wishes them to remain proprietary.)

Section III.E of the proposed judgement does not go far enough. All networking protocols must be made public (not just licensed) in order to make sure that server products designed to work with Windows (especially Open Source projects like the Samba project, http://samba.org) do not face a barrier to entry. It is crucial that the Justice Department take a stand in this area now, before Microsoft is allowed to gain an illegal advantage in the emerging area of web services with its .NET technology.

The proposed judgement does not mention disclosure of the formats for data files created by Microsoft applications. As the Findings of Fact notes in section III.B.1.39, ''the size of Windows'' installed base impels ISVs to write applications first and foremost to Windows''. File formats must be made public in order to reduce barriers to entry in the area of productivity applications, specifically word processors, spreadsheets, etc. designed to be compatible with Microsoft Office (for example, Star Office: http://www.sun.com/software/star/staroffice). I can cite personal experience in this area, as job recruiters in my field nearly always require resumes in Microsoft Word format.

Unless stronger measures than those proposed are taken in these areas, I feel that the government's considerable efforts in addressing these issues will have been wasted. Microsoft will still be able to compete on the basis of the quality of its products compared to those of other companies, but if the remedies are not stronger, that competition will never get a chance to exist.

(Note: the address I am mailing from is my home e-mail; my business e-mail is listed in the reply-to header and below.)

Glenn Holmer
gholmer@weycogroup.com
Programmer/Analyst
phone: 414.908.1809
Weyco Group, Inc.
fax: 414.908.1601

MTC–00025804

From: jin choung
To: Microsoft ATR
Date: 1/26/02 5:54am
Subject: Microsoft Settlement

hello,

please don't let microsoft off the hook with a mere slap on the hand. you cannot count on any corporation to ''throttle back'' of its own accord. every corporation deserves freedom and has its rights but when a corporation oversteps its bounds, it needs to be FORCED into its place. not coaxed. not persuaded. not asked.

jin choung
glendale, ca.

MTC–00025806

From: Ron arky
To: Microsoft ATR
Date: 1/26/02 6:08am
Subject: Microsoft settlement

I feel the start of the dot com crash was the microsoft suit, the sooner it is settled and put behind us the sooner the market can return to normal.

Respectfully
Ron Keller

MTC–00025807

From: Zephyrus14@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 6:15am
Subject: Microsoft Settlement

To Whomever It May Concern,

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will

effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Yours Sincerely,

Adam Myers.

MTC–00025808

From: Steve Waldman
To: Microsoft ATR
Date: 1/26/02 7:12am
Subject: Microsoft Settlement

The attached Tunney Act comments have been submitted by fax (26-January-2002), as an e-mailed PDF document (26-January-2002), and by a commercial overnight carrier (delivery a.m., 28-January-2002). I apologize for the multiple modes of submission, but it is important that these comments be verifiably received by the morning of January 28. I would be very grateful if the Department could provide an acknowledgement of on-deadline receipt of these comments, perhaps by e-mail. Many thanks for your attention and assistance.

Steven Waldman

MTC–00025808–0001

Steven Waldman
44 Stridesham Ct
Baltimore, MD 21209
(410) 336–1408
swaldman@mchange.com
January 26, 2002
US Department of Justice
Antitrust Division
601 D Street NW
Suite 1200
Washington DC 20530
Attn: Renata Hesse

Re: Comments regarding Proposed Final Judgement

United States v. Microsoft Corporation
Civil Action No. 98–1232

Thank you for the opportunity to comment upon the US v. Microsoft Proposed Final Judgement, published in the **Federal Register** on November 28, 2001.

The Proposed Final Judgement as written is not in the public interest. I urge the Department to pursue remedies substantially different from those proposed, whether via further negotiations with Microsoft, or through adversarial proceedings. If the settlement is presented to the District Court without substantial modification, I would urge Judge Kollar-Kotelly make a determination under the Tunney Act that the Proposed Final Judgement would not serve the public interest.

The Proposed Final Judgement Would Do Positive Harm It may seem odd to suggest that an antitrust remedy could be positively harmful. After all, regardless of the remedy, a convicted monopolist cannot leave an antitrust proceeding with more rights than it had when it arrived, and usually leaves with fewer. However, a poor remedy can indeed leave the public in a situation worse than the status quo ante. The current Proposed Final Judgement does so, in two ways.

First, the PFJ describes, permits, and envisions specific future conduct on the part of Microsoft that would itself be anticompetitive. By providing implicit government endorsement for this conduct, the PFJ would make it difficult for the Department, the States, or private third parties to bring proceedings against Microsoft to curb it at a later date. Second, the PFJ contains enforcement provisions whose primary practical effect would be to delay and reduce the likelihood of further action should the company continue to behave unlawfully. In other words, while the Proposed Final Judgement does place Microsoft under some new constraints, it places the DOJ and other potential litigants under even greater constraint. The net effect would be a diminishment rather than an increase in deterrence of Microsoft's anticompetitive behavior.

PFJ Explicitly Permits Continued Anticompetitive Practices The purpose of the Proposed Final Judgement is to remedy Microsoft's unlawful conduct, specifically its unlawful maintenance of a monopoly in Intel-compatible PC operating systems. The reasoning behind the Court of Appeals upholding of the monopoly maintenance claim centered on the idea that there is an ''applications barrier to entry'' to operating system markets, but that this barrier to entry could plausibly be chipped away at by a class of applications referred to as ''middleware''. The Court held that Microsoft engaged in various practices to ''protect[] Microsoft's monopoly from the competition that middleware might otherwise present'', in violation of Section 2 of the Sherman Act. It is these practices that must be remedied. In particular, the Court held that by virtue of restrictive contracts with computer manufacturers (''OEMs''), internet providers (''IAPs''), software companies (''ISVs'') and by other means, Microsoft impeded the widespread distribution of middleware that might have threatened its monopoly.

Section III.C.3 of the Proposed Final Judgement forces Microsoft to allow OEMs to automatically launch non-Microsoft middleware at the end of a PCs boot sequence, but only ''if a Microsoft Middleware Product that provides similar functionality would otherwise be launched automatically at that time''. By this caveat, the PFJ endorses a restriction in an OEM licensing agreement that would otherwise constitute a violation of Section 2 of the Sherman Act under the Court of Appeals'' reasoning. The caveat is anticompetitive on two counts. First, it permits Microsoft to ''choose its battles'': Microsoft need only face challenges from automatically launched middleware where the company feels its own offerings have an advantage. Should a competitor create an innovative middleware product that would threaten Microsoft's applications barrier to entry, Microsoft can prevent its distribution as a default running service indefinitely, by simply not fielding an offering of its own or by quietly integrating but not trademarking its offering (see the definition of a ''Microsoft Middleware Product'', PFJ, Section VI.K.2.b.iii). Secondly, the caveat necessarily permits competing middleware only if OEMs include Microsoft's offering as well, since by definition (again, PFJ, Section VI.K.2) a Microsoft Middleware Product is a part of a Windows Operating System Product. The Appeals Court noted several reasons why OEMs are reluctant to include two products of the similar functionality in a default installation, including customer confusion; increased support and testing costs; and that it is a ''questionable use of the scarce and valuable space on a PCs hard drive.'' (the Appeals Court quoting the District Court's Findings of Fact) These considerations are cited by the Court in holding unlawful and exclusionary OEM contracts that forced a choice of including Microsoft middleware alone or Microsoft middleware plus a similar competitor. Additionally, even when competitive middleware is preinstalled alongside Microsoft's offering, ''network effects'' would put any one of several non-ubiquitous occasionally installed competitors at a serious disadvantage with respect to offering by Microsoft, even if inferior, that is guaranteed to be present on all installations. Should Microsoft force an ''ours or both'' decision with respect to competing middleware as a condition of OEM Windows licensing, it would most certainly be anticompetitive. However, it would also be explicitly sanctioned by the Proposed Final Judgement, and therefore difficult for the government or a third party to oppose. [1]

To the degree that Section III.C might have any effect in allowing OEMs to integrate third party middleware with a Microsoft OS, Section III.H.3 largely eviscerates the hazard to the monopolist by foreseeing a mechanism by which the company's operating systems could ask end-users to confirm an alteration or undoing of OEM additions to the OS fourteen days after the consumer first turns on a PC. For example, under this section, an operating system would be permitted to present a dialog box stating, ''Windows has detected that this configuration has been modified from Microsoft-recommended defaults. This may lead to incompatibilities or system faults. [Correct Now?] [Cancel]'' Clicking ''Correct Now?'' would replace OEM-installed non-Microsoft middleware with Microsoft's offering. If faced with the question, a court might determine that such a presentation (which Microsoft's competitors would be unable to make) would constitute unlawful monopoly maintenance by Microsoft. But it would be difficult for the government or for a private litigator to make that case in the face of a Final Judgement that clearly endorses the conduct. The problems thus far mentioned are not unique. The

Proposed Final Judgement is riddled with ''loopholes'' that not only make it a weak remedy, but that foresee and allow specific behavior by Microsoft that in the absence the Final Judgement would be actionable. By complicating potential future public or private antitrust enforcement against Microsoft, the Proposed Final Judgement would encourage misconduct and do positive harm to competition in the software industry.

PFJ Specifically Discriminates Against ''Open Source'' Competition Over the past several years, a novel approach to software development known as ''open source'' has risen to prominence. Under the ''open source'' development model, many widely dispersed individuals, businesses, and other entities collaborate in the production of complex software products, contributing to what over time has become a rich commons of collectively authored software. ''Open source'' software is made available free of charge, under licenses that permit widespread redistribution and modification by users, sometimes with the restriction that any derived works must be made available to the public under the same terms.

The business model that supports the continued development of open source software remains to be fully understood. The licensing terms of open source software prevent the exploitation by authors of any limited monopoly that would enable them to profitably ''sell'' software as traditional software vendors, such as Microsoft, have done.

Nevertheless, a wide variety of actors including individual hobbyists, multinational companies, public and private universities, governments, and nongovernmental organizations have found sufficient incentive to invest substantial amounts of time and money into the production of open source software. In the face of Microsoft's successful and unlawful monopoly maintenance, very few traditional software vendors still stand as competitors in the company's core market of Intel-compatible PC operating systems. Behemoths like IBM and scrappy upstarts like Be, Inc. have battled to gain a fingerhold, but failed to make any headway at all, and their products (IBM's OS/2, Be's BeOS) have all but faded from the computing landscape. The only non-Microsoft operating system that has managed to grow its share dramatically despite Microsoft's well-established pattern of anticompetitive behavior is the open source operating system Linux. Other open source projects that have competed effectively with Microsoft include Samba (which provides Windows interoperable file and print services to computer networks) and Apache (the most popular web server on the Internet).

It appears that the open source development model is somewhat resistant to the sort of anticompetitive behavior that has been effective for Microsoft in the past. One might even argue that the explosion of open source software over the past few years is a response by businesses, developers, and users to an artificially straitened ''traditional'' software landscape, and is perhaps attributable at least in part to Microsoft's anticompetitive behavior. As traditional vendors have receded from whole categories of software under the self-fulfilling truism that competing with Microsoft is akin to suicide, many entities have for one reason or another decided that the cost of contributing a small portion to the development of alternatives is less than the direct costs (continual licensing fees) and indirect costs (the failings of software not adequately tailored to their needs; uncertainty and future costs created by vendor lock-in) associated with relying on Microsoft products.

Regardless of the whys, open source software now stands as one of the few sources of effective competition against Microsoft. Indeed, while many of the battles that prompted the Justice Department's action against Microsoft are now past and prologue (e.g. the ''browser wars'' between Netscape and Microsoft), the struggles between open source Linux and Windows in the server space and between open source Apache and Microsoft's IlS remains, among many others, remain active and fierce. [2] Any remedy to Microsoft's anticompetitive behavior that diminishes the likelihood that open source projects can effectively interoperate with and compete against Microsoft's offerings would harm competition in the software industry. Unfortunately, the Proposed Final Judgement in several places explicitly permits Microsoft to discriminate against open source competitors.

Importantly for open source developers, Sections III.D and III.E of the Proposed Final Judgement would obligate Microsoft to disclose APIs, communication protocols, and documentation that might be required to interoperate with a Windows Operating System product. However, the caveats of Sections III.I and III.J restrict these earlier sections, and would allow Microsoft to essentially exclude open source competitors from access to or the use of this information.

For the disclosure requirements of Sections III.D and III.E to have any effect, competitors must be able to use the information disclosed to develop and distribute competing and/or interoperating products.

However, Section III.I foresees a regime under which the disclosed information must be licensed, as it continues to be the proprietary, intellectual property of Microsoft. Section III.I guarantees ''reasonable and non-discriminatory terms'' for such licensing, based on the payment of ''royalties or other payment of monetary consideration''. However, ''reasonable and non-discriminatory'' commercial terms inherently discriminate against open source software, which by virtue of its licensing must be freely distributable and modifiable. Under ordinary circumstances, a company certainly should have the right to offer use of its proprietary technology only under commercial license, and this would legitimately prevent those who might wish to distribute open source applications based on that technology from doing so. But in the case of a company that has a monopoly over a substantial portion of the computing world and that has maintained that monopoly through unlawful anticompetitive conduct, allowing it to require competitors to pay even ''reasonable'' licensing fees in order to interoperate with its monopoly product provides the monopolist with unjustifiable reward for its misbehavior. In Microsoft's case, permitting such licensing is particularly insidious, because even if it were to provide licensing of its putative IP on absurdly generous terms, for example if it were to levy a royalty of 1 cent per thousand copies, it would immediately exclude what in the present real world are currently its most tenacious competitors from any possibility of interoperating with its software. By permitting ''reasonable and non-discriminatory'' commercial licensing of technologies the use of which is required in order to compete against and interoperate with Microsoft technologies, the Proposed Final Judgement condones and foresees a practice that would exclude and discriminate against important open source competitors.

Section III.J restricts the scope of the PFJ disclosure requirements where security technologies (''anti-piracy, anti-virus, software licensing, digital rights management, [and] encryption or authentication systems'') are concerned. Unfortunately, in today's networked world, no software is untouched by security concerns, and any non-trivial internet application must make use of and interoperate With encryption and authentication systems. Further, non-disclosure of security-critical techniques and protocols is unnecessary: the professional computer security community is nearly unanimous in its disavowal of the notion of ''security through obscurity''. A well-designed system should be secure even in the face of an attacker who fully understands the algorithms and protocols used to enforce the security. This is not as difficult as it sounds: the academic literature is filled with encryption algorithms and protocols that have never been broken despite massive peer-review, and even some that are ''provably secure''. Historically, non-disclosure of security techniques in software has more often served to provide cover for shoddy work than to even arguably enhance security. ''Security by trade secret'' is invariably broken, because, invariably, secret techniques are not subjected to sufficient peer review, and weak secret techniques can be reverse-engineered and then compromised. (See the recent history of CSS, a once-secret, easily broken, scheme for protecting DVDs, for a topical case-in-point.) Microsoft has a particularly poor security record, with respect to both the inadequate security of its products, and its attempts to restrict disclosure in hopes of covering up embarrassing lapses.

Open source software, in general, has a much better reputation for security, owing in large part to the fact that security algorithms in open source software are necessarily published, and are therefore subject to widespread review. Thus it is ironic that Section III.J.2 of the Proposed Final Judgement explicitly allows Microsoft to condition disclosure of security-sensitive technologies to those who ''meet[] reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business''. Since most

open source software projects are not developed or ''owned'' by any one business, and since the terms of open source licensing often require disclosure of source code, III.J.2 effectively excludes open source software from any access to protocols, APIs, and other information that might be required to interoperate with or compete against Microsoft products that include a security component. Any significant application now must have security designed into it, so Section III.J.2 could be used to effectively lock open source competitors out of the disclosure requirements of the Proposed Final Judgement. It would be difficult to oppose Microsoft in court for discriminating against its troublesome open source competitors when the discrimination is based on the language of a court-sanctioned Final Judgement.

PFJ ''Enforcement Mechanisms'' Would Hinder Effective Enforcement The following portions of the Proposed Final Judgement would hinder effective enforcement of the agreement: ù Section IV.B provides for the appointment of a Technical Committee to ''assist in enforcement and compliance'' with the PFJ. The constitution and role of the ''TC'' is described in detail. The Technical Committee would oversee Microsoft's compliance with the agreement in an ongoing way, and would respond to complaints from the plaintiffs or third parties. However, the Technical Committee has no power other than to assist in Voluntary Dispute Resolution, and, according to Section IV.D.4.d, ''No work product, findings, or recommendation by the TC may be admitted in any enforcement proceeding before the Court for any purpose, and no member of the TC shall testify by deposition, in court or before any other tribunal regarding any matter related to this Final Judgement.'' ù Section IV.A. I requires that ''the plaintiff States shall form a committee to coordinate their enforcement of this Final Judgement. A plaintiff State shall take no action to enforce this Final Judgement without first consulting with the United States and the plaintiff States'' enforcement committee.'' ù Section VIII explicitly excludes third parties from taking any role in the enforcement of the Proposed Final Judgement.

Let us be perfectly clear: At the end of the day, the Proposed Final Judgement provides the United States and each of the plaintiff States with a right to sue to enforce its terms. But let's also be honest: the choice by a State of whether or when to enter into complex antitrust litigation against a well-known and well-heeled opponent is politically fraught under the best of circumstances. Under the terms of the PFJ, an unsatisfied plaintiff would be faced with two bad options: 1) the plaintiff can expend resources on a dispute resolution mechanism (the ''TC'') that the PFJ endorses, but that has no power, cannot be used at all as a basis for further proceedings, and will have no effect unless an amicable resolution is reached; or 2) eschew the dispute resolution mechanism endorsed by the settlement, thereby facing accusations of burdening Court resources unnecessarily, as well as a politically treacherous ''consulting'' process that would predictably lead to accusations of judicial over zealousness by reluctant former co-plaintiffs. A reasonable non-judicial enforcement mechanism would serve as a basis for judicial enforcement if required. Instead, the PFJ creates a ''middle path to nowhere'', that increases the political difficulty of undertaking any binding action against the company.

Under the PFJ, the real-world probability that misbehavior on Microsoft's part would bring legal consequences would be less than without the proposed enforcement mechanisms. Thus, the Proposed Final Judgement does positive harm to the public. Complex, Vague, and Contradictory Language Hides New Anticompetitive Tools For Microsoft The ostensible purpose of Section II1.1 of the Proposed Final Judgement is to require that Microsoft license under ''reasonable and non-discriminatory terms'' intellectual property that software vendors and other parties might require in order to offer middleware products interoperable with Windows. If the wording were less vague (and if ''reasonable and non-discriminatory'' were changed to ''royalty free'' to include open source developers), this would be a serious and legitimate remedy: Having unlawfully restricted the development of competing middleware, it is fair that Microsoft be compelled to license, under generous terms, whatever intellectual property nascent competitors would find necessary to interoperate with Windows.

However, the wording of this section is astonishingly vague. Microsoft may be compelled to license its IP to ''ISVs, IHVs, IAPs, ICPs, and OEMs'' only as required to ''exercise options and alternatives expressly provided to them under this Final Judgement''. Exactly what ''options and alternatives'' are provided to these parties by the Proposed Final Judgement is not a matter of scientific clarity, even to the avid reader of the document. What is crystal clear, however, is that those to whom the PFJ purports to offer this relief— the alphabet soup of third parties—have absolutely no standing to enforce (and therefore to enlist a Court's aid in interpreting and clarifying) this or any other section of the Proposed Final Judgement (Section VIII of the PFJ, see above).

Further, in an astonishing twist, Section 111.1.5 exacts the remedy of compulsory licensing not only of the convicted monopolist, but of innocent competitors seeking relief. Section 111.1.5 insists that a software vendor who wishes to provide a middleware product for a Microsoft operating system, if they require access to Microsoft IP to interoperate, must license to Microsoft its own intellectual property. The following language is no doubt intended to soothe competitors: ''[T]he scope of such license shall be no broader than is necessary to insure that Microsoft can provide such options or alternatives'' (Sec 111.1.5). However, nowhere in the PFJ have I been able to discern any ''options and alternatives'' that Microsoft must provide to any third parties that would require a license on its part. Microsoft must merely permit practices that it has heretofore managed to prevent, in part by refusing to license its own IP, and it must disclose some of what it has heretofore kept secret. The requirements of Section 111.1.5 unnecessarily and specifically envision a situation where a competitor, attempting to interoperate with Windows in ways that arguably would require some license of IP from Microsoft, could be asked to license its own IP to Microsoft, or else to cease and desist. If Microsoft and the putative competitor were to disagree about what ''no broader than necessary'' means, a competitor could not enlist any court to resolve the dispute and compel licensing under the PFJ. Thus, the PFJ sets up a situation where Microsoft could ''leverage'' an interoperability requirement by a competitor or ISV in order to acquire access to the attractive IP of its competitors. In the absence of the PFJ, a court might look at a ''we'll show you ours only if you show us yours'' requirement as anticompetitive, given that Windows Operating Systems are a de jure monopoly with which many third parties must interoperate or die. However, the Proposed Final Judgement gives cover to the practice by explicitly foreseeing and sanctioning a cross-licensing requirement, diminishing the likelihood of a successful outcome and increasing the burden in litigation for companies that may find themselves in the crosshairs of Microsoft's IP lawyers. Again, the public is positively harmed by the PFJ, because it diminishes the likelihood of legal consequences should Microsoft engage in foreseeable anticompetitive behavior.

Conclusion

A District Court found, and a Federal Court of Appeals, affirmed, that Microsoft engaged over a period of years in multiple unlawful and sometimes deceptive practices in order to maintain its monopoly on PC-compatable operating systems. The fruits of this illegally maintained monopoly have been and continue to be huge for the company and its principals. The Proposed Final Judgement fails to provide any strong remedy for this conduct, and instead shelters the monopolist from potential consequences of past and future misconduct.

The Proposed Final Judgment, by providing court sanction to practices a court might well find to be anticompetitive absent the proposed settlement, leaves consumers, competitors, open source software developers, and other interested parties in a worse position than they would be in if Microsoft were simply left to face private litigation as a de jure monopolist without any specific remedy being imposed in the present case. The Proposed Final Judgement would therefore be harmful to the public interest, and, unless it is very substantially modified, it should be rejected.

Notes

[1] Section III.C.1 suffers from the same flaw. It permits OEMs to install ''icons, shortcuts, and menu entries'' for pre-installed, competing middleware, but ''Microsoft may restrict an OEM from displaying icons, shortcuts, and menu entries for any product in any list of such icons, shortcuts, or menu entries specified in the Windows documentation as being limited to products that provide particular types of functionality, provided that the restrictions are non-discriminatory with respect to non-Microsoft and Microsoft products.'' Microsoft

would be freed again to create an ''ours or both'' situation, justified by language it could graft into contracts directly from the Proposed Final Judgement.

[2] For an informal measure of the perceived threat that open source software presents to Microsoft's monopoly, we might examine the lengths to which Microsoft has gone in disparaging such software recently. Microsoft CEO Steve Ballruer has called Linux ''a cancer'' [Chicago Sun-Times, June 1, 2001] that has ''the characteristics of communism.'' [The Register, August 2, 2000] Ballmet has explicitly described Linux as ''threat number 1.'' [upside.com, January 20, 2001] According to the public comments of Microsoft exec Jim Allchin, ''Open source is an intellectual property destroyer... I'm an American, I believe in the American Way. I worry if government encourages open source, and I don't think we've done enough education of policy makers to understand the threat.'' [CNet news.com, February 15, 2001] [URLs: http://www.suntimes.com/output /tech/cst-fin-micro-01.html; http:// www.theregister.co.uk /content/1/ 12266.html; http://www.upside.com/texis/ mvm/news/ story?id = 3a5e392ca3; http:// news.com.com/2100– 1001– 252681.html?legacy=cnet]

[signed Steven Waldman]

MTC–00025809

From: dinovo@postoffice.pacbell.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:57pm
Subject: Microsoft

Good grief, how much longer is this charade going to go on! Leave one the most productive, efficient and innovative company in the world alone. Microsoft should be given thanks and awards for single handedly standardizing the PC world and increasing this country—and the world's—productivity. Let the cry babies who couldn't compete and would have balkanized the PC world, to the detriment of all, get on with business today.

Gene Dinovo

MTC–00025810

From: Rob Short
To: Microsoft ATR
Date: 1/26/02 6:21am
Subject: Microsoft Settlement

As a person in the technology field, I believe a remedy should be obtained for Microsoft's illegal practices with all due haste. These illegal practices were well established in the last court case involving Judge Jackson and we have only to find an appropriate remedy. Microsoft's behavior has consistently smothered innovation in many areas by establishing themselves as the de facto standard through the leveraging of their Windows OS rather than product quality. Further, they have leveraged their position by not allowing 3rd party software to run properly on the Windows OS and thorugh intimidation tactics towards rival companies.

America depends upon the free market and innovation to be competitive. Please act quickly and decisively in this matter. The remedy may determine how well America leads technology in the decades to come.

Sincerely,
Robert Short

MTC–00025811

From: Nan F Posnick
To: Microsoft ATR
Date: 1/26/02 6:28am
Subject: Microsoft settlement

Please accept the settlement as is:
docpos@juno.com

MTC–00025812

From: Lane Schwartz
To: Microsoft ATR
Date: 1/26/02 6:40am
Subject: Microsoft Settlement

My name is Lane Schwartz. I am a United States citizen, resident of 207 W. Iowa St, Greenfield, Iowa; I am currently pursuing a Master's degree in Computer Speech, Text, and Internet Technology at the University of Cambridge in Cambridge, England. I have a B.A. in Computer Science from Luther College, Decorah, Iowa. This email is directed to the U.S. Department of Justice as my public commentary on the United States vs. Microsoft, as per the Tunney Act.
****

I believe the Proposed Final Judgement (PFJ) in United States vs. Microsoft to be fundamentally and fatally flawed. The Judgement, as it stands, will not prevent Microsoft from enjoying the fruits of their illegal and anti-competitive policies. Nor will it stiffle future anti-competitive behavior from Microsoft. **********

I have followed the above case with keen interest for the past several years. I am a programmer and computer researcher, and as such the anti-competitive actions that Microsoft has engaged in have affected me personally even more than the average computer user. I have had to deal with the effects of Microsoft creating their own proprietary version of Java. I have been unable to fully reap the fruits of Sun's competitve, cross-platform technology because of the many web designers who (knowingly or not) wrote applets for distribution via the web that will only run on Microsoft Windows.

I wish to state that the PFJ as it stands is unacceptable. I have read many of the relevant documents in this case, and I believe that the current PFJ will be a mere slap on the wrist of a convicted monopolist. I agree with the issues put forth by Dan Kegel of Codeweavers.com (http:// crossover.codeweavers.com/mirror/ www.kegel.com/remedy/remedy2.html).

I also wish to put my support behind the alternate judgements proposed by the several states in this case.

Please do not sell out to Microsoft in this case. They have committed a serious crime. Do not let them get away with a light remedy. Do not ignore the thousands of developers who wish desparately to create competitive products, but are prevented by the fear of unknown and undisclosed Microsoft software patents. Do not ignore the would-be competors.

Thank you for your time.
Sincerely,
Lane Schwartz
email: los20@cam.ac.uk
permanent address:
207 W. Iowa St.
Greenfield, IA 50849

MTC–00025813

From: Robin Hall
To: Microsoft ATR
Date: 1/26/02 6:41am
Subject: Microsoft Settlement

I can't believe that more hasn't been done to resolve this issue. You let this company get away with stealing from the American people. People who shoplift a candybar get more of a handslap than Microsoft has recieved. They have made it virtually impossible to for any good company to compete by not allowing companies that sell computers sell anything but windows on their machines and on top of that if you purchase a machine from a company like this you need to take what it has you don't even have the option of getting it without an OS. Please review what a catastophic lack of justice this is.

Robin E. Hall

MTC–00025814

From: amaish@juno.com@inetgw
To: Microsoft ATR
Date: 1/26/02 6:41am
Subject: Microsoft Settlement

Please allow Microsoft to continue their business and allow them to bring us new technology. If they developed the operating system, software, and Windows, they should be allowed to market it and make a profit. I believe the other companies could not do the same so they sued in order to bring Microsoft down. I use Windows and all the software and I am very happy with it and would not buy anything else.

amaish@juno.com

MTC–00025815

From: root@wt6.usdoj.gov@inetgw
To: Microsoft ATR, antitrust@ftc.gov@ inetgw.Ralph@essen...
Date: 1/26/02 6:49am
Subject: Microsoft Jihad: Congrats New Profit Dubya CC: letters@latimes.com@ inetgw,letters@sjmercury.com@i...

MTC–00025815–0002

''The Microsoft PR machine told me it's time stop joking for minute and do something to token earn my $ billions of annual net profit. My belief is that Clinton administration were infidels and I'm happy to declare NEW profit Dubya to take up preaching where old profit Ronnie Reagan left off, peace be with him. And mother Barbara get free Windows upgrade for well handled silver spoon, and Kenny Boy too for teaching me the DC shuffle, ha ha ha... Dallah be thanked.''

MTC–00025816

From: Darrell Simon
To: Microsoft ATR
Date: 1/26/02 6:56am
Subject: Microsoft Settlement

I am a U.S. citizen and resident of Texas. The proposed settlement with microsoft fails on the following points:

1) Restoration of a competitive operating systems environment. The remedy seems to perpetuate Microsoft's monopoly power, not nullify it. This settlement isn't going to breathe new life into the desktop OS market.

2) Protection of the consumer. A monopoly can be legitimately maintained in a free

market by a combination of the lowest price and the best features. I can buy a ''professional'' distribution of Linux for $75 that includes 6 cds of software—development tools, databases, an office suite, two different desktop environments. For Windows XP Home edition, I have to pay $99 [to upgrade—$150 to purchase new] and I get an applications environment, a web browser and some media tools (on 1 cd).

If I want to run Windows XP Pro, I have to pay between $200-$300 depending on whether I am upgrading or purchasing it new. XP Pro adds some server-capability software. If I want office applications, I have to pay $200-$500 for Office XP (depending upon which applications I need to use) For development tools, I would pay $250 for a C++ compiler, $1000 for the entire ''Visual Studio'' line from microsoft.

Let's re-iterate: Linux Professional Environment—$75, Microsoft Professional Environment—$1800, Oh, and with Linux, I can run it on as many machines as I own. With windows, I need to pay again for each machine I have in my house. This is not free-market pricing; this is monopoly pricing. The final settlement doesn't redress the monopoly situation, the final settlement preserves the monopoly.

If the final settlement is going to preserve the monopoly, can't it at least soften the blow to my pocketbook somehow?

Here are some alternate remedies: 1. Set a price ceiling for Microsoft Software: Tie the price for Microsoft Software to 2 times the price for Linux. Make sure that their software distribution contains what Linux does. I'd gladly pay $150 to get all the Microsoft Suite of software (i.e. Windows XP, Office XP, Visual Studio). So would a lot of people. At that rate, Microsoft might get people to upgrade more often, rather than waiting as long as possible to avoid paying their monopolistic gouge price. It's not a free market solution, but, hey, they're the ones who abused the market system and contracts to preserve their monopoly position.

2. Free upgrade for all (U.S) users. Windows XP only sold 17 million copies in its first quarter (source:Microsoft 2Q FY2002 earnings release). What's wrong with the other 200 million of us that haven't upgraded yet? We get an upgrade, they get to stop supporting Windows 95, 98, NT, 2000 and ME. No, this doesn't really redress the problems of their competitors, but at least everybody gets a good software upgrade, right? What will this cost them? I can buy a writable CD for $.09. I'm sure they get theirs for cheaper. For 200 million copies, their material outlay is only $20 million. The Microsoft Second quarter FY2002 earnings release indicates that they spent $660 million dollars in the quarter on lawyers. This is like a drop in the bucket for them. Spare me the boxed packaging— just give me the CD.

3. Different Licensing Model One person, one license for microsoft software, one fee for all of it. I have two computers at home (two different Windows vintages). At work I have two different work areas, each with a different desktop machine (One Windows NT, one Windows 2000). I sometimes use a laptop (Win 98). I work with people who use PDAs (Windows CE). In a given day, I might have contact with 4–6 different copies of Microsoft windows software, not to mention other applications. Between me and my company, we pay Microsoft 4–6 times for one person. We should set up a different licensing model so that between me and my company, we aren't paying for microsoft on 6 different copies of the same software because we are running multiple machines that I happen to touch every day.

This solution doesn't break the monopoly, either. But it might protect the Microsoft customers against multiple license payments for the same user to use the same tools on different machines. This probably still lets Bill & Co make fists full of dollars.

Ok. So, I don't know if any of my suggestions are the holy grail, and of course lawyers would have to pound on all of these to make them work. But... The current settlement doesn't do a damn thing for the consumer/end user, doesn't end Microsoft's monopoly power, doesn't dilute that power much and probably won't solve anything.

Thanks for listening

-Darrell Simon

I know this is a simplistic suggestion, but, look, anyone who can afford to spend $660 million in a single quarter on lawsuits is going to find some type of loophole in any ''fair'' settlement (or rather, build in a loophole and get you to sign).

MTC–00025817

From: raidergr8
To: Microsoft ATR
Date: 1/26/02 6:52am
Subject: Microsoft Settlement.

Netscape is not stuggling because Internet Explorer is bundled with the Windows OS. Netscape is struggling because they suck. You don't sue your neighbor because he hired a better architect than you and built a better house. The government needs to start levying some heavy fines on these companies that want to sue other companies for ''building a better mouse trap''. AOL has 32 million subscribers and they have merged with Time Warner Cable, they are closer to being a Monopoly than Microsoft ever thought of being.

Ray Hedger

MTC–00025818

From: Keith Velleux
To: Microsoft ATR
Date: 1/26/02 7:01am
Subject: Microsoft Settlement

Public Comment on Proposed Final Judgment for United States v. Microsoft Corp., Civil No. 98–1232

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II. Perceived Problems in the Proposed Final Judgment

A. Does not ?restore competitive threat? in the OS market

The Competitive Impact Statement claims to restore the competitive threat that middleware products posed to Microsoft. Nowhere does it try to restore the competitive threat of an OS competitor.

B. No specification of fair & reasonable punishment The Proposed Final Judgment does not call for any fines, imprisonment, or recovery of court costs. At the minimum, court costs should be recovered.

C. Highly dependant on definition Microsoft has demonstrated an ability to position itself so to take advantage of loopholes in terminology of contracts.

D. Susceptible to subversion by Microsoft ?innovation? The evolution of the consent decree case (1995?) into the contempt case (1998) and finally into the Appeals Court ruling on Tying demonstrates that Microsoft can use ?innovation? to ?re-shuffle the deck? on previously defined arraignments.

E. MSDN for documentation distribution Is MSDN a zero cost source available to the public at large? Linux developers would express a need to maintain cost free access.

III. Possible Additions to the Proposed Final Judgment

A. System for Windows Application Interoperability in Non-Windows OSes This addition is similar to the WINE project for Linux. The court should order Microsoft to develop for commercial use a system that would: Allow ISVs to compile unmodified source code of a Windows API program for a different OS using native OS APIs while maintaining the look & feel of that OS. Allow end users to execute (run) ?shrink-wrapped? Windows API programs on a different OS while maintaining, if possible, the look & feel of that OS. Include all API sub-sets [Direct-X, MFC (Microsoft Foundation Classes), etc.] necessary to compile or execute commercially available products. Allow an ISV to use standard Microsoft development tools or the development tools of the native OS. [Microsoft would need to create both.]

Be supported and maintained by Microsoft for compatibility with new versions of Windows for a 5 year period. [An escape clause based on market share is needed.] The OSes to be supported by this system would be Mac OS (an injured party referenced in the case), Linux (an OS for Intel PCs), Solaris X86 (another OS for Intel PCs), and the top

2 other OSes determined yearly. The source code for this system and the system itself is the property of the OS owner, Apple Computer for Mac OS, Linus Torvalds for Linux, Sun Microsystems for Solaris, etc. In addition, the OS owners determine the minimum performance level the system must demonstrate. The cost to develop and maintain this system would count against any fines the court may order.

The justification of this addition is clearly to lessen the ?Applications Barrier to Entry? in the OS market and hopefully prevent abuse of Microsoft's monopoly.

B. Quality Standard for APIs bundled with Windows OS This addition would order Microsoft to release documentation for all APIs (exceptions below) that are used by Windows or any Microsoft Middleware or Applications bundled with Windows, four weeks before product availability (includes changed and new APIs). This would be the basis of a Quality Standard that competitors could use to make substitute products. The Quality Standard must be available to the public at no cost. The API exception is the same security exception as noted in Proposed Final Judgment, but excepted APIs must not prevent a competitor from making a substitute product. The justification of this addition is clearly to lessen the ?Barrier to Entry? in the OS & Middleware markets and hopefully prevent abuse of Microsoft's monopoly.

C. Fair & reasonable punishment (fines, etc.) The Sherman Act calls for fines, imprisonment, or both. Also, the Clayton Act allows the government to recover the cost of suit. As added justification, the court should consider Microsoft's failure to supply ?Pro?Competitive Justification? for its actions and Microsoft's previous convictions.

IV. General Comments

A. Court of Appeals Decision & Quality Standards for Substitutes of Tied Goods The modern definition of Quality is compliance with requirements. On page 79 of the PDF file of the Court of Appeals decision, the court states as part of its decision on Tying, ?It is unclear how the benefits from IE APIs could be achieved by quality standards for different browser manufacturers.? The free software community is full of substitutes for other commercial products. Here is an example to add some clarity: There exists a commercial graphics manager (manages the windows on a UNIX X?Window server) called ?Motif? and a free equivalent (minor differences and some bugs) called ?Lesstif?. An application compiled with Motif can be executed on a system with only Lesstif installed, a clear example of a substitute. In addition, an API is a Quality Standard (at least a partial one). American National Standards Institute has many standards that specify APIs and computer programming languages. Example: ANSI/ISO/IEC 9899–1999 specifies the C Programming Language that includes functions (APIs).

B. Plaintiff's desire for timely resolution possibly interfering with desire for justice Plaintiff's desire for timely resolution has prevented possible determination of further defendant liability, the ?tying? portion of the case being dropped, etc. This added to the difficulty of securing a more server remedy because of less liability.

MTC–00025819

From: Ned Fleming
To: Microsoft ATR
Date: 1/26/02 7:00am
Subject: Microsoft Settlement

I very much believe the settlement allows Microsoft to run roughshod over smaller OEMs—and thus perpetuating their monopoly. I'm also concerned that Microsoft will continues its practice of maintaining a secret list of APIs, which only they know about.

Ned Fleming
1715 SW Crest Dr
Topeka KS 66604
Phone—785–273–8435

MTC–00025820

From: PAUL CAP
To: Microsoft ATR
Date: 1/26/02 7:15am
Subject: Microsoft Settlement,

It is our belief, that a fair and just settlement has been reached and further pursuit of this matter is not needed and will not be in the best interest of our Great Country and it's people!

Sincerely,
Paul & Carolyn Cap
612 Pinehurst Ave.
Placentia CA 92870

MTC–00025822

From: joshvern@juno.com@inetgw
To: Microsoft ATR
Date: 1/26/02 7:18am
Subject: microsoft settlement

It is past time to end he costly Microsoft litigation and let the negotiated settlement stand. The public will not be served by continuing these lawsuits. Only a few greedy companies and lawyers stand to benefit from dragging this on.

Thank you.

MTC–00025823

From: PackGrot1@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 7:04am
Subject: Microsoft Settlement

Dept. of Justice:

As a citizen and stockholder of both Micrsoft and AOL, I am greatly concerned that the lawsuit recently filed by AOL will hinder the settlement of the Micrsoft case. It is time for the government to put this case to rest! It should never have been started to begin with. What a waste of taxpayers money!!!!

In addition, the timing of the purchase of Netscape by AOL would indicate to me that AOL is simply jumping on the litigation bandwagon, rather than putting their time and resource into duking it out in the competitive arena....where they should be.

It is time to get this mess settled and move forward.

Thank you for your consideration!
Beryl J. Packer, Ph.D.
9421 NW 74th Place
Grimes IA 50111

MTC–00025824

From: Matthew Taylor
To: Microsoft ATR
Date: 1/26/02 7:03am
Subject: Microsoft Settlement

I will keep this very brief because I'm sure you have more than enough correspondence detailing what I am going to say and I don't think I could put it any better than the rest of them. So the bottom line is that I (as well as the rest of my immediate family, 3 registered voters all together) feel that the Microsoft Corp. should suffer harsher penalties than the ones proposed by the Justice Department. That is all I wanted to convey. Thank you.

Matthew Taylor

MTC–00025825

From: Igor Alexeff
To: Microsoft ATR
Date: 1/26/02 7:12am
Subject: Microsoft Settlement

My personal opinion is that Microsoft has been attacked because it is too successful. The whole concept of punishing a company because it does its job well is repugnant to me.

Igor Alexeff

MTC–00025826

From: Ed Hammond
To: Microsoft ATR
Date: 1/26/02 7:19am
Subject: Microsoft Settlement

As a member of the public, I would just like to add my opinion that Microsoft is a horrible monopoly that seeks to control all areas of our computing lives, and that strong measures are required to break it up and allow for more competition.

Thanks,
-Ed Hammond

MTC–00025827

From: isa kocher
To: Microsoft ATR
Date: 1/26/02 7:26am
Subject: Microsoft Settlement

Dear microsoft.atr@usdoj.gov:

The settlement proposed by the Department of Justice leaves Microsoft ready willing and able to continue without abatement its predatory practices which have seriously undermined any of our most creative entrepenuers'' ability to bring new and creative products to the market.

Considering the degree to which Microsoft dominates the retail software market, this has had a depressing and inhibiting effect on the productivity of our most creative businesses whther of not they engage in computer related business. Business and personal software is crucial to our nations economy and Microsoft has deliberately and illegally interfered with the normal economic growth of our nation. Justice must bring the settlementback in line with the seriousness of the offense and the predatory instincts of the offender.

sincerely
Mr. Isa Kocher
9513 Buck haven Trail
Tallahassee FL 32312

MTC–00025828

From: WillieTrez@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 7:44am
Subject: Microsoft Settlement

We've been fortunate to have a mind such as Bill Gates in our country. Please drop this suit. Competition keeps us on our toes. MIcrosoft is known for innovation.

Enable them to keep going!

MTC–00025829

From: ANDY TURNER
To: Microsoft ATR
Date: 1/26/02 7:21am
Subject: Microsoft Settelment

1/26/02

This situation withe Microsoft should have never occured !! (Thank you Janet Reno / Bill Clinton) It remindes me of the Tobbaco Co.'s who are legal tax paying companies with large pockets that the Federal Government and many State Governments looked at as CASH COW'S to help fill their cash straped coffers. ''If there was a real problem with them, then they should be outlawed...but no, they want the TAXES.'' In Microsoft's case, it's competitors who couldn't keep up or wanted to sell items to the COMPUTING PUBLIC, couldn't because Microsoft was giveing / including them in it's packages.

Do the Federal or State Governments want to kill Microsoft ? No. They just want to legaly pick it's pockets to cover their shortages in their treasuries from poor management!

What's next??....MacDonalds and Fast Foods for fat content, Beer & Soft drink companies. Does the Government think that everyone is stupid and incapable of being responsible for their own actions?

Adults are not children, but they are greedy and some will do or say anything if they think they can get money from a large company, i.e. hot coffee at McDondalds.

Let's get our hand out of Microsofts pockets !!!!!

Sincerely,
Andrew A. Turner

MTC–00025830

From: stanjan@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 7:46am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Stanley Janasiewicz, MD
Rt 2 Box 238A
Wellborn, FL 32094

MTC–00025831

From: HorridoDon@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 7:40am
Subject: microsoft settlement
Attorney General John Ashcroft
U.S. Dept. of Justice
950 Pennsylvania Ave. NW
Washington, D. C. 20530

I would like to see the Dept. of Justice settle it's long standing antitrust laswsuit against Microsoft. This has been going on far too long and it seems the only thing the government and states, that have not committed to settle, seem to be holding out for is blood.

The settlement agreed upon in November is fair and the changes Microsoft is willing to agree to will ensure a more competitive marketplace. I do not know what more the government can ask for.

I am a Microsoft shareholder and Microsoft's financial success affects my financial success. Therefore, with a reasonable settlement drafted, I urge you to finalize it without additional delay. I've already lost plenty in the enron scandal.

Sincerely,
Collette Dobmeier

MTC–00025832

From: RSKMGTPVC@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 7:45am
Subject: Microsoft Settlement

Sir:

I want to register my public comment regarding the proposed antitrust settlement. In my opinion it is time to settle this in any manner available. Although I think it is excessive, if Microsoft agrees to the terms please accept them.

I believe that the finding of Judge Jackson was one of the reasons for the current escalation of the recession. Besides- where would we be without Microsoft? Not nearly as advanced technology-wise as we are.

When I go to purchase software, I do not see a deficiency of other than Microsoft publishers.

Enough is enough. Too much valuable time and money have been wasted on the whole situation.

Thank you for taking the time to review these comments

Albert C Ellet
36 Pond View Drive
Richboro, PA 18954

MTC–00025833

From: grama—dee@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/26/02 7:36am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Lelia P Crandall
540 S Ranch View Circle 62
Anaheim Hills, CA 92807–4328

MTC–00025834

From: andy
To: Microsoft ATR
Date: 1/26/02 7:59am
Subject: Microsoft Settlement

I think the proposed settlement is bad idea.

Andy Bezella
4305 N DAMEN AVE APT 3W
CHICAGO, IL 60618–1732

MTC–00025835

From: rheining@rochester.rr.com@inetgw
To: Microsoft ATR
Date: 1/26/02 7:58am
Subject: Microsoft Settlement

I don't think the proposed settlement with Microsoft is fair, it is far to lenient.

MTC–00025836

From: Kayle Clements
To: Microsoft ATR
Date: 1/26/02 7:35am
Subject: Re: U.S. v. Microsoft: Settlement Information

I am writing to disagree with the proposed settlement with Microsoft. I believe this company has gone out of its way to monopolize the marketplace and keep other computer based businesses from competing on a fair level. And the settlement does not impose enough restrictions and punishment for their past actions.

The effects of this monopoly may not be seen for some time to come, but it is clear to me that Microsoft has done an extremely poor job of self policing in the past. I believe the government should step up to the task and regulate Microsoft to be sure that these types of practices will no longer be tolerated.

I believe the best way to accomplish this is to break up Microsoft into no less than 2 separate entities. This is the only way, in my opinion, to be sure that the company can no longer practice the policies that gave Microsoft the monopoly in the first place. Please do the right thing.

Kayle Clements
3201 12 Mile Road
Rockford MI 49341

MTC–00025837

From: Mark Lavi
To: Microsoft ATR
Date: 1/26/02 7:55am
Subject: My comments on the DOJ-MSFT remedy

I have a long standing background as a consumer of personal computers and online services since the early 80's. Since the early 90's I have developed a career based on

Internet media and Internet technology development working for the first commercial national ISP, News Corporation, and Netscape Communications.

I feel my comments have a historical and technical perspective with an understanding of the issues and business ramifications to the technology markets which Microsoft asserts terrible influence over already. Firstly: the DOJ case never properly defined terms as any computer scientist would do so to separate the ''Operating System'' market from the ''Application Software'' market. Since an operating system's purpose is merely to provide access to the hardware of the computer, it is a low level layer which is required for software applications to work—but clearly separate, independent, and crucial to all software.

Because Windows, in all of it's varieties, is an operating system and it's market is for anyone with computer hardware—it's primary distribution is with computer manufacturers (OEM's like Dell, Compaq, HP, Gateway, Apple, etc.) It has been proven that Microsoft's aggressive business contracts have stamped out the competition many years ago, but today prevents any competition for operating systems.

Since Internet Explorere is a software application, it cannot be an operating system. If this were not the case, then Internet Explorer's primary competition, Netscape Navigator software, would logically also be called an operating system. This most certainly is not the case. Therefore Internet Explorer is not an operating system, Windows distributes Internet Explorer, and this is tying two markets together.

The woeful part is that by bundling Internet Explorer into Windows, and now many other software packages: NetMeeting (video conferencing software), Backup (media replication), Defragment and Compression (disk utility), Windows Media Player (video and audio media player), Outlook Express (email software), and Internet Explorer (web browser) would name a few of the bundled software packages and industries threatened by Microsoft's self-serving distribution. Online Services and Fax and Modem software also are industries bundled into Windows.

Microsoft advances it's own technical agendas with these products: making them standards by sheer distribution alone. And Microsoft wields many of these standards in a proprietary manner, preventing competiton for these software packages.

Worse still: the Internet media (web sites) that these software packages promote also are Microsoft owned properties. Internet Explorere promotes the MicroSoft Network (msn), Outlook Express promotes HotMail (a web email system). The new Windows XP promotes photo processing services! How can an operating system imply software and web sites? Windows is not Hotmail, but many people will likely use Hotmail because they got it with Windows and they may not even know that there IS competition on the Internet because Microsoft doesn't provide a choice.

The remedy should be the break up of Microsoft into three business units: Operating System, Applications, and Internet/network services. Microsoft will negotiate with anyone to bundle all three of these business units when they should only promote one at a time. They promote all three when they have no business to do so, and they prevent competition by doing so. They bully companies and partners with threats that they will compete if they do not concede to whatever Microsoft wants (equity, technology licensing, distribution, etc). This behavior happens today, still. Every business contract and deal should be broken apart into three separate business units to prevent tying these separate areas.

Microsoft tries to blend the three technologies (operating system, software application, Internet service) together in every product offering now. Windows XP is the premier demonstration of this. Furthermore, it has left out a key Internet technology by Sun Microsystems called Java—which threatens the Windows operating system. Java is a key feature of Internet Explorer: it allowed it to compete with Netscape Navigator over the past years. Now that Netscape Navigator doesn't control much of the market, Microsoft will not carry Java because they promote their own proprietary technologies and prevent competition for Internet software development.

The technology delivery of this blend of three separate markets (OS, software, Internet) is now one business proposition to the entire market, no choices allowed or even acknowledged by Microsoft. This monopoly is killing the diversity of the economy and technology sector. Lastly: Microsoft must not donate software or old computer hardware as part of the remedy because this is also self-serving to the benefit of Microsoft. The remedy should provide damages and money to the states so that they may CHOOSE the best use of the settlement (perhaps non-Microsoft solutions!)

By allowing Microsoft to provide it's own software (which costs Microsoft almost nothing to produce and distribute) as value for the settlement, the government is distributing Microsoft's monopoly further without choice. By allowing Microsoft to provide old hardware computers, it distributes obsolete hardware and represents a very poor value when compared to the monetary investment that should be made in today's current hardware which represents the most performance and value in the history of the computer industry.

I am sorry I have not organized my thoughts better, but I do not approve of the horrible outcome that is being granted to Microsoft's benefit and the detriment of the computer industry. It will darken the entire future of our world and I must speak out.

Feel free to contact me for clarification or help, —

—Mark

Public key attachment for secure e-mail enclosed.

/\/ My opinions are my own, but you may share them.

// mailto:mark@atarex.com http://www.atarex.com

MTC–00025838

From: rod lyman
To: Microsoft ATR
Date: 1/26/02 7:59am
Subject: Microsoft Settlement

Consumer interests have been well served by the settlement and the time to end this costly and damaging litigation has come. I believe that the proposed settlement offers a reasonable compromise that will enhance the ability of seniors and all Americans to access the internet and use innovative software products to make their computer experience easier and more enjoyable.

MTC–00025839

From: Jim Vickers
To: Microsoft ATR
Date: 1/26/02 8:12am
Subject: SIR I belive that the government should look at all the good that microsoft has done for the world,

SIR I belive that the government should look at all the good that microsoft has done for the world,

THEREFOR THE MICROSOFT SETTLEMENT SHOULD COME TO A END AND BE DROP .AND PUT A STOP WASTING THE TAX PAYER MONEY.

THANK YOU MR. JAMES C. VICKERS

MTC–00025840

From: Carlos Guevara
To: Microsoft ATR
Date: 1/26/02 8:14am
Subject: Microsoft Settlement

To whom it might concern:

Through this note I would like to express my concern that many special interests are trying their best to derail this settlement, in detriment of the economy, the private enterprise and innovation in general.

It is my humble opinion that these same parties are involved in a double standard, pushing for a company to be punished for the same things that they do on a daily basis.

For example, NETSCAPE started the process of bundling things that had nothing to do with each other when they started bundling a WEB BROWSER, with an e-mail client (ever wondered what ever happened to clients like pegasus and eudora??) with their 90% market share browser. Or including a WEB PAGE EDITOR with the browser.

SUN on the other hand has been bundling stuff with their operating system for years. Now, don't misunderstand me, I think bundling things for free is a great practice. In the mid 90s, when SUN started bundling a WEB SERVER with their operating system, and a web browser called HOT JAVA (yes, very much like what they complain that MSFT did), it was a way for small development companies, like the one I work at to get access to this resources without having to shell out a large amount of money, which small companies cannot afford in the early stages of their life.

If it wasn't for bundling software, the way MSFT DOES, the cost of using many of the ''commodity'' software that we take for granted now would be much more expensive, and that would not be good for the consumer or for the large industry that is software development. In fact, there are LAWSUITS against MSFT about how much they charged for operating systems, when people like NOVELL, SUN and IBM have charged for

years thousands of dollars for their different operating systems (that by the way could be available for free like BSD ad LINUX have demonstrated). But it is NOT ok to charge 299 dollars for an operating system from MSFT, that also includes a web browser (Netscape wanted to charge $49 for the most basic browser), and a web server (Nestacape wanted to charge 1000 for their most basic server), mail client, media player (Real Networks charges $19 for their most basic client).

As a software developer I CAN ASSURE YOU, that even though MSFT started bundlling their browser since version 2 (IE 2.0) on Windows 95, it wasn't until version 4.01 that I started to consider it as an alternative to Netscape. Even though I had to pay 49, 69 and up to 79 dollars for the NETSCAPE browser, I (and most other people, since it wasn't until version 4 that the market share for IE started to close the gap with Netscape) because it was better. I didn't stop using Netscape because it cost money, I stopped using it when it didn't become the best web platform.

I know for a fact that the software company that I work for, as many more in the industry, would not have survived if we had to do business in an environment where we had to let people like SUN, ORACLE and NETSCAPE to dictate the way of doing things. As a developer, I have seen an industry of products that work around the MSFT platform thrive. Just look at the number of companies that work with MSFTs platform and compare it to the number of companies that work with ORACLE and SUN. You will see that in that last environment, only BIG players can get in the door. In fact look at some of the products that MSFT has bundled in their operating system for years, and because those products are not as good as the competition, there is still a huge market for those tools, like Anti-virus protection, disk defragmenters and the such. MSFT has bundled a disk defragmenter with every version of Windows since Win 95, but still companies like symantec, DiskKeeper and others have products that are far better and are still in business. So to conclude, let those companies that want to fight MICROSOFT do it on the business field, like Symantec and DiskKeeper, RealNetworks and many others are doing, and not on the JUDICIAL field where NO ONE WILL COME OUT THE WINNER.

MTC–00025841

From: mikulski@gte.net@inetgw
To: Microsoft ATR
Date: 1/26/02 8:14am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
William Mikulski
3223 Chancellor Drive
Fort Wayne, IN 46815

MTC–00025843

From: DON K WILLAIMS
To: Microsoft ATR
Date: 1/26/02 8:18am
Subject: Microsoft Settlement

Dear Sir:

I have watched the long drawn out action and believe that settlement should be completed at this point as defined by the court. I feel that the dammage done to all parties should be finalized and everyone move on.

A tremendous amount of time and money has been expended, however I don't see that anyone is better off especially the consummer.

Closure should be now.

Sincerely,
Don K Williams

MTC–00025844

From: gkern
To: microsoft
Date: 1/26/02 8:17am
Subject: microsoft settlement

Microsofts only crime since the beginning of this whole so called LEGAL and I use the term loosely, circus, has been to create a great company that is good for america and everyone who uses thier products.

Not only are other companies wanting what microsoft has created, but so does our gov. microsoft has done no wrong to me or anyone else that i know or have talked to. MY GOV. can only find microsoft not guilty of wrong doings and let the world of FREE trade go on like it should. MY VOTE IS FOR MICROSOFT AND A GREAT AMERICAN—BILL GATES

THANK YOU
gkern@bullitt.net

MTC–00025845

From: William Shotts
To: Microsoft ATR
Date: 1/26/02 8:22am
Subject: Microsoft Settlement
To: Renata B. Hesse,
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement.

I have worked in the computer software industry for over 20 years and I have deep concerns regarding the effectiveness of the proposed settlement. In my view and in the view of many others, the proposed settlement does little to address the issues raised in the findings of facts in this case. I urge you to seek stronger sanctions against Microsoft (up to and including structural remedies) to insure the future this industry and America's technological leadership.

Thank you.

William E. Shotts, Jr.
500 Twinbrook Parkway
Rockville, Maryland 20851 —
William Shotts, Jr. (bshotts AT panix DOT com)

MTC–00025846

From: norxval@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 8:20am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Vallie Cosper
3905 Valrico Grove Dr.
FL 33594

MTC–00025847

From: jean proudfit
To: Microsoft ATR
Date: 1/26/02 8:32am
Subject: Microsoft Settlement

The states that wish harsher penalties for Microsoft should be told to get lost. Enough already.

Most of our industry has been driven overseas, should be try to drive the rest out. Where has Microsoft harmed the consumer? No where.

Jean Proudfit
Tampa, Fl.

MTC–00025848

From: Dave Garvie
To: Microsoft ATR
Date: 1/26/02 8:36am
Subject: Microsoft Settlement

Please settle the Microsoft suit, and let them get back to business.

Thank you,
Dave Garvie.

MTC–00025849

From: c
To: Microsoft ATR
Date: 1/26/02 8:38am
Subject: Microsoft Settlement

To whom it may concern:

As a software developer who has written for Windows and UNIX operating systems, I

would like to comment on the Proposed Final Judgement in the United States vs. Microsoft.

I understand that the intent of the agreement is to prevent microsoft from illegally stifling competition. The current settlement will not achieve that goal. Here is one of the many of the reasons:

Many of the definitios are too narrow to be of any effect. For example, the definitions of Microsoft Middleware Product and Windows Operating System Product are seriously flawed. They explicitly include products that Microsoft does not expect to be critical to their future and exclude important new products.

The whole tenor of the document is that of a firm outward appearance with a very soft and mushy core. If the document is approved as written, I have no doubt that Microsoft will be able to continue it's anti-competitive practices virtually undiminished. There are so many problems that approval is clearly not in the public interest.

Sincerely,
Chris Buoy

MTC–00025850

From: RSHORNER@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 8:38am
Subject: Microsoft settlement

I strongly support the DOJ Microsoft settlement.

Robert M. Horner
2804 Sailors Way
Naples, FL

MTC–00025851

From: Terry Jendersee
To: Microsoft ATR
Date: 1/26/02 8:45am
Subject: Microsoft Settlement
6148 E Campo Bello Drive
Scottsdale, AZ 85254
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing in full support of the recent settlement between Microsoft and the U. S. Department of Justice. The lawsuits have been going on for too long now and there could be no benefit for the public for them to continue.

I think the terms of the settlement are fair and reasonable. They will also serve to alleviate competitors'' complaints as Microsoft has agreed to grant computer makers broad new rights to configure Windows'' so that non-Microsoft products can be more easily promoted. They have also agreed to disclose for use by competitors interfaces that are internal to Windows operating system products.

I hope your office see what I believe and that is that our economy can afford no further litigation. Please implement the settlement. Thank you.

Sincerely,
Terry Jendersee

MTC–00025853

From: Daniel W. Solcher
To: Microsoft ATR
Date: 1/26/02 8:46am
Subject: Microsoft Lawsuit

To Whom It May Concern:

I want to express my opinion about Microsoft antitrust settlement. I really want to get this lawsuit to over with, so my business can start focusing on Microsoft products and its future developments. I understand that Microsoft has done some mistakes, but that is in the past. I work at Fortune 10 company, and I rely on ''future technologies'' to develop today's software for the company. It's the future of government that I am concerned about that affects Microsoft and my company's position on the computer software technologies.

I ask you to resolve it quickly, accept the settlement, and get it out of the Microsoft's way. That will save taxpayer's money, too. Also if the settlement is over with, then the sales at Microsoft will increase, therefore more tax money to the government.

Thanks,
Dan
Daniel W. Solcher
dan@solcher.net
11439 Baltic
San Antonio, Texas 78213
Vmail:210–308–9651
Fax: 210–308–9302 Web: www.solcher.net

MTC–00025854

From: Richard Carlson
To: Microsoft ATR
Date: 1/26/02 8:47am
Subject: Microsoft settlement

I oppose Florida not joining in the settlement with Microsoft. As a consumer I experience firsthand the ''expense'' of the breakup for purpose of creating ''competition thereby lower costs to consumer'' by the telephone company! That has not happened. I now pay $15-$20 more a month to a local phone company who charges me long-distance fees within my local area. I live in the Tampa area and to call friends, transact normal, everyday business, or call restaurants for reservations I pay long distance fees.

My geographic area is similar to the Washington D.C area where you live in Virginia but call friends and businesses in Maryland and Washington DC The breakup of the ''phone monopoly'' did me no favors.

Also while traveling it is impossible, from some phone companies, to reach your long-distance carrier and you end up paying $3.00-$6.00 per minute for a call. Every home computer owner struggles with keeping their system up—to-date with software and making ''compatibility'' even more dispersed and conflicted will certainly not be helpful and will cost more in the long run. I can only imagine what a breakup of Microsoft will do to the business community! Please encourage those involved in this decision to leave well enough alone.

Barbara Carlson,
Plant City,
Florida

MTC–00025855

From: Jem Lewis
To: Microsoft ATR
Date: 1/26/02 8:57am
Subject: Microsoft Settlement

To Whom it May Concern,

I would like to voice my opinion that the proposed Microsoft settlement be rejected. I have been reading up on various details of the settlement, and I believe that as proposed the settlement can only hurt consumers like myself, which I understand would be counter to the purpose of the antitrust laws.

I do not believe that true competition can be attained so long as Microsoft is allowed to own standards, whether programming standards in the form of APIs, or in file formats such as .doc or .avi. If one looks at the history of Microsoft's ascendance, it seems to me a large part of their success has derived from their tendency to change API and file formats at will, forcing would-be competitors to play an endless game of catch up. Microsoft Word is the de facto word processor, not because of its technical merits, but because it is the only program that can reliably read and write .doc documents. Can it truly be good for consumers to be forced to buy the latest Microsoft product so they can simply communicate?

For there to be competition, Microsoft needs to freely publish changes to their file formats and APIs several months in advance of any Microsoft product actually using them, thus giving potential competitors the opportunity to compete on features that are important to consumers.

In my reading of the settlement proposal, I find it to be entirely inadequate. Microsoft is very good at squirming through the holes in the fine print, and I see some large holes indeed. Plus, there seem to be no measures to prevent Microsoft from realizing the gain from their illegal behavior, and I believe that was one of the directives of the Appeals Court's findings.

It is my hope that the proposed settlement will be rejected. Consumer choice is the engine that drives innovation, and the single choice of Microsoft or nothing is almost no choice at all.

Thank you for your attention,
Jem Lewis
800 5th Av #101–447
Seattle WA 98104
jemlewis@yahoo.com

MTC–00025856

From: Jim Murphy
To: Microsoft ATR
Date: 1/26/02 9:00am
Subject: Microsoft Settlement fails to Enforce Use of Public Standards
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse:

I have serious concerns about the proposed settlement for the Microsoft case.

My prime concern is that has no effective provisions against Microsoft's practice of deliberately introducing incompatibilities in its products that prevent them from interoperating with non-Microsoft products that conform to public standards. These have the effect of driving out use of the non-MIcrosoft products. The settlement needs to have effective provisions that force Microsoft to comply with standards.

Truly yours.
Jim Murphy
Wall Township, New Jersey USA

MTC–00025857

From: Orlene McCarthy
To: Microsoft ATR
Date: 1/26/02 9:02am
Subject: Microsoft Settlement

You guys want to help the economy all you have to do is settle this and put a stop to all these law suits. It is so simple the economy was really good until the Clinton guys decided to go after Msft. just look at the facts it is simple spending millions to get the economy going is not the answer you need to settle this.

Msft is the best company and employs millions what is wrong with everyone. Please Please listen to people and do something.

Live,Love,Laugh

MTC–00025858

From: allen n budge
To: Microsoft ATR
Date: 1/26/02 9:04am
Subject: Microsoft settlement

The current agreed settlement is fair and further litigation is not required.

Allen Budge

MTC–00025859

From: Mark Christiansen
To: Microsoft ATR
Date: 1/26/02 9:06am
Subject: Microsoft should be punished

I hope you make Microsoft pay for it's abuse of it's monopoly. They are a monopoly and they are anti-competitive. This is obvious to everyone.

Don't let them get away with their over-pricing and abuse on American businesses and the American public.

Thank You,
Mark Christiansen
25 Wiggin St.
Concord, NH 03301

MTC–00025860

From: Donstites@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 9:09am
Subject: microsoft settlement

Please stop the nonsense about breaking up microsoft.....microsoft computer applications have been an incredible boom for business productivity...

MTC–00025861

From: Michael.Ronayne@
PearsonTC.com@inetgw
To: Microsoft ATR
Date: 1/26/02 9:08am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
Re: Microsoft Settlement
From: Michael E. Ronayne
88 Satterthwaite Avenue
Nutley, New Jersey, 07110
Date: January 26, 2002

I wish to go on record as supporting Microsoft in the current Microsoft Settlement case. While I believe that the original antitrust case should never have been brought against Microsoft and the judicial decisions in the case were seriously flawed, in the interests of both the national defense and the economy of the United States, this case must be brought so a swift and just conclusion. If the national condition were other than it is, I would have urged Microsoft too pursue every avenue of legal redress, to fight the decisions in this case. However, if Microsoft and the Department of Justice have reached an agreement to settle this case, then the terms of the agreement should be implemented quickly, in the national interest.

One of the key arguments against Microsoft in this case involves the struggle between Microsoft and Netscape for market share in the Internet Web Browser market. In this struggle, Netscape is portrayed as the victim who was unjustly deprived of market share by Microsoft. I believe a careful examination of the historical record will show that Netscape's rights to the software they claimed to have developed are not supported by the facts. The reality is that both Netscape's and Microsoft's web browsers are totally based on a web browser development project funded by the National Science Foundation, a branch of the Government of the United States. By distributing Internet Explorer at no cost, Microsoft was enabling software which had been funded by the American people.

History Of Internet Explorer

Every copy of Microsoft Internet Explorer contains the following statement in the ''Help''/''About Internet Explorer'' pull-down window:

''Based on NCSA Mosaic. NCSA Mosaic(TM); was developed at the National Center for Supercomputing Applications at the University of Illinois at Urbana-Champaign. Distributed under a licensing agreement with Spyglass, Inc. Contains security software licensed from RSA Data Security Inc. Portions of this software are based in part on the work of the Independent JPEG Group. Multimedia software components, including Indeo(R); video, Indeo(R) audio, and Web Design Effects are provided by Intel Corp. Unix version contains software licensed from Mainsoft Corporation. Copyright (c) 1998–1999 Mainsoft Corporation. All rights reserved. Mainsoft is a trademark of Mainsoft Corporation. Warning: This computer program is protected by copyright law and international treaties. Unauthorized reproduction or distribution of this program, or any portion of it, may result in severe civil and criminal penalties, and will be prosecuted to the maximum extent possible under the law.''

The above statement is in my opinion, is one the best defenses Microsoft can put forward to show that their business practices with regards the marketing of Internet Explorer was completely justified and in fact quite honorable.

The first successful web browser was Mosaic (1,2 & 3), which was developed at the National Center for Supercomputing Applications (NCSA), a unit of the University of Illinois at Urbana-Champaign. The Time Line for Mosaic (4, 5 & 6) is as follows:

Mosaic Timeline

Phase 1 (1987–1992/12): Work leading up to the idea to do Mosaic.

Phase 2 (1992/12–1993/11): Implementation and early adoption of mosaic and NCSA HTTPd by brave souls.

Phase 3 (1993/12–1994/5): Killer-app phase, when the world recognized that this was the next big thing in IT.

Phase 4 (1994/5–1997): Commercialization phase. NCSA continued to develop and improve Mosaic, but the big news was that Netscape was formed and Microsoft transformed itself to make the Web integral to its long-term strategy. It was during this phase that the world's economic and communications structures were changed forever.

In mid-1994 Marc Andreessen, a principle Mosaic developer and recent UIUC graduate, and Jim Clark, the Silicon Graphics founder, founded Mosaic Communications, which was later renamed Netscape Communications (5 & 6). On October 13, 1994 Marc Andreessen announced the availability (8 & 9) of the Mosaic Netscape Beta v0.9. The most interesting item in the announcement was the following:

''Mosaic Netscape is a built-from-scratch Internet navigator featuring performance optimized for 14.4 modems, native J PEG support, and more.''

In short, Marc Andreessen developed an entirely new browser in four months, an effort which had previously taken two years, while he was a student at UIUC. As UIUC still had a product named Mosaic, with an installed base of several of several million users world wide (7), Netscape had to drop the word Mosaic from their product and company names.

Other then the issue pertaining to of the use of the word Mosaic, there apparently was no other interaction between Netscape and UIUC. The two questions which beg to be asked are, what are the similarities between early versions of Mosaic and Netscape and was Netscape development initiated while Marc Andreessen was in the employ of UIUC?

With the launch the first commercial version of Netscape in December 1994, Microsoft licensed Mosaic (7) from Spyglass, Inc, a licensing company created by UIUC to facilitate to commercial distribution of Mosaic to over 100 companies (6). Evidently, Netscape was not a Spyglass licensee. In August of 1995, Microsoft launched Internet Explorer v1.0 and the rest is history. From the release of the first version of IE, Microsoft stated that is was its intention to bundle the browser as an integrated component its operating systems.

The reality is that both Netscape and Internet Explorer are directly derived from NCSA Mosaic, Netscape through a re-engineered version of the source code and Internet Explored directly from the original source code. While NCSA Mosaic is owned by UIUC, the critical question is who paid for the research and development costs of Mosaic? The answer is that Mosaic's development was funded by the National Science Foundation's (NSF) Supercomputer Centers program, a branch of the Government of the United States.

It was not Microsoft who harmed Netscape, but Netscape who harmed UIUC and Spyglass. It was Microsoft who rescued the

intellectual property rights entrusted to UIUC by the National Science Foundation. For the reasons which I have sighted, Netscape's allegations against Microsoft should be inadmissible. Without Netscape as a plaintive there is no case against Microsoft.

Citations

1. ''NCSA Mosaic Home Page'' http://archive.ncsa.uiuc.edu/SDG/Software/Mosaic/

2. ''NCSA Mosaic History'' http://archive.ncsa.uiuc.edu/General/CommGroup/MosaicHistory/timeline.html

3. ''NCSA Mosaic History'' http://www.ncsa.uiuc.edu/Divisions/Communications/MosaicHistory/

4. ''NCSA Mosaic Timeline'' http://www.ncsa.uiuc.edu/Divisions/Communications/MosaicHistory/timeline.html

5, ''Browser History Timelines'' http://www,blooberry.com/indexdot/history/browsers.htm

6. ''NSF Initiative Leads to NCSA Mosaic and E-Commerce'' http://www.ncsa.uiuc.edu/Divisions/Communications/MosaicHistory/impact.html

7. ''Netscape: A history'' http://news.bbc.co.uk/hi/english/in—depth/business/2000/microsoft/newsid_635000/635689.stm

8. ''Here it is world!'' http://groups.google.com/ groups'selm=MARCA.94Oct13005712%40neon.mcom.com

9. ''Mosaic Netscape is out the door...'' http://www.w3.org/Style/History/www.eit.com/www.lists/www-talk.1994q4/0187.html

MTC–00025862

From: Or Botton
To: Microsoft ATR
Date: 1/26/02 9:12am
Subject: Not a good idea.

Ever since we switched to Microsoft products, our high school computers crash, freeze, require a reboot and etc'' more then ever.

This generaly cause tremendous trouble simply because we keep loosing our documents and works. Unless you save religiously every minute, that is.

Not to mention that all those security holes we keep having to patch are a major pain in the neck. Trojan here, E-Mail virus there... it reached the level where you dont even have the OPEN the letter to get infected. Its enough that you're online!

I'd rather have my school receive alternative products then Microsoft products. Not to mention that having them ''giving away'' Microsoft products will only increase their allready highly influencive monopoly. Alternative programs are designed to be able accept Microsoft files, but Microsoft programs are NOT designed to accept files from alternative programs properly.

So, for a better future—No thanks. We dont want Microsoft here.

MTC–00025863

From: WOLF1597@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 9:13am
Subject: comment on msft

Just Recently...Five Billion...was offered by Microsoft to ATT...Then paid...to keep a competitor from getting access to Broadband.

Microsoft's Monopoly of the PC operating system allows it to cut off any competitor by the knee's. And frankly I think that, they think...any Judge can stop them.

Consider...NETSCAPE! Thank You for allowing me to Comment.

W.M

MTC–00025864

From: kathryncornwell@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 9:13am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Kathryn Cornwell
Rt 2, Box C–16
Killeen, TX 76542

MTC–00025865

From: Doug Yerby
To: Microsoft ATR
Date: 1/26/02 9:17am
Subject: Microsoft settlement

Dear Sirs,

I have personnally used browsers and programs by other manfactures. These products are very inferior to the Microsft products.To make a judgement againts Microsoft seems completely inane.If other companys made a superior or even equal product user would go to it.To punish Microsoft for producing hands down the best product is lunancy.

Sincerly,
Doug Yerby
Valrico, Fl

MTC–00025866

From: Rottet, Kevin J
To: Microsoft ATR
Date: 1/26/02 9:19am
Subject: Microsoft settlement

To Whom it May Concern,

I am personally dissatisfied with the proposed settlement in the Microsoft antitrust case. I feel that competition is essential to the future of the computing industry, and the settlement does not adequately address the clearly illegal past activities of Microsoft that have inhibited or even prevented competition. I am appalled that Microsoft would escape clear punishment for its misdeeds. Furthermore, there are areas of the settlement which do not go far enough in curbing Microsoft's potential to inhibit competition in the future. For instance, there needs to be broader disclosure of file formats for popular office and multimedia applications than what the settlement foresees. It is my hope that the proposed settlement will not take place and the matter will be revisited in a more appropriate fashion.

Sincerely,
Kevin J. Rottet
Assistant Professor
University of Wisconsin-Whitewater
CC:Rottet Kevin J

MTC–00025867

From: mary vensel
To: Microsoft ATR
Date: 1/26/02 9:20am
Subject: Microsoft Settlement
MARY W. VENSEL
4358 TIMUQUANA ROAD, APT. 176
JACKSONVILLE, FL 32210–8561
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I would like to take a moment to express some of my views regarding the Microsoft antitrust case. I feel that the settlement that your office reached was fair and reasonable. I do not see a need for further action at the federal level, especially while Microsoft is involved in negotiations with the remaining states to reach a conclusion.

I believe that this case has hurt not just Microsoft, but the IT industry as a whole, in the sense that it has forced the focus to shift from innovation to litigation. We must restore economic confidence by ensuring that success with consumers will not cause government retaliation, and that standardization and interoperability can win out in the marketplace.

By placing Microsoft under the supervision of an oversight committee to monitor its practices and giving competitors access to Windows code, your settlement will force Microsoft to become a more responsible industry leader, while allowing the competition to share some of its success. Consumers will have more choices, competitors will have more chances, and Microsoft will retain some of the benefits of its innovation.

We must ensure that our country maintains its position as the world's technology leader. I believe that your settlement will allow that to happen. I hope your office will see fit to end this debacle at the federal level and allow the industry and the economy to move forward.

Sincerely,
Mary W. Vensel

MTC–00025868

From: Lane Hartle
To: Microsoft ATR
Date: 1/26/02 9:22am
Subject: Netscape vs Microsoft

I wish everyone would quit picking on Microsoft. This latest proposal to have Microsoft remove the Internet Explorer from the desktop is ridiculous. Why does Netscape

feel threatened? If Netscape had an operating system that was installed on nearly every computer in the world, don't you think THEY would have a link to Netscape Communicator on THEIR desktop? And what IS the big deal, anyway?

Both browsers are free, so Netscape isn't losing any money to a competitor.

Recently, I purchased several new computer systems with Windows XP preloaded. I installed Netscape Communicator 6.2, and it promptly crashed every time I ran it. Several MONTHS after the release of XP, Netscape announced version 6.2.1, which fixed many of the bugs for XP users. It was a good thing Microsoft Internet Explorer was already tested and installed under XP, or I would have had no internet access.

If Netscape feels threatened and wants to complain, then Netscape needs to make sure future versions of Communicator function properly when newer operating systems become available. Or, they need to develop their own operating system that supports their own products.

Lane T. Hartle

lanehartle@yahoo.com

MTC–00025869

From: John Donaldson
To: Microsoft ATR
Date: 1/26/02 9:22am
Subject: Microsoft Settlement

I am very concerned that the proposed settlement does not fit the act.

Please rethink the process and require Microsoft to make amends that, at the very least, equal the crime.

MTC–00025870

From: James Bralski
To: Microsoft ATR
Date: 1/26/02 9:30am
Subject: Microsoft Settlement

Dear Attorney General Ashcroft, I support the Microsoft Settlement. It was criminal for the United States Government to attack success in the first place. Repressive government actions are not in my country's best interest.

Settle now. James Bralski Hermitage, PA

MTC–00025871

From: TomG
To: Microsoft ATR
Date: 1/26/02 9:24am
Subject: Microsoft Settlement

I believe that the subject settlement is more than fair. The obligations accepted by Microsoft go far beyond what is reasonable and fair. It appears that a number of vested interests want even more concessions, but they are not in the public interest, nor in the interest of the long term health of the industry. thank you

Make a Great Day TomG (Tom Gerhart) Tampa, Fl

MTC–00025872

From: ColinRamsay
To: Microsoft ATR
Date: 1/26/02 9:29am
Subject: MICROSOFT

I am not a Microsoft employee nor do I have any financial interest in Microsoft. I am a retired business executive, but I am keenly interested in the Microsoft case as a citizen. The additional penalties which the states opposing the DOJ settlement proposal are demanding would be injurious to both our individual citizens who use the Internet and to our nation's world-wide competitive position. If these states, including Florida, get their demands, our nation's digital innovation will suffer, costs will increase and operating codes compatibility will become more complex. Additionally, the attorneys general of individual states will be encouraged to further feed their egos and political ambitions by meddling in future DOJ cases.

Colin N. Ramsay 8303 Royal Sand Circle #102 Tampa, FL 33615

MTC–00025873

From: Herbert Gonzalez
To: Microsoft ATR
Date: 1/26/02 9:34am
Subject: Microsoft settlement.

Enough is enough! Settle the case!

MTC–00025874

From: Ray Buckles
To: Microsoft ATR
Date: 1/26/02 9:45am
Subject: USAGBuckles—Ray—1040—0124

MTC–00025874–0001

4226 Montgomery Place Mount Vernon, WA 98274–8702 January 25, 2002

Attorney General John Ashcroft US Department of Justice, 950 Pennsylvania Avenue, NW Washington, DC 20530–0001

Dear Mr. Ashcroft:

The Microsoft antitrust suit has lingered in the federal courts for nearly four years now. Last June, settlement negotiations began, and it was not until November that a settlement was finally reached. The settlement is pending approval, and next week, the courts will determine whether or not it should be finalized. Unfortunately, Microsoft's opponents would like to see Microsoft more harshly punished, and are seeking to undermine the settlement and bring additional litigation against Microsoft. I do not believe that this is at all necessary. I believe that it is in the best interest of the economy to halt litigation now and to settle the case on the terms proposed last November. Microsoft and the Department of Justice have agreed on a broad range of terms under the settlement that restrict monopolistic actions on the part of Microsoft and require the corporation to effect a number of changes in product and procedure. For example, Microsoft will no longer be permitted to enter into contracts that would require a third party to promote or distribute Microsoft products at a fixed percentage. Microsoft also plans to revise future versions of Windows so that non-Microsoft software will be compatible with the Windows operating system. I do not believe the claims that Microsoft has been dealt with too leniently. Several conditions of the settlement actually extend to technologies and procedures that were not found to be unlawful by the Court of Appeals. The antitrust case has dragged on long enough. I believe it is in the best interest of the public, the economy, and the technology industry to settle the case, and give Microsoft a chance to prove itself in the settlement before dismissing it out of hand. I urge you to allow the settlement to stand.

Sincerely,

Ray Buckles

MTC–00025874–0002

MTC–00025875

From: PAGsurvey@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 9:36am
Subject: microsoft settlement

Gentlemen: Don't let the computer geeks fool you into thinking we would all be better off selecting and assembling various software components to run on our PCs. That simply is not the case. As a nation we would not have come to the point in computing and information technology without the simplicity Microsoft has brought us. I have been using computers for Civil Engineering and Surveying for thirty years. I remember when this thing would not communicate with that thing because of a lack of a common operating system. Let me also remind you that the anti-trust laws were enacted to protect me, not AOL, Sun and Netscape. If they really had a better idea we would really be using it. Then there is of course the mind boggling question ''should we the people be comforted by the fact that a bunch of government lawyers and a judge now have a strangle hold on the computer industry''.

If you need a cause to occupy your time do something about the credit card industry and the twenty nine dollar late fees they all have begun charging us in addition to interset. Keep in mind here this is hurting me, not Chase or Citibank. To sum up i believe your efforts are misdirected. Patrick A. Gialloernzo, PE, LS

MTC–00025876

From: Shawn
To: Microsoft ATR
Date: 1/26/02 9:38am
Subject: AOL in Negotiations to Buy Red Hat:
http://www.washtech.com/news/media/14759–1.html
AOL in Negotiations to Buy Red Hat:
http://www.washtech.com/news/media/14759–1.html

Let's see, AOL already owns ICQ, Winamp, Compuserve, Netscape, and Time Warner. Yet Microsoft is the one accused of causing a monopoly. Ironic, eh? I can also imagine this imagine this: aol and microsoft go into direct competition, and they have a ''who can buy the most companies'' contest. aol buys red hat, microsoft buys macromedia, aol buys apple, microsoft buys adobe, aol buys dell, microsoft buys compaq, aol buys prodigy, microsoft buys earthlink, aol buys ibm, microsoft buys intel, aol buys amd, and then they continue to buy other smaller software companies and computer manufacturers until there are none left. Then one day, they stop arguing, and merge. it's going to hapen, just wait and see.

MTC–00025877

From: Edwin Meyer
To: Microsoft ATR
Date: 1/26/02 9:39am

Subject: Microsoft Settlement—Count this one against Microsoft

Dear People,

As both a producer and consumer of microcomputer software, I am concerned that a vigorous and open market be maintained for software development.

I understand from independent sources that Microsoft has been attempting to influence the responses during the Tunney Act comment period by a concerted effort to solicit favorable comments. To me, this is a typical Microsoft tactic aimed at bolstering its quasi-monopoly position in the desktop software business and extending it to enterprise computing and networking.

I urge the DOJ to support the most stringent provisions possible to limit Micosoft's ability to control and throttle independent software development in these areas.

Thank you for your consideration.

Sincerely,

Edwin W. Meyer

Edwin Meyer Software Engineering P.O. Box 390070; Cambridge, MA 02139

617–876–1350 Fax 605–238–1795

http://www.edwinmeyer.com/

MTC–00025878

From: Wes
To: Microsoft ATR
Date: 1/26/02 9:39am
Subject: Microsoft hearing

MTC–00025878—0001

January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–00001

Dear Mr. Ashcroft:

Pursuant to the Justice Department's requst for public ocmment on the proposed settlement of the Microsoft case, I am writing in support of the settlement.

It is difficult for the average person to understand all of the charges and counter-charges thrown about in a case such as this. Terms such as ''restraint of trade'' and ''predatory pricing practices'' have very little meaning to the man on the street. Out concern is whether, after the litigation is over, the public interest was actually served by the lawsuit and its settlement.

The public interest will be well served by this settlement if for no other reason than expanded choice. Microsoft has agreed to allow make it easiser for consumers to use non-Microsoft products and programs when using Windows as their operating system. There will now be greater choice for consumers in selecting Internet providers, media players and other programs.

I hope that this settlement will remain intact after the public comment period. Our economy needs these companies out of the courtrooms and back to work as soon as possible.

Sincerely,

Wesley T. Charpie

Charpie,

3970 Waycross Drive,

Columbus, IN 47203–3526

MTC–00025879

From: FRIT0LAY@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 9:39am
Subject: Microsoft Settlement

January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The settlement reached in the Microsoft anti-trust dispute is essential to the continued success of America's technology industry in the world market. Our IT industry has floundered for the past three years since the inauguration of this anti-trust suit against Microsoft three years ago. This settlement is fair and is a prime opportunity to put this litigation behind us.

Under the terms of the agreement, Microsoft has agreed to design all future versions of Windows to be more compatible with the products of its competitors. Microsoft has also agreed not to retaliate against any competitor who produces products that compete with its own. And, finally Microsoft has promised to report to a three person technical committee that will monitor Microsoft's compliance to these terms. I believe that this settlement is reasonable for the simple reason that it will allow Microsoft to get back to business without being pirated and split apart.

Thank you for you help in this issue and for allowing me to express my opinion. Free enterprise is a precious commodity in this nation and it must be protected.

Sincerely,

James anf Harriet Lay

1405 Hickory Hollow Dr.

Flint, MI 48507

MTC–00025880

From: Jack Beglinger
To: Microsoft ATR
Date: 1/26/02 9:41am
Subject: Microsoft Settlement

Dear Sirs,

The current settlement plan between Microsoft and the US Department of Justice, fails to stop the ''Monopoly Tending'' of Microsoft. In actually, it helps strengthen Microsoft's Monopoly to the point of helping Microsoft try to destroy the only competitor to they reign of power—LINUX. The agreement's greatest flaw is the definition of a class of companies that Microsoft ''needs'' to talk to ISVs and OEMs and the like.

I am and have been both types of ''companies''. I build my own machines—like a DELL or Gateway. I write code and create Integrated Systems akin to a Symantec or a CSA. But I am also a single person, to small for Microsoft to talk to, to small to afford the cost to go their meetings about their technology. I have for years be forced to buy Operating Systems at full retail prices, though I build me own machines. I was blocked for years of getting Windows 95 OSR2—an OEM only version of the OS containing the newest hardware interfaces.

By allowing this agreement to contain clauses that ''anoint'' companies that Microsoft must ''talk'' to you have caused Microsoft greater monopoly power by being the ''glue'' in a cartel of large companies all protecting they own pocketbooks.

A case in point is IBM. Microsoft was at one time offering PowerPC Windows NT System. PowerPC is used in IBM's Midrange Machines and Apples Macintoch. Microsoft pulled the support of that processor. Which give Intel more years to keep pricing inflated on its processors—both the x86 line and the Alpha that Intel was building for DEC. Compaq Computers now own DEC. Instance Microsoft strengthen two of its best business partners and itself while trying to hurt IBM.

With NDA and limited information that Microsoft is required to release. LINUX will be hurt by not having access to information for compatibility. LINUX is a competing operating system that Microsoft can not buy or sue i nto non-existence. Companies, like RedHat, make money is selling services or easy to install copies of the OS, without having to pay a licensing fee. But LINUX licensee places a burden on a developer that code made avai lable via under it licensee is free of other licensing restricting and the full source is available at no extra charge. In this way the next developer can improve the code and again pass it on. Allows for thousands of people to give a little of themselves for the greater good. Signing a NDA or paying for trips to meetings, places a unfair burden in small ''guys'' like myself to compete, or share what I have learned. Even to share code, since licensing restrictions may get in the way. Instances,

I am ''un-clean'' to work on open source projects. I may use some else IP by accident. In the end, the agreement should be blocked and better settlement be reached. IF the agreement is kept, then change it so the following happens:

1) All API's are published, documented, and examples made available 6 months prior to first general release containing the API's. Release of API's is made by any method of Microsoft's choice as long it is also placed on microsoft.com website, easily found (example: Search: ''API WinXP'') and limited to HTML version 3 display standards. Further not having to register with or agree to a NDA with Microsoft or any other company to gain access to this information.

Further to state... an API is not Intellectual Property, but ways to ''talk'' to a program that is.

2) A Beta version is released and in the hands of all whom asks for it, no later than 3 months prior the general release or an product. Any changes to that Beta must in the hands of all who received the original shipping, to later than 2 weeks after the change were made or 2 weeks prior to general release, which ever is earlier. An exception is a emergency release because a virus exploit.

3) Remove any clause that defines who Microsoft has to talk to. Instead place ''Any person who wishes know''.

Change 1, insures that if I wish to create a product that interacts with a Microsoft product, that I have full and complete information. AND will not be blocked or restricted by Microsoft. Change 2, Allows me to make compatibility tests and modification to my code prior to Microsoft releasing their product. This way my customers are protected from changes that may break code they are running. Change 3, Allows anyone

who wishes to go a technology meeting will be allowed IT IS NOT LONGER A ''PRIVATE CLUB''.

If in way I can help, please let me know.

Jack Beglinger
8900 Keeler Ave
Skokie, IL
847–677–2427

MTC–00025881

From: Richard Zelade
To: Microsoft ATR
Date: 1/26/02 9:41am
Subject: Microsoft settlement

[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]

I strongly object to the presently configured, proposed settle of the Microsoft antitrust lawsuit for the following reasons, and offer some suggestions on changing it to something that will truly benefit the American people and the rest of the computing world.

A third option not provided by the PFJ would be to make sure that Microsoft raises no artificial barriers against non-Microsoft operating systems which implement the APIs needed to run application programs written for Windows. The Findings of Fact (?52) considered the possibility that competing operating systems could implement the Windows APIs and thereby directly run software written for Windows as a way of circumventing the Applications Barrier to Entry. This is in fact the route being taken by the Linux operating system, which includes middleware (named WINE) that can run many Windows programs.

By not providing some aid for ISVs engaged in making Windows-compatible operating systems, the PFJ is missing a key opportunity to encourage competition in the Intel-compatible operating system market. Worse yet, the PFJ itself, in sections III.D. and III.E., restricts information released by those sections to be used ''for the sole purpose of interoperating with a Windows Operating System Product''. This prohibits ISVs from using the information for the purpose of writing operating systems that interoperate with Windows programs. How should the Final Judgment be enforced? The PFJ as currently written appears to lack an effective enforcement mechanism. It does provide for the creation of a Technical Committee with investigative powers, but appears to leave all actual enforcement to the legal system. What information needs to be released to ISVs to encourage competition, and under what terms? The PFJ provides for increased disclosure of technical information to ISVs, but these provisions are flawed in several ways: 1. The PFJ fails to require advance notice of technical requirements Section III.H.3. of the PFJ requires vendors of competing middleware to meet ''reasonable technical requirements'' seven months before new releases of Windows, yet it does not require Microsoft to disclose those requirements in advance. This allows Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs. 2. API documentation is released too late to help ISVs Section III.D. of the PFJ requires Microsoft to release via MSDN or similar means the documentation for the APIs used by Microsoft Middleware Products to interoperate with Windows; release would be required at the time of the final beta test of the covered middleware, and whenever a new version of Windows is sent to 150,000 beta testers. But this information would almost certainly not be released in time for competing middleware vendors to adapt their products to meet the requirements of section III.H.3, which states that competing middleware can be locked out if it fails to meet unspecified technical requirements seven months before the final beta test of a new version of Windows. 3. Many important APIs would remain undocumented The PFJ's overly narrow definitions of ''Microsoft Middleware Product'' and ''API'' means that Section III.D.'s requirement to release information about Windows interfaces would not cover many important interfaces. 4. Unreasonable Restrictions are Placed on the Use of the Released Documentation ISVs writing competing operating systems as outlined in Findings of Fact (?52) sometimes have difficulty understanding various undocumented Windows APIs. The information released under section III.D. of the PFJ would aid those ISVs—except that the PFJ disallows this use of the information. Worse yet, to avoid running afoul of the PFJ, ISVs might need to divide up their engineers into two groups: those who refer to MSDN and work on Windows-only applications; and those who cannot refer to MSDN because they work on applications which also run on non-Microsoft operating systems. This would constitute retaliation against ISVs who support competing operating systems. 5. File Formats Remain Undocumented No part of the PFJ obligates Microsoft to release any information about file formats, even though undocumented Microsoft file formats form part of the Applications Barrier to Entry (see ''Findings of Fact'' ?20 and ? 39). 6. Patents covering the Windows APIs remain undisclosed Section III.I of the PFJ requires Microsoft to offer to license certain intellectual property rights, but it does nothing to require Microsoft to clearly announce which of its many software patents protect the Windows APIs (cf. current practice at the World Wide Web Consortium, http://www.w3.org/TR/patent-practice). This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users, as illustrated by this report from Codeweavers, Inc.: When selecting a method of porting a major application to Linux, one prospect of mine was comparing Wine [a competing implementation of some of the Windows APIs] and a toolkit called 'MainWin'. MainWin is made by Mainsoft, and Mainsoft licenses its software from Microsoft. However, this customer elected to go with the Mainsoft option instead. I was told that one of the key decision making factors was that Mainsoft representatives had stated that Microsoft had certain critical patents that Wine was violating. My customer could not risk crossing Microsoft, and declined to use Wine. I didn't even have a chance to determine which patents were supposedly violated; nor to disprove the validity of this claim. The PFJ, by allowing this unclear legal situation to continue, is inhibiting the market acceptance of competing operating systems. Which practices towards OEMs should be prohibited? The PFJ prohibits certain behaviors by Microsoft towards OEMs, but curiously allows the following exclusionary practices:

Section III.A.2. allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

Section III.B. requires Microsoft to license Windows on uniform terms and at published prices to the top 20 OEMs, but says nothing about smaller OEMs. This leaves Microsoft free to retaliate against smaller OEMs, including important regional ''white box'' OEMs, if they offer competing products. Section III.B. also allows Microsoft to offer unspecified Market Development Allowances—in effect, discounts—to OEMs. For instance, Microsoft could offer discounts on Windows to OEMs based on the number of copies of Microsoft Office or Pocket PC systems sold by that OEM. In effect, this allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas, such as office software or ARM-compatible operating systems.

By allowing these practices, the PFJ is encouraging Microsoft to extend its monopoly in Intel-compatible operating systems, and to leverage it into new areas. Which practices towards ISVs should be prohibited? Sections III.F. and III.G. of the PFJ prohibit certain exclusionary licensing practices by Microsoft towards ISVs.

However, Microsoft uses other exclusionary licensing practices, none of which are mentioned in the PFJ. Several of Microsoft's products'' licenses prohibit the products'' use with popular non-Microsoft middleware and operating systems. Two examples are given below. 1. Microsoft discriminates against ISVs who ship Open Source applications The Microsoft Windows Media Encoder 7.1 SDK EULA states ... you shall not distribute the REDISTRIBUTABLE COMPONENT in conjunction with any Publicly Available Software. ''Publicly Available Software'' means each of (i) any software that contains, or is derived in any manner (in whole or in part) from, any software that is distributed as free software, open source software (e.g. Linux) or similar licensing or distribution models ... Publicly Available Software includes, without limitation, software licensed or distributed under any of the following licenses or distribution models, or licenses or distribution models similar to any of the following: GNU's General Public License (GPL) or Lesser/Library GPL (LGPL); The Artistic License (e.g., PERL); the Mozilla Public License; the Netscape Public License; the Sun Community Source License (SCSL); ... Many Windows APIs, including Media Encoder, are shipped by Microsoft as add-on SDKs with associated redistributable components.

Applications that wish to use them must include the add-ons, even though they might

later become a standard part of Windows. Microsoft often provides those SDKs under End User License Agreements (EULAs) prohibiting their use with Open Source applications. This harms ISVs who choose to distribute their applications under Open Source licenses; they must hope that the enduser has a sufficiently up-to-date version of the addon API installed, which is often not the case.

Applications potentially harmed by this kind of EULA include the competing middleware product Netscape 6 and the competing office suite StarOffice; these EULAs thus can cause support problems for, and discourage the use of, competing middleware and office suites. Additionally, since Open Source applications tend to also run on non-Microsoft operating systems, any resulting loss of market share by Open Source applications indirectly harms competing operating systems. 2. Microsoft discriminates against ISVs who target Windows-compatible competing Operating Systems The Microsoft Platform SDK, together with Microsoft Visual C++, is the primary toolkit used by ISVs to create Windows-compatible applications. The Microsoft Platform SDK EULA says: ''Distribution Terms. You may reproduce and distribute ... the Redistributable Components... provided that (a) you distribute the Redistributable Components only in conjunction with and as a part of your Application solely for use with a Microsoft Operating System Product...'' This makes it illegal to run many programs built with Visual C++ on Windows-compatible competing operating systems.

By allowing these exclusionary behaviors, the PFJ is contributing to the Applications Barrier to Entry faced by competing operating systems. Which practices towards large users should be prohibited? The PFJ places restrictions on how Microsoft licenses its products to OEMs, but not on how it licenses products to large users such as corporations, universities, or state and local governments, collectively referred to as ''enterprises'' Yet enterprise license agreements often resemble the per-processor licenses which were prohibited by the 1994 consent decree in the earlier US v. Microsoft antitrust case, in that a fee is charged for each desktop or portable computer which could run a Microsoft operating system, regardless of whether any Microsoft software is actually installed on the affected computer. These agreements are anticompetitive because they remove any financial incentive for individuals or departments to run non-Microsoft software. Which practices towards end users should be prohibited? Microsoft has used both restrictive licenses and intentional incompatibilities to discourage users from running Windows applications on Windows-compatible competing operating systems. Two examples are given below. 1. Microsoft uses license terms which prohibit the use of Windows-compatible competing operating systems MSNBC (a subsidiary of Microsoft) offers software called NewsAlert. Its EULA states ''MSNBC Interactive grants you the right to install and use copies of the SOFTWARE PRODUCT on your computers running validly licensed copies of the operating system for which the SOFTWARE PRODUCT was designed [e.g., Microsoft Windows(r) 95; Microsoft Windows NT(r), Microsoft Windows 3.x, Macintosh, etc.]. ... ''Only the Windows version appears to be available for download. Users who run competing operating systems (such as Linux) which can run some Windows programs might wish to run the Windows version of NewsAlert, but the EULA prohibits this.

MSNBC has a valid interest in prohibiting use of pirated copies of operating systems, but much narrower language could achieve the same protective effect with less anticompetitive impact. For instance, ''MSNBC Interactive grants you the right to install and use copies of the SOFTWARE PRODUCT on your computers running validly licensed copies of Microsoft Windows or compatible operating system.''2. Microsoft created intentional incompatibilities in Windows 3.1 to discourage the use of non-Microsoft operating systems An episode from the 1996 Caldera v. Microsoft antitrust lawsuit illustrates how Microsoft has used technical means anticompetitively.

Microsoft's original operating system was called MS-DOS. Programs used the DOS API to call up the services of the operating system. Digital Research offered a competing operating system, DR-DOS, that also implemented the DOS API, and could run programs written for MS-DOS. Windows 3.1 and earlier were not operating systems per se, but rather middleware that used the DOS API to interoperate with the operating system. Microsoft was concerned with the competitive threat posed by DR-DOS, and added code to beta copies of Windows 3.1 so it would display spurious and misleading error messages when run on DR-DOS. Digital Research's successor company, Caldera, brought a private antitrust suit against Microsoft in 1996. (See the original complaint, and Caldera's consolidated response to Microsoft's motions for partial summary judgment.) The judge in the case ruled that ''Caldera has presented sufficient evidence that the incompatibilities alleged were part of an anticompetitive scheme by Microsoft.'' That case was settled out of court in 1999, and no court has fully explored the alleged conduct.

MTC–00025881–0004

The concern here is that, as competing operating systems emerge which are able to run Windows applications, Microsoft might try to sabotage Windows applications, middleware, and development tools so that they cannot run on non-Microsoft operating systems, just as they did earlier with Windows 3.1. The PFJ as currently written does nothing to prohibit these kinds of restrictive licenses and intentional incompatibilities, and thus encourages Microsoft to use these techniques to enhance the Applications Barrier to Entry, and harming those consumers who use non-Microsoft operating systems and wish to use Microsoft applications software.

Is the Proposed Final Judgment in the public interest?

The problems identified above with the Proposed Final Judgment can be summarized as follows: The PFJ doesn't take into account Windows-compatible competing operating systemsMicrosoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry. The PFJ Contains Misleading and Overly Narrow Definitions and ProvisionsThe PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered. The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all. The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware. The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertised as being ''Windows Powered''. The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs. The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible. The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows. The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents. The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users. The PFJ Fails to Prohibit Anticompetitive License Terms currently used by MicrosoftMicrosoft currently uses restrictive licensing terms to keep Open Source apps from running on Windows. Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems. Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running Linux. (Similar licenses to OEMs were once banned by the 1994 consent decree.)The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by MicrosoftMicrosoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs The PFJ allows Microsoft to retaliate against any OEM that

ships Personal Computers containing a competing Operating System but no Microsoft operating system. The PFJ allows Microsoft to discriminate against small OEMs— including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software. The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas. The PFJ as currently written appears to lack an effective enforcement mechanism. Considering these problems, one must conclude that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, and would delay the emergence of competing Windows-compatible operating systems. Therefore, the Proposed Final Judgment is not in the public interest, and should not be adopted without addressing these issues.

MTC–00025881–0005

Strengthening the PFJ

The above discussion shows that the PFJ does not satisfy the Court of Appeals'' mandate. Some of the plaintiff States have proposed an alternate settlement which fixes many of the problems identified above. The States'' proposal is quite different from the PFJ as a whole, but it contains many elements which are similar to elements of the PFJ, with small yet crucial changes.

II suggest amendments to the PFJ that attempt to resolve some of the demonstrated problems (time pressure has prevented a more complete list of amendments). When discussing amendments, PFJ text is shown indented; removed text in shown in [bracketed strikeout], and new text in bold italics.

Correcting the PFJ's definitions

Definition U should be amended to read U. ''Windows Operating System Product'' means [the software code (as opposed to source code) distributed commercially by Microsoft for use with Personal Computers as Windows 2000 Professional, Windows XP Home, Windows XP Professional, and successors to the foregoing, including the Personal Computer versions of the products currently code named ''Longhorn'' and ''Blackcomb'' and their successors, including upgrades, bug fixes, service packs, etc. The software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion.] any software or firmware code distributed commercially by Microsoft that is capable of executing any subset of the Win32 APIs, including without exclusion Windows 2000 Professional, Windows XP Home, Windows XP Professional, Windows XP Tablet PC Edition, Windows CE, PocketPC 2002, and successors to the foregoing, including the products currently code named ''Longhorn'' and ''Blackcomb'' and their successors, including upgrades, bug fixes, service packs, etc.

Sincerely,
Richard zelade
2821 East 22nd St.
Austin, TX 78722
512–477–1044

MTC–00025881–0006

MTC–00025882

From: John McQuillan
To: Microsoft ATR
Date: 1/26/02 9:40am
Subject: Mr. Ashcroft,

Mr. Ashcroft,

I have attached a letter outlining my strong feelings that the government of the United States move forward with the Microsoft settlement.

Sincerely,
John McQuillan
CC:
fin@mobilizationoffice.com@inetgw
12 Bruce Lane
Northport, NY 11768
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

Please accept the following comments made pursuant to the Tunney Act's public comment requirement in the Microsoft antitrust settlement.

I support the parties'' decision to settle this case. The terms of the settlement agreement are reasonable, and will accomplish the goal of preventing anticompetitive business practices by Microsoft. For instance, design obligations will also be imposed on Microsoft. These obligations will have the net effect of making it easier for consumers to remove and replace features of Windows with software made by Microsoft's competitors, thereby making it easier for consumers to choose other software over Windows, if they so desire. Additionally, a technical committee will be created to monitor Microsoft's compliance with the terms of the agreement.

I am hopeful that, in its review of the settlement agreement, the Court will appreciate the concessions made by Microsoft, the monumental contribution that Microsoft made to productivity of the American economy, and will realize that it will not be in the best interest of the American economy or the American consumer to continue litigating this case.

Sincerely,
John McQuillan
631–757–4522
jmcquill@optonline.net

MTC–00025883

From: Lee D. Ibsen
To: Microsoft ATR
Date: 1/26/02 9:42am
Subject: Microsoft Settlement

As a professional computer user and a patriotic US citizen, I think we owe a debt of gratitude to Microsoft for providing the long-range planning for PC software packages which work seamlessly together. I know that many of the current players did not go through the confusing early years of PCs when users had to resort to writing their own software to get one application to transfer data to another. I did, and as an engineer who used computers as a tool I was very grateful when Microsoft established those interface standards to make the PC so much more valuable as a tool to help me solve my problems. And as new ideas came along I could count on Microsoft to rapidly incorporate them into its growing suite of tools.

I think this whole lawsuit is ''Sour Grapes'' by jealous competitors. And somewhat politically motivated. What if the government had not allowed Ford to innovate as new features for the automobile were developed? Would you have sued Sears for incorperating the Crescent Wrench in its suite of tools? If it hadn't been for Microsoft, the computer age would probably not have occurred. Instead of a lawsuit—they should be getting awards!
Lee Ibsen
Systems Analyst
USAF

MTC–00025884

From: heinos
To: Microsoft ATR
Date: 1/26/02 9:42am
Subject: Microsoft Settlement

The DOJ anti-trust settlement recently concluded is fair for all parties concerned. Further litigation should be avoided since any outcome will in most probability make it more difficult and costly for the consumer, the computer industry and the economy as a whole. The market should determine who the economic winners and losers are and not determined by the never ending litigation in the courts.

From my viewpoint this anti-trust action was driven more by Microsoft's competitors rather than by the consumer who should always be the real beneficiary of any anti-trust action. It would be interesting to know how many of the 150+ million computer users, excluding those employed by competing firms, voiced a complaint in regards to this lawsuit.

If it wasn't for the low cost bundled standardized operating system packages produced by Microsoft, the computer industry and it's technical offshoots would not be as widespread and orderly as they are today.

In fact, many of Microsoft's competitors would not be in existence today if it were not for the success of Microsoft in developing this mass market. Should a company be penalized for producing a high quality, low cost product purchased by consumers who own 90% of all personal computers? A 90% penetration of the personal computer market sounds like a howling consumer endorsement of Microsoft products! In the area of consumer costs, the cost of an installed Microsoft PC operating system package in a new computer probably wouldn't be enough to pay for an hour spent at dinner for two at most medium priced restaurants; whereas, the consumer gets thousands of hours of enjoyment from the same investment.

Finally, all companies should be free to add (bundle) any features into their products as they see fit to make the product more versatile to the mass of consumers. It's true that some consumers may not want a particular feature in a product, but consumers have always been buying mass

produced products with features that they may, or may not use. Should software be sold any differently than other product lines, or do software packages have to be expensively tailored for each of the 150+ million personal computer users? Where would personal transportation be today if the evolution of the automobile was stopped at the invention of the wheel thousands of years ago?

Frank Heino
762 Bison Drive
Houston, TX 77070–4401

MTC–00025885

From: Rick Kennett
To: Microsoft ATR
Date: 1/26/02 9:35am
Subject: Microsoft Settlement
Attention Renata B. Hesse
Antitrust Division U.S. Department of Justice

The proposed settlement does little to nothing to end Microsoft's growing domination of in the computer industry and, more importantly, much more importantly, the Internet. Microsoft continues to leverage their dominance of the Windows OS in areas that that will jepordize not only fair competition but ultimately the freedom of information in general. Somone must ensure that the proposed settlement is scrapped or modified in a way that not only provides justice, but protects our freedom.

Thank You and Regards
Rick Kennett
Guildweb Information and Technology Services

MTC–00025886

From: Gary Wright
To: Microsoft Settlement
Date: 1/26/02 9:42am
Subject: Microsoft Settlement
Gary Wright
32269 Cour Pomerol
Temecula, CA 92591
January 26, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers’ dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Gary Wright

MTC–00025887

From: Ivo Jossart
To: Microsoft ATR
Date: 1/26/02 9:47am
Subject: Microsoft Settlement

i cannot agree with this court decision.

It's not weakening Microsoft, it's no real punishment for a company that's convicted for unfair practices... (practices that continue going on—have a look at Windows2000 & Windows XP—i cannot remove Outlook Express, Internet Explorer, MSN Messenger).

I also would like to see that the court tells Microsoft that every software inside Windows2000 that was removable in Window98 and earlier, should remain removable. e.g. Internet Explorer, Media Player, MSN Messenger, defragmentation software, windows scripting host...

Due to the connection between the operating system and the internet browser, millions and millions of dollars have been lost—due to virus-spreading activities. No real changes have been made to make the systems safer—by making the Internet Browser a normal application instead of putting it inside the operating system, as Microsoft want is to be. I believe an operating system should server the applications—and there should be a difference between the operating system and the internetapplications—just to keep everything a bit more secure. A lot of software-packages are no real part of an operating system, should be removable and we should have the right to protect our privacy and freedom of choise.

That right is never been more neglected that during the last few years—it started with the appearance of Windows2000 and it's getting worse every time there's a new operating system on the market.

At this moment we're in no position of asking Microsoft to do so—now at the point that there is an overwhelming majority of IE users, it seems that the company is loosening their grip a bit on the Internet browser-theme. I also want to point out that this company is spreading lies about an open source initiative called linux. It's just a game for them—and there's no way to defend us consumers against these practices.

But right now they're playing the same game as with Internet-explorer vs. netscape on the multi-media streaming market & the instant messaging market. Of course the software is free—but the development costs are hidden into the operating system cost. (look at the higher prices of Windows XP home & Windows XP Profession—vs. Windows98 & windowsNT 4). Normally i don't have the right to interfere, but due to the worldwide effect of this case, I believe it's my moral duty to say something about this important theme. And i believe i have the right to interfere—when an american company hurts a world-citizen, that man or woman should be able to say what he has to say. There's more in this play than just unfair business practices it's the freedom of speach that's endangered.

Kind regards.

MTC–00025888

From: Dan Johnston
To: Microsoft ATR
Date: 1/26/02 9:47am
Subject: Microsoft Settlement

I think think that the proposed settlement with microsoft is a bad idea. I have witnessed and experienced the microsoft monopoly for many years. I believe that the only way to break their monopoly, and to bring not only competition but innovation into the marketplace, is to split microsoft into several (at least 3) different companies, in a similar way as was done to the oil monopolies of many years ago.

Sincerely,
Dan Johnston
Division of Neuroscience
Baylor College of Medicine
1 Baylor Plaza
Houston, TX 77030
713 798–5984 (voice) 713 799–8544 (fax)

MTC–00025889

From: jhministry
To: Microsoft ATR
Date: 1/26/02 9:48am
Subject: Microsoft Settlement

Once again another competitor is attemtping to sue Microsoft for the same thing that the DOJ has tried then for. Microsoft has been tried and a decision has been made by the DOJ. When is the DOJ going to stop allowing any competitors who so desires to continue to harass Microsoft? Let's put an end to this!

Rev Johnie Hinson
Hampton, VA
Jesus Is Lord!

MTC–00025890

From: Scott Swain
To: Microsoft ATR
Date: 1/26/02 9:54am
Subject: Microsoft Settlement

Please leave Microsoft alone! They have done more good by far for this country (and the world) than harm. We have come along way from the American businessman being a hero and that is sad to me. Spend your time (and my tax money) attacking real criminals.

Scott Swain
http://OceanWebs.com
Austin, TX

MTC–00025891

From: dickh@skyhigh.com@inetgw
To: Microsoft ATR
Date: 1/26/02 9:48am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other

Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,

Richard W. Higginbotham

84 Cherokee Trail Medford Lakes, NJ 08055–1602

MTC–00025892

From: The Fallons
To: Microsoft ATR
Date: 1/26/02 9:52am
Subject: Microsoft Settlement

To whom it may concern:

I have been a computer user for a number of years now. I have used both Microsoft's and America Online's products and services. I have also sat quietly and watched the developments of the lawsuit against Microsoft, with no comment other than to shake my head in dismay. Upon seeing that AOL intends to reopen the case with a private action against Microsoft, I felt I had to at least say something on Microsoft's behalf.

To anyone who has watched the development of the technology over the last several decades, it is quite apparent that the charges against Microsoft are baseless. They have been the pioneers in developing operating systems and applications software for consumer use for years. Their actions in the market have been driven, in addition to the obvious motive of market share, largely by consumer feedback and consumer demand. Each one of their developments incorporated new (sometimes even third-party) software, to enhance the users'' experience, without the added cost of having to actually purchase the third-party software at additional cost to the user. At the time, each one of these separate tools incorporated by Microsoft were individually welcomed and even applauded by the consumers who had demanded such incorporation. The industry was being driven by an unusual combination of competition and cooperation, which has contributed to one of the fastest-growing segments of our economy. Concurrently, AOL was developed in an interesting time of technological flux, able to make an industry out of utilizing existing telephone lines (constructed, coincidentally, by another company which fell prey to an anti-trust suit) to conduct a business in which they collected receipts for the use of these existing lines. They created nothing substantial, and they made no contribution to the software or hardware industry other than on their own behalf.

Now the market is suffering, because AOL chose to utilize the court system to accomplish what they were unwilling or unable to do in the competitive marketplace. And we, the people, are not only going to suffer the consequences, we are being asked to pay for the litigation which will yield the end which AOL is seeking. And finally, to add insult to injury, AOL is claiming to be doing all of this ''on our behalf'' as consumers.

It's time all of this hogwash stopped. Enough time, money, and effort have been misdirected already. AOL will not back away or stop the fight until someone tells them to. That someone has to be the Department of Justice, and the time to do it is now. I urge you to do just that.

Sincerely,

Jeffrey S. Fallon

MTC–00025893

From: Diana Carsey
To: Microsoft ATR
Date: 1/26/02 9:53am
Subject: MICROSOFT SETTLEMENT

This message offers a comment on the settlement between DOJ and Microsoft.

I support the settlement already agreed upon that requires Microsoft to make it easier for users to load other programs and that allows programmers to interface with Windows. That's cool. As a new user of an XP, I appreciate the inter-relationships I have found pre-loaded on my machine; and I am glad that XP seems to have adopted this more-open approach.

I do not support harsher penalties sought that would split out Windows from all of its programs. Computers are an essential part of our lives, they should be increasingly sophisticated, not made to be difficult and awkward for us to use. Keep Windows together the way it was invented; and let the competition among creative minds continue in all the other ways that we use these technologies.

Diana Carsey

MTC–00025894

From: Mal Morley
To: Microsoft ATR
Date: 1/26/02 9:58am
Subject: Microsoft Settlement

Gentlemen:

After perusing the proposed settlement, it appears to me that consumer interests have been well served, and the time to end this costly and damaging litigation has come. Please close this suit without further ado.

Thank you,

M. A. Morley

Pasadena, TX

MTC–00025895

From: WRSousa@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 10:01am
Subject: Microsoft Settlement

I have been using a PC since 1982. I am retired now and living in a large retirement community. I am pleased to see so many senior citizens age 70 and over getting new computers and learning how to make use of them. Our computer club now has over 2000 members! This growth can only be attributed to the simplicity of use that Microsoft has built into its Windows operating system.

I vividly recall the state of affairs in the early days of the PC. The odds were that if you bought a software package it would be so complicated to use (assuming it was possible to install it correctly) and so poorly integrated with other software, that much time, effort and money was wasted. I doubt that the computer industry would be as strong as it is today, and still growing, if Microsoft had not been able to innovate to build in features that make the software simple to use. If they did go a bit too far, the PC User has been the benificiary.

I don't have any sympathy for those who complain that they cannot compete with Microsoft. Build a better product and it will sell! By continuing to pick on Microsoft, the government is, in effect, subsidizing incompetence because only rivals who have nothing to offer will benefit..... Not the PC User or the American people!

If Microsoft overstepped some bounds, government settlements have already been achieved. Enough is enough! Get off Microsoft's back and let them get back to innovating and growing the industry. The American people deserve it.

MTC–00025896

From: Stuart Powell
To: Microsoft ATR
Date: 1/26/02 10:04am
Subject: Microsoft Settlement

Dear Sir/Madam,

Having been found guilty of abusing its monopoly position in the IT market place, it seems odd to me that the proposed settlement amounts to nothing more than a light slap on the wrist for Microsoft, and then offers measures that will potentially further their stronghold in this market. This case should not end with a settlement. Microsoft has been found guilty of a crime and should be punished. By acting to find a settlement in this case that involves input from Microsoft themselves, the message is put across that corporations of this size and power base are above the law. Having been found guilty, they should be punished; it is that simple.

As a global player, Microsoft has abused its position the world over. As such, would it not be prudent to seek advice from the governments of other countries as to a suitable punishment, instead of the perpetrator ?

Microsoft must pay the price for its past misdeeds. Does the US government really want to seem to be less powerful than Microsoft in the eyes of the world ?

Yours faithfully,

Stuart Powell.

MTC–00025897

From: sjjk@bektel.com@inetgw
To: Microsoft ATR
Date: 1/26/02 10:02am
Subject: Microsoft Settlement

Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the

future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
John Klempel
PO box 392
Hazelton, ND 58544–0392

MTC–00025898

From: Cody Fyler
To: Microsoft ATR
Date: 1/26/02 10:06am
Subject: Microsoft Settlement

Your settlement of this case is too lenient on Microsoft. They stifle innovation, charge too much for their products, and produce software that is full of bugs and security holes, and we have no choice but to buy it, as they have eliminated all competition with predatory business practices. Even when they buy a good software product and add it to their line, they manage to screw it up. Please reconsider, and throw the book at them.

Cody Fyler
Web Developer
Wells Fargo Financial

MTC–00025899

From: GeorgeHNJ@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 10:06am
Subject: Microsoft Settlement

Dear Sir,

The enclosed file is my letter expressing my approval of the settlement agreed to by Microsoft and the department of justice in November of 2001. I think it is a sound and fair agreement. It is high time that the books are closed on this matter so that competition and innovation can resume. Dragging this litigation will cause additional coast and delay competition.

Sincerely,
George Hilal
CC:
Fin@mobilizationoffice.com@inetgw
160 Pearlcroft Road
Cherry Hill, N J, 08034
Email: GeorgeHNJ@AOL.COM
Jan. 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing to you to indicate my support for settling the antitrust suit against Microsoft. I believe that the agreement reached in November is fair for everyone involved, and that it provides a reasonable solution to the government's wishes to expand competition in the technology market.

Offering consumers new options to remove Windows programs from their computers in favor of those by competitors is only one of the ways that Microsoft would change the way it conducts business with the public and other corporations. The change affects the entire spectrum, from rival companies in the technology sector, down to the individual consumer. The government cannot ask for more sweeping changes than that.

I urge you to settle the antitrust case because its merits were never fully proven, and enough time and money has been spent trying to do so.

Sincerely,
George Hilal

MTC–00025900

From: Hugh Solaas
To: Microsoft ATR
Date: 1/26/02 10:06am
Subject: Microsoft Settlement

Dear DOJ,

I would like to go on record to support a rapid execution of the existing Microsoft settlement. I believe it is fair and would like to see Microsoft getting back to putting all their energy into creating products and jobs, not lining the pockets of lawyers.

Thank you for your consideration,
Hugh O. Solaas
7302 NE Twin Spits Rd.
Hansville, WA 98340

MTC–00025901

From: Hemant C. Patel
To: Microsoft ATR
Date: 1/26/02 10:06am
Subject: Microsoft Settlement

Regarding such ongoing attacks on Microsoft / Bill Gates,

I am seriously concerned, as a very active user / supporter, of Microsoft products and a strong believer in how well established the company has been all these years investing huge sums of monies accompanied with vast resources of human efforts to achieve such high standards in new directions of technology in all the superb products / services they provide, I believe the United States Government should put an end to people who try to unfairly accuse / sue the company for its business success / policies. Instead of encouraging such actions they should put an end to this process that is a total waste of money and time, and concentrate in supporting future research / development of new directions in the Information Technology / related fields. The same resources that are being wasted in these negative fruitless efforts if employed positively would benefit the United States of America as a leading force in this vast field of Information Technology and benefit the worlds people. Why is it that the Government even allows these false groundless accusations to reach such stages and attack individuals like Mr. Bill Gates who has achieved monumental goals successfully to provide such beautiful innovative technology for use by all? I just hope that there is some serious effort to put an end to such waste of resources as this is the very time we should hope for a United and strong effort to support the best we have for the future as it will only get better with such support.

Hemant Patel

MTC–00025902

From: Marie Taney
To: Microsoft ATR
Date: 1/26/02 10:08am
Subject: comment period

Microsoft has shown disdian for the american judicial system, ignored a ruling in the early 90's has crushed or absorbed many companys to keep its monoply position.

The only real sulition is for Microsoft to be forced to reviel all the API's in thier opperating systems in an effort to level the playing field. Microsoft has caused great harm in the computing area and has overcharged for its opperating systems causing harm in American economics

Marie Taney
Monterey California

MTC–00025903

From: Camille Mahant
To: Microsoft ATR
Date: 1/26/02 10:07am
Subject: MICROSOFT SETTLEMENT

I am an admirer and stockholder of Microsoft Corporation, whose products have let me produce high performance work and are better than those of their competitors, some of whose tools I've tried.

Respectfully, I request that the U.S. Department of Justice accept a settlement with Microsoft, and recommend that the individual states who have chosen not to accept it re-consider.

I also have a personal opinion on the recent AOL lawsuit against Microsoft over Netscape—this is an old story and, you know, AOL has sour grapes in an area where Microsoft has superior service and coverage. I think AOL deserves to be countersued for harassment of Microsoft and should not be allowed to use the legal system to attack its competitor which it is unable to surpass in any real business or technical area.

Thank you.
Camille Mahant
42299 Wild Mustang Rd
Murrieta, CA 92562
909–600–8904

MTC–00025904

From: Ron Munier
To: Microsoft ATR
Date: 1/26/02 10:10am
Subject: Microsoft Settlement

The settlement is fair.

Indecision is hurting the economy and the consumer.

Ron Munier
Houston, TX

MTC–00025905

From: lgracey@msn.com@inetgw
To: Microsoft ATR
Date: 1/26/02 10:14am
Subject: January 26, 2002
January 26, 2002
Attorney General John Ashcroft
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

The purpose of this correspondence is to congratulate you on your decision to settle the Microsoft antitrust case. This conflict has cost you and Microsoft time and resources that can now be used for other priorities. Outside special interests with an extreme anti-Microsoft bias are seeking to undermine this settlement. This is regrettable because the settlement will create a more fair and open technology sector of our economy. Microsoft has agreed to offer more information to competitors so they will be able to create more competitive software. Microsoft will also make it easier for competitors to place software on MS systems

in the future. A technical committee that includes a permanent government monitor will enforce all provisions of the settlement.

If the settlement goes through Microsoft and the Justice Department will be relieved of the burdens of this case. I feel it is necessary for you to resolutely support this settlement to ward off elements that have no interest in seeing this case settled.

Sincerely,
Louie Gracey

MTC–00025906

From: H—J—
Bronson@compuserve.com@inetgw
To: Microsoft ATR
Date: 1/26/02 10:13am
Subject: Microsoft vs. DofJ Settlement
January 26, 2002

To Whom It May Concern;

As a citizen and, most importantly, a veteran, voter and taxpayer I cannot understand why the DoJ is still wasting the taxpayers money and its valuable time. The Microsoft settlement is the face-saving end to a wholly unconstitutional, politically corrupt attack on this successful business. The depths of corruption displayed by the previous Administration in falsely bringing on this suit are, forever, a blight on this nation's integrity.

The present Administration and its DoJ representatives bring nothing but disgrace and contempt on themselves for pursuing this frivolous action even to the extent to which you have brought it today.

Settle the damned suit and get on with real problems such as the WAR!!

A less than impressed citizen, veteran, voter and taxpayer,

Jim Bronson, KC8RBI
Frankenmuth, Michigan

MTC–00025907

From: Allen Threatte
To: Microsoft ATR
Date: 1/26/02 10:14am
Subject: Microsoft settlement

To who it may concern:

As a senior who uses the internet and computer software, I urge the government to accept and comply with the negotiated settlement with Microsoft. The breakup of the software company will lessen the ability to work through the internet and will be more complicated.

It seems that the competitors of Microsoft are only thinking of monotary results and not the expertise and ease of operation of a computer by elderly people and a learning public.

Yours in Christ:
Allen Threatte
323 Tattnall St
Claxton, Ga. 30417
912–739–1850
athreatte@Juno.com

MTC–00025908

From: Robert J Goad
To: Microsoft ATR
Date: 1/26/02 10:14am
Subject: Microsoft Settlement

Sirs:

I believe that the settlement of the Microsoft case had dragged on far to long. It is time to initate the settlement and get on to far more important things. To allow Microsoft competitors to continue to insist on larger penalties is not in the best interest of the general public, as far as I am concerned. I am not a Microsoft fan, but enough is enough.

Sincerely,
Robert J. Goad
8441 Flagstone Drive
Tampa, Florida 33615–4915
email address: w7kpx@juno.com

MTC–00025909

From: phoebe—f
To: Microsoft ATR
Date: 1/26/02 10:15am
Subject: Microsoft settlement

I will be brief... At this time our country needs this strong company to be free from these sorts of litigation... they need to continue on creating and providing products that are easily accessed... as a senior citizen nothing has made my life more productive then the constant support from the folks at Microsoft. I understand that they are a stiff competitor lets just let them resolve this grievances .

To all the very difficult work you all are doing our hats are off. sincerely,

PHoebe Fensterman,
Richmond, Va.

MTC–00025910

From: HalRoberts@tx.slr.com@inetgw
To: Microsoft ATR
Date: 1/26/02 10:18am
Subject: Microsoft Settlement

I believe that the whole lawsuit was financially, politically motivated and outright unfair right from the start. It was brought into court by people who just could not compete with their own talent with Microsoft's PC operating systems. We still use Microsoft exclusively in all our PC's end user applications and probably always will.

However, if Microsoft is willing to live with the final decision they should be given the opportunity. They believe it is the best place to start over and so do I.

The only reason the opposistion is not satisfied is they were hoping the courts would hand them the keys to the PC operating market.

Hal Roberts
Cisco Constellation TE
Solectron Texas LTD
708–6285 Pager
425–4039 Phone

MTC–00025911

From: Terrence Kearns
To: Microsoft ATR
Date: 1/26/02 10:17am
Subject: MS Antitrust Settlement

The proposed MS settlement not only fails to punish MS for its clear monopolistic and anti-competitve practices, it does nothing to promote a fair market place, and actually solidifies Microsoft's monopoly. The idea of MS ''giving'' equipment and software to needy schools is like the dope peddler ''giving'' free samples to the uninitiated. Once MS gets the new schools hooked on their operating system, the schools will soon need the next upgrade, and that one will not be free. Of course the schools will get government grant money to give to Microsoft for the next ''needed'' upgrade, and the one after that. MS has cleverly furthered its monopoly while giving a public appearance of being generous and charitable. It seems as though the DOJ is taking the position that, ''in this time of economic crisis, we dare not do anything to harm Microsoft because Microsoft is the only game in town.'' Well, that's the whole point, isn't it.

The proposed settlement, by continuing to stiffle alternative operating systems, results in vulneratility to info-terrorism. Terrorists interested in bringing down the economy by introducing computer virus have a perfect opportunity when there is essentially only one operating system to deal with, and that one full of security holes.

MTC–00025912

From: Pres53@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 10:19am
Subject: Microsoft Settlement

The antitrust settlement between Microsoft, the Department of Justice and the nine states presents a very excellent conclusion to what has been a prolonged matter. Microsoft is being harshly punished but has, nonetheless, accepted these punishments. The litigates should declare victory in this suit and continue on in their jobs by prosecuting terrorists, drug dealers, money launders, and other direct threats to the security of the populace. The settlement is, in fact, an excellent opportunity for the industry and the consumer. The industry can now return to competition in the marketplace where the consumer will be offered all products and have the decision to decide the fate of Microsoft. With this real and evident competition, Microsoft and the industry will be in a position to innovate and improve their product offerings. America and its economy stand at a critical point in our progression. At no other time in this generation have the threats from abroad endangered us as much. We, as a country, must progress and not stagnate through continued gerrymandering. The best way to do this is for Microsoft to return back to its mission of creation, innovation, and manufacturing (creating jobs in America during a recession when stimulus is needed). The Microsoft settlement ought be ratified and this litigation must stop, for the good of the children and the future.

Sincerely,
James P. Hohmann
St. Paul, MN

MTC–00025913

From: Chris Hruska (Grad)
To: Microsoft ATR
Date: 1/26/02 10:20am
Subject: Microsoft Settlement

I believe that the proposed settlement is a bad idea.

-Chris Hruska

MTC–00025914

From: L. Frank Turovich
To: Microsoft ATR
Date: 1/26/02 10:21am
Subject: Microsoft Settlement

Microsoft (MS) should not be allowed to walk away from the damage they have done to both competitors, like Netscape and Sun,

and subsequently, consumers of desktop computer products. Allowing Microsoft to continue as they have will lead to them having even more of a monopoly over our life, in more areas, then ever before.

To bring an analogy into the picture, it's not totally accurate, but hints at what I am trying to say. When the Ford Motor Company first starting producing Model-Ts, it was said you could buy them in any color, as long as it was black. To bring this into our day and time, you can buy any x86-based computer from any major PC company, as long as it runs MS Windows.

Now, due to the demands from the customer, and competition from other car manufacturers, Ford eventually was forced to offer cars in other colors simply to remain competitive. This in turn led the other car manufacturers to compete in other ways, to differentiate their product, and remain competitive. This competition has improved the cars themselves, drove innovation, and created several dominant car manufacturers, each one competing on a level playing field. Along the way it built up a huge billion dollar industry that continues to drive our economy.

Microsoft is in the same superior position that Ford once held, but unlike Ford, MS has such a stranglehold over their product line, their buyers, their software producers, their customers, that competition is not encouraged but stifled. Ford was unable to block other manufacturers from creating new products simply because he didn't own the paint companies other companies bought from, didn't own the steel mills that sold steel to competitors, nor owned the roads upon which competitor's cars could drive. MS does own these things, and they use them to monopolize the marketplace, control access to the market, stifle innovation, and as a base to expand their control into more areas of our life.

I for one, do not wish to live in a world where the only choice I have in auto color is black, nor one where my only OS and related software is produced by Microsoft. Not only would it be incredibly boring, but it takes away my fundamental right to choose. If their is only one option to buy, there is no choice. Having a MS-only world is a sure sign of the stagnation of ideas and competition and the decay of our technological infrastructure, and while it may look good in the short term for our economy, the long term will surely suffer enormously from this restriction.

Please make the correct decision to by reject the current settlement as written, go back to the bargaining table, and reach a solid, strong agreement that encourages competition in our marketplace, encourage innovation, and discourage any monopoly from using their vast power to extend their reach into other areas,.

Thank you,

L. Frank Turovich

MTC–00025915

From: noel—harris@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/26/02 10:19am
Subject: Microsoft Settlement

Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,

Noel Harris
Rt.3, Box55
Cuthbert, GA 31740

MTC–00025916

From: mike foland
To: Microsoft ATR
Date: 1/26/02 10:24am
Subject: Microsoft Settlement

Department of Justice:

It's time to move on! As a ''Top 5% of Americans'' taxpayers to the U.S. Treasury, I feel the government has reached a FAIR settlement with Microsoft. Let's move on! The DOJ has other things to worry about(Sept. 11th terrorists) to pursue this matter which only benefits Microsoft's competitors. The measures presented in the settlement are fair and both sides can live with that agreement. It's time for the Federal government to move on the other pressing problems. Let's spend those tax dollars fighting foreign enemies.

An American Taxpayer

MTC–00025917

From: Paul Grabowski
To: Microsoft ATR
Date: 1/26/02 10:25am

To Whom it may concern,

I have been a small businessman for over 20 years, and in the beginning we had a staff of 8 or so people, doing about $250,000 of sales a year. Now am selling over a million dollars of goods a year with a staff of 3 people.

At that time, I saw the need for computerization in order to run my business more efficiently and accurately with less overhead. At that time there weren't any personal computers, and I was forced to spend over ten thousand dollars in equipment and programming (this was in the early 80's) to have someone design a simple program that merely did job cost estimating. This was an outrageous amount of money to spend to acquire such a simple task. To learn about DOS was beyond my comprehension and desire.

I have learned that the simple solution to success in business is to ''find a void and fill it''. By this I mean to find out what people's needs are and to service those needs with simplicity and as little discomfort to the consumer as possible.

I know that Bill Gates did this very thing buy of course on a much larger scale.

Competition is a wonderful and needed thing in America, as the consumer is the one benefiting the most from businesses forcing themselves to be more professional and offering services and products that are better and less expensive than they would be otherwise.

However, just because someone is smart and has foresight and energy to extremely simplify and market a product does not create a monopoly.

UNDERSTAND THIS STATEMENT:

I DO NOT FEEL FORCED TO BUY OR USE MICROSOFT PRODUCTS.... I CHOOSE TO BECAUSE THERE ISN'T ANOTHER PRODUCT THAT DOES THE SAME OR MORE AT AN EQUAL OR LESS PRICE.

Tell the losers that do not have the smarts or know-how to accomplish this task to quit crying in their beer and blaming Microsoft for their own failures. I am a Veteran of the Armed Forces and sacrificed much for this country of ours so that folks can be successful here and hopefully to create a better place for us and everyone else in the world.

So back off Attorney General..... you should salute Bill Gates and his Microsoft staff, not castrate them

Paul M. Grabowski

President of Tallahassee Kitchen Center Inc.

MTC–00025918

From: willie northway
To: Microsoft ATR
Date: 1/26/02 10:28am
Subject: atrocious

Please don't allow the biggest threat to competition in any market to walk away unpunished. Microsoft was found guilty of monopolistic practices, even while their lawyer is in court, the company is busy pulling off further scams to extend their stranglehold over the computing market and our future.

Punish Microsoft, not consumers.

- Willie

MTC–00025919

From: mike
To: Microsoft ATR
Date: 1/26/02 10:28am
Subject: Microsoft Settlement

To Whom it may concern,

The Microsoft settlement is NOT a just punishment, it allows them more market penetration. Please see that Microsoft is punished such that they do not continue as a monopoly. thanks,

Mike Landrus
Austin Tx

MTC–00025920 FROM: Carol A Ghenic TO: MS ATR DATE: 1/26/02 10:27am SUBJECT: Microsoft Settlement

George Ghenic
1760 Culver Avenue
Dearborn, MI 48124
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW

Washington, DC 20530
Dear Mr. Ashcroft:

I am contacting you because I would like to request that you strongly support the settlement reached in the Microsoft antitrust case. We must conclude this case.

Microsoft has been held in court by the government for too long. This settlement will allow Microsoft to return to business and get out of the federal courts. Microsoft has compromised much in this settlement, including agreeing to disclose the proprietary code to competitors. Nevertheless, some opponents of Microsoft may try to undermine the settlement. They would like to see Microsoft damaged in court, and that is wrong.

I thank you for taking the time to consider my views on this issue.

Sincerely,
George Ghenic

MTC–00025921

From: Ed Greenfield
To: Microsoft ATR
Date: 1/26/02 10:28am
Subject: Microsoft Settlement

I would like to let the Department of Justice know that Margaret and Ed Greenfield are in agreement with the Settlement with Microsoft and would like to see this Long and Costly Mess be settled soon as possible.

Sincerely,
Ed Greenfield
618 Emilie St.
Green Bay, WI 54301

MTC–00025922

From: Christian Provenzo
To: Microsoft ATR
Date: 1/26/02 10:25am
Subject: Microsoft Settlement

Dear Parties,

I do not believe that it is right for the United States Government to punish successful entrepreneurs such as Bill Gate and his Microsoft Company simply because they beat the competition in a fair market. Microsoft is simply more successful because it makes better products, and integrates them effortlessly for the user. If Netscape wanted to compete with Microsoft, they should have created their own operating system. Nothing prevented them from doing so. To punish Microsoft simply because they created a successful operating system is wrong, and to impose a sanction that limits the programs that Microsoft can develop as a conglomerate is unconstitutional. If Microsoft wants to give Internet Explorer away with its operating system, it has every right to do so. If another Software company wants to do the same, then may the best products prevail. The bottom line is it is not the U.S. Government's place to determine what is in the best interest of the consumer, that right belongs to the consumer. Microsoft has not forced anyone to use their products; people buy them because they like them. Consumers are the ultimate deciding factor which determines the success or failure of a business. Microsoft's success is a direct result of consumer support. Any action taken against Microsoft is an assault on the freedoms and rights of individuals to be successful and pursue their right to life, liberty, and the pursuit of happiness. Such an action can only be seen as insult to what America has always stood for, freedom.

Sincerely,
Christian A. Provenzo
CC:nprovenzo@moraldefense.com@inetgw

MTC–00025923

From: Jack (038) Dixie Leslie
To: Microsoft ATR
Date: 1/26/02 10:40am
Subject: Microsoft Settlement

TO WHOM IT MAY CONCERN,
ALL OF US GET TO WORK.....IT'S TIME TO STOP THIS PERSECUTION OF BILL GATES AND MICROSOFT.....
JACK AND DIXIE LESLIE

MTC–00025924

From: Rickey Dockins
To: Microsoft ATR
Date: 1/26/02 10:30am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Rickey A. Dockins
San Angelo, Texas

MTC–00025925

From: Howard W Granoff
To: Microsoft ATR
Date: 1/26/02 10:31am
Subject: Microsoft Settlement

To Whom it may concern:

In my opinion this Microsoft thing should be settled as quickly as possible. I say damn the selfish interests who stand in the way of progress and what is good for our wonderful country. Get on with doing whatever is necessary to complete the job and the hell with those selfich rats that stand in the way.

Sincerely,
Howard w. Granoff
Senior Citizen

MTC–00025926

From: Margaret Anderson
To: Microsoft Settlement
Date: 1/26/02 10:29am
Subject: Microsoft Settlement
Margaret Anderson
12861 Telfair Ave
Sylmar, CA 91342
January 26, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers’ dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Margaret Anderson

MTC–00025927

From: whynotwillie@wekz.net@inetgw
To: Microsoft ATR
Date: 1/26/02 10:33am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,

William Cook
1303—14th St
Monroe, WI 53566

MTC–00025928

From: Tedd Potts
To: Microsoft ATR
Date: 1/26/02 10:22am
Subject: Microsoft Settlement

US Department of Justice:

What specifically did Microsoft do that was illegal? When one looks closely it becomes obvious that Microsoft's ''crimes'' were: choosing whom to do business with, setting the terms of those business relationships, pricing some products ''too low'', and pricing other products ''too high''.

It is important to remember that we are all producers: at a minimum, we produce manual labor and the thought required to make it valuable. Microsoft did not defraud anyone, so if one argues that government should restrict Microsoft's choices, then it would follow that they would wish government to restrict any producer's choices, once the government decides that that producer is too successful.

Note that Microsoft is a target only because they are successful. If they were the size of Apple Computer they would be left free to make their own choices. So, under present American anti-trust regulations, a producer is left relatively free until the government decides he is too successful, at which time the government begins to limit his success and reward his lesser competitors.

This not the proper use of government power in a free society, otherwise all producers, all individuals, would be at the mercy of arbitrary government decisions regarding the ''proper'' level of success.

That environment would more akin to Communist China's than ''the land of the free and the home of the brave''.

CC:activism@moraldefense.com@inetgw,Don Potts,Dwight ...

MTC–00025929

From: Patricia Schlinkmann
To: Microsoft ATR
Date: 1/26/02 10:31am
Subject: MICROSOFT SETTLEMENT

AS AN ADVOCATE OF FREE ENTERPRISE AND PROUD OF OUR AMERICAN SYSTEM, I URGE THE DOJ TO ALLOW MICROSOFT TO RUN THEIR BUSINESS FREE OF GOVERNMENT INTERFERENCE.

FREE ENTERPRISE IS THE BASIS OF OUR AMERICAN WAY. DON'T GET INTO THE OVER-REGULATING. ALLOW MICROSOFT THE FREEDOM TO BE THE BEST. GIVE THE COMPETITORS THE RIGHT TO CONTINUE COMPETING BUT DON'T DO IT AT THE EXPENSE OF THIS GREAT COMPANY.

PATRICIA H. SCHLINKMAN,
3401 HIGHWAY 90 EAST,
SCHULENBURG, TX. 78956

MTC–00025930

From: Al O'Brien
To: Microsoft ATR
Date: 1/26/02 10:40am
Subject: microsoft settlement
37 Buckingham Drive
Dix Hills, NY 11746
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I would like to express support for the anti-trust settlement that was reached between Microsoft and the Department of Justice in November of last year. I would like nothing more than to see this matter put to rest, and settling is the right thing to do for all parties involved.

Microsoft's business operations will be watched over by a technical committee that will ensure Microsoft's full compliance with all of the agreed upon terms. If any independent company has a complaint against Microsoft that company may immediately have its case heard by this committee.

Microsoft will share information with its competitors on Windows, and it will design the operating system so that non-Microsoft software can be built into the operating system. I believe this is sufficient to end this case at this time.

When this settlement becomes final, the strong competition in the industry will benefit consumers by providing more to choose from in the marketplace. The industry will receive a real boost, and this will in turn stimulate America's dwindling economy. I am looking forward to the positive effects this settlement will have on our country.

Sincerely,
Al O'Brien

MTC–00025931

From: kenneth nolde
To: Microsoft ATR
Date: 1/26/02 10:44am
Subject: MICROSOFT Settlement

To Whom it may Concern: I am against continued harrassment of the Microsoft corporation. I believe that the suits brought by the U.S. government is frivilous and not in the best interests of the United States, U.S. consumers, and competition in general. I believe that the USG and the various states should cease-and-desist action against Microsoft, it now is overt extortion.

Dr. Kenneth Nolde

MTC–00025932

From: MIKE SEIKEL
To: Microsoft ATR
Date: 1/26/02 10:44am
Subject: Microsoft Settlement

To Whom It May Concern:

I am in favor of the agreed upon settlement with Microsoft. Let's end this and move on.

Mike Seikel
2604 Echo Trail
Edmond, OK 73013–6732
e-mail: exfed@att.net

MTC–00025933

From: Donald F Fix
To: Microsoft ATR
Date: 1/26/02 10:46am
Subject: Microsoft Settlement

Sirs: Being a Senior the Internet is an important daily occupation. The recent legal settlement with Microsoft and it's competitors seems to be adequate. I feel it is a waste of TAXPAYER money to penalize the AMERICAN way of competition in business,and should end with this settlement. I think there are many other problems affecting we AMERICANS that need to be tended to. Please, help us older AMERICANS, allow us to have our affordable INTERNET!!

Donald Fix
nodx@juno.com

MTC–00025936

From: LRDEX@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 10:53am
Subject: Fwd: Fw: MSFT Settelment.

In a message dated 1/25/02 9:43:56 PM Pacific Standard Time, sunshinecandle@hotmail.com writes: microsoft.atr@usdoj.gov

——- Original Message ——-
From: ScubaNark@aol.com
Sent: Friday, January 25, 2002 2:38 PM
To: barkeri@3-cities.com; tcox@ctc.ctc.edu; Popcox13@aol.com; ronandcec@msn.com; hagajim@yahoo.com; Rmespinola@aol.com; Neil—Middleton@lambweston.com; RPerez7581@aol.com; sunshinecandle@hotmail.com; samandrosie@home.com; Sandychip@aol.com; springen@concentric.net
Subject: MSFF Settelment.

Following is a letter I am sending to the attorney general in support of MSFT case settlement. If you agree in settlement and would like to forward, following is the Email address etc.

The Attorney General's fax and email are noted below.

Fax: 1–202–307–1454 or 1–202–616–9937
Email: microsoft.atr@usdoj.gov

In the Subject line of the e-mail, type Microsoft Settlement.

For more information, please visit these websites: www.microsoft.com/freedomtoinnovate/ www.usdoj.gov/atr/cases/ms-settle.htm

January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my support of the United States Department of Justice's recent efforts to settle the Microsoft antitrust lawsuit.

This case really should not have been brought against Microsoft. Microsoft's innovations have and continue to contribute immensly to the productivity and economy of the United States.

Microsoft single-handedly through ''Window's Operating System'' made computers accessible to the world. Computers are now in virtually every household and bussness in the country.

Microsoft may have been aggressive in their business dealings, but that is the way of the business world in a free-market society. Aggressive business tactics are not necessarily the same as antitrust violations.

Despite my feeling that this case should not have been filed, at this stage of the game I think the wise course of action is to settle

the case. The settlement agreement the parties negotiated is fairly reasonable.

It will require Microsoft to refrain from retaliating against computer manufacturers that install software other than Windows on their computers. Along those same lines, it will require Microsoft to not retaliate against software developers who develop programs that compete with Windows. These concessions should help the competition operate on a more level playing field.

I appreciate your efforts to settle this case.

Sincerely,

Roger Cox

MTC–00025937

From: ROBIPPO@cs.com@inetgw
To: Microsoft ATR
Date: 1/26/02 10:54am
Subject: Microsoft settlement

The United States is the most free country in the world. We can build a better mouse trap, market it, and make lots of money in the process. In the case of Microsoft it did just that; it made better, easier to use computer software, and sold it at a fair price. If Microsoft is made to share its secrets, the public ends up with software that is harder to use and more expensive. This will only hurt the consumer, business and private. The message you are sending to everyone is ''yes, go ahead. Invent something new and improved. Market it and make lots of money—BUT do not get too big, do not make too much money, or the government will force you to go out of business or share your secrets and pay fines. This sounds like a two-year old saying ''I want your toy and I want it now and you have to give it to me because I said so.'' Jealousy? It seems when something works great, is cheap, and the public benefits, the government steps in and forces the issue to break it up. Who loses? I do, along with the rest of the public.

Marianne Ippoliti
e-mail: robippo@cs.com

MTC–00025938

From: Fred Burk
To: Microsoft ATR
Date: 1/26/02 10:55am
Subject: LEAVE MICROSOFT ALONE.

To whom it may concern:

Over the last few months I have asked several of my friends, ''when do you think this present economic turn-down started ?'' They all respond, my stock investments started their big declines when the last administration started the lawsuites.

Microsoft has done not one thing to hurt the ever day P.C. USER ,ONLY MAKE THE P.C. EASY TO USE. YES, there are few FAT cat companies that found it hard to compete with Microsoft. FREE ENTERPRISE AT WORK. IF I am wrong about this, please show me.

Thank you, Fred

MTC–00025939

From: RHINEHT@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 10:54am
Subject: Microsoft Settlement

I think that the proposed Microsoft settlement should be approved for this reason:

The Microsoft Settlement is a fair plan that will help the U.S. economy, which depends on firms like Microsoft for the innovation necessary to bring about growth in technology.

Sincerely,

Carolyn Rhinehart

MTC–00025940

From: caradtke@juno.com@inetgw
To: Microsoft ATR
Date: 1/26/02 10:54am
Subject: Microsoft Settlement

While you're busy persecuting a well run honest productive company (Microsoft) the ''foxes are raiding the hen houses'' Enron. Enron have too many political ties to attack them?

Carl Radtke

MTC–00025941

From: Jason Nash
To: Microsoft ATR
Date: 1/26/02 10:56am
Subject: Microsoft Settlement

I would like to voice my concerns regarding the Microsoft and USDOJ settlement:

1. I believe the settlement is fair to all parties involved, possibly too harsh on Microsoft. I am OPPOSED to any additional restrictions or sanctions that may be added to the settlement.

2. I am extremely disappointed with the nine hold out states and I hope every Attorney General in those states lose their re-election bids.

3. The USDOJ should stop pressing companies like Microsoft that innovate and help our economy and go after companies who are true monopolies and damage our economy and consumers. Target No. 1 should be

AOL Time Warner.

Regards,
Jason L. Nash
Toni S. Nash
9472 E Valley Ranch Pkwy
Apt 1057
Irving, TX 75063

MTC–00025942

From: MTMoseley@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/26/02 10:56am
Subject: Microsoft Settlement

Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Mary Moseley
P.O. Box 451
7685 Rose Lane
Keystone Heights, FL 32656

MTC–00025943

From: Larry R. Staton
To: Microsoft ATR
Date: 1/26/02 10:58am
Subject: RE: Microsoft Settlement

Sirs:

Just to add my two cents worth as a private citizen. I am concerned that the proposed settlement is insufficient in its depth to address all concerns as to monopoly practices. While I believe that Microsoft produces a number of very fine products, I have concerns that this settlement does not go far enough towards eliminating monopolistic marketing practices within the commercial computer/software/operating systems environment.

Larry Staton
Eastlake, Ohio

MTC–00025944

From: Gail Bradbury
To: Microsoft ATR
Date: 1/26/02 11:00am
Subject: Microsoft Settlement

Hello,

I beleive the proposed settlement, will in the end, do little to dissuade Microsoft from continuing to abuse its current market position. It absoulutely has been shown they will stifle any technology that is of any potential threat to them.

Netscape was effectively killed off as just one example. Please send a clear message and impose strict enforceable standards on Microsoft so REAL innovation is not stepped on in the future.

Thanks for your consideration.

Scott Clark
609 W. 35th St.
Austin, Tx 78705

MTC–00025946

From: Eugene D Gray
To: Microsoft ATR
Date: 1/26/02 11:03am
Subject: microsoft.atr@usdoj.gov .

To The Justice Department;

I am sending my strong opinion to the Justice Department to counter the self-serving and punitive lobbying effort of Microsoft's competitors. Under the current law the U.S. District Court is to decide whether the settlement is in the ''public interest.'' The consumer interests have been well served, and the time to end this costly and damaging litigation has come.

Dragging out this legal battle further will only benefit a few wealthy competitors, lawyers, and special interest big-wigs. Not one new product that helps consumers will be brought to the marketplace.

A loyal American Citizen,
Eugene D. Gray
P. O. Box 154
Fairmount, IN 46928

MTC–00025947

From: RBeem30483@aol.com@inetgw

To: Microsoft ATR
Date: 1/26/02 11:00am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Randy Beem
PO Box 491956
Redding, CA 96049–1956

MTC–00025948

From: Bob Ketcham
To: Microsoft ATR
Date: 1/26/02 11:04am
Subject: Microsoft Settlement

The proposed settlement with Microsoft represents a failing of the DOJ to do its job. The settlement should be much more than the weak, inconsequential, easy to subvert items proposed.

Microsoft has done much, many times to damage companies and innovation though its monopoly tactics. The current case represents prosecution of only a fraction of the many cases that could have been brought. This was a significant instance of those many cases. They have been found guilty. They are a Monopoly. Because of the cost of bringing this case to trial and conclusion and the likelihood that the cost of further cases will be prohibitive, the punishment for this case should be the maximum allowable. Like stopping Al Capone on Income Tax evasion, this case represents a one time chance to stop major criminal activity.

The current settlement will do little to stop Microsoft's inappropriate approach to business. They will be allowed to continue to ruthlessly damage anyone who dares attempt to compete with them. They will be allowed to continue to do much damage to the industry as a whole. The settlement must be rejected and a more appropriate remedy found. Please stop this travesty and find remedies that aren't a joke. Please remember that the anti-trust laws are designed to protect the many simple citizens like me from the damage done by predatory businesses like Microsoft. I will remember how this administration chooses to balance that scale of justice when I next visit the ballot box.

Thanks for this opportunity to comment.

Robert S. Ketcham
2021 Sandy Coast Circle
League City, TX 77573
Bob@Ketcham.com

MTC–00025949

From: WILBERT E LENNICK
To: Microsoft ATR
Date: 1/26/02 11:04am
Subject: STOP LITIGATING AGAINST MICROSOFT!

STOP THE CONTINUOUS LITIGATING AGAINST MICROSOFT WHICH COMPANY IS HELPING THE SENIORS.

LENNICKWE@juno.com

MTC–00025950

From: Chad P
To: Microsoft ATR
Date: 1/26/02 11:06am
Subject: Microsoft Settlement

To whom it may concern:

It has been my experience that politicians and bureaucrats frequently need issues illustrated in a political, economic or legal perspective context rather than appealing to a sense of common good or other such idealisms.

Dealing with Microsoft harshly is your chance to show that regulators are not swayed or pressured by well-financed lobbying and shady spin doctoring. This is your chance to punish an arrogant company that uses Enron-like strategies to keep its position.

Right now, the Enron campaign contributions and political efforts reflect poorly on government.

Microsoft is also a very politically active and influential corporation. In light of the public's perception that Enron bought political favor, it would be a great step to re-instill faith in the institutions charged with overseeing our free market if those in power acted effectively and decisively against Microsoft.

I am in favor of either a breakup of Microsoft and/or the release of some of their key source code to the public at large. The latter remedy will no doubt positively effect the Windows Operating System and result in some true innovations.

Regards,
Chad Prukha
an IT Operations

MTC–00025951

From: Scott Newell
To: Microsoft ATR
Date: 1/26/02 11:07am
Subject: Microsoft Settlement

To Whom It May Concern,

I am writing in response to the proposed MS Monopoly settlement. It does nothing to prevent future bundling of software, as they have already begun with their media player.

Microsoft has already shown contempt for previous judgments, and unless this one has a little more teeth, they will continue to illegally crush their competition and rob their customers (i.e. Most people and businesses.)

Scott Newell

MTC–00025952

From: bbrunwin@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 11:09am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
HERBERT BRUNWIN
266 ENCANTO AVE
PISMO BEACH, CA 93449

MTC–00025953

From: Fred Thorn
To: Microsoft ATR
Date: 1/26/02 11:13am
Subject: Microsoft Settlement

First, it was Hillary redesigning our health care according to Marx;

Then, it was Janet Reno selecting our browser for us (even tho she didn't know beans about the subject)

Now, it's various politicians redesigning our autos to make them more ''politically correct''.

Beans again!

I have used both browsers for five years without any difficulty in selecting one over the other....despite not being a computer ''nerd'' but rather a 75-year old layman, with just enough knowledge to know which hole to punch on a ballot: (R)

Our computer industry has brought us better and faster service at a less and less cost; unlike the states'' track record of more and more taxes.

It is just a money grab not unlike the tobacco wars.....only this time our whole economy is at risk.

Fred & Joyce Thorn
2731 St. Cloud Oaks Dr.
Valrico, FL 33594
(813) 689–8989

MTC–00025954

From: joebash
To: Microsoft ATR
Date: 1/26/02 11:14am
Subject: Dear Sir:

Dear Sir:

Why on earth would the clinton Administration & Justice department find it necessary to destroy one of the most productive employer in the United States. All because of some whiney competitors who can't make it without the help of the most corrupt group of politicians in our long history. Leave Microsoft alone and maybe it will give the country a good boost out of the clinton inspired recession. There are plenty

of real problems for Washington to deal with. Why not get on with the building process.

Joe & Betty Bannan

CC:joebash@msn.com@inetgw

MTC–00025955

From: Dan Barthel
To: Microsoft ATR
Date: 1/26/02 11:14am
Subject: Proposed Microsoft Settlement

Sirs,

I believe that the proposed settlement agreement between Microsoft and the DOJ is woefully inadequate. Having been found guilty of major antitrust violations, concrete sanctions and proactive remedies need to be applied. My suggestions are those of a technologist, not a lawyer. These views have evolved over years of frustration trying to build cross platform applications for Windows and the Macintosh. After years of working with Microsoft, I am certain that they will never willingly comply with the following suggestions. Thus, these sorts of concrete remedies must be imposed by the court.

1. The ruling specifically mentioned Microsoft's predatory behavior regarding Java, Netscape Navigator, and Apple Quicktime, and for that matter the Real Player. An appropriate remedy would be to have Microsoft ship each of those products as supplied by the originator of the package with every copy of the Windows operating system. An example of Microsoft arrogance was the unilateral decision to stop shipping Java with Windows XP. There was no technical reason to do this, but the business reason was to again cause disruption and frustration at the consumer level for easy access to non-Microsoft technologies. The rational for this suggestion is having caused harm, repair the harm.

2. Microsoft must supply all current and past file formats for their layered applications to anyone who requests them. These formats should be documented fully so that independent developers can access the binary data for Microsoft Office and all other applications which use a proprietary file format. Microsoft should be specifically prohibited from removing backward file compatibility to existing file formats as a means of insuring interoperability. Any proposed changes must be made publicly available at least six months prior to release of products incorporating these changes.

3. Microsoft must supply documentation to all wire protocols for access to system functions, including, but not limited to: SQL Server, Message Queue, Transaction Server, Directory Services, and File Sharing. These protocols must be made freely available to anyone. Any proposed changes must be made publicly available at least six months prior to release of products incorporating these changes.

4. Microsoft must be ordered to comply with, and not extend, W3C standards. Browser features not part of the W3C XML, XSL, HTML and DHTML specifications must be removed from current products. This point is extremely important, as abuse of standards in this area was used effectively by Microsoft to win the browser war with Netscape. Microsoft has also demonstrated the ability to inhibit interoperability with the changes made to the open Kerbros standard, and with ''creative'' changes to the SQL-99 standard. This is one of Microsoft's favorite tactics to close doors of interoperability.

5. Microsoft must be ordered to implement comparable and compatible feature sets for cross platform products. In particular, the IE browser for the Macintosh must be improved to the full feature set of Windows-XP.

6. Access to source code must be granted to all, particularly the open source community, not a select few as is the case in the proposed settlement. As written, the current agreement will allow Microsoft to remain a king maker with selected partners.

7. Microsoft should be forced to drop all partnerships and alliances with other companies. All companies must have equal access to Microsoft technologies. Early access of information, if available, must be made available to all interested parties. Non-disclosure information to 3rd parties should be prohibited, and made freely available to all.

8. Volume discounting should be prohibited. One price to all. Period, the end.

9. Bundled pricing should be prohibited. Office should cost the same, with or without a computer or operating license purchase.

10. Competitive upgrade pricing should be prohibited for all Microsoft products, even those that do not enjoy a monopoly position, as simple branding of any Microsoft product implies the monopoly.

11. Beta testing of new products must be made available to anyone who requests participation.

While these suggestions may seem highly technical, they are the kinds of things that can enable competition in the computer community. They are a) concrete, b)open access to all, particularly the open source community, c)encourage and enable the cross-platform interchange of information, d) enable the community at large free access to the data they own, now locked up inside proprietary file formats.

The current settlement relies on Microsoft's willing compliance with the proposed terms. In the past, Microsoft has proven itself adept at stepping through loopholes with great ease. What we need are concrete actions to open access to the technical information required to interoperate successfully with Microsoft products so that innovation and completion can take place. It is easy to judge compliance with the suggestions above. Microsoft should be found in violation if any of the above suggestions are not complied with in a very tight time period, as delay of information is effectively denial of information in this industry.

Microsoft will argue that no other company has to comply with these terms. But no other company has been found guilty of serious antitrust violations. And, as an interesting aside, many companies, Sun, Macromedia, Adobe, Apple, and others, already offer the kinds of access to technical information proposed above. These are not wild haired suggestions, but suggestions that already work.

Hopefully, you lawyers will get some solid technical input before letting Microsoft sneak out the door unfettered to develop in secret, change standards at will, and continue to frustrate interoperability. As to the pricing remedies, it is hard not to see the benefit of one price to all, one relationship with everyone.

Regards,

Dan Barthel

dan.barthel@gsbalum.uchicago.edu

941–389–5610

MTC–00025956

From: Judy Sawyer
To: Microsoft ATR
Date: 1/26/02 11:19am
Subject: microsoft settlement

I believe Microsoft and the D.O.J. has reached a settlement and Time Warner, Napster, and the 9 states left in suits do not have the consumers in mind at all while continuing these frivolous law suits. They have a angry desire to'' tear the heart out of Microsoft'' as one Red Hat supporter wrote. This will all cost the consumer in the latest soft ware that could be developed. and higher prices. Time Warner and AOL just went up on our cable bill last month from $54.00 to $64.00. Please bring us closure on these ridiculous law suits Judge.

Thank you,

Jennifer Brunson

E-mail Jenobby@juno.com

MTC–00025957

From: jbrasovan@houston.rr.com@inetgw
To: Microsoft ATR
Date: 1/26/02 11:15am
Subject: Microsoft Settlement

Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,

Jane Brasovan

38 Quiet Peace Place

The Woodlands,, TX 77381

MTC–00025958

From: Preston Sanders
To: Microsoft ATR
Date: 1/26/02 11:18am
Subject: Microsoft Settlement

I am in favor of it because it will help us seniors.

MTC–00025959

From: John Cowan
To: Microsoft ATR
Date: 1/26/02 11:18am

Subject: Microsoft Settlement
613 Navarra Drive
Scotts Valley
CA 95066
Hon. Colleen Kollar-Kotelly,
U. S. District Court
Washington DC

Judge Kollar-Kotelly,

I am very disappointed with the settlement agreement the Justice Department has negotiated with Microsoft Corporation. It does practically nothing to constrain Microsoft's anti-competitive practices. I am particularly concerned about the provisions that require Microsoft to make public its Application Program Interface (API) and the one that prohibits Microsoft from penalizing customers who resell software from other vendors. This excerpt from an article by James Mathewson in the January 2002 Bay Area Computer User Magazine describes the problem better than I could: ''Actually, the settlement codifies the legality of Microsoft's predatory practices. What it takes away with one hand, it gives back with the other, and then some. For example, it does force Microsoft to share its Application Programming Interfaces (APIs) with the competition. But it also forces those who use the APIs to share their finished code with Microsoft. The result is that Microsoft would see all of its competition's trade secrets and easily replicate them. Or, though the ruling ensures that Microsoft competitors be allowed to get their icons on PC desktops, the clause only applies to companies who have sold more than a million copies of their software in the United States. The very companies who need a competitive advantage in this case can't get it.

''And these two qualifiers are indicative of the whole agreement. The clincher: Microsoft would be barred from terminating a PC vendor's license agreements because the vendor cooperated with one of Microsoft's competitors. But it could still terminate the agreements, because if it did, the vendor would have to take it to court for violating the antitrust provision. How many small clone shops can afford to fight Microsoft in court? If the government ran out of money trying, not even Dell would fight Microsoft for the ability to put a Quicken icon on a Dell desktop.''

I ask that you please require Microsoft to publish its APIs on a public web site so it is available to all, that you require Microsoft to allow all its customers to put whatever icons they wish on the desktop and that you require Microsoft to sell its operating system products to all buyers without penalty, regardless of whatever other business arrangements they make, and without the need to bring suit.

Thank you.
Sincerely,
John F. Cowan
jfcowan@pacbell.net

MTC–00025960

From: charles varano
To: Microsoft ATR
Date: 1/26/02 11:19am
Subject: John Aschroft

Attached is the letter we have drafted for you based on your comments. Please review it and make changes to anything that does not represent what you think. If you received this letter by fax, you can photocopy it onto your business letterhead; if the letter was emailed, just print it out on your letterhead. Then sign and fax it to the Attorney General and carbon copy it to your Member of Congress. We believe that it is essential to let our elected officials know how important this issue is to their constituents. The public comment period for this issue ends on January 28th. Please send in your letter as soon as is convenient.

When you send out the letter, please do one of the following:

* Fax a signed copy of your letter to us at 1–800–641–2255;

* Email us at fin@mobilizationoffice.com to confirm that you took action.

If you have any questions, please give us a call at 1–800–965–4376. Thank you for your help in this matter.

The Attorney General's fax and email are noted below.

Fax: 1–202–307–1454 or 1–202–616–9937
Email: microsoft.atr@usdoj.gov

In the Subject line of the e-mail, type Microsoft Settlement.

Carbon Copy:
Rep. Spencer Bachus
Fax: 202–225–2082

For more information, please visit these websites: www.microsoft.com/freedomtoinnovate/ www.usdoj.gov/atr/cases/ms-settle.htm

The letter follows:
January 13, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I write you as a Microsoft supporter to urge you to help support the recent settlement in its current form. The many concessions that have been made by Microsoft include changes in licensing changes, marketing requirements, and even design restrictions. It is obvious that Microsoft is working toward bettering the entire IT sector. Let us help them do so by helping this settlement move forward. As our economy goes under some strain, it is important for us to support all of our technologies in order to maintain our position in the global market. By delaying an agreement such as the Microsoft settlement, we slow down the advancement of our IT sector and tie up their time in litigation. This is not what we need in the technology industry during a time of recession. Let us make sure that there is no more actions taken against this well thought out settlement. Let the terms speak for themselves and allow us to better help the consumer, the technology industry and our economy as a whole.

Sincerely,
Charles Varano
195 Calumet Drive
Birmingham, Alabama 35242
cc: Representative Spencer Bachus

MTC–00025961

From: Christian Skeem
To: Microsoft ATR
Date: 1/26/02 11:15am
Subject: Microsoft settlement

To Whom It May Concern

As a layman, I find it absurd that such an obvious case of ''dumping'' and anticompetitive behavior has not met with the severest form of punishment. If there is to be any lesson drawn from this expensive and exhaustive process, at this point the government seems content with letting it be ''if you're rich enough and powerful enough, just let us slap your wrists and be on your way''! And please, just because a judge used poor judgment (pun intended), is no reason the U.S., nay the WORLD consumer should be punished and left without choice.

I admit to not knowing the fine points of the laws regarding monopolies and anticompetitive behavior, but it doesn't take an expert or a genius to figure out that if you use your leverage and your money to give an expensive piece of software away ''free'' (i.e. Internet Explorer), you are going to drive your competition (i.e. Netscape) out of business without much of a fight.

The internet is too important an arena to allow someone so blatantly anti-democratic and opportunistic as Bill Gates become (remain?) the dominant force.

ACT NOW! Appeasement of tyrants is rightly a concept consigned to infamy.

WAKE UP! When it's so obvious to a layman that the EMPEROR (the government) HAS NO CLOTHES! you may be able to sleep through this round, but this will come back to roundly bite us all in our collective naked ASSES!

DO SOMETHING!
Christian Skeem
1919 West Bradley Place
Chicago, IL 60613
773–832–4696
christian@susanins.com

MTC–00025962

From: Warren Bryld
To: Microsoft ATR
Date: 1/26/02 11:19am
Subject: Microsoft Settlement

Dear Mr. Ashcroft: I am writing to express my support for the settlement your office reached with Microsoft in November in regard to its ongoing antitrust litigation. I feel that enough government and taxpayer money has already been spent, and Microsoft should be able to get back to business.

I am familiar with the terms of the settlement, and they are a reasonable way to bring the case to a close. Disclosing unique Microsoft programming codes will better equip competitors to develop programs that operate smoothly within the Windows system, and providing users with new options to remove different programs and replace them with competitors'' versions will leave everyone with more freedom of choice.

The settlement was reached in November, so I urge you to end the case with no further delay. The government should comply with the terms it agreed on with Microsoft. Not doing so would fly in the face of being honorable and upfront—two things that the government claims were reasons for bringing a suit against Microsoft in the first place.

Sincerely,
Judy Bryld

MTC–00025963

From: Ardith Brown

To: Microsoft ATR
Date: 1/26/02 11:20am
Subject: ''Microsoft Settlement''

It is time to end this stupid law suit. Lets settle this now. The only people that are interested in not settleing this is the attorneys who are making all the money. Let Microsoft get on with its business.

Ardith Brown
17106 E. LaPasada
Fountain Hills, AZ 85268

MTC–00025964

From: cram@fastq.com@inetgw
To: Microsoft ATR
Date: 1/26/02 11:20am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Joella Cramblit
2 Regent Wood road
Northfield, IL 60093

MTC–00025965

From: r-a-l
To: Microsoft ATR
Date: 1/26/02 11:21am
Subject: Microsoft Settlement

The terms of the antitrust settlement between Microsoft, the Department of Justice and the nine states is fair and equitable to all parties.

It is now time to move forward.

Sincerely,
Robert Laczko
1234 Naranca Avenue
El Cajon, CA 92021

MTC–00025966

From: DenverD
To: microsoft.atr(a)usdoj.gov
Date: 1/26/02 11:24am
Subject: hurting in Denmark

I'm just a little user that is STILL hurt every single day in Denmark because of Microsoft's aggressive and illegal practices since 1987..

for example:

—in 1994 i bought OS/2 Warp version 3 and was one click to the internet a year before MS got there (with the release of Win95)..

—that version 4 (which was cheaper than Win95 or 98) remains stable, usable and just fine for almost everything i need, EXCEPT when i try to go to almost ANY web site inside Denmark with my Netscape Explorer browser.....it just will NOT work with (for example) my bank <http://www.nykredit.dk/bank/> the bank has a full service, on-line facility written entirely for MS Internet Explorer ONLY....I asked about that problem to my friendly bank man and the OFFICIAL company policy is: 99% of our customers use Internet Explorer and we will NOT support any other..

how did it get that way? MS sold ''Front Page'' at give away prices...an HTML authoring software pack deliberately crafted to produce web sites which will not work with Netscape AS SHIPPED..

find a Dane in the DC area and ask them to check out Denmark's web sites with ANY non-Microsoft browser except Opera (which was designed from the ground up to TRY to keep up with MS's constantly changing tricks)..

DenverD
A Texan in Denmark
www.Texan.dk

MTC–00025967

From: Johan Lotter
To: Microsoft ATR
Date: 1/26/02 11:25am
Subject: Microsoft

MTC–00025967–0001

In the spirit of full disclosure, I own Microsoft Stock. The Justice Department action against Microsoft, started by the corrupt Clinton administration, has cost me a great deal of money in my retirement funds. I shall remember the great and wasteful injustice done against this wonderful company forever and I shall vote against any politician who did not actively come out in support of Microsoft on the day your suit was first filed. I use Microsoft products whenever they are available, because they are, in a word, superior. Most of the other stuff simply does not work as well. I have actually purchased some of the Microsoft competitors'' products and ''thrown them away in disgust'' because they did not work as well as they should. I was opposed to the entire law suit against Microsoft. I felt it was brought by a bunch of ''whiners'' who were unable to compete on design, execution and service. I think Microsoft should never have been prosecuted, however, if Microsoft finds the settlement ''acceptable'', that should be the end of the story. I want you to cease and desist in your persecution of Microsoft. I believe my attitude is typical of vast numbers of US voters.

Put an end to this nonsense!

—Johan Lotter
—Iotteract@earthlink.net
—EarthLink: The #1 provider of the Real Internet.

MTC–00025967–0002

MTC–00025968

From: Paula Tyndale
To: Microsoft ATR
Date: 1/26/02 11:26am
Subject: Microsoft Settlement

I think that the proposed settlement in the Microsoft case is a really bad idea.

Paula Tyndale
718 CR 2415
Eureka Springs, AR 72632

MTC–00025969

From: peter dunn
To: Microsoft ATR
Date: 1/26/02 11:27am
Subject: Dear Attorney General Ashcroft,

Dear Attorney General Ashcroft,

The Government's settlement with Microsoft must be approved to bring this case to a close. It is in the best interests of everyone involved. This settlement is opposed by certain interests that I believe are for self-serving reasons. After 3 ½ years it is time to end this.

Peter A. Dunn

MTC–00025970

From: Ben Larsen
To: Microsoft ATR
Date: 1/26/02 11:26am
Subject: antitrust

Please break up the Microsoft monopoly to ensure a productive future in computing.

Thanks.

Ben Larsen
Salt Lake City, Utah

MTC–00025971

From: David D'Souza
To: Microsoft ATR
Date: 1/26/02 11:27am
Subject: Microsoft Settlement

The Microsoft & DOJ Settlement needs to go through. A compromise has been reached by a majority of the stakeholders and I encourage the DoJ to support it. There is no need for the government to preserve the uncertainty on this matter. As we all know, solutions are never appealing to everyone but this one sets a fair balance for both sides.

Thanks
David D'Souza

MTC–00025972

From: Howard D. Watkins
To: Microsoft ATR
Date: 1/26/02 11:31am
Subject: settlement

THEY CAN NEVER REPAIR THE DAMAGE TO GEOS WORKS . I WANT MY GEOS WORKS BACK! I SHOULD NOT HAVE TO BEG FOR A SIMPLE SOLUTION TO MY NEEDS.——H E L P———!!!!!?????

HOWARD D. WATKINS
w8hwd@yahoo.com

MTC–00025973

From: Rmillerpmiller@cs.com@inetgw
To: Microsoft ATR
Date: 1/26/02 11:32am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method

for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Ray Miller
4111 W. Arrowhead Rd.
Duluth, MN 55811

MTC–00025974

From: Bob Blackburn
To: Microsoft ATR
Date: 1/26/02 11:35am
Subject: Microsoft settlement

We find it very hard that you have not been able to do the right thing and allow Microsoft to get on with it's business of making America the top of the world in technology.

You realize that our whole economy started down the tube when the justice department started the witch hunt started by Senators who had tech companies in their states and those companies could not stand the fact that another company was better at their business than they were. We do not believe that Microsoft should be broken up nor should it have any kind of a harsh ruling as that again would severly affect the economy and hurt many of us who have been hurt already from the downturn of the economy. We felt that the agreement that Microsoft and the DOJ came to earlier was a fair one for all concerned.

Pat and Bob Blackburn

MTC–00025975

From: Steven J Spain
To: Microsoft ATR
Date: 1/26/02 11:34am
Subject: Microsoft Settlement

For years, Microsoft developers have pushed harder and harder to create new and better experiences for end users. As an independent software developer and student of Management Information Systems, my current station depends on Microsoft; if not for the advances brought by Microsoft, I would not be pursuing a career path I find so satisfying. Microsoft corporation has done so much to bring computing to the masses and to improve the lives of so many people that I, as a consumer, cannot find any way in which they have harmed me. I do not see where any violations of antitrust law were actually damaging to me. Please accept the proposed settlement in the interest of putting this lawsuit behind us and ending the expense of taxpayer dollars on it. Thank you.

Steven J. Spain
sjspain@juno.com

MTC–00025976

From: Brian Peterson
To: Microsoft ATR
Date: 1/26/02 11:42am
Subject: Comments on US vs MS

It's my opinion that the govt should get this thing over with and goes with the terms of the settlement.

I still do not believe the Govt understands the new playing ground in the world of Technology and is applying OLD and ARCHAIC practices to an area so dramatically different than anything we've ever seen as related to business in the past. This is a typical case of force fitting just because this is the way we did things in the past. A lot what has happened here is due to the fact the Good Old Boys in Washington are so obviously out of touch and are unable to grasp new concepts and realities.

I am especially UPSET with AOL/Time-Warner's ''SOUR GRAPES'' attitude being taken seriously in the first place. They are upset that they AREN'T GETTING THEIR WAY —-THAT IS HAVING IT ALL FOR THEMSELVES. They only have themselves to blame because they didn't listen to their customers and therefore produced products such as AOL and NETSCAPE that are just INFERIOR PERIOD. In my mind the US govt should start action against AOL/Time-Warner for trying to do what they claimed Microsoft was doing. I believe AOL/Time -Warner are truly trying to monopolize the internet and data streaming (music sites in particular) and force people to use their inferior and inadequate products systems like AOL and NETSCAPE. I personally never chose AOL because it was obvious to me what they were doing early on and I selected local ISPs for my internet access as my own statement. This is a good example of a megaforce like AOL/Timer-Warner using their MEGABUCKS to get influence and power in govt to get their way —- and when money gets involved its amazing how our govt reps cave in and do their bidding. I personally do not buy anything connected with AOL/Time-Warner because I believe they are corrupt. I own no Microsoft stock or Aol stock so I HAVE NO VESTED INTEREST IN EITHER. I call it the way it looks.
RECOMMENDATION: INVESTIGATE AND START LEGAL PROCEEDINGS AGAINST AOL/TIME-WARNER ASAP!!!!!!!!

I FOR ONE WILL CONTINUE TO BUY MICROSOFT'S PRODUCT AS A SHOW OF SUPPORT FOR THE WHAT THEY HAVE DONE IN THE PAST AND FOR WHAT THEY ARE TRYING TO DO WITH TECHNOLOGY AND BUSINESS IN THE FUTURE.

MTC–00025977

From: pcarnagey@axs.net@inetgw
To: Microsoft ATR
Date: 1/26/02 11:37am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Pete Carnagey
18283 Highway DD
Everton, MO 65646

MTC–00025978

From: Joe Carroll
To: Microsoft ATR
Date: 1/26/02 11:40am
Subject: Microsoft Settlement

Though I'm not a big fan of Microsoft practices, I am a fairly content business user of microsoft products. I cannot fault Microsoft for trying to make money as I do the same 6 days a week. If a company is forced to make their product serviceable or standardized or even priced by what the court orders, we have diminished the basic American freedom and right to pursue happiness. Though I don't care for some of the Microsoft policies, I don't run the company and don't have to pay their bills. No one put a gun to my head when I bought the products.

I am a mechanic by trade. I own an auto repair facility. Will I soon be forced into a pricing structure and way of doing business that is determined by court order? Will all the incompetent shadetree mechanics of the world unite and try to control my right to pursue happiness?

Though it's not a popular opinion, I fully support The Microsoft position. Bill Gates my be the richest man in the world but that does not obligate him in any way to share with me any more than I would feel obliged to hand over my account records or earnings to a hobo who's jealous of my position. If I don't like the Microsoft products or their policies, I don't have to buy the product. I can and did actually survive for many years without a computer. There are alternatives out there. Windows is not the only OS out there. I've tried them all; UNIX, Linux, Free BSD, Solaris, PC-DOS, and the list goes on. In the end I still chose windows because overall, It is a superior product. There are choices out there but they just don't measure up. Why should Microsoft be punished for ''building a better moustrap''?

Joe Carroll
joe@newperf.com

MTC–00025979

From: CPelleg227@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 11:40am
Subject: A Microsoft Public Opinion

Dear Lawmakers,

Please allow Microsoft to go on with building the nations economy. Microsoft has done the public a GREAT SERVICE by standardizing the method in which we use software. Through the Windows format we are able to add numerous software programs without the added cost and memory space of having multiple foundation systems for the software to run on. This has simplified the process for the software developers as well by enabling them to build onto windows rather than including bulky basis data with every program.

Some reform may be deemed necessary, but let's work it out and get the forward progress of this great nation back on it's feet again...ASAP.

Thank You for your consideration,
J Pellegrini and C Pellegrini

MTC–00025980

From: Leta Hawn
To: Microsoft ATR
Date: 1/26/02 11:42am
Subject: Microsoft Settlement
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I am writing in support of the settlement reached in the Microsoft antitrust case. It is time to put this matter behind us and get back to business. I, personally, did not support the initial lawsuit. I think Microsoft's competitors were using the legal arena to try and cripple their most innovative rival. We complain about the economic slowdown but hamstring the one company that is most responsible for much of our economic vitality over the past decade.

Further, I understand that Microsoft has been more than accommodating with regard to the demands from the Department of Justice. Microsoft has agreed to allow computer makers to ship non Microsoft product to a customer; Microsoft has agreed to a uniform price list; Microsoft has agreed to disclose their internal source codes. This is way more than I believe any other firm would be willing to do.

I urge you to give your approval to this agreement.

Sincerely,
John Hawn
211 Windemere Point Drive
Mount Gilead, NC 27306

MTC–00025981

From: Barbara MacArthur
To: Microsoft ATR
Date: 1/26/02 11:45am
Subject: Microsoft settlement

It is time for this ridiculous attack of Microsoft by our own government to end. Microsoft Corporation has created and helped create a huge industry that has benefitted millions of Americans. I consider it senseless to attack a successful AMERICAN company that has greatly increased the prosperity of Americans and the American economy. As a consumer and an American, I am in full support of competition in the market place without government deciding who shall compete. This action brought by Clinton's Justice Department has wasted public funds in order to take sides in something that should be left to the market place. It's time to end it!

Barbara MacArthur
Vacaville, CA
rimac@quixnet.net

MTC–00025982

From: Marilyn Braiger
To: Microsoft ATR
Date: 1/26/02 11:46am
Subject: Settlement

I have sent my letter to the fax number given in your memo. Good luck!

Marilyn Braiger

MTC–00025983

From: ericroush@mac.com@inetgw
To: Microsoft ATR
Date: 1/26/02 11:45am
Subject: Microsoft Settlement

The proposed settlement is inadequate. Microsoft is not sufficently punished for its misdeeds or sufficiently restrained from future anticompetitive action.

Yours truly,
Eric Roush
peroush1@earthlink.net

MTC–00025984

From: Rhmcclure@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 11:43am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Roy McClure
1069 Broad Ave North
Naples, FL 34102–8104

MTC–00025985

From: Mike May, S.J.
To: Microsoft ATR
Date: 1/26/02 11:43am
Subject: Comments on proposed Microsoft Settlement

Having reviewed the relevant documents, it is my opinion that the proposed settlement in the case of the United States of America v. Microsoft Corporation is not in the public interest. I base my opinion on a number of considerations:

1) The settlement gives the impression that the rich and powerful, even when found guilty, can avoid paying the fair consequences of their guilt, simply because they have the resources to appeal. I note that the federal court found that Microsoft systematically violated the anti-trust laws of the United States and of several individual states. This violation came even though Microsoft had previously entered into a consent decree on anti-trust issues. The appeals court upheld that finding. Given that background, the public interest requires that any final disposition of the case include the legal verdict that Microsoft is guilty, and that Microsoft either acknowledge its guilt, or agree that it will not contest its guilt on these matters in any legal forum.

2) The settlement can only achieve its stated goals if either the government intricately involve itself in technical business decisions, or if Microsoft can be trusted to make routinely make subtle interpretations against its strategic interests to promote competition.

The settlement has a myriad of provisions that are open to wide interpretation in implementation. To mention two specifics, deciding if an API is related to security and deciding if a business decision constitutes retribution are both decisions that routinely need to be made for the settlement to be effective.

It is to be noted that the main reason the government gives for entering into the consent decree is that Microsoft will take all possible appeals to decisions it views as contrary to its interests. Past behavior indicates that this is true. It is unreasonable to expect such deeply ingrained behavior to change with the filing of a decree in which Microsoft still contends it has done nothing wrong.

The length of the current legal proceedings show that government oversight of whether Microsoft's business decisions are anti-competitive will be inefficient at best. Furthermore, as a matter of policy, the government should try to avoid remedies where it needs to involve itself in day to day business decisions. Thus it should avoid relying on behavioral remedies unless it has reason to expect questions of compliance or non-compliance will routinely be settled in a non-contentious manner. Given the history of this case, structural remedies are clearly called for.

3) The settlement does not address the issue of substantial advantages Microsoft acquired through a an extensive pattern of illegal activity.

The Federal Court found, and the Appellate Court upheld, that Microsoft has illegally extended and protected its monopoly through anti-competitive practices. In doing this it has harmed consumers and competitors and has gained profit and an even more dominant competitive position. The public interest requires that at least some of the illegally gained advantage be relinquished.

To give a context for my remarks, I am a private citizen, not employed by Microsoft, any of its competitors, or any government. I do not have stock or other financial interests in any party to the case.

Sincerely,
Mike May, maymk@slu.edu
CC:Mike May S. J.

MTC–00025986

From: Henry W. Tyler
To: Microsoft ATR
Date: 1/26/02 11:47am
Subject: Fw: Microsoft Settlement

Competitors have no right to property owned and created by another Company. The Government has no right to take this property and give it to another Company. I founded and own a software systems company, we have customer and competitors, I don't expect the Government to steal my assets.....I hope the States forget their political agenda and drop any further action.

Henry W. Tyler
13 Bellevue Dr.

Treasure Island, Fl. 33706
htyl@tampabay.rr.com
727–367–7809

MTC–00025987

From: msteinb1@nycap.rr.com@inetgw
To: Microsoft ATR
Date: 1/26/02 11:44am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the campaign against Microsoft. Microsoft's success is based on its marvelous work ethic. Netscape used to be a much better product than Internet Explorer, but after long hard work, Microsoft has improved its product. It is now the best, and fully deserves a place on the desktop. The attack on Microsoft is an attack on hard work and success. It devalues entrepreneurship and depresses the stock market. It is an attack on our economy. Please stop.

Sincerely,
Mark Steinberger
29 Woodstead Rd.
Ballston Lake, NY 12019–1624

MTC–00025988

From: Gignilliat@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 11:52am
Subject: Microsoft

Dear Attorney General Ashcroft:

Though I did not receive the draft letter from Microsoft (probably deleted it not recognizing what it was) I will attempt to put into my own words what I think about the case.

I am a small stock holder, a retired illustrator, 74 years old. I own an equal number of shares of Microsoft and Sun Microsystems, but am glad to see that Sun's shares have suffered even more than Microsoft's, because I believe Scott McNeely set out to organize all the other less successful companies to try to destroy Microsoft because of his own exteme envy of Bill Gates.

I believe Bill gates has benefited the entire world more than any other person in history, including Andrew Carnegie. Of course, he has been competitive. That is the way of a Capitalist country. I doubt if any of the critics would have done less if they could have. As I understand it, the anti-trust laws were created to protect the public from monopolists being able to raise prices to the public. Microsoft has not done this. Nobody in the public has been forced to buy a Microsoft product. They have done so, because of the creative innovation of Microsoft's products.

The Judge who ordered the breakup of Microsoft was obviously prejudiced, so it went to the Appellate court which has handed down a less severe punishment, which Microsoft has agreed to.

Why all the states are suing, I don't understand, unless it's simply greed, and now Europe is trying to cash in on it, too.

At this point we certainly shouldn't be trying to destroy argueably the best company in the country. Will competitors next go after Dell, because Michael Dell built a better mousetrap?

I read that China's economy did better this past year than any other country's, and bought more computers than any other country. We have far more to fear from China's becoming the next greatest superpower in the world, than our most successful companies.

Thank you for your consideration of my opinion,

Respectfully,
Elaine Gignilliat

MTC–00025989

From: Mary (038) Steve
To: Microsoft ATR
Date: 1/26/02 11:52am
Subject: Microsoft settlement

I believe the settlement reached with microsoft is fair and should not be further pursued.

Mary Satterwhite

MTC–00025990

From: J. Jentink
To: Microsoft ATR
Date: 1/26/02 11:54am
Subject: Microsoft Settlement

The proposed settlement is BAD, BAD idea!!!

I have been in the US computer industry since the late sixties and there exists no threat to the long term American economy that approaches where Microsoft is headed. Allowing them to continue their shady practices and underhanded tactics based on monopoly and monetary power must stop. We must come down on them hard and immediately. The proposed settlement is less than a hand slap. We need some real teeth in terms of immediate penalties to aid those harmed, a prohibition of Microsoft expanding their tentacles into new areas and a totally independent mechanism for makes certain their practices are brought back into the norm of honest and fair business practices.

1) The quality and reliability of Microsoft products are at a level that would be unacceptable in any field without monopoly control.

2) Any company that choices to partner with Microsoft has brought about their own death. Some are bought but for most, their intellectual property is usurped by Microsoft.

3) Almost no innovation is happening within the areas of Microsoft control. Companies know that every innovation they introduce will eventually be taken by the evil monopoly. For example, it is almost impossible to get venture capital for software development today. The people with the money know that Microsoft will use its power to take it for their own and then they will have to pay the costs of fighting a legal battle with the big money machine. They know historically that there is not winning, eventually Microsoft will prevail. NOTE: The drying up of venture capital money and the greed of the investment bankers lead to the unsustainable tech market and crash.

4) The only things that Microsoft seems to be afraid of today are truly open standards that they can not ''embrace and extend'' and the Linux ''free and open'' operating system. One should note that Linux is a essentially a product of Europe and often associated with their institutions of higher learning. There is little input from US institutions since our universities take our public money but instead of giving new technologies and software developed using this money back to the public, they sell or license them for additional income.

If these trends continue, the world will eventually need a solution to the high cost and low quality of Microsoft products. By that time, only countries like India and China or the EU will have the ability to produce systems and products independent of Microsoft's control. Such a turn of events will dramatically reduce our now dominant position in computing, networking and information engineering to that of a third rate contributor, with a heavy toll on our economy and quality of life.

Thank you for your attention, orignal email sent with wrong Subject line.

J. Jentink

MTC–00025991

From: Dwwender@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 11:53am
Subject: Microsoft Settlement

I urge you to settle the suit in favor of Microsoft so that we can move forward, not backward. Microsoft's contributions to communication and technology and the world need to be recognized so that this country can go forward.

Diane Wender

MTC–00025992

From: Jeffrey C. Graber
To: Microsoft ATR
Date: 1/26/02 11:55am
Subject: DOJ: It is my opinion that the DOJ should end this anti-trust action

DOJ: It is my opinion that the DOJ should end this anti-trust action against Microsoft and settle this case now in the interest of fairness and the U.S. economy.

Jeff Graber

MTC–00025993

From: Elliot Scott
To: Microsoft ATR
Date: 1/26/02 11:56am
Subject: Microsoft Settlement

In relation with the current matter:

I have a number of questions and comments about the proposed Technical Committee (TC) and the Internal Compliance Officer that is mentioned in the proposed final judgment for the United States v. Microsoft Corporation case. These questions concern the qualifications and responsibilities of the TC as mentioned in Section VI dealing with the compliance and enforcement procedures.

The requirement of not allowing the any member having worked with Microsoft or its competitors no longer than a year ago does not appear to be logical for the first members of the TC. This is because the complaints occurred during 1998 concerning activities of the Defendant in 1996. While I do not expect the requirements to force the TC members to not have any history with Microsoft and/ or its competitors for the last 5 years, I would believe that a revision to the judgment to consider a background check to more

carefully choose candidates that are not involved with Microsoft and/or its competitors for a minimum of two to three years. Such a revision to the final judgment would allow the members of the TC to provide a more unbiased perspective of the Plaintiff during his/her term of stay.

The TC should also be required to take notice of all activities and provide a report of findings and information to be stored in a secure location of the member1s discretion. While this can be assumed as part of the judgment, it was not stated in the proposal. By adding a responsibility to loosely monitor the Compliance Officer and its staff, if any exist, and write a history report of complaints filed by logs of the website the Compliance Officer is to create. This log history report should also include a monthly to yearly review of the compliance officer that is appointed by the Plaintiff who monitors all complaints filed either by the website or through other sources. This would provide a balance of power between the responsibilities of the TC and those of the Compliance Officer. This would provide a greater margin of safety from possible mismanagement of the Compliance Officer.

Under Section V.B concerning extension of the final judgment due to systematic violations, the extension should not be limited to one-time extension of two years with possible relief. If it is proven that the Plaintiff has digressed from the judgment, the Plaintiff should be required to continue for an extension of up to three years with necessary relief, with the possibility of a following two year extension with possible relief afterwards if digression continues. This suggestion reflects the fact the Plaintiff practiced anti-trust activities for a period of several years against a number of competitors. Modifications of the final judgment may be necessary in order to stay up to date with the times.

Sincerely,
Elliot Scott

MTC–00025994

From: Bill R Bartz
To: Microsoft ATR
Date: 1/26/02 11:55am
Subject: microsoft settlement

Hi, I just want to add my few cents on this matter. The MS operating system SHOULD be a ''stand alone'' system. There should not be any other programs that ''come up'' with the operating system. When other applications are imbedded in the OS, it is extremely difficult for others to write good programs that are reallly fully compatible. It only takes a fraction of a second, given todays CPU speeds, to bring in another application. Please make the OS a stand alone system. Thank you. PS I'm retired, and have no ''skin'' in this, other than being a frustrated user.

Wm. R. (Bill) Bartz
977 Arnold Way
San Jose, CA 95128
408 971 8928 fax 408 971 8267
email-BBMFG@Juno.com

MTC–00025995

From: John K. Hillman
To: Microsoft ATR
Date: 1/26/02 11:59am
Subject: Microsoft Settlement.

I want to express my support for the proposed settlement. In my opinion it is best for Senior Citizens and the consumer. It is time to end all the litigation that has been costly and going on far too long.

John K. Hillman
khillman@bellsouth.net

MTC–00025996

From: Zdenek Becka
To: Microsoft ATR
Date: 1/26/02 11:59am
Subject: Microsoft Settlement

Dear Sir or Madam,

I am writing to register my concern over the proposed Microsoft settlement. I am concerned that this settlement does not ensure that Microsoft will in fact document its operating system APIs to Independent Software Vendors in the same manner as it does to its own Application Developers. Microsofts ability to include significant application components as part of the operating system makes me wonder how ISVs will be able to compete. Lets face it. MS makes good applications. I use them everyday. But much of the code is included in the operating system. When ISV applications are compared to MSs they appear to consume significantly more resources and so on. If ISVs are allowed to use those same OS/Application APIs, then we will all benefit.

Thank you for listening to my concerns.

Zdenek Becka
5238 Sherrier Place NW
Washington, DC 20016

MTC–00025997

From: millage5@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/26/02 11:56am
Subject: Microsoft Settlement

Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Angela Millage
4022 W. Mesa Street
Battlefield, MO 65619

MTC–00025998

From: Orderz@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 11:59am
Subject: Microsoft Settlement

It has been long enough, no, too long, in the courts. The terms and conditions are fair for all concerned. SETTLE IT! NOW!

W.C. Gawlikowski
14107 Forestvale Dr.
Chesterfield, MO 63017
1.314.453.9196

MTC–00025999

From: Felicity Marsh
To: Microsoft ATR
Date: 1/26/02 11:59am
Subject: Microsoft Settlement

AOL bought Netscape while the anti trust case was on going,assuming the government would slow Microsoft up with the court case and possibly hand Netscape a victory which would allow AOL to capitalize on that with little effort to itself. There never was any concern for the public in this case.

The public benefits from affordable products.—Microsoft produces those. Netscape itself saw the benefit to the consumer of combining the server with the operating system and tried to do that before Microsoft ever did, even though it had a monopoly on servers at the time. That in itself demonstrates that in the world of technology a monopoly lasts only until a better product comes along, had Netscape been able to do a better operating system there would be no Microsoft to speak of.It was there product which did not win in the market.

The public benefits from a system that is easy to operate.- Microsoft produces that,Netscape tried and failed, and can still try again. AOL is big enough to push that forward if it chooses.

The public benefits from a stable product.- Microsoft was working on and has now produced that.

The latter was what Sun Microsystems and AOL feared most and had to stop , one way or another, as that was the biggest threat to their businesses.

The public has watched the economy sabotaged by hiked up values on the stock exchange as other companies thought they would make a fortune in Microsoft's demise, that never happened because a many faceted system is doomed to failure. Speaking with a single tongue is the only way forward for technology.

Instead of straightening out its business problems, AOL has decided to spend its time and effort filing lawsuits against tough competitors—a petty, distracting pursuit that won't help AOL or, for that matter, the U.S. economy, which depends on firms like Microsoft for the innovation necessary to bring about a technology revival.

It will hurt AOL most in the end as Microsoft has the will and ability to close its eyes to the distractions leave them to the lawyers and keep working on its products.

My biggest concern in all of this is that while Microsoft is using its own money to fight this case and others, AOL and Sun are using tax payers money to fight their battles. The tax payers are not in unison about their tax dollars being spent that way -that money is needed elsewhere, particularly now.

Tax payer with a different fiscal agenda,
Felicity Marsh.

MTC–00026000

From: Joan Nims Cook
To: Microsoft ATR
Date: 1/26/02 12:03pm
Subject: microsoft settlement

I think it is time to close the Microsoft Anti trust suits and get back to the economy and what is best for the consumers. I do not see how further legal action against Microsoft will benefit any one except her competitors. How is that the responsibility of the Dept of Justice or the US Government

Joan Cook.

MTC–00026001

From: Les
To: Microsoft ATR
Date: 1/26/02 12:02pm
Subject: Microsoft Settlement

I am writing to respectfully request that the government accept the settlement, that has already been arrived at with Microsoft. It is high time that the competitors of Microsoft and the government recognize that the American system is built on capitalism. In the capitalistic system, only the most agressive and creative come out on top. AOL/Time Warner did not get to where they are by being fair to all of their competitors. They are no less guilty of being agressive to the point of beating their competitors than Microsoft. The bottom line is that Microsoft's browser is superior in every way to Netscape and therefore is used by more people. If AOL/Netscape feel that Microsoft has used its unfair advantage by integrating more closely to its operating system, let them write an operating system. That's the American way.

Thank you for your consideration of this matter.

Lester L. Smith

MTC–00026002

From: Don
To: Microsoft ATR
Date: 1/26/02 12:03pm
Subject: Microsoft Settlement
To: Department of Justice
From: Don Phillips, Consumer, Engineer, Voter

I believe the US Government should settle its antitrust suit against Microsoft immediately. The current proposed settlement should be approved and implemented as soon as possible. This lawsuit never, in any way, represented the interests of consumers. Microsoft has had a long track record of developing and selling software products that consumer like and use. The company's growth and profits are evidence of this. On the other hand, no credible evidence was ever presented during the trial (or after) to show that Microsoft ever did anything that was against consumer interests. Clearly this lawsuit never had any basis in fact and never should have been undertaken. In fact, the lawsuit, itself, has caused major harm to consumers and to the entire US economy.

Also, the government's reputation as being objective and fair has been seriously eroded. In short, the whole process has been a disgrace to justice and an insult to American consumers.

I have worked in the semiconductor industry for 30 years and have had many dealings with Microsoft as well as many of Microsoft's competitors. Also, I have personally used many products from Microsoft and from its competitors. Based on my long experience with technical products it is very clear to me why Microsoft's competitors have not prevailed in the marketplace.

This lawsuit has clearly been shown to be nothing more than a thinly veiled attempt by weak competitors to do serious harm to a more successful company. This is very disgraceful behavior! For the government to continue to perpetuate this case would be a major miscarriage of justice.

Respectfully,
Don Phillips,
Palo Alto, CA

MTC–00026003

From: Bryan Tighe
To: Microsoft ATR
Date: 1/26/02 12:05pm
Subject: Microsoft Settlement

I feel that the proposed settlement does not provide enough regulations, rules, and other needed stipulations against Microsoft in order for the consumers of America to fully benefit.

Because Microsoft has a monopoly on operating systems, and maintains that monopoly through distribution of their own software with their operating systems, no other operating system can successfully enter into the consumer market. The consumers do not have a choice, and this is not in the best interest for American consumers. Instead, they are required to use one and only one operating system, and another of potential better quality is disregarded before even given its chance. Furthermore, Microsoft has a monopoly on many of its software products. It obtained these monopolies mainly through selling the software along with the operating system. If a consumer buys the operating system, they must buy the software with it. In addition to this, the software cannnot run on any other operating system. Likewise, Microsoft will not release all of the technical specifications nessasary to allow other software companies to create products of similar quality. If these other software companies do create software which competes with Microsoft's software, Microsoft has shown a history of giving their products away with their operating system. Then, consumers will not purchase the rival company's software, because Microsoft has used its operating system monopoly to choose the software for them. Of course, that ''free'' software is not truely free: somehow the cost must be justified, and the prices of other Microsoft products and operating systems will rise to cover the costs.

Let's imagine that company A makes screwdrivers. That same company A makes screws. By a turn of events, the company becomes the dominant provider of screwdrivers, although many other companies still make screws. Also, the screwdrivers which company A sells are often questioned for their poor quality at performing their job and inability to resist breaking under pressure. Now, in this situaiton, if another rival company, company B, made a better screwdriver and sold it at a reasonable price, they would soon easily compete with company A. This is because consumers have a choice, and can choose which screwdriver to purchase. But, before company B comes to the market with the better screwdriver, company A decides that it will manufacture screws which can only be used with company A's screwdrivers. In addition, they give away these new screws with their screwdrivers. Since they have the monopoly on screwdrivers, this effectively hurts the other screw manufacturers'' businesses. Soon, the only company making screwdrivers and screws is company A. Also, since they will not release the specifications for their products, no other company can create the same type of screwdriver which uses company A's screws. Similarly, no consumer would purchase screws from another company because they are already ''given'' screws from company A. Consumers do have the choice to buy screws from another company, but these other companies are already at a disadvantage, because they compete with a product that is free and ''readily available'' to any consumer which purchased a screwdriver from company A.

The remedy for this problem is to somehow force Microsoft to not distribute any software with its operating systems. Then consumers would have the true choice over which software products to buy. Also, the second part of the solution is to force Microsoft to release all of the needed technical specifications so that other companies can create operating systems capable of running Microsoft's software. This would also allow other companies to create software which effortlessly runs on Microsoft's own operating systems.

Breaking the company into two companies (one for the operating systems, and one for the software) would be an effective method of forcing the above requirements. But this might not be needed if the above requirements could be maintained by some type of watchful technical committee.

The most important issue is choice for the consumer. Once every company has access to the needed technological information, then true choice can be given to the consumers of America. If one company creates a superior technology, and keeps it secret in order to make a profit, then more power to them. But once a company uses that advantage to force their products to be purchased over other companies'' products, then the consumer is no longer able to choose, and the proper steps should be taken to rectify the situation.

Bryan Tighe
Software Developer
Arlington, VA
Duke University Computer Science, class of 2000

MTC–00026004

From: Turra2@ao1.com@inetgw
To: Microsoft ATR
Date: 1/26/02 12:06pm
Subject: Reply about Microsoft

Dear Sir,

Please see attachment that has my letter. It is called Microsoft litigation.

Sincerely,
Mario Turra
CC: Turra2@aol.com@inetgw

1755 Tommy Lee Cook Rd. Palmetto, Georgia 30268
January 26, 2002
PERSONAL
Attorney General John Ashcroft
Dear Attorney General Ashcroft,
This is to express my opinion on the Microsoft litigation. The matter against Microsoft, in my opinion, should never have taken place. I think the settlement is appropriate and should take place as soon as possible.
Respectfully,
Mario Turra 1/26/02

MTC–00026005

From: Felicity Marsh
To: Microsoft ATR
Date: 1/26/02 12:06pm
Subject: Microsoft
Settle now.—Just do it, for the publics sake. We are fed up, and spent out, and annoyed with you spending our money without consulting us.

MTC–00026006

From: JoLa8191@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 12:07pm
Subject: Microsoft settlement
Notice that I am a long time AOL subscriber, and have been for many years. Right now, I can access lots of Microsoft stuff, like Internet explorer, whenever I want to because it came with Windows 98. All of the computer users that I know agree that we, as a group, would gain nothing, and lose much, if we could only have a stripped-down version of Windows. Please do NOT make a decision that only benefits Microsoft's competitors, and adversely impacts average computer users.
John Lawrence

MTC–00026007

From: Carol Leiby
To: Microsoft ATR
Date: 1/26/02 12:07pm
Subject: Microsoft Settlement
It is important to the computer industry and to the US economy that this trial be brought to a close. The settlement is fair and any more deliberations would be a waste of people's time and money that could be better spent.
Carol Leiby

MTC–00026008

From: Georgadad@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 12:09pm
Subject: Re: SENIORS COALTION URGENT ACTION ALERT- Microsoft and big government
This sounds like a fair settlement of Microsoft for all involved. I am a senior citizen and very active with computers. Many wealthy parties may not like that settlement.
I will close this now.
Eugene Bunt
1409 S LUNA ST
LAS CRUCES, NM 88001

MTC–00026009

From: Joyce Hlava
To: Microsoft ATR
Date: 1/26/02 12:12pm
Subject: Microsoft Settlement
Dear sirs,
I just want to register my objections to the proposed settlement. Living in Silicon Valley and working in the industry, I appreciate the fact that Microsoft does indeed establish a standard for most consumer PC products. The way they have done it though is unbelievably coercive. I remember being at a banking trade show about 5 years ago and talking to a Microsoft employee who was working the booth. It was really interesting because he had been VP of sales for a small company which was bought by MS. He said that this start-up had a great technology and had the ''normal problems'' (which means total stone wall trying to get information) from MS in order to make their product compatible with Windows. When MS realized what their technology did, it came to them with ''an offer they couldn't refuse''. They had to either sell or MS would develop the technology themselves and incorporate it for free. Having seen what happened to Netscape, a bigger and better financed company, the partners felt they had no choice. This is a story that I have heard over and over.
The proposed settlement is only a slap on the wrist. It allows MS to saturate the education market in a big way. Since this is the only market with a serious operating system competitor (Apple), this isn't punishment, it's a reward.
Joyce Hlava Ogden

MTC–00026010

From: Christopher R. Hertel
To: Microsoft ATR
Date: 1/26/02 12:13pm
Subject: Microsoft Settlement
January 25, 2002
Renata B. Hesse, Trial Attorney
Antitrust Division
U.S. Department of Justice
Suite 1200
601 D Street NW
Washington, DC 20530–0001
Regarding: The Microsoft Settlement
Dear Ms. Hesse,
I am a member of the Samba Team, an international group of computer programmers who develop Samba, a free software product. Samba implements Microsoft protocols to allow non-Microsoft systems to interoperate with, and compete against, Microsoft's Windows products. Samba is ''Open Source'', which means that the source code is available for download via the Internet, free of charge, to anyone.
Though Samba is a volunteer effort, our software has been adopted by many major computer vendors including Hewlett-Packard, IBM, and SGI. Several smaller companies have based their entire businesses on our code, and many organizations (including offices within the Federal Government) rely on Samba. We are, most likely, one of Microsoft's biggest competitors in the file-server market.
Because Samba is critical to so many companies, some members of the Samba Team are employed to help maintain the code. This is unusual in the Open Source community. Most of us, myself included, are not paid for our work but participate because we enjoy programming and want to contribute. Other examples of community-driven software include the Linux operating system and the Apache web server, both of which also compete against Microsoft products. It is difficult to estimate the number of Open Source projects under development, but the SourceForge service alone lists over 32,000 registered projects and more than 340,000 participants.
Clearly, Open Source represents viable competition against Microsoft. Unfortunately, the proposed settlement contains wording which would grant Microsoft the right to specifically exclude Open Source projects such as Samba from accessing information required for interoperability. In particular:
* In section III.I, the settlement document discusses the payment of royalties and other ''monetary consideration''. Open Source developers generally do not keep track of ''customers'' or collect any money for their products. It is, therefore, impossible to calculate or pay royalties or other fees. Further, the requirement that protocol and API information be licensed from Microsoft would make any such information unusable in an Open Source project. The term ''Open Source'' means that we make the source code available to anyone who wishes to see it, copy it, or modify it. That would certainly violate Microsoft's licensing terms.
* In section III.J, Microsoft is granted the right to judge the ''business need'' of a potential licensee, as well as their ''authenticity and viability''. Open Source projects such as Samba and Linux are not businesses. They are community projects, and would certainly be rejected under these criteria. Thus, Open Source developers are prevented from obtaining information about ''anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems'', exactly the kind of information that is needed to ensure interoperability with Microsoft products.
There are several more examples in the document, but they all amount to the same thing: Open Source developers are being excluded.
There are many arguments to be made against the revised proposed Final Judgment in the Microsoft case. To me, the most striking is that Microsoft would be allowed to continue control access to this critical information. I urge the Department of Justice to withdraw its consent to the revised proposed Final Judgment.
Sincerely,
Christopher R. Hertel
885 Hague Avenue
Saint Paul, Minnesota 55104

MTC–00026011

From: Patricia R. Prendergast
To: Microsoft ATR
Date: 1/26/02 12:14pm
Subject: mocrosoft settlement
I agree with the settlement for the Microsoft case vs. AOL and DoJ and nine states.
Sincerely,
Patricia R. Prendergast

MTC–00026012

From: bsculp@juno.com@inetgw

To: Microsoft ATR
Date: 1/26/02 12:15pm
Subject: litigation

It is time to stop the litigation against Microsoft and move on.

MTC–00026013

From: Kurt Zadina
To: Microsoft ATR
Date: 1/26/02 12:15pm
Subject: Microsoft Settlement

Not good for the United States.

MTC–00026014

From: Robert Berg
To: Microsoft ATR
Date: 1/26/02 12:16pm
Subject: Tunney Bill

Settlement of this costly litigation will allow all Americans freedom of the Internet and of such software as is needed.

Robert Berg
2435 Ocean Ave.
Bklyn,N,Y.

MTC–00026015

From: Arla3259@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 12:17pm
Subject: Microsoftsettlement

Please leave the settlement as it now stands. Everyone in our computer club agrees that we do not want a stripped down version of the Windows operating system. We gain nothing and lose a lot!

Arline Lawrence

MTC–00026016

From: Nathan Alderman
To: Microsoft ATR
Date: 1/26/02 12:18pm
Subject: Microsoft Settlement

To whom it may concern:

If I committed some significant white-collar crime, say, embezzlement; if, during the course of my subsequent trial, I made misleading (if not false) statements and instructed my attorneys to provide falsified evidence meant to bolster my case; if I was in fact, found guilty of my crime upon preponderance of the overwhelming evidence, yet continued to insist that I had done absolutely nothing wrong... ... would it then be just for me to dictate the terms of my own punishment? And would it be just for that ''punishment'' to officially absolve me of guilt, and, in exchange for spending the merest portion of the wealth I had accrued through my illegal and harmful practices, place me in a position to reap enormous future benefits and continue the illegal practices that I had been tried for in the first place?

In my opinion, this is the situation at hand in the Microsoft case. The resolution to their crime may be uncertain at this time, but they have been found indisputably guilty in a court of law— a court for whom they showed nothing but contempt, through repeated and clumsy attempts to mislead the court with badly doctored evidence and vague testimony.

It runs counter to the fundamental nature of the American Justice System that Microsoft, through its vast wealth and political and public influence, should be allowed to escape justice, much less to profit from its crime with a newly established stranglehold on the education market. I salute the Department Of Justice's desire to save taxpayer money by seeking a quick resolution to this case. But I would argue that the eventual financial and economic cost to the average American citizen will ultimately be much greater if Microsoft's proposed remedy is put into effect.

I hereby plead with the court and the Department of Justice not to allow Microsoft to profit from its crimes. For the callous disrespect they have shown to our justice system, and for the vicious and predatory business practices of which they have been found guilty, they deserve the harshest and most humbling of penalties. And they do not, I believe, have any right to decide what that penalty should be.

Sincerely,
Nathan Alderman
San Antonio, Texas

MTC–00026017

From: Andrew Syka
To: Microsoft ATR
Date: 1/26/02 12:19pm
Subject: Microsoft Settlement

As one who owns no stock in any of the companies objecting to the government's settlement, but am a user of Microfsoft's Windows 95 operating system, I submit that the currently proposed settlement has to many loopholes which will permit Microsoft to continue many of its practices alleged to have prevented competition in the industry.

Andy Syka

MTC–00026018

From: Thomas Corriher
To: Microsoft ATR
Date: 1/26/02 12:19pm
Subject: Microsoft Settlement
Contact information:
Thomas Corriher
142 Redwood Drive
Mocksville, N.C.—27028
Phone: 336–391–2713, 336–936–0018 email: corriher@mailcity.com,
hcconst@earthlink.net
Summary

This letter is to plead with the court that it use its wisdom to insure that the abusive monopoly of Microsoft is punished for its arrogant and reckless disregard for law. The proposed settlement does not place adequate restrictions upon Microsoft to prevent it from future abuses. The settlement actually gives Microsoft legal justification to continue its business as usual. The settlement was not a victory for the Department of Justice, it was a surrender. Microsoft has become a disgrace to our nation. They have associated their unique brand of predatory behavior which is driven by perverse extremes of greed to our entire information technology industry, while manipulating the justice system to comply with its agenda. It has earned itself the nickname, ''The Evil Empire''. I beg you, do something before it is too late. I am terrified of a future in which all information is controlled and monitored by Microsoft. You have a chance to save the world.
Your Honor;

You bear an enormous burden, for you will make history. I am certain that you have read enough technology arguments in recent times to satisfy you for your lifetime.Your valuable time is already unduly limited.
Making A Mockery of U.S. Law

There are seemingly countless examples of Microsoft's disregard toward the ethics of its own industry, and its brazen contempt toward the laws of the United States. Microsoft altered evidence during the trial in question, and was caught using altered video evidence. As we of the public have come to expect, Microsoft was unpunished. Microsoft funded two separate organizations which pretended to be independent organizations during its trial. These groups filed briefs to support the company, and attempted to rally public support for Microsoft. These facts were made known only after a suspicious person at the Oracle corporation hired a private investigator to rummage through the trash of those ''independent'' consumer groups. In further disregard for ethics, Microsoft secretly lobbied to have the funding for the Department of Justice substantially lowered after the trial began. One can only speculate if their motive was to prevent their prosecution, or if it was to enact revenge on our nations core law enforcement agency. During the trial, Microsoft claimed that competition existed, while it financially rescued Corel and used that company as evidence that competition indeed survived in the ''free market''. Both companies then attempted to suppress Corel's benefactor, as it would appear incriminating; and this was in itself an instance of perjury. Thereafter, Corel immediately discontinued work on Linux since it is a potential operating systems competitor for Microsoft. There have been numerous instances in which agents of Microsoft have written letters to various organizations in support of Microsoft. These letters typically dishonestly attack any thing considered to be a threat to Microsoft. The troubling aspect of this behavior is the letters are written to appear as spontaneous testimonials from independent sources. Microsoft's organized campaign of misinformation is so common that there is a name for it. It is called ''astroturf''—meaning a fake grass roots movement. You should expect to see many astroturf letters, and I have read that some of the state attorney generals have already been receiving correspondence from people who died years ago. Recently during another trial, Microsoft boldly proposed our government replace Apple's software in the schools with donated Microsoft software, thereby extending its monopoly to education as a remedy to abusive monopoly practices. In further insult to our collective intelligence, the plan would require Microsoft to give its software to schools at its inflated market value and use that as a tax write-off. Under Microsoft's proposed ''punishment'' for itself, the tax payers would be forced to pay Microsoft to create another monopoly for itself among children.
Time Is Running Out

To Microsoft winning is everything, and in its twisted corporate mind-set it means everyone else must lose. The losers include you and me. Their appetite is unquenchable. The best analogy to Microsoft is to describe

it as a cancer. This company has already consumed every other company in the low-end (PC) software market, and is now moving to hijack the free and open Internet with its .Net initiative. Microsoft has even turned its attacks upon free software which is the foundation of all industry standards and the Internet. Even software produced by volunteers is not acceptable to Microsoft, since such software weakens the publics complete dependence on them. Microsoft is in many ways like an illegal drug dealer, because it does everything in its power to kill all competitors while stimulating a complete dependence on its own products. Microsoft is powerful enough to make unquestionable demands against the providers of Internet services, and computer hardware manufacturers. It alone defines the rules and twists standards for desktop computer systems to meet its agenda. Software companies which do not threaten Microsoft's agenda are allowed to live. Microsoft commonly makes its own software function poorly with non-Microsoft software, while adding operating system features to cripple the software of others. To make my case: the mighty IBM is afraid of Microsoft. Everyone is afraid. They are a menace, and they are a significant threat to our liberties.

MTC–00026019

From: im4jesus@kfalls.net@inetgw
To: Microsoft ATR
Date: 1/26/02 12:16pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Cher Brence
5828 Havencrest Drive
Klamath Falls, OR 97603

MTC–00026021

From: john e viano
To: Microsoft ATR
Date: 1/26/02 12:18pm
Subject: Microsoft Settlement

The proposed Microsoft settlement is reasonable and fair to all concerned. I reccommend prompt action to resolve this matter as currently structured. John E. Viano bigjohnn1@juno.com

MTC–00026023

From: Charles Kuske
To: Microsoft ATR
Date: 1/26/02 12:20pm
Subject: Microsoft Settlement

I think the settlement is a bad idea. I have been programming since 1978 and have seen a lot of changes, and change is good. This settlement is business as usual, makes no changes, and is bad.

Sincerely,
Charles Kuske

MTC–00026024

From: Chris Jessee
To: Microsoft ATR
Date: 1/26/02 12:24pm
Subject: Microsoft Settlement

Hello,

As an information technology specialist, I'm writing to express my concern over the inadequacy of the proposed remedies in the Microsoft settlement.

Any remedy short of breaking-up Microsoft will not be adequate in stopping their aggressive monopolistic business practices. Without break-up, Microsoft will continue to destroy their competitors and foist poor quality products on businesses and consumers. An important fact that has been largely overlooked in this case is that Microsoft's stranglehold on the computer industry is national security threat. Many of our government agencies, much of our military and the vast majority of our business and educational institutions operate on and are heavily dependant on Microsoft software. Hardly a week goes by that we don't hear news of the latest computer virus or hacker breakin crippling thousands of servers and desktop computers by taking advantage of the security holes in Microsoft's poorly designed and implemented products. A hacker terrorist could shutdown much of the government, military and business community with a well-written virus that exploits the holes in Microsoft's sloppy code. Hacker attacks cost companies and taxpayers millions of dollars a year because of Microsoft's negligence and our dependence on them. Microsoft should be held criminally liable for the losses caused by their software. Just as Firestone and Ford are held accountable for safety failures, Microsoft and all other software vendors should be held accountable for security failures. Breaking-up Microsoft and fining them to a degree as to cripple them and using the revenue to fund competitors and ''Baby Bills'' is the only way to ensure national security and consumer choice. Don't allow Microsoft's lobbyists lining the pockets of politicians to threaten the security of our country.

Thank you,
Chris Jessee
jessee@cville.net
203 Camellia Dr.
Charlottesville, VA 22903
804–979–7279

MTC–00026025

From: edie smith
To: Microsoft ATR
Date: 1/26/02 12:24pm
Subject: Microsoft Settlement.

I believe America would not be in the lead of Computer intelligence had it not been for Microsoft. When you are a leader, you encounter jealousy & hate. Americans might be respected around the world but never loved by the world. Such is the case with Microsoft as was the 12 year case against IBM.

Quit biting the hand that feeds you. I am against any breaking apart the Firm of Microsoft. And I am against any party receiving their software codes.

I am going to start a campaign to end Porn spam, the majority coming from AOL member sites, which seems that this would be the interest of the integrity of the internet and software legalities. Porn sites can't think of enough ways to make money, be dishonest in undeliverable return email addresses, leaving the angry recipient no choice but to track down the headers, and source code of the web sites in order to put a stop to them flooding, I said flooding, vulgar, unrequested email to email addresses that they randomly solicit to. This should be against the law. So why don't you put your legal efforts where they protect the public interest. Or are many of you partners with these porn sites and receiving monies on affiliations. Do something about it before I have to, and then your legal teams will be sited & sued for not upholding the internet laws. (TITLE 18, CHAPTER 47). Ignorance is no excuse in the eyes of the law. I'm tired of drawing a line for your flimsy morals. I have a choice to use Microsoft or any other software I want. Microsoft isn't infringing on my freedom, my private email address, my choice.

Get a real job. timelordess@hotmail.com
depth seeker

MTC–00026026

From: Wesley Taylor
To: Microsoft ATR
Date: 1/26/02 12:26pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I am writing to comment on the proposed Microsoft settlement as specified under the Tunney Act. In short I agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html). I specifically want to emphasize problems with the PFJ which affect me as a programmer.

No operating system has any use whatsoever without applications. Thus I am especially concerned about several aspects of the PFJ. First, I believe that the requirement that Microsoft publish its secret API's is not broad enough to require it to publish enough of the API's to enable third party software developers to write programs that compete at any level. This is a problem both for third party application developers, and third party operating system developers such as Sun, Apple or Linux who are trying to write their systems to enable Windows applications to run on their systems. I urge you to seek a broader definition of API from third party software developers which they feel would be sufficient to develop commercially viable software that could interoperate with Windows operating systems or applications.

Second, I disagree with the section of the PFJ which requires the release of API

documentation but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

This goes hand in hand with my first point. A big part of a programmer's software development is checking the documentation of the API's (s)he is using to ensure that his/her own application will interface properly. Prohibiting the use of documentation by competitors is nearly equivalent to not publishing the API's. This prohibition neatly undoes the requirement that the API's be published in the first place.

Third, I urge you to require that Microsoft release documentation which completely describes the format of Microsoft Office documents. A major concern of people who go to purchase a computer is whether they will be able to read documents from others. This means in nearly all cases being able to read Microsoft documents. The usual answer is ''no, this program (or this computer) only reads some Microsoft documents.'' In order to enable third party developers, especially application developers, to compete, they must be able show that their customers have real compatibility. Third party software must be able to read and write Microsoft documents formats, and to do this Microsoft must publish it's Office Document formats.

Finally, I am pessimistic about the enforcement of the PFJ as a whole. I believe that Microsoft has consistently, and with full understanding of what they were doing, broken previously imposed restraints on their monopolistic practices. I urge you to develop a strong system of restraints on Microsoft to enforce whatever PFJ is finally imposed.

Sincerely,
Wesley P. Taylor
taylorjnw@earthlink.net
CC:dank@kegel.com@inetgw

MTC–00026027

From: Jackfrew@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 12:24pm
Subject: Microsoft settlement

This is in support of Microsoft's position re: AOL lawsuit. IA's success in the market has been proven to be based upon morit, not market share.

Stop all the frivolous lawsuits. Let people get back to work developing improvements to their software instead of spending money on lawyers.

MTC–00026028

From: Teruel de Campo
To: Microsoft ATR
Date: 1/26/02 12:30pm
Subject: Microsoft Settlement

do NOT agree
-=terry(Denver)=-
chusty@attglobal.net
AIM: terryXela *** ICQ: 6387625
Date: US: 01/26/02 / Euro: 26.01.02, Time: 10:31:05

MTC–00026029

From: Jonathan Van Doren
To: Microsoft ATR
Date: 1/26/02 12:29pm
Subject: Microsoft Settlement

I would like to express my opinion about microsoft-THEY ARE A MONOPOLY! If I had another option besides windows I would definitely have taken advantage of it. Their product is poor and their support is terrible-I have never encountered such rude and arrogant behavior from a ''service'' entity in my life. When I purchased my computer it came preloaded with windows XP, an untested and microsoft-slanted product that has further entrenched their monopolistic powers.

The government's proposed ''settlement'' is a travesty of justice, and makes me wonder how much compensation the anti-trust division received for it's condoning of anti-competitive behavior.

Microsoft will never change on it's own, and therefore real action MUST be taken-or the justice department will simply be another competitor that bows it's head in defeat. Get more from the Web. FREE MSN

Explorer download : http://explorer.msn.com

MTC–00026030

From: Richard Lambert
To: Microsoft ATR
Date: 1/26/02 12:30pm
Subject: microsoft settlement

As a citizen of USA, it is my firm opinion the terms of the settlement agreement between 9 states and DOJ are fair and good for the nation.

Do no delay in instituting this agreement.

Dick Lambert
461 Dellbrook AVe
San Francisco, CA 94131

MTC–00026031

From: Jim Fritz
To: Microsoft ATR
Date: 1/26/02 12:32pm
Subject: Microsoft is Good

Dear DOJ,

Thank you for settling the antitrust case against Microsoft (MS). The 9 states which are asking for further remedies don't realize that MS has added incredible value to our world by making information technology ubiquitous at an affordable price. The case should be settled as is without further remedies as this is what is best for the consumer and the industry.

Regards, Jim

MTC–00026032

From: r(u)hodg Hodgson
To: Microsoft ATR
Date: 1/26/02 12:34pm
Subject: Microsoft Settlement

MTC–00026033

From: Sam Hummel
To: Microsoft ATR
Date: 1/26/02 12:35pm
Subject: Microsoft Settlement

This sure sounds like he has more than I do and now I don't think it is fair. Why can't we be glad Microsoft made it so easy for the average person to own a computer. If it wasn't for their innovated ideas and boxing things all together, some of us would never have learned to use the internet. If anybody tries to wrap everything together, it is AOL. Once they install their software on your computer, it somehow connects itself to everything....But that is okay because I chose to use that program to access the web. I have free choice to pick and chose what is offered to me. Let me make that decision and not some other company that is just a spoiled sport.

Sharilyn Hummel, Dover, DE

MTC–00026034

From: Walt Wilson
To: Microsoft ATR
Date: 1/26/02 12:38pm
Subject: Microsoft Settlement

From all information available, I find the proposed settlement with Microsoft to be sorely lacking in real hard punitive punishment for the practices of the past, nor has Microsoft shown any remorse for its prior activities. it continues to bundle software with the intent of pushing aside any competition it might face. The proposed settlement does little if anything to level the playing field for competitive software to be given a fair evaluation on the market place. Microsoft has been, and in this citizens opinion, still is in the business of monopolizing the Operating System and Browser software industry. We as citizens should be given a choice as to what we use, but the efforts of Microsoft prevent that from being a viable alternative as all new equipment manufacturers are still forced to load the Microsoft package of OS and Browser of face being shut out of Microsoft's good graces

Walter L. Wilson
132 Rolling Park Drive
Lexington, NC 27295–6810

MTC–00026035

From: Dow McKeever
To: Microsoft ATR
Date: 1/26/02 12:39pm
Subject: Microsoft Settlement

The Microsoft settlement as currently proposed is unfair.

Dow McKeever

MTC–00026036

From: Lesley D. McDowell
To: Microsoft ATR
Date: 1/26/02 12:40pm
Subject: Microsoft Settlement

I think the proposed settlement is bad idea.
-Lesley D. McDowell

MTC–00026037

From: JOHN N GEHL
To: Microsoft ATR
Date: 1/26/02 12:43pm
Subject: Sirs:

Sirs:

I would like to lend my support to the anti trust settlement between the Department of Justice and Microsoft Corp. It seems to me that the provisions of the agreement , while tough, are reasonable, fair to all parties involved, and go beyond the findings of the Court of Appeals ruling. Hopefully, my feelings and support will be given consideration during the review and a determination made that the terms are indeed in the public interest.

Thank you for allowing me to express my feelings on this matter.

John N. Gehl
CC:fin@mobilizationoffice.com@inetgw

MTC–00026038

From: mdjj77@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 12:44pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Delores Daugherty
P.O. Box 22
26263 Lake Forest Drive
Twin Peaks, CA 92391

MTC–00026039

From: steve.duenkel@
worldnet.att.net@inetgw
To: Microsoft ATR
Date: 1/26/02 12:44pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

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This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Steve Duenkel
1762 233rd Place N.E.
Sammamish, WA 98074–4452

MTC–00026040

From: bob vinci
To: Microsoft ATR
Date: 1/26/02 12:48pm
Subject: Microsoft settlement

To whom it may concern,

It is time to resolve the Microsoft suit. The settlement is fair in all regards. Only a need to gain the upper hand in the marketplace keep opponents of the settlement motivated. The best interests of the consumer are served by this settlement. There is no need to further strip away Microsoft's ability to compete. It must be noted that the initiation of the DOJ suit coincided with the ''bursting of the technology bubble''. It is time for the DOJ to help put the economy and free trade back on track.

MTC–00026041

From: mdjj77@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 12:45pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Michael Daugherty
P.O. Box 22
26263 Lake Forest Drive
Twin Peaks, CA 92391

MTC–00026042

From: Richard Kosvanec
To: Microsoft ATR
Date: 1/26/02 12:49pm
Subject: Microsoft Settlement

I am writing as a concerned citizen who is both shocked and dismayed that a convicted monopolist seem to be getting even more monopoly power handed to them via the justice system.

Microsoft continues to ignore consent decrees, release insecure products, bury, buy or steal from their competition (they call it a ''strategic alliance '') and these practices must be stopped.

The biggest insult to the Justice system, Democracy and the American People is that Microsoft actually has a say in what their punishment will be. Since when do convicted felons have a say in their punishment?

My opinion is this should be done:

1) Microsoft should pay back no less than 10% of their highest net worth back to those that have been harmed by the leveraging their monopoly.

2) Pay all of the court costs so taxpayers such as myself are not footing the bill.

3) No more ''secret and exclusive contracts'' with OEM's. If I do not want a computer with Windows on it, I should not have to PAY for it anyway!

4) All of their ''Office'' file formats should be opened up. This should not be an option. They can keep their program's source code a secret, however, any data created with those programs should not be subject to the whim of a monopolist. Microsoft seems to forget too quickly that it is my data and my computer, not theirs.

5) Any and all versions of their operating systems that they discontinue support for should have its source code released. Just because they do not support it, does not mean that it is no longer used, and would decrease the ''upgrade treadmill'' Microsoft is so famous for creating.

6) Along the same lines as #4 —and I can not emphasize this enough—- strict adherence to network/Internet/web protocols. No proprietary extensions (Microsoft's version of Java that was Windows only), no co-opting standards (Kerbos) and no drastic changes to break others products (SMB and others).

7) Look at the suggestions submitted to slashdot.org that echo my sentiments and expound even more my suggestions: http://slashdot.org/comments.pl'sid=26726&cid=0&pid=0&startat=&threshold=3&mode=flat&commentsort=0&op=Change

Thank you for your time.

Richard Kosvanec
Athens, Ga.

MTC–00026043

From: The Provident Search Group, Inc.
To: Microsoft ATR
Date: 1/26/02 12:49pm
Subject: Microsoft Settlement

Dear Mr. Ashcroft:

Please stop further litigation against Microsoft. Since they have agreed to a settlement which is in everyones'' interest, it makes no sense to harass them further. To do so will be to negatively affect our economy (which US Government actions have already done due to their involvement in this entire matter).

Furthermore, the US Justice Department has largely been responsible for a dramatic decrease in our portfolio value due to the drop in Microsoft stock precipitated by Government actions.

Thank you,
Frederick & Coleen Walther
PO Box 30
West Poland, ME 04291

MTC–00026044

From: LWydock@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 12:49pm
Subject: Microsoft Settlement

As a retired Federal Employer and Citizen of the US, I feel it is time that the revised Settlement be accepted and move on to more important issues such as in continuing to make the US a strong competitive force in the world economy. This delay is only benefiting our foreign competition. The competition is trying to tie the hands of an innovative company like Microsoft.

Thank You for allowing me to express my opinion on this important issue.

Lawrence R. Wydock

MTC–00026045

From: Faye Patrick
To: Microsoft ATR
Date: 1/26/02 12:49pm
Subject: Microsoft Settlement

Microsoft has supported our Computer Users Group from the time that we started until and including NOW. We appreciate their support and feel that most other companies quit helping groups such as ours. We are ICON Users Group, located in Springfield Missouri. Microsoft comes to our group and demonstrates their newest software and generally helps our group and other groups similar to ours. I feel that they have made using computers much more user friendly than they were in the beginning. ENOUGH IS ENOUGH!! QUIT THE PERSECUTION OF MICROSOFT!

Sincerely,

Faye Patrick Newsletter Editor ICON Users Group Springfield Missouri

MTC–00026046

From: Jamclouds@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 12:52pm
Subject: (no subject)

Dear Judge,

Although I am a supporter for free markets and free competition, I do not agree that the Proposed Financial Judgement has been effective in circumventing the monopoly that Microsoft has established. Microsoft has clearly violated anti-trust laws and the PFJ has not been sufficient action taken to curb these activities.

I would hope that more can be done in terms of overturning this settlement.

Sincerely,

Sarah Butler

248 Lincoln Street Lexington, MA

CC:stopmicrosoft@yahoo.com@inetgw

MTC–00026047

From: Craig Reisinger
To: Microsoft ATR
Date: 1/26/02 12:52pm
Subject: Microsoft Settlement

Please accept the Microsoft settlement offer.

I believe that this entire matter qualifies as government sanctioned extortion. Microsoft is a business. A business is started to make a product and a profit. No one was forced to choose any Microsoft product.

Like many millions of other consumers I CHOSE to do so—REPEATEDLY. Microsoft made a profit and I have a product I WANTED. Is there even ONE individual who did not have a choice about which product they would use? NO! To argue that they couldn't figure out the technology and use a competing product has no merit. A Cessna pilot has no right to complain that he cannot fly a 767. An automobile driver has no right to complain that he cannot fly a Cessna.

Computers are not toys. They are very complex tools that have become easier to use and more beneficial because companies like Microsoft work very hard to make that happen. Efforts like this suit are counter-productive, immoral, unconstitutional (in my opinion), and wrong!

Craig M. Reisinger

2500 Deer Valley Rd. #421

San Rafael, CA 94903

MTC–00026048

From: chappell
To: Microsoft ATR
Date: 1/26/02 12:57pm
Subject: Microsoft Settlement

John and Susan Chappell
20630 NE 92nd Place
Redmond, WA 98053
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

The settlement reached between the Department of Justice and Microsoft should be enacted at the earliest convenience of the Justice Department. Three years have now passed since the inception of this litigation. Since this time, enormous amounts of money have been spent in pursuing this litigation.

Given the recent recession and decline in budgetary resources, to pursue this issue any further would be a sad waste of funds. Therefore, I urge you to enact the settlement reached back in November.

The settlement works as a barrier against Microsoft's more cutthroat business practices, while maintaining the company's ability to deliver efficient, integrated software to consumers worldwide.

The settlement agreement contains many compromises on Microsoft's behalf. Microsoft has agreed not to retaliate against manufacturers that ship software that competes with Microsoft. In addition, Microsoft has agreed to license Windows at the same rate to the larger PC manufacturers. Finally, Microsoft will also disclose many of the protocols within the Windows system.

In the end, the enactment of this settlement will be beneficial to everyone involved.

Please enact the settlement.

Sincerely,

John and Susan Chappell

MTC–00026049

From: apachyderm@juno.com@inetgw
To: Microsoft ATR
Date: 1/26/02 12:55pm
Subject: Microsoft Settlement

Please accept the proposed Microsoft Settlement. Further litigation will only benefit the trial lawyers and a few greedy states attorneys general.

Dale Nelsen

Nampa, Idaho

MTC–00026050

From: Simon Beaver
To: Microsoft ATR
Date: 1/26/02 12'55pm
Subject: Microsoft Settlement

I am writing to submit my comments on the proposed settlement between Microsoft and the U.S. Department Of Justice. For nearly twelve years now, I have worked in the computing industry. For nine of those years I have been a freelance consultant, and have thus been able to observe the activities of a wide range of companies. I have no affiliation either with Microsoft or any of its competitors. For the reasons I shall set out below, I am strongly opposed to the settlement in its existing form. Whenever someone is found to have broken the law, they are subject to sanctions. Those sanctions vary according to the nature of the offence, but in all cases they have three main components. They provide for an appropriate punishment, they attempt where possible to compensate those who suffered as a result of the offence, and they endeavour to ensure that there is no likelihood that the convicted person will re-offend.

Although different weight will be given to different aspects depending on the nature of the offence—criminal or civil, major crime or petty misdemeanour, etc—some aspect of these three elements is always present. What makes the proposed settlement in the Microsoft case unique, is that none of those elements are present.

To take these three elements in order, let us first look at punishment. Clearly, there is no element of punishment whatsoever contained in the proposed settlement. Microsoft have been found to have been operating an illegal monopoly for the best part of a decade, making excessive profits as a result, and yet no punitive sanctions are being imposed. Yet it has long been a golden rule in the law that a criminal must not be allowed to profit from his crimes. Where someone is convicted of drug-dealing or fraud or gun-running, the courts quite rightly seize their assets. If a murderer seeks to profit by writing a book about his crimes, the law steps in to ensure he cannot make money from his notoriety. Yet in this case, the law seems perfectly happy for Microsoft to profit from their illegal activity. Despite the clear fact that this money was obtained, at least in part, by unlawful means, no action is to be taken. This seems to me wholly incompatible with the basic principles of natural justice. Microsoft have made money illegally, and they should not be allowed to retain it.

The proposed settlement is equally silent on the subject of compensation of victims. Now clearly in this case, the facts make it hard to ascertain exactly the extent of the loss suffered by any given party. Yet it is clear that there have been victims of the Microsoft monopoly. Companies like Digital Research and Netscape have been demonstrated to have suffered directly as a result of Microsoft's actions. Yet the proposed settlement is completely silent with regards to any form of redress.

On the face of it, the settlement seems primarily directed at the third element described, that of preventing the possibility of re-offending. Yet even here, despite that focus, the settlement is sadly lacking. Indeed, far from demolishing Microsoft's illegal monopoly, it seems rather to entrench it in place. Furthermore, the vagueness of the language makes it almost certain that confusion and further litigation will arise. I have a law degree myself, and I can recognise potentially litigious drafting when I see it. The proposed settlement is riddled with such language.

To take just one example, section III C 2 states that Microsoft shall not restrict an OEM from : ''Distributing or promoting Non-Microsoft Middleware by installing and displaying on the desktop shortcuts of any size or shape so long as such shortcuts do not impair the functionality of the user interface.''

How does the court propose to define impairment of functionality ? Does replacing Microsoft functionality with equivalent non-Microsoft functionality count ? Does changing the look and feel of the desktop constitute impairment ? Would modifying permission levels or unhiding hidden files or directories count ? This kind of language permeates the proposed settlement, and is wide open to abuse and distortion. Furthermore, no part of the settlement actually addresses the problem of how to dismantle the Microsoft monopoly. The proposed settlement might be fine had it been enacted ten years ago, before Microsoft's monopoly had been established. Yet the monopoly is here, it is well-established, and different remedies are required, ones which actually encourage competition and actively seek to break up the existing distorted marketplace.

It seems to me that there are two key elements to this.. The first is to ensure that competing companies cannot be shut out of the marketplace, and the second is to ensure that consumers are able easily to migrate between Microsoft and non-Microsoft products as easily as possible. The proposed settlement goes some way towards this with its sections on OEM licensing, but this on its own is by no means enough.

To take a prime example, one of the major ways in which Microsoft locks in customers and excludes competitors is through the use of proprietary file formats. The .doc files of Microsoft Word, the .xls files of Microsoft Excel, and so on. Although there are some competing products which do a reasonable job of handling these formats, none are able to do so perfectly. A consumer, especially a large business, which has a large body of information stored in files of this type is therefore deterred from moving to a rival by the costs involved in converting from one format to another.

If the proposed settlement required Microsoft to disclose the specification for these file formats, in addition to the disclosure requirements contained in the existing proposals, then companies would be able to produce products which handled these files correctly, and consumers would be able to switch between Microsoft and non-Microsoft products at will, and could mix and match as it suited them. Possibly they might retain the Microsoft product to handle spreadsheets, but use a competing company's word processor. The important thing is that consumers would have a genuine choice, since all products would be able to handle their data.

Perhaps the most worrying aspect of the current proposed settlement is the large number of exemptions it provides for Microsoft. Microsoft gets a number of exemptions from the proposed provisions on grounds of security, anti-piracy, remote administration and various other headings. Taken together, they provide the means for Microsoft to exempt practically everything it does from the provisions of the proposed settlement. It is surely no coincidence that Bill Gates has started making speeches about how security comes first, and how security will be built into everything the company does from now on. If security is an integral part of everything Microsoft does, then everything Microsoft does can be exempted from the terms of the settlement.

Whilst it is clear that the motive behind these exemptions is a noble one, in practice they are so wide as to render the settlement worthless. In my opinion, Microsoft has forfeited the right to this kind of consideration by dint of its long history of unlawful activity. The most important thing now must surely be to ensure that competition is introduced into the marketplace, and that Microsoft has no way to continue its illegal monopoly.

In a related matter, it seems clear to me that the access provisions specified by the proposed settlement need to be radically expanded. In particular, the definitions need to be adjusted to include those companies and individuals producing products for non-Microsoft operating systems which might need to interact with Microsoft products. Provision III J 2 which allows Microsoft to determine the authenticity and viability of a business, is particularly dangerous in this respect.

Microsoft's hostility to open source and free software developers is well known. One Microsoft executive even went so far as to describe them as un-American. By allowing Microsoft to exclude developers simply because they operate on a different business model, the settlement does much to restrict one of the most vibrant and expanding areas of computing, and guarantees that a large number of legitimate users and developers are excluded from benefitting from the settlement provisions.

In summary, then, let me say this. I have neither the time nor the expertise to fully draft a proposed settlement of my own, but it seems to me that there are certain key elements that are essential if the proposed settlement is to effectively dismantle the Microsoft monopoly and introduce genuine competition.

1. Tighter drafting, with far fewer loopholes and potentially litigious language.

2. Actively seeking to promote competition and encourage consumers to exercise choice.

3. Reducing the costs inherent in converting between Microsoft and non-Microsoft products.

4. Removing the exemptions which would allow Microsoft to preserve its monopoly.

5. Ensuring that all business, whatever their nature, have access to the information they require to compete effectively.

There is one final matter which I would like to touch on. In the discussions that have occurred since the proposed settlement was published, a new word has been invented. That word is ''Seattlement''. As is doubtless obvious, it has arisen because the proposed settlement is seen as having been drafted by Microsoft for their own benefit, without any regard to the actual merits of the case. If the court imposes this settlement unmodified, it will be seen around the world as having capitulated utterly to Microsoft, and to have failed completely to regulate its behaviour or dismantle its monopoly. The Department of Justice will be seen as either completely ignorant of the realities of the case, or more likely as having been bought and paid for by Microsoft and its lobbyists.

The law is the law, and if it is to mean anything, it must apply equally to everyone. Justice must be done, and must be seen to be done. Rich and poor, large or small, all need to have equal protection under the law, or the law becomes meaningless. If this settlement is approved un-amended, it will send the signal that justice in the United States is a commodity. The more you can afford, the more you get. No money, no justice. Surely this is not the message that the court wishes to send to the American public, the American business community, or the world. So in conclusion, it is my belief that this settlement is fundamentally flawed and needs almost complete re-drafting. Not only does it do nothing to damage Microsoft's unlawful monopoly, it actively enshrines that monopoly in law. It doesn't serve the consumer, it doesn't serve the software industry, and it doesn't serve justice; it benefits only Microsoft. For the first time, the law will create a situation in which the criminal is not only allowed to benefit from his crime, but to keep on benefitting from it with the full protection of the courts.

Simon Beaver
Managing Director,
Sternmetal Horizons Ltd.

MTC–00026051

From: HARRBET2@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 12:58pm
Subject: Microsoft Settlement

January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I think it is a shame that the settlement in the Microsoft case was not reached years ago. If the suit had to be brought at all. Microsoft is a successful company, which has led the world into a new era, improved the balance of trade, improved efficiency, and increased the ease with which ordinary people use technology. There have always been choices for people who prefer to use non-Microsoft products. Apple has made its own products-both hardware and software-for anyone who wants to get locked into that single, closely guarded system. Or someone could have tried to use a Unix system at home. But people wanted to use Windows. Microsoft has always been honest and conservative in its financial dealings. Why should we tear Microsoft apart, when it has been so beneficial?

To bring a close to this very distracting and expensive suit, Microsoft has compromised a great deal of its rights. Internal interfaces and server protocols of Windows will be divulged publicly. Exclusive marketing agreements will be allowed to lapse. The Windows desktop will be made fully re-configurable by non-Microsoft companies. Software experts in a technical committee will observe Microsoft's conduct, software and practices with an eagle-eye. This is heavy stuff. Microsoft has not gotten off lightly at all. Only by returning its focus back to accelerated innovation, as directed by its founder, Bill Gates, can Microsoft continue to survive and lead as it has done so well in the past.

The best interests of the American computer sector and the American economy as a whole will be served by the Federal Court's approval of the settlement. Please support this settlement, Mr. Attorney General.

Sincerely,
Betty Harrell
8215 S.W. 82 Place
Miami, Florida 33143
CC:fin@mobilizationoffice.com@inetgw

MTC–00026052

From: Jurrinus ten Brinke
To: Microsoft ATR
Date: 1/26/02 12:59pm
Subject: Microsoft Settlement

The question is will we be better off?

I am an avid Microsoft developer for many years. There is a reason for choosing Microsoft and that is they are the best game in town and always have been. They make it possible for me to develop products for my clients that make their computers usable. Their products put us in the lead. If I had to develop the same products using Sun the cost to my client's would be much higher.

This battle between Microsoft, Netscape, Sun, Oracle is nothing but a bunch of overgrown kids wanting to be the best. You cannot tell me that this antitrust will be over once we punish Microsoft. Downgrading Microsoft at this time will create a vacuum were these other companies can move into. That's what they want. They can't do it in the market place so they are letting the government do their work for them. Don't put your antitrust arguments away cause you will need them again. The end result will be a software industry in ruins. Want examples just look at the airline industry and the telephone industry and tell me we have done well. Have they made it easier for me to fly and make phone calls. What a mess.

Lets stop this now cause your wasting my tax dollars and lets move on. As long as Microsoft returns their profits back into our society through better products and charity, keep their prices and license cost within reason then let it be.

Jerry

MTC–00026053

From: GBauer4966@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 1:00pm
Subject: Microsoft Settlement

Stop trying to destroy Microsoft. It is good that here is a standard type system so programs are compatible.

MTC–00026054

From: GEORGE D FRENCH
To: Microsoft ATR
Date: 1/26/02 1:02pm
Subject: microsoft settlement

Enough is enough. The trial has cost the public enough of our taxes. To further spend taxes because some companies have not been smart enough to compete is to further their lack of competition in a highly competitive field. I feel that the states are suing only to try to get some of Microsofts funds, not because the states have been harmed.

Thank you. George French.

MTC–00026055

From: NKozimor@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 1:03pm
Subject: Microsoft Settlement

Dear D. O. J. Representative:

I find it maddening that in this time of recession and war, the United States Justice Department has nothing better to do then to waste our money on pursuing a frivolous law suit that was brought on by politics and soft money! How foolish we must look to the rest of the world!

Nick Kozimor
Mansfield, Ohio

MTC–00026056

From: Lynn and Nancy Trowbridge
To: Microsoft ATR
Date: 1/26/02 1:02pm
Subject: Microsoft Settlement

Dear Sir: Attached please find a letter in relating to a case currently under review in your office. I appreciate your careful consideration of my opinion regarding this case. The letter is in Microsoft Office97 Word format.

Very truly yours,
Lynn M. Trowbridge, Ph.D.
1211 Ames Hill Road
Brattleboro, Vermont 05301–4254
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to address the recent decision reached by Microsoft and the Department of Justice. As everyone is aware, the Department of Justice brought an antitrust suit against the company. I am now retired, but my professional life was spent as a software programmer/manager contracting services to the Federal government in Washington, DC I am well aware of the quality of computer products and believe my comments to be relevant.

Microsoft produces the best commercially available operating system in the country. There are other companies that offer, in my opinion, better software products in other categories, and I am free to use them as I see fit. Microsoft, while it dominates part of the market, dominates that part because it produces a number of excellent products. It does not dominate the entire software market. To punish a company because they make quality products is uncalled for and unwise. Microsoft has contributed mightily to this country's understanding of computers, making them accessible to the average layperson, and, in return, the company has profited. This is entirely in keeping with the American free-market system.

I am happy to see that Microsoft will not be broken up under terms of the settlement. In my opinion, however, Microsoft is being suitably punished for alleged unfair practices. The company is disclosing internal interfaces and protocols to competitors, agreeing not to retaliate against software developers who develop or promote software that competes with Windows, and forming a three-person team to monitor compliance with the settlement.

Although the court decisions are perhaps flawed and the punishments may not be fully justified, immediate settlement of these suits is definitely in the best interests of the public. I take a strong stand against further litigation and hope the government will bring the recently reached settlement to fruition and move on to the solution of other more important national problems.

Thank you.
Sincerely,
Lynn M. Trowbridge, Ph.D.

MTC–00026057

From: Demetrious(u)Harrington
To: Microsoft ATR
Date: 1/26/02 1:04pm
Subject: Anti Trust Case

Hello,

I do believe that the proposed settlement is nothing but a slap on the rists to Microsoft. There is nothing that really limits the stregth of the monopoly. The charges that brought Microsoft to court will not be resolved at all I believe.

demetri

MTC–00026058

From: jan smith
To: Microsoft ATR
Date: 1/26/02 1:04pm
Subject: Microsoft Settlement

I agree with the settlement agreement made between DoJ, 9 States and Microsoft. Please settle it and get on with life.

Thanks for considering my opinion.
mjann@home.com

MTC–00026059

From: Ray Petrone
To: Microsoft ATR
Date: 1/26/02 1:05pm
Subject: Microsoft Settlement

Dear Attorney General Ashcroft and Ladies and Gentlemen:

Let me start by quoting verbatim from Section 3. of the Complaint against Microsoft as posted: ''There are high barriers to entry in the market for PC operating systems. One of the most important barriers to entry is the barrier created by the number of software applications that must run on an operating system in order to make the operating system attractive to end users. Because end users want a large number of applications available, because most applications today are written to run on Windows, and because it would be prohibitively difficult, time-consuming, and expensive to create an alternative operating system that would run the programs that run on Windows, a potential new operating system entrant faces a high barrier to successful entry.''

Yes, there are high barriers to entry in the market for PC operating systems just as there are barriers in the auto manufacturing industry and others. Yes, I understand that there are several major competitors there but General Motors was the dominant player until GM's lack of vigilance and natural free market forces changed that situation over the last one or two decades.

Oracle has enjoyed a somewhat different but similar position in the market for corporate databases. The issue of applications was similar but the advancement of middleware and market

demand for an abstraction layer for access has leveled that playing field. UNIX and its variants were supposedly going to be the only viable operating system of the future. Linux still thinks it is viable and even superior but the public by and large doesn't seem to agree despite the protestations by Linux authors and advocates claiming plenty of applications. Finally, many feel that AOL (including the Netscape merger entity) may have a similar market position which may be the ultimate irony since their Netscape subunit was a prime influence in this suit being brought against Microsoft. I have heard AOL customers say they feel trapped by simple things like their email address on AOL known to their friends. Recall that AOL doesn't providing a forwarding service like phone companies and the US Mail Service (shouldn't they by law?).

I feel you give far too little credit to natural market forces in your evaluation of evidence and make far too much of what little evidence I have seen or read. Have you no faith in our free market society as prescribed by law? And you give far too much credit to a few snippets of emails out of tens of millions of words calling them a pattern of abuse and misconduct. Have you considered that it is our free market system that has created the giant software company known as Microsoft through natural selection of the vast majority of commercial and home customers? It is yet another irony that the DOJ was able to create a successful case in part because it uses Microsoft products that enhance productivity and collaboration. And is it not evident that application developers prefer to write applications to a single platform or interface. Indeed, there are still many companies fairing quite well by writing non-portable applications to COBOL on IBM's former MVS platform. Please recall the near revolt in the 70s when IBM switched its commercial customers (were no home customers then because there was no Microsoft DOS or Windows) from IBM DOS to MVS as the new Mainframe standard? Some customers switched to competing vendors. Some swore to get revenge no matter how long it took while others made the move kicking and fighting because of the mountain of work needed to port applications and JCL.

Moving on to Section 5. of the Complaint—verbatim text is here for reference: ''5. To protect its valuable Windows monopoly against such potential competitive threats, and to extend its operating system monopoly into other software markets, Microsoft has engaged in a series of anticompetitive activities. Microsoft's conduct includes agreements tying other Microsoft software products to Microsoft's Windows operating system; exclusionary agreements precluding companies from distributing, promoting, buying, or using products of Microsoft's software competitors or potential competitors; and exclusionary agreements restricting the right of companies to provide services or resources to Microsoft's software competitors or potential competitors.''

Your case for tying seems weak at best, I think the Appeals Court said that before me. There were times when Microsoft had to work hard to disengage agreements involving ''BUNDLING '', at the OEM's request, (not tying) Windows and Office. Competitors like Compaq and HP cried foul and I have seen the email and such complaints personally. I fail to see where you proved the rest of the allegations in this section but let's assume that you did since the courts would seem to agree and that is the way our system works. Let's set aside the lower court Judge's misconduct as well.

Moving on to Section 10. of the complaint and I quote again verbatim: ''10. To respond to the competitive threat posed by Netscape's browser, Microsoft embarked on an extensive campaign to market and distribute Microsoft's own Internet browser, which it named ''Internet Explorer'' or ''IE.'' Microsoft executives have described this campaign as a ''jihad'' to win the ''browser war.''

Yes, they did, didn't they. I heard it personally. And John Young at HP and Larry Ellison at Oracle and Scott McNealy at SunMicrosystems Steve Jobs of Apple and countless others have used equally eyebrow-raising ''battle cries'' that incorporate words such as ''crush, kill, demolish, life-and-death struggle'' and so on. Perhaps it isn't in good taste, particularly after events of this past year. That could be debated endlessly. This is done so routinely at American Corporate Sales Meetings that it makes this citation almost laughable. Such invocations are meant to be motivational and that is obvious to even the most casual observer. Occasionally, some poor soul might take to levels only expected from a cult member. Microsoft's employee handbook specifically warns employees not to engage in unethical or illegal acts when competing with termination as the consequence.

The difference between corporate euphemisms like these and statements by governments is this. When governments speak of killing that is precisely what they mean. If you wish to represent the American people fairly then please refrain from such citations in the future. I believe the DOJ should tone down the rhetoric and make better use of its time and our money. One could dissect each section of the complaint, findings and judgment of the Appeals Court but then that individual would be guilty of over-pursuing this matter in the same way that has been done by the DOJ in my humble opinion. Ladies and gentlemen, the ''foul'' that has alleged just isn't felt by the majority of the public, or if it were, individuals would rush in droves to Linux and its followers who claim application compatibility without any significant reservation.

I cannot finish without commenting on one section of the Competitive Impact Statement (from the Overview of Relief) .–.–. (Microsoft) .–.–. 1) undertook a variety of restrictions on personal computer Original Equipment Manufacturers (''OEMs''); (2) integrated its Web browser into Windows in a non-removable way while excluding rivals; (3) engaged in restrictive and exclusionary dealings with Internet Access Providers, Independent Software Vendors and Apple Computer; and (4) attempted to mislead and threaten software developers in order to contain and subvert Java middleware technologies that threatened Microsoft's operating system monopoly. Here is a point-by-point response:

1) Maybe. So far, this is a so-what since Contracts are restrictive by definition from my recollection of Business Law.

2) Integrated its browser in non-removable way? Similar to the radio in my car? No. It's easier to add a browser than a new radio and much cheaper as in ''free'' thanks to free enterprise, Microsoft and the former Netscape now part of AOL.

3) In the matter of Microsoft's dealings with Apple, let the record reflect how Microsoft kept Apple financially viable with loans ($350M?) and the last version of Microsoft Office for the Mac.

The latter charitable act made, at best, only modest economic sense for Microsoft from what I can.

4) Our IRS in very simple matters involving small sums probably routinely usurps its power far more than the instances I have seen the DOJ cite. As for subverting Java middleware, you give too much credit to Microsoft and too little to SunMicrosystems from what I hear from dozens of developers I know. At long last in conclusion, I urge you to take the settlement as it stands and move on. Yes, it would have been nice to have another billion in software, services and so on for our poorest schools but we've lost that chance, haven't we. We will have to count on the oft-demonstrated philanthropy of Mr. Gates and Microsoft employees and Alumni to make up for that loss and, to an extent, they will although the concentrated consulting assistance will be hard to replace with a volunteer effort. (Are there plans to investigate the illegality of all corporate donations to schools where a smaller competitor is a vendor?) Again, please just move on and count this one in the win column at your press conference.

Sincerely,
Raymond Petrone, P.E.
Concerned Citizen
Diligent Taxpayer
Honorably Discharged Member of the Armed Forces
Vietnam-era Veteran
Donator of Time to Georgia's Universities (partly from the knowledge gained at Microsoft)
Former Microsoft Employee

MTC–00026060

From: BIlly J. Fite
To: Microsoft ATR
Date: 1/26/02 1:05pm
Subject: Microsoft Settlement,

To who it may concern,

The suite, against Microsoft should not have happened,at all.

The suite was not in the best interest,of the general public, and the government, businesses, of all kinds, earthier.

It is not Microsofts fault, that they are way ahead of there competitors,and get there product on the market, before the others do.

If it had not been for all of the smart people,at Microsoft, in getting there technology,in the soft wear world, where would we all be today,with our computers etc., if we had to wait on the other soft wear people, to get the products on the market to us?We would be years behind,in getting this soft wear, for our computers.

The suite, against Microsoft was just a way for a lot of people to get there hands on

money,that they DID NOT EARN,because they were so far behind in there planning and thinking, that they could not keep up, with the smarter people, that Microsoft had the smart to hire, that was superior people in laying out the programs, for Microsoft.

So get off of your DUFFS, and throw out this OUTRAGEOUS SUITE, for it has cost everyone a price,in some way, and it is stupid.

I do not think, that you should punish anyone, for there progress, just because the others, are not SMART ENOUGH to keep up. The faster that we can get, the kind of products,that Microsoft brings to the market place, the more it helps all of us, to advance, faster in the growth of our businesses, so we can get our products to the market place faster and cheaper, and that saves us all money, and can have a larger turn over, and maybe put more people to work,which puts more money in the hands of more people to have more buying power, for there families,and that is what keeps our economy turning, at a safer, and easier pace.

For the betterment of our Country, and all the people,Throw the thing out, and DROP All Charges,and get back to Business, for this thing has not only cost Microsoft a lot of money,but also all of the people, that use and need there kind of products,and will just drive the price of the products up, to the people because of the cost, of all of the special interest people,trying to make a fast buck,off of some one elses progress,because it is just like all of the BULL,that was brought on the Tobacco Industry,and has cost us all dearly, in higher prices and TAXES and the money made on that deal, never ends up in the hands of the hospitals, etc., to treat sickness so called cause of some of the peoples sicknesses.

What kind of Bull are we going to come up with NEXT,that will cost the people, while it makes all of the Lawyers and others RICH. So DROP It.

Sincerely,
Billy J. Fite

MTC–00026061

From: Lee Murdoch
To: Microsoft ATR
Date: 1/26/02 1:05pm
Subject: microsoft settlement

I am very much in favor of completing the Microsoft settlement. I am an Apple computer user and Apple has been injured in the past—but that has been settled and both have moved on. Sun, Oracle, and AOL need to move on—create some value for their customers. Poor AOL with 30 million subscribers!

Meanwhile Microsoft continues to bring useful affordable software to market despite all of the sideshow.

Our economy is struggling, we have apparent outlaws running an energy company in Texas and and an auditing profession in serious need of repair and reform. Seems like the Microsoft situation pales in comparison. They make good products, they take care of their employees and sponsor philanthropic endeavors around the world. Maybe just not enough in Washington DC!

Seems like the DOJ needs to re-focus—and perhaps help the courts to do the same.

Lee Murdoch
205 Mariposa
Medford, OR 97504
CC:Diana Murdoch

MTC–00026062

From: Tomlinson David C4C CS14
To: Microsoft ATR
Date: 1/26/02 1:07pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea.

MTC–00026063

From: Gordon Haverland
To: Microsoft ATR
Date: 1/26/02 12:47pm
Subject: Microsoft Settlement

Hello,

I suspect you are getting a lot of feedback from non-US citizens, as this proposed settlement does effect people outside the United States. I am a Canadian.

I've read a lot about various peoples opinions of the proposed settlement, both learned and popular. I tend to agree that the proposed settlement will be ineffective. I can also see the point where structural remedies may not work either.

I believe that Microsoft has amply demonstrated over the years, that it is never happy having a partial share of any market. It has run roughshod over numerous businesses and industries, all in a quest to ''own'' the market. At present it has 90+% of the PC operating system market and probably 90+% of the ''office suite'' market. It has a major portion of the business networking market (services offered by NT to business LANs). It has entered the information market by forming a partnership with NBC, the Personal Digital Assistant (PDA) market, the home consumer game market. It seeks to enter the music market and the Internet services (.NET) market. And those are just the markets that come to my mind, there may be more. Even with''just'' those markets, if Microsoft follows past practice and grows to effectively ''own'' all of those markets; are there any governments strong enough to control their actions any more? I don't think so. I think the effort has to be made here and now to effectively rein in this behavior of Microsoft.

I think there are two things that need to be done. Microsoft has made a LOT of money by bullying companies. Someone has proposed numbers, but I think if we said something on the order of $100 billion (10 − 11) US dollars, we would be close. I think Microsoft should be fined that much money; to demonstrate to all that it should not be allowed to keep the proceeds acquired by abusing a fair market. Also, I think a definite limit should be placed on Microsoft (and others) as to just how large a market share they are allowed to acquire in a market which has (or had) competitors. Being an engineer/scientist at heart, I'll pick exp(-1) (approximately 37 percent) as a limiting fraction, but I can even see arguments for allowing more than 50%, where I would suggest exp(-0.5) (approximately 61%) as an appropriate limit.

Thank you for your time.

Gordon Haverland, B.Sc., M.Eng., P.Eng.

MTC–00026064

From: Cam Taylor
To: Microsoft ATR
Date: 1/26/02 1:08pm
Subject: RE: Microsoft Settlement
Deadline Looms for Public Comment

Next Monday, January 28, 2002 is the deadline for submitting my opinion to the Department of Justice on the antitrust settlement between Microsoft, the DoJ, and nine states.

While the terms of the settlement are tough, Microsoft and I believe they are reasonable and fair to all parties, and meet ? or go beyond—the ruling by the Court of Appeals, and represent the best opportunity for Microsoft, the country and the industry to move forward.

Even though the DoJ, 9 states, and Microsoft have agreed on the terms of the settlement, I realize final adoption is not guaranteed. Many of Microsoft's competitors, as well as some of the Attorneys General who did not join the settlement, oppose the agreement and have worked during this period to generate public comment urging that it be rejected.

I urge that the DoJ approve the settlement and this matter be put behind us. Thank you for your consideration.

Cam Taylor, 6577 Upper Lake Circle, Westerville, OH 43082–8126.
ctaylor@ee.net

MTC–00026065

From: RICK MARCINIAK
To: Microsoft ATR
Date: 1/26/02 1:09pm
Subject: Microsoft

Let's get on in life. Settle the damn thing. No company has done more for America the past 10 years. The vote was 41 states for and 9 against. That speaks for itself. There is never a deal that all sides agree on.

I'M FOR MICROSOFT !

MTC–00026066

From: Robert Winterhalter
To: Microsoft ATR
Date: 1/26/02 1:11pm
Subject: Microsoft Settlement

As a member of the IT industry, I can only say that I am concerned with the proposed settlement in the Microsoft Antitrust case. It disturbs me greatly because it doesn't seem like it does anything to either a) actually curb Microsoft of their illegal activities, or b) make any effort to correct what their abuse of monopoly power has done to the computing industry. In fact, the proposed settlement seems more like an affirmation that their abuse of monopoly power is okay. What disturbed me most during the whole trial was Microsoft's unwavering assertion that they never did anything wrong. Further, the proposed settlement seems like it would only aid Microsoft in its continued abuse of monopoly power.

Thank you for taking this into consideration.

Robert Winterhalter
Microcomputer Support Specialist II
Eastern Michigan University

MTC–00026067

From: Lawrence Day

To: Microsoft ATR
Date: 1/26/02 1:11pm
Subject: Microsoft Settlement
To: United States Department of Justice
From: Lawrence Day, 1539 W. George St.
Chicago, IL 60657

As a concerned citizen, I strongly recommend everyone involved in the Microsoft case, to put an end to the lawsuit by accepting the proposed settlement. It will do so much for all communities, especially those who need it most. I do not understand why these nine states, where other main software companies are located, continue their pursuit of Microsoft. The longer this goes on, the longer it will take to help the children the settlement is suppose to help. It will also save American tax dollars.

Litigation is expensive!

Microsoft has done a lot for me personally. It has given me the ability to spend more time with my family by making it easier and faster to do the paperwork required at my job. It used to be so burdensome. Now by using Microsoft Office, I can automate some of it. I can't understand how myself and other consumers have been hurt by this company.

Please relay this information to the Judge and any other parties that can help.

Thank you very much.

Sincerely,

Lawrence Day

MTC–00026068

From: Betty H meng
To: Microsoft ATR
Date: 1/26/02 1:11pm
Subject: Microsoft Settlement

Let's get the real meaning in ALL anti-Trust cases—The market place is where these companies must and should compete—NOT IN THE COURTS— Microsoft wins with consumers—making a farce out of these anti-competitive lawsuits !!!!!!!! the Wall Street Journal said the biggest asset AOL has is what AOL hopes to get from suing Microsoft—I hope our legal system will throw this case and any others OUT and bring status back to our legal system.

Thank you—Brig Gen William J Meng, (USAF Ret)

MTC–00026069

From: AAddon343@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 1:14pm
Subject: Microsoft Settlement

I totally disagreed with the Government's unnecessary and unwarranted prosecution of Microsoft in this case. Microsoft was just being competitive and the other companies couldn't compete and were sore losers. It is a perfect example of the Government run amok.

However, since Microsoft and the Government have agreed to settle, it is probably the best possible deal for all concerned. Further litigation would only prove to be counterproductive and will only drag the issue out for innumerable years to come. Therefore, I support the settlement, not because it is the right thing for Microsoft to do, but it will get this absolutely silly prosecution behind them.

Anthony Addonizio
AAddon343@AOL.com

MTC–00026070

From: TL
To: ''microsoft.atr(a)usdoj.gov.''
Date: 1/26/02 1:19pm
Subject: Microsoft Settlement

DOJ,

Microsoft has owned up to its end of the bargain and shown in good faith to come to an acceptable bargain. I think what bothers me most is the fact that our great nation was built on the prospect of business and the freedom to conduct that business in a free nation. We've come a long way in industry from seeking mere quantities to focused quality. Microsoft products are used in just about every aspect of business and government today. It's not because it's the only game in town, but rather the quality it offers to customers. Would be fair to say that any corporation in competition with each other are obligated to have its competitors products included? The consumer has choices, choices built on the principles of freedom. The settlement is fair and for all parties involved.

MTC–00026071

From: reddog@stonemedia.com@inetgw
To: Microsoft ATR
Date: 1/26/02 1:12pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
David Dace
72 Sobrante Rd
Belton, TX 76513–6566

MTC–00026072

From: pastordrdave@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/26/02 1:13pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
David Moseley
667 Sunrise Dr.
Phillipsburg, KS 67661

MTC–00026073

From: Dan Mayer
To: Microsoft ATR
Date: 1/26/02 1:18pm
Subject: Microsoft Settlement

'While the terms of the settlement are tough, they are reasonable and fair to all parties, and meet -or go beyond—the ruling by the Court of Appeals, and represent the best opportunity for Microsoft and the industry to move forward.'

Thank you!
Dan Mayer

MTC–00026074

From: Jennifer Bergens
To: Microsoft ATR
Date: 1/26/02 1:17pm
Subject: Dear Sir or Madam,

Dear Sir or Madam,

I wish to express my disapproval of the proposed settlement with Microsoft.

Sincerely,
Jennifer Oquist

MTC–00026075

From: Ruth Swern
To: Microsoft ATR
Date: 1/26/02 1'18pm
Subject: Microsoft Settlement
856 KILMER LANE
NORTH WOODMERE, NEW YORK 1158 1
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear My. Ashcroft:

I think the recent antitrust settlement between the US Department of Justice and Microsoft is fair and just. I also think it is in the best interest of the states, the IT sector, and the economy to have this issue settled and allow the government to focus on more important issues such as education and security.

Under he terms of the settlement them are a couple points I strongly agree with. One forming a three-person team to monitor compliance with the settlement, and two, disclosing internal interfaces to competitors of Microsoft; these the aspects of the settlement will punish Microsoft sufficiently and ensure that competition is increased in the marketplace.

I sincerely hope that opposition subdues quickly because I look forward to seeing new products and service from Microsoft, a company that has led the technology industry and grown at rapid mtc over the last decade. Thank you for your time.

Sincerely,

MTC–00026076

From: Andrew Morrisey
To: Microsoft ATR
Date: 1/26/02 1:17pm
Subject: Microsoft Settlement

I am very concerned that this settlement has gone on for nearly four years and may still be at risk of not being resolved in a timely manner.

I have been involved in the Information Technology industry since 1981 and have seen significant advances and innovations over the years from all major vendors such as SUN, Oracle and Microsoft. I have also seen technology help advance large enterprises, governments, health and industries in such fashion to enable them to increase productivity, decrease operating expenses, increase partner interactions and improve corporate America. More importantly Information Technology has made a very positive impact on the economy in North America and abroad.

However; this legal case has severely impacted many businesses and people around the world by diverting our attention to brace for major un-necessary changes to one of the key players in the industry (Microsoft). This case needs to be resolved quickly and fairly so we can ''Get on with business'' and begin to focus our attentions on stimulating the economy back to normal in a very different America.

I have read the latest settlement and I believe it is fair and reasonable to all parties involved and I am looking forward to a final settlement in a timely manner.

Andrew Morrisey, I.S.P.

Vice President, Atlantic Region

Qunara Inc. (formerly The EXOCOM Group Inc.) & Microsoft Developer Network (MSDN) Regional Director, Atlantic Canada

* Voice: 902–491–4480 * Fax: 902–422–8901

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MTC–00026077

From: Ric Denton
To: Microsoft ATR
Date: 1/26/02 1:19pm
Subject: Microsoft Settlement

—A consumer view

Dear Judge Kollar-Kotelly:

The following are my own personal views as a regular user of Microsoft application software (Microsoft Outlook, Word, PowerPoint, Excel). The details provided below lead me to make the plea that Microsoft should not be able to use its Operating System Monopoly to freeze out competing application software packages. This means that any settlement needs adequate legal enforcement teeth to ensure the viability of competing application software packages. To accomplish this, there likely needs to be a true ''wall'' between the Operating System group and the Microsoft applications groups, or even a company breakup to ensure needed competition in applications software.

My view is based on some very simple and obvious considerations. Specifically, I am constantly dismayed at the poor quality of key features in Word, PowerPoint, and Excel. Their drawing packages in these applications are definitely not WYSIWYG (What you see is what you get.) This leads to countless wasted hours to do draw and paste, and redraw and repaste, to arrive at acceptable results. The documentation (Help functions) on these packages is also deplorable. If Microsoft chooses to publish such deficient software, that is of course their choice, but it dismays me that viable alternatives are not available. In the real world no application software developer is able to fairly compete with the Microsoft juggernaut, given the operating system monopoly that Microsoft enjoys.

It is my opinion, based on both the above reality and on my following of the news, that Microsoft will continue to exploit its operating system monopoly as it launches into new applications areas. I gather that these problems fall under the category of ''bolting'' of operating system/application software.

I have also read that there are related issues in Microsoft's use of hidden controls in their middleware. Further, I have read that Microsoft has communication protocols embedded in their operating software or middleware that would freeze out competition. I do not have the expertise to evaluate this, but these are the kind of practices that would give Microsoft an unfair competitive advantage.

Any application software developer would need the same access to operating software, at the same time, as Microsoft-internal developers if there is to be a level playing field. It strikes me that this is the minimum requirement that should be expected.

Thank you for the opportunity to express my views as part of your deliberation process.

Sincerely,

Richard V. Denton rvdenton@earthlink.net

CC:microsoftcomments@doj.ca.gov@inetgw

MTC–00026078

From: David Turover
To: Microsoft ATR
Date: 1/26/02 1'19pm
Subject: Microsoft Settlement

To all whom it may concern,

I wish to express my displeasure with the weakness of the proposed settlement in the Microsoft antitrust case.

I am a 22 year old student majoring in Computer Information Science at junior college. I have been a computer user since the age of 6, and have been aware of the computer industry since 1995. I have used Microsoft products and consider them generally well developed, and I have also used alternatives to Microsoft's products including BeOS and Linux. I currently use a variant of the University of California's BSD Unix operating system and maintain my parents'' Windows 98 based computers. I have had no employment by nor relations with Microsoft or its competitors other than having been a user of their products.

Microsoft has committed certain crimes for which Microsoft should be punished. These crimes have harmed competitors of Microsoft, and consumers have been harmed by the lack of innovation due to the unnatural downfall of Microsoft's competitors. Although some or many of Microsoft's competitors would have failed in the free market without any illegal actions needing to be be taken by Microsoft, the eventual natural failure of any of these companies should not relieve Microsoft of punishment for using illegal methods to hasten their downfall.

Microsoft has a long history of using illegal, immoral, and disreputable acts to deprive its competitors of the right to compete in a free market. When the government has attempted to enforce its laws by binding Microsoft to agreements to not break the law in certain ways that Microsoft had broken the law, Microsoft has then broken the law in other ways and claimed innocence because the contracts did not explicitly forbid breaking the law in this particular new way. Without any reasonable threat of serious punishment, all further such contracts are certain to be flouted in the same manner, and the failure of the government to seek additional punishment against Microsoft for failing to abide by the earlier consent decrees, especially after the government has already pressed and won its case, shows a lack of willpower to enforce the terms of the existing agreements. By their previous conduct, it stands to reason that Microsoft will exploit this lack of will to enforce the law.

Following are descriptions of a few of Microsoft's better known acts as examples of the company's general behaviour: When there were equivalent alternatives to Microsoft's Disk Operating System and Microsoft Windows was not an operating system but a separate application product, Microsoft introduced a programming routine into a version of Windows that would detect whether it was running on one of these alternate operating systems and if so print a message stating that an error had occurred.

Microsoft distributed this version to technology writers and enthusiasts who took the message to mean and reported it as meaning that Windows might not run well under any operating systems other than Microsoft's, a notion that Microsoft had been actively spreading at the time. (Examining the Windows AARD Detection Code, Dr Dobbs Journal, 1993) Microsoft has paid employees and outside agencies to write letters to the editors of newspapers and magazines, and more recently to the States'' attorneys general pursuing cases against Microsoft, pushing a pro-Microsoft viewpoint while claiming to be independent; and Microsoft employees have posted pro-Microsoft messages to Internet newsgroups and message boards while claiming to be independent. (Microsoft Plans Stealth Blitz to Mend Its Image, Los Angeles Times, April 10, 1998; Also the Phil Bucking and Steve Barkto incidents, and the recent letter writing campaign from the grave to state attorneys general) Given this history, it should be

expected that some of the public comments on this issue are from people and organizations paid by Microsoft to write or from people directly influenced by public relations companies paid by Microsoft.

During the time of the ''Browser Wars'', the installation routine for most Microsoft products would also install Microsoft's Internet Explorer web browser without asking for the user's permission and regardless of whether Internet Explorer was a requirement for whatever product was being installed. Microsoft also threatened computer makers with the revoking of their license to sell Windows unless the computer makers stopped installing products that competed with Internet Explorer. Microsoft's famous investment in Apple came with the condition that Apple would drop Netscape's Navigator web browser and instead make Microsoft's Internet Explorer the only browser offered on systems it shipped.

Microsoft has begun patenting routines needed for programmers to write software that is compatible with Microsoft's software, and has forced programmers to remove such compatibility. (Microsoft Patents ASF File Format, http://www.advogato.org/article/101.html) While this is their right, it makes compatibility with Microsoft software impossible.

Microsoft and its representatives perjured themselves repeatedly during the trial under Judge Jackson, and Microsoft produced and presented as evidence a doctored video demonstration purporting to illustrate the effects of certain changes to Windows 98.

Microsoft in its actions has shown itself to be a criminal organization with little respect or regard for the laws of the United States of America, little respect or regard for the truth, and with little respect or regard for the freedom of the marketplace.

To decide upon a punishment, the main end must be to prevent and discourage Microsoft from continuing to carry out further criminal acts. It is less important to make reparations towards consumers and competitors harmed or to consider the economic impact of the punishment. The result must also treat noncommercial computer users and programmers, such as hobbyists and universities, as fairly as businesses are treated.

A fine is the most obvious method of punishment against a business. However, a fine absent of other punishment will do nothing to prevent Microsoft from continuing to carry out criminal acts as Microsoft has enough liquid assets on hand to painlessly pay any but the most extreme fine.

Another consent decree may be necessary to state specific violations of the law that Microsoft has committed. This would come with two caveats: It must not leave open the possibility of allowing Microsoft to violate the law in ways which other companies are not permitted without government favour, as many contracts between government and businesses do; and a consent decree absent of additional punishment will not dissuade Microsoft from continuing to carry out criminal acts, as earlier consent decrees have not.

The removal of Microsoft's government granted trade protection, in the form of copyrights and patents, on certain of their products is another option that could be considered. A similar option to be considered is the seizure of certain of Microsoft's trade secrets and their release to the public domain. A severe form of punishment along these lines, which has not been used against a major business in recent history, would be the revocation of Microsoft's corporate charter and right to do business within the United States.

Some have suggested that Microsoft's source code be released under the GNU public license used by the Free Software Foundation. I do not agree that this is appropriate, as the benefits would nearly exclusively be towards hobbyists. It has also been suggested by the States that Microsoft be made to make its Office suite of products capable of running on operating systems that compete with Windows. Again, I do not agree with this proposal as, while Office has a monopoly sized user base and is a major source of Microsoft's revenue, it is not the focus of the case against Microsoft and several able competitors exist.

Microsoft has offered, as a settlement to one of the cases against it, to present computers running its software to the nation's public schools at its cost. As schools contain a large number of computers running Apple hardware and software, and these computers would be replaced by the Microsoft computers, such an offer in fact benefits Microsoft rather than punishes and as such should not be considered.

Since the core of the case is about Microsoft embedding products into their Windows operating system, and a major complaint in the industry is of the difficulty of attaining compatibility with Microsoft's operating system, I suggest that the punishment include the seizure and placement in the public domain of all the source files within the development branch of the Windows operating system current to the date of the new decision, including the source code to all programs and libraries that Microsoft considers a part of their OS and is included with Windows in sales to consumers and OEMs. In addition, Microsoft should be stripped of ability to use their patent protections to prevent others from developing products derived from the publicly released source code.

This would punish Microsoft by allowing others to immediately build and distribute operating systems equal to Microsoft's and in doing so threaten Microsoft's market position. With OEMs able to build their own Windows-like systems, most of the points in the proposed consent decree become moot. The process of making products compatible with Windows and its associated programs would be greatly eased with the metaphorical blueprints to Windows publicly available.

Whatever solution is decided upon, it must hold to these points: Microsoft must be given a punishment, not simply a warning, as they continue to ignore prior warnings given them; the punishment must take into account Microsoft's positions of monopoly power and where they have abused this power to muscle into other industries as relevant to the court case; the punishment should favour consumers and the marketplace over Microsoft or a few of its competitors, while not discouraging innovation or competition against Microsoft. Fairness towards Microsoft is unimportant as fairness is more than Microsoft has given others.

With respect and regards,
David M. Turover
Petaluma, CA

MTC–00026079

From: William G. Robinson
To: Microsoft ATR
Date: 1/26/02 1:22pm
Subject: I have reviewed the settlement and

I have reviewed the settlement and urge the DOJ to accept it. I feel that the carping by a number of other manufacturers is just ''whistling in the wind,'' including those states who reject the offer and mine is one of them. I am a former aircraft company executive who is now retired.

William G. Robinson
Topeka, Kansas

MTC–00026080

From: Mary Bertogli
To: Microsoft ATR,tormist@ag.ia.us@inetgw
Date: 1/26/02 1:22pm
Subject: Microsoft Settlement
January 26, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street, NW
Suite 1200
Washington, DC 20530–0001

To Whom It May Concern:

I am writing this letter to ask that you reconsider the decision to settle the United States Department of Justice antitrust lawsuit against Microsoft Corporation. American consumers may have been overcharged $20 billion by the Microsoft monopoly. My concern is that your agreement with Bill Gates'' company does nothing to neither rectify past sins by this company nor protect against future gauging.

As you know, at least ten consumer groups disagree with your agreement to settle. Microsoft has little incentive to change any of its practices. Their concessions of handing over some operating systems code and offering manufacturers some sovereignty over Media Player amounts to little more than a light slap on the wrists for a multi-billion dollar company.

I strongly agree with my state's Attorney General, Tom Miller, and the action taken to reject this Microsoft agreement. I believe that Mr. Miller and the other eight state attorneys general see the many loopholes and problems with enforcement that does little to affect change in the computer software industry. Splitting Microsoft into two or three companies may not be the proper response, but neither is this.

Your decision to prematurely end litigation against Microsoft is a mistake. The agreement offers no real incentive to stop monopolistic, anti-trust efforts. It won't help much smaller companies compete and it doesn't serve the American consumer. Please continue to go after Microsoft. It is a duty of the Justice Department to protect the average citizen from companies that have grown too large and too powerful by questionable business practices.

Sincerely,
Mary E. Bertogli
3507 Southern Woods Dr.
Des Moines, Iowa 50321
CC: Iowa Attorney General

MTC–00026081

From: DSeeryUMC@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 1:21pm
Subject: Microsoft Settlement
416 Maren Street
West Hempstead, NY 11552
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I want to have my opinion entered in the public record in full support of Microsoft. I understand the terms of the settlement Microsoft has agreed to, and feel that the Justice Department has no other choice but to make the settlement final, for the good of the people. The settlement is extremely fair to all of Microsoft's rivals and gives them a more level playing field to compete within the ever-changing computing and software industry. Microsoft's competitors will be able to give computer users the choice of using Microsoft or non-Microsoft software features within the Windows operating system.

I have followed this case for some time, watching and waiting for something to happen to resolve this issue. The Justice Department has slapped Microsoft in the face for the past three years for being more successful than any corporation. This is not the first time a company has been legally stopped by the government, and I am sad to say, it won't be the last. So much money and government, public and private resources have been squandered trying to prove Microsoft has operated unfairly as a monopoly. What Microsoft has done is give the world incredible software technology that has helped ever day lives and businesses run more efficiently and increasing productivity. The competition has to date, not been able to produce anything close in comparison to Windows.

Sincerely,
Richard A. Seery ??. Mary P. Seery

MTC–00026082

From: O Trapp
To: Microsoft ATR
Date: 1/26/02 1:28pm
Subject: MICROSOFT SETTLEMENT

Greetings,

I am writing in response to the opportunity that the interested public has in the Microsoft Settlement. There are several issues that have bothered me thoughout this case. Many times in the past, Microsoft has blantently ignored ethics in their interaction with competitors.

I was very sorry to hear that Microsoft had done whatever they had done to get the Dept of Justice to cancel the court planned split-up of Microsoft. Now I have read that once again Microsoft has acted as though they are above the law, perhaps because they have the money to attempt to buy what they want. I request that the courts require full disclosure from Microsoft of all contacts with the government under the Tunney Act .

For the record, I own substantial shares of Microsoft. I truely wish they were more ethical in their pursuit of business and would not repeatedly act as if they were above the law.

Sincerely,
Orlin D. Trapp
501 Portola Road, #8143
Portola Valley, CA 94028–7604

MTC–00026083

From: g.osborn@juno.com@inetgw
To: Microsoft ATR
Date: 1/26/02 1:28pm
Subject: Microsoft Settlement

Justice Department,

Consumers interest have been well served and it is time to end this costly and damaging litigation. Continuing this legal battle will only benefit a few wealthy competitors, lawyers, and a few special interests.

Sincerely,
George and Mary Osborn

MTC–00026084

From: Moondog123@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 1:29pm
Subject: Microsoft settlement

Urge you to expedite and approve proposed antitrust settlement between DoJ, 9 states and Microsoft in the interests of the the consuming public. Lawsuits of this type hinder competition, and the innovation that the U.S. economy so badly needs now. Do not put the U. S. government in the position of standing in the way of the advancement of the economy.

J. Kahn
moondog123@aol.com

MTC–00026085

From: Melinda Stimpson
To: Microsoft ATR
Date: 1/26/02 1:31pm
Subject: Microsoft Settlement

I am actually Mike Stimpson, not Melinda, despite what the E-mail header says. I'm writing from home, which is why the header says Melinda.

I have worked as a computer programmer for 15 years, and have tried to keep up on what is going on in the industry. I have used (and written programs for) Microsoft and non-Microsoft operating systems.

I consider the proposed Microsoft settlement to be very inadequate. It does not address the following issues:

Microsoft is not actually punished for its'' illegal acts. That is, they are placed under restraint for ongoing conduct, but Microsoft has already profited from their anticompetitive acts, and that is not addressed at all. It seems to me that the amount of Microsoft's profit arising from the acts should be determined (that's hard, I know). Then Microsoft should be fined triple the amount of their unjust gains.

Microsoft is still at a huge competitive advantage in applications due to their monopoly in operating systems. This needs to be addressed by requiring that the programmers writing applications for Microsoft use only publicly available information about the operating system. Otherwise, they may be able to use features—typically function calls—that are not available to others. This lets Microsoft leverage their operating system monopoly to an advantage in applications. Even as Microsoft's applications programmers should not have an advantage in the available operating system features that they can use, they also should not have an advantage in when they can use them. That is, if the Microsoft programmers learn about the new operating system features six months before their competitors, then, all other things being equal, their applications will incorporate the new features six months earlier. Again, this lets Microsoft leverage the operating systems monopoly to an advantage in applications.

It seems to me that, given the previous history of Microsoft anti-trust consent decrees, that this consent decree needs to have some concrete penalties for violation that are stronger than merely extending the same consent decree for two more years. If Microsoft violates the consent decree, what prevents them from violating it for the additional two years? There must be a more severe consequence for violation than merely extending the consent decree.

In light of the above points, I urge that the proposed consent decree be either rejected or considerably strengthened. We need a consent decree that actually addresses the issues of Microsoft's anti-competitive behavior, not merely one that brings an end to the case.

MTC–00026086

From: Virginia Clifton
To: Microsoft ATR
Date: 1/26/02 1:31pm
Subject: Microsoft Settlement
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I'm writing to urge you to support the settlement recently reached between the United States Department of Justice and Microsoft. I feel this is a lawsuit that should have never been launched against Microsoft and believe that it is now time to end it so Microsoft can return to the business of software development. Indeed, Microsoft must feel the same way because it agreed to terms in the settlement that went far beyond the scope of the original lawsuit.

Microsoft has, for example, agreed to license Windows to the 20 largest computer makers on virtually identical terms and condition. Microsoft has also agreed to grant computer makers and software developers broad rights to configure Windows to remove Microsoft products and substitute competing, non-Microsoft products in their places. For example, Netscape Navigator can be installed in place of Internet Explorer; RealPlayer in place of Windows Media Player; and AOL Instant Messenger in place of Windows Messenger. Microsoft has agreed to not retaliate against computer makers and software developers who choose to do this. Further, Microsoft has agreed to not enter into any agreements with other companies that would obligate them to exclusively distribute or promote Windows technology.

Based on the facts of the settlement, I encourage you to accept the terms of the

settlement so that Microsoft can carry on the business of developing innovative software.

Sincerely,
Virginia Clifton
1125 Olympia Avenue NE
Olympia, WA 98506

MTC–00026087

From: Sharon Corboy
To: Microsoft ATR
Date: 1/26/02 1:32pm
Subject: aol suit

aol lost in the market place. bardsdale could not compete on the merits of his product.because microsoft makes a better product

thomas a corboy
tccorbor@earthlink .net

MTC–00026088

From: Charles E Davis
To: Microsoft ATR
Date: 1/26/02 1:32pm
Subject: Microsoft Settlement

It is time for the Microsoft settlement to be implemented and let business run its natural course. Too much time and money has been spent to try and satisfy Microsoft's competitors.

Thank you

MTC–00026089

From: Theo Armour
To: Microsoft ATR
Date: 1/26/02 1:34pm
Subject: Microsoft Settlement

I believe that the settlement terms proposed by the Court of Appeals are reasonable.

I hope that the company that brought the Internet to the great majority of desktops in this world will be be permitted to continue giving users affordable, usable and new technologies.

Theo Armour
theo@evereverland.net

MTC–00026090

From: Pschoues@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 1:34pm
Subject: (no subject)

I think the antitrust settlement between the Dept. of Justice and Microsoft is a fair settlement and should be takeing for the good of all parties.

Paul schouest 25345 Fenner
Street Plaquemine, la. 70764
CC:fin@mobilizationoffice.com@inetgw

MTC–00026091

From: Zelie, Elizabeth A.
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/26/02 1:31pm
Subject: Microsoft Settlement

Honorable Judge Kollar-Kotelly,

I am writing in regard to the settlement between Microsoft (PFJ) and the Justice Department. As a student who has taken many computer classes, I have benefited from the products produced by Microsoft, and I am excited to see what they will come out with next.

However, having said that, I do believe that they should not be allowed to continue their monopolistic practices. They violated anti-trust laws and should be punished for that. I am a Business Law student and if I have learned anything in my studies, it is that laws are made to be enforced and not to be broken. If Microsoft is not punished for violating a law, but is instead given a pat on the back and taken care of by PFJ, then why should we enforce the law when anyone else violates it?

We are blessed to live in a country with a free market economy, but what good does that do if companies are allowed to become monopolies? That seems to go against the very principles on which this country was founded. Please reexamine this case and do your best to change this settlement. I will be praying that God guides you in making this decision.

Sincerely,
Liz Zelie
Elizabeth Zelie
200 Campus Drive, Grove City College Box #2515, Grove City, PA 16127–2197
zelieea1@gcc.edu
CC:'stopmicrosoft(a)yahoo.com''

MTC–00026093

From: Gemfield Association
To: Microsoft ATR
Date: 1/26/02 1:35pm
Subject: Microsoft Settlement

Dear sirs,

We don't need any more special interests trying to defeat consumers. So why drag out this battle any more? Only a few special interests could benefit from that. The Tunney Act seems to me to well serve the interests of the consumers, and the time to end the litigation has arrived.

Sincerely,
David B. Robinson, J.D. (Hon.), M.Sc.

MTC–00026094

From: Scott Tillema
To: Microsoft ATR
Date: 1/26/02 1:36pm
Subject: Microsoft Settlement

Dear Sirs—

I do not support your actions against Microsoft, and I believe that a great injustice is being committed.

To uphold ''justice'' is to ensure that a person (or persons) get exactly what they deserve. As a citizen of the United States, I expect my government to serve this principle of justice when protecting the most essential value that we all cherish: freedom.

By freedom, I am refering to our constitutional right to determine, pursue, create, and protect our own values. The opposite of freedom is slavery; it is the act of initiating force against others as a means of acquiring values. The only *moral* use of force is as a means of protection or retaliation against those who would initiate it. Thus, force should only be used as a means of protecting freedom from slavery.

Microsoft has not committed any injustice. They have *earned* their market share by giving the market what it wants. When faced with a challenge, their focus their power and resources on making a better product. If necessary, they have put restrictions on how *their* product may be purchased. They do anything that is *within their power* to advance and protect their products—their values. Yet they have never initiated *force* against any other person. Every man is free to accept Microsoft's terms or part company—unlike a law of the government that imposes its terms by threat of imprisonment. (In fact, as a consumer and computer user, I freely choose to use many non-Microsoft owned products—including a non-Microsoft internet browser (called Opera)!)

I ask you to look at Microsoft and ask yourself: would you classify this corporation in the same category as bank robbers, con-men, rapists, murderers, or terrorists? Do they even share *one degree* of the essence that makes these men criminal? Because, this is what you have done.

The prosecution of Microsoft is a grave *injustice*, committed on behalf of those who would use the government to impose their values by *force*. By pursuing this case against Microsoft, the government has *unfairly* given my fellow citizens the priveledge of using the state sanctioned use of force to achieve their desires. I recognize this as an act of slavery.

Your justification of this injustice is the Sherman Act; a law that restricts the freedom of businesses to determine how their products are traded. The purpose of this act is to impose some ill-conceived economic theory as a matter of law. As it is written it makes every business subject to the whim of a judge's interpretation rather than the facts of reality.

Justice in the world of economics is not served by a judge's whim—it is served by reality. Microsoft, as does any business, recognizes this reality. Regardless of any attempt Microsoft has taken to protect its current products, it cannot escape the need to innovate or create new products. In fact, this is the reason that Netscape lost its own market dominance: regardless of price, eventually Microsoft had to produce a better product. Unless Microsoft continues to innovate and improve, it too will lose its market dominance.

You can see that justice is done: see to it that Microsoft, all businessmen, and all Americans are set free from the tyranny of such laws as the Sherman Act that impose slavery on our lives.

MTC–00026095

From: Jonathan Holbert
To: Microsoft ATR
Date: 1/26/02 1:35pm
Subject: Microsoft Settlement

I don't believe the proposed settlement is sufficient to stop future monopolistic behaviour from Microsoft Corp.

Thank you,
Jonathan Holbert

MTC–00026096

From: gmcgarry1@msn.com@inetgw
To: Microsoft ATR
Date: 1/26/02 1:35pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Gayle McGarry
7607 Weeping Willow Circle
Sarasota, FL 34241

MTC–00026097

From: DMiller909@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 1:40pm
Subject: (no subject)

I am addressing myself to this subject once again in view of the recent events wherein AOL has instituted suit against Microsoft. As we hold stock in the technology companies hoping that one day our grandchildren will benefit through the absorbtion of college costs by said investments. Now I find that the situation has progressed from the sublime to the ridiculous. The

Microsoft competition obviously disregards the effect their actions has created in the marketplace. The officials of these corporations need not worry about the diminishment of their present financial values as they will eventually find retention bonuses or future stock options that will regain present day losses, but the individual investors will not be so fortunate.

The states still involved in the case are more likely supporting the tech companies within their geographical areas and the heck with everyone else. It appears that they will not be satisfied untill they establish what the competition desires It is time to get this situation behind us- It is time to remove the shadows of uncertainty from the market.AND it is time to remove the shackles from the economy that has, in my opinion, sufferred as a result of the added pressures. n closing I can only state that the uncertainty and the actions of the remaining states in opposition to the Microsoft decision of the government has, in my opinion, caused greater financial loss to the investors than the damage the competition and/or Attorney Generals of the respective States claim that Microsoft has caused the public.

Very truly yours..
dmiller

MTC–00026098

From: Nsjarrard@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 1:41pm
Subject: Microsoft Settlement

Please get this case settled. We NEED Microsoft! It's technology has been very important to me and to everyone I know. Without it's contributions, we couldn't have made the major progress we have made. It's time for this whole mess to be over!

Please adopt the terms of the settlement as they are now and get this thing finished.

THANK YOU!
Nancy Jarrard
15807 Gooseberry Way
Apple Valley, MN 55124

MTC–00026099

From: G Eisenberger
To: Microsoft ATR
Date: 1/26/02 1:41pm
Subject: Microsoft settlement

To Whom It May Concern:

As a retired person who uses Microsoft software, I urge you to settle the DOJ lawsuit.

Years ago when I started working with computers, you had to do most of your own programming. It was time consuming, frequently inaccurate, and totally frustrating. With the Ms windows operating system, I can get up-to-the-minute news, check on my investments, communicate with family and friends, send photos, play games, etc. Last year I was able to get in touch with my buddies from my Navy days and we had a reunion after 47 years.

When you consider the cost of Ms software, compared to cable TV or phone service, it is a real bargain.

Let them keep adding features and improving this wonderful product.

Sincerely,
Gary Eisenberger, Age 67

MTC–00026100

From: Quin Blackburn
To: Microsoft ATR
Date: 1/26/02 1:03pm
Subject: Microsoft Settlement

To whom it may concern:

I am writing as a citizen concerned about the proposed final judgement between the United States and the Microsoft Corporation. I am a Design Engineer in California, with a significant background in computers and programming. I am also a user of Unix, Linux, and other competing operating systems, and therefore I have been exposed to how Microsoft has maintained and extended its monopoly, and I feel that I have been negatively effected by their activities.

While the judgement seems to address a number of the activities that Microsoft has used to hold and extend their monopoly, I think it has a number of weaknesses that will prevent it from accomplishing its purpose. The most likely result I see of approving this agreement is that Microsoft will continue their anticompetitive practices for several more years, followed by another lengthy antitrust trial. The irony is see is that in some cases they may use the proposed judgement as justification for their anticompetitive actions, as it specifically allows some of them to continue.

In section III parts A and B, the intent seems to be to allow OEMs to use Microsoft and competing products freely, without allowing Microsoft to take action to prevent them from doing so. However, it leaves Microsoft ample opportunity to continue to engage in anticompetitive practices. III.A.2 says that Microsoft cannot retaliate against an OEM for shipping computers that have a competing operating system on them, in addition to Microsoft's operating system. However, if the OEM ships any computers that have only the competing operating system, then retaliation is allowed. In effect, this can be read as requiring the OEM to put a Microsoft operating system on all the machines they ship.

Section III.B also specifies Covered OEMs for many of the protections. There are a great many computer manufacturers in this country and abroad, but it seems that only 20 will be protected.

Another thing I notice is that there is no mention of bundled products. This strikes me as allowing them to give discounts on seperate packages, like Microsoft Office, to vendors that behave the way Microsoft wants them to with regard to their operating systems products. These provisions have been used in previous OEM agreements. Since a large percentage of personal computers ship with an office package, this seems to give them a significant loophole to favor certain vendors without changing their cost schedule for their operating system products.

It strikes me as odd that there was no mention of Microsoft's applications, specifically Microsoft Office, in the proposed judgement.

While the trial was based on their operating system monopoly, they have a significant monopoly in the standard office application market that they use synergistically with their operating system monopoly to prevent competition in both areas. I believe that the findings of fact mentioned that they used the threat of withholding Microsoft Office for Macintosh as a lever against the Apple Corporation. The applications are used to support the operating system monopoly, because the lack of a version of Microsoft Office, as the most common office suite of applications, for competing operating systems is a large part of the ''Applications barrier to entry'' for those systems. The operating system monopoly is used to support the applications monopoly largely by bundling. Microsoft can afford to charge less for their Office suite because they are sellling it with another product, the operating system.

The proposed final judgement makes no attempt to address the applications monopoly, which, while unfortunate, is understandable since the trial concerned their operating systems only. However, it should address how they use their applications to the support of their operating system monopoly. The disclosure provisions should include the APIs and file formats for Microsoft Office, so that competing operating systems can have a fully compatible office suite. The Operating System licensing sections need to mention associated licenses, so that Microsoft doesn't use discounts on one product in lieu of the other.

The disclosure of the APIs, under section III.D, is done via the Microsoft Developer Network. While greater disclosure would aid competition, the choice of MSDN is questionable. In order to use MSDN, a developer needs to accept a ''Click Through'' agreement drafted by Microsoft. Having wanted to support a Microsoft file format in a competing operating system, I ran afoul of that agreement, which disallowed me from

doing so. Indeed, the proposed final judgement only requires the disclosure ''for the sole purpose of interoperating with a Windows Operating System Product''. Since the entire intent of the judgement is to encourage competition to the Microsoft Windows monopoly, allowing the disclosure only to users of Windows, and for products that only run on Windows seems to completely defeat the purpose. This disclosure will only strengthen the Windows monopoly.

One significant thing I see lacking in the proposed judgement is any sort of penalty. The Microsoft Corporation has been ruled to have broken the law, but the judgement does nothing to ''deny to the defendant the fruits of its statutory violation''. At best, the judgement simply tells them not to do it again. There seems to be no reason for Microsoft not to continue its anticompetitive activities, since past transgressions of the law have not been penalized, they have no reason to believe that future ones will be. The judgement gives no means of enforcing even its own requirements, save returning to the courtroom and starting this process over from the beginning.

At the risk of destroying my credibility, I have to say that Microsoft works in its own interests alone. They have no interest in competition, and no interest in or respect for the law. They will not follow the intent of an agreement, only the strict letter of it in their most favorable interpretation. If the judgement is not airtight, Microsoft will willfully continue their practices, citing any weakenesses in the agreement as allowing them to do so. The Microsoft Corporation has been convicted of having undue power and an agreement that has any less power will simply be pushed aside like any other competitor to their business.

Also, at greater risk, I would like to note that Microsoft has in the past hired marketing/PR firms which would write a large number of letters from ''concerned citizens'' in favor of Microsoft. I would hazard a guess that you have a significant number of these letters that have been commissioned in the interests of interfering with the legal process in their own favor.

Thank you for your time,
Quin Blackburn
Valencia, CA

MTC–00026101

From: Rob Cowart
To: Microsoft ATR
Date: 1/26/02 1:44pm
Subject: Microsoft Settlement

My mother is a teacher in an elementary school in North Texas, with about 20 children per grade. They have one computer in each classroom, and it's a Macintosh. If Microsoft gives the school new computers, the children will learn to use those, maybe they will dispose of the older Macs, and then Microsoft will have taken a market away from Apple.

The children will feel comfortable with Windows, and may continue to use it all of their lives. The settlement gives Microsoft the chance to get customers for 80 years or so. If the point of the settlement is to increase Microsoft's market share in the schools, then the Settlement is perfect. But it's not, the reverse needs to happen. Only by competing against itself can Microsoft lose market share. The government split up AT&T, and competition increased and consumers benefited, eventually; this is no different and I don't understand why the government is treating it like it is.

Thanks for reading this,
Robert

MTC–00026102

From: Elizabeth Allison
To: Microsoft ATR
Date: 1/26/02 1:45pm
Subject: settlement misguided

Elizabeth Allison of New York and New Jersey weighing in here to say that the proposed settlement in no way addresses Microsoft's gross abuse of its consumers and, in fact, opens the door to further, albeit different, abuse. Will send longer and hopefully more eloquent words to same effect within 24 hours, time allowing, but wanted to get at least this much said now.

EA

MTC–00026103

From: Carolyn Cooper
To: Microsoft ATR
Date: 1/26/02 1:46pm
Subject: Microsoft Settlement

Dear Renata B. Hesse:

I am emailing about the Microsoft Settlement. It is important that we protect the rights of individuals against corporations in America, and Microsoft is not going to concede unless we make them.

I'd like to focus on just one of these issues which needs to be remedied. Protocols and file formats need to be openly available. For one, it is a widely accepted fact in theoretical research that the only way a protocal can be really secure, is if it is based on the theory in its algorithms, not on the secretness of its methods. When Microsoft hides its protocols, it may leave security holes that we cannot discover until they are broken. Secondly, and most importantly, Microsoft uses its monopoly in the Operating Systems market to create a monopoly in the software market.

If I create a file using Microsoft Office, I should have the right to use that information with another operating system. Microsoft needs to be required to make their file formats available to other programs so that I own my own files. At this point in time, my creations in Microsoft are very difficult to export, and in a certain way, Microsoft owns them. I request you to protect my work, and my rights as an individual.

Thank you,
Carolyn Cooper
Princeton, NJ

MTC–00026104

From: EDPFC@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 1:47pm
Subject: Microsoft Settlement

To Whom it May Concern!

I am sending this e-mail to voice my opinion on the antitrust settlement between Microsoft, the Dept. of Justice and nine states. Microsoft maybe a bully with their competitors and customers; large companies flex their muscles all the time. I am a small manufacturer, and you should see how the big retailers bully me around! They are creative and built the company from scratch, unlike Standard Oil, for example, who purchases other companies to create a monopoly and for whom the antitrust laws were written. US companies compete around the global. Would you rather a Japanese company have the monopoly on Window? No, I rather it be a US company. Accordingly, I think the settlement is fair, and you should take up Microsoft's offer to supply the poor schools with the latest technology as part of their penalty.

Best Regards,
Ed Esposito
Professional Folding Carts to make life EASIER!
www.FoldingCart.com
Tel. 718–693–9700

MTC–00026105

From: maryannstuart@juno.com@inetgw
To: Microsoft ATR
Date: 1/26/02 1:47pm
Subject: Microsoft Settlement

Please accept the Microsoft Settlement and finish this case. Quit spending taxpayer money on this matter. And please don't accept any more lawsuits about this. Microsoft should not have to be tried again on the same or a related matter.

The United States government should never have been involved in a lawsuit against Microsoft in the first place. I disagree with the current anti-trust laws. The government has no business fighting against corporations of our fellow citizens, unless they are doing something actually criminal (such as covering up drug operations or terrorist activities, etc.)

AT&T should never have been broken up, either. Large size and creativity are not criminal. Making a product widely available is not criminal. Competitors have the burden of competing, that is, of finding their own innovative ways to make a place for themselves in the market. Competitors should not have the government's and taxpayers'' help to become bullies. Competitors could ask the taxpayers to help fund better education for future employees for the workforce, in general.

The companies that could not hire the brains to figure out ways to effectively compete with Microsoft had no right to take their competitor to court. Rather than wasting taxpayer's time and money on a lawsuit, they and the government should have spent the money encouraging the education of potential scientists, engineers, computer programmers, etc. They should have screened potential applicants and sent them to appropriate schools, keeping a close eye on the quality of training they were receiving. What a difference this would have made!

This country's level of science training has fallen behind what it was in the 1960's under President Kennedy. We should not hinder good thinking and the resulting sensible business practices. We should encourage scientific and technological education, research, and progress.

This is relevant to the present case, because, as I mentioned above, the lack of good potential employees for competing

companies is one of the reasons that a case like this ever came to be.

Thank you.

MaryAnn Stuart

MTC–00026106

From: haughton@wpmedia.com@inetgw
To: Microsoft ATR
Date: 1/26/02 1:46pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jim Haughton
600 Green St.
Kingstree, SC 29556

MTC–00026107

From: Knickshl@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 1:50pm
Subject: Microsoft Settlement

Hello,

I am a student at Stony Brook University and is currently seeking acceptance into the Computer Science Major. I have been reading about the ''final judgment'' in the Microsoft Case, and I feel that Microsoft is a monopoly. Almost every PC on the planet has Microsoft as their operating system, and I feel that other smaller companies with better software and new ideas should get the chance to promote their company. Therefore, I feel that the Supreme Court's decision to control the promotion and use of Microsoft programs and putting strict conditions on the licensing rights of Microsoft to other companies was the right thing to do. Even though just like many other people around the world, I also use a Windows operating system and will have to get to know the new operating systems that will be coming out after this decision is made final.

P.S. Thank you for letting our voices be heard in this decision.

MTC–00026108

From: CAHein@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 1:51pm
Subject: Microsoft Settlement

The proposed MS settlement is AWFUL. Don't accept it.

Craig Hein

MTC–00026109

From: adam freeman
To: Microsoft ATR
Date: 1/26/02 1:52pm
Subject: Microsoft Settlement

I really disagree with the proposed settlement. Make Microsoft buy however much its willing to donate of its own products from someone else. Like Apple and Corel and Adobe. Don't let Redmond extend their monopoly into the schools. Punish them instead.

MTC–00026110

From: Cyrus Walker
To: Microsoft ATR
Date: 1/26/02 1:53pm
Subject: microsoft settlement

As currently structured the proposed settled as defined by the DOJ does not actually curtail microsoft's practices. The settlement definitely does not benefit the consumer, small software developer or large software developer. Microsoft does not encourage innovation but actually eliminates and crushes innovative products if the are perceived to be any type of threat to their operating system. The penalties should be more restrictive and actually enforceable if there is to be any benefit for the consumer, competition and innovation from other consumers. No one should be forced to accept something because there are no viable choices. That is what microsoft and this lackluster settlement propose to do, remove the ability to make a choice, just accept what is given to you.

I want to make my own choice!!!!

v/r

cyrus walker

MTC–00026111

From: Alison Randall
To: Microsoft ATR
Date: 1/26/02 1:52pm
Subject: Microsoft Settlement

To whom it may concern,

I wanted to submit my comments on the antitrust settlement between Microsoft, the Department of Justice and nine states before Monday's deadline. I believe the terms of the settlement are reasonable and fair to all parties involved and go beyond the ruling by the Court of Appeals. This settlement represent the best opportunity for Microsoft and the industry to move forward. Adopt the settlement and let's move on to more pressing issues.

Thank you,
Alison H. Randall
Dublin, Ohio

MTC–00026113

From: Scott Cassill
To: Microsoft ATR
Date: 1/26/02 1:53pm
Subject: Microsoft Settlement

Would you please discount the specifics and get to the generalities of acknowledging almost instant obsolescence and the need to develope newer, faster and more efficient programs. Consumers are greatly benefitted by Microsoft's software. Let the consuming public decide at the cash register. Let Microsoft continue to help materially in our losing balance of trade ''battle.'' Let all the titans of tech get to work. They create a great deal of wealth, which is taxable and consumable. This is what made America great.

Let's roll !
Scott and Joyce Cassill
Nordland, WA 98358

MTC–00026114

From: Chad Hasselius
To: Microsoft ATR
Date: 1/26/02 1:56pm
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea. Under the proposed settlement Microsoft will surely continue their anti-competitive practices and ultimately hurt not only consumers, but the future in computing as well. With computers increasingly being integral to society this proposed settlement will ultimately hurt all of society for years to come in many ways. If you go ahead with this settlement and concede to the political reasons for it, this will definately be a dark spot in history. Please do not go ahead with it if you care at all about the ramifications of it, stay strong and fight for the people.

Chad Hasselius
9163 Kirkwood Ln.
Maple Grove, MN 55369

MTC–00026115

From: Chohanmotor@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 1:59pm
Subject: Hi

I wouls say that both United States and Microsoft are right at their own sides. I say this because Microsoft wants to be popular llike any other company's goal would be so it sells its software almost in all pc's. They want people to use their internet browser too so they made their OS's like that the people has to accept the agreement to install Their bowser too in order to get their OS installed. It's kind of enforcement that they're doing but I think that any company who would like o be popular and rich will definately do that. Now on the other hand, United States is right that Microsoft shouldn't do like that to sell their internet browsers like that because like that it'll be a monopoly. No other company can sell their product, for example Netscape. They want to sell their software too. So I think that the case is good in my opinion because If you put yourself in either Microsoft side or United States side you would do the same thing that they're doing. Thanks

MTC–00026116

From: Jean-Pierre Mouilleseaux
To: Microsoft ATR
Date: 1/26/02 1:58pm
Subject: Microsoft Settlement

i truly am disappointed with the proposed microsoft settlement. i would have expected more from a country that was so determined to shatter telecommunications and oil monopolies of the past. the current settlement allows microsoft to further extend it poisonous reach, which seems rather paradoxical. it is difficult to see if microsoft is being punished or rewarded for their perpetually anti-competitive behavior. please reconsider the settlement.

regards,
://jean-pierre

MTC–00026117

From: AnnKom@aol.com@inetgw

To: Microsoft ATR
Date: 1/26/02 2:01pm
Subject: Settlement

Please except the microsoft settlement and move on. we all love microsoft and so do most of the manufacturers.....

MTC–00026118

From: Fortunato Velasquez
To: Microsoft ATR
Date: 1/26/02 2:01pm
Subject: settlement

U.S District Judge Colleen Kollar-Kotelly: January 26, 2002 It is my opinion that the proposed settlement with the Microsoft company is NOT ''in the public interest.'' The company should be prosecuted as predators who have defrauded the public and pursued monopolistic business policies.

Thank You,
Fortunato Vel'squez
Seattle, WA

MTC–00026119

From: rbrakes@mac.com@inetgw
To: Microsoft ATR
Date: 1/26/02 2:00pm
Subject: Microsoft Settlement

From my reading of the settlement, I do not see justice at all. It sounds to me as if Microsoft is being rewarded rather than punished and nothing is being done to prevent their unscrupulous business practices. As a software developer myself for over 20 years, I have found Microsoft to be nothing but an impediment by purposely destroying existing standards and thereby slowing new innovation.

Please consider a punishment more suiting than a simple slap on the wrist as is currently proposed.

MTC–00026120

From: AnnKom@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 2:00pm
Subject: Settlement

Please except the microsoft settlement and move on. we all love microsoft and so do most of the manufacturers.....

MTC–00026121

From: swht@infi.net@inetgw
To: Microsoft ATR
Date: 1/26/02 2:03pm
Subject: Microsoft Settlement

To whom it may concern: I believe the Microsoft settlement is fair. It should be completed now.

Thank you, Dorothy Horstman

MTC–00026122

From: Brad Markham
To: Microsoft ATR
Date: 1/26/02 2'02pm
Subject: Comments on Microsoft Settlement

To Whom It May Concern,

I am a software developer. I use many of Microsoft's products everyday. I believe Microsoft holds a monopoly in the software industry. I am including the text of a column from Byte.com. The column, ''The Be View'', was written by Scot Hacker in August of 2001. His discussion of why Be, a computer operating system, failed, trying to compete with Microsoft, is a glaring example of why Microsoft is a monopoly. The settlement, as it stands, is a joke to most industry observers. Microsoft was found guilty of monopolistic practices. This settlement is a mere slap on the wrist. It does nothing to change the fundamental problem with Microsoft. This will only be achieved with a much more severe punishment. The only way software development companies will have a chance of surviving in direct competition with Microsoft is if they can compete on a level playing field with Microsoft. This will only happen if Microsoft is broken up. Microsoft can not be allowed to continue it's current business practices in the future. Breaking up Microsoft is the only way that real change will occur in the software industry. In a competitive market, companies survive by creating a good product at a reasonable price. If the product is inferior or too expensive the consumer will buy a competitors product, if the competitors product can be easily substituted for the original. Microsoft has built it's monopoly by making it very difficult to switch to a competitors product. i ask you to consider the merits of this article in your decision. You have the power to drastically change the software industry for the better.

Thank you for your time,
Brad Markham

Peaceful Coexistence? Right.

It is statistically unlikely that a person purchasing a new computer is ever going to change its operating system the OS that comes with the computer you buy at the local computer mega-store is probably going to be the OS you use for years, if not forever. And while it is technically trivial for a hardware vendor to set up hard drives to dual- or triple-boot multiple operating systems, very few people have the interest or the huevos to repartition their hard drives and install additional OSs after the original point of purchase. Therefore, few things could be more financially critical to an operating-system vendor than to have one's product preinstalled on consumer computers. There is no technical reason why CompUSA customers shouldn't be able to walk out of the shop with a machine that asks ''Which OS do you want to use today?'' upon boot. And yet, even today, after several years of relentless news about how Linux is ready for the general desktop and business customer, one does not find dual-boot Win/Linux machines from large commercial OEMs at any consumer outlet or web shop I know of. Yes, you can get dual-boot machines at some of the smaller shops, but these are the ones that slip under Microsoft's radar, and there's no guarantee that Microsoft won't decide to take action against these vendors at some point. And yes, you can buy Linux-only machines from vendors such as IBM. But think about it: Why would IBM sell Windows machines and Linux machines, but no dual-boot Win/Linux machines? The absence is conspicuous. A few years ago, Be's CEO Jean-Louis Gass,e used the phrase ''peaceful coexistence with Windows'' to describe his company's intended relationship with Microsoft on the consumer's hard drive. Later, when it became clear that Microsoft had no intention of coexisting with a rival OS vendor peacefully, Gass,e recanted, saying, ''I once preached peaceful coexistence with Windows. You may laugh at my expense I deserve it.'' With so little profit margin in the computer retail business, and with so little to set one brand of computer apart from another, it would seem that out-of-the-box dual-boot capabilities would be a tremendous differentiating factor for hardware vendors. It would seem that there would be financial incentives for computer vendors to be asking Be for 10,000-license deals. These bundling arrangements would be good for Be, good for OEMs, and good for consumers. In his own column, Gass,e has written several times about Microsoft's Windows OEM License and the ways in which it limits the freedoms of PC OEMs. In July 2001, I spoke with Gass,e to find out why no dual-boot computers with BeOS or Linux installed alongside Windows can be purchased today. In the 1998–1999 timeframe, ready to prime the pump with its desktop offering, Be offered BeOS for free to any major computer manufacturer willing to preinstall BeOS on machines alongside Windows. Although few in the Be community ever knew about the discussions, Gass,e says that Be was engaged in enthusiastic discussions with Dell, Compaq, Micron, and Hitachi. Taken together, preinstallation arrangements with vendors of this magnitude could have had a major impact on the future of Be and BeOS. But of the four, only Hitachi actually shipped a machine with BeOS pre-installed. The rest apparently backed off after a closer reading of the fine print in their Microsoft Windows License agreements. Hitachi did ship a line of machines (the Flora Prius) with BeOS preinstalled, but made changes to the bootloader rendering BeOS invisible to the consumer before shipping. Apparently, Hitachi received a little visit from Microsoft just before shipping the Flora Prius, and were reminded of the terms of the license. Be was forced to post detailed instructions on their web site explaining to customers how to unhide their hidden BeOS partitions. It is likely that most Flora Prius owners never even saw the BeOS installations to which they were entitled.

Bootloader as Trade Secret

So why aren't there any dual-boot computers for sale? The answer lies in the nature of the relationship Microsoft maintains with hardware vendors. More specifically, in the ''Windows License'' agreed to by hardware vendors who want to include Windows on the computers they sell. This is not the license you pretend to read and click ''I Accept'' when installing Windows. This license is not available online. This is a confidential license, seen only by Microsoft and computer vendors. You and I can't read the license because Microsoft classifies it as a ''trade secret.'' The license specifies that any machine which includes a Microsoft operating system must not also offer a nonMicrosoft operating system as a boot option. In other words, a computer that offers to boot into Windows upon startup cannot also offer to boot into BeOS or Linux. The hardware vendor does not get to choose which OSes to install on the machines they sell Microsoft does. ''Must not?'' What, does Microsoft hold a gun to the vendor's head? Not quite, but that wouldn't be a hyperbolic metaphor. Instead, Microsoft

threatens to revoke the vendor's license to include Windows on the machine if the bootloader license is violated. Because the world runs on Windows, no hardware vendor can afford to ship machines that don't include Windows alongside whatever alternative they might want to offer. The essence of the government's antitrust beef with Microsoft is that the company limits competition by leveraging its dominant position in the marketplace (it's important to remember that monopolies are not illegal abusing them is). To prove its case, the government focused on the browser wars and the harm done to Netscape by Microsoft's inclusion of a free web browser in the operating system. In my opinion, the browser issue pales in comparison to the egregiousness of the bootloader situation. The browser is arguably an essential component of modern computing a commodity product as worthy of inclusion in the OS as a text editor or calculator. Be, too, bundles a web browser with its OS, and I'm glad they do. Questions of how the browser is integrated are much more interesting, since they connect to the point of whether Microsoft's browser bundling intent was anticompetitive or not. In BeOS, for example, it's always been possible to remove the browser from the OS simply by dragging it to the Trash, which is very different from the situation under Windows. But I digress. The point is that the browser situation is easily debatable, while the bootloader situation is far more cut-and-dried. I would wager that few lawyers could come up with a cogent argument to describe how Microsoft's bootloader policy is not anticompetitive in the strictest sense of the term. After all, Microsoft is first and foremost an operating-system vendor. Be and Microsoft were competing on much more similar territory than were Netscape and Microsoft. But when it came to the DOJ vs. Microsoft antitrust trial, things got even more interesting.

DOJ Misses the Point

On request of the DOJ, Gass,e had several pre-trial conversations with prosecuting attorney David Boies* and Assistant Attorney General Joel Klein. Gass,e explained the bootloader situation to them. They listened and heard. But they did not ask Gass,e to testify on the bootloader issue. Instead, they asked Gass,e to testify on the matter of browser integration. Gass,e warned them that he would be a ''dangerous witness,'' since his feelings on browser integration were actually sympathetic with Microsoft's. Gass,e wanted to testify on the bootloader issue, where he felt the core of the case really rested. Klein and Boies told Gass,e he could testify with focus on the ''malicious intent'' aspect of the browser integration question, but not on the bootloader matter. Needless to say, Gass,e declined to participate in the rest of the case. The bootloader issue was raised during the trial, however. Raised, but not actually addressed, because Microsoft claimed (in a court session closed to the public and the media) that the Windows License was a ''trade secret.'' However, Microsoft never denied that the license exists, and never denied that it works as I've described here. In November of 1999, Judge Jackson released his Findings of Fact, which legally established that Microsoft had been engaging in anticompetitive practices. The Findings mentioned Be and BeOS in several places. However, the only reference to the bootloader situation was found tucked in the middle of paragraph 49, and merely obfuscated the significance of the issue: Although the BeOS could run an Intel-compatible PC system without Windows, it is almost always loaded on a system along with Windows. What is more, when these dual- loaded PC systems are turned on, Windows automatically boots; the user must then take affirmative steps to invoke the BeOS. While this scheme allows the BeOS to occupy a niche in the market, it does not place the product on a trajectory to replace Windows on a significant number of PCs. Despite the convoluted summary, Be's stock price skyrocketed over the next few days as a result of the BeOS mentions in Jackson's findings, eclipsing even RHAT and APPL in trading volume. But that blip on the radar did nothing to mitigate the real issue the greatest opportunity Be had ever had to inform the government and the public of this stunningly obnoxious example of anticompetitive behavior one that, in my opinion, eclipses the browser integration issue had come and gone, leaving Be no closer to securing those all-important bundling deals with the world's largest PC hardware vendors. The burning question, of course, is why Boies and Klein didn't want Gass,e to testify on the bootloader issue, especially when it could have substantially helped their case? The answer provided to Gass,e was that the case was by then already too well established. Including the bootloader issue would have meant rewriting many of the arguments and calling in a new collection of witnesses. In other words, it wasn't convenient for the U.S. government to get to the meat of the matter. It would have been too much of a hassle to address Microsoft's anticompetitive behavior in its purest form. In addition, no PC OEM was willing to testify on bootloader issues. And why would they? The threat of losing favor with Microsoft easily would have outweighed any potential benefit from being able to preload the unproven Be operating system alongside Windows on their machines. Finally, Be didn't have the brand recognition that Netscape did; Netscape made for a much better poster child. *Boies, by the way, did not even have e-mail as of August 2000 the highest technology case in the land was prosecuted by a man who could fairly be described as technologically illiterate.

Controlling the Hardware Landscape

One might wonder, as I did, why Be did not file separate suit on this issue. It would seem that Be's case would be extremely strong, especially with the precedent and backing of the Findings of Fact. In winning such a suit, Be would stand to make a pile of quick cash and to greatly extend their public visibility. Oh, and they might just win the opportunity to ship alongside Windows on consumer computer hardware. But Be did not sue Microsoft, and as far as I can tell, is not currently in the process of suing Microsoft. Why not? First of all, a lawsuit against Microsoft would be incredibly expensive and time consuming. Unfortunately, Be cannot currently afford either the time or the money, not to mention the distraction of a major lawsuit. But couldn't Be have filed suit in early 2000, in the window that opened immediately after the Findings of Fact were released? Yes, answers Gass,e, but Be was waiting to see what the court's recommended remedy would be. After all, it seemed likely at the time that Microsoft would be forced to change many of its business practices. Why should Be have sued to accomplish what it looked like the government was going to do anyway? So here we are in 2001, and guess what? It's still not possible to purchase a dual-boot Win/Linux machine. Doesn't that seem kind of odd? With all of the hype Linux has gotten, and with the technical simplicity of shipping dual-boot machines, not a single PC OEM is shipping such a beast. The technology marketplace is glutted with options. Vendors use even the smallest opportunities to trumpet their differentiating factors. Linux is free. And yet there are no commercially available dual-boot machines on the market. Not one. The silence of the marketplace speaks volumes. There is no other way to explain this phenomenon other than as a repercussion of the confidential Windows License under which every hardware vendor must do business. Last time I checked, x86 computer hardware is supposed to be operating system agnostic. My System Commander operator's manual tells me there are more than 80 known operating systems capable of being booted on x86 hardware (most of them obscure, of course). And yet, Microsoft has managed to massively influence the course of the supposedly OS-neutral hardware marketplace. Compaq, Dell, Hitachi, and all the rest of them work under Microsoft's terms and conditions. Microsoft has shaped and controlled the hardware landscape as much as they have shaped and controlled the software landscape. They're getting away with it. They slipped through the DOJ trial without the bootloader issue becoming the thorn it should have. As far as I know, the terms of the Windows OEM License have not changed. The recommended legal remedies against Microsoft have largely been stricken, and Microsoft is currently deflecting attention from the real issues by agreeing to remove some icons from the XP desktop (as if that mattered in contrast to the larger issues at stake). Klein and Boies helped to prevent the bootloader issue from becoming a central component of the DOJ's case. And we were never the wiser. As a result of all this, Be's business may have suffered in ways that will never be possible to measure. I'd go as far as to suggest that successful bundling arrangements with large PC vendors could easily have made the difference between the obscure BeOS of today and what could have been a popular, user-friendly and profitable alternative to Windows for the masses. On the other hand, Be may have failed to gain mass acceptance even with major vendor bundling deals. But we would have had the opportunity to ''experience what a truly competitive situation might be like.'' In any case, the miscarriage of justice was absolute. What we know for sure is that Microsoft treated the PC hardware platform as if it

owned it, and thus hurt consumers, software developers, PC OEMs, OS competitors, and the industry in general. That's a layman's definition of abusing a monopoly. Jean Louis Gass,e, July 2000

Postscript:

My copy of the San Francisco Chronicle for August 17 contains an article on the Palm purchase and includes the following extremely interesting paragraph: Although it will cease operations, Be said that it will retain certain rights and assets, including its cash and cash equivalents $4.9 million as of June 30 and ''rights to...bring certain causes of action, including under antitrust laws.'' In other words, Be may yet opt to sue Microsoft, which could be a very interesting case to watch. Let's just hope the media figures out where the real antitrust issues are this time.

MTC–00026123

From: Margaret Sanchez
To: Microsoft ATR
Date: 1/26/02 2:03pm
Subject: microsoft settlement
Renata B. Hesse
Antitrust Division, US Dept of Justice
Re: Microsoft settlement

I am writing regarding the persecution of Microsoft to let you know how I think and feel about this dastardly affair. I resent the government's implication that I am a helpless victim because I choose to buy a computer with Microsoft software already loaded. I resent the arrogance on the government's part thinking that it can decide what is to be on my computer. This is ridiculous. That is not the government's job. Your job is to protect the citizenry from events such as September 11. Why aren't you persecuting that whole affair more vigorously? Why aren't you going after Iran, Iraq? This is how you choose to spend taxpayer money by persecuting an American company? I cannot remember having instigated a complaint against Microsoft, nor do I recall any other individual doing so. This whole affair has been instigated by competitors who are unable to compete in the free market! Failed business should not be the ones to set the rules for the very markets in which they failed. The government's application of the corrupt and dangerous antitrust laws against successful businessmen is anti-American and can only result in greater corruption in our society as businessmen find it ever more necessary to kowtow to politicians. Microsoft and its owners have a right to the fruits of their labor—their property—and it is the government's job to protect this right not take it away. The government's actions are on principle anti-American and unconstitutional. America is a land open to all who want to dream and work hard to see their dreams come true. If the government throttles success based on the envy and dishonesty of the few then there is no hope left in the world. The antitrust laws are fraudulent and should be repealed. And by the way I love Microsoft products and not having to load software and not having to pay for a browser!

Sincerely,
Margaret and Evencio Sanchez
CC:Margaret Sanchez,Richard Winkler

MTC–00026124

From: Lemon, Michael A
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/26/02 2:04pm
Subject: Microsoft Settlement.

Please don't trust AOL,s word ! Aol is the evil one not Microsoft.AOL destructive software has personally caused me $700.00 damage to my computer and software.

I loaded a game and later found that AOL's software loaded with it.When i tried tried to remove it corrupted my software and locked up my computer.Like a worm virus it interlocked in my programs,when i tried to remove it it ripped parts of my programs

apart. My harddrive,memory,audio card,modem had to be replaced.I had to upgrade to the new operating system and scrap the old one all because of AOL.Two other people at work have had the exact same thing happen.

Microsoft provides an excellent product with extra features that help the customer.The computer tech told me to NEVER load anything with AOL on it.He said it innertwines itself like a virus into your computer. I believe that the Government should sue AOL for all the damage they have done.I am out $700.00. Michael

MTC–00026125

From: lherman
To: ''microsoft.atr@usdoj.gov''
Date: 1/26/02 2:03pm
Subject: Microsoft Settlement
Lawrence Herman
7 Seneca Drive ??Chappaqua, NY 10514 ?
(914) 238–8565
Saturday, January 12, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing you to express my hope that you will see your way clear to expediting the settlement of the Microsoft anti-trust case. This case has seen more than three years of litigation, appeal, mediation and controversy. A fair and functional settlement plan has been reached by the parties and accepted by the court. It's time to end this matter and let Microsoft get back to work. The plan itself would force Microsoft to alter its business practices in a manner that will encourage competition in the IT field. Its Windows systems will be made accessible to other software manufacturers'' software. New Windows systems will be developed specifically so as to open them up to exploitation by the company's competitors. An oversight committee will be established to make sure Microsoft no longer engages in anti-competitive practices. In brief the ''old'' so-called predatory Microsoft will no longer exist. There is no present need to divide up this great and inventive company. And, there is no logical need to delay the implementation of this plan.

Sincerely,
Lawrence Herman

MTC–00026126

From: Paganini
To: Microsoft ATR
Date: 1/26/02 2:02pm
Subject: Microsoft Settlement
11340 Saddlewood Lane
Concord Township, OH 44077–8937
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

The Department of Justice and Microsoft have finally reached an agreement ending the three-year long antitrust case brought against Microsoft. I think this settlement is fair and should stand. The two parties fought it out, worked out an agreement, and it is not for people outside to second-guess these decisions. In my view, Microsoft has been chastened and has agreed to open up their company to competition. Microsoft has agreed to allow third party developers more of its copyrighted material to aid in development of third party programs; Microsoft has agreed to a three person technical committee to monitor future actions; Microsoft has agreed to document and disclose for use by its competitors various interfaces that are internal to Windows'' operating system products—a first in an antitrust settlement. It seems to me that all this is more than fair to the competition and it is time we put this matter to rest.

I urge you to give your support to this agreement.

Sincerely, John Paganini

MTC–00026127

From: Richard
To: Microsoft ATR
Date: 1/26/02 2:06pm
Subject: Justice for MicroSoft

MicroSoft is a cancer on the technological innovation machine. I am a Silicon Valley entrepeneur and have watched other companies develop new technologies only to see MicroSoft absorb it into its OS. Sure the consumer doesn't care, just like the citizen that buys stolen goods from murky sources doesn't care. The giant hairball from Redmond must be stopped before they kill the innovative spirit of the technology sector.

MTC–00026128

From: Marc (038) Karen Jacobson
To: Microsoft ATR
Date: 1/26/02 2:06pm
Subject: Proposed Microsoft settlement

I am opposed to the current settlement as outlined currently. Microsoft is not a benign monopoly. They use their clout to drive out competition. The control of the source code for their operating system, and the rules and regulations in place to developers, gives Microsoft prior knowledge of cutting edge technology whic they can and do use to curtail competition. I strongly belive Microsoft must be punished along the outline originally set forth by Judge Jackson.

Sincerely,
Marc S Jacobson
Whittier, California

MTC–00026129

From: Rodney M. Jokerst
To: Microsoft ATR
Date: 1/26/02 2:08pm
Subject: Microsoft Settlement

I truly fear the day when I will have to pay MICROSOFT a monthly subscription just to use the internet. The way things are going now, all internet providers will soon require you to use microsoft products just to log in. Once they own the internet it will be practically impossible for anyone to take it back. I use microsoft products only when I absolutely have to. The primary reason that this is required is because they have closed standards so noone can create a word processor that reads word file correctly for example. If they were made to publish in FULL the specs for applications such as Microsoft Office I would have no reason to complain. I have no problem with the whole world standardizing on one document format. I do have a problem with the company not allowing anyone to compete with them by creating a competing product that uses this document format. The internet was created with open standars so that business with different interests could create compatible products yet still compete with eachother. It is painfully obvious that Microsoft has a stanglehold monopoly in the operating systems business. Please do SOMETHING about it...please? I belive that forcing them to open up their API's would be the best solution to this problem...allowing competitors to at least have a fair chance to create a competent product.

thanks
rod

MTC–00026130

From: Colin Pritchard
To: Microsoft ATR
Date: 1/26/02 2:13pm
Subject: Microsoft Settlement

The proposed settlement against Microsoft is a bad idea. It is nowhere near enough of a penalty for the wrongs they have committed against their competitors. A stiffer series of penalties must be implemented to insure a healthy, competitive environment for all.

MTC–00026131

From: Craig
To: Microsoft ATR
Date: 1/26/02 2:08pm
Subject: Microsoft Settlement

Dear Judge,

Though I am a huge believer in free markets, I do not believe the Proposed Final Judgment (PFJ) is a the best solution. Microsoft is a wonderful company staffed by wonderful people, but they are guilty of some very grave anti-competitive violations. Moreover, the PFJ does not provide an effective enforcement mechanism for its remedies

MTC–00026132

From: JAZupkow@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/26/02 2:09pm
Subject: Microsoft Settlement

This has gone on long enough. The lawyers are the only people who stand to benefit from continuance of this suit. There will be no consumer benefit and possible consumer and economic harm to letting this continue.

Stop the insanity! Let's get on with our lives.

MTC–00026133

From: Barbara L Black
To: Microsoft ATR
Date: 1/26/02 2:10pm
Subject: RE: Microsoft Settlement

Dear Atty. General Ashcroft: I am writing to protest any further litigation against Microsoft. The settlement offered is more than fair and the time and moneys of the AGO's office is better spent on REAL problems that affect the lives of the American peoples.

Barbara Black—14515 Granite Valley, #332C-Sun CIty West, AZ 85375

MTC–00026134

From: Shelly
To: Microsoft ATR
Date: 1/26/02 2:11pm
Subject: Microsoft Settlement

Dear Senators Specter and Santorum,

I am writing today to voice my opinion on the Microsoft antitrust case. This case has been going on far too long and further litigation will only stall our economy and the IT industry, which is clearly the last thing we need. The Federal Government should focus their efforts to more pertinent matters. My husband worked in the steel industry for 37 years, expecting to still be working. His company closed , he was forced into retirement and now is in jeopardy of losing his pension. We don't know what we are going to do. We were looking to the government for help. Shouldn't the government try to help companies instead of trying to destroy them? Microsoft has done more for this economy in the last decade than anyone or anything else. I urge you to please do your best to put a stop to any further litigation and advance the current settlement that is in place. Don't let happen to Microsoft what happened to the steel industry. This settlement will benefit the economy and the technology industry. Thank you for your time.

Sincerely,
Michelle Salem Petroci

MTC–00026135

From: Arthur Laube
To: Microsoft ATR,Paul
Date: 1/26/02 2:12pm
Subject: Microsoft Settlement

As a user of MS Windows and with no other vested interest I believe Microsoft did us—the users- a great service in the way they offered their products from their inception until present. We needed a turnkey computer. Press the button and go—and we came very close to getting that only because of the way MS bundled their products with the major supplier of computer hardware. The industry would be many years back if the Justice Department could have prevented MS from their initial marketing efforts. Now that MS is successful their competitors, managed by cry-babies, are screaming foul. Pfooie on them. I bought Netscape, but after several versions I gave up on them and went to MS Explorer and Outlook Express. As for AOL—I was online early with them—they are such a farce. I left them years ago. This is a very huge, immature market—let the market determine the winner and losers. No one is going to monopolize this market. Not ever. Look at the grand old man—Big Blue. At one time such a threat that the Justice Department took them on—but eventually dropped the suit. Their customers took care of their arrogance. They almost went belly-up—but they brought in a marketing man—and he asked their customers a question that Big Blue had never thought of, ''What can we do for you? What is it you want from us?'' The Justice Department would never have resolved the IBM problem of size. But their own customers chastised them until they reformed. The Justice Department started this MS mess—they should step in and settle it—and make sure that the states settle.

Arthur H. Laube 23 Clover Drive Chapel Hill, NC. 27514 919–967–5484

MTC–00026136

From: wt.catch1
To: Microsoft ATR
Date: 1/26/02 2:10pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Robert Lemert
5154 Merrill
Riverside, CA 92504

MTC–00026137

From: meshkin@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/26/02 2:12pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

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Sincerely,
Lawrence D. Meshkin
950 N. Balsam Circle
Wasilla, AK 99654–5552

MTC–00026138

From: Ruth Vanderpool
To: Microsoft ATR
Date: 1/26/02 2:15pm
Subject: Microsoft Settlement

I am sure that you have read many e-mails complaining about the unethical behavior of Microsoft and while I believe that is true I thought it might scare you into thinking correcting Microsoft's behavior might in fact just be the revenge of a few. Granted the government is allowed to charge for past wrongs and thereby provide a financial incentive to correct the behavior, but I believe Microsoft is guilty of something much more concrete that is not in need of retribution but correction. This being monopolistic behavior. Having heard a mixture of these ideas the courts have come up with a settlement, but this settlement does little to correct the negative behavior that Microsoft is able to do in our economy.

If you recall from basic economic, monopolies operating in a free market are both inefficient and wasteful. It has been shown that while Microsoft is not a pure monopoly it does control a large enough percentage of the market to act that way. The only way of changing this is to allow entry into the market by other competitors, this settlement does not encourage that. In fact the language seems to do little more then provide Microsoft with loopholes in which to escape from. I don't have the time to point out each of these cases but a lot of my views have been reflected in the group letter on-line at http://www.kegel.com/remedy/letter.html. Thank you for listening and I hope this will encourage you to create a stronger settlement that will be more effective.

Ruth Vanderpool
14220 Pacific Ave S Apt L
Tacoma Wa. 98444

MTC–00026139

From: maholley@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/26/02 2:14pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Marie H. Meshkin
950 N. Balsam Circle
Wasilla, AK 99654–5552

MTC–00026140

From: MichaelRobinett
To: Microsoft ATR
Date: 1/26/02 2:16pm
Subject: MICROSOFT CASE

1. IT IS MY UNDERSTANDING THE REASON FOR THE GOVERNMENT'S ORIGINAL ACTIONS AGAINST MICROSOFT WERE PRIMARILY FOR THE INTERESTS OF ''CONSUMER PROTECTION'' AND I CAN APPRECIATE THE INTENT OF THE ATTORNEYS REPRESENTING THE VARIOUS STATES AND THE FEDERAL GOVERNMENT IN THAT RESPECT.

2. THE GOVERNMENT RESTRICTIONS ON PROHIBITED CONDUCT IN SECTION 111. APPEAR TO BE FAIR MINDED AND CERTAINLY IN THE SPIRIT OF THE ORIGINAL INTENT OF THE SHERMAN ACT, NOTING THAT NOTHING IN THE PROVISIONS PROHIBIT MICROSOFT FROM PROTECTING ITS OWN INTELLECTUAL AND BUSINES PROPERTIES.

3. FAIR PRICING STRUCTURES SEEM TO BE A LEGITIMATE AREA OF CONCERN UNDER ANY SHERMAN ACT PROCEEDING.

4. IT SEEMS HOWEVER THAT MICROSOFT HAS CONSISTENTLY ALLOWED END USER ACCESS TO BOTH MICROSOFT AND NON-MICROSOFT MIDDLEWARE AND PROGRAMS FOR BOTH SIMPLE MODIFICATIONS OR REMOVAL SINCE THE 3.1 WINDOWS OPERATING SYSTEM TO THE PRESENT. SO IT SEEMS THE REQUIREMENTS IN SECTION H STARTING WITH THE WINDOWS XP RELEASE ARE A SOMEWHAT MOOT POINT. WHY REQUIRE MICROSOFT TO DO SOMETHING THEY'VE BEEN DOING SINCE WINDOWS 3.1 THROUGH MILLENIUM?

5. UNDER SECTION H.3., MICROSOFT HAS CONSISTENLY ALLOWED NON-MICROSOFT PRODUCTS TO DETERMINE THEIR OWN CONFIGURATION OF WINDOW & ICON DISPLAY, SOMETIMES MUCH TO MY CHAGRIN WHEN THE NON-MICROSOFT PRODUCTS INSISTED ON JUMPING ON TOP OF THE NORMAL OPERATING SYSTEM DISPLAYS, OR ALLOWING OUTSIDE INTRUDER ACCESS TO THE PROGRAMS THEMSELVES IN SUCH A MANNER AS TO OBSTRUCT THE CONTENT OF WHAT THE END USER WAS ATTEMPTING TO PRODUCE, OR BLOCK PRODUCTION OF DOCUMENTS ALTOGETHER. IN SUCH CASES I PERSONALLY SWITCHED BACK TO THE MIDDLEWARE NATIVE TO THE MICROSOFT OPERATING SYSTEM. IN MY OWN OPINION, MOST MICROSOFT PRODUCTS ARE ENGINEERED OR CRAFTED IN SUCH A MANNER TO PROTECT BOTH THE OPERATING SYSTEM ITSELF, AND THE END USER'S ACTIVITIES, WITH THE INTENTION OF CREATING A LOYAL CUSTOMER BASE, AND ULTIMATELY SELLING MORE PRODUCTS. IT SEEMS THE BASIC UNDERLYING ECONOMIC MOTIVE IS BOTH NON-MONOPOLISTIC IN NATURE, AND TO THE BENEFIT OF THE END USER AS CONSUMER.

6. IF MY MEMORY SERVES ME CORRECTLY, THE ORIGINAL ANTI-TRUST FILINGS COINCIDED WITH THE FREE RELEASE OF THE INTERNET EXPLORER BROWSER, WHICH WAS INTERPRETED BY THE ATTORNEYS REPRESENTING THE VARIOUS STATES AND THE FEDERAL GOVERNMENT AS BEING MONOPOLISTIC IN NATURE AND UNDERCUTTING COMPETITORS. FROM THE END USER OR CONSUMER STANDPOINT HOWEVER, IT HAD THE OPPOSITE EFFECT. IT WAS THE FIRST SIMPLE AND ACCESSILBE RELEASE OF HTML SOURCE CODE IN MY EXPERIENCE AND WAS THE MODERN EQUIVALENT OF THE FIRST RELEASE OF THE GUTENBERG PRINTING PRESS. WHILE COMPETITORS PRODUCTS ALLOWED VIEWING OF HTML SOURCE CODE, THEY WERE NOT AS EASILY USED IN PRODUCTION OF WEBPAGES, OR HTML FORMAT DOCUMENTS AS THE MICROSOFT PRODUCT WAS. WHILE THIS CERTAINLY IS NOT THE SAME AS RELEASING SOURCE CODE FOR COMMERCIALLY LICENSED PRODUCTS, WHICH THE GOVERMENT IS NOT REQUIRING, IT HAD THE EFFECT OF INCREASING THE FREE FLOW OF INFORMATION OF ALL KINDS IN THE MODERN SOCIETY OF THE INFORMATION AGE. FROM A PERSONAL PERSPECTIVE, THE MAIN EFFECT, IF NOT THE ORIGINAL INTENT OF THE GOVERNMENT'S CASE AGAINST MICROSOFT, WAS TO BASICALLY BLOCK THIS FREE FLOW OF INFORMATION ITSELF. MICROSOFT HAD ALLOWED WIDESPREAD ACCESS TO BOTH PRIVATE AND PUBLIC INFORMATION SOURCES THROUGH ITS PRODUCTS, AND HAD ''DEMOCRATIZED'' THE PRODUCTION OF INFORMATION ITSELF, ALLOWING MULTIPLE VIEWPOINTS TO EASILY BE PUBLISHED VIA THE INTERNET. THE COURSE OF EVENTS SINCE THE GOVERNMENT'S ORIGINAL ANTI-TRUST ACT FILINGS HAS SEEN A SERIOUS REDUCTION IN THE FLOW OF INFORMATION OF ALL TYPES, AND SERIOUS IMPEDIMENTS TO BOTH THE PRODUCTION AND PUBLICATION OF THE SAME. INSTEAD OF INCREASING THE FLOW OF INFORMATION IN A FREE SOCIETY, THE SAME TIME PERIOD HAS SEEN DEVELOPMENTS OF NEW GOVERNMENT TECHNOLOGIES MEANT TO DO EXACTLY THE OPPOSITE. IN FACT IT'S GETTING TO THE POINT WHERE ONE IS NOT SURE THEY'RE ACTUALLY GETTING A MICROSOFT PRODUCT SOMETIMES, OR SOMETHING THAT HAS BEEN ENGINEERED BY ANOTHER BRANCH OF THE PLAINTIFF'S IN THE SUIT, TO DISGUISE ITSELF AS ONE, WHILE PLACING ANOTHER VERSION OF THE TECHNICAL COMMITTEE FROM SECTION 7 ON THE HOME OR OFFICE COMPUTERS OF THE END USERS OR CONSUMERS.

(7. Microsoft shall provide the TC with a permanent office, telephone, and other office support facilities at Microsoft's corporate campus in Redmond, Washington. Microsoft shall also, upon reasonable advance notice from the TC, provide the TC with reasonable

access to available office space, telephone, and other office support facilities at any other Microsoft facility identified by the TC.)

IN A SENSE, THE END USER OR CONSUMER IS BEING SUBJECTED TO THE SAME TYPE OF TECHNICAL OVERSIGHT BY ''COUNTERFEIT'' PROGRAMS WHICH HAVE ACTUALLY BEEN CLEVERLY ALTERED BY THE ''PLAINTIFF'S'' THEMSELVES IN THE SENSE THAT OTHER BRANCHES OF THE GOVERNMENT HAVE REQUIRED BOTH THE TELECOMMUNICATIONS INDUSTRY AND ISP PROVIDERS TO PROVIDE INCREASED SURVEILLANCE CAPACITY. IN A TWO PARTY POLITICAL SYSTEM, THAT CAN SOMETIMES HAVE THE UNUSUAL EFFECT OF PRIVATE INDIVIDUALS IN CONTROL OF SEVERAL TRILLION DOLLARS IN GOVERMENT FUNDS AND RESOURCES, ACTUALLY ACTING IN VIOLATION OF THE SHERMAN ACT THEMSELVES FOR FOUR YEAR PERIODS. IN CONCLUSION, IT DOESN'T SEEM THAT MICROSOFT HAS ACTED IN A MANNER DETRIMENTAL TO THE END USERS OR CONSUMERS THEMSELVES. IF ANYTHING, IT ACTED IN A MANNER WHICH ALLOWED END USERS INCREASED ACCESS TO POLITICAL INFORMATION, BUSINESS OPPORTUNITIES, AND PERSONAL EXPRESSION.

RESPECTFULLY,
MICHAEL ROBINETT

MTC–00026141

From: David Ragaini
To: Microsoft ATR
Date: 1/26/02 2:18pm
Subject: microsoft settlement

To Whom It May Concern;

I find it tragically ironic that, at the same time the American government is waging war against an unspeakable evil—radical Islamic terrorists, it is seeking to undermine one of the great forces for good the world has ever seen: the Microsoft Corporation. Microsoft has benefited millions upon millions of people in its 27 years of existence. It has brought the world and knowledge of it to their doorstep. And it has done this without resorting to force; indeed, any privately owned company must accede to the demands of the marketplace (Only government-owned monopolies have the power to force their product upon the populace).

I strongly urge that the government's anti-trust case against Microsoft be dropped. It would be a monstrous miscarriage of justice for such a phenomenal agent for good to be punished solely BECAUSE it is good. Microsoft's products have fairly and honestly beaten those of its competitors. The force of our government must be used to fight evil, as it is now doing in Afghanistan; it must never be used to shackle honest, beneficial companies like Microsoft.

Sincerely,
David Ragaini
264 Eagleton Estates Blvd.
Palm Beach Gardens, FL 33418

MTC–00026142

From: PC (pcsbs)
To: Microsoft ATR
Date: 1/26/02 2:18pm
Subject: Microsoft Settlement

I strongly support the acceptance of the current settlement between the DOJ and Microsoft. The DOJ and many states'' Attorney General have, in my opinion, been unfair and extreme in their targeting of Microsoft in pursuit of political goals. I work in the technology industry. I use products of Microsoft's competitors as well as Microsoft. I will use the product that I feel is the best for what I want to accomplish. Microsoft has been innovative with it's products and has marketed them with business savvy. It is unfair to allow it's whining competitors to use the government to stymie competition and artificially alter the effects of the free market. The settlement currently being considered is FAR MORE than fair in righting any technical errors made on the part of Microsoft. For the sake of the US economy and the welfare of innovation and our economic viability and sovereignty in the world, this harassment must stop.

Regards,
PC
Phil Cagle
Irvine, California

MTC–00026143

From: Dennis Austin
To: Microsoft ATR
Date: 1/26/02 2:19pm
Subject: Microsoft Settlement

Dear Sir or Madam:

This email is to express my approval for the proposed settlement of the Microsoft anti-trust action. The settlement has been agreed to by Microsoft, the Department of Justice, and nine of the states pursuing a case. It is important that this settlement be approved and the energies of all involved moved on to new challenges.

—Dennis Austin (private citizen)

MTC–00026144

From: bnorf410@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 2:20pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Bailey Norfleet
3825 Old Dover Road N
Woodlawn, TN 37191–9046

MTC–00026145

From: J. Haugh
To: microsoft settlement
Date: 1/26/02 2:30pm
Subject: microsoft settlement

This caving into the several states involved in the microsoft dispute will only discourage new entrepreneures. Leave microsoft alone, I can only commend him, Bill Gates, for his genius.

J.M.S.Haugh

MTC–00026146

From: Rick Wong
To: Microsoft ATR
Date: 1/26/02 2:32pm
Subject: Microsoft Settlement

To whom who may concern,

I would like to express my opposition of the proposed Microsoft Antitrust Settlement in its current form. Based on previous court rulings, it clear that Microsoft had violated antitrust laws and has been continuing to do so. The current proposed settlement not only fails to punish Microsoft's wrongdoing, but also provides Microsoft further its monopoly and antitrust practice. I wish the court would carefully review the case and place put a penalty that is fair for the consumers and industry suffered by the Microsoft monopoly practice.

Sincerely,
Rick K. Wong
California

MTC–00026147

From: jstein@worldnet.att.net@inetgw
To: Microsoft ATR
Date: 1/26/02 2:32pm
Subject: Microsoft Settlement
To: The Honourable Renata B. Hesse:
Judge of the Antitrust Division
U.S. Department of Justice
microsoft.atr@usdoj.gov

Dear Madam Justice Hesse,

I am not pleased with the settlement proposed between the DOJ and Microsoft. Microsoft claims that the consumer was not harmed by their actions. I disagree. At one time I had a choice about the Operating System that came with my computer. I also could choose the Word Processor, Spreadsheet and Database applications. I chose to use IBM's OS/2 operating system and Lotus SmartSuite for OS/2. Because of Microsoft's monopolistic practices, my choices have been, for all practical purposes, been reduced to Microsoft OS's and Microsoft applications (Microsoft Office). Most major OEM's preload these on any new computer that I buy. I will have to pay extra to get something else. Because of Microsoft's monopolistic practices, my investments of time and money in OS/2 based products have been rendered to zero value—-a loss that has been unfairly placed upon me.

As shown in the ''Findings of Fact'', Sections 115 thru 132, ''In sum, from 1994 to 1997 Microsoft consistently pressured IBM to reduce its support for software products that competed with Microsoft's offerings, and it used its monopoly power in the market for Intel-compatible PC operating systems to punish IBM for its refusal to cooperate. Whereas, in the case of Netscape, Microsoft tried to induce a company to move its business away from offering software that

could weaken the applications barrier to entry, Microsoft's primary concern with IBM was to reduce the firm's support for software products that competed directly with Microsoft's most profitable products, namely Windows and Office''. I and many others had chosen to use OS/2 and Lotus SmartSuite for OS/2. We did this for very good reasons, especially OS/2's technically superior design. (See Note at end of letter). Not only did Microsoft cause IBM to cease marketing these products, Microsoft caused IBM to cease using these products in their own offices. How can you sell a product that you don't use yourself? (See ''Findings of Fact'', Sec. 118: ''Specifically, the PC Company would receive an $8 reduction in the per-copy royalty for Windows 95 if it mentioned no other operating systems in advertisements for IBM PCs, adopted Windows 95 as the standard operating system for its employees, and ensured that it was shipping Windows 95 pre-installed on at least fifty percent of its PCs two months after the release of Windows 95''. The ''Findings of Facts'', Sec. 116 tells us ''When IBM refused to abate the promotion of those of its own products that competed with Windows and Office, Microsoft punished the IBM PC Company with higher prices, a late license for Windows 95, and the withholding of technical and marketing support''.

I do not think a fair settlement can be reached until Microsoft makes right the harm done to me and many others. Today, we have to accept Microsoft's poor quality products. Where is Word Perfect and Lotus SmartSuite today? Microsoft has caused to exist an environment in which they control the profitability of competing products. If a company can't get their product pre-installed on a new computer, it can't afford to develop it. And Microsoft makes sure that it's products run better on it's operating systems by denying competitors information (API's) necessary to build competitive products. Recently there has come forth increased concern that the proposed settlement contained many loopholes and exceptions. Serious questions have been raised about the scope, enforceability and effectiveness of the proposed settlement. Please reconsider the current settlement terms so that competitors have a more even playing field in which to compete with Microsoft. This is the only way that I, as a consumer, can choose what software and operating systems are best for me without having to be, at the very least, penalized by much higher costs and being worried abnormally about the survivability of products that compete with Microsoft.

Note concerning the design of OS/2 versus Windows: From an article entitled ''The Big Blue-Redmond Connection'' by Diane Gartner in IQ Newsletter—Issue #7, January 2000 found at: http://209.0.210.17/IQN/7–2000jan/iqn7-Blue-Redmond—Connexion.html ''Big Blue's OS/2 team had discovered that the Microsoft approach of placing the Graphic Device Interface (GDI) plus the Graphic User Interface (GUI) into the kernal was a disastrous mistake that led to instability: any little application ''bug'' or glitch that would affect the interface also could affect the underlying OS and bring it down to a crash. Microsoft was informed of this danger by IBM, but insisted that their approach gave an important benefit of speed by allowing applications to access the kernal directly—yes, even if it were at the cost of stability. The IBM programmers maintained that such instability was needless, and the crash could be easily prevented; their solution was to separate and protect the OS/2 kernal, without having to sacrifice any speed whatsoever. In fact, IBM independently made that very simple but crucial design improvement, among other innovations, which together have lent stability as well as power to OS/2 ever since the days of version 1.30''. ''But how did Microsoft react? For reasons we may never be able to fathom, they balked at the very notion of correcting the design error. Whether it was due to obstinacy, vanity or perhaps envy toward IBM's OS/2 programmers, Microsoft's decision was to leave the programming flaw where it was, and ultimately, to leave the team''. ''Version numbering aside, the changes made by Microsoft to NT did not include the architectural improvements made by IBM to OS/2. Instead of removing the GDI and GUI from the kernal to keep it clean ''n'' lean like OS/2's, Microsoft actually added more code to the kernal of NT. The ever-increasing bloat has not done NT a bit of good. Instability still occurs today in NT versions 3.5x and 4.x and presumably in Windows 2000. The design flaw is now often referred to as a Ring 0 crash, because that spot is where the GDI and GUI are intertwined in NT. Many application programming errors are made in that area because Microsoft neglects to provide third-party developers with essential information on how to avoid the problem''.

Sincerely,
James P. Stein
324 Mt. Royal Blvd.
Pittsburgh, PA 15223–1220
Phone: 412–781–3467

MTC–00026148

From: JFortlage@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 2:33pm
Subject: settlement Enough already.

Where have you been while Enron was running amuck? But then they made major political contributions while Microsoft was just inventing a better mousetrap.

MTC–00026149

From: Jopao@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 2:34pm
Subject: Microsoft Settlement

Please stop this case from going further there is nothing to be gained, the Government on behalf of the Public made fair and equitable settlement. And should be accepted by all States. The Nine States holding should not supersede the will of the 41 States that have accepted the settlement. The majority deserves to be served. IF THIS GOES FURTHER THE BATTLE MAY BE WON BUT THE WAR WILL BE LOST! THANK YOU FOR TAKING THE TIME TO READ THIS! Joseph Paoletti

MTC–00026151

From: REKLAWCR@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 2:37pm
Subject: Microsoft Settlement

The sooner this is settled the better. Let all those DOJ lawyers work on something more important: Enron & Arthur Anderson.

MTC–00026152

From: Joe Hartmann
To: Microsoft ATR
Date: 1/26/02 2:38pm
Subject: Microsoft case comments

Dear Judge Kollar-Kotelly,

I am a retired aerospace engineer with a 27 year old daughter and a 20 year old son living at home. Both of my children are heavy computer users and we have 4 computers in our home. We use Microsoft and other programs and we have never felt being cheated or overpriced by any Microsoft products. I feel that Oracle, Sun Microsystems and AOL (who are monopolists themselves in certain areas) are jealous of Microsoft and their products that are better than theirs and are trying to hurt Microsoft any way they can. I also believe that Microsoft, more than any other company, helped the U.S. economy become the world leader and do not understand why our government and especially the remaining 9 states want to cripple Microsoft and hurt our economy more. They are not protecting us consumers. I am very happy with all the free bundled programs from Microsoft that I, as a consumer, would have to pay a lot of money for. In my opinion, they are hurting us. Please settle this case favorably for us consumers and Microsoft.

MTC–00026153

From: lbstuart@webtv.net@inetgw
To: Microsoft ATR
Date: 1/26/02 2:38pm
Subject: Microsoft Settlement

The time has come for the Justice Department to end it's expensive and damaging legal action against Microsoft which is not against just one company, but rather an entire industry. The action taken earlier was justified but it has served it's purpose. Further delay is not justified and will serve only to injure those many medium and smaller companies who depend upon Microsoft products. Please complete this legal action for the benefit of all.

Lewis B. Stuart

MTC–00026154

From: Judah Phillips
To: Microsoft ATR
Date: 1/26/02 2:39pm
Subject: Microsoft Settlement

DOJ,
Bad iDEA!

MTC–00026155

From: Bill Bondurant
To: Microsoft ATR
Date: 1/26/02 2:40pm
Subject: No subject was specified.

I am an 82 year old graduate from Northeast Missouri State University(1940)Now Truman State University located in Kirksville, Missouri. My major was Economics and I remember well studying about Anti-Trust laws. I cannot believe what the current administration is trying to do in the case of Microsofts

violation of the Anti-Trust laws. It is very apparent to most everyone I talk to that people realize what Microsoft is trying to do and that the Judge who determined that they are in violation of Anti-Trust laws of the United States was right. And the offer of Microsoft to furnish millions of refurbished computers loaded with Microsoft software is just a contiuance of their attempt to monopolize the computer software market. I have been using a computer for about six years, starting on an Apple II that my son gave me, but 6 months later purchased an Apple Peforma and a year ago moved up to an Apple iMac. I realize that 95 percent of computers use Microsoft programs but that is no reason to allow them monopolize the market in violation of the law.

Sincerely, Bill Bondurant, 1709 South Lewis, Kirksville, MO 63501

MTC–00026156

From: Shelly
To: Microsoft ATR
Date: 1/26/02 2:41pm
Subject: Microsoft Settlement

Dear Senator Santorum,

I am writing to let you know my views on the Microsoft settlement. First and foremost, this case has been in litigation for far too many years now. Secondly, this lawsuit should not have concerned the federal government, since no laws have been broken. Settlements have been reached in various states, all of which have involved appropriate concessions, including more information sharing and changes in Microsoft's business practices. I have firsthand experience with big business. I previously worked in the steel industry, and due to government intervention and regulation, I permanently lost the only job I knew. I wish the lawmakers would try to understand what that is like. Pennsylvania's steel industry will never be the same and it's too late to change that. I urge you to please do your best to see that this does not happen to Microsoft. Our nation's IT industry depends on companies such as Microsoft and our economy also depends on the IT industry. I strongly suggest that it is in the best interest of everyone to discontinue these lawsuits so our economy can return to a sense of normalcy. Thank you for your consideration in this matter.

Sincerely,
John J. Petroci Jr.

MTC–00026157

From: Geoffrey Feldman
To: Microsoft ATR
Date: 1/26/02 2:43pm
Subject: Microsoft Settlement

If this settlement forces Microsoft to change their business practice further than they have, then the consumer will suffer and I will suffer. This case should never have been tried, never admitted to court and never gone as far as it has. It has harmed a company and by extension has harmed my software development business. I am not paid by Microsoft but my customers purchase products from them. I have already been harmed by the absurd and groundless pursuit by the Clinton Justice department of this important American asset. I do not believe that it is possible for any software company to be a monopoly since their product, computer software, is simply ideas in a form of speech logical enough to work in a computer. This pursuit of a software company, alleging monopoly, violates my freedom of speech as a computer programmer and harms me in the practice of my consulting business. Please, do not supress the honest and aggressive competition to make life easier for Microsofts competitors who arguably fail through lack of competence and not lack of opportunity. Impose the most minimal penalty possible on Microsoft and get this farce over with.

Geoffrey Feldman
1541 Middlesex St. #8
Lowell, MA 01851
617–429–8966

MTC–00026158

From: Benjamin Dixon
To: Microsoft ATR
Date: 1/26/02 2:44pm
Subject: Microsoft Settlement

I think Dan Kegel's petition says it best so I won't reiterate all that here. However I will say the Microsoft Settlement is ineffective and will ultimately allow Microsoft to run its business as it always has. Benjamin Dixon

MTC–00026159

From: Dan Derby
To: Microsoft ATR
Date: 1/26/02 2:44pm
Subject: Microsoft Settlement

I feel I've been victimized by Microsoft's monopolistic practices, not only in paying more than a product is worth, but also in seeing the entire computer OS platform I use become ineffective. I purchased MS Office when it was only offered for the Mac (version 3) and was satisfied with the product. However, after MS launched Windows, the next upgrade to Office (Version 4) didn't work as advertised, and interfered with Mac operating system—causing countless crashes (I believe MS Office Manager never worked and was never fixed). This sudden ''breaking'' of a product originally designed for the Mac but continued to work well on their new Windows OS, implies the company did it damage Apple. Beside defrauding me out of $600, the failure of this program suite to work properly on the Mac, I believe, drove the Mac out of the business and government environments. This loss of market caused my investment in Apple products to become less effective as well. I also believe Apple was unable to protest for fear of further losing MS productivity suite support. While I sincerely feel this is an obvious example of MS's unethical and probably illegal practices. I'm also convinced the proposed settlement gives MS a boost in the education market, again at Apples expense. I have a much simpler settlement: Enforce the government's policy of not allowing sole source purchases. Simply limit MS's total share of any one type of software suite (OS, Web browser, productivity apps, etc) to less than 50% of US government purchases. In fact the US government should never allow any company to control more than 50% of any commonly used software genre owned by the government. WHY AREN'T SOLE SOURCE RULES APPLIED TO MICROSOFT? CAN THE GOVERNMENT DEFEND IT PURCHASING PATTERNS in light of the court ruling?

Dan Derby

MTC–00026160

From: Joyce Clarke
To: microsoft.atr
Date: 1/26/02 2:45pm
Subject: Microsoft Settlement

I disagree with the terms of the proposed Microsoft settlement. As far as I can tell it will change nothing. Microsoft will continue to have the monopoly's stranglehold on operating system, software and in many cases, hardware. Microsoft should be treated exactly as were ATT and IBM— split into separate companies with none having control over or connection with the other.

Joyce
Joyce Clarke
http://jc-clarke.usana.com

MTC–00026161

From: Bob Dunlap
To: Microsoft ATR
Date: 1/26/02 2:45pm
Subject: Microsoft Settlement

This settlement is ridiculous. Microsoft has done untold damage to many competitors with their predatory business practices. This has been proved in court. Their punishment should be more than a wrist slap. It should put them in a position where they can no longer conduct business in this unfair manner.

Microsoft also has disregard for their customers. Since they have the only viable operating system, Windows, they can set the price where they want and provide little or no support after the product is in the marketplace. Look at how the prices of other elements of the PC have dropped drastically, while the price of Windows has stayed the same or increased. And if you have a computer of your own with Windows, you must be aware of the instability of the product. When you call Microsoft for help, they charge exhorbitant fees to resolve problems in their product. There is no warranty!

Periodically, on their own schedule, and with no regard for the needs of their customers, Microsoft will provide an update for Windows via download from their website. This is fine for those of us who have internet access, but the quality of these updates is poor. I have tried installing them and seen my system stability go from bad to worse.

In my view, Microsoft is an arrogant, greedy corporation. Their goal is to squash all competition so they don't have to provide their customers with excellent service. They have no regard for the law or for the courts. They need to receive a strong message that we won't tolerate this type of business conduct!

Sincerely,
Robert A Dunlap

MTC–00026162

From: Dan Derby
To: Microsoft ATR
Date: 1/26/02 2:46pm
Subject: Microsoft Settlement
Subject: Microsoft Settlement

I feel I've been victimized by Microsoft's monopolistic practices, not only in paying more than a product is worth, but also in seeing the entire computer OS platform I use become ineffective. I purchased MS Office when it was only offered for the Mac (version 3) and was satisfied with the product. However, after MS launched Windows, the next upgrade to Office (Version 4) didn't work as advertised, and interfered with Mac operating system—causing countless crashes (I believe MS Office Manager never worked and was never fixed). This sudden ''breaking'' of a product originally designed for the Mac but continued to work well on their new Windows OS, implies the company did it damage Apple.

Beside defrauding me out of $600, the failure of this program suite to work properly on the Mac, I believe, drove the Mac out of the business and government environments. This loss of market caused my investment in Apple products to become less effective as well. I also believe Apple was unable to protest for fear of further losing MS productivity suite support.

While I sincerely feel this is an obvious example of MS's unethical and probably illegal practices. I'm also convinced the proposed settlement gives MS a boost in the education market, again at Apples expense. I have a much simpler settlement: Enforce the government's policy of not allowing sole source purchases. Simply limit MS's total share of any one type of software suite (OS, Web browser, productivity apps, etc) to less than 50% of US government purchases. In fact the US government should never allow any company to control more than 50% of any commonly used software genre owned by the government. WHY AREN'T SOLE SOURCE RULES APPLIED TO MICROSOFT? CAN THE GOVERNMENT DEFEND IT PURCHASING PATTERNS in light of the court ruling?

Dan Derby

MTC–00026164

From: Tomlohman2@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 2:50pm
Subject: Microsoft Settlement

I strongly support the antitrust settlement between Microsoft, the DoJ and nine states. I believe that the terms of the settlement are reasonable and fair to all parties. It is time to move forward.

Thank you.

Tom Lohman
4011 Winchester Loop
Anchorage, Alaska 99507
(907) 349–3229
tomlohman2@aol.com

MTC–00026165

From: Fred5040@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 2:51pm
Subject: Microsoft Settlement

Please stop any more persecution of Microsoft. Enough is enough! Microsoft should not be disbanded. They product they provide is fantastic value for the price. They are not endangering the end user by bundling their software. If the consumer wants other products, they are free to buy them. Just because Microsoft is successful at what they do, they should not be penalized anymore than they already have. Let the competitors improve their products, that is the fair and American way to compete in today's world.

Joanmarie Hofmann
Wesley Chapel, Florida

MTC–00026166

From: Peter
To: Microsoft ATR
Date: 1/26/02 2:52pm
Subject: Microsoft Settlement

Dear Sirs

The proposed settlement SUCKS!!!

Pete Matuszewski
New Orleans University Student

MTC–00026167

From: W. D.
To: Microsoft ATR
Date: 1/26/02 2:55pm
Subject: Microsoft Settlement Hey Do-dos!

Your job is to break up Microsoft!

It is obvious that they only care about making piles of money for themselves. They care nothing about the LAW or fair competition.

This proposed settlement does nothing to keep MicroSuck from anti-competitive behavior.

The only thing Gates, Ballmer, etc. understand is a big fat stick.

Break them up!!!!!!!!!!!!!!!!!!!

MTC–00026168

From: Benjamin Stanley
To: Microsoft ATR
Date: 1/26/02 2:56pm
Subject: Microsoft Settlement

I think that the proposed settlement is a bad idea.

B.

MTC–00026169

From: Roger Zimmerman
To: Microsoft ATR
Date: 1/26/02 2:56pm
Subject: The Microsoft Settlement

To whom it may concern:

I am a computer professional who has used the products of many parties surrounding the Microsoft lawsuit (Sun, Netscape, IBM, and, of course Microsoft, among others) throughout my 20 year career. I believe the best conclusion to this matter would be for the federal and state governments to stop interfering in what is a perhaps America's greatest success story—our computer industry. At the very least, the U.S. government should honor the settlement it has offerred thus far, and should compel all of the states to do the same. Microsoft should be allowed to get on with its business of making good products which serve a dire need in the marketplace.

I speak from a great deal of experience. I use computers in all aspects of my life, from my profession as a scientific programmer, in email communications with my friends and colleagues, and with my three daughters, whom I guide through the use of the internet and in a vast array of educational software. My wife has her own business for which the our home computer is her primary means of communication and research. In all of these pursuits, I have been exposed to a small slice of perhaps the richest and most empowering array of technologies the world has ever seen, or at least that have been made available to the masses.

Many of these products are from Microsoft. By and large, I have found their software to be accessible, understandable, and stable. They get the job done, and their consistency of interfaces, relative ease of use, and inter-operability are a great boon to the novice computer users among my family and friends. But, many of the products my family and I use are not from Microsoft. Indeed, at eScription, I work in a small group of engineers which employs a network of 25 Linux-based (purchased from Red Hat) computers to do enormous amounts of computation and database management. We also communicate with our customers and adminstrative colleages on networks of primarily Microsoft-driven machines. These machines interact seemlessly thanks to software and hardware from countless American and international companies. From a consumer's perspective it is impossible to reconcile this panoply of offerrings with any characterization of ''monopoly''. There is virtually no barrier to obtaining software products from absolutely anyone who produces them. It insults my intelligence to have the government name me as a ''victim'' of this situation.

The more important point, however, is not the impact of the case against Microsoft on consumers. It is its impact on producers. What kind of a country do we want to live in? Do we want success to be punished or rewarded? Do we want property rights to be protected or infringed? Do we want our corporations to run to the government if they see a better competitor achieving success by providing what consumers want? I submit that the answer to these questions is: we want freedom. The freedom to innovate, to succeed (and sometimes even fail), and yes, the freedom to make our own decisions about what we want to buy. The government can best do its job by protecting these freedoms.

Let Microsoft be Microsoft!

Sincerely,

Roger S. Zimmerman 32 Hastings Street Wellesley, MA 02481 roger@escription.com rogerzim@mediaone.net (781)235–1939

MTC–00026170

From: WBracken1@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 2:56pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the

future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
William Bracken
1006 East 11th St.
Lehigh Acres, FL 33972

MTC–00026171

From: Steve Parker
To: Microsoft ATR
Date: 1/26/02 3:06pm
Subject: sign it already

Dear DOJ:

Please put this to rest so we can all get back to business without any more damage being inflicted upon the US public and the US Economy! Not to mention the fact that this has had world-wide impact!

Thanks.

A Concerned Citizen & Computer Consultant

(who does not necessarily care for Microsoft and its products)

Steve Parker
sparker@apk.net

MTC–00026172

From: piano-player@juno.com@inetgw
To: Microsoft ATR
Date: 1/26/02 3:00pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Gerald Kleppinger
4219 N Elm
Spokane, WA 99205–1459

MTC–00026173

From: Jason A. Tripp
To: Microsoft ATR
Date: 1/26/02 3:04pm
Subject: Microsoft Settlement

Dear Sirs:

I am an independent software developer in Northeastern North Carolina, and I just wish to comment on the upcoming settlement proposed in the Microsoft vs. US DOJ antitrust case. I believe there are very many key points which your proposed settlement did not address, but I believe one of the MAIN points to be that your settlement does not prohibit Microsoft from unfairly modifying (or prohibiting via licensing restrictions) programs based on the Windows API so that they will not run on non-Microsoft operating systems. This type of restrictive programming would force companies to do multiple ports of their software, a costly and time-consuming process, in order to get their software to run on multiple (and Microsoft-competitive) operating systems. The wording of the settlement should be changed to prohibit Microsoft from stopping programs based on the Windows API from running on operating systems other than Windows. After all, in my opinion most people use Windows just because there's so much software written for it; and that software, because of Microsoft's unfair business practices and licensing restrictions, will not run on other OS's. Microsoft would find itself faced with much stiffer (and more successful) competition if it could not unfairly restrict companies which are designing Windows API-based software in this way.

Sincerely,
Mr. Jason A. Tripp
Independent Software Developer
Edenton, NC
jeddhor@yahoo.com

MTC–00026174

From: jovitoIII
To: Microsoft ATR
Date: 1/26/02 3:04pm
Subject: Microsoft Settlement

We feel it is past time to resolve this issue. We believe the settlement if reasonable and fair to all parties involved. The country needs to get past this and it time to be settled.

Thank you
Joe & Vickie Bellotti

MTC–00026175

From: Herman Kling
To: Microsoft ATR
Date: 1/26/02 3'07pm
Subject: Microsoft Settlement
Herman Kling__
9 Jolly Roger
WayWaretown, New Jersey 08758
Fax:
January 7, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I write you concerning the recent Microsoft settlement, and the fact that it may be delayed even further than it already has been. After three years of negotiations, it seems ridiculous to hold back this agreement. Not only was this a well thought out procedure, but it was also well monitored.

Why waste our precious resources fighting a battle that has already been won. The more we delay the process the more we hold back our technology industry. This agreement was made in the interest of all parties involved. Microsoft will share information about the internal workings of Windows, and will be monitored by a government oversight committee. Let us allow the terms to work for themselves, and let our IT sector get back to work.

I urge you to support that no more action be taken against this settlement. We need to get our technology industry back on track, and not hold them up any longer.

Sincerely,
Herman Kling__
Fax:
January 7, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

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Waretown, New Jersey 08758
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Fax:
January 7, 2002
Attorney General John AshcroftUS Department of Justice
950 Pennsylvania Avenue, NW

Washington, DC 20530

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I urge you to support that no more action be taken against this settlement. We need to get our technology industry back on track, and not hold them up any longer.

Sincerely,

Herman Kling

MTC–00026176

From: Mary E. Daudelin
To: Microsoft ATR
Date: 1/26/02 3:07pm
Subject: Microsoft Settlement
To: United States Department of Justice
Subject: Microsoft Settlement Comments
Date: Friday, January 25, 2002

To paraphrase Mr. Glassman's comments pertaining to the Microsoft settlement, I feel that AOL could better spend its time in further analysis of its own product (especially with regard to its deployment overseas) rather than in continuing to pursue this case. My own personal experience with AOL has led me to believe that full utilization of the Internet is, in fact, restricted, when using their application.

As a developer of WEB applications for research, business and educational purposes, I have utilized a variety of browsers, development tools and operating systems while producing and testing my applications. Although I use their NT servers and take advantage of their many development tools, such as FrontPage 2002, I have not found that the public cannot access my applications, regardless of their operating system and/or browser type (with the exception of an occasional prototype). In fact, until recently, Netscape has always been my personal choice of browser as it was the one that originally introduced me to the Internet. And SUN's StarOffice product has produced many graduate-school presentations for me.

Because Internet Explorer is so forgiving of my JavaScript scripting errors, I find that I often HAVE to make myself utilize other browsers/systems in my testing to ensure that users who do not utilize their products/systems are not inundated with JavaScript errors that I have overlooked in my own code. My personal belief is that Microsoft has some damn good programmers that pay attention to detail, and, as such, should not be penalized for their technical excellence.

Yes, my job would be even easier if I could convince everyone on this planet to use Microsoft OS's and browsers, IBM laptop computers, the same size monitor and to access the Internet via cable, however, since this attitude smacks of the old telecom mentality (a black rotary phone for everyone, by God!), and because we all have our different comfort levels, I will remain silent on that subject and continue to jump back and forth between computers/systems/browsers in my testing.

In closing, I feel that Microsoft should be used as an example of what works in our economy (little, if any, debt and innovative, easily accessible business solutions at a reasonable cost) and that this case should come to immediate closure.

Sincerely,

M. E. Daudelin

iN21, Incorporated

MTC–00026177

From: Teri Bray
To: Microsoft ATR
Date: 1/26/02 3:09pm
Subject: Microsoft Settlement

I am writing this email in support of the antitrust settlement between Microsoft, the Department of Justice and the nine states. I feel that each of these parties has gone through extraordinary steps to reach a settlement that meets the issues of the original claim and corrects the issues that are addressed in this action. It would be my hope that the court would accept this settlement and, in so doing, help to move these parties toward being a more productive member of the industry and society.

I am very disappointed with the continued negative stance by the remaining states and other organizations that have continued to press for more drastic actions against Microsoft. I do not feel that these steps are reasonable, nor are they in the best interest for the most important people—the consumer. I do not feel that any of these parties have correct motives for their actions.

I feel that Microsoft has taken every step possible to meet the needs of the consumer worldwide through its innovation and market forecasting. I do not feel that Microsoft should be punished purely for better forecasting and having the ability to provide a product that meets consumer needs, while other organizations have failed in this attempt.

While Microsoft has made mistakes in some areas, I feel that the settlement between Microsoft, the Department of Justice and the nine states has taken sufficient steps to correct those areas and helped to ensure that such actions will not be repeated. I feel Microsoft has been a leader in the technological industry and has helped to bring the society to where it is today. Continuing these legal actions not only stifles these organizations, but the technological industry and society as a whole. Accepting this settlement is in the best interest for all parties and will help to move this industry back to one of cooperation, innovation and advancement toward the future.

Respectfully,

Teresa J. Bray

MTC–00026178

From: Michael Drone
To: Microsoft ATR
Date: 1/26/02 3:12pm
Subject: Microsoft Settlement

26 January, 2002

Attorney General Ashcroft,

It is my fervent belief that that Microsoft should no longer be subject to the vagaries of this antitrust suit. The U.S. system of justice, while one of the finest in the world, has in this case been usurped by a group of tech sector companies who are behaving no better than a band of brigands prowling the medieval roadside. To wit, they will gladly plunder a wealthy target to line their own larcenous pockets.

Mercifully, Microsoft and the DOJ have reached a settlement that can put the American people out of this case's misery. In an ideal world, this suit whould never have been brought at all. However, in an ideal world, I'd be romantically involved with Liv Tyler. Suffice it to say, neither of those options are feasible at this time.

Some opponents say that the settlement lets Microsoft off the hook with only a slap on the wrist. I have perused the settlement, however, and can only conclude that those who deride the settlement must be smoking some sort of powerful hallucinogenic substance. Under this settlement, Microsoft will have to accept provisions that would be the WWF equivalent of being on the recieving end of the Undertaker's devastating Last Ride, Stone Cold Steve Austin's patented Stone Cold Stunner, and the most electrifying move in sports entertaintment—the People's Elbow, consecutively. This is the exact antithesis of getting off easy.

This antitrust suit has been more taxing on America's patience than the recent spate of reality-based television. I don't forsee NBC, ABC, CBS, or FOX changing their scheduling plans anytime soon, so the least that the country could do is end this lawsuit and accept the settlement. Thanks to the intern of staff assistant who's reading this for taking the time out of your day. I hope it's been both informative and, in some small part, entertaining.

Sincerely,

Mike Drone

MTC–00026179

From: Doby Fleeman
To: Microsoft ATR
Date: 1/26/02 3:10pm
Subject: Microsoft Settlement

Writing both as an individual citizen, and as a businessman, I find it particularly sad that our system of justice is being utilized to penalize the company that more than any other has been so much responsible for the success of the PC market and for the dominance of the United States in the area of software applications and to .

Tough, maybe, but Microsoft has made Windows DOS the universal language of personal computing. That, alone, brings jobs and prosperity to the US economy.

While the lawsuits have now succeeded in distracting Microsoft and in allowing other operating systems such as Linux to make inroads, it is not obvious that this is a great benefit to the United States or our economy.

While AOL/Time Warner (is that the same Time/Warner who dominates so much of our

media markets?) is now trying desperately to push other blockades in the path of Microsoft, hopefully it will not find a willing accomplice in the form of the United States Government.

Please stay the course and provide the impartial justice for which your office is known.

Signed,
Grateful to be an American!
William Fleeman
44513 So. El Macero Drive
El Macero, CA 95618

MTC–00026180

From: Steve Carr
To: Microsoft ATR
Date: 1/26/02 3:16pm
Subject: Microsoft Settlement.

Please resolve this suit against Microsoft quickly and fairly. Due to Microsoft's success and competitive nature, companies who have less superior products and no marketing power are upset and trying to make their fortunes via unfair lawsuits. Local governments that support these companies are of course supporting them (it's their duty) and looking for a piece of the pie.

The browser integration into Windows was not illegal and has not hurt consumers. It's required functionality for today's technology level just as Terminal programs were in the past. In the past when modem dialup was becoming popular, people were required to download modem connection programs from a dialup BBS. Since the OS didn't initially supply this functionality, consumers were left in a frustrating catch-22 situation. They needed dialup access to download a terminal program, but since they didn't have a terminal program, they didn't have dial-up access to do so. Microsoft integrated a terminal program that was good enough for some, while others used it to download their application of choice. If there was not a web browser included with Windows, we'd be in the same position. It's a required feature for today's online access. Users are still free to download other browser software if they choose to do so. There is choice.

The browser functionality was further integrated into the operating system, not to kill off competitors but to gain functionality. Why develop several technologies when one could be used for multiple purposes. Browser software is after all just a language interpreter. It was initially required to support HTML used by web servers. The language became more powerful over time and became used for more than just web server interpretation. Help files for the OS and other applications for example could now be created in HTML instead of using proprietary help file formats. The OS needs functionality built in to read these help files. Non-OS help files (applications) could only be distributed if each application was bundled with interpretation software (browser) unless it could assume that an interpreter was already installed on the computer. For this to be guaranteed, it has to be built in. Browser technology has moved beyond even web server and help file interpretation. Now it's used to browse files and folders on the computer as well. That's a good thing. People can customize how different directories look and have more information available that a flat file list. Again, good for the consumer.

There are other points brought up such as price breaks to OEMs for bulk deals or contracts requiring exclusive application placement to get price cuts. Is that illegal? Not to my knowledge. Many businesses do this. If you buy a product in bulk at the grocery store, it's cheaper. Buy two, get one free. Coupons supplied in the newspaper each Sunday advertise purchase these two products from a company and get a discount on this other product. It's done all the time, it always has been, and it's not illegal.

I'm sorry to babble here, I'm just frustrated that so much time and money is continually wasted to satisfy people that cry fowl when they fail at something. I spilled coffee, I'm going to sue. I can't control myself, punish everyone else and make this illegal. My business didn't pan out because someone wrote better software than me, I'm going to sue. Put a rest to this garbage and stop punishing a company for their success. If you feel you need to protect others from individual success, then propose and create new laws based on the voters opinion; but please don't destroy a company to satisfy sore losers.

These personal opinions are my own and should be treated as such.

Sincerely,
Steve Carr

MTC–00026181

From: Justin Jones
To: Microsoft ATR
Date: 1/26/02 3:16pm
Subject: Microsoft Settlement

Hello,

With Microsoft strongarming the DVD industry into using Windows Media and already holding the patent on the ''Digital Rights Management Operating System'', they are poised to leverage absurd control over the standards and formats for digital media in the near future. Given that the legal system cannot move as quickly as the software industry, this is a very important opportunity to prevent Microsoft's anticompetitive strategies from spreading into new markets by producing a ruling that will firmly prevent future monopoly and encourage competition in both established and emerging markets.

I support stronger action than the currently proposed settlement, and add my voice to the comments posted at http://www.codeweavers.com/~jwhite/tunneywine.html and http://www.kegel.com/remedy/letter.html.

Thank you,
Justin D. Jones

MTC–00026183

From: Jerry (038) Annette Prioste
To: Microsoft ATR
Date: 1/26/02 3:17pm
Subject: Microsoft Settlement

Please approve the antitrust settlement between Microsoft and the Dept. of Justice and nine states. This settlement is needed to heal the economy. My wife and I believe that the terms are more than fair to all parties involved. The terms will greatly help the consumer have the best products through competition while achieving lower prices. The antitrust laws were intended to keep consumers from paying higher prices due to monopolist practices. The antitrust settlement should not be about helping a few competitors like AOL and Sun Microsystems. AOL already has a lawsuit against Microsoft for a price greater than the value of Netscape.

Let Microsoft and the industry move forward. Microsoft is the best US company ever to promote technological advances and economic growth in this country. Let competition and the consumer determine what is best for technological advances, not government regulation and greedy lobbyist (ENRON as example). The economy and the stock market will improve if this settlement is approve. If the settlement is not approved, consumers and technological innovation will be harmed. Please do the right thing for the consumer, APPROVE THE SETTLEMENT.

Thank you,
Jerry Prioste and
Annette Prioste
11614 North 68th Place
Scottsdale, AZ 85254–5142

MTC–00026184

From: timbloom@mac.com@inetgw
To: Microsoft ATR
Date: 1/26/02 3:18pm
Subject: Microsoft Settlement

harsher punishments need to be done

MTC–00026185

From: Robert H. Schmidt
To: Microsoft ATR
Date: 1/26/02 3:22pm
Subject: Microsoft Settlement

To whom it may concern:

We think it's time the government settled its case against Microsoft. It may be coincidental but the antitrust announcement against Microsoft may have caused the economic downturn and the downward spiral of the stock market—especially the NASDAQ.

The persecution of this corporation was generated by such giants as AOL/Time Warner, who were jealous of its success. It's now time to stop this unnecessary and wasteful expense and get the country and economy moving forward in a positive manner.

Sincerely,
Robert H. Schmidt
Norma M. Schmidt
1313 Franklin Ave.
Cinnaminson, NJ
08077–2711

MTC–00026186

From: Brian Wendell Morton
To: Microsoft ATR
Date: 1/26/02 3:21pm
Subject: ''Microsoft Settlement''
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

To whomever this concerns,

I understand that I have the ability to comment on the proposed settlement between the Justice Department and Microsoft.

I am a dedicated purchaser and user of Apple Computer products. Almost from the beginning, Microsoft has done whatever it felt necessary to undermine the Macintosh platform, starting with the outright ''theft'' of the Graphic User Interface that Apple used to revolutionize the computer for the average user. Until Microsoft realized that the platform was going not to be driven into the ground, MS did its best to co-op and/or drive under any developers who saw fit to produce for the Mac. Now Bill Gates has hedged his bets by owning several hundred thousand dollars of Apple stock.

It is widely believed by those familiar with the case that the proposed settlement is completely inadequate. It will do little to punish Microsoft for its plainly illegal conduct in the past, and virtually nothing whatsoever to prevent future violations of antitrust law. As a consumer, it infuriates me to be forced to pay for increasingly expensive software that diminishes in quality with each release. I applauded the Clinton administration's investigation of Microsoft. Their case was an effort to protect consumers and promote economic growth by restoring fairness and competition to the computer industry. At the start of this administration, it all but announced publicly that it was going to let Microsoft off scot-free, by Attorney General Ashcroft stating that he didn't think the government had a case, thereby, in poker terms, flagrantly showing the other side his cards.

As the nation's legal advocate for citizens against the unchecked abuses of a corporate entity, this act was unconscionable. The United States is a successful nation because its free markets encourage firms to compete for customers by producing high-quality, low-cost goods. This system needs to be protected from monopolists who gain so much power that they can destroy the competitive nature of the markets in which they participate.

I urge all parties involved to reconsider the proposed settlement. Microsoft deserves more than a slap on the wrist for its destructive abuse of its monopoly power. More importantly, American consumers need to be protected against future abuses from a company that sees the political establishment as one to be bought, competitors as enemies to be crushed and where the word ''marketing'' can be freely substituted for ''lying.'' Sort of like the management at Enron. We know what kind of oversight they got, don't we?

Brian Morton
1602 Hollins St.
Baltimore, MD 21223–2429

MTC–00026187

From: svspire(a)nmia.com
To: Microsoft ATR
Date: 1/26/02 3:24pm
Subject: Microsoft Settlement

I oppose the proposed Microsoft settlement.

There are a number of problems with the proposed settlement, but I will focus on just one here: the lack of a requirement to force Microsoft to make their file formats available.

Today it is virtually impossible to find a word processor or presentation package other than Microsoft Word or Powerpoint. They do exist, but they are niche products and their vendors are barely able to survive. It is also virtually impossible to obtain venture capital to start a new business competing with Microsoft in these areas. This is bad news for consumers. More competition is sorely needed in these markets.

There is one major barrier to entry in these markets: the Microsoft file formats. In order to compete with Microsoft Office products, vendors must make their products ''compatible'' with Word, Powerpoint, Excel and the rest of the Microsoft Office suite. And making products ''compatible'' requires expensive reverse-engineering of Microsoft's proprietary file formats. It can be done, but it rarely succeeds 100%, which steers consumers and venture capitalists away from alternative products.

If Microsoft made their file formats publicly available, other vendors would be able to write word processors and other office products that were 100% compatible and thus competitive with those from Microsoft. This would be good for other vendors, good for Microsoft, and especially good for consumers, since there is virtually no competition in this marketplace now.

I do not advocate that Microsoft make their office suite ''open source''—they can still maintain their proprietary advantage in the products themselves, but the particulars of the files that their products create should be made known. This will in no way hamper Microsoft's ability to compete in these markets, but it will encourage competition which does not exist today.

I would not advocate that a company release proprietary information of this nature were it not a monopoly and thus a de facto standard in the industry. If healthy competition existed, there would be no need to release the file formats. But Microsoft clearly has a monopoly in this market which will persist unless these file formats are made public, and other remedies beyond those in the proposed settlement are put into place.

Thank you,
Shannon Spires
Computer Scientist
svspire@nmia.com

MTC–00026188

From: Ron Dong
To: Microsoft ATR
Date: 1/26/02 3:26pm
Subject: Miscrosoft Settlement

Dear Sir:

I am a happy Apple customer. I work in the public schools using IMac's. Over the years I have seen the increasing domination of the computer industry by Miscrosoft. When I read the proposed settlement, I was outraged that such a settlement was even being considered. Miscrosoft is monopolistic. If it can get away with ''giving'' schools old computers that only run Windows, it will be the death of the only competitor left out there, Apple. Miscrosoft needs to be punished for it past practices and not be allowed to continue any of its past predatory practices.

Janice Dong

MTC–00026189

From: Jim/KJ7S
To: Microsoft ATR
Date: 1/26/02 6:21pm
Subject: Microsoft Settlement

Please Open the Attached File This is NOT a Virus

thank You!
Jim Anderson
CC:
Congressman Chris Cannon,fin@mobilizationoffice.co...

MTC–00026189 0001

JIM ANDERSON
95 N, CENTER, P.O. BOX 1. 4
CASTLE DALE. UTAH 84513
January 24, 2002
Attorney General John Ashcroft
U.S. Department of Justice
95(t Pennsylvania Avenue, NW
Washington. DC 20530

Dear Nr. Ashcroft,

I am outraged that Microsoft was brought to trial three years ago. The case has progressed infuriatingly slowly, and has had a negative impact not only on the technology industry, but on the economy, and ultimarely the consumer as well. Now, as if to add insult to injury, Microsoft's competitors and the nine states m which they have influence arc seeking to undermine the settlement and bring additional litigation against the Microsoft Corporation. This is preposterous. America was built on the principles of free enterprise and innovation, and this settlement allows the government to suffocate the very values upon which the country was founded If Microsoft's competitors want the playing field evened, they need to market a product that is capable of competing on the same level as Microft's.

The settlement is generous on Microsoft's part. and is more than fair to its competitors. In the interest of wrapping up the case, Microsoft has agreed to terms and conditions that extend to various facets of the Microsoft Corporation that were not deemed unlawful by the Court of Appeals. The settlement requires Microsoft to make a number of changes, the most reasonable of which, I believe, mandates open sourcing. Microsoft plans to reveal source code to its competitors for use in producing Microsoft- compatible software and operating within the Microsoft framework, Microsoft has also agreed to provide third parties with a license to pertinent intellectual properly rights, also with the intern of facilitating interaction between various software producers and Microsoft

Absolutely no additional action needs to be taken in the Federal courts, Free enterprise is legal, and Microsoft is guilty of nothing more than success in a free market economy, 1 urge you to support the settlement and allow the industry to recover,

Jim Anderson
CC: Rco. Chris Cantata

MTC–00026190

From: David Brownell
To: Microsoft ATR
Date: 1/26/02 3:27pm
Subject: Microsoft Settlement

Attached, please find my comments in opposition to the proposed settlement of the Microsoft antitrust case. These are in HTML format.

I will be sending these separately in hard-copy, since you appear to have no mechanism to acknowledge receipt of comments submitted by e-mail.

- David Brownell

Proposed Microsoft Settlement: Not In the Public Interest

As a software engineer, with over twenty years in the industry, I feel compelled to comment on the proposed Antitrust settlement with Microsoft. These comments are provided in HTML format. I am sending these directly via electronic mail, and also by ''snail mail'' because it appears that the DOJ does not have any mechanism to acknowledge receipt of comments delivered electronically.

In brief, I feel this is disappointingly weak and ambiguous with respect to basic requirements for redress and prevention. It fails to unfetter markets, and in many key respects it is amenable to further abuse by Microsoft rather than preventing such abuse. In several respects it seems to reward Microsoft by institutionalizing, rather than destroying or nullifying, its illegally obtained monopoly, even blocking further prosecution for similar future abuses. The public interest is not served by such a settlement. The proposed revision (from California and other states) is a clear improvement, but these comments do not apply to that. Consumers and competitors have both waited far too many years already; it's time for US antitrust law to finally do something significant to deter this particular corporate criminal.

25 January, 2002

David Brownell

2569 Park Blvd #T-201

Palo Alto, CA 94306

Comments on the Revised Proposed Final Judgement

My detailed comments are presented in two broad groups. First are general comments. Then, comments on the proposed settlement are organized according to the sections to which they apply. Note that since the true extent of lobbying by Microsoft has not been disclosed, I am one of many citizens who are concerned about the process that led to this extremely weak proposed remedy. While it has long been clear that Microsoft has not wanted to act in the Public Interest, it now appears that the company has been in contact with groups within the US Government who are likewise not acting in the Public Interest (despite the requirements placed on office holders). Based on the lack of information in the Competitive Impact Statement, it appears likely that at least the US Department of Justice may have some sort of hidden agenda or agreement to promote a weak agreement. This is exactly the sort of behavior that the Tunney Act review process was designed to expose, to help ensure that antitrust settlements are clearly in the public interest.

General Comments

At the beginning, I will mention my disappointment that the Department of Justice has chosen not to consider structural remedies, which could be the most effective and least invasive solution to these antitrust problems.

Microsoft has repeatedly shown its intent to nullify or evade any legal constraints placed on its conduct. Based on that and the previous consent decree, I can not expect further conduct remedies to be particularly effective. Moreover, I would expect the costs of any truly effective conduct remedy to be substantial, since they would need to work against institutional structures which were set up to promote those unlawful anti-competitive behaviors.

Proposed Microsoft Settlement: Not In the Public Interest file:///c/win/temp/response.

In contrast, structural remedies would apportion more of the costs onto the guilty party (Microsoft), which is where they belong. Done well, they would prevent further monopoly abuses in both current and emerging markets, and would help provide redress to the customers by restoring product choice in ways that could not readily be reversed. Alternatively, it could provide a better model for dealing with the core OS monopoly of Microsoft: like other infrastructure providers, it could be a common career. (Other parts might then compete to provide value-added services. However, I note that ''Microsoft Office'' is also an effective monopoly in one application area.)

The terms of the proposed settlement also discriminate against software in the public commons, which includes Free Software (as well as Open Source Software). Disclosures of technical information are made to companies, but the monopoly harms were also committed against customers that are not companies, and against non-customers. The settlement needs to address all victims of Microsoft's crimes, and it can't effectively do that while assuming that the only victims are Microsoft's customers and market partners (including direct competitors). Moreover, it should not focus (as it does) so exclusively on OEM product distribution channels that other channels are barely recognized.

I would also like to highlight the degradation in security that Microsoft has fostered. Despite some recent initiatives to improve its public relations with respect to such issues, the fact remains that for the last decade or more Microsoft has actively worked to forestall security for computers and the Internet, by encouraging engineering techniques and solutions that were well known at the time to be insecure. (Also, by lack of prompt bug fixes.) Microsoft's monopoly powers were used to prevent better solutions from becoming widely available. Costs of such problems in the year 2001 alone are widely estimated to exceed $2billion to businesses alone. (The best known examples were viruses enabled by Microsoft's executable code technologies, which are by design excluded from technologies such as Java.) These abuses of monopoly power, policies of investing against the public interest, deserve more appropriate consideration in the remedy proceedings than giving Microsoft an effectively unlimited safe harbor provision in this particular area.

Although, as the saying goes, ''I am not a lawyer'', I found the text here substantially more ambiguous than most legal documents I have had cause to examine. These ambiguities do not arise from the usual causes, such as specific legal terms and idioms, or usages specific to legal contexts. The document just does not seem to be cleanly drafted. Since I know that I'm not alone in finding ambiguities here, I believe this reflects significant underlying problems in this proposed settlement, such as lack of true agreement on the intent of the language. Repeating the fiasco of the earlier Consent Decree is clearly not in the Public Interest.

III: Prohibited Conduct

The conduct that is prohibited does not go far enough to prevent certain notable abuses. And in terms of drafting, the fact that so many of the behaviors described here list required behaviors, rather than prohibited ones, makes me believe that I'm only noticing a handful of the ''thought problems'' with this proposed settlement.

A

Section III.A.2 supports Microsoft's anti-competitive ''no naked PCs'' program by allowing Microsoft to retaliate against OEMs with products that do not ship with any Microsoft platform software. An example would be a vendor shipping PCs that offers a base configuration with no operating system at all, or equivalently a Linux distribution (since that could have the same cost of zero dollars). If it only offered a Microsoft OS as an extra cost option (just like any other system component), Microsoft would be allowed to retaliate against such an OEM. Such a vendor would clearly be in the best interest of consumers, since it would support fully informed choice of OS, vendor, and version.

By permitting cross-subsidy, this section effectively permits what it claims to prohibit: retaliation. OEMs that don't promote or license Microsoft products to the satisfaction of Microsoft are effectively retaliated against because they would not receive the ''consideration'' received by other OEMs. Note that of all this industry's players, only Microsoft has enough power in enough different segments to be able to cross-subsidize in that way.

B

The licensing constraints in III.B that apply to the ''Covered OEMs'' would only address hardware that has already reached the level of significant mainstream distribution. It also applies only to operating systems products; Microsoft has been shown to have abused its powers in several other product areas. Microsoft's monopoly power remains unconstrained with respect to companies offering choices within smaller markets, which are fundamental sources of innovation (and hence the source of the strongest latent threats to the Microsoft monopoly). Such constraints appear to best serve those Covered OEMs, rather than customers. Customers would be better served by seeing uniformity of pricing even if they use other OEMs. One effect I see is to deliver more equitable pricing to those OEMs, while not constraining Microsoft's behavior in the rest of the market. Moreover, even those OEMs are not protected against Microsoft efforts to churn newer (less well proven, less trustworthy) software by jacking up prices for more mature releases.

In addition to smaller (non-Covered) OEMs and distributors of boxed software (such as Fry's or CompUSA), examples of concern to

me include VARs (often working closely with ISVs and IHVs to sell semicustom systems) and corporate buyers. All of those effectively do the later stages of system manufacturing themselves. They would often by preference acquire ''naked PCs'', perhaps adding specialized hardware, and then install custom packages of OS and application software. It appears that none of these channels are to receive the benefits of the more equitable pricing. Their customers are still fully subject to prices manipulated and inflated by the monopoly powers of Microsoft.

C

III.C seems to allow all such restrictions so long as they are not by ''agreement''. If that's intended to mean something, it's clearly bad: a loop-hole. If it's not, it should just be removed so that Microsoft is always forbidden such restrictions. Similarly, Microsoft seems to be allowed to restrict all non-OEM customers in these undesirable ways.

III.C.3 could be amusing if I were so inclined. It disallows substitution of non-Microsoft products if they provide a user interface ''of similar size and shape''. That clearly means that if Microsoft uses a rectangular window sized large enough to desribe what's going on, any other product must either use a non-rectangular window (looking ''bad'' and hence undesirable), or else must be too large or too small (likewise undesirable). It also appears to mean that if Microsoft bundles a new product that uses some window similar in size and shape to a pre-existing product from some other vendor, the other vendor must change its product. Giving such preferences to Microsoft is ludicrous.

D, E

These sections, in conjunction with bad or weak definitions, comprise one of the weakest parts of this proposed settlement. That is because preferential disclosure of interface information has been a major weapon used by Microsoft to protect its internal developers from competition by other software development organizations. That practice is not substantially reduced by this language. Insufficient/Selective Disclosure ''For the sole purpose of interoperating with a Windows OS Product'' is a worrisome constrai Proposed Microsoft Settlement: Not In the Public Interest file:// /c/win/temp/response. it's not clear that this includes middleware network protocols (including security issues) and file formats. Since the disclosure requirements seems to apply only to ''lower'' interfaces involved in middleware (to the OS) and network protocols used from a Windows OS product to Microsoft servers, it excludes the key ''upper'' middleware APIs (to applications) that are the reason for middleware to exist, and all other network protocols (including peer-to-peer, server-to-server). It also does not include interfaces used to boot the operating system. In short, the required disclosures have significant and fundamental technical omissions that will serve to nullify essential goals of having such disclosure requirements.

Restricting the III.D disclosure to ''Microsoft Middleware'' as used by ''Microsoft Middleware Products'', as opposed to a more generally useful definition of ''Middleware'' (see later) provides an unnatural limitation to the level of disclosure that should be required. For example, a specific trademark registration needs to be involved. Moreover, it permits Microsoft to cease disclosures merely by shifting to an exclusively ''bundled with the OS'' distribution model. While that is a good mechanism to strengthen a monopoly, it is very bad mechanism for the goal of preventing Microsoft from illegal monopolistic behaviors in the future, as required by such a settlement.

Re III.E, I am concerned about the RAND licensing. This is explicitly permitting Microsoft to exclude Free Software (and Open Source) Software development from the requirements. Related text in III.J.2 carves out even broader exceptions from the basic requirement that interoperability specifications be disclosed. In terms of anti-competitive behavior, and in conjunction with some of Microsoft's existing licensing prohibitions related to that significant segment of the software world, this is a really significant issue. Freely licensed specifications should be the rule, and Microsoft should not be encouraged to use its monopoly power to force use of encumbered specifications. In particular, the sort of ''embrace and extend'' behavior Microsoft has adopted with the Kerberos authentication standard should be disallowed. (Microsoft requires use of extensions to Kerberos, which it has published while still calling them ''trade secrets''. A network using only standard, non-Microsoft, servers will not work with the latest Windows OS.)

Late Disclosures

The timings of these disclosures are problematic. They grant applications and middleware developers within Microsoft preferential access up to the point where design biases in their favor can no longer in practice be removed or ameliorated: a particularly huge beta test. The industry practice with which I am familar involves full API disclosure at the first beta test, and involves substantially complete disclosure at earlier test stages (alpha tests) where the APIs are still expected to change in significant ways. Such alpha testing is in part to get API feedback, so that key issues that were not recognized or prioritized internally can be addressed before final product decisions are made. (Of course, such feedback benefits from a certain amount of good will towards other companies that Microsoft has not demonstrated.)

In this proposed settlement, external developers are presented with something which is largely a fait accompli, which preserves and strengthens the barriers to entry which favor Microsoft. (It also gives Microsoft developers at least a year's head start.) This sort of disclosure bias could be addressed by a structural remedy that places Microsoft developers for Applications, Middleware, and Operating Systems into separate organizations. The disclosures they make to each other would be the same as those made to other organizations, and would be made at the same time.

Low Quality of Disclosure

There need to be effective mechanisms to expose and fix bugs affecting operation of Microsoft products according to their disclosed interface specifications. If the actual behavior is always going to need to be modified according to a secret buglist that is less available than the base specification, such interface disclosures become ineffective. This implies updating Microsoft product development processes, which have often paid only lip service to the specifications to which they claim conformance, and conform??

For example, the latest versions of Microsoft's Internet Explorer put its XML parser in a non-conformant mode, rather than just fixing the bugs in previous versions. The lack of penalty for false or incorrect disclosures suggests that those will continue to be strategically abused.

Full technical specifications are basic parts of product interface specifications, and should be made available to all customers not just ''to ISVs, IHVs, IAPs, ICPs, and OEMs''. This should include file format specifications (such as the MS-Word formats), which are directly analagous to the communications protocols that are partially addressed in the proposed settlement (particularly when those files are shared over networks).

Lack of such disclosure prevents customers from accessing their own data, essentially institutionalizing the requirement of a ''Microsoft tax'' that must be paid by large portions of the computing community. The true test of interoperability specifications is whether they support the development of multiple independent implementations. For middleware this is essential, and Microsoft must not be allowed to pass off shoddy or incomplete documentation as meeting the intent of this proposed settlement. The rule of thumb I have always used is that until it's been corrected by experience from for three independant implementations, a specification must be assumed to have substantive bugs. Since those often include design (including security) bugs, the initial implementation (such as perhaps a test version from Microsoft) must not be given undue deference.

G

III.G.1 says it's OK for Microsoft to have such ''fixed percentages'' in agreements so long as it's even marginally an underdog with respect to some targetted vendor. (That reading assumes vendors ship only one product of a given type. Other readings are possible, which are even more anti-competitive.) That amounts to saying it's OK selectively pick off competitors until the market is reduced to a duopoly; it's a formula for reducing competition. A goal of this settlement was supposed to be increasing competition rather than blessing more ways for Microsoft to abuse its monopoly power.

H

I'd sure feel better about these allowances (why are they in a section on ''prohibitions''?) if they required the Microsoft Middleware Product to actually get removed. Better yet, they should not be installed in the first place. After all, those Microsoft Middleware Products are taking up my disk space, and frequently create security holes by their very existence. (One current

example relates to Microsoft's media player providing a way to track users who, for security reasons, choose to disable the ability for sites to track them.)

It's not clear why Microsoft is being given up to a year's more lead time on its competition, since key parts of this clause were announced (with significant fanfare) by Microsoft to take effect in 2001. In the interim, other vendors are being harmed, and consumers are being harmed by the disappearance of such vendors. I'm sure that the III.H.3(b) waiver for automatic updates to my configuration makes Microsoft happy, knowing that two weeks after installation or any upgrade they are free to annoy users at any time because they prefer to use non-Microsoft technologies. I can't see how it would make any competitor happy, since it ensures that at least some customers will switch from that competitive product just to get rid of such ''nag boxes''. And when I wear my end user hat, I can say that it's clearly not in my own interest to have even more cases where a Microsoft product nags me to do what it wants me to do, rather than what I want it to do. Any more than a single appearance of such nag boxes should be explicitly forbidden.

The second III.H.1 point (more bad/confusing drafting) should be deleted. If there's a technical reason, it would be covered by the second III.H.2 point, and if there is none then I don't want this to be a mechanism whereby Microsoft avoids full disclosure (III.E) of its middleware APIs/protocols. For example, portions of the ''dot-NET'' infrastructure might be packaged in this loophole, as coud any number of proprietary protocols and file formats.

The example in the second III.H.2 point is bothersome: it considers hosting ''a particular ActiveX component'' to be a reasonable requirement. On the contrary, security-aware users recognize ActiveX as a fundamental risk to their systems'' security, and disable it everywhere possible. Wearing an ISV (or VAR) hat, seeing that ''technical reasons are described'' is insufficient. That wording allows Microsoft to provide the most vague reasons, including ones that are flagrantly wrong or which embed substantial cost penalties for middleware competitors.

When the World Wide Web Consortium (W3C) recently proposed allowing RAND licensing for standards, on terms not dissimilar to these, that was roundly shot down. The point was made that such terms are fundamentally discriminatory: they preclude Free (and Open Source) Software, which is available without royalty or other consideration. Other text in 111.1.3 allows additional discrimination. It seems that III.I.5 allows Microsoft to extract reverse licences for (effectively) any technologies that are available to someone who needs a RAND licence from Microsoft. Such a reverse licensing constraint discriminates against those which have such licences to be extracted, so that clause is clearly contrary to the ''non-discriminatory'' requirement. In effect it legalizes a kind of extortion by Microsoft, and can also make the cost of getting such a license no longer be ''reasonable'' for organizations which become subject to such extraction.

J

I am deeply concerned about the carve-out created for ''security'' issues. It is far too broad, and among other things institutionalizes the long-discredited notion of ''security through obscurity''. That policy places individuals (and corporations) at risk because they will not be able to discover (and address) flaws. It does not increase security, since the bad actors will of course not be shy about sharing such information with each other; only people who play by these rules would be placed at risk. The almost unlimited scope of that carve-out also means that Microsoft is being given a incentive to call things security issues when they aren't. For example, Bill Gates recently announced he wants to focus the company on its significant security problems. This has been described as an obvious attempt to focus on ways to fit more work into this carve-out.

This mechanism will be used to create ''secret buglists'' that undermine the already flawed disclosure rules exactly where they need the most public scrutiny, not the least. Trust is earned, not dictated; so far the record for Microsoft's handling of security problems (beginning at the design stage and also post-shipment) is far below the standard used by most of the industry, notably including the Free (and Open Source) Software segments as well as most commercial UNIX vendors.

In conjunction with flawed legislation such as the DMCA, this is deeply threatening to the individual liberties on which this nation was founded. Under the proposed settlement, if a user stored his (or her) own data in a file, Microsoft is allowed to use ''security'' allegations to prevent that individual (or his co-workers) from using anything except Microsoft software, and paying the ''Microsoft tax'', to access that data. I feel that it is essential that the US Department of Justice not undermine fundamental liberties by helping Microsoft to prevent users from accessing their own data using non-Microsoft operating systems, middleware, or applications.

Also III.J.2 seems to give Microsoft far too much control over who gets to see what kind of information. While admittedly there are some tricky policy issues here, the fundamental issue is that a ''trusted computer system'' is meant to be trusted by its owner, not by someone that happens to be friendly with its manufacturer (perhaps because they both expect to extract more money from owners that way). Clauses (b) and (c) give Microsoft the ability to veto efforts that are not hosted by businesses, such as Free (and Open Source) Software activities or academic research, and hence which clearly do not have incentives to support commercially-motivated security flaws.

IV: Compliance and Enforcement

This proposal is particuarly weak, even for what it tries to do. I believe this mechanism was either designed to fail (in favor of Microsoft), or was designed to be a straw man that would be replaced with something that might actually stand a chance of working. For example, something that gives an ISV that has been victimized by a Microsoft action some legal recourse would seem to be desirable. (Except of course to Microsoft.) The rule in IV.D.4.d (preventing this TC or its work from participating in court proceedings) makes me believe the former option may be the most realistic view: this procedure was not intended to succeed at the goals of providing rememedy or preventing further abuses.

Only three people are not enough to keep an eye on such a huge monopoly. That's particularly true since the anti-competitive constraints in IV.B.2 ensure they can't be particularly focussed on (or aware of) the most current tactics used by Microsoft to evade constraints as described in other parts of this proposed settlement. I could almost imagine an office led by three such people, except that each one would surely need a significant staff (IV.B.8.h) that are more actively aware of the issues that need attention (that is, less subject to the IV.B.2 constraints).

Fundamentally, the requirement that the three TC members be ''experts in software design and programming'' is in some conflict with the requirement that they be effective compliance officers. Surely it is most important that the TC staff hold many such experts than that the nation be combed for true experts that can also be effective compliance officers—which is a rare combination. Most of this section defines a bureaucracy, and any ''expert'' I've ever known would be deeply stifled by what I read there. The job description is not fundamentally one of software design and programming. And only (IV.A.2.a) during ''normal office hours''? Software developers rarely keep banker's hours, and the parts of businesses that work with them also adapt. Of necessity, so would the parts of those offices that work with those parts of Microsoft.

V: Termination

The settlement does not offer stong and effective mechanisms for enforcement: there are no real ''sticks''. It expires automatically whether or not Microsoft's behavior has been improved. If Microsoft doesn't want to behave, it can stall until the lifespan of the agreement expires. I am deeply concerned by the requirement in IV.D.4.d that prevents any failures of the compliance procedures from being used in court. Rather, they should be key efforts determining whether it is appropriate to terminate this proposed settlement.

The only incentives appear to be within the scope of the current distorted software markets. But until the market structure becomes competitive, rather than monopolistic, today's market incentives only further the Microsoft monopoly. Minimally, no settlement should terminate until those marketplaces are restored to technical and structural diversity, and are healthy in that state. Just knowing that ''running out the clock'' can't work would be a minimal incentive (''carrots'') to encourage that change.

VI: Definitions

A number of these definitions embed strong anti-competitive biases, which work in Microsoft's favor against the competition this settlement is intended to restore. Such definitions nullify the useful effect of what need to be broad constraints on Microsoft's conduct.

A: API

As noted above (III.D, III.E), there are several programming interfaces related to an ''Middleware Product'', and this specifies ''API'' as the ''lower'' level of such interfaces, which are typically operating system interfaces. However, the goal of middleware is explicitly to ensure that applications only need to use the ''upper'' level, hiding those lower level calls. In particular, when using a middleware API the classic goal is to be independent of the particular OS in use. That is, the goal is to NOT use the APIs covered by this definition. Defining APIs in this unuseful way substantially reduces the scope of the products that this document addresses as competition, and in ways that are strongly counter to normal usage.

This definition reflects a fundamental misunderstanding in that it defines the middleware API at the wrong level. These lower interfaces certainly need to be documented, because they are often currently hidden as operating system ''back doors'' by Microsoft. In some cases, APIs have been deployed that were not immediately used by Microsoft products, but which were used in upcoming versions. This definition should include all such interfaces that are part of shipping operating systems, regardless of whether they are currently in use.

Such hiding needs to be prevented, since it protects Microsoft's applications barrier to entry, and prevents emergence of competing middleware. Such hidden interfaces have also been known to provide security holes that are intended to facilitate Microsoft (mis)features. They would not normally be called ''Application'' interfaces in the context of a middleware discussion, and good systems architecture would not even enable the interfaces which bypass security mechanisms. This point is strengthened by the fact that Microsoft does not currently document these APIs, as it would for APIs which it encourages applications to use.

H, I: ''Vendor''

This appears to bias the entire settlement against certain kinds of hardware and software development process, such as ''Free'' and ''Open Source'' Software. Microsoft should not be given the right to discriminate this systematically against one of its most effective competitors. (And perhaps its last one, given that its monopoly powers to create new barriers to entry are barely affected by this proposed settlement.) Minimally, it should be explicit that such ''Free'' and ''Open Source'' Software developers are included among those who should have full access to interface disclosures addressed by this agreement. One simple solution might be to include them as ISVs.

J, K: ''Middleware''

Classically ''middleware'' includes API components that are part of neither the operating system nor the application. The constraints in section VI.J (such as being trademarked) are technically irrelevant, except perhaps towards a goal of minimizing the number of Microsoft APIs which are subject to disclosure. (Such a goal would not be in the Public Interest.)

Middleware is typically intended to insulate applications from operating system issues, such as dependency on any one OS version or vendor. Microsoft has numerous such API components, many of which are licensed as ''Redistributable Components'', but the proposed settlement excludes almost all such middleware from its inappropriately limited scope. The settlement should apply to all such middleware, not this handful of all such programming interfaces.

Microsoft has used constraints on such components to keep products competing with its own platforms and development tools out of the market. For example, a number of years ago Borland was not allowed to include even the APIs to such components with its development tools because it also offered a technically superior alternative to Microsoft's ''MFC''. Today, related constraints apply to software that is developed using Visual C++: the ''Redistributable Components'' middleware may only be used on operating systems from Microsoft. That needlessly ties many applications to a Microsoft OS, and prevents their use with compatible alternatives. Such constraints should be forbidden.

U.''

Code for a ''Windows Operating System Product'' shall be determined by Microsoft at its sole discretion ... this is huge hole. This discretion allows Microsoft to arbitrarily bundle new software which would in ordinary usage be ''middleware'', and be the subject of competitive markets. To my understanding, this degree of discretion substantially exceeds that allowed by US Supreme Court precedent, as well as that permitted by the Appeals court in this case. Such language is demonstrably counter to the Public Interest.

It has been shown that abuse of such discretion has been one of the core anti-competitive weapons used by Microsoft. For example, it expressly permits the illegal commingling of browser code with the operating system. No settlement can be in the public interest which does not provide redress for those previous actions, and which does not prevent future repeats of such actions.

MTC–00026191

From: Theodore Nelson
To: Microsoft ATR
Date: 1/26/02 3:29pm
Subject: Microsoft Settlement
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Over the past three years, the IT industry has held its breath in anticipation for an imminent end to the US vs. Microsoft lawsuit. Now that a proposed settlement has been reached, consumers and the IT industry have an opportunity to return to business as usual. This is critical for the industry as well as our economy in general.

Under the settlement agreement, Microsoft will not return to business as usual. The settlement will penalize Microsoft and may require it to modify its products. Microsoft will be forever scrutinized by a three-person committee that will also control how Microsoft does business in the future.

I sincerely believe that it is critical for American competitiveness, the IT industry and the US consumer that the proposed settlement be formalized as soon as possible. I urge the Department of Justice to do all within its power to formalize the proposed settlement as soon as legally possible.

Sincerely,
Theodore Nelson, Jr.
2812 Shamrock Drive
Allison Park, PA 15101
cc: Senator Rick Santorum

MTC–00026192

From: Ammon Johnson
To: Microsoft ATR
Date: 1/26/02 3:29pm
Subject: Microsoft Settlement

This is a bad settlement!!

MTC–00026193

From: stuart@gathman.bmsi.com@inetgw
To: Microsoft ATR
Date: 1/26/02 3:23pm
Subject: Microsoft Settlement
Stuart David Gathman
13145 Pavilion Lane
Fairfax, VA 22033
(703)378–9641
stuart@bmsi.com

Dear Sirs,

Based on my best effort to understand the lawyer talk, the proposed Microsoft Settlement does not seem to address some important injustices.

1) SOFTWARE DONATIONS

Since when should Microsoft ''pay'' their fine with free software? Their competitors would jump at the chance to contribute free software to schools. Let Microsoft contribute just the hardware. Let the schools pick Intel vs. PPC and Windows vs Linux vs Mac.

2) OPEN SPECIFICATIONS

It is good that the settlement attempts to enforce open APIs for Windows. This is good for Windows customers as it allows fair access for non-MS software. However, it is even more important to enforce open public specifications for Microsoft file formats. It should be possible for competing products to import/export Microsoft documents without reverse engineering them. It is critically important for Windows users that external security software be able to reliably strip executable code (e.g. macros, embedded objects) from Microsoft documents. Furthermore, a complex public specification requires a reference implementation. The Windows API will never be properly documented without an open source reference implementation. The reference implementation would not be as efficient as Microsoft Windows, but it would make up for inadequate documentation. If an application runs on Microsoft, but not the reference platform, either the reference platform needs fixing, or Microsoft is pulling another fast one. Microsoft should not be able to prevent alternative implementation by claiming patents for API interface features. (Like Apple did with using compressed images in the QuickDraw API.) If they claim any such patents, they should be waived for non-commercial open-source implementations, and reasonable licensing or cross licensing should be available to a commercial implementor.

3) THE MICROSOFT TAX

I hate paying for Windows when I buy a computer and don't use it. It is not clear to me that the settlement prohibits this. A computer without Windows should be cheaper than a computer with Windows by at least 1/2 the retail cost of Windows. There should be no disincentives for the manufacturer to offer alternative OSes preinstalled. (E.g. increased Microsoft OEM pricing for allowing competitors. I think the settlement prohibits this, but I'm just making sure.) In summary, I think we all agree that Microsoft should be allowed to make money, but not to rule the world.

Stuart D. Gathman

Business Management Systems Inc. Phone: 703 591–0911 Fax: 703 591–6154

''Confutatis maledictis, flamis acribus addictis''—background song for a Microsoft sponsored ''Where do you want to go from here?'' commercial.

MTC–00026194

From: Jim __
To: Microsoft ATR
Date: 1/26/02 3:33pm
Subject: Microsoft Settlement

Dear Department of Justice,

I believe the antitrust settlement against Microsoft to be fair, and I am hoping it will be final.

Thank you,

Jim Kay (a concerned, voting citizen)
1312 N. Parker Rd.
Greenville, SC 29609

MTC–00026195

From: Fraraycar@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 3:34pm
Subject: Microsoft Settlement

Gentlemen;

I just want to voice my opinion on the case against Microsoft, I believe that the proposed settlement is overall very generous by Microsoft and should be accepted. In fact I do not believe the case ever had any merit, and am disappointed that it ever got this far.

Thank You,

Raymond F Frattini

MTC–00026196

From: Mike Klein
To: Microsoft ATR
Date: 1/26/02 3:36pm
Subject: Microsoft Settlement

Please reject the current proposed Microsoft Settlement.

Microsoft has shown unabated behavior to strengthen, using whatever means it can get away with for as long as it can, its monopoly position in operating systems and other areas. It is broadly defining strategies, many likely illegal, to apply its enormous resources to dominate future areas: Internet access, Internet commerce, personal information management, media content and distribution, and more.

While most of Microsoft's products and services are, at best, mediocre quality with few limited innovations and fundamental advances, they are the only standard by which most people know computers today. Most people do not have any idea of ''what could or should have been''. This is terribly unfortunate, as many excellent ideas and technologies have been snuffed out by Microsoft's illegal practices and will continue suffer that fate.

Microsoft's continuing illegal actions since it was convicted of illegally using its monopoly position make it obvious that nothing but drastic legal action against Microsoft with massive penalties for future violations will open competition in the computer industry. Please reject the proposed Microsoft settlement, and work on developing a way to open the industry back up to good ideas. Too much is at stake.

Thank you,

-Michael F. Klein, Ph.D.

CC:mike@kleinnet.com@inetgw

MTC–00026197

From: craec@juno.com@inetgw
To: Microsoft ATR
Date: 1/26/02 3:35pm
Subject: Re: Microsoft settlement

Let's go on and settle this matter. I think Microsoft has been unfairly dealt with in this matter. No one forces a person or company to purchase and use Microsoft products. They furnish a needed product and need to be let alone.

Ray Cantrell
4083 Isom Cove
Millington, Tn 38053

MTC–00026198

From: Leland Scott
To: Microsoft ATR
Date: 1/26/02 3:36pm
Subject: Don't Let Microsoft Off the Hook

Dear Judge,

The facts against Microsoft are clear. Judge Jackson was correct, as was the appeals court, in determining Microsoft to have violated antitrust law. They will continue to do so unless a severe punishment is enacted. Please don't let them off the hook once again.

Windows XP and their .NET initiative are both flagrant examples of their continued search for ways to maintain their illegal monopoly of the computer marketplace, and both of these initiatives came AFTER they had been found guilty of violating antitrust laws by earlier actions. Clearly, they have not learned their lesson, and the Government's proposed settlement is not sufficient to reign them in.

Regards,

A concerned citizen

MTC–00026199

From: Donna Duggan
To: Microsoft ATR
Date: 1/26/02 3:39pm
Subject: Microsoft Settlement

I heard about the opportunity for the public to comment on the proposed settlement, so I figured I would at least give it another try. We believe that the settlement as agreed is just and fair, and we also believe that the time is long past to get this over with. Innovation and progress can not flourish in this type of continuously litigious environment (I am not a lawyer, so I don1t know how that word is spelled, but basically I am sick and tires of all the lawyers filing law suits!). Neither can the U.S. economy, which desperately needs help. Basically, we are sick and tired of some of these companies and their CEOs, who seem to be thriving on the publicity that their constant negativity is bringing them. I never hear them talk about their products and how good they are. I only hear them talk about how bad Microsoft is. Could there be a reason for this? I have said it before, and I will say it again. Neither one of us works for Microsoft, and we also do not know a great deal about computers, so I don1t think we are terribly biased in all of this. But I do know how to find and download a product that I want, and I know how to get rid of one I don1t want. I was not surprised to find Internet Explorer on my PC, and I was also not surprised to find Netscape Navigator on my iMac. I was surprised at how terrible Netscape was, and how many times it caused my computer to crash. When I had finally had enough, I switched to Internet Explorer, and have had no problems. It seems to me that many of these companies would be better served by recruiting and hiring talented programmers who are capable of putting out a reasonable stable quality product, than by suing their competitors. This is the reason that we are currently using Microsoft products; not because of their monopoly, which as far as I am concerned is the natural monopoly of a better product.

I also fail to see how antitrust laws do anything to help the consumer. My perception in the past is that they rend to make my busy life even more busy and difficult. Witness our telephone bill, which is now beyond the comprehension of most non-accountants or Rhodes Scholars. Is this making my life better? I don1t think so. I want my computer(s), and their related software, on which I have become dependent, to function as a seamless, single entity. I like not having to connect to the internet, and having my computer do it for me. If some people don1t, give them that option, but let me keep mine also. But most of all, I would like these companies to work together for the betterment of the industry, and get over their destructive sour grapes. I know—fat chance. But can1t they at least try?

Thank you.

Jim and Donna Duggan

MTC–00026200

From: B Nitz
To: Microsoft ATR
Date: 1/26/02 3'39pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
u.s. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
microsoft.atr@usdoj.gov

Honorable Judge Hesse:

Our nation currently faces far greater challenges than the market abuses of which Microsoft has been found guilty. It is tempting to quietly end this anti-trust case with a minimal or symbolic remedy. I strongly believe that this would be a mistake. A fair remedy will revive the strength and competitiveness of our computer industry. It would also greatly improve the security of our information infrastructure. The proposed remedy has many obvious legal and technical defects which make it unlikely to be any more effective than the remedies levied in

previous cases. Section III.J is a loophole which allows Microsoft to continue exposing some internal functions (APIs) and data structures to it's own middleware products without publishing them to potential competitors. The unnecessarily narrow definition of ''Personal Computer'' allows Microsoft to punish Apple and Sun because neither use Intel X86 compatible microprocessors. I'm also concerned that the complexity of this remedy might cause Microsoft to unintentionally violate some of the terms, which would lead to further expensive court cases.

Others may have already brought these problems to your attention. As a software engineer I would like to address a different aspect of the settlement. I intend to address the national readiness and security implications of anti-competitive behavior and present a possible solution. THE LOST DECADE (THE TECHNOLOGICAL DARK AGES)

I began working in the computer industry shortly before Microsoft released Windows 3.0. By 1985, Amiga, Apple, DEC and others had developed computer operating systems with many features which we take for granted today but which did not exist on Microsoft's dominant OS of that time: Mouse-driven graphical interface with overlapping windows, long filenames, multitasking, color, full screen multimedia video, speech synthesis. These were not fast computers but the operating systems made efficient use of the hardware and provided a level of usability and perceived performance that Microsoft would not attain for another 10 years.

By 1995 Microsoft had captured much of the PC operating system market through practices which have since been repeated in other markets. Competitors were driven into obscurity. When Windows 95 was released, it had many of the features that existed on competing operating systems of the mid 1980s. A common argument for a weak settlement is that without Microsoft, we would not have reached today's level of sophistication . On the contrary, it appears that Microsoft actually retarded the development of efficient desktop operating systems by eliminating viable competition. WHILE WE WERE EDITING AUTOEXEC.BAT FILES...

When I first accessed the internet in the early 1990s, I was surprised to see such an active software development community outside of the United States. People from eastern europe, Germany, Finland, and elsewhere were writing high quality software for computers which were no longer in the U.S. mainstream. We didn't know it, but our concentration on Microsoft Windows was causing us to fall behind other parts of the world. Microsoft Visual Basic and Microsoft Certifications became more important than a college degree in maintaining a software career in the U.S. When Microsoft retires a certification such as MSCE, the student must upgrade their certification lest it becomes as obsolete as Windows 95. It is much like a mechanic who learns how to fix a Model-T Ford without learning how cars work. When presented with a VW Beetle, the overly-specialized mechanic is lost.

When the Microsoft monopoly finally penetrated these parts of the world, many users already knew too much. They refused to regress to the 1980s. A Finnish youth went so far as to create a new operating system. His experiment grew to become Linux, one of the most common webserver operating systems on the internet. Linux is becoming popular on desktops in europe and according to some sources, has a 15% market share in Asia.

It may be no accident that U.S. companies are now exporting jobs to and importing software developers from countries which had active communities of software development outside of Microsoft's sphere of influence. What is known as ''Open source'' is currently one of the most fertile areas of software development and much of this is taking place outside of our borders. A lack of competition in the U.S. auto industry of the 1970s allowed it to grow inefficient and vulnerable to foreign competition. It appears that we are making the same mistake. Our computer industry is now so dependent on this single vendor that any failure of Microsoft could be more damaging than the collapse of Enron. USING DIVERSITY AS A DEFENSE

It can be easily demonstrated mathematically and with computational simulations that an infrastructure based on diversity is less likely to experience a total failure from a single cause. So when we base our information infrastructure on a single operating system, we are making the same mistake as those who chose a single variety of chestnut tree to shade the streets of American cities. We become vulnerable as those who depended on potatoes for their sole source of food in the 1850s. We needn't repeat this mistake, but if things don't change I fear that we will. Nimbda, Code Red and variants caused an estimated $15 Billion worth of damage. My logs showed that infected Microsoft Windows computers tried to install one of these worms on my computer about 100 times per hour. These attacks were unsuccessful only because my computer was not compatible.

I was fortunate to have developed software under multiple operating systems. My most recent project under Microsoft Windows was the development of software to install security patches, Y2k patches and anti-virus software while removing unnecessary vulnerable features which Microsoft installs by default. I began to see that much of our software industry is dedicated to overcoming limitations in Microsoft Windows.

Here are some examples:

1) Viruses, worms and other vulnerabilities can access all data on a computer and possibly the entire local network.

2) A single application failure can cause a computer to crash.

3) Network configuration changes, security patches or software install usually require a reboot. Dozens of reboots may be necessary to install software for a typical business.

4) The last 3 characters of a filename determine which application is used open the file, but they are often hidden from the user. Creators of simple-minded worms such as ''Melissa'' and ''I Love You'' can fool a user into invoking powerful system tools simply by naming the worm something like ''hello.doc.vbs'' or ''hello.pps.reg''

5) Large businesses must work with thousands of computers which may have subtle differences in DLL version numbers, installed patches, hardware interrupts. There is no significant barrier between user data and system data which would allow a corporation to deploy a common environment to its entire workforce. Each computer becomes as unique as a snowflake and the number of potential configuration problems can equal or exceed the number of computers.

Users of Microsoft Windows demand ever faster processors and more memory, but give little thought to the above limitations. They are taken almost as laws of nature to be ignored or worked around. But most of these problems are unique to Microsoft Windows. They were solved long ago by companies such as Sun, Apple, IBM, HP and Digital. The inertia of a non-competitive industry has locked us in the technological dark ages. ALLOWING CONSUMERS TO USE THE RIGHT TOOL FOR THE JOB

When Microsoft captures the market for a product such as a web browser word processor or media player, it has a choice. It can integrate all of these products into Windows or it can pare them down to something marketable to the widest audience. In either case, it is Microsoft, not the consumer, who makes this decision. We are forced to use a tool that is not optimal for our needs. Most people do not need the IIS webserver that came with certain versions of Windows. As we've seen, these unecessary features can open up significant security vulnerabilities. One argument against a strong remedy is that ''Microsoft makes good products.'' This implies that their market position was attained through honest competition and . This is simply not true. Microsoft employs some very talented developers and packages software that meets some consumer needs. Perhaps they could have attained their current market share without illegal anti-competitive practices, but it is now impossible to know.

A careful examination does show that there are very few unique ideas in Microsoft's middleware or operating system products. Microsoft's strength comes not from superior technology, but from the exclusive control of most aspects of an integrated environment. It is only when Microsoft forces the consumer to take it's products ''all or nothing'' that it can wedge all potential competitors out of a market. The default Microsoft configurations may be appropriate for many small business and home users but they are not the optimal for artists, writers, teachers, scientists, doctors or software engineers. They are a ''least common denominator.'' REENABLING THE EXCHANGE OF INFORMATION

It is in the public interest that files and documents maintain compatibility between different types of computers and between different versions of an application. It is in Microsoft's interest to break compatibility with versions of it's own applications and with competing middleware products. When I receive an email containing an attachment written in the latest version of Microsoft Word, I am forced to upgrade to the sender's

version of Word, or hope that my favorite competing product is somehow able to read it, or I can ignore the email. Competitors must devote significant resources in decoding Microsoft's undocumented formats so that their applications can share information. Because of it's marketshare, Microsoft has the luxury of remaining incompatible with competitor's formats.

Shortly after the September 11th attack, the U.S. Government announced a Broad Agency Announcement calling for proposals on anti-terrorism technology. Requirement 3.2.2 of this document states: 3.2.2 File Format and Content

The White Paper shall be prepared in color or black and white in Microsoft (Office-98) Word or Adobe PDF (Version 4 or higher) electronic file format.

The document must be print-capable and without password, using text font and graphic file formats that will cause the document to be NO LARGER THAN 500KB IN FILE SIZE.

Numerous other examples can be found by searching http://www.google.com with the keywords: ''white paper'' rfp format ''microsoft word'' shall This default sole-sourcing of Microsoft products is very common on .gov, .us and .mil sites. Why are we storing important government documents in an undocumented proprietary format which is likely to become obsolete next year? Why not use an industry standard such as HTML, RTF, UNICODE or ASCII? Why would the U.S. government accept a format that is known to host hundreds of viruses that already caused billions of dollars worth of damage? It is because few are aware of an alternative. At one time it seemed that the popularity of HTML would solve this compatibility problem. I could view the same webpage on a Sun workstation, a Windows PC, and the text-based ''lynx'' browser which is useful for the blind or those with slow network connections. By 1998 many websites began using Microsoft proprietary technology in such a way that the lynx browser no longer worked. This problem continues to worsen. Today many web pages are no longer work properly on computers which don't run Microsoft Windows. Information access is increasingly being tied to the products of a single company. PROPOSED REMEDY

A truly competitive market should lead to a system where the consumer and producer's needs are balanced. Microsoft's monopoly status allowed it to shift this balance away from the consumer and at the same time prevented competitors from filling the void in the market. My proposed remedies would address specific problems in the computer industry which were caused by this imbalance:

(1.) PROBLEM: It is in Microsoft's interest to change data formats often so that users are forced to upgrade. It is also in their interest to make their format incompatible with competitors and other industry standards. It is in the public interest that these formats remain stable.

REMEDY: Microsoft data formats must not change for 5 years unless the following conditions are met:

a) The proposed change to the format is published one year prior to its release.

b) The source code for converting between old and new formats is published.

c) The proposed change must be agreed to by a consortium of at least 10 competitors.

d) The proposed change must be voted on by a majority of consumers that is greater than Microsoft's market share for the specific type of product.

(2.) PROBLEM: Microsoft continues to extend its influence into other areas and is on track for making the internet a Microsoft proprietary medium.

REMEDY: Any new API or Protocol that Microsoft deploys on the public internet must meet the criteria for data formats which is described in section (1.)

(3.) PROBLEM: Microsoft packages software in such a way that users must pay for content which they don't need and which degrades the security and performance of their computer.

REMEDY: All documented APIs shall be called ''The Operating System.'' All undocumented API's shall be called ''Middleware.''

a) Microsoft shall provide the capability to remove all undocumented APIs without degrading the performance or functionality of documented APIs.

b) Microsoft must reduce the cost of this stripped ''Operating System'' by an amount proportional to the development cost of the the software that was removed.

(4.) PROBLEM: Microsoft's dominance on the desktop leaves our information infrastructure vulnerable to attack.

SOLUTION: Microsoft shall remit a fine of $10 Billion which is to be placed in a fund which will be used to purchase computers for schools, charities, government and non-profit agencies and foreign aid. These computers shall be configured to be incompatible with all existing Microsoft products.

(5.) PROBLEM: It is in Microsoft's interest to obsolete certifications as often as possible. It is in the public interest that this knowledge be general and usable in the future.

SOLUTION: Microsoft shall reimburse students for the cost of any certification which becomes obsolete within 5 years of its creation. SUMMARY

Our free market system is by far the most efficient economic system, but it becomes unstable and dangerously inefficient when an industry is so dominated by a single vendor even in the case where the vendor acts in what it believes is the most benevolent manor. The Sherman anti-trust act is a safety valve which must be used to re-level the playing field when such an imbalance occurs. If fair remedies are not implemented in this case, our important computer technology sector will fall behind and damaging monopolies may soon encompass other industries.

Respectfully Yours,
Brian Nitz
U.S. Citizen Working in Ireland
I The Priory,
Malahide
County Dublin

MTC–00026201

From: Michael A. Endsley
To: Microsoft ATR
Date: 1/26/02 3:43pm
Subject: Microsoft Settlement

I am against the Microsoft settlement. I honestly hate buying a new computer and having Windows on it when I don't want it.

Michael A. Endsley

MTC–00026202

From: Jason Grochowski
To: Microsoft ATR
Date: 1/26/02 3:43pm
Subject: Microsoft Settlement
Jason Grochowski
970 Jefferson Square
Unit E
Elk Grove Village, IL 60007
January 25, 2002
Renata Hesse, Trial Attorney
Suite 1200
Antitrust Division, Department of Justice
601 D Street NW
Washington, DC 20530

RE: US v. Microsoft proposed final order

As stated in the **Federal Register**:

''Following a 7-day trial in late 1998 and early 1999, the United States District Court found that Microsoft had violated both sections 1 and 2 of the Sherman Act. On appeal, the United States Court of Appeals for the District of Columbia unanimously affirmed portions of the district court's finding and conclusion that Microsoft illegally maintained its operating system monopoly in violation of section 2 of the Sherman Act, but reversed and remanded other portions of the district court's determinations. Specifically, the court of appeals reversed the district court's determination that Microsoft violated section 2 by illegally attempting to monopolize the Internet browser market and remanded the district court's determination that Microsoft violated section 1 of the Sherman Act by unlawfully tying its browser to its operating system.'' As Microsoft's guilt has been maintained (at least partially) and we are now in the penalty phase of the trial, I find it greatly disturbing that the current settlement does nothing to punish Microsoft for its illegal activities. It also does nothing to create an environment where competing products are given a fair chance against the colossal momentum Microsoft possesses in the software industry. After reviewing the thoughts of several others who have commented on this, particularly the letter published by Ralph Nader and James Love and the comments of Dennis E. Powell of LinuxPlanet, I would like to reiterate the following thoughts on what should be included in Microsoft's punishment:

First, in the purchase of new computers: the purchase of the operating system and the computer hardware itself should no longer be bound together. Users who do not wish to purchase Microsoft Windows would no longer be forced to. Buyers would have the opportunity to evaluate Microsoft's product at its true cost and compare it to alternatives. This step is crucial to give competing products a foothold in the Microsoft dominated world.

Second, Microsoft must make all current and future file format specifications open to the public. This way documents created in any Microsoft application can be read by

applications from competing manufacturers. Only then can the true value of their software be determined by the public. Rather than be locked into a particular application simply because of file format issues, buyers can judge the product's features, design, and usefulness on its own merits. The current settlement calls for the opening of the Windows API so third parties can better develop software that works with Windows. This is a good step forward, but this is a world that is increasingly connected electronically—that means exchanging data. We need to be able exchange data that is compatible with Microsoft and non-Microsoft applications. Also disturbing is the clause in the current settlement stating that Microsoft can withhold technical information from third parties on the grounds that they do not certify the ''authenticity and viability of its business.'' This is an obvious attack on the Free Software movement, a key competitor for Microsoft in high-end applications and servers.

Third, any network protocols created by Microsoft need to be published in full and approved by an independent council. This way, Microsoft could not seize control of the the Internet by effectively walling off Windows users from the Linux, UNIX, Mac, etc. users of the world.

Fourth, the committee that oversees Microsoft's future conduct must have real authority. Microsoft itself should have no say in who is appointed to this committee and it should be required to make regular, public reports on Microsoft's conduct. Instead, the current agreement calls for a committee that is sworn to total secrecy, works within Microsoft's headquarters, has two-thirds of its members selected by Microsoft itself, and has limited freedom to interview employees. What possible deterrent to future violations can this provide? The five to seven years of review also seem quite brief considering the current case stems from violations of Microsoft's last agreement to mend its ways back in 1994.

By setting any time limit at all, Microsoft is simply encouraged to continue its habitual stalling and legal maneuvering until the reigns are completely let loose.

Finally, the current settlement has no provisions for any penalty whatsoever. The previous points I've outlined can help prevent future abuses of power, but what of taking away some of their ill gotten gains? Possibilities include, as Nader suggests, divesting them of their browser technology or media player or providing support for companies they have illegally tried to sabotage.

Personal computing technology has already become a cornerstone of our economy, business practices, and daily lifestyle and it will only continue to become more important and more pervasive in our lives. Now is the time to set a clear path ahead that will allow free competition in this market. A dip in the stock market today, that would certainly come following Microsoft's punishment, is trivial compared to future decades dominated by this belligerent, unremorseful corporation.

Sincerely,

Jason Grochowski

MTC–00026203

From: Gerry Kerbyson
To: Microsoft ATR
Date: 1/26/02 3:43pm
Subject: Microsoft Settlement

I strongly believe that the settlement proposed by the Justice Dept. is intolerably unfair to the consumer public and to Microsoft's competitors in the PC software applications field. At a minimum, the settlement must be modified to rectify Microsoft's anti-competitive practice of bundling user applications into its acknowledged monopolistic Windows operating system.

I believe that Microsoft cannot be allowed to combine any application features into its OS, either by constraint by the court, or by severing Microsoft's OS organization from its application organization.

Gerald M Kerbyson

MTC–00026204

From: David A. Young
To: Microsoft ATR
Date: 1/26/02 3:45pm
Subject: microsoft settlement

Hi

I've scanned with some interest the various documents available regarding the legality of Microsoft's business practices. I hope that Goverments at both State and Federal level will act together to insure that those predatory business practices are discontinued.

I especially hope that the Courts do no accept in any way Microsoft's offer of providing free/reduced cost software and PC's to schools as part of any ''penalty''. I am given to understand that Apple Computer software runs on a very small amount of computers worlwide, saving only that Apple appears to enjoy some larger sucess in schools.

In my opinion, allowing Microsoft to ''force out'' Apple computers from schools by offering different computers will inevitably lead to an even smaller market share for Apple Computer, thereby increasing Microsoft's already overpowering Monopoly power.

Thank you for your time

David A. Young

MTC–00026205

From: Edwin R. Jones
To: Microsoft ATR
Date: 1/26/02 3:49pm
Subject: Microsoft

12105 Hilltop Drive
Los Altos Hill, CA 94024
January 19, 2002

Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing because I feel that the agreement Microsoft has reached with your office warrants settling the government's antitrust lawsuit against them. The settlement seems reasonable, and the involved parties should have the freedom to move on to more pressing matters. I strongly feel that lawyers should not be trying to determine what features can be implement in software. Software is complex enough without the people who designed the tax code putting their hand in.

Allowing computer manufacturers a greater ability to configure Windows to include programs in direct competition with Microsoft's is a necessary step and making it it easier for consumers to integrate competitor's software into the Windows system is a long overdue action. Bet the government should not be what features a in a product.

I urge you to resolve the lawsuit and get on to more important cases.

Sincerely,

Edwin R. Jones

01/29/2002 12:18

MTC–00026206

From: justin.wojdacki@analog.com@inetgw
To: Microsoft ATR
Date: 1/26/02 3:51pm
Subject: Microsoft Settlement

Some points that I feel are important (I am not a lawyer. I am speaking based on what I have read of other peoples'' interpretations of the proposed final judgement):

''Windows Operating System'' should be defined to be any Microsoft product implementing any subset of the Win32 APIs. This is important as Microsoft is diversifying their operating system product lines beyond their traditional desktop and server markets. Therefore, the definition of ''Windows Operating System'' should include any and all platforms that the Win32 APIs are available on now and in the future. The complete Win32 API must be made available. This should include alternate entry points to functions (if they exist). An independent team should review the Windows source code to verify correspondence between the published API documentation and the implementation.

Microsoft should not be allowed to add APIs until this process is complete. It would additionally be desireable, although likely unimplementable, to have a 3rd party responsible for defining the Win32 API. This would be akin to the POSIX and SUS (Single Unix Standard) definitions, where a committee defines the API, and developers are free to implement it themselves. Developers may propose extensions to these APIs, but they are not standards unless the committees accept them. Additionally, the final judgment should cover any APIs that Microsoft adds after acceptance of said judgment. Otherwise, third party developers may find themselves at a competitive disadvantage again. No APIs should be withheld from public documentation under any circumstances. No conditions should be placed on the release of any of this API documentation. All intellectual property issues related to any part of any API should be made public as part of that API's documentation.

Microsoft's applications developers (Internet Explorer, Office, etc.) should receive the same information as third party software developers. Additionally, they should receive it at the same time as third party software developers. Should they receive this information early, or receive more detailed information, they then hold an unfair

competitive advantage in the software market. Additionally, they should be required to go through the same support channels as third party software developers, lest they potentially receive preferential treatment.

Justin Wojdacki

justin.wojdacki@analog.com (408) 350–5032

Communications Processors Group—Analog Devices

MTC–00026207

From: JoanSchnute@msn.com@inetgw
To: Microsoft ATR
Date: 1/26/02 3:50pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Joan Schnute
140 Cedar Lake Trail
Winston-Salem, NC 27104

MTC–00026208

From: Geoffrey Miller
To: Microsoft ATR
Date: 1/26/02 3:53pm
Subject: Microsoft Settlement

In regards to the proposed Ms Settlement and appointment of a TC: It is my professional opinion that there is no one that can qualify these terms. Any person qualified is by definition a ''competitor'' or has a ''conflict of interest'', due to the nature of the computer/technology industry and the reach and control that MS competes in. There is no way that a technically proficient ''programming and design'' expert can NOT BE in competition with MS at some level. This, coupled with the weak oversights proposed amount to little more than a slap on the hand for Microsoft. There should be NO settlement, that MS was found guilty in the first finding, should then proceed to an appropriate punishment. I am in favor of the original proposal of breaking up MS, a company this large and with obvious disregard for the law, should be broken up.
B. Appointment of a Technical Committee

1.Within 30 days of entry of this Final Judgment, the parties shall create and recommend to the Court for its appointment a three-person Technical Committee (''TC'') to assist in enforcement of and compliance with this Final Judgment.

2.The TC members shall be experts in software design and programming. No TC member shall have a conflict of interest that could prevent him or her from performing his or her duties under this Final Judgment in a fair and unbiased manner. Without limitation to the foregoing, no TC member (absent the agreement of both parties): a.shall have been employed in any capacity by Microsoft or any competitor to Microsoft within the past year, nor shall she or he be so employed during his or her term on the TC; b.shall have been retained as a consulting or testifying expert by any person in this action or in any other action adverse to or on behalf of Microsoft; or

c.shall perform any other work for Microsoft or any competitor of Microsoft for two years after the expiration of the term of his or her service on the TC

Geoffrey Scott Miller
Propeller Head
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www.madcowstudios.com
''We're outstanding in the field''

MTC–00026209

From: Jerry J OShea
To: Microsoft ATR
Date: 1/26/02 3:54pm
Subject: Microsoft Settlement

Dear Sirs:

I strongly believe that the proposed Microsoft settlement is a reasonable compromise and fair to all parties. Please act to end this costgly and damaging litigation.

Respectfully,
Jeremiah J. O'Shea
E-Mail address: Swifty-O@Juno.Com

MTC–00026210

From: ronaldgminnich@netscape.net@inetgw
To: Microsoft ATR
Date: 1/26/02 3:55pm
Subject: Microsoft settlement

I am a computing professional with 25 years experience. I have worked as both a computer hardware designer and software engineer, specializing in operating systems. I have worked at many different companies in the last 25 years. I have watched Microsoft grow from a vendor of PC Basic to its current monopoly position in the industry. I feel that absent some basic changes your current remedy will leave the US software industry in a very weakened state. In this letter I will focus only on the issue of making the cost of Microsoft software transparent to the user, as well as making its purchase optional. I am asking that you require that the cost of Microsoft software be a separate line item on ALL computer systems sold with Microsoft software pre-loaded. Currently users do not see the price of the Microsoft software they buy, as the Microsoft software is bundled in. Still worse, they have no option but to buy the software. I am further asking that you ensure that Microsoft not outsmart the US Gov't again in this matter; the FTC has tried (and failed) several times to resolve this problem. If there is to be a competitive software business in the US, these two conditions are a minimum requirement. Currently, if I buy a computer system from any major vendor, I am forced to pay several hundred dollars for Microsoft OS and applications software. I have no choice in this purchase. I do not use Microsoft software; I do not want this Microsoft software; I have to erase this Microsoft software every time I get a new computer. In one case I have spoken with IBM about getting a refund on the cost of the Microsoft software. Their response: my only option is to not buy an IBM computer. In other words, Microsoft has left IBM (and many other companies) with no choice but to force customers to pay for Microsoft software, whether the customers want it or not. This behaviour has almost killed competition in the PC software industry. Years ago, one could buy a computer with a choice of pre-loaded software. No longer. The only option offered by most vendors is Microsoft. The US gov't has tried, and failed, several times to change this situation. In 1995 the US Gov't thought it had worked out an agreement with Microsoft to force unbundling. The US Gov't was wrong. In fact, the US Gov't has been consistently outmaneuvered by Microsoft. The outcome of the current trial is one of the last chances we have to save Microsoft competition from complete extinction. There is a precedent for this type of unbundling. You are not doubt familiar with the unbundling of IBM Operating System software from the IBM 360/370 computer systems. That forced unbundling resulted in the creation of credible competition for IBM, and forced the mainframe industry to move forward much faster than would otherwise have happened. Unbundling was tough on IBM, but very good for IBM's customers and US technological innovation. Please consider my request for unbundling. A strong, competitive US software industry is vital to the Nation's security. Your current plans will leave us with a monopoly provider with almost no competition.

At the very least, transparency should be the rule when a computer system is purchased with software pre-loaded.

Sincerely
Ronald G. Minnich
48 Sumac Lane
Los Alamos, NM 87544
505 663 0784

MTC–00026211

From: Arthur E Mari
To: Microsoft ATR
Date: 1/26/02 3:56pm
Subject: Microsft Settlement

Gentlemen:

Please let us get this case behind us and move forward

Our country has more important things to focus on than the continuous litigation costing much with no rewards except to lawyers.

I implore you to stop this now!

We need more Microsofts to develop the millions of jobs as it has in the past.

Competition is using litigation to help themselves and no one else.

Thank you.

Arthur E. Mari

P. O. Box 484
West Dennis, MA 02670–0484
CC:MSFIN@mic@inetgw

MTC–00026212

From: james williamson
To: Microsoft ATR
Date: 1/26/02 3:57pm
Subject: Microsoft Settlement

To whom it may concern.

I have been in the computer industry for forty years and I believe the turnaround in the Microsoft case is a gross injustice and will hurt the market for both hardware and software. I believe that Microsoft lobbying just adds to the selling out of America to the highest bidder please reconsider. There is a great amount of real anger among my associates leading to pledges not to buy another Microsoft product. this anger could hurt an industry that is already scraping bottom.

Sincerely Jim Williamson

MTC–00026213

From: Jon Cochran
To: Microsoft ATR
Date: 1/26/02 3:57pm
Subject: Microsoft Settlement

I'd just like to weigh in with my comment on the proposed Microsoft settlement. I seem to recall that an attempt to curb Microsoft's anti-competitive practices was attempted a few years ago, and they (microsoft) did nothing to keep their end of the agreement.

Please make sure it's done right this time.

Thank you,
Jon Cochran

MTC–00026214

From: benjane@harborside.com@inetgw
To: Microsoft ATR
Date: 1/26/02 3:55pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Ben and Jane Balzer
PMB 111, 1750 Highway 126
Florence, OR 97439

MTC–00026215

From: Kevin Moore
To: Microsoft ATR
Date: 1/26/02 3:56pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotelly,

Under the Tunney Act, I am writing to provide my comments on the proposed antitrust settlement with Microsoft. I am asking that you not agree to the proposed antitrust settlement and instead seek either a structural remedy or more stringent and open-ended behavioral remedies. I am in charge of Information Technology at a small aerospace business located in Southern California, and I feel that we have suffered due to Microsoft's illegal behavior in preventing competition to its products. Their past behavior, especially in flaunting the provisions of the 1995 consent decree and in refusing to admit any wrongdoing in the current case, gives me little hope that the weak provisions I have seen in the proposed consent decree will have any material effect on their behavior. We run Microsoft Windows and Microsoft Office on all of our desktop computers. The use of Microsoft's proprietary Word, Excel, and PowerPoint formats as de-facto standards for information exchange (even by our U.S. Government clients) ensures their continued importance for the foreseeable future. However, I understand that no part of the settlement requires Microsoft to release any information about file formats, implying that there will be no competition to Microsoft on our desktops in the years to come. I would prefer to see either a structural remedy separating Microsoft's operating system and application businesses, or a strong behavioral requirement to release all file formats for interoperability purposes.

The possible extension of Microsoft's desktop monopoly onto our server computers is of even greater concern to me. Our servers currently use the Linux operating system and Samba file serving software. These programs have worked well for us and are a credible alternative to Microsoft's server software. However, the proposed settlement gives no standing to the general public and non-profit organizations which are an important part of the development and support of these programs. The settlement also has too many loopholes in defining what interoperability information Microsoft must release. If Microsoft is allowed to withhold interoperability information from any interested party then they can effectively use their desktop monopoly to prevent an interoperable server program from being produced; their proprietary extensions to the standardized Kerberos authentication protocol are a good example of their willingness to use their desktop monopoly to their advantage in the realm of server software.

Please do not allow a repetition of what occurred in 1995. Small businesses like ours cannot afford to have Microsoft expand its monopoly further and limit our ability to purchase and use software and services in a competitive environment.

Sincerely,
Kevin Moore
Kevin C. Moore, Ph.D. (V) 909 392 3158
Advanced Projects Research, Inc. (F) 909 392 3156
1925 McKinley Avenue, Suite B
Kevin.Moore@advancedprojects.com
La Verne, CA 91750

MTC–00026216

From: lew berish
To: Microsoft ATR
Date: 1/26/02 3:59pm
Subject: Microsoft Settlement
10213 Napa Valley Drive
Frisco, Texas 75035
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing today to encourage the Department of Justice to accept the Microsoft antitrust settlement. The terms of the settlement are fair and a safeguard is in place to make sure that they are followed. All that is needed is for the government to accept the agreement. The terms of the settlement are more than fair, Microsoft has actually agreed to terms that extend well beyond the products and procedures there were actually at issue in the suit. As a term of the settlement a technical committee will be created to monitor Microsoft's compliance with the settlement. I feel that the terms are fair and a safeguard is in place to make sure they are followed.

The only thing left before putting this three-year-old issue to rest is for the Department of Justice to accept the agreement. I urge you to accept the settlement and let the technology industry move forward.

Sincerely,
Lew Berish
CC:fin@mobilizationoffice.com@inetgw

MTC–00026217

From: Terry Williams
To: Microsoft ATR
Date: 1/26/02 4:04pm
Subject: Microsoft Settlement

Go with the settlement.

This has gone on long enough and done little but cost money. Let's get back to business and the marketplace and out of the courts. There are seemingly two groups fighting MS. Its competitors (who might have a biased position) and the computing community who have an irrational hatred of MS (I know having been in the business for 25 years and a dedicated Mac user (but not an MS hater since I could never see the point)).

The consumer hasn't been helped by this at all. MS has traditionally been the low price leader (I remember well when OS/2 cost 600$ and Windows $79 and when Apple charged 2x the PC rate for everything it produced).

It is way past time for this to stop.

Terry

MTC–00026218

From: benson
To: Microsoft ATR
Date: 1/26/02 4:04pm
Subject: USAGBenson—Peter—1071—0124
Attorney General John Ashcroft
January 25,2002
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I would lie to briefly explain some of my feeling about the Microsoft antitrust case. I

am a user and supporter of Microsoft's products. I cannot say that I agree with every decision Microsoft has made in the past, but business does not equal benevolence. I do agree that there was merit behind the issues that brought about the case, but that was three years and countless taxpayers'' dollars ago. It is time to put this matter to rest. If the settlement agreement will allow that happen, then I support it. Under the terms of the settlement, Microsoft has agreed to stop retaliating against those that design or promote non-Microsoft programs. Also, Microsoft will allow computer makers to configure Windows so as to promote those programs. A technical oversight committee will ensure that Microsoft complies with the terms of the settlement. I do not see the need for further federal action. Nine states have already approved the agreement, and Microsoft is negotiating with the remaining states reach an agreement. I fear that some of the states are using consumer protection as a veil for return on investment, and the case may never end. I hope that your office is watching the states'' motives as actively as you are watching Microsoft.

Sincerely,
Peter Benson
PO Box 10
San Patricio, NM 88348

MTC–00026219

From: Ryan C. Stehr
To: Microsoft ATR
Date: 1/26/02 4:06pm
Subject: what to do

I think, that to punish microsoft, the ruling of the court should require that only software by the computer manufacturer shold be allowed to be pre-installed on a computer. In other words: if you don't make the software, you have to sell your computer naked.

MTC–00026220

From: David Joerg
To: Microsoft ATR
Date: 1/26/02 4:08pm
Subject: proposed Microsoft Settlement has serious problems

I find I must agree especially with the comments in a letter dated November 5, 2001 from Ralph Nader to Judge Colleen Kollar-Kotelly:

We also find the agreement wanting in several other areas. It is astonishing that the agreement fails to provide any penalty for Microsoft's past misdeeds, creating both the sense that Microsoft is escaping punishment because of its extraordinary political and economic power, and undermining the value of antitrust penalties as a deterrent. Second, the agreement does not adequately address the concerns about Microsoft's failure to abide by the spirit or the letter of previous agreements, offering a weak oversight regime that suffers in several specific areas. Indeed, the proposed alternative dispute resolution for compliance with the agreement embraces many of the worst features of such systems, operating in secrecy, lacking independence, and open to undue influence from Microsoft.

Also:

What is surprising is that the US Department of Justice allowed Microsoft to place so many provisions in the agreement that can be used to undermine the free software movement. Note for example that under J.1 and J.2 of the proposed final order, Microsoft can withhold technical information from third parties on the grounds that Microsoft does not certify the ''authenticity and viability of its business,'' while at the same time it is describing the licensing system for Linux as a ''cancer'' that threatens the demise of both the intellectual property rights system and the future of research and development.

And:

Another core concern with the proposed final order concerns the term of the agreement and the enforcement mechanisms. We believe a five-to-seven year term is artificially brief, considering that this case has already been litigated in one form or another since 1994, and the fact that Microsoft's dominance in the client OS market is stronger today than it has ever been, and it has yet to face a significant competitive threat in the client OS market. An artificial end will give Microsoft yet another incentive to delay, meeting each new problem with an endless round of evasions and creative methods of circumventing the pro-competitive aspects of the agreement. Only if Microsoft believes it will have to come to terms with its obligations will it modify its strategy of anticompetitive abuses.

Thank you for your attention! Please do the right thing for America, and live up to the American tradition of breaking monopolies and enforcing the law.

Sincerely,
—David Joerg
New York, NY
dsjoerg@yahoo.com

MTC–00026221

From: cookie
To: Microsoft ATR
Date: 1/26/02 4:09pm
Subject: Microsoft Settlement

It's time to be finished with all of the frivolous lawsuits against Microsoft—one of America's finest companies. The most recent filing by AOL/Time Warner—through its subsidiary, Netscape Communications Corporation—is absurd. Enough is enough. These lawsuits are blatant attempts by the parties filing suit to ''share'' in Microsoft's financial success because they are greedy and incapable of honorable competition.

As a consumer, I have both IE and Netscape browsers. I use them both—depending on my mood. I have never been forced to use one or the other. If one cannot follow instructions for choosing the primary browser, perhaps one should amuse oneself with activities that don't require a computer.

As a taxpayer, I am outraged at the ''legal'' shenanigans—or circus, if you prefer—and the expenses that will be passed to the citizens of our great country. I believe there are far more pressing issues for the DOJ to handle at this most crucial time in our history.

Sincerely,
A. C. Poh

MTC–00026222

From: TUPAI35@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 4:09pm
Subject: Re settlement.

To whom it may condern. The settlement for Microsoft is really necessary at this time. We have many problems in our country but Microsoft is not one of them. The spirit of this country is kindled by people who have ideas that bring better methods and ease to all of us. Microsoft has done that and others can do the same ina free country.The country needsMicrosoft in full stride to help overcome our recession and put people back to work. With due respect to all, Karen Small tupai35@aol.com

MTC–00026223

From: gcarm1@juno.com@inetgw
To: Microsoft ATR
Date: 1/26/02 4:12pm
Subject: Microsoft Settlement

This should come to a halt! For the good of the country and for all of us, let's call a stop to the harassing of Microsoft.

MTC–00026224

From: Bpipe2@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 4:12pm
Subject: Microsoft Settlement

Gentlemen, Breaking up Micrrosoft is no help to those of us who only became PC users because of the ease of Microsofts Versions 3.1 and 95 and 98. The features of Microsoft 98, which I use, work smothly. Incompatibility will certainly result if you force others to provide the microsoft features which we find so easy to use. I am not to worried about the other PC providers not enjoying a so called fair market. This should be a free market and those with the best product ought not to be hamstrung by lawyers and the courts. Microsoft developed their code. Why should they give it away as some seem to desire. I am a user and I want to continue to purchase my PCs with all the Microsoft features. Warren Piper, Sun City Center, Fl.

MTC–00026225

From: Sanhare@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 4:14pm
Subject: (no subject)

Get off Microsoft's case. If it was'nt for them we would not be as far as we are technology-wise. LEAVE THEM ALONE. ENOUGH ALREADY.

Sandra Hare Goldbeck

MTC–00026226

From: Zach Kaplan
To: Microsoft ATR
Date: 1/26/02 4:21pm

Renata B. Hesse—

I am writing to voice my comments about the settlement between the United States and Microsoft. Microsoft should be praised instead of punished for its business practices. They're fierce competition has brought me amazing innovations in the field of information technology. I use Microsoft products every single day. As I graduated from College I started a company that build custom software. We were able to utilize tools Microsoft provides for developers in our products. With a very small development team we were able to create software used by small businesses and fortune 500 companies.

We were recently bought out and plan to start a new company. Each day I use Microsoft Word, Internet Explorer, Windows, and other Microsoft tools I am reminded of the thousands of people that devoted countless hours of their lives to create this value that has changed the world for the better. I resent the government's characterization of me as a helpless victim who cannot choose software that is useful to you. I do choose to use different software vendors. Macromedia's web development tools are better than Microsoft's so our company chose to purchase them instead. I do not think that the government has any right to decide what software I use in my computer. I also resent the idea that a successful business and its products are a threat to anyone. We worked very hard on our business to create value we could trade with others. Although our company was much smaller our customers still chose to purchase our products. Also I have read that this whole issue with Microsoft originated with one of Microsoft's unsuccessful competitors. If our competitors were allowed to set the rules for the markets in which we provided more value than them it would be an injustice.

I studied abroad a few years ago and expereinced first hand that in other countries when politicians protect some businesses from others is a dangerous policy, leading to corruption and economic disaster. I felt proud to be an American when I witnessed this activity. I hope you will protect our liberties from this kind of activity. Looking foward I wish to see an America where success is not throttled but embraced. I want a free America where anyone that chooses to think rationally and work hard can create and trade value with others. This is truly the American dream. I feel very strongly that Microsoft has a right to the intellectual property it created with its employees hard work. It is our great government's job is to protect this right, not to take it away.

Thank you for reading my comments,
Zach Kaplan

MTC–00026227

From: Lenore Horner
To: Microsoft ATR
Date: 1/26/02 4:17pm
Subject: Microsoft Settlement

The proposed Microsoft settlement doesn't make sense to me for a number of reasons. It proposes ''punishing'' Microsoft by letting it get its foot in the door through donated software. It doesn't seem to properly regulate the problematic behaviors. Consider for example the summary points below. per http://www.kegel.com/remedy/remedy2.html#abe

Section III.A.2. allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

Section III.B. requires Microsoft to license Windows on uniform terms and at published prices to the top 20 OEMs, but says nothing about smaller OEMs.

This leaves Microsoft free to retaliate against smaller OEMs, including important regional ''white box'' OEMs, if they offer competing products.

Section III.B. also allows Microsoft to offer unspecified Market Development Allowances—in effect, discounts—to OEMs. For instance, Microsoft could offer discounts on Windows to OEMs based on the number of copies of Microsoft Office or Pocket PC systems sold by that OEM. In effect, this allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas, such as office software or ARM-compatible operating systems.

One of Microsoft's more reprehensible modes of operation is that of bully: sell my stuff, my way and only my way or I'll put you out of business. The settlement fails to fully and uniformly protect companies from Microsoft's tactics. Why is it acceptable for Microsoft to use pressure tactics on little guys just because they're not top 20? The permission of Microsoft to continue its current licensing practice of charging on the basis of potential machines using the software rather than actual machines using the software is permission to charge for non-existent services. This is something that should be explicitly prohibited for all companies. One does not after all go to the store and buy as much juice as biologists have determined the people in your household could conceivably drink in some set period of time, rather one buys the amount one expects to use and buys more if more is needed. The argument that software can be pirated won't wash since one is presumed innocent until proven guilty. The present Microsoft practice not only presumes guilt but does not even admit of a procedure for proving innocence.

Lastly, given Microsoft's past history, it is imperative that the settlement have clear and potent means of enforcement embodied in the agreement as opposed to mere investigative powers. Thanks for ''listening''

Lenore Horner

MTC–00026228

From: Kathleen Turner
To: Microsoft ATR
Date: 1/26/02 4:18pm
Subject: Microsoft settlement

Jan. 26, 2002

The proposed settlement with Microsoft does nothing to lessen the stranglehold this company has on the software industry of this country much as the ancient medieval guilds in past history. The settlement is a bad idea as it does little to allow real innovations to occur in the industry be comletely scrapped and overhauled.

Kathleen Turner
kbt@billygoat.org

MTC–00026229

From: slomo13@juno.com@inetgw
To: Microsoft ATR
Date: 1/26/02 4:19pm
Subject: Microsoft Settlement

Hi, I support the judgement already made against Microsoft. Please do not impose any more penalty upon them. Merton L. Thornton

MTC–00026231

From: GLansman@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 4:21pm
Subject: Microsoft Settlement

Dear Mr.Ashcroft:

As an independent computer consultant, I am writing to express my support of Microsoft. Much of my daily work is done with Microsoft's software, including Windows NT, Office, FrontPage and Visual Basic.

I have had much success using Microsoft products in working on large projects for my clients. I was never forced to use Microsoft's products, as I had other options. However, Microsoft just happened to offer the best product on the market. I never considered Microsoft exercised any anticompetitive monopolistic influence on me, and I feel this lawsuit was a waste of time and money.

Now that Microsoft and the government have reached agreement, I think all litigation regarding these cases??? issues need to end. Microsoft agreed to the establishment of a technical committee to monitor Microsoft's compliance with the settlement and to assist with resolving any disputes. Hasn???t the court ruled that is enough? Aren't the states pursuing further litigation because of influences from special interest groups? Let's put this antitrust case to bed. There are far more pressing issues that the Government needs to focus on, such as reviving the economy and stimulating the creation of more jobs.

Sincerely,
Gary Lansman

MTC–00026232

From: GARABED HOVHANESIAN
To: Microsoft ATR
Date: 1/26/02 4:22pm
Subject: Microsoft Settlement

Dear Sir :

The Microsoft settlement is a good settlement and is for everyone.

Thanks.
Sincerely,
Nancy Hovhanesian

MTC–00026233

From: Daniel Lee
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/26/02 4:22pm
Subject: Microsoft Settlement

Dear Sir/Madam:

My Name is Daniel Lee of San Mateo, CA, I am a professional computer programmer. I feel very strongly that the current Proposed Final Judgement (PFJ) is insufficient to prevent further abuses by Microsoft and fails to punish Microsoft for past misdeeds.

Many have pointed out problems with the PFJ's sections concerning the API's with regard to their definition, distribution and documentation. I wish to point out the main tool through which Microsoft has illegally maintained their monopoly.

One of the most fundamental tenets of U.S. Anti-trust (Clayton Act, 1914) law is that the holder of an essential resource (a railroad trunk or other monopoly) cannot use this hold to restrain trade. The Clayton Act of 1914 specifically prohibits exclusive dealing and similar anticompetitive acts. Microsoft, by virtue of its posession of the Microsoft Windows operating system, through restrictive licensing has specifically prohibited the purchase and installation of potential competitors by OEM's. In Feburary of 1999, the CEO of Be, Inc., a potential

competitor to Microsoft Windows in the OS arena, offerred PC makers their BeOS operating system for free. Many PC manufacturers expressed interest, after all, they could then offer their computers with a added value for very little expense themselves. But only one (Hitachi) eventually installed the OS on their computers, and then so thoroughly hidden that it required more than 10 steps to start up the BeOS. The current PFJ fails to prohibit these and other anticompetitive practices by Microsoft towards OEMs. Specifically, the PFJ allows Microsoft to retaliate against any OEM that ships personal comptuers containing a competing OS but no Microsoft operating system. In view of this deficiency and the others pointed out in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html) I have reached the conclusion that the Proposed Final judgement, as written, would allow Microsoft to continue its significant anticompetitive practices. The Proposed Final Judgement is not in the public interest.

Sincerely,
Daniel Lee
San Mateo, CA
Senior Software Engineer

MTC–00026234

From: Larry Barone
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/26/02 4:35pm
Subject: Microsoft Settlement
To: Department of Justice

Ladies and Gentlemen:

I am an owner of a small engineering services business which has been operating now for the past 25 years. I am writing this letter from this perspective and in particular to comment on the events of the past few years regarding Microsoft, and to also offer my thoughts as a consumer on my opinion of Microsoft as a company, their business practices, and how I view them as a consumer of their products.

I have been watching with much interest, the progress of the lawsuits againsed Microsoft over the past few years. Initially, I was of the opinion that it seemed to be an unusual alliance between government, and Microsoft's competitors. I could understand the desire of their competitors to gain leverage againsed Microsoft whatever way they could, but was surprised that they were able to enlist the aid of the government in their effort. However, as the case progressed, I was persuaded that some of Microsoft's practices were probably subject to criticism with some remediation being in order.

However, I have another way of looking at all of this since I am a committed consumer of their products, which is to attempt to measure what the net benefit has been to the consumer of the all the activities of Microsoft for the past two decades. If the experience of my small company is any measure of the true value that Microsoft products have brought to the small businesses of this country, the net value to the economy of this country has been enhanced beyond measure. For the first five years of operating this business, large investments in computers in excess of $60,000 resulted in only the marginal ability to do word processing. However, in the early 1980's, with the advent of the personal computer, powered by Microsoft operating systems and applications software by Microsoft and other suppliers, our business model was completely automated and revolutionized. In the intervening years, we have witnessed and benefited from an increasing level of integration of applications which have been offered at a cost which goes beyond affordable. In most cases, the price of the current Microsoft small business office automation offerings is under priced when we measure the value it brings to our enterprise. Today that same $60,000 will purchase capabilities which have been conservatively estimated to be worth 100 times the original value. Another perspective about Microsoft which seems to be overlooked at least by the media in their reporting, is that unquestionably, Microsoft understands who their primary customer is—the consumer and small business. Their competitors pay lip service to us but typically have their primary focus on the big corporate and institutional accounts. And regardless of what can be said about their business practices, one of the major reasons for their success is the fact that they are very focused on the needs of their primary customer. I believe that the current settlement which has been agreed to needs to be ratified for the reason, that I believe that the recent legal struggle will have a chilling effect on Microsoft, regardless of the eventual details of the settlement. They will be restrained from behavior which will be in any way interpreted as stifling competition. However, going forward with a settlement is also important, as a signal and precedent to other greedy self interested competitors who would be motivated to get in court what they cannot achieve in the open market. I urge you to ratify the current settlement agreement.

Thank you for considering my comments and opinions.

Larry Barone
President
South Coast Systems, Inc.
2110 E. 1st St.
Santa Ana, CA 92705

MTC–00026235

From: Paul Hubert
To: Microsoft ATR
Date: 1/26/02 4:23pm
Subject: Microsoft Settlement not merely exceedingly bad, but a unique GIFT to a huge corporation .–.–. just wonderful .–.–.

I can only assume that the Federal government and its attorneys are either blind, deaf, and completely moronic .–.–. or have been paid off handsomly under the table.

Congratulations on becoming one with the Living Dead!

MTC–00026236

From: Nigel Gamble
To: Microsoft ATR
Date: 1/26/02 4:26pm
Subject: Microsoft Settlement

I believe the proposed settlement is a very bad idea. I do not see how it will restore competition and effective consumer choice in the personal computer operating system market.

In particular, it excludes the open source development community from consideration completely. Freely available operating systems such as Linux or FreeBSD which are able to run Windows applications would provide very real competitors to the Windows monopoly, but Microsoft does not disclose information about its application programming interfaces, file formats and communication protocols which would allow these operating systems to run Windows applications. A settlement which enforced this would go a long way to opening the personal computer operating system market to real competition, giving consumers a real choice at last.

Nigel Gamble
Operating System Software Engineer & Linux kernel contributor.
Mountain View, CA, USA.

MTC–00026237

From: bobmccroskey@msn.com@inetgw
To: Microsoft ATR
Date: 1/26/02 4:25pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Robert McCroskey
2004 Prestancia Lane
Sun City Center, FL 33573–6915

MTC–00026238

From: JnJRanch
To: Microsoft ATR
Date: 1/26/02 4:28pm
Subject: Microsoft Settlement
Department of Justice:

I feel it is time to settle the Microsoft case and move on. I feel it is a detrement to the country and our economy to continue to drag this suit out.

Jeanne Jacobs (jnjranch@camano.net)

MTC–00026239

From: stsullivan@charter.net@inetgw
To: Microsoft ATR
Date: 1/26/02 4:26pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This

has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Sue Sullivan
4389 L. Fayetevl. Rd.
Sharpsburg, GA 30277

MTC–00026240

From: Martin Joseph
To: Microsoft ATR
Date: 1/26/02 4:29pm
Subject: Microsoft settlement comment.

Sirs and Madame's,

I would like to add my voice to those who feel MS is once again trying to thumb there nose at DOJ and the rest of the computer industry while using the so called ''settlement'' as a tool for further destroying the competitions business and extending there monopoly power into new markets.

Obviously the ''feel good'' concept of donating to education is destroyed by the fact that:

1) They are trying to damage Apple Computers business in this market.

2) The 1 Billion figure is a joke with regards to Microsoft's actual costs/benefits.

3) They are continuing to behave in the same illegal fashion (ie .NET, Windows XP, Xbox, etc.).

Microsoft was bred on a tradition of paranoia and dirty dealings, the stories in the industry abound. They gained an overnight monopoly based on the market clout of the IBM brand in 1981, when IBM entered the market and (foolishly) allowed MS to license the same software's (dos/basic etc.) that they were licensing to others(compaq, dell, hp, emachines, gateway, etc). This created the current condition of hundreds of vendors competing with products that all use the identical Microsoft OS as there critical element.

I feel that any equitable settlement would involve two parts.

1) a large CASH payment (on the order of 10 billion). Lord knows this is still a drop in the bucket for them.

2) Oversight of there day to day operations by independent persons.

They need to be PUNISHED in way that makes them feel it, and forces them to change there attitude and operations.

Thank you,
Martin Joseph
10553 Alton Ave. NE
Seattle WA, 98125
206 363 1183

MTC–00026241

From: Paul Gabriel
To: Microsoft ATR
Date: 1/26/02 4:30pm
Subject: Microsoft Settlement

Hello,

Just adding my disapproval to the proposed settlement. I'd like to see more source disclosure. Give this thing some real teeth instead of barely a slap on the wrist. Get rid of all the loopholes where Microsoft gets to decide what they will and more importantly will not disclose.

Paul Gabriel
85 Lowell Place
Santa Cruz, CA 95060

MTC–00026242

From: Bill(038)Kim Worden
To: Microsoft ATR
Date: 1/26/02 4:31pm
Subject: Microsoft Settlement

Dear Judge,

I am a concerned citizen voicing my negative feelings about the proposed settlement with Microsoft. Our nation's sense of fair play and honest competition have been the fuel that propelled us to the status of world leader during the industrial, space, and now technology dependent age. Microsoft has played a large part in advancing technology and deserves all the credit for this. However, it does not give them the right to violate the rules set in place to advance new innovations and ensure a healthy economy that relies on competition. Please, do your part in protecting the rights of fair play.

Thank you for your time,
God bless,
William J. Worden, DDS
551 Napa Valley Lane
Crestview Hills, KY 41017
(859)426–1068

MTC–00026243

From: drbeto
To: Microsoft ATR
Date: 1/26/02 4:27pm
Subject: MicroSoft Settlement

Enough is enough, let them go on providing just what the public wants. For me and my household, we are completely satisfied with Microsoft just as they are, let the government better spend their time chasing after illegal aliens and terrorists, and stop trying to bring down the best thing that has ever happened to John Q. Public.

Robert Thomas,
A satisfied User

MTC–00026244

From: P W Mueller
To: Microsoft ATR
Date: 1/26/02 4:30pm
Subject: Microsoft settlement
Microsoft settlement.

I am a computer owner, user and curser. More importantly I am a Microsoft product user. The reason I use Microsoft products, windows, office and word and other support conveniences is because these programs work! The reason I do not use other programs is simply ''they do not work'' I know that because I have a box full of them and I spent far more in money and frustration for each of them than I paid or endure for Microsoft soft ware .

I know the difference between good tools and bad because 1938 was not a good year for computing tools or an open minds to wacky ideas that employed the use of the wind to transport, record and store data.–.–.–. Yes I believed in the telephone but just barely. Like magic we were told we could instantly retrieve and manipulation documents stored somewhere on a main frame and paper would be a eliminated or possibly eviscerated to quote the State department. To say I was opposed is an understatement but in the late 1980's I was wired with the state of the art Rainbow computing system. My office was now efficient! My people could now do in days what previously took hours by hand. I was now part of the future supervising people that hated me and their job. With a single key stroke or blip in the power or a lightening strike days of work was lost for ever. Since those days I have used many generations of bad programing and worse programs bought by the ''DOD'' If I forced myself to remember bad memories of my youth I could probably list a number of them but the one I remember most was a $4 million dollar system that was brought into our department The company unloaded the system and left, we sent people to off to a school in the south that arrived at a empty ware house we never heard another word from the company. God alone knows how many Millions of dollars was picked from the pockets of the Government but not a single word was ever uttered by the ''DOJ'' pursuing this theft of public money.

The point of that boring dissertation is that somewhere Microsoft came along and some bright young man installed an unauthorized copy and wonders of wonders the promise of the future became a reality. We could do all those things that failed with all those other systems.

Now my question to the ''DOJ'' is why is the ''DOJ'' so hot on the trail of Microsoft? A company that produces a good product, that supports the community, the State, and the Nation as well as poor countries around the world? Yet by admission the ''DOJ'' does not have time to prosecute, arraign or even pursue companies and corporations that are absolute frauds. Janet Reno was proud to announce to the world that she had 13 ''DOJ'' lawyers in Washington DC working full time going after Microsoft and a complete office of the ''DOJ'' some where in the west working on this one case FULL TIME yet she and ''DOJ'' were so under staffed and undermanned that it was not possible to even arrest known criminals, the telemarketer's simply stealing from people, the travelers that move about the country that go as far as forcing the elderly to pay for unwanted and worthless construction and repairs, drug dealers, gang's, to hardly say anything about the ENRONS! Or what we know now as the true cost of porous borders This list can go on for a very long time. Sadly the ''DOJ'' knows all this, none of this is news or even new to them or any one else. So again I ask why is the ''DOJ'' wasting my tax dollars to come to the aid of a number of ''Johnny come lately's '' that can not produce a quality product who's motives are clearly to cash in on what Microsoft started from the ground up with a few bucks and guts and neglecting the real problems that are a plague to our society. When Microsoft supports a communities it does so with a dollar at full value unlike the

.010 cents on the dollar a community might get form a government program, when Microsoft gives money, property and training to the community it does so with money it earned unlike the government.

The existence of Microsoft is a United States success story that should be supported not vilified! .–.–. Bill Gates has not run to a foreign country to produce his wares. He started here and so far has stayed here and it baffles me as to why the ''DOJ'' is so intent on destroying an American success story. It certainly is not for the reasons stated by the ''DOJ'' ''consumer protection'' I paid ''$398 plus for Corel's word perfect'' (a good program) I paid $98 for Microsoft windows and another $89 for Microsoft word (combined far more useful than Corel's program) So who do I need protection from? Microsoft! I don't believe so! So.. to the department of justice once again I say what is going on? I see this pursuit of Microsoft as a vendetta that was clearly stated to the nation and media by Judge Jackson, Janet Reno, and Klien .–.–. and that is a fleecing of the tax payers forcing us to pay for the destruction of a good company and the gifting of funds and rewards to companies that produce inferior products. Companies that want Bill Gates and Microsoft to give them the keys to success as directed by the DOJ'' and this is wrong!

Sincerely Paul W. Mueller

MTC–00026245

From: Stephen Estes
To: Microsoft ATR
Date: 1/26/02 4:30pm
Subject: Microsoft Settlement

To Whom It May Concern,

I do hope the DOJ does what ever is possible to get the Microsoft settlement closed and done with. I am a software developer and am amazed at the array of law suits maligned against Microsoft by companies with vastly inferior products. The government in alliance with these jackals have encouraged this deluge. The latest: AOL, seeking damages for Netscape, a horrible product. Just get a competent software engineer to compare the public APIs of the two products. Netscape's is a mess and only a fool would choose to target it for development over Internet Explorer. And AOL squawking about closed monopolies? Ask them why it is not possible to interface with their messenger. Compare this policy to Microsoft's .NET W3C sanctioned architecture where all interfaces are discoverable with a simple invocation of a URL.

Please, end the travesty and let the industry once again freely evolve. Allow us to develop and integrate our products into freely emerging standards without the fear of federal impediment. And if you must meddle, force AOL to open their products, specifically messaging, to the newly standardized interfaces.

Sincerely,
Stephen Estes
Software Engineer
225 Moody
Lufkin, TX 75901

MTC–00026246

From: Carl Youngdahl
To: Microsoft ATR
Date: 1/26/02 4:33pm
Subject: Microsoft Settlement

Dear Department of Justice,

I, a US citizen, believe that the Proposed Final Judgment in the Microsoft Settlement fails to prevent detrimental anticompetitive practices, hinders constructive competition from compatible operating systems, and is not in the public interest. The settlement should be reworked to effectively address these problems in an enforceable way, taking into account Microsoft's position, power, history, and tendencies.

Most sincerely,
Dr. Carl J. Youngdahl
carl@sourcelight.com
CC:Carl Youngdahl

MTC–00026247

From: Don Stephens
To: Microsoft ATR
Date: 1/26/02 4:35pm
Subject: Microsoft Settlement

Dear DOJ;

I urge you to impose severe restrictions on Microsoft to prevent them from taking advantage of their ill-gotten market share to the detriment of the general public. They should not be allowed to ''bully'' their competitors as they have in the past. As a Java programmer and a Macintosh user, I have suffered doubly from their past anti-competitive practices. I urge you to restore competition to the computer industry by imposing comprehensive restrictions and then following through with close monitoring.

Sincerely,
Don Stephens
908 SE Cora
Portland, OR 97202
stephens@pmug.org

MTC–00026248

From: M.X. Rees
To: Microsoft ATR
Date: 1/26/02 4:38pm
Subject: microsoft settlement

Ms. Hesse-

While nonchalantly frittering away my day at work surfing the internet looking for news about the Enron debacle, I somehow stumbled onto a business news site, and ultimately, after a strange series of twists and turns on the Al Gore Soopahighway, ended up on the US vs. Microsoft site. http://www.usdoj.gov/atr/cases/ms-settle.htm I hadn't realized I was so timely with my search, since the Tunney Act stipulations expire here in a couple of days. Since this is a very democratic republic (viz. Tocqueville), the public actually gets to give its input on the ''Public Interest.'' Excellent.

I want to come out and say that Microsoft has frankly been on the receiving end of the proverbial shaft. This settlement is insane. It scavenges over the intellectual property of Microsoft like vultures in the desert. At the same time, we tell our comrades in China about our committment to private property—particularly intellectual property—and how it is necessary to respect those fundamental rights if they wish to join the WTO. I am sure that there are others who gloat at the irony of how we begin to promote software piracy (and hacking) just as we warn other countries that we value the rule of law to promote success.

Next, changing the power of licensing from the licenser (a software trust) to the licensees (an OEM trust)is a great idea that won't change a darn thing for consumers. Saying that this has anything to do with the public is disingenuous at best. The OEMs, so oppressed by that demon Microsoft, include the poverty-stricken firms of Dell, IBM, and Compaq. The same vow of poverty holds true for Sun Microsystems, AOL, and Oracle, who also are prime litigants in the trial of how Microsoft is a sole corporate tyrant. Sun in particular is the most amusing, since on its website it complains about Microsoft having ''monopoly power,'' while at the same time putting this ironic tagline at the end: ''[Sun is] a leading provider of industrial-strength hardware, software and services that power the Internet and allow companies worldwide to ''.com'' their businesses. With $13 billion [yes, Billion] in annual revenues, Sun can be found in more than 170 countries. –.–.'' http://www.sun.com/smi/Press/sunflash/2000–04/sunflash.20000403.4.html

It doesn't really seem to me that Microsoft is pushing these guys out of the market.

I realize that the good AG was put in a bad position politically and had to compromise—dropping the case like bricks would have been rather hard to justify to a great deal of loud and important people like the Senate Judiciary Committee and the AOL/Sun/Oracle cartel. Due to the way Washington works, it's very difficult to avoid that. Still, if there was any justice in the world, we'd drop this suit altogether, and have President Bush use some peculiar anachronistic executive pardoning power to vindicate Microsoft. Of course, if there was justice in the world, we'd also hang John Walker Lindh at high noon.

Thank you for hearing my thoughts on this important matter. Keep up the good work at the DOJ, and tell Mr. Ashcroft to hang in there—AG has to be one of the most difficult jobs on Earth these days.

Yours,
Matthew Ch. Rees
4509 Brandywine St. NW
Washington DC 20016
26 January 2001

MTC–00026249

From: Bose, Landric A.
To: Microsoft ATR
Date: 1/26/02 4:39pm
Subject: Microsoft Settlement

The proposed settlement with Microsoft is wholly unsatisfactory, and as a taxpayer I would be highly displeased with a ''punishment'' of allowing Microsoft to increase it's market share, which is what this suit was concerned with in the first place. If the United States is truly comitted to promoting a fair marketplace, this is the occasion in which to do it.

Thank you for your time.
-Landric A. Bose
Houston, TX

MTC–00026250

From: Paul Luczka
To: Microsoft ATR

Date: 1/26/02 4:39pm
Subject: Microsoft Settlement

Please don't allow onerous regulation and endless litigation to gum up private enterprise and customer choice.

Thank you.

Paul Luczka

MTC–00026251

From: cruss1408@msn.com@inetgw
To: Microsoft ATR
Date: 1/26/02 4:39pm
Subject: DOJ Letters
Letters sent to doj and Senator Santorm

MTC–00026251 0001

Letters sent to doj and Senator Santorm

MTC–00026251—0002

01/29/2002 12:21 !

MTC–00026252

From: Bob Bressler
To: Microsoft ATR
Date: 1/26/02 4:44pm
Subject: Microsoft
Re: Microsoft settlement.
Oak Hill South 302
Penn Valley PA 19072
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington DC 20530 Dear Mr. Ashcroft,

We are writing about the Microsoft case. This issue has been going on far too long. Microsoft is a good innovative company which is being hurt because of, among other things, the amount of company resources required in this seemingly endless effort. Please do your best to uphold the settlement and ensure the end of this mess.

The settlement is fair, calling for more sharing of technology secrets among competitors and easier access to non-Microsoft programs in the Windows operating system. These will ensure that there is fair competition in the technology industry, which was the main issue of this lawsuit. Please respect the proposed settlement; it is in the best interest of everyone involved.

Sincerely,

Robert A. & Elayne B. Bressler

MTC–00026253

From: Evelyn Cote
To: Microsoft Settlement U.S. Department of Justice
Date: 1/26/02 4:42pm
Subject: Microsoft Settlement
Evelyn Cote
13 Creigmont Lane
Fairfield Glade, TN 38558
January 26, 2002
Microsoft Settlement U.S. Department of Justice,
Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Evelyn Cote

MTC–00026254

From: Ian Filson
To: Microsoft Settlement
Date: 1/26/02 4:45pm
Subject: Microsoft Settlement
Ian Filson
31161 RPO Way, Rutgers, the
State University of New Jersey
New Brunswick, NJ 08901
January 26, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Ian Filson

MTC–00026255

From: SatGuru
To: Microsoft ATR
Date: 1/26/02 4:49pm
Subject: Microsoft Settlement To whom it may concern,

Proposed settlement is too lenient.

I feel that the proposed settlement does not impose enough sanctions and restrictions on Microsoft. The settlement falls far short of penalizing Microsoft for their unfair use of monopoly power in the past and does little to restrain their future use of their monopoly position. Further, their proposal to ''pay back'' to the community by ''giving'' Microsoft products to schools and other public institutions (but not give support) is ridiculous. It would only extend their monopoly further without costing them a single red-cent. On the other hand .. if they refunded all payments made to Microsoft from public institutions for past product purchases and support .. now THAT would be meaningful. Microsoft is clearly a monopoly and clearly uses monopoly power to bully its way around the marketplace to push viable competitors into closing their doors.

Microsoft should be forced to choose to be either a platform vendor or an application vendor. It was wrong for them to assume both roles. By 1995 at least, and probably earlier, they should have spun off the applications business (Office products, primarily) into a separate independent business. By keeping both, they effectively shutdown (or shutout) most business application vendors, by competing unfairly. For other vendors to make their own operating systems is like suggesting that other phone companies run duplicate wires and telephone poles in every neighborhood. When an operating system becomes that pervasive it should be treated like a public utility, like part of the national infrastructure, not owned by anyone, but supported by the public, for the public good.

Sincerely,

Sat Guru S Khalsa
21 Baltimore St
Millis, MA 02054

MTC–00026256

From: RUTHANN SUDMAN
To: Microsoft ATR
Date: 1/26/02 4:51pm

Dear Renata B. Hesse

I wish to file a complaint about the proposed Microsoft settlement as allowed by the Tunney Act. Although there are many points to argue in this settlement, I have selected Section III.A.2.

I am concerned because the PFJ prohibits certain behaviors by Microsoft towards OEMs, however Section III.A.2. allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system. I do not find this to be an acceptable solution. I am TIRED of purchasing computers and paying for an Operating System that I will NEVER use. In the past, Microsoft has made legal arrangements with most major OEMs that act to cause financial distress upon said OEMs if alternate Operating Systems are offered on their stock machines. As a result, in the current market the option to purchase a stock machine without the Microsoft Operating System has become nonexistant at

mainstream retailers such as Best Buy and Office Depot.

I want it to be made very clear to Microsoft that OEM's may purchase copies of the Microsoft OS/licence at a volume discount even if they choose to offer more than one OS as the stock Operating System install. The volume discount pricing should be the same, whether or not the OEM chooses to offer more than one stock Operating System. An OEM should not be punished for offering their customers a choice.

As an example: If Microsoft can force an OEM to offer ONLY the Microsoft operating system on its personal computers, will all pickup truck owners one day be forced to buy their trucks with snowplows automatically installed because a major snowplow manufacter makes financially advantageous deals with truck manufacturers? I am certain everyone who lives in a more temperate part of the country would be very pleased... just as pleased as I am when I purchase a work machine that has a buggy, security faulted, diseased Operating System installed that impairs my work?

Thank you for your time,
Sincerely,
Ruthann Sudman
2015 41st Street NW # F40
Rochester, MN 55901
(507) 358–7658
rjsudman@charter.net

MTC–00026257

From: golf4dude
To: Microsoft ATR
Date: 1/26/02 4:55pm
Subject: Microsoft Dear Sir,

I would like to comment on the lawsuits that Microsoft has been faced with. I feel that these suits are based on inaccurate charges. These suits have also reduced the nations'' wealth and effected personal IRA's far more than the Enron failure ever could. As a matter of fact, I feel that the start of the recent economic downturn can be directly related to the Clinton/Reno court actions against Microsoft I feel that the government is acting to protect companies such as Netscape from unfair practices that are non-existent. Over the years I have purchased several computers, many had Netscape available and needed only to be activated for use. I have used Netscape but chose to use Internet Explorer because I like it. If Netscape develops a better product, I might use it, but that's my choice. I have used AOL, but now I have a local ISP. Is AOL going to bitch and file suit because I am not using their product? The ISP that I am with has 5000 customers and AOL has 9 million, is this unfair practices? As I see it the government's job is to protect me from a monopolistic company not Netscape or AOL from having to compete. The government should focus on protecting the consumer and get out of the business of hampering competition and development.

Ken Dell

MTC–00026258

From: dmdlil167227014@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 4:50pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Maureen Gilbert
1810 Shardell Dr.
St. Louis, MO 63138–1143

MTC–00026259

From: Dreamof427@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 4:57pm
Subject: Microsoft Settlement

Having revieved the tentative Final Judgement of the Microsoft Antitrust case, I urge you to give final approval t the judgement as is stands. It appears that Microsoft has made concessions in good faith and I feel that further interference with Microsoft's ability to conduct business would adversely effect many aspects of the American economy.

Very truly,
Susan Roesler

MTC–00026260

From: jpavlo@ilm.com@inetgw
To: Microsoft ATR
Date: 1/26/02 4:58pm
Subject: Microsoft Settlement

To Whom it May Concern:

Pursuant to the Tunney Act, I am writing to comment on the proposed settlement of the United States vs. Microsoft antitrust case. My background: I am a visual effects designer for film. I work at Industrial Light and Magic in San Rafael California using Silicon Graphics and Linux operating systems. Our company uses Windows and Macintosh operating systems as well. Each operating system used here has an important place in our production workflow. I'll try and keep this breif and to the point...

Essentially, I'm totally against the weak settlement proposals and would like the Department of Justice to consider harsher punishment for Microsoft's crimes. I can't imagine that anybody believes the current ''toothless'' settlement proposals will have any effect on Microsoft's anti-competitive behavior. Even in light of the negative publicity from the trial, and the damning ''findings of fact'', Microsoft boldly continues to take over everything that's up for grabs (and some things that aren't!). In the several years since the trial began, we've seen Microsoft branching out into new markets and unfairly using their monopoly position to promote Xboxes, the PocketPC, MSNBC, Hotmail, WindowsXP, Windows Media Player, their ''.net'' strategy... the list goes on and on. I read the news that the US Navy is switching everything over to Microsoft Windows—something I find quite frightening! I also read last week that they just bought all of Silicon Graphics patents in 3D technology—This concerns me immensely, because of the industry that I'm in. They could use these to leverage power unfairly to squash competition in the film and television industry as well as the huge games industry.

It begs the question, why, when Microsoft is in the middle of an antitrust/monopoly trial, is Microsoft even allowed to buy up intellectual property and agressively expand into new markets? Please, reconsider the settlement proposal. They were found guilty of anticompetitve practices in 1995. They got a slap on the wrist and that didn't stop them continuing their illegal business practices that are the subject of the current trial. What makes you think that they'll pay the slightest bit of notice to the current proposals? What should be done? I think they should be hit up with an enormous fine that is in proportion to their huge market cap and value of assets. I think that this fine should not be trivial, it should hurt the company and make them afraid to transgress the law again. I also think that Microsoft should be split up. Clearly they have far too much influence and power for a company that has demonstrated again and again that they are unable to wield this power responsibly.

Essentially, I ask the Department of Justice for Justice.

Thank you,
Joe Pavlo
Joe Pavlo
Industrial Light and Magic
San Rafael, CA, 94901

MTC–00026262

From: William J Crowe
To: Microsoft ATR
Date: 1/26/02 4:59pm
Subject: Microsoft Settlement

I think that the proposed settlement is tough on Microsoft but a fair compromise for all parties concerned. Do not allow this to drag on longer at the interest of some special groups. Yours Truly,

MTC–00026263

From: meisenback@mac.com@inetgw
To: Microsoft ATR
Date: 1/26/02 4:56pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Marilyn Eisenback
3510 Indian Meadow Dr.
Blacksburg, VA 24060

MTC–00026264

From: William R. Hahn
To: Microsoft ATR
Date: 1/26/02 5:01pm
Subject: Microsoft Settlement

Gentlemen:

I, for one, I hope that ''reluctant parties'' allow the settlement to proceed without further complications.

Microsoft can be ''accused'' of *Bringing the best software to market that money can buy *Providing excellent customer service and follow-up *Never abusing its extraordinary success by gouging consumers *Coming up from behind in a new field . and ending on top. (i.e. Internet Explorer).

No wonder that AOL and others try to get relief in the courts, when they realize that they are losing in the marketplace!

William R. Hahn
Los Angeles, CA 90049

MTC–00026265

From: Richard Borczak
To: Microsoft ATR
Date: 1/26/02 5:02pm
Subject: Microsoft Settlement

I understand that a settlement had been reached with Microsoft as a result of the long trail, but that competitors are still wanting to go further. I cannot see it. I switched recently from Netscape Navigator to Internet Explorer because I found that IE is BETTER.

I received Netscape navigator years ago, FREE, to use. I see no difference for Microsoft to give IE free than Netscape giving it away.

This foolishness has cost everybody a lot of money already. Don't prolong it.

Richard L Borczak

MTC–00026266

From: John Davis
To: Microsoft Settlement
Date: 1/26/02 4:58pm
Subject: Microsoft Settlement
John Davis
29 Birch Ct.
Oakley, Ca 94561
January 26, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers’ dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
John A. Davis

MTC–00026267

From: Mark Spacher
To: Microsoft ATR
Date: 1/26/02 5:05pm
Subject: MICROSOFT SETTLEMENT
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

This is to ask that you give your approval to the agreement between the Department of Justice and Microsoft. It is time to put this matter to rest. The two parties have worked for three years to settle it and we should abide by their efforts. Any further action will only be a waste of taxpayers'' money. The fact there was a lawsuit at all is annoying to me. Bill Gates worked long and hard to make his company successful. Now, he is being punished for it. This lawsuit was more a political ploy than any shady business dealings on the part of a company. Microsoft has also acceded to many of the requests of the Department of Justice. Microsoft will have an oversight committee to monitor future actions; Microsoft has agreed to help companies better achieve a degree of reliability with regard to their networking software. Microsoft will give computer makers broad new rights to configure Windows to promote non-Microsoft software programs. This is more than fair

Give your approval to this agreement. It is time to go forward. Thank you.

Sincerely,
Mark Spacher
40 North Avenue
Rochester, NY 14626

MTC–00026268

From: jack engel
To: Microsoft ATR
Date: 1/26/02 5:06pm
Subject: Microsoft Settlement
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The settlement made between Microsoft and the Department of Justice is more than just. I feel that this situation has dragged on for far too long. I would like to see it brought to a close as soon as possible. Microsoft has agreed to more than they should have, and asking them to do more is absurd.

Microsoft is willing to license some of the internal codes of Windows so that its competitors will be able to develop software that is compatible with Windows. This will allow for more competition within the IT industry, which will in turn help the economy. Furthermore, once this issue is decided at the Federal level, it should be over. The states should not have the option of pursuing further litigation. Thank you for considering our views on this issue. I hope that this matter is soon brought to a close. Our courts should be pursuing more important matters.

Sincerely,
John & Susan Engel
Jack Engel
82 South Avenue
New Canaan, CT 06840
203 966–7576

MTC–00026269

From: M. Schultz
To: Microsoft ATR
Date: 1/26/02 5:06pm
Subject: Microsoft Settlement

Department of Justice

Dear Folks:

When pondering settlement penalties and costs as compensation for monopoly practices, it is appropriate to consider where the electronic industry would be today had Microsoft (MSFT) not been allowed to ride roughshod over the hardware and software industries over the last 9 years. Is it conjecture to work to try to determine where the industry would be or can one forecast with relative accuracy? Forecasting the future is highly problematic but we have many employed in that field, including within the government, so even forward looking is considered a legitimate exercise. This effort, however, is more akin to ''Monday morning quarterbacking,'' and I believe it can be done rather precisely. Determination of the paths available in retrospect can be made highly accurate. There are much better pundits and experts that I to accomplish this but I can tell you from my nearly 30 years of experience in the electronics industry that had MSFT been reigned in by Justice when they began this illegal and unethical activity, the face of the software and hardware world and the high technology industry would be very much different. Netscape might be the largest software company and we could all very well be using Apple computers. There would be much different corporate use globally, and the many flavors of Linux utilized by enterprise would not have appropriated the hundreds of billions of dollars out of the economy that MSFT pulled. How many new firms would this money have spawned? How many jobs would it have created? What new technologies could have been driven that without the world of Windows to crush and destroy them, would now be thriving enterprises?

The reason that the high tech industry is in such a shambles and depression right now

is as a direct result of one player dominating the market and the industry for far too long. Nine years without much innovation on the desktop and the resulting spawn of computer viruses are one the best testimonies on the one player who controls everything.

I believe the huge tech industry in the United States would be MORE THAN DOUBLE it's current size today, employing hundreds of thousands of additional workers, had Justice not been asleep at the wheel and MSFT not been allowed to dominate and obliterate virtually everyone in their path.

To make things right, I believe MSFT must be forced to contribute $100 billion dollars to an electronics industry investment fund, so that enterprising companies and individuals can receive funding to bring their ideas and products to market. MSFT must also open all closed standards on their browser and their operating system; their applications, such as Office, etc., should remain their sole IP. This penalty should be paid over 5 years, to give the economy a boost.

This penalty will return some of the money MSFT appropriated from the electronics industry, and although we can never get these nine years back to re-live, at least we can re-establish a level playing field and an atmosphere of innovation once again. This money will create jobs, and these jobs will create a greater tax base. Hopefully, we can re-capture some of the jobs MSFT eliminated from the economy.

Additionally, an oversight committee must be established to make certain MSFT is properly regulated and does not commit further damage to the American economy. Because of MSFT's power and wealth, the individuals on the committee should be rotated every six months.

Again, I firmly believe the computer and electronics industry would be more than double it's current size if one company had not sucked so much capital and resources out of the economy. Imaging spreading all of that capital around hundreds of companies over the last nine years, and I think you would be able to envision where the US electronics industry would be right now. Good luck, keep up the good work and thank you very much for not allowing MSFT to escape and profit from the earlier absurd settlement. Push this win to conclusion.

Best,
Matt Schultz
7985 S. Bemis Street
Littleton CO 80120
CC:Tam Ormiston

MTC–00026271

From: Matt Matthews
To: Microsoft ATR
Date: 1/26/02 5:07pm
Subject: Microsoft Settlement

I am writing to you as a concerned United States citizen to express my opposition to the Proposed Final Judgment put forth by the Department of Justice to settle the current antitrust case against Microsoft. This PFJ does not address adequately the issues raised during that case, especially considering that Microsoft was found guilty of monopoly maintenance. As a user of an alternative, non-Microsoft operating system, I am constantly aware of the difficulties that the Microsoft monopoly imposes on the computing world. I work as a mathematician in the Duke University Mathematics Department, and I routinely run into problems associated with proprietary Microsoft document formats and other proprietary Microsoft technologies. Since much our department relies on non-Microsoft operating systems on faculty desktops, communication with my colleagues or department staff is hindered each time someone with Microsoft Word sends a document by email. Furthermore, my research often requires me to find documents on the web, and occasionally web sites that have information I need use Microsoft technologies that restrict or completely block my access to that information. These technologies are kept secret by Microsoft as part of their monopoly maintenance; the formats change often and are not officially documented, making the creation of interoperable or competing products needlessly difficult. Any proposed final judgment should address this artificial barrier to communication and interoperability that Microsoft has used, and continues to use, to maintain their positions in various markets. Furthermore, any interoperability information should not be restricted to creating products that run on Microsoft operating systems, as the current PFJ does not encourage this cooperation.

Furthermore, Microsoft has a history of intentionally introducing incompatibilities to discourage the use of non-Microsoft operating systems. See the following link for more information: http://www.kegel.com/remedy/remedy2.html#caldera Any acceptable remedy should prevent Microsoft from creating such artificial incompatibilities with future products. The current PFJ does not do this, and for that reason it is unacceptable.

While the current PFJ does create an oversight committee with the technical background to judge Microsoft's conduct, it does not spell out effective methods of enforcement when Microsoft breaks the terms of the settlement, and the prevailing opinion is that the legal system would be the only recourse for dealing with violations. However, in a market as fluid and swift as that of computers and software, any acceptable remedy should include a streamlined procedure for judging alleged violations and imposing penalties. While these are not the only weaknesses of the current PFJ, they are some of the most important. I am hopeful that the Department of Justice will work to formulate a new settlement that has stronger penalties for the actions for which Microsoft has already been found guilty as well as stronger measures to prevent Microsoft from taking future anticompetitive actions. If you have questions or require clarification of any statements I've made in this letter, please contact me via phone or email. My contact information can be found at the bottom of this letter.

Regards,
John V. Matthews, III

Matt Matthews \ ph: 919.660.2811 \ Use GNU/Linux —o) w00t

Duke Univ., Postdoc\
jvmatthe@math.duke.edu
\———————————— /\\
Dept. of Mathematics\ http://www.math.duke.edu/jvmatthe/ \ —\—V

MTC–00026272

From:
To:
Date:
Subject:
Brad Borland
Microsoft ATR
1/26/02 5:09pm
Microsoft Settlement
Please see attachment
10831 Valmay Avenue NW
Seattle, WA 98177–5336
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft: I am writing today to encourage the Department of Justice to accept the Microsoft antitrust settlement. It disappoints me that the government has in the past chosen to harass a company like Microsoft. Microsoft has added such a great economic contribution to this country. The contribution extends from Washington State all the way to Washington, DC Microsoft is a core holding of most company retirement plans, 401Ks, IRAs and mutual funds throughout America. Therefore it is in the best interests of almost every American to get this case settled. In order to settle this issue Microsoft has agreed to many terms. It has agreed to design future versions of Windows to be more compatible with non-Microsoft software. It has also agreed to change several aspects of the way it does business with computer makers. Microsoft did not get off easy, there are pages of terms agreed to in addition to these two. Microsoft needs to be able to get back to business. This suit has bogged down the company for over three years now. For the good of American's everywhere I urge you to accept the Microsoft antitrust settlement.

Respectfully
J.Bradford Borland

MTC–00026272—0002

MTC–00026273

From: JOB3313@AOL.COM@inetgw
To: Microsoft ATR
Date: 1/26/02 5:07pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the

future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
RYAN VANDERHEIDE
3369 DANIEL ST
NEWBURY PARK, CA 91320–5015

MTC–00026274

From: Liza Gabriel Ravenheart
To: Microsoft ATR
Date: 1/26/02 5:15pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
United States Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms Hesse;

This settlement is not in the best interests of consumers here in the US or anywhere. It is not in the interest of our personal autonomies and freedoms. Microsoft must have platforms that are compatible with unix and others that may develop. Diversity and democracy are inseparable. If Microsoft Corporation cannot cooperate with its competitors, then it is not a good corporate citizen of the United States or of the Global community.

Please reconsider this settlement which I feel will substantially destroy the autonomy of people world wide.

Sincerely,
Elizabeth Braude
10266 Old Redwood Hwy
Penngrove, CA 94951

MTC–00026275

From: Jeanne C Delaney
To: Microsoft ATR
Date: 1/26/02 5:15pm
Subject: Microsoft Settlement

Let's get this Microsoft ordeal over with as soon as possible. It is to blame for much of the economic distress in the USA. The only ones profiting from it are the lawyers. Let's get the USA back to business now!

J. C. Delaney

MTC–00026276

From: Benjamin Grossmann
To: Microsoft ATR
Date: 1/26/02 5:15pm
Subject: Microsoft Settlement

I would like to take this opportunity to state that I feel Microsoft should NOT be let off lightly in this antitrust case. They have demonstrated repeatedly that they are capable of abusing their power as a monopoly by stifling competition and crushing the very innovation that created this entire technology revolution.

Thank you.

Ben Grossmann

MTC–00026277

From: Denniston
To: Microsoft ATR
Date: 1/26/02 5:17pm
Subject: Microsoft Settlement
Susan Denniston
4731 117th Place NE
Kirkland, WA 98033
January 25, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

It greatly disturbs me that Microsoft's opponents are currently seeking to overturn the settlement that has been proposed and bring further litigation against Microsoft. I do not believe that this is either necessary or wise. Not only would additional federal action be painfully redundant, it would also negatively impact the economy, the computer industry, and ultimately the consumer.

The settlement seems fair enough to both Microsoft and its competitors. For one thing, Microsoft is allowed to remain intact, but its competitors have had the playing field leveled for them. So operations at Microsoft will continue with several restrictions and changes, but the normalcy that will remain in Microsoft's operations will not hinder or harm the progress of competitors. For example, Microsoft will refrain from entering into any contract that would require a third party to distribute Microsoft products either exclusively or at a fixed percentage. Microsoft has also agreed to document and disclose source code from its Windows operating system for use by its competitors and to facilitate their ability to operate within the Microsoft framework. I believe this part of the agreement is extremely generous on Microsoft's part!

It is in everyone's best interest to drop the idea of continued litigation—especially in light of the ridiculous new lawsuit announced by AOL this week against Microsoft. No one will benefit in the long run from an extended suit. I urge you and your office to support the finalization of the settlement.

Sincerely,
Susan Denniston
Denniston@WinISP.net

MTC–00026278

From: robin mccoy
To: Microsoft ATR
Date: 1/26/02 5:21pm
Subject: Microsoft Settlement

Under the Tunney Act, i wish to comment on the recent proposed remedy for the anti-trust case against Microsoft as found here: http://www.usdoj.gov/atr/cases/f9400/9495.htm I feel that this proposed judgment fails to fully address the issues disclosed in the DOJ's finding of fact: http://www.usdoj.gov/atr/cases/f3800/msjudgex.htm

This judgment will not impede Microsoft from leveraging it's established monopoly in the operating system marketplace against it's competitors, and I wish to voice my dissatisfaction with this proposed settlement.

Thank You,
Michael R. McCoy

MTC–00026279

From: vick@adnc.com@inetgw
To: Microsoft ATR
Date: 1/26/02 5:25pm
Subject: microsoft case

it is time to end that waste of time. the industry needs to get out of the courts, and do software. there should be no support for those who cannot settle.

MTC–00026280

From: CTagliafer@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 5:26pm
Subject: Microsoft Settlement

Enough is enough. Stop harassing Microsoft.

MTC–00026281

From: Linas Muliolis
To: Microsoft ATR
Date: 1/26/02 5:26pm
Subject: The Proposed Final Judgement

Your Honor,

Please review your final judgement for Microsoft with the results being fair business practices, ethical competition, consumer choice being proctected and Microsoft ceasing monopolistic practices. I do not believe Microsoft is being fair and honest.

Linas Muliolis
CC:nolandpeebles@attbi.com@inetgw

MTC–00026282

From: puma@adnc.net@inetgw
To: Microsoft ATR
Date: 1/26/02 5:27pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
LaDonna McCant-Dickey
4539 Derrick Drive
San Diego, CA 92117

MTC–00026283

From: John Hyland
To: Microsoft ATR
Date: 1/26/02 5:32pm
Subject: Microsoft Settlement

Microsoft's absurd narrow interpretation of the Tunney Act should be reason enough for punishment, but it is just another display of the arrogance with which they treat the law of this country. Make them pay mightily from their illegal profits and treat them as other monopolies have been, break them up.

We need some real competition so that consumers can have some choices.

Thank you,
John J. Hyland
Gilroy, CA

MTC–00026285

From: TKOREN1@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 5:33pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
United States Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
From: Tedd Koren,DC
PO Box 665
Gwynedd Valley, PA 19437–0665
215–699–7906

Dear Ms. Hesse,

I would like to see true justice served in the Microsoft case that is a win-win for everyone. Too often a solution can make matters worse. I feel the following should be considered:

1. The proposed settlement is not in the public interest. The settlement leaves the Microsoft monopoly intact. It is vague and unenforceable. It leaves Microsoft with numerous opportunities to exempt itself from crucial provisions.

2. The proposed settlement ignores the all-important applications barrier to entry which must be reduced or eliminated. Any settlement or order needs to provide ways for consumers to run any of the 70,000 existing Windows applications on any other operating system.

3. Consumers need a la carte competition and choice so they, not Microsoft, decide what products are on their computers. The settlement must provide ways for any combination of non-Microsoft operating systems, applications, and software components to run properly with Microsoft products.

4. The remedies proposed by the Plaintiff Litigating States are in the public interest and absolutely necessary, but they are not sufficient without the remedies mentioned above.

5. The court must hold public proceedings under the Tunney Act, and these proceedings must give citizens and consumer groups an equal opportunity to participate, along with Microsoft's competitors and customers.

Sincerely,

Tedd Koren, DC

MTC–00026286

From: Sean Turner
To: Microsoft ATR,billg@microsoft.
com@inetgw,cyrusm@ha...
Date: 1/26/02 5:35pm
Subject: Microsoft Settlement

While Microsoft can be considered a monopoly, should they be punished for this? I used to be a Netscape User; then, when Internet Explorer 3 was released, I tried using it and found it to be substandard and buggy. As a result, I continued to use Netscape. Then, with Microsoft's release of IE 4, I found it to be much faster, more stable, and more feature complete then Netscape, and decided to switch browsers, not because it came bundled with my operating system, but because it was a superior program Microsoft ultimately developed a technologically superior product, is it not logical that people would then use it instead of Netscape? Should they be punished for this? Can you legally punish a company because they are successful? Microsoft integrated its browser to provide a better product for the consumer. They are in no way inhibiting Netscape's ability to accept. They in no way impede a user's ability to download Netscape and use it. Even AOL Time Warner believes IE is a superior browser. In their own AOL browser, they use the IE browser instead of Netscape. Success is not a crime.

Should they be punished for bundling their browser with Windows? Now, the browser is tightly integrated with almost all features of Windows. It is virtually impossible to separate the two. Every time you open ''My Computer,'' view a help file, open Word, boot, or even view your desktop, you are using Internet Explorer. Back when Windows 3.1 was popular, IE didn't exist, and, users used a much more cumbersome and buggy interface to navigate files. Now, instead of using 2 different applications for folder browsing and web viewing, Microsoft integrated the two programs, in effect speeding up overall system performance and reliability. Furthermore, it also helps new computer users to ''get online'' without having to go through complex processes to install a browser. Now, all someone has to do is boot their computer, and they have all the software they need to connect to the internet. Should Microsoft be punished for enabling people such as my mother to effectively use a computer? If yes, then why not punish Apple? They have much the same approach. Apple controls the all the hardware used on their computers, and install Apple's own programs by default in an attempt to simplify setup for users, thus allowing the computer illiterate to use a computer without having to have a tech-savvy friend set it up for them. This strategy of simplification is used throughout the industry, why should only Microsoft be punished for it? You cannot separate Microsoft because everything is so tightly integrated, Microsoft is nothing without this integration, much like Apple is nothing without their tight integration of software and hardware. This is the direction the entire industry has taken, should we thus turn the clock back on the computer industry?

It is not the government's job to police the computer industry. Before the government tries to break up private monopolies, they should abolish their own. For example the US Postal Service was, for a long time, the only way to send mail, and thus, it had to reason to improve its services and was notoriously slow. With the advent of FedEx and UPS, the postal service has improved its service, but still is loosing market share because other carriers offer a better product. And now the government is trying to make taxpayers pay for its failure by trying to tax email. It is not the government's job to police private industry and punish companies for their success. I ask that the federal government and states drop all charges against Microsoft.

Sean Turner
Sales Representative
Rowena's Designs
15232 Stratford Court
Monte Sereno, CA 95030
Phone: (408) 395–7907
Fax: (408) 395–6923
Email: <mailto:seanturner@yahoo.com> seanturner@yahoo.com
Web: <http://www.sensability.inc.new.net/> www.sensability.inc.new.net

MTC–00026287

From: roelof ''t Hooft
To: Microsoft ATR
Date: 1/26/02 5:37pm
Subject: Microsoft Settlement

Hello,

Regarding the DOJ against Microsoft case I would like to ask you : What is going on with the settlement ? As I understand the settlement will give Microsoft more power and ways to do everything that this case was suppose to stop them from doing. Microsoft is too large and powerfull and does and still will harm the customer (in the long run) with their monopolistic practises. Stop Microsoft instead of giving them more power !!

MTC–00026288

From: Marjorie and Victor
To: Microsoft ATR
Date: 1/26/02 5:37pm
Subject: microsoft settlement

We are very much in favor of the microsoft settlement and think it will be a significant boost to the economy.

Sincerely,

Victor and Marjorie Carmody

MTC–00026290

From: Robert D. Smith
To: Microsoft ATR
Date: 1/26/02 5:38pm
Subject: Microsoft Settlement
stopmicrosoft@yahoo.com@inetgw

Honorable Judge Kollar-Kotelly,
<?xml:namespace prefix = o ns—''urn:schemas-microsoft-com:office:office''/>
Hello, my name is Robert D. Smith and I am a student at Boston University. I am very much emotionally shaken by the recent settlement between the Justice Department and Microsoft (PFJ). I'd like to present my first argument. The PFJ does nothing to inhibit the activities of Microsoft as a working, fully functional monopoly through the use of its operating system (OS). My second argument is that the settlement is too ambiguous. It does not clearly and directly reprimand Microsoft for the violation of clearly defined anti-trust laws (present and past). It would be a horrid, useless example to set by allowing MS to get away with such an atrocity. Microsoft has many tactics, which are just so very sinister. The corporation is continually escaping proper justice its retaliation schemes, conniving tactics, bolting- domineering schemes, and attacks on Java. All these actions result in a lower ability of competition to reach the same marketing and commercial status as MS. This market is supposedly a ''free'' market but software standards are being monopolized even as this email is being sent. And to conclude, the PFJ provides an ineffective enforcement mechanism (balance and check) for the weak restrictions implemented on its bodies of influence.

Simply in short, I am deeply perturbed over the recent settlement. This settlement does not regulate Microsoft enough. In this

very fashion of advancement, Microsoft will simply continue its monopolistic ways of commerce. And to further clarify my argument, Microsoft is not even being reprimanded for past aggressions, which are clearly evident. The present situation is that an unfeasibly weak standard is in place. I know this simply my opinion, but I would sincerely request that you would do whatever might be suitable to overturn the settlement in review.

Sincerely,
Robert D. Smith
My Address is:
Robert D. Smith
Box 1775, 277 Babcock Street
Boston, Massachusetts 02215

Send and receive Hotmail on your mobile device: Click Here

01/29/2002 1:20 [

MTC–00026291

From: Clay Haapala
To: Microsoft ATR
Date: 1/26/02 5:45pm
Subject: Microsoft Settlement

I would like to state my opinions as being against the proposed Microsoft settlement.

The settlement does little to punish Microsoft for its actions. Worse, it does nothing to provide remedy, or to ''undo'' the results of those monopolistic actions.

My career has been affected negatively by these actions, primarily by the way that Microsoft's product positions have affected the plans of the companies that have employed me. While it is always the case that the actions of a dominant market player will affect all others in that market space, it has now been established that Microsoft has partially obtained that position through illegal practices.

Since many of these practices involved illegal influences on Microsoft's part to prevent competition to its proprietary products, protocols, and interfaces, appropriate remedies would be a mandatory publishing of these protocols and interfaces.

Jackson's ''split the company'' remedy would have accomplished this by forcing the separated parts of the company to formally communicate with each other in public ways. Yes, competitors would certainly also be part of those communications, but then, the market winner becomes the one with the best product, sales, and service.

Such publication would also be a great step forward in security. Please see Bruce Schneier's and Adam Shostack's recent article at http://www.securityfocus.com/news/315.

I'm not demanding that Microsoft be broken up, but a publication remedy is appropriate.

Thank you.

Clay Haapala <clay@haapi.mn.org> ''A generation of CS and Quake Players

GPG key 8DB9110D being drafted is a scary thought.''

2309 Archers Lane—comment seen on

Minnetonka MN 55305 Drippy's 2-Fort TFC server

952–542–9873

MTC–00026292

From: Peter Nicklin
To: Microsoft ATR
Date: 1/26/02 5:40pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms Hesse, The Proposed Final Judgment in the case of United States vs. Microsoft does NOT remedy Microsoft's monopolistic behavior. The settlement still allows Microsoft to continue its monopoly, destroying competing products by selling equivalent Microsoft products below cost, i.e. by bundling them in the Windows Operating System at no extra charge. For example, Microsoft now distributes Windows Media Player in Windows XP for free, thus stealing market from RealNetworks'' Real Player and Apple Computer's QuickTime by using its exclusive Windows Operating System distribution channel.

The only cure for this behavior is to prevent Microsoft from:

a) Selling products below cost.

b) Using the Windows Operating System to distribute new products that compete with non-Microsoft products already established in the marketplace.

I recommend that if a non-Microsoft product has more than 20% market share, then it should be considered an ''established product'' in the marketplace, and Microsoft should not be allowed to bundle a competing product with the Windows Operating System. I also recommend that new Microsoft products that compete with established non-Microsoft products should be developed and sold by a completely independent wholly-owned Microsoft subsidiary. The subsidiary would have no more access to Microsoft APIs and other proprietary information than other companies. Further, the subsidiary would not be allowed to enter into exclusive deals with Microsoft. My recommendation for new products to be developed by a Microsoft subsidiary is a structural remedy but is much easier to implement than breaking the company up.

It would be easier to discover collusion between Microsoft and a subsidiary than by asking a 3-person technical committee to try and baby-sit Microsoft by monitoring compliance with the proposed final judgment.

Sincerely,
Peter Nicklin
SoftFrame, Inc.
P.O. Box 10067,
San Jose, CA 95157–0067.
Ph: (408)379–0171

MTC–00026294

From: Joseph D Krug
To: Microsoft ATR
Date: 1/26/02 5:43pm
Subject: Microsoft settlement

Dear Attorney General Ashcroft:

I would like to see the Microsoft case settled. I believe the government was dead wrong to sue Microsoft.

The company is not a monoply and never was. The government has wasted time and the taxpayers money on this case. It is now time for your office to correct the stupidity of the past Justice Dept. which started this case. I due believe since 9–11–01 the entire federal government has more important issuses to deal with. I have complete confidence your office will resolve this case quickly.

Sincerely,
Joseph D Krug

MTC–00026295

From: thvreela@fuse.net@inetgw
To: Microsoft ATR
Date: 1/26/02 5:41pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse: Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Thomas Vreeland
126 Calumet Ct
Crestview Hills, KY 41017

MTC–00026296

From: Meus1@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 5:45pm
Subject: MICROSOFT SETTLEMENT

Dear Sir:

I keep reading about all these lawsuits against Microsoft. It appears to me that we have reached the stage in this country that we punish success. We seem to be doing all in our power to promote mediocrity. If AOL or anyone else has a problem with the way Microsoft operates, let them develop a better system. Thus the market place will automatically trend to the better system. This is what has happened with Microsoft. They have single handily opened up the world of computers to the lay person (and there are so many of us).

With all the mergers that the government has allowed, it appears almost on the trend of hypocrisy to keep attacking Microsoft. What other companies'' R& Ds could not accomplish, they are requesting the courts to do for them. We are a capitalistic country and thus the most wealthy country in the world. Let us not squash our aggressiveness and the desire to excel and succeed, which is what has made us great! With all these lawsuits, Microsoft has had to spend millions of dollars defending itself rather than spending these millions on furthering their R&D.

What may we all have lost?

In addition, how many millions has the government spent to prosecute Microsoft. These monies would have been better spent fighting drug trafficking, etc.

Don't we have anything better to do than to attack one of this world's most creative company?

I humbly submit the above for your consideration.

Sherman A. Rothberg
Bellmore, NY
CC:msfin@microsoft. com@inetgw,Meus1@aol.com@inetgw

MTC–00026297

From: Don Kitchen
To: Microsoft ATR
Date: 1/26/02 6:49pm
Subject: Microsoft Settlement

To whom it may concern

I am a senior systems engineer with a Fortune 500 consulting firm. I have a bachelors degree in computer science and am nearing completion in a master's degree in CS with an emphasis on operating systems. I am writing to voice my opinion on the proposed Microsoft settlement.

I am appalled at the degree to which the Justice department is neglecting the interests of consumers. Microsoft is a powerful company that has been found guilty of illegally extending and maintaining monopoly power. But proposed is basically no penalty to punish for ill-gotten gains. Does no one remember this is the second time around, and that Microsoft previously obtained a consent decree? It was so generous that Microsoft's stock immediately rose. In fact, I would say that the only reason that the case this time around awkwardly centered on browsers is that in the previous agreement, nobody thought to grant Microsoft a loophole to stifle competition in that area.

Those who suppose there has been little harm to the consumer ignore the realities of the computer industry. While costs in every other area go down, the software costs rise, especially when taken as a percentage of the whole system. Also, harm occurs in other ways; witness the recent Microsoft scheme to punish those who do not upgrade immediately to each new product, by eliminating ''discounts''. Microsoft's very profitability is evidence of their monopoly power. One might say that their investments and spare cash provide a good measure of how large to make the penalty. Microsoft attributes their success to innovation. However, this neglects that the innovators were all with companies taken over by Microsoft's might. This also neglects the innovators stifled by Microsoft, whose monopoly position allows them great leverage against any competing technology. The way they have bundled the browser is just an obvious occurrence of standard practice. There is a joke that if someone made a new chair, Microsoft would innovate Microsoft Chair, and out of desire to provide their customers with everything they need, ship it with their operating system, with mysterious incompatibilities if anyone tried to sit in another brand chair while at their computer.

If allowed to continue leveraging one product to solidify the position of the next, the future of competition looks bleak. Microsoft has promoted its Office suite, web browser, and web server products to prominence based on the strength of its operating system. Since these products are available only for Microsoft's operating system, they in turn reinforce the original monopoly. In the office suite area, it's difficult for competitors to be fully compatible because of changes in the file formats. As a part of the penalties against Microsoft, it should be mandated that all file formats and API's used be fully documented publicly. And unlike the errors in Section III(J)(2) there should be no loopholes to prevent disclosure to not-for-profit groups. Microsoft has abused its own discretion too many times to suppose they will not do it again.

Additionally, in recent years Microsoft has formulated its strategy for internet monopolies beyond the browser, which they will fortify with their existing monopolies. Chief among them are the Windows Media player and .NET. These should be addressed in the settlement, preferably by splitting them to individual companies forbidden to sign exclusive contracts, or Microsoft should be mandated to maintain full functionality on their top two competing operating systems (namely MacOS and Linux). In the area of streaming media, already Microsoft is pushing the innovators out of the field in favor of their own Windows Media player, which limits consumer choice because of course it is available only for Microsoft platforms. The .NET scheme is especially designed to place a single entity as an essential element of any transaction that occurs. This transition is not one that occurs as a result of natural market forces, but rather one that can only be leveraged in by an existing monopoly, for the sole purpose of extending the monopoly. Yet the Department of Justice appears more interested in retreating with honor at the expense of consumer choice. Another ignored consumer harm that has occurred is that Microsoft's products have gaping security holes. Yet they appear to be immune from product liability concerns. In fact, previous shortcomings only serve as inducement for consumers to purchase the next ''new and improved'' product. In other markets, product liability enforcement would force the vendor to reimburse consumers. Not so in this market. Recall the billions of dollars lost in such occurrences as ''I love you'', ''code red'', ''nimda'', and other embarrassments. Instead, consumers bear the cost. No doubt consumers will continue to bear the cost in the newest product cycle, with ''Universal Plug & Play'' starting off the new list of security problems; even the ''solution'' of continual updating only serves to bind consumers more tightly to the monopoly provider.

There are some who say that Microsoft should be rewarded because as a highly successful company they do much good for the economy. While it is true that as a monopoly they have been very successful at maintaining their monopoly, this theory ignores the fact that their income is someone else's expenses. By the same standards, we might laud Ponzi and Enron for the success of their efforts to extract monies from others, if large incomes are so good for a strong economy.

I plead for the current ''surrender to Microsoft'' to be rejected.

Thank you
Don Kitchen

MTC–00026298

From: virtual
To: Microsoft ATR
Date: 1/26/02 5:46pm
Subject: Microsoft Settlement

I am against allowing Microsoft to continue to wield it's virtual monopoly to stifle competing software innovation. The DOJ/Microsoft settlement is, in my opinion, an insufficient remedy.

Sincerely,
Al Dorsa
Box 223761
Christiansted, VI 00822

MTC–00026299

From: billmueller@pobox. com@inetgw
To: Microsoft ATR
Date: 1/26/02 5:48pm
Subject: Microsoft Settlement

Dear Madam/Sir,

While I do believe that Microsoft often abuses it's position as industry leader in software operating systems to reduce competition, I am not convinced that a harsh penalty is in the best interest of justice or the software industry. Certainly, all of the companies that are urging harsh penalties are or have been, to some extent, guilty of similar practices. Remember that this ruling will set an important precedent which will shape the future of the software industry.

I ask only that you deliver a judgement that causes Microsft some financial pain while at the same time clearly putting this whole thing behind us so that the software industry and the economy can recover.

Regards,
Bill Mueller
CC:billmueller@pobox.com@inetgw

MTC–00026300

From: ken@perth.fpcc.net@inetgw
To: Microsoft ATR
Date: 1/26/02 5:49pm
Subject: Microsoft Settlement

To Whom it May Concern:

I would like to state that it is my belief that the proposed settlement will not achieve its objective of restoring competition back into the software market, nor I fear will it stem the illegal practices of Microsoft.

Although I have many concerns about the proposed settlement, it is sections III.D, III.J.1,2 that concern me the most. Microsoft has publicly stated that their strongest competition is from the Linux operating system, yet these sections would actually protect Microsoft from competition from such non-profit, volunteer organizations. It is my belief at this point that the only hope of real competition will be from these groups. For a settlement to be acceptable, Microsoft cannot be allowed to discriminate against such groups by not disclosing its APIs to them. I therefore kindly ask you to reject this proposal.

Sincerely,
Kenneth Blake

Sunnyvale, CA

My background: Software developer working since receiving M.S. in 1982.

Currently employed at PTC, one of the larger software companies, which sells its products on both unix and Windows platforms.

MTC–00026301

From: Dave Quick
To: Microsoft ATR
Date: 1/26/02 5:48pm
Subject: Microsoft Settlement

The terms of the settlement are tough, and I believe they are reasonable and fair to all parties, and meet— or go beyond—the ruling by the Court of Appeals, and represent the best opportunity for Microsoft and the industry to move forward.

Dave Quick
New Albany, OH

MTC–00026302

From: Phillip Bivens
To: Microsoft ATR
Date: 1/26/02 5:49pm
Subject: Microsoft Settlement

Please reconsider the current settlement as defined between Microsoft and the U.S. DOJ. The DOJ gave up way to much to Microsoft in an effort to spur the economy. The current settlement gives Microsoft complete control of the PC industry and now makes it legal for them to squash the competition. This makes no sense to me as a consumer! If this settlement is approved as stated, what will stop GM or Ford from trying to do the same thing as Microsoft? What will stop General Electric from extending its domain? The government of the U.S.A. is supposed to be for the people and by the people as defined in the Preamble of the Constitution. When did this change to for the ''corporations'' and by the ''corporations''? As defined the settlement is a disgrace on the judicial system.

Regards,
Phillip Bivens
Naperville, IL USA

MTC–00026303

From: Steven Young
To: Microsoft ATR
Date: 1/26/02 5:52pm
Subject: Opinion on Microsoft Settlement

Gentlemen:

Why did you give up on this case? The ''settlement'' is more like a surrender. With all due respect, one is forced to ask whether someone in Washington is afraid, or was bought off, or simply became conviced of the futility of fighting these people's criminally amassed wealth. We'll all suffer for it.

Why am I bothering to write?

Steven G. Young
Menlo Park, CA

MTC–00026304

From: mpmwxyz@netscape.net@inetgw
To: Microsoft ATR
Date: 1/26/02 5:50pm
Subject: I support any action possible against Microsoft. My first computer was an Imac and I wanted to use N

I support any action possible against Microsoft. My first computer was an Imac and I wanted to use Netscape as my browser, but the computer was set up for Explorer. It took hours of work to get things set up for Netscape. A less tenacious person would have given up and settled for Explorer. Microsoft had an unfair advantage in my opinion. Thank you for your efforts.

Sincerely,
Marilyn Wolf

MTC–00026305

From: Ed Detmer
To: Microsoft ATR
Date: 1/26/02 5:50pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am a long term personal user of Microsoft products, as well as the decision maker for a $200,000,000 dollar business concerning software and operating systems. After exhaustive totally unbiased research we have chosen Microsoft over other companies for our business needs and of our own free will. We do not need or want the federal or state governments playing any role, which would interfere with the free market and our free choice. Take the settlement as proposed and agreed by the US Dept of Justice and the 9 states. Government meddling in free enterprise is very seldom beneficial to the consumer or to the economy. Get the federal and state governments out of this litigation as quickly as possible.

Thank you for taking the time to consider the opinion of a non-government person, with absolutely no bias due to political contributions.

Ed Detmer
V P Corporate Dev
Reeb Millwork Corporation

MTC–00026306

From: Paul Caprioli
To: Microsoft ATR
Date: 1/26/02 5:51pm
Subject: Microsoft Settlement

I urge the judge to reject the Microsoft settlement. Real, substantial, enforceable penalties are needed to curb the Microsoft monopoly's unethical and anticompetitive business practices. As a consumer, the lack of acceptable alternatives to Microsoft's shoddy software is causing me significant trouble and inconvenience.

Regards,
Paul Caprioli
Mountain View, CA

MTC–00026307

From: reynolds558@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 5:50pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
john ohare
64 second st
waterford, NY 12188–2419

MTC–00026308

From: Andrew S. Gardner
To: Microsoft ATR
Date: 1/26/02 5:55pm
Subject: Microsoft Settlement

To whom it may concern, Pursuant to the Tunney Act I am writing you to comment on the proposed settlement in the Microsoft anti-trust litigation. The proposed settlement is inadequate. The settlement creates the appearance of regulatory action to curtail Microsoft's behavior, but it is only the appearance.

Consider the example of AT&T. At the time that AT&T was first laying the copper cable to permit long distance phone service in the US, the cost of doing so was extraordinary. If AT&T had been forced to split the then small market for interstate and intrastate long distance, the cost of providing the service would have been far greater than any potential revenue. Seeking to first serve the interests of American citizens, government on all levels sanctioned AT&T's monopolistic position in the market, and permitted AT&T to use its monopoly position to maintain market stability.

At the time the AT&T anti-trust action began, the market conditions that necesitated permitting monopolistic behavior and its mandatory side effects had disappeared. Seeking again to protect the interests of American citizens, the federal government began the process of permitting competition in the local, interlata, and interstate call markets. The fruits of that action, while certainly detrimental to AT&T at the time, can be seen in the plethora of long distance service providers and the dramatic reduction in the prices of those services.

It could be argued that at the time of the birth of the computer industry that it was in the best interests of the industry for its resources to be concentrated. Without regulation or other federal action, Microsoft concentrated and then abused its power, which is, of course, a question of law answered in this case's judgment.

I believe that the current settlement demonstrates the belief that Microsoft's case is fundamentally different from the case of AT&T. I would argue that they are identical. AT&T provided a service that most Americans consider nearly fundamental. The case against AT&T demonstrated that as much as we might admire or appreciate the products or people of a particular company, the remedies we seek in anti-trust actions must actually remedy the situation. First, the proposed remedy sets a dangerous precedent about the regulation of the software industry.

Because no case exists in a vacuum, we must consider the fact that the

implementation of behavioral remedies on Microsoft necessitates the construction of governmental oversight of the software industry as a whole, which has grown incredibly without government interference. We must also consider the precedent we set in beginning the regulation of the software industry. Second, the proposed remedy does not actually remedy the situation. At its most fundamental level, the case against Microsoft as brought by the Justice Department alleged that Microsoft leveraged its position in adjacent but not coincident fields of computing to systematically destroy its competition. Behavioral requirements on Microsoft do no remedy Microsoft's ability to control the industry. Consider the ''behavior modification'' approach in the AT&T case. Had AT&T not be forced to divest itself of its local carriers and been forced to permit competition in long distance, we would not have competitive local or long distance service. While AT&T might have been a cuddly 800 pound gorilla, it still would be an 800 pound gorilla. To assume that any remedy that does not seperate distinct business units within Microsoft into seperate corporate entities with requirments about lowering the barriers to entry of competitors is foolish.

Thank you for your time,
Andrew Gardner
Andrew S. Gardner
andrew@lanefour.org
520–990–5953—Tucson, AZ

MTC–00026309

From: list(u)7531 at Hotmail
To: Microsoft ATR
Date: 1/26/02 5:56pm
Subject: Microsoft Settlement

Hi,

Microsoft Media Player—

http://www.microsoft.com/windows/windowsmedia/download/default.asp This product is a clear example of Microsoft abusing its monopoly in the software market. In order to access the ''MSN Music Radio player'' on http://music.msn.com, you need to have version 7 of the Media Player program. However, as you can see from the web page above, they offer the following:

version 6.4 for Windows 95 and NT4
version 6.3 for Solaris nothing for Linux

Considering that Microsoft are expanding into the on-line media business, they clearly abuse their monopoly of Windows OS's against vendors of other Operating System software, and users of older Microsoft products. In order to resolve this, please try to ensure that Microsoft are required to provide identical versions of their software for other systems. On a similar basis, should Microsoft be required to ''port'' their various programs such as SQL server and the ''.NET'' server software to other platforms to allow fair competition?

I hope you are able to ensure that these issues are covered by the

Anti-trust settlement.

Thanks,
Adrian

MTC–00026310

From: Mark Beumeler
To: Microsoft ATR
Date: 1/26/02 5:57pm
Subject: Microsoft Settlement

Dear Sirs

The proposed settlement is bad idea.

It does not address the findings of fact. Microsoft is a criminal monopolist. Please consider that the innovation that has been inhibited by Microsoft dwarfs by several thousand fold the puny cost of punishing and restricting Microsoft from all their predatory practices. Your job is to definitively restrict Microsoft from the possibility of monopolistic practices, and punish them in excess of their rewards.

Regards,
Wayne Beumeler

MTC–00026311

From: MIKEASWEYD@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 5:58pm
Subject: (no subject)
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I would like to see the settlement reached between your office and Microsoft in their lengthy antitrust case approved as quickly as possible. To me, the suit is a case of sour grapes, propelled by competitors envious of Microsoft's ability to produce and sell ''better mousetraps''.

The terms of the settlement will allow the case to end on amicable terms. Microsoft is making significant concessions in the way it distributes its products to manufacturers and the public, and it is taking unprecedented steps in allowing rival companies to learn internal Windows program codes. Microsoft is being more than generous in its efforts to resolve the case. Right now, the Justice Department has more important things to tackle. To free your office's resources to properly prosecute Johnny ben Walker and investigate the Enron fiasco, I urge you to settle the antitrust case without additional delay.

Thank you for your attention to this matter.

Sincerely,
Michael A. Sweyd
3441 Colorado Avenue
Turlock, CA 95382–8111
(209) 669–0415

MTC–00026312

From: TERESA GOODRUM
To: Microsoft ATR
Date: 1/26/02 5:58pm
Subject: Microsoft Settlement

Dear Parties, If the break up of Microsoft would do for the computer industry what the break up of the Bell System has done for the telephony industry I say leave it intact. I understand that the reason that the Department of Justice becoming so deeply involved is to protect the American consumer and all the businesses that are involved with computer software and hardware but why do you not believe that we are capable of making our own choices. AT&T was once an industry giant and had a vast well of designers, engineers, infrastructure, research and development as well as technicians, representatives and operators. Now they are so minor of a player in their original core industry that they have become pitiful. And as more of their offshoots combine back into larger players than they were to be allowed and the ''regional'' competitors are falling by the wayside through mergers and bancruptcy procedures how can you not see that the same thing may befall the improved version of Microsoft that you think we need to have. All consumers and investors would once again see tremendous potential again elude them and be left buying part A from one division and compatible part B from another division.

Let the public decide and leave Microsoft intact.

Thank you for your time.
Teresa R Goodrum
14979 W Vera Cruz Ct
New Berlin, WI 53151

MTC–00026313

From: Rick Roehrig
To: Microsoft ATR
Date: 1/26/02 6:00pm
Subject: Microsoft Settlement

I wish to add my objection to the proposed settlement of US v Microsoft. The terms of the settlement would neither punish Microsoft for its illegal actions as a monopoly, nor prevent Microsoft from continuing these illegal actions in the future.

Richard Roehrig
Pensacola, FL

MTC–00026314

From: Bill
To: Microsoft ATR
Date: 1/26/02 6:02pm
Subject: Microsoft Settlement

I have followed the issues surrounding the MicroSoft anti-trust suit and related information since the early 90's. I feel that this company, MicroSoft, has long been allowed to terrorize the entire computer/electronic industry. This has to be stopped! There has to be limits on what one powerful company can do to bend the will of independent manufacturers and citizens. MS seems to use every legal trick in the book to prevent competition with their software. Classifying the license agreements, as to how OEM's can install boot-loaders on systems that they manufacture and sell, as intellectual property is absurd. Altering commodity protocols for the benefit of locking users to their software is absurd! Restricting an OEM as to how and when they can sell a naked PC is absurd. I do not use Windows! When I purchased my most recent PC, that was destined to run Linux exclusively, I was forced to also purchase Windows 98SE. I did not even receive a usable version of Win98, if I was to ever choose to use that software. I instead received a recovery disk which is mostly worthless. People call it the MicroSoft tax. I can not think of a more appropriate term!

MicroSoft, in my opinion, is the worst kind of monopolizing threat to global Internet stability. They repeatedly use market share to crush competition and options, forcing their average quality and usually flawed software on the masses. If Microsoft is allowed to

continue unrestrained, I think this will have a long term, devastating effect on both the global economy and security of the Internet. An electric power provider would never be allowed to manipulate, with embrace and extend tactics, secret/proprietary electricity that only worked with their devices. Nor would they be allowed to slowly corrupt that moving standard to eliminate all competition. MicroSoft should not be allowed to do the exact same thing with computers, electronic technology and the Internet.

MicroSoft must be restrained and controlled as they have proven time and time again that they cannot act responsibly! They do not innovate, they destroy and rename the lack of options innovation!!!!

Best Regards,
Bill

MTC–00026315

From: Sharlene Shannon
To: Microsoft Settlement
Date: 1/26/02 5:58pm
Subject: Microsoft Settlement
Sharlene Shannon
32056 Pacific Coast Hwy.
Malibu, CA 90265
January 26, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers’ dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Sharlene Shannon

MTC–00026316

From: LavadaB1948@cs.com@inetgw
To: Microsoft ATR
Date: 1/26/02 6:07pm
Subject: Microsoft Settlement
76TH STREET
LUBBOCK, TX 79424
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing today to encourage the Department of Justice to accept the Microsoft antitrust settlement. The government has unfairly targeted Microsoft and punishing them for rising to the top of their industry. Simply because Microsoft built a better mousetrap and reaped the rewards does not mean that they have broken any laws. This is a case of government over regulation, not hurt consumers.

A settlement has been reached and the terms are fair. Microsoft has agreed to design future versions of Windows to be more compatible with non-Microsoft products. Microsoft has also agreed to several changes in the way they do business with computer makers. Microsoft has agreed to many concessions. It is time that the government accepts the settlement and moves on. Microsoft and the technology industry need to move forward, the only way to move forward is to put this issue in the past. Please allow Microsoft to get back to business as usual, accept the Microsoft antitrust settlement Why punish Microsoft for achieving the American dream by starting from scratch and building such a State of the Art product? Everyone has the same opportunity.

Sincerely,
Lavada Burdett
CC:fin@mobilizationoffice.com@inetgw

MTC–00026317

From: douglasross
To: Microsoft ATR
Date: 1/26/02 6:12pm
Subject: Microsoft settlement
16 Fort Street
Springfield, MA 01103–1208
January 23, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am in favor of the Department of Justice's decision to settle the Microsoft antitrust case. The case has dragged on for long enough. Obviously, Microsoft has the resources to continue the litigation for an extended period of time. I would rather see the taxpayers'' money spent on other endeavors.

I do not believe the government fully understood the technological issues involved in this suit. The Department of Justice's position was comprised by this lack of understanding. Given this disparity, the best course of action is settlement. The terms of the settlement agreement appear reasonable enough. For example, Microsoft has agreed to allow computer makers and consumers to replace features of Microsoft software with that of Microsoft's competitors. This will result in opening up the competition. The reality of the situation is that we live in a Microsoft world. The settlement provides mechanisms for Microsoft's competitors to compete in this world. Microsoft's agreement to disclose interfaces that are internal to the Windows operating system products will also achieve this end.

I support the DOJ's efforts toward resolving this litigation.

Sincerely,
Douglas Ross

MTC–00026318

From: mpmwxyz@netscape.net@inetgw
To: Microsoft ATR
Date: 1/26/02 6:08pm
Subject: Microsoft Settlement

I inadvertently omitted the subject line in a previous message so am resending this to be sure it is received. I support any action possible against Microsoft. My first computer was an Imac and I wanted to use Netscape as my browser, but the computer was set up for Explorer. It took hours of work to get things set up for Netscape. A less tenacious person would have given up and settled for Explorer. Microsoft had an unfair advantage in my opinion. Thank you for your efforts.

Sincerely,
Marilyn Wolf

MTC–00026319

From: Simon Lemond
To: Microsoft ATR
Date: 1/26/02 3:10pm
Subject: MIcrosoft Settlement

I disagree with the proposed settlement with Microsoft. I think they broke the law and the remedy should be that they are forced to open their system to the applications of others. They should provide full and open disclosure of the interfaces needed to optimize applications with all of the various windows operating systems. They should have to pay back the DOJ for the costs of the lawsuit. They shouls have to put money into a fund to nurture outside development of applications, either by individuals or other corporations.

Microsoft has repeatedly engaged in illegal, unfair, and shady practices. They will continue to run roughshod over any competition unless they are restricted from doing so. I want to se Bill Gates removed from the company entirely, and their plans and strategy should be published at least six months before any new products are released.

They should be forced to deal with the security holes they have left in Windows, InternetExplorer, and Outlook. They need to close these holes or pay damages to victims. They should have to fund a group to improve security and prevent malicious hacking.

Simon Checkner

MTC–00026320

From: Casey Fleming
To: Microsoft ATR
Date: 1/26/02 6:10pm
Subject: Microsoft settlement

Gentlemen:

Comments on the proposed Microsoft antitrust settlement:

I have owned two small businesses. In both cases the software required to run the business was simply not built for the Apple or Unix-based platforms. Thus, due to the particular nature of our industry, we found the Microsoft platform the only reasonable alternative. It was expensive to buy, and expensive to maintain because of it's instability. I have bought Microsoft for years

not because I think highly of the product, but because I never had any real choice.

The extra expense reduced our ability to add staffing when it would have been very helpful, and it cut deeply into profits which could have gone to further expand the business.

In a very real way, Microsoft's predatory monopoly practices cost jobs in our community and drained investment capital away re-investment that would have benefitted both our community and our industry.

They suck resources (money and time) away from true productive labor, and harm small businesses in very tangible ways. Forget anecdotal evidence; I have no doubt that a disinterested study of small businesses would yield significant data suggesting that Microsoft's practices are costing hundreds of thousands of jobs and billions of dollars in losses every year, particularly in the small business community.

The settlement with Microsoft must guarantee that they can never again target and destroy other businesses to stifle competition. A breakup of the company seems the only reasonable alternative to those of us in the small business community that have directly suffered from their actions.

Sincerely,

Casey Fleming

Former president, Independent Property Services, Inc.

Former CEO, Loanguide.com,. Inc.

MTC–00026321

From: Jennifer Smith
To: Microsoft ATR
Date: 1/26/02 6:12pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally,

I feel the Microsoft settlement before you has serious flaws, and I urge you to reject it. There is no provision to ensure that their anti-competitive activity won't continue. Every court has agreed that Microsoft has used its monopoly powers to reap unjust profits, yet the company is now being allowed to keep those profits. Please strike down the proposed final judgement as it fails to benefit those Microsoft has wronged—consumers like myself.

Respectfully,
Jennifer L. Smith
401 Eden Road
Apt.L–3
Lancaster, Pa. 17602
717–581–5893

MTC–00026323

From: Thelma Stevens
To: microsoft.atr(a)usdoj.gov
Date: 1/26/02 6:16pm
Subject: No subject was specified.

Microsoft Settlement:

Dear Sirs: We have studied the terms of the Microsoft settlement and believe it is fair and just.and good for our economy and our country.

We hope that you and your committee will back it fully.

Sincerely,
Thelma and Nelson Stevens
Barrington, IL 60010

MTC–00026324

From: Tom Hemmer
To: Microsoft ATR
Date: 1/26/02 6:18pm
Subject: Microsoft settlement

As a computer professional, i have seen the effects of the anti-competitive behavior caused by microsoft. numerous companies with useful and innovative products have been swallowed or ground down by the ruthless, and by the courts definition, illegal practices of microsoft. The current settlement does not go far enough in ensuring that the monopolistic practices do not continue. This settlement has led me to conclude that that the DOJ and Ashcroft are lapdogs for big business, the proposed settlement is for political purposes and that the DOJ does not care about curbing monopolies for the benefit of the consumer.

MTC–00026325

From: whas1@juno.com@inetgw
To: Microsoft ATR
Date: 1/26/02 6:18pm
Subject: Microsoft Senior settlement

Don't you think it is about time to settle this law suit and get on with business? I do. So lets get going.

William H. Adams

MTC–00026326

From: Two5alpha@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 6:15pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
John Gaynor
8100 Ridgefield Road
Pensacola, FL 32514–6849

MTC–00026327

From: finnhero@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 6:17pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Mathew Saari
33114 Village 33
Camarillo, CA 93012–7212

MTC–00026328

From: Lee Lamb
To: Microsoft ATR
Date: 1/26/02 6:22pm
Subject: Microsoft Settlement

Your Honor,

I would like to register my position regarding any proposed anti trust settlement with Microsoft.

I will be brief. Microsoft thinks it is above the law. The rules of law are for the little people, not for them. They have consistently used their position to ruin competitors. When they began bundling Internet Explorer with Windows 95. It really didn't work, but because it was part of the system people who didn't know any better used it anyway. So Netscape went from being the major player to a minor player in a very short period of time. Microsoft has always used this method of attack. Bundle a product that isn't ready with windows, overwhelm a proven product, subject the user to security holes, make small improvements to the product over several years, force the competition to accept a minor role in the market, and call this innovation. This system would be tolerable if the software didn't have so many security flaws that it subjects the individual, the family, the company, the government to having it's most sensitive information at risk.

If the law is the law. Microsoft needs to be made an example of because it has flaunted its'' disregard law, the consumer, and humanity.

Thank you,
Lee Lamb
16252 Vintage Dr
Plainfield, IL 60544

MTC–00026329

From: Byles
To: Microsoft ATR
Date: 1/26/02 6:27pm
Subject: Microsoft Settlement

I urge you to accept the antitrust settlement agreed to. I feel this is a fair proposal and we need to move on!

Nancy Byles
770 Briercliff Lane
Lake Oswego, OR 97034

MTC–00026330

From: Gregory Ritts
To: Microsoft ATR
Date: 1/26/02 6:31pm

Subject: consent decree

The settlement seems like a fair, negotiated settlement. It seems that each side made some compromises, and that MS will be prevented from overreaching conduct. This settlement ought to be adopted, and the additional remedies proposed by the states and DC rejected.

Gregory Ritts

MTC–00026331

From: Natmet@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 6:33pm
Subject: Microsoft Settlement

I believe that it is in the interest of the American public to complete the Microsoft settlement. This company has done more for our economy than we can even comprehend, and has helped innumerable children in its various benevolent programs. It has helped me personally to enhance my computer skills to help children I have tutored.

Nadalyn M. Cotten

MTC–00026332

From: robert@sisqtel.net@inetgw
To: Microsoft ATR
Date: 1/26/02 6:26pm
Subject: Microsoft settlement

01/26/2002

Honorable U.S. District Judge Colleen Kollar-Kotelly; I am writing you to ''throw out'' the proposed Microsoft Settlement. This settlement is not in the best interest of the people of the United States. It, surely, is not in the best interest of our free market system. Thank you for allowing me to make this comment.

Sincerely,
Robert L. Hemus

MTC–00026333

From: slwinkler@msn.com@inetgw
To: Microsoft ATR
Date: 1/26/02 6:32pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Suzanne Winkler
3404 Zircon Ln
Rockford, IL 61102

MTC–00026334

From: Tim Rain
To: Microsoft ATR, Microsoft's Freedom To Innovate Netw...
Date: 1/26/02 6:38pm
Subject: Microsoft Settlement

Original Message
From: Microsoft's Freedom To Innovate Network
To: 'rainman@okeechobee.com''
Sent: Saturday, January 26, 2002 17:12
Subject: Attorney General John Ashcroft Letter

Attached is the letter we have drafted for you based on your comments. Please review it and make changes to anything that does not represent what you think. If you received this letter by fax, you can photocopy it onto your business letterhead; if the letter was emailed, just print it out on your letterhead. Then sign and fax it to the Attorney General. We believe that it is essential to let our Attorney General know how important this issue is to their constituents. The public comment period for this issue ends on January 28th. Please send in your letter as soon as is convenient.

When you send out the letter, please do one of the following:

* Fax a signed copy of your letter to us at 1–800–641–2255;

* Email us at fin@mobilizationoffice.com to confirm that you took action.

If you have any questions, please give us a call at 1–800–965–4376. Thank you for your help in this matter.

The Attorney General's fax and email are noted below.

Fax: 1–202–307–1454 or 1–202–616–9937
Email: microsoft.atr@usdoj.gov

In the Subject line of the e-mail, type Microsoft Settlement.

For more information, please visit these websites:

www.microsoft.com/freedomtoinnovate/
www.usoj.gov/atr/cases/ms-settle.htm

5208 Hwy, 441 N.
Okeechobee, FL 34972
January 26, 2002

Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my opinion about the recent antitrust case settlement between Microsoft and the US Department of Justice. I think the lawsuit has dragged on too long and it is time for the government to stop interfering in big business. We live in a capitalist society where free enterprise reigns.

Microsoft's competitors could not have delivered products and services at the same level as Microsoft and suffered so. Now, they are whining and spending huge amounts of money to lobby politicians and lawmakers to even the playing field. This simply is not right. Why isn't the Government getting involved with the big corporate takeovers and buy out's and especially Wal-Mart. What about the Oil company's they can do whatever they want and get the price's they want. Is this the case of Kitty in the woodpile?

The terms of the settlement will force Microsoft to give up technological secrets they have spent valuable time and money developing. It also prohibits them from entering into agreements obligating third parties to exclusively distribute Microsoft's products. This is a violation of free market principles.

Although I feel the terms of the settlement are flawed, I think implementation is the best way of serving the interests of the public. The alternative to further litigation would cost our nation too much. Thank you for your time.

Sincerely,
Tim Rain

MTC–00026335

From: Dianne Lane
To: Microsoft ATR
Date: 1/26/02 6:41pm
Subject: Microsoft Settlement

Having a Mac allows me to avoid the Windows OS. My operating system came with both Explorer and Netscape. However, when clicking a link or attachment the default goes to Explorer. This is, of course, only a tiny example of Microsoft domination. Since I try to avoid any Microsoft product and do not wish to be forced to use one, I trashed it. Unfortunately, it is impossible for most PC users to find software other than that made by Microsoft. Please make it possible to improve our computer technology by giving competition a chance.

Sincerely,
Dianne Lane
San Jose, California

MTC–00026336

From: Dan Jacobs
To: Microsoft ATR
Date: 1/26/02 6:42pm
Subject: Microsoft Settlement

To whom it may concern,

I urge you to make the terms of the Microsoft antitrust settlement broader than the proposed settlement, which I believe doesn't serve the public interest in its current form. The currently proposed settlement uses language which leaves gaping holes where predatory practices could continue to be used against competitors, simply because they compete against products that weren't specified in the settlement. The public interest would best be served by Microsoft agreeing to abandon all of its predatory practices, not just those mentioned in the proposed settlement, as well as abandoning its predatory practices against all competitors, not just those who compete with the Microsoft products mentioned in the proposed settlement.

Thank you,
Daniel E. Jacobs
3322 Cavan Dr.
St. Ann, MO 63074

MTC–00026337

From: Edward McClanahan
To: Microsoft ATR
Date: 1/26/02 6:45pm
Subject: Microsoft Settlement

I have seen many arguments arguing for and against the idea that Microsoft is a monopoly. My argument is that it acts like a monopoly, uses its market power like a monopoly, its competitors and customers fear it like a monopoly, and therefore for all

practical purposes is a monopoly. Thank you for your time.

From the outer realms of Cyberspace,
Edward McClanahan
emcclanahan@cox.net

MTC–00026338

From: Kurt Freund
To: Microsoft ATR
Date: 1/26/02 6:46pm
Subject: Microsoft Settlement

To Whom It May Concern:

It is incomprehensible that the Justice Department caved in to Microsoft with a toothless settlement that will do nothing for the consumer. I can only assume that Microsoft's political contributions and lobbying had much to do with it. The company has again and again shown that it has no respect for the law, the courts, its competitors, or its customers. Judge Jackson might have made inappropriate comments based on his (quite understandable) annoyance at Microsoft, but his findings of fact are clearly correct, which was affirmed by the U.S. Court of Appeals.

I would like to comment on something that has been mentioned less often than other aspects of the case ? Microsoft's domination of productivity software with its Office suite, which contains Word (word processor), Excel (spreadsheet), Outlook (email client), PowerPoint (business presentations), Publisher (publishing), Internet Explorer (of course), and a few other tidbits. Suppose you like one of those products, such as Word. YOU CANNOT BUY IT! The only way to get any of the programs (except IE) is to buy the entire suite. And if you buy the suite to get Word, you also have the other programs, whether you like them or not. Considering the price of Office (much higher than the cost of just the word processor would be), you are unlikely to buy another spreadsheet or database program. Faced with that, how many companies are willing to invest in creating a quality competing version of any one of the suite products? Not many, as you would quickly find by doing some shopping.

Microsoft can indulge in that kind of extortion because of its monopoly of operating systems and its predatory business practices. If another company did produce a decent word processor that challenged Word, it is not hard to imagine that Word would soon be available as a separate product and at a price that no other company could match. Microsoft has stifled innovation and produced mediocre, bug-ridden, defective software for many years, and people continue to buy it because there are no reasonable alternatives. I strongly appeal to the court to reject the Justice Department's proposed settlement and impose restrictions and penalties on Microsoft that are commensurate with their offenses and that will help to create true competition in the software market.

Thank you.
Kurt Freund
8240 Rhoda Avenue
Dublin, CA 94568–1004
Phone: 925–829–6284
Email: durf@attbi.com

MTC–00026339

From: Ellen Vande Kieft
To: Microsoft ATR
Date: 1/26/02 6:47pm
Subject: Microsoft

I have grown to really enjoy my computer and the ability to get all sorts of information about the whole wide world. But the reason I could do so was due to Microsoft and their fantastic software. If I had to install each feature by myself, I could never do so as I am not a ''techie''. What are all the competitors of Microsoft screaming about, they are complaining because they have failed to come up with a better product and are looking to the government to fight their battle for them. Please allow Microsoft to continue to innovate so that the consumers like me can continue to benefit.

AOL is seeing green at Microsoft's cash and wants the DOL to help them get a share.

Ellen Vandekieft
San Mateo, Ca 94403
CC:MSFIN@microsoft.com@inetgw

MTC–00026340

From: Roger Stewart
To: Microsoft ATR
Date: 1/26/02 6:47pm
Subject: Microsoft settlement comments

I write to complain regarding the DoJ's dangerously cynical sellout of the American people.

The DoJ's toothless settlement snatches defeat from the jaws of victory by shortselling the merits on many counts. Among the many sad weaknesses is API sharing, which is a great idea, but is badly designed. Gaining access to the APIs is made far too difficult and is then rendered nearly worthless by requiring sharing of the finished code with Microsoft. The anti-non-profit language in Section III(J)(2) wipes out Linux and many other OSes competing with Windows. The anti-government language there is also unforgivable. The settlement does not begin to account for the damage done to competitors like Apple.

There are countless more fatal errors with the settlement. Please withdraw it.

Roger Stewart
2403 Greenlee Dr
Austin TX 78703

MTC–00026341

From: JOTHEDY@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 6:50pm
Subject: Microsoft Settlement

ENOUGH IS ENOUGH

I am a subscriber of AOL but do not agree with them or anyone else that is inclined to make Microsoft the scapegoat for all the problems that face the industry in regard to competition. Where would the industry be now if Microsoft never existed? While AOL charges Microsoft with ''anticompetitive conduct,'' it has fought the efforts of Microsoft in the improvement of instant messaging. Which is a big inconvenience to anyone using the Internet for correspondence. This is only a way that AOL uses its anticompetitive conduct.

I am asking for your help in throwing out AOL's recent litigation against Microsoft.

Joyce O. Thedy

MTC–00026342

From: Helen McKay
To: Microsoft ATR
Date: 1/26/02 6:52pm
Subject: Unfair to Microsoft

I do not like what is happening with Microsoft by our governent. It seems that when young people use their brains to invest something for the good of the nation, those in charge do all they can to destroy the Young people.

Here in Memphis, Tenn. we have a level of people with their hands out to the government and it has to supply them with homes, food on their tables, their kids in child care and teenagers in College all the government expense.

Here are a couple of young people contributing to the good of everyone and the govenment comes down on them and takes away the money they have made. Doesn't the government spend enough money to care for those who will not use their brains, or work. Why does the government go after the Microsoft people. Microsoft will listen and has done what is right, but because others want on Microsoft bandwagen it is split up.

The government did that with the Telephone company, now we can't get the operator when we need service, or want to have a phone bill correct. The phone service is rotten and we have to listen to all of the mess on those automated phone. The govenment did not have the right to split up the phone company, it was a good one and people got serve. Now, we have junk pay phones that will not return the money you drop into the phone. We can't get the parties we want because of something wrong. No operators will help us because we can't get them. And the rates are high to even get long distance numbers. Why doesn't the government leave those who have the intelligence to create something good along. No, the government has to support those in Memphis who are too lazy to work. Or the city waste money on arena for basketball teams or some other white elephant us taxpayers have to buy. So not the government has gone after Microsoft to destroy them and bring into the market some more junk, like the junky phones.

Sincerely,
Ms. McKay
583 No. Merton Street
Memphis, Tenn. 38112

MTC–00026343

From: JLor7591@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 6:54pm
Subject: Microsoft settlement

Short but sweet: Do NOT break up Windows.

It would make the computer environment a lot less user friendly, especially for all of the Seniors in my computer beginners class.

J. C. Lawrence

MTC–00026344

From: David Sallak
To: Microsoft ATR
Date: 1/26/02 6:56pm
Subject: Microsoft Settlement

Hello, I am writing to voice my concern regarding the settlement of the lawsuit by the Federal Government of the United States and nine individual States against Microsoft

Corp. Among the many flaws contained in the settlement, I will focus on one ? the creation of an oversight group to ensure that Microsoft no longer violates procedures for which it has been found guilty. This oversight group has no enforcement capability. All they are empowered to do is to point out that if Microsoft has violated one or more of the conditions of the settlement, then this will be brought to the attention of the U.S. Justice Department for review. And what, file ANOTHER lawsuit? This one has already taken more than three years, so Microsoft has incentive to violate conditions of this settlement ? competition can be eliminated via Microsoft1s predatory approach to the consumer and business markets, well before any future litigation has an opportunity to stop Microsoft1s actions in time to save consumers any monetary losses due to lack of competition, or save business competitors from extinction due to Microsoft1s chokehold on their Windows platform.

Microsoft should be bound to terms of an agreement that enables the oversight group to enforce monetary penalties upon Microsoft, payable to the Federal Government and participating States, if Microsoft breaks any terms of this agreement. No other form of penalty is understood by Microsoft ? they are too big to appreciate any penalty other than financial.

You are spending my tax dollars to prevent future anti-competitive behavior by Microsoft, a company found GUILTY of breaking the laws of the Sherman AntiTrust Act by the Federal Government of the United States. Enforce this law to its limits.

Thank you,
David Sallak
President, SNS Corporation
Villa Park, IL
630–567–0984
david@sallak.com

MTC–00026345

From: J. Harrison
To: Microsoft ATR
Date: 1/26/02 6:22pm
Subject: Microsoft Settlement

Hello,

My name is Jeffrey Harrison and I run a company called 23 Skidoo, Inc. Up until recently my company focused entirely on web development. Recently we have changed into other markets but as a web developer I have had to deal with the constant borage of crap from Microsoft and the biddings of Bill Gates. Their products rarely ever work right. Their web browser rarely ever plays by the rules and I am constantly loosing time and money because of them. As a result of their poor operating system I have abandoned their platform all together in my office. I now use Apple computers and here's something really surprising.....THEY ACTUALLY WORK, DON'T CRASH, AND I HAVE YET TO GET A VIRUS! I would constantly miss deadlines because of something Microsoft machines would decide to do at the last second. Thereby costing me a lot of money. And because of what they do I have to charge more to my customers. If they would have been playing by the rules instead of whatever they decided was in their interest development costs for thousands of companies would be much less. And I am greatly disappointed in our own justice system as of late.

Microsoft has been getting away with murder for years now. It's not fair to the public and it's not fair to small business.... which employs the majority of the United States last time I checked. You need to set an example with Microsoft. You still need to break them up. And you need to throw out Bill Gates if at all possible. He doesn't care about you.... he doesn't care about me.... and he sure as hell doesn't give a crap about the fact that he sells such a crappy product to so many people. If you let him go on he is just going to do the same things he has been doing for years now. And that is to stiffel innovation. He doesn't innovate. He steals ideas. And he crushes other companies that offer something superior before they get a chance to even come to life. They do not do anything to help the market place. If anything they have helped to destroy it. Hell..... if you take a look around you can go to hacker sites that give you a little string of code that can take down major servers around the globe that use Microsoft software. What kind of company sells such a bad product for so long w/o being penalized?. I mean.... if your car's wheels fell off once a day.... would you still drive that car? This is ridiculous. I can only wonder if you have been paid off like so many other politicians and judges that have let so much of what they do to people just slide.

I am really disappointed in what this country has become. It is a joke.... it is a travesty..... and it is just plain sad that Microsoft has been able to slip through the system of supposed checks and balances for so long without getting so much as a slap on the wrist.

BREAK MICROSOFT APART.....MAKE THEIR CODE OPEN.... WATCH THEM LIKE A HAWK....FINE THE HELL OUT OF THEM.... AND DON'T LET MICROSOFT AND BILL GATES KEEP SCREWING US ALL.

Thank you,
Jeffrey Harrison
Jeffrey Harrison
President & CEO
23 Skidoo, Inc.
http://www.23skidoo.com
445 Round Rock West Dr.
Round Rock, TX 78681
USA
Phone:512–733–2322
Fax:512–733–2321

MTC–00026346

From: Mango50@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 6:56pm
Subject: Microsoft settlement

Dear Sirs/MS:

As a taxpayer, Microsoft user, and as a stock holder I would like to submit my opinion that the settlement agreed to with the justice Department should be fair enough for all states. Please end the litigation.

Sincerely,
Alden G.
Cockburn, MD

MTC–00026347

From: edbar@starband.net@inetgw
To: Microsoft ATR
Date: 1/26/02 6:54pm
Subject: Support For the Microsoft Settlement

Dear Sirs:

This is to express support for final acceptance of the settlement between Microsoft, the Department of Justice, and the nine states. We urge you not to reject this settlement as any delays will not serve the interests of the American people but serve to further the causes of Microsoft's competitors who continue to choose to compete in the courts instead of the marketplace.

The American people are insulted by claims that we have been harmed by Microsoft. In truth, we have been harmed by their competitors who have stalled progress in technology and in the economy. These suits must not be allowed to continue. Before said suits, our country experienced unparalleled growth and prosperity. Our country regained its dominance in technology due to the innovation and growth of Microsoft and the many companies supporting their operating systems.

We respectfully urge you to help return our country towards prosperity by rejecting further lawsuits and further delays in acceptance of the anti-trust settlement.

Edward J. Barsano, CEO
NeuralTick, Inc.

MTC–00026348

From: Inezi@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 6:59pm
Subject: Microsoft Case

We support Microsoft and hope the DOJ does the same.

MTC–00026349

From: neil sullivan
To: Microsoft ATR
Date: 1/26/02 7:01pm
Subject: Microsoft Settlement
P.O.Box 925
Allyn, WA 98524
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I was pleased to see the Department of Justice has made the wise decision to settle the Microsoft antitrust lawsuit. In my opinion, the DOJ was way off base in its decision to file this case. Notwithstanding this belief, I am supportive of the terms of the settlement agreement, and I looking forward to a resolution of this case. Microsoft has agreed to a variety of concessions in the interest of moving forward. They have agreed to change their business practices to quell concerns of anticompetitive behavior. They agreed to not retaliate against those who promote, distribute, or sell software that competes with Windows. They also agreed not to enforce many of their intellectual property rights.

Through the settlement agreement, Microsoft has answered the concerns about predatory business practices. Nothing more

should be done beyond the terms of the settlement agreement.

I would suggest that in the future the Government not base their lawsuits on the word of competitors and give some thought to the facts such as the user public was being well served and this special-interest litigation is sure to cost the users more in the long run.

Sincerely,

Neil J. Sullivan

MTC–00026350

From: Constance La Lena
To: Microsoft ATR
Date: 1/26/02 7:05pm
Subject: Microsoft Settlement

The Microsoft anti-trust settlement should NOT include anything that would give Microsoft more unfair advantage than they already have. The current proposal to have Microsoft provide computers and software to schools would do just that. Microsoft now does not have a big presence in schools—Apple does. What the proposed settlement would do is extend Microsoft's monopoly into the one area where it does not presently monopolize the market.

Bad decision!

Constance La Lena

laconstance@ria.net

MTC–00026351

From: Harvey G. Spencer
To: Microsoft ATR
Date: 1/26/02 7:06pm
Subject: Microsoft Settlement

Please do the reasonable thing and settle the Microsoft suits as Microsoft has proposed.

MTC–00026352

From: HermonT@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 7:06pm
Subject: Microsoft Settlement

Enough is Enough

I am a subscriber of AOL but do not agree with them or anyone else that is inclined to make Microsoft the scapegoat for all the problems that face the industry in regards to competition. Where would the industry be now if microsoft never exited?

While AOL charges Microsoft with ''anticompetitive conduct,'' it has fought the efforts of Microsoft to the improvement of instant messaging, which is a big inconvience to anyone using the internet for correspondence . This is only a way that AOL uses ITS anticompetitive conduct.

I am asking for your help in throwing out AOL's recent litigation against Microsoft.

Respectfully,

Hermon L. Thedy

MTC–00026353

From: deanhajr@att.net@inetgw
To: Microsoft ATR
Date: 1/26/02 7:07pm
Subject: Microsoft Settlement.

I have purchased Microsoft products for many years, their roducts are far superior than any other products on the market. I do not feel that they have done any wrong in this situation. They attempt to innovate and improve the PC and software industry.

Its only the those that are unable to keep pace with Microsoft that want to alter the ''playing field''. So can you tell me what the difference is that microsoft has internet explorer on some PC's and other PC's have AOL as the default. When I purchased this PC I was forced into using AOL, and I did not like it so I removed it. PS. My next upgrade will be microsoft XP.

MTC–00026354

From: Elinor Bickley
To: Microsoft Settlement U.S. Department of Justice
Date: 1/26/02 7:03pm
Subject: Microsoft Settlement
Elinor Bickley
Rt/ 11. Box 210
Santa Fe, NM 97501
January 26, 2002
Microsoft Settlement
U.S. Department of Justice

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies. Thank you for this opportunity to share my views.

Sincerely,

Elinor M. Bickley

MTC–00026355

From: stansan@attglobal.net@inetgw
To: Microsoft ATR
Date: 1/26/02 7:07pm
Subject: Microsoft Settlement

I have been a user of Windows and the IE Browser for the past three years having used Netscape prior to that.

As much as I have understood of the settlement proposed between the Department of Justice and Microsoft it seems fair and reasonable. I am satisfied that if I over paid for Windows according to the allegations of antitrust and competitor arguments it was probably a small amount, besides I have had stability of my system and automatic recovery (Win 95, 98) that give me peace of mind.

If Microsoft has been a monopoly it has been a beneficient one to me as the consumer.

Stan Rubenstein

White Plains, NY

MTC–00026356

From: Nathan Z
To: Microsoft ATR
Date: 1/26/02 7:13pm
Subject: Microsoft Settlement

Please do not allow the Microsoft settlement. It will just give Microsoft more leverage and not allow companies like Apple Computer or the Open source movement headed by the Linux Operating System to ever take a respectable part of the market. Microsoft is bad for consumers and America. I, and many others believe this and hope that you take our pleads seriously. Thank you for your time.

Nathan Zamecnik

MTC–00026357

From: Keith Nasman
To: Microsoft ATR
Date: 1/26/02 7:12pm
Subject: Microsoft Antitrust/Settlement

Microsoft's predatory actions aside, additional focus needs to be on how its monopoly can stifle communication. If the dominant format for document communication is a Microsoft Word document, then so be it. The more important issue is Microsoft's control of the format. I believe all public communications formats should be open. Microsoft should be forced to open their formats to the world so that other companies or groups can write software to interact with those formats. It is an unfair use of their market dominance to allow them to stifle communications to their own advantage.

Microsoft needs more than just a pat on the hand.

Sincerely,

Keith Nasman

MTC–00026358

From: Phillip Bashor
To: Microsoft ATR
Date: 1/26/02 7:13pm
Subject: microsoft settlement
7 Highland Avenue
Darien, CT 06820–4707
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing you today to express my opinion in regards to the Microsoft antitrust dispute. I support Microsoft in this dispute and would like to see this three-year litigation battle come to an end. I support the settlement that was reached in November as a means to end this dispute. Microsoft has agreed to all terms of this settlement. Under this agreement, Microsoft must grant computer makers broad new rights to configure Windows so as to promote non-Microsoft software programs that compete with programs included within Windows. Computer makers will now be free to remove the means by which consumers access various features of Windows, such as Microsoft's Internet Explorer web browser, Windows Media Player and Windows Messenger. Microsoft has also agreed to disclose information about certain internal interfaces in Windows. A technical oversight

committee has been created to monitor Microsoft compliance. This settlement will serve in the best public interest. I am a believer of free enterprise and do not want to see this company punished for being successful. Thank you for your support.

Sincerely,

Phillip Bashor

MTC–00026359

From: JonKai@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 7:13pm
Subject: Microsoft settlement.....

Judge..... anyone who give's MSFT settlement a clean bill of health and that it follows the intent of the John V. Tunney act, after reading John V. Tunney say that MSFT's actions are ''inadequate'', would be the greatest miscarriage of justice of all time..... THIS SETTLEMENT IS POLITICALLY MOTIVATED... there is no other case that this is more clear on..... please do not mistake this settlement for any thing other than what it is..... a miscarriage of justice..... Former California Senator Accuses Microsoft By Kristi Heim, San Jose Mercury News, Calif.

Jan. 26—Microsoft's failure to disclose all its contacts with the government directly contradicts the intention of a federal law designed to prevent the influence of lobbying on antitrust settlements, the former California senator who wrote the law said Friday.

John V. Tunney, who wrote the antitrust legislation known as the Tunney Act in 1972 and is now a business executive, called Microsoft's brief disclosure of its lobbying activities ''inadequate'' in an affidavit filed with the Justice Department this week.

jon.

MTC–00026360

From: Yaakov Nemoy
To: Microsoft ATR
Date: 1/26/02 7:17pm
Subject: Microsoft Settlement

I, Yaakov Nemoy, of Fairfield CT, believe that the proposed settlement is in extreme error. You cannot deny the specific practices that Microsoft has taken, though they do not do this anymore, such as forcing computer manufacturers to install only Windows. Microsoft needs to pay for this massive amount of damage done to the computer market, and this settlement will not fully compensate for it'.

MTC–00026361

From: grandpaja@juno.com@inetgw
To: Microsoft ATR
Date: 1/26/02 7:17pm
Subject: Tunney act is Fair and reasonable

Please vote to quash the ongoing lswsuits and attempts at lawsuit which interfere with the governments ability to end this expensive litigation

Yours John C. Allen

MTC–00026362

From: Sherry Hamilton
To: Microsoft Settlement
Date: 1/26/02 7:12pm
Subject: Microsoft Settlement
Sherry Hamilton
3195 Dayton-Xenia Rd. #900–114
Dayton, OH 45434
January 26, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers’ dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Sherry Hamilton

MTC–00026363

From: Tom Hamilton
To: Microsoft Settlement
Date: 1/26/02 7:13pm
Subject: Microsoft Settlement
Tom Hamilton
3195 Dayton-Xenia Rd. #900–114
Dayton, OH 45434
January 26, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers’ dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief. Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Tom Hamilton

MTC–00026364

From: Arthur J. Saulsberry
To: Microsoft ATR
Date: 1/26/02 7:20pm
Subject: Microsoft Settlement

http://www.pbs.org/cringely/pulpit/pulpit20011206.html

MTC–00026365

From: thejokis@juno.com@inetgw
To: Microsoft ATR
Date: 1/26/02 7:17pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,

Judy Joki

16222 29th Dr. SE

Mill Creek, WA 98012–7824

MTC–00026366

From: Edward Bauer
To: Microsoft ATR
Date: 1/26/02 7:20pm
Subject: Microsoft Settlement

Dear Sirs,

I feel the proposed settlement with Microsoft is fair and fulfills the finding of the court. I'm upset by the political nature of the lawsuit and the uneven application of monopoly standards to many of the parties that testified against Microsoft in this suit. I recognize these comments mean little with the judgment and settlement at hand, but I would like to record strong criticism of the people in the anti-trust group that have given many unhappy computer companies that couldn't compete a free pass. Everyone seems to forget that IBM with its OS2 operating system was the goliath trying to slay David in the original go round, and I didn't see the government screaming to level the playing field against IBM when they owned all the computer markets. Again, I hope that the DOJ begins a more reasoned and responsible approach to litigation in the future, and I hope that a judge with a modicum of commercial and technical capability hears

the case. A judge that can discern the difference between a bunch of whiners and a person with a real complaint.

Edward Bauer

MTC–00026367

From: Dick and Candy James
To: Microsoft ATR
Date: 1/26/02 7:21pm
Subject: Microsoft Settlement
January 26,2002
Attorney General Ashcroft, Justice Dept.
950 Pennsylvania Ave. NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

The purpose of this letter is to inform you of my support for the settlement reached between the Dept. of Justice and the Microsoft Corporation. As a retired economic development consultant, I am aware of the importance of a prompt resolution of this antitrust dispute. Since the inception of this lawsuit, comfidence in the technology industry has decreased. The enactment of the settlement, then, will increase confidence in the industry once more. In the current period of recession, I believe that the focus of the Justice Dept. should be to focus on the rebuilding of our economy, rather than the continued waste of federal resources that further litigation would necessitate.

Microsoft has been more than willing to make the concessions in an attempt to resolve this issue. Microsoft has agreed to disclose the protocols and internal interface design of the Windows system. The result of this will be that developers will now be able to develop hardware and software that is more compatible with the Windows system.

Finally, I believe that the settlement is in the best interests of our economy. Please enact the settlement with haste.

Sincerely,
Lloyd Repman
724 Walnut St.
Edmonds, Wa. 98020

MTC–00026368

From: Flash Sheridan
To: Microsoft ATR
Date: 1/26/02 7:22pm
Subject: Microsoft Settlement Re: A FINFLASH FROM THE FREEDOM TO INNOVATE NETWORK

I'm on one of Microsoft's mailing lists, but I believe that their behavior has been both illegal and unconscionable, and that any solution short of a breakup will be, in practice, unenforceable.

MTC–00026369

From: Betty P Fischer
To: Microsoft ATR
Date: 1/26/02 7:21pm
Subject: Microsoft

My opinion is that Microsoft should not be harassed any more. Let the litigation cease. Stop the legal battle.

B. Fischer, Yuma, AZ

MTC–00026370

From: loisandbob@cconnect.net@inetgw
To: Microsoft ATR
Date: 1/26/02 7:21pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
E. Lois Minnoe
220 Channel Run Drive
New Bern, NC 28562–8915

MTC–00026371

From: Green, Ira
To: Microsoft ATR
Date: 1/26/02 7:24pm
Subject: Microsoft Settlement

We strongly believe that the settlement of the suits against Microsoft be accepted by all parties NOW!!! We felt, that in the first place, the suit was improper. Further suits against Microsoft by the states are an improper use of taxpayers money. Users of software will be adversely affected. Microsoft puts out an outstanding product. Executives of Microsoft do not take exorbitant salaries as is happening in many other corporations. Our economy can not stand this continued the abuse of frivolous lawsuits.

Thanks
Ira & Wilma Green
* (310)813–3278
* <ira.green@trw.com>

MTC–00026372

From: Pedro O'Chonagaile
To: Microsoft ATR
Date: 1/26/02 7:26pm Subject'' Microsoft Settlement.

Get your FREE download of MSN Explorer at http://explorer.msn.com/intl.asp.

MTC–00026372—0001

Peter Connelly
2519 Dexter Avenue N Apt. C
Seattle, WA 98109
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The Microsoft antitrust case, which is currently awaiting resolution in the federal courts, is verging on the ridiculous. I find it hard to believe that the Department of Justice had nothing better to do with its time and money than to pursue Microsoft for three years straight. This has gone on for long enough.

I ask you to support the proposed resolution, not because it is ideal, but because it represents the lesser of two evils. I would rather see a settlement reached now than face another extended period of useless, unwarranted litigation. Perhaps I would not be opposed to the suit continuing if there were an apparent purpose behind it; but I do not believe Microsoft has done anything to harm computer users.

The proposed settlement is, I think, sufficient response to all claims of antitrust violation. Microsoft has agreed to a wide variety of terms and conditions in the settlement, some of which extend to products and procedures that were not found to be unlawful by the Court of Appeals. Such actions demonstrate a high degree of compliance on Microsoft's part. They have made sacrifices in the interest of wrapping up the case, and I do not believe that more sacrifice should be, or can be, required under the law. Both Microsoft and its competitors are dealt with fairly and justly in the proposed settlement. Microsoft has, for example, agreed not to enter into any contracts that would require a third party to distribute Microsoft products at a fixed percentage. Microsoft has also agreed to disclose internal interfaces from the Windows operating system for use by its competitors. The Windows operating system in future versions will support non-Microsoft software, and this interface disclosure will allow Microsoft competitors to maneuver within Microsoft's operating system and to introduce their own software into Windows.

Absolutely no further action against Microsoft is necessary on the federal level. Again, I ask you and your office to support the agreement and address other issues.

Sincerely,
Peter Connelly

MTC–00026372—0002

MTC–00026373

From: Ann Randall
To: Microsoft ATR
Date: 1/26/02 7:27pm
Subject: Microsoft Settlement

I am appalled at the settlement proposed to settle the Justice Department's suit against Microsoft. It seems to me all the difficult, pricey work has already been done by the Department, and all that's left is for just about any objective judge to impose a monopoly-breaking penalty. Instead, it seems the department is ready to say: ''OK guys, we won. Just say ''nuff, and promise to do better next time.'' Meanwhile, Microsoft's arrogance continues, proving the point that they will not stop their anti-competitive practices unless forced to do so. (Examples: increased integration on XP that forces ever more use of Microsoft products; the amazing attempt to settle their dispute by further extending Microsoft influence in schools, one stronghold of Apple computers).

I worked for government many years, and we found that the only preventive measures that worked were penalties that took the profit out of noncompliance. Any penalty short of a profit-breaking penalty is simply a cost of doing business.

Ann Randall
2008 Pine St
Billings MT

MTC–00026374

From: mllawler
To: Microsoft ATR
Date: 1/26/02 7:27pm
Subject: Fw: Microsoft Settlement >
> 2008 W Falls Avenue
> Kennewick, WA 99336–3042
> (509) 735–7932 > > >
> January 23, 2002
> Attorney General John Ashcroft
> US Department of Justice,
> 950 Pennsylvania Avenue, NW
> Washington, DC 20530–0001 > >
> Dear Mr. Ashcroft: >

> I support the Department of Justice's efforts to settle the Microsoft antitrust lawsuit. Enough time and money has been spent on this case, and nothing more will be gained by continued litigation. >

> The terms of the settlement agreement are quite reasonable. Microsoft has agreed to change its business practices so it will be easier for the competition to compete with Microsoft's products. Microsoft also agreed > to document and disclose internal interfaces to its competitors. In addition Microsoft agreed not to enter into contracts, which would require third parties to exclusively sell Windows products. There is little danger that Microsoft will violate antitrust laws once the settlement is approved.

A technical review committee will be created to ensure Microsoft's compliance with the terms of the agreement. In the event concerns arise that Microsoft is not complying with the law, complaints may be lodged with the review committee for investigation. Nothing more should be required of Microsoft beyond the provisions of the settlement agreement. >

—gt; What our economy needs now is stimulation. Allowing Microsoft to get back to business will certainly help stimulate the economy. Thank you for your efforts to bring this case to a conclusion. >

> Sincerely, >
> Marie Lawler
> 2008 W. Falls Ave
Kennewick, Wa.
509–735–7932

MTC–00026375

From: David A Leidig
To: Microsoft ATR
Date: 1/26/02 7:28pm
Subject: Microsoft Settlement

Please bring this matter to the speediest conclusion and as soon as possible. The proposed remedy should be satisfactory. Further litigation is not likely to improve what has already been worked out.

Thank you for your consideration.

MTC–00026376

From: BULLPUP—11@YAHOO.COM@inetgw
To: Microsoft ATR
Date: 1/26/02 7:26pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
ROBERT LANKFORD
11901 SANTA MONICA BLVD #427
LOS ANGELES, CA 90025

MTC–00026377

From: William Maryott
To: Microsoft ATR
Date: 1/26/02 7:39pm
Subject: Microsoft Settlement

I just want to go on record as being extremely upset with Microsofts behavior and with the lack of integrity by the legal profession to put any restraints on this dishonest and powerful Corporation. I am a retired IBM Engineer and I've been involved with every version of Windows back to Version 1.0.

My computer crashes regularly and I have no alternatives but to continue using this poorly written and poorly supported code. If the operating system were separated from the applications, there would be a good chance this might get resolved. Otherwise I expect to just continue to suffer.

William R. Maryott
PO Box 1177
Freedom, CA 95019

MTC–00026378

From: Forrest L Fuller
To: Microsoft ATR
Date: 1/26/02 7:35pm
Subject: Microsoft Settlement

Nothing further is to be gained by dragging out the long Microsoft dispute any further. Accept the settlement and allow all parties to get back to work and get the economy going again. This costly battle benefits no one except the lawyers and lobbyists who are opposing a successful giant. We gain nothing by destroying what we have. accept the settlement. Forrest L. Fuller

MTC–00026379

From: Scott Ellsworth
To: Microsoft ATR
Date: 1/26/02 7:38pm
Subject: Microsoft Settlement

Hello,

My name is Scott Ellsworth. First of all I have spoken to many people about this Microsoft case. I have read literally hundreds of posts in chat forums and also spoke to many coworkers, friends and family members and they all are pretty much thinking the same thing Including my self.

This is what we are thinking:

1. Many people are puzzled about why Microsoft is allowed to give themselves their own punishment and think this is very unfair and suspicious.

2. Most of these people know that Microsoft have purposely used illegal tactics to force companies out of business to take over businesses forced people to use their operating system and their other software and have stollen Apple computers operating system and other companies software. (The latest example of all this is Microsoft saying that for their own punishment that they would donate a couple of million dollars in used Wintel based PC's and software to needy Schools. Which in actuality this would cost barely nothing for Microsoft. This clearly shows that Microsoft was trying to make inroads into Education were other companies dominate such as Apple Computer).

3. Most people DESPISE Bill Gates and Microsoft because of all this!

4. Most people believe that Microsoft controls the world and is a modern day dictator and that this is a sad reality that no one is doing anything about. (Which if you think about it is very true. Their operating system runs most of the worlds computers and most of the worlds every day businesses and home software such as Microsoft Office and Internet Explorer. All of this because of illegal tactics.

5. Most people think that Microsoft should have been split up.

6. Most people think that it is a mystery that

Microsoft weaseled it's way out of being split up and they don't know how the court system could have possibly let this happen after they were found guilty other than that Microsoft had something to do with it (This is very suspicious).

Punishment:

Microsoft should give much more BILLIONS OF DOLLARS specified by the court system to schools that need computers but let the schools decide what NEW computers and software they want which does not necessarily have to be Wintel based computers running the Microsoft Windows operating system and Microsoft software programs. (This would greatly help our school systems).

Microsoft should give Billions of dollars to help the companies that they caused to lose money, market share and other damages to.

The court system should demand that Microsoft let Apple Computer own 50—60% of Microsoft. Since this is who they stollen and continue to steal till today, their operating system and innovation from. Microsoft is one of the worlds biggest if not the biggest and richest companies in the World they should be able to afford all of this. I think this is a fair Punishment.

MTC–00026380

From: Chris Sifnotis
To: Microsoft ATR
Date: 1/26/02 7:38pm

Subject: I despise micosoft and they are just trying to horn in I despise micosoft and they are just trying to horn in on a market that it is not dominant in. I wish they were destroyed because they are ripping people off. when they charge $99/199 for an upgrade or $199/299 full software and linux viriants cost aproximately $69 and full versions of the mac os cost $129 or $69 for education something is wrong. I think the best

settlement is to take windows away from them. Make it public domain and every computer company should ship their own operating system. This would spur inovation and compitition to have the best os out there. Then each company would own the hole widget like Apple Computers. Or a smaller kick in microsofts teeth would be to donate 10 billion (they do have 35 billion in cash) in all machintosh machines and software. provide training for schools that dont currently have machines. also microsoft should pay support and upgrade for the next 10 years and to prove it has abondoned its anticompitition practices. If microsoft has not satisfactorily complied they lose the rights to windows and if they do comply another 1 billion gets spred over all of the 50 states into their education programs.

Dont let them play you for the fools. They are not friends of the people.

Chris Sifnotis

Student

MTC–00026381

From: Dunnham@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 7:41pm
Subject: Microsoft Settlement

Dear Department of Justice; Attorney General Ashcroft,

I am upset and dismayed at the cave in by the Justice Department in the Microsoft Antitrust Settlement.

Microsoft is clearly monopolistic and using this power, has hurt competing businesses and consumers. Including Internet Explorer in its Operating System, Windows, Microsoft damaged Netscape and it intended to damage Netscape. Internet Explorer is application software, not operating system software. Microsoft has done this with quite a few programs and has, as a result, harmed the software companies with which it competes. This is unfair business practice and must be stopped. Your settlement won't stop this behavior.

Consumers have been hurt because companies that would offer better products, won't do so if a similar product is offered by Microsoft in Windows.

When Bill Gates says he wants to compete and add value to his Windows operating system, what he is really saying and what he really means is ''Microsoft wants to restrict to market by driving competing firms out of business, thereby driving the price of Microsoft software up or at least not reducing the inflated price of the Windows system.''

The Windows XP operating system is the latest attempt to gain market share and restrict competition. The use of the Passport system and other tracking software invades the privacy of consumers and allows Microsoft to monitor the habits of consumers so that Microsoft can sell more products and direct consumers to Microsoft ''partners'' at the expense of other companies. Microsoft's restriction of the opening interface screen is an example of this behavior.

Microsoft should be fined, prohibited from adding products like Internet Explorer to the operating system and Microsoft should be broken up into 2 companies—an operating system software company and an application software company. Anything less will allow Microsoft to dominate and restrict the software and hardware market to the point where development and innovation will be slowed down and may be even stopped. This is not in the interest of the computer industry or the computing public. This will only serve Microsoft's interest of complete domination of the computer and entertainment marketplace.

Sincerely, Richard Farnham

MTC–00026382

From: Juan C Read
To: Microsoft ATR,lists@senior.org@inetgw
Date: 1/26/02 7:44pm
Subject: Microsoft Settlement

Dear Sirs of The Justice Department:

I would like to add my support for the Microsoft company fight against those who are trying to drag Microsoft down. I have used Microsoft products for years and, as a senior, have found them to be the best. If Microsoft's competitors had been as diligent as Microsoft has been in trying to help the consumer, with good products, I feel they would not have to go crying to the government to be bailed out. If a company puts out a good product and gives real consumer service then those companies would not have to worry about competitors.

Please, accept the Microsoft settlement, and stop further litigation. That useless waste of the courtroom money could be put to a much better use elsewhere.

Thank you for reading this E-mail —- I?m a strong user and supporter of Microsoft products and private enterprise.

Juan C. Read

MTC–00026383

From: olive70@juno.com@inetgw
To: Microsoft ATR
Date: 1/26/02 7:48pm
Subject: Microsoft Settelment

I am offering my opinion to the Justice Department to counter the self-serving and punitive lobbying effort of Microsoft's competitors. Current law (known as the Tunney Act) allows public comment on the proposed settlement up until January 28th. The U.S. District Court will then decide whether the settlement is in the ''public interest.'' I am sending my strong message to the Justice Department that consumer interests have been well served, and the time to end this costly and damaging litigation has come.

Dragging out this legal battle further will only benefit a few wealthy competitors, lawyers, and special interest big-wigs. Not one new product that helps consumers will be brought to the marketplace.

MTC–00026384

From: Diane Engles
To: Microsoft ATR
Date: 1/26/02 7:49pm
Subject: Comment on Proposed Settlement

To Whom It May Concern:

I welcome the opportunity to comment on the proposed settlement between the Department of Justice and Microsoft. I am a software developer with over 17 years of industry experience. Over these years I have watched my choices of software development platforms and products decline in number and in quality, due almost entirely to the monopolistic practices of the Microsoft Corporation.

I watch daily and suffer myself as the poor quality of Micosoft's products cause American Industry to lose significant productivity due to system hangups virus infections. The current security flaws revealed in Windows XP are another example of a corporation who produces low quality products because there is no real competition. More secure and robust software exists today, but there is no real marketplace due to Microsoft's years of monopolistic practices.

In my opinion, the proposed settlement will do little to effectively curb

Microsoft and allow a true marketplace and real innovation to develop. I fully support the Kegel letter's (http://www.kegel.com/remedy/letter.html) proposed remedies to effectively remedy Microsoft's years of illegal monopolistic control of the marketplace and the resulting stifling of true innovation. I will mention two of them briefly here:

1) Microsoft's APIs, file formats, and protocols. The complete documentation for these must be made public. Any future changes must also be made public in a timely manner. This should allow other companies to produce products that can compete with Microsoft's products by removing a major barrier to entry, namely that no company can afford to convert all of its existing documents into a new format in order to take advantage of a non-Microsoft office suite or other applications.

2) Microsoft's business practices. Microsoft must not be allowed to enter into deals with OEMs, ISPs, or other businesses that would create disincentives or prohibit those companies from offering non-Microsoft products or services to their customers. Since the vast majority of the desktop computing world currently uses Microsoft products, OEMs, ISPs, and others must be able to offer those products to consumers. To allow Microsoft to continue to take advantage of that situation by prohibiting those companies from offering alternatives, either by outright prohibition, or by economic disincentive, is to allow Microsoft to continue to hold the industry hostage.

Sincerely,

Diane F. Engles

MTC–00026385

From: Jim Day
To: Microsoft ATR
Date: 1/26/02 7:47pm
Subject: Microsoft Settlement

As an MSN user for years I would like to make the following comments regarding the Settlement. I've had numerous opportunities to subscribe to AOl and other internet providers. My choice has been MSN because I belive I get more value from remaining with the Windows environment. Before retiring I worked on many Large mainframes, midsize and small systems utilizing proprietary operating systems (IBM, Honeywell, Burroughs, Tandem, H.P.). I was aware of the costs associated with obtaining and utilizing the associated software and when Windows came along I felt like for the first time I obtained great flexibility at a minimum cost.

If I could purchase a better operating system at a lower cost I would do it. If

someone can come up with a greater value I will purchase it. I believe that Microsoft so far has the best operating system at the lowest cost to me.

I hope the settlement is concluded as soon as possible. Those seeking monetary rewards in hope of enrichment would be better off utilizing their time and money creating a better and cheeper operating system for all users.

Hopeful user,
James M. Day
4535 Motorway Dr.
Waterford, Mi. 48328

MTC–00026386

From: Scott Blomquist
To: Microsoft ATR
Date: 1/26/02 7:54pm
Subject: Microsoft Settlement

Having been an avid complainer about Microsoft in the not so distant past, I have begun to truly value the amazing innovation that Microsoft has been bringing to the world for more than 25 years. The currently proposed Final Judgment seems to strike a fair and reasonable balance between allowing Microsoft to continue to drive innovation, and giving its competitors a fair shake at similar innovation on existing and future Microsoft platforms. Under the proposed Final Judgment, consumers will continue to benefit from the great advances by all of the brilliant minds in the software industry. I strongly support the adoption of the proposed Final Judgment in its current form.

MTC–00026387

From: Linda
To: Microsoft ATR
Date: 1/26/02 8:52pm
Subject: U.S. v. Microsoft

To Whom It May Concern:

This email responds to the request for public comments by the Court hearing the case of the US versus Microsoft as part of the penalty phase of that litigation.

Two factors ensure Microsoft's de facto monopoly of the Operating System market:

1. Most people, businesses and government entities use Microsoft operating systems and associated office products. I must communicate with them. If I cannot communicate, I will suffer economic loss. This is commonly referred to as a network effect and Microsoft has brilliantly exploited it.

2. Microsoft has kept its software file formats and interfaces secret. As a result, competing software developers cannot create programs that interact with Microsoft products in a fully functional way. Thus, an overwhelming majority of computer users have no choice but to use the Microsoft OS and associated office products.

It is my belief, based on observation of Microsoft's past actions, that they now wish to extend their reach beyond the PC desktop to control networking protocols for the Internet and act as its gate keeper. This is their ''.NET'' initiative. This would have devastating consequences for the US economy and security. Microsoft has stifled innovation by its monopolistic practices.

Microsoft products are notorious for their lack of security and vulnerability to attack by the technically incompetent.

I propose these remedies:

1) All specifications for present and future Microsoft file formats and Operating System Application Programming Interfaces (API) should be made public. This will help ensure that any data or documentation I create will still be available to me in the future. It will also allow others to create programs that can meaningfully compete with Microsoft products. These specifications must be publicly available and made part of the public domain. Restriction to ''commercial'' entities is simply wrong. Open Source software initiatives should also be allowed to make use of this information. I believe this is essential to ensure the long-term availability and security of my data.

2) Any Microsoft networking protocols must be published in the public domain and approved by an independent standards organization; I suggest the Institute of Electrical and Electronics Engineers (IEEE). Already I see Microsoft limiting access to web sites for users not using Internet Explorer. This remedy would help prevent Microsoft from partitioning the Internet into Microsoft and non-Microsoft spheres.

3) Microsoft products should not be bundled as a hidden cost of buying a computer. The choice of buying a computer without any Microsoft products must be present. The real cost of Microsoft products should be presented to the consumer. Without this, there will not be meaningful competition in the OS marketplace.

4) Microsoft should be prevented from entering into exclusive arrangements with computer vendors. These arrangements have been used as rewards and punishments of computer vendors in the past and serve only to maintain monopoly status for Microsoft.

Sincerely yours,
Linda Nusser
linda@trinidadusa.net
Trinidad, CO

MTC–00026388

From: Katrina Illari
To: Microsoft ATR
Date: 1/26/02 7:55pm
Subject: Comments on the Microsoft settlement

Dear Renata Hesse:

I am a concerned computer programmer and user. I use Microsoft Windows as well as Linux at home. For the past few years I have been disgusted to see the increasing number of anticompetitive actions that Microsoft has been able to get away with. The court case seemed to provide a possibility for restoring a competitive market in the computer software business. Microsoft was convicted with anticompetitive behavior. However, the settlement that was agreed upon does not seem to be in the best interests of the consumers.

Some points of concern are:

1) the punishment if further anticompetitive actions are taken by Microsoft. That is that 2 years will be added to the period that they are to be closely watched. I did not see any actual enforcement of the restrictions placed on Microsoft. Just that a board of people would be assigned to watch if they break any of the restrictions and if so, then they will be restricted for another 2 years. Does this provide an automatic solution to any court case filed against Microsoft in the next 5 years? That is will the solution will be that the restrictions will just be extended for another 2 years? This almost seems to be in Microsoft's favor... No enforcement and if they break the rules then the rules will be imposed (with out enforcement) for another two years.

2) The security exemption: Will this provide a hole for Microsoft? For example, will Microsoft just add access control to many of its API and then not publish them, using the security exemption as cover?

3) Will Microsoft simply patent a lot of its interfaces/protocols and then charge companies licensing fees in order to get the information about the API/protocol. I do not see anything in this settlement that would stop them from doing so. As evidence, they already patented the next version of the SMB protocol. This is a protocol which allows you to share drives/files between computers. SAMBA, a popular file server software uses this protocol to share drives between Unix and Windows machines. Once Windows only supports the new protocol, it will once again be impossible to share drives between Windows and Unix systems. As I see it this is simply an extension to the older protocol not something that it would be strategic to have a patent on except if one wanted to eliminate the ability for a Unix machine to share drives with a Windows machine. Surely this is an anticompetitive action against SAMBA.

4) The fact that Microsoft is allowed to include non operating system applications as part of the operating system is not beneficial to consumers. This gives an advantage to Microsoft in marketing of the applications that they include in the operating system. They have a strangle hold on the browser market because of this and in Windows XP, they are trying this with multimedia applications.

Katrina Illari
521 Del Medio Ave #201
Mountain View, CA 94040

MTC–00026389

From: john oakes
To: Microsoft ATR
Date: 1/26/02 7:55pm
Subject: Microsoft Settlement
CC: fin@mobilizationoffice.com@inetgw

MTC–00026389—0001

60 Sterling Street
Beacon, NY 12508
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft: My business partner Jack Harrison and I are delighted to see a settlement between Microsoft and the Department of Justice. This settlement is in the best interest of free enterprise and competition.

The attack on Microsoft should never have happened. It demonstrates why the government should keep its hands out of the affairs of free enterprise. It has been another

huge waste of taxpayers'' money and government and private resources. As business partners in the direct-mail industry, we know that waste must be minimized; budgeting, purchasing, sales, all contribute to business growth and weigh heavily on success or failure.

Resolving to give Microsoft its business back will end the three years of government intervention into Microsoft. This has disrupted the computer and technical industries, where recession and the loss of business have been of paramount concern. Microsoft has continued in its role as the industry leader in providing innovative software (the public and business world have been shouting this for years). The new obligations Microsoft has agreed to will drive competition and collaboration among industries to develop better and more innovative products for consumers, while also providing computer users software options and computer configurations never before seen.

The Department of Justice is at a historical moment in time: preventing more waste while also encouraging economic recovery. The achievement of this will occur when the government precludes any further litigation against Microsoft and accepts these very fair settlement terms.

Sincerely,

John Oakes

MTC–00026390

From: Brandon A. Seltenrich
To: Microsoft ATR
Date: 1/26/02 7:50pm
Subject: Microsoft Settlement

The proposed settlement between the DOJ and Microsoft should be allowed to go through. Microsoft's competitors, mainly led by Sun, Oracle and AOL Time-Warner cloaking themselves behind various so-called non-profit groups, are in fact manipulating the American justice system for their own business desires. These companies were not able to compete against Microsoft in the business arena, so they instead hope to punish them into submission with our legal system.

The suits against Microsoft are not intended to protect and defend the average American; instead, they are designed to make wealthy a few self-interested businesses.

-B

MTC–00026391

From: addison pace
To: Microsoft ATR
Date: 1/26/02 7:53pm
Subject: Microsoft Settlement

Further litigation would be a shameless waste. Those filing against Microsoft are getting their'' pound of flesh''. Enough!

Addison Pace

MTC–00026392

From: Chris Dobbins
To: Microsoft ATR
Date: 1/26/02 7:56pm
Subject: Microsoft Settlement

Hello my name is Chris Dobbins, I'm a 17 year old living in the California Bay Area. I'm mailing you my thoughts on the proposed Microsoft Settlement.

In my view the proposed settlement is much too weak to do any good against the illegal monopoly that is Microsoft. What is needed is a strong punishment that will enable competition to flourish immediately, creating much needed diversity in the operating system market. Anything else would be down right dangerous.

Diversity is needed to protect the very infrastructure of the internet and computers in general. At this moment thousands of kids younger then me have the ability to write a simple viral program that can create havoc on the internet, spreading through well know holes in Microsoft Outlook and other Microsoft programs which are bundled with the OS. During the many e-mail virus attacks last year I had little to worry about because I use a Macintosh. My computer cannot run programs written for Windows. There are very few viruses for the Mac OS because the relatively low market share means that the cracker will not receive the attention they would get from creating a Windows virus and spreading it world wide.

If the Operating System market were more competitive then computers in general would be safer. Added diversity would not get in the way of communication either. Even though my computer is fully able to network with and talk to a computer running Windows, the differences between the two operating systems mean that it is much harder to infect both computers with the same program.

Microsoft says they are devoted to security, but only now that they are experiencing negative press because of the large amount of security holes in their software. I say it's about time we stopped trusting them with the security of computers everywhere. The Department of Justice has the means to impose strict sanctions and punishments on Microsoft, I say use that power to the fullest, before it's too late.

Thank you for taking my views into consideration,

Chris Dobbins

MTC–00026393

From: Patrick Mahaney
To: Microsoft ATR
Date: 1/26/02 7:57pm
Subject: Comments

To Whom it may concern;

I am a college student studying in the field of Computer Information Systems. The outcome of this settlement will most likely affect the industry I am headed into.

I'd like to express my feelings on a few of the shortcomings of the proposed settlement.

Firstly, the definitions of ''Middleware'' products are not very clear. From what I understand, there are a lot of loopholes in the section that would allow Microsoft to continue exercising the same business practices in the past. To be more specific, Microsoft could easily change a version number and the software would no longer be considered ''Middleware'' by the DOJ.

Secondly, another understanding that I have is that a lot of the new regulations and demands do not include Microsoft Windows XP. If this isn't included in the settlement, I don't see how beneficial it would be towards prohibiting antitrust practices.

I would like to see an outcome that will make a difference. Not one that will just temporarily prevent a monopoly.

Thank you for your time.

-Patrick Mahaney

MTC–00026394

From: John Carey
To: Microsoft ATR
Date: 1/26/02 7:57pm
Subject: Comments on Microsoft antitrust settlement

Dear Renata Hesse:

I am writing to comment on the Microsoft antitrust case settlement proposed by the U.S. Department of Justice and others. Both as a consumer and as a software engineer, it is my view that this settlement will fail to protect the public interest from Microsoft's ongoing abuse of monopoly power.

First, let me introduce myself. My name is John Corning Carey. I am a U.S. citizen and resident of Mountain View, California. I have used computers since grade school. My training is in mathematics, but after completing my PhD analytic number theory I entered the workforce as a software engineer. Professionally, I have developed software for Microsoft Windows, Unix, and Linux operating systems. At home I use both Microsoft Windows 98 and Linux 2.4 for a variety of tasks. Let me be the first to say that no operating system is perfect. Each has its strengths and its weaknesses. But can I choose the one that is best for the task? Sometimes I can, but all too often the answer is no, because Microsoft maintains its monopoly.

At work, I have been frustrated by Microsoft's poor documentation, especially for error messages and database connection APIs. Also, Microsoft keeps changing its APIs, rather than fixing them, making it difficult to keep up. My friends tell me about how they can't inter-operate with Microsoft products because the security protocols are secret. And when we consider switching away from Microsoft? The answer is always: no, we can't, because everyone's using Microsoft, and even if they aren't, they soon they will be. And then there are the system crashes...

At home I suffer the same crashes, and much of the software I want to run is available only for Microsoft Windows. What will I do when Windows 98 is no longer supported, and I am forced to use Windows XP? I will have to rent my software, despite the trouble and expense that entails.

So I have a strong interest in aggressive competition in the operating system market. But will the proposed settlement restore competition? I think not, because it has weak enforcement provisions, includes many loopholes, and tends to exclude small/free developers. For example, Microsoft may be required to disclose APIs, but only to businesses that can afford its third-party tests and perhaps non-disclosure agreements. What about open-source developers? And if Microsoft claims that it must keep secret its file formats or file-sharing protocols out of security concerns, will we have to return to court to decide if it is within the law? That would take too long, and defeat one purpose of a settlement—to escape court. In my view,

some expedited enforcement and legal review provisions are required. Past experience indicates that there is no ''good faith'' when it comes to Microsoft, and software's complexity makes it hard to pre-script legal solutions.

And finally, what is to stop Microsoft from maintaining its monopoly through patented protocols and formats? They can be disclosed to the world, but nobody else can use them—unless they please Microsoft. Recently I heard that Microsoft has patented a revised version of SMB file sharing. That is death to open-source file servers.

In closing, let me say that I have benefited from some of Microsoft's software, and a competitive Microsoft could be a great help to the software industry. But a Microsoft that can do as it pleases is a great threat.

I was hoping that this case would lead to some real competition, and a flowering of alternatives. But this settlement seems to give in to Microsoft just when the government has won its case. Please consider more effective sanctions and enforcement mechanisms.

Sincerely,
John Corning Carey
2280 Latham St, Apt 6
Mountain View, CA 94040
(650)988–1827

MTC–00026395

From: Mike(038)barbara Gibbs
To: Microsoft ATR
Date: 1/26/02 7:59pm
Michael Gibbs
P.O. Box 601
Myrtle Point, OR 97458–0601
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

The judge should approve the settlement of the Microsoft antitrust case. It would be the best thing that could happen for America to end this court action. It is time to take the bull by the horns and throw it out of the ring. The lawsuit should not have been brought by the Justice Department and the eighteen states. Remember, thirty-two states would not join it three years ago when all they had to do was sign on. Now, though, the settlement provides a way to end the lawsuit that everyone should be able to live with. After all, the judge appointed a mediator who negotiated with the parties for three months to reach an agreement that everyone could live with, everyone except nine states with less successful competitors to Microsoft who think they would o better if Microsoft was forcibly split into pieces. Microsoft should be allowed to get back to the good work they have always done. They are no fly-by-night instant wonder without morals. They have always kept honest books and maintained their legal rights, as they expected others to do. Under the settlement, Microsoft will allowed to go back to work in return for giving up its legal rights to some of its software and business practices. Microsoft will give away to other companies its internal interface code for its various Windows programs, and the protocols that allow its server computers to work with other computers. When a company needs to use Microsoft's other software code, Microsoft has given up its right to say no. Instead Microsoft will license its codes to any company on reasonable, non-discriminatory terms. So, Microsoft will really be surrendering its legal rights to other companies, even those that it would not want to help if it had a choice. This will be good for the computer industry as a whole. It is disturbing, though, to see a great, honest, company like Microsoft forced to give up its legal rights for no good reason. If Microsoft is not safe, who is?

Your support for the settlement is crucial to letting Microsoft and the American computer industry get back to work. Thank you for your consideration and support.

Sincerely,
Michael Gibbs

MTC–00026396

From: karl sebastian
To: Microsoft ATR
Date: 1/26/02 8:07pm
Subject: Microsoft Settlement

Greetings,

I write as a former user of Microsoft software products, and now a user of Apple hardware and software, to protest the apparent lack of will on the part of the American legal system to apply its laws equally and in fair measure to its citizens.

This is a situation reached because of my perceptions of Microsoft as a major obstacle to competitive software innovation, through improper use of its financial strength, and now seemingly to be excused by the American legal system of any significant penalty although found guilty of these practices by that same legal system. Also I write because of my perception of Microsoft as being less of an innovator and more of an imitator. In the process providing software systems that have had defects that have resulted in enormous costs to business worldwide, both through vulnerability to viruses and through faulty operation, and because of the harmful effects they have had on true innovation.

In fact producing products with so many defects that, if experienced in similar measure in any other field of production ,would have long ago resulted in costly litigation by dissatisfied consumers. The other competitive software operating system, Apple, while certainly not a perfect example, would seem to offer some pointers as to a preferred way of doing business in the field of computer operating systems, with their inclination to a more co-operative approach to other software producers, even to the extent of ensuring great compatibility with the Microsoft software through the proper use of generally accepted codes, such as pertain to the Internet. A field where once more Microsoft have a dubious record.

As a resident of Australia, and an admirer of much that is American, the present attitudes and actions of the Microsoft corporation reflect in the microcosm much that is deplored in the macrocosm that is called the United States of America, and if justice is not seen to be done will only be harmful to your reputation in the longer term.

A severe and applied penalty to this arrogant corporation is long overdue and thoroughly deserved.

Yours sincerely,
Karl Sebastian.
karlis@austarnet.com.au

MTC–00026397

From: Brad Smith
To: Microsoft ATR
Date: 1/26/02 5:00pm
Subject: Microsoft Settlement
Hash: SHA1
26 Jan 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Ms Hesse

I am taking the opportunity to comment on the proposed settlement between the federal U.S. government and Microsoft. I have following this case closely since it's inception. I will first provide a brief background of myself and then provide some commentary on the settlement.

I have been a user of microcomputers, what used to be known as IBM clones, since the early 1980s. Before that I used a variety of mainframe and minicomputers. I have been a software developer since 1978 writing database software and analytical software to help me in my profession as a quantitative ecologist. Much of this software development occurred on clones of IBM PCs starting in the mid-1980s. I currently work for the federal government as a manager leading a small software development team. These comments reflect my personal opinions and experiences. I will be 50 in October 2002.

The proposed settlement does not go far enough in providing suitable remedies. What are needed now in the market place are real and viable alternatives to products and solutions offered by Microsoft. This settlement fails, in my opinion, to create a climate that allows for viable products to emerge and flourish. Microsoft through legal and illegal practices has created a multi-faceted monopoly that covers operating systems, office productivity suites (MS Office), and access to the internet through MS Internet Explorer.

Viable competition existed at one time across this spectrum of products. One could argue that in many cases, the alternative technology was superior in design and/or implementation. Most alternatives have failed or been marginalized reducing choice to consumers and effectively eliminating competition.

I recommend that the proposal by the dissenting States be used as the starting point as minimum remedies. Negotiations between the federal government and the participating States can be used to set additional penalties and remedies.

Thank you,
Bradley G. Smith
CC:bgsmith@bendcable.com@inetgw

MTC–00026399

From: Del Teel
To: Microsoft ATR

Date: 1/26/02 8:04pm
Subject: Microsoft Settlement

I think the Microsoft settlement falls FAR SHORT of punishment consistent with their CRIME.

THEY ARE GUILTY. THE AMERICAN PEOPLE DEMAND JUSTICE!!!!!!!!!!!!!! NOW!!!!!!!!!

Del Teel
8125 Bush Mill Ln.
Charlotte, NC 28270
800 900 7056

MTC–00026400

From: Laurence Schorsch
To: Microsoft ATR
Date: 1/26/02 8:07pm
Subject: Microsoft Settlement

Dear Renata B. Hesse,

I have signed and endorsed the open letter of Dan Kegel. The Proposed Final Judgement will allow many of Microsoft's anticompetitive practices to continue. Their lack of good faith has been demonstrated enough, even after the PFJ was set out. Microsoft's ruthless and predatory practices are hurting the rest of the computer/software industry, and a toothless final judegment is not in the public interest.

Sincerely,
Laurence Schorsch
Graduate Student, Computer Science
University of Chicago

MTC–00026401

From: jbird1014@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 8:04pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Anthony Campbell
523 Martin Neese Rd
Swansea, SC 29160

MTC–00026402

From: Danae Cann
To: Microsoft ATR
Date: 1/26/02 8:08pm
Subject: Microsoft Settlement

file:///C/win/temp/tmp.

The proposed settlement is just not tough enough! It cannot be effective to the degree necessary for a company like Microsoft.

MTC–00026403

From: JHowe00001@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 8:08pm
Subject: Microsoft settlement
1345 17th Street SE, Apt. B
Auburn, WA 98002
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am in favor of the Microsoft settlement agreement. The terms of the agreement are reasonable, and this case should be finalized for once and for all.

By entering into this agreement, Microsoft has essentially agreed to assist its competitors in their quest to compete at the same level as Microsoft. Microsoft has agreed to disclose portions of its code to the other software companies. They have also agreed to design future editions of Windows in such a way that it will be easier to remove features of Windows and replace those features with software designed by Microsoft's competitors. I am satisfied that these types of concessions will achieve the underlying goal of ensuring fair competition is restored.

I feel that The Department of Justice has acted prudently in deciding to settle this case.

The Microsoft Corporation has made extraordinary achievements since it's inception, helping to provide the world with a tool second to none and should not be further penalized for their achievements. Further, I speak from a computer owner's standpoint and not as a stock holder.

Sincerely,
/s/John M Howe
John M Howe
CC:fin@mobilizationoffice.com@inetgw

MTC–00026404

From: Joel C. Sercel
To: Microsoft ATR
Date: 1/26/02 8:09pm
Subject: Microsoft Settlement
To:
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

As a concerned citizen and business owner I am sending you this correspondence to register my concerns regarding the pending Microsoft Settlement. I urge the court to consider the strongest possible settlement against Microsoft which does not damage U.S. industrial competitiveness in global markets.

Press reports of related Microsoft offers to donate software and hardware to schools as part of a settlement offer are particularly concerning to me as such a move would:

1) not alleviate the financial and market share related pain suffered by Microsoft's victims,

2) not cost Microsoft nearly what Microsoft claims it would cost, and

3) would tend to extend Microsoft's monopoly into yet another market.

Any settlement which does not provide some remedy to alleviate market share and financial loss for Netscape and Apple computer is of particularly concern as those two companies, both of which are widely recognized as far more innovative than Microsoft, have been particularly hurt by unfair Microsoft practices. Please ensure that any financial remedies levied on Microsoft are used in such a way as to ensure the increase in Netscape and Apple market shares and the market shares of the other companies hurt my Microsoft practices.

Sincerely
Joel Sercel

MTC–00026405

From: J. Scott Kasten
To: Microsoft ATR
Date: 1/26/02 8:11pm
Subject: Microsoft Settlement
TO:
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
FROM:
Scott Kasten
2120 Manor Dr. Apt 116
Lexington, KY 40502

To the Honorable Court:

As a citizen of the United States and 15 year veteran of the high-tech industry it is both my right, and duty to file comments with the court in the case of U.S. vs Microsoft anti-trust action as described under the provisions of the Tunney Act. I have chosen to write the court because activities of the Microsoft Monopoly have so seriously harmed my industry, that not only have they harmed the end consumer, but they have seriously impaired my ability to work in this industry.

I will begin with a brief summary of my main points before expounding upon them in greater detail with specific facts. Basically, the proposed settlement is unacceptable when viewed in the interest of the public and industry for the following reasons:

[1] The settlement was not written with a proper perspective of the industry as a whole in mind.

[2] The way the settlement is written, it only provides remedy in regards to the current Microsoft platform. Microsoft is already putting their exit strategy to a new platform in place which will have the effect of making the settlement obsolete before it even goes into effect.

[3] There are language inaccuracies that leave the efficacy of the settlement in doubt.

[4] The settlement has very few provisions to remedy Microsoft's most publicly damaging weapon which is their End User License Agreement (hereafter known as the EULA).

Now I will explore each item in greater depth so the court can better understand what actions need to be taken to fix the proposed remedy.

[1] I will start with a brief industry perspective since that forms the root of objections 2 through 4.

In the industry, it has been recognized that operating systems in general have moved

from the status of a high-end, high-value product offering to a mere commodity in the same fashion as the use of electricity or telephones did in the early part of the 20th century, or even the computer hardware itself in the latter part of the 20th century. There has not been anything truly new or totally innovative in operating system technology in about the last 15 years or so. Indeed, modern operating systems are based on ideas spawned in universities over 30 years ago, most of which was perfected at least 20 years ago.

Most operating system vendors in the industry have already recognized this and adapted their business models to account for that. Although one would think of IBM, Sun Microsystems, HP, and Silicon Graphics Inc. (now known simply as SGI), as operating system vendors, that view would be somewhat incorrect. Their business models evolved to become hardware and consulting/service vendors that sell packages. Each workstation purchased from SGI comes with an entitlement to run certain releases of SGI's IRIX operating system based on its serial number; operating system upgrades are a rather miniscule portion of their revenue stream. They are even offering a Free operating system (Linux) on some of their offerings. Sun Microsystems gives their operating system away free of charge for personal or non-commercial use, and even makes the source code available without charge to developers that need to inspect it to improve their software offerings that run on Solaris.

Both HP and IBM, most notably IBM as of late, have been making steps to move away from their proprietary operating system offerings to Open Source alternatives such as Linux and various flavors of BSD; both companies have moved to the sale of hardware or software applications and consulting services maintain the cash volume of their revenue streams. And of course, with the decline in market value of proprietary operating systems, we have seen the rise in interest and importance of Open Source, or Free operating systems such as Linux, and BSD to take the place of the proprietary ones.

Companies that have failed to recognize this have perished. Witness the dismantling of Digital Equipment Corporation by Compaq, a commodity equipment and services vendor, The acquisition of Santa Cruz Operation (SCO Unix) by Caldera, a company that is known as a Linux specialist. Novell nearly perished trying to maintain their business model around Netware, but finally appears to have turned things around when they refocused on applications and services the past couple of years.

The real focus in the computer industry is not on operating systems or platforms so much as it is in cross-platform applications, hardware support, and user interfacing. Basically, John Doe with a new digital camera wants to snap some pictures, retouch them on the computer, and make some nice glossy prints for the relatives. He doesn't even want to know anything about the operating system his computer runs, he wants the camera to function with his IBM PC running a PC operating system as well as it does with his friend's Macintosh running MacOS.

In the history of this industry, Microsoft is truly unique. They have maintained and increased their market share and position not through real product innovation, but through predatory practices that resulted in them becoming a monopoly. The maintenance of that monopoly is what has allowed them to keep an artificial floor on the value of the operating system products they offer. Notice the use of the term value here instead of price. Price is what a consumer pays, value is a reflection of the consumer's need. Naturally, the need affects the price one is willing to pay, so there is an interrelationship at work that implies the consumer is paying too much, which I'll explore further in item 4.

[2] Although Microsoft has managed to keep an artificial floor on the value of their operating system products through monopolistic practices, even they realized that the inevitable pressures to marginalize the operating system would become too great for even them to bear. Thus they planned its obsolescence. The new target development platform of choice is going to be the .NET infrastructure. Ancient PC's had a BIOS containing the BASIC programming language/operating system that was permanently embedded in their ROM memory. As full fledged disk based operating systems came about, they marginalized the BIOS. None of the BIOS products these days has a built in programming language. It's only roll is to pull the disk based operating system in off disk now. It has no real apparent value to the end user of the system that rarely even notices the brief BIOS messages that flash by as the system boots up. No one programs to that interface anymore. Microsoft is trying to do the same thing to their own Windows operating system and replace it with .NET. Windows will become little more than a fancy video display driver. No one will program to it anymore. The .NET infrastructure will be the actual target for most future software development.

This is also where I begin to find specific faults in the settlement as written. In section III. Prohibited Conduct, please reference paragraph D. The terse form of which basically says, ''Microsoft must publish in full their programming APIs for the Windows operating system.'' The .NET framework is not specifically mentioned anywhere in the document, but presumably fits in under the definition of ''Middleware'' as described in sections VI.—J and VI.—K. There is no section or language which indicates that they must fully disclose the middleware APIs. This is a fatal flaw as Microsoft has publicly acknowledged the corporate strategy shift from software publication on the Windows operating system to the .NET infrastructure running on top of it. Thus they can repeat the vendor lockout cycle again on a ''whole new'' platform, unhindered by the terms of this settlement.

Further, section III.-J, paragraphs 1 and 2 cause me grave concern, particularly in light of the .NET strategy. Section J in summary provides government granted exclusions. Paragraph 1 basically states that Microsoft may keep any programming APIs, methodologies, and information about network protocol layers that relate to anti-virus protection, authentication, or encryption secret. Paragraph 2 allows Microsoft carte blanch to determine to whom they wish to share that information for purposes of interfacing. This goes against what is generally accepted as ''best practices'' in the industry.

It is accepted practice that network protocols and interfacing standards are proposed and peer reviewed in standards committees such as the Internet Engineering Task Force (IETF) or the World Wide Web Consortium (W3C) to provide for better design, functionality, robustness, and security. Items related to authentication, and encryption in particular need the critical attention of peer review due both to the complexity of such systems, and the importance of the data protected by such systems. It is also accepted practice that the architecture is open so that anyone may produce their own implementation of the standard so that products from different vendors can interoperate freely. After all, that is the end goal, to connect one user with another.

Microsoft has in the past proven their incompetence in the implementation of cryptographic systems and security in general. Witness the introduction of L0pht Crack (pronounced ''loft'') which could pull encrypted passwords from the Windows NT registry thanks to its flawed cryptographic implementation. The numerous viruses such as Sircam, Love Letter, Nimbda, etc. that have exploited weaknesses in Microsoft's security interfaces. My point here is not to bring new evidence to the court, but more to make the point that sensitive systems related to security, authentication, and encryption need to be designed under the intelligence of multiple parties. Hence the peer review and refereeing process that is so widely used in the industry. It also helps prevent one party from subverting the standards for their own ends.

Micrsoft intends for the .NET platform to help provide a new infrastructure for information storage, security, and identification/authentication, that will help drive a future Internet based economy. With the help of standards committees, implementations from multiple vendors, and so forth, this could be a good thing for society. However, it is far from the public's best interest for one company to own the whole thing. If there's only one implementation, then any security flaws discovered, and experience shows there will be many, can bring down everything. Furthermore, independent companies need to have access to interfacing standards for something as important as this to provide consumers choice in the products and services space connected with this platform.

[3] I have already voiced some concern over where .NET fits into the settlement agreement. However, there are other specific inaccuracies in language and specificity that could render the agreement unenforceable.

In this matter, I would like to refer the court to a very thorough analysis compiled by one Dan Kegel and other parties available on the web here: http://www.kegel.com/remedy/remedy2.html

Mr. Kegel has also submitted, or is in the process of submitting, this document to the

court for inspection as part of an open letter with many co-signers as his contribution under the Tunney Act. I will not waste the court's time re-iterating what he has already so carefully documented except to state that I AGREE IN FULL with the assessment provided in that document.

[4] Towards the end, of the document, Mr. Kegel begins to address some issues regarding the EULA agreements that Microsoft imposes on their product users. The settlement makes no requirements for change to potentially predatory practices in Microsoft's EULAs. Unfortunately, that is one of Miscrosoft's tools for manipulating and harming the consumer, and other parts of the industry.

Mr. Kegel points out that the Windows Media Encoder EULA prohibits distribution of certain redistributable components when accompanied with application components that were licensed under a Free or Open Source license. And that the Microsoft Platform SDK and Visual C++ development environment have in their EULA a clause that can make it illegal for you to distribute and run your own created application on a Windows compatible platform such as a Windows emulator on a Sun, SGI, or Macintosh computer, or a PC running Wine, IBM OS/2, or Trumpet Petros, all of which are Windows alternatives. He also points out that some Microsoft utilities such as NewsAlert state in the EULA that they are forbidden to be run on non-Microsoft operating systems.

To those examples, I wish to add a few more.

Microsoft uses the EULA to tie their Windows operating system to the PC on which it was purchased. This means that when a user trashes a PC, he cannot use the same copy of Windows on the new PC, but must instead purchase a new and redundant copy of Windows to be fully in compliance with the licensing agreement. As PC technology dates quickly, users who must update frequently are legally bound to purchase redundant copies of an operating system that they already have, thus helping Microsoft to maintain its revenue stream on what should have already been a commodity item. In the present, Microsoft with the advent of Windows XP has already implemented software EULA enforcement that prevents users from upgrading too many components of their system before they have to go back to Microsoft and re-license the same operating system install on the same PC.

Indeed, Microsoft used to offer a refund for unwanted copies of their Windows software product with this language in the EULA, ''If you do not agree to the terms of this EULA, PC manufacturer and Microsoft are unwilling to license the software product to you. In such an event ... you should promptly contact PC manufacturer for instructions on a return of the unused product(s) for a refund. ''However, after an unsuccessful campaign on by many users to claim such refunds on an organized ''Windows Refund Day'' on Feb 15th, 1999, people discovered that Microsoft and its vendors had no intentions of honoring that clause and had no effective refund channel in place., and it appears to have since been removed from the licensing agreement.

Microsoft attempts to limit the constitutionally provided right to free speech in the EULA contained with the Microsoft FrontPage 2002 product for web publishing. It sates, ''You may not use the Software in connection with any site that disparages Microsoft, MSN, MSNBC, Expedia, or their products or services, infringe any intellectual property or other rights of these parties, violate any state, federal or international law, or promote racism, hatred or pornography.'' So if I publish an article on the web using MS FrontPage such as a product performance benchmark that Microsoft finds unfavorable, have I indeed violated the EULA?

Whether or not these agreements are actually enforceable if a matter of legal opinion that I am not qualified to evaluate. However, what is clear is that Microsoft has cleverly left itself some channels through which it can attempt to tie individuals or businesses up in court when it finds their actions displeasurable. The potential legal costs alone have a chilling an dampening effect in the industry.

In closing, I beg the court to find the proposed settlement as lacking in enforceability and effective remedy. This settlement needs to be rejected and reworked keeping the points that I have outlined above in mind. Thank you for your time and consideration in this matter.

Sincerely,

Jonathan Scott Kasten

MTC–00026406

From: Grayshadow
To: Microsoft ATR
Date: 1/26/02 8:10pm Subject'' Microsoft
Robert Izzo
50 Kipp Lane, Lot 44
Hudson, NY 12534
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

The stilt against Microsoft should never have been happened in the first plac?? therefore I feel that the settlement they have made with the Department of Justice should stand the way it is and all litigations need to come to a halt. t am now retire but in my spare time, l rebuild and upgrade computers and have always used Microsoft products. Microsoft is being harassed for bring the best at what they do. Bill Gates is an excellent businessman who built this company from the ground up. and now other companies want to take advantage of all his hard work.

We have home computers that are easily used and understood because of Microsoft. They have changed the way the IT industry does business. Now the other companies are going to get the internal codes of Microsoft so that they can design their software to be compatible. I don't necessarily think this b a bad thing but the courts should not be able to tell them they have to do this.

Even though I feel as though the suit should never have happened m the firs place, I think the settlement is better than continuing litigations, Enough damage h been done to the IT industry and the economy already. I hope the Department of Justice decides to rule in favor of the settlement so tiffs whole ordeal can be over.

Sincerely.

MTC–00026407

From: Mike Doherty
To: Microsoft ATR
Date: 1/26/02 8:14pm
Subject: Microsoft Settlement

I don't like the terms of the Microsoft settlement. For one thing, a penalty to Microsoft that allows them to donate computers to schools is inherently wrong. This will undercut the competition even more.

Mike Doherty
Cleveland, OH
Self

MTC–00026408

From: dolfan@seasurf.net@inetgw
To: Microsoft ATR
Date: 1/26/02 8:12pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Michael Johnson
45 Whitebush Way
Astoria, OR 97103

MTC–00026409

From: Andrew Salamon
To: Microsoft ATR
Date: 1/26/02 8:16pm
Subject: MicrosoftSettlement

To Whom it May Concern:

My name is Andrew Salamon, I live in La Mesa California and I am a citizen of the United States of America. I have been a professional computer programmer since 1995 and for the first five of those years I was writing what most people call ''mission critical'' software for very large organizations: financial, accounting and personnel applications. Eight months ago I left the financial industry and took the Chief Software Engineer position at Nisus Software Inc., whose main product is a Macintosh word processor called Nisus Writer.

Nisus Software has been around for over fourteen years. I don't know too much about the company's history, but I do know that in the past they were much larger than they are

today. I can't honestly claim that their smaller size is entirely due to ''unfair competition'' from Microsoft, but that would certainly seem like a good bet.

I would like to bring up one problem that falls within my area of expertise. Nisus Software gets a lot of complaints along the lines of: ''I need to send a file to a co-worker (or colleague, or friend), but they can'' t read it because they use MS Word!'' or ''Someone sent me this .doc (MS Word) file, and when I try to open it in Nisus Writer, it just looks like garbage!''. A fair number of these complaints end with, ''Well, I'd love to use Nisus Writer but I can't because I need to work with people using MS Word.''

Ever since I've started working for Nisus, one of my co-workers has been working on that problem. Specifically, there is a file format called RTF (Rich Text Format) that many different word processors can use. Unfortunately, RTF is not an open standard, it was created by Microsoft. The documentation is difficult to find and even harder to understand. What'' s more, it is a moving target and Microsoft's own products rarely adhere to the publicly available information. Documents saved as RTF files by Nisus Writer often show up as garbage text in MS Word, or sometimes even crash it, despite our best efforts to make the document adhere to the ''published'' standard.

Even if RTF were an open standard, however, it would not completely solve the problem of interoperability because it is an intermediate format that is not ''native'' to either Nisus Writer or MS Word (or many other other word processors). This means that there will always be a chance of losing data or formatting information when transferring files.

I am not a lawyer but based on my reading of the currently proposed penalty in the Microsoft anti-trust case as well as the commentary of others (including the Electronic Frontier Foundation's legal staff) I would say that there will be no substantial change in the way Microsoft does business given the current settlement.

Andrew M. Salamon

Chief Software Engineer, Nisus Software, Inc.

MTC–00026410

From: Kurt Fleschner
To: Microsoft ATR
Date: 1/26/02 8:18pm
Subject: Microsoft Settlement

To whom it may concern:

I'm writing this e-mail to voice my opinion that the current settlement in the Microsoft trial is insufficient. It's been stated before and found that Microsoft is a monopoly, and that it has participated in unlawful use of that monopoly. I feel that the settlement with Microsoft does not significantly punish the company for its practices, nor keep the company from abusing it's position in the future. I hope the the courts will come to the same conclusion.

Kurt Fleschner

MTC–00026411

From: robinhen2@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/26/02 8:16pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
henry robinson
PO Box 808
Newberry, SC 29108

MTC–00026412

From: Raphael Fleishman
To: Microsoft ATR
Date: 1/26/02 8:21pm
Subject: Microsoft Settlement

To whom it may concern,

I have written earlier to express my concern that the current Microsoft settlement does little in the way of protecting competition, VAR, OEMs, and resellers from retaliatory actions by Microsoft in the event these groups choose to implement non-Microsoft solutions.

I would like to add that I strongly urge the DOJ to pursue further investigation and prosecution of the anticompetitive actions Microsoft used to leverage the web to further its monopoly in Windows operating systems.

Much has been made of Microsoft's right to add features to Windows. It is important to note that the dominant markeshare of Internet Explorer came to pass, besides through the obvious distributional advantage, because Microsoft used the tactics of embrace and extend of the HTML standard in order to pollute standard HTML and make web pages in Internet Explorer render differently than web pages in Netscape. Instead of following the standards of the W3C body Microsoft made up its own.

The network effect of Microsoft's Windows distributional monopoly took part in this because webmasters decided that rendering for Internet Explorer was more important and more stable, from a marketshare perspective, than rendering for Netscape. After all, only some Windows users had access to Netscape or the significant ability and know-how to install it, but all of them had Internet Explorer.

As the proprietization increased and the market of Internet Explorer-enabled web pages increased so did its use. I don't use Internet Explorer as my primary browser, but if I go to certain web pages I'm forced to switch to Internet Explorer instead of using an alternative browser because these web pages have tags that tell me they were optimized for some other browser and won't render correctly in any other.

It is significantly more difficult for competitors to follow the closed proprietary standards of web rendering specified by Internet Explorer than to follow those of the World Wide Web Consortium. It takes significantly more effort on the part of content providers and webmasters to provide two types of web pages, one for Microsoft's proprietary methods, and one for W3C-standarized ones. It's unfair that Microsoft could so easily use an existing monopoly to supplant competitors'' products and I fear that with 90% marketshare and the phenomena of institutional resistance to change, combined with a general lack of knowledge of real computing standards (vs. Microsoft's forced-upon-the-consumer proprietary ones), consumers will be artificially burdened in their attempts to adopt alternative communication-enabling products like browsers.

It is important to watch the progress of Microsoft's Windows Media Player, a newly bundled product to allow the visualization of proprietized (non standard, incompatible with competitors) movie media files on client computers across the web, and to determine if the marketshare of exclusive Windows Media Player-compatible content is increasing significantly faster than that of competitors who do not bundle their product with their computers or struggle with decreased distributional advantages like Real Network's Real Player. The inability for consumers using alternative operating systems to browse web content is a significant deterrent to adoption of competitors'' Operating Systems and is consequently a clear example of Monopoly Maintenance.

The greatest damage Microsoft caused to consumers is the result of the way in which Microsoft changed the web from a non-proprietized platform- and browser-agnotistic information exchange system to a Microsoft-favored one. That's not only illegal in light of the Court's finding that Microsoft holds a monopoly in the product market to which Internet Explorer was tied, it's unethical, it's immoral, and it violates the rights of consumers to enabled alternative choices.

I am concerned that as long as Microsoft can continue to leverage bundling with Windows Operating Systems in order to set proprietary standards of information exchange—be they text documents, movie files, sound files, or others—competitors are faced with an uphill battle to provide competing proprietary protocols or even to design products compatible with Microsoft's.

With Best Regards,
Raphael Fleishman
Stanford University
Beckman Center B403
Stanford, CA, 94305–5307
mailto:raphaelf@stanford.edu
650–723–4025
CC:gordie@cyclesoft.com@inetgw, info@procompetition.or.

MTC–00026413

From: Larry Ross

To: Microsoft ATR
Date: 1/26/02 8:22pm
Subject: Lawrence-Howard: Ross
Lawrence-Howard: Ross
3109 Alaska Road
Brier Wshington 98036–8452
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft,

The settlement that has been reached in the Microsoft antitrust case is fair and should be accepted on no uncertain terms. I believe that this suit has only served to waste millions of dollars and innumerable hours of wasted manpower. I feel that this suit has done undeniable damage to the U.S. economy especially within the technology sector itself.

This is a sound settlement. The terms will ensure that Microsoft no longer commits antitrust violations. In exchange for the concessions that Microsoft has made in this case, it will be allowed to continue, conducting business as a whole company rather than being split up in to smaller separate entities. The terms of the settlement require that Microsoft design all future versions of Windows to be compatible with the products of its competitors. It has also agreed not to commit any action that could be construed as retaliatory. I believe that these terms are fair, as is the entire settlement; we need not delay its implementation any longer. Please continue to support American business as you have with the orchestration of this settlement. Thank you.

Sincerely,
Larry Ross

MTC–00026414

From: DTio978444@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 8:20pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Debbie Tio
6907 Cummens Court
Hartford, WI 53027

MTC–00026415

From: Bill Pryor
To: Microsoft ATR
Date: 1/26/02 8:27pm
Subject: microsoft case
Dear Sirs:

I couldn't be more convinced that Microsoft, though it has done a lot to get more people on line, has nonetheless engaged in very clearly monopolistic practices and should be prosecuted just as Standard Oil was about a century ago.

William C Pryor, 2011 W. Katella Ave., # 51, Anaheim, CA 92804.

MTC–00026416

From: Pamela Greaves
To: Microsoft ATR
Date: 1/26/02 8:27pm
Subject: Microsoft Settlement

As a person that relies on technology for my livelihood, I feel I must comment on the Microsoft Settlement issue as a IT professional and a consumer and user of technology.

I have always felt that Microsoft has provided consumers with what they want. Their products are made for ease of use and require little training to get started using them. There are no other operating systems available that offer the ease of use that Microsoft Windows provides.

In reality, if a consumer wants to use an operating system other than Microsoft, it is available. But the fact of the matter is that the consumer would have to be highly technically knowledgeable for that operating system to work properly.

The role that AOL/Time-Warner has played in this is something I have a hard time understanding at all. AOL has itself been practicing in a monopolistic fashion for many years. It is impossible to have an ISP account with AOL without them loading components of little or no value on your computer. The AOL software completely takes over all dial up and internet functions and has been known to completely destroy peoples operating systems. How can this company have any credibility in this matter?

Microsoft has a support and feedback system in place and has been asking consumers what they want to see in a product and provided them with that product. While their business practices may not be ethical, what they provide to consumers is technically unsurpassed by any other software manufacturer.

Business consumers may find more useable products on the market. But home users of computers and software need the ease of use and flexibility that Microsoft offers in their products.

Other companies are lacking in market share only because they choose to not market their products. If we don't know they are available, how can we seek them out?

Pamela Greaves
6116 Vanden Road
Vacaville, Ca
95687
707–446–7347

MTC–00026417

From: kuo-chen@mpinet.net@inetgw
To: Microsoft ATR
Date: 1/26/02 8:28pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea.

Microsoft will still be as bad as it is before the settlement.

Kuo A. Chen

MTC–00026418

From: JasminWilliams@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 8:28pm
Subject: Microsoft Settlement
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Attorney General Ashcroft:

I am in favor of the settlement in the Microsoft antitrust suit and I think the Department of Justice should make their final decision and close the case based on the terms of the settlement. Microsoft has agreed to conditions in the settlement that extend beyond the scope of the original issues at stake in the suit.

In the interest of getting on with business, Microsoft agreed to document and disclose information that will make it easier for computer manufacturers and software developers to have greater freedom of choice. Essentially, Microsoft will agree to give its software code to other companies, with no regard for its own intellectual property rights. Microsoft has also greed not to take action against software designs that compete with the Windows operating system.

It is time to settle this suit and stop spending taxpayer dollars. Microsoft is a capitalist corporation, and as such, should be allowed to pursue its business without being subject to legal action.

Sincerely,
Jasmin Williams
492 Henry Street 6B
Brooklyn, New York 11231

MTC–00026419

From: BYNESTONE@AOL.COM@inetgw
To: Microsoft ATR
Date: 1/26/02 8:30pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Harmon Byne
121 Shoal creek Rd

Griffin, GA 30223

MTC–00026420

From: criley724@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 8:31pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Claudette Riley
8310 E McDonald Dr #3106
Scottsdale, AZ 85250–6276

MTC–00026421

From: ALAPATA1@AOL.COM@inetgw
To: Microsoft ATR
Date: 1/26/02 8:33pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
PAT LAMMERT
3458 NANDALE DRIVE
CINCINNATI, OH 45239

MTC–00026422

From: rufus laggren
To: Microsoft ATR
Date: 1/26/02 8:36pm
Subject: Break up Microsoft

In a word, do it. Separate the operating system company from the software applications development. Separate the major software applications into different companies.

And also, require the remaining (still monopolistic) companies to fully disclose:

1) Their application file formats when the product's market share rises above 30%. At about this level, it becomes a practical business necessity to utilize their formats because they become a de facto standard of exchange. Secret formats which competing applications cannot support fully, reliably, nor in a timely manner, effectively kill off all other competition in that application niche—creating a monopoly which completely stops competitive innovation.

2) The —complete— operating system API, that is, the feature set available for use by programs running under MS operating systems. Application programmers (eg, those who write spreadsheet software) must use these features whenever their programs display, print, communicate or use any of the hundreds of other facilities the operating system (supposedly) provides. Microsoft has historically programmed their software (like their spreadsheet) using ''unsupported'' ''secret'' features of their own operating system (Windows) which competing developers were unable to discover in a timely manner. Hence Microsoft application software had a huge advantage in relation to it's competitors. Make it a crime with large penalties if, during any period when either the MS operating system —or— the MS software has a greater than 30% market share, Microsoft application software is found to use ''undocumented'' features of a Microsoft operating system. Software tools can easily locate and document all features used by a program, so this would be almost trivial to verify.

I worked as a programmer and systems analyst from 1975 to 1985 and as a PC consultant since then. From personal experience, I can say the any software product —must— provide full compatibility with existing standards in it's market (eg. MS Excel spreadsheet format). And the developer without full access to the API of an operating system which his product will run on ... is a complete non-starter. By concealing certain features of both its operating systems'' API (claiming them as ''undocumented'' or ''unsupported''—which means that MS will change the code at any time convenient to itself to cause that feature to disappear), and its major document formats, Microsoft has completely stifled competition in the areas of word processors, spreadsheets, and to some extent, webpage development.

The claim that systems would suddenly become unreliable without dominant standards provided by MS... does not seem credible. On the contrary, with the clear exception of its spreadsheet, Microsoft software has proven buggy and difficult to use. Their product development cycle does not seem to respond to basic low-level user complaint in the way a company eager to please its customers would.

As a private consumer and as a professional who must try to find good products for clients, I ask you to please stop the monopolizing of our largest industry. If our software economy is not to suffer the melt down that Detroit went through in the 70's when it faced real competition for the first time, we must nurture and promote effective competition, and actively discourage the cumbersome stifling business practices that MS seems to favor.

Rufus Laggren
Pacifica, Ca.

MTC–00026423

From: Arek Dreyer
To: Microsoft ATR
Date: 1/26/02 8:44pm
Subject: Microsoft Settlement

I object to the Proposed Final Order.

Arek Dreyer
Network Consultant
5512 N Glenwood Ave #3
Chicago, IL 60640
773–251–8931

MTC–00026424

From: GD Peterson
To: Microsoft ATR
Date: 1/26/02 8:39pm
Subject: MICROSOFT PENALTY TOO SEVERE

MY COMMENTS ON THE MICROSOFT CASE ARE.THE PENALTY WAS TO SEVERE AND THE OTHER COMPANYS ARE OUT TO HELP THEM SELVES.I HAVE BEEN HURT MUCH MORE DOLLAR WISE FROM THE CASE THEN ANYTHING MICEOSOFT DID.IM A X-RAY TECH MAKING 22000 DOLLARS A YEAR.WE NEED TO GET THIS CASE RESOLVED SOON.BILLIONS HAVE BEEN LOST BECAUSE OF THIS CASE.

FOREST PETERSON
320 POLK 121
MENA,AR
71953
1–26–02

MTC–00026425

From: Valden Longhurst
To: Microsoft ATR
Date: 1/26/02 8:43pm
Subject: MS settlement

Regarding the Civil Action No. 98–1232 between the UNITED STATES OF AMERICA and MICROSOFT CORPORATION, I would like to exercise my right and voice my frustration. Microsoft is further extending their monopoly by showing no regard to either the court orders or the public sector.

I am an Operations Manager for Kiwi Publishing, located in Spokane, WA, and was recently effected by the Microsoft and Qwest ''sell off/buyout'' deal. We did not choose to have our Internet Service Provider changed, but without our concent and knowledge Qwest and Microsoft changed hundreds of consumer's telephone service without permission, which is illegal under Section 258 of the Telecommunications Act, 47 U.S.C. ?258.

As a direct result of this action, our business has suffered. This act forcefully prohibited us from contacting hundreds of our customers via e-mail because we were not using the more expensive and less functional Microsoft e-mail software. Our only option was to either individually write each customer or change ISP—both of which hurt us. Because of the time-limited circumstance the VERY time consumming task of manually contacting our hundreds of customers was our only real option.

In our efforts to remedy the situation, three times we called Microsoft and requested they help us use our old automated system of contacting our customers and were thrice told we could only use Microsoft products to send out any e-mails with no exception—which could only happen if we purchased their software.

Furthermore, since we were taken from Qwest's internet service and placed on the Microsoft Network our business internet service has been from terribly slow to completely stopping at times. Again, in our efforts to remedy the situation we were told in order to change to a new ISP, we would have call Qwest and Microsoft to CANCEL the internet service circuit and sign up anew for a different internet service circuit—again provided by Qwest! Now as an engineer in electronics engineering technology and a network administrator, I know a circuit cancellation and renewal is NOT required if you want to change an ISP. What is their motive? What agreement was signed to force that pretended requirement?

Clearly, Microsoft is still making monopolistic agreements with other companies (whether OEMs or not) and tramples the stipulations imposed by the courts under their feet. If anything has changed, Microsoft seems to be more willing to use its monopoly to harm our business and limit our choices than before the courts imposed sanctions upon them! What a gross disregard for our laws and lack of respect for their customers!

I add my voice that the proposed settlement (as is) will do nothing to stop Microsoft from turning their monopoly into a choke yoke for anyone—regardless of law and ethics. Obviously the proposed settlement is not forcing Microsoft to change. This country can not survive upon a total disregard of ethics. This is particularly so with such a large unethical company as Microsoft.

Will you hold our country to ethical standards by requiring our companies to live by ethical standards?

Valden Longhurst
101 East Graves Road #11
Spokane, WA 99218

MTC–00026426

From: Gary Duerksen
To: Microsoft ATR
Date: 1/26/02 4:33pm
Subject: Microsoft Settlement

To Whom it May Concern:

I am a high-technology professional for whom computer usage is a daily necessity for survival. Over the course of my 30-year career I have used mainframes, workstations and PC's running JCL, VMS, UNIX, DOS, Windows, Mac OS, etc.; my opinions do not represent a parochial bias derived from group-identification with one computing platform. I also use Microsoft software regularly and have first-hand experience with some of Microsoft's questionable tactics, such as planting traps in Windows to inform a user of non-existent software problems when attempting to run Netscape Navigator.

The pattern in developing technologies has always shown a migration from myriad proprietary standards to a uniform codified set of standards, typically overseen by an independent professional organization. The development of computer operating systems has also moved in this direction, through promotion of operating systems such as open-source UNIX and Linux, and through the development of platform-independent programming languages such as Java. I am convinced that this progression is both beneficial and essential for the health of the industry.

I believe that the Final Judgement proposal agreed to in November, 2001 will do little or nothing to ameliorate the very real harm that Microsoft's monopolistic abuses continue to do to those businesses dependent on the computer industry. Microsoft has used its overwhelming market-share of computer operating systems to guarantee proprietorship over the application software used on virtually all computers. Not only has this practice effectively eliminated all competing internet browsers and seriously impeded the adoption of Java, it also has the potential to limit the burgeoning market for consumer devices that interface with a computer to those that incorporate proprietary Microsoft software.

There is only one remedy that ensures Microsoft will discontinue its anticompetitive practices: mandate the breakup of Microsoft into separate businesses for operating systems and for application software. Not only will this benefit the entire community of computer users, it arguably might improve Microsoft's profitability.

Gary L. Duerksen, Ph.D.
Director of Optics
Seneca Networks
Rockville, MD

MTC–00026427

From: Leslie Crawford
To: Microsoft ATR
Date: 1/26/02 8:43pm
Subject: Re: Microsoft settlement

Please accept the settlement already made, which was reasonable, and avoid further expensive unnecessary litigation.

Leslie Crawford

MTC–00026428

From: Bruce Cartwright
To: MS ATR
Date: 1/26/02 8:37pm
Subject: Microsoft Settlement
January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to voice my beliefs about the November 2001 proposed settlement reached between Microsoft and the government. First, the Department of Justice should never have sued Microsoft. It was completely wrong. Microsoft should not be forced to litigate its business practices beyond what has already transpired. As a Christian, I believe that the government was strictly motivated by greed.

The settlement constitutes a great opportunity for this country, putting disputes to rest, and allowing Microsoft to progress through continued innovation. Microsoft has agreed to have a government appointed watchdog monitor their business practices. If Microsoft breaks any term of their settlement, they will be held responsible for their actions. This is good enough for me to see Microsoft agreeing to be monitored.

The government has moved away from these values as I see it, becoming much bigger than itself, not by the people, or for the people, but by those who run the people, who own the people. As a person who lives by the good word, the people are speaking, I am one voice crying out in the wilderness, ''Let Microsoft continue onward, support this settlement without any further punishment or actions against them.'' This is in the best interest of Microsoft, the government, and the economy and for this nation.

Sincerely,
Bruce Cartwright

MTC–00026429

From: BJUFL@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 8:47pm
Subject: Microsoft Settlement
709 Buckwood Drive
Orlando, FL 32806
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The purpose of this letter is to express my support of the settlement reached between Microsoft and the Department of Justice. Since the inception of this lawsuit, enormous amounts of federal resources have been spent in court negotiations. During this time the technology industry has seen a significant decline in its markets. Given the current state of the economy, I believe that continuation of this lawsuit would serve only to waste more federal dollars. The settlement that was reached benefits consumers and the technology industry. I urge you to enact the settlement reached in November.

To expand, the settlement agreement most definitely supports the consumers of the tech industry. With the release of Windows XP, users will now be able to add and delete programs easily into the Microsoft system. In addition to this, Microsoft has agreed to disclose some of the protocols in the Windows system so that developers will design more compatible software. Microsoft has made many concessions in order to resolve this issue.

I would hope that the Justice Department recognizes the importance of enacting this settlement. Thank you for your time regarding this issue.

Sincerely,
William Underwood
cc: Representative Ric Keller

MTC–00026430

From: todd chatman
To: Microsoft ATR
Date: 1/26/02 8:49pm
Subject: Microsoft Settlement

To whom it may concern:

I'm writing to denounce the proposed settlement of U.S. v Microsoft.

I join a deafening chorus of both experts and laymen who all agree: this settlement will do virtually nothing to create a better environment for competition in the PC

software industry or to improve the social good derived from that industry. Didn't you, the DOJ, learn your lesson in 1995 when you slapped Microsoft's wrist and then had to listen to Bill Gates publicly ridicule the consent decree as essentially meaningless? He was right; that decision did nothing to limit Microsoft's anti-competitive practices, largely becuase the technological map it responded to had been completely redrawn by the time it was written. The same is true in this case—it has lasted just long enough for Microsoft to have moved beyond the terms of this settlement into new realms of market monopolization. The American people cannot afford to sue Microsoft every 3–5 years while its technological future continues to be held hostage to Microsoft's whims. I beg you: Discard this settlement, rewrite it with real teeth, and pursue its enforcement until we see real innovation and competition in the market again.

Sincerely,
Todd Chatman
Urbana, IL University of Illinois —

MTC–00026431

From: rrknorr@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/26/02 8:50pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Rosemarie Knorr
2470 Tapestry Court
Livermore, CA 94550

MTC–00026433

From: Jdores1228@aol.com@inetgw
To: Microsoft ATR,FIN@mobilization office.com@inetgw
Date: 1/26/02 8:56pm
Subject: (no subject)

I am shocked that the U>S> Government went after Microsoft when Time Warner should have been first. The letter that was e mailed to me never arrived. What the Government did does not make sense. If they want to break up a company why wasn't Time-Warner the one??????????????????????????????

MTC–00026434

From: Clint Allen
To: Microsoft ATR
Date: 1/26/02 8:57pm
Subject: Microsoft Settlement

I am one of the many US citizens concerned by this settlement and the ways in which it will affect Microsoft's monopolistic practices. In particular, I would like to point out problems with the following sections:

Section III.A.2. allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

Section III.B. requires Microsoft to license Windows on uniform terms and at published prices to the top 20 OEMs, but says nothing about smaller OEMs. This leaves Microsoft free to retaliate against smaller OEMs, including important regional ''white box'' OEMs, if they offer competing products. Section III.B. also allows Microsoft to offer unspecified Market Development Allowances—in effect, discounts—to OEMs. For instance, Microsoft could offer discounts on Windows to OEMs based on the number of copies of Microsoft Office or Pocket PC systems sold by that OEM. In effect, this allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas, such as office software or ARM-compatible operating systems.

Thank you for your time.
Clint Allen

MTC–00026435

From: Barbno63200@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 8:59pm
Subject: Mcrosoft ettlement

i think that the Microsoft settlement is good because it give people choices which are bound by the sherman anit-trust act.

CC:barbno63200@al.com@inetgw

MTC–00026436

From: juanito
To: Microsoft ATR
Date: 1/26/02 8:59pm
Subject: microsoft settlement

From what I've heard of the Microsoft anti-trust settlement, I believe it to be not only unfair, but highly counter-productive if its goal is to weaken Microsoft's monopoly on the computing industry.

Juanito Moore

MTC–00026437

From: pilinp@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 8:55pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Pedro Sanchez
4765 sw 6 st.
Miami, FL 33134–1407

MTC–00026438

From: mr.k@fuse.net@inetgw
To: Microsoft ATR
Date: 1/26/02 8:58pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
John Kraemer
3349 Blue Rock Rd.
Cincinnati, OH 45239

MTC–00026440

From: tougholdbird@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/26/02 9:02pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Darlene Brown
205 John Allen Rd.
Roxboro, NC 27573

MTC–00026441

From: racke@3-cities.com@inetgw
To: Microsoft ATR
Date: 1/26/02 9:04pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Carolyn Ewing
116 West 28th Avenue
Kennewick, WA 99337–5010

MTC–00026442

From: AlanAroman@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 9:07pm
Subject: (no subject)

Dear Sirs at the Department of Justice,

I object to the amount of money and time that the Department of Justice has chosen to dedicate to the Microsoft Case. It occurs to me that Microsoft has spent large sums of money to provide products to the American consumer at competitive prices that the American public have chosen to expend. Not only are the products innovative but the selection of products make us the consumer more productive assisting us to be more efficient as well.

My understanding of the proposed agreement judge it to fair, reasonable, but also hard-line. It also as reported by the press far exceeds the findings of the Court of Appeals. I contend that the American public would rather see American spirit and innovation be spent in the form of and on American products that are developed by Microsoft through research and development versus the contrary, the waste of taxpayer dollars and revenue on litigation.

Other priorities are obvious and relevant.

Thank you for your time in reading this letter.

Alan Roman
CC:fin@mobilizationoffice.com@inetgw

MTC–00026443

From: Jason
To: Microsoft ATR
Date: 1/26/02 9:09pm
Subject: Microsoft Settlement

The proposed settlement is worse than a slap on the wrist for Microsoft.

Microsoft has used many tactics to leverage it's monopoly in the computer market. The proposed settlement does not address these tactics or effectively provide recourse.

The proposal does nothing to stop Microsoft to keep using Windows licenses as leverage to increase market share.

It still allows Microsoft to use punitive measures against OEMs that ship computers without Microsoft's operating system. (Even if the end user has no intention of using a Microsoft operating system).

It does not prohibit license terms used by Microsoft to prohibit open source apps from running properly in Windows and fails to prohibt intentional incompatibilites that Microsoft engineers place in Microsoft apps to keep them from running on other operating systems.

The suggestion that Microsoft should ''donate'' software to schools is a laughably transparent coup de grace for Microsoft. It's not a punishment to be given a billion dollar competitve advantage in one of the few areas where your company doesn't completely dominate the market.

Since Microsoft more or less copied the Macintosh interface, a good start for a recourse would be to require Microsoft to pay a small royalty to Apple Computer for every copy of Windows 95 and Windows 98 sold. (under the provision that Apple be required to use a percentage of this money to subsidize low cost computer equipment to schools.) .net is the next mechanism that Microsoft is trying to use as a control lever. If .net technologies only work on IE running on Windows, Microsoft can use .net to further leverage it's position while forcing users to interact with the internet on Microsoft's terms. This needs to be addressed, possibly by making .net an open source project under the auspices of Netscape and/or Apple. Netscape might be able to monetize .net and ensure that .net technologies work on all browsers and operating systems.

I don't pretend to know the feasibility of such solutions and they may well be ridiculous but I do know this, Microsoft should not be rewarded for it's behavior.

MTC–00026444

From: Dave C
To: Microsoft ATR
Date: 1/26/02 9:11pm
Subject: Microsoft Settlement

To whom it may concern,

I want to open this with a preface. I am not an anti-Microsoft proponent and am a regular user of their products. However, I also believe that the American laws, although not perfect, need to be obeyed. I have been following the Microsoft trial with some interest for awhile now and here are my conclusions.

1. Microsoft was originally found guilty of being a predatory monopoly and ordered to be split into two pieces.

2. A panel of appellate judges found that although none of the previous judge's findings were incorrect in any way there was a bias against Microsoft and that the breaking of the company was not necessary. What struck me here was that NONE of the findings of facts against Microsoft were overturned.

3. Microsoft became a very large financial backer (for the first time ever) in the last presidential election.

4. After the election all charges were summarily dropped. As a law-abiding and voting member of this great country I find it disturbing that our judicial system can be so easily (apparently) bought out. Our fore-fathers instituted a system of checks and balances to keep one branch of government from gaining too much power over the other branches of government, and yet this seems to be the case. In a situation in which the defendant is undeniably guilty (the guilt of Microsoft was upheld by the appellate panel of judges) a campaign contribution was enough to have all charges dropped. To allow this mockery of our judicial system would be a crime unto itself and reduce the authority and respect that it has engendered over the past two-and-a-quarter centuries. This must not be allowed. I do not think that the punishment should be more than the crime permits, but clearly Microsoft has repeated broken the laws of the United States without any regard or shame. This must not be allowed. Thank you.

Dave Cowen
dback69@hotmail.com

''Teach us to number our days aright, that we may gain a heart of wisdom.''—
Psalm 90:12

MTC–00026445

From: Peter Johnson
To: Microsoft ATR
Date: 1/26/02 9:13pm
Subject: Microsoft Hegemony

Despite the restrictions placed upon the Microsoft Hegemony by the Settlement I doubt the Microsoft trust will be effected. Althought the settlement has limited Microsoft's ability to control its competition it has not hit the root of the problem. Just by giving Microsoft competition room to grow will not be able to over turn the vast hold Microsoft has on the software industry. Microsoft is to large almost all of the worlds computers already contain Microsoft operating systems that are stacked full of Microsoft's programs. To the average consumer Microsoft is synonymous with the word computer most people only know how to interact with a computer using Windows. Allowing the Microsoft corporation to survive will do nothing to create companies capable of serious competition. The only true solution to the Microsoft Hegemony is by breaking the company up to create competition within the remnants of Microsoft allowing smaller outside companies to compete directly.

Carl Johnson

MTC–00026446

From: PLAYCON@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 9:15pm
Subject: Microsoft Settlement

It is time to end this ''POLITICALLY BASED'' farce. I believe Microsoft has comported themselves in a professional and forthright manner throughout this politically motivated ''WITCH HUNT'' at the TAX PAYERS expense. If the well connected companies represented by the states

attorneys cannot compete in the marketplace then good riddance.

MTC–00026447

From: David M. Weatherell
To: Microsoft ATR
Date: 1/26/02 9:17pm
Subject: Microsoft Settlement

To whom it may concern:

I oppose the application of antitrust laws against Microsoft. I have developed software for 20+ years and have used several software development tools and environments. Microsoft has made my job far easier than it otherwise would have been. In fact, it has probably made possible the very existence of my job.

The integration of the operating system and user applications is crucial to my productivity, and using applications developed by the same company radically reduces the learning curve for new products. In addition, the number of software errors in these products is reduced because the same company produces all of the software. In short, Microsoft should not be punished for improving the lives of software developers and end users.

Under a system of objective law, the above information would be irrelevant. The application of justice is not contingent on public opinion. Nor is it contingent on contradictory laws that violate basic property rights and guarantees against involuntary servitude. The Federal Government has neither the moral right nor the legal authority to punish Microsoft under the antitrust laws.

David M. Weatherell
Sr. Software Engineer
(585) 217–9445
1080 Floribunda Way, Apt. G
Webster, NY 14580
CC:activism@moraldefense.com@inetgw

MTC–00026448

From: Marge@cfl.rr.com@inetgw
To: Microsoft ATR
Date: 1/26/02 9:15pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Marjorie LaCour
838 Tomlinson Terrace
Lake Mary, FL 32746–6310

MTC–00026449

From: Ann_Blackburn@juno.com@inetgw
To: Microsoft ATR
Date: 1/26/02 9:16pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Ann Blackburn
725 Port Malabar Blvd., NE
#203
Palm Bay, FL 32905

MTC–00026450

From: jimmal1@juno.com@inetgw
To: Microsoft ATR
Date: 1/26/02 9:19pm
Subject: Microsoft Settlement

ENOUGH!!! End this witch hunt now. I am tired of the government spending my money on lawsuits to give advantages to big-money software companies under the guise of fair trade. If netscape and Sun can't use their own resourses to compete, don't use my pitiful tax contributions to increase their wealth. Let the market place dictate terms of cooperation, not the government. This lawsuit has contributed to the recession enough. Don't let it go any further. Settle!!

Thank you.

Jim Malneritch, taxpayer and voter.

MTC–00026451

From: Jason Bergstrom
To: Microsoft ATR
Date: 1/26/02 9:26pm
Subject: Microsoft Settlement

Attention: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I would like to register my dissatisfaction with the proposed judgment in the U.S. DoJ vs. Microsoft antitrust suit. The lack of any meaningful punishment of Microsoft or any hint of reparations to a once competitive software industry tells me that my tax dollars have not been well spent.

Please revisit the judgment.

Thank you for your time,
Jason Bergstrom
bergie@aracnet.com

MTC–00026452

From: Gregory Liban
To: Microsoft ATR
Date: 1/26/02 9:26pm
Subject: Microsoft Settlement

Please leave Microsoft alone. I constantly sense that people are seeking revenge against Microsoft in a mistaken way. Microsoft is not a Tobacco company whose products have caused cancer. Microsoft is also not a company whom has thrived because it squeezes out competition just for the sake of market share.

Microsoft wants to give a Billion dollars worth of Computer equipment to those who need it, and whose side does the government take. Gee, not with those whom might need the computers, but with Microsoft's competitors! So where is the cancer here? Now, because its competitors aren't happy, they want to question the very decision of the court and the precepts of the decision in the Microsoft case. Come on; let's get our thinking hats on straight. What is deciding the decision of all the Microsoft issues? Is it poor competition, or poor politics? What is the cancer here? Has government killed the cancer, or is it feeding the cancer? Perhaps the government needs to take a couple of steps back and really figure out what is going on.

Why can't half the automation equipment purchased by Microsoft come from its competitors like Linux, Sun or BeOS. I can answer that! It's because it doesn't meet the need of the common user. Duh? Apple is a niche product—or at least its in many of the schools. Gee, why can't Apple be called a monopoly? Perhaps the government needs to spur across-the-board automation industry growth in non-legal means.

I enjoy Microsoft products and they provide jobs to millions of people in the computer industry. Moreover, Microsoft leads the industry in innovation and meeting the consumer's needs. Don't disrupt a company that helps all of us in so many needs. Moreover, I ask that you don't listen to all the voices that shout Microsoft hatred!

Being a politician or someone in political office isn't always popular. I know because I work in the Federal Government. But, we are always entitled to make good decisions based upon the best available information. Good or bad, easy or hard.

Thanks!
Gregory Liban
Gregory A. Liban
galiban@hot.rr.com
254–699–3460

MTC–00026453

From: Jean and Warren Doremus
To: Microsoft ATR
Date: 1/26/02 9:26pm
Subject: Microsoft Settlement

Please see attached letter.
JEAN & WARREN DOREMUS
January 26, 2002
Attorney General John Ashcroft
U S Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Permit us to offer some of our views about the Microsoft antitrust case. In our judgment,

the settlement agreement reached between Microsoft and your department is fair, reasonable, sensible and in the best interests of all parties concerned. We believe it addresses the issues that brought about the case and which nine states have approved. We see no need for further federal action, particularly while Microsoft is negotiating with the remaining states to reach an agreement.

Although the settlement may reach further than Microsoft may have desired, it recognizes that settling this case sooner is better than later. It requires Microsoft to change the way it develops, licenses and markets its software, as well as the way it deals with independent vendors.

Not only does the agreement handle past and present problems, it establishes provisions on how to deal with possible future problems. A technical oversight committee will ensure that Microsoft complies with terms of the settlement, and competitors will be allowed to sue Microsoft directly if they feel they've been treated unfairly.

There comes a time when this litigation must be put behind us, and that time is now. Certainty and stability should be reestablished in the IT sector. The cloud that has been hanging over it for all the years this case has been before the courts ought to be lifted so that the sun can once again have the chance to shine on our economy.

Sincerely,

Jean s. Doremus Warren S. Doremus

66 CAMBERLEY PLACE, PENFIELD, NEW YORK, 14526–2707

E-MAIL: DORAYMEE@ROCHESTER.RR.COM

MTC–00026454

From: KALMAN V ILLYEFALVI
To: Microsoft ATR
Date: 1/26/02 9:27pm
Subject: Microsoft antitrust case

January 26, 2002
Attorney General John Ashcroft
US Department of Justice

Dear Mr. Ashcroft:

I am in favor of the agreement reached in the Microsoft antitrust case. I would like to see the remaining states that are not party to the agreement, settle the case as well. I think their position is ridiculous. It is a shame they have not made the wise decision that the Department of Justice has made to put the case to rest.

The terms of the settlement agreement are fair and reasonable. Upon approval of the agreement, Microsoft will change the way they handle their relationships with computer manufacturers who install software that compete with Windows. They have also agreed to grant manufacturers new rights so they may configure Windows to run with other features of the competition's software programs.

Nothing more should be expected or required of Microsoft than what is contained in the settlement agreement. Thank you for your time and your efforts to settle this lawsuit.

Sincerely,

Kalman V. Illyefalvi and Phyllis S. Illyefalvi

MTC–00026455

From: Jeanpittma@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 9:29pm
Subject: microsoft settlement

We favor settlement. Delmar & Jean Pittman e-mail address jeanpittma@aol.com

MTC–00026456

From: raphael(u)jones Jones
To: Microsoft ATR
Date: 1/26/02 9:29pm
Subject: Microsoft Settlement

Sirs,

It is with great consternation, that I see this issue continuing to take up so much of the time in our courts at taxpayers expense. Microsoft may have made some errors of judgment, but AOL, and Netscape in particular, was attempting to corner the market themselves. They just finished last. This whole matter is about a competitive, capitalist market, and fairness for the most part is not the issue. I request that the USDOJ disallow this suit and let the market determine what it wants, and may the best, or most aggressive win.

Regards,

Raphael L. Jones

MTC–00026457

From: bobegole@netscape.net@inetgw
To: Microsoft ATR
Date: 1/26/02 9:33pm
Subject: Microsoft Settlement

The proposed settlement between the US Department of Justice and Microsoft is insufficient to remedy the anticompetitive practices of Microsoft.

My main concern is regarding the finding upheld by the appeals court that Microsoft ''attempted to mislead and threaten software developers in order to contain and subvert Java middleware technologies''. Microsoft should now be required to include a certified compatible Java virtual machine. In the time since Microsoft engaged in illegal conduct against Java, it has developed competing middleware which it is bundling in the operating system as part of it's so-called .NET environment. Microsoft, having engaged in illegal conduct to delay the industry acceptance of Java, now feels safe to exclude Java. This damage needs to be remedied but is not addressed in the proposed settlement. Microsoft should be compelled to include Java for a period that will compensate for the damage inflicted by Microsoft's illegal conduct.

The preceding is a minimal addition that I believe should be imposed on Microsoft. The ultimate solution is to separate Microsoft's platform development (the Window's operating system and .NET services) and the application divisions (the browser, Office, etc.). This is the only way to be certain that other software application companies can compete fairly with Microsoft applications. Until this separation is made, Microsoft applications will continue to unfairly influence extensions in the Microsoft platform and to unfairly gain advance knowledge of features available in the Microsoft platform. Furthermore, the operating system source code should be made open to other computer companies so that they may develop and market operating-system enhancements. This will allow competition in the PC operating system, which has stagnated as Microsoft merely extends their monopoly by tightly coupling applications to the operating system. New versions of the operating system have added integrated web browser functionality, collaboration applications, and other applications but, meanwhile, the operating system core has remained largely unchanged since the release of Windows 95 and Windows NT more than 6 years ago. The operating system should be made open to give others the opportunity to extend platform functionality.

Let me close by saying that it is my belief that the current stagnation in the computing industry is largely due to Microsoft's uncompetitive practices. They have not only actively thwarted competition, as found by the appeals court, but have created disincentives to competition by expanding their definition of ''operating system'' to include emerging applications and ''middleware''. Microsoft should be forced to include Java, separate the company's platform and application divisions and open the operating system to competition as a minimal remedy for their uncompetitive behavior. This will also allow other companies to compete fairly and innovate without fear that years of investment and innovation will show up as a mere feature of the next release of Windows.

Effective measures to counter Microsoft's illegal conduct must be taken to ensure the health of the US Technology industry.

Sincerely,

James M. A. Begole, Ph.D.
Computer Scientist

MTC–00026458

From: Russ Aaronson
To: Microsoft ATR
Date: 1/26/02 9:33pm
Subject: Microsoft Settlement

Russell Aaronson
5300 SW 11th St.
Margate, FL 33068

January 26, 2002
Judge Colleen Kollar-Kotelly
United States District Court for the District of Columbia
333 Constitution Avenue, NW
Washington, DC 20001

RE: US v. Microsoft proposed final order

Dear Judge Kollar-Kotelly,

I teach English and SAT Prep to students at an inner city high school in South Florida. I have reviewed the documents relating to the Microsoft Settlement, and I have found several elements contained within to be highly alarming. I'm certain you have received a considerable number of responses that specifically relate to the language of the settlement, but I would like to appeal to you with a different technique. This letter will provide a few ''real world'' examples of how Microsoft's policies have hampered students'' potential for using new technologies.

On a daily basis, students enter my room to print out documents they created outside the school. They take the documents created with Microsoft Works and try to edit and

print them at school, but this never works because Works documents are incompatible with Microsoft's own Office programs that we use at school. Stunned, student after student will ask me how the same company can make two virtually indistinguishable programs on the same platform (again, created by the same company), but neglect to make them work with each other. It never occurs to them that the Works program that comes ''free'' with the computers their parents purchased is useless for the majority of their schoolwork. Unable to explain the logic or fairness behind this situation, I send them on a scavenger hunt for a working computer with Works installed so they may complete their work.

This is also a situation that the proposed settlement will not remedy. It is difficult enough to help students with programs created on other platforms (though every other platform offers some free, simple method for translating documents back and forth), let alone help them with works created with deliberately handicapped software they were forced to purchase with their computers.

The cost issue also inhibits our ability to make wise software purchases at school. Microsoft's Office suite has always been pricey for education customers, but the new ''XP'' marketing strategy could make the situation untenable. In a school where it is important to keep every available computer running for as long as possible, the prospects of purchasing productivity software that ''expires'' when a newer version arrives (or even the prospect of ''leasing'' software for the same price that used to be required to own it indefinitely) are horrifying. Of course, an educational institution has the responsibility to prepare students for the business world, so we must consider the ''industry standard'' software, regardless of cost. Put bluntly, this technique places Microsoft's software distribution strategy as the one used by drug dealers who frequent the neighborhood surrounding our school. Again, the proposed remedy does nothing to prevent this situaiton, and as such, the settlement will prove to be as practically useless as an Office XP install disc will be a year from now.

Furthermore, I cordially invite you to a comprehensive tour of our school and it's technological backbone. At Boyd Anderson High School, we take pride in our ability to overcome adversity. I simply wish I could tell my students that their government's concerns about the technological barriers to their success are more important than protecting one of the corporations that creates the barrieres.

Hopefully, your judgement will help me change this situation.

SIncerely,
Russell Aaronson
Teacher
Boyd Anderson High School
(Home of the Fighting Cobras)
3050 NW 41st ST
Lauderdale Lakes, FL 33319
(954) 497–3800, x350
Fax (954) 497–3819

MTC–00026459

From: Wilfred W Foreman
To: Microsoft ATR
Date: 1/26/02 9:37pm
Subject: Microsoft Settlement

Please settle theMicrosoft litigation now. It will not help consumers to drag out the settlement. We would be most benefitted by a timely settlement.

The proposed settlement seems reasonable and could be a help to our stumbling economy. Dragging it out further will only enrich lawyers and special interests. Please help us.

Wilfred & Imogene Foreman

MTC–00026460

From: Shirley544@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 9:39pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you. Sincerely, Shirley Shirley 9043 Letha Lane Shreveport, LA 71118

MTC–00026461

From: echrist690@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/26/02 9:43pm
Subject: Microsoft Settlement

My name is Ellie Drew. I am president of the Institute for Conscious Change in Tucson, AZ. I wish to thank all of the public servants in the DOJ for their excellent work in pursuing the Anti-trust case against MS. However the currently proposed remedy fails to even address its own stated intents. Please consider all of the findings in the case against MS in modifying the Revised Proposed Final Judgment and come up with a new remedy which addresses these findings and the current RPFJ's stated intents.

I include here considerations for bringing the RPFJ into accord with the case findings, the RPFJ's stated intents and reasonable remedy given the nature of the situation. My views are substantially the same as those in the comment filed by Robert E. Litan, Roger D. Noll, and William D. Nordhaus. Where I differ in view is in the number and degree of separations. In number: I urge you to require all non-Operating Systems code (using the traditional definition from Computer Science and overseen by an independent panel of university professors doing Operating Systems research) be removed from the ownership of and access by the Divested OS companies. The resulting removed assets would be passed ''over the wall'' to one of three independent Application companies. These Application companies would be delineated into ''client applications'', ''server applications'', and ''development tools.'' Failure to comply with this divestiture within a one year time frame would result in the code for all products found not to have been appropriately apportioned be placed in the public domain. In degree: I urge a new Final Judgment that requires all of the resulting divested companies to make freely available for use all APIs, component/application interfaces, protocols, and other interconnections at the time of the decree and in perpetuity. Where any existing outside standards exist for any of these interfaces all divested companies would be required to implement -without extension or modification- these standards while removing interfaces which overlap any standards within a two year time frame. Failure to comply would result in the code used to implement any non-conforming interfaces be placed in the public domain. In addition all applications produced by the divested companies must be marketed and sold separately for a period of seven years. Failure to comply (such as bundling or tying in software components of different companies or components of the same company) would result in the code of the affected software component being placed in the public domain.

These remedies and penalties for non-compliance are just and due given the egregious nature of the defendants crime and behavior.

Sincerely,
Ellie Drew

MTC–00026462

From: Kathy J Hering
To: Microsoft ATR
Date: 1/26/02 9:45pm
Subject: Please settle this!!

Dear Friends-

As a senior citizen I believe it would be great idea to settle with microsoft. During the time this plan was in place under our last president, he could have been working on the terrorists and may have prevented the incident of last Sedember. I think it's about time that this country get its priorities in order.

Thanks for listening,
Bob Hering

MTC–00026463

From: nickf@primenet.com@inetgw
To: Microsoft ATR
Date: 1/26/02 9:43pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other

Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Nick Fletcher
P.O. Box 3374
Scottsdale, AZ 85271–3374

MTC–00026464

From: Lawrence (038) Sarah Ballew
To: Microsoft ATR
Date: 1/26/02 9:49pm
Subject: Microsoft Settlement

Greetings,

I am writing to encourage you in the case against Microsoft. While this company has certainly done a great job of generating jobs and profits, it has done so in a manner which is short sighted and costly to the future of computing in the USA. Please do not simply slap them on the wrist. This company needs to know that it's predatory pricing practices and it's monopolistic methodologies are inconsistent with a free and fair market.

I think one of the clearest signs of Microsoft's negative approach to the whole business of computing is their offer to flood America's schools with old, used, inefficient hardware and software as a way of making amends. That they would be allowed to push their monopolistic practices down the throats of schools is almost laughable if it weren't so typical of Microsoft's thinking. Don't let that happen.

Thank you for your patient and persistent work on this matter. I am sure that you will proceed in this matter with a long term view and with a desire to see the USA public have at their fingertips the very best software applications American companies can produce.

Sincerely,
Lawrence Ballew

MTC–00026465

From: Tom Galvin
To: Microsoft ATR
Date: 1/26/02 9:53pm
Subject: Microsoft Settlement

The proposed settlement is bad idea. The remedy does not correct the abusive behavior of the monopolistic situation.

MTC–00026466

From: rogbryson@juno.com@inetgw
To: Microsoft ATR
Date: 1/26/02 9:55pm
Subject: RE: MICROSSOFT JUDGEMENT—SETTLEMENT

GENTLEMEN:

CONSUMER INTERESTS HAVE BEEN WELL SERVED. IT IS TIME TO END THIS COSTLY AND DAMAGING LITIGATION. PLEASE SETTLE WITHOUT FURTHER DELAY.

THANK YOU!
SINCERELY,
ROGER W. BRYSON
5401 SHADOW LAWN DR.
SARASOTA, FL. 34242

MTC–00026467

From: Fred C Hinds
To: Microsoft ATR
Date: 1/26/02 9:55pm
Subject: Microsoft Settlement

Gentlemen:

I think the time has come that you go with the current proposed settlement with Microsoft. These people have helped provide computer equipment and other software products that we as senior citizens can afford . With their help we will have more new electronic equipment to help us and YOU with our daily efforts. In my opinion the time has come to to end this costly and damaging litigation.

Thank you for your time.
F.C. Hinds Jr.
1410 Lorrie Dr.
Richardson, Texas 75080

MTC–00026468

From: James Russell
To: Microsoft ATR
Date: 1/26/02 9:56pm
Subject: Microsoft Settlement

I was a user of Windows 98 from 1998 until just last year. I witnessed first-hand how hard Microsoft made it for me to choose Netscape. Indeed, at one point I did give up Netscape for IE just because it was simpler.

I know use Windows XP, and have been nearly forced into using Microsoft's Passport service, which I don't think is secure, forced into having IE, MSN Explorer, Windows Media Player, Windows Messenger, you name it, I've been forced to install it. What angers me most, though, is that Microsoft has made Windows more bloated and less secure by making me install the IE code (Go to www.news.com and search for ''IE'' and ''security'' and you'll see what I mean.), and it makes me angry that I must suffer these security holes because Microsoft wants IE on my computer whether I like it or not.

Forcing Microsoft to ship a fully clean version of Windows is absolutely necessary to restore competition where there now is none, on the Microsoft desktop. Moreover, OEMs need to be assured that Microsoft cannot penalize them for choosing this version of Windows. Microsoft should market this version equally as aggressively as Windows 2000 Home, Professional, or their descendants for a period of no less than 10 years. The price of this ''Windows Lite'' should be lower than the standard version of Windows enough to compensate for (A) the amount of code removed and (B) the percentage of features removed from the interface.

Further, Microsoft should no longer be able to dictate to any OEM whether a dual-boot operating system can be released on that OEM's systems in any way, nor can they be penalized, threatened, or coerced into dropping deals with Microsoft's competitors. This moratorium should be in effect for 10 years with an option for an additional 5–10 years at the court's discretion.

James Russell

MTC–00026469

From: Kenneth W Wegener
To: Microsoft ATR
Date: 1/26/02 9:57pm
Subject: Microsoft Settlement

I believe that the settlement that has been reached with Microsoft is fair and will benefit consumers. Therefore I urge that you accept that settlement and bring to an end this long trial. It will help our economy much more than continued litigation.

Kenneth Wegener

MTC–00026470

From: Geoff Murray
To: Microsoft ATR
Date: 1/26/02 9:59pm
Subject: Microsoft Settlement

When I joined Intel in 1997, they had a well defined roadmap for releases of faster new processors. But when AMD caught up to and surpassed Intel's performance in 2000, Intel aggressively pulled in its release schedules to be more competitive. That's the kind of competitive pressure that benefits consumers.

Microsoft does not have that kind of competitive pressure. This vacuum allows Microsoft to manage its roadmap as it sees fit, and consumers just have to accept it. The question is not whether Microsoft's products are getting better (they are), it's how much better would they be if they had competition. The gap between what Microsoft is delivering now and what Microsoft would be delivering if it had competition is the measure of society's loss from Microsoft's monopoly.

As a consumer, I was appalled by the Justice Department's actions in settling this law suit. After Microsoft had been found guilty of illegally maintaining its monopoly, the Justice Department unilaterally disarmed themselves by announcing they would not seek a breakup of Microsoft. Then they announced a settlement that had no penalties, no admission of guilt, and a series of restrictions riddled with loopholes and escape clauses.

This settlement does very little to protect consumers from Microsoft's monopoly power. It creates a situation where future illegal Microsoft actions require further negotiations or further expensive, time consuming court actions to be stopped. By taking a hard line on every upcoming issue, Microsoft can delay and negotiate concessions to actions that are harming consumers. Thus, this settlement provides inadequate consumer protection.

After reading about the Enron bankruptcy scandal, it is clear that the Executive Branch and Legislative Branch have serious conflicts of interest that limit their ability to control large businesses. Only the Judicial Branch, which does not need re-election funding, has the independence needed to protect consumers from over zealous corporations. Microsoft has shown contempt for this anti-trust trial since it began. The newly appointed Justice Department leadership has shown very questionable judgment. It is now up to the Judicial Branch to assert its authority in protecting the rights of consumers by rejecting this proposed settlement.

Sincerely,
Geoff Murray

MTC–00026471

From: H Davis

To: Microsoft ATR
Date: 1/26/02 10:00pm
Subject: be fair with Microsoft

To whom this concern:

I have been following this case since it all started. I know what this is all about. Companies like Oracle, Sun, and Netscape, are after the demise of Microsoft. I hate to think what will happen to the computer industry, it will be too costly for the most of us with nothing standard. Where was these companies when the PC industry was getting started. These come lately companies are only after the free for all, after Microsoft is defeated.

Thanks for reading this.

Harvey Davis
ddavis@valint.net

MTC–00026472

From: lloydreba@juno.com@inetgw
To: Microsoft ATR
Date: 1/26/02 9:59pm
Subject: Microsoft Settlement

Consumer interests have been well served, and the time to end this costly and damaging litigation has come.

Rheboris & Lloyd Reichen
Memphis, TN

MTC–00026473

From: john spaur
To: Microsoft ATR
Date: 1/26/02 9:59pm
Subject: Microsoft Settlement

Microsoft should be broken up.

I have been using computers since 1985 and started with the DOS operating system, before windows. Since the window operating system came into being I have seen a multitude of good software programs and the companies that wrote them go out of business. There is no reason to embed web browsers, movie and video programs, and word processing programs in the operating system. Independent software programs, designed by firms other than microsoft, can be linked with the operating system. microsoft is a terrible monopoly if it is not broken up and severely punished, one day the world will regret this tremendously. However, no one will really believe that until it is too late, and it will be too late when all of the computer operating systems are microsoft and running only microsoft programs.

MTC–00026474

From: Darlene Keefer
To: Microsoft Settlement
Date: 1/26/02 10:00pm
Subject: Microsoft Settlement
Darlene Keefer
114 Valley Road
Roundup, MT 59072
January 26, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers’ dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry.

It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Darlene Keefer

MTC–00026476

From: NancyKirch@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 10:04pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Nancy Crotty
10124 S. Hangman Valley Road
Spokane, WA 99224

MTC–00026477

From: Stan Strick
To: Microsoft ATR
Date: 1/26/02 10:08pm
Subject: Letter in support of Microsoft to Attorney General John Ashcroft

MTC–00026477—0001

1033 Kerria Lane
Camano Island, WA 98282
January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am familiar with the settlement that was reached in November. I feel that it is a fair settlement. Further litigation would only prolong the process. I believe that the decision was reached with a great deal of effort. The time was right to settle.

If further litigation is pursued, more of my money as a taxpayer will be spent. Stop spending the taxpayers'' money as well as Microsoft's money and resolve the settlement. I think what is important are the benefits we will receive from the settlement that has already been reached. I especially feel that the computers and software in the schools are essential for our children in this age of technology.

Microsoft is making a good faith effort to appease its critics with this settlement. The provisions requiring information sharing and non-retaliation agreements will increase competition in the technology market. I support the settlement and look forward to the end of this case.

Sincerely,

MTC–00026478

From: jethro23@juno.com@inetgw
To: Microsoft ATR
Date: 1/26/02 10:09pm
Subject: Microsoft Settlement

MTC–00026479

From: Jeff Hannon
To: Microsoft ATR
Date: 1/26/02 10:10pm
Subject: Microsoft Settlement 01/25/02
John J. Hannon
13423 S. 46th Way
Phoenix, AZ 85044
Judge Colleen Kollar-Kotelly
United States District Court for the District of Columbia
333 Constitution Avenue, NW
Washington, DC 20001
RE: US v. Microsoft proposed final order (Microsoft Settlement)

Dear Judge Kollar-Kotelly:

I wish to respectfully express my personal opinion to you regarding the current Microsoft Settlement as provided for under the Tunney Act.

I work for a company in Arizona which produces software utilized by infrastructure contractors (highways, dams, power plants, airports, etc.) in the United States and Canada to bid and build projects. Since the mid 1980's, this software has run atop Microsoft operating systems. We compete against several other products in the marketplace, and win clients by having a superior product and services. This firm I work for (to pay my mortgage) is attempting now to build its future software ''platform independent'', so as not to be beholden to Microsoft operating systems and applications (MS Office). Attempts such as these, to have the option of using Microsoft products, but not to have to RELY on them, is one aspect that should be considered in the Settlement.

I disagree with the settlement for two reasons:

1.The language in the Settlement gives Microsoft MORE power to stifle Free Software and Open-Source Software development.

If this is the Court's (and the Administration's) political intent, then so be

it, but constituents should be made aware of the implications, and why their government deems it so. I'm sure by now you know that the ''free'' in Free Software refers to freedom and not price.

Since our nation was built upon these principles, any settlement which infringes upon freedom is detrimental to our way of life. Regardless of Microsoft's rhetoric to the contrary, Free and Open-Source software gains customers and users because of having superior quality. This is truly the Open Market at work. Microsoft does not seem to embrace the ''open market'' concept (where inferior products can be discarded by consumers), nor the concept of freedom (freedom of choice). The settlement appears to empower Microsoft more than before they were convicted of breaking the law.

2.The Settlement is detrimental to our nation's multi-billion dollar Construction Industry.

Since the Settlement has virtually no penalty for Microsoft, and even subtly gives them added powers (J.1 and J.2), the construction industry will continue to spend billions of dollars for non-productive and non-needed operating system upgrades and hardware. This money would be better spent on investments in new jobs and capital equipment (or as profits invested in the stock market). Just at the point in time when the industry is being offered more sensible CHOICES for alternative platforms and superior applications, the Settlement appears to make attempts at beating those choices backward.

I was under the impression that the the Settlement was all about ''consumers'', not about protecting the position of a convicted monopolist. The Internet and the World Wide Web as we know it today, which was made possible by open-source software, requires little more than internet access as the cost of entry. This settlement will make it cost much more.

Thank You''
John J. Hannon
jj@hannon.net

MTC–00026480

From: Scott Dier
To: Microsoft ATR
Date: 1/26/02 10:10pm
Subject: Microsoft Settlement

To Whom it May Concern:

The Settlement with Microsoft is lacking to give Open Source software an equivilant ground in the world of embedded products. Let's say I wanted to make a device that hooked into a network with Windows machines and I just wanted it to work. In this endevour, I decided to contribute code to the samba project and was just making this device for no profit.

Now, since J,2,c says that I need to have a ''business need'' for the informations, I can't just call Microsoft up for a full API specification for a paticular communications protocol that they have.

Worse yet, if I were to be able to get that API, I have to ask permission to use the application I wrote because of the verfication requirements.

This is very counterintutive to most IETF (Internet Engineering Task Force) protocols that are used on the Internet and freely developed and distributed for the cause of interoperability. Microsoft wants to contain its communications protocols from Open Source third parties so we can't create an alternative communications platform that can walk-the-walk with Windows platforms. They could easily argue that the Open Source program using their API is going to destroy the vialibility of their business and that the open disclosure in code will allow others to develop possibly ''incorrect'' implementations of their protocols. Sometimes they might worry that a bug in their protocol design could be massaged by a incorrect implementation and that it would be the *implementors* fault for this, not theirs for designing protcols to be robust. Therfore, I worry that they will just deny anything with a Open Source license to pass their verification even if it has a compliant implementation of the protocol.

The fight isn't about destroying Microsoft, but for forcing interoperability and alternative means from the single vendor that many have been ''locked in'' to for years. This could extend the market for Microsoft, ISVs, and Open Source users and developers to work together and not have a rift in communications between platforms.

I also believe that some of the arguments that will be recieved detailing the plight of this settlement and how it helps alternative platforms for running windows applications are very important and I would like the Court to please take Jeremy P. White's comments seriously and carefully.

Lastly, I also echo the comments by Dan Kegel and his Open Letter, found at http://www.kegel.com/remedy/letter.html .

Scott M. Dier
1624 Chatham Ave.
Arden Hills, MN 55112
651–631–1827
Employer, but not speaking on their behalf:
University Of Minnesota, Computer Science and Engineering
Systems Administrator
Scott Dier <dieman@ringworld.org> http://www.ringworld.org/

MTC–00026481

From: mjlento@iwon.com@inetgw
To: Microsoft ATR
Date: 1/26/02 10:07pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Mark Lento
P.O. Box 6419
Hillsborough, NJ 08844–6419

MTC–00026482

From: rbrt3338@netscape.net@inetgw
To: Microsoft ATR
Date: 1/26/02 10:11pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Robert Hoebel
416 Madison Dr
San Jose, CA 95123–5025

MTC–00026483

From: Doug Mason
To: Microsoft ATR
Date: 1/26/02 10:15pm
Subject: Microsoft Settlement

From what I read on the proposed statement, it is only barely lifting a finger to fix the damage to the industry caused by them. This really only gives the OEMs the ability to sell a computer with a non-MS operating system, and could also dual boot. But the developers aren't helped much at all, there are no damages that Microsoft have to pay for how they hurt the companies in competition or the consumer. And as for opening up the APIs it is only going to be distributed by the MSDN, that isn't enough because they could just stash the code to the 3/4 or so of the network that is by subscription only, which in turn helps Microsoft more than it hurts it, because they will have access first, and if the competition wants to build applications that will integrate with Windows at the level that the MS products do, then it would mean paying them for it. As for the Technical Committee, it is too small for one, how much of Microsoft's source code, memos, ect.. could actually be read through with the attention that they deserve? It should be at least ten people, because Microsoft is a very large corporation and I would think produce an very large amount of documentation. And with the language that weeds out just about every ''expert in software design and programming'' that are out there. I think that

this should be changed at least to have microsoft to be forced to open their apis with no strings attached, to the entire world to view, if not the source code for the windows operating systems themselves, so that at least the competition will actually stand a chance against them, because with the present situation, and even if this settlement goes through, Microsoft will be too large to contend with by any single company, most of the competitors either become a part of Microsoft, or the companies die as a result of the microsoft product being forced upon the consumer. I hope that this settlement becomes what the Information Technology industry needs in order to regain the momentum that it had lost over the past year, and that everyone realizes that most of what is good for microsoft is bad for the industry in terms of competition.

Sincerely,
Douglas J. Mason
University Student
60456 Hamilton @ University of Oregon
Eugene, Oregon 97403

MTC–00026484

From: Debjimfl@cs.com@inetgw
To: Microsoft ATR
Date: 1/26/02 10:15pm
Subject: Microsoft Settlement
7314 Clearmeadow Drive
Spring Hill, FL 34606
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I think the settlement in the Microsoft antitrust case should be approved and implemented as soon as possible. That would be the best thing available now for America's computer technology industry, America's economy, and the American public.

Personally, I think America should not penalize successful companies like Microsoft for doing a good business, with good products, with tremendously beneficial innovations, with good, honest accounting and accountability.

The settlement will require Microsoft to give up its legal rights to its software and business practice in return for not being subjected to further costly, disconcerting litigation and the possibility of being split up, as AT&T was. For two examples, Microsoft will give away to its industry the software codes for the internal interfaces to its Windows operating system programs, and it will end its legitimate practice of requiring computer manufacturers that want to put its Windows operating system on the computer they build to put it on all or none, and as an integrated package of program or not at all. These changes, and others, will help the other companies in the computer industry.

I appreciate your leadership in settling this case, and ending the litigation against Microsoft. Let's get America back to work. Thank you.

Sincerely,
Clara J. Jones

MTC–00026485

From: JasonY
To: Microsoft ATR
Date: 1/26/02 10:11pm
Subject: Microsoft Settlement

I'll make this short and sweet.

I disagree with the current form of the MS/JD settlement. I believe it amounts to nothing more than a slap on the wrist for MS and an insult to consumers. I believe Microsoft's past behavior (even under legal restraint) clearly demonstrates that they will disregard any but the strongest measures designed to modify their behavior. Consumers suffer when an unrepentant and unfair monopolist like Microsoft is allowed to continue behavoir that is damaging to the marketplace and competition.

Thank you for your time.
Jason Young

MTC–00026486

From: Herbert Dyke
To: Microsoft ATR
Date: 1/26/02 10:16pm
Subject: Re:''Microsoft settlement''

Sirs:

It has been brought to my attention that there is great conflict regarding the Tunny Act soon to be before you.

I strongly believe that the proposed settlement offers a reasonable compromise that will enhance the ability of seniors and all Americans to access the Internet and use innovative software products to make their computer experience easier and more enjoyable.

Yours Sincerely,
Senior Citizen,
C. Herbert Dyke, Jr.

MTC–00026487

From: Avonia Sullivan
To: Microsoft Settlement
Date: 1/26/02 10:14pm
Subject: Microsoft Settlement
Avonia Sullivan
416 Construction Drive
Mayfield, KY 42066
January 26, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry.

It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Avounia Sullivan

MTC–00026488

From: richman@mail.mac.com
To: microsoft.atr(a)usdoj.gov
Date: 1/26/02 10:18pm
Subject: Microsoft settlement

To the Court:

As an end user (consumer) of computers for the past 20 years, I find the proposed settlement by the Justice Department to be woefully inadequate. My objections concern both the remedies and the lack of consequences if the stipulations of the settlement are violated by Microsoft.

Consumers like myself are slowly but surely being forced to use Microsoft products if we want to get ahead at work or use computers to make our lives more enjoyable at home. The tactics that Microsoft used to put itself in this position were found to be illegal, meaning that consumers would likely have had alternatives if Microsoft had been an ethical, law abiding corporation. I don't see any of the remedies addressing the dearth of consumer choice in PC operating system components or PC office productivity software.

As a consumer, the rise of Netscape in the mid 1990s signified an era where the computer desktop became a richer environment to work in.

No longer were computer users relegated to a mediocre Microsoft Windows environment as there was a nascent, competitive environment whose centerpiece was not the operating system, but rather the web browser. As Microsoft illegally choked off Netscape's ability to generate revenue, the internet became a stifled environment that now requires Microsoft products to function properly. This is serious as Microsoft has become the gatekeeper for every activity of every user of the internet. Microsoft has not demonstrated the ability to be ethical, trustworthy, or law-abiding in this critical role.

As such, I believe that any remedy of this antitrust suit should contain severe enforcement penalties if Microsoft violates any of the remedy provisions. Severe entails any penalties that would jeopardize Microsoft's future business prospects. This includes divestiture of the Windows operating system from other parts of Microsoft and/or publishing the source code of the Windows operating system. Microsoft has violated court orders in the past (i.e. the 1995 consent decree) so the inclusion of severe penalties is the only way to guarantee the effectiveness of a remedy ordered by your court.

To address the lack of consumer choice that has resulted from Microsoft's illegal behavior, I would prefer a remedy that forces Microsoft to publicly disclose the file formats of Microsoft Office productivity software for a period of several years. Since Microsoft file formats have become a de facto standard in

the business world, this is the only way to allow competitors an opportunity to provide alternatives in the workplace, which represents Microsoft's most important market.

It is vital that the court recognizes the need to reintroduce competition into the computer software industry.

Finally, I hope you recognize the stranglehold that Microsoft has over the computer industry. Given Microsoft's unrepentant behavior of late for wrongdoings it has committed, a weak remedy today as signified by the proposed settlement will lead to more antitrust violations by Microsoft and yet another Microsoft antitrust trial a few years from now. This would be disastrous for the consumers of computers in this country.

Sincerely,
Michael Richman
3 Hawthorne Ln
Bedford, MA 01730
richman@mac.com

MTC–00026489

From: chazandjerri@northstate.net@inetgw
To: Microsoft ATR
Date: 1/26/02 10:16pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Charles Jones Jr
3406 Greenhill Dr
High Point, NC 27265–1817

MTC–00026490

From: Jason Baietto
To: Microsoft ATR
Date: 1/26/02 10:20pm
Subject: Microsoft Settlement

As an American and a strong believer in Capitalism and free markets I have been outraged countless times by the ferociously anti-competitive practices of Microsoft. I am deeply saddened that the crystal clear analysis of the U.S. government's investigators has been clouded over this past year by the sheer financial and political influence of this immense mega-corporation.

No settlement that has been discussed thus far has adequately addressed the fundamental issues that continue to allow Microsoft to keep a lock-hold on their current monopoly. The issues are their proprietary networking protocols and their proprietary file formats.

The past cannot be undone, and splitting up Microsoft or forcing them restructure their main product offerings will result in little or no benefit to users and provide little or no assistance to competitors.

However, forcing Microsoft to openly document all of their networking protocols and file formats will give competitors the keys they need to produce software that can properly integrate and compete with the many products offered by Microsoft itself. Only by enabling true competition can the process of recovery from the damage Microsoft has caused begin.

Microsoft must not only be required to document their protocols and file formats, but they must also be tested for adherence to their published standards regularly by a third party. Microsoft must incur severe financial penalties for breaking adherence to any published standard in order to subvert the ruling and continue their aggressive non-competitive practices.

Please do not let the ending to this chapter of American history be written by the corporation that has done the most damage to the system of competition that has fueled the industrial and information revolutions of our great nation.

Sincerely,
Jason Baietto
jason@baietto.com
9701 Parkview Avenue
Boca Raton, Florida 33428

MTC–00026491

From: novent@mac.com@inetgw
To: Microsoft ATR
Date: 1/26/02 10:23pm
Subject: Microsoft Settlement

to the DOJ;

The settlement with Microsoft is yet another breach of the responsibility of the government to apply laws consistently across all parties across the United States. How can the DOJ settle a case with almost no penalties when nine judges determined that Microsoft broke the law. It is not the Justice department's job to decide which laws it wants to enforce. You have to enforce them all without exception. It's a serious breach of trust when a company can knowingly break the law and continue to break the law, because it knows there will be no significant penalty. I am 100% in favor of competition and free markets, but the boundaries are clearly drawn and Microsoft has crossed the line. Please consider meaningful remedies. The future of many things depends on this case. Don't screw it up.

respectfully
donald guarnieri

MTC–00026492

FROM: E. Jerry Bailey TO: MS ATR DATE: 1/26/02 SUBJECT: Settle with Microsoft
1900 53rd Street N
Saint Petersburg, FL 33710
January 19, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft: I write to you today to show my support for the recent settlement reached between the Department of Justice and Microsoft. Bill Gates has been an integral part of the building of this nation and for that matter the world's computing abilities. He has been ingenious in the running of his company. I do not believe that the federal government has the right to persecute Microsoft.

Given these sentiments, I am pleased that there may finally be some closure with this issue. Microsoft has been making many concessions to ensure that this occurs. For example, Microsoft will share information about the internal workings of Windows with its competitors, and thus allow them to place their own programs on the operating system. Microsoft has even agreed to the formation of a technical review board whose sole job will be to ensure compliance with the terms of the settlement.

The settlement offers an opportunity to end this lawsuit and returns the country's focus back on business, where it belongs. the federal government must end its pursuit of Microsoft.

Sincerely,
Edward Bailey

MTC–00026493

From: LARRY BALOK
To: Microsoft ATR
Date: 1/26/02 10:24pm
Subject: Settle for Microsoft.

Settle for Microsoft.

MTC–00026494

From: nestor@earthling.net
To: Microsoft ATR
Date: 1/26/02 10:28pm
Subject: Microsoft Settlement

Dear Sir or Madam,

I don't think the proposed microsoft settlement is good for the consumers. Microsoft uses the same tactics that the railroads used one hundred or more years ago to form monopolies. This company is bad for the US. It should be broken up into a systems company and separate application companies. The ''Dos isn't done until Lotus won't run'' philosophy is still alive in microsoft. They purposely put in bugs to prevent the competator's products from working right.

Thank you for your attention to this request.

Larry Nestor
email address nestor@earthling.net
snail mail address: 17692 Beach Blvd. Ste 309
Huntington Beach CA 92647–6811

MTC–00026495

From: crieth@bu.edu@inetgw
To: Microsoft ATR
Date: 1/26/02 10:26pm
Subject: Microsoft Settlement

The proposed settlement is a terrible idea that does nothing to correct the root of the problem. More strict action needs to be taken against Microsoft to ensure that their monopolistic practices do not continue. I trust in our government to prevent this from occurring. Thank you for your time.

Cory Rieth

MTC–00026496

From: Joe E Jay

To: Microsoft ATR
Date: 1/26/02 10:27pm
Subject: Microsoft Settlement;

If settlement would end litigation and prevent any split-ups of Microsoft, go for it. The taxpayers and computer consumers are tired of this, just as we were when Bell Telephone was keel-hauled and summarily split. Please resolve this situation. Just remember that we consumers are in the middle of it all, and whatever is executed in court, the final cost is eventually passed on to us.

Best Regards,
Joe E. Jay

MTC–00026497

From: Tim Spannaus
To: Microsoft ATR
Date: 1/26/02 10:27pm
Subject: comment

I have carefully considered the proposed settlement between Microsoft and the Justice Department. reading the full text of the proposed settlement and much commentary about it.

Given that the Circuit Court of Appeals upheld the judgment that Microsoft violated antitrust law, it is not at all clear how the proposed settlement provides a remedy proportionate to the violation.

Microsoft has already demonstrated its willingness to ignore remedies based on conduct. The only remedy that adequately addresses the violation is one that requires a restructuring of Microsoft. Then we can let market forces do their work. Enforcing conduct remedies is costly, slow and inefficient compared to structural remedies that, once done, manage themselves through market forces.

Of these, the clearest path to a competitive market lies in separating the operating system business from the application business. The OS business would find it in their interest to publish all the APIs (application program interfaces) to make it easier for all to work well in the Windows OS environment. The application company would find it in their interest to build programs for a variety of platforms to increase (or maintain) market share.

It is critically important that the OS company not be permitted to layer on application software, like media players, photo suites, browsers and the like or it will grow into another anti-competitive monopoly, driving others from the market. Microsoft continues to add application programs to the OS, reducing competition.

This is not simply a competitive issue. The monoculture of Windows computers, running too-tightly integrated mail and productivity suites has already proven to be an attractive and hard to defend environment for viruses and other malicious computer programs. The problem is not just that Microsoft has chsen to ignore many security problems, but that the objectives of ease of use and security are at odds when the solution is barrier-free passing of documents from one program to another. I would be pleased to expand on these ideas if necessary.

Best regards,
Timothy W Spannaus
Timothy W. Spannaus, Ph.D.
Research Fellow, Institute for Learning and Performance Improvement
Senior Lecturer, Instructional Technology
Wayne State University

MTC–00026498

From: friedman@filmmaker.com@inetgw
To: Microsoft ATR
Date: 1/26/02 10:29pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Antitrust Division:

I am a U.S. citizen writing in regard to the Antitrust settlement proposal with Microsoft.

My number one problem with the proposed settlement is that it does not sufficiently force Microsoft to open their proprietary file formats for competitors to use. Many of these file standards are now industry standards only because of Microsoft's anti-competitive practices.

To allow them to remain secret would be to (1) reward Microsoft for its illegal activity and (2) allow the company to maintain their monopoly.

Thank you,
Ron Friedman
Burbank, CA

MTC–00026499

From: wt.catch1
To: Microsoft ATR
Date: 1/26/02 10:30pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Cecil Pulley
1126 St. Julien Dr.
Eutawville, SC 29048

MTC–00026500

From: ASA D TUCKER
To: Microsoft ATR
Date: 1/26/02 10:37pm
Subject: Microsoft Settlement

This question was raised on a Philly radio call-in Without casting stones, it is a legitimate question. There are two men, both extremely wealthy. One develops relatively cheap software and gives billions of dollars to charity. The other sponsors terrorism. That being the case, why is it that the Clinton Administration spent more money chasing down Bill Gates over the past eight years than Osama bin Laden?

Let's get bin Laden. Dragging out this legal battle against Microsoft further will only benefit a few wealthy competitors, lawyers, and special interest big-wigs.

Not one new product that helps consumers will be brought to the marketplace.

MTC–00026501

From: Stephen Berman
To: Microsoft ATR
Date: 1/26/02 10:38pm
Subject: ''Microsoft Settlement

To whom it may concern,

This proposed settlement is utter travesty.

Sincerely,
Stephen Berman

MTC–00026502

From: Brian Wood
To: Microsoft ATR
Date: 1/26/02 10:38pm
Subject: Microsoft Settlement

To Whom it may concern,

I'm writing this letter to state that I am not in favor of the Microsoft settlement. It is no where near harsh enough and doesn't go far enough to prevent future abuses by Microsoft.

Microsoft wants everyone to believe that they aren't the big bullies anymore, but their actions speak louder than their words. A few months ago (the day Windows XP was released to the public) you couldn't access MS NBC with a browser other than Windows Explorer. You got a message that stated they wanted to ensure that you got the right user experience so you need Windows Explorer to ensure that. The next day there was an apology from Microsoft stating that it was done in error.

We all know how Microsoft really feels and they haven't changed a bit. Why isn't Java included with Windows XP? Could it be in retaliation to Sun Microsystems? You don't have to look to hard to see Microsoft's true intentions. Microsoft proposed to donate a billion dollars worth of computer equipment, software and services. Do you really think they're concerned about the schools or out to better the market share where they don't have an overwhelming monopoly. I was insulted that they think we are that dumb to not see what they are up to. Have they really changed? These are only a couple of their actions, but what makes it extremely insulting is that they happened while they are in court over the past actions. Wouldn't you think they'd be on their best behavior instead of flaunting their supreme arrogance and belief that they are above the law? From what I've seen so far from the settlement, they have every reason to believe that they are above the law and can get away with anything they please. We barely gave them a slap on the wrist. I know it, they know it and the Department of Justice knows it. For some reason we just want this to go away.

I'm currently living in St. Joseph, Michigan and I very disappointed that the State of Michigan is one of the nine states that

settled. I intend to send my Senators and Congressman a letter stating my feelings about this.

For a company that was found guilty to have made many billions of dollars illegally, is this really much of a penalty? I will be outraged if this ends up being their so called penalty. This only attempts to level the playing field from this point forward. I don't think it even goes far enough on that account, but no where do I see anything to penalize them on the past behavior. You'd think the penalty for illegally making billions and billions of dollars and forcing many software companies out of business would be equal to the crime, or more. Wouldn't you? Do I have an unusual since of justice?

Brian Wood
1378 Ventnor Ave
St. Joseph, MI 49085
brian@actionsuperstars.com

MTC–00026503

From: G (038) K Snyder
To: Microsoft ATR
Date: 1/26/02 10:42pm
Subject: Judge Motz decision DOJ,

I favor Mr. Motz's decision and rationale. If Microsoft is to place computers in poor schools they should be ordered to place the competitor1s product (Apple).

A real-world punishment of this nature would very likely teach a lesson not soon forgotten.

Gary Snyder

MTC–00026504

From: Jay Palmer
To: Microsoft ATR
Date: 1/26/02 10:43pm
Subject: Microsoft Settlement

Dear Department of Justice:

I wish to comment on the proposed settlement of United States vs Microsoft.

I believe Microsoft should be left free to produce and sell whatever software they want to. I do not believe they should be punished or restricted in any way, for they have done nothing wrong.

Microsoft has produced many good products that have greatly helped its customers. I, along with millions of other Americans, use this company's products, such as operating systems, web browsers and electronic-mail programs, every day. I am very happy with my purchases, and I very much want Microsoft to be free to offer me its best efforts for sale in the future.

Successful companies do not deserve to be throttled by the government; rather, they deserve to have their property, which they have earned through voluntary trade, protected. The complaints against Microsoft have been made by various unsuccessful competitors. These companies, along with the government, have no right to tell me what software I can buy to run on my computer, nor do they have any right to stop Microsoft from selling software that consumers everywhere are eager to buy. Microsoft has initiated force against nobody. Microsoft, and the people who want to buy their products should be left to peacefully pursue their business. Their success is not a threat to anybody.

Jay Palmer
Bothell, Washington

MTC–00026505

From: Frankie Thomas Robertson
To: Microsoft Settlement
Date: 1/26/02 10:40pm
Subject: Microsoft Settlement
Frankie Thomas Robertson
1110 Usher Street
Mayfield, KY 42066
January 26, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry.

It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Thank you
F. Thomas Robertson

MTC–00026506

From: Howard L Olivers
To: Microsoft ATR
Date: 1/26/02 10:46pm
Subject: Microsoft settlement

It is time to put this issue to rest. Greed on the part of state governments and trial attorneys are the only reason for continuance. Microsoft has made a fair & just settlement.
Howard Olivers

MTC–00026509

From: Shirley Nall
To: Microsoft Settlement
Date: 1/26/02 10:45pm
Subject: Microsoft Settlement
Shirley Nall
Box 442
Salem, IL 62881
January 26, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry.

It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Thank you
Shirley Nall

MTC–00026510

From: Rob Pixley
To: Microsoft ATR
Date: 1/26/02 10:49pm
Subject: Microsoft Settlement

To Whom it may concern:

I am writing you to comment on the proposed settlement in the anti-trust case against Microsoft Corp as directed by the Tunney Act.

My name is Robert Pixley. I am and have been employed as a software developer since 1993. Microsoft's behavior in the marketplace has lead us to this juncture. Unfortunately, each time the legal system has been involved the results have been either a slap on the wrist or outright travesties of justice allowing Microsoft to completely continue it's behavior.

The only sliver of common sense related to this issue was recent judge's denial of Microsoft's ''offer'' to supply schools with free computers and software as part of a settlement. This behavior crystalizes Microsoft's intentions; at each and every turn attempt to pervert the process and turn it to it's benefit. The offer by RedHat (a Linux distributor) to supply the software for computers purchased by Microsoft was a step forward in fixing the problems of the current marketplace. Microsoft predictably didn't take this offer up as it wouldn't have done them any good. Punishment is not meant to help the convicted. Yet Microsoft attempts this time and time again.

Microsoft has argued that the bundling of Internet Explorer (IE) into the Windows Operation System cannot be undone. For starters, this is completely false. Each and every company makes backups; so they could simply ''go back in time'' to a point when the code was separate and just ''not'' integrate it. Would this be difficult, time consuming, and expensive? Of course, but it's not Microsoft well being that should be of concern.

Next, Microsoft has said users asked for the bundling. Is there proof of this? If so, it has not been disclosed in any forum of which I am aware. From knowing many average computer users who use myself as a knowledge source of computers, I have yet to have been asked to bundle IE into Windows. Let us say for a moment that ''bundling'' the browser does increase usability and is generally a good thing. Then there should be a clear way to include ''any'' browser to do this work. If it is Microsoft saying that only IE can do the work, then that is clearly a reason they chose to integrate. And that decision specifically wounded Netscape Navigator.

If a ''browser'' is better at doing certain ''OS'' functions, than any browser should be able to do the job; not just Microsoft's browser.

Part of the proposed settlement allows OEMs to remove icons to access to IE, but IE itself still remains fully functional in the system. This doesn't stop Microsoft from in the future using the fact that their software still has it's ''illegal'' functionality. The functionality needs to be removed by whatever means necessary. Microsoft's arguement that Windows needs IE to function should be followed up by asking WHAT specifically the IE component does. If this can't be detailed then it's clear the bundling was done for harmful business reasons, not technical ones. If it can be explained what IE does better than Windows, then release this list. This way, Netscape or another company could create a browser to replace IE completely.

This nicely dovetails into documentation of the Windows API. Having done various programming projects that have entailed this area I can speak from experience it requires very thick volumes purchased 3rd party to understand what is going on. Nowhere from Microsoft is there a list of ''all'' the APIs and their specifications and usage. How can any company hope to compete when the ''rules'' of the game are held in secrecy by the opponent? Microsoft cannot be trusted to do this documentation and publication. History has shown they will not disclose anything until it is worse for them to not say anything. Just look to the recent Hotmail vulnerability; until the disoverer of the ''bug'' publically detailed his findings, Microsoft was willing to allow all it users of the Hotmail service to be vulnerable. Microsoft's response to this was to belittle the finder and say he was wrong for bringing up the problem. Microsoft does not like to have it's problems exposed; that I don't blame them for. However, when you provide the basic tool of modern economics you have different standards applied.

I suppose I could go on at length on any number of other issues but I shall close with this. Microsoft has not yet come to see that they are at fault here and need to change. This settlement does NOTHING to stop them from continuing on their current practices. The terms are so archaic and contain so much convoluted ''legalese'' that enforcing it will only require even more expensive litigation to determine whether or not it's been accurately followed. Stop this now and find a real settlement that brings Microsoft into understanding they are wrong. That will not be easy nor pleasant. But the consequences of allowing Microsoft to continue it's stranglehold on the computer marketplace are almost immeasurable. To understand just how much power Microsoft holds; attempt ONE day of work WITHOUT using Windows or any Microsoft product.

I wish you luck,
Sincerely,
Robert Pixley
12322 Oak Creek Lane, Apt 605
Fairfax, VA 22033

MTC–00026511

From: Scott Lewis
To: Microsoft ATR
Date: 1/26/02 10:49pm
Subject: Microsoft Settlement

I strongly disagree with the proposed settlement. The proposed settlement seems to do little to repair past damages or to prevent on-going damage to open and free competition in the computer software industry.

1. MS has eliminated virtually all competition in Operating Systems.

2. Many applications providers have been eliminated.

I feel this is due to three primary factors.

1. The size and early popularity of Windows OS.

2. The HIGHLY anti-competitive nature of previous preloading agreements.

3. The relationship of the operating system software and the applications software divisions of MS.

So long as the MS operating system division and the applications software division are under one company, the MS OS division will always (continue) to block the efforts of independent application software companies to compete against the MS application software division.

Currently the most competitive non-linix based competitor to MS Windows is IBM's OS/2 and the related eCS packaging of OS/2. Even this OS system is made uncompetitive due to MS's license requirements and royalties for software code included in the OS abandoned by MS years ago.

What needs to be done.....

1. Cut all royalties to MS that would make other products non-competitive. Perhaps cut the royalties period, since they were put in place during the period when MS was practicing it's anti-competitive policies.

2. Split the MS OS division from the MS Applications division. 3. Prohibit the inclusion of most application software with the operation system.

4. Put in place some form of incentive to utilize a non-MS operating system such as IBM OS/2, eCS Comm Station or a Linix based OS for pre-loaded computers sold.

5. Force the MS OS division to release ALL information regarding the use of all of the OS API's. There must be EQUAL access for all vendors including the MS Application division, Independent Software providers and other operating system providers.

Since the damage has already been done to the competition in the PC software business and critical mass has already been lost for alternatives to the non-MS software solutions, the remedies to the damage must be more than just to make the playing field level. There must be some form of support to the non-MS business community to bring the competition back to the table. The current remedy does not make for equal and open competition much less any form of punitive punishment for MS past anti-competitive practices. —

Scott

MTC–00026512

From: william fongeallaz
To: Microsoft ATR
Date: 1/26/02 10:52pm
Subject: Microsoft Settlement

I suggest that we accept the settlement that was worked out and stop trying to spend more money for something that has been taken care fo . It is hurting the PUBIC in many ways which includes, stock price and value dropping and loosing various mutual funds and individuals,costing more to buy software , and destroying the belief that you or anyone can start a business and make it grow. We arehelping those companies that cannot do it without the unfair help of government.

Thanking you in advance for your consideration.

Yourstruly,
William Fongeallaz
budfonz@aol.com

MTC–00026513

From: Linda Kluthe
To: Microsoft ATR
Date: 1/26/02 10:58pm
Subject: Microsoft case!

Your Honorable Justice,

I was most concerned to read that AOL has filed another lawsuit, and that the Microsoft lawsuits might go on for a longer period of time. I realize Netscape wishes to complain of competition problems, but in truth, as a consumer, God help me if I have to use Netscape software. I believe it is inferior to Microsoft products, and I want the freedom to chose the best product from the best company, and I do not want Microsoft to have to spend their profits on lawsuits. I want them to continue with research and development, so they can continue to provide the consumer with good quality products.

Developing superior products seems to be their only ''crime.'' This has gone on long enough.

Sincerely,
Linda Kluthe
351 4th St.
Scotland, SD 57059

MTC–00026514

From: Lucy Day
To: Microsoft ATR
Date: 1/26/02 10:51pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse:

I am a third year undergraduate student at the University of Chicago and an American

citizen. I am writing because I am outraged at the mistreatment of a truly great producer: Microsoft.

I love Microsoft's products. I have used Microsoft's operating system (Windows), browser (IE), office software (Word, Outlook, Excel), business software (Access), and programming software (Visual Studio, FrontPage). This is an extremely powerful and useful set of tools, and a set of products which far surpasses anything marketed by Microsoft's competitors.

Microsoft is part of my life: my schoolwork, my job, and my recreation. I want to be able to choose to keep buying and using such products. No one in the computer industry or the government should make them have to change what they sell, or share it, or charge less for what they produce.

A successful business like Microsoft is an enormous benefit to the consumer, not a threat. Microsoft offers consumers a trade: their products for our dollars. No one is required to choose Microsoft: each consumer makes his own decision. I do not ask that everyone agree with my choice, only that everyone be allowed to choose. When people do choose Microsoft, as they have done in enormous numbers, Microsoft should be lauded, not blamed.

The people who blame Microsoft for its success are the ones who can't succeed. Microsoft's competitors dragged Microsoft to the courts, not Microsoft's customers. To let the worst producers chain and persecute the best ones is not only unjust, but disastrous for the industry and its consumers. I truly hate to think what the world would be like if Microsoft were picked apart by its jealous, inferior competitors. Not only would industry standards fail, entrepreneurs in any field will lose hope and forsake ambition. Penalizing Bill Gates for his innovation and effort is no way to encourage future generations of businessmen and inventors. His customers have given him his hard-earned rewards—and in a free society, he would be allowed to keep them. America is home of the self-made man; it is home of the right to life, liberty, and the pursuit of happiness; it is the home of the right to the property one has earned; it is the home of a government designed to protect that property.

The government should leave Microsoft free to do business with its customers and partners.

Sincerely,
Lucy Day Werts

MTC–00026515

From: Barbara Wilke
To: Microsoft ATR
Date: 1/26/02 11:01pm
Subject: Microsoft Settlement

Letting a power such as Microsoft get away time and time again will RUIN this industry. Give other corperations (such as Apple, Sun, And Linux Boxes) some chance, because MICROSOFT DESTROYED EACH ONE. If you alow Microsoft to continue it's practices you can kiss Internet freedom and your Credit card numbers goodbye.

MTC–00026516

From: Harold Sullivan
To: Microsoft Settlement
Date: 1/26/02 10:48pm
Subject: Microsoft Settlement
Harold Sullivan
416 Construction Drive
Mayfield, KY 42066
January 26, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Thank you
Harold D. Sullivan

MTC–00026517

From: Bob S.
To: Microsoft ATR
Date: 1/26/02 10:52pm
Subject: DOJ and others

Its like Beta and VHS one wins the other is second and if people wanted other operating systems they will get and use them. AOL is looking for free money to cover their screw-up as well as those lawyers looking to profit from a few that just don't like Microsoft. We all have choices that we can make without those blood sucking lawyers and money loosing .coms looking for a free ride. Thank You from 98%

BobSnow, Aberdeen WA.

MTC–00026518

From: Solomon Akhimienmhona
To: Microsoft ATR
Date: 1/26/02 11:03pm
Subject: Microsoft Settlement

The Department of Justice,

I must comment that all allegations made against the Microsoft Organization are uncalled for,

They were the first to start making reasonable operation systems and friendly Graphics User interfaces and then they made what I would call the best web browsers. Due to the nature of Microsoft's versatility it has been able to get through the nooses of many Computer hardware, software and networking products and companies, as such, creates very little competioin for similar younger companies who create programs that can't withstand Microsoft's in the Market.

Furthermore, taking note of the market situation, the public buys more Microsoft products than others- remember, the choice of purchase still remains in their will, that simple facts demonstrates the relative efficacy of microsoft products.

In addition, logic has it that the longer you stay, the wiser and better you become, Microsoft has been around for a long time, as long as when the major public started becoming computer freindly as such they have had chances to improve thier products and services(e.g MSDOS 3.0 to Windows XP amongst others).

Finally, I feel that microsoft has been one of the best things that have happened to the computer industry and they should be let alone to produce better products and services along with other IT industries in a healthy competitive manner.

Solomon

MTC–00026519

From: SPRURE@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 11:03pm
Subject: Microsoft Settlement
250 Kimbary Drive
Centerville, OH 45458
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I feel that the Microsoft antitrust case has gone on long enough and that it is time to resolve this issue permanently. I understand that this can happen in the near future.

This settlement will benefit the economy, the industry, and consumers. Under this agreement, Microsoft must share more information with other companies, such as: disclosing information about certain internal interfaces in Windows and certain software codes and books for review by a technical oversight committee created by the government. Competing companies can opt to sue Microsoft if they feel the company is not complying with this agreement.

Allowing Microsoft to devote its resources to innovative practices, rather than litigation, will benefit all of us. I am eager to see the settlement, it its current, fair form, implemented and enforced. I sincerely hope that the Department of Justice can focus on that issue rather than allowing more valuable time to be wasted on continued negotiation. Thank you.

Sincerely,
Russell Spruill & Family

MTC–00026520

From: Christopher Hoess
To: Microsoft ATR
Date: 1/26/02 11:06pm
Subject: Microsoft Settlement

Greetings,

Having reviewed the Revised Proposed Final Judgement against Microsoft Corporation at <URL:http://www.usdoj.gov/

atr/cases/f9400/9495.htm>, I feel as a consumer and developer of software products, and a producer of electronic documents, in the areas affected by the anticompetitive practices of the Microsoft Corporation, that the Revised Proposed Final Judgement does not offer an adequate remedy for the effects of those practices.

Specificially, the original complaint against the Microsoft Corporation was made with regard to their attempts to eliminate competition in the web browser market. I feel that the current judgement has not sufficiently redressed the damage done to the World Wide Web, and furthermore, is not necessarily sufficient to prevent the Microsoft Corporation from continuing to monompolize that market. My reasons are as follows:

1) Many guidelines exist for the creation of electronic documents to be distributed over the World Wide Web, such as W3C Recommendations <URL:http://www.w3.org/TR/> and ''Requests for Comment'' issued by the IETF <URL:http://www.rfc-editor.org/>. In practice, different web browsers tend to implement these standards and recommendations in a ''quirky'' fashion, so that certain parts of these standards will be better implemented than others. In a robust browser market, content created for the World Wide Web will tend to incorporate only the parts of the standards which are supported by the majority of browsers. However, with the increasing dominance of Internet Explorer in the browser market, the content appearing there has shifted towards documents which are ''optimized'' for viewing by Internet Explorer. Furthermore, the appareance of some of these documents takes advantage of bugs in Internet Explorer, so that a correct implementation of the standards and recommendations will result in a degraded browsing experience. Because of the ''poisoning'' of web content created by this near-monoculture, alternative browsers will find it difficult to gain acceptance in the market even if Microsoft is barred from retaliating against OEMs shipping them, because current web content is essentially written to the undocumented behavior of Internet Explorer rather than current standards. I believe that Microsoft should be made to provide restitution for its takeover of the browser market, one component of which might be directed at this issue. To help redress the imbalance between Internet Explorer and other browsers due to the state of web content, an additional behavioral remedy should be to require Microsoft Middleware to respect standard protocols. To wit: Middleware such as Internet Explorer, which purports to implement ''standard protocols'' (that is, those defined by recognized consortia or standards bodies, such as the ISO, ECMA, the IETF, the W3C, and so forth), should be forbidden to retain known and corrigible breaches of those standards (known in Internet Explorer, for instance, as ''doctype switching'') in new releases of these products. This would simultaneously diminish the unlawfully obtained ability of Internet Explorer to render current content on the web in a manner superior to current browsers, and increase the relevance of the publically available standards for web content.

2) More importantly, there appears to me to be a loophole in the current settlement which Microsoft could attempt to use to avoid losing its dominance through Internet Explorer. The Revised Proposed Final Judgement specifies that Microsoft is not required to divulge information which might ''compromise the security of a particular installation''. Currently, one important use of Internet Explorer on Windows operating systems is to obtain authenticated security patches from the Windows Update website <URL:http://windowsupdate.microsoft.com/> and install them. Microsoft could potentially argue that the authentication of patches and their automatic installation is protected information under that clause of the Revised Proposed Final Judgement, and thus require the installation of Internet Explorer to obtain such patches from the Internet. Since the timely installation of patches is essential for Internet-connected users, this would essentially require OEMs to ship Internet Explorer with the operating system. However, such security updates make use of a very small portion of the Internet Explorer functionality; contrast with the small utility programs ''apt-get'', ''dselect'', and ''dpkg'', used by the Debian distribution of the Linux operating system. Any Proposed Final Judgement should make provisions to avoid Microsoft bundling unnecessary Middleware by adding security-related functions to it, much as Internet Explorer was bundled into the Windows operating system.

In conclusion, I feel that the Revised Proposed Final Judgement would neither adequately make reparation for the damage inflicted by Microsoft's illicit acts, nor would it prevent Microsoft from continuing to maintain its current monopoly of the browser market in the face of reasonable competition.

Christopher Hoess

MTC–00026521

From: kenboyer
To: Microsoft ATR
Date: 1/26/02 11:07pm
Subject: microsoft settlement

I am in favor of the proposed microsoft settlement. I think the proposed settlement is fair for all sides, and most importantly gives microsoft a chance to concentrate on software and not legal issues that do not affect the end user.

ken boyer

MTC–00026522

From: Johnny L Haynes
To: Microsoft ATR
Date: 1/26/02 11:12pm
Subject: Microsoft Settlement

Please end this farce and let consumers be in charge again.

MTC–00026523

From: George W McCarthy
To: Microsoft ATR
Date: 1/26/02 11:24pm
Subject: MICROSOFT SETTLEMENT

PLEASE BRING THIS CASE TO A CLOSE AND LET US GET ON WITH THE FUTURE IMPROVEMENT OF OUR ECONOMY. THANKS.

MTC–00026524

From: Helgi Heidar
To: Microsoft ATR
Date: 1/26/02 11:15pm
Subject: Microsoft vs.DOJ litigation

I wish to encourage early and prompt settlement of this litigation, which in my opinion is only slowing progress in technology as well as having adverse effect on the US economy. Let us move forward.
Helgi

Heidar MD, Chehalis WA

MTC–00026525

From: Lainie Howard
To: Microsoft ATR
Date: 1/26/02 11:29pm
Subject: Microsoft Settlement

Please don't let Microsoft get away with this feeble settlement. Sure, lots of school children would benefit under their proposed terms, but where is the penalty Microsoft should also pay to directly benefit the many companies they've smashed with their unfair practices??

Lainie Howard
Quicksilver Communications
lainie@quicksilvercomm.com
V: (541) 738–8464
F: (541) 757–7445
http://www.quicksilvercomm.com/

MTC–00026526

From: George Bethel
To: Microsoft ATR
Date: 1/26/02 11:32pm
Subject: Microsoft Settlement

As per the Antitrust Procedures and Penalties Act, 15 U.S.C. Section 16, aka: the ''Tunny Act'', I would like to render a thought in the matter of the United States v. Microsoft.

Being in this business most of my life, starting at age 11, I can say that Judge Jackson's ''Findings of Fact'', dated 5 November 1999, was a highly accurate document, and I hope that his conduct with the press does not taint the validity and accuracy of the document. Microsoft has unabashedly bullied, badgered and demolished an industry that was ready to exceed years ago.

Anecdotically, I offer the following as proof. In the time following Judge Jackson's ''Conclusions of Law'' based on the ''99 Findings of Fact, the entire industry has undergone a revival. Sun Microsystems has released the Java2 specification and Oracle has made two major releases of its database software. Further, IBM, which has long since abandoned its desktop development efforts, released a long awaited patch to OS/2, an advanced Operating System that could have won out against Windows in fair market situation. IBM has also started a sweeping change in adapting Linux to run on their entire product line; a change that could not have been thought of had IBM feared Microsoft retaliating for setting a non-Windows standard.

Apple Computer Inc., who has seen it's market decimated by a product that borrowed liberally from Apple's own research, has released no less then 5 major revisions of its MacOS, a company that before then, released revisions every 18 months. Apple Computer

Inc. then stopped its releases when Windows 95 was released. While some of the releases were stopped up by its very public internal problems, most of Apple's releases were allowed out because ''it was safe to do so''. Microsoft will continue to copy the MacOS, but with the Findings of Fact and Conclusions of Law over its head, Microsoft could no longer stop companies from developing for MacOS, fearing the ''Oppressive Thumb'', as Judge Jackson called it.

The above listed were the lucky companies; others have not fared so well. As I write this note (with apologies in advance for it's length), Be Inc., had its last assets auctioned off. In retrospect, Be never had a chance; it is not possible to create a new Operating System in a computing world dominated by a company and product, as opposed to being dominated by technology, as it was before Microsoft came into the monopoly position it currently enjoys. Another casualty was Silicon Graphics Inc., which just signed over the bulk of its technology patents covering three dimensional rendering to Microsoft. The cost to Microsoft was $62.5 million; the cost to SGI was the very reason for its existence in the computer business. Unless SGI has something up it's sleeve, this company will go away. The postmortem of SGI will have Microsoft's marks all over it. The list can go on, and include some unlikely ''allies'' of Windows products such as Compaq, Acer and Hewlett Packard, but in the interest of brevity, I will leave this be.

In Microsoft's defense, it is impossible to assign a direct ''cause and effect'' method to most of the company's actions and the resulting damage to the computer industry. They were more ''enablers'' that triggered a chain of events that stopped the industry in its tracks for four years and counting. The industry theoretically could have embraced ''thin client'' computing, pushed by Sun and Netscape Communications (see Finding of Fact, page 10, page 34), and embraced by Apple and IBM; but it didn't. Apple could have competed differently and slowed, or even stopped, Microsoft in the marketplace; or even in the courtroom, had they argued things differently.

But things that can be proved in a courtroom as ''Cause and Effect'' should be enforced to the full extent of the law, in the same manner that a known murderer and bootlegger can be convicted of Income Tax Evasion.

Microsoft, in no uncertain terms, demolished an industry for its own purposes. However, this brings up our, and your, largest problem: the damage is done. Nothing the court imposes can bring back the companies that died in the process of moving the industry forward. Nothing the court does can uproot the millions of people who have tied their future to Windows, and will resist anything other than their familiar product. Nothing, including the complete and utter destruction of the Microsoft Operating System and supporting company, can repair the damage done to the industry. The court can't even ensure that Microsoft won't find a new way to harm the industry.

At most, all the court can do is unlock the shackles imposed on it by Microsoft. And hope that is enough.

Respectfully,

George S. Bethel

CC:Bill Douthett,Alex Nguyen,Arthur Wu

MTC–00026527

From: beattymp@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/26/02 11:34pm
Subject: Microsoft Settlement—Correction

Please forgive the inaccuracies of my previous email that was sent last night. This is a corrected version of my position on the settlement.

Let me begin by saying that I completely support the settlement and want this entire case brough to completion. Below are some thoughts that came to mind while reading the case against Microsoft.

First of all, the whole browser issue is a complete waste of time for every party involved, and it makes me sick to my stomach to think of how much money my government has wasted chasing this irrelevant case. As a technology consultant who has vast experience in many software platforms, the issue of the browser is ridiculous because any programmer worth their weight in beans could easily program their own browser to any operating system. Netscape had a commanding lead in browser share, which was wasted away by their own business policies.

I used to have a lot of respect for Netscape when I was consulting and building applications on their on their platform, but then I saw how their pricing and arrogance stifled innovation in the functionality and integration capabilities of their version of the browser. Microsoft made it much easier to incorporate more functionality and extend the web experience for their users.

This was also true with Java. It was great when it first came out, as the promise of the technology was the sweetest thing to hit the industry in a long time. By keeping such a tight hold on java, Sun has not only missed opportunity to advance the language, but they have kept many companies from innovating the language to provide a feature set that meets the needs of enterprise customers. When Microsoft added to java, they were only meeting the needs of their customers by filling the void in functionality that Sun refused to provide. Other companies have done the same, IBM, BEA, and others to the point that it takes a ''port'' of the code from one operating system to the next. This is completely opposite of what the early promise of java was ''write once, run anywhere''. To meet the needs of my business customers, we always have to find a vendor specific java such as IBM so that we can get the features out of the language that make it usable. If the language was submitted as a standard, these enhancement's would have been made to the language. Instead, Sun has kept the royaltees on all java licensing and has caused the rest of the industry to innovate around their stubbornness. Needless to say, I can better meet the needs of my customers by using another vendors ''flavor'' of java versus the straight Sun implementation.

The thing that bothers me the most about this case is that most of the ''facts'' (using the term loosely since I completely disagree with the previous findings of ''fact'' by the biased judge Jackson) brought to the government's legal team have come from Microsoft competitors, the ones who have the most to gain by hurting Microsoft. I have explained my thoughts on Sun, java and Netscape, and they are just a sampling of why this case should have never made it to the courts in the first place. To blanket this whole case and say that Microsoft is not allowing the industry to innovate is completely ridiculous. Microsoft should be punished for specific actions that have violated the law, and only for those specific actions. Given the amount of venture capital money that was fed into the economy over the last 10 years, there was plenty of opportunity for any company to come to market with new and compelling products. In regards to the settlement, it appears that both sides have made significant concessions to see this to an end. Ever since the DOJ brought this case against Microsoft, the economy has been in a tailspin. It appears that as long as this case is active in the courts, the chains of ''waiting to see what happens to Microsoft'' will remain, and the economy will remain stale. This tailspin has rippled into other industries and if we are ever to start recovering from this recession, this case needs to be completely settled and resolved.

Please bring this case to an end and let our industry regulate itself. If people are seeing unethical or extremely competitive behavior, they can make their own decisions on who to support with their IT dollars. If companies are explicitly breaking the law, punish them for those specific acts and do not bring the rest of the industry down (and in this case, the whole economy) with them.

Thank you,

Michael Beatty

CC:beattymp@yahoo.com@inetgw

MTC–00026528

From: Joon Hong
To: Microsoft ATR
Date: 1/26/02 11:36pm
Subject: Microsoft Settlement

To whom it may concern:

I'd like to borrow this moment to voice my comments on the Microsoft antitrust settlement.

It is my belief and assessment that the settlement which is currently being proposed is totally against of the American Public's interest, as Microsoft is clearly found to be monopoly in the findings of fact in the trial. Using a series of questionable business/engineering practices to gain software market share has put Microsoft at such unreachable place that the current proposed settlement is not going to be effective at all to bring it down to fair competing level.

It is ironic that this email is being written in hotmail which was ''purchased'' by Microsoft..

thank you,

J. Hong

January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW

Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to voice my beliefs about the November 2001 proposed settlement reached between Microsoft and the government. First, the Department of Justice never should have sued Microsoft. It was completely wrong. Microsoft should not be forced to litigate its business practices beyond what has already transpired. As a Christian, I believe that the government was strictly motivated by greed.

The settlement constitutes a great opportunity for this country, putting disputes to rest, and allowing Microsoft to progress through continued innovation. Microsoft has agreed to have a government appointed watchdog monitor their business practices. If Microsoft breaks any term of their settlement, they will be held responsible for their actions. This is good enough for me to see Microsoft agreeing to be monitored.

The government has moved away from these values as I see it, becoming much bigger than itself, not by the people, or for the people, but by those who run the people, who own the people. As a person who lives by the good word, the people are speaking, I am one voice crying out in the wilderness, ''Let Microsoft continue onward, support this settlement without any further punishment or actions against them.'' This is in the best interest of Microsoft, the government, and the economy and for this nation.

Sincerely,

Bruce Cartwright

MTC–00026428—0002

MTC–00026529

From: alindon@cinci.rr.com@inetgw
To: Microsoft ATR
Date: 1/26/02 11:34pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
andy w. lindon
3238 moyer dr.
franklin, OH 45005–4837

MTC–00026530

From: J. Eric Humphreys
To: Microsoft ATR
Date: 1/26/02 11:38pm
Subject: Microsoft Settlement

Gentlemen and Ladies,

I have read the revised proposed Final Settlement for the antitrust case between the U. S. Government and Microsoft. I agree that Microsoft is guilty of monopolistic practices but I doubt that the Settlement will do anything to punish Microsoft for its past practices or prevent Microsoft from employing similar practices in the future.

I wish to draw your attention to the the criteria listed for membership on the Technical Committee which is supposed to monitor and enforce this agreement. I believe that, as worded, it will be extremely difficult to obtain qualified people to serve on this Committee. Specifically: The requirement that the members must forego employment by either Microsoft or its competitors for two years after such service (IV.B.2.c) is likely to discourage many qualified people from membership on the Committee. People who are experts in software design and development (IV.b.2) know that employment in this field can change suddenly. A limit of six months after service would be more reasonable.

There appears to be no definition of ''competitor'' anywhere in the document. This would make it easy for Microsoft to object to any proposed member for the Committee that Microsoft deemed detrimental to its business. Some clear definition of the term, or at least a set of guidelines which can be used to determine whether a given business is or is not a competitor, needs to be established.

The requirement that the members of the Committee by proposed within seven days of entry of the final Judgement (IV.B.3) requires that the plaintiffs and Microsoft already be in discussions with prospective members. It is unrealistic to expect qualified people to receive and accept membership on such a Committee when the pay scale has yet to be established (IV.B.6.b). When a case has dragged on this long why quibble over a few days? One or two months might be a more reasonable period for selection.

I hope that you find these comments useful. As background information: I am a Senior Consultant for Sybase, Inc. I have been a software developer for twenty years, mostly as a contractor to the Department of Defense. Most of my work for the past four years has been under the Windows NT operating system. At home I use Macintosh computers, and have for over sixteen years.

I may be reached at:
6625 Windsor Ct.
Columbia, MD 21044
410–730–8533
E-mail:
humphreys1@home.com (will be humphreys1@comcast.net after 28 February 2002)
erich@sybase.com

Sincerely,
J. Eric Humphreys

MTC–00026531

From: Trance Kuja
To: Microsoft ATR
Date: 1/26/02 11:39pm
Subject: Microsoft Antitrust Case

Dear US Department of Justice,

On the Microsoft Antitrust case, many issues concern us. As part of the public, we have views which we wish to be expressed during Microsoft's trial. The two main issues are Microsoft's bundling deal and the settlement with the states.

Microsoft should be able to have the states receive the money and forget the case. It is fair only if the money given is able to compensate for any damages/losses due to Microsoft. As John D. Rockefeller said during the Preliminary Report on Trusts and Industrial Combinations there are many advantages to trusts and other forms of ?industrial combinations.? He lists a few of the most significant advantages as ?extension of limits of business, increase of number of persons interested in the business, and power to give the public improved products at less prices and still make profit for stockholders.? Additionally, he also stated that ?combination is necessary and its abuses can be minimized,? meaning that there are minimal disadvantages which, in fact, are so trivial that they should not be any concern.

The major cause of the trial is Microsoft's action of ?bundling? software. Bundling software is a result of combining products together and having them sold without separation. Thus, people would not spend the money to buy an additional program when they already have a substitute. This has caused the Netscape/Microsoft Trial. This trial has been caused after a complete reversal in Internet Browser Usage. Around 1995 when Netscape launched its first browser, about 80% of the ?web surfers? used their software. Additionally, Microsoft had virtually none. Now, there is a complete reversal in which only about 10% of the Internet browsers used are not Microsoft's Internet Explorer. Netscape is part of that 10%, and bundling causes this whole dilemma. In addition, Microsoft's bundling its web browser with its operating system is absolutely fine. This is because if Netscape had an OS, it could also bundle, but it chooses not to. Thus, the representatives of the public should allow Microsoft to pay the states. In the case with Netscape, the courts should not punish Microsoft since Netscape could do everything Microsoft has done.

MTC–00026532

From: Catherine Hanneken
To: Microsoft ATR
Date: 1/26/02 11:41pm
Subject: Microsoft settlement

It is time to end this costly damaging litagation at Taxpayers expense It only benefits a few wealthy competitors, LAWYERS always there to spend our money for their business and special interests.

Lets get on with the situations that are more important within our higher offices.

Catherine Hanneken
4 Spencer Lane
Watchung, NJ 07069

MTC–00026533

From: travel4me@att.net@inetgw
To: Microsoft ATR
Date: 1/26/02 11:45pm
Subject: Sir;

Sir;

I FIND IT INCONCEIVABLE THAT A CAPITALISTIC SOCIETY'S GOVERNMENT AGENCY WOULD INTERFERE WITH A

COMPANY THAT GENERATED A INDUSTRIAL BOOM, AND ALLOW THE PUBLIC SCHOOL SYSTEM, A FAILURE, TO REMAIN A MONOPOLY WITH INCREASED FUNDING WITH TAXPAYERS MONEY.

SINCERLY,

Eva s. ates

MTC–00026534

From: David M. Reed
To: Microsoft ATR
Date: 1/26/02 11:45pm
Subject: Microsoft Settlement

For the past two years I have compared Microsoft to someone who appears in court for breaking the speed limit—doing 75 MPH in a 65 MPH zone. One of their primary arguments is that things have changed—that stretch of road now has signs posted for 75 MPH— and therefore they can not be guilty of breaking the law. In fact, they believe the limit may soon be 85 MPH in that area, so their actions were well within the law!

In other words, they don't believe the law applies to them. And if it did, things are changing ''so fast'' that it is irrelevant—for the ''natural order of things'' is such that they should not be found guilty of violating a 65 MPH law since whatever they might have done wrong then doesn't apply today or tomorrow. I have been involved with support of Microsoft products for over 15 years now. When Microsoft Windows 3.1 was appearing, I learned of Microsoft practices which I considered unethical. That behaviour continued (and to a great extent, got much worse over the years), but I did not know that much of it was actually illegal until I read the Department of Justice document against Microsoft in 1999. In particular, I quickly and clearly understood that what might be unethical for a new or small company could become illegal when done by a company which has a monopoly.

Having a job which involves supporting various operating systems and applications, I understood very clearly a number of facts which Microsoft, in their arrogance, felt that a judge could never understand and rule on. I was shocked by Microsoft childish attempts to claim they did not have a monopoly with their Operating Systems! I understood very clearly that a browser is an application (something the user directly interacts with) that was NOT a part of the OS, no matter what Microsoft did to ''integrate'' it—for if it were really a ''part of the OS'', then you could NOT run it on other operating systems, such as the MacIntosh or various Unix systems. Thus, to have included a major application ''for free'' (or ''bundled'') with the OS for which they have a monopoly is clearly using one monopoly to achieve another—at the clear expense of competitive products (and thus to the detriment of consumer choice, usability, etc.).

I was thrilled the court found Microsoft clearly guilty of these violations of law. But then, to my great dismay, they were to negotiate a ''settlement''. When was a murder, a car thief, or anyone else guilty of violating a serious crime against the community, ever allowed to ''negotiate'' or given any opportunity to propose how they should be punished!

I am angered by the extremely weak ''settlement'' the DOJ has proposed. I find it only slightly might limit some part of Microsoft's future actions. (But I doubt that, as Microsoft's brilliant minds have already demonstrated they will come up with some way to circumvent the law and rulings, such as their ''integrating'' the browser into the OS so that it could not be considered a separate application, and thus could not be ''bundled''. In other words, they moved to make it appear they could not be guilty of using one monopoly —the OS— to obtain another monopoly —with browsers— for they could then claim the browser was not ''separate'', and being ''part of the OS'', they could not have violated any law!) And there is nothing I can find that actually might be considered a —punishment— of Microsoft for having broken the law! They continue to flagrantly break the very same laws even now! (After all, if there is seemingly no punishment, and they can earn billions of dollars per month doing so, then they can certainly afford millions of dollars per month to tell the U.S. government that the laws do not apply to them.)

What they did to Netscape and the browser market was NOT the first time they have utilized their monopoly position to extinguish a competitor—they had done it many times before. Their recent Windows XP release clearly shows they are continuing to do that. With that, the cost of the OS continues to stay the same (or increase), in comparison to the PC hardware market, where choice abounds and every couple of years you can buy more than twice the system for less.

Name virtually any computer hardware component, and you will find a multitude of competitors, offering increased performance and features, and continually declining prices. That is NOT happening in the OS market.

The browser competition made it hopeful that the choice of OS would become very unimportant. Microsoft has worked hard to make it so that there are almost no other viable browser competitors. (And since one comes free with the OS which is sufficiently capable, why would anyone consider getting an alternative—whether it cost money or was free.) Worse, Microsoft continues to do things to make it so that users will only want to use their browser, by implementing ''non-standard'' features, or by NOT implementing standard features. Or even when they set the defaults for web page creation using their FrontPage program which are set to function best (or even only) on a PC (preferably with their Internet Explorer).

Again, their tactics are more than simple ''free market competition''. And there are laws against it (even if they or others don't think those laws should apply). And they have been found guilty of violating those laws. Now it is up to the court to do two very crucial things:

1) Assure Microsoft is SEVERELY PUNISHED for having flagrantly violated the law (including ''thumbing their noses at the court'', plus their continuing violation, which they don't believe is ''wrong'').

2) Structure a ''remedy'' that will help prevent (or at least seriously discourage) Microsoft from doing more of the same —and similar— violations.

In the early 1990's, not knowing they were actually violating laws, I strongly proposed to many people that a kind of ''Chinese wall'' be created in Microsoft so that the OS groups are nearly fully isolated from the application groups. I have been convinced for years that Microsoft should be literally broken up into separate companies.

The only change in my belief is that now instead of two companies, they should now be broken up into at least three: OS, applications, and media/internet.

I firmly believe that is best for the consumers, and for the court system. (Overseeing Microsoft is neither good for the company nor the courts nor the consumers. So long as Microsoft remains one company with so many parts, and such a background of behaviour, they will continue trying to circumvent the law, ending back in court a lot.) If Microsoft were a ''person'', the only way to prevent them from their habitual criminal activity would be to ''lock them in prison'', where they would be less capable of harming the consumer! (And as punishment for their crimes, together with payment of fines and possibly confiscating the property they used in, and for, committing their crimes.) It seems rather harsh, and may even jeopardize some of my career (that has been spent so extensively in supporting Microsoft products). But I know that consumers have been hurt, I know that Microsoft has broken the law, I know that Microsoft does not want to obey the law (they truly believe it does not apply to them!), and that for justice to be done, Microsoft must be punished, and prevented from further crimes against consumers and the market. In advance I thank those involved who will NOT consider these issues politically, nor simply approach it as allowing Microsoft to ''buy their freedom to violate the law''. Please see that justice is done. (And since they show not even a semblance of guilt or repentance, mercy does not need to be considered!)

David M. Reed david—m—reed@hotmail.com

Hm 360–653–8673 Wk 425–335–2460

MTC–00026536

From: Andrew McKenzie
To: Microsoft ATR
Date: 1/26/02 11:46pm
Subject: Microsoft Settlement

Respectfully, I see a few problems with the Proposed Final Judgement in the Microsoft Antitrust Case:

The Proposed Final Judgement doesn't take into account Windows-compatible competing operating systems;

The Proposed Final Judgement Contains Misleading and Overly Narrow Definitions and Provisions;

The Proposed Final Judgement Fails to Prohibit Anticompetitive License Terms currently used by Microsoft;

The Proposed Final Judgement Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft;

The Proposed Final Judgement Fails to Prohibit Anticompetitive Practices Towards OEMs;

The Proposed Final Judgement as currently written appears to lack an effective enforcement mechanism.

Thank you,
Andrew J. McKenzie

MTC–00026537

From: jbarrett06@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 11:44pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Myrna M Barrett
P O Box 660
Linden, TX 75563–0660

MTC–00026538

From: csbatchelder@juno.com@inetgw
To: Microsoft ATR
Date: 1/26/02 11:49pm
Subject: MICROSOFT SETTLEMENT
To Whom It May Concern:

I strongly recommend that the litigation against Microsoft be dropped it has been well served and the time to end this costly and damaging litigation has come.

The Settlement will certainly be in the ''publics best interests.'' Consumer interests has been well served and it is time to STOP. So please settle it NOW.

Thank you.
Sincerely
Orvella Batchelder

MTC–00026539

From: crewcut@erols.com@inetgw
To: Microsoft ATR
Date: 1/26/02 11:46pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Ron Pillar
2001 Ruffs Mill Rd.
Belair, MD 21015

MTC–00026540

From: dmwworking@msn.com@inetgw
To: Microsoft ATR
Date: 1/26/02 11:49pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.
Sincerely,
David Wallace
Box 22
Springdale, WA 99173–0022

MTC–00026541

From: lmath
To: Microsoft ATR
Date: 1/26/02 11:53pm
Subject: Microsoft Settlement

Enough is enough, this is a just and more than fair settlement for a company that gave us software and charged us nothing for it! Let the whiner's shut up and take the profits they didn't deserve!

Please we as a country are at war. Enron and thousands of its employee's are bankrupt. Why continue a suit against a company that hurt no one instead of dealing with real issues like war and bankruptcy?

Settle this suit!
Lynette Matheson

MTC–00026542

From: vincehohn@aol.com@inetgw
To: Microsoft ATR
Date: 1/26/02 11:52pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.
Sincerely,
James Hohn
PO Box 237
Jefferson City, MT 59638

MTC–00026542—0001

MTC–00026543

From: Christopher A. Smith
To: Microsoft ATR
Date: 1/26/02 11:55pm
Subject: Microsoft vs U.S.

The only way to stop Microsoft from abusing its monopoly power is to take its monopoly away. The company needs to be split into several entities with their own Operating Systems divisions so that they would have to compete against each other for market share. The operating system should not be allowed to bundle software such as Internet Explorer or Windows Media Player. This should be left up to the computer manufacturers to add value to their systems.

This would further benefit consumers in allowing more competition and bringing down prices even lower than they are now.

In addition to splitting up the company, Microsoft needs to pay damages to companies that were harmed by Microsoft's illegal practices. Netscape, Corel and Apple Computer are just a few of that were severely harmed.

Sincerely,
Christopher A. Smith
Docs4Macs
Doctor of MacIntology
Phone: (804) 839–5422
e-mail: chris@docs4macs.com

MTC–00026544

From: J J Simas
To: Microsoft ATR
Date: 1/27/02 12:02am
Subject: Microsoft Settlement

I have been following Microsoft's business methods for some time. And as a graduate of both Computer Science and Philosophy, I have excellent qualifications for opining on this settlement. I'll leave the arguments and details up to someone who is more knowledgeable of law but what needs to happen is the following.

First let me state what is true:

Software and hardware exist at certain levels.

The lowest level is hardware.

Above that are hardware drivers.

Above that is the operating system.

Above that are the applications.

Above the applications are more applications...

That is, each higher level, makes use the lower level.

Then what needs to happen:

What needs to happen is to require any company that makes products at more than

one adjacent level to publicly document their application programming interface. This isn't a drain on resources for them because if they are developing at both levels, then they have already produced the documentation. This ensures that competition can exist even in the presence of a monopoly.

File formats must also be open not only to ensure competition (which will ensure the best products survive which helps ensure that we survive) but also so that our data isn't taken away from us. If our data is in a file with a proprietary format, and if the software publisher isn't the only person knowledgeable of that format, then that person can demand whatever price so that we can access our data and that publisher being the only person who knows the format can disallow us from transferring our data to any other format.

Jason
J J Simas
BS in CSci and Philo (Sep 2001)
http://chart2d.sourceforge.net/jjsimas

MTC–00026545

From: newcutashlar@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 12:03am
Subject: Microsoft settlement

Recommend further litigation against Microsoft in the interests of fair competition and true capitalistic economics :

1. Microsoft should be fined severely for attempting to develop a monopoly in software, as proven in court and so adjudged.

2. Microsoft should have the Operating System development separate from the applications development, by fair application of anti-trust law. Two separate entities, in other words.

3. Microsoft's OS code should be made available to all software developers to allow competitive applications development.

Glen L. Keener
14027 Spring Lake Road
Minnetonka, MN

MTC–00026546

From: jimmundy@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/27/02 12:01am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jim Mundy
307 Westwood Lane
Madison, IN 47250–2973

MTC–00026547

From: Michael Deming
To: Microsoft ATR
Date: 1/27/02 12:07am
Subject: Microsoft Settlement

This settlement will do nothing more than give Microsoft inroads to one of the few markets that it does not yet monopolize. If the DOJ wants to help education with settlement thats fine and good, but do it by making Microsoft pay into a fund that allows schools to purchase the software and hardware of its choice. The education market is one of the few markets that competitors have had some success competing with Microsoft. If this settlement is not modified the education market could see the same competition squashing Microsoft that other markets have seen, and this time with the Governments help.

In general, I do not think that this settlement is harsh enough. Even if the settlement is revised as I mentioned above it is only a small slap on the hand, and will not make Microsoft change its competition squashing ways. Microsoft will only work harder to better disguise it. It is unfortunate that some originally very good software programs have been almost completely eliminated by Microsoft. Programs like Netscape and WordPerfect were once good competitors to Microsoft but due to Microsoft's ways they have become minor players in their areas with the only major player being Microsoft. This is very unfortunate, because if these programs, among others, were the competitors they once were, we would see more innovation and better products. This can also be said when it comes to operating systems.

In closing, I know that in the computer industry, history has proven that the best product usually doesn't gain market share. The program that is the most ''compatible'' (or marketed as such, which is usually the case) wins the market share points. I know that this is unlikely to change in the near future if ever, but it would be nice to see the better product have enough market share to be able to stay competitive and stimulate innovation and better products. For the most part, Microsoft has not allowed this to happen if they have a competing product.

Thank you.

MTC–00026548

From: Thomas Cook
To: Microsoft ATR
Date: 1/27/02 12:09am
Subject: Microsoft Settlement

The stipulations against non-profit organizations that are included in Section III (J) and (D) are appalling. Microsoft's main competition is from open sourced, free software that is produced by non-profits. These articles strengthen the monopoly that Microsoft holds. Please don1t strengthen Microsoft.

Thomas Cook aka EEvil Tom
tncook@online.emich.edu

MTC–00026549

From: Beverly Lincoln
To: Microsoft ATR
Date: 1/26/02 11:42pm
Subject: Microsoft Settlement

This e-mail is sent in support of the proposed settlement agreement wherein Microsoft will donate more than $l. billion in cash, training and software to help make computer technology and software more accessible to public schools serving nearly 7 million of America's most disadvantaged children. I believe this is a fair and reasonable solution that will benefit consumers, the high-tech industry and the overall U.S. economy.

As a business manager, I have gone through many years of utiliztion of computer hardware and software, as well as purchased computer systems for personal use. I have used both browsers and judge them on their own merits. I admire Microsoft for their innovation to develop usable, practical, software systems. I believe that in the current situation of the economy, and our need for the best in high technologies, time and money spent should be in the areas of innovation, development, and production by all companies, rather than spending time and money for continuing court expenses and politics. Microsoft's competitors should spend their time and money on innovation in producing software products that stand on their own merit.

Thank you for this opportunity to submit my comments on this very important issue.

MTC–00026550

From: B. Forster
To: Microsoft ATR
Date: 1/26/02 8:14pm
Subject: Re: Microsoft Settlement

I think the terms of the settlement are more than adequate and the Microsoft competitors and the nine dissenting Attorney Generals should back off. We need to get the economy moving again. The Country is in dire need of stimulation, innovation and not LITIGATION. Dragging this out is costly and counter productive.

A concerned fellow American

MTC–00026551

From: PJones5220@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 12:20am
Subject: Microsoft Settlement

I urge the acceptance of the Microsoft antitrust settlement that is awaiting final adoption. From what I read in the press it meets the intent of the court of appeals. In my opinion, dragging this out any longer at the insistence of Microsoft's competitors and the renegade states is good for lawyers, but not good for the high tech industry, or the states, as a whole. I believe the faster this case is settled the better.

I am not a Microsoft employee or investor so my opinion is not based on financial gain.

Thank you for considering my opinion.

Sincerely,
Peter Jones

MTC–00026552

From: Rebecca E Frankel
To: Microsoft ATR

Date: 1/27/02 12:19am
Subject: Microsoft Settlement

[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]

CC:
rfrankel@MIT.EDU@inetgw
MTC–00026552—0001
Rebecca Frankel
MIT Laboratory for Computer Science
Room 435, 200 Technology Square
Cambridge, MA
rfrankel@mit.edu

Response to the Proposed Settlement of the Microsoft Case:

I am writing because I am unhappy about the proposed settlement of the Microsoft antitrust trial.

I do not wish to try to enumerate the flaws of the settlement. I think other people have done a good job of that; for instance, I approved of Daniel Kegel's petition and signed it. In addition, I feel uncomfortable saying anything that might imply that I know better than the judge how to decide issues of law or apply them to a remedy. I am a software engineer; I don't know anything about law. The only special understanding I have is of technology.

However, the problem of the ''understanding of technology'' is an issue in this case. There has been much griping in technology circles that this settlement shows how thoroughly the legal system doesn't ''get'' technological issues. But most of this griping is just that griping. You legal people must wonder about us: if there really is something you don't ''get,'' why can't we explain to you what it is? For instance, recently an engineer complained to Lawrence Lessig:

''Members of the judiciary are largely unqualified to comment or judge upon issues of a technical nature, simply because their careers do not incorporate a great deal of technical knowledge, and also because they have not sought it ... My concern is that...we won't have a lot of judges with a high awareness of the intricacies involved for several years. However, the judges presently sitting are essentially creating a body of law to govern what they do not understand.''

In reply, Lessig shot back a challenge to us:

''There was a time when I thought that lawyers wouldn't do too much damage... All that has changed now ... This is, in part, because courts don't understand the technology. But I don't think it's because courts don't know how to code. I think the problem is that courts don't see the connection between certain kinds of technology and legal values. And this is because we've not done a good job in demonstrating the values built into the original architecture of cyberspace: That the Internet embraced a set of values of freedom...that those values produced a world of innovation that otherwise would not have existed. If courts could be made to see this, then we could connect this struggle to ideals they understand. Sometimes when I read Slashdot debates, I wonder whether you guys get this connection either... And this leads me to the greatest pessimism: If you guys don't get the importance of neutral and open platforms to innovation and creativity; if you get bogged down in 20th century debates about libertarianism and property rights; if you can't see how the .commons was critical to the .com revolution, then what do [you] expect from judges?

You guys ... built an architecture of value. Until you can begin to talk about those values, and translate them for others, courts and policy makers generally will never get it. Lessig is basically telling us we are being a bunch of inarticulate crybabies. He is right. If we want to claim the right to complain that courts do not understand us, we need to provide a ''translation of our values'' in terms that a layman can understand.

My goal in this letter is to attempt to provide such a translation, and then use it to make an analysis of the nature of the public interest in the settlement of the Microsoft trial. I am deeply involved with the society that created the values to which Lessig refers. I have spent a large part of the last eight years at the MIT Lab for Computer Science—a place whose extraordinary qualities were better characterized by another student from my floor:

[I]t is tough for most people to imagine a building where a young nerd can walk out of his office on the 4th floor, argue with the founder of the free software movement (Richard Stallman), annoy the authors of the best computer science book ever written (Abelson and Sussman), walk up one floor to run a few ideas past Dave Clark, Chief Protocol Architect for the Internet from 1981–1989, and walk down two floors to talk to Tim Berners-Lee, developer of the World Wide Web.

I know all these people; many of them feel like family to me. I know what they care about, what they hope for, what they dream about, what they fight for, and what they fear. I never imagined that, as an MIT engineer, so much of what I would struggle with would not be the ''intricacies involved'' in the practice of engineering, but instead the problems of defining and communicating the value that technology can and can't provide to society. The engineers here are in a constant battle to prevent society from destroying the value they try to build for it: this struggle takes up so much of their energy that it is hard to think of what they do as just engineering anymore. I do not like this: I want to simply be an engineer. I wish that you, the court, could take from us the job of defining and communicating values, so we could go back to being ordinary engineers. It is much more natural for you to take on this role, than it is for us to have it. But in order for you to do that, first we would have to explain these values to you.

I am unhappy with the proposed settlement because it shows how deeply the courts do not understand the value that engineers here are trying to build. I could pick on the specifics of the settlement terms ad infinitum, but I feel it would be a pointless exercise, because only a basic failure of understanding of the nature of the public interest could make such a flawed settlement seem acceptable in the first place. But if I claim that there is a basic failure of understanding, that raises a question: ''What exactly is it that I think government officials don't understand?'' It is rather shocking that we have failed to effectively answer this question. We have told you many things: long stories of power struggles in the browser market, mind-bendingly technical analysis of the proper design of network protocols, plenty of satirical accounts of Microsoft's shady shenanigans, and many other similar things. But we never have given a simple answer to the simple question ''What is the nature of the public interest in all these matters?'' It is the goal of this letter to try to fill this gap. I will make my argument in a context so ordinary that it may well seem childish, but please bear with me: in my silly example, I think I can capture the essential issues at stake and then tie them back to our complex and confusing real situation.

So here is my simple picture—instead of talking vaguely about the ''old economy'' and the ''new economy,'' and about the mysterious difference between them, I want instead to talk about two ordinary household tasks: mowing the lawn and cleaning the basement. In my picture ''mowing the lawn'' will represent the old economy, and ''cleaning the basement'' will represent the new. (I warned you this would sound silly; but please hang on—it is not as dumb as it sounds). Why did I choose these particular examples? Because I think the fundamental change that we are calling ''the appearance of a new economy'' is a shift from an economy that strives to increase productivity by automating manufacturing, to one that strives to increase productivity by automating organizational tasks. The new frontier is the reorganization of supply chains and business processes to take advantage of ''information technology''—the ability of machines to do the organizational tasks that used to be handled by armies of clerks and middle managers. But this shift is so huge, complex, and hard to picture, that I want to pull it down to earth and discuss its central principles in the context of the kind of organizational task we all are familiar with: the problem of how to bring some order to a messy basement. By way of contrast, I want to compare this task to another one we all know and love: the problem of how to tame an unruly lawn. (You might ask, how is mowing the lawn manufacturing? Well, it is manufacturing shorter grass.)

Now that I have identified my representative ''industries'', I want to talk about how we can think about the nature of the ''public interest'' in the context of these tasks. As I continue this description, I hope you will see the advantages of translating our discussion to such a down-to-earth context. In this setting, it is easy to use one's ordinary intuition to understand the public interest in a conflict. Maybe it is hard to interpret the public's interest in the ''future of an online architecture for e-business,'' but how hard is it to think about what you want for the future state of your basement? I want you to see what our conflict with Microsoft would look like if it occurred in this ordinary context.

So, to start my story, let me describe a conflict which illustrates a threat to the public interest in the context of the ''old economy.'' Suppose I need my lawn mowed, and the kid who I usually hire to push my clunky old gas mower around the yard, instead shows up to work with a shiny, spiffy

new lawnmower of his very own. He has broken his piggy bank to buy it: he is very proud of himself and shows it off to everyone on the block. His beautiful new lawnmower mows the lawn twice as fast as the old one did. As a result, he can mow twice as many lawns in the same time. Pretty soon he is raking in the cash. He is making so much money, he can afford to lower his lawn-mowing rates, so he begins to steal business from the other lawn-mowing kids on the block. The other kids get upset. ''He's cheating!'' they cry. They gang up on him, beat him up, and smash his new lawnmower. The original kid, recovering in the hospital, appeals to the adults on the block for justice. ''The other kids were jealous of my success!'' he cries. ''They had no right to hurt me or my lawnmower. You should protect me so that nothing like this ever can happen again!''

Should the adults listen to him? Absolutely. Not only was what happened to the kid unfair, it also damaged the public interest. When a kid can mow lawns twice as fast for less money, everyone on the block benefits. He put considerable investment and risk into obtaining his lawnmower, and it provided a benefit for everyone. Yes, he also made a lot of money from his new lawnmower, and maybe he was a little obnoxious about showing it off, but his good fortune was good fortune for everyone. Therefore, his investment deserved to be protected from the destructive jealousy of the other kids. The rich kid should be protected, and the jealous kids should be punished.

Now, to continue, let me introduce another story of a situation which causes harm to the public interest, this time in the context of the ''new economy.'' Suppose I decide to hire a kid to help me clean my basement. This kid works very hard, sorting all the stuff in the basement, building appropriate-sized boxes for various categories of stuff, and carefully labelling all the boxes so it is easy to find things later. His hard work is useful to me: it helps me find things more easily. But there is trouble in my little paradise. One day, my little helper cannot come, so I hire another kid to help out. But this kid is different. He is careless: he puts things in the wrong boxes, and mislabels the boxes. Worse, he is devious: he discovers that if he puts things in the wrong boxes deliberately, and labels the boxes in a scrawl only he can understand, then he can make extra money off me, because I will need his help to be able to find things again. Worse still, he is ambitious: he realizes that if he puts the potting soil in a place where only he can find it, then pretty soon I will be forced to ask him to take charge of organizing the gardening shed as well. Thus he can double the amount of money he can make off me, and there is nothing I can do about it.

So how do we think about the ''nature of the public interest'' in this situation? Well, in order to answer that question, it is important to ask first ''what is the result I am trying to achieve?'' If I hire someone to clean my basement, the result I want is a well-organized basement, a basement in which it is easy to find things. The kid who worked hard to sort things accurately and label the boxes clearly helped me achieve my goal. The kid who deliberately mislabeled the boxes and misplaced the potting soil did not help me achieve my goal. He hurt my interests, not merely because he over-charged me, took over my basement, and hatched devious designs on my gardening shed, but much more simply, because he failed to deliver to me the basic effect I wanted and needed. I needed a basement where I can find things easily: he didn't give it to me. By contrast, the first kid, the one who built me a good system of well-organized, well-labelled boxes, did give me the effect I needed. The first kid's actions served the public interest; the second kid's did not.

This observation is the whole secret to understanding the ''architecture of value'' of which Lessig spoke. What is an ''architecture of value?'' It is nothing fancy: one can think of it as an information architecture that would remind one of a well-organized basement. This architecture is valuable because the careful sorting and clear labels make it easier to find things. There is nothing terribly subtle or difficult about this idea. The only really deep concept here is the observation that it is useful to ask the question: ''what is the fundamental goal we are trying to achieve?'' We are entering into an ''organization economy,'' and in such an economy, we want to achieve the goal of being well-organized. These central value of such an economy is no more complicated than the admonition we have all heard a thousand times from our mothers: ''it is nice to put things away where they belong so it will be easier to find them again later.''

But if it is all so simple, why does it seem so hard? It seems hard because it IS hard, but it is not hard because anything about the situation is complicated. It is hard for quite another reason, which I want to illustrate using a third story. This, my final story, is a classic tragedy.

Let us suppose that the first kid I hired to clean my basement returns from his vacation and ventures downstairs to view the state of his handiwork. When he sees what the second kid has done, words cannot describe what he feels at the sight of the ruin of all his hard work. He grabs the second kid by his shirt collar and drags him to me to face judgment. ''He's cheating!'' he cries. (He doesn't say much else: unfortunately this first kid—though a good, honest worker— is not exactly the articulate type.) The second kid replies: ''He is just complaining because he is jealous of my success! He has no right to handle me this way or damage the valuable ''intellectual property'' I have created. You should protect me so that nobody can ever treat me like this again!'' Now when I hear these words, I remember my earlier trauma when I witnessed the kid with the new lawnmower get beaten up by a jealous gang. I remember how I pledged to the kid on his hospital bed that nothing like that would ever be allowed to happen again. This recollection plunges me into a state of fear and confusion. The first kid comes to me and begs for the right to re-label the boxes correctly: it is hard to deny such a heartfelt request. On the other hand, I made a solemn pledge to the kid in the hospital that I would never, ever allow anything like the disaster that happened to him to happen to anyone else. I am riven in two: I do not know what to do.

So I propose a compromise. I propose that certain of the boxes in the basement are to be declared ''Middleware'', and I will require of the kid who now owns the organization system of my basement that he reveal the meaning of the labels on those boxes. To protect his ''intellectual property,'' I only require that he reveal these labels to another party when they agree to sign a non-disclosure agreement. The second kid is happy enough to agree to that, especially since he alone knows exactly where he has hidden the potting soil, and he has carefully made sure that the box where it is hidden is not declared ''Middleware.'' In this way, his designs for the takeover of my gardening shed are unaffected. Since summer is coming, the control of the gardening shed is the only thing that really matters anyway, so he loses nothing by signing on to my ''compromise''.

Now, what can we say about this compromise? Should I say that it is a bad compromise because I was not careful enough to locate the hidden potting soil before I settled on my definition of ''Middleware''? Should I say that it is unfair to require people to sign a non-disclosure agreement whenever they want to get a hammer from the basement? I could say all these things, and more, but they seem to skim over the surface of the problem. Much more fundamentally, this compromise represents a failure to think clearly about what we are trying to accomplish. It is in our statement of the nature of the values which we are ''compromising'' that we have failed. We have failed to understand the essential values that we are pledged to protect.

To appreciate the tragedy of this failure, imagine how this situation would appear to the first kid, the one who cares more than anything about properly organizing the basement. He worked hard and honestly to do the very best job he could, but to no avail: all his hard work was ruined. It wasn't even accidentally ruined—it was ruined on purpose. But when he tries to protest about this betrayal of his values, not only is he not listened to, he is also treated like a jealous, violent gang leader. Since he is not a sophisticated kid, he cannot figure out why any of this is happening to him. It simply feels to him like all the adults around him have gone mad.

I might ask: what exactly were the essential values I failed to understand when I devised my compromise? One might say that my compromise shows how little I understand the values associated with the ''new economy.'' It is true that I have failed to understand how overwhelmingly important it is to have clearly labeled boxes in my basement. But this concept of ''value'' in the new economy is so very simple and easy to understand, that one might also maintain that I understood it perfectly clearly. When I insisted that the ''Middleware'' boxes should be clearly labelled, I showed that I DO understand what constitutes value in the new economy.

Nonetheless, my judgment was confused, but it was not a lack of understanding of the new economy that caused this confusion.

Instead, my judgment was clouded by the pain and confusion that the reminder of an old-economy conflict invoked in me. I ran into difficulties because I was led to apply ''old economy thinking to a new economy problem.'' In particular—this is the key point—my real failure came not from a failure to understand the values of the ''new economy,'' but from a failure to understand the values of the old one. When I promised to the kid in the hospital that nothing like what happened to him would ever be allowed to happen again, I did not define very clearly in my head what exactly it was I was pledging myself to protect. What exactly did I promise? Did I promise that in every circumstance where a rich and successful kid was challenged by a poorer, less successful kid, I would always side with the rich kid?

NO, that is not what I promised. I made the promise to the kid in the hospital because I saw that his good fortune was good fortune for everyone, and therefore I pledged myself to protect it. But when I later found myself in a situation when a rich and successful kid demanded that I protect his good fortune, I forgot the rationale behind my original promise. If I had remembered it, I might have thought to ask myself ''in this new situation, is this rich kid's good fortune good fortune for everyone?'' Hopefully it is clear that this question receives a rather different answer in this situation. So, does my old promise bind me anymore? Am I required to devise a compromise between the interests of the two children in my charge? No, such a compromise doesn't make sense. I could make things much easier on myself if I just worried about protecting my own interests. My interest is to be able to easily find things in my own basement. The first kid fought for my interests, the second kid did not. It is that simple: there is no need for the terrible pain and confusion this case evokes, or the strange and convoluted compromises that are the result.

So, to wrap up my story, I want to summarize the four conceptual errors I made which drove me to devise Such a thoroughly flawed compromise.

First, I made two mistakes in my understanding of the ''new economy'':

1. I did not understand how much value the first kid provided for me when he carefully sorted and labeled all my stuff.

2. I did not understand how badly the second kid hurt me when he destroyed this careful labeling system. I did not understand how dangerous it is that I have become dependent on his aid to find anything in his system of artfully mislabeled boxes. Second, I made two mistakes in my application of principles that came from the ''old economy'':

3. When the second kid claimed to me that I had an obligation to protect his incentive to invest, I forgot that the statement of this obligation is that we must protect the ''incentive to invest in machinery to make a manufacturing job more productive.'' I need to protect a kid's incentive to break his piggy bank and buy a lawnmower, or I will have to put up with the fumes and noise from my old gas mower forever. But this obligation does not apply to the conflict between the kids who are cleaning my basement, because there is no machinery that will aid the task of ''manufacturing'' a cleaner basement. So there is no need to protect the incentive to invest in such machinery.

4. More generally, I made a mistake when I failed to notice how the second kid manipulated and abused my commitment to the values of the old economy with his carefully chosen words. Earlier I said that this kid was careless, and worse, devious, and worse still, ambitious. But worst of all, he is manipulative. He is perfectly willing to take our most central, sacred values and twist them into a empty caricature of themselves to serve his own interests. It is our mistake and our shame that we cannot see what is being done to us.

So now I have completed my story. I have explained the essential failures of understanding that caused me to make a dreadful mistake. I promised earlier that when I was done I would take the lessons I have explained and tie them back to our complex and confusing real situation. So I will describe again the four mistakes I have just identified, this time as they appear in the real world. I contend that this settlement reveals that public officials fail to understand four important concepts that are crucial to understanding the nature of the public interest in the conflict with Microsoft.

First, it reveals that there are two ways that public officials basically misunderstand the ''new economy.''

1. They do not understand the tremendous value to society provided by the creators of the open standards of the Internet, the World Wide Web, the associated free software that supports the Internet (Apache, Bind, Perl, etc) and the free operating systems Linux and BSD. They do not understand the tremendous value to society of open, well-specified APIs on every level of the information architecture we are trying to build to support the future productivity of our society.

2. They do not understand how badly society is hurt by Microsoft's manipulation of its APIs and file formats. They do not understand how much the constantly changing proprietary file formats hurt ordinary people's ability to get work done, nor do they understand the loss of potential productivity that occurs when a API is obscured or destroyed. They do not understand how Microsoft's control of the platform hurts the prospect for real competition and progress in the computer industry.

Second, more seriously, it reveals two ways that public officials are confused about how to apply the values of the ''old economy'' in this new situation.

3. They haven't noticed that, just as you don't need a lawnmower to clean a basement, you don't need a lawnmower to write an operating system. All the effort to preserve a delicate balance between the need for open APIs, and the need to preserve the incentive to invest, have missed the point that we are protecting the incentive to invest in a purely imaginary lawnmower. There is no machinery that will make the job of writing an operating system any easier, so there is no need to protect the incentive to invest in imaginary machinery.

4. Finally, they haven't noticed that Microsoft is lying to them. Microsoft is lying in a horrible way: they are invoking the values that honorable public officials have spent their whole lives protecting, and they are manipulating them, using them, twisting them around so they come to mean something entirely different. The government does not detect this duplicity—that is their greatest mistake. We engineers have a name for these kinds of lies: we call them FUD, which stands for ''fear, uncertainty and doubt.'' We watch Microsoft deliberately spread fear, uncertainty and doubt in the government, the courts and the general population, and we view with amazement and horror the enormous power that these lies have over the world. We are lost: we do not know what to do to combat lies which have such terrible power. We are like children who live in a world where all the adults have gone mad. Yours sincerely,

Rebecca Frankel

Has Your Opinion Been Counted?

Earlier this month, you took part in a letter-writing campaign to express your opinion of the antitrust settlement between the Department of Justice and Microsoft. We would like to thank you for your efforts and make sure that when we assisted you in organizing your thoughts on paper, you were completely satisfied that the draft letter fully expressed your own views in the matter.

If you would like any changes, we would be happy to make them now. The public comment period on this settlement ends on January 28. The provisions of the agreement are tough, reasonable, fair to all parties involved, and go beyond the findings of the Court of Appeals ruling; however, the settlement is not guaranteed until after the review ends and the District Court determines whether the terms are indeed in the public interest. If you would like your opinion to count, now is the time to send in your letter!

Please send your comments directly to the Department of Justice via email or fax no later than January 28. If you have already done so, or will do so in the near future, please be sure to send a signed copy to the FIN Mobilization Office, or simply reply to this email with a short note indicating that you have sent your letter.

Please take action today, to ensure your voice is heard. Once again, the Attorney General's contact information is:

Fax: 1–202–307–1454 or 1–202–616–9937

Email: microsoft.atr@usdoj.gov

FIN Mobilization Office contact information:

Fax: 1–800–641–2255

Email: fin@mobilizationoffice.com

Your support is greatly appreciated

FIN Mobilization Office

MTC–00026553

From: Neil Prestemon
To: Microsoft ATR
Date: 1/27/02 12:19am
Subject: Mircosoft Settlement

To whom it may concern;

I would like to voice my opinion on the proposed Microsoft settlement to the antitrust lawsuit. I have to say that the proposed settlement on the table today does

nothing to address the real issues in this case. The issues that have made Microsoft the monopoly it is, and the danger to existing competition, and any potential future competition.

There certainly is not a level playing field in many areas. Though I do not believe that it's the government's job to provide a level playing field, I do believe that the government should do something when we're presented with a situation where the playing field has been rotated 90 degrees, and has become an impenetrable wall to the founding of new businesses and innovation.

The areas of danger are as follows:

Programming API's—Microsoft has a monopoly on programming frameworks for it's Windows platform. Any company that wants to write Windows software almost certainly has no real choice other than to use Microsoft's Visual Studio product, and Microsoft Foundation Classes framework. This is due to actions microsoft has taken against former competitors like Borland, and other OS Vendors. When a competitor is forced to use MFC to write third-party software for Windows, and software in the same market is also written by Microsoft, Microsoft then has a huge and unfair advantage, as undocumented features or programming flaws or misleading documentation within MFC itself can cause a third-party developer to spend far more man-hours acheiving the same degree of quality in their product as Microsoft can achieve, because Microsoft programmers also have access to the Microsoft programmers who wrote MFC, and the documentation. This is not merely a competitive advantage. This kind of advantage could be illustrated by analogy if General Motors sold the ONLY set of components by which any other company could build a car. You'd know that necessarily, GM's cars built with those components would be better than other company's cars built by those components. It's through their Visual Studio monopoly that Microsoft leverages an unfair advantage to keep third-party companies writing software less efficiently than they do. I believe that Microsoft's API business needs to be spun off into a separate company.

OEM Licensing—Microsoft should be prohibited from having secret agreements with OEMs. It has been proven in court that Microsoft, as the vendor of the Windows platform, uses such agreements to force OEMs into exclusive deals so that computer manufacturers cannot sell their computers pre-loaded with any other operating system.

File Formats—Microsoft should also be forced to fully document formats of their products, and changes in these formats should not be allowed. As it stands today, if a company does it's work in Microsoft Office file-formats, they are literally ''held captive'' by Microsoft, because if they choose to switch to a competing product, they will be forced into a costly migration of the data from the Microsoft format to the third-party format. It is not in Microsoft's interest to write translation tools, at least not translation tools that preserve fully, the features of their products in the translation—and though it would be in the interest of a competing software company to provide compatability or document translation, there is no way for them presently to do this with any degree of reliability, because some aspects of the file format are poorly documented, and Microsoft often changes these formats in ways that make it impossible for third-party companies to stay on top of them. Included in ''file formats''—should also be Microsoft's protocols, their Kerberos security protocol, (so that consumers can choose third-party LDAP solutions for their Windows networks, instead of being forced to use Microsoft Active Directory), and SMB, their network file-sharing protocol. There currently exists a free-software solution which allows computers of other operating systems to connect with Windows computers, and share files with them.

However, Microsoft has changed their SMB protocol several times in an attempt to cause this other solution to no longer be compatible, and to cause the developers to spend time and effort trying to reverse-engineer SMB so they can fix the problems Microsoft creates. Without this solution (called Samba) it would otherwise be impossible for other operating systems to share files with WIndows computers. The lack of a solution compels many IT managers to simply avoid other operating systems and platforms, and go with a pure Windows-only solution. The most frightening aspects of a Microsoft monopoly lie not in the commercial sector, but in the computing field itself. Never mind the economic damage Microsoft's monopoly has created in crushing many competing software companies—never mind the amount of over charging Microsoft does because they CAN, because there is no other company that can compete with them—never mind the huge labor and hardware costs incurred by Microsoft's customer base due to effort required to work around product defects and poor architectural decisions Microsoft has made— because they CAN, because competing products of higher quality, and lower hardware overhead have all been crushed by Microsoft's monopoly.

The greatest danger is that the US Government relies heavily on Microsoft products, and as such is DEPENDENT on Microsoft to continue providing solutions, and access to data, locked in a proprietary format that cannot be easily or cheaply extracted. The next greatest danger is that of monoculture. In a global computer network, where all computers are Microsoft Windows, they ALL share the same vulnerabilities to viruses and hacker exploits. A monopoly and resulting monoculture in computing is a horrible danger to the security and economic stability of our nation, and even the entire world.

And that is why the government MUST act. Swiftly, and forcefully, to protect it's citizens, and the entire world from this threat. It is the first duty of government to protect. Now that the Department of Justice, and then the US Courts have identified and recognized the threat, it would be folly, and a huge waste of the effort already invested to not act decisively against this threat, before it is too late to stop. Before it encompases other markets, like home electronics, media, and banking.

If you have any need for me to clarify any of my statements, or if you require further comments, I would be happy to provide them. Please feel free to contact me at this email address at any point.

Regards,
Neil Prestemon
Arroyo Grande, CA 93420
neilprestemon@yahoo.com

MTC–00026554

From: Mary T Harvey
To: Microsoft ATR
Date: 1/27/02 12:24am
Subject: This costly and damaging litigation must come to an end. Mary

This costly and damaging litigation must come to an end.

Mary

MTC–00026555

From: jim.lucey@verizon.net@inetgw
To: Microsoft ATR
Date: 1/27/02 12:22am
Subject: Microsoft Settlement

Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
James Lucey
1217 E. LaPalma Ave.
Anaheim, CA 92805–1450

MTC–00026556

From: Kathleen L Carey
To: Microsoft ATR
Date: 1/27/02 12:24am
Subject: Microsoft Settlement

It is my recommendation that you accept the proposed microsoft settlement as a reasonable compromise. It's time to move forward and on to other things.

Sincerely,
katcarey@juno.com

MTC–00026557

From: Karsten Wade
To: Microsoft ATR
Date: 1/26/02 7:47pm
Subject: Microsoft Settlement

I think the proposed settlement is a bad idea. Please count my vote as completely against this settlement.

Karsten Wade
karsten@phig.org
http://phig.org/gpg/

MTC–00026558

From: Carol M. Watts

To: Microsoft ATR
Date: 1/27/02 12:29am
Subject: Microsoft Settlement

Punishing Microsoft's monopoly practices by awarding them a monopoly in the school system is just plain criminal. What a sellout! We must have laws and practices which encourage innovation and competition. Do not reward arrogance and unethical behavior—not to mention, illegal actions. Support the public interest.

Carol Watts
448 Knoll Dr.
Los Altos, CA 94024

MTC–00026559

From: Bruce Rogovin
To: Microsoft ATR
Date: 1/27/02 12:31am
Subject: Microsoft Settlement

Please punish Microsoft for it's total disregard for US law and a general lack of any morals. The proposed settlement would do NOTHING to stop Microsoft from continuing in it's illegal ways and gaining even more power and advantage.

Dr. Bruce Rogovin
8686 Winton Rd.
Cincinnati, Ohio 45231

MTC–00026560

From: Jeremy Walton
To: Microsoft ATR
Date: 1/27/02 12:43am
Subject: Microsoft Settlement

Microsoft has clearly broken several laws in its attempt to eliminate competing software corporations. They have carried out actions to do so and have made it clear of their intent to create a monopoly. Microsoft has a dominating role in the industry because most programs must be run using a microsoft operating system such as Windows 95, 98, etc. They realized the threat of a new competitor through the Internet, being web browsers, Netscape navigator, being the main one. They pursued plans to eliminate Netscape navigator and others, as options for internet browsers. Microsoft has tied its windows programs with internet applications, has required that persons distribute its internet software along with other software in exchange for access to their operating system, and has required that they not distribute any non-Microsoft software. The Microsoft corporation should be broken up because of their illegal actions and to help boost the economy via competition.

MTC–00026561

From: Marie Murray
To: Microsoft ATR
Date: 1/27/02 12:45am
Subject: Microsoft Settlement
Marie Murray
P.O. Box 97563
Raleigh, NC 27624–7563
January 26,2001
Attorney General John Ashcroft
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

As a rule I hate to see money wasted; there is so much need for funds both here in American and abroad that to squander it is a travesty. One such is the case against Microsoft. Millions of dollars have been wasted on both sides of this dispute. We must stop this misappropriation of American tax dollars. The settlement that was reached in early November is fair. It will halt any further anti-trust violations, alleged or substantiated, with the establishment of a three person technical committee, which will oversee any further practices of Microsoft. Microsoft has also agreed not to retaliate against any company that tries to create software that competes against theirs.

I feel that the sooner this unfortunate litigation is put behind us the better. I hope that we can continue as the leader of the technological field throughout the world, despite the setbacks that we have experienced since the commencement of this suit. Thank you for your time and diligence with this issue.

Sincerely,
Marie Murray

MTC–00026562

From: medurk@concentric.net@inetgw
To: Microsoft ATR
Date: 1/27/02 12:47am
Subject: Microsoft Settlement

Let this settlement go through. There never should have been any investigation into Microsoft (MS) in the first place.

The lawyer that took the case to trial was only looking to make a name for himself. I'm a democrat but this is the one (and only) time I will agree with GOP.

Leave MS alone and never, never, bother them again!

Sincerely,
ME Durke

MTC–00026563

From: Justin
To: Microsoft ATR
Date: 1/27/02 12:50am
Subject: Microsoft Settlement

I would have to say that the settlement proposed is rather weak. It has already been proven that Microsoft Corperation is a monopoly. This is a company that has repeatedly and blatently abused its monoply power. It has obstructed viable competition, ruthlessly destroying or relegating to obscurity any company or product that attempts to compete within its established markets. The continued exsistence of Microsoft Corp. in its current form is anti-competition, anti-American. The computer industry as a whole will fare better with competition and this can only be acheived with the breakup of this monopoly as called for by U.S. law.

MTC–00026564

From: Pryor Garnett
To: Microsoft ATR
Date: 1/27/02 12:51am
Subject: Microsoft Settlement

I oppose the proposed final judgment between the Justice Dept. and Microsoft. Of the many problems I see with the PFJ, I believe the one of greatest concern is that under the PFJ Microsoft retains and will continue to exercise the power to use its dominant control over the operating system for the desktop to maintain existing barriers to the entry by ISVs of application software, and raise new barriers to ISVs of application software against which Microsoft choses to compete. For that, and other reasons, I oppose the PFJ.

Pryor Garnett
Portland, Oregon
pryor.garnett@verizon.net
503–646–2188
Watch the remodel at http://pws.prserv.net/pryor__garnett !

MTC–00026565

From: neldon-joann@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 12:48am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Neldon Jensen
7151 Towncrest Dr.
Salt Lake City, UT 84121–3822

MTC–00026566

From: munafo@ews3@inetgw
To: Microsoft ATR
Date: 1/27/02 12:56am
Subject: Microsoft Settlement
To: Renata B. Hesse Scituate, MA
Antitrust Division Jan 26, 2002
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement.

I believe that the Proposed Final Judgment fails to remedy the illegal practices that were found by the Court of Appeals for a number of reasons, including the following:

Section III.A.2 of the Proposed Final Judgment allows Microsoft to retaliate against an OEM that ships computers containing a Competing operating system that is not a Microsoft operating system. For example, it allows Microsoft to retaliate against IBM and Apple because both of those companies ship Personal Computers that contain a compating operating system (Linux and MacOS respectively) and no copy of Windows.

The definition of ''Microsoft Middleware'' (Proposed Final Judgment section VI definition J, and Findings of Fact paragraph 28) is too narrow. Microsoft could avoid the remedy by changing product version numbers (''Internet Explorer 7.0.0'') or by distributing Middleware exclusively through

a different distribution method (like the Internet-based Windows Update service)

The definition of ''Microsoft Middleware Product'' (Proposed Final Judgment section VI definition K) is too narrow. Microsoft could avoid the remedy by replacing the products covered by definition K with new products. For example, they are already replacing Microsoft Java with Microsoft.NET and C#.

Therefore, I believe that the Proposed Final Judgment is not in the public interest, and must not be adopted without substantial revision.

Sincerely,

Robert Munafo, Scituate, Massachusetts, Software Engineer

CC:me@mrob.com@inetgw

MTC–00026567

From: erer688@cs.com@inetgw
To: Microsoft ATR
Date: 1/27/02 12:54am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Edward Gerlach
17609 Alexson St.
Springhill, FL 34610–7307

MTC–00026568

From: Steve Paris
To: Microsoft ATR
Date: 1/27/02 12:58am
Subject: Microsoft Serrlement

Please log my displeasure with the Department of Justice(DOJ) settlement with the Microsoft Corporation. This wasn't a settlement, it was a full surrender by the victor. I can not believe that the DOJ actually negotiated with this corporate thug. It should be apparent by now with this second major offense that Microsoft isn't interested in changing its ways. What is needed is a serious penalty that will actually harm the company. The original punishment as imposed by Judge Jackson did not go far enough. Given all of the companies that Microsoft has destroyed and all of the associated employees that lost their jobs, Microsoft as an entity should be dissolved, its corporate officers fined and put into jail.

Stephen Paris
12211 SE 219th Place
Kent, WA 98031
(253) 630–1593
otistek@earthlink.net

MTC–00026569

From: Adam Bezark
To: Microsoft ATR
Date: 1/27/02 1:05am
Subject: Microsoft Settlement

Dear Department of Justice:

Here for your consideration is a hypothetical Legal Scenario. An organized crime kingpin is charged with racketeering. This criminal runs the ''mobs'' all across America. Whenever someone else has attempted to encroach on his territory, the mobster has resorted to ruthless, brutal, illegal tactics to crush his opponents.

During the trial, his well-paid lawyers repeatedly mock the judicial process. They stall for time so the mobster can continue to collect his racketeering fees. They present shamelessly doctored evidence (easily detected by the prosecution). They point out a ''grassroots'' letter writing campaign which proves that the public supports the mobster... but it soon turns out that the letters were all written by the kingpin's henchmen and lawyers.

Meanwhile, the prosecution presents overwhelming evidence of the mobster's guilt.

And so, despite the kingpin's most expensive efforts, the court finds him guilty of racketeering. Based on his egregious behavior, the court recommends an unusually stiff penalty. And yet, the appellate court sets that penalty aside, based on relatively minor elements of the trial judge's behavior.

Encouraged by his reprieve, the mobster unleashes a brand-new racketeering scheme designed to ensnare even more victims. Next: In a curious turn of events, the Department of Justice—which has spent years prosecuting this confirmed criminal—quietly announces that it is scaling back or abandoning its efforts to prosecute the mobster. Appalled by these events, the news media and the general public wonder publicly whether the appellate court's soft stance is related to the fact that the mobster donated large sums of campaign funding to the new Administration. Is it possible to buy justice?

Finally, in a grand gesture, the mobster offers a settlement. Instead of going to jail or paying a fine, he generously proposes to construct and operate sparkling new gambling casinos in every state. (At his own expense, of course.)

Now then. In this fictional scenario, what would happen next? Wouldn't the public be outraged by the Department of Justice's apparent conflict of interest? Would the court hesitate to impose the maximum penalty on this unrepentant scofflaw? Without any meaningful penalty, would the criminal be remotely likely to improve his future behavior? So... please tell me. How is the Microsoft case any different?

Respectfully submitted,
Adam J. Bezark

MTC–00026570

From: swesnerwc@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 1:02am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Sharon Bontrager
PO Box 761
Jacksonville, OR 97530–0761

MTC–00026571

From: ChazzSaw@WebTV.net@inetgw
To: Microsoft ATR
Date: 1/27/02 1:04am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
CHUCK SAWYER
516 ORANGE DR., APT. 13
ALTAMONTE SPRINGS, FL 32701–5304

MTC–00026572

From: Edgar Patrick Venzon-Landas
To: Microsoft ATR
Date: 1/27/02 1:09am
Subject: MICROSOFT SETTLEMENT.

[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]

MTC–00026572—0001

January 26, 2002
Judge Colleen Kollar-Kotelly
United States District Court for the

District of Columbia
333 Constitution Avenue, NW
Washington, DC 20001
Re: Proposed Microsoft settlement

Dear Judge Kollar-Kotelly,

In this age of technological innovation, Microsoft's hegemony in the realm of software threatens the future of computers and software. The danger of settling with Microsoft, thereby allowing the company to operate in its current form, is that it will stifle not only competition, innovation, and technology, but also, the emergence of future platforms that run computers, and in the future, computer-based information services. With its somewhat unchallenged monopoly in the operating system market and its development of .NET web services, Microsoft, in the absence of any forced structural remedies, has the power and resources to further any grip it has on the platforms that will run and drive our programs and information.

To illustrate how Microsoft's dominance in operating systems threatens the future, I came up with a simple and comparable example. For a moment, let us pretend that Microsoft manufactured the door locks to our homes. Door locks are common, somewhat easy to install, and are a necessity because of the fact it serves as the average family's protection against burglars and intrusions. Now, let us assume that one day, Microsoft door locks were installed in your neighborhood. Because of its low price, everyone switched to Microsoft door locks and those who did not had the choice to stay with their current locks made by Doorlock X.

Now, after a few months, Microsoft sent a letter to your neighborhood detailing an upcoming product launch stating that Microsoft just created a new door lock that is smaller and easier to install. As a result, almost all of your neighbors planned to purchase and install the new door locks until they received another notice.

Doorlock X, the other big door lock maker available at the hardware store, rushed to the market with door lock x20, which is just as light and even stronger than Microsoft's door lock. Therefore, in order to compete with the Doorlock X, Microsoft priced its door lock products way below market price and started to package a new bolt lock with its door lock. Doorlock X, to the best of its ability, tried to compete with Microsoft in terms of price, but it failed. While the company and its door locks have not disappeared completely, Doorlock X's newest lock was installed in just one house in your neighborhood. After a year, to further stifle competition, Microsoft created another door lock, which not only required the homeowner to install a new door lock on a brand new door, but also, required the homeowner to install the bolt lock bundled with the door lock. For most of your neighbors, they did not mind the upgrade until they found out that after they installed the new door locks, they could not be removed easily. Not only were they not difficult to remove, Doorlock X could not be installed in your door in the future. Three months later, Microsoft sent yet another notice asking people to upgrade their sets of locks and if they were interested in purchasing home security services. Most of the neighbors, seeing the convenience in not needing to search for another company to provide these services, signed up with Microsoft to provide their doors, door locks, and home security. Three months later, after yet another upgrade and solicitation of new services by Microsoft came along, some of the neighbors refused to upgrade to Microsoft and saw value in Doorlock X's stronger door locks. However, the neighbors were shocked to find that no matter whom they hired, no one could uninstall the locks on their door.

When they called Microsoft, the customer support people at Microsoft told them that it was possible to rip the lock off the door, and then and only then can one install a non-Microsoft lock. After being able to install their new door locks, Microsoft security Services approached your neighbors one day and told them that they could not use their home security services with their new locks. As a result, the Microsoft people disassembled their home security services, sloppily and hurriedly.

After eventually finding new locks and a new home security service provider, your neighbors arrive from work the next day to find out that the entire neighborhood (including yours) behind a electrified gate and manned by Microsoft security guards. Of course, when the non-Microsoft people were denied entry through the new gate, Microsoft told them that they since they do not use their locks nor their security system, they cannot use this gate into their homes. Instead, they must first travel to the other side of the neighborhood and then drive behind the fence until they reach their homes from the backyard. Coupled with this inconvenience, the other neighbors who refused to use Microsoft security services were angry with this and complained again. The people at Microsoft defended their practices by telling them,'' We have not done anything illegal. We are making this neighborhood safer and you are still able to enter your homes.''

A couple of months later, one of your neighbors, John Doe, gave a speech at a neighborhood meeting. In his speech, John Doe told everyone that nowadays, Microsoft Security Services protected most, if not all, of all the buildings and homes in their town. Because of this, all non-Microsoft customers must now carry different guest passes-one for Microsoft secured buildings/businesses, one for Microsoft secured homes, and of course, one for using Microsoft electronic security services. When it could not get any worse, at the end of the month, your whole neighborhood received yet another notice on your bill from Microsoft Home Security Services.

It seems that Microsoft's new electronic motion detection and crime prevention services requires homeowners to not only upgrade your whole home security system, but also, requires every member of your family to identify him or herself with the Microsoft electronic patch (to distinguish between friend and foe), and non-Microsoft secured homeowners or guests who need to enter the secured neighborhood must either register with Microsoft (but not necessarily buy their systems), or risk tripping off the alarms in the neighborhood. Moreover, the system will auto-upgrade itself automatically and start billing each home electronically every month. Failure to pay and/or continue Microsoft security services might result in a two or three-day power outage since Microsoft and your electricity company have struck a deal in wiring your home for Microsoft Home Security. In the end, you and your neighbors have no other choice but to subscribe to Microsoft and every future security upgrade.

Of course, in my allegorical example, the whole progression from the Microsoft door locks to Microsoft Home Security Services reflects the way Microsoft does business. Mainly, Microsoft sells its products and bundles similar, competing products to stifle competition, keeps the competition away by making it difficult for Microsoft customers from switching, requires constant, expensive, and restrictive upgrades that lock the consumer into the Microsoft ''way'', and finally, it, as seen in the .NET and its recent foray into different services, tries to blackmail the consumer by making it almost impossible to escape their services and products. In short, Microsoft utilizes monopolistic tactics to expand its hold on the various platforms by simply making it difficult and expensive for others to use other alternatives in the market. Because of these reasons, as seen in my example, it is important that you, in your capacity as a judge overseeing this monopoly trial, formally reject the proposed settlement between the Justice Department and Microsoft and impose harsh punishments (preferably structural) to prevent this situation I narrated from being realized in the computer/software/service industries.

Thank you.

Sincerely Yours,

Edgar Patrick Landas.
EMAIL: epland@wm.edu

MTC–00026573

From: Pat Mahoney
To: Microsoft ATR
Date: 1/27/02 1:11am
Subject: Microsoft Settlement

To begin my comments on the Proposed Final Judgment (PFJ) to the Microsoft case, I assert that I am a US Citizen and resident of the state of Illinois.

I have read through several parts of the PFJ. Clearly it imposes restrictions on Microsoft. However upon reflection, and after reading several online critiques of the PFJ, I have come to the conclusion that these restrictions are insufficient.

One item in particular stood out from the others. The PFJ requires Microsoft to disclose certain ''APIs'' under reasonable and non-discriminatory licensing terms to competing software companies wishing to interoperate with Microsoft products. The problem with this is that ''reasonable and non-discriminatory'' terms seem to inherently discriminate against one specific Microsoft competitor know as Free software or open source software.

It can be argued that Free or open source software is the chief competitor to the Microsoft monopoly. The Linux operating system, widely seen as a Microsoft competitor, falls under the category of Free

software. Free and open source software are unique in that unlike the products of Microsoft they may be obtained at little to no cost and redistributed indefinitely. Free software products defy the concept of ''ownership'' as everyone has the right to copy, change, or redistribute the software (unlike Microsoft software).

With this in mind, it should become clear that ''reasonable and non-discriminatory'' license terms discriminate against Free and open source software. Any sort of royalty fee Microsoft may wish to impose when it licenses its APIs to competitors would render Free and open source competition impossible. Because it can be redistributed freely, and because it is difficult to define an ''owner'', any piece of Free software wishing to use a Microsoft API to compete with an existing Microsoft product cannot possibly hope to satisfy the terms of the license under which Microsoft divulged its API.

For example, consider a Free software product which uses a Microsoft API and must pay a royalty of one cent ($0.01) per copy of the software. Since the software is Free, a user obtaining a copy is free to make copies of his own with no limit. Obviously the product cannot pay the royalty to Microsoft because anyone is possession of a copy is free to make more copies and give these to others who can then make more copies ad nauseum.

So it seems that the PFJ gives Microsoft a ''license to discriminate'' against what many consider to be its chief competition. In my opinion this does not server the public and must be remedied.

Pat Mahoney<patmahoney@gmx.net>

MTC–00026574

From: Kurt Buecheler
To: Microsoft ATR
Date: 1/27/02 1:11am
Subject: Microsoft Settlement
2304 41st Avenue E
Seattle, WA 98112–2732
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing this letter to express my opinion on the settlement reached between the Department of Justice and Microsoft. For three years I have followed the case against Microsoft with avid interest. I have become increasingly annoyed with the length of the litigation process. The terms of the federal settlement are extremely fair and I believe that it should be enacted without hesitation. Any continued mediation in this case would be poor judgment by the Justice Department.

Further, the terms of the settlement include many concessions on behalf of Microsoft. The terms of the agreement call for the disclosure of protocols and internal interface designs of the Windows system. This will result in the ability for competing developers to produce software that may be more compatible with the Windows system. In addition to this Microsoft has allowed for the formation of a technical review board that is composed of outside members. This panel will ensure Microsoft's compliance with the terms of the settlement.

It becomes increasingly clear that the enactment of this settlement is important. Resolution in this case will benefit the technology industries and the economy. Please enact the settlement.

Sincerely,
Kurt Buecheler

MTC–00026575

From: Sals613@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 1:12am
Subject: Microsoft Settlement

Your Honor,

I urge you to reject the proposed final judgment in the U.S. vs. Microsoft antitrust case before your court.

Every court has ruled that Microsoft violated antitrust laws, reaping billions of dollars of profit in the process. The proposed settlement allows the company to keep almost all of these illegal profits. Furthermore, there is no provision to guarantee us that this monopolist won't wield its market power to crush competition in the future. Microsoft is left to police itself, and its power is in no way diminished.

The proposed settlement has Microsoft ''giving'' software and hardware to schools. Sounds good politically, but in practice this only increases the monopoly presence of Microsoft. Perhaps the only market they don't completely dominate (education market) will now be owned by this convicted monopolist.

Please reject the proposed final judgment for all these serious flaws.

Sincerely,
Cyrus Salehi
CC:microsoftsettlement@alexbrubaker.com@inetgw

MTC–00026576

From: Jeanette R Laris
To: Microsoft ATR
Date: 1/27/02 1:13am
Subject: Microsoft Settlement

It is time to end this costly and damaging litigation. Please settle this ASAP.

Jeanette R. Laris
Concerned senior

MTC–00026577

From: Joseph A. Sonnier
To: Microsoft ATR
Date: 1/27/02 1:13am
Subject: microsoft settlement

MTC–00026579

From: Lori Buecheler
To: Microsoft ATR
Date: 1/27/02 1:22am
Subject: Microsoft Settlement
2304 41st Avenue East
Seattle, WA 98112
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Today I write to voice my support of the Microsoft settlement. It is true that the Microsoft Corporation has been at the forefront of the technology industries in recent years. Their leadership, however, is the result of a dedication to excellence that is not matched within the industry. The result is the continual production of quality products that out perform any substitutes. This is in by no means a crime. I therefore take issue with the federal pursuit of a case based upon outdated statutes.

Regardless of this opinion, I believe that the settlement agreement is in the best interests of the public. Too much time has already been spent in the litigation process and the entire technology industry has suffered for it. Further, anyone wary of Microsoft's compliance with the terms of the agreement should be eased as the agreement calls for the formation of a watchdog group.

I adamantly believe that enacting the settlement will encourage confidence and growth within the tech industry. The Justice Department should suppress any opposition to the enactment of this settlement.

Sincerely,
Lori Buecheler

MTC–00026580

From: The Chin Family
To: Microsoft ATR
Date: 1/27/02 1:22am
Subject: Microsoft Settlement

To U.S. Department of Justice:

I have been following the Microsoft antitrust case through articles in the San Jose Mercury News. The most recent article from today's paper confirms a disturbing pattern that has plagued the business world...that many have lost their conscience in order to reap larger profits...that competition is no longer the catalyst for developing new products in certain markets...that monopolies continue to exist and operate with impunity.

Former U.S. Senator John Tunney criticized Microsoft's disclosure of its contacts with our government throughout the antitrust case as ''inadequate''. Microsoft interpreted his legislation, The Tunney Act, with tunnel vision; and ultimately, to their benefit, as the case was settled with the U.S. government and 9 of 18 states. Why have large corporations with their Congressional lobbying groups become so influential in determining the fate of the general public?

This is a company that produces a ubiquitous operating system and now a ubiquitous internet browser; only because it has bullied and squeezed out much of the competition over the years. I am an Apple computer enthusiast, but I have to work in a Windows NT world. Yes, I use some of Microsoft's products on both platforms. Yes, they do make some good software. But is it good because they've lured or snatched up many of the talented people that worked for their competition at one time? Is it good because most consumers do not know or care what else is available because Microsoft applications were pre-loaded with their computer?

Yes, I do not agree with the appeals panel overturning Judge Thomas Penfield Jackson's verdict to split the company in two, which resulted in the Microsoft-U.S. settlement. It's been reported that the settlement is ?riddled with loopholes and ineffective in curbing Microsoft's monopoly practices.? Please do not make an already powerful company more powerful. I will be watching what develops with the European regulators, with the 9

remaining holdout states, as well as with the Netscape browser case.

Thank you for providing a feedback mechanism to the public on this important case.

Regards,
Bobby Chin
Sunnyvale, CA

MTC–00026581

From: Delbert Franz
To: Microsoft ATR
Date: 1/27/02 1:25am
Subject: Microsoft Settlement

The proposed settlement with Microsoft has various weaknesses that if not corrected in some way will render the settlement ineffective in providing a remedy to the past business practices and in the opinion of many, the current business practices of Microsoft. Previous settlements with Microsoft have proved ineffective and it would be unfortunate if this one suffers the same fate.

My comments are restricted to the effect that the proposed settlement appears to have on the rapidly growing segment of computer software known as Open Source. One of the more credible alternatives to a Microsoft operating system is GNU Linux or just Linux for short. This software has been developed by a network of individuals donating their time and expertise over a period of years. Section III of the proposed settlement does not provide any protection for non-profit groups. The lack of such protection then allows Microsoft to move ahead without fear of restraint to undermine if not destroy its most credible source of competition. Linux excels in its ability to interoperate with other operating systems. This has been accomplished by the dint of hard labor deciphering various data and communication formats, with no help from Microsoft. If the settlement goes through as is, it is highly likely that Microsoft will move to change some aspects of the data formats needed for Linux's interoperation with Microsoft software with a concomitant move to enjoin any further interoperation on the grounds that the settlement does not offer protection to non-profit entities.

Clearly the protection offered to for-profit groups by this settlement should be extended to non-profit groups. If it is not, Microsoft will be enabled to severely hamper or even quash the Open Source movement in its effort to create an alternative to Microsoft software. Any business that wishes to use Open Source software must be able to interoperate with Microsoft software in order to survive, solely because of the effective monopoly position that Microsoft currently holds, and clearly wishes to maintain. Destroying or hampering interoperation with Linux and its related software would be the most effective way for Microsoft to disable this competition.

Delbert D. Franz
Linsley, Kraeger Associates, Ltd.

MTC–00026582

From: Paul Searing
To: Microsoft ATR
Date: 1/27/02 1:26am
Subject: Microsoft Settlement

I would like to briefly state my beliefs related to the Microsoft Settlement.

I believe that this settlement is drastically unsatisfactory.

From my readings of the materials I see no reason to believe that this settlement will prevent Microsoft from continuing to participate in illegal, anti competitive practices—the same, similar, and dissimilar to those cited in the original complaint.

Some of the proposed remedies, in my understanding, will actually improve Microsoft's footing in what have been its traditionally weak areas.

I only today learned of the opportunity to voice my opinions on this matter and thus do not have any long or rigorous analyses of problems and/or solutions. However, I do feel strongly about this matter and sincerely hope that just and effective measures can, and will, be taken against Microsoft.

Thank you,
Paul Searing

MTC–00026583

From: Amit Shah
To: Microsoft ATR
Date: 1/27/02 1:27am
Subject: Microsoft Settlement

I think Microsoft should be broken in to three different companies.

1) Operating Software only.
2) Internet browser and Internet services.
3) Application software's only.

The reason why it should be broken in to three different companies is that it uses its operating software platform to destroy the competitors. For example, Windows, at first, distributed its Internet Explorer browser for free. Then they bundled it with Windows ''95 and onwards killing Netscape's business.

Lotus was the first in the market to come with the new concept of Spread Sheet and Wordperfect; but they were systematically killed using the same operating software platform.

Now Microsoft's next target is to destroy Utility softwares like Photo Suites and CD burning software's by incorporating its version of these softwares into Windows XP. On top of this, Windows XP will constantly give conflict messages stating that either Windows or the competitors product will not work properly. These messages are not only irritating but can be threatening for those who are not computer experts; eventually forcing them to convert to Microsoft products.

Bill Gates claims that he and his company have come out with many new and better products. Of these new products, how many are truly his (his company's) ideas? Ever since he has entered the computer industry, he has always ''borrowed'' ideas from others.

1) He sold off the shelf QDOS (Quick and Dirty Operating System) He never developed it.

2) He stole the idea of using GUI and Windows icons from Apple computers. He never developed it.

3) Re-wrote Spread-Sheet as Excel and Wordperfect as Word, stealing ideas from Lotus. Never developed it.

4) Re-wrote Netscape's Internet Browser as Internet Explorer. Never developed it.

5) Photo Suite, Internet security, CD burning software, disk cleaning etc. were separate softwares, which are now incorporated into Windows XP; none of which were his creations.

Bill Gates has not created any of these but as stolen them. This was ought right theft, done in a legal manner.

Even after practically monopolizing utility softwares, productivity softwares and operating softwares, Bill Gates is out to control the Internet Service area as well. By providing internet services like MSN and Hot mail, he will be able to do this.

Microsoft should be split into three different areas instead of only two or nothing at all because all three areas are keys in monopolizing the business; therefore, the must be kept separate to avoid for a monopoly like Microsoft. Not only has Bill Gates taken over PC relating businesses but he has already started capturing Video-Games as well (Xbox). Microsoft must be split before its monopoly gets out of hand.

MTC–00026584

From: Lil'nMark
To: Microsoft ATR
Date: 1/27/02 1:33am
Subject: Microsoft Settlement

It's time for a settlement
Mark & Lilly White

MTC–00026585

From: Ruth A Distin
To: Microsoft ATR
Date: 1/27/02 1:35am
Subject: Microsoft settlement

I strongly urge you to finalize the settlement with Microsoft!! Please don't let this thing drag out any longer just because of a few sore people. It seems to be a fair settlement.

Sincerely,
Ruth A. Distin

MTC–00026586

From: Steve Cain
To: Microsoft ATR
Date: 1/27/02 1:37am
Subject: Microsoft Settlement

To whom it may concern:

My opinion, for what it is worth, is that our economy began to suffer when you, the DoJ, commenced you attacks on a legitimate and viable company, a company employing thousands and providing a product used by many.

Your suit seems to be based on the premise that we, the consumer, are being ripped off; a puzzling position in that I received my copy of the Windows operating system free and can access the internet with software I received free. I might add that I continue to receive free AOL disks and have never paid for the browser I use, Netscape. I have heard no complaints about those companies giving away free software.

My feeling now is that those who would continue to pursue the suits against Microsoft are looking either for glory or market advantage when they can get neither any other way.

Sincerely,
Steve Cain
Gig Harbor, Washington

MTC–00026587

From: Richard Winkler

To: Microsoft ATR
Date: 1/27/02 1:37am
Subject: RE: microsoft settlement

The excellent e-mail below was sent to you by my sister, and I am writing to you to second everything she says and to ask you to stop being so dishonest and to Laissez-Nous Faire (Let us alone).

Richard Winkler
Richard.Winkler@gte.net
Renata B. Hesse
Antitrust Division, US Dept of Justice Re: Microsoft settlement

I am writing regarding the persecution of Microsoft to let you know how I think and feel about this dastardly affair. I resent the government's implication that I am a helpless victim because I choose to buy a computer with Microsoft software already loaded. I resent the arrogance on the government's part thinking that it can decide what is to be on my computer. This is ridiculous. That is not the government's job. Your job is to protect the citizenry from events such as September 11. Why aren't you persecuting that whole affair more vigorously? Why aren't you going after Iran, Iraq? This is how you choose to spend taxpayer money by persecuting an American company?

I cannot remember having instigated a complaint against Microsoft, nor do I recall any other individual doing so. This whole affair has been instigated by competitors who are unable to compete in the free market! Failed business should not be the ones to set the rules for the very markets in which they failed.

The government's application of the corrupt and dangerous antitrust laws against successful businessmen is anti-American and can only result in greater corruption in our society as businessmen find it ever more necessary to kowtow to politicians.

Microsoft and its owners have a right to the fruits of their labor— their property—and it is the government's job to protect this right not take it away. The government's actions are on principle anti-American and unconstitutional.

America is a land open to all who want to dream and work hard to see their dreams come true. If the government throttles success based on the envy and dishonesty of the few then there is no hope left in the world.

The antitrust laws are fraudulent and should be repealed. And by the way I love Microsoft products and not having to load software and not having to pay for a browser!

Sincerely,
Margaret and Evencio Sanchez
CC:msanc56922@prodigy.net@inetgw

MTC–00026588

From: Abe Gindi
To: Microsoft ATR
Date: 1/27/02 1:38am
Subject: Microsoft Settlement

To US Department of Justice:

There is only one way to prevent Microsoft from using Windows Operating System to its own advantage over its competitors. When Microsoft incorporates its own application software into Windows, it does it by means of an unconventional interface that it calls ''seamless'' while forbidding others from doing the same thing through the licensing agreement which all users must sign. The solution is to force Microsoft to use the same Windows interface that all others must use and to redefine the interface such that it can be more efficient and generally usable by all potential users. Microsoft intentionally made the interface clumsy and inefficient to the disadvantage of its competitors.

History shows us that this is the best way to solve the problem. IBM had two major interfaces that it was forced to standardize by the anti-trust consent decrees. These are the Disk drive or peripheral component interface, and the channel interface. When disk drive manufacturers succeeded in making plug compatible drives in competition with IBM, IBM made a change to the interface that would have forced manufacturers to make an expensive change to their inventories in order to be plug compatible. IBM was forced through anti-trust action to reverse the change and to make the interface standard. A similar case was made with the channel interface that connects the drive control unit to the CPU channel.

Although IBM complained that standardizing the interface would not allow for improvements and future innovations, the standard channel interface allowed plug compatible competitors to build their own control units to connect to IBM computers. The conditions were that any improvements that IBM made in the future had to be such that the interface continued to be backward compatible. That is old hardware was able to connect to the new improved interface without any changes.

I recently had a similar problem with Windows software. A few years ago, I had some very important software that worked with Windows 3.1. An important improvement was made in a new release of this software but the new release was only compatible with Windows 98. I had to upgrade to Windows 98 in order to use the new release of the software. If the rule of backward compatibility were in force, I could have stayed with my Windows 3.1.

The American National Standards Institute (ANSI) committee has been active and successful in standardizing interfaces in the computer field. The committee is made up of representatives of industry that are interested in each interface. The committee can modify and define the Windows interface to the satisfaction of all major users and make it more efficient and general so that future applications will not be handicapped by an obsolete interface.

Each corporate member of the committee gets one vote in decision making although they may have more than one representative. If Microsoft is forced to use the standard interface defined by the ANSI committee for all its application soft ware, it will not have any advantage over its competitors.

I propose this solution to the Microsoft anti-trust remedy. With all application software having to use a standard interface to Windows, all comers can have an equal chance of selling their software without being bullied by the owner of the Windows Operating System.

Abe M. Gindi
agindi@earthlink.net
CC:agindi@earthlink.net@inetgw

MTC–00026589

From: F. Nourbakhsh
To: Microsoft ATR
Date: 1/27/02 1:52am
Subject: Microsoft Settlement
To:

Renata B. Hesse
Antitrust Division
U.S. Department of Justice

Microsoft has tried many legal maneuvers, political influences, lies and money power to cause delays in this case and make people believe they have done nothing wrong. But the truth is out and everyone I talk to knows that Microsoft will even have a tighter grip on our daily lives if we don't do something drastic about it. We can not sit still and let the gorilla go about it's business practices as in the past. A hefty fine in itself is not an adequate remedy either. Microsoft has to be forced to change the way it does business and has to be monitored to ensure we have fair competition in the marketplace.

I hope that our legal system sees through the smoke Microsoft is hiding behind and does what is Right instead of what may be politically correct or good for the stock market.

I urge the department of justice to give the little guys a chance to compete so that consumers like myself have a real choice. Punish Microsoft to the full extend of the law and force them to change their unfair business practices.

Cordially,
Fred Nourbakhsh
Minneapolis, MN

MTC–00026590

From: Niranjan Pardasani
TO: Microsoft ATR DATE: 1/27/02 1:48am
Subject: Re: Microsoft Antitrust case

Please see attached letter.
Nick Pardasani
3861 Toland Avenue
Los Alamitos, CA 907020
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

I am writing to support Microsoft in the antitrust case they are entrenched in. I am in favor of Microsoft because of America's free market system. I strongly believe that government try to avoid restrictions on free enterprise, and that in this case, Microsoft should be left alone.

In regard to this case, Microsoft has assented to terms that were originally non-factors in this case, such as terms concerning disclosure of intellectual property. Microsoft also will undertake changes in its relationships with other IT companies. Under the settlement, Microsoft promised not to strike back at those developers or makers who attempt to manufacture, ship, or advertise competing companies'' software.

I have grown tired of hearing about the Microsoft case. Again, I believe that Microsoft as a corporation should be free to conduct business as it see fit. However, it is my hope that you, as the justice keeper of this great country, will bring this case to a quick and fair end.

Sincerely,
Nick Pardasani

MTC–00026591

From: Janmala9@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 1:47am
Subject: Microsoft Settlement

January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft,

I am writing to express my opinion of the recent settlement between Microsoft and the US Department of Justice. I am happy to see that Microsoft will not be broken up. But a number of the concessions that Microsoft is being forced to make are unfair.

My son works for Xerox. Ever since Xerox's patents expired and they were forced to share their information with other companies, Xerox has not been the same. When a company spends incredible amounts of time, money, and resources to create a technology that other companies were not able to create, the company should not be punished for its innovation. It is the company's right to bask in the fruits of its labor. Compromise is always a difficult thing. I hope Microsoft is making concessions that will be in the best interest of the company, as well as the computer industry.

I also hope the Department of Justice and the nine states in opposition will discontinue any further litigation because it is in the best interest of the American public. I look forward to the IT sector getting back to normal and continuing the growth rate that propelled the economy before the lawsuits began.

Sincerely,
Janet E. Malatesta
1009 Stoneham Circle
Hatfield, PA 19440–4124

MTC–00026592

From: larry@doolittle.boa.org@inetgw
To: Microsoft ATR
Date: 1/27/02 1:49am
Subject: Microsoft Settlement

I am a 43 year-old scientist and engineer. I switched from DOS to Linux in 1993, a change that helps me work more effectively. Even with my nearly exclusive use of Linux, I daily have to deal with unpleasant side effects of Microsoft's monopoly.

I have read the Proposed Final Judgment cover to cover. I concur with the assessment of others, such as Dan Kegel and Robert Bork, that it is a toothless sham which will do nothing to restore choice and competition to the personal computer software marketplace. In it, Microsoft makes minor concessions to its already vanquished foes of the past decade, while entrenching and solidifying its ability to resist its foes of the coming decade.

Microsoft has a long history of buying and/or ''cutting off the oxygen'' of its potential for-profit competitors. With its enormous stockpile of cash, it's hard to see how any conduct remedy will reverse this trend. These methods of maintaining its monopoly (now shown to be illegal) don't work against free-as-in-speech software, like Linux, Samba, and Wine. For this reason, many people in and out of Microsoft consider such software to have the best long term chances of breaking the Microsoft Windows monopoly. Microsoft's nascent strategies for sidelining these potential competitors will be legitimized and strengthened by the proposed settlement.

I can only find two ways to explain the Justice Department's support of this agreement: either they are totally oblivious to the open source movement and its threat to Microsoft, or they, like Microsoft, want control of computers concentrated in the hands of a plutocracy, and kept away from America's unpredictable and unfettered citizens. Since court decisions have repeatedly confirmed that source code is speech, this second explanation is equivalent to government opposition to citizen ownership of printing presses. Ben Franklin would roll over in his grave. Here are the aspects of the proposed settlement that I find particularly egregious:

*It carefully excludes open source projects, such as Wine and Samba, from the third parties to whom they must release documentation etc. (III.J.2).

*While Microsoft is required to license patents on a non-discriminatory basis (III.I.1), the cash-for-ideas concept itself discriminates against free software, that has no revenue stream or control over its ''customers'', the free citizenry.

*Microsoft does not have to disclose which patents might apply to its software's functionality, protocols, and interfaces. This leaves its sales force enormous room to inject FUD (fear, uncertainty and doubt) into its discussions with customers considering alternatives to Microsoft. Such behavior is already documented.

*Technical information that Microsoft discloses about its products can not be used to design or implement products that either compete with Windows, or run on operating systems other than Windows (VI.I).

*No requirement is placed on documenting, or even stabilizing, the file formats used to interchange word processing documents. Without such disclosure, attempts by competitors to read or write these documents will be (and have been) unreliable at best. Since many entities, including the U.S. government, often require documents to be submitted in this file format, the lack of compatible software institutionalizes a requirement that everybody buy Windows.

I believe that ending the prolonged anti-trust case with this settlement would send a loud pro-big-business, anti-consumer, and anti-competitive message to the computer industry. While free speech, free ideas, and free software will ultimately survive and flourish without the cooperation of government, this settlement would be seen for years as a win for big money, and a loss for the people. Please join the Attorneys General for California, Connecticut, et al., and reject this settlement as bad for the computer industry, the worldwide Internet, and the nation.

Lawrence R. Doolittle
836 Meander Dr.
Walnut Creek, CA 94598

P.S. Like about 2000 others, I also signed Dan Kegel's open letter, http://www.kegel.com/remedy/letter.html, which goes into more technical detail than this one.

MTC–00026593

From: Possiel@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 1:54am
Subject: Microsoft Settlement

Your Honorable Kollar-Kotally,

I was dismayed when I learned of the proposed judgment that the Department of Justice is considering to accept.

The proposed Judgment does not address the anticompetitive practices that Microsoft was proved to be doing by the appeals court.

I was glad to hear that a Judge threw out Microsoft's proposal that they donate one billion dollars to schools. Imagine a punishment that would enable Microsoft to dramatically weaken Apple Computer's presence in the school systems!

America looks to your wisdom in determining a just punishment and more importantly, ensuring our free market remains truly free from intimidation of monopolistic organizations. Thank you for your consideration,

Joyce Ferguson
San Jose, CA 95134

MTC–00026594

From: Kelley Terry
To: Microsoft ATR
Date: 1/27/02 2:03am
Subject: Microsoft Settlement

The settlement proposed is a nightmare. I look at going into programming and/or servicing linux based machines. According to the settlement the private non-profit organizations that need access to windows api's to make compatible code aren't even considered a business and are therefore denied access to windows code!! Absurd!!

My understanding (perhaps limited) of patent or copyright law was that it was set up to provide protection against others using ideas that took time and effort to produce. That protection is good and it's primary purpose was to promote innovation and invention by giving financial security to the inventor so he could recoup his investment. Microsoft has taken the extreme position (and always has and always will if allowed) of using this copyright protection to promote a monopoly and thereby strangling rather than promoting innovation and invention. I'm no legal expert but that's obviously against the original, basic principles of copyrights.

It said use windows 95 or better so I loaded linux!

In a world without walls and fences who needs windows and gates?

Kelley Terry <kelleyterry@sisna.com>

MTC–00026595

From: Edward Mills
To: Microsoft ATR
Date: 1/27/02 2:04am
Subject: Microsoft Settlement

An Independent User Voice—not lobbied by anyone speaks.

My opinion is that the previous decision to split Microsoft was TOO LENIENT and the current proposed settlement is an insult to

any and all who do not own Microsoft stock. I have been a PC user since the early days and have watched Microsoft manipulate the previous settlement on DOS into a joke. They killed Netscape, and before that Wordperfect, and Lotus123, and Quattro Pro which was clearly technically superior to Excel, and before that DR DOS. They have almost delayed this decision till it is moot as the release of Windows XP has already occurred. The proposal to distribute FREE or discounted software is no remedy but rather a well thought out anti-competitive ploy in itself. The best way to secure future use is to get the kids hooked—the tobacco industry and alcohol industry know this and software is even more perverse in that it is legal to promote your product to schools in hope that users will not want to migrate to a different system. Apple knows this and their last hold was that many educational entities still use Mac systems. The proposal would take this one hold away from the only real competitor Microsoft has not completely killed. As a minimum, Microsoft must be made to pay back users who were harmed and not in discount certificates; also they should be broken up into 2 or 3 companies representing Operating Systems, Applications, and Internet. Further their ownership of distribution of information networks should be curbed and they should be restricted to current business applications with proposals for expansion subject to oversight by a court master. I am sure that this is in the minority as Microsoft lobbies effectively by many means including mass e-mail campaigns.

MTC–00026597

From: John Johnston
To: Microsoft ATR
Date: 1/27/02 1:59am
Subject: Microsoft Settlement

Dear DOJ,

The only actions that I have seen that are harming the consumer is the government attempt to create alternatives for the consumer. A computer operating system is not like our highway system. Our cars operate just fine regardless of the road construction, asphalt, cement, gravel, dirt and so on. There was more diversity in rail lines, the spacing of the tracks was different at times. The rail cars and equipment designed for one gauge of road did not work on others.

The comparison between rail lines is much more akin to attempts to engineer compatible software operating systems or features by different companies. IBM attempted to make their OS2 compatible with programs wrote to run on MS Windows. It didn't work, if they couldn't do it, who is going to? Sun Microsystems JAVA is likewise not doing what Sun said it would. According to SUN a software designer could write it once and it would run anywhere. Maybe the ridiculously simple things will, but any meaningful productivity applet still needs to be ''tweaked'' and then it might not achieve cross platform ability.

Our country will be better off, and our consumers will be better off with one basic operating system vendor than with the market being split between three.

The biggest cry of foul comes from Microsoft's competitors who have had the privilege of over charging business users but are now seeing their revenues crash since they have to compete with equally or more capable software from Microsoft.

This kaleidoscope of lawsuits from the DOJ and nineteen states and now other companies and foreign countries is only going to hurt the consumer and probably the United States.

Sincerely,
John Johnston

MTC–00026599

From: E.S.
To: Microsoft ATR
Date: 1/27/02 1:58am
Subject: I OPPOSE the current Microsoft settlement proposal

I am OPPOSED to the current Microsoft settlement, and I SUPPORT HARSHER PENALTIES against Microsoft.

Microsoft have been convicted of violating the Sherman antitrust law on several counts, and have been found guilty of illegally using their monopoly power in order to maintain their monopoly power, thus destroying competitors such as Netscape and preventing consumer choice by forcing OEM suppliers to use only Microsoft software (or else face unreasonably harsh and anti-competitive penalties by Microsoft).

The current proposal does nothing to penalize Microsoft; without penalties, the nation (and indeed the world) as a whole is not served justice. Allowing Microsoft to escape this long-lived battle relatively unscathed— *especially* after being found guilty on several counts—would make a mockery of our judicial system, and whatever respect for the system that still exists in the minds of the public will be further diminished or destroyed.

Microsoft employees and supporters are viewing these trials collectively as a battle they have fought hard to win. Like Jay Leno said one night in reference to a decision made during the trial (paraphrased): ''Finally the little guy comes out on top, right?!'' It should be noted that Leno was hired several years ago by Microsoft to help introduce Windows 95 (by using a popular and well-known television personality)...

If the Department of Justice wishes to be viewed as weak-kneed and perhaps even serving of mostly corporate interests, then accepting the current proposal is the path to this public view.

If, however, the Dept. of Justice wishes to be viewed as a respectable entity, unafraid of a challenge, and willing to stand up for that which is legally, morally, and ethically-correct, without regards for whether the criminal is an individual, a company, or a non-profit organization—in essence following the ''justice is blind'' philosophy that law is thought to abide by—then I once again encourage harsher penalties for Microsoft. Thank you for your time.

MTC–00026600

Date: Sat, 26 Jan 2002 00:44:04 -0800
To: microsoft.atn@usdoj.gov
From: mcvarish <mcvarish@serv.net>
Subject: Microsoft Settlement

To the U.S. Department of Justice:

In reference to the to the antitrust settlement between Microsoft Corporation, the Department of Justice, and nine states, I urge you to adopt the settlement. The terms of the settlement are very strict and provide more than enough punishment for Microsoft. To further punish Microsoft would be to further punish consumers, stockholders, Microsoft employees, and companies that provide material and services to Microsoft. Many thousands of people depend on Microsoft's functioning at maximum potential.

Please, in all fairness, adopt the settlement.

Sincerely,
Mary Alice McVarish

MTC–00026601

From: Bridgewater Family
To: Microsoft ATR
Date: 1/27/02 2:20am
Subject: Microsoft Settlement

I was visiting at Netscape, as a customer, the day after they first met with Microsoft. There was no doubt that they had been surprised and somewhat taken aback with Microsoft's tone.

Based on what we were told, Microsoft offered to partner with them and divide the world into PCs and non-PCs with Microsoft getting the PC world and Netscape getting what was left. Netscape says they turned them down and Microsoft left them with the impression that they would be put out of business. At that time and subsequently I believe that Netscape had a much clearer vision and was as interested in driving the Internet as they were in growing and making money. Microsoft, clearly, has no other interest than market domination and maximizing profits in any way they can. Microsoft has no interest in advancing the Internet or, indeed, any aspect of computer science, utilization, security or performance.

Microsoft is not an engine of advancement or change. There is not one product or service they can point to and say they invented or developed it. There history has been to purchase or drive out of business any competitor and then blanket the market segment with proprietary code to prevent anyone else trying to enter that market. This is not a forward looking strategy—it is the road to stagnation. Established product lines do not move in new ways, they fester under an ever increasing load of new, largely useless, features: all the components of Microsoft Office fall in this category; Internet Explorer is well on the way; XP is not only enormous and slow, it comes with one of the most repressive licensing scheme since indentured servitude.

But, it is Microsoft's arrogance and complete lack of ethics that has prompted me to write. The Justice Department, et. al. settlement left me speechless. No mention that Microsoft has been convicted of breaking the law (which was upheld on appeal). No mention of their bad faith in answering subpoenas or goading a Federal Judge into making non-judicial statements in a fit of pique. Indeed, someone from another planet who read this would wonder what the fuss was about.

The idea of three people living and working at the Microsoft campus and keeping an eye on them is ludicrous on the face of it. How can they ever know what is going on?

Where is the restructuring that is clearly indicated from their actions? Where is any notion of making their former competitors whole? Where, for pity sakes, is any discouraging word?

I think breaking the company up, opening up at least their interfaces so there can be some real possibility of competition and imposing some real punishments—community service at a minimum— will ever convince them that perhaps they have erred. Otherwise, they will simply have a giant celebration on the day this becomes final and laugh off the rest of the industry forever.

Sincerely,
Gary Bridgewater
gbdsb@pacbell.net
IT Manager

MTC–00026602

From: Dream Fountain Support
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/27/02 2:32am
Subject: Netscape / Microsoft

Gentlemen:

I have been a professional web developer for 5 years. During this time I have used both Netscape and Internet Explorer. Netscape contends that Internet Explorer has gained the advantage by bundling their browser with their operating system.

However, as a developer I must disagree. Netscape is simply an inferior product. Designers world-wide are constantly having to re-write good code simply to accommodate the unusual characteristics encountered with the way Netscape displays. New technologies such as layers are not recognized by Netscape. As such, a perfectly acceptable design looks great in IE, but is not nearly as robust in Netscape. Some developers have simply given up on Netscape and now generate code designed only for IE, with a note on the page reading ''best viewed with IE'' or ''not compatible with Netscape''. Trying to accomodate Netscape's shortcomings is costing companies large sums of money in wasted time and effort to support a poorly designed pro duct.

It is not my intent to comment on the balance of the lawsuit as a whole, rather my opinion that Netscape was an inferior product several years ago, and their newest version is even worse. The browser war was simply won by the company with the best product.

Sincerely,
Robert Adelfson
Dream Fountain Data Solutions
Internet Solutions for Small Business
947 E. Park Ave.
Gilbert, AZ 85234
www.dreamfountain.com
(480) 813–7711

MTC–00026603

From: Bob Wieman
To: Microsoft ATR
Date: 1/27/02 2:32am
Subject: Microsoft Settlement

Let me make clear at the first that I do not agree with the proposed final judgement as it stands.

I would point out two issues:

The definition of future Microsoft middleware products, outside those that have the same functions as the current Microsoft middleware products, requires that Microsoft has distributed the product separate from the operating system. If Microsoft developed a product to replace a non-Microsoft middleware product, and released it only with the operating system (potentially, the new OS release could just be inclusion of the product), this product would not qualify as a Microsoft Middleware Product, and therefore would not be subject to the access requirements of Section III.H.1, or the substitution of automatically launched middleware of Section III.H.2.

Effectively, the commercial viability of a non-Microsoft Middleware Product is given a time horizon, determined by Microsoft, of the next OS release. At that point, Microsoft can implement a competing API, not bound by these subsections and therefore not necessarily removable or replaceable. A non-Microsoft Middleware Product in this situation will not pose the threat to the OS monopoly that it would have, absent this behavior by Microsoft to illegally maintain its monopoly.

To repeat, the definition of Microsoft middleware products in the proposed final judgement is overly narrow, and therefore the proposed final judgment does not prevent the recurrence of one of Microsoft's exclusionary acts: the integration of a product competing with non-Microsoft middleware into Windows in a non-removable way. The result would be an ever-expanding operating system, taking unto itself any functionality provided by competing middleware, to ensure that no competing middleware could claim usage share wide enough to erode the operating system monopoly.

Secondarily, the question of whether ''tying'' a (non-monopoly) product to a monopoly is itself anticompetitive under Section 1 of the Sherman Act is a question that I think strikes at the core of people's intuition regarding antitrust law, and a resolution of the question is in the public interest. Not only might the resolution modify the appropriate remedy in this case, but a precedent would be set to measure the behavior of this and other monopoly-holding corporations by.

To sum up: I do not believe that this proposed final judgment prevents a recurrence of the illegal behavior it seeks to remedy. Further, I feel that disregarding the most interesting question of law does not serve the public interest. The people need to know if legislation is required to conform the law to our intent, and monopoly-holding corporations need to know what they may or may not do.

Thank you for your consideration.
Bob Wieman
rewieman@eos.ncsu.edu
Office: Harrelson 381

MTC–00026604

From: FHoot@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 2:33am
Subject: Microsoft Settlement

Your Honorable Kollar-Kotally,

I thank you for your time in reviewing my comments concerning the proposed final judgment against Microsoft.

I have worked in the heart of Silicon Valley for over twenty years and have seen first-hand Microsofts spectacular growth and remarkable contributions to the computing world.

I have also experienced firsthand how a monopolistic corporations anticompetitive behavior has caused inflated software pricing.

I encourage you to find at a proper ruling that would accomplish the following:

Prevent future intimidation in our free market not only by Microsoft but any other company by providing some type of enforcement policy that would truly work. I realize that this would be an extremely difficult task, but I have confidence in our American system.

Design a proper punitive award that would reimburse everyone who has paid inflated pricing. Proof of purchase of products and licensing should be required in order to receive payment for the portion of the purchase price that is determined to be over and beyond what the competitive costs should have been. I strongly urge you to prevent a cash grab by the State governments and deny all such awards. If a state has purchased software, they should receive the same reimbursement of costs as any individual or corporation. Such a move would allow the monies returned to be put back into the economy by investments and additional jobs.

Best Regards,
Fred Hoot
San Jose, CA
fhoot@aol.com
www.fredhoot.com

MTC–00026605

From: Rex Foy
To: Microsoft ATR
Date: 1/27/02 2:37am
Subject: Microsoft Settlement

To whom it may concern,

I would like to express my opinion that the proposed settlement between Microsoft, and the DOJ is unacceptable! The measures proposed are not sufficient a stand against Large monopolies like Microsoft. The only acceptable solution is to divide said monopolies into smaller, competing companies!

Sincerely, Rex A. Foy
401 W. Desert Ave.
Gilbert AZ 85233

MTC–00026607

From: thebod@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 2:40am
Subject: Microsoft Settlement

I consider the proposed settlement, a reasonable compromise enhancing Sr. citizens (and all Americans) an easy access to the NET and innovative software programs.....and thereby make their computer experience easier and enjoyable. Also, acceptance of the proposed settlement, should be a positive influence on the economy and diffuse our recession!!! Unless you're a lawyer...(the only ones to win from hereout) shut this off and lets get it on!!!

D. J. Bodner

MTC–00026608

From: Bruce Gee
To: Microsoft ATR
Date: 1/27/02 2:43am
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally,

I am writing this email because I oppose the proposed final judgment between Microsoft and the Department of Justice.

Like most people using computers, I am a user of many Microsoft products. I have great appreciation for their products—they are generally very good. And I admire much of what Microsoft has done in advancing personal computing.

But the end does not justify the means. That is why I oppose the proposed judgment. Microsoft got to their current dominant position with tactics that I believe (and I think the courts have found) are illegal. I think you have heard many of the examples, so I'll not re-hash them to you.

Looking to the future, my overall concern is that Microsoft will, and has shown by its previous behavior, follow the law only in the most narrow definition to their favor. If given any loophole, they will find it, and will abuse the intent of the law. From what I can tell, the proposed judgment, while clearing stating an intent, leaves plenty of room that Microsoft will abuse.

They will use their position in the desktop operating system to try to dominate other areas. This includes servers (Linux and Solaris), web services and content (.NET initiative), entertainment devices (games and TV), handheld computers (Palm), and countless other markets. That is not to say that these product/services will ultimately be bad—it will just eliminate other possible choices from developing fully. I believe that a competitive market benefits consumers by giving broader choices, better products and lower prices. The technology sector outside of the current Microsoft eco-system will gradually disappear if Microsoft is allowed to expand un-checked.

In a large sense, we are already dependent on Microsoft on being a ''benevolent dictator'' in the desktop operating system and office productivity space. That is why it is critical to structure the proposed settlement so it does not let Microsoft make unlawful use their current dominant position to expand into other markets. We need innovation to come from lots of different sources, including Microsoft. Please make changes to the proposed judgment so it provides a level playing field for all players in a competitive marketplace.

Best Regards,
Bruce Gee
bruce@geeteam.com
1305 Greenwood Ave, Palo Alto, CA 94301
650–328–8091

PS—I also own a small number of shares of Microsoft.

MTC–00026609

From: cashanng@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 2:49am
Subject: Microsoft Settlement

Dear Sirs,

Greetings. As an American I am concerned that the Microsoft case has gone on and on. It needs to be settled now and stop dragging it out and spending (wasting) tax payers money. The present agreement in the case does what needs to be done so let's finalize it and get on with the other jobs.

Sincerely,
Cash Godbold

MTC–00026610

From: Jon Anderson
To: Microsoft ATR
Date: 1/27/02 2:55am
Subject: Microsoft Suit

To Whom It May Concern,

Although I am a long-time user of Microsoft products, I find I am alarmed at the stories I've heard of under-handed competitive practices, and the trend towards fee-based services one can see in the new XP line of products. At this pace consumers can expect to be subject to the same kind of abuse in the use of our computers as we now experience with local and long-distance telephone service where de-regulation has provided us with no real benefit.

I offer one personal example of a company grown to large and too greedy to care about individual consumers: When I purchased Microsoft's PowerPoint 2000 software, it scrambled my installation of MS-Office 97. When I called Microsoft's technical support, I was told that the issue did not reside with the PowerPoint 2000 product, but with Microsoft Office 97...which they no longer supported. I protested that the Office 97 product was fine until the PowerPoint 2000 installation, but was told if I wanted further help, it would cost me $35. I believe that a product costing roughly $250–500 (depending on upgrade versus full version) should be supported when it misbehaves—certainly for more than 4 years. And—as a consumer and writer—I resent the special status accorded software ''engineers'' who are pushing us towards a system of hourly fees: no one has offered to pay writers every time their articles are read. Furthermore, I have become resentful of continually buying so-called ''upgrades'' to software which are more aptly called ''bug fixes''.

I encourage you to take a hard look at this company and do your duty—provide a bulwark for the consumer against corporate greed and abuse. I grow tired of being nickel & dimed to death by companies grown too large to care about customer service. While Microsoft products are generally good—and certainly we need standards for PC operation—the consumer currently finds him/herself with fewer choices than were available even a few years ago. In a market where consumers have no choice, it's up to the government to step in and make sure that choice and a free-market dynamic are restored.

Thank you,
Jon Anderson
University of MN—CALA
612.961.7440
CC:Fred Newman

MTC–00026611

From: JobLeads
To: Microsoft ATR
Date: 1/27/02 2:55am
Subject: Microsoft Settlement

Dear Sir/Madam:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general. While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Daniel Maddy
Tigard, Oregon

MTC–00026612

From: GYoung
To: Microsoft ATR
Date: 1/26/02 9:43am
Subject: ''Microsoft Settlement''

Microsoft has gotten away with too much and is out of control, please do not let Microsoft get away with just a mild slap on the hand. They have hurt too many companies and individuals. I know as I am one who they have relentlessly attack. We use to average $2.5 million in annual sales with net profit of less than $30,000 after Microsoft's continued attack and negative campaign against us we sold less than $650,000 last year and had a net lost $664,000 which forced me into personal bankruptcy. As if that is not enough they are now demanding $1,000,000 from me and my company plus they want my company name and my web site to do what they wish, all because we do not follow their ''desires/demands''. I am too small to be able to afford to fight them in court. Is it not clear they are out to destroy who they perceive as a competitor? If you let them off too easily they will continue their evil ways. It is the small business man who is the real victim. If you would like more details of my case I will be happy to provide you with whatever you desire.

Sincerely,
Glenn Young 903–626–5317

MTC–00026613

From: Tony Silva
To: Microsoft ATR
Date: 1/27/02 3:03am

Subject: Microsoft Settlement

Greetings.

I am writing to express my strong objection to the proposed settlement of the Microsoft case. Not only does the proposed settlement allow Microsoft to defraud the government by making reparation in software (for which the real cost is close to zero), but it compounds the problem that led to legal action, specifically, the unfair practices that led to the monopolization of the browser and software markets. ''Punishing'' Microsoft by allowing it to flood the schools with its software is a farce.

Please, exercise reason and a sense of fairness in proposing a settlement that both punishes the corporation for its misdeeds and helps solve the problems its misdeeds have created.

Tony Silva

MTC–00026615

From: Bryan Lamos
To: Microsoft ATR
Date: 1/27/02 3:11am
Subject: Microsoft Settlement

I'm pro-Microsoft, and I'll be happy when this is over with and Microsoft is allowed to continue to innovate and compete fairly. We need a law to stop competitors from filing frivolous lawsuits against each other!

The following article does a succinct and accurate job of capturing exactly what is wrong with the high-tech industry today, specifically the ability of Microsoft's competitor's to attempt to thwart Microsoft's success by relying on our taxpayer-funded legal system: ''Netscape turned out to be a poor investment (its market share has plummeted to about 10 percent, compared with nearly 90 percent for Microsoft's Internet Explorer, which, by the way, AOL chose as its online service's own browser). ...

Speaking of consumers, I can't understand how they're hurt by a business strategy that offers browsers for free. Would consumers—who, after all, are the people who are supposed to be protected by antitrust laws—be happier if they had to pay $100 or $200 for a browser? Free software is hardly a new Internet idea; AOL continually offers ''upgrades'' to its own service for free. Is it unfairly competing?

It's no coincidence that AOL's dramatic lawsuit comes just as a federal judge is deciding whether to bless a hard-won settlement, reached by nearly all the parties in the massive anti-trust suit against Microsoft. Nine attorneys general, among them America's top publicity-seekers, remain holdouts. They have asked, among other things, that Microsoft be forced to give away the Explorer source code. ...

Instead of straightening out its business problems, AOL has decided to spend its time and effort filing lawsuits against tough competitors—a petty, distracting pursuit that won't help AOL or, for that matter, the U.S. economy, which depends on firms like Microsoft for the innovation necessary to bring about a technology revival.''

Please read more at : http://www.techcentralstation.com/1051/techwrapper.jsp?PID=1051–250&CID=1051–012302E, apparently the author feels the same way as the majority of America, the consumers, the real players in this contest. This is crazy!! AOL chooses Microsoft's browser as the browser technology for it's client viewer, basically giving an implicit admission that it is superior than Netscape, then goes on to buy the Netscape browser, then SUE Microsoft because their browser took market share from Netscape??!?!

Bryan Lamos

MTC–00026616

From: larry@larryr.com@inetgw
To: Microsoft ATR
Date: 1/27/02 3:16am
Subject: Microsoft Settlement

I am exercising my Tunney Act right to comment on the proposed settlement. I do NOT believe this settlement accomplishes the goal of returning competition to the computer software markets now dominated by Microsoft. At a minimum, it must extend protection and rights to non-profit organizations as well as commercial for-profit companies.

I support the appointment of Steve Satchell as one of the members of the enforcement committee.

Larry Rosenblum
Sunnyvale, California

MTC–00026617

From: Vasant Ramasubramanian
To: Microsoft ATR
Date: 1/27/02 3:22am
Subject: Microsoft Settlement

To Whom it May Concern:

As a tax paying citizen of the US, I find the DOJ's proposed agreements in the Antitrust case again Microsoft to be both inadequate and ineffective. The US government has expended a tremendous amount of tax payers'' money in this particular case. The findings of the Court of Appeals enumerates the crimes of Microsoft, yet the proposed action is equivalent to a ''slap on the wrist''. The proposed settlement is simply preposterous. It's quite sad that US government will ignore both it's own findings and clearly stated Antitrust laws. One has to wonder who the government is working for, the tax paying citizens who elect the officials, or the businesses that bribe the government? Given the current settlement, I think the answer is clear.

Sincerely,
Vasant Ramasubramanian.

MTC–00026618

From: Ron Hilton
To: Microsoft ATR
Date: 1/27/02 3:27am
Subject: Microsoft Settlement

COMMENTARY ON PROPOSED MICROSOFT ANTITRUST SETTLEMENT:

I have studied the various documents pertaining to the Microsoft antitrust case, including the complaint, the proposed settlement, and the competitive impact statement. In general, I believe that the settlement is a step in the right direction, but is far too ridden with loopholes to be effective as a practical remedy.

To the extent that the settlement requires full disclosure of APIs and protocols, it represents a very satisfactory remedy. The Windows APIs and protocols have become a de-facto standard in the computing industry. Such standards are vital to the interchangeability of software components that must exist in order to enable consumer choice and true competition. However, when one company exercises complete hegemony over such a standard, and can unilaterally shape it to their advantage, with undisclosed interfaces that they alone are able to exploit, anticompetitive harm to the consumer is the inevitable result. Unfortunately, the settlement in its present form is too limited in scope with too many escape clauses to have any real remedial effect. In particular:

1. Section III. D. allows Microsoft to evade full disclosure by requiring membership in the Microsoft Developer Network (MSDN) in order to receive the information. There is nothing to prevent Microsoft from imposing unreasonable fees or other restrictions on MSDN membership so as to deter a potential competitor from obtaining the information.

2. Section III. J. 1. allows Microsoft to evade full disclosure in the name of ''security.'' Security that relies upon obscurity is no security at all. There is much greater security in having an open standard that can be scrutinized and critiqued by all, thereby identifying and eliminating whatever vulnerabilities may exist. Microsoft's dismal record on security speaks for itself on this point.

3. Section III. J. 2. b) allows Microsoft to evade full disclosure by maintaining that a competitor has no ''reasonable business need'' for the information.

4. Section III. J. 2. c) allows Microsoft to evade full disclosure by refusing to certify the ''authenticity and viability'' of a potential competitor. Microsoft cannot possibly be objective in making such a determination. The conflict of interest is simply too great.

5. Section III. J. 2. d) allows Microsoft to evade full disclosure by imposing an arbitrarily onerous and expensive burden of proof of compatibility on a potential competitor.

6. Section VI. J. and K. allow Microsoft to evade full disclosure by simply electing not to separately trademark a middleware product that utilizes the API or protocol in question. They can still use the trademarks ''Microsoft'' and ''Windows'' in connection with the product without having to disclose the APIs or protocols in question.

7. Section VI. N. allows Microsoft to evade full disclosure to competitors who have not already sold at least one million copies of a competitive product. This is a catch-22 which effectively prevents any small start-up from ever gaining a foothold in the Windows-compatible marketplace in the first place.

The bottom line is that under the proposed settlement, there are any number of ways in which Microsoft can easily evade full disclosure of the de facto standard Windows APIs and protocols which the industry as a whole needs in order to provide true consumer choice among competitive, fully compatible software products.

Here is the remedy that I would propose instead:

1. Microsoft must fully disclose all Windows APIs and protocols by making them freely accessible to the public via the Internet as of the date of the beta release of any software product that employs such APIs or protocols.

2. Any competitor who extends or otherwise modifies the Windows APIs or protocols for their own product must likewise fully disclose such extensions or modifications by making them freely accessible to the public via the Internet as of the date of the beta release of any such software product.

The second requirement above is an important one. It is designed to prevent the proliferation of multiple proprietary, incompatible variations of the Windows standard. That is what caused the fragmentation of the original Unix standard, as Unix competitors sought to ''lock in'' their customers in much the same way that Microsoft has done with the Windows standard. Only an open standard which is required to remain an open standard can provide a reliable foundation for innovation based on true merit that provides real choice to consumers in a fair and level competitive environment. Unix started out open but became proprietary. Windows started out proprietary, but must become open.

Please note that I am not advocating that Windows become open source. The source code is Microsoft's intellectual property and should not be confiscated. Only the external interfaces (i.e. APIs and protocols) need to be fully opened up to the public.

Thank you,
Ron Hilton
President, Platform Solutions, Inc.
1250 Oakmead Parkway, Suite 210
Sunnyvale, CA 94086–4027
(408)730–6826

MTC–00026619

From: Richard Culbertson
To: Microsoft ATR
Date: 1/27/02 3:29am
Subject: Microsoft Settlement

Microsoft has every right to give away their browser, on the other hand the Netscape browser is a poor piece of programming and should perhaps PAY us to use it.

What this is amounting to is Bill Gates and Microsoft didn't pay enough ''shake-down and protection money'' to the politicians in Washington DC

Get away from Microsoft.

MTC–00026621

From: Cynder Gray
To: Microsoft ATR
Date: 1/27/02 3:30am
Subject: 1984

In 1984 Apple computer introduced the world to a new way of working with the computer with a now famous commercial.

The commercial aired showing thousands of people dressed in gray clothing in a drab, industrial environment are taking instruction from a man on a TV screen. An athletic woman with a sledge hammer is chased by military police into a main viewing room where she throws the hammer into the screen effectively destroying it. Apple could not have come closer to telling the future. The images are not the same but the message is clear—Microsoft has taken over! Microsoft controls all components of technology. It will soon control access to the internet and eventually will hold information about all users with their new ''.net'' initiative. One company with so much control over how I work, what I view and how I use and store collateral material is beyond comprehension. Please, stop the monopoly. Break Microsoft up, force them to divest, possibly even make their file standards open source. Cynder Gray

MTC–00026622

From: max2dog@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 3:30am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Philip Duckham
11610 Waterman Rd
Brooklyn, MI 49230

MTC–00026623

From: Peter Au
To: Microsoft ATR
Date: 1/27/02 3:39am
Subject: Microsoft Settlement

All the law suits including DOJ's and state attorneys'' anti-trust suit and civil suits are full of contradiction, irony and hyprocrisy. On one hand Microsoft is accused of anti-trust violation monopolysing and overcharging consumers, and on the other hand was accused of lower pricing than competitors as a form of predatory pricing. Microsoft achieved 95% of the market through good and renovating products and competetive pricing, was accused of monopolyzing. Then no company should try to suceed because if you do, you are a monopoly. The objective of the Anti-trust Law is to prevent any company from dominating the market and gouging prices and thus do harm to consumers. However, Microsoft was accused of bundle products, selling them at lower prices or component such as browser free. I can't see how consumers could be harmed to have some free products or get a good deal in buying bundle of programs. DOJ do have the intention of vaguely protecting the consumers in the long run, but never directly place consumer immediate interest in the equation; is also presuming too much in assuming Microsoft will gouge prices in the future. Every body is innocent before proven guilty. The fact that Microsoft selling the browser program free greatly benefit consumers, and have greatly advance the popular use of internet that renovate this country and the world intellectually, culturally and economically. And now AOL who is charging consumer for using her service is suing Microsoft for harming Netscape. I wonder whether ''competition'' or ''benefit consumer'' has any meaning in this society. Any party loses a competition will feel unfair and wants a rematch in a so called ''leveling field''.

Parties who feel unfair may not be limited to Netscape. There are parties in this country and in history that were, unlike Netscape, arguably really being wronged. Slavery of the blacks, killings of American Indians, slaaughtering of south and central Americans by Spaniards, just to name a few. It would be great to have an equalizer so as to provide fairness to ALL companies, nations and people. Maybe we should all go back to Stone Age, which will be the ultimate equalizer. Of course we know that that is impossible, because the world moves on and keeps going forward. This ''leveling the field'' idea is kike for us to go backward to the stone age. It is not progress, not advancement, not innovations; it is not an idea of civilization. The consumers will be harmed, the economy willbe harm, and our nation and people will be harmed. Then on the other end of the spectrum, civil suits are accusing Microsoft of overcharging their products. Of course we know that if microsoft lost this suit, each consumer user will get about $10, and millions of dollars will go the lawyers. The settlement of Microsoft to provide millions of dollars of computers and softwares to school was again hampered by selfish and self-serving objections. Certainly any companies are free to provide programs to our schools. One reality the nay-sayers, DOJ and state attorneys keep forgeting but really have to face is: Microsoft have achieve enough critical mass in competition and is been used by say 95% of software users. It has become a defacto standard. If we want our kids to learn softwares, they better learn microsoft's programs first, because they are the most popular ones. This is the system mostly sschools, offices and society. How are we going to stop the engine of progress and moving forward and level the field by pulling back Microsoft ? This is against consumers, against progress, against innovations and against the economy. I think the economy has been harmed enough by all these follies.

CC:msfin@microsoft.com@inetgw

MTC–00026624

From: Jarvis Cochrane
To: Microsoft ATR
Date: 1/27/02 3:48am
Subject: Microsoft Settlement

Dear Ms Hesse,

I have read with interest the documents related to the proposed settlement with Microsoft, and wish to submit the following comments: As an Australian IT professional I believe this case, and the proposed settlement, to have international significance; and that in this matter, as in many others, the United States will be setting a precedent or a standard that will be referred to by other nations.

It is my understanding that the proposed settlement only has legal force within the

United States, and that nothing in the settlement prevents Microsoft from continuing its anti-competitive practices in other jurisdictions, or moving ''non-compliant'' operations offshore. I strongly approve of the provisions that require Microsoft to make the APIs and communications protocols of its software products available to other software developers. Microsoft have used proprietary APIs and communications protocols to prevent the interoperability of their software with other products. Apart from the anti-competitive nature of the practice, it has significantly increased the complexity and cost of multi-platform environments.

I believe, however, that the provisions requiring Microsoft to make its APIs and communications protocols available to software developers do not go far enough to effectively ''level the playing field.'' My understanding of the proposed settlement is that some API or protocol specifications may be made available only to selected developers, or may not be made available at all where Microsoft can demonstrate that making such information available would present a risk to system security or intellectual property rights.

As an IT support professional and software developer, I can see no justification other than commercial advantage,for not making the details of all APIs and communications protocols publically available at no cost. I strongly encourage you to consider such a measure as part of a revised settlement.

I am concerned that appears to be no fine or other punitive measure imposed upon Microsoft, even though the company has been found guilty of breaching competition law, and has used its market and position and illegal business practices to generate unreasonable profits. There is also the matter of the ''hidden'' or ''follow on'' costs borne by consumers, business and the IT industry as a consequence of Microsoft preventing the correct interoperability.

As I have followed this case in the media, I have regularly noted that Microsoft has shown a lack of respect, perhaps even a contempt, for the legal and judicial process.

For these reasons, I would respectfully suggest that it is appropriate and just for a large fine to be imposed upon Microsoft, such monies to be used for international charitable works. To be effective as a punitive measure, such a fine would obviously need to be in the order of some billions of dollars.

In general terms, and in conclusion, I believe the proposed settlement addresses the relevant issues, but does not sufficiently restrict Microsoft, prevent Microsoft from pursuing alternative means to maintain monopoly power, or impose appropriate punitive damages on Microsoft.

I would like to express my appreciation to the Department of Justice for pursuing this matter, and the hope that my comments will be of interest to you.

Regards,
Jarvis Cochrane
cochrane@zyrzyn.com

MTC–00026625

From: bpsems
To: Microsoft ATR
Date: 1/27/02 3:46am
Subject: Microsoft Lawsuit

Dear Mr. Ashcroft:

I believe that the Lawsuit against Microsoft by the Clinton Administration has been a complete waste of time and taxpayers money. Microsoft made computing possible for the individual and small businesess. The consumer has benefited from Microsoft products. Attached is my letter requesting that this lawsuit be settled under the terms agreed between the Dept. of Justice and Microsoft.

Sincerely,
Brian P. Seguin
Professional Land Surveyor
Professional Engineer
3622 99th Street Southeast
Everett, WA 98208
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The antitrust lawsuit brought against Microsoft was unjustified and flawed. The dispute in my opinion arose due to competitors'' envy for their own lack of innovation and creativity. Microsoft has been the leading innovator of technology for over a decade. In the 80's when we lagged behind Japan in many industries, Microsoft developed a product that streamlined and made more effective many of our businesses. The company I worked for is a perfect example as it was able to use Microsoft software for its businesses.

The terms of the settlement are harsh and seem to reflect the intense lobbying of Microsoft's competitors. Forcing Microsoft to give up internal interfaces and protocols, making them agree not to retaliate against other vendors, stipulating that they must grant computer makers broad new rights to configure Windows so as to make it easier for non-Microsoft products to be prompted, the settlement also reflects lawmakers and politicians lack of concern for the public. This settlement only aims at giving competition an edge they did not have and could not attain on their own.

Even though I think the settlement is unfair, I must support it because the alternative of further litigation would be too much for our weak economy. I urge your office to take a firm stance against the opposition and stop any further disputes. Thank you.

Sincerely,
Brian P. Seguin
Professional Land Surveyor
Professional Engineer

MTC–00026626

From: Scott Brylow
To: Microsoft ATR
Date: 1/27/02 3:49am
Subject: Microsoft Settlement

Hi folks,

I'm a computer professional who started a web development company in 1994. I have run engineering organizations with multi-million dollar budgets. I consult for companies with software problems and help them select vendors and solutions to address their business needs. And I'm disappointed with the current PFJ in the Microsoft antitrust trial.

I have been doing a fair amount of reading and thinking on the problem, but not as much as many folks out there, so what I have to say will be compiled from a number of chats with friends. What I can tell you is that in my professional experience, Microsoft has not provided winning technology solutions—they have provided winning business solutions that can sometimes hold their own in a technological arena. By virtue of the results of the trial, it is clear that at least some of those successes were due to clear antitrust law violations. Poor technology choice presents a great risk to the large number of businesses out there who are more dependent on information technology (IT) than ever before. It's a huge economic risk in the field that is arguably a significant economic engine for our country.

In that case, it is critical for the economic security of this country that Microsoft —not— be left in a position to continue their anti-competitive behavior.

One strikingly visible difficulty with the proposed remedy is the lack of provision for free software vendors to gain relief from the monopolistic behavior of Microsoft. In my experience as a technology professional, I know that these products, whatever their source, have now earned a place in the IT platform of many large companies. Ask IBM and HP, users of Linux. As the many WWW sites using Apache as a web server or Perl to run scripts. And there are many more similar open source products used throughout the enterprise—sendmail, samba, jakarta, etc.

Please, please reconsider the sections of the proposed remedy (esp. sections III D and III J 2) and strengthen them to ensure that the open source community—providers of some extremely competitive software available for many specific tasks that either competes directly with Microsoft (Apache is the strongest competitor to their IIS webserver) or acts as an ISV working off Microsoft interfaces and at risk under the proposed remedy for that reason (e.g. samba).

Thank you for your hard and positive work to date. I urge you to complete the difficult task of crafting a remedy with the same thoroughness you brought to the prosecution of the case to date.

Thank you for your time.

Regards,
Scott M. Brylow
Independent Technology Management Consultant

MTC–00026627

From: Larry Israel
To: Microsoft ATR
Date: 1/27/02 3:50am
Subject: Microsoft case

U.S. Dept. of Justice:

I hope the DOJ breaks Microsoft into smithereens. They certainly deserve it. In fashioning the remedy, I very much hope the DOJ will look toward the open source software movement for guidance with this case. As society will increasingly depend on computers and the Internet as the primary information infrastucture, operating systems

are very important public resources. Non-proprietary, standards-compliant systems are very much in the public interest, allowing interoperability amongst the various hardware and software components of this infrastucture. Rather than the dominant profit-making company working to bring as much business as possible to their own proprietary implementations, everyone is better served by free, open source software, right down to the operating system. For many years, open source software has given us some of the most important innovations, developed by professionals who are abundantly donating their hard work in the public interest. At minimum, Microsoft must have the operating system software split from the rest of the company. Similarly, Microsoft ownership and broadcast of content should be split from all of their software products. Without that, in the future they threaten to control the entire broadcast infrastructure, from media content creation, to broadcast, to the delivery system in our homes. Certainly Prince William makes no secret of his plans for domination of everything he's able to get his hands on. Make them pay for their unethical, heavy-handed and illegal business practices. Stop Microsoft now, while you can.

Larry Israel
Santa Cruz, CA

MTC–00026628

From: Bill Wodarczyk
To: Microsoft ATR
Date: 1/27/02 2:56am
Subject: Microsoft Settlement

William Wodarczyk
62 N. Shaddle Avenue
Mundelein, IL 60060
January 18, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr.. Ashcroft:

With 40 years experience in the world-leading American computer software industry, mostly in ''big iron'' IBM mainframes, I feel I am qualified to comment on the Microsoft antitrust lawsuit. I am reminded of the eighteen-year-long antitrust case against IBM, which at some points, severely damaged that company and held back progress in American industry. Bill Gates has earned his success in a highly competitive industry. When IBM's original personal computer, the ''PC'' was released the MS-DOS of Gates'' Microsoft became the dominant among several operating systems because of a lower price, attention to customers'' desires and a dogged search for useful innovations. Since Microsoft's Windows was introduced, it has competed with the Apple Macintosh for ease of use. However, Windows has been a part of a vibrant, diverse, and experimental PC community, while Apple has held its intellectual cards very close to the vest, both for software and for hardware. In this competition, Microsoft's software, combined with hardware from many, many manufacturers got the nod of more consumers. That is simply American free enterprise. In the fast changing software industry Microsoft will only maintain its position against erstwhile competitors, like Apple, the Unix's, Linux, BeOS, Palm, and emerging companies by attention to business fundamental and relentless innovation. The lawsuit is like ankle weights to handicap the best ballerinas, to stifle a determined spirit. Still, I prefer my free enterprise —— free.

The ability of computers to work together is crucial to the effectiveness and efficiency of an enterprise, and, now with the Internet, the whole computing world. Interoperability through compatibility is much more efficient and reliable than translations, emulations, work-arounds, and patch-up-jobs.

By opening up both Microsoft's Windows programs and its business practices, the settlement should provide the technical and corporate interoperability to furnish a much-needed boost for the American computer industry. Internal interfaces and native server interoperability protocols for Microsoft'' s Windows programs will be revealed, contracts made non-exclusive, retaliation for promoting non-Microsoft products prohibited, uniform price and terms lists to large computer makers become non-negotiable, addition and removal of programs integral to Windows made easy. Competitors will benefit. Microsoft will be able to hold on if it can work with the industry and continue to innovate. The settlement is about as good as could be expected.

I appreciate your work to see the settlement reached. I would appreciate your continued leadership to see that the settlement is approved by the federal judge and implemented. Thank you.

Sincerely,
William Wodarczyk

MTC–00026629

From: bdkleiman@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 4:03am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Bernice Kleiman
4077–72 Porte de Palmas
San Diego, CA 92122–5142

MTC–00026630

From: joe skerik
To: Microsoft ATR
Date: 1/27/02 4:20am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–00
Dear Ms. Hesse,

The following is my commentary on the proposed settlement between the United States Department of Justice and Microsoft solicited under the Tunney Act.

I believe that the settlement proposal is lacking in substance, and cannot effectively address the items which it is claimed to provide relief for. I am in complete agreement with everything which I have read published by Dan Kegel on this topic at this web address: www.kegel.com/remedy/letter.html.

In summary, I would like to register my disagreement with the proposal. Thank you for reviewing this and all comments.

Joe Skerik
P.O. Box 1741
Round Mountain, Nevada 89045
joe@lnett.com

MTC–00026631

From: Haden E Rogers
To: Microsoft ATR
Date: 1/27/02 4:31am
Subject: Microsoft Settlement

The Seniors Coalition strongly believes that the proposed settlement offers a reasonable compromise.

Respectfully,
Haden E. Rogers
9804 Kernville Drive
Las Vegas, NV 89134

MTC–00026632

From: Claudio Friederich
To: Microsoft ATR
Date: 1/27/02 4:32am
Subject: Microsoft Settlement

The United States Department of Justice and eighteen state attorneys general have joined in suing Microsoft Corporation for violation of the Sherman Antitrust Act. Recently, the Department of Justice and nine state attorneys general have reached a settlement agreement with Microsoft. Under the Tunney Act, the Department of Justice is seeking public comment on the settlement.

For many reasons, I am convinced that this entire lawsuit has been, from the beginning, unfair, unjust, and enormously damaging, not just to Microsoft, but to countless people, both in the United States and abroad, and to our economy. The settlement terms would allow the corporate structure of Microsoft to remain intact, and permit Microsoft to remain in control of its intellectual property, and the source code for the products it depends on. The terms of the settlement focus on Microsoft's business relationships with OEMs, and the terms of Microsoft's licensing agreements with them, rather than on its organizational structure and the nature of the technology itself. Therefore, its impact on Microsoft's products and technologies, and the many who depend on them, will be minimized. As such, it is an excellent opportunity to end this ruinous litigation, and the harm that it is doing to the American

people, and to our economy. The reasons that this litigation is so harmful are many.

As a consumer, I feel this lawsuit is misguided. The lawsuit alleges that Microsoft Corporation has harmed consumers by illegal use of monopoly power. By my own choice, I spend about a thousand dollars a year on Microsoft software. I could just as easily have bought software from other vendors. Often software from competing vendors is significantly more expensive than software from Microsoft. Often Microsoft's software is significantly easier to use than competitors'' products, or offers more capabilities, and versatility. I therefore fail to see how I have been harmed.

As a citizen, I understand and realize that everyone, including corporations, must abide by the laws, whatever the consequences. However, there is nothing that Microsoft Corporation has done that other large companies in the United States do not routinely do. Large mergers and large, high-stakes investments take place so routinely that they go unnoticed by most people. Corporate rivals cut deals with each other all the time for licensing of technology, advertising space, and endorsements. Companies make deals with others all the time to get favorable pricing and market exposure from each other and effectively handicap rivals. But only Microsoft Corporation is being sued for such activities.

As an employee of a software producer, I understand the hurt companies feel when their products, developed at great expense in time and capital, are shouldered out of the marketplace. I understand that companies such as Netscape and Apple, whose products lost to Microsoft Corporation, feel very bitter about it. However, losing in such a manner is the risk all players in a free market economy must accept. Rivals in the marketplace always try to best one another, in the quest to succeed, and survive. Some will win, but some will lose. Going into business means you must, right from the beginning, face up to your rivals. Nobody is given a ''grace period'' in the marketplace. As a professional software developer of Windows software, my success is directly tied to the success of the Windows platform. Every new feature added to the operating system is one new feature available to developers of Windows software. It is precisely such additions that have enabled independent developers to create more powerful software with greater ease. Microsoft Corporation has been accused of ''bundling'' its Web browser into the operating system to squash competition. However, it has been this ''bundling'' that has allowed developers of Windows software, without any additional costly tools, without any additional software the end user had to buy, to add rich Internet capability to their software. With one stroke, all the capabilities of the Internet were opened up to all Windows developers, not just those investing in costly additional tools or those developing the functionality on their own, at a great expense in time. This has significantly contributed to Windows'' success, both for end users and developers: enabling everyone to do more with less. It has often been pointed out that Microsoft Windows runs ninety percent of all personal computers. Many developers of software are developing for the Windows Platform. In addition, a great many system integrators, technical support workers, Web site designers, and countless other technology workers our economy is increasingly depending on are involved with the Windows platform. If the Windows platform is harmed, all of these people, both in the United States and abroad, will be similarly harmed. All of the remedies that have been proposed as alternatives to the settlement would hurt the Windows platform and all those involved with it.

Some are seeking to break up Microsoft into separate companies, one for operating system products, one for desktop applications, and one for Internet products and services. As mentioned previously, the ability both to integrate products, and allow them to seamlessly interoperate, is precisely what has helped to make Windows and its software both powerful and easier to use for increasingly sophisticated tasks. Such a proposed ''remedy'' would, by definition, destroy many possibilities for such integration.

Others have proposed breaking Microsoft into several equal parts, each with the rights to all products. This would be a catastrophe. Instead of one, there would be multiple versions of each Microsoft product. They would evolve separately, and inevitably develop differing feature sets, and requirements, and incompatibilities would emerge. How is the consumer supposed to choose which version to buy? Developers would have to worry about not one, but several, Windows, and so development and technical support and system administrative costs would skyrocket. Incompatibility issues would multiply, and computer use would needlessly become much more complicated. It has been suggested that the source code for Windows should be freely available to the public, allowing any company to develop its own versions of Windows. This would lead to an unlimited number of Windows, which would ultimately evolve differing feature sets, leading to the same disaster as described previously. The Unix operating system, whose source code is freely available, is a case in point. There are many ''flavors'' of Unix, each of which is supposed to be compatible. But in practice none of them are fully compatible.

Regulations defining what features Microsoft Corporation may and may not add to which products have been proposed. However, as previously mentioned, the integration of features into the operating system is one of the key aspects of Windows that have made it successful, and increased the abilities of its users with lower costs. The lawsuit against Microsoft threatens to harm much more than Microsoft Corporation. It threatens to harm the many people who use, depend on, and have succeeded because of the Windows platform. It threatens the consumer, the very group the lawsuit purports to protect. It already has done harm through large amounts of taxpayer money spent on it, technological stock market losses that arose directly and indirectly from it, and delays in the release of critically needed software. Therefore, as a consumer, as a software developer, and as a Windows user, I implore all those involved to take the opportunity the settlement offer presents to end this lawsuit, before it does any more harm.

Sincerely yours,
Claudio
Friederich
friederir001@hawaii.rr.com

MTC–00026633

From: James E Huninghake
To: Microsoft ATR
Date: 1/27/02 4:34am
Subject: Microsoft Settlement

January 27, 2002

To Whom It May Concern:

I have been deeply distressed by the Department of Justice's legal attacks on Microsoft, a private company that has set the standard for quality products at reasonable prices. I am convinced Microsoft has played a large part in the productivity increases in the United States the last 5 years that have raised our standard of living to a level that makes us the envy of the entire world. I can think of nothing but jealousy and greed being behind the legal attacks that I am convinced was started with the encouragement of Microsoft competitors. Don?t we have better things to do in this country than attack one of the most successful and innovative companies in American history? Lets get back to fighting our real enemies, both at home and abroad ?poverty, poor public education, crime, the Taliban, etc. . I shutter to think of what would come of these if we directed the time and resources used in this frivolous case towards these true threats to the American way of life.

If the DOJ can do this to Microsoft, who is next? Get over the success of Microsoft and get on to other real issues that challenge this country.

James E. Huninghake
4012 Fordham Drive NE
Minneapolis, MN. 55421

MTC–00026634

From: Janice Holder
To: Microsoft ATR
Date: 1/27/02 4:51am
Subject: Microsoft Settlement

I believe that the terms of the proposed antritrust settlement between DOJ, 9 states and Microsoft are reasonable and fair to all concerned. Too much time and money have already been utilized by the parties fighting this.

I trust the Court will adopt the agreement and end the conflict.

C.Janice Holder

MTC–00026635

From: Pamela Rosengren
To: Microsoft ATR
Date: 1/27/02 4:47am
Subject: Microsoft Settlement

A weak stance regarding the crimes committed by Microsoft will not help America's standing internationally. With this proposed settlement America appears to be saying to the international community ''crime is OK if it is done by rich white Americans''. At the same time by its actions elsewhere America apears to be clearly saying ''crime is not OK if it is done by the

poor, by non-whites, by non-Americans''. Think carefully before ratifying this extremely weak settlement. America needs all the credibility it can get and this is not the way to achieve it.

The consequences of this settlement will be felt worldwide. The Microsoft monopoly is dangerously close to being totalitarian, and it appears to edge closer all the time for example its strategies to control the internet. It is difficult to understand how a nation which champions democracy and capitalism will escape the consequences of turning a blind eye to the predatory activities of this corporation. America will lose its technological edge, lose its lead in the international software market, lose the confidence of other governments (this is happening now), and lose much of the freedom its people enjoy. I am basing these comments on statements by experts in technology and economics, not people who are politically biased.

Pam Rosengren

MTC–00026636

From: jaco1387@bellsouth.net@inetgw
To: Microsoft ATR
Date: 1/27/02 4:48am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jeffrey Jacobs
10333 NW 43
Coral Springs, FL 33065–2364

MTC–00026637

From: Helmut Kurt Burri
To: Microsoft ATR
Date: 1/27/02 5:00am
Subject: Microsoft Settlement

To Judge Colleen Kollar-Kotelly

I write to you on the subject of the the United States'' civil anti-trust case against the Microsoft Corporation. As you know, on November 6 2001, the United States Department of Justice and Microsoft filed a proposed settlement.

This settlement was not aimed to find remedies for Microsoft infringements of Sections 1 and 2 of the Sherman Act. Rather it is a short term political and economical decision made by number of U.S. states. The decision to settle was not based on having found suitable remedies, that would stimulate innovation and competition in the computer industry nor to deprive Microsoft of its illegal gains. It was sadly driven by a conservative administration in the White House, with strong ties to corporate lobby groups. Microsoft was the second largest campaign donor the last election, giving $4.3 million to both parties, the largest share of this amount going to the Republicans. It now seems that Microsoft's stratagem has successfully divided the coalition of states and may have even bought the submission of the U.S. president to its will. The decision to settle well short of suitable remedies was also taken by states seeing that in slower economic times, their constituents may not look favorably upon a continued and expensive legal battle. Even if the possible long term economic benefits would outweigh the cost of continued litigation in the immediate future.

The facts have been laid down by District Judge Thomas Penfield Jackson in his final judgment. That Microsoft violated the Sherman Act, the nation's anti-trust law, through the use of its monopoly on the Windows personal computer operating system to stifle competition. Microsoft in so doing extended its reach into new areas as in the case of the Netscape Browser.

This is a practice Microsoft continues to engage in with its latest update to its monopoly product called WindowsXP, by ''bundling'' Windows Media Player with it. This tactic is aimed at Windows Media Player's competitors; Real Player by Real Networks and QuickTime by Apple Computers. These two products are the current leaders in digital movie streaming.

MSN Messenger is another product which is now also bundled on all WindowsXP operating systems and all copies of Microsoft OfficeX for Apple Mac OSX operating system. This results in MSN Messenger unfairly competing with AOL's instant messenger application. The detrimental effect on consumer choice by such actions is something I am sure you are aware of.

Microsoft continues to engage in practices which have been the focus of the anti-trust action brought upon them and subsequently found guilty of. It has shown that it has no intent at regulating its own actions, let alone ever admitting any form of guilt. Microsoft at times displays an arrogant annoyance that any one ever challenges their might and its innate right to do as it sees fit. This is regardless of good moral and ethical business practices and the law under which it must perform it's business.

Microsoft has often been described as an amoral organization, that will not seek to rectify the error of its ways. It will not heed unless you utilize the power invested in you, given to you by the citizens of the United States. I thus ask that you carefully consider the objections of the nine outstanding states and find stronger remedies that will accomplish the goals, as they were set out in the U.S. Court of Appeals:

(1) to prohibit the illegal conduct and similar conduct in the future,

(2) to spark competition in the computer industry.

(3) to deprive Microsoft of its illegal gains.

All of this should be resolved as quickly as possible in the public's best interest as well as to prevent Microsoft further crippling of the computer hardware and software industry.

I sympathize with your position You are faced with decisions that will have momentous consequence for decades to come. You will define the world that you and I will live in and that our grand children will seek, to enjoy the same freedoms that we should never take for granted, for fear of losing these very freedoms.

Yours Truly
Helmut Kurt Burri
Mook Media—Director
Sydney Australia

MTC–00026638

From: Daniel Dreier
To: Microsoft ATR
Date: 1/27/02 5:09am
Subject: Microsoft Settlement

To Whom it May Concern,

I am a network administrator and software developer at Verinform, a medical database software company. As we use both Microsoft Windows and Linux operating system based computers, I have a number of concerns about the proposed United States vs. Microsoft settlement.

My primary concern is that the proposed settlement does not address the very significant issue of file format documentation and compatibility. The problem we face at Verinform is that Microsoft uses a proprietary and undocumented format for the popular Outlook email program, a component of the Microsoft Office application suite.

Our work requires that we maintain a task list of to-do items, and that multiple employees be able to share these lists. Microsoft's Outlook provides an excellent method of doing this. Since Microsoft does not make public the format in which ''Task'' list items are transmitted via email, we are forced to use Outlook on all of the desktop computers in the company which need to use the to-do list.

Microsoft does not produce Outlook for the Linux operating system platform. We must therefor use Microsoft Windows, a seperate and unrelated product, in order to use the to-do list.

If the settlement forced Microsoft to release to the public, to competitors, and to the Linux community the format in which Outlook transmits this information, then a competing product could be created for the Linux operating system. Without a competing product, Microsoft has no incentive to release Outlook for the Linux platform; to do so would weaken their stronghold on the Windows operating system monopoly.

I am also concerned about the issue of enforcement. Although the settlement provides for a committee with investivative powers, this committee has no enforcement powers. Microsoft has demonstrated in the past that they are willing to use a lawsuit as a delay during which to exploit a monopoly. For example, Microsoft was taken to court on the issue of having used monopolistic powers to unlawfully give their Internet Explorer product an advantage over Netscape's web browser. By the time that the lawsuit had finished, Microsoft's Internet Explorer had become the defacto standard on the

consumer desktop. Regardless of the outcome of settlement, Internet Explorer will continue to be the leading web browser. There are no serious competitors.

Microsoft cannot be allowed to simply ignore decisions of the court, counting on the slow pace of the legal system and the appeals process to protect them. Although I would favor a breakup to force compliance, I understand that this is not generally considered to be a realistic measure to take. I feel that the currently proposed settlement will allow Microsoft to use loopholes to evade the intent of the settlement and simply ignore any elements of the settlements that cannot be otherwise evaded.

Sincerely,
Daniel Dreier
Director of Network Operations
Verinform, LLC.
ddreier@verinform.com
(503)246–2934
7037 SW 54th Ave
Portland, OR. 97219–1340

MTC–00026639

From: Chuck Pliske
To: Microsoft ATR
Date: 1/27/02 5:16am
Subject: Microsoft settlement

Dear folks,

I am writing to indicate my disapproval of the PFJ against Microsoft. As a 30 year computing professional, I have observed firsthand the effects of Microsoft's monopoly on the world of computing, and I believe that the proposed Judgement will do little or nothing to prevent future abuses by Microsoft.

Thanks,
Chuck Pliske
Seawell Microsystems
Seattle, WA 98166

MTC–00026640

From: Helmut Kurt Burri
To: Microsoft ATR
Date: 1/27/02 5:17am
Subject: Microsoft Settlement

To Judge Colleen Kollar-Kotelly

''The price of freedom is eternal vigilance'' against those who see our will and our innate rights as a hindrance that must be overcome. So that thee may subjugate us under their domination. We must always make it clear to all that we will not tolerate those who try to decrease our freedom, and take away our choices. We must fight those who corrupt and circumvent the process of law. And do so with impunity, as if thee are beyond the reach of the justice. And the eyes of the people, that the law proclaims to serve. The threat that Microsoft poses, is not confined to within a single nations border. Rather Microsoft is aiming to control, the links that cross these borders, and the very connections that binds one human being with another.

It is thus vital to push forward with, vigorous prosecution of Microsoft. Regardless off the weakness of some in the challenge posed in the defense of democracy.

Helmut Kurt Burri
Mook Media—Director
Sydney Australia

''The surest way to corrupt a youth is to instruct him to hold in higher regard those who think alike than those who think differently.'' (Nietzsche)

MTC–00026641

From: Shawn Lahr
To: Microsoft ATR
Date: 1/27/02 5:22am
Subject: microsoft settlement

Dear Sirs:

One example of Microsoft's detrimental business practices—for consumers—is what they have done to Web TV. What started out as a promising advancement for web access in the mid ''90s—especially for those who didn't want to buy a computer in order to explore the world wide web—was snuffed out when Microsoft bought WebTv and then did not develop it in any way. It is years behind in its non ability to incorporate Java and Shockwave technologies. A promising technology that could have challenged Microsoft Window's utility—or Apple, or IBM for that matter—was bought by Microsoft in order that it could be controlled and not allowed to develop into something would have put the web at the finger tips of millions of people. Microsoft saw a threat and eliminated it. This is just one of many examples of what Microsoft has done to STIFLE competition. Technology suffers. And access for many is still out of reach. The penalty for monopolizing a market should be stiff. It should not further benefit the criminal—by establishing a more powerful position in the education market, for example. thank you for your time,

sincerely,
Shawn L. Lahr

MTC–00026642

From: Gareth Paxton
To: Microsoft ATR
Date: 1/26/02 11:29pm
Subject: microsoft settlement

Dear Sir/Madam

As a BeOS user in the UK I am all too aware of the microsoft stranglehold on the IT industry as a whole.

The most worrying part of the problem was the OEM bootloader licence and its clasification as a trade secret. OEMs were obliged to refuse complimentary operating systems but were unable to offer reasons. This situation is resonant of certain device manufacturers who are ''unable'' to release the information needed for support on non MS platforms, for no apparent reason.

This is most applicable to ''winmodems'' which cut Linux and BeOS off from the net—where all the tech support is. MS would have to licence the Windows API to manufacturers, and could include a non disclosure clause to prevent support on other platforms. With ''trade secrets'' as they are we may never know.

The Legal situation is prohibitive and has held the IT industry back for years, where the richest corps with the best lawyers can cripple the competition. Advanced, faster, more reliable and free operating systems. Bear that in mind next time your PC crashes—how would you feel if your windows box was in control of a life support machine? I would sleep easy if it was my BeOS box.

Dear Sir/Madam

As a BeOS user in the UK I am all too aware of the microsoft stranglehold on the IT industry as a whole. The most worrying part of the problem was the OEM bootloader licence and its clasification as a trade secret. OEMs were obliged to refuse complimentary operating systems but were unable to offer reasons. This situation is resonant of certain device manufacturers who are ''unable'' to release the information needed for support on non MS platforms, for no apparent reason.

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The Legal situation is prohibitive and has held the IT industry back for years, where the richest corps with the best lawyers can cripple the competition. Advanced, faster, more reliable and free operating systems. Bear that in mind next time your PC crashes—how would you feel if your windows box was in control of a life support machine? I would sleep easy if it was my BeOS box.

Thanks
Gareth

MTC–00026643

From: O (only) W WILSON
To: Microsoft ATR
Date: 1/27/02 5:27am
Subject: RE: MICROSOFT SETTLEMENT

JANUARY 27, 2002
4:25 AM

I AM CONCERNED THAT THE MICROSOFT SETTLEMENT BE COMPLETED AS PER AGREED. CONTINUED CHANGING AND COURT DECREE WILL ONLY LENGTHEN THE PROCESS AND CAUSE FURTHER PROBLEMS WITH OUR NATION'S ECONOMY, THE SUCCESS OF A COMPANY, AND THE AVAILABILITY OF SOFTWARE/HARDWARE FOR THE COMPUTING PUBLIC.

SINCERELY,
O W WILSON, (owilson1@juno.com).

MTC–00026644

From: Robert L. Barnhart
To: Microsoft ATR
Date: 1/27/02 5:36am
Subject: Microsoft Settlement

Stop spending taxpayers money on this lawsuit which will only hurt consumers in the end.

MTC–00026645

From: Allene R Wahl
To: Microsoft ATR
Date: 1/27/02 6:19am
Subject: Microsoft Settlement

You must leave the amazing Microsoft alone. Don't let those special interests defeat the public interest.

Allene R. Wahl, Ph.D., C.N.C.
9746 W. Reeves Ct.
Franklin Park, IL 60131
Ph. (847) 678–5934 e-mail: allenew@juno.com

True cause of immune epidemic:

http://members.tripod.com/immune—disorders/index.html

MTC–00026646

From: gailb22@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 6:46am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
gail blissitt
324 merkle norman, OK 73069–6430

MTC–00026647

From: Rick Schaller
To: Microsoft ATR
Date: 1/27/02 6:49am
Subject: microsft settlement

Time to settle this matter in the manner proposed by Microsoft and the DOJ. More delay will continue to be a drag on the economy and further innovation in the industry. Anything more is just political and to siphon out money to the lawyers inthe case.

MTC–00026648

From: Dave Cook
To: Microsoft ATR
Date: 1/27/02 6:53am
Subject: Microsoft Settlement
To: US Dept. of Justice

Attn: Antitrust Division

Re: Proposed Final Judgement in Microsoft case

Let me first take a moment to introduce myself. I have been a professional software developer for over 20 years and am currently Vice President of Software Development at a local startup company in San Diego. I have never been employed, either directly or indirectly, by Microsoft, by any company closely affiliated with Microsoft, any of its competitors involved in this case, by the U.S. or state governments, nor by any group tending to take a strident view of the case (e.g. Linux vendors). In the course of my career I have developed software for both Microsoft OSes and other non-Microsoft platforms ranging from DEC VAX and PDP-11 to very small embedded systems. Furthermore, I have no personal relationship with any party involved in the case.

I have followed the course of this case (and indeed the previous case involving Windows 95) with somewhat detached interest, until recently when the proposed final judgement was published. Even though a principal finding of the trial court—that Microsoft has used illegal means to sustain its monopoly in operating systems—has been upheld on appeal, I can find nothing in the proposed Final Judgement that imposes an actual penalty for this violation of law. In addition, I do not believe that the proposed conduct remedies are useful, given that the Consent Decree in the previous case appears to have had no effect in deterring the offenses that are now the subject of the present case. The proposed Final Judgement contains only a section entitled ''Prohibited Conduct'', and the remainder of the document is concerned with enforcement procedures, termination, and the like. There is nothing resembling a penalty. In effect, the settlement amounts to the command, ''don't do it again'', despite the fact that consumers have suffered massive tangible economic harm, and that the market has suffered more intangibly from the presence of an illegal monopolist.

Attempting to make some kind of estimate of harm to consumers, suppose that the monopoly has been illegally maintained for 5 years. In that time, roughly 100 million licenses of various releases of Windows have been sold. Let us further estimate that the average effective price to consumers through OEM PC sales has been (conservatively) around $50, and that the absence of competitors has caused that price to be $10 higher than it would have been had there been no violation of the Sherman Act.

On this estimate, the approximate direct economic harm to consumers is in the vicinity of $1 billion. Of course there is a considerable error bar on this estimate as the impact of the illegal behavior is somewhat difficult to quantify, but the essential point is that the harm is certainly enormous and that Microsoft has profited directly from illegal practices.

Given the nature of the case and the existence of ill-gotten profits, an appropriate penalty would be a substantial economic one. I believe that a large cash fine is in order, and if calculated properly would cause sufficient discomfort at Microsoft to provide a real disincentive to continuing the behaviors it has been found to have committed.

That the proposed Final Judgement contains no actual penalty whatsoever in light of this level of harm is, in my opinion, patently contrary to the public interest, and I therefore urge the court to reject it as not being in the public interest, as the court is empowered to do. The government has proven its case, and the public is entitled to something better than a glorified restraining order.

Regards,
David B. Cook
7866 Hemphill Drive
San Diego, CA 92126

MTC–00026649

From: Info 4 SYNass.NET
To: Microsoft ATR
Date: 1/27/02 6:57am
Subject: Crack M$'s monopoly

Hello,

I believe ''American Law & Justice'' must be blind and deaf ... ... or there is a big corruption by its political elite in the case of Microsoft ;-((

In my eyes: M$ plays a very tricky game ... ... not paying respect to their customers nor the law. Not only this: As a monopolist it cheats and maltreats its customers.

They do not fulfil their obligations to customers needs ... ... they are caring their own cashcow and hide bugs and errors. They are placing ''Roadblockers'' to get their case running into hell ... ... if this happens: we'll have hell on earth: M$ = the biggest IT dictator affecting the every business around the whole earth !

A product having a market share more than 51% needs special observation including its companies practices ! A company having a product with a market share more than 66 % needs a mandatory break into independent (NO management buyouts) smaller units !! America and the world is fighting against terrorism ...

... M$'s monopoly is a kind of terrorism too: a FATAL economic terror: They have killed so many small but very good companies and products ... ... not only but also its working places and many human existencies. Blue eyes are beautiful ...

... but being blue-eyed to M$ is fatal for us all !! Mister B. G. may be a brave boy and son of his parents ... ... together with his company's gang he is a wolve in sheep fur ;-(FINE it PAINFULL with a sensitive very big money by CASH ! CRACK it into minimum 3 companies like:

1) Operating Systems
2) Application Software
3) Services (ASP, ISP and Joints like Telecom, and others) ...

... these could / should be cracked in perhaps more than only one unit ! DO it ASAP ... ... stop the M$ GAME ... ... before justice and law become inbelievable and looses its power against M$ in its worldwide cheaty, tricky monopoly game !!!

Kind regards and good luck
Albert M. Svoboda
Senior Consultant
IS Management & Organization

MTC–00026650

From: jwb13@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 6:59am
Subject: Microsoft Settlement

Please accept the settlement. It seems fair and continued litigation seems foolish.

MTC–00026651

From: Shawn Wing
To: Microsoft ATR
Date: 1/27/02 7:05am
Subject: Microsoft Settlement

I think the Microsoft settlement is a bad idea. I think it is contrary to capitalism and is bad for the industry.

Shawn Wing

MTC–00026652

From: radioriley@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 7:18am
Subject: Microsoft Settlement

My view of a computer operating system is that of an automobile; How the car works—engine, brakes, etc., is up to the manufacturer. But the accelerator is always

expected to be operated by the right foot and found to the right of the brake pedal. In other words, the consumer is not obliged to hire a chauffeur provided by the manufacturer who knows where all the operating lever are secretly located.

J. David Riley
<radioriley@juno.com>
Ph: 941–747–8125 Bradenton FL 34212–2783

MTC–00026653

From: Russ Tuck
To: Microsoft ATR
Date: 1/27/02 7:26am
Subject: Microsoft Settlement

I remember happily paying Netscape a $30–40/year subscription fee for the use of their latest ''Communicator'' software. Netscape made several regular releases of their software each year, with major new features and improvements in each one. Then Microsoft decided to ''cut off their air supply'' by developing (at great expense) and giving away similar ''knock-off'' software.

Netscape was eventually forced to give their end-user software away, and as a result could no longer afford to invest in improving and extending it. Releases became infrequent, and significant new features quite rare. Once Netscape quit innovating in this area, Microsoft mostly quit, too. So several years later, I still prefer Netscape's software. I use it throughout each day for email and web browsing. But I miss the innovative new features and improved reliability Netscape would have added in the intervening years if they had been able to continue selling their software.

I used Netscape Calendar to keep track of my schedule and meetings. But now I'm forced to use Outlook for my calendar, because Netscape didn't have the resources to continue supporting and enhancing their calendar program. So I have to manually manage the sharing of my email between Netscape and Outlook (because the Outlook calendar requires Outlook email).

I had hoped that Netscape's Composer for editing HTML would become my regular text editor. By storing files in HTML, they would have been exchangable with people using all different kinds of software. But development stalled, and Composer never became the alternative to MS Word (and its proprietary file format) that I'd hoped for. Microsoft's illegal behavior has cost me 100s of hours (worth many $1000s) in lost productivity by depriving me of continued software improvements from Netscape.

Russ Tuck, Ph.D.
1136 S. Blaney Ave., San Jose, CA 95129
russ.tuck@alumni.duke.edu
Systems Architect
Pluris, Inc.
10455 Bandley Dr., Cupertino, CA 95014

MTC–00026654

From: energy—savers@msn.com@inetgw
To: Microsoft ATR
Date: 1/27/02 7:24am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Mike Rodgers
P.O. Box 924532
Houston, TX 77292–4532

MTC–00026655

From: Dan Burgin
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/27/02 7:28am
Subject: Microsoft Settlement

While no lover of Microsoft and their tactics—I feel that any marketshare gained by competitive browsers causes more harm to companies than most people realize. Being an entrepreneur of a venture-backed startup—I, like most of my colleagues, work hard to develop business plans that won't be too attractive for Microsoft to emulate and then destroy any competitors in the space by giving the technology away for free. While this sometimes make finding good Internet technology businesses more difficult—it is capitalism at it's best.

However, many people fail to recognize the incredible waste in development dollars spent by companies who develop Internet products with the browser as the primary client-side interface. I don't really care who wins the browser war, just as long as their is a default standard—right now that standard exists because of the dominance of Internet Explorer. Companies like Microsoft (and AOL/Netscape included) will never be required to build browsers that adhere to standards...quite the contrary, they ignore the standard as a way to compete. This means that if there is no clear winner in the browser war, there are now competing standards with signficant marketshare. This means that products built to work on both the browsers, as they now must, are required to a) either spend vast amounts of capital developing work-arounds for the competing standards, or b) lower the bar with the functionality of their solutions to meet the lowest common denominator of what works in both browsers. Each vendor who gains market share increases this complexity exponentially.

While I was just fine developing for Netscape when it was the dominant browser, I was actually happy when Microsoft came along with a browser that, because it was bundled into the OS, was easier for people to adopt. This gave it massive marketshare (well over 80% today). With minimal effort we now support all versions of Internet Explorer and only the most popular versions of Netscape and achieve 96% market coverage. Just to make matters worse, the open source efforts at Netscape mean that the 6.0 version of the browser works completely different from it's predecessors and the vicious support cycle continues. Most people couldn't care less which browser they use, but to small companies trying to build the next generation of browser-based applications—life is hell when more than one browser has significant marketshare. Browsers are simple interface devices that should be bundled, should be free, and should either follow the standard, or set it.

I am asking you to please consider trying to support a position that does not make market conditions worse, dramatically worse, for small technology business—and to let Netscape die the death it deserves—and that the market has dictated.

Dan Burgin, CTO
Finali Corporation
Westminster, CO

MTC–00026656

From: Barry's—Shurhold
To: Microsoft ATR
Date: 1/27/02 7:29am
Subject: Microsoft Settlement

I think the proposed settlement is bad idea.

Barry Berhoff
Palm City, FL

MTC–00026657

From: Don
To: Microsoft ATR
Date: 1/27/02 7:34am
Subject: Microsoft settlement

Gentlemen,

I believe that the settlement agreed to by the DOJ and 9 states was a fair and equitable solution. Microsoft was a strong competitor in a new rapidly growing industry in which no one new for sure what form the internet would take, and all were looking for an advantage in developing the system which would be chosen as the standard for the industry. Microsoft developed the best system and made it available at low prices. This in turn has led to making the internet affordable to almost anyone. Systems much simpler sold for thousands of dollars just a few years ago. Microsoft surely hasn't hurt the consumer, as he is getting more bang for his buck than ever before.

I think AOL and some of the so called class actions appear to be more aimed at getting a piece of the pie, or more harrassment than any thing else. I think it is time to settle this as the other 9 states accepted, and let Microsoft get back to business. We, the consumers have certainly benefited greatly from their innovation and expertise.

Thank you,
Donald L. Bintliff
Pea Ridge, AR

MTC–00026658

From: DonMatson@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 7:33am
Subject: ''My fellings and concerns. ''

I have read and have been following reports of the Microsoft case in news papers and am concerned that this is turning into a witch hunt agains't Microsoft, the settlement was by far more than fair, this looks like to me to be another ATT case which broke up

a great company and no one was the better for it. Mircrosoft has done a great deal of good and I believe that this suit should end for the good of the whole country, I could go on but I believe you now know my feelings and concerns. thank you for allowing me to share thoses concerns.

Donald E. Matson, Erie,Pa.

MTC–00026659

From: Gordon W grigor
To: Microsoft ATR
Date: 1/27/02 7:32am
Subject: Microsoft Settlement

If you please, Sirs and Madams,

The arrogance displayed by Microsoft in its responses to the DoJ REQUIRE a serious punitive reaction. A serious breaking down of its software divisions, contempt citings for management and financial penalties are the only suitable responses.

yours
Gordon Grigor

MTC–00026661

From: good-dog@northshore.net@inetgw
To: Microsoft ATR
Date: 1/27/02 7:43am
Subject: Microsoft Settlement

Dear Department of Justice;

The proposed settlement with Microsoft (MS) is much too weak to be an effective punishment. I believe this company thinks it can get away with just about anything if it uses words to disguise its true intentions. They are guilty of misleading

In specific, the Educational aspect of the settlement, which would allow MS to give away products and to ''sign up'' people to use their products for bargain basement prices, is appalling. MS believes they're being fair and generous with their offer, but if they really want to make amends, I second Apple CEO Steve Jobs'' idea that MS give only cash for the face value of the settlement rather than product that is actually worth much less.

If you look at the true cost to MS, the real cost of the products they want to give away will not even come close to the retail value. This seems like a typical MS strategy of subterfuge. The equipment, software and support proposed by MS to be given to schools and the alleged price of such a giveaway is not in any way causing MS to ''pay''. Rather, it's a recruitment move by MS and it will hurt competitors. This would only encourage their monopolistic behavior to continue in the future. What a bargain for MS. No wonder they are excited about their idea!. Please don't let MS get off scott-free with some gentle hand-slapping. They have very deep pockets. Their actions deserve serious consequences. Why would you go lenient on them yet go full tilt on smaller fish? It'd be a slap in the face of all that the United States of America stands for in terms of justice.

You've got MS where you want them, and you can do the general public a huge favor, help to foster fair business practices in the future, and serve justice by punishing these people where it hurts the most; in their wallet and in their reputation. Make them pay royally and do not allow them to create another monopoly in education with their phony giveaway idea.

Thanks.
Mark Winter

MTC–00026662

From: John Stevenson
To: Microsoft ATR
Date: 1/27/02 7:42am
Subject: Microsoft Settlement

I thought that Microsoft had been found in court to have engaged in anti competitive practices. These practices damaged some smaller companies and left them weaker and/or unable to compete except in niche markets. I see NO signs in this proposed judgement that any attempt is being made to manufacture large strong competitors in a manner that would balance the playing field.

Where is justice in this?

Companies ''killed off'' or seriously damaged by Microsoft's illegal actions have—what redress?

Even for the future what serious levelling of the playing field has been done? I support the suggestion that Microsoft be forced to give cash rather than Microsoft's own products (advertising/training of the next generation of potential purchasers into the Microsoft world) to the disadvantaged schools. Even better might be to force them to make at least part (say—third cash/third competing/third their own—all by retail price) of the ''donation'' in open source competing products so that the new generation of schoolchildren are exposed to more than Microsoft based computing systems. How big will the total real value of the ''donation'' have to be to really punish them—the figures I have seen do not look like a punishment—just a slap on the wrist for this giant predatory monopoly who used illegal methods to advance their position. I suggest that since Microsoft have used their illegally obtained virtual monopoly on software to take control world-wide—the schools ''donation fine'' (as modified above) should be applicable world-wide and should be massively increased.

The USofA so often sets itself up as the maintainer of Justice and Righteousness for the world—the setter of the standards—let us see it publicly discipline ''one of its own'' which has been found guilty of illegal practices that have damaged many people and companies world-wide.

Yours
John Stevenson

MTC–00026663

From: Shirley A Hackenberger
To: Microsoft ATR
Date: 1/27/02 7:59am
Subject: Others are Jealous

It's time to end this costly battle over Microsoft, others are just jealous. No sense in dragging out this battle, please put a end to this now.

Shirley Hackenberger

MTC–00026664

From: Jo Gimse
To: Microsoft ATR
Date: 1/27/02 8:11am
Subject: ''Microsoft Settlement.''

PLEASE END THIS FIGHT AND MAKE A SETTLEMENT SO WE SENIORS CAN GET ON WITH LEARNING THIS COMPUTER AND ENJOY IT. WE ARE SO VERY SORRY SOME RICH WANT TO GET RICHER BUT YOUR COMPANY HAS

SHOWN TO US THAT YOU CARE ABOUT THE PEOPLE, BY GIVING OF YOUR SELF AND YOUR PRODUCTS TO THE SCHOOLS, WHICH THEY NEED AND REALLY APPRECIATE.

WE SEE NO WRONG IN ANY ONE GETTING AHEAD BY THEIR BRAINS AND WE SAY, HIP HIP HURRAH FOR YOU.

WE HOPE THEY GET OFF YOUR BACK SOON, AND LET THE WORLD GET ON WITH THEIR LIFE WITH YOUR MICROSOFT. IF THE COMPETITORS WANT TO GET BETTER LET THEM BUT DO THEY HAVE TO DOWN GRADE YOU TO DO IT, NO NO NO !! GOOD LUCK AND WE PRAY YOU GET THIS OUT OF THE WAY SO YOU CAN GET ON WITH ALL THE WONDERFUL THINGS YOUR COMPANY DOES, AND DOES SO WELL.

SINCERELY,
JO & JAMES GIMSE
4829 SOUTH 7TH STREET
TACOMA, WASHINGTON 98405–1206

MTC–00026665

From: Susan M Hansen
To: Microsoft ATR
Date: 1/27/02 8:03am
Subject: Microsoft Settlement: No Good!

The proposed settlement is a bad idea.

I agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html). I believe that thecourt should reject the proposed USDOJ vs Microsoft final judgment and instead adopt the remedies in the proposed final judgment of the nine states as the final judgment.

Sincerely,
Susan M Hansen
100 Rosewood Rd.
Rocky Pt., NY 11778

MTC–00026666

From: Patricia Riendeau
To: Microsoft ATR
Date: 1/27/02 8:16am
Subject: Microsoft Settlement
1670 SE Chello Lane
Port Saint Lucie, FL 34983
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Our country is based on our desire to succeed. We cherish the ideals that have made this a great nation. Why punishment when success is ''too'' great? Finally, after three long years, this whole matter seems on the verge of being over and done with. Microsoft was wrongfully prosecuted for being a monopoly and it is high time that this whole matter is resolved so that they can get back to business as usual.

They have such a desire to see this case over and done with that they have made extreme concessions that would normally never be expected of any other business. No other company would be expected to give over its trade secrets so that its competitors could get a leg up. But that is precisely what Microsoft is called upon to do and expected

not to retaliate when their products are squeezed out of the market.

I hope that such extreme measures will satisfy everyone, but I'm sure that there are some people who won't give up until they get a personal check from Microsoft. I hope that these people see just how much that this lawsuit is hurting the average American who depends on Microsoft products.

Sincerely,

Patricia Riendeau

MTC–00026667

From: Art Sullivan
To: Microsoft ATR
Date: 1/27/02 8:30am
Subject: Microsoft Settlement

I am a corporate developer and what I see in the settlement does not addrress the major problem I have .

Microsoft with every release appears to exclude more and more software competitors. They are doing this by making middle ware none functional or none addressable.

I suggest the actions outlined below be address.

Thank you for your conmsideration

Art Sullivan

3 Haymount Terrace

Briarcliff Manor, NY 10510

Action

Establishment of a Windows API Standards Expert Group To clearly and unambiguously establish what is required, technically and legally, for an Intel-compatible operating system to install and run Windows applications properly, the Court shall take the following actions with the goal of creating and maintaining an Essential Windows APIs Standard Definition and corresponding Essential Windows APIs Standard Compliance Test Suite:

1. Within 60 days of entry of this Final Judgment, the parties shall create and recommend to the Court for its appointment a six person Windows API Standards Expert Group (''WASEG'') to manage the creation, publication, and maintenance of an Essential Windows APIs Standard Definition, and to guide it through the process of being adopted by a standards body such as ECMA or the IEEE.

2. Three of the WASEG members shall be experts in software design and programming, and three of the WASEG members shall be experts in intellectual property law. No WASEG member shall have a conflict of interest that could prevent him or her from performing his or her duties under this Final Judgment in a fair and unbiased manner. No WASEG member shall have entered into any non- disclosure agreement that is still in force with Microsoft or any competitor to Microsoft, nor shall she or he enter into such an agreement during her or his term on the WASEG. Without limitation to the foregoing, no WASEG member shall have been employed in any capacity by Microsoft or any competitor to Microsoft within the past year, nor shall she or he be so employed during his or her term on the WASEG.

3. Within seven days of entry of this Final Judgment, the Plaintiffs as a group shall select two software experts and two intellectual property law experts to be members of the WASEG, and Microsoft shall select one software expert and one intellectual property law expert to be members of the WASEG; the Plaintiffs shall then apply to the Court for appointment of the persons selected by the Plaintiffs and Microsoft pursuant to this section.

4. Each WASEG member shall serve for an initial term of 30 months. At the end of a WASEG member's initial 30-month term, the party that originally selected him or her may, in its sole discretion, either request re-appointment by the Court to a second 30-month term or replace the WASEG member in the same manner as provided for above.

5. If the United States or a majority of the Plaintiffs determine that a member of the WASEG has failed to act diligently and consistently with the purposes of this Final Judgment, or if a member of the WASEG resigns, or for any other reason ceases to serve in his or her capacity as a member of the WASEG, the person or persons that originally selected the WASEG member shall select a replacement member in the same manner as provided for above.

6. Promptly after appointment of the WASEG by the Court, the united states shall enter into a Windows API Expert Group services agreement (''WASEG Services Agreement'') with each WASEG member that grants the rights, powers and authorities necessary to permit the WASEG to perform its duties under this Final Judgment. Microsoft shall indemnify each WASEG member and hold him or her harmless against any losses, claims, damages, liabilities or expenses arising out of, or in connection with, the performance of the WASEG's duties, except to the extent that such liabilities, losses, damages, claims, or expenses result from misfeasance, gross negligence, willful or wanton acts, or bad faith by the WASEG member. The WASEG Services Agreements shall include the following:

1. The WASEG members shall serve, without bond or other security, at the cost and expense of Microsoft on such terms and conditions as the Plaintiffs approve, including the payment of reasonable fees and expenses.

2. The WASEG Services Agreement shall provide that each member of the WASEG shall comply with the limitations provided for in section IV.E.2. above.

7. Microsoft shall provide the WASEG with funds needed to procure office space, telephone, other office support facilities, consultants, or contractors required by the WASEG.

8. The WASEG shall not have direct access to any part of Microsoft's computer software source code that is not normally available to all ISV's. The WASEG shall not enter into any non-disclosure agreements with Microsoft or third parties. No implementations of any Windows APIs shall be written or published by the WASEG.

9. The WASEG shall have the following powers and duties:

1. The WASEG may require Microsoft to provide comprehensive answers to questions about Microsoft intellectual property claims.

2. The WASEG may require Microsoft to provide comprehensive answers to questions about the inputs, outputs, and functionality of any Windows API; in particular, the WASEG may compel Microsoft to provide complete documentation for hitherto undocumented or poorly-documented Windows APIs.

3. The WASEG may engage, at the cost and expense of Microsoft, the services of outside consultants and contractors as required to fulfill the duties of the WASEG.

4. The WASEG shall establish a publicly available web site not owned or otherwise controlled by Microsoft, and will publish status reports and other information there at least as often as once per month. Documentation on the web site shall be made available subject to the terms of the GNU Free Documentation License; test suite source code made available on the web site shall be made available subject to the terms of the GNU General Public License.

5. The WASEG shall compile a complete list of Windows APIs, including for each API the DLL name, entry point name, entry point ordinal number, return value type, and parameter types. Within 90 days after the WASEG is convened, and on the 1st of each month thereafter until complete, the WASEG shall make the currently completed portion of this list available via its web site. The WASEG shall use tools such as Apius from Sarion Systems Research to verify that the list of Windows APIs is indeed complete, and that installing or running any Popular Windows Application does not cause any unlisted Windows API to be invoked.

6. The WASEG shall compile a complete list of Essential Windows API patents and patents pending, and which Windows APIs each patent covers. The WASEG shall compile this list by asking Microsoft for a complete list of Essential Windows API patents and patents pending, and then determining which Windows APIs are likely to be covered by each patent or patent pending; the WASEG shall use the World Wide Web Consortium's document www.w3.org/TR/2002/NOTE-patent-practice-20020124 as guidance. Within 180 days after the WASEG is convened, and on the 1st of every month thereafter until complete, the WASEG shall make the completed portion of this list available via its web site.

7. The WASEG shall compile documentation for the above list of Windows APIs, including a complete description of the meanings of the return values and parameters, and the effects of the API. The documentation should be composed in a style similar to that used for the Single Unix Specification documentation (http://www.UNIX-systems.org/go/unix). Within 180 days after the WASEG is convened, and on the 1st of every month thereafter until complete, the WASEG will make available the currently completed portion of this documentation via its web site.

8. When the three documents described above—the list of Windows APIs, the list of Essential Windows Patents, and the documentation for the listed Windows APIs—is complete, the WASEG shall undertake to submit them to a standards body such as ECMA or the IEEE as a Public Windows APIs Standard Document, and to make such enhancements and revisions as needed to gain the acceptance of that document as a standard.

9. The WASEG shall create an Essential Windows APIs Standard Compliance Test Suite, and publish it on the WASEG web site subject to the GNU General Public License, according to the following schedule: Within 180 days after the WASEG is convened, the WASEG shall publish test cases for at least fifty Windows APIs. On the 1st of each month thereafter, the WASEG shall publish test cases for at least another fifty Windows APIs; this shall continue until a complete Essential Windows APIs Standard Compliance Test Suite is available on the web site.

10. In the event that a planned update to Windows or any other Microsoft product is expected to result in the creation of new Windows APIs, the WASEG shall create addenda to the above documents and test suite covering the new APIs, make them available via its web site, and undertake to submit them to the same standards body as above as an addendum to the standard.

MTC–00026668

From: John Bork
To: Microsoft ATR
Date: 1/27/02 8:38am
Subject: Microsoft Settlement

To Whom it May Concern:

Pursuant to the Tunney Act, I am writing to comment on the proposed settlement of the United States vs. Microsoft antitrust case. Background:

I am resident of the State of Ohio and a professional computer programmer who works in both Microsoft and non-Microsoft environments. I have been using microcomputers for over 20 years, and have witnessed Microsoft monopolize the PC world. Lately, however, there seems to be a glimmer of hope in the proliferation of the Linux operating system, which indeed Microsoft has recognized as its greatest potential threat.

Specific Failing in the Proposed Settlement:

The Proposed Settlement does not recognize the unique contribution of the Linux operating system and the so-called ''open source movement'' to regenerating a competitive market in the PC software business. I executed a search on the Revised Proposed Final Judgment and found no mention of Linux. As for details, I defer to more competent analysts such as Jeremy P. White, CEO of Codeweavers, Inc., and Dan Kegel, who have already submitted comments.

Closing Comments

It is obvious that in the years that this case has progressed, Microsoft has taken steps to further integrate the functionality of its Internet browser into the underlying operating system. The ''.NET Framework'' Microsoft is now promoting will further extend the reach of their monopoly. Without an immanent settlement or other legal relief, the advance of Microsoft as the default software provider in the PC world only grows stronger. Eventually, there will be no relief possible. As an American and a professional computer programmer, I fear the loss of this freedom.

Sincerely,

John Robert Bork

Findlay, Ohio

MTC–00026669

From: Steve Weller
To: Microsoft ATR
Date: 1/27/02 8:49am
Subject: Microsoft Settlement

I don't like the settlement terms because it will make it difficult for companies like CodeWeavers to put such fine products as Wine.

Steve Weller
Steve Weller
P.O. Box 3528
Newport Beach, Ca 92659

MTC–00026670

From: Mac
To: Microsoft ATR
Date: 1/27/02 8:55am
Subject: Microsoft Settlement

I am a professional marketing and advertising person using an Apple platform computer.

I hope the the DOJ breaks up Microsoft into smaller companies that allow more competition in software and hardware development. The Windows OS should be a separate and non-linked program. Having Internet Explorer as a web browser on an Apple OS computer is a real problem. When installed, it will set itself as the default web browser, even though it is installed NOT AS A DEFAULT in it's own set up process.

It sets too many default preferences for Microsoft products. If Internet Explorer is installed, it will set Outlook Express as a default email program, even when it is not installed on the computer. It also installs preferences for components in the Office suite (iE: Excel, PowerPoint, Word,etc) even though these ARE NOT INSTALLED on the computer. This forces me to have to go through several ''preferences'' control panels to reset the email program back to either Eudora or Netscape as the default email program. When installing Internet Explorer, there are NO OPTIONS to prevent this. One must install the entire program with other computer preferences being changed without my approval.

There is also, no provision in Internet Explorer to UNINSTALL it from any computer. One must search the hard drives for any and all components that are part of the program. If these are not removed, the computer will crash and other browsers, like Netscape cannot run until they are gone.

Microsoft does make some good products, but when their products reset my preferences, without my approval, this shows how inconsiderate they are of other platforms and software manufacturers. Please break up the company into two.

(1) One for the operating system and one for the other softwares.

(2) Require all Microsoft installers to have specific and individual options for what is or IS NOT installed on any computer. Microsoft has no right to decide what softwares I want or need and should not be allowed to atuomatically install prefences, programs, links or any other component that is not vital to the web browsers operation. I should be able to choose what is installed.

Joe Maltby

gbdesign@new.rr.com

MTC–00026671

From: royerfe@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 8:57am
Subject: Microsoft Settlement

Please end this litigation NOW!!!

MTC–00026672

From: Jeff Bonar
To: Microsoft ATR
Date: 1/27/02 9:04am
Subject: Microsoft Settlement

To Whom it May Concern:

Pursuant to the Tunney Act, I am writing to comment on the proposed Department of Justice (DOJ) settlement of the United States vs. Microsoft antitrust case.

Background:

I am the founder and CEO of JumpStart Wireless Corporation. We develop wireless software applications available for 1/10th the cost of wireless software using convention techniques. As the leader of a small software company, I read the proposed Microsoft settlement with dismay. Microsoft has used it's monopoly position in desktop operating systems (OS) to effectively kill off all competition in the desktop software and small network space. Their business actions over recent months, with the release of the Windows XP operating system, indicate that they have their eyes in similarly killing off competition for multimedia applications and network services—their ''.Net'' initiatives.

Similar business behavior for Wireless software is only a matter of time. Already Windows CE, Pocket PC, and the code-named ''Stinger'' phones are marketed using techniques that leverage Microsoft's desktop monopoly.

Software and information technology is a critical part of the evolving ''Information Age''. To allow one company to dominate leverage their monopoly to dominate major segments of information technology costs all of us—the market cannot function to produce innovation.

I feel strongly that the settlement of Microsoft's monopoly case should provide real, strong, and effective remedies that force Microsoft to compete on a level playing field.

Specific Failing in the Proposed Settlement: 1. The DOJ settlement should restrict the core way in which Microsoft unlawfully maintains its Windows operating system (OS) monopoly, namely bundling and tying competing platform software (known as ?middleware?) like Web browsers and Java, to the OS. While technically obscure, these components are the engine of innovation in the emerging world of networked and wireless applications. Particularly offensive, for example, is the Windows XP decision to treat all Java applications as security threats.The Court of Appeals specifically rejected Microsoft's petition for rehearing on the bundling issue, yet the proposed settlement does nothing about it

2. The DOJ settlement has no provisions to create competition in the OS market that Microsoft unlawfully monopolized. The DC Circuit ruled that a remedy must ?unfetter [the] market from anticompetitive conduct? and . . . ?terminate the illegal monopoly,? but

the DOJ deal does nothing to restore competition with Windows. Most critical, the new settlement should put complete documentation of the detailed Windows information (known as ?APIs?) in the public domain. Because this is technically quite difficult without the release of information that Microsoft withholds from most developers, Microsoft must be compelled for fully cooperate in this activity. As currently formulated, the DOJ settlement only reinforces the Windows monopoly.

3. The DOJ settlement has no provisions directed to new markets where Microsoft is using the same bundling and restrictive practices to preserve and extend its Windows monopoly. Microsoft continues to demolish potential competition in new markets just as it did in 1995–98 to Netscape. The Court of Appeals ruled that a remedy must ?ensure that there remain no practices likely to result in monopolization in the future,? but the DOJ deal does not even try to restrict ways in which Microsoft could (and already has) leverage its Windows monopoly in the future.

Closing Comments:

I have focused my comments here on how the proposed settlement would affect JumpStart Wireless Corporation. I have been particularly helped by the analysis published by the Computer and Communication Industry Association at http://www.ccianet.org/papers/ms/sellout.php3.

I feel that the proposed settlement has other serious flaws. To that end, I would like to echo the comments made by Dan Kegel, whose comments can be viewed at http://www.kegel.com/remedy/letter.html. I strongly support his overall comments on the proposed settlement and would like to add my voice to his.

To whoever is reading this, I realize that you have had to wade through a lot of material. I very much appreciate your time and effort.

Sincerely,
Jeff Bonar
CEO JumpStart Wireless Corporation
Jeffrey Bonar, Ph.D
JumpStart Wireless Corporation
398 West Camino Gardens Blvd #204
Boca Raton, FL 33432
561–347–6710
jeff.bonar@jumpstartwireless.com

MTC–00026673

From: runningfree1@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 9:04am
Subject: As a 20 year computer user, I want to voice my disapproval

As a 20 year computer user, I want to voice my disapproval of all the attacks on Microsoft. The state of our economy is in part do the the JHAD the Justice Department has made on Microsoft. Consider, if not for Mircosoft you would not likly be able to run your computer. If you think not just try using DOS, or UNIX or the 20 other operating sustem's on the market. Windows made it so any idiot can run a computer which caused millions of people to buy a computer. A few jealous competitors and sympathetic government bureaucrats is not a good reason to wrack havoc on a America dream company.

Gilbert J Smith

MTC–00026675

From: loimcar@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 9:17am
Subject: microsoft settlement

I support settlement of microsoft issue as best for the citizens of this country.

Lois M Carter

MTC–00026676

From: papaw75@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 9:23am
Subject: Microsoft Settlement

I feel very strongly that the Justice Department should accept the Microsoft settlement and do NO further litigation on this matter. I believe accepting the settlement will be good for the economy and all parties concerned.

Orbin M. Sexson
105 Patterson Dr.
Au8burndale, FL 33823–2323

MTC–00026677

From: cholley@duke.edu@inetgw
To: Microsoft ATR
Date: 1/27/02 9:24am
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear DOJ,

As an avid computer user, I have been following the Microsoft Antitrust case with interest for several years now. In light of the recently proposed settlement, I am very disappointed in the proposed remedies and I would like to focus on two points:

1. The remedies do nothing to protect the interests of open-source software, such as the Linux operating system and Apache server software. These open-source projects represent some of the few remaining alternative to Microsoft products and must be protected.

2. The proposal does nothing to address the Microsoft .NET project, which is aimed to replace the wonderfully platform-independent Java programming language with yet another Microsoft product. This will allow Microsoft to even further leverage their stranglehold on the Windows operating system by eventually dropping support for Java.

I know that a great many individuals have expressed their own disappointments with the Microsoft Settlement—thank you for taking the time to read mine.

Sincerely,
Christpher Holley
Durham, NC
Medical Student
Duke University
Department of Pharmacology and Cancer Biology
phone: 919–613–8625
fax: 919–681–1005

MTC–00026678

From: Ron E Tecklenburg
To: Microsoft ATR
Date: 1/27/02 9:26am
Subject: Microsoft Settlement

Dear Sir

I am a senior citizen and would like you to know that if it wasn't for Microsoft Windows I would not even be using a computer.Thanks to Microsoft me and thousands like me are doing very well with computers. I hope you will drop the charges against Microsoft Corp.

Thank You
Ronald E. Tecklenburg
2839 Elk Peak Ct.
St. Louis MO. 63129–5706

MTC–00026679

From: Otto C Grummt
To: Microsoft ATR
Date: 1/27/02 9:28am
Subject: Microsoft Settlement

Dear Sir or Madam,

I am just an ordinary citizen who has been following the actions against Microsoft. As such, I have been concerned about the apparent government actions as a plan to ''get Microsoft''. The actions of Judge Penfield Jackson were particularly inappropriate, in my opinion.

I want to be counted among those who oppose further action against Microsoft. I strongly believe that the proposed settlement offers a reasonable compromise that will enhance the ability of seniors and all Americans to access the Internet and use innovative software products to make their computer experience easier and more enjoyable.

Thank you for allowing me to express my opinion.

Otto Grummt
11104 Flora Lee Dr.
Fairfax Station, VA 22039

MTC–00026680

From: Andy Pasulka
To: Microsoft ATR
Date: 1/27/02 9:30am
Subject: Microsoft Settlement

I do not believe that Microsoft's proposal for a settlement to their antitrust suit is satisfactory in the least. They have proposed their settlement

1. to effectively take squatter's rights on a slice of the educational market they can't win by ordinary measures and

2. to put those users and organizations on the Microsoft upgrade treadmill.

Their proposal does nothing to address the original DOJ complaints, and in fact, reasserts their predatory nature on the marketplace. Please do not accept their proposal.

ANP

MTC–00026681

From: Brian Gockley
To: Microsoft ATR
Date: 1/27/02 9:32am
Subject: Microsoft and Monopolys

Thank you for taking the time to read this letter. Thank you also for you persistent efforts to review this large and important case. I have very little to say that has not already been said, but would like to take this opportunity for public input to do so. I have small business experience with several Operating Systems including Windows, Macintosh, Atari and Amiga. I was a

computer store manager that sold these products, a trade publication journalist and a trade show promoter who ran computer shows in CT.

In all of these positions, we were always pushed as much by individual buyers as by Microsoft into selling Windows. Even though most people recognized it as an inferior product, the fact that they used it at work was the determining factor in what they purchased for home use. In theory, this is how the free market is supposed to work: unfettered competition bringing out the best product as the market winner, with a great deal of innovation.

It is hard to argue that there has not been innovation in the computer industry, however, the question is whether it was encouraged or restricted by Microsoft's Windows OS. I think the challenge for the judge is discerning how the mechanics of the industry mean that the OS that sits on top of the hardware controlled instead of opened the market. Because the OS and the hardware have been linked, software developers and programmers have had to write separate versions of all their program. If any one of the companies could have written software that ran on anyone's hardware, then we would have had a very different market, Instead, great innovations like the Atari OS, the Amiga OS, the NeXT OS, GeOS and others would still be around. Other innovations like the Unix/Linux development would not have had to duplicate simple programs like word processors, etc. to run on their own OS. The loss of the code and development time that these innovators wasted is directly because of the unbreakable link between the Intel hardware and the Microsoft software.

The field is far from level, thank you for addressing the manner in which this situation has developed. I hope that your solution encourages innovation and open standards.

Thank You,
Brian Gockley

MTC–00026682

From: Harold L. Burnsed
To: Microsoft ATR
Date: 1/27/02 9:32am
Subject: Microsoft Settlement

I think it would be in the best interet of all concerned to accept this settlement and put it to bed. The cost is getting out of control and no reasonable excuse for it. Let's get on with economy and other issues that face this nation.

Thanks for your consideration to accept the settlement and move forward

Harold L. Burnsed
8612 Rancho Drive
Ooltewah, TN 37363
hburnsed@juno.com

MTC–00026683

From: GERHARD (038) ERIKA DIESENER
To: Microsoft ATR
Date: 1/27/02 9:42am
Subject: Letter to the GENERAL ATTORNEY MR. ASHCROFT.

Dear Microsoft.

My letter was send a couple of days ago to the attorney general Ashcroft. I was very pleased with your draft it realy expressed my thought.

Gerhard Diesener
E-mail. gerderika@ isni.net

MTC–00026684

From: jackchro
To: Microsoft ATR
Date: 1/27/02 9:43am
Subject: free to innovate

Microsoft has inhibited the growth of a very wide range of companies for many years. ONLY the government has the power to protect all of our other software and hardware providers. Clear and accurate evidence was presented, and Microsoft was found guilty. Since when and where do those found guilty get to decide their own punishment? The states that have held out from the settlement are acting on behalf of the citizen and consumer. They need to be respected and heeded. Break the monopoly and let those who truly innovate be free from unfair business practices.

MTC–00026685

From: Dorothy G Munoz
To: Microsoft ATR
Date: 1/27/02 9:46am
Subject: Microsoft Settlement

Gentlemen:

In the best interest of the public in general, especially Senior Citizens, please complete the compromise settlement with Microsoft now.

Thank you.
Sincerely,
Dorothy G. Munoz
DGM6377@juno.com
190 SW 3 St.
Dania Beach, FL 33004–3927

MTC–00026686

From: John Steiner
To: Microsoft ATR
Date: 1/27/02 9:48am
Subject: Microsoft Settlement

Dear Department of Justice:

We are in complete agreement with the following from Computers for Computing Choice regarding the Microsoft case:

Sincerely,
John Steiner and Margo King
Boulder, Colorado

Microsoft has twice been found guilty of serious violations of the

Sherman Antitrust Act, by a federal District Court and by the United States Court of Appeals. While the Court of Appeals reversed the breakup order issued by the District Court, it upheld the trial court's Findings of Fact and affirmed that Microsoft is guilty of unlawfully maintaining its monopoly.

The Court of Appeals ordered the District Court to hold proceedings to fashion remedies that restore competition and deprive Microsoft of the fruits of its illegal conduct.

The Department of Justice is attempting to prevent these proceeding by entering into a settlement with Microsoft that preserves its monopoly power, does virtually nothing to restore competition, and leaves Microsoft with all of the ill-gotten gains from illegally maintaining its monopoly.

The settlement will still allow Microsoft to extend its triple monopoly in operating systems, office applications, and Internet applications. This triple monopoly leaves Microsoft in a position to capture control of the Internet in the same way it gained control of the desktop.

Microsoft is already planning a future in which you will rent its software as a set of services over the Internet. Microsoft will then monitor your computing activities and charge you for them. Essential services will be dependent on databases that store much of your private information at Microsoft data centers and run your transactions through them. The only way to stop this is to restore competition in operating systems, office applications, and Internet applications now.

Consumers for Computing Choice believes that any settlement or Final Judgment must include remedies that provide:

(1) A simple, affordable, and reliable way to run the 70,000 existing Windows applications without modification on all other operating systems.

(2) A simple, affordable, and reliable way to have native versions of Microsoft Office applications on all other operating systems.

(3) A simple, affordable, and reliable way to replace one or more of the four Office applications with competing applications, while retaining the ability to exchange files, data, and services with any Microsoft application.

(4) A simple, affordable, and reliable way to have native versions of Explorer, Media Player and other Microsoft Internet applications on all other operating systems.

(5) A simple, affordable, and reliable way to replace one or more Microsoft Internet applications with competing applications, while retaining the ability to exchange files, data, and services with any Microsoft application.

(6) A simple, affordable, and reliable way to replace any component or feature in any Microsoft software product with superior or special purpose components or features.

(7) A simple, affordable, and reliable way to run any Microsoft software on computers that do not have Intel-compatible microprocessors.

(8) A simple, affordable, and reliable way for software developers to access all the information they need to create products that offer consumers these choices.

(9) A way to ensure that original equipment manufacturers provide consumers with equal access to computers with alternative operating systems, productivity applications, and Internet applications.

(10) A ''crown jewel'' provision establishing such serious consequences for non-compliance that Microsoft will not attempt to evade the necessary disclosure requirements and other mandates.

MTC–00026687

From: Marvin E Petersen
To: Microsoft ATR
Date: 1/27/02 9:54am
Subject: settleing of Microsoft suit.

I feel that the settlement offered is in the public interest and I want you to settle with M. S. now . they are helpful and not a threat to the selfish competetors. Do it Now.

Marvin Petersen.

MTC–00026689

From: Shawn Cooper
To: Microsoft ATR
Date: 1/27/02 9:59am
Subject: Microsoft Settlement

Dear Renata B. Hesse:

I am very disappointed in the way the Department of Justice settled the Microsoft anti-trust case. What disappointed me most about the settling of this case was the the Department of Justice (DOJ) did not work to seek a remedy that all the suing States accepted. It's my opinion that since the DOJ partnered with the State's to sue Microsoft for anti-competitive practices, then the DOJ should have followed though by creating a settlement that all participants could back.

Sincerely,
Shawn Cooper
4509 Broadway #305
Kansas City, MO 64111

MTC–00026690

From: Timothy Huenke
To: Microsoft ATR
Date: 1/27/02 10:01am
Subject: Please don't settle this!!

Bill Gates and his croneys are criminals. Period. He and his crew have done nothing more than lie, cheat and steal their way to the top. If you don't believe me research the history of the company. So many technological advances have fallen into obscurity because of their business practices it's not even funny. Have you ever seen the BE Operating System? What happened to Word Perfect? Why won't some official admit publicly that Microsoft's entire operating system is nothing more than a cheapened knock-off of the Macintosh Operating System. Letting MS ''get away with it'' one more time just proves that money will get you anything.This does nothing more than make honest citizens and business both equally jaded and despondent.

Here's an idea for a settlement: Tell Microsoft to put it's money where it's mouth is, and let's see how ''innovative'' Billy and his team really are. Sequester off the entire design staff of Microsoft for six months letting them have no contact with the outside world. During that time order them to come up with something entirely new and ''innovative'' for the computer industry. What do you think they would come up with without having other companies ideas to steal? I'll tell you what, you'd get zip out of them. That's because the heads of Microsoft are not creative, innovative folks.

I wouldn't even take into consideration the economic effects of any punitive damages on MS. Even if the company was utterly destroyed, (which in my opinion is the best answer) the technology sector would still thrive. It would simply clear the way for a more competitive tech sector that would rise to new heights unimagined by stock analysts today. I'm sure that there are companies afraid to produce software innovations today because of the fear and loathing imposed by the ''Bullies of Redmond''.

Do the public a favor for once and properly punish these criminals and treat them for what they are: Technological Cosa Nostra.

Tim Huenke

MTC–00026691

From: Kevin O'Neill
To: Microsoft ATR
Date: 1/27/02 10:03am
Subject: Microsoft Settlement

Greetings,

I say don't let up on them. A large past of their success is based on unfair practices. As a consultant, they have made my like difficult over the years by making it harder or even impossible to install competitor's software.

They have been devious at the cost to the user. Favoritism is unfair to the little guy.

Regards,
Kevin O'Neill
Paso Robles, CA

MTC–00026693

From: Holly
To: Microsoft ATR
Date: 1/27/02 10:05am
Subject: Microsoft Settlement

I am a private citizen writing to register my complaints against Microsoft, and my hope that the Department of Justice might actually look at the issue of Microsoft's essential monopoloy of the software marketplace from the point of view of an ordinary user. MS has developed a wide variety of nice software. However, it's also infamous for bugs and security risks.

Why? Because they care only about controlling the market so they can make the most money possible. Their goal is not to make a reasonable amount of money while serving people well, but to maximise their profit while minimising their investment of money and time. Quality is always the first sacrificial victim of such a mindset. This is the same kind of reasoning that has gotten our planet into such trouble, environmentally, socially, politically....you name it.

As long as the primary goal is making money, and that goal is not at least marginally balanced by a willingness to look down the road at the future, we will have software that crashes computers and doesn't deliver what the hype promised. I wonder just how much wasted time there is in business alone, brought about by MS's buggy programs? How many problems due to viruses, thanks to MS's sloppiness about program security? I'm no expert on these subjects. But I am a Microsoft program user, because there's NO EFFECTIVE competition, due to MS's stridently irresponsible marketing. As a user, I have to constantly back up things, I have to be constantly wary about viruses, I have to assume that new releases will be less stable than old. Surely it's obvious that these mindsets don't advance business, or research, or anything other than MS's income?

I sincerely hope you will look at these issues with the big picture in mind. What will tomorrow's computing future look like with MS in the driver's seat?

Thank you,
Holly Shaltz
http://www.hjsstudio.com
http://www.shaltzfarm.com

MTC–00026694

From: Jim
To: Microsoft ATR
Date: 1/27/02 10:06am
Subject: Microsoft Settlement
821 Cross Street
Destin, FL 32541
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my disgust at the lengthy and costly lawsuit brought against Microsoft over the last three years. Microsoft has been a pillar of our Technology industry creating jobs, generating wealth, and making technological breakthroughs. As a proponent of free enterprise, I think the government needs to stop sticking their noses into private business matters.

The terms of the settlement are very harsh and will inhibit Microsoft's ability to be competitive especially the stipulation forcing then not to enter into third party agreement that obligates exclusive distribution of Microsoft products. Also, forcing them to disclose interfaces that are internal to Windows operating system products seems to be a violation of their intellectual property rights.

Nevertheless, it is in the bets interests of the American public for the litigation to end, so I urge your office to implement the settlement and suppress the opposition from bringing future lawsuits.

Thank you.
Sincerely,
Jim Lundstrom
cc: Representative Jefferson Miller

MTC–00026696

From: DeP's
To: Microsoft ATR
Date: 1/27/02 10:06am
Subject: Microsoft Settlement

Dear Sir,

I am part of a worldwide network that is working on getting the BeOS or equivalent back into the market place. This new OS will have unique & specifics features a part of the classic general computer characteristics. but there is no hope of success if the following issues aren't addressed :

*MS Office and Windows are too close to let consumers choose between several OSs. Working on medias on BeOS (because of its unique features and low cost applications), I has sometimes letters to send and because MS Office monopoly, I have no choice than boot on Windows and work on MS Word. MS Office needs to be opened, so that developers interested in porting it or understanding the document formats can do so either in form of a source code licence or an allowance to see it, check it and ''clone libraries'', so that applications on non- Windows OSs can read and write MS Office formats for flawless interaction with Windows users.

*All the OEM Microsoft should be able to propose a ''dual boo'' for an alternative operating system if the consumer wants it. With dual booting, consumers will be able to compare closely the characteristics of teh OS and chose. The pressure of Micorsoft on the

OEM leave the alternative OSs as ''geek toys''. ''TuneTracker'' application let you build a fully automatic radio with half the price comparing to Windows applicatiosn.

*The Win32 API needs to be made available (incl. undocumented APIs) so that WINE can be successfully ported not only to BeOS but other OS too.

*The file system needs to be opened, so that BeOS users can continue to access files on non-BFS partitions. This should restore and improve competitiveness in the computer market and improve consumers benefits. This should certainly let me choose between all the products available in the market.

Best Regards
Damien-Pierre LESOT
12, Rue Blomet
75015 PARSI
FRANCE

MTC–00026697

From: Russ Britton
To: Microsoft ATR
Date: 1/27/02 10:07am
Subject: MICROSOFT SETTLEMENT

We are in favor of the agreement. It's time for the Justice Department to spend more time on going after terrorists and less time going after Microsoft on behalf of AOL Time Warner.

Russ & Donna Britton

MTC–00026698

From: Tim Harper
To: Microsoft ATR
Date: 1/27/02 10:10am
Subject: Microsoft Settlement

This settlement is bad. Microsoft has made a habit of providing badly designed and poorly conceived software while doing everything it can to thwart any competition whatsoever. There has never been a release of a Microsift product that does not have some major functionality flaw or security hole. It is time to take this corporation to task and force them to behave responsibily as a United States corporation acting in the interest of the US at large.

Tim Harper

MTC–00026699

From: Stuart Wyatt
To: Microsoft ATR
Date: 1/27/02 10:10am
Subject: Microsoft Settlement

Dear sir(s),

Microsoft is getting away scot free. They are a huge monopoly, and if they are not stopped now, then I fear that it will be too late in the not too distant future.

MTC–00026700

From: Tim Harper
To: Microsoft ATR
Date: 1/27/02 10:10am
Subject: Microsoft Settlement

I am against the Microsoft court settlement. I think the settlement is not punishing Mcrosoft for their obvious infractions and does not have the interest of the United States citizenry at heart.

MTC–00026701

From: joseph.fylypowycz@us.pwcglobal.com@inetgw
To: Microsoft ATR
Date: 1/27/02 10:27am
Subject: Microsoft Settlement

FYLYPOWYCZ
36 SCOTLAND DRIVE
READING, PA 19606
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

I am writing to express my support of the recent settlement between Microsoft and the US Department of Justice. I am a huge proponent of the capitalist system, and I thoroughly believe Microsoft is one of our country's biggest assets, both through job creation and through technological advances.

I have never felt that my rights as a consumer have been infringed upon. Nor do I feel that Microsoft represents a monopoly, since it consistently delivers quality products at prices that are reasonable relative to the market. Nevertheless, the terms of the settlement will serve to temper Microsoft heavy-handed marketing tactics. Fostering improved relations with software developers and computer makers by changing such business practices as licensing and marketing will help to reach this objective. Moreover, relations will improve if Microsoft eliminates anti-retaliation agreements, which it is also pledged to do.

Although I think the lawsuit was flawed from the start, it is now in the public's best interests for this dispute to go away, and therefore I support the settlement and your office making it become a reality. Thank you for your time.

Sincerely,
Joseph Fylypowycz
CC: Sen. Rick Santorum

MTC–00026702

From: fredged@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 10:20am
Subject: Microsoft settlement

In my option I think the Microsoft settlement is fair, lets not let the lobbies take control. Get on with it.. End it now.

Fred Gedney
New Smyrna beach Fl.

MTC–00026703

From: Richard Mundwiller
To: Microsoft ATR
Date: 1/27/02 10:21am
Subject: Microsoft Settlement

Dear Mr. Ashcroft:

I am writing to express my support of the settlement agreement between the Department of Justice and Microsoft in their ongoing antitrust case. As a consumer, I find the terms of the settlement and Microsofts concessions to be fair, and I am in favor of ending the case in the quickest manner possible.

The government's antitrust case has been ongoing for three years, but the changes Microsoft has agreed to will allow them to operate legally and promote a competitive marketplace. Ending the case will better allow Microsoft to develope new technology and promote its existing products. Under the settlement, Microsoft will now, for example, be required to adhere to a uniform pricing list when licensing Windows out to the twenty largest computer makers in the nation. With the current slump in the economy, Microsoft's continued financial success is important on a national scale. I would like to see the matter resolved according to the terms of the agreement.

Cordially yours,
Richard C. Mundwiller
HCR 70 Box 1147
Camdenton, Mo. 65020

MTC–00026704

From: PRISCILLA H MORRIN
To: Microsoft ATR
Date: 1/27/02 10:26am
Subject: Microsoft Settlement

Do not let these special interests defeat the public interest. This suit has been ridiculous from the start! What a waist of money and time in the courts.

P. H. Morrin

MTC–00026705

From: sbutler17@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 10:26am
Subject: Microsoft Settlement

I strongly believe that this investigation has gone on long enough. I also believe that it is in the best interest of all parties involved to bring all charges to a close. Money has been spent on this investigation that could be used in a much more useful way to benefit all Americans. Mr. Gates and Co. have been successful due to hard work and presenting products that have been useful to the American public.

My strong recommendation is that time has come to bring this to an end.

Sylvia Bailey Butler
North Carolina

MTC–00026706

From: Harold Hutchison
To: Microsoft ATR
Date: 1/27/02 10:26am
Subject: Microsoft Settlement

I support this settlement only because it does not appear that this frivolous case will be completely tossed.

I have serious concerns about the fairness of the Findings of Fact in this case issued by Judge Jackson, who had been giving media interviews during the case.

I also question the fact that AOL/Netscape has filed its own suit using these Findings of Fact. This leads me to believe that their complaints were motivated solely to send the DOJ on a fishing expedition that could be used against Microsoft later. There are still alternatives to Windows as an operating system: There is Linux, and there is a competing line of computers in the Macintosh. My brother was able to find copies of Linux and install them. Macintosh is also an alternative for those who do not wish to use Windows. To say Microsoft has a monopoly is a pretty big stretch in my opinion.

From my understanding the browser wars involved some fierce competition, and there were probably a few too many elbows thrown by Microsoft. However, this settlement should address the situation while ending a

case that should not have gone as far as it has.

Personally, I'd have felt better had the Findings of Fact and the Conclusions of Law been thrown out altogether, and Microsoft had been granted a new trial. However, a settlement that keeps things at the status quo is one that I can live with. Given the war on terrorism, this case needs to be resolved quickly, even if the settlement is less than perfect. Every dollar spent on this case is money that does not go to protecting us from a threat that is clearly worse than any theoretical threat posed by Microsoft.

This settlement is, on balance, in the best interest of the public, and I support it.

Sincerely,

Harold C. Hutchison

MTC–00026707

From: gcretaf@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 10:26am
Subject: Settlement

Although I don't believe the justice department or any others should have filed suit against Microsoft, primarily because it seems to me to be an illegal lawsuit, I suggest you approve the Microsoft settlement and get on with life

Gene Cunningham, 15645 130th St, Wellsburg, Iowa 50680

MTC–00026708

From: jerome91@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 10:30am
Subject: microsoft settlement

I think the settlement is fair and just.

There is no need to destroy them any further.

yours truly

Jerome Seward

MTC–00026709

From: rshelton
To: Microsoft ATR
Date: 1/27/02 10:32am
Subject: Microsoft Settlement

Whom it may concern...

I support the antitrust settlement between Microsoft, the DoJ and nine states.

I believe this settlement to be in the best interest of our nation and struggling economy only because it is the ''best deal'' that can be struck. This ill-conceived action (the antitrust suit) was a major contributor to our present ''line'' of the stock market and our economy as a whole. I am appalled that various levels of government are engaged in such an apparent money-grab.

How could I hold such an opinion? By closely observing the progress and aftermath of the tobacco fiasco.

Signed,

Robert and Linda Shelton

(Non-smokers)

MTC–00026710

From: Don Maddux
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/27/02 10:32am
Subject: Microsoft

I think the government should get off Microsoft's back. This could have been one of the major contributors to the economy slow down. The only thing they are guilty of is running an outstanding company. They shouldn't be penalized for being good at what they do. The government should spend this time routing out waste in government spending, if it's looking for a real crime. Perhaps with a comprehensive look at the crime of government employee malingering, extravagant retirements, wages, benefits programs and job protections policies, you would better spend your time.

Don Maddux

Prudential Commercial Resources Realty, Inc.

Phone (816) 931–3101 Fax (816) 531–1760

mailto:dmaddux@crrkc.com

3101 Broadway, Suite 300

Kansas City, Missouri 64111

MTC–00026711

From: Ann Clodfelter
To: Microsoft ATR
Date: 1/27/02 10:40am
Subject: Microsoft settlement

Please note the attached letter in support of a settlement in the Microsoft suit.

Thank you.

Ann Clodfelter

Charlotte, NC

3166 Heathstead Place
Charlotte, NC 28210
January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing you today to express my opinion in regards to the Microsoft settlement issue. I support the settlement that was reached in November. Too much Government intervention into business, big or small, hinders the free enterprise system, research, and innovation.

Microsoft has agreed to all terms of this settlement, including terms that extend beyond the original issues of this lawsuit and has agreed to disclose more information about certain internal interfaces and protocols implemented in Windows.

To continue dragging on the lawsuit is wasting resources, both private and public. I hope that you will support this settlement so Microsoft and American business can move forward. Thank you for your time.

Sincerely,

Ann Clodfelter

MTC–00026712

From: paul@ishtot.com@inetgw
To: Microsoft ATR
Date: 1/27/02 10:39am
Subject: Microsoft Settlement

Dear U.S. Department of Justice Representative:

I write this letter to encourage rapid closure on the Microsoft settlement. As a technology professional and businessman, I have chosen Microsoft products and services when they meet my requirements, and have chosen competitive products in many other cases.

Microsoft does dominate the industry, but that has made it easier for developers to focus on our projects at hand. One example is the ability to focus on a single browser under which our web applications can operate. The Windows operating systems and web server software like IIS have given us access to systems that are easy to use and understand so that we can finish our development projects on time.

I, for one, chose to do most of my development in Macromedia's Cold Fusion—a competitor to one of Microsoft's product. CF allows me to do the things I need to quickly. I am free to chose a Microsoft competitive product and that works for me.

It is time to move beyond this case. Microsoft will always face competitors and some of them will effectively compete to get their products and services to market. At the point that Microsoft uses it monopoly powers to stifle competition in the future, those companies are free to approach the U.S. government to have their case heard. It is time to close this book and allow Microsoft to continue its focus on bringing additional products and services to the marketplace.

Thank you for your time.

Sincerely,

Paul Carney

President

Ishtot, Inc.

paul@ishtot.com

703.869.1088

CC:paul@ishtot.com@inetgw

MTC–00026713

From: David E. Colbert
To: Microsoft ATR
Date: 1/27/02 10:40am
Subject: Microsoft Settlement

Enough is enough. Quit persecuting companies, specifically Microsoft, who make a superior product and DON'T GOUGE the public.

No one is stopping their competitors from producing a better product, but the government(s) sure as hell will stop Microsoft from making a better product by removing all incentive to improve. Wise up you bureaucratic bumbling idiots!

David E. Colbert

Sarasota, FL 34241

MTC–00026714

From: Will von Reis
To: Microsoft ATR
Date: 1/27/02 10:40am
Subject: MSFT is monopoly

As a software developer who uses Microsoft products, I am grateful that they often give away development resources in order to promote the use of their technology. For example, they announced that in the next quarter they will be giving away their .NET development environment for free (it is currently priced $600-$800). This is great, but it also tells me that Microsoft sees a threat to their business coming from this area of technology. As a developer I have witnessed them taking aggressive steps against many other technologies that they must have seen as threats to their core desktop business. It is difficult to evaluate the real threats posed because most of these other initiatives floundered soon after Microsoft introduced their own. Some examples off the top of my head.

MS Win CE -> 3COM Palm

MS Direct Draw -> OpenGL

MS Internet Explorer -> Mozilla/Netscape
MS OCX Web Objects -> Java Applets

From my perspective, MS clearly uses their dominance in one arena to squash innovation in others.

SOLUTION: prevent MS from selling to OEMs. Consumers must install windows themselves. IE you can't buy a machine with windows pre-installed.

This forces them to be vulnerable to the same market forces as everyone else-CONSUMER CHOICE!

Will von Reis
1737 West Arbor Dr.
San Diego, CA 92103

MTC–00026715

From: Paul (038) Elda Reichard
To: Microsoft ATR
Date: 1/27/02 10:48am
Subject: Microsoft Settlement

Please ratify the Microsoft agreement and end this costly and wasteful law suite. Let those who are jealous of the success of Microsoft, produce their own useful products rather than tear down the innovative products of their competitor.

Paul Reichard
Senior Citizen

MTC–00026716

From: Jean Hanamoto
To: Microsoft ATR
Date: 1/27/02 10:48am
Subject: Microsoft Settlement

Good morning;

I must comment on the blind and frustrating way that the court has handled the Microsoft settlement. Bill Gates'' megalomaniacal outlook on the computer world is frightening! Microsoft's need to overpower and ruin other businesses is a slap in the face to our system of justice, fairness, and competition. The most hideous part is that they're still being allowed to make exactly the same moves, and are still taking full advantage of their power over the internet to try to crush any and all that might challenge them. The arrogance and willfulness will not stop until the courts do something drastic.

Please don't let Microsoft bully their way into being the only choice we have.

Sincerely;
Jean Hanamoto
Jean's Artworks
16632 Lone Hill Dr.
Morgan Hill, CA 95037
(408) 776–8664
artworks@garlic.com

MTC–00026717

From: Andrew Zanevsky
To: Microsoft ATR
Date: 1/27/02 9:50am
Subject: Microsoft Settlement

Dear Sir or Madam:

In this e-mail I submit my opinion on the antitrust settlement between Microsoft, the Department of Justice and nine states.

I think that the terms of the settlement are fair to all parties and should be approved. I believe that further litigation against Microsoft would be detrimental to the health of the industry and the U.S. economy as a whole. It could only benefit some of the Microsoft competitors and not the consumers.

I am a professional computer database administrator, consultant, speaker, author, and business owner. My opinion is based on 15 years of industry experience, direct involvement in associations of computer professionals, my expertise in the field, and contacts with colleagues.

I clearly see that if Microsoft is prevented from adding new features to their products, the industry will stagnate. It will lead to increased costs of software for consumers, because we will be forced to buy and integrate numerous products in order to conduct our business. Introduction of new features in the operating system is a natural process of software systems evolution. I believe that any continuation of the legal process against Microsoft will only suffocate progress in computer systems, not invigorate it.

Technology in our industry changes so fast, that Microsoft's lead in operating systems does not guarantee it's dominant position in related markets. We have seen numerous software companies successfully grow from nimble startups to multi-billion dollars corporations. This happens when they have a truly innovative and useful products. But Microsoft often comes up with a better solution and then consumers make their choice. As an industry expert and as a consumer, I urge you to approve the proposed settlement terms and allow Microsoft to continue its research, development, and innovation.

Sincerely,
Andrew Zanevsky
President
AZ Databases, Inc.
zanevsky@azdatabases.com
tel. 847–919–7002

MTC–00026718

From: Tobin Fricke
To: Microsoft ATR
Date: 1/27/02 10:51am
Subject: Microsoft Settlement

Dear Sir,

I am writing to express my comments on the Proposed Final Judgment (PFJ) in the anti-trust case United States versus Microsoft under the provisions of the Tunney Act. I am a citizen of the United States, a resident of the State of California, and a student of Computer Science at the University of California.

I believe that the proposed final judgment is insufficient to end Microsoft's illegal monopoly. The PFJ would do little to improve the competition in the markets dominated by Microsoft.

One of the main provisions of the PFJ intended to facilitate competition in the markets currently controlled by Microsoft's monopoly is provision D in section III which requires that Microsoft disclose to all interested parties the programming interfaces (APIs) used by ''Microsoft Middleware'' to communicate with the ''Windows Operating System,'' and then only when new major versions of ''Microsoft Middleware'' are released.

I believe that this requirement must be strengthened. In its current form, provision III–D gives Microsoft an advantage over possible competitors, because Microsoft would only be required to release API information after Microsoft itself has released a product relying on these APIs. Thus, Microsoft will always have a ''head start'' over possible competitors.

Microsoft will necessarily have better knowledge of the APIs, and hence a significant advantage over any possible competitors in software development, so long as it is Microsoft itself who implements the APIs in the operating system product.

Moreover, the release of API specifications is limited to those used by ''Middleware.'' This is an unnecessary limitation; Microsoft should be required to release all API information used by any product, not just ''middleware.''

The only possible remedy to this situation that will result in fair competition of software that runs with Windows Operating System Products is complete separation between Operating System and Application Software divisions within Microsoft.

Clear demarkation between OS and application software is not just good for competition, but it is a fundamental engineering principle of computer science. Better specified interfaces will improve security and possibly reduce the thread of worms such as NIMDA, which have caused billions of dollars of damages to organizations dependent upon Microsoft software. Third party application software developers should communicate with the Microsoft Operating System (OS) division exactly in the same manner as the Microsoft Application Software division communicates with the Operating System division. For example, the OS division would publish API specifications, and only after this publication would the application developers (both Microsoft and third-party) be able to use this information. This will result in fair competition in the market of software running on the Windows platform.

This separation would result in a cleanly specified set of interfaces used by non-operating system software to communicate with the Windows Operating System. Not only would this result in fair competition amongst application software developers, but it would also make it possible for a third party to implement a product to compete with the Windows Operating System itself that would be able to run all of the software that can be run by the Windows Operating System itself.

The WINE project is one such effort of a third-party implementation of the Windows Operating System API. However, the WINE project's progress has been chronically plagued by the poor documentation and secret nature of some aspects of the Windows API. A fully documented Windows API would eliminate this hurdle, and allow projects such as WINE to compete with Microsoft's operating system products.

The logical means of implementing this separation is to split Microsoft into multiple entities: one corporation to produce the Windows Operating System, one corporation to produce other application software, and possibly other corporations to handle other Microsoft projects, such as Windows Media Player and Microsoft's media interests.

In the past, corporations have been broken up as a means towards eliminating monopolies. The breakup of AT&T into long-distance and research divisions and the regional bell operating companies, for example, benefited consumers in numerous ways, bringing competition, innovation, diversity, and prosperity to the telecommunications industry. The breakup of Microsoft would have similarly beneficial effects.

Tobin Fricke

25001 El Cortijo Lane; Mission Viejo, CA 92691–5236

MTC–00026719

From: shaner@intercom.net@inetgw
To: Microsoft ATR
Date: 1/27/02 10:55am
Subject: Microsoft Settlement

Please attached document detailing my position on the Microsoft settlement.

Thank-you,

pat

803 Knight Court

Salisbury, MD 21804

January 22, 2002

Attorney General John Ashcroft

US Department of Justice

950 Pennsylvania Avenue, NW

Washington, DC 20530

Dear Mr. Ashcroft:

I would like to take this time and give you my thoughts on the Microsoft Anti Trust case.

I feel that this case has gone on far too long without making any real progress. Whether or not Microsoft was responsible for any wrongdoing, the proposed settlement will certainly restore fair competition to the computer industry.

I work daily with Microsoft products as a Computer Analyst. Their products and systems integration have my job a great deal easier. They've contributed so much to our economy and have changed the technology industry forever. The settlement calls for Microsoft to share a lot of their interface design and server protocol with their competitors. Additionally, OEM's will be allowed to pre-install competing products within Windows. If there are any problems, there is a Technical Oversight Committee to deal with any future violations or problems.

The proposed settlement is a fair solution to the problematic Anti-Trust case. Our country needs to concentrate their efforts on other issues and ending this lawsuit is certainly a good way to do that. Please accept the settlement and allow our country to flourish again.

Sincerely,

Patrick Shaner

MTC–00026720

From: Owen Cooper
To: Microsoft ATR
Date: 1/27/02 10:54am
Subject: Microsoft Settlement

Microsoft is the leader in supporting a defined interface as a way to allow different groups to work on different components without interfering with each other. Applying this to IE, it would be great if they unbundled IE and published their interface.

Microsoft is great but too monolithic. Having them publish their interfaces and/or source code would not break them up, but would increase competition. Seems a suitable response to the judgement against them.

Owen Cooper

MTC–00026721

From: doramill@msn.com@inetgw
To: Microsoft ATR
Date: 1/27/02 11:01am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,

DONAL MILLER

2762 TONY DRIVE

LAWERNCEVILLE, GA 30044–5775

MTC–00026722

From: Vern Alway
To: Microsoft ATR
Date: 1/27/02 11:03am
Subject: Microsoft Settlement

The United States DOJ is acting destructively toward an American corporation not on any principle, but because of the size and success of the victim. If Microsoft had done anything wrong, conventional laws of fraud would have been invoked.

It appears that we have a national policy of attacking the best in our system.

Vern Alway

Victoria, Texas

MTC–00026723

From: Nick Ferone
To: Microsoft ATR
Date: 1/27/02 11:07am
Subject: Microsoft Settlement

Dear DOJ,

Please accept this as a Public Comment by Dominic Ferone, of Columbia SC, regarding the Microsoft Settlement.

''The Microsoft Case has hurt investors to the tune of more than 50 million dollars, and even though I am not one of those unfortunate souls, I am a user of Microsoft products and have been since 1991. In my opinion, this case is about envy, and a competitors ''rights'' to smash his better with the use of a government club if he is unable to adequately compete in the free market. Settle this squabble and let Mr. Gates continue to own 100% of the company he and his partners created. Microsoft innovation in programming languages alone has allowed me to venture into a new career path, and has directly affected my own life positively. The competitors who filed this suit against Microsoft should know that if this case is not settled amicably, then I will NEVER use THEIR products in the future, and will not recommend them to clients of mine.''

MTC–00026724

From: Nathan Lineback
To: Microsoft ATR
Date: 1/27/02 11:10am
Subject: Microsoft Settlement

To whom it may concern:

I recently became aware that I have the opportunity to comment on the Microsoft settlement and I felt that I had to say something.

After reading the settlement it seems to boil down to ''Microsoft, behave yourself''. This is what they should have been forced to do from day one while the trial was going on. Much of this is what any sufficiently large well behaved company should do voluntarily.

As a consumer I have been personally harmed by Microsoft's actions, and I believe Microsoft needs to be punished for it's past actions. I also believe that this settlement will not prevent Microsoft from finding ways to continue to abuse their monopoly.

The part about not having to release documentation regarding security APIs and protocols is just plain dumb. If someone can crack the security just because it is documented, then the software is bad and needs to be fixed. Additionally the availability of information about security APIs and protocols are absolutely critical for inter operability with non-Microsoft products.

The settlement implies to me that Microsoft could license the API documentation however they want. It is imperative that such documentation be public domain, otherwise Microsoft could use their license to exclude certain types of developers.

As for how to properly punish them and make sure they never again do what they did, I am afraid I don't have the answers. I only know this settlement won't do the trick for the long run.

Thank you for your time.

Nathan Lineback

416 Walker St.

Villa Rica, GA 30180

MTC–00026725

From: Merlin Grue
To: Microsoft ATR
Date: 1/27/02 11:12am
Subject: Microsoft Settlement

My name is Merlin Grue and I reside in Oak Creek, Wisconsin. I am sending this message to express my concern about the efforts of some individuals, corporations, and government agencies to inhibit Microsoft's right to compete in the market place and provide quality products at a fair price to me, the consumer.

If I wished to purchase products from one of Microsoft's competitors, I am free to do so, without any intervention from local, state, or federal government.

The only ones who profit from litigation of this sort are the attorneys.

Merlin Grue

MTC–00026726

From: Anthony Mullen
To: Microsoft ATR
Date: 1/27/02 11:13am
Subject: (DOJ Microsoft)

Dear DOJ

I would like to say that the proposed settlement with the government and Microsoft will do little to stop this companies dominant position of the market and the industry.The measures need to be much more substantial to promote innovation and choice to the customers.We need greater competition which will lead to more and better products at more affordable costs.

MTC–00026727

From: epotter275@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 11:17am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
edwin potter
hc 4 box 184e
brightwood, VA 22715

MTC–00026728

From: Evolving old
To: Microsoft ATR,evolving@cox.net@inetgw
Date: 1/27/02 11:22am
Subject: Microsoft Settlement

To Whom It May Concern,

As a computer professional and an American citizen I believe the the antitrust action against Microsoft is unwarranted and unjust. For the record, I have chosen to use other operating systems (Linux, various flavors of Unix, Mac, and the OS400) instead of Microsoft's wherever possible. The consumers who have bought the Windows operating systems have done so of their own free will. To say that Microsoft has a monopoly is an opinion born out of ignorance and laziness.

I do not like their products but I think it is unfair that the government helps their competitors by bringing this suit. It is anti-democratic, anti-freedom, and born of and supported by jealousy of companies who cannot run a business as well as the management of Microsoft.

Please bring this episode to a close by terminating the antitrust action against Microsoft immediately. Please stop wasting the taxpayers money. Please stop enriching trial lawyers at the expense of productive individuals and organizations. Please stop granting government favors to jealous business competitors. Please stop government actions which hamper the creative endeavors and job creating abilities of businesses everywhere.

Sincerely,
Greg Puetz (native born U.S. Citizen)
Programmer/Analyst
25162 Southport Street
Laguna Hills, CA 92653–4923

MTC–00026729

From: Jack Sheehan
To: Microsoft ATR
Date: 1/27/02 11:22am
Subject: Microsoft Settlement

Attorney General Ashcroft:

Attached is a letter summarizing my opinions on the Microsoft Settlement. I believe that Microsoft provides products of superior quality at fair prices. I do not believe that their business tactics are greatly different from others in the business. With regard to monopoly, there is competition, and there are other choices.

I personally would like to see this matter resolved as expeditiously as possible.

Thank you,
Jack Sheehan
45 Lenor Drive
Harwinton, CT 06791
860–485–1260
JLSheehan@att.net
John J. Sheehan
45 Lenor Drive
Harwinton, CT 06791
January 27,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing you today to express my opinion in regards to the settlement that was reached in November between Microsoft and the government. I support this settlement and feel that it will serve in the best public interest. I believe this litigation battle is costly and a waste of resources. I urge you to support this settlement.

I also believe that Microsoft provides excellent products at acceptable prices. With regard to the monopoly argument, other products are available to those who wish to use them. Microsoft should not be penalized because their products are clearly superior to products offered by their competition.

The settlement was reached after extensive negotiations. Microsoft has agreed to all terms and conditions of this agreement, including: designing future versions of Windows to make it easier to install non-Microsoft software and licensing its Windows operating system products to the 20 largest computer makers on identical terms and conditions. A technical oversight committee has been created to monitor Microsoft compliance to this agreement.

During these difficult times, one of our highest priorities should be to boost our economy and aide our businesses. Microsoft should not be stifled or hindered; this will not benefit anyone. Thank you for your support.

Sincerely,
Jack Sheehan

MTC–00026730

From: lucy
To: Microsoft ATR
Date: 1/27/02 11:23am
Subject: Microsoft Settlement
Lucy McClusky
5 Brian Road
Edison, NJ 08817
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft: I am writing to offer my support for the settlement that was reached in the anti- trust lawsuit between Microsoft and the Department of Justice last November. Microsoft has been wonderful in making the technology industry what it is today. Yet the industry is hurting as a result of this litigation, and I would like to see an end to it as soon as possible.

Other companies have had the ability to compete with Microsoft, and yet they simply have not been able to do so. Microsoft should not be punished for this, although the company made certain concessions that have allowed this case to be settled so that this whole matter can be put to rest. Microsoft will share information with its competitors on the Windows operating system, and allow computer makers to ship non-Microsoft products for use within Windows without any retaliation. The three person technical committee that will be established will ensure Microsoft's full compliance with these and all other terms of the settlement.

Thank for reaching this compromise with Microsoft. The economy will be revitalized once this case is over, and the technology industry can get back to the success it had before this lawsuit began over three years ago. I look forward to the finalization of this settlement.

Sincerely,
Lucy McClusky

MTC–00026731

From: Dan Harper
To: Microsoft ATR
Date: 1/27/02 11:24am
Subject: Microsoft Settlement

Whatever happened to crime and PUNISHMENT????

A criminal is suppose to be punished, not rewarded.... What next, free condoms to rapists, a free case of scotch and a tank of gas for anyone who kills someone DWI ??

The proposed settlement, is a payoff... Pure and simple... We all knew President Shrub was going to sell out the American citizens to play nice with his big business buddies who got him elected... But this is bad news for everyone but Microsoft.... And I thought they were the bad guys???

If indeed the Department of Justice has anything to do with justice... Then a solution that involves punishment for the monopolistic practices must be brought forward... Otherwise, we might as well

rename your little club to the Department of Just Us... (* The rich and shameless)
Sincerely,
Dan Harper

MTC–00026732

From: tata25@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 11:26am
Subject: Microsoft settlement
Please stop all action against Microsoft. This only hurts us all. The proposed settlement is more than enough punishment.
Manny Alegria4513 S. 14th Ave.
Tucson, Az. 85714
(520) 294–8995

MTC–00026733

From: Ben Schilke
To: Microsoft ATR
Date: 1/27/02 11:28am
Subject: Microsoft Settlement
I am writing to ask that you reject the settlement proposal between Micorsoft and Department of Justice that is before your court. Microsoft (''MS'') is a company that practices unfairly and illegally in the software and operating system markets.

Time and again MS has used it's monopoly power or any other advantage to wrongfully gain market share and greater control of these markets. Since being charged with anti-competitive behavior, MS has shown in its defense of these charges the complete disrespect for the idea of fair competition that matches their behavior. To claim responsibility for the innovation in software of the last decade or so is rediculous—those familiar with the software industry knows that MS is not an innovator, but rather borrows or steals so much of what has been considered innovative. The idea that there needs to be a consistent platform so that there is compatitibilty across computers is also bogus: look at how seemlessly MacOS and Windows files are now translated from one to the other. And consider it's proposal a few weeks ago that it donate supposed millions of dollars of software to under-privelege school systems. What kind of company has the arrogance to suggest that ''dumping'' a product into the one market they have not yet concord (the education market) is a fitting punishment!?!

MicroSoft must not be allowed to enter into this proposed settlement with the Department of Justice if current and potential competitors are to be allowed a chance to compete and provide consumers with real choices in the software market.
Ben Schilke

MTC–00026734

From: Tom Voorheis
To: Microsoft ATR
Date: 1/27/02 11:29am
Subject: Microsoft Settlement
I am sending this e-mail in regard to the proposed settlement in the US vs. Microsoft Antitrust case. The proposed settlement leaves to many open doors to Microsoft to simply work around them, and becomes simply a road bump in Microsoft's domination of the market, rather then its intended purpose to allow for competitors to do what competitors are actually meant to do. compete. I very much urge you to reconsider many of the definition of what Microsoft must do, particularly in regards to the distribution of information regarding all the of the APIs which power all Microsoft windows devices, that is all devices which are run by the Win32 APIs. I strongly urge you to reconsider this settlement, for i disagree with it strongly for it does not fulfill the purpose that it was meant for. my opinion is stated.
Tom Voorheis, Ann Arbor, MI

MTC–00026735

From: jricketts@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 11:26am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Jane Ricketts
1907 Ferndale
Ames, IA 50010

MTC–00026736

From: Paul W. Kleinknecht
To: Microsoft ATR
Date: 1/27/02 11:30am
Subject: Microsoft Settlement
Dear Judge
I would like to express my concern about the proposed Microsoft settlement. I use many Microsoft products and have enjoyed using them.

I am concerned that if they have broken the law and are not punished, it could have a negative affect on future computer products. I think that Microsoft should be held accountable for their actions. Thank you for your consideration.
Paul Kleinknecht
Paul Kleinknecht
4500 Mid. Mt. Vernon Rd.
Evansville, IN 47712
812–421–0043 phone/fax
palklein@juno.com
CC:dkleinkn@yahoo.com@inetgw

MTC–00026737

From: Cbrad337@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 11:33am
Subject: Attorney General John Ashcroft Letter
Attached is the file that I have sent to Representative Ric Keller.
Sincerely,
Charles Bradley
1229 Foxden Road
Apopka, FL 32712
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:
I am taking this time to write you regarding the Anti-Trust lawsuit that continues to plague the Microsoft Corporation because I feel your actions on this issue will make a dramatic impact on the American consumer. In spite of the broad range of restrictions imposed, Microsoft's competitors are actively trying to undermine the settlement during this review period. Therefore, it is even more urgent that the government hears directly from the consumers who will be directly impacted by this on-going lawsuit.

Microsoft has undergone three arduous years of scrutiny under the American government and I believe the settlement plan is fair and just. The fact that Microsoft has agreed to not retaliate against other computer competitors, allow competitors to develop software that matches their own, as well as disclose for use by its competitors various interfaces that are internal to Window's operating system products, tells the public and the government that Microsoft is dedicated to supporting a pro-competitive market.

Please take note of my opinions and consider the consumers first when making a decision that will continue to affect the American people. I thank you greatly for your time and consideration in this crucial matter that plagues the ethics of the American tradition.
Sincerely,
Charles Bradley
cc: Representative Ric Keller

MTC–00026738

From: Joseph A. Sandova
To: Microsoft ATR
Date: 1/27/02 11:32am
Subject: Microsoft
Consumer interests have been well served. It's time to end this costly litigation, NOW!
Thank You,
J. A. Sandova
3028 N. 3rd. Street
Whitehall, PA 18052

MTC–00026739

From: Mark Gisleson
To: Microsoft ATR
Date: 1/27/02 11:33am
Subject: Microsoft Settlement
After reading extensively on the proposed MS-DOJ settlement, I am flabbergasted by Microsoft's continued and aggressive disregard for laws they find to be ''inconvenient'' to the maintenance of their illegally obtained monopoly. The current proposed DOJ settlement prompts me to wonder if there is anything short of murder that will get a billionaire arrested?

This is not a settlement, it's a cave in to a thuggish company run by Enron-like monsters who refuse to understand that the law applies to them as well. I would rather see every purse snatcher and petty thief

released from jail than to see one more white collar criminal go free.

Microsoft is overwhelmingly guilty of grossly abusing the law and the markets. Failure to punish them will result in a grievous weakening of our national defense, but the DOJ seems to understand security flaws about as well as you seem to understand the laws regarding full disclosure, ethics, and the binding nature of regulations and laws.

Mark Gisleson
GISLESON WRITING SERVICES
P.O. Box 14264 St. Paul MN 55114
651 644–6408 phone
651 645–3530 fax
resume@gisleson.com
www.gisleson.com

MTC–00026740

From: snaper@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 11:35am
Subject: Microsoft settlement

I support the present settlement of the Microsoft case and think further litigation is inappropriate

Jerry

MTC–00026741

From: Walter Marlow
To: Microsoft ATR
Date: 1/27/02 12:26pm
Subject: Microsoft Settlement

To Whom It May Concern:

I wish to note my full support for the proposed Microsoft Settlement currently undergoing public comment.

Innovation, improvement, and enhanced functionality are essential for all products offered to consumers, whether automobiles, electronics, software or other. Microsoft provides these in all of their software products and consumers benefit greatly as a result.

Microsoft (and consumers) must be able to move on and continue to improve and to benefit. Finalizing the proposed settlement is key to this, and one significant step towards improving the economy.

Allowing a small but extremely vocal group of failed competitors, Microsoft ''bashers'' and their political cronies to interfere with this settlement with yet more political and litigious obstructionism will only further stagnate the industry and economy, when we could instead be moving forward.

Rigorous competition is key to our economy and to consumers getting the most ''bang for the buck''. But when some competitors retreat to the courtroom rather than the drawing board in the face of rigorous competition, everyone loses. It's time to put the courtroom behind us and move forward, focusing on market competition and technical cooperation that will advance and improve the industry, the economy and consumers'' interests.

Respectfully,
Walter E. Marlow III
Electronics Engineer
16372 Passing Road
Milford, VA 22514

MTC–00026742

From: reneehudon
To: Microsoft ATR
Date: 1/27/02 11:35am
Subject: Microsoft Settlement

I urge the DoJ to accept the antitrust settlement currently pending. It has met the standards by the Court of Appeals and it is time to move forward. Microsoft is an integral part of our nation's economy and now more than ever we need to reinforce our economic strength. As one brave American recently said—''Let's roll''.

Thank you

MTC–00026743

From: Mindsender@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 11:36am
Subject: Microsoft Settlement

To Whom It May concern,

A Citizens Opinion:

Lighten up on Microsoft. They are to the future what Steel was to the Industrial Revolution. This is not an issue for a slighted individual judges anger, nor emotional ploys used by competitors to gain public sympathy (even if in some part meritorious) to let important little tug boats run the great liner onto the rocks.

Microsoft is led by people who have absolutely no need for Money. This fact should help in evaluating motive. I believe these people simply enjoy exercising their agile brains, and have basic decency, and hope for a better world. They are reasonable scientist/businessmen, and have no more interest in simply playing life away in the pastures of pleasure, than Einstein, Newton, or DaVinci. These maligned Microsoft executives are in fact society's, in the flesh, Santa Claus, and will be remembered thousands of years from now for bring us out of the dark ages.

Lets not mistake these great people of our era, for the Robber Barrons of yester-year. Help them help us all have a better, and better world. They have proven themselves a brilliant diamond passing light with all but a magical ability to heal in every walk of life. Look at the innovation, direct and indirect that we have seen in the last ten years. Get sick, go into a hospital, and just try to imagine how much of your stay is somehow touched by software. That's just one field. What about metalurgy? Factory automation? Engineering design. Government resourses. Military implimentation. Education. The stock market. Scientific research. And we're just at the beginning.

Miracle Microsoft.. because from small beginnings we have witnessed the human seed that will continue to Spawn a new world, long, long.. long, after we are all gone. So we'd better be right in how we cradle this gifted child, and design the structure in which we allow it to grow, healthly. History will look back and say these where the Geniuses that got it right, just as we look back on the lightbulb and the facilities brought to every site to be able to use them, and all things electric. By the simple logical growth set about by the good deeds of these great people, we may someday have ''The one BEST Physics teacher in the world.. in every highschool classroom, with teachers of today serving as tutors, while the fundamentals are established by world class expertise aided by personality, graphics, and professional production aids. Most of us had mediocre to TERRIBLE teachers in ALL the sciences in highschool, didn't we? This is wasting our mental resourses and creating pain and a sense of inferiority, in otherwise smart kids who don't realize what happend to them.

With innovators such as these, we may someday accomplish communication with the public to the point that State Governments, holy grail that they currently are, may come to look like expensive redundancy. We may see a world where false boundaries on a map do not provide motive to kill off people on the other side. With communication.. the world becomes more homoginized, less dangerous, and one people. That's what we really are, here on ''spaceship ea rth''. It's hard to imagine waring with Japan or Germany.. now. What has changed? We are now interdependent. How did that happen. How do we implement it? Could it even exist without...software? Could we keep track of it all?

Ask yourself what YOU are personally doing to accomplish these wonderful spin-Offs. If you're like me, the answer is.. well personally.. NOTHING. Please help educate those you influence to the beauty of the greater picture of our lifetimes. To the extent rules are needed for competitions health, make them with input from both sides, but don't introduce a welfare state for business, that gives a false handicap at the expense of our strongest warrior. This is not a game. Nicey-nice has no more place here than on a battlefield, and most of us have little if any hands on experience in the mud, like the guys who role up their sleeves at Microsoft every day to take on the hardest intellectual challenges we can't even imagine, for the fun of it. Strange people. Strange love. I'll take it.

Thanks for your time,
Paul Larisey

MTC–00026744

From: EOlson1931@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 11:38am
Subject: Microsoft Settlement

I am a Microsoft supporter.

What ever Microsoft has agreed to is OK with me.

I believe, Microsoft has been attacked by others who could not stand good stiff competition and were a lot of crybabies. They could have done the same thing to forward their businesses if they had the gumption.

Now please let Microsoft get on with their work.

Etta Dell Olson
Elmer A Olson

MTC–00026745

From: Rose
To: Microsoft ATR
Date: 1/27/02 11:41am
Subject: Micrsoft Settlement

This Settlement is unjust because it still gives Microsoft The ultimate control over the market.It still allows Microsoft to sell its products at an outrageous amount, because it is needed to run any programs in today's market. For example Microsoft is selling a 4 year old operating System at $200.00, along with all the other programs at a ridiculous

amount. Any Programs out there say you need Windows to run it.

There are other Operating Systems that are Free but you can use a very limited amount of today's programs.. This settlement still allows Microsoft to be a monopoly. Which is against the Law.

Sincerly

Rosemary Formanek, Florida

MTC–00026746

From: jide@ekohotels.com@inetgw
To: Microsoft ATR
Date: 1/27/02 11:41am
Subject: Micrsoft Settlement

I work as a systems administrator in the hospitality industry in my country Nigeria. Microsoft products have become for us a great blessing due to the fact that it has provided an easy to learn, easy to support, and easy to use interface and technology.This has also led to gainfull employment for youths who otherwise would have wasting away under the heat of the African sun admist a constant reminder of porverty and underdevelopment.More importantly though is that microsft has brought joy to our homes and given a businesses a chance to compete and a sense belonging in a global village that is our world today.

The settlement is good and fair. Let the others who are against the settlement look for ways to be innovative in their product development instead of seeking to tear apart a good thing. Besides a good product always sells itself.

Thank you

CC:jide@ekohotels.com@inetgw

MTC–00026747

From: Jackie Allison
To: Microsoft ATR
Date: 1/27/02 11:41am
Subject: Micrsoft Settlement

Re: ''Tunney Act'' It is time to end this costly & damaging ligitiation.

Consumer interests have been well served.

MTC–00026749

From: Tuggle
To: Microsoft ATR
Date: 1/27/02 11:42am
Subject: Micrsoft Settlement

It's time we all understand that there is a pervasive ''corporate culture'' regarding operating in ethical ways: ''Make me''. So, your honor, this is as good a place as any to start. Let the punishment, for bad faith and anti-competitive actions backed by corporate officers from the top-down, reflect the public interest more accurately than the settlement deemed acceptable by the President and the other states.

This management style has seriously damaged our country. It has and continues to demoralize and victimize honest workers all over the nation; farmers, factory workers, imported engineers, physicians, nursing home aides, etc . . . . . .

Help restore confidence in the American system of justice. Start with this decision. Carol Tuggle 117 Charter Oak Rd. Southbury, CT 06488

MTC–00026750

From: chris
To: Microsoft ATR
Date: 1/27/02 11:40am
Subject: FW: on the Microsoft case

Mr. Blumenthal, State Attorney General of CT suggested I forward this.

''Oakleaf, Christopher'' wrote:

Dear Mr. Blumenthal,

While I presume you have some technically astute people providing you information, I've not seen anything in the news that suggests any one is aware of the current intertwining of the MS Operating System and the IE browser. At this point in time, anyone updating the browser, say from 5 to 6, is also updating key operating system components. MS has also made it very difficult to back off an update. Today, if you upgrade from ME to XP, for instance, it is not possible to revert to the previous version. The upgrade is one way, which was not true when you went from 98 to ME.

Microsoft never has and never will have any interest in playing nice in the sand box. The comment that follows is a perfect example:

Microsoft spokesman Jim Desler said the company had not reviewed the Netscape lawsuit and could not comment on specific allegations but added:

''AOL purchased Netscape for $10 billion, now AOL wants to blame Microsoft for Netscape and AOL's own mismanagement.''

A viewing of ''Triumph of the Nerds'', broadcast on PBS from time to time, makes Bill Gates stance towards the rest of the industry, and by extension the rest of the country, quite clear: Microsoft plays to win and doesn't take prisoners.

I have been very gratified that your office has continued to pursue this issue, as there's nothing that Bill would like more than for the pressure to go away.

An anecdote: Some years ago, when GE was working out the MSNBC deal with Microsoft, Netscape was the browser of choice within the organization.

Bill Gates was clearly aware of this. The next release of office had not been made available to the company as a site license. Word was that the contract negotiations were stalled. There was no question in anyone's mind that

Bill wanted Netscape off the desktop at GE. While I have no direct evidence, I would not be particularly surprised if Jack Welch didn't tell Bill to take a hike, as the next release of office was available immediately after the closing of the MSNBC deal and Netscape was not removed from the desktop.

Regards,

Chris Oakleaf

An occasional correspondent

As a private contractor, the views expressed here are my own and do not represent those of any entity I may be working for. Dear Mr. Oakleaf:

Thank you for your recent thoughtful correspondence concerning the Microsoft antitrust case.

As you know, on November 6, 2001, the United States Department of Justice and Microsoft filed a proposed settlement. I did not join that settlement because I do not believe it would accomplish the goals we set when we filed the case. Nor would it accomplish the remedial goals set by the U.S. Court of Appeals: (1) to prohibit the illegal conduct and similar conduct in the future, (2) to spark competition in this industry; and (3) to deprive Microsoft of its illegal gains.

You may also express your opinion to the judge of the federal trial court considering this settlement by filing written comments with the United States Department of Justice by January 28, 2002, as follows:

Mail: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

[NOTE: Given recent mail delivery interruptions in Washington, DC, and current uncertainties involving the resumption of timely mail service, the Department of Justice strongly encourages that comments be submitted via e-mail or fax.]

E-mail: microsoft.atr@usdoj.gov

In the Subject line of the e-mail, type ''Microsoft Settlement.''

Fax: 1–202–307–1454 or 1–202–616–9937

Please keep me informed of your opinions on the case.

Thank you again for contacting me.

Sincerly,

Richard Blumenthal

Attorney General

MTC–00026751

From: Terry Frederick
To: Microsoft ATR
Date: 1/27/02 11:47am
Subject: Micrsoft Settlement
Terry M Frederick
President
Custom Business Solutions
10308 Metcalf, #151
Overland Park, KS 66212
913–384–3373
terryf@custom-solutions.com

I own a small computer consulting firm in Kansas, and most of my business is derived from developing software that runs on Microsoft operating systems. I have developed software for over 30 years, and from my experience, Microsoft's programming environment for third party development on their operating system is the most flexible and has the most features of any operating system ever built.

Microsoft is also one of the least expensive environments for developing third party software. The cost of development tools and libraries is well within the reach of any small business that desires to create new software that will run on Microsoft's operating systems. The main reason I chose to specialize in Microsoft development was due to the great depth of resources and capabilities that are available for software development at a reasonable price.

My business has suffered recently, but not from actions by Microsoft. I am constantly competing with an attitude from potential customers that believe that Microsoft is a bad or criminal company and that they should not develop software on Microsoft's operating system and support a bad company. My customers look at this case, and read the negative comments about Microsoft in the news, and often select non-Microsoft environments for their software development. This courts actions, and the

length of time that these proceedings are taking are creating fodder for damage to Microsoft's reputation. The Microsoft competitors that are supporting these court actions against Microsoft are generating propaganda that takes advantage of the fact that Microsoft is being tried for illegal activities.

I have spent years training to become proficient in Microsoft development, and I do not have the resources to train and support programmers in all of the other areas of software development.

The longer this case goes on, the more damage will be done to Microsoft's reputation, and to my businesses ability to get new work.

Please end this case. Microsoft's competitors created this case to use the resources of the Federal court system to damage Microsoft. In fact that is what is happening, and will continue to happen as long as this case continues. As you damage Microsoft, and Microsoft's reputation, you are damaging thousands of other companies that have built their business around Microsoft products. Please end this, now.

MTC–00026752

From: Rex A Kofford
To: Microsoft ATR
Date: 1/27/02 11:48am
Subject: Micrsoft Settlement

The settlement as it now stands is fair to all concerned. To pursue the matter further will hamper the introduction of new products and enrich attorneys.

Sincerly,
Rex & Alene Kofford

MTC–00026753

From: REddy97458@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 11:48am
Subject: Micrsoft Settlement

All AOL wants to do is to eliminate competition.

If Microsoft wants to give their products away, I say great for the consumer.

I love it.

I am and have been a customer of AOL now for about 5 years and I am considering dumping them because I believe they have a monopoly.

I believe they presently control the Internet and don't want any competition.

Every Microsoft product I purchased, I believe has been a great bargain.

AOL are big cry babies.

Bob Eddy
Grand Rapids, Michigan

MTC–00026754

From: tco2@cornell.edu@inetgw
To: Microsoft ATR
Date: 1/27/02 11:52am
Subject: Micrsoft Settlement

The proposed settlement of the Microsoft case is a bad thing. I find it to be threatening in that it essentially hands the desktop computer industry over to Microsoft. I find it offensive that our U.S. legal system could contemplate it as a remidy for the injuries Microsoft has caused.

Regards,
Todd Olson

MTC–00026755

From: Alan Shackelford
To: Microsoft ATR
Date: 1/27/02 11:56am
Subject: Micrsoft Settlement

I consider anything which threatens the open source and free software movements to be a threat against me. I have chosen (as a free, voting American) not to use Microsoft products. I don't believe in the philosophy they adopted, and will not support them by using their software, either operating system or application. Please be so careful while representing my interests in this settlement. Any action which might interfere with the open source and free software movements is in direct conflict with my interests, and those of millions of other users around the world.

Thank you for your time, and please resist the temptation to cave in and go with Microsoft.

Alan V. Shackelford
ShakNet Mail and News

MTC–00026756

From: wissfire@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 11:55am
Subject: microsoft settlement

Fed up with the weight lobbyists play in wrecking havoc in this country!

Stop this nonsense NOW before we put more people out of work leaving MORE families without income and children barefoot. There is more than enough of this going on in this USA already.

Stop spending THE PEOPLES MONEY ON THINGS THAT BENEFIT WASHINGTON BIG SHOTS RATHER THAN THE MASSES!

WISE UP!!!
WISSFIRE

MTC–00026757

From: Chuck (038) Jean Trom
To: Microsoft ATR
Date: 1/27/02 11:57am
Subject: Microsoft Stttlement.

January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The antitrust lawsuit against Microsoft is unconscionable. I cannot understand why the government would want to tear down American business. This suit attacks the very foundation of what we have built this nation upon: free enterprise. The perpetuation of this litigation cannot and will not aid this country in any way; indeed, it will only hinder the future of America. If we continue to attack the best and brightest of this nation, we will end up with nothing more than mediocrity.

The settlement that has been reached in this case must be accepted; it is fair, and those who think that it ''does not go far enough'' are clearly not searching for a solution to a problem, but rather their own gain. Under the terms of the settlement, Microsoft will design future versions of Windows to be even more compatible with the products of other companies. The company will also cease all retaliatory behavior against its competitors. The terms of the settlement will be ensured by a three person technical committee, which will monitor the future business tactics of the company.

This settlement must be accepted. We cannot allow political avarice destroy one of the finest companies ever produced by this nation. Thank you for your continued support of American business, and for hearing my opinion.

Sincerly,
Charles Trom
3033 Madeira Avenue
Costa Mesa, CA 92626
CC:fin@mobilizationoffice.com@inetgw

MTC–00026758

From: Dick (038) Shirley
To: Microsoft ATR
Date: 1/27/02 11:56am
Subject: Current Proposed Settlement

It is time the Government got off the back of Microsoft and got beck to work on the current real problems. It appears that since Microsoft has not become the giveaway program such as ENRON that has participated in that the our Senators and Representatives are trying to punish Microsoft.

The actions in the past of breaking up Hughes Aircraft and Hughes Medical Research should have been taken as a lesson.

Because a person makes a Billion Bucks is no reason to try to put him or the Company out of business simply because he/they don't buy into enriching elected officials in Government.

Richard B. Lackie

MTC–00026759

From: Kate Thompson
To: Microsoft ATR
Date: 1/27/02 11:56am
Subject: Micrsoft Settlement

Renata B. Hesse
Antitrust Division
United States Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse:

Please do not accept the proposed settlement with Microsoft. It is not in the public interest. It leaves Microsoft's monopoly intact, is imprecise, unenforceable, and allows the company plenty of opportunities to exempt itself from important provisions.

The applications barrier to entry which must be reduced or eliminated. Any settlement or order needs to ensure that consumers can run any of the 70,000 existing Windows applications on any other operating system.

The settlement must provide ways for any combination of non-Microsoft operating systems, applications, and software components to operate properly with Microsoft products. Consumers must have a la carte competition and choice so that they and not Microsoft choose the products on their computers.

The remedies proposed by the Plaintiff Litigating States are in the public interest and completely necessary, but they are not sufficient without the additional ones mentioned above.

The court is required to hold public proceedings, under the Tunney Act, giving citizens and consumer groups an equal opportunity to participate, along with Microsoft's competitors.

Sincerly yours,
Kate Thompson
PO Box 48
South Tamworth
NH 03883
603–323–7762

MTC–00026760

From: Brian Allemana
To: Microsoft ATR
Date: 1/27/02 11:59am
Subject: Micrsoft Settlement

As is the right of every U.S. citizen during the period of public commentary that is specified by the Tunney Act, I hereby submit my thoughts and opinions regarding the outcome of the anti-trust trial against Microsoft.

I am against the current settlement being offered between the U.S. Department of Justice and Microsoft Corporation. Based on professional study and experience, I believe Microsoft can and will find methods to circumvent this settlement for their own good without considering the impact on the general public. The settlement must be strengthened before I can accept it as a solution to Microsoft's illegal behavior.

The primordial soup of the personal computer industry began with technological hobbyists sharing each other's ideas for the purposes of enhancing that technology as well as purely satisfying their human curiosities. The Internet, once it became public, took off like no other technological development before it, and it is based upon open, non-proprietary technologies that are both robust and exist solely to serve the public good. Likewise, the PC revolution could not have taken off as it did without IBM opening its hardware specifications for the world to understand and enhance. Clearly, technology thrives in an open, competitive marketplace, not a marketplace dominated by a single company.

Microsoft has strived, more aggressively than anyone else, to stifle the competitive nature of the software technology world for their own benefit. Judge Penfield Jackson's Findings of Fact make this point perfectly clear. Companies such as Apple, Compaq, Netscape, Sun, even IBM and Intel, are all cited as having suffered business losses due to Microsoft's anti-competitive behavior. It is clear that Microsoft can no longer be trusted to run their business, particularly a monopoly business, in a responsible manner.

It would be irresponsible of us, as a democratic nation, to allow Microsoft to continue striving for complete market dominance without any substantial checks and balances in place. The current settlement being offered does not provide the fulcrum needed to support such balances. It barely takes a step in the right direction, and that step will prove meaningless once Microsoft begins taking advantage of the enormous loopholes within the settlement.

While the settlement, in spirit, attempts to remedy the complaints originally filed by the U.S. Department of Justice, it does not, on any realistic level, restrict Microsoft from continuing anti-competitive practices. For example, the settlement only specifies a few products that Microsoft must open to competition, and these are not their most important products nor the products most likely to be wielded in their continuation of market control (e.g., it specifies Outlook Express and Microsoft Java, but not Outlook or Microsoft C#). The settlement also fails to encourage competition in the operating system marketplace by not fully specifying that Microsoft must not artificially raise the barriers to entry to their operating system protocols, or requiring Microsoft to publish the specifications when the barriers are raised. This allows Microsoft to grossly inhibit developers of competitive operating systems and/or applications from having the same access to system protocols as Microsoft developed applications (one of the major points of contention within the original DoJ complaint).

Judge Jackson's Findings of Fact outline anti-competitive behavior that the proposed settlement barely begins to address. There is no requirement for Microsoft to open their file formats, minimal requirements to open their networking protocols, and licensing fees are not properly regulated. There is actually room within the settlement for Microsoft to hinder competition by giving unrealistic requirements to competing bodies that try to implement available Microsoft protocols (such as requiring a competitor to meet unspecified technical requirements seven months prior to a ''beta test version of [the] new Windows Operating System Product'' [section III H.], which, at Microsoft's discretion, may be too soon for a competing developer to implement these protocols).

Overall, it is clear that this settlement falls short of serving the public interest. There are too many loopholes and freedoms given to Microsoft, who, by the course of their own actions, and as determined by a federal court and upheld on appeal, has lost their right to these freedoms by violating federal law.

I hope you will take my thoughts and opinions, as well as the thousands of other concerned citizens who have voiced their points of view, into careful consideration prior to rendering a settlement decision.

Thank you for reading. This message will be duplicated via fax.

Sincerly,
Brian Allemana
Web Developer/Consultant
773.478.9211
allemana@forward.net
http://www.brianallemana.com

MTC–00026761

From: David Yoo
To: Microsoft ATR
Date: 1/27/02 12:00pm
Subject: Micrsoft Settlement

The proposed settlement is a uniformly bad idea.

MTC–00026762

From: George Toft
To: Microsoft ATR
Date: 1/27/02 12:00pm
Subject: Microsoft Settlement—Proposed Final Judgement

Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html). So as to not waste your time by reproducing the analysis here (see above web site), there are a substantial number of problems with the Proposed Final Judgement (PFJ) that render it ineffective, making the entire DOJ vs. Microsoft case a waste of taxpayer money.

Regardless of the errors discovered in the original trial, the Findings of Fact remain undisputed, and Microsoft must be punished, just like AT&T and IBM were for similar transgressions of law.

I also agree with the conclusion reached by that document, namely that the Proposed Final Judgment, as written, allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

TYhank you for considering my opinion.

Sincerly,
George Toft
3455 West Twain Court
Anthem AZ 85086

MTC–00026763

From: REddy97458@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 12:01pm
Subject: Micrsoft Settlement

My second email.

AOL is complaining about Microsoft giving their product away.

In reviewing the Sunday morning paper, I notice so many adds in which retailers are giving products away, such as:

1) Buy one, get one free.
2) Buy one, get two free

There are all kinds of ads like the above.

This includes companies as McDonald's, Meijer, D&W, HP and many other companies.

Are we about to eliminate competition?

I hope not.

Bob Eddy
Grand Rapids, Michigan

MTC–00026764

From: Laura Troth
To: Microsoft ATR
Date: 1/27/02 12:01pm
Subject: Microsoft Settlement

Hello,

I am just writing to add my voice to this injustice that is being done to Microsoft. I always thought that America stood for being a ''free'' country, where one could rise to the top if smart enough and good enough. Why then is this suddenly being punished. Microsoft employees very intelligent people to develop computer programs, etc. If the people that they employ are the smartest in the field and the products that they develop are way ahead of other companies, is that not

part of what it is to be American. It is not their fault that people prefer their products over Apple, etc. I know that I personally used a Mac computer before I ever touched anything with Microsoft in it. I was amazed at the difference. I actually liked to use the computer with the Microsoft products in it. Speaking of monopolies, how is it that Microsoft's offer to provide much needed computers in school was argued against by Mac—who by the way has the monopoly on computers in schools. How is this fair and just to Microsoft. This is ridiculous. I guess what makes me even madder is the fact that Clinton spent more money chasing down Microsoft for some made up propoganda than he did to chase down an known terrorist and murder—yes, we know who that is... Bin Laden. Has it occurred to anyone that if they had not been persecuting Microsoft, there might not have been a Sept. 11??

Also, it is my believe that competition in business is good. It is what drives companies to do better for customers, to develop better products, better service, etc. If you take away this right, you will find people not satisfied with what is left and they will stop buying. How will this help our economy. The bottom like is not that Microsoft had a monopoly, but that they had a better product. This whole thing needs to end now.

Sincerely,
Laura Troth

MTC–00026765

From: Paavo Parkkinen
To: Microsoft ATR
Date: 1/27/02 12:10pm
Subject: The Microsoft settlement

I don't know if non-US citizens are allowed to comment, but I'll do it anyway since I feel that the decision affects me also.

I have never felt the Microsoft monopoly in my life. I learnt to use a computer on a MSDOS. At the time, though, there were other DOS's and I never felt that MSDOS—even though it was the most popular—had a monopoly in the market. At the time Windows 3.1 came out I was already starting to learn other operating systems. And while ''the Microsoft empire'' grew, I started to grow away from it. Nowadays I use a Microsoft OS only very rarely. I don't have one installed on my home computer and at my school we have ample opportunity to use other operating systems. Needless to say, I have never felt boxed in by Microsoft or their products.

But now, with the Internet, I may very well one day find myself being boxed out. I do have internet connection at home, and use one at school. I use it for school work and for recreation. Especially for my school assignments, the Internet is invaluable. Recently I have been hearing about Microsofts attempts at changing their Internet protocols to be closed to users of other operating systems. I fear that this will close me (and countless others) from a large portion of the Internet. So I wish the settlement between Microsoft and the DoJ to force Microsoft to open their network protocols so the Internet can remain the open and free network of information I have grown accustomed to it being.

paavo.

The human mind ordinarily operates at only ten percent of its capacity—the rest is overhead for the operating system.

CC:dennispowell@earthlink.net@inetgw

MTC–00026766

From: Julio Marquez
To: Microsoft ATR
Date: 1/27/02 12:11pm
Subject: Microsoft Settlement.

As a satisifed consumer of Microsoft products and as a proponent of economic freedom, I have supported Microsoft's legal position in full from the beginning. Please take this into account when determining the DOJ's position in this matter.

Thank you.
Julio Marquez
Managing Director
GEM North America, Inc.
712 Fifth Avenue, 7th Floor
New York, NY 10019
212 582 3400 general
212 582 1517 direct
212 265 4035 fax
CC:activism@moraldefense.com@inetgw

MTC–00026767

From: kin-yip Mok
To: Microsoft ATR
Date: 1/27/02 12:17pm
Subject: Microsoft Settlement.

According to the Information on the United States v. Microsoft Settlement, I think that it really take action to control the threat of Microsoft monopoly power. Since Windows 95 came into the computer OS market, all the people change to their traditional OS interface to GUI. Because of this OS popular, Microsoft tries to extend their empire of Software.

Remember few years ago, the competition between Netscape and Internet Explorer, which Netscape was very popular. Internet Explorer was just very weak online browser. And also, IE was only covered 20% on the market. Nowadays, its already covered over 80%.

One thing, I think Microsoft is very bad OS. They always got the security problem. Many hackers can easy to hack in your computer which is windows OS system. Because of this, the windows OS is prohibited in the department of China. On the other hands I really dont like Microsoft which is they always buy some very powerful software, and then merge into their software system. After that, they dont give any support for some old customer which is very embarrassing. And then many Microsofts software is extremely expensive. Nobody can like it, especially for student.

We want to use more good and powerful software, and we dont want to use only Microsofts software. We have to take very strong action to control the threat of empire of Microsoft.

MTC–00026768

From: lenwal@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 12:21pm
Subject: Microsoft settlement

1/17

It is my strong recommendation that this case be disposed of based on the current recommended settlement. We don't need to keep funding lawyers at the expense of the public.

Leonard Walstad
lenwal@juno.com

MTC–00026769

From: Frederick E. Von Burg
To: Microsoft ATR
Date: 1/27/02 12:21pm
Subject: settlement

Ladies or Gentlemen:

Please be aware that as a senior citizen I am all for the economy-enhancing settlement of the suit against microsoft. Please use my views in any way to urge the holdouts to get on the bandwagon.

Sincerely yours,
Fred Von Burg,
8 Warren Drive
Syosset, NY 11791–6328

MTC–00026770

From: lt
To: Microsoft ATR
Date: 1/27/02 12:23pm
Subject: Microsoft Settlement

I urge you to get this case settled now! I am a senior citizen who uses Microsoft products and services a great deal of the time and have paid close attention to this controversy. The only ones opposing Microsoft are self interested parties who want to illegitamely wish to profit from this. It's about time to play fair and stop the piling on that has been going on far too long.

Thanks,
Louis Torraca
Kailua, Hawaii

MTC–00026771

From: CDoennecke@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 12:24pm
Subject: Microsoft Settlement

I urge you to end this matter—it has drug on way too long. The public always loses in these cases. Please don't become a platform where big crybaby companies attack one another. Microsoft is far from perfect and perhaps needed to have their knuckles rapped a little, but they are far better than their current attackers.

MTC–00026772

From: Jonathan Lemon
To: Microsoft ATR
Date: 1/27/02 12:22pm
Subject: Micrsoft Settlement

Under the Tunney act, I would like to voice my displeasure with the proposed Microsoft settlement. I strongly believe that the proposed remedies do not adequately address the issues, and are not in the best interests of the public.

As a particular example, there is nothing in the judgement that would require Microsoft to document network protocol of WMT streaming media; without this, there is no chance for any competing company to write an application that could work on an alternative platform.

I would also like to add my support to the comments made by Dan Kegel at http://www.kegel.com/remedy/letter.html .

Sincerly,
Jonathan Lemon
Software Engineer, cisco Systems

Stoughton, WI

MTC–00026773

From: Larry Crocker
To: Microsoft ATR
Date: 1/27/02 12:28pm
Subject: Micrsoft Settlement

As a consumer I feel that the proposed Microsoft settlement is more than fair, more so for consumers than Microsoft. I just hope that this settlement does not eventually cost us, the consumer, more money!

Larry Crocker

MTC–00026774

From: DCJessen@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 12:28pm
Subject: Microsoft settlement

I am a microsoft software consumer. I have never been hurt by their policies. To the contrary, If you want your software to seemless work, then buy microsoft. If you are inclined to want your system to crash, spend hours trying to fix it, and constrantly try to get your software to work, then by all means by their competitors bloatware. I believe the Dept of Justice is way out of line here, resorting to blackmail to assist Microsofts competitors, as they is the only way they are real competition. Why don't you ask those lousy policitical attourney generals whos software they use?

If I was Bill Gates, I would make them return all of mine, and not allow them to use it, then they would get a taste of their competitors junk.

Making software interoperable has been Microsofts strong suit. If their competitors were smart they would have done the same, but elected to try and screw the consumer, albet Lotus 123, Work perfect.. Just standalone junk software. Give it to the State Attourney Generals. Personally I would add a donation to Microsoft if they would develop a fund to defeat all these people in the next elections.

David Jessen

MTC–00026775

From: Herbert W Schriever
To: Microsoft ATR
Date: 1/27/02 12:29pm
Subject: Microsoft settlement—Approve

MTC–00026776

From: jtjlucky@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 12:32pm
Subject: Micrsoft Settlement

Enough is enough. This is supposed to be a free enterprise system. If this keeps up, the incentive to create on the part of our society in general will be, if not already, seriously deterred. The question now is, who is the Federal Justice Department working for, the public or the plaintiff?

J. T. Jordan

MTC–00026777

From: Joe McCutchen
To: Microsoft ATR
Date: 1/27/02 12:35pm
Subject: Microsoft

It is a tragedy and a travesty that the U.S. Government has attacked a company because it has been ''too'' successful. This is yet another example of government engaging in unconstitutional activities and another reason to distrust much of what it does.

The only true monopoly is one with the might of government behind it forcing consumers to deal with it, that does not describe Microsoft. Let the market decide and stop punishing achievement!!

Joe & Barbara McCutchen
2916 Heather Oaks
Fort Smith, AR 72908

MTC–00026778

From: Rocky
To: Microsoft ATR
Date: 1/27/02 12:34pm
Subject: micorsoft
11473 Verna Lane
Woodruff, WI 54568
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am a retired member of the tech industry who is fed up with the Microsoft antitrust case. The federal government needs to leave Bill Gates and his company alone. Government intervention in this matter is no longer necessary.

With regard to the settlement, Bill Gates has conceded more than he had to. One example is the three person technical committee that will consist of three software engineering experts. Now, at any time, a third entity can dispute any portion of the settlement if it feels like Microsoft is not cooperating.

Bill Gates was being more than fair with this settlement. Now, it is the government's job to stay out of it. The country needs, now more than ever, to produce new and different types of technology, for the sake of our falling economy.

Sincerly,
Rocco Caffarella
cc: Representative Mark Green

MTC–00026779

From: Krish Krothapalli
To: Microsoft ATR
Date: 1/27/02 12:38pm
Subject: Micrsoft Settlement

Dear Sir or Madam,

The proposed settlement is BAD.

It fails to mandate anything to curb Microsoft's anti-competitive practices. This monopoly has allowed the actual cost of using Microsoft products to have an estimated ten-fold (or higher) increase over projected costs a decade ago, for certain customers. Without alternatives, customers'' hands are tied. Microsoft has leveraged a position that is favorable only to itself, and not to it's customers. Please do not allow this to continue.

Thank you,
Krish Krothapalli, Ph.D.
Redondo Beach, CA

MTC–00026780

From: Rocky
To: Microsoft ATR
Date: 1/27/02 12:37pm
Subject: USAGCaffarella—Rocco—1002—0125

11473 Verna Lane
Woodruff, WI 54568
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am a retired member of the tech industry who is fed up with the Microsoft antitrust case. The federal government needs to leave Bill Gates and his company alone. Government intervention in this matter is no longer necessary.

With regard to the settlement, Bill Gates has conceded more than he had to. One example is the three person technical committee that will consist of three software engineering experts. Now, at any time, a third entity can dispute any portion of the settlement if it feels like Microsoft is not cooperating.

Bill Gates was being more than fair with this settlement. Now, it is the government's job to stay out of it.

The country needs, now more than ever, to produce new and different types of technology, for the sake of our falling economy.

Sincerly,
Rocco Caffarella
cc: Representative Mark Green
CC:fin@mobilizationoffice.com@inetgw

MTC–00026781

From: Aleatha Carlson
To: Microsoft ATR
Date: 1/27/02 12:39pm
Subject: Micrsoft Settlement

The Microsoft proposed settlement is fair for Senior citizens in fact, all citizens.. A counter one is not fair to Seniors. I think this has drug out too long. Why drag it out any longer, especially when the proposed settlement is good.

I have felt all along that the bickering by some is nothing more than jealous on how Microsoft has been so successful. I use Microsoft and appreciate all they have done to help us Seniors to use the computer.

Aleatha Carlson
116 Hahn Rd.
Westminster, MD 21157–4611

MTC–00026782

From: MYTLIU@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 12:39pm
Subject: Microsoft case

Dear Justice Department,

I think that Microsoft should not be able to settle and should not be able to accept money. I think that settling the case and just forgetting about it with the other states is a little like bribery. I am glad that some states did not accept Microsoft's settlement plan because then Microsoft would have gotten away with monopoly. Microsoft already has tons of money so money would not be a big problem.

I was reading the latest cases and noticed that Microsoft was trying to request for a 4-month extension on time to challenge the dissenting states about remedy proposals. This obviously will give Microsoft the advantage they need to win the case.

Microsoft's bundling needs to stop because when people buy their software, they automatically get Internet Explorer. They don't have a choice but to use Internet Explorer. Even though Microsoft's bundling effort is very unique and smart, it is causing other Internet companies to lose money. Soon, Microsoft will own most of the Internet companies if this keeps on going. It will just be like John D. Rockefeller's monopoly ideas. He owned oil companies and controlled a lot of the oil refineries. Then, in 1879, he owned over 90% of all oil refineries. Slowly, he took over almost the whole process of oil companies. John D. Rockefeller once said, ''It is too late to argue about advantages of industrial combinations. They are a necessity of Americans to have the privilege of extending their business in all the starts of the Union, and into foreign countries as well.'' This shows that even back then, people thought that monopoly was a necessity in business life. I don't think that Americans really need them.

The recent saying about how Microsoft should stop their bundling, is too soft. It won't really do anything because Microsoft already has so much software out there that they could stop their bundling, but there would already be a lot of Microsoft software out their with the Internet service.

These are just some of my ideas. Thanks for reading it. :)

From,

Michelle Liu—Harker School

8th grade-Mr. Merrill's History 2nd period class

MTC–00026783

From: tom wible
To: Microsoft ATR
Date: 1/27/02 12:41pm
Subject: Microsoft Settlement

An o/s is to applications as the legal system is to individuals & businesses: both provide the rules and infrastructure that we live under. for 1 company to own both the o/s & apps, where the api is analogous to the rules of evidence, is equivalent to enron owning the court system, with the laws & procedures secret...this is totally unsatisfactory, both as a legal system and as a computing platform. the only meaningful solution is splitting microsoft into an o/s company & an applications company, and requiring the o/s api to be made public.

Tom Wible
203 Cardinal Glen Cir
Sterling, Va 20164

MTC–00026784

From: Wylie Harris
To: Microsoft ATR
Date: 1/27/02 12:43pm
Subject: Microsoft Settlement

To whom it may concern:

Pursuant to the Tunney Act, I am writing to comment on the proposed settlement of the United States vs. Microsoft antitrust case.

The proposed settlement fails to serve the public interest by leaving the Microsoft monopoly on operating systems essentially intact. This failure further erodes consumer protection by preserving the platform by which Microsoft can unfairly and illegally arrogate to itself an increased market share of other domains, such as internet and office applications.

In its current state, the proposed settlement is unacceptable. A revised settlement should be drafted which curtails Microsoft's monopolistic practices.

Thank you for your attention.

Wylie Harris
2126 TAMU
Rangeland Ecology and Management,
Texas A&M University
College Station, Texas 77843–2126
979 845 1388

MTC–00026785

From: Rolf Brakvatne
To: Microsoft ATR
Date: 1/27/02 12:44pm
Subject: Microsoft Settlement

Dear Sir or Madam,

I believe that the only reasonable solution in the Microsoft civil suit is to determine total monetary damages (determined by the court), who can draw on the funds and how much, and a length of time these moneys will be distributed. The money damages should be placed in a private fund and administered by an oversight board selected by the courts with one person selected by Microsoft.

Entities drawing on this fund can use the funds for computer related purchases only (as determined by the oversight board) and are allowed the choose ANY vendor, Microsoft and and non-Microsoft products.

Thank you

Rolf Brakvatne

MTC–00026786

From: Wynn Wacker
To: Microsoft ATR
Date: 1/27/02 12:47pm
Subject: Comments regarding the Microsoft settlement

Sunday, Jan. 27th, 2002

This morning at about 8:30 AM, my phone rang with recorded message from Americans for Technology Leadership, an organization which is quite evidently a front for the interests of Microsoft in the anti-trust litigation which it is currently engaged in. The requested my comments regarding the settlement and I have decided to response.

I have watched the developments in Microsoft ever since the introduction of the first PC. The company has a long history of foisting its application software on the public by leveraging its near-monopoly in operating systems (MS-DOS, Windows) through the use of unethical and illegal trade practices.

This has been thoroughly documented by Federal prosecutors. I can say from personal experience that early Microsoft applications software was generally clearly inferior to that of its competitors when it was introduced, and it is unlikely that it would have penetrated the market to the extent it has in the absence of the aforementioned trade practices. I personally resisted using MS application software for as long as I could. I was forced to switch when so many people in the business I worked were familiar only with MS applications because they were the default on shipped computers (due to monopoly practices) that I would have to go along. Some of my coworkers held out on certain packages, such as spreadsheets, until this year. The only individuals I have ever encountered which prefer Microsoft applications are those who have never extensively used the competitions software.

I'm a scientist in the R&D department of a medical equipment firm, so I make extensive use of the Excel & Word software packages as part of Microsoft Office. It is virtually a daily event that people come to me asking how to perform simple operations in this software. These are people with advanced degrees in engineering and science, highly computer literate, and with experience with MS software. They are unable to locate the instructions they need in the notoriously unhelpful Help instructions included with the software, something which has been one of its long-standing features. It's also virtually a daily event that some of the applications software will crash in the middle of use, accompanied by an informative message such as ''This program has performed an illegal operation and will be shut down''. It is more in the purview of the IT department than mine, but I should also like to remind the Court of the incredibly poor track record of MS software when it comet to security. Even their security patches sometimes need security patches!

The greatest joke of all is that Microsoft is trying to defend itself as a technology leader. It has almost always been a follower, coming out with mediocre me-too products and using its monopoly power to crush the real innovators. The latest round of litigation was set-off by just such an event. Netscape pioneered the development of easy-to-use internet browsers and Microsoft came back to crush them by giving away its browser through the ruse of incorporating it in its monopoly operating system. I know just how un-innovative Microsoft is, because, over the years, many of the software engineers I have worked with have gone to lengths to escape the Windows OS by going to Unix, Linux, etc. They can only due this for their personal computers since the business world is trapped in the Microsoft monopoly. As were many others, I was heartened when it looked like it was possible that the courts might due the right thing and split apart the OS and applications portions of Microsoft. The company, of course, complained that there was no way to restore the competitive environment to the state it was in when it engaged in its illegal activities. Of course, under such a doctrine no murderer should ever be punished because it is impossible to restore the victim to life. Evidently political influence of the variety evident in the recent Enron debacle has prevented this wisest of settlements. Microsoft now wishes to foist a settlement on those litigating on behalf of Microsoft's many victims. I wish to remind the Court that a free market can only exist if the rules of honest competition are enforced. Microsoft has repeatedly disregarded its agreements to abide by fair practices.

I ask the Court not to interfere with the further pursuit of restitution from Microsoft by litigants in this case and wish the Court to take cognizance of the arrogant attempt by Americans for Technology Leadership to artificially generate support for Microsoft.

Wynn Wacker
2109 McKenna Blvd.

Madison, WI 53711
(608) 274–1829
wkw@mailbag.com

MTC–00026788

From: John & BJ Cochran
To: Microsoft ATR
Date: 1/27/02 12:49pm
Subject: Microsoft Settlement
114 Luckie Street
Cartersville, GA 30120
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

It is a crying shame that the lawsuit against Microsoft and the ensuing three years of litigation have occurred in our country. Microsoft was more innovative than any of their competitors and therefore became successful. Microsoft really served our country beautifully by standardizing the IT sector, creating jobs, generating wealth, and making technological breakthroughs.

This success does not warrant government interference, and if I did not know any better, I would say it was this lawsuit that contributed to our economy's downfall. The terms of the settlement only reflect the intense lobbying efforts of the competition and the lack of concern from lawmakers and politicians. Microsoft has to disclose interfaces that are internal to Windows operating system products and grant computer makers broad new fights to configure Windows so that non-Microsoft software programs can more easily promoted. These concessions and more are all aimed at helping the competition gain an edge they did not have beforehand. None of the concessions really protect consumer fights.

But, I do request that you implement the settlement because further litigation would only benefit the lawyers'' pockets and would do harm to our nation's public. Please take the fight steps. Thank you for your time.

Sincerely,
John Cochran
cc: Representative Bob Bart

MTC–00026789

From: Herbert S. Zischkau
To: Microsoft ATR
Date: 1/27/02 12:52pm
Subject: Microsoft
Gentlemen:

It is time to get off the back of Microsoft and let the economy readjust itself. There is too much government interference.

Sincerely,
Herbert S. Zischkau, Jr.
Winter Springs, FL

MTC–00026790

From: Paul W. Kleinknecht
To: Microsoft ATR
Date: 1/27/02 12:55pm
Subject: Microsoft Settlement
Dear Judge,

I do not believe the PFJ is the best solution for the case against Microsoft. I do not understand all the ''ins and out'' of the case, but I do know that Microsoft has a monopoly on operating systems on computers that needs to be dealt with. As the break up of ATT has given us better systems and more competition, Microsoft also needs to be ''broken up'' to bring in more competition and thus better products. The PFJ will allow Microsoft to continue as is—this is not right!

Please do what is right for the American people and American businesses!

Respectfully,
Sarah (nickname Sally) Kleinknecht
Sarah (Sally) Kleinknecht
4500 Mid. Mt. Vernon Rd.
Evansville, IN 47712
812–421–0043 phone/fax
palklein@juno.com
CC:dkleinkn@yahoo.com@inetgw

MTC–00026791

From: Evan D Ravitz
To: Microsoft ATR
Date: 1/27/02 12:57pm
Subject: Microsoft Settlement
Evan Ravitz
1130 11th St. #3
Boulder CO 80302
(303) 440–6838
Renata B. Hesse
Antitrust Division
United States Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Dear Ms. Hesse et al,

The proposed settlement with Microsoft leaves MS in the position of controlling the inner workings of most of our computers, which position the judges have found MS abused to the detriment of the people.

I believe the best solution is to ''nationalize'' their windows operating systems so that a single standard can be agreed among competitors, instead of MS continually manipulating things to keep others'' software hobbled or buggy.

The precedent is the US establishing a single standard for telephony decades ago so we can all call each other on the phone. And the parallel catastrophe is the Babylon of cell phone standards which have made cell phones far more prevalent overseas where standards exist. Personally, MS was a catastrophe for me because in 1998 their Outlook program lost my entire address book—hundreds of email addresses—as well as thousands of emails. It took years to recover.

As a programmer since 1968, I assure you there is no reason for buggy software which wastes so many people-years of time, except that MS has eliminated the competition and dominates with their inferior, rushed-to-distribution, insecure stuff.

Sincerely,
Evan Ravitz

MTC–00026792

From: Mario M. Butter
To: Microsoft ATR
Date: 1/27/02 1:00pm
Subject: Microsoft Settlement

I am opposed to the provisions of the Justice Department settlement with Microsoft due to my understanding that under the proposed final order, Microsoft can withhold technical information from third parties. This release of technical information is required for the development of third party software (escpecially public domain software) that will interact with Microsoft products. The withholding of this information will serve only to stifle the development and implementation of free and commercial software over which Microsoft has no control.

Under this agreement, Microsoft has a number of strategies to undermine development of software by other entities, which requires a sharing of information. These actions can allow Microsoft to continue it's monopoly power and to expand that power further into the marketplace. These practices will harm development of alternative software, stifle the development of alternative platforms and lead to more consumer harm as Microsoft continues to increase it's fees for it's monopoly products.

Mario
Mario M. Butter
mbutter@silent-tower.org
mmbutter@mad.scientist.com

MTC–00026793

From: Michael J. Durkin
To: Microsoft ATR
Date: 1/27/02 1:01pm
Subject: Microsoft Settlement
Judge Kollar-Kotally:

Please do not allow Microsoft the easy way out. The proposed final judgement should ''terminate'' microsofts illegal monopoly, not allow them to thumb their noses at the law because. It should also penalize them the amount of any profits made because of their past behavior. Finally, it should prevent future anticompetitive practices.

This judgement as it stands will not definitively accomplish the above goals.

Michael J. Durkin
509 East Colliery Avenue
Tower City, Pa. 17980
Phone: 717–647–2502

MTC–00026794

From: Robert Gardner
To: Microsoft Settlement
Date: 1/27/02 1:07pm
Subject: Microsoft Settlement
Robert Gardner
3 Splitrock Road
The Woodlands, TX 77381
January 27, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Robert A. Gardner

MTC–00026795

From: Joel D Talcott
To: Microsoft ATR
Date: 1/27/02 1:12pm
Subject: Every time the government gets involved the consumer pays dearly.

Every time the government gets involved the consumer pays dearly. Case in point Gas deregulation. It has cost more poor people tom be without heat ,and the cost of gas twice as much as prior.

Let the companies fight it our! if they cannot compete get out of the business or do more to get up to speed.

KEEP THE GOVERNMENT OUT OF IT.

MTC–00026798

From: Bob Buscaglia
To: Microsoft ATR
Date: 1/27/02 1:18pm
Subject: Microsoft Settlement

I think any settlement that requires Microsoft to have to pay anything is totally ridiculous and I cannot believe you are wasting your time with this. This suit was initiated by Microsoft's competitors— some of the largest and most successful technology companies in this country.

Recently in Omaha, Barnes & Noble moved into a mall. part of their stipulations was the mall had to close down all other booksellers. You mean to tell me that is legal and what Microsoft does is not?

So they bundle other products with Windows? Anyone is free to swap out any software for other products. We don't tell carmakers what type of parts to put into cars, why should we do the same with PC makers? And it is much easier to change an Internet browser than an automobile engine.

Robert Buscaglia
Omaha, NE

MTC–00026799

From: andreww@aaip.net@inetgw
To: Microsoft ATR
Date: 1/27/02 1:27pm
Subject: Microsoft Settlement

I would like to say that the current proposed settlement is no good as written. It will not stop the anti-competative tactics of this company, and does nothing about all the harm allready done.

Andrew James Alan Welty

MTC–00026800

From: Hana
To: Microsoft ATR
Date: 1/27/02 1:20pm
Subject: Microsoft Settlement

I think this settlement is bad. It is just a slap on the wrist for Microsofts obvious attempt to use its monopoly to prevent fair business practices. Please do not allow this settlement to go forth.

Yozo Horiuchi
Bayside, New York

MTC–00026801

From: Grant Miller
To: Microsoft ATR
Date: 1/27/02 1:27pm
Subject: Microsoft Settlement

I think that the proposed Microsoft settlement will be ineffective in preventing future abuse of their monopoly.

MTC–00026802

From: Howard Classen
To: Microsoft ATR
Date: 1/27/02 1:22pm
Subject: Microsoft Settlement

As an end-user of Microsoft products, I disagree with the proposed settlement between the Justice Department and Microsoft. There should be NO company in the United States which, through various means, has been enabled to monopolize a critical market. There really is no meaningful competition remaining in PC operating systems, office integrated software or internet browsers.

Any settlement needs to promote the ability of others to compete in these critical software applications and assure proper monitoring with timelines to accomplish remedies. This might mean opening codes, spin off of segments of Microsoft, large financial penalties for non-compliance, etc.

The proposed settlement is too little too late. Users will not have choice and competition will not be created to produce the needed innovations important for businesses and individuals.

Howard Classen
1075 Elkhorn Road
Royal Oaks, CA 95076–9200
831.728.4248
classen2@pacbell.net

MTC–00026803

From: N. W. Davis
To: Microsoft ATR
Date: 1/27/02 1:22pm
Subject: Microsoft settlement

Please bring an end to this litigation for economy's sake.

nwdavis2@juno.com
N. W. Davis
1102 Mayberry Drive
Tahlequah OK 74464

MTC–00026804

From: Geri Zahner
To: Microsoft ATR
Date: 1/27/02 1:27pm
Subject: Microsoft Settlement

As a normal consumer who has no choice but to use Microsoft's operating systems as a result of the de facto monopoly held by Microsoft, I strongly urge that Microsoft be prohibited from requiring the use of its Internet Explorer browser as a required part of its operating system. This requirement has the very transparent goal of driving all other browser developers out of business and making the access to programs by users of non-Windows platforms impossible. (Microsoft realizes that both Windows based and non-Windows based programs can be operated on multiple platforms through the use of Java—If Microsoft succeeds in monopolizing the browser market, it will be in a position to effectively kill the use of Java as a means of developing software that functions on any but the Windows platform.) Microsoft itself recognizes that the browser capabilities and the operating system are totally distinct: they have always marketed and continue to market and supply their browser as a completely separate software to be used either on its own Windows platform or on other non-Windows platforms. By continuing to allow Microsoft to use tacitly illegal sales and coercive agreements with PC manufacturers and the various Internet Service Providers, etc., the Justice Department will be supporting and furthering the illegal existence and growth of a monopoly to the great detriment of public at large, not just in the U.S., but the world at large.

Please put a stop to Microsoft NOW, so the freedom of choice is not removed from the market place! If Microsoft is not prohibited from continuing on its present course during the resolution of the lawsuits and appeals, all competitors will have been destroyed during this process and, regardless of the legal results, Microsoft will have succeeded in its goal of being the ''only game in town''!

Thank You!
Geri Zahner
8825 Jellison Court
Westminster, CO 80021
303–440–7726
Fax 303–939–8353

MTC–00026805

From: Jeanne Miller
To: Microsoft ATR
Date: 1/27/02 1:26pm
Subject: Microsoft anittrust settlement
January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing you today to encourage you and the Department of Justice to accept the Microsoft antitrust settlement. This case has been dragged out for three long years; it is time to put an end to it. A settlement is available and I personally do not believe that the terms are even fair, yet,

I would like to see the government accept it.

In order to put this issue behind them, Microsoft has agreed to many concessions, some of which I feel are uncalled for. Amongst other terms, Microsoft has agreed to release part of the Windows base code to its competitors. Give me a break! Requiring such action is hogwash and makes me question how much the Department of Justice values things like patents. Why bother to innovate if your invention will be forcibly stolen from you if it's successful? Thank goodness for Microsoft's success! WHEN WILL THE DEPARTMENT OF JUSTICE RECOGNIZE THAT THE DOMINANCE OF THE WINDOWS OPERATING SYSTEM IS A

GOOD THING!!! Stop punishing the company that brought it to us!! This idea that we consumers have been somehow shorted because of a monopoly is ridiculous. There are times when it is BEST to have a monopoly for the sake of consistency, ease of use, ease of communication, etc.

Microsoft has been a benevolent leader during the technology explosion that we have been experiencing. Let them continue to lead!

I'm sick and tired of all the squabbling. Microsoft and the technology industry (not to mention the rest of the economy, which is greatly influenced by technological innovations) need to move forward, and in order to move forward this issue needs to be put in the past. Please accept the Microsoft antitrust settlement.

Sincerely,
Jeanne A. Miller
4315 Highline Drive SE
Olympia, WA 98501

MTC–00026806

From: jimt23@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 1:31pm
Subject: Current Microsoft settlement

Sirs:

I believe the current settlement in the Microsoft case is a reasonable compromise and fair to all parties.

Please do NOT litigate this matter any further!

Janet Trewhitt

MTC–00026807

From: nighthawk@xwinds.com@inetgw
To: Microsoft ATR
Date: 1/27/02 1:31pm
Subject: Microsoft Settlement

Dear Department of Justice;

I am very much AGAINST the DOJ's proposed settlement in the Microsoft antitrust case.

It will essentially give Microsoft a green light to extend its monopoly into new areas, i.e., digital media.

Please come up with a more just solution!

Sincerely,
Linda Lawson
US citizen and taxpayer
nighthawk@xwinds.com

MTC–00026808

From: Virginia Metze
To: Microsoft ATR
Date: 1/27/02 1:23pm
Subject: Microsoft Settlement

I urge that you stop the persecution of Microsoft and end any further punishment of this company which has succeeded through its own merits and not because of tough business practices.

When I try to do business with any other company, I am again amazed how well Microsoft does in its support to customers, and how badly other companies are doing.

I believe that Microsoft is a monopoly not because it has been ''evil'' but because it has done well and has won the support of its customers. I will not buy another operating system, and I have resented the efforts which have tried to keep me from enjoying the operating system of my choice.

I would also like to point out that if Microsoft attempts to lower prices, there are actually complaints that it is taking advantage of its monopoly position to drive others out of business! Yet, its very modest prices cause others to complain that they are overcharging consumers. This is so very ludicrous, I can't believe it. I for one felt that the 1995 consent decree was wrong; the justice department should not have pursued it against Microsoft. Everyone I knew got Netscape free at the time and it was their intention to only charge for server software. I could probably dig up email from Marc Andreessen to that effect even still. Yet because Microsoft, which paid for the license for Mosaic, tried to put the browser in the operating system, we all had to pay for Microsoft Plus!

I believe that it was an erroneous finding that Microsoft was an ''illegal monopoly.'' I am shocked that the court found against Microsoft on this basis. Furthermore as I understand it, Judge Penrose Jackson found it was an illegal monopoly as a matter of ''fact'' rather than of ''law'', which I would have thought such a finding would be. This of course would be because it is traditionally the case that an appeals court will not overturn findings of fact. In this case they should have done so.

I am also gravely concerned about the ''open source'' movement. I have seen good products driven out of the market by inferior ''free'' products which are difficult to use and maintain. Yet because they are free they take just enough of the market that people will not buy the better product. I think that it is wrong to encourage ''open source.'' The punishment of Microsoft and any efforts to increase their cost of doing business by endless lawsuits and other harassment will give impetus to the free source movement.

I have worked with computers since 1961, and I can assure you that open source will not work.

I am very concerned to see huge markets abandoning Microsoft products and going to the ''free'' operating system Linux, which came out of the Scandinavian countries and was supported by the Free Software Foundation, which is a TAX-EXEMPT CHARITABLE institution. I also urge that you end the tax-exempt status of the Free Software Foundation. There is no reason that I should be supporting them by paying more taxes in order that they do something that helps to destroy the American economy. I even heard that the FSF got donations from Russian communists, but I do not know if this is true.

More and more servers in countries such as China, Korea and other places are going to using Linux because it can be freely copied. I do not want my tax dollars used to put more Americans out of work and put more pressure on the American economy.

Many segments of the American technology economy will not improve until the suit against Microsoft is ended. I am particularly ticked off at the states who pretend to be representing their people but are probably only representing a few companies in their state. I believe it is unconscionable that these states are being allowed to continue to spend millions of tax paper money in an effort to destroy the best software engineering company that we have.

I understand that Microsoft has agreed to go along with the settlement. I feel that the settlement is too tough and actually Microsoft should not even have agreed to go along. I am sure it did so just to end uncertainty in the financial markets and the consumer marketplace. That was very noble of them.

I speak, though they do not know it, for the millions of Microsoft customers around the country who do not even know that their favorite company is ''in trouble'' or they would be supporting them. So, please give this letter a little more weight than you otherwise might, because they have very few people speaking for them; in some cases, not even their own state's attorney general.

Thank you for your patience, in the event that you have made it to the end.

Virginia Metze
101 Windy Willows Drive
Oakwood, IL 61858

MTC–00026809

From: Carol Sands
To: Microsoft ATR
Date: 1/27/02 1:32pm
Subject: Microsoft Settlement

Dear Judge,

I have been following news reports about the Justice Department's efforts to stop Microsoft from destroying every software company that dares to compete with it. I have just found out that you have been appointed to make the final decision regarding the Proposed Final Judgement worked out between Microsoft and the Justice Department. I urge you to rule against it. I work for a non-profit organzation which constantly struggles to meet its sparse budget. If Microsoft becomes the monopoly it wants to become so desperately, consumers, both individual and corporate, will have no protection against price gouging and the superior products that naturally arise out of free market competition. What Microsoft is trying to accomplish is not only legally wrong, it is morally wrong. I again ask you to rule against the PFJ and establish justice for ALL, not justice for the rich and powerful.

Thank you very much.

Carolyn Sands
235 Adams St., Apt 15I
Brooklyn, New York 11201
LAN Administrator, Here's Life Inner City

MTC–00026810

From: Jeff Hecker
To: Microsoft ATR
Date: 1/27/02 1:32pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

With regard to the revised proposed final judgement (PFJ) in the U.S. v. Microsoft case, I would like to submit these comments for consideration in further proceedings.

I am opposed to the agreement for several reasons. Specific examples follow, but generally, the agreement allows Microsoft to

ignore or evade or delay any provision therin by proclamation. I remind the court, that Microsoft lost this case; that decision was upheld by the Court of Appeals; and the Supreme Court of the United States saw no reason to further review the case.

I am disappointed that structural remedies are no longer included in the PFJ. If we learn one thing from history, it would be that Microsoft is undeterred by the law, by the courts, and by any proposed penalty. In previous cases, Microsoft has been found guilty of similar monopolistic practices (See DR-DOS, Stacker). Microsoft may have lost these specific legal battles, but only after they had already won the war. Both competitors were illegally driven out of business before any court could offer relief.

This practice continues today. In other monopoly cases, monopolists are fined for ignoring regulations, the law, and judicial orders. In these cases, the fines are less burdensome than to comply. Ignoring the law, ignoring the courts, is simply an entry on the monopolist's balance sheet. It is simply part of the cost of doing business. An additional cost for the monopolist's customers, the public, to bear.

The effect is that if a monopolist becomes large enough, resourceful enough, then it can effectively ignore the court. This seems likely to happen in this case. Even if the provisions of the PFJ were effective— which, in my opinion, they are not—Microsoft could simply ignore them, prolong the inevitable legal formalities, and then simply pay whatever fines are imposed by the court. The behavior intended by the PFJ will have long since evaporated, if it ever existed at all.

With respect to the PFJ, there are several imperfections which should be addressed before any agreement is considered.

First, throughout the document, many definitions, examples, and conditions are specifically enumerated. This renders them ineffective. Microsoft, by proclamation, can ignore any such definition or condition by simply changing the name of the affected entity. If an ''API'' (Application Programming Interface) is renamed as an ''APS'' (Application Programming Specification), then a majority of the PFJ will be rendered useless with one stroke of Microsoft's pen.

''API'' is used here simply as an example. Other enumerations, other acronyms, and other phrases are equally vulnerable to redefinition or obsolescence by Microsoft.

Too many of the provisions in the PFJ are conditioned upon agreement by Microsoft. Why? I remind the court that Microsoft lost this case. Their business practices were found to be illegal. I see no reason that the guilty party should hold a trump card when behavioral remedies are imposed. Correcting Microsoft's behavior is the goal of this PFJ. The most serious flaw in the PFJ is Section III.J. Section III.J nullifies the entire PFJ by allowing Microsoft to use it as an excuse to reject or refuse any other element by proclaiming a ''security compromise.'' Microsoft has a long and clear record with respect to security, viruses, trojans, and all manner of compromising software. As nearly every Microsoft product has a woeful security reputation, Microsoft can proclaim that every feature of every product has security implications, and reject every PFJ behavior mandate.

Not to mention the enumerated list of exception which Section III.J provides. For example, this e-mail message, if it had been sent using MSN (the Microsoft Network) would have become copyrighted by MSN! A Microsoft product would be allowed, by Section III.J, to do whatever it wanted with that copyrighted material, including witholding its delivery to the court. And no one would ever know.

That's a rather far fetched example, but it illustrates the latitude granted by Section III.J. A future court would never even hear a case against Microsoft because a pre-trial hearing would invoke Section III.J of the agreement and the case would be summarily dismissed.

Again, I remind the court that Microsoft lost this case in court; the decision was upheld upon appeal, and the Supreme Court of the United States found no reason to hear the case. I believe that history shows that Microsoft evades, obfuscates, or simply ignores the law, the courts, and orders from the bench. I believe that this PFJ lacks any incentive for Microsoft to adhere to it, and indeed, offers a mechanism for total ignorance.

I suggest that the court reject the proposed final judgement in its current form, and that a more robust remedy be found. One that will be less likely to be manipulated and/or ignored by losing defendant Microsoft.

Thank you for your attention,
Jeff Hecker
2121 Shorefield Rd.
Wheaton, MD 20902

MTC–00026811

From: Paul Harold Barsic
To: Microsoft ATR
Date: 1/27/02 1:40pm
Subject: Microsoft Settlement

Dear Ms. Hesse,

I will soon finish a Master's degree in engineering, and I am concerned that the existence of an ever expanding monopoly will make it difficult for me to support my family. I do not believe that the proposed settlement will curb the Microsoft monopoly. I am pleading with you to reject the proposed settlement. It was an agreement that was reached quickly in consideration of our economy, but this settlement is a severe threat to that very economy.

I have a long list of complaints. I will summarize a few of them here. My first complaint is the term of agreement is far too short. Since 1995, there have been four major releases of Microsoft operating systems: Windows 95, Windows 98, Windows 2000, Windows XP. The length of time suggested in the agreement would be only one or two more product release cycles. This is much too short to create a sustained effect on our economy. The provision should be one not of time, but of desktop market share. When it is demonstrated that Microsoft is no longer an illegal monopoly, the restrictions should be lifted.

My second complaint involves the technical committee. It is stated (section IV, subsection B, item 7) that, ''Microsoft shall provide the TC with a permanent office, telephone, and other office support facilities at Microsoft's corporate campus in Redmond, Washington.'' Furthermore, (section IV, subsection B, item 6a) this committee will serve, ''at the cost and expense of Microsoft.'' This makes them indistinguishable from Microsoft employees. It puts Microsoft in a position to place pressure on these three people to settle compliance issues in favor of Microsoft.

My third complaint involves section III, subsection J, item 2. The freedoms given to Microsoft in the name of anti-piracy are absurd. Every API could be manipulated to create a security exploit. The anti-piracy stipulation will allow Microsoft to justify any anti-competitive agreement as necessary to prevent piracy. This supports a model known popularly as ''security through obscurity.'' This model is not valid. The most secure servers on the web are built upon code that is freely available to the public (Apache, NetBSD, OpenBSD, GNU/Linux). The easiest servers to exploit are built upon proprietary code (Microsoft IIS, Microsoft Exchange, Microsoft Windows 2000, Microsoft Windows XP). The number of exploits for web servers running IIS on top of Windows 2000 is astonishingly high (more than 70 new ones discovered in 2001), while the number of exploits for Apache web servers is low (less than 10). It is not a question of market share;

Apache servers power approximately 60% of all websites. I realize that we are talking about desktop systems, not servers, but the key point here is that security through obscurity is not effective. The security clause is entirely unnecessary, and it creates a hole big enough to fit all of Microsoft's operations. In the words of Assistant Attorney General Charles A. James, it's ''one of those ''duh'' issues.''

Finally, I would like to see the Microsoft APIs and document formats (especially Microsoft Office) made public. This would level the playing field for any company that wants to create programs to interoperate with Windows. It will facilitate the introduction of new software manufacturers. It will introduce competition. It will create jobs.

Please, protect our country from an unlawful concentration of power in the hands of a small group of men in Washington.

Sincerely,
Paul H. Barsic
3000 S Chautauqua #145
Norman OK, 73072

MTC–00026812

From: Mark Hoffman
To: Microsoft ATR
Date: 1/27/02 1:35pm
Subject: Microsoft Settlement

Say what you will about its monopolistic behavior, Microsoft at least never lied to its investors and employees about its business prospects. In fact, Microsoft is notorious among stock analysts for its conservative business projections. In this day of hot-air stock valuations, hype-filled IPOs, and blue-sky projections, Microsoft's scrupulous honesty in its communications with employees and the investment community is commendable. It's useful to compare that to

the shenanigans of a formerly high-flying business that's currently splattered across the headlines. Enron apparently did nothing BUT lie to investors, employees, and the government. And on a more personal note, Bill Gates didn't cash in his chips and flee to the suburbs like so many Enron execs. Instead, he's taken a huge chunk of his money and put it to good use for society. See the story below, for example.

http://www.msnbc.com/news/694130.asp

I'll take Bill Gates's morality any day.

MTC–00026813

From: Gordon
To: Microsoft ATR
Date: 1/27/02 1:38pm
Subject: Microsoft Settlement

May it please the Court,

I find nothing in the Proposed Settlement that could be considered punitive of Microsoft. This is unconscionable. Microsoft's illegally obtained and maintained monopoly of the business desktop has cost American businesses (and also government) billions of Dollars in lost productivity and time wasted by their employees wrestling with Microsoft products when more usable and reliable alternatives exist.

Being forced to use Microsoft tools in place of those I would use by choice has reduced my personal productivity by an average of at least two hours per week, or five percent. The percentage would be larger for someone less knowledgeable about computers.

Microsoft should be fined an amount equivalent to five percent of the salaries of all the office workers that have been given Windows and Office by their employers, times six years since the first settlement, times three.

Gordon MacGinitie
5435 Claybourne St. Apt 704
Pittsburgh, PA 15232

MTC–00026814

From: Rima Karam
To: Microsoft ATR
Date: 1/27/02 1:40pm
Subject: Microsoft Settlement

Honorable Judge Kollar-Kotelly,

I am a student at Boston University, and am writing to you in regards to the Microsoft settlement between the Justice Department and Microsoft.

I am concerned that that settlement does not prevent Microsoft from continuing to be a monopoly.

Monopolies hurt our society and don't allow the people to use the best possible product they can.

It also discourages possible start-ups to come out with a new product against those Microsoft offers.

I'm just writing to ask you to reconsider and turn over the settlement in order to prevent Microsoft to continue with its monopoly. Thank you.

Sincerely,
Rima Karam
Boston University, 2003
CC:stopmicrosoft@yahoo.com@inetgw

MTC–00026815

From: Gene Risoldi
To: Microsoft ATR
Date: 1/27/02 1:41pm
Subject: Microsoft Settlement

Some quick points about this issue:

1. Microsoft's Windows OS is the only US made product I have seen in every country in my travels throughout Europe, S. America and Asia. As a business man, I find it incredible that the only worldwide challenger that could hurt this company in the long run is our own government.

2. I have been involved in companies who have been charged with illegal activities with regard to Sherman's anti-trust laws. I believe that if someone has done something illegally, they should be charged, prosecuted by our laws and pay the claim. I also believe that that same law suggests that we as consumers must have been financially damaged in some way for the law to be invoked. I build computers and have owned Apple products, worked with WARP and used Netscape as my browser. When Microsoft added thier browser to their OS, I couldn't have been happier, and it didn't cost me a cent. In fact, it saved me $49.99 in upgrades everytime Netscape needed some new revenue. Bottom line, Microsoft, because of their mass, their rseearch and their marketing prowess kicked over their competition in favor of the ultimate consumer. I call that smart business and instead of congratulating them, our government, whose members have proven they can't run a damn thing effeciently or well, claims they know how to fix it. How, by breaking the company into little pieces. These are the same people whose number one responsibility is to provide for the common defense...last time I looked, 3,000 people died and the damages were in the $90 billion dollar range? And they want to tell anyone how to operate? I find it difficult to not vomit.

3. Now we have the states suing Microsoft. How in merciful heaven were they damaged? Oh, I know their constituents were damaged. Well, what about the local county and city governments? Don't they have ''constituents'' and why aren't they involved?

4. Let's talk about the real damage this government has caused those of us who not only are happy with Microsofts activities but bought their stock when we saw that we finally had a dominating worldwide company in the US who could kick some foreign butt. I have just a 1,000 shares, which were once at $120 and after the governent's action, now hovering around $65. Do you in government know how many browsers I can buy for the $55,000 loss your actions cost me personally?

5. Finally, if I were Bill Gates, I say piss on the American justice system and everything it stands for and move my company, the whole kit and caboodle to let's see, how about China? I think they would welcome them. And take how many?, 80,000 directly employed jobs with them plus another what ?, 150,000 supplier jobs. If they made that announcement, I'd buy more stock!

6. However, don't you misunderstand me. I love America, and I know that capitalism and the free enterprise system is unequaled when it comes to producing wealth and creating jobs. I retired at 55, not because I won Dick Gepharts life's lottery, which really upsets the hell out of me everytime I think about his comment, but because I worked my rearend off; spent 65% of my life away from my wife, our kids and our families, so we could take full advantage of the opportunities we were presented within our system. And I have traveled and worked within other countries enough to know how fortunate we all are in America.

7. Finally, I will turn 60 next week and I wish you to know that those of us who are a little older and a little wiser understand that there are those who create wealth and those who wish to take it away and give it to themselves or to those who will give them the power to get it and pass it around. But there is one constant that I have learned and I hope my fellow countrymen pick up on someday soon. Simply, There is only so much money in the system. There are those among us who for whatever reason, will do what it takes to amass as much a share as we can and for most of us, to do so in legal and moral ways. The idea that governement is going to save us money or make us money is smoke and mirrors because it begins and ends as OUR money. If there is a cost, we will pay for it. I think about the tobacco settlement and when I think about how much of it went to ''government beaurocrats'' to pay the health expenses or to educate kids not to smoke, and I read about what programs it really funded, I can only hope that the rest of the citizens of this country wake up and comprehend how corrupt we have allowed our system to become.

8. And finally, how can it be that when we have a company who truly was responsible for the universal application and use of computers and the prolific results of that use, (which history will soon realize was equal to if not more remarkable than the ''industrial age'') that we want to tear them apart because they are the best at what they do.

I leave you with what I started this memo about. In our governing system, if someone can be proven to have done something illegally, throw the book at them. But as a governing body, stay the hell out of decisions about running businesses. America can only handle so much incompetence before we really get into trouble.

Given sincerely as an opinion, but with plenty enough historical fact to make my case.

Gene Risoldi
10139 Big Canoe
Big Canoe, GA 30143

MTC–00026816

From: JamesWhatley@msn.com@inetgw
To: Microsoft ATR
Date: 1/27/02 1:41pm
Subject: Microsoft Settlement

The case against Microsoft needs to come to a close. We should not penalize a company for proving excellent products and creating hundreds of thousands of jobs for developers like myself who use Micrsosft products to develop applications. This is how I earn my living.

MTC–00026817

From: nancyreidcaverly@msn.com@inetgw
To: Microsoft ATR
Date: 1/27/02 1:38pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
nancy caverly
11 linda rd.
andover, MA 01810

MTC–00026818

From: The Husons
To: Microsoft ATR
Date: 1/27/02 1:44pm
Subject: Microsoft Settlement

Dear Sirs,

My husband and I urge the acceptance of the agreement reached between Microsoft and the DOJ and some of the states.

We are tired of companies like Sun Microsystems resorting to lawsuits to gain market share instead of good old R and D and marketing efforts on their part.

We also feel that the agreement is fair to all parties involved.

We need to stop wasting resources on lawsuits and let the companies ge back to work and get our economy going.

We feel that the lawsuit was without merit and should be settled as soon as possible.

Very Truly Yours,
Margaret and John Huson
801 N.E. Old Belfair Hwy
Belfair, Wa. 98528

MTC–00026819

From: mabo75@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 1:45pm
Subject: microsoft settlement

It's in the interest of all concerned parties that this settlement be put to rest finalizing this suit.

Robert Kline
Mabo75@juno.com

MTC–00026820

From: williamswp@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 1:48pm
Subject: Microsoft Settlement

I believe it is time to end all of the legal bantering and go with the agreed upon settlement. If it is continued further it is only costing the average citizen through our tax money. Use the taxes for more important things.

Warren Williams
9408 E.... 25th Street
Indianapolis, Indiana 46229
317–897–0286
williamswp@juno.com

MTC–00026821

From: Sandra G. Owen
To: Microsoft ATR
Date: 1/27/02 1:48pm
Subject: AOL

It is about time that the settlement previous to AOL is finalized.

AOL is seeking to line its own pockets by adverse action; as stated by one of the Attorneys General who oppose settlement—paraphrased ''we will sue and sue because we do not have to pay fees, Microsoft has to do that.'' AOL itself is wanting something for nothing; riding shirttails to get business without innovation of its own.

I can only hope that the Tunney Review stops all attempts, underhanded ones at that, as the public has had enough of this bickering and most importantly jealously by those not capable of doing there own research and development.

Sandy Owen

MTC–00026822

From: Ron Hitchens
To: Microsoft ATR
Date: 1/27/02 1:51pm
Subject: Microsoft Settlement

DOJ,

I wish to comment on the proposed settlement in the Microsoft Antitrust Settlement.

I have been a computer professional for over 25 years and in that time have observed the behavior of many computer companies. It is well known in the computer industry that Microsoft doesn't play fair. They routinely thwart and/or crush competition in any way they can. Microsoft is predatory, plain and simple.

Microsoft was found guilty of anti-competitive practices. This is good, because it proves out what has been widely known by the entire industry for many years. But the proposed settlement is woefully inadequate.

Microsoft, though clearly found guilty of anti-competitive behavior, is not being punished for that behavior. They are in fact benefiting by the so-called punishment—contributing Microsoft software to schools is hardly a punishment. It is basically low-cost advertising for Microsoft and further helps to squeeze out alternatives. A better punishment would be for Microsoft to donate the cash equivalent of the retail cost of the software, to be spent as the schools please, but that still would not address the real problem.

It's painfully clear the proposed settlement is politically influenced and greased by that best of political lubricants: money. Microsoft has mountains of cash and knows how to wield it as an effective weapon. They are also masters of the FUD attack.

I urge you, the Department of Justice, to not be blinded by Microsoft's propaganda campaign or to be influenced by the political pressures I'm sure are exerted upon you. In this day and age, it seems ethics are a quaint anachronism. Lawyers it seems can twist anything with enough money and PR. Microsoft has the best attorneys money can buy, still were found guilty. Please don't ignore that screaming fact.

You have a chance to do the right thing here, don't blow it. —

Ron Hitchens

MTC–00026823

From: jspricesr@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 1:52pm
Subject: Microsoft Settlement

To whom it may concern;

It is time to bring the Microsoft lawsuit to a halt and stop trying to make a bunch of greedy lawyers rich in the process. The seniors of this country need all the breaks we can get because to date, they are few and far between. We, on social security, cannot even afford our life saving drugs, and the internet is completely out of the question. Most of the Government programs only benefit Minorities and bums except Medicare. Let us get on with this business and stop listening to special interest groups interested in lining their own pockets at the expense of seniors.

Joe S. Price
Crosby, Texas

MTC–00026824

From: Urbie
To: Microsoft ATR
Date: 1/27/02 1:52pm
Subject: Microsoft Settlement

To Whom It May Concern,

I am opposed to the proposed Microsoft settlement because it directly increases Microsoft's share of the educational market.

Sincerely,
Urbano Delgado
me@urbie.com
323–365–1350

MTC–00026825

From: vanharvey2 HARVEY
To: Microsoft ATR
Date: 1/27/02 1:53pm
Subject: Microsoft Settlement

Over the last eight years, I have, by accident, become a software developer. I came into PC's as a sales manager during the time before Microsoft dominated the business software suite's. I began working with Lotus & Borland's products, and then found Microsoft's. I checked them all out, and found that Microsoft's had more of the features and support that I wanted & needed. They enabled me to help my salespeople to make more effective and productive us of their time, in more ways, than any other product available. I became so hooked on being able to unlock people's productivity by fiddling with software code, that I became an Instructor and then fulltime developer.

Through the years, I've found that Microsoft's products consistently give me more of what I need, than any other product out there, and as a result, my professional standing, my income, and my families security, has increased dramatically as well.

That professional and financial security was rocked when the DOJ won it's initial case against Microsoft. My entire industry was affected immediately, and as we in the software industry know, the DotCom bust followed as a direct result.

I resent that my government precipitated this calamity, from an effort to prop up those software companies that I and most of those I work with, try our best not to have to use;

because their products are inferior, and their policies are restrictive and ''thuggish'' in dealing with developers.

We, the software Developers and users, didn't ask Government to step in and ''protect us'' by crippling Microsoft—a bunch of 2nd rate companies did, and it was for their betterment, not ours. We use Microsoft because we have decided that their products make our lives and professions, more successful.

Please get out of their way.

If Microsoft stumbles and begins to crank out inferior products, you can be sure that we'll jump ship quickly, (and one of us will create the software that the rest jump to), and we won't need the Government to tell us there's a problem. We don't need the Government forcing us to use inferior products made by inferior companies with inferior bully management, when Microsoft has what we want in the way we need it—now.

Microsoft has a right to design it's software, the way they choose, and we have a right to choose it, if we choose. As an American company, Microsoft has a Right to its property, and it is the government's job is to protect that right, not to take it away.

Please let Microsoft alone, and settle this case quickly.

Sincerely,
Van Harvey
4 Rustic Meadow Ct.
St. Peters, MO 63376
636–939–3411
vanharvey2@msn.com

MTC–00026826

From: CharlesIrv@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 1:54pm
Subject: Microsoft settlement
Attorney General John Ashcroft
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing to urge you and the Department of Justice to accept the Microsoft antitrust settlement. It's time to end this case, which has been dragged out for over three years.

The suit has hurt not only Microsoft and its stockholders but also the technology industry and the economy as a whole. Any settlelment agreement that ends this situation should be seriously considered, and this settlelment, with tough restrictions on Microsoft, should be enacted. It can't reasonably be claimd that Microsoft is getting off easily. The settlement forces them to give up propietary information about and certain controls on their operating system so that others can more easily make and promote products that directly compete with Microsoft products. If Microsoft breaks this agreement they can be punished for contempt of court.

The first step in getting the technology industry back to business is settling the antitrust suit with Microsoft. A settlelment has been drafted and I would like to see it accepted. Only once the antitrust suit is in the past can the technology industry focusd on the future.

Sincerely,
Charles Wright
Charles Wright
6704 Klein Street NW
Olympia WA 98502

MTC–00026827

From: wt.catch1
To: Microsoft ATR
Date: 1/27/02 1:52pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Dustin Cross
IN 47303

MTC–00026828

From: Erv (038) Nancy Otte
To: Microsoft ATR
Date: 1/27/02 1:57pm
Subject: Re: Microsoft Settlement

Gentlemen:

Close this case. This case is simply another mistake by the William Jefferson Clinton term. Let Microsoft continue to help the world develop.

Microsoft has done more to help improve the world than almost all other businesses in the world. Let the free enterprise system continue. More Government will only hold back growth and development.

Sincerely,
Ervin G. Otte
Bedford, Indiana USA

MTC–00026829

From: Alex Johnson
To: Microsoft ATR
Date: 1/27/02 1:58pm
Subject: Microsoft Settlement

Your Honors,

I have suffered greatly from the actions of microsoft over the past years. My work with video has been sabotaged by Microsoft's efforts to break QuickTime and make it look like Apple's fault. At times it has hurt my credibility and many many times has hurt my productivity. My choice of everything in the computer world has diminished as Microsoft has risen. I lost quality alternative word processors, web browsers, and alternate operating systems. Furthermore, I am outraged that Microsoft has never taken the legal system seriously. From all it's falsified demonstrations in the early phases of the trial through it's insulting proposed remedy, it's clear that Microsoft does not respect our court.

The proposed remedy is a joke, and the implementation is an insult. The idea that Microsoft would be able to self-police is not valid. And installing court officers inside of Microsoft who wold be subject to the corporate culture and exposed only to what Microsoft lets them see would certainly do nothing than placate the court, but not offer any real solutions to consumer's problems.

As Microsoft prepares to make another move into homes with the X-box and Ultimate TV, and before they can hurt consumers any more, I recommend you punish Microsoft in a way that will compensate it's customers, who have certainly suffered as a result of the unfair practices of a company with more money than ethics.

Al Johnson
Cincinnati, Ohio

MTC–00026830

From: jay
To: Microsoft ATR
Date: 1/27/02 1:59pm
Subject: Microsoft Settlement

For shame,

Anti-trust was put into place to protect Joe public.... As I see it, it has not been enforced in 20 years. How about going after Microsoft and every other company pre-selling product with no product ready to ship or a responsible shipment date. Or any company that sells beta ware waiting for the public to test it and than usually charges for the upgrade. If they sold a car with non-functioning brakes you would be all over them due to the deaths involved.

How bout doing the right thing for a change and find for the public and not with corporate America who can not be held responsible for anything.... or so it seems

Jay Farber
JFMConsulting
Los Angeles —

MTC–00026831

From: Ted Beel
To: Microsoft ATR
Date: 1/27/02 2:01pm
Subject: Microsoft Settlement

January 27, 2002

Dear Sirs:

I am writing to express my support for the settlement of the antitrust case against Microsoft. As a former Microsoft employee, I think that the employees and executives of Microsoft are looking forward to the opportunity to move past the legal problems. I have no doubt that Microsoft employees will work fairly and honestly, according to the terms of the settlement.

During the past month, many of Microsoft's competitors have reported financial results and made predictions regarding future financial results. I am guardedly optimistic that financial conditions will improve for many high-tech companies as customers see the benefits of open access to Microsoft source code. Reduced support costs may well provide an impetus to growth necessary to lift the industry from its current economic slump.

Thank you for considering my opinions in this matter.

Regards,
Ted Beel
1627 164th Place SE
Mill Creek, WA 98012

MTC–00026832

From: Jerome Borden
To: Microsoft ATR
Date: 1/27/02 2:05pm
Subject: Microsoft Settlement

Dear Sir,

Please get this case settled as quickly as possible. In case you haven't noticed, the current economic downturn started about the time that court decision against Microsoft was handed down. There is nothing ''the Market'' abhors more than uncertainty. Next on that list is the prospect of hard work being punished. This is why the market goes down when the ''economic news'' is good. It is afraid of what the Federal Reserve will do. The same is true of the Tax Code and Ecology Regulations causing otherwise willing people to not engage in certain activities. The threat of Legal Plundering is in this list of economic stiflers. Ask any smoker about that. Many businesses go out of their way and threaten legal action to prevent their products from having any contact with aviation because of Fear of Lawyers. A similar cloud fell over the high tech industry starting in mid-2000 and that had a lot to do with Microsoft litigation.

Yours Truly,
Jerome C. Borden (a current Netscape user)
1571 E. Beechwood Drive
Layton, UT 84040–2226
801–586–3616 (days, else 801–593–0078)

MTC–00026833

From: Sameer Chopra
To: Microsoft ATR
Date: 1/27/02 2:08pm
Subject: Microsoft Setttlement

To whom it may concern:

Recently, Microsoft was accused by AOL/Time Warner on behalf of Netscape to have violated antitrust laws. They say that since Microsoft is bundling Internet Explorer with the Windows operating system, they are monopolizing the business. I agree with this statement because by putting their web browser on the computer, most users will use it because it comes installed on the computer. This has the potential to drive Netscape out of business because only people who specifically want Netscape will use it. Those who do not care will use Internet Explorer because it comes installed on the computer.

This event is similar to the time around the industrial revolution, when larger companies would drive smaller companies out of business, then buy them for almost nothing. Similarly, Microsoft is trying to destroy Netscape, but not to buy it out. Instead, it wants to disable AOL/Time Warner's hold in the web browser business. In conclusion, Microsoft's bundling of Internet Explorer with Windows is a clear attempt at a monopoly and must be stopped.

MTC–00026834

From: twdow@cfl.rr.com@inetgw
To: Microsoft ATR
Date: 1/27/02 2:05pm
Subject: Microsoft Settlement

I respectfully suggest that the Proposed Final Judgement be rejected, based on the following facts:

A. There is no provision preventing Microsoft from restricting the use of non-Microsoft middleware as a means by which competing operating systems might make use of software designed for Windows. Such an option would greatly enhance the competitive environment, serve the public interest, and lower the barrier of entry for new operating systems. Microsoft has a history of preventing competing products from working with it's operatng systems, as was the case with Corel's ''DR.DOS'' product and Windows 3.1. It is certain that they will resume this anti- competitive practice, unless prevented.

B. The provision, in Section III/I, Subsection 5, that a licensee be required to license it's products back to Microsoft, is to Microsoft's advantage. The monopoliust already has an advantage, acquired thought illegal means. any judgement needs to deny Microsoft the ability to preserve and extend it's illegal monopoly.

C. Section III/J, Subsection 2(c), requires that a licensee meet standards '' . . . established by Microsoft for certifying the authenticity and viability of its business''. This provision is so broad that it effectively makes the final judgement invalid. This provision limits the licensee to ''businesses'' but, by Microsoft's own admission, some of it's chief competitors are non-business entities like Apache, Samba, and Linux.

D. Nowhere in the PFJ is Microsoft required to disclose information about its file formats (Microsoft Word, Excel, WMP, and so on). It is clear that Microsoft will continue largely unpunished should the Proposed Final Judgement be accepted. Microsoft has been found guilty of maintaining an illegal monopoly. A resolution is needed that is far more effective at delivering a suitable remedy.

Thomas Dow
CC:twdow@cfl.rr.com@inetgw

MTC–00026835

From: Mark Roberts
To: Microsoft ATR
Date: 1/27/02 2:08pm
Subject: Microsoft Settlement

Thank you for presenting me with the opportunity to share my views on the Proposed Final Judgment (PFJ) on the Microsoft case.

I firmly believe that the PFJ will fail to curb Microsofts illegal, anticompetitive behaviors (or as John Ashcroft simply called it, Microsoft's unlawful conduct) due to its failure to either address at all, or in sufficient detail, three main behaviors. 1) Most Windows APIs are shipped by Microsoft as add-on SDKs with associated redistributable components under a very restrictive End User License Agreements (EULA) barring use with Open Source or Free Software applications. 2) Microsoft discriminates against independent software vendors who want to develop Windows-compatible, competing operating systems. 3) The PFJ narrowly defines Windows Operating System Product in definition U to mean only Windows 2000 Professional, Windows XP Home, Windows XP Professional, and their successors ignoring Windows Pocket PC, X-Box, Tablet PC and other OSs which Microsoft is developing.

As I mentioned, most Windows APIs are currently shipped by Microsoft as add-on SDKs with other associated redistributable components. Applications which wish to use the Windows APIs are forced to also use the add-on SDK components even though those same add-ons. The catch, of course, is that the SDK components almost always have very restrictive EULAs prohibiting their use with Open Source or Free Software applications. This directly harms companies wishing to develop software as they are forced to either hope that the people using their product already have up-to-date APIs (which is always possible, but is a poor practice for a company to rely on as their product will quickly become thought of as unstable or unreliable since there is bound to be a group of users who suffer problems due to API problems) or they must shun Open Source and Free Software licenses for their product. Two applications which are harmed by this restrictive EULA include the competing middleware product Netscape 6 (competing against Internet Explorer 6) and the competing office suite StarOffice (a competitor with Microsoft Office XP). The restrictive EULAs thus can cause support problems for, and discourage the use of, competing middleware and office suites. Additionally, since Open Source or Free Software applications tend to also run on non-Microsoft operating systems, any resulting loss of market share by Open Source or Free Software applications indirectly harms competing operating systems.

The PFJ will fail to curb Microsofts discrimination against independent software vendors who want to develop Windows-compatible, competing operating systems. Today, the Microsoft Platform SDK coupled with Microsoft Visual C++, is the primary toolkit used by ISVs to create Windows-compatible applications. However, the EULA for the Microsoft Platform SDK reads in part:

Distribution Terms. You may reproduce and distribute . . . the Redistributable Components . . . provided that (a) you distribute the Redistributable Components only in conjunction with and as a part of your Application solely for use with a Microsoft Operating System Product . . .

This makes it illegal to run programs built with Visual C++ on Windows-compatible competing operating systems. The PFJ failure to address these exclusionary behaviors will contribute to the Applications Barrier to Entry faced by competing operating systems.

Perhaps the biggest flaw of the PFJ is that it uses an overly narrow definition of Windows Operating System Product in definition dd. Restricting the definition of Windows Operating System Product to only Windows 2000 Professional, Windows XP Home, Windows XP Professional, and their successors ignores many major avenues of growth that Microsoft itself sees in the future of computing. Microsoft's monopoly is on Intel-compatible operating systems not just the three current OSs listed in the PFJ and their successors. Nearly all applications

written to the Win32 APIs can run unchanged on Windows 2000, Windows XP Tablet PC Edition, and Windows CE, and with a simple recompilation, can also be run on Pocket PC. Microsoft even proudly proclaims at www.microsoft.com/windowsxp/tabletpc/tabletpcqanda.asp: The Tablet PC is the next-generation mobile business PC, and it will be available from leading computer makers in the second half of 2002. The Tablet PC runs the Microsoft Windows XP Tablet PC Edition and features the capabilities of current business laptops, including attached or detachable keyboards and the ability to run Windows-based applications. Bill Gates, in his address at the recent COMDEX convention (available at: http://www.microsoft.com/billgates/speeches/2001/11–11comdex.asp) with Jeff Raikes assisting him agreed with the statement that the Tablet PC operating system is already able to run all existing Windows programs along with a suite of its own applications. And yet it is highly debatable that the Tablet PC operating system is a successor to any of the three OSs listed in the PFJ. Even clearer is that Windows Pocket PC is not covered in the PFJ as it existed before any of the three OSs listed again, Windows Pocket PC can run versions of many Windows programs. Microsoft is clearly pushing Windows XP Tablet PC Edition and Pocket PC in places (e.g. portable computers used by businessmen) currently served by Windows XP Home Edition, and thus appears to be trying to evade the Final Judgment's provisions. This is but one example of how Microsoft can evade the provisions of the Final Judgment by shifting its efforts away from the Operating Systems listed in Definition U and towards Windows XP Tablet Edition, Windows CE, Pocket PC, X-Box (which in its next generation, currently named Homestation will attempt to dominate the Personal Video Recorder market currently led by TiVO and SonicBlue while becoming the central piece of entertainment in homes or as ABC News said, Microsoft's big black box is but a cog in a more ambitious machine, one designed to tie the software giant to every area of home entertainment. The whole story is available at: abcnews.go.com/sections/scitech/TechTV/techtv—Xbox020123.html) or some other Microsoft Operating System that can run Windows applications.

So what we are left with is a potential shift in Microsofts business away from Windows XP and towards new OSs like Windows Tablet Edition or X-Box or Pocket PC none of which are clearly successors to Windows XP. Instead, they are Windows-compatible operating systems the exact same type of product that Microsoft bars other companies from making as I addressed in my second point. Therefore, the PFJ will allow Microsoft to extend its monopoly as it can (and certainly will) develop distinct new Operating Systems which are Windows compatible while not addressing Microsofts refusal to grant that right to other companies.

Finally, I need to say that the opinions I expressed here are solely my own and are in no way influenced by the fact that one of the paralegals at the Department of Justice is cute!

Sincerely,
Mark Roberts
Washington, DC

MTC–00026836

From: BERNARD FLEISCHMAN
To: Microsoft ATR
Date: 1/27/02 2:10pm
Subject: Microsoft Settlement
From: Microsoft's Freedom To Innovate Network <fin@MobilizationOffice.com>
To: '''bera1626@msn.com''' <bera1626@msn.com>
Subject: Attorney General John Ashcroft Letter
Date: Sat, 19 Jan 2002 14:01:18 –0500

Attached is the letter we have drafted for you based on your comments. Please review it and make changes to anything that does not represent what you think. If you received this letter by fax, you can photocopy it onto your business letterhead; if the letter was emailed, just print it out on your letterhead. Then sign and fax it to the Attorney General and carbon copy it to your Member of Congress. We believe that it is essential to let our elected officials know how important this issue is to their constituents.

When you send out the letter, please do one of the following:

* Fax a signed copy of your letter to us at 1–800–641–2255;

* Email us at fin@mobilizationoffice.com to confirm that you took action.

If you have any questions, please give us a call at 1–800–965–4376. Thank you for your help in this matter.

The Attorney General's fax and email are noted below.

Fax: 1–202–307–1454 or 1–202–616–9937
Email: microsoft.atr@usdoj.gov

In the Subject line of the e-mail, type Microsoft Settlement.

Carbon Copy:
Rep. Robert Wexler
Fax: 202–225–5974

For more information, please visit these websites:

www.microsoft.com/freedomtoinnovate/
www.usdoj.gov/atr/cases/ms-settle.htm
8867 Brittany Lakes Drive
Boynton Beach, Florida 33437
January 19, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I am writing to show my concern for the Microsoft Antitrust settlement. I believe that the Department of Justice and Microsoft have come to reasonable terms and that the duration of this case should be ended. The settlement enforces a number of restrictions and obligations that Microsoft must follow in order rectify this antitrust violation, which should promote more competition in the software market. Microsoft has even agreed to make available to the competition various interfaces that are internal to Windows'' operating system products. In addition to that, Microsoft has also consented to promote competitor's programs within Windows software.

Microsoft has agreed to make drastic changes in order to fulfill their obligations and I think that this settlement should put an end to this lengthy case.

Sincerely,
Arline Fleichman
cc: Representative Robert Wexler

MTC–00026841

From: Timothy o'shea
To: Microsoft ATR
Date: 1/27/02 2:14pm
Subject: Microsoft Settlement
Department of Justice
Timothy o'Shea, International Communications Executive,
620 Euclid Avenue
San Francisco, CA 94118
RE : Final Microsoft Settlement/Judgement

It seems clear that anything that defines a ''final'' settlement for the Microsoft case must focus on this opportunity to halt monopolistic practices that further define a more limited access to freedom into the future.

After all the resources and expense of the Federal Government in pursuing the formidable position of Microsoft in the market, the initial intention must be paramount: protect future domestic security, rights and economy. Only with a focus on protecting future commerce and individual rights can the government honor its original intention to protect the consumer, the public and the still evolving opportunities of the Information Age and the economies that will emerge within it.

The following are some of the required points that must be included in the spirit and letter of the settlement.

(1) A simple, affordable, and reliable way to run the 70,000 existing Windows applications without modification on all other operating systems.

(2) A simple, affordable, and reliable way to have native versions of Microsoft Office applications on all other operating systems.

(3) A simple, affordable, and reliable way to replace one or more of the four Office applications with competing applications, while retaining the ability to exchange files, data, and services with any Microsoft application.

(4) A simple, affordable, and reliable way to have native versions of Explorer, Media Player and other Microsoft Internet applications on all other operating systems.

(5) A simple, affordable, and reliable way to replace one or more Microsoft Internet applications with competing applications, while retaining the ability to exchange files, data, and services with any Microsoft application.

(6) A simple, affordable, and reliable way to replace any component or feature in any Microsoft software product with superior or special purpose components or features.

(7) A simple, affordable, and reliable way to run any Microsoft software on computers that do not have Intel-compatible microprocessors.

(8) A simple, affordable, and reliable way for software developers to access all the information they need to create products that offer consumers these choices.

(9) A way to ensure that original equipment manufacturers provide consumers with equal access to computers with

alternative operating systems, productivity applications, and Internet applications.

(10) A ''crown jewel'' provision establishing such serious consequences for non-compliance that Microsoft will not attempt to evade the necessary disclosure requirements and other mandates

The overall question is to ask is if there could be so much smoke around the practices of Microsoft, without the fires of monopolistic strategy being at the source of a strong and growing fire. Such an informational juggernaut position, if unchecked, could unleash a slow burning fire that becomes too much to quell later on.

I hope you will keep these points above in mind. They are, indeed, what is necessary to keep the digital divide from keeping out too many from having access to the future in any meaningful way.

Sincerely,

Timothy o'Shea

MTC–00026842

From: Anant K Saraswat
To: Microsoft ATR
Date: 1/27/02 2:14pm
Subject: Microsoft Anti-trust Decision

As a student in the Master of Engineering Program at the Massachusetts Institute of Technology, I would like to comment on the Proposed Final Judgement.

While the spirit of the ruling, which is to prevent anti-competitive practices by Microsoft, is admirable, the letter of the ruling leaves many loopholes that Microsoft will be able to exploit that will allow it to continue to stifle competition. Specifically:

The definition of the term ''API'' used in the ruling is extremely narrow—it only refers to the interfaces between Microsoft Middleware products and the OS. This would allow Microsoft to refuse to disclose many interfaces that developers will need to write applications that use Windows. The definition of API used in the ruling should be altered to say, ''Application Programming Interfaces (APIs)'' means the interfaces, including any associated callback interfaces, that Popular Windows Applications running or being installed on a Windows Operating System Product use to call upon that Windows Operating System Products in order to obtain services from that Windows Operating System Product.''

The term ''Windows Operating System Product'' is also too narrowly defined. It does not include any of the Microsoft Operating sytems that are targetted towards use on laptop computers or PDA's, such as Microsoft Windows CE. These operating systems should also be included in the settlement.

The ruling does not contain language that prevents Microsoft from intentionally designing its products to be incompatible with other operating systems.

The ruling allows Microsoft to retalliate against OEMs that ship PCs which use an OS other than Windows. Given the current popularity of Windows and other Microsoft products, no OEM can afford to risk a cutoff of Microsoft products in retalliation for using competing products. This is a barrier to competition.

The ruling requirs Microsoft to license Windows at uniform terms and published prices to the top 20 OEMs, but does not put any restrictions on its licensing to smaller OEMs. These smaller OEMs are the companies most likely to experiment with other operating systems. Section III.B. allows Microsoft to offer unspecified Market Development Allowances to OEMs. For instance, Microsoft could offer discounts on Windows to OEMs based on the number of copies of Microsoft Office or Pocket PC systems sold by that OEM. In effect, this allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

MTC–00026847

From: Dale Lillie
To: Microsoft ATR
Date: 1/27/02 2:15pm
Subject: Microsoft Settlement

Sir or Madam,

I strongly urge the US Department of Justice to settle the Microsoft case now and enter the revised proposed Final Judgment. The case brought against Microsoft was motivated primarily by competitive malice. Settling this case is certainly in the public interest.

Microsoft has been a boon to me by bringing lower PC prices, faster and better computing, and better software development tools. In addition, this lawsuit has cost investors, literally hundreds of billions of dollars.

I have gladly purchased and used Microsoft products for over 20 years. Professionally, I have developed many systems based on Microsoft software products. During this time I have interacted with Microsoft personnel at many levels. At no time did I think that the relationship with Microsoft was not fair or beneficial to me as well as to other parties involved. To the contrary, I believe that Microsoft to a large degree is responsible for the current economic good health of the USA, as well as many other countries of the world.

It is time to end this antitrust action begun in 1997.

Sincerely,

Dale G Lillie

Dale G Lillie
River Forecast Group
<http://WWW.RiverForecast.com> http://www.RiverForecast.com

MTC–00026849

From: Mary/Harold Shelby
To: Microsoft ATR
Date: 1/27/02 2:20pm
Subject: Microsoft Settlement:

Please, PLEASE, let's take the proposed settlement in stride and get on with life. Most of the lawyers already have enough money, and there is really no other reason to have dragged this thing out this long.

A normal business would have long since declared bankruptcy if it were operated in the manner in which this case has been handled. If there is no reason to punish the public further, then settle this case NOW!

Any punishment or fine or any other punitive action taken against a business of nearly any kind is eventually suffered or paid for by the public. Look at the fiasco of the Clinton mess: The jerk was not, nor will he EVER be worth what he cost the American taxpayer, no matter HOW much he and his partner/wife (or whatever) steal. Is that enough said about that IT? A MAN would not have done what that thirteen-year-old punk (at the REAL age of 50) did!!

Thanx for lending me your ear so I might let off some steam!

SINCERELY,

Harold Shelby

MTC–00026850

From: Thurston C Tooker
To: Microsoft ATR
Date: 1/27/02 2:24pm
Subject: Microsoft Settlement

To: US Justice Dept.

Please stop this pending (damaging) litigation against Microsoft Corporation. Only self-serving competitors really want this proposed settlement to drag on. It is, without any doubt, against Public Interest.

T, C, Tooker
5308 Terrace Oak Circle
Fair Oaks, Calif. 95628–3634

MTC–00026851

From: Joyce Cheze
To: Microsoft ATR
Date: 1/27/02 2:27pm
Subject: LEAVE WINDOWS ALONE

Separating Windows would complicate computer use greatly. Also, it would increase the chances of incompatibility.

I teach computers to high school students in Florida. Windows is a wonderful for student use. Separating it would create major learning blocks.

Also, we have limited dollars to spend for our budget. Compatibility is vital. Separation would create serious budgetary concerns for technology in Florida high schools.

Please show common sense. Leave Windows working as it is.

Thank you,

Joyce Cheze
Computer Teacher

MTC–00026852

From: adauer@uns-dv1.jcpenney.com@inetgw
To: Microsoft ATR
Date: 1/27/02 2:27pm
Subject: Microsoft Settlement

I believe that the proposed settlement is not in the best interest of the United States and represents a complete sellout of the American consumer by the Department of Justice. The settlement must be rejected. The long, expensive trial proved beyond any doubt, as evidenced by the unanimous opinion of the District Appeals Court, that Microsoft is an abusive monopolist that doesn't hesitate to use any tactic, no matter how ethical or illegal, to crush any person or company in its way. The settlement at issue does nothing, repeat nothing, to punish Microsoft for its prior and ongoing illegal activities and puts no, repeat no, real constraints on future illegal and/or abusive activities. The proposed settlement is so full of loopholes that it might as well not be in place.

In fact, the details of this proposed settlement are so completely skewed in Microsoft's favor as to allow them to do

—anything— they so choose in the future and it will be allowed.

The proposed settlement stinks to high heaven and must be rejected as completely inadequate.

I'm ashamed that the so-called Department of Justice would even be associated with a settlement this biased against the citizens they're supposedly representing.

Sincerely,
A. Allan Dauer
United States Citizen

MTC–00026853

From: franick1@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 2:28pm
Subject: Microsoft Settlement

URGENT ACTION ALERT

Microsoft should not be punished any further and the litigation against them should be truncated NOW.

We believe that the proposed Microsoft settlement be accepted. We believe this settlement offers a reasonable compromise that will enhance access to the internet and initiate innovative software products in the immediate future and have a very positive impact on the American economy and this recession.

Thank you for listening.
Niketas J. Haldoupis and
Laura F. Haldoupis

MTC–00026854

From: candidus1771@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/27/02 2:28pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jake Morphonios
137 Dovick Dr
Banner Elk, NC 28604

MTC–00026855

From: Barbara Bryant
To: Microsoft ATR
Date: 1/27/02 2:32pm
Subject: Microsoft Settlement

Having been in the business world for many years and exposed to the onset of the cyberage, I have never understood how anyone could say that Microsoft has been guilty of violating the anti-trust laws. Bill Gates took an EXPENSIVE product and made it available to the general public and to small business at a reasonable cost!

The suit against Microsoft originated with its unsuccessful competitors NOT with its consumers! Are we going to now see an era where one will be unable to go into competition across the street, sell a better product at a less expensive cost and be successful without some lawyer taking away that right? Thank God this could not happen during Henry Ford's day!

We Americans have seen many rights taken away from us in the past 25 years. It seems the only time we have a ''right'' is when it appeases the liberal ideology and I, for one, am sick and tired of it. It is NOT the government's place to protect any business from another in a so-called ''free country''! AND, it is NOT the government's place (or any money-hungry lawyer) to see that I am protected from myself!

Men and women with the intelligence, foresight and GUTS to do what Bill Gates did should never have HIS PROPERTY taken away by a government— especially the AMERICAN government. HIS rights should be protected. And he should be shown as an example to ALL young Americans to encourage them to reach for the same stars rather than some rock star or athlete that manages to have 5—7 children out of wedlock before reaching the age of 25!

If the government really wanted to do something FOR THE PEOPLE of this country, why do we not see any investigations into the ''non-profit'' organizations that seem to have to account to NO ONE! It seems one can set up a ''non-profit'' organization, collect millions, show a very small percentage going to something or some organization that fits the ''help a person'' category, write off HUGE salaries and contributions to mistresses as ''Consulting Fees'', extort millions more from other businesses and the IRS ''doesn't have the resources to investigate''. Forget to include a 1099 from a measly oil royalty of $136.00, as I did a couple of years ago (with a total income of less than $40,000.00) and the IRS seems to have plenty of resources to conduct an audit.

Something dreadfully evil has crept into the American Government ideology and I predict as long as we hard-working, tax-paying Americans sit on our duffs without any outcry, our rights are going to continue to be whittled away in the name of ''protecting us'' and this country will fall into economic, social and moral disaster. Unfortunately, we have a very good foundation to that end today.

Yours truly,
Barbara Bryant
Levelland, Texas

MTC–00026856

From: waspjj@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 2:32pm
Subject: Microsoft Settlement

To The Justice Department :RE—The Proposed Microsoft Settlement;

The following statement, in part, was sent to me by the Seniors Coaltion.

''The Seniors Coalition strongly believes that the proposed settlement offers a reasonable compromise that will enhance the ability of seniors and all Americans to access the internet and use innovative software products to make their computer experience easier and more enjoyable. Unfortunately, a few of Microsoft's competitors have continued their aggressive lobbying campaign to undermine the settlement negotiated with the federal government and nine states. The settlement itself is tough on Microsoft, but is a fair outcome for all parties—particularly senior consumers. Most important, this settlement will have a very positive impact on the American economy and will help pull us from the recession we have experienced over the past year. Consumer interests have been well served, and the time to end this costly and damaging litigation has come.

Dragging out this legal battle further will only benefit a few wealthy competitors, lawyers, and special interest big-wigs. Not one new product that helps consumers will be brought to the marketplace.''

I agree with this completely,and think it is time to put an end to this.

Respectfully,
William S.Palmer

MTC–00026857

From: Frances Ward
To: Microsoft ATR
Date: 1/27/02 2:34pm
Subject: Response to any changes to draft

I do not wish to make any changes in the letter drafted—I wish to stand up for Microsoft—Please be aware this is my notice to ask you to accept my letter in favor of Microsoft. FranWard41 @hotmail.com

MTC–00026858

From: William Pence
To: Microsoft ATR
Date: 1/27/02 2:35pm
Subject: Microsoft Settlement

OK, I have waited almost too late to submit my comments:

The DOJ and judicial system in place MUST place conditions against MS in place with teeth, that will cause a fundamental change to MS business practice. As the courts have already found, MS routinely uses illegal monopoly power to protect and advance its market. This is a competitive stranglehold on the industry that will only hurt the consumer long term. From previous judgements in cases like this, MS will interpret these rulings to their advantage at every opportunity. This means an oversight team NOT SPECIFIED OR APPOINTED BY MS is required. Note that they have already tried this game. Their people must be removed from the oversight team. This oversight team must have authority to REQUIRE MS compliance.

Please, Please, Please do not allow MS to continue to extend their monopoly via illegal tactics. The proposed settlement to provide schools with technology is a JOKE.

1. they do not have a monopoly there, so this will help them alter the balance in their favor.

2. the accounting in use will claim that Windows costs 199.99, and office costs 499.95, when they are basically ''free'' since MS is just giving copies of existing software.

3. Allowing MS to specify the settlement is like allowing the fox the KEY to the

henhouse, and providing extra place settings for the fox to invite friends.

Several engineer friends of mine and I have watched this trial from the beginning. we all have the collective ''duhhh'' when the court findings of illegal monopoly practices were published. we have also had the collective ''what a waste'' watching the current handling of the case. David Boise laid a perfect design to really solve this. Let's no give away the ending. Let's make a real difference to STOP MS from continuing their illegal practices, and allowing real competition from AOL/Netscape, Apple, Real Networks, and others. thanks,

bill—pence@mac.com

MTC–00026859

From: George Papp
To: Microsoft ATR
Date: 1/27/02 2:29pm
Subject: Microsoft Settlement

Hi I'm a college student at The Ohio State University and the Microsoft Settlement is not fair to a successful company who has done more for the public good than any-other tech company in the business.

Why penalize a company because they are successful. Its not Microsoft's fault that consumers do not buy their competitor's junk product. Also, if Microsoft is paying my education. I was fortunate to have been able to trade shares of Microsoft to pay for my college education instead of taking college loans to pay for it. If Microsoft tanks I highly feel that I would not be able to sell shares and make enough money off the transactions to pay for school. Our Country is having tough economic times and penalizing Microsoft for its success would further send our country down the economic toilet.

Thank You,
George M. Papp
Student

MTC–00026860

From: MJHurd@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 2:37pm
Subject: Views on Microsoft and Bill Gates

If I Were Bill Gates
Published in USA TODAY 1/24/00
by Michael J. Hurd Ph.D.

Poor Bill Gates. He doesn't know how to defend himself.

If I were Bill Gates, here is what I would say to defend myself:

I created a company. Millions upon millions of people want to buy my company's products. They do so freely and willingly—often enthusiastically. I never lied to my customers. I never held a gun to their heads. They bought from me of their own free will. My products have transformed the world. The billions I've made are small potatoes compared to the benefit the world has gained from my innovations.

It is true that I package together some of my products. But I created these products. It is my right to package and sell them any way I see fit. It is the equal right of individual consumers to shop elsewhere if they see fit. Many of them do. It's a competitive business, and I have no guarantee of always staying on top. In a free market, there are no guarantees.

Government is supposed to protect its citizens from the initiation of force and fraud. I am guilty of neither. Nobody even accuses me of it. It's not the government's place to decide when one particular company has made ''too much'' or ''cornered the market.'' This is the consumer's job, not Janet Reno's or Bill Clinton's job.

There is no monopoly, so long as other companies are free to compete with me; and they are free to compete with me. Government should stop telling the public it's only ''protecting'' them. No such thing is true. If the truth be told, the government is protecting my competitors—not the consumers.

That's what this antitrust case is really all about.

MTC–00026861

From: George J, JUngermann
To: Microsoft ATR
Date: 1/27/02 2:40pm
Subject: Microssoft Settlement

I write this e-mail to let you know I support the proposed settlement as a fair agreement. Any attempt to continue with the court case can only be described as an attempt to benefit the few and not the many affected by this case.

It's time to end this law suit! The settlement is fair to all!

Thanks,
George Jungermann
jungermann@juno.com

MTC–00026862

From: D (038) P Cochell
To: Microsoft ATR
Date: 1/27/02 2:08pm
Subject: Microsoft Settlement

SETTLE THIS LAWSUIT and let microsoft get back to their work of innovating and marketing tech products that the consumers want and need. The tech industry, the country's economy, and consumers information base needs the growth that an innovative company like Microsoft provides.

Let them do it!
Darrell Cochell
Lakin, Kansas
CC:GENERAL@ksag.org@inetgw

MTC–00026863

From: Peter Mogensen
To: Microsoft ATR
Date: 1/27/02 2:41pm
Subject: Microsoft Settlement

The Microsoft trials,

Hello,

I must say, I'm baffled by the development of the various Microsoft Anti Trust trials in the US. In most of Europe the US legal system has a reputation of being mostly about expensive lawyers and politics. Of course, people regards this as satire, . . . until it affects them self. Allow me to introduce myself: My name is Peter Mogensen and I'm a Danish citizen. I write to you since as a daily user of non-Microsoft products, I'm very concerned about the future of the computer industry with the prospects of Microsoft getting out of the current lawsuits the way the settlements are laid out. My daily work is software development, which you might think disqualifies me of representing the average consumers and users of computers and operating systems. I would argue that I am indeed a user of operating systems and other software products (both professionally and as a hobbyist) and my technical knowledge enables me to see parts of the problem that the average user (or lawyer) doesn't see.

I see every day how computer users find it more and more difficult to live without Microsoft products. This would be understandable if Microsoft actually produced innovative, good quality products. But I don't see computers becoming easier to use for the average user. What I see is a lot of users being led into believe that their computer is easier to use than it is. Often at expense of security. Lack of security in Microsoft products (like Outlook/IE/IIS) has cost the users around the world over $10 billion per year the last 3 years. (http://www.siliconvalley.com/docs/news/reuters—wire/1453344l.htm) There's lots of other reasons to not choose Microsoft software. They are not as important here as the fact, that a lot of people actually want to use something else, but often can't.

Why is that? Because Microsoft is enforcing a (almost worldwide) monopoly on operating systems, office applications, web browsers and a few other products.

You might ask, why Microsoft can maintain such a monopoly if there's appealing reasons to choose other products? The answer lies in the way Microsoft conducts business. I would like to highlight two problems which have influenced my life in a negative direction:

1) In the computer world and on the Internet, compatibility is everything.

If over 80% of the users on the Internet are using a system incompatible with that of the remaining 20%, users are not migrating TO the minority but rather FROM. Microsoft knows this and does everything in its power to make the life of the minority as hard as possible bye making it difficult to communicate with the majority.

This is done by heavy use of proprietary protocols and data formats and often by bending or extending their implementations of open standards to only work with Microsoft products. Examples are the ever changing file formats of MS Word, the J++ Java implementation (http://java.sun.com/lawsuit/111798ruling.html) and the modifications to the Kerberos protocol in Windows 2000 (http://www.infoworld.com/articles/op/xml/00/05/15/000515oplivingston.xml).

Of proprietary communication protocols, which Microsoft actively prevents others from implementing, SMB/CIFS is an example. Without the ability for other systems to talk this protocol, Microsoft are keeping other products out of the local network marked, since this is the official way for Windows computers to do file sharing among computers on a local area network.

Please read: (http://linuxtoday.com/news—story.php3?ltsn=2001–11–06–005–20–OP–MS) or here: (http://lists.samba.org/pipermail/samba/2001-November/060505.html) http://perens.com/Articles/StandTogether.html

Most obvious for the average user is the tendency for the WWW to become ''best viewed with Internet Explorer''.

More and more infrastructure in the western world are placed on the Internet and

it is becoming more and more important for citizens to be able to access this information. The problem is that Microsoft encourages people to implement web sites using technology only available on the Windows operating system and in Internet Explorer. Many web sites are specificly designed only to be viewed with Internet Explorer. Many home banking systems are like that. The World Wide Web was never meant to be viewed with only one client. The WWW was meant to be based on open standards to enhance interoperability. That's innovation. Microsoft does not encourage innovation!

If this development is allowed to continue, we risk having a world were mere participation in the society requires you to run a Microsoft product, effectively paying taxes to Microsoft. I do not want that, and I do not believe you or your citizens want that either.

2) The way Microsoft has controlled the OEM hardware manufactures during the 90's:

Microsoft had the majority of the market share for operating systems.

Knowing that most users doesn't make changes to the computer system they buy and that most users are reluctant to put too much effort into actively searching for alternatives once they have bought a computer it is easy to use your existing market share (and the need for compatibility) to increase your market share. I've personally been using the BeOS (former http://www.be.com) operating system with much satisfaction. This was an very innovative product fulfilling many of my needs as a ordinary user and as a developer. Including things MS Windows didn't supply. The efficiency and elegance of the system made it a breeze to use compared to the many problems Windows users often experience. Unfortunately the BeOS operating system is no more. Be inc was forced out of business by Microsoft. (http://www.byte.com/documents/s=1115/byt20010824s0001/) The product (BeOS) has been bought by Palm inc, who officially has declared that it will not be continued.

Now . . . the result of Microsofts monopoly and ''innovative'' behavior is that over 10 years of development on a cutting edge operating system will not be available for consumers.

I can not see how the current market situation in any way is good for the consumer. Microsofts competition has an almost impossible task in just being allowed into the market, since the market is more than often defined by Microsoft products and proprietary protocols.

In the current market, the commercial model fails to work to the benefit of the consumer. Which products actually reach the consumer are dictated by commercial interests, not by innovation. BeOS is an sad example of this.

Now, what should be done to ensure that the competition of an open market will benefit consumers?

Simple: Require the use of open standards. And enforce it. Microsoft should be prohibited from using proprietary protocols and file formats in communication between computer systems and in interfaces between products. Public digital communication should require use of open standards.

Restricting all protocols and file formats in public use to be based on open standards will guaranty every citizen equal rights to participate in the digital society which are becoming more and more important in the western world.

regards,

Peter Mogensen

PS: Though not directly related to the trial, I was very appalled to hear the about the proposed settlement in the private antitrust case. (http://www.siliconvalley.com/docs/news/svfront/ms121101.htm) It's chocking to hear that anyone can think you can limit a monopoly by allowing it to increase its market share. Sorry to address this subject in this letter. I'll just appeal to this court to make an objective and thoroughly considered ruling in this important matter.

MTC–00026864

From: Dan Atkinson
To: Microsoft ATR
Date: 1/27/02 2:50pm
Subject: Microsoft Anti-trust Lawsuit

Stop punishing Microsoft for being a leader in its'' industry, and conversely rewarding those competitors who fail to measure up or would like to succeed at Microsoft's expense. This has potentially disasterous consequences for the future of American business. Regards, Daniel J. Atkinson, D.D.S.

MTC–00026865

From: Bob Karr
To: Microsoft ATR
Date: 1/27/02 2:46pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I think it does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future. I think it does nothing to correct or redress their previous abuses. I think some of the definitions in Section VI could be better defined . For example:

I think that Definition K: Microsoft Middleware Product could specifically include Microsoft's .NET initiative, Microsoft Outlook and possibly Microsoft Office as Microsoft Middleware.

I think that Definition U: Windows Operating System Product could include the Microsoft Tablet PC and Windows CE.

Thank you.

Sincerely,

Robert Karr Spring Grove, IL

MTC–00026866

From: Cris Naugle
To: Microsoft ATR
Date: 1/27/02 2:48pm
Subject: don't drop the ball!

I spend ten hours a day working on computers and have done so for at least 15 years. I started working as a researcher in biotech and for the last 6 years I have been running a graphic design company and now we mainly design web sites.

I can honestly say the biggest disasters I have encountered resulted from a MicroSoft product. They release software with major problems, their applications leave gaps in security that have cost corporations billions, and they have done some very sneaky thing to discredit or sabotage another company's product:

1. When I was running an Animal Care and Use Committee at a Boston Cancer Institute, I was streamlining document handling. I used a document template included on Word for Windows. The document wouldn't print out correctly, I was almost fired because we almost missed our federal regulatory deadline -we had to call in outside contractors and consultants -the cause? MicroSoft Word required the use of a Mac font in their template... we used PC's and postscript printers, the Mac font caused a system crash. The fact they were using a Mac font in one of their templates may cause one to wonder where and how they got the template?

2. It was always a joke that there was a flight simulator inside MS Excel, rumor was that the MS programmers placed it there as a joke. But those of use using the software were seriously effected in those days of low RAM, committed by force to not use any other software if using Excel.

3. When the internet was young, it was a given that designers and programmers would create website that were cross-platform and cross-browser compatible -it was our lively-hod that our client's web sites could be viewed by everyone -then MS stepped in and tried to rewrite javascript if you opened a page in Explorer that contained this scripting -you crashed.

4. I was consulting at a dot com when the I LOVE YOU virus hit, we were designing a web site for NYU and running close to being over deadline. Then one morning every image file on every computer was erased. This cost the company millions of dollars and all the consultants were let go. This hurt real people and I can only extrapulate this over all the companies hit.

5. And what about the fund B Gates set up to provide scholarships for minorities and then said he couldn't find any who qualified!

I could go on for days here but seriously, a lot of good companies, Apple, Sun, IBM etc have been seriously hurt -good software destroyed and good companies gone only because an megomaniac wants to be the biggest not the best just the biggest. This is not the American Way.

Don't drop the ball here
Christine J Naugle
SpiralXdesing, Inc
5949–8 Carolina Beach Road
Wilmington, NC 28412
910–452–3304 (local)
866–774–7299 (toll free)
910–793–1137 (fax)
http://www.spiralxdesign.com
We Build Web-Esteem

MTC–00026867

From: HAL TUCK
To: Microsoft ATR
Date: 1/27/02 2:46pm
Subject: MICROSOFT ANTI-TRUST CASE

3213 Oakwood Boulevard S
Sarasota, FL 34237–6412
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I think it's high time that this whole Microsoft antitrust matter was over and done with. The government has no place interfering in private business. This is why I'm pleased that the settlement that you reached with Microsoft will mean and end in sight for this mess.

I know that everyone will respect what Microsoft had put on the table in order to end this whole matter. I can only hope, as a Microsoft supporter, that elements of the agreement, like giving over its code and intellectual property rights to its competitors, will not prove too damaging to the company.

I, along with every other American who depends on Microsoft products in his daily life, want to see an end to this whole affair. Three years is far too long to wait for a final settlement and both sides have far more important issues to worry about.

Sincerely,

Harold Tuck

MTC–00026868

From: hdcallies@msn.com@inetgw
To: Microsoft ATR
Date: 1/27/02 2:45pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,

Howard Callies 123 Spencer Rd N
Onalaska, WA 98570

MTC–00026869

From: Suzanne Taylor
To: Microsoft ATR
Date: 1/27/02 2:41pm
Subject: Microsoft Settlement

Ten Essential Consumer-Oriented Remedies

Any settlement or final judgment must include remedies that provide:

(1) A simple, affordable, and reliable way to run the 70,000 existing Windows applications without modification on all other operating systems.

(2) A simple, affordable, and reliable way to have native versions of Microsoft Office applications on all other operating systems.

(3) A simple, affordable, and reliable way to replace one or more of the four Office applications with competing applications, while retaining the ability to exchange files, data, and services with any Microsoft application.

(4) A simple, affordable, and reliable way to have native versions of Explorer, Media Player and other Microsoft Internet applications on all other operating systems.

(5) A simple, affordable, and reliable way to replace one or more Microsoft Internet applications with competing applications, while retaining the ability to exchange files, data, and services with any Microsoft application.

(6) A simple, affordable, and reliable way to replace any component or feature in any Microsoft software product with superior or special purpose components or features.

(7) A simple, affordable, and reliable way to run any Microsoft software on computers that do not have Intel-compatible microprocessors.

(8) A simple, affordable, and reliable way for software developers to access all the information they need to create products that offer consumers these choices.

(9) A way to ensure that original equipment manufacturers provide consumers with equal access to computers with alternative operating systems, productivity applications, and Internet applications.

(10) A ?crown jewel? provision establishing such serious consequences for non-compliance that Microsoft will not attempt to evade the necessary disclosure requirements and other mandates.

Suzanne Taylor
Los Angeles, CA

MTC–00026870

From: FigWax
To: Microsoft ATR
Date: 1/27/02 2:48pm
Subject: Microsoft Settlement

Microsoft's competitors can't compete in the marketplace so they have to resort to barratry. The public doesn't suffer from Microsoft's savvy business practices.

The public actually benefits by having only one operating system.

MTC–00026871

From: Eric B Venet
To: Microsoft ATR
Date: 1/27/02 2:45pm
Subject: Microsoft Settlement

Under the Tunney Act, I wish to comment on the proposed settlement in the Microsoft antitrust case. Before I begin, I would like to echo the ideas suggested at http://www.kegel.com/remedy/letter.html and http://www.codeweavers.com/jwhite/tunneywine.html.

My name is Eric B Venet, I am a second-semester junior at the University of Rhode Island, studying Computer Science. I am also an apprentice computer consultant for a small firm in Rockland, MA. In my academic, professional, and even private life I have certainly been somewhat of a victim of Microsoft's monopolistic tactics.

I feel that this settlement is not strong enough for three main reasons:

1. It does not protect the consumer from non-code-based monopolistic tactics.

2. It does not provide adequate access to the Windows APIs.

3. It does not allow for true competition.

1. One of the most hotly debated items of the past year was the rumor of the draconian licensing requirements in the then-upcoming Windows XP. While what eventually came to be was quite tame compared to what was being discussed, licenses are an issue that the settlement doesn't quite pinpoint and solve. Microsoft needs to be prevented from trapping the consumer in an unfair license that may force him or her to keep using Windows, and keep paying for it. For example, even with this settlement in place, Microsoft could update Windows so that all data is encrypted, and cannot be viewed without a licensed, up-to-date version of Windows. This would be a situation where a consumer would have to pay money just to get access to his or her files. While this is an extreme example, it is also one that I believe is unpreventable under the terms of the settlement.

2. As stated in the above-linked documents, a volunteer group could be barred from gaining access to API documentation, thus betraying the very nature of the antitrust findings. The importance of free and easy access to Windows APIs cannot be stressed, enough. Bugs or problems in the Windows code, itself, have caused many errors in the computers of clients that my firm deals with. The time spent repairing the damage done by Windows'' problems is time that is billed to the clients, costing them thousands of dollars each year. If the Windows APIs were more open, applications could be written to repair such damage automatically, or even avoid it in the first place. To be more clear, a monopoly is a bad thing, but a monopoly that deals in problematic products can be a fiscal and an emotional nightmare.

3. Drawing on what I've said in number 2, what is to prevent Microsoft from putting code into Windows to keep competitor's applications from running? There is a nigh-infamous rumor that there exists code in Windows to make Netscape Navigator, a competing product to Microsoft Internet Explorer, crash or perform improperly. While this has never been ''proven'', using Netscape on a PC with Windows is an exercise in futility and frustration, while Internet Explorer serves up the same web pages with little or no problems. To speak of things of more truth than rumor, Microsoft recently removed support for ''Plug Ins'' from its latest versions of Internet Explorer. This sent many developers scrambling to rewrite their software so it would still function. With Microsoft freely-able to do such things, there is harm to consumers, and also unjust harm to ''competing'' firms. As far as I understand, there is nothing in the proposed settlement that will truly be able to prevent Microsoft from these tactics, again. The source code to Windows must be monitored or known in such a way as to prevent malicious code from interfering with third party software.

To close, Microsoft is poised to extend its monopoly across many other facets of computerdom with its XBox video game console and its plans for .NET, a Framework for internet applications. Without a stronger settlement, the company's strangle-hold on software developers and consumers will grow even tighter. Computers are becoming integral in nearly all aspects of our everyday lives, and having one company with sole

control of software is a very dangerous prospect. The brashness of Microsoft's illegal and immoral tactics are becoming an unfortunate trend in the world of business, and frighteningly, this goes hand-in-hand with a trend of government looking the other way and sticking it to the citizenry while these modern-day robber barons grow richer and more powerful. I realize that the job of government is a daunting one, but it is one that entails maintaining a balance of equality between all people, and at the moment, the balance is visibly shifted towards big business. There is a chance, here to make a true difference and return the realm of computers to one of general advancement of the technology, not just the advancement plans of one close-minded corporation. I hope the right decisions are made. Thank you for your time, and thank you for doing a job that I'm sure many others lack the fortitude to do.

Sincerely,
Eric B Venet
xanthus@earthlink.net
3 Lambert St
Narragansett, RI 02882
401–782–0259

MTC–00026872

From: Johnny Chidiac
To: Microsoft ATR
Date: 1/27/02 2:49pm
Subject: Microsoft Settlement

Dear Sirs:

I wish to express my extreme displeasure with the proposed settlement between the Department of Justice and Microsoft over the antitrust violations of Microsoft. As a matter of court record, Microsoft has proven itself, throughout the proceedings of the case, to be exceptionally opportunistic and absurdly unethical on a number of levels. It should be obvious that Microsoft will stop at nothing in order to prevail in this case (or anywhere else, for that matter) and therefore, that any remedy short of splitting the company would do little to curtail their predatory and unethical business practices. Microsoft is the big bully on the block—the kid that grew up bigger and faster than the other kids—and it will keep on bullying until someone bigger and stronger puts a stop to it. Thank you for your time.

Sincerely,
John N. Chidiac

MTC–00026873

From: Marlin N Bracken
To: Microsoft ATR
Date: 1/27/02 2:49pm
Subject: Microsoft settlement

I truly believe the settlement is fair and adequate. Let Microsoft get on with their business so they can further the computer skills of us seniors at a price that is affordable.

MTC–00026874

From: Jewel H White
To: Microsoft ATR
Date: 1/27/02 2:53pm
Subject:
Subject: Microsoft Settlement

I feel that the settlement offered recently is sufficient and this case should be closed. Otherwise, all the citizens of the U.S. are going to be deprived of future equipment that could make our lives easier and much more pleasant.

Please don't let this continue—the ones that benefit will be the ones that are only trying to take a good company down.

Mrs. J.H. White

MTC–00026875

From: Bob Sprenger
To: Microsoft ATR
Date: 1/27/02 2:54pm
Subject: Microsoft Settlement

As a result of their monopoly, Microsoft is able to deliver a very poor quality product. For example in my own case the following have occurred.

1. About 5 years ago I installed Internet Explorer (a Microsoft program) and immediately my Netscape web browser stopped working. It was necessary to remove both Internet Explorer and Netscape browser and reinstall Netscape to get the browser to work. Microsoft would probably suggest User error or some such, however; a search of the internet indicated mine was not an isolated incident.

2. Installed Windows 3.1 and found there was no compression software in the program as advertised. It turns out Microsoft was forced to remove the compression software because they ''borrowed'' it from another company.

3. Recently installed Microsoft Windows 98 second edition. Unfortunately, more quality problems, Microsoft included an invalid code to activate the the Operating System. Three days later the vendor supplied me with the proper code. In this case the code was one digit short. Since this code obviously uses a complex algorithm I can understand generating the wrong code, but missing one entire digit is just plain sloppy and displays once again a don't give a damn attitude.

4. My current copy of win98 is painfully slow when performing line printing. Slower than DOS, WIN 3.1, WIN 95, or Linux. Suspect another quality problem, but not defined as yet.

5. Last week I installed Quicken Turbo Tax. My first unrecoverable error in that program pointed at Internet Explorer. (a Microsoft Program)

I would like to dump Microsoft, but they have forced virtually all the application vendors to use their OS to the exclusion of other Systems. The susceptibility of Microsoft software to rogue virus programs is well known. This is scary, particularly when Mr. Gates says he will make security his main emphasis. Frankly its, way, way late for this ''action''. I put these statements in the same category as his highly publicized charitable contributions—Public Relations WINDOW dressing. My understanding of the penalties assessed Microsoft because of the antitrust suit, were minuscule and will not inhibit their monopolistic operation. I believe the chances for real originality and creativity in the home computer industry has been greatly weakened. Sadly it looks like our Judiciary caved in and lost this one to Micro$oft. Sadly so did the people.

Robert C. Sprenger
1184 Via Mateo
San Jose, Ca 95120

MTC–00026876

From: Bill Mundy
To: Microsoft ATR
Date: 1/27/02 2:54pm
Subject: Microsoft Case

204 Southwest 24th Street
Blue Springs, MO 64015
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

My name is Bill Mundy. I am a resident of Blue Springs, Missouri. I am writing to register my support for the settlement agreement reached in the Microsoft case.

Microsoft has provided great products. If people don't like them, they have other choices. Apple, Linux and others. I remember pre-windows computers with everyone creating non compatible software. Think of the jobs Microsoft has created. Think of the changes Microsoft has brought to our world. The government didn't create these changes, private industry did. Don't stand in the way of progress.

Microsoft has agreed to alter a number of its present business practices so as to create additional opportunities for software developers, distributors and consumers. Under this settlement, consumers will be afforded immediate relief as a result of Microsoft's agreement to open the Windows operating systems to competition from non-Microsoft software providers.

I hope that the public sees the wisdom in implementing this agreement rather than continuing the case in Court. I hope your department does as well.

Thank you for your consideration.

Yours truly,
Bill Mundy

MTC–00026877

From: HAROLD TUCK
To: Microsoft ATR
Date: 1/27/02 2:54pm
Subject: Microsoft anti-trust case

3213 Oakwood Boulevard S
Sarasota, FL 34237–6412
January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I think it's high time that this whole Microsoft antitrust matter was over and done with. The government has no place interfering in private business. This is why I'm pleased that the settlement that you reached with Microsoft will mean an end in sight for this mess.

I know that everyone will respect what Microsoft had put on the table in order to end this whole matter. I can only hope, as a Microsoft supporter, that elements of the agreement, like giving over its code and intellectual property rights to its competitors, will not prove too damaging to the company.

I, along with every other American who depends on Microsoft products in his daily life, want to see an end to this whole affair.

Three years is far too long to wait for a final settlement and both sides have far more important issues to worry about.

Sincerely,

Harold Tuck

MTC–00026878

From: ted zaehringer
To: Microsoft ATR
Date: 1/27/02 2:55pm
Subject: Microsoft Settlement

forcing microsoft to gain marketshare is not much of a penalty no matter how you look at it.

this settlement sucks!

thanks.

ted.

MTC–00026879

From: Mark Miller
To: Microsoft ATR
Date: 1/27/02 2:57pm
Subject: Microsoft Settlement

Microsoft must be severely punished for it's arrogant monopolistic business tactics. In addition, Microsoft (practically) forces end-users to use most, if not all, of their applications by tying them (at times without choice) to their operating system. Break them up into three separate businesses:
Operating System
Desktop Applications
Internet Applications

Punish Microsoft in such a way as this which will encourage fair competition and innovation.

Regards,

Mark Miller

markm@swoon.net

MTC–00026880

From: Jan-Erik L(00E4)rka
To: microsoft.atr(a)usdoj.gov
Date: 1/27/02 2:57pm
Subject: Microsoft Settlement

Hi!

I am a user of the OS/2 operating system from IBM. I have found this to be a technologically superior product over the operating systems offered by Microsoft, including their latest version, Windows XP. Unfortunately, OS/2 has been in decline for a number of years from what I believe to be unfair monopolistic marketing tactics of Microsoft. As a result, vendors of OS/2 related products have also diminished over the years. Contrary to arguments by Microsoft that their products encourage competition, I believe the opposite is true; that Microsoft's marketing practices actually discourages competition and stunts technological growth. Consequently, I do not believe the Federal Government's proposed settlement with Microsoft, in its current form, is adequate and that stricter measures be imposed on the company to prohibit such tactics from being used in the future. In other words, I applaud the efforts to seek stricter measures and encourage the efforts to broaden the market for the interest of the consumer. In my opinion a settlement at this point wouldn't benefit the consumers interests.

Sincerely,

Jan-Erik L?rka

Bergsj?

Sweden

MTC–00026881

From: Daniel Herbst
To: Microsoft ATR
Date: 1/27/02 2:59pm
Subject: microsoft settellment
January 27 2002
Public Comment: Civil Action No. 98–1232

As mentioned in the competitive impact statement. Appropriate injunctive relief in an antitrust case should: (1) end the unlawful conduct; (2) avoid recurrence; and (3) undo its anticompetitive consequences. I believe that justice would not be served unless all three of these conditions are met in full.

How can the consequences of Microsoft's anticompetitive conduct be reversed without being forced to pay heavy fines? If Microsoft itself felt that even with its financial strengths and market position that it could not win the browser war without resorting to desperate tactics as stated by Christian Wildfeuer in February 1997 (MS7 004346) and by James Allchin on January 2 (MS7 005526) and by Paul Maritz on June 20 1996 (MS6 6010346), (MS6 6010347), then how could any competitor hope to breech the high berriers to entry into the same market with a fraction of Microsoft's resources? Unless Microsoft is forced to forfeit the riches it inappropriately acquired through unlawful business practice, the balance of a competitive market will not be achieved.

Microsoft has unjustly diminished and or destroyed economic growth of its competitors while at the same time reaping the benefits of this destruction. It is now publicly apparent that the vast and rapid growth of Microsoft was at the expense of both its corporate rivals and the paying public. A large part of any fines to be paid should be made payable to the Microsoft competitors that were most compromised to avoid creating inroads that would only serve to increase Microsoft market share. Take the market share that Apple computer enjoyed in the education sector before July 1994 compared to today as an example of compensation due.

An important point not mentioned in the Civil Action is the large financial ruin that the consumer himself/herself has had to absorb. Using myself as an example, I was forced to replace prematurely a sizable investment in computer hardware due to limited support and incompatibility issues. It is now apparent that Microsoft was at the forefront of these obstacles and responsible not only for the monetary loss, but also the personal ridicule and persecution I received for wanting to use an operating system other than Microsoft Windows. When Paul Maritz was quoted as saying we are going to cut off their air supply he should have realized that it would affect more than just his corporate rivals.

Daniel P. Herbst

MTC–00026882

From: thelitke@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 2:58pm
Subject: Microsoft Settlement

It is my opinion that the time has come to end this costly and damaging litigation.

MTC–00026883

From: William R. Fautch
To: Microsoft ATR
Date: 1/27/02 3:01pm
Subject: Fw: Microsoft settlement

-Original Message ——-
From: William R.Fautch
Sent: Sunday, January 27, 2002 11:47 AM
To: microsoft.atr@usdoj.gov
Subject: Microsoft settlement
17304 N. Shady Lane
Newman Lake, WA 99025
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
e-mail microsoft.atr@usdoj.gov

Dear Mr. Ashcroft:

There has recently been a settlement to the antitrust lawsuit between Microsoft and the Department of Justice. While I do not agree with the relentless pursuit of the Microsoft Corporation, I am happy to see that a settlement has been reached. The United States government needs to move on and worry about more important issues.

Microsoft will now be working much closer and communicating much more with their competitors. They will be giving their competitors code and other information that makes up the Windows operating system.

They will also be allowing their competitors to remove Microsoft-made software from Windows, and replace it with non-Microsoft software. Enough is enough.

Microsoft agreed to terms that extend well beyond what was issue in the initial suit, just for the sake of ending this senselessness. I support this settlement and would like to see it implemented as soon as possible.

Sincerely,

Margaret L. Fautch

MTC–00026884

From: H P
To: Microsoft ATR
Date: 1/27/02 3:00pm
Subject: Microsoft Settlement

I think the proposed settlement is bad idea

Hetal Parikh

MTC–00026885

From: Wryjr@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 3:02pm
Subject: comment on the case

I totally disagree with the government's position regarding Microsoft. A close look at the history of this ''case'' indicates that this is nothing more than a group of unhappy competitors—-unable to develop a product as good as or as marketable as Windows and related programs—-whining to an administration that is all too happy to punish success in business (though, interestingly enough, they have no problem collecting Microsoft and other business'' taxes to redistribute to those who are less productive!).

Bill Gates should be congratulated, not persecuted, for contributing to our Country's immeasurable advances in technology and business brought about partly because of Microsoft's universally compatible and user-friendly platform.

I dare anyone who disagrees to stand by their position and immediately remove all

Microsoft products (including Windows!) from their PCs.

Thank You
Bob Yesbek
Director of Education
Omega Studios School
CC:drhurd@drhurd.com@inetgw

MTC–00026886

From: Tami Krebs
To: Microsoft ATR
Date: 1/27/02 3:03pm
Subject: Microsoft Settlement

I resent that the government feels a need to defend me as if I am unable to choose software that is most useful for me. I do not think that the government has any right to choose what software should or should not be installed on my computer. I use Microsoft's products and I choose to use their products not because they are installed on my computer but because they are beneficial products. These products enable me to easily transfer information from one program (i.e Word, Excel) to another (i.e. PowerPoint, Access) without having to convert information, which makes me more efficient both at home and at work. Microsoft's programs are also compatible with my Palm, which is easy for me to take information from my calendar at work and my calendar at home to sync them up. Please note, I have decided to use the Palm operating system, not Microsoft CE. In no way has Microsoft ever made me use their products. I cannot believe that Microsoft, a successful business, and its products (Microsoft Office Suite among others) are a threat to anyone.

Please remember that this complaint stems from Microsoft's unsuccessful competitors not the the individuals who use the products. Unsuccessful businesses must not be allowed to set the rules for the markets in which they failed. Continued application of the antitrust laws against successful businessmen like Microsoft Chairman Bill Gates can only lead to corruption and economic disaster as shown in many other countries.

I believe the United States should embrace success not throttle it. The United States should also be a place where anyone who works hard and exhibits intelligent decision making has the freedom to become a self-made person, just like Bill Gates is. This is the United States that would make me proud to be an American. Lastly, and most importantly, Microsoft has a fundamental right to its property. It is the government's job is to protect this right, not to take it away. With this in mind, please consider all of these points in your decision regarding Microsoft.

Thank you.
Sincerely,
Tami Krebs
15 Mallard Court
Mechanicsburg, PA 17055
orion@epix.net

MTC–00026887

From: Jeffrey Y. Sue
To: Microsoft ATR
Date: 1/27/02 3:03pm
Subject: Microsoft Settlement

The proposed settlement of the Microsoft anti-trust lawsuit does not go nearly far enough to curb the predatory anti-trust activities of Microsoft. When ATT and Standard Oil were brought to justice for anti-trust activities, both companies were broken apart with considerable restrictions on their actions. Microsoft should be broken apart into at least 4 companies: two competing operating system companies and at least two competing application companies. The competing operating system companies should truly compete by price, reliability and features, and should not be allowed to cooperate with each other. Similarly, the application companies should compete and not be allowed to cooperate. Microsoft has many tentacles, just as Standard Oil did, and some of these other products should be broken off into other companies, e.g., the internet provider MSN, hardware products such as mice, keyboards, and joysticks, the Microsoft television internet hardware, and the consumer game hardware, XBox. Unless Microsoft is broken up into competing companies, the American consumer, and competing American companies will all be losers, and ultimately, so will all Americans.

Jeffrey Y. Sue, MD
PO Box 25763
Honolulu HI 96825

MTC–00026889

From: Sean and Charlene McGrew
To: Microsoft ATR
Date: 1/27/02 3:03pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally,

I am writing to you regarding Microsoft's Proposed Final Judgment as a concerned citizen. I urge you to critically examine the politics involved in this proposal, which sounds suspiciously and alarmingly lenient for a company that has been proven to be in violation of Antitrust laws. On numerous occasions Microsoft has abused its position as an illegal monopoly, adversely affecting several growing companies and thousands of Americans working to find their place in a competitive free-market. Antitrust laws were put in place to foster an environment of healthy competitiveness which would in turn further technology and stimulate the ecomomy. However, I do not believe that the PJF satisfactorily addresses Microsoft's violations in a way that this antitrust activity will be punished or come to an end. In fact, the PJF seems to be doing just the contrary, by conveying the message that their illegal activities are condoned, perhaps even encouraged. I am afraid of what might happen next to this freedom we have tried so hard to preserve if such an injustice is carried out and such a precedent set.

I trust that you will deal with this issue with wisdom and integrity so that justice will be served. Respectfully, Charlene Chen McGrew Sean and Charlene McGrew 4111 Walnut Street #608 Philadelphia, PA 19104 (215)349–6392

MTC–00026890

From: lesrose
To: Microsoft ATR
Date: 1/27/02 3:06pm
Subject: Micro Soft Settlement

Dear Attorney General Ashcroft:

I have been following this Micro Soft case since the government originally went after them and for the life of me can't see us continuing to spend tax dollars pursuing something that in my opinion should never have gone as far as it has. The other complaining Companies are doing well in the market place and I believer Micro Soft is being penalized unfairly for being too successful. Let's put an end to this and settle it the way it has been proposed and get along with other business that has some real meaning to our country like Terrorism, our Economy and a hundred other things that would make better use of our resources as a nation. I think you personally have done a great job since taking over your present position and I'' just urge you to concentrate on those things that have meaning for the majority of American and get this Micro Soft business behind us.

Thank your,
Les Bouzek
133 Highway D
Kaiser, Mo 650476

MTC–00026891

From: Darin O.
To: Microsoft ATR
Date: 1/27/02 3:07pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotelly,

I am opposed to the proposed Microsoft Antitrust settlement. The focus of the remedies should be to disgorge any and all additional monopolies created by Microsoft as a result of its illegal use of its OS monopoly, and prevent Microsoft from forming new monopolies (from the illegal use of its OS monopoly). The current settlement allows Microsoft to keep these new monopolies (especially the browser monopoly, a PIVOTAL Internet technology) and does not adequately protect the United States from the illegal use of the OS monopoly in the future.

Special attention must be given to this defendant. It has shown great contempt for all parties opposed to its monopolistic domination of the software market, this includes the judicial system. Microsoft has ignored past judicial orders from previous cases (i.e. the 1994 consent decree), lobbies the Legislative and Executive branches to step on the Judicial branch (and then misrepresents its lobbying efforts), and continues to develop products that extend its monopoly into other product categories.

The proposed Microsoft Antitrust settlement must be thrown out, and re-worked. The nation puts its trust in you to guide this process.

Yours Very Truly,
Darin H. Okuyama

MTC–00026892

From: Donald Kleyensteuber
To: Microsoft ATR
Date: 1/27/02 3:06pm
Subject: Microsoft Settlement

The settlement does nothing to resolve the main monopoly issue: Microsoft's unfair use of its monopoly to take over the market for browsers by including their browser in their operating system. Most computer users do not have the skills needed to make the browser they prefer work properly without interference from Microsoft's. Microsoft

should be required to remove their browser from the operating system and clean it up so that any browser may be used.

So far the government and the courts have done little or nothing to require meaningful corrective actions by Microsoft.

Donald Kleyensteuber
CC:Dan Gillmor

MTC–00026894

From: DJMaytag
To: Microsoft ATR
Date: 1/27/02 3:22pm
Subject: Microsoft Settlement

I would to state that as a result of Microsoft's monopolistic actions on the computer industry, one of the choices I had as a consumer for what I would like to have on the desktop of my computer, has effectively been removed by Microsoft's actions, namely in limiting access of any other operating system to be installed alongside any Windows operating system.

This limiting of choice to consumers has resulted in two areas which has hurt me as a consumer:

(1) I cannot go to any computer retailer and choose which operating system I would like in my computer. If I want to use another operating system on my desktop, I have to purchase either a computer with no operating system AT A HIGHER COST or assemble a computer from the various components which make a computer, also AT A HIGHER COST to me as a consumer.

(2) The restrictions have forced other companies out of business, ones which I could choose to use their products on my desktop. This is narrowing the options of operating systems available to me as a consumer, as more and more companies go out of business due to Microsoft putting up barriers to enty to anyone wishing to have an operating system product placed on a desktop computer.

I urge you to take action which will reverse the situation this I face as a consumer that is paying the price for Microsoft's monopolistic actions.

Mitch Anderson

MTC–00026896

From: Bj(00F6)rn S(00F6)derstr(00F6)m
To: microsoft.atr(a)usdoj.gov
Date: 1/27/02 9:17pm
Subject: Microsoft Settlement

Dear Attorney General,

I am a user of the OS/2 operating system from IBM. I have found this to be a technologically superior product over the operating systems offered by Microsoft, including their latest version, Windows XP. Unfortunately, OS/2 has been in decline for a number of years from what I believe to be unfair monopolistic marketing tactics of Microsoft. As a result, vendors of OS/2 related products have also diminished over the years. Contrary to arguments by Microsoft that their products encourage competition, I believe the opposite is true; that Microsoft's marketing practices actually discourages competition and stunts technological growth. Consequently, I do not believe the Federal Government's proposed settlement with Microsoft, in its current form, is adequate and that stricter measures be imposed on the company to prohibit such tactics from being used in the future. In other words, I applaud your efforts to seek stricter measures and encourage you to stand your ground.

Sincerely,
Bj?rn S?derstr?m
?sterbybruk
Sweden

MTC–00026897

From: rvbeard@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 3:16pm
Subject: Microsoft Settlement

Dear Sirs:

Consumer interests has been well served and it is time to settle this costly and damaging litigation now. Please do not keep this going. It is the average person who is to be served and not big business. As an individual I think it is time to stop now.

Thank You,
Sincerly,
Richard Beard

MTC–00026899

From: Betsy Lehrfeld
To: Microsoft ATR
Date: 1/27/02 3:19pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
United States Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Re: Proposed Microsoft Settlement

Dear Ms. Hesse:

I write to object to the proposed settlement as not being in the public interest. The settlement leaves the Microsoft monopoly intact. It is vague and unenforceable. It leaves Microsoft with numerous opportunities to exempt itself from crucial provisions.

A solution to the Microsoft monopoly problem should be market based and self-enforcing. Any solution that requires constant policing and is perceived as punitive will only contribute to Microsoft's sense that it has been wronged and encourages a culture of evasion ? already evident in various recent Microsoft actions.

The answer is to take away Microsoft's ability to exercise monopoly power. To do this, the applications barrier to entry must be reduced or eliminated. Any settlement or order needs to provide ways for consumers to run any of the 70,000 existing Windows applications on any other operating system.

Consumers need a la carte competition and choice so that they, not Microsoft, decide what products are on their computers. The settlement must provide ways for any combination of non-Microsoft operating systems, applications, and software components to run properly with Microsoft products.

The remedies proposed by the Plaintiff Litigating States are in the public interest and absolutely necessary, but they are not sufficient without the remedies mentioned above.

The court should hold public proceedings under the Tunney Act, and these proceedings must give citizens and consumer groups an equal opportunity to participate, along with Microsoft's competitors and customers.

Thank you for your attention.

Betsy E. Lehrfeld
7214 Blair Road, NW
Washington, DC 20012
(202) 882–6664

MTC–00026900

From: S. Gallagher
To: Microsoft ATR
Date: 1/27/02 3:12pm
Subject: Microsoft Settlement
January 27, 2002
Renata Hesse
Trail Attorney
Antitrust Division
U.S. Department of Justice
601 D Street, NW, Suite 1200
Washington, DC 20530
Email: microsoft.atr@usdoj.gov
Re: Microsoft Proposed Final Judgement Comment

Dear Sir or Madam,

Thank you for the opportunity to comment on the proposed Microsoft Final Judgement. My comments center around minor modifications to subsections III.A.2 and III.C.4 concerning original equipment manufactures (OEM) installation of alternative operating systems. Given the central importance of restoring competition for antitrust relief I believe that clarification of subsection III.A.2 and III.C.4 and an additional aspect of the extant OEM operating system license arrangement merit consideration. I hope that you will concur that these adjustments will enhance the possibility that competition may one day return to the present monopoly in the personal computer market.

A. Subsections III.A.2 and III.C.4 both refer to OEM's shipping personal computers with products in addition to Microsoft products or multiple operating systems. The language in these provisions would not prohibit Microsoft from retaliating if an OEM offered consumers a single alternative operating system. Given that a monopoly was found to exist and that the purpose of antitrust enforcement is the restoration of competition, shouldn't OEM's be able to offer consumers alternatives without fear of retaliation from the monopolist?

B. At present the OEM Windows Operating System license requires recourse to the OEM by a consumer if the consumer does not accept the terms of the licensing agreement. If consumers remove an OEM installed Windows Operating System product before using it they should be insured of recompense from either the OEM or Microsoft. Given that Section III.B requires the publishing of the royalty schedule for Windows Operating System Products it should be possible for consumers to know the exact cost of the OEM installed Windows Operating System and, as a result, their corresponding recompense if they chose not to accept the license. Given this information a consumer could make a rational choice between the OEM installed Windows Operating System and some other alternative operating system. Given that a monopoly was found to exist in the Personal Computer operating system market, it seems the Proposed Final Judgement should insure that customers are not needlessly charged for the

monopolist's product if they do not use it. As a customer, I should not have to buy a product I don't want. If I do not agree to Microsoft's licensing agreement language, my recourse should include them, not only the OEM.

Microsoft can make very good products, this comment is being created and transmitted using them. I applaud the efforts towards reaching an appropriate settlement.

Thank you for your time and the opportunity to comment.

Sincerely,
Scott Gallagher
3229 Taylor Spring Lane
Harrisonburg VA 22801

MTC–00026901

From: stbl45@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 3:22pm
Subject: settlement

Please settle this dispute and let's get on with life. Hasn't the economy suffered enough?

MTC–00026902

From: Lloyd E Wiles
To: Microsoft ATR
Date: 1/27/02 3:24pm
Subject: Microsoft Settlement

I believe in American Free Enterprise. If we out preform our competitors we should be able to reap the benefits of our hard work.

I feel the break up of the telephone company was a disservice to the American public as would be the breaking up Microsoft.

I think to further penalize Microsoft would a blow to free enterprise in America.

Please drop any further action.

Lloyd Wiles
34 Peavey Ave.
Windham Maine 04062

MTC–00026903

From: Andrew Pizzello
To: Microsoft ATR
Date: 1/27/02 3:24pm
Subject: Microsoft Settlement

To Whom it May Concern:

Microsoft has unlawfully used its monopoly power to greatly subdue the competition, causing damages to many companies including Apple Computer, Inc. and consumers worldwide. It is to my knowledge that Microsoft Corporation holds approximately 90% of the computer operating system market.

Naturally, consumers have a minuscule selection of products and services from Microsoft's competition when 90% of the personal computers purchased are sold preinstalled with Microsoft Windows and other Microsoft technologies such as Internet Explorer, MSN Internet Service, and MSN Messenger. Many beginners and new computer buyers will be unaware of other products and services available with the vast array of Microsoft products already installed on the computer for their 'convenience'.

Microsoft's acts are in violation of the Sherman Act. These anti competitive actions have caused great damages to innovative companies accepting the challenge to legally compete and base their successes on customer loyalty and quality. Many companies have incurred staggering losses due to Microsoft's negligent business practices. For example, Apple Computer, Inc. was financially handicapped by Microsoft's operating system monopolization between the years 1995–1998. After being criticized by industry veterans, Microsoft invested capital into Apple Computer in order to keep operations functional for the sake of hiding future allegations.

The fall of Apple Computer would have provided Microsoft, Inc. with 95% of the world's personal computer operating system market.

The overwhelming market share percentage is a strong indication of unfair business practices and violation of United States law. I am fully in support of any consequences Microsoft, Inc. should incur during the court proceedings. For the future of fair business practices, I ask that the U.S. Department of Justice prosecute Microsoft, Inc. within full accordance of the United States Constitution.

Sincerely,
Andrew Pizzello

MTC–00026904

From: Gabrielle Comfoltey
To: Microsoft ATR
Date: 1/27/02 3:27pm
Subject: Settle the Microsoft Case Please!!

Please settle the case against Microsoft for once and for all and let this company get back to doing what it does best—contribute to the world economy and its people.

The extent of damage that the DOJ's actions have had and will continue to have on technology innovation and American enterprise is totally out of proportion to the ''crime'' that Microsoft has been deemed to have committed.

Yes, Microsoft used aggressive tactics to secure its business. So to do a multitude of other large corporations.

Microsoft is one of the most successful companies to be built EVER! It has provided thousands and thousands of jobs and created untold wealth not only for its owners and employees but also for the millions of shareholders.

Thanks to the continuing vendetta against the company by the DOJ and the nine states and their lawsuits, millions of dollars in pension funds and senior's investment accounts have been lost.

ENOUGH IS ENOUGH.

I believe that the DOJ is taking too much control into its own hands. The government should not be trying to control business to the extent that is.

After Microsoft, who will be next? In many respects I think that the various government lawyers need to continually justify their existence. As I stated in a previous email, fighting a battle in the courtrooms and boardrooms against successful companies is not what I consider to be the primary role of our judicial system. Microsoft, and its founders Bill Gates and Paul Allen, through their phenomenal success have been able to give incredibly generous public gifts to the schools, the arts, health organizations, etc. Why is the government so intent on destroying the creative initiative of our most brilliant entrepreneurs. Surely Scott McNeely and Larry Ellison when they spearheaded this rout of Microsoft didn't have in mind that the entire industry should be turned on its head.

This government, and indeed the nation, has its priorities wrong. There are a multitude of SERIOUS issues facing our nation and what do we have taking up huge amounts of time and money?

I am sure it is easier and more lucrative for the lawyers and politicians to spend countless hours and taxpayer dollars on meetings, high priced hotel and board rooms, expensive retainers and offices, etc etc than on the real but not so ''tidy'' issues that plague America. If the governments and their agencies would spend half the time and energy on the less glamorous issues just think what could be accomplished. Where do I think government dollars should be directed: Here are a few suggestions:

Housing for the ill, homeless and future boomers who will not be able to find accommodation as they approach the next decade.

Adequate health care for everyone.

Repair and replacement of the infrastructure in our cities and towns. Neglect of the basic infrastructure—the roads, freeways, sewer, water and power conduits—will result in a breakdown of many systems if these are not dealt with on a proactive basis.

Repair of our schools and school systems. Our children and teachers are being shortchanged. We do not need government intervention in the education curriculum as much as we need government support to provide healthy, safe, properly equipped classrooms and support for better teachers.

Fix the unequitable system of justice wherein we have first time offenders and youthful offenders incarcerated with hardened criminals.

And, of course, use the government's resources to continue the fight against terrorism, both external and domestic, and work with our nation's largest companies rather than against them.

I could go on, but you get the picture.

—SHOULD HAVE THE COURAGE TO MAKE SOME SENSE OF THIS MICROSOFT CASE. DO NOT THROW OUT THE BABY WITH THE BATHWATER. LEAVE MICROSOFT ALONE AND GET ON WITH TAKING CARE OF THE REAL NEEDS OF THE NATION!

MTC–00026905

From: Bobbie Bamford
To: Microsoft ATR
Date: 1/27/02 3:28pm
Subject: MICROSOFT SETTLEMENT

TO THE JUSTICE DEPARTMENT. . . . .

DO YOU KNOW WHAT JUSTICE MEANS??? DO YOU REALLY BELIEVE YOU ARE BEING FAIR TO MICROSOFT REGARDING THIS SETTLEMENT? THIS IS ''SUPPOSED'' TO BE A ''FREE'' COUNTRY—THE LAND OF OPPORTUNITY??!! MICROSOFT HAS DONE WONDERS FOR OUR ECONOMY, WHICH NEEDS ANOTHER ''BOOST'' RIGHT NOW. YOU ''BIG-WIGS'' AND OUR GOVERNMENT HAVE NO IDEA WHAT A TOUGH TIME THE MIDDLE CLASS AMERICAN IS HAVING RIGHT NOW

NOR DO I THINK ANY OF YOU CARE! YOU HAVE THE COUNTRY BY A TAIL WHILE YOUNG COUPLES WITH FAMILIES CANNOT MAKE ENDS MEET BECAUSE WE ARE TAXED TO DEATH.

I THINK WASHINGTON DC HAS ENOUGH TO DO WITH OUR TERRORIST SITUATION AND THE THEIVES OF ENRON WITHOUT WORRYING ABOUT MICROSOFT.

SINCERELY,
BOBBIE BAMFORD
ARIZONA

MTC–00026907

From: Frank Zepf
To: Microsoft ATR
Date: 1/27/02 3:30pm
Subject: Microsoft Settlement

I wish to express my opinion on the Microsoft Settlement,I feel that it is fair to all parties concerned.

Many of Microsoft's competitors oppose the agreement for their own good and are trying to generate public comment urging that it be rejected.

Microsoft has a good product and if someone does not like it let them buy something else.

If some does not like the Internet Explorer you can download Netscape for free.

Thank you,
Frank V. Zepf
52 Pennsylvania Ave.
Massapequa,NY 11758–4838
Phone 516–798 0353

MTC–00026908

From: Grubert
To: Microsoft ATR
Date: 1/27/02 3:29pm
Subject: Microsoft Settlement.

We are opposed to the Micosoft Settlement because it has insufficient guarantees that Microsoft will not continue to use it's desktop monopoly to damage competition.

Please consider that Microsofts programming API's are the computing equivalent of legal contracts, and must be consistant and stable in order for competition to be meaningful. It would be wise to find some way to ensure that Microsoft does not use changes in it's API only to trip up competitors products by changing behaviours in the undefined areas of this technical contract.

A contract must be clear, sufficiently complete and retain it's meaning over time. So should a published API spec by a monopolist.

Given that the API is now the playing field of software product competition, the API is an area that needs to be regulated.

In addition, OEM licences for MS products should be the same, i.e., MS should not be able to favor one OEM vendor over another as this allows them to punish OEMs for offering competing products.

Thank You
G.R. Svenddal
Gromit Consulting
Minneapolis MN.

MTC–00026909

From: Allen Tien
To: Microsoft ATR
Date: 1/27/02 3:32pm
Subject: Microsoft Settlement

The problems with MS reflect larger and very important issues on a national and international scale. What is the role of government in regulating huge multinational corDorati0ns? Why is there a growing pattern of manipulation and a widening gap between what corporations say and what they do? The recent emergence of unethical and probably illegal behavior at Enron and Anderson is only the latest of a number of known cases. There are certainly many more questionable but not publicly questioned situations. In the case of Microsoft, their pattern of disingenuous statements, distortions, and outright lies appears to be based upon their assumption that the average user does not understand information technology and the market dynamics of information technology, and that lawmakers and judges also don't understand. That pattern has been present since early in Microsoft's history. Most recently, they have added more ''standard'' American business practice, making large cash contributions to politicians, and hiring teams of lobbyists.

One of their main themes is that they are always doing whatever they do for the ''benefit of the customer.'' They repeatedly make statements about innovation and competition and serving the interests of customers, but these statements fly in the face of their own history. They imply that customers are those who accept Microsoft big brother version of reality, and label others as frustrated competitors who resort to legal attacks rather than innovation, or the ''cancer'' of open source software such as Linux (which they cannot control or co-opt). Depending upon the specific context, at times the degree of hypocrisy seems to approach delusion. Microsoft has not been averse to using legal tactics, threats, and lawsuits to try to achieve their goal of complete domination.

Meanwhile, they continue to design their products and product strategies to create dependencies, using their control of the desktop operating system to undermine competing applications such as WordPerfect. For most users, there is not much difference between Word, Wordperfect, Ami Pro, or other word processing packages, spreadsheets, or presentation slide system. Why is then is Microsoft Office's market share so large?

In the same way Microsoft crushed Netscape they crushed WordPerfect, which at one time had similar market share as Netscape. Microsoft Office was pushed onto users using the same or similar tactics that were used to push IE onto users. Now that Microsoft has a monopoly not only with the operating system but with Office, they continue to manipulate users through technical issues such as file formats. For example, the default installation of Microsoft Office does not include the import filters for WordPerfect files. It is not unusual for Word users who receive a WP file to think that the file is damaged or incompatible because when they try to open a WP file, Word will generate a message that suggests something is wrong. Even if the user understands that it is easy for Word to import a WP file if the import filter is installed, they may not have convenient access to the Office CD to install the filter. These relatively small maneuvers nevertheless add up to continued pressure on users to use Office, further cementing this application stranglehold, while Microsoft might still claim that they ''fully support'' interoperability with other applications.

As person who bought his first PC in 1986 and has used different version of DOS, Windows, Mac, and Unix-based operating systems, and who has been involved with software development for many years, I have observed Microsoft's business practices from a technically intimate perspective. I have seen first hand phenomena such as Windows 3.1 generating an error with Digital Research DOS (DR-DOC). It seemed like sabotage then, and subsequent evidence indicates that it was in fact deliberate. I used disk compression utilities from a company that was subsequently put out of business by Microsoft's continuing ''integration.'' I recall the out-of-court settlement where Microsoft paid over $100 million to Stac, a disk compression vendor that had first worked with Microsoft and was then dumped by Microsoft. After dumping Stac, Microsoft released their own disk compression bundled with DOS, essentially taking away the market from Stac. It was technologically clear that Microsoft had stolen Stac's intellectual property, but because the settlement was out-of-court, they never admitted any wrong-doing. One wonders if Bill Gates or Steve Allen or other at Microsoft really think they did anything wrong or not.

After Windows version 1 and 2, Windows 3.11 was finally usable, and did offer useful functionality. At that time Word Perfect was, arguably, the best word processing application available. Why then did every computer come with Microsoft Word? It was an inferior product for many years. It seems that it was because of Microsoft's bundling and pricing manipulations of PC manufacturers and distributers. It was not due to market demand, at that time. Microsoft understands very well the dynamics of market choice, and the pressures placed on customers when an increasing number of people use their products. Why did they change file formats with each new version of Word? They claim it was for technical reasons, but in typical Microsoft fashion, that claim is misleading. There may have some minor technical reasons, but the larger and obvious reason is to shift the dynamics in their favor. Why do they currently not provide conversion filters for Wordperfect as the default installation? As a person who continues to use Wordperfect, when I send files to colleagues, many of them are unable to import the files into Word, and because they do not understand the inner workings of Word and Microsoft's compulsion for market dominance, they tell me things like ''Your file was bad,'' or ''Word cannot import the file.'' Of course it is easy to install the import filter (if one can find the Windows CD). But for many people, this creates a significant barrier. This is one of the many ways that Microsoft uses their illegal monopoly to leverage even greater market share and to create false impressions that other software is inferior or incompatible.

Using revenue from their monopoly to give away products to destroy competing

companies, such as Netscape, is an obvious example. Outright sabotage is perhaps a thing of the past. However, even recently they have been found by Kodak to have configured Windows XP in a manner to undermine Kodak and foster Microsoft products. Again, this is behavior that emerges in numerous ways, relentlessly using their monopoly in every possible way to expand their market range and control. Their fervent claims to be doing all this entirely for the customer border upon delusion. Surely all companies are trying their best to provide customers with great products. It just happens that one of them controls the core technology, the operating system, that other applications all depend upon. Their use of this was found to be illegal, and the appeals court affirmed this. Unfortunately, the decision to split the operating system and application parts of Microsoft into two companies, which is the only full remedy, has been reversed. It needs to be reinstated. Why is this the only remedy that will be effective? Why should be government and the courts undertake this draconian step? Why shouldn't we just ''let the market decide?'' There are many complex legal arguments, but I believe the main issue is simple. The antitrust law that is currently in place was based upon consideration of the role of government with respect to unfettered growth in the late 1800's and early 1900's of large corporations such as Standard Oil. This was a period that could be characterized as robber capitalism, where anything goes. It resulted in the establishment of industrial systems that provided consumers with good things. But it also concentrated power into the hands of a relatively small group. The relentless nature of power was recognized by our founding father, hence the checks and balances that are a fundamental part of our society. It is important that the balance of power be maintained. It is a serious issue for our future. If the distribution of power is no longer balanced, we risk adverse and even destructive consequences. Microsoft has been successful in lowering costs relative to early monopolies such as IBM, and being part of the rapid growth of personal computers (they claim they are responsible for this, but it is not hard to imagine that the demand was there and they rode the wave, rather than creating it). But the thinking and tactics they used to gain dominance were destructive to other companies and to customer choice all along, and now that they have even more power, all the evidence suggests that they will continue to use it in the same manner.

As another example of their thinking, it is now apparent that Microsoft considers open source software such as Linux, Apache, and other software to be a threat to their market control. They have called open source software a ''cancer.'' At they same time they make statements about the importance of being allowed to compete without restrictions. It would be fine and wonderful if Microsoft was to use their huge resources to compete on the basis of really improving their products. It is not fine and wonderful that they be allowed to continue using their monopoly to manipulate and force customers to use their products.

We use Microsoft Windows as our development and implementation platform. With Windows 2000 and XP, it has finally become a reasonably stable and effective operating system. However, I do not use Microsoft Office, Explorer, Microsoft development tools, Outlook, or other Microsoft products and tools. There are alternate products and tools that are not only equal but superior to Microsoft products and tools. However, each incremental step the Microsoft takes appears to be designed to increase the pressure to use Microsoft products and tools. We do not want to be forced to do so.

To provide some personal background, I am a licensed physician and Board Certified psychiatrist who also has a Master's degree in biostatstics. I was a tenure track faculty member at the Johns Hopkins School of Public Health with a joint appointment in the Johns Hopkins School of Medicine from 1988 to 1997. Since then I have been engaged as the President of Medical Decision Logic, Inc., a small medical and public health software company. Hence I consider the Microsoft situation from several perspectives, as an experienced user, a software designer and developer, from broader social and cultural perspectives, and from a psychiatric understanding.

Based upon Microsoft's long-standing pattern of behavior and relentless drive to greater market power, heedless of ethical and most recently legal rules, I conclude that the only remedy that can prevent continuation of the same behavior is a structural remedy that separates and frees Microsoft divisions to compete fairly in their markets. Simply put, the operating system group will be free to support all applications without engaging in discouragements and subtle sabotage for competing applications, and the application group will be free to create applications for all platforms, including Linux platforms. This would result in even greater contributions to the market and better choices for customers.

Any remedy or settlement that is not structural is unlikely to be effective, because otherwise Microsoft will continue to be Microsoft, a highly aggressive, unethical, and illegal monopoly that does not respect the government, the courts, or anyone who disagrees with them.

Allen Y. Tien, MD, MHS
President and Research Director
Medical Decision Logic, Inc.
724 Dulaney Valley Road
Towson, MD 21204
&
Clinical Associate Professor
West Virginia University School of Medicine
Department of Behavioral Medicine and Psychiatry
West Virginia University
Morgantown, WV
web site address: www.md-logic.com or www.mdlogix.com
tel: 410–828–8948, 410–821–5618
fax: 410–828–8948

MTC–00026910

From: Colin Chicoine
To: Microsoft ATR
Date: 1/27/02 3:32pm
Subject: Re: Applelinks—The MACINTOSH Portal!

I will excuse my self for my english witting skills.

I would like to take this moment to ask the US justice department to break apart MICROSOFT as much as you legally can so no one software company can ever regain control of the market. I as a consumer do not like to be told what to buy. but for the last 10 years the only operation system available to the home market was Microsoft windows.

Just recently are we seeing other operating systems more available to the public thanks to the publicised Microsoft anti trust case. New applications for the ''other'' operating systems are making there way to the market but still Microsoft buys off bright ideas and keeps them excluesif for the Microsoft Operating system. Take for example Halo from Bungie Software. This was and is a revolutionary action game that was developed for Apple Macintosh computers. This was going to give a tremendous boost to the Macintosh operating system. But not to long ago Microsoft bought off Bungie. Now with no guarantees for a Macintosh release I just pray! I also would like to mention that Microsoft should be forced to follow the internet, video, mp3 standards and ban Microsoft the development of such new standards without the aprouval of the software developping community.

Make Microsoft pay for there abusive practices because if you don't they will be stronger.

Colin Chicoine
Canada, Quebec

MTC–00026911

From: Donald Lee
To: Microsoft ATR
Date: 1/27/02 3:33pm
Subject: January 27, 2002

January 27, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I would like to voice my support for the settlement of the Microsoft case. It is high time that this case comes to an end. This case is an embarrassment to American business, as Microsoft has merely adopted an aggressive business strategy and created products that gave them an edge in the market. This is what business is all about, but now Microsoft is forced to defend their success and change their entire way of doing things.

As part of the settlement, Microsoft is going to give away their source codes and server protocol, even though it should be protected as part of their own intellectual property.

But they are willing to give up a lot so that this lawsuit can be ended as soon as possible.

Please do your part and see that Microsoft is not further punished for transforming our computer industry into an international model of success. Please accept this settlement, it is the right thing for our struggling economy.

Sincerely,
Donald H. Lee
Ann R. Lee

MTC–00026912

From: cjbells
To: Microsoft ATR
Date: 1/27/02 3:33pm
Subject: Microsoft Settlement
12134 SE 13th Street
Bellevue, WA 98005
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

As someone who has not supported the harsh direction of the government's anti-trust lawsuit against Microsoft Corporation, I would like to add my approval of the pending legal settlement. This is a realistic compromise that should please all parties involved and halts the ongoing waste of taxpayer dollars that would be better spent on our terrorism effort.

With this fairly negotiated agreement, both sides have pledged to several significant steps that will encourage competition in the software market. Software developers will receive access to Microsoft technologies and be able to license its intellectual property, while enjoying the increased flexibility of computer makers to select the software programs of their choice. The continuing verification provided by a technical committee of software experts should make this plan quite productive when implemented.

As our economy struggles to rebound from a weak stock market and ongoing recession, it seems like a measured solution would be the best one to this dispute at this point. Please accept these very balanced terms and allow the new economy to stabilize and grow without further disruption.

Sincerely,
Clyde Bell

MTC–00026913

From: Aedis
To: Microsoft ATR
Date: 1/27/02 3:36pm
Subject: Microsoft Settlement

I am writing to voice my dissatisfaction with the following elements of the proposed final settlement (PFJ) reached with Microsoft:

The PFJ doesn't take into account Windows-compatible competing operating systems

Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

The PFJ defines ''API'' in a way that allows for exploitation by Microsoft.

The PFJ defines ''Microsoft Middleware'' in a way that allows for exploitation by Microsoft.

The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

The PFJ defines ''Windows'' in a way that excludes many applicable Windows-based products.

The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft, which is unacceptable for many reasons including:

1. Microsoft currently uses restrictive licensing terms to keep Open Source or Free Software apps from running on Windows.

2. Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

3. Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running Linux. (Similar licenses to OEMs were once banned by the 1994 consent decree.)

The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft, which is unacceptable for many reasons including the following:

1. Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

The PFJ allows Microsoft to discriminate against small OEMs—including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

The PFJ as currently written appears to lack an effective enforcement mechanism.

I respectfully insist that this settlement be rewritten to correct these issues. The corrective measures I support can be found at http://www.kegel.com/remedy/remedy2.html.

Thank you for your time and consideration.

Sincerely,
Brian Schallhammer

MTC–00026914

From: KERNLHANDY@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 3:36pm
Subject: Microsoft Antitrust Case
Renata B. Hesse
Antitrust Division
US Dept of Justice
601 D St NW
Suite 1200
Washington, D. C. 20530–0001

Dear Ms Hesse,

I am deeply disturbed that the Department of Justice (DOJ) has moved to settle with Microsoft (MS) in a manner that leaves consumers and professionals subjugated to dictatorial business practices. I have a quarter century of experience in logistics and as a marketing/communications consultant. In these roles, I've observed how monopolistic MS information technology (IT) inhibits productivity. As a proposal developer working on numerous bids with IT companies for commercial and government contracts, I hear frequent complaints from clients and co-workers about the limitations of MS systems and software and their lack of compatibility and interoperability.

The well-documented MS shortcomings are costly and prevent hardware and software competition that could speed innovations and IT accessibility to more consumers around the world.

During my career on active duty and in the reserves with the U. S. Air Force our government passed competition legislation to resolve problem problems such as the $600 hammer and $1000 aircraft toilet seat that gained such media notoriety in the 1980s. Similarly, any resolution of the MS case that does not maximize competition and consumer choice is not in the best public interest.

At it's most basic level, any resolution of the MS anti-trust case must provide complete information needed for software developers to:

1. Write an affordable and complete Windows Application Environment so Windows applications run on other operating systems without modification;

2. Create products that exhange files, data, and services with any MS product;

3. Replace components in Windows, Office, and Internet Explorer with superior or special purpose components; and

4. Modify MS software to run properly on computers wtih different microprocessors.

Without these settlement provisions, consumers working with the 70,000 MS Windows applications will continue to face unnecessary costs, limited choices, operational complexity, and reliability problems.

Enforcement provisions in the proposed settlement are also inadequate and virtually assure the monopolistic MS grip will continue to stifle competition, creativity, and cost-effectiveness. Since the Tunney Act allows for public proceedings, the DOJ should annouce such sessions at the earliest opportunity to allow consumers to show that an adequate settlement must encompass much more than the current proposition.

Sincerely,
Redmond H. Handy
President, Government and Business Consulting
1400 16th St NW
Suite 330
Washington, D. C. 20036
202–462–8800

MTC–00026915

From: jrshears
To: Microsoft ATR
Date: 1/27/02 3:32pm
Subject: Microsoft Settlement
Dear Sirs:
We believe that the litigation against Microsoft has gone on too long. It is time to settle without further litigation. We believe the consumer's interest has been well served, and Microsoft is being penalized plenty with the current settlement proposal. Please ... settle and let Microsoft get on with its business!!!
Sincerely yours,
Jacquelline Z. and Leslie R. Shears
1676 Pinecrest Drive
Orange Park, FL 32003

MTC–00026916

From: Peter
To: Microsoft ATR
Date: 1/27/02 3:39pm
Subject: Settlement
Sirs,
The settlement needs to be as strong as possible to control the monopoly's practices that inhibit the growth of competition in many technology fields.
Peter J. McMenamin

MTC–00026917

From: Benjamin Hays
To: Microsoft ATR
Date: 1/27/02 3:39pm
Subject: Microsoft Settlement.
To whom it may concern;
I have been a user of Microsoft products for the last 8 years. I have used their products by my own choice, not by coerison or force. And if Microsoft gets broken up, I will lose that choice.
By puting any restrains on Microsoft's business, the quailty of their products (i.e. Windows, Office, Internet Explorer) will decrease. That quailty will not decrease due to a faulty busines idea, or marketplace competition, but because of the involment of the government.
We, the people, will make our own choices. And we, the people, will choose, though our own pocketbooks, to keep Microsoft in business, or if they should go bankrupt.
Sincerly,
Benjamin Hays

MTC–00026918

From: GSmith1152@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 3:42pm
Subject: Microsoft Settlement
To the Department of Justice:
I am 51 year old nanny housekeeper contacting you to support the Microsoft settlement now under review. Enough litigation! It serves none of us in a positive way. It seems that the settlement reached is in everyone's best interest.
AOL has had, and continues to have, other avenues to use in pursuit of solving their disagreements with Microsoft. Litigation costs the taxpayers.
Enough!
Sincerely,
Gina Ryken

MTC–00026919

From: john anderson
To: Microsoft ATR
Date: 1/27/02 3:41pm
Subject: Microsoft Settlement
January 23, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:
The three-year-long process of filing suit against Microsoft is about to come to a close. I am concerned about the impact on the USA economy and the industry in particular considering the time and money wasted in litigation. In my opinion, any further litigation is sponsored by competition of Microsoft. The holdouts clearly hope to prolong settlement as a weapon against innovation and of little cost to them.
Microsoft has agreed to a long list of terms, some of which were not even issues in the original lawsuit.
Microsoft agreed to computer-making flexibility, meaning that Microsoft agreed to grant computer makers new rights to configure Windows as they see most fit for their customers, even if they end up including non-Microsoft software. Computer makers will also be free to remove the pathways by which consumers get to various features of Windows (like Explorer), and replace them with different paths for different programs. Having used Microsoft products at home and at work some of the products being demanded by competition through litigation are totally stupid wasted efforts as the market is nil.
Obviously, Microsoft was and is willing to do what was necessary to bring this matter to a close, and the Department of Justice should follow suit, so to speak. The settlement should stand as it is and there should be no more litigation.
Sincerely,
John Anderson
13526–118 Ave NE
Kirkland, Washington 98034

MTC–00026921

From: Peter DeVries
To: Microsoft ATR
Date: 1/27/02 3:45pm
Subject: Microsoft Settlement
It is my opinion that the proposed Microsoft Settlement is not severe enough to adequately punish Microsoft for it's previous actions, nor does the recommended oversight prevent the company from continuing to abuse it's monopoly power to the detriment of US consumers.
Sincerely,
Peter DeVries
Network Operations Manager
UW-Madison Medical School
Email: pdevries@med.wisc.edu

MTC–00026922

From: Terry Stuart
To: Microsoft ATR
Date: 1/27/02 3:46pm
Subject: Microsoft Settlement
I am a small business owner/operator and I have long been concerned about the Microsoft monopoly. I use their products daily, they work well and I am happy to pay for them, but I am afraid that they are getting a stronger and stronger stranglehold on the software market. They are a slippery bunch! I don't want to live with the consequences of their monopoly. I just learned about the work of Consumers for Computing Choice and support it 100%. Please incorporate these remedies in your final judgment regarding the company:
(1) A simple, affordable, and reliable way to run the 70,000 existing Windows applications without modification on all other operating systems.
(2) A simple, affordable, and reliable way to have native versions of Microsoft Office applications on all other operating systems.
(3) A simple, affordable, and reliable way to replace one or more of the four Office applications with competing applications, while retaining the ability to exchange files, data, and services with any Microsoft application.
(4) A simple, affordable, and reliable way to have native versions of Explorer, Media Player and other Microsoft Internet applications on all other operating systems.
(5) A simple, affordable, and reliable way to replace one or more Microsoft Internet applications with competing applications, while retaining the ability to exchange files, data, and services with any Microsoft application.
(6) A simple, affordable, and reliable way to replace any component or feature in any Microsoft software product with superior or special purpose components or features.
(7) A simple, affordable, and reliable way to run any Microsoft software on computers that do not have Intel-compatible microprocessors.
(8) A simple, affordable, and reliable way for software developers to access all the information they need to create products that offer consumers these choices.
(9) A way to ensure that original equipment manufacturers provide consumers with equal access to computers with alternative operating systems, productivity applications, and Internet applications.
(10) A ''crown jewel'' provision establishing such serious consequences for non-compliance that Microsoft will not attempt to evade the necessary disclosure requirements and other mandates.
Sincerely,
Terry Stuart

MTC–00026923

From: iTypical Male
To: Microsoft ATR
Date: 1/27/02 3:47pm
Subject: Microsoft Settlement
The settlement is a slap on the wrist joke. One of the few things Microsoft doesn't monopolize in is education. And weith the

proposed education settlement, it opens the door for them to. Isn't that just what you don't want to do?

The settlement is a joke. Had it been a less powerful company, something more drastic would have occured. But it didn't. Do something real punish them.

-William Done

MTC–00026924

From: Pantelic, Milan MD
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/27/02 3:50pm
Subject: Microsoft Settlement

Ladies and Gentlemen,

I will not recapitulate the arguments your have (no doubt) received to date on the inadequacy of the proposed Antitrust settlement with Microsoft—I would simply like to add my voice to the chorus.That Microsoft has indulged in anti-competitive business practices is of no doubt—shamelessly and unapologetically, at that.None of what has transpired has changed the corporate culture in which this behavior is ingrained. The illegal practices of which Microsoft has been deemed guilty are the merely the tip of the technological iceberg, as this company attempts to make every open standard its own by leveraging its monopolistic power and enormous financial resources.The current settlement proposal adequately addresses neither remediation nor punishment. Please do not allow Microsoft to evade the spirit of Justice by providing software and computers in lieu of a direct monetary penalty— this has the effect of more firmly seating the hook in the mouth of their prey, not to mention giving them greater access into the educational market, one of the few arenas that they do not already dominate!I frankly doubt the adequacy of the settlement amount (even if paid in cash) to punish a company of Microsoft's size. To do it in the fashion proposed is simply to punish the fox by giving him the key to another henhouse.As a medical and computer professional who is interested in maintaining and fostering innovation, wide access and open standards, I deplore the conduct of this company and fear for the industry's future if this kind of behavior is not controlled.

Milan V. Pantelic, MD
Henry Ford Hospital
2799 W Grand Blvd
Detroit, MI 48202
(313) 916–2825

MTC–00026926

From: Tom Peck
To: Microsoft ATR
Date: 1/27/02 3:50pm
Subject: Microsoft Settlement

I am opposed to the settlement reached between the Dept. of Justice and Microsoft for the anti-trust case against Microsoft.

This settlement allows Microsoft to continue its anti-competitive practices. As shown in the trial, and upheld by several appeals, Microsoft has abused its monopoly to damage third party software developers. This abuse has affected not only those developers, but consumers as well, by limiting choice in the software market and allowing Microsoft to charge artificially inflated prices for their software.

Specifically, the wording of the settlement allows Microsoft to continue its anti-competitive behavior against free, or open source, software. The careful wording of the settlement only requires Microsoft to disclose APIs to other businesses. A developer of a free or shareware application is excluded from this information.

Microsoft should be required to divulge ALL information about their APIs to anyone who asks for it. This documentation could easily be put on Microsoft's web site at very little cost to Microsoft. An independent review panel would insure that information is updated in a timely fashion and that the information is correct.

Thank you.

MTC–00026927

From: Michdebhol@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 3:54pm
Subject: Microsoft Settlement

I am against the proposal.The proposed settlement is not in my interest. Deborah Hollings

Columbia, South Carolina

MTC–00026928

From: Ken Kennedy
To: Microsoft ATR
Date: 1/27/02 3:53pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am writing to comment on the proposed settlement of the US vs. Microsoft antitrust case.

I believe that there are many significant failures in the proposed settlement.

In general, I believe that it fails to —significantly— punish Microsoft in any way. The Findings of Fact are clear, and the Court of Appeals affirmed that Microsoft is liable under Sherman Act for illegally maintaining its monopoly by imposing licensing restrictions on OEMs, IAPs (Internet Access Providers), ISVs (Independent Software Vendors), and Apple Computer, by requiring ISVs to switch to Microsoft's JVM (Java Virtual Machine), by deceiving Java developers, and by forcing Intel to drop support for cross-platform Java tools.

I do not believe the the proposed settlement makes sense in a such a situation. Microsoft was WRONG; Microsoft BROKE THE LAW, and therefore...Microsoft gets to negotiate terms they find acceptable?

This flies in the face of justice.

More specifically, I object to portions of section III, as they relate to API disclosure. Microsoft has already removed all business competitors (in some cases, using the aforementioned illegal tactics), leaving only volunteer projects and open-source software as viable alternatives. However Section III.J.2 would allow Microsoft to refuse to provide information due to failure to meet ''reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business''.

Open Source and Free Software is precisely NOT a business in and of itself, and could therefore easily be prevented by Microsoft from obtaining this information. However, these same Open Source and Free Software projects and volunteer groups are providing the best and most aggressive competition for Microsoft that exists presently.

It would be tragic for the government to allow Microsoft to use this proposed ''remedy'' as a weapon against the sort of competition that it is supposed to enable.

I appreciate your time in reviewing my comments.

Sincerely,
Ken Kennedy
425 Lindbergh Dr NE, Unit D-2
Atlanta, GA 30305
404–262–6439

MTC–00026929

From: Kenneth Townsend
To: Microsoft ATR
Date: 1/27/02 3:54pm
Subject: Microsoft Settlement

Microsoft through out the years has provided software and support for the business world. The competitors do not provide a product of equal value to the computing world. Please do not punnish a company for producing a superior product.

Kenneth Townsend
ktownsend@juno.com

MTC–00026930

From: Carlton Thiele
To: Microsoft ATR
Date: 1/27/02 3:54pm
Subject: Microsoft Settlement
10148 Reagan Dairy Trail
Bradenton, FL 34212
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I would like to take this opportunity to express my opinion about the antitrust settlement that has recently been made between Microsoft and the Department of Justice. Microsoft has agreed to terms that extend well beyond the products and procedures that were at issue in the suit, for the sake of wrapping up the issue. It is obvious that Microsoft has clone more than what was necessary on their part and the DOJ should follow suit. Not only has Microsoft provided businesses and homes with excellent products and service over the years they have also donated millions to charity and provided thousands of jobs. They should be allowed to continue on with business as usual.

The terms that Microsoft has agreed to are more than fair, and all litigation against Microsoft should be put to a stop. Microsoft has agreed to design future versions of Windows, beginning with an interim release of Windows XP, to provide a mechanism to make it easy for computer makers, consumers and software developers to promote non-Microsoft software within Windows. In relation to this, Microsoft has also agreed not to retaliate against any designers and producers of software and hardware that competes with Windows.

It is clear that this issue needs to come to a close. Not only are the litigations wasting millions in tax dollars, but also it is affecting the IT industry and the economy.

Sincerely,
Carlton Thiele

MTC–00026931

From: Howell, William (MD)
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/27/02 3:53pm
Subject: Microsft Judgement

Allowing Microsoft to link the IE browser to their OS and to enforce this with business practice pressure has undermined alternative browser development and stunted the growth of Java as a cross-platform language.

Educational grants as the punishment for such behavour merely helps establish the monopoly more.

I have just been informed by my ISP that my internet access by default will be via MSN.com.

MTC–00026932

From: Jerald Mara
To: Microsoft Settlement U.S. Department of Justice
Date: 1/27/02 3:53pm
Subject: Microsoft Settlement
Jerald Mara
847 N. Jerico Dr.
Casselberry, FL 32707
January 27, 2002
Microsoft Settlement U.S. Department of Justice

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry.

It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Jerry Mara

MTC–00026933

From: John Gibson
To: Microsoft ATR
Date: 1/27/02 3:56pm
Subject: Microsoft settlement

Dear Sirs and Madames,

I am writing to express my opposition to the Proposed Final Judgment (PFJ) for the Microsoft antitrust case. Not only is the PFJ far too weak, but it has no effective enforcement mechanism to assure Microsoft follows even its weak restrictions. Moreover, Microsoft has a well-documented history of creatively exploiting loopholes and prolonging litigation in order to continue its anticompetitive and illegal business practices. These practices have substantially harmed businesses and consumers. Unless a stronger and more strongly enforced settlement is reached, we can expect further harm and more litigation.

The PFJ is too weak in too many ways to list here. Here are a few weaknesses that particularly concern me, as a independent software developer and a supporter of free or open-source software.

(1) The PFJ defines terms such as ''API'', ''Microsoft Middleware'', and ''Windows Operating System Product'' so narrowly that restrictions can be circumvented by changing distribution methods or product names (see http://www.kegel.com/remedy/remedy2.html).

(2) The PFJ allows Microsoft to continue anti-competitive practices against free and open-source software. Section III.J.2 allows Microsoft to condition disclosure of documentation and APIs to third parties on its own interpretation of the ''authenticity and viability'' of the third party's business. Microsoft's greatest current competitor is the Linux operating system, which is written by a loose coalition of independent software developers and owned by no single company. Microsoft would be free to determine that Linux is not a viable business and withhold technical information.

(3) It does nothing to prevent Microsoft from using artificial incompatibilities and restrictive licensing to increase the barrier to entry for third-party operating systems that attempt API-compatibility with Microsoft's operating systems.

(4) It allows Microsoft to continue to withhold information about its file formats, although undocumented file formats form an important part of the Applications Barrier to Entry (Findings of Fact paragraphs 20 and 39).

The PFJ's enforcement mechanism is also too weak. Only one of three members of the Technical Committee will be selected without Microsoft's influence. This is a absolutely shocking concession.

A company with Microsoft's long history of ruthlessly illegal and anticompetitive behavior cannot be allowed to choose the policemen who watch over it. Further, the PFJ gives the Technical Committee no enforcement powers of its own. All disputes are passed on to the courts. But as this and other lawsuits have shown, the courts act far too slowly to deter Microsoft from illegal action.

Consumers and business have suffered considerable harm through Microsoft's illegal maintenance of its monopoly. Microsoft has accumulated billions of dollars of consumers'' and business's money by hundreds of dollars for software whose marginal cost is tens of dollars, and whose development cost is negligible in comparison to those billions. Consider also, that open-source software companies offer similar, even superior software free of charge. Microsoft's software is widely viewed in the open-source community as buggy, unstable, and generally inferior. Microsoft's operating systems crash far more frequently than their alternatives. Microsoft's insecure programming methods are the basis for the majority of Internet viruses. Microsoft's unpublished file formats and the subsequent difficulty of transferring files to non-Microsoft software have caused countless people countless hours of frustration. Yet consumers and businesses are locked into Microsoft's software, due to a combination of economic ''network effects'' and artificial barriers to entry supported by Microsoft's illegal, anticompetitive business practices.

Microsoft has a stranglehold on both the computer operating system market and the office productivity software market. It has demonstrated repeatedly that it will do anything it takes, legal or illegal, to maintain its monopoly. Consumers and businesses have been harmed, substantially. The Court and the Justice Department simply must impose broader and more strongly enforceable restrictions on Microsoft, or the harm will continue and another lengthy suit will follow.

John F. Gibson
Researcher in fluid dynamics
Independent developer of scientific software
Tutor, St. John's College
Santa Fe, NM 87505
(505) 992–2935

MTC–00026934

From: HLSOL@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 3:59pm
Subject: Microsoft Settlement

Dear sir:

I would like to see that the Microsoft case finally comes to a conclusion which will preserve the foundations of a free society in its preservation of respect for property rights.

Microsoft has always been of positive benefit to the consumer in enabling everyone to have access to his own PC, packaged with virtually all the needed software at a reasonable price. To find that Microsoft is undercutting the costs of its competitors is the problem of its competitors, it is not Microsoft's problem, and it is not a problem for the consumer. It is because of Microsoft that the PC has become an indispensable addition to my home; I do not owe any thanks to it's competitors for Microsoft's accomplishments.

I do not want the government interfering in my ability to choose what software I run on my PC. If other companies have a beneficial product, let them compete for my business in the marketplace, and not seek special privileges from government by trying to invoke the gross ambiguities inherent in the antitrust laws. When politicians protect some businesses from others they engage in a dangerous policy. Continued application of the antitrust laws against successful businessmen can only lead to corruption and economic disaster as shown in many other countries. I want a free America where anyone with enough intelligence and hard work can be a self-made man like Microsoft Chairman Bill Gates. This is the only way everyone can benefit, including the

competitors of Microsoft, who now are able to compete in a market that did not exist before. The only way that this country can remain free is to fully recognize and protect the principle of property rights inherent in constitutionally guaranteed individual rights.

Sincerely,
Henry Solomon
hlsol@aol.com
CC:HLSOL@aol.com@inetgw

MTC–00026935

From: Diane Swan
To: Microsoft ATR
Date: 1/27/02 4:00pm
Subject: Microsoft Settlement
Lawrence Swan
17517 Osprey Road
Arlington, WA 98223
January 23, 2002
Attorney Generai John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I would like to write and express my support of the recent settlement that has been reached between Microsoft ant the Department of Justice. This lawsuit has occupied the attention of the courts and the IT industry for far too long. If the federal government intended to produce consumer benefit with this suit, the matter should have been resolved long ago.

Due to the proposed settlement, Microsoft will be forced to renounce intellectual property rights to parties who feel they need access to Microsoft's products in order to produce their own. Along with that, Microsoft will be forced to use a uniform pricelist that will certainly decrease Microsoft's profitability for years to come. These and many other terms of the settlement more than compensate all the plaintiffs in the suit.

Since the current settlement provides compensation, deserved or no, to all the parties in the suit, the proposed settlement must be made formal. Those who would see the suit reopened for litigation only want to strip Microsoft of more money and market power for their own selfish gain. The Justice Department must see that the proposed settlement becomes formal as soon as legally possible.

Sincerely,
Larry Swan

MTC–00026936

From: Jeff Chapin
To: Microsoft ATR
Date: 1/27/02 3:56pm
Subject: Microsoft Settlement

I am an average home consumer of Microsoft products, and I do not believe that I have been victimized by Microsoft in any way. I like Microsoft products and they have only been a positive and useful tool for me and my computing needs. I have found Microsoft to be very innovative and progressive in the last decade. They have been at the leading edge of technology and bringing this technology to consumers at very reasonable prices. Furthermore, I feel that I have the ability to choose what software I like and companies are always willing to listen to their customers. I feel that this antitrust case is completely bogus. It has been propagated by Microsoft competitors and power-hungry politicians.

Microsoft has been unfairly and wrongly taken over by the government at the request of its competitors.

The antitrust case and in fact the antitrust laws in general are statist and immoral. Microsoft has a right to its property, which the government should not be able to take away at its whim. Microsoft has become the leader in the software industry through superior products and fair capitalism. This case has put our country on a dangerous course of more government control over our economy and our individual lives.

The shareholders of Microsoft have a right to their company and antitrust is nothing short of theft.

Jeff Chapin
Hutchinson, KS

MTC–00026937

From: Kathy Morgan
To: Microsoft ATR
Date: 1/27/02 4:01pm
Subject: Microsoft Settlement
Re: Revised proposed Final Judgment, United States v. Microsoft

Sirs:

I have reviewed the proposed Final Judgment referenced above and I beg the court not to accept it. This proposed settlement is so severely flawed that it would be contrary to the public interest.

Microsoft has been found by the Court to be a monopoly that has abused its monopoly powers by engaging in anticompetitive practices.

This has had several effects on end users such as myself: (1) Many of Microsoft's products are priced out of reach of many users; they have a long history of buying out competitors and discontinuing the competing products, so they can charge any amount they like. (2) When they are unable to buy out a competitor, Microsoft provides a competing product free with the Windows operating system until the competitor is forced out of business or relegated to marginal status.

Examples include Outlook Express, which is a seriously inferior product and violates many Internet standards—but it is used by more people than any other mail or news client because it is preinstalled when a computer is purchased, and Internet Explorer—integrated into the Windows operating system. (3) Because of Microsoft's devious and unfair practices making it impossible for competitors to access and use Windows API's, authors of other middleware products are unable to compete with Microsoft and so their products may never become available for for people like me to purchase. (4) OEM licenses have forced providers of hardware to discourage competing operating systems or prevented hardware providers entirely from offering bundles which include competing products or hardware which has no operating system preinstalled. (5) Large users with ''site'' licences are forced to pay licensing fees for every piece of hardware capable of running Windows, whether or not the hardware actually does have Windows installed. (6) Microsoft software which has been distributed in furtherance of their abusive monopoly is notoriously insecure and susceptible to malicious worms, viruses, and trojans which directly adversely affect those whose systems become infected and indirectly adversely affects all of us who have Internet connections when we receive dozens or hundreds of copies of virii propagated by MS software or our Internet Service Provider's mail servers or routers crash under the impact of the thousands of copies passing through them.

It appears to me that because of the unreasonably restrictive terms of the agreement and definitions in the proposed Final Judgment, Microsoft's monopoly position and ability to use the monopoly to unfairly discourage competition will actually be strengthened rather than remedied. Additionally, the wording in Section III.B will still allow Microsoft to ''punish'' some OEM's who fail to ''play ball'' with Microsoft by offering special prices and discounts to all others.

My interest in the Microsoft Settlement: I am a United States Citizen, 54 years of age, residing in Tok, Alaska. I am an end user who is affected by the outcome of this case purely as a person who buys and uses computers. I am not employed by any computer hardware or software company or individual and as far as I know I am not related to any hardware or software companies or individuals.

Sincerely yours,
Kathy I. Morgan
Box 342
Tok, AK 99780–0342

MTC–00026938

From: Wayne Turner
To: Microsoft ATR
Date: 1/27/02 4:04pm
Subject: Microsoft Settlement

I do not think the Microsoft monopoly or the purposed settlement are in the consumer's best interest.

MTC–00026939

From: TLusa84757@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 4:05pm
Subject: Microsoft antitrust case
2142Blake Boulevard SE
Cedar Rapids, IA 52403–2824
January 25, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC? 20530–0001

Dear Mr. Ashcroft:

I am writing toexpress my views regarding the Microsoft antitrust case.? I have always felt that this entire suit haswasted far too much taxpayer funds.? Ialso believe that the company has been treated unfairly in this case, as theyare only guilty of acting in the true spirit of free enterprise.? As far as I am concerned, Microsoft has done what all ambitious companies should strive to do—create a well-needed product,use unsurpassed marketing strategies to sell the product, and make aprofit.? No one can argue thatMicrosoft's extraordinary strides haven???t changed the IT industry forever.

In their efforts tocome to agreement with an aggressive government and get on with steadyproduction, Microsoft has conceded far beyond obligations that fairness requiredof them.? They have compromised theircompetitiveness by agreeing to grant their competitors access to internalWindows code, protocols and codes.? Theyhave even agreed to have their compliance monitored by an external oversightcommittee. All these attempts onMicrosoft's part are sure to prevent future antitrust violations.? I believe it is a very well organizedagreement and everything should be done to formalize it as soon as possible.

Sincerely,

Thom Lusardi

MTC–00026940

From: Webmaster
To: Microsoft ATR
Date: 1/27/02 4:05pm
Subject: Microsoft Settlement

Dear Department of Justice:

I am writing to you as someone who has been involved in computers for the past 25 years, grew up near Microsoft, and have been on both sides of the love ''em or hate ''em Microsoft fence. I would like to give you my observations and comments about the computer industry as it relates to the Microsoft case.

A Brief History of the Personal Computer (circa 1980 to 1995) Circa 1980, the personal computer was born, and within a few years, the PC's killer applications (namely spreadsheets, word processors, and presentation graphics programs) made the PC an indispensable business tool. Innovation and competition were strong and consumers benefited from new products such as Lotus 123, Word Perfect, and Harvard Graphics.

Over the years, Microsoft also innovated and introduced refined versions of its DOS and Windows operating systems. By the mid- to late 1980s, IBM had finally lost its dominance of the open hardware platform it created. The failure of the more-closed PS/2 and the further advances of PC ''clones'' drove prices down while driving hardware innovation and performance. The proliferation of low cost personal computers drove the further adoption of Microsoft operating systems.

During the early 1990s, Microsoft, funded by its operating systems success, also delivered innovative and superior products such as Excel and Word. These products rightfully claimed market dominance over their competitors. These products also became strong revenue producers for Microsoft. Through widespread adoption of Microsoft operating systems, consumers benefited, and developers were overjoyed.

Microsoft further created excellent developers'' tools and wooed developers to create applications for Windows.

The Personal Computer Matures (circa 1995) Unfortunately, towards the mid-1990s, the PC market was becoming mature. The personal computer had run its course, and networked, not personal, computers were the new frontier. Microsoft and other personal computer software vendors turned to competing in feature wars by adding features that were largely useless to the majority of users and by driving a new software business model: the upgrade cycle.

Prior to this time, innovation in the personal computer industry was high and product quality was excellent. I remember when a bug in software made headlines and was truly an embarrassment to the company that wrote the software. Prior to this time, new major releases were truly valuable and, because of attention to quality, customers quickly adopted the latest technology.

Subsequent releases of personal computer software generally offered only minor functional improvements while adding substantial incompatibilities and instability through buggy software. Often upgrades were mostly bug fixes. Software incompatibilities with hardware, however, drove hardware sales that had now become dependent on software upgrade cycles. Many in these industries became staunch supporters of Microsoft because their livelihood depended on it.

It is considered by some that post Windows 95 OSR2, the Windows 98, Windows 98 SE, and Windows Me operating systems were progressively worse releases. Certainly corporate America began to shy away from these frequent and ''problem-full'' upgrade cycles. Software manufacturers, Microsoft in particular, faced with spiraling support costs resulting from product deficiencies and poor quality, began charging customers for support. This further alienated customers who had become dependent on the technology.

In the mid-1990s, while working with software developers, I learned Microsoft had a new trick in addition to upgrade cycles. Because of Microsoft's dominance of the personal computer operating system, it began dangling new over-hyped technologies to developers but withholding adequate information to get the programming done. To that end, Microsoft would supply expensive consultants. Through the use of consultants, Microsoft could control who had access to what technology. Microsoft seemed to provide consultants to companies developing products that further enhanced the appeal of the ''Microsoft platform''. Unfortunately, I learned first-hand that once Microsoft deemed your software was no longer strategic or was competitive, the support vanished. The same strategy also applied to hardware.

Originally, Windows NT ran on Intel, DEC Alpha, MIPS, and PowerPC platforms. Once Microsoft pulled the plug on support for the non-Intel platforms, these other platforms vanished almost overnight.

Around this time, it was also widely known that Microsoft employed an ''embrace and extend'' philosophy. The implementation goes something like this: Once a new non-Microsoft technology emerges, Microsoft discredits the technology and withholds operating system support.

This minimizes the revenue that a potential competitor could derive in the early stages of a product's life that could be used to fund additional development. Meanwhile, Microsoft had a chance to study and subsequently implement competing and typically inferior technology into its operating system. At times, by only announcing that Microsoft will develop a competing technology, Microsoft could convince its customers to abandon the new non-Microsoft technology or, at least, sit-and-wait until it was built-in for ''free''. The pattern generally continued by starving the original innovating companies while developing its own technology. Typically, by a 3.x release, Microsoft had monopolized the technology while the original innovators had gone out of business.

What was happening to hardware and software developers was that they were learning a message from Microsoft that was loud and clear. The message was that if you were not strategic to Microsoft, you were ''history''.

The Networked Computer Industry (circa 1995 to Present) Fortunately, for consumers and developers, the need to transcend the ''personal'' in PC and become networked exploded with the adoption of the Internet. There was incredible excitement and innovation as numerous companies worked around the clock to develop new products, services, and applications. HTTP, HTML, and Java were the tools to break the industry free. There was a big problem with the Internet to Microsoft because it didn't use Microsoft technology and, further, it could minimize the importance of the Microsoft Windows operating system.

Once again, Microsoft attempted to discredit the technology while buying itself time to determine how to best ''embrace and extend'' the technology. I do admire Microsoft in its ability to turn its entire company around in ''Internet time'' to address this great threat.

Unfortunately, this has been to the detriment of consumers and the Internet as Microsoft is trying and succeeding at crafting its own version of the Internet.

There are numerous examples of this strategy. As far back as Stacker vs. DoubleSpace, to QuickTime vs. AVI, MP3 vs. WMA, RealPlayer vs. WMA, Java vs. MSJava vs. C#, JavaScript vs. JScript, and more.

Microsoft has sought to pollute every interoperable and de facto standard with it's own ''embrace and extend'' but incompatible version.

In the ease of Netscape Navigator and Internet Explorer, Microsoft claims its dominance is due to Internet Explorer being a better browser. It, in fact, is a better browser—on Microsoft Windows.

However, this is clearly because any company is unable to compete with a Goliath company that gives the product away for free (far below its cost).

I remember sitting in Microsoft briefings while they insisted that they were ''browser agnostic''. The audience snickered as surely they were browser agnostic as long as the browser was a Microsoft browser.

Microsoft even feigned cross-platform support by offering a Unix version of Internet Explorer that never worked and which has been subsequently dropped. Now that Microsoft owns the browser, there is no need to support other platforms. It is quite a disconcerting that the fate of Apple rests upon Microsoft's willingness to supply it Microsoft Office and Internet Explorer. Without these core applications, no desktop operating system could survive.

My Views on What Needs to Change

What has happened is that the technologies Microsoft has added to its operating systems have not been for ''free'', as Microsoft would like us to believe. They have come at a high price of stamping out non-Microsoft developer innovations. They have come at a price of security and reliability, as there is really no other choice for corporate America. They have come at a price of Microsoft-ifying the Internet and attempting to replace every open and interoperable standard that the rest of the world has tried to create. Microsoft continues by trying to force its dominance into product areas of hand-held computers, video games, entertainment, and Internet service.

A recent example is the announcement of MSN as the number one search engine. It is actually not surprising, as MSN is the default search tool in Internet Explorer.

The sad reality is that Microsoft already owns the desktop, the corporate office suite, and the web browser. It has purposely integrated the browser into the operating system so that it loads faster and is more difficult to remove. Microsoft has also tied its desktop and server operating systems together with almost identical code-bases. I think it is quite dangerous that Microsoft is trying to tie its Windows desktops to its Windows servers to displace other more reliable, open, and secure server operating systems from competitors. Microsoft is trying to unfairly force itself into the server market by way of the desktop. At the same time, Microsoft is trying to create its own version of the Internet as well as force users to use its Passport service.

In the early 1990s, I was an adamant Microsoft fan. Unfortunately, their patterns of behavior towards outside innovators and of tying numerous Microsoft products together have changed the way I make choices. More and more, I choose open solutions whenever possible even though I know there is a threat that Microsoft may eventually kill them. A prime driver of the current downturn in the computer industry, I believe, is the lack of innovation. I am quite confident that a plethora of reliable and secure multimedia (audio, video, photography, speech), networking (collaboration, communication, interactive, wireless), and business applications are possible and awaiting development. The unfortunate reality is that Microsoft holds the keys to the client operating systems that these applications need. At this late point, I'm not sure what type of settlement/remedy would be appropriate. Microsoft has already cost the technology industry (including Netscape) irreparable harm and continues to further cripple it to serve its own agenda. At the beginning of the antitrust cases, I thought it might be reasonable to break Microsoft into 3 separate companies: Desktop OS, Applications, and Server OS. The reason for splitting out the Server OS would be to prevent Microsoft from unfairly tying Windows clients to Windows servers. Unfortunately, the code-base is the same, so perhaps only strict conduct remedies might work. Internet Explorer must be considered an application and stripped from the operating system. Further, it must be made available in fully functioning form across major operating systems (Windows, Mac, Unix, Linux). To do this, it must be stripped of its Windows-specific technologies and implemented in a truly cross-platform manner such as the Mozilla/Gecko/Netscape product. It must conform to open and not proprietary standards. The same exact requirement also needs to be made of Microsoft Office. These applications are critical to the functioning of American businesses and should be regulated like a utility.

Another sad reality is that Microsoft developers and personnel are ''soMicrosoft'', in general, they do not understand other and outside open technologies. Assuming Microsoft was split, it would take years for personnel to retrain themselves to understand non-Microsoft technologies and to begin developing products that conform to open standards. Because there is such a closed—almost incestuous—Microsoft culture, the separate companies should be geographically dispersed to prevent inevitable commingling. Although such as break-up would cause tremendous anxiety in the industry, I think it is necessary in order to give other operating systems a fighting chance and to convince the non-Microsoft development community that it is safe to innovate once again.

I would estimate the disruption could last 2 to 4 years. The current prospects, however, are continued stagnation, meaningless upgrade cycles, poor reliability and security, and less choices as Microsoft continues to take over all aspects of computing, networking, entertainment, and identity/payment systems. Considering I originally wrote this on a Windows NT (1995) machine with Word 97, I would be willing to use Windows2000 and other current software versions for a few years in the hopes of gaining truly open computing platforms and radically new and innovative products in the future.

Finally, please compare the personal computer software and hardware industries over the past 5 to 10 years. Despite a dominant, but somewhat less adversarial, Intel, the hardware industry has delivered products that are many, many times over faster, more reliable, and more functional at fractions of the price of what they used to cost. A modern PC can be bought for $500 that includes a monitor and printer and is better than most corporate desktops. On the other hand, new non-upgrade versions of Microsoft's latest Windows XP Professional and Office XP will cost you more than the hardware. This is truly ironic considering there are no real manufacturing costs to the software and considering the marginal benefits provided to consumers by the marginal softare upgrades during the same period.

Best of luck. We are counting on you,

Brett Duke

MTC–00026941

From: Art Holland
To: Microsoft ATR
Date: 1/27/02 4:06pm
Subject: Microsoft Settlement
Renata Hesse
Trial Attorney
Suite 1200
Antitrust Division, Department of Justice
601 D Street NW
Washington, DC 20530

Dear Ms. Hesse,

Microsoft was the first to exploit if not realize that the PC business was like any other modern business that depends on interoperability—he who can establish and control the standards will become a very profitable monopoly. Just like roads, telephones and many others—the business of computers is about having them interoperate—whether on networks or through packaged software.

Microsoft has gained this leverage through control of the API's and file formats combined with some very unsavory business tactics. The result is that people need Windows and they need Office. To choose anything else is to make significant compromises in one's ability to interact with others.

MS has exploited this, protected it and been convicted of illegally maintaining it and lost on appeal. This monopoly is stifling progress. Why would investors attack a monopoly? It's financial suicide.

Remedy:

Fine them billions for breaking the law
Openly publish API's and file formats subject to the satisfaction of an independent board.
Make available a version of Windows that contains no applications (the things people actually buy computers for) at 1/2 the price of any other version.

Thanks.

Sincerely,

Art Holland

MTC–00026942

From: hf.consult@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 4:07pm
Subject: Microsoft settlement
1900 53rd Street N
Saint Petersburg, FL 33710
January 19, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I write to you today to show my support for the recent settlement reached between the Department of Justice and Microsoft. Bill Gates has been an integral part of the building of this nation and for that matter the world's computing abilities. He has been ingenious in the running of his company. I do not believe that the federal government should punish this ingenuity. I do not believe that the federal government has the right to persecute Microsoft. Given these sentiments, I am pleased that there may finally be some closure with this issue. Microsoft has been making many concessions to ensure that this occurs. For example, Microsoft will share information about the internal workings of Windows with its competitors, and thus allow them to place their own programs on the operating system. Microsoft has even agreed to the formation of a technical review board whose sole job will be to ensure compliance with the terms of the settlement.

The settlement offers an opportunity to end this lawsuit and returns the country's focus back on business, where it belongs. The federal government must end its pursuit of Microsoft.

Sincerely,
Edward Bailey MTC—00026942—0003

MTC–00026943

From: KENWINFARM@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 4:08pm
Subject: Microsoft

Why don't you leave Microsoft alone for everything you become involved in you Screw it up. Attorneys are screwing this country to Hell and back and Greed is all They care about.

Ken Stewart

MTC–00026944

From: d.s.sanford@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 4:08pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Dorothy Sanford
Assembly Drive
Cartersville, GA 30120

MTC–00026945

From: Matthew
To: Microsoft ATR
Date: 1/27/02 4:10pm
Subject: Microsoft Settlement

Dear Sirs,

The proposed settlement is unacceptable and gives Microsoft even further headway into a market where Apple Computer, Inc. was previously the leader.

Please do not let this pass.

Matthew

MTC–00026946

From: BELLLCI@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 4:14pm
Subject: Microsoft Settlement

I feel that the Microsoft Settlement is not in my interest for countless reasons.

Rebecca Bell
Jekyll Island, GA 31527

MTC–00026947

From: Ken
To: Microsoft ATR
Date: 1/27/02 4:17pm
Subject: Microsoft Settlement

I have read the proposed settlement of the Microsoft anti-trust case and I believe that it does not adequately prevent Microsoft from abusing its monopoly power as a lever to gain new monopolies, destroy U.S. businesses, and ultimately to milk consumers for unnecessary, insecure, and unwanted ''features''. The settlement must be toughened and made bulletproof, but with the same speed that this one was cooked up.

There are bigger loopholes in this proposal than in previous agreements with Microsoft, which they subsequently defied with impunity. Redefining words like ''browser'' and renaming products like ''Windows 95'' instead of ''DOS 7 + Windows 4.0'' is the level of deceipt that they would use to break this agreement as well. They are on the verge of relabeling MS Office as a ''subscription service''.

Ken Conrad
Dayton, Ohio

MTC–00026948

From: Oscar A. White
To: Microsoft ATR
Date: 1/27/02 4:17pm
Subject: Microsoft hearings

To whom it may concern,

I believe that the proposed settlement with Microsoft should go forward as agreed upon. The competition should leave them alone, if they, the competition can do a better job of developing software then they should get on with it. Leave the people alone who have proven they have the smarts and resourses to do the job!

Sincerely,
Oscar A. White

MTC–00026949

From: CHerUbicXGuRLie@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 4:20pm
Subject: Microsoft Settlement
Lisa Luo
01–28–01

The only reason that the U.S. versus Microsoft case came about is because of the word, ???success???. Because of Microsoft???s great dominance in the computer world, many competitors are expectedly intended to cripple the company. In some ways, Microsoft is expected to be charged since they had ???destroyed competition in the market for Internet browsers???, according to a federal trial court. Microsoft actions??? such as ???delivering a web browser with its Windows software packages??? undermines many companies such as Netscape???s monopoly power. If two similar products are placed before me and one of them was packaged with an extra item, I would grab for that product. Who wouldn???t want free items?! Microsoft???s fault of continuous prosper should be controlled to prevent serious consequences.

In this technological advancing world, many competitors of the economy strive to dominate all by having the best of the best. I think the limits of Microsoft???s conduct from the revised proposed final judgment is very suitable to prevent a single dominance and to have a world of equal attempts to gain and profit. Microsoft should be controlled so there wouldn???t be an ultimate consequence of ???misuse [in] its operating system monopoly to artificially exclude browser competition and deprive customers of a free choice between browsers???. Microsoft should also, ???allow applications to run in multiple operating systems???, so competition would revive. Leaving some space for other companies to strive in some way will provide everyone with ???economic freedom???.

CC:Jqchick@aol.com@inetgw

MTC–00026950

From: Steven L. Mading
To: Microsoft ATR
Date: 1/27/02 4:20pm
Subject: Microsoft Settlement

I am writing as a concerned citizen employing my rights under the Tunney Act, which state that the proposed Microsoft Settlement with the Department Of Justice must allow for a period of public comment. This message is my public comment.

In short, I think the proposed settlement is inadequete to remedy the situation.

Rather than give a list of reasons, which would be repetative with lists in other people's letters, I will simply expand on one point I find partiularly important: Microsoft Office dominance:

The proposed remedy of forcing Microsoft to publish their program calls (or ''API'') because they have become de-facto standards doesn't address the other more important de-facto standard over which they enjoy control—namely the file formats they use for saving Office documents in programs such as Word and Excel. Because compatability with Microsoft Office applications has become a neccessity with their monopoly position, if Microsoft can continue to hide the format of these files, they can continue to deny competing products entry into the marketplace. Many aspects of modern life, for good or bad, have come to depend on Word(tm) documents as the standard form of business interchange. There are even many Human Resources departments in large companies that will only take electronic resumes in Microsoft Word format and no other. It should be obvious that there are monopolistic influences at work when to look for a job, you must own a product from one specific company and no other. Certain government offices also dissemate public information in Microsoft Word(tm) format.

Now, I feel the ideal remedy would be to educate people on how they are helping prop up the monopoly situation every time they choose to only accept input in Microsoft Word format and no other—but such a remedy isn't ever going to occur. In a free market, monopolies don't Steven L. Mading at BioMagResBank (BMRB). UW-Madison Programmer/Analyst/(sometimes SysAdmin) mailto:madings@bmrb.wisc.edu B1108C, Biochem Addition / 433 Babcock Dr / Madison, WI 53706–1544

MTC–00026951

From: hwl@familyclick.com@inetgw
To: Microsoft ATR
Date: 1/27/02 4:20pm

Subject: Microsoft Settlement

I am AGAINST the proposed settlement of the antitrust case involving Microsoft Corporation. Companies that achieve great levels of success as measured by revenues, profits, market share, etc. by producing innovative products, better quality, lower price, etc. in a totally legal and ethical manner should not be penalized just because they are successful. Unfortunately, too many people and government bureaucrats automatically regard success in the private sector as indicators of illegality, and I am usually against the Department of Justice pursuing antitrust cases.

However, Microsoft has clearly achieved its stature via deceit and other illicit means, as demonstrated during the court proceedings in this antitrust case as well as other litigation such as Sun Microsystems vs. Microsoft regarding Java. Some of the issues that stand out in my mind are:

Microsoft's ''embrace and extend'' approach in developing its own versions of products: Notice that a possible tool from another vendor has potentially significant popularity in the market and would consequently enhance the overall market for PCs and the Microsoft Windows operating system. Offer support to that vendor to help their product be successful. Once Microsoft sees the unexpectedly high success of the product, begin developing a similar product, merge it in with the Windows operating system so that people can easily transition, then extend the new product by adding features incompatible with the original, more popular product. Arrange with PC vendors restrictive licensing agreements that prevent them from selling PCs with both Microsoft and non-Microsoft products. The result is that the former supporter stabs the original vendor in the back. Such has happened with Netscape and was in progress with Java until Sun Microsystems successfully litigated. There is a new browser available from the open-source/free-software community (which Microsoft hates) called Opera; Opera could not access many of the Microsoft web pages because they were designed for Internet Explorer by using extensions to commercial standards that only Internet Explorer recognizes, and yet Microsoft falsely claimed that it was Opera that violated the standards (the Opera developer is a member of the standards committee and pointed out where Microsoft's web pages violated the prescribed standard).

Microsoft repeatedly gave self-contradictory testimony at the trial. Much of their testimony was demonstrated totally fallacious by experts for the Department of Justice. Microsoft cannot be trusted to come close to telling the truth under oath. Microsoft needs to be put in a position that it is impossible for them to break the final settlement when they are not under oath.

Microsoft has the lion's share of the very large PC operating system market, and they can change Windows whenever they wish, which can end up deliberately creating incompatibilities with other vendors'' application tools running in the Windows environment, whereas the application tools departments in Microsoft are informed of the changes in Windows and can accommodate. This results in Microsoft having an unfair advantage in developing applications tools when they control the dominant operating system. One can quite reasonably ask why the other vendors do not get into the operating systems business, competing head to head against Microsoft, and take control of their own destiny. The problem is that most of the companies producing applications tools are small and require all their resources to go into the development of the specific tool. Operating systems are far more complicated pieces of software taking many years to develop. The only operating system offering Microsoft Windows any substantive competition at all is Linux (which Microsoft wishes to kill also), and Linux has been in development ten years now with some significant work still left. This is why the industry desperately needs Microsoft split between its Windows operation and its application tools operation.

Microsoft shows its true colors by seeking legislation to outlaw the use in government-funded activities of software developed under the GNU Public License, including Linux. Such software might actually succeed where no other has: provide meaningful competition and take significant market share from Microsoft.

The findings of fact regarding Microsoft's adverse monopolistic behavior have held firm in the courts—for good reason. The proposed settlement does nothing to redress past wrongs nor does it put adequate teeth into preventing future misdeeds of similar ilk. I have been a professional software developer for a variety of applications for almost 30 years and an adjunct professor in electrical engineering and computer science for 15 years. I have used both Microsoft and non-Microsoft products during that time, as well as followed the actual technology involved.

Please take these issues into account and rule in a manner so that vendors besides Microsoft have the opportunity to play a significant, successful, innovative role in the software marketplace. I regard the original ruling of splitting Microsoft into an operating system company and a totally separate application tools company to be very wise and appropriate. The proposed settlement is not.

Howard W. LUDWIG, Ph.D.
11666 Darlington Drive
Orlando FL 32837

MTC–00026952

From: Herman Choper
To: Microsoft ATR
Date: 1/27/02 4:19pm
Subject: Microsoft Settlement

This settlement will have a very positive impact on the American economy and will help pull us from the recession we have experienced over the past year.

The Senior Citizens are the ones that are suffering the most from this recession.

Thank you for taking the time to hear from us.

Herman Choper
chy6@juno.com

MTC–00026953

From: John Springer
To: Microsoft ATR
Date: 1/27/02 4:20pm
Subject: Microsoft Settlement

I oppose any settlement with Microsoft that does not make these provisions:

1. Penalize them for putting other companies out of business by bundling ''good enough'' software with Windows and Office, thereby destroying existing markets.

2. Prevent them from effectively forcing proprietary standards onto the world by building them into Windows, ignoring standards organizations, and not publishing specifications.

I think Microsoft is being allowed to dominate and control an industry that is as essential today as the telephone is. It is as though AT&T 50 years ago had been allowed to build phone systems that wouldn't let customers talk to anyone using non AT&T equipment.

John Springer
Portland, OR

Golly—I think it's raining out there.

MTC–00026954

From:
Derek.Tarvin@DecisionOne.com@inetgw
To: Microsoft ATR
Date: 1/27/02 4:23pm
Subject: Microsoft Settlement

I would like to take a moment to express my displeasure with the currently proposed settlement in the Microsoft Anti-trust Lawsuit. My understanding of the settlement is that Microsoft is to give copies of it's Operating System and software to schools, etc. This whole issue was brought about by Microsoft's manipulations to get their software on as many computers as possible. The proposed settlement would merely extend the current issue into schools without rectifying the original issue.

While I don't like punitive actions, I believe that a solution that is more inline with solving the original issue is warranted here. Personally, I think a settlement that creates more competition within the Operating System software industry would be the best solution. Possibly a settlement that would require MS to supply schools with computers with an alternative Operating System such as Linux or the Macintosh Operating System.

Thanks for your kind attention.

Derek Tarvin

MTC–00026955

From: Dave Kopel
To: Microsoft ATR
Date: 1/27/02 4:23pm
Subject: Microsoft settlement

I am writing this letter to express my support for the proposed Microsoft settlement. In contrast to the alternatives proposed by the non-settling states and by the companies which have used this lawsuit as a means of harassing Microsoft, the proposed settlement is reasonably based on the decision of the Court of Appeals.

In my book ''Antitrust after Microsoft,'' I argue that one of the central flaws of antitrust law is its erratic and unpredictable application. Another flaw is how often companies are targeted as a result of politics and lobbying. The Microsoft case was an

egregious example of both. Settling the case would not only be good for the American economy, it would be a constructive step forward for the rule of law.

Sincerely,
David B. Kopel
Director, Center on the Digital Economy
Heartland Institute.
Research Director,
Independence Institute

MTC–00026956

From: Ken Arromdee
To: Microsoft ATR
Date: 1/27/02 4:19pm
Subject: Microsoft Settlement

As a computer professional and PhD in computer science, I'm writing to express my concern about the revised proposed Final Judgment in the US vs. Microsoft case.

I'm particularly concerned as a user of the Linux operating system. Linux may be the most viable competitor to Windows right now, and any settlement should prevent anticompetitive actions towards Linux. I'm disturbed, however, by the loopholes in the settlement, both with respect to competition with other operating systems in general, and specifically in connection with Linux.

—In section III.a.2, Microsoft is prohibited from retaliating against OEMs who include both Windows and another OS on their computers. However, the prohibition doesn't include computers shipped with *only* a competing OS. The prohibition should be extended to include such computers.
—Section III.d requires that Microsoft disclose information to ISVs, IHVs, IAPs, ICPs, and OEMs about middleware APIs. Section III.e requires similar disclosure of communications protocol, and section III.i requires that Microsoft licenses any associated intellectual property. These seemingly reasonable clauses would exclude Linux:

() The reference to ISVs (independent software vendors) would at first seem to let the information be used with Linux. However, Linux is written by volunteers; it's not clear whether the term ''ISV'' would include a typical Linux developer.

() According to section III.i.3, Microsoft can prohibit sublicensing or transfer of intellectual property rights. The Linux kernel and many other parts of Linux are written under a license (GNU General Public License) which requires that the licensed program be freely modifiable and distributable. Prohibitions on sublicensing/transfer would violate the GPL, preventing Linux from using the information.

() Royalties for licensing the information must be ''reasonable and non-discriminatory''. Since typical Linux developers are volunteers who don't profit from their code, any ''reasonable and non-discriminatory'' fee greater than zero would make it impractical to use the information with Linux. Some types of ''reasonable and nondiscriminatory'' terms may be even worse; for instance, since Linux may be freely copied, a per-copy fee paid by the developer would impose a potentially infinite cost.

() Section III.j.2 permits Microsoft to disclose the information only if the user has a reasonable business need, which wouldn't apply to a Linux developer writing code as a volunteer project. It also lets Microsoft require a third-party compliance test at the user's expense, which is inappropriate for a volunteer making no profit.

() The information can only be used for interoperation with a ''Windows Operating System Product''. This prohibits many reasonable uses, such as making a non-Windows operating system able to run Windows programs. Also, if the use of the information is restricted, it may be difficult or impossible for a programmer who has seen the information to ever work on Linux, since he would never be able to prove that he isn't using information in a prohibited way.

This problem with the Judgment can only be fixed by not allowing restrictions on distribution or use of the information.

—Microsoft is not required to release information about file formats, such as in Microsoft Word, and Word is not included in the definition of middleware.
—The definition of ''middleware'' is tied to the specific version numbers used, allowing Microsoft to easily get around the judgment simply by changing its numbering scheme.
—The exemption in III.j.1 for technology necessary for anti-piracy, licensing, and authorization is a very big loophole. For instance, Microsoft could create middleware that only runs applications that have been digitally signed by Microsoft, and then not tell third parties how to create signed applications, allowing Microsoft to control which applications are run.
—The proposal should also prohibit anti-competitive licenses. Many Microsoft products contain clauses that prohibit running them on non-Windows operating systems. Some specificallyt mention open-source software (which includes Linux). For instance, Microsoft's Mobile Internet Toolkit's EULA contains a prohibition on not using ''Potentially Viral Software'' (defined as to include open source) tools to develop software that uses the kit.
—The proposal should prohibit Microsoft from requiring that licensees not publically discuss the product, the license, and/or the license terms.

Kenneth Arromdee
January 27, 2002

MTC–00026957

From: kb2ip@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 4:27pm
Subject: Microsoft Settlement

It is time to settle. It will have a very positive impact on the present economy and it will help in pulling us out of the recession we have experienced over the past year.

Paul trepanier
Fairport, NY

MTC–00026958

From: Daniel Haun
To: Microsoft ATR
Date: 1/27/02 4:28pm
Subject: Microsoft Settlement

I would like to express my dissatisfaction with the proposed Microsoft settlement. The proposed final judgement, as written, is vague and full of loopholes. It claims to address the serious issues raised against Microsoft, but is worded in such a way that it would have no significant effect. Please do not adopt the judgement in its current form.

Daniel Haun
Network Support Analyst
Adventist Health
2100 Douglas Blvd.
Roseville, CA 95661

MTC–00026959

From: Jack Rodgers
To: Microsoft ATR
Date: 1/27/02 4:29pm
Subject: Microsoft Settlement

Has anyone consider the possiblity that Microsoft is forcing peripheral manufactures such as recording devices, cell phone cards, MPG3 players, etc. to ONLY SUPPORT MICROSOFT since most of these devices do not include support for Macintosh or Unix computers. It is almost impossible to buy one of these devices that download or upload data from a computer and find support for anything but Microsoft Windows.

Jack Rodgers
<mailto: jackrodgers@earthlink.com>

MTC–00026960

From: Stephen Degler
To: Microsoft ATR
Date: 1/27/02 4:31pm
Subject: Microsoft Settlement

Hello,

The purpose of this mail is to comment on the proposed Microsoft settlement as outlined in the Tunney Act. I have read over Dan Kegel's comments http://www.kegel.com/remedy/letter.html and I find that I am in agreement with them. I have also mailed Mr. Kegel and indicated my willingess to be to be a cosigner of his letter.

It is clear to me that the settlement represents a sudden and drastic change in direction towards the resolution fot he Microsoft case. It is cowardly and insincere to aggressively and successfully pursue a (just) decision against Microsoft, and then suddenly back off with a toothless settlement. This change in direction is clearly due to the politics and policies of the Bush administration.

In my limited understanding of our political system, this seems to indicate that the independence of the judical branch of the goverment has been compromised in some way. This has much greater impact on American society than the Microsoft case itself. I believe that most Americans who understand the actual issues surrounding this case are deeply troubled by the proposed settlement and would like to see one which addresses Microsoft's practices with remedies that will end their monopoly. The proposed settlement is a sellout which will undermine the peoples'' faith in the ability of our goverment to act in the interests of the American consumer.

Thank you for your attention to this matter.

Sincerely,
Stephen Degler
PO Box 707
Philmont, NY 12565
CC:senator@clinton.senate.gov@inetgw

MTC–00026961

From: Ashley Grayson
To: Microsoft ATR
Date: 1/27/02 4:32pm
Subject: Microsoft Settlement

Dear DOJ:

I understand that according to the Tunney rules I can comment on the DOJ settlement with Microsoft.

As a long time Microsoft customer, who has used a wide variety of their products, I can say that the settlement is a very bad idea. Microsoft is a ruthless monopoly and predatory organization that has set back the progress of American innovation by ten or more years. Unchecked, Microsoft will continue to abuse consumers and think of itself as outside the law.

The DOJ should rethink the settlement and act quickly to break up Microsoft.

Regards,
Ashley Grayson

MTC–00026962

From: dgcj4
To: Microsoft ATR
Date: 1/27/02 4:32pm
Subject: Microsoft settlement

Now we have another COMPETITOR wanting to use our tax money to fight their market fight. How long is the government going to allow this fiasco to continue? A reasonable settlement was at hand and it seems those groups that are looking to wrench money for themselves out of the whole affair are allowed to continue to drag this on. Competitors continue to use litigation and the government to impede competition and innovation for us , the consumer. AOL paid $10 billion for Netscape, they obviously saw current value but did nothing to enhance or innovate its services and they wonder why it could not compete. The government needs to end this Microsoft thing and let the marketplace to resolve consumer choice between competitors by itself. Some will survive and others who cannot provide a service wanted by consumers, such as integration of software capabilities, or who cannot offer sufficient support will not.

MTC–00026963

From: ROY C HENDERSHOT
To: Microsoft ATR
Date: 1/27/02 4:33pm
Subject: Microsoft Settlement

This litigation against Microsoft is at the point of lunacy. It is time to STOP, END IT, and keep the American public from having to continue to pad the lawyer's wallets (through government channels) of those trying to destroy Microsoft, ie, their competitors. Keep the proposed settlement where it is.

R.J.HENDERSHOT
Arizona

MTC–00026964

From: Dan Copeland
To: Microsoft ATR
Date: 1/27/02 5:26pm
Subject: Microsoft Settlement

Two federal courts have declared that Microsoft is an illegal and anticompetitive trust and in violation of the Sherman Act. Microsoft continues to extend its anticompetitive behavior with the introduction of its .NET initiative, Passport and other information-hoarding schemes, and the integration of such technologies with Windows XP.

The currently proposed settlement is an insufficient remedy. I urge the Department of Justice to abandon the settlement in favor of one which addresses the problems outlined in the original Findings of Fact.

Daniel P. Copeland
2 Vulcan Stairway
San Francisco, CA 94114
(415) 522–6676

MTC–00026965

From: Peter Sanders
To: Microsoft ATR
Date: 1/27/02 4:34pm
Subject: Microsoft Settlement

To Whom it May Concern:

I am writing to comment on the proposed settlement of the United States vs. Microsoft antitrust case.

I am against the current proposed Microsoft settlement—It does not provide any remedy to the continueing and systemic antitrust violations that Microsoft has committed over the past 10 years, nor does it promise to prevent any future violations.

The proposed settlement does nothing to address the ''Microsoft tax'' present on the vast majority of PC systems available for purchase on the market. It is impossible to purchase a non-Windows system in any mainstream retail store in any area that I have researched.

Sincerely,
Peter Sanders

MTC–00026966

From: Stan Novacki
To: Microsoft ATR
Date: 1/27/02 4:38pm
Subject: Microsoft Settlement

I would like to state that I am opposed to the proposed settlement of the Microsoft anti-trust case. I believe that the proposed settlement does not adequately ensure that Microsoft's anti-competitive behavior will be curtailed, let alone eliminated. By failing to restrain Microsoft's repressive actions, emerging technologies which promise to promote technological progress and foster consumer choice are still prey to Microsoft's systematic and illegal elimination of threats—whether real or merely perceived—to its monopoly in PC operating systems and applications.

Thank you for the opportunity to express my concerns.

Stanley M. Novacki, III
4640 5th Street South
Arlington VA 22204
snovacki3@yahoo.com

MTC–00026967

From: Andrew Puplis
To: Microsoft ATR
Date: 1/27/02 4:38pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice

Dear. Ms Hesse: This comment is in response to proposed Settlement between the US Department of Justice and participating states, and Microsoft. For the following reasons, the settlement should be rejected Section 3(b) only covers the top 20 OEM's. All other OEM's are not subject to pricing protections. This appears to create a high market entry barrier.

Section 3(c)(1): Allows Microsoft to prevent the display of Middleware icons, menus, etc. by other manufacturers as long as they similarly prohibit their own display of Middleware. This exception essentially allow Microsoft to maintain the status quo by disallowing other middleware manufacturers from displaying their icons. Consumers not aware of another choice will choose Microsoft.

Section 3(c)(2) Allows Microsoft to prevent the display of non-Microsoft middleware displays if they do not impair the functionality of the user interface. However, the decision if the user interface is impaired seems to be left up to Microsoft to determine.

Section 3(c)(3) requires that non-Microsoft Middleware providers make their icons of a similar size and shape as Microsoft's. This restriction seems to rekindle Microsoft's attempt to obtain copyright protection on utilitarian aspects of the windows interface. This the exact opposite claim they made in Apple vs.. Microsoft. In addition, this requirement seems to expose middleware manufactorers to potential claims for copyright and trade dress violations.

Section 3(c)(5) requires that the OEM comply with reasonable technical specifications established by Microsoft. Has Microsoft published or otherwise released these technical specifications? What is to prevent Microsoft from creating specifications that hinder the operability of another operating system and defend those actions as reasonable for the functionality as they have historically done to prevent Non-Microsoft Middleware?

Section 3(e) requires the availability of a communications protocol to allow interoperability with Windows. This won't be made available for another nine months after the submission of the proposed final judgment. Nine months in computer industry is an eternity. Microsoft has already shown its aggressiveness in this area. Allowing a nine month ''buffer'' before communications protocol is made available will give Microsoft additional time to shore up a monopoly over Middleware. In addition, the settlement agreement fails to provide the conditions under which the communications protocol. It is assumed that it will be provided under a confidentiality agreement. However, Microsoft may institute more restrictive terms under the guise of security that will render the availability moot. Indeed, other portions of the Settlement allow Microsoft to withhold information based on security concerns. This leaves Microsoft with the ability to restrict communication protocols to the point that they are useless.

Section 3(h)(3) Allows Microsoft to alter icons, start menus, etc. of non-Microsoft Middleware providers 14 days after bootup of a new PC. Most computer users are not technically proficient to understand the impact of changing the Middleware applications that lets them browse the

internet, view pictures, play music, etc. In addition, 14 days may not be long enough for a new computer user to understand what middleware is and how it interrelates with what they view, listen to, etc.

Section 3(h) allows Microsoft to prevent non-Microsoft Middleware from contacting Microsoft Servers.This section essentially eliminates the force of the Settlement. Users who normally use Non-Microsoft Middleware must use Microsoft Middleware (including web browsers) in order to contact Microsoft for updates, security patches, or other information from Microsoft. Because of Microsoft's lackluster security, contacting Microsoft's servers is almost a weekly event. Users will eventually choose the path of least resistance because of the need to constantly contact Microsoft servers. It seems that Microsoft's lack of security can be used to their advantage. In addition, this section fails to address Microsoft's .NET strategy (which will likely be defined as outside the context of general web browsing by Microsoft). This Settlement should act prospectively to prevent future harm, not retrospectively to address issues that are already moot.

Section 3(h) Also allows Microsoft to prohibit Middleware that fails to implement a reasonable technical requirement. This section allows Microsoft to prohibit any Middleware that it doesn't like. Meaning, that Microsoft can require the Middleware to use proprietary Microsoft technology for which is may charge additional (and perhaps cost prohibitive) fees. This also, has the side affect of allowing Microsoft to further close competition in the computer industry by imposing proprietary technology. Section 3(h) allows Microsoft to refuse to disclose API's or Communications Protocols to those may compromise the security, anti-virus, anti-piracy, etc. This term allows Microsoft to refuse to provide API's or Communications Protocols under the guise of security, functionality, or rights protection. Again Microsoft could utilize this provision to refuse to provide Communication Protocols to potential Middleware competitors using these excuses. Section 3(h) also leaves it up to Microsoft who may obtain the API's and Communication Protocols. In addition, Microsoft may test the proposed Middleware for compatibility. However, there seems to be no procedure and standard for evaluating what Microsoft can choose to reject and on what grounds. The vague term ''functionality'' has been used throughout this Settlement without definition other than that Microsoft gets to decide what it is. General Comments: Many terms of the Settlement leave it up the reasonableness and discretion of Microsoft. This seems foolhardy because the very reason this lawsuit and proposed Settlement exist is because Microsoft has historically acted unreasonably and in bad faith against potential competitors. Therefore, leaving so many decisions to the discretion of Microsoft with regard to what their competitors may or may not do is (for lack of a better term) idiotic. In addition, their stall tactics and unreasonableness in court proceeding indicate they will stretch the Settlement terms to their logical extremes in order to continue to operate ''business as usual.''

It seems that the Department of Justice's stance on the Microsoft case has changed with the changing of Presidential administrations. The Court of Appeals has ruled Microsoft a Monopoly, yet the Settlement terms are surprisingly light on Microsoft and don't address prospective behaviors. It leaves most important decisions to Microsoft and limits who may enforce the Settlement to the Department of Justice, whose it under scrutiny from the industry and political organizations alike. Indeed, a non-profit Antitrust group may be filing suit because Microsoft and the Department of Justice failed to disclose all communications regarding the proposed Settlement. In addition, private organization are filing suit against Microsoft (e.g. Netscape) because they view the settlement as ineffectual. While these allegations may or may not be true, these facts raise suspicions that the term of the Settlement was politically motivated or improperly obtained by Microsoft.

Finally, the Settlement contains so many ambiguous terms and loopholes that additional lawsuits will be inevitable. However, this Settlement will limit those suits and who can bring them without addressing the illegal conduct of Microsoft.

Respectfully Submitted,
A. Ryan Puplis, esq.
2246 West Armitage
Chicago, IL 60647

MTC–00026968

From: Jack Wilson
To: Microsoft ATR
Date: 1/27/02 4:40 pm
Subject: Microsoft Settlement

I have worked in the computer industry for many years including several years where I worked directly with Microsoft software developers. Microsoft executives have demonstrated multiple times that nothing less than a breakup of the company will stop them from breaking the antitrust laws.

Sincerely,

MTC–00026969

From: Ray (038) Roberta
To: Microsoft ATR
Date: 1/27/02 4:42pm
Subject: My opinion

Please consider my opinion in the Microsoft matter, attached.

Thank you.
10950 Fury Lane
La Mesa, CA 91941
January 11, 2002
Attorney General John Ashcroft,
Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

I am writing in response to the outcome of the Microsoft antitrust suit brought on by the Department of Justice. In my opinion, the case was without merit. I do not believe Microsoft infringed on any antitrust laws, either at the state or federal level. Likewise, I am adamantly opposed to any further legal action taken against Microsoft. I am, however, delighted to see the issue laid to rest. In this sense, I am satisfied with the settlement reached last November, and I hope that it will be enacted both nationally and eventually in the State of California. As such, I would appreciate it if you would press Attorney General Lockyer to become a party to the settlement.

Despite the unwarranted nature of this case, Microsoft has been willing to incur penalties in the interest of resolving this dispute. Microsoft has agreed to share information about the internal workings of the Windows operating system with its competitors. This disclosure of information will enable competing software designers to replace their own programs where Microsoft programs have been. Licensing of Microsoft's Windows system has also been guaranteed at a constant cost. Thus, computer makers will be able to receive the popular OS at equal prices across the board. Thus, the settlement is constructed to give Microsoft competitors access to formerly protected information.

These compromises are enormous. Yet, I will begrudgingly accept these terms as long as it ends this relentless persecution of Microsoft.

Sincerely,
Roberta Wisniewski

MTC–00026970

From: Fern Egurin
To: Microsoft ATR
Date: 1/27/02 4:45pm
Subject: Microsoft Settlement
January 27, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I am a retired schoolteacher who uses Netscape software, and I fully support Microsoft in the antitrust case brought against it by the U.S. Government. I have never been restricted in what type of software I should use, nor have I been restricted in what type of computer to use. This case will enhance growth for competitors in several ways: Microsoft has agreed not to retaliate against software or hardware developers who develop or promote software that competes with Windows. In addition, Microsoft has agreed to license its Windows operating system products to the 20 largest computer makers on identical terms and conditions, including price.

If a general consensus was taken regarding this case, I believe most would agree that Microsoft's business practices were fair and above board. People are concerned with two issues when comes to the IT industry...service and price. Please accept the proposed settlement so that Microsoft and consumers can put this issue behind them.

Sincerely,
Fern Egurin
8970 South Hollybrook Boulevard
Pembroke Pines, Florida 33025

MTC–00026971

From: chersouth@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/27/02 4:41pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Cheryl Southwick
326 Wauwinet Rd
Barre, MA 01005

MTC–00026972

From: Edward A. Simmons
To: Microsoft ATR
Date: 1/27/02 4:45pm
Subject: Please consider this carefully!
Greetings!

I debated this for a long time, before finally deciding to say something on this subject of Microsoft vs. DoJ. See, I am so disappointed the DoJ has completely and utterly failed the public it represents with this ''alleged'' settlement with Microsoft. As sad as it appears to be, if you have money and a monopoly you can do whatever you please, buy whomever you want. Here we have a totally unrepentant Microsoft dictating what the terms of settlement are. Microsoft needs to be stopped if there will ever be any claims of justice in our judicial system. Will my letter make a difference? Will my plea fall on deaf ears? Will my faith be restored in our justice system? As important as justice is, it should never be rushed for the sake of convenience of the court. I'm appalled at the idea that the events of Sept. 11, will even suggest that this case be expedited. What an absurd idea. I am stunned speechless this attitude, or the appearance thereof exists in this current court. Like any American, I am deeply saddened by the 9/11 events and my hearts goes to the families of those affected by it. Here on the other hand, we have Microsoft enjoying the fruits of it's monopoly prior to that event, and indeed long after. Think carefully about what is at stake here.

What actions would I like to see in regard to making things right again? Start with stopping Microsoft from forcing OEMs to pre install it's OS on all new computers. If an OEM wants to sell a Microsoft product, do it separately and fully disclose the costs. As a consumer, I don't want to pay Microsoft for an OS I don't need or want. There's something badly wrong in this country when a convicted monopolist can force OEMs to pre load products, and our judicial system turn it's head. Thanks for taking the time to read this. Do not neglect your responsibility to the citizens of this great nation.

Edward A. Simmons
(937) 321–8266

The greater danger for most of us lies not in setting our aim too high and falling short; but in setting our aim too low, and achieving our mark.

MTC–00026973

From: Elaine Kurlander
To: Microsoft ATR
Date: 1/27/02 4:47pm
Subject: Attorney General John Ashcroft
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Attorney General Ashcroft:

I would like to give you my thoughts on the Microsoft Anti-Trust case. I have been following the case and am very happy that this settlement has been reached.

I use Microsoft on a regular basis and am very happy with their products. I've never been prevented from using other products. I just haven't wanted to. But as part of the settlement, Microsoft is allowing other products on their Windows software. They have also made it easier for other companies to compete with them by handing over some of their technology secrets. When these companies come up with products competing with Microsoft, Microsoft has even agreed to not use ordinary normal business tactics to retaliate in the spirit of free competition. I hope that the Federal Government can set a positive example for the states still pursuing this mess.

Please maintain this settlement to help our economy in these difficult times.

Sincerely,
Elaine Kurlander
3314 Midfield Road

MTC–00026974

From: jjpilger
To: Microsoft ATR
Date: 1/27/02 4:50pm
Subject: Microsoft settlement
5035 Pine Bark Circle
Atlanta, GA 30338
January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Ave NW
Washington, DC 20530

Dear Mr. Ashcroft:

I favor the settling of the Microsoft antitrust case. I firmly believe that this litigation is not in anyone's best interest and would have not been brought except for the actions of the company's principle competitors, Sun Microsystems and Oracle Corp.

Who has been harmed? Not the users of personal computers. My life, for example, has been made much easier because of Microsoft's products. As to the charges that Microsoft engaged in anticompetitive behavior, government should expect ferocious fights among major enemies, stand aside and let the best win. Sadly, when the competition couldn't win in the marketplace, they took to the political arena. And a search will reveal that Mr. Scott McNealy and Mr. Larry Ellison are no strangers to practices that they condemn in others. The pot calling the kettle black, if you will.

Both of the above men would better serve their respective companies and the American public at large, were they to devote their full time and energy into improving their products rather than lying awake dreaming up new diatribes against their more successful competitor, Microsoft.

In closing, please note that I am not a shareholder in any of the above firms. I ask, please conclude this needless prosecution.

Sincerely,
(signed)
John J. Pilger
(770)391–0842

MTC–00026975

From: ??
To: Microsoft ATR
Date: 1/27/02 4:49pm
Subject: Microsoft Settlement

The original settlement between Microsoft and the government in November of 2001 was one in which Microsoft decided to give the government a certain amount of money, agreeing to change some of the ways the company runs. Microsoft was convicted by the government of breaking antitrust laws. Some states are still against Microsoft being a monopoly. There is a question of whether or not Microsoft really is a monopoly. The Sherman Antitrust Act of 1890 prohibited what Microsoft is said to be doing now, which is being a monopoly.

I believe that Microsoft really is abusing its power. They have provided every Microsoft computer with Internet Explorer, which really is being too competitive. I believe that the government should not have allowed Microsoft to make a settlement because now we see how competitive Microsoft really is. In November of 2001, the government should have sued Netscape to the full extent. The settlement offered by the government was wrong I believe because it let Microsoft off the hook too easily.<?xml:namespace prefix = o ns = ''urn:schemas-microsoft-com:office:office''/>

Netscape was right to have sued Microsoft otherwise this case with Microsoft would have never ended. Netscape was bought by AOL Time Warner, another company that has been in controversy with Microsoft, in 1999.

The Sherman Antitrust Act prohibited exactly what Microsoft is doing now. It said that there should be no more monopolies. The question is however: is Microsoft really a monopoly? Also, monopolies began at the start of Industrial America after the Civil War. John D. Rockefeller said that one of the disadvantages of monopolies is that ''...the power conferred by combination may be abused...'' (John D. Rockefeller on Industrial Combinations. From U.S. Industrial Commission. From Preliminary Report on Trusts and Industrial Combinations. 1st Session of 56th Congress. (Dec. 30, 1899). This was a quote from a commission-like interview.]

From:
Irine Tyutereva
8th Grade—The Harker School in San Jose, CA

MTC–00026976

From: David Pihl
To: Microsoft ATR
Date: 1/27/02 4:52pm
Subject: Microsoft Settlement

For years, I have observed Microsoft from the perspective of an industry insider, and a

consumer. Mr. Gates is often credited with the very notion that software should be a protected intellectual property. Yet Microsoft has consistently violated the intellectual properties of others, such as the developers of Stacker.

Whatever technicalities have allowed Microsoft to steal key elements of the Macintosh operating system, Netscape, DOS, etc., it is clear that they never intended for the rules to apply to them.

If it were up to me, I would order many of Microsoft's existing intellectual properties (copyrights, patents, trademarks, sourcecode, etc.) into the public domain. This would not prevent them from developing new, innovative technologies which they can patent, copyright, or protect in other ways.

This would also not dissalow Microsoft from selling the products they presently manufacture, as in the case of Caldera, or of Red Hat Linux. Anyway, it's something to think about.

MTC–00026977

From: Edward B. Riggio
To: Microsoft ATR
Date: 1/27/02 4:53pm
Subject: Microsoft Settlement
To: US DOJ
It is time to finalize the Microsoft Settlement.

Lets not prolong this expensive Microsoft settlement any further. The actions agreed to by Microsoft, Justice Department and nine states including New York where I live, are fair and good for consumers.

AOL is trying to gain a competitive edge by delaying the settlement. They have no case. We need to get on with strengthening the economy and one way to do this is to finalize the Microsoft Settlement by February 1, 2002.

Respectively,
Ed Riggio
Woodstock, NY 12498

MTC–00026978

From: Mary Brislawn
To: Microsoft ATR
Date: 1/27/02 4:52pm
Subject: Letter Please read attachment. Thank You
1108 Z Street
Vancouver, WA 98661
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
January 17, 2002

Dear Attorney General Ashcroft:

The intention of this letter is to give my support to the settlement that was reached between Microsoft and the Department of Justice last November. The antitrust suit went on for over three years and cost the Microsoft Corporation and the government millions upon millions of dollars.

Microsoft has been a major benefit to the economies of Washington and the United States. It has created a huge number of jobs, and has made our IT industry the world's gold standard. There are terms in the settlement that go beyond what was at issue in the lawsuit, especially the terms that makes Microsoft develop Windows differently in the future. It will be designed to make it easier for competitors and consumers to remove various facets of the operating system.

At the conclusion of this comment period, I hope you will give your approval to the settlement in the Microsoft case.

Thank you.
Sincerely,
Mary Brislawn

MTC–00026979

From: John Thomas
To: Microsoft ATR
Date: 1/27/02 4:55pm
Subject: Microsoft Settlement

My name is John Thomas, and I am an 18-year-old American citizen residing in North Carolina. Having reached the milestone year, I think I've finally earned the right to voice my opinion and have it matter.

Regarding the antitrust situation with Microsoft corporation, I think that the government is taking the wrong tack. To the average American consumer (a category into which I place myself), it would appear that our government is making him into a helpless victim, one who cannot even choose correctly the software for his computer that would be most beneficial to his work or pleasure. Perhaps I'm completely wrong, but it just seems to me that the government doesn't have the right to decide what can be in my computer or not. After all, I built it. I paid for the components and screwed them together. I paid Microsoft $99 for the upgrade to Windows 98 and I use it for hours per day. At my job at a therapy clinic, I benefit from Microsoft Excel spreadsheets and Microsoft Word's easy-to-use word processing software.

This case would seem to be a gross miscalculation on the government's part. If I could point your attentions to the fact that the antitrust complaint originated with some of Microsoft's more unsuccessful partners, realize that this wasn't a cry from the people, or from the people Microsoft partners... this was an attempt to lash back at the successful company by its competitors left in the dust. It seems completely illogical and unjust to allow the men whose businesses failed in this particular market to set the regulations for those who have not, like Microsoft corporation. One question weighing most heavily on my mind is, how can a successful business AND its useful products be a threat to anyone? After all, if one doesn't like Microsoft's products, one doesn't have to use them. I am, after all, also an avid Linux user. If I so chose I could stop using all Microsoft products permanently. However, I choose not to because they are useful, easy to use, and most efficiently get my daily tasks taken care of. I don't see a threat here. I see a businessman, Bill Gates, helping the world to run more smoothly and efficiently, as well as making himself quite a living in the process.

Speaking of Bill Gates, I grew up as a teenager hearing about his rise to one of the richest men in the world. This case would seem to suggest that those who are successful are put on a leash, with a choke chain attached. I've noticed this with the income tax as well. Sitting as I am in the lowest tax bracket and thus paying the least percentage of my income, I still find it unjust that those who are more successful than I, must pay a greater percentage of their income. Correct me if I'm wrong, but growing up I'd always thought that America was supposed to be free. I want that free America—an America where I, with my considerable intelligence and a liberal dose of plain old hard work, could maybe BE the next Bill Gates.

But why would I WANT a successful business? This case seems to demonstrate the truth of the maxim that if my business fails, I can bring down my successful competitors out of spite. How dare they rise above me. How dare they be successful where I was not. How dare they offer a superior product, and charge what it's worth. How dare they take advantage of a free market.

A free market. Isn't that what we're supposed to have here in America? At the very least, that's what they've been teaching me in these public schools from which I so recently graduated. It would seem to me that in a free market such as the one we have in this wonderful country, that Microsoft corporation— just the same as myself—has a fundamental right to its property. Correct this high-school graduate if I'm wrong, but I think the government is supposed to protect the rights of all citizens to their life, liberty, and property. It looks to me like we're robbing Bill Gates of his life, because we're taking his business... and his liberty, because we're shackling him and his freedom to run his business as he sees fit... and his property, in the form of this unjust and illogical antitrust case.

Thank you for your time in listening to my voice. It is, after all, 1/270,000,000th of this country.

John J. Thomas
CC:activism@moraldefense.com@inetgw,jkaxiom3@aol.com@...

MTC–00026981

From: Anastas Pazevic
To: Microsoft ATR
Date: 1/27/02 4:56pm
Subject: Microsoft settlement

I urge you to quickly ratify the Microsoft settlement. Further lawsuits by various states will only benefit lawyers and foreign competitors who would be the 0nly benefactors in the demise of our wounded economy. We need strong, competitive and innovative Microsoft Corporation. We, the retired, are most grateful to Microsoft and its contributions to America and we wish this witch hunt to stop. Thank you for considering.

Anastas J Pazevic
Anastas Pazevic
anastasjp@earthlink.net
EarthLink: It's your Internet.

MTC–00026982

From: lin—da2001&fxsp0@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/27/02 4:53pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Linda Rivera
12270 SW Center St. #114
Beaverton, OR 97005

MTC–00026983

From: sbates1906@aol.&fxsp0com@inetgw
To: Microsoft ATR
Date: 1/27/02 4:55pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Shirley Bates
1906 Leavenworth
San Francisco, CA 94133

MTC–00026984

From: Patrick Fleming
To: Microsoft ATR
Date: 1/27/02 5:08pm
Subject: Microsoft Settlement
Department of Justice,

Regarding the proposed settlement of the current Microsoft antitrust suit I believe that the penalties proposed are too light and will force the government into further court cases with Microsoft in the future. When choice is taken away from the consumer, as in this case, we are harmed. As the past behavior of Microsoft shows, they are not interested in the consumer, only in increased or maintained market share. In 1994, Microsoft moved to shut Netscape out of the browser market- not through increased performance and enhanced abilities, but rather through restrictive licensing practices forcing OEMs into installing only Internet Explorer on Windows operating systems installed by the OEMs. Today, on Microsoft's own website it is declared, ''Windows 2000 Professional is designed to make it easier for organizations to embrace the Internet. The built-in Internet Explorer (IE), a tightly integrated browser, provides users with a faster and richer Internet experience. With support for Dynamic HTML (DHTML) and Extensible Markup Language (XML), it offers a powerful platform for developers to create highly scalable end-to-end e-commerce and line-of-business web applications.'' This appears to be in clear violation of past consent decrees regarding Windows and the Internet Explorer software. They have expanded the hold on the browser market by implemented unwritten, undocumented, protocols and extensions into Front Page that did not, and still do not, display correctly using any browser except Internet Explorer forcing web surfers to use IE when viewing pages written using Front Page. The resulting statistics gathered by web site owners and operators shows a decided advantage to IE and leads to reduced standards coding and towards IE specific coding- a self-fulfilling prophecy. The more IE specific the coding the higher the percentage of users will use IE to view the page driving the statistics higher still on IE causing programmers to believe (if they only look at their own stats) that IE is the predominate browser. MS account executives are able to convince technology purchasers that the only web server viable is the current offering of Windows 2000 running Internet Information Server 5.0 since statistics show IE as the highest used browser and W2k/IIS5 as the only server capable of using the proprietary extensions of all those IE browser users. Eventually this circular logic begins to lock in the browser and then the server market, standards fall by the wayside, and users of other browsers find that they are unable to view a larger and larger percentage of web sites without using the operating systems and browsers provided by MS.

It is no great leap to imagine that Microsoft will not follow the latest settlement as written (even though it is not very harmful to Microsoft as written) and will continue to move forward ''embracing and extending'' until the operating system encompasses every conceivable function driving out not only potential competing operating systems, but all software manufacturers as well.

Just as we would not want to have a single company supplying our automobiles, computers (without the operating system installed), gasoline, steel, electricity, telephone access, tires (suppose only Firestone tires were available?) we should not want a single company controlling our computers, which web sites we can view, and which software we can use. Allowing Microsoft to maintain their monopoly in the manner prescribed can only worsen the state of computer security, preclude choice to the end user and reduce the overall quality of available products. The originally penalties imposed by Judge Jackson should be reinstated. Microsoft needs to be forced to compete on an even level with Netscape. It should be forced to open all of its APIs to the programing community at large so that all products can inter operate equally with the operating system. Only by having real solutions rather than a slap on the wrist as imposed by this agreement can we be assured that Microsoft is competing fairly, rather than shutting out competitors by hiding parts of its functionality within the APIs. Already MS has integrated the browser into its operating system. When a real threat of an office suite of products emerges will they then integrate MS Office into the operating system as well? The only real solution is to break MS up into the three distinct companies that Judge Jackson proposed forcing equal competition. Oversight of the settlement needs to continue for longer than the five (or seven) years proposed as well. Would the Justice Department have agreed that AT&T not be forced to break up or that they would only be restricted to five years of oversight? I believe not.

Microsoft has been charged with, and found guilty of, seriously damaging customer choice, forcing artificially high prices, suppression of competition and blatantly ignoring their previous consent decree. The punishment should fit the crime.

Patrick Fleming,
Consumer

MTC–00026985

From: BatVomit@&fxsp0aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 4:59pm
Subject: Microsoft Settlement

I feel that the proposed Microsoft settlement is a bad idea. This settlement is a mere slap on the wrist and will not prevent Microsoft from continuing the break the law in the future.

MTC–00026986

From: Adrian P. Sinnott
To: Microsoft ATR
Date: 1/27/02 5:00pm
Subject: Microsoft Settlement

I would like to voice a complaint against the proposed Microsoft settlement.

Microsoft has bullied there way through the computer market and now truly has everyone by the short hairs. After reviewing the current settlement, I find it woefully inadequate.

Regards,
Adrian P. Sinnott

MTC–00026987

From: Jack Lloyd
To: Microsoft ATR
Date: 1/27/02 5:03pm
Subject: Microsoft Settlement

Hello,

I belive the PFJ is insufficient to prevent future monopolistic actions on the part of Microsoft. Of greatest concern for me is Microsoft's use of frivoulous patents and/or abuse of the copyright system to prevent reverse engineering to allow for interoperable products. I feel this is a certral issue with the problem which should be better dealt with.

Sincerely,
Jack Lloyd
Johns Hopkins University

MTC–00026988

From: Salzberg, Steven L.
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/27/02 5:05pm
Subject: Microsoft settlement

Dear Dept of Justice:

I think the proposed settlement with Microsoft is bad for the country, bad for the

computing industry, and bad for business worldwide.

I have been watching Microsoft grow since its founding when I was a computer science Ph.D. student, and I can honestly say that I do not know of a single major innovation they have introduced. Their claim that they just want to be free to innovate is nonsense. Their strategy is to copy what works and then use their monopoly to destroy the competition. What we end up with is inferior products with no choice. It's really unfortunate. Breaking up the company is the obvious and best choice for solving the problem: the operating system needs to be sold by a completely separate unit. Only then might we have a hope of seeing some true competition.

I urge the DoJ to reject this settlement.

Steven Salzberg

Steven Salzberg, Ph.D. Email: salzberg@tigr.org

Senior Director of Bioinformatics http://www.tigr.org/salzberg

The Institute for Genomic Research Ph: (301)315–2537 Fax:

(301)838–0208

9712 Medical Center Drive, Rockville, MD 20850

Research Professor, Dept. of Computer Science, Johns Hopkins University,

Baltimore, MD 21218

MTC–00026989

From: Anthony Mirvish
To: Microsoft ATR
Date: 1/27/02 5:10pm
Subject: Microsoft Settlement

Dear sir,

I am writing in connection with the proposed settlement of the Microsoft anti-trust case and to voice my support for the complete vindication of Microsoft and its policies. In reaching your final decision on the disposition of this case I would encourage you to consider the following points.

a.. The anti-trust laws are based on a fundamentally false and reasonable view of so-called ''perfect'' competition.

b.. Under this view, companies that actually attempt to change market conditions i.e. to compete, can be charged with anti-competitive measures.

c.. Competition is dynamic; no particular configuration in the market at any one time is fixed. If some new product that made personal computers obsolete were developed, Microsoft would not be able to give its products away. If it anticipated such a development, it would have every right to them.

d.. Companies can be prosecuted for raising prices, lowering prices, holding prices firm, entering into agreements with other companies, and for improving the efficiency and quality of their products (as in US versus Alcoa).

e.. This creates arbitrary and essentially ex post facto laws, preventing companies from knowing in advance when or if particular measures will cause them to violate the anti-trust laws.

f.. It is unjust to attempt to apply laws whose basic concepts are unreasonable, whose application is arbitrary, and which (if viewed as ex post facto laws) unconstitutional.

g.. The historical basis for the anti-trust laws is false.

h.. Even the great so-called monopoly cases of the early 20th century (esp Standard Oil) misrepresented the operations of the market.

i.. In most cases, asymmetrical competition and the effect of different products have been ignored.

j.. In Standard Oil, the enormous financial gains of entering the oil market had already brought Standard's share down to 60% (and dropping) at the time it was broken up.

k.. An industry consisting of a few companies, making marginal changes in price and market share, is not an example of competition.

l.. True competition and innovation (which Microsoft is alleged to have stifled), involve the development of different products, not complaints about being unable to offer a similar but inferior product (which is what Microsoft's competitors desire).

m.. Microsoft has made an enormous investment in developing good quality products.

n.. There are several other operating systems and browsers on the market. No one is prevented from using them. Bill Gates did not stop Linux from developing.

o.. In areas where Microsoft's products are less than perfect (for example, I prefer WordPerfect to Word), choosing competitor's products produces no ill-effect. If I tried to not pay taxes for a year, the effect would be different. This is the difference between true coercion and having to make a choice in the market.

p.. More than 95% of all anti-trust cases are brought by competitors of the company being sued.

q.. Anti-trust encourages political/judicial resolution of market competition. PACS and donations to political from technology companies have skyrocketed since this case was brought.

r.. One may disagree with Microsoft's concept of bundling its products with its operating system, but it is a perfectly reasonable and innovative concept of how software should operate. It is distinct from that offered by Microsoft's competitors.

s.. None of Microsoft's competitors have behaved as if they really want to compete i.e. by developing superior or fundamentally different and innovative products and then marketting them.

t.. None of Microsoft's competitors have been willing to accept the voluntary decision of millions of satisfied customers, all of whom have accepted and seen merit in Microsoft's products (and in its concept of bundling them with an operating system).

u.. It is wrong to force individuals to subsidize or support the products of companies that they have already rejected.

v.. Individuals (and by extension companies) have a right to their own property. This means that they have a right to determine the terms on which those products are developed or sold.

w.. The right to own property means the right to use and dispose of it—this involves the right to make contracts, and contracts are inherently exclusionary in that they are between a finite number of parties.

x.. If wealthy private individuals like Mr. Gates do not have a right to their own property, which they have built-up and earned lawfully, or to hold it only by political sufferance, then none of us ultimately have a right to our own property.

y.. No one is supposed to lose their rights just because they are rich and successful. No part of our constitution says otherwise. It speaks of equal protection for all.

z.. No one has a right to another person's property, person, time or good opinion. aa.. There is no such thing as a right to a particular market share other than the one that one has earned.

ab.. There is no such thing as a right to immunity from failure or from the effects of poor business decisions (or to the consquences of superior decisions made by others).

ac.. There is no such thing as a right to a given product, at a given price, at a given time. Consumers have only four honest choices in a market: buy what is offered on the terms set by the seller, do without the product, purchase another product (if available), persuade the seller to change his terms (perhaps by using less). There is also the option of developing a competing product. Microsoft's ''competitors'' have been unwilling to truly do the latter and refuse to accept the judgement of millions of satisfied customers.

ad.. Microsoft's ''competitors'' should not be allowed to profit through the courts when they have failed in the marketplace.

Sincerely,

Anthony Mirvish

CC:activism@moraldefense.com @inetgw,letters@capitalis..

MTC–00026990

From: somdbob@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 5:07pm
Subject: Proposed Microsoft Settlement

Folks at DOJ

Please leave the proposed settlement as is. It's fair to all concerned, including senior consumers. It's time to move on.

R. Waddington

5207 Acorn Drive

Camp Springs, MD 20748

MTC–00026991

From: Bill Dennis
To: Microsoft ATR
Date: 1/27/02 5:05pm
Subject: Microsoft Settlement

Lawmakers:

I hope that you will reject the Tunney Act settlement in the United States vs. Microsoft antitrust lawsuit. I believe that this settlement will only cement Micosoft's stranglehold on PC development by creating a new generation of children who are taught to believe that a computer always runs Microsoft Windows. They will just grow up believing in whatever their teachers show them on Microsoft powered PC computers.

Thanks,

Bill Dennis

904–268–3359

billden@mediaone.net

www.jacksonville.net/billden

MTC–00026992

From: Stuart H Van Dyke
To: Microsoft ATR
Date: 1/27/02 5:11pm
Subject: microsoft settlement

This case has gone on long enough. A reasonable settlement has been reached, and the action should not be prolonged to benefit some of the competitors. Let's get on with our business.

MTC–00026993

From: John Fusek
To: Microsoft ATR
Date: 1/27/02 5:11pm
Subject: Microsoft Settlemen

Gentlemen;

I am against the proposed Settlement with Microsoft. As an independent consultant in Linux I feel that the settlement would have an adverse effect on the open source community.

I also support Steve Satchell as one of the members of the comittee to enforce the terms.

John Fusek
ulspin@visi.net

MTC–00026994

From: Brad
To: Microsoft ATR
Date: 1/27/02 5:15pm
Subject: Microsoft Settlement

I wish to say my opinion about the settlement by claiming it's not enough to stop the Microsoft monopoly which would continue for many more years if this agreement is approved.

Brad Petrik

MTC–00026995

From: Mr David Sundqvist
To: Microsoft ATR
Date: 1/27/02 5:17pm
Subject: Microsoft Settlement

Dear Department of Justice,

The damage that Microsoft has caused the computer industry is immense. They have, time after time, showed that they will tolerate no competition, and that they are willing to take any measures, legal or not, to crush any apparent competition. Their definition of competition is virtually anyone who makes any significant profit in a segment where they are active.

The result of this is that today, it is virtually impossible to create new consumer software for the PC market. You will not make any profit from it, because if you make a successful product your best bet is to get bought by Microsoft and maybe regain what you spent on development. The alternative is that they copy the product and ''integrate'' it in Windows (also known as dumping) and kill off your buisness. An industry where your only place is to be a risk taker for a monopoly is not a healthy industry. They are on their way to do the same thing with the server market. This time leveraging the desktop monopoly, making sure that the deals for the desktop becomes painful if companies do not buy the server products.

The remedy in the settlement is not enough. It is not a significant deterrent to prevent further illegal practices, nor does it adress the structural damage to the industry that their practices have resulted in. The courts and the department of justice must not allow lawbreakers to profit from their illegal actions and sneer at the legal system in the way that Microsoft has done.

Please make sure that crime does not pay. This settlement does not do that, because the ''pay'' for this crime ranges in the hundreds of billions of dollars, and unless stronger remedies are used the illegal practices will continue.

Best regards,
David Sundqvist
Pia Roennqvist

MTC–00026996

From: Shawn MacDougall
To: Microsoft ATR
Date: 1/27/02 5:14pm
Subject: Microsoft Settlement

Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

It is the belief of many in the education and technology fields that the proposed antitrust settlement with Microsoft Corporation is not in the best interests of the American people. It does not protect against future abuses and in fact encourages the spread of the Microsoft software monopoly by proliferating the use of their operating system and attendant application programs to the exclusion of very viable software alternatives. Students in American public schools can only learn to use computers, an essential skill for the coming generation, on the products provided to them.

The Northern Territories school district in Australia, with a population of just over 200,000, finds that it saved $1,000,000 in the first year alone by using Linux alongside Microsoft products to provide computer education at all grade levels. This was enough to allow the school district to purchase an additional 1,000 computers for distribution in the schools and as loaner units for students (and their parents) to use at home. In a few short years their children will be competing, very effectively, on the worldwide intellectual marketplace against American children whose access to hardware was hampered by the prohibitive cost imposed by the practice of using Microsoft products all but exclusively in the public schools. The Australian experience could have been dramatically more productive had they used Linux as the operating system on all their computers but it was a good initial step.

The present savings represent its use in their servers only. http://opensourceschools.org/article.php'story=20011207001012102 In Brazil, Rio Grande do Sul's state university has saved about $500,000 using a free alternative to software running with Microsoft's proprietory database system. Using the free, open source database called SAGU, the school and 5 branch campuses manage matriculation, grading, scheduling and several other administrative functions. The student computer labs have also saved thousands of dollars using Linux as a replacement for Microsoft Windows. Relicensing fees have dropped dramatically in the three years since switching over to Linux totalling a savings of around $20 million. http://www.businessweek.com/technology/content/oct2001/tc20011025—8523.htm

Microsoft should pay its fine in hardware donations only. Red Hat Software of Research Triangle Park, NC, (near Durham, NC) has offered to provide pro-bono copies of the Linux operating system corresponding to a Microsoft donation of hardware. Any donation of software that Microsoft might choose to make would not be included in the proposed settlement but must also be a pro-bono gesture corresponding to the Red Hat Software offer. Moreover, any copies of software Microsoft might donate should require no payment of any sort by the schools at any forward point in time. It must be a true donation of indefinite duration, just as the Red Hat offer is. Otherwise, if required to pay, the schools would eventually have to abandon their training programs for lack of funds to re-license / upgrade their software. http://biz.yahoo.com/bw/011120/202744—1.html

While Microsoft Corporation should not be excluded from expressing generosity, such generosity, expressed as software gifts, only furthers their ability to monopolize the marketplace and should not be permitted as a part of the penalty for having followed illegal practices in the establishment of their dominance in the software market.

Microsoft has painted itself the champion of choice and freewill while villifying open-source software as being un-American. It is time for their actions, public and private, to match their very public words.

Software donations should be no part of the proposed settlement. Shawn MacDougall 1331 Terry Ave #705 Seattle, WA 98101 206.652.1492

MTC–00026997

From: bwood@providentmutual.com@inetgw
To: Microsoft ATR
Date: 1/27/02 5:17pm
Subject: Microsoft Settlement

I would like to add my voice to the thousands of others who are ready to let Microsoft get back to work. The terms of the proposed settlement seem fair to all parties and best of all, would put an end to this destructive legal hassel. I am an average American working for a living. I use Microsoft products every day and am grateful to the company for all they have done to make our lives better. As owner of a small amount of Microsoft stock, it is hard to see that any good for anyone can come from further legal attacks on Microsoft. Enough is enough.

Bonnie F. Wood
Provident Mutual Life Insurance Company
B3S
Bonnie—Wood@providentmutual.com
610–407–1462
fax 302–452–7264

MTC–00026998

From: John Fusek
To: Microsoft ATR
Date: 1/27/02 5:21pm
Subject: Microsoft Settlement

To whom it may concern:

I am against the settlement as it currently stands.

John Fusek

MTC–00026999

From: nidia@snio.net@inetgw
To: Microsoft ATR
Date: 1/27/02 5:19pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
maria Belcea
11 Carter Brook Lane
Princeton, NJ 08540

MTC–00027000

From: Dylan Thurston
To: Microsoft ATR
Date: 1/27/02 5:22pm
Subject: Microsoft Settlement

To whom it may concern,

I urge you not to accept the proposed final judgement in United States v. Microsoft Corp., Civil No. 98–1232. The proposal is flawed in many ways, as detailed by Dan Kegel <http://www.kegel.com/remedy/letter.html>, who I largely agree with. Let me focus on one particular issue which is not covered by his letter: the terms under which Communications Protocols and other APIs are to be released.

Section III.E of the PFJ provides for the release of Communications Protocols under ''reasonable and non-discriminatory terms''. Similar terms are described in other sections. Such terms exclude an extremely important class of software: free software. Users of free software have the liberty to ''run, copy, distribute, study, change and improve the software'' <http://www.gnu.org/philosophy/free-sw.html>. Documentation released under reasonable and non-discriminatory (RAND) terms is not useful for free software producers: typical RAND terms prohibit public disclosure of the information, but free software is, by definition, distributed with its source.

Lest you think that free software is unimportant, let me note that the protocols at the heart of the Internet and the WWW—including the TCP/IP protocol for routing information, the DNS protocol for distributing domain names, the SMTP protocol for sending e-mail, and the HTTP protocol behind Web pages—were produced using free software and are commonly implemented using free software. For instance, in the domain of Web servers, Apache (a free software project) is in active, direct competition with Microsoft's Internet Information Server. More generally, the GNU/Linux operating system, a free software system, figured promninently in the original trial as an alternative to Microsoft Windows.

The PFJ does nothing to help a large class of competitors to Microsoft: free software projects. Please do not accept it in its current form.

Sincerely Yours,
Dr. Dylan Paul Thurston
Research Fellow
Harvard University
Chung-chieh Shan
Research Assistant
Harvard University
CC:Ken Shan

MTC–00027002

From: Dave Powers
To: Microsoft ATR
Date: 1/27/02 5:22pm
Subject: Microsoft Settlement

There is no good reason NOT to break up Microsoft.

Dave Powers

MTC–00027003

From: John Fusek
To: Microsoft ATR
Date: 1/27/02 5:25pm
Subject: Microsoft Settlement

Dear Sirs,

I am against the settlement as it does not provide adequate protection for the Open Source movement.

John Fusek

MTC–00027004

From: Damien Barrett
To: Microsoft ATR
Date: 1/27/02 5:30pm
Subject: Microsoft

As pointed out by Dan Gillmore, Microsoft has clearly violated parts of the Tunney Act.

Not to mention they've been openly and arrogantly abusing their monopoly power in the desktop market for years.

It's time for the U.S. Government stepped in and forced Microsoft to play fair. I'm getting tired of paying outrageous prices for Microsoft's not-so-great software. Were competition introduced back into the market (were MS to play fair), I'm certain us IT admins wouldn't have to constantly deal with the almost daily vulnerabilities in MS software.

Make Microsoft play fair. Break them up. I don't care as long as the industry continues to improve. With MS in the lead and stifling the innovation of hundreds of technology companies, it's doing little but stagnating.

I wanted to go on record with my viewpoint. I'm hoping that the USDJ gets enough emails to finally take notice of Microsoft's abuses of power and does something to stop this juggernaut of irresponsibility from extending into other markets.

Damien Barrett

MTC–00027005

From: Eloise Knapp
To: Microsoft ATR
Date: 1/27/02 5:32pm
Subject: MICROSOFT SETTLEMENT:

Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Ave, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I would like to take this opportunity to discuss my feelings regarding the antitrust settlement that has been reached between the Microsoft and the Department of Justice. I feel that the settlement is more than fair and the matter needs to be wrapped up as soon as possible. Microsoft has even agreed to terms that extend past what was originally in the suit. The damage that has done to the IT industry and the economy is not worth what will come out of continuing ligations.

Microsoft generosity in our area alone (Washington State) is greatly appreciated and much needed. Cut backs with Boeing and the ENRON business—is cutting into small business—having dealt with Enron. This is only the tip of the ice berg in our state. It is now very important, people in this state ban together, to try and keep our economy a-float.

Microsoft support—money and computer supplies—is very important to the area's-areas that otherwise wouldn't have the opportunity to experience the likes of, because lack of state money to support education

- mainly due to the location and size of the county the schools are located in. What I have read and heard
- these are the counties Microsoft seems to reach out to, generously. Not to mention Microsof't generosity overseas.

From what I see—the terms of the settlement are fair; they will benefit the consumer and other companies. Microsoft has agreed to document and disclose for use by its competitors various inerfaces that are internal Windows'' operation system products-a first in an antitrust case. MICROSOFT HAS ALSO AGREED TO LICENSE ITS WINDOWS OPERATING SYSTEM PRODUCTS TO THE TWENTY LARGEST COMPUTER MAKERS ON IDENTICAL TERMS AND CONDITIONS.

Please encourage the Justice Department to put and end to all of this. Thank you for allowing me the opportunity to express my views.

Sincerely,
Eloise Knapp
13730 15th Ave NE
B201
Seattle, Washington 98125

MTC–00027007

From: JNHOFNIC@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 5:30pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the

fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
James Hall
POB 6733
Marietta, GA 30065

MTC–00027013

From: RDNicks@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 5:34pm
Subject: Competitors actions

Let's face it, the technology that we are enjoying today would be so disorganized and costly that it would be impossible for the majority to have it available. Microsoft has had the foresight and the where with all to make it work. I can't imagine what it would be like if we had even as few as 5 operating systems to choose from. Every program company would have to develop 5 different programs instead of just one.

We need standards that every vender can work with. Microsoft has established those standards.

The competitors are just wasting the taxpayers money in their pursuit of Microsoft.

If you want to go after monopolies, how about the security industry? Just about every one of the manufacturers of mechanical security devices is, at present owned by two foreign companies. They have even absorbed the trade journals. Most of the manufacturers that have been absorbed date back to the industrial revolution.

Roy W. Nicholas CML
2731 Lynn St.
Bellingham, WA 98225

MTC–00027014

From: Dr. Stephen J. Kennedy
To: Microsoft ATR
Date: 1/27/02 5:25pm
Subject: Microsoft Settlement

To Whom It May Concern:

There is nothing that has done more harm to innovation in computer software than Microsoft.

Microsoft is largely an ''anti-innovation'' company. The development of the company is, is for the most part, based on ruthless, unethical, and probably illegal business practices. The result is that the computer software landscape is now largely the ''dead zone''. Would you like to use a word processor? Sure, no problem, as long as it is MS Word. I still recall how appalled I was the first time I noted the National Science Foundation (the primary federal funding agency for basic research in the physical sciences) was requiring grant applications in WORD! The product of a private company. It was as if giving Microsoft money was an unavoidable tax levied on anyone who wanted to be a citizen of this country. There was a time, which I can well recall, when there was a wide choice of word processing software, both on the DOS (later Windows) and Macintosh side.

Is this because of the inherent superiority of Word? That is laughable. Word has it's adherents but in my opinion is far down the list of good design. After the monopoly was established we entered into the endless cycle of useless upgrades, cleverly insinuated by Microsofts purposeful file incompatibilities.

Another unavoidable tax levied by an entity that is now as powerful (or apparently more powerful) than the federal government elected to represent us all. Other areas, followed the same pattern.

The proposed settlement is an obscene joke and apparently we will have to kill the smothering influence of Microsoft in some other way. I am absolutely opposed to the settlement as described in the press.

Regards,
Stephen J. Kennedy

MTC–00027015

From: Michael Wittman
To: Microsoft ATR
Date: 1/27/02 5:35pm
Subject: Microsoft Settlement

As a software engineer with 11 years experience developing software for Microsoft Windows and other operating systems, I'd like to comment on the Proposed Final Judgement in United States vs. Microsoft. I belive that the proposed settlement is not in the public interest. In fact, it is so seriously flawed and full of loopholes that it would allow Microsoft to continue its anticompetitive business practices virtually unchanged. Even worse, these practices would then have the imprimatur of the United States government, resulting in even less competition in the market for operating systems. Many significant loopholes in the proposed settlement are evident in the definitions of various terms. It is troubling to note that several definitions adopted in the Findings of Fact have been watered down to the benefit of Microsoft. For example, ''API'' is defined in the proposed setttlement to mean interfaces between Microsoft Middleware and Microsoft Windows. However, the same term is defined in the Findings of Fact as the interfaces between application programs and the operating system. Curiously, the latter definition is the one actually used in industry, while the former is the one proposed by the government and Microsoft.

While this difference in definition may seem trivial to layperson, its inclusion would have a very serious effect on the ability to interoperate with software produced by Microsoft. It could permit Microsoft to restrict the release of information needed to use fundamental operating system functions such as application installation, which would make it difficult for parties not favored by Microsoft to compete with its operating system. Another troubling aspect of the settlement also relates to APIs and is detailed in section III. J. 1. It describes exceptions to the required release of API information which would effectively give Microsoft carte blanche to make any APIs it disclosed unusable to competitors. It could do this by integrating encryption or security functionality with any API, even if that functionality was purely superfluous to the main purpose of the API. By integrating this functionality in such a way that it had to be used in order to make use of the remaining parts of the API, the entire API could be made unusable to competitors.

For these reasons and many others, I strongly believe that the proposed settlement is not in the public interest and should be rejected by the court.

Sincererely,
Michael Wittman

MTC–00027016

From: Lord J.A.Cummings
To: Microsoft ATR
Date: 1/27/02 5:40pm
Subject: Microsoft Settlement

Dear Sirs,

To spare you the time of reading again many of the same strong opinions given by others outraged by Microsoft's End User License Agreement, I shall be voicing my opinion by joining those masses in number, in requesting that you please reconsider the leniency against Microsoft in the proposed Antitrust settlement.

Thank you,
Lord J.A.Cummings

MTC–00027017

From: Chris Rotella
To: Microsoft ATR
Date: 1/27/02 5:39pm
Subject: Microsoft Settlement

Microsoft is a convicted monopolist. Why are they getting off with a slap on the wrist? They deserve to be split, completely separating the Applications and OS divisions. Internet Explorer must be removed from the OS. Microsoft is a convicted monopolist. The cost of their monopoly grows each day. How much money has been lost because of the security holes in their products? The number is in the billions.

Microsoft is a convicted monopolist. However, they still continue to leverage their monopoly power so as to control other areas. Witness the bundling of software with Windows XP. Out of the box, Windows XP cannot rip CDs to MP3s. It can however, rip CDs to Microsoft's propriety WMA format. Microsoft is a convicted monopolist. They should be punished as one.

Thank you,
Chris Rotella
Math major
Carnegie Mellon University

MTC–00027018

From: Gary Lindgren
To: Microsoft ATR
Date: 1/27/02 5:40pm
Subject: Microsoft Settlement

Judge Collen Kollar-Kotelly:

From my understanding, the Tunney Act requires full disclosure of all government contacts. Most of the attention has been that Microsoft has been not disclosed all of the lobbying that they have done. But does the Tunney Act also require full disclosure by the supporters of this suit against Microsoft. I am referring to Apple, Sun Microsystems, and Oracle Corp. I believe that these

companies must also disclose all contacts they have had regarding Microsoft. I know that several times, President Clinton stayed at Steve Jobs home while visiting the Bay Area. I'm sure Microsoft came came up as a topic at supper time. Please look into this.

Thank you,
Gary Lindgren
585 Lincoln Ave
Palo Alto CA 94301
650–594–3846

MTC–00027019

From: Shabana Insaf
To: Microsoft ATR
Date: 1/27/02 5:42pm
Subject: Microsoft settlement
Renata B. Hesse
Antitrust Division, U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse,

I have been a highly satisfied customer of Microsoft products for a decade. I prefer to use the microsoft internet explorer over the Netscape browser, since it is linked to many programs and therefore is very convinient to use. It is beyond my imagination that offering such convinience to customers is unlawful in a country such as America which stands for freedom. It is time we re-examined the anti-trust law structure which allows unsuccessful businesses to force the market down so they can compete. This is not in accordance with the fundamental principles of capitalism. As a consumer, I am appalled that a company that offers it's browser for free is being harrassed because another company wishes to compete by charging for their browser. As a taxpayer, I lose from both sides since my tax money is being used to destroy a company that has served the people of America with its ingenuity and courage. I hope that the department of justice will not commit this act of injustice directed towards microsoft and ultimately towards all the people of America.

Sincerely,
Shabana Insaf
Shabana Insaf
Senior Research Scientist I
Wyeth Ayerst Research
Department of Infectious Diseases Research
Building 222, Room 3149
401 N Middletown Road
Pearl River, NY 10965
Phone: 845–732–2241
Fax: 845–732–5561
E mail: insafs@war.wyeth.com
CC:letters@capitalismmagazine.com@inetgw,activism@mor...

MTC–00027020

From: Jack Benner
To: Microsoft ATR
Date: 1/27/02 5:42pm
Subject: Microsoft Settlement

Dear Sirs,

I believe the proposed settlement is bad idea because Microsoft's domination of the current OS, applications and internet browsers markets is dangerous. Only one microprocessor family is supported. Our infrastructure in the USA is dependent on Microsoft making the Windows OS secure which they have been unable to do even with their latest Windows XP. Make Microsoft share information so that all developers can compete on an equal footing. Make Microsoft enable cross platform sharing of information. Apple, Unix, Linux and any other OS should be able to be good clients and servers in a Microsoft network or Intra/Internet. Finally a provision establishing such serious consequences for non-compliance that Microsoft will not attempt to evade the necessary disclosure requirements and other mandates.

Thank you,
Jack S. Benner II, PhD
benner@neb.com

MTC–00027021

From: Pat Russell
To: Microsoft ATR
Date: 1/27/02 5:45pm
Subject: Microsoft Settlement

It is time to close this issue, accepting the settlement proposed. Competitors should not be given the opportunity to force the issue to remain in costly litigation.

Patricia Russell

MTC–00027022

From: mayer ilovitz
To: Microsoft ATR
Date: 1/27/02 5:42pm
Subject: Microsoft Settlement

[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]
To: Renata B. Hesse
Antitrust Division
US Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under The Tunney Act, I would like to add some comments on the proposed Microsoft settlement.

By this point, you will have received many letters from those who have presented the flaws of the proposed settlement in far more detail and far more eloquently than I could at this late date. However, I feel compelled to to reiterate some of their points. -

The very history of this proposed settlement is disconcerting. It was created by a newly appointed head of the antitrust division of the DOJ and Microsoft's lawyers. By all reports, all the other DOJ lawyers, who had spent years on the case, all the other State's lawyers and their technical support staff were excluded from these proceedings. Though I am not a lawyer, what I have read of the settlement itself and the many reviews about it, the document reads like something that was dictated entirely by Microsoft's lawyers and provides a ''settlement'' overwhelmingly to Microsoft's benefit, and little to no long term benefit for anyone else.

The settlement specifies an enforcement mechanism that for all practical purposes would be toothless. It specifies a three member committee to oversee the judgment. However, Microsoft would have influence over the selection of one (if not two) of the members. This is like asking the fox to guard the hen house. Further their authority would extend only to ''assisting in voluntary dispute resolution''. Worse, according to the settlement, non of their findings or recommendations could be used in court in enforcement proceedings nor would they even be allowed to report any of their findings or recommendations to the Courts or Congress.

While it makes some attempts to address the issues related to the ''big 20'' OEMs, it does nothing for smaller OEMs, corporations, universities or smaller end users. Contracts such as MS's ''Enterprise Agreement'' are ignored. The Enterprise Agreement can provide sizable discounts on MS software and upgrades. However, the big catch to this agreement is that the company must use MS products instead of alternatives. Even in a healthy economy, the pressure to minimize expenses are great. In a less than ideal market, it only gets much worse. So, to take advantage of discounts in Windows & Office, one is forced to accept Outlook and Internet Explorer and reject Netscape Navigator and other alternative products. Potentially, the wording of the Enterprise Agreement might even be interpreted to prohibiting the use of Linux, BSD or some other non-MS PC desktop and server operating system. The combination of things like the EA and the propensity for Windows based applications to treat the presence of non-MS applications as a ''problem'' that needs to be fixed, leads many corporate IT groups to give in and convert to ''pure MS'' desktops that excludes non-MS components.

- The definitions of the terms ''Windows OS'', ''API'', and ''Middleware'' specified in the settlement are so restrictive that future implementations and trivial derivations of major middleware and API components would be exempt from any restrictions. Further major current and imminent applications, APIs, and middleware products are completely ignored. .NET, the linchpin in Microsoft's effort to build an Internet equivalent to its Desktop domination, is completely ignored by the settlement. The .Net initiative has been public knowledge for a long time now, but there is no reference to it in the settlement. Likewise, the MS office suite is completely excluded. The single strongest weapon in Microsoft's arsenal for protecting the Windows Desktop monopoly has been, and continues to be, MS Office. Time and again, the number one reason given for having to use Windows on the Desktop is the need for compatibility with MS office documents and applications. Thus, it could easily be argued that MS Office constitutes a monopoly situation in its own right. Further, MS's frequent changes in document formats between revisions of the product forces all users to upgrade en masse to newer versions of Office (and usually newer versions of Windows). This both further adds to MS's (prodigious) revenue stream and makes if very difficult (if not impossible) for third parties to create compatible products. The specifications for all MS Office documents and API interfaces must be made open and available in a timely fashion for this monopoly to be broken. Also, the many offshoots of Windows are ignored by the settlement. No mention is made of WindowsCE, Pocket PC, Tablet PC or X-BOX, which is really just a slightly stripped down PC running a variant of Windows. Each represents Microsoft's efforts to leverage its

Windows monopoly into other market areas. The Settlement displays numerous anti-''Open Source'' biases. Many experts agree, and the top executives at MS have essentially admitted, that Open Source is the single greatest threat to Microsoft's monopoly. The existence of operating systems like Linux and the BSD variants, applications and middleware products like Apache webservers, SAMBA file and print sharing have permitted many to reject Microsoft's Windows Desktop and Server OS platforms in favor of alternatives. Yet, the settlement threatens all of this. The settlement does nothing to prevent MS from retaliating against an OEM that ships a PC that is preloaded with only a non-MS operating system. Further, alternate Operating System vendors such as BE were ultimately driven out of business because OEMs refused to preload BeOS in addition to Windows. Their reason: fear for their license agreements with Microsoft. The way the settlement is worded, MS would be able to deny Open Source developers access to APIs, communication protocols and other documentation essential to maintaining compatibility with their Windows counterparts. The restrictions on document disclosure as they relate to ''encryption, authentication anti-piracy'' and related issues as determined by Microsoft presents many opportunities for mischief on Microsoft's part. The settlement makes no references to restrictive licensing conditions such as: preventing the distribution of otherwise redistributable components when it is done ONLY for use by MS-based products and on MS-based Operating Systems, and explicitly forbids its distribution for use with open-source products and OSes.

—The settlement does nothing to address Microsoft's use of its monopoly derived power and financial resources to push into new areas with the intent to claim a dominant position. Their huge cash horde (by some recent reports in excess of 30 billion dollars) puts them in a position to trivially crush a competitor in any new ventures.

—With the the X-BOX, Microsoft is targeting the game console market. This system is essentially a slightly stripped-down PC running a variant of Windows. Reviewers of the system have said that it has features significantly beyond those of its competitors and is selling the units at a serious loss. This is in combination with a reported 500 million dollar ad campaign. At the same time Microsoft used its power to convince many musicians to provide their music for use in MS XBOX games for little or no financial compensation in exchange for mentioning of the band's name in the game. In most cases, one would have to dig into the bowels of the games to find out who provided the music. Normally, companies would pay tens of thousands for such music per game. (see New York Times 11/15/2001—THE POP LIFE; For Musicians, Microsoft's Xbox Is No Jackpot) Recently, Microsoft announced that its next target will be the ''Gameboy'' handheld game market.

—Microsoft for several years has been pushing to get cable and DSS providers to use MS-based set-top decoder boxes. In general, the providers have refused, fearing a repeat of MS's takeover of the PC. MS appears to now be using its financial muscle to buy its way into the settop market. It provided large sums of cash to help Comcast win its bid for AT&T's cable system. Recently, directly and through his Foundation, Gates purchased 500 million dollars worth of Cox Communication stocks. In both cases, it will be much harder for these cable companies to reject the replacement of set top boxes with those that are Microsoft-based.

—Microsoft continues its push to dominate the Internet. .NET is Microsoft's latest attempt to redefine the Internet on its terms. This would extend its monopoly from the desktop to the Internet. Either by outright purchasing or dealmaking, Microsoft is forcing more and more dialup and DSL/cable end users to use MSN. At the same time, Warner Cable has complained that inherent incompatibilities in Windows XP prevents their high-speed cable systems from working with XP-based computers. This would not be the first time that Microsoft implemented incompatibilities with the express purpose of hindering a competitor (the DR-DOS case). By the use of EULAs or the explicit design of websites owned by Microsoft or its partners, non-MS browsers and Operating Systems are blocked from accessing various websites and services. The EULA for MSNBC's NewsAlert software only permits you to run the software on systems running a non-competing operating systems. It has been reported that Microsoft and its partners have, either intentionally by design or unintentionally by using an MS product, built websites that explicitly recognize connection attempts by Netscape/Mozilla clients and reject the connection. When the users changed the client identification to something else, the problem went away.

—Microsoft's involvement in things like E-Books and Digital Rights Management also concern me. I am concerned that Microsoft will use its dominant positions to make these things only available on MS-compatible/approved products. For these and many other reasons, the proposed settlement, as currently presented and without major revisions, must be rejected. The alternative will lead to an even greater monopoly extending far beyond the PC Desktop and into many other aspects of our digitally-enabled world.

Mayer Ilovitz
New York, NY

MTC–00027023

From: Toby Austin
To: Microsoft ATR
Date: 1/27/02 5:47pm
Subject: Microsoft Settlement

The proposed settlement with Microsoft is nothing more than a convenient way for them to ''donate'' their own software to schools, thus increasing their market share. Please reconsider.

Toby A S Austin

MTC–00027024

From: Carolyn Freeman
To: Microsoft ATR
Date: 1/27/02 5:47pm
Subject: MICROSOFT SETTLEMENT

If the CEOs of the internet ''competitive'' companies would quit crying and create instead, there would be sufficient for everyone. I cannot understand how the government who is supposed to represent all citizens can consider tying the hands of one company and call it competition. So much for hard work and creative effort. Hopefully I will still have the right to spend my money as I see fit to buy the product(s) I choose at the market place. Make a good product at a good price, the public will purchase it. The offer made by Microsoft to supply schools, etc. is terrific - not only will the children benefit, the government can get out of business manipulation. Why is success always penalized!!!

MTC–00027025

From: Toni Savage
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/27/02 5:22pm
Subject: Microsoft Settlement

Please also allow OEMs to configure MicroSoft software with any defaults a user would be able to change, ONLY so long as they specify to their customers exactly what it is that they changed. In other words, if they want to change the default home page to be their home page instead of MSN.com, they should be allowed to do so.

Toni Savage
196 Dean St.
Brooklyn, NY 11217

MTC–00027026

From: Tim/Mary Irvin
To: Microsoft ATR
Date: 1/27/02 5:51pm
Subject: Fw: Microsoft Message

January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

I'm writing to urge you to accept the terms of the settlement recently reached between Microsoft and the United States Justice Department. The settlement will result in a much more competitive environment beneficial for all parties involved. Microsoft has, for example, agreed to grant broad new rights to computer manufacturers and software developers to configure Windows to promote non-Microsoft software programs that compete with Microsoft programs included within Windows. This means computer manufacturers can replace Internet Explorer with Netscape Navigator; Microsoft Media Player with RealPlayer; and Windows Messenger with AOL Instant Messenger. Microsoft has further agreed to not retaliate against computer makers and software developers who choose to take this route, nor will Microsoft retaliate against computer makers who ship competing operating systems. Overseeing the terms of the settlement will be a Technical Committee comprised of three persons who are software engineering experts. This Technical Committee will assist in any dispute resolution, should a complaint be filed. Based on these facts, I respectfully request you to accept the terms of the settlement.

Sincerely,

Mary and Tim Irvin
722 Poplar Drive
Bellingham, WA.98226

MTC–00027027

From: JMyers
To: Microsoft ATR
Date: 1/27/02 5:53pm
Subject: Microsoft Settlement

Dear DOJ,

Especially now more than ever should one corporation hold a stranglehold on what is arguably the most important industry in the world?Especially a company whose record of security and shady business practices be allowed to run free to devour and destroy other companies.Microsoft makes Standard Oil look like a bunch of choir boys.The time is right for not a slap on the wrist-or worse yet help in controlling the education sector-but a comprehensive and severe crackdown on this company.It is time for Microsoft to be punished for their morally,ethically and I believe in some regards down-right criminal behavior.

Thank you for listening,
James F.Myers Jr.

MTC–00027028

From: AHERSTEL@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 5:54pm
Subject: Microsoft Settlement

Stop badgering Microsoft. Admit once and for all that Bill Gates and his crew built a better mousetrap. Were it not for them, the common man wouldn't be enjoying the delights of computer ownership.

I'm 78 and worked up from DOS 3.0 to Windows 98, and it didn't cost me an an arm and a leg. My grandchildren were literally weaned on my computors. Please exercise your authority on prosecuting the ENRON thieves and their cohorts.

Andrew J. Herstel
9035—28th Street
Brookfield, IL 60513–1015
708–485–2129
e-mail aherstel@aol.com

MTC–00027031

From: Yaw Kordieh
To: Microsoft ATR
Date: 1/27/02 5:56pm
Subject: Microsoft Settlement

My name is Yaw Kordieh. I feel that Microsoft's decision of gaining monopoly power by preventing other software companies from distributing their software worldwide was wrong. Microsoft has always been successful promoting their software because most computers are pre-installed with their software, Windows when consumers first buy it. There hasn't been any competition from any other software as well. So the Microsoft software, Windows has been well known to people. I agree with the idea of a remedy because it won't allow Microsoft to gain monopoly power illegally and any other practices in the future. It also gives other software companies a chance to expand their software to other places in the world, which also creates competitiveness among the softwares. With the arrival of Netscape and Java, Microsoft felt that they both created a threat to their company because they had special applications that allowed them to run on most programs. Microsoft's decision of creating the Internet browser, Internet Explorer was a good idea because it gave people the chance to decide which Internet browser they wanted, instead of just accepting what they already had on their computer. So the actions that Microsoft took was unfair to other companies and to the consumers. I feel that if there were other companies that made software, then consumers can choose which program they would like to use.

MTC–00027032

From: — —
To: Microsoft ATR
Date: 1/27/02 5:57pm
Subject: Microsoft Settlement

Comments Concerning the Microsoft Proposed Settlement,

01/27/02

Dear Judge Colleen Kollar-Kotelly,

The anticompetitive and technically inaccurate settlement agreed to by the U.S. Justice Department is tainted and should be set aside as not in the public interest.

I have over ten years experience of dealing with Microsoft closely and 20 years of experience developing software across multiple platforms. I am an expert at understanding software design. Microsoft has caused great harm to this country by limiting consumer choice and retarding innovation. A narrow settlement with middleware defined incorrectly will continue to harm consumers.

Windows XP continues the Microsoft tactic of limiting consumer choice. How this is done is quite subtle. Microsoft bundles applications with the operating system. The consumer by default uses the Microsoft applications. This is because the consumer would have to make extra tedious efforts to use applications from other vendors. In contrast, the Microsoft applications like Passport and Instant Messaging are rudely in your face. Microsoft uses its PC operating system monopoly to leverage into unrelated businesses.

The consumer has been further harmed by Microsoft amassing monopoly profits. In the final economic analysis, the consumer pays for product from other computer industry vendors. When those vendors have to pay Microsoft higher prices because of the monopoly, they are passed on to the consumer.

Any settlement should restore consumer choice and competition to the PC software industry. As presently drafted, the proposed settlement is not much better than no settlement at all. Let's review some of the loopholes in the settlement.

* III: Microsoft can still pay off cooperating OEM's that do Microsoft's bidding.

* III.C.3: Too restrictive.

* III.F.2: Microsoft continues to control ISV's software development.

* III.G.1: Microsoft can continue to pay vendors to promote its software platform.

* III.H.1: Users should be allowed to remove any application. Users should be able to remove any API's from the operating system (that could pose security risks).

* III.I.5: In order for a vendor to obtain Microsoft's technology, the vendor must surrender intellectual property rights.

* IV.B.10: This is an unconstitutional free speech restriction.

* IV.D.4.d: TC members should not be excluded from the legal process. This is an attempt to silence witnesses.

* V. Any settlement should be permanent.

* VI.A: API's should include interfaces used by device drivers and the interfaces used by real middleware to call operating system services. API's are not just application programming interfaces.

* VI.D: All OEM's should be covered, not just the top 20.

* VI.K: Internet Explorer, Windows Media Player, Windows Messenger, and Outlook Express are APPLICATIONS, not middleware!

* VI.Q: A personal computer can be a server. Server software should not be excluded from illegal monopoly maintenance behavior. A PC can be both a client and server at the same time and this is integral to Microsoft's architecture. I want to draw special attention to Section III.J.1.a.

This section puts the security of this country at risk. At a minimum it need to be rewritten. Microsoft cannot be allowed to have a monopoly with respect to security software. Microsoft must be required to disclose security API's and documentation. This will enable competitors to provide add-on security solutions to Microsoft's historically insecure products.

The proposed settlement is complex and subject to interpretation and will generate years of unending legal wrangling. This legal cost will further burden the computer industry and ultimately harm the consumer. In contrast, it would be very simple to create a clear cut settlement that would be easy for everyone to understand and not subject to interpretation. Such a settlement would even protect Microsoft stock holders. Unfortunately, because I deal with Microsoft as a software developer, I cannot reveal who I am, for fear of souring my relations with Microsoft. The opinions expressed are my own and do not represent the opinions of present or past employers.

MTC–00027033

From: surfsup58@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/27/02 5:55pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jeri-Ann McCauley
4375 S. Atlanticv Ave #7
New Smyrna Beach, FL 32169

MTC–00027034

From: ClPost2@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 6:00pm
Subject: Microsoft Settlement

Is there any question that the settlement offered by the Bush administration and certain states was NOT in the public interest?

Respectfully submitted,
Charles I. Post

MTC–00027035

From: levractn@wyoming.com@inetgw
To: Microsoft ATR
Date: 1/27/02 5:56pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Frank Ehrenford
39 Rolling Hills Drive
Cody, WY 82414

MTC–00027036

From: Rich Latour
To: MICROSOFT ANTITRUST
Date: 1/27/02 6:01pm
Subject: Prosecute Ballmer and Microsoft For Illegal Lobbying

I just read Kristi Heim's newpaper article in the San Jose Mercury News detailing claims by former senator John Tunney that Microsoft is once again acting illegally in inadequately disclosing lobbying efforts to influence the antitrust case against it.

There are too many allegations of corruption at Microsoft. I request that a tough prosecutor be put in charge to get to the bottom of this issue and to prosecute those at Microsoft responsible. It is clearly in the public interest to send a message to Microsoft regarding lawful behavior. Put Mr. Ballmer and company in jail if necessary.

Rich Latour

MTC–00027037

From: jsatterfield@dfn.com@inetgw
To: Microsoft ATR
Date: 1/27/02 5:58pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse: Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jack Satterfield
2902 S. Lea. Ave
Roswell, NM 88201

MTC–00027039

From: Marv Norman
To: Microsoft ATR
Date: 1/27/02 6:04pm
Subject: Microsoft Settlement

The attached personal letter contains my request that the DOJ conclude their efforts to settle the litigation with Microsoft.

Best regards,
Marvin G. Norman
Marvin G. Norman
7950 Winchester Circle
Goleta, Ca., 93117
Tel: (805) 685–6341
Fax: (805) 685–6371

January 26,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing because I am a steadfast supporter of free market enterprise, and of Microsoft's freedom to dictate its own business practices in the pursuit of success. Therefore, I am urging you to finalize the settlement reached in November in your office's antitrust case against the company.

The lawsuit was originated and continued by Microsoft competitors who tried to win market share via the court system. Those companies should have been more concerned with manufacturing the best product possible; however, the terms of the settlement will ensure that Microsoft gives them more of a shot to claim more of the market. Disclosing parts of Windows'' internal interfaces and no longer requiring computer makers to bundle other Microsoft products will give everyone a fair chance to come out ahead.

I am not a Microsoft shareholder. I simply believe in their right to control their destiny, and as such, I implore you to settle the case at once.

Sincerely,
Marvin G. Norman

MTC–00027040

From: Ron and Me
To: Microsoft ATR
Date: 1/27/02 5:58pm
Subject: Microsoft Settlement

We fully support Microsoft in all of their endeavors. They are an excellent company and should be fully supported by the U. S. Government for what they have added to our economy.

Sincerely
Ron and Mary Ellen Harpster

MTC–00027041

From: Robert J Ball
To: Microsoft ATR
Date: 1/27/02 6:07pm
Subject: Settlement

I believe it is in the best interest of the public to finalize the settlement with Microsoft. Microsoft produces a product unmatched in quality and nothing should be done to limit access to such quality.

RJ BALL

MTC–00027042

From: Steve Pogge
To: Microsoft ATR
Date: 1/27/02 6:10pm
Subject: Microsoft Settlement

Dear Department of Justice,

Our country and its economy has suffered enough. Please approve this settlement and allow our country to move forward on those issues that truly threaten our freedoms such as terrorism.

Thank you for your time and consideration,

Steve Pogge

MTC–00027043

From: gamecuber13
To: Microsoft ATR
Date: 1/27/02 6:11pm
Subject: Microsoft Case

Justice Department-

Regarding the decision on the Microsoft Case, I have some input which I hope will be of use to you in your final verdict. In my opinion, I believe that Microsoft should not be able to make a settlement in the case, by creating a monopoly, Microsoft is not only being an unfair business, but it is also, at the same time hurting the economy. By driving other companies to bankruptcy, the stock market is damaged overall since all the people who own the stocks of these companies lose their money and only the individuals who own Microsoft stocks benefit.

Microsoft's strategy for beating other businesses is unfair as well. Microsoft has bundled their browser, Internet Explorer, with the computers sold by companies such as Dell, Gateway, and IBM. Therefore, the predominant operating system in use is Internet Explorer, proving the bundling scheme as an unfair advantage.

Microsoft's strategy is similar to that of Industrial big businesses from the past in American History. J. Piermont Morgan owned one such of these monopolies. He was completely in Control of the Railroad and Iron businesses and came to acquire the Shipping industry as well. The main plan of companies owned by people like Morgan, Rockefeller and Carnegie was unfair. They would offer companies in other areas where there products were not the majority a small amount of shares (worth less than their company's value) for them to give over their business to the monopolies. If these companies refused, the monopolistic companies would reduce their prices in the

particular area where these products were sold and sell their products there for cheaper than it costed to make them; this was not a great loss because the monopolies were so rich that they could afford to do so. Using this method, they would drive other smaller and weaker companies out of business.

This strategy is similar to Microsoft's. Theodore Dressier wrote an excellent novel, ''The Financier'', which describes monopolies and big business over powering weaker and smaller businesses. One excerpt from ''The Financier'' concerns a short tale about a lobster and a squid. Both are placed in a tank. The squid is placed in as prey for the more powerful and armed lobster. The lobster, symbolic of the big businesses and monopolies, well armed with its pincers, is perfectly capable of destroying the squid, which represents smaller businesses which have no way to survive against more powerful business. In the story, the author tells of how the Lobster would daily try to capture the squid and the squid would always escape, but part of it would get cut of by the lobster. Then, finally, one day, the lobster catches the squids. From this experience, the narrator tells us of a conclusion he draws, ''Things lived on each other-that was it. Lobsters lived on squids and other things. What lived on lobsters?''

Dressier describes how powerful big businesses are. This method is nearly identical to Microsoft's ruthless actions toward other companies.

To make Microsoft atone for its misdemeanors, I would suggest breaking the company apart into to smaller companies. Another option would be to force Microsoft to stop bundling their computer software with computer hardware. I hope that my opinion has helped in your arriving at a decision in this case.

A Student Citizen,
Vikram Srinivasan

MTC–00027044

From: josh
To: Microsoft ATR
Date: 1/27/02 6:12pm
Subject: Microsoft Settlement

From the beginning of the era of the Personal Computer, Microsoft has led a virtual monopoly in the market of Operating Systems. They have used various nefarious business practices in order to maintain their foothold in the market. Microsoft has a tendency to embrace technologies, extend them, then subsequently extinguish the competition. When Microsoft first released Windows 95, it came packaged with a program for Microsoft's new online service, The Microsoft Network. The icon for this program was put on a prime location on the desktop. Popular online services such as AOL and Compuserve, which freely distribute their client software, were nowhere to be found on the desktop, but were buried on the CD.

Another clearer example is the integration of Microsoft's web browsing software Internet Explorer with the Windows 98 operating system. When your browser appears in over 90% of the installed base of computer systems around the world, there is little chance for any sort of competition. This is what competitor Netscape argued, and this is one of the issues that the Justice Department takes task with.

Personally, I don't think the DOJ settlement will hurt Microsoft much. Their foothold in the computer market is already too strong. This is in part because ''the damage already done'', people are very used to using Microsoft branded software and will not want to take the time to learn something else. Computer makers will still bundle Microsoft Windows with their machines because it is what the customer demands. This case has effectively dealt a weak blow to Microsoft in image, but not in strength. The software juggernaut that is Microsoft will continue to dominate in the future because its roots are too deep. And if left unchecked, they will continue embracing, extending, and extinguishing.

MTC–00027045

From: Betty Holt
To: Microsoft ATR
Date: 1/27/02 6:13pm
Subject: hphphp1Microsoft Settlement
11 512 68th Ave Court NW
Gig Harbor, WA 98332
Attorney General John Ashcroft
The Justice Department
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
January 27, 2002

Dear Mr. Ashcroft,

I am taking this opportunity to express my concern about the current situation in the US vs. Microsoft lawsuit and] certainly hope these public comments make a difference in the final outcome of the litigation. For starters, Microsoft had no reason to be attacked by the government in the first place, but unfortunately, lawyers and lobbyists have done a good job of keeping the American people paying millions of dollars on behalf of an accusation that should have no basis in this country.

The proposed settlement by the District Court should be accepted and implemented as soon as possible so that this country can see Microsoft thrive again for the American people and the American economy. The world is always looking for new, comprehensible and affordable software to facilitate a faster, more efficient business environment, and no other corporation has done this as well as Microsoft has. Why should we criminalize them for their success and their ingenuity that has put America on top of the IT industry?

[cannot reiterate enough how much I, along with millions of other Americans, want to see this litigation over with. It is the consumers who will be further affected by this legal action.

Sincerely,

MTC–00027046

From: Adrienne (038) Steve Osborn
To: Microsoft ATR
Date: 1/27/02 6:14pm
Subject: Microsoft Settlement.

Recommend further litigation against Microsoft in the interests of fair competition and true capitalistic economics :

1. Microsoft should be fined severely for attempting to develop a monopoly in software, as proven in court and so adjudged.

2. Microsoft should have the Operating System development separate from the applications development, by fair application of anti-trust law. Two separate entities, in other words.

3. Microsoft's OS code should be made available to all software developers to allow competitive applications development.

Stephen M. and Adrienne G. Osborn
26 N Sunset Drive
Camano island,
WA 98282–8607
e-mail: theplace@whidbey.net

MTC–00027047

From: David Jaber
To: Microsoft ATR
Date: 1/27/02 6:13pm
Subject: Microsoft Settlement

Greetings,

I had a few concerns about the Microsoft Settlement I'd like to register. Simply:

1. The proposed settlement is not in the public interest. It ignores the all-important applications barrier to entry which must be reduced or eliminated. Any settlement or order needs to provide ways for consumers to run any of the 70,000 existing Windows applications on any other operating system.

2. Consumers need a la carte competition and choice so they, not Microsoft, decide what products are on their computers. The settlement must provide ways for any combination of non-Microsoft operating systems, applications, and software components to run properly with Microsoft products.

3. The remedies proposed by the Plaintiff Litigating States are in the public interest and absolutely necessary, but they are not sufficient without the remedies mentioned above.

4. The court must hold public proceedings under the Tunney Act, and these proceedings must give citizens and consumer groups an equal opportunity to participate, along with Microsoft's competitors and customers.

Please change the decision to reflect this. I appreciate the opportunity to comment.

MTC–00027048

From: KMApland@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 6:13pm
Subject: Microsoft Settlement

Sirs:

Please give consideration the my follow ing conclustions concerning the settlement of the Microsoaft anti trust case:

1. This case was instigated by competitors of Microsoft, namely Sun-microsystems, Oracle, and AOL. The pricipal owners, having made their billions, proceeded to spend vast sums lobbying for the anti trust case against Microsoft.

2. As the case began, the stock market began its decline, cuminating in the present lower level. I believe the American public lost confidence in the entrepeneuerial form of business that has led to the success of Microsoft. The fact that the govenment has pursued this case smacks dangerously of Socialism.

3. The American public has been forced to not only carry the burden of the court costs for this case, but has endured loss of personal

income, resulting in the loss of tax revenues to both state and federal governments. Has anyone come up with the combined figure of personal income loss and government tax revenue loss? It must be staggering!

4.I personally have found no one agreeing with the Attorney General's statement that Microsoft is not good for the consumer. On the contrary, those I have polled have only favorable comments for Microsoft products and pricing. Interestingly, when the Attorney General of Connecticut was putting a spin on Microsoft, he was asked if he used Microsoft software. He admitted to using same both in his office and at home. Surely, if Microsoft is so bad for the consumer, he, of all people, could have found other products to purchase and use.

5. The timing of the new suit brought by AOL against Microsoft seems a little suspect.

6. 41 out of 50 states have agreed to the settlement between Microsoft and the government. How can 9 states dictate to 41?

Thankyou for your time and attention to my conclusions.

Yours truly,
Ken Apland

MTC–00027049

From: srjburkhardt80@msn.com@inetgw
To: Microsoft ATR
Date: 1/27/02 6:14pm
Subject: Microsoft Settlement

To- The Courts,and those whom are Concerned-

I am an American citizen 82 yrs. young,that loves computers,I have most of the lastest devices on my PC.while I dont pretend that I know how,to use all of these,programs etc.I do know that without companies such as Microsoft,we as a nation, would be hurting,in this field of endeaver.

You are inthe process of finalizing a settlement ,for which I as a Senior, believe is a reasonable compromise,that will enhance the ability of all concerned,to access the internet and use innovative products,for more enjoyment.

I know a little about techincal progress,having been a military pilot for many years,and its a good thing that there is competition,if there wasn't ,perhaps I would not be here today>

Competition in this situation,seems to want results,based on what the Courts will decide,rather than their own efforts.Only in America,it seems,that,one, or a Company ,is punished for their success.

It would appear that this has dragged long enough,we have a compromised settlement,please dont allow those who state,in the public interest, to muddy up this settlement !

I'm one of the,public,and as a Tax Payer,I strongly believe this should be settled,asap...

Thanks for(Tunney Act) for allowing me to comment.

Very Truly Yours,
Joseph Burkhardt
(srjburkhardt80@adelphia.net)
1590 E-11th No st.
Mountain Home ID 83647

MTC–00027050

From: Alan Campbell
To: Microsoft ATR
Date: 1/27/02 6:18pm
Subject: Microsoft Settlement
To: Department of Justice
Washington, DC
Re: Microsoft Settlement

To Whom It May Concern:

As a taxpayer and citizen of this country, I am appalled by the impending settlement with Microsoft. The software giant has repeatedly violated anti-trust laws in its merciless drive for not just market dominanace, but for virtual monopoly status, and this proposed settlement will do little to deter Microsoft's predatory behavior. I am absolutely opposed on grounds of the public interest and open competition in the marketplace.

Sincerely,
Alan Campbell
170 Crescent Road
Athens, Georgia 30607
706/208–0630
SS#258–74–7766
CC:phollings@alum.mit.edu@inetgw

MTC–00027051

From: Bruce Horn
To: Microsoft ATR
Date: 1/27/02 6:18pm
Subject: Microsoft Settlement

To whom it may concern,

I believe that the proposed antitrust settlement with Microsoft is tremendously inadequate. Microsoft has been found guilty of extremely serious violations of the Sherman Antitrust Act, and the proposed settlement will just encourage further violations.

I have worked in the computer industry for 25 years, and have held positions at Xerox PARC and Apple Computer, among other companies. In my opinion Microsoft's behavior has held back computing progress and has cost the entire country hundreds billions of dollars in lost productivity. Personally I have witnessed Microsoft's repeated theft of Apple's intellectual property, for which they escaped punishment. The proposed settlement would preserve Microsoft's monopoly, would not restore competition, and at the same time would allow Microsoft to keep its ill-gotten gains from the past decade of monopolistic behavior. In addition, it would encourage and help Microsoft to establish yet another monopoly in the Internet space.

Perhaps most chilling is Microsoft's plan to capture essential personal and private information on their proprietary databases, and force you to run all on-line transactions through them. They also plan to monitor everyone's computing activities and charge for them on a rental basis. This must not happen. There must be alternatives available that allow people to use whatever operating system they wish, and whatever applications they wish, on whatever platform they wish. This includes running Microsoft applications on non-Windows platforms. Any behavior by Microsoft to attempt to control the Internet space must be prohibited. The proposed settlement is seriously flawed and must not be enacted.

Sincerely,
Bruce Horn
Chief Technical Officer, Marketocracy, Inc.
Mammoth Lakes, CA 93546–1692

MTC–00027052

From: Matthew Tubbs
To: Microsoft ATR
Date: 1/27/02 6:25pm
Subject: Microsoft Settlement

To the Honorable Court:

As a citizen of the United States and experienced computer professional of several years, I have seen the damage that Microsoft has inflicted on the computer industry and consumers with its blatant violations of antitrust law. While I feel that the proposed settlement is a step in the right direction, I think that there are a few items that need to be addressed:

I. The proposed final judgment excludes open source competitors. Open source operating systems such as Linux and open source projects such as Wine, Apache, and Samba offer consumers real choice because of their quality, stability, speed and security. For these reasons, open source software and operating systems are a viable competitor to Microsoft, and should be treated as such in the wording of the proposed final judgment. Specifically, Microsoft should be required to disclose the Windows API's to open source groups, as well as documentation on communication protocols.

II. In addition to API's and communication protocols, Microsoft should be required to fully disclose its Microsoft Office binary file format specifications to competing organizations. Releasing these file formats would remove the barrier for entry to the office software market, greatly benefiting consumers.

Sincerely,
Matthew R Tubbs

MTC–00027053

From: DFEDRIGON@AOL.COM@inetgw
To: Microsoft ATR
Date: 1/27/02 6:20pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
DON FEDRIGON
PO BOX 962
ELK RAPIDS, MI 49629

MTC–00027054

From: Michael Blakeley
To: Microsoft ATR
Date: 1/27/02 6:22pm

Subject: Microsoft Settlement

I think that the proposed DOJ-Microsoft settlement is a bad idea. It doesn't do enough to penalize Microsoft for past anti-competitive practices, and doesn't do enough to ensure against future anti-competitive practices by Microsoft. Also, the proposed settlement does nothing to redress damages suffered by consumers as a result of Microsoft's monopolistic practices.

In my view, breaking up Microsoft into several smaller corporations, would be a better solution, along with substantial monetary awards to Sun and Netscape. Failing that, substantial monetary awards should be accompanied by strict regulation of Microsoft as a public-interest entity.

Thank you for your time.

Michael Blakeley
Foster City, CA
self-employed Internet consultant

MTC–00027055

From: CLIFFORD WOOLFOLK
To: Microsoft ATR
Date: 1/27/02 6:25pm
Subject: Microsoft settlement http://www.bidville.com/myads.asp?id=cliffordii
190 Oakridge Drive
Berkey, OH 43504-
January12,2002
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I am writing to express my opinion on the settlement reached between Microsoft and the Department of Justice in November of last year. As I understand it, Microsoft has agreed to a wide range of restrictions and obligations that would allow other computer makers more ease of competition. I believe Bill Gates has worked hard to accomplish what he has, and if Microsoft has so much influence, then more power to Mr. Gates. Unfortunately, there are those who disagree.

It has come to my attention that there are nine states now that are in opposition to the terms of the agreement reached in the antitrust case. They are seeking to extend the suit and undermine the terms of the settlement. This is ridiculous. Microsoft did not get off with just a slap on the wrist. They have agreed not only to license their Windows operating system to the 20 largest computer makers, but they have also granted these computer makers rights to configure Windows so that non-Microsoft programs can be promoted within its operating system. Microsoft has agreed to terms that exceeded even the bounds of the anti-trust case, and I am of the opinion that they have been more than fair.

Mr. Ashcroft, I do not believe that this suit should continue. The nine states that currently oppose the terms of settlement have lost sight of justice and have become vengeful. The Department of Justice has no right to mete out vengeance. I do not think the matter should be further pursued.

Sincerely,
Margaret Woolfork

MTC–00027056

From: Bill Zaumen
To: Microsoft ATR
Date: 1/27/02 6:27pm
Subject: Comments on Proposed Settlement

While I have to wonder if a full breakup of Microsoft is not the only effective remedy, the proposed settlement is inadequate even in what it tries to do.

1. The settlement treats consumers as second-class citizens. For example, on page 6, it prevents Microsoft's software from automatically altering an OEM's configuration without first waiting 14 days and asking the user for permission. Nothing, however, tells them to similarly respect a user's configuration—-one set by the user regardless of what the OEM did.

2. It is ineffective in some respects. For instance, while it allows Microsoft to ask a user if he or she would like to change a configuration and requires that all options be fairly presented to the user, it does not prevent the obvious tactic: to badger the user to change the settings to ones Microsoft desires and then say nothing after a user does that. Since with enough repeated tries, a user will eventually click an unintended option, the result will be to move users to Microsoft products whether the users want to do that or not.

3. Under ''III Prohibited Conduct,'' the settlement prevents Microsoft from retaliating against an OEM that includes both a Microsoft OS and some other OS. Other provisions deal with dual booting. Nowhere does it say, however, that Microsoft cannot retaliate against an OEM that provides customers the option of obtaining a computer without any Microsoft OS at all. I really have to wonder about this. A while ago, I read that Dell was again selling Linux systems. When I checked Dell's web site, it contained a page with links to Linux systems for the federal government, businesses, and businesses and small offices. Of these three links, two were broken. The only one that functioned was the one for the U.S. government. When you found something about a system were you could run Linux, and clicked on a link, you'd be taken to a windows-only page. I think it is apparent that Dell is discouraging customers from buying Linux systems. With the whole PC industry having serious difficulties attracting customers, I've really got to wonder why anyone would throw customers away. One explanation for this behavior could be pressure from Microsoft. As a consumer, I want protection against that (regardless of whether or not this is what is going on in Dell's case).

4. The settlement has a loophole about disclosing APIs if that would compromise security, digital rights management, anti-virus technology, etc. It is well known that security through obscurity is no security at all. This loophole will not protect computer systems, but it will provide Microsoft an excuse for divulging nothing about APIs or anything else.

I would strongly recommend starting from scratch and proposing a settlement that would actually do something to protect the public and other businesses.

Regards,
William T. Zaumen
912 Clara Drive
Palo Alto, CA 94303

PS as a disclosure, I work for one of Microsoft's competitors. My comments above are personal ones.

MTC–00027057

From: David Stansell
To: Microsoft ATR
Date: 1/27/02 6:28pm
Subject: ''Microsoft Settlement''

Hi,

I would just like to complain about the proposed MS settlement. The idea seems to be that Microsoft is legally entitled to bribe the only market segment that to date it has not dominated—education.

It makes no sense to me. I think it is very important that a firm like MS should be treated as any other otherwise people will continue to lose faith in the government and cynicism will prevail.

MS is not an evil company, but it does what it can get away with. I would be grateful if you could play your part in refocusing the efforts of this group of talented people towards competing by producing better goods rather than doing so by throwing its commercial and political weight around.

There is no doubt in my mind that this will enhance, rather than reduce, the effectiveness of the US economy—read the recent articles in the ''economist'' for one of the most unbiased assessments to date.

Thanking you in advance,
David Stansell.

MTC–00027058

From: Thomas P Larson
To: Microsoft ATR
Date: 1/27/02 6:29pm
Subject: Microsoft

Dear Sirs:

I am a Senior Citizen and have followed and used Microsoft products for many, many years. In many cases there were alternatives, but Microsoft was the choice.

I urge you to accept the offered settlement. It appears to me that continuation will benefit only a few with special interests and will delay Microsoft in their efforts to make computers an even better and more desirable product.

Respectfully,
Thomas P. Larson
Normal, IL 61761
McLean county

MTC–00027059

From: Dennis Moon
To: Microsoft ATR
Date: 1/27/02 6:32pm
Subject: Microsoft Settlement

To whom it may concern.

More than enough time, energy, and tax dollars have been spent on the Microsoft antitrust case. I have never believed Microsoft to be guilty of anything other than being a superior competitor in what I believe and hope is still a free market.

I am an information systems professional with over fifteen years of experience integrating Microsoft products, operating systems, and developing application with their tools. I have come to appreciate how superior their products work together to create robust and innovative applications used to facilitate the improvement of corporate business processes.

As a consumer, I find the prices for their software and operating systems to be very fair and much less costly to purchase and implement than most of their competitors. In fact, over the years Microsoft has had to substantially increase the cost of their development tools and server projects simply to attain the perception of the legitimacy for their products within the corporate world. If it were not for the fact that Microsoft competitors sell equivalent software products for many more times than the prices at which Microsoft could sell them and still make a profit, Microsoft products would cost even less than they do today.

I greatly appreciate the fact that Microsoft continually adds to the value of their operating systems by integrating new technologies into the code base, thus minimizing the need to spend additional precious dollars to obtain the latest innovations and increased capabilities.

I am appalled by their competitors attempts to beat them in the court room when they can not do so in the open market. This frivolous lawsuit has served only to increase the cost of Microsoft products as well as the cost of their competitors products.

Microsoft has agreed on the terms of the settlement with the Department of Justice. Please end this once and for all.

Dennis M. Moon

MTC–00027061

From: Willie Smith
To: Microsoft ATR
Date: 1/27/02 6:36pm
Subject: Microsoft Settlement

Please be advised that we support the settlement that has been reached in the U.S. vs Microsoft as fair. We have also faxed a letter to you to that effect.

James R. Smith
Willie Smith

MTC–00027062

From: Teri DeMatteo
To: Microsoft Settlement
Date: 1/27/02 6:32pm
Subject: Microsoft Settlement
Teri DeMatteo
9703 Benner Road
Johnstown, OH 43031–9106

January 27, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Teri DeMatteo

MTC–00027063

From: Geoffrey Broadwell
To: Microsoft ATR
Date: 1/27/02 6:17pm
Subject: Microsoft Settlement

To whom it may concern:

I am a user of, and a software developer for, freely available operating systems such as Linux and the BSD variants of Unix. I have read and agree with Dan Kegel's analysis of the Proposed Final Judgment at: http://www.kegel.com/remedy/remedy2.html.

However, I feel that Mr. Kegel's analysis, in its detail, loses some of the overall flavor of how a free / open source software user and developer would view the case.

As a free software user, a few issues are important to me:

* I must be able to read, write, and edit documents and other data complying with all standards and de facto standards in use in the corporate world or the Internet at large.

* I must have access to programs that interoperate with all standard and de facto standard protocols (and all clients, servers, and peers implementing those protocols) in use in the corporate world or the Internet at large.

* I must be able to use entirely freely available software to perform these functions. This requires both that barriers to the development of such software be low, and that artificial restrictions to their use, such as unfairly restrictive licensing terms, unclear patent infringement issues, and the like, be removed.

As a free software developer, different but related issues are important:

* The free software community must have unfettered access to complete, accurate, and timely documentation for all data formats in common use in the corporate world or the Internet at large.

* The free software community must have unfettered access to complete, accurate, and timely documentation for all protocols in common use in the corporate world or the Internet at large, along with documentation for known variances of commonly used clients, servers, and peers from the expected and / or standard protocol behavior.

* For cases in which use of, implementation of, or interoperability with an API is necessary (in the broadest sense), similar access to complete, accurate, and timely documentation for that API must also exist.

* Test suites that can be used to show compliance or noncompliance of an implementation to these documents must exist, suitable both to test that competitive implementations perform properly, and possibly more importantly, to test that the documentation is an accurate reflection of the true behavior of the original implementation(s) that made use of, or provided, said data formats, protocols, and / or APIs.

* Restrictions to development or use of compliant or interoperable software for any data format, protocol, or API, must be minimized. In particular, license restrictions that limit the use of a program, data format, API, or protocol inclusively or exclusively with regard to certain operating systems, license terms for other software in the user's or developer's computing environment, competing software implementations, etc., must be disallowed.

In addition, any components or data files that all compliant or interoperable software implementations must distribute to be deemed compliant or interoperable, must allow such distribution by other implementations, for installation in any software environment that a user or developer sees fit.

* Hidden restrictions to development or use of competitive software, such as the status of patents or pending patents whose applicability to relevant data formats, protocols, and / or APIs is unclear, must be dealt with in good faith. For example, no developer or vendor of software should be allowed to threaten that use of competing software ''might'' infringe ''certain'' patents held by the developer or vendor or any of their partners.

For cases where a developer or vendor can definitively claim that unlicensed use of a competing product making use of, implementing, or interoperating with, any data format, protocol, or API, would constitute infringement of a patent they own or control, such patent must be licensable under terms that would not be onerous to developers or users in the free software community. Per-seat licensing, licensing that requires large payments, licensing that involves non-disclosure agreements, and licensing that requires specific action by any person or entity other than the initial developers of the competing software, are all instances of onerous terms that must not be allowed to stand.

All of these comments have been generic, without reference to the specific case and judgment at hand, but I hope it is clear that many of the concerns that I list above have not been adequately addressed by the Proposed Final Judgment in United States v. Microsoft Corp.

Other analysis and commentary, such as Mr. Kegel's work linked above, offer specific possible improvements to the Proposed Final Judgment that will address some of these concerns. When taking these suggestions into account during revision of the proposal, please also consider whether the various suggestions go far enough to adequately address my concerns as a user and a developer from the community at large. While I believe that all software developers and vendors should be held accountable for how they address or fail to address these concerns, it is especially important to require this of Microsoft, since Microsoft maintains a monopoly position for implementations of

a great many standards and de facto standards.

Thank you in advance for your consideration,

Geoffrey Broadwell

Free Software User and Developer

San Francisco Bay Area, California

MTC–00027064

From: John. Anderson
To: Microsoft ATR
Date: 1/27/02 6:37pm
Subject: Microsoft Settlement Letter

Dear Mr. Ashcroft-

Attached is a letter urging your support for a speedy settlement in the Microsoft case.

Thanks in advance for your action in this matter

Sincerely,

John Anderson, ceo

6 Sigma Leadership Corporation

4929 Canterwood Drive NW

Gig Harbor, WA 98332

January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I have personally founded six small businesses, each providing software and related services to companies and consumers. Also, I have worked for five of America's largest businesses, performing turn-around leadership to help restore them to competitive health. I know what it means to compete here in America, where entrepreneurship and a free market economy have historically been protected by our government. I think it is a shame that the previous administration punished successful entrepreneurship and stifled creativity—and has left your department to bat cleanup. The Microsoft antitrust suit is the perfect example of this. I am appalled that the negotiated settlement has been rejected by half of the plaintiff states—without even giving it a trial period—and thus letting six months of negotiations go to waste. I think before rejection is considered, it is necessary to give the settlement a chance.

It is a disgrace that the settlement should be delayed to give Microsoft's opponents a bigger piece of the pie. I think the settlement is fair as it stands. Microsoft has agreed not to enter into any contracts that would require a third party to distribute or endorse Microsoft products either exclusively or at a fixed percentage. Microsoft also plans to design future versions of Windows so that the operating system will support non-Microsoft software. I believe that these terms are more than reasonable. In the long run, I believe the economy and the consumer would benefit from a speedy settlement. I urge you to give your support to the settlement.

Sincerely,

John Anderson

4929 Canterwood Drive NW

Gig Harbor, WA 98332

6 Sigma Leadership Corporation

Gig Harbor, WA 98332

John Anderson

President

MTC–00027065

From: Lawrence Person
To: Microsoft ATR
Date: 1/27/02 6:37pm
Subject: Microsoft Settlement

To all it may concern,

I believe that the proposed Microsoft settlement is a bad deal for computer users, for the computer industry, and for the nation as a whole. It does nothing to address Microsoft's predatory and monopolistic tactics, nothing to address the fact that it's blithely broken previous consent decrees and defied court orders, and nothing to provide relief for companies and consumers who have been harmed by these practices. It should be rejected and far more stringent financial and structural penalties imposed.

Despite their slogan, Microsoft has achieved it's current position not by ''innovation'' or hard work so much as by imitation (Apple) or outright theft (Stack Technologies) of the innovations of others. It used strong-arm tactics, sharp practice and predatory pricing to establish it's monopoly in operating systems, then illegally used that same monopoly to grab equally compelling strangleholds on other areas of the software industry. At best Microsoft is a sandlot bully, threatening others with its monopoly power to get its own way. At worse it's a third world dictator, knowing it's above the law (witness its boldfaced violation of its first consent decree, and how it lied, repeatedly, in court) with the firm knowledge that it's too powerful to be punished.

A company truly dedicated to innovation would not wait two years to address the myriad security vulnerabilities of Windows and Outlook. If a different component on Ford trucks were to blow up and be recalled every week, Ford would be out of business very quickly indeed. If Microsoft did not wield such monopoly power, it would not be able to get away with selling such defective products.

Microsoft has proven again and again that consent decrees are entirely inadequate to stop its predatory practices. Only harsh, structural and lasting penalties will be able break it's monopoly power and return real competition to the markets it illegally dominates.

For penalties which would truly address Microsoft's monopoly power, punish it for past transgressions, and provide real relief to the victims of it's illegal actions, I propose the following:

1. Microsoft should be levied a $10 billion fine. Half of this money should be earmarked for the DOJ and state attorneys general to pay for the cost of prosecuting Microsoft, and to pay the cost of future oversight and enforcement, and half should be returned to the consumers and companies harmed by Microsoft's predatory practices.

2. The source code for all Microsoft products released through 1999 should be released in their entirety and made available to the public to be used by anyone to create their own versions of Windows, Office, etc. without paying royalties to Microsoft. This would also provide relief from Microsoft's monopolistic practice of using ''embrace and extend,'' i.e., making it's products intentionally incompatible with established computing standards for the sole purpose of using it's illegal monopoly to erect barriers to competition. With the source code readily available, it would be a simple matter both to engineer compatibility to Microsoft's ''enhancements,'' and to recompile Microsoft programs to adhere to open computing standards.

3. All the Application Programming Interfaces (APIs) to all shipping Microsoft products should be published and made freely available. This would prevent Microsoft's anti-competitive tactic of leveraging it's Windows monopoly through the use ''secret'' APIs in Windows that only Microsoft programmers can use to enhance their other product lines.

4. Microsoft should be split into no less than four separate companies: One responsible for Windows, a second for Office, a third for Internet Explorer, Back Office, Outlook, and all it's other Internet-related software, and a fourth for everything else (X-Box, WebTV, etc.). However, source code for all of Microsoft's currently shipping products should be distributed to each of these companies, with each having the ability to reuse or sublicense such code. This would create many competing products in segments of the market previously dominated by Microsoft, to the great benefit of consumers. These companies would also be barred from merging with each other or sharing directors for at least ten years.

5. The above companies would have one year to plug all known security holes in Windows and Outlook. After that period, they would be made financially liable for any economic damage such vulnerabilities in their software cost customers who had all current security patches installed but were still victimized by hackers or viruses.

6. The MS Office spinoff would be required to produce simultaneous versions of Office for the most recent release of Mac OS and Linux, at price parity with the Windows version, for a period of five years.

7. A government oversight board would be created with the authority to unilaterally impose fines, order remedies, change contracts, and release source code in order to implement the judgement.

This is a very radical remedy, and one I do not suggest lightly. In fact, I consider myself to be a Libertarian, one who believe that government should remain small and interfere in the free market only under the direst circumstances. However, one fundamental precondition for a free market is that those competing in it must obey the rule of law. Microsoft has shown, again and again, that it is willing to break and flout the law for it's own benefit, and to maintain it's illegal monopoly power. If Microsoft's earlier predatory practices had been curbed or punished when the first occurred, the government would not be faced with these vexing antitrust issues. But now that it has reached this point, serious structural remedies are the only solution. Microsoft has proven time and time again that it will not stop abusing it's monopoly power. It's now up to the courts eliminate that monopoly.

Lawrence Person,

Austin, Texas,

Science Fiction Writer

Lawrence Person
lawrenceperson@jump.net
Nova Express Web Site: http://www.sflit.com/novaexpress

MTC–00027066

From: Andrew Wildenberg
To: Microsoft ATR
Date: 1/27/02 6:40pm
Subject: Microsoft Settlement
CC: Andrew Wildenberg

To the Department of Justice, Antitrust division:

I would like to express my strong objection the Revised Proposed Final Judgment (RPFJ) in US v. Microsoft. It is a settlement riddled with loopholes and ambiguities. It offers nothing that will 'unfetter a market', 'terminate the illegal monopoly', or 'ensure that there remain no practices likely to result in monopolization in the future'' but will instead afford Microsoft new, court-sanctioned, ways to extend its monopoly and discourage competition and innovation in the industry.

I am an instructor of Computer Science at the State University of New York at Stony Brook. I also have extensive experience as a software developer in industry and a private contractor. I regularly use Microsoft products professionally and privately. My main operating system is Microsoft Windows 2000, although I regularly use Mac OS, Solaris, FreeBSD, HP-UX and Linux in my work.

One area of particular concern is the section of definitions in the RPFJ that relate to APIs and Middleware. The definition of API is given as follows:

''Application Programming Interfaces (APIs)'' means the interfaces, including any associated callback interfaces, that Microsoft Middleware running on a Windows Operating System Product uses to call upon that Windows Operating System Product in order to obtain any services from that Windows Operating System Product.

The important point is that this definition specifies only a small portion of the interface as being relevant to the RPFJ. Specifically, interfaces called internally by the operating system itself are exempt, as are interfaces called by other Microsoft software such as the Office suite.

In the past Microsoft has regularly changed common definitions within the computer science literature to suit the whims of its litigation. Most recently it argued that Internet Explorer was in fact an inseparable part of the core operating system. While that particular program has been addressed by this particular decree's definition of middleware, there is no protection that future applications programs won't be relabeled as either 'core OS'' or 'applications'' In either case, APIs used by these new components can lawfully be withheld from 3rd party developers.

Middleware and Microsoft Middleware is defined in several parts, but important ones include:

part K1: ''the functionality provided by Internet Explorer, Microsoft's Java Virtual Machine, Windows Media Player, Windows Messenger, Outlook Express and their successors in a Windows Operating System Product''

While it is good to name specific products as middleware, for the most part, the ones chosen are all technology that Microsoft has already supplanted: Outlook Express will soon be replaced by Outlook, Windows Messenger by .NET services, and the Microsoft JVM by C#. Because those three products already exist at this time, it can be argued that the decree has specifically excluded them from its definition. The phrase 'and their successors'' is a troublesome one, given Microsoft culture and programming practices. Microsoft is known for leading the industry in code re-use. A code analysis comparing Windows 2000 software to its middleware would show a large portion of it had been borrowed from the core OS. In such a culture, source code can not be the basis for determining the lineage of software: either everything will be related (too generous) or nothing will be related (too restrictive). If, on the other hand, 'functionality'' is the basis for lineage, then the picture is more complex: Is Windows 2000 a successor to Windows 3.1 or a completely new and unrelated product? If new, when did the new product become new? Under what definition will the innovation be measured and what threshold will distinguish 'new'' from 'extended'?

part J: Software code described as part of, and distributed separately to update, a Microsoft Middleware Product shall not be deemed Microsoft Middleware unless identified as a new major version of that Microsoft Middleware Product. A major version shall be identified by a whole number or by a number with just a single digit to the right of the decimal point.

This claim allows Microsoft to arbitrarily change APIs at any time, and not disclose them to developers. The computer industry is notorious for manipulating release numbers, and for those numbers not adequately measuring when a release is 'major'' or not. Using this ability to change APIs, it would be possible for Microsoft to sabotage competing products, as it did during the Dr-DOS case, by manipulating the APIs in a way designed to break the competing products. Since a competing product must be able to run on all versions of Microsoft middleware, such a change in API would mean a huge advantage to Microsoft's in-house development teams.

Furthermore, restrictions on which APIs released provide other methods for Microsoft to impede 3rd party development. Specifically, by the RPFJ, Microsoft can not be required to document, disclose or license to third parties: (a) portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of a particular installation or group of installations of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria; ... Prevent Microsoft from conditioning any license of any API, Documentation or Communications Protocol related to anti-piracy systems, anti-virus technologies, license enforcement mechanisms, authentication/authorization security, or third party intellectual property protection mechanisms of any Microsoft product to any person or entity on the requirement that the licensee: (a) has no history of software counterfeiting or piracy or willful violation of intellectual property rights, (b) has a reasonable business need for the API, Documentation or Communications Protocol for a planned or shipping product, (c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, (d) agrees to submit, at its own expense, any computer program using such APIs, Documentation or Communication Protocols to third-party verification, approved by Microsoft, to test for and ensure verification and compliance with Microsoft specifications for use of the API or interface, which specifications shall be related to proper operation and integrity of the systems and mechanisms identified in this paragraph.

Microsoft has begun a push to become the most secure operating system in the world. Indeed Bill Gates has said that security should be the company's top priority and that it should be embedded at the most basic levels of the operating system. If Microsoft follows through on this, it could reasonably argue that it could not release the majority of APIs because they were related to security.

In past statements Microsoft has emphasized future work integrating digital rights management into its OS. A reasonable implementation of this would be to have the OS automatically check for digital rights every time that a file is opened. Again, by the same logic, it could decline to release the API for opening a file, arguably one of the most basic APIs in an operating system.

Furthermore, the restrictions on potential licensees require a large amount of disclosure to Microsoft, including the disclosure of company confidential information to a designated agent of Microsoft. Microsoft is allowed to set arbitrary standards for using the protocols without regard to what is reasonable. Microsoft is allowed to set arbitrary standards for what constitutes a business. In the non-Microsoft Middleware Product definition, one of the standards is that a million copies of the product were shipped in the US in the previous year (i.e. products less than a year old or those primarily distributed outside the US do not quality). Similar restrictions for a 'reasonable business'' could include revenue or distribution figures that would, as an example, exclude a large portion of the free software products.

In summary, I feel there are serious defects in the Revised Proposed Final Judgement. I have outlined my objections in three specific areas: the definition of ''API'', the definitions of the various kinds of ''Middleware'', and the various exemptions and requirements related to API disclosure. While I feel there are other problems with the decree, these are the areas I have the most expertise in commenting on, and so I have chosen brevity over completeness. If this RPFJ is accepted, it will strengthen Microsoft's monopoly by providing court-sanctioned methods to leverage its current market dominance in operating systems to new and emerging markets.

Sincerely,
Andrew P Wildenberg
Department of Computer Science
SUNY Stony Brook
Stony Brook, NY 11794–4400

MTC–00027069

From: Bill Herman
To: Microsoft ATR
Date: 1/27/02 6:46pm
Subject: Microsoft Settlement

Dear Judge Hesse,

I am writing this email in response to the public comment request period of the Microsoft settlement case.

I have programmed personal computers since they became available on the market and am deeply concerned with the legal attack on Microsoft. I have used DOS since the product's inception. I have used the Microsoft products ACCESS and EXCEL to hold and organize my data. I have used all versions of Windows when Microsoft created them. I have used Internet Explorer to view the web. At every phase of my professional career, Microsoft has helped me reach my goals. Microsoft has continually anticipated the market and expanded their product line to capitalize on that market. At every turn, they release new and more robust versions of their products. They have continually run after the American dream!

What is their reward? They get slapped with a mammoth anti-trust suit, not from the consumers they ''harmed'', not by some public outcry, not by any of their partners, but from their unsuccessful competitors! What these competitors could not win in a free market, they hope to extort by using the law as a club. If the same antitrust laws were applied to the auto industry, we would all still be riding model T cars since the buggy whip manufacturers could claim ''unfair competition'' and ''intent to monopolize''. If constantly improving one's products to gain market share is a crime, then you have to arrest everyone in any successful business, including myself! Failed businesses must not be allowed to set the rules for the markets in which they failed.

Just as the government protects my right what I read, what I say, or whom I associate with, it must protect my right to choose what software I have on my computer! The way to protect that right is to allow Microsoft and its partners to license and bundle software as they see fit, not as their competitors see as ''fair''. I am not a helpless victim. I make choices in operating system and applications. I can choose the best package for me. The court should not interfere with that choice. Everyone, including Bill Gates, has a fundamental right to his own property. By violating his rights, you violate mine. It is your responsibility to protect that right, not take it away by interfering with how Microsoft or its partners offer their products. A free society and a free economy go hand in hand. History is littered with examples where politicians meddled in a free market. The consistent long-term result was economic stagnation and political tyranny. By becoming a self made man, Bill Gates has not harmed me. In fact, he has helped me greatly. Don't punish success. Rule in favor of Microsoft and stop this travesty of justice!

Sincerely,
William R. Herman
308 108th Ave NW Apt A411
Bellevue, WA 98004
wrherman@iqmail.net

MTC–00027070

From: LCento1724@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 6:46pm
Subject: micro soft settlement

Attorney General of the United States:

I understand terms of agreement regarding suit between Department of Justice, 9 states, and Microsoft have been agreed to by parties involved. I would like to see these terms finally adopted as agreed to.

Yours truly,
Lorraine Centofante, an interested citizen
CC:RFC-822=MSFINMicrosft.com.
UM.A.2870.4@msfin.unitym...

MTC–00027071

From: Paul Iadonisi
To: Microsoft ATR
Date: 1/27/02 6:48pm
Subject: Microsoft Settlement

I am opposed to the Proposed Final Judgment in the United States v. Microsoft antitrust case.

I am a System Administrator who has been employed in the computer industry for fifteen years. In those fifteen years, I have seen the results of the illegal monopolistic practices of Microsoft that the company was found to be guilty of by U.S. District Judge Thomas Penfield Jackson on November 5, 1999.

I have seen products discontinued by companies who had difficulty breaching the high barrier to entry that Microsoft has consistently kept artificially high. In many cases, the discontinuation of these products harmed the businesses I was employed by.

I have seen companies who I was employed by place less and less emphasis on quality and security in their products and instead focus on become partners with Microsoft to the exclusion of competitive technologies. This has occurred even in cases where the non-Microsoft technologies were of significantly higher quality than their Microsoft counterparts. In at least one case, I was personally harmed by these decisions through a reduction-in-force that was clearly aimed at those who did not agree with the decision to use Microsoft technologies.

All of this could not have occurred were it not for Microsoft's illegally obtained monopoly position. The current Proposed Final Judgment does little to penalize Microsoft for its behavior and little or nothing to prevent future abuses. The Proposed Final Judgment in fact codifies Microsoft's behavior into law.

I strongly urge the court to reject the Proposed Final Judgment currently in consideration and instead work with the nine states who have refused to enter into the agreement for their alternate settlement proposal.

Any proposed remedy should have little or no input from Microsoft. The convicted criminal should never have a say in what punishment he should endure. I am disappointed that the Department of Justice has capitulated to so many of Microsoft's demands in the current Proposed Final Judgment and I urge the court to refuse to accept this agreement. —

Paul Iadonisi
Senior System Administrator
Red Hat Certified Engineer

MTC–00027072

From: Lisa A Cate
To: Microsoft ATR
Date: 1/27/02 6:48pm
Subject: Microsoft Settlement

As a computer user,I don't think that it is right to punish Microsoft excessively.In any industry there will be some companies that are the leaders.Microsoft is a leader in the technology and software industry.They should have the right to make any improvements they feel are desirable to their products.If Microsoft has been ''bullying'' OEMs or their competitors(I'm unsure whether or not they've been doing this)then some behavior remedies may be in order.Breaking Microsoft up would be excessive punishment for anything they may possibly have been guilty of.Including Internet Explorer with Windows is very beneficial for computer users who enjoy internet activities.Even those who prefer Netscape can use Internet Explorer to download Netscape.There isn't any problem downloading competing products that I have found.That is hardly the way I'd expect a company taking advantage of being a monopoly to be doing.While I prefer to use Internet Explorer,I have downloaded Netscape for people who prefer Netscape without any problems doing it and using Internet Explorer to do the downloading.I started using computers October of 1995 and have been learning about how to do stuff with them mostly through reading about it on the internet.If the DOJ is looking for a company that needs a good swatting way more than Microsoft...AOL would be one that does.They bought Netscape and let it stagnate.Now they try to make it look like it's all Microsoft's fault that they have been steadily losing market share with it.There was some news reported in a local newspaper (The Durham Morning Herald) that AOL had plans to aquire RedHat Linux which hasn't happened so far.That makes me think that the only reason AOL bought Netscape was so they could use it to sue Microsoft.AOL ruined my Gateway 133 pentium PC.I wasn't having problems with it until making the mistake of putting in AOL software.I later found that other people have had even worse experiences with AOL than I had.Microsoft has been made to look like the evil monopoly by the likes of AOL and others whose doings make Microsoft look angelic by comparison.This covers most of the points I thought needed to be made about this so I'll close.

Lisa A
Cate
lisacate@rocketmail.com

MTC–00027073

From: Effie Robbins
To: Microsoft ATR
Date: 1/27/02 6:47pm
Subject: microsoft settlement

This suit must get over with as it is wasting the taxpayers and shareholders money. Microsoft is a very reputable company and the Department of Justice needs to finalize a decision as it makes our JUSTICE SYSTEM what it appears to be—a money wasting, ineffective system that does not work for the best interest of—WE, THE PEOPLE who pay and use this system. It just opens doors for lawsuits on any and all companies and has absolutely destroyed our faith in the stock market.

When you are through then you can punish Judge Penfield Jackson for discussing a case to the media and public before it was finalized. At that point, this suit should have been dropped in its entirety.

MTC–00027074

From: Brendan McCullough
To: Microsoft ATR
Date: 1/27/02 6:54pm
Subject: Microsoft Settlement

I don't agree.

MTC–00027075

From: Larry French
To: Microsoft ATR
Date: 1/27/02 6:51pm
Subject: Microsoft Settlement

Microsoft deserves our country's highest honor and praise for accomplishing all it has done and absolutely DOES NOT deserve anyone's scorn or to be punished for working hard and thinking smart. Please show our country, please show my son, that that it pays to work hard and think smart. No one has EVER been forced to buy a product from Microsoft, not even once. In a free market, customers always purchase the best products that they can find at the lowest price. To punish Microsoft for its success will only serve to limit the goods and services that are available to the consumer. In essence, punishing Microsoft will be equivallent to punishing the consumer.

Please show that hard work and smart thinking pay better than political pull! Please show Americas children that it is OK to make heros out of successful companies and people that do the right thing instead of treating them like common criminals.

Please set Microsoft free and do not punish them!

Sincerely,
Larry A. French

MTC–00027076

From: Dpww@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 6:52pm
Subject: microsoft settlement

i think the settlement reached between the DOJ and Microsoft shold stand and the matter closed. Some may see Microsoft not as anti -competative but as super-competative. They have established cutting edge products priced to consumer satisfaction and are maximizing their profits. This is a textbook economic business model.

If competitors want to earn a bigger share of the market they should come out with a better product or a cheaper one. Computer users are sophicticated enough to recognize a better value and generally well able to afford it if they choose. In every industry if you want to capture more market share you should have to earn it.

As far as the dissident states, i think they are headline seekers attempting to get some unrestricted funds from the ''cash cow'' much as was the case with the tobacco industry.

I dont think anybody gains by continuing this legal battle.Businesses who feel aggrieved can sped thie own time and shareholders dollars fighting with Microsoft. They might be better advised to spend the efforts in making a better product.

MTC–00027077

From: John Edstrom
To: Microsoft ATR
Date: 1/27/02 6:51pm
Subject: Microsoft Settlement

Greetings,

This note is to express my dissatisfaction with the agreement reached in the Microsoft anti trust case. I have already co-signed a letter from Dan Kegel which pretty thoroughly covers most of my objections to the settlement. I personally believe that only a breakup of MS into independent operating system and application/services companies. But I guess that isn't even on the table anymore.

I endorse Mr. Kegel's criticisms of the settlement and his suggestions on better ways to deal with those issues. However, one thing that I find especially irksome and unjust about MS's illegal activities is absence of protection for the consumer. In the past 4 years I have purchased 3 computers. All of them had MS Windows (NT) pre installed. I don't like Windows. I don't use it. I resent being forced to buy it just to get the hardware. More, I can't even find out how much of the total unit price was devoted to the unwanted software. I was told that the information could not be divulged because of the OEM's contract with MS and it wouldn't do me any good since there are no refunds for unrequested, unused software.

In order to prevent this unjust situation from continuing I therefore additionally suggest that something like the following be included in final judgment.

1) The price of all MS software pre installed on a computer will be clearly published on all invoices and in all advertising where the price of the OEM product is displayed.

2) There will be a mechanism whereby a customer can obtain a full refund by returning the software that they didn't ask for, don't want and never use.

3) 1&2 above will be made retroactive to when the action culminating in this settlement was initiated. People who were charged for MS software without their permission during this period will be informed how much they paid for it and will be given an opportunity to return any unused software for a refund plus an interest charge on the money while it was under MS's control.

I don't think that this will affect many people, most of whom would buy and use MS Windows anyway. Still, there is no good reason for not informing people what they are spending their money on and, the notion that consumer choice can regulate markets is just a cruel joke as long consumers are forced to buy Windows anyway even though they choose to use something else.

John Edstrom
Apt. 1
845 SW 10th
Newport, OR 97365

MTC–00027078

From: mbernicegray@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/27/02 6:49pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Bernice Gray
105 Dawn Drive
Fayetteville, GA 30215

MTC–00027079

From: Jim Mitchell
To: Microsoft ATR
Date: 1/27/02 6:55pm
Subject: Unjust Justice

To whom it may concern:

I am completely outraged at the lawsuit against Microsoft. This organization has done more for this country and its people than all of the organizations that are obviously dead set on the financial ruin of Microsoft and the USDOJ and some members of our government is supporting it. This company has not harmed the people (financially or otherwise) and has done nothing to hurt compitition except compete in one of the most compititive markets in the world. Their prices have been very fair and compititive and their products are superior to all.

Just a few days ago I received updated browser software from my internet provider and guess what, the browser provided was Netscape with no other options and when I started to load it, it gave me no choice except to install Netscape. It took several hours to remove Netscape because it is an inferior product and difficult to use when compared to similar products in the market place (including Microsoft Internet Explorer). At least I have always had the option of loading other supporting products when installing microsoft products. There has always been several choices available or the choice to install none.

My personal request; In the name of the majority of the people, drop this litigation

and stop wasting our hard earned tax money because of a few very greedy and less qualified compititors, states and some of their legislators. Please challenge any compititor to provide a superior product and they will gain market share immediately. What happened to the old saying, ''Build a better mouse trap and the world will be at your door''.

Sincerely,

J. R. Mitchell,

a very concerned Washington State Voter and Citizen.

MTC–00027080

From: Jack Lichten
To: Microsoft ATR
Date: 1/27/02 6:54pm
Subject: Microsoft must not be allowed to do this!

YOU MUST NEVER LET MICROSOFT GET AWAY WITH THIS!!!!!!!!!!!!!! Yes, it would help the schools, but in such a way as to give monopolize the educational market as well in favor of Microsoft!!! With this plan, Microsoft would give schools super-new Wintels or super-old Macintoshes.

Because of the fact that the Wintels (backed by Microsoft) would be much more souped up than the Macs, the entire school computer buisness would fall to Microsoft (and I'm sure you can guess why). Passing this new agreement would do just that. Remember Standard Oil? This is just that, for the 20th century-ers.

Just my two cents.

MTC–00027081

From: tnhills@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 6:56pm
Subject: Microsoft settlement

Greetings;

I feel the settlement agreement that is now in effect is fair to both Microsoft and their competiors. I would like to see that settlement approved and not allow anymore lawsuits against microsoft.

Sincerly,
Darlene Hill
P.O. Box 410
Ridgetop, Tn
37152
tnhills@juno.com

MTC–00027082

From: Sean Roberts
To: Microsoft ATR
Date: 1/27/02 6:58pm
Subject: Microsoft Settlement

1/27/2002

To whom it may concern,

My name is Sean Roberts and I am writing to voice my opposition to the current Microsoft settlement proposal. This proposal does nothing to address the issue of Microsoft's dangerous lack of software quality and its effect on national security, nor does it address the ''iron fist'' policy Microsoft employs to choke off the free exchange of information by limiting communication to Microsoft platforms only. The Microsoft settlement proposal not only fails to punish Microsoft for its behavior, but also fails to address the real issue—Microsoft's unwillingness to play on a level playing field.

In this letter I provide details to support my opposition. These details include information about the use of the Internet to freely exchange ideas and Microsoft's serious impact on that free exchange.

I will also give my own negative experiences with Microsoft products and the impact of such poor quality software on national defense.

Background

I work for a company that writes software for US missile defense. Unlike the business world where Microsoft products often provide the only software solutions, the science and defense communities employ a variety of computing solutions—typically various flavors of UNIX. The reasons for employing these alternate platforms are multiple and include, but are not limited to, security, reliability, and computational speed. Microsoft does not offer a platform that can handle the types of computationally complex problems many scientists are trying to solve.

Free Information Exchange vs. Proprietary Protocols

The Internet as we know it today grew from the seed of ARPANET, a network of military computers built for communication between defense installations, and communication between defense research scientists. Later ARPANET was made public so researchers and academics outside the defense industry could benefit from the open sharing of ideas and information that the defense researchers found so useful. At that time, because the protocols were free and open, anybody could get involved in the sharing of information, regardless of the platform they chose to use. Later the business world came to benefit from this ability to share information, to manage their finances, and to allow communication between departments that were separated by large distances. Soon this network grew to allow average citizens to access vast amounts of information that had previously been unavailable to them.

Recently, Microsoft has begun to employ proprietary protocols that prevent citizens using non-Microsoft platforms from being involved in the sharing of information. If you wish to communicate with someone who uses Microsoft products you must also use Microsoft products. It now appears that the Internet, a publicly built and maintained infrastructure designed to allow everyone to participate in a climate of open exchange of ideas is becoming something else indeed. It seems that the Internet is doomed to become yet another strategic tool to maintain and further Microsoft's dominant position in the desktop operating system market, and to allow Microsoft to make further inroads into the server market.

The .NET initiative is taking Microsoft's ''domination'' strategy to new levels (in light of Microsoft's past actions, to think otherwise would be na<ve). This strategy allows Microsoft to gain dominance, not because Microsoft has a superior product, but because its protocols are secret and proprietary. As a result Microsoft is not driven by the need to produce a stable, reliable, and above all secure product. Microsoft does not operate in a climate of fair competition, but in a climate of monopolistic advantage. This has a negative effect on society as a whole, and on the defense industry in particular.

Poor Quality Microsoft Software and National Security

Let me give an example of how Microsoft's poor software design can have a negative effect on defense work. My company had to electronically transmit software we developed to another company in the defense industry, on the other side of the country. We tried to accomplish this transmittal at a time when a Code Red Worm was attacking vulnerable Microsoft products. The traffic associated with this worm slowed the network to such an extent that we were unable to transmit our software.

We eventually had to mail our software on a CD! Our country's missile defense was negatively impacted because of Microsoft's poor software design. Should we wait until another Microsoft vulnerability slows or damages the Internet to such an extent that vital national defense work is not only delayed, but cannot be done at all?

This is just one example of indirect harm to national security due to Microsoft and this harm is minor compared to more direct assaults, ranging from DDOS attacks on government computers, to financial theft, to computer espionage. To maintain a free society we must never allow any single entity to take control of the lines of communications or to dictate the manner by which people access information!

No computer system is going to be 100% secure. As a result of their monopoly Microsoft does not gain from producing a quality product, but instead from secret protocols, Thus Microsoft does not put a premium on stable, secure systems. Microsoft must be made to play on a level playing field if they are to ever shift their focus from using their monopoly to eliminate the competition to producing a product whose success depends on the quality of the product.

Microsoft Settlement Proposal

The current settlement proposal does not address the issues of Microsoft's serious lack of software quality and its effect on national security, nor does it address the Microsoft's ''iron fist'' policy to choke off the free exchange of information by limiting information transfer to Microsoft platforms only. Thus, the proposal not only fails to punish Microsoft, but also fails to address the real issue—Microsoft's unwillingness to play on a level playing field. I have heard some say that punishing Microsoft too harshly is a threat to national security because of the potential financial ramifications. My response to this concern is to ask, ''Is it a good idea that a company becomes so large and powerful that we cannot punish them for their indiscretions for fear of the economic ramifications?'' I would argue that not punishing them hard enough presents a far greater national security threat.

If Microsoft cannot compete on a level playing field, they are really nothing more than a paper tiger. Consequently, basing an entire industry as crucial as computing upon the platform of one such a company is dangerous to the extreme. Artificially supporting Microsoft by allowing them to play by their own rules is simply delaying

their fall, and the longer we wait the worse the fall will be. Not punishing Microsoft hard enough also sets a dangerous precedent that will make it difficult to level sanctions against them or any other company in the future that commits further offenses. ''Caving in'' to Microsoft will prove that our government finds this monopolistic behavior acceptable, and will invite other companies to copy Microsoft's actions. Failing to deliver appropriate punishment will introduce more problems, and certainly will not solve the already existing problems I alluded to earlier.

Summary

In summary, I urge you to provide a settlement with Microsoft that both levels the playing field and punishes Microsoft for it bullying tactics. To level the playing field, the settlement should require all protocols, file formats, and API's to be made public. To punish Microsoft, the settlement should fine Microsoft an amount large enough to make sure Microsoft feels it.

There very well may be economic ramifications from such a settlement, but if we bear those economic impacts now, we can still recover. However, if we delay, the economic ramifications could become truly damaging and even debilitating. The settlement must make the statement that no one, not even Microsoft, can get away with this type of behavior.

Sincerely,
Sean Roberts
413 East Swallow Road
Ft. Collins, CO 80525
sean623@attbi.com

MTC–00027083

From: Brad Jackson
To: Microsoft ATR
Date: 1/27/02 6:58pm
Subject: Microsoft Settlement

Under the Tunney Act, I am commenting on the proposed DoJ-Microsoft settlement.

Microsoft's behavior over the last several years has been arrogant, greedy, anti-competitive, belligerent and ruthless. Bill Gates was extremely combative and uncooperative in giving his deposition during the anti-trust trial and that is a perfect reflection of Microsoft. They entered into exclusive agreements with ISPs to only distribute IE.

They threatened OEMs if they tried to distribute the Netscape browser. They intentionally tied IE into Windows so that it couldn't be easily uninstalled. They could have created IE so that a few core DLL files that are used for rendering HTML by third-party applications are left and the rest of IE could be uninstalled, but Microsoft deliberately chose not to provide that option. Microsoft claimed that IE can't be removed, but they were proved wrong by, of all people, a biologist (!), that runs the www.981ite.net Web site. Even though most users would agree IE is superior to Netscape, Microsoft's very rapid increase in browser market share cannot be explained by that superiority, but can only be explained by bundling IE and making it the default browser on all versions of Windows from OSR2 up to XP.

Microsoft continually harps about their ''freedom to innovate'' but when a giant like Microsoft supposedly innovates, no one else can, because Microsoft won't let them. They are crushed under the foot of the giant, as Netscape and many others can testify. And Microsoft doesn't really innovate anything. DOS was based on an operating system they bought. The Windows GUI was based on the work of XEROX PARC. Word and Excel are just copies of other companies'' ideas. Power Point was bought from another company. Java was invented by Sun and JavaScript was invented by Netscape. IE was based on the Mosaic browser source code that Microsoft purchased. MSN was created specifically to attack AOL.

Windows Messenger was specifically created to attack AOL's IM client and will almost certainly meet the same fate as Netscape's browser. Winamp will eventually be crushed by Media Player. Most Windows users are too dumb to realize there are better third-party products than what Microsoft bundles. Users won't go out and download Netscape 6.2 or AOL IM or Winamp because they have what they need. And then all the competing products disappear because no one knows they exist and then Microsoft's monopoly is expanded into even more markets than operating systems. And the juggernaut marches on in search of still other companies and products to steam roll. Who's next? Palm? WinZip? Firewall products? Anti-virus products? Real Player?

Now Microsoft has left Java out of Windows XP because they want to kill it off and replace it with C#. And they deliberately aren't providing .NET or C# support for Linux because they want to kill it off too.

And they've dropped support for the plugins that are supported by the Netscape browser, forcing plugin developers to write ActiveX controls. And recording studios are now shipping copy protected music CDs which have Windows Media-encoded versions of the music for playing on a computer. But the Microsoft-proprietary music file format can only be played on Windows computers, leaving Linux users in the dark. And the X Box is a ploy to get Windows into everyone's living room. I'm sure there are countless other examples I haven't though of.

I firmly believe that in the near future, Microsoft will switch Windows to a subscription-based pricing scheme, much like AOL, MSN or a private ISP. You'll be required to pay $20 a month to use Windows or your computer will stop functioning. Don't think they won't try to do it because they can and if they decide to do it, what choice do any of us have?

Microsoft has such a stranglehold on the desktop market that they can extort as much money from companies as they choose. They've recently changed their licensing scheme to force customers to upgrade more often or else they will have to buy the full version instead of an upgrade. This which will cost companies more, making Microsoft even richer. And it's not as if they need more money. They're sitting on an estimated $36 billion in cash and they're one of the few companies that's still very profitable even with the economy in recession. It doesn't take a genius to see why they're still profitable. It's because they have millions of individual users and businesses firmly by the balls.

What's a company going to do if the don't agree to Microsoft's terms? Switch to Macintosh or Linux? Either of those alternatives probably aren't too appealing to most companies. Mac hardware is expensive and Linux isn't quite user-friendly for most users. And the training and support costs would be enormous for either. Most companies will reluctantly pay the costs that Microsoft demands because there really aren't any viable competitors to choose from. And just imagine a world without Mac and Linux. If the market for Macs continues to shrink, and Apple finally decides to kill it off, then Linux will be the only other choice.

Can you think of any other market in which there is only one viable choice? Imagine if there was only one automobile manufacturer and they only sold two makes of cars. Or one television manufacturer that sells two models. This is analogous to Microsoft selling Windows 2000 and XP. The companies in markets where consumers only have one choice, such as electricity, natural gas or telephone, are regulated monopolies because it's necessary to prevent customers from being gouged by a greedy business. Why should Microsoft be an exception to this rule? The so-called ''punishment'' that was agreed to by the DoJ and Microsoft is not even the equivalent to a slap on the wrist. The executives at Microsoft must be jumping for joy at having received such a light sentence. It's the equivalent of a serial killer being given community service and being placed on 30-day probation. What a f—-ing joke. The millions spent on the anti-trust trial so far have been wasted if we let Microsoft off with the current (pathetic) agreement. We need to get something back from what we've spent so far and that means real punishment with sharp teeth. Microsoft should have no say in its punishment. Do we give serial killers a choice about how many years they're sentenced to or whether they would like the death penalty? We need anti-loophole clauses that threaten Microsoft with a death penalty, such as forcing them to release the source code to Windows, if they try to do something sneaky like finding a loophole to get out of a restriction and effectively raising their middle finger to the DoJ.

Never ever underestimate how devious they are capable of being. If you turn your back for a split second they will shoot or stab you in the back. An absolutely air-tight agreement is mandatory.

Some ideas for effective forms of punishment for Microsoft include:

1. Force them to document the file formats used by Word, Excel, Power Point, Access, etc. so other companies can make fully compatible products, thereby increasing competition, which will increase the quality of the products, drive down the currently outrageous prices and give individual consumers and businesses a real choice

2. Force them to distribute a version of Windows without IE, Media Player, Windows Messenger, the firewall, etc. at a discounted price

3. Make IE source code available under a reasonable license

4. Prevent Microsoft from being able to punish OEMs that choose to distribute alternative operating systems like Linux or

alternative browsers like Netscape or Opera on their desktop systems

5. Under anti-trust law, Microsoft must be denied the fruits that they've enjoyed from abusing their monopoly power, therefore they must be fined an appropriate amount of money, enough so that it will be a serious deterrent from future infractions

6. As long as Microsoft controls more than X percent of the desktop market, say 75%, force Microsoft to license the source code to all future versions of Windows to third-party companies for a reasonable price, including the ability of those companies to distribute their own customized versions of the operating system

7. Force them to document all communication APIs such as file and printer sharing or things like the NTFS filesystem, and prevent them from using sleazy tactics like parenting these technologies or forbidding reverse engineering to prevent others from making inter-operable products, like SAMBA.

8. Force them to make Linux versions of products such as IE, Office, Media Player, etc. to promote competition on the desktop

9. Continually monitor Microsoft's power and market share in all the different markets that they are attempting to gain monopoly power in and if they start to become too powerful in a market, actions must be taken to promote competition

10. Force all APIs to be documented so products like Wine, LindowsOS, Win4Lin, etc. can provide complete support for Windows under Linux The thought of a world where numerous markets are controlled by a malevolent monopoly like Microsoft is chilling and should be of great concern to everyone. Please take steps to ensure that significant competition is promoted in any markets that they are attempting to gain a choke hold in so that consumers can have the benefits of superior product quality, lower prices and more than one choice.

Brad Jackson
Programmer Analyst
Cedar Rapids, IA

MTC–00027084

From: Frederick Bauman
To: Microsoft ATR
Date: 1/27/02 6:58pm
Subject: Re: U.S. v. Microsoft: Settlement Information

''break-ups'' are silly. Consider the following as a loose framework for long term and meaningful solutions:

1. oversight committee (to oversee the following)

2. percentage of yearly gross of Microsoft to technology start-up fund. To which technology related companies may apply to for grants.

3. cease and desist of any mergers or acquisitions

4. immediate re-negotiation of all OEM contracts (specifically to include multiple OS on boot-up)

5. open Windows source code to new open developer committee (specifically to ensure security and compatability)

MTC–00027085

From: bekki
To: Microsoft ATR
Date: 1/27/02 6:59pm
Subject: Microsoft Settlement
Renata Hesse, Trial Attorney
Suite 1200, Antitrust Division, Department of Justice,
601 D Street NW, Washington, DC 20530
Re: Public comment (Microsoft case settlement) that under the Tunney Act must be considered before the settlement is accepted.

Dear Mrs. Hesse:

I would like to respectfully request that you reject the Proposed Final Judgment in its present form.

The Proposed Final Judgment as currently written appears to lack an effective enforcement mechanism. Although it provides for the creation of a Technical Committee with investigative powers, it leaves actual enforcement to the legal system. I believe this will cause the Technical Committee to quickly become irrelevant. I am convinced Microsoft will waste no time in exploiting this fact in view of the lack of resolve shown by the Justice Dept. to carry out an effective punishment in the sentencing portion of the case. If this administration does not show now that it is capable of acting with forceful determination, then I have no doubt that Microsoft will be emboldened and will push its bullying practices to new heights.

There are too many problems with the PFJ in its current form to address effectively in this letter so I would like to keep it as brief as my conscience will allow so I will just point out several of the most glaring injustices:

Microsoft is going to replace Java with .NET. But the PFJ does not allow users to replace Microsoft.NET with competing middleware. This is a serious flaw since the PFJ already allows users to replace Microsoft Java with a competing product. In any case, the PFJ's definition of ''Microsoft Middleware'' is so narrow that it can be easily sidestepped making any remedy tied to this definition irrelevant.

The PFJ's definition of Windows is also so narrow that it will surely not cover subsequent versions or other related Windows-based operating systems (XP, CE, etc.) that use the Win32 API and are advertised as being ''Windows Powered''. This shortcoming will again make any any remedy tied to the definition irrelevant.

By not providing a remedy helping software vendors engaged in making Windows-compatible operating systems, the PFJ is ignoring an opportunity to foster healthy competition in the Intel-compatible operating system market. Furthermore, by allowing these practices, the PFJ effectively condones the extension of Microsoft's monopoly in Intel-compatible operating systems. Microsoft's continued leverage of their illegal and ill-gotten monopoly on the desktop has now positioned the company to extend its control to the Internet. As a citizen I am dismayed: the continued indifference of this administration will ultimately lead to a monolithic entity controlling all relevant aspects of our cyber-society. As a consumer I am saddened: we will face a world devoid of choice in that arena. In the end, we will all have to pay the price.

The PFJ, by allowing this unclear legal situation to continue, is inhibiting the market acceptance of competing operating systems: Section III.I of the PFJ requires Microsoft to offer to license certain intellectual property rights, but it does nothing to require Microsoft to clearly announce which of its many software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state in which they do not know if they are infringing on Microsoft software patents.

It is disconcerting that the PFJ still allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system. Section III.B. requires Microsoft to license Windows on uniform terms and at published prices to the top 20 OEMs, but says nothing about smaller OEMs. This leaves Microsoft free to retaliate against smaller OEMs. Section III.B. also allows Microsoft to offer unspecified ''Market Development Allowances'' to OEMs that promote other unrelated Microsoft applications or products. This is a huge loophole that will again allow Microsoft to leverage its monopoly into other areas.

To conclude, I would like to plead with this administration to stop its apparent indifference to the wrong-doings of large corporations such as Microsoft and to apply true remedies with real teeth when a corporation has been found guilty of monopoly.

I sincerely hope that the currently unfolding Enron debacle will make this administration more sensitive to the fact that tacitly supporting another large company's practices, like Microsoft's, by turning a blind eye to its illegal business practices will ultimately carry an enormous price to our society.

You now have a historic opportunity to redress this and apply real remedies that will send the message that illegal business practices will not be tolerated any more.

I urge you to act now, decisively, and with justice on behalf of our future. I want to believe that you will do the right thing.

I really wish to thank you for your time and for considering my views.

Sincerely
George Soler
Software Developer, eRide Inc.
7 Hallam St. 3A
San Francisco, California 94103

MTC–00027086

From: Michael Jaehrling
To: Microsoft ATR
Date: 1/27/02 6:58pm
Subject: Microsoft Settlement

To whom it may concern:

Microsoft should be lauded, not hounded. In working for their own success they have made all of our lives easier and more enjoyable. If there have been others who have not been able to compete (and there have been many who can and are), that is how business works.

I say: LEAVE MICROSOFT ALONE!

Let them get on with their business—making better software.

Sincerely yours,
Michael Jaehrling

General Manager
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MTC–00027087

From: Chasslay@ao1.com @inetgw
To: Microsoft ATR
Date: 1/27/02 6:59pm
Subject: Microsoft Settlement
CC: microsoftcomments@doj.ca.gov; @inetgw,steven.rutste...

I strongly oppose the Justice Department's proposed settlement of the Microsoft antitrust case for the following reasons:

Five Fundamental Flaws in the PFJ:

1. The PFJ does not End Microsofta. TMs Monopoly and Even Allows Microsoft to expand its Monopoly into Other Technology Markets. The deal fails to terminate the Microsoft monopoly, and instead guarantees Microsofta. TMs monopoly will survive and be allowed to expand into new markets. Microsoft has always found it advantageous to leverage its operating system monopoly position in order to maximize its own profits, which many of us have experienced firsthand.

In other words, to maximize profits (the goal of every public company), monopolists are almost forced to maximize the market power that their monopoly gives them. And this is why ALL monopolies must be carefully watched to make sure they dona. TMt abuse their monopoly position. Indeed, many monopolies are either broken up or carefully regulated in order to protect the public interest. Why is Microsoft allowed a waiver to this general rule?

Does the Justice Department think that Microsoft is going to suddenly change its operating methodology? The proposed deal with the justice department does not address the fact that Microsoft has abused its monopoly and is likely to do so again, and again, and again in the future to the detriment of others.

2. The PFJ Does Not Adequately Address Anticompetitive Behavior Identified by the Appeals Court.

A. Retaliation. The proposed settlement does not address Microsofta. TMs proven ability to retaliate against would-be competitors and to, in effect, appropriate the intellectual property of its competitors a.'' and even its partners a.'' in fact all who do business with Microsoft. The Appeals court found such past conduct by Microsoft highly egregious yet the Agreement does not address these issues. Again, many of us have been on the receiving end of these types of Microsoft bullying tactics.

B. Bolting. The PFJ does not address the issue that fueled consumer criticism and which gave rise to this antitrust case in 1998: Microsofta. TMs decision to bind a.'' or a.??bolta.. a.'' Internet Explorer to the Windows operating system in order to crush its browser competitor Netscape. This settlement gives Microsoft a.??sole discretiona.. to unilaterally determine that other products or services which dona. TMt have anything to do with operating a computer are nevertheless part of a a.??Windows Operating System product.a.. This creates a new exemption from parts of antitrust law for Microsoft and would leave Microsoft free in future versions to bolt financial services, cable television, or the Internet itself into Windows.

C. Java. The Court of Appeals affirmed that Microsoft had unlawfully and intentionally deceived Java developers and a.??polluteda.. the Java standard in order to protect its monopoly and defeat competition. Yet, the proposed settlement does not restrict Microsofta. TMs ability to modify, alter or refuse to support computer industry standards, including Java, or to engage in campaigns to deceive developers of rival platforms, middleware or applications software.

Indeed, Microsofta. TMs decision not to distribute Java technologies with Windows XP, which hurts developers and consumers alike, will be the shape of things to come under the proposed deal unless the Court requires Microsoft to continue to distribute Java technologies.

3. The PFJ Incorporates Such Large Loopholes to Its Enforcement Provisions as to Render Enforcement Meaningless.

A. Middleware. As part of the PFJ, Microsoft is required to allow the PC manufacturers to hide Microsoft middleware programs and allow them to install icons or links to competing middleware programs. The only problem is that the PC manufacturers are not allowed to remove the code that could be used to reactivate Microsofta. TMs middleware programs. In other words, two weeks into owning the machine, a consumer could be asked if they want to reconfigure their desktop, install all the Microsoft middleware and delete all the competitora. TMs middleware, which many users would undoubtedly do.

B. Communication Protocols. The PFJ states that Microsoft must now share information on how its middleware and server software work together with Windows. However, Microsoft does not have to disclose this information for middleware it does not distribute separate from windows, or for middleware it has not trademarked. This again is the huge loophole of a.??Boltinga.. that was discussed above. If Microsoft wants to drive a competitor out of business, they just attach the specific type of software the competitor is involved with to their Windows platform. Once they do that, they do not have to share the APIa. TMs and other basic information that is needed by the competitor to ensure its software works with Windows. And without reliable access to 90% of the PCa. TMs in the world a.'' no competitor can survive. Once the competitor is out of business, Microsoft can separate the software from the Windows package, sell it separately and derive huge margins. In addition, Microsoft does not have to disclose their information to companies that in a.??their viewa.. do not have a.??viable businessa.. (defined as selling at least 1million units in the previous year).

This loophole will allow Microsoft to hamper new software startups from becoming true competitors simply if in Microsofta. TMs a.viewa. TM they are not a a.??viable businessa... Who can really say which new startup is a a.??viable businessa..? Certainly this should not be left to the judgment of a voracious monopolist.

Lastly, Microsoft does not have to disclose this coding information if Microsoft deems such disclosure would harm the companya. TMs security or software licensing. There is no provision to say who is to make this determination, leaving it on a de facto basis up to Microsoft.

C. Bribing Competitors. The PFJ states that Microsoft a.??shall not enter into any agreementa.. to pay a software vendor not to develop or distribute software that would compete with Microsofta. TMs products. However, another provision in the Agreement permits those payments and deals when they are a.??reasonably necessary.a.. Who is the ultimate arbiter of when these deals would be a.??reasonably necessary?a.. The Agreement does not specify so Microsoft may well be allowed to make that decision.

4. The PFJ Does Not Provide an effective Enforcement Mechanism for the Weak Restrictions it does Implement,

The proposed settlement requires a three-man compliance team to oversee Microsofta. TMs compliance with the Agreement. Microsoft will appoint one person, the Justice Department another, and the third will be chosen by the two people already appointed. In essence, Microsoft will control half the team. This new team will not be allowed to inform the public of their work, and cannot impose fines. In addition, the work of the committee cannot be admitted into court in any enforcement proceeding. The committees sole remedy for infractions is for them to inform the Justice Department of the infraction and then the Justice Department will have to conduct their own research and commence litigation to stop the infraction. The Justice Department does not need a compliance group to tell them when Microsoft is doing something wrong, so in reality this group is just a smoke screen.

5. The PFJ Does not deny to Microsoft the Fruits of its Past Statutory Violations. Under the proposed settlement, Microsoft is only marginally penalized for its anticompetitive misdeeds. Every court involved with this case has acknowledged that Microsoft broke the antitrust laws, yet under the terms of the proposed Agreement, Microsoft would be allowed to retain almost all of the profits gained from these activities.

Nor does the PFJ make an accounting of all the gains Microsoft made through its illegal activities, nor does it try and compensate those harmed by Microsofta. TMs misdeeds. Through this proposed settlement, the Justice Department is sending a very clear (and very dangerous) message that anticompetitive behavior is totally acceptable. Every large potential monopolist is being told that they can get away with this sort of illegal behavior without fear of losing any of the profits made from such conduct. There is every incentive for future monopolists (most definitely including Microsoft) to engage in this type of predatory conduct and no incentive not to.

Charles C. Slay
PO Box 27, Branson, MO 65165

Telephone: 417–334–2210
Email: chasslay@bigfoot.com

MTC–00027088

From: JHimers@cs.com@inetgw
To: Microsoft ATR
Date: 1/27/02 7:01pm
Subject: Microsoft Settlement

It is clear that the current Proposed Final Judgement does in no way address the anti-trust allegations/findings of previous courts. Worse still, there seems to be no mechanism in place for ensuring 1) that such behaviour is corrected in the future and 2) that the consumer is protected from the lack of choice provided by a Microsoft Monopoly. I would urge you to protect the public consumer as well as other IT companies that are doomed to failure because of the monopolistic conduct of Microsoft.

Joshua C. Himes
2733 Cantwell Road
Virginia Beach, VA 23456–6633
(757) 427–0965 (Home)

MTC–00027089

From: Rick Legge
To: Microsoft ATR
Date: 1/27/02 7:02pm
Subject: Microsoft Settlement

I am writing to express my strong opposition to settlement of the Microsoft Antitrust case because the reasons outlined below.

1. Microsoft, through their unfair marketing and promotion tactics have successfully established their operating systems and office suite applications as de facto standards throughout the United States, and world business communities.

2. Because of the pervasive use of these operating systems and applications there is no longer a viable free market survival opportunity for competing operating systems or applications.

3. This lack of survivable opportunity has created and is perpetuating a market so completely dominated by one technology and one company that there no longer exists free choice in the market place.

4. This lack of survivable opportunity effectively prevents research and development of better, more advanced, more efficient, and more reliable operating systems and applications and this deprives our nation and the world of progress.

5. Microsoft's predatory practices perpetuate their complete dominance by failing to seamlessly exchange information with competing applications and operating systems even though the competitors are able to seamlessly exchange information with the Microsoft products.

6. This barrier to seamless interchange and communication creates an onerous obstacle to any individual or business that would otherwise vote for another application or operating system in the free market by purchasing other manufacturer's products

7. Market dominance, such as the dominance enjoyed by Microsoft, enables the company (Microsoft) to market products to our nation and the world that are flawed and defective beyond reasonable standards and that same dominance robs the consumer of his/her ability to ''vote'' for alternatives by purchasing and using alternative software.

The free market, and the United States Federal Government would not allow the manufacture and sale of an automobile, or pacemaker, or simple power tool or kitchen appliance that periodically stopped functioning and needed to be ''re-booted''. Yet Microsoft operating systems and software, which unquestionably have this unacceptable characteristic, are allowed by the lack of viable free market survival opportunity and their complete dominance of their market to be widely used in Public Safety dispatch and communications systems, the nation's public switched telephone network (PSTN), medical emergency and delivery systems, as well as other systems that directly impact public health and welfare and defense of the nation. More reliable and efficient alternatives are unavailable because one company completely controls such a dominant share of this market that innovation, improvement and progress are prevented. This absence of choice is as un-American as a single telephone company, or a single presidential candidate on the ballot.

Our trust is in you, the people of The Department of Justice, to do the right thing with this difficult problem and create an environment that fosters progress.

Sincerely,
Richard C. Legge Jr.
231 River Village Drive
DeBary, Florida 32713
386–753–1105
CC:Attorney Florida State,microsoftcomments@doj.ca.go...

MTC–00027090

From: Burton Cohen
To: Microsoft ATR
Date: 1/27/02 7:01 pm
Subject: Microsoft Settlement

Here are two articles that should help you realize that Microsoft is less than honest (first article) and not being given a harsh penalty for having been convicted of braking the law:

This first article is from the San Jose Mercury News which interviewed the author of the Tunney act:

Posted at 12:23 a.m. PST Saturday, Jan. 26, 2002

Lobbying act author criticizes Microsoft
Antitrust disclosure called ''inadequate''
BY KRISTI HEIM
Mercury News Seattle Bureau

Microsoft's failure to disclose all its contacts with the government directly contradicts the intention of a federal law designed to prevent the influence of lobbying on antitrust settlements, the former California senator who wrote the law said Friday.

John V. Tunney, who wrote the antitrust legislation known as the Tunney Act in 1972 and is now a business executive, called Microsoft's brief disclosure of its lobbying activities ''inadequate'' in an affidavit filed with the Justice Department this week.

The declaration comes at a crucial point in the long-running case as a federal judge is deciding whether a proposed settlement between Microsoft and the federal government is in the public interest.

Tunney has been silent on antitrust matters for years but said in an interview with the Mercury News that he felt compelled to ''set the record straight.''

''I do have some pride in my legislative record and my history of service in the Senate, and I don't like to have my words and my intention being misinterpreted,'' Tunney said in a telephone interview Friday.

The Tunney Act was passed in 1974 after the Nixon administration dropped an antitrust case against telecommunications giant ITT and it was later found that ITT had secretly negotiated to pressure the Justice Department to agree to a settlement.

''The disclosure provisions were designed to help ensure that no defendant can ever achieve through political activities what it cannot obtain through the legal process,'' Tunney stated in his affidavit filed Thursday.

''Failure to comply with these provisions raises an inference or, at a minimum, an appearance of impropriety.''

In their brief filing two months ago, Microsoft's lawyers followed a narrow interpretation of the law. The company reported to the court only a handful of contacts, those with Justice Department lawyers and two federal mediators.

Tunney said the law was intended to cover contacts with any member of the executive, legislative or judicial branches of government by any company lawyer, lobbyist or executive.

Tunney was asked to provide his interpretation by Jeff Modisett, a partner in law firm Manatt Phelps & Phillips in Los Angeles, where Tunney practiced after leaving the Senate until 1983. The firm's clients include Microsoft rivals Oracle and AOL Time Warner. Tunney said he has no involvement in the case itself and was writing simply as the author of the original legislation.

Microsoft did not report its extensive lobbying of Congress or a White House meeting last summer between its chief executive, Steve Ballmer, and Vice President Dick Cheney.

''We made the full disclosure that was required by the Tunney Act and are looking forward to the court's review of the settlement,'' Microsoft spokesman Jim Desler said Friday. Microsoft used a precedent set in the AT&T antitrust case in deciding only to disclose contacts with the executive branch.

Tunney argues that Congress specifically intended to cover communications by corporate officers, lawyers, lobbyists or ''anyone else acting on behalf of such corporate defendant'' with ''any officer or employee of the United States concerning or relevant to such proposal.''

''If a defendant corporation did not have to disclose any contacts or communications with the government'' until an actual settlement decree is in place, he wrote, ''the very purpose of the disclosure would be defeated.''

The settlement reached in November between Microsoft, the Justice Department and nine states is under review by U.S. District Judge Colleen Kollar-Kotelly. The settlement has been criticized as being riddled with loopholes and ineffective at curbing Microsoft's monopoly practices. A 60-day public comment period regarding the proposed settlement ends Monday. (Comments can be submitted by e-mail to

microsoft.atr@usdoj.gov. Nine other states, including California, chose not to sign on to the proposed settlement and are pushing for harsher remedies. A hearing in their case is scheduled for March 11.

Tunney is president of JVT Consultants and sits on several executive boards, including that of Foamex, a Linwood, Pa., producer of cushioning for bedding, furniture and other markets.

The second article is from an Industry pundit who declares that the punishment that was worked out is not a punishment but in fact a victory for Microsoft and a defeat for free enterprise.

It appeared in Industry Week this weekend:

Articles—Publication Date 2.1.2002

E-Business Commentary—Gates Skates

Microsoft walks away with a sore wrist and a slice of Apple's pie.

By Doug Bartholomew

It was the Slap Heard ''Round the World.

That wimpy ''thwack'' sound you heard was Microsoft Corp. getting a swift wet one on the wrist from the U.S. Government's rubber noodle out back of the Justice Department woodshed. I mean, that cheeky guy from Seattle with the ego the size of Jupiter and a net worth greater than half the countries on earth will think twice before doing that again!

But, hey, lest you believe Big Redmond got away without being punished, think again. Microsoft, in exchange for the dismissal of more than 100 private class-action antitrust cases, will have to cough up $1 billion dollars'' worth of its software and services free to the nation's poorest public schools. Alright! Eliot Ness and the G-men to the rescue!

But wait. Now comes Apple Computer CEO Steve Jobs—sore sport! Jobs cried foul, charging that the so-called ''punishment,'' instead of restricting Microsoft's aggressive activities, actually gives Microsoft the keys to the lucrative educational software business.

wow. You can see why this deal would give Jobs a burr the size of a grapefruit under his saddle . Except for some high-powered graphic stuff used by a few dozen people who make movies with computers, education is one of Apple's few remaining markets of any size. And no wonder. Just about every cubic gigabyte of corporate computing turf on the globe is taken up by scores of different versions of Microsoft Windows residing on a few hundred million Intel-powered PCs. I mean, the last time Apple had more than a single-digit share of the market, there was a buffalo on the nickel.

Under Uncle Sam's wrist-whipping plan, Microsoft would implant a million rebuilt computers and a million copies of Windows operating-system software in more than 12,500 schools in low-income neighborhoods over the next five years. The company also would be made to donate $450 million to a private foundation to fund grants, training and technical help for the schools— the idea being that computers and software are no good without the staff and training to put them to use.

Apple has complained that the problem with the settlement lies not in its intent, but in the way it's set up to encourage the use of Microsoft software. Apple wants to ensure that school administrators are free to pick whatever computers and software they want. Thus, Apple is imploring the Feds to revise their plan and force Microsoft to provide funds, not machines and software. Remember, this is a company sitting on $35 billion in cash. It's useful to keep in mind, though, that politics and business have at least one thing in common with sports, and that is, it's never over until it's over. Microsoft may not be off the hook just yet.

No, we're not talking about the Lone Ranger to the rescue. It seems that nine states and the District of Columbia have decided to continue litigation against Microsoft in hopes of swapping out the government's wet noodle for a stiff chunk of hickory with a few nails poking out one end. Consumer groups are up in arms, too. ''Consumers in the United States already have lost $10 (billion) to $20 billion in overcharges due to the Microsoft monopoly,'' says Mark Cooper, director of research of the Consumer Federation of America. ''We don't want to lose billions more.''

Will the Feds listen? Will the Department of Justice toughen up its settlement proposal?

Don't bet on it. When you have a nation that's mired in recession and a stock market that behaves more like an old swayback mare than a bull or a bear, it's time to pull in your horns. Anyone who wonders why the Feds backed off should simply recall the decades-old adage about General Motors and America. It's clear Washington believes that the same holds true for Microsoft today. That's right, for what it's worth, Uncle Sam believes what's good for Microsoft is good for America.

Hey, it could be worse. I mean, Microsoft could have gotten 10 detentions and had to write on the title screen for Windows XP, ''I WILL NOT monopolize the software business, I WILL NOT monopolize the software business, I WILL NOT . .''

Doug Bartholomew is an IW senior technology editor. He is based in San Francisco.

I hope that you will make sure that Microsoft is not allowed to dictate the settlement but rather it will be your judgment that they must pay a heavy penalty for the misdeeds which they have been convicted of.

Burton Cohen
TBI Computer, LLC
bcohen@tbicomputer.com
(203) 222–1878 Telephone
(203) 858–4728 Cell Phone

MTC–00027091

From: Nate Bargmann
To: Microsoft ATR
Date: 1/27/02 7:00pm
Subject: Microsoft Settlement

I am writing to express my concerns about the tentative settlement reached between the US Department of Justice and Microsoft Corporation on November 6, 2001. I find little in this settlement agreement that will stop the predatory practices of Microsoft and ensures a level playing field for all competitors with regard to file formats, network protocols, and Original Equipment Manufacturer licenseing agreements. Even more egregious than the weak settlement agreement is the lack of a penalty for violations of antitrust law. The US District Court found Microsoft guilty of several violations of antitrust law and on appeal those findings were upheld. The settlement does not adress these issues in any substantive way as the behavior restrictions amount to, in common parlance, a slap on the wrist. Nothing less than a real and severe penalty will prevent this issue being revisited in several years. If a severe penalty is not assessed, respect for antitrust law will be severely weakened by future companies that gain a majority market share and is a dangerous precedent.

In addition to a substantive penalty, I believe we have an opportunity to prevent further market place abuse on the part of Microsoft. The remedy must include provisions for ensuring that Microsoft's Office file format specifications are made publicly available (under a royalty free license that does not allow use restrictions) to any software author writing an interoperable program on any operating system, not just Microsoft Windows. Likewise, network protocols must be simarily publicly disclosed as with the Office file formats. Finally, the Application Programming Interface specifications for all versions of Microsoft Windows must be likewise disclosed to prevent abuses due to Microsoft's applications writers having privileged access to the Windows source code.

Finally, Microsoft's ability to control a purchaser's choice of operating system and application software through OEM license agreements must be eliminated. Microsoft must be barred from dictating in any way the software any OEM wishes to offer for sale with its hardware. Microsoft's role must be limited to producing its software and offering it to OEMs in the same manner as it is offered to the retail sales chain.

In addition, OEMs must be required to disclose the real licensing cost associated with preloading Microsoft's products as a seperate pricing option, such as many do with a display monitor now. Microsoft must be barred from OEM licensing arrangements that prevent an OEM from offering hardware without an operating system installed or prevents an OEM from offering its systems preloaded with any competing operating system(s) and application software.

Failure to enact and enforce all of these conditions and impose substantive and severe penalties for past violations of antitrust law will result in further antitrust proceedings against Microsoft. This is something I do not wish to see. Rather, I want to live and work in a country with a growing, varied, and vibrant Information Technology infrastructure. Stopping Microsoft's predatory and illegal monopolistic practices ensures such a future for me and generations to come.

Respectfully submitted,
Nathan F. Bargmann
P.O. Box 22
Bremen, KS 66412
email: n0nb@netowrksplus.net
Wireless Amateur Radio Station N0NB
Internet n0nb@networksplus.net

Location Bremen, Kansas USA EM19ov Wichita area exams; ham radio; Linux info @ http://www.qsl.net/n0nb/

MTC–00027092

From: Bruce W. Bromley
To: Microsoft ATR
Date: 1/27/02 7:03pm
Subject: Microsoft Settlement
Bruce W. Bromley, Ph.D.
Senior Princpal Scientist
7112 Cheshire Ct.
Alexandria, VA 22307
703–765–5074 (home)
202–223–8808 (work)

Dear Sirs:

I would like to comment on the proposed final judgment between the United States of America and Microsoft Corporation. I feel strongly that this proposed settlement is inadequate to protect consumers and software developers from Microsoft's monopolistic practices.

Although I feel there are many problems with the proposed settlement, I will discuss only one— running programs in Windows (''middleware'') not developed by Microsoft or using Microsoft proprietary tools.

Section H of the proposed settlement is vacuous.

As I read section H, it requires that Microsoft not preclude the use of non-Microsoft programs. The caveat is that non-Microsoft programs must implement Microsoft—proprietary constructs (e.g. ''ActiveX'') and architectures (''a server maintained by Microsoft''—i.e. anything running Windows). The net result is that only Microsoft-based software can be used with Windows.

Any acceptable settlement should unequivocally restrain Microsoft and threaten disembowelment.

Sincerely,
Bruce W. Bromley, Ph.D.

MTC–00027093

From: Lea
To: Microsoft ATR
Date: 1/27/02 7:02pm
Subject: this country was built on free enterprise—

this country was built on free enterprise—

i applaude Bill Gates for what he has done. He is the best of the best! why do those who can't compete with him try to take away all that he has done ?

Bill Gates has given to all the folks who know nothing about computers, a chance to learn.

If it weren't for Bill Gates, I never would never know how to surf the internet

Bill Gates is a perfect example of folks who make a difference in our lives,and how to improve ourselves!!

Why does the government try to stop creative people? Bill Gates has given so many folks so many ways to use their computers, and the rest of the industry is so jealous of what he has done.

I hope that Microsoft goes on forever!!

MTC–00027094

From: Bob Redfern
To: Microsoft ATR
Date: 1/27/02 7:03pm
Subject: Microsoft Settlement

Gentlemen:

Lets stop bleeding good tax money into something that should have been settled months ago. This is a system of free enterprise. Stop wasting tax dollars to support a bunch of money hungry lawyers and groups who just can't cut it in todays competition. Time is money and you are wasting it.

Robert Redfern
Melbourne, Fl 32940

MTC–00027095

From: Henry H Yeh
To: Microsoft ATR
Date: 1/27/02 7:04pm
Subject: Microsoft Settlement

Dear Mr. Ashcroft:

Please find the attached letter showing my support for the Microsoft Corporation. I am also faxing you a signed copy for your record. Thank you for your consideration of this matter.

Sincerely,
Henry Yeh
L & H of California, Inc.
Tel. (562) 926–2512
Fax. (562) 926–2226
e-mail: cyberyeh@vistawear.com
L & H of California, inc.
13825 bentley place cerritos/ca 90703
Phone: (562) 926–2512 Fax: (562) 926–2226
January
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing this letter to show support for the Microsoft Corporation in light of the recent litigation against them and pending settlement. I firmly believe that Microsoft has done absolutely nothing wrong and therefore should not have to undergo any further litigation. I do not believe that Microsof t ever had a monopoly. I think that adding new features to your products in order to stay competitive in a fiercely competitive industry should not be considered a monopoly, but a good business practice. To give a loose comparison, I think that if a car manufacturer wishes to make its cars more attractive by / adding features like the navigational system or a special stereo, they should be allowed to do that with no penalty. I also believe that without these little ''extras'' companies, including Microsoft w ould not do as much business as they do.

Microsoft has been more than accommodating in their recent settlement with the government. In fact, in my opinion they have already given too much considering that they have done nothing wrong. I think that Mic rosoft's willingness to comply is best illustrated by their acquiescence to a ''Technical Committee'' that monitors their compliance with the settlement and will assist in the resolution of any disputes that other companies or states may have with Microsoft.

I also believe that Microsoft's Internal Interface Disclosure is a sure sign of the fact that they are willing to try and resolve this issue.

I look forward to a swift end to this entire issue. I believe that Microsoft has given on many issues without getting much in return and I believe that they have done so with a spirit of good business practice in mind. I appreciate your consideration of this matter.

Thank you.
Sincerely,
Henry Yeh

MTC–00027096

From: David Burr
To: Microsoft ATR
Date: 1/27/02 7:05pm
Subject: Microsoft
David Burr
4870 Wildrye Drive
Boise, ID 83703
January 27, 2002
Attorney General John Ashcroft US Department of Justice, 950 Pennsylvania Avenue, NW Washington, DC 20530–0001

Dear Mr. Ashcroft:

As a computer professional that has been following the Microsoft antitrust case, I personally feel this has all been a waste of time and money. This case is damaging the economy. I am afraid for any recourse if we allow this litigation to continue.

Microsoft has done everything in their power to get this case resolved but there seems to be no end in sight. I was glad when a settlement was reached in November, but now that several states and companies want to pursue further litigation, it's upsetting. Microsoft did not get off as easy as its opponents would have you think. They went through years of extensive negotiations and mediation. Microsoft agreed to disclose various internal interfaces of their operating system to the competition. This makes them vulnerable. How many other software companies would agree to disclose such proprietary information to their competitor's? Yet, this doesn't seem to be enough.

What does it take to resolve this dispute? Let's end this litigation so we can move on to more pressing issues facing Americans. Thank you for your consideration.

cc: Senator Larry Craig
Sincerely,
David Burr
davidnburr@cableone.net

MTC–00027097

From: Mike (038) Sherri Unger
To: Microsoft ATR
Date: 1/27/02 7:05pm
Subject: Microsoft Settlement

Attached are my comments on the Microsoft Settlement. I've attached both a signed and unsigned copy of my comments.

Thank you for the opportunity to comment on the settlement.

Sincerely,
Sherri A. Unger
712 Castle Pines Dr. North
Salem, OR 97303–7480
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
January 27, 2002

Dear Mr. Ashcroft:

I am strongly in favor of a prompt settlement to the Microsoft anti-trust case. Your Department and Microsoft, along with

a majority of the party states, have agreed to terms on a settlement. The trial court has endorsed it. The majority of Americans and of people in the IT industry will welcome it. Outside of the greed and petulance of a minority, there is no call to prolong this litigation. I think it is in everybody's true best interest to resolve this matter and ratify the settlement plan.

The plan will allow Microsoft to continue to function in its present corporate form. In return, Microsoft has agreed to radically alter both its business practices and philosophy. It will eschew any predatory or retaliatory marketing practices. It will endeavor to configure new Windows systems to readily accept its competitors'' software. It will no longer contractually require computer manufacturers to exclusively use Microsoft software in its licensing agreements. It will share its technology to an unprecedented degree with the rest of the IT industry.

These and other terms underline Microsoft's commitment to its industry and its vision for a vibrant technological future for America. Please use your influence to see the plan ratified.

Sincerely,
Sherri A. Unger

MTC–00027098

From: Song Tan
To: Microsoft ATR
Date: 1/27/02 7:13pm
Subject: Microsoft Settlement

I would like to comment on the Proposed Final Judgment in United States vs Microsoft.

I am not a lawyer. I am not a member of the computer industry. I am a U.S. citizen who is concerned about the proposed judgment because it fails to hold Microsoft accountable for its illegal monopoly now or in the future. Instead, I believe the proposed judgment provides a blueprint for Microsoft to maintain an illegal monopoly by obeying the letter of the Proposed Final Judgment, but not the spirit of the law.

I agree with the comments of Dan Kegel at http://www.kegel.com/remedy/letter.html

Here are specific problems I have with the Proposed Final Judgment:

1. Critical terms are defined so narrowly that it will be easy for Microsoft to continue its anticompetitive behavior while still obeying the Proposed Final Judgment. Examples of unnecessarily narrow definitions include ''Application Programming Interfaces'', ''Microsoft Middleware'', ''Microsoft Middleware Product'' and ''Windows Operating System Product''.

2. The Proposed Final Judgment fails to provide for future advancements in the industry. Microsoft's .NET plans will perpetuate its illegal monopoly and yet .NET is not adequately covered by the Proposed Final Judgement.

3. The Proposed Final Judgment does not provide an effective enforcement mechanism. It is strongly reminiscent of the 1994 consent decree in that Microsoft simply agrees to behave itself in the future. Microsoft has shown that it will either flaunt the rules in the settlement or find legal loopholes to achieve the same effect.

Our society does not look kindly on repeat offenders, especially ones who blatantly flaunt the law. Why should Microsoft be any different? Among the many important issues at stake here is the fundamental idea that a company that commits illegal actions should not benefit from those actions. The Proposed Final Judgment rewards Microsoft with the legal means to perpetuate its illegal monopoly. I am disturbed that the typical citizen will view the Proposed Final Judgment as evidence that big businesses can lobby our government into turning a blind eye towards illegal actions. (We've now seen the terrible consequences when a company abuses the public trust with the collapse of Enron.) The remedies in the Microsoft case must ''unfetter a market from anticompetitive conduct'' and ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future'' (Supreme Court Rulings quoted in section V.D of the Court of Appeals judgment). The Proposed Final Judgment fails to meet these criteria and should therefore be rejected.

Sincerely,
Song Tan
Dr. Song Tan
Assistant Professor in Biochemistry & Molecular Biology
Center for Gene Regulation
Dept of Biochemistry & Molecular Biology
108 Althouse Laboratory (office & lab in 3 Althouse Laboratory)
Penn State University
University Park, PA 16802
email: sxt30@psu.edu
phone: 814–865–3355
(These comments are my own and do not necessarily reflect those of my employer).
http://www.bmb.psu.edu/tan
fax: 814–863–7024

MTC–00027099

From: Brett R
To: Microsoft ATR
Date: 1/27/02 7:17pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am a programmer who has been working in the computer industry for about five years now.

People mostly choose their operating system for what applications they can run. And so the obvious way of curtailing Microsoft's monopoly in the operating system market is to make them allow other operating systems to run necessary applications, or at least applications fully interoperable with the Windows versions.

I'm surprised and upset by the revised proposed final judgement's neglect of this obvious action. Everyone I've ever tried to introduce Linux to eventually came up with the question ''can I run Microsoft Word in Linux?''. When they found out they couldn't, they usually started to dismiss the idea. Microsoft's monopoly of the operating system will survive as long as does the exclusivity of their middleware.

We certainly can't expect Microsoft to release fully functional versions of all of their middleware for all of the various competing operating systems. But we can and should require them to release complete working APIs so that anyone who wants to can make compatible software that will run on other platforms.

Microsoft will howl that this will be very damaging to their business, but the court's responsibility is not to protect Microsoft. In fact, they're at the bottom of the list of those the court should protect— they've broken the law. The court's responsibility is to take action aimed at restoring competitive conditions to the operating system market. The RPFJ can't do this because it doesn't address the middleware problem.

In fact, the RPFJ exacerbates the problem because in those areas dealing with the release of APIs, Microsoft is given extensive discretion over to whom it must release them. Microsoft has to see the recipients as ''viable businesses'', which shoots down most Open Source projects because they're creating out of love for innovation and community and not out of commercial interests.

I have communicated only a small portion of my complaints about the RPFJ. Even in the limited scope of the suggested action against Microsoft, I see many loopholes that we can expect them to exploit (please see http://www.kegel.com/remedy/remedy2.html). I doubt the RPFJ will do anything to revive competitive conditions.

Brett Rasmussen

MTC–00027100

From: Gordon Snider
To: microsoft.atr(a)usdoj.gov
Date: 1/27/02 7:11pm
Subject: Microsoft Settlement

I don't agree with the settlement.

The Microsoft predominance must be broken. The company should pay a lot of money but not one byte of Windows software should be used as part of the settlement. Competing operating systems and programs only should be used.

MTC–00027101

From: mnjsonshadow@msn.com@inetgw
To: Microsoft ATR
Date: 1/27/02 7:14pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Nathan Roads
P.O. Box 60693
San Diego, CA 92166

MTC–00027102

From: Mary French
To: Microsoft ATR
Date: 1/27/02 7:11pm
Subject: Microsoft Settlement

Dear Mr. Ashcroft

I am writing to encourage you to accept the Microsoft antitrust settlement. This issue has been going on for too long and it's time for it to stop. I believe Microsoft has made many concessions and the settlement is fair to Microsoft's competitors.

I urge you to accept the settlement.

Regards,
Robert French

MTC–00027103

From: Corey Minyard
To: Microsoft ATR
Date: 1/27/02 7:11pm
Subject: Microsoft Settlement

I'm writing because of my concern about the current Microsoft settlement. I'm concerned that the settlement does nothing to solve the problem and actually makes the problem worse. It does nothing to solve the root of the problem, instead it gives minor financial penalties, vague requirements that Microsoft could use to their advantage, and actually gives Microsoft the capability to crush its strongest competitors. Microsofts current strongest competitor is open source, from software like Apache, Linux, and Samba. Microsoft has called Linux its ''#1 enemy''. Yet the Proposed Final Judgement (PFJ) ignores the very existance of open source software and gives Microsoft tools to effectively eliminate open source competitors by not allowing disclosure of APIs, protocols, and file format to open-source competitors. Any proposal that allows licensing fees or non-disclosure agreements for APIs, protocol, and file formats effectively kills open source.

APIs, protocols, and file formats are the roads of the software world. No one must pay anything to know how to build something that works on a road (the analogy is weak, but please bear with me). Much like roads tie places and transport into one unified system, APIs, protocols, and file formats should tie software, computers, and networks into a unified system. If one company owned the transportation infrastructure, it would by default have a huge competative advantage. It could do special things to the roads and offer its own brand of cars that worked much better than its competitors cars. It could deny access to competitors roads. Much like cable and phone companies, the government would be expected to manage such a company. But the government ''owns'' the roads, and it would really be unthinkable to place this critical infrastructure in the hands of a private company.

Yet the APIs, protocols, and file formats that the vast majority of computer users use is owned by one company and kept private. In my opinion, the greatest thing that would improve competition in the marketplace would be to require all Microsoft's APIs, protocols, and file formats to be made public. This would allow competing vendors to build compatible products that interworked well. Microsoft may complain that this is not fair, and perhaps it is not. But Microsoft has been found guilty in court, fairness is not required in the settlement.

Instead, we need a settlement that actually solves the problem. The settlement also does not address Microsoft Office, which has an even larger market share the Windows. The file formats of Office should be opened as well.

Any large business with a lot of smart people working for it will twist anything they can to their advantage. Any proposal from Microsoft must be looked at in that light. Do not allow Microsoft to be able to set any standards for who it allows access to anything. Allowing Microsoft to decide anything gives them a competative advantage. Make access to the information public, or at least let some independent third party decide.

I am not anti-Microsoft. I want them to continue to make products and compete. But I want others to be able to compete as well. Please make this possible.

Thank you for your consideration,
Corey Minyard
972–414–7855
minyard@acm.org
7406 Wheat Field Rd
Garland, TX 75044

MTC–00027104

From: Shon Burton
To: Microsoft ATR
Date: 1/27/02 7:19pm
Subject: Microsoft Settlement

A plea to the powers that be;

my name is Shon Burton. I am a co-signer on Dan Kegel's ''Open letter to the DOJ''; therefore I'll keep my own comments brief. I am a founder and principal of two technology companies, a software company and a service company. I also have over 10 years of in-depth experience with Microsoft products. I was formerly a Microsoft Certified Professional, and have been offered employment with Microsoft in the past.

I feel that the proposed settlement in the DOJ vs. Microsoft case is a gratuitous waste of time and taxpayer money. The settlement is insufficient and will not prevent the obvious and inexcusable anti-competitive behavior that Microsoft continues to blatantly display. Microsoft will stop at nothing. After the initial DOJ scrutiny regarding Internet Explorer, Microsoft made harmful design changes to nearly all of its products so that Internet Explorer would be required for those products to function. In doing so, Microsoft compromised the security and reliability of it's own core products (Windows, Office, Back Office) in an effort to force Internet Explorer onto every system.

This is not an isolated incident. It is happening continually with various other ''stowaway'' components that Microsoft pushes onto the unwitting user in the form of ''software dependencies'' often to the detriment of the core product itself.

Microsoft purposely works to sabotage 3rd party software inter-operability in an effort to force users of one Microsoft product or service into using additional Microsoft products and services.

Microsoft continues to work against established open standards (W3C, IEEE, IETF) in an effort to gain further dominance in the Internet and other emerging markets.

Microsoft's anti-competitive behavior stifles innovation and negates forward progress in the technology industry, and the world. Decisive action must be taken to stop it.

In closure, I would like to thank those who have taken the time to read this and all other public comments. I appreciate the effort that is being put forth to insure a just and proper resolution in this matter.

Sincerely,
Shon Burton
President
Dataverse Corporation

MTC–00027105

From: Mr. Tofslie
To: Microsoft ATR
Date: 1/27/02 7:21pm
Subject: Microsoft Settlement

Respectfully, I encourage you to rethink the proposed settlement with Microsoft. Without going into the fine details, it really DOES boil down to a free ''back door'' for Microsoft into the schools. Apple has had to work and spend legitimate dollars to build its market share in the education market. It is not a good plan. Please do not agree to it.

Thank you.
Sincerely,
Wayne Tofslie
Teacher
Heritage Christian School
Bozeman, Montana

MTC–00027106

From: Priest
To: Microsoft ATR
Date: 1/27/02 7:22pm
Subject: Microsoft Settlement

I really think that Microsoft is getting off waaay too easy. Big monopolies cannot be allowed to just bulldoze every other competitor, especially when their means of destroying everyone in their path has been shown to be.... well, ''less than ethical'' would be a polite way to put it. This settlement rewards greed, narrow-minded self interest, and unscrupulous behavior. We certainly don't need this in a world where ''might makes right'' is already too often the rule.

Sincerely,
Heather Priest

MTC–00027107

From: bill goins
To: Microsoft ATR,larry—craig@craig.senate.gov@inetgw
Date: 1/27/02 7:31pm
Subject: 11875 N Strahorn Road

11875 N Strahorn Road
Hayden, ID 83835
January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I have been following this Microsoft antitrust case and find it unsettling. I believe this suit is all based on jealousy on the part of its competitors.

Now we are in a recession. IT stocks are down, and the technology sector is down. Is it all worth it?

Microsoft obviously wants to resolve this dispute. They agreed to not retaliate against computer companies who ship software that

compete with anything in is operating system. They also agreed to make their internal operating system protocols available to their competitor's software within the Microsoft server. This seems more than fair to me.

This needs to end. The settlement can be the conclusion that this case so desperately needs. Thanks for your concern of this matter.

Sincerely,
William Goins
cc: Senator Larry Craig

MTC–00027108

From: Lawrence W Mahar
To: Microsoft ATR
Date: 1/27/02 7:22pm
Subject: Microsoft settlement offer

I agree with the Senior Coalition position shown below that the government should accept the Microsoft offer.—Larry Mahar, 945 Murray Road, Middle Grove, Ny 12850, phone & FAX 518–587–6781.

URGENT ACTION ALERT

Your immediate response is needed!

Three years ago, the U.S. Department of Justice charged Microsoft with having engaged in anti-competitive behavior based on allegations by its top competitors. Many have argued that Microsoft was singled out by its jealous competitors and sympathetic government bureaucrats because of its success and a desire to see it punished.

The Justice Department is in the final stages of deliberating on the proposed Microsoft settlement to decide whether to accept the settlement or to litigate it further. The Seniors Coalition strongly believes that the proposed settlement offers a reasonable compromise that will enhance the ability of seniors and all Americans to access the internet and use innovative software products to make their computer experience easier and more enjoyable.

Unfortunately, a few of Microsoft's competitors have continued their aggressive lobbying campaign to undermine the settlement negotiated with the federal government and nine states. The settlement itself is tough on Microsoft, but is a fair outcome for all parties—particularly senior consumers. Most important, this settlement will have a very positive impact on the American economy and will help pull us from the recession we have experienced over the past year.

You can offer your opinion to the Justice Department to counter the self-serving and punitive lobbying effort of Microsoft's competitors. Current law (known as the Tunney Act) allows public comment on the proposed settlement up until January 28th. The U.S. District Court will then decide whether the settlement is in the ''public interest.'' Please send your strong message to the Justice Department that consumer interests have been well served, and the time to end this costly and damaging litigation has come.

Dragging out this legal battle further will only benefit a few wealthy competitors, lawyers, and special interest big-wigs. Not one new product that helps consumers will be brought to the marketplace.

YOUR VOICE IS VERY IMPORTANT AND TIME IS VERY SHORT. Only comments received by January 28th will be included in the public record and submitted to the Court for its consideration. Consumers need to win this battle, so please send your comments immediately to the Justice Department—either by email or by fax—and do it before January 28th.

Don't let these special interests defeat the public interest. Email: microsoft.atr@usdoj.gov . In the Subject line of the e-mail,type ''Microsoft Settlement.''

Fax: 1–202–307–1454 or 1–202–616–9937

To find out more about the settlement and the Tunney Act comment period, go to the Department of Justice Website at: http://www.usdoj.gov/atr/cases/ms-settle.htm

Raising your voice now on this issue really will have an impact.

Thank you for your time.
Mary M. Martin
Chairman and Executive Director
The Seniors Coalition

MTC–00027109

From: Sean Lutkenhouse
To: Microsoft ATR
Date: 1/27/02 7:26pm
Subject: Micrsoft Settlement

Dear Judge-

What Microsoft is attempting to do behind the backs of Americans, is an attrocious attempt at violating even more anti-trust laws. Has Microsoft ever played this game of capitalism/competition fairly? I doubt it.

This would not only be bad for the computer industry and all other computer companies (like Netscape) but would be terrible for our economy. This would create a rise in unemployment, which is the last thing that this country needs, right now especially, with almost no jobs available.

Do not let this pass; do not allow Microsoft to rule the world; do not eliminate competition. America needs you to stand up against this rising dictator, that is Microsoft.

Thanks.
Sean Lutkenhouse
907 W. 28th St.
Los Angeles, CA 90007

MTC–00027110

From: David Rosenthal
To: Microsoft ATR
Date: 1/27/02 7:27pm
Subject: Micrsoft Settlement

I object to the proposed settlement.

I am an engineer with more than 25 years experience of the software business. I have worked in companies that cooperate with Microsoft, companies that compete with Microsoft, and companies that do both. I am currently employed by Sun Microsystems. My objections are my own and would not necessarily be shared by Sun's management.

My objection to the proposed settlement is as a consumer over many years of Microsoft's products. Microsoft has been determined to have harmed the consumer in that it maintained a monopoly through various illegal tactics, principally by tying other products to its monopoly operating system. The proposed settlement does nothing to remedy the harm which I and other consumers suffered in the past, nor to prevent Microsoft inflicting similar harm in the future.

A key enabler of Microsoft's tying of additional products to the operating system is the ability, through the terms of the End Use License Agreement (EULA), to disclaim all liability for the correct and safe functioning of the individual products and the bundle resulting from the tying. Microsoft's monopoly not merely deprives customers of choice in operating systems, it also deprives them of remedy when the product they are forced to choose fails to perform as they might reasonably expect it to, let alone as Microsoft claims it will.

The harm done to consumers through the security flaws in Microsoft's products is the stuff of legend. The estimates of the cost of even a single security flaw that allows a virus to propogate range into the billions.

I urge that any settlement of this case include a remedy that reduces this enormous cost foisted onto consumers. Micosoft should be prevented from disclaiming liability for the performance of any product for which they have a monopoly, or which is tied to a product for which they have a monopoly. For any product that is available to consumers of Microsoft and non-Microsoft products on the same terms, Microsoft should continue to be able to disclaim product liability, as their competitors do. Consumers of these products have a choice of operating systems and, if Microsoft's fail to work as expected, can switch.

For any product that is an operating system, or which is bundled with an operating system, or which is available only on Microsoft's operating systems, or which is available on more favorable terms on Microsoft's operating systems, the customer has no choice or faces exhorbitant switching costs. In these cases, where Microsoft is exploiting a monopoly that it has sustained using illegal tactics, the consumer should be given an effective remedy if the product fails.

The essential effect of this condition would be to raise the cost to Microsoft of exploiting its illegally maintained monopoly by tying additional functions to its operating system. At present, the cost of doing is negligible. With this condition, the additional cost of bundling a new function into the system over distributing it on the same terms on all platforms would be very significant—if it was bundled Microsoft would have to stand behind it.

Microsoft will, no doubt, argue that if they were unable to disclaim liability for the performance of their operating system they would have to raise prices to cover the cost of the liability. But note that this would not increase the cost to consumers. They already bear the cost of the liability—Microsoft's EULA transfers it to them. They would pay more for the operating system and less to cover its failure to operate as they have a right to expect.

It would be hard for the government to argue that it was in consumer's interests to prevent them from seeking a remedy when Microsoft's products failed them.

Consumers have suffered for many years as Microsoft's products have failed to live up to their advertised reliability and security. They have had no choice but to continue buying and using them, as Microsoft used illegal tactics to maintain its monopoly. They have

had no remedy under the EULA. Please take this opportunity to provide consumers with a real remedy.

David Rosenthal
427 Alma St. #407
Palo Alto CA94301

MTC–00027112

From: zyxar zyxar
To: Microsoft ATR
Date: 1/27/02 7:40pm
Subject: Microsoft Settlement

To Whom It Concerns:

As a participant in the development, test, and support of computing systems, including hardware and software, since 1984 I have a vested interest in the remedies that might be imposed on what has now become a long pattern of anti-competitive behavior from Microsoft. My observations of Microsoft began in 1993 when I was an IBM employee working in the AS/400 software competitive analysis group. As part of my training I sat through an hour-long session in 1994 with one of IBM's corporate attorneys who went over guidelines and rules of conduct that IBM employees should adhere to when dealing with customers, suppliers, Value Added Resellers, and competitors. Near the end of this presentation I asked the attorney how IBM was supposed to compete with Microsoft when Microsoft regularly practiced much of what she had identified as inappropriate behavior? She mumbled something about IBM taking a more conservative approach to law than many other companies but never did answer the question. That was eight years ago.

There are two areas addressed by the Revised Proposed Final Judgment that I think are important to consider: the Original Equipment Manufacturer (OEM) market for the distribution of personal computing (PC) hardware and the Independent Software Vendor (ISV) market. I think the proposed remedy goes a long way toward adequately addressing the OEM market for the distribution of PC hardware although my experience and expertise in this area is somewhat limited. Through Microsoft's contractual manipulations the OEM market became a highly effective and exclusive distribution channel for Microsoft operating systems, applications and middleware technology and clearly this needs to be remedied. I do not believe the proposed remedy adequately addresses the unfair advantages Microsoft has in the development of application software through control of the Application Programming Interfaces (API) of their operating system and middleware products.

I believe we can establish fairness in the software market for Windows applications only by forcing a separation between Microsoft's operating system (OS) group and their applications group. Their OS group should in effect be separated as an independent company from their applications group. The flow of information from the OS group to any application organization be it Microsoft or a third party development organization should be only through publicly published documentation. Certainly any application development group should be able to voice its opinions, plans, and concerns directly to Microsoft but any technical discussions regarding the proposed plans, release dates, APIs, or other pertinent data related to operating system plans should only be available to all vendors at the same time through public documentation.

Contrary to what many Microsoft employees believe, this will not lead to the downfall of Microsoft and the collapse of the US technology economy. Microsoft is a strong company with an unparalleled pool of technical skills and will continue to thrive even if they are made to compete fairly.

I offer my reasons for this belief in the supporting arguments that follow.

In the early years of the PC industry Microsoft and other vendors who were supplying operating system software were focused on operating system revenue. There was no application market because there were few applications. Many small innovative companies recognized the possibilities afforded by cheap personal computing hardware and things we take for granted today like spread sheets and word processors were invented, developed and successfully marketed by companies other than Microsoft. Almost all of the innovative companies who invented and successfully commercialized applications 10 years ago have market shares subordinate to Microsoft in the very application categories they developed. Additionally the fact that these companies chose to develop applications for Windows helped create the popularity and standardization on Windows that would lead to Microsoft's monopoly position.

Eventually the market for applications became greater than the operating system market. Unfortunately when Microsoft moved into the application market they began to tilt the deck in their favor by building stuff into their operating systems that would benefit their applications without making all of this information available to third party development organizations. (I knew IBM developers who voiced their opinion that Microsoft was not being very timely in the dissemination of information that they needed to finish their development work.) Microsoft could write applications that utilized OS functions and APIs that other vendors might not even know existed until Microsoft's application products were released and in the market.

As an example of one such advantage it has been known in the past that Microsoft has utilized what are termed ?undocumented functions? in their operating systems. An undocumented function puts a third party application developer in a tough situation if he or she has knowledge of such a function. Does a developer use the undocumented function, which clearly allows the development of a better application, and risk having to rewrite that application later if Microsoft removes the function in a new release? Or does the developer forego use of the undocumented function compromising the application in exchange for avoiding a potentially messy application rewrite or a bunch of unhappy customers?

In this kind of environment Microsoft will always have an advantage for planning future application products. Knowing that the OS group is going to provide function X or API set Y or new technology Z in the future they can begin implementing application C based on this knowledge well in advance of the actual implementation or release of that function in effect giving them a head start for their application development teams over the rest of the industry. And at their whim they can drop support of these technologies later on if it suits them effectively stranding an ISV in a technical ?no mans land? forcing them to re-architect their application because a function they expected to use is no longer being offered by Microsoft.

In it's defense against allegations from Netscape, Microsoft has argued that Internet Explorer is an integrated part of the operating system. No one with even a rudimentary understanding of computer science believes that a browser is an OS service function. However, the fact that Microsoft would argue this makes my arguments above even more salient. Microsoft thinks they are justified in arbitrarily subsuming an application by claiming it is part of the operating system. So some vendor like Netscape (or Stac Electronics, or Norton Utilities) gets a great idea, puts a lot of capital at risk to develop and market that idea and then sees a competing product distributed through the exclusive windows operating system distribution channel and given away for free. Microsoft chose to choke off Netscape not because they wanted to make money In the browser market but because they feared that browsers could become a new market for software sold on personal computers. And if another company could control the standards, APIs and middleware for which PC software was written it would seriously jeopardize Microsoft's control of software development and that control translates into revenue and profitability. Better to lose a little money now than risk losing control of the whole software franchise. With the shadow of this specter hanging over the market for PC applications how is our capitalist free enterprise system supposed to work? I would argue that for quite a while now Microsoft shareholders have reaped the rewards for the innovation of and risks taken by companies other than Microsoft.

In my work I extensively use Internet Explorer (IE) and Netscape Navigator (NN) to test my applications. Although the difference between the two products is very small and certainly not enough to justify the almost complete dominance that IE enjoys over NS despite the early dominance NS had over IE, I believe IE is a better browser than NS. Could IE have an advantage by virtue of the fact that it is so tightly integrated into Microsoft's OS code? Can Netscape ever build a browser that loads as quickly or performs as well as IE without the benefit of being as tightly integrated into the OS? I don't think so. And even more important than the fact that IE has an advantage by being more tightly integrated into Windows is the fact that it is pre-installed on every Windows PC.

Having any middleware preloaded on every Windows PC shipped confers a huge advantage in follow on revenue associated with the standards that can be established and the code that will then be implemented around those standards. If Microsoft controls

those standards they can effectively manipulate the technology and APIs to their advantage.

In 1984 I as an engineer for IBM had to help publish a set of specifications relative to the external behavior of the Diskette Storage subsystem I helped develop so any third party vendor could learn enough about the IBM equipment to service it and effectively compete with IBM for lucrative service revenue. It seems that someone believed it was important to provide a more level playing ground in the market for hardware service. Today some 16 years later the market has moved from hardware, which in most cases is a commodity, to software. But the same rules that did and still do apply to IBM hardware should also apply to Microsoft operating system software.

Sincerely,
William A. Shaver
Netelligent Consulting,
Somerville, MA 02144

MTC–00027113

From: Kenneth J Hendrickson
To: Microsoft ATR
Date: 1/27/02 7:39pm
Subject: Microsoft Settlement
Date: 27 January 2002
To: microsoft.atr@USDoJ.gov
Subject: Microsoft Settlement
To:
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001
From:
Kenneth J. Hendrickson
2747 W. Anklam Rd., Apt E.
Tucson, AZ 85745–3705

Dear Renata,

Executive Summary:

I strongly urge the Department of Justice (Doj) and the Court to modify the Proposed Final Judgment (PFJ) in order to achieve an effective remedy against a continuing Microsoft monopoly, and the harm to consumers that will inevitably continue to result.

The modifications I recommend are:

1 Microsoft must be required to publish COMPLETE and ACCURATE documentation for all Application Programming Interfaces (APIs), protocols, and file formats, for *ALL* Microsoft products. This should include a requirement to publish full and complete source code. However, as the source is likely to be very difficult to understand, Microsoft must also be required to fund an independent documentation effort to study the source code and completely and accurately document it. Such documentation and source code must be made available AT NO CHARGE to anybody who wants it, via an Internet download. In addition, Microsoft must NOT be allowed to require a Non-Disclosure Agreement (NDA) in order to obtain this important information.

2 Security considerations must NOT be an excuse for continuing the harmful practice of closed, hidden, and/or undocumented APIs, protocols, and file formats. All algorithms, APIs, protocols, and file formats, must be COMPLETELY and ACCURATELY documented, *ESPECIALLY* when those algorithms, APIs, protocols, and file formats are needed for security and authentication. Sections III.J1 and III.J2 should be entirely stricken from the PFJ.

3 Microsoft must not be allowed to use its patents offensively. A patent is a government granted monopoly. As Microsoft already has a monopoly (even without government granted patents), and has been convicted of illegally ABUSING that monopoly, the government should not be in the business of granting Microsoft more monopoly power with which to abuse its competitors. The PFJ should be amended to forbid Microsoft from using its patents offensively.

Before preparing my comments, I read the following documents in their entirety:

1 Original Complaint http://www.USDoJ.gov/atr/cases/f1700/1763.htm

2 Findings of Fact http://www.USDoJ.gov/atr/cases/f3800/msjudgex.htm

3 Stipulation and Revised Proposed Final Judgment

http://www.USDoJ.gov/atr/cases/f9400/9495.htm

State's Proposed Final Judgment

http://www.NAAG.org/features/microsoft/ms-remedy—filing.pdf

Competitive Impact Statement

http://www.USDoJ.gov/atr/cases/f9500/9549.htm

Justification for my Recommended Modifications:

Full Disclosure of Algorithms, APIs, Protocols, and File Formats:

I was very heartened to note that the PFJ would require that Microsoft must publish details of its APIs (section III.D. and others). However, as published, this provision will be largely ineffective, because it does not include Free Software and Open Software development efforts.

Microsoft's own lawyers indicated in 1999 that Microsoft views Linux and the GNU GPL license as its greatest threat. http://www.OReillyNet.com/pub/a/mediakit/linux.html

Microsoft produced a white paper on the GNU GPL license, in an effort to dissuade companies from trying and/or using Linux. http://www.Microsoft.com/business/downloads/licensing/Gpl—faq.doc

Although Linux and the Free Software movement are not yet a true competitor to Microsoft (as stated in the Findings of Fact), Linux offers the best hope for a future competitor to Microsoft. In light of this, the Doj and the Court should tailor the PFJ such that it does not lock out Free Software and Open Software developers from the fruits of the PFJ.

Free Software and Open Software developers must be granted access to COMPLETE and ACCURATE documentation on *ALL* algorithms, APIs, protocols, and file formats for *ALL* Microsoft products, without any cost, and without any non-disclosure agreement (NDA) requirements.

The most complete and accurate documentation is the actual source code, and so that should be made available. The source code, however, is not enough. It is likely that the source code will be very difficult to understand; therefore Microsoft must also be required to fund an independent documentation effort to study the source code and completely and accurately document it. Such documentation and source code must be made available at no charge to anybody who wants it, via an Internet download, without any requirement for an NDA.

Without this extremely important provision, the most important potential competitor to Microsoft's monopoly will not be able to compete. In addition, without this important provision, Microsoft will be able to *CONTINUE* using closed and secret APIs, Protocols, and File Formats to extend, enhance, and broaden their existing monopoly. It is absolutely necessary that the PFJ be amended to require that Microsoft COMPLETELY and ACCURATELY document *ALL* of their algorithms, APIs, protocols, and file formats, and provide this information at no charge and without NDA requirements to everybody, via a free Internet download.

Security:

The security technique espoused in the PFJ is ''security through obscurity''. The idea is that if nobody knows how authentication or encryption is accomplished, they will not be able to bypass the authentication routines or break the encryption. There is a significant problem with this idea (and thus with the PFJ): IT IS FALSE! It is widely known and accepted within the security community that ''security through obscurity'' is no security at all.

SECURITY THROUGH OBSCURITY IS NO SECURITY AT ALL. The following papers detail why ''security through obscurity'' is no security at all:

http://Slashdot.org/features/980720/0819202.shtml

http://www.VnuNet.com/Analysis/1126488

http://www.WideOpen.com/print/101.html

http://www.NightfallSecurity.com/whitepapers/obscurityeu.html

http://www.Albion.com/security/intro-8.html

http://www.eCommerceTimes.com/perl/printer/11060/

http://Adjacency.org/essays/securitythroughobscurity.html

http://www.Treachery.net/-jdyson/toorcon2001/

Many more examples exist; they can be found with a Google search.

http://www.Google.com/search?hl=en&q=%22security+through+obscurity%22&btnG=Google+Search

This is perhaps the most important comment I am making, so I will repeat this important point:

SECURITY THROUGH OBSCURITY IS NO SECURITY AT ALL.

Bruce Schneier and Adam Shostack, two of the world's foremost experts in the area of computer and network security, have given a list of recommendations for Microsoft to follow in order to achieve more secure products, after the recent announcement by Bill Gates that Microsoft will henceforth be concentrating on security.

http://www.SecurityFocus.com/news/315

IT WILL BE NOTED THAT NOWHERE IN THIS LIST OF RECOMMENDATIONS IS

THERE ANY NOTION THAT ANYTHING SHOULD BE KEPT SECRET. Instead, the recommendations from Messrs Schneier and Shostack encourage complete openness, full and accurate documentation, and a waiting period before Microsoft's proposed protocols and encryption methods are implemented. This is in order that the security community may examine Microsoft's proposed protocols and encryption methods and algorithms in order to find weaknesses, and repair those weaknesses, *before* they are implemented and insecure systems are built and fielded. Messrs Schneier and Shostack also encourage Microsoft to publish its entire source code, even though they have no hope that Microsoft will do this. The source code should be published so that the security community can examine Microsoft's *implementations* for flaws and weaknesses, and suggest remedies for those flaws and weaknesses. The most well designed security protocols and encryption algorithms can be made worthless by poor implementation. The only way to check the implementation is to have access to the source code.

It is in the best interests of all those who must use Microsoft products, and all those who use computers on networks that include Microsoft products (which includes the entire Internet), that Messrs Schneier's and Shostack's recommendations are adopted by Microsoft. Paradoxically, it is also in Microsoft's best interests to adopt *ALL* of Messrs Schneier's and Shostack's recommendations!!

If Microsoft is forced to COMPLETELY and ACCURATELY document *ALL* algorithms, APIs, protocols, and file formats—without restriction—and make the documentation and source code available to everybody without charge, and without any NDA requirement, bugs will be found in Microsoft's code and fixes will be suggested, just as they are for other open source OSes such as Linux, FreeBSD, NetBSD, and OpenBSD. Microsoft's products will improve as a result of this process. Microsoft will receive the benefit that all Open Source software receives: bug fixes, increased security, and increased stability, all at no cost to Microsoft.

Microsoft will be opposed to this requirement, arguing that their business will be destroyed by forcing their code open.

This is not true! COPYRIGHT LAW AND CONTRACT LAW PROVIDE ALL THE LEGAL PROTECTION THAT MICROSOFT REQUIRES TO MAINTAIN THE VALUE IN THEIR SOURCE CODE. In the end, however, it does not matter if Microsoft benefits from the PFJ. What does matter is that Microsoft's monopoly abusing powers are restricted, and that the Doj and the Court create the possibility for competitors to Microsoft to arise in the marketplace. Microsoft has been found guilty of abusing their monopoly. One of the ways that Microsoft has abused their monopoly is by using closed and proprietary algorithms, APIs, protocols, and file formats, and by changing them from time to time in order to create incompatibilities with non-Microsoft products, and with older Microsoft products that Microsoft wishes to make obsolete. Microsoft's *secret* algorithms, APIs, protocols, and file formats are part of the problem that the Doj and the Court must remedy. Such secrecy cannot be part of the solution, even when it comes to ''anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria''. Furthermore, in light of the fact that SECURITY THROUGH OBSCURITY IS NO SECURITY AT ALL, there is never any justification for any ''governmental agency of competent jurisdiction'' to ''direct Microsoft not to'' COMPLETELY and ACCURATELY document *ALL* algorithms, APIs, protocols, and file formats—without restriction—and make the documentation and source code available to everybody without charge. Therefore, section III.J1 and III.J2 must be entirely stricken from the PFJ.

As it is necessary to require Microsoft to COMPLETELY and ACCURATELY document *ALL* algorithms, APIs, protocols, and file formats—without restriction—and make the documentation and source code available to everybody without charge, and without any NDA requirement, it is not reasonable to require ''any of the Plaintiffs to keep secret any information or documents obtained from Microsoft'' as detailed in section IV.A.3 of the PFJ. This section should also be stricken from the PFJ.

Patents

Patents are a government granted monopoly. Microsoft has been judged to have a monopoly, and further, to have illegally abused that monopoly. For this reason, Microsoft should be forbidden from using its patents offensively. The government should not continue to grant a preferential monopoly to a convicted monopoly abuser.

This is especially true in the case of Open Software and Free Software. Those who develop Free and Open Software and give it away to the world for no charge are greatly enhancing the wealth of the entire world. These people CANNOT afford to participate in the patent system. In addition, those who develop Free and Open Software are often philosophically opposed to the patent system, and would not participate even if they could. These people who are greatly increasing the world's wealth, should not have the patent system used against them by a convicted monopoly abuser.

Microsoft has already threatened to use patents as an offensive weapon against Linux, the Free Software Foundation, the GNU Project, and other Free and Open Software producers. Full details can be found in the 2nd Halloween document. http://www.OpenSource.org/halloween/

In order to protect the Free and Open Software movement from future monopoly abuse, Microsoft must be forbidden from using their patent portfolio offensively. This prohibition should *never* expire. A clause to this effect must be added to the PFJ in order to achieve an effective remedy.

Enforcement

A *very* strong enforcement mechanism needs to be put in place by the Doj and by the Court. We have arrived at this juncture today because Microsoft failed to abide by previous consent decrees (1994) of the Court. Microsoft has proven themselves to be obstinate and belligerent. They cannot be trusted to obey this PFJ without strong and effective oversight.

If by some unfortunate circumstance, the Doj and the Court decide not to require Microsoft to disclose all source code, then an especially vigorous enforcement mechanism must be put in place to ensure COMPLETE and ACCURATE documentation of *ALL* algorithms, APIs, protocols, and file formats. I would suggest that the PFJ should include a clause stipulating that if anybody finds any errors or discrepancies in Microsoft's documentation, then at that point the Technical Enforcement Committee shall have the authority to immediately force the disclosure of all relevant source code, in order to force compliance with the COMPLETE and ACCURATE documentation requirement.

Dan Kegel's Comments

I would like to add that I am a co-signer to Dan Kegel's comments. http://www.Kegel.com/remedy/letter.html

I fully agree with Mr. Kegel's entire letter, including all links therein, and strongly urge that each of the problems noted therein must be remedied in the PFJ before the PFJ is adopted by the Doj and by the Court.

Thank you,

Kenneth J. Hendrickson

* All web references were current on 26–27 January 2002, during the writing of these comments.

MTC–00027114

From: Robert Langer
To: Microsoft ATR
Date: 1/27/02 7:55pm
Subject: Micrsoft Settlement

I am very disappointed with the settlement between Microsoft and the Department of Justice. After finding Microsoft guilty of illegal Monopolistic behavior I find the proposed settlement doesn't penalize Microsoft or deter Microsoft from additional Illegal behavior. It allows Microaft to keep all profits from Illegal behavior.

I totally disagree with the proposed settlement.

Robert Langer
2904 Shoto Road
Two Rivers, WI 54241
rlanger@charter.net

MTC–00027115

From: AC5ZJ@cs.com@inetgw
To: Microsoft ATR
Date: 1/27/02 7:44pm
Subject: Microsoft settlement

I DO NOT believe the Microsoft settlement was fair. Microsoft was and still is guilty of unfair practices regardless of who they do business with. Products sold to the public are intentionally faulty and the ''fix'' is always sold as an ''upgrade.'' I believe that Microsoft should have been completely shut down, divided into a million pieces and David Gates sent to jail for the rest of his natural life.

Thanks for the opportunity to vent. I know it won't do any good. The bad guys all win these days and I am sure will continue to win until the U.S. is just another totally corrupt country.

Jerry L. Wilson

MTC–00027116

From: JForsterMD@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 7:45pm
Subject: Subject: ''Microsoft Settlement''

I am a surgeon, working at the University of Kansas Medical Center and I am convinced that Microsoft is anti-competitive and seeks to stifle innovations in personal computing. In particular, Microsoft, but its bundling of software, has caused the elimination of competiting software programs in the realms of web browsing, slide presentation, word processing, spreadsheet, and operating systems. Due to Microsoft's tactics, the cost of computing is higher and the innovation is lower, and we, as consumers, are faced with uninviting options. I do not feel that Microsoft is any different than any of the previous monopolies that have been forced to divide, such as Standard Oil or ATT.

Thank you for your time,
Jameson Forster, MD

MTC–00027117

From: LKBaker1320@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 7:45pm
Subject: Microsoft lawsuit

I believe that more than enough taxpayer money has been spent on the Microsoft lawsuit. Please settle this matter as soon as possible.

Thank you.
Linda Baker

MTC–00027118

From: milton t curry
To: Microsoft ATR
Date: 1/27/02 7:45pm
Subject: Micrsoft Settlement

As an 89-year-old senior citizen, I have found Microsoft's software to be generally user-friendly and helpful in my personal activities. It has disappointed me that Microsoft's competitors have attempted to stifle Microsoft's innovative efforts to improve their materials, thus putting a damper on their efforts to simplify and improve their offerings to the public. I hope that those in power will bring this dispute to a settlement in the near future. (At least while I can enjoy it!).

Thanking all concerned, I am:
Milton T. Curry,
725 Gulf Coast Blvd., Venice, FL, 34292.
Ph.: (941) 488–0195

MTC–00027120

From: huckleberrycove@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 7:49pm
Subject: Microsoft settlement

This is a unique situation where a company has grown large because it offers a worthwhile service. No one has to buy the service. Those of us that do have gotten our moneys worth. We like what Microsoft does and is doing.

This is a clear case of where the least government is the best government. If Microsoft was aggressively taking something of value from someone who did not want to give it up, then it would be a government matter.

Such is not the case. The government should apologize to the Microsoft Company and get on with reducing government influence in all of our lives.

Thank you,
Peggy and Ken Maultsby

MTC–00027121

From: Alexander Krumbach
To: Microsoft ATR
Date: 1/27/02 7:51pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that,while covering many vital aspects of the case, the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar Sherman violations in the future.

In the past, the people most hurt by Microsoft were not the hardware distributors or the existing middleware vendors, but the developers of new applications. With each new version of Windows, it has become increasingly impossible for any vendor outside of Microsoft to introduce a new feature— such as Plug and Play or USB support—to the market without Microsoft's collaboration. The potential new technologies that have been stifled by Microsoft's vice-like grip on innovation has done the market far more damage than could ever be measured in a dollar amount.

To this end, there is only one possible remedy.

Microsoft, as a software vendor, lives on its'' intellectual property. That property does not only include the copyrights it holds on the source code to Windows and the other softwares it sells, but also the patents and trade secrets that Microsoft has, over the years, added to its'' code to hinder competition. The copyright and or patent of code, while in some circles of dubious quality, is never categorized in the same manner as trade secrets. The computing sector has an interdependence of intellectual works never before seen in any industry, and the use of trade secrets is the greatest possible artificial barrier Microsoft has erected in its'' illegal actions.

Furthermore, this action is in direct opposition of the actions of other software vendors. There are several standards bodies in the computing world, including the International Standards Organization [iso.org] who define standards in many fields, the Institute of Electronic and Electrical Engineers [ieee.org] who help define standards in hardware peripheral design, and the World Wide Web Consortium [w3c.org] devoted solely to Internet standards. The standards are open for public inspection and independent review, and encourage further development in the fields they cover.

I would suggest a single remedy appropriate to this problem: Microsoft must be forbidden to declare any portion of their product a trade secret, and as a result make available to public examination and independent re-implementation (for interoperability, educational and testing purposes only) technical specifications for all of their system APIs, file formats, media codecs, and any other method of system interaction not covered by a patent. The information could be, at little cost, be added to Microsoft's Developer Network, found at msdn.microsoft.com.

The benefits of this action far outweigh the apparent dangers. First, this action is not as invasive as it may seem, still allowing Microsoft to protect its'' current patents or copyrights, and no limit is levied against Microsoft for patenting further technologies. Second, this action does not greatly affect Microsoft's competition: most or all of the information to be disclosed has either been disclosed on the Microsoft Developer's Network or has been repeatedly legally reverse-engineered. Third, this completely removes the artificial barrier raised against the developers of new technologies.

While it may be noted that Microsoft is a member of many standards bodies, too numerous to mention in a short letter, as a developer in the computing industry I have noted a distinct trend on the part of Microsoft to abandon widely-held standards in favor of their own protocols and methods, often of similar or identical name to the official standard, and generally a trade secret. While I shall withhold judgment of such actions, it must be noted that they lead to an inevitable destruction of competition. The current settlement does not cover such actions; I therefore submit my solution to be considered as a part of additional action to prevent this violation of anti-trust law from being repeated.

I believe this action is the best possible remedy applicable to Microsoft. As shown by the antitrust trial, Microsoft has historically used the trade secrets cocooned into the products it sells to stifle competition and hamper entrance of new technologies into the market. The most direct and least intrusive method to end such practices would, of course, to remove the possibility of the same circumstances arising again. To this end, I suggest that measures be added to the settlement that would forbid further development of technologies within Microsoft to be declared a trade secret, for they are clearly only used in a violation of the law.

MTC–00027122

From: Will Nielsen
To: Microsoft ATR
Date: 1/27/02 7:51pm
Subject: ''Microsoft

I think the proposed settlement is a bad idea.

MTC–00027123

From: George S Halfin
To: Microsoft ATR
Date: 1/27/02 7:52pm
Subject: Microsoft settlement

I say leave Microsoft alone. They are one company in this USA that is helping to keep this country ahead of foreign innovations.

MTC–00027124

From: Stuart Sherwood
To: Microsoft ATR
Date: 1/27/02 7:53pm
Subject: Microsoft Settlement

To the District Court Judge

America is great because it's foundations provide us freedom. Freedom from the initiation of force.

Freedom for the best within us to achieve the happiness we all deserve. Continue this tradition, allow Microsoft to produce without the shackles of force and to achieve their happiness, for their achievements benefit us all.

Stuart Sherwood

MTC–00027125

From: Katrina Illari
To: Microsoft ATR
Date: 1/27/02 7:56pm
Subject: Microsoft Settlement

Dear Renata Hesse:

I already commented on the Microsoft settlement. However I did not use the correct subject line. That is, I used a subject line that seemed logical to me, not the one posted on:

http://www.usdoj.gov/atr/cases/ms-settle.htm#submit

Because I want to ensure that my comments will be heard, I am including below an exact copy of the email that I sent earlier except this time I am using the assigned subject. I am sorry for the duplicate email and hope that I did not cause you any trouble because of it. I sent my earlier email on: Sat, 26 Jan 2002 16:55:15 -0800 (PST) from this email address.

Katrina Illari

Dear Renata Hesse:

I am a concerned computer programmer and user. I use Microsoft Windows as well as Linux at home. For the past few years I have been disgusted to see the increasing number of anticompetitive actions that Microsoft has been able to get away with. The court case seemed to provide a possibility for restoring a competitive market in the computer software business. Microsoft was convicted with anticompetitive behavior. However, the settlement that was agreed upon does not seem to be in the best interests of the consumers.

Some points of concern are:

(1) the punishment if further anticompetitive actions are taken by Microsoft. That is that 2 years will be added to the period that they are to be closely watched. I did not see any actual enforcement of the restrictions placed on Microsoft. Just that a board of people would be assigned to watch if they break any of the restrictions and if so, then they will be restricted for another 2 years. Does this provide an automatic solution to any court case filed against Microsoft in the next 5 years? That is will the solution will be that the restrictions will just be extended for another 2 years? This almost seems to be in Microsoft's favor... No enforcement and if they break the rules then the rules will be imposed (with out enforcement) for another two years.

(2) The security exemption: Will this provide a hole for Microsoft? For example, will Microsoft just add access control to many of its API and then not publish them, using the security exemption as cover?

(3) Will Microsoft simply patent a lot of its interfaces/protocols and then charge companies licensing fees in order to get the information about the API/protocol. I do not see anything in this settlement that would stop them from doing so. As evidence, they already patented the next version of the SMB protocol. This is a protocol which allows you to share drives/files between computers. SAMBA, a popular file server software uses this protocol to share drives between Unix and Windows machines. Once Windows only supports the new protocol, it will once again be impossible to share drives between Windows and Unix systems. As I see it this is simply an extension to the older protocol not something that it would be strategic to have a patent on except if one wanted to eliminate the ability for a Unix machine to share drives with a Windows machine. Surely this is an anticompetitive action against SAMBA.

(4) The fact that Microsoft is allowed to include non operating system applications as part of the operating system is not beneficial to consumers. This gives an advantage to Microsoft in marketing of the applications that they include in the operating system. They have a strangle hold on the browser market because of this and in Windows XP, they are trying this with multimedia applications.

Katrina Illari
521 Del Medio Ave #201
Mountain View, CA 94040

MTC–00027126

From: Richard Price
To: Microsoft ATR
Date: 1/27/02 7:55pm
Subject: Microsoft Settlement

I am addressing this letter to those representing the public interest, pursuant to the Tunney Act's provision that members of the public may comment on the proposed antitrust settlement, particularly with regard to whether the settlement serves the public interest.

Having read the proposed settlement and the associated documentation, I believe that this settlement is both entirely inadequate to address the crimes committed by Microsoft, and contrary to the public interest. The original complaint claims that its intent is to ''restrain anticompetitive conduct by defendant Microsoft Corporation'' and ''to remedy the effects of its past unlawful conduct.'' The proposed final judgement does neither.

The effects of Microsoft's past unlawful conduct have been to establish an almost unassailable barrier to market entry, and to provide Microsoft with an immense financial windfall by permitting the company to overcharge consumers for its products. While the proposed final judgement does reduce Microsoft's capability for retaliation against competitors, it does little to ensure that Microsoft will not continue to raise barriers against developers of other operating systems that attempt to enable their products to run programs written for Windows; it does little to ensure that innovative companies will be able to reap the fruits of their efforts in the marketplace; and it does not return to the public the billions of dollars in excess revenues extracted from consumers through inflated prices and bundling of unwanted software with other products.

As noted in the original complaint, Microsoft attempts to maintain its monopoly in operating systems and achieve dominance in other markets through use of tie-ins and other anticompetitive agreements that deter innovation, exclude competition, and rob customers of their right to choose among competing alternatives. The effect of the proposed settlement is to legitimize and perpetuate Microsoft's monopoly by permitting Microsoft to continue the same anticompetitive behavior that it used to establish that monopoly in the first place. This monopoly has actually created a situation that is dangerous to the public, as Microsoft's products are both insecure to the point of creating a serious risk to consumer privacy, and so error-ridden as to cause billions of dollars of economic losses to individuals and businesses annually due to lost and damaged data caused by Microsoft programs crashing.

There are many features of the proposed settlement that lead to the conclusion that Microsoft will benefit from the settlement at the expense of the public.

First, Microsoft is not prohibited from intentionally introducing incompatibilities with competing software, as it has done for anticompetitive purposes in the past, most notably in the development stages of Windows 3.1.

In addition, open-source or freely-available software (''freeware'') has become a major source of competition in the marketplace. The proposed settlement does not encourage this competition. Microsoft would be permitted to discriminate against these developers by distributing new products and operating system components with restrictions against using them in open-source or freely-available software.

Also, Microsoft produces and distributes for free a number of products that are not part of the Windows operating system, but are restricted in their use to Microsoft operating systems only by licensing terms. This is not justifiable by any technical argument, and serves only to raise a barrier to competitors.

Another way that Microsoft restricts development of competition is through its development tools that are widely used to develop software. Partly because Microsoft has inside knowledge of the operating system, these tools are among the best available for development. The licenses for these tools include restrictions on using the products developed using the tools on operating systems other than those produced by Microsoft. This restriction is clearly anticompetitive, and is not justifiable by any technical argument.

Finally, the provisions for enforcement and oversight of the final judgement are inadequate. Under the terms as described, Microsoft can evade the intent of the final judgement through abuse of technicalities and loopholes that are not adequately addressed. As an example, the narrowness of the definition of ''Microsoft middleware'' would permit Microsoft to avoid revealing important programming interfaces, thus hampering efforts by competitors. Important elements of the operating system and applications (file formats, programming techniques) would remain proprietary, either because their documentation would not be required or because Microsoft holds patents on them, and would not be required to license them.

In order to remedy these fatal weaknesses in the proposed settlement, a number of actions are required. First, Microsoft's products must be sold as options in the purchase of new computers, so that the user who does not wish to purchase them is not forced to do so. This means that computer sellers must offer the software without the computer, in order to prevent the current situation in which sellers claim that the price differential is only a few dollars although the cost of the same software from other sources is very high.

Second, Microsoft should be required to expose all programming interfaces with its software—not only Windows itself, but the numerous products that Microsoft has brought to market dominance by exploiting its illegally maintained monopoly. In addition, all the formats of files used by Microsoft's products should be made publicly and freely available. All information presented by Microsoft under the settlement should be available not only to for-profit companies, but also to open source software initiatives, with no discriminatory licensing requirements.

Third, Microsoft should be prohibited from introducing changes to its software for the sole purpose of inhibiting its competitors, without any technical justification, as determined by independent analysts appointed by the court.

Fourth, if Microsoft makes software freely available, that software should be available to the public as a whole, and not only users of other Microsoft products.

Fifth, Microsoft should not be permitted to place restrictions on the use of its development software that could serve as barriers to competition.

Sixth, Microsoft should be required to return to the public the billions of dollars in revenues that it has acquired due to its illegally maintained monopoly, and to perform this restitution in a fashion that does not reinforce or extend that monopoly.

As a user of an alternative operating system known as OS/2, I am well aware of the damage done to the public interest by Microsoft's abuse of its market power. For over a decade, OS/2 has possessed features that Microsoft has only begun to include in its operating systems in the past few years. In spite of OS/2's clear superiority, Microsoft's anticompetitive behavior effectively shut OS/2 out of the market. Because of this, developers have spent very little effort in developing applications for this platform. My costs for software and training for OS/2 have unquestionably been higher than they would have been if Microsoft had not used illegal and anticompetitive methods to prevent the widespread adoption of this operating system, and the software that is available to me now is of lower quality than would otherwise be the case. The proposed settlement does nothing to help me recover my investment in this competitive software, or to restore a competitive enviroment in which 0S/2 development would be revived. Millions of other purchasers of 0S/2 and other competing products are in the same situation. As another example, my fiancee uses project management software called Ecco. This software received awards for several years in a row for being the best of its kind. Within a year after Microsoft began bundling its project management software (Microsoft Project) with Windows, the company that owned Ecco ceased development because it could no longer make a profit. The users of this software have also been harmed by Microsoft's illegal practices, and the proposed settlement does nothing to make them whole.

In light of the egregious weaknesses and loopholes in the proposed settlement agreement, and the fact that the proposed agreement therefore cannot be considered to be within the reaches of the public interest, it is my hope that the settlement will be rejected, and a new settlement constructed that eliminates these problems, restores competition to the marketplace, and returns Microsoft's ill-gotten gains to the public from which they were extorted through product tie-ins, exclusionary distribution agreements, and other flagrantly anticompetitive business practices.

Thank you,
Richard Price

MTC–00027127

From: Joseph Esrey
To: Microsoft ATR
Date: 1/27/02 7:56pm
Subject: Microsoft Settlement

To Whom it May Concern,

I am an ordinary consumer with no personal ties to the computing industry other than my own interest and enthusiasm for it. I am not presently employed by anyone in the computer industry, and having gotten my BA in Anthropology, I do not anticipate being so in the future. I am writing not as someone with any financial interest for or against Microsoft; I am merely an ordinary citizen who has been repeatedly outraged by what I see as the many, many transgressions of this company, and the way it repeatedly eludes penalty for its actions. As one who regularly uses a computer and is enthusiastic about it, I have followed the activities of Microsoft with interest and alarm. From all I have seen in the last few years of watching this industry, Microsoft has consistently demonstrated a wanton disregard for ethical business practices or the best interest of its customers. While competition and self-interest are natural directives in the business world, Microsoft has repeatedly overstepped the boundaries of ethics, and quite likely even law, in its ambition. It has repeatedly thumbed its nose at attempts to curb its objectionable behavior; its callous disregard for ethics or fair play is matched only by its appetites for power and profits. Many other companies find themselves paralyzed by this company; the ways in which Microsoft has retarded and stifled innovation are too numerous to count (though ironically, Microsoft frequently paints itself as an innovator, despite having originated little of value to the computing world). Microsoft has given every indication that it desires more and more power, and with the increasing pervasiveness of the electronic world in our culture it stands to hold greater sway over even the most mundane and fundamental parts of everyday life. I for one did not invite this presence into my existence, yet I find it difficult to avoid it.

Even when faced with punitive action, Microsoft has consistently demonstrated extraordinary arrogance in its behavior and its will to extend its monopolies. The recent example of its proposal to ''pay'' for its crimes by flooding schools with cheap-to-produce software materials that would strengthen its market penetration in schools while simultaneously avoiding paying more than a fraction of the fines it wished to portray itself as paying was simply the most recent instance of this.

Microsoft has shown itself to be above no means in trying to portray itself as a victim, to the point of forging letters from dead people in attempting to create the illusion of grassroots support. I strongly urge you to hold Microsoft truly accountable to its crimes, and to levy a real, significant, serious penalty against the company.

Sincerely,
Joseph Esrey
1710 NW 2nd Ave. Apt. 11
Gainesville, FL 32603
(352) 374–1440

MTC–00027128

From: Bret H. Reavie
To: Microsoft ATR
Date: 1/27/02 7:57pm
Subject: Microsoft Settlement

I have always been a satisfied customer of Microsoft products and I do not believe this legal case will protect me or any other consumer. Consumers did not make the original complaint, Microsoft's competitors did. The US governments efforts to undermine corporations that have been ''too'' successful is a threat to the US economy and is merely punishing those who have served their customers best.

America and the world needs more people like Bill Gates.

Bret Reavie
A satisfied Microsoft customer
CC:activism@moraldefense.com @inetgw,letters@capitalis...

MTC–00027129

From: JimDargin@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 7:59pm
Subject: Microsoft Settlement

Microsoft's business practices are entirely to aggressive and our government is the only body left that can put some controls on their activity.

Two examples:

1. Their insistence on controlling what the desktop looks like by computer vendors such as Dell. Microsoft would not even allow Dell to put certain icons in view on the machine even if the software behind the icon was actually installed on the machine.

2. Forcing computer vendors such as Dell or Compaq to pay an operating system royalty to Microsoft even if the vendor chose to put a Linux operating system on the machine instead of the Microsoft OS.

This is entirely too much power in the hands of a powerful company. The proposed settlement, as I understand it, is too soft on Microsoft. Please make some adjustments or oversight to control their business practices with respect to other hardware and software vendors.

Sincerely,
Jim Dargin

MTC–00027130

From: Mike Harrold
To: Microsoft ATR
Date: 1/27/02 8:00pm
Subject: Microsoft Settlement

To whom it may concern,

I find myself in a strange position. One part of me believes that an end to the Anti-trust case is beneficial to everyone. The far reaching consequences of this trial go way beyond the companies involved, all the way to the backbone of our economy.

That said, I simply cannot agree with the proposed settlement in its current form, particularly the lack of spine in the enforcement provisions. An oversight panel that is severely restricted in releasing its findings? Or in other words, a panel that can be all too easily silenced by the political process, something we should all be very concerned about. In addition, I find this case analogous to a murder trial where the defendant was found guilty, whose guilt was upheld by the Court of Appeals, yet receives probation from the District Attorney prosecuting the case in order to avoid a length sentencing phase. I am sure I am not alone in my thoughts on this.

I point the Court toward the proceedings in the recent civil case, where the proposed settlement was also rejected, the Judge in that case correctly identifying that the ''punishment'' was far too lenient, not to mention rather inappropriate given the facts of the case at hand. It would have been easy for the Judge to have accepted the settlement in order to put an end to the case, but such a settlement would have not been for the benefit of the plaintifs. I see a striking similarity here; the settlement on hand is clearly far more beneficial to Microsoft than it is to the consumers who have suffered at the hands of such a monopoly. I urge the Court to reject the settlement at this time, and to encourage the parties to continue negotiations toward a settlement. However, the Court must also send a clear signal to the parties that any settlement must not only address the core claims of the case, but also provide for —speedy— injunctive release from any future monopolistic behaviour by Microsoft. Otherwise we will find ourselves in this same position again very soon.

Mike Harrold
CC:ao@infinet.com@inetgw

MTC–00027131

From: Stu
To: Microsoft ATR
Date: 1/27/02 8:00pm
Subject: Settle Microsoft Please
STU STEPHENS
650 Alderbrook Lane
Olga, WA 98279
January 27, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing today to encourage the Department of Justice to accept the Microsoft antitrust settlement. The issue has been drug out for over three years now, and it is time to put an end to it. A settlement is available, and the terms are fair; I would like to see the government accept it. In order to put this issue behind them Microsoft has agreed to many terms. They have agreed to design future versions of Windows to be more compatible to with non-Microsoft software. They have also agreed to change several aspects of the way they do business with computer makers. Microsoft has agreed to many terms; I would like to see the government accept the settlement and move on.

Microsoft and the technology industry need to move forward, the only way to move forward is to put this issue in the past. Please accept the Microsoft antitrust settlement.

Sincerely,
Stu Stephens, Owner and Associate Broker
RE/MAX Island Properties, Eastsound WA
Stu Stephens, Assoc. Broker, CRS, ABR, GRI RE/MAX Island Properties PO Box 1449 or 199 Main St., Eastsound WA 98245 800 551–1677, 360 376–2599; fax: 360 376–6211
<www.orcas-stephens.com>
<www.orcasislandonline.com>

MTC–00027132

From: Ryan Williams
To: Microsoft ATR
Date: 1/27/02 8:00pm
Subject: Unacceptable

I have read the settlement between the United States Government and Microsoft, and I do not find it acceptable. The settlement does not even begin to address the problem at hand: the illegal operating system monopoly Microsoft holds. It appears instead to be an almost-clever series of loopholes which may permit continued illegal behavior.

Let me give some illustrations:

III.C.5 . ''Presenting in the initial boot sequence its own IAP offer provided that the OEM complies with reasonable technical specifications established by Microsoft, including a requirement that the end user be returned to the initial boot sequence upon the conclusion of any such offer.''

—This was written either by a novice, or by an individual with Microsoft's interests at heart. Software does not exist but for the cooperation of those who write it. Most ''technical specifications'' exist as agreements between programmers (many as RFCs). Consequently, if Microsoft chooses not to cooperate, it has the ability to change its ''technical specifications'' so that other companies cannot comply and still assert that they are within the bounds of ''reasonableness''. Consequently this clause holds no water and appears to be cosmetic.

III.C.3 ''Launching automatically, at the conclusion of the initial boot sequence or subsequent boot sequences, or upon connections to or disconnections from the Internet, any Non-Microsoft Middleware if Microsoft Middleware that provides similar functionality would otherwise be launched automatically at that time, provided that any such Non-Microsoft Middleware displays on the desktop no user interface or a user interface of similar size and shape to the user interface displayed by the corresponding Microsoft Middleware.''

—This essentially allows OEMs to use non-Microsoft middleware only if such middleware apes what Microsoft middleware does already. I can think of no poorer excuse for ''competitiveness.'' III.J.1 ''Require Microsoft to document, disclose or license to third parties: (a) portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of anti-piracy...''

—1) It is well known in the security industry that open documentation (indeed—revelation of source code) leads to a more secure product, not less. The idea that revealing some layer of a Microsoft protocol would compromise its security is perfectly fraudulent. I could explicate this point further, but I feel that it is unnecessary since this information is widely known (and must have been ignored in the writing of this settlement).

2) On a more disturbing note, this allows Microsoft the ability to refuse disclosure of any of its protocols for ''security reasons'', real or not. Since other companies require these protocols to interoperate with Microsoft's products, this is in effect giving Microsoft the ability to guarantee that only Microsoft may make middleware for its operating system. In a competitive situation, this would be disadvantageous to Microsoft, since middleware makers would simply switch to another operating system. In this world where Microsoft's operating system overwhelms the market, middleware producers will go out of business if they switch to another operating system.

All these references to ''menus'' and ''icons'' are disturbing when it is certainly conceivable that these visual aids will disappear and change over time as Microsoft's product evolves (perhaps they will disappear precisely to circumvent this settlement's stipulation. At this moment, there are very few OEMs that can carry on business without a contract to distribute Microsoft's operating system. As a consequence, none of them will have an alternative but to sign any license that Microsoft cares to write. Microsoft doesn't need to make their licenses ''reasonable'' nor ''non-discriminatory'' because it would be financially impossible for an OEM to contest one. This situation is subject to change, but without real, visible constraints, Microsoft will maintain a stranglehold on its Covered OEMs.

The fundamental problem with Microsoft's situation—that it has illegally maintained its monopoly and stifled competition, is not given much consideration. Much more of the volume of the settlement is devoted to appointing ''Compliance Officers'' and ''TCs'' than was spent on the rights of the OEMs to choose a non-Microsoft product. Nor does the settlement hint at how non-Microsoft products are to gain a foothold enough to compete at all. The fundamental problem here is that Microsoft is eager and capable of leveraging its dominant share in the Operating System market into an anticompetitive advantage for its other products (and further extend its monopoly at the same time). The settlement needs to address that, rather than grant piddling ''exceptions'' for other software companies.

-RYaN
Ryan D. Williams, MIT Class of 2003

MTC–00027133

From: Rebecca Ryness
To: Microsoft ATR
Date: 1/27/02 8:04pm
Subject: Microsoft Settlement

No company should be allowed to abuse antitrust laws, including Microsoft. I understand that Microsoft is considered by some a ''good'' company, but they are guilty of some very serious violations in regard to competition in their field. I do not think that the Proposed Final Judgment is the answer.

Please reevaluate the rulings on this case with comments such as mine in mind.

Thank you.
Rebecca Ryness
(323)663–3344

MTC–00027136

From: Kerwin Brown
To: Microsoft ATR
Date: 1/27/02 8:05pm
Subject: Microsoft Settlement
To:
Renata B. Hesse
Antitrust Division
United States Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I do not see this settlement as being effective since.

1) It does not do anything to alleviate the problem of Microsoft being a monopoly since it leaves the company intact.

2) It is to difficult to enforce the provisions and allows Microsoft to exempt itself from key ones.

3) Microsoft still decides what products are in computers that consumers buy.

4) The products they provide do not run well with non Microsoft products so consumers either have to deal with conflicts, obtain and install a whole new operating system or purchase Microsoft products only.

5) Microsoft has a history of not holding to agreements when it serves the companies purpose.

The remedies proposed by the Plaintiff Litigating States are good and serve the public interest but do not go far enough without addressing the above issues. Also citizens, consumer groups, Microsoft customers and Microsoft's competitors must be give an equal opportunity to participate in public proceeding held under the Tunney Act by the court.

Thank You for your time
Kerwin Brown
604 W. Beardsley
Champaign. IL 61820
(217—) 352–3312

MTC–00027137

From: John ODell
To: Microsoft ATR
Date: 1/27/02 8:05pm
Subject: Suit

I think that everyone should leave Microsoft alone; every company out there has the same opportunity to make the great impact on the technology and business in today world. If not for alot of time in development of there product Microsoft has taken, we would be 10 to 15 years behind. Everyone user has the choice to use whatever software out there. Like most of my friends use Netscape not IE, or other e-mail suite then Outlook. As for the software that Microsoft integrated in to there OS I personal do not use most of it I buy software that I like and have been using for along time. So as to say that by integrating of software in Microsoft OS people do have a choice to use it or buy the ones they like (when you buy a car there is a car stereo in made by the manufacturer, you have the option to use it or buy one that you like.

AOL messenger is not the only one out there. Many can integrate in to each other and are very much alike. There has been a messenger of some type along time before AOL came along. And all things that are invent has came from ideas of something else that is in use, so to say AOL has to be the only one to have a messenger or the use of one is about the same thing that everyone is up in arms that they say Microsoft is doing.

Thank you and let Business grow and no Government control of it, it unproductive.

John H. ODell
Bonehead a Shock
Wave Lab

MTC–00027138

From: Brad (038) Jo-Anne Jircitano
To: Microsoft ATR
Date: 1/27/02 8:06pm
Subject: Microsoft Settlement
Honorable Colleen Kollar-Kotelly,
U.S. District Judge

Microsoft needs to be fairly punished for its anticompetitive and monopolistic behavior. The current settlement proposed by the U.S. Government and Microsoft is woefully inadequate. The abandoned proposal to break-up Microsoft into two or more companies would have advanced the goal of restoring innovation and competition in the marketplace. When I buy a personal computer today, I can choose between several manufacturers (HP, Sony, IBM, Gateway, Compaq etc.) and the internal chips are manufactured by either Intel or Amdahl. [These choices exclude Apple Computer, Inc., which is at most, a niche player in the personal computer business.] When it comes to choosing a suite of applications (word processor, spreadsheet etc.) the only viable choice for the rank and file user is Microsoft Office. This automatically limits my operating system choice to one manufacturer, Microsoft—Windows XP or Windows 2000. Why couldn't I choose a Linux operating system and get Microsoft Office as an application suite? Because that would create competition for Microsoft's operating system. This competition would, in turn, create innovation in the marketplace. We might find that Sun Microsystems might offer it's operating system for personal computers if Microsoft Office were ported to that operating system.

This is why Microsoft felt it had to illegally attack Netscape. Netscape was becoming so powerful/popular that innovative companies were beginning to write word processor and spreadsheet applications that would work directly within the browser—Netscape Navigator. If this trend were allowed to continue, American consumers would have been able to actually choose the operating system that would be installed on their personal computer. If Microsoft allowed this trend to continue, consumers would have been given the freedom to not choose Microsoft as the only viable vendor for their personal computer operating system.

Microsoft Corp. has been found guilty of breaking the laws of this country. Many consumers and potentially innovative companies have been deeply harmed. Microsoft needs to be punished and the punishment needs to attempt to restore a free marketplace, innovation and competition in the personal computer industry. The proposed settlement does not do this. As a citizen of the United States of America, I look to you to see that justice prevails. Regards,

Brad A. Jircitano

MTC–00027139

From: Dickrae51@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 8:07pm
Subject: Re: Microsoft settlement

I sincerely hope that this self-serving, tax wasting lawsuit brought about by so-called competitors will be quietly dumped on the ash heap of thousands of other wasteful lawsuits of no merit. Microsoft has allowed me, a senior citizen, to enjoy the benefits of computerization and the Internet at a cost that has always been affordable to everyone. If the competitors wish to compete, they can stop whining and start spending what Microsoft has had to spend on research and development to make their products attractive and reasonably priced. All this lawsuit has done is hasten the slide into recession and a battered stock market. It's time that everyone realizes the damage this idiocy has created.

Richard J. Schuster
3835 Caughlin Parkway
Reno, Nevada 89509

MTC–00027140

From: Ken Casey
To: Microsoft ATR
Date: 1/27/02 8:09pm
Subject: Micrpsoft Settlement

It is difficult for me to understand why the Federal Government would single out Microsoft for this type of legal action. Those of us in the real world sincerely appreciate the opportunity afforded us by the wonderful products produced by this company.

It appears that you are attempting to hold Microsoft back to allow those other companies to catch up or even overtake them.

Where do you think this country would be if it were not for the software development done by Microsoft?

I can't understand why you would want to penalize a company for succeeding. Please listen to the common man for a change and leave this company alone.

Ken Casey
Broker-Owner
Ken Casey Realty
13710 Hwy 441, Suite 200
Lady Lake, FL 32159 1–888–716–6709

MTC–00027141

From: Tom Will

To: Microsoft ATR
Date: 1/27/02 8:09pm
Subject: Microsoft Settlement
Thomas E. Will
3660 Fawn Drive
Canfield, OH 44406
January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I believe that the antitrust suit that was brought forward against Microsoft has taken the eye off of innovation. The settlement that was reached between Microsoft and the Justice Department pledges to put the drive to innovate back into the IT industry. The settlement is designed to give the consumer and economy a much needed confidence boost.

Under the settlement, Microsoft has agreed to license its Windows operating system to twenty of the largest computer makers on equal terms and conditions, including price. The settlement instructs Microsoft not to enter contracts that would restrain software developers from developing or promoting software that would compete with its Windows. Microsoft has also agreed to the establishment of a three-person ''Technical Committee'' that would observe its conformity to the settlement.

I believe that the settlement addresses the demands of the suit adequately, and it would be beneficial in providing assistance to the revival of the economy. It's time to get on with business. I strongly recommend that you maker certain to finalize this settlement.

Sincerely,
Thomas Will
CC:fin@mobilizationoffice.com@inetgw

MTC–00027142

From: Jack Lilygren
To: Microsoft ATR
Date: 1/27/02 8:11pm
Subject: Microsoft Settlement
622 Dundee Lane
Holmes Beach, FL 34217
January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

Three years is a very long time. With the economy in its current shape and so many other important causes that tax payer dollars could be used for, there could never be a better time to close this case. Microsoft has contributed too much to society, the economy and the IT industry to be punished the way they have been. Microsoft's innovations have changed the computer technology forever and enhanced the professional and personal lives of millions of users around the world.

In addition to the soundness of Microsoft's innovations, the past three years has proven that Microsoft is has fortitude and strength. Though the lawsuit has, without a doubt, cost Microsoft millions of dollars and unspeakable frustration, I believe that the hardship they have had to endure throughout this litigation will only help to make them a better company.

They have already displayed gracious compliance to the terms of the settlement and have even agreed to issues that were not even at issue in the lawsuit.

It should no longer be necessary for competitors to accuse Microsoft of trying to corner the market. This is because Microsoft has agreed to create future versions of Windows that would allow for compatibility with non-Microsoft products. Additionally, competitors will have access to internal Windows interfaces—an unprecedented move in an antitrust case.

It is my hope and the hope of many observers that this matter will come to a close as soon as possible. We are counting on your vigilant efforts.

Sincerely,
John Lilygren
jlilygrn@tampabay.rr.com

MTC–00027143

From: Jack T. Dwyer
To: Microsoft ATR
Date: 1/27/02 8:06pm
Subject: Microsoft Settlement

As a taxpayer and citizen, I would like to add my name and that of the other members of my family in requesting that the DOJ finalize the proposed settlement agreement with Microsoft and move on with more important work and pressing issues. In my opinion, this whole issue and that of AOL's pending lawsuite is nothing more than a continuing effort to stifle Microsoft's innovative efforts, and subsidize other non competetive companies at taxpayers expense. I am really tired of this issue, and would like to see some progress on behalf of consumers, technology, and the government. These companies, AOL Netscape and others are working to defeat Microsoft's efforts to move on, and are using politics and the courts to futher their ambitions.

Lets all move on and devote our time to more rewarding work. Let the success or failure of private companies depend on their own efforts, not on their abilities to manipulate the DOJ and the courts.

Sincerely,
Jack Dwyer
Jetlag@networld.com

MTC–00027144

From: Phil (038) Barbara Stone
To: Microsoft ATR
Date: 1/27/02 8:11pm
Subject: Microsoft Settlement

One of the fundamental functions of the United States government is to protect its citizens from the initiation of force and fraud. Microsoft is guilty of neither. Millions of people buy Microsoft products of their own free will. No one forces them to do so. The American people are not ''helpless victims'' who cannot choose software that is most useful to them. The government does not have a right to decide what can be on my or anybody's computer.

It's not the government's place to decide who has ''too much'' of the market. It is the consumer's job to do that by deciding what to purchase. The complaint against Microsoft originated with its unsuccessful competitors, not with its customers or partners. Failed businesses must not be allowed to set the rules for the markets in which they have failed.

Microsoft has a fundamental right to its property. The government's job is to protect that right, not to take it away. You must vote in favor of Microsoft because to do otherwise would blunt the entrepreneurial spirit if this great country.

Barbara Stone,
Strongsville, OH

MTC–00027145

From: MCCUE
To: Microsoft ATR
Date: 1/27/02 8:14pm
Subject: all done

I hope this will help

MTC–00027146

From: Margaret K. Herrin
To: Microsoft ATR
Date: 1/27/02 8:13pm
Subject: Microsoft settlement
Margaret Herrin
9 Pebble Lane
Signal Mountain, TN 37377–2142
January 12, 2002
Attorney General John Ashcroft
United States Department of Justice
Washington, DC 20530–0001
Dear Attorney General Ashcroft:

I am writing to express my support in the three-year antitrust settlement between Microsoft and the federal government. I sincerely hope that no further litigation is being sought at the federal level.

Taking in to account the terms of the agreement, Microsoft did not get off easily. In fact, Microsoft is left to make several significant changes to the ways that they now handle their business. For example, Microsoft has agreed to document and disclose for use by its competitors various interfaces that are internal to Windows'' operating system products. With the many terms of the agreement, I see no reason to pursue further litigation on any level against Microsoft. Thank you for your consideration.

Sincerely,
Margaret Herrin

MTC–00027148

From: Jim Brauner
To: Microsoft ATR
Date: 1/27/02 8:23pm
Subject: Microsoft Settlement

It is simple. I expect the government and legal system to punish predatory business practices when they are judged as such. Microsoft should have little to no say so in what their penalty should be. It should hurt them and cost them lest you send a message to them that because they have billions to try to change the truth of their conviction is not going to work.

Penalize them to the full extent of the law so that they hopefully learn a lesson. If you don't do that then just take you pathetic system and go home, you are not needed nor are you helpful.

MTC–00027149

From: pvnyejag2@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 8:25pm
Subject: microsoft settlement

WHEN ARE YOU PEOPLE GOING TO REALIZE THAT THE PEOPLE OPPOSED TO MICROSOFT ONLY WANT TO DESTROY AN INOVATIVE AND SUCCESFULL BUSINESS ENTRAPENEAUR,WHO HAS DONE MORE GOOD TO BRING COMPUTORS AND COMPUTING OUT OF THE DARK AGES.LETS QUIT WASTING (MY) TAXPAYERS MONEY ON THIS WITCH HUNT AND GET ONTO SOMETHING USEFUL.....!!!!!!!!!!!!!!!!!!!

Thomas J. Hankamp
318 Creek Rd.
Pleasant Valley,N.Y. 12569

MTC–00027150

From: Jared
To: Microsoft ATR
Date: 1/27/02 8:27pm
Subject: Microsoft Settlement

I wish to state, for the record, that I am opposed to the current Microsoft anti-trust settlement. It is not in my interest and neither serves justice nor justifies the vast expense that taxpayers have contributed to thwart yet another abuse of market power by yet another behemoth corporation.

Jared C. Rypka-Hauer
Continuum Media Group LLC
Burnsville MN

MTC–00027151

From: Ann Gambrino
To: Microsoft ATR
Date: 1/27/02 8:26pm
Subject: re: Microsoft cases
January 26, 2002
The Honorable Colleen Kollar-Kotally
U.S. District Court, District of Columbia
c/o: Renata B. Hesse
Antitrust Division, U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Judge Kollar-Kotally:

I write to express my concerns about the proposed settlement of the Microsoft cases. As the executive director of business/trade association, I consider myself to be very pro-business and generally supportive of free enterprise and open competition. However, in order for the free enterprise system to properly work, there must be an opportunity for businesses to actually compete against each other! I respect Microsoft for what they have been able to accomplish, but I believe Microsoft has gone too far in some of its practices. As a result, a competitive market in their sector no longer exists, and businesses and consumers are hindered and frustrated.

I understand that a settlement has been proposed that the Department of Justice has found acceptable. I further understand that various attorney generals have also found the proposed settlement acceptable. The Attorney General of the State of Utah is not one of them. I support his position and believe that the terms of the settlement are too lenient on Microsoft. Adoption of the proposed settlement would do nothing but delay the imposition of reasonable sanctions, prohibitions, and conditions on Microsoft until the next government action is taken, if any. In the meantime, Microsoft would essentially walk away with a hand-slap and the ability to continue its anti-competitive behavior. This could also set a precedence that would allow other businesses to take similar control of a market, because they know that they could get away with only lenient punishment, if any.

I ask the court to conduct hearings to determine an appropriate remedy that will reasonably penalize Microsoft for past actions and prevent future violations of antitrust laws. Such an action will only be in the best interest of all businesses and consumers.

Sincerely,
Ann Gambrino, executive director
Utah Hotel & Lodging Association
CC: The Honorable Mark Shurtleff, Utah Attorney General
Jonathon Jaffe, The MWW Group

MTC–00027152

From: J. Andrew Hoerner
To: Microsoft ATR
Date: 1/27/02 8:26pm
Subject: Microsoft Settlement

I am a consumer of Microsoft software, in both my personal and my professional capacity. I strongly oppose the current settlement, which does little or nothing to prevent Microsoft from continuing to extend its virtual monopoly on operating systems for desktops and laptops to other forms of software, by either integrating them with the OS, or requiring software developers to make various concessions for the privilege of building complicated interfaces with the OS. I believe that no solution can be adequate unless it either splits Microsoft into an OS company and an applications company or makes the OS source code available to all, including MS's own applications developers, on a uniform basis.

Andrew Hoerner
J. Andrew Hoerner
Senior Research Scholar & Director of Research
Center for a Sustainable Economy
1731 Connecticut Ave, NW, #500
Washington DC 20009
phone: (202) 234–9665
fax: (202) 588–1297
ahoerner@wam.umd.edu
http://www.sustainableeconomy.org/

MTC–00027153

From: dwelter@coin.org@inetgw
To: Microsoft ATR
Date: 1/27/02 8:23pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Don Welter
515 Defoe Dr.
Columbia, MO 65203

MTC–00027154

From: RGAshbaugh@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 8:26pm
Subject: Microsoft settlement

Leave them alone. They provide outstanding products and service.

Rusty Ashbaugh

MTC–00027155

From: Robert Walion
To: Microsoft ATR
Date: 1/27/02 8:28pm
Subject: Microsoft settlement

.This proposed ''settlement'' is a joke.Microsoft essentially has offered nothing and is probably laughing at the court for even considering the proposal.Microsoft needs to be dealt with harshly.Instead,the Justice department wants to lightly slap them on the wrist.

There should be a $10 billion fine at the very least.This still wouldn't really hurt Microsoft since they currently have almost $40 billion in cash reserves.The company should still be broken up and it's conduct in the marketplace closely monitored.After seeing several states sign off on this travesty of a ''deal',I won't hold my breath waiting for that to happen....

God help us all if this is how the Govt. deals with white collar criminals.

Robert Walion

MTC–00027156

From: barbipayne@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 8:24pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Barbara Payne
10021 Cavalry Dr
Fairfax, VA 22030–1913

MTC–00027157

From: H. Peter Anvin
To: Microsoft ATR
Date: 1/27/02 8:28pm
Subject: Microsoft Settlement

To:
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington DC 20530–0001
microsoft.atr@usdoj.gov
From: H. Peter Anvin
4390 Albany Dr Apt 46
San Jose CA 95129–1621
hpa@zytor.com
To the Honorable Court:

As a resident of the United States and a professional software developer, I would like to comment on the proposed settlement in United States vs. Microsoft, as provided by the Tunney Act. I believe the proposed settlement contains severe flaws in that it seems to lack proper provisions for enforcement, and fails to address some of the real consumer concerns going forward.

First of all, let me refer to you to a very thorough and insightful analysis provided by Mr. Dan Kegel, available on the World Wide Web as http://www.kegel.com/remedy/remedy2.html. Mr. Kegel carefully addresses many of the shortcomings in the proposed settlement, and advises how to adjust it to make it more appropriately fit the current situation.

Rather than reproducing the points of Mr. Kegel's analysis here, I would like to explain why it is imperative that these elements take into account. The goal of the settlement should be to rectify the anomalous situation that has developed in the computer industry through the unlawful anticompetitive conduct on the part of Microsoft.

FOR THERE TO BE A VIABLE ALTERNATIVE TO MICROSOFT, THE INTIMATE CONNECTION BETWEEN OPERATING SYSTEM VENDOR AND APPLICATION SOFTWARE MUST BE BROKEN. At one time, it was commonplace for software vendors to release their software for multiple platforms. Today, due to the overwhelming dominance of the Microsoft platform, Windows is generally the only platform for which software can be obtained, regardless if the software is from Microsoft or not. Therefore, the settlement must create conditions under which we can move from a Microsoft- centric software market to a competitive software market, and the only way to do so is by making it possible to create a standard platform, an Application Programming Interface (API), and enforce its use. This is addressed by Mr. Kegel in the proposal of the creation of a Windows API Standards Expert Group and requiring Microsoft to cooperate with it; a proposal which I fully support.

FOR THERE TO BE A VIABLE ALTERNATIVE TO MICROSOFT, FILE FORMATS MUST BE DISCLOSED. Microsoft have, by leveraging their Windows monopoly, established monopolies in other areas, such as productivity applications. Today it is commonplace for people in business situations to receive Microsoft Office documents as e-mail attachments; it being assumed that the recipient has access to Microsoft Office as a matter of course. The Findings of Fact ?20 and ?39 address the barrier to entry; this is an essential part of the barrier that needs to be overcome.

FOR THERE TO BE A VIABLE ALTERNATIVE TO MICROSOFT, THE FINAL JUDGEMENT NEEDS TO BE STRICTLY ENFORCED. Microsoft has in the past, such as after the Consent Agreement of 1994, dealt with antitrust settlements by making trivial changes that amount to little more than relabelling to their business practices in order to avoid the bite of the settlement. Due to the very rapid pace of the technology industry, renewed court action is likely to delay until the renewed monopoly situation is already a fait accompli. Therefore, the Final Judgement needs to have independent oversight, capable of imposing strong sanction without further court action.

FOR THERE TO BE A VIABLE ALTERNATIVE TO MICROSOFT, OPEN SOURCE SOFTWARE NEEDS TO BE ALLOWED THE SAME ACCESS AND PROTECTION AS COMPETING COMMERCIAL SOFTWARE. A number of items in the proposed Final Judgement specifically excludes so-called Open Source software. However, it has shown over the past several years that the most likely candidates to challenge Microsoft as a monopoly are exactly such Open Source operating systems and software, such as Linux, an operating system developed by Linus Torvalds in conjunction with a large number of volunteers and, more recently, corporations. It is therefore imperative that the proposed Final Judgement be revised to give Open Source software developers full parity with commercial software developers.

As outlined above, I believe the Proposed Final Judgement is not in the public interest as it will not perform its intended function of restoring competition to the software marketplace. I refer to the proposal of Mr. Kegel for the details on how it may be revised.

Sincerely,
H. Peter Anvin
San Jose, California

MTC–00027158

From: Julie Davidson
To: Microsoft ATR
Date: 1/27/02 8:30pm
Subject: Microsoft Settlement

From the Competitive Impact Statement, section II, Overview of Relief: ''The relief contained in the Proposed Final Judgment provides prompt, certain and effective remedies for consumers. The requirements and prohibitions will eliminate Microsoft's illegal practices, prevent recurrence of the same or similar practices, and restore the competitive threat that middleware products posed prior to Microsoft's unlawful undertakings.''

I think the Proposed Final Judgment does not begin to achieve this. MS is nothing if not creative when it comes to ''business methods''. Not to mention language interpretation...

And how does it happen that the definition of Microsoft Middleware omits MS Office and Outlook (but includes Outlook Express ???) I mean, if we're going to ''restore competitiveness'', why play favorites?

cc: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
CC:snail mail

MTC–00027159

From: Shane Chen
To: Microsoft ATR
Date: 1/27/02 8:30pm
Subject: On the Proposed Final Judgment.

To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I'd like to comment on the Proposed Final Judgment (PFJ) in United States v. Microsoft (http://www.usdoj.gov/atr/cases/ms-settle.htm). My name is Shane Chen. I'm currently working as a web master for the Institute for Creative Technologies (www.ict.usc.edu). In the past five years, I also worked as a network administrator, and technical support. I can easily attest to Microsoft domination of the office applications, middleware, and operating systems market.

If the PFJ ''must seek to ''unfetter a market from anticompetitive conduct'', to ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future'' (section V.D., p. 99), the current proposal is wholly inadequate. Not only are the terms such as ''API'', ''middleware'', and ''Windows OS'' too narrowly defined, the current PFJ seems to only be a veiled attempt at ''punishing Microsoft.''

In short, the current PFJ still leaves everyone at the mercy of Microsoft. MS could rename a product, create a new product, fail to provide sufficient documentation to competitors, etc., and even if MS was caught violating the PFJ, they would spend months and years in court to argue that they weren't in violation. Meanwhile, business still has to go on. People still need operating systems to drive their machines, MS word to do word processing, etc. And MS's competitors would suffer because the easiest way to easier compatibility and avoid problems would still be to use MS products. Because of this, the current PFJ cannot possible restore competition to the computer software market. The easiest and the most elegant solution, is not by doing anything directly to Microsoft, but putting Microsoft in the position where they actually have to compete, instead doing anything they please knowing full well there's not a thing anyone could do about it. This is NOT an impossible task. However, to accomplish this, the U.S. government would have to lead the way.

If the U.S. government would decree that all government software be switched away from closed sourced proprietary solutions to open source based solutions, then everyone could compete fairly. This would give immediate incentive for all businesses wanting government business to at least in part run open source software. Microsoft would instantly cease to be the dominate player in the computer software market. This is of course, not excluding Microsoft from

competition. Microsoft is welcome to compete in that space. They could provide open source solutions or file formats, or at the very least, have to also create products that can no longer exclude competition by intentional proprietary design.

The simplicity of this solution would actually restore competition to a market that is currently at the will and whimsy of Microsoft. Of course, the appellate courts have no such legal power to decree this, but the dominance of Microsoft in the computer software market space will require a solution of this magnitude.

God save us all,
Shane Chen

MTC–00027160

From: Dick and Candy James
To: Microsoft ATR
Date: 1/27/02 8:30pm
Subject: Microsoft settlement
January 27, 2002
Attorney General Ashcroft, Justice Dept.
950 Pennsylvania Ave. NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

I would like to urge you to support the settlement that has been reached between the Dept, of Justice and the Microsoft Corp. It is time to get back to rebuilding our economy, especially the technology field which has been so badly hurt in this recession.

Sincerely,
Carlyn and Richard James
741 Walnut
Edmonds, Wa. 98020

MTC–00027161

From: Todd Grant
To: Microsoft ATR
Date: 1/27/02 8:35pm
Subject: Microsoft Settlement

To Whom it May Concern:

Pursuant to the Tunney Act, I am writing to comment on the proposed settlement of the United States vs. Microsoft antitrust case. As a Small business owner in the computer technology field, I will keep this brief. Each day Microsoft goes with out checks in place to monitor the tactics they use, the harder it is for me to provide my customers with the best solution available.

In short, the proposed settlement is a bad idea

Sincerely,
Todd Grant—Consultant
NT Consultants
tgrant@ntconsultants.net
http://www.ntconsultants.net

MTC–00027162

From: Jud Meaders
To: Microsoft ATR
Date: 1/27/02 8:34pm
Subject: Microsoft Settlement

In the two months or so since I first wrote, nothing has happened to change my mind re your caving in to the Microsoft Corporation with your ''proposed settlement.'' Microsoft continues its anti-competetive practices, seemingly with your blessing. They continue to use their monopoly position to leverage their way into other key areas of the economy. Again, with your blessing.

Does the public know that the federal government is Microsoft's largest customer? How is it, given the judgment against them, unanimously upheld, that the government continues to purchase products and services from them, and still keeps them on a preferred supplier list? Pardon my cynicism, but could it be their money and influence? What else could it be?

Does the public know that Microsoft has not paid ANY federal income taxes for at least the past two years, maybe longer? Do they know how Micorosft is doing that? Can you say non-expensed stock option grants? Do they know that Microsoft's internal auditor was fired several years ago because he wouldn't go along with what he considered securities fraud? That he received a $4 million settlement with the company that included a gag order?

Given the penchant of this administration for secrecy, it may take us some time to find out just what the government's ties with Microsoft really are (how else to explain such a capitulation to an arrogant, unrepentant monopolist?). But I will do what I can to see that those ties are exposed, by writing letters such as this one, by staying informed, and by letting my elected Senators and Representatives know of my opinion. I am forwarding a copy of this e-mail to each of them.

Thank you for your time. I hope your future actions prove me wrong.

Jud Meaders

MTC–00027163

From: John Stevenson
To: Microsoft ATR
Date: 1/27/02 8:35pm
Subject: Comment for the Record Microsoft Antitrust Case

Dept. of Justice—Interested Parties

I believe that your prosecution of Microsoft is nothing less than an attempt to tear down a company that has earned its way in the marketplace. This country is about achievement and that means winning and losing. Your job is to simply keep your hands off the process.

Sincerely,
John Stevenson
1109 Don Gaspar Lane
Santa Fe, New Mexico 87505

MTC–00027164

From: jake—michel@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/27/02 8:38pm
Subject: Microsoft Settlement

To whom it may concern:

Currently the software development industry is at an inflection point. The monolithic application architectures of the 1980's and 1990's are giving way to architectures based on Object-Oriented design and XML-based interoperability.

With its .NET software initiative, Microsoft is providing the leadership that PC developers are looking for. Microsoft's work in the languages and tools area is critical work that enables thousands of independent developers to add value around the PC platform. My view is that Microsoft is stepping into a void caused by a failure in leadership at Sun Microsystems. Sun has impeded the market with legal tactics and government lobbying, to prevent desktop developers from innovating with modern programming languages. Sun, as a server vendor, has a vested economic interest in today's ''dumb client,'' and has used legal and political tactics, as opposed to technological innovation, to preserve today's outdated status quo.

Technologists may look back at the 1998–2001 period as a period of frozen innovation, as competitors choose to compete on the basis of lawsuits and government budgets rather than deliver products desired by the market. In my opinion, much of the ''dot.com'' meltdown has been caused by technological stagnation around mid-1990's software architectures. The simplistic, dumb-terminal model of the HTML browser did not create a platform where programmers could create a distinct value proposition. The bottom line is that this industry needs to get back to work. Microsoft appears to be taking a leadership role in delivering to the programming languages and tools necessary to allow 3rd parties build the software systems of tomorrow. This is work that must go forward without further delay. The alternative is continued economic crisis in the Information Technology industry.

Sincerely,
Jason Michel
CC:jake—michel@yahoo.com@inetgw

MTC–00027167

From: Don
To: Microsoft ATR
Date: 1/27/02 8:38pm
Subject: Microsoft settlement

Microsoft won the settlement a long time ago. Let us move on.

MTC–00027168

From: jproud@micron.net@inetgw
To: Microsoft ATR
Date: 1/27/02 8:38pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jerry Proud
Rt. 1 Box 67
Marsing,, ID 83639

MTC–00027169

From: Grady B Nichols
To: Microsoft ATR
Date: 1/27/02 8:41pm
Subject: Microsoft Settlement

Please accept the proposed Microsoft Settlement and move on to more important business. I believe Microsoft is being punished for being innovative and successful.

Grady B. Nichols
400 Kiowa St.
Montevallo, AL 35115–3671

MTC–00027170

From: rurich@tway.net@inetgw
To: Microsoft ATR
Date: 1/27/02 8:37pm
Subject: Microsoft Settlement

After review of the Proposed Final Judgment in the United States vs. Microsoft Corporation case, I find the proposed remedy to be insufficient to serve the public interest. The remedy fails to fulfill two of the three goals an appropriate solution should provide. This Proposed Final Judgment fails to prevent future antitrust violations by Microsoft, and fails to undo the consequences suffered from Microsoft's violations. I also believe the Proposed Final Judgment extends too much protection to Microsoft's monopoly of operating systems. Relevant chapter, section, subsection information will be enclosed in parenthesis where it is believed appropriate and beneficial.

Instead of preventing future violations, the Proposed Final Judgment seems to protect Microsoft from new threats. My main concerns are the limitations as described below:

(III.C.3) Limiting automatic launching of middleware to only ''similar functionality'' that Microsoft already delivers prevents new functionalities from being introduced. This section seems to guarantee Microsoft the right to decide what types of middleware may automatically run.

(III.D) By limiting the released APIs to only those Microsoft has already used in middleware, Microsoft is protected from middleware using new features Microsoft has not yet applied to middleware products. Essentially this guarantees Microsoft the first chance to use an API feature, and further the right to prevent some API features from becoming available to middleware products that might use those features in a way that could threaten Microsoft's operating system monopoly.

(III.H exception 1) This exception states Microsoft may invoke Microsoft middleware to interoperate with a server maintained by Microsoft. Microsoft's .net initiative seems to plan for the increased use of servers maintained by Microsoft for many activities. By allowing this exception, it may serve to allow Microsoft to invoke their middleware on an increasingly frequent basis, at least in part eliminating the ability for non-Microsoft middleware to effectively compete. Through this exception, Microsoft could also illegally maintain the Windows operating system monopoly, and even create new monopolies, by placing critical components of Windows onto servers maintained by Microsoft.

(III.H exception 2) This exception provides Microsoft the opportunity to override a non-Microsoft middleware product with a Microsoft one should the non-Microsoft middleware fail to implement a feature the Microsoft middleware implements. This seems to suggest Microsoft may be given the right to make sure a Microsoft interest will always function, which seems likely to allow further abuses of the Microsoft Windows monopoly.

The Proposed Final Judgment fails to undo the consequences of Microsoft's illegal anticompetitive behaviors. If Microsoft had not illegally maintained the high application barrier to entry, many things would certainly be available to a much broader range of operating systems, yet I can find no actions taken to undo these damages Microsoft inflicted. Further, Microsoft is actually rewarded for the antitrust violations they have been found guilty of.

Due to Microsoft's maintenance of the applications barrier to entry, a large amount of additional power and influence was gained by Microsoft. This gained power likely led to many new proprietary standards released by Microsoft having unnaturally high acceptance, rather than alternative standards being created that would not be under the control of Microsoft. Examples of standards released by Microsoft (not necessarily affected by Microsoft's antitrust violations) include, but are not limited to, Windows-Media Formats, Active Server Pages, and DirectX. It is essential to ensure functionality provided by Microsoft standards that would have been fulfilled by non-Microsoft standards had Microsoft not broken antitrust laws be available in a similar fashion to how the non-Microsoft standards would. Further, Microsoft should not be allowed to profit from such standards more than they would have had Microsoft not violated antitrust laws.

In regards to the rewards Microsoft will receive under the Proposed Final Judgment, (III.I) allows Microsoft to license (in addition to their legal intellectual property) the intellectual property that illegally gained value through Microsoft's anticompetitive behaviors. This results in Microsoft being provided with new revenue streams as a result of their illegal actions. This sets a bad precedent by allowing a company to violate antitrust laws, and then establish permanent revenue streams from those same violations.

I have another fairly minor concern about the definition under (VI.J) of ''Microsoft Middleware'', which states a major version is described as one with either a new name or a new whole number or number directly to the right of the decimal point. If Microsoft were to change their versioning system, it seems this could become ineffective. It also seems this may cause Microsoft to change their view of when a new version is worth the trouble of labeling with a new whole number or number directly to the right of the decimal point.

Overall, the Proposed Final Judgment seems to be lacking on many critical points, and provides no way to introduce future revisions should they be necessary to correct the oversights of the Proposed Final Judgment.

Richard Urich
rurich@tway.net
1146 Pointe Newport terr 208
Casselberry, FL 32707
(407) 493—7906

MTC–00027171

From: Eddie Birmingham
To: Microsoft ATR
Date: 1/27/02 8:44pm
Subject: Microsoft Settlement United States Department of Justice:

I am a Software Developer and have been watching the Microsoft case from the beginning. I DO NOT support the US DOJ's position on Microsoft for reasons I have outlined below:

1. The software I am developing is called TLMAXCAP (tlmaxcap.com). It is a program designed to help smaller companies/manufacturers, that ship product on semi trailers, manage their shipments. It includes functionality for importing data from their existing computer system, printing of important shipping documents like Carrier Confirmation Reports and Bills of Lading, and it allows an unskilled person to arrange the product on the trailer so that weight is distributed evenly over the entire trailer. This product was developed with Microsoft Access and Microsoft Visual Basic.

2. Furthermore, it is only because of products like MS Access and MS VB that this new software can be developed by one person (me), in a one bedroom apartment for under $7,000 and in only three months. In fact, the cost of the software was less than $1,200. This doesn't mean I couldn't have used another software alternative. It does mean it would have cost ME more time and money and the software would probably not have been as feature rich.

3. Furthermore, by using my software, companies will be able to cut down on the number of errors and mis-calculations in the shipping process. For example, one ''standard'' operating procedure in the shipping industry is to have a semi-trailer weighed before it actually ''hits the road''. If the load is not arranged properly (e.g. over-weight), the driver returns to the Shipper and has the problem resolved. Some of the benefits of reducing the number of times this ''procedure'' occurs, include: saving Driver time and money, less gas used (less pollution), saving the Shipper time and money, and better efficiency for everyone in the supply chain.

4. Furthermore, I believe these facts dispute the claim by the US DOJ that I am a helpless consumer. I know what I want and I know how to get it. I have molded Access and VB to fit my needs and have exploited the features of those two products to offer an exceptionally powerful product at an exceptionally attractive cost to Customers. I would challenge the Court to come up with a better solution to offer the same product, with the same features, as I have developed—real OR imagined.

5. Like most American's, I want to become successful. This level of success will be determined by me, but TLMAXCAP is a step in the right direction. It just so happens there is free software out on the Internet that does some of what my software does. Should I sue them? What if other competitors decide to lower their prices in response to my software? Should I sue them? Should they sue me for having a lower price? What if a price war breaks out and pretty soon my software is $1. I can't live off of $1 software,

so hopefully I would have a better business model that would allow me to outlive (in a business sense) some competitors so I could start charging something for my software again. Should they sue? Should I sue? Okay, so I won't give my software away, but at what price does it become anti-competitive?? It would be a race to the courthouse! Should I even be having these concerns?? How much am I going to have to raise the cost of my software by so I can have a little war chest just for litigation? Who wins??

6. Finally, I am not a Microsoft fanatic. I am not offering this information as a confession or a justification, but only so the Court knows my real view: I want the best products and I don't care who builds them; I believe the free markets and competitive nature within, will afford me this. I am typing this e-mail using Netscape and Netscape Navigator is my browser of choice. I hate IE and I have expressed this distaste to Microsoft and my reasons for this ''hate''. I would not use IE simply because Microsoft developed it (that would make me a fanatic). In fact, my *only* complaint about Netscape is that whenever I hear about this DOJ vs. Microsoft case I am reminded that one of the major players is Netscape (AOL, now) and that leaves a bad taste in my mouth—that I am actually supporting the very anti-competitive vermin responsible for this whole mess. I would only like to point out that Netscape was able to beat its previous competitor, Mosaic, with a better product, Navigator (it was once just called Netscape). Mosaic was Free, but Netscape was better. So if Netscape was able to beat Mosaic in the free markets of the United States, why can't they beat IE?? If Netscape was still trying to be competitive (which this Court Case has assured is not happening) they would be out showing the world how their browser is better because it doesn't crash as often, it doesn't do a bunch of stuff on their PC they don't know about, they are less prone to virus attacks, they are much easier to configure, they aren't tied into a million other parts of the OS so there are less parts to break, etc. etc. In any case, I think this is a question for the market place to answer, and not the Courts.

Thank you for your time,
Eddie Birmingham
burma@qwest.net

MTC–00027173

From: r.w.vavra@worldnet.att.net@inetgw
To: Microsoft ATR
Date: 1/27/02 8:41pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Robert Vavra
9897 SE 178th Place
Summerfield, FL 34491

MTC–00027174

From: Jeff Beverly
To: Microsoft ATR
Date: 1/27/02 8:48pm
Subject: Microsoft Settlement

I think that it would be wise to settle for the terms that Microsoft has agreed. The Microsoft Corporation has produced and licensed high-quality software products to the World. Their software is far superior to anything that I have tried using. They have, in no way, stopped other companies from competing with them. If Microsoft wants certain computer makers to bundle only Microsoft products, that's there business. If I don't want to use Microsoft products on my computer, I won't buy the computer that is only bundled with Microsoft products. I'll buy something else. There are plenty of computer manufacturers from which to choose. It is not Microsoft's problem that no other computer software maker can make an operating system as functional as Windows. The successes of Microsoft have been remarkable, and companies like AOL, Netscape, and Sun Microsystems are jealous of that success. It was wrong for the United States government to take sides with the ''cry baby'' companies and weaken, perhaps, the most successful and technology-driven company in the world, The Microsoft Corporation.

Sincerely,
Jeff Beverly

MTC–00027175

From: J.B. Nicholson-Owens
To: Microsoft ATR
Date: 1/27/02 8:54pm
Subject: Microsoft Settlement

Dear Your Honor,

Pursuant to the Tunney Act, I wish to comment on the proposed settlement of the Microsoft case. I feel that this settlement would be contrary to the public interest, and I strongly oppose it. The proposed settlement would cement Microsoft's market dominance (a dominance largely realized through unsavory means) and, more broadly, it would seriously harm competition and innovation in the computer industry. Both of these outcomes are highly undesirable.

The cornerstone of this case involves competition. Historically, rival firms and developers have found it very difficult to compete with Microsoft for two main reasons; Microsoft's proprietary file formats and proprietary Application Programming Interfaces (APIs). APIs function as an interface that allows different software programs to interact with one another; for example, APIs allow a word processing program to work together with a computer's operating system. The problem here is that Microsoft prevents competition by using secret APIs; Microsoft's applications and operating systems employ undocumented program instructions (that is, program instructions that are not publicly released). Microsoft places valuable functionality in secret APIs and thus prevents competition from leveraging that functionality. For example, while many developers can write a word processor to attempt to compete with Microsoft Word, a non-Microsoft word processor will never offer certain features available only through secret APIs—features only a Microsoft word processor (such as Microsoft Word) is able to provide.

Furthermore, Microsoft's management of its file formats also stifles competition. In addition to being secretive with the details of critical file formats, many Microsoft application file formats change with successive versions of the program; for example, from one version of Microsoft Word to the next. These shifting file formats are primarily designed to prevent competition. By rendering it impractical for potential competitors to develop compatible substitutes which read and write Microsoft file formats—a critical step in making a viable product—competitors are unable to supply a fully compatible alternative to Word or other Microsoft programs. It has been difficult to write a fully compatible Microsoft Word alternative because determining the Microsoft Word file format is both undocumented and changing. As a result of secret APIs and secret changing file formats, rival products are rarely developed.

Given the critical roles played by APIs and file formats, it is crucial that any proposed settlement do three things:

1. Force Microsoft to disclose all of the file formats and APIs available in all shipped products (including future enhancements). This will end the secrecy around Microsoft's file formats and APIs which will help remedy Microsoft's prior abuse of their monopoly.

2. Force Microsoft to use only disclosed file formats and APIs in products it will ship from now on. This will prevent future abuses by preventing Microsoft from using newly invented secret file formats and secret APIs. Microsoft would remain free to innovate and improve their software by changing their APIs and file formats as needed, but they would be forced to distribute programs built solely on disclosed file formats and APIs.

3. Allow anyone to develop software programs with the disclosed file formats and APIs. This, taken with the previous two actions, will allow viable competition with Microsoft. Just because specifications are documented does not mean other developers are free to develop software based on those specifications, hence the need for this third settlement term.

The settlement in question does not do any of these things; rather, Microsoft is free to continue its past practices. If one clause requires publication of an API or file format, for example, it is accompanied by another clause that prevents a competing developer from actually using that information. The final judgement leaves Microsoft free to continue shipping software that uses secret APIs and secret file formats. Nothing in the final judgement allows for or requires provision of Microsoft APIs and file formats

in a way that will encourage markets and competition.

Frankly, this situation is no different—and no better—than the one that prevailed before the filing of this Microsoft anti-trust case. Given this, it is obvious that an alternative policy is required, one that will promote fair competition, and, fortunately, the broad outlines of such a policy are clear. Simply put, Microsoft must be compelled to compete. They must be required to publish all their APIs and file formats (including future enhancements) with the agreement that other firms can write software that complies with these Microsoft specifications. Microsoft must also be required to use only the published file formats and published APIs in shipped products so they cannot continue the anti-competitive practice of developing secret functionality. Such an approach would have numerous benefits. First, real competition would be a boon to consumers. Consistent with the fundamental principles of markets, this would be likely to provide lower software prices in many cases. Furthermore, competition would also provide a wider product range. Given Microsoft's general dominance, most users are afraid to use non-Microsoft products because they are justifiably concerned that their existing Microsoft-based files or documents will be incompatible with non-Microsoft programs. Clearly this discourages development by other firms, and it locks users into obtaining and using a single product.

By shipping software using only published file formats and APIs, however, competing firms would have an incentive to develop competing products, some of which would undoubtedly provide greater satisfaction and value for many consumers. Finally, competition would spur innovation and development in the software industry. In many cases, frankly, Microsoft products have prevailed because of market dominance rather than quality. Microsoft products contain many undesirable features—vulnerability to viruses, poor privacy protection and so on—which have been allowed to arise and persist because there is little or no pressure to fix them; consumers disillusioned by poor Microsoft products typically have nowhere else to go. Clearly, competition is the remedy for this.

To restate and conclude, the point here is simple: competition. Competition is the cornerstone of the market, and, if allowed to flourish, it usually works well. Microsoft knows this and Microsoft has been working very hard to stifle viable competitive alternatives. You have the power to limit their aggression against competition by refusing the settlement on the grounds that it does not adequately address Microsoft's actions in regard to their handling of file formats and APIs. Please don't let Microsoft continue to prevent consumers from enjoying better computer systems, and please encourage a situation where people can pick products based on their merits rather than on a Microsoft monopoly. Please help contribute to an atmosphere which will foster innovation and development in this vital sector of the economy. Please reject the Microsoft settlement, because it will allow Microsoft to continue making a mockery of consumers, competition, and the computer industry.

Sincerely,
J.B. Nicholson-Owens
P.O. Box 2412
Station A
Champaign, IL 61825–2412

MTC–00027176

From:OldManFromSceneTwentyFive
To: Microsoft ATR
Date: 1/27/02 8:49pm
Subject: Microsoft Settlement

I am writing with respect United States v. Microsoft proposed settlement. As a student of technology, specifically Electrical and Computer Engineering, and an Open Source (GNU General Public License) advocate, I have a somewhat unique vantage point from which to analyize Microsoft's reign over the PC industry. When Microsoft's overpriced products are compared with open-source free products it becomes clear that something is wrong. The software that Microsoft offers, in terms of security, useability, and stability, is putrid. The situation is somewhat akin to rope and rats being processed into canned meats before regulations were passed. Unfortunately, simple regulations are not possible in this quickly evolving field. The only force capable of protecting the public is competition. Microsoft's monopoly is like no other. The nature of the electronic frontier allow many new ways for Microsoft to stifle competition, and as a result they will always be one step ahead of the law. This is why I believe much stronger action is required. I favor honorable judge Thomas Penfield Jackson's suggestion, that Microsoft be required to provide accurate disclosure of, and support for, their programming interfaces (APIs, see Jackson's Finding of Facts), enabling third parties to develop interoperable systems with Microsoft's own offerings.

Eric Innis (transient—earthworm@yahoo.com)

Faux Pas III <fauxpas@temp123.org> wrote:

Under the provisions of the Tunney act, American citizens have the right to comment on federal antitrust settlements such as DoJ vs Microsoft.

Information about the suit, including the text of the proposed settlement, are here:

http://www.usdoj.gov/atr/cases/ms—index.htm

To let the federal government know how you feel about the settlement, send mail here, subject 'Microsoft Settlement':

microsoft.atr@usdoj.gov

Inside sources say that responses received thus far have been overwhelmingly in favor of Microsoft, and have mostly come from Microsoft employees and others that the corporation has solicited to submit their opinions.

In case anybody cares, here's what I said.

I am writing with respect to my concerns with the settlement reached with Microsoft in the DoJ suit, regarding anticompetitive practices and abuse of monopoly power. I am a professional working in the field of computer network security, and I have witnessed throughout the years a host of situations in which the American public have been victimized by Microsoft's abuse of their overwhelming monopoly. Based on my reading of the proposed settlement, I feel obliged to comment that the remedies put forth thereby will be greatly inadequate to reintroduce competition into the numerous markets currently owned by Microsoft, or to mitigate the tangible damage in terms of both direct financial loss and, indirectly, through an absence of customer service, attention to security and stability and the end-user's rights of fair use.

As an alternative remedy, I favor the suggestion put forth by the honorable judge Thomas Penfield Jackson, that Microsoft be required to provide accurate disclosure of, and support for, their programming interfaces (APIs, see Jackson's Finding of Facts), enabling third parties to develop interoperable systems with Microsoft's own offerings. This would, in my opinion as a computing professional, reintroduce customer choice into the marketplace and encourage merit-based competition, ultimately benefiting consumers through improved value offerings as well as a more rapid pace of innovation, which has been largely stifled during the period of Microsoft's unshakeable dominance.

In short, I wish to cast my voice into the pool of those who, as registered voters and as active participants in the United States economy, insist that Microsoft's transgressions be dealt with fairly, decisively, effectively, and expeditiously.

Josh Litherland (fauxpas@temp123.org)

''give me my shoes, and Ill give you your eye.''

MTC–00027177

From: PCJorgensen
To: Microsoft ATR
Date: 1/27/02 8:48pm
Subject: Microsoft Settlement

To the Department of Justice:

I am still trying to figure out how Microsoft has hurt consumers by possibly costing us a few extra dollars for software. I have a choice in buying software, I didn't have a choice when I got locked into AOL's infamous 5.0. Three years ago, after going through several months of abysmal service from AOL, I decided to change to MSN. I found out the hard way that AOL 5.0 was set up so that I could not change my ISP to MSN. I was locked into AOL without my consent and AOL refused to do anything about the problems, except to tell me to ''just reload AOL and IE''. After the fifth or sixth run-through with AOL ''techs'', I gave up and bought another computer to make the change to MSN. MSN was a huge upgrade in service for half the price of AOL through my local Costco. That is consumer injury, not allowing us to make our own choices. I have heard of quite a few others who had the same problem when a family member innocently downloaded a ''free'' AOL diskette or CD and was locked into AOL. How many of AOL's millions of users are in the same situation? Once it's loaded, you are locked into it without some expensive tech work to change the mistake. AOL is still advertising their version 5.0 on some internet sites. Whatever the DOJ believes Microsoft overcharged me was peanuts compared to what AOL cost me.

AOL was one of the original complainers in the MSFT suit, now they are whining again that MSFT has damaged them in the ''browser wars''. In 1996 when I began on AOL, Netscape was part of AOL, but if you had problems with Netscape, you were out of luck. MSFT gave away IE and had good consumer help with any problems. Consumers who got fed up with Netscape chose IE, and the rest is history.

AOL is whining because they got stuck with a loser, but consumers have the right to choose the best product for them.

My husband and I scrimped and saved to buy Microsoft and other stocks over the last ten years as part of our retirement funds. We watched helplessly as our retirement funds dropped by the day as the Microsoft debacle went on, even crashing our employee IRAs. Washington Mutual Bank pulled a scam on our family that cost us over $65,000, then hid behind lawyers, legal jargon and a tiny loophole in the law. I have spent two years battling them to correct the problem with no success. Consumer protection by the DOJ? What a joke.

Patricia Jorgensen
3503 Alaska Road
Brier, WA 98036
(425) 481–7186
PCJorgensen@msn.com

MTC–00027178

From: David Nordgren
To: Microsoft ATR
Date: 1/27/02 8:54pm
Subject: Microsoft Settlement

Greetings,

I wish to voice my concern about the proposed settlement with Microsoft: Section III.A.2 does not prevent Microsoft from retaliating for personal computers shipped by OEMs with only a non-Microsoft operating system installed. This is a traditional non-competitive practice by Microsoft which unduly strengthens their position in the marketplace.

The judgement is behavioral only and does not offer punitive remedies.

As a citizen I am very concerned that corporations be subject to punishment for wrongdoing. In my view the anti-competitive behavior by Microsoft was quite significant and there should be proportionate punitive remedies.

Regards,
David Nordgren
9174 West Branch Road
Duluth, MN 55803

MTC–00027179

From: David Bednarczyk
To: Microsoft ATR
Date: 1/27/02 8:56pm
Subject: Microsoft Settlement

The proposed settlement is only going to give Microsoft another market to consume. The education market has been an Apple domain and still is a viable solution for educators. Microsoft ''donating'' PC hardware and software will only further their strong hold in the PC world. Microsoft should give money to the schools to be used for whatever technology is needed.

Thank you,
David Bednarczyk
Senior IT Manager
dbednarczyk@earthlink.net

MTC–00027180

From: Dale Pontius
To: Microsoft ATR
Date: 1/27/02 8:53pm
Subject: Microsoft Settlement

To Whom it my concern:

I am writing my comment on the proposed settlement of the United States vs Microsoft antitrust case, under the Tunny Act.

I do not believe the proposed settlement provides for any significant benefit to the consumer or improvement in the competitive landscape of the software industry.

Microsoft's past and present actions in monopoly maintenance and extension have two key bases: control of Standards such as Programming Interfaces and file formats, and preload agreements to have their Operating System installed on the vast majority of new PCs sold. I will address inadequaces of the proposed settlement on each point, in turn.

The issue of Interface Documentation should parallel cases of ATT and IBM, but it falls far short. First, by ''Interface'' I mean more than just the ''Windows API'' cited in the settlement. This should include not just ''Applications Program Interfaces'' (APIs), but ''Systems Programming Interfaces'' to enhance competition in middleware development, ''Wire Protocols'' to preserve competition in Internet, multimedia, and communications development, and ''File Formats'' to restore competition in Office software, as well as other areas.

To expand on the 'File Formats' for a moment, my neighbor was recently ''forced'' to purchase Microsoft Office, even though he prefers Word Perfect. He needs to exchange documents with colleagues, they use Microsoft Word. Word Perfect offers import/export abilities for Microsoft Word documents, but because the File Format changes subtly (and unnecessarily, for any reason other than anti-competition, according to some) with every release, it is impossible for any other company's product to interoperate correctly.

Standards are supposed to be stable, and allow interoperation. That was the effect of the antitrust actions against ATT and IBM. Telephone and computer interfaces were properly opened and documented, and certain amounts (6 months review) of stability inserted to allow competition. To me, Microsoft's ''use'' of standards seems akin to either malfeasance or misfeasance. Either they are wielding standards as a weapon, to hinder competitors, or they are terribly inept at crafting stable standards. In either case, it is dangerous and counterproductive to leave the situation as-is.

The proposed settlement seems oriented more toward allowing inspection of source code by corporate competitors, and makes numerous allowances for exclusion. To begin, merely inspecting source code can give insight, but is far from proper documentation. Second, in the PC Operating System marketplace, the only competitor Microsoft has is not a corporation at all, but a loose assortment of volunteer individuals. That the /only /significant PC OS competitor is based on volunteers and free software is telling, and the proposed remedy does nothing to assist this effort, rather it may well hinder it.

My second main basis of contention was preload agreements. If I buy a PC from a large manufacture, I essentially have no choice but to receive Windows. While a previous court decision outlawed per-CPU licensing, Microsoft was free to set contracts that essentially amounted to the same thing. They can also the discount rate (price below retail) to enforce their terms, because the profit margin is so small, and a good discount on Windows can make the difference between profit and loss. The PC manufacturer cannot refund my money, and nor will Microsoft. (because Microsoft's customer is the PC maker, not me.) So essentially, Microsoft has guaranteed income based on other companies'' production, also not based on their performance. What other company enjoys substantial income independent of their actions? How can /any company/ compete effectively with them?

For this problem, I would suggest the additional remedies: The cost of Windows must be itemized as part of the cost of the PC visible to the customer, and Microsoft must refund that cost upon request and suitable assurance that the Windows license has not been used by the customer.

Perhaps the customer needs a 'decline license' option upon first boot.

A final item related to this OS license issue. Microsoft must not force conditions upon PC manufacturers that will render PCs unbootable by any OS other than Windows. Microsoft already puts obstacles in the way of multi-booting Windows alongside other OSs, I've lived with them for years. At the very least, those obstacles cannot be allowed to become more onerous.

Thank you,
Dale Pontius
DEPontius@edgehp.nols.com

MTC–00027181

From: krckrc@mail.frii.com@inetgw
To: Microsoft ATR
Date: 1/27/02 8:56pm
Subject: Microsoft Settlement

To Whom it May Concern:

I am writing to comment on the proposed settlement of the United States vs. Microsoft antitrust case.

One of the weaknesses I perceive in the proposed settlement is that does little to force Microsoft to open up its APIs, communications protocols, and file formats to allow interoperability between Microsoft and non-Microsoft software products. Do the complexity of the Microsoft interfaces whatever mechanisms used to enforce their openness must be proactive and penalties swift and sure in order to get the interfaces documented in a complete and timely manner. Microsoft should also be prevented from using patents on various aspects of its interfaces to limit their use by others.

Sincerely,
Kenneth Chaney
Fort Collins, Colorado
CC:krckrc@frii.com@inetgw

MTC–00027182

From: PCJorgensen

To: Microsoft ATR
Date: 1/27/02 8:55pm
Subject: Microsoft Settlement

To the Department of Justice:

Re: Microsoft Settlement I am John D. Jorgensen, a 36-year Boeing Aircraft Company employee, an Aeromachinist union steward and have had perfect attendance for 25 years.

Antitrust laws were written for the consumer, not competitors of companies! The only consideration the government has given is to Microsoft's competitors, leaving the consumer out in the cold. Microsoft has never done anything to damage me, AOL has damaged me severely. AOL ruined my computer with their 5.0 virus software so that I was unable to use any other service provider. AOL is a predatory monopoly.

They give away free CDs and diskettes, you load it into a computer and then you are locked into AOL.

Your system is ruined and in many cases the hard drive is also ruined. AOL is more expensive than other ISP's but you cannot use them. The government has sued the wrong company. They don't listen to the consumer.

The Department of Justice is doing the bidding of AOL/Time Warner, Oracle and Sun Microsystems in the name of saving the consumer a few dollars on software. The government has crashed the stock market, ruining working people's 401K's to the tune of six trillion dollars. The Justice Department should be ashamed. Read the case with an open mind, not through the eyes of Penfield Jackson. Why did he rule this way with no evidence? The Justice System has to protect the 18 states and their attorneys-general. I believe the constitution (Article 1, Section 10) will prevail in this one and we will have 18 bankrupt states, this is a very sad thought, when it should come back against AOL, Oracle and Sun.

It's absolutely appalling that a company like AOL should be allowed any input in this case. The government has let the AOL, Sun Microsystems and Oracle foxes into the hen house. The Justice Department also has an obligation under law to not damage Microsoft stockholders, most of whom do not work for Microsoft. Just the opposite has happened. The 18 states'' attorneys-general sensationalized the trial and did talk shows. Eighteen states have disgraced our monopoly justice system. They should have no say in this as they are a ''minority of states''.

I am very unhappy with the Justice Department and have lost confidence in the rule of law. I think the case against Microsoft should be dropped. Period. I have read everything written on the case, and this is a horrible miscarriage of justice.

Sincerely,
John D. Jorgensen
3503 Alaska Road
Brier, WA 98036
(425) 481–7186
PCJorgensen@msn.com

MTC–00027183

From: michaeljanet.mcauliffe @verizon.net@inetgw
To: Microsoft ATR
Date: 1/27/02 8:54pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Janet McAuliffe
11407 17th Pl. NE
Lake Stevens, WA 98258

MTC–00027184

From: Curtis A. Ridgeway
To: Microsoft ATR
Date: 1/27/02 8:57pm
Subject: Microsoft Settlement—Make Them Hurt

To Whom It May Concern,

Microsoft is unethical in its business practices and has shown no remorse. Nothing can be done to made them ethical.

—Make them provide source code to competitors to allow for for interoperation

—Make them provide internal software specifications to competitors.

I recommend MicroSoft be broken up into 2 or 3 parts to allow for competition just like what was done to the phone company.

A fine should be about $40 Billion real dollars (It must hurt):

Half for the companies they destroyed like Netscape and half as a fine to be paid to the IRS to offset everyone else's tax burden. It should not be software which is free to them and only increases their monopoly.

Microsoft should be forced to make a reliable product and provide free customer support.

Everyone suffers from their poor quality and system engineering practices. IBM is known as big blue. Windows is known for the ''Blue Screen'' of the computer crash.

Just my opinion,

Curt Ridgeway CC:ridgeway@cruzio.com@inetgw,logicace@pacbell.net@in...

MTC–00027185

From: Charles Aunger
To: Microsoft ATR
Date: 1/27/02 9:00pm
Subject: Microsoft Settlement

January 17, 2002
Attorney General John Ashcroft
U.S. Justice Department
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

At long last, this debacle of an antitrust trial between the government and Microsoft has sputtered to a settlement. While the settlement is weighed slightly against Microsoft, it at least has the advantage of ending the litigation.

This entire lawsuit was, I believe, grounded in much misinformation and misunderstanding. A company's ''dominance'' in any particular market does not necessarily mean that it has achieved that status through anything other than legal—albeit aggressive—means. I believe this to have always been true of Microsoft. Microsoft never manipulated the marketplace to force anyone to purchase its system. Rather, its pricing policies, its integration, and its reliability attracted most people to its product. This is enviable, not despicable.

When our government engages in a mission to ''level the playing field'' for all, there is the natural side effect of having to ''dumb down'' those that have been successful, and force them to either step aside, or give away their hard-earned successes to those less fortunate souls who are not as creative or as industrious. This attitude is reflected in the settlement. Microsoft is being forced to give up some of its source code to others in order to satisfy the government need to level the IT playing field.

While it is useless to object, I find that the settlement at least has the advantage of ending the contentious nature of the trial. For this reason alone, I find myself supporting it.

Sincerely,
Charles Aunger
Chief Technology Officer
PO BOX 470671, CELEBRATION, FLORIDA, 34747–0671
www.vhinternet.com, TEL: 407 709 6559 FAX: 407 650 2703

MTC–00027186

From: aty@mintaka.sdsu.edu@inetgw
To: Microsoft ATR
Date: 1/27/02 9:00pm
Subject: Microsoft Settlement

I wanted to let you know I think the proposed settlement of the anti-trust action against Microsoft is entirely too lenient, considering the fact that their anti-competitive actions have been well documented and established in the courts.

I suggest the best action to take, for the benefit of the computing public, would be to force Microsoft to publish their source code. This would allow the numerous bugs in it, which Microsoft has shown little interest in fixing to be cleaned up by the many capable programmers. As an example of how effective this process can be, take a look at the Open Source industry, and the Linux operating system in particular.

—A. T. Young
(aty@mintaka.sdsu.edu)

MTC–00027187

From: Angela
To: Microsoft ATR
Date: 1/27/02 9:00pm
Subject: Microsoft Settlement

Mrs. Angela M. Rasely
H.C. 1, Box 2055
Tannersville, PA 18372–9030
570–620–9508
arael@uplink.net
January 27, 2002

Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to you to show my support of the proposed settlement between the US Department of Justice and Microsoft. I feel this agreement is fair and that it is in the best interest of the people that this case comes to a final end. Budgets at the state and federal levels have been exhausted and we need our government to conserve resources.

Three years has been too long for this lawsuit to occur. I am happy to see that the terms of the settlement do not break up Microsoft. The concessions do not let Microsoft off easy as they will be forced to disclose for use by their competitors internal interfaces and protocols. They will also be forced to grant computer makers broad new rights to configure Windows so as to make it easier for competitors to promote their products.

So, although flawed, I support the settlement and ask your office to suppress opposition and make the settlement and reality. Thank you for your time.

Sincerely,
Angela Rasely
cc: Senator Rick Santorum

MTC–00027188

From: tom.crosby
To: Microsoft ATR
Date: 1/27/02 9:01pm
Subject: Microsoft Settlement

Please see attached.

January 27, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft, Apparently, the federal government defines ''success'' as meaning ''antitrust'' and seems to derive great satisfaction from misapplying this incorrect definition in order to destroy ''overly successful'' American companies such as Microsoft. It really is a shame, and I am very glad a settlement was reached that keeps Microsoft intact.

This is the second time I have seen the federal government go after a successful company. Unlike Microsoft Case, the company in the second case was small, very successful and growing very quickly. There was also a much larger company selling the same products, in the same market. Yet, because a competitor complained, the government argued that the company was a monopoly in the marketplace (defined to be the users of its equipment). Since the larger company was also very successful, growing rapidly, and could supply an alternative system, it is hard to understand the thinking in this case. In both cases, the real issue seems to be that there were mistakes made by management in their strategy and tactics in dealing with a competitor. Rather than admit they made these mistakes, they have decided to blame someone else for their failures and try to obtain additional rewards for their poor work.

Unfortunately, the litigation cost American taxpayers and the Companies untold millions of dollars to prove one thing: the government egregiously misapplied outdated antitrust law, written for nineteenth century smokestack industries, to 21st century technology innovation and business practices.

While the settlement may spare Microsoft from being broken up, it still applies stringent requirements that will substantially force it to change the way it conducts business. I will not list all of them, as I am sure you are familiar with the settlement. Microsoft agreeing to cede its source code for the Windows operating system to its competitors is unprecedented in an antitrust settlement, and ought to indicate the magnitude of this settlement

The High Technology Industry is an industry where prices go down every year and product functionality improves. I do not understand why the Government thinks this is harmful to consumers. If this settlement is done incorrectly, I think the consumer will end up paying more, especially for support. Support will become a disaster as more vendors add their software and do no integration testing with all the other vendors'' software. I hope you will close this case quickly and with the least possible damage to the computer end user.

Sincerely,
Thomas W. Crosby Jr.

MTC–00027189

From: Craig
To: Microsoft ATR
Date: 1/28/02 1:02pm
Subject: Microsoft Settlement

Microsoft has for years used illegal and unethical means to secure a monopoly in the computing industry.

As I understand the workings of anti-trust law, this calls for (among other things) divestiture of all profits made from the illegal activities.

The proposed school settlement plan brought forth by MS and the DOJ, would be a reward rather than a punishment. This settlement would allow Microsoft to extend it's monopoly into one of the few areas it has been unable to penetrate through it's normal, devious devices.

The proposed settlement also, simply put, does little to insure future compliance with the law, as it has far too many loopholes and lacks harsh enough penalties, if they violate it or other anti-trust laws in the future.

I would submit that this is the time to send a message to industry that, crime doesn't pay. The only way to accomplish this is through large fines, which would take away all the profits they have made from their illegal activities.

The only way to insure against future infractions, would be to include a ''Crown Jewel'' clause, such as disclosure of their source code, or forcing them to re-license it under the GPL.

I further submit that the arrogance and contempt shown by MS throughout the previous proceedings... the very thing that drove the original judge to distraction, should be considered heavily in this matter. Gates and Company have shown nothing but contempt, for our legal system, for the free enterprise system, for the computer field, for our government and for their customers.

I beg you to do something that will actually have an affect on MS... not just give them a slap on the wrist.

MTC–00027190

From: Lois M. Russell
To: Microsoft ATR
Date: 1/27/02 9:02pm
Subject: Microsoft Settlement

Gentlemen:

It is my judgment that the proposed Microsoft compromise settlement as worked out will be beneficial to all users and want to add my support to the settlement. I understand some competitors are fighting this settlement, but it seems to me this matter has dragged on long enough and should be brought to a speedy conclusion now that a settlement has been agreed upon.

I hope you are able to complete this matter swiftly.

Lois M. Russell

MTC–00027191

From: Alan E.
To: Microsoft ATR
Date: 1/27/02 9:03pm
Subject: Microsoft Settlement

Microsoft has forged the path to the future in the computer industry, giving us quality products at an affordable price. Because of Bill Gates, even those who would destroy Microsoft are able to successfully operate computers. Microsoft's competition has faltered for one reason: Microsoft is the best. The government's assault against our nation's finest businessman is a travesty and an affront to the concept of liberty.

Alan Edwards

MTC–00027192

From: Ahearncj@cs.com@inetgw
To: Microsoft ATR
Date: 1/27/02 9:03pm
Subject: Microsoft Settlement

We are strongly against the state of Florida and other states pursuing litigation against Microsoft.

The outcome of this action will only be incompatible with the interests of consumers of Microsoft products. The main consequence, we believe, will be in the development of inferior products that cost more and do less.

Additionally, Microsoft needs to be remunerated for its innovative product rather than being punished by giving away information to competitors. An immediate settlement with Microsoft, without further costly litigation, is in the consumers interest rather than pumping up the CV's of the various Justice Department members.

James P. Ahearn, M.D.
Carol M. Ahearn

MTC–00027193

From: Richard Forno
To: Microsoft ATR
Date: 1/27/02 9:02pm
Subject: Microsoft Settlement

CC: rforno@infowarrior.org@inetgw

I write to comment on the proposed settlement between the US Department of Justice and Microsoft (the Proposal). I believe that the Proposal makes progress in the right direction, but does not go far enough.

For the record, I am the Chief Technology Officer for a Dulles, VA information security firm that works closely with the US national security community. I am the former Chief Security Officer for Network Solutions, Inc. (acquired in June 2000 by VeriSign) and have held other information security positions in the United States government, including the US House of Representatives.

I am the co-author of ''The Art of Information Warfare (1999) and ''Incident Response'' (2001) and pen a recurring column on information security topics at Securityfocus.Com. Further, several of my security-oriented whitepapers are available at my personal website, Infowarrior.org. I am also a frequent conference presenter and an adjunct lecturer at the American University, and conduct recurring lectures at the National Defense University in Washington, DC.

I wish to thank Paul Johnson for his invaluable assistance in drafting many of the following paragraphs, which voice the comments of many others in my profession.

I strongly urge an appropriate outcome that favors the computing community and not the proprietary and profiteering needs of a proven monopoly.

Is/

Richard F. Forno

Chief Technology Officer

Dulles, Virginia Security Firm

www.infowarrior.org (personal site)

rforno@infowarrior.org

Summary of Key Issues

Microsoft holds a dominant position throughout the software industry. A remedy which deals exclusively with ''middleware'' is not sufficient. All Microsoft software should be covered.

Microsoft's monopoly position is founded on its control of proprietary interfaces. Microsoft products are linked through a network of proprietary interfaces, making it difficult for competitors to produce software that will inter-operate with Microsoft software. If the proprietary interfaces were published then competitors could produce software that competed directly with Microsoft without the expensive and error-prone process of reverse engineering.

These proprietary interfaces are in the form of file formats, network protocols and APIs. All three need to be made available to competing products.

Where two Microsoft products work together the interface between them can best be made available by setting up a ''Chinese wall'' between the development groups responsible for them, and then requiring Microsoft to publish all the technical data that is exchanged between these groups.

Where one copy of a product communicates with other copies of the same product (such as when an MS Word document is sent to another MS Word user) the file format or communication protocol should be published in a form which allows independent verification that the product conforms to the published description.

The ''security related'' exception to disclosure should be narrowed to include only keys, passwords and similar security tokens.

Microsoft's Position

Microsoft currently holds a dominant position in the computer software industry, and as I shall show below it maintains this position through control of proprietary interfaces.

Over the past decade Microsoft has repeatedly demonstrated a willingness to evade or ignore regulations aimed at curbing its monopoly power. There is no reason to expect this behaviour to change. Therefore any effective remedy must be drafted to block not only the past misdeeds of Microsoft but any it might devise in the future. The rules under which Microsoft is to operate must be unambiguous and, as far as possible, free from the need to make value judgments as to whether Microsoft has fulfilled its obligations sufficiently. Any such judgments will may be used as delaying tactics by Microsoft.

Product Tying

The current case was originally concerned with the alleged tying of Microsoft Internet Explorer with Windows 95, in violation of anti-trust law. However the list of features which users expect to find in an operating system has evolved over time, and continues to do so. A previous example concerns ''disk defragmenters'', which optimize the arrangement of data on a disk in order to speed up access. Before Windows 95 these programs were sold separately by competitors to Microsoft. When Windows 95 was released it included a disk defragmenter. The competing companies could no longer sell their existing products, but there was no public outcry because disk defragmentation is generally considered to be a function of the operating system.

Suppose that ten years ago Microsoft had been effectively prevented from adding new features to Windows: today a modern PC would have to include a dozen or more small packages of software which would be more economically produced and sold as a single product. Computer vendors would have to purchase and integrate all of these small packages, and buyers would have to cope with a bewildering checklist of small but important items that they would have to ensure their computer included.

Thus a fair and effective remedy cannot enjoin Microsoft from ever bundling new functionality in its products, even when a market for that functionality already exists in third party products.

The Proposal also sets rules for the related issue of the ''Desktop''.

This properly prevents Microsoft from ensuring that its products are more prominent on the desktop than those of its competitors. Such user interface concerns are important, but are not the subject of this note.

Interfaces

The Proposal concentrates on the ''Application Programmer Interfaces'' (APIs) to Microsoft ''Middleware'' (a vaguely defined term, roughly meaning software that sits between the operating system and the applications employed by end users).

The Proposal is right to concentrate on interfaces. Microsoft has always used proprietary interfaces to manipulate the market and lock out competition. To illustrate how this works, suppose Microsoft sells products Foo and Bar which communicate via a proprietary interface. I purchase Foo, and subsequently want the added functionality of Bar. There may be many competitors in the market for Bar, but they are effectively excluded from my consideration because their products cannot communicate with Foo.

Similarly if copies of Foo communicate with each other through a proprietary interface then anyone wishing to work with me must also purchase a copy of Foo. This creates a ''network externality'' which ensures that, even in a competitive market, the best option for an individual consumer is the product with the largest market share, since this brings them into the largest population of potential collaborators.

By creating a web of proprietary interfaces, both between products and between its customers, Microsoft has ensured that it is locked into its market in a way that has never before been possible. It is this stranglehold on the market for software that must be broken. Since Microsoft has used its control of proprietary interfaces to achieve this, it is on interfaces that any effective remedy must concentrate. The focus of the Proposal on ''middleware'' is misguided. It excludes applications and operating systems, which are the two areas where the monopoly power of Microsoft most needs to be restricted. Furthermore its vague definition creates too much opportunity for Microsoft to redefine critical interfaces as something other than ''middleware'', leading at best to argument and delay.

Examples

It is worth looking at two of these interfaces to see how they lock Microsoft into the market.

Microsoft Office is the leading ''office productivity suite''. There are competitors, but they are critically hampered because their users cannot reliably exchange documents with MS office users. Some degree of inter-operability does exist, but this has been enabled by painstaking ''reverse engineering'': the competitor can only learn about document formats by inspecting the files created by Office and trying to deduce how each part of the document is encoded in the file. This process is expensive and error-prone, and Microsoft can always introduce new features faster than they can be reverse engineered. As a result no existing competitor to Office can reliably import a complex document. Consumers know this, and therefore avoid these competitors. This prevents the competitors from gaining market share, no matter how good their products might otherwise be.

The Kerberos security protocol was developed by MIT and has now become an important component of many systems. Microsoft included Kerberos support in Windows 2000, but with a small change. Kerberos is an ''authentication'' protocol: it guarantees that the parties to a transaction are who they say they are. Microsoft added authorization data to the protocol. This meant that Windows 2000 would only grant access to shared files and printers if the Kerberos ''ticket'' presented by the user had been issued by a Windows 2000 server. This appears to have been an attempt to lock competitors (including the freely available MIT server) out of the market for Kerberos

authentication products. In response to a public outcry within the computer industry Microsoft first insisted that the format of its extra data was a trade secret, and then released the data on its web site under a ''click-through'' license under which the recipient promised to keep its contents a secret. I will return to this strange license later in the section on Open Source Software.

The net effect of this web of proprietary interfaces is to make any mix of Microsoft and competing products less functional than a pure Microsoft solution. A pure non-Microsoft solution is not usually possible, either because Microsoft has driven the competition into the ground or because there is a need to communicate with others who are using Microsoft. Hence the only choice is between a pure Microsoft solution and a mix. In a world which is dominated by Microsoft there can only be level competition if the interfaces to Microsoft software are equally open to all competitors.

Files, Protocols and APIs

There are three types of interface which an effective remedy must address: files, network protocols, and APIs.

Files stored on disk are an important repository of value for any computer user. The ability to read this data and exchange it with others is the most important requirement for any new software.

Therefore Microsoft should be required to disclose the file formats for all its software. This will enable competitors to create software which reliably works with files created by Microsoft software. The main immediate effect of this will be to enable competitors of Microsoft Office to compete on a level playing field. In the longer term it will prevent Microsoft from using the proprietary file format of any popular application to Gain a monopoly position through market lock-in.

Similarly, protocols used to communicate over networks should be opened up. The Kerberos example above illustrates how even seemingly minor proprietary extensions can create strong market lock-in. As the Internet becomes increasingly important so the use of proprietary protocols will become an important method for Microsoft to maintain its monopoly position unless it is stopped.

APIs are a much more complicated issue than files and protocols. For every file format or network protocol used by Microsoft there are thousands of ''function calls'', the basic element of APIs. Function calls are used both within a single product and between products.

There is no simple way to distinguish the function calls which are made within a product and those made between products unless the products in question are designed to work separately as well as together. Microsoft has already used this fact to obfuscate the question of whether Internet Explorer is intrinsically integrated with Windows 95. It can be expected to use this tactic again in the future. Since it is not feasible to use product tying rules to prevent this (see above), I suggest that Microsoft be required to identify every API which is used to communicate between software in two different products, and disclose that API in full. The smallest unit of ''API'' to be disclosed should be the ''DLL'' (Dynamically Linked library). In Windows a DLL is a single file which provides collection of functions to other software. Making DLLs atomic for disclosure purposes will encourage Microsoft to keep the APIs for communication between products distinct from the APIs within products, thereby reducing the work required by competitors who wish to offer competing products which offer the same APIs.

Disclosure Mechanisms

Detail

The Proposal has nothing to say about what level of detail will be included in the interface descriptions. This issue is not trivial.

For programmers, the ultimate description of what a function within an API does is the source code which implements that function, which leads programmers to say ''use the Source, Luke'' when when with a detailed technical query about a piece of software.

However the inspection of source code is not always practical, either because the code in question is proprietary (as in this case), or just because it would take too long to understand. Hence developers routinely produce documentation which describes the functions in an API in a more readable form.

The Proposal seems to envisage this kind of documentation being made publicly available. However there does not appear to be any incentive to Microsoft to make this documentation complete or accurate, other than enforcement by the courts. Since this kind of document can never be 100% complete or accurate the question will arise as to whether it is good enough. If Microsoft acts true to form it will inevitably argue that its documentation is indeed good enough, and will carry on arguing this until it becomes a moot point.

To avoid this problem I suggest that Microsoft be required to erect ''Chinese walls'' between the development groups working on different products. Only published documentation may be exchanged between these groups. Hence if Microsoft wishes to sell two products which work together it can only do so if it also informs its competitors how to make products which will can work just as effectively.

The remaining problem on detail is the file formats and protocols used when one copy of a product communicates with other copies of the same product. The Chinese wall system will not work here. However since this problem is restricted to file formats and protocols the problem of ensuring the adequacy of documentation is much smaller.

Established techniques (such as BNF grammars and state machines) can completely describe file formats and protocols, and these can be used as the basis of an unarguable technical finding that either the software or the documentation is defective. This is not a complete solution to the problem, but it should level the playing field sufficiently to allow competition.

Publication and Open Source

Since this case started Open Source Software (OSS), such as the Linux operating system, has become a significant competitor to Microsoft. Therefore any effective remedy must take account of the special requirements of OSS development over normal commercial software development. The primary issues here are costs, trade secrets, and patents.

Costs:

Whatever disclosure mechanism is chosen for interface descriptions, it must be within the financial reach of open source developers. A subscription of several hundred dollars a year, such as is required for the Microsoft Developer Network, is trivial for a competing software company but a major hurdle for a volunteer developer working on OSS. Given that interface descriptions must be prepared for competitors, there is no reason why they should not be distributed for free over the web rather than only made available to an exclusive club.

Trade Secrets:

Microsoft must not be allowed to pretend that these interface descriptions are trade secrets, as it tried to do with its extension to Kerberos. Because OSS packages include the full source code they inevitably reveal the full details of their operation to any programmer who downloads them. If Microsoft can claim trade secret status on an interface it can effectively block any OSS package from using that interface, since to do so would reveal the ''secret'' of its operation.

Patents:

Microsoft has not made much use of patents to protect its market, preferring to rely on proprietary interfaces. However if it is prevented from using proprietary interfaces it may decide to use patented ones instead.

When Microsoft next introduces a new interface, especially a network protocol, it would be a simple matter to obtain a patent covering the operation of that interface. At that point any competitor wishing to inter-operate with Microsoft products using that interface would have to license it from Microsoft. The usual solution in such situations is to require licenses on ''Reasonable And Non-Discriminatory'' (RAND) terms. However even RAND terms require payment. OSS developers are unable to offer payment.

Therefore the Remedy should require Microsoft to license its patents on RAND terms to commercial software vendors and on Royalty Free terms to Open Source projects.

Incidentally, Microsoft has described OSS as ''un-American'' and ''an intellectual property destroyer''. These descriptions try to tar OSS developers with the same brush as software pirates. This is incorrect. Software pirates selfishly take the work of others and use it without paying. OSS developers take their own work and permit others to use it for free. This is a wholly generous act, fully in keeping with the American ideals of volunteerism and service to one's community.

Security Details

The Proposal includes a broad exception for ''security related'' information. However Microsoft could argue that almost any interface, especially APIs and communication protocols, is ''security related'' if it is used to carry any kind of authorization or authentication information. Indeed, it made exactly this argument when it initially refused to reveal its extensions to

Kerberos. Therefore the exception for security related information must be narrowly drawn.

Fortunately this is not a major problem. It is a basic principle of computer security that would-be intruders will eventually learn the operational details of your security mechanism, either by reverse engineering or by other less legitimate means. Any security which depends on the intruders remaining ignorant of these details is known as ''security through obscurity'', and regarded by security practitioners as inadequate at best. Therefore the only items which should need to be kept secure are the keys or passwords which operate the software. These can be easily changed if they are compromised.

Hence if security interfaces are well designed then they will not need to be kept secret. And if they are not well designed then Microsoft should be required to remedy the fault rather than keep this fact secret.

Conclusion

The proposed Settlement would have little effect upon the business practices of Microsoft. If adopted in its current form them the result will be no change to the behaviour of Microsoft, and yet another prolonged court case in another five or ten years.

Any effective settlement must concentrate on opening up the markets that Microsoft has effectively closed by its use of proprietary interfaces, file formats and protocols.

As a final note, I would like to close with the same advice I give to my clients in the United States government regarding Microsoft products: Use at your own risk—if the technical problems with these products (security and stability) don't give you reason for concern, the inability to escape to an alternative is an even harsher problem to contend with. Microsoft's products and business strategies have, and continue to be, a clear and present danger to the security of our national information infrastructures. It is my hope that this legal action will be one that is not only beneficial to the technology economy but our national information security posture as well.

Richard F. Forno
Chief Technology officer
Dulles, Virginia Security Firm
www.infowarrior.org (personal site)
rforno@infowarrior.org

MTC–00027195

From: eas884@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/27/02 9:03pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Elizabeth Slaughter
1228 W. Lincoln Ave
Albany, GA 31707

MTC–00027196

From: PETEOCEANSIDE@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 9:07pm
Subject: Microsoft Settlement

I sure hope that our Government does not hinder Microsoft when this case is finally settled. I resent the fact that a successful business can be seen as a threat to anyone.

I use their products and enjoy them immensely.

I believe that the Government should leave Mocrosoft alone to run their successful business without outside interference.

Thank you,
Pete O'Neill
3169 Trinity Street
Oceanside, New York 11572
e-mail PETEOCEANSIDE@aol.com
CC:activism@moraldefense.com@inetgw

MTC–00027197

From: Hal Stone
To: Microsoft ATR
Date: 1/27/02 9:08pm
Subject:
CC:
fin@mobilizationoffice.com@inetgw
7024 Augusta National
Fayetteville, PA 17222–9418
January 10, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

As a person who has been in the technology industry for some time (I was first involved with Univac I Serial number 1) I was disappointed to see the government bring suit against Microsoft. I am however happy with the settlement that was reached and I hope it is well accepted by all parties, including those states that still refuse to settle.

The settlement, that has been fairly mediated over three years, is equitable to all parties. It also answers many of the problems brought forth by Microsoft's competitors and resolves them fairly. For example, I think it is demonstrative of Microsoft's good intentions that it agreed to be monitored by a three-person Technical Committee, and open up its intellectual property in the internal interfaces of its Windows operating system programs to its competitors.

I have used numerous Microsoft products for about 20 years and have found them innovative and productive for even casual users. The cost of these products has dropped considerably during the years of my use. To discourage this kind of innovation is detrimental to users as well as others that would work hard to create other such products. The harassment of this company has, in my opinion been bad for our country, possibly even the world economy.

Responsible controls are important, of course. But extreme control is detrimental to the best interests of an average computer user.

I am grateful that you would take the time to consider my thoughts on this matter. Please use them, as well as those from all the other Microsoft supporters to work out what is in the public's best interest.

Sincerely,
Hal Stone
cc: Senator Rick Santorum

MTC–00027198

From: jmf66@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 9:13pm
Subject: Micro-soft Settlement

I strongly endorse Mary Martin's letter < SENIOR COALITATION PRESIDENt it's time for all of us to Unite in this 6reat country o f ours and quit acting like a bunch of ILLITERATES; we need to get this country's economy back on track and get on with tihe order of the day.

There will always be some want something for nothing, and will do anything to get it. The Justice is needed Now''. Thank you for giving me the opportunity to express myself.

JKOHN MILLER
e-mail addrress jmf66@juno.com

MTC–00027199

From: JOYCE E BLANKENSHIP
To: Microsoft ATR
Date: 1/27/02 9:13pm
Subject: Re: Microsoft Settlement

To Whom It May Concern:

I would like to urge the Justice Department to stop the litigation against Microsoft. I think the settlement is fair to everyone except of course, Microsoft itself. I personally use Microsoft Windows and Microsoft Word and other programs. I am 79 years old and have found these programs easy to learn and to use. I would not be interested at all in changing to other programs.

Please stop the litigation. Thank you.
Joyce E. Blankenship
1593 Manor Drive
Salem, Ohio 44460

MTC–00027200

From: Cghort@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 9:14pm
Subject: Microsoft Settlement
Attorney General John Ashcroft
U. S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I wish to express my satisfaction and agreement with the Attorney General's decision to end the Justice Department's antitrust lawsuit againsy Microsoft.

It is my understanding the agreement to do so was arrived at after extensive negotiations with a court-appointed mediator.

It is also my understanding Microsoft has agreed to license its Windows operating system products to the twenty largest computer makers on identical terms and

conditions including price, and to document and disclose for use by its competitors, various interfaces that are internal to Windows'' operating system products.

It doesn't seem there should be a need for any future lawsuits against Microsoft. The company has already compromised considerably in this suit and should not be distracted from innovation and progress any longer.

Sincerely,
C. G. Horton

MTC–00027201

From: KatherinX@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 9:15pm
Subject: Microsoft Settlement

As the Government nears the decision phase of the Microsoft Settlement in the Anti-Trust case against Bill Gates, I would like to add my comments as a United States Citizen and tax payer.

It is my firm conviction that the entire case against Microsoft has been ill advised and a total waste of tax payer dollars. Bill Gates and his company has revolutioned the world, in the footsteps of Alexander G Bell nd Thomas Edison. Rather than punish him and his employees, he deserves a monument in Washington DC. His innovations and foresight have brought the computer age to to virtually every American. His business practices have not broken rational laws. He exercised his Freedom as a Capitalist. Has this nation forgotten the principles upon which it was founded? Are we to forever continue to apolgize for creating a society which the entire population of the planet wishes it could emulate, with the minor excetion of some religious fanatics bent upon destroying the very thing that represents life as we know it?

Has not the horrific attack on the American way of life on Sept 11 not shown every thinking person that we must defend the Capitalist sytem and not destroy ourselves?

Bill Gates deserves our gratitide, not a vindictive lawsuit and punishment designed to gratify the sour grapes of those who could achieve or even conceive of his accomplishments.

Please use your authority to dismiss all pending charges, and allow Mr. Gates to continue to strengthen our economy and boost our standing in the world arena. As the United States faces an ever increasing rise of hostility from those who seek our destruction, and those to evil to care, it is imperative to prove to the world that Capitalism is the only valid and rational form of economics and a desirable one to follow. By allowing Bill Gates and Microsoft to continue as a viable enterprise, you will show the world we stand by our convictions.

MTC–00027202

From: Nan Cummins
To: Microsoft ATR
Date: 1/27/02 9:14pm
Subject: Settlement

The settlement as stated is fair to all and should be excepted as is. Jealous competitors, (who started this whole problem) and others, are trying to undermine the settlement. This should not be aloud to happen. I urge you not to let this happen. Settle this NOW!!! Let Microsoft do what it does best.

Sincerely
Nan Cummins

MTC–00027203

From: Daniel Kruse
To: Microsoft ATR
Date: 1/27/02 9:15pm
Subject: Microsoft Settlement

I, under no circumstances, call this ''settlement'' a settlement. If anything, it'll make Microsoft an even more powerful monopoly. This ''settlement'' is a joke and a sham. I do not agree with this settlement!

Daniel Lee Kruse

MTC–00027204

From: reg@casten.org@inetgw
To: Microsoft ATR
Date: 1/27/02 9:18pm
Subject: Microsoft Settlement

As a computer user who regularly needs to communicate with computers running a Microsoft operating system, the wording of this judgement causes me great concern. Microsoft certainly should not be allowed to use its predominant position in the operating system market to close the lines of communication to other software.

The following is quoted from an article by Robert Cringely, Dec. 6, 2001, and it describes loopholes Microsoft could use to shut out the free software community:

Section III(J)(2) contains some very strong language against not-for-profits.

Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by M icrosoft for certifying the authenticity and viability of its business, ...'' Section III(D) takes this disturbing trend even further. It deals with disclosure of information regarding the APIs for incorporating non-Microsoft ''middleware.'' ...

Brian J. Casten
reg@casten.org

MTC–00027205

From: jimlou2@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 9:17pm
Subject: Microsoft Settlement

Dear Sir,

Please end the Microsoft lawsuit and settle the case. I firmly beleive that Microsoft has been a tremendous boon to the economy and I have benefitted greatly from their technology and products. I want to see the case settled immediately in order for our economy to begin a comeback.

Thank you.
James E. McMillen
3368 Corsica Way
Oceanside, CA 92056
760–435–9200

MTC–00027206

From: Matt B.
To: Microsoft ATR
Date: 1/27/02 9:19pm
Subject: Microsoft Settlement

To Whom It May Concern:

As you have most likely already heard, the Microsoft settlement is too lax against Microsoft. It cannot be properly enforced.

To remedy this, I would suggest breaking Microsoft up into three companies: Windows Inc. (operating system), Microsoft (software), and Web. This would prevent MS from taking over all three markets.

MTC–00027207

From: Dixon Teter
To: Microsoft ATR
Date: 1/27/02 9:14pm
Subject: Microsoft Settlement

1/27/02
Antitrust Division, U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Sirs:

I sincerely hope that the Department of Justice will not allow AOL's recently filed suit against Microsoft to delay the ending of that travesty.

As a consumer I greatly enjoy using the superior products that Microsoft offers. The fact that they have had to waste hundreds of millions of dollars fighting to retain their own property has cost me personally.

By Microsoft not being able to use that money for growth and product development I have been unfairly denied access to better and less expensive products.

I have been denied that by this suit. This suit was brought neither by the millions of satisfied Microsoft customers, nor by their vendors. It was brought by failing competitors. AOL is not a failing competitor of Microsoft's, quite the contrary, they have the dominant market share to Microsoft's small minority slice.

But, AOL is failing. Their suit is only a ploy to distract from their own failings. It is also a clear attempt to become another parasite itching to feast off of Microsoft's success.

This is America. isn't it? Don't we stand for free trade and freedom—not ''beat your ''competition with dirty politics'', ? The United States government is there to protect private property, isn't it? Where are Microsoft's private property protections? Why am I being penalized because some other company has run crying to ''Big Mother'' rather than standing up and trying to win fairly?

AOL must not be allowed to do this. Please restore the full faith and trust in the Department of Justice by dismissing not only AOL's frivilous and groundless suit, but also and more importantly, the one against Microsoft.

Sincerely,
Dixon Teter, Ph.D.

MTC–00027208

From: sysadmin
To: Microsoft ATR
Date: 1/27/02 9:21pm
Subject: Microsoft is a blackhole

I feel that any settlement the DOJ makes with Microsoft will cause more harm than good. Microsoft should be forced to take full responsibility for the monopolistic blackhole they have created.

Since Microsoft has embarked on a disinformation campaign, many people feel

that Microsoft is the only software company. This is not true.

There are many alternatives that could fill the void if Microsoft were to fail. More specifically, there is Sun Microsystems, Apple, IBM, and and many Linux companies.

Bill Gates will argue that his company is helping create standards of quality. This statement follows hundreds of security holes, thousands of bugs, and the technical documents that label Widows as the most unstable OS.

Microsoft sucks up everything in its wake. Currently, Microsoft has been attacking the Open Source movement. According to Microsoft, the Opensource movement (more specifically the GPL) is a cancer. They call it a cancer because they can not control it. Normally, Microsoft would purchase any competing idea and store it away. They store every bit of creativity the software industry has. If anything it is Microsoft, that is the cancer. It should be removed.

Your's truely,

Thedore Knab
Systems Engineer [UNIX]
Washington College
300 Washington College
Chestertown, MD 21620
Office: 410–810–7419
Fax: 410–778–7830
email: ted.knab@washcoll.edu

MTC–00027209

From: Einer Elhauge
To: Microsoft ATR
Date: 1/27/02 9:20pm
Subject: To Renata Hesse,

To Renata Hesse,

Please find my Tunney Act comments attached.

Sincerely,

Einer Elhauge
Professor of Law
Harvard Law School
1575 Massachusetts Ave.
Cambridge, MA 0213 8
TEL: 617–496–0860
FAX: 617–496–0861
EMAIL: elhauge@law.harvard.edu

UNITED STATES v. MICROSOFT, No. 98–1232 (CKK)

TUNNEY ACT COMMENTS OF PROFESSOR EINER ELHAUGE ON THE PROPOSED SETTLEMENT BETWEEN THE UNITED STATES AND MICROSOFT

I have been a strong supporter of the Bush Administration and its Antitrust Division.

But I am also a strong supporter of the Court of Appeals decision in this case,[1] and even if I were not, the legal conclusions and factual findings sustained in that opinion must be treated as authoritative for this Tunney Act proceeding. In my view, it would set a terrible precedent contrary to the public interest if a unanimous en banc opinion that found the most important firm in our economy committed repeated serious antitrust violations lacking any procompetitive or technological justification, as the opinion here did, received only the largely meaningless enforcement provided by the proposed settlement between Microsoft and the United States?

I submit this Tunney Act comment as a professor of antitrust law and because of my interest in the proper development of antitrust law. I have not been paid by anyone else to work on the Microsoft case, and do not submit this comment on behalf of any other party. I am instead submitting this filing pro bono, on behalf of the public interest. I am a Professor of Law at Harvard Law School, where I teach antitrust law, but submit these comments in my personal capacity, and the views expressed here are not offered on behalf of, nor intended to express the views of, Harvard University.

The key finding of the district court, which I think has not received enough attention, is that, to foreclose its rivals, Microsoft engaged in technological bundling of other software into its operating system that not only had no procompetitive or technological justification,[3] but actually worsened the technological performance of its own products. The district court found Microsoft'' s technological integration made its product work more slowly:

''[A]ccording to several standard programs used by Microsoft to measure system performance, the removal of Internet Explorer by the prototype program slightly improves the overall speed of Windows 98. Given Microsoft's special knowledge of its own products, the company is readily able to produce an improved implementation of the concept illustrated by Felten's prototype removal program. In particular, Microsoft can easily identify browsing-specific code that could be removed from shared files, thereby reducing the operating system's memory and hard disk requirements and obtaining performance improvements even beyond those achieved by Felten.'' [4] Nor was this reduction in speed compensated for by increased stability or security.

To the contrary, the district court found that Microsoft's technological bundling made its operating system both more prone to crashing and more susceptible to virus infections.

''Microsoft has harmed even those consumers who desire to use Internet Explorer, and no other browser, with Windows 98. To the extent that browsing-specific routines have been commingled with operating system routines to a greater degree than is necessary to provide any consumer benefit, Microsoft has unjustifiably jeopardized the stability and security of the operating system. Specifically, it has increased the likelihood that a browser crash will cause the entire system to crash and made it easier for malicious viruses that penetrate the system via Internet Explorer to infect non-browsing parts of the system.'' [5]

A fortiori, the district court found that those who did not want Internet Explorer suffered worsened technological performance from Microsoft's bundling because they were saddled with ''an operating system that runs more slowly than if Microsoft had not interspersed browsing-specific routines throughout various files containing routines relied upon by the operating system'' and that meant ''performance degradation, increased risk of incompatibilities, and the introduction of bugs.'' [6]

The district court also found that, in addition to conferring no technological benefit on its own products, Microsoft's bundling degraded the technological performance of rival products. The court concluded that Microsoft's:

''actions forced OEMs either to ignore consumer preferences for Navigator or to give them a Hobson's choice of both browser products at the cost of increased confusion, degraded system performance, and restricted memory.

Microsoft forced those consumers who otherwise would have elected Navigator as their browser to either pay a substantial price (in the forms of downloading, installation, confusion, degraded system performance, and diminished memory capacity) or content themselves with Internet Explorer.

None of these actions had pro-competitive justifications.''[7]

Microsoft was further found guilty of other technological manipulation that inflicted technological degradation on other products.

''Microsoft went beyond encouraging ICPs [Internet Content Providers] to take advantage of innovations in Microsoft's technology, explicitly requiring them to ensure that their content appeared degraded when viewed with Navigator rather than Internet Explorer'' [8]

Indeed, the district court even found that Microsoft engaged in efforts that resulted in technological degradation for software users generally.

''Finally, by pressuring Intel to drop the development of platform-level NSP software, and otherwise to cut back on its software development efforts, Microsoft deprived consumers of software innovation that they very well may have found valuable, had the innovation been allowed to reach the marketplace. None of these actions had pro-competitive justifications.'' [9]

The findings that, to foreclose rivals, Microsoft engaged in technological integration that had no procompetitive or technological justification were fully vindicated by the Court of Appeals. That Court concluded:

''Microsoft proffers no justification for two of the three challenged actions that it took in integrating IE into Windows—excluding IE from the Add/Remove Programs utility and commingling browser and operating system code.

Although Microsoft does make some general claims regarding the benefits of integrating the browser and the operating system, it neither specifies nor substantiates those claims. Nor does it argue that either excluding IE from the Add/Remove Programs

[1] See Elhauge, ''Competition Wins in Court,'' New York Times, (June 30, 200l).

[2] The points addressed in this memo apply both to the initial proposed settlement, and the revised proposed settlement to which nine states have agreed.

[3] United States v. Microsoft, 84 F.Supp.2d 9, 53–58 (D.DC 1999).

[4] Id. at 54 (emphasis added).

[5] Id. at 53 (emphasis added).

[6] Id. (emphasis added).

[7] Id. at 111.

[8] Id. at 91.

[9] Id. at 11.

utility or commingling code achieves any integrative benefit .... Microsoft failed to meet its burden of showing that its conduct serves a purpose other than protecting its operating system monopoly.''[10]

Further, the Court of Appeals also repeatedly found that Microsoft engaged in a series of other anticompetitive acts that foreclosed the freedom to choose the best technology and had no procompetitive justification or technological benefit whatsoever. The Court of Appeals found that Microsoft's primary justification for its exclusive contracts with Original Equipment Manufacturers ''borders upon the frivolous,'' and that with one narrow exception, ''all the OEM license restrictions at issue represent uses of Microsoft's market power to protect its monopoly, unredeemed by any legitimate justification.''[11] The Court of Appeals similarly found that Microsoft'' s exclusive contracts with Internet Access Providers had no procompetitive justification,[12] that ''Microsoft . . . offered no procompetitive justification for its exclusive dealing arrangements with the ISVs [Independent Software Vendors],''[13] that ''Microsoft offers no procompetitive justification for the exclusive dealing arrangement'' with Apple,[14] and that ''Microsoft offered no procompetitive justification for the default clause that made the First Wave Agreements exclusive as a practical matter.''[15] The Court of Appeals also found that: ''Microsoft's conduct related to its Java developer tools served to protect its monopoly of the operating system in a manner not attributable either to the superiority of the operating system or to the acumen of its makers, and . . . Microsoft offers no procompetitive explanation for its campaign to deceive developers.''[16] Finally, the Court of Appeals found: ''Microsoft does not ... offer any procompetitive justification for pressuring Intel not to support cross-platform Java.''[17]

True, the Court of Appeals did not specifically pass on the district court's findings that in fact Microsoft's efforts at technological and nontechnological foreclosure had adverse technological effects on the performance of its own products. But the Court of Appeals statements repeatedly sustaining the district court findings that Microsoft'' s whatsoever imply approval of those more specific findings as well. In any event, none of the district court findings that Microsoft's efforts at technological and nontechnological foreclosure had adverse technological effects was reversed as clearly erroneous by the Court of Appeals, and thus each of them remains the binding law of the case.[18]

These prior findings cannot be second-guessed at this stage, and frame the Tunney Act question. The Court of Appeals decision is authoritative on lower courts, and all prior district court findings of fact that were not reversed by the Court of Appeals are also binding under the law of the case. Nor would a Tunney Act proceeding be an appropriate forum for second-guessing the accuracy of the findings in prior opinions since such a proceeding does not purport to redo the fact finding process. To be sure, neither the Court of Appeals nor the prior district court judge ever reviewed the proposed settlement or made any Tunney Act ruling about whether it was in the public interest. But my point is not that these prior findings settle the Tunney Act question. My point is rather that any Tunney Act ruling must assume the correctness of these findings.

Further, this is not a typical case of settlement proposed before trial or appeal, where the court conducting a Tunney Act proceeding has reason to defer to government authorities on the uncertainties and costs of securing and defending a judgment of liability. Here, the trial and appeal are already over, and the findings and judgments have already been secured and successfully defended. Nor is this anything like an earlier Microsoft Tunney Act proceeding, where the judge that disapproved a proposed settlement was reversed for relying on facts he read in a book but the government's complaint never alleged and were never tested by the adversary process and appeal.[19] Here the relevant facts were alleged by the Department of Justice, found true in an adversary proceeding, and sustained by an en banc court of appeals. Thus the Tunney Act question before this court should properly be framed as follows.

Given an antitrust defendant that has been found repeatedly willing to engage in anticompetitive technological and nontechnological conduct that had no procompetitive justification at all, but indeed degraded technological performance, is it in the public interest to approve a settlement that preserves the discretion of that defendant to engage in technological bundling and design that excludes rivals and lacks any demonstrable technological benefit?

II

Bundling two products in a way that confers some positive technological benefit but also anticompetitively forecloses rivals raises very troubling issues about whether courts can really assess and weigh the magnitude of the conflicting effects. Such a case might pose serious concerns about whether efforts to remedy the anticompetitive effects would have the adverse consequence of deterring technological innovation. In prior writing with co-authors, I have been so troubled that such an antitrust inquiry might itself deter technological progress that I proposed that product bundling that confers any technological benefit (that consumers could not themselves equally achieve through their own bundling) should be deemed a single product, and thus not challengeable as illegal bundling even though any technological benefit might possibly be outweighed by greater anticompetitive effects.[20] Similarly, my co-authors and I concluded that product design decisions that advantage an associated defendant product over rival products should not be deemed a technological tie unless the product design lacks any technological benefit.[21]

This proposed test was repeatedly cited with approval and largely adopted in an earlier Court of Appeals decision that reviewed a claim that Microsoft's conduct violated a consent decree.[22] However, the en banc Court of Appeals decision in this case has interpreted antitrust liability more expansively. It decided that, for purposes of both monopolization and tying claims, a positive technological benefit from technological integration or design is not a sufficient defense, but rather must be balanced against any anticompetitive effect.[23] This test a fortiori condemns the cases without any technological benefit that would be condemned under my test, but also condemns some technological integration or design that does confer a positive technological benefit. Such a test, if adopted in a consent decree, might raise serious questions as to whether in practice enforcement would be either unfeasible or unduly deter technological progress.

I was, however, of the view that the Court of Appeals misapplied this test because it considered technological benefits that could equally be obtained by consumer bundling. See Elhauge, ''The Court Failed My Test,'' The Washington Times, A–19 (July 10, 1998). The Court of Appeals did so because it mistakenly thought that otherwise the test could not distinguish the case of an integrated operating system distributed on three diskettes, but the test does in fact distinguish this case when properly combined with the threshold test that consumers desire the unbundled product. Id.; X AREEDA, ELHAUGE & HOVENKAMP, ANTITRUST LAW 1743 (1996). This threshold test should be applied before a court.

But it is an entirely different matter where, as here, a firm technologically bundles or designs its products in a way that anticompetitively forecloses its rivals without any procompetitive or technological justification whatsoever, and indeed retards technological progress. Such behavior lacks any plausible justification, or even the patina of one, and must be strongly condemned and rooted out of a competitive economy. Thus, the minimum requirement that any settlement must meet before it can be said to

[10] United States v. Microsoft, 253 F. 3d 34, 66–67 (DC Cir. 2001) (en banc) (emphasis added).

[11] Id. at 63–64 (emphasis aded).

[12] Id. at71.

[13] Id. at 72 (emphasis added). The Court of Appeals did not reach the question whether Microsoft's dealings with Internet Content Providers had a procompetitive justification because the appellate court concluded the trial court had not found an anticompetitive effect from this conduct. Id. at71.

[14] Id. at 74 (emphasis added).

[15] Id. at 76 (emphasis added).

[16] Id. at 77 (emphasis added).

[17] Id. at 77 (emphasis added).

[18] Id. at 117–118 (sustaining the district court findings of facts except for those few that the court of appeals held were clearly erroneous).

[19] See United States v. Microsoft Corp., 56 F.3d 1448 (DCCir. 1995).

[20] See X AREEDA, ELHAUGE & HOVENKAMP, ANTITRUST LAW • 1746 (1996).

[21] 21 See X AREEDA, ELHAUGE & HOVENKAMP, ANTITRUST LAW • 1747 (1996) (offering analysis and collecting cases).

[22] United States v. Microsoft, 147 F.3d 935,948–51 (DC Cir. 1998).

[23] 253 F.3d at 59, 65–67, 95.

have provided the remedies necessary to protect the public interest from the continued threat of Microsoft's antitrust violations would be to at least restrict Microsoft from continuing to technologically bundle or design products in ways that foreclose its rivals but do not improve technological performance at all. This proposed settlement fails this test. The bottom line is that, while the settlement provides some restrictions on various nontechnological methods of foreclosing rival applications, it does nothing effective about technological foreclosure. It does not even bar efforts to foreclose rivals with technological manipulations that affirmatively harm the performance of Microsoft products.

Nothing in the proposed settlement prevents Microsoft from anticompetitively foreclosing rivals by simply selling its operating system with other Microsoft software included, even if such bundling confers no technological benefit whatsoever or even harms performance. Nor does the proposed settlement even bar Microsoft from purposefully designing its operating system in ways that confer no technological benefit but make rival software work poorly. In both respects, the settlement deletes reaches any of the five grounds under which a defendant might prove that two items that meet this threshold test nonetheless constitute a single product. Id. at 1744–50 (laying out the five grounds). restrictions the trial judge had previously ordered as necessary remedies during any period Microsoft was not broken up.[24] Given the judicial findings of a repeated past willingness to subordinate technological performance to the goal of anticompetitively foreclosing rivals, it is hard to see how it can be in the public interest to leave Microsoft unrestricted in these ways.[25]

The proposed settlement leaves Microsoft free to harm competition at the cost of technological progress in precisely the ways it was found to have done so in the past.

Indeed, in both respects the proposed settlement actually worsens this problem. First, the proposed settlement not only fails to prohibit, but appears to sanctify bundling despite the lack of any technological justification by providing that Microsoft has the ''sole discretion'' to decide what to include in its operating system.[26] Second, the proposed settlement not only fails to prohibit, but gives Microsoft affirmative incentives to design its operating system in ways that work poorly with rival products because that would create a ''functionality'' problem that justifies express exclusion of rival products under the proposed settlement.[27]

True, the proposed settlement does impose some restrictions. It would prohibit Microsoft from using agreements or threats to prevent computer makers or software developers from dealing with Microsoft's rivals. It would also prohibit Microsoft from making it impossible for computer makers or buyers to customize their operating system to add or substitute rival software. And it requires Microsoft to disclose the interface codes or server protocols necessary to design rival software to run on its operating system.

But none of these restrictions matter if Microsoft is free to engage in technological foreclosure. If the computer makers and consumers who buy the Microsoft operating system are forced to take a technological bundle that (without any technological benefit) includes other Microsoft software, those computer makers and consumers will have little incentive to substitute rival software, even if the rival software is technologically superior. For example, suppose Microsoft and its rival both offer software that costs $10 to make, but consumers value the rival software at $15 and the Microsoft software at $10. Without bundling, computer makers or consumers would buy the rival's superior software. But with bundling, the Microsoft software is already included in the price of the operating system. Thus the computer makers or consumers would not pay $10 to get the rival software when the improved performance is only worth $5. Computer makers or consumers will have even less incentive to use rival software that works worse because Microsoft purposefully designed its operating system in ways that confer no technological benefit but create interoperability problems for rival software.

Antitrust law and settlements should not impede genuine product innovation. If Microsoft bundled software to achieve technological benefits that would not be available if buyers combined their own software choices, then bundling should be permitted. But the appeals court concluded that Microsoft failed to show any technological benefit for its technological bundling, and the proposed settlement leaves Microsoft free to repeat bundling that lacks any technological merit. Likewise, if an operating system design decision makes Microsoft software run better, Microsoft should be free to adopt it even if it hampers rivals until they make modifications to take similar advantage of the improvement. But the proposed settlement leaves Microsoft free to make design decisions that actually degrade operating system performance in order to create problems for rival software.

In another binding ruling, the Court of Appeals held that:

''The Supreme Court has explained that a remedies decree in an antitrust case must seek to 'unfetter a market from anticompetitive conduct,' to 'terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future.''[28]

The proposed settlement remedies fail this obligation because they do not unfetter the market from the past anticompetitive technological bundling and product design. The proposed remedies do not terminate the illegal monopoly. The proposed remedies do not deny Microsoft the fruits of its statutory violation since Netscape and Java remain technologically foreclosed with their diminished market shares. Nor do the proposed remedies do anything to prevent Microsoft in the future from again inflicting the same anticompetitive product bundling and design that forecloses rivals but lacks any technological benefit.

III

Many have apparently been under the misimpression that the government plaintiffs could no longer pursue remedies against technological bundling because the government plaintiffs dropped their tying claim. But this decision to drop the tying claim, which I applauded,[29] did not reduce the need or ability to restrict technological foreclosure as a remedy for the antitrust violations that the Court of Appeals found Microsoft committed. This is true for two reasons.

First, dropping the § 1 tying claim did not amount to dropping all claims against technological bundling because the Court of Appeals specifically found that Microsoft's technological integration violated Sherman Act § 2.[30] Thus, at a minimum, the prior findings require an effective remedy against technological bundling that forecloses any rival software that could pose a competitive threat to the operating system itself.

Second, it is well-established law that antitrust remedies may need to prohibit conduct beyond what would violate antitrust law in order to be effective. Indeed, if all antitrust remedies did was repeat the legal prohibitions contained in existing law, they would hardly add anything. In particular, the Supreme Court decision in Loew's held that, when a defendant has engaged in illegal

[24] See United States v. Microsoft, 97 F.Supp.2d 59, 68 (D.DC 2000) (''Microsoft shall not, in any Operating System Product distributed six or more months after the effective date of this Final Judgment, Bind any Middleware Product to a Windows Operating System unless: (i). Microsoft also offers an otherwise identical version of that Operating System Product in which all means of End- User Access to that Middleware Product can readily be removed (a) by OEMs as part of standard OEM preinstallation kits and (b) by end users using add-remove utilities readily accessible in the initial boot process and from the Windows desktop; and (ii) when an OEM removes End-User Access to a Middleware Product from any Personal Computer on which Windows is preinstalled, the royalty paid by that OEM for that copy of Windows is reduced in an amount not less than the product of the otherwise applicable royalty and the ratio of the number of amount in bytes of binary code of (a) the Middleware Product as distributed separately from a Windows Operating System Product to (b) the applicable version of Windows.''); id. at 67 (''Microsoft shall not take any action that it knows will interfere with or degrade the performance of any non- Microsoft Middleware when interoperating with any Windows Operating System Product without notifying the supplier of such non-Microsoft Middleware in writing that Microsoft intends to take such action, Microsoft's reasons for taking the action, and any ways known to Microsoft for the supplier to avoid or reduce interference with, or the degrading of, the performance of the supplier's Middleware.'')

[25] Indeed, the prior district court remedies would seem to constitute the law of the case of what remedies are necessary to remedy the antitrust violations that were inflicted through technological bundling and design.

[26] Revised Proposed Final Judgment VI.U.

[27] Id. at III.C.1, III.H.1,

[28] United States v. Microsoft., 253 F.3d 34, 102 (DCCir.2001) (en banc) (emphasis added) (citing Ford Motor v. United States, 405 U.S. 562, 577 (1972), and United States v. United Shoe, 391 U.S. 244, 250 (1968)).

[29] See Elhauge, ''A Smart Move on Microsoft,'' Boston Globe (Sept. 11, 2001).

[30] 253 F.3d at 64–67.

bundling, ''To ensure .. that relief is effectual, otherwise permissible practices connected with the acts found to be illegal must sometimes be enjoined.'' [31] Thus, where a defendant has been found guilty of illegal technological bundling and design to protect its monopoly power, it would be appropriate to make the remedy ban all forms of technological bundling and design that foreclosed rival products but lacked any technological benefit, without specifically requiring proof that the foreclosed products posed a meaningful threat to the monopoly power. After all, when a defendant engages in technological manipulation that has no technological benefit at all, the only rational reason for its conduct must be to anticompetitively foreclose rivals. Given the absence of any procompetitive virtue, there is no reason to inflict on the public the additional cost and uncertainty of proving that the foreclosure had an anticompetitive effect. That is particularly true where the tying claim was dropped for the strategic reason of getting more quickly to the imposition of remedies, and not because the tying claim was ever rejected on the merits.

In any event, even under the most narrow possible reading of the prior holdings in this case, any proposed remedies must undo the adverse effects of (and deprive Microsoft of the fruits of) the prior technological and nontechnological misconduct that the district court and Court of Appeals found specifically foreclosed Netscape Navigator and Sun Java. This would at a minimum indicate that an appropriate remedy would include an obligation that Microsoft must carry Netscape Navigator and Sun's version of Java on its operating system, so that those products would have the opportunity to serve as a rival platform for applications, just as they could have had without Microsoft's illegal conduct. Unfortunately, such a remedy is probably now insufficient, since the foreclosure of these products has prevented a series of technological developments that otherwise might have occurred had every computer had a rival applications platform that could access the Internet. But, at least prospectively, such a remedy would offer a nice market test of the proposition that consumers might prefer to use these rival products as their applications platform, because the remedy would afford consumers the market choice of doing so or not.

IV

Even if one got past the proposed settlement's failure to deal with technological foreclosure, its efforts to deal with nontechnological foreclosure have problems as well. In particular, even the weak restrictions that the proposed settlement would impose have various loopholes that undermine their effectiveness. One troubling loophole delays Microsoft's obligations to make disclosure and allow removal of Microsoft middleware for up to twelve months.[32] That is a lifetime in computer software development, and one wonders whether rivals, with that kind of time lag, will ever overcome it. Further, the proposed settlement permits Microsoft not to disclose code that would compromise the security of ''anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems.'' [33]It is quite possible that some of this code might be vital to the interoperability of rival software. Further, excluding disclosure of authentication codes may allow Microsoft to exclude rivals to Passport, its Internet authentication system, and then tie E- commerce to its authentication monopoly. The proposed settlement also leaves Microsoft free to use financial inducements to encourage computer makers to favor Microsoft applications as long as those inducements are ''commensurate'' with their sales of the Microsoft application or reflect ''market development allowances.'' [34] Microsoft can also enter into joint ventures or contractual arrangements with software developers that bar them from dealing with rival applications if that furthers some bona fide contractual purpose,[35] which probably will not be difficult to find. Finally, the whole proposed settlement would only last five years, leaving Microsoft free to engage in the full range of its past anticompetitive conduct starting in 2007. The mere fact that this threat will be looming in 2007 means that, even if the proposed settlement restrictions were effective, this looming threat would likely discourage any investments in long term software development, which may take years before it results in a product and require several years of profitability after introduction to recoup the investment. Indeed, since some of the proposed settlement obligations would not kick in for a year, the proposed settlement would leave rivals with only a four year window to try to profitably recoup investments in rival products that Microsoft could foreclose. This is probably insufficient even if, contrary to fact, the restrictions did meaningfully prevent foreclosure.

V

Given the above, I am reluctantly forced to conclude that approving the proposed settlement as a final judgment would not be ''in the public interest,'' as the Tunney Act requires. 15 U.S.C. § 16. It fails to ''terminat[e] alleged violations,'' the ''duration'' and ''relief sought'' are unsatisfactory, the ''anticipated effects of alternative remedies'' that dealt with technological foreclosure and dealt better with nontechnological foreclosure would more effectively protect the public interest, the proposed remedies are not ''adequa[te]'' to correct the violations found by courts, and ''the impact of entry of such judgment upon the public generally and individuals alleging specific injury, from the violations set forth in the complaint'' would be negative. Id.

The proposed settlement should thus be modified to bar Microsoft from engaging in technological integration or design that forecloses rival products but lacks any technological benefit, and to provide more effective remedies against nontechnological methods of foreclosure by closing the various loopholes in the proposed settlement that I have described above.

Respectfully Submitted,
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TEL: 617–496–0860
FAX: 617–496–0861
EMAIL: elhauge@law.harvard.edu
January 27, 2002

MTC–00027210

From: al.scott@us.army.mil@inetgw
To: Microsoft ATR
Date: 1/27/02 9:21pm
Subject: Microsoft Settlement

Dear Sirs: I have read the proposed settlement. It thoroughly addresses oversight of prohibited behavior on the part of Microsoft. I feel it is a step in the right direction but it is short sighted as it really does not say ?What you did was wrong, now pay a price for having done so.?

Nothing addresses any penalties for having operated as a monopoly. This to me ignores the harm done to the industry and customers to date. I also feel there is a serious dilemma in setting any penalties. One side me says ?this nation enjoys a leading role in global information technology, we should not hurt our overall standing?; the other side says ?a crime should never pay, there must be an appropriate punishment?. The settlement as proposed never even entertains an aspect of just punishment.

Microsoft is a monopoly and enjoys the leverage of being the desktop operating system publisher for the world. It can spread into almost any other market segment if only by virtue of having enough money to buy into one. Their dominance today is built on their past containment, absorption, and removal of other competing companies and technologies. A lot of inspired innovation died along the way to getting to the current market state. There is no commercially viable x86 operating system in existence. Just weeks ago another company Be OS failed. There is almost no way to make a business of a selling a new operating system without selling it with a non-Intel based computer system. Microsoft has a commanding lead and has locked out competition for the desktop OS market, for both consumer and business users.

The wealth of this corporation limits any meaningful financial penalty. Monetarily, I do not feel a dollar figure can be set that would really impact them because the cost would only be passed on to the customers. In effect, we as its customers, would be billing ourselves.

Here are three possible penalties:

1. Prohibit Microsoft and its major affiliates from merging or spreading into any other diversifying business ventures for the next three to five years. In effect freeze Microsoft's current expansion for a fixed period of time giving competitors some opportunity to survive and grow.

2. Set up a venture capital startup fund using $1 billion paid by Microsoft to support

[31] United States v. Loew's, 371 U.S. 38, 53 (1962); X AREEDA, ELHAUGE & HOVENKAMP, ANTITRUST LAW c111758, at 349 (1996).

[32] Revised Proposed Final Judgment III.D, III.E, III.H.

[33] Id. III.J.

[34] Id. III.A, III.B.3.

[35] Id. III.F.2, III.G.

new alternative (competing) U.S. based operating system and software developers. Prohibit Microsoft from ever acquiring or partnering with these companies.

3. Encourage sectors of the U.S. government to procure fewer Microsoft products by offering budgetary inducements through GSA for using alternative sourced products for a period of three to five years. This opportunity would encourage developers to bring new products to market possibly spurring competition and better pricing. Consumers would benefit in having more choices.

Sincerely,
Alvin Scott

MTC–00027211

From: David Miller
To: Microsoft ATR
Date: 1/27/02 9:24pm
Subject: microsoft settlement

I hope you will consider a remedy with a little more teeth than the one that has been proposed. I still use Netscape because I prefer it, but even though one can download it free of charge, it is still easier for most folks to use IE because it comes with their OS. Netscape's improved the new versions to the point that reviewers are praising it over IE, but it is still hard to use it because it is not universally supported. Either through fear of Microsoft or because of cost effectiveness, it is not always supported by website developers or even internet providers. It is rather sad when one's own ISP will not support one's use of Netscape because not enough customers use it to justify training their tech support, when you know that people aren't using Netscape because it was muscled aside. I have even found web sites that won't display in Netscape. I don't know if that is because the site has an agreement with Microsoft or because they choose not to design the site for both browsers because they don't think there will be enough traffic from Netscape customers to be worth the cost. Please consider a remedy that will change things enough to give a practical choice to those of us who would like one. Requiring Microsoft to sell a version of Windows without IE would be a good start.

MTC–00027212

From: sysadmin
To: Microsoft ATR
Date: 1/27/02 9:25pm
Subject: Microsoft Settlement

I feel that any settlement the DOJ makes with Microsoft will cause more harm than good. Microsoft should be forced to take full responsibility for the monopolistic blackhole they have created.

Since Microsoft has embarked on a disinformation campaign, many people feel that Microsoft is the only software company. This is not true. There are many alternatives that could fill the void if Microsoft were to fail. More specifically, there is Sun Microsystems, Apple, IBM, and and many Linux companies.

Bill Gates will argue that his company is helping create standards of quality. This statement follows hundreds of security holes, thousands of bugs, and the technical documents that label Widows as the most unstable OS.

Microsoft sucks up everything in its wake. Currently, Microsoft has been attacking the Open Source movement. According to Microsoft, the Opensource movement (more specifically the GPL) is a cancer. They call it a cancer because they can not control it. Normally, Microsoft would purchase any competing idea and store it away. They store every bit of creativity the software industry has. If anything it is Microsoft, that is the cancer. It should be removed.

Your's truely,
Thedore Knab
Systems Engineer [UNIX]
Washington College
300 Washington College
Chestertown, MD 21620
Office: 410–810–7419
Fax: 410–778–7830
email: ted.knab@washcoll.edu

MTC–00027213

From: Jimmy Tucker
To: Microsoft ATR
Date: 1/27/02 9:25pm
Subject: Microsoft Settlement
Jimmy W. Tucker
998 Damrosch Street
Largo, Florida 33771
January 25, 2002
Attorney General John Ashcroft
Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

I support the settlement of the Microsoft antitrust case. It is time to put this lawsuit behind us and move on to better things like developing better products. Microsoft and its competitors should all be improving and innovating all the time, not focusing on litigation. The people in the marketplace will choose the best products for their needs. So far the people have chosen Microsoft. The fact that Microsoft has been dominant does not mean it has been harmful. Along with Intel on the hardware side, Microsoft has dictated the standard that people have chosen to follow and build upon. I do think the corporate world needs some oversight. The settlement will open up Microsoft to its PC industry even further than it is now. This is in stark contrast to the successful, but not dominant strategy of Apple Computer, which has been to maintain close, sole, proprietary control over all major facets of its business, from design to manufacturing, and from hardware to software. Microsoft has agreed, for example, to disclose the copyrighted software of the internal interfaces to Windows. I am pro-competitive. The settlement will be good for American consumers and industry, in my opinion.

I thank you, Mr. Ashcroft, for your support of the Microsoft settlement.

Sincerely,
Jimmy W. Tucker

MTC–00027214

From: Paul C Halstead
To: Microsoft ATR
Date: 1/27/02 9:25pm
Subject: Microsoft Settlement

To the Justice Department

In accordance with the Tunney Act I wish to comment as follows. ''Consumer interests have been well served and the time to end this costly and damaging litigation has come. Dragging out this legal battle further will only benefit a few wealthy competitors, lawyers, and special interest big-wigs. Not one new product that helps consumers will be brought to the marketplace.''

Very truly yours
Paul C Halstead

MTC–00027215

From: Glen Kleinknecht
To: Microsoft ATR
Date: 1/27/02 9:27pm
Subject: Microsoft Settlement

Dear Judge,

I am a personal computer user as well as running an inner-city non profit which uses 10 computers. I have found that Microsoft a generous company for us. However, I do not believe it to be in the benefit of users like me and my inner-city work to benefit from an environment of one company controlling the computer operating system market. Nor do I believe that it is beneficial to M.S. M.S. will benefit from a truely competitive market Therefore, I want to express my concern about the PFJ as a good solution. Please consider this user as one who would not want this ''judgement'' enacted.

Thank you for your consideration. I am sure you will render the fair conclusion on PFJ.

Glen Kleinknecht
Director, Here's Life Inner City (NYC)
CC:microsoftcomments@doj.ca.gov@inetgw

MTC–00027216

From: wbusch
To: Microsoft ATR,Mary Fentress
Date: 1/27/02 9:27pm
Subject: Microsoft settlement

Microsoft needs to be broken up to allow fair competition to other developers. Over the years they have stolen technology from many companies. Most recently mouse technology that netted them hundreds of millions of dollars. Even with the legal battles going on they show NO intention in changing business as usual practices. They had to pay Stac technologies $ 120 million in the past..they didn't care they made much more. They said it wasn't possible to separate the browser from Windows. It was another lie. A product called 98 Lite did just that. Now they say it is possible but they continue to work at making it impossible in future versions of th OSes they build. They all but killed off Dr DOS which was superior at the time. They destroy, buy off or steal technologies as needed to control the marketplace. They can not be trusted to police themselves and should be broken up into several separate entities that would not be able to prevent development of alternative operating systems,or new technologies by money and influence. Just as they recently tried to ''settle'' with the government by putting even more of their software into schools to further expand Microsoft's presense. They continue to prey upon the public as well developers. I am a user of Microsoft products and I am currently enrolled in Microsoft classes in college which I pay for myself without financial aid. Despite this I know that if we

do not stop the marketing of new OS every two years for the sake of profit we will soon destroy all competition at an enormous expense to all users.

Thank you for this opportunity to speak out.

MTC–00027217

From: Joe Barr
To: Microsoft ATR
Date: 1/27/02 9:33pm
Subject: Microsoft Settlement

To Whom It May Concern:

My name is Joe Barr. I am a United States citizen residing at 1715 High Road, Kyle, TX, 78640. I have been using personal computers since before the introduction of the IBM PC and the luck of the draw which gave Microsoft its monopoly on the PC operating system market on day one. I have worked in the computing industry since 1974, either as a programmer, manager, consultant or journalist.

I have seen Microsoft's dishonest, duplicitous, and illegal business tactics destroy a healthy market and replace it with one devoid of real innovation and competition. I have seen software developers lose their life's savings as a result of the malignancy of the Microsoft monopoly. I have been witness to the perjury of Bill Gates in the STAC case, the rigged demos in federal courts, and the false statements made under oath of the top Microsoft executives. And I am not alone. Millions of others have seen the same thing.

I am submitting these comments in hopes that they will reach the judge who will rule on the proposed ''settlement'' between Microsoft and the DOJ in the long-running antitrust case. I know that many others will be writing to point out their views on the legalities of the settlement. I am not qualified to do that. I am certain that the judge needs no help from me in determining that on her own. I merely wish to state the obvious: the settlement is all about politics, not justice.

There are terrible shortcomings in the proposed settlement. The most notable among them are:

1. The restraints it asserts are weak and inconsequential.

2. No penalties are prescribed for failure to abide by them.

3. The loopholes are larger and more numerous than the restraints.

4. If this settlement is accepted by the court, it will not hamper Microsoft's ability to llegally extend its monopolies one iota. In fact, the settlement will strengthen its ability to do exactly that.

Under the leadership of the Bush administration, the DOJ did not even bother to assign a competent negotiator to the task of reaching a settlement. Ashcroft personally took the United States biggest threat to Microsoft off the table, and Charles White evidently could do nothing but repeat ''Yowsa, Mister Gates, Yowsa'' at every stage. No matter that the world knows Microsoft not to be trustworthy, White and Ashcroft leave important matters completely up to Microsoft's judgement in the settlement. Their greatest accomplishment for the United States in the document seems to have been to win the right for the DOJ to jointly (with Microsoft) decide who would oversee the it.

Ashcroft and White have humiliated and shamed the entire Department of Justice in their rush to deliver to Bill Gates and Microsoft the ''Get Out Of Jail Free'' card promised by President Bush. Their work is nothing short of an indictment of the American legal process: justice for sale to the highest bidder. One administration, one Enron, one Microsoft. Justice for all three.

No mere tinkering with the current settlement would be sufficient to correct the wrongs resulting from Microsoft's past behavior or even to insure they do not continue. A just settlement must contain swift, sure, and painful punishment as a consequence for failure to abide by its terms. Microsoft has proven itself countless times not to trustworthy. They must be made to behave, or else they won't. It is as simple as that.

Here's hoping that you will throw this outrageous political settlement onto the scrapheap where it belongs. Unfortunately, you face opposition to an equitable settlement not only from Microsoft, but from their purchased political appointees as well.

/Signed/
Joe Barr
CC:joe@pjprimer.com@inetgw

MTC–00027218

From: Cebert Shrum
To: Microsoft ATR
Date: 1/27/02 9:32pm
Subject: Microsoft Settlement

It is our opinion that the Microsoft offer should be accepted. We think that it is a shame what is being done to this company because of their success. It is another example of meddling like the case of AT&T. We had the best telephone company in the world and now we have a mish-mash and we get less service and it costs more just because of one judge. The public is the ones who suffer in cases like this. In this case the public has already suffered because the stock is less valuable and if the company is punished more, their products will suffer and cost more and cause more jobs to go overseas and increase unemployment.

We think it is time to let Microsoft alone.
Mr. and Mrs. Cebert W. Shrum
3733 Southern Manor Drive
St. Louis, Missouri 63125–4478
CC:gebhardt@mail.house.gov@inetgw

MTC–00027219

From: Richard Dunn
To: Microsoft ATR
Date: 1/27/02 9:31pm
Subject: Microsoft Settlement

I feel that the proposed settlement does not go far enough in ensuring that Microsoft will cease it's predatory actions. The company has repeatedly announced their plans to expand and dominate other markets like they have the PC market.

Richard Dunn
5588 Tosca ct.
Placerville, Ca 95667
(530)677–8400

MTC–00027220

From: John H. Lindsay
To: Microsoft ATR
Date: 1/27/02 9:33pm
Subject: Microsoft Settlement

rway Hill Crescent,
Kingston, Ontario, K7M 2B4,
Canada,
2002 01 27.
Ms. Renata Hesse,
Trial Attorney,
Antitrust Division,
United States Department of Justice,
601 D Street, North West, Suite 1200,
Washington, DC 20530 U. S. A.

Dear Ms. Hesse:

Subject: Proposed Microsoft Settlement: I wish to comment on the proposed Microsoft Settlement. You will note form the above address that I am a Canadian, and thus not directly concerned with the Proposed Microsoft Settlement. However, I submit that considering where I am writing from, what my background is and what sort of things I do, I am uniquely placed to offer comment which may be informative and useful to you in this matter.

I say that Microsoft's restrictive sales and software development methods and practices have had a more devastating an effect in Canada on software development than in the States. That, however is a matter for the Canadian Departments of Justice and of Trade and Commerce and our courts, and is not my point here.

It would be interesting to me for you to consider at some time in the future whether Microsoft's actions taken in the U.S. both directly and through Microsoft Canada, and having effect in Canada to restrict competition among software manufacturers and distributors, including U.S. manufacturers and distributors marketing in Canada, is subject to your laws. Again, this is not my point here.

My point is that Microsoft's restrictive practises have spilled over the border and had such a huge effect and have been so penetrating in Canada, affecting even little one-person near- hobbyist operations like mine. Those practises must then have affected every corner and every small computer user, software creator and distributer in the U.S. Further, I have read the document COMPETITIVE IMPACT STATEMENT, Civil Action No. 98–1233 (CKK), and in it, I find in it very little that I could call sufficiently punitive, corrective, recompensatory, effectively preventative, of deterrent to or controlling of Microsoft restrictive practises, especially as it relates to little people like me but in the U.S., little people who don't have the money to hire a lawyer, and who look to you for protection from predatory giants.

I am a retired professor of Computing Science; I taught 15.5 years at Queen's University here in Kingston, and 17.5 years at Royal Military College (compare: West Point, U.S. Naval Academy, U.S. Air Force Academy all rolled into one, made a degree-granting university, and reduced to Canadian size) also here in Kingston. My field of study is computer programming languages, particularly the macro languages, macro language programming systems, and compilers. I'm still studying in my ''retirement'' and working on a computing project that in all my years at the two universities, I never had the time or resources to do. In this project, I'm a one-person

organization, a unique one-person programming organization among many such unique one-person organizations everywhere in the world. There are many such one-person organizations in the United States, hobbyists, and many of the creators of shareware, freeware and open-source software for instance. You may wish to browse the Hobbes archive of OS/2 software from around the world at http://hobbes.nmsu.edu/pub/OS2 at New Mexico State University; the majority of it is contributed by OS/2 programmers in the United States, almost all little people like me.

My project is the Rosanna programming language and programming system, a system to permit the creation and use of programming languages peculiar to a problem or class of problems at hand. I plan to release it not for profit, but under a type of licence which expects the user to do something agreeable to him in thanks to the good Lord or for his fellow man—I call it Samaritan ware—in return for the right to use Rosanna. This puts my work in much the same classes as freeware or shareware, or open-source software (mine will be open-source too, but with a difference).

In my work, I use the OS/2 operating system for a number of reasons: (1) the design of the system which helps in the organization and creation of software, (2) the availability of ALL the API documentation in open form, (3) the ready availability of high quality software, especially compilers for a huge number of programming languages and well-conceived and well-written programmers'' utilities, (4) its invulnerability to almost all the computer viri and worms, especially the ones introduced in the last year or so, and (5) the stability of the system—I think I have to reboot about once every five or six weeks or more, except when I have to reboot to install a new piece of software. You have heard the sorry tale of the failure of OS/2 in the market place caused by Microsoft's actions. We OS/2 programmers are loosing our favourite operating system bit by bit as a result.

Our loss, the loss of the little one and two-man programming organizations, including those in the United States, is in very large part, intangible. The rewards of the freeware programmer are just those of knowing that he has done a good job (the quality of work produced by OS/2 programmers seems to be a good level higher than the quality of much on the market or available on the InterNet) and the knowledge that there are people who will use his work. If OS/2 falls into disuse, we will have few to use our work, and that will be what Microsoft has done. The shareware programmer looks for both those rewards and the fees paid by the users. They will be out-of-pocket due to Microsoft's restrictive practises too.

I see no cause for relief in the present proposed Microsoft Settlement for the little non-Microsoft programmer in the U.S. but like me. We need our user base back, a user base that has been taken from us by Microsoft's improper actions. There is nothing in the proposed settlement that gives us that user base back, and there is no effective way to compensate us all for that loss.

Please send the proposed settlement back to the drawing board for the sake of my U.S. counterparts. In particular, I suggest that every clause be examined for things which can be made ineffective by Microsoft's evasive actions, and please, please, don't include a clause like the gift of Microsoft software to schools and colleges. That's a subtle form of Microsoft advertising; students learning to use a piece of software at a school, college or university tend to continue to use it afterwards in their work. If anything, I suggest that you make Microsoft buy software from other non-related suppliers equal in value to what they offered to give, including but not limited to OS/2 from I.B.M., Linux, B.S.D. Unix, Corel software including WordPerfect, and so on, and give that to schools, colleges and universities.

Yours very truly,

John H. Lindsay.

John H. Lindsay 48 Fairway Hill Crescent,
Kingston, Ontario,
Canada, K7M 2B4.

Phone: (613) 546–6988 Fax: (613) 542–6987

jlindsay@kingston.net

MTC–00027221

From: jsterner
To: Microsoft ATR
Date: 1/27/02 9:34pm
Subject: Microsoft Settlement
From: ''Microsoft's Freedom To Innovate Network'' <fin@MobilizationOffice.com>
To: <JSTERNER@GLOBE-NET.NET>
Sent: Sunday, January 27, 2002 6:22 PM
Subject: Attorney General John Ashcroft Letter

Attached is the letter we have drafted for you based on your comments. Please review it and make changes to anything that does not represent what you think. If you received this letter by fax, you can photocopy it onto your business letterhead; if the letter was emailed, just print it out on your letterhead. Then sign and fax it to the Attorney General. We believe that it is essential to let our Attorney General know how important this issue is to their constituents. The public comment period for this issue ends on January 28th. Please send in your letter as soon as is convenient.

When you send out the letter, please do one of the following:

* Fax a signed copy of your letter to us at 1–800–641–2255;

* Email us at fin@mobilizationoffice.com to confirm that you took action.

If you have any questions, please give us a call at 1–800–965–4376. Thank you for your help in this matter.

The Attorney General's fax and email are noted below.

Fax: 1–202–307–1454
or 1–202–616–9937
Email: microsoft.atr@usdoj.gov

In the Subject line of the e-mail, type Microsoft Settlement.

For more information, please visit these websites:

www.microsoft.com/freedomtoinnovate/
www.usdoj.gov/atr/cases/ms-settle.htm

CC: Jack Sterner
328 Thomas Barbour Drive
Melbourne, FL 32935

January 27,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I never thought that Microsoft should have been brought to trial. If Microsoft had been doing something wrong, America would have known about it long before, and the consumer would not have stood by and shelled out cash for products that were shoddy or overpriced. I am not an expert on antitrust law, and I do not know everything that has gone on in the case, but I am a consumer of Microsoft products, and I am affected by the recession America is currently in, and I believe both the economy and computer industry have suffered because of this case.

The proposed settlement is perfectly reasonable; unfortunately, Microsoft's opponents do not agree. They are currently seeking to undermine the settlement and continue to litigate against Microsoft. I do not believe this is wise or needful. Microsoft has agreed to a variety of terms aimed specifically at decreasing their dominance in the market. Microsoft's competitors will be given a great deal of advantages. For example, Microsoft will reformat the Windows operating system so that future versions of the software will support non-Microsoft programs. Competitors will be allowed to use Windows to introduce their own software to consumers. Computer makers will also be given the right to reconfigure Windows by removing Microsoft applications and replacing them with competitive alternatives.

The economy needs to get back on its feet, and this is the perfect opportunity to give it the chance to do so. The settlement that was reached last November needs no modification. I urge you to support it and to move on.

Sincerely,

John Terner

MTC–00027222

From: Alex Wallace
To: Microsoft ATR
Date: 1/27/02 9:35pm
Subject: Microsoft Settlement

Dear Dept. Of Justice:

I believe that Microsoft's proposed ''settlement'' is the most ridiculous thing I have ever heard of. You cannot allow Microsoft to sneak out of their dillimma by further pushing their monopoly- which was what they were in trouble with in the first place. Perhaps their punishment could be for them to pay fines to all the companies they have pushed down with their monopoly? Apple and Netscape come to mind...

Sincerely,

Alex Wallace

MTC–00027223

From: Philip Seal
To: Microsoft ATR
Date: 1/27/02 9:36pm
Subject: Microsoft Settlement

To whom it may concern:

As a citizen of this wonderful country and a taxpayer, I wish to object most strongly to

any changes that might be proposed or made to the settlement that was legally reached after very much discussion and deliberation, by the court in this matter concerning this great company. Please don't allow this matter to be dragged on any further. There is no need to waste our precious resources on useless wrangling just to satisfy the greed of a few individuals, who are only looking for ways to line their pockets at the expense of a successful Company, and of the entire population of this great nation of ours. Let's get on with more important items that might benefit and improve our economy. ''Enough is Enough.''

Philip Seal
Sunrise FL

MTC–00027224

From: Mark (038) Pam Collier
To: Microsoft ATR
Date: 1/27/02 9:37pm
Subject: Microsoft Antitrust Case
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

We would like to see the antitrust case against Microsoft settled. We think it is ridiculous that this case was filed at all, and we are pleased that efforts have been made to resolve the lawsuit. The terms of the settlement agreement are reasonable. Microsoft has made many concessions. Once the settlement agreement is approved, there should no longer be any concern about anticompetitive behavior on Microsoft's part. Microsoft has agreed not to take retaliatory action against those who develop or promote software that competes with Windows. Additionally, Microsoft has agreed not to enter into contracts with third parties that would require the third party to exclusively sell Microsoft's products. Nothing more should be required of Microsoft.

We urge the court to approve the settlement agreement in its present form. Thank you for reviewing these comments.

Respectfully,
Mark & Pam Collier

MTC–00027225

From: MERLE G WEAVER
To: Microsoft ATR
Date: 1/27/02 9:37pm
Subject: Microsoft settlement

stop the delaying, move on to let Microsoft do its job.

merle weaver

MTC–00027226

From: Mike Letcher
To: Microsoft ATR
Date: 1/27/02 9:37pm
Subject: Microsoft Settlement

My opinion on the above referenced settlement is that there should have never been a suit or judgement against Microsoft in the first place, therefore all charges and penalties should be dropped. Microsoft should be allowed to do business as they choose (just as anyone in a free country should) so long as they do not physically initiate force or threaten physical harm. They got their economic power through free trade and the fact that, besides myself, many, many persons freely chose their software over other available products. This suit is a travesty to freedom.

Sincerely,
Michael Letcher
United States Citizen,
State of Missouri

MTC–00027227

From: John Grauch
To: Microsoft ATR
Date: 1/27/02 9:26pm
Subject: RE: Microsoft Settlement

Judge:

As a soon-to-be graduating college student, I would just like to voice my concern about the possible negative ramifications, should the Microsoft be allowed to continue in its present monopolistic trend. You have the fate of the free world in your hands, please seriously consider how truly monopolistic Microsoft is. The proposed final judgement does not adequately remedy the situation.

Thank you for your time,
John Grauch
USC college student

MTC–00027228

From: jrob@jump.net@inetgw
To: Microsoft ATR
Date: 1/27/02 7:13pm
Subject: Microsoft Settlement

Dear sirs,

Having watched the computer industry for about 20 years now, I have witnessed the Microsoft corporation as it has grown from the supplier of software for ''hobby'' computers to its present day dominance in the software industry. And I have watched as it has systematically destroyed any company that has attempted to do business selling software, starting with Digital Research in the 1980's. As near as I can tell, Microsoft has never been the innovator it claims to be, but rather exists by adopting the ideas of others and marketing them as its own. Therefore, it is with great disappointment that I learn that the punishment for abusing its monopoly power will in essence be, that it must promise to be nice and not do it any more. Note that Microsoft has never publicly acknowledged its own wrongdoing! A more realistic judgement, in my opinion, would be to completely revoke the IPRs that have allowed it to become the monster it is. Not forever, not for every company. Just for Microsoft and just for a period of say, 5 years as in the current judgement. During that period, Microsoft could no longer make wild claims of ''piracy'' nor force users to ''sign'' a ridiculous ''contract'' merely by clicking their mouse. If someone wished to copy or reverse-engineer Microsoft products during that period, he or she could do so with impunity. It would serve as a reminder to Microsoft that it —can— be regulated, and that the foundation of its business model is in fact government regulation.

James Robertson

MTC–00027229

From: Michael B. Parker
To: ''microsoft.atr(a)usdoj.gov','verify(a)kegel.com''
Date: 1/27/02 9:43pm
Subject: RE: Verifying you as cosigner of Open Letter to DOJ
Name: Michael Parker
City: Los Angeles
State: CA
Title: Software Architect
Organization: n/a

I am signing www.kegel.com/remedy/letter.html because I believe Dan Kegel accurately points out that the proposed final judgment with Microsoft considerably falls short of ending anti-competition practices, such as (very offensively), preventing Publicly Available Software from being redistributed with MS Windows (Media Encoder 7.1 SDK) (http://www.kegel.com/remedy/remedy2.html#isv.oss). While it might be easier to debug if it was just one make of software, that is not even beginning to be sufficient technical reason to insist on doing so universally, and the fact that a stipulation such as this would exist in the settlement would suggest to me that the settlement is still ill-spirited and Microsoft would may well still put in anti-competitive practices anywhere they could.

CC: Paul Belvoir
Michael Scott Klein

MTC–00027230

From: TrojansUSC@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 9:40pm
Subject: Microsoft Settlement

Dear Judge—

I'm a college student and thus have been a big supporter of Microsoft products (mainly Microsoft Word). However, I do not believe it is right they were able to be granted a deal giving them full leverage over the competition. We live in America under a Democracy. Thus, a company based in the states should not rule as a dictatorship. If our country is not run in this manner, what makes a company believe they can do so?

Sincerely,
Robyn Freeman
814 W. 28th St.,
Los Angeles, CA 90007
CC:microsoftcomments@doj.ca.gov@inetgw,dkleinkn@yahoo...

MTC–00027231

From: Daniel Speers
To: Microsoft ATR
Date: 1/27/02 9:40pm
Subject: Microsoft Settlement

Very simply put, this Settlement is a bad idea. The reasons are many and the following URL is merely a good start.

http://www.kegel.com/remedy/letter.html
Dan Speers
15 Maxine Drive
Morristown, NJ 07960
973–898–0906

MTC–00027232

From: Rayson Ho
To: Microsoft ATR
Date: 1/27/02 9:42pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Renata,

I am from Ontario, Canada. I just graduated from the computer engineering program at the University of Toronto. I recently saw the Open letter from Dan Kegel's web site about the Microsoft settlement. As a member of this industry, I think I need to say something. I strongly agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html) I also agree with the conclusion reached by that document, namely that the Proposed Final Judgment, as written, allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

Sincerely,
Rayson Ho,
Toronto, Canada;
Recent Grad,
U of Toronto.

MTC–00027233

From: Jabreitman@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 9:43pm
Subject: Microsoft Settlement

I urge you to reject the proposed settlement in the Microsoft antitrust case and to require that Microsoft adhere to a market based approach that is self-sustaining, rather than to regulatory remedies that require constant policing. I do not believe that Microsoft, a company that has repeatedly been found to violate antitrust laws, should be broken up. Rather, its 70,000 applications should be able to run on all competing operating systems. This solution will allow consumers to enjoy the advantages of current and future competing products without denying them the use of any Microsoft products. Such an approach is not designed to ''punish'' Microsoft, but to promote a level playing field in which consumers can freely shop for the mix of products that best meets their needs at competitive prices.

Jerald A. Breitman
15 Innisfree Drive
Durham, NC 27707–5069

MTC–00027234

From: Renhao Zhang
To: Microsoft ATR
Date: 1/27/02 9:43pm
Subject: Microsoft Settlement

Dear Justice Official,

I'm writing this letter to voice my opinion regarding the Microsoft Anti-trust case as allowed by provisions of the Tunney Act.

As a technology consumer and a computer user, it is virtually impossible to conduct my affairs without some form of association to the products of Microsoft, the defendant of the anti-trust trial. As such, the decision and outcome of this trial is of great significance to me.

I agree with the conclusions of the courts Finding of Facts as published here: http://www.usdoj.gov/atr/cases/f3800/msjudgex.htm but I do not support the proposed final judgment as published here: http://www.usdoj.gov/atr/cases/f9400/9495.htm

I object for the following reasons:

(1) Although the spirit of the remedial actions are a step in the right direction, they are too loose and do not go far enough. Too much of the language and the details of how relevant items are defined are too vague. As it stands, the door is wide open for the defendant to construct and exploit loopholes that defeat the original purpose of the judgment rendered. Microsoft has a corporate history of placing self-interest above the public good and can not be trusted to abide by a weak judgment by the Department of Justice.

(2) The decision to remove the order to break up the company along product lines is a critical mistake that will hurt the ultimate goals of this trial. Microsoft has already been found guilty of illegal monopolistic business practices. Keeping the monopoly intact does nothing to punish the guilty. If allowed to stay intact, Microsoft will continue it's history of bullying and pressuring competitors with it's market dominance along multiple fronts of the consumer electronics and computing industry. As of today, Microsoft has well established holds in the general desktop computing, PDA, and game console markets all under the banner of the Windows operating system. Microsoft can not be allowed to use the Windows to destroy the diversity of a healthy market.

(3) Though the guilty verdict establishes Microsoft as a repeated transgressor of fair market practices, no action has been taken to punish the company for past deeds. Over the years, Microsoft has littered the corporate landscape with the remains of corporate entities whose products and market objectives came into conflict with Microsoft. Many surviving companies and computer product producers have testified to the various forms of attack Microsoft has engaged in to stifle competition. It isn't fair to those market participants who have suffered on account of Microsoft for the company to get off so lightly. In addition to the remedial measures, Microsoft needs to be aggressively punished for it's previous business practices as an example to future potential corporate law breakers.

These comments I respectfully submit to the government in the hope that it will aid the cause of justice.

sincerely,
Renhao Zhang

MTC–00027236

From: Thomas Parkhill
To: microsoft.atr(a)usdoj.gov
Date: 1/27/02 9:43pm
Subject: Microsoft Settlement

Gentlepeople:

There is, in my opinion, little justice in the recent decision regarding Microsoft and its business practices. I disagree with this settlement most strenously!

Thom Parkhill
Department of
Religious Studies
St. Thomas Unversity
Fredericton, N.B.
Canada E3B 5G3
parkhill@stthomasu.ca

MTC–00027237

From: Dick Humphrey
To: Microsoft ATR
Date: 1/27/02 9:47pm
Subject: Microsoft Settlement

It is my understanding that Monday, January 28, is the deadline for individuals to submit their opinions to the Department of Justice on the antitrust settlement between Microsoft, the DoJ and nine states. I respectfully ask that you consider the value of competitive practices, not legal means, to attempt to capture customer market share. Microsoft spent over $2.0 Billion in legal fees last year. They have agreed to make some concessions to abide by your original concerns and now we find lobbyists and competitors are forging ahead with competitive issues to keep Microsoft from carrying out their daily operations that have certainly meant a great deal to the day to day operation of each American's life to make it more productive and efficient. While the terms of the settlement are tough, it is my understanding that Microsoft believes they are reasonable and fair to all parties, and meet—or go beyond—the ruling by the Court of Appeals, and represent the best opportunity for Microsoft and the industry to move forward.

I respectfully ask that you not reject the settlement and get this legal mess behind us. Thank you for your consideration.

Dick Humphrey
Littleton, CO
dhumphrey1@msn.com
303–770–8881

MTC–00027238

From: Lawrence W Mahar
To: Microsoft ATR
Date: 1/27/02 9:46pm
Subject: Microsoft case
From: Lawrence W Mahar
945 Murray Road,
Middle Grove, NY 12850,
home & FAX 518–587–6781,
e-mail: larrywmahar1@juno.com.
<larrywmahar1@juno.com>

I agree with The Senior Coalition in recommending an acceptance of the Miscosoft offer.

URGENT ACTION ALERT

Your immediate response is needed!

Three years ago, the U.S. Department of Justice charged Microsoft with having engaged in anti-competitive behavior based on allegations by its top competitors. Many have argued that Microsoft was singled out by its jealous competitors and sympathetic government bureaucrats because of its success and a desire to see it punished.

The Justice Department is in the final stages of deliberating on the proposed Microsoft settlement to decide whether to accept the settlement or to litigate it further. The Seniors Coalition strongly believes that the proposed settlement offers a reasonable compromise that will enhance the ability of seniors and all Americans to access the internet and use innovative software products to make their computer experience easier and more enjoyable.

Unfortunately, a few of Microsoft's competitors have continued their aggressive lobbying campaign to undermine the settlement negotiated with the federal government and nine states. The settlement

itself is tough on Microsoft, but is a fair outcome for all parties—particularly senior consumers. Most important, this settlement will have a very positive impact on the American economy and will help pull us from the recession we have experienced over the past year.

You can offer your opinion to the Justice Department to counter the self-serving and punitive lobbying effort of Microsoft's competitors. Current law (known as the Tunney Act) allows public comment on the proposed settlement up until January 28th. The U.S. District Court will then decide whether the settlement is in the ''public interest.'' Please send your strong message to the Justice Department that consumer interests have been well served, and the time to end this costly and damaging litigation has come.

Dragging out this legal battle further will only benefit a few wealthy competitors, lawyers, and special interest big-wigs. Not one new product that helps consumers will be brought to the marketplace.

YOUR VOICE IS VERY IMPORTANT AND TIME IS VERY SHORT.

Only comments received by January 28th will be included in the public record and submitted to the Court for its consideration. Consumers need to win this battle, so please send your comments immediately to the Justice Department—either by email or by fax—and do it before January 28th.

Don't let these special interests defeat the public interest.

Email: microsoft.atr@usdoj.gov.

In the Subject line of the e-mail,type ''Microsoft Settlement.''

Fax: 1–202–307–1454

or 1–202–616–9937

To find out more about the settlement and the Tunney Act comment period, go to the Department of Justice Website at: http://www.usdoj.gov/atr/cases/ms-settle.htm Raising your voice now on this issue really will have an impact.

Thank you for your time.

Mary M. Martin

Chairman and Executive Director

The Seniors Coalition

MTC–00027239

From: elliota@quik.com@inetgw
To: Microsoft ATR
Date: 1/27/02 9:48pm
Subject: Public Comments

I am writing this email to state that I am opposed to the terms of the Microsoft Settlement as they are currently stated. One of the biggest objections that I have is the proposal that Microsoft be allowed to give away software to public schools as part of the terms of the settlement. This does not penalize them for past behavior. In fact it encourages them to continue this because this settlement then greatly expands their market share and ties more school systems into this operating system.

Thank you for listening to my comments.

Elliot Abramowitz

Glendale, Az

MTC–00027240

From: John Parmater
To: Microsoft ATR
Date: 1/27/02 9:47pm
Subject: microsoft settlement

Dear Judge,

I know the Bush administration wants to be friendly to business by being friendly to Microsoft. However, as was establish during the trial, Microsoft has been quite hostile to business and hostile to the welfare of the United States of America. Please do whatever you can to rein in this behemoth.

Thank you.

John Parmater

MTC–00027241

From: Jerome B. Bonat
To: Microsoft ATR
Date: 1/27/02 9:53pm
Subject: Microsoft Settlement

I admire the products that Microsoft has brought to the marketplace —I do not think they should be punished for being effective in the capitalistic system.

Jerome B Bonat

Boca Raton Fl

561 482 6779

MTC–00027242

From: Akkana
To: Microsoft ATR
Date: 1/27/02 9:55pm
Subject: Microsoft Settlement

I would like to add my voice to those protesting the settlement in the Microsoft case proposed by the Department of Justice. The proposed settlement is too weak, and does nothing to punish Microsoft for its past illegal behavior or to prevent it from continuing the same patterns of behavior in the future. As a temporary measure, it would be a welcome help which might help get the industry moving again while stricter measures are being considered; but by itself it will not change anything in the long run.

There's no question about Microsoft's guilt: both the district court and the appeals court found Microsoft guilty of violating sections 1 and 2 of the Sherman antitrust act. So how can we allow a settlement which levies no penalty whatsoever against the lawbreaker—which allows Microsoft to keep the billions of dollars of profits which have come out of the pockets of consumers and of the many smaller companies which it has trampled in the course of maintaining its illegal monopoly? The proposed settlement would send a clear message that companies are free to break the law with impunity.

We've already seen how effective a weak settlement will be on modifying Microsoft's behavior. Did the agreement of July, 1994 (http://www.usdoj.gov/opa/pr/Pre—96/July94/94387.txt.html) help in ending the company's monopolistic and bullying practices? Evidently not, or they wouldn't have been found guilty in the present case. Nor has the current proposed settlement (which Microsoft claims to support) prevented them from imposing licensing and registration agreements in their most recent software products which maintain their software monopoly and keep users from trying software from other sources. Another weak settlement is an engraved invitation for more monopolistic behavior and many more court cases in the years to come.

III: Prohibited Conduct More important, though, is what the settlement says about Microsoft's future behavior. The settlement will place no significant restrictions on Microsoft's anticompetitive behavior, and allows the company to continue to use its monopoly to lock out other software products.

The spirit of the settlement is fine. Microsoft's most egregious violations, which have had the worst effect on competition, have been its restrictions on licensees, OEMs and other customers restricting their ability to run other operating systems or software from sources other than Microsoft, and the bulk of the settlement attempts to address such issues. However, it is so specific and its scope so limited that the current settlement by itself will not cover the modern applications and the sorts of customers which provide the bulk of Microsoft's income.

Microsoft has already shown itself willing and able to work around loopholes in the proposed settlement. Consider its current enterprise licensing scheme, announced after the publication of the proposed remedy, which offers discounts to companies which sign an agreement not to use non-Microsoft products. Does this behavior become acceptable simply because most businesses do not fall under the heading of ''IAP, ICP, ISV, IHV or OEM''?

The loopholes in III J don't specify who is to make the determination as to what constitutes encryption, anti-piracy, licensing, digital rights management, etc. What is to prevent Microsoft from claiming that all of its APIs are critical to one or more of these technologies? Who has the right to overrule them?

IV: Compliance and Enforcement Procedures: Who is to enforce these rules and ensure that Microsoft doesn't continue to flout the law as it has in the past? IV B 3: Microsoft itself has half the responsibility (one of the first two members plus half a vote as to the third member) for selecting members of the oversight committee? Isn't it unusual for convicted criminals to be allowed to select the guards who will oversee them? These committee members, moreover, will be funded by Microsoft and will work at Microsoft's headquarters? It's hard to imagine that any technical committee will end up being a tough enforcer of the law under such conditions. And why is the technical committee prohibited from disclosing the details of any complaints or proceedings, by IV D 4(e)? Let's face it: Microsoft isn't going to change its behavior willingly, and a small number of people chosen by Microsoft, financially beholden to the company and working side by side with company employees, in secret and out of public view, is not going to change anything.

Conclusion: An immediate measure is needed. Since the settlement, Microsoft has already shipped new software which is even more flagrantly anticompetitive than their previous products, and has announced new licensing policies which flout the spirit of all of the proposed settlements. Further deliberation may be needed regarding a strong remedy which will break Microsoft's stranglehold on the market and restore competition to the software industry. If that is the case, please consider imposing

temporary sanctions (perhaps akin to the proposed settlement) to send a message that Microsoft must cease its illegal activities immediately.

For the long term, though, I urge you to reject the proposed settlement as too weak and too riddled with loopholes to do any long-term good. Please consider imposing a much stronger settlement that (1) imposes punishment for Microsoft's intentional and flagrant violation of the law, and (2) imposes real and enforceable guidelines (or structural remedies) which will offer real relief to the millions of consumers and the hundreds of companies who are suffering from Microsoft's current stranglehold on the software market.

Thank you very much for your attention.

Akkana Peck
Software Engineer
549 Arleta Ave
San Jose, CA 95128
(408) 297–5257
akkana@shallowsky.com

MTC–00027243

From: Alexander Bogdashevsky
To: microsoft.atr(a)usdoj.gov
Date: 1/27/02 9:53pm
Subject: Microsoft Settlement Microsoft Settlement is a really bad idea. But you know what, I am not surprized at all... Alexander Bogdashevsky

MTC–00027244

From: Peter Traneus Anderson
To: Microsoft ATR
Date: 1/27/02 9:53pm
Subject: suggestion

I suggest that Microsoft be required to make the .doc, .xls, Media player, and other binary file formats public, so competitors can write format-compatible programs. This eliminates the problem of people being forced to use Microsoft products because someone sent them a file in a Microsoft format.

Peter Traneus Anderson
42 River Street
Andover, MA 01810–5908
traneus@mediaone.net

MTC–00027245

From: BDHER@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 9:54pm
Subject: Microsoft settlement

Dear Attorney General Ashcroft,

Please settle the microsoft case.We must end all litigation. Let's focus on reviving the economy. Microsoft has agreed to do many things to help everyone.Why not stop all of this now, and settle their case?

We must settle, and settle now.

Sincerely,
Bill and Dorothy Herndon

MTC–00027246

From: Jake Robb
To: Microsoft ATR
Date: 1/27/02 9:57pm
Subject: Microsoft Settlement

I do not feel the need to reiterate the complaints against Microsoft which I am sure you have read or heard thousands of times by now. I want to voice my opinion against Microsoft's proposed settlement. The following web page references several arguments against the settlement. I have read several and agree with an alarming majority of the agruments. I encourage you to read them; they provide excellent coverage of the many opinions against the settlement.

http://www.kegel.com/remedy/

I urge you not to approve the settlement.

Sincerely,
Jake Robb
Grand Rapids, MI
Software Engineer

MTC–00027247

From: Steve Wheeler
To: Microsoft ATR
Date: 1/27/02 9:57pm
Subject: Microsoft Settlement

I am opposed to the Microsoft settlement as it currently stands. Microsoft has been convicted of using monopoly power in unlawful fashion. The currently-proposed settlement has fewer teeth than the consent decrees that Microsoft has already ignored. Besides there being no significant penalties applied, the decree allows Microsoft to use its desktop monopoly to leverage access to and control of further markets. There is no recourse to this, because all Microsoft has to do to remain compliant with the settlement is to state that whatever feature they use to provide such access and control is defined to be part of the Windows operating system.

Sincerely,
Steven R. Wheeler
4655 Perry Street
Denver, CO 80212

MTC–00027248

From: Janice Wolfe
To: Microsoft ATR
Date: 1/27/02 9:59pm
Subject: Microsoft Settlement

Hello,

As a consumer of Microsoft products, I feel my opinion is noteworthy. Microsoft has been unfairly scrutinized and penalized in the past, present, and may be in the future; however, peer companies who may have needed review seem to have gone unblemished. WhY????????????????????????. Micosoft is ok for me.

MTC–00027249

From: Richard L Steiner
To: Microsoft ATR
Date: 1/27/02 10:01pm
Subject: Microsoft Settlement

I would urge the Justice Department to end the costly and damaging litigation against Microsoft. I believe the proposed settlement is in the public interest. I believe that this settlement serves well consumer interests.

Thank you.

Richard L. Steiner
Consumer

MTC–00027250

From: Geoffrey Feldman
To: Microsoft ATR
Date: 1/27/02 10:02pm
Subject: Microsoft Settlement

Geoffrey Feldman
iddlesex Street #8
Lowell, MA 01851
January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I have thought from the beginning that the antitrust case against Microsoft is wholly and completely wrong. There never should have been a trial in the first place. Antitrust laws are outdated in a global market. The consumer is not protected by legislation that punishes success. Microsoft's opponents claim that Microsoft holds a monopoly on the technology market. I submit that such a monopoly is impossible. Computer technology is based on innovation, and innovation is driven by ideas. Ideas cannot be monopolized.

Microsoft's supply of ideas comes from its programmers, and its programmers are by no stretch of the imagination bound to Microsoft for eternity. They are free to leave to work for other companies or to start software businesses of their own, and often do so. This hardly denotes monopolization of creativity. When Microsoft succeeds in the computer industry, it does so because it is competent, not because of some sinister conspiracy to barricade other companies'' progression. Furthermore, Microsoft relies on other companies to manufacture its hardware. This is also not indicative of monopoly. Microsoft may enter into exclusive contracts (although such will no longer be permitted under the settlement), but this represents an agreement reached between two responsible parties, and what they do is their own business, as far as I am concerned. Indeed, there is nothing private or secret about Microsoft's software. The settlement requires open sourcing, but that does not mean that Microsoft code was entirely inaccessible before. Any determined developer or programmer, given the time and the drive, could have figured out what Microsoft was doing long before now. Microsoft is not an icon of oppression; rather the corporation stands for freedom. Apple is, in contrast, more monopolistic, although less successful than Microsoft. Apple has control over manufacture of hardware as well as software, and has no intention of opening up the market. It has ceased to innovate because it hasn't had the need do so. Apple works with Apple alone; it has neither diversified nor made outside contracts, and yet it is not nearly as successful as Microsoft is. Even quasi-monopolistic practices are bad business. Monopoly does not mean success, nor is the inverse the case. IBM was once dominant in the market, much as Microsoft is today, and they lost a great deal of consumer support when Microsoft began putting out their product. IBM may regroup and begin to compete head-to-head with Microsoft again in the future, and I would gladly welcome such an attempt. Tough competition breeds better products and a greater degree of innovation.

The consumer benefits from competition between companies of similar strength, and I say more power to anyone who wants to come up against Microsoft.

I am appalled at the claims that have been made in order to bring Microsoft to trial. They are clearly unfounded and irrational. I believe in a kind of business Darwinism: the stronger the product, the better chance there

is of survival. I do not think it is wise to protect businesses from the harsh realities of tough competition. It does not benefit the consumer to have weak companies thrust into the market and given advantages they have not earned. This case has gone on long enough, and the greatest harm it has done is to the technology industry and the economy. Computer makers and users are scared to make a move until this case gets resolved, and it is crippling production and sales. Moreover, the case has had a tremendous financial drain on the economy. You can track the litigation across the years by looking at the NASDAQ. The longer the suit lasts, the lower the numbers get. This is not rocket science, Sir. I do not believe Microsoft is guilty of anything more than success in a fast-paced industry. I agree that Microsoft is tough, and provides a higher challenge for its competitors to meet. I would rather see the challenge met and a stronger company to emerge than Microsoft's creativity stultified and the incompetent companies given the chance to invade the market. Again, I am outraged that the case was ever brought in the first place, but I prefer settlement and a return to business than painfully redundant litigation. I urge you to support the settlement and allow Microsoft to get back to business. At this time, the jusctice department pursuit of Microsoft is causing me hardship through its disruption of the computer industry. This will only be relieved by the justice department concluding this matter in the most expeditious way and one most favorable to Microsoft.

Sincerely,
Geoffrey Feldman

MTC–00027251

From: Todd Harrell
To: Microsoft ATR
Date: 1/27/02 10:03pm
Subject: Consumer Concerns about MS Settlement...

Dear DOJ,

My name is Todd Harrell and I wish to submit my comments regarding the MicroSoft case. Let me preface my comments by pointing out that I have used personal computers since 1983. I have used several platforms and today use a combination of both Windows and Apple based systems. I do not wish to engage in a platform war, each OS has its advantages and disadvantages. My concern is for the future of software development as it relates to my home use, and business use.

It is my belief that the intense competiton within the software industry is the reason software has evolved at such a rapid pace. It is my opinion that the business practices of Microsoft threaten the entire industry. Let me point out that while Microsoft holds a monopoly on Operating Systems, I do not feel that this in itself is wrong. If a product gains dominant market share based on its own merits, I support its position. What concerns me is the predatory lengths that MS has gone through to protect its monopoly.

(1) Innovation: One way I believe MS threatens innovation is with its selective targeting of competition.

Example 1: For several years, I used a presentation package known as Aldus Persuasion. Compared with Poweroint, Persuasion seemed to have a much more robust set of features. Best of all, Aldus corporation aggressively developed this package and each new release had a wealth of new tools and features. In my opinion, Powerpoint was simply an inferior program. It appears that Microsoft simply gave Powerpoint away, and by bundling it with its Office suite, it gained a much higher distribution. While Persuasion was a far superior program with a promising future, it could not compete with MS's predatory practices. Persuasion was finally discontinued. Not only did the loss of Persuasion limited my choice, it cost me financially because I had to adopt Powerpoint as a presentation package.

Since the death of Persuasion, Powerpoint has all but stopped evolving. I use a lot of software (including Powerpoint) an I am used to seeing new features as software is upgraded. Unfortunately, without competition, Microsoft has no reason to develop Powerpoint any further. While most other software continually grows, Powerpoint it essentially unchanged from the versions I purchased 5–6 years ago. Powerpoint is a very crude package with limited functionality. It has certainly not evolved at a rate consistant with most professional software.

Example 2: Word vs. Word Perfect. While the focus of my work doesn't require much word processing, I have used (I currently have licenses of) both products. Simply put, I find WordPerfect easier to use. WP also seems to have a reputation of simply being a better package. As with Persuasion, WordPerfect has all but disappeared in the wake if Microsoft's marketing practices.

(2) Choice: It is my belief that as a consumer and business owner, Microsoft has unfairly limited my choices of software (beyond issues as listed above)

Example 1: For years, I have used Netscape Navigator. Upon the initial release of Explorer, I tried MS's browser for possible use as my primary browser. I simply did not like Explorer, and continued to use Netscape (NN). It seems that in recent years, as Explorer gained market share, NN began having compatibility problems with certain web sites. While I certainly have no proof, I am concerned that perhaps MS's server software or marketing practices have purposely sought to ensure that MS controlled sites or ISP's intentionally ''break'' with browsers other than IE.

Example 2: Ease of use. While I use both Windows and Macintosh, this past year I have used mostly the Windows OS (because of certain software requirements). In my opinion, windows is a more difficult OS to use and maintain. For many network administrators, windows offers a deep, flexible perating system that gives them a lot of technical control. For most of us users though, it is needlesly complex, and arguably obsolete. The Macintosh is strong in the educational community because of its ease of use. School systems can't afford all the network personel required to maintain a PC network. Under the current ''proposed'' settlement, schools will be forced to accept old computers and a Windows standard. Kids will be raised in an environment where only one OS exists. I doubt most school systems will be able to maintain an efficient network based soley on Windows with out spending lots more for the additional support requirements.

I guess I can go on and on. If you recieve this email and wish for me to contribute further, I will list more of the concerns I have. Innovation is everything in this industry. If Microsoft is allowed to continue its practices, otherwise progressive companies will have no incentive to innovate and the entire industry will stagnate. Consumers will be hurt as software stops evolving and MS is allowed to raise prices, restrict use and control an industry and technology founded on innovation. Microsoft is not ethical or responsible with its monopoly. They have hurt the OS market, they are hurting the handheld market and now they are moving into the gaming industry. What's next?

Simply put, I am a consumer, I want choices, I expect innovation. Microft's practice continues to threaten both.

Todd Harrell
Techna Design Studio
Charleston, WV

MTC–00027252

From: Daniel D. Allen
To: Microsoft ATR
Date: 1/27/02 10:06pm
Subject: Microsoft Settlement

It is time to accept the Settlement offered to Microsoft by the Justice Department. It is reasonable, and pushing it any further will only increase the cost to everyone and won't help anything. Betty Allen, 520 Old Post Rd. Tolland, CT 06084. (A Senior)

MTC–00027253

From: Chris Oxenreider
To: Microsoft ATR
Date: 1/27/02 10:04pm
Subject: Microsoft Settlement. (NAY)

To whom it may concern:

I find that the proposed final judgment against Microsoft lacks in a great number of areas. Specifically I wish to highlight these important places where improvement, in my opinion, should be sought.

(1) The settlement is too full of specific industry jargon which may become obsolete or rendered useless within a short span of time.

(2) Microsoft to pay the legal fees for the DOJ. Microsoft has been proven in court to have been a monopoly. It is customary and usual for the party who has been found against to also pay the legal fees of the winning party, including, but not limited to the DOJ and the states Attorney Generals offices involved.

(3) Divesting Microsoft of it's non-software business interests. Microsoft is a monopoly. Allowing it to continue to own, hold or have influence over it's competition (Apple) through direct investment should be prohibited. Allowance for grants and gifts may be allowed provided that they come unencumbered.

Microsoft should not be allowed to own any hardware or service providing (Internet, travel, shopping, video games, print media,

etc) business that is not directly related to it's operating system or applications. Microsoft should be limited to it's software business and not allowed to own or have major holdings (25%) n telecommunications, travel, banking, industrial, utility, or commerce business where it's full weight and power may be used to allow it to gain additional monopoly standing.

Microsoft's interest, in whole or in part, in Internet service providing companies is akin to allowing Standard Oil to continue as it was, but then allowing it to buy companies that make oil using equipment and engineering them to become less oil efficient so as to use more standard oil.

(4) Limitations on Microsoft for the purchase/acquisition of other technologies and companies (world wide). Microsoft may no longer purchase technology or software companies outright. It my license on a non-exclusive basis from those companies.

(5) Inadequate penalties against Microsoft.

No monetary awards have been stated to help those companies that have been hurt by Microsoft's monopoly status (Microware, Netscape, SUN, etc).

(6) Microsoft will be fair and create a ''Chinese wall'' between the Operating system division and the Applications division and only the publicly published API interfaces from the documentation of each may be used to develop software within Microsoft. If the Applications developers can only use the published ''API's from the Operating system developers and vice versa. No unpublished ''faster'' Microsoft exclusive API's will be created.

(7) Inadequate definitions. Examples include Compromised security, and anti-privacy.

(8) Microsoft shall not overly encumber competitive analysis of it's software by unduly restricting it's license agreements to prohibit competitive analysis (for example as Oracle on NT vs Solaris).

(9) No provisions for fostering competitive software creators. There are no provisions for fostering (via monetary penalties) other alternative software and operating systems. Unencumbered university grants and gifts. Grants and gifts to independent software developers, consultants and individuals. Microsoft may license the technologies from the above mentioned, but may not have exclusive right to those technologies.

(10) No provisions for fostering competitive operating systems. Microsoft shall agree to make available the 20 (minimally) most popular software applications for home and the 20 (minimally) most popular software applications for business applications on the top 10 competing operating systems. Said software will be identical to that released for it's own operating system in features. Software for the top 5 competitive operating systems shall be available no more than 90 days after the release for it's own operating system, and no more than 180 days for the remaining operating systems.

(11) Inadequate oversight of Microsoft post settlement.

(1) The TC should be 7 people (1 Microsoft selected member, 3 plaintiff selected members, and 1 designated representative each from the groups IEEE, IETF and NIST [or their successors/assigns]).

(2) Define ''any competitor to Microsoft'' (does that mean any LINUX users)

(3) no provision for input from enlightened public members

(12) Stipulation that Microsoft must adhere no only to the letter of the law but the spirit of the law as well.

(13) Termination should be no less than 15 years and no more than 35 years.

(14) Inadequate stipulations that Microsoft must adhere to international and Internet (IETF, RFC, et all), POSIX, etc [or their successors and assigns] with out rendering them incompatible in the Microsoft implementation.

(15) Inadequate stipulations for opening Microsoft's standards to allow interoperability from competitive software creators with out encumbering non-disclosure, or requisite partnerships or strategic alliances. Example: Opening the standards for .doc and presentation format so a competitive interface to an ''outlook client'' might be created.

(16) Exclusive use of Microsoft owned and or operated information distribution systems as the sole point for the dissemination of data regarding interoperability. The use of a wholly owned Microsoft network at the control of Microsoft to disseminate information about how to create compatible software seems counter intuitive. Minimally, this information should be freely available from a Microsoft supported third party. Information above and beyond what is required by the final judgment may be on Microsoft network for a fee is not unreasonable.

(17) Inadequate allowance for ''open source'' developers to flourish.

MTC–00027254

From: Pooka1@&fxsp0aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 10:09pm
Subject: Microsoft Settlement

January 27, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft,

I am writing to respond to the Justice Department's request for comments from the public on the proposed Microsoft settlement. While I am sure this settlement agreement will have its detractors,it seems a reasonable compromise. Hopefully it will bring stability and progress in the software industry.

This settlement offers the opportunity to close the case with certainty. Microsoft has offered a number of serious concessions, including its agreement to open Windows operating systems so that non-Microsoft software can be configured into the system. If implemented, this provision, standing alone, will have an immediate, positive effect on the software market. Please take advantage of this opportunity and settle the case as soon as possible. The public interest will not be served by the alternative.

Sincerely,
Milton Ross
108 Meadowbrook Country Club
Ballwin, MO 63011

MTC–00027255

From: hank henry
To: Microsoft ATR
Date: 1/26/02 1:06pm
Subject: Microsoft Settlement

Hello, I have never sent a letter like this before.I would have never thought it would be necessary.

I used to be a fan of Microsoft, I thought they represented the American dream.i.e.

A group of young entrepreneurs changing the would for the better and getting rich in the process.

Having watched there business practices over the years, and now working in the computer industry, I have a completely different view of Microsoft. They are predators that feel that they are above the law. If any other industry behaved in such a fashion there would be a public outcry. Computer operating systems are harder for most to understand. (If one company owned 95% of the petroleum distribution centers in our country, than started a car company and changed all the fueling nozzles to only fit their car it would not be tolerated) They do not even seemed to have learned by this latest litigation, they seem even more arrogant then usual.

Fair competition is good for our economy and society, abusing a monopoly to stifle competition is not.

Thank you for time
Hank Henry

MTC–00027256

From: Ralph Alberti
To: Microsoft ATR
Date: 1/27/02 10:09pm
Subject: Microsoft Antitrust Agreement

I implore you to move beyond this settlement and let Microsoft continue to go about its business of creating products that benefit us all.

Ralph Alberti

MTC–00027257

From: Frank Disparted
To: Microsoft ATR
Date: 1/27/02 10:08pm
Subject: Assalt on Microsoft

I Microsoft has been a great benefit to me as a user of their products. They produce the best and have made a standard for the industry, if you remember a few years ago when one could spend hours trying to make a new program work. I thing the people bringing charges against Microsoft are fishing for money. The other competitors cannot keep-up and are leaning on the Government to help them compete. It is shame an American Company leading the world get stabbed in the back form it own government. Would everyone be happy if we shipped Microsoft to China? Shame shame shame.

Frank L. Disparte
Kiwanis Club Huntington Beach
Ocean View Key Club Advisor
fldisparte@pobox.com

MTC–00027258

From: Mickey Roberson
To: Microsoft ATR
Date: 1/27/02 10:18pm
Subject: Microsoft Matter

Dear Attorney General Ashcroft

I am retired now, but in my working career I labored at a large company for others and finally as the owner of my own company. I understand how business works and there are occasions when the Federal and State governments do have a stake in how a business conducts its affairs. Unabashed polution of the environment, negligent disregard for workers'' safety, underage and illegal immigrant labor come to mind. However, this Microsoft prosecution has been wrongheaded and bogus from the start.

Microsoft being charged as being monopolistic is ridiculous and I am living proof of that. In my life with computers I have owned SIX Apple laptop computers and ZERO computers that use any Microsoft products at all. To the best of my knowledge I have never contributed one cent to the revenues of Microsoft or the personal fortune of Bill Gates. I have purchased Apple computers with ease as well as the software to operate them and am perfectly happy with my computing access, so how in the world can Microsoft be a monopoly if I have nothing to do with them. If someone does not like Microsoft, just buy an Apple like I have.

The only thing I know about Windows is that it is an operating system I do not need, use or want. My understanding though is that Microsoft has agreed to share some sort of protocols or proprietary information that would help its competitors benefit from Microsoft innovation and market penetration and that seems reasonable enough to me to settle this prosecution that should never have taken place to start with.

This Federal prosecution and the resulting original decision are to me the seminal events that started the plunge of the NASDAQ and the fall of the value in many technology stocks, which by the way has cost me many thousands of dollars in the value of my retirement savings. This plunge has also cost hundreds of thousands of people their jobs, resulted in I am sure billions of dollars of loss to our general economy and a tremendous reduction in the tax dollars flowing into the federals coffers as revenue. It seems almost insane for the U.S. government to attack one of its largest companies which was the world leader in an area in which the only direction seemed up. Some foreign governments give monetary support to their own companies in an effort to compete with U.S. companies, but here with Microsoft the Federal government is trying to destroy a U.S. company. Since Microsoft was not, is not and cannot be a monopoly, it would be interesting to know why Janet Reno and her associates really prosecuted, but I will not hold my breath waiting for the truth as that will never be known.

Please Mr. Ashcroft, halt this persecution and reach some sort a settlement that will allow the technology sector of our economy to begin to recover where common citizens can go back to work in this sector and help bring us out of this recession. To continue this prosection or end it with some draconian destruction of Microsoft with only worsen the economy, cause more bankruptcies and cost more thousands of workers their jobs. Bill Gates has been humbled. U.S Senators and Representatives have had plenty of face time on TV. Enough damage has already been done, please no more.

Sincerely yours,
Mickey Roberson
Atlanta, GA

MTC–00027259

From: FRED21@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 10:17pm
Subject: Microsoft Settlement

Gentlemen:

PLEASE LEAVE MICROSOFT ALONE. THEY HAVE BEEN HOUNDED ''ENUF. I HAD A COMUTERBACK WHEN I HAD TO HAVE SOMEONE PROGTAM IT FOR ME ''TILL BILL AND HIS CREW CAME ALONG AND GAVE US A PROGRAM THAT EVERYOND COULD USE. A REAL STANDARD.

MTC–00027260

From: Sudeep Gupta
To: Microsoft ATR
Date: 1/27/02 10:19pm
Subject: Microsoft Settlement

To whom it may concern, I am an avid user of Microsoft products, but I do not agree with the Department of Justice's settlement agreement with them.

Microsoft engages in predatory pricing, locks out competition to their products by leveraging their monopoly in other fields, and even behaved appallingly during the trial— faking video-taped evidence, lying about statements (such as claiming they don't track ''market share''), and other issues. It surprises me that the settlement is so favorable to them. I am concerned that the settlement does nothing to address the fundamental problem that Microsoft can leverage their monopoly in operating systems, business software, and their growing influence with media and Internet content to bolster their control in any of the other business spaces.

Please reconsider the proposed settlement, and develop a plan that will actually benefit consumers and prevent Microsoft from engaging in illegal business practices.

Sincerely,
Sudeep Gupta
6209 Monticello Drive
Frisco, TX 75035
972–712–1020

MTC–00027261

From: John Eure
To: Microsoft ATR
Date: 1/27/02 10:20pm
Subject: Microsoft Settlement

Please reject the proposed settlement in favor of one that will actually prevent Microsoft from continuing to illegally exploit its monopoly. At a minimum, this should require them to offer all of their desktop programs (Office, for example) for MacOS and Linux (the only other significant desktop OSes), and to offer all of their server programs (IIS, for example) for Linux, Solaris, and several other varieties of UNIX (the only other major server OSes). By requiring them to provide applications support to their major OS competitors, you will prevent them from leveraging their OS monopoly into a number of applications monopolies, as seems to have already happened with word processing, where MS Word is the default standard. (By the way, all this could also be accomplished by braking the company up into OS, applications/hardware, and networking divisions.)

I urge you not to cave in to Microsoft's continuing whining. The US economy cannot afford to support the dead weight of a monopoly for any longer. Competition equals a healthy free market, and a monopoly provides neither. If Microsoft's punishment is inadequate, I fear that its straglehold on the stagnating US tech market will drag our economy into a deep and long-lasting depression.

Thanks,
John Eure
(a US citizen, registered voter, and computer scientist)

MTC–00027262

From: David Walser
To: Microsoft ATR
Date: 1/27/02 10:21pm
Subject: Microsoft Settlement

I believe the proposed settlement in this very important trial is not in the public interest.

First, the settlement doesn't go far enough in preventing Microsoft's further abuse of its monopoly for continued monopoly maintenance. Through its control of the technology and licensing, Microsoft is able to make its software widely used. For software such as Office and Media Player, Microsoft controlled file formats become entrenched, and interoperability becomes crucial to users who wish to use non-Microsoft software. Microsoft's ability to control these file formats through control of the technology and licensing allows them to hamper attempts by makers of alternative software to interoperate with these file formats. An effective remedy, that would reduce the barrier to entry for competing operating systems, would require Microsoft to make full specifications to these file formats openly available to the public, in advance of the release of the Microsoft products the formats are to be used with. They should also be prohibited from using Intellectual Property laws such as Copyright and Patenting to get around this requirement. When Microsoft argued their Copyright allowed them to completely control the desktop shipped by OEMs, the Court already shot down this argument. The file formats should be completely open with no limitations, which brings me to my next complaint about the settlement. It relies heavily on the use of ''Reasonable and Non-Discriminatory'' (RAND) licensing of technologies for which Microsoft is required to cooperate with the industry. Unfortunately, as has been discussed recently at the World Wide Web Consortium (W3C), RAND licensing can't avoid being discriminatory, as it's incompatible with Open Source licensing (as defined by the Open Source Initiative, http://www.opensource.org/). As Open Source software is the only credible competition to Microsoft currently, this is a very big problem. The remedy should rely on no provision which lets Microsoft only cooperate with commercial entities, and

should be careful that Open Source software can benefit equally.

Another problem with the proposed settlement is it is very vague, and gives Microsoft too much power over carrying out the provisions of the settlement. A remedy should be very clear about what Microsoft must do, and cannot do. It should be very clear where authority lies in carrying out and enforcing it, and that authority should not lay in the hands of Microsoft's directors. There are too many places in the proposed settlement where exceptions are defined, and Microsoft gets to decide when those come into play. As should be obvious from the last settlement reached between Microsoft and the DOJ, exceptions and loopholes should be kept to a minimum. The exceptions in the current proposed settlement reduce it to almost nothing.

Finally, the biggest problem with the proposed settlement is it lacks an effective enforcement mechanism. Under its terms, Microsoft could more or less ignore it, with no real penalty. An appropriate remedy should be careful to address this.

MTC–00027263

From: Daniel Brewer
To: Microsoft ATR
Date: 1/27/02 10:16pm
Subject: Microsoft Settlement

I object to the settlement with Microsoft as it is currently proposed. The settlement is a step in the right direction, but it is not sufficient to stop the harm that Microsoft's monopoly inflicts on consumers and competitors. I believe that it would leave Microsoft basically intact and with too much room to evade the settlement's provisions. Also, it would do too little to end the barrier to market entry that Windows'' existing applications hold against all other operating systems. Further, the settlement would not end the barrier to entry that Windows'' boot loader enforces against other operating systems.

I believe that we must have public proceedings under the Tunney Act to give consumers a voice in creating a fair settlement.

Thank you for your time in reading this message.

Daniel Brewer
503 SE 12th Ave Apt #11
Portland, OR 97207
(503)231–8977

MTC–00027264

From: tfeazel@&fxsp0one.net@inetgw
To: Microsoft ATR
Date: 1/27/02 10:19pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Terry Feazel
7195 Wyandot Lane
Middletown, OH 45044

MTC–00027265

From: BSSklavier@&fxsp0aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 10:23pm
Subject: Microsoftsettlement
To whom it may concern,

As a consumer of microsoft products I think they should be lauded—not persecuted—for what they have done. Please leave microsoft alone. They should not be punished for the good job they have done.

Our country did not fight Communism in Europe and Asia only to bring it here in this antitrust; read harassment, case against Microsoft and its brilliant, humanitarian creator, Bill Gates.

Please praise microsoft instead of attacking them.

Bradley Sidman
CC:activism@moraldefense.com@inetgw

MTC–00027266

From: Paul Olofson
To: Microsoft ATR
Date: 1/27/02 10:24pm
Subject: Microsoft Settlement
Attn: Department of Justice

In response to the DOJ's unwarrented assault on Microsoft, I would like to contribute the following points.

Item 1)

Price of Operating System

US Government—The US Government claims that Microsoft should only charge $45 for their operating system. Their current price gouges the consumer.

Reality—Out of the several of operating systems on the market, Windows is priced competitively. Microsoft had 2,600 people working on Windows 2000. They spend 6 billion a year on R&D. They should be allowed to charge a price that consumers think the product is worth and to run their own business. There is a free operating system named Linux on the market. You can pick up a popular version of this free software at CompUSA for about $80. The judge in the Microsoft case seems to think that Microsoft should charge less than the free operating system. Additionally, lowering the price would improve market position, an idea the US Government opposes.

Item 2)

Microsoft gave away Interned Explorer to try to put Netscape out of business and dominate the internet browser market.

US Government—US Government claimed that Netscape was severely damaged by MS because Netscape also had to give away its browser to compete, thus depriving NetScape revenues and a chance to compete in the marketplace.

Reality—This point is contrary to the first item of MS overcharging consumers. What better deal for consumers than free? During the trial, the value of Netscape went from 5 billion to 10 billion when it was finally acquired. How can a company be put out of business if it was valued at 10 billion dollars? Using US Government logic, the real culprit would be America Online. AOL, the dominant internet service provider, has swallowed up two companies that used to charge for their browsers (first CompuServe then NetScape). Lastly, note that AOL has refused to endorse browser standards. Without these standards companies are forced to spend time and effort on cross-browser development. Since the Netscape browser has refused to adopt these standards, the market share of the Netscape has continued to decline.

Item 3)

Microsoft is a Monopoly

DOJ—Microsoft is a Monopoly due to their percent market share in intel based computers.

Reality—I can remember when DOS 5 and Windows 95 came out. At CompUSA, consumers put their names on waiting lists to buy the new operating systems. Do people do this for OS2, Linux or Apple operating systems? Consumers like Windows at the price offered or they would buy other products. How much market share should MS give up before they are not a considered a monopoly? Who would decide what consumers would have to switch to other operating systems?

MS has 10% of worldwide software market while Cisco has an estimate 75% of worldwide router market and currently is the highest valued company in the world. I guess Cisco is next!

Item 4)

Microsoft stifles innovation

US Government—US Government claims that MS dominance stifles innovation. I don?t think US Government offered any evidence here.

Reality—When I started working as a government contractor in 1989, everyone I know used Lotus and WordPerfect. Over the next couple of years, MS introduced Office for Windows which included a host of features other companies didn?t have. Drag and drop, autofill, autocorrect, outlining and a standard programming language across applications (VBA) to name a few. When my colleagues, in the office of diehard Lotus and WordPerfect users, started using the new releases of Microsoft Software, they as well as myself were happy to have the new capabilities and switched to Microsoft products. Microsoft consistently has top rated products at competitive prices. Please review the following web sites as evidence of this. www.tpc.org http://www.microsoft.com/sql/evaluation/news/default.asp

TPC.org shows that Microsoft is the leader in ecommerce software (database and operating systems) in terms of overall speed and in price/performance. The Microsoft site references the award Microsoft SQL Server has recently won. Most notable is the industry survey of 5,000 businesses as the best business database software.

The list goes on for many Microsoft products.

Item 5)
Bill Gates has too much money.
Reality—I heard that one on CSPAN. ?No one person should have that much money.? Bill Gates owns about 16% of a company he helped start over 25 years ago. That's a crime? Microsoft pays a lot in taxes and employs thousands of people who also pay a lot of taxes and develops great products.
Item 7)
The other bigger question
US Government thinks the US Government should control private companies.
Reality—I am sure everybody would disagree with this fact idea, but the actions of the government prove otherwise. The private sector is the better innovator. Why would anyone want the government deciding what a private company could put in software?
Microsoft invests billions of dollars in R&D every year to find out what people want and how things work best. They use this data to implement these ideas in software consumers want to buy.
Thank you.
Sincerely,
Paul Olofson
4524 Banff Street
Annandale, VA 22003

MTC–00027267

From: lady Bug
To: Microsoft ATR
Date: 1/27/02 10:25pm
Subject: Microsoft Settlement
Dear Department of Justice:
The Microsoft settlement was good, because it allows computer manufacturers to provide competitive services along with Windows without worrying about any negative reactions from Microsoft. Competition is healthy for the economy (quality and price stability) and consumers can actually choose from more choices.
Thank you.

MTC–00027268

From: ZH299@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 10:25pm
Subject: Microsoft Settlement
To Whom It May Concern I am a 19 year old student in New York. I am currently studying in the field of Information Systems. This United States vs Microsoft case affects not only those in the field already, but those who plan to pursue a career in computers and those who use the products on a day to day basis.
I think that the case against Microsoft should be left alone because if more smaller companies are allowed to come in, it can hurt the economy even more. I think they should be left alone because they are a closed market space, if smaller companies came up and made products and made it free or sell it cheaper, the stocks would go down drastically. It wouldnt be an unhealthy competition because Microsoft products are already settled and proven. We have already seen disasters that have shaken the economy. We do not need a technology disaster on top of all that has occured. Everyone is used to the products that are being used currently; that a change might not be appreciated greatly.
Thank you for allowing me to share my input.
Sincerely
Zohra Habib

MTC–00027269

From: Reed, Eric
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/27/02 10:23pm
Subject: Microsoft settlement
I do not believe that the ''Anti-Trust'' laws in this country are in the ''public good''. I think they only prop up companies that can not compete in the market, and, in so doing, prop up prices which would otherwise be lowered by a more pure form of competition.
I also think that asking the public what is in there own best interests will yield you nothing but 250 million different best interests.
Eric Reed

MTC–00027270

From: Robert Ripley
To: Microsoft ATR
Date: 1/27/02 10:27pm
Subject: Microsoft Settlement
Dear Mr. Ashcroft:
Please see letter attached.
Sincerely,
Robert Ripley
1O507 View High
Kansas City, No 64134–2448
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:
I am writing to express my support for Microsoft in its antitrust case. In November 2001, Microsoft agreed to settle the case. There are many provisions that Microsoft has accepted that make a strong case for accepting the settlement.
Microsoft has approved the sale of its products, at an equal price for all, to the leading 20 computer makers. Not only this, but Microsoft has granted rival software developers open access to Windows and other documents relating to Microsoft products. These are only two of the many areas in which Microsoft has agreed to compromise.
I believe that the terms of the settlement with Microsoft are liberal towards their rivals, to-say-the-least. The Justice Department should take this historic opportunity to end this antitrust case and let all sides involved move on to bigger and better endeavors.
Thank you.
Sincerely,
Robert Ripley

MTC–00027271

From: Aps42616@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 10:28pm
Subject: Microsoft settlement
I believe that the Microsoft organization should not be split up or be subjected to any division such as AT&T. This will only confusion prices of soft ware will increase and any service will be subjected to fees.

MTC–00027272

From: James E. Swain
To: Microsoft ATR
Date: 1/27/02 10:28pm
Subject: Microsoft Settlement
It is outrageous that Microsoft should have to be involved in any ''settlement!'' The executives and employees of Microsoft should be praised for the tremendous wealth they have created—not vilified for their success.
The Justice Department and law enforcement agencies should only be concerned with Microsoft if there have been violations of the rights of others. Since there weren't any, Microsoft should be left alone to do business as they see fit and continue to create wealth.
James E. Swain, Ph.D.

MTC–00027273

From: Eileen J. Palumbo
To: Microsoft ATR
Date: 1/27/02 10:29pm
Subject: Microsoft Settlement
Please get this settlement done with now. Microsoft has already agreed to the settlement terms and is trying to cooperate fully with the Justice Department. No one wins by dragging this out and only more money is being spent by a government that is pouring billions into the economy and defense. We don't need to be spending money on a case that should have been settled months ago.
Eileen Palumbo

MTC–00027274

From: annepattex@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 10:26pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.
This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.
Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Anne Teixeira
1743 N Wintook Dr
Ivins, UT 84738

MTC–00027275

From: Bob W. Nix
To: Microsoft ATR
Date: 1/27/02 10:30pm
Subject: Microsoft settlement
Don't drag this out any longer as it will only punish more consumers. Settle with

Microsoft and get on with it! Let the free enterprise system work

Bob Nix

MTC–00027276

From: Greg Wojcik
To: Microsoft ATR
Date: 1/27/02 10:28pm
Subject: Microsoft Settlement
CC: Gregory L. Wojcik Ph.D.
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
From: Gregory Wojcik
7145 Hihn Road
Ben Lomond, CA 95005

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I work for a company that produces software which operates on multiple platforms including Windows, and am also an end-user of several Microsoft Operating Systems, Middleware and Applications both at work and at home.

The Court of Appeals affirmed that Microsoft (MS) has a monopoly on Intel-compatible PC operating systems, and that the company's market position is protected by a substantial barrier to entry, and that Microsoft is liable under Sherman Act 2 for illegally maintaining its monopoly. According to the Court of Appeals ruling, ''a remedies decree in an antitrust case must seek to 'unfetter a market from anticompetitive conduct', to ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future''.

Like all those found guilty of a crime, Microsoft need to be punished for their actions—ideally in a way that attempts to restore competition and undoes the damage inflicted on the consumer by their anticompetitive behaviour. MS has profitted greatly from their behaviour, and the fruits of their illegal actions must be denied to them.

Previous court ordered remedies have shown that Microsoft willfully ignores and attempts to circumvent any restrictions placed on them by careful selection of the language used in these remedies, and stalling with continued appeals such that by the time a resolution occurs, there is no surviving competition.

Microsoft show no signs of remorse or attempts to change their pattern of behaviour. Indeed, while conceding certain points on existing Operating Systems (OS), they are careful to ensure that applications (such as Microsoft Office Suite) and future products such as .NET are excluded from any restrictions. It is clear from their pattern of behaviour that they will attempt to monopolise these markets, and that nothing but the most severe restrictions on their behaviour will have any effect.

Since many of the companies adversely affected by Microsoft are no longer operating due to the illegal monopoly, it is hard to make reparation to them. Rather, the remedy must seek to redress the harm done to the consumer, and to prevent Microsoft continuing to use its illegaly gained market dominance to monopolise new markets. It is apparent that Microsoft traditionally gains dominance in a new market buy tying sales of one product to sales of another—for example, the bundling of Microsoft Office with Windows, and the intimidation of Original Equipment Manufacturers (OEMs) to ensure that this continues to the exclusion of competitors. Their willful circumvention of previous court restrictions, which violate the spirit if not the exact letter of the agreements, indicate that MS must be given no latitude in which to avoid punishment. The only option remaining if this is true, is a structural remedy.

Structural Remedy: The existing MS corporation must be split into at least 5 separate companies, each of which is barred from operating in the other 4 areas or joining with one of the other compnaies for a period of not less than 10 years. The company should be split along the following lines:- Operating Systems, Computer Programming Languages (must include .NET and C#), Applications (such as MS Office), Hardware (including XBox), and Internet Services (MSN etc).

Microsoft continually use their monopoly position in each of these sections to dominate others—and must be denied the opportunity to do so in the only method it appears that will work. It is imperative that the .NET be split from all other services, since it is clear MS intends to use this to tie in future applications and services and 'lock out'' competing products. Previous anti-trust cases which have resulted in large corporations being split extensively detail prohibitions on these individual companies. It is clear that despite all evidence pointing to a structural remedy as being the only solution, the courts are unlikely to impose such a remedy. Whether or not this is implemented, the following aspects of MS illegal behaviour must be addressed.

Consumers Overcharged and Require Compensation: In addition to monopolising markets, the consumer has been harmed by Microsoft products being overpriced than would have occurred had competition been available. Once again, Microsoft must be denied any profits from their illegal activities. The consumer must be recompensed for this, and so a substantial cash fine should be levied against MS, which would then be divided amongst all registered users of Microsoft products. This fine should be no less than 1 billion US dollars—note that MS currently have cash reserves of over $35 billion and this is increasing rapidly—it is a small fine to MS.

Should this not prove to be practical, then MS should still be fined, but with the money going to the purchase of computer and computer related hardware for schools, colleges and charity groups. MS should not be allowed to provide software for these systems, and alternatives such as Apple computers or free software such as Linux must be used instead. This will not only return some benefit to the consumer, but prevent further harm done to MS competitors.

Applications Barrier to Entry: Significant barriers exist to competing products in the marketplace due to Microsofts illegal monopoly. These must be eroded and removed in the following ways: By forbidding retaliation against OEMs, Internet Access Providers (IAPs), Independent Software Vendors (ISVs), and Independant Hardware Vendors (IHVs) who support or develop alternatives to Windows.

All APIs and file formats (MS Word, MS Excel, MS Access, MS Powerpoint, MS Outlook and Outlook Express, WMP—the Microsoft Middleware Products) should be available to ISVs and HSVs. File formats should be open and available for public viewing at no cost. Any changes made to APIs and file formats must be announced and specified a period of time must have passed before these changes are implemented (e.g. 180 days for APIs and 90 days for file formats). Current definitions of APIs allow MS to avoid releasing documentation on many important interfaces. File formats, while an important barrier to entry, are currently not included in the proposed settlement and must be publicly disclosed.

Wording of the licence agreement for ISVs accessing APIs and documentation shall state that it will solely be for the purpose of interoperating with a Windows Operating System Product or with application software written for Windows. Current phrasing limits this to OS only.

Definitions of requirements for companies or individuals to access APIs should be publicly available and independently enforced—MS should have no say in this part of the decision process.

All patents covering the Windows APIs must be disclosed. Currently those ISVs producing Windows-compatible operating systems are uncertain if they are infringing on Microsoft software patents. Wording of the current proposed final judgement should not prevent ISVs using released APIs to make alternative OSs compatible with Windows based OSs.

Forced Upgrades Must be Stopped: MS abuses its monopoly postion by forcing consumers to upgrade from older products to newer ones, at substantial cost. Since there is now no effective competition due to the illegal actions, the consumer has no alternative but to go with MS products. By altering file formats in latest releases that are incompatible with older versions, and by removing older products from sale, MS force the consumer to upgrade.

To prevent this, file formats for all Office Applications and WMP must be publicly available at no cost to allow alternatives to be developed. This is mentioned in detail above.

To prevent the removal of older products that are still viable applications, Microsoft must continue to support older products for at least 15 years after their introduction. MS may choose not to support the software during this time citing that it is not a useful product, in which case it is allowed to do so but must make the entire MS source code to the application publicly and freely available. Under these circumstances, users may maintain and compile the software themselves. This will apply to operating systems as well as middleware and applications.

Prohibiting practices towards OEMs: In addition to current restrictions in the

Proprosed Final Judgement (PFJ), Microsoft must be restricted against reprisals for OEMs that sell PCs with a competing OS but no Microsoft OS.

The PFJ requires Microsoft to license Windows on uniform terms and at published prices to the top 20 OEMs, but says nothing about smaller OEMs. This leaves Microsoft free to retaliate against smaller OEMs if they offer competing products. There should be selected 'groups'' of OEMs of varying sizes, for example OEMs 1–20, 21–100, 101–1000, 1001+, and in those bands prices must be uniform and published on all MS OS, Applications, and Middleware products.

Market Development Allowances (discounts) to OEMs must be fully disclosed in public. Discounts may not be given in one product (e.g. Office Applications) due to sales in another product (e.g. OS). This will prevent MS using its OS dominance to move its monopoly into other areas. Enforcement: MS will attempt to circumvent all remedies to the best of their ability. Strong, independent and effective supervision of MS is necessary, and a panel of several industry experts (chosen by the courts and complainants, with minimal input by MS) must be allowed full and unfettered access to MS documents. They will be provided with support staff, and be paid for by MS at competitive rates given their experience. This panel should have the ability to force release of MS documentation and source code, and delay the release of products until compliance is complete. Any undisclosed APIs discovered should result in a large cash fine. Current proposed enforcement allows no incentive for MS to comply with the remedy. Some of the above stated remedies may seem extreme, but given the magnitude of the MS corporation and the extend to which it has broken the law, the remedies must be of a similar magnitude. As stated in the first few paragraphs, the intent of any remedy is to restore competition, terminate the monopoly, deny the benefits of the illegal actions, and prevent such abuses from ocurring in the future. Due to the uncooperative nature of MS, the remedy must be decisive and strongly enforced.

While MS has already done considerable harm to the consumer by its illegal actions, there are many future markets in which MS can gain a further monopoly—and exacerbate the problem. They must be prevented from doing so. If an individual commits a crime where the public have been illegaly overcharged that individual will be fined, and perhaps imprisoned—and certainly would be if he was a repeat offender shown to ignore previous court orders. Microsoft must be no different, or justice will not be done, and will not be seen to be done.

Dr. Greg L. Wojcik
7145 Hihn Road
Ben Lomond, CA 95005
Phone: (831) 335–4670
E-mail:greg@ca.wai.com

MTC–00027277

From: Jason G. Fleming
To: Microsoft ATR
Date: 1/27/02 10:30pm
Subject: Microsoft Settlement

I am AGAINST the proposed settlement. Microsoft cheats. They are GUILTY, and a break-up is the only useful remedy.

Jason G. Fleming
North Carolina State University, USA
http://www4.ncsu.edu/jgflemin

MTC–00027278

From: Wilbur Goodwin
To: Microsoft ATR
Date: 1/27/02 10:32pm
Subject: MICROSOFT SETTLEMENT
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

In accordance with the review and comment provisions of the Tunney Act, as noticed in the Federal Register, I am most appreciative of the opportunity to provide my comments pertaining to the proposed Microsoft Settlement. These comments are provided in addition to those previously provided by me in my email to you dated January 5, 2002. My comments are provided for your serious consideration as follows:

I recently learned that AOL-Time Warner (AOL-TW), through its subsidiary, Netscape Communications Corporation, filed suit against Microsoft this past Tuesday for alleged anticompetitive conduct regarding its browser, charging that Microsoft's Internet Explorer (IE) browser illegally harmed Netscape Navigator's (NN) browser. This is absurd! I find it most ironic that AOL-TW purchased Netscape Navigator for $10 billion in the midst of the Department of Justice trial, even after hearing concrete evidence that IE's success in the market was based on merit, not market share !! I fully concur with that evidence because I have both browsers installed on my personal computer, which I use every day, and I can assure you that I use IE almost exclusively because of its comparative speed, efficiency and overall reliability. I seriously question AOL-TW's motive for their ill-timed, ill advised decision. In my humble opinion, this latest legal move by AOL-TW appears to be an attempt to once again retreat from the rigors of competition to the safer confines or the courtrooom, where the company is obviously much more comfortable. I am most disappointed, though not surprised, that AOL-TW has again chosen litigation over some other much more constructive resolution to this matter. I firmly believe that Microsoft has consistently tried to work more closely with AOL-TW in a variety of areas, including improvement of instant messaging interoperability, getting fair and open access to AOL-TW's dominant cable assets and partnering in technology standards that are key to developing future innovative technologies.

Based on my knowledge and belief, AOL-TW has repeatedly rebuffed Microsoft's efforts, to the detriment of consumers, shareholders and the technology industry, and has turned to politics and litigation instead, a most cost-inefficient process for all concerned!Furthermore, more litigation is the last thing that consumers, shareholders and the industry need. AOL-TW and Microsoft both need to focus on market competition and technical cooperation that will make consumers'' computing experiences easier, more efficient and more enjoyable, rather than spending more needless time and resources in the nation's courtrooms. It is my firm conviction that if AOL-TW would focus their efforts, energies and R&D funding on innovation rather litigation by acquiring, nurturing and maintaining a technical staff of highly skilled manpower resources, as Microsoft has, they would not have to resort to such needless litigation and the federal courtrooms! Moreover, it is my opinion that If they (AOL-TW) can't compete on their own merit in this arena (internet browsers), then they should reassess their business strategy and pursue another course of potential opportunity!

I am not only disturbed, but I am appalled, by the timing of the AOL-TW lawsuit. I simply can't help but believe that AOL-TW's lawsuit was calculated to undermine the proposed settlement achieved among Microsoft, the US Department of Justice and a bipartisan group of State Attorneys General in the original antitrust case! Let it be known that I fully support the proposed settlement between Microsoft and the US Government. I believe this proposed settlement is more than fair to both Microsoft and its competition, and I sincerely hope that there will be no further action taken against Microsoft at the Federal level. This proposed settlement has been reached after extensive negotiations, and allows Microsoft to continue designing and marketing its innovative software, while benefitting the technology industry as a whole.

Microsoft has pledged to carry out all provisions of this proposed settlement, and the US Government has created a technical oversight committee to ensure Microsoft's compliance therewith. I sincerely believe that this proposed settlement will benefit everyone—the economy, computer industry, consumers and shareholders. Furthermore, I believe it will be most productive to allow Microsoft to devote all of its available resources to innovation, something it truly excells at, rather than further needless litigation. By ending this needless and futile litigation, in my opinion, AOL-TW can also cut its ''losses'' as well and get back to the basics. Truly a win-win situation.

Accordingly, I strongly urge you to do everything in your power, legally possible, to ensure that the proposed settlement is finalized and executed in the most expeditious manner.

Thank you for the opportunity to provide comments on this matter.

Wilbur L. Goodwin (Retired)
104 Emerald Lake Road
Columbia, SC 29209–4243
Email Address: jgoodwin3@sc.rr.com

MTC–00027279

From: David Zdanowicz
To: Microsoft ATR
Date: 1/27/02 10:32pm
Subject: Microsoft Settlement needs adjusting

I am an (ISV) Independent Software Vendor, in the computer arena since punched cards and paper tape days. I have used competing products (non Microsoft) for DOS and Windows desktop development for

over 20 years. Borland's Turbo Basic totally ruled in quality, speed, etc, over Microsoft's Quick Basic.

Result: Quick Basic had to be improved. I do remember the incompatibilities Microsoft introduced in Windows 3.1: DR DOS , later Novell DOS 7. 1996 Caldera v. Microsoft antitrust lawsuit. DOS API ?s were used to call up the services of the operating system.

As for the Windows world, I do not use any Microsoft development tool. I've found better ones. FREEDOM OF CHOICE IS WONDERFUL. Microsoft still sells plenty of desktop OS's for which I will continue to develop for. HOWEVER non-documented API calls (section III. B.) DEFINITELY HINDERS COMPETITION by wasting time correcting the behavior of the Windows API. Perhaps Microsoft could afford a messily $10 million/yr to an INDEPENDENT organization to better document THEIR UNDOCUMENTED API. III

Definition A—SHOULD define ''' to mean the interfaces between application programs and the operating system; NOT just the interface between Middleware(definition J) and Windows. Definition K defines ''Microsoft Middleware Product'' to mean essentially Internet Explorer (IE), Microsoft Java (MJ), Windows Media Player (WMP), Windows Messenger (WM), and Outlook Express (OE). ADD: Office Products and Outlook, preferably delete Middleware terminology altogether.

III.J.2 Exceptions

Microsoft seems to be able to cut off information given to projects such as Wine (runs some of Microsoft's API calls). Projects like Linux's WINE should also be supported with some donations ? Supporting free enterprise. Microsoft should feel honored that their interface (desktop) is so popular. Requiring ''Windows software'' to be run on a ''Windows operating system'' should be totally denied (from some of their C++ licensing).

David Zdanowicz
Windows and Web Developer
Florida

MTC–00027280

From: ELmdOrReNatA@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 10:33pm
Subject: Microsoft Settlement
Ronald Ramasami
Suny Stony Brook Student
Elmony, NY
11003
1/27/02

Upon hearing the settlement in the United States v. Microsoft case, as a concerned college student and computer science major hopeful, I was personally dissapointed to hear that Microsoft recieved such a lenient settelment. Although the the courts decision allows for open competition among browsers, media tools and other software applications the settlement does virtually nothing to displace microsoft windows as the worlds leading OS. With Microsoft now under the microscope of the federal government its underhanded dealings against other OS competitors will be thwarted. However, since millions are already comfortable with Windows, why should they change? They wont. Microsoft windows will continue to be the dominant OS and through this system Microsoft can continue to manipulate and distribute any application they wish as was evident with their internet explorer browser. In order for Microsoft to be put in check one must go for the heart, and the heart of Microsoft is windows.

MTC–00027281

From: Gruetzner
To: Microsoft ATR
Date: 1/27/02 10:33pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
United States Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse:

This comment is submitted in accordance with the provisions of the Tunney Act concerning the proposed settlement of the prosecution of Microsoft, Inc. (''Microsoft'') for violations of the Sherman Antitrust Act.

I am a private consumer of computer hardware and software products. I own no stock nor have financial interest in Microsoft or in any of its competitors (exept as may or may not be held by mutual funds I have invested in).

Microsoft has been found guilty of violating the Sherman Antitrust Act. However, the proposed settlement does not end the monopoly Microsoft has in operating systems, office applications, and internet applications. In addition, it does not deprive Microsoft of its gains achieved through its illegal practices.

Any reasonable settlement must provide for the establishment of significant competition in operating systems, in office applications, and in internet applications. It must separate these three activities of Microsoft, and provide that any combination of Microsoft and non-Microsoft software, internet applications,and operating systems may be run at the consumer's discretion.

The Justice Department should ensure that the court hold public proceedings under the Tunney Act which give citizens consumer groups, as well as Microsoft's competitiors and customers, an equal opportunity to participate.

Thank you very much for your time and consideration.

James K. Gruetzner
c/o 9407 Shoshone NE
Albuqueruqe, NM 87111
(505) 844–9508

MTC–00027282

From: ronsumner
To: Microsoft ATR
Date: 1/27/02 10:32pm
Subject: Microsoft Settlement
January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The settlement in the Microsoft antitrust case should be approved by the Court. It is my opinion the agreement appropriately safeguards against future antitrust violations. I believe the continuing of this case through trial will not result in any better of a result than what is provided for by the settlement. The settlement will impose numerous obligations on Microsoft. Microsoft will be required to disclose portions of its code to its competitors. They will also grant computer manufactures the right to configure Windows in such a way that it will be easier to run non-Microsoft programs while running Windows.

These changes will result in restored competition. If steps are taken to restore competition, there should be no further prosecution of the antitrust case.

Thank you for your time and attention to this matter.

Sincerely,
Ron & Joanne Hyland
15114 74th Street E.
Sumner, Washington 98390

MTC–00027283

From: Strgaze777@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 10:34pm
Subject: MicroSoft proposed settlement

My opinion of this proposed settlement is that MicroSoft wins again with very little or no punishment for the monopoly that they have been convicted. I see no long lasting effect by instituting this settlement and they will be free to continue the monopoly with little interference from the government. I would strongly urge a punishment with some real teeth in it that would limit their ability to continue business in the same way they have gotten away with for years.

Doyle Rogers
Terrebonne Or

MTC–00027284

From: —
To: Microsoft ATR
Date: 1/27/02 10:35pm
Subject: Microsoft Settlement.

Microsoft Settlement.

My name is Dong hyub Cho. I would like to talk about my opinion with Microsoft and U.S. Microsofts monopolized most of the world market, thus many problem are generated. The big problem that we can consider is that a right of consumers who want to choose their taste of verity things was lost by Microsofts.

Second, as Microsofts sells their product with explore and media player, products such as internet surfing and multimedia ones made by other companies sustain a loss. By according to EU's opinion, intentionally Microsofts is designed not to work software made by other company in Window products well, so Microsofts limited competition with others.

Last, by according to security professor who works at IT, personal information in computer can be hacked easily. Whenever many people surf internet, usually they use Explore program in windows. If the cookies that contain personal information were stolen away, cracker can steal someone's money from bank.

Even though, at the beginning time, when window 3.0 appeared in the world, there are other O/S that people can use in their

computer, the reason Why Microsofts can monopolize their field is simple. The answer, why Windows products are used by many people is that those are good and easy for public.

But nowadays, we lost our right to choose O/S and there are some problems which I mention above, so I think that huge dinosaur, Microsofts must be divided, as if AT&T was divided. I understand that in these days, U.S. economy is not good and if Microsofts is divided, there are no advantages to help for economy to be active; however viewed in long time, it will be good for both of the public and economy. Through many competitions with companies, the public can use their program with cheap and good quality.

I think that if O/S such as LINUX or P/S elevate their program for the public to approach more easily and Microsofts is divided with, naturally both of the public to use computer and government can find solution and live with good computer communicate life.

MTC–00027285

From: John Gilmore
To: Microsoft ATR,gnu@toad.com@inetgw
Date: 1/27/02 10:37pm
Subject: Microsoft settlement

I think the proposed settlement of the Microsoft antitrust litigation is a travesty of justice.

Whether or not Congress defines ''being too successful'' as a crime, it is clear that there are MANY, MANY things that Microsoft did that were crimes—such as threatening DEC with cancellation of their Windows license if they released a competing product. Such as signing a contract with Sun that said they'd only release compatible Java products, then deliberately breaking the compatability in their release. Such as their current nuisance suit against competing OS vendor Lindows, when there are hundreds of products that even include the literal word ''Windows'', about which Microsoft hasn't complained. They continue to use their OS monopoly as a way to leverage themselves into other businesses, such as file sharing, credential storage, and digital rights management.

Even the actions that they propose to take to ''remedy'' their past monopolistic acts are monstrous—such as ''giving away'' millions of copies of (zero marginal cost) software to schools, so that even more students can be trapped into the Microsoft monopoly at even younger ages.

The proposed settlement should be REJECTED. The honest prosecutors, if there are any left on the case, should stall the case until a non-corrupt Presidential administration is in office and they can resume the case. ''The fix is in'' in this Administration.

John Gilmore

MTC–00027286

From: Aaron Zinman
To: Microsoft ATR
Date: 1/27/02 10:36pm
Subject: Microsoft Settlement

I am horrified at the lack of judgement on the real methods of pursuing a monopoly that the judgement does not address. While the judgement does require middleware to be removable from Windows, it does not take into account the fact that your average user will not do that. The average user will use what is installed in their computer, which is all proprietary software. Microsoft is attempting to levy its relationship on all types of file formats, wether that be using ActiveX instead of Java, which only works in Windows, windows media formats, which barely work on the mac side and have no other ports, or Microsoft Office documents that have file format standards that can be quite difficult to import/export with 100% accuracy. On the networking side, they force horrible/insecure products with all non-documented proprietary protocols upon networks creating a nightmare for network administrators to truly create a cross-platform environment without having large amounts of ''Microsoft Solutions''. Now with .NET, they are going to attempt to force everyone to pay yearly licenses for software, a practice never heard of before, to access products over the web to make it seem open; however, in the end the addition of Windows-only based controls and support will force people to again use Windows.

I hope that the American justice system will actually withhold its principle values and see the modern day Standard Oil to its proper place.

Aaron Zinman
618 Sausalito Blvd
Sausalito, CA 94965

MTC–00027287

From: neal uhlich
To: Microsoft Settlement U.S. Department of Justice
Date: 1/27/02 10:33pm
Subject: Microsoft Settlement
Neal Uhlich
120 Canterbury Dr
Carrollton, Ga 30117
January 27, 2002
Microsoft Settlement U.S. Department of Justice,

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Neal Uhlich

MTC–00027288

From: Lynn3454@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 10:38pm
Subject: Microsoft Settlement

Please read the attached letter.
2626 E Broad Street
Bexley, OH 43209
January 27, 2002
AttorneyGeneral John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington,DC 20530–0001

Dear Mr.Ashcroft:

We are writing this letter to convey our outlook on the suit against Microsoft. We believe that the suit has put a shroud over the free-market. The settlement that was reached between Microsoft and the Justice Department will provide the consumers with more choices and let them decide what the best product is.

This settlement was arrived at after extensive negotiations. Allowing further litigation will mean the waste of time and money invested in drafting the agreement. The settlement guides Microsoft to provide its competitors with information regarding the development of its products. Microsoft has also agreed not to retaliate against computer makers that may ship software that would compete with its Window operating system. We urge you to put an end to this costly litigation, as the taxpayer cannot continue to afford such expenditures. It is strongly suggested that you move to finalize the settlement.

Sincerely,
Edward & Marilynn Hilt

MTC–00027289

From: Mtbarri@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 10:35pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Marie Barattucci
1756 Conifer Avenue
Kissimmee, FL 34758

MTC–00027290

From: jsober@christcom.net@inetgw
To: Microsoft ATR
Date: 1/27/02 10:37pm
Subject: Microsoft Settlement

Greetings

I feel the proposed settlement is tough but fair. I feel the company is being penalized for being creative and successful, but I certainly welcome competitive creativity when, where and if available. As a computer user my world has been greatly expanded due to programming available to me, a 59 year old.

Obviously this has made for geometric growth in our economy as well. Let's hope this agreement does not send us backwards but opens new doors for more users.

Thank You,
Jimmy Sober
366 S Edward St.
Decatur, IL 62522

MTC–00027291

From: karay@bellatlantic.net@inetgw
To: Microsoft ATR
Date: 1/27/02 10:36pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Robert Keagy
320 Greenfield Drive
McMurray, PA 15317

MTC–00027292

From: Ted Brown
To: Microsoft ATR
Date: 1/27/02 10:34pm
Subject: Microsoft Settlement

I am concerned about the settlements being discussed in the Microsoft Anti-trust case. Every settlement offer I've seen seems to forget that every court ruling has agreed that Microsoft is a monopoly and abused it's monopoly power. This letter is my attempt to classify what I think the settlement agreement should contain. I can't stress how lacking I find the current settlement plan. As a computer professional, the current settlement will do nothing but harm the current market and stifle any future innovation.

Relying upon conduct remedies without strict enforcement will not work. This has been tried with Microsoft before and it didn't work. Microsoft's statements and actions underscore that they do not agree with the courts ruling and will subvert it by any means necessary. The court must supervise Microsoft closely and have strict penalties for non-compliance. Microsoft should have no control over this oversight. The current settlement offer is filled with loopholes that Microsoft will exploit at every available opportunity.

Mostly I think the settlement should focus on defusing the power the Microsoft abused, encouraging competition, and forcing Microsoft to make amends for it's past deeds.

I propose that remedies should affect Microsoft in the main ways: —divest non-core parts of Microsoft that are parts of attempts to monopolize new markets. (Pocket PC, WinCE, XBox, Microsoft Games). —adjust Microsoft's contracts with Original Equipment Manufacturers (OEM). have Microsoft divulge information needed for competition products to interoperate with Microsoft Products. That is, bring competition into the market place. Fines paid to a non-profit association to encourage open source development. Divest non-core MS Assets

Formost, I believe that the rulings should not force a full scale breakup of Microsoft. Divulging portions of Microsoft that aren't core business but are attempts to gain further control and penetration in new markets should be considered. I would consider the X-Box gaming console, and Pocket PC (WinCE), and Microsoft Games as prime targets for divesting. They are not part of the core business so will not harm Microsoft. By removing these ventures from direct Microsoft control, they can be left to sink or swim on their own merits, as free markets are supposed to operate.

Even so, this is the least of the remedies I propose. If the other remedies are enacted, the market might be able to correct for Microsoft's deep pockets. OEM Remedies

The primary remedy must include freeing Original Equipment Manufacturers (OEMs) from Microsoft's control. Everyone has heard of the main OEM's, Dell, Gateway, IBM, Compaq, but this list includes the multitude of small shops that build custom PCs.

The primary tool that Microsoft used to control OEMs was altering the price of Windows. If an OEM didn't follow the Microsoft line, Microsoft would raise it's price for Windows for that OEM. Since OEMs can't complete without Windows, raising the price could directly hurt their profits and marketshare. To couter this, Microsoft should be forced to use unified pricing. The cost of Windows should be based upon the volume sold and on nothing else. Every OEM could see the price and it would be the same for any given level of volume. If you sold 1 million copies of Windows the cost is $x. If you sell 5 million the price might be less, but it's the same for every OEM who sells 5 million copies. Furthermore, Microsoft requires that it's 0EMs support the copies they sell. Since this is the case, Microsoft's agrument that it needs to control ''first boot'' (the users first experience with Windows when they boot a new machine) is a fallacy. Especially since Microsoft no longer allows full install disks to be distributed with new machines (users can't reinstall Microsoft Widows from nothing, they can only restore the factory default settings). If Microsoft does not support the user, then it no longer needs to control first boot. The remedy should allow the OEM to do anything to their installed copy of Windows that an end user can do.

This power to ''do anything an end user could do'' must not be limited. It must specifically include the following powers, so Microsoft can not try subvert the language of the ruling as it did it's earlier consent decree. —OEMS can create Multiple Boot machines, specicially allowing other 0S's to be installed as the default. —OEMS can remove/add icons from the desktop —OEMS can remove/install programs as well as components of Windows. Simply put, an OEM should be able to configure Microsoft Windows in any way open to an educated consumer.

''Multiple Boot'' should be expanded upon, since due to Microsoft, few outside the computer profession have heard of it. There are other Operating Systems (OS) for Intel compatible machines. An experienced user can configure a machine so that it has multiple operating systems and choose which one to run when the machine starts up, with OS chosen as the default (the one that will boot if no choice is made). The strongest OS competitor to Microsoft is GNU/Linux, an open source operating system. The cost of GNU/Linux is zero, it's produced by thousands of volunteers instead of a corporation.

Installing Linux is easy for an educated user, harder for a novice users. It's difficult to get Windows and Linux to co-exist on machine, the process is daunting to normal users. For experienced users (an OEM) it's easy. Once installed, it's easy to switch back and forth from one Operating System to another by a simple reboot. Right now no OEM sells a dual-boot Linux/Windows computer. No OEM offers a dual boot Linux/Microsoft Windows computer because Microsoft's contract with them specifically forbids this. A machine that has Windows on it can not have any other visibile Operating System, that is no way to choose the other operating system. This clause must be removed as it's a primary method that Microsoft uses to maintain its monopoly. If users will not buy machines w/o Windows, but would buy machines that easily allowed them to switch from Windows and another operating system, they should be allowed this choice. Instead, Microsoft abuses it's position to ensure that this option is never given to consumers.

Similarly, Microsoft uses it's doctrine of ''First boot'' as part of it's plans to move into new markets. By removing Microsoft's control of first boot, and giving it to multiple OEMs to control, the market can begin to correct for Microsoft's past abuse. The best thing about this is that control is moved outside Microsoft into multiple hands and the government doesn't have to dictate what can and can not go on the desktop. Microsoft's scare tactics about fracturing the marketplace with non-compliant versions of Windows is just that: a scare tactic.

Open Information

There should be enough open information for a programmer to write programs which

read/write Microsoft file formats and communicate with Microsoft products. That is, be able to ensure that they can create a product that can compete and communicate with Microsoft's Products. I do not mean, as has been suggested by some, that Microsoft should be forced to move it's source code into the public domain. Instead, enough information would be divulged for others to write programs which compete with MS products.

To encourage competition, Microsoft should be forced to fully and openly specify any protocol used to comunicate with Microsoft products. The following should be fully specified:

—Any and All File Formats used by any Microsoft Product. Specifically include Microsoft Office.

—Document all Application Programing Interfaces (API). Any API used by a Microsoft product must be documented. Products can have hidden internal APIs used only by that specific program. Microsoft Windows XP can have hidden APIs, but they can only be used by Microsoft Windows XP. If a separate product (Microsoft Office, Microsoft IIS, etc) uses the API then it must be fully documented. Care must be taken to describe product. A simple definition is if it's available for sale individually it's a product, even if it's offered in a bundle with other products. Microsoft Word is a product even though it's part of Microsoft Office as well. If a something is offered as an optional install, then it's a separate product. If Microsoft currently has part of their website specifically targeted towards it, then it's most likely a separate product.

—All communication protocols must be documented. This includes protocols for networking (including security protocols for authenticating with the network), interapplication communication, and any other method that two individual Microsoft products communicate with each other. (Any protocol that one licensed copy of Microsoft Windows XP uses to communicate with another copy must be fully documented.) Note, these remedies do not include Microsoft having to release any source codes. They do enable other companies to freely products that compete with Microsoft. Microsoft can still compete on pricing, quality, and innovation. Microsoft even gets the head start as they only have to release the specification when the release a product, so Microsoft gets a head start (and has an enormous head start with all it's current programs). Furthermore, this specification is not an onerous burden. It should be part of Microsoft's existing engineering discipline. Much of this data is already available, but it's currently licensed so that you cannot use the information to create products that compete with Microsoft.

After documenting, if a shipping Microsoft product does not conform to the specification Microsoft will have a month to do one of the following: —amend the specification so the given product confroms to the new specification. —release an update to the product so that it conforms. —remove the product from sale until such time as it conforms to the specification.

Remember, Microsoft writes the specifications in the first place, there should be no reason it's products won't comply with their own specifications.

If Microsoft does not comply, then the court should take strict actions for non-compliance. The first action should be a large fine. But, for extreme cases, in the settlement should give the court the option to take the complete source code of the given product and release it into the public domain. If Microsoft claims that it cannot factor out the code for the product for some reason, it should be forced to open all codes until the given product is fully specified. Again, this threat should only be used if Microsoft is found non-compliant with their own specifications and fails to fix them after initial fines. The heavy hand hiding behind the agreement will ensure Microsoft's compliance.

Furthermore, any patent that Microsoft has that covers any part of the released specification must be opened into the public domain. Microsoft has stated that this is unacceptable, but anything less is not an acceptable remedy from the court. Patents are not a major factor in the computer industry, as Software patents weren't even legal until past 1992. Some reading on ''patent abuse'' will show there is wide-spread support for banning computer patents in the industry. This is a narrowly defined opening of specific patents though, not of every Microsoft patent. Only those needed for to implement a given specification would be opened. Otherwise, the court risks having Microsoft open it's specification only to find that it's useless as no one can implement them due to patent issues.

Security should not be a reason that Microsoft can not reveal a specification, even in our current climate. Security that relies upon hiding protocols does not work, it's referred in the security community to as ''Security through Obscurity''. Simply put, it relies upon others not figuring out how you did something as an essential component of security. Someone eventually figures out how the system works, and then breaks it. No matter how well done, a bad design can be exploited. In an open process, focus is put on making the security design sound. This is then implemented. Some implementations even give out full source code so any implementation mistakes can be corrected. A survey (avoiding Microsoft sources but focusing on the security community) will find that OpenBSD, Linux, and Apache have a much better security record than Microsoft Products despite having all their source codes freely available.

But, most importantly in today's current world, multiple implementations are stronger. That is, if everyone uses the same security tools, it's much easier to exploit them. In biology, a genetically diverse population is more resistant to disease. If there are multiple instances of Microsoft's security design, some will be resistant to exploitation. This makes all computers more secure.

Fines

There is little doubt that Microsoft's current net worth is largely due to it's monopoly. As such the fines should be of the same order. This poses a sticky problem for the court to administer a multi-billion dollar fine.

Formost, since Microsoft uses this ''warchest'' to continue it's conquest of it's current markets and extend into new ones, their bank account must be depleted. To avoid the Government administering such a large fine, Microsoft should be ordered to pay out a large percentage of it's case reserves to it's shareholders. This is quite fair, the shareholders loose no value and suffer no harm. At the same time, Microsoft looses the ability to buy it's way into new markets and to buy out it's competition.

At the same time, by it's abusive tactics Microsoft did harm the market. So it should be forced to pay some minor restitution to the defendents listed in the case. This part is lacking in the current agreement.

But, simple restitution is not enough due to the widespread nature of Microsoft's abusive actions. It should be forced to by a billion dollars into a fund which will promote open source development. This will encourage development of software which competes with Microsoft but doesn't support any one company directly. By earmarking some of these funds to the development of educational software it could also help address a national need at the same time. Schools would get access to free high quality software that could be modified as suits them. The fund should stipulate that software written is released under a currently approved open source license. While the fund should support software written for Microsoft Windows, it should require that any software written for Windows also support some other operating system. The converse should not be true, if the software is written for Linux, Mac OS X, Mac OS 9, or any other non-microsoft operating system, it should not be required to support Microsoft Windows. This last fine will encourage competition in the marketplace and help ensure that Microsoft's hold on. the market diminishes.

MTC–00027293

From: Dorianne L Feign
To: Microsoft ATR
Date: 1/27/02 10:40pm
Subject: Microsoft Settlement

To whom it may concern;

I think that the government has been too easy on Microsoft, especially since the new administration took over.

I have been in the computer business since 1949 and have never seen such a devastating monopoly as Microsoft in this or any business. They have stifled competition by more than one means. Today, for example, I went to look for computers for some of my clients and couldn't find ANY personal computers that were sold WITHOUT Windows XP (which is insidious, invasive software) and either Microsoft Office or Microsoft Works ''bundled'' with the computer. If these are forced on the purchaser, what normal buyer would go out and buy any competitive software when the Microsoft ''junque'' is included ''FREE!''. What software developer could fight that? There are only a few specialty applications that are sold by any company other than

Microsoft, and I can see Microsoft inching up on them also.

If we don't do something to encourage other software developers, the only choice other than Microsoft will be with the Apple family of computers. And even there, Microsoft is creeping in.

Please take care of Microsoft properly before we have only Microsoft software in the whole world!!!

Dr. David Feign
Computer Systems Consultant
d.feign@ieee.org

MTC–00027294

From: Jason Purdy
To: Microsoft ATR
Date: 1/27/02 10:40pm
Subject: Microsoft Settlement

To Whom It May Concern,

I would like to add my voice to the hopefully growing dissent of the upcoming Microsoft Settlement and how it would benefit Microsoft more than the good of the public. Microsoft has historically demonstrated monopolistic tendencies and the proposed settlement is at best, a slap on the wrist and is not the lesson they need to open the ''playing field'' for current and future competitors in the technology arena.

Thank you for your attention.

Kind Regards,
Jason Purdy
Chief Technologist, Journalistic, Inc.
Cary, NC

MTC–00027295

From: Jay Llewellyn
To: Microsoft ATR
Date: 1/27/02 10:40pm
Subject: Microsoft Settlement
Jay Llewellyn
323 Highland Farm Road
West Chester, PA 19382
zenjkl@bellatlantic.net
610–738–8476
January 31,2002

Dear sir or madam:

As a computer user I am an interested party to the current anti-trust settlement, and I am submitting comments an proposed actions against Microsoft, which I believe will correct the current situation. My opinions, based on 16 years of industry experience, which include being the former Global Technical Account manager for such PC OEM's as IBM, Digital Equipment, now part of Compaq, Unisys, and Gateway 2000 during my employment by Netscape from April 1996 through December 1998.

Currently I am employed by The Vanguard Group as the Chief Architect for Advanced technology, I do not represent The Vanguard Group for the purpose of this letter, but I .mention my employment as a reference for my overall credibility. During my employment by The Vanguard Group have created a partnership with Microsoft and have worked closely on the development of products and I've been quoted by Microsoft a number of times, http://www.microsoft.com/presspass/press/2001/MarO1/03- 05SupportPR.asp. I mention my relationship with Microsoft to demonstrate that as an former Netscape employee I am not motivated by anything other than achieving a fair and even playing field.

I not only bring an insider perspective on the inner-workings of the PC OEM business, the software industry in general, and the average consumer. I am also aware of the issues faced by a large organization which spends a significant amount of money buying PC's and associated software for PC's. I am confident that I bring a unique and insightful position on the current situation. I have spent a considerable amount of time over the last five years analyzing the existing situation, and have arrived at what I believe, are the most compact, understandable, balanced, and enforceable set of restrictions possible. My goal is not to cripple Microsoft or impose unreasonable restraint, but merely to level the playing field. These restrictions are organized in three groups, the first group address the issues of bundling products with the operating system, the second group is focused on the bundling of products with sale of personal computers, and the third group concerns itself with the publishing of Windows API's.

Restrictions with the Operating Systems for bundling, un-bundling and free The first restriction placed on Microsoft would prevent them from simultaneously bundling products into any or all of their operating systems, and un-bundling the same product by allowing it to be downloaded, or distributed free of charge. Microsoft is retroactively bundling products with all previous versions of their operating system when they allow bundled products to be distributed free of charge. The simultaneous act of both bundling and un-bundling of products creates an unfair advantage based on their monopoly position with operating systems for personal computers. Unless this practice is prevented, it will be impossible, to level the playing field for competitors. Any product from a competitor that is deemed a threat to an existing Microsoft product, or to the operating system itself, can easily be eliminated by the simple action of bundling a similar Microsoft product into the operating systems and allowing the product to be downloaded free of charge for those people who don't have the latest version of the operating system.

As an example, if Microsoft were to bundle Microsoft Money into versions of the Windows operating system and then made the product free to download for everyone who had an older version of Windows it would overnight change the market share for Microsoft Money and it's competing product Quicken from Intuit. How many people would be inclined to purchase Quicken from Intuit at a list price of $49.99, when Microsoft Money is available free? How long would Intuit be able to compete with free, and how long after the demise of Intuit would Microsoft stop aggressively updating the product, or worse start charging for updated tax code information, something that Microsoft was willing to give away when it had competition?

The second restriction placed on Microsoft would prevent the distribution any product free of charge. Because of the Microsoft monopoly for PC operating systems the free of charge distribution is really an implied contract for the bundling of products with the operating system both in the future and retroactively. The implied bundling would drive competition out of the market, and once competition is s driven from the market Microsoft is free to charge anything they chose.

Microsoft has a choice for each and every new product they develop; should they bundled it with the next version of an OS, or should they sell it as a standalone product? Either way a Microsoft product is never available as a free download, except as a trial version or through an early access program, or a similar policy which Microsoft consistently enforces for all products, regardless of price. Retroactive bundling must be prevented.

As an example of how these restriction would be applied, I'll demonstrate using a fictitious Microsoft product XYZ, and a fictitious Microsoft OS version ??, Microsoft develops a new product XYZ version 1.0. Microsoft must make a decision; do they bundle the product with the next variant of their operating system, or do they sell the product standalone now?

Microsoft could not to bundle XYZ 1.0 with a version of an operating systems which had been available prior to the introduction of XYZ 1.0, retroactive bundling is forbidden, in any way shape or form. Microsoft has every right to bundle XYZ version 1.0 with OS version ??, but once the product is bundled with the OS it is not available separately as a freely available download, it is not allowed to be included on CD-ROM's that are provided with computer books. It is bundled with OS version ??, and the only way that XYZ version 1.0 is available is for the consumer to buy OS version ??, or an upgrade to version ??. Normal bug fixes, and minor updates would be allowed to the product, via free download, or low cost CD distribution., which is how it is accomplished today. If Microsoft chose to upgrade XYZ to version 2.0 the only way that Microsoft could distribute XYZ version 2.0 is with the next version of OS version ??, and the only way that the consumer could receive version 2.0 of XYZ would be through the new purchase of new OS version ?? that has XYZ 2.0 bundled, or a purchased upgrade for OS version ??.

If Microsoft chose not to bundle XYZ version 1.0 with an operating system, then Microsoft would sell XYZ as a standalone product. Time limited, or feature restricted versions could be available via download, or possibly included with CD-ROM's included with books, but the full version must be purchased. If Microsoft chose to upgrade XYZ to version 2.0 the consumer could only receive XYZ version 2.0 one of three ways, either through a paid upgrade to the product, purchasing the new version, or purchasing a subscription to the product, but version 2.0, or the upgrade to version 2.0 would never be available via free download. Since Microsoft has many different operating system variants, they could choose too bundle XYZ 1.0 with one or more of their operating systems, but exclude XYZ 1.0 on other operating systems.

The only way that XYZ would be available for the excluded operating systems would be via purchase of the standalone product. The product would never be available free of charge for the excluded operating systems.

Upgrades would behave has explained previously, for both the bundled and standalone products.

This remedy would allow Microsoft to Innovate, but it would not allow their products to gain dominant market share over time without competing on either price, or features. The act of bundling and un-bundling eliminates all distribution barriers for Microsoft, this is an unfair advantage and must be eliminated. Microsoft exploited this advantage with Internet Explorer, and they could exploit it again at any time with any product. This remedy would level the playing field for companies competing with Microsoft, it is simple to understand and very easy to enforce, without the need for an oversight committee. The net effect would prevent Microsoft from gaining an unfair advantage for other product segments via their operating system monopoly. Personal computer sales restrictions

The restrictions on the bundling of operating system or standalone products with the purchase of a personal computer are simple to understand and very easy to enforce, without the need for an oversight ''committee, and the restrictions in no way limit Microsoft's ability to innovate or sell any products. The restrictions are outlined below:

No Microsoft product, that is operating system or standalone product, can be automatically included with the purchase of a personal computer, all Microsoft products are consumer optional purchases. No Microsoft product can automatically be included with the purchase of any other Microsoft product, free of charge or not. All Microsoft products sold by PC OEM's cannot differ from retail versions, including but not limited to: documentation, installation methods, distribution medium, etc. Specifically the version of operating systems purchased by the consumer is a limited copied for a particular configuration, vendor, or situation. All prices for Microsoft products, sold by PC OEM's will have a reasonable cost, meaning not excessively cheap relative to list price. Microsoft cannot finance the sale of Microsoft products through other means.

No Microsoft product can be offered with the purchase of personal computer as a zero cost option, unless as a limited time offer, as a rebate, or as a special deal.

All Microsoft products when selected for purchased by a consumer with a new computer will have a individual line item, it will also have a non-zero, and reasonable cost, unless as a limited time offer, as a rebate, or as a special deal Microsoft cannot dictate what version of their operating systems are available for sale with a personal computer, the consumer will make that optional selection from the versions offered by the PC OEM. Microsoft cannot restrict the versions of their operating systems available to PC OEM's, if the OS is available for sale, PC OEM's will have the option to sell it with their computers. Microsoft cannot influence or incent PC OEM's to favor the sale of a particular operating system version. Once a consumer has selected a Microsoft product it can be customized in any way by the PC OEM, via direction from the consumer. The PC OEM will be acting as an agent of the consumer, not as an agent of Microsoft. Which means that a customer can select the default Microsoft installation, or choose a customized version offered by the PC OEM, or create their own customized version, if offered by the PC OEM, of course additional cost may be incurred by the consumer for exercising this choice.

Microsoft shall publish ALL API's for all their Operating Systems. Because Microsoft owns a monopoly in PC operating systems they can create unfair advantages for their standalone products by using features of the operating system known only to Microsoft. Punishment

Punishment for violation of any restrictions will be a dollar amount equal to the gross revenue generated by the sale of any and all product that that fail to comply, from the time Microsoft is in violation until the situation is remedied. The punishment is fair considering Microsoft has profited unfairly at the expense of others, and has accumulated an enormous amount of cash because of this unfair profiteering. A severe penalty is also incentive for compliance. Final Thoughts

Unless the distribution methods that Microsoft currently enjoys are changed, and I'm confident that the changes I have outlined are the most fair and succinct, Microsoft will be able to overrun any product at any time simply by declaring a similar Microsoft product bundled with the OS and allowing it to be downloaded free of charge. Retroactive bundling, and the distribution of products free of charge must be prevented. The restrictions outlined would not require the appointment of an oversight committee.

Any solution that is more complicated would be unfair to Microsoft, it would be impossible for Microsoft to conduct business if they are scrutinized by an oversight committee.

The outlined changes would also help to strengthen the PC OEM's, a business sector which is in a dire state. The dire state of the PC OEM business has been created by Microsoft through their restrictive license and contract agreements. When a PC OEM is forced by Microsoft, under terms and conditions favorable to Microsoft, to include Microsoft products, this forced inclusion is really a cost for the PC OEM's, which they cannot pass on to the consumer. Under the new restrictions the real actual cost of Microsoft products would be reflected and the PC OEM's would have the chance to receive a fair and reasonable profit from the sale of Microsoft products with their computers. As an example the list price of Windows XP is $199, because of the volume that PC OEM's buy they may be able to achiever 60%, or greater, discount, some of which could be passed on the consumer, but the PC OEM would still make money on the sale of the Microsoft OS, and the consumer could pay less than list price. The PC OEM could also charge for the customization of the OS, which would have benefits for the OEM and the consumer.

Microsoft has created an artificially low price for Microsoft products bundled with new computers through restrictive monopolistic practices. Protecting prices for consumer good would be short sighted in this case. It is true that there could be an increased cost for the consumer when buying a new computer, when a consumer chose to add Microsoft products, but the consumer would also have a choice to not pay the increased cost. Currently Microsoft dictates what is purchased and at what price.

The consumer should have the choice, even if it means the choice might cost a little more.

The outlined changes would also benefit large organizations which buy PC that have an OS bundled, but are then forced to buy enterprise OS licenses from Microsoft. This double dipping by Microsoft would be a welcome relief by large organizations, it would also clear up an extremely complex licensing situation, which is un-necessary and only beneficial to Microsoft.. The restrictions that have been outlined would not impede Microsoft at all, in fact had this model been in place since the last consent decree levied against Microsoft, they would have made considerable more money on their operating system, and there would still be competition in the browser marketplace. For Internet Explorer alone, if Microsoft had not bundled that product with the OS they would have sold at least 20 Million copies at $49.99 which means they would have made, an additional $1 Billion in profits. Microsoft should be forced to comply with these restriction immediately and for a period of not less than 8 years, where the restrictions and market conditions could be re-evaluated.

Sincerely,

Jay Llewellyn

MTC–00027296

From: Michael Pakovic
To: Microsoft ATR
Date: 1/27/02 10:40pm
Subject: Microsoft Settlement

To Whom it May Concern:

First, let me state that I am not currently, nor have I even been, an employee of Microsoft, or any of its competitors. I have a Bachelors degree in Electrical Engineering, and I am presently the Lead Engineer on the S-3B Program for Computer Sciences Corp. My expertise is in operating system and application design..

Listed below are a few of the major issues I have with the settlement.

*Microsoft shouldn't have the right to appoint a representative to the Technical Committee (''TC''). This committee's responsibility is to ensure Microsoft's compliance with the Settlement, which resulted from their anti competitive business practices, and as such, should consist of three Plaintiff selected members.

* Microsoft can continue to make OS API changes and provide them internally to their application developers long before they provide them to third party developers. As proposed in the settlement, the API information must be made public before the last BETA release of a new Windows Operating System Product. This conceivably might give third party developers a very short period of time (a day?) to analyze the API and develop software to take advantage of any new OS enhancements. This will put third party developers at a distinct disadvantage, and will continue the Application Barrier to Entry (''ABE'').

* There are many loopholes in the settlement which will inevitably lead to further court proceedings. Microsoft has endeavored to stretch out the court proceedings as long as possible, and this agreement will allow them to continue with that practice.

* Lastly, Judge Jackson's Findings of Fact found a large number of anti competitive practices, and the proposed settlement, while attempting to prevent future anti competitive behavior, does nothing to correct the unjust gains Microsoft has accrued as a result of their practices. Internet Explorer has almost totally displaced Netscape. Microsoft Office has almost totally displaced Word Perfect Office. Even with the publication of the Windows API's, no other Office suite will be able to compete with Office— the user base is just to large. Only by giving Microsoft incentive to port their current applications to competing operating systems, will the ABE be removed.

In conclusion, the only effective way to remove the ABE, and promote fair competition, is to separate Microsoft into two companies. An operating system company which will continue to produce the Windows

Operating System, and an application company which will produce Office and Microsoft's other applications. This arrangement will remove the advantage Microsoft application developers have over their third party counterparts, and will give the application company incentive to port Microsoft applications to other operating systems. I recommend the proposed settlement be rejected, and that Judge Jackson's judgment be enforced.

Sincerely,
Michael Pakovic
Lead Engineer, Computer Sciences Corp.

MTC–00027297

From: R. Kline
To: Microsoft ATR
Date: 1/27/02 10:41pm
Subject: Microsoft Settlement

The current settlement with Microsoft will largely leave it's monopoly leverage intact, and therefore does not address the basic problem of allowing Microsoft to control prices, stifle competition, and drive or buy out any significant competition using the cash it has accumulated with monopolistic pricing. In order to address these problems Microsoft should be made to provide source code for its operating system to competitors, and all interfaces to the operation system should be made publicly available to prevent Microsoft from thereby making it difficult to impossible for competitors to cleanly access the operating system. Without these reforms, M$ will likely continue to leverage its current monopoly, gain control over more aspects of the Internet, and prevent the kind of innovation and price reduction that only comes from real competition.

Robert Kline
299–3B Gemini Drive
Hillsborough, NJ 08844

MTC–00027298

From: Kenneth Arnold
To: Microsoft ATR
Date: 1/27/02 10:42pm
Subject: Microsoft Settlement

I am writing to express comments on the proposed Microsoft settlement, with expectations that it will be considered under the Tunney Act.

As a user of many different operating systems, office productivity applications, and web browsers, including those distributed by Microsoft as well as those distributed with or without cost and with or without freedom to examine and improve internal workings (i.e. open source), I view Microsoft's current monopoly status as severely limiting the freedom to innovate of all other involved companies and independant developers.

The Department of Justice has recognized this, but the proposed settlement does not, in my view, take sufficient action to alleviate Microsoft's stranglehold on the software market, restore the freedoms of competition and innovation to other developers, and provide remedy for the deep-seated damages already done my Microsoft's monopoly status.

Specifically, as a US citizen and a user of computing technology in my daily work, I value freedom of choice. In the Microsoft case, this choice is the choice of what software I use to perform various tasks, what infrastructure software is used to allow other software to run, and what entity is in control of data both on my personal computer and on servers used to store and/or distribute content used on my computer, to name a few significant concerns. It is currently possible to operate a computer completely without Microsoft products, as I have done at times, but it can be exceedingly difficult, mainly due to Microsoft's monopoly on the rest of the market comprised of people and organizations with whom I interact. For example, a huge number of applications require the Win32 API in order to run. The Win32 API is currently only implemented in Microsoft Windows to a sufficient degree to run these programs usefully; there is little freedom of choice in running these applications in any operating system other than Windows. Essentially I am forced to use Windows in order to run any of those large number of programs which I may need, and the proposed settlement does nothing to alleviate this requirement. In essence, Microsoft currently dictates what products can and cannot be used on nearly all personal computers that are currently running Microsoft products. While this in itself is bad enough, what many analyists believe Microsoft is planning to do with its monopoly is still more disturbing. With its ''.NET'' initiative, it appears that Microsoft is beginning in its plan it move software to service-type use. The end result could be renting the ability to use software, with little practical restrictions on the degree of control Microsoft could exercise over the costs of such services and the monitoring or even controlling of what consumers are doing with these services. Though the proposed remedy is absolutely necessary, they are not sufficient without amendment to address concerns that I have only briefly and incompletely alluded to above.

Thank you for your careful consideration my comments as well as those of many other citizens in this matter.

Kenneth C. Arnold
12652 Golden Oak Drive
Ellicott City, MD 21042
(410) 531–0856

MTC–00027299

From: Square Circle Consulting LLC
To: Microsoft ATR
Date: 1/27/02 10:49pm
Subject: Microsoft Settlement

I am opposed to the Microsoft Settlement.

Thank you for taking my comments,
David Hanke, CEO
Square Circle Consulting, LLC
Solutions & Support for Macintosh

MTC–00027300

From: Nicki Anderson
To: Microsoft ATR
Date: 1/27/02 10:43pm
Subject: Microsoft settlement

Dear Mr. Ashcroft: Please support the settlement recently reached between the US Dept. of Justice and Microsoft. It is my belief that this lawsuit should not have been launched against Microsoft and think it is now time to settle it so that this country and Microsoft can get back to business as usual. Microsoft developing software and the US government taking action on the economic situation we are in. Microsoft agreed to license Windows to the 20 largest computer makers on virtually identical terms and conditions. They have agreed to grant computer makers and software developers broad rights to configure Windows to remove Microsoft products and substitute competing, non-Microsoft products in their places. Netscape Navigator can be installed in place of Internet Explorer and AOL Instant Messenger in place of Windows Messenger. Microsoft has agreed not to retaliate against computer makers and software developers who choose to do this. Microsoft also agreed not to enter into any agreements with other companies that would obligate them to exclusively distribute or promote Windows technology. I encourage you to accept the terms of the settlement so that Microsoft can continue developing innovative software.

Sincerely,
Mrs. Nicki Anderson,
318 N.E. 161st.,
Shoreline, WA 98155–5739.

MTC–00027301

From: Pat Dooley
To: Microsoft ATR
Date: 1/27/02 10:44pm
Subject: Microsoft Settlement

Sirs:

I've been appalled by the vendetta against Microsoft. This has not been an action by dissatisfied consumers but rather an action instigated and financed by AOL, Sun and Oracle, Microsoft's whining competitors. The biggest losers so far have been the American economy and consumers. Enough already. Call off the lawyers and let's get back to business. If AOL and company really want to beat Microsoft in the marketplace, now's their chance. Bill Gates has bet the company on his .Net initiative and it will require the software industry to rethink everything. It opens the door for Oracle, Sun and AOL to offer cost-effective alternatives. Instead, it seems they'd rather resort to the courts.

MTC–00027302

From: ray
To: Microsoft ATR
Date: 1/27/02 11:46pm
Subject: Microsoft opinion

Dear Sir's

I don't feel that it is in the best interest of all of the users of Microsoft OS what the nine states have in mind is, that they are not in this fiasco with the consumer in mind at all, and we all know that there objective is the dollar bill. Who would benefit from all of this? certainly not the consumer.

Microsoft is a great and innovative company and there products are of the highest quality. As a consumer, leave Microsoft alone.

as ever
Ray Appleton
ray@netecin.net
appletonray@hotmail.com

MTC–00027303

From: Terri Holsinger
To: Microsoft ATR
Date: 1/27/02 10:44pm
Subject: Microsoft Settlement

To the US Dept of Justice.

Please approve the terms of the settlement. I believe the terms are tough but they are reasonable and fair to all parties, and meet the ruling by the Court of Appeals, and represent the best opportunity for the industry to move forward. Thank you for allowing my opinion to be heard.

Terri Holsinger,
317/846–4187,
Carmel, Indiana

MTC–00027304

From: Acholm@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 10:45pm
Subject: Microsoft settlement

The U.S. economy, which depends on firms like Microsoft for the innovation necessary to bring about a technology revival.

It's time to accept the agreement and allow Microsolft to move on the close this matter.

Audrey Holm

MTC–00027305

From: Merle S. Insinga
To: Microsoft ATR
Date: 1/27/02 10:45pm
Subject: Microsoft Settlement

I do not believe that the proposed settlement of the antitrust case against Microsoft is adequate. Any penalty that is imposed on Microsoft must punish it for the illegal actions of which they were convicted, restore competition in the desktop operating system market, and prevent Windows XP or other new Microsoft products from using illegal means to continue to protect their monopoly and extend that monopoly to new markets. I do not see how this weak settlement will accomplish those requirements.

For example, while the settlement would force Microsoft to describe and license it's APIs to competitors, it allows Microsoft itself to define what organizations qualify as competitors. Most importantly, it allows them to exclude non-profit or government organizations from receiving this information. By their own admission, they consider Linux and other open-source software to be a threat, so they would surely use this loophole to prevent this threat from getting this information and using it to make inroads against their monopoly.

That is just one example of the many flaws in this proposed settlement. This proposed settlement must be replaced with a far, far stronger one that meets the requirements mentioned above and will have some real effect in the marketplace.

Thank you.
Sincerely,
Merle S. Insinga
New Hampshire

MTC–00027306

From: James Kilmartin
To: Microsoft ATR
Date: 1/27/02 10:47pm
Subject: Microsoft Settlement

I am writing to let you know I support your efforts to settle the Microsoft suit. I think the settlement is a good compromise and is fair and equitable. I also think that the Nine state AGs pursuing more penalties are nothing more than a front for Microsoft competitors, and to allow them to prevail would be a grave error.

I hope common sense prevails when the Judge renders her opinion.

James Kilmartin
Bethel, CT

MTC–00027307

From: Martee377@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 10:47pm
Subject: Microsoft Trial

To Whom It May Concern:

I was recently reading up on the Microsoft trial and I am very happy with the way things went in the trial. When I first heard about the trial I was actually mildly disturbed. I did not believe the Microsoft Corporation to be a monopoly. To me they were just simply the better of all the software making corporations. Also, there aren?t many other companies that make software such as Microsoft Windows or Microsoft Office. However, I can definitely see why the lawsuit was filed in the first place. It seemed like Microsoft had virtually taken over control of software production. When you think about it, they basically are the only operating system that most average people can think of. However, the more knowledgeable person knows about other systems. UNIX, for example, is another operating system that is used. Not only do they have the more popular operating system, but Microsoft Office programs, such as Excel and Word, are all over as well. The settlement that was reached by the U.S. and Micro soft was both necessary and fair. I personally am very happy that the corporation didn?t break up. Such a breakup would probably set back the economy a couple of steps. I am really pleased that it didn?t go as far as to breakup the company.

MTC–00027308

From: lesanncarter@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 10:49pm
Subject: Microsoft Settlement

I think it would be better for all concerned if all parties would agree to the present proposels and not drag this lawsuit out any longer.

Thank You,
Lester D. Carter

MTC–00027310

From: Thomas A Miller
To: Microsoft ATR
Date: 1/27/02 10:49pm
Subject: Microsoft Settlement

Dear Sir:

Speaking as a member of ''The Public'', as in ''The Public Interest'', it is my opinion that Microsoft has done far more for the Public Interest than against it. For what transgressions the may have had, I believe the presently agreed upon settlement is more than just compensation, and that Microsoft has been duly punished. Therefore, I strongly recommend that the case be closed, now, without further hearings. Further hearings would become harassment of Microsoft, and would not be in the Public Interest

Sincerely, (signed)
Thomas A Miller
12902 Wheatland Rd
Fairfax, VA 22033–5300

MTC–00027311

From: Msquires@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 10:50pm
Subject: Microsoft Settlement

As a student of computer science, I have mixed feelings about this issue. Microsoft's control of the software industry was not obtained from doing anything illegal. If a company creates an operating system, they should have full control of what software can and cannot be functional in their own operating system. If it was not for Microsoft developing their operating systems, the companies which software is being hindered, would not have an OS to develop for in the first place. If these companies feel that Microsoft is not treating them fairly they can go and develop their own OS. Microsoft is the perfect example of capitalism at its finest. Microsoft's business is Microsoft's business. No one is forcing millions to purchase any Microsoft products. There are several alertnative operating system, many of which can be obtained free from the internet. From my personal computing experience, I feel that Microsoft's products are lacking. I currently use both Microsoft and non-Microsoft operating systems and it suit es me fine. If further development in computer software is truly being hindered by Microsoft, the foundations of capitalism will lead to the downfall of Microsoft.

MTC–00027312

From: J Marvin Klopstad
To: Microsoft ATR
Date: 1/27/02 10:52pm
Subject: Microsoft Settlement

I feel that the U.S. Government is unfair In this case. The whole thing should be dropped if Netscape wants to compete let them build a better mouse trap.I think what Microsoft charges for its software is fair. Does the C.E.O. of Netscape & A.O.L. give as much money to schools and etc as Microsoft I dont think so. The stockholders and the

consumers are the losers and have been severely damaged by this law suite. I think that Netscape & A.O.L. are just jealous. The Government lawyers are just trying to make a name for themselves. Anybody that thinks the breakup of A.T.&T. Has benefited any one is a Fruit Cake, my phone bill tripled, the service is poor at best and the Co. is in shambles. The DoJ attorney Joel Kline stated on T.V. that the breakup of A.T.&T. brought us the Touch Tone Phone he does not know what he is talking about either, we had the Touch Tone Phones before 1972 and at least a type of mechanical version of Touch Tone was installed prior to 1950 only used by long distance Operators. The DoJ should accept Microsoft's good faith settlement and the government could get on with better and more important things.

Thank You

J. Marvin Klopstad

MTC–00027313

From: Rodney M. Chun
To: Microsoft ATR
Date: 1/27/02 10:52pm
Subject: Microsoft Settlement
FROM: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Rodney M. Chun
1663 Kentfield Avenue
Redwood City, CA 94061

To the Honorable Court and the U.S. Department of Justice:

As a concerned citizen, a professional economist, and a database developer, I feel compelled to submit the following comment on the Revised Proposed Final Judgment (RPFJ) issued November 6, 2001 in the case of United States v. Microsoft Corp. I strongly believe that the RPFJ as it now stands is not in the ''public interest'' due to the gaping loopholes and imprecisions that even an individual not trained in law, such as myself, can identify.

Let me begin with a simple statement of fact: A lower court has found, and an appellate court has concurred that Microsoft has violated antitrust laws by undertaking illegal actions which have impeded effective competition against it. The purpose of the RPFJ is to provide remedies for these transgressions, and most importantly, to inhibit Microsoft from engaging in future activities which would serve to preserve its monopoly in operating systems.

The RPFJ contains such imprecise language that one can only wonder if it was purposely crafted to furnish Microsoft exploitable loopholes. While the list that follows is far from exhaustive, I feel it summarizes some of the shortcomings, omissions, and definitional problems which render the RPFJ an inappropriate remedy for the harm Microsoft has done to the public and an ineffective deterrent to future Microsoft offenses. Specific references to sections of the RPFJ are given in parenthesis.

1. The RPFJ does not include all of the conduct the court found to be in violation of antitrust laws. In particular, it does not address the issue of commingling of middleware code with the underlying operating system.

2. The RPFJ gives Microsoft the sole discretion over the definition of the ''Windows Operating System'' (VI.U). This oversight combined with the previous point essentially gives Microsoft every incentive to embed middleware code, such as the Internet Explorer, into the ''operating system'' and thereby evade all restrictions imposed on its middleware products.

3. The RPFJ's definition of ''application programming interface'' (API) is unorthodox and restrictive. Typically an API is the interface between an application program and the operating system. Yet the RPFJ (VI.A) defines an API to be only those interfaces used by Microsoft Middleware. There are over 13,000 API ''hooks'' into the Windows Operating System, of which only a fraction is actually used by Microsoft Middleware. Hence, any directives to make API's (as defined by the RPFJ) public, potentially excludes the release of information regarding other useful Windows OS APIs—the lack of which could essentially make an ISV's product uncompetitive with a similar Microsoft product. Microsoft has already used this informational asymmetry to its advantage in the past (see Finding of Fact, 90, 91) and there is no reason to believe that it would refrain from using this ploy to illegally preserve its monopoly in the future.

4. The RPFJ's definition (VI.K) of ''Microsoft Middleware Product'' essentially consists of Internet Explorer, Microsoft Java, Window Media Player, Windows Messenger, and Outlook Express. This list is grossly incomplete if one considers middleware to be any application software that itself presents a set of APIs that allow users the ability to write new applications without reference to the underlying operating system. For instance, one can write database applications using Microsoft Access and Visual Basic for Applications (VBA) without ever using a native Windows OS API. This applies to the entire Microsoft Office family of programs. Furthermore, I find it peculiar that Outlook Express is listed while Outlook (the full-featured version of Outlook Express) is omitted. Furthermore, Microsoft's ''.NET'' system—seen by most as a Microsoft version of Sun's Java—is also noticeably omitted.

5. The RPFJ gives Microsoft the explicit right to continually and automatically persuade end users to revert back to Microsoft middleware, after 14 days, in the event that a 3rd party application has been installed. As an end user of Microsoft Windows, I do not welcome a daily barrage of dialog boxes begging me to favor Microsoft products over my preferred alternative. I find it objectionable that any software company should be encouraged to engage in this type of marketing just as I am opposed to telemarketing phone calls, Email spam, or unsolicited junk mail.

6. The RPFJ is deeply flawed with regard to enforcement. The proposed remedy lasts five years with a minor sanction of a one-time extension of two years in the event of non-compliance. It is extremely naive to believe that Microsoft will cease to be a monopoly in five years—and will thereby have insufficient market power to engage in illegal behavior to preserve its monopoly—particularly considering the large network effects and complementarities that exist in software products. Microsoft has been declared a monopoly. As long as it remains a monopoly, it should be regulated as such until Microsoft can prove itself otherwise. The inclusion of an expiration date for sanctions serves to ameliorate most of the effect the remedy proposes to offer. Furthermore, I see no concrete penalties whatsoever in terms of non-compliance. While I am not an expert in contract law, even I know that a contract must clearly specify the penalties for violations of the agreement. In the absence of such sanctions, the document is little more than a wish list.

My list of objections to the current RPFJ is not exhaustive, and I have only focused on the problems I find most obvious. Further comprehensive evaluation is available in the comments made by the economists Robert E. Litan, Roger D. Noll, and William D. Nordhaus (January 17, 2002; available from the American Antitrust Institute web site). In addition, another excellent analysis done by Dan Kegel is available at: http://www.kegel.com/remedy/remedy2.html

I agree with the comments in both of these documents.

In closing, let me leave you with a parable that summarizes some of the shortcomings in the RPFJ. In my parable a large 18-wheel truck is speeding and weaving down an interstate highway. Do to its recklessness, several car accidents have occurred in its wake, and a state highway patrol car has pulled the truck over. The cop is informed by his superior to apply the relevant traffic laws, which, in my story, have been modeled on the RPFJ. Here is what the traffic cop reads in his codebook:

-The traffic law allows the driver of the truck the right to define what a ''truck'' is.

-The traffic law is not clear on which part of the truck is actually defined to be speeding.

-The traffic law suggests a fine of $1 since the damage only consisted of ''compact'' cars.

The traffic law only mandates that the driver obey the speed limit for the next 5 miles. Any further transgressions will result in this restriction applying for 2 more miles. After the maximum of 7 miles, the truck driver can do anything he wishes. Furthermore, the traffic law is completely silent on what the penalty will be for further violations.

-The traffic law allows the driver to demand back his $1 fine after 14 days.

The US Department of Justice has won a historic ruling against Microsoft, a victory which has been largely upheld by the appellate Court; Microsoft has been found guilty of engaging in illegal activities in its attempt to preserve a monopoly position in the software industry. As a result of these activities, it has most certainly increased its monopoly power and has done unfathomable damage to the development of innovative technologies and new products which may have existed, but for Microsoft's actions. I urge the US Department of Justice to withdraw its consent from the present RPFJ. Any new settlement should address the current RPFJ's obvious shortcomings. As it

stands, it will not unfetter the market from Microsoft's anticompetitive conduct, nor will it properly penalize Microsoft for its past behavior.

Sincerely,
Rodney M. Chun, Ph.D.
Senior Research Analyst
Sphere Institute
Phone: (650) 558–3980, ext. 17
e-mail: rchun@SphereInstitute.edu

MTC–00027314

From: Jason Wood
To: Microsoft ATR
Date: 1/27/02 10:52pm
Subject: Microsoft Settlement

To Whom It May Concern:

The proposed Microsoft Settlement primarily addresses present and future concerns of commercial entities. It seems that this will promote a better relationship between OEMs and Microsoft. It, however, does not fully address past behavior of Microsoft. Microsoft's grievances have limited OEMs and others in what they could do with their(the OEM's) products. The proposed settlement does not fully address this past behavior. Microsoft through their forceful agreements with OEMs and others has blocked other companies and non-commercial entities from getting a fair chance to compete. Unfortunately, these actions have already occurred. The future restrictions that will be placed on Microsoft in this settlement will not give competitors the ability to catch up with Microsoft.

I am opposed to the currently proposed settlement. I feel it lacks significant punishment for past actions on behalf of Microsoft. It also fails to the provisions necessary to allow for a truly competitive operating systems market. There is also little to no provision for non-commercial software and development, which also is struggling to find its place in the market.

Sincerely,
Jason A. Wood

MTC–00027315

From: scm@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/27/02 10:54pm
Subject: Microsoft settlement

To Whom it May Concern:

I do not support the proposed Microsoft settlement, and recommend Judge Jackson's judgement be enforced.

Valerie Collins
Senior Software Engineer, Computer Sciences Corp.

MTC–00027317

From: Scott Swanson
To: Microsoft ATR
Date: 1/27/02 10:55pm
Subject: Microsoft Settlement

To whom it may concern:

I am writing in response to the request for public comments on the proposed settlement between the department of justice (DOJ) and Microsoft Corp. (MS) referenced on the web site at http://www.usdoj.gov/atr/cases/ms-settle.htm.

It is my opinion that the settlement against Microsoft is not fair to American consumers and does nothing to limit the anti-competitive actions of this monopoly. To call the current settlement proposal fair belittles the intelligence of the American population and does no credit to its government. If any settlement were to be at all effective, it would have to limit the companies ability to maintain, or extend, its monopoly. This is not currently the case.

If competition is to be encouraged, Microsoft will have to be stopped from being able to ''bundle'' their software. Bundling their software (or including multiple products in one package at one price) gives them the opportunity to make it more expensive to buy a product from a competitor and limit the ability of that competitor from being able to compete on a level playing field. Each piece of software distributed by Microsoft should be sold separately with a separate price.

Microsoft should be limited from adapting standards to suit their own purposes. Any file formats or communication formats should be released to anyone interested long before it could be included in any product. This would limit the ability of Microsoft to abuse their position on the majority of desktops to extend it to another area where they didn't yet have a stronghold.

The entire application programming interface (API) should be made available to anyone that wishes to program against any Microsoft application. This would allow programmers external to Microsoft to compete on equal footing with those inside Microsoft. Microsoft has been found to have illegally maintained its monopoly position. Yet there has been no remedy for this situation proposed that would hamper that illegal activity. I strongly oppose the current proposal and hope that a much stronger ruling will take its place.

Scott Swanson
3539 27th Place West, #314
Seattle, WA 98199

MTC–00027318

From: Charles A. Brown
To: Microsoft ATR
Date: 1/27/02 10:58pm
Subject: MICROSOFT SETTLEMENT

DEAR SIR/MADAM THE TIME HAS COME TO SETTLE THE MICROSOFT SQUABBLE AS IT IS NO LONGER SERVING THE BEST INTEREST OF THE PUBLIC TO CONTINUE LEGAL ACTIONS WITH MORE COSTS TO THE PUBLIC AND MICROSOFT. THE OFFER BY MICROSOFT TO SETTLE WITH THE GOVERNMENT WILL BENEFIT MOST USERS AND THE PUBLIC.

CHARLES A. BROWN

MTC–00027319

From: Jason Westlake
To: Microsoft ATR
Date: 1/27/02 10:53pm
Subject: Microsoft Settlement

It's a bad idea to settle with Microsoft, mainly because it won't teach them a lesson... a paltry fine or ''donation'' to education won't do anything to teach them; they have billions upon billions of dollars in cash. The DOJ must act harshly! The only way to prevent them from continuing to act in anticompetitive ways is to BREAK UP MICROSOFT! PLEASE BREAK UP MICROSOFT!

Thanks,
Jason Westlake
Computer Technician
Newnan, GA

MTC–00027320

From: Leroydede@ao1.com@inetgw
To: Microsoft ATR
Date: 1/27/02 11:02pm
Subject: Mircrosoft Legal Problems

Lets resolve the microsoft issues. We need to warn microsoft that they should not infringe on others or prevent competition. The government should be reasonable regarding the fine and close all Microsoft legal problems.

See attachmentr.
Vernon Dede
301 Woodland Trail
Keller, 17< 76248–2630
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

After three long years of antitrust lawsuit court battles, Microsoft and the government have a settlement that has profound implications for all software publishers, the rest of the computer industry and consumers. By ending this case, the government is freeing this innovative giant to create more jobs. That's good for our lagging economy. Under the agreement, computer manufacturers were granted new rights to configure systems with various Windows features hidden or removed to make competing, non-Microsoft software more prominent. Microsoft must also design future versions of Windows to make it easier for users to install non-Microsoft software. Finally, it is obliged to disclose information about certain internal interfaces in Windows. The agreement goes far beyond the original issues in the lawsuit, but Microsoft agreed to it just to get the legal hassles over with. If we have solved problems with the agreement that we never set out to solve in the first place, there is clearly no need for further federal action after the agreement's approval.

Sincerely,
Vernon Dede

MTC–00027321

From: Tim Ambrose
To: Microsoft ATR
Date: 1/27/02 11:03pm
Subject: Microsoft settlement!

To whom it may concern,

I guess this will never end. I just heard that AOL is going to take Microsoft to coart over the same thing that it's been compaining about for ever. It should be very obvious what their game is, and tat is to hang their competetor up as long as possible while they gain in market share and time. The same appleys to these state law suits except all the attorney generals want is fame and noteriety. I hate what our country and it's court system has become! Anybody can take anybody to court without any real reason, except to try and bring them down and all the while bringing our country and the lives of the inocent doun with it.

PLEASE END THIS CANCER ON MICROSOFT .

MTC–00027322

From: Conniejo Squires
To: Microsoft ATR
Date: 1/27/02 11:05pm
Subject: Freedom To Innovate-Microsoft
Renata B. Hesse
Anti-Trust Division
RE: Microsoft Settlement

It is important to all that this law suit end. Microsoft has by their example taken the computer and software industry above and beyond the industries expectations. Our country has always been one that we have the freedom to inovate. Microsoft has made computer use possible for many users by making a working software that all could use easily. It is unfair to punish them for doing this. In the end the consumer is the one that suffers. When A.T.& T. split to meet the courts demands now we receive three different bills each month rather than one. The consumers are the ones that have to deal with the consequences. This doesn't seem fair.

Microsoft has free of charge given computers and software to many schools in Washington State and a few to other states as well. If they had not done this the schools would not have been able to provide computers for the children to use and have this opportunity.

America has managed on Competition being healthy. It makes the product better. It sounds to me that the complainers do not have the intelligence or where with all to inovate something on their own, to make a product that is competitive and make it better for all consumers. So why should Microsoft have to be punished because they were willing to inovate.

Sincerely,
Connie Jo Squires
Spokane, Washington 99208

MTC–00027323

From: Ed Pope
To: Microsoft ATR
Date: 1/27/02 11:06pm
Subject: Comment on Proposed Settlement

I do not believe the settlement is in the best interests of the free enterprise system.

Ed Pope
Atlanta, Georgia

MTC–00027325

From: SMRiebe@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 11:06pm
Subject: Microsoft Settlement

Dear Department Of Justice: It is my belief that your settlement with Microsoft is more than fair. In fact I believe that being a person that has followed the case detail by detail from the start that this case against Microsoft should have never been brought in the first place.

Further I believe it was the other large software companies that by their own doings couldn't build a better product and spent their energy and money instead in the government arena to try and delete the only competition they had, Microsoft.

I have for the past 5 years used and owned stock in AOL. They have a good product but it is just not right for them to use the courts and our government to try and defeat Microsoft. They should spend their (AOL) time and resources rather to build a better product and service. The freedom to compete is what this country is all about. You don't see Microsoft crying foul! The people of the world are better served by allowing all companies to compete. Yes, there will be a winner maybe and a looser but that doesn't mean we don't let the winner win.

Let the consumer decide with their dollars who they want to do business with. We don't need our government deciding for us.

I say the same thing I have from the start.. ''Leave Microsoft Alone'' Our country will be a better place for it. Beyond that I feel it is more than generous of Microsoft to give computer support to our schools.

Regards,
Steve Riebe
4125 86th Ave SE
Mercer Island, WA 98040

MTC–00027326

From: Tom Simpson
To: Microsoft ATR
Date: 1/27/02 11:07pm
Subject: Microsoft as Monopoly

Dear Sirs:

This short note is to state my position that Microsoft has consistently proven itself to be a company that is willing to run roughshod over its competitors and has further used its monopoly position in order to extort concessions from others in the industry and to foist technically inferior products upon entrapped customers, In other words, they generally do all of the ugly things that we know monopolies did over 100 years ago, when the Carnegies, Rockefellers and Morgans of the world abused and used the marketplace to claw their way to the top. Now, Microsoft has set its sights on the Internet itself. They simply must be stopped.

Tom Simpson
Graduate School
University of South Carolina—Columbia
3420 Heyward St,
Columbia, SC 29205

MTC–00027327

From: bgreslic@notes.concord.org@inetgw
To: Microsoft ATR
Date: 1/27/02 11:04pm
Subject: Microsoft Settlement

I am writing to voice my disgust with the proposed settlement for the Microsoft case. This settlement does not do anything to quell Microsoft's power, and looking at the settlement I can see legal holes the size of Alaska which Microsoft can use to all but ignore this settlement.

Microsoft has unfairly gained a monopoly in the Intel Operating System market, and is currently using illegal and immoral tactics to become the only provider in the browser market, web services, desktop recording software, and other fields.

This trial is based around the browser war between Internet Explorer and Netscape, however the bigger picture is that Microsoft has been abusing its power for years. Even when faced with preliminary injunctions they have laughed in the face of the law and put together a legal team that no company has the power to fight against.

The courts have ruled a few times that Microsoft has a monopoly, and is abusing that power. While I don't know what the answer is, this settlement does nothing against this problem. Splitting Microsoft into many smaller separate companies (IE, OS, Office, and others) might be a place to start. Now that Microsoft has the market share in web browsers (since the lawsuit was filed, Microsoft has moved from a 50% share in browsers to over 80%), they are trying to use that power to further remove Netscape from the playing field, and Java at the same time. Their newer browsers are moving from the Netscape plug-in applications to a new style, forcing new companies to choose between Netscape and Microsoft, which will further the gap. Microsoft is also steering their browsers away from Java and towards their proprietary .NET platform.

Another downside to the proposed settlement is the time factor. This settlement is only for 5–7 years, while it has already taken over 3 years to come this far. If we are going to go to all the time and expense, let us monitor the company for 15–25 years, and make penalties strong, clear and concise. We should not have to go through another 3 years of trials when (not if) Microsoft violates the settlement, just to give Microsoft a slap on the wrist.

Thank you for your time. Ben Greslick
Network Administrator
The Concord Consortium
''Integrating technology into the classroom''
www.concord.org

MTC–00027328

From: Edward Kiser
To: Microsoft ATR
Date: 1/27/02 11:12pm
Subject: Microsoft Settlement

Hello,

I am writing in order to comment publicly about the proposed Microsoft settlement, as allowed by the Tunney Act. I fail to see how Microsoft has done anything but set terms upon the use of its own property. Those terms may be unpleasant for some people, I admit, even as they become very pleasant for others, but such terms do not infringe anyone's rights. They cannot. For who has the right to meddle in a deal between two other people, a deal involving only property which those two people own?

As a Microsoft operating system user, I fail to see how Microsoft could set any terms that would be any worse for me than if it had never created its property in the first place. What if Microsoft charges a million dollars for a license for the next version of Windows? I can refuse to buy it. What if Microsoft creates a patch which disables my favorite software? I can refuse to install that patch, or if I accidentally install it, I can reinstall the operating system from the original CDs and thereby remove the patch. Can Microsoft remotely disable my copy of Windows? No; Microsoft and I have a contract, and I have not accepted, and will not accept, one that gives them remote-disable capabilities. I fail to see how Microsoft can infringe my rights through any licensing scheme or any combination of features or any technical features or any pricing strategy. (Fraud or an infringement of privacy would hurt me, but Microsoft is not

accused of those things.) Even if I were an OEM, or a browser writer, Microsoft could do nothing to me without my consent, except offer my customers a better deal than I can, and take them all away. But customers are not a right; customers choose what is best for them. A business has to earn customers!

It is quite easy to see, on the other hand, how a government of power-hungry politicians and judges could ultimately force me to write software only to its specifications, or the specifications of my competitors. It is easy to see how a government could make people think that they could demand any product from me, merely because they decided it was ''possible'' for me to make that product—and how a government could back such demands by force, without regard for whether I chose to make such a product. It is easy to see that anything done to Microsoft sets a precedent that could reach back to me, and any attempts to reassure me that these kinds of punishments apply only to Microsoft, make me worry more, because that means the principle of equality before the law has been discarded. It's also easy to see how a corporation such as Netscape might hope to get ahead by buddying up to local politicans and attorneys general, when it fails to get ahead by superior products and, more importantly, business strategies. Netscape's business strategies were more responsible for its fate than Microsoft's strategies. Rather than aggressively adding features to version 4.0, Netscape decided to do a bottom-up rewrite of its browser, which it ultimately had to make open source. Even then, development proceeded so slowly that two key developers eventually resigned. Netscape's bad decisions gave Microsoft time to get farther ahead. Politicians welcome such a deal as the one they made with Netscape, and they welcome the power that comes with it, while Netscape welcomes the opportunity to vanquish its competition by dishonest means. That's something Microsoft never did. Microsoft has not been dishonest, although it may have aggressively made some predictions about what other people would do and used them to frighten still other people—who perhaps need not have been frightened. Furthermore, Microsoft never lobbied politicians until it was forced to do so by this very case. In self-defense.

It seems remarkable that OEMs feeling threatened by Microsoft would not have banded together to produce an alternative to Windows. Is it possible that they were prevented from doing so by the same anti-trust laws that Microsoft is accused of breaking? This case has been a travesty and a sham, and since it is already irreversible, the best thing for America would be if Microsoft got a token sentence and were let alone, and then if this law were found unconstitutional, as it ought to be found.

Sincerely,
Edward Kiser
Jacksonville, FL

MTC–00027329

From: Lincoln Thomas
To: Microsoft ATR
Date: 1/27/02 8:25pm
Subject: Microsoft Settlement U. S. District Court Judge Colleen Kollar-Kotelly:

As a systems engineer and software developer focused on the success of the consumer, I ask you to consider the stronger remedies against Microsoft proposed by the 9 non-settling states and the District of Columbia. I will let their arguments stand on their own merits. I have 12 years of experience in software development since graduating from U. of Arizona with a B.S. in Systems Engineering. I develop and lead development teams working on many platforms including UNIX, Windows, and VMS, in many languages including C, C++, and Java. Most of my projects involve large-scale cross-platform software systems. The ability of technology to communicate effectively across different platforms allows consumers to utilize that technology in a simple and seamless manner. Microsoft's monopoly position has allowed it to engage in illegal practices that impede the ability of other companies to implement the interaction of Windows and non-Windows systems effectively. Microsoft's behavior has hurt the entire software technology industry and will continue to slow its advancement, to the detriment of consumers in the long run, unless the stronger remedies are imposed.

My opinions are my own and do not necessarily represent the opinions of any of my past or current employers.

Thank you for your time and consideration.

Sincerely,
Lincoln P. Thomas
Software Engineer and Team Leader
Colorado Springs, Colorado
lincoln.thomas@adelphia.net

MTC–00027330

From: Linda Chia
To: Microsoft ATR
Date: 1/27/02 11:10pm
Subject: Microsoft Settlement

The concerned parties in this frivolous lawsuit MUST SETTLE so Microsoft (and the industry as a whole) can continue to move ahead with the freedom to innovate and thus create jobs to bring this country out of its recession.

I have been unemployed since June 2001 when my job was eliminated. I would much rather see all the concerned use their time, talent, and resources to help put U.S. citizens back to work!

Thank you.
Linda J. Chia
3032 N. Kenmore Ave.
Chicago, IL 60657–4365
773–281–6320 voice/fax

MTC–00027331

From: T.K.Egan
To: Microsoft ATR
Date: 1/27/02 11:09pm
Subject: Microsoft Settlement

The proposed settlement is at best lousy for the consumer, for the United States, and for anyone who uses a computer. However my comments are in line with Dan Kegel's open letter (http://www.kegel.com/remedy/letter.html) to with I have asked my name be added as a co signer. I hope the government will do the right thing and act in the interest of America and her people.

MTC–00027332

From: Darrell Michaud
To: Microsoft ATR
Date: 1/27/02 11:09pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotelly,

In accordance with the Tuney act I would like to offer my humble opinion regarding the proposed Microsoft Settlement.

I believe that many parts of Section III, Prohibited Conduct, are well-intended but contain enough technological loopholes for Microsoft to render them ineffective. Prohibited Conduct A.1 and A.2 are meaningless as a remedy because Microsoft no longer needs to retaliate against OEM distributors directly to maintain its monopoly. Over the past few years Microsoft has introduced deliberate technical devices to prevent its software from being used in dual-boot environments. Even if a distributor wishes to create dual-boot options for their customers and is protected from direct retaliation, Microsoft still retains the technological means to prevent dual-boot solutions from being competitive.

Prohibited Conduct C (all numbered items) suffers from the same flaw. The proposed judgement states: ''Microsoft shall not restrict BY AGREEMENT any OEM licensee..'' (emphasis added) There is nothing said about technological restrictions that accomplish the same ends as the prohibited conduct. Just as Microsoft was able to circumvent the spirit of the Supreme Court's judgement through technological means (ie, integrating their web browser into the Windows(TM) Operating System), so too will they circumvent the spirit of this proposed remedy.

Until Microsoft is restricted from both agreement/contract retaliation and technological retaliation, they can continue to leverage their monopoly illegally.

Thank You,
Darrell Michaud

MTC–00027333

From: SkipOliva27@ao1.com@inetgw
To: Microsoft ATR
Date: 1/27/02 1l:12pm
Subject: Microsoft Settlement

January 26,2002
Ms. Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street, NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse:

On behalf of myself, I respectfully submit the following public comment on the Proposed Final Judgment in the case of United States of America, et al. v. Microsoft Corporation, District of Columbia Civil Action No. 98–1232. The District Court is entitled to consider the ''impacta'' of the proposed judgment on ''the public generall'' Under that broad criterion, the proposed judgment clearly fails to meet even a superficial test for serving the public interest. Rather, the proposed judgment is based on the Court's acceptance of an incorrect and fraudulent premise, as initially set forth by the United States in its complaint, and applies the antitrust laws of the United States in a manner inconsistent with its intent and

practical scope. In addition, the proposed judgment assumes that the public is incapable of asserting its self-interest in the absence of government action, a presumption that is offensive on a personal level and an expression of bad public policy. In reviewing the proposed judgment and the accompanying Competitive Impact Statement (''ClS''), the United States offers no verifiable claim that any action taken by Microsoft harmed consumers or the public interest. What they do offer is a narrative describing the failure of Microsoft' competitors to provide a product that the public supported, through the mechanism of the free market, to the extent that the competitors could maintain a profitable enterprise. This failure by Microsofta.TMs competitors does not, however, constitute something that is detrimental to the consuming public.

The central thesis to the government's case is the belief that Microsoft enjoys monopoly in the operating system market. This is an incorrect belief, the prior findings of the District Court and the United States Court of Appeals to the contrary notwithstanding. Microsoft has never enjoyed a monopoly in the operating system market, or any other market it has competed in for that matter. In the most fundamental sense, a ''monopoly'' is an entity which enjoys an exclusive license to trade in a particular market. Such a license can only be granted by the affirmative act of a government entity. Microsoft does not, and has never, enjoyed such a government license to monopolize the operating system market.

The United States has confused Microsoft ''TMS'' position of relative dominance as constituting a monopoly. They betray this logic at numerous points in the proposed judgment and CIS. For example, on page 25 of the CIS the United States claims the proposed judgment will allow computer manufacturers freedom from coercion or retaliation by Microsoft'' This is an absurd claim. Coercion is defined as employing a threat of force against an individual to force them to act against their self-interest. There is no evidence that Microsoft can use force against anyone. It does not possess a police force, or an army, or a court system. Microsoft has no means to exert its will to the extent that it violates the rights of another. What the company has done is use legitimate and legal tactics, including the retaliation the government improperly condemns, to aggressively compete within the market.

The market within which Microsoft competes has, in fact, been misidentified repeatedly by the government, the District Court, and the Court of Appeals. According to the CIS, the market for monopolization purposes is supposedly restricted to operating systems used on Intel-compatible personal computers. The United States deliberately excludes operating systems on non-Intel compatible computers because, the CIS says, consumers are very reluctant to substitute away from Intel-compatible personal computers because to do so would entail incurring substantial costs and would not result in a satisfactory substitute. Thus we have a real gap in logic. If the consumer is not substituting a non-Intel computer for an Intel computer based on considerations of price and quality, is that not a consumer choice? The free market is defined by the choices made by consumers. The government takes a contradictory and irrational approach, defining the market in such a limited way as to make the definition arbitrary and capricious.

I have been a computer user for more than a decade. In that time I have often weighed the option of purchasing Intel-compatible computers over non-Intel models. My choice has weighed a number of factors, including price, availability of application software, quality of the components used and even aesthetics. My ultimate decision is not important; what is important is that I considered models across the market without regard for the government's arbitrary and exclusionary definition and made an informed and voluntary choice. Millions of other consumers have done likewise, and the government's claims here are an attempt to deny this fact. Similarly, on the many Intel-compatible computers I have purchased through the years, there have been times where I have declined to use a Microsoft operating system. I did so irrespective of the fact that a Microsoft OS was pre-installed and programmed to boot with the computer. As an informed consumer I made the effort to consider other operating systems and install one independently. The proposed judgment here assumes I am incapable of that action, for it assumes such an act would only be undertaken if multiple operating systems were made available to me at the time of purchase. Similarly, the proposed judgment presumes the presence of desktop will help non-Microsoft middleware programs compete with Microsoft programs; in fact millions of computer users already do so without such manipulative prompting at the behest of the government. For the government to state otherwise is illogical, offensive, and not in the public interest.

Additionally, the proposed judgment is not in the public interest because it would inflict a manifest injury against the rights and liberties of the people of the United States, specifically the right of private property. A key component of the proposed judgment's remedy is a requirement that Microsoft make its source codes available to a government-sanctioned oversight committee, which in turn is supposed to ensure these same source codes are made available to non-Microsoft middleware producers, so that these companies can create products to compete with Microsoft. Since the United States would retain the right, under the proposed judgment, to determine and enforce the scope to which these source codes are to be made available, the final judgment constitutes a seizure of private property the source codes and its subsequent conversion to a public good. Such an act is wholly incompatible with the Constitution of the United States and even the antitrust laws that are supposedly being enforced in this case.

From a practical standpoint, the antitrust laws were designed to impose static remedies upon static industries where the market and its competitive components could be easily quantified and centrally managed. The software industry is neither static nor easily quantified. It is a dynamic marketplace of ideas and innovation, and such an entity cannot be centrally managed or overseen in a rational manner. Even the Court of Appeals admitted as much in its review of this case last year, noting that the software industry would continue to evolve many times before this case was concluded. This evolution continues regardless of Microsoft's dominance of the Intel-compatible OS market, but it will not continue if extensive government oversight is introduced into the marketplace. This proposed judgment unreasonably attempts to dictate the competitive balance in an industry where such a concept has been rendered virtually meaningless. Software is not like the railroads or petroleum refining. Any individual can use their mind and inexpensive equipment to write an operating system, develop a word processing program, or even lay the foundation for a global information network. The entire barriers to entry analysis employed in the CIS for this case is thus completely without merit.

The proposed judgment seizes Microsoft's property for the express purpose of enhancing Microsoft's competitors. Such an act should offend every American who owns private property of any kind, because if a large and successful corporation is not entitled to the fruits of its own labor, than what hope is there for the ordinary American citizen of less affluent means? The proposed judgment, rather than serving the public interest, will only serve to undermine public confidence in the government's role as the final guarantor of private property rights.

As a concerned citizen, I urge the District Court to reject the proposed judgment and dismiss the government's complaint without further delay. Barring that unlikely action, I would encourage the United States to reconsider its position on Microsoft, and its enforcement of antitrust laws in general. This case has demonstrated the futility and harm that can result from the application of irrational and immoral public policy.

Sincerely,
Skip Oliva
2000 F Street, NW, #315
Washington, DC 20006–4217
SkipOliva27@aol.com

MTC–00027334

From: Jonathan Kiang
To: Microsoft ATR
Date: 1/27/02 11:12pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea. It is a reckless abdication of the Federal government's antitrust responsibilities.

The Court of Appeals affirmed that Microsoft violated Federal and State antitrust laws. Any settlement or judgement needs to supply both a remedy against future violations and a deterent to potential violators. This one provides neither.

Considering that Microsoft performed many of its illegal activities under the apparently mosty hypothetical onus of the consent decree stemming from the government's 1994 antitrust case, the proposed final judgement leaves Microsoft too leeway in its actions. Microsoft has shown no indication that it would be inclined to follow the spirit or intent of the

antitrust laws if left to its own devices, and the proposed final judgement fails to account for this.

The proposed final judgement, if approved, would make the 1956 du Pont cellophane case look like a brilliant piece of antitrust reasoning. If the goal of the antitrust laws is to promote consumer welfare and the competitive process, then the proposed final judgement fails to do either.

Sincerely,

Jonathan Kiang

MTC–00027335

From: Tom Dilligan (091)Tall Mini-God(093)
To: Microsoft ATR
Date: 1/27/02 11:13pm
Subject: Microsoft Settlement

To whom it may concern:

I have been a software developer and watcher of the computer industry for the last 18 years. In that time I have developed software for a large array of systems from home computers (with both non-Microsoft and Microsoft operating systems) and for large mainframe systems. I am currently employed as a Senior Systems Developer for Industrial Light + Magic.

I would like to comment against the Microsoft Settlement of the Anti-trust lawsuit against them, pursuant to the Tunney Act. I oppose the settlement in the current form for the following reasons. The proposed settlement largely consists of donations to schools. This will do nothing to hinder Microsofts actions in the market place. If anything, this will increase Microsoft's market share. None of the reports that I have read state that Microsoft will include support contracts for the software that they are donating Software without support costs nearly nothing. The costs of producing software falls primarily into two categories: development and support. The costs of distributing (CD-ROMS, documentation, packaging) are tiny in compared with the development costs and support costs. In the case of Microsoft products, no part of the purchase price goes to support costs, because Microsoft support is done through a pay per incident. Calling Microsoft for any support reason will cost $50.00 or more per call, unless a support contract has been purchased.

If no support contracts are provided, and no support is provided as part of the purchase price, then it can be argued that the entire purchase price is going towards the development of new Microsoft software. The development costs of the software have already been recaptured, as evidenced by Microsoft's 36 billion dollar cash reserves. This cash reserve is nearly twice that of General Motors, a company that reports seven times the sales of Microsoft.

These cash reserves allow Microsoft to come into any marketplace and give away (dump) software until they have forced any competitors out of the market. Clear examples of this happening in the past include the internet browser software Netscape. In the case of Netscape, Microsoft was very successful in giving away their browser software, and in fact forcing people to use it by making it an integral part of the user experience. Microsoft included the server software with the ''server'' versions of Microsoft's operating systems (i.e. Windows NT, Windows 2000). Netscape only had the revenue generated by their browser and server products to generate income. With Microsoft effectively giving the software away, it became increasingly difficuly for Netscape to function as a business, eventually getting purchased by what is now America Online / Time Warner.

Microsoft's business practice of taking serious losses to penetrate into the market place can be easily seen right now with Microsoft's introduction of the X-Box gaming system. Microsoft has never competed in the home videogame console market. The retail price of an X-Box is approximately $350.00. Most analysts have estimated the actual cost of production to be closer to $500.00. In any sort of trade arrangement, this would be considered ''dumping''. Sony, Nintendo, and Sega (Microsoft's competition) all sell their come consoles at close to cost, but do not actually lose money.

Microsoft has engaged in highly restrictive licensing practices that has made it ''unfeasable'' for OEM computer manufactures (Dell, Gateway, IBM, ect...) to support non-Microsoft operating systems. This has forced free and / or alternative operating (i.e. Linux, FreeBSD, OpenBSD, BeOS) into the domain of the technical hobbyist, which is an extremely small portion of the operating system market.

Microsoft delays or suppresses publication of interfaces, protocols, and file formats that would be useful to third party developers. These interfaces, protocols and file formats are all available to Microsoft programmers, but are (in general) not available to non-Microsoft programmers. This gives Microsoft an insurmountable edge in that they can easily write software that interacts with other Microsoft software, but non-Microsoft developers are unable to write software with tight integration to Microsoft products.

Microsoft is notorious for taking industry standard interfaces, protocols, and file formats, changing or extending them slightly before integrating them into Microsoft products. This allows them to proclaim ''industry compliance'', but they will rarely publish the extensions that they have made to the interfaces, protocols, and file formats. This has two unfortunate effects. The first is similar to the point raised above: only Microsoft can effectively use the extended interfaces, protocols and file formats. The second is that by not announcing or documenting extensions, they have effectively made the interfaces (or protocol, or file format) Microsoft's, as nobody can extend or change the interface without potentially interfering with Microsoft's extensions (because nobody outside of Microsoft knows what Microsoft is doing). In light of this, clearly more punative actions must be applied to Microsoft to force it into a position where it cannot simply walk into any market and crush it by sheer financial clout. I would propose the following as the sort of steps that must be taken to limit Microsoft's monopoly power.

Microsoft's cash reserves must be drained. This would involve a penalty (or stock dividend) in the range of 33 billion dollars, and would bring Microsoft's cash to gross income ratio into the same range as other large companies (such as General Motors).

Microsoft should adopt a simplified, non-restrictive licensing policy for OEM computer manufactors. Failing this, an outright ban should be made on bundling non-free software with computers. While a split of the Microsoft corporation is desireable. It is very difficult to define a dividing line. I would propose a remedy of modularizing of the software packages produced so that each application would have a specific task (i.e. word-processing, spreadsheet, illustration, painting, ect...) as opposed to massive conglomerations of product (i.e. Microsoft Office). The only contact that the teams would have would be via publicly published documentation on interfaces, protocols and file formats. This would allow for outside manufacturs to tightly integrate their software with Microsoft's products.

These are a small sampling of the concerns that I have with the proposed settlement between the Department of Justice and Microsoft. Consider this my plea to reconsider the proposed settlement, and work to make it sufficiently strong as to actually stop Microsoft in their quest to completely dominate the computing industry.

Thomas A. Dilligan
San Rafael, CA.

MTC–00027336

From: dave@campdave.newww.com@inetgw
To: Microsoft ATR
Date: 1/27/02 11:13pm
Subject: Microsoft Settlement

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html).

I find it particulary objectionable that the PFJ doesn't take into account Windows-compatible competing operating systems. MicroSoft should not be allowed to raise artificial barriers against non-Microsoft operating systems which implement the APIs needed to run application programs written for Windows.

This problem alone makes me conclude that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, and would delay the emergence of competing Windows-compatible operating systems. In addition to the other problems expressed by Dan Kegel, I strongly believe that the Proposed Final Judgment is not in the public interest, and should not be adopted without addressing these issues.

David B. Belser

MTC–00027338

From: John Fulton
To: Microsoft ATR
Date: 1/27/02 11:25pm
Subject: Microsoft Settlement

To Whom it May Concern,

I would like to comment under the Tunney Act on the proposed settlement of the United States vs. Microsoft antitrust case. I realize that you have to go through a lot of material,

so in order to be as brief as possible I would like to echo the comments made by Dan Kegel, which can be viewed at: http://www.kegel.com/remedy/letter.html

I support his overall comments on the proposed settlement and would like to add my voice to his.

Thank you,

John Fulton

Webmaster, Rutgers University Computing Services

MTC–00027339

From: Young Jun Key
To: Microsoft ATR
Date: 1/27/02 11:15pm
Subject: Microsoft Settlement

To Department of Justice

Hello, I'm a student who is interested in studying computer science at State University of New York at Stony Brook. First of all, I'm very disappointed at the outcome of the trial. I was in the United States when the trial was on going, and I fully understand the effect of the tragedy of September 11th on the trial. Although I'm not a citizen of the United States of America, and I don't fully understand the importance of Microsoft as an national financial benefactor, I feel that trial was too much subdued due to the national crisis. As far as my understanding goes, United States has built it's economic strength upon technological basis. Computer technology is the most outgoing technology of the age and the Microsoft is the leader of the computer software. They are clearly violating the anti-trust law. When there are less than 10 corporations competing in one specific field of business then the business is being monopolized. I've used almost every version of Microsoft Windows and it's clearly becoming more focused on the Microsoft corporation itself. I believe this convenience is winning the market. We need to provide more chance and equal opportunity to other venture businesses that's being blocked by the Microsoft giant. This trial may benefit American economy for the moment, but we need to realize that it is only a temporary solution. I think that the issue must be brought back into the court for more fair and just solution.

Sincerely,

Young Jun Key

MTC–00027340

From: V.V.
To: Microsoft ATR
Date: 1/27/02 11:16pm
Subject: Microsoft Settlement

I wish to comment on the recent AOL ''Legal Strategy'' I believe this lawsuit has anything to do with consumers. AOL has been using the political and legal systems for competing against Microsoft for several years. This is just the next legal tactic in their business plans.

AOL or anyone need not advise Microsoft that their marketing strategy should be ''stripping down Windows'', and instead of wasting time in courts try to build a Operating System like Windows and see how it takes to do that and if ever it is possible for anyone to make a world class OS like Windows.

The question to challenge browser integration with Windows is itself invalid because

1. Microsoft does not charge for their browser

2. Any AOL patron can easily install their own browser if they dont wish to use the MS browser

3. AOL itself follows the same strategy by acquiring Netscape and bundling theor browsers everwhere (even in my laundry underwears!!!) A spam of the highest degree.

Therefore please dont disturb Microsoft time with the non-sense court matters, but rather challenge and compete them in the Marketplace.

Sincerely,

Vivek Velso

MTC–00027341

From: Neale, Bennett
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/27/02 11:16pm
Subject: Microsoft Settlement

Dear Sir/Madam:

By way of the Tunney Act comment process, I am strongly urging you to reconsider the settlement of the United States vs. Microsoft antitrust lawsuit. Thank you for your time.

Bennett Neale
bneale@edmunds.com

MTC–00027342

From: mabel@qtm.net@inetgw
To: Microsoft ATR
Date: 1/27/02 11:13pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,

Anne Canning
23431 Fosdick St.
Dowagiac, MI 49047–7433

MTC–00027343

From: EHOO88@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 11:19pm
Subject: MICROSOFT SETTLEMENT

Gentlemen:

Please settle this lawsuit in favor of Microsoft and stop wasting money and time constantly trying to breakup Microsoft.

Microsoft is a magnificant firm with brilliant ideas and has helped America to be a pioneer in the field of internet and software. Microsoft has helped students, business people, lay people and people all over the world with their products.

All these lawsuits disrupting Microsoft is a waste of money and time.

God bless America.

Sincerely, Elaine Hoo

MTC–00027344

From: Kathleen Dolan
To: Microsoft ATR
Date: 1/27/02 11:20pm
Subject: Microsoft Agreement

Dear Renata Hesse, Trial Attorney:

I wish to add my voice to the concerns over the proposed settlement of the Microsoft Antitrust Case. I believe that Microsoft has made it extremely difficult for anyone to purchase a computer without using Microsoft operating systems and software. Because of their marketing strength, they have been able to make almost all computers sold in the US dependent on their operating systems and software. This proposed settlement does not deal with the basic issue of the case: the stifling of competition in the operating system market. Please do not allow this to go through.

Thank you,

K.A. Dolan
Dolan and Taylor Associates
P.O.Box 531
Garrett Park, MD 20896
CC:kdolan@dgs.net,Steven C Johnson

MTC–00027345

From: A-Valkanas@neiu.edu@inetgw
To: Microsoft ATR
Date: 1/27/02 11:15pm
Subject: Microsoft Settlement
27 Jan 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse:

Pursuant to the Tunney Act, I am writing to comment on the proposed settlement of the United States vs. Microsoft Corporation antitrust case. I wish to state how disappointed I am in US Atty. Gen. John Ashcroft, Illinois Atty. Gen. Jim Ryan, and all the other states'' attys. general in this extremely weak and poor settlement with the Microsoft Corporation. With their track record of poor products and their quashing of almost every possible threat to their monopoly (such as the cases with Netscape and their pending litigation against Lindows), Microsoft has acted against the public's welfare and has cost the economy great quantities of productivity. For example, assuming a user base of one million users who must endure one crash of their Microsoft OS, a 240 day work-year of 8 hour work-days and an average salary of $22,500, those unscheduled coffee breaks cost a total of over $29,000,000 per annum in lost productivity. This amount does not take into account the time needed to recreate lost works in progress or delays to customer inquiries because of the delays.

I also wish to add that I am in full agreement with the statements of Dan Kegel, located online at http://www.kegel.com/

remedy/letter.html ; Jeremy P. White, CEO of CodeWeavers, Inc, located online at http://www.codeweavers.com/jwhite/tunneywine.html ; and the Free Software Foundation, located online at http://www.gnu.org/philosophy/microsoft-antitrust.html.

Any settlement with Microsoft is unsatisfactory. This company, and its management, need to be punished much more severely than this settlement possibly would. Sincerely,

Andrew Valkanas
2523 W Farwell Ave
Chicago IL 60645

MTC–00027346

From: Grayson Aahr
To: Microsoft ATR
Date: 1/27/02 11:22pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
United States Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Ms. Hesse,

The proposed settlement is not in the public interest. The settlement leaves the Microsoft monopoly intact. So long as it is intact the company and its leadership will do all in its power to stop legitimate competition. This is not our free enterprise system. Consumers need competition and choice so they, not Microsoft, decide what products are on their computers. Microsoft must not be permitted to decide what programs will run on MY computer. It must not decide the direction of the entire marketplace. Let the ''invisible hand'' of the market work. The remedies proposed by the several States are certainly necessary and in the public interest, but they are not sufficient without removing the proven illegal monopoly power from the hands of the malefactors.

I strongly urge that public proceedings under the Tunney Act be held so that the entire public may be heard, not just a narrow group of interests.

Clifford I. Nomberg, J.D.
Post Office Box 243055
Boynton Beach, FL 33424–3055
561–733–3069

MTC–00027347

From: William Law
To: Microsoft ATR
Date: 1/27/02 11:21pm
Subject: Microsoft Settlement

To the Department Of Justice:

Hi, my name is William Law, and I for one think it was a great idea to file a lawsuit against Microsoft. Truthfully, I think it was wrong for what Microsoft did, to do things illegally, and the theory for them to take over the whole entire business. First of all Microsoft had too much power, and had too much monoplies. Not only that, but in order for Microsoft to gain such power, they had illegal acts to help eliminate its rivals and made sure Microsoft was the only operating system for PC's and OEM's. Not allowing other internet companies, and had restrictions on OEM's. They broke the first and second act of the Sherman Act. They tried to eliminate Netscape by limiting it's resources, and as well as java. Trying to delete Java, is trying to eliminate other programmers to in such eliminating other possiblities for choice of Netscape. Microsoft did not give other smaller companies a chance to grow in the market. Which can result in overpower in the market. Which in that case, Microsoft can raise it's prices on their products, and no one can do anything about. Since they are the only operating and software out there to support a PC, and other OEMS.

Breaking up microsoft can help consumers to have more options and save more money when it comes to Pc's and programs for the operating systems. I am glad that you gave freedom to the OEM's as well as other small business's the right to choose alternative operating systems for the consumer's PC. As well as not letting Microsoft to corporate with Windows was also a good idea, so that way Microsoft can't restrict certain software only to Windows. That way Windows is open free for other software programmers to share with. All these new rules will definetly help people save money, and save the market from the might powerful Microsoft from conquering all of it. What you have done was a great idea, and I for one am glad that somebody has put a hold on Microsoft from taking all of the computer business. I also wanted to say, letting people write comments to the department of justice was a great idea. That way you can hear from the people's point of view. Thank you for your time and patience.

Sincerely,
William Law

MTC–00027348

From: Harold J Williams
To: Microsoft ATR
Date: 1/27/02 11:21pm
Subject: Microsoft Settlement

To Whom It May Concern

AN IMMEDIATE SETTLEMENT FOR MICROSOFT IS IMPERATIVE!!!

My feelings right now is that Microsoft is being shafted and penalized for being a successful company by the Government (DOJ) as well as bunch of competitors that are seemingly not smart enough to be as good as Microsoft. They are trying to get some of Microsoft's smarts by filing lawsuits.

All of those ridiculer suits should be thrown out and so Microsoft can get on with it business of providing high tech software and hardware to the public.

I do not believe Microsoft is over prised as I have a lot of Microsoft software on my computer. My e-mail is not Microsoft but sure is not AOL and never will be!!

Harold J. and Carole L. Williams
21104 33rd Drive SE
Bothell, WA 98021–3235

MTC–00027349

From: Stephen Horlander
To: Microsoft ATR
Date: 1/27/02 11:22pm
Subject: Microsoft Settlement

The fact that a convicted monopolist, who has deliberately hurt competitors and suppressed innovation, can be let off with a slap on the wrist truly makes me wonder about the state of our legal system. This proposed settlement in no way will limit Microsoft from continuing to abuse their illegal monopoly, and crushing potential competition and further strangling their own customers, who will be left with little or no choices.

Already Microsoft has laughed at the Department of Justice and the community at large by further populating their operating system with services such as Windows Messenger or Windows Media Player or the dreaded Passport, which seeks to obtain a new monopoly on not just operating systems but on a persons personal information. These services are not even removable by the end user, they are stuck with them just as they are stuck with Internet Explorer. Not only must people suffer with un-needed programs but Microsoft quickly proceeds to shove notices for these services in the users face with no way to disable them.

Microsoft uses its monopoly on operating systems and browsers and office software to keep a hold on its customers, customers who have no way to escape because Microsoft will not release its file formats or protocols to the public. I really hope that someone comes to their senses before it is too late. Please show Microsoft that it cannot do what ever it wants with no consequences just because it has enough money and power to do so.

MTC–00027350

From: John McNair
To: Microsoft ATR
Date: 1/27/02 11:22pm
Subject: Microsoft Settlement

To Whom It May Concern:

I would like to express my concern about the proposed settlement in the case of United States of America vs. Microsoft Corporation. I oppose the settlement on several grounds enumerated as follows:

I. The settlement fails to address the real damages inflicted on Netscape Corporation, OEMs, and most importantly, consumers with respect to the bundling and dumping associated with Internet Explorer. The United States originally brought the case in question against Microsoft because of harm it inflicted on consumers and competitors in the course of attempting to destroy Netscape. Microsoft spent over $100 million developing a product that it never intended to sell. The sole stated purpose of developing Internet Explorer was to destroy competition in the browser market. This is according to thousands of internal emails entered into evidence during the course of this trial.

Since the focus of this trial was illegal monopoly abuses concerning internet browser software, any remedy should give some attention to that particular market.

II. The settlement essentially provides that Microsoft must intend to obey the law in the future (at least for the term of the settlement). This settlement is no stronger than existing antitrust legislation and hence is a waste of paper. At best one could argue that this agreement delineates specific actions that are acceptable and not acceptable so that Microsoft cannot claim ignorance of the intent of antitrust laws in the future. However, ignorance is not what lands

Microsoft in court. It is arrogance, a total disregard for the rules that govern civilized people, that puts Microsoft on docket after docket.

III. The settlement is ineffective to prevent future abuses along the lines of Microsoft's well-documented modus operandi. Since the agreement fails to address past grievances, the presumption is that it should curtail future criminal activity at Microsoft. The court would do well to remember who the defendant is. This is the company that:

A. intentionally caused their own applications to fail sporadically when running on top of DR DOS to make that operating system seem unstable. They were ironically forced to resort to this because DR DOS was actually a far superior product than MS DOS in terms of stability and usability.

B. forced OEMs to pay license fees to Microsoft for each computer shipped whether they shipped with IBM's PC DOS or with MS DOS. This made PC DOS appear to be more expensive. This practice continued until a court ordered them to stop—eight or nine years later. And to my knowledge, Microsoft complied with that court order. However, the order came shortly before Windows 95 shipped, and where they left off with MS DOS, they picked up with Windows.

This practice is one of the major harms inflicted on consumers by Microsoft. It is impossible for a consumer to buy a pre-assembled computer from a major OEM without paying a license fee to the Redmond monopolist. Forget illegal anti-competitive practices, perjury, and extortion for a moment. Why should consumers be forced to pay for something they don't even use? In some cases Microsoft is paid for machines that ship with no operating system at all. This practice has to stop.

C. intentionally forced Word Perfect to crash sporadically when running on Windows so that it would appear to be even more unstable than Microsoft Word. This practice continued until Microsoft destroyed Word Perfect as a viable competitor. Many still consider Word Perfect to be a superior product, but that consumer choice has all but vanished.

D. dumped $100 million worth of development effort into a product to destroy their competition.

E. repeatedly gave false testimony in this trial and even submitted doctored evidence.

F. is run by a man that has told reporters that he is more powerful than the President of the United States. Why then should he have to obey US law?

G. is emulating their Internet Explorer chicanery in an attempt to crush Real Networks. Microsoft is integrating Windows Media Player into the OS and making Real Player a very difficult alternative using the same tricks that worked on Netscape. If they force OEMs to ship include Media Player and exclude Real Player, and if they make Real Player extremely difficult to install, that consumer choice will vanish as well.

These are not speculative claims. Every statement above, except G, is either from William H. Gates, III, other Microsoft executives or substantiated in a court of law. This is a very short list of reasons not to trust this company to operate in good faith. Repeatedly Microsoft has promised not to abuse its monopoly power, and repeatedly they have reneged. Why should the court trust them this time? This agreement requires far too much good faith on the part of Microsoft to have any effect at all.

The loopholes are many and large. For one thing, the agreement for all practical purposes concedes Microsoft's current operating system monopoly is a fact of life. However, ''the software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion.'' This is how the Internet Explorer debacle was enabled for so long. Microsoft simply declared that the browser was an integral part of the operating system in order to circumvent a previous court order. One could argue that this tends to push Microsoft into shoddier software design practices than even they are wont to embrace, but that is outside the scope of this complaint. Section III.6.D provides that Microsoft shall disclose APIs in a timely manner while section III.J.1.a provides the legal loophole by stating ''J. No provision of this Final Judgment shall: 1. Require Microsoft to document, disclose or license to third parties: (a) portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of ... anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems ...'' Microsoft has recently announced (1/15/02) that pervasive security is number one priority. This is too convenient. This gives them the argument that they do not have to release any APIs (or the ones they most want to protect) because of security risks. Microsoft can arbitrarily choose which APIs to expose, and still claim that they acted in good faith as they understood this settlement. The line is sufficiently fuzzy that any decent $500/hr lawyer should be able to drag out a case based on failure to disclose APIs for years.

Section VI.D restricts the definition of Personal Computer to x86-based platforms. Microsoft would not be in violation of this agreement if they extended their predatory practices to say, a Power PC-based platform. Microsoft has recently announced an initiative to produce a virtual hardware layer to run the Windows operating system that is similar in principle to the Java virtual machine. This would mean that Windows could run on any platform. Again the timing of such an announcement is far too convenient. This is yet another way that Microsoft can circumvent the terms of this agreement. Microsoft has demonstrated repeatedly that they have no respect for the law. They will agree to anything that they deem to be a reasonably cost effective means of getting out of court. The terms of the agreement matter little to them for it will be business as usual within a month. Anecdotally, I have known of former Microsoft employees claiming that they know of no other company that spends more of its resources on simply destroying its competition (using Fear, Uncertainty, and Doubt). Hoping that Microsoft will suddenly change its attitude is pure fantasy.

In short, this settlement is more of a pat on the back than the slap on the wrist it was intended to be. Microsoft has successfully waged a public relations campaign that has clouded the issues involved. When Bill Gates is whining that he's not allowed to innovate, it's easy for some to forget that he has been in court almost continuously for fifteen years for theft of intellectual property, bundling, dumping, coercion, and extortion. While not everyone has agreed with Judge Jackson rulings, I still think it must take some preponderance of evidence for a federal judge to characterize publicly the nation's most prominent CEO as a ''common street thug.'' It's sick Orwellian humor that Microsoft should complain that they have been denied the opportunity to innovate when they have unashamedly destroyed anything that threatened their tyrannical stranglehold on the PC industry.

John R. McNair, Jr.
john@mcnair.org

MTC–00027351

From: Rchadrick@cs.com@inetgw
To: Microsoft ATR
Date: 1/27/02 11:23pm
Subject: Microsoft Settlement

The United States should settle with Microsoft now. Impose reasonable restrictions on the company and let everyone go back to work doing what they do best. Monetary penalties should be kept to a minimum. There is more important work to be done for the good of the Country. Greed should not be rewarded. The States should join the Federal settlement. Holding out to further appease the various special interests is not warranted except to exploit the situation and to extort money nefariously.

Richard Hadrick
Spring Hill, Florida

MTC–00027352

From: lgreenberg@mac.com@inetgw
To: Microsoft ATR
Date: 1/27/02 11:23pm
Subject: Microsoft Settlement

I urge you to support competition in the computer world. Microsoft must not be allowed to become so powerful that users come to rely even more than they do now on a single entity. Any settlement must open opportunities to alternate technologies, allowing Americans a choice.

Thank you.
Lee Greenberg

MTC–00027353

From: Roger Sumey
To: Microsoft ATR
Date: 1/27/02 11:25pm
Subject: Microsoft Settlement

To whom it may concern,

In accordance with provisions of the Tunney Act, I am sending these comments on the Proposed Final Settlement of the United States vs Microsoft antitrust case.

The proposed settlement is seriously flawed in numerous respects. It does not redress the market gains Microsoft has achieved though illegal, predatory manipulation of OEM's, ISP's, and customers to eliminate or control any and all competition to it's monopoly in operating systems or office products, and extension of that monopoly to networking middleware. It does not restrict Microsoft from using it's

monopoly position in the future to again prevent consumers from having effective alternatives to Microsoft products. It has several provisions that provide legally recognized grounds for it to conduct anti competitive behavior in regard to the open software movement that now is it's only competition, as stated by Microsoft itself. Lastly, it provides a completely inadequate enforcement mechanism.

I find that the proposed settlement simply does not serve justice in that it provides equal consideration to Microsoft with the Government in consideration of issues of enforcement. The mechanism for selection of overseers that provides parity to Microsoft is offensive on it's face. Add to that the requirement for secrecy on their part, prohibiting one of the bastions of America's freedom, the press, from revealing any information to the public concerning Microsoft's implementation of the settlement will prevent that most effective check on Microsoft's often egregious business practices. Microsoft has been found guilty of illegal actions. The settlement should reflect that fact and in my opinion it does not.

There are many other aspects of the settlement that are seriously flawed that I will not detail. It does not deal realistically with Microsoft's long history of predatory behavior that continues to this day. Just yesterday, January 26, I read a report of Microsoft denying information on .Net technology to an developer because they refused to develop exclusively with .Net, intending to support Java networking solutions also.

My comments on the proposed settlement are most respectfully tendered.

Roger Sumey
4309 Snowdrop Court
Ellicott City, Maryland
(410) 465–6690

MTC–00027354

From: Jonathan Sorger
To: Microsoft ATR
Date: 1/27/02 11:26pm
Subject: Microsoft Settlement

To U.S. Department of Justice:

I have been following the Microsoft antitrust case and have noticed a disturbing pattern that has plagued the business world...that competition is no longer the catalyst for developing new products in certain markets...that monopolies continue to exist and operate with impunity.

Former U.S. Senator John Tunney criticized Microsoft's disclosure of its contacts with our government throughout the antitrust case as ''inadequate''. Microsoft interpreted his legislation, The Tunney Act, with tunnel vision; and ultimately, to their benefit, as the case was settled with the U.S. government and 9 of 18 states. Why have large corporations with their Congressional lobbying groups become so influential in determining the fate of the general public?

This is a company that produces a ubiquitous operating system and now a ubiquitous internet browser; only because it has bullied and squeezed out much of the competition over the years. I am an Apple computer enthusiast, but I have to work in a Windows NT world. Yes, I use some of Microsoft's products on both platforms. They do make some good software. But is it good because they've lured or snatched up many of the talented people that worked for their competition at one time? Is it good because most consumers do not know or care what else is available because Microsoft applications were pre-loaded with their computer? I'd love to become a full-time Linux user, but am forced to use the ever-pervasive Microsoft Word because no alternatives exist.

Please do not make an already powerful company more powerful. I will bewatching what develops with the European regulators, with the 9 remaining holdout states, as well as with the Netscape browser case.

Thank you for providing a feedback mechanism to the public on this important case.

Jonathan Sorger
Washington, DC
CC:jsorger@aol.com@inetgw,dennis@bme.jhu.edu@inetgw,d...

MTC–00027355

From: Glenn Larson
To: Microsoft ATR
Date: 1/27/02 11:26pm
Subject: Microsoft Settlement

I believe that the proposed settlement with Microsoft is a bad idea. By allowing them to pay their fine by donating used Pc equipment (running Windows OS no doubt) to our nation's schools, they are simply guaranteeing themselves future money in support contracts and a large user base which will require ''upgrades'' when the license on their current operating systems expire.

Sincerely,
Glenn Larson
glennlarson@bigfoot.com

MTC–00027356

From: Earl Jenness
To: Microsoft ATR
Date: 1/27/02 11:23pm
Subject: Microsoft Settlement
January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Thank you for reaching a settlement in the Microsoft case. Our economy is not in a position to grow with Microsoft tied up in Court.

This settlement was reached after lengthy deliberations between your department and Microsoft. The deliberations were aided by a court-appointed mediator. The concessions are hard fought on both sides, and should not be discarded.

If the settlement is implemented, there is serious potential for both strong short term growth and sustained long term growth in the computer industry and the economy. In the short term, the effects of the settlement will be immediate. Computer makers will be allowed to reconfigure Windows operating systems to add existing software programs from non-Microsoft companies. In the long term, Microsoft's agreements to revise its pricing practices and distribution agreements will allow for sustained growth by providing incentives for research and development.

I hope that common sense prevails and this settlement is approved.

Sincerely,
Earl Jenness

MTC–00027357

From: Sexy Nye
To: Microsoft ATR
Date: 1/27/02 11:27pm
Subject: Microsoft Settlement

An entrepreneur is someone who should be highly respected and commended for their accomplishments. Unfortunately there are times when you reach the top; you will find there are people who want to bring you down. I feel this is what is happening in this case. Why should Microsoft be punished for their exceptional success? In my opinion the accusations of monopoly are false due to the fact that competitors are still in business selling their software. It just so happens Microsoft sells more. I feel it is untrue that users are not able to use whatever software they choose. A computer only does what a user tells it to do. If you tell the computer to uninstall a piece of software and install another, it will do just that. Computer users have a choice of what software they want to use. Microsoft shouldn?t be punished for being #1.

MTC–00027358

From: Dennis Catt
To: Microsoft ATR
Date: 1/27/02 11:28pm
Subject: Microsoft Settlement
US Department of Justice,

I just wanted to give my idea of a practical solution. Though I do not believe that Microsoft should open its source code to its different applications, I do believe that Microsoft, and all software companies open the source to text, graphic, audio and video formats that are used and affect the internet. What it boils down to is that people want to have access to all content on the internet... it if being a video clip on CNET or a graphic picture or just simple text that might be proprietary to one application. I believe that software companies should share file formats of all types that range from anything that affects the internet and even Office Suites. They can keep their source code to themselves, since that is the bread and butter of their product. But file formats do not need to be proprietary, I think this will open the software industry to new opportunities and horizons and help out the computer industry as a whole. This would then keep from startup companies and companies already in the field from being discouraged by Microsoft's anti-competitive practices. As for the operating system issues, I believe that the OEMs should be held responsible for neglecting the consumers freedom of choice. I don't believe that OEMs should be required to have to sell choice operating systems to their customers, but offer technical support to both the developers and the consumers. What I mean by this is that if I a customer calls into let's say Dell or Gateway computers for information about if their computers are compatible with a particular operating system, they should have that information, and the information should be readily available. Not only is Microsoft guilty of anti-

competitive behaviour, but the OEMs have helped Microsoft force products on consumers, that don't realize that other options are available, which has made the consumer believe now that everyone be compatible with Microsoft's products. Also the OEMs of computer hardware must readily provide information to other Operating System developers and be held accountable if they discriminate any developer in the market, including Linux and other such developers.

The truth is that software developers and consumers lose to such actions of anti-competitive behaviour that has damaged the computer industry as a whole and placed it in the turmoil that it is in now. I feel that you will do what is best for the computer industry and for the rights of the consumer. The most important thing look out for and to protect is our freedom of choice... something Microsoft has all but taken from us, the consumer. Thank you for your time and I wish you good luck.

Best Regards...

Dennis

MTC–00027359

From: Amish Shah
To: Microsoft ATR
Date: 1/27/02 11:27pm
Subject: Microsoft Settlement

Honorable Judge Kollar-Kotelly,

I do not agree with the Proposed Final Judgment (PFJ). As I am a big advocate of technology and its advancement, I feel that Microsoft does nothing but hinder its process. As it has been obviously concluded numerous times over, Microsoft has made it very difficult for software companies to compete on the same level with its anti-competitives tactics. For ANY software company to compete with the Windows operating system or Office suite applications it would take tremendous dollars (billions most likely) to reach a user base of Microsofts level. As I write this email to you, I am using Microsoft Windows, Microsoft Outlook Express, I read an article on the Internet through Microsoft Internet Explorer, and later tonight I will write a paper in Microsoft Word. I can choose not to use these software products, but when I wish to work with the rest of the world out there electronically, I am left at the moment with only one choice of Microsoft. It is very unfortunate.

Sincerely,
Amish Shah
Box 6251
518 Park Drive
Boston, MA 02215
CC:stopmicrosoft@yahoo.com@inetgw

MTC–00027360

From: Nikesh J. Morarji
To: Microsoft ATR
Date: 1/27/02 11:29pm
Subject: Microsoft Settlement

Dear Sir/Madam,

Microsoft has not at all received the punishment that it is due. It is a bully in the marketplace and I for one support any decision involving breaking the company or curtailing it's growth into other areas. i.e. push it's Xbox machine as a trojan horse into living rooms and solidifying Microsoft's control over the end user and the marketplace.

Sincerely,
Nikesh J. Morarji
nmorarji@acs.ryerson.ca

MTC–00027361

From: BCook10707@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 11:3lpm
Subject: Fwd: Has Your Opinion Been Counted?

Has Your Opinion Been Counted?

Earlier this month, you took part in a letter-writing campaign to express your opinion of the antitrust settlement between the Department of Justice and Microsoft. We would like to thank you for your efforts and make sure that when we assisted you in organizing your thoughts on paper, you were completely satisfied that the draft letter fully expressed your own views in the matter. If you would like any changes, we would be happy to make them now. The public comment period on this settlement ends on January 28. The provisions of the agreement are tough, reasonable, fair to all parties involved, and go beyond the findings of the Court of Appeals ruling; however, the settlement is not guaranteed until after the review ends and the District Court determines whether the terms are indeed in the public interest. If you would like your opinion to count, now is the time to send in your letter! Please send your comments directly to the Department of Justice via email or fax no later than January 28. If you have already done so, or will do so in the near future, please be sure to send a signed copy to the FIN Mobilization Office, or simply reply to this email with a short note indicating that you have sent your letter.

Please take action today, to ensure your voice is heard.

Once again, the Attorney General's contact information is:

Fax: 1–202–307–1454 or 1–202–616–9937
Email: microsoft.atr@usdoj.gov

FIN Mobilization Office contact information:

Fax: 1–800–641–2255
Email: fin@mobilizationoffice.com

Your support is greatly appreciated!

FIN Mobilization Office

MTC–00027362

From: Nels Christian Hansen
To: Microsoft ATR
Date: 1/27/02 11:31pm
Subject: Microsoft Settlement

I'd like to begin with a recommendation: have some techies find out where each comment came from originally and throw out the 5 trillion or so that come from the microsoft domain. If you don't think they'd try to pull something like that, I refer you to http://news.zdnet.co.uk/story/0,,t269-s2102244,00.html .

I believe that the corporate culture at Microsoft has been and shall continue to be one which flaunts its monopoly power over the world, and some slap on the wrist will do nothing important. I'm not sure which particular alternative solution would be best, but the damage they have done to the software industry as a while in the past several years has been astonishing. As a result of their anticompetitive business practices, an excellent company (Netscape) and its product were brought to financial ruin, software prices have risen at a rate far greater than inflation to the point where a simple operating system and office suite, microsoft windows and microsoft office, cost nearly as much as 2 entire computers. Additionalliy, they continually ''upgrade'' their office suite for no purpose other than to force everyone to pay them extra money and they design their product to not be fully compatible with previous versions so that as soon as one person purchases it, everyone is forced to. I would praise microsoft for its development and implementation of new technologies at a rapid rate into their operating system, but at the same time they don't seem to have any respect for the concerns of us consumers regarding security, oftentimes implementing new technologies without sufficient testing, leaving systems vulnerable to security exploits. And then, when you download the patches (and they refuse sometimes to explain what the patches fix), new problems are introduced to a system which was perfectly fine. And they can get away with it because they have no competition. They are price gouging and under-innovating. Some competition needs to be introduced somehow. One interesting proposal I heard was break Microsoft into 3 companies all of which have rights to all of Microsofts products (windows, office, IE), and then allow the free market to reduce prices to a reasonable level, and then whichever is the most innovative for the least cost will triumph, whereas under the current system every time microsoft releases a new anything it triumphes, even if it is worse than the prior product (for example, windows ME, which crashed my computer so much more than windows 98 that I uninstalled it and put 98 back on). Something drastic must be done—or else everyone will be forced to learn some archaic operating system like linux simply because they can't afford the 10 trillion dollars microsoft is charging per copy of Windows.

Nels Hansen

Undergraduate at Stanford University, in Stanford, California

MTC–00027363

From: FRED21@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 11:31pm
Subject: MICROSOFE SETTLEMENT

GENTLEMEN;

PLEASE LEAVE MICROSOFT ALONE. THEY HAVE BEEN HOUNDED ''ENUF. I HAD TO HAVE SOMEONE PROGRAM MY FIRST COMPUTER AT GREAT EXPENSE. NOW WITH WINDOWS, WE CAN ALL RELATE TO EACH OTHER. BILL SHOULD HAVE MOVED TO CANADA OR SOMEWHERE. SO OUR GOVT.; COULDN'T BOTHER HIM. HE RECOGNIZES THAT WE HAVE TO LET OTHERS DO BUSINESS AND HAS MADE CHANGES.

FRED D. WINTER
4660 MONTICELLO
BEAUMONT, TEXAS 77706
FRED21@AOL.COM

MTC–00027364

From: Tavis Barr
To: Microsoft ATR
Date: 1/27/02 11:34pm
Subject: Microsoft Settlement

To Whom It May Concern:

Pursuant to the Tunney Act, I am writing to comment on the proposed settlement of the United States vs. Microsoft antitrust case. I urge you to not accept the settlement that the Justice Department and

Microsoft have proposed.

Microsoft has continually abused its control of bottleneck facilities— resources that it currently monopolizes—to gain monopolies in new markets. It has used its monopoly in the productivity suite market to help perpetuate a monopoly in the desktop operating systems market, and it is now attempting to use its monopoly in the operating systems market to create a monopoly in the web services market that has the potential to be even broader than the one it now enjoys.

A key in opening up these bottleneck facilities is to allow third parties—both commercial and non-commercial—to gain the ability to create alternatives for Microsoft products and thereby prevent Microsoft from stacking one monopoly on top of another. This would principally require opening up Microsoft's APIs, and providing a strong guarantee that third parties would not be subject to patent enfringement lawsuits for writing programs that emulate these APIs.

The proposed settlement allows far too many loopholes to be seen as a serious remedy. First, because so many forms of communicatiion between computers and their subsystems involve authentication, an exemption for not sharing security-related APIs could be interpreted broadly by Microsoft as a requirement to share very little. Second, the requirement is largely backward-looking: It does very little to require Microsoft to publish the APIs for the .NET middleware that it is currently using to develop a new monopoly in web services. Third, Microsoft can still use End-User License Agreements to prevent its own software from running with other people's implementations of its APIs. Finally, there is no protection from patent-infringement lawsuits for parties that attempt to duplicate implementations of these APIs, or even a requirement that Microsoft state which API implementations may be subject to patent-protection. The lack of such information means that Microsoft can threaten patent-infringement lawsuits to clients of its potential competitors without providing any specifics as to what the infringement is.

There are many more flaws in the proposed settlement, but I believe the above are enough to generate serious reservations about adopting it. I thank you for your time and attention.

Sincerely,
Tavis Barr
Assistant Professor of Economics
Long Island University
202 Hoxie Hall
C.W. Post Campus, 720 Northern Blvd.
Brookville, NY 11548

MTC–00027365

From: William Moss
To: Microsoft ATR
Date: 1/27/02 11:34pm
Subject: Microsoft Settlement

To whom it may concern,

Under the provisions of the Tunney Act, I am writing to add my voice strongly against the proposed settlement of the case of the United States of America vs. Microsoft Corporation (Civil Action No. 98–1232) as is encouraged. From my perspective, Microsoft's anti-competitive practices have almost destroyed innovation in the computer field today. No punishment can undo this damage as it is now impossible to bring back the competitors that have been forced out of business or into other markets. Please consider requiring the proprietary standards Microsoft uses to lock developers into their technologies to be opened to the public domain (if not the actual source code, at least a well documented specification). Though there are other problems with the settlement, this omission is one of the most glaring to my eyes.

In summary, the currently proposed settlement between the USA and Microsoft is insufficient and should be changed.

Thank you for considering my comments. I hope this missive reaches you in time.

Mr. William Lorenzo Moss IV

225 Moss Side Drive, Athens, GA 30607, (706) 548–7273

3801 West Hayward Court, Tucker GA 30084, (770) 270–9217

MTC–00027366

From: ronc@hal-pc.org@inetgw
To: Microsoft ATR
Date: 1/27/02 10:35pm
Subject: Microsoft Settlement

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,
Plaintiff,
vs. Civil Action No. 98–1232 (CKK)
MICROSOFT CORPORATION,
STATE OF NEW YORK ex. Rel.
Attorney General ELIOT
SPITZER, et al.
Plaintiffs,
Civil Action No. 98–1233 (CKK)
vs.
MICROSOFT CORPORATION,
Defendant.

May it please the Court: I am writing to the Court as a concerned citizen and member of the Texas Bar who is also an Adjunct Professor of Law (Computer Law) at South Texas College of Law in Houston, Texas.

I have observed the proceedings of the Microsoft Antitrust case and now, under the provisions of the Tunny Act, I come before the Court and pray that the Court considers the following remarks regarding the Settlement between the United States Department of Justice and Microsoft Corporation (the ''Settlement''), to wit:

1. Microsoft has achieved its monopoly through careful manipulation of the network effect. The network effect has been discussed in other documents now before the court. Put simply, the network effect is present when software developers create software for a particular platform which attracts users. More users attract more developers who develop more programs which attract still more users, and so on. The critical aspect of the network effect is communication. The core function of a network, after all, is the transfer of information from one entity to another. Communication on a network is accomplished through various means, including protocols (such as TCP/IP), formats (such as the .doc format for Microsoft Word documents), and application programming interfaces (''API's''). Microsoft has purposefully devised formats and protocols that are difficult to decipher and thus difficult for competitors to create software that is interoperable with Microsoft's products, thereby encouraging users to avoid non-Microsoft products.

Microsoft adroitly exploited the network effect to protect and extend its monopoly, in an illegal manner, by careful selection, protection, and imposition of proprietary communication formats, protocols, and API's. Microsoft protects its formats and protocols with abusive copyright and patent legal actions against competitors.

2. Because Microsoft illegally maintains its monopoly by manipulation of the network effect, any remedy imposed on Microsoft must address Microsoft's ability to manipulate the network effect. Competition cannot be restored unless and until Microsoft is precluded from manipulating the network effect in an illegal manner that maintains or raises the barrier of entry for competitors.

The Settlement is completely silent as to formats, and is almost completely silent as to protocols and API's. Moreover, where the settlement is not silent, the loopholes that have been afforded to Microsoft will render those portions of the remedy impotent. For example, in Part III (Prohibited Conduct) of the Settlement, Microsoft need only provide an API set for Windows XP, Service Pack 1, and only for the API's used by Microsoft middlware. What if Microsoft declares, as they have in the past, that Internet Explorer is a part of the operating system and not part of middleware, and thus Microsoft's API's to Internet Explorer remain unpublished. This tactic could be used for any program that Microsoft desires, and gives Microsoft the ability to circumvent the remedies of the Settlement.

3. Microsoft must not be allowed to use patents to circumvent any settlement or court sanctions. The Court should include within the remedy a provision that precludes Microsoft from asserting intellectual property rights that attenuate or otherwise defeat any provision of the remedy.

4. Eliminate the OEM restriction. This is considered in the Settlement with the Department of Justice. However, the language used in the Settlement Agreement leaves wide latitude for Microsoft to punish OEMs for displeasing Microsoft, simply by saying that the sanctions imposed on the particular OEM by Microsoft is for another reason.

5. Portions of the Settlement prejudice Open Source software development — Microsoft's only real competition. For example, in Part III(E), Microsoft is required to allow third parties to have access to the Windows Operating System Product for the ''sole purpose of interoperating with a Windows Operating System Product, on

reasonable and non-discriminatory terms.'' However, those terms struck by Microsoft would certainly include a monetary royalty, which would be prohibitively expensive for any open source project that would otherwise compete with a Windows Operating System Product.

6. There must be a ''fast track'' procedure for settling disputes arising from Microsoft's behavior after the Court has issued its remedy. The Court should take a cue from the dissenting nine states had appoint some type of Magistrate who can make decisions and impose sanctions on Microsoft before the damage is done. Microsoft has a well established history of delaying implementation of remedies until a technological circumvention for those remedies has taken hold in the market. In other words, Microsoft has in the past made technological changes in their products that defeat conduct remedies and used tactical legal maneuvers to delay rescission of the remedy-defeating conduct until it is too late for the market restore the previous level of competition.

7. What about punishment for ill-got gains? Can we allow Microsoft to break our laws over the course of many years and pay no fine? Is Microsoft to be allowed to retain the enormous sum of money ($34 Billion USD in cash alone) that it has received through the inordinately high prices of its famously poor quality products? Is the Court going to let crime pay and provide an example to future Microsofts that violating the Sherman Act does indeed pay?

Conclusion: As the Settlement does not address adequately Microsoft's ability to affect the network effect, and thus cannot force Microsoft to change its behavior. Moreover, there is no punishment of Microsoft for past wrongdoing, and thus the remedy does not serve as a deterrent to future wrongdoing by Microsoft or those who would copy its behavior.

Consequently, the Settlement is not in the public interest and should be struck down by the Court.

Respectfully submitted,
Ronald L. Chichester

MTC–00027367

From: Michael Marking
To: Microsoft ATR
Date: 1/27/02 11:35pm
Subject: Microsoft Settlement
Hash: SHA1
Sunday, 2002.01.27
Renata B Hesse
Antitrust Division
U S Department of Justice
by e-mail to microsoft.atr@usdoj.gov

Dear Renata B Hesse:

I am opposed to the terms of the proposed settlement (''Stipulation'') in United States of America vs Microsoft Corporation. (Civil Action No. 98–1232 (CKK)) There are many faults in the terms of the Stipulation. I will briefly list some of the most egregious:

(1) The penalties proposed to be paid Microsoft Corporation for past actions are wholly inadequate when viewed against the scope and severity of Defendant's past actions. Although it is impractical for the most part to attempt to restore conditions to those existing prior to the unlawful conduct of the Defendant, Microsoft will be allowed to retain almost all its unlawfully-acquired profits, and no attempt is being made to compensate past or existing customers and competitors in any way for their injuries. One of the most profitable violations of the law in history is not being redressed.

(2) The development of open-source and free software is one of the most innovative, vital, and fastest-growing segments of the information services industry. It is also (by Microsoft's own words) the strongest threat to their monopoly. By the inclusion of terms allowing Microsoft to avoid licensing APIs and other information to non-business entities, the Stipulation actually strengthens Microsoft's monopoly. As such it works to achieve the opposite of what is ostensibly desired.

(3) The details of the terms allow Microsoft to delay releasing important information (such as APIs) until their value has been considerably reduced, while allowing its own middleware and application developers to use them early. This permits Microsoft to continue to to act in the very way which is contrary to the law, to use its monopoly in one market to further its own dominance in another.

Microsoft's own developers in middleware and applications areas have a distinct advantage over those of competitors, allowing Microsoft to continue to use its monopoly in one market to unfairly compete in other markets. This Stipulation does almost nothing practical to remedy that situation. APIs should be published as soon as the middleware and applications developers have access, not after they have made use of them.

(4) Some of the terms are vague. For example, their is no specificity with regard to the level of detail required for documentation of interfaces and other technical information. Although such matters are sometimes difficult to specify, in other agreements it has sometimes worked well to make comparisons. (The Stipulation might specify documentation quality, detail, and thoroughness equivalent to that found in some other specific documents. The comparative documents might even be certain ones from the Microsoft Press.) Similarly, there are no definitions of releases or other critical business and engineering activities and events. Is an ''evaluation copy'' or ''test copy'' given in advance of a beta to be excluded from the requirements of the Stipulation?

(5) The ability of Microsoft to enter without restriction into joint venture or joint development agreements is an easy way for them to circumvent some of the other restrictions.

(6) Microsoft is free to use combinations of the various loopholes (such as the joint venture or development clause in Paragraph G) to put development of critical sections of the code out of the reach of the restrictions given in the stipulation, folding those technologies back into Microsoft when convenient for them. Through back-licensing and option agreements, the requirement to publish APIs in a timely fashion will have been avoided.

(7) The Stipulation focuses on desktop computers. However, Microsoft and most of the rest of the industry feel that future growth will be more in areas of entertainment, networks, and embedded systems. Since there is an apparent surrender on the part of the United States regarding past unlawful actions and profits, a forward- looking agreement should at least consider the way Microsoft's business will operate in the future.

In summary, the Stipulation seeks to bypass the law, legitimizing conduct which violates the anti-trust laws. It is little more than a sell-out.

Normally, I would think that the short (five-year) term of the Stipulation is too short to be effective. However, under the circumstances, this agreement may make matters worse rather than better, so—if it is permitted at all—perhaps it should expire after only a year. At that time, the Court should review how well the terms of the Stipulation have worked to further the interests of the people of the United States.

Sincerely yours,
Michael Marking
Bionic Buffalo Corporation
2533 North Carson Street, Suite 1884
Carson City, Nevada 89706–0147
marking@tatanka.com

MTC–00027368

From: Bert (038) Vivian Goff
To: Microsoft ATR
Date: 1/27/02 11:36pm
Subject: Microsoft Settlement

This e-mail is to express my strong concern with and disapproval of the proposed settlement between Microsoft and the government. I urge that much stronger constraints be placed upon Microsoft than now proposed. I am especially concerned about the monopoly situation with pre-loading Windows on virtually all Intel systems sold. There should be substantial unbundling of the software from the hardware so that both consumers and business have a meaningful choice.

The situation with Office software is not much better, but here I think the problem has more to do with Microsoft's control and frequent changing of the file formats. I recommend that the solution include public, free documentation of all file formats BEFORE release of any office product upgrades. In addition, there should be clear public documentation of ALL operating system (Windows) functions used by Office.

Hopefully a settlement will address these issues and ensure a much more open marketplace in the future.

Sincerely,
Bert Goff
Stoneridge Systems Consulting
56 Linda Lane
Bethel, CT 06801
e-Mail: bertgoff@attglobal.net
voice: (203) 205–0150

MTC–00027369

From: Daryl L. Biberdorf
To: Microsoft ATR
Date: 1/27/02 11:37pm
Subject: Microsoft Settlement
Renata B. Hesse

Antitrust Division
United States Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Re: opposition to proposed Department of Justice settlement with Microsoft

I am writing today to oppose the proposed Department of Justice settlement with Microsoft. I have been a professional programmer and database administrator for approximately twelve years. I am the lead author of the book PowerBuilder 5 How-To, published in 1996 by the Waite Group Press (ISBN 1571690557). I have two primary problems with the settlement. The first problem is that the requirement to publish Microsoft APIs (III.D in the proposed settlement) could be interpreted to mean that the interfaces may be made available solely to commercial entities. The list of recipients of the published APIs includes ISVs, IHVs, IAPs, ICPs, and OEMs. None of the definitions of these terms refers specifically to individuals. As a programmer (possibly as a hobbyist with a new idea working in my spare time), I do not believe any of these terms requires Microsoft to publish their APIs to me as a specific individual.

Microsoft should be compelled to publish their APIs, period. I should not be required to declare myself an ''entity'' (which usually implies a business entity such as a partnership or corporation) in order to study Microsoft's APIs.

The second problem is more serious. The proposed settlement requires Microsoft to publish details of their communication protools (III.E). However, this requirement is completely negated in III.J.1, which explicitly ALLOWS Microsoft to refuse to publish APIs involving encryption in numerous forms (anti-piracy, network security, operating system security, etc.)

There are scant few communication protocols in this wired age that do NOT require security or encryption or both. Basic protocols like SMTP (the Simple Mail Transfer Protocol, used for transferring Internet email) can require senders to provide a username and password or to have an identifiable domain name. Can Microsoft avoid publishing their email protocols (or entensions to standard protocols like SMTP) simply by claiming ''security''? The next generation network protocol in use on the Internet, IPv6, offers encryption as a CORE component.

That is, you cannot use IPv6 without encrypting the connection. Microsoft can use III.J.1 to restrict publication of a CORE network API under the claim of ''security''.

Additionally, Microsoft has modified existing STANDARD protocols in such a way as to prevent interoperability with other products. Perhaps the best example is Kerberos, a system of authenticating users securely. Originally developed at the Massachusetts Institute of Technology, it has become a standard technology in security-conscious implementations. All UNIX vendors, Linux, and several database vendors offer Kerberos implementations that easily integrate and work together. Microsoft's implementation of Kerberos in Windows 2000 was an ''extension'' of Kerberos that did NOT interoperate at all. Can Microsoft prevent the integration of their product with other products in use at a site simply by claiming ''security''?

Microsoft has repeatedly altered the Windows file- and print-server protocol, SMB, in order to foil the freely available Samba implementation. SMB networking authenticates users, thus involving ''security''. Samba is offered by a group of individuals working together across the globe. They are not an easily-recognizable ''entity''. Thus, the two problems I have discussed come together and make it impossible for the Samba team to deliver a product enabling non-Microsoft systems to interoperate with Microsoft products. This product is popular and effective. No wonder, since it is significantly cheaper to implement that Microsoft's solution. Does anyone doubt that, based on their previous history of monopolistic practices, Microsoft would seek to withhold details of Windows networking APIs on these grounds?

To recap, I oppose this settlement because it fails to protect individuals'' ability to learn and study Microsoft's APIs and because Microsoft will almost certainly refuse to publish APIs that involve ''security'' in the broadest sense possible. This settlement should be re-worked to remedy these problems.

Finally, I agree with the points made by Dan Kegel, whose comments can be viewed at http://www.kegel.com/remedy/letter.html. I add my support to his words.

Sincerely,
Daryl L. Biberdorf
2117 Larkspur Drive
Carrollton, Texas 75010
972.543.7535 office
214.731.8496 home
darylb@pobox.com

MTC–00027371

From: pray@meer.net@inetgw
To: Microsoft ATR
Date: 1/27/02 11:33pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
McLaughlin Vivienne
HC. 82 Box 49
Marlinton, WV 24954

MTC–00027372

From: Steve Golowich
To: Microsoft ATR
Date: 1/27/02 11:37pm
Subject: Microsoft Settlement

Dear Antitrust Division:

Under the Tunney Act, I would like to comment on the proposed final judgment (PFJ) in United States v. Microsoft. The PFJ is not in the public interest. Of the many reasons why this is so, I would like to emphasize the fact that the PFJ does too little to erode the Applications Barrier to Entry. In particular, the PFJ does nothing to prevent Microsoft's use of undocumented proprietary file formats as barriers to entry in various markets. In my own daily work, I often find it impossible to avoid using Microsoft products to read files created by Microsoft Office and sent to me by others. This situation must be remedied by forcing Microsoft to publish all of their proprietary file formats, and more generally, any proprietary protocols necessary to inter-operate with Microsoft products. This issue will grow in importance with Microsoft's attempt to dominate the internet with their .NET initiative.

Sincerely,
Steven E. Golowich, Ph.D.
41 Havenwood Drive
Livingston, NJ 07039
973–758–9249

MTC–00027373

From: Gainhead@cs.com@inetgw
To: Microsoft ATR
Date: 1/27/02 11:38pm
Subject: Support For Microsoft To the Department of Justice,

With much respect, I ask the court to rule in Microsoft's favor. A free society means a free and unregulated economy. Microsoft is morally justified in conducting business in any way it wants, as long as no fraud is committed.

Success should be praised, not punished in a free society

Marc Diamante
Pembroke Pines, FL

MTC–00027374

From: Ladytan81@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 11:39pm
Subject: Microsoft Settlement

Dear Judge,

I am upset about the recent settlement between the Justice Department and Microsoft (PFJ). The PFJ does nothing to stop Microsoft from operating as a monopoly. Second, the settlement does not punish Microsoft for clearly violating anti-trust laws in the past. By letting Microsoft get away with its retaliation tactics, bolting schemes, and attacks on Java a terrible standard is being set. All these tactics lower competition in a supposedly free market and also limit softward standards. Finally, the PFJ does not provide an effective enforcement mechanism for the weak restrictions it does implement.

I would request that you do your best to overturn this settlement.

Sincerely,
Tania Butler
248 Lincoln Street,
Lexington MA
CC:stopmicrosoft@yahoo.com@inetgw

MTC–00027375

From: Tom Gwozdz
To: Microsoft ATR
Date: 1/27/02 11:38pm
Subject: Microsoft Settlement

I am opposed to the proposed settlement against Microsoft. It is my opinion that the settlement is inadequate in providing reparations for Microsoft's actions, and in preventing Microsoft from commiting such actions in the future.

The settlement does nothing to prevent Microsoft from continuing in its abuse of its monopoly. Futher, it does nothing to help repair the damage that Microsoft has done to the software and computer industries. It is my opinion that a new settlement should be drafted to address these issues.

Thank you for your time.

Sincerely,

Tom Gwozdz

MTC–00027376

From: Christopher Scott Archibald
To: Microsoft ATR
Date: 1/27/02 11:40pm
Subject: Microsoft Settlement

the way i see what the settlement, your just giveing Microsoft more power than before. They get to stay the way they are, and now as there punishment they have you donate computer using there software and to school and give support. Isn't the whole case about how Microsoft became a Monopoliy. And now your giving them a chance to make it bigger. What i see happening is Microsoft getting bigger with the help of the US goverment. And how can we turst are goverment when they help Monopoliys.

Christopher Scott ''Sugarbear'' Archibald

MTC–00027377

From: DHAVAL PARIKH
To: Microsoft ATR
Date: 1/27/02 11:40pm
Subject: Microsoft Settlement

TO the Court

My opinion about the case of U.S. vs. Microsoft anti-trust is that the act of monopoly done by the Microsoft is a serious concern to the industry, users and the overall growth of the system. Today Microsoft is one of the largest industries producing almost all verity of applications and operating systems.

My Points against Microsoft

The settlement will make only temporary difference, as it has no firm and fundamental action to solve the case.

The harm is that it is preventing the new companies to rise by its uncompetitive price and product, a reaction of one company as a whole.

Microsoft providing unnecessary software's (like Internet Explorer and other application programs) with its operation system has result in loss of many small web-based software companies trying to grow.

Splitting of the company is the best option and in best interest of the people and new companies.

Microsoft releases test version of its operating system for free or nominal cost and thereby capturing the market letting no other operating system to spread in market.

Microsoft has a great name in the so defined .com Internet Company and now .NET, which is considered to be controlling the whole e-commerce. But it is not a wise act for one company to control nor is it possible to do so. It will result in overall disaster and prevail to Internet to flourish in all aspects.

By ending my viewpoint I request the court to consider all aspects in the betterment of people and industry and reinforce the facts for positive results in future. sincerely

MTC–00027378

From: Jason
To: Microsoft ATR
Date: 1/27/02 11:40pm
Subject: Microsoft Settlement

To the Department of Justice, Antitrust Division:

Leave Microsoft alone. They have never used force, the threat of force, or fraud, against their customers or competitors. Government prosecution of any person or group for any other reason constitutes an act of despotism. And that is exactly what the Sherman and Clayton Acts have institutionalized: despotism.

The government does not know what's best for Microsoft, it's competitors, or me—the consumer of products in the markets Microsoft has entered. Everyone has the fundamental right to keep and dispose of the products of their labor. This means me, and this means Microsoft. If Microsoft wants to ''bundle'' its web browser on Windows, but not Netscape's browser, that is Microsoft's right. If Microsoft wishes to provide Original Equipment Manufacturers with Windows only when those OEMs agree to refrain from including a competitor's software, that is Microsoft's right. If other people or firms do not like Microsoft's manner of business conduct, they are free to refrain from doing business with Microsoft.

Government imposition on the non-coercive business policies of private citizens and companies represents a violation of the inalienable individual rights recognized and guaranteed by the United States Constitution. Antitrust is an immoral, impractical system. Leave Microsoft alone.

Sincerely,

Jason Matthew Lewis

MTC–00027379

From: Michael Jochimsen
To: Microsoft ATR
Date: 1/27/02 11:16pm
Subject: Microsoft Settlement

As a former employee of Microsoft who was part of the engineering effort behind IE, I have followed the United States vs. Microsoft case with great interest. Now that a Proposed Final Judgment has been filed, I would like to offer my comments as part of the public commentary provided for by the Tunney Act.

In order for the Proposed Final Judgment to meet the standards of a remedies decree in an antitrust case, it must free the market from anticompetitive conduct by the defendant, terminate the defendant's illegal monopoly, deny the defendant the fruits of their illegal actions, and prevent the defendant from abusing their monopoly in the future. I will briefly examine the how the Proposed Final Judgment addresses each of these requirements. A variety of anticompetitive conduct was found in the course of the trial. This included restrictive OEM contracts and restrictive and exclusionary dealings with internet access providers and software developers. Microsoft also engaged in a campaign to mislead, confuse, and threaten software developers in an attempt to constrain Java, and illegally tied their Internet Explorer (IE) browser software to the Windows Operating System. The Proposed Final Judgment attempts to address the restrictive OEM contracts by constraining the terms Microsoft can use in OEM contracts. However, it only addresses a segment of the OEM market, that being the 20 largest OEMs. Smaller OEMs, including local and regional OEMs, are not covered by the terms of the agreement and remain subject to prejudicial pricing and uncertain access to Microsoft's operating systems. This is thus at best a partial remedy, and leaves a significant portion of the OEM market vulnerable to strong arm tactics.

Attempts are also made by the Proposed Final Judgment to eliminate exclusionary contracts with OEMs, internet access providers and software developers. However, an exception states that Microsoft may enter into fixed percentage contracts if it is ''commercially practicable for the entity to provide equal or greater distribution, promotion, use or support for software that competes with Microsoft Platform Software'' (III.G.1.) Given that zero cost competitors exist today (many Linux distributions come to mind), this clause renders the prohibition effectively void.

While some attempt is made by the Proposed Final Judgment to prevent Microsoft from threatening software developers, no effort is made to prevent a campaign of the sort used to confuse and mislead developers considering Java. To this day we continue to see publicity efforts to marginalize Java, and we are seeing another such campaign underway to spread fear, uncertainty, and doubt (FUD) about the viability of Linux (an alternative operating system). The Proposed Final Judgment does nothing to constrain this behavior. The limitations of the Proposed Final Judgment can be seen quite clearly when one considers the means used by Microsoft to marginalize Java on the desktop. As described in the Competitive Impact Statement filed with the court, Microsoft pressured third parties not to support cross-platform Java, used technological means to maximize the difficulty with which Java applications could be ported from Windows to other platforms, and used other anticompetitive measures to discourage developers from creating cross-platform Java applications. While some of the more explicit means used (payoffs to keep applications on a single platform) are prohibited, most of the means used to stifle Java could still be used under the Proposed Final Judgment. This is a clear failure to address the very methods which were used to uphold Microsoft's monopoly.

In order to eliminate Microsoft's illegal monopoly, the Proposed Final Judgment ensures OEMs of the ability to include alternate operating systems on personal computers without fear of retaliation.

However, this merely opens one distribution channel which had been illegally closed by exclusionary contracts. It does nothing to address other ways in which Microsoft's monopoly has been maintained.

Microsoft has also maintained its monopoly by maintaining a high Applications Barrier to Entry, as described in the Competitive Impact Statement. One way to reduce this barrier is to provide a middleware solution which allows developers to write to an intermediate layer rather than to the underlying operating system. This is the approach taken by Java, and several other computer languages have taken similar approaches (Perl, Tcl, Python, and Ruby are examples). Another alternative is to duplicate the entire Windows API (application programming interface), allowing programs written for Windows to run elsewhere.

The Proposed Final Judgment attempts to require non-discriminatory documentation of the Windows API, but it only covers that portion of the API used to communicate with middleware by Microsoft applications. There is no requirement to provide non-discriminatory documentation for portions of the API which are used by non-Microsoft middleware, but not by Microsoft middleware. Further, no requirement is made that the complete API be documented, which means that Microsoft is under no obligation to aid an attempt to duplicate the API in its entirety. Furthermore, section III.J. explicitly permits Microsoft to exclude portions of the API which relate to systems concerned with authentication, encryption, digital rights management, anti-piracy, anti-virus, and software licensing. These shortcomings effectively cripple any attempt to duplicate the Windows API, and also serve to constrain the effectiveness of non-Microsoft middleware systems. Consequently, the Applications Barrier to Entry will remain high.

The Proposed Final Judgment also attempts to force the non-discriminatory documentation of all native communication protocols used to communicate with the Windows operating system. Again, though, we find the security exception of section III.J. crippling the intent. By simply requiring the protocol to begin with an authentication exchange, the protocol can be barred from non-Microsoft use. An analogy would be the case of a locked room, where the contents of the room are described in full, but the key is not available. Microsoft has already begun moving in this direction with the Passport service in the NET initiative.

An additional barrier which exists for competing operating systems are the file formats used by Microsoft applications. If these formats were publicly available, then non-Microsoft applications could attempt to provide the application functionality on alternate operating systems, thereby increasing the attractiveness of alternate operating systems. Without a public file format, however, users remain locked into their existing applications, and the applications must move to alternate operating systems. Given that Microsoft is the single largest application software vendor in the world, we can expect no movement in this field. This is not addressed at all by the Proposed Final Judgment.

Finally, nothing in the Proposed Final Judgment would prevent Microsoft from making use of forward incompatibilities to frustrate middleware competitors. This tactic was used against DR-DOS when Microsoft moved from Windows 3.0 to Windows 3.1. At that time, Windows itself was middleware of a sort, sitting on top of the MS-DOS operating system. DR-DOS was a work-alike operating system which implemented all the functionality of MS-DOS, and which also would allow Windows 3.0 to run on top of it. When Windows 3.1 was released, it continued to run on MS-DOS, but when run on DR-DOS it mysteriously failed. Whether Windows 3.1 actually checked for the existence of DR-DOS, or merely made use of undocumented APIs within MS-DOS, the effect was the same. With the exploding popularity of Windows, DR-DOS shortly exited the marketplace. This same technique could be used to ''break'' popular middleware going forward from one version of Windows to another.

The fruits of Microsoft's illegal conduct have been continued dominance of the personal operating system market, as well as new dominance in the web browser market and marginalization of Java as a viable middleware solution. At the very least a denial of these benefits should promote non-Microsoft browser and middleware solutions and constrain further attempts by Microsoft to grow in these new markets. However, the Proposed Final Judgment does no more than make alternate browsers and middleware possible (and significant flaws exist in that attempt, as described above). The inertia of the marketplace will likely leave IE as the dominant browser for the forseeable future, as the cost to merely compete with it would be prohibitive for all but the largest software companies, many of whom are fighting defensive battles elsewhere.

The Proposed Final Judgment also makes no attempt to restore Java as a middleware alternative, nor does it promote any other non-Microsoft middleware systems. Nor is Microsoft itself constrained from further middleware development. The C# language and common language runtime (CLR) specified in Microsoft's .NET initiative match many of the middleware features of Java. It is expected that Microsoft will use this to attempt to further marginalize Java as a middleware solution. Yet no mention of .NET is made in the Proposed Final Judgment, even in its definition of Microsoft middleware.

Several provisions are made within the Proposed Final Judgment to prevent Microsoft from again abusing its monopoly position with regards to middleware. However, absolutely no provisions are made to prevent leveraging the monopoly to expand into other markets, such as server operating systems, handheld computers, and game consoles. Yet these are all markets that Microsoft is actively trying to expand into, and they are already using their monopoly in desktop operating systems to leverage the server market. Unless the proposed remedy delimits the extent that Microsoft's monopoly can and cannot be used when moving into new markets, we can expect to find another antitrust suit wending its way through the courts within a few years. The Proposed Final Judgment also delineates procedures for enforcement. Key to enforcement is the appointment of a technical committee of three individuals, one to be chosen by the plaintiffs, one to be chosen by the defendant, and one to be chosen by these two individuals after their selection. This seems contrary to common sense, however. It is unusual for an organization convicted of wrongdoing to be allowed an equal say in the choice of personnel to enforce compliance. While Microsoft should be allowed to object on reasonable grounds, it seems to me that the selection of the individuals charged with ensuring compliance should remain strictly with the Enforcement Authority, which under the Proposed Final Judgment would be the Plaintiffs.

Furthermore, the technical committee and their staff are strictly prohibited in their communications outside of Microsoft and the Plaintiffs. Thus, they shall disappear from public sight for the duration of their duties, and the only communications which they will make will come through the Plaintiffs or Microsoft. As a member of the public I can see no need for such a gag order to be placed upon the technical committee. Certainly they will have access to confidential documents and trade secrets, but this restriction of all public communication strikes me as excessive.

Moreover, whether or not Microsoft still has a monopoly, or is still abusing its monopoly, the Proposed Final Judgment will terminate in seven years. This even if Microsoft engages in a pattern of willful violation of the Proposed Final Judgment. A hard limit of this sort begs to be abused as the end of the term nears, and we may well find ourselves back in the courtroom once again. The Proposed Final Judgment manages to check Microsoft on some fronts, but does not get to the core of the problem. Some of the anticompetitive conduct exercised by Microsoft is prohibited, but some remains. Rather than removing the monopoly, it allows it to continue, and may in fact allow new barriers to be raised preventing erosion. Microsoft is not significantly penalized for their abuses in the past, and in fact are allowed to retain their dominant position in the web browser market. The means used to deflect Java are not addressed, and .NET is ignored as an important new middleware product. Microsoft is not prevented from leveraging their monopoly to extend into other markets, as they are currently doing in an attempt to dominate the server operating system market. In conclusion, the Proposed Final Judgment fails to meet the standards of an antitrust case remedies decree, and as a result fails to serve the public interest.

Michael Jochimsen

MTC–00027380

From: Tom Bryan
To: Microsoft ATR
Date: 1/27/02 11:42pm
Subject: Microsoft Settlement

I am disappointed with the provisions outlined in the ''Stipulation and Revised Proposed Final Judgment'' in United States v.

Microsoft Corp., Civil No. 98–1232. After reading Judge Jackson's findings of fact in this case, I had expected a much stricter remedy.

I am a professional software engineer and a computer hobbyist. I use 4 different operating systems almost every day, and only one of those is a Microsoft operating system. I program in several cross-platform (i.e., the same program runs unmodified on different operating systems) computer languages, including Java, Python, and Perl. Because Microsoft has a monopoly on PC operating systems, I must always consider how my programs will interoperate with Microsoft's operating system and the applications that Microsoft bundles with its operating system in an abuse of its operating system monopoly. I am extremely concerned by the stifling of good, innovative ideas by Microsoft's monopoly.

In its current form, the ''Stipulation and Revised Proposed Final Judgment'' does not appear to directly address Microsoft's business practices that lead to its conviction for abusing its monopoly power in the PC operating system market. Microsoft has been able to leverage its operating system to force its applications as ''de facto'' standards. The only ways to prevent Microsoft from continuing to abuse its monopoly in this way are to force it to produce complete documentation of its file formats and APIs or to forbid Microsoft from bundling any application with its operating system. The first option would permit competitors to create solutions that interoperate with Microsoft's products and operating system. Users could choose these competing products if they desired because they would still be able to exchange documents and connect their systems to systems running Microsoft's operating systems and applications. The second option would force Microsoft's application developers to compete directly with other application developers to sell products to run on Microsoft's operating system. The second option would be difficult to enforce without splitting Microsoft into multiple companies.

Although the proposed final judgment contains provisions requiring the release of documentation, non-commercial entities seem to be ignored in the list of parties who might request the documentation. Since several of the most viable competitors to Microsoft's operating system monopoly (e.g., GNU/Linux, GNU/HURD, and FreeBSD) are developed by individuals in a volunteer or non-commercial capacity, I fear that Microsoft will use the exclusions in the proposed final judgment to stifle competition from these developers.

Many businesses that do not directly use one of these operating systems still use software and middleware developed for one of these operating systems in their commercial products. For example, my company's software requires a product developed by volunteers called SAMBA to share files with Microsoft operating systems. If the SAMBA developers were unable to access appropriate API documentation from Microsoft, it would cripple of the functionality of my application.

I also program for a non-profit organization in my free time. I am concerned that this organization will not be able to access the documentation it needs from Microsoft in developing its software. Excluding non-commercial entities from accessing documentation of Microsoft file formats, communication protocols, etc. is an unacceptable restriction that would place non-profit organizations and volunteer programmers at an unfair disadvantage when attempting to interact with Microsoft's operating system. It would also stifle some of the products that are crucial in the current competition to Microsoft's operating system.

As a user of the GNU/Linux PC operating system, I would like the remedy to require Microsoft not to certify any hardware as working with Microsoft software, unless the hardware's complete specifications have been published, so that any programmer can implement software to support the same hardware. Since Microsoft has a monopoly on PC operating systems, many hardware vendors only release their specifications to Microsoft. To further competition to this operating system monopoly, others need hardware specifications to develop competing solutions. Coupling Microsoft's hardware certification with a requirement to make the hardware specifications openly available would put pressure on hardware manufacturers to foster competition in the PC operating system market.

I find the current proposed final judgment in this case to be completely unacceptable. I feel that the Department of Justice is permitting a company that was convicted of abusing its monopoly in my industry to return to the same abusive business practices. I see no provision to prevent Microsoft from bundling applications with its operating system, which would seem to be the most logical remedy since it was originally charged with unfairly bundling a browser with its operating system. Although the remedy contains provisions to require the release of documentation by Microsoft, those provisions contain too many loop holes that permit Microsoft to exclude the competitors it fears the most, such as the developers of the GNU/Linux operating system and supporting software. I would like to see these deficiencies in the proposed remedy corrected.

Tom Bryan
Senior Software Engineer
Itron, Inc.

MTC–00027381

From: Dea Biberdorf
To: Microsoft ATR
Date: 1/27/02 11:43pm
Subject: Microsoft settlement
Renata B. Hesse
Antitrust Division
United States Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Re: opposition to Microsoft settlement

I would like to write to oppose the Microsoft settlement with the Department of Justice. I oppose this settlement because no part of this document requires Microsoft to publish their proprietary file formats. Without a complete knowledge of the format it impossible for competing products to even IMPORT files from Microsoft products properly. I cannot open a Word document in OpenOffice and expect it to work. There are simply too many details that Microsoft does not publish. The original findings of fact in this case note that these proprietary formats are part of the Applications Barrier to Entry. This settlement does not help in addressing this problem.

Sincerely,
Dea L. Biberdorf
2117 Larkspur Drive
Carrollton, Texas 75010
214.731.8496
dea@pobox.com

MTC–00027382

From: High Mobley
To: Microsoft ATR
Date: 1/27/02 11:42pm
Subject: Microsoft Settlement

Hello. My name is High Mobley, and I am a systems and network administrator in Athens, GA. I am writing to tell you that I find the currently proposed settlement in the Microsoft antitrust case to be insufficient. I believe that it does little or nothing to actually punish Microsoft for its illegal monopolistic abuses of which it has been found guilty. In my mind, Microsoft should not only be punished for its past monpolistic abuses, but should also be prevented from the same and similar abuses in the future.

The currently proposed settlement attempts to restrain Microsoft from committing future abuses of its monopoly power. However, it seems that there are simply too many loopholes that, based on its past actions, I feel certain Microsoft will be eager to take advantage of.

In order to encourage Microsoft to truly change its abusive behaviors, I think that there should be strong penalties levied against it for the abuses that brought about the current legal suit. Microsoft's offer to buy computers for underfunded schools is a bad idea because it would allow Microsoft to gain a stronger foothold in the minds of today's schoolkids, who will become tomorrow's business managers and IT directors. Why let Microsoft reward themselves? I do think that the company RedHat had a wonderful idea that Microsoft would give money for computer hardware only, while Redhat will donate operating system and application software, and provide free software upgrades in the future as well.

In order to ensure that Microsoft not repeat its past mistakes, I would like to see strong limits upon its ability to sell and market its products in ways that allow it to exert control over other businesses in the marketplace. Certainly requiring open API documentation is an ideal method to accomplish this, except that it could be rather difficult to enforce. This is a difficult situation to create easily enforceable remedies for! Perhaps splitting the company into three separate and wholly independent companies is not such a bad idea after all. Each company would be an exact replica of the current Microsoft, with Windows, Office, etc. in their stables. Then let competition take over from there.

You have a very tough row to hoe! My best wishes to you all in the DOJ who are working on this case. Keep up the good fight and

know that the American public appreciates your every effort to bring about remedies which benefit the general marketplace.

High Mobley
Network Specialist
Advantage BHS
Athens, GA

MTC–00027383

From: David W
To: Microsoft ATR,president@whitehouse.gov@inetgw
Date: 1/27/02 11:43pm
Subject: microsoft anti-trust case
CC: cyrusm@harker.org@inetgw

Dear Mr President and U.S. Department of Justice,

I would like to express my opinion concerning the Microsoft anti-trust case. Microsoft's use of its operating systems to gain customers for its web browser, Internet Explorer, instead of Netscape, violates the anti-trust act. When a buyer purchases a non-Macintosh computer, a Windows operating system is included. Bundled with this operating system is Windows web browser Internet Explorer. Because Windows is the main operating system used in America, and Internet Explorer is included with it, Netscape is not given a very large available market. Microsoft should not be allowed to use its almost complete monopoly of the operating system market to gain a monopoly of the web browsing market. Although Microsoft has been sued by many state justice departments, this issue has not been resolved.

Microsoft's payoff of the state justice departments was not a fair punishment for their actions.

The small amount of money Microsoft agreed to pay was nothing compared to their large profits.

Their agreement to follow antitrust regulations without state interference is ineffective because there is no way to monitor whether or not they are following through with their agreement. Examples of monopolies and trusts that were created illegally can also be seen in history.

One example of a trust that was illegal was John D. Rockefeller's Standard Oil Company. Rockefeller used his company's resources to buy out his competition. As he reported to a congressional committee investigating trusts, or industrial combinations, he felt that industrial combinations were a good thing. One main difference between Rockefeller and Bill Gates is that Rockefeller realized that industrial combinations could have a large amount of power which could be abused. He also realized that there would need to be some amount of ''state supervision, not of a character to hamper industries.''

AOL Time Warner's suit against Microsoft for Netscape's loss of income should be allowed to continue in that Microsoft abused its power by closing the web browser market. The state settlements that Microsoft made should be reconsidered, and the government should continue its investigation into Microsoft's operation system monopoly.

Sincerely,
David Woolsey
8th Grade Student at The Harker School,
San Jose, California

MTC–00027384

From: drusch@o1g.com@inetgw
To: Microsoft ATR
Date: 1/27/02 11:44pm
Subject: Microsoft Settlement

I wanted to second this letter which was sent previously. I also am in the high tech industry and see how Microsoft out maneuvers the legal processes to dominate the market in any way possible. Any resolution which provides more exposure for Microsoft products is meaningless. A user spends significant amounts of effort becoming familiar with their operating system of choice and the potential expense of changing systems has never been adequately appreciated.

In addition to this, rather than repeat anothers eloquent statements I will just voice my approval and copy Kasten's email below.

Thank you for your time,
Douglas Rusch

TO: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
FROM: Scott Kasten
2120 Manor Dr. Apt 116
Lexington, KY 40502

To the Honorable Court:

As a citizen of the United States and 15 year veteran of the high-tech industry it is both my right, and duty to file comments with the court in the case of U.S. vs Microsoft anti-trust action as described under the provisions of the Tunney Act. I have chosen to write the court because activities of the Microsoft Monopoly have so seriously harmed my industry, that not only have they harmed the end consumer, but they have seriously impaired my ability to work in this industry.

I will begin with a brief summary of my main points before expounding upon them in greater detail with specific facts. Basically, the proposed settlement is unacceptable when viewed in the interest of the public and industry for the following reasons:

[1] The settlement was not written with a proper perspective of the industry as a whole in mind.

[2] The way the settlement is written, it only provides remedy in regards to the current Microsoft platform. Microsoft is already putting their exit strategy to a new platform in place which will have the effect of making the settlement obsolete before it even goes into effect.

[3] There are language inaccuracies that leave the efficacy of the settlement in doubt.

[4] The settlement has very few provisions to remedy Microsoft's most publicly damaging weapon which is their End User License Agreement (hereafter known as the EULA).

Now I will explore each item in greater depth so the court can better understand what actions need to be taken to fix the proposed remedy.

[1] I will start with a brief industry perspective since that forms the root of objections 2 through 4. In the industry, it has been recognized that operating systems in general have moved from the status of a high-end, high-value product offering to a mere commodity in the same fashion as the use of electricity or telephones did in the early part of the 20th century, or even the computer hardware itself in the latter part of the 20th century. There has not been anything truly new or totally innovative in operating system technology in about the last 15 years or so. Indeed, modern operating systems are based on ideas spawned in universities over 30 years ago, most of which was perfected at least 20 years ago.

Most operating system vendors in the industry have already recognized this and adapted their business models to account for that. Although one would think of IBM, Sun Microsystems, HP, and Silicon Graphics Inc. (now known simply as SGI), as operating system vendors, that view would be somewhat incorrect. Their business models evolved to become hardware and consulting/service vendors that sell packages. Each workstation purchased from SGI comes with an entitlement to run certain releases of SGI's IRIX operating system based on its serial number; operating system upgrades are a rather miniscule portion of their revenue stream. They are even offering a Free operating system (Linux) on some of their offerings. Sun Microsystems gives their operating system away free of charge for personal or non-commercial use, and even makes the source code available without charge to developers that need to inspect it to improve their software offerings that run on Solaris. Both HP and IBM, most notably IBM as of late, have been making steps to move away from their proprietary operating system offerings to Open Source alternatives such as Linux and various flavors of BSD; both companies have moved to the sale of hardware or software applications and consulting services maintain the cash volume of their revenue streams. And of course, with the decline in market value of proprietary operating systems, we have seen the rise in interest and importance of Open Source, or Free operating systems such as Linux, and BSD to take the place of the proprietary ones.

Companies that have failed to recognize this have perished. Witness the dismantling of Digital Equipment Corporation by Compaq, a commodity equipment and services vendor, The acquisition of Santa Cruz Operation (SCO Unix) by Caldera, a company that is known as a Linux specialist. Novell nearly perished trying to maintain their business model around Netware, but finally appears to have turned things around when they refocused on applications and services the past couple of years.

The real focus in the computer industry is not on operating systems or platforms so much as it is in cross-platform applications, hardware support, and user interfacing. Basically, John Doe with a new digital camera wants to snap some pictures, retouch them on the computer, and make some nice glossy prints for the relatives. He doesn't even want to know anything about the operating system his computer runs, he wants the camera to function with his IBM PC running a PC operating system as well as it does with his friend's Macintosh running MacOS.

In the history of this industry, Microsoft is truly unique. They have maintained and

increased their market share and position not through real product innovation, but through predatory practices that resulted in them becoming a monopoly. The maintenance of that monopoly is what has allowed them to keep an artificial floor on the value of the operating system products they offer. Notice the use of the term value here instead of price. Price is what a consumer pays, value is a reflection of the consumer's need. Naturally, the need affects the price one is willing to pay, so there is an interrelationship at work that implies the consumer is paying too much, which I'll explore further in item 4.

[2] Although Microsoft has managed to keep an artificial floor on the value of their operating system products through monopolistic practices, even they realized that the inevitable pressures to marginalize the operating system would become too great for even them to bear. Thus they planned its obsolescence. The new target development platform of choice is going to be the .NET infrastructure. Ancient PC's had a BIOS containing the BASIC programming language/operating system that was permanently embedded in their ROM memory. As full fledged disk based operating systems came about, they marginalized the BIOS. None of the BIOS products these days has a built in programming language. It's only roll is to pull the disk based operating system in off disk now. It has no real apparent value to the end user of the system that rarely even notices the brief BIOS messages that flash by as the system boots up. No one programs to that interface anymore. Microsoft is trying to do the same thing to their own Windows operating system and replace it with .NET. Windows will become little more than a fancy video display driver. No one will program to it anymore. The .NET infrastructure will be the actual target for most future software development.

This is also where I begin to find specific faults in the settlement as written. In section III. Prohibited Conduct, please reference paragraph D. The terse form of which basically says, ''Microsoft must publish in full their programming APIs for the Windows operating system.'' The .NET framework is not specifically mentioned anywhere in the document, but presumably fits in under the definition of ''Middleware'' as described in sections VI.—J and VI. K. There is no section or language which indicates that they must fully disclose the middleware APIs. This is a fatal flaw as Microsoft has publicly acknowledged the corporate strategy shift from software publication on the Windows operating system to the .NET infrastructure running on top of it. Thus they can repeat the vendor lockout cycle again on a ''whole new'' platform, unhindered by the terms of this settlement.

Further, section III.–J, paragraphs 1 and 2 cause me grave concern, particularly in light of the .NET strategy. Section J in summary provides government granted exclusions. Paragraph 1 basically states that Microsoft may keep any programming APIs, methodologies, and information about network protocol layers that relate to anti-virus protection, authentication, or encryption secret. Paragraph 2 allows Microsoft carte blanch to determine to whom they wish to share that information for purposes of interfacing. This goes against what is generally accepted as ''best practices'' in the industry.

It is accepted practice that network protocols and interfacing standards are proposed and peer reviewed in standards committees such as the Internet Engineering Task Force (IETF) or the World Wide Web Consortium (W3C) to provide for better design, functionality, robustness, and security. Items related to authentication, and encryption in particular need the critical attention of peer review due both to the complexity of such systems, and the importance of the data protected by such systems. It is also accepted practice that the architecture is open so that anyone may produce their own implementation of the standard so that products from different vendors can interoperate freely. After all, that is the end goal, to connect one user with another.

Microsoft has in the past proven their incompetence in the implementation of cryptographic systems and security in general. Witness the introduction of L0pht Crack (pronounced ''loft'') which could pull encrypted passwords from the Windows NT registry thanks to its flawed cryptographic implementation. The numerous viruses such as Sircam, Love Letter, Nimbda, etc. that have exploited weaknesses in Microsoft's security interfaces. My point here is not to bring new evidence to the court, but more to make the point that sensitive systems related to security, authentication, and encryption need to be designed under the intelligence of multiple parties. Hence the peer review and refereeing process that is so widely used in the industry. It also helps prevent one party from subverting the standards for their own ends.

Micrsoft intends for the .NET platform to help provide a new infrastructure for information storage, security, and identification/authentication, that will help drive a future Internet based economy. With the help of standards committees, implementations from multiple vendors, and so forth, this could be a good thing for society. However, it is far from the public's best interest for one company to own the whole thing. If there's only one implementation, then any security flaws discovered, and experience shows there will be many, can bring down everything. Furthermore, independent companies need to have access to interfacing standards for something as important as this to provide consumers choice in the products and services space connected with this platform.

[3] I have already voiced some concern over where .NET fits into the settlement agreement. However, there are other specific inaccuracies in language and specificity that could render the agreement unenforceable.

In this matter, I would like to refer the court to a very thorough analysis compiled by one Dan Kegel and other parties available on the web here: http://www.kegel.com/remedy/remedy2.html Mr. Kegel has also submitted, or is in the process of submitting, this document to the court for inspection as part of an open letter with many co-signers as his contribution under the Tunney Act. I will not waste the court's time re-iterating what he has already so carefully documented except to state that I AGREE IN FULL with the assessment provided in that document.

[4] Towards the end, of the document, Mr. Kegel begins to address some issues regarding the EULA agreements that Microsoft imposes on their product users. The settlement makes no requirements for change to potentially predatory practices in Microsoft's EULAs. Unfortunately, that is one of Miscrosoft's tools for manipulating and harming the consumer, and other parts of the industry.

Mr. Kegel points out that the Windows Media Encoder EULA prohibits distribution of certain redistributable components when accompanied with application components that were licensed under a Free or Open Source license. And that the Microsoft Platform SDK and Visual C++ development environment have in their EULA a clause that can make it illegal for you to distribute and run your own created application on a Windows compatible platform such as a Windows emulator on a Sun, SGI, or Macintosh computer, or a PC running Wine, IBM 0S/2, or Trumpet Petros, all of which are Windows alternatives. He also points out that some Microsoft utilities such as NewsAlert state in the EULA that they are forbidden to be run on non-Microsoft operating systems.

To those examples, I wish to add a few more.

Microsoft uses the EULA to tie their Windows operating system to the PC on which it was purchased. This means that when a user trashes a PC, he cannot use the same copy of Windows on the new PC, but must instead purchase a new and redundant copy of Windows to be fully in compliance with the licensing agreement. As PC technology dates quickly, users who must update frequently are legally bound to purchase redundant copies of an operating system that they already have, thus helping Microsoft to maintain its revenue stream on what should have already been a commodity item. In the present, Microsoft with the advent of Windows XP has already implemented software EULA enforcement that prevents users from upgrading too many components of their system before they have to go back to Microsoft and re-license the same operating system install on the same PC.

Indeed, Microsoft used to offer a refund for unwanted copies of their Windows software product with this language in the EULA, ''If you do not agree to the terms of this EULA, PC manufacturer and Microsoft are unwilling to license the software product to you. In such an event ... you should promptly contact PC manufacturer for instructions on a return of the unused product(s) for a refund. ''However, after an unsuccessful campaign on by many users to claim such refunds on an organized ''Windows Refund Day'' on Feb 15th, 1999, people discovered that Microsoft and its vendors had no intentions of honoring that clause and had no effective refund channel in place., and it appears to have since been removed from the licensing agreement.

Microsoft attempts to limit the constitutionally provided right to free speech

in the EULA contained with the Microsoft FrontPage 2002 product for web publishing. It sates, ''You may not use the Software in connection with any site that disparages Microsoft, MSN, MSNBC, Expedia, or their products or services, infringe any intellectual property or other rights of these parties, violate any state, federal or international law, or promote racism, hatred or pornography.'' So if I publish an article on the web using MS FrontPage such as a product performance benchmark that Microsoft finds unfavorable, have I indeed violated the EULA? Whether or not these agreements are actually enforceable if a matter of legal opinion that I am not qualified to evaluate. However, what is clear is that Microsoft has cleverly left itself some channels through which it can attempt to tie individuals or businesses up in court when it finds their actions displeasurable. The potential legal costs alone have a chilling an dampening effect in the industry.

In closing, I beg the court to find the proposed settlement as lacking in enforceability and effective remedy. This settlement needs to be rejected and reworked keeping the points that I have outlined above in mind.

Thank you for your time and consideration in this matter.

Sincerely,

Jonathan Scott Kasten

This message was sent using Us.Net Webmail.

MTC–00027385

From: Keith Schmidt
To: Microsoft ATR
Date: 1/27/02 11:43pm
Subject: Microsoft Settlement

To whom it may concern:

In accordance with provisions in the Tunney Act, I am writing this to comment on the proposed settlement in the anti-trust case U.S. v Microsoft.

I am a software developer both professionally, and as a hobbyist. I have written software for Microsoft operating systems (DOS and Windows 95/NT) as well as for several variants of Unix.

I believe that the proposed settlement is very seriously flawed and should be abandoned. Firstly, the proposed settlement does not adequately punish Microsoft for the detrimental effect on consumers caused by their abuse of their operating system monopoly. Secondly, the behavioral remedies proposed are insufficient, and in several cases, unworkable.

The Court should note that this is not the first time Microsoft has used its monopoly on the Windows operating system to drive a direct competitor (with a then-superior product) out of business using illicit, if not illegal, means (see Caldera v Microsoft regarding Digital Research's DR-DOS). Microsoft has also been documented to provide extra functionality in some operating system API's which are disclosed to Microsoft application developers, but not to third party application developers (see Microsoft v Intuit regarding undocumented system calls). Furthermore, this case is not the first time Microsoft's anticompetitive marketing practices have been brought before the Court (see the first U.S. v Microsoft case and the resultant Consent Decree). Moreover, as their violation of that same Consent Decree brought about this current case which resulted in the judgment against Microsoft, I believe that forgoing punitive damages and relying on Microsoft to police its own behavior is unconscionable. I do not have the time to illustrate all of the flaws which I find in the proposed settlement, I will choose a few representative ones. Firstly, I will address the broad exemption given to Microsoft to avoid disclosure of all API's and protocols as they relate to security. If the Court has not been made aware, during the course of this comment period, it was disclosed that the integration of the Internet Explorer browser with the Windows operating system carried with it a massive security flaw. This flaw allowed a malicious person free reign to take over any Internet-connected machine so configured.

As such, it could easily be argued that all API's relating to Internet Explorer and its integration with Windows should be exempt from disclosure due to security concerns. If this is the case, the settlement will fail to address the core of the case which culminated in Microsoft having been judged an illegal monopolist.

Secondly, as per the proposed settlement, Microsoft may elect not to divulge its API's and protocols to any organization which is deemed to not have a viable business plan. This exemption may be used to exclude several key classes of application developers. Primarily, this will affect Open Source and Free Software projects, many of which are based on the efforts of hobbyists and are not backed by companies with business plans (viable or otherwise). As Microsoft faces much of its current competition form such projects, it would be unconscionable to stifle these under the guise of punishing Microsoft. Secondarily, entrepreneurs will be dissuaded from competing against Microsoft. For example, Microsoft could determine that any company seeking to write a better version of, say, Internet Explorer does not have a viable business plan. More importantly, such a company would have to announce its intent to compete (via its business plan) before being allowed to examine Microsoft's API's. This alone would give Microsoft a competitive advantage unknown to any other company in any industry in the world.

Lastly, I wish to address the implementation of the three-person technology committee proposed to oversee Microsoft's compliance with the proposed settlement. The only parallel I can devise for the utter absurdity of having two of the three members chosen or approved by Microsoft is the Colombians allowing Escobar to build and staff his own prison. Even ignoring the fact that they will be provided benefits by Microsoft (such as office space) while serving on the committee, the amount of oversight required to ensure compliance is far greater than three people can reasonably be expected to accomplish. For example, if they chose to audit Windows XP to ensure that it contains no code designed solely to degrade the performance of other vendors'' applications, It would take them the rest of their natural lives merely to read through the hundreds of millions of lines of source code involved, let alone to analyze its effects.

In conclusion, I hope that I have successfully explained why I feel that this proposed settlement is deficient, and that the ideas within this comment will be considered when the proposed final judgment is revisited. I believe that a structural remedy would be preferable as it would require less continuing oversight. Barring that, I would like to see at a minimum enforced public disclosure of all API's, protocols and file formats, because, without the help of large numbers of software developers who are not affiliated with Microsoft, effective oversight will be impossible. Microsoft claims that these are their exclusive intellectual property. Be that as it may, they are also the core of the monopoly, and the strength behind the documented abusive practices.

Sincerely,

Keith Schmidt

MTC–00027386

From: Rhinodrivr@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 11:44pm
Subject: Microsoft Settlement

It is truly amazing that a company that has done so much for the productivity of a nation should find it the subject of a lawsuit. If the consumer does not want to buy it, they vote with their feet. The only monopoly I know of that has ever existed was accomplished through government legislation and collusion. The market has never permitted one.

If everyone is so upset with Microsoft, let them use OS/2, Unix or any of the other operating software on the market.

This is just plain wrong. The right would be for the judge to say the people have spoken in the market place. No further comment or abjudication is necessary.

Sincerely,

Captain Russell Cowles

A300 Captain at, but not speaking for, American Airlines

MTC–00027387

From: Jeffrey E. Harris
To: Microsoft ATR
Date: 1/27/02 11:39pm
Subject: Comments on the Proposed Microsoft Settlement
CC: Randy Steer,Allan Villabroza

My name is Jeffrey Harris. I currently work as a network administrator and software developer for a company that provides computer services to both government and industry. The company I work for has established a number of partnerships, the most significant ones being a Microsoft (MS) Solutions Partner and a Lotus/IBM Business Partner. I hold Microsoft Certified System Engineer and Microsoft Certified Systems Administrator certifications on the Windows 2000 Operating System, and the Windows NT operating systems, and I have worked with all versions of Microsoft Windows (both server and desktop versions where applicable) from Windows Version 2 to Windows XP in both a professional and personal capacity. I also hold certifications from Lotus Development on their Groupware Applications (Lotus Notes/Domino). I believe that my qualifications, as well as over 10

years experience working with computers and computer networks, including MS and non-MS products, make me well qualified to comment on the proposed MS settlement. Please note that I speak as both a computer professional, and as a consumer.

Also note that nothing in this message reflects the opinions or position of the company I work for, and I am acting ONLY in my own personal capacity in submitting these comments.

I ask that my comments be entered into the Federal Record, and considered by the presiding judge in determining the Court's final decision. I also ask that the Department of Justice acknowledge receipt of my comments.

My comments are based on a review of the original government complaint, the proposed settlement, and the Justice Department's Competitive Impact Statement (CIS), as published on the US Department of Justice's (USDOJ) website, and the Appeals Court's ruling as published on the Appeal Court's website.

Executive Summary: I STRONGLY oppose the MS Settlement in its current form. In my opinion, the agreed-to settlement will do little, if anything, to restrict MS'' abusive and illegal monopolist practices, and will mainly serve to prevent the government from documenting and presenting any future abuses for legal sanctions. I cannot see how the settlement that is proposed even pretends to remedy the antitrust violations for which MS has been found culpable, and how it will meet the required standard of remedying anti-competitive practices that have harmed consumers. The company has been found in violation of Federal Anti-Trust Law, and this is the penalty phase of the case, but the settlement contains no penalties and actually advances MS'' operating system monopoly in a number of ways, as I discuss below. I recommend that the Court either reject the proposed settlement outright, or modify the settlement to close the numerous loopholes identified below. I have provided some additional remedies for the Court's consideration, which are not part of the proposed settlement, but which, in my opinion, will further the public interest, if adopted by the Court.

Background: The United States and several of the states filed suit against MS claiming violation of various provisions of the Sherman Anti-Trust Act. After a trial, and appeal, a ruling was made and upheld that MS monopolized the PC Operating Systems market in violation of Section 2 of the Sherman Act. The US Court of Appeals remanded the case back to District Court, for, among other things, a new determination of penalties for this violation. The Court asked the plaintiffs and MS to attempt to reach a settlement acceptable to both sides that would address the practices that MS was found guilty of.

An agreement (which was subsequently revised) was reached by both parties, and the revised agreement presented to the Court for approval. The US Department of Justice, in accordance with Federal Law, has solicited public comment on the proposed settlement.

Comments on the proposed agreement:

General Comments: This agreement focuses too much on middleware and middleware products (as defined in the proposed agreement); for my discussion in this section, I refer to them both as simply ''Middleware''. The original complaint against MS does not mention Middleware at all (I did a word search for ''Middleware''). However, the provisions of the settlement, with few exceptions, focus on Middleware. The USDOJ in the CIS (page 2) states that the Appeals Court upheld the conclusion that MS acted to protect its operating system monopoly from the threat of Middleware. Yet, the Appeals Court's decision only mentions Middleware 39 times in a 43304 word opinion, and while the decision did address MS'' objections to the District Court's decision, some of which were based on the exclusion of Middleware as a mitigating factor in MS'' favor, the Appeals Court decision looks beyond that. Both the original Trial Court, and the Court of Appeals noted in their rulings that Middleware, in and of itself, does not provide enough incentive for users that it would end MS'' illegal monopolistic practices. Therefore, in my opinion, the proposed agreement wrongly focuses on remedying MS'' illegal actions by trying to promote competition in Middleware.

Furthermore, the ultimate goal of any settlement from this anti-trust action should be the promotion of competition that allows users a choice in the selection of operating systems. USDOJ (on page 25 of the CIS) reminds us that ''Appropriate injunctive relief in an antitrust case should: (1) end the unlawful conduct; (2) ''avoid a recurrence of the violation'' and others like it; and (3) undo its anti-competitive consequences.'' The Appeals Court Decision stated ''From a century of case law on monopolization under (2) however, several principles do emerge. First, to be condemned as exclusionary, a monopolist's act must have an ''anti-competitive effect.'' That is, it must harm the competitive process and thereby harm consumers. In contrast, harm to one or more competitors will not suffice. ''The [Sherman Act] directs itself not against conduct which is competitive, even severely so, but against conduct which unfairly tends to destroy competition itself.'' Spectrum Sports, Inc. v. McQuillan, 506 U.S. 447, 458 (1993); see also Brooke Group Ltd. v. Brown & Williamson Tobacco Corp., 509 U.S. 209, 225 (1993) ('Even an act of pure malice by one business competitor against another does not, without more, state a claim under the federal antitrust laws .... '').''

I do not really see where the proposed agreement meets any of the criteria the USDOJ lists, nor is there any substantiation by USDOJ in the CIS of how the proposed agreement will definitively benefit consumers. From my reading of the document, the proposed agreement does not directly provide any benefits to the consumer; the benefits accrue to OEMs, ISVs, IAPs, and ICPs, with the expectation that the benefits may flow through to consumers. For example, allowing OEMs to provide dual operating systems on PCs for consumers does consumers no good if the OEMs choose not to provide a choice of operating systems, and similarly for middleware. For this reason alone, the Court should reject the proposed agreement as being inadequate.

Specific comments:

Paragraph III A. purports to restrict any retaliatory behavior against any OEM (i.e., computer manufacturer) for exercising its rights under the proposed agreement, or for various activities related to non-Microsoft software. However, nothing in this paragraph discusses the right of an OEM to ship a computer system without an operating system at all. Although most new computer systems have a version of a Windows operating system installed, it is virtually impossible to buy a PC from any major OEM without a MS operating system, let alone a non-MS operating system, and the price of that operating system is passed along as part of the cost of the system, whether the consumer wants it or not.

USDOJ (on page 27 of the CIS) states that MS can only base consideration on the absolute level or amount of the OEMs support for the MS product or service, rather than on any relative level or amount. What does ''absolute'' mean, and how can this be enforced?

Also, the USDOJ discusses (on page 28 of the CIS) that OEMs are protected against sudden loss of Windows licenses. However, MS can still cancel licenses AFTER the 30 day opportunity to cure, which could still result in continued anti-competitive behavior by MS.

This provision also does not prohibit MS from retaliating against an OEM that makes a good-faith complaint against MS alleging a violation of the proposed agreement, which is either not brought forward to the Court for action, or is ruled as not being a violation of the settlement. In essence, an OEM would have to consider whether or not the harm it believes it may be suffering from MS as a result of a purported violation of the proposed agreement is worth additional penalties it may suffer from MS if the Court does not agree with the purposed violation (or no action is taken by the Plaintiffs), and does not redress them.

Paragraph III B addresses the requirement for MS to license its software using uniform royalties, and to make available to the covered OEMs and Plaintiffs information on the royalty schedule. The proposed agreement does not provide for public access to this information.

Paragraphs III B2 and B3 allows MS to specify ''reasonable'' volume discounts based upon the volume of licenses. What is considered ''reasonable''? Who will decide if MS is specifying ''reasonable'' discounts? The lack of definition of ''reasonable'' is one reason to make the royalty schedule public, so that if the public believes that MS is not being reasonable, it can ask its government representatives in the USDOJ and the various states to take action.

Furthermore, when discounts are based on volume of licenses, it provides incentive for MS to continue to push for the installation of a MS product on EVERY system that an OEM ships, since the more that are installed, the bigger the discount for'' the OEM. This flatly contradicts the purpose of the proposed agreement to curb MS'' monopolistic practices.

USDOJ (on page 29 of the CIS) defends this provision, noting that it is based on

''verifiable criteria'', which is ''uniformly applied''. Yet, this ''verifiable criteria'' could still be biased in favor of MS—for example, a requirement that a browser provide an integrated Windows logon capability. Most browsers, including Internet Explorer, provide a capability to allow users to access remote servers that restrict access based on user accounts.

Internet Explorer also has a capability to ''pass through'' a user's credentials in a way that no other mass-market browser has (unlike other browsers, there is no need for a user to enter a username and password). Therefore, MS could include this as a ''verifiable criteria'', which would be heavily biased in favor of Internet Explorer.

Also the USDOJ (on the same page of the CIS) defends the selection of the 20 largest OEM for protection. However, no data is provided for what percentage of all Windows licenses those 20 largest distribute compared to the total universe of OEMs, and compared to all Windows licenses distributed from all sources. Furthermore, there is no protections for end users who buy retail copies of MS products, instead of obtaining them through the purchase of OEM systems. Since consumers MUST be the ultimate beneficiaries of any anti-trust action, there needs to be relief for these purchasers as well.

Paragraph III C4 prohibits MS from restricting ''dual booting'', but again, if the OEM chooses not to provide this option, or chooses not to provide an option to purchase a pre-installed non-MS operating system, nothing will change for consumers. Therefore, focusing this relief on OEMs is misplaced.

Clarification for Paragraph III C5: Does ''initial boot sequence'' refer to setup of the program, or the initialization of the operating system after the operating system is installed and the user starts, or restarts, the computer? Please add this term to the list of definitions in the proposed agreement.

Paragraph III D requires two different release dates for operating system documentation and APIs; one is tied to the earlier of the release of Windows XP Service Pack (SP) 1, or 12 months; the other is tied to a ''Timely Manner'' as defined in the proposed agreement, and purportedly applies to operating systems released after Windows XP. Note that Windows XP is the client side operating system for the latest release of a MS Windows Operating System. The corresponding server version is now called ''.net server'', and is still in Beta test. Therefore, if MS releases the last beta of .net server prior to the release point based on Windows XP SP1 or 12 months, which requirement applies?

Also, what is considered ''a new version''? For example, MS released Windows 98 Second Edition (SE) as a ''new'' version of the Windows 98 operating system, yet many people (myself included) feel that Windows 98 Second Edition was really just an upgrade or SP release to Windows 98, and yet MS implicitly recognized that by providing a special ''step up'' installation version of Windows 98 SE that could only be used by owners of the original Windows 98 version.

Paragraph III E requires disclosure of communications protocols. However, MS could sidestep the requirement in this provision by not including the protocol in the operating system distribution itself, but instead require an add-on product to provide the capability; the add-on would be distributed either by automatic download to clients, or other means of distribution to client systems other than including it in the operating system distribution. For example, Windows 95, Windows 98, Windows ME, and Windows NT 4.0 machines require an ''add-in'' package (an ''Active Directory Services Client'') to interoperate in certain ways with Windows 2000 servers. This software is not included with those operating systems, but is available for download from MS, or from the appropriate Windows 2000 server installation CDs. The USDOJ (on page 39 of the CIS) explicitly acknowledges this limitation of the proposed agreement.

Paragraph III F discusses retaliation by MS against companies that exercise options under this proposed agreement. However, Paragraph III F1, similar to what was noted above for Paragraph III A, does not prohibit MS from retaliating against an ISV or IHV that makes a good-faith complaint against MS alleging a violation of the settlement, which is either not brought forward to the Court for action, or is ruled not a violation of the proposed agreement. In essence, an ISV or IHV would have to consider whether or not the harm it believes it may be suffering from MS as a result of a purported violation of this agreement is worth additional penalties it may suffer from MS if the Court does not agree with the purposed violation (or no action is taken by the Plaintiffs), and does not redress them.

Paragraph III F 2 grandfathers any current restrictions between ISVs or IHVs and MS under the proposed agreement, but goes on to allow MS to craft partnership agreements that would prohibit these companies, such as the one I work for, from entering into other partnership agreements with companies that compete with MS (i.e., Lotus/IBM since their e-mail system competes with MS'). This one provision could nullify the entire benefit the USDOJ is trying to achieve for the ISV/IHV community, and could actually serve to STRENGTHEN MS' anti-monopolistic practices.

Paragraph III G discusses MS agreements with independent companies such as ISVs and OEMs. MS could avoid the restrictions in this paragraph by establishing joint development efforts that bind the other party—in essence, by providing substantial consideration to induce companies to establish such efforts. In addition, MS could avoid the restrictions in this paragraph by licensing intellectual property (IP) for its exclusive use—thereby making such IP unavailable for non-MS products, either for direct incorporation into those products, or for indirectly use as middleware to achieve interoperability with Windows operating systems. Again, this provision could nullify the entire benefit the USDOJ is trying to achieve for the ISV/IHV etc., community, and could further serve to STRENGTHEN MS'' anti-monopolistic practices. For example, in the CIS, USDOJ discusses (bottom of Page 14) how MS coerced Apple to adopt Internet Explorer in exchange for continued development of MS Office for Apple systems. Such behavior would still be legal if it is part of a joint development effort or investment in Apple by MS.

MS could also establish fixed percentages for distribution of MS products. Using the example cited by USDOJ (on page 44 of the CIS), an IAP could agree to ship Windows Media Player on 70% of its software distribution if it can show it is commercially feasible for it to ship 70% of its software distribution with a non-MS media player. While it may be commercially feasible, that is not the same as being competitively advantageous for it to ship the non-MS media player, particularly if MS is paying it substantially more to ship Windows Media Player. Such action could ultimately result in the loss of competing products as a result of MS'' deep pockets and marketing muscle with IAPs.

I note that III G 2 prohibits MS from offering IAPs placement on the desktop in exchange for IAPs agreeing to refrain from using competing non-MS Middleware Products, yet nothing prohibits MS from offering a quid pro quo for an IAP—placement on the desktop (which need not be a formal part of any agreement) and a percent placement in the IAPs distribution packages (as discussed in my previous paragraph) in exchange for significant payments by MS. Paragraph III H discusses requirements for MS to allow removal of Middleware and Middleware products by end users. MS could avoid the requirements of III H 1 by separating Middleware Products (as defined in the proposed agreement) from the operating system as add-ons, and enabling automatic download to clients (or perhaps by requiring OEMs to install them separately from the basic operating system on their systems, but nevertheless pre-installing those components as well). Such ''Middleware Products'' (in quotes because software as discussed in this scenario does not meet the definition in the proposed agreement) may be required for full functionality of the operating system, yet, because they do not meet the formal definition of Middleware Products in the proposed agreement, would not require the uninstall capability.

Paragraph III H also could invoke a ''poison pill'' response by requiring the enablement of either all MS Middleware Products or all Non-MS Middleware products as a group; for example, a user may be forced to pick Windows Media Player and Internet Explorer over a non-MS browser and media player because he dislikes Internet Explorer, and would prefer a non-MS browser, but feels he needs to have Windows Media Player. While there is still an element of choice in this scenario, the available options are not necessarily desirable to users, and implicitly may favor MS, because users may stick to products they know, rather than ones they do not.

There are also a number of important additional exceptions to the applicability of Paragraph III H. First, MS can avoid the provisions of this paragraph by carefully crafting Middleware Products to require the type of functionally which excludes it from this provision.

Second, a significant number of systems with Windows operating systems do not

connect to a server outside the Internet, yet those systems can be bound by the restrictions that apply for systems that DO connect to servers. Since most systems that do not connect to servers outside the Internet are those purchased and used by consumers, this exclusion will have the biggest impact on them. Third, the provisions apply essentially to existing technology as of the previous operating system. Therefore, when MS releases a new operating system, it is not bound to the provisions of this paragraph for any new Middleware products until and unless it carries the product forward to the next succeeding Windows operating system, or it releases that Middleware less than seven months prior to the last beta test version of that new operating system.

Also, what is ''a server maintained by Microsoft''Is that an Internet accessible server operated by MS or a subsidiary to provide specialized services, such as Hotmail or Passport? Or is it a computer running a Windows server operating system? Please clarify. If it is the former, why should consumers be locked into accepting a Microsoft Middleware Product, particularly if they do not intend to ever use the MS servers?

Paragraph III I discusses requirements for MS to license its IP. However the restrictions of this paragraph, particularly Paragraph III I 3, may unduly restrict the development of non-Microsoft middleware or other rights contemplated by this agreement. For example, if Sun Microsystems wants to obtain MS IP for the purposes of making its Java Virtual Machine interoperate with Windows XP, MS could restrict the ability of Sun to distribute the Virtual Machine to other ISVs for the purposes of building software applications that run on that Virtual Machine, undermining the intent of this provision.

Furthermore, Paragraph III I 5 requires that any company that seeks to assert its rights under the proposed agreement may have to license its IP to MS. The USDOJ's discussion in the CIS not withstanding, I do not understand why a company would need to submit to MS ITS IP to assert its rights under the proposed agreement; this requirement could serve as a mechanism to restrict companies'' reliance on the proposed agreement, since companies may have to consider whether it is in their best interest to license their IP to MS, and they may decide that they should forgo protection under the proposed agreement, rather than share sensitive IP information with MS, which is NOT the intent behind the proposed agreement. Companies should not have to make such an onerous choice.

Paragraph III J discusses restrictions and rights MS has in licensing documentation and API information, and in my opinion, this paragraph provides the best means for MS to avoid compliance with many other provisions of the proposed agreement. First, in Paragraph III J 1, MS is permitted to not disclose API and other information related to anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems. The USDOJ's description of this exclusion as ''narrow'', and comments in the CIS (page 53) notwithstanding, such exclusions serve to only undermine the intent of the proposed agreement, and limit the benefits to anyone outside MS. For example, MS is developing a new strategy (''Dot-NET'') that provides for distributed application and transaction processing across a network of servers, and is incorporating the capability for doing this in its soon-to-be-released .NET server software. Any distributed application processing MUST provide capabilities for securing transactions, and yet, under this exclusion, MS would not be required to release necessary APIs or documentation to allow non-MS Middleware and applications to compete equally with MS software. Similarly, MS would not have to release salient potions of APIs for Windows Media Player (which incorporates Digital Rights Management APIs) or APIs that non-MS anti-virus software manufacturers could use to improve the performance of their products (for example, obtaining information about how scripts that are run using MS'' native Javascript or Visual Basic scripting engines, since this could touch upon how MS incorporates anti-virus measures into the engines to protect against certain types of virus-infected scripts).

USDOJ also states this provision is necessary for MS to comply with ''lawful orders'' of federal agencies to not disclose certain information on security grounds. To my knowledge, no such ''lawful orders'' currently exist, and even if they do, or will so in the future, the wording of this paragraph could have been tailored to say exactly that no more and no less. As the wording stands, it goes well beyond being able to comply with such ''lawful orders'' Second, Paragraph III J 2 allows MS to place restrictions on licensing APIs, communications protocol and documentation relating to the functions discussed in my previous paragraph. An API, or a communications protocol, and their associated documentation generally provide the means for calling a function from the operating system (for example, accessing a file on a computer) without explaining all the details of how the underlying mechanism operates (for example, the file format of a ''token'' necessary to verify that the user is authorized to access that file).

In many cases, communication protocols themselves are publicly defined and available on the Internet for review, particularly those that relate to the Internet. Therefore, I do not understand how restrictions on the release of such information harm MS; however, I do see harm to consumers and independent software writers (i.e., individuals who author and market their own software, generally as ''freeware'' or ''shareware'' via the Internet) since the necessary information that software writers need to write software that competes with MS Middleware Products may be unavailable, and therefore their products will be unavailable for consumers to select in place of an equivalent MS product.

Paragraph IV A 3 restricts the ability of Plaintiffs to release information provided by MS except as it may relate to an enforcement action, and under certain other conditions. Such restrictions limit the availability of information that may be useful in private litigation against MS that relates to the proposed agreement, but which the states and the USDOJ, for whatever reason, do not use to bring enforcement actions against MS. In essence, short of an enforcement action, this provision makes it difficult for the public to know if MS has breached the proposed agreement, and more difficult for others to prove that they did so. Paragraph IV B 2 discusses requirements for individuals to serve on the Technical Committee (TC). The requirement for individuals to be ''experts in software design and programming'' unduly disqualifies a large class of individuals who are experts in administering computers, but who do not write software. TC members also need to know how to administer systems, since software design alone may not reveal obvious restrictions (i.e., a vulnerability due to a specific operating system configurations that falls outside the scope of the software design itself or Middleware Products that require a specific hardware configuration in operational systems that again is outside the software design itself).

Paragraph IV B 2 a specifies that a TC member shall not have been employed by a competitor, unless agreed to by both parties. How is a competitor defined? Since MS makes a large range of software and hardware products, and provides a range of services, including Internet access, does this mean that any employee in any company that makes software or hardware for systems that utilize MS software or hardware or provides services in markets that MS competes, such as Internet access, would be prohibited from serving on the TC without approval from both sides? I believe that the term should be defined explicitly and narrowly in the proposed agreement from its possibly broad usage (i.e., competitors are the 20 largest ISVs, and the 20 largest IHVs based on license revenue to MS, the 20 largest IAPs, and the 20 largest service providers for support on MS software and hardware, based on annual revenue).

Paragraphs IV B 9 and 10 place restrictions on members of the TC and their staff, including requirements to treat all information as confidential, and prohibitions on public statements. Such restrictions limit the ability of the public—who are supposed to be the ultimate beneficiaries of this agreement—from being informed on substantial or even individual issues with regard to MS'' compliance with this proposed agreement (the TC is allowed to keep complainants informed on the status of complaints made to the TC, but only to the extent it does not breach their restrictions in this paragraph). Again, should the Plaintiffs not make an enforcement action against MS as a result of TC action (an issue that I will discuss further in my next paragraph), purported violations of this agreement may never be made public.

Paragraph IV D 4 d prohibits any work product, finding, or recommendation by the TC from being admitted in an enforcement action against MS for violation of this proposed agreement. This provision, in my opinion, will fatally cripple the ability of the Plaintiffs to pursue an enforcement action. Even if this provision only applies to

voluntary dispute resolution activity (and it is not clear to me that such a limitation applies, even though it is in the section for voluntary dispute resolution), it is highly likely that prior to an enforcement action, the Plaintiffs would pursuit voluntary dispute resolution with MS, thus prohibiting, in this scenario, the admission of any TC work in a subsequent enforcement proceeding.

The Plaintiffs may also wait to see a pattern of behavior, and then act. Many individuals or small company make use of the dispute resolution process to seek redress against violations of this agreement by MS. If the Plaintiffs then decided to seek an enforcement action based on a compilation of those complaints, no further use of information that the TC produced could be used in the subsequent enforcement action.

I also believe that the restrictions of this paragraph may go well beyond the literal bar on enforcement actions. Although USDOJ, in the CIS (page 59), has stated that this restriction would not bar subsequent enforcement actions based on derivative use, nowhere in the proposed agreement is this explicitly stated. Therefore, MS may have a viable argument—based on precedent for limited immunity in criminal cases—that any evidence compiled by the Plaintiffs that relies on, or is derived from, TC materials may be inadmissible because it was only available as a result of, or knowledge of, TC work, and therefore is indirectly admitting TC work. Whether or not such a defense would succeed would not be known until, and unless, the Plaintiffs bring an enforcement action, and the courts rule on such a motion and any appeals. Therefore, I believe that this provision should be stricken from the proposed agreement to prevent any bars on future enforcement actions.

Section V discusses termination of the proposed agreement. While I offer no opinion as to whether or not five years is an appropriate and equitable period for the proposed agreement to last, I highly question the benefits of possibly extending the proposed agreement for another two years, should MS engage in a pattern of willful and systematic violations (a charge that may be difficult, if impossible, to prove, based on my previous comments). Why should the same prohibitions for another two years cause any change in MS'' behavior, if the previous five have not? I remind the Court that this is the THIRD enforcement action against MS in the last 10 years.

Definition J is for ''Middleware''. I see several problems with this definition. First, Middleware must be trademarked. Should MS want to evade the provisions of this proposed agreement, it merely has to not trademark any Middleware. While MS may lose some legal rights should it not trademark a given Middleware, it may still hold ''branding'' rights with regard to the Middleware (i.e., the name ''Topaz'' may not be trademarked for a future version of an e-mail client, but everyone associates Topaz as its relates to e-mail with MS), and it may be to MS'' advantage in any given case to NOT trademark a specific piece of Middleware.

Second, the definition requires that the Middleware in question must update the appropriate Middleware Product to the next major version number, as that term is defined in the paragraph. However, MS can avoid the invocation of this definition by changing the way it versions products. Instead of a release changing a Middle product to version 6.1 from 6.0, for example, the Middleware changes the version to 6.01 or 6.0, Service Pack 1. Both of these latter nomenclatures are ones that MS uses today. With such nomenclature, a ''Middleware'' release may NEVER trigger the definition, and the restrictions accorded such a release under the terms of the proposed agreement.

Third, the Middleware in question must contain user interface elements. Although USDOJ (on page 18) tries to defend this requirement, I believe it only serves to undermine their intent. User Interface can apply to either the Middleware Product itself, or the interface of the Middleware installer (the redistributable file which installs the Middleware for the user). If USDOJ is referring to the Middleware installer, then I concur with this part of the definition. If they are referring to the Middleware Product itself, then any Middleware that provides updates without changing the user interface is not covered. For example, MS releases service packs for software, which fix bugs in the operation of the software (for example, how a program utilities memory) but do not change the user interface. Therefore it this interpretation applies, then Middleware that does not include updates to the user interface would not meet the definition. At a minimum, I recommend the definition of ''user interface'' be clarified'', and also that this particular part of the definition of Middleware be revised, should ''user interface'' apply to the Middleware Product itself.

The forgoing discussion on Definition J concerning trademarking also holds for Definition K. However, note that Middleware Products must also be considered part of a ''Windows Operating System Product''. As that term is defined in the proposed agreement (see discussion of Definition U below), software that would otherwise be considered Middleware Products may not be if 1) it was NEVER distributed separately from the operating system or 2) MS defines the operating system product as not including that software. Definition N, and the requirement for distributing one million copies of a software product in the last year for the definition to apply, in my opinion, prevents smaller ISVs and individuals from receiving the protections contemplated by the proposed agreement. One of my primary concerns is that since individuals and companies cannot seek protection or redress under the proposed agreement unless their products meet the distribution requirement, MS can suppress competition from these products by the same methods it has in the past, and also prevent these products from reaching a critical distribution where they could become a direct threat to MS. For example, Opera is a web browser that competes with Internet Explorer. Unless Opera meets the distribution requirements, MS could prevent Opera developers from obtaining necessary information they require to provide the same capabilities—or better—that MS puts in Internet Explorer. Therefore, Opera could conceivably disappear from use, restricting consumer choice and competition. The USDOJ (on page 21 of the CIS) defends this provision, arguing that products that have not been demonstrated as being competitive and chat may be unknown to MS do not deserve protection under the proposed agreement. However, as I stated, this provides incentive to MS to crush any possible competition before it can grow''. to be significant (which can occur very quickly), and I strongly doubt that MS would be unaware of any software that is rapidly being adopted by consumers. A much lower threshold, such as 1000 copies or 20,000 copies, make more sense to me, and would better achieve the same intent without unduly burdening MS.

Definition U is for ''Windows Operating System Product''. MS, and MS alone, defines what constitutes a Windows Operating System Product. Therefore, as discussed above, MS has the ability to control what is considered Middleware and Middleware Products, and thus the overall scope of the proposed agreement, by how it defines a Windows Operating System Product. There must be a more restricted definition, for example, core services that required for an application to function or everything that is included on an installation CD (although as previously discussed, that particular definition is subject to manipulation as well), rather than MS being allowed to define the term to its best advantage.

Recommendations: I recommend that the Court reject the proposed agreement as written. The proposed agreement fails to meet the basic requirement, articulated by the Appeals Court, that any agreement provide benefits and promote competition for consumers. Nothing in this agreement directly benefits consumers, and all the of indirect benefits depend on the willingness of independent companies to innovate in a way that will benefit consumers. If the proposed agreement is approved by the Court, the only beneficiaries of the proposed agreement may be the 20 largest OEMs, various IAPs and ICPs, and some ISVs and IHVs, but even that is not certain, based on MS'' past practices, and the number of limitations in the proposed agreement as discussed above.

Furthermore, a number of provisions will inhibit enforcement of this proposed agreement, should MS violate it. Therefore, it is very conceivable that the proposed agreement may only serve as a toothless tiger—ignored by MS, and unenforceable by the Plaintiffs. If the Court wishes to use the proposed agreement as a framework for injunctive relief, I recommend any proposed agreement or injunction include the following changes:

1. MS should be prohibited from retaliating against any company that files a complaint alleging a violation of any proposed agreement or injunction, whether or not the complaint is pursued or upheld. However, MS would be allowed to seek restitution from a company that filed a complaint only if it could show bad faith or reckless disregard on the part of the company that filed the complaint.

2. MS would be allowed to cancel licenses for Windows software issued to any company

that would be protected under any proposed agreement or injunction, but only after demonstrating to either a majority of the Plaintiffs or the Court it had a legitimate business interest in doing so.

3. Provide public access to royalty and licensing information for companies that would be covered under any agreement or injunction. Specific company identification need not be disclosed. Define what is reasonable in terms of volume licensing.

4. Specify that verifiable criteria, as used in the proposed agreement, must be approved by a majority of the Plaintiffs or the Court as being non-discriminatory; that is, MS must not be permitted to use criteria that it knows gives it an unfair advantage over other vendor's products.

5. Expand the coverage to protect more than just the 20 largest OEMs, and provide benefits to end-users and businesses who purchase Windows Operating System Products at the retail level, or through distributors in bulk.

6. Define ''Initial Boot Sequence''.

7. Clarify that for operating systems releases prior to the twelve month window or Windows XP Service Pack 1, the requirement for releasing operating system documentation and APIs is the same, and that the last beta requirement only applies to operating systems released after that milestone.

8. Clarify what is considered a new version and what is considered a major version. Any definition should not allow manipulation by MS.

9. Eliminate the loopholes on disclosure of communication protocols by eliminating the requirements that they be included in an operating system distribution.

10. Allow MS to withhold information on APIs and other information related to anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems ONLY when complying with a ''lawful order'' of a federal agency or any court.

11. Overturn current agreements between an ISV or IHV and MS that restrict the ability of independent companies to promote or develop software that competes with MS, unless MS can demonstrate to a majority of the Plaintiffs or the Court that any such agreement does not unduly stifle competition.

12. Prohibit MS from structuring joint development efforts with an ISV or OEM that prevent competition unless MS can demonstrate to a majority of the Plaintiffs or the Court that such restrictions serve a bona fide business purpose for a reasonable period of time.

13. Prohibit fixed percentage agreements with IAPs, regardless of the commercial feasibility of distributing rival products.

14. Close loopholes in the definition ou Middleware and Middleware Products as they relate to ''user interfaces'' (at a minimum define what is meant by ''user interface''), whether they are trademarked or not, whether they are part of the operating system product or not, and whether they are downloaded or included with operating system distributions.

15. Require MS to allow removal of Middleware and Middleware Products only on a product by product basis, not on an ''All MS'' or ''All Non-MS'' basis. and

16. Eliminate the exceptions that allow MS to invoke MS Middleware Products in the case of a server maintained by MS.

17. Eliminate the requirements that other companies must allow licensing of their IP to MS, or agree to restrictions on distribution of products that may be based on MS IP, unless MS can demonstrate to either a majority of the Plaintiffs or the Court a bona fide business purpose in imposing these requirements.

18. Eliminate restrictions on public release of information by the Plaintiffs which might otherwise only be released as it may relate to an enforcement action, and under certain other conditions. MS would be notified in advance and given an opportunity to appeal release of the information to the Court.

19. Include a requirement that at least one member of the TC must be an expert in software design and development, and at least one member an expert in computer system network operating system or network application administration.

20. Clarify the definition of ''competitor'' as it relates to TC employment.

21. Eliminate restrictions on public release of information or statements by the TC, similar to that for the Plaintiffs. The TC would still not be allowed to release information deemed confidential by MS without MS'' approval, the approval of a majority of the Plaintiffs, or the Court. In a situation where release of such information is contemplated, MS would be afforded adequate opportunity to appeal a decision of the Plaintiffs to the Court. Note that the reason for allowing the release of confidential information in this manner is to prevent MS from arbitrarily considering all information confidential, and therefore not releasable at all, while still affording MS some protection for legitimately confidential information.

22. Eliminate provisions that prohibit admission of any work product, finding, or recommendation by the TC in an enforcement action against MS for violation of any proposed agreement or injunction.

23. Provide for, in the event that MS engages in a pattern of willful and systematic violations, a more meaningful set of penalties. For example, MS may have to rebate to consumers, based upon proper proof of purchase, a flat amount for any operating system purchased over the period of the agreement, whether the purchase was made at retail or via purchase of an OEM system with the operating system pre-installed.

24. Reduce the distribution requirement in the definition of Non-MS Middleware Product to 1,000 or 20,000 copies.

25. Change the definition of ''Windows Operating System Product'', so MS cannot decide what constitutes a Windows Operating System Product.

I also recommend consideration of possible some alternative provisions, which were not part of the proposed agreement; however, some of these are being pushed by the states that demurred on the proposed agreement:

1. A requirement that MS bundle Non-MS Middleware Products with its operating system products. This would primarily benefit those consumers that purchase retail versions of MS operating systems, and those who buy systems from OEMs who choose not to integrate non-MS Middleware Products. MS would be allowed to charge a reasonable fee to ISVs whose products they incorporate to defray the costs of integrating such Middleware products into its operating system distribution packages.

2. A requirement that MS structure volume licenses with OEMs in such a way that OEMs must allow end-users to elect not to purchase a Windows operating system with their PCs at all.

3. A requirement that MS provide a ''secure facility'' for inspection of code. This facility could be used to keep producers of non-Microsoft middleware up to date on integration and interoperability issues with MS operating systems.

4. A requirement that MS make Internet Explorer ''open sourced''—that is, MS would be required to disclose and license all source code for all Browser products and Browser functionality.

5. A requirement that MS distribute with all of its operating systems a version of the Java Virtual Machine (or runtime environment) that conforms to Sun Microsystems'' Java specification. MS distributed a non-compatible version with previous operating systems, and stopped distributing it with Windows XP, although it does have the same non-compatible Java Virtual Machine available for download. The reason that MS cited for not including it in Windows XP is that it was prohibited by Sun from doing so (which is true), although Sun has long expressed willingness to allow MS to distribute a Java Virtual Machine as long as it conforms to the Java standard. Since MS has refused to do so, MS is technically prohibited from distributing the Java Virtual Machine it has.

6. A requirement that MS only incorporate standard communications protocols in its products. A standard communications protocol is one that has been ratified by either the International Standards Organization, or the Internet Engineering Task Force. MS would be required to adhere to the strict requirements of the ratified standard, although it could at any time propose new standards or modifications to existing standards for adoption by either body.

7. A requirement that MS make its consumer operating systems ''open sourced''—that is, MS would be required to disclose and license all source code for its consumer operating systems. Of all the proposals, this is the one that would most benefit consumers, because it is the only option that truly promotes innovation and competition at the operating system level, and would give users a real choice in operating systems, a choice, that most likely, will not require them to give up applications they have chosen to use, or lock them out of potential future applications. Summary: I believe we are all in agreement that the resolution of this case is of great importance, not just now, but for many years to come. This suggests a careful and deliberate penalty is far more important to the health of the nation than is a hasty one.

Any agreement, or any injunction, must ultimately answer the question .... How do consumers benefit from this?'' The USDOJ has not satisfactorily answered this question in their CIS; they have focused on the benefits for companies. As written, the proposed agreement only indirectly, at best, benefits consumers.

In addition, the proposed agreement focuses too much on Middleware and Middleware Products and not enough on operating systems. Both the District Court and the Court of Appeals have noted that a reliance on Middleware and Middleware Products is not a substitute for remedying an illegal monopoly on operating systems.

I believe that the Court has made a well-intended effort to speedily resolve this case by asking the parties to come to a proposed agreement. However, as I hope I have demonstrated, the proposed agreement falls far short of what is necessary to benefit consumers, and redress illegal monopolistic behavior. Therefore, the Court needs to look at alternatives and changes to the agreement that will ultimately benefit consumers by changing MS'' illegal monopolistic practices. For the Court's benefit, I have provided a list of changes that I believe will benefit consumers.

Jeffrey Harris

MTC–00027388

From: ALadd70022@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 11:46pm
Subject: Microsoft settlement

Dear Sir:

As both a Microsoft stockholder and product consumer I find the on going legal proceedings against the company unsettling.

At first thought I see it as an attempt by the legal community to go after a ''Cash Cow'' gleaning as much of the companies financial resources as possible in the name of protecting the consumer. Cases brought against other companies in the past have garnered very little for the consumer but have fattened the wallets of legal community.

As an investor in Microsoft I have watched the value of my holdings plummet, at times, by more than fifty percent. This loss in wealth, due to the constant legal battles, has not settled very well with me as, I am sure, it has with others who have portions of their retirement savings tied to the companies fortune.

As a consumer of Microsoft products I don't really understand the problem. I have had both MSN and AOL. installed in our machines and have chosen to use AOL. I have Microsoft's Money program installed on our new machine from the manufacturer but have chosed to use another financial program without encountering any problems from the company. When we first bought a computer I chose to use another word processing program because I found it better than the Microsoft product that was installed from the factory. I don't see where Microsoft has caused me any damage as a consumer. All you have to do is use your head a little bit and decide what works best for you.

I have to comment on the business practices that the company has been accused of using over the years. Having been in the business community for over thirty years I can well understand why the company might have acted on the defensive in its dealings with other companies. It is a dog eat dog world and if you don't protect yourself then another company will cut your throat. Ethics in the business world are a facade used to get whatever you can for yourself and screw everyone else. So I don't see where the company acted any different than how any of its computitors would have under the circumstances. Just look at what AOL is doing to small web site providers and the Enron case.

In closing, I hope that there is a reasonable settlement to the case that allows the company to spend its resources developing product that will improve the productivity of the country and not on defending itself against a continuing parade of legal battles.

Sincerely,

Anthony V. Ladd

MTC–00027389

From: Ben Levi
To: Microsoft ATR
Date: 1/27/02 11:49pm
Subject: Microsoft Settlement

January 27, 2002
Renata B. Hesse
Antitrust Division
United States Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse,

I concur with the Consumers for Computing Choice, who believe that any settlement or Final Judgment must include remedies that provide: (1) A simple, affordable, and reliable way to run the 70,000 existing Windows applications without modification on all other operating systems.

(2) A simple, affordable, and reliable way to have native versions of Microsoft Office applications on all other operating systems.

(3) A simple, affordable, and reliable way to replace one or more of the four Office applications with competing applications, while retaining the ability to exchange files, data, and services with any Microsoft application.

(4) A simple, affordable, and reliable way to have native versions of Explorer, Media Player and other Microsoft Internet applications on all other operating systems.

(5) A simple, affordable, and reliable way to replace one or more Microsoft Internet applications with competing applications, while retaining the ability to exchange files, data, and services with any Microsoft application.

(6) A simple, affordable, and reliable way to replace any component or feature in any Microsoft software product with superior or special purpose components or features.

(7) A simple, affordable, and reliable way to run any Microsoft software on computers that do not have Intel-compatible microprocessors.

(8) A simple, affordable, and reliable way for software developers to access all the information they need to create products that offer consumers these choices.

(9) A way to ensure that original equipment manufacturers provide consumers with equal access to computers with alternative operating systems, productivity applications, and Internet applications.

(10) A ''crown jewel'' provision establishing such serious consequences for non-compliance that Microsoft will not attempt to evade the necessary disclosure requirements and other mandates.

Thank you for considering my views.

Robert Ben Levi
151 Wildcat Lane
Boulder, CO 80304
303–546–0679

MTC–00027390

From: Mitchell Baker
To: Microsoft ATR
Date: 1/27/02 11:49pm
Subject: Microsoft Settlement

The Proposed Settlement Fails to Remedy Antitrust Violations and Fails to Protect the National Interest

The Proposed Settlement Should Be Rejected

1. Microsoft has maintained its operating system monopoly through illegal means. The proposed Settlement suffers from two critical flaws: it allows Microsoft to maintain all the benefits of its illegal activities, and it will be ineffective in preventing Microsoft from continuing its actions to maintain its monopoly position.

2. The activities likely to maintain Microsoft's operating system monopoly in the next few years are not the same activities that illegally maintained it during the past. The proposed Settlement may perhaps prohibit continuation of some of the activities that benefited Microsoft in the 1990's, but it will do little if anything to prohibit the activities useful in illegally maintaining the operating system monopoly today.

3. The Microsoft operating system monopoly is bad for our national interest. The Microsoft system is notoriously poor at protecting data, and is far behind other available options. Assisting Microsoft to maintain its monopoly position, as does this proposed Settlement, makes it very, very difficult for citizens, consumers and businesses to take steps to protect their sensitive personal and business data.

4. The proposed Settlement threatens innovation. Innovation in software development is critical to our national interest. Significant innovation in software development comes through the open source, free software and educational communities—this is how the Internet was born. Similarly, the proposed Settlement harms consumers by discrimination against non-profit software development activities. For example, section III(J)(2) of the proposed Settlement allows Microsoft to withhold information from those who do not meet Microsoft's criteria for the ''viability of its business.'' Section III(D) specifies that Microsoft disclose information regarding APIs to /commercial/interests. This language could be interpreted to allow Microsoft to withhold information from open source and free software groups—groups which are at the forefront of a great deal of software innovation. And also to withhold information from those software development teams most likely to provide a

choice to citizens and consumers. Many activities by non-profit groups provide the foundation for commercial activities as well as enormous benefit to consumers. Any suggestion that these groups could be excluded from whatever protection the proposed Settlement offers should be eliminated.

5. The specifications for Microsoft APIs and file formats must be public. Providing subsets of this information to subsets of the development community does not provide an effective remedy. Our national interest and well-being as citizens depends on innovation and choice, particularly in the way we handle digital data. The illegal activities of Microsoft threaten this well-being, and the proposed Settlement is a monumental failure on all fronts. I urge the Court to resist the allure of a speedy answer, and to reject the proposed Settlement.

W. Mitchell Baker
2704 All View Way
Belmont, CA 94002

MTC–00027391

From: Mariam Rangwala
To: Microsoft ATR
Date: 1/27/02 11:5l pm
Subject: microsoft vs netscape public opinion, as follows:

January 27, 2002

To All Who This May Concern:

I think that the Microsoft Company should not settle because they have already settled and agreed with the federal government and several other states on a criminal suit. This civil suit against Microsoft is for the financial compensation of Netscape. This claim against Microsoft will be hard to prove because Microsoft is an extremely prosperous and large company. Also, Netscape had taken many missteps in the marketing and product development, which enabled Microsoft to provide a continually better browser. Technology changes very quickly and the importance of taking advantage of solidifying and maintaining market positions is essential for each company to succeed. Netscape was not able to do these things. In addition, this matter is several years old and it would be very difficult to prove civil liabilities and new technologies that are constantly changing, since a great deal of the matter is ''blurred.'' Finally, Netscape is not an independent country. AOL Time Warner purchased it and this company knew what they were buying since they bought Netscape less then two years ago.

''In 1899, Rockefeller, founder of the powerful Standard Oil Company, testified before a congressional commission that was investigating industrial combinations.'' This case describes the positive things about the combination of companies and the large amount of money that monopolies bring in. Also, money helps the economy grow and prosper; the idea of large businesses was that anyone can rise up to become rich and therefore this was a great way to have businesses.

This relates to the current because both companies were being sued because they were guilty of being monopolists. This is a crime because monopolies can take over the business world because they have large amounts of power, and many smaller companies must abide their rules. This makes monopolists rich companies who can set all the rules and have every other company listen to them.

Sincerely,
Mariam Rangwala

MTC–00027392

From: Vince Fosterknows
To: Microsoft ATR
Date: 1/27/02 11:51pm
Subject: Microsoft Settlement

Drop the MS fiasco, which was started without merit. Get on with the critical business at hand in putting terrorists behind bars!!!

MTC–00027393

From: wn2y@juno.com@inetgw
To: Microsoft ATR
Date: 1/27/02 11:50pm
Subject: Microsoft Settlement

I am writing this comment because I received a telephone solicitation last evening, requesting that I visit a web site and compose one from there in favor of the proposed settlement. I do not favor the proposed settlement. I read, understood, and agreed with the findings of fact and law reached by Judge Jackson, and favor the remedies proposed by him. I offer the following suggestions for improvement:

The prohibited conduct enumerated in section III.2 should include discriminating against an OEM for selling a personal computer with another operating system installed, regardless of whether a Microsoft operating system is also bootable on that computer. Microsoft should be prohibited from requiring the installation of one of its operating systems on all PCs sold by an OEM or licensee. Licensing fees should be based on volume alone, not on percentage of sales. There should be provision for the preservation of records for the term of the consent decree. It would not be unreasonable to preserve daily backups of the corporate e-mail systems, on DVD for example, to ensure that evidence of further violations of antitrust law would be more easily documented.

Five years seems too short a period for supervision of the company. I would think an eight year term, with the possibility for two three-year extensions, more appropriate.

Francis E. Johnson
10 Alfred Drive
Poughkeepsie, NY 12603

MTC–00027394

From: SlashDevNull
To: Microsoft ATR
Date: 1/27/02 11:51pm
Subject: Microsoft Settlement

Hello,

I am writing to protest the settlement of the Microsoft case. Microsoft is has illegally leverage their illegally created monopoly in Operating Systems to create a monopoly in browsers and office productivity applications. I do not believe that the DOJ should settle the case and should push for a breakup of microsoft. I believe the breakup should be into three parts; Operating Systems, Business applications, and internet related technologies. I also believe that microsoft should be forced to sell off their programming language division and be forced to use a third party1s tools. This would ensure that microsoft could no longer put other companies at a disadvantage by ?hiding1 APIs that only they have access and knowledge.

Microsoft has hurt the consumer repeatedly by their predatory practices and they should be reigned in. The decision should be more than just a fine. No matter how large the fine is, if the decision does not force microsoft to stop their illegal practices, then the decision will be viewed by microsoft simply as the cost of doing business. And no matter the amount of the fine, microsoft would view a fine as a welcome and preferential decision.

This is the DOJ1s chance to level the playing field for all of microsoft1s competitors and to establish choice as an option. Please do not waste it.

Thank you,
David

MTC–00027395

From: Leslie Gialamas
To: Microsoft ATR
Date: 1/27/02 11:51 pm
Subject: Microsoft Settlement

CC: microsoftcomments@doj.ca.gov@inetgw

Judge:

I think that Microsoft has dominated almost all computer based industries for long enough. They have been using these ''monopolistic practices'' to work against the government, and for that they should be punished to the maximum extent of the law. There are many other companies with the same technology as microsoft, who want a chance to make it in the computer industry. Microsoft should be broken down and not allowed to maintain their position in this high tech industry. Competition is a crucial part of any business, Microsoft needs to feel the pressures of having a competitor. Thank you for your time.

Sincerely,
Leslie Gialamas
Phone # (213) 741–1886
Los Angeles, CA

MTC–00027396

From: Mike Droney
To: Microsoft ATR
Date: 1/27/02 11:52pm
Subject: Microsoft Settlement

To whom it may concern,

This is a letter regarding the nature of the settlement between microsoft corp. and the US government concerning the anticompetitive practices that the softweare company has practiced for years. I believe the settlement does very little to open the way for other companies to compete against microsoft. The language used in PFJ are obscure and vague at best, allowing certain loopholes to be exploited to the benefit of Microsoft in circumventing the various agreements reached between the two sides. For instance, the settlement does force microsoft to reveal its APIs to the competition. However, the inverse of this is true also, with the competition having to do the same with their software. This leaves smaller companies at risk from the same

predatory practices that have been the trademark of microsoft, i.e. microsoft, now having access to foreign ATIs, may ''plagiarise'' the products, thus. According to James Mathewson's column at Computer User.com, this is ''indicative of the whole agreement''. According to the same journalist, the supposed $1.4 blillion dollar computer and software settlement donation will help to enhance Microsoft's philantropic image.

Where is the justice or rationale for such a settlement, and who is the real winner in this outcome. Not alternative software companies, and certainly not the public.

Sincerely,

Michael Droney.

MTC–00027397

From: Joe Reed
To: Microsoft ATR
Date: 1/27/02 11:56pm
Subject: Microsoft Settlement

To whom it may concern,

As an advocate of individual rights and capitalism, I am deeply disturbed by the DOJ's attack on Microsoft in the name of consumer protection. I do not believe the government has the right to dictate how Microsoft builds and markets its products, nor do I believe the government has the right to tell me what software I have on my computer. Microsoft has committed no crime, and I as a consumer need no such protection from the government.

Microsoft reached its current market position through years of extensive research and development, innovation, and careful marketing (not to mention a lot of hard work). Microsoft never forced anyone to buy their products, and in fact has no legal power to do so. Microsoft's sales were the result of voluntary agreements that were reached by the mutual consent of both parties, into which the government has no right to interve. Millions of customers, myself included, have made a voluntary conscious decision to purchase Microsoft products because of the values they provide (e.g., features, compatibility, upgradeability, stability, etc.), not because we were coerced or threatened.

Microsoft has the right to do whatever it wants with its products, including adding features it determines will enhance the value of its products, selling or licensing its products to whomever it chooses on whatever terms are agreed to by both sides, and revealing or concealing design details as it sees fit.

Microsoft's products are not public property to be designed or dispensed at the whim of its competitors or the government. In addition, this case is further flawed in that it was brought about as a result of complaints by Microsoft's competitors, not by an outcry from consumers. And the proposed ''solutions'' will do nothing but prop up Microsoft's unsuccessful competitors who have chosen to compete in the courtroom rather than in the market.

The government's number one job is to protect individual rights. In this case, the government has not only miserably failed to do so, but is in fact become the biggest threat to individual rights. This case should be thrown out, and all anti-trust regulations should be immediately repealed.

Sincerely,

Joe Reed Friendswood, Texas

MTC–00027398

From:QueenOFtheTigers@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 11:53pm
Subject: hi

I feel that what microsoft is doing is wrong. Why should that company be able to have the power to avoid sharing their product with other companies so they can also develop similar software. Just because microsoft is a big and powerful company doesnt mean they have the right to peform monopoly. If other companies can not then why should microsoft have the right to. Also the fact that they are denying that they have and its taking so long for the courts to press charges on them is wrong. If it were another company that was not as popular they would have been out of buisness. from, chrystal torres

CC:queenofthetigers@aol.com@inetgw

MTC–00027399

From: Jim Snyder
To: Microsoft ATR
Date: 1/27/02 11:48pm
Subject: Microsoft Settlement

The proposed settlement is woefully inadequate.

I'm a long-time computer user (30 years), a computer programmer, a part-time system administrator in my office, and the administrator of a home network of Macintoshes, Unix machines, and a Windows machine. The settlement does little or nothing to address key Microsoft holdings which buttress Microsoft's monopoly and make it well-nigh unassailable: Microsoft proprietary application interfaces, protocols,and file formats. I wish to focus primarily on file formats. In my workplace the use of products which compete with Microsoft products—OS other than Windows, word processors other than Microsoft Word, spreadsheets other than Micro- soft Excel, and web browsers other than Microsoft Explorer—is difficult and sometimes simply not possible because no competing vendor has products which are fully compatible with the Microsoft file formats.

These competing products are not fully compatible because Microsoft does not release specifications for its file formats. Competing vendors must reverse-engineer Microsoft file formats, which change every time Microsoft releases new versions of its applications, typically about every year or two, and this process of reverse-engineering takes time.

Because any product which is less than fully compatible with the monopoly product is at a competitive disadvantage, every product which competes with a Microsoft monopoly product is automatically at a competitive dis- advantage, not because of technical inferiority or higher cost, but because Microsoft can (and does) act to prevent compatibility, rather than competing on the basis of price, performance, and other market-differentiating issues, eg security.

There is no benefit to society when Microsoft locks out competition in this way. There is of course no guarantee that competing products would eat into Microsoft's market share, but it does seem reasonable to believe that Microsoft would be forced to compete on price, performance, etc, if the playing field were leveled. Microsoft is clearly not competing on price and performance at this time.

Indeed, this behavior is reminiscent of Bell System behavior in the 1950s and 1960s which led to the Carterfone case. Microsoft need not threaten to disconnect customers who use non-monopoly products as did AT&T): these customers are automatically at risk of disconnection from the monopoly customer ''network'' because Microsoft denies the vendors of non-monopoly products the information they must have if they are to produce products which are compatible with monopoly products, and hence able to compete with monopoly products. In effect, file formats are the ''interconnection specifications'' which the Bell System was compelled to provide (as a monopoly) to vendors who wished to compete for telephone business. Microsoft, as a monopoly, should likewise be compelled to provide interconnection specifications to their applications, so that other vendors can build applications which compete on a level playing field with Microsoft's monopoly applications.

Nothing in the settlement addresses file formats. Hence if this settlement is approved, Microsoft will continue to enjoy a monopoly in the applications space. And while their OS monopoly is not seriously threatened at this time, the Microsoft applications monopoly strengthens the Microsoft OS monopoly.

I suggest that Microsoft should be compelled to release specifications for their file formats on a timely basis—and that ''timely'' be explicitly defined so that competing vendors can release compatible products at the same time that Microsoft releases new versions of its monopoly products. I suggest that access to these specifications should be open to everyone by publication on an open web site. I suggest that any competitor should be able to obtain a copy of the specifications either as a printed manual or on a CDROM (eg in pdf format) at a nominal cost-of-materials charge.

I suggest that updates and specification changes to these file formats should be made available on a timely basis—and again, that ''timely'' be defined explicitly, so that competing vendors can retain compatibility with monopoly applications.

I suggest that stiff penalties should be put in place so that if Micro- soft fails to release file format specifications in accordance with the constraints put in place by the court—and Microsoft's past behavior indicates that they will drive a truck through any constraints if they believe they can get away with it—then Microsoft should be penalized sufficiently severely that the the cost of doing business in defiance of the court's orders will not long be sustainable. Any constraints on Microsoft's behavior must have teeth in them.

I suggest that there should be a watchdog group to which competitors can bring complaints of non-compliance by Microsoft's with these provisions. I further suggest that this watchdog group have the author- ity to

direct Microsoft to release documents immediately, and to impose monetary penalties on Microsoft for non-compliance. Because Microsoft has always used time to its advantage, I suggest that penalties accrue from the time Microsoft has failed to respond to requests for information, and accrue during any appeals process.

I further suggest that the release of incomplete, incorrect, misleading, or unusable information (for example, the release of specifications on Hollerith cards) incur punitive fines above and beyond any fines imposed for failing to comply with timelines specified for release of specifications. Microsoft should be compelled to release to competing vendors whatever specifications are provided to its own programmers simply because Microsoft is a monopoly. Other vendors cannot compete on a level playing field with the Microsoft monopoly without this protection. Although I have focussed on file formats (because those affect me most directly in my work) much the same is true of application programming interfaces (APIs) and protocols—these are the interconnection specifications between applications and the Windows operating system in the former case, and between services and clients in the latter.

I suggest that the same constraints I have proposed for Microsoft file formats also be applied to APIs and protocols.

To go slightly further, Microsoft must be prohibited from sabotaging open protocols such as http by what Microsoft officers have called ''de-commodification'' of such protocols—willful Microsoft changes to established protocols which result in non-Microsoft products failing to produce expected results (''being incompatible'') when dealing with information produced by Microsoft products. Microsoft must be made to play by the same rules as everyone else, lest they drive everyone else out of the game.

Microsoft should not be permitted to use their monopoly control of interconnection specifications as a barrier to competitors entering the market, just as the Bell System was not permitted to use its monopoly customer base and control of interconnection specifications to exclude non-Bell vendors from the marketplace.

Respectfully,
J.H.Snyder
jhsnyder@aya.yale.edu

MTC–00027400

From: Akira Negi
To: Microsoft ATR
Date: 1/27/02 11:54pm
Subject: Microsoft Settlement

Dear Sirs:

With respect to the current Microsoft anti-trust case, I urge you to NOT settle for anything less than a split up of the company. There are a number of incidents that lead me to believe this, but the most of recent such event was when Windows 95 based computer had a problem when adding a hardware. Specifically, Windows 95 OS would crash every time it tried to find a new driver for the new hardware. After some investigation, I concluded that the only chance was for me to reinstall the Windows software. I then found out that it was not possible to do that without going back to the DOS prompt, because Internet Explorer 4.0 was loaded on the computer. I tried to remove it, but Windows refused to let me do so.

This is a clear example of Microsoft forcing its OS and its internet browser both onto the uses at the same time. Seeing that it was not possible to fix a problem I had at hand without going back to the DOS prompt (which defeats the whole purpose of using Windows in the first place), it appears to me that Microsoft would benefit from stopping its practice of using its market share in the OS to force applications onto the users—at least the problems would be solvable without taking a brute approach. Moreover, if forced to consider products more independently, perhaps Microsoft would consider builing more stable OS and more stable internet browsers, which would have eliminated my problem to begin with.

It is my opinion that if Microsoft were two (or more) separate corporations, it would be forced to create their programs in a more modular way with clear interfaces, which would in turn open the doors for other software companies to create a similar, competitive products. I'm sure I'm not the only person who have experiecnced problems with softwares crashing and hanging up the OS. No other industry would accept a product that would have to be rebooted every day or so to keep everything operating normally. Having a clear interface between the OS and applications would make it easier to build a more stable product. For the exact reasons stated above, I do not deem a small penalty to be a sufficient outcome in this anti-trust case. Microsoft's anti-competitive practices must be stopped now, or we risk losing many of its great competitors, including Netscape and Correll (maker of Word Perfect). Our society cannot afford such a loss. We need those competitors to keep producing their respective products in order to have improvements and advancements in softwares. I would find any result that does not put an end to Microsoft's current business practices utterly unacceptable.

Thank you for your time, and good luck in the proceedings.

Sincerely,
Akira Negi
912 Cedar Fork Trail
Chapel Hill, NC 27514 USA
919–969–7720
anegi@nc.rr.com

MTC–00027401

From: Scott Currie
To: Microsoft ATR
Date: 1/27/02 11:55pm
Subject: Microsoft Settlement

I am a programmer by profession; I have never had any legal training or experience. As such, it makes understanding a settlement such as the Microsoft Proposed Final Judgment difficult for me. However, as the results of this landmark case will impact my chosen profession for years to come, I have felt compelled to do what I can to understand this judgment. While I do not grasp the entire scope of the document, I have seen what I view as some problems with the wording therein. These flaws very well may allow Microsoft to avoid the intended punishment, and continue its monopolistic behavior.

One of the few real competitors to Microsoft's products are the loosely organized people who contribute to various open source projects, such as Linux, Apache, and Samba. This judgment does very little to protect these projects. For example, the Samba project develops networking products that interoperate seamlessly with Microsoft products. By using the Samba product, one can create a network server that runs any variety of operating systems, and yet fully functions with Microsoft products as well. This type of interoperability is very important to open competition, as the server administrator can choose the superior products even if they are from different vendors, and expect the network to work well together.

I believe that the clause in the judgment requiring Microsoft to publish their Application Programming Interfaces (APIs) is probably the single best way to ensure competition. If the ground rules for how programs communicate are public knowledge, then there will be true competition, and the best product will be the one chosen by the users. I believe there are gaping holes in the wording of this clause. I understand the intent behind the security exceptions to disclosure in Section III.J.

However, in this networked era in technology, nearly any transactions carried out by computers are potentially security risks. I am concerned that with Microsoft's reluctance to give up their monopoly, they may claim that releasing key components of, for instance, authentication schemes would compromise the security of their products. However, the piece that was withheld was also a key component that a competing project such as Samba would need to be able to interoperate seamlessly.

Another concern is that the publication of these schemes will be under a commercial model. The above open source projects are distributed freely across the Internet, and do not have a per-user charge. Yet the Proposed Final Judgment would allow Microsoft to charge money for access to their APIs. When a project such as Samba is mainly programmed as a hobby, and given away with no concern for profit, the commercial licensing of these APIs will preclude the open source project from benefiting from the settlement.

A final concern I have is that the enforcement committee does not have legal authority to impose punishments should Microsoft choose to violate the terms of this agreement. A According to Section IV.D.4.d, ''No work product, findings, or recommendation by the TC may be admitted in any enforcement proceeding before the Court for any purpose, and no member of the TC shall testify by deposition, in court or before any other tribunal regarding any matter related to this Final Judgment.''

It makes no sense to disallow the findings of an oversight committee in a legal complaint. I believe when a company has proven itself to be opposed to voluntary steps to avoid monopolistic behavior, there should be a mechanism for the oversight committee to enforce violations of the PFJ.

In light of these concerns with the settlements reached, I do not believe that the Proposed Final Judgment will accomplish the re-establishment of competition in the technology sector. I call upon you to reject this settlement, or at least address these concerns that will enable Microsoft to continue to engage in monopolistic behavior, despite this Final Judgment. Thank you for the opportunity to comment.

Sincerely,

Scott Currie, Programmer Analyst

PS I have also faxed these comments to the appropriate number.

MTC–00027402

From: Michelle Trostler
To: Microsoft ATR
Date: 1/27/02 11:56pm
Subject: Microsoft Settlement

The Microsoft settlement is not in the public interest because consumers need freedom of choice to decide, without the intereference of Microsoft, what products are on their computers. The settlement must provide ways for any combination of non-Microsoft operating systems, applications, and software components to run properly with Microsoft products.

This is so basic. Please do not bend to the will of big business while compromising the interest of common people.

Thank you,
Michelle Trostler
Sunnyvale, CA

MTC–00027403

From: Dave Michaelian
To: Microsoft ATR
Date: 1/27/02 11:56pm
Subject: Microsoft Settlement

Dear Judge,

Though I am a huge believer in free markets, I do not believe the Proposed Final Judgment (PFJ) is a the best solution.

Microsoft is a wonderful company staffed by wonderful people, but they are guilty of some very grave anti-competitive violations.

Moreover, the PFJ does not provide an effective enforcement mechanism for its remedies.

Best,
Dave Michaelian
CEO, BridgePath Corporation
Campus Crusade for Christ @ USC
Campus Director
2643 Magnolia Ave.
LA, CA 90007
dave.michaelian@uscm.org
213–748–8141
CC:microsoftcomments@doj.ca.gov@inetgw,dkleinkn@yahoo...

MTC–00027404

From: Steve Pietrowicz
To: Microsoft ATR
Date: 1/27/02 11:57pm
Subject: Microsoft Settlement

Hello.

I'm writing to you concerning the proposed settlement between the Justice Department and Microsoft.

I believe it is wholly inadequate, and offers no real remedy against Microsoft's past and current business practices.

I've been working in the industry for the last 17 years, and started working with personal computers in 1978. I've worked for a number of different companies, and worked on a variety of computer platforms, both large and small. Throughout that time, as a consumer, I've seen a number of things that Microsoft has done to maintain it's stranglehold on personal computers. I'm going to address one of those, because I believe it goes to the heart of how Microsoft treats what it views as competing platforms, and how it will continue to behave unless this issue is addressed.

The Java programming platform allows programs to be written which will run on multiple platforms, without needing a special version of the program for each of those programs. This completely eliminates the need for special versions of the same program for different platforms. Instead of having a version for Microsoft windows, another version for the Apple Macintosh, and yet a third for a UNIX system, there is only one version that is needed. Many many companies have licensed the Java programming language, including Microsoft. However, instead of adhering to the license agreements it made with Sun, Microsoft came out with it's own incompatible version of the Java programming language, at first without telling programmers that it was incompatible. I say, ''at first'', because it wasn't until there were a number of news stories that pointed this out to programmers. Microsoft's response was that there version was an improvement of Java, when in fact, the sole purpose was to make versions that only worked on the Microsoft platform. In the end, Microsoft has decided to drop Java all together, and Java is no longer included in the Windows operating systems it recently released (Windows XP).

What Microsoft did, at the very beginning of Java's popularity, was to create a wedge that prevented people from writing programs using Microsoft's Java for other platforms, just to keep it's monopoly intact. I contend that the sole purpose of their licensing the Java platform was use the incompatibilities Microsoft itself created to prevent developers from creating software on other platforms.

This has happened time and time again. Look at any of the more popular programs that Microsoft viewed as ''threats'' to it's existence. Here is a reference to an article of another instance of this sort of behavior: http://eatthestate.org/03–07/MicrosoftPlaysHardball.htm This article describes how Microsoft successfully prevented a highly successful competing product (vs MSDOS), DR-DOS, from running with Microsoft Windows 3.1. From the article:

''The plan was to plant code into Windows which would ''put competitors on a treadmill'' and cause the system to ''surely crash at some point shortly later.'' In order words, Windows would intentionally bomb if it detected DR DOS.''

The article sites that the Department of Justice found this out from a memo by Microsoft VP David Cole. The engineers at Microsoft that created this code to prevent DR DOS from running even went so far as to encrypt part of their work to avoid detection.

Additionally, in October of 1998, Microsoft was successfully able to prevent Compaq computer from allowing Apple to include their Quicktime viewer in products it shipped at that time, because of ''incompatibilities'' with Windows. Microsoft had a competing technology, ActiveMovie, which shipped instead.

I urge you to read the rest of this article, which I've attached below. Microsoft has shown time and time again that it will try and introduce code or technology into it's products to prevent them from becoming successful. It's very important this is addressed. And there are several ways to do this.

First, require that Microsoft ship Sun Microsystem's Java with all Windows platforms. This should be a version that passes all tests that Sun requires of it's OEMs, and does not include anything that would break Java programs if executed on other platforms. This is very very important, because while Java was prominently brought up in the trail, there is nothing in the DOJ settlement that addresses it.

Second, require that Microsoft publish the complete operating system source code to Windows, with (and this is important) the tools necessary to build the operating system from source code to binary executable. This will prevent Microsoft from creating ''special code'' that prevents what it views as a competing technology, from running.

Microsoft has shown time and time again, that it can not be trusted to ''do the right thing''. The court should set into place a judgement that requires it to do so.

This is only one issue, and one aspect of how Microsoft conducts itself. Consider how Microsoft has acted in the past on other issues: It required computer manufacturers that sold systems that ran Windows to pay royalties on Windows licenses, even though the system shipped with another (or without) an operating system; It threatened computer manufacturers by saying that it would withhold the Windows operating system, unless they agreed with Microsoft's terms, forcing computer makers to comply.

Please carefully consider all the e-mail you've received, and draft a new, stronger judgement that the one that DOJ currently proposes. Microsoft has already been found to be a monopoly. Please take steps that are more than the slap on the wrist that the current DOJ proposal is.

I look back over the years and think of all the companies that Microsoft prevented from succeeding because of practices I illustrated above. Worse, I think of the number of conference rooms I've sat in, where people said things like ''We can't do this project. If Microsoft ever decides to do this sort of thing, we'll be crushed''. I don't think people that aren't in the computer industry realize how often this takes place.

It's time it stopped.
Stephen R. Pietrowicz
January 27, 2001
Engineer

MTC–00027406

From: Jeremy Praissman
To: Microsoft ATR
Date: 1/27/02 11:57pm
Subject: Microsoft Settlement
Jeremy Praissman
7 Wainscott Lane

East Setauket, NY 11733
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW

As a long time computer user, I waited the June 7th, 2000 verdict in the Microsoft antitrust case with great anticipation. When the ruling was released, it seemed to be a much needed reining in of an anticompetitive behemoth that had stifled growth and innovation in the computer software industry for years. How far we have come in the short year and seven months since then.

Despite the later unanimous 7–0 decision in the Court of Appeals upholding the verdict that Microsoft is a monopoly that engaged in anticompetitive practices and thus broke the law, the proposed remedy has shrunk considerably in scope and reach, from the initial drastic solution of splitting the company, to the current consent decree—a mere slap on the wrists. This reversal in the DOJ position and Microsoft's fortunes can hardly be seen as random, apparently riding hard on the coattails of the recently installed Bush administration. Further indication of potential (hidden) political influence in this matter is the recent revelation that Microsoft has included none of the details of its congressional lobbying in information supplied to the court in direct violation of the terms of the Tunney Act(http://www.washtech.com/news/regulation/14834–1.html). Note that Microsoft spends more than $5 million a year lobbying congress.

Regardless of how the current proposed consent decree came to be, I believe that if anything, it is certainly —not— in the public interest.

Many of the issues that must be addressed under antitrust legislation, such as ''redistribution of the ill-gotten gains'' do not seem to be mentioned at all in the decree. Further, the decree is ambiguous in many places and generally weak. It seems to in fact condone some of the very behavior that resulted in the current antitrust litigation. I will discuss two of the problems extant in the proposed consent decree that I feel most strongly about.

The court has acknowledged that one of the most significant problems potential competitors to the Microsoft operating system monopoly face is the ''Applications Barrier to Entry.'' As Microsoft has been so successful in marginalizing non-Microsoft operating systems, there are no —companies— offering a viable challenger to Microsoft Windows. Thus it is with consternation that I note no clauses catering to the only current reasonable challenger: open source software. I feel that the dcree should mandate the release of all Windows Operating System Product APIs, including those related to security, for the purpose of not only building software to operate within a Windows Operating System Product but also for the purpose of developing middleware to allow other operating systems to run Windows software. This would be a clear step toward opening the market to competition.

I also feel strongly about the fact that the Technical Committee mentioned in the consent decree would have little actual enforcement power. This leaves enforcement of the decree up to further litigation. Microsoft has, through its considerable resources, dragged even this trial on for a ridiculously long time. During the period of litigation, Microsoft integrated the Internet Explorer product further into the Windows operating system releasing Windows 98, an act clearly disrespectful to both the plaintiffs and the judicial system. Windows Me, Windows 2000 and Windows XP have also been released and are installed on millions of computers. These are clear indicators that litigation is not fast enough to effectively stem Microsoft bad behavior. This in addition to the fact that Microsoft has enough money to continue litigation almost indefinitely.

I am strongly against the currently proposed consent decree. I am particularly concerned that if this decree were to become binding, it would adversely effect future antitrust litigation against Microsoft. For more lucid and thorough analysis of the proposed decree, I direct your attention to the comments of Dan Kegel, available at http://www.kegel.com/remedy/letter.html. I fully support his comments and analysis.

Thank you for reading my comment. I appreciate your time and attention.

Sincerely,
Jeremy Praissman

MTC–00027407

From: faith32@bright.net@inetgw
To: Microsoft ATR
Date: 1/27/02 11:55pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Marilyn Riddle
5669 State Route 29 E
Sidney, OH 45365

MTC–00027408

From: Tony Sellers
To: Microsoft ATR
Date: 1/27/02 11:58pm
Subject: Microsoft Settlement

Pursuant to the Tunney Act, I am writing to comment on the proposed settlement of the United States vs. Microsoft antitrust case. I oppose the proposed Microsoft Settlement. I hope to send a follow-up message in the morning detailing my opposition, but let this statement suffice for now: I fear for the private ownership, security, and confidence of data stored by or passed through Microsoft software due to Microsoft's use of proprietary and closed file formats, APIs, and network protocols, especially in light of their publicly expressed intentions to shift their software to a subscription sales model. Microsoft have been found guilty of abuse of their monopoly position in this case, and are being offered a pathetically weak settlement by the D.O.J. on behalf of the citizens of the U.S. and the world. Please abandon this settlement and play to win.

It would be better to warn Microsoft to behave and put them on a sort of administrative probation than to settle so weakly. You have the power to make this settlement on my behalf, but you do not have my consent to do so.

C. Anthony Sellers
a private individual
Miami, Florida

MTC–00027409

From:kbk@float.ne.mediaone.com@inetgw
To: Microsoft ATR
Date: 1/27/02 11:52pm
Subject: Microsoft Settlement

Gentlemen:

On November 5, 2001 I sent the following letter to Thomas Reilly, Massachusetts Attorney General, stating that I supported him in his decision not to join the settlement.

I am not, nor have I been, associated with the software industry per se, but I have used computers as an engineer and physicist for over 35 years. I have watched the industry develop and I'm pretty well acquainted with the fortunes of the companies involved. I do not have a financial interest in any software company, although I did own some Apple stock for a few years.

I stand by the comments in my letter, with one exception: I have been in communication with Starbucks, and they have now added the ability to use credit cards on starbucks.com. I believe this is due, at least in part, to comments by people like myself. It should be noted, however, that using Passport is much more convenient, and that is the way it usually goes.

As an aside, and with reference to the Enron debacle, I would surely like to see all contributions by corporations to government officials cease. I note that Microsoft is now making heavy contributions.

Further, the Microsoft proposal to put computers and software into schools as part of a settlement was laughable to those in the know, because that is exactly how you extend the monopoly to the detriment of the competition. As a Republican I voted for President Bush, and I continue to support him vigorously. However, I cannot agree with the administration's policy on the settlement of this case. I would like to see Microsoft's business practices curtailed before more damage is done.

Sincerely,
Kurt B. Kaiser
8 Bayview Road
Ipswich, MA 01938
978 356 5220
Letter

To
Massachusetts Attorney General
One Ashburton Place
Boston, MA 02108–1698
Dear Attorney General Reilly:

I am pleased that you have decided to proceed with your action against Microsoft. Although the Appeals Court unanimously determined that Microsoft's actions were monopolistic, the settlement does not provide any remedy which would correct the situation or prevent its further extension in the future. Part of the justification for the settlement appears to be along the lines of, ''What is good for Microsoft is good for the country.''

There are precious few vendors now which provide applications for PCs. Adobe and Intuit come to mind. The rest have been crushed (Netscape) or bought out by Microsoft (Visio). Real Player, I understand, will no longer work with Windows XP as Microsoft extends its domination into the multimedia applications. MS has a long history of this kind of abuse, going back to the days of DOS when incompatibilities were deliberately introduced to defeat DR DOS.

Microsoft does not have a superior product, just the dominant one. Bill Gates has singlehandedly destroyed more creativity than any person in history. There is a theory that if MS was stopped, the consumer would suffer. I don't believe that to be the case. There would be a relatively short period of stagnation, during which the current OS and applications would be used, followed by a great outpouring of superior products. Right now, few want to try to compete, the risk is too great.

I notice that the New York Times is now offering an online edition which is exactly the same as the print edition. To view it, you must have Microsoft Windows and Microsoft Internet Explorer. If the consumer wants to use his Macintosh, or Netscape, or Linux with Netscape, well, he's just out of luck. It doesn't make sense economically for the NYT to develop compatibility with those OS and applications because of the dominance of Microsoft. Why are they incompatible? Because of Microsoft's policy of ''embrace, extend, and extinguish.'' Microsoft has introduced incompatibilities (e.g. ActiveX) which make sure that competition is shut out.

If you want to buy coffee on starbucks.com, you have to use Microsoft Passport. No credit cards or PayPal are accepted. I expect to see many more sites like that. Apparently a major reason Starbucks chose MS Passport was that MS claimed it was much safer to have a central repository than to have the consumer store credit card numbers on his own machine. As you may have heard, Wired recently had an article about a programmer who defeated Passport Wallet in less than an hour, and that MS had to shut down Passport to make ''corrections.'' I personally don't want my credit card numbers in the hands of MS because I believe they are not competent to safeguard them. I resent the lack of choice that is developing.

These situations could not have occurred if Microsoft had not been allowed by the government to establish the most pervasive monopoly the world has known.

Sincerely,

MTC–00027410

From: Joseph R. Justice
To: Microsoft ATR,petition@kegel.com@ inetgw
Date: 1/27/02 11:59pm
Subject: Microsoft Settlement

Whom It May Concern:

My name is Joseph R. Justice. I live in Alexandria, VA. I am a computer programmer and software developer; currently I am an independent programmer, but in the recent past I worked for several business units of the Thomson Corporation including West Group and Research Institute of America. (This message should be taken solely as a reflection of my own personal views, and not as an indication of the views of any current or past employer.) I am writing to comment on the proposed final settlement between the United States Government and several states to their current antitrust lawsuit against Microsoft Corporation. (See the URL ''http://www.usdoj.gov/atr/cases/ms-settle.htm''.)

I believe that the proposed final settlement does not adequately punish Microsoft for its past anticompetitive and illegal behavior performed in the marketplace and against consumers, end-users, and competitors. I also believe that the proposed final settlement will not prevent Microsoft from continuing and increasing its illegal activities in the future. In fact, I believe that the proposed final settlement as is will only be seen by Microsoft as encouragement and a sanctioning by the government of its past and future illegal activity. Therefore, I believe the proposed final settlement in its current form should not be accepted, and that it should be substantially or even entirely redrawn.

I further agree with and wish to co-sign the ''Open Letter to DOJ Re: Microsoft Settlement'' by Dan Kegel. (See the URL ''http://www.kegel.com/remedy/letter.html''.) To that end, this message is also being sent to the e-mail address ''petition@kegel.com'' as my request to be a co-signer of this letter.

Thank you for your time. If you need to contact me concerning this letter, I can be reached at the e-mail address ''jrj@radix.net'', the street address of ''2727 Duke Street # 1407, Alexandria, VA 22314'', or the phone number 703–567–5057.

Sincerely,

Joseph R. Justice

Joseph R. Justice jrj, (at) radix.net == (AOL IM) JosRJust == anon-24205, (at) anon.twwells.com ==

(EFNet) IRC: jrj, jrjx, jrjxx

http://www.radix.net/jrj ''

CC:Joseph R. Justice

MTC–00027411

From: D S
To: Microsoft ATR
Date: 1/28/02 12:00am

From my understanding of the case, the so called restrictions to the company Microsoft was only a coverup done by both microsoft and the government. The government needs to prove themselves by ''making things right''. Microsoft on the other hand need to remain as ''monopoly'' and do the many evil things that they do as a multi-national company.

The fact that remains abhorrent to me is that XP will be free of any significant restictions. This made the case rediculous in terms that it fails place restriction on the current company product. It also shows a flawed in judgement by the judge. For a law is useless unless it can and will place restictions on microsoft now and in the future. Digging up old dirt and sueing them will not prevent new ways to breaking the law. ''If approved, some analysts said the agreement could greatly benefit computer manufacturers, which would have the freedom to substitute non-Microsoft applications on Windows, including Web browsers, e-mail clients, media players and instant-messaging applications.''

The above statement clearly shows lack of judgement. If the proposal is approved, the general public will not so earily accept software other than microsoft. People who are used to doing things the microsoft way will resist change, especially from companies they have never heard of.

MTC-00027412

To: microsoft.atr(a)usdoj.gov
Date: 1/27/02 11:37pm
Subject: Microsoft Settlement
Ramiro Prado
January 27, 2002
2286 S. Blue Island
Chicago, IL 60608
Education Student at University of Illinois at Chicago

The Anti-trust case against Microsoft is not just a case against anti-competitive practices; this case involves the control and dissemination of knowledge. Like Gutenberg's printing press , the World Wide Web (WWW) is the present day access point for knowledge. No single company should have a monopoly on the interface to access the WWW or on the standards to create WWW content.

The progress of the United States, as a technological power, is directly linked to the technical ability of its population. A monopoly on the WWW is a threat for the advancement and continued technological leadership position that the United States has enjoyed.

The bundling of Windows and Internet Explorer has forced innovation to be dictated by a single company. It was the inherent openness of the WWW that spurred the new digital revolution, and the creation of new jobs for the U.S. economy. However, Internet Explorer's domination has stifled innovation on the WWW, because a single browser means strict adherence to a monolithic ideology of WWW content creation and delayed development of the second generation of the WWW.

Microsoft's new .NET initiative is the final stage of control over the WWW. By creating proprietary standards Microsoft will also be in control of the content of the WWW. This new standardization will force all content on the web to be Microsoft approved. A single company with so much power over intellectual as well as commercial information has never been seen and should never be seen.

In spite no sign that Microsoft will change its monopolistic ways. Microsoft's .NET initiative is the new threat to an open and beneficial information highway. A just decision must be made to protect the access and content of the WWW, without a commercial company dictating what future technologies may bring.

MTC–00027413

From: Brian Albers
To: Microsoft ATR
Date: 1/28/02 12:04am
Subject: Microsoft Settlement

To Whom It May Concern:

I'm writing to express my deep and sincere displeasure with the terms of the final settlement in the Microsoft antitrust case. I feel that the proposed conditions in no way restrict the company from repeating the actions that caused the problems in the first place; furthermore, the conditions include no significant penalty and enforcement in them, implying that there was no reason to pursue this case in the first place.

If Microsoft is allowed to continue its monopolistic behavior without check, it will cause even more problems in the industry beyond those already well documented in the trial. Please reconsider the proposed conditions, which do more harm than good. Penalties and enforcement.

Sincerely,
Brian Albers
San Jose, CA

MTC–00027414

From: Tellapple@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 12:04am
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
United States Department of Justice
601 D Street NW
Suite 1200
Washington, DC

Dear Ms. Hesse:

I wish to oppose the proposed settlement in the Microsoft case. I do not feel the decision is in the public interest. In my experience with working with computers I have been annoyed by the virtual Microsoft monopoly in many areas and I feel the decision is both vague and I do not see how it can be enforced. I feel that once the publicity has faded, the situation will return to ''start'' and Microsoft will go back to using illegal and non competitive means to take over the software industry. I believe that computer users must have a choice in their decisions about what products to use on their computers. I believe that the settlement must provide ways for competing non-Microsoft operating systems, applications, and software components to run properly with Microsoft products.

I hope that you will take my protest into consideration.

Sincerely yours,
Marianne J. Huber
4 E. 82nd St.
New York, NY 10028

MTC–00027415

From: Andy Tripp
To: Microsoft ATR
Date: 1/28/02 12:04am
Subject: Microsoft Settlement
To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement
Date: January 27, 2002
From: Andy Tripp
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Attached is my comment on the proposed Microsoft settlement:
To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement
Date: January 27, 2002
From: Andyn Tripp
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Introduction

I wish to comment on the Microsoft Proposed Final Judgement[1] (PFJ) settlement as provided for under the Tunney Act[2].

About Me

My name is Andy Tripp and I am a software developer in the Telecommunications Industry. I've been developing, testing, and supporting software in the industry for 17 years. I have no attachment with either Microsoft or any of its competitors. While I use the Java programming language (which Microsoft has been hostile to), I would say that I am impacted by the Microsoft case in much the same way that most people in the software business are. While I am more openly critical of Microsoft than most, I would say I'm a fairly typical software professional. Having worked for AT&T and its offspring for 15 years, I also know a little more about monopolies and divestiture than most. Being a member of the ''Slashdot crowd'' (a technical news site), I also tend to follow Microsoft and it's legal cases more closely than most.

About This Document

This document has three parts. In Part 1, I highlight some of the reasons why the Proposed Final Judgement (PFJ) does not serve the public interest by noting where it falls short and by pointing out potential loopholes.

Because most of the problems of the proposed settlement have already been pointed out by others, I rely heavily on quotes from others here.

In Part 2, I explain why I think that nothing short of splitting Microsoft into three companies will restore competition to the OS and Web Browser markets. While a forced divestiture may seem extreme, I'll try to make the case that it's the only way to restore competition.

In Part 3, I ask for a heavy fine against Microsoft as a deterrent to future illegal conduct. I suggest some starting numbers for calculating what would be an appropriate fine, emphasizing that the fine must be large enough to be an effective deterrent.

Here is the outline of this document:

Introduction
About Me
About this document
Part 1: Problems With The Proposed Final Judgement
API Disclosure
OEM Provisions
Desktop Icons
Technical Committee
Conclusion: The many loopholes in the PFJ Need to Be Closed
Part 2: Microsoft Should Be Split into 3 Companies
Justification for a Split
Why Internet Explorer Should be A Separate Company
Why Windows Should be A Separate Company
How to Determine ''Operating System'' vs. ''Application''
How to Enforce Separation: A Technical Committee
How a Microsoft Split Would Restore Competition
Conclusion: Splitting Microsoft is the Only Way to Restore Competition
Part 3: Deterence: Levy a Heavy Fine
Final Thoughts
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Problems With The Proposed Final Judgement

API Disclosure

There are certainly many loopholes in the area of API disclosure. Zimran Ahmed [3] points out these problems, among other things:

The fact that the definition of ''middleware'' excludes ''outside the context of general Web browsing'' doesn't make much sense. And the phrase ''that designated Non-Microsoft Middleware Product fails to implement a reasonable technical requirement...'' gives Microsoft an easy ''out'' to determine for itself what's ''middleware'' and what's not.

The definition of ''Communications Protocol'' is too narrow and seems to exclude SAMBA [4].

Microsoft would not have to disclose any API related to security. It would be easy to label just about anything ''security-related''.

Microsoft would not have to disclose any API to any group that meets ''reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business.'' That would exclude open source as well as government, educational institutions, standards bodies, etc.

There is no reason to exclude these groups.

Another major problem with the API disclosure is that it forces those who use the APIs to share their finished code with Microsoft. There is no reason to force companies to expose anything to Microsoft.

OEM Provisions

The PFJ's treatment of Microsoft's relations with OEMs has a fatal flaw: Even if Microsoft is prohibitted from relatiation, it would be corporate suicide for an OEM to cross Microsoft. To quote the Computer and Communications Industry Association[5]:

...even its limited provisions (API disclosure, icon removal, etc.) rely exclusively on OEMs to provide a competitive alternative to Windows...there is no likelihood that any OEM will use its small freedoms under the settlement to choose to compete with Microsoft.

This trial has shown that OEMs have been bollyed by Microsoft so badly that they have good reason to fear retaliation if they step out of line.

Former Netscape CEO James Barksdale describes the Microsoft/OEM relationship ''Finlandization''[6]:

During the Cold War, we used to refer to a concept known as Finlandization. What this referred to was that Finland was nominally free of the Soviet Union, but was so threatened by it, it could not act unilaterally without tempering its actions so as not to offend its giant neighbor which could crush it at will. The technology industry now, and after the settlement with DOJ, is still effectively, Finlandized by Microsoft. It is still dominated, and will still cower in fear of the monopolist unbound.

Desktop Icons

The PFJ ensures that non-Microsoft companies may get their icons on the Windows desktop, but the clause only applies to companies who have sold more than a million copies of their software in the United States.

There does not need to be any such limitation. Hardware vendors, service providers, and all kinds of non-software companies might want to pay OEMs to put their icon on the desktop.

Technical Comittee

The three-person technical committee (TC) that the PFJ proposes has some serious problems. First, the fact that Microsoft would be allowed to choose one member, who would in turn help to choose a second, is troubling. No convicted criminal gets to choose his guards, his judge, his jury, or even his parol officer, and Iraq does not get to choose its weapons inspectors. Microsoft would surely choose someone who is biased in favor of the company.

As the TC would work in secret, so there would be no public pressure on Microsoft to simply ignore them.

The TC would have no specific enforcement power. All they could do is report back to the DoJ on what's happening inside Microsoft.

The TC members would be payed by Microsoft. That creates a conflict of interest.
Conclusion: The many loopholes in the PFJ Need to Be Closed

The PFJ has been widely critisized [7,8] and software industry is virtually unanimous in it's characterization of the PFJ as being full of loopholes and ineffective. The more generous critiques call it a ''slap on the wrist''. I believe the most common view of it was put simply by Massachusetts Attorney General Tom Reilly, when he said[9] that the deal was ''full of loopholes and does little more than license Microsoft to crush its competition.''

Part 2: Microsoft Should Be Split Into Three Companies

In this section, I will explain why I think that the PFJ is not sufficient to stop the unlawful conduct of Microsoft and restore competition to the OS and Web Browser markets. I propose splitting Microsoft into an Operating Systems (OS) company, a Web Browser company, and an Applictions (and everything else) company.

Justification for a Microsoft Breakup

While most of the remedies in the PFJ attempt to ''terminate unlawful conduct'' and ''prevent repetition in the future'', none even come close to attempting to ''revive competition in the relevant markets''. In his legal summary of the Microsoft case[7], Paul M. Kaplan states:

Finally, the Court highlighted its major concerns with its entry of the Final Judgment—namely, ''to terminate the unlawful conduct, to prevent its repetition in the future, and to revive competition in the relevant markets''. Supra at 3. United States v. United Shoe Machinery Corporation, 391 U.S. 244 (1968) provides guidance as to the judicial relief that should be granted where a defendant is found guilty of violating 2 of the Sherman Act. In that case, the Court stated that the appropriate relief in a ''Sherman Act case should be to put an end to the combination and deprive the defendants of any of the benefits of the illegal conduct, and break-up or render impotent this monopoly power found to be in violation of the act. In short, the remedy should achieve its principal objects, ''to extirpate practices that have caused or may hereafter cause monopolization and restore workable competition in the market'.'' Supra at 252 The remedy must be strong enough that in the future, people look back and say ''there is now competition in both the PC Operating Systems market and the Web Browser market because of the Microsoft trial.''

The CCIA[5] also points out that the settlement does not address the core monopoly problem:

the DOJ settlement would not restrict the core way in which Microsoft unlawfully maintained its Windows operating system (OS) monopoly, namely bundling and tying competing platform software (known as ''middleware'') like Web browsers and Java, to the OS the DOJ settlement has no provisions to create competition in the OS market that Microsoft unlawfully monopolized.

The DOJ settlement has no provisions directed to new markets where Microsoft is using the same bundling and restrictive practices to preserve and extend its Windows monopoly. Typified by Windows XP, which ties Internet services, digital media software and instant messaging (among other features) to Windows, Microsoft is demolishing potential competition in these new markets just as it did in 1995–98 to Netscape. The Court of Appeals ruled that a remedy must ''ensure that there remain no practices likely to result in monopolization in the future,'' but the DOJ deal does not even try to restrict ways in which Microsoft could (and already has) leverage its Windows monopoly in the future.

In fact, as the CCIA mentions above, Microsoft is continuing its illegal practice. Today, Microsoft not only enjoys an OS monopoly, it now enjoys a Web Browser monopoly and an ''Office Applications'' monopoly. It is using the same tactics that it's been conviced of to extend its OS monopoly to a ''Media Player'' monopoly and ''Instant Messanger'' monopoly. Microsoft claims[10] that many of these ''applications'' are or should be integral parts of the operating system. But in fact, viable markets already exist for these applications. The Web Browser market was once very profitable for Netscape. Many non-Microsoft ''Office Applications'' have done fine in the past, and certainly there are many ''Media Player'' and ''Instant Messager'' providers today.

Why Internet Explorer Should be A Separate Company

In my opinion, there is simply no way to restore competition to the Web Browser market other than to separate the IE application from the rest of Microsoft. Anything short of that would allow Microsoft to fund IE development from it's monopoly-generated funds. If IE were forced to be self-sufficient, it would help to level playing field with other web browsers—both existing and potential new ones. Microsoft would argue that Netscape is funded by AOL, and thus would have an unfair advantage. This is true, but some advantage is now needed to restore competition now that IE has around 85% market share. By analogy, AT&T had far more restrictions place on it after its divestiture than its competitors. This was necessary to attempt to create competition. It's true that all else being equal, it would be unfair to only restrict Microsoft. But all else is not equal: Microsoft has been convicted of illegally maintaining and extending its OS monopoly to the browser market.

Microsoft would also argue that the consumer would be harmed because IE today is free. IE in fact is not free.

Consumers are simply paying for it as part of the price of Windows.

The separation of IE from the rest of Microsoft would be necessary but not sufficient to re-establish competition in the web browser market. There would need to be the regulations you might expect to ensure that it's really separate: No cross-ownership, no special agreements, no comingling of code, etc. between these two companies. And just as local phone companies could not enter the long distance market until they had competition in their local market, The IE company would need to be restricted from the OS market, and the OS company from the browser market, until competition existed.

The CCIA and SIIA organizations filed a ''friend of the court'' brief[12] in which they forcefully argue the need for not just the OS be split from the rest of Microsoft, but for the Web Browser part of Microsoft to be separated also. Judge Jackson seemed to feel that this was the best solution, but as it was not the one recommended by the prosecution, it would have been inappropriate to impose it. But two things have changed since then. First, the effects of Microsoft's illegal activity continues to give IE increased market share and erode the competition in the Web Browser market. With over 85% of browser market share, Microsoft now has (or is close to having) a monopoly on the browser market, which it didn't have just two years ago. Second, the DoJ, under a new administration, has not only dropped it's efforts for a structural remedy, it has agreed to this very weak PFJ. To some extent, the DoJ has ''switched sides'', now siding with Microsoft on a weak remedy. While there was little reason to second-guess the 2-way split supported by the previous DoJ prosecutors, there seems to

be plenty of reason to question whether the current DoJ is doing what's in the public interest.

As you might guess, others[13,14] have also recommended this 3-way split.

Why Windows Should be A Separate Company

Separating IE from the rest of Microsoft would attempt to remove the illegally established monopoly in web browsers, but there still is the issue of Microsoft continuing to extend its OS market to other markets, such as Media Players, Instant Messaging, Virus software, etc. The court found that Microsoft attempted to maintain its monopoly through restrictive OEM contracts, and illegally extend it through web browser tying. But, of course, it did not find Microsoft illegally extend their OS product to these other areas, as Microsoft only started to bundle these recently. But the principle is the same: to tie an application that is in a competitive market into the monopoly OS. The remedy must take steps to stop this activity. By analogy, when someone is convicted of stealing from a bank, the remedy should also prevent or discourage him from stealing from anywhere else. In fact, the remedy should discourage him from breaking any law even remotely related to the original crime.

So how to prevent Microsoft from its ongoing practice of taking over markets by extending Windows to include them? The only way to do this is separate the OS into its own company. This remedy has wide acceptance as the most effective solution, including several thorough briefs[11] supplied to the court. I believe this remedy is the only way to prevent Microsoft from continuing to illegally maintain and extends its OS monopoly. A large fine may discourage it, but only a structural remedy would prevent it.

The Windows product must be split into a completely separate company from all other products in order to stop it from growing by consuming other application areas, and thus illegally extending its monopoly. The company would need to have the obvious restrictions: No cross-ownership, no special deals with other companies, and no extension into other markets. In addition, as was the case for .AT&T, it would need to be profit-regulated to ensure that it does not overcharge customers.

How to Determine ''Operating System'' vs. ''Application''

The difficult part of enforcing such a split would be on the technical issue of not allowing the OS to grow into ''application'' areas. Bill Gates, in his disposition[10], lists many ''gray areas'' which are not considered part of the dictionary-definition of ''Operating System'', but which recently have tended to be delivered as part of the operating system:

Font management
Disk backup, optimization, compression
A shell (DOS/Unix command line)
A help system
Anti-virus software
Remote boot capability
Graphics support
A control panel
ù email capability

demos to show off OS features.

This is just a rough list off the top of his head; there are probably hundreds of such areas that some might consider ''part of the OS'', and others would consider ''applications''. In this deposition, the DoJ presented dictionary definitions of ''Operating System'' and ''application'', and then noted that the web browser was always referred to, even by Microsoft, as an ''application''. But Microsoft has a valid point here: many features are delivered with the OS these days, and the consumer does benefit from their inclusion.

How do we determine whether these and other ''pre-packaged applications'' may be included in the OS or not?

My proposal is to ask a simple question:

Has there been, is there, or could there be, a viable market for the feature as an application that's separate from the OS ?

Certainly, there are many email applications for sale out there. There is healthy competition in the anti-virus software market. There are businesses who's products are disk management. And there are alternative ''shell'' products such as MKS Toolkit. Microsoft could argue that the Operating System would be better if these where included, but that's not the point. The point is that they did (or do, or might someday) also exist as ''applications'' within a viable market where competition exists.

Another analogy: Certainly a car would be ''better'' if it included any number of built-in features: a car stereo, a map, a compass, a thermostat, etc. And in a competitive market, no one would restrict a car company from including such features. But if one car company had a monopoly, inclusion of more and more of these features would destroy the existing markets for these products and would be illegal under the Sherman Act. Only features which are absolutely critical for the car to function (such as tires and an engine) should be allowed to be packaged by the convicted monopolist.

How to Enforce Separation: A Technical Committee

If we had a separate Microsoft OS company, it would need to be restricted from entering any area where a viable market already exists. Further, we would need an enforcement mechanism by which this company would be forced to remove or usable any feature that has a viable market outside of the OS.

Certainly there are vibrant disk management and anti-virus markets today, and Norton (the leading non-Microsoft player in this market) and others should get the benefit of having these features unbundled. In addition to an existing market being criterion for unbundling, a past market should be grounds also. So Opera or Netscape/AOL should not have to prove that the browser market is still competative, just the fact that Netscape dominated a non-OS web browsing market in the past should be justification for unbundling it from the OS.

More recently, certainly AOL dominates an ''instant messaging'' market and Real Networks is in a viable ''media player'' market. On the other hand, I don't know if there is a viable market for ''font management'' or ''control panel'' or ''OS demo'' or ''remote administration'' markets outside of the OS itself.

The determination of whether a product is (or could be) a ''viable application'' as opposed to only an ''OS feature'' should not be left to the traditional court process because it is too slow. In the fast-moving software industry, it's just not practical have a trial and take years to make such a determination. With Microsoft now bundling Media Player in Windows XP, for example, Real Networks could easily be long gone two or three years from now.

I propose an independant panel or ''Special Master'' appointed by the court to determine whether a particular feature once had, does have, or could reasonable have, a viable market as an application. This panel would analyze the feature from an economic point of view, not a technical one. In this way, it would not be enough for Microsoft to simply claim ''It would be cool to browse your local disk using your web browser.'' or ''It would be convenient for the user to have a disk compression utility built in to the OS.'' Instead, Microsoft would be required to show that disk compression software (for example) is not a viable application, never was a viable application, and never could be a viable application outside of the OS itself. Non-Microsoft companies could petition the panel to have a feature considered to be an application, and if the committee agreed, it would have the power to force the Microsoft OS to unbundle it from the OS.

Such a ''technical committee'' should differ from the TC proposed in the PFJ:

It should be independent of Microsoft
All it's activities should be public
It should have enforcement powers
Its members should be selected by the court

How a Microsoft Breakup Would Restore Competition

How would a three-way company split and a Technical Committee as outlined above stop the ongoing extension of Windows? First, the committee would certainly have one ruling already decided: there certainly was once a viable web-browser application market, and Microsoft should be immediatly forced to unbundle it.

Companies such as AOL, Real Networks and Norton could immediately petition the TC to have instant messanging, media player, Virus and Disk management be declared viable markets, and Microsoft would be forced to unbundle these features from the OS. Over time, more an more features would be unbundled from Windows, until eventually all that would be left is what the dictionary says is an Operating System: just the ''kernel'' and basic device management. The Technical Committee's job would be to remove the ''Application Barrier to Entry'' for each type of application, one by one.

This is the only way I can envision returning competition to what is today the almost all-encompassing area of an ''Operating System''. The only other suggestion I have heard that even attempts to restore competition would be to split Microsoft into several ''Baby Bills''—smaller companies that all share the rights to Windows.

I doubt that that would work. For starters, all employees could simply quit and all one

company— perhaps on their first day, and perhaps all join the company led by Bill Gates. Conclusion: Breaking Up Microsoft is the Only Way to Restore Competition

In conclusion, I do not take proposing a breakup of what's probably the worlds most successful company lightly. But I think the situation now parallels the situation with AT&T before divestiture. There was no real long-distance competition then, and there is no real operating system competition now or in the foreseeable future. While AT&T was prohibited then from entering new markets (like local service), Microsoft is not restricted from extending the OS into all sorts of other software markets. While there was a fairly clear distinction between long-distance and local phone service for AT&T, there is no such clear technical boundary between an operating system and an application. We can be sure that if left unchecked, Microsoft will continue to extend Windows into all sorts of other areas. In fact, all the Microsoft employees in all their testimony where careful never to rule out any software as potentially being part of the OS. The best we can do is basically to say ''If there was, is, or could be a market for it outside of the operating system, then we must eliminate the barrier to that market's existance: force its removal from the Windows operating system.'' Part 3: Deterence: Levy a Heavy Fine Aside from the structural remedy I propose here and the contract and API-related remedies proposed in the PFJ, I don't understand why there is no punishment proposal in the PFJ, such as a heavy fine. I do understand (at a high level—I Am Not a Lawyer) that this is a civil case in which the goal is to stop the behavior and the criminal cases (such as the class action suit filed by states and the recently filed suit by AOL/Netscape) are meant to provide relief for the victims (consumers in the one case and a company in the other). But it seems to me that the simplest, easiest to implement, and least controversial way to stop Microsoft from continued illegal activity would be to levy a heavy fine for its previous illegal activity. How large of a fine?

Large enough that Microsoft executives would regret having done the illegal activities and would not do them in the future, simply on economic grounds. To this day, Microsoft executives say ''We've done nothing wrong'', and that may never change. The court can't change that, but the court can levy a fine that will cause them so say ''...but we won't do it any more because it would be bad business.''

Of course, calculating an appropriate fine would be very difficult, but here are some rough numbers to consider. Microsoft has several tens of billions of dollars in cash, and I believe roughly half is from the sale of Windows. Windows 95, 98, 2000, cost around $90, a little less when preloaded by an OEM. Microsoft's own trial testimony indicated that around $49 would have been a reasonable price for these products. (Microsoft enjoyed an 88% return on investment, compared to 13% for other industries). So multiplying a $40 ''overcharge'' by the number of copies of Windows 95, 98, and 2000 sold would give a ballpark figure of the amount of damages to consumers. Perhaps other versions of Windows (such as Windows XP) and their prices should be taken into account. Certainly, upgrade prices (as opposed to ''complete versions'') should also be considered.

I believe it would take a fine in the tens of billions of dollars for Microsoft's past illegal activities to be considered as having been a bad business decision. Such a fine would not be enough to put Microsoft out of business, but enough to do serious damage comparable to that suffered by Netscape. Final Thoughts

Thank you for reading this document. I think input from the public, and from people in the software industry in particular, should be given very serious consideration considering the huge impact this ruling will have on the industry. I believe the Tunney Act included this comment period for just such a situation as we have today: when the Department Of Justice, for whatever reason, wishes to settle an antitrust case in a way that does no serve the public interest, the public should be heard.

References

[1] Proposed Final Judgement

[2] The Tunney Act

[3] Zimran Ahmed, Letter to the DoJ, 12/10/01

[4]SAMBA

[5] Computer & Communcations Industry Association, ''US vs. Microsoft: A Trial Perspective''

[6] James Barksdale Letter to Chariman Leahy and Senator Hatch

[7] Epstein Becker & Green, The Unfolding Microsoft Drama: Shattered Windows:

[8] On the Proposed Final Judgment in United States v. Microsoft

[9] BBC News: Microsoft Settlement Search Continues

[10] Deposition of Bill Gates, December 15th, 1998

[11] United States vs. Microsoft Remedies Papers

[12] BRIEF ON REMEDY OF AMICI CURIAE COMPUTER AND COMMUNICATIONS INDUSTRY ASSOCIATION AND SOFTWARE AND INFORMATION INDUSTRY ASSOCIATION

[13] Is It Too Late To Split Microsoft In Three?

[14] Microsoft Remedy Redux

MTC–00027416

From: James Austin
To: Microsoft ATR
Date: 1/28/02 12:07am
Subject: Microsoft Settlement

As a concerned citizen, I wish to offer comment concerning the proposed settlement of United States v. Microsoft.

I am a civilian employee of an agency of the United States Government, where my job function is the administration of a network of personal computers and the technical support of the users of those computers. However, I offer the following comments purely as a private citizen, without the encouragement or even the knowledge of my employer.

I have been an interested observer of the computer industry in various capacities for more than twenty years, and have been professionally involved in the industry for ten. In that time I have seen the development of the industry from a perspective rather different from that usually discussed. My experience is that of someone who has directly used the technology and helped others to use the technology, working alongside both the users of that technology and others whose professional duties were similar to my own. These experiences have taught me several things which I am compelled to share.

First: The case of United States v. Microsoft is almost certainly one of the most important cases of all time, for how this is resolved will have repercussions certain to outlive anyone of this generation now participating in the actual case.

What is at stake is not merely the future practices of one corporation, or even the future structure of one industry. What is at stake is nothing less than the nature of access to information, from the individual citizen to the largest private and public institutions.

Many years ago, I heard of a Jesuit philosopher who had written about an idea he called the ''knowlosphere.'' He imagined that as more and more information was transmitted via computer technology, there would arise around the earth a sort of ''sphere of knowledge'' that would surround the earth the same way the atmosphere does, and that there would come a point in which the essential sum total of all human knowledge would exist within this sphere. Furthermore, this would eventually become so important to the lives of people that it would become impossible to switch off once switched on. Though he imagined this in terms of communications satellites (the highest technology available to him at the time), I maintain that a world of personal computers all connected via the worldwide Internet is the true realization of this vision.

We must now ask ourselves this question: do we wish to allow, indeed do we dare allow, the fundamental infrastructure of human knowledge and thought to become in practice (if not directly in law) the private commercial domain of one corporation?

Second: Microsoft already monopolizes several areas of computer technology, and is working hard to monopolize others.

This point seems hardly worth discussing, because as I write this, the courts have repeatedly ruled that Microsoft is indeed a monopoly and is guilty of breaking the law. What is more interesting is that to this very day, I am unaware of any admission Microsoft has ever offered, to anyone at any time, that it has been found guilty of breaking any law. Indeed, only within the last few months has it acknowledged in any public statements that any court rulings went against it, and vaguely at that.

Third: Microsoft has proven repeatedly that it cannot be trusted even with the level of power it enjoys today.

Microsoft portrays all concern over its power and actions as solely the product of disgruntled competitors. While even that would justify intervention if the competitors were disgruntled because of actions which broke the law (as the courts have repeatedly ruled was in fact the case), what is more significant is Microsoft's actions not against

its competition but against its own customers.

Consider that under the First Amendment, I have the legal right to criticize my government, perhaps even harshly so, and I may even do so in a forum sponsored by that same government. The courts have interpreted this right to extend further; for instance, I may use a telephone and still criticize whatever company provides my telephone service. But I may NOT utilize Microsoft products to criticize Microsoft. This is not a paranoid fantasy, it is a direct reading of clauses in the licenses of several of their products, which explicitly forbid one to ''criticize or disparage Microsoft and/or its products and/or services.'' Indeed one license actually forbids the ''parody'' of Microsoft products and services.

Microsoft demands that companies engaged in any joint ventures waive their rights to sue Microsoft for patent infringement ''even should evidence arise that such infringement has occurred.'' And there are more additional examples than I have time to list, of Microsoft using the courts to squelch criticism and then thumbing its nose at the courts when they issue rulings Microsoft does not wish.

We must now ask ourselves whether the interest of the people of the United States is served when one company not only has the power to behave in this manner, but actually does so, and thus far with impunity. Fourth: Microsoft's already dangerous power is increasing. It has been widely noted that when the Internet first began to become a household word, Microsoft largely ignored the whole phenomenon. Now that Microsoft has taken notice, their objective is nothing less than the total control of the Internet. During the time between the filing of United States v. Microsoft and today, Microsoft's plans to destroy Netscape (publishers of what was at the time overwhelmingly the most widely-used browser for the World Wide Web) have come to fruition, and they now face essentially no competition in that area.

One has to ask why Microsoft wanted to destroy Netscape so badly that they would give away a competing product for free. One reason is that control of the web browser gives one control of the choke point for information and commerce on the Internet. The other reason is that Netscape had ambitious plans to enhance their browser and ultimately to ''grow the browser into an operating system of its own'' which would have threatened Microsoft's monopoly. Perhaps such a scheme would have proved beneficial to the public, but it was a threat to Microsoft, and like all such threats before, could not resist Microsoft's destructive power.

Today Microsoft controls the web browser, and much evidence exists that its ultimate plan is to take control of the basic protocols that servers use to communicate with each other across the Internet itself. Once that happens they will essentially have the level of power that a company would have if they controlled all bank ATM machines, all telephones, all newspapers, and all radio and television stations. All access to information in any form from anywhere at any time would generate profit for Microsoft, and be subject to their approval.

We must now ask whether this is a desirable future for a free people. Fifth: People like me, in the trenches, have long considered Microsoft dangerous.

I could tell you so many stories. Just the jokes we tell to each other betray a deepening gloom about the future. Alas, I am facing a strict deadline for public comment and this must leave them for another time.

Sixth: The proposed settlement of United States v. Microsoft is NOT sufficient. It contains insufficient punishment for past transgressions of the law, insufficient guarantees against future transgressions of law, NO compensation for victims of those transgressions of law, and insufficient remedies for the consequences of past transgressions of law. Much more needs to be said, but as the period for public comment is ending I must draw to a close. But I cannot urge strongly enough that this settlement NOT be accepted as is.

Sincerely,

James R. Austin

(Should this be required by law, my full address is as follows:

155 Watkins Mill RD

Apt. C

Gaithersburg, MD 20879–3336)

MTC–00027417

From: Dennis Wilson
To: Microsoft ATR
Date: 1/28/02 12:07am
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Re: Microsoft Settlement

I use Microsoft products, and I benefit from them and their features. Microsoft did NOT force me to buy and use their products. I chose them because they are superior to anything offered by their competitors. I resent the government's characterization of me as a helpless victim who cannot choose software that is useful to me. I do not think that the government has any right to decide what can be in my computer. I resent the idea that a successful business and its products are a threat to anyone. I would like to remind the court that the complaint against Microsoft originated NOT with individual consumers, or with Microsoft's partners, but with Microsoft's unsuccessful, jealous competitors. Failed businesses must not be allowed to set the rules for the markets in which they failed. I would also like to remind the court that for politicians to protect some businesses from competition by others is a dangerous policy. Continued application of the antitrust laws against successful businessmen can only lead to corruption and economic disaster as exists in many other countries. I want to see an America where success is not throttled, but embraced. I want a free America where anyone with enough intelligence and hard work can be a self-made man like Microsoft Chairman Bill Gates. Microsoft has a fundamental right to its property. It is the government's job is to PROTECT this right, not to take it away.

Best regards,

Dennis Wilson

DennisLeeWilson@Yahoo.com

''Intellectual honesty [involves] knowing what one does know, constantly expanding one's knowledge, and NEVER evading or failing to correct a contradiction. This means: the development of an ACTIVE mind as a permanent attribute.''

Ayn Rand

MTC–00027418

From: Kory Hamzeh
To: Microsoft ATR
Date: 1/28/02 12:08am
Subject: Microsoft Settlement

Please give serious consideration to the contents of: http://www.kegel.com/remedy/letter.html

Sincerely,

Kory Hamzeh

West Hills, CA

MTC–00027419

From: The Dream Factory
To: Microsoft ATR
Date: 1/28/02 12:10am
Subject: Microsoft Settlement
Hello,

As I understand it, MS1 settlement offer would have them giving away hardware/software to public institutions (school etc.) Now, that1s the core sector of their direct competitor (Apple). I fear the Mr. Gate1s business acumen sees in this an opportunity to give away ''samples'' of his products to a new generation of buyers, which would only lead into making Microsoft stronger and bigger.

Thank you for your time.

JF Leduc,

Montreal Canada

MTC–00027420

From: Jeff Prus
To: Microsoft ATR
Date: 1/28/02 12:12am
Subject: Accept the Current Microsoft Case Settlement
Dear Sir or Madam,

I would like my opinion to be considered for the Microsoft case. I believe the current settlement is fair and urge you to settle this case now. I believe continuation of this litigation is harmful to both the software industry and the economy.

By continuing to add features and functionality to Windows, Microsoft has advanced the PC platform while reducing the costs to the consumer. Furthermore, I believe that Microsoft's ability to add features to the operating system only creates parity with other firms that also incorporate new functionality within the operating system itself, namely Apple's OS X and various versions of Linux. I believe the states that continue to oppose the settlement are only trying to achieve a settlement windfall for Microsoft competitors within their states, however, at a significant cost to the high-tech industry and overall economy.

That being said, I do believe that Microsoft's dominance in the desktop PC operating system market creates a disadvantage for competitors and thus warrants some restrictions in order for other companies to be given a chance to compete.

These include the requirement for Microsoft to include some other companies'' products within Windows as an alternative to Microsoft products. This requirement is covered within the existing settlement. This continued litigation is damaging one of our countries great corporations and I believe a fair and equitable settlement has been proposed. As such, I urge you to settle this case now. The only winner in this continued litigation is the legal profession.

Thanks,
Jeff Prus
jgprus@hotmail.com
(773) 525–1969

MTC–00027421

From: Mary E. Daudelin
To: Microsoft ATR,Mary E. Daudelin
Date: 1/28/02 12:11am
Subject: RE: Microsoft Settlement

Comments included in body of email, in case you don't have MS Office 2000 to read the attachment of my earlier e-mail.

Sincerely,
M. E. Daudelin
January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

To paraphrase Mr. Glassman's comments pertaining to the Microsoft settlement, I also feel that AOL could better spend its time in further analysis of its own product (especially with regard to its deployment overseas) rather than in continuing to pursue this case. My own personal experience with AOL has led me to believe that full utilization of the Internet is, in fact, restricted, when using their application. As a developer of WEB applications for research, business and educational purposes, I have utilized a variety of browsers, development tools and operating systems while producing and testing my applications. Although I use Windows NT servers and take advantage of their many development tools, such as FrontPage 2002, I have not found that the public cannot access my applications, regardless of their operating system and/or browser types (with the exception of an occasional prototype). In fact, until recently, Netscape has always been my personal choice of browser as it was the one that introduced me fully to the Internet. And SUN's StarOffice product has produced many graduate-school presentations for me.

Because Internet Explorer is so forgiving of my JavaScript scripting errors, I find that I often HAVE to make myself utilize other browsers/systems in my testing to ensure that users who do not use MS products/systems are not inundated with JavaScript errors that I have overlooked in my own code. My personal belief is that Microsoft has some very good programmers that pay attention to detail, and, as such, should not be penalized for their technical excellence.

Yes, my job would be much easier if I could convince everyone on this planet to use Microsoft Windows OS's and IE browsers, IBM ThinkPad laptop computers, the same size/resolution monitor and to access the Internet via cable or high-speed access, however, since this attitude smacks of the old telecom mentality (a black rotary phone for everyone, by God!), and because we all have our different comfort levels, I will remain silent on that subject and continue to jump back and forth between the plethora of computers/systems/browsers that I access in my testing.

In closing, I feel that Microsoft should be used as an example of what works in our economy (little, if any, debt and innovative, easily accessible business solutions at a reasonable cost). Beyond the concessions contained in the settlement agreement, nothing more should be expected or required of Microsoft at this time. I appreciate your efforts to quickly settle this case.

Sincerely,
M. E. Daudelin
———-Original Message———-
From: Mary E. Daudelin
[mailto:marydaudelin@smyrnacable.net]
Sent: Monday, January 28, 2002 12:06 AM
To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement

Comments on the MS Case:
See attachment.
Sincerely,
M. E. Daudelin

MTC–00027422

From: podoo@netins.net@inetgw
To: Microsoft ATR
Date: 1/28/02 12:10am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Ella B Lankford
P. O. Box 266
Seneca, MO 64865–0266

MTC–00027423

From: Rick Kennell
To: Microsoft ATR
Date: 1/28/02 12:16am
Subject: Microsoft Settlement
To Whom it May Concern:

I am writing to comment on the proposed settlement of the United States vs. Microsoft antitrust case. I am a computer engineer with several years of experience in industry as well as a university instructor. I look forward to a future where I can work in my chosen career of software engineering although, in light of the proposed settlement, this future is fading. I am opposed to the proposed settlement because it does not go far enough to remedy the damaging market structure set up by Microsoft that almost completely squelches other software environments as well as their developers. I find that the terms of the proposed settlement will do nothing more than prolong the status quo. In particular, I find the fact that the settlement would allow Microsoft to continue its damaging anticompetitive practices of economically barring OEMs from shipping computers without Microsoft's OS to be the greatest problem. A correction of this element alone— simply to restore a free-market economy to the PC industry—would be a welcome relief to the industry.

I appreciate the sentiment that a settlement should be reached quickly in order to avoid wasting taxpayer money. I would only hope that if money is to be spent for this at all, that the job should be completed in such a manner as to make it worth the effort of starting the process in the first place. The settlement, as it stands, DOES NO GOOD.

Sincerely,
Richard L. Kennell
Visiting Instructor of Electrical and Computer Engineering
Purdue University
West Lafayette, IN

MTC–00027424

From: MTyler3767@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 12:17am
Subject: microsoft settlement January 27, 2002 Attorney General John Ashcroft US Department of Justice 950 Pennsylvania Avenue, NW Washington, DC 20530
Dear Mr. Ashcroft:

A settlement to the antitrust suit against Microsoft has finally been reached, and I hope that it is implemented as soon as the public comment period is over with. This proposed settlement stands to benefit everyone involved, and best of all, allows Microsoft to get back to helping the economy instead of wasting valuable time and money in court.

The economy started its downward spiral the day the suit against Microsoft was announced, and three years later we find ourselves in a recession. Did no one realize just how important Microsoft is to the economy? They provided tens of thousands of jobs to Americans across the country and to people around the globe. I hope this settlement will pave the way for the economy to get back on its feet, and with Microsoft agreeing to work more closely with its competitors, the market has to improve. I know there are many who worry weather Microsoft will adhere to the terms of the settlement, but they have no choice. An oversight committee has been set up that will monitor Microsoft's compliance with the settlement.

Everything needed to improve our economy is in place. The settlement must now be approved in order to get the ball rolling. cc; Representative Maxine Waters

Sincerely,
Mose Tyler

MTC–00027425

From: Bikermandav48@aol.com@inetgw

To: Microsoft ATR
Date: 1/28/02 12:18am
Subject: Microsoft vs Netscape Opinions Dear the Department of Justice:

Hello, I am from California, and am in the eight grade, and I have a few issues to discuss about the way Microsoft is handling this current case. Right now, Microsoft has made many illegal moves that are all punishable because they are against certain laws set forth in the late 1800's and early 1900's. For example, the Sherman Anti- trust act started a movement to protect the smaller companies. Microsoft has disobeyed, and they monpolized, and are taking advantage of Netscape, which is backed by and even bigger company, AOL Time Warner. The first trial that Microsoft was tried on was very similar to this one. Netscape is sueing, because Microsoft Internet Exploer covers 90% of the Internet Market Share, and the government wants to give an equal perentage of the Internet Market Share to smaller companies like Netscape and AOL. Microsoft is also tried for bundling software in PC'S, which is also illegal. Microsoft should also pay heavy fines for violating anti-trust laws. Therefore, Microsoft rightfully should get this punishment that will come, because it does not give smaller companies a chance.

From:
David Yao

MTC–00027426

From: Delbert Hart
To: Microsoft ATR
Date: 1/28/02 12:19am
Subject: Tunney Act comment

I have been active in the computer field for over 10 years. I am currently an assistant professor in the computer science department at the University of Alabama in Huntsville. In brief I believe that the proposed settlement will not be effective in curbing the predatory practices used by Microsoft. The most significant deficiencies is the ambiguity in the wording, which may make enforcement difficult. I also have some concerns about the technical committee, especially the technical committee's inability to make public comments. It is reasonable for them not to be able to reveal intellectual property, but they should be able to speak about general issues related to Microsoft's compliance.

I hope that revisions can be made to the settlement to clarify many points and to allow the public direct access to the technical committee. Although I have kept these comments short, I would be happy to provide more details about possible improvments. These are my own opinions and not necessarily those of my employer. —

Del Hart Assistant Professor dhart@cs.uah.edu University of Alabama in Huntsville

MTC–00027427

From: Doug Rothert
To: Microsoft ATR
Date: 1/28/02 12:19am
Subject: Microsoft Settlement To whom it may concern,

I really intended to make this a longer, more thought out letter, but as the time draws to a close to express my concerns you will get the brief version:

(1) I don't think the existing settlement will restore competition, and I believe it is too little too late. In fact its hard to imagine competition returning to my field (Software Engineering) within the next 5 years or so. I won't dare make a guess of anything beyond that. But the offer on the table is wrong and is a defeat for the consumer, the tax payer, and our nation as a whole. A chilling fact: in some colleges they have ceased teaching fundamental computer science classes such as compilers and operating system in favor of essentially training sessions for integrating things with Microsoft software. Their point being, which are you most likely to use on your job? Only one large company works on compilers or operating systems now . . .

(2) If in fact you do go forward with this proposal and you are looking for someone to be on a team to oversee Microsoft technology, I offer my resume for the job. You can find it online at: http://www.oneheadcount.com:81 I have an interesting past that would clearly disqualify me from being a candidate under the current guidelines of being totally impartial to anything and everything. I've spent most of the last 9 years working on products that combated Microsoft indirectly through my job at IBM. I've worked on OS/2, Netscape, and Java to name a few technologies . . . I also have a fair background on alternative OSes such as Linux and NetBSD. I tend to be drawn toward very large, complex systems of software and I am good at digging into the details, yet keeping the broader picture in mind. I am a technical philosopher of sorts, and I feel I could add balance to a team of experts in favor of competition.

Thank you for your time and effort,
Doug Rothert

MTC–00027428

From: Karelle Scharff
To: Microsoft ATR
Date: 1/28/02 12:19am
Subject: Microsoft Settlement

I believe that Microsoft should be forced to contribute a significant amount of money to the poorest schools. NOT software, NOT hardware, particularly not software or hardware from which they would stand to profit through updates or any other means. In this case, significant means an amount that would get their attention, ie would actually hurt them. Let the schools decide where they should spend the money. I believe too that there should be some sort of ongoing accountability—so the next time they use monopolistic tactics (and they will) the fine is actually GREATER.

Karelle Scharff
p.o. box 203
Ward, CO 80481
—

They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety.—Ben Franklin

MTC–00027429

From: RON BALDWIN
To: Microsoft ATR
Date: 1/28/02 12:18am
Subject: Subject line of the e-mail, type Microsoft Settlement. CC: fin@mobilizationoffice.com@inetgw Ronald W. Baldwin 509 Huntington Drive Greenwood, MO 64034 (816) 537–8323 E-Mail IBALD2AG@NETZERO.NET January 27, 2002 Attorney General John Ashcroft US Department of Justice, 950 Pennsylvania Avenue, NW Washington, DC 20530–0001

Dear Mr. Ashcroft:

I was pleased to learn that the Justice Department has reached a proposed settlement agreement in the Microsoft litigation. You now have the opportunity to clean up the mess created by your predecessor. Microsoft was the target of this litigation because of its size and because of its great degree of success. Your implementation of this settlement will bring an end to the political witch-hunt. Microsoft has placed a number of concrete proposals on the table to resolve the case. They have agreed to changes in almost every aspect of their business operations, from pricing, to distribution, to system design. These changes, if implemented, should provide additional competitive opportunities for Microsoft's competitors and more choice for computer users.

Please go forward with the settlement and let Microsoft get back to business.

Sincerely,
Ronald W. Baldwin

MTC–00027430

From: Tanuj T
To: Microsoft ATR
Date: 1/28/02 12:20am
Subject: Microsoft Settlement

This is too easy a way out for Microsoft, predominantly because Microsoft has so much money, the charges Microsoft need to pay to settle its monopoly won't even scratch the company. This is meaningless because large companies will continue to get monopolies and pay them off without any problems. The settlement needs to go farther than that; to prevent large companies from getting away with monopolies easily.

In addition to it being too easy for large companies to get away with monopolies, other companies also bundle up their software, such as Apple. So in reality they are also cutting off the market because Apple requires you to purchase their software and hardware because it won't work any other way.

For example, the Mac Operating System obliges you to also buy a Mac printer, Mac compatible word processors, Mac games, Mac compatible browsers, etc.. They are cutting off the market from Microsoft and other companies, who can't put too much software on it because it's not compatible or else pay Apple to get it on. Because Microsoft doesn't want to waste their money, they just place it on their own OS. It's exactly the same idea: Microsoft bundles up Office and IE, just the same way Apple bundles up their software. However, if Apple receives the lawsuit, they will suffer a lot more than Microsoft, who won't get affected by the lawsuit because they have so much money.

(Tanuj)
CC: cyrusm@harker.org@inetgw

MTC–00027431

From: Dan Veditz

To: Microsoft ATR
Date: 1/28/02 12:22am
Subject: Microsoft Settlement

I object to the proposed settlement in the Microsoft anti-trust case. Please listen to the Attorneys General of the nine dissenting states and send this proposal back to the drawing board.

Even on the surface the settlement doesn't go far enough, but worse it's full of the sorts of loopholes that Microsoft abused to make the 1995 consent decree effectively meaningless.

-Daniel Veditz

MTC–00027432

From: Ray G Spangler
To: Microsoft ATR
Date: 1/28/02 12:21am
Subject: microsoft settlement

Please expedite the settlement with microsoft. This unnecessary litigation has already cost us too much. Continuing the suit will only further damage our economy and delay further development of new technology for our future.

Ray Spangler—rayzzz@juno.com

MTC–00027433

From: Peter Hollings
To: Microsoft ATR
Date: 1/28/02 12:27am
Subject: Microsoft Settlement

I hold an advanced degree from the Sloan School of Management, Massachusetts Institute of Technology in the areas of information technology and finance. I have over 30 years experience in these fields, during which I have developed a deep understanding of the processes of competition and innovation in the computer software industry. I first became aware of Microsoft around 1982 and have been a constant observer of that company's business practices over the succeeding years. My purpose in writing is to express my opposition to the proposed settlement that has been reached by the US Department of Justice and Microsoft concerning their antitrust suit. Not being trained in the formalities of the legal profession, I am writing nevertheless in the hopes that you will take notice of my objections as an American citizen, affected by this settlement, and despite their probable formal incorrectness. I make this expression on my personal behalf, although I firmly believe it also reflects the interests of the businesses that I have presently or formerly been associated with in either employment or consulting roles. I firmly believe and respectfully request that the Court consider:

1. That as a past and potential future purchaser of Microsoft products, and as user of computing systems generally, that no aspect of the proposed settlement is in my interest.

2. That I firmly believe that approval by the Court of the proposed settlement would be bad for consumers, bad for business, bad for innovation, bad for the beneficial functioning of market economics, bad for constitutional rights, such as privacy and security, and it would materially and adversely impair the public's perception of government integrity.

3. I state my belief that the proposed settlement is so thoroughly flawed in every aspect that I respectfully request that the Court reject it from further consideration.

4. I respectfully request that the court give full consideration to the filing by the American Antitrust Institute captioned as COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF. This complaint sets forth numerous instances in which both the DOJ and Microsoft have failed to comply with specific disclosure requirements of the Antitrust Procedures and Penalties Act (''Tunney Act''). Most importantly are the failure of the DOJ to provide an accounting of how the settlement reached is in the public interest and the failure of Microsoft to fully identify its contacts with the government relative to the settlement. I will note here that the public press includes numerous articles relative to Microsoft's lobbying activities relevant to the antitrust settlement decision, none of which were included as required in Microsoft's report in compliance of the reporting requirement. This combination of circumstances gives the appearance that the public institutions of the American people are being manipulated against their interests and in a concealed way.

5. I respectfully request that the Court give full consideration to these circumstances identified above and fully investigate and correct any improprieties in the functioning of our government in the interest of preserving the American people's confidence in both the Executive and Judicial branches of our government. The proposed settlement is such an egregiously bad agreement and so contrary to the public interest that I cannot conceive that it was honestly arrived at.

Thank you,
Peter Hollings
Atlanta, GA 30342
phollings@alum.mit.edu

MTC–00027434

From: Richard Frick
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 12:20am
Subject: Microsoft Settlement January 27, 2002 Dear Judge Kollar-Kotelly,

It is my understanding that over the past three years every federal court that has reviewed the Microsoft antitrust case has found that Microsoft repeatedly and aggressively violated U.S. antitrust laws and was liable for its illegal conduct. Most recently, a U.S. Court of Appeals ruled unanimously that Microsoft had clearly violated antitrust laws and that any government settlement with Microsoft, in order to protect other members of the technology community and the larger public, must have three key elements:

1. Terminate Microsoft's illegal monopoly,

2. Deny to Microsoft the fruits of its past violations, and

3. Prevent any future anticompetitive activity.

It is further my understanding that the Proposed Final Judgment fails to meet any of the three standards established by the court.

My experience with Anti-Trust and Nintendo certainly influence my feelings about this Microsoft's situation.

After four years of preparation for a trial, we settled out of court with Nintendo on the advice of our Anti-Trust council (Joe Alioto). He said that the current Anti-Trust climate let any business do anything they wished including breaking Anti-Trust law as long as it made ''business sense''. As a result my company, which held a valid US patent for technology making our products legal and compatible with Nintendo's game unit, died and left over 300 employees without United States based cartridge design, development and assembly work. The story of my company was featured in the PBS series ''Losing the War with Japan''. This story won an Emmy for investigative reporting.

By not enforcing Anti-Trust laws, Microsoft will continue to do the same to other companies as happened to my employees and our company. I am sure, however, that Sun, AOL, Oracle and many others, in Microsoft's position would act in exactly the same manner. I don't want Microsoft to be replace by Sun, AOL or Oracle as the reigning monopoly. I simply believe Anti-Trust laws must uniformly and vigorously enforced!!

I work with people who absolutely ''hate'' Microsoft. They believe everone who works for Microsoft are losers. It is a ''religious'' thing similar to what Mac owners feel about Apple. At another small software firm I worked for, we were always panicked that Microsoft would eliminate the need for our software by baking it's capabilities into the operating system. Our original product was only available on the Mac. We were very cautious with Microsoft ''evangelists'' who visited and encouraged the development of a Windows version. They wanted to ''assist'' us in the development. We didn't trust Microsoft and figured they wanted to understand our code for their own purposes. I would like to see Microsoft punished more severely than what seems to be happening but I do not want them destroyed. I do not believe they need to be broken up. I would like to see most of the $36 billion they have in cash taken away and spent enforcing the court ordered three key element mentioned above. This would send a strong message to companies similar to Microsoft that Anti-Trust laws must be observed.

If Microsoft had to make the ''Windows'' operating system public domain, be paid a royalty for each copy used ($20.00), other innovative companies could flourish and Microsoft would continue to be strong and powerful. I personally like Microsoft products. They have brought stability to an otherwise fragmented platform market.

Knowing that this document is of public record, causes me some fear. This fear is based on the fact that I earn my living in the software industry. Should I become the target of Microsoft rage for writing this, I could be deprived of my ability to earn a living. It is my strong belief that this is public disclosure is seriously limiting other of my collegues writing to you.

Best Regards in a very difficult decision and thank you for reading this e-mail.

Richard Frick
richardf@clickaction.com
CC: Richard Frick,'microsoftcomments (a)doj.ca.gov''

MTC–00027435

From: Robert Chang

To: Microsoft ATR
Date: 1/28/02 12:25am
Subject: Judge Kollar-Kotally, Judge Kollar-Kotally,

As a member of the high tech industry for a number of years, I wish to voice my objection to the proposed final judgment in the U.S. vs. Microsoft case. Microsoft has used its Windows operating system monopoly to bully other software and hardware companies, and every court has ruled that they have violated anti-trust laws. However, the proposed settlement allows Microsoft to retain virtually all the profits it made illegally. Microsoft would be the winner if this case resulted in business as usual, yet that is precisely what the proposed final judgment is considering. There must be assurances that Microsoft's anti-competitive activities will cease.

Respectfully,
Robert K. Chang

MTC–00027436

From: Keith E. Folsom
To: Microsoft ATR
Date: 1/28/02 12:27am
Subject: Microsoft Settlement To whom it may concern,

My name is Keith Folsom. I am the Director of Systems and Communications at Pacific Lutheran University in Tacoma, Washington. I have been a computer professional since my graduation from college with a Bachelor's degree in Computer Science in 1981. I have had many roles in the field, including Software Engineer, Programmer, Systems Administrator, and manager. My desire to stay current in a field I really enjoy convinced me to enter an evening Master's program in Computer Science and Engineering at the University of Washington in 1999. I completed this program last month, graduating with a Master's degree.

I am writing this letter in order to urge you to consider more far-reaching sanctions against Microsoft than those proposed, which I feel is justified in light of the conclusion that the company is a monopoly. It is my opinion that the sanctions as proposed will do little or nothing to prevent Microsoft from continuing to use their monopoly power to crush competition and true innovation in the computing industry.

I do not believe in a government that unnecessarily interferes in the matters of industry. Free enterprise and capitalism normally self-regulate. But when a company grows too large and is no longer subject to the normal laws of economics, a government has the duty to reign this company in. As I've watched Microsoft gain a strangle-hold on the computing industry, I've also seen my choice of products and solutions dwindle. It frankly scares me. And Microsoft's latest attempt to control the Internet with their .NET initiative convinces me that they have not learned any lessons from the long battle against the Justice Department in the anti-trust case. They are determined to own it all.

Once again, I urge you to consider stronger measures against Microsoft, up to and including splitting the company into smaller, more fairly competitive units. I believe such measures are the only way to prevent the computing industry from sinking into a mire of mediocrity, with no true choice of solutions for computing problems. This is what monopolies do unless they are stopped. Please stop Microsoft.

Sincerely,
Keith Folsom
Director, Systems & Communications √ folsom@journeyman.org
Pacific Lutheran University √ WWW—http://www.plu.edu/folsomke
Tacoma, Washington √ PGP—<homepage>/pgp.txt

MTC–00027437

From: Alen Shapiro
To: Microsoft ATR
Date: 1/28/02 12:28am
Subject: Microsoft Settlement

The proposed Microsoft settlement is a BAD idea. I'm a computer professional. I am a partner and co-founder of Softek Partners Inc. (http://www.softekpartners.com). I develop portable software that runs on Windows, UNIX and Macintosh. Time and again I've seen Microsoft produce software that adheres to standards, gain market share and then subtly ''extend'' the standard to provide ''new facility''. Trouble is the ''new facility'' will only run under Microsoft operating systems which means that software developed using the ''new facility'' is no longer portable.

This is a monopolistic tactic of the worst kind. Subtly locking software development into the Microsoft supported platforms. The initial software developers are seduced by the recommended ''new facility'' and can hit 95% of their market with the product they develop thus perpetuating the monopoly and making it harder to jump the hurdle that would allow software developer to port their software to other operating system (i.e. non Microsoft operating systems).

For examples of this behavior just look at the Microsoft Visual C++ programming suite. Look at the extensions to the ANSI standard. Other compiler producers (e.g. Metrowerks) have to support Microsoft's non-portable extensions to sell their competing products, and that's just on the Windows platform. What about UNIX and Macintosh. These other platforms should be encouraged as an alternative to the monopoly. The current settlement does nothing significant in this regard. Microsoft need to be prevented from extending standards without providing timely support for competing products in the areas they dominate. Microsoft are just too big for other industry participants to do anything other than roll over when threatened.

Another example is the treatment of Sun's Java (dutifully extended by Microsoft).

How about ''.net'' which is a ''new'' spin on an old (portability) idea. Why do I need to be tied to Microsoft services to take advantage of it. I do not trust Microsoft to allow competition in this area. They must be required to release all API specs. (including file formats) to all who request them with sufficient time to take advantage of the specs. Microsoft should not be allowed to own this resource. Once again, they are too big and will stifle innovation and the general commerce that would have resulted.

The Internet is a public resource, it should be protected. No one company should be in a position to own it or it's resources. For example, Microsoft is in a good position to implement ''extensions'' to the TCP-IP protocol to, say, ''save the net'' from its security vulnerabilities. It is a logical step for them to take. Perhaps not now but soon. Once those new TCP-IP stacks are distributed (only on Microsoft platforms of course), interoperability with other platforms would be denied at a fundamental networking level. Currently Microsoft selectively target competing technologies by adding them to exclusions in their ''terms of use'' license. They should be stopped from doing this. Specifically, I should be able to run Microsoft products in whatever emulators I choose, without Microsoft being allowed to stipulate within which virtual environment they may run. This will prevent Microsoft from limiting their software to only run in the environments they sanction and should help limit Microsoft's monopoly. Of course, the above preventive measure only works if Microsoft actually publish their APIs and file formats and, if there are any independent developers left to use these specs.

You have the chance to set a line in the sand. Don't back down now, not after all the hard work you've done. Put enforceable limitations on Microsoft's business practices in place now and then enforce them when Microsoft test how far they can go and how far you are prepared to go to stop them.

Your current (proposed) settlement has already been marginalized. Do you really want to have to do this whole thing over again in a year when Microsoft feel comfortable enough to pretend your definitions are no longer applicable? What remedies will you be able to enforce?

Alen Shapiro
CTO Softek Partners Inc.

I was just trying to turn my SPARC into a FLAME and I Carbonised it!!

MTC–00027438

From: david@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/28/02 12:29am
Subject: Microsoft Settlement

I respectfully submit you do not accept the Microsoft settlement. While I have not been a Systems Admin. for over ten years now, I can state with some certainty the tactics I have seen used by Microsoft are not normally innovative, but rather monopolistic. At one time Microsoft had competition in all areas (Lotus comes to mind the quickest), but in any area Microsoft wanted to own the market, the competition usually was squeezed out, often by the use of vague, or changing standards within their operating system. I saw this same technique brought out again with the idea of placing ''free'' computers and software in schools. This solution would basically have the US government assist Microsoft in their attempt to force Apple out of the schools, allowing Microsoft to monopolize even the educational system.

PLEASE don't take the easy way out of this one! I have the opinion, as simplistic as it may sound, that Mr. Gates was so arrogant on

the witness stand because he had little fear of even the United States Government. His product was in most government offices and all he had to do was threaten national security with the threat of total economic and governmental collapse if Microsoft was broken up, but I fear it may well be the other way around. It may well be Microsoft's products which some day bring a collapse of the US economy—or worse.

I am sorry I have no ''hard evidence'' to point to, but to those who have watched, Microsoft's intent has been clear nearly since the first contract with IBM: ''assimilate or exterminate'' could well have been their battle cry as they attempted to own a piece of every desktop in the world.

Please do not allow the US Government to assist Microsoft in their growing monopoly... Please do not settle with Microsoft according to the latest terms.

Respectfully,

David Roberts (Diagnostics Software Engineer)
47 King Street
Nashua, NH 03060
David Roberts @ Home
Email: roberts@speakeasy.org

MTC–00027439

From: Andrew Schaaf
To: Microsoft ATR
Date: 1/28/02 12:29am
Subject: Microsoft Settlement To the Department of Justice:

The current proposal for the Microsoft settlement does not do enough to prevent Microsoft from staying a monopoly in the computer industry. Even after being found guilty of being an illegal monopoly, Microsoft's behavior has not changed. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, is the only remedy that will stop them.

Microsoft should be forced to release the specification to their file formats (Word, PowerPoint, etc). This would allow other companies and people to create programs that could read and write to formats that currently only Microsoft fully knows, thereby promoting competition. As a user, I am annoyed when I receive a Word attachment from someone, because I have to ask them to send it again in some ''open'' format such as RTF, or open it in a program that attempts to read Word files, but can't do it very well.

Please ensure that a settlement not only punishes Microsoft for their anti-competitive behavior, but also prevents FUTURE anti-competitive behavior. Microsoft will continually test their limits with authorities, and if their acts go unpunished by those in charge, they will continue to act the way the have, only this time they will push their limits even more. Microsoft did not become #1 because of their ''quality software.'' they became #1 by intimidation and brute force.

I have read about the proposed settlement, and I am not in favor of it in its current state. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors.

Andrew Schaaf
New York

MTC–00027440

From: Ranger
To: Microsoft ATR
Date: 1/28/02 12:31am
Subject: Microsoft Settlement

I am extremely disappointed in the Department of Justice settlement with Microsoft. This seems more a issue of the Government having been asleep at the switch while Microsoft honed its skills in predatory tactics and built a monopoly. Now the Government cannot find an appropriate remedy in order to reintroduce constrictive competition into the PC software industry.

It is not too late for the Government to stand up to Microsoft and do the right thing. There is enough information from the existing facts in evidence to force Microsoft the step back from monopolistic practices.

As for the proposed settlement, it isn't just me and most of the World (both free market and not), that consider the DOJ settlement to be a bad joke, but it also of the view of your coplaintives who have decided to continue the case on their own.

As a taxpayer, I find it miserable that my hard earned money can't buy me better representation against the big guy. You are cowards for not standing up to be counted. Hide your inferiority behind a faceless bureaucracy.

Do the right thing, punish Microsoft so that this doesn't happen again, and restore an innovative free market.

Stuart Simpson

MTC–00027441

From: James Tracy, Ph.D.
To: Microsoft ATR
Date: 1/28/02 12:31am
Subject: Microsoft Settlement

Please settle the Microsoft Case. It seems clear to me and many of my friends that the settlement is in the public interest. Only competitors can level the specious argument that Microsoft's innovation is an antitrust violation. Let's compete in the market place rather than litigate in the courts.

Dr. Jim Tracy

MTC–00027442

From: Kevin Bullock
To: Microsoft ATR
Date: 1/28/02 12:35am
Subject: Microsoft Settlement To whom it may concern:

The proposed settlement with Microsoft is woefully inadequate. It will not change their behavior as a corporation nor provide any meaningful benefit to the public interest. Please refer to Dan Kegel's comments at the following address:

http://www.kegel.com/remedy/remedy2.html

Also please take into consideration Ralph Nader and James Love's comments at: http://www.cptech.org/at/ms/rnjl2kollarkotellynov501.html

Thank you.

—

Pacem in terris / Mir / Shanti / Salaam / Heiwa

Kevin R. Bullock

MTC–00027443

From: David Fetrow
To: Microsoft ATR
Date: 1/28/02 12:32am
Subject: Microsoft Settlement

I have been a programmer for slightly longer than Microsoft has been in existence. I have used many of their products from CP/M Microsoft Basic onward through Office XP. I have a great deal of respect for the company but believe they will absolutely take advantgae of every legal, or remotely argueable legal, maneuver they can think of to expand Microsoft beyond its current desktop monopoly and they think very well.

They remind me of IBM in the early 80's that used its legal limits as a weapon (e.g. The famous IBM confidentially agreement. I may have signed one of these. I can't tell you. If we had a meeting, the IBM rep could have recorded it on video and showed it on TV).

In the past Microsoft has defined words as they see fit: Make a network browser part of the OS and they can bundle it (even if they also make it available on other operating systems such as MacOS and Solaris). This was a redefinition of what is usually called an operating system (as an aside: Notice they didn't include the profitable Office in that redefinition). In the early days of Windows NT, Steve Ballmer claimed NT Workstation and NT Server were different architectures. This is true only if you allow a couple dll's and some settings to constitute a different architecture. Not the usual definition.

My understanding is that Microsoft defines certain terms in the current proposal and that they must make public certain API's (defined by Microsoft) to competitors (also definited by Microsoft). I believe allowing them to define what constitutes the Windows API is a fundemental flaw. What is Windows? If the browser isn't part of the WindowsOS after all but all the internet functionality is folded into the browser code, can they keep the internet API's secret? What if they rename Windows ''Doors''? How far can Windows morf before it is no longer covered? Is .net fundementally different from Windows?

I believe allowing them to define what a competitor is, is worse. Was Netscape a competitor? They admitted it was a threat but was it a competitor? Is Linux a competitor? Linux isn't even a company but a loose federation of sometime warring tribes. The public line is Linux is a niche OS, internally the infamous Halloween Documents show some real worry and preperations for battles: technical, legal and PR. Under this proposal Microsoft is thus able to provide huge barries to entry.

As a monopoly Microsoft can smoother innovations it isn't ready for by using these techniques to make the innovation unworkable in Windows until Microsoft can ''innovate in'' something they themselves own.... later on. Delaying rather speeding innovation. This is not (in my opinion) in the public interest.

David Fetrow
fetrow@apl.washington.edu/dfetrow@scn.org

My opinions are my own and may not be those of my employer.

(206) 850–3381

MTC–00027444

From: Doug Mitchell

To: Microsoft ATR
Date: 1/28/02 12:33am
Subject: Microsoft Settlement

In summary, I think this settlement is a bad one.

The longer version is that this settlement has one major loophole that jumps out to anyone who understands the first thing about the current state and near-term future of computing. Given the success that Microsoft has had in the past in twisting consent decrees, there are likely several other that are malleable to Microsoft's long-term plans. The major loophole is the provision which gives Microsoft control over information flow for the purposes of ''security'' and ''authentication/authorization'', among others. The next generation of Microsoft technologies (known as .NET) are distributed technologies that are totally reliant upon security and authentication. Any delay on information flow will damage, possibly irreparably, any possible competitive software. Without information from Microsoft, any work to reverse-engineer protocols would be a violation of federal law under the DMCA. Providing the legal cover for Microsoft to justify delays will provide Microsoft a window of opportunity to provide a competitive, bundled solution to undercut third-party software. It is quite frankly astounding that a provision that is this damaging to non-Microsoft software could even be considered minimally effective by someone versed in the software industry.

There are, in fact, several ways to fix this flaw. The simplest way would be to strike Section J in its entirety, but this would merely leave the rest of the hidden flaws. Another option would be for the federal government to simply drop the case, despite its victory in both trial and appelate court. This would go back to the status quo prior to the anti-trust action, but it would have the benefit of not providing legal cover for Microsoft to delay information. A far better solution would be to rewrite the entire solution to incorporate three features. First, reasonable and non-discriminatory licensing of the operating system to any and all vendors at equivalent pricing. Second, all API's for the operating system must be fully and openly documented, with no exceptions. This would protect the underlying source code of Microsoft and would encourage Microsoft to remove bundled features not essential to the core operation and therefore open the door for realistic competition. Third, full and open documentation of all data file formats. With these three components, Microsoft would be able to compete to the best of its ability, and third-party software would be able to do the same.

Doug Mitchell
Madison, AL

MTC–00027445

From: Robert A. Lentz
To: Microsoft ATR
Date: 1/28/02 12:37am
Subject: Microsoft Settlement To Whom it May Concern:

I am writing to exercise my right under the Tunney Act to comment on the proposed settlement of the United States vs. Microsoft antitrust case. I have been a using computers since the age of fifteen, when my parents got one at home. Since then I have been a continuous user of computers as a consumer, and based upon this experience I am opposed to the proposed settlement.

Over the past eightteen years I have seen many innovative and useful software programs be released by many different companies, and have been a satisfied customer of several of these companies.

Unfortunately, the lifespan of these companies has not been great. What I have seen repeatedly is that once their product becomes popular, Microsoft will copy its functionality into its products, Office and/or Windows, and the company will steadily lose customers.

So, what I have repeatedly seen is that my choice as a consumer has been diminished by the predatory practices of which Microsoft has been found guilty. To me, the proposed settlement has far too many conditions exempting Microsoft's behavior under certain conditions. This does nothing to improve my choice as a consumer in those areas. Nor do I see how this remedy allows for a climate in which new companies have air to breathe. As has been reported in the mainstream press, all venture capitalists ask potential software startups about how Microsoft competes (currently) in their area and what their plan is if Microsoft gets interested in the startup's area.

We have seen, in the instance of the web browser wars, how Microsoft will ruthlessly use any tactic to gain control of popular markets. While we are a free capitalist society, we do believe in fair competition, including anti-dumping statutes. Microsoft's size and resources, plus their desktop and ''office productivity'' monopoly allow them to unfairly tie and bundle, often ''dumping'' the product on the market at a great loss. As a consumer I feel this must be corrected.

Lastly, I must wonder about Microsoft's need to tie all this software into Windows. I thought Windows was merely the operating system. My understanding of a computer operating system is that it is supposed to provide the fundamental management of and interaction with the hardware that applications require. Thus, it seems to me that when Microsoft ties a software application to Windows, it is perverting what an operating system is supposed to be. I don't see merely bundling applications as ''innovation'', but rather as a marketing tactic in which Microsoft is abusing its monopolistic position.

Thank you for your time and attention.
Sincerely,
Robert A. Lentz
2200 Columbia Pike #513
Arlington, VA 22204
703–892–4308

MTC–00027446

From: Steve Thom
To: Microsoft ATR
Date: 1/28/02 12:53am
Subject: Microsoft Anti-Trust case

I respectfully ask that the proposed settlement be set aside, and the entire case be re-thought in light of continuing, dare I say increasing anti-competitive practices by the defendant.

History will regard this legal event as a watershed for Microsoft's goal of global information technology domination. Your decision in this matter will be either a textbook case for proper, restrained government intervention, or a case for the largest pass given in history. If the former is chosen, the climate will be shifted in favor of balance. If the latter is decided, Microsoft will be emboldened further. It may not be possible to have a case of this nature again.

Thank You,
Steven G. Thom
32 North 12th Street
Saint Charles, IL 60174–1725

MTC–00027447

From: Margaret C Worsham
To: Microsoft ATR
Date: 1/28/02 12:37am
Subject: Microsoft Settlement

I, Margaret C. Worsham, strongly urge the Justice Department to accept the Microsoft Settlement. The consumer interest has been well served and the time has come to end this costly and damaging litigation

MTC–00027448

From: Sean Turner
To: Microsoft ATR
Date: 1/28/02 12:39am
Subject: Microsoft Settlement

While Microsoft can be considered a monopoly, should they be punished for this? I used to be a Netscape User; then, when Internet Explorer 3 was released, I tried using it and found it to be substandard and buggy. As a result, I continued to use Netscape. Then, with Microsoft's release of IE 4, I found it to be much faster, more stable, and more feature complete then Netscape, and decided to switch browsers, not because it came bundled with my operating system, but because it was a superior program Microsoft ultimately developed a technologically superior product, is it not logical that people would then use it instead of Netscape? Should they be punished for this? Can you legally punish a company because they are successful? Microsoft integrated its browser to provide a better product for the consumer. They are in no way inhibiting Netscape's ability to accept. They in no way impede a user's ability to download Netscape and use it. Even AOL Time Warner believes IE is a superior browser. In their own AOL browser, they use the IE browser instead of Netscape. Success is not a crime.

Should they be punished for bundling their browser with Windows? Now, the browser is tightly integrated with almost all features of Windows. It is virtually impossible to separate the two. Every time you open ''My Computer,'' view a help file, open Word, boot, or even view your desktop, you are using Internet Explorer. Back when Windows 3.1 was popular, IE didn't exist, and, users used a much more cumbersome and buggy interface to navigate files. Now, instead of using 2 different applications for folder browsing and web viewing, Microsoft integrated the two programs, in effect speeding up overall system performance and reliability. Furthermore, it also helps new computer users to ''get online'' without having to go through complex processes to

install a browser. Now, all someone has to do is boot their computer, and they have all the software they need to connect to the internet. Should Microsoft be punished for enabling people such as my mother to effectively use a computer? If yes, then why not punish Apple? They have much the same approach. Apple controls the all the hardware used on their computers, and install Apple's own programs by default in an attempt to simplify setup for users, thus allowing the computer illiterate to use a computer without having to have a tech-savvy friend set it up for them. This strategy of simplification is used throughout the industry, why should only Microsoft be punished for it? You cannot separate Microsoft because everything is so tightly integrated, Microsoft is nothing without this integration, much like Apple is nothing without their tight integration of software and hardware. This is the direction the entire industry has taken, should we thus turn the clock back on the computer industry?

It is not the government's job to police the computer industry. Before the government tries to break up private monopolies, they should abolish their own. For example the US Postal Service was, for a long time, the only way to send mail, and thus, it had to reason to improve its services and was notoriously slow. With the advent of FedEx and UPS, the postal service has improved its service, but still is loosing market share because other carriers offer a better product. And now the government is trying to make taxpayers pay for its failure by trying to tax email. It is not the government's job to police private industry and punish companies for their success. For example, the government split the Bell phone companies, and at the time, many people reported even worse service then when they were a single company, hardly a win for consumers. I ask that the federal government and states drop all charges against Microsoft.

Sean Turner
Sales Representative
Rowena's Designs
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MTC–00027449

From: Oz Suguitan
To: Microsoft ATR
Date: 1/3/02 12:41am
Subject: Microsoft Settlement

Please, please, please, do not let Microsoft get away with beating up the market. Don't let them continue to bully us into following their corporate strategy. I'd like to one day have a choice for word processors, choose a non-Microsoft product, and be assured that my documents and applications will work correctly. I'd like for Apple to have a serious chance at putting out a secondary OS, without fearing the loss of MS Office for Macintosh. I'd like to know that Microsoft's products, if I choose them, have been well tested by Microsoft, because of competitive pressures, instead of the current system where I'm forced to buy the damn software whether it's buggy or not, because ALL the applications I use (which are probably owned by Microsoft) will require an upgrade. There's no competition, because they were allowed to kill or brutalize their competitors unfairly. YOU NEED TO MAKE THEM PAY FOR PAST MISTAKES TOO. I know that this case only focuses on the Netscape stuff, but don't forget what happened to Novell, Borland, and others. They need to be broken up. This is the best way to get them to follow the rules and play fair!

This settlement stinks. Donations of THEIR software and hardware to charities only propagates use of their software and hardware. You are just giving them what they want. I'm disgusted.

Oz Suguitan

MTC–00027450

From: J. Scott Edwards
To: Microsoft ATR
Date: 1/28/02 12:41am
Subject: Microsoft Settlement

Hello,

I wanted to submit my comments on the proposed Microsoft settlement. I am very much opposed to the settlement. I don't feel that it goes far enough to restore competition in the computer industry. I am much more impressed by the 9 dissenting states proposal, and I beg you to reject the current settlement and back the remaining states.

First of all I feel that the settlement was prompted by the Bush administration and therefore it was very much politically motivated. In my mind there is no way that this settlement would ever have happened under the Clinton administration. I also read that Microsoft donated far more money to the Republican party, and there is no doubt in my mind that they wanted to get Mr. Bush elected. I feel that the settlement should be rejected on this basis alone.

Second of all, Microsoft's monopoly has not been a benifit to the public. Since the trial began, a promising competitor to Microsoft (Be Inc. makers of the excellent BeOS) has gone out of business. This was no doubt due to Microsoft controlling the boot loader. While the settlement addresses the boot loader issue, I don't feel that it goes far enough to prevent future abuse. If I had my way I would force Microsoft to make all of their systems dual bootable by default. Linux is free, they should have to include it with Windows to give the public an option. Or better yet: make Microsoft pay to resurrect BeOS and include it on some computers systems.

Third, I have just discovered in the last few days that Microsoft has extended their monopoly in yet another way, right under your noses. There are now audio CD's on the market which will only play on computers with the Windows Operating Systems (for example the CD More Fast and Furious). This is an OUTRAGE!! There is no way that they should be allowed to sell CD's that are only playable on machines with Windows.

Another recent example is Microsoft suing Lindows, saying people will confuse Lindows OS with Windows XP. This is rediculous, it is obviously another attempt my Microsoft to quash a competitor.

I could go on, but I will end it here with a request to PLEASE reject the settlement. Thanks for your time.

James Scott Edwards
Salt Lake City, UT

Please note that I am not affiliated in any way with any of Microsoft's competitors. I am a software engineer and I have worked on and used many different computers systems in the last 25+ years. I have seen many abuses by Microsoft and I hope that you can stop them and restore competition in this industry.

CC:sedwards@qrwsoftware.com@inetgw

MTC–00027451

From: Christopher N. Deckard
To: Microsoft ATR
Date: 1/28/02 12:40am
Subject: Microsoft Settlement

Hello,

I am concerned about the settlement between the US Department of Justice and Microsoft Corporation. After years of court battles, depositions, shuffling of paper, it seems that we are no where near a settlement which will punish Microsoft for their monopolistic behavior, and we are no where near a settlement which will protect not only the Open Source community, but closed source corporations as well.

I am particularly concerned about the fact that there is nothing in the settlement which prevents, or punishes, Microsoft in the event that they ''sabotage'' Windows applications to not run properly on competing operating environments. Within the next few years, there will be many applications which have the ability to run Windows software, but not on a Microsoft Windows operating system. Particularly software from the Wine project. Microsoft is known for sabotaging software to not function as intended on competing products.

Take for instance Digital Research's DR-DOS operating system. (Digital Research's successor is Caldera). Microsoft added code to beta copies of Windows 3.1 so it would display spurious and misleading error messages when run on DR-DOS. They are known for these kinds of practices, and if there is nothing in place to prevent them from doing it again, it will happen. In the case of the Wine project, this would completely put an end to any kind of functioning software which Microsoft didn't have under its monopolistic grip.

I strongly urge the US Department of Justice to take a better look at a proper settlement. One which will benefit not only the Open Source development community, but competing corportations as well. The DOJ has spent years trying to do the right thing... the DOJ should end it the right way.

Thank you,
Chris
Christopher N. Deckard
Lead Web Systems Developer
cnd@ecn.purdue.edu
Engineering Computer Network
http://www.ecn.purdue.edu/
Purdue University

MTC–00027452

From: ddj@aros.net@inetgw
To: Microsoft ATR

Date: 1/28/02 12:41am
Department Of Justice
Microsoft Case
Tunney Act comment
January 28, 2002

At the request of the DOJ, this Tunney Act comment is being submitted by email.

The Revised Proposed Final Judgment in U.S. vs. Microsoft is not in the publics best interest, because Microsoft's monopoly will remain intact.

Some concerns are:

1. The court has determined that Microsoft maintained its monopoly illegally, partly by overcharging consumers, worldwide. The United States taxpayers should not shoulder the burden for the expenses that Microsoft will incur to mitigate the illegal activity. Microsoft management and/or shareholders should pay the expenses, after taxes have been calculated. Will Microsoft be permitted to use the expenses incurred as a result of this settlement, to reduce taxable income?

2. Microsoft's illegal activities extend to most of its products, however, the Revised Proposed Final Judgment generally only addresses a type of product referred to as ''middleware''. Will there be further litigation that addresses the Operating System and other products?

3. The proposed resolutions may provide some relief for ten or twenty large companies, under licensing agreements, but Microsoft remains in control. How will small companies and not-for-profit organizations compete?

4. Most, if not all of Microsoft's ''inventions'', have come from competitors, or academic institutions funded, in part by the very consumers that Microsoft has exploited. Does the Revised Proposed Final Judgment change what was illegal and unethical in the past, into legal and accepted activities?

5. The damage done to consumers by this monopoly goes well beyond monetary damages. The restrictive way in which Microsoft constructs its products, makes it very difficult and expensive to use the full potential of a computer. The lost opportunities to gain new knowledge and abilities, are enormous to children and adults, especially to those that are monetarily disadvantaged. Will the Revised Proposed Final Judgment be a tool for widening the information divide?

6. Microsoft's model encourages monopoly by default. To share ideas with someone that uses Microsoft products it is easier and sometimes necessary to use Microsoft products. This isn't a technical requirement, it is deliberately enforced by Microsoft's business practices. If the Revised Proposed Final Judgment is adopted, will people still be obliged to purchase Microsoft products to communicate with people that only have Microsoft products?

7. Competition is an essential component of the United States economy. Without competition there is no way to set a fair value for products and services. By allowing Microsoft to continue controlling the computer software industry, it will not be possible to determine a fair value for the products and services that the software industry produces. If the Revised Proposed Final Judgment is accepted, what will stop Microsoft from pursuing its monopoly?

8. It seems unnatural for one company to control the tools of communication. Microsoft didn't invent; the computer, software, email, or the Internet. Yet, Microsoft has control, or, is pursuing control of all those and other communication tools. This control, which has been obtain by illegal activities, would not be palatable even if it had been obtained legally. If the Revised Proposed Final Judgment is approved will Microsoft still be permitted to control communication?

9. The Free Software (free as in free speech) and Open Source communities have a healthy amount of competition in each type of product that they produce. These communities are populated by talented professionals and, also, by those that are learning. If the environment that Microsoft participates in is healthy why is there no competition?

10. The founder of Microsoft, William Gates, has publicly referred to Free/Open Source software as a cancer. Some of the groups and individuals in Free Software/Open Source communities, feel that it is more important to help disadvantaged people, than to be paid for their time and expertise. Will Microsoft be allowed to destroy these communities?

Those are just a few of many concerns raised by the Revised Proposed Final Judgment in, U.S. vs. Microsoft This settlement was arrived at during a time of unprecedented grief and tragedy for the United States and World, following the events of September 11, 2001. Further pressure was put on those in the Judicial branch by President Bush, when he asked that this case be settled quickly. The terrorists should not be allowed to affect the good judgement of those that uphold the law.

The following is an example of misinformation that is present in this case:

Quoting from the Competitive Impact Statement, under, B. Factual Background, 1. Microsoft's Operating System Monopoly ''Microsoft has monopoly power in the market for Intel-compatible personal computer operating systems and undertook an extensive campaign of exclusionary acts to maintain its operating system monopoly. The relevant market for evaluating Microsoft's monopoly power is the licensing of all Intel-compatible personal computer operating systems worldwide. Intel-compatible personal computers are designed to function with Intel's 80x86 and successor families of microprocessors (or compatible microprocessors). Operating systems designed for Intel-compatible personal computers do not run on other personal computers, and operating systems designed for other personal computers do not run on Intel-compatible personal computers. Moreover, consumers are very reluctant to substitute away from Intel- compatible personal computers (for any reason, including an increase in operating system prices) because to do so would entail incurring substantial costs and would not result in a satisfactory substitute. Thus, a monopolist of operating systems for Intel-compatible personal computers can set and maintain the price of a license substantially above that which would be charged in a competitive market without losing so many customers as to make the action unprofitable.''

This statement comes to a correct conclusion, but the facts are wrong. Operating systems can and are built to run on a variety of microprocessors. Debian GNU/Linux supports several microprocessors. Microsoft makes huge profits, but has ignored the other microprocessor manufactures, probably because the profit margins wouldn't be as high. This practice may be good for Intel, but isn't good for Intel's competitors, and it isn't good for consumers. The reason everyone uses Microsoft products, is that Microsoft products will not communicate with other software. Microsoft and Intel don't have technically superior products, they are locked in a monopoly, that is driven by Microsoft's unwillingness to communicate.

The standards for formating documents, spreadsheets, etc., need to be in the public domain. We need to be able to communicate freely. The free market system needs to be dominated by healthy competition, not by monopolies.

The states that did not agree to the Proposed Final Judgment, have written a proposal that could break the monopoly that Microsoft holds. It is not the only possible solution. Any workable solution must remove control of the standards from Microsoft.

The Revised Proposed Final Judgment; is not in the publics best interest, will not remove the monopolist powers from Microsoft, will not provide justice for those that have been and are being harmed. I ask that Judge Colleen Kollar-Kotelly not accept the Revised Proposed Final Judgment.

Thank you for your consideration.
Douglas Jensen
South Jordan, Utah USA
computer user

MTC–00027453

From: Paul Shryer
To: Microsoft ATR
Date: 1/28/02 12:42am
Subject: Microsoft Settlement

I am writing to express my disagreement with the proposed settlement between US DOJ and Microsoft.

I am a Information Technology Professional who works on a daily basis with Microsoft software and license agreements. There are many problems I have noticed with the Final Judgement proposed by the DOJ, I shall mention the two greatest issues I have with this settlement.

1. A provision is included to ''prevent Microsoft from using Anti-competitive practices against OEM who load competing practices.'' There is a big loophole in this provision unfortunately. It does not prevent Microsoft from charging a set price to all OEMs and then providing discounts and rebates to OEMs that sell only Microsoft products or that help Microsoft extend its monopoly into additional markets. Several companies currently use similar agreements and programs. It would take little effort for Microsoft to adopt similar practices.

2. This proposed final judgement does not seem to have any sort of enforcement. While it is true that the proposal calls for a three person panel to review the activities of Microsoft I seen nothing that empowers the panel to do anything more than recommend to Microsoft management. They do not seem to have any real power to overrule management and prevent

Microsoft from undertaking anti-competitive practices.

Paul Shryer
Network Technician
Duluth, MN

MTC–00027454

From: Stevens, Derek
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 12:43am
Subject: MICROSOFT SETTLEMENT

DR SIRS,

I HAVE BEEN WATCHING THE UNFOLDING OF THE MICROSOFT CASE AND I AM CONVINCED THEY HAVE BEEN RAILROADED. I THINK NOW IS THE TIME TO GET THIS THING BEHIND US, AS OUR COUNTRY IS ABOUT TO HEAD OUT OF RECESSION. AFTER WATCHING THE ENRON DEBACLE AND THE CS FIRST BOSTON ESCAPADE I CAN'T REALLY SEE WHAT MICROSOFT IS BEING PUNISHED FOR? SO I THINK THE SETTLEMENT IS A FAIR ONE AND LETS GET ON WITH OUR LIVES.

THANK YOU,
DEREK G. STEVENS

MTC–00027455

From: Brian Reed
To: Microsoft ATR
Date: 1/28/02 12:43am
Subject: Microsoft Settlement

Hello,

I write to comment on the proposed Microsoft settlement as a software programmer/consultant for the Windows platform for over 5 years (and for MS-DOS 10 years before that) In summary I feel the settlement is well intended but falls well short of appropriate action.

I don't suggest or desire radical action like splitting up the company or forcing release of their source code, and I'm not confident either would help the computing consumer anyways. For me, it's very much about fair marketing and advertising practicies. The settlement must be more forward looking. The harm done in the past by MS marketing, advertising, OEM deals, etc methods cannot be undone ... the question is where do we go from here, today. For the last couple years, the DOJ suit has forced them to tread lightly ... that in itself has been halfway helpful, thank you! MS must be relieved of power to regulate their OEM resellers and competition as they have done in the past. It is the resellers that can best customize systems for clients and move the state of the art of computer use ahead, now that there are many qualified personal & business OS options.

Attention must also be given to MS affiliations. Monopoly power can be abused here especially, for example the advertising of affiliates and 3rd parties embedded in every Windows install I've seen since Win95. Or especially the old MSN ''deal'' with new PCs... users committed to 3 years of MSN membership to get a rebate on the PC, only to find out that the MSN ISP usage is a horrible pain in the neck that they've contracted to for the full term. The new MSN deal is that it's free for a limited term (I believe 1 year), but what they don't tell us is that it's a *LIMITED* MSN connection (not the typical Windows OS DialUp!), and that it requires extra, custom MSN software which itself is practically unusable. Also, I believe the proposed settlement has many loopholes, with many due to insufficient definitions of terms like ''API''.

Thank you for the opportunity to submit my comments,

Brian G. Reed
Warren, MI 48088

MTC–00027456

From: Mark Hinds
To: Microsoft ATR
Date: 1/28/02 12:43am
Subject: Microsoft Settlement

The proposed settlement fails to restore or protect competition in the PC OS market place. It seems to legitimize MS's monopoly and places far to much discretion in MS's hands. One need only apply the following simple test. If MS agrees to something then it must be good for MS. MS has agreed to this settlement and therefore the settlement must be good for MS. If the settlement did protect and foster future competition then MS would not agree to it. It is simply a fact that MS will have to be ordered to do anything of substance to remedy its abuses. It is very disturbing that the DOJ has opted for expedience in place of justice and public benefit. With real competition the price of PC operating software would be 1/10th of today's MS prices, and quality (i.e. robustness and security) would be years ahead of MS's current quality.

MS used its PC OS dominance to extinguish Netscape. It has been found that this was done deliberately to protect its PC OS monopoly. MS must not be allowed to benefit from this illegal conduct and must be prevented from repeating such conduct in the future. The proposed settle makes no effort to deprive MS of any benefits it accrued as a result of illegal conduct, does nothing to mitigate the effects of the conduct, and makes only a sheepish effort to prevent it in the future.

I strongly urge the court to reject this settlement and hold proper public hearings to find an effective remedy. Further, I see the only effective and workable remedy to be structural. It will not be possible to enforce conduct remedies with MS. It has not worked in the past and will not work in the future.

Mark Hinds
Concerned US Citizen
Senior SW Engineer
Edmonds WA 98020

MTC–00027457

From: Suen Kit Chau (Jason)
To: Microsoft ATR
Date: 1/28/02 12:30am
Subject: Microsoft Settlement.

Dear U.S. Department of Justice

As I read from your website, the United States and Microsoft tentatively agreed to the entry of a revised proposed final judgment to resolve the United States'' civil antitrust case against Microsoft on November 6, 2001. I believe Microsoft is not guilty because of following points.

(1) In 1995 years, No one can believe computers can develop or improve that fast. Microsoft Internet Explorer Web browser combine with Windows operating system. However, it is just a part of system in operating system. And unfortunately, other co-operate such as Netscape also created same system. It will not be happened if US government can make a law especially for computer system.

(2) I believe it is only a kind business method. If other company can have that powerful to compete with Microsoft, Windows will not longer be the popular operating system anymore. Strongest company can earn more money than other. It is the rule in the business world.

(3) However, I think Microsoft should have partnerships with other company, such as Netscape, JAVA, Sun Microsystems. Seen that, customer can get more benefits.

thanks for reading my email.

Suen Kit, Chau

MTC–00027458

From: john paulson
To: Microsoft ATR
Date: 1/28/02 12:47am
Subject: Microsoft Settlement

Greetings,

I oppose the proposed settlement in the Microsoft anti-trust case for the following reasons:

The Microsoft Office suite is one reason for the entrenchment of the Windows operating system on personal computers. The lack of viable non-Microsoft equivalents to MS Office is one source of that entrenchment. Document formats are descriptions of the files produced by the Microsoft Office suite of products (MS Word, MS Excel, MS Powerpoint).

Document formats are distinct from APIs.

Nowhere is there a requirement that Microsoft document and freely disclose the document formats used by their office products.

Because the document formats are not available, developers of products wishing to inter-operate with or compete with those of Microsoft Office must reverse engineer the document format. Besides being time consuming, this is an error-prone process. The resulting products fail to work as well with the documents. In addition, changes made by Microsoft to those document formats when new versions of Microsoft products are released require non-Microsoft to once again perform reverse engineering. This delays the release of competing products, further cementing Microsoft's entrenchment in office productivity applications.

THEREFORE:

Microsoft must document the formats of files produced by their office productivity applications.

Microsoft must make that documentation freely available, so that non-Microsoft products can read and write documents produced by Microsoft's office productivity applications.

And, Microsoft must release the document format concurrently, if not prior to, the release of newer versions of Microsoft's office productivity applications.

Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...''

(The above quotation is from http://www.pbs.org/cringely/pulpit/pulpit20011206.html) As that article states, Microsoft faces competition from open source software, such as Linux, FreeBSD and Samba. Microsoft should not be allowed to forbid disclosure to asymmetric threats to its dominance.

THEREFORE:

Microsoft should release the API, Documentation and Communications Protocols to all who ask, or make it freely available (by placing on their website, www.microsoft.com). This will in no way hinder Microsoft's ability to innovate and develop new products and combinations of products, but it will allow non-Microsoft developers to inter-operate with Microsoft products.

Microsoft has proposed deploying many millions of dollars worth of computers and (Microsoft) software to (K-12) schools. This should be rejected out of hand. Currently, the only meaningful competition Microsoft has in the K-12 education marketplace is Apple Computer. Were Microsoft to —sell— computers running Microsoft software to schools at discounts of 80 to 90%, it would be viewed as an anti-competitive action by a monopolist: dumping. Giving it away can only be worse, (mega-dumping?).

THEREFORE:

Microsoft should not be allowed to donate computers and software. If Microsoft wishes to aid schools in this wise, it may donate money and allow the educators to decide how to spend it on computers and software.

Sincerely,

John Paulson

MTC–00027459

From: Brendel, Gregory J
To: Microsoft ATR
Date; 1/28/02 12:51 am
Subject; Microsoft Settlement (Please Support)
January 16, 2002
Gregory Brendel
4650 Cole Avenue #326
Dallas, TX 75205–5547
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I want to take a moment to express my support for the recent settlement concluded between Microsoft and the Department of Justice. I believe this agreement is good for the computer industry and consumers in general. The settlement is comprehensive and requires many concessions from Microsoft. For example, Microsoft has agreed to document and disclose for use by its competitors various interfaces that are internal to Windows'' operating system products. Also, Microsoft will be monitored under the agreement by a three-member Technical Committee to assure the company meets its obligations. This committee will also take complaints from any third party who feels Microsoft is not complying with any provision of the settlement. As a worker in the computer industry, I understand the importance of Microsoft to our industry and the entire economy. I also believe the government has more important matters to handle than to penalize a great American company such as Microsoft. Please focus my tax dollars on Homeland security and also on protecting U.S. Companies from illegal competition from foreign companies. Please look into tactics of the Japanese companies who control the fiat panel computer screen market.

In summary, I hope the federal government will continue to support the settlement and not reopen litigation.

Sincerely,

Gregory Brendel

MTC–00027460

From: Thomas J. Valerio
To: Microsoft ATR
Date: 1/28/02 12:51am
Subject: Microsoft Settlement

My name is Thomas Valerio. I've been a professional programmer for more than 20 years now, a large part of that spent as a systems programmer working on an operating system used by the University of Michigan. In the late 80's the University of Michigan made the determination that it was no longer in the best interest of the university to put a large amount of effort into operating system development and made a determined effort to migrate off of the operating system that it had helped develop. In the summer of 1996 that migration was substantially completed and the university ceased all non-comercial operating system operation and development. As an active developer of that operating system I was clearly at a crossroads in my career, in retrospect I realized that my concern for my future was not tied specifically to the operating system that I had spent so much of my professional life working with, but that I was unlikely to see the inside of another operating system unless I went to work for a commercial operating system company. After 20 years in a university environment, I felt that that was clearly an unlikely option. It was around this time that I discovered Linux. In the 6 years that have passed since then the computing landscape has changed dramatically. In particular Microsoft has developed from a major player into a monopoly and we have arrived at the point where it has no viable commercial competition. It does, however, have the possibility of some very serious competition in the form of Linux, and the support of the legions of individuals that quietly and persistently move Linux and other open source projects forward. In order for that competition to flourish however, it must have the blessing of the court. While I certainly am aware of the genesis of the current anti-trust case with respect to Netscape, the fact is that that particular battle has been lost and like Humpty Dumpty and the Kings Men, there is nothing that the court can do about it. So, to get to the heart of my point, the most disappointing aspect of the Proposed D.O.J. settlement is that when the possibility of serious competition from Linux and Open Source looks the most promising, the proposed settlement is silent with respect to non-comercial solutions, which are clearly the only real, viable competition in sight. There are clearly many other aspects of the proposed judgment that argue for it's rejection by the court and I would like to express my support for most of them as well. I accept the fact that this has been an extremely difficult case and a very drawn out process, however I think the court has an obligation to reject this proposed settlement and failure to reject it will have a serious, detrimental, and long lasting negative impact on the entire software business. I apologize for a less than elegant presentation of my argument, others have written far better on this subject than I, and I want to thank the court for considering my opinion.

Thomas Valerio

MTC–00027461

From: Eli Arnold
To: Microsoft ATR
Date: 1/28/02 12:53am
Subject: Anti-trust

I have just cancelled my AOL subscription upon learning that they had joined the attack on Microsoft. To create a product and sell it with conditions is neither immoral, nor illegal, and the Sherman anti-trust act is being once more used in a contradictory, unfair, and unjust manner. AOL has in no way been wronged by Microsoft and neither has Internet Explorer. I personally use microsoft products everyday, and they are well designed and quality products. Microsoft is the shining example of American productivity and achievement and is personally inspiring to me. It seems that the original American values, ingenuity, independence, economic and social freedom, are quickly being destroyed by overregulation, concern for the public good at the expense of the individual, and ''economic rights.'' Their is no right to a profit, nor to success, and the states and corporations suing Microsoft should take notice of the fact. Microsoft has never used physical coercion to pursue it's ''interests.'' The same cannot be said for the United States Government. I am an intelligent, competent and capable young man, but watching what's being done to Bill Gates I feel a hesitation to pursue achievements of my own in this nation. I could not keep quiet, as he has, and watch, while people who could not have written a single line of Explorer's code determine the future of his lifes work, of his personal achievements, and prevent him from being able to plan a single day ahead, as he cannot plan for the arbitrary whims of society. Someday, a nation will inherit the moral legacy which the founders of this nation reached nearest, and the productive and intelligent members of this society will desert. You read these letters, because the

opinions of the majority seem to be surpassing in importance the notion of individual rights. Its Socrates execution all over again.

Eli Arnold (503) 254 8513
15811 E. Burnside St. Portland OR 97233

MTC–00027462

From: shinpou@clubaa.com@inetgw
To: Microsoft ATR
Date: 1/28/02 12:56am
Subject: Microsoft Settlement

Dear Sir:

If public profits are considered, Microsoft Corp. should provide ANSI with Windows 98, WindowsME, and Office2000, and it should withdraw them from the client market.

Sincerely

ASKA Intelligence Systems, Inc.
TEL 81–722–80–0918 / FAX 81–722–80–0917
e-mail:sympoe@askainfo.co.jp

MTC–00027463

From: Jeff Rehbein
To: Microsoft ATR
Date: 1/28/02 12:55am
Subject: Microsoft Settlement
January 27, 2002

To Whom it May Concern:

In accordance with the Tunney Act, I am writing to comment on the proposed settlement of the United States vs. Microsoft antitrust case. I believe that there are many problems with the proposed settlement. As shown by Dan Kegel's open letter (http://www.kegel.com/remedy/remedy2.html), there are so many holes in the settlement that it is essentially useless. However, I will focus my comments on a specific group of actions by Microsoft that affect my work directly.

I work as a Macintosh game developer. My work entails both porting games originally written for the Microsoft Windows platform to run on the Macintosh platform, and writing original games for the Macintosh platform. In the following paragraphs, I will show how Microsoft's anticompetitive actions have harmed (and are continuing to harm) me, my company's customers, and the customers of virtually all developers of games for the Macintosh.

In 1992, OpenGL was introduced as an open standard application programming interface (API) for 2D and 3D graphics. Over the years, it has gained wide adoption by operating system vendors (OSV) and graphics sub-systems hardware vendors (GSHV). Seeing that adopting OpenGL would increase the number of games available for the Windows platform, Microsoft adopted it. However, Microsoft only adopted it because it didn't have a competing product.

As Microsoft has done time and time again, it quickly turned out it's own version of someone else's innovation. In this case (as in most cases), it's version (Direct3D) was nowhere near as good as the original. However, Microsoft tied it to Windows (still on the same pattern) and to its development environment and some developers used it. Recently, Direct3D has became good enough to compete with OpenGL. So what did Microsoft do? It removed OpenGL support from Windows XP before release—support that was already there. OpenGL can still be used, but the support has to be added by each GSHV, seriously complicating the situation.

Removal of OpenGL support from Windows harms several groups of people:

1. Developers who know and wish to use OpenGL in a Windows application.

2. Developers who want to write 3D (and 2D) applications that can be compiled for Windows and other operating systems from one codebase.

3. Developers who port applications originally written for Windows to run on other operating system (the original application may have been written with OpenGL under different circumstances, making it far easier to port)

4. In the long run, other OSVs that depend on OpenGL will likely be harmed. This is because usage of OpenGL will drop off, which will lead to a stagnation in the OpenGL standard.

As if removing OpenGL support from Windows wasn't enough, Microsoft recently purchased key patents from Silicon Graphics, Inc. that may give it even more ammunition against the competing, open standard. I can't say for sure what Microsoft will do with this new power, but given its past history I think it's a sure bet that it will be bad for OpenGL, and by extension, bad for developers and consumers. One company should not be able to so negatively affect an open standard. Unfortunately, the proposed settlement does nothing to prevent this sort of activity. Microsoft also hurts all developers who port Windows games to the Macintosh by keeping all DirectX APIs usable on Windows alone. Microsof routinely changes the API calls so that developers can't make a ''glue library'' (a glue library is used to easily convert calls to one API to calls to different API) that can keep being used in each new project. There is no need to so routinely change the actual interface calls of APIs. Other OSVs do everything they can to keep those calls the consistent. Doing otherwise would break compatibility and drive away developers. Only a company with a monopoly could do this and survive. One DirectX API in particular gives port developers trouble—DirectPlay. DirectPlay is an API that makes it relatively easy to add networking features to a game. Because of the lack of documentation of the internal message structure, any port of a game originally written using DirectPlay cannot communicate with the original version. This relegates users of the ported version to a second-class status. Although technically possible to reverse-engineer the protocol, Microsoft actively thwarts such attempts. The one known instance where the protocol was reverse-engineered and used in a product (which took 6 months), Microsoft promptly overhauled the protocol and released a new version which completely broke the compatibility. Microsoft's actions with the DirectX API serve solely to strengthen the applications barrier-to-entry, even at the expense of their own developers. Unfortunately, the proposed settlement does absolutely nothing to alleviate this or any problems concerning this barrier. The unfortunate truth of the matter is that there is no remedy for the above problems short of separating the OS business from the rest of Microsoft. As show in the previous reference to Dan Kegel's open letter and in my own, the proposed settlement will do little to limit Microsoft's anticompetitive behavior. It would be a grievous waste of taxpayer money if this settlement was the end result of the case. I implore you to reconsider this course of action.

Thank you for your time in considering this matter.

Sincerely,
Jeffrey Rehbein
Macintosh Games Developer

MTC–00027464

From: paul podnar
To: Microsoft ATR
Date: 1/28/02 12:56am
Subject: Microsoft settlement

I do not believe that the proposed remedies represent what is in the best interest of the people or the computer industry. My company has been damaged by the illegal workings of Microsoft and so have many others in the world.

The entire Apple computer platform and Motorola has been damaged by the monopolistic practices and pressure put on Apple to stop certain developments. Netscape went from a majority player in the browser field to a minority player and almost bankrupt. Java was corrupted by the efforts of Microsofts J++ development and not Microsoft is after the internet with their .Net strategy which was really built upon Netscapes efforts.

Microsofts efforts also misrepresent the stability and security of all their operating systems and application programs. Many individuals and businesses have been damaged due to lost work and downtime caused by the low quality standards of the Microsoft software.

My remedies would include:

1. A payment to Netscape/AOL for the market stolen by Microsofts free browser. This might be one half of current estimated Internet explorer users times about 29 dollars for the people that would have purchased a Netscape product.

2. A major free update of Windows 98 and the Office program which would run on the computers purchased by businesses in the 1998 year which would work as advertised and be much more stabile.

3. A payment made to Sun for damages done to the JAVA platform

4. A payment made to Apple computer for the damage to the internal development of software which is known in the industry including Quicktime and Apple Works.

5. The inclusion of Quicktime as the default Windows Media Player/ Authoring medium to generally further the multimedia capabilities of millions of Windows users.

6. The inclusion of firewire support on all Windows desktops to further the advance of this quality high speed Apple bus technology.

7. Finally, a public admission of guilt from Bill Gates as to his involvement in the above matters and a media broadcast of the trial findings and testimonies key industry and Microsoft personnel. I would find the truth of this case much more interesting than the

OJ Simpson trial and much more valuable to the industry, the populace and history.

Thank you for this forum to come forward and for a small part in the process of Justice.

Paul j. Podnar
President
Accommodata Corporation

MTC–00027465

From: Andy Cristina
To: Microsoft ATR
Date: 1/28/02 12:54am
Subject: Microsoft Settlement

To whom it may concern,

I apoligize for submiting this email so late, but I with to express my opinion that the proposed Microsoft Settlement is not sufficient to allow other companies to produce viable competing products. My main complaint is that Microsoft is not being asked to release the Microsoft Office document formats. In order for a competing product to have a chance, it must be able to let the user read and write Office files.

Andrew Cristina,
University of New Orleans,
Association of Computing Machinery Chair
Software Intern at Penta Corporation

MTC–00027466

From: Kent Rosenkoetter
To: Microsoft ATR
Date: 1/28/02 12:58am
Subject: Microsoft Settlement

As a graduate student in computer science (University of North Carolina—Chapel Hill) I cannot help but be aware of the Microsoft anti-trust case. And while I believe it to be one of the most important cases for the computer industry in years, I tend to avoid dwelling on it because all I can feel is frustration. Microsoft has:

1. Used their OS monopoly and OEM agreements to prevent any computer manufacturer from selling dual-boot systems, effectively killing BeOS and incredibly slowing the spread of other OSes, particularly Free Software and Open Source OSes.

2. Used their Windows OS to spread Internet Explorer and Outlook Express, making the entire world suceptible to hundreds of viruses that do not work on any other browser/email client. This costs American business alone billions of dollars every year.

3. Many other similarly disgusting actions I do not need to list because I know many of my colleagues have already done so in detail.

My frustration stems from the proposed settlement. First, that the breakup of Microsoft did not take place. Though I do not believe a mere two pieces would have been sufficient, it would at least have shown the public that the government is willing to mete out some serious punishment for such flagrantly illegal behavior. Second, that such a puny settlement would be proposed and even endorsed by members of the government. The settlement does not adequately restrict MS's future behavior, it leaves huge loopholes for exploitation, and it for the most part neglects the concept of compensation. While I believe the settlement may have been negotiated in good faith by the prosecutors, the final agreement does not account for the severity of the crimes or for MS's habit of exploitation and arrogance.

Actually, I do not believe that any settlement negotiated with Microsoft will be in the public interest. Microsoft's lawyers will not agree to anything that will seriously curtail MS's activities, and MS's activities are entirely centered around control of all aspects of computing. No, that is not an overzealous fanatical statement. That is a direct extrapolation of the past trends that led to MS's current monopolies in operating systems, office software, and web browsers, extended to current plans like .NET and subscription-based software licensing. Any final judgement capable of effectively affecting Microsoft will never be agreed to by Microsoft.

This email is meant to express extreme displeasure with the proposed settlement. It is not meant to offer possible alterations for the reason above. Though my original thought when I learned of the breakup Judge Jackson ordered was ''Three companies. Operating Systems, Applications, and Web Services.'' It seems that won't happen now. If you truly want an effective solution, force Microsoft to pay damages to every person and business that is a victim of a Microsoft-only virus. That will not eliminate their monopolies or promote competition for the future, but it will certainly take away their financial gain from their illegally acquired monopolies. It will also make the millions that have been victims of the serious problems in Microsoft software feel a little better.

Kent Rosenkoetter
Graduate Student
University of North Carolina at Chapel Hill

MTC–00027467

From: Eric Weeks
To: Microsoft ATR
Date: 1/28/02 12:59am
Subject: Microsoft Settlement

I wanted to take some time and proactively tell you that I am very disturbed at the proposed Microsoft settlement. Microsoft's actions have been devastating to many companies and in the industry and have significantly slowed innovation and progress. Their claims to the contrary are ludicrous upon a review of their effect on the industry.

I am particularly concerned about their Trojan horse of ''aid'' to schools by donation of hardware (compatible with Windows of course) and software (surely their proprietary software) which can be donated at a real cost which is a very, very small fraction of the retail cost. The beauty of this arrangement for Microsoft is that it also gives them a greater market share in the one area they don't have a monopoly—schools. Apple is reportedly running scared and they should be. It's a hidden coup for Microsoft. Microsoft has broken the law and despite their benefit to the American economy, there have been corresponding, huge, losses in jobs, smaller, innovative companies, and value to customers. Look at the price of Microsoft Office. Look at how inferior software (Windows and countless other pedestrian Microsoft products) has become the de facto standard when reasonably priced, superior products (Macintosh OS, Oracle, Linux, Alternate DOS providers) barely survive or are quashed, squeezed out, or bought out by Microsoft. They are a monopoly that hurts the industry. These are only a few of the issues.

Please don't let Microsoft slip away. They need a reasonable punishment and organizational solution that will stop the abuses they have perpetrated and continue to perpetrate.

Thanks for your time.
Eric Weeks
Salt Lake City, Utah

MTC–00027468

From: ajg407@casbah.it.northwestern.edu@inetgw
To: Microsoft ATR
Date: 1/28/02 12:58am
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
United States Department of Justice
601 D Street NW., Suite 1200
Washington, DC 20530–0001

Dear Renata Hesse,

I feel that the proposed settlement with Microsoft does not prohibit Microsoft from continuing the anti-competative practices that that have been described in the finding of fact, and does not include sufficient remedies that are in consumer's best interest. Computers are a mainsay in the home, business, and research environments, and will only become more important in the future for increasing the quality of life in the United States. Allowing Microsoft to use its dominance in the these markets to maintain its position and stifle or buy-out competition is harmful to consumers and the economy by setting up large barriers for innovative software products to enter the markets. A satisfactory settlement must address these issues and have measures to monitor and significantly penalize Microsoft in ways other than giving away software for continuing the illegal practices that have been determined in the finding of fact.

Respectfully,
Aaron Gruber
Research Assistant
Northwestern University
2022 Colfax St Apt 2
Evanston IL 60202

MTC–00027469

From: David Joham
To: Microsoft ATR
Date: 1/28/02 1:01am

To whom it may concern,

Pursuant to the Tunney Act, I am writing to comment on the proposed settlement of the United States vs. Microsoft antitrust case. I have been a software developer working with Microsoft and its competitor's products for over ten years. During this time, I have personally witnessed many overt acts of anti-competitiveness by Microsoft that have directly harmed my clients. When Microsoft was found guilty of being a monopoly, I was optimistic that at last, this behavior would be ended.

Much to my disappointment, the proposed settlement will do little to change the behavior of this monopolist in my situation.

Specifically, since my company is a small solution provider, section III.B allows Microsoft to continue their threats of retaliation if my company so much as hosts a training seminar with one of their competitors. While my situation may be viewed as an issue with a small group of Microsoft representatives, I believe that this small group accurately reflects the culture of the company at large. This culture has directly cost my clients many thousands of dollars and will continue to do them harm well into the future if the proposed remedy is allowed to stand. Specifically, the proposed remedy does little to prevent Microsoft from bringing harm to my company if I propose solutions to my clients that involve non-Microsoft software, even when this software is cheaper, more suited to their task and more appropriate to their situation. In addition to the above concerns, I believe that the proposed settlement has other serious flaws as well. However, I felt it best if I focused on how the settlement impacted me directly and let others speak about the more general aspects of the settlement.

To that end, I would like to echo the comments made by Dan Kegel, whose comments can be viewed at http://www.kegel.com/remedy/letter.html . I strongly support his overall comments on the proposed settlement and would like to add my voice to his.

Thank you for your time and attention in this matter. If there is any more information that I may provide to you to help you in your deliberations, please feel free to contact me.

Best regards,
David Joham

MTC–00027470

From: matchx70@hhotmail.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:01am
Subject: Microsoft Settlement

A single minded focus of a great company like Microsoft—to simplify the computing experience, and making IT affordable to a common man—has really been a path breaking achievement of the 20th century. Any adverse judgement will only harm the end-consumer, who will be forced to cough up money for the most essential of features & innovations. Growth & well-being of Microsoft is essential to foster competition and health of IT industry not only in the US, but of the economy world-wide.

CC:matchx70@hhotmail.com@inetgw

MTC–00027471

From: George H. Darfus
To: Microsoft ATR
Date: 1/28/02 1:02am
Subject: MICROSOFT SETTLEMENT

Dear Sirs:

This E-mail is sent to urge you to hasten to a conclusion of the action against Microsoft. From what I have read on this matter, the tentative settlement which was reached some time ago seems like a reasonable approach.

As a consumer, I can very strongly state that I have not been hurt by Microsoft. Their products have been easy to use and are certainly fairly priced. As I understand, this area of law is supposed to protect consumers. The only way I have been hurt is that way too many of my tax dollars have been used to prosecute a company which, in my opinion, did not deserve prosecution.

Enough is enough. I thank you for taking the time to read my input.

Very respectfully,
George H. Darfus
LCDR, USN (Ret.)

MTC–00027472

From: Barton
To: Microsoft ATR
Date: 1/28/02 1:03am
Subject:
From: Tina Barton—Dighton, KS
Attorney Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW., Suite 1200
Washington, DC 20530

Dear Attorney Hesse,

While we appreciate all the work that has been put into the Microsoft antitrust case, I think America certainly can benefit from the settlement of the Microsoft antitrust case. I understand that 30 million dollars have been spent thus far on this case. Let's not spend any more.

Please thoughtfully consider accepting this final judgment and end this antitrust case.

Sincerely,
Tina Barton

MTC–00027473

From: Aaron Nemetz
To: Microsoft ATR
Date: 1/28/02 1:08am
Subject: MIcrosoft Settlement

Hello, I'm Aaron Nemetz, a student in eight-grade attending The Harker School. This as you presume is a letter about the recent cases on Microsoft. First I would like to talk about Judge Jackson's decision to split the company into many pieces. This for one is a horrible idea because it could lead to many monopolies, where each part will already have a huge user base, which seems to be very loyal to Microsoft's product. The company is like a worm, when you cut a worm in half trying to kill it the results are completely different. Over time there are two worms!! This is the effect that could possibly happen if this action was taken. Now for the recent case, where Microsoft is being tried upon the idea that they are breaking the Antitrust Laws by making a trust with Internet Explorer. This case can be taken many ways. One thing comes to mind is John D. Rockefeller, a businessman who monopolized the oil industry by the late 1800?s. His strategies were quit different; he would change prices in certain locations to run out the competition in those sites. That strategy was only used if other small companies didn?t agree to join him in monopolization by handing over all there refineries for some price. Looking over the history Rockefeller's Standard Oil Company one can conclude he used trusts, just like Bill Gates has done. Yet while Rockefeller's company joined with other companies in the industry, Bill Gates merged with software to only improve his own OP's efficiency and user-friendliness. Looking over the case I have a few more opinions. First as others believe this is yet another case started by AOL/Time Warner to slow down and make money off of Microsoft. One way I believe all Internet access companies can compete would be through rebates. Both Apple and Microsoft should come with a rebate, which would work on many of qualified Internet applications. This way competition would be restored once again. Even though the public does not seem to care too much about this monopoly I have thought of a simple plan that would replace interest in buying the best product.

THANX,
Aaron Nemetz

MTC–00027474

From: Tonitrus
To: Microsoft ATR
Date: 1/28/02 1:07am
Subject: Microsoft Settlement

I do not think the Microsoft settlement will help customers. Any reasonable solution must have ways for Windows programs to work on other Operating Systems, as Microsoft used its monopoly to get all of those programs over to the Windows platform. Also, the solution should allow users to choose what products they are purchasing, and not Microsoft. I personally believe that Microsoft should release the source code to Windows. This would allow the WINE (Wine Is Not an Emulator) project to fully emulated Windows, and allow Windows programs to run on anything that WINE itself will run on. This would also aptly punish Microsoft for its actions. The Windows source code should be put under the GNU Public License. This should be done for several reasons:

If Microsoft released Windows source code, they would immediately go back and start the same process over again, so that their next version could be properly rigged. (Undocumented APIs, for example). The GNU license would allow anyone to take any good points that Windows might have (I don't really know of any), and incorporate them into better things. Also, if the Windows code was under the GPL, Microsoft would have to release the source code with every release of Windows.

This would be the most effective way of shattering Microsoft's control of the OS market, and it would severely weaken them against their main competitor, Linux, which, due to the fact it lives off the GPL, would be able to appropriately absorb any necessary features that Windows could have. If the code were freely available, users would be able to decide for themselves what to get, by downloading the code, or getting it from a friend (legal under the GPL).

This is the most effective way of breaking Microsoft's monopoly on the OS market. Not only should the code be made available, but it should be GPL'd. The effects of this are very useful, and beneficial to everyone, except, of course, Microsoft. Also, the insult of having their OS GPL'd would put the message across very clearly to them.

excelsior,
Dustan Bower
315 Ladd rd.
Fishersville, VA
22939

MTC–00027475

From: PastorSmith@excite.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:03am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division 601 D Street NW., Suite 1200 Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Ken Smith
1223 Merry Brook Dr.
Kalamazoo, MI 49048

MTC–00027476

From: Michael L. Mitchell
To: Microsoft ATR
Date: 1/28/02 1:07am
Subject: Microsoft Settlement ** Secret **

Hello,

I would like to provide my comment on the settlement that the Justice Department has entered in with Microsoft. I believe that the settlement is quite adequate. If anymore were to be done it has a reverse effect of harming the consumer (me). I think it is time that this matter be settle and the allow Microsoft and the Justice Department move forward.

Thank you
Michael L. Mitchell
Brandon, FL

MTC–00027477

From: James Carter
To: Microsoft ATR
Date: 1/28/02 1:07am
Subject: Microsoft Settlement

DOJ,

The proposed settlement is NOT in the publich interest... it is ineffective and has large loopholes. My name is James Michael Carter. I am a real person working in the computer industry (programmer) who can tell story after story of microsoft abuses. I have followed and complained about Microsoft abuses since the early 90's (before much of their behavior was successfully brought to the attention of anti-trust enforcers). (real person in contrast to Microsoft's fraudulant 'astroturf'' fake citizen's responses which have been at least several times caught!) I am very much against the proposed settlement. It is not in the public interest. As a start, I advocate the changes proposed at: http://www.kegel.com/remedy/remedy2.html With further resources at: http://www.kegel.com/remedy/

Also I echo Ralph Nader's criticisms: http://www.cptech.org/at/ms/rnjl2kollarkoteltynov501.html

To highlight some general problems, there are not protections for Non-MS operating systems to get hold of technical interoperability details and API's in order to build compatible and/or competing products and systems. Further, MS should not be allowed to buy technology companies.., they absorb and kill off competition and gain beach-heads ensuring the next big thing will be in their controls—leveraged off their existing stranglehold and $36 billion bank account. Profits they did not mine from the ground, but taken off the backs of consumers!! Microsoft yells how all they want to do is innovate and compete .... yet their behaviour and snubbing of the law and our courts show their words are as trustworthy as their products'' security. Make MS publish any and ALL API's, protocols, and file formats 3 months before any distribution so others may compete with them (as they profess to want).

Prevent them from buying any other companies (to make them compete and —innovate— as they claim they want to do. Make them publish all their source code.

Microsoft wants to innovate— and —compete— ?? Well then make them do exactly that .... Microsoft's history shows they do all to NOT have to compete... So, let's finally make them do what they —CLAIM— is all they want to do .... The public interest requires it.

I also think microsoft should be broken up by product lines. Structural remedies are often only remedy to fix where company shows in its history to ignore consent decrees and have a penchant for not complying and for litigating (delaying until the damage is already done) (years and years now...).

I am a modestly self-employed programmer, who has personally suffered and seen the abuses at the hands of Microsoft. Please don't let the average folks down.

I would help you with new remedies or evaluation of such in any way I can.

sincerely,
James Carter
221 Hosea Ave. Apt. 2
Cincinnati, Ohio 45220
(513) 559–9701
jcarter9@fuse.net

I attach for completeness the kegal analysis remedy fixes (which I endorse and propose as well):

http://www.kegel.com/remedy/remedy2.html

On the Proposed Final Judgment in United States v. Microsoft Contents

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Introduction

As a software engineer with 20 years'' experience developing software for Unix, Windows, Macintosh, and Linux, I'd like to comment on the Proposed Final Judgment in United States v. Microsoft.

According to the Court of Appeals ruling, ''a remedies decree in an antitrust case must seek to 'unfetter a market from anticompetitive conduct', to ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future'' (section V.D., p. 99).

Attorney General John Ashcroft seems to agree; he called the proposed settlement ''strong and historic'', said that it would end ''Microsoft's unlawful conduct,'' and said ''With the proposed settlement being announced today, the Department of Justice has fully and completely addressed the anti-competitive conduct outlined by the Court of Appeals against Microsoft.''

Yet the Proposed Final Judgment allows many exclusionary practices to continue, and does not take any direct measures to reduce the Applications Barrier to Entry faced by new entrants to the market. The Court of Appeals affirmed that Microsoft has a monopoly on Intel-compatible PC operating systems, and that the company's market position is protected by a substantial barrier to entry (p. 15). Furthermore, the Court of Appeals affirmed that Microsoft is liable under Sherman Act ? 2 for illegally maintaining its monopoly by imposing licensing restrictions on OEMs, IAPs (Internet Access Providers), ISVs (Independent Software Vendors), and Apple Computer, by requiring ISVs to switch to Microsoft's JVM (Java Virtual Machine), by deceiving Java developers, and by forcing Intel to drop support for cross-platform Java tools.

The fruits of Microsoft's statutory violation include a strengthened Applications Barrier to Entry and weakened competition in the Intel-compatible operating system market; thus the Final Judgment must find a direct way of reducing the Applications Barrier to Entry, and of increasing such competition.

In the following sections I outline the basic intent of the proposed final judgment, point out areas where the intent and the implementation appear to fall short, and propose amendments to the Proposed Final Judgment (or PFJ) to address these concerns.

Please note that this document is still evolving. Feedback is welcome; to comment on this document, please join the mailing list at groups.yahoo.com/group/ms-remedy, or email me directly at dank-ms@kegel.com.

Understanding the Proposed Final Judgment In crafting the Final Judgment, the judge will face the following questions:

How should terms like ''API'', ''Middleware'', and ''Windows OS'' be defined?
How should the Final Judgment erode the Applications Barrier to Entry?
How should the Final Judgment be enforced?
What information needs to be released to ISVs to encourage competition, and under what terms?
Which practices towards OEMs should be prohibited?
Which practices towards ISVs should be prohibited?
Which practices towards large users should be prohibited?
Which practices towards end users should be prohibited?

Here is a very rough summary which paraphrases provisions III.A through III.J and VI. of the Proposed Final Judgment to give some idea of how the PFJ proposes to answer those questions: PFJ Section III: Prohibited Conduct

Microsoft will not retaliate against OEMs who support competitors to Windows, Internet Explorer (IE), Microsoft Java (MJ), Windows Media Player (WMP), Windows Messenger (WM), or Outlook Express (OE). Microsoft will publish the wholesale prices it charges the top 20 OEMs (Original Equipment Manufacturers) for Windows.

Microsoft will allow OEMs to customize the Windows menus, desktop, and boot sequence, and will allow the use of non-Microsoft bootloaders.

Microsoft will publish on MSDN (the Microsoft Developer Network) the APIs used by IE, MJ, WMP, WM, and OE, so that competing web browsers, media players, and email clients can plug in properly to Windows.

Microsoft will license on reasonable terms the network protocols needed for non-Microsoft applications or operating systems to connect to Windows servers.

Microsoft will not force business partners to refrain from supporting competitors to Windows, IE, MJ, WMP, WM, or OE. (Roughly same as F above.)

Microsoft will let users and OEMs remove icons for IE, MJ, WMP, WM, and OE, and let them designate competing products to be used instead.

Microsoft will license on reasonable terms any intellectual property rights needed for other companies to take advantage of the terms of this settlement.

This agreement lets Microsoft keep secret anything having to do with security or copy protection.

PFJ Section VI: Definitions

''API'' (Application Programming Interface) is defined as only the interfaces between Microsoft Middleware and Microsoft Windows, excluding Windows APIs used by other application programs.

''Microsoft Middleware Product'' is defined as Internet Explorer (IE), Microsoft Java (MJ), Windows Media Player (WMP), Windows Messenger (WM), and Outlook Express (OE).

''Windows Operating System Product'' is defined as Windows 2000 Professional, Windows XP Home, and Windows XP Professional.

The agreement can be summed up in one breath as follows: Microsoft agrees to compete somewhat less vigorously, and to let competitors interoperate with Windows in exchange for royalty payments.

Considering all of the above, one should read the detailed terms of the Proposed Final Judgment, and ask one final question:

Is the Proposed Final Judgment in the public interest?

In the sections below, I'll look in more detail at how the PFJ deals with the above questions.

How should terms like ''API'', ''Middleware, and ''Windows OS'' be defined?

The definitions of various terms in Part VI of the PFJ differ from the definitions in the Findings of Fact and in common usage, apparently to Microsoft's benefit. Here are some examples:

Definition A: ''API''

The Findings of Fact (? 2) define ''API'' to mean the interfaces between application programs and the operating system. However, the PFJ's Definition A defines it to mean only the interfaces between Microsoft Middleware and Microsoft Windows, excluding Windows APIs used by other application programs. For instance, the PFJ's definition of API might omit important APIs such as the Microsoft Installer APIs which are used by installer programs to install software on Windows. Definition J: ''Microsoft Middleware'' The Findings of Fact (? 28) define ''middleware'' to mean application software that itself presents a set of APIs which allow users to write new applications without reference to the underlying operating system.

Definition J defines it in a much more restrictive way, and allows Microsoft to exclude any software from being covered by the definition in two ways:

By changing product version numbers. For example, if the next version of Internet Explorer were named ''7.0.0'' instead of ''7'' or ''7.0'', it would not be deemed Microsoft Middleware by the PFJ. By changing how Microsoft distributes Windows or its middleware. For example, if Microsoft introduced a version of Windows which was only available via the Windows Update service, then nothing in that version of Windows would be considered Microsoft Middleware, regardless of whether Microsoft added it initially or in a later update. This is analogous to the loophole in the 1995 consent decree that allowed Microsoft to bundle its browser by integrating it into the operating system.

Definition K: ''Microsoft Middleware Product''

Definition K defines ''Microsoft Middleware Product'' to mean essentially Internet Explorer (IE), Microsoft Java (MJ), Windows Media Player (WMP), Windows Messenger (WM), and Outlook Express (OE).

The inclusion of Microsoft Java and not Microsoft.NET is questionable; Microsoft has essentially designated Microsoft.NET and C# as the successors to Java, so on that basis one would expect Microsoft.NET to be included in the definition.

The inclusion of Outlook Express and not Outlook is questionable, as Outlook (different and more powerful than Outlook Express) is a more important product in business, and fits the definition of middleware better than Outlook Express.

The exclusion of Microsoft Office is questionable, as many components of Microsoft Office fit the Finding of Fact's definition of middleware. For instance, there is an active market in software written to run on top of Microsoft Outlook and Microsoft Word, and many applications are developed for Microsoft Access by people who have no knowledge of Windows APIs.

Definition U: ''Windows Operating System Product''

Microsoft's monopoly is on Intel-compatible operating systems. Yet the PFJ in definition U defines a ''Windows Operating System Product'' to mean only Windows 2000 Professional, Windows XP Home, Windows XP Professional, and their successors. This purposely excludes the Intel-compatible operating systems Windows XP Tablet PC Edition and windows CE; many applications written to the Win32 APIs can run unchanged on Windows 2000, Windows XP Tablet PC Edition, and Windows CE, and with minor recompilation, can also be run on Pocket PC. Microsoft even proclaims at www.microsoft.com/windowsxp/tabletpc/tabletpcqanda.asp: ''The Tablet PC is the next-generation mobile business PC, and it will be available from leading computer makers in the second half of 2002. The Tablet PC runs the Microsoft Windows XP Tablet PC Edition and features the capabilities of current business laptops, including attached or detachable keyboards and the ability to run Windows-based applications.''

and

Pocket PC: Powered by Windows

Microsoft is clearly pushing Windows XP Tablet PC Edition and Pocket PC in places (e.g. portable computers used by businessmen) currently served by Windows XP Home Edition, and thus appears to be trying to evade the Final Judgment's provisions. This is but one example of how Microsoft can evade the provisions of the Final Judgment by shifting its efforts away from the Operating Systems listed in Definition U and towards Windows XP Tablet Edition, Windows CE, Pocket PC, X-Box, or some other Microsoft Operating System that can run Windows applications. How should the Final Judgment erode the Applications Barrier to Entry?

The PFJ tries to erode the Applications Barrier to Entry in two ways:

By forbidding retaliation against OEMs, ISVs, and IHVs who support or develop alternatives to Windows.

By taking various measures to ensure that Windows allows the use of non-Microsoft middleware.

A third option not provided by the PFJ would be to make sure that Microsoft raises no artificial barriers against non-Microsoft operating systems which implement the APIs needed to run application programs written for Windows. The Findings of Fact (?52) considered the possibility that competing operating systems could implement the Windows APIs and thereby directly run software written for Windows as a way of circumventing the Applications Barrier to Entry. This is in fact the route being taken by the Linux operating system, which includes middleware (named WINE) that can run many Windows programs.

By not providing some aid for ISVs engaged in making Windows-compatible operating systems, the PFJ is missing a key opportunity to encourage competition in the Intel-compatible operating system market. Worse yet, the PFJ itself, in sections III.D. and III.E., restricts information released by those sections to be used ''for the sole purpose of interoperating with a Windows Operating System Product''. This prohibits ISVs from using the information for the purpose of writing operating systems that interoperate with Windows programs.

How should the Final Judgment be enforced?

The PFJ as currently written appears to lack an effective enforcement mechanism. It does provide for the creation of a Technical Committee with investigative powers, but appears to leave all actual enforcement to the legal system.

What information needs to be released to ISVs to encourage competition, and under what terms?

The PFJ provides for increased disclosure of technical information to ISVs, but these provisions are flawed in several ways:

1. The PFJ fails to require advance notice of technical requirements Section III.H.3. of the PFJ requires vendors of competing middleware to meet ''reasonable technical requirements'' seven months before new releases of Windows, yet it does not require Microsoft to disclose those requirements in advance. This allows Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

2. API documentation is released too late to help ISVs

Section III.D. of the PFJ requires Microsoft to release via MSDN or similar means the documentation for the APIs used by Microsoft Middleware Products to interoperate with Windows; release would be required at the time of the final beta test of the covered middleware, and whenever a new version of Windows is sent to 150,000 beta testers. But this information would almost certainly not be released in time for competing middleware vendors to adapt their products to meet the requirements of section III.H.3, which states that competing middleware can be locked out if it fails to meet unspecified technical requirements seven months before the final beta test of a new version of Windows.

3. Many important APIs would remain undocumented The PFJ's overly narrow definitions of ''Microsoft Middleware Product'' and ''API'' means that Section III.D.'s requirement to release information about Windows interfaces would not cover many important interfaces.

4. Unreasonable Restrictions are Placed on the Use of the Released Documentation

ISVs writing competing operating systems as outlined in Findings of Fact (?52) sometimes have difficulty understanding various undocumented Windows APIs. The information released under section III.D. of the PFJ would aid those ISVs—except that the PFJ disallows this use of the information. Worse yet, to avoid running afoul of the PFJ, ISVs might need to divide up their engineers into two groups: those who refer to MSDN and work on Windows-only applications; and those who cannot refer to MSDN because they work on applications which also run on non-Microsoft operating systems. This would constitute retaliation against ISVs who support competing operating systems.

MSNBC has a valid interest in prohibiting use of pirated copies of operating systems, but much narrower language could achieve the same protective effect with less anticompetitive impact. For instance, ''MSNBC Interactive grants you the right to install and use copies of the SOFTWARE PRODUCT on your computers running validly licensed copies of Microsoft Windows or compatible operating system.''

2. Microsoft created intentional incompatibilities in Windows 3.1 to discourage the use of non-Microsoft operating systems An episode from the 1996 Caldera v. Microsoft antitrust lawsuit illustrates how Microsoft has used technical means anticompetitively. Microsoft's original operating system was called MS-DOS. Programs used the DOS API to call up the services of the operating system. Digital Research offered a competing operating system, DR-DOS, that also implemented the DOS API, and could run programs written for MS-DOS. Windows 3.1 and earlier were not operating systems per se, but rather middleware that used the DOS API to interoperate with the operating system. Microsoft was concerned with the competitive threat posed by DR-DOS, and added code to beta copies of Windows 3.1 so it would display spurious and misleading error messages when run on DR-DOS. Digital Research's successor company, Caldera, brought a private antitrust suit against Microsoft in 1996. (See the original complaint, and Caldera's consolidated response to Microsoft's motions for partial summary judgment.) The judge in the case ruled that ''Caldera has presented sufficient evidence that the incompatibilities alleged were part of an anticompetitive scheme by Microsoft.'' That case was settled out of court in 1999, and no court has fully explored the alleged conduct.

The concern here is that, as competing operating systems emerge which are able to run Windows applications, Microsoft might try to sabotage Windows applications, middleware, and development tools so that they cannot run on non-Microsoft operating systems, just as they did earlier with Windows 3.1.

The PFJ as currently written does nothing to prohibit these kinds of restrictive licenses and intentional incompatibilities, and thus encourages Microsoft to use these techniques to enhance the Applications Barrier to Entry, and harming those consumers who use non-Microsoft operating systems and wish to use Microsoft applications software. Is the Proposed Final Judgment in the public interest? The problems identified above with the Proposed Final Judgment can be summarized as follows:

The PFJ doesn't take into account Windows-compatible competing operating Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

The PFJ Contains Misleading and Overly Narrow Definitions and Provisions The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered. The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all. The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware. The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertised as being ''Windows Powered''.

The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs. The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents. The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

Microsoft currently uses restrictive licensing terms to keep Open Source or Free Software apps from running on Windows.

Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running Linux. (Similar licenses to OEMs were once banned by the 1994 consent decree.)

The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

The PFJ allows Microsoft to discriminate against small OEMs—including regional

'white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

The PFJ as currently written appears to lack an effective enforcement mechanism.

Considering these problems, one must conclude that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, and would delay the emergence of competing Windows-compatible operating systems. Therefore, the Proposed Final Judgment is not in the public interest, and should not be adopted without addressing these issues.

Strengthening the PFJ

The above discussion shows that the PFJ does not satisfy the Court of Appeals'' mandate. Some of the plaintiff States have proposed an alternate settlement which fixes many of the problems identified above. The States'' proposal is quite different from the PFJ as a whole, but it contains many elements which are similar to elements of the PFJ, with small yet crucial changes.

In the sections below, I suggest amendments to the PFJ that attempt to resolve some of the demonstrated problems (time pressure has prevented anything like a complete list of amendments). When discussing amendments, PFJ text is shown indented; removed text in shown in [bracketed strikeout], and new text in bold italics.

Correcting the PFJ's definitions

Definition A should be amended to read

A. ''Application Programming Interfaces (APIs)'' means the interfaces, including any associated callback interfaces, that [Microsoft Middleware running] ,Popular Windows Applications running or being installed on a Windows Operating System Product [uses] use to call upon that Windows Operating System Product in order to obtain any services from that Windows Operating System Product.

Definition U should be amended to read

U. ''Windows Operating System Product'' means [the software code (as opposed to source code) distributed commercially by Microsoft for use with Personal Computers as Windows 2000 Professional, Windows XP Home, Windows XP Professional, and successors to the foregoing, including the Personal Computer versions of the products currently code named ''Longhorn'' and ''Blackcomb'' and their successors, including upgrades, bug fixes, service packs, etc. The software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion.] any software or firmware code distributed commercially by Microsoft that is capable of executing any nontrivial subset of the Win32 APIs, including without exclusion Windows 2000 Professional, Windows XP Home, Windows XP Professional, Windows XP Tablet PC Edition, Windows CE, PocketPC 2002, and successors to the foregoing, including the products currently code named ''Longhorn'' and ''Blackcomb'' and their successors, including upgrades, bug fixes, service packs, etc. Four new definitions should be added:

V. ''Popular Windows Applications'' shall be defined as as the top 10 selling applications as reported by NPD Intelect Market Tracking in each of the categories Business, Education, Finance, Games, Personal Productivity, and Reference, plus all Microsoft Middleware Products.

W. ''Essential Windows API Patents'' shall be defined as those patents held by Microsoft which cover Essential Windows APIs, such that those APIs cannot possibly be implemented without infringing upon said patents.

X. ''Essential Windows APIs Standard Definition'' shall be defined as a document, suitable for approval by a standards body such as ECMA or IEEE, which accurately defines the inputs, outputs, and behavior of each Essential Windows API, and enumerates any Essential Windows API Patents.

Y. ''Essential Windows APIs Standard Compliance Test Suite'' shall be defined as software source code which, when compiled and run, automatically tests an operating system for compliance with the Essential Windows APIs Standard Definition, and outputs a list of each API which fails to comply with the Essential Windows APIs Standard Definition. The test suite should run unattended; that is, it should be capable of running without human interaction or supervision.

Release of Information

Section E should be amended to remove the restriction on the use of the disclosed information:

... Microsoft shall disclose ... [for the sole purpose of interoperating with a Windows Operating System Product,] for the purpose of interoperating with a Windows Operating System Product or with application software written for Windows,

Because any new competitor in the Intel-compatible operating system must be able to run Windows applications to have a chance in the market, and because Microsoft has traditionally used undocumented Windows APIs as part of the Applications Barrier to Entry, the Final Judgment should provide explicitly for a clear definition of what APIs a competing operating system must provide to run Windows applications. The best way to do this is by submitting the API definitions to a standards body. This was done in 1994 for the Windows 3.1 APIs (see Sun's 1994 press release about WABI 2.0 and the Public Windows Initiative). The result is Standard ECMA-234: Application Programming Interface for Windows (APIW), which provides standard definitions for an essential subset (four hundred and fourty-four out of the roughly one thousand) of the Windows 3.1 APIs; it was rendered mostly obsolete by the switch to Windows 95. The Final Judgment should provide for the creation of something like ECMA-234 for the various modern versions of Windows. Because Microsoft currently claims that it has intellectual property rights that protect the Windows APIs, but has never spelled out exactly which patents cover which APIs, the Final Judgment should force this to be spelled out.

A new section IV.E should be created to achieve the above goals by adding the following text:

E. Establishment of a Windows API Standards Expert Group Within 60 days of entry of this Final Judgment, the parties shall create and recommend to the Court for its appointment a six person Windows API Standards Expert Group (''WASEG'') to manage the creation, publication, and maintenance of an Essential Windows APIs Standard Definition, and to guide it through the process of being adopted by a standards body such as ECMA or the IEEE.

Three of the WASEG members shall be experts in software design and programming, and three of the WASEG members shall be experts in intellectual property law. No WASEG member shall have a conflict of interest that could prevent him or her from performing his or her duties under this Final Judgment in a fair and unbiased manner. No WASEG member shall have entered into any non-disclosure agreement that is still in force with Microsoft or any competitor to Microsoft, nor shall she or he enter into such an agreement during her or his term on the WASEG. Without limitation to the foregoing, no WASEG member shall have been employed in any capacity by Microsoft or any competitor to Microsoft within the past year, nor shall she or he be so employed during his or her term on the WASEG.

Within seven days of entry of this Final Judgment, the Plaintiffs as a group shall select two software experts and two intellectual property law experts to be members of the WASEG, and Microsoft shall select one software expert and one intellectual property law expert to be members of the WASEG; the Plaintiffs shall then apply to the Court for appointment of the persons selected by the Plaintiffs and Microsoft pursuant to this section.

Each WASEG member shall serve for an initial term of 30 months. At the end of a WASEG member's initial 30-month term, the party that originally selected him or her may, in its sole discretion, either request re-appointment by the Court to a second 30-month term or replace the WASEG member in the same manner as provided for above.

If the United States or a majority of the Plaintiffs determine that a member of the WASEG has failed to act diligently and consistently with the purposes of this Final Judgment, or if a member of the WASEG resigns, or for any other reason ceases to serve in his or her capacity as a member of the WASEG, the person or persons that originally selected the WASEG member shall select a replacement member in the same manner as provided for above.

Promptly after appointment of the WASEG by the Court, the United States shall enter into a Windows API Expert Group services agreement (''WASEG Services Agreement'') with each WASEG member that grants the rights, powers and authorities necessary to permit the WASEG to perform its duties under this Final Judgment. Microsoft shall indemnify each WASEG member and hold him or her harmless against any losses, claims, damages, liabilities or expenses arising out of, or in connection with, the performance of the WASEG's duties, except

to the extent that such liabilities, losses, damages, claims, or expenses result from misfeasance, gross negligence, willful or wanton acts, or bad faith by the WASEG member. The WASEG Services Agreements shall include the following:

The WASEG members shall serve, without bond or other security, at the cost and expense of Microsoft on such terms and conditions as the Plaintiffs approve, including the payment of reasonable fees and expenses. The WASEG Services Agreement shall provide that each member of the WASEG shall comply with the limitations provided for in section IV.E.2. above. Microsoft shall provide the WASEG with funds needed to procure office space, telephone, other office support facilities, consultants, or contractors required by the WASEG.

The WASEG shall not have direct access to any part of Microsoft's computer software source code that is not normally available to all ISV's. The WASEG shall not enter into any non-disclosure agreements with Microsoft or third parties. No implementations of any Windows APIs shall be written or published by the WASEG.

The WASEG shall have the following powers and duties:

The WASEG may require Microsoft to provide comprehensive answers to questions about Microsoft intellectual property claims.

The WASEG may require Microsoft to provide comprehensive answers to questions about the inputs, outputs, and functionality of any Windows API; in particular, the WASEG may compel Microsoft to provide complete documentation for Windows APIs, including hitherto undocumented or poorly-documented Windows APIs.

The WASEG may engage, at the cost and expense of Microsoft, the services of outside consultants and contractors as required to fulfill the duties of the WASEG.

The WASEG shall establish a publicly available web site not owned or otherwise controlled by Microsoft, and will publish status reports and other information there at least as often as once per month. Documentation on the web site shall be made available subject to the terms of the GNU Free Documentation License; test suite source code made available on the web site shall be made available subject to the terms of the GNU General Public License.

The WASEG shall compile a complete list of Windows APIs, including for each API the DLL name, entry point name, entry point ordinal number, return value type, and parameter types, as well as which versions of Windows it is supported by and what percentage of Popular Windows Applications use it. The WASEG shall publish this list on the WASEG web site subject to the GNU Free Documentation License, according to the following schedule: Within 90 days after the WASEG is convened, the WASEG shall publish this information for at least three hundred Windows APIs. On the 1st of each month thereafter, the WASEG shall publish this information for another three hundred Windows APIs. This shall continue until a complete list of Windows APIs is available on the web site. The WASEG shall use tools such as Apius from Sarion Systems Research to verify that the list of Windows APIs is indeed complete, and that installing or running any Popular Windows Application does not cause any unlisted Windows API to be invoked.

The WASEG shall compile a complete list of Essential Windows API patents and patents pending, and an evaluation of which Windows APIs each patent covers. The WASEG shall compile this information by asking Microsoft for a complete list of Essential Windows API patents and patents pending, and then determining which Windows APIs are likely to be covered by each patent or patent pending; the WASEG shall use the World Wide Web Consortium's document www.w3.org/TR/2002/NOTE-patent-practice-20020124 as guidance. The WASEG shall publish this information on the WASEG web site subject to the GNU Free Documentation License, according to the following schedule: Within 90 days after the WASEG is convened, the WASEG shall publish an evaluation of 30 patents. On the 1st of each month thereafter, the WASEG shall publish an evaluation of another 30 patents. This shall continue until evaluations of all patents claimed by Microsoft to cover the Windows APIs have been published on the WASEG web site.

The WASEG shall compile documentation for the list of Windows APIs defined above in section IV.E.9.e, including a complete description of the meanings of the return values and parameters, and the effects of the API. The documentation should be composed in a style similar to that used for the Single Unix Specification documentation (http://www. UNIX-systems.org/go/unix). Within 180 days after the WASEG is convened, and on the 1st of every month thereafter until complete, the WASEG will make available the currently completed portion of this documentation via its web site.

When the three documents described above—the list of Windows APIs, the list of Essential Windows Patents, and the documentation for the listed Windows APIs—is complete, the WASEG shall undertake to submit them to a standards body such as ECMA or the IEEE as a Public Windows APIs Standard Document, and to make such enhancements and revisions as needed to gain the acceptance of that document as a standard.

The WASEG shall create an Essential Windows APIs Standard Compliance Test Suite, and publish it on the WASEG web site subject to the GNU General Public License, according to the following schedule: Within 180 days after the WASEG is convened, the WASEG shall publish test cases for at least fifty Windows APIs. On the 1st of each month thereafter, the WASEG shall publish test cases for at least another fifty Windows APIs. This shall continue until a complete Essential Windows APIs Standard Compliance Test Suite is available on the web site. In the event that a planned update to Windows or any other Microsoft product is expected to result in the creation of new Windows APIs, the WASEG shall create addenda to the above documents and test suite covering the new APIs, make them available via its web site, and undertake to submit them to the same standards body as above as an addendum to the standard.

Prohibition of More Practices Toward OEMs

III. A. 2. of the Proposed Final Judgment should be amended to read 2. shipping a Personal Computer that (a) includes both a Windows Operating System Product and a non-Microsoft Operating System, or (b) will boot with more than one Operating System, or (c) includes a non-Microsoft Operating System but no Windows Operating System Product; or ...

Summary

This document demonstrates that there are so many problems with the PFJ that it is not in the public interest. It also illustrates how one might try to fix some of these problems.
Dan Kegel

MTC–00027479

From: SKen339122@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:08am
Subject: MICROSOFT SETTLEMENT

Hello,

While I am in agreement with your settlement of the Microsoft debacle, please encourage other states to be involved with this settlement.

At no time was this ever a consumer problem. The problem lies solely with competitors who could not keep up with the innovations of Microsoft. Everyone in the United States of America has the opportunity to be creative and to build any type of business. When the government decides to break apart companies because you listen to the ear of the incompetent competitors, you weaken the creative business spirit of our great country. It is time your issues with Microsoft be over.

I am a shareholder of Microsoft and have great respect for this company. Mr. Gates did not live off the banks as most companies seem to do but built this company by his innovations and creativity. You would do much better in the protection of the little people, like me, by taking care of businesses like the cable companies, which we have no choices, and Enron.

Thank you for listening to one of the ''little people'' of this country.

SANDY

MTC–00027480

From: Stephanie Bricker
To: Microsoft ATR
Date: 1/28/02 1:09am
Subject: ''Microsoft Settlement''

To whom this may concern:

The federal court has reviewed the Microsoft antitrust case and found that Microsoft has repeatedly violated U.S. antitrust laws and should be liable for its illegal conduct. Microsoft seeks to heighten its power and control in the world, in an effort to squash competitors, it seeks to merge with other companies and therefore install Internet Explorer as the default operating system in connection with Windows. This will lessen the use of netscape. However, many people favor netscape and this step by Microsoft will only inconvenience such users and create disfavor towards Microsoft. I urge you to hold Microsoft accountable for its actions not allow for such monopolies to take place. In addition, Microsoft should not be

able to attach other products or services, especially items that do not even have anything to do with operating a computer.

Furthermore, the economy needs competition. It is the fundamental aspect in the economy. Please allow for the continuation of technological competition because it is essential in economic survival and the satisfaction of consumers.

Thank you for your time,

Stephanie Bricker

MTC–00027481

From: Michael Batchelder
To: Microsoft ATR
Date: 1/28/02 1:09am
Subject: Microsoft settlement

I would like to register my dissatisfaction with the proposed settlement in the case of US v. Microsoft. As an information technology professional, I have personally witnessed Microsoft's policies restricting consumer choice (my own, w/regard to purchasing computers without Windows operating systems), failing to provide quality service (for which increased competition should be the solution), and limiting, rather than encouraging innovation.

Should the Department of Justice choose to move forward with the proposed settlement, I will take it as compelling evidence that the Bush administration is clearly a government ''for large corporate interests, by large corporate interests, and of large corporate interests'', at the expense of the peoples'' interest.

Thank you,

Michael Batchelder

Redwood City, CA

MTC–00027483

From: AbigailJHoover@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:09am
Subject: my opinion

I'm writing to express my opinion on the antitrust case against Microsoft. What must be taken into account is how much Microsoft has given the world. Not only technology, but jobs, products, entire industries. Microsoft revolutionized personal computers in a way that has improved the lives of most everyone I know. The simplification of personal computing has made it possible for any one of any age and background to utilize technology. Why must Microsoft be punished for success? There is no logic to that. Human beings evolve and make improvements not because they are being ''fair'' ... technology and business are not polite playground play. It benefits no one to punish Microsoft for success. It benefits us all to encourage achievement. Microsoft would not be seen as threatening if it had not earned the undeniable excellence with the consumer, creating standards in the industry that were challenging to stay abreast of. Competition is the healthiest motivater; it keeps us all reaching higher and higher, improving and strengthening and evolving. If we punish success, we endanger our very evolution.

MTC–00027484

From: whij0@nodots-daemon@inetgw
To: Microsoft ATR
Date: 1/28/02 1:12am
Subject: Microsoft Settlement

PURPOSE: This document is respectfully submitted as public comment on the Proposed Final Judgement in United States v. Microsoft pursuant to the Tunney Act.

QUALIFICATIONS: The author has technical and managerial experience in Information Technology covering large mainframe to Unix mid-range to PC systems extending over more than three decades. This experience has been in private industry but also includes part-time involvement in independent consulting and providing advice for friends. The author holds the Microsoft Certified Systems Engineer (MCSE) certification.

SUMMARY: In its current form, the Proposed Final Judgement fails every remedy objective provided by The Supreme Court. Therefore, it should be rejected and stringent interim conduct restrictions applied.

DISCUSSION: Microsoft was tried and found guilty of violating sections 1 and 2 of the Sherman Antitrust Act. The findings were upheld under appeal. The current task is to determine appropriate remedies. In 391 U.S. 244, The Supreme Court provided criteria for the remedies in antitrust cases: ''It is of course established that, in a 2 case, upon appropriate findings of violation, it is the duty of the court to prescribe relief which will terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future. . . . The trial court is charged with inescapable responsibility to achieve this objective . . . .''

First, let me acknowledge my disappointment at the loss of structural remedies. Microsoft has been extremely innovative with interpreting conduct restrictions in the past (Civil Action No. 94–1564, http://www.usdoj.gov/atr/cases/f1300/1329.htm). Given such past behavior, only an extremely tight and well designed (both technically and legally) document only containing conduct restrictions will be effective.

The structure of the Proposed Final Judgement (PFJ) is as follows:

I. Jurisdiction
II. Applicability
III. Prohibited Conduct
IV. Compliance and Enforcement Procedures
V. Termination
VI. Definitions
VII. Further Elements
VIII. Third Party Rights

Nowhere does the PFJ address ''deny to the defendant the fruits of its statutory violation.'' Although section III discusses conduct restrictions, there is no language to ''terminate the illegal monopoly'' and ensure no ''monopolization in the future''. Rather, the current PFJ serves to acknowledge, strengthen and continue the monopoly. Section III, A deals with not retaliating against OEMS. Starting with III, A, 2 ''shipping a Personal Computer that (a) includes both a Windows Operating System Product and a non-Microsoft Operating System, or (b) will boot with more than one Operating System;''

Conspicuous by its absence is considering the possibility of shipping a Personal Computer with only one non-Microsoft Operating System or no Operating System at all. Even more interesting to note is the last paragraph: ''Nothing in this provision shall prohibit Microsoft from providing Consideration to any OEM with respect to any Microsoft product or service where that Consideration is commensurate with the absolute level or amount of that OEM's development, distribution, promotion, or licensing of that Microsoft product or service.''

Although retaliation is prohibited, this paragraph provides the necessary loophole by allowing selective Consideration. This appears to be a variation on the theme of vendors providing a cash discount when they were prohibited from applying a credit card surcharge. In both cases the same result is achieved.

The open source initiative has been a nemesis to Microsoft. Unlike, a traditional profit oriented business, the usual tactics haven't worked to eradicate them. The design of the PFJ appears to be geared to assist in this objective starting with the explicitly named list of commercial type organizations in section III, D. An explicitly named list inherently excludes anything not listed. This is further emphasized in III, J, 2, b-d: ''(b) has a reasonable business need for the API, Documentation or Communications Protocol for a planned or shipping product, (c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, (d) agrees to submit, at its own expense, any computer program using such APIs, Documentation or Communication Protocols to third-party verification, approved by Microsoft . . .''

Open source initiatives tend to be non-commercial projects whose source code results are freely published on the Internet. They clearly fail b) and c) since they do not have traditional business plans. They could not afford d), which is unnecessary anyway, since the source code is readily available. The references to RAND (reasonable and non-discriminatory) licenses (the subject of serious debate in the W3C standards approval process) fall in this same category. The open source initiatives could all be rendered obsolete merely by selectively changing the APIs to be incompatible with the current ones and leveraging the PFJ and the DMCA to prevent access to the information necessary to attain compatibility. In one easy move, the open source problem is eliminated with a release change. This could spell the end of projects such as WINE (a project to run Windows applications on non-Windows Operating Systems) and Samba (a project to provide Windows type file and print services on non—Windows Operating Systems and to connect to Windows hosted file and print services from non—Windows Operating Systems).

The PFJ is fraught with loopholes. This document discusses just a few.

CONCLUSION: The general tone of the PFJ merely acknowledges that Microsoft is a monopolist rather than serving to ''terminate the illegal monopoly'' and ensure no ''monopolization in the future'' as well as not addressing ''deny to the defendant the fruits of its statutory violation.'' The PFJ in its

current form is grossly inadequate. A major overhaul is required to meet the stipulated criteria. The court should reject it.

Should the current PFJ be adopted, no business would attempt to compete with Microsoft in any area Microsoft has an interest. Should anyone be foolish enough to do so, there would be no external funding available due to the enormous risk of failure. This document will not serve to restore competition.

Given Microsoft's past behavior, significant interim conduct restrictions should be applied to temper future damage pending the probable lengthy resolution of this matter.

SIGNATURE:
James R Whitten
Overland Park, KS
whij0@swbell.net

MTC–00027485

From: jbarney
To: Microsoft ATR
Date: 1/28/02 1:10am
Subject: microsoft settlement

I am a small business owner. Ten years ago my business had to cobble together a variety of software programs in order to operate my business because one program would not talk to another program. To do so was very expensive and time consuming.These are the very companies that are suing Microsoft. Along came Microsoft and tied it all together, and did so at a reasonable price. These other companies are just whining because they still don't have the ability to come up with a workable system. Their is no antitrust case against Microsoft. Nobody has been hurt. Quite the contrary, Microsoft has made life a lot easier for most of us. It is just a political charade. Quit spending taxpayer money, throw the case out. and get on with life.

Jack Barney

MTC–00027486

From: Bob
To: Microsoft ATR
Date: 1/28/02 1:16am
Subject: Microsoft Settlement

Below please find a copy of an original post I made to Slashdot 11/2/2001 about Microsoft and the nature of the problem their behavior represents to the computing industry. You may read it directly here http://slashdot.org/comments.pl'sid=23317&cid=2513826 but I have chosen to reproduce it here for you immediate use.

I feel that this analogy is very fair- operating systems ARE essentially program utilities that handle the allocation of system resources, and so competing against a company that is both your competitor and the power company puts that company in a position from whence a trust can arise (and has in the case of Microsoft). A breakup as envisioned by the original judge or a source code release free of limitations other then not being able to use the code for OS sales would be appropriate remedies.

I truly hope that you listen to myself and other computer professionals, and stand ready to explain my position and conclusions with anyone from the DOJ or any other government officer in order to facilitate a return to a balanced, competitive and useful software market environment. I can be reached via this email address or at home, 972–437–6795.

Imagine if your local power company was a conglomerate that could also compete with your toaster maker company.

Microsoft Power & Light decides to change the voltages to everybody's home every three years, requiring a complete change to all the appliances and home systems. This suits you fine as it drives more toaster sales, so while you question the ethical validity of these changes, the havoc it creates and the incredible costs it imposes on the community, the business model is there- you are on board.

MSP&L tries to enter into the toaster market, but they can't make a toaster as good as you. You think all you have to do is continue to make a better toaster- you poor deluded fool.

MSP&L approaches you and says hey we will force all the homeowners to have a specific plug and voltage for toasters, sign up with us and we can guarantee you your share of the toaster market and we'll get our share. You don't dare refuse because the implied threat is that the proprietary toaster plug can be used to lock you out just as easily as lock you in. The consumers go along because you set the quality standards and if you are on board it must be an okay plug standard, and besides those malfunctioning MSP&L toasters are mighty cheap. Now all of a sudden you are a ''strategic business partner'', desperately hoping that MSP&L or an appliance giant will buy you out.

MSP&L has locked you into a standard under their control, but now some MS VP genius decides that toasters are strategic (it's not an appliance, it's ad-revenue!). They mess with the voltages every year so your toasters malfunction and their toasters work until you spend valuable design and retool time ''fixing'' your toaster. They create SmarToaster technology that sends email recipes to their toasters to enhance the toaster experience and incidentally deliver ads, actually their real revenue stream in the toaster market. The convection/microwave people are destroying your upper-end toaster market, so you are totally squeezed. Then to finish you off, MSP&L gives toasters (which they finally have kind of working) to everyone during the next voltage change.

You are done for.

But hey our government is here for you! The DoJ comes by and says, gosh that's wrong, MSP&L cannot use their power monopoly to squash the toaster market, MSP&L play nice. MSP&L agrees, then builds the NeToaster standard that requires you to use a certified bread or pastry and you can't remove the ads.

ActiveOvenLife cries out for justice because they can't impose their own toaster standard on all the households. Now the DoJ says okay MSP&L, play nicer. Don't you feel good ex-toaster guy?

Hmmmm, maybe you should have lobbied for standard electricity settings instead of letting greed get to you, treated the power company as a monopoly utility and allowed everyone to build the best appliances that compete on their merits. Open source electricity standards and government-regulated power? That's just wacky and unAmerican!

The truly frightening thing is that if Microsoft continues to get away with this, the rest of the corporate world will follow suit and we will end up with crazy costs, financial and personal, in all sorts of real life situations like the above.

The excellent railroads, electricity, roads and telecommunications infrastructure that all Americans enjoy did not happen by accident. It was a combination of visionaries, greedy people and governmental community laws that gave us industries and standards that work.

If the Microsoft culture is allowed to dominate computing, then we will experience what our forefathers avoided by stopping railroad magnates or Standard Oil from controlling the lifeblood of our nation. God help us if we have failed to learn those lessons.

MTC–00027487

From: Keith Beavers
To: Microsoft ATR
Date: 1/28/02 1:15am
Subject: Microsoft Settlement

In my opinion Microsoft has demonstrated much good faith in effort to finish this matter. The same doesn't seem to be true of the competition.

Sincerely,
Keith Beavers

MTC–00027488

From: Dave Kennedy
To: Microsoft ATR
Date: 1/28/02 1:16am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement.

While there are good aspects of the Proposed Final Judgement (PFJ), I will concentrate instead on the issues that need correcting. In addition to these comments, I agree with Dan Kegel's open letter and essay ''On the Proposed Final Judgment in United States v. Microsoft''. He has invested a great deal of effort into systematically identifying the flaws in the PFJ and in designing suggested corrections. I was surprised to find that:

—The proposal does not even address the issue of Microsoft intentionally designing into their operating system roadblocks to Non-Microsoft operating system developers for the purpose of maintaining their monopoly.

—The proposal provides definitions of Microsoft's current and future products that are too narrow. Briefly, the definition of ''API'' is succeptible to version number modifications and the definition of ''Middleware'' is succeptible to distribution method modifications. For example, the PFJ would not cover Microsoft's software that is distributed via Windows Update. This is a serious loophole.

—The proposal neglects to address the release of file formats for ''popular'' office

productivity software. This is a critical aspect of Microsoft's monopoly power as it provides leverage for excluding Non-Microsoft operating systems just as do its tactics regarding Internet Explorer. Office productivity applications have become a very important feature of operating systems, and non-disclosure of office application file formats prevents other operating systems from providing compatibility with Microsoft office applications, and, of course, Microsoft's office applications are not capable of running on any but a select few operating systems. This constructs a prohibitive sacrafice that is necessary for switching to Non-Microsoft operating systems because the end user's office application documents cannot be converted to formats that are usable by the Non-Microsoft operating system. All intellectual and time-related investments in such documents would be lost if an end user chose to switch to another operating system. As a result, Non-Microsoft operating systems become less commercially viable. Undocumented file formats have already been found to strengthen Microsoft's Applications Barrier to Entry in the ''Findings of Fact'' paragraphs 20 and 39. This issue should not be ignored by the Final Judgement.

—Only forcing Microsoft to disclose its pricing schedule to the top 20 customers is wholly inadequate, for it neglects protection of all other customers, especially those who are not as powerful as the top 20.

—Many people are confused and frustrated that the Free Software Movement issues relating to Microsoft's abuses are not addressed by this PFJ.

For example, forcing Microsoft to ''disclose to ISVs, IHVs, IAPs, ICPs, and OEMs, for the sole purpose of interoperating with a Windows Operating System Product, via the Microsoft Developer Network (''MSDN'') or similar mechanisms, the APIs and related Documentation that are used by Microsoft Middleware to interoperate with a Windows Operating System Product.'' (The Proposed Final Judgement) does nothing to prevent witholding or implementation of technical information from developers of efforts toward operating systems that provide Microsoft operating system functionality for non-Microsoft operating systems. An example of such a project is WINE. In addition, it is rather alarming to find that many aspects of the proposal do not explicitly allow private developers who are creating products for Non-Microsoft operating systems to implement the technical information mentioned. How is the restriction to businesses and organizations justified? Why are the secret patents held by Microsoft not addressed by this Proposed Final Judgement? There are many other issues with the Proposed Final Judgement that I have not discussed here. Please refer to Dan Kegel's essay, ''On the Proposed Final Judgment in United States v. Microsoft'', for a more thorough description of the problems and their solutions. While some of these points may not be an immediate concern to some, they must be covered in the judgement because: ''... as is indicated by the record in this case, Microsoft can and does take advantage of any loopholes in contracts to create barriers to competition and enhance and extend its monopoly power.'' (Ralph Nader and James Love, 2001) Is this what the USDOJ intends to allow?

Please, let's have a geniune effort at disciplining Microsoft.

Thank-you.

David W. Kennedy

Student

Engineering, Computer-Science

University of Illinois at Urbana-Champaign

References:

Dan Kegel's Open Letter to DOJ Re: The Microsoft Settlement

URL: http://www.kegel.com/remedy/letter.html

Ralph Nader and James Love, November 5, 2001, ''RE: US v. Microsoft proposed final order''

URL: http://www.cptech.org/at/ms/rnjl2kollarkotellynov501.html

MTC–00027489

From: jwjptw
To: Microsoft ATR
Date: 1/28/02 1:15am
Subject: Microsoft Settlement

Dear Sirs:

I would recommend that the DOJ stop any further action against Microsoft and accept the settlement. I have been involved with computers for 24 years and decided long ago it made sense to go with Microsoft products beginning with MS-DOS. They have developed good products with excellent support and training. They have empowered the home computer user to expand his vision and utilize tools that previously were beyond his expectations and without effort to learn programming in order to achieve immediate success. Microsoft has done more to advance human knowledge and productivity than any single corporation has in the technical age. Many of the plaintiffs exhibit greed and envy in their comments and actions while trying to get the government to grievously impair a competitor when their primary damage is to their egos.

The attorneys in the federal government, states, and some individual corporations have used this venue to enhance their own public images, which is such a waste of public money. You have a settlement; take it and get on to matters that are more important.

Thank you,

Jack Jenkins

MTC–00027490

From: Michael Capehart
To: Microsoft ATR
Date: 1/28/02 1:18am
Subject: Microsoft Settlement

The settlement is a bad idea, and will only serve to let Microsoft off with a slap on the wrist for destroying any real chance for competition in the computer software industry. Stop them now, because you will not get another chance.

Mike Capehart
mwcapehart@earthlink.net
mikespager@earthlink.net

MTC–00027491

From: Rosemary Loven
To: Microsoft Settlement
Date: 1/28/02 1:13am
Subject: Microsoft Settlement
Rosemary Loven
P.O. Box 385
Bishop, CA 93515–0385
January 28, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers’ dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies. Thank you for this opportunity to share my views.

Sincerely,

Rosemary Loven

MTC–00027492

From: Kevin P. Rice
To: Microsoft ATR
Date: 1/28/02 1:18am
Subject: Microsoft Settlement

My name is Kevin Rice. I live in Bellevue, Washington, and work as a business analyst. As part of my work, I use many of Microsoft's products, including Microsoft Windows NT and Microsoft Office 97. I consider myself to be a power user and build sophisticated documents with Microsoft Excel and Access that include procedures written using built in macro language for Office, Visual Basic for Applications. At home, I use an Apple Macintosh and Microsoft Office 98, so I am familiar with multiple computer operating systems.

The Revised Proposed Final Judgement as currently structured does not meet the public interest. The proposed penalties are inadequate given Microsoft's anticompetitive behavior as outlined in the Findings of Fact, and Microsoft has too much influence over enforcement through the Technical Committee. The current competitive situation in the computer industry and its impact on consumers requires tougher, enforceable penalties.

According to the Findings of Fact, Microsoft has engaged in anticompetitive business behavior. It is important that there be punishment for this behavior; without adequate punishment, Microsoft has no

incentive to discontinue and alter the behavior deemed anticompetitive by the courts. Microsoft could easily defend itself against complaints using the legal system, while small businesses with innovative products beneficial to the consumer would have no practical recourse, even in the courts, if they were the victims of any anticompetitive practice by Microsoft. The Final Judgement in Civil Action 94–1564 prohibits Microsoft from entering ''into any License Agreement that by its terms prohibits or restricts the OEM's licensing, sale or distribution of any non-Microsoft Operating System Software product.'' Also, Microsoft cannot enter into an agreement with an OEM that prohibits the OEM from ''licensing, purchasing, using or distributing any non-Microsoft product.'' According to the Findings of Fact, Microsoft has already violated the prohibitions in the Final Judgement by not allowing OEMs to install their own tutorial software to their computers'' boot sequence. This prevented OEMs from offering a useful benefit to consumers. Microsoft also violated the spirit of the Final Judgement by not allowing OEMs to delete the Internet Explorer icon from the Windows desktop; this discouraged OEMs from putting an alternative browser on the desktop because it would be confusing to consumers. Given this behavior, stricter remedies would be appropriate. However the Revised Proposed Final Judgement does little more than restate the prohibited behavior of the previous Final Judgement using more precise language updated to reflect the current industry environment. This will not prevent Microsoft from altering their behavior in ways that may (or may not) be in compliance but would still be anticompetitive, requiring more legal action and prolonging harm to consumers. The language in the RPFJ also does nothing to penalize Microsoft for illegal behavior. This will make the prohibitions in the RPFJ more difficult to enforce, since violations of the prior Final Judgement resulted in no significant penalty to Microsoft.

The RPFJ calls for the establishment of a Technical Committee, with one member chosen by Microsoft and another member that the Microsoft-chosen TC member must agree to. Given that Microsoft has been ''found guilty'' of anticompetitive monopoly maintenance, they have too much influence over the makeup of the TC. The selection process for the Technical Committee is analogous to giving an accused murderer the ability to choose some of the jurors for his trial. A better alternative would be to give Microsoft limited veto ability similar to a jury selection process, with members randomly selected from a pool of candidates that meet the qualifications outlined in the RPFJ.

The current Revised Proposed Final Judgement does not improve the competitive environment in the computer industry and does not benefit consumers or the public interest. Because of the lack of serious alternatives to Microsoft products, consumers pay more for those products in extra time spent resolving defects in Microsoft software.

These defects range from bugs that interfere with the desired use of computer software to vulnerabilities to viruses such as Melissa, Code Red, and Nimda. In addition there may be an unknown number of potential innovations in computer hardware or software that will not be made available to consumers because of fear of anticompetitive business practices by Microsoft. Netscape is but one example of what can currently happen to a business with an innovative product in conflict with Microsoft's business goals. Therefore, it is critical that any settlement or other remedy of this case effectively curbs Microsoft's anticompetitive behavior.

MTC–00027493

From: Brian Leair
To: Microsoft ATR
Date: 1/28/02 1:19am
Subject: Microsoft Settlement

To Whom it May Concern:

Pursuant to the Tunney Act, I am writing to comment on the proposed settlement of the United States vs. Microsoft antitrust case.

I am a professional software developer. I develope commercial software that runs on the Windows plaftorm in addition to several unix platforms.

I believe that there are several significant failures of the proposed settlement.

III.D. API Disclosure

It is completely unclear how this requirement differs from what they do now voluntarily. The Windows API is incredibly complex and very difficult to document. One competitive barrier Microsoft uses is that they document most of their API, but omit certain key pieces of information. However, an omission of information is nearly impossible to prove. Further, there seems to be some belief that if third parties have access to the source code, the documentation will somehow magically improve. I do not see how this could be—reviewing the source code and correcting the documentation will be a monumental task, and no third party that I know has the resources or ability to do this.

III.J.2 Exceptions

This section specifically excludes many software developers from participating in the benefits of III. MS has so ruthlessly exterminated all business competitors, that the only viable competition comes from volunteer efforts. Yet III.J.2 easily allows Microsoft the latitude to exclude independent developers from the benefits of these remedies.

There are several specific damages that consumers may suffer if a stronger settlement isn't reached

Microsoft can use it's API barriers to make it so costly for competitors to enter a market space the consumer will be given only ONE current viable option. Namely the option created by microsoft.

To whoever is reading this, I realize that you have had to wade through a lot of material. I very much appreciate your time and effort.

Sincerely,

Brian D. Leair of OPNET Technologies

MTC–00027494

From: Alice Kvasnak
To: Microsoft ATR
Date: 1/28/02 1:21am
Subject: Attorney Geneeral John Ashcroft:

Dear Mr. Ashcroft:

Recent events have led to a settlement in the Microsoft antitrust case. I am pleased this settlement was reached because it means Microsoft will be able to finally focus on software and not the courts. I trust you will support this settlement.

Forces that hold an anti-Microsoft agenda are trying to derail this agreement and have Microsoft dragged back to court. They desire a harsher conclusion to this case, one that will be injurous to Microsoft. They prefer to compete with Microsoft in the courts, and not in the real world.

Ironically this settlement will be good for Microsoft's competitors,yet most still oppose it. Because the settlement exposes Microsoft's code, competitors will be able to create better software and make it work better on Microsoft's operating systems. We must not punish Microsoft for it's success;we should settle this conflict now.

Sincerely''

Alice Kvasnak
4802 Ponte Vedra
Otter Creek Lane
Beach,Fl.32082

MTC–00027495

From: Bob Bainbridge
To: Microsoft ATR
Date: 1/28/02 1:21am
Subject: Microsoft Settlement

I worked for IBM Corporation for 40 years and during that time saw many abuses by Microsoft Corporation. I saw the IBM PC Co., a division of IBM, become so fearful of Microsoft's abusive power that they refused to preload IBM's own operating system, OS/2, on customer machines. Microsoft threatened to withhold Windows shipments to IBM which would have virtually put the IBM PC Co. out of business. This was back when Bill Gates saw OS/2 as a real threat to his WIndows system. They also charged IBM higher prices for Windows than other competitors. I saw them make a minor upgrade from Windows 3.1 to 3.11 that suddenly caused all Windows programs to no longer run under OS/2. IBM then had to patch OS/2 to allow the Windows programs to run. They finally reached the point where IBM knew they were chasing a moving target and froze the WIndows code at that point. Because of this most newer WIndows programs will not run under OS/2. I saw other companies, like Gateway, pressured by Microsoft to the point that they would not preload OS/2 and would not support it if a customer called with a problem. Only in Europe, where Bill Gates didn't have as much clout, did OS/2 flourish. At the time of my retirement in 2000, IBM was still using OS/2 to run most of the mainframe consoles since IBM mainframe customers wouldn't tolerate the flakiness of Windows. By gaining a monopoly Microsoft has been able to push untested and unstable software products onto their customers and then charge them for the upgrades to fix the problems as in Windows Second Edition. The DOJ settlement has let Microsoft off with a ''smack on the hand'' and is much too light of a punishment. ONly after a large financial penalty will they change their arrogant ways.

Robert P. Bainbridge
41867 Debra Dr.
Elyria, OH 44035–1131
bob—bainbridge@prodigy.net

MTC–00027496

From: Benson Chow
To: Microsoft ATR
Date: 1/28/02 1:30am
Subject: Microsoft Settlement

Microsoft has tried hard to squash all competition. And it has succeeded. One specific example is how the company's product, Internet Explorer, has quickly reached the top. Now with so many users, and them putting in proprietary extensions that nobody knows except Microsoft, it essentially makes Netscape and other browser users crash or render pages incorrectly— thus forcing us to use their product if we wish to obtain their content. This is totally unacceptable, we have a right to choose what product to use to view content. This is like having only one brand of TV available. Imagine having to watch news where you *must* buy a specific brand of TV, else it won't work. The same thing has happened to Operating Systems and Office Applications. I agree with the ruling that Microsoft has violated the Sherman Antitrust Act.

I do however have a complaint about the proposed remedy. Microsoft wants to donate millions of dollars worth of goods to needy schools. This sounds very good on the surface, we are helping our the most disadvantaged children.

Now the problem is, it does not solve the problem we have ruled against. Those millions of dollars worth of ''goods'' they want to be Microsoft goods. Now we are going to be feeding these Microsoft goods to the children. They will grow up thinking Microsoft is the only thing available, and will continue to buy Microsoft software. Have we done anything? No—we have made the problem WORSE. We need to bring different choices to our children in order to guide them that there is more than Microsoft.

Many possible other solutions are possible. While it would be nice to allow companies that were destroyed by Microsoft to be rejuvinated, this is short of impossible. Or perhaps a rebate to all purchasers of Microsoft software. No, this is not good either, it does not help the problem. We need to do something that makes a difference—A charitable donation is a good start. But it needs to show choice. Perhaps they must purchase machines and software from their remaining competitors for their settlement. Perhaps they should open up their standards to allow competitors to once again compete. It's a tough call, destroying a powerful company is never a good thing, but a virtual, ''cyber monarchy'' could be formed and Microsoft at its head, with the current settlement as it stands today.

I am a Linux user. I would like to see things such as them complete the following at an unspecified percentage and split:

-Open up Internet/application/operating standards they have created to allow competitors to design competing products.

I would like to see projects like Netscape, Caldera Office, and WINE to get big breaks from the settlement.

-Purchase computers for schools for the same amount, but use competitor software or buy more computers and use open-source, or free software.

I do not necessarily want to see a breakup of the company. They will still hold a monopoly on their respective business units.

Thank you for reading this. I hope this will encourage you to reconsider the settlement and let users and thousands like me to enjoy content the way we want to, instead of how Microsoft wants to.

-bc

MTC–00027497

From: The L1 Ranger
To: Microsoft ATR
Date: 1/28/02 1:32am
Subject: Microsoft Settlement

''Leave Microsoft Alone''/
-The L1 Ranger!

MTC–00027498

From: Javier L. Madrid
To: Microsoft ATR
Date: 1/28/02 1:34am
Subject: Microsoft Settlement

Your Honor,

Now is the time to preempt the further spread of Microsoft's plans to expand their ill-gotten monoply. The company that started by offering products to make computing easier for non-programmers has reached a point of diminishing returns for those same people. For a number of years now their efforts have been focussed more on the protection of their revenue stream (you and I) than on true innovation. Not only have they been bereft of innovative products but have hired away from academia and their rivals truly innovative thinkers thus preventing the fruits of their scientific labor benefiting their competitors. From my vantage point from within the Tech Industry I feel that this unapologetic and arrogant company that has grown so huge in its pervasiveness in every day life must be dealt with in a truly historic harsh fashion. As they have dealt brutally from a business perspective with those perceived as even remotely competitive whether it be a single person or a company so they too must now be taken to task.

These are my recommendations:

(1) They are not to be allowed to expand to ANY new technical markets for 10 years either by partnership or funding or purchasing of companies or rights to technology.

(2) Levy a 10 billion dollar penalty against the company and only accept CASH, and not spread over 5 or 10 years of installments. Use the money to help fix our educational system.

(3) They must open the entire set of Windows APIs and file formats now and in the future to truly foster competition and innovation. Your Honor, it is key that this company not be allowed to ''embrace and extend'' their monoply.

Their true intentions are not so much about producing good products as it is about preserving at all costs a regular tithing from you and I.

Your Honor, it is time for you to ''think outside the box''.

MTC–00027499

From: Douglas Gray
To: Microsoft ATR
Date: 1/28/02 1:34am
Subject: Microsoft Settlement

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement.

I am concerned that the proposed settlement does not adequately address a number of issues in connection with the case (as outlined in the open letter by Dan Kegel of kegel.com), and believe that competition would be harmed by the adoption of the settlement, i.e. that the settlement is NOT in the public interest.

Sincerely,
Douglas Gray
Postgraduate Researcher
University of California San Diego
San Diego CA

MTC–00027500

From: Brad Harvell
To: Microsoft ATR
Date: 1/28/02 1:33am
Subject: Microsoft Settlement

I think the proposed settlement is bad idea.
Thank you for counting me.

MTC–00027501

From: Michael J. Kennedy
To: Microsoft ATR
Date: 1/28/02 1:35am
Subject: Microsoft Settlement

To the Honorable Court:

I have read and cosigned the Open Letter to DOJ Re: Microsoft Settlement written by Dan Kegal, and I am writing to further express my opinion of the Proposed Final Judgement in the United States v. Microso case. I believe that the Proposed Final Judgement should not go through the way it is. I am aware that the Department of Justice concluded that Microsoft has engaged in monopolistic behaviors and that Microsoft has used its position of power to prevent competition. However, this main problem still has not been addressed fully. Under the settlement as it currenly is written, Microsoft would essentially be able to continue its anti-competitive practices merely by altering some of its company procedures.

I believe that Microsoft should be required to publish documentation of its APIs for uninhibited use by developers of alternative software systems. This will serve to reduce the ''appications barrier to entry,'' allowing developers of competing products to add compatability for existing standards. This, in turn, allows those developers to make a successful entry into the software market, thus promoting competition.

I also contend that Microsoft should be disallowed to certify hardware devices as ''designed for Windows,'' unless the specifications of those devices are released to the public. Consumers don't want to use an operating system that doesn't support their hardware. Maintaining secret hardware specifications hinders the development of free operating systems that run on a wide range of hardware.

In conclusion, I believe that the Proposed Final Judgement is not good enough and is in need of revision. The revisions should ensure that Microsoft cannot resume actions

that are anti-competitive and that are not in the public interest. Thank you for your time and consideration.

Sincerely,
Michael J. Kennedy
Champaign, IL
Computer Science Student
University of Illinois

MTC–00027502

From:bishopjim@mindspring.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:37am
Subject: Microsoft Settlement

Please consider the merits of the settlement for the good of the U.S. economy and our technology industry. They are reasonable and fair to all parties, and meet ? or go beyond—the ruling by the Court of Appeals, and represent the best opportunity for the industry to move forward.

Jim Bishop
Marietta, GA
678.523.3912

MTC–00027503

From: Benson Chow
To: Microsoft ATR
Date: 1/28/02 1:40am
Subject: Microsoft Settlement

Appended contact information.

Microsoft has tried hard to squash all competition. And it has succeeded. One specific example is how the company's product, Internet Explorer, has quickly reached the top. Now with so many users, and them putting in proprietary extensions that nobody knows except Microsoft, it essentially makes Netscape and other browser users crash or render pages incorrectly— thus forcing us to use their product if we wish to obtain their content.

This is totally unacceptable, we have a right to choose what product to use to view content. This is like having only one brand of TV available. Imagine having to watch news where you *must* buy a specific brand of TV, else it won't work. The same thing has happened to Operating Systems and Office Applications. I agree with the ruling that Microsoft has violated the Sherman Antitrust Act.

I do however have a complaint about the proposed remedy. Microsoft wants to donate millions of dollars worth of goods to needy schools. This sounds very good on the surface, we are helping our the most disadvantaged children.

Now the problem is, it does not solve the problem we have ruled against. Those millions of dollars worth of ''goods'' they want to be Microsoft goods. Now we are going to be feeding these Microsoft goods to the children. They will grow up thinking Microsoft is the only thing available, and will continue to buy Microsoft software. Have we done anything? No—we have made the problem WORSE. We need to bring different choices to our children in order to guide them that there is more than Microsoft.

Many possible other solutions are possible. While it would be nice to allow companies that were destroyed by Microsoft to be rejuvinated, this is short of impossible. Or perhaps a rebate to all purchasers of Microsoft software. No, this is not good either, it does not help the problem. We need to do something that makes a difference—A charitable donation is a good start. But it needs to show choice. Perhaps they must purchase machines and software from their remaining competitors for their settlement. Perhaps they should open up their standards to allow competitors to once again compete. It's a tough call, destroying a powerful company is never a good thing, but a virtual, ''cyber monarchy'' could be formed and Microsoft at its head, with the current settlement as it stands today.

I am a Linux user. I would like to see things such as them complete the following at an unspecified percentage and split: —Open up Internet/application/operating standards they have created to allow competitors to design competing products.

I would like to see projects like Netscape, Caldera Office, and WINE to get big breaks from the settlement. —Purchase computers for schools for the same amount, but use competitor software or buy more computers and use open-source, or free software. I do not necessarily want to see a breakup of the company. They will still hold a monopoly on their respective business units. Thank you for reading this. I hope this will encourage you to reconsider the settlement and let users and thousands like me to enjoy content the way we want to, instead of how Microsoft wants to.

—bc

Benson Chow, blc@q.dyndns.org
3500 Granada Avenue
Santa Clara, CA 95051
408–569–2132

MTC–00027504

From: Jessica Kohagen
To: Microsoft ATR
Date: 1/28/02 1:38am
Subject: ''Microsoft Settlement''

I am writing as both a concerned college student and as a concerned consumer. I truly believe that open competition in every market promotes better quality and utilizes all the available resources. I fear that the demand for engineers in computer-related fields will decrease significantly if Microsoft's competition is restricted or eliminated. In addition, the development of computer-related technology maybe be slowed if companies aren't trying to ''get an edge'' over one another. Keeping unrestricted competition will ensure state-of-the-art technology and quality products for the consumer as well as job openings and possible entrepreneurships for those currently in the industry as well as those who will be entering it within a few years.

Sincerely,
Jessica Kohagen
Pardee Tower #612
614 W. 35th Pl.
Los Angeles, CA 90089
CC:microsoftcomments@doj.ca.gov@inetgw

MTC–00027505

From: Cody Ashe-McNalley
To: Microsoft ATR
Date: 1/28/02 1:39am
Subject: Microsoft Settlement

Dear United States'' Department of Justice,

I am writing to urge the government not to seek any settlement which allows Microsoft to continue the anti-competitive, anti-consumer business practices that it has used, still uses today, and openly plans to continue to use. I have spent my entire professional life working in the fields of information technology and software development. Microsoft has had an unfairly taxing effect on every aspect of the industry I have experience in.

While certainly not all, I believe the following two issues are the primary obstacles in dealing with the Microsoft monopoly: One, their use of proprietary, undocumented, and ever-changing file formats, application program interfaces (APIs), and security authentication methods; two, the draconian and unlawful enforcement of licensing agreements with original equipment manufacturers (OEMs).

The first issue, proprietary file formats, has hindered me personally, and has undoubtedly affected every citizen of the United States who has used Microsoft Office products. As consumers desire more access to the Internet and multimedia files, this problem will only increase. As it is, there is already a huge deficiency in the basic functionality of Microsoft products on the Apple Macintosh operating system.

The second issue, unlawful licensing agreements with OEMs, is analogous to the system of rebates that allowed John D. Rockefeller's Standard Oil to maintain a monopoly in the oil industry. There is effectively no point of entry for competition in the market for small business and consumer computing goods in the United States. This has become an indirect tax on every consumer purchasing a personal computer. However, this has probably hurt the small businesses of America most of all. Business today depends on computers, and they have no choice but to become Microsoft customers. Their success depends on Microsoft from their very inception.

The United States has had enough success controlling anti-competitive monopolies to still offer an environment full of opportunity for its citizens, both as consumers and business people. I greatly hope that the United States Department of Justice can persevere in restoring that environment for the twenty-first century.

Sincerely,
Cody Ashe-McNalley
11700L National Blvd. #103
Los Angeles, CA 90064

MTC–00027506

From: Steve Black
To: Microsoft ATR
Date: 1/28/02 1:42am
Subject: Microsoft Settlement

Microsoft's competitors would have you believe that they are pure innocents that have been grossly wronged by the ''evil empire''. In many ways, Microsoft competitors are no better than Enron in their execution of modem business ethics. Much of the anti-trust complaint reads as if the government and judicial were brain dead. It's difficult to understand how highly educated attorney's can be so ignorant of the principles of debate, however, it's not fallacy of logic that's on

their minds, but how to get maximum mileage from legal loop-holes. Here's my opinion on the entire anti-trust case:

The government's anti-trust suit has been no benefit to the consumer. It has primarily provided fuel for ambulance chasers. Anti-trust concepts, over 100 years old, are being used as a loophole to accomplish political and business goals that were not the original intention of anti-trust.

Software is neither a limited resource nor is it controlled by any single individual or company. The government has ignored the Apple, HP, Sun, et.al., which are monopolies in the computer workstation industry. Their proprietary software will only work on their proprietary hardware. As a result, huge promises have been made, but innovation has been nil, and prices are exorbitant. This has hurt businesses large and small. Consumers have been hurt by high prices being passed through in the goods and products produced by all American industries.

This is far worse than the telephone monopoly, which has not been stricken with the greedy intentions of Sun and Netscape/AOL-Time Warner. Cell phone makers have not sued traditional telephone company monopolies, instead, they have created an original new product that offers the consumer something new and that they are willing to pay over twice the cost to own. Government tolerance of airline fare and automotive gasoline price monopolies has also hurt consumers significantly and shows a pattern of abuse that has the look and feel of corruption. The government has relented to political pressure from politicians and greedy CEO's that have prevented the passage of many updated and revised laws that could prevent them from being used with corrupt intentions.

The PC revolution has allowed anyone to own a high performance computer. The monopolistic workstation vendors have lost billions from their market that went from 860,000 professional workstations to $10,000 PC systems. To say that these companies have a grudge against Microsoft is a gross understatement. The consumer, the American economy and the world in general can be thankful of Microsoft's effort to innovate and advance PC technology. They are by no means the only company to do so, but in no way should they be destroyed by two greedy individuals and an industry that was getting rich by stealing millions from consumers instead of competing in the market place.

In contrast, Microsoft has made it possible for everyone to own and operate a computer at extremely competitive prices. It is blasphemy that Sun or other companies and state Attorney General's suggest that Microsoft has over-charged consumers. It's also interesting to note that if Microsoft had lower prices, they would have been accused of trying to run their competition out of business by flooding the market with cheap software. There simply is no safe strategy to avoid the egregious actions of those who insist on perverting anti-trust laws to their own financial and political gain.

There are many reasons why Microsoft was the choice of consumers and became dominate in the PC software market, but it is very likely primarily due to their far superior product than the gross incompetence of their competition. Consumers have been damaged and angered so much by proprietary and incompetent software that it's no wonder they have no tolerance for incompatible, proprietary systems. The majority of consumers and their businesses have used a loud and clear voice in the market place to tell Apple, Linux, BeOs, and others that they dislike their business model of high prices and proprietary design.

In drastic contrast, Microsoft's products are compatible with thousands of other successful software products on the market today. In fact, one company that claimed in a congressional hearing that Microsoft disabled their software was totally embarrassed by private independent testing labs that proved otherwise. In no way has Microsoft's competitors played fair and their current abuse of anti-trust law is a distortion of reality.

It is also interesting that the judge and companies that warned that the proposed settlement involving distribution of Microsoft software to many poor schools districts would put Apple's monopoly at a disadvantage. They are certainly not unaware that schools are under siege from American businesses that want PC's in the schools, so they don't have to re-train all the students. It costs billions of dollars that are passed through to consumers, to train, maintain and update computer software in every business in this country today. The waste would be monumental if each company had to maintain multiple computer systems and they know this to be an irrefutable fact from past experience. This is just one of the many forces that has created the Microsoft monopoly. Microsoft's only part was to provide the best possible software, but they were entrapped by anti-trust terrorists while trying to keep people from stealing their software, In contrast, Netscape has tried to bully their way into a tiny segment of the operating system market by offering a product that is a niche element of the basic operating system. One of the primary functions of an operating system is to connect the central processing unit (CPU) with the internal and external hardware attached to the computer. The Internet is merely an extension of the basic computer network and nothing more.

The need for a special browser to access the Internet is only a viable marketing concept if it significantly improves that concept or offers consumers significant value. Netscape has done neither. In fact their market share is far larger than they want you to know, since many users are still using old versions. This is because their newer version 6.0 was very poorly written and there really isn't much else that a browser can do other than be a simple path to the Internet where content that neither Microsoft nor Netscape control is the desirable goal of the consumer.

It is well documented in the press that Netscape version 6.0 was such a failure and performed so poorly that is was soundly panned by the experts and most advised against upgrading. Microsoft's dominance again is shown to be due to superior competence and based on merit, while their competition had abdicated their responsibility to deliver a quality product to the consumer. Netscape's loss of market share is primarily due to their lack of innovation and their product simply does not provide any value to the consumer.

Claims that Microsoft wants to control the Internet are a good example of fundamental misconceptions and the high level of miss-information in the anti-trust suit. Web site owners are responsible for the content on their sites and there are no technical, political or legal barriers to web content other than federal and state statutes, which apply equally to everyone.

Likewise, consumers have determined what browser they prefer. The majority of consumers want nothing to do with Netscape and they have good reasons for that decision since compatibility, reliability and security are far more important than the marketing hype and illusionary benefits and features of any browser. The alleged damage and losses experienced by Netscape primarily exist in the minds of their attorneys and nowhere else; certainly not in the minds of consumers.

Whether Microsoft is a monopoly or not has nothing to do with the success of Netscape. Consumers must have an operating system for their computers and the CPU must communicate with internal, external and network drives (servers). The Internet is simply the extension of the basic computer system hardware. Netscape's loss of market is due to their own incompetence and nothing else.

Steven M. Black
1916 Camas Court SE
Renton, WA 98055–4501
01/31/2002 7:20 F

MTC–00027507

From: ChristianK1@prodigy.net@inetgw
To: Microsoft ATR
Date: 1/28/02 1:39am
Subject: Microsoft Settlement
≤Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Christian Kulczytzky
807 Rennard Street
Philadelphai, PA 19116

MTC–00027508

From: Ken Kundert

To: Microsoft ATR
Date: 1/28/02 1:43am
Subject: Microsoft Settlement

It is clear to me that the DOJ caved in to intense lobbying pressure when it agreed to the current settlement. That is the only way to explain it. Anybody that has paid any attention to Microsoft's behavior of the last decade knows that this settlement will have no significant impact on Microsoft. They will ignore it like they ignored both the law and the restrictions that they agreed to in the past. Furthermore, I do not believe that they would have been offered this settlement had they not improperly influenced both the Executive Branch and our law makers. Giving Microsoft this settlement shows the people of the United States and the world that justice in America does not apply to the very wealthy.

It is my sincere hope that the original spirit of the Tunney act is followed. If so, I confident that it will come out that Microsoft was able to buy a very favorable settlement. At the very least, I hope that you reject the DOJ settlement and go with the settlement proposal of the 9 dissident states. Better yet, I hope you return to the idea of breaking up Microsoft. I have been involved in the software industry for 20 years, though I have never been directly or indirectly employed by either Microsoft or its competitors, and I can say with great confidence that Microsoft, with its monopoly position, has slowed the progress of the computer industry by at least 10 years. The cost of not having competitors to its buggy and insecure software has been vast. Breaking up Microsoft will be the best thing for consumers.

Ken Kundert

MTC–00027509

From: Richard Probst
To: Microsoft ATR
Date: 1/28/02 1:45am
Subject: comments on proposed Microsoft settlement

I am writing to comment on the proposed Microsoft settlement. I believe the settlement is deeply inadequate, and should be rejected by the Court, for the following five reasons:

(1) The settlement provides no protection for all but the largest Microsoft competitors. It prevents Microsoft from blocking what is referred to as ''middleware'', but only if the provider of the middleware has sold a million copies of the application and has been in business for over a year. Thus, AOL, Kodak, and Real Networks are protected from Microsoft's monopoly power, but not the smaller and younger firms that are the true source of innovation. Instead, the settlement should prevent Microsoft from blocking middleware from the desktop, no matter who provides the middleware. Only with this provision will consumers benefit from unchecked innovation.

(2) The settlement allows Microsoft to prevent its licensees from placing non-Microsoft icons on the desktop, unless the icon competes with a Microsoft product. Microsoft should have no control over what icons its licensees can place on the desktop. As written, the settlement could allow Microsoft to block the availability of an innovative application until Microsoft had completed its own competitive offering, thus eliminating any early-to-market benefit to the application inventor.

(3) The settlement does not require Microsoft to publish its APIs until the ''final beta'' release. This is much too late to allow another firm to develop or modify an application to use a new API before Microsoft officially launches the new release. This means that Microsoft can control which applications work with a new release of an operating system at the time of the release, which gives Microsoft power to limit innovation by its competitors. Instead, Microsoft should be required to publish APIs earlier in the history of a release (6 months before commercial availability is a reasonable requirement), and to publish timely updates if the APIs change before the ''final beta'' release.

(4) The settlement requires firms that use the APIs published under the terms of the settlement to give Microsoft the code which they wrote to use the APIs. Under no circumstances should Microsoft have the right to code developed by its competitors. This provision of the settlement actually rewards Microsoft with a competitive advantage, which is an ironic and inappropriate response to illegal monopolistic behavior.

(5) The settlement does not prevent Microsoft from structuring discounts to punish its licensees who work with Microsoft competitors. It also allows Microsoft to terminate a licensing agreement without prior notice—which could prevent a hardware vendor from delivering a new computer model on schedule (for example, in time for the Christmas selling season). If the termination is determined not to have been legal under the terms of the settlement, Microsoft will be forced to reinstate the license, but the hardware vendor may already have been irreparably damaged. Instead, the settlement should require Microsoft to get prior approval for license terminations and changes in discounts.

These and other flaws in the proposed settlement have led me to wonder if Microsoft's own lawyers drafted some of the terms. The settlement is not a sufficient punishment and will not prevent further monopolistic behavior.

The Court should reject the proposed settlement.

Sincerely,

Richard Probst CC:attorney.general@po.state.ct.us@inetgw

MTC–00027510

From: Lindsay Ray
To: Microsoft ATR
Date: 1/28/02 1:46am
Subject: Microsoft Settlement

Dear Judge,

I don't think that the PFJ is the correct solution to this problem. Microsoft is a fabulous company, however, they are in direct violation to the law. They are guilty of some very serious anti-competitive violations. The PFJ does not provide an effective enforcement mechanism. What microsoft has done to many companies is very wrong and needs to be stopped. It is not fair. The world needs competition.

Thanks

Lindsay Ray 213–764–3843
CC:dkleinkn@yahoo.com@inetgw

MTC–00027511

From: Carnese, Dan
To: Microsoft ATR
Date: 1/28/02 1:47am
Subject: Re: comment on proposed Microsoft settlement

This is a correction to a comment submitted earlier this evening.

From: Dan Carnese
To: microsoft.atr@usdoj.gov
Sent: Sunday, January 27, 2002 8:36 PM
Subject: comment on proposed Microsoft settlement

Microsoft has repeatedly shown bad faith in dealing with software companies.

I believe the only effective way to prevent it from future violations is to prevent those violations from being in its interest.

Dividing Microsoft into an operating systems company and an applications company is the only way to have this happen without onerous and unworkable review by an external entity of Microsoft's business activities.

As a Microsoft stockholder, I believe this is the best way to preserve and increase shareholder value, while having the company behave in a lawful and ethical manner.

Dan Carnese
560 Lakeview Way
Redwood City, CA 94062

MTC–00027512

From: kevins@indepth-tech.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:48am
Subject: Microsoft Settlement

Ladies and Gentlemen:

I whole heartedly support the proposed settlement agreement in U.S. v. Microsoft. While no settlement is likely to please all, this settlement has well thought out, purposeful remedies that will encourage technical innovation and market competition. It is time to accept the fair remedies of the settlement and allow the industry to concentrate on creating the new computing products that will create jobs and stimulate the economy.

Kevin Schuler
President
InDepth Technology
CC:kevins@indepth-tech.com@inetgw

MTC–00027513

From: Jim White
To: Microsoft ATR
Date: 1/28/02 1:48am
Subject: Microsoft Settlement

To whom it may concern:

This my public comment under the Tunney Act.

I am OPPOSED to the revised proposed Final Judgement to resolve the United States'' civil antitrust case against Microsoft as it currently is formulated (11/06/2001).

The proposed remedies are entirely inadequate to resolve ongoing anti-competitive practices by Microsoft with regard to the development and marketing of software competing with the Windows Operating System. Of particular importance is that no provision is made to prevent

Microsoft's efforts to subvert the development and distribution of free and open software that competes with Windows. Microsoft is using its many entangling End User License Agreements for both its applications (such Internet Explorer, Microsoft Office, etc) and SDKs (software development kits, necessary in many cases for practical development of applications to be used with or to compete with Windows) to REQUIRE that the End User to only use the application software on a Microsoft licensed operating system. This is blatant product tying to the monopoly Windows OS with the direct consequence of preventing the distribution of legal competing products.

Thank you for your consideration.

Signed,

James White

Software Consulant

Laguna Hills, CA

MTC–00027514

From: Deepak Shah
To: Microsoft ATR
Date: 1/28/02 1:50am
Subject: MICROSOFT SETTLEMENT

January 27, 2002
VIA FACSIMILE & EMAIL
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Sir/Madame, The Microsoft settlement proposed by the Justice Department should not be approved by the court. It does not adequately prevent Microsoft from abusing its monopoly powers. It is also a poor solution in that it will be complicated to enforce and Microsoft will have economic incentive to try to circumvent the agreement.

No doubt, there are precise legal standards that the court must follow in reviewing the settlement and making its decision. As a layman, I cannot hope to address the intricate legal issues as to what is explicitly mandated by statute and precedence—I can only speak in broad terms. My background is that of an engineer (M.S. in EECS) with 20 years of experience using PC software at work and at home and that of a founder and officer of a small software development company. I comment mostly from the perspective of an end user of PC software products.

As a businessman, I have had substantial experience negotiating, implementing, and litigating business agreements. I have found that the best agreements are those that (1) align the economic interest of the two parties (i.e. there is no economic benefit to either party to try to circumvent the agreement) and (2) are simple. The proposed settlement agreement is neither. As one example, the language in the agreement requires Microsoft to provide access to certain information only to viable business entities. In paragraph III(J)(2)(c) , the proposed settlement states that Microsoft will not be required to provide API's or Documentation to an entity that fails to meet ?reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business.? Arguably, this language could allow Microsoft to exclude access to small businesses, start-ups, and Linux developers (or other non-profit type software developers) if it was in Microsoft's economic interest to do so.

For a second example, the proposed settlement requires Microsoft not to automatically override OEM settings. Paragraph III(H) (3) (b) says Microsoft must not seek permission from the end user for ?[automatic] alteration of the OEM's configuration until 14 days after the initial boot up of a new Personal Computer.? What does the agreement mean by initial bootup? Strictly speaking, ?initial bootup? could be interpreted to mean the first time the unit is turned on by the manufacture or the local retailer (for testing & verification purposes) and not the first time the end user turns on the machine. (As an aside, why does Microsoft need to be able to automatically override any settings? It should be sufficient to notify the user in the manual or on-line help that the user can change his settings by selecting the proper options in his application program or Windows operating system.) If such a simple item is this complicated to interpret and enforce, what does it augur for the rest of the agreement?

While it may not be the perfect solution, separating Microsoft into two independent companies meets the criteria stated above for a good business agreement. One, a breakup is simple, once it is completed, it is done—there is no agreement to interpret. Two, a breakup eliminates any economic incentive for Microsoft to circumvent an agreement because there is no agreement to circumvent once the breakup is completed.

My strong feelings about this case arise because I constantly find I have no real choice in my selection of PC operating systems and applications. As much as Microsoft's legal counsel and economists may argue about the user having choices and being better off, I find from my personal experience, that I am not.

If I am unhappy with my GM car, I can easily switch with my next purchase to a Toyota, Ford, Chrysler, Honda, etc. at zero cost. If I dislike my Sony television, I can buy a Zenith, JVC, Philips, or Panasonic, etc. without constraint. Nowadays, I have the freedom to switch phone service or my television reception from cable to satellite. Even with my PC, I can switch from Dell to IBM, Compaq, HP or others. But, I cannot switch from my use of the Microsoft operating system or Microsoft applications without cost. so substantial as to be prohibitive.

On the surface it may appear that there are alternatives to Microsoft's operating systems and applications. However, there are six barriers which effectively prevent me from using a competitor's product. First, because of Microsoft's market dominance, there is far more support from other vendors for Microsoft's products. For example, an application program or peripheral such as a printer may not be supported under either the Apple or Linux operating systems. Other vendor's import/export utilities, synchronization functions or the like may only support dominant Microsoft applications such as Word or Excel. Similarly, web sites may be designed to function best with Microsoft Internet Explorer as compared to competing products.

As a concrete example, consider my brother's experience with the Apple Imac. My brother's children learned to use the Imac growing up because of its superior user interface as compared to Microsoft windows. However, my brother is now finding that it is too difficult to support the Imac on his home network and DSL line. Vendors just do not provide the same support for Apple that they do for Windows. Additionally, it is too difficult to maintain both Windows systems (for his use) and Apple systems. Therefore, he is forced to switch the children to using Microsoft Windows.

Second, if I wish to use a non-Microsoft product in an area where Microsoft is entrenched, I will be at a tremendous disadvantage when trying to share information. I will be speaking French when everybody else is speaking English. For example, given that everybody uses Microsoft Excel or Word, what real freedom do I have to select a different word processor or spreadsheet (even if superior) when I will be unable to share files with my clients or vendors.

Third, I have invested substantial time in learning to use and debug my existing Windows and Microsoft application programs. I cannot afford to switch to a competing operating system or application and start at ground zero on the learning curve. The amount of time it takes to learn to use a new application is enormous. It far outweighs the dollar cost of purchasing the product. To become as proficient in another word processor application as I am in Microsoft Word after years of use would take months at the very least. No one can afford that cost. AS applications grow larger and more complex, this barrier grows larger and larger in Microsoft's favor.

In an interview, Bill Gates himself points out that Microsoft's biggest competitor (when they release a new operating system) is themselves. Users who have already invested time and money in purchasing and using an older version of Windows are loathe to switch to a new version because of the cost in dollars and time to install, debug, and learn the new version. Imagine then the barrier posed to a completely new operating system or application.

Fourth, there is risk that if I am using a non-Microsoft product, the vendor will eventually be forced out of business by Microsoft and I will ultimately have to switch to the Microsoft product anyway. This was the case with my Lotus and WordPerfect products. In both case, I was finally forced to switch to Microsoft products when the vendors went out of business. Now, if I need to choose between a Microsoft and competing product, the safe decision is to select Microsoft because it is likely the competitor will be eventually driven out of business.

Fifth, there is a cost to switch to a new application because of prior work (data files) that has been generated by the old application. If I have a substantial amount of prior work saved in data files produced by my Microsoft applications, switching to a competing application means I lose compatibility with all of my old work. At the

very least, I will have to spend time converting the data files with the accompanying risk of losing information or formatting.

Sixth, It is risky to use a non-Microsoft product because Microsoft has the upper hand in keeping its applications in step with operating system upgrades and taking advantage of new operating system features. Microsoft is in a position to improve its products faster because it is also in charge of the underlying operating system. By the same token, Microsoft applications are least likely to break with operating system upgrades. No competitor has that same advantage. (If Microsoft argues there is no advantage, then it should have no complaint against being separated into two independent companies).

In summary, I do not have the freedom to choose to use Microsoft products because they are superior but am forced to use them because the investment in time and potential risk to use competing products is too high. There are many examples where Microsoft did not have a superior product (or, initially, even a product), but ultimately succeeded due to its monopoly position. For a non-exhaustive list, consider the products: Word (vs. WordPerfect), Excel (vs. Lotus), Internet Explorer (vs. Netscape), Microsoft Project (vs. Symantec's Timeline project management software) and even Windows (vs. the Macintosh). In each of these cases, Microsoft did not have the first product or even the better product. Yet, over time in each case Microsoft has either put the other product out of business or become the clear-cut market leader.

In these cases, Microsoft did not succeed because it was the innovator; but because it had a monopoly in the operating system market. It could use its ownership of the operating system and its monopoly profits to enter new markets and eventually push out the competition. No other company, even dominant ones such as Lotus, WordPerfect, and Novell with all their financial resources, has been able to compete successfully against Microsoft because of the monopoly Microsoft enjoys.

Another example of the monopoly power Microsoft enjoys, is its recent decision not to include JAVA in its latest version of Windows. Given the runaway popularity of JAVA, only a monopoly such as Microsoft could risk making that decision. In a competitive environment, no operating system vendor would decide to exclude JAVA and pursue its own initiative. Microsoft can afford to do that because it wields such absolute control over the operating system market. A consumer has no alternate choice of operating systems so he is forced to accept Microsoft's decision to exclude JAVA from the operating system.

As a final example, consider the operating system called 7OS/27 developed and marketed by IBM. There can be no question that it was a superior operating system and years ahead of Microsoft Windows. It failed however because of the barrier posed by Microsoft's installed base of users. The fact that even IBM failed to make any headway in the market is further evidence of Microsoft's power as a monopoly.

Microsoft may argue that the reason for its success in all of the above examples is that it had the better product or strategy. This is patently false. Microsoft was not the first one to introduce a windowing operating system, an internet browser, the concept of a spreadsheet, a word processor, etc. Microsoft has only been successful in first copying and then outlasting the competition.

Microsoft argues that there is no need to regulate Microsoft as a monopoly because technology and the product landscape change so fast that not even Microsoft can exercise monopoly powers. I think it is just this argument taken in context of Microsoft's success time after time over the last decade that is the smoking gun. No company other than Microsoft has been so successful. It is so unlikely that in an area where the pace of change is this fast, that any one company could be so successful in every endeavor it undertakes, that it must be taken for granted that the company enjoys substantial monopoly power.

Contrast Microsoft's situation to that of microprocessors and Intel. Intel is a dominant market leader but faces fierce competition from AMP, Motorola, and others in the microprocessor market. As a result, we have seen a 100-fold or more increase in price vs. performance (comparing a 33MHz 80386 processor to a 2GHz Pentium II) over perhaps the last 10 years.

Imagine a situation where Intel enjoyed the same monopoly position that Microsoft does today. That is to say, there was effectively no competition from AMD, Motorola, or others. Without doubt, we would not have seen the same increase in performance vs. price. Intel would not have been forced to innovate and cut prices at the rate it is forced to do so today in order to maintain its market leadership. This is clearly evident from the reported news where each time AMD releases a microprocessor, Intel responds by cutting prices. Of course, there would still have been improvements in microprocessor performance if Intel was a monopoly, but nowhere near the current pace. Intel would have made slow improvements at its own unhurried pace under little pressure from others.

Microsoft has at times argued that it is not a monopoly because the price of its operating system software (as a percentage of the price of a PC) has come down over the years and this is characteristically untrue of monopoly pricing. Even if the price of software is in fact lower today than 10 years ago, it is a meaningless statistic. The relevant question is what would the price of software be today if Microsoft did not enjoy a monopoly position. As compared to the innovation fostered in the microprocessor arena due to competition, software performance has advanced relatively slowly. There certainly has not been a 100-fold increase in the performance of Microsoft's software over the last 10 years.

In considering the proposed settlement, the court must balance protecting Microsoft's rights and our system of free enterprise against the damage to society from continued abuse by Microsoft's monopoly position. I think the court must err on the side of the consumer. On a big-picture scale, there is no great damage to Microsoft, its shareholders or the concept of free enterprise by breaking Microsoft into separate operating companies. On the other hand, there is potential for great damage to innovation and free enterprise if Microsoft is free to remain a monopoly and to use its power to stifle new products and block the success of other companies.

In conclusion, the question simply comes down to whether the typical end user is better off because of Microsoft's monopoly. As a typical end user, I am firmly convinced that I am not and hope that the courts will take strict action.

Sincerely,

D. Shah

MTC–00027515

From: Roy S. Alba
To: Microsoft ATR
Date: 1/28/02 1:51am
Subject: Re: Microsoft Settlement

Dear Sir: I will attain the age of 75 this coming July 27th, and I have been following the US Justice Department's case against Microsoft since its inception, and I believe the proposed settlement is in the best interest of all the parties.

To reject the settlement and to pursue it further can only lead to killing the Goose That Lays the Golden Eggs. If not killed it would be so frightened that it would stop laying Golden Eggs.

I pray the court will approve the Settlement.

Roy S. Alba
CC:rsa1800@cs.com@inetgw

MTC–00027516

From: Frank Perara
To: Microsoft ATR
Date: 1/28/02 1:52am
Subject: FW: Microsoft Antitrust Litigation
From: Frank Perara [mailto:f.perara@verizon.net]
Sent: Sunday, January 27, 2002 10:41 PM
To: microsoftatr@usdoj.gov
Subject: Microsoft Antitrust Litigation

Dear sir's,

I am a completely satisfied customer of Microsoft products from the DOS to the present Windows operating systems. I believe that Microsoft has pioneered the computer industry and has given the consumer high performance equipment in the marketplace where others have competed fairly to provide freedom of choice at a fair price. The consumer has benefited from Microsoft products and business practices. I believe the case against Microsoft is without merit and is sponsored by those who have not been as successful in the marketplace as Microsoft. I believe the settlement that Microsoft has proposed is fair and urge you to approve it.

Thank you

Frank Perara

MTC–00027517

From: ray spence
To: Microsoft ATR
Date: 1/28/02 1:53am
Subject: Microsoft Settlement

Dear DOJ,

I am writing in response to the proposed settlement to Civil Action No. 98–1233—the antitrust case against Microsoft.

I am not in favor of the settlement terms. It seems to me that this set of requirements are solely concerned with either

1) allowing OEMs the right to alter the Windows OS desktop, boot any Windows OS computer into another non-Microsoft OS or in general work with non-Microsoft vendors to sell non-Microsoft products—or—

2) allow non-Microsoft software developers, Internet providers and content providers contractual access to the Windows OS.

I agree that what I've outlined above, and what is the entirety of the proposed settlement is necessary. I do not believe this settlement goes far enough.

Microsoft was found guilty of antitrust activities which has allowed it to occupy a monopolistic control over the computer industry. Here is a paradigm which just might provide a novel problem for antitrust legislation; to wit, the monopoly exists now, so any settlement must take steps to immediately restore fair competition to the computer software industry. Yet unlike an entity such as AT&T where simply breaking up the single company into many different corporate entities allowed competition, Microsoft's monopoly does not control from one service (phone service) but from the myriad software applications that are available from ISVs which are available *only* for Windows.

This marketplace condition creates the notion that the only viable OS choice is Windows. I believe we have arrived at this condition from the close relationship between Microsoft's Office product and the fact that Office was and is written primarily for Windows and still for only one other OS—the Macintosh OS. As Microsoft used both legal and illegal paths to place both these products at the forefront of all IHV concerns the business world came use these two Microsoft products seemingly without exception. If a company chose to use Office it commonly chose Windows as its OS. At the present time it seems that Office and Windows are just two more tools on any corporate desk alongside pens, scissors, paper staples etc. But the difference from the other tools is that Windows and Office come from just one single company whereas one can pick and choose from many sources for their pens and paper. The most salient fact in this case is that Microsoft is indeed a monopolist yet the question as to just how to reduce this monopoly is still unanswered in this proposed settlement. Clearly the DOJ needs to address the current state of Microsoft's monopoly.

My assessment of the main two targets of this settlement above do nothing to reduce Microsoft's monopoly. Furthermore I firmly believe that unless the above corporate dependence on Microsoft Office is reduced Microsoft's monopoly will continue. The only meaningful solution is to somehow separate either Windows or Office from Microsoft's control. I would guess that this approach was intended in the first decision to break Microsoft into two or more companies.

Although I support such a corporate division if that path isn't available then I propose forcing Microsoft to divest itself at least of the Office suite of applications. The second requirement would be that the new Office owner must make Office available to other OS products other than Windows on an equal update schedule. Then the computer-using world should get closer to a real choice at least in the OS market, which is the true kernel of this monopoly.

Sincerely,

Ray Spence

MTC–00027518

From: Robert Wohlfarth
To: Microsoft ATR
Date: 1/27/02 9:25pm
Subject: Microsoft Settlement

The Microsoft Settlement, in its current form, offers little protection to consumers from monopolistic practices. Microsoft is permitted to continue bundling unneccesary software with its operating system. And it may continue to exclude competition through license agreements. The license agreements are the greatest threat to consumers. They prohibit computer makers from using any software but Microsoft. The software license prohibits a user from researching software problems, even if Microsoft refuses to acknowledge those problems.

These license provisions allow Microsoft to run roughshod over consumers. And only strengthen its monopoly position. The current settlement does not appear to address these issues.

Thank you for considering these comments.

Robert Wohlfarth
rjwohlfar@galaxyinternet.net
Chesterfield, IN

''Is not life more important than food, and the body more important than clothes?''—Matthew 6:25b

MTC–00027519

From: darrell
To: Microsoft ATR
Date: 1/28/02 1:54am
Subject: Microsoft Settlement—Destroying Credibility of Justice System

Gentlemen:

The Microsoft settlement is legitimately destroying any credibility the justice system might have had in administration and regulation of antitrust laws. Yes, I know lawyers love to point out it is a legal system rather than a justice system. However, in the long run effective government must reflect some rough notion of equal protection, government not for sale and some approximation of morality and ethical conduct. The Microsoft case and settlement dramatically illustrates the complete lack of those values being reflected in the ''system's enforcement'' of legal rules of behavior. By the way, it isn't the ''system'' simply because you are a person reading this; please wake up and do your job —''Judge''.

Over 30 years ago, I took a single MBA course on antitrust law. It was very clear that predatory pricing policies were strictly illegal, under both Sherman and Robinson-Pattman. When Microsoft priced its competitive product at $0 it was obviously the ultimate predatory pricing policy. It is amazing and embarrassing that it took the government over three years to conclude what was common knowledge on the streets of America as we watched Microsoft drive Netscape out of the business with a $0 price.

Furthermore it was a lame excuse that because it was technology, somehow the antitrust laws did not apply. If you recall people used the same lame excuse to monopolize weaving looms earlier in the last century. As incredibly slow and inept as it was, the court finally concluded what was obvious when viewed cleanly. Without the confounded web of minute bafflegab supported by the economic might of Microsoft to bring any legal argument on antitrust from the last 100 years up for discussion, a reasonable man could have had the case concluded in about a week, at least in my opinion. The result for Microsoft has been to delay a court decision out of the realm of timely relevance.

The current settlement does nothing to insure behavior will change nor punish that behavior in any way that has effective business force sufficient to curb it in the future. The simple fact is that Microsoft is a monopoly. Furthermore, it has used and is using that power to ever extend that monopoly to the net and beyond. They are again doing it thinly veiled, openly in defiance of national law.

As an MBA/MSEE/CEO with over 25 years in the electronics industry, I can testify that the current settlement is a pathetic travesty of justice and law. From my point of view, an appropriate and practical remedy would be to break Microsoft into 6 Companies, all with the same code sources to start out, no interlocking ownership allowed and let each segment markets and compete like everyone else. That solution or one like it would solve the problem because each of those companies could choose to supply source or not to customers, add special features for target markets, and each would be forced to serve their markets aggressively or have it taken away by someone willing to do a better job—Just like everyone else! That solution or others that would really work are not hard to come up with; however, Microsoft clearly will not like it; which in turn is a good indication it would be a good solution. Any notion that a team of lawyers and bureaucrats could control Microsoft's behavior through administrative mechanisms independent of their wealth, power and influence is an expensive exercise in futility.

As a practical matter, it simply won't work.

Currently reported massive lobbying efforts by Microsoft and their failure to disclose contacts and/or who they have given money to gain influence renders Government authority over the rich laughable! Somewhere along the line the judicial system must recognize that the appearance of impropriety does damage to it's very credibility. In the public eye Microsoft has not only bought off the US Government but the government has provided an overly complex legal framework to allow obfuscation of the core elements of antitrust laws. Yes, I know bought off implies direct gangsterism but the effects of massive money are indirect and probably more damaging to our society. Influence on the political system is secured through massive lobbying and ''political contributions'' which in turn influence the courts. The Tunney Acts recognized the antitrust influence mechanisms. Those acts required at least disclosure.

Somehow the Microsoft legal team continues to obfuscate even those explicit laws while they continue to avoid effective remedies against their monopoly.

I strongly urge the current court to reconsider a different break up of Microsoft and secure a solution that is widely expected to work. The high tech software industry does not inherently follow large economies of scale that might justify a larger single company being the supplier of all software on the planet. Instead the most efficient economic production is achieved with smaller companies focused squarely on specific needs. All the downsizing and reorganizing of the last decade, even during strong economic times, attest to the ''right sizing'' of high tech companies. Even premier electronics companies such as Hewlett Packard have historically kept profit centers and business units below 400 people or so. At least until the original founders retired or passed on that system has worked well for them. More recently, when that company began operating in a monolithic mode, troubles began.

Incidentally, I am a republican.

Sincerely,

Darrell L. Wilburn

Saratoga, California

CC:dgillmor@sjmercury.com@inetgw

MTC–00027520

From: Steve Sergeant
To: Microsoft ATR
Date: 1/28/02 1:55am
Subject: Microsoft Settlement

Comments regarding Proposed Final Judgement

United States v. Microsoft Corporation

Civil Action No. 98–1232

I am writing to express my disapproval with the Proposed Final Judgement as it currently stands. I fully agree with the comments filed by Ralph Nader on this matter <http://www.cptech.org/at/ms/rnjl2kollarkotellynov501.html>. In Judge Jackson's findings of fact, he identifies the key to Microsoft's ability to maintain their monopoly power: The withholding of the technical details necessary for potential competitors to develop interoperable products.

The Proposed Final Judgment specifically denies access by non-commercial software developers to full documentation of Microsoft interfaces and file formats. The most likely threat at this time to Microsoft's monopoly position is from the non-commercial, volunteer collaborative efforts of ''open source'' software developers. A truly effective remedy would allow such developers to access any information necessary to build operating systems that are interoperable with Microsoft application programs, or to build application programs which interoperate with application programs or operating systems produced by Microsoft.

The final judgment must not permit Microsoft to discriminate who can purchase technical information about their products. Allowing Microsoft to discriminate only perpetuates their monopoly. This technical information must not be licensed in any way that restricts any other developer from creating a competing or interoperable product, for clearly the purpose of the remedy is to encourage competition.

This case is our best hope, as consumers of personal computer products, that competition and a free market will return to the software industry. When the average person can walk into any store that carries computers, software, or related accessories and find a wide range of options that are in no way dependent on Microsoft, then this case will have succeeded. Otherwise, I feel this case will have failed to enforce the anti-trust laws.

Steven E. Sergeant
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PCS/Cell: 408/829–7372

MTC–00027521

From: D. Mark Abrahams
To: Microsoft ATR
Date: 1/28/02 1:57am
Subject: Microsoft Settlement

The proposed settlement is a bad idea—it is not in the public interest. There are numerous problems with it.

The problem I wish to emphasize is that it does not adequately allow developers using competitive operating systems (for example, Linux) to provide mechanisms so that duly-licensed copies of Microsoft applications can be made to run on the competitive operating systems. This helps continue Microsoft's monopoly on operating systems (and, in turn applications).

Thank you for your consideration.

D. Mark Abrahams

President, Abrahams-Rizzardi Inc.

(a very small independent software consulting firm)

Berkeley, CA

ph (510)524–1294

MTC–00027522

From: GRRaisler@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:56am
Subject: Microsoft settlement

Sirs: Tomorrow the trial against Microsoft, which began months ago, will continue on. I sense the citizens of The United States and the world in general long for a resolution to put this trial behind us.

Since September 11th, we need not dig more holes to hinder our future, but let the amazing talent of all our technological companies deliver superior products.

Thank you for your time,

Gordon Raisler

MTC–00027523

From: Betty Marler
To: Microsoft ATR
Date: 1/28/02 1:57am
Subject: Microsoft Settlement

I believe in Microsoft and want to support them but I am not sure how to do that. I am so tired of reading about the lawsuits against them and the judges who seem to be trying to destroy the company with their decisions.

You would think that our government would be doing everything they could to support a company like Microsoft! It has had such a positive impact on our economy. Instead of being proud that our country has a company that is a leader in technology, it seems the government is trying to destroy Microsoft. Do whatever you have to do to support them so they can spend their time, energy and money to innovate instead of defending their success.

MTC–00027524

From: Mickey Aberman
To: Microsoft ATR
Date: 1/28/02 1:59am
Subject: Microsoft Settlement

Public Comment:

I have no dog in the Microsoft fight. Nevertheless, I have been following the case since the trial started. Microsoft was proven to have committed massive antitrust violations. During the trial it was caught falsifying a demonstration, and its executives were caught lying many times. The court of appeals en banc upheld the findings of serious violations and monopolizing on a scale that is huge. This was apparently the full court of appeals, comprised to a large extent of conservative judges).

How can Microsoft have any hope of avoiding massive punishment?

A defendant one-tenth the size, whose violation had one-tenth the scope, would be trying to keep its executives out of jail.

The Microsoft settlement is surreal (and unfairly favorable to the Defendant). It looks like political connections or intimidation have prevailed over justice.

Microsoft really needs to be broken up into three parts.

John M. Aberman
2145 Radcliffe Avenue
Charlotte, NC 28207
(704) 372–5646

MTC–00027525

From: Mark Johnson MD
To: Microsoft ATR
Date: 1/28/02 1:58am
Subject: Microsoft Penalty is Grossly Inadequate; I too have been greatly harmed!

To whom it may concern:

I feel compelled by duty to communicate my dismay and disappointment regarding the current terms of the Microsoft settlement.

Frankly, the Justice Department sold out.

After essentially a decade of similar allegations and toothless consent decrees, Microsoft has finally been conclusively proven in our nation's courts to have illegally used its monopoly power to dominate new markets. There is no question that a majority of consumers have experienced harm by Microsoft's business practices, even if most remain unaware of this harm.

Microsoft has been very successful in serially establishing its own software offerings as industry standards, which admittedly has some consumer merit. However, all along the way, better offerings from other innovative and worthy companies were destroyed or rendered utterly irrelevant in Microsoft's trademark fashion. Microsoft's office suite and web browser were ''good enough'', but would not have competed successfully with products from other companies (ie WordPerfect, Informix, and Netscape) had they not been so closely tied

to contractual distribution obligations with the Windows operating system. In large measure, Microsoft has removed consumer choice and often reduced discerning consumers to nothing but followers. Those who venture away from Microsoft solutions know that they run the risk of obsolescence or irrelevance. This is a very stifling revelation. We should expect to base our software purchase decisions on quality, reputation, and value. We should not be dissuaded from purchasing from a given vendor simply because they conflict with Microsoft's latest growth strategy. Look at WordPerfect, Netscape, and Apple as prominent examples of reputable companies whose loyal customers, in many cases, have been severely harmed or detracted by the anticipated consequences of Microsoft's business practices.

Too many worthy companies with innovative, quality products have been reduced to irrelevance for anyone to be justified in laying the blame on them or their management. If they are in a market that Microsoft wants, they will never win. Period. Look at Netscape's travails for a prime example.

Finally, I have one profound example of personal harm. Long before the Palm Pilot, or Microsoft's Windows CE machines were available, I embarked on software development for Apple's Newton handheld. Several years later, just as my small company was about to release our first major solicited product, Apple showed signs that it was going to discontinue the Newton platform. Even more interesting was the fact that a business interest liked our product so much that they considered purchasing the entire Newton division from Apple, just to keep our product viable. We met with several key people at Apple under non-disclosure and, prior to terminating our discussions, were warned that we would feel intense pressure from Microsoft. We would be in their ''cross-hairs'' even as Netscape was at the time, and as Palm would be in the near-future. We were advised that, consequently, this would become a non-sustainable business. Three days later, Apple announced to the world that it was indeed discontinuing the Newton, which business decision likely cost me well over $1 million. And general consumers of the Newton were left with expensive machines, but no future. In summary, Microsoft's business tactics have greatly harmed me and have certainly harmed most consumers in general.

Please, remedy the Microsoft problem in such a way that this whole court proceeding is not similarly reduced to irrelevancy (or worse, implied endorsement.) Sadly, I fear that the terribly important points of this case were somehow lost in the change of administration and the general economic downturn of Sept. 11. Microsoft's punishment strategy was clearly to put forth delays in settlement until a sympathetic administration (or judge or settlement offer, or set of world events, etc) would surface, and this is exactly what seems to have happened. Nevertheless, a tempered (ie really punished), Microsoft would become a better corporate citizen. Healthy competition based on merit, not coercion, must be restored, in order to ultimately benefit all consumers.

Most sincerely,
Mark R. Johnson, MD
(801) 944–4950
1899 East Siesta Drive
Sandy, UT 84093
mjohnsonsprint30@earthlink.net

MTC–00027526

From: Zardus@nbwrpg.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:51am
Subject: Microsoft Settlement

Hello. I am writing to join the many people to comment on the Microsoft settlement. I don't think that Microsoft is being punished enough for the following reasons:

1. Microsoft uses its dominance in the market to elbow out competition. This one is obvious, and the settlement doesn't do much to help this. It might require that MS release their API, but it only requires it to release the specs after they've implemented them. That could take other companies months to keep up, letting Microsoft still dominate the market.

2. Microsoft spreads FUD (fear, uncertainty, doubt) about Linux, MacOS, and other competitors. Most of this FUD are lies, made simply to keep people from using a superior product.

3. Microsoft is very obviously anti-competitive. Little shows that more than their recent lawsuit against Lindows.com. Their claim, that Lindows will be confused with Windows XP, is very ridiculous if you look at the logos and the names. The lawsuit is more likely an attempt to get Lindows.com out of the market before they can threaten MS's power and further Linux in the real world.

For those reasons, I think that Microsoft's punishment should be more severe. Please consider this in your decision.

Yan Shoshitaishvili
Tucson, AZ

MTC–00027527

From: Blake Couch
To: Microsoft ATR
Date: 1/27/02 9:55pm
Subject: Microsoft Settlement

The proposed settlement is, in a word, a joke. Where are the financial penalties that might actually make Microsoft sit up and take notice? Where is the divestiture that might actually remedy the damage that they have caused? This citizen says ''thumbs down'' to a settlement that does virtually nothing to punish the greatest corporate felon of the last fifty years.

Sincerely,
Nicholas Couch
Englewood, Colorado

MTC–00027528

From: olivier@tesla.intra.calle.org@inetgw
To: Microsoft ATR
Date: 1/28/02 2:04am
Subject: Microsoft Settlement

I wish to express my opposition to the Proposed Final Judgment with Microsoft.

I do not believe the proposed remedies will do anything to curb the behaviors of Microsoft which were found to be in violation of antitrust laws when the company was found guilty.

For example, the proposal includes many opportunities or loopholes for Microsoft to exclude itself from API disclosure requirements. It can simply claim that there are security reasons for not documenting an API. It can itself define who is a true competitor. Why does this Proposed Final Judgment allow Microsoft such leeway in deciding itself whether it con be excluded from a requirement of the Proposed Final Judgment?

Allowing Microsoft to claim security as a reason to not disclose an API is ridiculous. Unix and Unix-like operating systems describe all their APIs clearly, some even give you all their source code (Linux, FreeBSD, OpenBSD, etc.) and do not consider this a security problem at all.

Security through obscurity, as it is called, is most definitely not better than security through open discussion, availability ond peer review, and in my opinion (and that of many security experts) is worse. I believe that this particular exception to disclosure should never have made it into the Proposed Final Judgment.

My opinion that the Proposed Final Judgment lacks any true corrective power goes beyond the comment above, but applies to it as a whole. I believe that this Proposed Final Judgment heavily favors the guilty in these proceedings and fails to adequately represent the United States of America. We the people, represented by the Department of Justice, received a verdict of guilty against Microsoft, yet it now seems that we are backing down in the sentencing phase. The fact alone that the guilty party in this matter likes this Proposed Final Judgment makes it suspect beyond specific problems with it.

In summary, I believe the Proposed Final Judgment is not in the public interest. It does not seriously, nor effectively address the illegal behavior of the convicted monopolist, Microsoft.

Respectfully submitted,
Olivier Calle
Senior Software Engineer, Citizen of the United States of America
PO Box 752
Marysville WA 98270–0752

MTC–00027529

From: Pedro Celis (wrnha)
To: Microsoft ATR
Date: 1/28/02 2:06am
Subject: Microsoft Settlement.

Republican National Hispanic Assembly of Washington State

Dear Sirs,

As Chairman of the Republican National Hispanic Assembly of Washington State we offer our endorsement of the agreement reached by Microsoft, the U.S. Department of Justice and nine states. The settlement should be accepted not only for its specifics, but also for the principles that it represents. Whenever conflicts arise, our government should strive to find common ground and reach compromises with business. Negotiation and settlement is a better model for government-business relations than litigation. It is unfortunate that the dispute between Microsoft and the government has already resulted in such a long and costly trial.

Better still, government should seek to minimize its interference with the competitive market place; it should work as an ally with, not an adversary to, business.

Litigation is never good for business or industry. Because virtually all businesses rely on technology, the Microsoft case affects us all. As the case proceeded, it appeared that government, not the competitive marketplace, might establish the direction of technology. Such an event would have proved disastrous for the technology industry, for the greater business community, and for the economy. We are happy to see that a comprise and agreement has been reached between these parties and we encourage you to accept this settlement.

This settlement would be fair and reasonable at any time, even if our economy was growing at a rapid pace. However that is not currently the case, and for that reason it is all the more important that the settlement be finalized and the American technology industry starts to benefit from a public policy that minimizes costly regulation, ensures competition, and promotes fair trade and intellectual property enforcement in international markets.

Sincerely Yours,
Pedro Celis, Ph. D.
Republican National Hispanic Assembly
Washington State Chairman

MTC–00027530

From: tom@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/28/02 2:09am
Subject: Microsoft Settlement

I would like to comment on the ''Proposed Final Judgment'' (PFJ) to resolve the USDOJ's antitrust case against Microsoft. First, it seems to me very likely that if this PFJ is approved, Microsoft's leadership will proclaim themselves to have been vindicated (despite conviction, which was upheld on appeal), and that they will proceed to ridicule and demean this judgment much like they did the previous consent decree, the abrogation of which led directly to this antitrust case. The reason behind my assertion is that the PFJ neither punishes Microsoft for any of their illegal acts, nor remedies the effects of those acts, nor offers any substantial protection against the likelihood of Microsoft committing similar illegal acts in the future. The PFJ leaves Microsoft's monopoly intact, leaves Microsoft with an extraordinary amount of cash that they have obtained from their monopoly, and allows them to continue leveraging their monopoly to compete unfairly with other businesses.

It seem obvious that the only way to protect other businesses from unfair competition based on Microsoft's monopoly is to isolate the monopoly products and their profits from Microsoft's other business concerns. A crude way to do this would be to split Microsoft into two pieces: a monopoly platform software business, and an independent non-monopoly business. This is what the DOJ originally proposed and Judge Jackson ordered, so it is surprising that such a remedy is no longer under consideration. I wonder why that is?

There also exists an alternative approach to this problem that is simpler, may be more effective, and almost certainly would be much more beneficial to all sectors of the public: release Microsoft's monopoly platform software products under a strong open source license such as the GNU GPL.

This would satisfy Microsoft's OEMs by allowing them full access to the source code and giving them the right to modify and reproduce the software freely; it would also ensure Microsoft full access to any further developments made to the code base; but the critical effect would be to eliminate Windows as a monopoly, therefore eliminating all prospect of Microsoft abusing that monopoly. (Microsoft would also have to give up the Windows trademark, which should be assigned to a standard group, such as has already been done with the Unix trademark.) While this may seem a bit unconventional, the basic fact is that open sourcing Windows would put it on the same footing (except for its vast advantage in legacy applications and hardware support) as its only remaining competition (Linux and BSD Unix). We also know from experience with open source software that it can continue to be developed and even become significantly more robust even without business sponsors.

I don't see how anything less than such a solution begins to solve the monopoly leverage problem. However, if you must limit yourself to a ''behavioral'' solution, the PFJ needs to be strengthened in several ways:

1) You should require that Microsoft publish and strictly adhere to a price list for all Windows-related operating system platform software, and all applications software that runs on Windows platforms. The PFJ limits this to the ''top 20'' OEMs, but the broader requirement would simpler and clearer to implement and monitor, and would be less tempting to Microsoft to abuse.

It is important here to include applications software in order to limit (at least make public) any suspicion of Microsoft using their platform software monopoly to subsidize their applications software busienss. Moreover, there should be no exclusions for ''market development'' consideration, since any such exclusion would allow Microsoft to cut inequitable deals, and because with a monopoly already in hand there's no need for market development.

2) The prohibitions against Microsoft retaliation have too many exceptions. Is there really any reason to permit Microsoft to retaliate against an OEM other than non-payment or impropriety in accounting?

3) All Microsoft interface specifications and documentation that are made available to OEMs, IHVs, ISVs, etc., should be made available to all parties on equal terms. In particular, there should be no discrimination against noncorporate developers or users (especially open source software developers). There should be no restrictions in Microsoft licenses or contracts against reverse engineering.

4) There should be a requirement that formats for all data that is stored to disk by Microsoft platform software and/or operating systems be documented and freely licensed; this is intended to eliminate one significant method that can be used to lock current customers in and unfairly perpetuate Microsoft's monopoly position (although it would be a good rule to apply to software companies, as it protects users'' investments in their data).

5) There should be some form of oversight to prevent Microsoft from using lawsuits to hobble potential competition, including open source software developers.

6) There should be severe restrictions against Microsoft buying other companies. In general, it would be much more appropriate for Microsoft to pay its monopoly profits out to shareholders as dividends which would be reinvested diversely than to allow Microsoft to extend its monopoly through acquisition.

7) The ''security'' loophole needs to be carefully monitored to prevent abuse.

It's not clear what the enforcement mechanism in the PFJ is. There needs to be a method to prevent Microsoft from acting in violation of the agreement, rather than depending on decade-long post facto litigation.

The Technical Committee proposal needs to be expanded to include some degree of oversight and review from more sectors of the public. The PFJ seems to be preoccupied with concerns of OEMs, but there are many other recognizable groups which have distinct concerns, including the open source community and several classes of end-users.

An important thing to note in these nine points is that not only do they fall short of a structural or open source remedy, they are actually much milder than traditional monopoly regulation, which often requires regulatory approval of prices and contract terms and strictly prohibits non-monopoly business activities. (E.g., AT&T before their breakup.)

Another thing to note is that while Microsoft has effectively destroyed any possibility of another commercial software company challenging them in the areas which they monopolize, it is still possible that Microsoft's behavior can be mitigated by market factors due to open source software. Open source already operates at a considerable disadvantage vs. Microsoft (look at Microsoft's balance sheet), so we need to be very careful that nothing we do here further disadvantages the open source alternative.

I've also read the dissenting States'' counterproposal, which is much clearer and preferable regarding OEM contracts and retaliation, but contains several proposed remedies that are, I think, counter-productive. These include:

1) Open sourcing Internet Explorer: While this has some poetic justice, IE (assuming it is extractable from Windows, which Microsoft contends it is not) has no value as open source itself, especially without a strong commitment (which can hardly be mandated) from Microsoft to the open source process.

2) Requiring Microsoft to distribute Java: This strikes me as inappropriate direction to Microsoft (it is one thing to tell Microsoft not to do something, but forcing them to do something they do not want to do is not likely to be a happy solution for anyone); it also strikes me as inappropriate to mandate Java as a standard, especially given that it is controlled by a private company.

For whatever it's worth, I am a software engineer and writer. I've used Microsoft

products extensively for over 20 years, as well as Unix for a similar period, and have worked on software products for a similar period—both applications and system software, including operating systems and programming languages.

I feel that Microsoft did some remarkable work in their earlier years, but I've noted that their products have deteriorated and become markedly more ominous, especially since Windows 95 and the advent of IE, although one might also dateline this against the emergence of Bill Gates as the world's richest man. When I was growing up it was often said that ''power corrupts, and absolute power corrupts absolutely''—I think we've started to see the fruits of that truism in Gates and Microsoft. At the start of this antitrust case it was often opined that the case would amount at best to ''too little, too late.'' If you accept the PFJ, that opinion will be affirmed, and it will be left to some future generation to stand up to the corruption of Microsoft's power. I pray that this court can and will stand up for us now.

Thank you for the opportunity to comment.

Tom Hull

thull at kscable.com

http://www.tomhull.com/

MTC–00027531

From: Patrick Melody
To: Microsoft ATR
Date: 1/28/02 2:10am
Subject: Microsoft Settlement

To Whom It May Concern:

I am writing in regard to the Microsoft Settlement. I am troubled by the settlement as it does not appear to do anything to remedy harm caused by Microsoft's actions nor do anything to promote the public good. As background information on myself, I have a master's degree in computer science and have worked as a professional programmer since 1995. Previous to this I have used and programmed computers as a hobby since high school in the early 1980s.

The operating system is the lowest level of software on a computer, on which all other software running on the computer depends. The value of a ubiquitous operating system to the public is that it provides a unified platform on which to target applications. Program developers need learn only this one system, and large numbers of users may then enjoy the availability of numerous application programs.

Furthermore, these users can easily interoperate with each other since they all share the OS as a common infrastructure. The value of a ubiquitous operating system to it's owner is the dependence of millions of users on the owner. This dependence can be used to leverage dependence in other areas besides the OS. The Internet ''works'' and has enjoyed great success because it was built on open protocols that are independent of any particular hardware or software program. Even though you and I may use completely different hardware platforms, operating systems, and/or email programs, we can still exchange email with no difficulties. Even though our web pages may be produced with different authoring programs and we may use different web browsers, we can still read each others web pages. This is due to the open protocols and data formats used on the internet. In the age of the disconnected desktop computer, the operating system was the common substrate. In the age of connected systems a new common substrate as appeared: communications protocols and file/data formats. The benefit of the public to these open protocols and formats is clear: the ability to have software written by anyone interoperate seamlessly and effectively with software written by anyone else.

First, any networking protocols used by Microsoft must be fully published and approved by an independent network protocol body before any Microsoft software using them is deployed. This especially applies to the .NET and associated Hailstorm and Passport technologies, which Microsoft is clearly positioning to be tomorrow's ubiquitous software infrastructure. The purpose of this is to ensure the ability of anyone's software to interoperate with Microsoft software and prevent Microsoft from using their OS monopoly to gain a monopoly over internet usage.

Second, any file formats used by Microsoft must be fully published so that these files may be read and written by independent developers, again to ensure interoperability with Microsoft's software.

Finally, there must be effective provisions for the settlement to be enforced since a settlement that can be ignored without severe repercussions is no settlement at all.

Microsoft has repeatedly indicated it feels it has done nothing wrong and that this entire case is an unjustified imposition on it, even going so far as to fake video evidence in front of a federal judge. Such a defendant cannot be trusted on its own recognizance. The current settlement has no teeth.

Microsoft will undoubtedly cry that these measures are unfair. However, the rules of business are different for monopolists than for non-monopolists, and there must be a penalty for monopolists found guilty of illegally maintaining a monopoly as Microsoft has done. As such, these measures are not unfair and would greatly serve the public interest by allowing nonmonopolist software to interact on even ground with the monopolist's software, allowing more competition and more options to the public in choosing their products and services.

Sincerely,

Patrick J. Melody

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pjmelody@concentric.net

pjmelody@acm.org

MTC–00027532

From: B. Kosnik
To: Microsoft ATR
Date: 1/28/02 2:11am
Subject: against settlement as currently proposed

I am sending this as a concerned US citizen who works in the information technologies field. I am saddened that this promising lawsuit might end up doing so little.

The settlement will still allow Microsoft to extend and keep private all of its office application API, as well as office application file formats and intra-application communication protocols. Allowing this, in my opinion, is giving Microsoft consent to continue on as a monopolist in the desktop OS and desktop application space.

It is imperative that all Microsoft file formats be released publicaly, along with Microsoft-supplied validation suites to ensure format fidelity. These formats should be freely licensed to all, allowing even software that is not sold (ie free software) to make use of these formats for data interchange.

Note that this allows all kinds of information tools, free and non-free, but explicitly demands a level and competitive playing field.

Thanks,

Benjamin Kosnik

CC:bkoz@redhat.com@inetgw

MTC–00027533

From: Rob Pegoraro
To: Microsoft ATR
Date: 1/28/02 2:17am
Subject: Microsoft settlement

I oppose the proposed settlement for the reasons set out in the article below, which I wrote for the Washington Post in early November. Although I wrote it on my employer's time and money, it does not necessarily represent the Post's views on this matter. I can, however, attest that it accords with the opinions of a great many readers, if my own e-mail is any evidence.

Sincerely,

Rob Pegoraro

By Rob Pegoraro

Friday, November 9, 2001; Page E01

What are we going to do about Microsoft?

The government has been fretting over this question for the past decade. So far, it has compiled an impressive record of the things Microsoft has done wrong in the past.

Unfortunately, it always seems to find out about these abuses after the damage has been done. And it has yet to effectively address what Microsoft might do in the future.

The proposed settlement between the Department of Justice and Microsoft announced last week continues this embarrassing tradition. It's not just that this slim document fails to mandate any punishment for breaking the law (the next time I get a speeding ticket, can I negotiate this kind of arrangement, too?), or that its numerous ''nothing in this section shall prohibit'' clauses appear to vacate most of its provisions. The real problem is that it focuses so much on the individual PC desktop, when Microsoft is moving on to other battles.

This settlement spends much of its time trying to carve out space for PC manufacturers to add non-Microsoft ''middleware'' to run a broader set of applications. This would have been a laudable goal half a decade ago, when PC vendors aggressively experimented with their own front ends for Windows.

As the court case thoroughly documented, Microsoft didn't like this creativity one bit and quickly quashed the manufacturers'' dissent. In response, the proposed settlement's first prescription begins with the phrase ''Microsoft shall not retaliate'' and goes on to stipulate how Microsoft must treat all its licensees equally and fairly. The hope is that this government-mandated liberty will

encourage PC builders to offer choices outside the Microsoft way.

''I think it's going to help,'' said Daniel Morales, a vice president with MandrakeSoft, a Linux distributor in Pasadena, Calif. But he warned: ''There's a lot of details that are very slanted towards Microsoft.''

None of the manufacturers I contacted wanted to speak, on or off the record, about any of their plans once the settlement goes into effect. Most didn't want to comment about the settlement at all. It's remarkable how many different reasons these companies offered for not talking about the biggest issue in the industry in a decade.

But neither the manufacturers'' sudden case of laryngitis nor any subsequent failure to offer new choices to consumers should surprise anybody. In the bruised, battered PC business, there's nothing to be gained by alienating your biggest supplier. The agreement can't repeal this law of human relations.

''In the real world, there are ways to express displeasure without violating that agreement,'' said Dan Kusnetzky, vice president for systems software research at IDC, a leading industry analysis firm. And Microsoft often doesn't appear to understand that the phrase ''abuse of monopoly power'' isn't a compliment. It continues to push its Passport user-ID system on customers in the hope of turning this scheme into an Internet-age Social Security number—I've had to enter my Passport login just to download a software update. Windows XP relentlessly promotes Microsoft's own software, services, formats and marketing partners. Just weeks ago, the company locked non-Microsoft browsers out of its MSN.com site.

The proposed agreement's more promising terms apply not to computer manufacturers but to independent software developers. The deal would require Microsoft to document all its applications programming interfaces, or APIs—the ways programs work with Windows itself— as well as some of its networking protocols.

That's a fine start. But the agreement fails to tackle Microsoft's other big leverage point—its proprietary file formats. ''The reason I can't walk into an organization and say ''I'm going to use my Linux box'' is that people will send me Word documents that I can't read,'' said Jeremy Allison, co-author of the Samba cross-platform networking program.

The Microsoft Office formats are the classic case of this lock-in. Developers of competing word processors and spreadsheets have little choice but to make sure their products can read and write these proprietary formats.

''We don't get any help from Microsoft,'' said Iyer Venkatesan, Sun Microsystems'' product manager for the StarOffice productivity suite. Some documentation is available, but it's ''incomplete and full of errors and inconsistencies,'' e-mailed Shaheed Haque, a developer of the KOffice suite for Linux.

Sun would like to see Microsoft's formats turned into open, published standards. Allison would like to see the same thing done for all of Microsoft's communications protocols, beyond the settlement's limited requirements. With open access to the Windows APIs as well, said Kusnetzky of IDC, ''it would make it much easier to create an collaborative environment.''

There's a model for this sort of requirement—telephone and electric utilities, which developed into monopolies and now are required to open their facilities to competitors.

But the Microsoft agreement doesn't follow this particular logic. It still could—should—be amended. But what if it isn't?

Microsoft is an odd company to contemplate. It employs a lot of smart people and can produce software of amazing quality. But it also has repeatedly broken the law and shows few signs of having learned its lesson.

If you don't want Microsoft's way to be the only way, there are things to consider.

Does the need to work with the same files as your Windows-using colleagues mean you need to use Microsoft applications, too? Does it even require you to run Windows itself? Are there better choices in Internet access than Microsoft's MSN? Even if Microsoft prods you into signing up for a Passport account, do you actually need to use it?

In other words: What are you going to do about Microsoft?

Living with technology, or trying to? E-mail Rob Pegoraro at rob@twp.com.

Rob Pegoraro
703/812–4862
2400 Clarendon Blvd., #214
rob@pegoraro.net
Arlington, VA 22201

MTC–00027534

From: Kyrieeleeson@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 2:18am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Vince Bradley
5329 Summerlin Road
Fort Myers, FL 33919

MTC–00027535

From: David O'Brien
To: Microsoft ATR
Date: 1/28/02 2:23am
Subject: Microsoft Settlement

The proposed settlement as it stands will not curtail Microsoft's actions in the computer industry. It does not go far enough to restrict Microsoft to legal and fair play. One can easily see parts of it are vague and Microsoft will be able to drive an 18-wheeler thru the loop polls in it.

Microsoft did not take the 1995 DOJ agreement seriously, nor will it take this current agreement seriously.

Please do not accept and approve the proposed settlement as it currently stands. Please send it back to the drawing board.

David (obrien@NUXI.com)

MTC–00027536

From: Ramon G. Pantin
To: Microsoft ATR
Date: 1/28/02 4:54am
Subject: type Microsoft Settlement

Dear Department of Justice representative,

Attached is an HTML document with my comments about the settlement proposed. I have included my background and contact information in that document. Please feel free to contact me at:

rgp@scalio.com
or at home at:
425–889–1043
if you have trouble with the attached documents.

Sincerily,
Ramon G. Pantin
CC:rgp@veritas.com@inetgw,Argenis Tovar

MTC–00027537

From: Ed Dunphy
To: Microsoft ATR
Date: 1/28/02 2:20am
Subject: Microsoft Settlement

CC: ed@instantsoft.com@inetgw
Ed Dunphy
President and CEO
InstantSoft Inc.
476 East Campbell Ave,
Campbell CA 95008
(408) 871–3092
ed@instantsoft.com
Suite 200

To: US DOJ
Subject: Microsoft Settlement
Date: Jan. 27, 2002

Your Honor,

I run a small independent software company (ISV) located in Campbell California which is next to San Jose. We have about 10 people and we work with programmers from all over the world. We have chosen to be in the software industry and therefore I would like to exercise my right to provide to you my opinions as a technical professional executive. Please let me first tell you a little bit about my background.

I was born in Washington DC in 1950. My father was a Colonel in the US Army and was in the Judge Advocate Core. He also practised in the U.S. Supreme Court and my mother worked for the Dept of Commerce. My mother's father was the Governor of Montana and another great relative was territorial Governor of Hawaii appointed by Roselvelt and bumped out of office when marshal law was enacted during the attack on Pearl Harbor.

In 1973 I received a Masters Degree in Computer Science Mathematics and Statistics from the University of New Mexico where I was raised. My professors were mostly from

Sandia and Livermore Labs. Immediately after college I worked at the Air Force Weapons Laboratory with all appropriate clearances. It was 1972–3 when Microsoft started in Albuquerque working on schemes to bundle their basic interpreter with memory upgrades to the Altair (first PC).

My career took me to Massachusetts and Connecticut and back working for in computer graphics software for mechanical engineering for 15 years as a vendor, then a consumer in Combusion Engineering MIS group (which was then a Fortune 42 company) and Prime Computer Inc. a company which introduced the first LAN-intrinsic operating system and multiproccessor based 32-bit computers.

In 1986 I moved to Europe to work as a Vice President at International Computers Limited and returned to the US in 1987 to work for Sun Microsystems Inc.

Four years ago I left Sun to found InstantSoft. Inc. I use Microsoft products every day and have for decades. I use Netscape products every day and have since they started. I have read dozens of books, talked to dozens of people and written reports and books about the software industry. I am a published author as well as an software industry expert.

I followed every minute of testimony and even downloaded Judge Jackson's opinion in the US DOJ vs. Microsoft Antitrust case. I read hundreds of the thousands of depositions that were posted online thanks to the T-1 I have to use.

It is with this near total immersion of personal and professional interests that I feel compelled to write to express my objection to the settlement proposed by the Bush Administration's US DOJ. I will set out in this letter why I believe the proposed settlement is not in the publics best interest.

I would like to share with you my strong concerns and reservations to the proposed settlement for three reasons.

1. Microsoft's competitive position as a monopolist discourages real innovation in the software industry.

The proposed settlement does not create a serious oversight function to monitor Microsoft. A vendor of this size, in an industry this dynamic; is extremely complex both technologically and structurally. There ought to be a department of the government involved in intellectual property the same way we have the Dept of Agriculture. The proposed settlement is so weak as to be disengenuous.

Microsoft can afford to match 1000 people for every one the US DOJ might have involved in oversight and still get an ROI out of it. Why not make Microsoft foot the bill out of penalties to fund 1000 people required to really be able to track this complex company in this highly complex industry? Microsoft's success is so huge and they have created such a mess that the US DOJ should make them fund the governments oversite rather than it being funded by the tax payers of the US.

No expense should be spared to enforce our antitrust laws. This should stay in remain until Microsoft market share falls below 50%. Microsoft's should no longer be allowed to conduct business that extends their monopoly.

There isn't really a single remedy or set of ''point remedies'' that will fix this. Its impossible to predict the future, but rest assured Microsoft will be a player in the future no matter what the US DOJ does. Judge Jackson's structural remedy for breakup was a logical conclusion. When Microsoft announces a new operating system, which ISVs and vendors are as ''in the know'' as Microsoft's own application software product groups? Applications will drive the operating system and due to its size and breadth, Microsoft can leverage its unfair competitive advantage to divisions within Microsoft giving them a completely unfair competitive advantage in terms of inside information and time-to-market.

No independent software company can compete with Microsoft unless Microsoft chooses to let it be. Does the proposed settlement do anything to curb or control or monitor the infamous chinese firewall that doesn't really exist?

2. Microsoft's illegal and unethical business conduct has made Bill Gates and 2 others from Microsoft among the 5 richest people in the world. The wealth and power of this company and its founders and senior management is simply staggering.

The proposed settlement is not even a tap on the wrist to Microsoft. In fact, it will only solidify the fear that Microsoft now has more power than the US Government and the Vatican combined. The only thing Microsoft understands and seeks is money and power.

The proposed settlement does nothing to put substance behind the ''you are guilty of antitrust'' message.

Shouldn't they really have to now change their attitude?

Being a monopoly is not illegal, but once found a monopoly why would the US DOJ not take commensurate and serious actions that are more proprotionate to the consequence and economic impact of their practises in the software industry. I do not see how any economist would look at the facts here and conclude that Microsoft has not profited enormously (and in my opinion largely as as a consequence of unethical and illegal business practises over decades.)

The proposed settlement seems politically motivated. If this was oil instead of software, or Bush was from the software industry, maybe it would a different story. Is it possible that Microsoft is so elite, and so smart, and so aggressive, that it blows the minds of experts in our government as to how to deal with it in the aftermath of finding it a monopoly? This reminds me of a CEO I heard about who was shown a brand new computer that was a lot smaller and more powerful than the existing computers who said ''cool, so does this mean it will take fewer people to operate since its so small?''

What indication does US DOJ have that Microsoft will really change its attitude and behaviour? How many times will they have to be found out before some sort of consequentiality cuts in? It should be three strikes and you are out, not three strikes and we'll let you walk anyway.

Should Microsoft have been allowed to fund Apple its long term rival to the tune of $150 million just to prop it up so as not to look like it killed Apple too?

I'm convinced that Microsoft and its founders are so highly integrated that to take action against Microsoft and not its founders misses the whole point of understand and curbing their excessive power. Microsoft has a legal racket. You can shut down the racket but it won't stop it. Isn't it like dealing with the mafia? Don't you have to deal with the Godfathers and the Dons? The proposed settlement does nothing to deal with the root issue. Whose behaviour needs to be changed? How is the proposed settlement going to put anybody in a position of power over the richest men in the world? This is why we have a government, to represent ALL of our interests.

A company that moves as much wealth out of the pockets of users and into its treasury has to be admired. But when the company is using an illegal recipe to stay there the US D0J can't just let it slide. we are supposed to have and enforce the laws.

3. Finally the proposed settlement raises the price of software for consumers and raises the barrier to entry for any company with new and highly innovative software.

I am forced to pay a premium for often questionable value when I purchase Microsoft software. When Microsoft entered the server software market with a vengance with Windows NT. I remember purchasing a license for $4000 so that my Microsoft SQL Server could be accessed from the internet on the NT operating system. There was no product delivered, there was no manual, there was just a license. Don't hold me to the exact price, but this struck me as very odd and basically deceptive.

Microsoft, following a best practise of IBM, simply waits it out and targets any vendor who begins to acheive a level of mass market penetration not only of the for software, but in virtually any and every type of software one can imagine. If you look at the history of acquisitions by Microsoft, it is hard to square this against the claim that they are interested in innovation. The only innovation they really care about is innovation that extends their market share and dominance. Isn't this capitalism running unchecked?

Linux is an interesting threat to Microsoft. Why? Because a) its open source, b) its basically free and d) they can't control it. Should the government not promote open source and standards-based technologies in the interests of companies competing on the basis of excellence in implementation?

Microsoft's cash machine is fueled by upgrades and new releases. Microsoft actually promotes how its old software was so buggy that users will benefit by buying the new upgrade. Does this sound like a good deal to you? Linux stands in stark contrast since it is technology that does not have business dependence built into it.

Microsoft even capitalizes off of its own mistakes. I was amazed to have a Microsoft employee at Comdex show me with pride how you can search the 35 CDs of bug fix notes—and the CDs only cost hundreds of dollars. Is this innovation or a damn clevor built-in business scheme to embed unfair competitive advantage into Microsoft every go-to-market scheme?

Does the proposed settlement provide any real incentive to Microsoft to drop prices, to

ship high quality product or to lower the lockin of customers and companies who have no choice but to use Microsoft products? A monopoly can get away with things that other vendors can't. They, not the customer, can dictate what options are available to the customer.

One of the areas I have spent a great deal of time researching involves best practise in business partnering.

Microsoft and many other leading software vendors have purchased research reports and consulting from my company over the years. This work and direct contacts with professionals in major corporations has given me tremendous insight into how large companies work with other companies to move their markets. The area of focus I have had has been Software partnership programs. Microsoft spends well over a billion a year on developer programs alone. A monopoly should not be allowed to use its resources to coopt and literally buy business allegiance from independent companies. I would therefore emphasize the any proposed remedy that does not have a proper level of investment behind it is not going to be able to recognize and monitor Microsoft's approach to business. What is required is comparable to the sophistication of a small department in an intelligence agency.

Conclusions

The proposed settlement is not in the industry's or the consumers best interest. It is not really in Microsoft's interest either because the likelihood that Microsoft will be back on the hot seat in the future is inevitable. Civil actions against Microsoft will likely be impacted adversely should the proposed settlement prevail.

While I have opinions about a fair settlement, what I really expect and hope for from the US DOJ review of the proposed settlement is that it will be rejected and sent back to the drawing board as incomplete. Among the difficiencies in the proposal you might want consider stressing the following in re-defining an appropriate and fair settlement:

1. Microsoft's business, and the personal business of its leadership, need to be systemically and deeply monitored. There should be a whole series of fixes each aimed with laser precision on specific elements of their conduct of business vis a vis their competitors, their supply chain and their business partnership agreements. What is needed are a sequence of precision hits not carpet bombing. The proposed settlement should define a far more robust process behind it that is auditable.

The audit results and conclusions should be presented to an independent advisory council composed of good people that can contribute value in the process. The record of Microsoft's involvement in standards bodies should be monitored to ensure they are participating in advancement of the industry and not just themselves. The participation of members of these standards bodies participation in such an independent advisory council might also be recommended.

2. You can't aim a remedy let alone deliver it with 2 troops on the ground. The US DOJ needs to put a small army to deal with this form of sophistication in unfair corporate practise.

The government needs to provide safe harbor for competitors of Microsoft. Microsoft should not be above the American legal system. The proposed settlement needs to demonstrate to the American public that the settlement gives the government sufficient resources to deal with Microsoft everytime they stray out of their box and that the box itself will need to be reexamined and adapted every quarter as industry dynamics change.

There should be a proposed budget to support whatever the watchdog group is that is setup. That budget has to be at least a few orders of magnitude higher that it currently is to have an credibility compared to what is at stake here.

3. Microsoft's monopoly should be viewed as putting them in the category of a monitored utility. Since everybody needs what Microsoft produces and especially since Microsoft has demonstrated its ability to kill its competitors.

Their behaviour and history demands a serious regulatory oversite. While DOJ stopped the Intuit acquisition there should be a hundred times more scrutiny applied to their actions now that they are a certified monopoly. Self-policing is a non-starter.

The proposed remedy might recognize that Microsoft has more resources than the US DOJ. The proposed settlement should recognize the unique technological stranglehold Microsoft has on the computer and software industry. Perhaps limits can be placed on just how far Microsoft should be allowed to tie the government itself up in knots while maximizing their lobbying and soft money contributions to politicians.

4. Since a structural remedy seems to drastic, surely Microsoft should be made to give back some of their ill-gotten gains. Not only should the Government fine them in an ongoing way to cover its costs of oversite and regulation, but it should go further to ensure that those responsible for future abuses will be face consequences and that means those in charge at the top. The proposed remedy should define clear consequences not just to the Microsoft corporation but to key officers who continue to engage in illegal and unethical conduct.

5. Microsoft should be made to defend every pricing action, every new product introduction, every upgrade, every acquisition, every ad campaign and so on. They have not only banked a fortune but they seem to have created a possibly unstoppable franchise. The government should realize that corrective actions will take time and that its job has only started.

It strikes me as unusual that the US DOJ would not seriously consider consulting with the appropriate ministries especially in Europe where the jury is still out on how the governments will come down on Microsoft antitrust. Would it not be better to coordinate with them on matters of intellectual property? While Robinson Patman might have no corallary in the rest of the world and while it might be imperfect, would it not be prudent to demonstrate a more coordinated response to Microsoft to get their attention?

In conclusion, it seems only reasonable to explain why I took the time to write to you. I am an American entreprenuer in the software industry. It strikes me that there is no logical explanation why the US DOJ proposed settlement is in the best interests of the general public. As a highly informed and concerned professional it is great to have the opportunity to provide you with these comments.

In the name of innovation, Bill Gates is allowed to effectively create a tax on the Microsoft installed base by creating an incompatibility or discontinuity in technology that virtually forces me to have to get upgrades and screw with my computers not because I want to but because there is no other choice. Microsoft should be monitored in terms of its compliance with industry standards so they can not go their way when the industry needs to go the way of open source and standards based computing.

When multitasking preemptive kernel source code is available for free off the web, why don't I use it? The answer is usually applications.

Microsoft refuses or can't or won't put their applications on any open source GPL or public domain operating system. The computer industry will only be healthy and grow if open market forces are allowed to function. The industry is out of balance and luckily, finally, the government recognized it. Now the government should take the lead to ensure that the richest man in the world and his friends don't stifle commerce and extract excessive profits from the general public as well as the American government because they can as a monopoly.

I believe that Microsoft is far more calculated than parts of the FBI or CIA. Don't let this monopoly dampen innovation and value creation in such a critical industry. Computing is now as pervasive as any utility. We do not want one utility vendor buying the market out and killing competitors and then setting whatever price they want. We need to restore competition which will create more innovation, reduce prices through open market competition and provide some relief from the imposition of a ongoing Microsoft tax on all of us.

Your decision regarding the proposed settlement is really about the fundamental right to no taxation without representation. As agents of the public interest, please give this matter the serious considersation it deserves despite its complexity.

Thanks for hearing me out.

MTC–00027538

From: Alexa Frazee
To: Microsoft ATR
Date: 1/28/02 2:35am
Subject: Microsoft Settlement

Dear Judge,

I am responding to the news of the Proposed Final Judgement with Microsoft. As a student at a private university, I am very concerned about my government's recent actions, allowing for such a monopoly. I have no problem with Microsoft as a company, but i do recognize the need for competition in the marketplace. The Microsoft product is all too often in need of improvement and to eliminate any and all of its competitors will only cause the industry to progress slowly and loose some of its quality.

As a consumer, I would appreciate being offered cutting edge, top quality software. I feel that my government is obligated to ensure a competitive, progressive industry. Please do what you can to preserve the ideals of the American marketplace.

Thank You, Alexa Frazee

(213) 742–0128

CC:microsoftcomments@doj.ca.gov@inetgw,dkleinkn@yahoo...

MTC–00027539

From: jremy-doj@law.uoregon.edu@inetgw
To: Microsoft ATR
Date: 1/28/02 2:36am
Subject: Microsoft Settlement

To Whom it May Concern:

Pursuant to the Tunney Act, I am writing to comment on the proposed settlement of the United States vs. Microsoft antitrust case. There are several significant failures of the proposed settlement. I will limit my comments to one specific problem.

I believe Microsoft should give $1 billion in cash to help schools, instead of software and some money. This would seem to only hurt Microsoft's competitors in the education market as it is difficult to compete with free software. A far better settlement might be for Microsoft to give their proposed $1 billion—in cash—to an independent foundation, which will provide our most needy schools with the computer technology of their choice.

Thank you for the opportunity to share my opinion about this very important decision.

Sincerely,
Jeremy Zane
Network Administrator
University of Oregon School of Law

MTC–00027540

From: Bill Hattenhauer
To: Microsoft ATR
Date: 1/28/02 2:38am
Subject: Well WELL

NO SURPRISE! MICROSOFT IS GUILTY OF MAINTAINING A MONOPOLY- BUT SUFFERS NO PENALTY!

NO JUSTICE TODAY! This company profits illegally from it's thoughtful actions, robs the world of great competitive ideas by it's business practices, and is found guilty in court and is extended NO REAL PUNITIVE ACTION> NOT SMART.

Our only hope now is that Linus Trippolli develops a new secret operating system that costs $40–50 US that runs all middleware and user programs on every system and completely disregards who the manufacturer of that software is. But in the mean time MS is busy trying to get new proprietary ''standards'' adopted by anyone stupid enough to accept the norm.

YOU GET AN F. Hope the DOJ doesn't get the chance to prosecute the terrorists or we all will be in for it. My vote is Military Tribunal after this.

MTC–00027541

From: Felmeyfamily@juno.com@inetgw
To: Microsoft ATR
Date: 1/28/02 2:34am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Kathleen Felmey
26445 SE Rugg Road
Gresham, OR 97080–8644

MTC–00027542

From: Marc Brenner
To: Microsoft ATR
Date: 1/28/02 2:43am
Subject: Fw: Microsoft Settlement revised letter with address and phone
From: Marc Brenner
To: microsoft.atr@usdoj.gov
Sent: Sunday, January 27, 2002 11:28 PM
Subject: Microsoft Settlement

I and my family feel that the proposed settlement will not benefit the public interest. Microsoft should be forced to open its applications to other platforms, so that software and hardware from other vendors will run without crashing with Microsoft products and so that other platforms can develop and integrate with Microsoft applications.

The court should hold public proceedings under the Tunney Act to give all parties the abilities to participate in settlement.

Thank you for your consideration.

Marc Brenner
835 Topper Lane
Lafayette, CA 94549 Ph: 925 283 3408

MTC–00027543

From: Randolph Mitchell
To: Microsoft ATR
Date: 1/28/02 2:45am
Subject: Antitrust Remedy

Microsoft Corporation's consistent pattern of monopoly abuse and intellectual theft is as damaging to American interests as Enron's abuse of accounting practices.

The Department of Justice must sharply curb Microsoft Corporation in order to preserve freedom of choice in the computer market, and to encourage the entrepreneurial innovation necessary to maintain America's lead in computer hardware and software.

Sincerely,
Randolph Mitchell
P.O. Box 9
Oakville, CA 94562–0009
707–944–8755
Randolph Mitchell
<mailto:ranny@napanet.net>
<http://www.homewine.com>

MTC–00027544

From: Michael A. Alderete
To: Microsoft ATR
Date: 1/28/02 2:59am
Subject: Microsoft Settlement
Antitrust Division
U.S. Dept. of Justice
601 D Street NW, Suite 1200
Washington DC, 20530–001

To Whom It May Concern:

I am writing to exercise my right under the Tunney Act to voice my strong disapproval of the current proposed settlement of the Microsoft anti-trust trial. The proposed settlement is both weak and lacking strong enforcement provisions, and is likely to have zero (or worse) effect on competition within the computer industry, with continued and increased harm to consumers in the form of fewer options in the software market and continued increases in the price of the Microsoft software consumers are forced to buy.

Microsoft was convicted of abuse of monopoly power by one Federal judge, and the judgment was largely upheld by another seven Federal justices. In evaluating any proposed settlement, keep repeating one Important Phrase over and over: ''Microsoft is guilty.''

The seven justices of the appeals court ruled that any actions taken against Microsoft (a) must restore competition to the affected market, (b) must deprive Microsoft of the ''fruits of its illegal conduct,'' and (c) must prevent Microsoft from engaging in similar tactics in the future. The proposed settlement fails on every one of these.

(A) Restore Competition

Among the many flaws in the proposed settlement is the complete disregard for the Open Source software movement, which poses the single greatest competitive threat to Microsoft's monopoly. Most organizations writing Open Source software are not-for-profit groups, many without a formal organization status at all. Section III(J)(2) contains strong language against non-for-profits, to say nothing of the even less-formal groups of people working on projects. Section III(D) also contains provisions which exclude all but commercially-oriented concerns.

To restore competition the settlement must make allowances for Open Source organizations—whether formal not-for-profit organizations or informal, loosely associated groups of developers—to gain access to the same information and privileges afforded commercial concerns.

(B) Deprivation of Ill-Gotten Gains

Nowhere in the proposed settlement is there any provision to deprive Microsoft of the gains deriving from their illegal conduct. Go back to the Important Phrase: ''Microsoft is guilty.'' In most systems of justice, we punish the guilty. But the current proposal offers nothing in the way of punishment, only changes in future behavior.

Currently Microsoft has cash holdings in excess of US$40 billion, and increases that by more than US$1 billion each month. A monetary fine large enough to have an impact on them would be a minimum of US$5 billion. Even a fine that large would be a minimal punishment. Microsoft's cash stockpile is used, frequently and repeatedly, to bludgeon competitors, buy or force their way into new markets, or simply purchase

customers, with the long-term intent to lock people and organizations into proprietary software on which they can set the price. Taking a ''mere'' US$5 billion from their stockpile will have zero effect on this practice.

For that reason, Microsoft's cash stockpile must be further reduced. In addition to the monetary fine, Microsoft should be forced to pay shareholders a cash dividend in any quarter in which they post a profit and hold cash reserves in excess of US$10 billion. The dividend should be substantial enough to lower Microsoft's cash holdings by US$1 billion, or 10%, whichever is greater.

(C) Prevention of Future Illegal Conduct

The current proposed settlement allows Microsoft to effectively choose two of the three individuals who would provide oversight of Microsoft's conduct and resolve disputes. The proposed settlement also requires the committee to work in secret, and individuals serving on the committee would be barred from making public or testifying about anything they learn.

This structure virtually guarantees that Microsoft will be ''overseen'' by a do-nothing committee with virtually zero desire or ability to either correct Microsoft abuses, or even call attention to them.

Instead of the current proposal, a five-person committee should be selected. Microsoft may appoint one person, but will have no influence over any of the other four. For the four, two should be appointed by the Federal court of jurisdiction, one should be appointed by the U.S. Department of Justice, and one should be appointed by the U.S. Senate. At least two of the appointees should have technical experience and be competent to evaluate technical proposals and arguments by themselves, without the filters which assistants would bring.

These are hardly the only thoughtful and reasonable suggestions you will no doubt receive regarding the proposed settlement of this anti-trust case. And these are hardly the only suggestions which should be adopted if the settlement is to prove effective. But all of them are essential to that aim, and adopt them you must.

Thank you for your time and the opportunity to comment.

Respectfully,
Michael A. Alderete
569 Haight Street
San Francisco, CA 94117
(415) 861–5758
alderete@haightlife.com
Latest News: <http://www.michaelandrochelle.com/about/michael/blog>
Michael A. Alderete
<mailto:alderete@haightlife.com>
voice: (415) 861–5758

MTC–00027545

From: aharoyan@ucdavis.edu@inetgw
To: Microsoft ATR
Date: 1/28/02 2:50am
Subject: Microsoft Settlement

the proposed settlement is bad idea.

MTC–00027546

From: D. Hugh Redelmeier
To: Microsoft ATR
Date: 1/28/02 2:53am
Subject: Microsoft Settlement

I will keep my comments brief. I am a software developer and consumer, not a lawyer. I will not repeat points that are well presented, for example, by the submissions of the American Antitrust Institute:

<http://www.antitrustinstitute.org/recent/163.cfm>

and Dan Kegel:

<http://www.kegel.com/remedy/>

The proposed final judgment in the US v. Microsoft case is inadequate.

Microsoft has been found to be a monopolist. It has been found to have willfully and illegally exploited its monopolies. Microsoft has delayed the day of reckoning, multiplying the damage.

The purpose of the proposed final judgment is to deny Microsoft the benefits of its unlawful behavior, to remedy the damage, and to prevent future misbehavior. I fail to see how it would substantially accomplish any of these goals.

The fact that several attempts have been made to tame Microsoft's illegal behavior suggests that any settlement must be carefully crafted to be ''leak-proof''. Speed is of the essence in response to future misbehavior—irreparable damage can happen much more quickly than litigation can be resolved.

As far as preventing future misbehavior, it seems to me that each monopoly must be eliminated or at least circumscribed to prevent its expansion. Microsoft has continually grown its monopolies and caused them to buttress one another. It has also used its monopolies to advance its other interests.

I can think of many possible settlements. Perhaps the approach most generous to Microsoft would be to break Microsoft up into independent companies that each would be allowed to hold a single monopoly, and no more. These companies would have to be constrained to deal with each other in a way that did not favor them over third parties.

It has been said that there is need for a quick settlement to protect our security. Microsoft is the source of a disproportionately large number of computer security problems. Most believe that this is partly caused by their monopoly position. So if security is to be considered in this case, it would be one more reason to deal more effectively with the monopoly issues. Security is a public interest.

D. Hugh Redelmeier, PhD.
hugh@mimosa.com

MTC–00027547

From: Elizabeth Bonney
To: Microsoft ATR
Date: 1/28/02 2:54am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice

I have endorsed Dan Kegel's letter concerning the proposed Microsoft settlement. I feel that the letter provides a good overview of the problems I see with the settlement, in particular the inadequate provisions to limit Microsoft's anticompetitive practices towards OEMs. These practices have already limited the opportunities of other software vendors, such as Be, Inc., to gain a share of the market, and allow Microsoft to avoid competition with other vendors based on the merits of their products.

Elizabeth Bonney,
Cranford, NJ

MTC–00027549

From: Keith (038) Arlene Varnau
To: Microsoft ATR
Date: 1/28/02 3:03am
Subject: Microsoft settlement
7612 140th Place NE
Redmond, WA 98052
January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

We are sending this letter to express our support of the Microsoft settlement. We have followed the lawsuit against Microsoft with much interest. It is our opinion that the government was unwarranted in its case against Microsoft in the first place. Yet, we believe that resolving this issue will help to rebuild the technology industries.

Microsoft has offered many concessions throughout the process. Microsoft agrees to the formation of a review board whose purpose would be to ensure Microsoft's compliance with the terms of the agreement. The formation of this group should reassure those that are wary of Microsoft compliance with the issue. The review board will be composed of outside members who are objective to the outcomes of the settlement.

We believe that Microsoft has been more than generous throughout this process. We hope that the Attorney General agrees with the importance of enacting the settlement.

Thank you for your time regarding this issue.

Sincerely,
Keith & Arlene Vernau

MTC–00027551

From: CigarBoy19@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 3:07am
Subject: Microsoft Settlement

Dear Sir or Madam,

I am writing in support of the settlement the justice department has reached with Microsoft. It is high time that this petty case, brought about by the jealousy of Microsoft's hapless competitors, be put behind the nation. Microsoft has consistently been one of the greatest technological innovators in the world. Particularly at this time of crisis, I believe we should put all our national resources to use for the good of the nation. Our greatest national resource is the entrepeneurship of men such as Bill Gates. I hope that this saga will finaly end with this settlement so that Microsoft can continue innovating and improve our lives with new technology.

Sincerely,
Elie Poltorak

MTC–00027552

From: Leonard F Morse
To: Microsoft ATR
Date: 1/28/02 3:08am

Subject: Microsoft Settlement

I am an IT professional (now retired) and have been in the computer field for over 30 years. I urge you to end the DOJ/Microsoft stand off as soon as possible. The terms already agreed to by most parties to the suit are fair and just. Those wanting to continue are doing so for their own ends—mostly dislike of the Microsoft success, I choose to buy and run Microsoft software because it is better, not because it is forced upon me. AOL et al are attempting to win in court what they could not win in the market place.In addition, the question appears to be moot. AOL purchased Netscape yet didnot include it in their latest version of AOL—version 7.0—choosing to bundle MS Internet Explorer instead.

The entire affair is little more than a tempest in a teapot

Leonard F Morse

MTC–00027553

From: George M. Boyd
To: Microsoft ATR
Date: 1/28/02 3:12am
Subject: Microsoft Settlement

I disagree with the proposed settlement of Microsoft v DOJ.

George M. Boyd
9635 Penfield Ave.
Chatsworth, CA 91311–5516
818–349–3974

MTC–00027554

From: Fred Strauss
To: Microsoft ATR
Date: 1/28/02 3:14am
Subject: microsoft settlement

I am a consumer and I am appalled that the justice department may be willing to end this lawsuit by helping Microsoft get richer. The biggest problem with Microsoft is that Microsoft has a monopoly on which operating system a computer comes with. I would suggest that the government force Microsoft to make all of its programs available for all other operating systems. Then it would be easy and useful for consumers to try other operating systems. This would also create some competition for Microsoft, which would help our entire economy.

MTC–00027556

From: Brad Matter
To: Microsoft ATR
Date: 1/28/02 3:19am
Subject: Microsoft Settlement

To whom it may concern—

I strongly oppose the proposed terms of settlement in the case of United States of America vs. Microsoft, and State of New York ex. rel. vs. Microsoft.

The terms of the settlement are far too weak and do far too little to prevent Microsoft from continuing in its pattern of unlawful conduct, and do nothing, so far as I can tell, to remedy the effects of its past unlawful conduct.

The terms of the settlement are written with such a degree of specificity that they effectively amount to closing the gate after the cows are out of the corral. For example, releasing APIs is discussed, but there is no mention of file formats—leaving a gaping loophole through which Microsoft can drive its monopolistic efforts.

Another gaping loophole is in section III.H.2, which mentions ''Top-Level Windows''—which are defined as being able to hold sub-windows. All Microsoft need do is create a window that can't hold a sub-window, or create some ''innovative'' new windowless technology, and section III.H.2 no longer applies.

In fact, since the settlement fails to address Microsoft's future behavior in any meaningful way, it's entirely possible that Microsoft may just have some such thing in store via its .NET initiative. Given Microsoft's past behavior, I have no doubt that future Microsoft ''innovations'' will be specifically tailored toward evading the terms of the settlement and that it will continue to illegally maintain and extend its monopoly.

The exclusion of all devices except for very narrowly defined ''personal computers'' is similarly disquieting.

Microsoft's conduct over the years has flouted both ethics and the law. It gained its monopoly in part through a scheme called ''per-processor licensing'', in which computer manufacturers paid Microsoft for every computer they sold, whether it had a Microsoft operating system or not. Microsoft thus effectively taxed the computer industry, and made money even when someone else's products was sold.

Ironically, it is harder today to buy a computer with a non-Microsoft OS than it was when Microsoft stopped the practice as part of a consent decree (part of which, if I recall, Microsoft later broke). Lately, I've been shopping for a computer for a work-related project which requires Windows XP Professional. None of the inexpensive computers in my price range come with Windows XP Professional, but all come with some flavor of Microsoft operating system. It seems absurd that I can't buy a computer without an OS and add the OS of my choice to it. In this case, Microsoft gets paid twice; once for a product which I can't use. I see nothing in the settlement which addresses this problem.

I've heard some (weak) arguments that Microsoft must be interfered with as little as possible because of its alleged importance, to the national economy, national security, or both. It seems ridiculous to me. An economy in which robust competition flourishes is more important than one in which Microsoft flourishes at the expense of the innovation and efficiency which are driven by that competition.

The enormous number of ''internet'' worms and viruses that make the news on such a regular basis are Microsoft worms, written to exploit the weaknesses in Microsoft's software. If Microsoft had to compete on the basis of security, those weaknesses wouldn't exist. Instead, Microsoft spends its money on activities to expand its market share, whether those activities are legal or not.

I do not see how these actions (and inactions) of Microsoft contribute to national security or the economy in any positive sense. Acceptance of the settlement as it currently stands will simply allow Microsoft to continue to illegally maintain and extend its monopoly by working around its weak provisions. Worse, acceptance of the settlement will effectively protect Microsoft while it does so, since the government is unlikely to take any action against Microsoft for the duration of the 5-year period or for some years afterward.

I urge that the settlement be rejected, and that any future settlement or judgement against the company not merely bar it from practices it no longer needs (Netscape's no longer a threat; after the per-processor licensing practice was banned as part of the earlier consent decree, a Microsoft executive said that it ''had achieved its purpose'' and was no longer necessary). Any future action must at a minimum truly remedy the harm caused by its past unlawful conduct, and effectively prevent it from engaging in illegal behavior in the future.

Ideally, any such judgement or settlement would include penalties stiff enough to ensure that the executives at Microsoft would get the message any such future behavior would not be tolerated. This is a company whose paid ''grass-roots'' efforts have included letters from dead people! They don't understand ethics, but they do understand power.

Brad Matter
1217 NE 70th Street
Seattle WA 98115–5628
206.527.8334

MTC–00027557

From: brett@shadowed.net@inetgw
To: Microsoft ATR
Date: 1/28/02 3:19am
Subject: Microsoft Settlement

To Whom it May Concern:

I feel the Proposed Final Judgment in the United States v. Microsoft case is fundamentally flawed and does little to ''unfetter [the] market from anticompetitive conduct'', fails to terminate Microsoft's illegal monopoly, and preserves intact countless practices which will maintain and extend the Microsoft monopoly in the future. I would also like to add my voice to sentiments expressed by Dan Kegel at http://www.kegel.com/remedy/letter.html . I strongly support the views Mr. Kegel expresses on the proposed settlement.

This proposed judgment is definitely not in the public interest.

Sincerely,
Brett Miller

MTC–00027558

From: Mark Plimley
To: Microsoft ATR
Date: 1/28/02 3:23am
Subject: Microsoft Settlement

Dear Sirs, As a software engineer and computer professional for over 25 years, I believe that I am fully qualified to comment in the public interest regarding the proposed Microsoft Anti-trust settlement. I have followed the proceedings against Microsoft throughout the trial and post-trial period. It continues to amaze me the audacity with which the Microsoft Corporation and its'' lawyers have flagrantly ignored anti-trust law.

I feel that one must judge a corporation as one would judge an individual, by its actions, not by its words and promises.

Actions, not words, reflect the true nature of a group or individual. Microsoft continues to display disrespect for the laws of our nation. The most recent example of this is their extremely narrow interpretation of the Tunney Act disclosure requirements, violating the intent of the law.

To this day, Microsoft Corporation refuses to accept responsibility for its anti-competitive actions. When an individual, or in this case an organization, refuses to correct their anti-social behavior despite repeated warnings, then society must act to prevent such behavior from re-occurring in order to protect itself.

The DOJ must not back down, for the sake of the public and the software industry. Microsoft's claims that severe repremands and restrictions would hinder competition is completely absurd. The only hope that the software industry has for any semblence of competition is to establish stringent and enforceable restrictions on any and all future anti-competitive practices by the Microsoft monopoly. The settlement that allows Microsoft to donate software and (old) computers to schools will only serve to increase their influence over the marketplace. This is exactly what Microsoft intends, and must be firmly rejected.

The only type of settlement that should be considered is one that genuinely promotes competition in the marketplace. As Microsoft has clearly shown that they cannot be trusted to act in the interest of anyone except themselves, I believe that a valid settlement can only come from those in the industry who have been harmed by Microsoft's anti-competitive behavior as a monopolist. If Microsoft want to donate computers and software to schools, it must be in the form of money without any restrictions whatsoever. The recipients of the funds must have total control over what they purchase.

With ample evidence that their word cannot be trusted, it would be irresponsible for the DOJ to consider any Miscrsoft claim of harm to the industry if real sanctions were to be imposed upon its illegal business practices. The DOJ must not back down on the demand for real and effective reform of known monopolist business practices. There is plenty of potential competition that will keep the software industry healthy, despite any short-term setback by Wall Street gamblers.

So I urge the DOJ, for the sake of the future of the software industry and the people of the United States that you represent, to insist on effective corrections to the long-standing anti-competitive practices. And I do not believe Microsoft will respond to the seriousness of their business practices with anything except harsh punishment. With $65 billion in cash reserves, any reasonable punishment will have little impact on their future. And any damage to their stock will easily recover in short order. The DOJ must maintain the long-term interests of the public ahead of any short-term harm to investors of an irresponsible corporation.

Sincerely,
Mark Plimley, President
Plimley Consulting, Inc.
1454 Goldenlake Rd.
San Jose, CA 95131
email: markp@blueneptune.com

MTC–00027559

From: Jay Dernovsek
To: Microsoft ATR
Date: 1/28/02 3:23am
Subject: Anti-Trust Remedy

I find the current remedies for the Microsoft anti-trust conviction unacceptable. Please consider the following as appropriate action for remedy: Microsoft produces an operating system as well as applications that run on its operating system. Having inside knowledge of the operating system is a tremendous advantage when writing applications. Microsoft abused this advantage by witholding key elements of the application program interfaces (API's) from competing application writers. As remedy, the operating system business should be separated from the application development business. Once split, the operating system company should furthermore be prohibited from providing information other than its published API to any other company. This will insure fair competition for all application developers.

Microsoft's discount policies have made it all but impossible to purchase a computer without their operating system. As remedy, Microsoft should be made to abolish its present multi-level discount practices, and be made to use a single tier discount schedule based solely on volume. This will allow hardware manufactures and system integrators the option of offering competing products without financial penalty.

Microsoft has used its operating system's dominance to capture the office suite, web browser, and other application markets. A separation of the operating system and application businesses will remedy this abuse. Microsoft has established itself as a major content provider (MSN) and has acquired other media holdings such as MSNBC. Microsoft also offers a variety of web services, such as Hotmail, Passport, etc. Microsoft is creating a dangerous situation whereby one entity is attempting to control both information (content) and the distribution channels used to convey information. As remedy, Microsoft should be made to divest its media holdings and Internet businesses, or to form a separate company for such activities Microsoft obfuscates the file formats used by its business applications.

These formats are constantly altered, creating a false need to upgrade and preventing competing applications from exchanging data. This abuse not only stifles competition, but also causes unnecessary reduction in productivity. Through their dominance, these file formats have become ubiquitous. Since this dominance was acquired illegally, Microsoft's file formats should no longer be permitted to remain proprietary, and should be turned over to an independent standards body. This will allow efficient data exchange, and will remedy the unfair advantage Microsoft has created for itself.

Microsoft abused its monopoly to gain control over commonly used protocols and languages by adding proprietary extentions. Their contamination of HTML and JAVA are two examples. As a remedy, Microsoft must be forced to comply with existing protocol and language standards. Furthermore, Microsoft should be prohibited from having voting rights is any standards organization as punishment for its prior abuse.

Microsoft has demonstrated a disregard for computer and network security. Countless hours of lost productivity can be attributed to the weaknesses of Microsoft products. As a remedy, Microsoft should made to secure its products without the customary upgrade charges. Microsoft should also be held criminally liable for the virus propagating nature of Microsoft Outlook. Until their security issues are resolved, Microsoft should be banned from providing products or services to financial, medical, and government institutions.

Microsoft has demonstrated a lack of respect for personal property and privacy. Their products consistently consume disk space with unwanted, unnecessary, and often unused components. Software is added without permission or control. System settings (many affecting security) are altered without notice. Their operating system is used as a billboard for unsolicited advertisement. Their products communicate without asking permission. As a remedy, Microsoft must be made to understand that computer resources, including disk space, are personal property. Uninvited occupation is trespassing. Furthermore, strong legislation needs to be passed concerning software that makes unauthorized communication, especially for the purpose of monitoring personal activity.

Microsoft has trademarked commonly used words for many of its products. Examples include Word, Office, Outlook, Explorer, Passport, Windows, etc. They bully other companies who use these common words in association with competing products, while ignoring other companies that do the same for complimentary products. Most businesses cannot afford to gain justice when faced with Microsoft's vast legal and financial resources. As remedy, Microsoft should be made to replace their common-name trademarks with names that are distinctly unique.

As further punishment for anti-trust, Microsoft should be banned from political lobbying and should not be permitted to make political contributions of any kind.

Thank you for your consideration.
Regards,
Jay Dernovsek
Madison, Alabama CC:jayd@zaeresearch.com@inetgw

MTC–00027560

From: Andrew Reitz
To: Microsoft ATR
Date: 1/28/02 3:26am
Subject: Microsoft Settlement

I believe that the proposed settlement is a bad idea, because it still allows Microsoft plenty of room to continue to operate their monopoly. Even more hurtful, however, is that the PFJ (Proposed Final Judgement) enhance the ability of other entities to compete with Microsoft at the OS level, using Open Source tools such as Linux and WINE.

Sincerely,
Andrew Reitz

Recent Graduate, University of Illinois at Urbana-Champaign
areitz@cs.uiuc.edu

MTC–00027561

From: ritat@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 3:25am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Kathleen Webb
3108 E. Sierra St
Phoenix, AZ 85028

MTC–00027563

From: Galen Seitz
To: Microsoft ATR
Date: 1/28/02 3:38am
Subject: Microsoft Settlement

Pursuant to the Tunney Act, I am writing to comment on the proposed settlement of the United States vs. Microsoft antitrust case.

The proposed settlement is little more than a slap on the wrist. This settlement will do little to deter Microsoft's anticompetitive practices.

I urge you to seek stronger remedies.

Sincerely,
Galen Seitz
Senior Engineer
Seitz & Associates
Portland, Oregon

MTC–00027564

From: lz b
To: Microsoft ATR,lizzy14371@aol.com@inetgw
Date: 1/28/02 3:38am
Subject: Microsoft Settlement

To the United States Department of Justice, I am writing to you concerning the Microsoft Settlement. I believe that the cause of Microsoft having 90 percent of the browser market share is obviously, Internet Explorer being included in the Microsoft operating system. Therefore, I think that Microsoft should pay Netscape a large enough amount of money so that Netscape will be reimbursed for the terms they suffered, including a loss of customers.

Yet, this reimbursement will not suffice Netscape to be completely prosperous unless Microsoft goes bankrupt with the loss of money. Along with the reimbursement, Microsoft should have to guarantee that further releases of operating systems will not include the Internet Explorer program.

Sincerely,
Elizabeth Burstein
An 8th grade student at the Harker School In San Jose, California

MTC–00027565

From: Jeremy Mazner
To: Microsoft ATR
Date: 1/28/02 3:42am
Subject: In support of settlement

To whom it may concern,

As a member of the software development community, and a long time computer user, I write to express my firm support for the proposed settlement expressed in the Nov 6 Revised Proposed Final Judgement.

Any software developer will tell you that their best work is done on the backs of others''. The same holds true in any industry—we make advances by building on the current generation of technology. It is natural and expected that the baseline for any technology continue to evolve. It was a revolution in the early 1990's for a consumer operating system to include native support for internet protocols like TCP/IP, and that revolution enabled an entire new generation of software to be written. No longer did an application developer have to worry about how their application should communicate with other computers—the operating system provided that bsaeline functionality, so that the developer could focus on their real value-add. Similarly, the inclusion of HTTP and HTML protocols in Windows provides a baseline for developers today, making it possible to build new categories of applications that leverage the world wide web, without having to implement these protocols from scratch every time. As a developer, I rely on a robust, evolving platform that I know will provide the same baseline services on every computer on which my application is installed.

By way of comparison, can you imagine a home electronics company like Sony building products for a world where every house might have a different type of electrical service? 110V at 60Hz here, 220V at 50Hz there, 150V at 80Hv elsewhere. To succeed in mass-marketing products, they'd need either a huge variety of power supplies and product ''SKUs'' to fit the variety of power services, or they'd need to invest research into a universal power supply that would work with them all. Either option is a waste of not only Sony's time and effort, but of every other company that would sell consumer electronics—they'd each have to reinvent the wheel to create this universal power supply, and that's money that could have been spent on developing new types of products.

As a computer user, I want the most features I can get for the lowest cost. As an advanced user, I appreciate the flexibility to add or remove components and change defaults as I see fit, but that doesn't mean I don't want a complete, modern, functioning operating system out of the box. You'd be hard pressed today to find users who don't want access to the internet, email, and instant messaging when they turn on their new computer. To suggest that such functions are not part of the core operating system is to ignore the evidence of today's marketplace, in which not just Microsoft, but Apple and RedHat include these functions to satisfy customer demand. I support the proposed remedy allowing consumers to remove default functionality, but it is non-sensical to suggest that there is no benefit to having it there in the first place.

It is equally non-sensical to suggest that a ''trimmed-down'' operating system deserves a cheaper price than one with the complete complement of functionality. Today's software market clearly establishes that ISVs are willing to pay per-unit premiums to OEMs to include their applications on new computers. If AOL is willing to pay $5 per machine to have its software installed, and Real Networks the same, then a ''full-featured'' computer with their software should cost $10 less than the trimme-down version.

A version of Windows lacking modern communications features would rightly cost more that the deluxe package.

In the interest of full disclosure, I will note that I am both a Microsoft employee and shareholder. My views, however, are my own, and do not neccesarily reflect those of my employer and its officers. MSN Photos is the easiest way to share and print your photos: Click Here

MTC–00027566

From: Justin M.
To: Microsoft ATR
Date: 1/28/02 3:51am
Subject: Microsoft Settlement

Dear Department of Justice,

It is going to take more than a slap on the wrist to stop Microsoft's anticompetitive actions and undo their consequences. I am convinced that the current proposed settlement is no more than just that. I do not see any real punishment here for Microsoft. I do not see any real opportunity for competitors to jump into the Intel-compatible operating system market, and I do not see anything that takes away the advantage Microsoft has given its products through anticompetitive means.

Described in the competitive impact statement, are parts of the Proposed Final Judgment which contain exceptions. I fear that Microsoft will find ways to use these exceptions to anticompetitive ends. For example, I feel that this proposal does not effectively curb Microsoft from using license termination as a threat to OEMs. It does not put restrictions on the kind of reasons that can be given for license termination, and it does not specify how long Microsoft must wait between license termination notices. I am sure that if I can find even one such loophole, lawyers can find many more.

I also wonder why only 20 OEM's are protected by this Proposed Final Judgment. It concerns me that a creative, smaller company can still have it's innovations thwarted by Microsoft's anticompetitive practices. More over, if this case is settled with a non-punitive arrangement, it will set a precedent that will allow Microsoft and other monopolistic bullies to get away with anticompetitive behavior DESPITE CONVICTION.

This would make the Sherman Act and other antitrust laws ineffective, and would be a disservice to the American people.

Let's prove that the American justice system cannot be swayed by even the most powerful and richest individuals and corporations. This is what the Sherman Act and antitrust laws were written for.

Signed,

Jennifer Baer and Justin Montejano

MTC–00027567

From: Rob Terrell
To: Microsoft ATR
Date: 1/28/02 3:52am
Subject: Microsoft Settlement

I have been a professional in the computer business for over 20 years. I'm not some anti-Microsoft zealot; I use Microsoft software on a daily basis, as I have for years. However, Microsoft's market power makes it very nearly impossible for smaller companies, companies where true innovation arises, to compete in a meaningful way. The proposed settlement does nothing to protect our smaller companies against Microsoft's monopoly.

Technology is a malleable, shapeshifting thing. Any behavioral remedies that apply to technology can be easily coded around, the same way Microsoft was able to code around physical hardware limitations, such as the 640k limit. I feel that a structural remedy is the only thing that can level the playing field.

Thanks for listening,

Rob Terrell

MTC–00027568

From: johnm@manuka.terrigal.net.au@inetgw
To: Microsoft ATR
Date: 1/28/02 3:56am
Subject: [Fwd: Microsoft Settlement]

Respected Members of the U.S Justice Department.

For some time I have watched the Antitrust case of several U.S states vs Microsoft with hope, trepidation and sometimes dismay. As a technologist for over a decade I have observed the tactics Microsoft has employed to maintain it's dominant market position often at the expense of business.

It seems to me that these enteprises have to pay a ''Microsoft Tax'' and in return, innovation and competition is stiffled. This is surely a development America and her corporate citizens can ill afford to allow continue. I beleive that the point has been reached where Microsoft has become a burden to the information economy, and an appropriate settlement must be reached. I believe a break up of the company would serve little or no purpose as the real issue is Microsoft's behaviour and strategies focused on leveraging market share through control of innovations by restricting vendor freedom. A settlement that benefits the I.T industry by re-introducing competition, will create a stimulus in the economy as a result of freedom of choice. I reason that such a settlement will also benefit Microsoft by creating change within the corporation.

These practises must stop for the information economy to evolve and such mechanisms for acheiving this may include:

1. Publish Interfaces and standards.

An end the Microsoft (MS) practice of ''embracing and extending'' method of aquiring ownership of publicly owned protocols. This could be acheived by requiring MS to publish the extensions to file formats, software interfaces and communications formats on implementation of a software component. It is this behavoir that threatens to uproot the Open Systems Interconnect model that is the foundation for the information economy.

2. Defensive only Legal and contractual restrictions Prevent MS from using aggressive patents, lawsuits and non-disclosure agreements to restrict innovation. These tactics used against vendors and particularly volunteer computer programers and computer scientists destroy enterprise and opportunity within the information industry.

As an Australian citizen I respectfully ask you consider my contribution as a friend of the American people. Your decisions will have internationl ramifications and I would hope these suggestions provide you with some useful insight.

John Mifsud
Terrigal Australia
Email: johnmifs@au1.ibm.com

MTC–00027569

From: Zachary Weinberg
To: Microsoft ATR
Date: 1/28/02 3:57am
Subject: Microsoft Settlement

Dear sir,

I write to express my concerns with the proposed settlement. I do not believe that the Proposed Final Judgement as it stands will have any significant effect on Microsoft's anti-competitive practices. I'd like to endorse Dan Kegel's open letter and analysis of the PFJ, which you may find at http://www.kegel.com/remedy/letter.html and http://www.kegel.com/remedy/remedy2.html respectively.

Thank you,
Zachary Weinberg
Software Consultant, CodeSourcery LLC
Berkeley, CA

MTC–00027570

From: Shane
To: Microsoft ATR
Date: 1/28/02 3:58am
Subject: Microsoft Settlement

Hello,

I would like to make a comment regarding the Microsoft Anti-Trust case.

For years I have been working with computers, at home and at work. I see the importance of computers, the trends in technology and understand the role of consumers in it all. Without a doubt, I believe that Microsoft has helped hundreds of millions of people throughout the world. The amount of good they have produced is un-measurable. I have watched and read about the Anti-Trust cases and see that every accusation is a lie. They don't hurt consumers, consumers are not complaining, corporations who aren't good enough to prevail in the market place are complaining. It's obvious that their attacks on Microsoft have hidden agendas other than their goal of helping consumers since it's ridiculous to say that Microsoft has hurt them. Every legal trick is being used against them; millions are being wasted on court costs. All because Netscape Navigator isn't better than Internet Explorer, all because Microsoft gave it away for free and tries to offer consumers everything they need to run a computer in one package. If Microsoft loses this case, this will be one of the most underestimated atrocities of the century. The attack of the good for being good. The denial of property rights. The lose of freedom. All and much more that cannot and should not happen. Justice eventually always prevails,

I hope it happens soon.

SHANE E STAATS
<mailto:shane1800@hotmail.com>
shane1800@hotmail.com

MTC–00027571

From: Frank Warren
To: Microsoft ATR
Date: 1/28/02 4:00am
Subject: Microsoft Settlement

I have been involved with PC's since the first Altair. Microsoft's list of abuses, criminal and civil violations, and outright piracy, are legend within the industry. The proposed settlement does not address the illicit profits that have been made through such piracy, theft of intellectual property, or extortionate methods of acquiring and crushing innovation in the industry.

Microsoft has spent the last 22 years planning, and then implementing, the dismemberment of one firm after another, and getting away with it. Microsoft is a killer whale, whose attack on the body of the industry is to be answered with a band-aid.

The original plan of your department to break Microsoft apart would have helped, and demonstrated that pirates cannot thrive just because they become rich at it.

Microsoft has pillaged, plundered and raped the entire industry. More, their .NET plans shows that they do not intend to stop. Now they want to own the Internet itself.

Withdraw the offer of this settlement if you expect any of us to obey any of your laws.

Sincerely,
Wilson Franklin Warren
Livermore, California 94550

MTC–00027572

From: Arun Rao
To: Microsoft ATR
Date: 1/28/02 4:05am
Subject: Microsoft Settlement

To Whom it may concern,

I would like to put forth my opinion that the proposed Microsoft Settlement does not prevent Microsoft from using its monopoly of desktop operating systems to further its ventures into other markets. The settlement does not punish microsoft for its illegal activities.

Microsoft has slowly begun its transition from a desktop PC software provider to enterprise, consumer devices and service provider company. The proposed settlement doesn't prevent Microsoft from utilizing its 95% desktop pc market share to push its monopoly into other areas such as internet services. Microsoft's .NET is such a service, which microsoft is using its latest version Windows XP to push into the market.

Microsoft has broken the law and been found guilty. Microsoft has hurt consumers by removing, the very fundamentals of a free

market economy, choice. Consumers can never truly obtain fair prices for services with out competition. Microsoft has crushed competition using its power, the power of its monopoly. Many companies have gone bankrupt and many more will eventually because they cannot penetrate a Microsoft dominated market. This will eventually hurt consumers more.

I implore you to reconsider the settlement and opt for a judgement that will provide, consumers and the companies that have been hurt by Microsoft's illegal acts, justice.

Sincerely,
Arun Rao

MTC–00027573

From: Nick Banfe
To: Microsoft ATR
Date: 1/28/02 4:12am
Subject: Microsoft Settlement

Dear Sir,

UI am writing in regard to the Micosoft settlement. I am a concerned citizen, Silicon Valley

.Comer and I am apaulled at the judgement.

This amounts to nothing more then momopoly and fixing.

Nick Banfe
1716 Morgan Street
Mountain View, CAl 94043
(650) 964–6425
Sincerely,
Nick Banfe

MTC–00027574

From: Jon Hutchinson
To: Microsoft ATR
Date: 1/28/02 4:16am
Subject: Microsoft Settlement

This whole suit is frivolous, was just brought about as a sideshow to distract the public from the real corruption that had been going on in the White House and parts of the Federal Government in the later part of the last decade.

It all should all be thrown out immediately, as it has directly or indirectly affected the economy, in an adverse way, and the thousands of investors who have invested in a great and innovative American company like Microsoft.

Jon Hutchinson
Seattle, WA

MTC–00027575

From: Calvin
To: Microsoft ATR
Date: 1/28/02 4:22am
Subject: Microsoft Settlement

I am opposed to the settlement agreement reached between the United States Justice Department and Microsoft to settle the antitrust case won by the United States of America.

The settlement will not increase competition in any market where Microsoft has a major offering. In markets where it has a monopoly, such as operating systems and business applications, it will only serve to strengthen it's monopoly. This reduces competition in other markets where Microsoft may choose to compete because of the advantage the monopoly provides.. This is what the Antitrust act was creaated to prevent.

Nothing in the agreeement will insure that other companies or individuals will have an equal opportunity to bring improved products to market because Microsoft will still control the operating system, the business applications and now, the browser. Improvements in web development can be stifled by Microsofts bundling of the browser to eliminate competition in that market. Future bundling or application tieing is not covered in the settlement if it is not related to an OEM contract.

In particutlar, web developers are now beholden to Microsoft to insure their software and services will work on most computers. At a whim, Microsoft can easily disable those developers offerings if it wants to offer it's own services or products by simply modifying the browser, operating system, or business applications to give a preference to the Microsoft offering. Microsoft can do this after an OEM sale of it's operating system when XP or future operating systems must register and receive an authorization so that they will function.

By the time legal action can be taken against Microsoft to prevent this activity, the damage to competing companies and individuals is already done. Not unlike what happened to Netscape after Microsoft tied Internet Explorer to it's operating system.

Additionally, Microsoft was found guilty of violating the Sherman Antitrust Act. The settlement contains no punishment for Microsofts illegal behavior. If this crime has no punishment, why is it a law? If Microsoft violates the settlement agreement, it will only result in further litigation, but not in any punishement.

I believe a much harsher penalty, such as breaking the company into smaller competing companies to increase competition in the market would provide a much better remedy to Microsofts illegal behavior and would benefit the economy generally by increasing comepetition.

Thank you for your consideration.
Calvin Tolman
software and content developer
721 E 300 S
Salt Lake City UT 84102
CC:calvin@xmission.com@inetgw

MTC–00027576

From: mothership
To: Microsoft ATR
Date: 1/29/02 4:20am
Subject: Microsoft Settlement

I would like to disagree with the micro soft decision as I think it would hinder anyone who wants otouse the internet...

Bruce Vasconcellos...
Fiji

MTC–00027577

From: mesmith@panix.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:32am
Subject: Microsoft Settlement

Remarks on the proposed settlement of the Microsoft anti-trust case. This piece is not comprehensive, but the analytical and historical points I make apply to most aspects of the problem. Among the different classes that are impacted by the Microsoft monopoly are the classes that buy Microsoft as consumers, producers and vendors. I contend that these direct victims are not its principal victims.

I identify three principal classes of victims:

1) Those (such as myself) engaging or aspiring to engage in Microsoft-free microcomputing.

2) Those through choice of employer, authority, supplier, customer, or other outside relation or agency are compelled to work with Microsoft products. These people suffer contact with inferior products and the spiritual stress of contact with an enterprise whose ''business model'' is founded on the stifling of human cooperation and technical advance.

(It is disgraceful that children should be exposed to Microsoft Windows in schools; this kind of publicly sanctioned exposure is harmful to their education and to their moral development).

3) The General Public.

I write primarily on behalf of Microsoft-free microcomputing and to a large extent for the General Public and the national interest.

This response is organized in the following manner:

1) What is an Operating System, and what Microsoft has converted it into.

2) How is this monopoly harmful and dangerous?

a) Economic costs of Microsoft's monopoly
b) Supposed costs of remedies
c) Broader costs and dangers

3) Why the proposed remedies are either useless or counter-productive.

4) Some recommendations for remedy.

1) What is an Operating System, and what Microsoft has converted it into.

The Operating System (OS) is a system of programs that runs the computing machinery, placing the machinery under a unified control so that it can service the other programs (the ''jobs'') running on the computer and regulate their contention for resources. The OS provides programs with an environment and a set of standards for accessing that environment. Programs are ordinarily written to the environment provided by the OS, not directly to the machinery.

Microsoft does not share the ''naive'' view of a computer held by entrepreneurs, workers, scientists, engineers, programmers, students, or ordinary users, viz., of a computer as a machine for extending and multiplying capabilities. Microsoft sees computers as something for which access can be restricted and ransomed for profit, and sees the operating system as a particularly strategic chokepoint. To Microsoft, a computer is not an engine, but a venue for selling applications. In this view, computer capabilities do not flow from Microsoft, they are withheld by Microsoft and released in restrictive form.

''MS-Windows—the Inextricable DOS''

MS-Windows is a computer program effecting the illegitimate and technically unnatural integration of non-operating system functionality into the OS for the sole purpose of fortifying and extending Microsoft's MS-DOS monopoly. (In the current DMCA vernacular, some might call it ''an anticompetition device.''). MS-Windows is designed to ensure 1) that competing

operating environments (e.g., Geoworks, Quarterdeck, HP) will not be viable on a Microsoft platform, 2) that the degree of control exercised by Microsoft over applications will be greater than that which would be possible in DOS, and 3) that the operating system, operating environment, user interface, and application programs will be so entangled as to deliberately block the government from being able to separate them (separation is a necessary step in the type of approach that the governments are now pursuing). By blurring these boundaries, Microsoft creates a burden-barrier to economic evaluation, law enforcement, industry, competitors, and government regulators. Thus, any application running on MS-Windows that Microsoft covets, it has the power to appropriate.

Poor security was already a hallmark of Microsoft Operating System, but it is a necessary by-product of the attempt to create a monopoly-application posing as an operating system because of the artificial integration of the application-level (''user space'') with the operating system. (A significant share of the economic damages caused by Microsoft is attributable to its faulty security).

It is not really possible to write a good system that runs on a bad operating system. When the Operating System overwrites memory locations or crashes without recovery, the application suffers. A large portion of the resources of the development process must be diverted to ''defensive programming'', an attempt to protect the integrity of the program and data from the defects of its running environment, an attempt which can only be partly successful at best.

2) HOW is this monopoly harmful and dangerous?

2a) Economic costs of Microsoft's monopoly

In 1983, the issue may have been Microsoft overcharging customers. At that time, the spectacle of Microsoft selling a badly broken Operating System and charging its victims for the repairs dominated the scene.

By 1984, Microsoft's monopoly was the central problem facing microcomputing. IBM-Microsoft was harming: 1) Digital Research, the leading low-end operating system 2) hardware manufacturers and vendors designing or selling non-compatible systems 3) software companies. Microsoft's variant of DOS, ruthlessly extended by the creation of Windows was designed to trap customers into their proprietary closed ''Microsoft market'' As long as their software is incompatible with acceptable norms and established standards, technical, commercial and legal, their customer-victims will have to follow them to whatever computer platform and network site that Microsoft chooses.

An assessment of the costs to the economy of the Microsoft monopoly must include the enormous resources that were diverted to dealing with problems that existed only as a result of programming in the Microsoft environment, e.g., the years of 640KB limit, ''expanded and extended memory'', inability to share peripherals because of a single-user limitation. These difficulties, tied exclusively to the Microsoft environment, added directly to the cost of development, linked software to transient problems, and were a barrier-to-entry, preventing programs from being written, products from being delivered on time, etc.

Microsoft has been able to work with some manufacturers to create computer peripherals that have deliberately had vital parts removed so that they cannot function except with the antidote—the matching version of the Microsoft Windows Operating System. These crippled machines (many names including winmodems, winprinters) have introduced much uncertainty into the buying process, making purchases much more difficult, the end result much inferior even for those able to run these mutilated devices and the life expectancy of the equipment diminished as they are now wholly dependent on the version of MS-Windows.

The operating system defines the environment for software development. If the OS is replaced, the software will often not be portable.

2b) Supposed costs of remedies

Contrary to the impression of those outside the field, Microsoft's creativity has thus far been restricted to how to hold, strengthen and extend the monopoly it was given. The cost of dropping Microsoft is far from great because it is a hollow system that has never had the stability to allow programming, so few programs of long-term values have been written. Microsoft uproots its customers anyway as part of a business cycle posing as a product cycle, so there is effectively no cost to uprooting the system.

The question is not whether we are better off with Microsoft and today's computers than without Microsoft but with the computers before the IBM PC. Nor is it a choice of the chaos of freedom with incompatible zones of products versus the ''order'' of one dominant zone triumphant, albeit wholly incompatible with all others and unable to change. At every stage there were better alternatives and economic losses should be measured against contemporary alternatives. Superior alternatives that were driven off the field by Microsoft succumbed to monopoly power and not superior quality or lesser costs. The value of the choice to the decision maker was not based on technical merit but rather on permission to participate in a closed market.

The ''network effect'' here is not primarily a concomitant of the number of applications. That is a secondary cause of a more fundamental strategy of creating a network of captive users. The ''network effect'' is the number of captive users. Microsoft's market and its product are the network of customer-victims. The operating system is the chain that binds that network. This would not be the case with an open operating system, it is a consequent of deliberate artificial restrictions.

A cursory look at Microsoft's advertisements reveals what it thinks are its strongest assets.

1) Microsoft offers vendors and developers access to this large market. It is made to appear as if Microsoft were providing a service by building a market and making it accessible to commerce; in point of fact, Microsoft's role is to build a virtual wall and provide conditional entry on both sides of the gate, i.e., restricted access to the market and from the market.

2) Microsoft sells its business and marketing power. They say, ''join our Program X (on their unfavorable terms) and we will include you in our profit world, providing contacts and customers.''

2c) Broader costs and dangers.

MICROSOFT HAS PREVENTED SOFTWARE FROM BEING DEVELOPED, BY CHANGING THE DEFINITION OF THE SOFTWARE ENVIRONMENT. A stable platform is a pre-condition for long-lasting software, and the long operational life of the software amortizes the development costs. THE MICROSOFT MONOPOLY ABORTED THE BIRTH OF AN AMERICAN SOFTWARE INDUSTRY (on the low end of computing). Indeed, the benefits of the special laws written to encourage the healthy growth of that industry have been reaped by the main forces set against its development.

The development of the ''personal computer'' has been greatly retarded by its diversion to the dead-end of the single-user system.

A ''personal computer'' is in the first place a microcomputer. The same microcomputer is personal if used by one person in that way, and a group machine if used by a ''group''. With a multi-user operating system, different accounts can be set up and used concurrently, whether by a single person or a group of persons. Timesharing has been the norm in computing since the mid-nineteen-sixties; Microsoft is decades behind the industry. Compare the processor speed and memory of a 486 to a PDP–11! MS–DOS and MS-Windows are hopelessly uncompetitive on price/performance with multi-user DOS and Unix-like systems. (In a January 2002 column in ComputerWorld, Nicholas Petreley details how the latest version of MS-Windows is still sub-minimal in its ability to allow multiple users to function concurrently).

Computers are a technology that is inherently adaptable to personal styles of work. Microsoft has designed a system imposing a uniformity that undermines the liberating promise of this technology.

Not all software is an endpoint; software can be built on other software, e.g., customized macros. All of this is lost in the Microsoft environment. Microsoft is transience. The transience of Microsoft makes the solution of the problem before you relatively easy, since abolishing Microsoft will not hurt secondary developments. Old programs will not be lost—Microsoft has already robbed its victims of any programs and experience they might have developed through time. (In contrast, the UNIX and VMS programs that I wrote since 1982 are still usable today. The investment in learning UNIX and in writing for UNIX is still amortizable, and will continue to be good for decades to come.)

The Proposed Final Judgment shows no cognizance of the breakthrough in computing in the 1980's that multiplies the potential for programs to build on other programs. The Free Software Movement is revolutionizing the organization of computing and the potential values of computers.

The PFJ exhibits a parochial view that ignores that the world at large will be building its computer infrastructure on free software implementing open standards.

With respect to the two principal classes of victims: those working outside that closed market, and humanity as a whole, which has suffered multi-trillion dollar losses. The solution should not be inclusion in that market, because that Microsoft-dominated market is qualitatively inferior. The solution is the dissolution of that market and the migration to other, superior markets.

It is anticipated that the 21st century will experience ''Cyber Wars.'' Machines using Microsoft Windows are especially vulnerable and will be attacked. Every part of American life that relies on these systems will be placed in jeopardy by such an attack.

MS–DOS and MS-Windows are not secure. Every machine that is running such a system and is connected externally by network is vulnerable to attack. There is a multiplicity of vulnerabilities involved. It is common knowledge that Microsoft has a backdoor built into Windows— that means that Microsoft has built a means of external entry into Microsoft Windows; any program employing the entry sequence has complete control over the machine. Microsoft Windows is architecturally unsound and insecure—once breached, too much of the system is exposed; application programs run with too much power over the system. Microsoft has designed Windows to spy on its customer-victims (e.g., to survey non-Microsoft products and to verify licenses); these features can be ''cracked'' and exploited by non-Microsoft attackers as well.

An Internet Service Provider can read and store all traffic passing through its system. Control over ISPs gives Microsoft access not only to the work of their customers, but to all the email sent by their customers to innocent third parties. This power plus the power to read all networked machines running Windows adds up to a greater power than either taken severally.

As the world's citizens begin to employ higher quality, non-Microsoft systems that express true American values, our technological, industrial and military superiority will fade. (Already the export of Microsoft products to foreign markets is damaging the reputation of U.S.-made goods).

3) Why the proposed remedies are either useless or counter-productive. Many of Microsoft's improper and criminal activities have been exposed and addressed in prior cases. This proposed remedy and this proposed settlement offer a woefully inadequate structural framework for addressing these problems. Any analysis of how Microsoft expanded its monopoly and responded to previous failed attempts at correction would be sufficient to show that Microsoft has shown itself immune to these remedies.

Since an unambiguous specification of the system is not feasible given even the best intentions, it is always possible to claim compliance with the Decree while maintaining effective incompatibility.

A computer in a networked environment should not be considered personal. If Microsoft's market is defined as personal computers, the court will miss its mark. Microsoft is moving its market to the network, where the environment will be rental license-enforcing, insecure and privacy violating. Microsoft is able to tap and control computers running Microsoft Operating Systems owned by government, business, religious and non-governmental organizations, schools, research establishments, accounting and law firms, medical practices, and private individuals and families.

A secret OS and secret applications are able to work together secretly. MS-Windows can store information anywhere without the knowledge of the user. The OS has access to everything on the system. If encryption is done with software that Microsoft can identify, the OS can copy the plaintext that is being encrypted; and vice versa for the decryption.

In the absence of general legislation regulating the use of, and providing for inspection of, all source-secret software sold to the public and used by the government, the court must make decisions on how to counter this threat when exercising its supervisory power in cases such as this, where such software can be used in violation of antitrust laws.

The objective should not be minor adjustments to the profit-imbalance that exists for producers in that market. It is that closed market itself that should be the objective of the antitrust forces. THE AIM SHOULD BE THE MIGRATION OF TRAPPED CUSTOMERS OUT OF THE MARKET. This Proposed Final Judgment allows Non-Disclosure Agreements (NDAs). These agreements have been used by elements of the computer industry to circumvent (First Amendment) freedoms and to manipulate affairs to cover up information perceived by them as potentially damaging to them and to suppress progress.

4) Some recommendations for remedy.

It is critical for the remedies in the cases that have been and will be filed against Microsoft to define the monopoly in terms of the customer base and the software, not solely in terms of the hardware. Microsoft was not a computer manufacturer prior to the Xbox (peripherals aside). Microsoft enjoys a monopoly position on ''personal computer'' or ''Intel-compatible''-based microcomputers, and that monopoly needs to be addressed. Failure to acknowledge and address the other end of the monopoly (or the other monopolies) will mean that neither the discourse, nor the remedial action, will be able to track Microsoft across changes of hardware to handheld, ''game computers'', embedded devices, cable television and set-top boxes, assaults on the Internet and telecommunications, copyright enforcement, and the Microsoft charity racket, and extortion operations that rely on privacy violations and access to computers and Internet packets.

Compatibility with previous versions must be demanded and enforced. Programs written for a given version will be broken by revision (called by Microsoft ''Service Packs''). When software is changed, the system often breaks. So-called ''upgrades'' need to be rigorously backward compatible to avoid this. Customers do not want their working environment and their archives made unreliable or unusable by these forced purchases.

The file formats, communications protocols, interfaces and any other related material that is necessary to the migration of data tied to any application needs to be available to competing products and any other program for any purpose. It should be published and disclosed in full, at once and maintained for each revision on a timely, ongoing and accurate basis. Such disclosure must be in a form where anyone can access this material outside of Microsoft's knowledge, and with full indemnification from any so-called ''intellectual property'' issues. The interfaces and formats, like the ''look-and-feel'' are not the product, and should be considered as public domain, not as proprietary. The restrictions in the PFJ III. D and E are completely unacceptable; they are counter to the goals of the judgment. The goal should include that authors or companies engaged in developing conversion programs or products, in whole or in part, or providing such programs or services will be free to do so without any debt, royalty or obligation to Microsoft, its subsidiaries or partners. It is imperative to address boot problems such as mandating that Microsoft will not require a particular sector, partition, or drive and possibly providing penalties for interference by Microsoft with installation of other systems, for example, by erasing or destroying the integrity of other partitions.

Copyright the screen?

In the appeal of this very case, Microsoft claims that because they copyrighted the appearance of their product's image, they should be able to prevent the owner of the screen from displaying a related image. Please consider the clear implications of this ownership argument for all the other copyrighted screen images in the world.

Following the bombing of the World Trade Center, the Red Cross had to put out a call for Microsoft licenses. It should be made clear to everyone in the world that license restrictions have no force in emergencies. Attempts by companies such as Microsoft to put automatic license enforcement into software can potentially result in death, possibly on a large-scale.

On remedy by disclosure of API's:

Microsoft programmers in other parts of the company have access to these critical details in advance of their competitors and can influence the design decisions. A wall of separation is a necessity, so that no internal or privileged communications occur. (See for example Network Solutions, Inc. where such a wall has been created between the registration of domain names and the database implementation. (I have no knowledge of whether this has proven successful, but I cite it as a precedent for this approach, perhaps worthy of investigation.)) Microsoft has the sole power to decide and effect changes. One of the central problems in software maintenance is the cost of changed designs, including interfaces. In particular, this is a major concern of the area known as ''Object-Oriented Programming'' (committing to an interface is considered by some authors as a ''contract'' between the

programmer/designer and the user of the program interface). Computer programs are best written by individuals or small teams. In any large project, and Microsoft Windows is one of the largest, no programmer or manager can comprehend or control the situation, even with full access and authority. There are multiple versions, some written specifically for individual OEMs and clients (and doctored versions submitted to courts), and multiple revisions. The capability of even Microsoft to find what it wants and effect changes that it wants is costly and limited. This is further compounded not only by the complications resulting from proven misconduct but by the quality of Microsoft's design, programming and development environment. An inspector or team of inspectors appointed by the Court would have limited capabilities even under the dubious assumption of a willing and helpful host.

Make sure that inspectors are not limited to read-only access. The rules of engagement must include the ability to copy, modify and test the programs in whole or in part, in special environments and in conjunction with any programs immunized from all licensing restrictions. Non-disclosure agreements have been used to neutralize critics, by exposing them to material covered by the NDA.

Divest all Internet-related holdings including UUNet, Spyglass and hotmail. Terminate the NCSA Mosaic license to Spyglass.

The proposed final judgment focuses too narrowly on the motive of large profits in its analysis of the dynamics of the computer market. Most authors of books, articles, music, poetry, and computer programs do not have such an expectation, and are thus not motivated by it. The force of not-for-profit work in computers is an indisputable fact. (The Internet was built by volunteers). This Judgment threatens to strangle these great creative forces.

I urge all actors in this case to exercise the options under the Tunney Act and withdraw the proposed settlement.

Michael E. Smith
MESmith@panix.com

MTC–00027577—0008

From: Joe Martin
To: Microsoft ATR
Date: 1/28/02 4:44am
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
Re: Microsoft Settlement

I have been following the Microsoft Antitrust case with great interest. As a consumer, I find myself very much at the mercy of Microsoft's monopoly power. When I shop for a computer, I see only one brand of software available pre-installed—Microsoft. Email attachments I receive are often in file formats that can only be read by Microsoft software. I have felt like a captive of this juggernaut for years, and I fear the future holds more of the same.

When I learned that Microsoft had been found guilty of anti-competitive use of their monopoly power, I was encouraged. I looked forward to seeing them punished for their illegal actions, and restrained from repeating them in the future. I was very disappointed to read the proposed settlement. There appears to be no significant penalty for the past abuse of their monopoly power. I saw only the mildest of restrictions, aimed at industry conditions of the past rather than of the future. Microsoft keeps all the fruits of their past criminal behavior, and there is no incentive not to behave as arrogantly in the future as they have in the past. The provisions are cleverly drawn, so as to leave Microsoft plenty of room for evasive maneuvers. Interestingly enough, they are also worded so as to deny any relief to developers of open source software, which Microsoft has acknowledged as the greatest remaining threat to their dominance of the software industry.

The stock price told the story. It was not significantly affected by publication of the proposed settlement. The industry recognized that it would have little impact. An adequate settlement should have some impact on Microsoft's business, and this is not an outcome to be feared. Exposing the perpetual windfall that is Microsoft to the pressures of normal competition will be a good thing for the economy as a whole.

I would look for two things in any acceptable settlement. First, penalties that punish past abuse, and then restrictions to prevent future abuse. Many possible measures would serve both objectives.

Consider the following:

1.) Make Microsoft publish all of their proprietary file formats and communication protocols immediately. Specify harsh penalties if they are inaccurate or incomplete in publishing these. They should be required to drop all proprietary extensions to industry standards from their Web development software, except for such extensions which are accepted by a majority of competitors in the industry within a reasonable time after their publication.

2.) Void all exclusive or restrictive agreements with PC vendors which impose any financial or other penalty, direct or indirect, for including competitors'' application software or for selling PC's loaded with other operating systems. Prohibit such agreements in the future.

3.) Require Microsoft to strip XP of all bundled applications for which established competitors offer free versions of an alternative. They are repeating in the multi-media player software market the exact same conduct for which they were just convicted in the Internet Browser market.

4.) Consider dividing the company, but not in the way most often proposed. The link between operating system and applications has been exploited so thoroughly that the damage cannot practically be undone, but the link between software and the delivery of services and content has not yet been exploited to the same extent. Require Microsoft to spin off all software development operations, separating them from the services and content portion of their business.

Appoint monitors at each resulting unit to enforce their independence from each other. Alternatively, consider regulating them as a monopoly, just like a utility. Control their prices, and supervise the quality of their service, for the benefit of consumers.

The consistent pattern of Microsoft's behavior in the past is a fair way to predict future behavior. Unchecked, they can be expected to use anti-competitive measures in their efforts to dominate the markets they are entering now and chose to enter in the future. I would say to the court that you have an unrepentant law breaker in your hands, a repeat offender. Deal with them severely.

Thank you for considering my comments.

Jonathan Martin
Mobile, AL

MTC–00027579

From: John Giannandrea
To: Microsoft ATR
Date: 1/28/02 4:52am
Subject'' Microsoft Settlement
Attached in HTML and Plain text.
http://www.meer.net/j g/doj—
comments.html
jg@meer.net
Comments on the Revised Proposed Final
Judgment
http://www.meer.net/ig/doi comments.html
John Giannandrea, Independent Software
Developer,
Formerly ('94-'99) Chief Technologist in the
Internet Browser group at Netscape/AOL
Summary

After reviewing the Revised Proposed Final Judgment, the Competitive Impact Statement, the May 18th 1998 Antitrust complaint together with the findings of the District Court and the Court of Appeals I submit that the Proposed Final Judgment fails to describe effective remedies for Microsoft's illegal activities.

An effective Final Judgment would prevent recurrence of the illegal behavior and provide relief and protection for independent software developers to develop innovative new middle-ware products and compete with Microsoft in the market for Windows software. The terms of this Final Judgment will not achieve this result because it is seriously flawed.

These comments briefly describe the following problems with the Proposed Final Judgment:

1. Problems with the scope of the remedy
2. Shortcomings in the OEM configuration provisions
3. Loopholes and technical shortcomings with the wording of the judgment
4. Restrictive language related to Intellectual Property.
5. Problems with the term and proposed implementation
6. Flaws in several of the definitions

Taken together I believe these flaws in Proposed Final Judgment make it an inappropriate remedy for the illegal behaviors found by the Court of Appeals. While changing some of the specific wording of the Final Judgment and removing some of the loopholes will make it stronger, on balance it is a wholly inappropriate remedy for the ongoing harm done by Microsoft in protecting and extending its Windows monopoly.

jg@meer.net
January 27th, 2002.

1. Problems with the scope of the remedy

There are several problems with the scope of the proposed remedies which are likely to make it ineffective in practice. The Final Judgment does not correct the harm done to the marketplace today by Microsoft's existing software products, nor address the issue of backwards compatibility and harm done to the market by ongoing changes (''upgrades''). Nor does the Final Judgment address the crucial issue of APIs in Microsoft middle-ware products themselves, as opposed to APIs in the Windows Operating System Product.

1.1 What products fall under the proposed remedy?

Sections III.D, III.E and III.H limit the practical effects of the Final Judgment to some future versions of Microsoft's latest operating system product (WindowsXP, SP1) or 12 months from submission of the Final Judgment. This will not provide effective remedy for the actual installed base of Windows users, of which WindowsXP remains a small minority. Microsoft's monopoly position is, and will be for the length of the initial proposed term, made up of Windows2000, WindowsME, Windows98 and Windows95 products and their associated middle-ware product lines. It is in these products that harm is and was being caused by the illegal activities. For the Final Judgment to be effective in providing relief, the communications protocol and Windows API disclosures need to apply to the actual installed base of Windows. It is no more technically difficult for Microsoft to document current APIs than it is to do so in future products.

The final paragraph of III.H limits the proposed remedies to middle-ware as defined by a timeline relative to the release of new Windows operating system products. The reality is that the illegal conduct relates to all existing and past Microsoft middle-ware products, and the release of future versions of Windows will not significantly affect the harm being done in the marketplace. There is no technical reason why existing Microsoft and non-Microsoft middle-ware will not be compatible with future versions of Windows. In fact Microsoft makes considerable effort to ensure that Windows is ''backwards compatible'' with its own applications.

Remedies need to apply to all future versions of Windows, and all middle-ware now and in the future, and the obligations of the monopoly holder should not change unilaterally with a product release cycle under their express control. Much of the harm found by

the Court is related not just to the disclosure of interfaces and APIs, but to the fact that Microsoft can stop supporting a documented feature or API without consulting the affected parties.

One possible way to improve the Final Judgment would be to add a new condition to [II. C. that allows OEMs the option of shipping any prior Microsoft middle-ware with any subsequent version of Windows.

1.2 Middle-ware APIs are as important as Windows APIs

Section III.D. proposes that Microsoft shall disclose APIs used by its middle-ware to interoperate with a Windows operating system. Since middle-ware such as Internet Explorer or Windows Media Player has added, subtracted or altered significant APIs with each subsequent version, including minor, so called ''maintenance'' versions, and since these APIs are depended on by the the majority of ISVs. III.D. should be extended to require disclosure of all APIs used by, or provided by any Microsoft middle-ware product, including APIs in other middle-ware software.

1.3 Changes to current and past middle-ware needs to be covered

The definition in VI.J excludes software in minor version changes from the definition of Microsoft middle-ware. Yet it was exactly such a minor change that disabled Java for millions of Internet Explorer users, or forced thousands of ISVs to abandon the Web Plug-in API and redevelop or abandon their middle-ware. (See http://www.meer.net/jg/broken-plugins.html)

At a minimum all software middle-ware released by Microsoft and in use by a majority of Windows users should be covered by the Final Judgment for it to be effective.

2. Shortcomings in the OEM configuration provisions

It is clear from the findings of the Court that there needs to exist remedies that enable OEMs and End Users to be able to add, remove and replace middle-ware without limitation by Microsoft through its Windows product. It has been shown to the Court that its technically easy to allow middle-ware either from Microsoft or its competitors to be added and removed from the Windows operating system. The current language in the Final Judgment does not protect distribution of new and innovative forms of middle-ware and therefore fails to remedy the current situation where investment and competition in Windows middle-ware is ''chilled'' by Microsoft's prior and current practices.

III.H.3 allows Microsoft to undo an OEM configuration in any subsequent version of a Windows product and to change the way an OEM's configuration interacts with Windows in each subsequent version. This lack of ''backwards compatibility'' is in Microsoft's interest at the expense of the OEM's investment.

III.H.3. Allows Windows OS to undo an OEM's configuration automatically after 14 days. But it does not give the same capability to an ISV, or the OEM themselves. If a third party provides competitive differentiation by adding features and services on top of Windows they should be able to do so with no hindrance from Microsoft at all. If it is determined that Windows should have a ''revert'' feature that disables or undoes an OEM's enhancements, then that feature should have an ''undo'' capability so that the enhanced product purchased from the third party is not irreparably harmed by the behavior of the Windows software at some later time.

III.H attempts to give end users and OEMs the right to add and replace non Microsoft middle-ware with competitive middle-ware, an essential component of the proposed remedies. Rather than just stating this as a simple requirement, additional restrictions are imposed in III.H.2:

that competing middle-ware be replacing a Microsoft middle-ware

that the middle-ware be a specific subset of possible middle-ware that has a particular and limited type of user interface

that Microsoft can require (and itself present?) a confirmation dialog for the end user if the change is made by software that the user presumably installed themselves

III.H.3 imposes conditions on Microsoft operating system products altering OEM configurations, but Microsoft middle-ware also has a documented history of making such alterations. The Final Judgment does not protect OEM investments or end user choices unless it enjoins all Microsoft software products from altering, without express permission, the end user experience. It is exactly Microsoft's ability to make unilateral changes that expresses its monopoly power and distorts the market for improvements to Windows.

The mechanism proposed in III.H. 1 allows Microsoft to provide a interface choice to enable ''all Microsoft Middle-ware Products as a group''. This should be specifically disallowed since it reinforces the distinction between Microsoft and non Microsoft software, and suggests that an end user would be given the default choice of ''taking everything'' (i.e. all available Microsoft middle-ware, turning off competitors middle-ware) in order to allow ease of use and configuration.

III.C.3 The requirement that a non-Microsoft middle-ware product should display a user interface ''of similar size and shape'' to a Microsoft middle-ware product is technically onerous. The additional inferred requirement that a middle-ware product can only launch automatically if a Microsoft middle-ware product were otherwise to do so, is also technically unreasonable. If the purpose of this remedy is to allow competition in such middle-ware; to allow, for example, an OEM to configure a PC so that it connected automatically to an IAP or ICP on boot up, then these restrictions would preclude this.

3. Loopholes and technical shortcomings with the wording of the judgment

There are significant exceptions and conditions attached to the definitions used by the Final Judgment. These exceptions appear to make the remedies themselves weaker and in several cases are technically inaccurate or groundless.

3.1 Excluding existing middle-ware Section III.H after III.H.3 describes two exceptions where Microsoft middle-ware would be allowed to execute in preference to competing Middle-ware. These exceptions effectively negate the value of III.H and are seriously flawed.

3.1.1 The first exception is for middle-ware ''invoked solely for use in inter-operating with a server maintained by Microsoft''. Given the current and past scope of MSN and the services provided by various servers in the ''microsoft.com'' domain, this exception is unreasonable. For example, a component of Windows that contacted a server to upgrade or maintain the device driver software on a Personal Computer would be exempt from III.H. This would presumably preclude an OEM from providing their own value-add service using the same component APIs of Windows. As the value and

prevalence of network services grows, Microsoft would be able to continue to exclude competing middle-ware as long as they could define the service as being hosted at Microsoft. This would also include most .NET services, which Microsoft has publicly stated will be at the core of most end user functions in all future versions of Windows. The proposed remedy for past behavior is ineffective.

3.1.2 The second exception is if ''non-Microsoft middle-ware fails to implement reasonable technical requirements...''. This is an unreasonable and overly broad restriction on the proposed remedy. The specific example given, failure of support ActiveX, is a most egregious example. ActiveX is not a feature of Windows, it is an API created for Internet Explorer middle-ware expressly to tie that middle-ware to the Windows platform. In a healthy competitive environment it should be end users that conclude if middle-ware is providing ''functionality consistent with the Windows product'', not Microsoft. The idea that Microsoft themselves are qualified to say what is and what is not a valid non-Microsoft middle-ware product puts the fox in charge of the henhouse. In fact by the definitions of this section of the Final Judgment, most existing successful non-Microsoft middle-ware (Java, Netscape Navigator, Web Plug-ins) would be exempt from the remedy. It was precisely the success of these products, demanded by end users, that precipitated the threat to Microsoft and led to the illegal behavior.

3.2 Limitations on disclosure of communications protocols

Section III.E. Requires disclosure of any communications protocol implemented in a Windows OS installed on a ''client'' computer.

This would appear to exclude protocols implemented as Microsoft middie-ware, such as Web Browsers, or communications middle-ware such as e-mail programs (Outlook Express) or streaming media players (Windows Media Player). It would also appear to exclude protocols implemented in the same copy of Windows, running as a ''server''. Given the advent of ''peer-to-peer'' computing this distinction excludes more significant protocols than it includes. To meet the intent described in the impact statement, the requirement should be the disclosure of any communications protocol implemented by the Windows Operating System Product and any Microsoft middle-ware product.

3.3 Preventing disclosure on ''security'' grounds. Section III.J. 1.a attempts to limit the APIs and protocol descriptions to be published as part of the proposed remedy. The exceptions include those that would ''compromise the security...'' of the Microsoft products. It is well known and supported by the majority of reputable computer security experts, including many who work for Microsoft Corporation, that disclosure of the mechanisms of software makes it more secure, not less secure. In fact requiring Microsoft to document and disclose APIs will make the products more secure as flaws are discovered by peer review and then repaired. Computer security should not be considered valid technical grounds to limit disclosure.

3.4 Limitations on who can access the disclosures

Section III.J.2 places all kinds of limitations on the disclosure of the information central to the proposed remedy. In III.D the Final Judgment requires Microsoft to disclose APIs to all listed parties via ''MSDN or similar'' i.e. publicly and for a small fee. This conflicts with III.J.2 which allows Microsoft to withhold such information unless Microsoft itself determines ''a reasonable business need'', or that the requester meets ''standards established by Microsoft for ... viability''. These restrictions are unnecessary and are not vital to the remedy. The required information should be disclosed simply, via MSDN or Microsoft.com, to anyone who has a valid Windows license. Section III.J.2 additionally requires that non-Microsoft middle-ware innovators be in ''compliance with Microsoft specifications'' and, at their own expense, pass a Microsoft defined third party verification test. These new tests and requirements are onerous, and do not exist in the market today except as optional marketing programs. In particular the non-Microsoft middle-ware at issue in the anti-trust action would not have met these standards. These additional requirements and limitations will serve to place further hurdles in front of middle-ware ISVs. They only serve the interests of the monopolist in limiting access to the required APIs as has happened in the past as documented in the Findings of Fact.

4. Restrictive language related to Intellectual Property.

The licensing terms implied by the Final Judgment are both more onerous than the prevailing market today, and unfairly biased in favor of Microsoft.

The terms of III.G are not in force if Microsoft licenses intellectual property from the third party. This would appear to allow, for example, Microsoft to enter into an exclusive distribution arrangement with an ICP if the ICP had a reciprocal license to Microsoft for some middle-ware enhancement related to their Internet content. This kind of transaction is common in the industry today and would seem to weaken the intent of III.G Section III.I.5 grants Microsoft the right to require a competitor to license to it IP rights to ''relating to the exercise of their options or alternatives provided by this Final Judgment''. This is an onerous and unreasonable requirement because Microsoft does not need such non reciprocal IP rights to comply with the Final Judgment. (Could such rights be licensed father by Microsoft to other ISVs?)

III.I requires Microsoft to reasonable and non discriminatory licensing of any intellectual property required for the market to take advantage of the provisions of the Final Judgment. However there is a restriction (H.III.3) on sub-licensing. This would in practice curtail most ISV business models if a technology innovator was unable to resell its technology to an ''end user'' OEM or ISV without that entity then being required to obtain a license from Microsoft.

The last paragraph of III.I explicitly states that the terms of the Final Judgment will not confer any rights with regard to Microsoft IP on anyone. But as the Final Judgment requires disclosure by Microsoft of APIs, protocols and detailed documentation of mechanisms inherent in middle-ware interfaces, then certain legal rights are in fact surrendered in most jurisdictions.

III.I does not address the significant and influential market in royalty free software (such as Linux) and the open standard nature of the Web protocols and standards. Industry standards groups which Microsoft itself is an active member of such as W3C (The World Wide Web Consortium) customarily require all APIs and protocols to be royalty free. Yet III.I potentially places further restrictions or costs on ISVs developing products and innovations under that model if they wish to integrate them with Windows.

5. Problems with the term and proposed implementation

5.1 Term is not long enough

The Final Judgment has a term of five years (V.A), or seven years with additional violations. Given the pattern of illegal behavior by Microsoft since 1995 and the fact that Windows Operating system product cycles are frequently many years apart, the scope of this agreement appears unusually short. A 10 or 15 year agreement would be more appropriate.

5.2 Issues with creating a competent technical body

The Final Judgment requires a three person technical committee. While this committee is intended to be knowledgeable about software design and programming, it also needs to be knowledgeable about Internet standards and protocols, online transactions and web e-commerce architectures and business models. It is unlikely that a committee as small as three people will have the requisite skill set to oversee the broad range of initiatives and innovations that center on the Windows platform and are the subject of the monopoly concern. The committee would be more in keeping with industry standards and accepted practice if it were larger and comprised of experts in several fields.

5.3 Public disclosure of information relating to enforcement

Section IV.B. I0 and other language in IV (e.g IV.D.4.d) suggests that the Final Judgment requires the work of compliance and technical overview to be conducted in secret. For example if an ISV submitted a complaint to the TC or the Microsoft Compliance Officer it is not required that the complaint and its response be published (IV.D.3) It would be more in keeping with industry standards and accepted practice for technical discussion around the enforcement of a Final Judgment be open to wider technical review. This would improve the quality and accuracy of such review as well as reassuring the community of OEMs, ISVs etc. that the enforcement process was actually working. At a minimum there should be a requirement that the TC host an independent web-site to communicate with the industry about the status of enforcement issues.

6. Flaws in several of the definitions

There are many problems with the definitions of key terms that affect the meaning and substance of the Final Judgment.

VI.A. A suitable definition for Application Programming Interface needs to include interfaces provided by middle-ware itself, since middle-ware can include tiers of software, not just a simple arrangement where middle-ware calls the Windows software layers. A more accurate and common definition of APIs would be independent of both the terms Windows and middle-ware.

VI.B. The scope of Communications Protocol should not be limited to communications with a ''server operating system''. This excludes the concept of one Windows XP PC talking to another PC, which is a common occurrence and should be within the scope of the remedy. ''Peer-to-peer'' is an example of a middle-ware category that is not covered by this definition.

VI.J.2 and VI.K.b.iii both require that the covered software be ''Trademarked'' to be under the terms of this agreement. This requirement seems to exclude certain middle-ware. For example ''My Photos'' and ''Remote Desktop'' are new middle-ware in WindowsXP and are apparently not trademarked. VI.T defines Trademarked to exclude certain named products regardless of their impact in the market.

VI.J.4 excludes software that has no user interface, such as a streaming video codec or a web commerce protocol handler. VI.K. 1 lists certain products explicitly as middle-ware. Given that the Final Judgment as written only covers Windows XP and subsequent versions (it should be modified to cover prior versions), the list of covered products and categories should also include MSN Explorer, Microsoft Outlook and other Microsoft Office components, Windows Movie Maker and others.

VI.N limits the definition of a ''non-Microsoft middle-ware product'' to one that has shipped 1,000,000 copies in a previous year. Under this definition, Netscape Communicator would not be covered by this Final Judgment, nor would Sun's Java JVM, both examples cited by the Court of middle-ware that require relief. The idea that a competing product has to already be successful to receive the protection of the Final Judgment is flawed. This condition should be removed.

VI.N defines non-Microsoft middle-ware in terms of code exposing APIs, which are defined in VI.A as being uses by Microsoft middle-ware (this is a circular definition). More importantly, non Microsoft middle-ware should not be defined more narrowly than Microsoft middle-ware. Not all middle-ware ''exposes a range of functionality to ISVs though published APIs'' although some (like Java) does. The original Netscape 1.0 web browser would have failed the definition in VI.N VI.Q defines Personal Computer as using an Intel x86 processor. Microsoft has in the past and will most likely in the future ship Windows Operating systems for processors other than x86. The Court found that Microsoft's illegal practices in respect of distribution of Internet Explorer also extended to the Macintosh Power-PC platform so this definition is overly narrow.

VI.R. 150,000 beta testers is an unusually large number, even for Windows and suggests that ''timely manner'' would be defined as the last test release of a Microsoft product rather than the first public test release. The interests of the enforcement are better served if Timely Manner was defined as the first public test release of a Windows OS product.

MTC–00027580

From: Jason W. Solinsky
To: Microsoft ATR
Date: 1/28/02 4:54am
Subject: Microsoft Settlement

My name is Jason W. Solinsky. I am a software entrepreneur and have served as the Chief Technology Officer of four different enterprises.

I am writing in opposition to the proposed settlement of the Microsoft anti-trust case.

My opposition is for the following reasons:

1. The proposed settlement is almost entirely focused on measures to prevent abuses by Microsoft in the future, and does not address past behavior in any substantive way. Nor does it provide any incentive for

Microsoft not to repeat its past actions.

Microsoft was found to have violated the Sherman anti-trust act in numerous ways to preserve its monopoly on consumer operating systems, the single most valuable monopoly on the planet, conservatively valued at $150–200 billion dollars. As a software entrepreneur, I can tell you that every startup is asked ''The Microsoft Question'' by potential investors. ''How will your venture fair if Microsoft decides to aggressively target your space?''. A fear that Microsoft will do to new companies what it did to Netscape has caused at least six companies that I am personally aware of not to be started. This suggests that nationwide THOUSANDS of new enterprises and sources of innovation and competition for Microsoft have been destroyed by Microsoft's behavior.

Despite this, the proposed settlement is almost entirely focused on preventative measures. If, in 1995, Microsoft was offered the choice of ceasing all illegal activities or entering into this settlement in 2002, Microsoft would, without question, have chosen this settlement. Protecting a $200 Billion dollar asset, even slightly, is worth suffering the negligible restrictions placed on Microsoft by this settlement a thousand times over. By offering a settlement which results in a business outcome that is superior to not violating the law in the first place, you send a clear message to future executives that they can ignore our nation's anti-trust laws with beneficial results.

2. The proposed remedies will not prove effective in preventing future abuses by Microsoft. The findings of fact, made much of the fact that the software industry is a rapidly changing business. The department of justice seems to have completely forgotten about this in drafting the settlement. Nearly every provision has had loopholes placed in it that dramatically weaken its effectiveness.

As an expert in computer security, I would like to focus in particular on the provision that exempts Microsoft from disclosing the details of its security APIs if Microsoft feels that such a disclosure would compromise the security of its products. I note the following:

A: The single most important step in ensuring the security of a product is public disclosure of its security mechanisms. This allows other experts to review its safety, and it permits potential users to make informed decisions about the risks inherent in the product. Especially in the wake of September 11, allowing an exemption which encourages less secure products is unthinkable, yet that is precisely what the department of justice proposes to do.

B: Microsoft has historically used security protocols as a method of preventing compatibility with third party products. Witness what Microsoft did with Kerberos. It doesn't matter how open Microsoft's APIs are if they are permitted to design incompatibilities into their security protocols that prevent effective interoperation.

Given this is surprising and unfortunate that the Department of Justice has agreed to this provision. If no other change is mode to this settlement, which on the whole I believe is entirely in adequate for the circumstances, I strongly encourage the DOJ to tighten this provision by providing that a SINGLE COMPUTER SECURITY EXPERT UNAFILLIATED WITH MICROSOFT be given the ability to review all materials that Microsoft wishes to keep secret under this provision and UNILATERALLY reverse Microsoft's decision. Anything less will not only result in less secure products, but will give Microsoft a government-endorsed anti-competitive tool so powerful, that the remainder of the settlement is of little significance.

In conclusion, I think that this entire settlement is inadequate for the circumstances, and encourage the DOJ to pay particular attention to the security exclusion, which reflects a lack of knowledge of computer security by its drafters.

JWS

You can contact me as follows:
Jason W. Solinsky
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Cambridge, MA 02139
(617) 547–3555
CC:solman@uspowersolutions.com@inetgw

MTC–00027581

From: Ohairyl@aol.com@inetgw
To'' Microsoft ATR
Date'' 1/28/02 4'57am
Subject'' Microsoft Settlement

I oppose the settlement reached in the Microsoft antitrust case. I am not a lawyer and I had a lot of trouble as a result, trying to follow the documents made available to the public at: http://www.usdoj.gov/atr/cases/ms-settle.htm#docs but I and my family and business do use computers, and the outcome of this case is critical to our future.

I just fail to see that there is any penalty in the settlement, and I fail to see any admission of guilt on the part of Microsoft (MS) or its senior executives. On the contrary, with the exception of the fact that there will be three people charged with monitoring MS for a very limited time (MS has been making flagrant violations of law and of ethics for over twenty years!), there seems to be no penalty at all. There is no fine, and there is no breakup. Historically (to the best of my recollection, including AT&T and Standard Oil) in the case of major monopolies a breakup always came about

which would allowed increased competition not only with outside competitors bu t also among the various new units resulting from the breakup.

I am also concerned about the Department of Justicef??s (DOJf??s) and the Governmentf??s interest in the public interest. It was explained shortly after the September 9, 2001 terrorist attack that the government felt the pursuit of justice with respect to MS was not a high priority. I was shocked at the comments. No other felon was let off the hook because of the events of 9–11.

I am further concerned about major political contributions made in 1999 and earlier and the impact that they have on the Governmentf??s view of what is right and wrong and what penalties should be imposed. The specter of impropriety is certainly present.

And I am concerned about MS's influence during this public comment phase because in the past it has been demonstrated that MS has orchestrated a f??stuff the ballot boxf?? approach which they have taken many times in the past while trying to influence the Government and the public to act in its (MSf??s) behalf. One recent example of this was reported by ZDnet News (http://news.zdnet.co.uk/story/0,,t269-s2102244,00.html):

<<In December, Java was more popular than .Net for building Web services, according to a ZDNet UK poll, but weeks later the position had dramatically reversed; investigation revealed just what lengths Microsoft will go to to promote its products

Thus I wouldnf??t be surprised at all if they have tried to rig this public comment phase of the f??settlementf??toward their own best interest. What has the impact of MS's collective behavior, ongoing yet today, been on the public? Take the cost of computer operating systems as but one apparent example.

A competitor with about 5% of the market sells its new operating system, Mac OS X v10.1, for a recommended retail of $129. Updater packs were made available to users of the earlier OS X v10.0 for free, for about 5–6 weeks after release. After that the updater package costs $19.95 direct from the manufacturer, with proof of ownership of the v10.0 software. Microsoft meanwhile also introduced a new operating system (well, a modification to Windows 2000) called Windows XP (Win XP). The updater for the f??homef??edition has a recommended retail of $99, while the full version of this edition is $199. But to get the full-featured version one needs to buy the f??Prof?? edition for which the upgrade costs $199 and the full version costs $299! I note that Mac OS X v10.1 is a full blown OS, not a f??Homef?? version, and that the full-blown networking capability built into OS X can only be obtained on the Windows/Intel platform (IBM compatibles, or f??PCsf??) by buying Win XP Pro.

Further more, the lack of competition permits these overpriced products to be inferior in many ways. One way seen by all in recent weeks is the admission by Mr. Gates that MSf??s products lack security. Indeed many security updates have already been released for Windows XP which MS calls f??The Worldf??s Most Secure Operating Systemf??! Security and freedom from attack by viruses have plagued the Windows-based software for years, and yet because there are no real alternatives the public has little to no choice or say in the issue. Given that the MS user base is about 90% of the marketplace worldwide, versus Applef??s 5% (with the balance being distributed among users of Linux, Unix, BeOS, IBMf??s OS2 and a few others), and that Win XP was in development about a year versus some 6–8 years for Mac OS X, there is something drastically wrong with this pricing structure in that the products from Microsoft, by any comparison or analysis, are dramatically overpriced.

But what in the settlement addresses this? What penalty is imposed for the past practice of overcharging for products that has resulted because of the monopoly obtained by illegal and unethical business practices?

Further the company has taken steps in Windows XP to further defeat competition! For instance, the plug-in for the international streaming media standard for the Internet, namely QuickTime, was deleted from this version and further the former version of the plug-in no longer works because of a slight change in the code of this operating system (OS). Another example is that MS made other changes to Win XP which drop support for what was called f??NetBEUIf??, which made communication between PCs and Macintosh computers (using programs such as MacSOHO and Thursbyf??s DAVE) possible. And yet, while MS has dropped support for NetBEUI, their own web site makes it available for installation into XP, but has a very obtuse statement, on a page called f??How to Install the Netbeui Protocol on a Windows XP-Based Computerf?? posted October 25, 2001 at: http://www.microsoft.com/WINDOWSXP/pro/using/itpro/networking/netbeui.asp The statement on this page reads: f??This article describes how to install the NetBEUI protocol on a Windows XP-based computer. This may be useful because the NetBEUI protocol is not included in the list of installable protocols in Windows XP even though the files that are needed to install the protocol are included with the installation CD-ROM. It is important to note that the NetBEUI protocol is not supported on Windows XP.f??

So the attempts by MS to defeat any competition by questionable means continues even through and beyond the judgment of guilt and the pursuit of the penalty for that guilt!

Thus, to this day, the leadership of Microsoft continues its practices, and refuses to admit any guilt. In and fact in public appearances both Mr. Gates and Mr. Balmer have denied any wrongdoing or any guilt either by the members of the leadership or by the corporation, and not only are non-repentant but also seem to taunt the world to do anything about their behavior!

How, I ask, is a panel of three over a period of five years, going to end these practices and bring about legal and fair behavior not only in terms of the competition MS faces, but also in terms of the pricing of its monopolistic products? It canf??t and it wonf??t. The behavior and business practices continue to this day and will march on into the indefinite future. Indeed ALL settlements to date seem to have been dictated to the prosecutors and the various governments and individuals brining suit in all trials. ALL these settlements enhance MS's long-term dominance, and do essentially nothing to penalize it or to force it into a position where the end of unfair, illegal, immoral, unethical and anticompetitive can be assured!

In closing, I am dismayed that the illegal tying of features to its software which inhibit and prohibit competition is not being pursued but indeed is continuing unflagged, I am dismayed that there is no economic penalty imposed. I am dismayed that the same leadership which resulted in the flagrant violations in the first place will continue to guide this company and that the company has not been broken into separate divisions with new management. I am dismayed that nothing anywhere addresses the overpricing of inferior products which has occurred for decades and which continues to this day. And I am dismayed that the attempt to prevent future behavior is, as a result of the flaws noted in the settlement, totally inadequate to the task. I sincerely hope that as a result of these considerations, the settlement reached will be vacated and that the Department of Justice will dictate to Microsoft the penalties which should be forthcoming, instead of allowing Microsoft to dictate what it is willing to accept.

With sincere regards,
Robert J. Patterson, II
1825 SE Mandrake Circle
Port St. Lucie Florida 34952
Ohairyl@aol.com

MTC–00027582

From: Mildred Olsen
To: Microsoft ATR
Date: 1/28/02 4:58am
Subject: Microsoft Settlement

Please except settlement. Our economy is being drained by lawsuits, manufacturing overseas movements and overseas sell offs. PLEASE put America first and not self serving interests that are destroying our economy internally.

Having grandchildren, I often wonder what they will be facing in thirty years from now!

Mildred Olsen

Very small business owner using materials made in America.

MTC–00027583

From: Add-Hoc Enterprises
To: Microsoft ATR
Date: 1/28/02 5:10am
Subject: DOJ/Microsoft settlement comments

To whom it may concern:

I am writing to express opposition towards the proposed antitrust settlement between the Department of Justice and Microsoft.

Although not trained in legal matters, I believe that a settlement, to be defensible, must provide remedies for the alleged violations affirmed by the Court of Appeals'' ruling. The current proposal does not prescribe any remedies for the court's finding of liability for monopolization.

The proposal does not provide adequate reparations for many issues. Many of the

provisions apply to Microsoft products and services currently shipping (i.e. Windows Operating System and Microsoft Developer Network,) but changes in computer technology and product branding such as .NET would allow Microsoft to easily bypass these restrictions within the five year life of the settlement. Thus, the settlement should not be tied to particular Microsoft product(s), but should focus on Microsoft's anticompetitive behavior. Also, the provision that prohibits Microsoft from retaliating against businesses that do not support its products lacks a clause to disallow Microsoft to reward companies that do support them (i.e. bonuses and spiffs.)

Ultimately, the proposed settlement would do little to restore competition.

Thank you for your consideration.

Respectfully,

Richard Clayton

Phoenix, AZ

MTC–00027584

From: Donovan Jocque
To: Microsoft ATR
Date: 1/28/02 5:18am
Subject: Microsoft Settlement

To USDOJ,

Settlement is a bad idea.

Any proposed settlement that would effectively allow Microsoft to continue in it's abuse will be bad for everyone. Microsoft can not be trusted to do as they say; enforcement is needed.

Moreover, any proposal that would extend Microsoft's OS monopoly into the education sector would be disaster for consumer choice. If Microsoft takes over the education market, the Apple platform's long-term viability will be threatened.

Please, do not settle on Microsoft's terms.

Donovan Jocque

Commerce, Michigan

MTC–00027585

From: Yajima Satoshi
To: Microsoft ATR
Date: 1/28/02 5:19am
Subject: Microsoft Settlement

I'm happy to submit my comment on Microsoft Settlement. I would like to say that Java is somehow misunderstood. Before the judgement, it is necessary to reconsider what Java really is.

* Java is rather more disadvantageous to customers;

(Windows never need Java.)

Although Java is said to be multi-platform, it is NOT correct in some sense.

Java is one monopolying platform which prevents each vendor from developing their unique features of operating system. Java uses its own User Interfaces which would eliminate unique User Interfaces features of each OS vendor.

Most of Windows customes are NOT familiar with the Java standard user interface, Swing.

Java is a threat thad prevents operating system from persuing unique benefits of each own features.

So, it is not strange that Microsoft didn't adopt pure Java technology.

Best Regards,

Satoshi Yajima (kv8s-yjm@asahi-net.or.jp)

Itabashi, Tokyo, Japan

MTC–00027586

From: Scott McCarty
To: Microsoft ATR
Date: 1/28/02 4:58am
Subject: The Microsoft Decision

The Freedom to Stifle Innovation

Will the Justice department has abdicate from its responsibility to protect business and consumers from Microsoft?

Long time readers of my Web site, www.GraphicPower.com, already know that I consider Microsoft to be the embodiment of evil business practices. Many innovative software companies have met their demise because Microsoft decided to put them out of business. I celebrated Judge Jackson's original verdict that ordered the breakup of the software monopoly. Jackson's only fault was getting so incensed by the arrogance, obfuscation, and obstructionism of the Microsoft defense, that he developed an obvious, if just, bias. What we have here is one of the most open, and shut cases of the century.

Microsoft has stifled innovation, stolen concepts, and buried small developers for at least 15 years. Is it any wonder that Judge Jackson developed an attitude?

What Comes Next?

The bad news is that Microsoft will probably have another two years to intensify its stranglehold on the software industry. We are beginning to see some of Microsoft's new ''innovations'' in Microsoft Office XP. Installation of virtually any non-Microsoft application or utility can disable vital applications unexpectedly when you are away from your office and do not have access to your original software disks. Microsoft Office XP can prompt for the original CD to re-authorize your software while you are on a plane putting the finishing touches on a mission critical presentation. What this implies is that Microsoft is laying the OS groundwork for application expiration. No longer will our license to use the software that we buy be perpetual. Microsoft will be forcing users of their software to pay a licensing fee annually.

Microsoft is also positioning itself to be the sole developer of entire genre of applications. Look at what they did to Netscape. Netscape was a vital, profitable company? a leader in the development of Web browser software. They were on the verge of deploying Netscape communicator as a fully featured commercial application for, perhaps, $35.00. Microsoft came along with Internet Explorer. They did not emasculate Netscape by simply producing a better product and giving it away for free. Microsoft made it difficult to even use Netscape.

Many versions of Internet Explorer refused to download Netscape, and Internet Explorer has its hooks so deeply into the Windows operating system that uninstalling it is a bizarre ordeal. Then, Bill Gates rammed an anti-competitive deal down Steve Jobs gullet. Microsoft would agree to continue support and development of Office for Mac only if Internet Explorer was the default browser for the Mac OS. MS also cast a $150 million vote of confidence in Apple by the purchase of non-voting stock. It was extortion and bribery to insure that Netscape would never evolve into a commercial software product. The Microsoft Juggernaut is poised to trample business and home users as well as software developers.

It is no surprise that Attorney General Ashcroft, the Justice Department, and the Bush administration would take a pro-business stance in the Microsoft case. Just what is the truly pro-business path? The only answer can be to break up Microsoft. The best scenario would be the breakup of Microsoft into three separate companies.

Operating Systems

Application Software

Internet Services

The current Microsoft strategy is to entwine their applications and Internet access into the operating system so tenaciously, that it will be difficult, even impossible for the average user, to install and successfully use non-Microsoft software. This would make the path of least resistance for most businesses to standardize on an all Microsoft suite of applications. Microsoft Access, SQL Server, and Exchange are all train wrecks. Business will have to conduct itself in frequent ''crisis'' mode while the IS department struggles with unstable business information systems. Cost of support will continue to skyrocket as these systems get more and more complex and require more thousands of dollars in training for IS managers to maintain their qualifications and competence. The Justice Department's decision to forge ahead with a weak response to Microsoft's illegal business practices will cost business a huge fortune. We may never know what went on behind closed doors between the Bush administration and Microsoft. This sudden reversal in policy makes the hair stand up on the back of my neck. I never thought anything like this could happen in the US, but then again, I never thought the Presidency could be stolen either.

Microsoft routinely withholds vital system call API's (application program interface) from developers. This gives MS the edge over everyone else in developing fully featured software for Windows. Part of the remedy MUST be that the MS operating systems division must share vital technical information about their operating system with all developers in exactly the same manner as with the Microsoft application division. For Example, I would like to see Star Office for Linux, Windows, and Mac OS be reasonably priced and compete directly with Microsoft Office for Linux, Windows, and Mac OS. We will never see Microsoft applications developed for Linux systems so long as Windows and application development are the same company.

Technological Genocide

Microsoft has actually been intensifying its anti-competitive strategy since the original verdict. Now that the verdict has been upheld, it is unlikely to be reversed no matter how many appeals Microsoft may file. The new evidence of Microsoft's accelerated stranglehold strategy should have been considered prior to any new remedy being imposed. The Justice Department should have been swift and sure, and not let Microsoft continue to suppress innovation

and competition. Microsoft is demonstrating no remorse, no reform, taking no prisoners. What we are witnessing is technological genocide on a global scale. Avoidance of Microsoft software is not just a personal issue with me...it is a matter of socioeconomic ethics. The only way for us to stop this destructive force of evil is to refuse to use, sell, or support Microsoft products. Take a stand for freedom. Take a stand for innovation. Take a stand for the American Way. Be Microsoft free.

Scott McCarty / Systems Integration
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MTC–00027587

From: Reed Laughlin
To: Microsoft ATR
Date: 1/28/02 5:31am
Subject: Microsoft Settlement

To Whom It May Concern:

I do not believe the proposed Microsoft Settlement to be in the public interrest, as it would not prevent Microsoft from further abusing its monoply power. Specifically, it does force Microsoft to disclose al file formats used with their Office Suite to allow interoperability with competing products. It also fails to complete. Unser teh Tunney act, further proceedings should be held in public to allow the public an equal opportunity to participate, and past communications between teh DOJ ad Microsoft should be disclosed.

Thank You,
Reed Laughlin
2812 30th Ave West
Seattle, WA 98199
(206) 286–1994

MTC–00027588

From: Malcolm Boura
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 5:32am
Subject: Microsoft Settlement

I have been following the DoJ's interractions with Microsoft with some perplexity. I thought the USA was run by an elected government but it would appear that if a company is big enough then it is allowed to use illegal practices to maintain an illegal monopoly. To be blunt, the DoJ is bringing the USA into disrepute. Or perhaps the explanation is that world monopoly, and the abuse of that monopoly, is acceptable when it is a US company?

Malcolm Boura
Senior Software Engineer
Pace Micro Technology PLC

MTC–00027589

From: jritt@math.bu.edu@inetgw
To: Microsoft ATR
Date: 1/28/02 5'38am
Subject: Microsoft Settlement
Jason Ritt
Mathematics Department
111 Cummington Street
Boston University
Boston MA 02215

I am sending these comments on the proposed Microsoft antitrust settlement, in accord with the Tunney Act.

As a researcher in the field of theoretical neuroscience, I am deeply concerned about deficiencies in the Proposed Final Judgment (PFJ) that could allow Microsoft's abusive behavior to continue in a manner harmful to our nation's scientific community. Below I (1) briefly describe my work, as an example of a typical use of computing in science, (2) discuss open source and free software development, non-commercial activity which is essential to the health of academic research, (3) comment on the threat posed by Microsoft to such software, and the inadequacy of the provisions in Sections III and IV of the PFJ to protect against this threat. It should be noted that although academia is a small ''niche'' market compared to the general public, it is behind much of the nation's technological, and hence economic, development.

(1) My research relies heavily on scientific computing, by which I mean the use of intensive calculation in the solution of scientific problems. Specifically, I create and operate software that simulates the biological activity of neurons (cells responsible for, among other things, brain function), using both standard programming languages (eg, C) and commercial products that provide a computing environment (eg, MATLAB by the Mathworks Corporation). These simulations serve as tests of theories of neural behavior and function. In addition to increasing our basic understanding of life processes, such work by me and others contributes to the development of technologies ranging from medical devices to improved electronics.

Scientific advancement requires effective interaction between researchers. While publication in academic journals is still important, direct communication via email and the sending of documents, data and computer code over the Internet now form an integral part of almost all collaborations. Computers thus have a dual value to the scientist: they are indispensable directly as computing tools, but also as communication tools.

(2) For me and most of my colleagues, the unquestionably best choice of operating system is Linux, a well known alternative to Microsoft Windows. Linux is superior in this context because it is computationally efficient; is typically packaged with a number of applications useful in scientific computing, communication and publication; has advanced scripting, automating and project management capabilities; can be extensively customized for a given task; and is available at little or no cost, which is especially important for publicly funded projects.

As described in Judge Jackson's Findings of Fact, Linux was produced primarily under the ''open source'' model of software development, in which many developers, often in disparate parts of the world and with no contractual arrangements between them, cooperate in correcting and extending the body of code which forms the software. Typically, most if not all of these developers volunteer their efforts. However, open source is not equivalent to free of charge; for example, the for-profit company Red Hat sells a popular distribution of Linux. Researchers typically use a mixture of free and commercial software.

Academic research in general, and scientific computation in particular, has thrived on the spirit of open sharing of software. In addition to the Linux operating system, such activity has created many valuable applications, for example sendmail (which led to the widespread use of email as a means of communication) and LaTeX (a typesetting program which is a universal standard for document preparation among mathematicians and physicists). Moreover, the TCP/IP protocols (which form the backbone of the Internet) and the HTML standard (which created the World Wide Web) were produced in academic environments and released to the public domain. Another example of the importance of the open source nature of Linux to current research is provided by colleagues here at Boston University.

They are extending state of the art technology, known as the dynamic clamp, which allows the design of an unprecedented set of experiments involving the interaction of a computer with biological tissue. A crucial component of the technology is a variant of the Linux operating system, known as Real Time Linux, which they have adapted to their needs. It is the open source model which gave them the necessary access to the basic code of the operating system (and in the same spirit they have made their improvements available to the community).

(3) Microsoft has publicly acknowledged its hostility to the open source community. For example, Microsoft Senior Vice President Craig Mundie has repeatedly argued that the General Public License (GPL), which promotes open source software and which governs the release of GNU/Linux, is a threat to the software industry, and Microsoft Chief Executive Steve Ballmer referred to software released under the GPL as a ''cancer''. While these comments are specifically about the GPL, they are widely seen as part of a general anti-Linux strategy. In particular, Microsoft is committed to the development of its .Net platform, but lacks total control over the market due to the existence of the highly popular open source server software apache, which runs under Linux. See CNET for example articles summarizing the GPL comments (http://news.com.com/2100–1001–270684.html), and the consequence of Linux for Microsoft's long term goals (http://news.com.com/2t00–1001–268520.html?legacy=cnet).

Given that Linux is currently the source of Microsoft's strongest competition, it is shocking that the PFJ, which is supposed to prevent Microsoft's illegal abuse of its monopoly, specifically condones discrimination against Linux. In particular, Section III.J(2) exempts Microsoft from disclosing information or providing licensing (of protocols I discuss below) to not-for-profit organizations. Since the benefits of the open source community, which created Linux, derive precisely from a mix of for-profit and

volunteer efforts, this Section allows Microsoft to continue abuses against its primary competitors.

J(2)b says organizations seeking information or a license must have ''a reasonable business need for the API, Documentation or Communications Protocol for a planned or shipping product'' J(2)c requires that the organization ''meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business''.

Under this wording, organizations which develop a ''free'' open source operating system or application could be denied status as a ''business'', and hence have no remedy under the PFJ. It is especially onerous that it is left to Microsoft to establish the standards for what constitutes ''authenticity'' and ''viability''.

The protocols in question are for ''anti-piracy systems, anti-virus technologies, license enforcement mechanisms, authentication/ authorization security, or third party intellectual property protection mechanisms''. While seemingly restricted to certain sensitive systems, this list potentially impacts all software. Even something as simple as a request for a new window could require a form of authentication, for example if that request comes from a networked application. This clause also affects any program which needs access to Windows file systems, such as the popular open source cross-platform file system SAMBA, because access to a hard drive or other storage medium has potential impacts on piracy, viruses and intellectual property concerns. As its past behavior has shown, Microsoft is willing and able to exploit such loopholes.

Moreover Section IV, concerning Compliance and Enforcement Procedures, provides no specific mechanism through which Microsoft can be brought into compliance if it is determined that it is not. The Technical Committee established under IV(B) has authority only to investigate and report. IV(A) gives the plaintiffs exclusive responsibility for enforcing the judgment, but describes no procedures by which they should do so. In fact, IV(A)4 authorizes plaintiffs to seek necessary orders from the Court, essentially guaranteeing further litigation and eliminating any value of the PFJ.

For reasons outlined in (2) above, there are powerful incentives for certain researchers to use the Linux operating system. However, Microsoft's monopoly, and the consequent widespread use of its proprietary file formats, introduce significant costs due to interoperability limitations. Moreover, the monopoly has the indirect effect of discouraging some third party software vendors from porting their products to other operating systems. To the extent that its goal is specifically to reduce the availability and quality of Linux and other open source software, Microsoft threatens to significantly harm users of scientific computing. While it is doubtful that this result is intentional, it is an unavoidable consequence of the fact that important software development is being done at the interface of for-profit and not-for-profit organizations. Any settlement which does not include strong guarantees against abusive practices towards open source software will create a damaging ripple effect, which could hamper the future advancement of science and technology.

In summary, I ask you to reject the PFJ as written, and seek more effective remedies that preserve the value and viability of open source software, including for those outside the information technology industry.

Sincerely,

Jason Ritt

MTC–00027590

From: Ross Brazzi
To: Microsoft ATR
Date: 1/28/02 5:43am
Subject: Microsoft Settlement

Operating Systems from Microsoft are found in over 95% of computer desktops, and by definition, that level of market share constitutes a monopoly. Microsoft aggressively protects its monopoly, and consequently consumers pay the prices dictated by Microsoft for Operating System and Application Software such as Microsoft Windows and Microsoft Office. For the benefit of consumers, competition must be introduced into the desktop market, and the most efficient method is through market forces, not regulation or consent decree. Microsoft should be broken up into separate and independent companies: one that develops Operating Systems software, such as Windows, one that develops Applications Software, such as Office, and one that encapsulates its Online and Broadcast Services, such as MSN and MSNBC. Market forces would provide a natural incentive for these separate and independent companies to offer their products and services on many platforms, including those of former competitors of the original, monolithic Microsoft. For instance, a separate and independent company that develops Microsoft Applications Software would want to broaden its user base by porting its products, such as Microsoft Office, to other Operating Systems, such as Linux. As a result, other vendors of Operating System Software such as Linux, can compete on a playing field that is more level when attempting to offer an alternative Operating System for the desktop market. Today, most businesses will not even consider an alternative Operating System, unless it runs Microsoft Office, because they are locked into the proprietary document formats of Microsoft Office. Splitting up Microsoft may seem drastic, but in the long run, it is the most effective and efficient way to introduce competition in a market controlled by one company.

MTC–00027591

From: Qrlevis@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 5:51am
Subject: Microsoft Settlement
January 28, 2002
Renata B. Hesse
Antitrust Division
United States Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I am emailing you because I've just learned of the possibility of a settlement with Microsoft that will not solve many of the problems caused by the MS monopolies.

I have had personal experience with just one of the various problems. l have had numermous problems going back and forth between the tech. support of Microsoft and tech. support of other software firms. It's just like the old days back in the 60's when IBM had a virtual monolopy on the mainframe computer business (I sold Honeywell computers to the federal government back then).

Some of my problems with Microsoft-versus-others are still there and I just have to live with them. Unless MS opens up its operating systems so that other software developers can develop problem-free interfaces, these problems will continue.

Please DO NOT SETTLE FOR LESS!!

Call me any time to discuss.....

Thank you,

Wilson Levis
Senior Associate
National Center for Charitable Statistics
The Urban Institute
2100 M Street, NW
Washington, DC 20037
202/261–5401

MTC–00027592

From: Michael Backes
To: Microsoft ATR
Date: 1/28/02 6:17am
Subject: Comments

To Whom It May Concern,

I feel that the U.S. Government needs to act decisively to curb Microsoft's abuse of its monopoly power in the software marketplace. I have suffered because of Microsoft's actions in the marketplace in the following ways:

1.) Microsoft slavishly copies the innovations of other smaller companies, such as Apple Computer's Macintosh operating system, effectively co-opting these innovations, and therefore making it difficult for the smaller company's innovations to be rewarded through increased sales and developer support. This means that Microsoft has unfairly impeded Apple's ability to compete, which has resulted in fewer software applications being developed for Apple's MacOS. Each time that Apple releases a new version of their Macintosh operating system, Microsoft seems to copy the new features of the MacOS into its own Windows operating system. Microsoft seems to hold Apple hostage, since Microsoft's Office applications are so crucial to the survival of the MacOS, that if Microsoft decided to kill development of their MacOS products, it could very well spell the death of the Macintosh in the marketplace. That seems completely unfair and anti-competitive.

2.) Microsoft seeks to extend its monopoly into other areas, by leveraging its monopoly on the PC to give it an unfair advantage in other markets. Microsoft's development of an internet browser seems to have marginalized other browsers to the point where no other company will enter the market. Microsoft is currently attempting to dominate the videogame business through the release of its Xbox videogame console. Two of the videogames that I hoped to buy and that had

been announced for competing platforms, have been canceled because of Microsoft's actions. HALO, the most anticipated game for the Macintosh, was canceled because Microsoft bought the company that was developing HALO for the Macintosh and made the game exclusive to the Xbox for the forseeable future. Shenmue II, a game made by Sega, was cancelled for release on Sega's own Dreamcast, because Microsoft bought the rights to release it exclusively on the Xbox.

I think the only fair solution to curbing Microsoft's abuse is to force Microsoft to spinoff their Internet, videogame, and application business units from their operating system business. The world will be a much better place for if such a split were to be enforced by our government. It would help our economy, because it would encourage thousands of software developers to bring new, innovative products to market. Please be brave and make the decision to curb Microsoft's abuse of their monopoly power.

Michael Backes
co-founder
American Film Institute Digital Media Studies Program

MTC–00027593

From: Daniel A. Lorca-Martinez
To: Microsoft ATR
Date: 1/28/02 6:27am
Subject: Microsoft Antitrust Trial

Dear Sir or Madam:

Prior to relating my thoughts on the case at hand, I would like to disclose that I am very minor shareholder of Apple Computer, Inc., one of Microsoft's competitors.

On Previous Actions:

I would like to start out by recalling that Microsoft has been convicted of illegal business practices more than once. In 1995, I believe, they reached a settlement with the government, only to circumvent the sanctions imposed.

My fear is that this will happen again. Microsoft literally drove Netscape-a company that once was a corporate giant-out of business overnight. Once they gave away their browser, there was little incentive for individuals to purchase the competing product from Netscape. Regardless of what can be said about AOL purchasing Netscape being proof that the computer industry is fluid and can fight Microsoft, that deal never would have happened if Microsoft hadn't reduced Netscape's business to dust. It also would have been impossible for any other company to give away its software-and this goes to the heart of why Microsoft has been found guilty of abusing its monopoly.

Many people equate this trial to IBMs antitrust trial. I would like to point out that yes, there are some similarities on the surface-but they end there.

1) IBM was not purchasing most competing products. To this day, Microsoft has yet to truly create innovative products in-house aside from Excel and Word. Powerpoint, Access, FoxPro, and even Internet Explorer, the reason behind this trial, were purchased. (Taken from an Amicus Brief from the trial presided by Judge Jackson that specified which products were purchased.)

2) IBM lost its monopoly position in the computer market due to many factors, in part arrogance, lack of vision, and lack of drive. Microsoft, as a company, is very smart and nimble. They have learned from the mistakes or their predecessors, including this major oversight of IBM's. Microsoft is being very careful about being caught with its proverbial pants down-and in fact have gotten into almost every single major business development early on, from cable news to set-top boxes for TV (even with latecomers, such as its entertainment console, the X-Box).

The computer industry, on its own, would be flexible enough to compete with Microsoft on the basis of merit and price. The problem is that Microsoft is very quick to see such competitors early on, and either buys them out or drives them out of business with its guerrilla marketing tactics (the FUD factor: Fear, Uncertainty, and Doubt). This can be seen prominently, for example, when Microsoft-influenced people state that Apple could go out of business, or that Linux can't last long because it is a free operating system.

On the ''Freedom to Innovate'':

Someone on the internet suggested a great solution that in addition to any other penalty, Microsoft should be prohibited from using patents acquired from other companies for a period of three years. This would keep them *really* innovating, as opposed to innovating by acquisition.

Sometimes, innovation by Microsoft is truly a bad thing. As a company, it has the habit of ''embracing and extending'' open standards, such as HTML and Java. Java is a Sun trademark and, they sued Microsoft when it included Java with Microsoft's modifications without mentioning the difference. Sun won, and Microsoft had to issue a recall and pull the product from the shelves. The problem is that other standards like HTML don't have the high priced lawyers that Sun does. My solution to that would be to have Microsoft list products that are, for example, HTML compatible, if and only if the standard is followed to the letter. No extensions to HTML, no extensions to Java-just the pure, unadulterated standard.

On the matter of Remedy:

It is imperative to see that desperate times call for desperate measures. Microsoft has fought tooth and nail against the possibility of being broken up. As a company, it has argued that severe limits to its freedoms would be detrimental to them, the economy, and indeed the world. The problem is that yes, they are very important and determine the outcome of much that goes on in the computer industry. They have abused their power though. Most importantly, weak antitrust remedies will not help-Microsoft will find a way around them. Where some litigation has stopped companies from abusing monopoly power, Microsoft has demonstrated that nothing short of completely and forcibly changing their business tactics will help. Yes, this may mean that certain otherwise unreasonable penalties will be applied to Microsoft. Unfortunately, the court, on behalf of the American people, has no other recourse-minor fines and weak penalties will not curb Microsoft's corporate behavior. The solution proposed by Judge Jackson of dividing the company into two entities was an ideal solution. It would allow the company to do everything it was doing before, but without the strongarm tactics to make up for the software's shortcomings. If Microsoft's applications (Office, Explorer, Access, etc) was split from its Operating System division (XP, 2000, NT, etc), there would be a plethora of offerings that would become available. The Linux operating system has gained much ground-and while its users enjoy free software, if Microsoft offered its software for Linux at the same price point as its offerings in Windows, it would make a profit. One of the main reasons why this is still not being done is that making Linux a viable platform (by offering Office, for example) would undermine Windows's standing as the predominant operating system. As a separate company, the MS Applications Company would be free to offer what they like to whomever they like. Then Windows would be free to compete on its innovative qualities on equal ground.

Alternatively, it would be possible to have Microsoft license the software (and APIs) it did not want to make for alternative platforms, such that an independent developer would be able to make an official Office package that is guaranteed to be compatible with its Windows counterpart. Because it is licensed, Microsoft would be guaranteed a profit. No loss would occur, since they would not have to make any investment. If the product fails, they don't have to worry about it either.

On Anti-Competitive Practices:

It is a matter of record that Microsoft has used restrictive contracts and licenses to force partners to exclude competitors. If Gateway preinstalled the Netscape browser and placed the Navigator icon on the Windows 95 desktop the license price of Windows went up. This was used as an effective tool to weaken Netscape's position in the OEM market.

Recently, Microsoft's Software Licensing Agreements (I believe in Visual C++ 7) have started including a clause that prohibits the use of its software compilers to create freely distributable software and source code under the GNU Public License. This is a significant blow to the community that believes in free software. Most importantly, there is no reasonable explanation to include such a clause other than specifically to hurt the free software movement. It is widely known that Microsoft has inserted code into their various software products to slow or even downright disable competing software. Microsoft Office version 4 for the Macintosh took roughly 4–10 times longer to launch on the Macintosh than on a comparable PC. It has been shown that Netscape browsers perform slower on Windows than MS Internet Explorer; even controlling for relative speeds on the Macintosh (the only other platform available for browser comparison) there was nowhere near the discrepancy. Apple's Quicktime software, after installation of Windows Media Player (Microsoft's competing media software), was found to stop working.

On Conspiracy Theories:

Personally I generally regard conspiracy theories with contempt. day my brain was on autopilot, however, and I thought of a few interesting ''coincidences''.

One

Microsoft was well into the proceedings of the Antitrust trial in May of 1998 when it decided to invest $150 million in non-voting Apple stock and promise Microsoft Office for the Apple Macintosh five years.

The advantages:

* Keeps the only real competitor alive for as long as necessary (five years is plenty of time to get the main Antitrust trial over). Apple, without Microsoft's office suite of software, would slowly but surely go out of business.

* As a bonus, they look benevolent, keeping a struggling company alive. Apple, at the time, had over $2 BILLION in its cash reserves. They hardly needed an influx of 7.5%.

* Microsoft continues to receive quite a bit of revenue from Office for the Mac-certainly more than enough to warrant its development. They would most likely continue to develop Office for the Mac anyway. Of course, this does not preclude Microsoft from approaching Apple and saing ''If you do not set Explorer as the default browser on your Macintosh machines, we will stop making Office for your Mac OS.'' [Paraphrased from court documents.]

* Instant riches: $150 million doubled overnight, and today that investment is worth around $450 million.

* Microsoft and Apple settled on numerous instances of patent-infringement litigation for an undisclosed sum. Reports commonly say around $300-$500 million, but were worth more than $2 billion (source: Gil Amelio, ex-CEO of Apple).

* Best Of all, they had no long term commitment-they are free to stop making Office for the Macintosh in May 2003, roughly the expected date of the end of the antitrust trial.

On the note of conspiracy theories, a fringe theory:

Judge Jackson was widely regarded as an even handed official, with (if any) a tendency to favor capitalism and less government intervention. It struck me as very odd that he ruled against Microsoft, conducted himself in a manner very unbecoming of an officer of the court (belittling witnesses, speaking to the media about the case extensively before and after the ruling, etc.). He should have known about the appearance of impropriety it would create and how it would negatively affect his rulings on the case. If he were a lesser man, I would be inclined to think that he handed down the worst judgment he could think of, knowing that it would be tossed out and replaced with a lesser penalty. Microsoft, knowing about the actions of this lesser man (than the Hon. Jackson), would be comforted that their biggest fear (being split into two or more companies) would not come true because of this conduct. Thank you very much for your time and attention. I appreciate living in a society where my opinion matters and is heard.

All the best,
Daniel A. Lorca-Martinez
1240 Evelyn Ave.
Albany, CA 94706
(510) 558–8999

MTC–00027594

From: conner
To: Microsoft ATR
Date: 1/28/02 6:32am
Subject: Antitrust Suit Against Microsoft

Dear Sir/Madam:

I am not necessarily a fan of Microsoft. I do, however, believe that Microsoft, and its customers, should be allowed to do business as they see fit. I do not think that a third party (Netscape, Sun, et al.) should be allowed to interfere with any consensual transactions between Microsoft and its customers. I am a Microsoft customer and user. I also use Linux, Netscape, Sun and many other non-Microsoft products. I know computer professionals who make it a point of not using Microsoft products—it is possible and it is certainly their right to do so. I am an engineer and software developer, and if I did not wish to use Microsoft products, I could do so and still generate applications (which could be compatible with Microsoft products). Microsoft does not and cannot own the entire software industry. It has dominance in the software industry, but it is not a monopoly: there are many competitors. If customers did not like Microsoft as much as they did, there would be many more competitors. The only things that could prevent such competition are forces outside of Microsoft, its customers and its competitors.

If I were to try to compete against Microsoft (which I can do because of my very low overhead), would it be reasonable for me to claim that Microsoft should give me its source code or be forced to do business in another fashion so that I could compete? If so, I could claim the same against any business larger than my own, or any new engineer could claim the same against me. If the department of justice were to act on such claims, disastrous consequences would follow. Confidence in the ability of the government to protect business would be greatly diminished, and businesses would be less likely to pursue or continue new ventures. As an example, observe the behavior of the stock market after Judge Jackson's decision (which was later called into question). It is not only the direct consequences of such decisions, but their underlying principles that should be questioned. Adherence to such principles has consequences not only in business, but also in every aspect of our lives. The principle I am defending is an individual's right to life, and his concomitant right to pursue his livelihood in his own way without violating the rights of others. So long others? rights are not violated, I must respect Microsoft's right to do business as it wishes, if I am to respect any rights.

Charles D. Conner
Professor, Electrical Engineering
Capitol College
Laurel, Maryland

MTC–00027595

From: steve skinner
To: Microsoft ATR
Date: 1/28/02 5:36am
Subject: Microsoft Settlement

The people who would benefit from this action iarenot the people who would buy computer products and services but rather Microsoft's compeitors. These people like Sun and AOL are the businesses that prey on the public. AOL charged me over $900.00 for services that a hacker used and I ended up paying for because they made it impossilbe for me to contest. Microsoft provides what we need.

MTC–00027596

From: Jay Sulzberger
To: Microsoft ATR
Date: 1/28/02 6:38am
Subject: Microsoft Settlement

Dear Judge Kollar-Kotelly,

I write in order to persuade you that the main thesis of the economic theory of the Department of Justice and the States antitrust case is not true. This main thesis is that the ''applications barrier to entry'' is the most important mechanism whereby Microsoft maintains its high proportion of OSes installed on Intel-compatible peecees.

Though I think the main thesis false, and therefore the theory defective, I do believe that Microsoft and the large OEMs have engaged in a combination in restrain of trade, and that this combination is illegal under the Sherman Act. I also believe that damages are due every single user of a Microsoft OS who was not offered at point of sale of the hardware a choice of operating systems for the hardware. The injury is plain: viruses, worms, and trojans infest all Microsoft ''Windows'' operating systems, and such systems are, even without infestation, unstable, difficult to manage, and lacking in features provided by other operating systems for Intel-compatible peecees. No other vendor's operating systems are so incompetent. Please allow me to make a personal offer to the Court: If you wish, I will demonstrate, upon 48 hours notice, a fine GNU/Linux system which can be seen by the court to be more attractive to the eye, easier to understand, and richer in services, programs, and amusements than any Microsoft OS. This system will be provided with all ''office productivity applications'' needed. The system will have neither viruses nor worms nor trojans, nor will it crash.

Let us state what the ''applications barrier to entry'' is. Here is paragraph 3 of the original complaint in Civil Action No. 98–1232 3. There are high barriers to entry in the market for PC operating systems. One of the most important barriers to entry is the barrier created by the number of software applications that must run on an operating system in order to make the operating system attractive to end users. Because end users want a large number of applications available, because most applications today are written to run on Windows, and because it would be prohibitively difficult, time-consuming, and expensive to create an alternative operating system that would run the programs that run on Windows, a potential new operating system entrant faces a high barrier to successful entry.

This is nonsense. Most first time buyers of a home or small office computer know of exactly two kinds of computers: a ''peecee'', also called a ''Microsoft peecee'', and the Macs made by Apple. Most first time buyers do not know that there are operating systems other than Microsoft operating systems that run on Intel-compatible peecees. Indeed most

users of computers do not know even what an operating system is. So most buyers of Intel-compatible peecees certainly do not consider various possible OSes they might buy, since they are unaware that a choice is possible. And indeed, in CompUSA today not one single computer is offered for sale with anything except a Microsoft OS on it, unless the computer be a Mac. Now it is elsewhere claimed, notably in Judge Jackson's Findings of Fact, that the reason Apple has a small share of the market is that there are fewer applications available for the Mac. This is also nonsense. Most Macs cost about twice what a comparable Intel-compatible peecee costs. Clearly this is what accounts for the small share of Macs purchased. Buyers know that the peecees with Microsoft OSes and the Macs are roughly comparable in their powers, and buyers choose the much less expensive peecees with Microsoft OSes pre-loaded.

So what then accounts for the large proportion of Microsoft OSes running on Intel-compatible peecees? The answer is simple, and neither the Justice Department nor the States dispute the fact: Most people will never install an operating system from scratch themselves. So if the computer comes with but one OS, that is the OS that will be run on the machine until the machine is either scrapped or sold to someone who knows how to put another OS on the machine. Now Microsoft in close concert with the large OEMs has arranged that only Microsoft OSes are on the machines sold by the OEMs. This explains why Microsoft OSes run on such a large proportion of Intel-compatible peecees. There is no need to postulate any decision by buyers as to what OS will be run on the hardware. Buyers, except for a small minority, buy a unitary system composed of OS and hardware. There is a minority, perhaps ten or twenty percent, depending on what part of the world we look at, of buyers who know that other OSes can be installed on Intel-compatible peecees. It is remarkable that almost every single person who has ever succeeded in installing a non-Microsoft OS on their Intel-compatible peecee continues to use the non-Microsoft OS. Indeed, most go on to either remove all Microsoft OSes from their own machines, or, in some cases, use the Microsoft OSes to play a few favorite games, which do not run on the other operating systems. Yes, there are a few programs which some people find have no better competitor on a non-Microsoft OS. Of course, there are literally thousands of programs which run exclusively, or nearly so, on the free Unices, such as GNU/Linux, FreeBSD, NetBSD, and OpenBSD, and are equally beloved by their users, who feel there are no competing programs which run on any Microsoft OS. I repeat, because the statistics are so extreme: almost everyone who ever uses a non-Microsoft OS on Intel-compatible peecees finds the non-Microsoft OS superior to the Microsoft OSes. Almost the only people who use Microsoft OSes exclusively are those who have never tried a non-Microsoft OS. In other words, in the market of end-users of Intel-compatible peecees, Microsoft OSes are a catastrophic flop. Microsoft is not a success in the market, rather Microsoft, in concert with the large OEMs, is a success at keeping the existence of a market in OSes a secret, and by this means swindling millions of unknowing end-users into running Microsoft OSes. How this effective combination in restraint of trade came to be I do not discuss here, except to say that even if, in certain market segments years ago, Microsoft once was a success, that is no reason Microsoft should be allowed to shield itself from the market by illegal combinations today.

At this point a defender of the proposition that Microsoft OSes are really quite good for most end-users might claim that the twenty percent of the population which today finds the free Unices superior is simply that twenty percent of the population with a special hobbyist and/or professional interest in certain aspects of computers and their uses. The claim will be that the eighty percent who run Microsoft OSes are those without this special interest and that thus, today, really, the free Unices can present no serious competition to Microsoft in the market. This claim, that only a small limited number of end-users will find the free Unices superior is definitely wrong and I have myself demonstrated it by helping set up office lans with most of the machines running some free Unix. People who have never used anything except Microsoft or Apple OSes, when they sit down to work, find that the free Unix they are running is better than the source-secret OSes they have used before. Now, indeed, not everybody immediately prefers a free Unix to their old familiar Windows, even if there are no viruses, no crashes, etc.. But most do come, after a few weeks of use, to like their free Unix better than their old Windows. Some do not, of course, but, as mentioned above, the number who decide Windows is better is very small.

We note that again and again the Justice Department and the States state that it is difficult for a user to install a browser that does not come pre-loaded on their machine at time of purchase. The DOJ and the States must surely admit that it is much more difficult to install a whole new OS. So by their own argument the DOJ and the States argue the effectiveness of the real barrier to entry, namely that the OEMs only sell Intel-compatible peecees with Microsoft OSes pre-loaded.

To sum up the argument so far: We have demonstrated that the ''applications barrier to entry'' is not the real barrier to entry. The real barrier to entry is that most buyers of Intel-compatible peecees are never given a choice of OSes. They run what comes on the machine because they can do nothing else.

We now argue that the main remedies put forth in both the DOJ and Agreeable States and also the Hold-0ut States proposals are structurally inadequate to restore competition, we shall not argue in detail, though we agree with Dan Kegel and others that, even in their own terms, both proposals fall short. But our argument will be against the main thrust of both proposals.

Let us consider the players in the game:

1. Microsoft
2. The OEMs
3. Browser and Middleware Vendors, non-Microsoft vendors
4. Applications Vendors
5. EndUsers

The strategy, with rationale, of both proposed remedies is the same:

1. No attempt is to be made to directly foster competition at the level of the OS, because there Microsoft is for now invulnerable.

2. But, by a hinge movement of markets, Browser and Middleware Vendors, if Microsoft plays fair with them, can help nurture competition. It is left vague as to when any of this competition is expected to take place at the level of OS.

3. One mechanism by which Browser and Middleware Vendors and also Applications Vendors can be helped to be competitive with Microsoft in the markets for Browser and Middleware and Applications is by constraining Microsoft to fairly reveal APIs.

4. Another mechanism by which Browser and Middleware Vendors and also Applications Vendors can be helped to be competitive with Microsoft in by constraining Microsoft from threatening OEMS who pre-load non-Microsoft Browsers, Middlewares, and Applications on their machines.

5. EndUsers will now have a choice of Browsers, Middlewares, and Applications on the machines they might buy. EndUsers will not have any choice, at least for some years, of whose OS is on the machines they might buy. By 1 above, it will be a Microsoft OS.

The center of the strategy of the proposed remedies is 3. But 3 cannot possibly work. Fair publication of the APIs of Microsoft OSes/Middleware cannot make non-Microsoft Browser, Middlewares, and Applications Vendors competitive with Microsoft acting as a Browser, Middlewares and Applications Vendor.

The owner of the OS decides what runs, and what runs well, and what runs badly, etc.. The owner decides all such questions. And for any source secret OS, there is only one owner: the vendor. No matter what icons appear on the startup screen, what fine Java or better than Java stuff is on the box, if the owner wants something else on, it goes on. If the owner wants your stuff to go away in a year it goes away. In the United States there is no economic, no political, no legal force capable of stopping the owner of the OS from doing with the OS whatever the owner wants.

The owner of the OS has such power because of the relation of applications to the OS they run on top of. Here it is important to recognize that a piece of middleware is simply another application in its relation to the OS. Let us consider two competing applications, one written by a non-Microsoft company, the other by Microsoft. Assume both these application run atop a Microsoft OS. Assume further that Microsoft is making a full scale honest flat out effort to abide by a strict order to provide complete, fair, and timely access to the whole API of the Microsoft OS. This situation would, if anything, strengthen Microsoft's advantage in building a better application. At the end of one year of writing code Microsoft's application will run better than its competitors. I repeat, we assume that Microsoft does not cheat at all. Why will the Microsoft product run better? Because only

Microsoft can debug both sides of the OS:Application interface, that is, both sides of the real API, which API is not fully known, even to Microsoft, before the projects is under way.

The non-Microsoft vendor can only debug the Applications side, based on a necessarily incomplete and sometimes simply wrong published API. No API is ever well enough defined and well enough understood that no exploration form the OS side reveals nothing new of advantage. You must always debug on both sides, passing in your design, coding, and testing fluidly from one side of the API to the other. Only Microsoft can do this, in our example, and this has nothing to do with the childish but nonetheless effective cheats that Microsoft has committed in the past, such as the famous DRDOS false boot up message, and which Microsoft continues to commit today. One of the mechanisms of the extraordinary success of free software in the past fifteen years is precisely that the code of the OS is not secret, and so may be read and modified and redistributed by anybody who wishes and has the capacity. Thus there is no ''owner'' of the OS with unique powers of design, coding, and debugging. Hence both competition and cooperation are possible.

Microsoft is not some strange subtle powerful company. By virtue of its unique access to the source code, and its power of copyright over the source code, it is simply the owner of the OS.

To sum up the second part of the argument: Without competition at the level of the OS, the OS owner still dictates which applications work well, and which applications do not work well. The only way to get competition above the level of the OS, is to get competition at the level of the OS. And the only way to get competition at the level of the OS is to give the end user a fair choice of OSes, a choice completely separate from the choice of hardware, at point of sale of the complete system, that is, hardware and software.

So we come to one clause of a remedy that we believe will restore competition in the market for OSes for Intel-compatible peecees:

1. Require Microsoft to sell every instance of any single line of its OSes at a single uniform price to everyone, whether Dell or me or the public school down the street or the white box builder up the block.

2. Require all vendors of Intel-compatible peecees to sell the hardware completely separately from the OS.

Microsoft and its creatures will claim that 2 would impose on those buyers who ask for a Microsoft OS an unfair burden, because such buyers would have hard time installing their Microsoft OS instance. I would agree, if that were what I propose. No, let Dell do the install, just as now, but the price of the OS must be broken out in the bill, and that price must be the same for a pre-loaded OS as for a copy in cardboard box. Naturally a complete finely drawn clause here would have to ensure that Red Hat, Be, The FreeBSD Crew, Debian, etc. were treated exactly as Microsoft would be by the OEMs.

I thank the Court for its work and for reading this!

I remain, as ever, your fellow user of free software, Jay Sulzberger.

For purposes of identification only:
Jay Sulzberger <secretary@lxny.org>
Corresponding Secretary LXNY
LXNY is New York's Free Computing Organization.
http://www.lxny.org
Co-Winner of the First Linus Torvalds Community Award 1999

PS. If you use the web or email you use free software. The Internet is built of and on free software.

MTC–00027597

From: Christopher Bradley
To: Microsoft ATR
Date: 1/28/02 6:48am
Subject: Microsoft Settlement
Dear Sirs;

I am not satisfied with the current ruling ''against'' microsoft. I believe they have a virtual monopoly on operating system software which they have strengthened both by intimidating business tactics and by bundling their software together, thus forcing users to use their software to do any meaningful work. I als0 strongly object to their entrenched reluctance to open up their code for public inspection. I agreed with the original Penfield rulings and think that the company's monopoly should be broken up.

It's very difficult to fix a car if you don't know how the pieces fit together, and the company refuses to sell you a shop manual. I have spent many hours trying to keep my home computer going. This is particularly difficult in the Windows environment due to the inaccessibility of the basic operating system.

Lastly, please DON'T let microsoft donate thousands of computers to our schools. That is a move to further consolidate their hold of the educational marketplace, and perhaps their hold of the next generation with their fault ridden products. It would not be an act of philanthropic charity.

Thanks for your time,
Christopher C. Bradley, M.D.-Ph.D.
Department of Neurology, Yale University School of Medicine
15 York Street, LCI 701
P.O. Box 208018
New Haven, CT 06520–8018 (203)785–4085

MTC–00027598

From: Dave Solomon
To: Microsoft ATR
Date: 1/28/02 6:49am
Subject: Microsoft Settlement

The current proposed settlement of the Microsoft antitrust case is not in the public interest, I strongly believe. It opens a gaping loophole in the antitrust laws, through which Microsoft could, and almost certainly would, continue to abuse its monopoly market power in the huge market for Intel compatible personal computer operating systems.

This loophole, which I see as very dangerous, is at the end of the settlement text. It grants Microsoft sole discretion in deciding what is a part of the Windows (tm) product.

This loophole would allow Microsoft to determine, for example, that all of these things are part of the Windows operating system: o Internet Explorer (but —not— Internet Explorer for Macintosh!), thus resolving, by corporate decree, a product tying issue that is still unresolved from the Microsoft antitrust trial and appeals court ruling;

o email software (Microsoft may already have monopoly status in this market as well, by vice of their predatory pricing and bundling of their Outlook products);

o anti-virus software, threatening several currently thriving products from Norton, McAfee, etc.;

o graphics software along the lines of PhotoShop;

o income tax preparation software, thus assimillating the flourishing market for income tax preparation software into Microsoft's Windows market.

o any other new and popular software genre that develops in the future.

This case is highly visible and controversial, and was initiated under a major political party (the Democrats) that is now out of power in the executive branch of our government. This settlement proposal has all the earmarks of political convenience and expediency that it should not have, and none of the earmarks of thoughtfulness, thoroughness, and fairness that it should have.

Please give the current proposed settlement the rejection that it so richly deserves.

Dave Solomon
13917 Crest Hill Lane
Silver Spring, MD 20905–4464
<davy@witty.com>

MTC–00027599

From: Terry Quigley
To: Microsoft ATR
Date: 1/28/02 6:52am
Subject: Microsoft Settlement

To whom it may concern,

I've watched with interest the unfolding of the Anti-trust case against Microsoft, and found the original recommendation fo a Microsoft split up travesty of justice. That Anti-trust should be such a potent force in the USA is in itself bizarre. Here's a country that has shown the rest of the world that Capitalism actually works. Capitalism works because it has its own inbuilt system of checks and balances i.e. the free market, and, properly implemented, isn't weighed down by tons of regulation. This is especially the case in the IT industry where Microsoft has been and continues to be such a positive force. From my knowledge, no IT company has ever effectively monopolised an industry segment. If an IT company found itself in a monopoly position and chose to compromise prices and/or quality, its monopoly position would be temporary at best—technology is changing far too quickly for someone to take an uncompetitive position.

I'd like to finish by stating that Microsoft should be lauded for its contribution to the IT industry and to America as a whole, and not be dragged through a costly (to American taxpayers and Microsoft), unnecessary court case; it should not be punished for its success. Microsoft is a very positive example of what can be done when Government is the instrument not the controller of the people.

Come on guys, let America pump its chest with pride not resort to punitive insecurity.

Yours sincerely,
Terry Quigley, M Info Sys
38 Eddys Grove
Bentleigh, 3204
Victoria, Australia.

MTC–00027600

From: Mark Boszko
To: Microsoft ATR
Date: 1/28/02 7:01am
Subject: Microsoft Settlement

I wish to express my displeasure with the DOJ's proposed settlement with Microsoft, for the following reasons:

1. The proposed settlement is not in the public interest. The settlement leaves the Microsoft monopoly intact. It is vague and unenforceable. It leaves Microsoft with numerous opportunities to exempt itself from crucial provisions.

2. The proposed settlement ignores the all-important applications barrier to entry which must be reduced or eliminated. Any settlement or order needs to provide ways for consumers to run any of the 70,000 existing Windows applications on any other operating system.

3. Consumers need a la carte competition and choice so they, not Microsoft, decide what products are on their computers. The settlement must provide ways for any combination of non-Microsoft operating systems, applications, and software components to run properly with Microsoft products.

4. The remedies proposed by the Plaintiff Litigating States are in the public interest and absolutely necessary, but they are not sufficient without the remedies mentioned above.

5. The court must hold public proceedings under the Tunney Act, and these proceedings must give citizens and consumer groups an equal opportunity to participate, along with Microsoft's competitors and customers.

Thank you for considering my points.

Mark Boszko
374 N SUMMIT AVE STE 101
GAITHERSBURG MD 20877–3116 301–977–0401

MTC–00027601

From: DanielH13@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 7:01am
Subject: Rule against microsoft!

I'm writing to urge you to take more harsh action against Microsoft. The current recommendation of having microsoft supply thousands of computers to schools is actually rewarding Microsoft, rather than punishing them. One market which has been successfully addressed but a competitor to Microsoft is the education market. Now the recommendation to ''punish'' microsoft it to use the law to force them into one of the few markets where a competitor has managed to carve out a niche. Microsoft must be laughing all the way to the bank on that one. PLEASE, do not allow this company to become even more entrenched and allow it to further dictate the future of software development and even more importantly, the way people work and learn.

Dan Hogan
6703 Ilex Ct.
New Market, MD 21774–2907
301–865–3712

MTC–00027602

From: Karl O. Pinc
To: Microsoft ATR
Date: 1/28/02 7:11am
Subject: Microsoft Settlement

Dear Sirs and Madams,

I attach 3 versions of my comments, a PDF file for printing, a HTML copy for following references, and a ASCII text copy for interoperability.

Regards,
Karl O. Pinc <kop@meme.com>
Subject: Microsoft Settlement
To: microsoft.atr@usdoj.gov (U.S. Department Of Justice)
From: kop@meme.com (Karl O. Pinc) 5512 S. Woodlawn Chicago, IL 60637

Introduction

I write so that there is a public record which points out that the Stipulation and Revised Proposed Final Judgment 1 does not provide the relief claimed in the Competitive Impact Statement [2], and to point out that at least some of the failure of relief should be clear to anyone, with or without computer industry background. Further, I describe how the Proposed Final Judgment explicitly authorizes Microsoft's continued use it's monopoly powers to advantage over it's competitors. I therefore conclude that the public and the marketplace would be better served if the Proposed Final Judg- ment was scrapped and the government imposed no penalty on Microsoft. Finally, I point out the means, as generally acknowledged in the industry, by which Microsoft intends to preserve and extend it's monopoly and an obvious way in which Microsoft can be prevented from doing so.

I do not have time or energy to analyze the entire Proposed Final Settlement. I focus on only a few elements and how they meet the relief claimed:

''The Proposed Final Judgment will provide a prompt, certain and effective remedy for consumers by imposing injunctive relief to halt continuance and prevent recurrence of the violations of the Sherman Act by Microsoft that were upheld by the Court of Appeals and restore competitive conditions to the market.'' [3]

Contractual freedom unrestrained by monopolist pressure

Starting with the first relief claimed:

''Ensuring that computer manufacturers have contractual and economic freedom to make decisions about distributing and supporting non-Microsoft middleware products without fear of coercion or retaliation by Microsoft, by broadly prohibiting retaliation against a computer manufacturer that supports or distributes alternative middleware or operating systems.'' [4]

Let us examine this claim. Presumably, the following elements provide the above relief:

''Microsoft shall not enter into any agreement with:'' (item 1.) ''any IAP, ICP, ISV, IHV or OEM that grants Consideration on the condition that such entity distributes, promotes, uses, or supports, exclusively or in a fixed percentage, any Microsoft Platform Software...'' [5] In plain english, Microsoft may not prohibit an OEM& [6] from putting a non-Microsoft program on the computers they sell. However, note the exception that immediately follows: ''except that Microsoft may enter into agreements in which such an entity agrees to distribute, promote, use or support Microsoft Platform Software in a fixed percentage whenever Microsoft in good faith obtains a representation that it is commercially practicable for the entity to provide equal or greater distribution,, promotion, use or support for software that competes with Microsoft Platform Software'' [7]

At first glance, it seems that Microsoft can require OEMs to distribute Microsoft software, but only in equal or smaller quantity than the OEMs distribute non-Microsoft software. Indeed, this would be the case if product at issue was not software. However, Microsoft need only require OEMs to distribute Microsoft software in a quantity which matches not the actual quantity of non-Microsoft software shipped, but the quantity of non-Microsoft software which is ''commercially practicable'' the OEM to ship. To investigate the ''commercial practicality'' of distributing non-Microsoft software, examine a short list of products which are the primary competition for various Microsoft products:

. The Netscape [8] web browser in place of Microsoft Internet Explorer (IE)

. The AOL [9] software used to connect to the AOL Internet service in place of Microsoft Internet Explorer which connects to the MSN Internet service

. The Apache [10]* web server in place of Microsoft Internet Information Server (IIS)

. Linux [11] in place of Microsoft's operating systems (XP, Win 2000, Win ME, Win 98, Win95, etc.)

. StarOffice [12] in place of Microsoft Office (Word, Excel, Power Point, etc.) [13]

The above non-Microsoft programs all have one thing in common. They are free of charge. The only cost associated with the distribution of these programs is the amount of space the programs occupy on the computer's hard drive, a negligible cost in today's era of cheap hard drives. Or, looked at another way, the computer's owner can completely recoup the disk space taken by any of these programs for the cost of dragging the program into the trash. For all intents and purposes these programs, arguably Microsoft's strongest competitors, are free. This means it is ''commercially practicable'' for an OEM to distribute any or all of these programs with every computer sold.

Therefore under the terms of the Proposed Final Judgment, Microsoft may require ''any IAP, ICP, ISV, IHV or OEM'' to include a Microsoft program 100% of the time. The Proposed Final Judgment allows Microsoft to collect a 'tax'' on every sale. Should Microsoft for some reason find it to its advantage not to charge for its software, the simple fact that a product is always sold with Microsoft programs pre-installed is an advantage not granted to the competition. Imagine how much it would cost to have someone install, for example, a copy of the Microsoft XP operating system on a computer you already own.

As written, this clause of the Proposed Final Judgment authorizes Microsoft to

continue to reap advantage from its monopoly. Removing this loophole seems straight-forward. The clause could read: ''except that Microsoft may enter into agreements in which such an entity agrees to distribute, promote, use or support Microsoft Platform Software in a quantity equal or less than the distribution, promotion, use or support for software that competes with Microsoft Platform Software

On casual reading of the judgment the appearance is that this clause does nothing more than allow Microsoft to negotiate a share of business comparable to the it's competitor's share. Yet the simplicity of the revision which would meet this ''fair share'' requirement leads me to conclude that the more complex ''commercially practicable'' phrasing of the Proposed Final Judgment is deliberately included to allow Microsoft to use its monopoly to force contractual arrangements which ensure the ubiquitous presence of Microsoft software on all computers.

Indeed as: ''Nothing in this provision shall prohibit Microsoft from enforcing any provision of any license with any OEM or any intellectual property right that is not inconsistent with this Final Judgment.'' [27] the final judgment clearly allows Microsoft to make contracts requiring the distribution of its software on all of a vendor's products if the vendor wants to distribute any of Microsoft's products.

Competitive market conditions

The Competitive Impact Statement state that the purpose of the judgment is to ''restore competitive conditions to the market''.[28] To see that the judgment does not accomplish this goal you must first acknowledge that Microsoft's most significant competition is not based in any one company. Microsoft's most significant competition is from Open Source [29] [30] software. If this is apparent to you, feel free to skip forward.

The Open Source competitor

To make clear the magnitude of the threat posed by Open Source to Microsoft, I analyze here the entire range of Open Source programs. The non-Microsoft programs mentioned in this segment are all Open Source unless otherwise indicated. Although the Competitive Impact Statement emphasizes middleware, and the middleware competitive market, in the words of the Competitive Impact Statement, it is Microsoft's ''operating system monopoly'' that Microsoft engaged in illegal acts to protect. Therefore an analysis of more than just middleware competition is in order. Microsoft has illegally bolstered its operating system business and the remedy should address the competitive market for operating systems as well. Irrespective of what the remedy addresses, the presence of Open Source operating systems in my examples serve to illustrate the power of Open Source software as a class of programs and in no way diminish the threat Open Source middleware poses to Microsoft. First, note that the Open Source operating systems are the only [34] operating systems which run on the same hardware as the Microsoft operating systems, the PC hardware. Almost by definition they are Microsoft's only competition. Although Microsoft seems entrenched in the dominant position as the software supplier for ''commodity'' computer hardware, it is clear that in many emerging markets Open Source software is the market leader, not Microsoft. The Apache web server is the market leader with twice the market share of Microsoft.[35] Open Source leads Microsoft in the embedded systems 38 market.[39] Linux is replacing existing Unix systems in the fast paced environment of the special effects studios.[43] Open Source software is capturing markets Microsoft hopes to move into, and even appears to be eroding some of Microsoft's existing markets. The market share of Open Source software is often hard to measure, as there is centralized distribution point, but by all accounts the share of Open Source operating systems on server 46 systems is growing. A (Microsoft funded) Gartner [47] study [48] (3rd Qtr, 2000) found 8.6% of the servers sold were shipped with Linux. A IDG [49] study [50] (Aug, 2000) found Linux had achieved a 17.2% penetration in the server market. InfoWorld [51] (Aug, 2000) reports [52] the Gartner study predicts ''that by 2005, Linux, Unix, and Windows 2000 will account for 77 percent of the server market. More important, the report expects that the 77 percent will be split equally among the three.'' Point of sale systems are moving to Linux. ZDNet [53] reports [54] (Jan, 2002) ''Boscov's, with 36 locations in six states in the mid-Atlantic region is replacing 500 Windows NT servers with Linux on an IBM zSeries 900 mainframe''. Even the traditionally conservative financial services market is adopting Linux. Information Week [55] reports [56] (Oct, 2000) Linux is gaining a foothold on Wall Street and in the broader financial-services community''. An IBM [57] press release [58] (Aug, 2001) hollered ''WALL STREET MOVES TO LINUX AND IBM FOR FINANCIAL TRADING'' when portions of the New York and American Stock Exchanges began to run on Linux. Mainstream publications are beginning to publish Linux related information for the general public, like The Chicago Tribune [59]'s Linux and Things [60] series. It s no wonder that the arrival of a Microsoft Office compatible Open Source program, like the aforementioned Star Office Suite or the AbiWord [61] word processor or the Gnumeric [62] spreadsheet are considered developments which could finally break Microsoft's hold on the computer desktop. An October, 2001 analysis [63] [64] of the Open Source movement for the British Government concludes ''we as yet see no sign that OSS will become a viable alternative to Microsoft Windows, for user's (general purpose) desktop machines in the corporate or home PC markets. However, OSS on the desktop may soon become a significant player in the developing world.'' It also concludes ''Within five years, 50% of the volume of the software infrastructure market could be taken by OSS.'' The progress made by Open Source programmers has not been lost on Microsoft. In October of 1998 internal Microsoft documents which discussed the threat to Microsoft poised by Open Source and possible responses was leaked to the public. These internal Microsoft documents became known as the Halloween documents [66], these documents were later confirmed [67] authentic by Microsoft. In October of 1999 Wired [68] reported [69] ''Aubrey Edwards, group product manager in the business enterprise division at Microsoft.'' said ''There's a lot of interest around Linux and we need to compete.'' In May, 2001 Microsoft spoke out against Open Source. ZDNet reported [70] ''Microsoft on Thursday stepped up its long-running battle against the open-source software movement, and in another story [71] said the speech came across as an attack, as if Microsoft feels the desperate need to discount what people see around them-that open-source software is doing real and solid computing work for an evergrowing number of computer users, big and small.'' It appears Microsoft is increasingly threatened by Open Source. The Register [72], a British news source which writes in an excitable style reported [73] in Dec, 2001 that it had obtained a confidential memo from Microsoft Windows Division Vice President Brian Valentine who was reported to have written to his sales team ''Linux is the long-term threat against our core business. Never forget that!''.[74]

Judgment sanctioned suppression of the Open Source competition

The Proposed Final Judgment is supposedly

''Creating the opportunity for software developers and other computer industry partici pants to develop new middleware products that compete directly with Microsoft by requiring Microsoft to disclose all of the interfaces and related technical information that Microsoft's middleware uses to interoperate with the Windows operating system.'' [75]

However, the judgment allows Microsoft to withhold ''all of the interfaces and related technical information'' from Microsoft's most significant competitor, the Open Source programmer. This is because Open Source software is not, historically, produced by a company. It is produced by a loose collection of individuals who use the Internet to collaborate, some of whom are sometimes paid for their efforts by the companies which employ them. The judgment reads: ''Microsoft shall disclose to ISVs, IHVs, IAPs, ICPs, and OEMs, for the sole purpose of interoperating with a Windows Operating System Product, via the Microsoft Developer Network (''MSDN'') or similar mechanisms, the APIs and related Documentation that are used by Microsoft Middleware to interoperate with a Windows Operating System Product'' [76]

But Open Source programmers are not ISVs, IHVs, IAPs, ICPs or OEMs and so Microsoft need not disclose anything to them. Open Source programs are, by definition, given away if they are distributed by their author. Not only is there no company to which Microsoft can release a license granting information, there is no money to pay for such a license. The Judgment continues:

''Microsoft shall make available for use by third parties, for the sole purpose of interoperating with a Windows Operating System Product, on reasonable and non-discriminatory terms (consistent with Section III.I), any Communications Protocol that is,

on or after the date this Final Judgment is submitted to the Court, (i) implemented in a Windows Operating System Product installed on a client computer, and (ii) used to interoperate natively (i.e., without the addition of software code to the client operating system product) with a Microsoft server operating system product.'' [77]

But, the cited Section III.I makes it clear that the disclosure again need only be made, under license, to ISVs, IHVs, IAPs, ICPs, or OEMs. The Open Source programmer is excluded.

To exclude any possibility that Microsoft might have to release specifications to an Open Source programmer the judgment requires that the information recipient must have ''a reasonable business need for the API, Documentation or Communications Protocol'' [78] and that Microsoft will judge ''the authenticity and viability of its business'' [79] before releasing information. Open Source programming is not a business, and is therefore explicitly excluded.

Clearly the Proposed Final Judgment benefits the large commercial software developer, and excludes the Open Source movement, Microsoft's most significant competitor, from the benefits. Microsoft can only gain from the inevitable lessening of Open Source's market share.

A continued extension of the Microsoft monopoly

Microsoft is widely acknowledged to be attempting to become the primary issuer of electronic identity documents. The idea is that each individual is to have a single user-name and password, held by Microsoft. This new ''passport'' is to replace the separate user-names and passwords presently issued by banks, merchants, bulletin boards, and anybody who requires authentication before access is granted to a web site or other electronic document. Microsoft's product is called ''Passport'', and it's an essential component of Microsoft's new .NET technology. Note that the centralization of the identification information, and the corresponding tendency toward a ''natural monopoly'', is intrinsic to the Passport idea. Microsoft is explicitly not required ''to document, disclose or license to third parties: (a) portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of'' ... ''authentication systems'' 80. As the Passport technology is all about communications protocols supporting authentication systems, the judgments again authorizes Microsoft to keep secret the information it uses to extend it's monopoly.

A reasonable way to prevent the extension of Microsoft's monopoly would be to require Microsoft split off it's Passport division.

Conclusion

That a judgment should be so flawed, so unable to provide relief, and so sympathetic to the monopoly it is supposed to be protecting the public from, and that such a judg- ment is the second try at a resolution, leads me to believe that, for whatever reason, the judicial system is unable to provide any relief and will only make things worse should it change the status quo. As it stands, the proposed judgment is clearly worse than no judgment, as it explicitly grants Microsoft the right to use it's monopoly power to suppress it's competition. Left to itself, Microsoft will eventually collapse under it's own weight, as IBM did. I urge the court to reject the Proposed Final Judg- ment.

BEGIN RATIONALE: Although it's not within the court's power to so order, and shouldn't be, it's too bad that the obvious remedy cannot be applied—a moratorium on federal government purchase of Microsoft products. ;-) END

RATIONALE:

Notes

1. http://www.usdoj.gov/atr/cases/f9400/9495.htm
2. http://www.usdoj.gov/atr/cases/f9500/9549.htm
3. Competitive Impact Statement, Section I
4. Competitive Impact Statement, Section I
5. Proposed Final Judgment, Section III, Sub-Section G
6. Original Equipment Manufacturer, i.e. the folks who sell computers.
7. Proposed Final Judgment, Section III, Sub-Section G, item 1
8. http://browsers.netscape.com
9. http://free.aol.com/
10. http://httpd.apache.org
11. http://www.linux.org
12. http://www sun.com/software/star/staroffice
13. You may never have heard of
14. http://www.sun.com/software/star/staroffice or it's twin
15. http://www.openoffice.org . They are sponsored by
16. http://www.sun.com . To quote a
17. http://www.govtalk.gov.uk/documents/QinetiQ—OSS—rep.pdf ''The first real trials are starting now.'' Early adopters include
18. http://www.newsforge.com/article.pl'sid=01/08/10/1441239 and
19. http://www.vnunet.com/News/1124456 . You know some thing's up when you suddenly get
20. http://www.businessweek.com/magazine/content/O2—O4/b3767021.htm of the old StarOffice, which has been available since at least December 1999, in response to the interest generated by
21. http://consultingtimes.com/sofeatures.html
22. http://www.techtv.com/print/story/0%2C23102%2C3351510%2C00.html
23. http://www.linuxplanet.com/linuxplanet/reviews/3818/2/ the
24. http://www.linuxplanet.com/linuxplanet/reviews/3857/1/
25. http://www.linuxplanet.com/linuxplanet/reviews/3841/2/ StarOffice. (A sample quote:
26. http://www.smartcomputing.com/editorial /article.asp?article=articles%2Farchive%2Fc0101%2)
14. http://www.sun.com/software/star/staroffice
15. http://www.openoffice.org
16. http://www.sun.com
17. http://www.govtalk.gov.uk/documents/QinetiQ—OSS—rep.pdf
18. http://www.newsforge.com/article.pl'sid= 01/08/10/1441239
19. http://www.vnunet.com/News/1124456
20. http://www.businessweek.com/magazine/ content/02—04/b3767021.htm
21. http://consultingtimes.com/sofeatures.html
22. http://www.techtv.com/print/story/0%2C23102%2C3351510%2C00.html
23. http://www.linuxplanet.com/linuxplanet/reviews/3818/2/
24. http://www.linuxplanet.com/linuxplanet/reviews/3857/1/
25. http://www.linuxplanet.com/linuxplanet/reviews/3841/2/
26. http://www.smartcomputing.com/editorial/article. asp?article=articles%2Farchive%2Fc0101%2F 59??
27. Section III, Sub-Section A, paragraph 3
28. Competitive Impact Statement, Section I
29. http://www.opensource.org
30. I use the term ''Open Source'' loosely in this document to encompass both the
31. http://www.opensource.org and the
32. http://www.gnu.org Speaking rigorously the Free Software movement's
33. http://www.gnu.org/copyleft/ are the largest threat to Microsoft, although much Open Source software giving Microsoft stiff competition is not licensed under a copyleft-style license.
31. http://www.opensource.org
32. http://www.gnu.org
33. http://www.gnu.org/copyleft/
34. As far as I know.
35. See the various methods of measurement and market breakdowns at the widely followed
36. http://www.netcraft.com/survey/ and
37. http://www.securityspace.com/s—survey/data/index.html web server surveys.
36. http://www.netcraft.com/survey/
37. http://www.securityspace.com/s—survey/data/index.html
38. Embedded systems are the software that runs computers built into items which are not themselves computers—the computers in everything from cell phones to dishwashers.
39. A
40. http://www.evansdata.com/emtarg.htm
41. http://evansdata.com/ESTOC.htm shows the number (27%) of embedded developers choosing Linux for their next project to be nearly double the number (14.1%) choosing the Microsoft product. According to a (April 2001)
42. http://www.linuxdevices.com/ articles/AT2492406168.html survey, ''the percent of developers considering using Embedded Linux for new projects has zoomed to the number two spot (38%)—second only to market leader Wind River's VxWorks.''
40. http://www.evansdata.com/emtarg.htm
41. http://evansdata.com/ESTOC.htm
42. http://www.linuxdevices.com/articles/AT2492406168.html
43. From the on-line news source
44. http://www.salon.com/tech/feature/2001/11/01/linux—hollywood/ : ''Linux goes to the movie .... Who says free software is passe? Hollywood's special-effects industry can't get enough of the operating system built by hack- ers, for hackers.'' The movies Shrek and
45. http://www.nwfusion.com/newsletters/linux/2001/01156783.html were brought to you by Linux.
44. http://www.salon.com/tech/feature/2001/11/01/linux—hollywood/

45. http://www.nwfusion.com/newsletters/linux/2001/01156783.html
46. as opposed to desktop
47. http://www.gartner.com
48. http://www.gartner.com/DisplayDocument?id=330693
49. http://www.idg.com
50. http://www.cnn.com/TECH/computing/9904/02/linuxgrow.ent.idg/
51. http://www.infoworld.com
52. http://www.infoworld.com/articles/op/xml/00/08/14/000814opbiggs.xml
53. http://www.zdnet.com
54. http://techupdate.zdnet.com/techupdate /stories/main/0,14179,2841690,00.html
55. http://www.informationweek.com
56. http://www.informationweek.com/808/linux.htm
57. http://www.ibm.com
58. http://www.ibm.com/servers/eserver/zseries/os/linux/zseries—stock.html

MTC–00027602—0009

59. http://chicagotribune.com
60. http://chicagotribune.com/technology/developers /chilinuxgallery.storygallery?coll=chi%2Dtech r
61. http://www.abiword.org/
62. http://www.gnumeric.org
63. http://www.govtalk.gov.uk/rfc/rfc—document.asp?docnum=429
64. The
65. http://www.govtalk.gov.uk/documents/QinetiQ—OSS—rep.pdf is available as a PDF.
65. http://www.govtalk.gov.uk/documents/QinetiQ—OSS—rep.pdf
66. http://www.opensource.org/halloween/index.html
67. http://www.linuxworld.com/linuxworld /lw-1998–11/lw-ll-halloween.html
68. http://www.wired.com
69. http://www.wired.com/news/linux/0,1411,31801,00.html
70. http://zdnet.com.com/2100–1106–814293.html?legacy=zdnn
71. http://www.zdnet.com/anchordesk/stories /story/O,lO738,2717631,OO.html
72. http://www.theregister.co.uk
73. http://www.theregister/co.uk/content/4/22770.html
74. To my knowledge, the authenticity of this memo has not been denied by Microsoft.
75. Competitive Impact Statement, Section II, bullet 6
76. Proposed Final Judgment, Section III, Sub-Section D
77. Proposed Final Judgment, Section III, Sub-Section E
78. Proposed Final Judgment, Section III, Sub-Section], Paragraph 2
79. Proposed Final Judgment, Section III, Sub-Section J, Paragraph 2
80. Proposed Final Judgment, Section III, Sub-Section J, Paragraph 1

MTC–00027603

From: Daniel Upper
To: Microsoft ATR
Date: 1/28/02 7:05am
Subject: Microsoft Settlement

The proposed settlement is grossly inadequate in two substantial ways.

First, it doesn't address the primary reason that business users use Windows, which is Microsoft's ''Office'' suite of productivity applications — notably Word, Excel, and Powerpoint. Most businesses and industries (the legal profession being something of an exception) have effectively standardized on these applications. Because most office workers have the Office applications available, it is common practice to email documents to others in Word, Excel, and Powerpoint file formats.

This common practice effectively requires everyone in the business world to have applications which can read and write Office file formats. And— because only Microsoft knows all the details of these file formats—the only applications which can read and write all aspects of these formats are those sold by Microsoft. Most word processors have some ability to read Word documents, but stop short of implementing features like ''change tracking'', which is widely used in collaborative work. The non-Microsoft tools I've tried for reading Powerpoint presentations have all been unable to render some slides intelligibly at all. I, for one, use Linux for almost all of my computer tasks, but can not function in the business world without access to a Windows computer.

So Microsoft has two mutually supportive monopolies, one on operating systems Windows and the other on productivity application suites. Resolution of case must provide a way for other OSes to have full use of/access to MS Office format documents. And it is not sufficient to require MS to sell versions of the Office applications for other OSes. MS has sold versions of the applications for MacOS, and MS has manipulated the production of these versions in ways which have enhanced the Windows monopoly.

Microsoft should publicly document all file formats and network protocols it uses. Such documentation can be inadequate—accidentally or deliberately—so if there's any doubt that the documentation is adequate, MicroSoft should be required to publish working code. In addition, the clauses in Microsoft's End User Licence Agreements (EULAs) which prohibit the user from disassembling, decompiling and reverse engineering should be voided and Microsoft should be prohibited from including such clauses in future EULAs.

Second, the proposed settlement only seeks to provide relief to Microsoft's commercial competitors. Certain clauses in the proposed settlement, such as Section III(J)(2), require Microsoft to make specified information available to businesses, and let Microsoft judge who qualifies as a business. Various not-for-profit entities, including not-for-profit organizations, individuals, universities, and government agencies—are important participants in the software industry. Public interest is not served by excluding them.

Quite a bit of important and widely used software is developed by non-for-profit entities. Such software includes the Linux OS, which is developed by an ad-hoc group of programmers and may be the OS which comes closest to competing with Windows. There are indications that Microsoft is concerned that Linux and other ''open source'' software may become important competitors. (Although there are companies in the business of enhancing and selling Linux, most Linux software is not written by these companies.) Instead of requiring Microsoft to make specified information available to specific businesses, the settlement should require Microsoft to publish the same information publically.

Daniel R. Upper
1330 NW Hillcrest
Corvallis, OR 97330

MTC–00027604

From: mfpedersen@msn.com@inetgw
To: Microsoft ATR
Date: 1/28/02 7:02am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Marian Pedersen
PO BOX 1518
Layton, UT 84041–6518

MTC–00027605

From: Joseph Gilvary
To: Microsoft ATR
Date: 1/28/02 7:07am
Subject: Disagree with settlement

I disagree strongly with the proposed settlement. I would like to express my disappointment that the Justice Department and several states, including shamefully, my home state of Maryland, would consider ending the actions against the predatory monopolist Microsoft without ensuring sufficient protection for consumers to ensure a competitive environment in the future. Microsoft's actions have stifled, not encouraged innovation in the software industry.

Respectfully,
Joseph Gilvary

MTC–00027606

From: L. Drew Pihera
To: Microsoft ATR
Date: 1/28/02 7:08am
Subject: Microsoft Settlement

This settlement is a bad idea for a number of reasons. The most prevalent in my mind is the fact that currently, businesses and consumers really have no choice in the matter of what operating system to buy. I am currently at work, where I am a research

scientist for the Georgia Institute of Technology's Research Institute. I am not composing this email on a Linux machine, though that would be my preference. In fact I have requested such a machine, but it has been deemed not doable. The reason I am told, is that we must remain compatible with the rest of the world. So by default, because everyone runs Windows, we must. Not because it's the better product, not because it's cost effective, but because they hold the monopoly on desktop systems. I have asked other system administrators why they run Windows, and the reason is some permutation of a need for Windows to remain compatible or a need for Microsoft Office for the same reason. Without a choice, productivity is cut. There are countless times I would have been able to produce work faster if I did not have to deal with Windows, but I did not have a choice. If I want to run Linux at home, I have to buy a second computer because first and foremost, I need to stay compatible with work, and thus must have a Windows machine. The cycle is never ending. I have also had to port code from various other operating systems to Windows as well, most recently in a language called ''C'' which is supposed to be standardized. This means that I should be able to take the code straight to the Windows machine and use it, as I used nothing but the ''plain vanilla C'' as we call it (meaning using nothing but the standard functions of the language). There were however multiple changes that needed to be made to the code however in order to get it to work. These were usually just a simple name change for a function call, but this is an illustration of another way Microsoft breaks inter operability to maintain a monopoly and force people down the Windows path.

L. Drew Pihera
Research Scientist I
Electronic Systems Lab,
Georgia Tech Research Institute
Atlanta, GA 30332 Phone: (404) 894–7041

MTC–00027607

From: Nick McKnight
To: Microsoft ATR
Date: 1/28/02 7:11am
Subject: Microsoft Settlement

To whom it may concern,

In regard to the specifics of the proposed final judgement, Section III.J.2.c would allow Microsoft to condition licensing of security-related APIs based on their right to certify the ''authenticity and viability'' of a potential licensee's business. This right could be used by Microsoft to block progress in many free software projects aimed at interoperability. Active third-party involvement would be needed to insure equitable standards in the licensing of security-related APIs. I feel the comments offered at http://www.kegel.com/remedy/letter.html should also be considered. Based on his comments at http://slashdot.org/article.pl'sid=01/12/17/1235220&mode=thread I believe Stephen Satchell should be considered for appointment to the proposed three-person Technical Committee.

With greater dependence on digital infrastructure, the availability of software that is both secure and open to innovation is a critical need. I believe free software such as GNU/Linux can help fulfill this need and should be encouraged.

Sincerely,
Nick McKnight, Lawrenceville, GA;
Software Engineer

MTC–00027608

From: Nathan Florea
To: Microsoft ATR
Date: 1/28/02 7:12am
Subject: Microsoft Settlement
Antitrust Division, Department of Justice;

I have numerous problems with the Proposed Final Judgement between Microsoft and the Department of Justice. I believe it is inherently flawed and will prove ineffective. I think it would have been unacceptable before Judge Jackson's Findings of Fact. After that, however, any settlement as favorable to Microsoft as this one is mind boggling.

I think the specific reasons the Proposed Final Judgement is flawed have probably been adequately covered in comments from my fellow citizens. Instead, I will write about why I do not think any behavioral remedy will be adequate to curb Microsoft's anti-competitive practices. This is something that I can perhaps provide some unique or at least less common insight on.

I think that the corporate culture at Microsoft will make any behavioral remedy ineffective. As someone who worked at Microsoft during the antitrust trial, I think I have some understanding of the corporate culture there. It is very insulated. A large portion of people who work at Microsoft have no professional contact with anyone outside of company. It is very polarized with an ''us against the world'' mentality. The use of anything but Microsoft products, unless there is absolutely no Microsoft alternative yet, is frowned upon. And Microsoft believes it did nothing wrong. This is evidenced in the public statements from its executives, such as Bill Gates and Steve Ballmer. Never have they said that Microsoft did anything wrong. In fact, they have constantly claimed Microsoft has done nothing wrong, even after Judge Jackson's findings. And this permeates throughout the corporate culture. Never did I hear a Microsoft employee voice an opinion out of line with the company's position. Never did I hear anyone admit the DOJ case had any validity.

Until Microsoft changes their corporate culture and acknowledges that it engaged in anti-competitive practices, a behavioral remedy will simply be an obstacle to work around or through. And Microsoft has proven how effective it can be at getting around any behavioral changes with the previous consent decree. Expecting a behavioral change to be effective given Microsoft's track record and unyielding stance is foolishly optimistic at best.

Please reconsider a structural remedy. At the very least, make a genuine attempt to change the corporate culture. Microsoft has to take responsibility for its crimes before any settlement can move forward.

Sincerely,
Nathan Florea

MTC–00027609

From: wayne swygert
To: Microsoft ATR
Date: 1/28/02 7:14am
Subject: Microsoft settlement

To Whom it may concern:

Please put an end to the persecution of Microsoft—this lawsuit is nothing more than envy on the part of their competitors who wish to substitute political and legal maneuvering for free market competition-which is all Microsoft has ever done, despite dishonest publicity to the contrary. The fact remains that Microsoft does not have the power to force anyone to buy it's products—it's just not possible. Only the government can physically coerce.

Therefore, please end this lawsuit now...cease punishing Microsoft...it is immoral and unjust.

Sincerely,
Wayne Swygert

MTC–00027610

From: Mott Dave Contr WRALC/LYSBD
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 7:13am
Subject: Microsoft Settlement

The proposed settlement does not go far enough to punish Microsoft. Their monopoly has damaged quality and innovation in the computer industry. Their success in the consumer operating system market has spilled over into enterprise software. Uninformed, non-technical business managers who use Microsoft products at home, like them, and do not have enough experience with computers to recognize low-quality products when they see them, have forced businesses into using Microsoft products. Technical business people have been forced to use their inferior products simply because of Microsoft's monopoly in consumer software.

Microsoft should be punished for their monopolistic abuses. They should be forced unequivocally to open up all technical details of their enterprise operating systems (Windows 2000 Professional and Server, Windows XP Professional and Server) and all technical details of Microsoft Office in order to enhance competition.

They should be forced to help competitors ''catch up''. They should be forced to allow porting of Microsoft Office to Linux and Solaris operating systems.

MTC–00027611

From: Greg Allen
To: Microsoft ATR
Date: 1/28/02 7:16am
Subject: Microsoft Settlement
Department of Justice,

Microsoft should be allowed the freedom to innovate and compete in the competitive software industry. Most of us in this industry can see through this case to the real issue of Microsoft's competitors attempting to use the legal system as the means to an end. I strongly support Microsoft and their freedom to innovate.

Sincerely,
Greg H. Allen
Allen Consulting Services,
President and CEO.
mailto:allenconsult123@hotmail.com

MTC–00027612

From: BSHART@aol.com@inetgw

To: Microsoft ATR
Date: 1/28/02 7:17am
Subject: Microsoft Settlement
Please do not penalize success.
Thank You,
Lewis Hartman
4867 Granger Road
Akron, Ohio

MTC–00027613

From: Green, Steve W. (O85)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 7:19am
Subject: Microsoft anti trust settlement
I believe that the provisions of the agreement in the Microsoft antitrust case are tough, reasonable, fair to all parties involved, and go beyond the findings of the Court of Appeals ruling. They should be enacted as currently agreed without any changes, deletions, or additions.

MTC–00027614

From: Joshua Davis
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 7:21am
Subject: Microsoft Settlement
The purpose of government is to enforce the laws decided by the individuals that we vote into office. To compromise this process will compromise the purpose that government holds in our lives. I believe this decision is an example of how foolish we become when our decisions are dictated by individual financial gain.
Joshua Davis
Research Scientist I
Electronic Systems Lab,
Georgia Tech Research Institute
Atlanta, GA 30332
Phone: 404.894.7554

MTC–00027615

From: Matthew Bromley
To: Microsoft ATR,activism@moraldefense.com@inetgw
Date: 1/28/02 7:21am
Subject: Microsoft
I support microsoft and believe that they should not be penalised for being successful. I resent the government's characterization of me as a helpless victim who cannot choose software that is useful to me. I do not think that the government has any right to decide what can be in my computer. I resent the idea that a successful business and its products are a threat to anyone. The complaint against Microsoft originated not with individual consumers, or with Microsoft's partners, but with Microsoft's unsuccessful competitors. Failed businesses must not be allowed to set the rules for the markets in which they failed. I want to see an America where success is not throttled, but embraced. I want a free America where anyone with enough intelligence and hard work can be a self-made man like Microsoft Chairman Bill Gates. I believe Microsoft has a fundamental right to its property. It is the government's job is to protect this right, not to take it away.
matthew bromley

MTC–00027616

From: McCabe, Patrick
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 7:24am
Subject: Microsoft Settlement
I believe that the purposed settlement is reasonable and fair to all parties. Settle this case now and let's get on with business. Building better products through innovation is the solution.
Pat McCabe
patrick.mccabe@vw.com

MTC–00027617

From: Dr. Charles Stewart
To: Microsoft ATR
Date: 1/28/02 7:25am
Subject: Microsoft settlement
Dear Sir/Madam,
I would like to submit this argument to the Microsoft settlement consultation process (Tunney act), to the effect that the appeal court justice in charge of the DOJ/Microsoft case chould overrule the settlement and pursue a strong structural remedy, such as the originally proposed breakup. This argument is available online, together with comments from interested parties, at: http://www.advogato.org/article/425.html
I believe that it is the responsibility of the Department of Justice, and not Microsoft, to protect the economic interests of the computer industry by protecting competetion and innovation. The DOJ strongly argued for this position in its suit against Microsoft, but in its recent settlement it has reversed its position, apparently concluding that what is good for Microsoft is good for the software industry. If the DOJ truly believes this, then it should appeal the current verdict. To reverse its previous legal position without arguing for this reversal in court is unethical, because this constitutes a vacation of its responsibility to uphold the public interest.
I think the above conclusion, that the DOJ has abdicated its position as guardian of the public interest, is inescapable if we accept the following theses:
1. Microsoft's responsibility to its shareholders entails its aggressive exploitation of the whole of its competitive strengths: Microsoft has pursued a clear and consistent position in court. While Microsoft's performance in Judge Jackson's court may indicate that Microsoft tampered with evidence, where it stands in respect to its position as monopoly has been clearly argued with both conviction and integrity. It is this: the lesson learned from IBM's troubles with antitrust suits in the 1980s is that a dominant business in the computer industry can only protect its shareholders interests by maintaining its monopoly without being intimidated by the threat of antitrust legislation.
2. In Microsoft's business, only the paranoid survive: Furthermore, for Microsoft to maintain its monopolies in an industry that changes as quickly as the computer industry means that it must extend its monopoly to any new market whose products threaten to displace its current monopolies. Microsoft understands that its responsibility to shareholders requires it to leverage its existing monopoplies to intimidate and undermine rivals in other markets whose products possess this power; this is the principal conclusion of Judge Jackson in the trial brought by the DOJ.
3. Microsoft's monopolies injure business innovation, technical innovation and price competition in the computer industry: Especially they undermine the competitive strengths of alternatives developed by companies too small to challenge Microsoft in the courts, such as Be's BeOS and Dave Winer's Frontier, and of contributions by developers in the free software community such as Linux and Zope.
4. To maintain competition in the markets in which Microsoft dominates through its advantages as a monopolist requires Microsoft to be successfully limited in the courts.
5. To restore competition to these markets without infringing Microsoft's 'right to innovate'' requires a structural rather than a behavioural remedy: Microsoft is a 'serial recidivist': there is a long history of bevioural remedies that have failed to deter Microsoft from effective exploitation of its monopoly position. The DOJ argued strongly for a break up of Microsoft in the trial courts. If it no longer believes that Microsoft's monopoly position requires effective legal limits, it has a duty to make its reaons for beliving this public. Its failure to do so is a very gross failure of its ethical and legal mandate to protect competition from monopoly abuse in the computer industry. I believe that the courts should pursue a structural remedy, ie. a breakup of Microsoft, irrespectively of the DOJ's new position in the proposed settlement.
Dr. Charles Stewart
(associated with Dept. Computer Science, Brandeis University)

MTC–00027618

From: Ahaleblian@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 7:26am
Subject: Microsoft settlement
To Those Concerned:
It is fair to say that Microsoft has been a pioneer in the field of computers programming and this computer age. Its motto ''freedom to innovate'' has resulted in the many improvements in the American life, be it commerce, manufacturing, transfer of information, individual amenities, learning etc., In fact it has impacted every phase of human activity, not only in the USA but throughout the world.
As an ex-Associate Professor (retired) in the field of business management, accounting and finance, I have witnessed the development of the various Microsoft programs over the 15 years and their impact on the students'' ability to use them to accelerate the rate and, thus, the volume of learning. It is also fair to say that Microsoft's contribution to the other pioneers to create peripheral electronic products by providing capital through investing in such ventures or providing its products to enable them to build on the basis of such information. The cumulative benefit to of all the enterprises to humanity has been greatly enhanced,
The charges brought forth against Microsoft's that business activities were monopolistic and the decision issued by Judge T.P Jackson has been adequately proven to be an erroneous one over the period between its inception of the charges made and the present by the mere facts of the industries'' (and substantial competitor

companies) activities and mode of operations e.g. Aol - Netscape -Time Warner and many others. I am willing to accept that the technical aspect of the law resulted in fines, and that Microsoft is willing to go the extra mile to resolve the issue by proposing a, more than generous, settlement. which is now being unreasonably turned down.

The penalties that seem to be on the table are substantial and extremely unfair to Microsoft's investors who have patiently awaited for the day that they will be rewarded in terms of dividends. The investors have realized the necessity of reinvestment for the development of new and innovative products and the accumulation of profits for use for the new products. Now the resources are being diverted to other parties'' benefit. I believe this is totally unfair if not utterly unwise.

The stance of the nine states is an extremely self-serving one. Who are they to say that their citizens were overcharged on Microsoft products? I cannot imagine any individual who feels any differently then I. Microsoft did not put a gun to my head to force me to buy its product. I did it voluntarily and gladly. I would like to know how these state litigants intend to spend the monies that they aspire to receive, Surely they don't, and cannot, identify each of the product purchaser and give them their refunds. Even if they tried, the bureaucratic system would absorb the lion's share of the funds, leaving pennies on the dollars to the actual purchasers of the product. I for one, am looking for a fair return on my hard earned investment. I can only expect that to happen if this case is closed and Microsoft can continue to exercise its prerogative and right to innovate.

Microsoft has the right to protect its intellectual property and the right to innovate without impediments. Its business practices are no different from those of the competitors who have survived the present depressed economy.

ITS TIME TO SETTLE THIS ISSUE AND MOVE ON.

Respectfully,
Albert J. Haleblian
CC:MSFIN@microsoft.com@inetgw

MTC–00027619

From: Michael.Panzera@sealedair.com@inetgw
To: Microsoft ATR
Date: 1/28/02 7:26am
Subject: microsoft settlement

Please find attached my sentiments supporting a speedy resolution of the Microsoft anti-trust case. I think it would be good for our economy.

Thanks
Michael Panzera
(See attached file: USAGPanzera—Michael—1078—0121 .dot)
207 Burlington Road
Freehold, NJ 07728

January 22,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft

I am writing to state my support for the settlement of the Microsoft antitrust case. I appreciate your leadership in directing your Department to negotiate for three months with Microsoft in order to reach this reasonable settlement. It is time now to move on.

Gratitude is what I have for your sensible leadership on this matter, Mr. Ashcroft. Thank you for your support.

Sincerely,
Michael Panzera

MTC–00027620

From: Todd Olson
To: Microsoft ATR
Date: 1/28/02 7:27am
Subject: Microsoft Settlement

To the Honorable Court:

I find it doubtful that the currently proposed remedies for the issues of the Microsoft case will succeed in meeting the ruling of the Court of Appeals as to what ''a remedies decree in an antitrust case must seek''. Herein two additional remedies are proposed which I believe substantially improve the resolution of this case. Following the statement of the proposals, are comments on the motivation and justification of the proposals, which in turn are followed by some details of the proposal. Since my experience in legal matters is very limited, I hope that others who are more experienced will see merit in the general nature of these proposals and refine them to a form that is suitable for use in this matter.

PROPOSAL SUMMARIES

Proposal #1: Jump starting the strangled OEM infrastructure for marketing non Microsoft operating systems by requiring Microsoft to pay for it's creation.

Proposal #2: To reduce the probability of future illegal monopolization resolve that the only contractal terms between Microsoft and other parties that can be litigated and enforced in US courts are those that have been made widely and publically available adequately prior to the violation of terms in question.

PROPOSAL RATIONAL

Proposal #1 is a necessary addition to the proposed remedies as it is the only way to ''deny to the defendant the fruits of its statutory violation''. As long as it is essentially impossible to to purchase an intel based desktop computer system with a non microsoft operating system (such as BeOS, Lunix, *BSD), particularly from a major hardware vendor which has long been a problem for both my private activities as a computer hobbiest and my professional activities as a computer support provider, as long as this situation remains, then Microsoft is enjoying the fruits of its past illegal monopolistic behaviour. Normally if merchant X entered merchant Y's place of business and destroyed merchant Y's merchandise we would say to merchant X ''not only must you not do that again, you must renumerate merchant X for the cost of undoing the damage you did, so that he can return to business''. Why then, if merchant X has carried out this distructive behaviour repeatedly for years would w! e only enjoin merchant X to stop that behaviour and tell merchant Y that they must bear the cost of the damage they have received with out renumeration? Do the OEM's actually find the current proposed remedies convincing enough that they are willing to make the investement to be able to ship computers with non Microsoft operating systems? In evaluating the proposed remedies, the court should ask the OEM's this question. I suspect that in the absence of the addition of proposal #1 they will not, and hence the proposed remedies will do little to change the current market situation for consumers of computer systems. It is likely more must be done.

Proposal #2 is a necessary addition to the proposed remedies as it is the only way to ''ensure that there remain no practices likely to result in monopolization in the future''. Microsoft's track record in creating innovative ways to bully other businesses is sufficently well established that merely (narrowly) listing past transgressions and saying ''don't do that again'' clearly won't prevent them from undertaking new bullying in unlisted areas, particularly new markets. It is in everyone's best interest, including Microsoft's, that they grow out of this behaviour. It has long been understood that they way to minimize egregious bullying behaviour is to require all transactions occur in public ... that is why we put lights by ATMs .... and why the US constitution goes to some length to require that governmental proceedings must no be behind closed doors. Should we abandon this sound principle here, when it is most needed?

I believe that neither of these additional proposals (as elaborated below) impose undue burden on Microsoft. I believe they are necessary to provide relief and restitution to all of us living in a world stunted by Microsofts past practices. I believe that these additions will strengthen both the US economy, by freeing it from over dependance on one providor of computer services, and also strengthen Microsoft, by encouraging it to stop spend so much of it's energies on destructive practices, trying to keep the rest of the world down, and rechannel those energies to new constructive activites.

PROPOSAL DETAILS

Proposal #1: Jump starting the strangled OEM infrastructure for marketing non Microsoft operating systems by requiring Microsoft to pay for it's creation.

The goal is to rapidly create an OEM infrastructure that co-markets with the current Microsoft OS based computer systems, computers that—on the same hardware, out of the box—run non-Microsoft operating systems, both in addition to and instead of the Microsoft OS ... at minimal additional cost. The deliverable is that it be possible to purchase from major OEMs both individually and in large quantity, standard hardware that out of the box (a) directly boots into at least one non Microsoft operating system (b) directly dual boots into at least one non Microsoft operating system in a manner easily managed by a novice computer user. (c) directly multi boots in to at least two different non Microsoft operating systems in a manner easily managed by a novice computer user. Option (a) should be available in (say) 4 months, option (b) in (say) 6 months and option (c) in (say) 8 months.

One key issue is ensuring that such an infrastructure is not unnaturally re-strangled

by Microsoft (or any other party). Although the effectiveness of the proposed remedies to ''unfetter a market from anticompetitive conduct'' is doubtful, as a hypothetical, lets take them as adequate and pass on to the other key issue which does not appear to be addressed in the proposed remedies.

The other key issue is the cost of creating this infrastructure. we propose that Microsoft pay for the creation of this infrastructure. This should be viewed in a renumerative rather than a punative light. This should be viewed as an aid to recovering what would have been had Microsoft not abused it's monopoly.

There are at least two different types of cost involved:

(a) the one time costs faced by the OEMs in creating an infrastructure that permits them to ship hardware with a variety of operating systems.

(b) the costs (both one time and on going)of ensuring the other operating systems to be shipped work on the hardware that is shipped

which suggests at least two different levies on Microsoft assets:

(a) Microsoft should be assessed a one-time, non-punative, fine of some appropriate amount (perhaps US$100,000,000), to be disbursed by neutral, knowledgable trusteeship, over a short period of time (perhaps 9 months), to the OEMs, for the sole purposes of implementing the proposed infrastructure, and getting the alternate operating systems working on the shipping hardware.

(b) A fee, to be paided by Microsoft, to a neutral trusteeship, is to be assessed on every copy of Microsoft operating system shipped, for some intermediate period of time (perhaps 3 years), and is to be used for the sole purpose of underwriting the work of keeping the alternative operating systems operating the rapidly mutating hardware shipped by the OEMs. The level of the fee will be reviewed and adjusted every few months.

Thought might also be given to levying a fine on Microsoft to be used as a startup investement to bring BeOS back to the market place. Note that the aim is to bring in to existance what we most likely would have had, had Microsoft not strangled it. The aim is not to demand that Microsoft underwrite the system beyond some reasonable incubation period.

There are many details to be worked out...

(1) Who chooses what operating systems are available? It is preferable that many choices be made available, and let the customer choose. Personally I'd like to be able to choose at least one linux, one *BSD, and BeOS.

(2) Who provides the boot loader? Clearly this should *not* be in the hands of Microsoft. It is to be hoped that the industry can spec an fully open standard that Microsoft then be compelled to comply with.

(3) What will prevent Microsoft (or other vendors) from having their operating system damage other systems installed (over writing boot blocks, etc). Perhaps large punative damages if this occurs would be appropriate.

(4) How to ensure that Microsoft does not force the rate of (gratuitus) hardware mutation so high (by rapidly changing what hardware they support and don't support) that other OS providers are exhausted by trying track it? In part by steeply raising the above mentioned fee imposed on each shipped Microsoft OS for underwriting this work on other OS. And perhaps in part by additional legal remedies.

(5) How to avoid having two hardware systems emerge ... one that can not run anything but Microsoft's OS, and one that runs everything else?

(6) Note that Microsoft must have no say in how the various moneys are disbursed ... I don't think we can yet trust Microsoft to not trojan such an effort.

(7) How to avoid building the proposed infrastructure in a way the Microsoft ends up controlling? Perhaps Microsoft must be explicitly forbidden to participate in the infrastructure development. Note care should be used to avoid building with pieces that Microsoft can end-of-life there by gutting the infrastructure shortly after it is built.

Proposal #2: To reduce the probability of future illegal monopolization resolve that the only contractal terms between Microsoft and other parties that can be litigated and enforced in US courts are those that have been made widely publically available adequately prior to the violation of terms in question.

The goal here is to create an environment where it is much harder for Microsoft to engage in the sort of divide and conquor bullying tactics of the past. This remedy should be in force for ten years. At which point it should be reviewed and extended if need be.

One way to insure public availability is to levy an annual fine on Microsoft that a neutral trusteeship would use to maintain a website with all published Microsoft contracts. The website must be well connected and widely accessible with a wide range of standards complient web browsers in an anonymous manner (no registration, etc).

It is very important that all the information be available to everyone. Based on my experiences at the retail computer level, I believe that many small business would have choosen other products years ago, and hence not be trapped in the current gratuitious upgrade intensive, insecure, computing environment they now find themselves in, if they had know what sort of business tactics Microsoft was using. By making this information open to all, the public and the markets can police Microsofts future behaviour, rather putting that burden soley, and inappropriately, on the courts.

To guard against obsfuscation, vagueness, and excessive subtlety the above fee should also be disbursed periodically to a variety of independent evaluators who should be charged with evaluating the clarity of the contracts, and the degree to which several innocuous interlocking contracts can establish monopolistic dominance. Of particular concern are terms such as ''... vendors in good standing'' which leaves the meaning of the contract entirely up to Microsoft, and are a particular effective form of bullying. Appropriate punative fines should be levied if such Microsoft is found to be engaging in such evasive and injurous practices.

CLOSING REMARKS

I believe the above to be necessary in resolving the Microsoft case. However it most likely will not be sufficent.

I hope that the court finds something of use in these remarks.

MTC–00027621

From: N2URO@ao1.com@inetgw
To: Microsoft ATR
Date: 1/28/02 7:31 am
Subject: Microsoft Settlement

To whom it may concern:

The following comments are being submitted pursuant to the Tunney Act in response to the proposed settlement of The United States v. Microsoft, Inc.

Sincerely,

Samuel Greenfeld

Personal Background:

I am an electrical engineer presently working for the United States Army. Due to outstanding security issues I will not comment further about my specific position. I have a bachelors degree in electrical & computer engineering and an masters degree in engineering with an electrical specialization. I am also a certified engineer-in-training in the state of New Jersey.

In the past I have performed computer consulting where I designed and managed entire Internet and Intranet systems. I have worked computers systems both reliant and not reliant on Microsoft products. In the process I have done limited integration and seen the interactions of Microsoft products with those from other firms. My comments come from the perspective of an end-user, programmer and systems administrator.

The enclosed comments are to be taken as my personal comments; they are NOT necessarily the official views of the U.S. Army, the U.S. Government, nor any portion of either organization thereof. Any questions about my comments should be directed to the email address from which this message was sent.

General Information:

Microsoft's products have become de-facto standards in the United States'' computer market. Approximately 90% of all computers presently in use today are estimated to be using a Microsoft operating system. The next-nearest competitor is believed to be Apple computer, with a market share of approximately 5%.

The lack of a significant competitor has discouraged manufacturers of other devices from supporting other operating systems. Many hardware items now are designed primarily for use with Microsoft-running computers. ''Winmodems'' and ''Winprinters'', found in almost any computer store, are so named because they and their software drivers rely on features found in Microsoft Windows products. Winmodems themselves have become so popular due to their low cost that many computer manufacturers no longer supply full-featured modems; the term itself can be found the packages of many modems in computer stores. [1] In the software world,

[1] An example of a winmodem can be found at http://www.usr.com/products/home/home-

products that do support non-Microsoft operating system (OS) platforms tend to charge more for versions that do not run on a Microsoft OS. This is largely due to economies of scale since Microsoft's operating systems dominate the market. Except for certain specialized applications, the high price of programs for non-Microsoft operating systems tends to turn off cost-conscious companies from purchasing non-Microsoft operating systems and their programs in the first place.

In addition, software and hardware companies often refuse to support efforts to use their hardware and/or software on other platforms due to the support headaches and expenses this causes. This causes problems for projects like SANE [2], which attempts to allow users of Linux (one alternative operating system), to use photographic scanners on other platforms.

Shortfalls of the current proposal / Proposed additional remedies:

The court, having recognized that Microsoft's operating system lead has effected competitors, has proposed opening up many of Microsoft's programming interfaces, protocols and related to third parties.

While I agree with the court's intent, I personally believe the current settlement fails to address the needs of several parties. Please find the additional items I wish to be addressed lettered below:

A. The current proposal fails to provide a competitive market for third-party replacements of Microsoft middleware and operating systems: The settlement as currently written requires Microsoft to generate information about its protocols and upcoming interfaces in the beta stage of projects [3]. This is a phase too late for many firms to match Microsoft's development, and will result almost always in Microsoft being first to market.

An example of a software project already continuously caught lagging behind Microsoft's protocol changes is the Samba project. [4] This project attempts to create an alternative client and server for Microsoft's SMB Networking protocol. Given a lack of documentation and constant tweaks, quirks, and other issues, they constantly find themselves at least a year behind Microsoft's current network server protocol revisions.

In order for there to be a level playing field for Microsoft, Samba, and other developers (regardless of area), protocols and APIs, however tentative, must be made available within sixty (60) days of Microsoft's development of them at least for the first five (5) years of the settlement. Without such a provision, companies will be unable to match Microsoft's market offerings in a timely manner, and hence many often fail to produce timely competing products.

B. The current settlement fails to address the needs of independent, typically non-commercial and/or ''free'' software developers: The Samba project, mentioned above, has no real ''home-base'' organization that can sign contracts on its behalf, nor could be considered a ''business'' by any stretch of the imagination.

While a skilled engineer might be able to build or repair a record player or cassette deck, building a home-brew CD or DVD player is almost out of the question. Hence, many hobbyists have turned to software development. The number of hobbyist-designed programs on the market today is significant; they range from paint programs to office suites to independent operating systems with their own supporting middleware.

Many companies employ the people working on products such as Samba could sign these contracts on their employee's behalf. But there is no single business that could sign the necessary paperwork to make an alternative version. Non- disclosure agreements may also be problematic, as many freely available programs make their source code available for others to modify to their unique requirements.

Since independent and home developers often like to make products that compete with Microsoft's products, the settlement must be modified so any party, regardless of business, educational, or other status, can acquire information on Microsoft's APIs. Such terms should allow the resulting end products in the vast majority of cases to exist in source code form.

C. The current proposed settlement fails to include a user education segment. Few users change or remove the default programs that Microsoft and/or the OEM that built a computer provide. A joint-industry effort must be made to educate consumers to ensure they understand they have alternatives, even if said alternatives cost money over what they paid for software to be included with a computer.

D. The current settlement proposal fails to provide a means to identify the party most likely at fault due to a user's problem. When software and/or hardware products interfere with one other, the makers of the products involved may span several companies. Such companies, as those familiar with attempting to get technical support are aware, tend to blame each other.

There must be a clear registry or other source that a user can see that tells them whose product is performing can perform function on their computer. The registry must state at the very least the manufacturer of said item, the installer of said item and a technical support contact and means (phone, email, etc.). This registry must also note if several products are capable of performing said function; these programs may interfere with each other as well.

All ''ll-behaved'' programs made after this registry program is incorporated into Microsoft's operating systems (and made available for older ones as a retrofit) should use this registry. That way both users and technical support personnel are aware as to what performs what task on a user's system.

MTC–00027622

From: Scott F Keep
To: Microsoft ATR
Date: 1/28/02 7:31am
Subject: MICROSOFT SETTLEMENT

I am a lawyer but not an antitrust lawyer. I am not sure I understand why the government brought its suit against Microsoft in the first place—or to the extent that I understand why the suit was brought, I am not sure I agree. In any event the suit was brought and there is now a proposed settlement. I am also a consumer of computer software and hardware, as are the three other members of my family. I believe that this litigation has been expensive for all sides. It has added to the cost of computer produces and had a chilling effect on the entire computer industry for unknown or speculative future gains. While I am a computer consumer/user, I am not a guru. I don't need 10 different operating systems. I need one that will integrate easily all the different applications. I need standardization and easy of integration.

I believe that settling this litigation now—and the quicker the better—is in my family's best interests and in the best interests of the vast majority of computer users.

MTC–00027623

From: simon.bates@allsop.co.uk@inetgw
To: Microsoft ATR
Date: 1/28/02 7:09am
Subject: Microsoft Anti-Trust Case

I understand you are listening to public opinion on the case against Microsoft. That, if I may say, is your first mistake. It is not a matter of public opinion whether Microsoft is allowed to be free to sell its product to a willing buyer- in a free society. Any such transaction has nothing to do with parties outside of that transaction. How dare you be so presumptuous! Microsoft has added incredible value to all our lives, business and public and must be left free to continue its product development and promotion in any way it see fit.

Land of the Free? Only if you realise the evil that this case is trying to perpetrate.

Simon Bates
Waterloo, London.

MTC–00027624

From: Stuart J. Hysom
To: Microsoft ATR
Date: 1/28/02 7:53am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not fully redress the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses.

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product.asp'sku=3CP5699A . Note the description states that the item is ''designed exclusively for the Windows operating system.''

[2] The SANE Project Internet homepage: http://www.mostang.com/sane/.

[3] Reference Section III.D of the Competitive Impact Statement.

[4] http://www.samba.org

This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a ''punishment'' instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general. I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded.

Sincerely,
Stuart J. Hysom
Department of Sociology
Emory University
1555 Pierce Rd. NE
Atlanta GA, 30322
404–727–7510

MTC–00027625

From: tswann@aperturefever.com@inetgw
To: Microsoft ATR
Date: 1/28/02 7:54am
Subject: Microsoft settlement

To whom it may concern:

As a professional computer programmer and computer user for almost 2 decades, I feel obligated to make a comment regarding the settlement the DOJ has reached with the monopolist Microsoft. Given Microsoft's history of using its monopolist position to force its way into one market after another and leaving a trail of crushed competitors in its wake, I feel the proposed settlement agreement is a travesty of justice. Microsoft has the attitude that its behavior has benefitted customers when in fact the only entity that has benefitted is Microsoft. Furthermore, I strongly believe that Microsoft will continue to behave in a manner that will cause further violations of the anti-trust act unless the government sends it a message, in the form of a *much* stronger punishment, that this behavior will not be tolerated.

As things stand, MS will continue to break the law, and they will have to be forced into court to make them comply. Of course, all this will take years, as MS will send a swarm of lawyers to delay any legal action until it's far too late to do anything about it. Microsoft is *right now* using its monopoly to work its way into new markets, yet nothing is being done about it. The longer the government waits to act, the worse things get for consumers.

A stiff fine (as a percentage of Microsoft's worth..say 1%), separating the operating systems from the applications divisions of Microsoft, and forbidding Microsoft from entering any new markets for a couple years (to allow a competive environment to develop in these new areas) are all required to put Microsoft in a position relative to other companies that will allow competition to once again thrive to the benefit of the consumer.

Thomas Swann
Oviedo, FL

MTC–00027626

From: Eben Moglen
To: Microsoft ATR
Date: 1/28/02 7:53am
Subject: Microsoft Settlement

Please find attached a filing under 15 U.S.C. Section 16 in relation to the above matter.

Very truly yours.
Eben Moglen
Professor of Law
Columbia Law School,
435 West 116th Street,
NYC 10027
columbia.edu
voice: 212–854–8382
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moglen@
General Counsel,
Free Software Foundation http://moglen.law.columbia.edu
January 27, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms Hesse,

I am Professor of Law at Columbia University Law School in New York, and General Counsel (pro bono publico) of the Free Software Foundation, a non-profit § 501(c)(3) corporation organized under the laws of the Commonwealth of Massachusetts, with its headquarters in Boston. I make this statement under the provisions of 15 U.S.C. § 16(d) concerning the Proposed Revised Final Judgment (hereinafter ''the Settlement'') in United States v. Microsoft Corp.

The remedies sought to be effected in the Settlement are, in their broad outline, appropriate and reasonable measures for the abatement of the illegal conduct proven by the United States at trial. The goal of such remedies is to require that Defendant affirmatively assist the restoration of competition in the market in which the Defendant has been shown to have illegally maintained a monopoly in violation of 15 U.S.C. § 2. The remedies embodied in the Settlement would substantially achieve that goal, appropriately furthering the Government's pursuit of the public interest, if the Settlement were amended to rectify certain details one-sidedly favorable to the Defendant's goal of continuing its illegal monopoly.

Defendant—in the interest of continuing unabated its illegal monopoly—has artfully drafted certain clauses of the Settlement so as to hobble potential competition, giving the appearance of affirmatively assisting to undo its wrong, but covertly assisting instead in its continuance.

The District Court found that the Defendant had illegally maintained a monopoly in the market for Intel- compatible PC operating systems. (Findings of Fact, November 19, 1999, • 19.) The mechanism of that mo- nopolization, the court found, was the attempt to establish exclusive control of ''application program interfaces'' (''APIs'') to which applications developers resort for operating system services, so as to prevent the possibility of ''cross-platform'' development threatening Defendant's operating systems monopoly. (Findings of Fact, • 80 and passim.)

The Settlement accordingly makes appropriate provision to require Microsoft to provide access to full and complete technical information about its APIs on non-discriminatory terms, so as to prevent Defendant's prior conduct in erecting artificial and illegal barriers to entry to the monopolized market.

But the precise terms of the Settlement create a series of artful technical loopholes vitiating the primary intention. Section III(D) provides that:

Starting at the earlier of the release of Service Pack 1 for Windows XP or 12 months after the submission of this Final Judgment to the Court, Microsoft shall disclose to ISVs, IHVs, IAPs, ICPs, and OEMs, for the sole purpose of interoperating with a Windows Operating System Product, via the Microsoft Developer Network (''MSDN'') or similar mechanisms, the APIs and related Documentation that are used by Microsoft Middleware to interoperate with a Windows Operating System Product. (emphasis added)

The ''sole purpose'' requirement means that Defendant does not have to make any such API information avail- able to developers of software whose purpose it is to make competing Intel-compatible PC operating systems. Only those who make programs that interoperate with Windows Operating Systems Products may receive such information. Under § III(I)(3), an applications developer who has received licensed information concerning Defendant's APIs could be prohibiting from sharing that information with a maker of a competing Intel-compatible PC operating system, for the purpose of interoperating with that competing product. Under § III(I)(2), if a potential competitor in the market for Intel-compatible PC operating systems also makes applications products, it can even be prohibited from using licensed information it receives in order to make those applications interoperate with Defendant's products also interoperate with its own competing operating system.

What should be a provision requiring Defendant to share information with potential competitors in the monopolized market turns out, after Defendant's careful manipulation, to be a provision for sharing information ''solely'' with people other than competitors in the monopolized market. The same language has been inserted into § III(E), thus similarly perverting the intention of the Settlement with respect to Communications Protocols.

Defendant has not merely engaged in this undertaking with a goal to the exclusion of potential future competitors from the monopolized market. In the teeth of the evidence, long after having been proved to have behaved with exaggerated contempt for the antitrust laws, Defendant is attempting in the very Judgment delivered against it to exclude from the market its most vigorous current competitor.

Defendant's most significant present challenger in the Intel-compatible PC operating systems market is the collection of

''free software,'' which is free in the sense of freedom, not necessarily in price: thousands of programs written collaboratively by individuals and organizations throughout the world, and made available under license terms that allow everyone to freely use, copy, modify and redistribute all the program code. That free software, most of it licensed under the terms of the Free Software Foundation's GNU General Public License (''the GPL'') represents both an operating system, known as GNU, and an enormous corpus of applications programs that can run on almost all existing architectures of digital computers, including Intel-compatible PCs.

Through one such free software component, an operating system ''kernel'' called Linux, written by thousands of individuals and distributed under the GPL, the GNU operating system can execute on Intel-compatible PC's, and by combining Linux with other free software, GNU can perform all the functions performed by Windows. Non-Microsoft Middleware can execute on Intel-compatible PCs equipped with components of GNU and Linux. Intel-compatible PCs so equipped currently account for more than 30% of the installed server base in the United States, according to independent industry obsevers.

The District Court found that ''by itself, Linux's open-source development model shows no signs of liberating that operating system from the cycle of consumer preferences and developer incentives that, when fueled by Windows'' enormous reservoir of applications, prevents non-Microsoft operating systems from competing.'' (Findings of Fact, November 5, 1999, • 50.) (referring, confusingly, to the combination of GNU, Linux, and other programs simply as ''Linux.'') The District Court correctly found that in order to compete effectively with Defendant in the desktop operating systems market for Intel-compatible PCs, systems equipped with the free software operating system should be able to interoperate with ''the enormous reservoir'' of Windows applications.

There is no inherent barrier to such interoperation, only an artificial barrier illegally erected by Defendant. If Defendant were required to release information concerning its APIs to the developers of free software, GNU, Linux, the X windowing system, the WINE Windows emulator, and other relevant free software could inter-operate directly with all applications that have been developed for Windows. Anyone could execute Windows applications programs bought from any developer on Intel-compatible PC's equipped with the competing free software operating system. And because, as the District Court found, the cost structure of free software is very much lower than Defendant's, the competing operating system product is and would continue to be available at nominal prices. (Findings of Fact, November 5, 1999, • 50.)

That would be too effective a form of competition, from the Defendant's point of view. For this reason, Defendant has included in the Settlement the terms that exclude from API documentation precisely those to whom it would be most logically addressed: potential competitors seeking access to the monopolized market. If the Settlement were enforced according to its intention, the result would be immediate and vigorous competition between Defendant and the parties against whom, the District Court found, Defendant was illegally maintaining a barrier.

The Settlement should be amended to level that barrier, which the current language inserted by Defendant artfully maintains. The language of §§ III(D) and III(E) should be amended to require Defendant to release timely and accurate API information to all parties seeking to interoperate programs with either Windows Operating System Products or applications written to interoperate with Windows Operating System Products.

For the same reason, Defendant's attempt to continue denying the free software development community access to its APIs through the imposition of royalty requirements, in § III(I)(1), should be removed. As the District Court recognized, free software development means that everyone in the world has access, without payment of royalties or prohibition of redistribution, to the ''source code'' of the software. All APIs and other interfaces are fully available at all times to anyone who wants to interoperate with the existing programs. This, and the ability to reuse existing program code in new programs without payment of royalties or license fees, permits vast numbers of interoperable, high-quality programs to be written by a mixture of volunteers and professional project developers for free distribution.

By authorizing Defendant to engage in non-reciprocity by charging royalties for the same information about its programs, thus purposefully ousting volunteer developers, and by prohibiting ''sublicensing,'' thus precluding profit-making developers from seeking interoperability with volunteers, the Settlement is craftily perverted into a mechanism whereby Defendant can continue to withhold API information so as to preclude the operations of potential competitors.

The Settlement should be modified so that § III(I)(1) requires reciprocity, by precluding the imposition of royalties on developers who make their own APIs fully available without payment of royalties or license fees, and so that § III(I)(3) precludes limitation on sublicensing, and requires Defendant to release API information on terms reciprocal to those on which competitors make their own API information available.

In one additional provision Defendant has attempted to subvert the intention of the Settlement in order to preclude effective competition by the Intel-compatible free software operating system. Under § III(J)(1), Defendant may refuse to disclose ''portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria.''

This provision is so indefinite that Defendant can be expected to argue that all APIs and Communications Protocols connected with the security and authentication aspects of electronic commerce (including especially ''without limitation'' keys and authorization tokens, which are the basic building blocks of all electronic commerce systems) can be kept secret.

At present, all such protocols and APIs are public, which is appropriate because—as computer security experts would testify if, as it should, the District Court seeks evidentiary supplementation under 15 U.S.C. 16(f)(1)—security is not attained in the computer communications field by the use of secret protocols, but rather by the use of scientifically-refereed and fully public protocols, whose security has been tested by full exposure in the scientific and engineering communities.

If this provision were enforced as currently drafted, Defendant could implement new private protocols, extending or replacing the existing public protocols of electronic commerce, and then use its monopoly position to exclude the free software operating system from use of that de facto industry standard embodied in its new unpublicized APIs and Protocols.

Defendant then goes further in § III(J)(2), according to itself the right to establish criteria of ''business viability'' without with it may deny access to APIs. Considering that its primary competition results from a development community led by non-profit organizations and relying heavily on non-commercial and volunteer developers, one can only conclude that Defendant is once again seeking the appearance of cooperation with the rule of law, while preparing by chicane to deny its injured competitors their just remedy.

The Free Software Foundation not only authors and distributes the GNU General Public License, and in other ways facilitates the making of free software by others, it also manufactures and distributes free software products of its own, particularly the GNU operating system, and sells compilations of its own and others'' free software.

The Foundation sustains specific injury from the violations set forth in the complaint that are not remedied by (and indeed are specifically excluded from) the Settlement. The Foundation and the other free software developers with whom it acts are the single most significant competitor to the Defendant in the monopolized market, and the adoption of the Settlement as drafted, with its terms so carefully designed by Defendant to preclude its effective competition, would be a travesty.

We urge that the Settlement be amended as we have described.

Very truly yours,

Eben Moglen

MTC–00027627

From: Pascal Goguey
To: Microsoft ATR
Date: 1/28/02 7:56am
Subject: Microsoft Settlement

To whom it may concern,

Dear Sir, Madam,

I am not sure my comments will be valid since I am posting from abroad. However, it may be a good thing to stress that people

from the whole world, and not only US are frustrated by Microsoft practices, mainly for the following reasons:

1. Impossibility to buy an Intel-based machine which is not preloaded with any of the versions of Microsoft Windows;

2. Impossibility to get a refund from Microsoft in most of the countries when sending back the OS;

3. Extreme difficulty for an OEM to sell machines equipped with alternative operating systems;

As for the recent settlement, it leaves a lot of room for reinforcement of Microsoft's monopolistic position. In particular, the fact that Microsoft must provide software for free to school is like a powertool in Microsoft's hands: first, it costs them a subdollar fee to duplicate the software, and they could even make it downloadable, and second, it will be a free advertisement campaign as all the students in these schools will become used to their products, and therefore more likely to purchase what they are used to. The settlement also lacks a true anti-monopolistic policy.

I am not optimistic enough to think my contribution would change anything, but I hope a significant number non-US residents will join in the same effort.

Best regards,

Pascal Goguey
Kamigyou-ku Ishiyakushi-cho 699
Oomiya doori Motoseiganji-sagaru,
Charmant co-po nishi-jin 302
602–8226 Kyoto, Japan.
Work phone: +81 6 6906 3475
Home phone: +81 75 432 4370

MTC–00027628

From: Josh Fryman
To: Microsoft ATR
Date: 1/28/02 7:58am
Subject: Microsoft Settlement

To those involved in the Microsoft settlement case:

I am writing you to express my concern over the Proposed Final Judgement (PFJ) that is being considered. As a PhD student and researcher at Georgia Institue of Technology in the College of Computing, I note with a technical perspective that the PFJ is not in the best interests of the public.

I have watched Microsoft and its behavior for the past 20-odd years, and tell you freely that the glaring tricks present in the PFJ will enable Microsoft to continue with their anti-competitive practices, and even make the situation worse. The result of being found guilty of Anti-Trust laws should leave Microsoft punished and —incapable— of repeating the business decisions and practices that fostered such acts.

While I know the holes in the PFJ to be many and quite large, here I will pick just one item and try to bring it to your consideration. In the PFJ, Microsoft is required to share the Windows operating system APIs with competitors. The wording which this is done, however, is so weak and narrow that several problems exist.

1—Microsoft determines who it's competitors are, and what pieces of software meet the weak definition of API.

2—Microsoft clearly states that only for-profit companies can even be considered as to whether or not they are competitors, a decision again which only Microsoft can render itself. This immediately precludes free software, such as the Linux operating system of many news articles, from being able to use any information Microsoft may release.

3—Well known and practiced software engineering and research terms and definitions, such as API, are rewritten in this PFJ such that many Microsoft's own products would not be bound by any parts of the PFJ.

Expressing the concept here in simple terms, if a little over-simplified, may help your understanding. An ''API'' is an overloaded acronym. It has meant in a traditional sense ''Application Programmer Interface'', or some close variant. In a modern sense, the ''API'' is not restricted to Applications or Application Programmers, but is meant in a broader sense of *any* piece of software interacting with *any other* piece of software on a system must do so through a set of published interfaces. These interfaces are an ''API''.

Microsoft has a long history of publishing only part of the API suite for it's products, such as Microsoft Windows and Microsoft Internet Explorer, to name just two of the multitude. While competitors struggle to work with the Microsoft APIs, Microsoft's own products use undocumented (unpublished) APIs that are faster, simpler, and have more features. (Not all unpublished APIs are faster/simpler/etc, but many are.) When competitors discover these undocumented APIs, Microsoft has a known habit of changing them to break competitors software, starting the cycle over again of hidden API discovery.

Another typical example of Microsoft behavior can be seen in their Windows 2000 operating system. They took a known public standard, called Kerberos, for secure authentication of users via password and login names, for a baseline system and integrated it into Windows. Then, to ''extend it'', they very slightly modified the behavior to be feature-wise identical but implementation-wise incompatible with all other kerberos based systems. They then billed this as ''all-new'' technology and made their changes a hidden, unpublished secret such that other companies'' products could not interface with Microsoft's products. Their change? Several ''bits'' in the structure of a kerberos message are reserved, but meant to be 0. Microsoft set some of these bits to 1, breaking the standard.

How do these examples relate to the issue at hand? In a very simple manner, they illustrate typical Microsoft behavior. Now, in the PFJ, Microsoft will be able to set its own standards for who may be considered a competitor, and who may see what it considers an API. It even allows Microsoft to change the APIs without telling anyone until much too late!

This is unjust. For this one area to be corrected, Microsoft should be required to do something along the following lines:

—All products must have their APIs published and released into the public domain. Any patents or copyrights on these API designs are also released into the public domain. (Here ''All products'' would be restricted to Microsoft Windows, Microsoft Internet Explorer, and all other programs that are installed by default with any Microsoft Windows operating system product.)

—Microsoft can not change the API without a 6-month prior public notice in DOJ designated major forums for the industry.

—Microsoft must allow individual components to be opted as not installed, as well as removable after installation, without degrading the system behavior in any way.

—Any Microsoft product found to be using undocumented or unpublished APIs immediately becomes public domain, and all source code, patents, and copyrights are released to the public domain.

—Any Microsoft product found to be violating the terms of this section becomes public domain property, with all source code, patents, and copyrights released to the public domain.

These first three simple guides would allow any and all companies to compete with Microsoft in a fair manner. It would also prohibit Microsoft from unfairly changing their APIs without giving fair warning to competitors. The final clauses are meant to be a deterrent to Microsoft for violating these rules.

These are the types of rules and judgements expected when a major monopoly-holder is found guilt of illegally maintaining their monopoly and abusing their power. Not the light wrist-slap that the PFJ is when examined closely.

Regards,

Josh Fryman
210 Arrowhead Rd
Bogart, GA 30622
email: fryman@cc.gatech.edu
phone: 706–548–8784
PhD Student and Researcher
College of Computing
Georgia Tech

MTC–00027629

From: Chip Piller
To: Microsoft ATR
Date: 1/28/02 8:00am
Subject: microsoft anti trust comments

I find the terms outlined in the Proposed Final Judgement (PFJ) of the Microsoft Antitrust case to not be in the best interests of the public. In general I find that the PFJ does not go far enough in it's remedies, that the PFJ should be rewritten so that the language and terms used in the document are more clearly defined, and that the PFJ be more direct and eliminate exceptions and allowances so as to be more restrictive and to eliminate loopholes.

Section III Prohibited Conduct

This sections states that the royalty schedule will be ''established by Microsoft and published on a web site accessible to the Plaintiffs and all Covered OEMs''. I would like for the schedule to be made available to the general public. Also, the nature of the web site and access to the web site both need to be defined. The concern here is that Microsoft will prepare the web pages and web site in a way that favors or requires the use of Microsoft products for proper access.

III–B–2 permits Microsoft to charge different amounts for it's products based upon ''reasonable'' volume discounts. The term reasonable must be defined. However,

even if reasonable is defined this volume discount amounts to nothing less than discrimination against small businesses and individuals and therefore should not be permitted. The royalties, fees, and charge schedule should be uniform across the board and should be made public.

III–B–3 Market development allowances. The court has determined that Microsoft is a monopoly and the court has found Microsoft guilty of anti-competitive practices. I am opposed to the court making provisions for Microsoft for market development. This exception makes no sense.

III–D/E This is a very important section. Microsoft must be required to make full and complete disclosure of the API's and documentation necessary for interoperating with all Microsoft software products, not just the Microsoft operating system.

This disclosure needs to be made to the general public and without charge so that members of the open source programming community may develop their software to be compatible with the software produced by Microsoft. This disclosure should be changed to include items such as the Microsoft file formats used by the Microsoft operating system as well as the file formats, communication protocols, and authentication methods used by other Microsoft products such as Word, Excel, and Exchange.

In addition I would like to add that I believe that competition for Microsoft will come from the open source programming community, which is comprised of volunteers around the internet. I would like to see the PFJ remedies be available to these people who will then be able to make their software compatible with that of Microsoft so that consumers will be given a real choice in their software.

Regards,
Maurice F. Piller, Jr.
2631 Blue Meadow Lane
Knoxville, TN 37932
Email: piller@visi.net

MTC–00027630

From: Ronald W. Greiner
To: Microsoft ATR
Date: 1/28/02 8:11am
Subject: Settlement

1. Please allow the proposed settlement to proceed allowing for minor minor adjustments.

Please allow the State of Oregon to set their own policy for the Right to Die. I have voted republican most of my life but sticking your nose into this issue make me think your religious feelings are more important than my right to choose. They are not!!!!!

MTC–00027631

From: fbcjames@ktc.com@inetgw
To: Microsoft ATR
Date: 1/28/02 8:12am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
James Ervin
625 Washington St
Kerrville, TX 78028

MTC–00027632

From: Steven.Spaletto@ey.com@inetgw
To: Microsoft ATR
Date: 1/28/02 8:13am
Subject: Microsoft Settlement
Tax Compliance—State and Local Tax Services
Ernst & Young LLP—Indianapolis Shared Services Location
5451 Lakeview Parkway South Drive
Indianapolis, IN 46268
Phone: (317) 280–3614
Fax: (317) 280–6102
EYCOMM: 2477726

Dear Sir or Madam,

Given the economic recession we are presently in, as well as the events of September 11, I think it is absurd how much time, energy, and money my government has wasted in pursuing Microsoft. Like only a few other times in our nation's history, we should be able to discern acts of true hatred and evil, those that cause significant amounts of real harm to the citizens of this great country, from the acts of an organization that has produced such overwhelmingly positive results for not only its people and shareholders, but also for its industry and this country as a technological and economic super-power. Time does not permit me to go into all the details of my position, but I think it is well past the time for the government (including the Department of Justice) to get back to protecting those that it is supposed to protect.

I say these things not as a Microsoft employee (or as a relative of an employee) or shareholder, but as a taxpayer who funds the operations the government of this country. In a capitalist society there will always be sour-grapes. I think the founding fathers would shudder at the thought of the government tampering as heavily as it has with Microsoft.

Let's let business get back to business, and let's have government work on protecting citizens from REAL harm.

Steve.

MTC–00027633

From: Daniel Phillips
To: Microsoft ATR
Date: 1/28/02 8:21am
Subject: Microsoft Settlement

In 1989, Microsoft apparently obtained a patent covering two principle components of a W3C recommendation, CSS and XSL. Microsoft was a member of the committee drafting the recommendation, and filed for the patent during the time the recommendation was being drafted: http://www.delphion.com/details?pn=US05860073— (US5860073: Style sheets for publishing system)

There was some coverage of this sad affair at the time: http://www.zdnet.com/sp/stories/news/0,4538,2205109,00.html

The question is, might Microsoft intend to use these patents in an attempt to erect new barriers in front of competitors with regard to the CSS and XSL standards? What is to prevent that? Considering the doubtful circumstances in which the patents were obtained, might it not be prudent to compel Microsoft to rescind these patents, or equivalently, release them into the public domain, in order to ensure that these patents are not misused.

Daniel Phillips

MTC–00027634

From: Mike Sallman
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 8:08am
Subject: Microsoft Settlement

I would like to urge you to reconsider the proposed final judgment in this case. This settlement does little to deter Microsoft from their monopolistic practices and even less to provide redress for past anti-competitive activities.

Microsoft's monopoly stifles innovation, creativity, competition and freedom which are the hallmarks of our free-enterprise system.

Michael Sallman
IT Administrator
Fidelity Bank

MTC–00027635

From: woods@wrkcs.net@inetgw
To: Microsoft ATR
Date: 1/28/02 8:15am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Elizabeth Woods
R.D. # ! Box 100–A
Corsica, PA 15829–9635

MTC–00027636

From: Ingham, Richard
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 8:18am
Subject: Microsoft Anti-trust case

This is to comment that I support this ruling. It will be better for the economy to move beyond this. The plaintiffs shold not be able to win in the courtroom what they cannot win in the marketplace.

Respectfully,
Richard Ingham
mailto:ringham@foxboro.com

MTC–00027637

From: Bill Hopfer
To: Microsoft ATR
Date: 1/28/02 8:20am
Subject: Microsoft Settlement
Bill Hopfer
2684 Seneca Drive
Jacksonville, FL 32259
January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am outraged that Microsoft was attacked three years ago. The antitrust suit has been less about reprimanding illegal activity than it has been about greed and jealousy. I would like to see this case settled as soon as possible; it has truly been a disgrace. Microsoft puts out an excellent product and it has been good for the American public by standardizing software with Windows. Where would we be without such a user-friendly interface? Back at DOS or Basic, trying to communicate with the computer at various prompts and having to learn the language of the operating system in order to do so.

The settlement is good for the consumer. The consumer will benefit because Windows installation will not be mandatory on most computers and both computer makers and users will be allowed to reconfigure Windows as they see fit. Microsoft will accordingly reformat Windows so that it will support software alternatives.

I am upset that Microsoft's competitors wish to continue the suit against the Microsoft Corporation. This has gone on far too long already. It is time to settle. I urge you to support the agreement reached last November.

Sincerely,
Bill Hopfer

MTC–00027638

From: Nelligan, Michael P
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 8:20am
Subject: Microsoft Settlement

There are many problems with the proposed settlement. As a user of several ''open source'' I would like to address two major ones.

First the required API sharing limits those to whom Microsoft would have to make API specifications available in such a way that many open source projects could be excluded. Further it allows Microsoft to place limits on how such specifications may be used or distributed. In order to be more fair Microsoft should be required to make ALL APIs publicly available so that all software producers (large or small, profitable or not) could benefit and continue to work on developing competitive products.

Second, the settlement makes no mention of file format specifications; for example Word .doc files and Excel .xls files. Microsoft uses its file formats to make it more difficult for competing products to compete by not publishing the format specifications and by changing with most new versions of their software. Because of this projects to create competing software must spend excessive amounts of developer time and effort in figuring out how to be compatible with Microsoft's products. Supporters of Microsoft frequently point to a failure to read and write Microsoft file formats as a reason why competing products are not as good as Microsoft's products. In the trial Microsoft pointed to open source products as potential dangerous competitors for themselves. The judge did not find that such products were competitive but did believe that they could be. To allow Microsoft to use the Final Judgment to limit the ability of open source projects to produce strong compatible by competing projects would defeat the intention of using the judgment to promote competitiveness in the market place.

Thank you for considering these objections.

Michael P. Nelligan Network Systems Analyst for Battelle Memorial Institute,
505 King Ave., Columbus, Ohio, 43201
Resident of Ohio at 60 Euclid Ave., Columbus, OH 43201

MTC–00027639

From: Dale Wiener
To: Microsoft ATR
Date: 1/28/02 8:30am
Subject: Microsoft Settlement

Dear Attorney General Ashcroft

The lawsuit forged against Microsoft by the Department of Justice was uncalled for. Microsoft has been painted in a bad light through this litigation. The only thing Microsoft is guilty of is providing consumers with superior products. The purpose of this letter, however, is to express my support of the settlement.

The settlement came at great cost for Microsoft. Microsoft has agreed to disclose the internal interfaces of its Windows operating network. This is revolutionary in that it allows Microsoft competitors to gain access to interface. Interface disclosure will further allow developers to replace competing software into the Windows'' system.

I believe that these sacrifices are necessary only in that they allow Microsoft to begin concentrating solely on the practice of software design.

Sincerely
Waltraud Wiener

MTC–00027640

From: Morris, Mitchell
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/28/02 8:28am
Subject: Microsoft Settlement

I would like to register my objection to the proposed settlement in US v. Microsoft. Specifically, I object to section III.J.2.c wherein Microsoft reserves the right to refuse to disclose information to entities which don't meet Microsoft's standards for business viability. Given our American tradition of individual effort and entrepreneurship, I find this claim that a citizen must prove his business viability to Microsoft's satisfaction before being allowed to compete in the marketplace to be most distasteful.

Thank you,
Mitchell Morris

MTC–00027641

From: Frank Biggs
To: Microsoft ATR
Date: 1/28/02 8:33am
Subject: Microsoft Settlement

Based upon reading the decision, I do not believe this adequately addresses the issues of the Microsoft case. It fails to punish past practices that the DOJ proved or to prevent future actions of the same nature by Microsoft. The wording of the decision will allow Microsoft to manipulate the language to its advantage and to continue its activities virtually unabated. With this in mind, the decision should be rejected.

John F Biggs II
12346 Swan Wings Place
Huntersville NC 28078

MTC–00027642

From: stepheni@linc.cis.upenn.edu@inetgw
To: Microsoft ATR
Date: 1/28/02 8:34am
Subject: Microsoft Settlement

Dear Sirs,

I am an academic computer user of some years'' experience. I avoid Microsoft software as much as possible. On occasions when I have used it, I have found it to be unreliable, insecure and prone to viruses. Most of the people I speak to who do use it feel that it is imposed upon them, that they have no real choice, and have submitted with a ''you can't fight city hall'' attitude. This letter is a small attempt at fighting city hall.

In my view the two worst aspects of the Microsoft Corporation's behavior are its bullying tactics and its deliberate subversion of standards such as email and web-page formats. These are difficult practices to legislate specifically against, but they are made possible by the sheer size and power of Microsoft, which is why the original idea breaking up the corporation was a good one. Smaller, competing companies could not commit such abuses as successfully. Although it is difficult to frame rules to outlaw bullying as such, there are several specific instances of it that could be prevented, but are not, in the proposed settlement. One is forcing manufacturers to include a Microsoft operating system with their computers, whether or not the customer wants one. Another is forbidding the use of free software in conjunction with various program components. Both of these are outrageous impositions on the customer, made possible only by Microsoft's monopoly position. In fact the only time I run a Microsoft operating system these days is to do my income taxes. I don't know for certain why no one produces a tax program for, say, Linux, or some other Unix-like operating system. It would be simple enough to do. The tax programs are simple combinations of well-established spreadsheet and browser technologies, and don't depend on the operating system to any serious extent. It

would be quick and cheap to port the tax programs I have used to Linux, and the Linux market, while not comparable in size to the Microsoft one, must be large enough to be profitable for such a small extra outlay of effort. My guess, however, is that the potential profit is not big enough to offset the threat of retaliation by Microsoft. They are big enough that all they need to do is hint at retaliation.

Another general tendency that cannot be prevented outright, but could be better curbed than it is in the proposed settlement, is acting as if Microsoft owned the user's computer. Their software has always made unannounced edits to system files and replaced system components at will. Now they are putting in license provisions that have the effect of requiring the user to get their permission to upgrade his/her own hardware. Surely it must be possible to force them to give the buyer of software the right to use it as he/she sees fit, within the general framework of the law.

Although these are not the only shortcomings of the proposed settlement, they are the ones that seem most vital to me. I'm sure that others will write to you focussing on different ones.

Yours respectfully,
Stephen Isard

MTC–00027643

From: Bob Gordon
To: Microsoft ATR
Date: 1/28/02 8:36am
Subject: Microsoft Settlement

To whom it may concern:

The current ''settlement'' is a bad one because it does not address the basic issue of Microsoft's monopoly of of desktop operating systems.

MTC–00027644

From: Kevin Krumwiede
To: Microsoft ATR
Date: 1/28/02 8:34am
Subject: Microsoft Settlement

I am a student and independent software developer. Though I am not well-versed in legal matters, I found the provisions of the proposed Microsoft settlement fairly easy to understand. However, as an independent software developer, I believe I have a much better understanding of their implications than the average person.

I do not believe the provisions of the proposed settlement will significantly affect Microsoft's stranglehold on the market, for the reasons I have outlined below. It is important to remember that Microsoft basically invented the industry they dominate. Microsoft's rise to power was contemporary and symbiotic with the invention and widespread adoption of personal computers. Prior to that time, computers were not consumer products. It was largely a hardware market, and software was something that just came with the hardware. Much of the software in use was independently developed and freely distributed. Microsoft cunningly exploited the growing PC market to gain a monopoly on the operating systems and software that runs them.

Today, the only significant threat to Microsoft's monopoly is the same kind of independently-developed, freely-distributed software that existed before it—software developed by people like me. Perhaps as a blacklash against Microsoft's business practices, and spearheaded by the operating system known as Linux, free software has made a significant comeback in limited areas of the market. However, it has been unable to gain a foothold on the desktop—the market for operating systems and applications currently dominated by Windows 98/ME/XP, Microsoft Office, and Internet Explorer— for reasons not sufficiently remedied by the proposed settlement.

The settlement wisely recognizes the ubiquity of Microsoft's proprietary APIs and protocols and the necessity of making them available to developers who can't compete without them and often can't (legally) reverse-engineer them (sections III.D and III.E). Conspicuously lacking is a similar provision concerning proprietary file formats, which are crucual to any interoperability with Microsoft's Office products. To its credit, the settlement also prohibits many of the anti-competitive practices that Microsoft has used to maintain its monopoly.

But here is the key shortcoming of the proposed settlement: none of its provisions benefit Microsoft's real competition, the free software developers. We are not officially-recognized ISV's, IHV's, IAP's, ICP's, or OEM's; we are a loose-knit organization of individuals around the world, working on countless independent projects in our free time and with no expectation of monetary retribution. Few of us would ever ''[have] a reasonable business need for the API, Documentation or Communications Protocol for a planned or shipping product'' (section III.J.2(b)) or ''[meet] reasonable, objective standards established by Microsoft for certifying the authenticity and viability'' of our development efforts (section III.J.2(c)).

Few of us would meet the ''reasonable and non-discriminatory'' terms of the provisions (particularly section III.I.1) and thus would not benefit from sections III.D and III.E. Likewise, few of us can afford to ''submit, at [our] own expense, any computer program using such APIs, Documentation or Communication Protocols to third-party verification'' (section III.J.2.(d)). The solution, as I see it, is to require that Microsoft publish the specifications of its proprietary APIs, protocols, and file formats, making them available not just to qualifying competitors, but to all competitors. This would ensure interoperability of all independently-developed software with Microsoft's products, eliminating the single greatest obstacle Microsoft has employed to keep upstart competitors out of the market.

Thank you for considering my comments.
Kevin J. Krumwiede
1807 Woodlands Drive
Smyrna, GA 30080
(770) 431–8185

MTC–00027645

From: Ty van den Akker
To: Microsoft ATR
Date: 1/28/02 8:37am
Subject: Microsoft Settlement

I am vehemently OPPOSED to the proposed settlement on the grounds that the settlement is too narrowly defined to be of any lasting effect in the dynamic software industry.

Ty van den Akker
Arlington, MA 02474
Ty van den Akker
nakker@oculustech.com
(617) 426–4277 x311
Oculus Technologies Corp.
http://www.oculustech.com
Boston, MA

MTC–00027646

From: Edward Remmers
To: Microsoft ATR
Date: 1/28/02 8:38am
Subject: Microsoft Settlement

Dear Attorney-General Ashcroft:

I am writing to endorse the proposed Microsoft Settelement. I think that it is fair, but very onerous. Unfortunately, there are critics who wish to impose a ''success tax'' on Microsoft. In my opinion, this is very unfair. These critics wish to dismantle the free enterprise system in the U.S. Unfortunately, critics of Microsoft sound like ''cry babies.'' Instead of crying, they should work at out-performing Microsoft. I strongly urge you not to respond to the ''cry babies.'' Many states have accepted the proposed settlement as fair.

Please have the DOJ accept the proposed settlement. Only the trial lawyers will benefit financially from this case. Please place the interest of our country above the interests of the ''cry babies'' and trial lawyers trying to line their pockets.

Edward G. Remmers

MTC–00027647

From: Anthony Cullen
To: Microsoft ATR
Date: 1/28/02 8:38am
Subject: Microsoft Settlement

This is a raw deal for consumers and does very little, practically speaking, to redress the harm done to consumers or to prevent further harm in the future.

Anthony P Cullen
S/390 Technology and Architecture Division
Alliance Custom Microprocessor Design
D/zdza ms p/312 914–435–4758

MTC–00027648

From: BRIDGE4404@AOL.COM@inetgw
To: Microsoft ATR
Date: 1/28/02 8:36am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the

most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
BETTY RIDGE
10549 54 AVENUE NORTH
ST PETERSBURG, FL 33708

MTC–00027649

From: Charles Boncelet
To: Microsoft ATR
Date: 1/28/02 8:37am
Subject: Microsoft settlement

I am a Professor of Electrical & Computer Engineering, with a joint appointment in Computer & Information Sciences at the University of Delaware. I have published widely in these areas for 20 years. In my opinion, the proposed settlement does nothing to curb Microsoft's excesses. Over the years, Microsoft has used (and abused) its monopoly position to stifle innovation and eliminate the competition in many ways.

I suggest Microsoft be split into two companies, one responsible for operating systems (e.g., Windows) and one for applications, e.g., Office. Failing that, the government should insist on at least three things:

1. The file formats used by applications such as Office should be made open the public. This would allow other, generally much smaller, companies to produce products that interoperate with Microsoft's. (What Microsoft did to the the office productivity software producers far exceeded in its venality what they did to Netscape in the browser wars.)

2. Any networking standards used in Microsoft products should be open and public. Again, this would allow other products to interoperate with Microsoft's. This is crucial in a modern, networked computer world.

3. Disallow any contracts between Microsoft and computer vendors that restrict the ability of the computer vendors to supply alternative software and operating systems on their computers. Computer vendors should be allowed without penalty to produce machines that run linux, BEOS, MAC OS, etc without interference from or tithing due to Microsoft. Microsoft has been a cancer on the industry. Please do not allow them to continue.

Sincerely,
Charles Boncelet
(work) 302–831–8008
Dept. of Electrical & Computer Engineering
(fax) 302–831–4316
University of Delaware, Newark DE 19716
http://www.eecis.udel.edu/boncelet/
Email: please use boncelet@udel.edu, boncelet@ece.udel.edu, or
boncelet@mail.eecis.udel.edu. Other addresses are unreliable.
CC:boncelet@udel.edu@inetgw

MTC–00027650

From: Kukla, Jim
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 8:36am
Subject: Microsoft Settlement

I believe that the proposed settlement is a bad idea. The information contained in this e-mail including any attachments may constitute Corvis Corporation Proprietary Information that is subject to Non-Disclosure Agreement and cannot be disclosed to any other party without the express consent of Corvis Corporation. If you are neither the intended recipient of this e-mail nor responsible for delivering this e-mail to the intended recipient, note that any dissemination, distribution, copying, or retention of this e-mail is prohibited.

If you believe you have received this e-mail in error, we request that you notify the sender by return e-mail and then delete this e-mail and any return e-mail immediately.

MTC–00027651

From: Kalisvaart, Adri
To: Microsoft ATR
Date: 1/28/02 8:40am
Subject: Microsoft Settlement
Lincoln RI, January 27, 2001
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001
e-mail: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement

Dear Mrs. Hesse,

I am an immigrant from Germany and I remember how my parents became accomplices in the crimes committed by their government by virtue of being Germans. That is the reason why I must register my opposition to the injustice done to Microsoft by the Justice Department. My reasons are best expressed in a letter of mine in the 12/6/99 issue of TIME. Therefore, I am sending you the unedited version of that letter.

Dear Time Editor:

Lynching is alive and well in America. No, not in some backward corner of these United States. This time the lynching takes place in Time [November 15, 1999 Busting Bill] and on CNN for the whole world to watch. This time the Justice Department of the United States of America is proudly committing this heinous crime.

Who is being lynched? No, not some unfortunate person for having the wrong skin color. This time the victim is a productive genius and creator of wealth for himself, for me and for countless millions around the globe. It is Bill Gates.

Yes, there is a criminal in the case of US versus MS, but it is not Microsoft. I resent it very much that I am an accomplice to this crime by virtue of being an American. What is most appalling in this case is the victim's inability to defend himself. Bill Gates should have demanded that the Justice Department cease violating his inalienable rights—namely, his right to his life, his liberty and his property. By failing to do so, Bill Gates has become an accomplice in his lynching.

Sincerely, Adri Kalisvaart
5 Wake Robin Road # 2004
Lincoln RI 02865–5220
Home Tel: (401) 333 6303
Office Tel: (508) 236 1021
e-mail: a.kalisvaart@ieee.org

MTC–00027652

From: Timothy McGinnis
To: Microsoft ATR
Date: 1/28/02 8:42am
Subject: Microsoft Settlement
See attached
Timothy S. McGinnis
MTC–00027652 0001
1929 Pendelton Drive
Raleigh NC 27614
January 27,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

As you know, Microsoft has been undergoing a three-year lawsuit by the US government and I'm using this opportunity to voice the opinion of the average American consumer.

I am an IT professional and use the products of many vendors including Microsoft's. My colleagues and I have stated many times that Microsoft has been the main contributor to the success and growth of the industry. This lawsuit has given an unfair advantage to other software providers who seem to be capitalizing on this misfortune. What we need to do is move this case out of Federal Court once and for all and stop wasting the time and money of American people. Microsoft should not have to be spending its budget on legal matters, instead, investing it on creating new more efficient software to bring our world further into the technological evolution that we've headed in. Microsoft has played a phenomenal role in the success of our country's economy, both locally and globally, and for the good of all consumers, seeing Microsoft free from litigation will help boost this recession we're in out the door.

The settlement should be embraced to make supporters and competitors satisfied with the procession of production in the IT industry and the competitive market. The settlement will ensure the compliance of Microsoft's actions as pro-competitive. Let our country move on from this lawsuit and get on with more serious issues plaguing our nation. I thank you for your attention and ongoing support for the American consumers.

Sincerely,
Timothy McGinnis

MTC–00027653

From: Mark Gryska
To: Microsoft ATR
Date: 1/28/02 8:41am
Subject: Microsoft Settlement

Dear Sir(s) Madam(s),

I find the proposed settlement of the Microsoft case unsatisfactory. As a computer professional for more than 15 years I have watched Microsoft grow from a small company to a very large company. In that time I have been dismayed by the business practices of the company which I feel have stifled technical innovation by means of broken standards and aggressive actions towards its competitors. As a consumer and user of Netscape Navigator I feel that I have been harmed by the tactics by which Microsoft sought to make Internet Explorer the number one browser.

I see further signs that the company is making in roads in 3D gaming and stands to

follow much the same pattern as it has in the past. I believe that the company should be broken up into at least 3 seperate entities and face heavy fines.

Sincerely,
Mark Gryska

MTC–00027654

From: Lea Blanton
To: Microsoft ATR
Date: 1/28/02 8:45am
Subject: Microsoft Settlement
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my support for Microsoft and the settlement that was reached in November. Microsoft has pledged to carry out all provisions of this agreement and create more opportunities for competing companies. Under this agreement, Microsoft must license its Windows operating system products to the 20 largest computer makers. Microsoft has agreed not to retaliate against computer makers who ship software that competes with anything in its Windows operating system. The settlement contains many guidelines that Microsoft has fully agreed to uphold.

I see no reason to continue costly and expensive litigation that drives down stock prices and contributes additional uncertainty to individual and organizational purchasing plans in an already uncertain economy. This settlement will serve in the best public interest. Please support the November settlement.

Thank you.
Sincerely,
Lea M. Blanton
611 Westridge Drive
Burlington, NC 27215

MTC–00027655

From: Manohar Hora
To: Microsoft ATR
Date: 1/28/02 8:46am
Subject: Microsoft Settlement

Sir:

It is very unfortunate that in spite of all the advances that have happened in the Tech Industry, you are after Micro soft that is responsible for the advances. why don't you waste public money on some thing worthwhile. History will tell that the Justice Dept. was responsible for the down fall of US Computer Industry. This is business. Let every one struggle without any help from the Govt.

One concerned citizen

MTC–00027656

From: dkitts
To: Microsoft ATR
Date: 1/28/02 8:46am
Subject: Microsoft Settlement

'Will you PLEASE leave Microsoft alone and end this case now. As an IT professional, I see many of my peers in jeopardy of layoff or already looking for jobs due to the slowing of companies application development cycles. Much of this has to do with the economy, but when times are tough economically, companies stop spending on ''risky'' investments. The turmoil surrounding the Microsoft case has made companies put many projects on hold due to anxiety on the base operating systems to run the applications on. The anti-trust case is helping to keep that up! I believe that a quick settlement will help bolster the economy, help the .com industry back on it's feet and will be the best thing for the United States.

I also believe that Microsoft has had a historically better record of keeping the consumer and businesses best welfare in mind than most other vendors. BEFORE MS, companies like Apple charged OUTRAGEOUS amounts of money for their software, particularly operating systems. Now, you can buy sophisticated operating systems like Windows 2000 Professional for under $400!!!!

I also thoroughly believe that Microsoft came to market years ago with better, more consumer friendly products than Netscape and AOL and therefore deserved to win the market share they have. When a truly better product IS available, I'm sure the IT industry will flock to it. Look at the interest in Linux! It is mainly a warmed up version of the venerable UNIX operating system, but they have sold TONS of copies just out of curiosity of the IT industry. If Linux ever is proven to be better, it will flood the IT landscape in months...but, at this point, it is simply not technically better or more efficient. (By the way, IT professionals will argue UNIX vs. Windows vs. whatever forever, much like teenage boys will argue over which was faster, Pontiac or Ford)

As far as Netscape goes, a few years ago I attended a Netscape Professional Developers Conference (sponsored by Netscape). At that point in time they pretty much stated on an emotional, not logical, level that they hated MS. They didn't even want to build a Web server to run on a Microsoft platform!!! I believe that Netscape (AOL) will whine forever about Microsoft and will always be trying to manipulate the courts, the DOJ or whoever they can to try to ''compete'' with Microsoft. This is not because the are not allowed to compete in the market place, it is because they just simply cannot produce anything better than equivalent products. Please stop wasting my tax money on Microsoft...I'd much rather pay for the War on Terrorism. Even if the amount of money spent on the Microsoft Anti

Trust case only equates to one day of expense for the War on Terrorism, I'd MUCH rather spend the money on day hunting for bin Laden, than years hunting Bill Gates.

Just my humble opinions,
D. Frank Kitts
dkitts@yahoo.com

MTC–00027657

From: Srivastava, Samir
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/28/02 8:49am
Subject: Microsoft Settlement

Dear Madam/sir,

Please note my wish as a citzen of the United States of America to disagree with the settlement as offered by the Justice Department to resolve the Microsoft monopoly case.

As I understand it, the goal of the Justice department should be to ensure that a fair and just solution be implemented in the interest of the American Public, as well as sufficient punishment for the wrong doing engaged in by Microsoft. I believe the current soultion offered fails on both counts listed above. Microsoft has been found to be a monopoly (this in itself is OK) in operating systems, but they have been found to use this power to inhibit competition and gain market share in other areas such as browsers and Office productivity software. This behavior was rightly found to be illegal. Sufficient punishment demands that they be prevented from engaging in this kind of practice ever again.

Under the current proposal, Microsoft would get lots of legal ''wiggle room'' to comply with the letter of the law but not the intent of the law. Since Microsoft has previously proven to be very good at avoiding complience (the original consent decree from the 1980's), one can assume without a doubt that Microsoft will again play these games. So, the punishment part of the proposal must be designed so that Microsoft will not have anything to gain by playing legal games. It should be a very large cash fine, as this is the only way to get the attention of high paid executives that consider themselves above the law.

Secondly, for a fair and just solution for the American public, the Justice department should rule that Microsoft has to publish all the data formats for its data files. This should not be a burden to Microsoft. These data formats are important because one has to have knowledge about the formats to read the data. As it stands, Microsoft does not share this data with the industry and prevents other companies from being able to read its data formats, such as MS Word files for example.

There is no reason that MS Word files from one user need to be read only by another MS Word user, except for the fact that it is difficult and time consuming to decode by anyone else without information from Microsoft. This is analagous to AT&T only being able to call other AT&T customers or phones. But this is not the case, in fact, in the telecommunications industry the signalling standards (or data format) for a call are well known public information.

This means that if I want to phone home to the USA from Switzerland, all I need to do is call my number in the USA. Because the signalling standards are known by everyone, the Swisscom phone switch can convert my request such that is easily decoded by the AT&T phone switch. With this well known or open data format, the public is well served. Notice that there is no affect to the intellectual property of AT&T or Swisscom. The public does not know or care how the phone switches work as this is not published, but only that the data formats are known so the systems can interoperate.

I believe that the same model should be applied to the Microsoft case. I don't care what they put into windows, but when they take the data formats for the Internet browser, MS Office suites and a host of other programs and refuse to share the formats publicly, the public will have no choice but to use only Microsoft software to be able to decode them. Notice that even on the Mac platform, one

must use MS Office programs to be able to read a Word document sent by someone else.

I sincerely hope that you will read my proposal and implement a tough but fair solution in the Microsoft case. Please make sure that the American people win in the name of justice, fairness and innovation for the sake of a free world.

Thank you for giving the American public a chance to comment on this issue.

Thank You and regards,
Samir Srivastava
Core Network Engineer
COLT Telecom AG
Badenerstrasse 820
CH–8048 Zrich
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f: +41 1 5 600 910
e: mailto:samir.srivastava@colt.ch
www.colt.ch
we make business straight.forward

MTC–00027658

From: Chris Hanson
To: Microsoft ATR
Date: 1/28/02 8:51am
Subject: Microsoft Settlement

I am President of a small software and consulting company named bDistributed.com, Inc., located in the Chicago area. (Web site and contact information below.) As President of a company that develops software primarily for the Apple Macintosh and Sun's Java technology, I strongly believe that the Microsoft antitrust settlement does not go far enough to I don't think any behavioral remedy will work on Microsoft. They have an established pattern of behavior of ignoring behavior remedies, disobeying court orders, lying to federal judges, and so on. The only remedy that will work and restore competition to the marketplace is structural: The company needs to be broken up and there needs to be heavy government oversight not only of the resulting ''Nanosofts'', but of the interactions between them and the rest of the market.

Here's my recipe for a workable breakup: Nanosoft 1 does only operating systems (both workstation and server). Nanosoft 2 does does only workstation applications, including Office, the Outlook client, the Messenger client, the NetMeeting client, and so on. Nanosoft 3 does only server applications, including SQL Server, the Outlook server, the Messenger server, the NetMeeting server, etc. Nanosoft 4 is the content company (MSN).

The workstation and server application companies would only be allowed to communicate through open, publicly-documented protocols. In other words, other companies could write fully-functional Microsoft Exchange clients that compete with Microsoft Outlook without reverse-engineering. And so on. Also, I believe that Microsoft needs to be compelled to support the competitors they harmed for a certain period. Microsoft should be required to do the following:

(1) Bundle AOL Time Warner's Netscape web browser with the Windows operating system for a period of 5 years, and work with all interested external developers to make it possible to fully replace Internet Explorer as the default browser (including in places like the help system).

(2) Bundle Apple's QuickTime multimedia technology with the Windows operating system, and make it possible to use it instead of Windows Media Player for all multimedia access and playback on the system. Microsoft is currently attempting to use its monopoly power in operating systems software to extend its monopoly in multimedia playback—AFTER BEING RULED A MONOPOLY—and this action is necessary to counter that attempt.

(3) Continue to support, promote, and keep up-to-date Microsoft Office on the Apple Macintosh for a period of 5 years, and expand their support to include up-to-date Macintosh versions of the Microsoft Outlook email and scheduling application (or add 100%-compatible functionality to the Microsoft Entourage for Macintosh email and scheduling application), the Microsoft Access database, and the Microsoft Project project management application.

(4) Publish all specifications for all native data formats and protocols of all Microsoft applications under a royalty-free and non-discriminatory license, IN PERPETUITY, allowing developers to create applications both for Windows and for other platforms that compete directly with Microsoft applications with a reasonable guarantee of 100% compatibility.

I believe the steps above are necessary to restore healthy competition to the computer software marketplace. Even without a structural remedy, the above steps would go a long way; with a structural remedy, the above steps would ensure non-Microsoft software developers are on a more level playing field than the current settlement proposal allows. And without at least (2) through (4) above, Microsoft is effectively unrestrained from eliminating its remaining competition. We cannot let this happen if the software industry is to remain a vital and growing sector of the worldwide economy, because without the return of true competition it will stagnate.

—Chris
Christopher M. Hanson, President
Email: cmh@bDistributed.com
bDistributed.com, Inc.
Phone: +1–847–372–3955
Making Business Distributed
Fax: +1–847–589–3738
http://bdistributed.com/
Personal Email: cmh@mac.com

MTC–00027659

From: Sean Chisek
To: Microsoft ATR,Ron Steward
Date: 1/28/02 8:58am
Subject: Microsoft Settlement

The propoesed settlement is bad for consumers and useless as far as breaking the Microsoft monopoly.

Sean Chisek

MTC–00027660

From: Victor Laties
To: Microsoft ATR
Date: 1/28/02 8:57am
Subject: Microsoft Settlement

Please continue the court action against that predatory company Microsoft. Don't be influenced by the intense lobbying effort on the part of that company. Netscape was the originator and the most innovative outfit to work in this area. Microsoft acted as a bully and is certainly in a monopy position right now. Nothing in the proposed settlement will serve the public influence.

Victor Laties

MTC–00027661

From: Chris Hanson
To: Microsoft ATR
Date: 1/28/02 8:59am
Subject: Microsoft Settlement

(This is an amended version of a message I sent accidentally. One item, (5) below, was added to a list of suggested remedies.) I am President of a small software and consulting company named bDistributed.com, Inc., located in the Chicago area. (Web site and contact information below.) As President of a company that develops software primarily for the Apple Macintosh and Sun's Java technology, I strongly believe that the Microsoft antitrust settlement does not go far enough to I don't think any behavioral remedy will work on Microsoft. They have an established pattern of behavior of ignoring behavior remedies, disobeying court orders, lying to federal judges, and so on. The only remedy that will work and restore competition to the marketplace is structural: The company needs to be broken up and there needs to be heavy government oversight not only of the resulting ''Nanosofts'', but of the interactions between them and the rest of the market. Here's my recipe for a workable breakup: Nanosoft 1 does only operating systems (both workstation and server). Nanosoft 2 does does only workstation applications, including Office, the Outlook client, the Messenger client, the NetMeeting client, and so on. Nanosoft 3 does only server applications, including SQL Server, the Outlook server, the Messenger server, the NetMeeting server, etc. Nanosoft 4 is the content company (MSN).

The workstation and server application companies would only be allowed to communicate through open, publicly-documented protocols. In other words, other companies could write fully-functional Microsoft Exchange clients that compete with Microsoft Outlook without reverse-engineering. And so on.

Also, I believe that Microsoft needs to be compelled to support the competitors they harmed for a certain period. Microsoft should be required to do the following:

(1) Bundle AOL Time Warner's Netscape web browser with the Windows operating system for a period of 5 years, and work with all interested external developers to make it possible to fully replace Internet Explorer as the default browser (including in places like the help system).

(2) Bundle Apple's QuickTime multimedia technology with the Windows operating system, and make it possible to use it instead of Windows Media Player for all multimedia access and playback on the system. Microsoft is currently attempting to use its monopoly power in operating systems software to extend its monopoly in multimedia playback—AFTER BEING RULED A MONOPOLY—and this action is necessary to counter that attempt.

(3) Continue to support, promote, and keep up-to-date Microsoft Office on the Apple

Macintosh for a period of 5 years, and expand their support to include up-to-date Macintosh versions of the Microsoft Outlook email and scheduling application (or add 100%-compatible functionality to the Microsoft Entourage for Macintosh email and scheduling application), the Microsoft Access database, and the Microsoft Project project management application.

(4) Publish all specifications for all native data formats and protocols of all Microsoft applications under a royalty-free and non-discriminatory license, IN PERPETUITY, allowing developers to create applications both for Windows and for other platforms that compete directly with Microsoft applications with a reasonable guarantee of 100% compatibility.

(5) Include the latest version of Sun's Java Virtual Machine with the Windows operating system for a period of 5 years, and ensure it works properly ''out of the box.'' Java provides developers with the ability to easily create rich software applications that work well both on Windows and on other operating systems like Apple's Mac OS X and the Linux operating system. By including good support for Java with Windows, developer risk in writing for Java would be greatly reduced. I believe the steps above are necessary to restore healthy competition to the computer software marketplace. Even without a structural remedy, the above steps would go a long way; with a structural remedy, the above steps would ensure non-Microsoft software developers are on a more level playing field than the current settlement proposal allows. And without at least (2) through (5) above, Microsoft is effectively unrestrained from eliminating its remaining competition. We cannot let this happen if the software industry is to remain a vital and growing sector of the worldwide economy, because without the return of true competition it will stagnate.

Chris
Chris Hanson
Email: cmh@bDistributed.com
bDistributed.com, Inc.
Phone: +1–847–372–3955
Making Business Distributed
Fax: +1–847–589–3738
http://bdistributed.com/
Personal Email: cmh@mac.com

MTC–00027662

From: Paul Lewis
To: Microsoft ATR
Date: 1/28/02 8:59am
Subject: Microsoft Settlement

Microsoft has twice been found guilty of serious violations of the Sherman Antitrust Act, by a federal District Court and by the United States Court of Appeals. Any settlement of this case with the US Justice Department must not allow Microsoft to continue its monopoly practices. To do so would seriously dampen software innovation in the United States and threaten our global economic competitiveness.

Paul H. Lewis
Government Documents Librarian
USC Aiken Library
Aiken, SC 29801
http://library.usca.sc.edu
803–641–3320

MTC–00027663

From: Ed Lorenzen
To: Microsoft ATR
Date: 1/28/02 8:54am
Subject: ''antitrust''

I use many Microsoft programs on my computer, and also many from other manufacturers. I resent this attempt by unsuccessful competitors to interfere with my selection of software. If their products are any good they would not resort to the under-handed tactics that they are using here. Please drop this unfair suit. I do not believe that the Department of Justice, or any court, is competent to determine how I will use my computer, and I resent this effort to control my personal property and actions.

Microsoft has a fundamental right to its property, and the government's job is to protect this right, not take it away. Control of any business by the government is obscene, and has been repeatedly shown to be a failure, not in the public interest.

Brar E Lorenzen
Prescott Valley, AZ
CC:activism@moraldefense.com@inetgw

MTC–00027664

From: Ledoux, David C
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 9:00am
Subject: Microsoft Settlement

Dear Sir,

I am firmly OPPOSED to your proposed settlement of the Microsoft anti-trust case. The settlement is far too weak and will not prevent Microsoft from continuing to leverage their ever-growing monopoly until they control ALL of the computing industry and all of the Internet. I am sickened that my government would allow that to happen. Microsoft has been found by the courts to be a MONOPOLY, which they built by engaging in illegal and immoral business practices, and they must be broken up and/or prevented from using that monopoly to further harm the free market system on which our nation depends for its prosperity.

Microsoft has, in the past, wriggled out of consent decrees, and there is no reason to think that they will not be able to work around this extremely weak settlement. A 3-member oversight committee (with one member from Microsoft!) is worthless to enforce this, as well. For this settlement to be anything other than a slap on the wrist, Microsoft must be forced to publish ALL of their APIs, and be forbidden from any and all anti-competitive licensing practices, just for a start. Their contracts with OEMs must be published and monitored by the courts to prevent such things as their dual-boot restriction, which the current settlement does not even address!

Finally, there should be language in the settlement by which Microsoft will be forced to publish ALL of the Windows source code if they do not comply 100% with the spirit and letter of the settlement.

Thank you for allowing me to comment on this.

Sincerely,
David C. LeDoux
Reston, VA

MTC–00027665

From: James E. Leinweber
To: Microsoft ATR
Date: 1/28/02 9:01 am
Subject: Microsoft Settlement

I am strongly opposed to the proposed settlement in the Microsoft Antitrust case as entirely inadequate and counterproductive, and not in the public interest.

The likely effect of adopting it would be an maintenance of Microsofts current OS, Office suite, and Web browser monopolies, and their extension into new areas. This would give rise to the need for yet a third antitrust case a few years from now. I entirely agree with the criticisms and comments in the ''open letter'' submitted by Dan Kegel under the Tunney act (see <http://www.kegel.com/remedy/letter.html>, though I am submitting my own additional comments rather than co-signing his.

I have worked in the computer industry for 30 years, including 20 years experience with Unix systems and intensive deployment of Microsoft products since 1993. Though I have no legal training, I have followed the Antitrust case with interest, and have read the Findings of Fact, the Conclusions of Law, the appeals court ruling, and the proposed settlement. I found the facts entirely accurate, the conclusions persuasive. The appeals court ruling was slightly dissappointing, while the proposed settlement appalls me. and Microsoft's tactic with their first antitrust case, resulting in the consent decree, was to obey the letter of the agreement while completely violating its spirit. That is what led to the current antitrust case. The proposed settlement basically has Microsoft promising not to repeat several of the ploys which entrenched their current monopolies, while doing nothing to reduce those monopolies, and blatantly inviting them to extend their monopolies into new areas.

Tactics Microsoft has used, which have affected me, and which are not addressed by the settlement include:

* Deliberately introducing new API's and abandoning support for old ones, in order to provide a ''moving target'' too costly for competitors to be compatible with. This imposes extra costs on my organization to convert our own applications to work later versions of Microsofts own software. This has been particularly noticable in the mutation of the Visual Basic interface to Microsoft Office.

* Similarly, use of new secret file formats in their office suite to prevent compatibility with competing products, even their own. When Office-97 was first introduced, it was incapable of writing Office-95 format documents. This tactic forced people to upgrade to new versions in order to be able to read documents from early adopters. My organization had to abandon the use of Wordperfect, which we prefered as a word processor, due to the difficulty of exchanging documents with organizations using Microsoft Word. Similarly, their ''embrace, extend, extinguish'' approach to Internet protocols. This tactic, of designing proprietary additions to widely used protocols is designed to capture control of technologies, which can in turn be used to extend their monopolies and further increase the application barrier to entry as cited in the findings of fact. It was quite notable with their implementation of Java—which they

lost a court case over. A more recent example is their introduction of proprietary extensions to Kerberos authentication protocols in Windows-2000. Existing Kerberos clients can authenticate with Microsoft servers, but Microsoft clients cannot usefully authenticate with non-Microsoft servers. They are currently extending this into their Passport service, in an apparent attempt to create a new monopoly in Internet authentication services. These abuses of their monopoly power to pervert interoperability has forced my organization to deploy more Microsoft servers than we would otherwise wish to.

* Gratuitous incompatibilities with competing products. Note that Microsoft lost a private antitrust case with Caldera over this MTC–00027665—0002 involving Windows 3.1 and DR-DOS, though the terms of their out of court settlement are secret. In another example, when Microsoft introduced windows NT 4.0, they removed support for the IBM OS/2 ''HPFS'' filesystem, though the windows NT 3.51 drivers operated perfectly well under windows NT 4.0. Microsoft utilities deliberately reported HPFS file systems as ''damaged'', when they were not. The continuation of this and similar tactics forced my organization to stop using os/2 in any significant way.

A particularly blatant and egregious example of this was during 2001, when—while waiting for the appeals court to finish its antitrust ruling!—Microsoft (1) removed Sun-compatible Java from windows-XP (2) broke compability of Netscape browser plugins with Internet Explorer 5.5 via service pack 2, without even the excuse of a new browser internal architecture (3) broke compatibility with Apple Quicktime multimedia, which competes with Windows Media player. If that is their behavior while under court scrutiny, one can scarely imagine what they might do after the settlement.

* raised prices on older OS's which had competition, such as DOS and Windows 3.1, above the price of newer OS's which did not yet have competition, such as Windows-95. In a competitive market they would not have been able to do that, and this abuse of their monopoly position was a deliberate tactic to rapidly move the installed base of systems toward an increased application barrier of entry. This contributed significantly to the extension of their OS monopoly into the office suite arena. It raised the cost of deploying PC's in my organization, as we opted not to deploy windows-95 to any significant degree.

Having destroyed most of the commercial competition already, the next big threat to their monopoly position may be from open source projects such as Linux. The proposed settlement creates several new possible obstacles to the prospect of open source competition, as described in Dan Kegel's letter. The loophole that security-related protocols do not have to be disclosed is particularly glaring.

This secrecy is a bad security practice—ask anyone at the National Institute of Standards and Technology who was involved the exemplary and open development of the Advanced Encryption Standard (AES or Rijndael) currently replacing the obsolete 1970's Data Encryption Standard (DES). In addition to being a bad security practice by a vendor whose monopoly position in the industry makes their security weaknesses a matter of national security interest, it is anticompetitive. Ask anyone on the team of the ''Samba'' project which tries to provide file sharing and printing services on Unix systems compatible with Microsoft file and print sharing about the difficulties which Microsoft's changes in unpublished security protocols have created.

* Deliberately dropping support for older software to force users to upgrade to newer software. For example, Microsoft is no longer providing security fixes for Internet Explorer 4.0, in the hope of forcing users onto later versions which are more incompatible with their competitors. This summer they will stop providing fixes for NT 4.0. My organization is still running IE 4.0 on NT 4.0, but we will be forced to upgrade this year by this tactic. Furthermore, Microsoft next ploy seems to be attempting to use the Digital Millenium Copyright Act, the antitrust settlement itself, and the California pricing case to extend its monopolies further and prevent competition from open source projects. Accordingly, I suggest that the proposed settlement be significant extended to include measures such as:

a) Microsoft has to publish all API's and file formats in their final form 6 months before any product using them is first sold.

b) All contract terms have to be published, and they may not sign exclusive contracts with one vendor whose terms are not available to other vendors.

c) depositions and settlement details from other antitrust cases may not be held secret, in order to allow collaboration between the various victims of their monopoly.

d) Microsoft cannot sue open source projects for infringement of patents or trade secrets. Copyright suits against open source projects would be limited to copying of code or documentation; they could not sue over API's nor programming languages.

e) intellectual property such as patents must be licensed on equal and generous terms to all commercial firms.

f) Microsoft may not sue anyone for violation of patents which affect Internet Standards adopted by the Internet Engineering Task Force (IETF).

g) Microsoft may not raise prices on previous products faster than rate of inflation, nor price new versions below old versions

h) Microsoft must provide security fixes for older versions of products for 7 years from the date of first retail sales.

i) under ongoing court supervision, violation of these terms is punished by fines of 1 million dollars per day per product until the violation is remedied.

I don't know if the antitrust laws permit it, but a fitting response to Microsofts abuse of monopoly power to crush competition and extort excess profits would be to impose a large fine, perhaps as high as 10 billion dollars, and then use it to finance open source projects under a BSD-style license. The results would be equally available for commercial or public use, or even by Microsoft itself. The public and government would benefit from the resulting freely available software, while commercial competitors of Microsoft who bid to provide it would benefit from the revenue, the base of code, and the experience of writing it.

Sincerely,
James E. Leinweber
Information Systems Specialist
Wisconsin State Laboratory of Hygiene
University of Wisconsin
465 Henry Mall
Madison WI 53706

MTC–00027666

From: Jack Reece
To: Microsoft ATR
Date: 1/28/02 9:03am
Subject: Microsoft Settlement

If there has ever been any doubt that AOL does not want a fair and expedient solution to it's legal challenge to Microsoft, then it's latest legal action should remove a ''all'' doubt. The irony of all their actions is that there has never been a ground swell of consumer complaints stating that the consumer has been hurt by Microsoft business practices.

It is obvious that AOL Time Warner is trying to use the courts for it's own competitive purposes. It is also time to challenge whether AOL is monopolistic in it's own business as the largest internet provider. If AOL should in fact buy the Linux operating system, I suppose we will see yet another challenge to Microsoft in the courts. For the sake of the technology industry, the nation's economy, and America's consumers, let's get these issues out of the courts and into the competetive marketplace where they should be.

Jack D. Reece
419 Chesterwoods Court
High Point, NC 27262
336–841–7810

MTC–00027667

From: Carl F. Brechler
To: Microsoft ATR
Date: 1/28/02 9:03am
Subject: Microsoft Settlement

As the Justice Department is in its final stages of deliberating on the proposed Microsoft settlement to decide whether to accept the settlement or to litigate it further. It is my position that the present proposed settlement be adopted since it offers a reasonable approach to the solution of the suit. It offers a compromise that will enhance the ability of all Americans to access the Internet and use innovative software products to make their computer experience easier and more enjoyable. Furthermore, it offers the potential of additional innovative products to enhance worker productivity.

Sincerely,
Carl F. Brechler
3025 Red Wing Court
Bettendorf, IA 52722

MTC–00027668

From: John Quirk
To: Microsoft ATR
Date: 1/28/02 9:03am
Subject: Microsoft case

Dear Dept. of Justice:I am most concerned about your decision to settle your pending suit with Microsoft. I strongly believe it will

not resolve the problem and may actually create additional problems down the road. With the Enron debacle hanging over our collective heads, this quick fix appears to be another possible blunder on government's part. Do take some time to really think this thing through and get some input from different sectors of the economy.Quite simply put, I am saying no to the Microsoft settlement.

John Quirk
14 Waterview Drive
Saratoga Springs, NY 12866
Telephone 518/ 226–0427

MTC–00027669

From: Satoshi Yajima
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/28/02 5:11am
Subject: Microsoft Settlement

I'm glad to post the comment on Microsoft Settlement.

Thank you.

* Internet Explorer really needed for customers In early 1990s, Microsoft Windows 3.x have ''File-manager'', file-managing utilities, although some of third vendors produced alternatives of File-manager. Because file-managing utilities such as File-manager was essential part of operating systems; customers could not do anthing without it.

The same thing is true to IE, the Microsoft's browser. Now that the Internet is essential to our information society, operating systems couldn't work well without browsers. Microsoft has to develope browsers to make their operating system worth enough for customers

* Micorsoft have no intention to monopolize the market, I think. Now they are promoting ''.NET Platform.'' This platform collaborates other platforms; they will not replace other platforms with their own operating system, Microsoft Windows. .NET Platform makes Microsoft Windows interconnect with other platforms throughout the Internet.

Microsoft should grow up the computer technology with being free from any legal unreasonable restriction.

* Large share of Windows is never a barrier to market's growth. Someone would say Microsoft Windows have large share of the Market and it causes other vendors to develope new operating systems. I would say, it is WRONG.

Developing operating system is, originally, difficult to develop and cost too much. Even though there were many operating systems used now, it would be difficult to develop new OS. Large share of Microsoft Windows have no relations with the fact that other vendors couldn't develop new operating systems. Regards.

Satoshi Yajima (s2-yajima@nri.co.jp)
Tokyo, Japan.

MTC–00027670

From: TMcAdman@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 9:09am
Subject: Microsoft Settlement

Please get on with the settlement process. There is no reason to prolong an investigation that has already been concluded.

Microsoft is experiencing the same downturn in fortunes as any other software company and will forever be subject to the likes and dislikes of the marketplace without regard to size of company and its market share.

Leave them alone!

Let those with new ideas and processes innovate and create...marketplace advantage is available to anyone offering something better than the competition. And the ultimate judge of something better...the marketplace.

Please, quickly and without fear, rule in favor of settlement.

Thomas L. McEnaney
Owner-Pres.
The Star Alliance
6285 Fieldstone Place
Reno, NV 89523–1204
775–787–0433

MTC–00027671

From: MACKERSIE, DAVID
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 9:11am
Subject: Microsoft Settlement

Please let the Microsoft settlement stand. I believe it is strongly in the public's best interest.

Microsoft is an important driver for lowering the cost of technology. As a user of Microsoft products for the past 20 years, I have noticed that the company has consistently lowered the cost of technology for every market that it has entered. Just as the industrial revolution lowered the cost of textiles by mass production and economies of scale, so too does Microsoft lower the cost of software by mass production and economies of scale. The complaints against Microsoft are like the complaints of artisans and craftsmen who have been forced out of work. We feel sympathetic for their loss, but we know that economies of scale serve society best.

Best Regards,
David Mackersie
Sr. Principal Software Engineer
PRI Automation

MTC–00027672

From: Ezra Berch
To: Microsoft ATR
Date: 1/28/02 9:11am
Subject: Microsoft Settlement

To Whom it May Concern:

As provided by the Tunney Act, I wish to comment on the proposed settlement of the United States vs. Microsoft antitrust case. I believe the settlement is not in the public interest and is harmful to consumers. It will allow Microsoft to continue to be an illegal monopoly.

A few years ago, another antitrust case by the government against Microsoft was settled by means of a consent degree. That consent degree did almost nothing. As a result of its ineffectiveness, the current antitrust case was filed. This previous case shows that stronger penalties are needed to curb Microsoft's illegal behavior. The penalties proposed by the Settlement are not even close to being strong enough.

One of the major penalties of the settlement is the limited disclosure of some Windows API's to competing companies. However, this provision, like other parts of the settlement, is full of loopholes. For example, Microsoft need not release this information to groups which do not meet certain criteria as a business (Section 3(J)(2)(c)). However, some of the biggest threats to Microsoft, such as the Linux operating system and the Apache web server, would not be covered by this. Furthermore, Section 3(J)(1) allows Microsoft to not disclose information for security reasons. This loophole allows Microsoft to not disclose some information simply by classifying it as part of a ''anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication system.''

Finally, there is no real enforcement mechanism included in the settlement. Any company hurt by a major violation of the settlement by Microsoft would have to sue Microsoft if the government does not agree with its claim. Many smaller companies have nowhere near enough resources to sue a big company such as Microsoft. In addition, in the years it takes for the lawsuit and its appeals to be resolved, much damage will already have been done. In summary, I am strongly opposed to the proposed settlement between the

United States and Microsoft.

Sincerely,
Ezra Berch
11713 Stonington Place
Silver Spring, MD 20902

MTC–00027673

From: Rep.Kreuser
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/28/02 9:14am
Subject: Microsoft Settlement

January 28, 2002
Ms. Renata Hesse
Trial Attorney
Department of Justice—Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I am writing to urge your approval of the settlement of the U.S. v. Microsoft case. Microsoft has been a leader in innovative technology and has provided tremendous benefits for consumers. Prompt settlement of this case is in the best interest of consumers, our schools, and of our economy.

Technology can be a very powerful teaching tool. To prepare today's students to be tomorrow's leaders we must take every step to ensure that the technology is available to every student. A settlement such as this could assist less fortunate school districts in obtaining the technology necessary for quality education. Over $30 million in taxpayer money has been spent on this case. It is now time to put this matter behind us and move forward.

Sincerely,

Jim Kreuser, Assistant Assembly Democratic Leader
State Representative
64th Assembly District

MTC–00027674

From: Jim Holron
To: Microsoft ATR
Date: 1/28/02 9:13am
Subject: Microsoft Settlement

The settlement allows Microsoft to strengthen the hardware barrier to entry. Specifically, in section III, paragraph A, section 1, the restriction applies only to middleware. This restriction should also apply to device drivers and applications.

It appears that Microsoft is currently working to keep hardware manufacturers (video card manufacturers, sound card manufacturers, etc) from supporting non-Microsoft operating systems. Unless the settlement is rewritten to stop this behavior, Microsoft will be able to strangle hardware support for non-Microsoft operating systems. Unless all APIs are made public, Microsoft will be able to deliberately sabotage non-Microsoft products. Since all application software depends on the operating system, Microsoft can implement two versions of an API, a secret one that works correctly, and a public one that contains bugs. Indeed, through six weeks of reverse engineering, my employer has found exactly this situation! All APIs should be published and made available to the public, including open source developers who can not abide by non-disclosure agreements or pay royalties (such as The GIMP, and the Apache web server, both of which run on top of Windows).

Microsoft's current monopoly position depends on a complex web of secret standards. By using proprietary, non-published standards, Microsoft traps its customers. All communication and storage standards should be published and freely available to the public. Anyone, including open source developers, should be able to develop products compatible with the De facto standard. Proprietary security standards endanger Internet security and hamper development of new technologies. The entire security community understands that unpublished standards are a security hole waiting to happen. The world's most rigorous security standards are published and scrutinized by security experts throughout the world. If a security hole exists, public scrutiny will discover it before a malicious intruder can exploit it.

If Microsoft security standards remain secret, malicious intruders will reverse engineer the code, find the security holes, and exploit them before Microsoft can discover and fix the holes. This reality has played out over the past several years as worms and virii plagued the Internet. Microsoft should not only publish all security standards, they should publish the standards a full year before deploying them, thus giving the public time to discover security holes before they can be exploited.

Microsoft recently proclaimed that they will focus on ''trustworthy computing''. In response to this notice, some of the world's leading computer security experts have outlined policies that Microsoft should take to improve security. One of those recommendations was to publish all security standards before deploying them. This settlement specifically allows Microsoft to flaunt that expert advice in an apparent misunderstanding of computer security.

Over the past several years, Microsoft has used its monopoly position to crush competing products. They essentially wiped out OS/2 and BeOS (both competing operating systems), Lotus Office Suite (still exists, but nobody wants it because it doesn't support Microsoft Office documents), and HP OpenMail (which threatened Microsoft's customer lock-in strategy).

To counter Microsoft monopolistic practices, the industry has responded by developing open source software. Open source software is developed by volunteers throughout the world. All of the source code is available to anybody who wants it. People may freely contribute to the code, and freely distribute the code. The open source community has become Microsoft's new prime target for destruction. Since open source software is not controlled by any one company, Microsoft can not buy it or drive it into bankruptcy.

In a leaked memo (which Microsoft admits to writing), Microsoft outlines their plans to attack the open source community. Their plan is to take existing open standards, make trivial modifications so that they are no longer compatible, and deploy those modified standards.

Furthermore, Microsoft plans to patent their changes so that no one can develop a compatible product. This settlement makes provisions for for-profit closed source companies to access Microsoft's proprietary standards, and to license the necessary patents to implement those standards. If this settlement goes forward, it will not only be difficult, but also illegal for open source developers to create software which can inter operate with the De facto standard. The open source community has made tremendous contributions to society. Their work is valued in the billions of dollars. Dozens of companies in the United States alone, base their business on developing open source software. This settlement will allow Microsoft to crush those companies, and hinder development of future open source projects.

Any adequate settlement will guarantee that any software, including open source software, will be able to inter operate with Microsoft software.

MTC–00027675

From: aprice@howmet.com@inetgw
To: Microsoft ATR
Date: 1/28/02 9:14am
Subject: Microsoft Antitrust Solution

I disagree with the proposed solution to Microsoft's antitrust case.

Allen R. PRice
219 S. Livingston
Whitehall, MI 49461

MTC–00027676

From: Harms, Marilyn
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 9:14am
Subject: Microsoft Settlement

I do not see how breaking up a company, that does great work, will help anyone. I believe good competition is the answer and that only makes the playing field level for all players.

I think if the company could make it's products more interchangeable with other computers, they would still come out the winners, but let the other companies attempt to compete on the same playing field.

We need more competition, not laws to limit peoples initiatives and work and excel in their particular field. How would we be where we are without this great incentive to be the best.

Marilyn Harms, B.S., PA-C
Clinical Coordinator
USDSM PA Studies Program
Vermillion, SD 57069
605–677–6568
Fax 605–677–6569

MTC–00027677

From: carolyn.davidson@wachovia.com@inetgw
To: Microsoft ATR
Date: 1/28/02 9:15am
Subject: Microsoft Settlement

Please see the attached as my views on this matter. I am involved in the commerce of the technology sector in the RTP. THank you for your attention.

(See attached file'' USAGDavidson—Carolyn—1006—0121.doc)
Carolyn Davidson
January 22, 2002
46 Kimberly Drive, Durham, NC 27707
Attorney General John Ashcroft
The Department of Justice
Washington, DC 20530

Dear Mr. Ashcroft,

The purpose of this letter is to voice my support for the settlement that was reached between the Department of Justice and Microsoft. Since the beginning of this case, three years ago, the Department of Justice has spent an enormous amount of time and money pursuing the anti-trust dispute. While I certainly speculate the merits of this case, I was pleased to finally see the end of this dispute. I believe it is in the best interests of everyone involved that the matter be resolved. Given the current state of the economy, resolution of this case would naturally spur economic recovery in the technology markets, which is important here in the Research Triangle.

The terms of the agreement represent compromise on the behalf of Microsoft. The stipulations of the settlement call for the licensing of Microsoft at a uniform rate to the largest twenty PC manufacturers. In addition to this, Microsoft is also willing to disclose the protocols of the Windows design system, allowing for the design of software that is increasingly compatible with Windows.

It is my opinion that the settlement should be enacted at the end of January. I certainly believe that the time has come for resolution. Resolution in this matter is altogether beneficial. Thank you for your time regarding this issue.

Sincerely,
Carolyn Davidson

MTC–00027678

From: Lisa Munsat
To: Microsoft ATR
Date: 1/28/02 9:15am
Subject: Microsoft Settlement
Ms. Renata B. Hesse
Antitrust Division
United States Dept. of Justice
Washington, DC

Dear Ms. Hesse,

I am very concerned about the proposed Microsoft settlement because I do not believe

that it is in the public interest. We, the consumers, need competition and choice so that we can decide for ourselves what products we want on our computers, and we need to be able to combine non-Microsoft products with Microsoft products on our computers. Also, the current proposed settlement leaves too many loopholes for Microsoft to exempt itself from crucial provisions. Thirdly, the court must hold public proceedings under the Tunney Act so that citizens, consumer groups, customers, and Microsoft's competitors can equally participate.

Thank you for considering my comments and input.

Sincerely,
Elizabeth M. Munsat
1505 Lamont Court
Chapel Hill, NC 27517
(919) 929–7282

MTC–00027679

From: Chriss Winston
To: Microsoft ATR
Date: 1/28/02 9:15am
Subject: Microsoft Settlement

Dear General Ashcroft,

I am both a consumer of Microsoft products and a small stockholder. I have seen the money my husband and I set aside for our son's college education cut in half since the federal government, under the last Administration, undertook what I believe was a vendetta against a great company. Now, you have a chance to right a wrong. As a consumer, I am very happy with both the quality and price of Microsoft's products. I have seen no indications whatsoever of price gouging. To the contrary, over the years, Microsoft's products have become less expensive not more while offering the consumer increasingly improved technology. There has been no harm to the consumer period. As far as I'm concerned, the entire case should be thrown out, but at a minimum, you should settle it and let the tech sector recover from the near fatal attack by the Clinton administration. If anyone is to blame for the fall of tech stocks over the past 18 months, it is Al Gore and Bill Clinton, and the sorry mess began with their ill-advised, politically-motivated Microsoft anti-trust suit. Please right this wrong and settle with Microsoft.

Sincerely,
Chriss Winston
P.O. Box 129
Pomfret, MD 20675

MTC–00027680

From: Dan Tepper
To: Microsoft ATR
Date: 1/28/02 9:16am
Subject: Microsoft Settlement

Hi!

I just wanted to take a few moments to comment on the proposed settlement to the Microsoft Anti-Trust case. The proposed settlement is not sever enough, there is no real punishment for Microsoft included in the settlement, it does nothing to ensure that Microsoft does not continue to abuse their monopoly. Microsoft obviously feels the same way, as shown by their recent attempt to expand their monopoly into the education market (one of the few markets they do not have a monopoly in).

Please do not approve this settlement..

Thanks,
Dan Tepper
Concerned Citizen

MTC–00027681

From: charles—hohn@drsoptronics.com@inetgw
To: Microsoft ATR
Date: 1/28/02 9:17am
Subject: Microsoft Settlement

The actions of Microsoft Corporation and their agents demonstrate that they willingly and illegally leverage their influence to damage and even ruin competitors. This is bad not only for the consumer, but incredibly unfair to the people (and their families) that put forth an honest effort to bring something to the market place, believing that they would compete on a level playing field. Justice cannot be served to these individuals and companies. But to those who would place their efforts at risk in the future, they must believe that the fruits of their endeavors will not be wrestled away by a stronger entity.

In this society, we are dependent on the judicial process to punish such offenders, at least to the minimum degree, such that it is a real deterrent to like or repeat offenses.

It is my belief that the current settlement proposal cannot possibly accomplish this goal.

Sincerely,
Charles E. Hohn
Software Engineer
CC:charles—hohn@drsoptronics.com@inetgw

MTC–00027682

From: Tony Smolar
To: Microsoft ATR
Date: 1/28/02 9:17am
Subject: Microsoft Settlement

I am writing against the proposed settlement in the Microsoft case because I do not believe that it is strong enough. I believe that a strong an effective penalty is needed against Microsoft because their past behavior has shown that they will sidestep weak government action, and continue to use whatever tactics are necessary to maintain their current monopolies and pursue new ones

Thank You,
Tony Smolar

MTC–00027683

From: Steward, Ronald Ray (UIS Student)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 9:19am
Subject: Microsoft Settlement

Renata B. Hesse

I am writing regarding the Microsoft Antitrust case. I am a graduate student in computer Science at the University of Illinois at Springfield. For many years I have watched the developments in the computer industry. I have been greatly disheartened

MTC–00027684

From: L. Charles Andersen, Sr.
To: Microsoft ATR
Date: 1/28/02 9:18am
Subject: Microsoft Settlement

To Whom It May Concern:

As a United States Citizen and tax-payer I want to make my opinion heard regarding the Microsoft Settlement. I believe the original lawsuit was politically motivated and clearly not in the interest of the American economy or anybody beyond Microsoft's competitors. The proposed settlement is reasonably fair and should move forward as quickly as possible. Delaying the settlement will only prolong the problems with the economy we are currently experiencing and hurt Microsoft and the IT industry even more.

Thank you,
L. Charles Andersen
Caledonia, Wisconsin 53108

MTC–00027685

From: Jacques Guenette
To: Microsoft ATR
Date: 1/28/02 9:17am
Subject: Settlement

To whomever it may concern :

Let's settle this and move on. We all have better things to do, and we can all benefit from Microsoft focusing on business, not legaleze. Jacques Gu• nette
President
DLGL LTD
Jacques (Jag) Gu• nette
jacques.guenette@dlgl.com
jguen99@aol.com
tel. 450–979–4646
fax 450–979–4650
cel. 514–942–1267

MTC–00027686

From: jnrkenad@utk.edu@inetgw
To: Microsoft ATR
Date: 1/28/02 9:25am
Subject: Microsoft settlement

January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I would like to express my support for the settlement that was reached in early November in the Microsoft antitrust dispute. It is my opinion that this suit has only wasted America's time and money since its inception three years ago. Any further litigation needs to be halted and this settlement accepted as a fair conclusion to a frivolous suit. The American economy has gone into decline; I believe that the stock market crash we experienced two years ago was in part a direct result of this suit. We will not see the end of this current recession until Microsoft and American business in general can operate without the interference of the government.

A politically biased White House I believe, instituted this suit. It was a significant factor in my voting Republican in the last election. I agree with this settlement only because it puts a stop to this frivolous litigation, in a perfect world this suit would be dismissed. Thank you for your time and for the effort that you and your colleagues have put into seeing this suit come to an end. It has cost American citizens millions of lost dollars in personal and retirement savings due to the damage to Microsoft share prices.

Sincerely,

John Kennedy
520 Charleen Lane
Knoxville, TN 37920

MTC–00027687

From: ParisiHC
To: Microsoft ATR
Date: 1/28/02 9:26am
Subject: Microsoft Settlement
** Confidential **
W204 N9187 Lannon Road
Menomonee Falls, WI 53051
January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Ashcroft:

I am writing to express my opinion regarding the legal dispute between Microsoft and the Department of Justice. I feel that the settlement reached between the two is fair, and this matter should end quickly. The agreement is fair because it requires significant changes in Microsoft's future business dealings. To give you one example, Microsoft consented to license its Windows products to large computer makers at the same rate and on equivalent terms and conditions.

In summary, the Microsoft case has reached a fair settlement. Future government intervention will only hamper business as a whole. Please conclude this case, and allow Microsoft to develop now so that it can improve the nation's economy.

Sincerely,
Henry C. Parisi
Henry Parisi
cc: Representative F. James Sensenbrenner, Jr.
HC Parisi
W204 N9187 Lannon Road
Menomonee Falls, Wisconsin 53051
Home: 262 251–1539
Mobil: 414 416–2107
e-mail: hparisi@wi.rr.com

MTC–00027688

From: Vincent Caputo
To: Microsoft ATR
Date: 1/28/02 9:26am
Subject: Microsoft Settlement
2801 Deer Street
Mohegan Lake, NY 10547
January 17, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

This is to give my approval to the agreement reached between Microsoft and the Department of Justice. This was reached after three long years of litigation, costing both parties enormous amounts of money. It is time to end this debate and move forward. Microsoft has also evidently been chastened and has agreed to any number of demands from the Department of Justice. There will be a technical committee to monitor future adherence; Microsoft has agreed to allow computer makers to ship non-Microsoft product to customers; Microsoft has agreed to design future versions of Windows providing a mechanism to make it easier to promote non-Microsoft software; Microsoft would help companies better achieve a greater degree of reliability with regard to their networking software. Microsoft has done a great deal to pay for any ''sins'' it may have made.

Please give your support to this agreement. It is time to move on. We have more important things to worry about.

Sincerely,
Vincent Caputo

MTC–00027689

From: wendt@research.buffalo.edu@inetgw
To: Microsoft ATR
Date: 1/28/02 9:27am
Subject: Microsoft Settlement

My opinion is that all of Microsoft (MS) competitors are out to increase their market share of comparable products. Wheteher their product is superior or infurior. Those states most likely have financial(in the form of hometown jobs or other state benefits) or re-election agenda's or both.

CC:wendt@research.buffalo.edu@inetgw

MTC–00027690

From: Anna Quirk
To: Microsoft ATR
Date: 1/28/02 9:27am
Subject: Microsoft Settlement

I think it's disgraceful that Microsoft should settle out of this case with such little consequence for their business practices. I thought this was an anti-trust case. How does this settlement settle the issue of anti-trust? I find it completely unacceptable.

Anna Quirk
Hinesburg, VT

MTC–00027691

From: Gerald McClain
To: Microsoft ATR
Date: 1/28/02 9:29am
Subject: Microsoft Settlement

Gentlemen:

Enough is enough!!!!! Let's get on with starting our economic engine again. Microsoft products have made our workplace a better work place. We need the inventive create ideas that drive a great economy. The savings in our factories and business offices has been tremendous!! Wake up, don't kill our economy again. While the terms of the settlement are tough, I believe they are reasonable and fair to all parties, and meet—or go beyond — the ruling by the Court of Appeals, and represent the best opportunity for Microsoft and the industry to move forward.

Please give us in industry a break and let our economy get going again. I teach teachers, professors, and trainers from industry and government how to train at a distance using two way video, web based instruction and virtual courseware. We have gone so far, yet have so far to go to achieve the dreams of students and facility to distance learning. We need the creative talent of Microsoft working at the forefront driving our economic engine.

Please give us a break and settle the Microsoft suites.

Gerald R. McClain
Vice President Internet and Multimedia
Teletraining Institute
1524 W. Admiral
Stillwater, Oklahoma 74074
Telephone: 405–743–3463
Email: <mailto:gerald@teletrain.com> gerald@teletrain.com
URL: <http://www.teletrain.com/> http://www.teletrain.com Retired Professor and head of Mechanical Design and Manufacturing Engineering Technology, Oklahoma State University

MTC–00027692

From: Mark Hofmann
To: Microsoft ATR
Date: 1/28/02 9:30am
Subject: Microsoft Settlement

To Whom It May Concern:

I am opposed to the current settlement that has been placed on Microsoft. I feel that the judgment does not go far enough to address the issues that the investigation of Microsoft has uncovered. While there are some parts of the settlement that will keep Microsoft from committing these same illegal acts in the future, there has been nothing put into this settlement that ?rights the wrongs? of the past. We do not allow criminals in this country to get away with murder if they say they will not do it again.

Microsoft should not have this privilege, either. This is also not a guarantee of the future, either. Consider the 1995 consent decree levied on Microsoft. They paid almost no heed to the courts then, and if the past is any indication of the future, then it is likely that Microsoft will not fully comply with this settlement, either. There needs to be just punishment and enforcement.

I thank you for all of the hard work that you do for the good of the country and appreciate your hard work.

Sincerely,
Mark Hofmann
22 Green Woods Lane
Unionville, CT 06085

MTC–00027693

From: Jim Kull
To: Microsoft ATR
Date: 1/28/02 9:33am
Subject: Microsoft Settlement

Please do something about Microsoft. They have nearly eliminated all competition. They stole windows from Apple and are currently destroying Netscape. Please help.

Thanks,
Jim

MTC–00027694

From: Lin Tuschong
To: Microsoft ATR
Date: 1/28/02 9:31am
Subject: Microsoft Settlement

Renata B. Hesse
Antitrust Division
United States Department of Justice
601 D Street NW Suite 1200 Washington, DC 20530–0001 Madam, I am writing about the current Microsoft suit upon which decisions are about to be made. Current proposed settlement issues will allow Microsoft to continue to extend its monopoly, and, potentially to gain a major stake in the control of the internet. It will also provide the company with opportunities to set aside crucial provisions of the settlement. The settlement will not allow consumers to run paid-for Microsoft

applications on other operating systems. If a customer purchases a product, it should be their decision upon which operating system it will run.

Consumers who are spending their hard-earned cash have a right to choose what products they wish to install on their computer systems, rather than having Microsoft make their decisions. This has the potential to continue to injure other players in the computer field, many of whom offer good quality product that currently has difficulty competing with Microsoft. In the spirit of free enterprise, and to uphold the standards against monopolies, the settlement issue need to be reconsidered and other choices must be made.

Thank you for your time.

Lin Tuschong

6821 NW 30th Ave.

Fort Lauderdale, FL 33309

954–975–2703

MTC–00027695

From: Gary L. Breeden
To: Microsoft ATR
Date: 1/28/02 9:37am
Subject: Microsoft Settlement

Dear Sirs, I would like to voice my opinion regarding the case the Justice Department is involved with regarding Microsoft Corporation. Herein my comments: Unfortunately DOJ and US Courts actions against Microsoft appear to be driven more by Competitors than CONSUMERS! I have over twenty five years of experience in computer and information systems development for both fortune 1 companies and small businesses and have ''grown up'' with almost every type of computer system imaginable.

I have seen everything form the ''big blue hand of IBM'' as it strangled creativity with its structured products to the free handed ''scare tactics'' of the UNIX crowd (e.g., SUN, Corel, AOL/Time Warner, AT&T (a hideous monopolist even today)) who shout wondrous promises of ''open systems'' that to this day are so closed that very few applications run consistently between/among the myriad of UNIX and LINUX variants. For the most part, the UNIX/LINUX crowd is still playing the same old games ... point fingers and shouts negatives about anyone in their gang who proposes a standard that is not in tune with their individual biases. As a result, the world has a UNIX/LINUX platform that is so fragmented that the proponents aren't quite certain how to ''pull it together''. And they are not listening to CONSUMERS as we vote by buying the products we want! MICROSOFT! Creative, interactive, integrated products that work as expected when needed without a gaggle of technocrats to keep it running.

Let's give credit to a great AMERICAN effort ..... Bill Gates and Microsoft .... they pulled together products that are overwhelmingly major customer successes. They created innovative products that deliver innovative solutions to day-to-day business as well as household solutions! WE AS CONSUMERS KEEP BUYING THEM BECAUSE WE WANT THEM! DOJ apparently believes American Consumers are not intelligent enough to make rational decisions. What happened to ''majority opinion''? If we don't believe a product adds value to our wealth and lives, we WILL NOT BUY IT! Let the market do its thing! Keep government out of the free market. If Microsoft's competitors create better products, American Consumers will buy them. Microsoft has brought consistency through innovation and creativity to an industry that historically has been overwhelmingly structured and pragmatic at the expense of the every day consumer. I remember when IBM's operating systems for PCs cost over $500 dollars! Sun Microsystems OS's cost into the thousands of dollars to run their microcomputers. American Consumer's are getting a feature laden, innovative products (Windows OS & Windows Office) at unbelievably low prices. Microsoft has in total brought computing machines into consumer's homes at prices that are affordable! IBM, SUN, etc. would be thriving if they modeled their product offerings after Microsoft (creative and innovative consumer oriented/driven). Microsoft listens

.....If their competitors did, they would enjoy the spoils of success The campaign being waged by the trustbusters lawyers at DOJ and our Courts opens the door to a multitude of private lawsuits This litigation could end up looking a lot like the tobacco industry, with a lot of lawyer time (and FEES) and a big legal process for Microsoft and the computer industry to manage. Almost before the ink was dry on the judge's ''finding of fact'' lawyers began generating fees by filing class-action suits against Microsoft. Nearly 290 cases are currently pending in 32 states and the District of Columbia. The Justice Department thus spent 40 million+ dollars in TAXPAYER FUNDS to prosecute a case that wiped out at least $80 billion in privately owned assets of TAXPAYERS and could ultimately obliterate much more. In spite of the warning signs, former Netscape CEO Jim Barksdale (a Microsoft Competitor) continues to peddle the notion that a government-ordered break-up of Microsoft ''is the simplest solution.''

In reality, the simplest solution is to let the free market work rather than allow government lawyers apply nineteenth-century statutes to the twenty-first century economy. Lawyers making money for lawyers .... what a conflict of interest! All credible studies I've read regarding consumer opinions regarding DOJ vs. Microsoft have OVERWHELMINGLY been in favor for letting the free market work and keeping the government (especially the DOJ with its 19th century mentality) out of it. Listen to the consumers and not competitors! American Consumers are taxpayers! Give us a break! Clearly these cases are motivated by special interests and not consumer opinion! The DOJ experts for the most part are Microsoft competitors whose products have not competed based on quality, interoperability, and usefulness with Microsoft's products. Apparently they collectively ''hired'' the DOJ to do their dirty work for them! America was built on the concept of free market and competition with very limited government intrusion. America's innovation and creativity has been a bi-product of this approach. Now we reward companies (e.g., Microsoft) who have been creative and innovative by permitting their competitors via the DOJ to blast this great American approach.

Get real DOJ .... join the twentieth century! Listen to the consumer! We vote with our buying dollars! The DO J, US Courts, and our government must come to grips with the fact that successful American businesses should not be subject to the political whims of anti-capitalist apparatchiks, greedy lawyers, and publicity-hungry politicians who have little understanding of the high-tech economy. Bill Gates created a company worth half-a-trillion dollars, a company now co-owned by tens of millions of Americans (TAXPAYERS!). He created wealth. The would-be regulators can only destroy wealth. In the case of Microsoft, so far they have wiped out at least $80 billion (and the number is growing). Destroying wealth is not creating wealth. Even Microsoft competitors that ''stand to benefit'' from the case, including Sun Microsystems, AOL (which owns Netscape), IBM, and RealNetworks all experienced significant declines in share prices as a result of their actions in this regard.

I guess the competitors who sponsored this D0J trustbuster event are reapin9 their rewards now, If they can compete with products of equal or better quality with Microsoft, consumers will buy their products! That's what free markets ensure. Drop the ego trip DOJ and get out of the case and let the free market work! We are not a socialistic economy!

The money DOJ has spent on this case could have been better spent fighting the real monopolist .... oil companies, mass media, medical companies (doctors, drug companies, providers), auto companies, insurance companies, utilities (especially the government ones like TVA), and the idiotic, egotistical government agencies that refuse to move into the 20th century and act normal. What's next, will the DOJ storm the offices of Microsoft armed with semi-automatic arms and carry away Bill Gates and hold him in some government facility or compound (AT TAXPAYERS EXPENSE) until the DOJ completes stroking its ego?

LISTEN TO THE CONSUMERS DOJI WE AREN'T AS STUPID AS YOU IMPLY WE ARE.

IF WE DON'T LIKE A PRODUCT, WE WILL STOP BUYING IT IRRESPECTIVE OF THE MARKETING AGREEMENTS MANUFACTURERS AND VENDORS MIGHT HAVE.

AMERICAN CONSUMERS ARE NOT DUMB! WE DON'T NEED HAND HOLDING; WE ARE MATURE ENOUGH TO MAKE COMPETENT DECISIONS!

Apparently the DOJ needs to observe and learn from AMERICAN CONSUMERS ! I do NOT feel that consumers have been harmed by Microsoft; in fact, I firmly believe the economy, consumers, government, and taxpayers owe Microsoft and Bill Gates a warm hearted ''Thank you'' for the American wealth they created.

Microsoft's products are very consumer oriented and deliver functionality that consumers are and have demanded. Admit it DOJ. You made a mistake. Or are you free to admit it?

Gary Breeden
glbreeden@isabiz.com
http://www.isabiz.com
865–719–3561

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MTC–00027696

From: Damon Merrill Cann
To: Microsoft ATR
Date: 1/28/02 9:38am
Subject: Microsoft Settlement

I am a Ph.D. student in Political Science at the State University of New York at Stony Brook. I object to the proposed settlement. Microsoft has become too large to provide any of its services well. Their practice of bundling software products deceptively traps the average consumer into using inferior products. It prevents competitors from entering the market. Reducing barriers to entry is critical to a competitive economy.

I further object to the practice of creating intentional incompatibilities in Microsoft products that prevent them from running on other operating systems. The proposed settlement would not remedy this problem.

As a catch all, I agree with the criticisms leveled at the porposed settlement which are published on-line at http://www.kegel.com/remedy/letter.html Please reconsider the settlement,

Sincerely,
Damon Cann
Ph.D. Student
SUNY at Stony Brook
37 Soundview Dr.
Port Jefferson, NY 11777

MTC–00027697

From: Strawn, Natalie M.
To: Microsoft ATR
Date: 1/28/02 9:38am
Subject: Microsoft Settlement

Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 120
Washington, DC 20530–0001

Dear Ms. Hesse: I am writing in full support of the proposed settlement agreement with Microsoft that would provide technology funds, computers, and software in low-income communities.

As a future educator, I know that the state of Wisconsin would benefit from the technology funds.

Technology enhances what is taught in the classroom and students take away not only knowledge of the content area, but it also allows the students to become technology savvy. Being technology literate is not a privilege, but a need in today's world. Due to the lack of funding in school districts in the state of Wisconsin, some schools aren't getting the same advantages as other schools. With the proposed settlement, students would get the technology they so greatly need.

The proposed Microsoft settlement is a great opportunity for the schools, teachers, and students of Wisconsin. The settlement would help us make sure that no student, in the area of technology, is left behind.

Thank you.
Sincerely,
Natalie Strawn
UW- Eau Claire Student
321 4th Avenue
Eau Claire, WI 54703

MTC–00027698

From: Ken Seikel
To: microsoft.atr(a)usdoj.gov
Date: 1/28/02 9:33am
Subject: Microsoft Settlement

Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW Suite 1200
Washington, DC 20530–0001
Microsoft Settlement

I am a U. S. citizen with 28 years experience developing software for computers. I wish to express my concern that the proposed settlement agreement is inadequate remedy, in light of the considerable public harm.

A pattern of Microsoft behavior is evident, (including the disregard for the 1995 consent decree), suggesting that unless an effective remedy is enacted at this time, the public will continue to suffer from the lack of competition and we will again be searching for remedy in some future litigation of an even more complicated nature.

The proposed settlement will be an ineffective remedy. It appears likely to provide a roadmap for future behavior which would exploit the loopholes, further harming the public. In effect, it grants Microsoft rights which would not otherwise exist. By allowing Microsoft the power to define the terms, it may actually foster anticompetitive behavior. By focusing on commercial competition, it ignores or even hinders open source software, one of the most viable alternatives to Microsoft software. I believe that an effective remedy must educate and inform the public, promote competition and prevent further abuse of monopoly power. The following comments may be helpful in achieving that result.

Restrictive licensing terms prevent public disclosure of Microsoft product performance characteristics. Even freedom of speech is under attack from Microsoft. Provisions in the license for their web site creation tool prohibit anti-Microsoft statements. Microsoft must make public service announcements, acknowledging their violations of antitrust law, and the harm caused to the public. Complete disclosure is required. They recently attempted to hide information from the public by barring the media and the public from upcoming depositions Additionally, Microsoft did not fully disclose congressional lobbying or contact with members of the current administration as is required by the Tunney Act.

Federal regulations have provided for educational information to the public in many product areas. Product labeling provides food product ingredients, automobile fuel efficiency, appliance energy consumption, tobacco and alcohol health considerations. Imposition of labeling requirements for PCs will similarly benefit the public.

When the IBM PC was introduced in 1981, operating system software was not bundled into the system price. IBM offered several operating systems for the PC. The public chose the lower cost solution, which was IBM's version of Microsoft DOS. The public deserves choice today, but it is effectively denied by the bundling policies of the Microsoft OEMs.

For any computer system offered with Microsoft software, OEMs must make that same system as readily available without the Microsoft software. The price difference must reflect the actual costs associated with providing the Microsoft software, support and warrantee services. A refund based model is not adequate. The costs must be fully disclosed on the product labeling and Microsoft must not financially benefit from the sale of a system without Microsoft software.

Uniform pricing for Microsoft products should be via a single, published, public volume discount schedule. Pricing must not be influenced by any other consideration. The software resulting from Microsoft's claimed ''freedom to innovate'' should be offered as separate products, not bundled into Windows. ''Freedom to innovate'' should not imply ''freedom to integrate''.

Microsoft must be prevented from practicing their ''Embrace, Extend, Extinguish'' tactics to wrest control of standards to their benefit. Their dot.net plans are an attempt to extend the monopoly to the internet itself. Microsoft must be prevented from using their current monopoly power to extend it into new areas. New versions of Microsoft products as well as new Microsoft products must, as the installation default, compatibly interoperate with prior versions of Microsoft products and other non-Microsoft software programs. Thank you for your consideration.

Sincerely,
Kenneth W. Seikel
1226 Eastwood Circle S. E.
North Canton, OH 44720
Take care... Ken Seikel kseikel@neo.rr.com

MTC–00027699

From: Robert Browner
To: Microsoft ATR
Date: 1/28/02 9:39am

To Whom It May Concern: I have followed this litigation since it inseption. I belelive it was politically inspired and used as an escape from other problems. I also believe that if it went to the Supreme Court it would be ruled in favor of Microsoft. However, under the current situation both Microsoft, the government, and the several states agreed upon this settlement. I belelive it should be accepted as is and let all parties go on with more important and revelant business.

Robert Browner

MTC–00027700

From: Eric Wadsworth
To: Microsoft ATR

Date: 1/28/02 9:41am
Subject: USAGWadsworth—Eric—1004—0126.doc
5005 Timber Edge Drive
Richfield, OH 44286
January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I am glad that the Tunney Act allows me to participate in some small way in showing my support for Microsoft in the settlement of the antitrust case. Microsoft has been a strong source of support for American prosperity of quite some time now. With the legal wrangles of this court action behind it,

Microsoft should be able, I hope, to return to its business of providing innovations to increase efficiency for business and around the world.

The settlement is, like all settlements ever, a compromise. In my opinion, Microsoft graciously conceded the most. All it got was to have the court action end with it still in one piece. In exchange, it conceded to give up its United State Constitutional protected copyright and patent interests. For example, Microsoft is documenting and disclosing to the other companies who make software the digital code to the various internal interfaces of its Windows operating system programs. Microsoft is in good company with great, bold, innovative technology companies like IBM and AT&T in being sued for antitrust.

Thank you so much for having enough sense to work to end this mess with a settlement that is worth agreeing on. I appreciate your leadership.

Sincerely,
Eric Wadsworth

MTC–00027701

From: Hohn, Charles
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/28/02 9:41am
Subject: Microsoft Settlement

The actions of Microsoft Corporation and their agents demonstrate that they willingly and illegally leverage their influence to damage and even ruin competitors. This is bad not only for the consumer, but incredibly unfair to the people (and their families) that put forth an honest effort to bring something to the market place, believing that they would compete on a level playing field. Justice cannot be served to these individuals and companies. But to those who would place their efforts at risk in the future, they must believe that the fruits of their endeavors will not be wrestled away by a stronger entity.

In this society, we are dependent on the judicial process to punish such offenders, at least to the minimum degree, such that it is a real deterrent to like or repeat offenses.

It is my belief that the current settlement proposal cannot possibly accomplish this goal.

Sincerely,
Charles E. Hohn
Software Engineer
CC:Beattie, Chris,Wheaton, Ken,Antle, Deborah

MTC–00027702

From: Duff, Michael
To: Microsoft ATR
Date: 1/28/02 9:43am
Subject: Microsoft Settlement

I believe this settlement is a BAD idea and very bad for the computing economy.

Microsoft shouldn't be destroyed by punishment, but should also not be able to buy their way out of this.

Michael P. Duff, Jr. <michael.duff@divine.com>
Director, divine Advanced Web Technology (Chicago)
Work 312–601–3048 Cell 630–408–7538
http//www.divine.com http//duff.dnsalias.com

MTC–00027703

From: Bagby, Jon W. (091)C(093)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 9:45am
Subject: Microsoft Settlement

Your Honor

Fact 1: Microsoft Corporation has broken no laws.

Fact 2: This frivolous lawsuit should never have been entertained by any court.

Fact 3: I resent the government's belief that it has to force it's ''protection'' on me when I neither want nor need it.

Toss this litigation out into the street where it belongs.

Stop punishing businesses and individuals for their hard work and success. Stop allowing (empowering?) failed businesses to set the rules for the markets in which they couldn't compete in the first place.

Thank you.
Jon W. Bagby
IT Professional
CC:'activism(a)moraldefense.com''

MTC–00027704

From: Raymond Peeples
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 9:46am
Subject: Microsoft Settlement

Sirs,

I am in favor of the settlement and urge it's adoption! Thank you!

Raymond C. Peeples Jr.
Service Repair Coordinator
Stanley Elevator Co., Inc

''The time when you need to do something is when no one else is willing to do it, when people are saying it can't be done.'' Mary Frances Berry

MTC–00027705

From: mdstoffel@mmm.com@inetgw
To: Microsoft ATR
Date: 1/28/02 9:46am
Subject: Microsoft Settlement

End the lawsuits and let the market determine the best solution. AOL has nothing to complain about when it comes to unfair practices and monopolies.

Mick Stoffel
651–733–7932

MTC–00027706

From: Nicolas Ouedraogo
To: Microsoft ATR
Date: 1/28/02 9:41am
Subject: Microsoft Settlement

As a computer professional working and interacting with Microsoft products for the past 10 years, I have numerous first-hand experiences of the ill-effects of Microsoft's abuses of monopoly powers and predatory business practices on my daily work. Although living and working abroad, these abuses and practices have and still are affecting me personally and professionally, which shows how far-reaching the ill-effects can be.

After closely watching this case, including relevant documents of the trial and numerous commentaries in the press, I believe that the proposed settlement will not achieve its goals and, as an american citizen, I feel compelled to express my concerns about it. Microsoft's past and present behaviours have already been described at length during the trial, but the ones which have affected me the most can be summed up as:

(A) illegally restricting competition in the OS market

(B) illegally using its monopoly position in the OS market to enter other markets or restrict competition in other markets However, the proposed settlement fails to correctly address those two points, and does so in various ways, notably:

- Microsoft's past behaviours have showed how clever it can be in finding and exploiting loopholes in its agreements—the DOJ has a first-hand experience of this (cf. the 1995 consent decree with Microsoft). The proposed settlement is too vaguely worded in this respect, so careful attention should be given to the various means (and their wording) needed to acheive these goals.

- Also of the highest importance, specific means should be provided to guarantee that open source and free software can develop unharmed by Microsoft's actions. By Microsoft's own admission, free software (and particularly the Linux OS) is its biggest competitor, but strangely the proposed settlement's wording of Microsoft's behavioural remedies specifically includes only commercial software developers—thus leaving free software developers, most of whom are individuals or not-for-profit entities, with no rights at all, as though they don't even exist.

Even worse, Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that Microsoft need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...''

The same goes for Section III(D), which deals with disclosure of information regarding the APIs for incorporating non-Microsoft ''middleware'', and which gives some rights to commercial concerns only. This is particularly unfair, because Microsoft's harms have and still are affecting not only businesses, but also the public at large, including individuals and not-for-profit organizations.

So, in my view, any settlement should include, as a bare minimum, the following requirements:

(A) To restore competition on the OS market, the proposed settlement should:

1. Require Microsoft to:

—publish OEM prices for licenses to all version of Windows and its successors.

—offer different prices for the same product based only on quantity bought. The complete pricelist must be made public and access to the different prices cannot be tied to factors other than quantity.

—publish the conditions under which it gives access to the source code of any of its OS, and provide such accesses in a non-discriminatory way These mesures would provide a mean for consumers to make informed choices when selecting computer platforms to buy, prevent Microsoft from illegally using OEMs to raise the barrier to entry in the OS market, and prevent Microsoft from threatening ISVs to deny them access to the source code of its OS.

2. Prevent Microsoft from:

—refusing to sell licenses of its OS to anyone

—entering in a bundling agreement or contract which includes a Microsoft OS, with OEMs or resellers

—using a software-related patent to block or hinder the development and public offering (free of charge or for a cost) of a software competing with Microsoft's products. Microsoft should be required to license, free of charge and in a non-discriminatory way, any software-related patent it owns to any software developer, provided the software using the patent will also be publicly available free of charge. Commercial software using Microsoft-owned patents can be required to license these patents for a reasonnable cost, provided that that cost is published by Microsoft and equally applied in a non-discriminatory way to all commercial vendors.

—publicly offering (free of charge or for a cost) any hardware device driver without also publicly offering, free of charge, its source code.

—certifying any hardware as working with Microsoft software, unless the hardware's complete specifications are publicly available free of charge.

These five measures combined would remove a big part of the barrier to entry illegally placed by Microsoft on competing products in the OS market, and prevent future actions by Microsoft to restrict competition, including those from open-source and free software products.

This would also prevent Microsoft from using hardware devices as a mean to maintain its monopoly position:

- by ensuring that any hardware supported natively by a Microsoft OS can also be supported by any other OS (including open source and free software operating systems like Linux)

- by ensuring that Microsoft cannot use its ''seal of approval'' to reinforce its monopoly position by helping hardware manufacturers in marketing products for which the specifications are not publicly available.

(B) To prevent Microsoft from using its OS monopoly as a way of achieving another monopoly position in another market, the proposed settlement should require Microsoft to:

—publish, free of charge and without any non-disclosure requirement, complete documentation of all interfaces between software components, all communications protocols, and all file formats used in any software publicly offered (free of charge or for a cost) by Microsoft for the past three years, and those publicly offered (free of charge or for a cost) by Microsoft for the next ten years. These documentations for software publicly offered (free of charge or for a cost) by Microsoft for the past three years must be publicly available at most one year after the date the settlement is in effect.

—publicly provide answers, free of charge and in a reasonable time, to all questions raised by anyone regarding any aspect of an interface (as distinguished from implementation techniques) that the published documentation fails to address, and do so for the next ten years.

—make available in a convenient way, the ability to remove any software component that is part of a Microsoft OS (such as Internet Explorer, Windows Media Player, etc..) and replace it with a competing software component.

These three mesures combined would ensure that complete interoperability with Microsoft present and future products becomes possible, thus guaranteeing that fair competition can exist in all software markets in which Microsoft is present. They also address some of the past harms done by Microsoft by requiring it to use some of its ill-gotten gains to provide the public with some means to interoperate with some of its past, still widely in-use software.

I sincerely hope that my concerns about the proposed settlement will be correctly be addressed, and I will watch very closely the outcome the case.

Regards,
Nicolas Ouedraogo
C.T.O.
Juillerat-Grin S.A
17, rue de la Fontenette
1227 Carouge
Switzerland
tel. : +41 (22) 827–3030
fax: +41 (22) 827–3033
email: nicolas@jgsa.ch

MTC–00027707

From: Clayton Carter
To: Microsoft ATR
Date: 1/28/02 9:46am
Subject: Comments Regarding Microsoft Settlement

I am convinced that the punitive measures laid out by the proposed Microsoft settlement are wholely inadequate and mostly ludicrous. I'm speaking mainly of the supposed $1 billion that will be invested in poor schools, but I'm also convinced that bulk of the rest of the settlement is little more than a slap on the wrist. In regards to the $1 billion to be invested in the public school system, I can't help but be flabergasted. While not myself a huge fan of Apple computers, I whole hearted agree with the comments that Steve Jobs made about the settlement. I believe that the most relevant of his points was that pouring money and computers loaded with Microsoft software into the school system would do nothing more than train entire generations of students to be future Microsoft customers, further guaranteeing Microsoft's stranglehold on the personal computing industry.

Few would doubt that computers will play a larg part in our future. In light of this, you have the chance to affect (and benefit) our future profoundly by putting Microsoft in its place and removing from their hands the power that they currently hold over the computing industry.

I trust that you will act in the best interest of the American people.

Thank you.
Clayton Carter
Information Technology Specialist
Harvard/Smithsonian Center for Astrophysics

MTC–00027708

From: Fraser Smithson
To: Microsoft ATR
Date: 1/28/02 9:47am
Subject: Microsoft Settlement

Please enter my letter attached in comment for Microsoft Settlement Public comment.

Fraser Smithson
Fraser D. Smithson
2390 Tarpon Road
Naples, FL 34102
941–793–5155
fraserS62@yahoo.com
January 31, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I believe the antitrust case against Microsoft should never have been brought.

However, as it was actually brought three years ago, I believe that the settlement agreement is the best think for Microsoft, and for America. Continuing this wasteful litigation will not benefit any one.

The settlement was not reached in haste. All parties had a chance to bring up their concerns and grievances and issues during three months of negotiations with the mediator appointed by the new federal judge on the case. Microsoft gets to stay intact. The companies behind the government antitrust action get Microsoft to abandon many of its legal rights. Copyrights and patents of intellectual property rights were protected by America's Founding Fathers in the United States Constitution over two hundred years ago. Microsoft has taken a strong stance to protect its intellectual property. After all, intellectual property, the collected, written down in software code, and tested mental power of its employees is practically the whole business worth of the software industry. I know that Bill Gates and his co-workers at Microsoft have faced difficult challenges in the past, since they were founded a little over twenty years ago. Under the settlement, Microsoft will be helping the entire computer industry, including the many leading companies that are American. That should be seen as in the best American interest.

Thank you for your support of the Microsoft antitrust settlement.

Sincerely,
Fraser Smithson

MTC–00027709

From: Marty Altman
To: Microsoft ATR
Date: 1/28/02 9:49am
Subject: Microsoft Settlement
CC: Marty Altman
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Dear Sirs,

Pursuant to the Tunney Act, I would very much like to add my voice to the objections over the proposed Microsoft Settlement. I won't belabor the details here, as folks like Dan Kegel (http://www.kegel.com/remedy/remedy2.html) have done an outstanding job with these points. I strongly support his ''Open Letter to DOJ Re: Microsoft Settlement'' (http://www.kegel.com/remedy/letter.html).

I believe the Proposed Final Judgement is critically flawed in several ways. Perhaps the most objectionable to me is that it doesn't require any fundamental shift in monopolistic attitudes or practices in order for Microsoft to successfully litigate their way to ''compliance''.

Quoting from Dan Kegel's introduction:

The Court of Appeals affirmed that Microsoft has a monopoly on Intel-compatible PC operating systems, and that the company's market position is protected by a substantial barrier to entry (p. 15). Furthermore, the Court of Appeals affirmed that Microsoft is liable under Sherman Act ?2 for illegally maintaining its monopoly by imposing licensing restrictions on OEMs, IAPs (Internet Access Providers), ISVs (Independent Software Vendors), and Apple Computer, by requiring ISVs to switch to Microsoft's JVM (Java Virtual Machine), by deceiving Java developers, and by forcing Intel to drop support for cross-platform Java tools. Clearly Microsoft has exercised monopolistic practices, and the Proposed Final Judgement provides little real relief for the software development, vendor, or end user communities. If nothing else, the definitions for key terms in the settlement are sufficiently narrow to allow Microsoft to employ a long standing tactic of litigating their way to what they feel is a successful end.

Perhaps more subtle there don't seem to be any provisions in the settlement designed to alter, let alone provide substantive punishment for, Microsoft's history and culture of predatory attitudes. Deeply held attitudes will not change themselves- they require a catalyst. In my view, the Proposed Final Judgement has no sting.

Quoting again from Dan Kegel's introduction:

According to the Court of Appeals ruling, ''a remedies decree in an antitrust case must seek to ''unfetter a market from anticompetitive conduct'', to ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future'' (section V.D., p. 99).

I respectfully disagree with Attorney General Ashcroft's assessment that the Proposed Final Judgement would, ''end Microsoft's unlawful conduct.'' In my view, the final judgement should include three principal aspects:

- enough procedural remedy to affect a significant shift in Microsoft's monopolistic business practices,

- enough sting to affect a significant shift in Microsoft's predatory business attitudes, and

- enough compliance machinery to assure both these shifts take place.

I agree with the conclusions stated elsewhere that the Proposed Final Judgement, in its current form, does little to affect Microsoft's monopolistic attitudes and practices, and is therefore not in the public interest. It should not be adopted without substantial revision.

Thank you for your time,
Marty Altman
Senior Scientist
Science Applications International Corporation
Orlando, Florida

-The opinions expressed herein are my own, and should in no way be interpreted as belonging to SAIC.

MTC–00027710

From: Phillips, George H.
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 9:49am
Subject: Microsoft Settlement
To whom it may concern:

I believe the Microsoft settlement to be completely inadequate. As an IT professional, I have been hobbled for years by inferior software forced upon me by the illegal practices of Microsoft. They need to be reigned in now! Thank you. These opinions are mine alone and not those of my employer.

George Phillips
Email: ghp@miami.edu

MTC–00027712

From: stevenhjohnson@juno.com@inetgw
To: Microsoft ATR
Date: 1/28/02 9:51am
Subject: Microsoft Settlement

To: Renata B. Hesse, Antitrust Division, US Dept of Justice I would like to submit a comment on the Microsoft settlement proposal. I believe the settlement must include a very strong provision assuring inter-operability.

I believe it is the responsibility of the U.S. Government to drive this process, as it will not happen without U.S. Government leadership. When railroads were first being built, there were no standards. Different rail lines were built with different guages. Each community had its own local time.

There wasn't any such thing as a standard guage, or a standard time zone. It proved impossible to serve the public interest without governmentally enforced standardization.

A standard track guage was agreed upon. The U.S. Government created and imposed Standard Time Zones to ease the problem of railroad scheduling.

You now have a similar responsibility in software. Unless the U.S. Government mandates inter-operability, the Sherman Act will, for all practical purposes, become a dead letter with respect to the software industry.

Inter-operability protects the consumer, and it protects competition, and it's the only meaningful way to apply the Sherman Act to this vital industry. Inter-operability means that files created by one application must be readable by the next.

Regardless of who the application creators are.

Spreadsheet files must be equally readable by all software applications. Word processing files must be equally readable by all word processing applications.

It's the software equivalent of standard guages and standard time zones. If you don't establish and enforce an interoperability rule, you'll dry up the market for smaller scale competitors and turn the market over to its biggest player.

You'll give a de facto green light to monopoly.

Thank you for your consideration.

I look forward to the DOJ exercising leadership that protects America's strong commitment to competitive capitalism, that honors America's enduring hostility toward monopoly.

Sincerely yours,
Steven H. Johnson
Annapolis MD 21401

MTC–00027713

From: Wendy Pellegrini
To: Microsoft ATR
Date: 1/28/02 9:49am
Subject: I am against this ''settlement''
I am against this ''settlement''.

This settlement does not punish Microsoft for their criminal behaviour. It rewards them. At the very least, you must force them to open their APIs so that competitors might stand a chance of competeing in the future.

Wendy Pellegrini
Software Engineer
Zixlt.com, Inc.

MTC–00027714

From: Stanley R Droy
To: Microsoft ATR
Date: 1/28/02 9:57am
Subject: Microsoft Settlement, From strophe @juno.com

Dear Sir: I have been dealing with the computer makers, software producers since 1969. Thats right 32 years ago. During the last 10 years, Microsoft corporation has done everything it could to help this country rise in its computer usage and availability to the common public. They should be given a medal for their achievements. To continue any form of prosecution is outrageous. We should help and support the Microsoft company, instead of stealing their assets for political gain. If the States need money, they should tax all the people in their state to acquire funds and not join a bandwagon of bandits. Sincerely yours,
Stanley R. Droy

MTC–00027715

From: Dan Warburton
To: Microsoft ATR
Date: 1/28/02 9:59am
Subject: Microsoft Settlement
Dear Sirs,

I am very concerned that as a Monopoly microsoft is allowed to leverage this status in other ventures. I know ATT was not allowed to invest out side of its on field. So I don't think Microsoft should be allowed to invest outside the Windows/Office area. Specifically , as a monoply Microsoft should not be investing in Network Services (msn.net) or ISP servcies (MSN/Quest) or Media (msnbc). Microsoft should divest it's self of these companies.

Thank You.

MTC–00027716

From: Laurent Domenech
To: Microsoft ATR
Date: 1/28/02 9:59am
Subject: my comments

Since your time is valuable, I'll make it short: Microsoft's position is a threat to consumers. The monopoly should be broken.

Thanks,

Laurent

MTC–00027717

From: GNewt2@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 9:59am
Subject: Microsoft settlement

Enough is enough—Let microsoft innovate to help get this economy moving again.

George Newton

MTC–00027718

From: Steve McGee
To: Microsoft ATR
Date: 1/28/02 9:59am
Subject: Microsoft Settlement

DOJ,

As a taxpayer and software engineer, I think all the legal action against Microsoft is ridiculous. I am not now and never have been a Microsoft employee, but I've used their products for many years. They have done nothing but improve the quality of software and lower the prices of software. I don't agree with all their actions, but I don't agree with the court's decisions against them.

Regardless of my feelings, I believe any punitive action should be tempered with a sense of reality. These guys have created lots of jobs for lots of people, and I cannot see any downside to that.

Let's get this settled and over and move on. Let AOL and Sun and the rest complain all they want, but let's move on. Steve McGee Lakewood, Colorado

MTC–00027719

From: Alfieri, Matthew
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 10:00am
Subject: Microsoft Settlement

—- Original Message ——-
From: Microsoft's Freedom To Innovate Network [mailto:fin@MobilizationOffice.com] Sent: Sunday, January 27, 2002 8:09 PM
To: ''MATTHEW.ALFIERI@USA.XEROX.COM''
Subject: Attorney General John Ashcroft Letter

Attached is the letter we have drafted for you based on your comments. Please review it and make changes to anything that does not represent what you think. If you received this letter by fax, you can photocopy it onto your business letterhead; if the letter was emailed, just print it out on your letterhead. Then sign and fax it to the Attorney General. We believe that it is essential to let our Attorney General know how important this issue is to their constituents. The public comment period for this issue ends on January 28th. Please send in your letter as soon as is convenient.

When you send out the letter, please do one of the following:

* Fax a signed copy of your letter to us at 1–800–641–2255;

* Email us at fin@mobilizationoffice.com to confirm that you took action.

If you have any questions, please give us a call at 1–800–965–4376. Thank you for your help in this matter.

The Attorney General's fax and email are noted below.

Fax: 1–202–307–1454 or 1–202–616–9937

Email: microsoft.atr@usdoj.gov

In the Subject line of the e-mail, type Microsoft Settlement.

For more information, please visit these websites:

www. microsoft.com/freedomtoinnovate/

www.usdoj.gov/atr/cases/ms-settle.htm

Matthew Alfieri
7 Northfield Gate
Pittsford, NY 14534
January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The intention of this letter is so that I may go on record as being a staunch supporter of the proposed agreement that was reached between Microsoft and the Department of Justice. The litigation between these two has gone on for long enough, more than three years actually. It is time to put this issue to rest and move on.

The settlement actually goes further than Microsoft would have liked, but they decided to settle because it was in the best interests of the IT industry and the American economy. The settlement mandates that Microsoft make future versions of the Windows operating system to include a feature that makes it much easier for computer makers and consumers to remove Microsoft software programs from Windows and then replace it with non-Microsoft software. This completely opens the industry up to much more competition, and the companies producing the competing software will need to deliver a ''Grade A'' product to the market, or people will simply not buy it.

Everything is now in place for a stronger IT industry and a healthier economy. I support this settlement because it looks out for everyone's best interests. Thank you.

Sincerely,

Matthew Alfieri

Matthew Alfieri

MTC–00027720

From: Steward, Ronald Ray (UIS Student)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 10:00am
Subject: Microsoft Settlement

Dear Renata B. Hesse:

I am writing regarding the Microsoft settlement to express my disagreement. I am a graduate student in computer science at the University of Illinois at Springfield. I have observed the software industry for several years and watched as Microsoft grew into the monopoly it is now.

This entire settlement is flawed. It apparently attempts to protect competition from other venders that wish to run their software on the Microsoft operating system. Microsoft has already killed off the competition in the office suite and other key markets. This action is simply too late.

Much more important is that proposed settlement goes way beyond too little and is entirely superficial. Software design is very complex. There are a million ways to produce incredible advantages when the developer controls both the operating system and the software to run on it. The proposals merely attempt to preserve access to use and what might be thought of as advertising or ease of install. After this settlement has the illumination of time, it will be seen as a technical travisty of justice.

This court case will make all others pale in comparison. In the future anyone contesting Microsoft in court will likely have to prepare their briefs with pen and paper because the software giant will have access to everything written or transmitted by computer and all users will be registered for targetted monitoring. Perhaps even every computer with a microphone attached will need to be unplugged to avoid eavesdropping.

George Orwell could not imagine the power you are conceding to the Software giant.

I look to our future and weep,

Ron Steward

CC:'ron.steward(a)epa.state.il.us''

MTC–00027721

From: SEska20358@cs.com@inetgw
To: Microsoft ATR
Date: 1/28/02 10:00am
Subject: Microsoft Settlement
JONATHAN ESKANDER
33 ARLINGTON RD.
SCARSDALE, NY 10583
January 27, 2002
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing this letter today to express my deep concern over the antitrust lawsuit against Microsoft. I believe that the sooner this suit comes to a close, the better. We have spent countless taxpayer dollars on the frivolous pursuit of case and it needs to come to an end.

It is my opinion that the settlement that has been reached in this case is fair. Microsoft will design all future versions of its Windows operating system to be compatible with the products of its competitors. The company will also license Windows out to the top 20 computer manufactures at the same price and on the same terms. This settlement will be ensured by a three-person technical committee, which will monitor Microsoft's future business tactics and their compliance with the settlement.

This litigation needs to end. Please support this settlement. Thank you.

Sincerely,
Jonathan Eskander

MTC–00027722

From: Lester Housel
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 10:00am
Subject: Microsoft Settlement
105 Lake Brantley Terrace
Longwood, FL 32779
January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my full support of the recent settlement between Microsoft and the US department of Justice. I think the lawsuits were unjustified in the first place and should have ended long ago.

The terms of the settlement do not even protect the consumer and reflect the intense lobbying efforts of Microsoft's competitors and the apparent lack of concern for the public's best interests by the lawmakers and politicians. For instance, Microsoft is forced to disclose interfaces and protocols that are internal to Windows'' operating system products. They also must grant computer makers broad new rights to configure Windows so that competitors can more easily promote their own products.

In spite of these flaws, I urge your office to finalize the settlement. The alternative of further litigation would be detrimental to our economy. I hope you suppress the nine states that want to drag this thing through the mud.

Sincerely,

MTC–00027725

From: Choi, Eunice Q
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 10:03am
Subject: Microsoft Settlement

The Microsoft settlement is more than just and fair. Please settle the case so that Microsoft will continue to deliver innovative software for consumers at a reasonable price.

This case was not a case to protect the consumers but a case for the benefit of the competitors.

MTC–00027726

From: SEska20358@cs.com@inetgw
To: Microsoft ATR
Date: 1/28/02 10:02am
Subject: Microsoft Settlement Case
Maria Eskander
33 Arlington Rd.
Scarsdale, NY 10583
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I want to take this opportunity to express my support for the settlement that has been reached in the Microsoft antitrust case. I feel that prolonging this lawsuit will only hinder the future development of business in this nation. This country and its success have been built by the hard work and entrepreneurial sprit of American businesses. This suit chips away at this very foundation.

The settlement that has been reached in this case is fair. Microsoft will design all future versions of Windows to be compatible with the products of its competitors; they have also agreed to cease any action that may be considered retaliatory. The terms will be ensured by a three person technical committee that will monitor Microsoft's compliance with the settlement. This settlement is the best option for America for the simple fact that it will bring this case to a close.

Microsoft is one of this nations largest employers, and continuing this suit is an imprudent move at this time. Thank you for your support of this settlement.

Sincerely,
Maria Eskander

MTC–00027727

From: Christine Scammon
To: Microsoft ATR
Date: 1/28/02 10:01am
Subject: microsoft settlement

Dear Judge,

I'm a concerned citizen who would like to voice her opposition to the proposed final judgment being considered in the Microsoft suit. Microsoft has used its Windows operating system to destroy competitors in other software markets, and every court has concluded that it has violated anti-trust laws. The proceeds of these violations is huge, yet this settlement does nothing to undo those profits, and if allowed to continue in these practices, it will certainly have serious consequences for the rest of the companies in this industry. If the proposed final judgment is adopted, Microsoft is the winner. I urge you to reject the proposed settlement.

Respectfully submitted,
Christine Scammon
Champlin, MN

MTC–00027728

From: Peter F. Dubuque
To: Microsoft ATR
Date: 1/28/02 10:05am
Subject: Microsoft Settlement

I am writing to oppose the proposed settlement in the antitrust case against Microsoft. The company has been twice found guilty of violations of the Sherman Antitrust Act. I believe the proposed settlement is grossly inadequate in preventing future violations of the law. It does nothing to ensure a viable software market in which companies other than Microsoft can develop an innovative new product without facing the threat of Microsoft rolling out a free knockoff embedded in the operating system.

It does nothing to ensure that alternative products have the information needed to interoperate with Microsoft products. It does nothing to address the fact that the consumer marketplace is impoverished by other companies'' inability to compete against Microsoft in the present state of the market. And it provides no significant obstacle to further violations of the law. (If the consent decree is violated, it gets extended two years...what kind of remedy is *that*?)

Any reasonable settlement should at the very least include the following:

- Complete and accurate documentation of *all* Microsoft file formats and interfaces, to allow competing products to operate in conjunction with them
- Prohibition of deliberate measures taken to prevent interoperability with non-Microsoft products
- Prohibition of anti-competitive pricing of Microsoft products (e.g. discounts on licenses to companies who agree to not use competing products such as Linux)

Ideally, I'd also like to see a ban on any product or company acquisitions by Microsoft, or any joint ventures with other companies that might allow Microsoft to leverage its monopoly to enter a new market (e.g. transaction fees for electronic commerce or home entertainment).

Microsoft has been found guilty of antitrust. I find it utterly unconscionable that the DOJ, having won its case, is willing to throw out years of work with the utterly inadequate settlement it has proposed.

Peter F. Dubuque—peterd@shore.net

MTC–00027729

From: Harold Holderith
To: Microsoft ATR
Date: 1/28/02 10:04am

Attached is a letter prepared by Microsoft which I have signed and which I wholeheartedly endorse.

Harold Holderith
565 55th Av N.E.
Saint Petersburg, FL 33703
January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I would like to take a moment to express some of my views regarding this case. I am a user of Microsoft products and a general supporter of the company. I believe that it is an example of the successes that can be gained under the free enterprise system. Although I do not agree with every decision that Microsoft has made, I do believe that it is entitled to its position as the industry leader.

There will always be those that try to litigate away pieces of a company's market share. We just have to be careful to recognize when consumer protection is used as a veil to hide return on investment. I concede that Microsoft has tried to block entry to the market by independent vendors, and in that light we should reprimand Microsoft. I believe the settlement your office reached with Microsoft provides the common ground. It is fair, reasonable, and extensive. I do see the need for further action at the federal level.

The settlement will force Microsoft to be a more responsible industry leader while allowing it to retain its competitive advantage. It has agreed to change the way it licenses, markets, and develops its software, as well as the way it deals with those that design or promote non-Microsoft programs. It will disclose various protocols and interfaces within Windows for use by the competition, and will allow non-Microsoft programs to be promoted in Windows.

It appears to me that the necessary corrections have been made to address the issues that brought about the lawsuits. We

must now allow the IT industry and the economy to move forward. This settlement is the tool. It has been three years and countless dollars in the making, and should be given a chance to work.

Sincerely,
Harold Holderith

MTC–00027732

From: travel3@netzero.net@inetgw
To: Microsoft ATR
Date: 1/28/02 10:03am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
D. Lewis
PO Box 9145
Bakersfield, CA 93389–9145

MTC–00027733

From: Barbara Fiegas
To: Microsoft ATR
Date: 1/28/02 10:09am
Subject: Microsoft Settlement: Proprosed Final Judgement Judge,

We are writing today to emplore you to take the Proposed Final Judgement and add some teeth. As the Court of Appeals has affirmed Microsoft had unlawfully and intentionally deceived Java developers and ''polluted'' the Java standard, we are asking you to restrict their ability to modify Java technologies and add punitive incentives for them to support computer industries standards.

As a small business, we appreciate the free market opportunities that exist here in America, and hope you will keep them firmly in mind as you make this decision.

Respectfully yours,
Barbara Fiegas
Swift Fulfillment Services
1A Glenwood Ave
Lynbrook, NY 11563
voice: 516–593–1198
fax: 516–596–2911

MTC–00027734

From: Gary Gordhamer
To: Microsoft ATR
Date: 1/28/02 10:09am
Subject: Microsoft Settlement

To whom it may concern,

I would like to express my dis-satisfaction with the current proposed settlement between the DOJ and Microsoft. I have been working in the information technology area for over 10 years now, and have seen the Windows platform grow from a limited use simple operating system, to a monopolistic control of the destop and mid-range server market.

Their growth has been through the use of legal and illegal business practices as shown by the verdict the recent and distant court cases.

The current proposed settlement does not seem to offer any form of monopolistic control as it would seem is required.

I tend to compare this to the monopoly of the phone system. When the ''baby'' bells were born, the only way they could complete was by strict adhearince to standards set by the goverment (FCC), and strick fines for not following these standards.

This allows me to choose from many differnt phone options, and phone hardware which I can purchase at many store from many vendors. Yet when I choose to purchase a computer, or computer operating system there tends to be only one option available. With fixed price, fixed features and limited compatible options.

The current settlement proposole does not offer a open fixed standard that is controlled external to Microsoft. It does not put into place a way to infuse the market with competing companies that will be able to deliver product to the supply chain as Microsoft can.

I would hope that one day I can visit my local Wall-Mart store and see a set of competing products on the shelf, offering various options and price points. Untill then I must still lease my computer from Microsoft and get only what they allow, much like the phones of the 1970's that I leased from AT&T.

Respectfully,
Gary Gordhamer
Owner / DBA
H&H Consulting services, LLC.
Waukesha, WI

MTC–00027735

From: Dale Beeman
To: Microsoft ATR
Date: 1/28/02 10:10am
Subject: Microsoft Settlement!
Dale Beeman
598 Foxwood Boulevard
Englewood, FL 34223
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

For quite some time now, I have been following the case against Microsoft filed by the DOJ. I am therefore quite familiar with the issues involved. Considering that this case has dragged on for over three years, spending an exorbitant amount of taxpayer dollars, I am very pleased that a settlement has finally been proposed. Though I strongly feel that the terms of the settlement are very harsh for Microsoft, I am willing to support this in the interest of putting this matter to bed.

Ending this lawsuit now is a very necessary action to help boost the sagging economy and revitalize the slowing innovations in the IT industry. In order to achieve the fastest close to this matter, Microsoft has agreed to terms that were not even found illegal in the lawsuit against them. They have also agreed to terms that have the distinct potential to limit their competitiveness. Microsoft agreements include the unprecedented move to share their internal Windows interfaces. Microsoft has also agreed to cease its more aggressive marketing practices.

This kind of settlement has obviously taken some time to draft and the terms of which should more than appease Microsoft's opponents. There is therefore no need to press this matter any further.

Sincerely,
Dale Beeman

MTC–00027736

From: Judy L. Powers
To: Microsoft ATR
Date: 1/28/02 10:11am
Subject: Microsoft Settlement

Gentlepersons:

It is absolutely amazing to me! AOL-Time-Warner is the king of the industry in keeping its customers captive by providing a whole ?city? of options to its bank of members (mostly first-time internet users), and then making it difficult for their less experienced members to get out of AOL to surf freely on the web. And these are the people crying ?sue the bastards? about the Microsoft Corporation? Isn?t this the pot calling the kettle black? Protracted and repetitive litigation is never a benefit to the public, and rarely to either client, just to the attorneys. Is AOL's counsel short on billable hours these days?

Thanks for listening. Let's stop the litigious behavior, thank the judiciary for its most diligent work and call it a day with the spurious afterthought suits.

Judy L. Powers
6593 Alleghany Court
San Jose, CA 95120
judylou@powerslink.com
CC:msfin@microsoft.com@inetgw

MTC–00027737

From: Walt Goodpastor
To: Microsoft ATR
Date: 1/28/02 10:11am
Subject: Support for Microsoft

Punishing successful producers like Microsoft is not only morally wrong, it is stupid and self-defeating. It rewards Microsoft's competitors, thereby assuring that consumers will be stuck with inferior products and services.

Free-market competition obtains the best results by rewarding the superior performers. It is a process of selection of the best, not a process for inclusion of the mediocre and inferior. Free-market competition is not the ''Special Olympics,'' and if the foolish people who insist on making it so are successful, the result will be a degradation of the quality of life for everyone.

MTC–00027738

From: howard—diamond@corpsoft.com@inetgw
To: Microsoft ATR
Date: 1/28/02 10:13am

Subject: Microsoft Settlement

The outcome of Microsoft antitrust case will be critical to the technology industry's future. Unfortunately for those of us in the industry, the remaining states want to prolong the case and impose broad, irresponsible remedies.

The Microsoft antitrust case has been a key factor in slowing innovation and growth in Massachusetts's technology industry. It was not mere coincidence that the decline of the industry followed in the footsteps of this case. With the future of Microsoft and the Windows platform in doubt, the case brought crippling uncertainty to the industry. Smaller entrepreneurial companies that have been the lifeblood of this industry were forced to hold back on innovations because of their limited research and development budgets. With fewer innovations coming out of smaller software developers and uncertainty as to the future of the platform, corporations also slowed their own IT spending.

To make matters worse, the state attorneys general who did not to join the existing settlement are pursuing remedies that will wreak havoc on the rest of the industry as they attempt to lock down Microsoft. By some accounts, they would require Microsoft to produce over 1000 different versions of Windows. For software developers, the testing of products for bugs and compatibility issues is one of the most expensive parts of product development. How will the garage-based software developer ever meet the demands of testing their products on all those versions?

If the attorneys general want to ensure a healthy future for the technology industry, they will join the Department of Justice and nine other attorney generals in the effective settlement already reached.

Further litigation will only continue the economic downturn and their proposed alternative to the settlement will likely result in further consolidation in the industry and the death of the independent software developer.

Howard Diamond

Chairman, Corporate Software & Technology

MTC–00027739

From: Clint Miller
To: Microsoft ATR
Date: 1/28/02 10:13am
Subject: Microsoft Settlement

Please see the following letter regarding the Microsoft Settlement:

Clinton Miller
8609 51st Terrace, East
Bradenton, FL 34202
January 26, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing today with the hope that my views on this matter will play a role in bringing closure to the excessively overdone lawsuit against Microsoft.

After three long years of litigation, with its immoderate allocation of taxpayer dollars, I was very pleased to hear that the DOJ proposed a settlement last November. Bringing closure to this case will give the economy the boost it needs and give Microsoft the opportunity to get back into the game and stabilize the IT industry once again.

I have a hard time grasping what the dissatisfied states have issue with and why they continue to press for litigation. If they closely examine the terms of the settlement, they will see that Microsoft's concessions are more than fair. They have even agreed to terms and conditions that were not even at issue in the lawsuit. Microsoft's competitors should be satisfied to know that Microsoft has agreed to disclose their internal interfaces as well as provide licenses for their intellectual property. Over and beyond this, Microsoft has also agreed to create future versions of Windows that will allow for non-Microsoft compatibility.

To me, if the Government, Microsoft and the competitors are satisfied with the fairness of the settlement, this should be more than enough for formalizing it.

Let's do this soon, in the best interest of all parties involved.

Sincerely,

Clinton Miller

CC:fin@mobilizationoffice.com@inetgw

MTC–00027740

From: Mike Anderson
To: Microsoft ATR
Date: 1/28/02 10:13am
Subject: Microsoft Settlement

To whom it may concern,

Pursuant to the Tunney Act I am writing to comment on the proposed settlement of the United States vs. Microsoft antitrust case. I will be brief here because I feel that others far more qualified and eloquest have already state the why's and wherefores of my position. Suffice it to say that I feel the proposed settlement fails completely to punish Microsoft for the anticompetitive practices that they were found to have employeed.

And on a similar note I also feel that there is no real enforcement of the remedies whih are put forth in the proposed settlement. The remedies which are put forth, being wholly inadequate in it's attempt to modify the business practices of Microsoft, are provided no real means of enforcement. The psuedo-enforcement provided in the proposed settlement amounts to an oversite committee with no powers to enact change except through the courts.

Thank you for your time. I hope that I have been able to add something positive the discourse.

Michael J. Anderson

Bartlesville, OK 74006

msbjs@swbell.net

MTC–00027741

From: Marc Garon
To: Microsoft ATR
Date: 1/28/02 6:02am
Subject: Microsoft Settlement

I am among the millions of computer system professionals who disapproves of the measures imposed against Microsoft, as they are woefully inadequate in proportion to the damage incurred on the IT industry.

MTC–00027742

From: John E Campbell
To: Microsoft ATR
Date: 1/28/02 10:13am
Subject: Microsoft Settlement

To the Department of Justice

I wanted to let you know that I strongly support the negotiatedsettlement of the Microsoft case in its present form. I urge you to support this result and feel it is very much in the public interest.

I will greatly appreciate your consideration of my comments and your efforts to help effect a final settlement along lines of that already proposed.

Thank you very much.

John E. Campbell Jr.

PO Box 537

Sanibel FL 33957

MTC–00027743

From: Michael Shuey
To: Microsoft ATR
Date: 1/28/02 10:15am
Subject: Re: Proposed Microsoft anti-trust settlement

Attn. Renata B. Hesse

Antitrust Division

U.S. Department of Justice:

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. In particular, I would like to voice my concerns over section III D, API Disclosure.

It has been ruled (and upheld in subsequent appeal) that Microsoft has abused its monopoly power, particularly in the areas of operating system software and business applications. As long as Microsoft is able to modify the application programmer interface (API) secretly the company will always be able to prevent competing business applications from running at peak efficiency and to prevent non-Microsoft operating system code from running the latest Microsoft business software. Unless Microsoft is forced to openly publish the Windows API specification third-party developers will always be unable to compete on equal footing. A measure like section III D is necessary.

While section III D is a step in the right direction, the proposed remedy is far from an effective solution. The Windows API is one of the most complex software interfaces in use today—merely documenting it is a daunting task.

With such a large degree of complexity it is quite easy to omit certain details. In the current settlement there are no provisions to handle such omissions, whether they are accidental or intentional. As the Windows API evolves (witness the changes that occur with every major new release of operating system software) it would be very easy to again recreate secret, proprietary API extensions to restore competitive edge for Microsoft business software. Without some kind of regular auditing procedure for the Windows source code, performed by a well-funded neutral third party, there is no way to guarantee that complete, accurate documentation will continue to be made available.

Unfortunately, a third-party code audit would not adequately solve the problem. Currently, according to Definition A and

Definition J in the proposed settlement, the Windows API is limited to interfaces between Microsoft Middleware and Microsoft Windows, excluding APIs used by other programs or hardware device drivers. Without providing a broader definition of ''API'' Microsoft can easily avoid the API disclosure restrictions by merely claiming to have integrated a portion of their application software with the underlying operating system (such as in the case of Internet Explorer).

Futhermore, the definition (J) of ''Microsoft Middleware'' itself is problematic. The definition limits itself to particular versions of Microsoft software distributed via conventional channels. Newer versions of Microsoft software, or versions of existing software introduced though online services, may not be counted as ''Microsoft Middleware'' for the purposes of this settlement, effectively allowing Microsoft to extend their API to support their software without concern for API disclosure.

Without some signiciant revision to the proposed settlement, I believe that little will be done to prevent Microsoft from continuing to abuse its monopoly to limit the amount of choice available to the consumer.

Mike Shuey

MTC–00027744

From: Albert Fedorchak
To: Microsoft ATR
Date: 1/28/02 10:17am
Subject: Microsoft Settlement

I believe the proposed anti-trust settlement is not in the consumers best interest. Microsoft has abused their position and stifled compitition, created incompatibilties with other OS's and even with it's own OS. They should be broken up and auctioned off to the hightest bidder. Criminal charges should be filed for conspirasy to gain market share by illegaly abusing thier monopoly and some of the major player should go to JAIL.

Albert Fedorchak

MTC–00027745

From: acarter@irimicorp.com@inetgw
To: Microsoft ATR
Date: 1/28/02 10:15am
Subject: Microsoft Settlement

As a tech entrepreneur for the the past 12 years, I've traditionally had little concern for how government could or might affect my business. With most small businesses, there isn't the time to follow legislation nor the resources to hire lobbyists as AOL, Sun, Oracle and Microsoft do.

However, the influence that government wields over our industry appears to be increasing and has finally forced me to take notice and get involved. Through my membership in the Association for Competitive Technology and other organizations, I have started to follow these issues more closely and, at least, attempt to voice my concerns with lawmakers. It's clear that small technology businesses can no longer afford to simply ignore the role government plays our industry, despite the likelihood they won't be heard.

Nowhere has this been more obvious than in the Microsoft antitrust trial. In the absence of an active community of small tech businesses, corporate behemoths that have branded Microsoft ''public enemy number one'' have claimed the mantle of ''Defenders of the Industry.'' Yet, their cries for further litigation and harsher remedies seem to be borne less out of concern for industry as a whole and more out of corporate self-interest. If they are successful, the result would be further damage to the entrepreneurial technology companies that are the life blood of the industry.

While it may go too far in some areas, the settlement agreed to by the DOJ, nine states and Microsoft addresses the real concerns of small tech businesses. The provisions that guarantee access to the information (API's and other code) necessary for developers, create transparent pricing, and force Microsoft to relinquish control of the desktop will ensure innovation and competition will continue to flourish.

The biggest benefit of this settlement, however, is that it finally puts this case behind us. While it has loomed over the industry, small tech businesses have been held hostage as the industry waits to see the outcome of the trial. The outcome of the case will have collateral effects throughout the industry and the threat of court-mandated technological changes has left small companies with larger partners having limited budgets for research and development in limbo. Many small companies find their success in Microsoft's wake. Minor penalties levied against a behemoth Microsoft, even in the form of handouts to Microsoft's behemoth competitors, will have deadly ramifications to small companies technologically on the edge and financially on the bubble.

Judge Kollar-Kotelly, I urge you to accept this settlement no behalf of the thousands of small tech businesses that need closure to these case, not continued litigation to benefit a few of Microsoft's largest competitors.

E. Andre Carter
President
Irimi Incorporated
CC:acarter@irimicorp.com@inetgw

MTC–00027746

From: Eleanor Polini
To: Microsoft ATR
Date: 1/28/02 10:15am
Subject: re: microsoft settlement

January 14, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I write you today to support the Microsoft settlement. This settlement agreement contains provisions that extend well beyond the products and procedures that were actually at issue in the suit. After three years of needless lawyers and testimony, and another three months of intense negotiations with a court appointed moderator, this settlement has been reached and should be implemented.

The provisions of the agreement include requirements for Microsoft to dramatically change its business practices and to become accountable to the government and the industry. One of the most significant developments in the case is Microsofts agreement to license its intellectual property to competitors. The provision requires Microsoft to license that intellectual property, instead of prohibit the other company from using it. To ensure accountability and compliance with this settlement, Microsoft has agreed to submit its business practices and engineering to a three person, government appointed technical committee

These provisions, among others, will serve to increase competition and foster innovation inside the technology industry. I support the settlement, and want the country to move forward.

Sincerely,
Eleanor Polini

MTC–00027747

From: Hilton, Keith
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 10:18am
Subject: Microsoft Settlement

This lawsuit needs to be settled now! While Microsoft may have gone too far in some of it's business practices, it's competition is using the courts and the politicians to fight, rather than doing it in the marketplace. It's hurting consumers and having a negative affect on the marketplace.

Keith Hilton
Verizon Information Services
Manager—Planning, Performance and Measures
Phone: (972)453–3763
Fax: (972)453–7961
keith.hilton@verizon.com

MTC–00027748

From: Melanie Reisenauer
To: Microsoft ATR
Date: 1/28/02 10:23am
Subject: Anti-trust suit against Microsoft

Dear Madam or Sir:

You must not use our United States government to attack a private company! If Microsoft has committed a crime (a real crime, i.e. real fraud or real coercion) then by all means fine them, jail them, etc... but to attack Microsoft for the reason that we all know they are being attacked—because they are ''too big/successful/profitable, etc..'' is immoral and goes against what the Founding Fathers of this country fought for; the freedom to educate oneself, learn a skill, enter the market with that skill and become successful (yes, even if more successful then the competition)—the American Dream.

To attack a company because of it's ability to be successful sends a very negative message to all entrepreneurial individuals; which by the way, without those individuals this country would not have the standard of living that it does today. The message states very plainly, ''Be careful! Do not become too successful! That which you have spent your life building with your own sweat, initiative, and hard work can be taken from you (by our own form of coercion) because we have the power and the guns.''

I would ask you, ''By what authority?'' How is it possible in the freest nation on earth that you are able to take up guns and the threat of a jail sentence or heavy fines and penalize someone/a company for their

ability to be very successful???? Success is not a crime and the instant you treat it as such you have moved us closer to becoming a socialist/communist government controlled state. Haven't any of you read any history? Don't you know that this is exactly what happened in Nazi Germany and Soviet Russia? Their ''governments'' (today we see them for what they were—thugs; thugs with guns and power) decided they had the right to simply take over private businesses, all in the name of ''the people''. Look where it got those ''people''. There ceased to be private business, no one could find a job, food lines, production as they knew it came to a halt, the ''government'' lived like kings while their ''philosophy'' ''for the people'' killed them!!

So I ask you again, ''By what authority?'' Do we need to destroy the last great bastion of freedom on this earth (America) with tyranny rule and socialist/communist policies just so that Bill Gates, and any others who have created wealth both for themselves and countless others will be ''brought down to a manageable size?'' And who arbitrarily and by what authority decides what is a ''manageable size?''

Again, ''by what authority?'' Answer that question honestly. If you do, your answer will be, ''By no authority.'' You are simply assuming the right to do this and yet you have none. Rights are bestowed onto the INDIVIDUAL to protect them (and their property/company) from majority rule, government coercion, mob rule, etc. All are just different names for the same group.

This is a very immoral and slippery slope that you embark upon. You should turn and immediately walk away from this slope, knowing that this country will be safe again from anyone spouting ''in the name of the people''.

Bill Gates is one of those ''people''. What about his rights? Does he not deserve the same protection from force/coercion/mob-majority rule? That answer is yes, not because he is extremely wealthy, but inspite of it. He has not committed a crime, he is not a criminal. He is a man with a vision and the fortitude to make it happen. Does our United States Government now have the authority to punish such men???

Anyone reading this e-mail, if you've even allowed yourself to read this far and haven't deleted it by now, should pick up a copy of Ayn Rand's : Atlas Shrugged and read it. It is where you will find the answer to the question: ''By what authority?''

A United States citizen,
Melanie M. Hoffman

MTC–00027749

From: Steve Edgecomb
To: Microsoft ATR
Date: 1/28/02 10:21am
Subject: Microsoft Settlement

I am a long time user of Microsoft products. They have always worked for me and been what I needed as a user.

Having said that, I think Microsoft has used less than savory business tactics to gain market share. I feel that Microsoft is attempting nothing less than complete domination of the PC software market. That is a strong statement I know. I will not attempt to recap any of the testimony that anyone has heard in this case. You know better than I what has transpired. As a user and as an IT Director, I make that strong statement from a cost basis. Microsoft releases software with a lot of features, and a lot of bugs. This is an attempt to rush to market. They then produce an ''upgrade'' which they charge for. Sometime, they charge a lot. Most often, the upgrade is what they promised would be in the first version.

I am all for better products and new features, but it should, number 1, work; and number 2, not cost a fortune to upgrade or to keep pace. I fear the price structure should Microsoft gain total control of this market. Even now, it is a confusing array of license structure, upgrade costs, service packs, and patches.

Steven H. Edgecomb
IT Director
Mutual Benefits Corporation
steven.edgecomb@mutualbenmail.com

MTC–00027750

From: Daniel Sells
To: Microsoft ATR
Date: 1/28/02 10:24am
Subject: Microsoft Settlement

Please Stop Wasting MY Tax Money!!!!!

This lawsuit is a huge waste of tax payer money. The federal government should use MY tax money to provide valued services to me and all Americans.

WHAT DOES ANYONE STAND TO GAIN BY SUEING MICROSOFT? Know one is forced to buy the Windows operating system, browser or any other Microsoft product. Apple Macintosh has been around for years and is a very viable alternative to the Windows platform for all who chose such. Linux is growing in popularity as another choice. I don?t understand why your DOJ is pursuing this. If other companies want to sue Microsoft, they have the courts to do so. Let AOL, IBM or whoever sue them WITHOUT USING MY TAX DOLLARS! The DOJ should step down and let the other companies battle this out as long as their willing to pay.

Thank you,
Daniel Sells

MTC–00027751

From: rdwelch@swbell.net@inetgw
To: Microsoft ATR
Date: 1/28/02 10:25am
Subject: Microsoft Settlement
908 Dutch Mill Drive
Ballwin, MO 63011–3548
January 28, 2002
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

I understand that the Justice Department is presently soliciting comments from the public regarding the proposed Microsoft settlement.

I am a retiree who owns Microsoft stock. I also own two computers that are using the Microsoft operating system. I will soon own a third one. We have come to where we are in this technology due mostly to the efforts of Microsoft. I do not see that the Microsoft operating systems have hampered others from getting into the business. In fact I am writing this to you using the Netscape Messenger program.

It is my wish that you approve the settlement. This case has been pending for over three years, and during that time the offensive and advantage have changed hands too many times to count. The prospect of additional litigation offers only one certainty: uncertainty.

The settlement on the table takes away that uncertainty. While I am sure there will be some argument in the details, the agreement provides substantial opportunities for growth in the research and development of non-Microsoft software programs. Microsoft has agreed to eliminate restrictive activities in the areas of pricing, licensing, distribution and system configuration.

I hope that you see the wisdom of going forward with this settlement in the very near future.

Sincerely,
Roy D. Welch

MTC–00027752

From: Gwendalle Cooper
To: Microsoft ATR
Date: 1/28/02 10:26am
Subject: Microsoft Settlement

I strongly advise that the settlement already stipulated be accepted regarding Microsoft. Enough is enough.

Sincerely,
Gwendalle cooper

MTC–00027753

From: Gil Friend
To: Microsoft ATR
Date: 1/28/02 10:28am
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
United States Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse,

I am writing to comment on the proposed Microsoft/DOJ anti-trust settlement. As a business executive at a company both highly dependent on computing technology and specifically involved in software development, I've come to the conclusion that this settlement is not in the public interest, and fails to remedies the problems that provoked the action in the first place.

The settlement leaves the Microsoft monopoly intact, with numerous opportunities to the company to effectively exempt itself from crucial provisions. The recently proposed ''donation'' to schools is just one example of how Microsoft can turn matters to their own advantage (in this case by decimating Apple's position in the education market).

In addition, the proposed settlement fails to address the critical ''barrier to entry'' problem, enabling Microsoft to maintain an effective ''lock'' on the applications market.

Consumers, not Microsoft, should decide what products are on their computers. The settlement must eliminate Microsoft's various barriers—business and technical—to allowing combinations of non-Microsoft operating systems, applications, and software components to run properly with Microsoft products.

The remedies proposed by the Plaintiff Litigating States are in the public interest and absolutely necessary, but they are not sufficient without these remedies.

The Tunney Act provides for the Court to hold public proceedings, with citizens and consumer groups afforded an equal opportunity to participate, along with Microsoft's competitors and customers. I hope you will encourage those proceedings, and consider carefully how to proceed in this matter. Your decisions have great significance for the health of the US economy's most vital industries, by eliminating Microsoft's ability to illegal constrain markets and innovation.

Thank you for the opportunity to comment on this important matter.

Sincerely yours,
Gil Friend
President & CEO
Natural Logic, Inc.
PO Box 119
Berkeley CA 94701

MTC–00027754

From: Raymond Rider
To: Microsoft ATR
Date: 1/28/02 10:30am
Subject: Microsoft Settlement
4537 Amboy Road
Memphis, TN 38117–6101
January 28, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

Thank you for your leadership in these trying times.

As a systems administrator I am directly affected by the setbacks in the industry. The American technology industry has been on hold since the inception of this suit three years ago. I have been without work since September 2000 due to a crash in the IT industry, for the most part a direct cause of the attempt to split Microsoft into smaller pieces. This has caused extreme problems in the American IT field. A once strong and promising field, in which America was the leader, has become a wasteland of ruined American companies and unemployed American professionals. The harmful antitrust lawsuit against Microsoft must end. This lawsuit is the cause of these problems. The sooner this litigation comes to an end the better it will be for America. Because Microsoft has agreed to settle on terms favorable to its competitors there is no reason to continue the suit. Microsoft has agreed to publicly document and disclose to its competitors the Windows operating system internal interfaces and server interoperability protocols. I can tell you that these are huge concessions of intellectual property rights.

Thank you for the work you have done in bringing about this settlement. Hopefully Microsoft and the rest of the American IT industry will be able to get back to business, and America can get back on its feet. Thank you.

Sincerely for American IT resurgence,
Raymond Rider

MTC–00027755

From: Sage M. Friedman
To: Microsoft ATR
Date: 1/28/02 10:28am
Subject: Microsoft Settlement
To:
Renata B. Hesse
Antitrust Division
United States Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I would like to comment on the settlement in the Microsoft case. As I see it this settlement does not address the fundamental issues of Microsoft's aggressive and illegal behavior as a monopolist, further it gives Microsoft far to many opportunities to continue its behavior.

Among those issues not addressed is the barrier to entry for emerging operating systems, which will not be able to run any of the 70,000 existing application available on Windows. Consumers need freedom from intrusion by Microsoft into their computing choices. Microsoft has demonstrated a unwillingness to let consumers choose their own software, they have done this by including irrelevant software in with Windows. They have extended their monopoly into the realms of photo processing, forcing consumer to choose between Microsoft's stable of photo developers when developing electronic photos unless the consumer follows complicated procedure to find other options.

The remedies proposed by the Plaintiff Litigating States are far superior to the proposed settlement. I respectfully urge you to hold public proceedings under the Tunney Act to give citizens and consumer groups an equal opportunity to participate in this process.

Thank you
-Sage Friedman
-Richard Perl
Pacific Partners
1 West 67th Street, #500
New York
NY 10023

MTC–00027756

From: brandon rettke
To: Microsoft ATR
Date: 1/28/02 10:29am
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Dept. of Justice
601 D. Street, NW
Suite 120
Washington, DC 20530–0001

Dear Ms. Hesse:

I write to you in support of the proposed Microsoft settlement that would direct millions of dollars to in-need schools across the country for much needed technology.

While much attention is given to the lack of technology in poor urban areas, we can not forget that many rural schools lack the even most basic technology in their schools. There are parts of rural Wisconsin that don't have 911 in every part of the county, or schools that don't have classrooms with phones, let alone computers.

Technology can be used as a wonderful teaching tool, and I encourage the U.S. Government to support the settlement as a way to get much needed money to our schools in need. Thank you for your time.

Sincerely
Brandon Rettke
3122 Glenhaven Place
Eau Claire, WI 54703

MTC–00027757

From: PHaw410653@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 10:27am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Paul Hawkins
8931 Farley
Overland Park, KS 66212

MTC–00027758

From: john@mitre.org@inetgw
To: Microsoft ATR
Date: 1/28/02 10:31am
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

As allowed under the Tunney Act, I want to comment on the settlement proposed to deal with the Microsoft anti-trust case. My main concern is that the proposed remedy fails to prohibit intentional incompatibilities historically used by Microsoft. In many documented instances in the past, Microsoft has purposefully made its applications impossible to run on competing operating systems. I believe that this is anti-competetive, given their admitted monopoly, yet the proposed remedy does not deal with this at all. See the following Web page for details of this: http://www.kegel.com/remedy/remedy2.html#caldera In general, I agree with the problems identified in Dan Kegel's analysis: http://www.kegel.com/remedy/remedy2.html

Thank you.
John Burger
Writing for myself

MTC–00027759

From: Rosemary Tracey
To: Microsoft ATR
Date: 1/28/02 10:31am
Subject: Microsoft Settlement

Leave Microsoft the opportunity to move foward. Terms of settlement are tough enough, do not reject settlement.

MTC–00027760

From: Stephen S. Messutta
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 10:32am
Subject: Microsoft Settlement

1/28/02: Several years ago, when I was desperately trying to convince my family that Mac was superior, my kids insisted they wanted the ''Magic Schoolbus'' programs, which were offered exclusively by Microsoft Home and supposedly worked on Mac and PC.

We eventually purchased 2 of the programs. One worked ''ok'' and the other did not, for no apparent reason. Nothing I did made it work. Microsoft offered tech support but only at a toll-call phone number. When I did reach tech support they could not help. What I learned about why one of the series would work fine and the other not, however, made me sick.

Microsoft was really a software ''broker'', buying or commissioning programs from different people but packaging them as their own. So you could have different programs with different glitches, nothing the same. If you bought a ''package'' or wrapped programs, such as Microsoft Office, the programs might not work with each other. In addition, they might issue the program to get the ''jump'' on someone else, whether the software was proven or not.

Thus you could have a program which had been designed for PC but which was offered on the same CD or disk for MAC, but did not work properly on a MAC machine. Sometimes it felt as though it was a conspiracy to make MAC users switch to PC just to get the programs to work right. I tested my theories because I purchased a MAC Performa 640CD, which had both a MAC platform AND PC platform—with MAC-OS on one side and Windows 3.1 on the other. What I felt began to happen, however, was that fewer and fewer programs were offered as MAC compatible, in order to get the programs out into the PC market quickly and beat Microsoft to the punch, because if the program was first offered as MAC compatible Microsoft would try to clone a deceptively similar version of it for Windows which did not function well or at all on MAC. If you destroy the software market, the demand for the hardware disappears . . . . What I also learned was that because MS-DOS was so cumbersome compared to MAC–OS, that more and more ''power'' was needed to run the ''Windows'' programs—resulting in the need for more and more powerful machines, resulting in extremely rapid obsolescence. To me this is a primary illegal and unfair combination. In terms of my 640CD, I witnessed the difference there as well: MAC-OS programs continued to work fine for upwards of 5 years. I had a lot of other software, such as Broderbund, for children, which was wonderful and educational, and with which I never had a problem, MAC or PC. After less than a year, however, Windows 3.1 was outdated because newer PC software required more power.

Especially as a member of my local school board, I feel that Microsoft deserves not only to be dismantled, but severely punished for effectively putting an unfair and unnecessary drain on our economy in its attempt to monopolize and destroy all competition.

When two brats—Steven Jobs and Bill Gates—have the power to manipulate the economy that way, enough is enough. They might as well have been named ''Armour'' and ''Swift'' and Upton Sinclair might just as well have written about the excesses of the software industry. I also believe that in an attempt to undercut MAC, PC began to rely upon cheap, inferior foreign components. Among other things, this resulted in a loss of jobs in a potentially rapidly growing sector of our economy.

Finally, I believe that the ''Microsoft'' scandal, as I would like to call it, has been more devastating than ENRON to millions of ordinary citizens who attempted to follow the prior administration's lead in ramping up to the ''information superhighway'', and that the entire system of issuance of patents and copyrights needs to be overhauled: if a person has the ability to create a ''superior'' program from which another can create an inferior ''clone'' but outmarket the superior product, there is something wrong with our system of protection for intellectual property.

Stephen Messutta
1043 Manor Drive
Wilmette, IL 60091
Messdad@aol.com
Cell/VoiceMail: 847.606.2782
CC:'rks(a)pcsintl.com''

MTC–00027761

From: Doug Clark
To: Microsoft ATR
Date: 1/28/02 10:35am
Subject: Microsoft Settlement

I want to add my request that the final settlement of the Microsoft case be based on much harsher terms than the ones now being considered. As a consumer I am concerned that Microsoft will again abuse the very lenient terms now proposed. As I see the new Microsoft XP operating system unfolding I am again seeing their monopolistic practices continue. An example, MS has now (or in the near future) ended all direct support for its past operating systems. This forces consumers to switch to the new and only other available operating system. MS has further begun a pricing strategy that will not allow consumers to buy their product outright at a reasonable price; which forces consumers to ''rent'' their products. Once this phase is complete, MS can raise the ''rental'' price at their whim. Thank you for allowing me to contact you.

Sincerely,
Douglas Clark
4107 Jefferson St.
Austin, Texas

MTC–00027762

From: Kenneth W Cochran
To: Microsoft ATR
Date: 1/28/02 10:35am
Subject: Microsoft Settlement

The current Microsoft Antitrust Proposed Settlement is grossly insufficient as a Remedy for their practices.

Thank you for your attention.
Kenneth W. Cochran, CDP
Alexander City, Alabama

MTC–00027763

From: The Salmons
To: Microsoft ATR
Date: 1/28/02 10:35am
Subject: settlement
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

The boom in technology over the past ten has been the energy behind our economic prosperity. New innovations lead to confidence and spending among Americans. Our economy is need of assistance. Accepting the Microsoft settlement is the first step to economic recovery. The Microsoft Company and the Department of Justice have done an excellent job in finding the balance for marketing their product without endangering their competitors.

Please adopt the settlement and bring the issue to closure.

Sincerely,
James E. Salmon
Moab, Utah

MTC–00027764

From: Dean Barrere
To: Microsoft ATR
Date: 1/28/02 10:35am
Subject: Microsoft Settlement
1200 Virginia Drive
Tipp City, OH 45371
January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Ashcroft:

This settlement is important to our economy. Our country must move on. As I am happily using the new Microsoft XP, I can only further express my concern regarding the delay in the settlement's approval. Of course, I release that much of the current delay is due to legal requirements, including the public comment period required under the Tunney Act, during which time I am writing now.

As I review the terms of the settlement, it seems that Microsoft is making a concerted effort to make beneficial changes in licensing and marketing of its world-renowned software. While it seems evident that the settlement only benefits all involved, I do not understand why there would be any further action taken on the Federal level. Why tie up tight budgets fighting a battle that has already been settled well?

Better to peaceably resolved disputes at relatively low cost and with a good spirit created, than to litigate disputes at high expense with only smoldering rancor created. As our economy is challenged, let us help promote the competitive nature of America, and help foster America's economic growth. Let's get back to business, and let the American IT industry help us get back on our feet. I thank you for your support of the settlement.

Sincerely,
Dean Barrere

MTC–00027765

From: Sudha
To: Microsoft ATR
Date: 1/28/02 10:35am
Subject: Microsoft Settlement

It does not make sense to consider Microsoft a monopoly. Titans like IBM and SUN have been the real monopoly for years—just check out any of their products like LearningSpace from IBM or Java.

1. Microsoft's products are VERY EASY to use as opposed to other products that have very difficult learning curves.

2. It is very easy to learn Microsoft product with EXTENSIVE help within the application, may books to choose from, and also on the web. On the contrary other products do not even have books. Training and support from other vendors are 10 times more expensive!

3. IBM and SUN have been the real monopoly. They always have ''pushed'' their products—I know for a fact from first hand experience. And when they ruled all were happy!

Sudha
Database Administrator
Department of Human Oncology
Telephone: 608.263.1549
Email: <mailto:sudha@mail.humonc.wisc.edu>
sudha@mail.humonc.wisc.edu

MTC–00027766

From: Burgess Allison
To: Microsoft ATR
Date: 1/28/02 10:33am
Subject: Microsoft Settlement

I oppose the Proposed Final Judgment:

* The Proposed Final Judgment fails to prohibit anticompetitive practices towards OEMs.
* The Proposed Final Judgment fails to prohibit anticompetitive license terms currently used by Microsoft.
* The Proposed Final Judgment fails to prohibit intentional incompatibilities historically used by Microsoft.
* The Proposed Final Judgment preserves Microsoft's monopoly power—which Microsoft has been found guilty of abusing.
* The Proposed Final Judgment does nothing to restore competition.
* The Proposed Final Judgment allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is not in the public interest.

It is astonishing that this settlement was arranged and publicized as being pro-business in the aftermath of September 11. The Proposed Final Judgment is only ''pro'' for one business—Microsoft. It is anti-business for hundreds of other companies and for the overall health of the IT industry.

The Proposed Final Judgment is also anti-law and anti-courts. Microsoft demonstrated during hearings before the court a wanton disregard for the truth, and for the respect due to federal courts and the US Department of Justice. Its representations mocked the court system and the Department of Justice. To reward such a company with this Proposed Final Judgment is nonsensical, and would hurt the long term effectiveness of our antitrust laws and the respect for our system of justice.

Not to put too fine a point on it, but if this Final Judgement is approved, Microsoft will openly gloat about the accuracy of Bill Gates'' prediction from 4 years ago, ''There is no fine, there will be no fine, no-one ever pays a fine.''

This hurts business and it hurts the justice system.

G. Burgess Allison
8301 Westchester Drive
Vienna, VA 22182
allisons@tidalwave.net
703–280–1477
Yes, I am a US citizen of voting age.

MTC–00027767

From: Kevin J. Burgam
To: Microsoft ATR
Date: 1/28/02 10:38am
Subject: Microsoft Settlement

The proposed settlement as it currently stands is bad idea. It will not foster greater competition, nor will it prevent Microsoft from monopolizing a truly great resource, the internet. Please stop it.

Thank you.
Kevin J. Burgam —
Kevin Burgam is a Technical Support Specialist with Datacomp Appraisal Services, Inc.

He may be contacted by the following methods:

email: kjb@DatacompUSA.com
phone:616–574–0480 x215
direct: 616–988–4215 or 877–407–0215
fax:616–574–0486
Datacomp Appraisal Services, Inc.
3215 Eaglecrest Dr. NE Ste.100
Grand Rapids, MI 49525–7046

MTC–00027768

From: MTsinis@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 10:39am
Subject: (no subject)

4 Spruce Drive
East Brunswick, NJ 08816–2017
January 10, 2002
Attorney General John Ashcroft
US Department of Justice, 950 PennsylvaniaAvenue, NW
Washington, DC 20530–0001
Dear Attorney General Ashcroft:

During the beginning ofNovember 2001, the Department of Justice, Microsoft Corporation, and ninestates, with assistance from a mediator negotiated the terms of a settlementthat will bring an end to the antitrust lawsuit. The suit has been going on for over three years, and I supportany agreement that will put this senseless suit to rest.

Per the settlement,Microsoft has agreed to design future versions of Windows to provide a functionto make it easy for computer makers, consumers and software developers topromote non-Microsoft software within Windows. The function will make it extremely to add or remove access to featuresbuilt in to Windows or to non-Microsoft software. Consumers will have the freedom to choose to change theirconfiguration at any time.

This is a good settlement for all involved, especially consumers. I support the settlement, and hope it isapproved as soon as possible.

Sincerely,
Marina Luzanskaya

MTC–00027769

From: weijianzhang@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/28/02 10:41am
Subject: Microsoft Settlement

I am sad to see that Microsoft competitors resort to political tricks to win what they lose on the market. Business competition should be resolved on the market not in court. I see absolutely nothing wrong with Microsoft business competitive tactics. People in Microsoft work like crazy and nobody in the world work as hard as they do. Let's not try to destroy the pride of an American business success. Otherwise, see what's happening to Auto industry.

We are losing the war on automotive. Aerospace, barely. Software is our last frontier and we are still maintaining the leadership status. We need the leader, the vision and more importantly, the pride.

CC:weijianzhang@hotmail.com@inetgw

MTC–00027771

From: candacehawthorne
To: Microsoft ATR
Date: 1/28/02 10:43am
Subject: Settlement

Dear DOJ,

I feel the settlement is fair and should be finalized as soon as possible. The Democrats are leading the march against Microsoft and I feel they are being over zealous and greedy. Microsoft has allot of cash and this suit opens the door for the leaches to come out.

Microsoft has won based on having better products, not how they were marketed or how business practices were handled. Netscape makes a sub standard product and always has. Computer users know what's out on the net to download and try and they do. Ninety percent of them choose Microsoft for ease of use, updates and great functionality. Please get the other nine states off of Microsoft's back. It's unAmeican and anit business to let the fleecing of Microsoft continue. AOL, SUNW and ORCL will have to compete on their own merits and quality of products just like Microsoft does everyday.

Microsoft has tons of competition just like everyone else. Microsoft is a LEGAL MONOPOLY. Please wrap this which hunt up and put an end to it. This is not helping the economy or American business.

Sincerely,
Candace Hawthorne
Metairie, LA 70001

MTC–00027772

From: DanceDEA@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 10:43am
Subject: Microsoft Settlement

Instead of praising a company such as Microsoft and Mr. Bill Gates for giving us the technology they have; there are envious and greedy companies that are always filing lawsuits because they are not as clever.

God Bless Microsoft.
Vickie Sheer

MTC–00027773

From: Edward Hejtmanek
To: Microsoft ATR
Date: 1/28/02 10:46am
Subject: Microsoft Settlement

to whom it may concern,

I am in the eighth grade and have been assigned to learn all that I can about the Microsoft cases, the current one and the one that started in the 1990?s. I typically sympathize with big companies and I am an avid user of Internet Explorer. I believe that if the states want to settle out of court, as they did in the first case, then that is a perfectly acceptable alternative and therefore the older case was settled fairly.

The new case of AOL-Time Warner and nine states versus Microsoft, is deserved on Microsoft's side. They used anti-competitive business practices to get over the Netscape Navigator. But the question is really is it a better system? If it is then it should have more of the browser market and deserves it. For example, I recently heard that AOL uses the Explorer as it's default for when you join. Why would they do that when they have their own browser, unless it is inferior to the Internet Explorer. So if it is a superior browser why are they taking them to court, they want Microsoft to not bundle the browser with the operating system? Fine, they won?t need to if it is a better system they will have the same, or more of the market. As John D. Rockefeller incorrectly said ?Combination [monopoly] is necessary.?

Edward Hejtmanek

MTC–00027774

From: Rick Davis
To: Microsoft ATR
Date: 1/28/02 10:44am
Subject: Microsoft Settlement

As a professional consultant who makes a living developing and implementing Microsoft based solutions for my clients I have to say that having a single, standardized browser is actually in the best monetary interest of my clients for the simple reason that they don't have to pay me to develop and test an Internet based solution across multiple, incompatible browsers.

A browser is similar to a TV—everyone agrees on the frequencies (standards) and then vendors produce products to take advantage of the standards. . . and, like it or not, since version 4.0, Microsoft has created the best browser on the market. So I think Microsoft actually did everyone a favor by making a superior product available for free.

Additionally, if you go back and read some PC Week (now eWeek) articles from ''96 & ''97 you'll see that Netscape was planning on adding operating system features to Netscape in a bid to increase its functionality. Microsoft had a dominant position in the desktop O/S market and needed a browser. Netscape had a dominate browser and needed an O/S. IBM, Novell and Apple had tried unsuccessfully for years to supplant Microsoft and failed—and believe me, as one who lived through it as a professional, it was due to the inadequacies of their products and not Microsoft's ''strong armed tactics''. At this point common sense should prevail and show that Microsoft only needed a good browser to send Netscape to the scrap head of software history—and that's just what happened.

This case has been a waste of taxpayer's money to the sole benefit of Sun and Oracle. As a tax payer I'd like to know why my money is being used to promote their agenda instead of letting the market speak for itself—as it clearly has.

I know Microsoft has been found guilty and I disagree with the arguments used to reach the conclusion as they are technically inaccurate... but that'' s now water under the bridge.

So I urge you to please accept this settlement, quit wasting my money, and get on to prosecuting real criminals.

Sincerely,
Rick Davis
President
Davis Computing, Inc.

MTC–00027775

From: schlatkm@maritz.com@inetgw
To: Microsoft ATR
Date: 1/28/02 10:41am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Michelle Schlatre
7605 Westgate Blvd
Austin, TX 78745

MTC–00027776

From: Morris Richards
To: Microsoft Settlement
Date: 1/28/02 10:41am
Subject: Microsoft Settlement
Morris Richards
8605 East Mc Kinley Street
Scottsdale, Az 85257–4527
January 28, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement: The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry.

It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Morris W. Richards

MTC–00027777

From: Lawrence, Mark
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/24/02 10:22am
Subject: Microsoft Settlement

I think that the Settlement as it is right now is a farce! Microsoft needs to answer for the crimes committed.

Mark Lawrence
Hospital Billing Clerk
Human Resources Health Center
Tel: (305) 638–6661 ext. 3060
Fax: (305) 638–6856
mailto:mlawren2@um-jmh.org
<<Lawrence, Mark.vcf>>

MTC–00027778

From: Scott Dawes
To: Microsoft ATR
Date: 1/28/02 10:46am
Subject: Tunney Act; Microsoft settlement
To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. While many technologically astute industry insiders have harmoniously raised their voice in Anti-Microsoft fervor, the consumer has been largely unheard and is at risk of great harm by the lawsuit and the Proposed Final Judgment in United States v. Microsoft. I assert that the Proposed Final Judgment is not in the public interest.

In the days of Windows 3.1 and early in the era of Windows 95, Compaq Computers and a few other computer manufacturers loaded their own Graphical User Interface (GUI) on their DOS/Windows PCs. It was a disaster. Customers had to learn how to use each unique GUI. Manufacturers GUIs were designed to take over the computer desktop and were resilient to novice users attempts at removal or deactivation.

If there were other computers in the home or office, or at home versus at work or school, customers were confused and frustrated.

The manufacturers GUIs were typically poorly designed as opposed to the Windows

GUI, which had been thoroughly researched and designed. In addition to poor aesthetic design, the third party GUIs were prone to be buggy, exasperating hardware and software compatibility issues. Computer retailers and sales people had to spend a great deal of time at their own expense deactivating those GUIs. This was necessary in order to minimize product returns by frustrated consumers.

Even in those early days of Windows, the Windows 3.1 GUI was a vast improvement over the naked DOS environment or the Manufacturers GUI. The arrival of Windows 3.1 prompted an explosion of business in the computer industry. When CPM was young and DOS was new, we had to pay hundreds of dollars for even the poorest quality menial desktop application software. The industry had not caught on to the notion that software for consumers should be designed to the consumers liking and needs.

The pre-Windows computer industry had not been exposed to significant competition and we the consumers paid excessive prices for computer hardware, software and related services as a result. The software we got was generally overpriced and seldom performed as promised.

When Microsoft entered the OS and application arena, things began to change. Suddenly there was a savvy competitor on the scene who listened to their customers. Microsoft delivered applications that fit our needs at prices we could afford. Owning a computer no longer required a consumer to be hamstrung by software vendors and technicians who previously demanded exorbitant prices while failing to deliver promised results. Thanks to Microsoft, the time-honored notion of striving to deliver value and service collided headlong with an aloof industry formerly oblivious to such a precept.

Since Microsoft has entered the arena, the industry, though begrudgingly, has matured. Companies today must deliver as promised and at fair prices in order to survive. Though many were forced to become better companies as a result of Microsoft competition, the carping from carpetbaggers in the industry has continued unceasingly. With Microsoft Windows, a customer can take a new computer home or to the office and with no prior knowledge of computers, can be enjoying the fruits of the technology age within hours if not minutes. I challenge any novice to do the same with a UNIX or LINUX computer, an exercise that I propose every person involved in United States v. Microsoft should undertake. The exercise would quickly reveal that it is the comparative superiority of the Windows product and not trade practice that is responsible for Microsoft's phenomenal success. Microsoft has put the consumer in the drivers seat and the industry resents that fact.

The growth of the computer industry has outstripped the capacity of business legal jurisprudence. The Justice Department lawsuit against Microsoft has attempted to reconcile emerging intricacies of an industry that did not exist when the anti-trust laws were written. The Proposed Final Judgment in United States v. Microsoft, in it's attempt to punish Microsoft, risks punishing the consumer instead. It is apparent that the governments suit against Microsoft has persisted only as a result of a massive lobbying effort on the part of bitter competitors who were for the most part striped of their technologically tyrannical power over consumers.

Please do not return us to the dark ages by allowing equipment manufacturers to alter the functionality of the Windows desktop. Please do not discourage Microsoft from integrating intrinsic elements of business and personal computing into a single cohesive operating system. These things not only should be engineered and delivered by a single source, but must be delivered by a single source if computing is to continue to evolve. And lastly, please do not interfere with the computer users ability to send and receive spreadsheets, word processing documents and email documents seamlessly to other associates across the nation and around the world. As such would be the effect of placing inferior products at an artificial advantage by crippling Microsoft's ability to lead the technology in the consumers direction.

The problems you strive to resolve in your Proposed Final Judgment are a noble and justifiable cause, but are tantamount in this case, to burning the forest to prevent forest fires. The solution to all of the problems you embrace must be addressed in new laws and mandated standards designed to accomplish for all computer users what Microsoft has succeeded in providing for their customers. That is standardization of how the computer is used and how business and personal files and information are shared. In the vacuum born of legislative inaction, Microsoft has been forced to undertake and has accomplished this extraordinary task for their customers in spite of being confronted with an unwilling industry and a hostile government.

I beseech you to invoke whatever means are available and necessary to abate any potentially harmful effects against Microsoft in the Proposed Final Judgment or the Amended Proposed Final Judgment.

Failure to do so will ultimately and necessarily result in greater harm to the public whom you seek to protect.

Finally, aggressive anti-Microsoft email campaigns by embittered industry insiders are hereby rebuked and as such are not likely representative of the public or of public interests. Such campaigns are likely to be an exploitation of the justice system for purposes of financial gain and for resolution of personal grievances. I beseech you to consider and weigh them as such.

Respectfully,

Scott Dawes, Tulare, California, Computer user since 1979

MTC–00027779

From: Aaronson, AM (Alan)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 10:46am
Subject: Letter re Microsoft Settlement
<<Doc1.doc>>
Alan Aaronson
Akzo Nobel Functional Chemicals LLC
5 Livingstone Avenue
Dobbs Ferry, New York 10522–3407

This message, including attached files, is confidential and intended for the addressees only. Any unauthorized use, dissemination of the information, or copying of this message is prohibited. If you receive a message not being the addressee, please notify the sender by returning the e-mail immediately and delete the message.

January 26,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am in the chemical industry and use Microsoft's Windows on a daily basis. From my experience and in my opinion, Microsoft's Windows has become the standard operating system for business and personal computing.

The most reasonable choice for the Justice Department is to conclude the antitrust lawsuit with Microsoft and allow them to return to business with the terms of the settlement having been enacted. The government has aggressively sought to break-up Microsoft over the past three years. This offensive from the Justice Department has diverted attention from other ways of dealing with Microsoft's excessive tactics—including strong-arming competitors—that I have read about in the media.

I am pleased a settlement has finally been reached. As I understand them, the terms of the settlement require Microsoft to deal more fairly with competitors and not to retaliate in any way against vendors who want to use competitors'' software instead of Microsoft's. I feel that the terms Microsoft has agreed to serves their best interests at this time, and gives the competition reasonable means by which to win consumer loyalty.

The best action the Department of Justice can take is to end this onslaught against Microsoft for being very good at what they do. I think the best is yet to come from Microsoft, and this country's economic rise. I seriously urge the Department of Justice to accept the terms of the November settlement with Microsoft.

This opinions expressed in this letter are my own and are not meant to represent those of my employer.

Sincerely,

Alan Aaronson

MTC–00027780

From: Bill Herring
To: Microsoft ATR
Date: 1/28/02 10:47am
Subject: Proposed settlement between the Department of Justice and Microsoft

Dear Sirs and Mesdames:

I do indeed believe that Microsoft has in some cases been an overbearing competitor, and probably should be brought in line, but as a user of Microsoft products, I do not believe that Microsoft should be prevented from providing the software that we as a country have profited from.

I have used Microsoft program products for years as well as software from other producers. I find that Microsoft sets a standard that their competitors sometimes find it hard to meet. As a user, I value that they produce programs and systems that are

rich in function, of high quality, and are sold at a price that I can afford.

The fact that they have become a de facto standard, and that I can use their office products and exchange information with others without running into compatibility problems is also important to me, and is a major factor in my businiss use of their products.

By all means hold them to correct behaviour, but punitive actions that lessen their ability to meet their customers needs would be contrary to good business practice, and, I think, would cost us dearly as a nation and as an economy.

Thank you for your attention,
William L. Herring
System Administrator
Strategic Power Systems, Inc.
11301 Carmel Commons blvd,
Charlotte, NC 28226

MTC–00027781

From: Dean Stelow
To: Microsoft ATR
Date: 1/28/02 10:45am
Subject: Microsoft Settlement

Please proceed with the settlement as it currently exists. Its fair and has the added benefit of helping our kids in school get modern computers and software.

Thankyou,
dean stelow
nordev inc

MTC–00027782

From: wooljo@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 10:46am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
John Woolley
2324 Dolores Court
Pinole, CA 94564–1804

MTC–00027783

From: James Adams
To: Microsoft ATR
Date: 1/28/02 10:49am
Subject: Microsoft Settlement

Is this Microsoft ''compromise'' a joke? If that is the proposed solution you might as well save the taxpayers a ton of money and not even attempt to do anything to Microsoft. The only people this settlement will hurt is the end-users whether they are home users or corporate users.

I realize that a person with $80+ billion has a lot of influence on the American justice system but that does not give him the rights to mandate to every single PC manufacturer and PC buyer what we should be using. The only thing this ''compromise'' accomplishes is still giving Mr. Gates his money but also costing us the end-users more by having to purchase another ''option''.

If you truly want to make the industry fair and best for economy you would force Microsoft to actually have a choice. Let us buy a PC without shoving Windows and Office down our throats. Let us buy it with a non-Microsoft OS and not have to pay for Windows. Give a choice of one or the other or no OS at all. That is truly what the industry wants and needs to see.

Your compromise will in now way punish Microsoft at all. They still get their money. They still have their OS and Office on all PCs.

At the very least something should be done to slow down the release of new OSes. It costs American business a small fortune to keep up with a new OS every two years. Not to mention the IT professionals like myself that are trying to complete certifications it is nearly impossible to keep up with the new OS changes unless you spend $10,000 every two years to go to a ''boot camp'' to get your certification. Or even just to get familiar with the new changes in the OS. It is a tech support person's nightmare to keep changing OSes every two years.

Thank you for you time and I truly hope that more comes out of this case than the simple slap on the wrist that is proposed. I don?t know that I have a good solution either the only thing that I hope is that we are truly given a choice of operating systems on a PC and not have to pay for something we don?t want.

Thank you,
James Adams
Network Manager
Cashco, Inc.
607 W. 15th
Ellsworth, KS 67439
Phone: 785–472–4461 Ext. 182
Fax: 785–472–8543

MTC–00027785

From: Ron Coveney
To: Microsoft ATR
Date: 1/28/02 10:51am
Subject: Microsoft Settlement.

The Microsoft Settlement is not enough but a break-up is by far worse. What is needed is that they be regulated as a legal monopoly. This gives the government the ability to respond as needed when issues arise. Further, they could reduce the MS selling prices which has been a sticking spot. With what they pay out in dividends to still have over $35 billion dollar in cash on hand shows they are over charging. Again break-up is not an option. The problem with the industry was; all the different operating systems prior to DOS and making all their code public just helps hackers. Yes other companies need access to the code but it needs to be controlled and secure, thus regulation.

Ron Coveney

MTC–00027786

From: mark nesky
To: Microsoft ATR
Date: 1/28/02 10:52am
Subject: Microsoft Settlement

I firmly believe that Microsoft is a monopoly, and I hope they are prosecuted.

Microsoft is a colossal company, and as a consumer, I feel like their monopoly is much more far-reaching than just their web browser, Internet Explorer. And I am not referring to their flawed implementation of Java or the control they exert over computer manufacturers ability to configure the machines they sell. I am referring to their overall market pervasiveness, that my only choice for word processing and spreadsheet software is Microsofts Office program. And that I need to use the Microsoft Windows operating system to be compatible with the network where I am employed. There are alternative software programs to those offered by Microsoft, but often they are harder to find and less likely to be fully compatible with the software used by colleagues.

I believe a poignant example of their monopoly is the way they can intentionally make older versions of their software incompatible. What I mean is, when a few people upgrade to the newest version of a Microsoft product, their colleges must also upgrade if they want to be able to share files. Thus I could have a perfectly good piece of Microsoft software that serves my needs as is, yet be forced to pay money to Microsoft in order to maintain compatibility. THEY ARE BREAKING SOFTWARE I OWN, SOFTWARE THAT ONCE WORKED FINE.

A friend of mine who is a Linux programmer explained how Microsoft broke Excel files. My friend was writing a program that read in Excel files for use in an alternate spreadsheet program that runs on Linux. His study of two versions of the file format showed them to be exactly the same except a small tag in the beginning that stated the version of Excel that created the file. Because of this tag, older versions of Excel refuse to open the file, even though the file is fully compatible. Thus Microsoft used the file format to force Excel users to upgrade, even though the new file format is identical except for this tag!

A well-designed file format should transcend software versions. When a new feature is added to the file format, that feature can be tagged with a name when it is used. Thus a file that does not require the new feature will be identical to the old file format, and a file that does use the new feature can mostly be read by older software, which can read everything except the part with the new feature, which it will ignore. The practice of intentionally breaking older files is immoral. But since there are few alternatives to Microsoft software, people must buy and keep buying it.

Microsofts new subscription based business model is simply making their shady forced upgrades explicit. As described above, they are forcing people to upgrade to new versions by making older version incompatible. But with a subscription model, they will force us to upgrade because our

license has run out. The only reason they could get away with such atrocity is because they are a monopoly! From a prosecution point of view, perhaps the browser war with Netscape is a more clear-cut example of Microsofts monopoly. With Internet Explorer preinstalled and available in the start bar, the start menu, and on the desktop, it is clear that Microsoft is leveraging their operating system to promote their web browser. And with such a huge user base viewing the web through the Microsoft browser, Microsoft can sell default bookmarks to companies and promote its own wares through bookmarks and the default home page, furthering its monopoly.

Microsoft is so big and influential, that I worry that they will buy and cheat their way out of prosecution. I bet that their will be a disproportionate amount of pro-Microsoft email sent to the DOJ because Microsoft will be encouraging all its employees to flood this email address with praise. Microsoft will stoop that low, and if opportunity presents, much lower. If Microsoft is not prosecuted harshly, I fear the situation will worsen. They will get away with more and more, and their size and influence will grow. If their influence grows any more, there may not be an opportunity to prosecute again.

Their potential to influence has grown tremendously, especially now that they have bought NBC. I have not yet seen them abuse this power, but that is probably because I do not watch TV. But if Microsoft continues to grow, and even the news is delivered with a pro-Microsoft slant, there may be no hope for competition in the future. I believe that Microsoft has grown out of hand, and I really hope the government can stop this problem before it gets too late.

One proposed solution I heard in the continuing coverage of the trial was to break Microsoft into several smaller companies. Such a split might separate the operating system from other software programs. I believe such a split will be a good step in the right direction. But I hope that is not the only penalty imposed on Microsoft. Another part of the solution should be requiring Microsoft to standardize and make available their file formats and interfaces. All communication between Microsoft programs, across networks, and between programs and the operating system should be well documented. In addition, this documentation should be made available well in advance of the software that makes use of it, so companies can make their alternative products compatible the moment the Microsoft programs hit the shelves. If the alternative software is fully compatible, then I believe it will have a much better chance of surviving. And I think that increased compatibility will benefit the software world in general. Standardized interfaces and file formats will make sharing file across versions, platforms, and vendors much more reliable. There will be much more competition and innovation.

Recently Microsoft proposed a settlement to the case brought against them by the states. The settlement proposed by Microsoft would not help, Microsoft offered to give a large dollar amount of their software away to schools. Fortunately, I think that the states saw through this ploy. This would not be punishment; this would simply be Microsoft furthering its monopoly! Microsoft would have extended its user base to many more people. And when these students left school, they would expect Microsoft software in the work place, because that is all they will have known!

If Microsoft escapes prosecution, it will only be because they are so big and influential. How ironic. Please do not let this happen!

If I sound biased, it is because I feel like I have been forced to use Microsoft products. There is little choice. And the choice there is, is obscured by a lack of money for marketing. When I mention alternative operating systems like BeOS (which recently went under) people dont know what I am talking about. Likewise, few people have heard of other office vendors. Some of the alternative programs are better and cheaper, yet they go on unnoticed. I am strongly opposed to Microsofts monopoly, but I want to be clear that I do not work for any competitor. Neither my employer nor myself stand to benefit directly from the prosecution of Microsoft. But I believe the whole United States will benefit if this monopoly is stopped.

Thank you for giving me the chance to express my opinion.

I hope that justice is performed fairly. And I hope the outcome is determined by what would be best for this country and its people.

Sincerely,

Mark Nesky

MTC–00027787

From: Dan Rosenthal
To: Microsoft ATR
Date: 1/28/02 10:53am
Subject: Microsoft Settlement

Microsoft is a tough competitor primarily because it's products are functional and always improving. The reliability and compatibility of their products has brought order to a chaotic software market.

Standards are necessary in every market: the standard distance between tracks beneath railway cars allows trains to cross our country regardless of the rail provider. The standard number of volts and the shape of outlet receptacles allows appliances to be used safely regardless of the corporation that builds them or that generates the electricity. (This is been standard in-country, but not world-wide, causing a need for special plugs when traveling).

Microsoft is setting national and international standards because it manufactures customer-preferred products. Customers have voted for Microsoft by using and purchasing their software. We should encourage such an innovative company...not penalize it for it's success.

Dan Rosenthal

Columbus, Georgia

MTC–00027788

From: Jim Worthington
To: Microsoft ATR
Date: 1/28/02 10:53am
Subject: Microsoft Case

I believe strongly that the penalties for Microsoft's antitrust misbehavior need to be sufficient to strongly discourage such behavior in the future. Microsoft's competitors have been seriously wronged by its illegal tactics. Microsoft does not appear to believe it has done anything wrong despite rulings to the contrary and continues to act in similar anti-competitive ways.

It is important to restraint the company's behavior in order to create a competitive software environment. I hope that you will rule accordingly.

Sincerely,

James M. Worthington

President

WorthSoft, Inc.

MTC–00027789

From: pixel fairy
To: Microsoft ATR
Date: 1/28/02 10:58am
Subject: Microsoft Settlement

my comments have two focuses. I'm certain you have already read much of why the proposed remedy will have little effect on the practices. i have found nothing in the proposed remedy to repair the damage and restore the market place. my first concern is what Microsoft hides and from whom. while implementation is intellectual property, the apis, protocols, and formats should now be publicly available for reasons described below. ive also included a comment about the scope of the settlement.

in section III.I the formats, apis, and protocols need to be publicly available, this is the only way to really lower the barrier of entry to anyone who wants to make compatible software, and is especially important to developers of free software. in its current form, Microsoft can exclude certain parties such as free software developers. also section III.D mentions MSDN as a delivery channel. this would force developers to sign up for Microsoft services in order to obtain the information. the information should be mirrored by at least one independent third party. section III.J.2 is especially dangerous as discussed below.

because Microsoft has illegally dominated the desktop operating systems market, competitors should now be able to make thier software compatible at the api level, which is why the operating systems api needs to be public knowledge so that third party implementations (win32 emulators, compatibility layers, etc) can be developed, removing that barrier of entry. this is very important as windows compatibility has become essential for any commercial desktop software to survive or operating system to be viable to a large market.

any deviance from the published api should be carefully appraised, and documented and fixed in timely manner. a hard deadline should be set for at least documenting any error in Microsoft's implementation to allow outside developers to know about and work around such.

III.J.1 can be abused, if left in the settlement should be watched very carefully by the TC, but preferably taken out. implementations of well designed security protocols are just as effective if the implementation let alone the api is exposed. this clause could easily be used by Microsoft

to continue to use secret interfaces in thier products.

III.J.2 need to be taken out as it is very dangerous. it could easily be abused. Microsoft should not be able to set the standards on who can access thier api documentations for the reason set above and because this clearly allows Microsoft to decide who can and can not be privy to the information. Any organization or individual that Microsoft deems a credible threat would be denied access to the information, or at least delayed until it the protocol was changed. this was probably included by Microsoft lawyers as a way to counter the threat of free software or open source developers and has no value in restoring competition or redressing the damages done. Microsoft should only be allowed to use thier patents or copyrights defensively and this restriction should also extend to any companies owned by Microsoft. This idea is discussed by the gnu project at http://www.gnu.org/philosophy/microsoft-antitrust.html

Microsoft has recently acquired some of the ip regarding opengl from sgi. opengl is an open 3d graphics library used on many platforms including windows. its in competition with Microsoft direct 3d which only runs on windows. if Microsoft used this to inhibit development of opengl or tie it to windows directly or indirectly it would have a horrible effect on the computer graphics industry.

The settlement only applies to desktop software. microsoft is also in other bussiness and has other software departments that are related, and thus the settlement should apply to all of the corporations software.

MTC–00027790

From: Tacke
To: Microsoft ATR
Date: 1/28/02 10:52am
Subject: Microsoft Settlement

Department of Justice
Washington, D. C.

Ladies and Gentlemen:

I believe the proposed settlement should be approved by the Department of Justice.

I have thought from the outset of this litigation, and continue to believe, that this action by the government was unwarranted and motivated by political interests led by Sun Microsystems and Oracle. The nine states objecting to this settlement are also aligned with these political interests. More recently, AOL Time Warner, a significant Microsoft competitor, has piled on.

To alter this proposed settlement as advocated by its opponents would do nothing but weaken Microsoft against these powerful rivals. And, their gains would not have been as a result of their innovation, vision, or management skills, it would be because of unwarranted government intervention.

Microsoft's activities have not harmed consumers. To the contrary, consumers and the US economy have benefited enormously from Microsoft's innovation and persistence. To alter the proposed settlement with the result of weakening Microsoft against its competitors would harm consumers.

This litigation has been a waste of taxpayers'' money.

Approve the settlement and let the free market system work.

Respectfully submitted,
Stephen P. Tacke
4943 Sandestin Drive
Dallas, Texas 75287
CC:'Steve Tacke''

MTC–00027791

From: cocacola@essex1.com@inetgw
To: Microsoft ATR
Date: 1/28/02 10:54am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Randall Stogentin
4013 W. Ogle St.
Dixon, IL 61021

MTC–00027792

From: Judy Thornburg
To: Microsoft ATR
Date: 1/28/02 10:56am
Subject: Microsoft Settlement

I feel the whole law suit was frivolous from the very beginning. This country is about competition and being innovative. If a company falls behind is is probably do to the lack of the above two things.

I use a Apple computer. A couple of years ago I had a Permorma 5215CD, with an older operating system, it got so I could not get Netscape product to work on it, Microsoft Explorer did, so when I purchased an iMac I went to the Microsoft product because it worked on my older computer! Government needs to keep its hand out of the running of business in this country.

Judy Thornburg

MTC–00027793

From: ergeorge@att.net@inetgw
To: Microsoft ATR
Date: 1/28/02 10:58am
Subject: The proposed MS Antitrust Settlement is INADEQUATE!

The current proposed Microsoft antitrust settlement is completely inadequate to address the abuse of monopoly power that Microsoft has perpetrated in the past decade. In particular, I feel that the only way to redress this grievence, and open the market to competition is to open the Microsoft APIs and protocols, and to protect all OEMs from microsoft retaliation for shipping systems with competing operating systems.

The open API clause in the existing agreement is flawed on several counts:

- The term ''API'' is defined so narrowly that several important protocols and platforms are not included at all. The most important of these are the MS Office document formats, and the .NET platform.

- The settlement requires Microsoft to release API documentation but it prohibits competitors from using this documentation to help make their operating systems compatible with Windows. So, what exactly is the point of releasing the APIs, and how would this distinction be enforced?

- MS is not required to release the APIs and documentation before the products are released. This means that competitors are constantly playing catchup, and microsoft can effectively change the rules at will to deliberately destroy compatibility with competing products. I would reccomend that the APIs and documentation be publically published, without restriction, at least 3 months prior to the release of any product using those APIs.

On the question of OEMs, the settlement allows microsoft to continue discriminating against small ''white box'' OEMs that account for a large proportion of system sales. In my opinion, all OEM sales should clearly break out the cost of the operating system from the cost of the hardware, service, etc.

Please do not let this settlement go forward.

Respectfully,
Eric George
Colorado Springs, CO

MTC–00027794

From: Pradipkumar Ramanlal
To: Microsoft ATR
Date: 1/28/02 10:58am
Subject: Microsoft Settlement

This comment urges the presiding judge to reject the proposed settlement.

Little in the proposed settlement between ''The Government'' and ''Microsoft'' addresses one of the most perverse actions that Microsoft can take to

(1) impede competition,

(2) further strengthen its windows monopoly,

(3) stifle innovation and

(4) harm the consumer

The issue pertains to Microsoft's ability to bundle software. Microsoft has steadfastly maintained there should be (little or) no restriction on its ability to ''innovate'' (i.e., to add additional features to the Windows Operating System like Internet Explorer and Windows Media Player).

Unless the issue of bundling is adequately addressed is any settlement, the following scenario will almost certainly prevail:

Innovators generally have a strong interest to expend large amounts of resources (money and talent) to create middleware because of the hugh market that exists and the potential for windfall profits if successful.

But innovators are cognizant of the fact that the risk-rewards structure is extreme: winner-take-all.

Innovators are also cognizant of the fact that there is a significant advantage to being first-to-market.

Thus success demands aggressive competition and a quick outlay of large

amounts of resources. It is just such innovation and tactics that brought about technologies of significant value to consumers: the browser (by Netscape) and the streaming audio/video (by Realnetworks).

It a competitive system, innovators are willing to take hugh risks if the potential for hugh rewards exists.

But Micorosoft, by using its monopoly power, has successfully decoupled the rewards from the risk. It has found a way to lay claim on the reward following its discovery, while assigning the costs associated with unearthing this discovery to the original innovator.

How is this possible?

A big part of the innovative process is to uncover the product or service consumers demand most. To that end, innovators expend valuable resources on inventing all kinds of products and services since initially it is unclear which one will ''click'' with consumers.

Microsoft has simply to sit back and let all the innovators in the market do their creative work and expend their resources. Once the dust has settled, and the winning product or service is revealed, Microsoft steps in and creates a product to compete solely with this winning product. In a competitive system, such a strategy would be futile lacking the ''first-to-market'' advantage. But not so for an entrenched monolpolist.

By bundling its competing version of the winning middleware to the operating system, Microsoft has the benefit of offering a winning product without having incurred the true expense incurred in uncovering this winning product, which is the sum of all the resources spent by all innovators in total in uncovering this product (most of them of course unsuccessfully).

Traditionally, Microsoft has bundled this winning software into the operating system so that consumers have the perception that they get it for free. What is being done is that Microsoft garnishes the product from the innovator and passes it on to the consumer at no charge.

Why shouldn't the govenrment be happy if the consumer gets something for nothing? First, it stifles further innovation since innovators now understanding there are no rewards to taking hugh risks.

Second, with more and more winning middleware products added to the operating system, the Windows monopoly becomes further entrenched at a disproportionately low cost to Microsoft. Third, with all future innovators deterred from the market, consumers must rely soley on the innovative power of the monoplist.

Of course, there is the proposed remedy that Microsoft offer different versions of the operating system at different prices to afford the winning middleware innovator the opportunity to profit.

This remedy is vastly subject to manipulation by Microsoft because the costs and revenues are decoupled.

Costs are determined by the cumulative labor expenses of the industry as a whole and the success likelihood of any one firm, while revenues are determined by whatever Microsoft sees fit to set the price differential between the two versions of the operating system, one with and the other without the middleware.

Proposed price differentials based on the length of code are also subject to manipulation given that Microsoft can make ite base-version operating system any length is chooses.

These is also the issue of when the APIs are made available to the outside innovator and microsoft internal developers for software upgrades of this winning middleware. They must be made available at the same time.

Of course, microsoft is apt to claim in future, as it has in the past, that the added winning middleware is now an ''integral'' part of the operating system and therefore the playing field with respect to API disclosures will not be level.

The only remedy to ensure future innovation persists is if Microsoft competes on the same terms as all the other innovators in generating new and winning middleware.

In the least disruptive way to microsoft, this can best be accomplished by requiring microsoft to form a wholly owned subsidiary with whom microsoft has a public and transparent arms-length relationship on the same terms offered to all competitors producing bona-fide competing middleware.

Sincerely,

Pradipkumar Ramanlal

Associate Professor of Finance

University of Central Flroida

Orlando, Florida

MTC–00027795

From: Burton W. Phelps
To: Microsoft ATR
Date: 1/28/02 10:59am
Subject: Microsoft settlement

Please read the attached letter.

Burton W. Phelps

Support the NFA. E-mail your Congressional Representatives and support the NFA budget and ask for more personnel to do the job.

Go to www.mrsmith.com for Congressional e-mail addresses.

1213 Lorene Drive, Pasadena, Maryland 21122–4895

410–437–1990 Fax 410–360–7043 E-mail: ics1@cablespeed.com

January 28, 2002

Attorney General John Ashcroft

US Department of Justice

950 Pennsylvania Avenue, NW

Washington, DC 20530

Dear Mr. Ashcroft:

As a Microsoft supporter, it is essential that I show my support for the settlement but also for the company's return to developing new products. Microsoft has done a lot for the technology industry and is responsible for leading the way in software development. They should not be chastised for coming up with the most innovative ideas and the best products. In this light, Microsoft is the embodiment of the American dream to achieve success. We should embrace this accomplishment instead of discouraging it. This celebration of success can begin with the end of the Microsoft Antitrust case.

Three years have passed since the beginning of this case and it has taken the Department of Justice and Microsoft too long to reconcile differences. I am confident that the terms of the settlement are a result of careful analysis that will best serve the interest of all entities involved. First, Microsoft has agreed not to retaliate against those that directly compete with Microsoft as well as those who support those competitors. In addition, Microsoft has agreed to grant computer makers the right to remove consumer access to features of Windows and instead replace those features with access to non-Microsoft software programs. Furthermore, Microsoft has agreed not to enter into any agreements that will obligate any third-party to exclusively endorse any Windows technology.

As you can see, the Department of Justice has taken extreme care to resolve this case to the best of its ability. The terms involved are reasonable and fair in the eyes of the public, the State, the IT industry as well as the economy. Clearly, the best course of action to take is to end the settlement.

Sincerely,

President

MTC–00027796

From: jrkjr@att.net@inetgw
To: Microsoft ATR
Date: 1/28/02 11:00am
Subject: The Honorable Department of Justice:

The Honorable Department of Justice:

I would like to express my opinions regarding the Microsoft case. Since all the evidence points to the fact that Microsoft was guilty, why not let them pay their fine and the world could back to business. The Attorney Generals of the dissenting States should look at the problems in their own backayrds, instead of prolonging this issue. Most States these days have budget deficits, so what is the benefit of directing additional time and resources to this matter. I'm sure if you polled most consumers, myself included, they would not feel terribly slighted by the Microsoft actions. If I were due compensation, I would donate the money to Homeland Security, which is something really important!

Sincerely,

J. R. Kot Jr.

MTC–00027797

From: Andymo13
To: Microsoft ATR
Date: 1/28/02 10:59am
Subject: Microsoft Settlement

As an American citizen having watched this case go on and on for far too many years at the urging of Microsoft's primary competitors, it is time it is put to bed. The settlement is fair and reasonable.

While the competitors may still be complaining, there has never been any proof that consumers have been harmed in any way. Let's stay focused on the consumer and encourage big corporate tech companies to do so as well. They and all of us would be better served by better products, than by more law suits.

Approve the settlement. Let Microsoft get back to doing what it does best, serving their customers.

MTC–00027798

From: Jeffrey S. Smith

To: Microsoft ATR
Date: 1/28/02 11:00am
Subject: Microsoft Settlement

To Whom It May Concern:

I have been watching the Antitrust Suit that was brought against Microsoft since it was filed with great intrigue. Since public opinion has been welcomed, I would like to give my input.

I have worked in the Electronic Security Industry for the better part of 23 years. The last 7 years I have worked for a Software Development Company that specializes in Computer Software and Hardware for the Electronic Security Industry. Until recently, we did not develop or use any of the Microsoft Operating Systems for development of our software. We have always purchased the computer from companies like Everex, Premio, Digital, Compaq, etc. Until the Antitrust charges were filed, we were forced to buy Windows Operating systems along with the machines. Bare in mind, we never ordered the hardware with even a hard drive in them, but we were forced to buy the operating system because as I was told by all of the companies we purchased from, ?That the agreement that they have with Microsoft states that they have to sell a Microsoft Operating System with every computer sold?. 4 or 5 years in a row, we would end up donating 200 to 300 new operating systems to some local vocational schools since we could not resell them, as they were OEM versions of Windows. Obviously, this is just one of many scenarios that Microsoft seemed to have created and fostered into the current situation. I feel that scenarios like this are why the DOJ did the right thing in bringing the Suit against Microsoft. Obviously, scenarios like this are clearly anti-competitive and a win/win situation for Microsoft. They get to make a sale even though us and other companies had no intention of using their Operating System. Hardly seems like Freedom To Innovate as Microsoft has said.

In my opinion, they should not be broken up. I feel that more damage would come as a result if they were, economically as well as technology wise. However, I feel the penalties need to be much stiffer than what is proposed currently for the settlement. The financial penalties are not nearly stiff enough. They should not be allowed to give computers to schools as part of the settlement since this will obviously hurt Apple with their excellent school program that until now Microsoft has not really cared about. Possibly donations to charities or other worthwhile causes would be good as part of the settlement. Microsoft and other companies need to remember this case as a reminder of how not to do business. The only way to do that is to hit them in the wallet and possibly some sort of log term Federal oversight for a few years to keep them honest. (If that is possible).

I truly feel Microsoft is an amazing company and a lot of the Technology that we have at our fingertips is thanks to them. They should have the Freedom to Innovate, putting a stranglehold on the bulk of the Technology Industry is not Freedom. There truly is no other game in town currently as far as the technology goes. However, if Microsoft would have been allowed to continue several years ago, there would never be a chance for any other company to even attempt to do what Microsoft has done. If things are done right in the settlement, maybe there will be some new players in the game.

Sincerely,
Jeffrey S. Smith
Operations Manager
Bold Technologies Ltd.
(847) 625–7700 voice
(847) 625–5500 fax
A Bold Group Company
Chicago London Rotterdam
www.boldgroup.com

MTC–00027799

From: Brian Filipiak
To: Microsoft ATR
Date: 1/28/02 10:57am
Subject: Re: U.S. v. Microsoft: Settlement Information

Hello,

I am writing to let you know that I feel the proposed settlement is inadequate in many respects, specifically with regards to proposed remedies regarding what Microsoft would provide to school districts. This would only *enhance* their monopolistic practices, not rectify the problems. Please reconsider the actions you have proposed, and look to some of the other useful suggestions proposed elsewhere.

Sincerely,
Brian Filipiak
Brian Filipiak
Teacher Education
313L Porter Building
Phone: 734.487.7120 x 2645
Grant Associate
College of Education
Eastern Michigan University
Fax: 734.487.2101

MTC–00027800

From: Hull, Tom
To: Microsoft ATR
Date: 1/28/02 11:03am
Subject: Microsoft Settlement

As a customer of Microsoft, I strongly support the proposed settlement. I believe that Microsoft products offer excellent value and have improved my productivity at my office and my home. Also, as a believer in the capitalist system, I am very concerned about harsh remedies being imposed on a company which has demonstrated shown true entrepreneurial vision. Without the leadership of Microsoft, the digital communication system that we function on today might not have been achieved.

MTC–00027801

From: Kuzdas.Tommy
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 11:01am
Subject: ''Microsoft Settlement.''

Tommy D. Kuzdas
7205 West Marine Drive
Milwaukee, WI 53223
Email: tommy.kuzdas@wepco.com

Dear Sir, as a concerned citizen in the state of Wisconsin I have been tracking the Microsoft case with some interest. As a consumer I was very, very angry with microsoft for dictating to me what software would be loaded on my computer. I am still very angry with being forced to accept Internet explorer and other Microsoft products as a condition of buying a computer.

I believe the aggreement that the federal government is trying to force on the states is totally unacceptable for the following reasons: 1. Microsoft is not forced to admit guilt. Microsoft was convicted of being a monopolist and of abusing its power in violation of both articles of the Sherman Anti-trust act. This conviction was upheld UNANAMOUSLY by a seven judge panel in a federal appeals court. In addition the U.S. Supreme Court has turned down Microsoft's appeal. Has any defendant convicted of a crime ever been able to bargain their way out of a conviction? I find this concept to be repugnant and outrageous! Furthermore, Microsoft was given every opportunity to change its conduct over the last seven years. Microsoft deserves no sympathy! My smpathy is reserved for Microsofts victims. Finally if this conviction is overturned the ability of the computer industry and of consumers to recover damages will be all but destroyed.

2. Microsoft should have absolutely no say in how they are to be policed and regulated. The job of the technicle monitors should be to uphold the interests of the public and of the rest of the computer industry. Microsoft's interest is in maintaining its Monopoly and continueing to strangle the rest of the industry through tactics of extortion, exclusive contracts, and product tying.

3. The aggreement should be open ended with regards to time. I do not believe that any company over the next five to seven years will be able to directly threaten Microsoft's monopoly. A serial killer when convicted gets the key thrown away. Microsoft should be treated the same. Not withstanding comments later in this letter, I feel the aggreement should last at least ten years with the provision that if Micosoft violates any part of the aggreement it gets extended for another 10 years. Microsoft should also be reguired to pay all reasonable costs for required enforcement actions.

4. The aggreement lacks teeth. Microsoft conduct reflects a total disreguard and contempt for our justice system. Assessing a fine of a million dollars a day or even ten million dollars a day means NOTHING to Bill Gates. I believe that Microsoft should be required to forfiet their copyrights to ALL of their operating systems (DOS versions 1.0—6.0, Windows, Windows 3.0, Windows 95, Windows 98, Windows 2000, and Windows Melenium)if they are ever found in contempt for violating the consent decree and that such judgement would be final and not subject to appeal. I do not mean the government now owns Windows. I mean the copyrights cease to exist.

Windows and DOS becomes freeware availible to be used as individual companies and individuals see fit.

5. Microsoft may argue that such a penalty is too harsh. My rebuttle would be to simply point out that based on their past behavior strong motivation is required to ensure compliance with the consent decree.

Microsoft needs to stop walking the line, stepping over, then becoming good boys

again when their errors are pointed out. I would recommend that the anti-trust compliance officer be given power to disaprove of any contracts he believes violates anti-trust law , and that such contracts be reported to the justice department. The software industry and the federal government should get to decide who fills this important post. Microsoft should also be advised that they would be expected to obey the consent decree in spirit as well as word.

In conclusion I would like to say the following:

I believe that Microsoft should be held accountable for violating the Sherman Anti-Trust act. I believe that the copyrights to all of Micrososft's operating systems should be disolved because Microsoft used their copyrights in a manner which violated the Sherman Anti Trust Act. This action would be simple, severe (the equivilent of a 500 billion dollar fine), and would end Microsoft's monopoly power. This punishment would send a strong message to the computer industry. (A message I believe the industry wants to hear). The computer industry would be able to make competing operating systems by decompiling and reverse engineering Windows. This punishment would also created the paradign shift which Microsoft fears. A shift that I believe the computer industry desparately wants and that would have benifitted consumers. A proliferation of operating systems based on Windows API's would also creat the ideal conditions for Sun Microsystems JAVA programing language. Stripping Microsoft of their copyrightsthis would also save the federal government the hassle of monitoring Microsoft's corperate conduct.

I aknowledge that creating such a shift would give Sun Microsystems a monopoly of their own. However I believe the owners of Sun Microsystems would be very carefull about how they conduct bussiness. Microsoft has claimed that anti-trust laws have no place in the computer industry because of the pace of inovation. Microsoft could not be more wrong. The anti-trust laws are not about technology. They are about bussiness ethics and fair play. Protecting consumers and small bussinesses from predatory bussiness practices. Ethics are universal and transend any bussiness including the computer industry.

I have strong objections to the prevailing philosophy in the Federal Court System that companies engaging in anti-competetive behavior should not be punished, only restrained. This philosophy does nothing to right the wrongs of competitors harmed by illegal marketing practices. I would point out that Judge Jackson could have sentenced Bill Gates and Steve Ballmer to three years in a federal prison and confiscated Microsoft. (I understand that had he done so the punishment would have been vacated for being too harsh). Congress intended that anti-competitive behavior be punished as criminal behavior.

As a consumer I would very much like to see Sun Microsystems vision come to pass. ''Write once, run anywhere!''

Microsoft must be forced to pay for the manner in which they undermined competition based on the merits.

I ask that the judge presiding over the punishment phase of this trial see this letter.

Respectfully,

Tommy D. Kuzdas

MTC–00027802

From: Dave Dooling
To: Microsoft ATR
Date: 1/28/02 11:06am
Subject: Not tough enough

Gentlemen:

As a freelance writer I would like to register my string disapproval of the weak remedies proposed in the Microsoft antitrust settlement. Microsoft has behaved like a corporate thug and has even acted as if it was above the law. The supposed side-by-side demonstration of two different operating systems in court—which turned out to have the results altered—should have earned the lawyers time in jail for perjury and contempt. As a science writer, I know that the correct way to run the test would have been with two identical hard drives swapped in and out of the same machine so the test would be a true apples-and-apples comparison. It is an example of how Microsoft does what it wants. The proposed remedies would leave the field open for them to continue taking advantage of the consumer and to prey on other businesses. In particular, the proposal to give away software and old computers means nothing as far as financial penalties go. Microsoft will tout the retail value of packages that actually cost them a small percentage to manufacture. They will then have schools locked into Microsoft software and have to pay dearly for upgrades in the future. The situation is more like a pusher giving a school kid the first fix for free. Microsoft is too big for the national good. They control most of the desktop and are trying to extend their reach into more of business and entertainment. I strongly feel that stronger remedies are required, including splitting the company into three or more separate companies. I further believe that given the reliance of American business on Microsoft products that the U.S. Government should consider regulating Microsoft as a public utility.

Sincerely,

Dave Dooling

Dave Dooling / D2 Science Communications

555 Sparkman Drive, Suite 820C / Huntsville, AL 35816 USA

256–890–0972 (voice & fax)

256–830–5800 (Sharon, my wife and secretary,

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MTC–00027803

From: Rjdar12@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 11:01am
Subject: Microsoft Settlement

I think the settlement proposed by Microsoft is very generous. The benevolent education of our youth is a good idea. Please let our creative corporations do their job and help America stay number one.

Ralph Darnell

MTC–00027804

From: Dan Jenkins
To: Microsoft ATR
Date: 1/28/02 11:02am
Subject: Remedies for Microsoft antitrust suit

I've been a system administrator, programmer and technical support person for about 25 years. As Microsoft's products and behavior have directly affected me and my clients (and will continue to do so), I must comment on the suit.

In all my years in the industry, I have seen relatively little of the often-claimed innovation of which Microsoft speaks. I have seen competitive companies purchased and put out of business—eliminating competing product lines. I have seen information obfuscated and altered in small, undocumented ways to preclude competition—and to force client's to upgrade to maintain basic compatibility within their own companies. I have seen (and continue to see) severe security flaws.

These flaws have cost my clients and our whole economy enormous amounts to battle.

So, given a history of consistent, persistent abuses, I submit that only pervasive, unarguable remedies will cause Microsoft to alter its behavior.

Microsoft's proposal to provide large amounts of their products for use in the school's merely demonstrated their monopolistic behavior. The school's would have required ongoing support and upgrades—which would have cost more money that poor school's don't have in the first place. By entrenching themselves in the school's, they would have deepened their hold on the mind share of the next generation of computer users, thereby, perpetuating their monopoly. In my opinion, these remedies ought to include (at least) the following items:

- Prohibit bundling contracts whereby the cost of the operating system is included invisibly in the cost of the system. That way, the consumer is aware of what he is paying for, and what alternatives would truly cost.

- Require formats and APIs to be documented. Microsoft uses much that is proprietary in their system, which can then, in turn, lock out competitors from creating competing programs. (The fact that Microsoft has the best-selling operating system with an embedded web browser, and the best-selling office software suite, gives them an almost airtight stranglehold on what is essentially a self-contained system.)

Therefore, I recommend that all proprietary formats, protocols, etc., be opened: the API, itself, file formats for all (non-licensed) applications, communications protocols, and anything else that would hinder competitors from being on a level playing field when writing applications for the Windows platform.

- Separate the application development from the operating system development. Microsoft application developers gain an unfair advantage in internal knowledge of Microsoft operating systems over their competition.

- Require email and web clients be separately installed from the operating

system. Both Internet Explorer and Outlook are installed by default on Windows platforms. Most customers do not even know other alternatives exist. If a new Windows system prompted to install these components and indicated that alternatives exist (such as Netscape, Opera, Eudora, and others), then customers would have the chance to choose alternatives. This would also potentially reduce some of the impact of the security flaws—as most have been due to the email or web browser clients Microsoft provides.

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Part II—Continued

Department of Justice

Antitrust Division

United States v. Microsoft Corporation; Public Comments; Notice

MTC–00027805

From: Sudha
To: Microsoft ATR
Date: 1/28/02 11:04am
Subject: LOGICAL EXPLANATION—
Freedom to Innovate

Below are comments to specific issues addressed in the Court Case, http://www.usdoj.gov/atr/cases/ms-settle.htm#docs

Item #2: Someone else please invent a better operating system than Windows! Also if MS Windows has monopoly, what about Intel—would they be ''monopolizing'' the intel chip market?

Item #3: A better operating system will always win the user market.

Item #4: How ridiculous! When Netscape owned 70% of the market, was it not a monopoly?

Item #7: Java is very difficult to learn. Training is unaffordably expensive.

Item #11: Netscape is NOT the browser innovator—give credit to the real innovator, please!!! (universities!)

Item #18: Microsoft has a right to ''tie'' all ITS products together! Integrating applications makes better use of system resources.

Item #24, 25: As long as Windows is the operating system used, the creator of Windows, who is Microsoft, has the right to present it anywhich way to the users as they please—basic human right of ownership!

Additional Comments: Seems to me like other vendors like IBM and Sun and Netscape had nothing to complain about as long as THEY owned the lion's share of the market. Their products were difficult to use and hard to learn.

Microsoft brought the computing technolgy to the layman's door making it possible for the total computer illiterate people to be able to actually use the computer in effective and efficient ways, which would have been totally impossible otherwise!

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MTC–00027806

From: Bartucz, Tanya Y.
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 11:03am
Subject: Tunney Act Comments

Attached please find the Association for Competitive Technology's Tunney Act comments on the Microsoft settlement. A paper copy has been submitted by fax.

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IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,
Plaintiff, v. Civil Action No. 98–1232 (CKK) MICROSOFT CORPORATION, Defendant. STATE OF NEW YORK ex rel.Attorney General ELIOT SPITZER, et al.,Plaintiffs,) v. Civil Action No. 98–1233 (CKK) MICROSOFT CORPORATION,Defendant.

COMMENTS OF THE ASSOCIATION FOR COMPETITIVE TECHNOLOGY

The Association for Competitive Technology (''ACT'') hereby submits its comments on the Revised Proposed Final Judgment (''RPFJ'') that has been proposed by most of the plaintiffs, including the United States, and defendant Microsoft Corporation. ACT is a trade association representing some 3,000 information technology (''IT'') companies, including Microsoft, on a number of issues important to the industry. ACT's mission is to promote a vibrant, competitive IT industry and a vibrant IT marketplace in which consumers, not the government, pick winners and losers. Because ACT believes that, on balance, the RPFJ will be good for both the industry and consumers, it supports the RPFJ. ACT also opposes the radical proposals advanced by the remaining plaintiffs because they would harm the industry and serve no other purpose than to advance the interests of such Microsoft rivals as Sun Microsystems, Oracle, and AOL Time Warner.

INTRODUCTION AND SUMMARY

The purpose of a Tunney Act proceeding is to determine whether the settlement that the federal government has entered into is within the reaches of the public interest. United States v. Microsoft Corp., 56 F.3d 1448, 1460 (DC Cir. 1995) (internal quotation marks and emphasis omitted). The RPFJ easily meets that forgiving standard. Indeed, as shown in detail below, this conclusion is easily established by measuring the RPFJ against four settled principles that govern relief in all antitrust cases, and by comparing the RPFJ to the radical remedies that have been proposed by the States that have refused to consent to the RPFJ (''Litigating States'').

First, it is well settled that an antitrust remedy should be designed to protect consumers rather than advance the interests of competitors. The RPFJ will accomplish this goal. It prevents Microsoft from engaging in exclusionary or retaliatory tactics, as well as foreclosing a number of more specific paths to unfair competition. However, it is carefully crafted to ensure that Windows will remain available to consumers as a reliable operating platform.

By contrast, many of the Litigating States' proposals seem to have been designed by Microsoft's competitors. Indeed, the companies that will benefit most from the Litigating States' efforts are the same ones that have led the campaign to scuttle settlement efforts case and to impose far-reaching restrictions on Microsoft: AOL Time Warner, Sun Microsystems, Oracle, IBM, and Apple. As a prominent commentator recently noted, Microsoft's enemies were largely responsible for instigating the lawsuit and were active behind the scenes in helping the government frame the charges and compile the evidence. Executives from Sun, AOL, Netscape and other companies testified against Microsoft. Fred Vogelstein, The Long Shadow of XP, Fortune, Nov. 12, 2001. Each of these companies dominates a particular market that is distinct enough from Intel-compatible PCs not to be a part of this case, but related enough that Microsoft's rivals fear Microsoft's competition. For example, Sun Microsystems dominates the market for server operating systems, but its market share is being eroded by lower-cost alternatives from Linux and Windows. Why Competitors Are Largely Quiet on Microsoft Settlement, Associated Press, Nov. 15, 2001; Peter Burrows, Face-Off, Bus. Wk., Nov. 19, 2001, at 104. In asking for must-carry provisions for Java, limits on technical integration and the use of Microsoft middleware, and restrictions on Microsoft's investment in intellectual property, Sun seeks to maintain its stranglehold over the server marketplace. Similarly, Oracle enjoys a privileged position in the server database market but it, too, is facing stiff competition from lower-priced alternatives that are gaining increasing favor with reviewers and customers. As Oracle tries to move into different markets, such as e-mail, where consumers expect tighter integration, it will be unable to maintain its high prices unless Microsoft's capacity for product improvement is limited. Finally, Microsoft and AOL are both dominant companies, orbiting in separate if overlapping domains. Yet both companies regard themselves as being on a collision course, as all forms of information and entertainment, including music and movies, are increasingly rendered in digital form. Steve Lohr, In AOL's Suit Against Microsoft, the Key Word Is Access, N.Y. Times, Jan. 24, 2001. An internal document makes clear that AOL is willing to take any necessary steps to gain control of the desktop, including even spreading false rumors about the stability of Windows XP. See http://www.betanews.com/aol.html.

4 Beyond these companies' own statements and court filings their views are parroted by various proxies. These include organizations that were specifically formed to hobble Microsoft, such as the misnamed Project to Promote Competition and Innovation in the Digital Age (''ProComp''), and existing trade organizations that these companies have recently joined and come to dominate, such as the Computer and Communications Industry Association (''CCIA'') and the Software Information Industry Assocation (''SIIA''). The apparently high level of coordination between these groups and the Litigating States' counsel is ample reason for skepticism when examining some of the States' arguments.

The reality is that these rivals, both directly and through their proxies, are trying to use the courts to increase their own profits rather than consumer satisfaction. This is shown by the fact that, while they condemn Microsoft for integrating its products, they, too, are vying to bring integrated products to consumers. For example, Sun's SunONE initiative tries to offer the same level of integration as Microsoft's .Net service. See SunONE, Services on Demand vision, at http://www.sun.com/software/sunone/overview/vision/. Not surprisingly, Oracle shares this vision of a global network of

centralized information and online services. It envisions an all- Oracle solution, advising businesses to ''wage their own war on complexity'' by turning to Oracle for ''an integrated, complete software suite.'' AOL is likewise promoting its ''AOL anywhere'' strategy, which makes its popular services and features available to consumers anywhere, anytime through multiple platforms and mobile devices. Clearly, these companies do not believe that selling IT products piecemeal best meets consumers' needs, yet that is what they are trying to force Microsoft to do.

Second, it is equally well settled that an antitrust remedy should be tailored to fit the conduct that has been found illegal. Here, the RPFJ carefully addresses each of the types of conduct that the Court of Appeals found illegal. It regulates the agreements that Microsoft can enter into and prevents Microsoft from retaliating against software or hardware distributors. The RPFJ also gives both computer manufacturers and consumers more choices in configuring their computers, and specifically enables them to turn off any Microsoft middleware and replace it with the middleware of their choice. And the RPFJ requires Microsoft to disclose technical information and license its intellectual property to those whose products interoperate with Windows.

To be sure, the RPFJ in some respects goes beyond the findings of illegal conduct affirmed by the Court of Appeals. Unfortunate as that may be, it should not deter the Court from adopting the RPFJ. As the District Court for the District of Columbia stated in another context: If courts acting under the Tunney Act disapproved proposed consent decrees merely because they did not contain the exact relief which the court would have imposed after a finding of liability, defendants would have no incentive to consent to judgment and this element of compromise would be destroyed. The consent decree would thus as a practical matter be eliminated as an antitrust enforcement tool, despite Congress' directive that it be preserved.

United States v. American Tel. & Tel. Co., 552 F. Supp. 131, 151 (D.DC 1982), aff'd sub nom. Maryland v. United States, 460 U.S. 1001 (1983) (mem.). Nevertheless, the vast majority of the RPFJ's provisions respond to the findings that were affirmed by the Court of Appeals. Virtually all of the proposals by the Litigating States, by contrast, address areas wholly outside the scope of this case, such as Microsoft's corporate acquisitions, the Office suite of programs and, of all things, Microsoft's conduct of its intellectual property litigation. The Litigating States' proposals should be rejected for that reason alone.

Third, any antitrust remedy should minimize ''collateral damage'' to third parties. Here, the RPFJ carefully avoids serious harm to other sectors of the information technology industry.

The Litigating States' proposals, by contrast, would inflict enormous damage on the rest of the industry. Perhaps most important, their proposals would fragment the Windows standard and, in turn, profoundly disrupt other businesses that rely upon it. The Litigating States' proposals would also weaken intellectual property protections, setting an unnerving precedent for any IT firm aspiring to lead its market, and slow the pace of research and development in the IT field. Fourth, an antitrust remedy should be easy to administer, and not be regulatory. The Litigating States, in an effort to impose their concept of ''competition'' in the information technology industry, would create a court-run agency to supervise Microsoft's every move and to judge its every action. In contrast, the RPFJ would create a more independent, more limited supervisory body that would have full access to Microsoft information, but that would not combine the roles of prosecutor and judge. This too counsels strongly in favor of the RPFJ, and against the proposals advanced by the Litigating States.

The remainder of these Comments is organized as follows. Section I summarizes and explains in more detail the four principles that are pertinent to the District Court's determination of whether the RPFJ is within the reaches of the public interest. Microsoft, 56 F.3d at 1460 (internal quotation marks and emphasis omitted). Section II applies these principles to the RPFJ and, for comparison purposes, to the proposals advanced by the Litigating States.

I. THE PROPER ANALYTICAL FRAMEWORK FOR EVALUATING ANTITRUST REMEDIES.

Antitrust law recognizes that competition gets its vigor from the urge to win. A desire to ensure that all competitors will do equally well makes robust competition impossible and sets the stage for price-fixing and similar behavior. Accordingly, antitrust law and antitrust remedies are designed to foster real competition, so that consumers and the wider economy can ultimately benefit. Thus, while competitors Î driven by their own urge to win Ï may try to misuse antitrust law to further their own goals, government agencies and courts should be vigilant to ensure that their power is used in consumersÓ interests rather than competitorsÓ. The case law on remedies generally Î and antitrust remedies in particular Î supports the goal of harnessing competition. A close reading of that case law reveals four specific principles that promote that goal, and that are dispositive here.

A.Any Remedy Must Have A Probability Of Benefiting Consumers, And Not Be Designed to Punish the Defendant Or, Worse, To Enhance The Position Of the Defendant's Rivals.

Perhaps the most important principle of antitrust law is that any remedy must be designed to benefit consumers, not just punish the defendant or enhance the position of the its rivals. The law is clear that, in a civil antitrust case, any injunctive remedy must be, as its name suggests, remedial rather than punitive. E.g., United States v. E. I. Du Pont de Nemours & Co., 366 U.S. 316, 326 (1961); International Salt Co. v. United States, 332 U.S. 392, 401 (1947); Hecht Co. v. Bowles, 321 U.S. 321, 329 (1944). Moreover, as Judge Robert Bork has shown in his famous book, The Antitrust Paradox, the entire purpose of antitrust law is promotion of consumer welfare, not the protection Î or enhancement Î of competitors. Robert H. Bork, The Antitrust Paradox 51, 56–89 (1978); see also National Collegiate Athletic Ass'n v. Board of Regents, 468 U.S. 85, 107 (1984).

It follows that any remedy must have as its principal purpose the promotion of consumer welfare. And, as the District Court recently noted, the states have the burden of establishing the efficacy of every element of the proposed relief in achieving that objective. Hearing Tr., Sept. 28, 2001, at 8, United States v. Microsoft, No. 98–1232 (D.DC). For two reasons, it is doubtful that any remedy at all is needed to protect consumers in this case. First, it appears that the particular conduct at issue in this case has never harmed consumers in any meaningful sense. The government's own witness, Professor Frank Fisher of

MIT, testified during the trial that the narrow conduct found unlawful by the Court of Appeals had not harmed consumers at all. When asked by plaintiffsÓ counsel whether that conduct had harmed consumers, Fisher replied: [O]n balance, I would think the answer was no, up to this point. Trial Tr., Morning of Jan. 12, 1999, at 29 (Fisher), United States v. Microsoft Corp., 87 F.Supp.2d 30 (D.DC 2000), aff'd in part, rev'd in part, 253 F.3d 34 (DC Cir.), cert. denied, 122 S.Ct. 350 (2001).

If Microsoft's conduct did not harm consumers even on balance it is difficult to see how any remedy is now needed to protect them. But if any remedy is needed, the Court must be careful not to risk harming consumers by adopting remedy proposals such as those advanced by the Litigating States remedies which, to paraphrase Abraham Lincoln, are of the competitors, by the competitors, and for the competitors.

Second, even if Microsoft's conduct could have harmed consumers in some way, any such risk has now abated. This entire case is premised on the assertion that Microsoft enjoys market power by virtue of the fact that a high percentage of IBM-compatible PCs use Windows as their operating system. Whether or not that was true when the case was tried, such knowledgeable industry observers as Sun's president have effectively conceded that whatever market power Windows might once have given Microsoft is now virtually a thing of the past. For example, in his January 3, 1999 interview on 60 Minutes, Scott McNealy rejected Leslie Stahl's suggestion that with its Java software, Sun now ha[d] a chance to make Windows obsolete. Instead, McNealy retorted, Windows is obsolete, [and] we have a chance to show the world that it is. 60 Minutes (CBS Television Broadcast, Jan. 3, 1999). McNealy elaborated this theme in a subsequent Wall Street Journal op-ed piece, which appeared more than two years ago. He asserted that, because of the growth of the Internet, [a]

few years from now, savvy managers won't be buying many, if any, computers. They won't buy or build anywhere near as much software either. They'll just rent resources from a service provider, primarily over the Internet. Scott McNealy, Why We Don't Want You to Buy Our Software, Wall St. J., Sept. 1, 1999, at A26. McNealy's predictions are already being borne out. A recent article

assessed the changes in the operating system market. It noted that Microsoft's main markets are maturing and the entire ground under its empire is shifting. Market researchers expect PC sales worldwide to drop [in 2001] and at best to stagnate in 2002. What is more, software is increasingly a service delivered over the Internet, meaning that operating systems are no longer central. Microsoft: Extending Its Tentacles, The Economist, Oct. 20–26, 2001, at 59. Thus, whatever market power Microsoft now possesses is rapidly being eroded, or is already effectively gone. In short, because Microsoft's present market power is limited at best and will be further eroded in the near future, there is no need for antitrust remedies. See also William E. Kovacic, Designing Antitrust Remedies for Dominant Firm Misconduct, 31 Conn. L. Rev. 1285, 1314 (1999) (explaining that rapid technological change can indicate the instability of market power, and therefore to the need for milder remedies). At a minimum, any antitrust remedy must take into account the dramatic decline in any market power Microsoft might previously have enjoyed, and be limited accordingly.

B. The Remedy Should Be No Broader Than Necessary To Address The Conduct That The Court Of Appeals Held Illegal.

Another principle that must guide the analysis of any proposed antitrust remedy is that it must be no broader than necessary to address the conduct that has been found illegal. As with all injunctive relief, the substantive prerequisites for obtaining an equitable remedy as well as the general availability of injunctive relief . . . depend on traditional principles of equity jurisdiction. Grupo Mexicano de Desarollo, S.A., Inc. v. Alliance Bond Fund, 527 U.S. 308, 319 (1999) (quoting 11A C. Wright, A. Miller, & M. Kane, Federal Practice and Procedure u 2941, at 31 (2d ed. 1995)). And one of these traditional principles of equity jurisdiction, id., is that an injunction should be no more burdensome than necessary to prevent a recurring violation of the law. See generally Madsen v. Womens Health Center, 512 U.S. 753, 765 & n. 3 (1994), and cases cited therein. This is as true in antitrust as in other areas of the law. For example, in the Lorain Journal case, which Robert Bork believes is the closest to this one, the Court noted that, [w]hile the decree should anticipate probabilities of the future, it is equally important that it ... not impose unnecessary restrictions. 342 U.S. at 156. The Court of Appeals recognized this principle when it instructed the District Court that any remedy should be tailored to fit the wrong creating the occasion for the remedy, Microsoft, 253 F.3d at 107, i.e., that it should be focused on the conduct [the court] has found to be unlawful and should be limited to provisions that are required to rectify [Microsoft's] monopoly maintenance violation, id. at 104, 105.

Consistent with these principles, since at least 1911 it has been the law in antitrust cases that ordinarily ... [an] adequate measure of relief would result from restraining the doing of such [illegal] acts in the future. Standard Oil Co. v. United States, 221 U.S. 1, 77 (1911) (emphasis added). In other words, an injunction simply forbidding the specific conduct found to

Normally, of course, a settlement is reached before a trial on the merits. In that situation, it is clear that a reviewing court cannot expand an antitrust decree to remedy perceived problems that lie outside the scope of the complaint. That was the thrust of the Court of Appeals' 1995 Microsoft decision, 56 F.3d 1448. Furthermore, any such action by a reviewing court would most likely be unconstitutional. Id. at 1459; see also Maryland v. United States, 460 U.S. 1001, 1006 (1983) (Rehnquist, J., dissenting). Here, of course, the Court of Appeals has affirmed some of the district court's findings of liability. Expanding the remedy to address issues as to which liability has not been proven let alone issues as to which liability has never been alleged would clearly exceed the District Court's power.

be illegal is ordinarily considered sufficient. Or, as the District Court recently explained, the scope of any proposed remedy must be carefully crafted so as to ensure that the enjoin[ed] conduct falls within the . . . behavior which was found to be anticompetitive. Hearing Tr., Sept. 28, 2001, at 8.

Some commentators have nevertheless argued that the District Court is obligated to terminate Microsoft's dominant market position, which they characterize as an illegal monopoly. Jennifer Bjorhus, Settlement Draws Frustration From Few Tech Giants That Spoke Out, San Jose Mercury News, Nov. 3, 2001, at 20A. But this argument rests on a misinterpretation of the pertinent case law, including the Court of Appeals' decision. Contrary to this argument, the law does not require that a remedy attempt to recreate the world as it might have existed absent the violation or deprive a defendant of the proceeds of its business. Instead, where a violation is found, the remedy, as the Court of Appeals pointed out, should be designed to unfetter' the market from the anticompetitive conduct.' Microsoft, 253 F.3d at 103 (quoting Ford Motor Co. v. United States, 405 U.S. 562, 577 (1972)) (emphasis added).

That, moreover, is why the Court of Appeals placed heavy focus on the requirement that, before a court can seek to undo an alleged monopoly, there must be a significant causal connection between the allegedly illegal conduct and the existence of that monopoly. The District Court recently echoed this same theme when it remarked that it intended to fashion an injunction that would avoid a recurrence of the violation and . . . eliminate its consequences. Hearing Transcript, Sept. 28, 2001, at 9 (emphasis added).

There is a vast difference between unfettering or unshackling a market from prior anticompetitive behavior, and attempting to reconstruct the market as it might have existed absent that conduct. The former is a legitimate objective of an antitrust remedy; the latter is not.

In the District Court's words, attempting to reconstruct the market as it might have been absent the conduct at issue goes well beyond simply eliminating the consequences of anticompetitive conduct. Antitrust law does not attempt to recreate or to maintain by detailed regulation a perfect world. Its goal is to restore competition, including legitimate competition by the dominant firm. Ford Motor Co. v. United States, 405 U.S. 562, 577–78 (1972). C.The Remedy Should Avoid Or Minimize Collateral Damage To The Rest Of The IT Industry.

Another traditional principle[] of equity jurisdiction,' Grupo Mexicano, 527 U.S. at 319, is that any relief imposed by a court should not inflict unnecessary harm on third parties. Atchison, Topeka & Santa Fe Railway Co. v. Wichita Board of Trade, 412 U.S. 800, 824 (1973) (plurality opinion); Gilbertville Trucking Co. v. United States, 371 U.S. 115, 130 (1962). In this case, there is a real risk of harm to the entire IT industry as well as consumers. As explained in the attached affidavit of ACT's president, Jonathan Zuck, (Exh. A) both consumers and IT companies derive enormous benefits from the existing Windows platform. For IT companies in general, and ACT's members in particular, that platform is unusually valuable and important for at least three reasons.

1. Constant Improvement and Addition of New Features and Functionalities. One reason Windows is so valuable to the IT industry is that Microsoft has constantly improved it. For example, as Mr. Zuck explains, each new release of Windows contains software drivers for the major new printers and other peripheral devices that have been released since the prior version of Windows. This means that developers of applications such as money management software, graphics programs, etc., do not need to create their own drivers for these devices or, worse, choose from among several competing drivers. Affidavit N 7.

Virtually everyone in the IT industry, moreover, has a strong interest in seeing this trend continue in the future. The addition to Windows of such new functionalities as voice recognition, for example, will allow software developers to add such features to their products at minimal cost. Those costs will increase dramatically and consumer benefits will be reduced if software developers are forced to develop their own voice recognition features or, worse, to port their programs to several competing voice-recognition programs. Id. N 8. 2.Windows' Uniformity and Widespread Acceptance. Uniform standards are likewise crucial to an efficient, rapidly evolving IT sector. As Mr. Zuck explains, communications and Internet standards provide the language necessary for many different computers to talk or network with one another, enabling, for example, users of the World Wide Web to locate and retrieve the information they seek. Operating systems perform a similar function, allowing hardware devices and software applications to communicate with a computer. Indeed, it is Windows' consistency that makes it so valuable.

As the Court recognized in its Findings of Fact, Windows exposes a set of application programming interfaces' that lets software interact in a consistent way with any Intel-compatible PC. United States v. Microsoft Corp., 84 F. Supp. 2d 9, 12–13 (D.DC 1999) (Findings of Fact). This means that the same software will run on all Windows-based PCs

and, by and large, all hardware devices can be used as well. Affidavit N 10. Hence, the consumer avoids the need for time-consuming, often expensive retraining, and thus has a greater incentive to learn how to use the existing system. Also, the widespread acceptance that Windows enjoys makes it easier to ensure that computer products (both hardware and software) work the way they are supposed to, and work well with each other. Operating system consistency usually means that software will operate normally even if the type of computer changes. For example, WordPerfect will function as advertised on a Windows-based Dell computer or a Windows-based Compaq computer. Id.

For these reasons, as Mr. Zuck explains, the cost per potential customer of developing a piece of software for the Windows operating system is significantly lower than the cost for the UNIX operating system. And that, of course, translates into more software and lower prices for consumers. Id. N 13.

In addition, more than any other operating system, Windows has remained compatible with software written for older Windows versions. As a result, consumers have much greater confidence that the software they purchase will work when they upgrade to a new Windows release. Hardware manufacturers and developers similarly face much less risk that their research and development expenditures will be stranded if Microsoft releases a new version. Id. N 14.

3. Windows' Low Cost to Consumers. The Windows operating system also allows the developer, or other providers of support services, to support end-users at minimal cost. As Mr. Zuck explains, each operating system not only has signature application interfaces and user commands, it also presents its own set of bugs and system errors. Thus, to provide software or

In its consistency from one computer and software program to another, Windows is markedly different from the UNIX operating system. That system is in reality a collection of similar operating systems, including Sun's Solaris, Digital's UNIX, HP's HP-UX, IBM's AIX and SCO's UnixWare. See http://www.techweb.com/encyclopedia/defineterm?term=unix. Although different versions may be desirable with respect to many products, for most computer users such a proliferation promises nothing but confusion, lost time, fewer applications, and higher prices. For example, a consumer who shifts from one UNIX-based computer to another UNIX- based computer may find that the two computers use different UNIX versions with different features, functions, and idiosyncrasies. Consequently, the consumer may have to devote considerable time and expense learning how to perform the same tasks on the second UNIX- based computer that she already knew how to perform on the first platform. Worse still, the software applications or hardware equipment she purchased for and used on the first computer may be incompatible with the version of UNIX installed on the second computer. And a UNIX user obviously has less incentive to develop skills tailored to her particular system if it is likely that she will use a different UNIX operating system in the future. Affidavit NN 11–12.

15 hardware support, a developer must train personnel to identify and understand the idiosyncrasies of each operating system under which it markets its product. These increased support costs increase prices and decrease consumer demand for products and services. Id. N 15. Consumers, moreover, obtain all of these benefits inexpensively. Compared to the cost of a typical PC, and to the cost of the software typically installed on that PC, the cost of Windows (at about 5% of the PC's price) is relatively small. A low price, coupled with all the benefits stemming from Windows' widespread use, drives up demand by making computer products more affordable and attractive to consumers. Id. N 16.

As Mr. Zuck explains, the widespread use of an inexpensive, constantly evolving operating system is particularly important in an industry as dynamic as the information technology industry, which constantly generates both new products and new uses for those products, and for which new developments such as the Internet can redraw the competitive landscape overnight. A popular operating system like Windows allows consumers and developers to act quickly and with confidence that software and hardware will work on most PCs today and in the future. And the fact that many consumers choose Windows adds a measure of stability to a highly dynamic industry.

For all these reasons, any remedy that resulted in the balkanization of Windows would have a disastrous effect on the entire IT industry. Software developers, Internet access providers, and others rely on the widely installed, constantly improving Windows platform as the groundwork for their own products. If there were no consistent platform, software developers would have to try to port their products to various operating systems, increasing those products' costs substantially, or else they would have to accept a much smaller market share.

This, too, would drive up prices because the cost of distributing software is tiny compared to the cost of developing it.

Windows' importance as a consistent platform is illustrated by the fact that, when it appeared that Microsoft might be broken up, stock prices in the rest of the IT industry fell. Kenneth G. Elzinga, David S. Evans, Albert L. Nichols, United States v. Microsoft: Remedy or Malady?, 9 Geo. Mason L. Rev. 633 (2001). Likewise, any remedy such as those proposed by the Litigating States that would fragment Windows would be unlawful because of the harm it would impose on third parties.

D. The Remedy Should Be Judicially Administrable, Not Regulatory.

Finally, any remedy should be judicially administrable and not put the courts in the position of having to oversee product design. United States v. Microsoft Corp., 147 F.3d 935, 948 (DC Cir. 1998). Some have suggested that the kinds of extreme remedies proposed by the Litigating States are in some sense alternatives to regulation. But history suggests quite the opposite.

In 1982, for example, AT&T entered into a consent decree designed to remedy what the government perceived as anticompetitive practices, and to allow AT&T to compete in new markets. Then too, the provisions of that decree were touted as an alternative to regulation. But in practice, the break-up of AT&T generated pervasive judicial participation in the telecommunications industry. For example, between 1984 and 1995, the court ruled on over 250 waiver requests pursuant to the consent decree. Most of these were necessary to allow the companies spun off from AT&T to respond to market developments that had not been anticipated when the decree was entered. Although 96 % of the requests were eventually approved, the average delay prior to approval was four years. It is not surprising, then, that Congress put the court out of the telecommunications business when it passed the Telecommunications Act of 1996.

This kind of intrusive, time-consuming regulation is particularly ill-suited to a rapidly- changing industry such as IT. For example, many settlement opponents have made proposals resting on a distinction between middleware and the operating system. But this distinction is dubious even now, and is rapidly being eroded. The federal courts are not equipped to draw lines in the shifting sands of information technology.

Notwithstanding this reality, some settlement opponents have proposed ongoing regulation of Microsoft's conduct, or detailed enforcement provisions envisioning ongoing judicial involvement in Microsoft's management. Some have even proposed egregious private attorney general provisions that would simply foment litigation and enrich plaintiff's lawyers. All of these proposals would create the kinds of problems that arose in abundance in the wake of the AT&T consent decree.

Other cases demonstrate the dire consequences that can arise when courts attempt to regulate an industry under the guise of an antitrust decree. For example, in United States v. United Shoe Machinery Corp., 110 F. Supp. 295 (D. Mass. 1953), aff'd, 347 U.S. 521 (1954), the district court imposed extensive regulation on the shoe machinery industry over a ten-year period. The remedies were meant to end United's practice of distributing shoe machinery through long-term leases and to make shoe machinery available from a variety of sellers. To this end, the court restricted lease terms, required United to offer its machines for sale in addition to leasing them, and required United to charge separately for services such as repairs. Id. at 352–53. However, a 1993 study concluded that the court order destroyed many efficiencies arising out of the technical realities of the shoe manufacturing industry, impaired the quality of United's performance, and likely contributed to the dramatic decline of the domestic shoe industry in the 1960s and beyond. Scott E. Masten & Edward A. Snyder, United States v. United Shoe Machinery Corp.: On the Merits, 36 J.L. & Econ. 33 (1993); see also Lino A. Graglia, Is Antitrust Obsolete?, 23 Harv. J.L. & Pub. Pol'y 11, 17 (1999). For all these reasons, judicial regulation of the IT industry, or any portion of that industry, is to be avoided at all costs.

Indeed, that appears to be the main message of the DC Circuit's earlier decision

rejecting the preliminary injunction that the Government sought. Microsoft, 147 F.3d at 948 (Antitrust scholars have long recognized the undesirability of having courts oversee product design, and any dampening of technological innovation would be at cross-purposes with antitrust law.). And the Court of Appeals' most recent decision is entirely consistent with that message. Microsoft, 253 F.3d at 101–07. Indeed, even Judge Jackson has acknowledged that in this case, as in others: The less supervision by this court, the better.' John R. Wilke, For Antitrust Judge, Trust, or Lack of It, Really Was the Issue, Wall St. J., June 8, 2000, at A1.

II. THE RPFJ IS CONSISTENT WITH ALL OF THESE PRINCIPLES, WHEREAS THE PROPOSALS BY THE LITIGATING STATES AND OTHER CRITICS WOULD VIOLATE EVERY ONE OF THEM.

On balance, the RPFJ complies with these four principles and is therefore in the public interest. Like most settlements, it is less than perfect. However, the purpose of this proceeding is not to produce a perfect order. The court must review the settlement that the parties have agreed to, and enter it so long as the proposal falls within the reaches of the public interest.' Microsoft, 56 F.3d at 1458 (DC Cir. 1995) (emphasis in original; citations omitted); see 15 U.S.C. u 16(e) (Before entering any consent judgment proposed by the United States under this section, the court shall determine that the entry of such judgment is in the public interest.).

It is clear that entry of the RPFJ is in the public interest. The federal government has explained at length in its Competitive Impact Statement that the RPFJ will provide a prompt, certain and effective remedy for consumers by enjoining the conduct that the Court of Appeals found to be illegal, and by restoring competitive market conditions. Competitive Impact Statement at 2, United States v. Microsoft, No. 98–1232 (D.DC Nov. 15, 2001) (CIS). Each of the Court of Appeals' findings of anticompetitive conduct is addressed by at least one provision of the proposed final judgment. See Exh. B (table showing which provisions address each finding of illegality). Indeed, the RPFJ's provisions regarding server protocols, and its enforcement provisions, extend beyond the anticompetitive conduct found by the Court of Appeals. Accordingly, any notion that the RPFJ only tells Microsoft to go forth and sin no more, United States v. Microsoft Corp., 159 F.R.D. 318, 334 (D.DC 1995), rev'd, 56 F.3d 1448 (DC Cir. 1995), is ludicrous.

In contrast, the Litigating States and other critics of the RPFJ have proposed a variety of radical remedies that they claim would be more effective than the RPFJ in restoring competition. However, these proposals violate the four principles described above, and are in fact designed to benefit Microsoft's competitors. Indeed, these proposals would advantage Microsoft's competitors in areas other than PC operating systems, which is the only market at issue in this case. Moreover, rather than seeking to restore competition, these proposals and others like them seek to impose a court-designed, court-regulated regime that is especially inappropriate for a rapidly changing area such as IT. A principle-by-principle analysis highlights the flaws in these proposals.

A. The RPFJ Is Designed To Benefit Consumers, Whereas The Litigating States' Proposals Are Designed To Benefit Microsoft's Competitors.

As noted above, the most vital principle in designing an antitrust remedy is that it must be designed to benefit consumers rather than competitors. Unlike the Litigating States' proposals, the RPFJ easily complies. Consumers will benefit from the guaranteed flexibility and choice provisions in the RPFJ. All new Microsoft operating systems, including Windows XP, will have to allow end users to readily remove or re-enable Microsoft's middleware products such as its Internet browser, instant messaging tools, media player, and email utilities. While end users can already remove Microsoft middleware from Windows XP, the RPFJ will make it easier for users to switch and compare among competing middleware products, including those installed by computer manufacturers and those readily accessible over the Internet. Most importantly, the RPFJ preserves the integrity of the Windows standard while making it easier for other platforms to compete with Windows. As discussed above, the network effects that characterize the operating system market mean that consumers and the IT industry both benefit when they know that the platform they rely on is widely used, and will continue to be widely used in the future. Findings of Fact at 19–23; see also Affidavit NN 9–14. By and large, the RPFJ avoids requirements that would encourage the emergence and sale of multiple, incompatible operating systems under the Windows brand name. At the same time, the RPFJ protects Microsoft's competitors in several ways. Most importantly, it forbids retaliation against OEMs, u III.A, requires uniform license terms for the twenty largest OEMs, u III.B, and prevents Microsoft from including various restrictive provisions in OEM licenses, u III.C. Thus the RPFJ opens up the valuable OEM distribution channel to competitors, addressing the Court of Appeals' most substantial concerns. By increasing competitors' access to OEMs and by preventing Microsoft from negotiating quotas with IAPs, the RPFJ reasonably ensures that consumers will have access to whatever products they want.

By contrast, a central thrust of the Litigating States' proposals is to break Microsoft's control over the Windows brand. Forcing Microsoft to break up Windows into what a court conceives of as its component parts both destroys the utility of the standard Windows platform and entangles judges in a maze of technical regulation that they are poorly equipped to solve. If implemented, the LSPFJ would result in the creation of as many as 4,000 different versions of Windows, each requiring support not only by Microsoft but also by OEMs, software developers, and other IT professionals. This outcome would worsen, not improve, the lot of consumers. It would only serve to weaken Microsoft's product offerings, confuse users, drive up prices, and limit software choices.

Such remedies would also create concerns about privacy and security. Consumers are concerned and rightly so about on-line privacy and the security of their electronic information. E.g. David Ho, Identity Theft Tops Fraud Complaints, Wash. Post, Jan. 24, 2002 at E4. Because Microsoft would have almost no control over access to its code and to its technical information under the states' plan, hackers and other unsavory characters would find it much easier to penetrate the most common privacy and security protections. It would also be harder for Microsoft to control computer piracy, which in the end drives up prices to consumers. By making the fruits of Microsoft's innovations readily available to competitors, the Litigating States' proposals would also harm consumers by reducing Microsoft's incentive to innovate in the future. Indeed, it is likely that Microsoft's research and development budget, which has historically been the largest in the industry, would be substantially reduced to the 22 detriment of consumers. Property ownership is the cornerstone of a free market system; as property rights are eroded, so is the incentive to put that property to its most valuable use. Beyond these problems, the Litigating States' proposals are patently designed to provide specific benefits to Microsoft's principal competitors, and to reinforce their dominant positions in markets that are irrelevant to this litigation. This approach to remedies is contrary to the interests of consumers and the rest of the IT industry, and contrary to antitrust law. Benefits to AOL Time Warner. Some of the Litigating States' proposals will directly benefit AOL Time Warner. For example, the Litigating States' proposal to break Microsoft's control over the Windows brand, and the proposed prohibition on making Microsoft middleware the default for any functionality, LSPFJ u 10, unless the OEM or other licensee can override the setting and designate a different default or give the end-user a neutrally presented choice means that consumers who think they are buying a coherent, integrated operating system designed by Microsoft will get something quite different.

To see how this benefits AOL, consider the following scenario: AOL's Magic Carpet service will compete with Microsoft's .Net services. If Microsoft designates .Net as a default service in Windows, AOL can ask computer sellers to re-direct the default to Magic Carpet. Indeed, AOL's strategy is to do just that. Alec Klein, AOL to Offer Bounty for Space on New PCs, Wash. Post, July 26, 2001, at A1 (In internal AOL documents, the media giant lays out a strategy that calls on manufacturers to build into their new personal computers icons, pop-up notices and other consumer messages aimed at pushing aside Microsoft by giving AOL's own products prominent placement on PCs. It's the latest foray in an intensifying feud between the two technology titans over consumers and supremacy on the Internet.) Yet this hybrid product will still be marketed as a Windows system, making Microsoft responsible in consumers' eyes for programs it has no control over, and giving AOL a free ride on Microsoft's reputation and marketing.

Other users will be provided with a bewildering array of choices, all presented in a neutral manner, i.e. without guidance as to what product best suits their needs. Yet sophisticated users who have information

about middleware alternatives do not need neutrally presented choices to help them make their decisions. Less sophisticated consumers are entitled to get the brand they paid for, or at least to be told how to get that brand. The RPFJ's Section III, by contrast, puts Microsoft and its competitors on a level playing field, with minimal judicial intervention.

Benefits to Sun Microsystems. Another Microsoft rival, Sun, would also benefit directly from the Litigating States' proposals. Sun would benefit most obviously from the proposal that Microsoft include Sun's Java with every copy of Windows. LSPFJ u 13. Apparently Sun sees no conflict between that proposal and the proposal that Microsoft make available middleware- free versions of Windows at reduced prices. It is hard to argue that this requirement would benefit consumers, who can already get Sun's Java free from those web sites that use it. The federal government's settlement with Microsoft will make Sun's Java even easier for consumers to obtain by allowing OEMs, IAPs, and ISVs to provide it to their customers without fear of retaliation. But under the Litigating States' proposal, all consumers would have Sun's Java forced on them.

Benefits to IBM and Apple. The Litigating States' proposals also benefit IBM and Apple, giving them each an Office suite. IBM wants Office for Linux, and under the Litigating States' proposal it will get its wish by snatching Microsoft Office source code at the auction price. Under that proposal, Microsoft must maintain and support Office for the Macintosh even if it is a money-losing proposition. And if Apple is unhappy with the Office support Microsoft has to provide, it can snatch the source code at auction, and have an Office all its own. LSPFJ u 14. These porting proposals go far beyond the scope of this case, which is the Windows operating system market.

Conversely, the federal government's settlement with Microsoft addresses the Court of Appeals' only holding of anticompetitive behavior involving Apple, namely the agreement that Apple would distribute Internet Explorer exclusively. Under the RPFJ, Apple, like all ISVs, is free to distribute and promote non-Microsoft platform software without fear of retaliation. The states' proposal would give a free ride to a handful of companies and would impose an unnecessary burden on Microsoft but would not benefit consumers.

The states' proposals also provide free source code for Microsoft's Internet Explorer, LSPFJ u 12, giving IBM a good browser for the entire line of IBM computers and Apple a leg up on its software design. But once again, the problem with all this generosity is that its sole purpose is to benefit competitors and harm Microsoft, not to benefit consumers.

B. The RPFJ Is Narrowly Tailored To The Court Of Appeals' Ruling, Whereas The Litigating States' Proposals Go Well Beyond It.

Another key flaw in the Litigating States' proposals is that they go well beyond the Court of Appeals' ruling. Indeed, the sweeping scope of the Litigating States' proposals suggests that they mistakenly read the Court of Appeals' decision on liability as a broad affirmance, rather than as it was in fact a reversal in part containing very precise, narrow holdings on liability. Indeed, the DC Circuit reversed the District Court's findings that Microsoft had committed attempted monopolization and illegal tying.

As to the remaining findings, the Court of Appeals affirmed only some of the District Court's findings that Microsoft had illegally maintained its monopoly. Microsoft, 253 F.3d 34.

The Court of Appeals held that some exclusionary contracts and negotiating tactics were unlawful; that Microsoft had acted illegally in deceiving developers about its own Java language; and that Microsoft had illegally excluded Internet Explorer from its Add/ Remove facility and intermingled its Internet Explorer and operating system code. The Court also emphasized that, on remand, the District Court must base its relief on some clear indication of a significant causal connection between the conduct enjoined or mandated and the violation found directed toward the remedial goal intended.' Id. at 105 (quoting 3 Philip E. Areeda & Herbert Hovenkamp, Antitrust Law N 653(b), at 91–92 (1996)).

Section III of the RPFJ addresses each of these holdings. As to exclusionary contracts and high-pressure negotiations, the RPFJ forbids Microsoft to retaliate against OEMs, u III.A; requires Microsoft to sell Windows to the twenty largest OEMs under uniform license terms, u III.B; and forbids retaliation against, or exclusionary agreements with, ISVs or IHVs, u III.G, u III.F. As to Java, the RPFJ requires disclosure of information needed to design other software to be fully compatible with Windows, u III.D, and requires Microsoft to license its intellectual property to rivals, u III.I. As to Internet Explorer, the RFPJ forbids Microsoft to restrict any OEM from modifying their computer interfaces in various ways, such as removing the Internet Explorer icon, u III.C, and requires Microsoft to allow end-users to remove access to Microsoft Middleware or to designate a non-Microsoft middleware product as the default instead of the Microsoft product, u III.H.

The Court of Appeals was also quick to note that much of the conduct that Microsoft was accused of and even conduct that was found to be anticompetitive in particular settings is common in business, and is usually not anticompetitive. But the states' proposed categorical bans sweep in a host of pro-competitive conduct, in disregard of the Court of Appeals' instruction that any remedy be narrowly tailored to specific holdings of illegality. For example, the states would ban exclusive dealing across the board. Yet the Court of Appeals explained that: ''exclusive contracts are commonplace especially in the field of distribution in our competitive, market economy, and imposing upon a firm with market power the risk of an antitrust suit every time it enters into such a contract, no matter how small the effect, would create an unacceptable and unjustified burden upon any such firm.'' Microsoft, 253 F.3d at 70.

Similarly, the proposed judgment reflects an implacable hostility to integrating an internet browser or any additional functionality with the basic Windows operating system. Yet, as the Court of Appeals observed, [a]s a general rule, courts are properly very skeptical about claims that competition has been harmed by a dominant firm's product design changes. Id. at 65.

In perhaps the Litigating States' most egregious proposal, Sun CEO Scott McNealy got a special gift he has always wanted, see Peter Burrows, Face-Off, Bus. Wk., Nov. 19, 2001, at 104, — the ability to stop Microsoft from buying anything that could help it compete with Sun. If Microsoft wants to make an acquisition, an investment, or an exclusive license, it must notify the plaintiff states' attorneys two months in advance. LSPFJ u 20. The states make this proposal despite the total absence of any takeover-related findings anywhere in this case. It was precisely this type of overreaching that the Court of Appeals soundly rejected in 1995, when it reversed Judge Sporkin's refusal to approve the federal government's settlement with Microsoft and reassigned the case to a different district judge. Microsoft, 56 F.3d 1448. Judge Sporkin had gone beyond the complaint to try to force the parties to address his own concerns about vaporware. The Court of Appeals found that effort inappropriate. And it is no more appropriate for the Litigating States, at this late date, to try to drag in new issues and punish Microsoft for conduct that it never had a chance to defend. If a claim is not made, a remedy directed to that claim is hardly appropriate. Id. at 1460.

Another example of overreaching is buried in the Litigating States' proposals regarding orders and sanctions, and which singles out for punishment any groundless claim Microsoft makes of intellectual property infringement. Again, Microsoft's conduct in intellectual property litigation is no part of this case.

Finally, the Litigating States' proposed ban on retaliation against those who participated in the litigation is not grounded in any finding of illegality, even though Microsoft has been enmeshed in antitrust cases for years and has presumably had ample opportunity to retaliate unhindered. The RPFJ retaliation ban, in contrast, is clearly aimed at the possibility that Microsoft might try to punish companies that do not cooperate with Microsoft's business goals. The Court of Appeals envisioned that Microsoft would continue its normal business relations, albeit with injunctions in place against specific conduct found to be anticompetitive. The RPFJ provision implements that vision, while the states' proposal would open the door to unfounded claims of retaliation by any disgruntled participant in the litigation.

Of course, the RPFJ itself is overbroad in some respects.

Yet despite these problems with its scope, it is clear that as a whole, the RPFJ falls within the reaches of the public

For example, the Proposed Final Judgment defines Microsoft middleware as including Outlook Express, photo and video editing software, and other products that cannot serve as competitive threats to Microsoft. RPFJ u VI.K.1. This definition clearly

overreaches. This case is about Microsoft's response to the emergence of middleware as a competitive threat a possible alternative platform for software developers that could run on a variety of operating systems and thus would make software independent of Windows. Only middleware that can interest. It addresses the Court of Appeals' findings of illegality, remedies them all, and ensures competitive conditions in the market for Intel-compatible PC operating systems. C.The RPFJ Will Benefit The IT Industry, Whereas The Litigating States' Proposals Would Impose Substantial Harm On Other IT Companies. The RPFJ also offers significant advantages to the IT industry. Most importantly, of course, it preserves the integrity of Windows. But it also serves the IT industry by achieving a relatively quick resolution of this dispute. Litigation over remedies, possibly followed by appeal and remand or further appeal, could take years. The Supreme Court has recognized that a government antitrust consent decree is a contract between the parties to settle their disputes and differences, United States v. ITT Continental Baking Co., 420 U.S. 223, 235–38 (1975); United States v. Armour & Co., 402 U.S. 673, 681–82 (1971), and normally embodies a compromise; in exchange for the saving of cost and elimination of risk, the parties each give up something they might have won had they proceeded with the litigation. Armour, 402 U.S. at 681. The RPFJ has the virtue of bringing the IT industry certain benefits and protections without the uncertainty and expense of protracted litigation, Armour, 402 U.S. at 681; Microsoft, 56 F.3d at 1459; it will provide prompt, certain and effective remedies, CIS at 3.

The RPFJ also directly helps OEMs and other IT firms. Many of the options that will benefit consumers will also benefit the companies they buy from. As discussed above, OEMs serve as an independent basis for software development across different operating systems poses a competitive threat to Windows. Microsoft, 253 F.3d at 53. Similarly, the RPFJ overreaches when it requires that Microsoft disclose communications protocols used to interoperate with Windows 2000 servers and their successors. The Court of Appeals' definition of the relevant market made it clear that servers are not a part of that market and therefore, that they are not a part of this case. Microsoft, 253 F.3d at 52–53. As explained above, the only connection between servers and this case is that Microsoft's competitors in the server market have been highly influential with the Attorneys General who continue to litigate this case. The server protocols themselves are irrelevant and thus compelling disclosure is both overbroad and designed to benefit competitors rather than consumers.

29 that equip their products with any Microsoft operating system will benefit from guaranteed flexibility under the RPFJ. The twenty largest OEMs will also be entitled to uniform licensing terms, with some flexibility for volume discounts and marketing allowances. OEMs will have the ability to lease desktop space as well as space in the boot sequence on their computers by installing or promoting non-Microsoft products and services; IT companies will thus have the option to negotiate with the OEM(s) of their choice for that space. By contrast, the states' proposal to give the OEMs the choice of which parts of Windows to include on their computers and forcing Microsoft to accommodate those choices would fragment the Windows standard. As explained above and in Mr. Zuck's affidavit, such fragmentation would have disastrous effects. Creating multiple versions of Windows would slow the release of new versions of Windows and would make it impossible for software developers to program with confidence. Either they would write only to the leanest version available, depriving consumers of the benefits of most of Windows' functionality, or they would have to write multiple versions of each program, substantially increasing development costs and customer confusion. A stagnant, fragmented Windows would hurt the entire industry.

On another front, the RPFJ benefits all IT providers, including Microsoft's competitors, by guaranteeing access to technical specifications. Microsoft would have to promptly disclose technical information that enables any Windows operating system to communicate with Microsoft servers and with all Microsoft middleware products. uu III.D, III.E. To encourage more non-Microsoft middleware, the settlement forces Microsoft to license any intellectual property rights that others might need to compete with Microsoft. u III.I. And as with OEMs, Microsoft could not penalize any software developer, service provider, or hardware vendor that develops or sells products that compete with Windows and Microsoft middleware. uu III.A, III.F.

By contrast, as discussed above, the Litigating States' proposals would stifle innovation further by weakening or entirely eliminating Microsoft's intellectual property rights, thereby reducing its incentive to innovate. E.g. LSPFJ uu 1 (stripping down Windows), 2(a) (mandatory licenses), 3 (mandatory licensing of predecessor versions), 4 (disclosure of APIs and technical information), 12 (giving away browser), 14 (mandatory porting), 15 (intellectual property licenses), 19(f) (intellectual property claims). These provisions would not only hurt Windows, but also would instill in any sensible IT executive the fear that success will lead to confiscation. Even if these proposals did not end Microsoft's improvements to Windows, another provision would likely do so. That is the Litigating States' proposal to require Microsoft to notify any ISV of non-Microsoft middleware of any planned action, sixty days in advance, if the action will interfere with the middleware's performance or compatibility with Windows, unless the action is taken for good cause. LSPFJ u 5. After the notification, the ISV could complain to Microsoft's court-installed regulators to try to block the change.

The states' broad prohibitions on exclusive dealing and on agreements limiting competition also would prohibit Microsoft from entering into joint ventures with any other members of the IT industry. Because IT products are so interdependent, both consumers and companies would suffer if the only option is to design around Microsoft products, and the option of collaborating with Microsoft on entirely new projects is excluded.

D. The RPFJ Attempts to Structure a Workable Compromise, Whereas the Litigating States Propose to Establish a Court-Run Ministry of Microsoft. Finally, the approach of the RPFJ is not unduly regulatory. To be sure, the enforcement mechanism is too intrusive and could be substantially improved. However, the substantive provisions of the RPFJ focus on improving competition rather than micromanaging markets or product design. Thus, most of the injunctions tell Microsoft what not to do, rather than imagining what a perfect competitor might do and then attempting to enforce that vision. Not so the proposal by the Litigating States. They have proposed ongoing regulation of Microsoft's conduct, including ongoing judicial involvement in Microsoft's management, by a special master who would serve as an investigator, prosecutor, judge, and potentially even witness against Microsoft. LSPFJ u 18. The special master would be free to receive and act on even anonymous complaints, again a procedure that the Court of Appeals harshly criticized when Judge Sporkin used it. Microsoft, 56 F.3d at 1464. These proposals are most likely unlawful, if not unconstitutional. Id.; Microsoft, 147 F.3d. at 954 (granting mandamus to vacate non-consensual reference to a special master where [t]he issue here is interpretation, not compliance; the parties' rights must be determined, not merely enforced). And in all events, they would allow Microsoft's rivals to thwart competition at every turn.

The Litigating States also err in proposing an unduly long duration period. Any remedy in this case must be sensitive to the rapid pace of technological change in the operating system market. An injunction that is appropriate today may be completely unsuited to tomorrow's market. If, as The Economist has written, operating systems are no longer central, then there is little point in regulating that market. Microsoft: Extending its Tentacles, The Economist, Oct. 20–26, 2001, at 59. The RPFJ recognizes this reality by limiting its term to five years, with the possibility of a two-year extension. u V. Not so the Litigating States, who in their rush to ask for the most punitive remedies available seek a ten-year term for the judgment. In an effort to cover unforeseeable eventualities, the States also define key terms such as middleware, browser, and technical information so broadly that the proposed judgment is in some ways absurd. For example, it appears that the middleware definition would include parts of Windows 3.0, which was developed before anyone thought of Java or Internet Explorer. Because they are unworkable, many of the Litigating States' proposals invite additional judicial involvement through complaints by competitors or others; indeed, the provisions for anonymous complaints invite not only involvement, but abuse.

In short, the Litigating States' proposals pose an enormous risk of ongoing judicial regulation. Not only would they require

substantial modification of Microsoft's internal management structure, but they would require the District Court to set up its own regulatory agency, headed by the special master and potentially including a substantial staff, all paid by Microsoft. Courts are simply not designed for this sort of ongoing regulatory role, particularly in a field as far removed from their expertise as IT. At best, the Litigating States' proposals would create a contentious, judicially-regulated regime in place of a market. At worst, they would seriously impair IT innovation, at everyone's expense.

CONCLUSION

For all these reasons, the RPFJ should be adopted, and the Litigating States' proposals should be rejected.

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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA, Plaintiff, v. Civil Action No. 98–1232 (CKK) MICROSOFT CORPORATION, Defendant

STATE OF NEW YORK ex rel.) Attorney General ELIOT SPITZER, et al.,) Plaintiffs, v. Civil Action No. 98–1233 (CKK) MICROSOFT CORPORATION, Defendant.

DECLARATION OF JONATHAN ZUCK

January 25, 2002

Qualifications and Scope of Testimony

1. My name is Jonathan Zuck. I am over 18 years of age. I reside at 3701 Upton Street NW, in Washington, DC. I am President and Executive Director of the Association for Competitive Technology (ACT). I make this declaration in my capacity as President of ACT, which declaration is based on my personal knowledge of the facts set forth herein. To my knowledge, the factual assertions presented in this affidavit are true and correct.

2. ACT is a nonprofit association representing over 9,000 companies and individuals in the information technology (IT) industry. ACT members include independent software developers, hardware developers, systems integrators and on-line companies, many of whom are small and medium-sized businesses who depend on Microsoft technology for their success. Protecting the freedom to achieve, compete and innovate, ACT is dedicated to preserving the role of technology companies in shaping the future of the IT industry. Although their businesses vary, ACT members share a preference for market-driven solutions over regulated ones. Through education, advocacy and collaboration, ACT gives the IT industry a powerful voice in shaping its future. Although Microsoft is also an ACT member, ACT's interest in the remedies phase of this case stems primarily from the serious adverse impact the remedies proposed by the Litigating States will have on ACT's other members, and especially on independent software vendors (ISVs) in the business of developing applications software for use by business and consumers.

3. I became President of ACT in 1998. Since assuming leadership of ACT, I have been responsible for providing analysis, commentary and background information on behalf of the IT industry on a broad range of technology issues being debated in the public policy arena. I have appeared on a wide variety of television and radio programs, and do a large amount of writing for trade publications such as PC Magazine, PC Week, DBMS, the Visual Basic Programmer's Journal, and Windows Tech Journal. I have coauthored several books on the subject of Windows application development, including Visual Basic How-To. I also regularly speak at trade conferences in the United States and around the world on matters important to ACT's membership.

4. Prior to becoming President of ACT, I spent more than 15 years as a professional software developer. Most recently, I served as Director of Technical Services at the Spectrum Technology Group in Washington, DC, a consulting firm specializing in client/server, Internet and data warehouse solutions. Prior to that, in 1988, I founded and served as President of User Friendly, Inc., of Washington, DC, a company providing consulting and software development services to local businesses. The company expanded into commercial software development with Crescent Software in 1992. I also set up U.S. operations for Matesys, a French software firm that produced client/server development tools including ObjectView. At Matesys, I was responsible for product management, marketing and sales, and helped build the company into an $11 million business before it was sold to Knowledgeware.

5. The purpose of ACT's Tunney Act comments, and of my Declaration, is to provide the Court with the IT industry's perspective on the Revised Proposed Final Judgment (RPFJ) as well as the industry's perspective on more radical proposals that have been advanced by various groups, including the Litigating States. Specifically, this Declaration seeks to explain the importance of the standard, constantly evolving Windows platform and the heavy costs that would be imposed by the Litigating States' proposals or any other proposals that impair Windows' integrity. For the reasons explained below, ACT believes that the Litigating States' proposed remedies could well be devastating to the IT industry, with no corresponding benefit. In contrast, the RPFJ will likely preserve and even strengthen the IT industry.

Value of Windows

6. In various ways, the Litigating States' proposals will threaten the three features of the Windows operating system that make it so valuable to the IT industry: (1) the fact that Microsoft constantly improves it by adding new features and functionalities; (2) its uniformity and widespread acceptance; and (3) its low cost to consumers.

7. Constant Improvement and Addition of New Features and Functionalities. One reason Windows is so valuable to the IT industry is that Microsoft has constantly improved it. For example, each new release of Windows contains software drivers for the major new printers and other peripheral devices that have been released since the prior version of Windows. This means that developers of applications such as money management software, graphics programs, etc., do not need to create their own drivers for these devices or, worse, choose from among several competing drivers.

8. Virtually everyone in the IT industry, moreover, has a strong interest in seeing this trend continue in the future. The addition to Windows of such new functionalities as voice recognition, for example, will allow software developers to add such features to their products at minimal cost. Those costs will increase dramatically and consumer benefits will be reduced if software developers are forced to develop their own voice recognition features or, worse, to port their programs to several competing voice-recognition programs.

9. Windows' Uniformity and Widespread Acceptance. Uniform standards are crucial to an efficient, rapidly evolving IT sector. Communications and Internet standards provide the language necessary for many different computers to talk or network with one another, enabling, for example, users of the World Wide Web to locate and retrieve the information they seek. Operating systems perform a similar function, allowing hardware devices and software applications to communicate with a computer. Indeed, it is Windows' consistency that makes it so valuable.

10. As the District Court recognized in its Findings of Fact, with Windows the operation of both the computer and the software is the same from computer to computer. This means that the same software will run on all Windows-based PCs and, by and large, all hardware devices can be used as well. Hence, the consumer avoids the need for time-consuming, often expensive retraining, and thus has a greater incentive to learn how to use the existing system. Also, the widespread acceptance that Windows enjoys also makes it easier to ensure that computer products (both hardware and software) work the way they are supposed to, and work well with each other. Operating system consistency usually means that software will operate normally even if the type of computer changes. For example, WordPerfect will function as advertised on a Windows-based Dell computer or a Windows-based Compaq computer.

11. In its consistency from one computer and software program to another, Windows is markedly different from the UNIX operating system. That system is in reality a collection of similar operating systems, including Sun's Solaris, Digital's UNIX, HP's HP-UX, IBM's AIX and SCO's UnixWare. See http://www.techweb.com/encyclopedia/defineterm?term=unix. Although different versions may be desirable with respect to many products, for most computer users such a proliferation promises nothing but confusion, lost time, fewer applications, and higher prices.

12. For example, a consumer who shifts from one UNIX-based computer to another

UNIX- based computer may find that the two computers use different UNIX versions with different features, functions, and idiosyncrasies. Consequently, the consumer may have to devote considerable time and expense learning how to perform the same tasks on the second UNIX- based computer that she already knew how to perform on the first platform. Worse still, the software applications or hardware equipment she purchased for and used on the first computer may be incompatible with the version of UNIX installed on the second computer. And a UNIX user obviously has less incentive to develop skills tailored to her particular system if it is likely that she will use a different UNIX operating system in the future.

13. For these reasons, the cost per potential customer of developing a piece of software for the Windows operating system is significantly lower than the cost for the UNIX operating system, which translates into more software and lower prices for consumers.

14. In addition, more than any other operating system, Windows has remained compatible with software written for older Windows versions. As a result, consumers have much greater confidence that the software they purchase will work when they upgrade to a new Windows release. Hardware manufacturers and developers similarly face much less risk that their R&D expenditures will be stranded if Microsoft releases a new version.

15. Windows' Low Cost to Consumers. The Windows operating system also allows the developer, or other providers of support services, to support end-users at minimal cost. Each operating system not only has signature application interfaces and user commands, it also presents its own set of bugs and system errors. Thus, to provide software or hardware support, a developer must train personnel to identify and understand the idiosyncrasies of each operating system under which it markets its product. These increased support costs increase prices and decrease consumer demand for products and services.

16. Consumers, moreover, obtain all of these benefits inexpensively. Compared to the cost of a typical PC, and to the cost of the software typically installed on that PC, the cost of Windows (at about 5%) is relatively small. A low price, coupled with all the benefits stemming from Windows' widespread use, drives up demand by making computer products more affordable and attractive to consumers.

17. The widespread use of an inexpensive, constantly evolving operating system is particularly important in an industry as dynamic as the information technology industry, which constantly generates both new products and new uses for those products, and for which new developments such as the Internet can redraw the competitive landscape overnight. A popular operating system like Windows allows consumers and developers to act quickly and with confidence that software and hardware will work on most PCs today and in the future. And the fact that many consumers choose Windows adds a measure of stability to a highly dynamic industry. This Court should avoid any remedies that would threaten or undermine these benefits. Potential Adverse Effects of the Litigating States' Proposals on Consumers and the IT Industry

18. The RPFJ will increase consumer choice while maintaining the integrity of the Windows platform. OEMs and consumers will be free to add whatever products they choose, even to the startup sequence, or to disable access to Microsoft middleware, but consumers will still be able to choose Microsoft products and programmers will still be able to invoke Windows' full functionality. RFPJ u III.

19. In contrast, the Litigating States' proposals will impose tremendous costs on the IT industry, its consumers, and the public at large.

20. Balkanizing Windows. A central problem with the Litigating States' proposals is that they would allow OEMs to create what would amount to separate versions or flavors of the Windows platform. As a result, the proposal would set in motion a process that could well result in the balkanization of Windows, to the detriment of IT companies and consumers alike.

21. The Litigating States' proposals would require Microsoft to offer stripped-down versions of Windows, with the middleware elements removed, at reduced prices. OEMs could then either leave those elements out altogether or replace them with competitors' products. As a result, a software developer can no longer assume that particular Windows components will be readily available to consumers. The developer must then purchase the needed feature from Microsoft and include it with its own program, or it must force the customer to purchase it from Microsoft. Either way, both the developer and the consumer would ultimately suffer from the need for a second, unnecessary transaction.

22. As an example, suppose that a company had an application that relied upon a Windows innovation to automatically support the display and navigation of its HTML-based on-line help system. The proposed remedy lets OEMs sell Windows without that support middleware, so the developer would have to incur the costs to create, distribute, and support its own middleware for on-line help display without delivering any greater value to customers.

23. The Litigating States' proposed remedy, moreover, actually gives OEMs an incentive to strip down Windows before offering it to consumers. That is because Microsoft shall offer each version of the Windows Operating System Product that omits such Microsoft Middleware Product(s) at a reduced price (compared to the version that contains them). Litigating States' Proposed Final Judgment u 1. Under the Litigating States' mistaken notion of Middleware, Windows itself would have been called Middleware, since it originated as an application running on top of DOS. There can be no doubt that the implementation of this concept would effectively balkanize what is now a uniform, coherent software platform. This balkanization would of course destroy one of the characteristics of Windows that makes it so valuable to developers of software and hence consumers its consistency from one Windows-based PC to the next.

24. Uncertainty in the IT Industry. Yet another major cost of the States' proposal is the tremendous uncertainty it would create and, indeed, already has created in the industry and the associated financial markets. The uncertainty surrounding the long-term implications of the proposed remedies is already causing software and hardware developers, as well as their current and prospective clients, significant harm. I do not believe that the vast majority of the conduct remedies proposed by the Litigating States will do anything but create an unwieldy regulatory regime for software and hardware designers.

25. A major source of uncertainty has to do with the future of the Windows platform. We do not know whether, assuming that the Litigating States' proposals or similar proposals are adopted, Windows will continue to be the standard operating system, or whether it will be viable at all.

26. For all these reasons, the mere fact that the Litigating States have proposed such extreme remedies is already creating a certain amount of paralysis among those in the IT industry who are working to improve existing products and to create the products of the future. Conclusion

27. While the RPFJ is superior to the Litigating States' proposals in many ways, a crucial difference is that the RPFJ would preserve the integrity of the Windows standard. By doing so, it will preserve the integrity of the IT and particularly the software development industry.

28. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge:

Jonathan Zuck, President,

Association for Competitive Technology

Signed this the 25th day of January, 2002

MTC–00027807

From: Shaun Savage
To: Microsoft ATR
Date: 1/28/02 11:04am
Subject: Stop MS, for the comsuner sake!!

HI

This is not a legal argument, it is a personal experiance in dealing with MS. The settlement is bad. It does not deal the the problem of MS rape of the consumer and developer.

MS Modis Operandi(sp) is to control the access to computers and make money! This is at the expense of consumers and developers. When Word98 first came out it could not write Word95 format. This prevented the two programs sending file back and forth. This forced the Word95 user to upgrade(spend money).

MS does NOT follow standards!!! Even when thay help define the standards they break the same standards they help define. This forces developers to write new work arounds for the ''intentianl bugs/features''. This make MS products incompatiable with all other software, because these bugs are unpublished.

There is a difference between API (Application Programming Interface) and (protocols/file formats). An API requires a library that know the (protocol/file format).

To be interoperable the lowlevel protocols and file formats need to be known. This includes security protocols. MS does not intovate!! they take existing ideas and comercialize the one method of doing that idea. The only reason they can do that is that they are an monopoly. If low level formats and protocols are published then the ''secret'' is in the quality in programming the application. This is where the compitition come in. If they can do something better than someone else in an open playing field, that is the way to compete. An monoculture of computers is very instable. the security of MS products is terrible!! When you allow the mix of data and program to be exchanged between systems then there is a lack of security. MS allows the transfer of data AND code in its data documents. VERY BAD! A way to force MS to improve service/products to the consumer is to allow compitition. To allow compitition ALL (that means ALL) low level protocols, file formats, and algorithms needs to be in the public domain. MS will try to sneak out of doing any change in its MO, and put paper work and beurcrat stuff, and legal stuff between change. Just look at the lies and ''tricks'' they pulled during the trial phase. Any settlement needs to have teeth. Really BIG teeth!!!

I, as an consumer, can't take legal action against MS, I don't have the money, time,. . .

I may have a justice case the MS harmed me, but I can never seek or have justice on my own.

''The goverment is here to protect me from things I can't protect myself from''

Please protect me from Microsoft!

Shaun Savage
20477 SW Tesoro CT
Aloha OR 97006
savages@pcez.com

MTC–00027808

From: Hans Reiser
To: Microsoft ATR
Date: 1/28/02 11:03am
Subject: Microsoft Settlement

If you are not able to process html format for proper printing, or you lost the html version I sent, please accept this email (excepting this sentence) as my comment on the proposed settlement, otherwise please accept the html version which preceded this.

MS Settlement Reflects Deep Failure To Understand Implications of ''Patching'' Technology

The positions of the DOJ, the States, and even Lawrence Lessig are based on a failure to understand that something unique to the software industry, which programmers call ''patching'' technology, makes software products infinitely separable if an essential facility called ''source code'' is provided. No disclosure of APIs, and no structuring of APIs, can accomodate all potential products in the manner that disclosure of source code plus use of patching does. Every line of source code is a possible location for insertion of new code that forms a new product. This new code can be distributed separately from the original source code, and post-sale added by the consumer, via what programmers call a ''patch''. Patching technology fundamentally changes product separability, making separation dependent on the essential facility called ''source code''. Non-programmers seem to not yet understand this. Persons who work in the Linux industry know this from experience, and I will try to convey this experience as someone who has built a business from the sale of patches (for the ReiserFS filesystem) in the only market where I had access to kernel source code.

Software is unique in that ''Compiler'' technology allows consumers to effectively reassemble software themselves.

A compiler is a computer program that takes a set of instructions about how to build a program (called ''source code''), and builds the software. Almost all software is actually assembled by compilers not humans, and the work of humans is almost entirely in creating the source code.

You have probably never used a compiler to assemble software yourself as a consumer because:

*you are not a Fortune 500 company with a staff of trained system administrators

*you probably use Windows not Linux, and Windows does not give you access to the essential facility known as ''source code'' that your ''compiler'' needs to reassemble your software

*the new crusade by Linux to make the compilation process user friendly has only just started Because you have never done it yourself, your intuition may tell you that it is not feasible, or that it is not feasible for a large market. Beware this intuition, it is simply wrong. The Fortune 500 are a significant market for antitrust purposes, and Linux is rapidly moving towards making asking compilers to perform reassembly a friendly experience for average persons.

It is frequently efficient to post-sale integrate software for a large part of the market, and it is getting more so with time. This is deeply different from physical products such as cars, in that most persons do not find it as effective to buy a collection of parts and self-assemble because they would have to do the work of assembly. With software, the computer does the work of post-sale assembly, and the consumer simply tells the computer to do it, goes to make some tea, comes back, and the job is done.

For instance, the business that I own (Namesys, see www.namesys.com) made its money entirely from sales of a filesystem (ReiserFS) that was sold separately from the operating system (Linux) for the first few years of our business. The revenues from this were enough to support us. Paying consumers such as MP3.com would take our source code, add it to the Linux kernel source code, use a compiler, let their computer do a few minutes of work to reassemble the kernel, and get a better filesystem as a result of it. This allowed MP3.com to save $20 million dollars according to their estimate. Others in my industry also sell filesystems separately from operating systems (www.veritas.com got its start that way, and still makes simply enormous amounts of money from doing so, there are others....).

Notice that I say filesystem. Your intuitive notion of what is an operating system probably tells you that the filesystem is part of the operating system. You may be tempted to think that what is part of the operating system is not viable as a product sold separately from the operating system. Lessig thought so, and this is because he lacks experience selling operating system components in the Linux/Unix programming industry.

Think of Jefferson Parish, and understand that software takes the fine distinctions of Jefferson Parish to their extreme:

*Software can be integrated in its functioning, and yet separate in its sale, and this means separate as a product for purposes of anti-trust law. (Most software products are functionally integrated with a separately sold operating system.)

*Software can be integrated in its physical distribution, yet separate in its sale. (Purchase of a CDROM holding the software is often separated from purchase of a license to use, and it is often considered efficient by publishers to bundle physical distribution without bundling licensing.)

*Software can be sold and transmitted over the Internet with no physical product created at all.

There is only one characteristic that necessarily defines the separation of a software product, and that is the license. A license is a contract, and contractual tying is illegal under the Clayton and Sherman acts.

Yet wait, if software products are so easily separable, why aren't there far more OS components out there being sold? Control over an essential facility is the answer.

Secret source code can be an essential facility the equal of putting a combination lock on every bolt in a car, and then declaring the combination to be a trade secret.

You wouldn't allow this for a car, yet traditional industry practice is that source code is kept a trade secret. The crisis our industry is facing, in which monopoly control is the norm in all parts of it not in infancy, is directly caused by this industry practice of secret source code. It is not necessary that the text be kept secret for copyright protection on books to be maintained, and it is also not necessary for software that the source be kept secret to protect ownership of it. Far from it, the underlying historical motivation of copyright and patent laws is to bring more information out of trade secret status.

We have a widespread well-entrenched industry practice that keeps an essential facility (source code) under the control of monopolists (of which Microsoft is merely the largest), and we have almost complete monopolization of the software industry in each of its mature niches. These are cause and effect.

I pray to you to not allow their continuance. Open up the operating system source code, and go even further. Declare that software is per se separable where source code is available. Declare source code to be an essential facility. Return copyright and patent practices to their historical roots, and require that information created be made public if it is to be protected.

Please do not hesitate to ask me to comment in greater detail or respond to your questions in this matter. I am available for in person testimony if desired.

I have great respect for Reilly and Lawrence Lessig generally, and for their

arguments in most other matters, and I hope it is understood that I merely have an advantage in possessing ''patches'' sales experience.

As for my needs, please create the legal conditions which will allow me to port ReiserFS to Windows and sell it separately from the operating system, by giving me the access to source code that I need to do the port, and to sell the patch separately from the OS.

Essential Facilites Related Citations

[U.S. vs. Trans-Missouri Freight Ass'n, 166 U.S. 290 (1897)] is the original precedent.

[MCI Communications v. AT&T Corp. 708 F.2d 1081 (7th Cir.), cert. denied, 464 U.S. 891 (1983)] describes a case more recent (it is a persuasive rather than controlling authority). Note that the 4 part test lacks any component referencing the need for a market to have been active at some point prior to the refusal to deal, and is the better for that lack.

Profit To The Monopolist From Tying

The Chicago School, to which the current DOJ administration adheres, holds that there is no incentive to monopolists to engage in tying because it believes they cannot extract more profit from forced sales of the tied product than they would from raising the price of the tying product, unless business efficiencies exist. For this reason, they feel that there is no need for the Clayton prohibition against tying, and feel there are civil liberty reasons to avoid government intervention into markets. Their analysis assumes the tied product is part of a fully competitive market, and for this reason it is deeply flawed.

The profit to the monopolist from engaging in tying is the difference between the market price and the marginal cost. For less than fully competitive markets, which is to say most markets, this is a non-zero amount. For software, especially software sold and distributed over the Internet, the marginal cost is close to zero, and the motivation for engaging in tying is extremely high. Senators Sherman and Clayton were much more knowledgable about economics than the Chicago School is paid to think (various monopolists have given large funding sums to pro-trust law schools). Some might like to think that, but for government, free choice expressed in the market would free us, but in sad reality the government is not the only means by which people organize to control and plunder the public. Cartels and monopolies take away our freedoms as well. The only thing worse than a government controlled economy is a monopoly controlled economy.

The Settlement As A Whole

I am opposed to the settlement as a whole. President Bush owns stock in Microsoft, and he appointed to head the antitrust division at the DOJ someone who is widely known to be opposed to laws against tying. When someone is opposed to a law that they are supposed to prosecute, they should not be allowed to settle a case their predecessor started. The proposed settlement is designed to be toothless, and to do nothing. Do not allow President Bush to settle this case, and thereby cripple the ability of the next administration to enforce the law. The failure of Microsoft and the DOJ to adhere to the contact disclosure provisions of the Tunney Act is one more reason to reject the settlement.

Conclusion

If you have the courage to firmly reject this settlement, if you declare software to be per se separable, and if you move aggressively to enforce the claim of the States while we wait for a new administration, you will have earned the admiration of the American people. Some of them will even know this.

More importantly, you will.

Sincerely,

Hans Reiser

Owner/Operator of Namesys

Author of ReiserFS, a significant component of Linux

5918 Marden Lane

Oakland, CA 94611

phone: +1 510–339–1044 (USA)

+7 095 290 6405 (I am currently in Russia)

MTC–00027809

From: Joanne Tur@ao1.com@inetgw
To: Microsoft ATR
Date: 1/28/02 11:08am
Subject: Microsoft Antitrust lawsuit

Mr. Ashcroft,

Attached is a letter from me regarding the antitrust lawsuit agaist Microsoft. Please consider my feelings on this matter.

Regards

Joanne Turner
210 Manchester Street
Danville, CA 94506
January 27, 2002
≤Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I write today to document my support of the recent settlement proposed by the DOJ in its antitrust lawsuit against Microsoft. I support this settlement because its formalization will mean that Microsoft's attention will no longer be diverted and they can get back to the business of creating excellent products. The formalized settlement will also mean that the IT industry will get the boost it has lacked since the beginning of this case. This boost will undoubtedly affect our failing economy positively.

I am pleased with the terms of the settlement as it stands, and I feel that Microsoft has made substantial strides to honor these terms. The compliance with these terms will ensure that competitiveness in the IT industry will be highly increased thereby giving consumers greater choices. Microsoft has already agreed to give their competitors license to their intellectual property and have also granted access to internal codes and protocols. These moves are all pro-competition and should more than quell the concerns of Microsoft's opponents.

It is my hope that you will see how crucial formalize this settlement is to the consumer, the IT industry and the economy and bring this matter to an expeditious close.

Sincerely,

MTC–00027810

From: Onnie Shekerjian
To: Microsoft ATR
Date: 1/28/02 11:09am
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
January 28, 2002

Dear Ms. Hesse:

The United States v. Microsoft Corporation litigation, which was brought nearly four years ago, should be ended with the consent decree by your Court.

Products which formed the basis for the Microsoft case in 1998 have since disappeared, becoming obsolete antiquities to be viewed with a smile and a ?remember when? usually reserved for hula-hoops and RC Cola. Other issues at the core of the case have also changed almost unidentifiably or have been sold or merged with others.

The failed Microsoft Network is one of the best examples. It was part of the case in the beginning, but has since faded from the landscape as another of Microsoft's unsuccessful ventures. What's lost in the haze in the anti-trust argument is that Microsoft has probably experienced as many failures as successes, but instead of employing more attorneys to even the playing field by litigation, they employed more developers and more R&D folks.

It's clear that Microsoft's innovations over the past 25 years were not anti-competitive, witnessed simply by the robust software marketplace we have today. In fact, the products and platforms Microsoft offers continue to make other products possible, like educational and learning programs.

New products and consistently decreasing prices cannot be symptoms of a closed or anti-competitive marketplace. The cries of ?monopolist!? against Microsoft, it turns out were an overreach.

More regulation will only damage one of the most promising industries in America. I hope you will sign off on the settlement agreement between Microsoft and the Justice Department and nine state attorneys general.

Sincerely,

Onnie Shekerjian

1301 East Myrna Lane

Tempe, Arizona 85284

MTC–00027811

From: Guinn Unger
To: Microsoft ATR
Date: 1/28/02 11:10am
Subject: Microsoft Settlement
Attorney General John Ashcroft

Dear Mr. Ashcroft:

I believe that the demands to break up Microsoft in the beginning of the antitrust suit against it would have had an adverse effect not only on my business but the IT industry as a whole. Fortunately, the settlement reached between Microsoft and Justice Department is reasonable. To settle this case is in the best interests of the consumer and the economy. While I do believe that sanctions against Microsoft are appropriate, we need to react rationally and not do anything that would result in damage to the economy.

Thank you.

Guinn Unger, President

Unger Technologies, Inc.
Microsoft Certified Partner
Compaq Solutions Alliance Partner
geunger@ungertech.com
www.ungertech.com
281–367–2477

Education is not the filling of a pail, but the lighting of a fire.—
William Butler Yeats

MTC–00027812

From: Frank Patitucci
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 11:10am
Subject: Microsoft Settlement

The purpose of this email is to add my voice to those opposed to the proposed settlement of the Microsoft Antitrust case. Much stronger penalties and remedies are necessary if Microsoft's behavior is to change.

The company has been convicted of committing crimes. It needs a punishment that matches the crime.

I am the CEO and Chairman of a private, employee owned company with about $20 million revenue and 200 employees. We provide employee relocation services to corporations when they transfer their employees. I am a card carrying capitalist. I have a degree from Stanford Graduate School of Business and have served as a part time professor there. Our capitalist system is the most productive economic engine ever invented. BUT it needs to be protected and guided by government (all branches) in order to continue to serve us and to be a model for the rest of the world.

Unfortunately, Microsoft represents capitalism at its worst. Here's how Microsoft's anti-competitive and anti-capitalistic behavior affects my company.

First, our company is now almost entirely dependent on Microsoft technology to provide our services. Frankly, when our computers go down we cannot do productive work. We are dependent on internal and web based systems to communicate with our clients, to manage our vendors and to perform basic business functions. All of our systems are Microsoft. And according to our IT staff ''we have no choice''.

Second, Microsoft limits the software we can purchase. At one point we had a database system called Foxpro. Foxpro was purchased by Microsoft. We purchased an accounting system called Great Plains. Great Plains was also purchased by Microsoft. We used to use word processor, spreadsheet, e-mail and presentation software produced by other companies that worked on the Microsoft operating system. I am now told by our IT staff that we can no longer purchase these products because they are not ''compatible'' with our other software. What happened to the companies that produced these excellent products? ''We have no choice''.

Third, we are paying more to Microsoft software than we should. How else could they accumulate $35 billion in cash in the face of the current recession? When I ask our staff what would happen if Microsoft increased tripled their licensing fees, they say, ''we have no choice''. We would have to pay whatever price they ask. There is no other product or service that we purchase as a company, other than public utilities, for which we have absolutely no choice.

The long term success of capitalism depends on free markets, fair competition and freedom of choice in selecting products and services. We don't have any of these in this very important sector of our economy, due to the illegal practices of one company: Microsoft.

I believe the Courts have two choices. The first is to allow Microsoft to maintain it's monopoly. If so it should be declared a public utility and regulated as such. Alternatively, the company should be broken up into enough parts that will encourage competition. This kind of remedy has proven to be successful in both the oil and telephone industries.

The proposed settlement is neither of these, and should be rejected. One last point, the fact that Microsoft is actively lobbying for the proposed settlement is cause for very great concern. We need to remember that Microsoft committed crimes and the remedies should be painful to the criminal. The current solution will send the worst message possible to current and future capitalists.

Sincerely,
Frank M. Patitucci
Chairman, CEO
ReloAction

MTC–00027813

From: Carlos Andrade
To: Microsoft ATR
Date: 1/28/02 11:12am
Subject: Microsoft Settlement
January 16, 2002
Attorney General John Ashcroft
The Justice Department
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

I am writing in support of the recent settlement between the Department of Justice and Microsoft. I am not as acquainted with all the details of this that I would prefer, but this entire lawsuit seems to have come about simply because some of Microsoft's competitors grew weary of trying to compete with Microsoft's Free Internet Explorer. I personally use IE and have done so for a while. I appreciate the fact of having free software with the operating system that I got with my computer. I understand that Netscape does not appreciate not being able to get my $40 or so dollars which I would have had to pay to them to get an Internet Explorer, because Microsoft provided it for free. This, in my opinion, is not a proper utilization of our legal system.

I use Microsoft products in my business and have found that their software is simply better and more reliable than anyone else's. I have used Netscape which I had received from my ISP, but I found Microsoft's product more user friendly and les problematic when it came to updates. Microsoft exerted no amount of influence for me to reach that conclusion. Simple experience has done that.

I believe that this lawsuit was simply an effort to force Microsoft to ''dumb down'' its efforts and allow other, software developers a chance at catching up. I also think that when a customer buys an operating system that has some added features such as a stable Internet explorer, the only one that benefits is the consumer. They don't need to go out and purchase additional software to get on the web which is what most customer are now getting computer for. This settlement has thankfully nullified the effort to separate IE form Windows. It is fair and offers pragmatic answers to complex problems, such as competitors'' worries about interoperability of Windows and OEMs irritation with Microsoft for shipping additional software along with Windows. Though the settlement extends a bit beyond the scope of the original lawsuit, it does end the litigation and should, in my opinion, be accepted.

Sincerely,
Carlos Andrade
Carlos Andrade
Network Administrator

MTC–00027814

From: carlos kennedy
To: Microsoft ATR
Date: 1/28/02 11:13am
Subject: Fw: Attorney General John Ashcroft Letter
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
January 28, 2002

Dear Mr. Ashcroft:

I am extremely pleased to hear that the Justice Department has finally decided to end its persecution of Microsoft, and agree to a settlement. Microsoft was never a monopoly; it simply provided the best product that people enjoy.

I hope that people will appreciate what Microsoft has sacrificed in order to bring an end to this settlement. Among the many terms they have agreed to, Microsoft has promised to allow computer manufacturers to pick and choose not only what Windows programs they will feature, but they can also include numerous Microsoft competitive programs in the computers they ship.

There are, of course many other terms in the settlement that are also damaging to Microsoft, but I just wanted to make a brief point, as I'm sure there will be numerous emails coming in on the side of Microsoft. Thank you for taking the time to hear me out on this matter.

Sincerely,
Carlos Kennedy
4 Marwood Court
Flat Rock, NC 28731
828–697–1203

MTC–00027815

From: James D Lane
To: Microsoft ATR
Date: 1/28/02 11:13am
Subject: Microsoft Settlement

Gentlemen;

This thing has drawn on far to long. I shiver to think of going back to the good old days of DOS. Force an end to this now and don't let the states draw this out any longer. Jim Lane, a Windows fan.

MTC–00027816

From: ACEEBO@aol.com@inetgw
To: Microsoft ATR

Date: 1/28/02 11:13am
Subject: Re: Has Your Opinion Been Counted?

THE ECONOMICS OF THIS COUNTRY HAVE BEEN DAMAGED BY THE US GOVERNMENT BRINGING AN ANTITRUST SUIT AGAINST MICROSOFT, WHICH COMPANY HAS DONE MORE TO ADVANCE COMMUNICATIONS AND THE COMPUTER INDUSTRY IN THIS COUNTRY THAN ANY ONE ELSE.

FOR LORD'S SAKE, PLEASE ACCEPT THE SETTLEMENT NOW BEFORE THE COURTS AND LET'S GET ON WITH THE REAL BUSINESS OF THE COUNTRY. TOUGH COMPETITION BETWEEN COMPANIES IS WHAT HAS MADE THIS COUNTRY GREAT.

THOSE STATES THAT DON'T WANT TO ACCEPT THIS AGREEMENT SHOULD BE THROWN OUT OF THE UNION. THE PEOPLE OF THEIR STATES HAVE BENEFITED FROM MICROSOFT AND ITS CREATIVE OPERATING SYSTEMS FAR MORE THAN ANY ALLEGED UNPROVEN DAMAGE.

THE DEPARTMENT OF JUSTICE ALMOST RUINED IBM WITH THE EXPENSES OF ITS ANTITRUST ACTI ON AGAINST THEM AND THEY HAVE GONE A LONG WAY IN DAMAGING THE ABILITY OF MICROSOFT TO COMPETE IN THE MARKET PLACE WITH THE EXPENSE OF DEFENDING THEMSELVES AGAINST SOME AN UNWARRATED ANTITRUST ACTION..

ALFRED C. BODY aceebo@aol.com

MTC–00027817

From: Scott Ventura
To: Microsoft ATR
Date: 1/28/02 11:14am
Subject: Microsoft Settlement

From:
Scott Ventura
9 West Squire Drive Apt 1
Rochester NY 14623
585–475–9865
ventura@MailZone.com
To:
Renata B. Hesse
Antitrust Division
u.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
FAX: 202–307–1454 or 202–616–9937
Subject: Microsoft Antitrust Remedy Proposal

I am writing to express my disapproval of certain terms of the remedies set forth in the antitrust case against Microsoft. My concerns stem from examining the document located at the following URL: http://www.usdoj.gov/atr/cases/f9400/9495.htm

The proposed remedy is a bad idea. As currently outlined, it allow Microsoft to gain an even larger market share rather than force it to compete more fairly.

Documentation/Disclosure/Licensing of Security-Related Interfaces III J: No provision of this Final Judgment shall:

1.Require Microsoft to document, disclose or license to third parties: (a) portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of a particular installation or group of installations of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria; or (b) any API, interface or other information related to any Microsoft product if lawfully directed not to do so by a governmental agency of competent jurisdiction.

There is a saying in the computer security industry: ''Security by obscurity is no security at all.'' The phrasing in the above passage gives Microsoft leeway to obscure from public scrutiny the protocols and APIs that are of greatest importance to computer security. Encryption and authentication are complicated concepts. Encryption systems must be subjected to extensive attacks by the security community at large before they can be trusted. Furthermore, the interfaces to the encryption system must also be examined by security experts before they can be trusted. According to III J 1, Microsoft will not be required to document, disclose, or license this information to the vendors of security-related products whose security would be compromised by flaws in the API or protocol. Microsoft will be the only company in possession of the information needed to make security-related software secure.

Although I am no fan of digital rights management systems, I must express my concern for copyright holders, as well. Copyright holders will be subject to the greatest losses if any level of the digital rights management system is compromised. If the decision of to whom to document, disclose, and license the details of the digital rights management system in Windows is left solely to Microsoft, then Microsoft could enter into exclusive agreements with some copyright holders and not others. This would result in an imbalance in the ability of content providers and copyright holders to protect their properties to the abilities of the best experts royalty money can buy.

Worse, Microsoft could elect to not document, disclose, or license these details to any non-Microsoft entity. Then Microsoft would be poised to become the only copyright holder with access to the information required to make working digital rights management systems for their properties.

Conclusion

Microsoft is an extremely slippery company. They have reached their current position of market dominance through questionable business practices and not quality product. I sincerely hope that the final version of the remedies forces Microsoft to either produce good software or get out of the way so others can. We've been tolerating insufficiently useful computers for too many years already.

Respectfully,
Scott D. Ventura
—
Scott Ventura
ventura@MailZone.com
http://FeedMyEgo.com/

MTC–00027818

From: Brian Gollum
To: Microsoft ATR
Date: 1/28/02 11:15am
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse: I am writing to give my comments on the Microsoft antitrust settlement. I believe this settlement is counter to the interests of the American public, deleterious to the American economy, and inadequate given the findings of fact in the trial. Microsoft's anti-competitive practices are counter to the law and spirit of our free-enterprise system. These practices inhibit competition, reduce innovation, and thereby decrease employment and productivity in our nation. Microsoft's monopolistic practices cause the public to bear increased costs and deny them the products of the innovation which would otherwise be stimulated through competition. The finding of fact which confirmed that Microsoft is a monopoly requires strict measures which address not only the practices they have engaged in in the past, but which also prevent them from engaging in other monopolistic practices in the future.

It is my belief that a very strong set of strictures must be placed on convicted monopolists to insure that they are unable to continue their illegal activities. I do not think that the proposed settlement is strong enough to serve this function.

Sincerely,
s/Brian L. Gollum
Brian L. Gollum
5820 Phillips Avenue
Pittsburgh, PA 15217
412–422–8455

p.s. I agree with the problems identified in Dan Kegel's analysis of the settlement <http://www.kegel.com/remedy/remedy2.html>.

MTC–00027819

From: Erin Barnes
To: Microsoft ATR
Date: 1/28/02 11:15am
Subject: Microsoft Settlement

I think it is time to end the suit against Microsoft. The settlement is sufficient and will allow Microsoft and the rest of the industry to move on and continue building great products for consumers. The continuation of this suit is bad for the US econonmy and bad for consumers.

Thank you,
Erin Barnes
Pacifica, CA

MTC–00027820

From: j jasper
To: Microsoft ATR
Date: 1/28/02 11:16am
Subject: Microsoft Settlement

a bad idea
please reconsider
thanks

MTC–00027821

From: dianaheileman@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/28/02 11:16am
Subject: Microsoft Settlement

I believe the settlement is balanced and fair for the industry and consumers. Given the

current climate after the recession and 9/11, I feel that we need to settle this and not let it drag on, so we can focus on economic recovery and fighting external enemies.

Thanks, Diana Heileman

CC:dianaheileman@hotmail.com@inetgw

MTC–00027822

From: Thomas Vaught
To: Microsoft ATR
Date: 1/28/02 11:16am
Subject: Microsoft Settlement

As a software developer for over 11 years, I am very dissappointed in the Microsoft settlement. It basically validates the Microsoft monopoly without any acknoledgment of guilt or meaningful reparations to the industry they have damaged.

I believe that Microsoft has illegally obtained their monopoly and are using it to further their reach while keeping innovative technology such as Java from reaching consumers.

Please consider forcing Microsoft to ship a standards compliant version of Java with their operating system. This will allow developers and consumers to benefit from the latests technology for writing and delivering applications.

Also, I believe that Microsoft should be forced to ship Netscape along with Internet Explorer so that consumers will have a choice of browers.

Thank you for your time and consideration.

Thomas E. Vaught
9844 S. Bucknell Way
Littleton, CO 80129

MTC–00027823

From: chip@the-altmans.net@inetgw
To: Microsoft ATR
Date: 1/28/02 11:07am
Subject: Microsoft Settlement

I think the remedy is fair and should end the case completely. I do not feel that Microsoft has hurt the public in any matter. Ten to fifteen years ago the computer industry was in a mess. There was no standard operating system. If you went to purchase a computer at Radio Shack you would get a computer running Deskmate. If you went to an Apple distributor you got the Apple operating system. If you went to IBM you got their OS operating system. And then of course you had Windows. Kids in school learned Apple but could not go into businesses and run their computers. The average person had to have an apple computer so their kids could do homework and an IBM computer so they could work at home.

Since then and thanks to Microsoft the industry has been standardized, kids in school can go out in the world and run computers. Employees can go home and work on a computer with the same system they use at work. By becoming standardized, how does this hurt consumers? Microsoft has saved the average consumer thousands of dollars. By their continued innovation and development of the operating system they have added tools and recourses that would have cost the average consumer a lot of money. If Microsoft charged for each addition to its product, or forced the consumer to purchase such things as Internet explorer, word, notepad, a calculator, Paint, the basic TCP/IP protocols, the average person could not afford these add ons and would be shut out of the internet.

As for Internet Explorer, that was the best thing that Microsoft ever did. It made surfing the web enjoyable. Question, did you ever try to use Netscape Navigator before Internet Explorer came along, I have and it sucked. You had to pay around $50.00 for it, it took several hours to down load and would crash so often that trying to look up one item would take hours. Microsoft came and gave you Internet Explorer, which at first had its problems, but when they finally integrated into the operating system, it was fantastic, you could surf the net and really enjoy the experience. System hangs and lockups that occurred often before integrating disappeared. And by integrating the software it saved me money, how DID this hurt me? I know the argument it hurt competition, my argument is it did not hurt competition, it caused competition. It caused Netscape to wake up and make a better product. At a more reasonable price, this let the consumer save money by being able to buy a! better product at a lower cost. Microsoft did nothing wrong. Those consumers that wanted Netscape still continue to use it, if Netscape wanted to keep customers, and gain customers, they should have developed a product that knocked the socks out of Internet Explorer, but did they no, they cried and sued.

They gave up, because they would not take the time and resources to develop a better product. I, know, the argument how could they when they did not have the money because Microsoft was giving the product away, simple, build it and they will come. The consumer wants better products and if the consumer found an item better those that can afford will buy it.

Is it wrong, to build your business, and to protect your business. NO, it is not wrong! Microsoft played hard ball, yes, but how is that different from any other company that wants to grow, expand, and make a difference. Netscape, AOL, Sun Microsystems and others are playing hard ball now, buy suing Microsoft, because of their jealousy over the dominance Microsoft has. If the companies really cared about the consumer, they would build better products that would blow Microsoft way. But do they no, the run and scream and sue Microsoft, because Microsoft does not play fair. If these companies would build better products on the same caliber as Microsoft, consumers will go there; they will buy what they want. But stripping down Windows will only hurt the consumer, because the costs associated with buying each piece of software will be more than the average consumer can afford. But those that can afford the software will buy the better software. How is this any different ! from the auto industry? Yes, I know that there are several companies competing equally, If I went to ford to buy car should they be required to give me a stripped down car. So that I can go to Chrysler to purchase the motor, to Bose for the stereo, to Goodyear for the tires, to Monroe Muffler for the Shocks, and Muffler. NO, they provide the basic systems and then you buy the additional or custom items that you want. Microsoft does that they provide the consumer with the basics and let the consumer buy what they want. The problem is the other companies are not making products that are better and more desirable.

End the lawsuit now and let Microsoft go back and build and innovate so that the envelope of information and knowledge becomes more reliable and available to the average consumer, and so that these other companies will be forced to push the envelope even further buy building better software. If these companies would just worry about building better software that pushes the limits, they would not have to worry about Microsoft.

MTC–00027824

From: Wilhelmina J Matern
To: Microsoft ATR
Date: 1/28/02 11:16am
Subject: mICROSOFT sETTLEMENT

Dear DOJ,

May I beg of you either to stop this Microsoft settlement nonsense, or just retire and get out of the way?

This is all making our government look like something we can all be thoroughly ashamed of. To spend this much time on Microsoft's ''unfairness'', a company so productive and worthwhile to America's economy - and by a government so monopolistic and unproductive of any real benefit to the public, and towards which we are becoming more and more cynical in re the grandstanding for self-aggrandizement that is about all we see government officials doing anymore.... we hear or see another thing on this suit and we just cry out ''oh,no!''. While we are all thinking about an economic stimulus and instead this goes on and on and on and..... the ultimate non-sequitur. Please, get it over with and move on to Marc Rich, or the dishonest Fish and Game people trying to shut down so much of our economy with lynx hairs, or the mess DOI has made of Indian Trust Funds, or .. you can name it, we know you can.

Please reassure us again that the federal government sees and understands itself as the chief impediment to justice in society today and will not tolerate this core human indecency in Washington any longer. And believe me, we'll be pulling for you again with loud hurrahs soon's we see the first inkling of it!!!

We DO wish you all the very best,
Rev. Dick Matern
Ft Defiance ,AZ

MTC–00027825

From: Rich Smith
To: ''microsoft.atr(a)usdoj.gov.''
Date: 1/28/02 11:09am
Subject: Punish Microsoft

Dear Sirs,
PLEASE punish microsoft.
Richard A. Smith
Thousand Oaks, California.

MTC–00027826

From: Chip Witt
To: Microsoft ATR
Date: 1/28/02 11:17am

Subject: Microsoft Settlement

To whom it may concern:

The proposed settlement against Microsoft has many flaws, but my problem with it is more philosophical in nature than most that I have heard. My understanding is that this judgment is supposed to be a punitive measure to correct monopolistic behavior in what should have been an open market place. With that in mind, should not the mere threat of such judgment modify Microsoft's behavior?

I have followed the proceedings against Microsoft fairly closly, as I am an IT Professional. During the trial through today, Microsoft continues to forge ahead mightyly developing partnerships and products that forcably squeeze competitors out of any market they decide to pursue. It is my humble opinion that the proposed settlement should take greater care to protect the consumer by evening up the playing field on which Microsoft competes. I see this proposed settlement as nothing more than a slight public slap on the wrist. Although it is a step towards the right direction in limiting some of Microsoft's anti-competitive practices, it does not prevent Microsoft from finding new ways to exploit the gains they have made in the market place as a monopolist.

This is much akin to closing the barn door after the cow has already gotten out. More must be done.

Thank you for your time and the opportunity to comment. —

CW
Chip Witt, MBA
Witt'z End Technologies
PO Box 885
Cotati, CA 94931–0885
(V) 1–888–719–9277
(F) 1–800–514–3098
(E) chip@wittzend.com
(W) www.wittzend.com

MTC–00027827

From: Fairborn Area Chamber of Commerce
To: Microsoft ATR
Date: 1/28/02 11:18am
Subject: Microsoft Settlement
Attention:
Ms. Renata B. Hesse,
Trail Attorney,
Department of Justic,
Washington DC

Microsoft has for many years provided products to consumers and businesses and has also provided opportunities for other such companies to develop programs for the Windows system as well. The settlement worked out by the Department of Justice and the bipartisan group of state attorneys general to bring the anti-trust case to an end should be agreed to by all parties in order for people to return to work especially during this critical period we are now facing in our economy. We support the Department of justice and the Attorneys General for their untiring efforts to put an end to this case and agree to a settlement that is in our nation's best interest. We don't need any more people added to our unemployment roles.

John G. Dalton, Executive Director
Fairborn Area Chamber of Commerce
12 N. Central Ave.
Fairborn, OH 45324
Ph: (937) 878–3191 FAX: (937) 878–3197
E-Mail: chamber@fairborn.com
Web Page: www.fairborn.com

MTC–00027828

From: Daniel.Jack@us.hsbc.COM@inetgw
To: Microsoft ATR
Date: 1/28/02 11:05am
Subject: Microsoft Settlement

Please refer to the attached letter concerning my support of the proposed Microsoft settlement.

(See attached file: USAG DJ 25-Jan-02.doc)

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CC:fin@mobilizationoffice.com@inetgw
Daniel Jack
81 Bleloch Avenue
Peekskill, NY 10566
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

I am writing to voice my opinion of the Microsoft antitrust case.

I think the U.S. Department of Justice should accept the terms of the settlement, which represents the best possible outcome.

Microsoft has agreed to several points, including the licensing of Windows operating system products to the 20 largest computer companies. For the sake of concluding this suit, Microsoft even agreed to several terms that extend to products not at issue in the lawsuit.

Furthermore, I am a proud shareholder (since 1995) and a user of Microsoft products. I believe that I and many other customers worldwide have benefited from Microsoft's products and pricing and have never been harmed by any of their actions in the very competitive global marketplace for information technology, particularly PC software.

This is a respectable agreement. The economy and the American consumer should benefit from the terms in this settlement. I hope you will support it.

Sincerely,

Daniel Jack

MTC–00027829

From: Joanne Backs
To: Microsoft ATR
Date: 1/28/02 11:20am
Subject: Microsoft Settlement

My comment on the Microsoft Settlement is that it should be accepted by all and the litigation ended!

Enough is enough.

P.S. I use Netscape Navigator on an Apple imac.

Joanne Backs

MTC–00027830

From: Aldo Mancini
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 11:18am
Subject: Microsoft Settlement

Dear Mr. Ashcroft,

I am attaching a letter to express my opinion regarding the lawsuit against Microsoft. Please provide this correspondence your necessary attention.

Sincerely,
Aldo Mancini
President & CEO
Mancini Enterprises, Inc.
1940–1 North Commerce Parkway
Weston, FL 33326
Phone: (954)217–9113 x101
Fax: (954) 217–0113
e-mail: amancini@mancini.net
URL: www.mancinienterprises.com

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<<Letter to John Ashcroft for Microsoft- 01–28–2001 .dot>>
CC: ''fin(a)mobilizationoffice.com''
January 28, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

In the hopes to be heard, regarding the Microsoft lawsuit, I am writing this letter to express my opinion.

As a small business owner, we always strive to provide our customers the highest level of service and products they are purchasing from us. In order to differentiate us from our competitors, from time to time, we include free services and add-ons to our products to build on our promise to the customer.

I have always disagreed with the lawsuit against Microsoft and I believe that Microsoft is entitled to dictate the terms under which

it will sell its software, even to its OEM customers. The uniform pricing mechanism will give the 20 OEMs all the benefits of a union with none of the hassles vis-a-vis Microsoft. The very idea that a few of Microsoft's most ardent competitors wanted government sanction to pillage Microsoft's success is disturbing.

I am somewhat pleased that this settlement has been accepted. It has the advantage of ending this sad chapter in our histor3,. However, the terms of the settlement seem to give the government one last poke at Microsoft by requiring it to release some of its venerated source code to its competitors. As a Microsoft partner, Microsoft has always provided to us an insight to its source code to allow us to build better software products without releasing its right to the ownership of such code. It should be to the discretion of Microsoft to determine which companies, if any, need to be provided access to this valuable asset. This, however, is a topic for a future letter.

For now, let's just leave the settlement stand as is and move on.

Sincerely,
Aldo Mancini
CEO
Mancini Enterprises, Inc.

MTC–00027831

From: T. Gray Curtis
To: Microsoft ATR
Date: 1/28/02 11:23am
Subject: Comments on Microsoft settlement
To: Department of Justice
From: Thomas Gray Curtis, Jr.
1443 Beacon Street, Apt 617
Brookline, MA
Subj: Comments re Microsoft Settlement
Date: January 28, 2002

Bill Gates wants to insure innovation by Microsoft. To further this objective, Microsoft has impaired the ability of others to innovate. A marketing genius, Gates wants to convince everyone that empowering innovation by Microsoft is in everyone's interest. Microsoft has damaged the software industry by restraining trade as means of maintaining competitive advantage. I cannot quote you specific dollar values of the impact of this restraint, but I will relate to you one anecdotal instance which may be an illustration.

During the late 1980's and early 1990's two colleagues and I were developing software for IBM and subsequent electrical utility companies. The software implemented on a PC the functionality of Geo Facilities Information System (GFIS) software, which required a more expensive mainframe computer. GFIS was used by electrical utilities to help them manage their electrical grids. The new software ran on IBMs OS2 operating system. Over the course of several years IBM, Florida Power and Light and Duke Power probably invested on the order of one million dollars in the development.

As a result of the competition between IBM and Microsoft (Windows v OS2), what I refer to as the Microsoft Wars, viability of OS2 as a ubiquitous operating system was destroyed. The consequence of this was that the cadre of developers creating applications software was reduced. For a while in the early 1990s I developed software for the AIX unix operating system. The size of that market and the cost of unix development drove me out of software development by 1995. I have finally, starting in 2002, reentered the software development arena. I am reluctantly developing software for use under Windows 2000. Primarily because that is the largest market.

I am not privy to the facts with regard to the abrogation of the contract between IBM and Microsoft for the development of the graphical user interface for OS2. I have seen only from afar, via the news media, the machinations of Microsoft in dealings with companies such as Sun MicroSystems over JAVA and Netscape and AOL over browsers. Microsoft business practices sicken me and damage the ability of the software industry to innovate. I had hoped that the federal government would seek a remedy which would restore some balance to the industry by separating the operating system unit from the application development unit. Microsoft is like a black hole in our solar system. It suppresses competition to such an extent that the light of some new products will never be seen.

Microsoft's practices will continue unless steps are taken to protect the small cap companies which would try to innovate. A case in point is the small Rachis Corporation of Marlboro, MA. This startup company develops software for the emerging interactive TV market. They provide system integration test and evaluation and software for hardware manufacturers, application vendors, middleware, and network operators. Scientific Atlantic, a set-top box manufacturer, partners with RACHIS despite efforts by Microsoft to provide software to Scientific Atlantic. Microsoft appears to be eyeing the media industry as an arena in which to throw it's weight around. Microsoft has created Microsoft TV and with it's holding in ComCast has some influence over the deployment of the cable network acquired by ComCast from AT&T.

Please keep an eye open for the Microsoft guerrilla vis a vis Rachis.

Respectfully submitted.
Gray Curtis

MTC–00027832

From: Ellen Ryan (MSLI)
To: Microsoft ATR
Date: 1/28/02 11:24am
Subject: Microsoft Settlement

I came to the U.S.A 4 years ago from the United Kingdom to work temporarily while my husband attends university out here. Before I came here I believed that America had a fair & competitive economic system that rewarded innovation and hard work. I have been sorely disappointed. Leave companies free to innovate. Stop using tax dollars to defend cases that only satisfy the political agenda rather than protect citizens.

Ellen.

MTC–00027833

From: Mary Rocco
To: Microsoft ATR
Date: 1/28/02 11:25am
Subject: Microsoft Settlement—NO!
BlankRenata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse:

I've been requested by Microsoft to send you a letter in support of their settlement, but I will not do that because I OPPOSE THE SETTLEMENT. Microsoft continues its predatory and unethical business practices unabated and obviously the Department of Justice has not gotten its message through to Mr. Gates yet. I think you should continue to take steps to curb Microsoft's rapacious and insidious monopolistic practices which are not only unfair restraint of trade but also extremely detrimental to the end consumer. Microsoft's programs act more like viruses than computer applications. Please continue attempting to put a stop to this monopoly.

Sincerely,
Mary A. Rocco
3217 Cheviot Vista Place, #108
Los Angeles, CA 90034–3546

MTC–00027834

From: Tennison, James
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 11:24am
Subject: Microsoft Settlement

To whom it may concern,

I would like to comment on the proposed settlement in the Microsoft Antitrust Case.

The first thing I would like to say is that from day one I have been appalled that such a thing as the Microsoft Anti-trust Case even exists. It is immoral.

My family and various relatives have been using Microsoft products including MS-DOS, Windows 95, 98, NT, 2000 and Internet Explorer for years. Had I been unhappy with Microsoft products I could have purchased other brands such as Apple with their Apple OS, Sun with their Solaris or Red hat with Linux to name a few. I have never been under the ignorant opinion that there are no other choices for my computing needs. Microsoft products have worked well enough and I've been quite happy with all I could do with them.

Microsoft is extremely successful for good reason. Microsoft products provide a full range of capabilities, have great prices and wonderful availability. It is my reasoned opinion that Microsoft products have been a boon to the citizens of the United States and the world. Microsoft's products have only offered positives to the lives of countless people.

Before you think that I am a total Microsoft zealot I will inform you that I have also happily owned and used Sun products (Sun Solaris workstations), Silicon Graphics and Apple products (Macintosh I, II, Quadra 410). I also happily employ the Netscape browser on all three of my PC's.

I strongly hold that Microsoft has the absolute right to freely pursue it's interests in the capitalist market of the United States. This includes their right to bundle their various products any way they see fit. No one, and certainly not our government, has the right to dictate what products Microsoft can produce and must not initiate force against this outstanding company. Microsoft

has always providing products and services in the absence of any compulsion. Moreover, Microsoft, unlike the US Government, cannot use force to make people buy it's products. And, since the only legitimate purpose of government is to deter and punish those who use force, the attack on Microsoft because it is successful completely inverts the role of government. The Microsoft Anti-trust case has once again made our government, justly a protector of rights, instead a powerful violator of rights. It is extremely disheartening to see such rampant totalitarianism! In addition, the antitrust laws being used in an attempt to lynch Microsoft have been called into effect not by citizen's complaints against Microsoft's products, but by Microsoft's unsuccessful competitors. These companies seek to ''win'' in the marketplace by resulting to force and not by offering superior products with superior marketing. Moreover, instead of using guns themselves to force consumers to buy their products, these companies seek to use force by proxy, with the US Government acting as their agent. This is truly a despicable attempt to influence the market through the pure use of force. They are employing the very corrupt anti-trust laws, applied by a government on a mistaken crusade to eliminate the infidel (a hugely successful Microsoft), to ''win'' in the marketplace. This is an unconscionable injustice! This should be the illegal activity which is attacked by a just government. Shame! The Anti-trust laws used by their willing governmental accomplices were unjust at their inception and remain so today. They represent non-objective law. Laws that should not and must not exits.

Individual rights, which also apply to the American businessmen of Microsoft, are not granted by our government. Just government serves only to protect the rights of it's citizens. Microsoft has an inalienable right to it's products (bundled as they desire) and profits.

Many smart people in the United States Justice Department have created a case against Microsoft based on the subjective egalitarian premise that big is bad. They punish success for being success. They have erred in that they never sought to fully understand the legal premises they employ. To find out whether they are just. They relied instead on a history of precedence generated by a wholly mistaken initial premise. That premise is that force can and should be used to do good. That force should be used to elicit an egalitarian ideal. As if the alleged good of society trumps the rights of innocent individuals. Actually, our government is employing a Marxist socialist concept. The group has rights superior to those of the individual.

Let us place reason firmly in it's seat. Leave Microsoft alone to create even better and more successful products for the free American capitalist consumer. Drop this unjust case immediately! No punishment is due Microsoft. With a great flourish of marketing skill, Microsoft has brought the computer to the world and changed history. All of you persecutors should feel the guilt of your brutish and totally unjust quest to destroy the good because it is good.

Thank you for letting me defend the rights of American businessmen.

James G. Tennison Jr.

MTC–00027835

From: Eric Thompson
To: Microsoft ATR
Date: 1/28/02 11:24am
Subject: Microsoft Settlement

Dear Honorable Justices,

Microsoft has twice been found guilty of serious violations of the Sherman Antitrust Act, by a federal District Court and by the United States Court of Appeals. While the Court of Appeals reversed the breakup order issued by the District Court, it upheld the trial court's Findings of Fact and affirmed that Microsoft is guilty of unlawfully maintaining its monopoly. As I understand it, the court must hold public proceedings under the Tunney Act, and these proceedings must give citizens and consumer groups an equal opportunity to participate, along with Microsoft's competitors and customers.

Please allow consumers participation.

Regards,
Eric
Eric Thompson
Strategic Renewables Group
4834 Hart Drive
San Diego, CA 92116
619–521–0444 office/mobile
619–521–0515 fax
erict@strategicrenewables.com
www.StrategicRenewables.com

MTC–00027836

From: Larry Mull
To: Microsoft ATR
Date: 1/28/02 11:27am
Subject: Microsoft Settlement

DEADLINE:In times of a struggling economy, I find it confusing that we're still arguing against Microsoft. It's time for this settlement to be accepted and let's move on. Or maybe it's about states trying to increase their revenues and attorneys building a retirement. Sheez. At one time no on thought the Japanese could compete in the domestic automobile market. Who's going to be the Japanese when it comes to software in 10 to 20 years?

If we continue, we will prove where businesses should not be in the future.

MTC–00027837

From: Carey Gifford
To: Microsoft ATR
Date: 1/28/02 11:27am
Subject: Microsoft Settlement

I oppose the proposed Microsoft Settlement for the reason that it is not in the best interest of the public at large, nor in the interest of the future evolution of electronic technology.

Carey J. Gifford
togiffords@aol.com
Alpharetta, Georgia

MTC–00027838

From: Hbsjps@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 11:27am
Subject: Settlement

To Whom it May Concern:

I support Microsoft's point of view. Please register me as a supporter of microsoft.

Joan Peven Smith
Miami, FL

MTC–00027839

From: FullcutInc@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 11:27am
Subject: (no subject)
January 28, 2002
Attorney General John Ashcroft
US Dept of Justice
950 Pennsylvania Ave, NW
Washington, DC 20530

Dear Mr. Ashcroft,

I am writing to give my support to the agreement reached between Microsoft and the Dept of Justice. I did not support the original lawsuit against Microsoft.

I do not think the case was warranted. The lawsuit was more political than any outrage over unethical business dealings. Bill Gates has carried the technological revolution on his shoulders. He has enabled the average person to become part of the technological ago. Does anyone remember what it was like before Microsoft? Bill Gates standardized computer software to enable its compatibility with other software. And people bought the product, because it was the best and it still is.

Bill Gates has agreed to any number of terms demanded from the Dept of Justice. Microsoft has agreed to share its source codes and books pertaining to Windows, that Windows use to communicate with other programs; Microsoft has agreed to a three person technical committee to monitor future compliance; Microsoft has agreed to contractual restrictions and intellectual property right.

This is more than fair.

Give your approval to this agreement. Allow us to get back to work. Honestly, I do not agree government intervention on technology and its innovation. it only serves as a hindrance. Microsoft's dominance on computer and technology is due to superiority of its products and its marketing skills.

Sincerely,
Marc Hui

MTC–00027840

From: Your Name
To: Microsoft ATR
Date: 1/28/02 11:28am
Subject: Microsoft Settlement

Dear Ms. Hesse,

I am writing in regard to the proposed settlement in the Microsoft Antitrust case. I feel that there are tremendous problems with the proposal and support the open letter written by Dan Kegel. There you will find my signature along with many many other people who are also concerned by this proposal.

I also support Dan Kegel's essay regarding the problems and difficulties that the proposed settlement will create. I hope that the Department of Justice will seriously reconsider the problems with the plan and work to revise it so that it will be of benefit to computer users.

If Microsoft is not reined in and given more stringent guidelines to follow, they will continue to create products which don't work and there won't be any alternatives available. I am glad that there are alternative operating systems available currently, but they deserve

just as much access to the market as Microsoft has.

Thank you for your time and consideration of this matter.

Sincerely,

John D. Brosan

MTC–00027841

From: James R. McCartney
To: Microsoft ATR
Date: 1/28/02 11:27am
Subject: MS v DOJ

I am against the proposed settlement with Microsoft. It does not do enough to punish the software company or ensure changes in behavior in the future. Netscape was replaced as the dominant web browser by Internet Explorer(IE) because IE was free. Microsoft has already been found liable for misusing it's operating system monopoly to make this happen. IE is now used by most Internet users because it is free and supplied with Windows and Macintosh by default. No other browser has a chance to gain market share because of this.

Now that IE has become the leader, it has stopped using Netscape's ''plug-in'' technology for enabling helper applications to open alternate Internet content. Active X is the new proprietary solution and give Microsoft an advantage in writing helper applications for IE. Even if they are required to release the API(Application Programmer's Interface) for Active X, it still gives them the advantage. They have the code first and they have the ''real code.'' I would not be surprised, nor should anyone, if they release to other vendors an inferior subset of the API. This will give Windows Media Player, Word, Outlook, and Messenger a lead on other current market leaders like Real Player, Adobe Acrobat, Eudora, and AOL Instant Messenger.

Microsoft has also dropped support for Java in it's latest operating system, XP. This is hardly in the consumers best interest, as a large quantity of useful programs are written in this platform independent language. This can only be Microsoft's attempt at punishing Sun Microsystems and no one can stop them from doing this. They should work with Sun to make a good version of Java for Windows. The solution proposed by the Justice Department seems like a giveaway. It is notable that it comes right after the executive branch has become Republican. I would like to see a more objective resolution to the illegal behavior by Microsoft. Thank you...

James McCartney
2668 East Hardy Lane
Fayetteville AR 72703

MTC–00027842

From: Jef Pearlman
To: Microsoft ATR
Date: 1/28/02 11:28am
Subject: Microsoft Settlement (Against)

I'm just emailing to add my vote to those against the current proposed settlement. Hopefully I have reached you in time. Plenty of others have emailed their reasons, so I won't spend any time rehashing the arguments here, except to say that I believe that the current settlement in no way punishes Microsoft, and in some ways helps them further their use of their monopoly to spread their influence in various industries. Thanks.

Jef

MTC–00027843

From: GJP85@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 11:29am
Subject: Microsoft Settlement.

In this litigation and all such endeavors the United States Government has become the ENEMY of the Business Community. If they were concerned about the Economy AND the health of the business community in the United States they would act like foreign governments and support and in some cases provide financial support as well instead of hampering and stifling business and research and development. Please allow Microsoft and all other businesses compete without government interference and do not allow yourselves to be manipulated by competitors constantly complaining, they are only looking for a government sponsored ''Leg-Up''

Jerry Purcell
106 Cedar Drive
New Britain, PA 18901–5229
215–230–1911
CC:fin@mobilizationoffice.com@inetgw

MTC–00027844

From: Nathan Stratton Treadway
To: Microsoft ATR
Date: 1/28/02 11:29am
Subject: Microsoft Settlement
January 27, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NE
Suite 1200
Washington, DC 20530–0001

I think the current proposed settlement with Micrsoft is a bad idea and should be abandonded.

It has many faults, but to pick one: my business is dependent on using Samba to allow our Unix machines to inter-operate with our Windows machines on our network. The proposed settlement does nothing to protect the rights of non-commercial projects like Samba, and the millions of users of such projects, against Microsoft's actions.

Thank you.

Nathan Stratton Treadway
Ray Ontko & Co.
822 E Main St.
Richmond, IN 47374

MTC–00027845

From: Bob Petolillo
To: Microsoft ATR
Date: 1/28/02 11:35am
Subject: Microsoft Settlement

It's time for the government to back off of private lawsuits against businesses and to stop legislating private commerce as much as it is.

The role of government should be to provide NECCESSARY regulation of private commerce.

We have gone WAY BEYOND that role in trying to legislate equality and/or fairness into private industry.

The government bureaucracy is in no way qualified to judge the effects of legislation on the citizens and their economy and has already caused a great deal of damage to the private sector with its extensive meddling.

Lawsuits and legislation targetted against legitimate enterprises like tobacco companies (as disgusting as cigarettes are), gun manufacturers, Microsoft, and many others are not the role of our government.

Continued abuse of legislative and executive power is only going to continue to erode the faith of the citizens in our government and cause more divisiveness and discontent that is already out there. Unneccessary governmental interference and gross fiscal irresponsibility have damaged this country greatly. In the latter half of the twentieth century our culture has gone a long ways toward becoming a ''third-world'' country due, in large part, to out-of-control actions by our legislature and the government bureaucracy. We have a long way to go still, but I shudder to think about the future my children may have to deal with. Please re-think your position on the role of government and let's get back to the basics of running the government, not running the people and industry in it.

Sincerely;

Bob Petolillo
CC:fin@mobilizationoffice.com@inetgw

MTC–00027846

From: Sheldon Robinson
To: Microsoft ATR
Date: 1/28/02 11:22am
Subject: Microsoft Settlement

I don't feel particularly verbose today, but I've written and read much on the reasons Microsoft must be broken into a minimum of two companies.

Microsoft owns the OS which is fine. Microsoft also makes applications for their OS which is not fine. Why? Microsoft does not fairly publish the specification of the interface to their OS. When Microsoft builds an application and another company builds a competing application, Microsoft is guaranteed to build the better application because they have intimate knowledge of the OS. Microsoft knows how the optimize their applications in ways their competitor cannot know.

Any settlement which stops short of breaking Microsoft into an OS company and an applications company is in my view and the view of many others a lost settlement.

Sheldon

MTC–00027847

From: Davis, Mark
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 11:31am
Subject: Microsoft Settlement

Dear Officials of the Department of Justice,

As a private citizen and long time user of products produced by both Microsoft and its competitors, I support the proposed settlement that has been worked out by the DOJ and Microsoft. I feel that additional punitive measures would be unfair to both Microsoft and, more importantly, to consumers using Microsoft products, and so I urge adoption of the settlement as it exists. Thank you.

Mark F. Davis
1110 Manzanita Dr.
Pacifica, CA 94044
(650) 355–8064

MTC–00027848

From: Harold kline
To: Microsoft ATR
Date: 1/28/02 11:32am
Subject: Microsoft Settlement

Dear Sirs and Madams:

It is time to put to rest the Microsoft Case. This ill-advised litigation was likely the cause of the present recession our country is enduring, and its continuation is only going to prolong the economic troubles.

While the Tunney Act fails to satisfy Microsoft's most vocal critics— the competitors and their greedy lawyers—it provides a fair solution to the alleged monopolistic practices of Microsoft, and it benefits the country as a whole to get this behind us and move on. Dragging on this battle will only pad the pockets of the lawyers, and a few special interest parties.

Many consumers, including myself, do not agree that Microsoft did anything wrong. Without the Windows technology and the innovations that that company continues to develop, the personal computer industry wouldn't be half as strong as it is today. Any continuation of the litigation against Microsoft only smears the entire industry and keeps the economy from recovering.

Please bring this farce to an end.

Harold Kline
Kansas City, MO

MTC–00027849

From: Madison90@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 11:32am
Subject: Microsoft Settlement

Dear Attorney General Renata Hesse:

The provisions of the Microsoft agreement are tough, but I believe the terms-which have met or gone beyond the findings of the Court of Appeals ruling-are reasonable and fair to all parties involved. This settlement represents the best opportunity for a great company like Microsoft (whom has changed the lives of millions of people for the better) and the industry to move forward. Microsoft has helped so many people work and live more efficiently and effectively. It is time to move forward and approve this settlement which is in the best interest of the people of this country.

Thank you.

Jennifer M. Freeman
833 Trailing Ridge Road
Franklin Lakes, NJ 07417
201–891–6040

MTC–00027850

From: Don Briggs
To: Microsoft ATR
Date: 1/28/02 11:32am
Subject: Microsoft Settlement

Dear US DOJ,

One outcome of the Microsoft settlement should be that, when submitting information electronically to government agencies, one should never be required to submit documents in Microsoft proprietary formats. Government agencies should never require text documents in Microsoft Word format, for instance. To do so reinforces Microsoft's monopoly position.

Regards,
Don Briggs
1530 Lockhart Gulch Road
Scotts Valley, CA 95066

MTC–00027851

From: triem@isd.net@inetgw
To: Microsoft ATR
Date: 1/28/02 11:34am
Subject: Microsoft Settlement

Dear Sir or Madame,

I am a consultant working in the Intelligent Transportation Systems area of Transportation Planning. As such, I frequently make recommendations to clients of all types, public and private, about software acquisition and use.

This experience has given me a great deal of exposure to software vendors (particularly Microsoft) and to the various methods they employ in marketing their products and competing with other producers. I also have a background in economics (B.A. University of Minnesota) and am a certified planner (AICP).

My concerns stem from the continuing trend of Microsoft's alterations to licensing policies and the fact that often times no additional value is offered to the consumer, even though a greater revenue stream is generated for Microsoft. This, coupled with a practice of intentionally making newer versions of products incompatible with previous versions, causes a situation of ''forced'' upgrades for consumers. This is particularly troubling for small public entities, such as para-transit providers, whose mission is to provide mobility to handicapped persons, often on very limited budgets.

This is relevant to the settlement at hand for two reasons:

(1) The Settlement does not address the separation of applications from operating systems in any meaningful way. Thus Microsoft is able to build in version incompatibilities and tie them to the operating system itself. In the transportation community, we have a joke: ''If Microsoft made cars, every time you changed your tires you'd have to build all new roads.'' Although exaggerated, this illustrates the point of a monopolist manipulating product to ''force'' secondary purchases.

(2) The Settlement does not address past harm. Under the current proposal, a three-person oversight team would be established to assure that Microsoft does not further abuse monopolist power. Although debate can be had on whether this mechanism would even be effective in that role, my concern is more that there is no provision for punative action against Microsoft or compensation to those harmed by the abuse. An analogy would be a person convicted of bank robbery and simply assigning them a parole officer to assure that they didn't rob the same bank again.

For these reasons, I belive that the proposed Settlement is not in the best interests of the public and should not be agreed to.

Thank you for your consideration in this matter,

Mark R. Gallagher, AICP
999 Grand Ave. #4
St. Paul, Mn 55105

MTC–00027852

From: Tim Egbert
To: Microsoft ATR
Date: 1/28/02 11:23am
Subject: Microsoft Settlement
Attention: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
January 28, 2002

Sirs and Madams:

I oppose the Proposed Final Judgment (PFJ) in United States vs. Microsoft because it (1) does not adequately address the issues raised in Judge Jackson's findings of fact and conclusions of law, (2) will not remedy the past illegal monopolistic behavior of Microsoft, (3) will not prevent Microsoft from committing future monopolistic abuses, (4) will ratify many of Microsoft's practices that have been adjudicated as unlawful, and (5) will allow Microsoft to continue such practices under the cloak of final judgment.

Microsoft has been adjudicated to be a monopoly and to have acted illegally in many particulars, which rulings have been upheld on appeal. It has become evident that to this day, Microsoft does not believe it has done anything wrong and is using all means at its disposal to avoid any real consequences for its illegal actions. The Justice Department and the Court have a duty to promote a remedy that is effective and consistent with previous findings in this case.

I believe that Microsoft has shown that it will not negotiate in good faith to promote an effective and just settlement of this case. It therefore behooves the Justice department and the Federal Court not to insist on a negotiated settlement, to fashion a truly effective remedy, and to seek to impose such a remedy on Microsoft within the proper powers of the judicial system. There is no good reason to continue to negotiate with this intransigent and adjudicated wrongdoer.

Rather than restate all the well reasoned arguments against the PFJ, I have added my name to the ''open letter'' submitted this day by Dan Kegel as set forth on his web site at: http://www.kegel.com/remedy/remedy2.html.

Yours truly,
Timothy P. Egbert, J.D., Ph.D.
4388 Inverary Dr.
Salt Lake City, UT 84124
801–274–0476
CC:Tim Egbert,Attorney General

MTC–00027853

From: PhantomPC2@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 11:35am
Subject: Microsoft Settlement
2056 E Golf Avenue
Tempe, AZ 85282
January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The last three years of litigation against Microsoft has been unjustified. The original intent of the lawsuit was to protect consumer by breaking up a monopoly and stop infringement on consumer rights. Microsoft has consistently delivered high quality goods at normal prices, which goes against standards definition of a monopoly and has never infringed on my rights.

In fact I think their innovation has standardized the technology industry making it easier for users around the world to operate. That is why I disagree with some of the terms of the settlement because they give Microsoft's interfaces and protocols away. This is a violation of Microsoft's intellectual property rights.

I request that your office finalize the settlement as soon as possible and ignore the nine states that are holding this thing up. They are obviously not concerned with the public's bets interests. Thank you.

Sincerely,

Joel O'Connell

cc: Representative Jeff Flake

MTC–00027854

From: Michael Martin
To: Microsoft Settlement
Date: 1/28/02 11:29am
Subject: Microsoft Settlement
Michael Martin
6712 Riviera Drive
North Richland Hills, TX 76180–8120
January 28, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Michael R. Martin

MTC–00027856

From: Barling, Roy
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 11:30am
Subject: Microsoft Settlement

Dear Sirs/Madams,

I'm writing to express my opposition to the settlement being proposed between some of the States and MicroSoft.

Microsoft has been convicted, and that conviction upheld on appeal, of violating several parts of the Sherman Anti-trust Act. The settlement in its current form does nothing to repair the damage that has already been done to the software industry. It also does nothing to prevent them from continuing to abuse their monopoly position. Furthermore it does nothing to place monetary damages on their past abuses, nor does it establish any framework to punish the abuses that they will most assuredly commit in the future. There is no reason that Microsoft should be allowed to keep all of their ill gotten gains or continue to abuse their monopoly with anti-competitive practices. Please consider some of the many suggestions already sent in by industry luminaries that would restore competition and innovation to the software industry. Thank you.

Roy Barling, MCSE

MTC–00027857

From: Tony DeCicco
To: Microsoft ATR
Date: 1/28/02 11:37am
Subject: microsoft settlement
Anthony DeCicco CPA / ABV
7710 Cumberland Road
Largo, FL 33777
January 25, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

It is high time for this antitrust suit between Microsoft and the Department of Justice to come to an end.

For three years now, people in both the IT industry and many average people who depend on Microsoft products, have waited for this case to be settled.

Unfortunately seeing this case put to rest could mean a severe change in the way Microsoft does business.

Opening up its code to the competition and allowing computer manufacturers broader freedoms in how they configure Windows will mean a serious loss of control over its product for Microsoft, and they will have to carefully rethink their business strategy.

But they obviously feel capable of doing so if they have agreed to the settlement, so I can see no reason not to move forward on this issue. Let's put an end to this case at the federal level and move on once and for all.

Sincerely,

Anthony De Cicco CPA / ABV

MTC–00027858

From: Ronald R. Cooke
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 11:39am
Subject: Tunney Act Comments: Microsoft Settlement

Unfortunatley, the e-mail I sent last week lost the footnotes.

This attachment should include them.

Ron Cooke

January 24, 2002
Ms. Renata Hesse
Trial Attorney
Suite 1200
Antitrust Division
Department of Justice
601 D. Street, NW
Washington, DC 20530.
Reference: Tunney Act comments in United States of America v. Microsoft Corporation, Civil Action No. 98–1232 (CKK) and State of New York v. Microsoft Corporation, Civil Action No. 98-1233 (CKK).
microsoft.atr@usdoj.gov
With copies to: Interested Parties
From: Ronald R. Cooke
Cultural Economist and Industry Analyst

The Settlement Proposed By The Justice Department Overlooks Reality

Consumers within the Information Systems industry have expressed their skepticism about the settlement proposed by the Justice Department. In a poll of readers, for example, ZDNet asked: ''Did Microsoft get off easy in the DOJ settlement?'' Seventy four percent of the respondents said ''Yes''. To quote columnist David Coursey, ''Nobody is precisely sure what it means, but the total effect seems little more than a hand slap .... Prohibitions that exist in one section seem to be rendered meaningless by another'']

Consumer and industry respondents to the Tunney review process will probably contend that the proposed remedy does not effectively end the anticompetitive practices, will not materially deprive the wrongdoer of the fruits of the wrongdoing, and will do virtually nothing to ensure that the illegality does not recur. The terms of the settlement are much too vague to be of much use. They can be manipulated and rendered ineffective through the legal process. The enforcement mechanism is inadequate. And finally, there is no clear cut way to prohibit monopolistic behavior.

There is a more fundamental issue, however, that has not been adequately addressed by the process of law. It can be expressed as a simple question: How much unconstrained power do we want one single company to have? As the Enron debacle has demonstrated, this is not an idle question. Unrestrained corporate behavior can severely damage consumer rights. Microsoft has demonstrated that it can dominate the thinking of the PC Culture that it so zealously nourishes. It has an overwhelming influence over the press—and therefore—the opinions of an uncritical public. Within the information systems industry, Microsoft is acknowledged to have indisputable economic, political and cultural power. Comments by members of congress suggest this company also has a growing influence over the legislative process.

Given its announced strategic plans, it should be obvious this company wants more. Much more. Microsoft wants to wield the same kind of influence over the entertainment and communication industries that it does over the computer industry. It currently has aggressive initiatives to dominate the services and content of the Internet and is pressing forward with plans that will Quotation from: ''MS settlement

reads like a fairy tale''. David Coursey, ZDNet, November 5, 2001.

effectively manage the access, distribution and use of networked consumer entertainment. Mobile and location technologies will be used to penetrate additional consumer services..Net will drive the consumer to Microsoft approved content and services. If these initiatives are successful, this single company will be in a position to dictate how we create, store, edit, access, distribute and use all kinds of electronic information. Worldwide. Across three industries.

The reality of this situation raises a number of questions. Given its growing political and economic power, why do we believe that Microsoft will feel compelled to abide by the proposed settlement terms? Will they modify Microsoft's business strategy? Product plan? Will they prevent Microsoft from using integration, bundling and tying as weapons to lock out competitors in three industries?

Will the proposed behavior monitoring process guarantee the delivery of reliable products? Improve consumer security? Prevent the abuse of corporate power? Ensure open markets? Encourage competitive innovation?

It would appear that the answer to all of these questions is a resounding ''NO''. If that is true, then how can any reasonable person claim that the proposed settlement serves the public interest?

Who Is The Consumer?

Consumers have the right to expect that our federal institutions will deliver a settlement that has an immediate, substantial and permanent impact on the restoration of competition within the information systems industry.

But, who is the consumer?

Media and political personalities frequently project the image that all ''consumers'' are deficient, clueless and vulnerable. It is an image favored by self proclaimed consumer protection groups. Consumers are easily victimized and thus considered in need of protection. Hence in the Microsoft anti-trust case, both the Justice Department and the presiding Judge were concerned that the ''consumer'' had been victimized by excessive software prices and a lack of choice. This somewhat ill-defined person had been forced to purchase Microsoft software through a captive retail channel and may have been overcharged.

In reality, this image of the ''consumer'' is misleading. If we want to reach a settlement that protects both personal and institutional rights, we must first agree on a definition for the word ''consumer'' that incorporates all classes of buyers. For the purposes of this settlement agreement, therefore, we must consider two broad classifications of the concept ''consumer''. There are personal consumers and there are Enterprise consumers.

Personal consumers engage in personal consumption. This happens when people make purchases for themselves, their families, their friends or anyone (or thing) else that commands their interest. They use their own money. Typical purchases include food, clothing, housing, vehicles and so on. Personal consumption accounts for roughly two thirds of America's GDP. Enterprise consumers spend money that belongs to the Enterprise. They buy products, property or services for their employer or their business. Broadly defined, Enterprise consumers include any entity defined by the standard industrial classification codes: i.e. insurers, manufacturers, retailers, hospitals, educational institutions, government agencies, personal service businesses and so on. Enterprise consumption accounts for approximately one third of America's GDP. Both segments of America's consumer population must be protected from Microsoft's assertive marketing power. We must not leave either group of technology buyers in the position that they will be forced to chose key products and services from one vendor, good or not, on terms and prices they can not evade.

One of the more glaring problems with the proposed Microsoft settlement is that while Federal and State authorities have properly reacted to personal consumer complaints, they have failed to deal in a meaningful way with the problems of the Enterprise consumer. Industry wide issues include:

Enterprise networks have become incredibly expensive and difficult to maintain.

Existing PC operating systems are hard to manage and very costly to own.

Internet and Intranet security problems have become so bad that they threaten electronic commerce and the viability of Enterprise operations.

There are multiple industry reports that address these issues in great detail. It is worthy to note that excessive information system costs have been calculated in the $ billions per year and that industry publications continue to report on the related management and operating problems. It is also clear that these impediments will continue to plague the Enterprise consumer because there is no effective competition for the architectural concepts promoted by the dominant vendor.

In this legal action however, Microsoft's alleged disregard of consumer needs was never pursued. There appear to be several reasons: some political, some practical, and some due to the inherent obsolescence of the Sherman Antitrust Law. But the issues remain:

If PC operating system development has been paralyzed by the domination of a single vendor, has the consumer been harmed? And if the products are defective, what is the burden of liability?

If network systems design has been primarily driven by the product plan and business model of a single vendor, has the consumer been harmed? And if the underlying system design was dysfunctional, what is the burden of liability?

If a vendor, in order to deflect competition, announces products that do not exist, or products that never make it to market, has the consumer been harmed? And if the consumer was mislead, at what point does this constitute consumer fraud? What is the associated liability?2

If consumer security and safety have been jeopardized by deficient systems architecture and defective products, what is the vendor's liability?3

The complaints against Microsoft are far more numerous than those covered by this narrowly defined legal action. If the court wishes to impose a meaningful settlement on Microsoft, it will have to consider both the concerns of this specific case and the underlying intent of the Sherman Act. There is case law and there is the reality of dealing with an overwhelming marketing machine that is essentially able to set its own agenda.

This reality puts the court in a quandary. If the court is to be forthright in its desire to protect the consumer, it must provide substantial relief for both personal and Enterprise consumption. It will have to deal with both the specific and the ambiguous. It must certainly expand the interpretation of the Sherman Act. And finally, the court will have to make its findings with the knowledge that this settlement will have a bearing on future actions against AOL/Time Warner.

2 The announcement of non-existent products was an issue in the Justice Department's case against IBM. It puzzles me why Justice chose not to pursue this issue in its development of a case against Microsoft.

3 The National Academy of Sciences has recommended the creation of laws that would establish vendor liability for security breaches that are the result of vulnerable software products.

Microsoft The Company

Microsoft's corporate culture is driven by the mantra of revenue growth, institutional power and market control. Software is developed to gain market share or to demolish competition. Software defects and chronic insecurity have been institutionalized as components of the product plan. Microsoft does not have to be driven by consumer wants and needs. Microsoft is free to be driven by whatever strategy protects its revenues and extends its power into additional markets. Microsoft has been able to adopt competitive software concepts within its Windows architecture, thereby rendering the competitive software irrelevant. Examples include the incorporation of the Internet Explorer browser into the Windows user interface in order to destroy Netscape's Navigator and the inclusion of ''Java like'' features in the company's .Net strategy, a ploy that will eventually render Java redundant within the Windows environment.

When faced with standards based competition, Microsoft has frequently been accused of using an ''embrace, extend, extinguish'' strategy to render the standard useless. Microsoft's version may even flaunt the concept of ''open standard'' by restricting Windows clients from working with any platform other than a Windows server.

Microsoft has convinced a wide range of technologists, journalists, legislators and consumers that it has the exclusive wisdom to provide software innovation.

This—of course—is absolute nonsense. Microsoft is not the only company that understands the fundamentals of software technology. Were it not for the company's monopoly control over the market, consumers would be able to purchase a far superior PC operating system. Other vendors have developed, and are marketing, embedded operating systems with better

technology and excellent reliability. Enterprise users have embraced a variety of alternative server operating systems because they have superior reliability and a lower cost of ownership. There are certainly alternative ways to build consumer friendly Internet, e-mail, word processing, spreadsheet, graphics and data base applications. And there are many companies that develop software for the cell phone, PDA, set top box, in-home server and game markets. Unfortunately, few alternatives can effectively compete against Microsoft's marketing power. This company continues to use integration as a predatory weapon. Competing products, services and content will be hobbled—and thus less desirable.

Management has a vision. Microsoft plans to dominate the computer game, cell phone and PDA/HPC (Personal Digital Assistant/ Handheld PC) markets, will force its way into the cable business and fully intends to be a leading provider of Internet services. These are key revenue growth strategies. The company's XP operating system is important because it drives Microsoft's largest revenue stream and the future of the company's .Net strategy. The Stinger cell phone and Pocket PC HPC OS launches open up new recurring mobile network revenue opportunities. The XBox game platform opens a strategic path to the convergence of entertainment and computing in the home. The company is actively tying its computer and communication software product strategy to its Internet services and content strategy. The Internet gives Microsoft a virtually unlimited marketplace that can be molded to the company's operating philosophy. Hailstorm and Passport fit perfectly into this scenario. Network clients using Microsoft software will be tightly integrated with Microsoft application and content servers.

This is, after all, what convergence is all about.

Unfortunately for the consumer, management's vision has a potential downside. Microsoft will be able to demand access to all of the software we use, modify it with or without our knowledge, and make copies of our files. This company will be in a position to monitor our use of the Internet, our political philosophy, our purchase behavior, and our friendships.

Will Microsoft actually do this? Will a hacker be able to do the same thing? Does the consumer really want to be this vulnerable?

We can understand that Microsoft's business model is driven by the visceral desire to absolutely dominate all high volume software applications. We can also understand that the company's prospects for revenue and profit growth are interdependent with the accumulation of power over the consumer's use of computing technology within the computer, communication and entertainment industries.

It is time, however, to ask one simple question: Does this ubiquity serve the public interest? On the one hand we acknowledge Microsoft's accomplishments, the intensity of its vigorous pursuit of new markets and its right to function as an independent business. But on the other hand, the court must fashion a remedy that incorporates genuine protection for the consumer. The PC era was lots of fun. The Internet era was a wild ride. But going forward, Enterprise and personal consumers must have cost effective software that is reliable, predictable, useful, secure, easy to manage and open.

Will a court imposed settlement provide the key?

Alternative Remedies

Nine States'', along with the District of Columbia, have presented an alternative proposal of remedy that would, if implemented, partially correct these deficiencies. This proposal has credibility because it directly addresses the findings of this specific case and establishes remedies that are consistent with prior court tests that judged the validity of relief from infractions of the Sherman Antitrust Law.

1. Microsoft would have to offer a stripped version of Windows.

Although much thought must go into the implementation methodology of this recommendation, it could have the effect of reducing consumer costs by encouraging the development of alternative personal computing appliances with competitive applications software. It would also have the effect of making it more difficult for Microsoft to exclude competition by tying its operating systems to its applications, content and services.

2. Microsoft must support Java.

Enterprise consumers have espoused Java as a highly useful programming language. Because it is an interpreted, object oriented, platform independent language, Java can be used to reduce the cost of developing, deploying and supporting networked applications. Despite the obvious benefits to the consumer, Microsoft wants to kill Java by making it irrelevant within a Microsoft controlled programming environment. Forcing Microsoft to give its full support to Java would give the Enterprise consumer and applications software developer incremental choice in the selection of development environments.

3. Microsoft would be compelled to make Office available for all popular operating systems. Consumers have been forced to accept either Apple or Microsoft PC operating systems as a defacto prerequisite for using the company's Office suite. If Office were made available for all popular non-Microsoft operating systems, consumers would have a wider choice of operating system environments. In addition, this recommendation would encourage the development of competitive PC operating systems, presumably based on architectures that could deliver superior reliability, function and security.

Given a carefully constructed court approved implementation and supervision methodology, these recommendations would be most helpful to the restoration of competition within the PC and network appliance software industries. However, if we want to preserve an open and competitive market, and if we want to be vigilant in our support of acceptable corporate behavior, then we should consider three additional recommendations.

4. Restrict Microsoft from the Embedded Systems market.

There are a number of reasons to restrict Microsoft's participation in the embedded systems market5. For the purposes of this specific settlement, however, we must focus our attention on the restoration of competition and innovation within the PC market. Going forward, we also need to ensure consumer choice in the markets for set top boxes, entertainment devices and communication appliances, as well as network based content and services. As discussed above, Microsoft's announced strategy is to tie its software products to its services and content businesses. If Microsoft is successful with these initiatives, this company will have greatly extended its marketing power and will be in a position to monopolize segments of the entertainment and communications industries.

For a period of seven years, therefore, Microsoft should be prohibited from selling any embedded systems software products, including CE, its derivatives and any comparable products. If there is to be any credible competition for Microsoft's existing monopoly over PC operating system architectures, it is most likely to come from the manufacturers of network attached appliances. Over time, the embedded software within products will increase in sophistication. There is no reason why these system architectures can not be used to provide the consumer with the whole range of PC applications.

Microsoft would be compelled to establish a separate company for its CE, Stinger, XBox, PocketPC, set top box and all other currently active embedded systems product efforts within 8 months of signing a settlement agreement. Microsoft would not be allowed to own any part of the company or its stock for a period of 7 years. Any funding for the newly spun-off company must come from sources in which Microsoft has no financial interest. Five years after the spin-off, Microsoft would be allowed to start a new embedded software development effort that could be offered for sale no sooner than seven years after signing the settlement agreement.

Placing restrictions on Microsoft's embedded systems efforts will reduce the company's ability to dominate the related communication and entertainment markets. Microsoft would be encouraged to establish partnerships with the existing content and service companies as well as the manufacturers of embedded hardware and software products. These markets can then evolve in ways that are not tied to a single company's business strategy and revenue plan.

5. Place Microsoft under Court Supervision

It is difficult to imagine how the proposed settlement terms will prevent Microsoft from engaging in anti-competitive behavior. One would have to assume that Microsoft is immune from the temptations of corporate power. It would be helpful, therefore, if Microsoft were placed under the supervision of the court. A methodology must be developed that permits complaints of wrongdoing to be reviewed in a prompt and fair manner. Fines and restrictions, where necessary and justifiable, should be imposed by the court after a hearing process.

5 A more detailed discussion of the basis for the recommendations and comments

presented in this document may be found in my book: ''CyberCarnage: Everything We Own Is Obsolete''

Court supervision should reduce the need for further Justice Department action and could be used to establish the parameters for pending civil actions. The intention is that Microsoft could engage in any permitted business practice, strategy and tactic it wished, so long as the court agrees that its actions are lawful. The period of supervision should be continued until the court, by its own determination, believes that supervision is no longer justified.

6. Insist on a Code of Conduct

If we assume that we do not want our larger corporations to be driven solely by the mantra of revenue and profit growth, then any company that achieves a dominate position within any single industry has an obligation to adjust its behavior to operate in the public interest. The usual mechanism is through the imposition of government regulation. Absent this solution, the alternative is to insist that the dominant company have a set of enforceable standards against which it is possible to judge individual employee conduct.

Under court supervision, Microsoft should be compelled to adopt a Code of Conduct. Specific sections should address this company's relationship with competitors, suppliers, consumers, and partners. A methodology must be developed that permits complaints of wrongdoing to be reviewed in a prompt and fair manner. Fines and restrictions, where necessary and justifiable, should be imposed against individual employees.

It would appear that these recommendations can be implemented in a fair and equitable manner. The objective is not to unduly punish Microsoft. The Third and Fourth Waves of computing are history. We must look forward, not backward. Punishment is less desirable than the creation of a competitive, needs driven, marketing environment for the consumer. It would appear that all six recommendations, if implemented as a whole, would have a minimal impact on Microsoft's existing revenues and profits. There would be little interference with the company's PC and server software business. Over the next 5 to 7 years, the net effect is that Microsoft would not grow as fast and it would have to look to industry partners for some products compliment its .Net strategy.

For the consumer, however, the restoration of competition within the PC industry will be enormously beneficial. New innovation can take the form of products that are easier to manage, more reliable, more secure, and less costly to own.

The Sherman Antitrust Law

As a piece of legislation, the Sherman Antitrust Law appears to be obsolete. The Sherman Antitrust Act of 1890 was designed to deal with the political and monopoly power of (frequently interlocking) trusts. Specific companies had pricing, availability, distribution and product power over the consumer. Relief came in the form specific restrictions to business practices and monetary punishment.

The Sherman Antitrust Law does not address the defacto standards issue. Over the last 75 years, the telephone, teletype, electric, water, radio, entertainment, and television industries have been characterized by the evolution of increased concentration based on a company dominated list of defacto standards. Within the public services industries, regulation has been used to ensure that these standards are beneficial to the public interest. There are additional examples of industrial standards that have been promoted for the benefit of all potential players. When RCA set the defacto standards for color television, for example, multiple industry participants were able to adopt them for their individual benefit.

Dominant players set the rules of competition and corporate existence. All industries are vulnerable. Airlines, banking, insurance, manufacturing, retailing—it does not matter. The potential for domination—whether by marketing power, financial strength, or technology—exists.

And if 21st century industries tend to gravitate toward single standards established by one dominant player, then we need to ask multiple questions:

?What is an open and competitive market?

?What is the basis for determining economic concentration?

?What is market domination?

?Should a company be allowed to use it's domination of one market to leverage its customer base into the domination of other markets?

? If the consumer is forced to purchase defective and/or dysfunctional products because there is no viable alternative, what is the dominant company's implied liability?

?What are consumer rights? (How can they be measured?)

?At what point does the power of the dominant player jeopardize consumer rights?

?What is a fair penalty for jeopardizing consumer rights?

If a market is dominated by a single company, at what point does this imply that it must assume a fiduciary responsibility to act in the public interest? And what are the guidelines for corporate behavior? How will they be enforced?

?How much political and economic power do we want a single company to accumulate within a specific market?

?And finally; What is the mechanism for restructuring competition?

Obviously, there are many more questions that need to be addressed if the Sherman Act is to be rendered relevant to the realities of 21st Century Corporations. The purpose of this more limited discussion, however, is to demonstrate the deficiencies of the Sherman Act when considering the specific parameters of this settlement. Neither the Sherman Act, nor the proposed settlement, address the realities of existing market structures, emerging technologies, defacto standards, the issues of convergence or the use of 21st century corporate power. Since the Sherman Act currently provides inadequate guidelines for establishing what will be— essentially—public policy, then the court has two choices:

? Interpret the law within the narrow confines of this case using legal precedent (which essentially will let Microsoft off the hook); or

Broaden the interpretation of the Sherman Act in order to protect the consumer from further harm that may occur in the future (which will require the Court to consider issues and questions not necessarily documented within the scope of this case).

Either way, the court's determination will be sent to the Supreme Court for resolution.

Conclusion

Since the proposed Justice Department settlement provides only limited relief for a very narrowly defined case, it will fail to provide the public policy guidelines that are so desperately needed to protect the consumer from the abuse of corporate authority. It does nothing to relieve the increasing concentration of political, economic and marketing power that is now occurring within the computer, communication and entertainment industries.

We are thus faced with two realities. On the one hand there is the reality of the specifics of this case and the proposed settlement remedies. On the other hand, there is the reality of the need to maintain open and competitive markets for the products, services and content. A really good settlement will bridge these two realities.

As for the Sherman Act? Corporate governance is out of control. Unfortunately, we all know that Congress will not act until it is politically expedient to do so. Failure to act implies acceptance of the status quo. Competition will fade. Corporate power and influence will be concentrated. More Enron's will happen. By the time congress acts, if at all, it may be too late to impose meaningful reform.

So it is up to our court system, and perhaps the Commissions of the European Union, to both make and execute the guidelines we need to protect the consumer. We want our corporations, including Microsoft, to be successful. We expect them to grow their revenues and profits. We want them to pursue new business opportunities. But we also want them to operate within open and competitive markets so that consumers have an opportunity to purchase the products, services and content they want, at a price they can afford, and on terms that make them practical. That means that our legal system must guard against the potential abuse of corporate power and the inherent problems of market domination. In this settlement, we are asking the court to define those guidelines in a way that protects consumers from the potential of future abuse.

Is that too large a task? Too sweeping a challenge? Too far from the specifics of this case? I think not. It is the reality of 21st century technology and market structures. Convergence, after all, implies consolidation. And consolidation breeds domination.

MTC–00027859

From: Bill Horne
To: Microsoft ATR
Date: 1/28/02 11:39am
Subject: Microsoft Settlement

I believe that the proposed DOJ settlement with Microsoft is wrong and will further eliminate lawful competition with this criminal corporation. Do please consider changing the settlement to help struggling Operating Systems developers as well a browzer developers.

Bill Horne

''Five minutes after any agreement is signed with Microsoft, they'll be thinking of how to violate the agreement. They're predators. They crush their competition. They crush new ideas. They stifle innovation. That's what they do.''—Massachusetts Attorney General

Thomas F. Reilly

MTC–00027860

From: Jack
To: Microsoft ATR
Date: 1/28/02 11:37am
Subject: Microsoft Settlement
2601 NE Jack London #14
Corvallis, OR 97330
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am sending this email to show my support for the settlement reached in the Microsoft antitrust case. The settlement should make it easier for other companies to work with Microsoft and its products. I find it weird that the suit was brought in the first place, since companies that wanted more business in this industry could get it by making their products better. I think innovation, by the whole technology industry including Microsoft, should be encouraged, not stifled.

I work in the computer printer segment of the computer technology. Compatibility of our printers with popular software is important to our business. It could be of some considerable benefit to our partners, the computer industry, and us in general, that the settlement will allow us to have the open access to Microsoft's copyright software code for the internal interfaces of the widely used Windows programs.

Industry standards are the lifeblood of peripheral products, such as our printers. Microsoft has greatly helped the industry by setting an affordable, easy to use standard that a wide range of people around the world have chosen to adopt out of the multitude of systems available.

Other terms in the settlement, such as changes to Microsoft's ability to exercise its contract rights will help the industry, including Microsoft's rivals, such as AOL Time Warner. AOL will be able to work with computer manufacturers to remove Microsoft's Internet Explorer and Windows Messenger and replace them with AOL's own Netscape Navigator and AOL Internet Messenger, AIM. So, in terms of the American computer industry as a whole, the settlement's requirements of increased openness, flexibility and disclosure from Microsoft should lead to greater experimentation and innovation. Microsoft should benefit too, from the end of the distractions to its business focus and costs of litigation.

The settlement is, in my opinion, in the public interest.

Sincerely,
Jack Kolb

MTC–00027861

From: Mark McGee
To: Microsoft ATR
Date: 1/28/02 11:38am
Subject: Microsoft Settlement

Dear Sir/Madam:

I am writing in support of the settlement agreement entered into by Microsoft, the Dept. of Justice, and nine states.

It's best for everyone involved to proceed with the provisions agreed to and get on with business.

Sincerely,
Mark McGee
Sammamish, WA

MTC–00027863

From: Guthrie Chamberlain
To: Microsoft ATR
Date: 1/28/02 11:38am
Subject: Microsoft Settlement

Dear Mr. Ashcroft

I am writing today to voice my opinion on the Microsoft Antitrust case. As an owner of a business that is part of the IT industry I feel this case has been dragging on for too long and it has hurt not only Microsoft, the entire IT industry and indeed the entire economy. The government has no rights meddling in the affairs of independent business unless it is truly hurting consumers through unfair practices. This is certainly not the case with Microsoft who has facilitated computing technology to benefit the majority of the world's population. Productivity and creativity has been stifled and it is now showing in the marketplace. Our economy has grown so much in the past two decades, due mainly to Microsoft and other key companies providing innovative products to the general consumer.

I have firsthand experience dealing with Microsoft, as I work as a Systems Integrator, creating and installing networks. Their products have made our business and the majority of our clients run smoothly and more efficient. As Microsoft experienced problems due to these lawsuits, so have we and it has affected the entire economy. I feel part of the recession that we are now experiencing is due to these lawsuits. I ask that you please take the public's concern into consideration and help put an end to the lawsuits. Additionally, I hope that remaining nine states can come to quick settlements, without further scrutiny from the government.

Sincerely,
Guthrie Chamberlain
President www.eagletgi.com
Guthrie.chamberlain@eagletgi.com
Phone: 740.373.9729 x101

MTC–00027864

From: Carol Hansell
To: Microsoft ATR
Date: 1/28/02 11:39am
Subject: Microsoft's campaign for comments

FYI: ''Americans for Technology Leadership'' phoned our (small) office 3 times plus sent us a brochure in the mail soliciting comments in support of their position on the Microsoft case (that the November agreement be accepted as the final word). Only by carefully checking their web site does one find out that they are funded by Microsoft Corp. (a ''Founding Member''). Personally I do *not* support allowing predatory or anti-competitive business practices, and I think any comments submitted through ''Americans for Technology Leadership'' (there is a form to fill out on their web site) should be viewed in light of their being solicited by an intensive campaign funded by Microsoft Corp. (through a front organization) presenting the Microsoft position only in favorable terms.

Thank you for your interest in fairness.

Carol Hansell,
Administrative Assistant
Association of Boards of Certification
208—5th Street, Ames, IA 50010–6259
Phone (515) 232–3623 / Fax (515) 232–3778
http://www.abccert.org

MTC–00027865

From: Adam Wunn
To: Microsoft ATR
Date: 1/28/02 11:39am
Subject: Microsoft Settlement

The settlement is a bad idea. It allows Microsoft to just go about is business of squashing everyone else. Look at the areas they now control! They want more and they are now being rewarded with a slap on the hand. America needs Microsoft stopped from ruining competition in the computing landscape. Microsoft has proven duplicitous and has displayed their outright blatant lying nature over and over again.

Save the taxpayer some money and do the job right this time, otherwise we will just revisit this in a few years. Microsoft has shown a propensity to skirt the rules or follow them long enough to make it pretty window dressing. Fix the problem, make they do the time for the crime.

MTC–00027866

From: psewell psewelll
To: Microsoft ATR
Date: 1/28/02 11:40am
Subject: The way I see the Microsoft settlement

Sir:

How does one go about expressing their opinion, about something that there government said is in their best interest of there citizens of our wonderful USA.

Here are my thoughts on this settlement concerning Microsoft Company , which I believe is the first true all American USA company..

First allow me to say up front here, I started reading the court documents about the terms of the settlement and was very troubled by the findings and ground rules laid down for Microsoft. It reads like more money out of the public pockets and nothing to protect our best interest. in the software or computer world.

I feel that the agreement isn't really in the consumers best interest nor is it in Microsoft's best interest, this is my opinion. The decree reads like a very confusing judgment. which. in the end I believe will put software & computers out of reach for the average everyday American citizen,

Now mind you. I said average citizen, not those who are already at the bottom or top, of the food chain. [no disrespect meant there] Why do I say this. Because you have took a

company in the name of some folks greed and put a price tag on everything which has to do with technology , which, technology has no price tag, nor is mankind a third of the way ready for this wonderful new world of technology. I hope and pray you understand this statement. this could destroy generations of children now, and those to be born.

I wonder in today's world, does any one really care about the citizens of our nation or humanity. Maybe the green god rules in total. Heaven help us. There will never be a standard set for software. that is the way I see it at this time from the decree being handed down..

I have shelf's full of useless software which doesn't work on my computers. I purchase software & hardware from those who only seek profit, and no perfection in there software to work with any OS system. let the buyer be truly aware of what this will eventually lead to with software for the consumer.

Or even Companies at there total own risk we will take your cash and bed... you the consumer. The internet will all but be destroyed by those who would benefit from it, in the name of greed and jealousy by a few. Who only have there interest at hand, so sorry but this is how I see it from the beginning of this to continued law suits against Microsoft. Allow me to state that I have no axe to grind with anyone nor do I work for Microsoft.

I choose on my own to use Microsoft's products because their software was the only software that actually works for me being a lay person, and I didn't need a PhD to use Microsoft's software, they supported there software, with out charging outrageous fees to fix there product if something went wrong with there software, which was a rare thing for such a large software company. to take responsibly for there products... Nor did they tease me with there browser like Netscape did [my very first browser] offer me the bare bones files, in order for there browser to work I had to spend hard earn funds at that time to get it to work for me [very complicated] to enjoy using what my and a lot of other folks tax dollars have already paid for, the Internet.

I hope you understand what I am trying my best to get across to you here. I think this issue should be rethought and support Microsoft more then what it isn't doing now in my opinion, my sixty three years could be wrong , but I don't think so.

This isn't a phone company or a light company, etc.. we cannot continue to destroy companies because someone thinks that they are to wealthy or that they want part of the action, the phone company is a good example.....this company Microsoft is part of the very back bone of our nation the new frontier of the twenty-first century. they are a American Global Company with major assets here in the mother land, supply jobs to the best and brightest of our youth to move forward in the 21st century...who sets good standards on how a company should treat those who work for them fairly.....this is Wonderful.....this is something we can not destroy in the name of greed.....you know like when we first started out as a raw nation, an new frontier the west ..... in the earlier years. We can never revert back, even thought some of us think that is what it will take to get our house in order . it Takes honesty & compassion for mankind to put our house in order, if we are lucky as a nation.

I would also like to suggest that we change some of those outdated Sherman act laws, they are a great guide to follow , but horrible to use against companies in today's world, those standards where for that time period in our history, we also need to remove a lot of business tax shelters and start making them pay there fair share, restore checks and balances, not when someone thinks a company are person is to large are to big. also, we need to allow those who build there own companies from there pockets not the tax payers pockets. a little more legal lead way. Sometimes we will need to allow a company to be a monopoly [this is one of those instances] with guidance's. By those whom we tax payers, pay as our watch dogs to protect us an our country from being devoured. Does that make sense. No two babies are birth the same way, I had to throw that in, It must be said. No I do not own any stock in Microsoft.

Thank you for allowing me to voice my opinions. God bless you and our Nation.

PL Sewell

http://www.sewellsports.com

MTC–00027867

From: Pindel, Dave
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 11:48am
Subject: Microsoft Settlement
David L. Pindel
Instructor of Biology
Division of Biology and Chemistry
Corning Community College
1 Academic Drive
Corning, NY 14830
(607) 962–9536
January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I appreciate the opportunity to comment on the settlement agreement reached between Microsoft and the Justice Department in the antitrust litigation. Please do not forego the opportunity to settle this case now. The settlement provides benefits for the economy which can be taken advantage of now rather than taking the risk of litigation. The remedies awarded by a Court may not be as advantageous to the public.

Microsoft has agreed to eliminate a number of alleged barriers to competition by adjusting its pricing policies, eliminating restrictions in its distribution contracts with third parties, and allowing competition from non-Microsoft software within Windows systems. These changes will help the computer industry as well as provide greater choice of products for consumers.

Sincerely,
David Pindel
418 Sunset Drive #14A
Coming, NY 14830
MTC–0002786/—0002

MTC–00027868

From: Steven White
To: Microsoft ATR
Date: 1/28/02 11:42am
Subject: Microsoft Settlement

Since today is the deadline for public comments, I thought I would add one parting shot to the email I sent some weeks ago and the hand-written note I sent yesterday by fax. I assume that a lot of people more knowledgeable than I have explained the details of why the settlement is too weak to stop Microsoft from stifling innovation (unless it's their own) and driving other companies out of business. I have seen pages of it in mainstream newspapers and computer publications, and I have gotten a clear explanation from my own state attorney general. You must have seen those also. Let me just make one non-technical point.

Don't be swayed by the marketing-type arguments I hear. Some people say that this whole affair is just Microsoft competitors jealous of Microsoft's success and unable to compete with them, and looking to the government to help them. That is not correct. As the findings of fact told, the issue is that Microsoft will not LET other companies compete. Their way of ''competing'' is not to make a better product, it is to drive competitors out of business. That's why they have things like the contracts with computer makers that prohibit computer makers from even talking about competing products, let alone selling them. You might make a settlement that says to Microsoft, ''No, no no, you mustn't do that any more,'' but they will find a way around that. They might not make the contracts any more, but they will use subtle strong-arm tactics, or will find something that follows the letter of the law but not the intent of the settlement. There must be someting structural that forces them to behave, not just what amounts to a scolding.

And also don't be fooled by the ''freedom to innovate'' arguments where Microsoft says that a settlement prevents them from ''innovating'' and puts the government into the software design business. That is not the point. The point is that Microsoft stops others from innovating and that is what prevents the computer industry from being all it can be. Microsoft's tactics starve other companies from the money they could use to offer better products. The BE-OS is a perfect example. Microsoft's contracts prevented BE-OS from being sold by computer makers. This deprived BE of money it could have used to improve its product so more people would want to buy it. BE went bankrupt.

And finally don't be swayed by arguments that what is good for Microsoft is good for America. Bringing Microsoft to heel will not cripple the economy or have some catastrophic consequences.

I have four computers at home and none of them run any Microsoft software. I have to struggle a bit with them, but I get by just fine. With more money going to other companies, it will get only better.

Thank you.
Steven White
City of Bloomington
2215 W Old Shakopee Rd
Bloomington MN 55431–3096

USA
952–563–4882 (voice)
952–563–4672 (fax)
swhite@ci.bloomington.mn.us

MTC–00027869

From: Gary Enos
To: Microsoft ATR
Date: 1/28/02 11:44am
Subject: Microsoft Settlement

To whom it may concern,

I have watched the case against Microsoft and believe the actions to date to be an atrocity of justice. The actions taken against Microsoft have been of questionable substance and lacking a justified agenda. The negative affects on the technology sector and the de-valuation of one of America's greatest assets ''Microsoft'' has been hard to justify.

Microsoft has influenced the growth of the computer and compute environments more than any company in history. Many companies and manufacturers have benefited from the open development and utility of the Windows operating system and Microsoft certifications. The continued attack on Microsoft is un-productive and a challenge to the innovative spirit and freedom to grow that is typified by American business.

The marketplace has demanded close integration of OS and functionality. Integration of form and function is not a wrong doing and Microsoft should be commended for all they have accomplished and brought to America's technical dominance. UNIX manufacturers have been imbedding programs in the OS for years; MacOS contains many imbedded functions. Microsoft has done nothing wrong and has acted responsibly to meet the needs of the market and the installed base of PC users/manufacturers. Microsoft is strong because they develop superior products in response to demand. They must be allowed to continue pushing the envelop and to have the freedom to innovate.

The States which have failed to support the DOJ decision are wrong. It is wrong for AOL/Time Warner and Netscape to pursue or be permitted to pursue continued challenges against Microsoft. There is not value in the pursuit, only further devaluation of a great company and the harm to many investors and the technology industry as a whole.

AOL and MSN both offer messaging. AOL, Compuserve, ATT and other services are offered as part of the Online services load of Windows 98, ME, 2000 and XP systems. The users have complete freedom to select ISP, Browser, and email client. The fact that Explorer, Outlook express, and MSN are options to the OS load is perfectly acceptable. These are also superior applications.

Please take action to prevent further legal challenge and wasted energy to defend Microsoft's freedom to innovate. The DOJ has decided; lets get on with re-building the US economy and re-vitalizing the technology sector of this great country.

Regards,
Gary Enos
6842 West Sherri Drive
Macedonia, Ohio 44056

MTC–00027870

From: Roz Crowell
To: Microsoft ATR
Date: 1/28/02 11:43am
Subject: Microsoft Settlement

To whom it may concern:

For heavens sake, PLEASE, adopt the terms of the agreement with Microsoft and let the country get on with living and move this industry forward!!

Thank you!

Sincerely,
Mrs. H. Crowell

MTC–00027871

From: Bryan Campbell
To: Microsoft ATR
Date: 1/28/02 11:43am
Subject: Microsoft Settlement
Bryan Campbell
bryany@pathcom.com
28 January 2001
Ms. Renata Hesse
Trial Attorney
Suite 1200
Antitrust Division
Department of Justice

A Cornerstone Technology for the Twenty-First Century

''Home users who buy new PCs don't have much choice in operating systems. Once Windows XP ships, nearly all computers will be sold with it installed.'' ''When your six-month-old version of MusicMatch Jukebox doesn't work, you may decide just to live with WMP [Windows Media Player].'' The New Windows, PC Magazine 30 October 2001

http://www.pcmag.com/article/0,2997,s%253D1590%2526a%253D15591,00.asp

This phase of the antitrust trial concerning Microsoft products is occurring at one of the most trying times in the history of the United States. The due deliberation given it (going on as does all business) says much about the resolve of the nation and its allies. Personal Computers are vital to the world economy which means even in this dire time the United States needs to ensure the vitality of the whole Personal Computer industry which is a mainstay for the engine of the world economy in this new century. Security is best served by having a strong economy that has the means to lift up the world into a new prosperity as was done after World War II.

At question in this case is the unfettered access to the next generation of the common infrastructure. Microsoft Operating Systems have become the cornerstone for running a myriad of Personal Computers world-wide! These Operating Systems take a place beside raods and highways, electricity, and the telephone system, as infrastructure services that are fundamental to everyday life in modern society. Care must thus be observed with the newest Microsoft system, Windows, to see that it remains a platform any company or individual may build on and garner the full benefits of any innovation.

1. The Revised Proposed Final Judgement gives Microsoft too much influence over how other developers can implement their programs. Section III.H allows OEM installs of non-Microsoft products. That clause is made too narrow by Section III.H.3.2, which states Windows may invoke a Microsoft product (Section III.H paragraph 2) if another product does not meet a ''reasonable technical requirement'' (ActiveX) consistent with Windows. Once it is in writing, ActiveX support will be a minimum for all programs to meet. That will be anti-competitive by requiring programs to be a proprietary Microsoft ActiveX control as a ''reasonable technical requirement'' to allow OEM installs when some software firms would prefer to use only Java. Studying constitutions and court decisions is part of my background and I have seen innocuous clauses gain unexpected importance.

Section III.H.3.2 could be such a clause causing OEMs to leave Microsoft programs in place. That Microsoft has broad latitude to override OEM software choices makes this Judgement contrary to the public interest. Section III.C of the Judgment, indeed, seeks to leave open such options. Generally, as Microsoft does not give tech support to 0EM built systems, there is not a strong business reason for Microsoft to so closely govern the initial boot. Buyer recourse is to an OEM, which bears the costs of more technical support phone calls if it deploys a confusing initial boot or a confusing configuration. Microsoft costs do not raise due to some inept OEM ideas so OEMs can certainly be left to their own ideas on finalizing systems. OEMs carry the financial burden of manufacturing and selling what they build so OEMs need the freedom to install programs that make those systems most attractive to buyers. If an OEM markets PCs that misbehave, a Web or other review will quickly make that news and the market will react leading that OEM to fix its error without reflecting on Windows itself. Microsoft paternalism is unnecessary. Not to say that it can not protect the reputation of its product, only that in ensuring Windows works as expected Microsoft does not also stifle non-Microsoft programs because those developers choose to use their own vision on the Windows Operating System.

1a. The revised settlement gives Microsoft far too much competitive advantage because Section III.H.3.1 and its preamble let the Windows Operating System select Microsoft programs to connect to a Microsoft server. That leaves the door wide open to Microsoft specifying, for example, only Internet Explorer may be used to update Windows so people wishing to use other browsers still need be familiar with Internet Explorer. People using the Lynx browser perhaps because of reduced vision or Opera's browser due to physical disability would have no way to visit Microsoft Web sites or to update Windows. This settlement may allow discrimination and or infringe upon the Americans with Disabilities Act (ADA) and perhaps other codes if a secondary route is only left to people with disabilities. (Plus their Personal Computers are painstaking configured to allow independent operation which a central authority is unlikely to be able to clone no matter how strong its motivation!) From a wider perspective, this clause gives Microsoft too much latitude to disregard individual choice.

Other vendors will be reluctant to write similar programs knowing reasonable earnings from the work is unlikely as possible customers will not use a program since Windows may by-pass it at critical

times when customers need be most familiar with their programs to ensure successful outcomes. Moreover, the Court of Appeals Ruling on page 30 (using the Adobe PDF rendering) notes having two browsers on systems is unpalatable to OEMs as some customers will phone the support line asking which browser to run. OEMs seek to limit such costly calls so OEMs will not configure systems with two similar programs to avoid customer confusion. Because OEMs carry the burden of product support they need to be able to configure systems to best suit the individual buying a system. Windows is a most adaptable Operating System allowing buyers to run Personal Computers in a personalized fashion, giving OEMs an option to begin the personalization process would be one way to make using a new Personal Computer easier. Conversely, if via Section III.H.3.1 Windows ignores buyer chosen software to increase ease of use by using only one browser buyers will of necessity run Internet Explorer to be able to update Windows. Some violations the Court of Appeals upheld deal with promoting exclusive use of Internet Explorer, no part of any settlement should allow for any similar eventuality. Microsoft must be encouraged to quickly implement open standards so any browser can interact the same way with any server. The guiding goal should be the example of the telephone system which at one time only allowed equipment built by the phone company to be connected to the system. By the early 1980s, equipment built by any manufacturer was allowed to connect to the telephone system something that helped the greatly expanded types of telephone services available now. Plus at that time telephone companies stopped requiring that handsets be wired into the system by their employees as telephone sockets were fitted with jacks that allow easy connection of handsets. Having seen other technologies become much easier for customers to handle alone it would be most unfortunate to go backwards against that trend by letting Personal Computers appear to be devices that only a central authority can setup.

Car dealers offer customers many options, although the supply chain for assembly is long with an involved manufacturing process. Since car dealers let customers pick items such as seat color likewise 0EMs can have options for Web players, browsers, and other preferred software components. (Dell Computer buyers custom configure hardware for new systems http://www.zdnet.com/anchordesk/stories/story/0,10738,2834200,00.html fifth paragraph, doing the same with some Web ''plug-in'' software merely extends an existing concept.) Yes the finishing stages of Personal Computer assemble will change to yield widespread benefit as new systems have the newest versions of programs installed.

Customers satisfaction should go up given less need to update new systems with the most recent versions of programs helping lower or hold steady OEMs costs by reducing phone calls to support on what to do when an update causes a malfunction. Microsoft benefits by having some updates done before customers receive systems. A 3 Dec 2001 article at http://www.wired.com/news/print/0,1294,48756,00.html shows a patch which closes many security holes in Microsoft Outlook is very seldom downloaded as a percentage of estimated Outlook users. And that a tiny test group had little success installing the patch. (Having run desktop systems for 23 years, I'm fully familiar with instructions for software I found those for the patch process involved. Not complex, just a process needing diligence to complete.) All software firms try to make updates easy, yet customers, especially the majority not interested in the technology itself, are fatigued by frequent updates. By having the Operating System supply fewer components (where they become outdated with unfortunate speed) OEMs will be able to relieve buyers of some extra setup chores, making them more immediately productive! For retail sales OEMs could provide CDs (which stores could also update) with new versions of programs.

Returning to the comparison with the phone system where interoperability (meaning seamless operation between components from diverse manufactures) reigns supreme the idea that only Microsoft programs (besides when self-updating) be allowed to access Microsoft servers is as inefficient as calling the phone company for customer service merely to be told to call back on handset it built. Possible problems with other browsers using Microsoft servers probably stem from Microsoft placing proprietary functions in its own Internet Explorer browser (please see http://www.pcmag.com/article/0,2997,s%253D1470%2526a%253D4804,00.asp) and then using those function on Microsoft servers. The public interest is only served by universal Web access as exemplified in continental telephone systems where those responsible for the system do not limit customer choice. lb. My 23 years of experience with desktop class computers (then called ''micros'') stems from my being a person who is physically disabled (having Cerebral Palsy entails lack of fine motor control, unsteady and shaky movements, and difficulty in moving). That familiarity with keyboards began in about 1961 with I began using a headwand to type on a typewriter. My first ''micro'' computer in 1978 enabled me to complete a Bachelor of Arts in History by 1982. Even a computer did not speed up my typing though (a photo at http://www.opera.com/press/guides/operapower suggests how I work) so the whole Degree took seven years to finish, letting me to all the reading (and much more) related to the History, Political Economy, and Economics courses for the Degree. A background enabling me to place this case in a broader perspective than is often done, with the skill to look at all factors and sides before writing an analysis.

Vital to note also is the wide power of software to do amazing things! It is software which transforms the diverse components within desktop computers into cohesive wholes able to a universe of tasks. If you do not want to, or cannot hold down two keys at once solutions abound! A two key command can be programmed on to one key or software 'holds'' modifier keys like Shift on till another key is typed. Personal Computers adapt to the person. For browsing the first thing I did on purchasing Web access in 1995 was Search for a suitable browser and found NCSA Mosaic 2.1 highly usable.

Please see http://archive.ncsa.uiuc.edu/SDG/Software/mosaic-w/releaseinfo/2.1/WBook—60. html for its one key commands which were enough for keyboard Web navigation, at that time. By mid-1996 the Web was more complex and Opera Software http://www.opera.com had a browser that has since filled the bill. Being able to find and run commercial software is huge a cost saving, too. On the Web site for the White House, ''Fulfilling America's Promise to Americans with Disabilities'' http://www.whitehouse.gov/news/freedominitiative/freedominitiative.html says adaptive technology to make Personal Computers usable by people with a disability costs $2000 to $20,000 a system. In comparison Opera and this macro program (to program commands or often used phrases to run by typing one or two keys) http://www.macros.com together cost $65, showing that great software can reduce some expense of making computers usable by people with a disability. Such a large saving is rare, yet it illuminates the power of software.

The malleable nature of software is the vital point as that versatility lower costs. Every program does not have to use the exact same approach to accomplish any task. Most programs even have a few ways to do any one task. Some macro programs carefully guide you through macro building, the one I run also does direct building which is less work for me. Neither approach is more correct, the best solution is the one most suited to the interest and skill level of the person performing the task. With Microsoft moving to place more full programs in the Operating System the best feature of software, its malleable nature, will be lost.

We risk reaching a point where people only know how run a few programs by rote as they service the computer instead of computers serving the individual. In an enlightened age of reduced regulation it is very strange to see Microsoft regulating the Personal Computer industry. Because many clauses in the Proposed Judgement give Microsoft ways around prohibitions, especially Section III.H.3 using the word 'notwithstanding'' (meaning despite stated limits Microsoft may have its way), it is no over statement to say Microsoft may now regulate its industry. With it being able to still influence many aspects of OEM systems customers will largely see Windows in the form Microsoft wants, placing it at the center of the Personal Computer letting Microsoft regulate industry affairs. When a monopoly impedes the free flow of products that is at odds with the nominal workings of a capitalist economy and its open markets.

1c. Technology plays its best role in economic growth when it is deployed in a manner that does not favor or give special status to any party (which is separate from financial returns due product creators). Applying that concept to Operating Systems for Personal Computers is illuminating. DOS began in 1981 as a system with the bare essentials to run a computer, some might say so bare that it was like selling an engine with no spark plugs.

Other vendors began selling software to perform such essential tasks. In 1991 Microsoft released DOS 5 which later with DOS 6 were the first more complete versions, (http://www.nukesoft.co.uk/msdos/dosversions.htm) less requiring third party software to enable computer features of that day.

Notable these implementations left room for improvement and customer choice. Although by 1993 the engine definitely included spark plugs demanding customers seeking their view of complete computing were free to buy software offering a full of range options in areas like memory-management from a number of vendors. What Microsoft added to DOS are functions virtually fundamental to the workings of an Operating System, yet there was no wide attempt to exclude other vendors from those markets. Windows 95 had improved memory-management so third party software for it all but vanished, which is natural because the Operating System should be able to handle a basic computer resource like memory itself.

To understand the impact of combinations a careful review of whether another product brings a finishing touch to an Operating System does help. Optional utility software to check Operating System integrity and better memory-management refine the Operating System, increasing its ability to perform without incident. Those items represent more intensive development of what the Operating System is meant to do, make Personal Computers ready and able to run programs the owner needs. A built-in browser, media player or the like expands the Operating System without increasing the integrity of that software. Expansion adds to the Operating System without polishing it. When such tying occurs the Operating System can become more difficult to maintain, unlike the customer benefits derived from intensive development.

Problems with an expanding Operating System are illustrated by the security holes Internet Explorer lends Windows. Two articles on http://www.extremetech.com/article/0,,s%3D25124&a%3D21033,00.asp explain matters. ''Microsoft Releases IE 'Mega-Patch''' notes that a combined patch now closes various Internet Explorer holes (one even lets someone take over your computer, details on http://www.infoworld.com/articles/hn/xml/01/12/13/011213hnbackdoor.xml). Yet it is not always clear the browser must be updated to version 5.5 before the patch will install, thus after download some people gave up. Brett Glass writes further in the article that stopping is bad, the patch is essential since Microsoft nearly always has Internet Explorer run, (to view email sent in the style Web pages) ''unbidden,'' even if computer ''owners'' act ''to make another browser the default''. That means owners using another browser must still maintain Internet Explorer because Microsoft expanded the Operating System to include its own product. That means just not using Internet Explorer does not avoid security problems in Windows. Extra software in the Operating System brings extra problems. This is a particular bad time for compromised security so it is unwise to make people work hard for security.

Despite such hard work the second article, ''Internet Explorer Violates Basic Security Principles,'' on the above link says that how Javascript runs in Internet Explorer makes it vulnerable. Malevolent Web sites can ''hijack browsing sessions,'' steal items like credit card numbers from browser cookies or read sensitive information from files on computers. No patch existed when the article went to the Web on 10 Jan 2002. Disabling Javascript is the only way to seal the gap for now. And that makes the Web very difficult to use since many sites employ Javascript to exchange information with browsers and to have Web page pieces properly placed. An expanded Operating System makes it difficult for people to decide what browser best serves their interests because Internet Explorer asserts itself in Windows.

And it seems silly, at first glance, to seek other programs when the Operating System maker provides software in a persistent manner to do things. That persistent hampers competitors from fulfilling the browser or other functions. Brett Glass notes that Internet Explorer at time runs despite efforts of computer owners to have Windows launch a non-Microsoft browser when a third program requests browser functions. Such behavior is anticompetitive because it will cause some users to surrender and use Microsoft products to get their jobs done instead of toiling to have Windows always use the browser they want. Usually Microsoft says bundling will not inhibit customer choice of software that does not seem to reflect real world experience. Worse than being anticompetitive is that people are led to using software which is not secure. Bringing the discipline of the market is the best way to let customers choose great and secure software uninfluenced by the first blush of tying.

2. How Microsoft dominance and now monopoly in desktop class computer Operating Systems functions demonstrates surprising durability. A product primarily sold on new computers each edition of the Operating System has a fresh plateau to maintain its dominance. Not depending on static plants or structures to provide goods or services in a certain locality means this monopoly is unlikely to weaken due to age, obsolescence, or outside encroachment. Not having to finance and maintain fixed assets to manufacture tangible products means Microsoft is able to quickly apply resources to new challenges without the lag and expense of having to retool manufacturing plants to build new kinds of products. Which is not to say software development is instantaneous or that Microsoft has no costs only that the expenses are not structural, not binding it to one course for any time span. With little to hinder it Microsoft can quickly respond to meet emerging market trends making the monopoly durable.

What sustains the Operating Systems monopoly is fascinating. Increasing yearly sales of systems licensed to run Microsoft Operating Systems created a huge installed base of systems with the hardware specification derived from the first IBM Personal Computer in 1981. About 100 million Windows client licenses (including corporate updates) now ship yearly, with declining computer prices making it more ''enticing'' to buy new systems than to try upgrading old ones http://www5.zdnet.com/zdnn/stories/news/0,4586,5100875,00.html. With Windows put on many new systems the monopoly is self-renewing as the equipment it runs on is continually updated. For entities running Windows there is not one large unit or factory to age and be replace by equipment from competitors at one moment in time. Interesting too, is that buyers of the Operating System pay for the equipment its runs on, relieving Microsoft of paying for equipment to maintain the monopoly. Low costs to Microsoft, with no decisive point in the product cycle to switch vendors due to continual buying means the Operating System monopoly is durable and long lasting.

Development of this point stems from the Court of Appeals note that Joseph Schumpeter saw only temporary monopolies in technology. The ruling (page 12) cites Schumpeter's idea of product improvement causing many firms to dominant a market in sequence. A dynamic technology market would appear difficult to dominant for long, as another firm will improve the given item such that buyers flock to for a few years till a third firm replaces it and so on. That works when a given item has no dependances on it. If changing the one item, however, demands that other things must be changed too product improvement has difficulty unseating the first monopoly.

Schumpeter's theory does not apply to Personal Computers Operating Systems because Schumpeter could not be expected to foresee the huge network effect in this arena. Producing a better Operating System in isolation will not enable buyers to adopt it. When Microsoft began with MS-DOS and early Windows it did not face a dominant rival ''with a massive an installed base and as vast an existing array of applications'' (Court of Appeals ruling page 23). Instead of being temporary deep support makes the Windows monopoly most resilient.

2a. Remedies to antitrust activities need to reflect the strength of the Microsoft monopoly. It is very durable so the company is much, much more likely to be able to damage other firms than anything in a judgment disrupting it. Windows is as much a cornerstone of personal computing as are plumbing and electricity to a building. Buyers require Windows to be able to run the programs that form their daily activities and will purchase the Operating System in a basic or its present expanded form. Any discomfort experienced by Microsoft is a necessary of result of allowing the free market to again operate. Bumps in the new open market road are just the expected opposite reaction to benefits from antitrust activities. In specifying what Microsoft must not do its ability to employ its own interpretations of matters needs to be considered to achieve the desired result. The firm managed to sidestep the 1994 Consent Decree http://www.usdoj.gov/atr/cases/f000/0047.htm (page nine, paragraph three) item that Microsoft not require notification of any New System line sold with no Microsoft Operating System. In a most innovative

fashion, Microsoft had a contest in early 2001 to have system builders inform Microsoft of systems shipped without Windows. Builder employees gained more valuable prizes for telling Microsoft of higher numbers of non-Windows system sales. Microsoft wanted to see that Enterprise licenses are not misunderstood as covering new systems, a necessary thing noted in, ''Microsoft offers PC builders prizes to be finks'' http://www.infoworld.com/articles/hn/xml/01/05/02/010502hnsitelicense.xml

Letters to Enterprise license holders could of accomplished the same result without garnering builder sales information which is private between seller and buyer! Instead, what Microsoft did went against the idea of the 1994 Decree with a method to gain details on builder sales by using a voluntary entry to contest which seems to get around the point Microsoft not require such information, except perhaps to dissuade clients running non-Microsoft server Operating Systems (''Be a Microsoft Stoolie, Win a Chair'' http://news.cnet.com/news/0–1278–210–5816847–1.html). Though it is unknown if Microsoft used information from the contest to influence software usage it is seen that Microsoft cuts close to prohibited actions in pursuing its goals, for this case all requirements must be exacting to prevent sidesteps. Nor can the anticompetitive ingredient of the contest be ignored as it clearly made known Microsoft's concern over systems selling without Windows. Because builders must be able to put Windows on desktop computers to retain buyers, system builders (particularly less known firms) could take pause and decide not to risk relations with Microsoft by selling relatively few (if more expensive) server systems without Windows. All system software and hardware suppliers can be replaced except for Microsoft because only it licenses Windows which brings together all the products from other suppliers into a cohesive unit that can be sold.

Such complete dependence on a single supplier for the only product with no substitute would make builders wary of offending Microsoft since it is the only firm in the Personal Computer industry that can put other firms out of business by halting access to merely one product. The Court of Appeals ruling on page 16 says customers will not change Operating Systems due to the cost of new programs and training for them which is a burden while other Operating Systems offer fewer programs.

Also, each hardware component requires a piece of software referred to as a ''driver'' to mediate communications between a component and the Operating System the ''driver'' is written for. Component makers write Windows ''drivers'' almost exclusively so system builders lack options for any simple substitution. Thus relations with Microsoft are a prime concern leading builders to stay attuned to what Microsoft wishes. Yes, another Operating System can be used, yet it demands a seldom seen deep commitment. Lack of ''drivers'' deters buyers from trying another Operating System on new computers, adding to why buyers stick to Windows despite frequently new purchases. Linux distributors do provide ''drivers'' with their Operating System, but these seldom drive all features on components making these ''drivers'' unattractive substitutes. Components makers over time have sold many items in their product category making it difficult for distributors of other Operating Systems to timely develop ''drivers'' to suit specific components. A tiny part of the remedy should prohibit Microsoft from in any way deterring or interfering with components makers possible writing ''drivers'' for other Operating Systems.

3. Pricing is the one area where, at a glance, the Operating System monopoly is not readily discerned. The price is usually not high compared to other Personal Computer components so previously cost was not an issue. Point 2 of this submission notes Windows sales are now about 100 million unit a year. Over an approximate three year mainstream life of an Operating System total sales do perhaps yield a monopoly like profit. Especially as Microsoft has low fixed costs. A humble suggestion to the Court is to investigate the cost of producing software in a very high volume to discover how price per unit relates to production cost. Another item to account for is Microsoft having no direct enduser support costs when builders put Windows on systems. Not facing that cost could let a lower price yield unexpected returns.

Annoyance, too, is a reason Microsoft has unremarkable prices. In software development ''the-state-of-the-art'' produces good programs which seldom run as well as common, everyday devices. The science, or art, of software is young so somewhat less reliability is reasonable. That means to sell many units a year prices cannot be maximized to the same extent, for example, as can prices for ad space in the sole newspaper for given area. Annoyances is even the name of a popular Web site http://www.annoyances.org for dealing with Windows so what have been moderate prices were a trade-off to keep buyers. Of Windows 98 a prominent writer said one reason to spend the $90 is that 98 crashed less than Windows 95 http://content.techweb.com/winmag/library/1998/0701/ana0001.htm

4. Bundling is a pivotal matter here making understanding it important. Bundling is common to enhance the value of new kinds of products, movie rentals included with VCR purchases when that product was new to spur customer interest, a process now happening with DVD players, are fine examples of the more frequent kind of bundling. When Personal Computers first became fast enough to display usable graphics on monitors writers of programs to do charts and graphs arranged to have makers of the new, fast graphic boards for systems bundle those programs with new boards to increase sales of both products! All temporary arrangements to boast new product recognition.

Similar to this Operating System and browser packaging, ''AWeb-II 3.4 Packaged with Amiga OS3.9'' http://browserwatch.internet.com/news/story/news-20001229–1.html Amiga is a neat, niche computer and Operating System with some loyal supporters. Bundled with Amiga OS3.9 is the AWeb browser for buyers to try out as v3.4SE Special Edition has some features disabled so if folks wish to keep using it they need to buy a full version. Limited versions let prospective buyers try a product without damaging potential sales. Notable these test versions can be removed from systems if customers so wish. Probably the instances of Operating System and browser bundling presented at the original District Court hearing allowed the browser to be removed from the Operating System, as well. What Microsoft did in binding Internet Explorer to Windows was atypical since other programs can always be removed. Apple Computer could not create and tie the two products together, for instance, being under contract to Microsoft for its MacOS Internet Explorer to be the default browser on Apple systems.

That the Internet Explorer experience can be duplicated on Apple's MacOS without placing that Microsoft browser in the Apple Operating System shows the browser is a product category, not Operating System plumbing like memory-management that wholly depends CPU and Operating System interaction. That the product category exists is illustrated by its functions. Unlike most computer programs a browser is meant to show on a local system information that is formatted into Web pages on remote computers. A browser would quickly become boring without a connection to the Web to provide fresh and new information. A browser is part newspaper, radio, and TV for computers that only really shines because of its outside connection while other programs deal what they create. Separating the browser from other software is that it does not create what it displays. Even most computer games create files to allow games to be resumed at a later time.

Demonstrating a possible market for browser is difficult because once a firm with market power uses its builder distribution network to distribute its browser with no regard to cost by not charging for it buying a second browser seems odd. NetMechanic http://www.netmechanic.com though, is a firm in business to make Web sites work in a variety of browsers, and different types of computers, demonstrating not everyone prefers the Web as presented by Windows through Internet Explorer. Tastes do change. One noted computer commentator recently wrote (20 Dec 2001) he now uses Opera's style of having a number of Web pages open within the browser's one window (called MDI), instead of one program for each Web pages as Internet Explorer does producing a ''blizzard'' of separate programs http://www.scotfinnie.com/newsletter/18.htm.

If the playing field was more level, with no firm having market power using its very special access to computer distribution, there is reason to think buyers would seek browsers that suited their individual preference instead of just happening to use what ships with the computer. Equally important is that other types of computers do access the Web so a proprietary specification of how to interact with browsers is anticompetitive since it favors one type of computer. Microsoft's main focus is the Personal Computer, making it less interested

in the advancement of other computers to protect its principal area of business. That is natural for Microsoft to do, yet it is bad for customers as possible choice for computers will not have the options as the kind Microsoft caters to. An example is on http://www5.zdnet.com/zdnn/stories/comment/0,5859,5101802,00.html noting that Microsoft's PDA named the Pocket PC does not support Apple's Mac computers. Not a big item, yet it is another way to make Windows look better. Microsoft is so fiercely competitive it should not be left to handle a cross-platform standard better formulated by an industrial association.

(I must now apologize to the Court as time is now very short to finish the filing and I still type slowly so I need to work in point form, I hope you will excuse me.)

These 4 columns note that open standards greatly reduce costs for buyer and much improve the number and quality of available choices. ''Standards can put you in control''

http://techupdate.zdnet.com/techupdate/stories/main/0,14179,2837626,00.html

Open Standards Vital, PC's Founding Fathers Say''

http://www.extremetech.com/article/0,3396,s%253D201%2526a%253D11568,00.asp,

''Why we should hail IBM's ode to open source—the Purple Book''

http://zdnet.com.com/2100–1107–503981.html and ''Group builds onto wall of Web standards'' http://news.com.com/2100–1023–802022.html. The W3C stands for Web open standards with interoperability between all software, Microsoft should be urged its lead.

5. The most effective remedy to administer with most ease is that Microsoft only sell Windows with the basic plumbing to run computers for the 1st 30 months of a judgment. That will be called disruptive, yet it is the best way to remind everyone Windows is the means to let many companies run programs on Personal Computers, not just Microsoft, and not as 2nd class players. If that is not done Microsoft will have decreasing reason to accommodate other firms on Windows as those firms will not much add to Windows'' popularity. Plus that will encourage Microsoft to have enough Windows'' APIs so any browser runs all browser functions in Windows instead of the APIs being limited to Internet Explorer.

During that 30 months programs now in Windows will sell at prices as determined from sources like the Web. After 30 months such programs and basic Windows most stay available for 10 years. And Microsoft may then sell 2 other Windows versions with prices reflecting having some extra programs in 1 version, and all extra programs in the 2nd version; as well as direct Microsoft support being of 1 contact for setup (only good if used in 1st 35 days after buying) that may go on for a time after the contact began, and a 2nd 6 months starting from a later contact within 15 months of system purchase. Simple reason for Microsoft support is that it be responsible for any full programs put in with Windows, that is only creating a consequence for Microsoft's action which is fundamental to a well running market economy.

5a. Judgment needs to last a long time so market can develop products and just get use to being fully open (so participants in markets related to Personal Computers have no reason to act in anticipation of its end).

Allowing time for those notions to be entrenched so OEMs will react strongly to unusual demands instead of merely accepting them so Microsoft regains its position.

That is a big concern given Microsoft's habit is to disparage what other firms make, ''Novell sues Microsoft over ad campaign'' http://news.com.com/2100–1001–273775.html while a later review found the Novell progressing quite well, 17 Dec 2001 ''Not Just Another NOS—NetWare 6 includes impressive Web tools, file and print services''

http://www.eweek.com/article/0,3658,s%253D708%2526a%253D20078,00.asp.

Unfortunately such ads and the blocking of 3rd party browsers from some Microsoft Web sites occurred while Microsoft negotiated this Proposed judgment suggesting Microsoft may not be serious about this process. It was soon seen that the browsers dealt well with the Microsoft sites, ''MSN.com shuts out non-Microsoft browsers''

http://news.com.com/2100–1023–274944.html, ''Parts of MSN Still Off-Limits to Amaya, Opera Users''

http://browserwatch.internet.com/news/stories2001/news-20011101–1.html,

''Microsoft backpedals on MSN browser block''

http://news.com.com/2100–1023–274980.html. Perhaps 1 remedy could have Microsoft mostly deal in the benefits of its own products in ads and not supposed flaws in what other firms produce, generally leaving buyers to decide what suits them best.

5b. To give independent developers the opportunity to write a browser based on its code, Netscape Communications made its source code available through http://www.Mozilla.org. As a result the specification for Netscape style ''plug-ins,'' which add functions as helpers to browsers, is now commonly known. This specification allows any company developing a browser to run ''plug-ins'' in its browser application.

Because Microsoft now has such a wide lead in browser usage, its support of ''plug-ins'' in all its browsers is critical to such helpers being created both in ActiveX and ''plug-in'' style. To give market forces the chance to establish a market for browsers, Microsoft shall include ''plug-in'' support in all its browser for 12 years. That period will begin on the first day of the first month after Microsoft demonstrates restored internal ''plug-in'' support in all current (or future) browsers from by Microsoft, its subsidiaries or successors. Menu and other means that exist to modify program options in Windows could turn off ''plug-in'' support. If it becomes apparent ''plug-ins'' fall out of common usage Microsoft may be allowed to end its support early.

A 12-year time period is necessary since many Web sites are built to mainly support Internet Explorer and many Web designers will require time to become accustomed to using an open standard (likely from http://www.w3.org). Customers will also need to adapt and choose a Web browser that best meets their usage requirements, the usual way of choosing products. And the 12-year period approximately doubles the time Microsoft hindered usual market forces through special distribution requirements. Thus, 12 years is reasonable recompense to that market.

Restored Microsoft ''plug-in'' support (dropped in August 2001 http://news.cnet.com/news/0–1005–200–6881773.html) is a fine part of a remedy as it reinvigorates the browser market without steering it in any direction. Requiring Microsoft to publish its source code for Internet Explorer would merely develop copies with strengths and weaknesses similar to the original. Leaving them dependent on Microsoft for core code development, not creating an open market. Browsers do not relate to the booting of computers so showing source code is currently unneeded. So long as a browser is not commingled in the Operating System it is just another program making for easy substitution. Both ActiveX and ''plug-ins'' have strengths and drawbacks with no clear winner. ActiveX deeply ties into Windows, which is troubling if security breaks down. Meanwhile, Microsoft has doubts about ''plug-ins.'' Such issues are exactly the type best left to customer choice.

More importantly, ensured ''plug-in'' support only produces a level playing field since all browsers have good access to helper programs leaving it to market forces to determine what browsers succeed. This point is forward looking as it leaves the market open with minimal or no market distortion making it very much in the public interest.

6. Varied point2: Using ActiveX on the Windows Update site does not exclude people from general access to the Web as the Court of Appeals ruled. The anticompetitive element is that only Microsoft knows how to have browsers run ActiveX meaning that users must maintain Internet Explorer to be-able to reach the Update site which is a crucial, must reach site for anyone running a Windows Operating System! Above this filing shows it is a long and somewhat difficult process to keep Internet Explorer current and secure. Also the Court of Appeals ruling (page 30–1) says Microsoft twice acknowledged two browser icons can be confusing. Running two browsers would be confusing as well, the easiest course for most people is to only run Internet Explorer. It thus has a very distinct advantage over other browsers. Yet Microsoft must ensure the integrity of its products so of course it may have Windows invoke a single purpose client that would check and service only Microsoft software. Such a client would have limited, specialized usage likely only for connecting to Microsoft servers, it will not be anti-competitive because it will not effect perceptions of programs from other vendors. That differs from the present wording of Section III.H.3.1 and its preamble which gives Microsoft programs special rights users could see as making it better than similar products from other vendors.

6a. Relating to Microsoft Passport: If Microsoft wants customers to create a basic account (using an existing e-mail address)

before providing product assistance that account should only be for dealing with Microsoft, and not for dealing with other firms over the Web. Privacy and security concerns of individuals deem that each person be able to make their own decision on whether to create an account to deal with Microsoft alone or a process for giving out information to third parties. Having 2 kinds of accounts means Microsoft will not be able to unduly leverage the Operating System monopoly into the de facto identification and information dispersal process for the Web. That will also much decrease the possibility that newcomers to PCs would erroneously think only Microsoft provides software for this class of computers. A central repository for all personal information will be probably a target for thieves trying to steal credit card number to commit fraud and perhaps where malevolent forces will go for personal information in efforts to build false identities. Signing in to a creation like Microsoft Passport is not something to be done while people are trying to setup another product. It must be considered on its own drawbacks or merits, and then perhaps entered into.

Thank you for this opportunity.

Sincerely,

Bryan Campbell

MTC–00027872

From: Bradley G Leonard
To: Microsoft ATR
Date: 1/28/02 11:44am
Subject: Microsoft Settlement

I, Bradley G. Leonard, am a U.S. citizen who disagrees with the proposed settlement. It is a bad idea.

MTC–00027873

From: Garrett Williams
To: Microsoft ATR
Date: 1/28/02 11:40am
Subject: Microsoft Settlement

To whom it may concern,

I strongly encourage a fair and appropriate settlement concerning Microsoft and their anti-trust violations. The company in question has abused it's position and created an unfair market place to which they are the dominate player. In order to right this situation the government must truly punish Microsoft for their unethical behavior. This means creating opportunities for other companies that have suffered at the expense of Microsoft's business practices. Proposals such as the education solution only increases Microsoft's market share and shows that the current presidential administration is oblivious to the current problem. Microsoft is a monopoly and that is definitely not beneficial to the economy. In order to increase competition steps must be taken to thoroughly punish Microsoft and give businesses such as Apple Computer, Java, and a host of others a fair chance.

Thank you,

garrett williams

MTC–00027874

From: Violet L Hubbard
To: Microsoft ATR
Date: 1/28/02 11:44am
Subject: microsoft setlement

AS A SENIOR CITIZEN, I FEEL THAT THE SETTLEMENT IS AS FAIR AS POSSIBLE. WE CONSUMERS NEED TO WIN ONE EVERY NOW AND THEN.

W.H. HUBBARD,
7700–1 S. ARAGON BLVD.
SUNRISE, FL. 33322

MTC–0027875

From: Rick Spiewak
To: Microsoft Settlement U.S. Department of Justice
Date: 1/28/02 11:39am
Subject: Microsoft Settlement
Rick Spiewak
37 Berkeley Rd.
Framingham, ma 01701
January 28, 2002
Microsoft Settlement U.S. Department of Justice ,

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is time for this trial, and the wasteful spending accompanying it, to be over so that companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Thank you for this opportunity to share my views.

Sincerely,

Rick Spiewak

MTC–00027876

From: Gary Hill
To: Microsoft ATR
Date: 1/28/02 11:45am
Subject: Microsoft Settlement Support
Gary G. Hill
44024 Countryside Drive ? Lancaster, CA 93536
January 26, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

As an elected member of the Antelope Valley Health Care District representing 450,000 people, I am writing this letter as in support of the settlement in the case against Microsoft. I believe that this whole suit was a waste of time and money. Only in America do we focus on tearing down success, and destroying a product line the works. There are choices out there, but none of them work as well as the Microsoft products.

There are more pressing issues that are of concern to me in this country such as the energy crisis here in California. The state has lost $22 billion dollars resulting in consumers getting gauged. In addition, the price of gas has risen 20 cents per gallon, just in the last week. The Department of Justice should have taken a strong NO to the rash of oil company mergers this past decade; we can live without a home computer, but must have gasoline (real public transit has not arrived yet)

Microsoft did not get off as easy, as its opponents would have people think. They agreed to terms beyond what was required in the suit. They also agreed to design future versions of Windows, starting with an interim release of XP, to provide a mechanism to make it easy for computer companies, consumers and software developers to promote non-Microsoft software within Windows. Microsoft seemed to be generous when settling the case. Let's end litigation now so that Microsoft can go back to work. We, the American people, need a company like Microsoft to stay strong, so they can continue to create innovative products, well paying jobs, and help strengthen the tech sector of the economy.

Sincerely,
Gary G. Hill
(661) 723–6035
(661) 723–6180—Fax
ghill@qnet.com
Gary G. Hill
Director of Finance
City of Lancaster
Lancaster Redevelopment Agency
44933 No. Fern Avenue
Lancaster, CA 93534
(661) 723–6035
(661) 723–6180—Fax
ghill@qnet.com

MTC–00027877

From: Bill Baker
To: Microsoft ATR
Date: 1/28/02 11:46am
Subject: Microsoft settlement

Please settle this suit now and let Microsoft get on with its business.

Thank you,
Bill Baker
2051 Morningside Drive
Mount Dora, Florida 32757

MTC–00027878

From: Don Campbell
To: Microsoft ATR
Date: 1/28/02 11:47am
Subject: Microsoft Settlement

The current settlement of the Microsoft case is a travesty. Since becoming a monopoly, Microsoft has almost continuously ignored antitrust law against anticompetitive behavior. When caught and tried, they deny the obvious. After agreeing to cease the anticompetitive behavior they carry on as before.

They have shown negligible effort at compliance and continue to operate against consumer interest and consumer choice. If anything, they have extended this approach beyond their traditional software market into other markets of Internet and media commerce.

I do not think that a remedy which falls short of structurally modifying the company will work. Microsoft will go on as usual and destroy more companies. In so doing they will continue to chant the false mantra that they are ''innovating'' and being punished for that. They should be broken up, Windows code should be opened up to the competition and they should not be allowed to leverage their current monopoly into new ones.

Don Campbell

MTC–00027879

From: Tom Skinner
To: Microsoft ATR
Date: 1/28/02 11:47am
Subject: Microsoft Settlement
January 27, 2002
Attorney General John Ashcroft

US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

The antitrust suit against Microsoft has been settled. This agreement was arrived at after extensive negotiations with a court-appointed mediator. The whole process took three years, which I believe is long enough, if not too long. This settlement has profound implications for all software publishers, the rest of the IT industry, and consumers.

New government regulations will be imposed on the IT sector. The proposed agreement requires major changes in how Microsoft develops and markets its products, while allowing competitors the possibility of suing the company if it does not comply with these new rules. The settlement is in the best interests of the state, the economy and our nation as a whole.

The recession has had a devastating effect on budgets at both the state and federal levels. It is important to allow the IT industry the ability to concentrate solely on its business at hand. The original agreement reached by the Justice Department is beneficial to the industry and the economy at this point. The settlement needs to be agreed upon by all members of the federal government, permitting us to continue being a leader in the technological market at home and around the world.

Sincerely,
Tom Skinner
6186 Mountain Vine Avenue
Kannapolis, NC 28081
CC:fin@mobilizationoffice.com@inetgw

MTC–00027880

From: vv.mann (a) home
To: Microsoft ATR
Date: 1/28/02 11:50am
Subject: Microsoft settlement
VIRGINIA V. MANN
3004 Normandy Place
Evanston, Illinois 60201
January 25, 2002
Renata B. Hesse
Anti-trust Division
US Department of Justice
601 D Street, NW
Washington, DC 20530
Dear Ms. Hesse:

I was pleased to hear that the Department of Justice had settled its ridiculous suit against Microsoft.

Clearly, this lawsuit was politically driven and using our government and our laws in this fashion was unfortunate from the beginning. I am relieved to see this dispute resolved, although believe it should never have been brought in the first place.

Although Microsoft has agreed to the restrictions in this settlement, I believe it is unfortunate that our government has chosen to do anything less than completely dropping the case. Microsoft has done more to improve our efficient and effective communications than has any other company in history.

They should be left alone to continue their fine work without further interference from our government. Sincerely,

MTC–0027881

From: VanderPyle, Nicholas
To: Microsoft ATR
Date: 1/28/02 11:51am
Subject: Microsoft Settlement
Whomever it may concern,

My JOB is dependant on the hard work Microsoft has done to create products, support, and certifications!

I depend on being able to go home to a computer that is similar to the one I use at work, being able to keep all my tasks and appointments with me on the road in my handheld computer, and using the internet in an easy and efficient method. Microsoft has jumped through hoops to make sure I can do all of that without learning several new operating systems, buying several browsers, and having compatibility problems with my handheld computer.

Consider a world where your missile defenses are running on a LINUX computer whose core operating software is partially written by a 12year old in Russia... and it has a fatal bug! You can't exactly goto a single company and demand a fix overnight like you can Microsoft.

Don't make a mistake by hurting the one company that has driven innovation as well as created and supported hundreds of thousands of jobs WORLDWIDE.

Thank you for your time.
Nicholas VanderPyle
Boeing
Fort Walton Beach, FL
(850)302–4553
<mailto:Nicholas.Vanderpyle@Boeing.com>

Please update your contact lists to reflect this email address!
Do NOT use HSV.Boeing.com
CC:Microsoft's Freedom To Innovate Network

MTC–00027882

From: Peter Hill
To: Microsoft ATR
Date: 1/28/02 11:51am
Subject: Dear Judge,
Dear Judge,

As a young person, I would like to see growing oppurtunities in computer choices in my future. Microsoft is a wonderful company staffed by wonderful people, but they are guilty of anti-competitive violations. They should be punished according to US laws. If this is accomplished, it will provide a better and more competive market for me to enter.

Thank you,
Peter Hill
66 Hobson St.
Boston, MA

MTC–00027883

From: Jane Quirk
To: Microsoft ATR
Date: 1/28/02 11:51am
Subject: Microsoft settlement
Dear Attorney General Ashcroft:

It seems to me that the Microsoft antitrust suit has gone on long enough and has been subject to some questionable decisions. Microsoft has been a leader in its field and that always brings a certain amount of envy. The settlement agreement seems to be fair and I feel Microsoft has agreed to put some checks and balances in place to avoid the possibility of conflict in the future.

I am in favor of the terms of the settlement and hope you will consider an end to this expensive litigation and allow all parties to move on.

Thank you,
Jane Quirk

MTC–00027884

From: Caghan, Susan
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 11:51am Subject: Microsoft Settlement
http://www.primepro.com
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

I believe that the antitrust suit against Microsoft has been detrimental both to the economy and to the IT community. This suit was an attempt by Microsoft competitors to use the legal system to manipulate a market for their own gain. It is time to let us in the technology industries get back to the work; to do our part in moving our economy forward.

The antitrust suit has had a negative, trickle-down consequence, that if not stopped, will lead to spiraling business downturns both of companies that partner with Microsoft as well businesses that use Microsoft products. The settlement guidelines are tough and rigorous. It is time to finalize the settlement and let us get back to the work of revitalizing the economy and the IT industry.

I urge that all action taking place at the federal level be stopped. Microsoft must be allowed to return to innovation.

Sincerely,
Susan Caghan
President

MTC–0027885

From: Marmelstein Robert E LtCol AFRL/IFSE
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 11:52am
Subject: Re'' Microsoft Settlement
See atch.
Robert E. Marmelstein
Robert Marmelstein
67 Whitford Ave.
Whitesboro, NY 13492
January 25, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

I have been following this case, and don't believe litigation was necessary at all. The computer industry is very competitive. I believe the competition pursued litigation in order to distract Microsoft and level the ''playing field''. Now that several more states and companies want to pursue further litigation, what are they trying to accomplish?

Microsoft has been more than fair in settling this case. They agreed to license its operating system to the twenty largest computer companies for identical conditions and prices. They also agreed to design all

future versions of Windows, to provide a mechanism to make it easier for computer companies, consumers and software developers to promote non-Microsoft software within Windows.

Let's end the distraction and go back to business. Microsoft can go back to reviving its company and the technical sector. Government can work on bringing us out of this recession.

Sincerely,
Robert Marmelstein

MTC–00027887

From: RandyRotter (MSN)
To: Microsoft ATR
Date: 1/28/02 11:53am
Subject: Microsoft Settlement

This whole jihad against Microsoft by varied government officials at the behest of Microsoft's competitors has been ill advised, corrupt and unproductive. It has harmed the company, harmed our international leadership in technology, harmed how young people view a career in technology, harmed the consumer with legal fees added to product cost, and introduced the attempt to have technical elegance determined by states'' attorney generals.

Do not let the zealots and the cynics determine the fate of Microsoft's ability to delivery complex solutions. Look at the strides being made in China with wireless and you will see what can happen quickly if we weaken our own ability to provide large scale solutions. I am old enough to have learned to drive in a beautiful 1960 Buick convertible. Within a few years I watched the automobile industry's abilty to product a decent car greatly decline relative to our competitors and saw the takeover of our main industrial hallmark by foriegn companies. We have had to wait for Microsoft to create an American world competitive flagship company to again provide the ability to command domestic and world markets.

Because this case is about the fragility of intellectual property, the old rules do not always apply and should not be allowed to push an American success story into mediocrity.

Randall Rotter
9013 Nisqually Way NE
Bainbridge Island, WA 98110
(206) 855–9625

MTC–00027888

From: Edward Goodrich
To: Microsoft ATR
Date: 1/28/02 11:52am
Subject: Microft Settelment
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I understand that the Department of Justice is presently accepting public comment on its agreement with Microsoft to settle the antitrust litigation. I wholeheartedly support the agreement. Microsoft was just being punished by the last administration for its success, and that's not fair. Microsoft's competitors complained that they were frozen out of competition by Microsoft's licensing and pricing practices as well as by their inability to offer competing software within the Windows system.

Microsoft has agreed to uniform pricing guidelines as well as less restrictive licensing agreements with distributors. Microsoft has also agreed to open its operating systems to competing software applications.

I believe that Microsoft's actions more than adequately answer the complaints, and Microsoft should be allowed to get back to business. Please implement the settlement as soon as the law allows. Thank you for your consideration and attention.

Sincerely,
Edward Goodrich

MTC–00027889

From: Kenlindsay@lani.net@inetgw
To: Microsoft ATR
Date: 1/28/02 11:50am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Ken Lindsay
6272 209th. rd.
Live Oak,, FL 32060

MTC–00027890

From: Doug Grinbergs
To: Microsoft ATR
Date: 1/28/02 11:53am
Subject: Microsoft Settlement

With respect to the proposed Microsoft settlement, I would like to offer these brief comments:

To the great disadvantage of its customers, as well as users and manufacturers of competing systems, I believe that it would effectively leave the monopoly intact; well-funded, highly-paid, highly-motivated Microsoft lawyers will easily avoid the vague settlement rules and the giant will continue largely unchecked. Public meetings are essential to a democratic process and there should be public hearings nationwide to afford citizens the opportunity to speak out on this important matter.

Doug Grinbergs
saule@pobox.com
PO Box 17455
Boulder, CO 80308 USA

MTC–00027891

From: Mitch Stone
To: Microsoft ATR
Date: 1/28/02 11:55am
Subject: Microsoft Settlement

I wish to register my strenuous objections to the proposed settlement to the Microsoft Antitrust case.

Of all the provisions which I find most objectionable are those related to so-called ''middleware.'' The proposed settlement provides Microsoft with more control over software to be included with Windows then they have today. If the settlement is approved, they will be permitted to discriminate in ways which before the settlement would almost certainly generate antitrust scrutiny. This proposed settlement does not open the door to middleware development, it slams it shut.

This settlement does not promote competition; it institutionalizes the Microsoft monopoly. To approve it would not be in the public interest.

Mitch Stone
mitch@accidentalexpert.com

MTC–00027892

From: Thomas Hahn
To: Microsoft ATR
Date: 1/28/02 11:55am
Subject: Microsoft Settlement

Gentlemen:

I would like to add my voice to those who feel that this is a just settlement and should go forward without further delay. Thanks.

Thomas Hahn

MTC–00027893

From: Bob Frazier
To: Microsoft ATR
Date: 1/28/02 11:55am
Subject: Microsoft / AOL Settlement

Sir;

I am completely in agreement with the DoJ settlement worked out between Microsoft and AOL. It satisfies the ruling of the Court of Appeals and represents the best opportunity for this industry to move ahead.

Sincerely,
Robert D. Frazier
19 Applewood Lane
Temple, NH 03084

MTC–00027894

From: golubicv2@attbi.com@inetgw
To: Microsoft ATR
Date: 1/28/02 11:55am
Subject: Microsoft Settlement

Dear Sir/Madam:

I just wanted to comment on the Microsoft matter with respect to ''pending'' matters in the courts. I feel as a consumer that Microsoft has been a strong American company and has helped to ''standardize'' the disparate software in the PC industry over the last 10 years. Competitors such as AOL (who BTW appear one again to be against ''standardization'') are not happy with a ''large systems integrator'' concept, which by default in the software industry goes to the Most Aggressive Company ..in this case Microsoft. Most Microsoft products I purchase are ''fairly priced''. In fact SUN's compilers and tools were once ''way more expensive'' than Microsoft products, but thanks to the ''Microsoft Trial'' their SUN product line ''price'' has improved ''considerably'' for consumers. Microsofts'' has always been in the $100–500 range...I was mystified as to why ''consumers were

hurt'' as SUN claimed. (they were probably jealous of volume)

However aggressive Microsoft has been, it HAS helped to achieve standardization, which the PC industry needed to ''get off the ground'' and bring ''mass market'' consumer awareness to many things, PC desktop, Common Operating Environment, Office tools, etc all of which operate ''together'' with a forward vision that DOES include many growth opportunities for smaller competitors. I know of many small vendors who ''need'' standardization that Microsoft provides as a ''defacto large systems integrator'' for consumers. AOL, who makes only a Browser (purchased for $10B from Netscape) and its AOL instant messenger are only TWO products. This is not enough to ''standardize an industry'' and consumers like myself (who are also software developers) are aware of this and keep Microsoft in the ''lead role'' by spending our consumer dollars for ''better integration''...what in fact comsumers vote for with their $$$.

When AOL makes products that ''hit all bases'' as far as ''developers need'' I'll buy more AOL products...right now they have a limited product line...who's fault is that????? If $10Billion were spent in the right place it may not have happen as it did.

If they (AOL) want to be a ''large systems integrator'' in ''consumers minds'' they they should compete by trying to ''bring together'' lots of smaller companies as Microsoft has done well as a platform and help consumers ''see this'' instead of just complaining and trying to do this ''via other means''...thinking the browser is the ''only thing'' that consumers ''see'' ...in fact alot more goes on in terms of data, binaries and libraries that make an ''integrated product'' which microsoft has been far ''better at doing'' than AOL and their ''vision''. end of comments.

+vfg

Vince F. Golubic

Software Developer & Consumer

Allen, Texas

CC:golubicv@ieee.org@inetgw

MTC–00027895

From: James E. Strang
To: Microsoft ATR
Date: 1/28/02 11:58am
Subject: Letter

Please see attached letter regarding Microsoft.

James E. Strang

Campbell Company

(p): (206)763–5000

(f): (206) 763–6700

e-mail: jstrang@campbell-co.com

CC: fin@mobilizationoffice.com@inetgw

575 S Michigan Street
Seattle, WA 98108
January 27, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing in full support of the recent settlement between Microsoft and the US Department of Justice. It is time that this foolishness comes to a prompt end. More than enough time has been used to cover all of the bases and I feel that it is just a political standoff at this point.

The terms of the settlement make apparent to me the intense lobbying efforts of Microsoft's competition as they will be granted new rights to configure Windows so that non-Microsoft products can be promoted more easily and also be given interfaces that are internal to Windows'' operating system products.

Even though these concessions do not actually protect consumers and just help Microsoft's competitors that were unable to be innovative on their own, I urge your office to finalize the settlement. It is in the best interests of our economy, IT sector, and public for the case to end and our country to move on. Thank you.

Sincerely,

John Odonnell

MTC–00027896

From: hayas@ib.stortek.com@inetgw
To: Microsoft ATR
Date: 1/28/02 11:56am
Subject: MicroSoft Settlement
Date: Mon, 28 Jan 2002, 09:55

Sirs:

Regarding the MicroSoft Settlement ''Proposed Final Judgment'', I am in extreme opposition.

I am in complete agreement with the amendments proposed by Dan Kegel (ref: www.kegel.com/remedy) in his essay to be submitted to the DOJ, entitled ''On the Proposed Final Judgement in the United States vs Microsoft''.

It has been my professional observation over the last 20 years that Microsoft provided useful innovative products SOLELY when there was string and significant competition.

It is my strong belief that should the PFJ be approved, the result will be an extraordinary loss of innovation in commercially available software within the United States; a significant erosion of respect for the US laws and regulations thus established, mainly among commercial and independent software developers in other nations less tolerant of large corporate monopolies; and a significant increase in litigation in the Federal courts to challenge the consequences of the PFJ.

NB: this note represents ONLY my PERSONAL OPINION, and should not be construed as representing any official position of Storage Technology Corporation.

Jeff Hayas

Senior SW Engineer, Storage Technology Corporation

Email: jeff—hayas@stortek.com

Phone: 303–661–8691 (w), 303–938–8933 (h)

Postal: POB 1378; Boulder CO 80306–1378

Proverb: ''Be well, stay in touch, and do good work.''

MTP–00027897

From: cstauffer@swmail.sw.org@inetgw
To: Microsoft ATR
Date: 1/28/02 11:53am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,

Curtis Stauffer

1600 Univ. Dr. E.

College Station, TX 77840

MTC–00027898

From: Anthony, Kelly K.
To: Microsoft ATR
Date: 1/28/02 11:57am
Subject: Microsoft Settlement

Dear Ms. Hesse:

I am wriing in support of the proposed settlement agreement with Microsoft that would provide technology funds, computers and software to schools in low-income communities.

Wisconsin schools would benefit from the technology funds. Our state falls below the national average in the percentage of fourth through eighth grade students in schools that have computers available in all classrooms. As a future teacher, I am learning about teh benefits of technology in the classroom.

However, many schools do not have the funds or equipment to give the students these experiences. I think teachers and students should be given the opportunities technolgy can give.

Computers are important educational tools in schools. No student or teacher should be denied this opportunity. THe proposed Settlement is very positive and would benefit students, teachers, schools, and communities that need the technology funding most.

Thank you.

Sincerely,

Kelly Anthony

MTC–00027899

From: Steve Anderson
To: Microsoft ATR
Date: 1/28/02 11:57am
Subject: The proposed settlement in the Microsoft antitrust case does not go far enough

Dear Sirs,

The only way to level the playing field after the years of abuse by Microsoft is to let the competition have access to the source code.

Microsoft should be compelled to make available a license to any interested party for the source code for all versions of Windows(R) for a reasonable fee, perhaps $1,000,000.

Thank you.

Steve Anderson

Phone 480–315–8577

FAX 508–300–0337
stevea@eosgroup.com
www.eosgroup.com

MTC–00027900

From: VLKBARKAN@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 11:59am
Subject: Microsoft settlement
205 Sweetwater Trace
Roswell, Georgia 30076
January 12, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing you today to express my opinion in regards to the Microsoft settlement. I feel this debate has gone on long enough, and I feel after three years of litigation enough resources and time have been wasted on this issue. It is time to focus our attention on more pressing concerns facing us today.

I am a believer in free enterprise, and I do not think Microsoft should be penalized for doing its job well. That is the goal of every American worker. This settlement finally ends three years of litigation and will allow Microsoft to continue designing and marketing their innovative software, while no longer focusing on litigation. This settlement was reached after extensive negotiations, and Microsoft has agreed to terms that extend well beyond the original terms of the lawsuit, just for the sake of ending it. For example, Microsoft will now be required to share information regarding the nature of the internal workings of its Windows operating system, allowing them to place their programs on it. Personally I consider this akin to charging the consumer for e-mails because the post office is losing money...paying a competitor because they aren't smart enough to compete.

During these difficult times, one of our highest priorities should be to stimulate our businesses so as to strengthen our lagging economy. Please support this settlement.

Sincerely,
Victoria Barkan

MTC–00027901

From: Gordon Slipko Sr.
To: Microsoft ATR
Date: 1/28/02 12:00pm
Subject: microsoft settlement

I as an american can not beleive that you keep harassing a company that has changed America for the better. It hasn't hurt anyone, but today in our justice system we allow everyone to sue everyone. Its all about money money mnoey, 1st it was one lawsuit, then another,now everyone wants to get in on the pie,because they know microsoft has the money and until they get their hands on it this will just keep continuing. LETS GET ON WITH OUR OTHER PROBLEMS IN THE WORLD TODAY AND LEAVE MICROSOFT ALONE. ENOUGH IS ENOUGH. THANK YOU ROSE MARIE SLIPKO thank u and please confirm this email, have a nice day gordon

MTC–00027902

From: Les Dunaway
To: Microsoft ATR
Date: 1/28/02 12:00pm
Subject: Microsoft

I have been in the business since 1964. I saw the creation of Microsoft and have seen their business practices over the years. Microsoft exists only because of their dishonest and immoral business practices. They have never produced even on product that could have succeded in an open market.

Les Dunaway

MTC–00027903

From: jane wellens
To: Microsoft ATR
Date: 1/28/02 12:00pm
Subject: Microsoft Settlement

I am a shareholder of Msft stock and think this is time to put an end to the trials and settle this at once so we can all get back to business. This is very disruptive to the business climate that is dealing with a whole new set of issues themselves since 9/11. Jane WellensGet more from the Web. FREE MSN Explorer download : http://explorer.msn.com

MTC–00027904

From: Alonzo Gariepy
To: Microsoft ATR
Date: 1/28/02 12:00pm
Subject: Microsoft Settlement

To Whom it May Concern:

Pursuant to the Tunney Act, I am writing to comment on the proposed settlement of the United States vs. Microsoft antitrust case. An important point to be made regarding the large amount of comment that you have received regarding this case is that the many points made must be taken very seriously, although some are not as well presented in these emails as they might be with more time or by other people. I doubt that any quick resolution to this case will do justice to the many issues raised; the answers are not obvious and the exact solutions are not necessarily ones that have been considered by the DOJ up to this point.

Microsoft continues to roll over software companies by incorporating into Windows features that have been developed by other companies as their main product. One continually comes back to this issue of what Microsoft should be allowed to make part of its Windows product. What is needed is some philosophical (and eventually legal) foundation for the consideration of this issue. Despite work on such products as Wine (a linux Windows emulator) Microsoft has a defacto monopoly. Ironically, the hardware involved is one of the most diversely manufactured devices in history. One of the reasons this continues to be so is that Microsoft puts a huge amount of work into making sure that Windows will run on all the different PCs that are manufactured with their huge diversity of devices, and Microsoft includes a great number of drivers for all these devices.

Regardless of whether one can ever forsee an alternative to Windows, the problem is that every time Microsoft adds a feature to Windows, that feature becomes part of its monopoly. The marginal cost for the consumer is perceived as zero, and the originator of the feature in some other company can no longer compete. A perhaps too simple example is that the latest Windows OS supports ZIP files as virtual folders, saving users from having to acquire another piece of software to open ZIP files.

Many such pieces of software are free or shareware, but shareware is a valid marketing model and its developers deserving of protection as anyone else. The greatest example of this would probably be Netscape.

Perhaps what is needed is some kind of patent protection. Once someone else has made an add-on for Windows to perform a certain task, Microsoft (and perhaps others) cannot add that feature to Windows without paying some kind of royalty. Nothing else strikes me as a reasonable long term solution to this problem. As an experienced software developer, I don't generally believe in the concept of patenting software, but in this particular case, it appears an ideal solution.

Sincerely,
Alonzo Gariepy
(ex microsoft software developer)
alonzogariepy@mac.com

MTC–00027905

From: Shu Jan Lin
To: Microsoft ATR
Date: 1/28/02 12:01pm
Subject: Microsoft Settlement
Shu-Jan Grace Lin
204 Christopher Lane
Ithaca, NY 14850–1715
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing to support the recent settlement between the US Department of Justice and Microsoft. I think the lawsuit has gone on for way too long now and is becoming a waste of taxpayer dollars. The government interferes with free enterprise too much and should start facilitating business instead of hindering it.

I care about what is fair for the public and I think that although very harsh, the settlement is in the best interests of the public. Microsoft will make some concessions that include disclosing interfaces internal to Windows'' operating system products, granting computer makers broad new rights to configure Windows, and forming three-person team to monitor settlement compliance.

I hope that your office does what is best for the American public, not what is best for politicians, lawmakers, or big business that can't win in the market. Please make the right choice and finalize this settlement. Thank you.

Sincerely,

MTC–00027906

From: Thomas Winzig
To: Microsoft ATR
Date: 1/28/02 12:02pm
Subject: Microsoft Settlement

The problem with the Microsoft settlement is that it leaves them intact. If you want to really open up the computer industry to newcomers, and punish Microsoft for their illegal activities, you should break them up into five or more groups. An operating

system company; an applications company; an internet services company; a hardware company; a gaming/entertainment company. If you are not willing or able to do that, then consider the following:

FAIR OEM CONTRACTS

Force Microsoft's OEM licensing deals to be fair. They killed Be, Inc. and many other companies that offer choices to consumers with these OEM deals. Specifically, Be was unable to deliver it's well-regarded OS via new PC's, because the OEM's would not (could not) bundle it on their new PC's, due to Microsoft's contracts. Be even offered to give their OS to OEM's for FREE to try and break into the market. Only Hitachi risked the wrath of Microsoft, and even then, they were not able to show the installation of BeOS to the end-user (due to Microsoft's license restrictions).

Microsoft should be forced to come up with a fair contract for an OEM which does not provide a BARRIER TO ENTRY for other OS companies, and which is the same for all OEM's.

DISTRIBUTE (BUT NOT NECESSARILY ''OPEN'') WINDOWS SOURCE CODE

Force Microsoft to sell their operating systems with the source code. I'm not talking about Open Sourcing their OS—just provide the source code with the copy of Windows that was purchased. The source code license would restrict distributing the source code, but would NOT restrict developers and consumers from being able to create applications that integrate with Windows just as well as Microsoft's applications. It would also allow developers and consumers to do things like: create patches to remove MSIE entirely; find and fix bugs in security before Microsoft can, etc. But the primary purpose is to allow third parties to be able to develop competing applications that integrate well with Windows.

COMPLETELY DETAIL ALL MS OFFICE DOCUMENT FORMATS

Force Microsoft to release the full documentation and all related source code for their Office document formats. Microsoft has used the full force of its monopoly to get people hooked on Office products. Now that Office has a monopoly on the production suite market, the barrier to entry is maintained because new office suites cannot adequately read/write the MS Office documents. If the full documentation and source code for those document formats was released (and required to be updated for each new version of these formats), then third parties could provide read/write abilities in their competing office suites, and consumers would have a choice. As it is now, most people HAVE to use Office, because their friends and co-workers do, and they must be able to share documents with them.

Thomas Winzig
8187 Sully Dr.
Orlando, FL 32818
407–293–7087

MTC–00027907

From: Mikal Mathisen
To: Microsoft ATR
Date: 1/28/02 12:04pm
Subject: Microsoft Settlement
11753 Sunrise Drive NE
Bainbridge Island, WA 98110–4349
(206) 842–5154
January 28, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing you today to express my opinion in regards to the Microsoft settlement issue. I support Microsoft and I support the settlement that was reached in November. I believe it will serve in the best public interest to end this costly litigation battle.

This settlement is fair and reasonable. Microsoft has agreed to all terms and conditions, including: disclosing information about certain internal interfaces included in Windows and designing future versions of Windows to make it easier to install non-Microsoft software. A technical oversight committee has been created to monitor Microsoft compliance.

During these difficult times, one of our highest priorities should be to boost our lagging economy. Restricting Microsoft will not accomplish this end. Please support this settlement so this company can get back to the business of creating innovative software, which will benefit all of us. Thank you for your time.

Sincerely,
Stephanie Mathisen

MTC–00027908

From: Chris
To: Microsoft ATR
Date: 1/28/02 12:03pm
Subject: Microsoft Settlement

It is apparent that Microsoft violated the law and the spirit of the law regarding antitrust regulation. The Bush administration's settlement proposal is totally INADEQUATE. It does not do enough to eliminate Microsoft's monopoly and force changes in the software market.

MTC–00027909

From: fred tenore
To: Microsoft ATR
Date: 1/28/02 12:04pm
Subject: Microsoft

I don't side with Microsft,they will do it again Now how is it he came by windows. now how is it microsoft wound up in court, are you goiung to let it happen again. So attack! repeat attack! Fred Tenore

MTC–00027910

From: Charles Faulkner
To: Microsoft ATR
Date: 1/28/02 12:06pm
Subject: Microsoft Settlement
Charles Faulkner
647 Brookfield Avenue
Brookfield, MO 64628–1206
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

In this era of bad economic times, the news of a proposed settlement between the federal government and Microsoft was most welcome. I just hope that the settlement is not unfairly torpedoed during the public comment period.

This settlement was not proposed by Microsoft merely as a way of extracting itself from this litigation. The settlement contains a number of substantial changes in Microsoft's business practices and the proposal has met the preliminary approval of a court- appointed settlement mediator. The most significant concession in my opinion is Microsoft's agreement to grant broad new rights to computer makers to configure Windows operating systems so as to promote competition from non- Microsoft software programs. Both competitors and consumers should applaud these moves.

Please don't allow all of the hard work put in reaching this settlement to have been a waste of time. Thank you for your consideration.

Sincerely,
Charles Faulkner

MTC–00027911

From: Decker F Wong-Godfrey
To: Microsoft ATR
Date: 1/28/02 12:01pm
Subject: Microsoft Settlement

Dear Sir or Madame,

I am writing as a concerned citizen about the proposed settlement with Microsoft. As a professional in the industry, and as a general computer user, I do not believe that the proposed settlement is in the public interest for a number of reasons. These are a few:

* The PFJ doesn't take into account Windows-compatible competing operating systems

* Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

* The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

* The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

* Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

* Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

* The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

* The PFJ allows Microsoft to discriminate against small OEMs— including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

* The PFJ as currently written appears to lack an effective enforcement mechanism.

Thank you,
Decker F. Wong-Godfrey
1006 S 312th St #233
Federal Way, WA 98003

MTC–00027912

From: Simon Lewis
To: Microsoft ATR

Date: 1/28/02 12:05pm
Subject: Settlement Comment

I do not agree to the terms of the pending settlement. I believe in the market place and competition, by requiring Microsoft to release all of its API's. That way, companies can innovate new products because they will know how to make them work on the monopoly platform, rather than having to ask Microsoft's permission. No-one owns the English language, and no company should be allowed by *unlawful* conduct) to build a monopoly on what is essentially a computer language.

MTC–00027913

From: William Trueman
To: Microsoft ATR
Date: 1/28/02 12:07pm
Subject: Microsoft Settlement

I wanted to comment on the microsoft settlement that has been reached. Microsoft needs to be punished more that this settlement proposes for its anticompetitive, anti-innovative practices. Due to its monopoly there has been a squash on Operating Systems competition due to the inability for other superior OSes to compete with Microsoft Windows. These operating systems such as Macintosh OS, need to be given a chance. This settlement does not provide enough to resolve the problem of the Microsoft monopoly and its ranging effects on competition.

Will Trueman
Macintosh and Windows user and owner

MTC–00027914

From: amford@american.edu@inetgw
To: Microsoft ATR
Date: 1/28/02 12:07pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
United States Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Ms. Hesse,

As an educator and working professional in the Computer Industry I thank you for the opportunity to express my concerns regarding the Microsoft Settlement. While unqualified to speak on the legal merits, my opinion on the affects on the computer industry may be of some value.

Microsoft has always been an aggressive marketer of their technology and vision of the computer in business and home. While I respect their right to do so, I disapprove of some of their tactics and the long term consequences of their clear and pervasive market monopoly. Netscape was only one of their most visible victims. Do not forget WordPerfect or Lotus 1–2–3, both overcome, in part, by their inability to operate as effectively on Microsoft operating systems as their Microsoft analogs, Word and Excel.

Because Microsoft has developed this strategy of supporting their internal developers, the marketplace is less able to provide innovative new alternatives. The most recent example is the decision by Microsoft to not support the developing standards for JAVA programming, thus ensuring another round of incompatibility issues with applications developed using non-Microsoft tools. In other words, Microsoft is saying ''Buy our development tools if you want your applications to run as well as possible on our operating systems''.

The critical distinction is between the Operating System and the Application domains. A forward looking option is to enforce transparency on the operating system; that they publish all the specifications, functions, and procedure calls available to any application. This will ensure as level a playing field as possible, so that any application developer will be able to utilize any feature of the system as effectively as a Microsoft application developer.

With regard to counter arguments that this will compromise intellectual property or corporate secrets, their copyright will still be protected under U.S Law. They will have the remedy of the courts for any perceived violation of their rights, and they will be treated as any other author with regard to the fruits of their labor.

While some remedy is necessary, in my opinion, to balance this market influence, I disagree that the firm should be broken up. It is a complex and possibly intractible problem with which you are faced. The advantages Microsoft has provided to all of us in developing, standardizing ,and popularizing personal computer technology cannot be discounted. But some enforcement of checks and balances must be found a reasonable course. The current proposal may be unenforcable and may provide opportunities for Microsoft to avoid compliance or exempt itself from the provisions.

I encourage you to hold open hearings and permit input from any interested party, not only the competitors and the plaintiffs in the case. Provide a forum for robust discussion of opportunities for cooperative change.

Microsoft isn't going anywhere; decisions of this magnitude deserve open dialog, consideration of many differing perspectives, and careful deliberation.

Thank you for taking the time to consider these comments. If you have any questions please contact me at your convenience.

Sincerely,
Alan M. Ford
Instructor
Computer Science & Information Systems
American University
4400 Massachusetts Ave., NW
Washington DC 20016–8116
phone: 202.885.2283
fax: 202.885.1479
email: amford@american.edu

MTC–00027915

From: Joseph Haefeli
To: Microsoft ATR
Date: 1/28/02 11:56am
Subject: Microsoft Settlement

To Whom it May Concern:

After reading about the Microsoft antitrust settlement, I must comment that I do not feel it is in the best interest of the US or the US school systems to give Microsoft yet another opportunity to practice their bombastic, destructive practices. Giving Microsoft the opportunity to further their power via their so-called giving of technology to schools just serves to erode in their favor one of the few remaining fields where they do not currently have a monopolistic grip. Additionally, the amorphous nature of this part of the agreement leaves schools vulnerable to onerous license agreements in a few years.

Thank you for consideration of these comments.

Joseph Haefeli
Director of Computer Resources
College of Performing & Visual Arts
University of Northern Colorado

MTC–00027916

From: Kimberly Brosan
To: Microsoft ATR
Date: 1/28/02 11:22am
Subject: Microsoft Settlement

Dear Ms. Hesse,

I am writing in regard to the proposed settlement in the Microsoft Antitrust case. I feel that there are tremendous problems with the proposal and support the open letter written by Dan Kegel. There you will find my signature along with many many other people who are also concerned by this proposal.

I also support Dan Kegel's essay regarding the problems and difficulties that the proposed settlement will create. I hope that the Department of Justice will seriously reconsider the problems with the plan and work to revise it so that it will be of benefit to computer users.

If Microsoft is not reined in and given more stringent guidelines to follow, they will continue to create products which don't work and there won't be any alternatives available. I am glad that there are alternative operating systems available currently, but they deserve just as much access to the market as Microsoft has.

Thank you for your time and consideration of this matter.

Sincerely,
Kimberly A. Brosan

MTC–00027917

From: Brubaker, Tony
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 12:07pm
Subject: Microsoft Settlement

Honorable Judge Kollar-Kotally,

I am writing to express concern regarding the proposed Microsoft anti-trust settlement. The settlement does not adequately resolve the damage caused by Microsoft's monopolistic practices and does not provide adequate guarantees that Microsoft will not continue to engage in monopolistic practices.

Even though the courts have determined that Microsoft violated the U.S. anti-trust laws, the proposed settlement would allow Microsoft to retain the profits from its illegal practices and does nothing to provide remedies for the many companies that were negatively impacted or put out of business by Microsoft's illegal activities.

Furthermore, Microsoft is essentially being asked to police itself, so there is no assurance that Microsoft will not continue to engage in illegal practices. Microsoft can largely carry on as it had before, and the government is therefore implicitly endorsing Microsoft's monopoly.

I ask you to reconsider the proposed settlement and find another solution that

addresses the issues that are mentioned above. Thank you very much.
Sincerely,
Anthony Brubaker
13 Viburnum Court
Lafayette Hill, PA 19444

MTC–00027918

From: rcolli23@csc.com@inetgw
To: Microsoft ATR
Date: 1/28/02 11:56am
Subject: Microsoft Settlement
Dear Mr. Ashcroft,
That Microsoft has maintained a very strong position in the IT marketplace is a given. That Microsoft has done so unfairly is not. Microsoft has always maintained its position of strength through business strategies that simply make good sense. I am not so sure that these strategies warrant this federal lawsuit.
That the lawsuit suddenly collapsed into a settlement rather makes my point. Even though the terms of the settlement are certainly not favorable to Microsoft, it has the advantage of ending the suit. That Microsoft will be forced into a position of greater cooperation with its OEMs and third party software developers is good. However, that they will be forced to give up some more of its source code is not. Since both sides have agreed to these terms suggests that the settlement will be more constructive than the suit would have been.
I am writing to add my own support to the settlement. I am hopeful that any additional court action on this matter will be unnecessary.
Sincerely,
Ray Collins
Senior LAN Administrator
Computer Sciences Corporation

MTC–00027919

From: Tim Spink
To: Microsoft ATR
Date: 1/28/02 12:08pm
Subject: Microsoft Settlement
Honorable Judge Kollar-Kotelly, As a management student at Boston University, the settlement between that US Justice Department and Microsoft (PFJ) disturbs me.
To begin with, the PFJ still allows Microsoft to operate as a monopoly through its Windows operating system. In addition to giving permission to Microsoft to continue breaking anti-trust laws, PFJ does nothing to punish the company of its monopolistic practices from years past.
Microsoft has routinely used monopolistic strategies to gain a larger market share with little regard to competitive practices defended in the American legal system. Not only has superior software been either absorbed or destroyed by the company, but the chance of other companies moving competition further in the industry has been effectively terminated by Microsoft and this settlement. In fact, the PFJ does little to enforce the weak restrictions demanded of Microsoft.
To sum up, I'm deeply concerned the recent settlement does not regulate Microsoft's monopolistic tactics, nor does it punish the company's disregard for established law. I request that you do your best to overturn this settlement.
Respectfully,
Tim Spink
Box 5778
140 Bay State Road
Boston, MA 02215

MTC–00027920

From: T Bird
To: Microsoft ATR
Date: 1/28/02 12:09pm
Subject: Microsoft Settlement
Dear Judge Kollar-Kotally,
I am objecting to the proposed final settlement that the DOJ and MS have agreed upon behind closed doors. Not only does this go against the findings by the U.S. Court of Appeals but, in facts allows MS to go unpunished for past wrong doings.
In addition the Proposed Final Judgment permits Microsoft to continue its predatory practices at the expense of other companies. Thus, my main argument encompasses the preservation of healthy competition and the promotion of diversity with in the business sector. For a single entity, such as MS, to control 80 to 90 percent of the market for PC operating systems, e-mail readers, and office productivity software (which undoubtedly can spread viruses) is clearly a significant risk to security. To then allow that monopoly to actively attempt to drive out its remaining competition would hardly be in the public interest.
Therefore, I submit to you in all fairness that the Proposed Final Judgment will not solve the Microsoft issue.
ALL THE BEST,
DR. JIMENEZ
1786 LE BEC Court
LODI, CA

MTC–00027921

From: Justin Jones
To: Microsoft ATR
Date: 1/28/02 12:09pm
Subject: Microsoft Settlement
Dear Mr. Ashcroft,
Today I write to encourage the Department of Justice to accept the Microsoft antitrust settlement. This issue has been festering in the courts for over three years now and it is time to put an end to it. A settlement is available and the terms are fair, and I for one would like to see the government accept it.
In order to put this issue behind them Microsoft has agreed to many terms. They have agreed to design future versions of Windows to be more compatible to non-Microsoft software. They have also agreed to change several aspects of the way that they do business with computer makers. Microsoft has even agreed to terms that extend well beyond the products and procedures that were actually at issue in the suit. Microsoft has given a lot to be able to put this issue behind them, I would like to see the government accept it.
Microsoft and the technology industry need to move forward. The only way to move forward is to put this issue in the past. Please accept the Microsoft antitrust settlement.
Sincerely,
Justin Jones

MTC–00027922

From: Sarah E Kleinknecht
To: Microsoft ATR
Date: 1/28/02 12:08pm
Subject: Microsoft Settlement
Dear Judge,
I would like to express my concern about the case against Microsoft. Microsoft has become a monopoly on the operating system on computers. Microsoft needs competition so that we the American people can receive the best products. In the case, the PFJ will allow Microsoft to continue as a monopoly which is not right! Thank you for your consideration.
Respectfully,
Sarah Kleinknecht
184 Earhart Hall
West Lafayette, IN 47906
(765) 495–6126
CC:dkleinkn@yahoo.com@inetgw

MTC–00027923

From: Mark J Antlitz
To: Microsoft ATR
Date: 1/28/02 12:11pm
Subject: Microsoft Settlement
In my opinion the government is bullying Microsoft. Our taxes would be much better spent going after companies such as Enron and friends. It is quite clear to me as well as any other educated individual that our government as well as corporate America wreaks with corruption. It is time to focus on this very real problem and stop attacking the innocent in an effort to hide the guilty.
Sincerely,
Mark Antlitz
mja57@prodigy.net

MTC–00027924

From: Stephen Yoakum
To: Microsoft ATR
Date: 1/28/02 12:10pm
Subject: Microsoft settlement
let it go cut some slack, Accept the offer of Microsofts pack further litagation will only enhance the position of a very few.

MTC–00027925

From: david levitt
To: Microsoft ATR
Date: 1/28/02 12:12pm
Subject: Microsoft Settlement
The proposed settlement will not end abusive, anti competitive acts by Microsoft. Any suitable remedy should include as a minimal subset: Public disclosure of all file, disk, network protocol and other data interchange formats used by Microsoft operating systems and programs. This information to be sufficient to allow seamless translation to and from Microsoft file formats, and seamless interoperation with Microsoft software.
Full disclosure of all Application Programming Interfaces. Microsoft applications forbidden to use interfaces unavailable to independant software developers.
No software discounts other than quantity purchased. Uniform, publiclly available price schedules. Microsoft product licences to be made transferrable and vendable, the same way physical products are treated [e.g. textbooks, novels and other common publications].
No penalties may be asesed by Microsoft against computer manufacturers, software developers or end users for using non-

Microsoft software or supplying it as an option.

Computer manufacturers to have free reign to sell the hardware and software that they deem approriate, including systems without an installed operating system, or systems operable with multiple operating systems.

Microsoft software installations are not permitted to disable currently functional software. Microsoft to be forbidden to announce products prior to 90 days before shipment to customers.

Any group monitoring terms of the settlement to have the right and duty to provide public disclosure.

David Levitt
19 Doral Lane
Bay Shore, NY

MTC–00027926

From: Terri Tenore
To: Microsoft ATR
Date: 1/28/02 12:13pm
Subject: microsoft

I don't side with Microsoft, how do you think he came up windows, why is it Microsoft was in court! ''they will do it again''. attack repeat attack

Fred Tenore

MTC–00027927

From: caos vida
To: Microsoft ATR
Date: 1/28/02 12:12pm
Subject: Microsoft Settlement

I very much feel that Microsoft has too much control of the market and this needs to be corrected. I belive that linux and any other operating system should have an fair chance to gain access to our computing world and be able to coexist. This is no different than the AT&T breakup and the soloution to that worked very well I think in retrospect.

kevin j brennan
rd#2 box 148
frankford de. 19945

MTC–00027928

From: Roger Mullan
To: Microsoft ATR
Date: 1/28/02 12:12pm
Subject: Microsoft is an essential part of the recovering IT industry

To whom it may concern

I am a computer programmer and I feel that a whole and strong Microsoft , as an industry leader, is an essential part of the recovering IT industry. Some of Microsoft's tactics may be less than honorable but that is business , the software and standards they produce are essential to millions of people's business and social lives. I appeal to you to, please not allow any group or individual , to threaten the evolution of the IT industry and the progress that Microsoft is making in all aspects of there newly innovated standards and software.

Any breakup of Microsoft would put the industry back, at least 10 years and who knows how long it would take to recover,affecting the work and recreation of millions.

I trust you will take these facts into account, when making your judgment.

Yours truly
Roger K Mullan
IT Consultant
CC:Microsoft ATR

MTC–00027929

From: David Taber—DOTnet Consulting
To: Microsoft ATR
Date: 1/28/02 12:13pm
Subject: Microsoft settlement citizen/ competitor input

I understand that there is still time to submit public comment/ recommendations on the Microsoft antitrust settlement.
Summary:

* The software industry is so complex, and Microsoft so dominant, that administrative and procedural remedies will be a complete waste of time for the government and Microsoft itself. There are too many loopholes and back- doors to ever regulate the company as structured.

* Splitting the company up would work to an extent, but over the long run would simply create two or more monopolies, rather than one big one.

* Perversely, the industry actually prospers when there is a near-monopoly to drive de facto standardization. The software industry does *not* thrive on the chaos of small players. So the industry would be best if there were a quasi monopolist that didn't do economic harm.

* The only way to actually neutralize a monopoly in the software industry is to fundamentally alter the economics of the monopolist. With the incentive gone, the behavior and damage to the industry would fade away.

* The operating systems market for Intel-based PCs is brain-dead: it exists, but it does not function in any meaningful sense. So there is an opportunity to neutralize the bad effects of the Microsoft monopoly.

* The government can use the argument of eminent domain to declare the PC OS ''marketplace'' as property that will be taken over in the public interest. The government then grants this ''marketplace'' as a dead-zone in which only Microsoft can be a commercial supplier. The government pays Microsoft one dollar a year, and the fees paid by PC vendors for their operating systems goes to the US treasury. (An alternate form of this recommendation is just to put Windows into pure open source, where many vendors can work to make the system more secure and reliable while no vendor can charge for the product.)

* Microsoft thus has an incentive to keep their OS innovations going (to make their applications business prosper, but they get no monopoly profits from the OS. They also have little power over the PC vendors or application vendors.

Now that I've written the ''summary,'' I'll spare you the details.

Regards, and good luck.

David O. Taber
DOTnet Consulting
555 Bryant Street, Palo Alto CA 94301
voice: +1–650–326–3405 (rolls to voicemail)
page: dtaber-page@forte.com (keep your message just one line ! !)
fax: +1–650–326–1475
mail: DOT@D-O-Tnet.com
ICQ: 138661538
www.D-O-Tnet.com

MTC–00027930

From: Raj
To: Microsoft ATR
Date: 1/28/02 12:13pm
Subject: Microsoft Settlement

Judge Kollar-Kotally,

I wish to express my personal perspective on Microsoft vs. U.S

As an 8th grader in Rantoul, Illinois I have concluded and noticed many disturbing views of Microsoft's control of the software industry or as we would say monopoly. I really don't think its fair Microsoft is a monopoly because of the prices it sets on software. $200 on software program which I know it would be about $50 if there was competition.

I have learned in school about the Sherman Anti-Trust Act was too weak or very ineffective because of big companies bribing high officials which I think that Microsoft is doing. I might not have any proof but I know that Microsoft is at least violating some part of the Sherman Anti-Trust Act which I think is really wrong. If we let one company do this then slowly more and more companies will start doing this in other industries.

Although I like the stuff Microsoft makes the thing is that they set the prices to high.We all know that there are many more companies competent enough to make such software if given a chance. That way people will have more variety. Microsoft is just taking it easy with coming out with not so late and just adding a few adjustments to their software at their own price and pace they would like to set it at. If there are more companies the quality of the product will become better and that way many companies will join in to make the best quickly. The prices will be low and the people will be content.

Thank you
Sincerely Yours,
Yashua Bhatti

MTC–00027931

From: Bob Petolillo
To: Microsoft ATR
Date: 1/28/02 12:14pm
Subject: Microsoft Settlement

Please see the attached letter concerning the lawsuit against Microsoft.

Bob Petolillo
Enterprise Data Solutions
148 Basil Court
Lawrenceville, GA 30043–6126
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
January 26, 2002

Dear Mr. Ashcroft:

As a member of the IT industry, I welcome an end to the Microsoft anti-trust case. This case has had a debilitating effect on the IT industry and the economy in general. If fair competition is the desired end to the government's actions, competition is not encouraged by draining the energy of one competitor. You do not get a better race by hobbling the favorite. Howsoever, a means to end this case exists in the proposed settlement agreement before you now for consideration. It should be adopted and this case resolved. The settlement fairly deals

with the positions of all the parties. Microsoft, by its terms, will remain one sole corporation, but will take certain actions to dilute its monopolistic influences in its industry. Microsoft will now configure its Windows platforms to invite the use of non-Microsoft software. It will no longer contractually constrain computer manufacturers to the nearly exclusive use of Microsoft products in licensing agreements. It will submit itself to ongoing review by a new federal oversight committee. It has committed itself to a completely new method of doing business entailing an active effort to foster competition. Microsoft deserves to continue to thrive. It is an elemental force in perhaps our nation's most important industry. Please support this settlement.

Sincerely,
Robert Petolillo

MTC–00027932

From: Kevin McDaniel
To: Microsoft ATR
Date: 1/28/02 12:11pm
Subject: Microsoft Settlement

Distiguished Gentlemen,

Please accept my attached letter of opinion for your consideration on the current Microsoft Settlemt Case. I am hopeful my opinions will be mirrored in policy by the party and administration I so adamantly support.

Respectfully,
Kevin McDaniel
President
Arrival Technologies Inc.
415 Security Square
Gulfport, MS 39507
228–314–1100 ext. 101
228–323–1166 cell
228–897–1109 fax
kmcdaniel@arrivaltech.net
Arrival Technologies, Inc.
Your Single Source for Business Technology
January 16,2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

I suspect the Justice Department offered to settle its antitrust lawsuit against Microsoft due to your taking over as head of the agency. As a reasonable man you probably recognize the Clinton Administration's antitrust suit against Microsoft, and their intended break-up of the company, jeopardized software innovation and standardization. This scenario would seriously hinder the United States'' competitive edge and is why the settlement should be finalized without further ado.

If one accepts the premise that Microsoft is a monopoly, which I do not, the settlement will cure the problem. The settlement speaks for itself: 1) Microsoft has agreed not to retaliate against computer makers who ship software that competes with anything in its Windows operating system; 2) Microsoft has agreed not to retaliate against the software developers who make or promote the software that competes with Microsoft. While these are only two tenets of the 22 pages of the settlement, they alone should make Microsoft's competitors happy because they will inhibit anti-competitive behavior. I find it curious that certain opponent's of Microsoft reject the settlement and refuse to sign on to it. It is unfortunate; they should not be allowed to derail the process.

I am a small business owner in South Mississippi who specializes in computer networking and software support. It is my steadfast belief that the free market should be allowed to determine which products are bought and sold by professionals in the industry. Microsoft offers superior products and this is why they possess the market share they do. This lawsuit has not only affected my business but also my investments in the market. It is my hope that the government will accept the settlement in as timely a manner as possible so our industry can begin to heal from this unnecessary intrusion into the free market.

Sincerely,
Kevin McDaniel
President
Cc: Senator Trent Lott
415 Security Square, Gulfport MS 39507
228–314–1100

MTC–00027933

From: Neal Lindsay
To: Microsoft ATR
Date: 1/28/02 12:15pm
Subject: Microsoft Settlement

To Whom it might concern:

I am a network administrator for a small engineering company, and I have been working with computers for half of my life—usually on Microsoft operating systems. I have had the chance to use other operating systems (such as various Unices and Linux) and many have signifigant advanced features that Windows (even XP) has not come close to. Microsoft has the money to implement such advanced features, but it does not have to because its customers are locked into its operating system. This is probably the single largest problem plaguing the computer world right now, and this case has the opportunity to force Microsoft to open up and let in any companies brave enough to challenge it. That being said, I do not believe that the proposed Microsoft settlement goes far enough. The idea of making Microsoft open up its APIs is a good one, but it is weakened by the restrictions placed upon it. For example, any scrutiny of Microsoft's code is bound to reveal security holes (Microsoft software is traditionally full of them). Microsoft would almost certainly use this as an excuse to not open up more than a token amount of what would be needed for a company to compete with them.

This case is complicated from both a legal standpoint and a computer technology standpoint—to the point that almost noone can understand the proposed settlement. You are not likely to find an impartial voice in all of these public comments—everyone has a stake in the outcome. But please, don't let Microsoft off with just a slap on the wrist. They have continued to violate anti-trust laws even as they were in trial for breaking those same laws. They need some sort of serious penalty AND need to take steps to reverse their ill-gained market shares in many different markets.

Thank you.

Neal Lindsay
Network Manager

MTC–00027934

From: O B
To: Microsoft ATR
Date: 1/28/02 12:15pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally,

I am filing my objection to the Proposed Final Judgment in the Microsoft case. In the last several weeks, close friends and relatives have brought this proposed settlement to my attention and in all honestly I dont like what I see. I cant possibly imagine the Department of Justice throwing out court findings that indicts Microsoft for all illegal activities both past and present. First and foremost the Proposed Final Judgment grants MS a government mandated monopoly that threatens to destroy any and all serious Microsoft competitors. Im all for free enterprise and what it symbolizes. To strike a huge blow against the spirit of free enterprise, one need not look any further than to allow MS to monopolize every sector, whether it is the gaming industry or the software industry, by eradicating most if not all competitors. By all means diversity is one essential ingredient in maintaining a healthy industry and more importantly a thriving economy.

I submit to the Court that the Proposed Final Judgment does not solve the Microsoft issue.

Respectfully,
ERLIN JIMENEZ
1786 LE BEC COURT
LODI, CA 95240

MTC–00027935

From: RDRoach22@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 12:16pm
Subject: Re:Moicrosoft Settlement

I favor having al lof the states settlle the Microsoft cases in the manner thant has alreadyh been done by the other states. It is time to bring these actions to a conclusion.

Sincerely.
Robert D Roach Jr

MTC–00027936

From: Bev
To: Microsoft ATR
Date: 1/28/02 12:16pm
Subject: antitrust lawsuit

Microsoft is a creative, tough company which may, or may not, have had some anti-trust practices in the past, but it is time to move on. The company has worked hard to develop products that people need and use. Just because some other companies are unable or unwilling to work as hard and creatively, they should not be allowed to succeed by bringing Microsoft down. This company has done much for the economy and needs to be allowed to move on past this lawsuit. Please find in favor of the Microsoft settlement as presented.

Thank you,
Bev and Morris Crump
6105 284th Street NW
Stanwood, WA 98292

MTC–00027937

From: George J. Papanicolaou

To: Microsoft ATR
Date: 1/28/02 12:15pm
Subject: Microsoft Settlement

To Whom it May Concern:

Pursuant to the Tunney Act, I am writing to comment on the proposed settlement of the United States vs. Microsoft antitrust case. The proposed penalty for Microsoft's violations is entirely prospective and the predictability of the penalty to effect a sufficient diminishment of Microsoft's anticompetitive behavior is completely inadequate, including being overly complex and to vague, especially in light of published comments by Microsoft CEO Steve Balmer after Microsoft's conviction that he does not even know what a monopoly is. Furthermore, Microsoft has failed to live up to previous agreements. In addition, Microsoft did not report its extensive lobbying of Congress or a White House meeting last summer between its chief executive, Steve Ballmer, and Vice President Dick Cheney. This is a violation of the Tunney Act itself.

What would make the settlement fair? Divide the company into Applications and System Software entities with a firewall between them. Had politics not interfered, this approach was the only logical choice. Failing this reasonable approach, other remedies, although half-measures are required.

1) Open up all Windows APIs to all interested parties with thorough documentation and standardization. Exorbitant penalties would be made if either the APIs are not fully documented or if non-open APIs are used by Microsoft.

2) Open up all Microsoft Document Standards and publish them immediately because market dominance has created a defacto standard for such files. In addition, the use of a non-Microsoft standards board, modeled on the W3 organization for web site documents, could insure that office as well as other documents generated by Microsoft applications would be fully usable, readable, and alterable by other programs. This would allow some competition in the office suite industry and hopefully prevent the use of ''Microsoft only'' codes in browser or office apps that prevent others from having a choice in selecting an office suite. Also, features that allow a user to assign the opening of programs with other apps through a central registry would be useful, allowing an individual to easily bypass Microsoft Products and Services.

3) Microsoft should be required to produce Office Software for the Macintosh system as long as Apple remains in business. It should not be able to again threaten Apple with canceling further Mac Office development. In addition, Microsoft must be required to make the Mac Office Suite with the same features and document transparency as the Windows version. They must also not hobble the software in any way to make the Windows version appear faster. As Mac Office is a profitable venture for Microsoft, failing to manufacture it would be indicative of a monopoly threatening a small rival.

In addition, software which can interact with Microsoft server products, such as Outlook, should be made available for the Mac, including subsequent operating systems, and have all features available in the Windows client.

4) In order to give more choices to consumers, either Microsoft should create a Linux version of their Office and Browser software or should license their software and/or ''look and feel'' to anyone wishing to produce software for the Linux system. This would keep Microsoft from keeping offices and homeowners away from alternative operating systems. Microsoft used to offer Word for Unix systems with far fewer users than Linux. It cannot argue that as a company with monopoly powers and rich coffers that it isn't feasible.

As someone who has been using computers and programming them for seventeen years, I have seen little innovation from Microsoft. The advances in the field have been due to smaller players that have been crushed by Microsoft. Currently, Microsoft has monopoly powers and is seems less concerned with innovation, reliability, and security, than with market domination and extension. Our national security and economic competitiveness requires a stronger action than has been proposed by the Justice Department.

Regards,
George J. Papanicolaou, PhD.

MTC–00027938

From: Fred Tenore
To: Microsoft ATR
Date: 1/28/02 12:16pm
Subject: Microsoft

I don't side with and don't trust Microsoft. They will do it again, so attack! repeat attack!

Frederick Tenore

MTC–00027939

From: Adam Christian Smith
To: Microsoft ATR
Date: 1/28/02 12:19pm
Subject: Microsoft Settlement

I would just like to add my two cents on how I personally have seen Microsoft quell, steal, or destroy creativity in the programming and software market using proprietary language. Secondly, they are dirty as hell. They leverage there power and when questioned, they act like they can1t ''innovate'' if they are restricted in any way. Truth be told, Microsoft has never ''innovated'' a thing in their history. It has all been direct copies, cheap rip-offs of other platforms, or buyouts of small companies again putting them in the position to dominate a market.

Thanks,
Adam

MTC–00027940

From: jerldon
To: Microsoft ATR
Date: 1/28/02 12:20pm
Subject: Fwd: [MICROSOFT SETTLEMENT]

DEAR SIR

I AM A CONCERNED CITIZEN WHO BELIEVES THAT THE CLINTON ADMINSTRATION STARTED THIS ANTITRUST STUFF AGAINST MICROSOFT SIMPLE TO ALLOW THEIR ATTORNEY FRIENDS TO MAKE A LOT OF MONEY IN LEGAL FEES AND HAd nothing to do with microsoft being A MONOPOLY. THEY JUST HAPPENED TO BE AN EASEY TARGET. I AM SURE IF YOU

LOOK AROUND YOU CAN FIND SOME REAL PROBLEMS IE ARTHUR ANDERSEN, ENRON, ETC.

SINCERLY
JC BOATRIGHT
1345 FALKENBURG RD
TAMPA, FL 33619
813 657 2663

MTC–00027941

From: Page, Nathan (N.L.)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 12:30pm
Subject: Microsoft Settlement

I agree with Microsoft.

MTC–00027942

From: u V
To: Microsoft ATR
Date: 1/28/02 12:21pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally,

Your honor, I am stating my objection to the Final Settlement agreed upon between the Department of Justice and Microsoft. I wanted to point out several underlying flaws attributed to the Proposed Final Judgment.

One noticeable flaw encompasses an inept enforcement device implementing restrictions. The settlement in other words closely monitors and screens all of Microsofts business activities. This close scrutiny insures MS complies with all restrictions entailed in the agreement.

A three man compliance team will oversee and insure that Microsoft comply with the stated rules and regulations. Yet, this three-man oversight committee will be composed of the following: one appointee from the Justice Department, one appointee from Microsoft, and another appointee chosen by the two existing members. In turn, Microsoft will control half of the oversight team.

Also, in the likelihood of any enforcement proceeding, all findings by the oversight committee will not be allowed into court. The sole purpose of the committee is to inform the Justice Department of all infractions by Microsoft. Subsequently the Justice Depart will launch its own investigation into the matter and commence litigation to halt all infractions. When all is said and done, the oversight committee is just window dressing, who will not strictly oversee Microsofts business moves?

In my opinion, the Proposed Final Judgment does not provide appropriate restrictions against Microsoft. What reassurance do we have against Microsofts illegal and illicit activities? I can assure you that the Proposed Final Judgment does not effectively nor sufficiently address the question. In conclusion, I submit your honor my objection to the final settlement in the Microsoft case.

Sincerely,
Dr. Cesar Ortiz
285 Glennwood Ave.
Daly City, CA 94015
650–758–2658

MTC–00027943

From: Jean Peterson
To: Microsoft ATR,jpeterson@ets.org@
inetgw,djinn1@ix.n...

Date: 1/28/02 12:21pm
Subject: Judgement

If I understand the Judgement correctly, Microsoft is to receive no ''punishment'' at all for it's illegal activities. They are only instructed to stop performing them. This is a problem. Perhaps the Government or the Court feels that Microsoft has already suffered some penalties because of the interruption of business and other interference because of this litigation. However, in other cases where, for instance, a criminal's punishment is limited to something already done (i.e. ''time served''), sentence is still passed for the record and that stipulation that the sentence is to be considered ''fulfilled'' is still entered into record. And considering the amount of money that the various governments have had to spend in legal proceedings simply to force Microsoft to stop behaviors that were illegal to begin with, the governments should at least apply penalties to recoup these monies in the interests of their constituents.

Jean Peterson

MTC–00027945

From: Purple Rose
To: Microsoft ATR
Date: 1/28/02 12:21pm
Subject: Microsoft Settlement

Deborah E. Rose
7804 Briana Renee Way
Las Vegas, NV 89123–0449
January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft,

I support the recently proposed antitrust settlement between Microsoft and the Department of Justice. I would like to see an end to this lawsuit and I believe this is one of the more favorable resolutions. Microsoft has given up access to several of its Windows products, and given up much of the code that helps Windows run efficiently.

Historically, Windows has been a large part of its competitive advantage. This is a very generous concession on the part of Microsoft. I hope that you will support Microsoft. It has stood out as a great example of a company that can be charitably generous and still make lots of profit. We should allow it to continue these efforts.

Sincerely,
Deborah Rose

MTC–00027946

From:
DEMatthews2@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 12:24pm
Subject: Antitrust settlement

Renata Hesse: I believe that the antitrust settlement between the USDOJ, Nine States and Microsoft should be approved. From my perspective, as a consumer, this suit was never about my protection, How am I hurt by getting something for free, that someone else wants me to pay them for? Putting the browser in the operating system is so logical that I have wondered about the suit from the beginning. This entire process has been brought on behalf of competitors. I did not think that this was the purpose of antitrust efforts. But, the judges have ruled, so the best thing to do is get the settlement approved and move on.

Duane E. Matthews
7817 SE 75th Place
Mercer Island, WA 98040–5501

MTC–00027947

From: Peter McDonald
To: Microsoft ATR
Date: 1/28/02 12:25pm
Subject: Microsoft PFJ Comments.

To whom it may concern,
<mailto:microsoft.atr@usdoj.gov>

As a consumer of Microsoft products as well as a business professional in the software industry I would like to add a few important comments concerning the proposed final judgment between the US DOJ and Microsoft. Simply put the proposed settlement does very little to address the three items listed by the US Court of Appeals. Hence, my recommendation is that the PFJ proposal in its current form is not acceptable. I ask that the DOJ needs to address the three key components listed unanimously by the U.S. Court of Appeals ruling. Specifically, to

*terminate Microsoft's legal monopoly

*deny Microsoft the fruits of its past violations

*prevent future anticompetitive activity.

As an observer and professional in the software world I define Microsoft's mantra to be one of domination. Over the past few decades Microsoft has uses both legal and illegal practices to attain their goal of domination. If the current PFJ is accepted, I'm left with two questions.

First, does the DOJ's definition of effective anti-trust work include the supporting of monopolies? Second, is the precedent for dealing with companies with a track record of violating anti-trust laws to condone their track record of violations? I hope the answer to both questions are no. As such I ask that the current PFJ be updated to include the three items unanimously decreed by the US Court of Appeals.

It is great to be an American where each individual has a voice. Thank you for your consideration of this issue.

Regards,
Peter McDonald
Peter McDonald
Director
VerdiSoft
Palo Alto, CA
650 812–8511 office

MTC–00027948

From: Michael Horowitz
To: Microsoft ATR
Date: 1/28/02 12:24pm
Subject: Microsoft Settlement

Hello,

One complication in this case is defining what a computer Operating System(OS) is. Microsoft keeps adding features to Windows and every time it does, it stretches the meaning of the term ''Operating System''. What Microsoft sells now is not so much an OS, but a combination of an OS and assorted applications. No doubt you are aware that what Microsoft does in expanding the scope of the OS is tantamount to what, in other contexts, is called ''dumping''. It is as if Toyota started selling its cars for $3,000 instead of $19,000 to drive Ford Motor out of business. This is exactly what Microsoft does and has done many many times. They can do it because they are rich enough and because the incremental cost of software is almost zero, brutally different from an automobile. This case may have been about web browsers, but people in the computer field have seen Microsoft use the same tactic (give away software to kill the competition) many times.

MY SUGGESTION:

I suggest that development of Windows be assigned to a separate company that is restricted to developing an Operating System in the strictest sense of the term. This will require monitoring by an independent entity as to just what features and applications belong in the base OS and which are considered external applications (more on this below). I'm not sure if this separate Windows OS only company should be for profit or not.

This would let Microsoft add whatever features and applications they want to the core OS and sell a product called Microsoft's Windows. However, Dell and Compaq and Gateway and IBM would also be free to add whatever features and applications they wanted to the core OS and sell it as their version of Windows. Any software company should be free to license the core Windows OS and add whatever features and applications they want and sell it on the open market. Each company selling a version of Windows would compete based on price, their reputation for quality software and support, and the features and applications they chose to include. This, by the way, is how Linux is sold with the exception that the core Linux OS is free. I am not suggesting that the core Windows OS be free.

Drawing the line between the core Windows OS and extra-add-on applications could be a full-time job. In the case of word processing for example, it seems obvious that Notepad and WordPad are not full-blown word processors and therefor could be included in the core OS. In contrast, Word and WordPerfert are full featured word processors and therefore falls into the category of a seprate application. In other areas the distinction will not be so easy to make. If a program to play sound files can have 100 features, which of those features qualify for a bare-bones version that can be in the core OS and how many features does a program need before it qualifies as a full-blown application that can not be included in the core OS? Someone will need to decide.

That's my 2 cents. Thanks.

Michael Horowitz

MTC–00027949

From: HHawkjr@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 12:24pm
Subject: Microsoft Settlement
Attention: Renata B. Hesse
Antitrust Division
Department of Justice

It is my opinion the settlement represents the best opportunity for Microsoft and the

industry to move forward. The rulings are fair to all parties involved.

It is also my opinion that Microsoft is one of a few American corporations that truly has the ''consumers'' best interest at heart. I can't say that for many other corporations.

Respectfully,
Wendy C. Hawkins
8838 E. Sunnyside Drive
Scottsdale, AZ 85260
480/314–8586

MTC–00027950

From: judythw(a)earthlink.net
To: Microsoft ATR
Date: 1/28/02 12:25pm
Subject: Microsoft Settlement

Sirs:

I ask you to please not allow Microsoft to continue its monopoly operation. I ask for freedom to choose. We are trying to preserve our freedoms now. Please help.

Judyth O. Weaver, Ph.D.
73 Montford Avenue
Mill Valley, California 94941
415–388–3151

MTC–00027951

From: Bock, David
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 12:27pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally:

I am writing to comment on the Proposed Final Judgement with Microsoft. As one involved in the software industry, I appreciate the contributions of Microsoft. However, their dominance of operating systems has given them extraordinary market power, which they have used ruthlessly to crush competitors and forestall innovation in the interests of consumers. The PFJ needs to be materially strengthened to level the playing field. The sanctions must be strong and the disincentives to further monopolistic behavior clear. Do not allow Microsoft to play on complexity, market uncertainty or promises of different behavior in the future. The company's culture is one of ruthless competition at a time when they should be providing support rather than destruction. They now operate a utility, are enjoying monopolistic returns on capital and are utilizing their financial strength to maintain a monopoly position.

The consumer is served by the standardization that Microsoft's success has brought. But the consumer is also vulnerable to the abuse of monopoly power. The public interest requires that the Federal government either sanction and restrain the monopolist or eliminate the monopoly position.

It's that simple.

Sincerely yours,
David Bock
EVP and CFP
Pedestal Inc.

MTC–00027952

From: bobjomurrell@juno.com@inetgw
To: Microsoft ATR
Date: 1/28/02 12:26pm
Subject: microsoft settlement

Please settle with microsoft.

MTC–00027953

From: Aaron S Kamlay
To: Microsoft ATR
Date: 1/28/02 12:26pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am writing to comment on the Proposed Final Judgment (PFJ) of the United States v. Microsoft antitrust case. I believe that the PFJ does very little to discourage Microsoft from continuing its anticompetitive practices, and fails to restore balance to the markets which have been seriously damaged by those practices in the past.

Specific Failures of the Proposed Final Judgment:

1. Section III.J.2

Section III.D requires Microsoft to licence ''the APIs and related Documentation that are used by Microsoft Middleware to interoperate with a Windows Operating System Product'' to ''ISVs, IHVs, IAPs, ICPs, and OEMs''. However, section III.J.2 essentially gives Microsoft the freedom to choose which ISVs, IHVs, etc. may receive this information by allowing Microsoft to require that any licensee ''(a) has no history of software counterfeiting or piracy or willful violation of intellectual property rights, (b) has a reasonable business need for the API, Documentation or Communications Protocol for a planned or shipping product, (c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, (d) agrees to submit, at its own expense, any computer program using such APIs, Documentation or Communication Protocols to third-party verification, approved by Microsoft?''

This gives Microsoft the ability to keep the ''applications barrier to entry'' artificially high. There are no restrictions on what Microsoft may consider ''authenticity and viability of [the licensee's] business'' or even a ''reasonable business need''. It could be used to keep start-up or open source software projects from gaining access to APIs crucial to their success; in fact, it could allow Microsoft to restrict such projects from information to which they had prior access via the MSDN. (See, for example, Jeremy White's analysis of the impact of section III.J.2 on the open source Wine project at http://www.codeweavers.com/jwhite/tunneywine.html.)

2. Section III.D.1

Section III.D.1. exempts Microsoft from the requirement to ''document, disclose or license to third parties: (a) portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of a particular installation or group of installations of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems?''

It has been reported by a variety of news agencies that Microsoft has plans to include digital rights management, authentication, and other related security features in future versions of Windows. See for example,

The Register, Mar 23 2001,

''MS plans ''Secure PC'' that won't copy pirated audio files''

http://www.theregister.co.uk/content/4/17851.html

Wired News, Feb 13 2001,

''Windows XP Can Secure Music''

http://www.wired.com/news/technology/0,1282,41614,00.html

Microsoft has already included encryption services in Windows 2000 Service Pack 2

(see http://www.microsoft.com/windows2000/downloads/servicepacks/sp2/def ault.asp).

Given Microsoft's past actions, including integration of Internet Explorer with the Windows OS, and more recently integration of Windows Media Player with WindowsXP (see http://news.com.com/2100–1040–256387.html?legacy=cnet), there is every reason to assume that Microsoft will integrate current and future installations of ''anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems'' into the Operating System. Thus many key APIs, such those dealing with basic network communication, file/disk access, and even simple multimedia capabilities could be claimed as exceptions under section III.D.1. Again, this would serve to keep the ''applications barrier to entry'' artificially high.

3. General Remedies and Penalties

Microsoft has been found guilty of maintaining their monopoly status through illegal means. They should not be allowed to maintain the profits earned by doing so. The PFJ basically codifies the current status quo into law, and neither punishes Microsoft for their past infractions nor prevents them from similar actions in the future. Strong structural and financial remedies and/or penalties are necessary to restore balance to a horribly damaged marketplace.

The Proposed Final Judgment is completely unacceptable as a resolution to the U.S. v. Microsoft case. Please consider stronger, more effective remedies.

Thank you,
(signed)
Aaron Kamlay
Nashville, TN 37212

MTC–00027954

From: v g
To: Microsoft ATR
Date: 1/28/02 12:26pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally,

With all due respect, I object to the (PFJ) Proposed Final Judgment in the Microsoft case. There are numerous flaws in the final proposal, which undoubtedly gives Microsoft absolute, power to continually abuse their existing monopoly position. Based on my review, the proposed settlement overlooks one thing. This one defect contains a faulty mechanism to implement appropriate restrictions. As stated in the settlement, Microsoft will be closely monitored to comply with all restrictions encompassed with in the stated agreement.

A three man compliance team will oversee and insure that Microsoft comply with the stated rules and regulations. Taking a closer look however, this three-man oversight team will be composed of the following: one appointee from the Justice Department, one appointee from Microsoft, and another appointee chosen by the two existing members. In turn, Microsoft will control half of the oversight team. Also, in the likelihood

of any enforcement proceeding, all findings by the oversight committee will not be allowed into court. The sole purpose of the committee is to inform the Justice Department of all infractions by Microsoft.

Subsequently the Justice Depart will launch its own investigation into the matter and commence litigation to halt all infractions. When all is said and done, the oversight committee is just window dressing, who will not strictly oversee Microsofts business moves? In my opinion, the Proposed Final Judgment does not provide sufficient and appropriate restrictions or penalties against Microsoft. What reassurance do we have against Microsofts illegal and illicit activities? I can assure you that the Proposed Final Judgment does not effectively nor sufficiently address the question. Therefore I submit to the court my objection to the Proposed Final Judgment.

Respectfully,
Mrs. Alsida Ortiz
285 Glennwood Ave
Daly City, CA 94015

MTC–00027955

From: esterhazy@juno.com@inetgw
To: Microsoft ATR
Date: 1/28/02 12:26pm
Subject: Microsoft settlement

Consumer interests have been well served and it is time to end this costly litigation against Microsoft now.

Helene K. d'Esterhazy

MTC–00027956

From: Classic de Sign
To: Microsoft ATR
Date: 1/28/02 12:31pm
Subject: Microsoft Settlement

Dear Ms. Hesse:

I am the owner of a small interior design firm and would like to comment on the settlement with Microsoft.

I believe that there is undue haste in reaching a settlement for what has been a carefully executed pattern of illegal behavior by Microsoft. Microsoft controlled the application market so tightly in the Macintosh operationg system that it not only drove out competitors like WordPerfect but used its applications as hostage to obtain concesions from Apple Computer, Inc.

The pattern of illegal behavior forced Apple to offer the Microsoft, Internet Explorer to be the supported application by Apple. If this would not have happened, there would have been no Office, Word or Excel. Futhermore, those us who used Netscape still found that the presence of Microsoft codes in the office applications to crash the Netscape browser. The choice for us was the applications or the Netscape browser. The same type of illegal tactics got its media player dominance after finding that they copied code from QuickTime. This issue was closed when Microsoft gave money to Apple to drop the suit. The patter of illegal tactics by Microsoft is quite large and pervasive and I find the current proposed settlement to be insufficiently punitive to punish or to encourage Microsoft to change its ways.

I strongly suggest that the monetary settlement be cash and that the sum be increased to 5 Billion dollars, a sum that will teach a lesson and one that Microsoft can afford.

Sincerely,
Louis R. de Alvare

MTC–00027957

From: Nolan Lameka
To: Microsoft ATR
Date: 1/28/02 12:28pm
Subject: Microsoft settlement

I believe the microsoft settlement is as fair as it can be . Personally I think the government had no business interfering in business on the side of microsofts'' competitors.

Leave Microsoft alone or at least don't be a tool of AOL, Oracle, and SUNW.

Nolan A Lameka
nal1212@yahoo.com

MTC–00027958

From: jonathon
To: Microsoft ATR
Date: 1/28/02 12:23pm
Subject: Microsoft Settlement

Count this as one vote against the proposed Microsoft/DOJ settlement. I feel this agreement is a bad idea and would not be in the interest of computer users. Concrete steps should be taken to stop bad business practices. Reason needs to prevail.

Jonathon Vreeland
www.spork.nyc.ny.us
email: jv@spork.nyc.ny.us

MTC–00027959

From: Freddy Thomas
To: Microsoft ATR
Date: 1/28/02 12:29pm
Subject: Microsoft Settlement.
18203 Max Middleburg Road
Maxville, FL 32234
January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my opinion of the recent settlement between the US department of Justice and Microsoft. I think the lawsuits have dragged on for far too long now and have been a waste of taxpayer dollars. I am a proponent of free enterprise and the government's interference with Microsoft is ridiculous.

The only criticism of Microsoft could be that their marketing tactics are a bit heavy-handed, but that is hardly an antitrust violation. The terms of the settlement are harsh against Microsoft and should appease all competition. Microsoft will be disclosing interfaces that are internal to Windows operating system products. They will also be granting computer makers broad new rights to configure Windows so that competitors can more easily promote their own products. These concessions and more should appease all parties involved in dispute.

I urge your office to do what is right for the public and our economy and finalize the settlement.

Thank you.
Sincerely,
Homer Thomas

MTC–00027960

From:microscopes__sls__svc@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/28/02 12:26pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Harold Anderson
P. O. Box 118
Falls of Rough, KY 40119

MTC–00027961

From: Ken Valero, Sr.
To: Microsoft ATR
Date: 1/28/02 12:29pm
Subject: Microsoft Settlement

As a Macintosh user I feel that Microsoft did nothing wrong. I believe what we have here is envy of Microsoft's competition in that they did develop the idea first. Bill Gates had the foresight and ambition to move ahead when he did. After all is this not the land of opportunity and free enterprise. The competition was asleep at the switch and Gates seized the moment.

Bill Gates and Microsoft should be praised for advancing the technical knowledge of computers that we are all benefiting from.

So, my feeling is that the Federal Government should get off the back of all businesses both big and small so that we can make progress. It is about time that all entrepreneurs are recognized as the people that make this country as great as it is and make the economy strong.

Ken Valero, Sr.
President K V Associates, LLC

MTC–00027962

From: Liz
To: Microsoft ATR
Date: 1/28/02 12:30pm
Subject: Greetings,

Greetings,

I feel that the current settlement does not adequately address Microsoft's nearly complete monopoly in the United States'' computer industry. It also fails to restore competition to the United States'' software industry. Please consider rethinking the settlement.

Thanks,
Liz Loveland
Somerville, Massachusetts

MTC–00027963

From: Mark A. Montgomery
To: Microsoft ATR
Date: 1/28/02 12:29pm
Subject: Microsoft Settlement.
C/O Renata B. Hesse, Antitrust Division,
U.S. Department of Justice,
601 D. Street NW. Suite 1200,
Washington, DC 20530–0001

To: Judge Colleen Kollar-Kotelly

My name is Mark Montgomery. My background includes being an entrepreneur and management consultant who was also an early booster to Microsoft dating back to 1981. Since that time, my consulting assignments have numbered in the hundreds, including dozens of small businesses in networked industries and recently specifically within the IT industry cluster.

I converted our business consulting firm in 1995 into an independent tech incubator and lab. My only business partner joined our firm in 1997 after working for Microsoft for 17 years. I myself trained with Microsoft products to become an NT network administrator, programmer, and analyst who has tested every major public technology Microsoft produced during the period of this case, watching in amazement and sometimes horror at the pace of justice when compared to the environment in question.

I am writing today primarily because circumstances in this case may allow me to see more potential areas of damage than others. As any of us who have worked in predatory environments know all too well, it is rarely what we see that threatens our system, but rather what we cannot. In this case, I do not believe that any human is capable of identifying even a small portion of the damage being done to consumers, much less society, including of course eventually Microsoft and their investors.

I would like to explain some of our attempts to work with Microsoft at every level, and the extreme financial stress, disappointment and embarrassment a few of their executive actions have caused us and others, but the topic today is on the proposed settlement pursuant to the Tunney Act. I have carefully studied the proposed settlement as well as every document filed in this case since the beginning of the trial. In the early stages of the case, I provided analysis for the members of our global digital network.

In addition, I may have been the first to publicly label Microsoft a threat to the global economy, one of the most difficult declarations of my career that may also partially account for our failure in attracting external funding to our ventures.

For me, this case represents a test of the very credibility of the U.S. justice system. Although the case history has been difficult, and I have not always agreed with the rulings or conduct of the court, the system credibility was from my view in a recovery phase until the USDOJ agreed to settle as proposed. The agreement of the USDOJ to settle on the proposed grounds is where the system broke down entirely. I'll leave it to others to speculate and/or determine why.

The proposed settlement is a disgrace and an insult to those of us who risked everything we had, and often lost, to speak out against what I believe ranks among the most dangerous threats to the future of the world in our time; the ability of innovative technology to be conceived, hatched, and reach maturity. I fear that if the proposed settlement is adopted, and the EU and Congress also fail to restore liberty within global IT markets, that our creative scientific genius will fail to meet the significant challenges lying directly in our collective path.

Therefore, from my perspective, the world simply cannot afford to allow the proposed settlement to stand. It would be more favorable to risk having an appeal overturned on technical grounds, and allow the political process to work (or not), than to suffer the stamp of approval from the very entity charged to defend and protect us against illegal predatory practices. A portion of the still untold story of modern predatory strategy, generally speaking, is just how successful preventative efforts have become with respect to the invisible potential competition, and that topic is certainly not limited to Microsoft. Indeed Microsoft is a nascent latecomer in that regard when compared to the more historically entrenched vertical industry leaders, revealing another glimpse of why justice must be served in this case.

I submit to you that a just conclusion to this case is entirely possible, but a negotiated settlement that provides justice may not be.

Thank you for your consideration of my views, and God's speed in your work.

Mark A. Montgomery
Founder/CEO
Global Web Interactive Network LLC

MTC–00027964

From: Raymond.Fairbanks;@LibertyMutual.com@inetgw
To: Microsoft ATR
Date: 1/28/02 12:30pm
Subject: Microsoft Settlement
January 28, 2002
Attorney General John Ashcroft, US Justice Department
950 Pennsylvania Avenue, Washington, DC 20530–0001

Dear Mr. Ashcroft,

I'm glad that a settlement was reached in the antitrust case between Microsoft, the government and nine states. However, I don't feel there should have been any litigation in the first place. Free enterprise should manage itself.

Not only has Microsoft agreed to make sweeping changes so that to computer manufacturers can configure Windows in order to promote competitor software programs that compete with programs included in Windows. They've also agreed to not enter into any agreements forcing other companies to distribute or promote any Windows technology exclusively or in a fixed percentage, except for a few exceptions where there isn't any competition anyway.

It is obvious to me that Microsoft is cooperating so they can go back to business and help revive the technology sector of the economy. No more action should be taken at the federal level at all.

Sincerely,
Raymond Fairbanks

MTC–00027965

From: Don Monk
To: Microsoft ATR
Date: 1/28/02 12:28pm
Subject: Microsoft Antitrust Case
Please see attachment.
12 Fortune Cove
Brevard, NC 28712–9101
January 27, 2002
Attorney General John Ashcroft
United States Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I am writing in regards to the settlement reached in the antitrust case between the U.S Government and Microsoft in November of 2001. I am asking you to support the agreement. I do not believe any further measures are necessary.

As you know, the settlement requires Microsoft to promote competition from other computer makers. For example, Microsoft must license its Windows operating system to other computer makers and to grant them rights to configure Windows to meet other system specifications. Furthermore, Microsoft has been required to design further versions of Windows in a manner that would make it easier for competitors to promote non-Microsoft software within Windows. It is my opinion that this legislation is sufficient. Microsoft was not dealt with lightly, and I believe that further litigation would be less of a productive and more of a vindictive nature.

I am satisfied that Microsoft has been justly dealt with in the antitrust case. Further litigation would no doubt lead to restrictions and obligations on products and technologies that did not fall within the scope of the case. Microsoft has paid its dues to society; now I ask you to let them get back to business. I appreciate your taking time to consider my views on the issue.

Sincerely,
Donald W. Monk

MTC–00027966

From: I Y
To: Microsoft ATR
Date: 1/28/02 12:32pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally,

I am opposed to such a preposterous solution in regards to the Proposed Final Judgment in the Microsoft case. Based on past findings the Court of Appeals has found Microsoft guilty of violating all rules of the anti trust laws.

Yet the PFJ (Proposed Final Judgment), the Department of Justice throws out these findings, indicting Microsoft on all charges of business wrongdoing. More importantly, the PFJ allows Microsoft to continue with its monopolistic practices. I strongly believe you will receive similar appeals entailing the numerous errors apparent in the final settlement. To make a long story short, the PFJ does not effectively break up Microsoft. But in fact, permits Microsoft to leverage its current monopoly position and expand its business into several other technologies markets. In the past most monopolies were either broken up or carefully regulated. Why not Microsoft?

Severe reprimands by the DoJ do not drastically alter Microsofts existing operation methodologies. Time and time again as history will show, Microsoft will abuse its monopoly position. Breaking up Microsofts business into several parts just might be the best antidote to prevent MS from even doing more damage to the industry. Therefore I submit to you that the Proposed Final Judgment does not solve the Microsoft issue.

Respectfully,
Dr. Joseph Ortiz
1001 Vine Street
Paso Robles, CA 93446

MTC–00027967

From: Steve Hill
To: Microsoft ATR
Date: 1/28/02 12:31pm
Subject: Microsoft Settlement

Dear Judge,

As a high school student, I look forward to working with computers. However, Microsoft's recent tactics and monopolistic tendenencies will hurt competition in the computer industry. This will cause the quality of computer related software and operating systems to suffer. The recent settelement between the justice department and Microsoft will allow this to continue.

Please overturn this settlement.
Stephen Hill
66 Hobson St.
Brighton, MA

MTC–00027968

From: Victor Mieres
To: Microsoft Settlement U.S. Department of Justice
Date: 1/28/02 12:26pm
Subject: Microsoft Settlement
Victor Mieres
3914 Caney Creek Rd
Austin, TX 78732
January 28, 2002
Microsoft Settlement U.S. Department of Justice

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Victor Mieres

MTC–00027969

From: jorge godoy
To: Microsoft ATR
Date: 1/28/02 12:31pm
Subject: Microsoft Setlement

I'm faxing my opinion today.
Sincerely
Jorge Godoy

MTC–00027970

From: Robert Sartin
To: Microsoft ATR
Date: 1/28/02 12:33pm
Subject: Microsoft Settlement

I am against the current proposed settlement of the United States vs. Microsoft case.

I have been programming professionally for 20 years. In reviewing the terms of the settlement, I am unable to see how the terms will in any meaningful way improve the competitiveness of the current environment. The disclosures required by Microsoft are too weak and the exemptions too great. It will be trivial for Microsoft to continue to keep secret important information and use it for unfair competitive advantage. The proposed settlement will perpetuate an environment in which Microsoft can, and based on past experience will, withold critical information from developers who are perceived to be competing with Microsoft. Lack of access to such information, generally available for other platforms and specifically available to Microsoft and partner teams working on similar applications, will prevent a developer from producing competitive products. Continued tight bundling and coupling of Microsoft's chosen solutions will prevent new entries into the market of better technology at lower prices.

Consumers will continue to be forced to purchase and use the solutions provided by Microsoft. The price we pay will be higher due to the lack of credible competitive alternatives. Technical innovation will be decreased because it will not be necessary for competitiveness. Any settlement in this case must include provisions that will create a truly competitive environment, including competitors in the commercial and free software marketplace, and offer a variety of choices to consumers.

Regards,
Robert Sartin
10412 Ember Glen Drive
Austin, TX 78726

MTC–00027971

From: Faith A Hill
To: Microsoft ATR
Date: 1/28/02 12:33pm
Subject: Microsoft Settlement

Dear Judge,

As a young person, I would like to see growing oppurtunities in computer choices in my future. Microsoft is a wonderful company staffed by wonderful people, but they are guilty of anti-competitive violations. They should be punished according to US laws. If this is accomplished, it will provide a better and more competive market for me to enter.

Thank you,
Faith Hill
66 Hobson St.
Boston, MA

MTC–00027972

From: Johan L Lotter
To: Microsoft ATR
Date: 1/28/02 12:34pm
Subject: Microsoft

We attach a letter pertaining to the Settlement. Sincerely, Johan L Lotter
Lotter Actuarial Partners Inc.
Consulting Actuaries and Project Managers
915 Broadway
New York, NY 10010
TEL (212) 529–8600
FAX (212) 529–6297
jllotter@Iotteract.com
Web: Iotteract.com
January 28, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I have followed the case against Microsoft for the past three years, watched media coverage from both sides, and I have concluded that Microsoft, in whatever strong-arm tactics they used, should never have been punished like this. This is a slap in the face to one of the most, if not the most, successful companies in history.

In my opinion, the Department of Justice has no right to seek further legal injunctions against Microsoft. The settlement Microsoft has proposed, benefits the competition far more than it should. The best thing for this company, the economy, and the general public is to settle this case, so that Microsoft can get back doing what it does best, fulfilling the computing needs of users. Windows is incredible; there may never be a product quite like it. I can see how the have-nots want to have a big piece of the haves. The settlement certainly gives the have-nots what they want without handing over Microsoft.

I believe that Microsoft is entitled to this settlement in every way. It appears to be reasonable to Microsoft and more than fair to the competition. Approving this settlement can do so much good for the economy, which has been weakened by stresses on our country. I passionately urge you to agree to settle this case.

Sincerely,
Johan Lotter
President

MTC–00027973

From: Travis Cramer
To: Microsoft ATR
Date: 1/28/02 12:34pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am writing to address the issue surrounding Microsoft, and their abuse of antitrust laws. In my opinion, Microsoft should not be able to abuse these laws. First of all, abusing law is illegal, so the corporation is breaking law. Second, the size of Microsoft is the closest thing to a monopoly. They have unbelievable power, and they are making it extremely difficult for any competition to exist. Our government set

our economy up in such a way to prevent monopolies from forming. Microsoft is violating these laws, and that must be stopped. Microsoft must be kept under the law, punishment of some sort is necessary.

Thank you for your time on this matter.

Sincerely,
Travis Cramer
1247 W 30th St., Apt. 110
Los Angeles, CA 90007

MTC–00027974

From: T Mac
To: Microsoft ATR
Date: 1/28/02 12:35pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally,

I wanted to state my objection and the error existent in the Proposed Final Judgment. There are several apparent flaws with in the final proposal favoring Microsoft. Based on my assessment the proposed settlement does not dish out any due justice or punishment on the side of Microsoft. At the same time no devices are in place to ensure MS compliance to the stated rules enclosed in the settlement.

Although being closely monitored, Microsoft will not have any direct supervision to reassure the company complies with the stated agreement. A three-man compliance team overseeing Microsoft remain in alignment to the stated rules and regulations. This three-man oversight team will be composed of the following: one appointee from the Justice Department, one appointee from Microsoft, and another appointee chosen by the two existing members. In turn, Microsoft will control half of the oversight team. All findings by this committee will not be allowed into court. The sole purpose for such a committee is to inform the Justice Department of all infractions committed by Microsoft. Subsequently the Justice Depart will launch its own investigation into the matter and commence litigation to halt all infractions. When all is said and done, the oversight committee is just window dressing. In turn, who will not strictly oversee Microsofts business moves? In my opinion, the Proposed Final Judgment does not provide sufficient and appropriate restrictions or penalties against Microsoft. What reassurance do we have against Microsofts illegal and illicit activities? I can assure you that the Proposed Final Judgment does not effectively address the question. I object to the Proposed Final Judgment.

Respectfully,
Janice Ortiz
1001 Vine St.
Paso Robles, CA 93446

MTC–00027975

From: earl g harper
To: Microsoft ATR
Date: 1/28/02 12:34pm
Subject: Microsoft Settlement

Gentlemen:

It is time to stop the harrasement of Microsoft by dragging out the legal battle.

This will not benefit them or us tax payers...only add bragging rights to some politcal hacks...and the special interest groups.. Enough is enough..let's get on with business and let Microsoft do the same.

Earl G. Harpor
1430 Regency Drive
Ft. Collins, CO
THE HOUSE OF HARPERS
INDJC
Numbers 6: 24–26 & Rev. 14:2

MTC–00027976

From: iBradley
To: Microsoft ATR
Date: 1/28/02 12:34pm
Subject: microsoft settlement

Dear Renata B. Hesse Antitrust Division U.S. Department of Justice and appointed Judge;

I'll get right to the point, microsoft is about as unamerican and anti-competitive and consumer as ever there was a corporation. They've lied under oath, they've lied to their customers and they've lied to corporate investors. Their total motivation for any and everything they do or will ever do is about GREED, cash flow and bill gates, at whatever the cost to the consumer and customer. They've proven that microsoft suppressed technology by using their power and influence to intimidate. USB technology developed by intel corporation for one. If Apple hadn't built USB into the iMac when it was first introduced and now has become a standard for add-ons, I believe it would still be suppressed today. microsoft has never been honest with those who've purchased their OS! window's has never run or operated as they've claimed. It's not nor has it ever been or ever will be secure or stable! xp their latest release has been heralded to be the most ''Stable and Secure OS they've ever produced! It's better then previous, and that much is somewhat true. But it's far from stable or secure. It has failed to live up to it's claims. The in-store sales say it all to well, It's selling far below previous releases, this is a good sign that the consumer is finally seeing microsoft with ''Eyes wide open instead of Eyes wide shut! But even so it's to late for those who've bought into the lies and are now victims of false marketing and advertising hype. The countless virus attacks and hacks to their online service and severs, prove their statements of ''Stable and Secure are rendered mute.

I'm not nor have I, nor will I ever be an owner of anything with windows as an OS. I don't support anything wintel! (that's a PC running an intel processor with window's OS by microsoft) 95% of the computer market worldwide uses microsoft window's. 51% or above in my estimations would be considered a MONOPOLY! microsoft's .Net, licensing of software (taking away ownership and replacing with leasing) and Passport initiatives is a clear attempt at Corporate slavery and an invasion of our personal privacy! These initiatives are DRONE driven! USE microsoft TECHNOLOGY, AND ONLY microsoft! Where's the consumer's FREEDOM of CHOICE here? It's already been proven what bill gates said when he saw Apples Mac OS with GUI (Graphic User Interface). His words go something like this: bill, I want it! paul, That's stealing bill! bill, I don't care! I want it, this is what I WANT! window's is about 98% similar to the Mac OS. If you're familiar with the Mac OS and you saw window's or use it, you know all to well that the truth behind window's is Apple's Mac OS. To quote a friend of mine's son when he first saw window's 95, ''It looks just like the Mac's we use at school! He turned said Huh! And walked away. If it's that clear to a child, what's wrong with the adults in public, political and corporate America?!

I never have nor will I ever like microsoft! I believe there is at the heart of this company, something very WRONG and DARK and definitely not GODLY! I believe their motives are based and rooted in pure corrupt business practices. The only shining light of Good within the Black on Black existence that is microsoft, is the Macintosh Design Department! There is a saying, ''Sometimes you have to go through hell to get to Heaven.'' The only thing you'll find on the other side of microsoft is pure darkness. microsoft should be hit hard and deep, hit where it will hurt the most and that being in REAL CASH outlays in the amount of 33 billion dollars. This amount would be for all the States involved in the lawsuit, the consumers hurt by microsoft's Monopolistic practices, Corporate businesses, some should go to ''Homeland Security Initiative and finally 7 billion dollars set aside through a Private Organization and distributed for use in Private and Public Schools who need it for use where they feel it is best used and on whatever OS or Computer (Apple) they deem appropriate for the benefit of their Teachers and Students! If microsoft isn't reprimanded severely for their illegal activities through REAL CASH outlays that are made payable within one year of settlement, and hits them where it hurts! They will never stop doing what they do! BREAK the LAW! NOBODY IS ABOVE THE LAW! (The Enron disaster is evidence enough for that!) microsoft will just keep pushing the envelope of illegal activity, simply because they think they can! This time they can't be ALLOWED to get off with a slap on the hand, even if those in power say ''It could be damaging to the economy!'' That argument doesn't hold any water anymore! Not after the events of September 11th and the resulting effects on the economy thus far. In closing; I don't hold any respect for bill gates or steve balmer, nor should anyone! They haven't earned it as individuals or a company, nor do they deserve it! They're not nor is microsoft a Good example of Good Business or Corporate ethics for the youth to look up to and learn from! microsoft has done everything wrong from a moral and ethical perspective. Thank you.

Take Care;
Bradley R Johnson

MTC–00027977

From: A. W. Dalgleish co.
To: Microsoft ATR
Date: 1/28/02 12:34pm
Subject: Microsoft settlement
East Aurora, NY 14052
11738 Liberia Road
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing you today to inform you of my opinion in regards to the Microsoft settlement issue. I support the settlement that was reached in November, and I oppose any further action against Microsoft at the federal level.

This settlement is fair and will be sufficient to deal with the original issues of this lawsuit. Microsoft has agreed to all terms and conditions of this agreement. Under this agreement, Microsoft must share more information with other companies regarding certain internal interfaces included within Windows and any protocols implemented in Windows operating system products. Microsoft has also agreed to be monitored by a technical oversight committee for compliance.

Microsoft has done so much to contribute to our daily lives, in the office and at home. To stifle or restrict this company would be a huge injustice to consumers and will do nothing to stimulate our lagging economy. I urge you to support this settlement so Microsoft's resources and talent can be fully devoted to designing their innovative software, rather than litigation. Thank you for your time.

Sincerely,

James Jaremka (Microsoft shareholder and registered Republican)

MTC–00027978

From: Bob Blake
To: Microsoft ATR
Date: 1/28/02 12:37pm
Subject: MICROSOFT SETTLEMENT
13 Ethel Avenue
Peabody, MA 01960
January 27,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Three years ago, Microsoft was brought to trial for antitrust violations. I have been of the opinion from the start that this has been a false case. Federal antitrust laws are stifling in a global market. Microsoft has never presented a threat to the consumer by using its market dominance to raise prices or to offer a shoddy product. Microsoft would never have been so successful if the consumer had not been satisfied with its actions. Now Microsoft's competitors are upset because they are unable to pry consumers away from Microsoft. They instigated the case in the first place, and now they are seeking to overturn the settlement and bring additional litigation against Microsoft.

I do not believe it is necessary to bring additional litigation against Microsoft. By doing so, these states are essentially crippling America. Foreign competitors are not subject to the same laws that American businesses are, and all this infighting is making the American market vulnerable to foreign interests.

Putting reins on Microsoft's behavior is the same as encouraging foreign competitors to step in. The settlement should be finalized as soon as possible, for the good of the economy, the industry, and the consumer. The settlement allows Microsoft to remain intact, which is, I believe, wise. It also gives Microsoft's competitors a chance to work with Microsoft as well as compete directly. For example, Microsoft has agreed to provide its competitors with source code integral to the Windows operating system so that they will be able to operate within the Microsoft framework. Microsoft also plans to reformat upcoming versions of Windows so that the operating system will support non-Microsoft software.

Microsoft's competitors are not going to gain any greater advantage by continuing litigation. In fact, it is quite possible that they will end up doing America more harm than good. I ask you to support the finalization of the settlement.

Sincerely,

Robert Blake Jr

MTC–00027979

From: peter kloss (BITS)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 12:34pm
Subject: Microsoft Settlement

The following is the personal opinion of Peter B Kloss and is not the opinion in any shape or form of his employers, the BBSRC (Biotechnology and Bioscience IT Services)

Dear Sir

I do not know whether non US nationals are allowed to comment on this case. however, what happens in this case will have an enormous influence on what happens elsewhere, so I hope I am permitted to comment.

I am concerned that the settlement will not do what it is intended to do, that is, restrict the predatory behaviour of Microsoft. The nature of the exception clauses in the current agreement makes it possible for MS to continue to do whatever they want without hindrance. I think this is a bad thing to do and a bad message to give.

It is important that while Microsoft have this overarching dominant postion that the interests of the public and consumer are properly protected. This is particularly in the area of choice—Microsoft have continually complained that restrictions on them will inhibit ''innovation'' and choice. however, history teaches us that Microsoft have hardly ever innovated and have acted in a way to restrict choice for OEMs, business customers and consumers like to their advantage.

Let us take innovation: It is true that most OS and application ''innovations'' have been either bought in or copied from third parties:

DOS—bought from a third party

Windows (the concept)—from Xerox and Apple

Excel—bought in from a third party

Windows 95 GUI details—copied from Apple in many places (eg the keyboard short cuts)

Explorer, Web Browsing—copied the concept from NCSA, Netscape etc

Additional features in windows XP such as CD burning, camera connection and video editing—a straight copy of advanced features in Apple's MacOS

As for choice: In most respects Microsoft's leveraging of their position has restricted choice by squeezing out competitors and competing products.

A loss strongly felt personally was that Aldus once made an excellent presentation package called Persuasion. It is now a discontinued product because Aldus could not justify continuing marketing and developing the product in the face of PowerPoint being given away free by Microsoft with MS Office. This is classic predatory pricing killing off a product which was superior in every respect.

A more recent case is the free bundling of Internet Explorer and Internet Information Server with desktop and Server OS to the detriment of competitors such as Netscape and many other smaller but genuinely innovative companies. a recent scandal was the attempt by Microsoft to block access to their Web sites by non—MS browsers on the grounds that they were not ''standards'' compliant. This was strongly contested by suppliers such as Opera Software and Microsoft had to grudgingly relent. but this attempt is only the tip of an iceberg in which MS try to persuade us that their browser is the standard by brute force. This must also be seen in the context that both browser and server are notorious security risks, in part due to the insecure architecture inherent in operating systems and applications supplied by Microsoft.

Furthermore it is also true that Microsoft devote more attention to adding features to their products in an attempt to crush competing products than they do to fixing long existing problems, for example, Excel still has a number of arithmetic bugs which have existed from before version 4 which have never been fixed.

Even now, Microsoft are attempting to extend their grip in other areas to the detriment of consumer and business choice: In the area of network validation of personal credentials with the proprietry ''Passport'' authentication system In the area of video streaming delivery with bundling of ''Windows Media Player'' to the detriment of Real Inc's Real Player and Apple computer's Quicktime (a genuine standard)

In the area of on-line music delivery by attempting to corner the market with windows specific server and delivery technologies In the area of home automation and device control with embedded OS products I have not even touched on Microsoft's attitude towards OEMS, competing OS suppliers etc ..

This kind of behaviour is structural in a provenly monopolistic company. Remedies must be strong to correct this behaviour and I urge the DOJ to rethink its compromises to ensure that restrictions and punishments are appropriate to yield better behaviour. To be truthful, with the current huge market penetration of MS products, restrictions will not hurt the company for a long time to come. When they do, it will becuase genuinely innovative and superior products have taken a hold.

The fact is that in many areas where Microsoft have obtained an almost complete grip of the market they exhibit genuine monopolistic behaviour— such as many price increases forced on business users through less favourable bulk licensing schemes recently introduced. It is only a matter of time before this is attempted in other areas.

Microsoft has been legally proved to be a monopoly and to have abused its position—please treat it as such with remedies that bite.

Thank you for listening to me

with kind regards, Peter Kloss

MTC–00027980

From: dbeausan@Mines.EDU@inetgw
To: Microsoft ATR
Date: 1/28/02 12:36pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–000
2002–01–28

Dear Renata B. Hesse:

I do not believe that the proposed Microsoft settlement is appropriate. I believe there are numerous problems, however, I will only comment on a couple of items here.

Without any requirement that Microsoft provide detailed data file documentation on its application files (for example, the internal format of a .DOC file) there is no hope for inter operability between Microsoft and other potential software suppliers.

The same applies to Microsoft's operating system interface. Without proper documentation of the interface, all the interface, and a constraint that Microsoft may not use undocumented interfaces, other software developers will never be able to produce software that is competitive and will not be independent of changes made, perhaps deliberately, to the os interface that are detrimental to the proper functioning of applications.

May thanks for your time.

Regards,

David Beausang

MTC–00027981

From: Joe Brady
To: Microsoft ATR
Date: 1/28/02 12:36pm
Subject: Microsoft Settlement
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
Washington, DC 20530

Dear Mr. Ashcroft,

This lawsuit against Microsoft has proven to be more contentious than most would have anticipated. Its effects have been felt in a slowing down of consumer purchases of computer products due in part to an increased sense of anxiety on the part of the buying public.

It is for this reason that the settlement recently negotiated between Microsoft and the government is good. While I am not too familiar with the specific terms of the settlement, other than that it mandates changes in the way Microsoft licenses its software to OEMs, among other things, since both sides have agreed, then the public litigation is at long last at an end.

I am writing to express my support of this settlement, along with my hope that any further federal action will be unnecessary.

Sincerely,

Joseph Brady

President

MTC–00027982

From: Marty Leisner
To: Microsoft ATR
Date: 1/28/02 12:35pm
Subject: Microsoft Settlement

I wish to comment on the Proposed Microsoft Antitrust Settlement via the Tunney Act. I'm a professional software developer with Xerox Corporation. I have been developing software for over 20 years. I have seen the industry change over 20 years—while the hardware has improved by orders of magnitude, software is a mixed bag—some chores are harder to accomplish (and sometimes take longer) than 20 years ago. One thing that has changed is the growth of the computer industry and the PC on every desk. Almost every PC runs microsoft software. I've been following the Microsoft-DOJ debacle with interest for years. I develop free software. I try to use products which work and which I can customize—it turns out I try not to use microsoft products. I do not want to live in a world where I have to use microsoft products to interact with other people. I have no problem if microsoft defines file formats and networking standards, as long as they are public and correct. The proposed settlement does not appear to address this. As a free software developer software developer, am I entitled to rights as a third party? Software is a new and unique creation. I think its important to have a resolution of this case which actually encourages competiting products (both free and commercial). Dan Kegel's critque is well thought out. I endorse it and urge you to read it: http://www.kegel.com/remedy/remedy2.html

I also endorse Ralph Nader and James Love's views as: http://www.cptech.org/at/ms/rnjl2kollarkotellynov501.html

Thank you,

Martin Leisner

332 Shaftsbury Road

Rochester, New York 14610

Free Software Writer/User

MTC–00027983

From: IRSK1@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 12:39pm
Subject: Microsoft Settlement

I am forwarding this letter, since I strongly concur with it's premise.

thank you

Karl Heimberger [irskl@aol.com]
1 VAN DYKE PLACE
STONY BROOK, NEW YORK 11790
January 24, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

This letter is in support of the settlement with Microsoft. We must stop wasting money on unnecessary litigation and concentrate our resources on matters that actually need more action. Let's move forward, not backward.

This settlement allows us to go forward and end the waste. Microsoft has agreed not to retaliate against computer makers who ship software that competes with anything in Windows. Plus, Microsoft has agreed to design future versions of Windows so that computer makers and consumers can easily promote non-Microsoft software within Windows. Finally, Microsoft has agreed not to enter into agreements with other companies to promote any Windows technology exclusively. All these will be enforced by a new federal government commission.

The most impressive aspect of the settlement is that it even applies to Microsoft products that were not at issue in the lawsuit. This agreement is fair and reasonable, and it will clearly prevent future anticompetitive behavior. We must accept this settlement and allow the IT industry to concentrate on business as soon as possible.

Sincerely,

Karl Heimberger

MTC–00027984

From: mickeytwomouse@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/28/02 12:37pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,

Joseph Pemberton

609 Danbridge Drive

Hixson, TN 37343

MTC–00027985

From: John W. Manhollan
To: Microsoft ATR
Date: 1/28/02 12:46pm
Subject: Microsoft Settlement

To Whom It May Concern:

I believe that the proposed settlement is problematic for two reasons:

1. The settlement furthers Microsoft's strangle hold on the desktop platform by seeding into thousands of locations where impressionable youngsters will have access to only the Windows environment and thereby influence their future purchases.

2. The settlement only benefits a small number of the individuals who would have been harmed by Microsoft's blatant disregard of the results caused by its business strategy. America's school children of today were not the consumers affected by Microsoft's practices.

Thank you for your time and interest in my comments.

Sincerely,

John W. Manhollan, Technology Coordinator

West Middlesex Area School District
3591 Sharon Road
West Middlesex, PA 16159
v: 724.528.2002 x122
f: 724.528.0380

The directions said, ''Requires Windows 98 or better.'' So I bought a Macintosh.

MTC–00027986

From: Fred Nugen
To: Microsoft ATR
Date: 1/28/02 12:42pm
Subject: Microsoft Settlement

As a United States citizen, I urge you to withdraw your consent to the revised proposed Final Judgment settlement in the United States v. Microsoft Corp. antitrust case. The limitations and punishments imposed upon Microsoft do not sufficiently restore the competitive conditions previailing prior to Microsoft's unlawful conduct. The Settlement only prevents Microsoft from future monopolistic practices; it does not punish Microsoft for previous unlawful behavior. The advantages of immediacy and certainty of the proposed Final Judgment are not sufficient cause for abandonment of pursuit of further litigation.

I urge you to pursue litigation of the issue of remedy, whether as set forth in the Final Judgement entered by the District Court on June 7, 2000, or as one of the other remedy proposals described in the Competitive Impact Statement, section (V) Alternatives to the Proposed Final Judgement.

Fred Nugen
407 W 18th #207
Austin, TX 78701
512.478.9617

MTC–00027987

From: Altes, James
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 12:44pm
Subject: Microsoft Settlement

It is my opinion that his is not a good idea, will only increase Monoply status of MicroSoft.

James Altes
Electronic Publishing Specialist
The American National Red Cross
202.639.3236
altesj@usa.redcross.org
Together, we can save a life

MTC–00027988

From: Thomas Allbee
To: Microsoft ATR
Date: 1/28/02 12:42pm
Subject: Microsoft Settlement
Thomas Allbee
16870 SW Camino Drive
Tigard, Oregon 97224
503–624–9431
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

I am sending you this brief letter in hopes of adding my sentiments to those millions who would like to see an end to the Microsoft case. This litigation has stymied an entire industry and contributed to our general economic malaise. There is no further reason to prolong the resolution of this case. I hope you will use your office and influence to see it settled soon. By the terms of the proposed settlement plan, Microsoft will endeavor to actively undermine its own predominance in the IT industry. It has agreed to surrender its past practice of demanding exclusive domain over software in its Windows platforms. It has even agreed to render its Windows platforms in configurations that invite the use of non-Microsoft software. It has agreed to open its technology to exploitation by its competitors. It has, in fact, agreed to facilitate competition.

These and other concessions validate Microsoft's claim to desire an open and fair playing field in the industry. Microsoft deserves this settlement and so does the country.

Sincerely,
Thomas Allbee

MTC–00027989

From: O M
To: Microsoft ATR
Date: 1/28/02 12:43pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally,

I oppose the Proposed Final Judgment in relations to the Microsoft case. As one can plainly see, Microsoft continues to violate business practices. The Proposed Final Judgment does not punish Microsoft for its past violations to the anti-trust laws.

With out a doubt, Microsoft is guilty of breaking several anti-trust laws. Under the final settlement, Microsoft is permitted to retain most if not all profits gained through their illicit activities. Subsequently, the PFJ will not compensate parties injured or harmed through Microsofts egregious misdeeds.

In addition, the PFJ will not take into account all Microsoft gains made through its illegal maneuverings. With all due respect, the final settlement is basically acknowledging the acceptance of Microsofts anti-competitive behavior. What kind of message does this send out to the public? I can assure you that the message is clear and simple.

The PFJ encourages big corporations to engage in monopolistic and predatory conduct, which in turn is detrimental to the technology industry at large. With all due respect your honor, I am outraged at such a preposterous proposal that only helps Microsoft to remain intact and continue with its unethical practices. In conclusion I submit to you my objection to this Proposed Final Judgment.

Respectfully,
Dr. Marylin Ortiz
1001 Vine St.
Paso Robles, CA 93446

MTC–00027990

From: Laura Akers
To: Microsoft ATR
Date: 1/28/02 12:43pm
Subject: Microsoft Settlement

I oppose the current settlement with Microsoft as not acknowledging and supporting the ability of other organizations, such as those staffed by volunteers, to compete.

Laura Akers
Oregon Research Institute
lauraa@ori.org

MTC–00027991

From: Jeanette Gonzales
To: Microsoft ATR
Date: 1/28/02 12:45pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally,

I'm writing to you as a Supporter the Free Market. Recently it was brought to my attention that over the past 3 years every federal court that has reviewed the Microsoft antitrust case has found that Microsoft repeatedly and aggressively violated U.S. antitrust laws and was liable for its illegal conduct. It was also surprising to know that the Justice Department had announced that it had cut a back-room deal (the Proposed Final Judgement) with Microsoft that granted Microsoft a government mandated monopoly that threatened to destroy any and all serious Microsoft competitors. How can this be allowed to happen? Why here, in a free capitalist country, is it permitted to allow a company like Microsoft infringe the rights of consumers and competitors everywhere. Men have gone before us, seen the issue, and have made a way so that the rights of consumers and other competitors were protected. So why now is there an exception to the rule to let Microsoft be allowed to abuse antitrust laws?

Sure the name Microsoft has prestige, and people trust in the company's quality, however no good can ever come of a monopoly. That is why the Tunney Act passed by Congress is so vital because it ensures that all antitrust settlements proposed by the Justice Department are not ''contrary to the public interest.''

Believe me, the public interest wants to see the Microsoft Industry put to a stop before it completely wipes out all of its competitors—other defenders and leaders of the free world.

Sincerely,
Jeanette Gonzales
Jennyxgx@yahoo.com

MTC–00027992

From: patents@astreet.com@inetgw
To: Microsoft ATR
Date: 1/28/02 12:46pm
Subject: Microsoft comments

My inputs on the Microsoft matter.

I am a patent attorney, and I take my responsibilities very seriously, of course. I have seen several cases of hackers penetrating Microsoft systems, such as at a law firm I was associated with until recently. While most attacks seemed to be intent on corrupting files, there were some attacks that I am convinced could have and may have resulted in data being taken.

I am unwilling to expose my clients to such risks, especially since I believe the Microsoft XP OS has the capability of allowing ?someone?, such as at Microsoft, to copy data off your system with no indication to the owner. I am changing to Linux, and I find that most companies that offer software packages that run on Microsoft OS systems are discontinuing support for other than Microsoft systems (the exception is Apple, which depends on Microsoft investment and

help for their existence). In fact, since Apple has a Linux-type system and IS supported, it appears that the decision by these companies not to support other Linux-type systems has no legitimate purpose. The companies I refer to that are moving to Microsoft-Apple support only are Adobe, the Acrobat product, and the various companies that make .TIFF readers. I need both .PDF (Adobe Acrobat) and .TIFF for my patent work, and I find that to have them I must use an OS from Microsoft. Even Mapquest, where I have been getting map data, gives very unsatisfactory results on other than Internet Explorer. By unsatisfactory, I mean the results on other than Internet Explorer are such as to indicate sabotage of the Microsoft competitors.

I feel I must not expose my clients to the hazards of a Microsoft system, but I find that Microsoft, directly or through companies that depend on Microsoft, is poisoning all competing systems. I hear even WordPerfect, a clearly superior word processor, is ?on the ropes? due to Microsoft's tactics.

I would like to sue Microsoft. Can you provide any help?

Marion E. Cavanaugh, patent attorney
720 Promontory Point Lane
Suite 2203
Foster City, CA 94404–4025
800.954.2277
650.578.0692
650.533.4363 (cell)
650.572.2370 (fax)
CC:patents@astreet.com@inetgw

MTC–00027993

From: Dolly Waters
To: Microsoft ATR
Date: 1/28/02 12:45pm
Subject: Microsoft settlement Please read.

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Dolly Waters
43 Webster Avenue
Manhasset, NY 11030
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft: I did not agree with the federal government's decision to sue Microsoft, and I am glad to see the two sides have reached a settlement. Microsoft is a strong and successful company because it develops the best products for the industry, and k is time to start spending the government's money on more important issues than trying to hinder this company's success. Microsoft has agreed to change its business operations so that competition will increase in the technology industry. The company will design future versions of its Windows operating system so that computer makers can promote non-Microsoft software within Windows. Microsoft has also agreed not to retaliate against computer makers that ship software that competes with anything in Windows. This settlement was reached after many long and costly hours of litigation, and extensive negotiations. It is fair and reasonable, and k should be finalized as soon as possible.

Settling now will benefit consumers and the industry, and this was what the government sought from the beginning. The American economy needs a boost right now, and stopping this litigation is a great step in the right direction.

Sincerely,
Dolly Waters

MTC–00027994

From: Henning Dalgaard Jeppesen TACDk
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 12:47pm
Subject: Microsoft Settlement I don't agree

MTC–00027995

From: c c
To: Microsoft ATR
Date: 1/28/02 12:49pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally-

I am stating my objection to the Proposed Final Judgment. Most honorable one, I implore you to see the true facts in the matter and judge accordingly. In the past week it has been brought to my attention an interesting development in the case involving the Department of Justice and Microsoft. A Final Settlement has been reached between the two parties, which will supposedly end the never-ending fiasco. Yet astoundingly enough based on my understanding and the information provided to me, the Proposed Final Judgment would overturn findings by the U.S. Court of Appeals indicts Microsoft on violating antitrust laws. After further review of the proposed settlement I find it hard to believe the Justice Department would withdraw their charges against Microsoft. In fact, based on the assessments made on the proposal, Microsoft will go scotch free from any charges of wrong doing in the matter. How can this be? There are several glaring flaws in the PFJ. However, non-so more apparent than allowing an absentee landlord to govern Microsoft. With all due respect, the final settlement provides no security to restrict MS from breaking any laws in the future. In my humble yet accurate opinion, the future governing body, implementing certain rules or regulations and forcing MS to adhere by them, will not be stringent nor forceful enough to make any dramatic changes. Similarly, I am not convinced that these stiff penalties applied to MS will ensure the security and future growth of other companies, A stiffer penalty and a whole new framework of laws must be established to justly punish MS. The Proposed Final Judgment abstains from such justification and order. Therefore I object to the stated Proposed Final Judgment.

Sincerely,
Dr. Romeo Ortiz
1001 Vine Street
Paso Robles, CA 93446

MTC–00027996

From: C. Scott Ananian
To: Microsoft ATR
Date: 1/28/02 12:50pm
Subject: Microsoft Settlement.

I am a graduate student at MIT, and author and maintainer of many commonly-used ''open source'' applications[*]. I have also contributed code to the Linux kernel that is used by millions of people every day. I wish to express my dissatisfaction with the terms of the DOJ/Microsoft settlement. It does not, in my opinion, serve the public interest and provide remedy for the anti-competitive actions of the monopolist. In particular, I urge a closer examination of how the terms of the proposed settlement impact *non-profit* competitive entities; as a case study you might want to examine the Apache foundation (www.apache.org), which produces the *only* web server which is a real competitive threat to Microsoft at this time. The terms of the agreement, by letting Microsoft decide what constitutes a ''real business'', threaten to exclude independent developers and non-profits like the Apache foundation from the disclosures (API and otherwise) which the settlement hopes will place a check on Microsoft. In this way, Microsoft may actually be able to edge out its last remaining competition from the marketplace —- certainly not the result the DOJ intends, and certainly not in the public interest. As an independent developer who has written (for example) a competitive reimplementation of Microsoft's PPTP protocol *without benefit of any information from Microsoft* and who would almost certainly *not* qualify for API disclosure however Microsoft decides to define ''viable business'', I have a personal interest in seeing this settlement loophole closed. And on behalf of the many people who have used my software, I can state definitively that there is a public interest in allowing developers like myself to compete with Microsoft.

Thank you.
C. Scott Ananian
305 Memorial Drive
Cambridge, MA 02139

[*] More correctly called ''free software'', with the ''free'' referring to freedom, not to price. In fact you are allowed to charge whatever you like for ''free software'', provided you do not restrict the purchaser's ability to make use of it in various specified ways.

MTC–00027997

From: Tom Gardner
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 12:45pm
Subject: Microsoft Relief

To whom it may concern:

It appears to me that a great deal of Microsoft's market power comes from its policy of leasing its software and then using the copyright laws to enforce anticompetitive requirements. May I suggest that Microsoft be required to sell its software and thereby relinquish relevent copyright rights, much as a book seller relinquishes such rights upon sale of a book. Customers, such as PC

manufacturers, would then be free to alter Micorosoft products to provide additional value to the end using consumer.

Microsoft will argue that any such alterations to the software will then make the product not maintainable and thereby void its warranty. While in the limit this is indeed possible, it practice most alterations would have little impact upon maintainability. Microsoft should therefore be also required to maintain any altered product unless and until it can show beyond reasonable doubt that such maintenance is an unreasonable commericial endeavor.

I have participated in the computer industry since 1968 and have at various companies been involved in the selling of hardware and software to PC manufacturers and PC end users. I testified for the people in US vs. IBM on software interface manipulation as an anti-competitive tactic.

The opinions expressed above are mine alone, and not necessarily those of any service provider enabling the transmission of this email.

Thomas E. Gardner
(650) 941–5324
t.gardner@computer.org

MTC–00027998

From: Cherry
To: Microsoft ATR
Date: 1/28/02 12:48pm
Subject: Microsoft

I would like to see this suit finalized as soon as possible.

Sincerely,
Cherry S. Garrison
Pendleton, South Carolina

MTC–00027999

From: Jonathan Doughty
To: Microsoft ATR
Date: 1/28/02 12:50pm
Subject: Microsoft Settlement
TO:
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
FROM:
Jonathan Doughty
9701 Rhapsody Drive
Vienna, VA, 22181

I urge you to reject the Proposed Final Judgement (PFJ) and replace it with one that is simpler to test Microsoft's adherence to, allows for the full range of competitors to Microsoft's practices including explicitly addressing open source alternatives, and better protects consumers from being the continuing victims of Microsoft's monopolistic practices.

The PFJ does not, as stated in the Competitive Impact Statement provide ''prompt, certain and effective remedies for consumers.'' Nor will the PFJ ''eliminate Microsoft's illegal practices, prevent recurrence of the same or similar practices, and restore the competitive threat that middleware products posed prior to Microsoft's unlawful undertakings'' as also stipulated in that statement.

Microsoft has shown by past and current monopolist behavior, by its tactics of embracing and extending technology in ways that force consumers to use and upgrade only its products (e.g., their extensions to the Kerberos security protocols), by selectively incorporating technology that in some cases it has appropriated from competitors into its operating system (e.g., Stac Electronics disk compression and Mosaic browser-based technology), and by adding code into their operating systems and middleware that unfairly targets competitors products (e.g, the DR/DOS code added to Windows 3.1 and the way in which consumers were steered away from Kodak applications for digital photography in the just released Windows XP) that they actively work against consumer choice.

The PFJ does not ensure ''computer manufacturers have contractual and economic freedom to make decisions about distributing and supporting non-Microsoft middleware products without fear of coercion or retaliation by Microsoft'' because it specifically allows Microsoft to enforce ''any provision of any license with any OEM or any intellectual property right that is not inconsistent with'' the PFJ. One can already find examples of a variety of Microsoft End User Licensing Agreements (EULA) in which Microsoft has forced consumers and OEMs to accept agreements that effectively tie use of Microsoft products to its middleware and operating systems and restrict the consumers right to substitute competitive technology.

The PFJ does not ensure ''that computer manufacturers have the freedom to configure the personal computers they sell to feature and promote non-Microsoft middleware, and ensuring that developers of these alternatives to Microsoft products are able to feature those products on personal computers, by prohibiting Microsoft from restricting computer manufacturers'' ability to install and feature non-Microsoft middleware and competing operating systems in a variety of ways on the desktop and elsewhere.'' Microsoft has already demonstrated they have no intent to adhere to this restriction by insisting, prior to the release of Windows XP, that their own products be given equal display on the desktop to competitive alternatives.

Finally, Microsoft has shown by its behavior of rushing products to market to further extend its monopolies, while continually delaying and extending the trials that might restrict that behavior, that it has no intention of modifying the past behaviors with which it has so successfully eliminated competition and restricted consumer choice. The PFJ is riddled with loopholes, more even than the 1994 consent decree that Microsoft flaunted the intent of, while at the same time providing cover for Microsoft to browbeat competitors with the very language that is supposed to protect those competitors. For example, the PFJ's wording explicitly excludes Microsoft from having to deal with the one consumer alternative that Microsoft has recently shown the most fear of, the open source movement, by explicitly allowing Microsoft to condition the release of documentation of its APIs and communications protocols based on Microsoft's own judgement that the third party ''meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business.''

The PFJ states ''Microsoft shall begin complying with the revised proposed Final Judgment as it was in full force and effect starting on December 16, 2001.'' I believe a court interested in ensuring consumers'' choice would agree that Microsoft's actions since the release of the PFJ on November 6, 2001 with respect to their .NET initiative, their attempts through orchestrated ''grass roots'' campaigns to influence the outcome of the court and legislative inquiries into their activities, the security of their existing products in maintaining consumers privacy and Microsoft's lack of ability to protect that trust, and their attempts to advance their monopolies into other markets (e.g., gaming devices and multimedia) demonstrate that Microsoft's is already flaunting the intent of the PFJ just as it has in the past flaunted the intent of other consent decrees.

Jonathan Doughty

MTC–00028000

From: Robert G. Prickett
To: Microsoft ATR
Date: 1/28/02 12:49pm
Subject: Microsoft Settlement

This vendetta by jealous competitors has got to be stopped. I have watched over the years and only commented to friends how Microsoft is being attacked by companies who want the U. S. Government to make their businesses flourish without working hard for it.

Call the dogs off. They have treed enough ghosts.

Robert G. Prickett

MTC–00028001

From: Douglas Lewan
To: Microsoft ATR
Date: 1/28/02 12:52pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
2002 January 28
Douglas Lewan
10 Fredwood Pl.
Matawan, NJ 07747

Please accept the following comments regarding the Revised Proposed Final Judgement published by the DOJ at http://www.usdoj.gov/atr/cases/f9400/9495.htm .

I agree with the obvious implied spirit of the Final Judgement. However, I believe it fails to truly attain that spirit in practice in several ways, the most important of which I discuss below.

Sections III.D and III.E regarding scheduling the publication of APIs and protocols:

These two sections fail to meet the spirit of the Final Judgement in two important ways.

First, the schedules based on delays of 9 and 12 months respectively would place publication of those APIs and protocols about halfway Microsoft's own development and deployment cycle. Vendors who could benefit from using those APIs and protocols

would thus only be able to deploy products with them as Microsoft has new products looming on the horizon.

Second, the publication mechanisms specified in those two sections remain far too closed to foster competition outside of Microsoft controlled circles.

Publication of APIs as specified in III.D would be only to a select audience and only by the purchase of the MSDN (currently at a cost of between $1000 and $3000). That publication should be entirely public, possibly through a recognized standards body like ISO, ANSI or the IEEE.

Otherwise Microsoft will continue to wield essential absolute control over those APIs and their use.

Similar arguments apply to the publication of protocols.

With regard to protocols and ''interoperating with a Windows Operating System Product'' it should be recognized that all file formats used by Windows Operating System Products fall under the umbrella of ''protocol''. Interoperability must be explicitly recognized to cover any data produced by any program on any medium that might be used by any other program for a specific purpose. The current phrasing is far too weak and vague to allow interoperable alternatives to the likes of Word, Project, Visio, etc., all important Windows Operating System Products.

Section III.J further weakens sections III.D and III.E.

Section III.J has several flaws.

First, in it the Department of Justice and the nine plaintiff states sanction a policy of /security through obscurity/, an mechanism known to be flawed. It is far more secure to allow public scrutiny of security mechanisms to reveal the most egregious holes before commitment, implementation and use. Consider the work regarding DES, AES, Kerberos, etc.; even the theory behind RSA was published and widely discussed long before practical implementations were made. The possibilities and implications of vulnerabilities in the field under such policies are far worse that under published security mechanisms. Among other things, fixes become nearly impossible: (1) backward compatibility is necessary, difficult and counter-productive leading to a false of security and (2) deployments of such fixes can never be expected to be complete.

Second, by not publishing secure aspects of application protocols (authentication and authorization), third party software can never reach the point where it /can/ use the functional application protocols intended by section III.E.

All in all, sections III.D, III.E and III.J create at best a documentary opening of Microsoft products with (1) consequences for Microsoft and (2) no improved opportunities for the rest of the software industry.

Thank you for taking my comments under consideration.

Douglas Lewan

MTC–00028002

From: Kermit Holman
To: Microsoft ATR
Date: 1/28/02 12:51pm
Subject: Microsoft Settlement

During the past few years I have followed the DoJ case against Microsoft and the difficulty with getting an agreement for settlement of the case. In the technology arena this has been deleterious to business and the consumer. I believe it is time to get this item cleared and get on with the business of computing and technology.

Sincerely,
Kermit Holman
holman—ka@msn.com

MTC–00028003

From: Ralph Green, Jr.
To: Microsoft ATR
Date: 1/28/02 12:51pm
Subject: Microsoft Settlement

Introduction

As a software engineer with 25 years experience developing software, mostly for personal computers, I would like to comment on the Proposed Final Judgement in United Stated vs. Microsoft.

I believe that The Federal Government is attempting to achieve a remedy that infringes as little as possible on the market, while trying to stop illegal conduct. I applaud that attempt and think that was just what you should have been trying to do. I think, however, that the Proposed Final Judgement fails to stop the illegal conduct and should be rejected in its present form.

I am not looking for the federal government to pick winners and losers in the marketplace. I want my federal government only to ensure that fair competition will let the marketplace decide the winners. At the very least, any part of this agreement should be neutral in its effect on further entrenching Microsoft's monopoly. And since this agreement is supposed to be a remedy for illegal conduct, it should lean slightly to the effect of opening the market in order to remedy past wrongs. Then, and only then, the free and fair market can benefit the consumer.

As your own Competitive Impact statement says ''The District Court held that Microsoft engaged in a series of illegal anticompetitive acts to protect and maintain its personal computer operating system monopoly, in violation of Section 2 of the Sherman Act and analogous state laws.''

Failures of the Proposed Final Judgement

1) Section III.D states Microsoft shall disclose to ISVs, IHVs, IAPs, ICPs, and OEMs, for the sole purpose of interoperating with a Windows Operating System Product, via the Microsoft Developer Network (''MSDN'') or similar mechanisms...''

The problem here is that Microsoft, as a monopolist, is setting standards for the industry. For a competitor to arise, interoperability must be possible. Restricting this API information for the sole purpose of interoperating with a Windows Operating System Product only entrenches the monopoly. There is no legitimate purpose served by restricting this interoperability to only Windows Operating Systems. For example, a competing middleware product may ask for these APIs so they can make their product compatible with both Microsoft Operating System Product and its competitors. Microsoft could refuse and thus their product tying would have succeeded in stifling competition. If Section III.D is to have the effect of fairly documenting these interfaces to stop the tying, the section quoted above should read:

''Microsoft shall disclose to ISVs, IHVs, IAPs, ICPs, and OEMs, via the Microsoft Developer Network (''MSDN'') or similar mechanisms...''

2) Section III.E states ''Microsoft shall make available for use by third parties, for the sole purpose of interoperating with a Windows Operating System Product, on reasonable and non-discriminatory terms (consistent with Section III.I), any Communications Protocol''

This is a similar failure to number 1, but more serious. These communications protocols need to be documented so that any competing operating system may use them. Microsoft's monopoly does not currently extend to the server market. If Microsoft were to gain a server monopoly by the quality of their product offering, that is fine. If they gain it by tying the server market to their current monopoly, that is the same kind of improper behavior that brought about this case. This judgement should not encourage that improper behavior and so this section I quote should be changed to read:

''Microsoft shall make available for use by third parties, on reasonable and non-discriminatory terms (consistent with Section III.I), any Communications Protocol''

3) Section III.G.2 states ''on the condition that the IAP or ICP refrain from distributing, promoting or using any software that competes with Microsoft Middleware.''

This is too narrowly drawn and to use a metaphor, confuses the cart with the horse. The illegal conduct was the attempt to preserve the monopoly on operating systems. Middleware was the tool used to preserve the monopoly. Microsoft should not discriminate against businesses that encourage the use of other Middleware, but they should not discriminate against businesses that encourage other operating systems, either. If the phrase ''Microsoft Middleware'' were replaced with ''Microsoft Platform Software'', this would have meaning. With the phrase ''Microsoft Middleware'' in place, an IAP encouraging the use of Linux, BSD or other competitive operating systems could be discriminated against.

4) Section III.H.2(second 2) states ''(e.g., a requirement to be able to host a particular ActiveX control)'' This is a terrible example and significantly lessens the likely intent of this paragraph. Hosting ActiveX controls is not a technical requirement. It is an implementation using a proprietary method. A reasonable technical requirement should not necessitate the use of Microsoft development tools. The only slightly reasonable point here is that ActiveX has been around long enough that there are a few alternative tools. I am not sure whether it is possible to build ActiveX controls withoutout the use of Microsoft development tools. If it is not, ActiveX should definitely go as an example.

5) Section IV.B.9 states ''prohibiting disclosure of any information obtained in the course of performing his or her duties as a member of the TC or as a person assisting the TC to anyone other than Microsoft, the Plaintiffs, or the Court.''

As worded, the TCs will not even be able to communicate important information to their staff or other TCs. There is also no reason to protect information about improper business practices by Microsoft. This should be amended to read ''prohibiting disclosure of any proprietary information obtained in the course of performing his or her duties as a member of the TC or as a person assisting the TC to anyone other than other TC, the TC staff, Microsoft, the Plaintiffs, or the Court.''

6) Section IV.B.10 states ''No member of the TC shall make any public statements relating to the TC's activities.''

This sentence should go. The purpose of the TC is to apply pressure to Microsoft to stay within the law. Secrecy does not serve that purpose. A better clause would read

''The TC shall make quarterly public reports. These shall be available on a web pages provided by Microsoft. Microsoft may fufill this requirement by hosting the web pages or paying for their hosting elsewhere, as long as the web pages are generally available.''

7) Section IV.C.3.h states ''maintaining a record of all complaints received and action taken by Microsoft with respect to each such complaint.''

The purpose of this judgement is to end the illegal practices of the past. Light must be shed on questionable practices and credit should be given to improvements in behavior. These records should be easily accessible to all and the best way to do this is the change this sentence to read ''maintaining and publishing on a public website at the expense of Microsoft a record of all complaints received and action taken by Microsoft with respect to each such complaint.''

8) Section IV.D.3.c states ''Microsoft shall have 30 days after receiving a complaint to attempt to resolve it or reject it, then promptly advise the TC of the nature of the complaint and its disposition.'' and will There is no feedback mechanism here to ensure that complaints are actually resolved. The complaintant should also be notified by Microsoft. If the resolution is unsatisfactory, then the complaintant would be prepared to take appropriate action. This should read ''Microsoft shall have 30 days after receiving a complaint to attempt to resolve it or reject it, and will then promptly advise the TC and the complaintant of the nature of the complaint and its disposition.

9) Section IV.D.4.d states ''No work product, findings or recommendations by the TC may be admitted in any enforcement proceeding before the Court for any purpose, and no member of the TC shall testify by deposition, in court or before any other tribunal regarding any matter related to this Final Judgment.''

This is completely unreasonable if the issue is a further proceeding involving this matter. If the TC finds out about illegal behavior, they should have a duty to report it and stand behind their claims.

Conclusions

The final judgement as it now stands will only make things worse for the following reasons.

1. After this suit is ended, there will be tremendous pressure to leave Microsoft alone and see if the judgement leads to a free market. If the judgement is a reasonable one, I would join in protesting actions against Microsoft.

2. The failures of this judgement mean that the illegal and unsportmanlike conduct of Microsoft will likely continue. Because the people who may see the evidence, i.e. the TCs, must keep silent, we will have to wait until great harm is done before we will realize it.

3. That means real competition is less likely to get its foot in the door and offer real chice to the public. This is what really drives me. I think that if Microsoft wins a fair fight in the marketplace, then we are all better off. When they use their monopoly position to keep entrants out of the market, I think everyone but Microsoft loses. I wish Microsoft was prepared to fight a fair fight, but their history tells me they won't.

I really do think kudos are in order on this attempt at a Final Judgement. It is better than I expected in many ways. The breaking up of the company, as proposed at one time was too great a punishment and I am glad to see that solution is gone. In spite of my optimism at what I first heard about this agreement, a careful reading leads me to say that this proposed judgement is not good enough. Because of the significant failures I addressed above, this agreement will not serve to undo any past wrongs and I strongly believe it will only make things worse. With a few changes, it could serve the public interest and not unnecessarily impinge on the rights of a great American corporation. If the only choices are to take the Proposed Final Judgement as is, or reject it, I say you must reject it.

Respectfully submitted on January 28, 2002

Ralph Green, Jr.

MTC–00028003—0005

MTC–00028004

From: Mike Byrns
To: Microsoft ATR
Date: 1/28/02 12:54pm
Subject: Microsoft Settlement

Which of Microsoft's competitors has even expressed an interest in undertaking the gargantuan task that is writing a desktop operating system that could compete with Windows XP? I think we must discount the tiny startups like Be, Inc. since they are no more positioned to compete with Microsoft anymore than Tucker or Rosen Motors was positioned to compete with GM. Both had superior, innovative products but were just not realistically positioned to compete with GM. Face it, there is just as much barrier to entry into any major market as there is into desktop operating systems if you are not already a megacorp.

I think the whole scope of the ''market'' that Microsoft has been found to be monopolizing has been carefully crafted to make them the the only player. That scope makes Intel a monopolist in that market too and by the same token Apple a monopolist in the Motorola-based PC market. Look at some of the dirty tricks Intel has pulled vs. AMD and how Apple displayed undeniable market control in the Motorola-based PC market— it allowed Mac clone vendors to exist and then immediately when Jobs came on board, it canceled all their licenses and put them all out of business.

To me, the market is for ''personal computing devices'' not just Intel-based PCs. It should have included Apple and Palm as well. For this reason I think the case has been fundamentally flawed from the start and I think it's whole reason for being is too. I don't think there would be a case if it weren't for competitors in other markets (Oracle, AOL, SUN) where Microsoft cannot remotely be considered a monopoly (more like a struggling underdog!) playing protectionist politics. Not one of those companies has ever made even the slightest indication of intent to create a full-featured desktop operating system for Intel-based personal computers.

Their only intent in their friend of the court activity is to get back at Microsoft for competing with THEM in their near-monopoly franchises.

If you look at it from that perspective then they are even more anti-competitive than Microsoft and certainly more opportunistic.

The bottom line: Settle this. It was never in the public interest. You've already spent too much of my tax dollars playing marionette for billion dollar Microsoft competitors.

Mike Byrns

MTC–00028005

From: Paul Staudenmeier
To: Microsoft ATR
Date: 1/28/02 12:54pm
Subject: Microsoft settlement
692 Raven Road
Wayne, PA 19087–2329
January 25, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing in full support of the recent settlement between the US Department of Justice and Microsoft in the antitrust case. Firstly, I do not agree with a lawsuit being brought against Microsoft in the first place. Microsoft is not a monopoly, as they have never tried to deliver poor quality goods at inflated prices. They have at times employed tough marketing tactics, but that is by no means a crime in our capitalist society. In fact, I would say it is often the only way to be successful, let alone survive, in our free enterprise system. Microsoft spent huge amounts of time and money to develop excellent products and services. But rather than being allowed to enjoy the fruits of their labor, Microsoft is now forced in one term of the settlement to disclose interfaces that are internal to Windows'' operating system products. This seems to violate their intellectual property rights. I hope the settlement goes through anyway because I think our IT sector and economy cannot afford further litigation. We need our strongest assets innovating and trying to grow. I know many others echo my opinion that I work and live with. I hope your office takes a firm stance against those who want to drag the suit on still longer, and instead strongly supports the implementation of the settlement.

Sincerely,

Paul Staudenmeier

cc: Senator Rick Santorum

MTC–00028006

From: bob becker
To: Microsoft ATR
Date: 1/28/02 12:54pm
Subject: Microsoft Settlement

To Whom it May Concern:

The proposed remedy for the Microsoft anti-trust case is a bad idea. It does nothing to ensure that Microsoft won't continue to force its standards and use of its products by every possible means.

Bob Becker
CC:becker@primate.wsic.edu@inetgw

MTC–00028007

From: James Houston
To: Microsoft ATR
Date: 1/28/02 12:55pm
Subject: Microsoft Settlement

I hope you can settle this suit ASAP. It has gone on to long and continued litigation is harmful to our economy, due to the disruptions in the software industry. Microsoft is guilty of only trying to put the best product on the market. I've been a software user for over 20 years now and have never felt I was forced to use only a Microsoft version of a program. I have tried several others over the years and have always returned to Microsoft versions, because they are better. Would you want to be forced to buy a KIA vs: a Toyota?. Netscape was a big thing. I tried it for two years and the switched back to MSN. I use earthlink as my browser and not MSN's browser. This was a conscious decision and executed in a free market. I did not fell forced to use MSN's browser. Did breaking up AT&T really help us? We don't know where we are getting our long distance service most of the time. And rates for LD phone service?? You could write another book about that. Why don't you devote your efforts to clarifying the up and down fluctuations of the oil and gas market? That would be something the consumer would really be interested in. These state attorney generals are just looking for political headlines so they can be considered for state governors jobs. What is the average consumer really going to get out of a settlement penalizing Microsoft? Look at the Ag'S track records. How many governors were previously AG's?

Please give us a break and end this Microsoft ''witch hunt'' now.

James M. Houston
jmhouston@earthlilnk.net
CC:Diane Feinstein,Barbara Boxer

MTC–00028008

From: v d
To: Microsoft ATR
Date: 1/28/02 12:55pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally, I oppose the proposed resolution in the MS case, better know as the Proposed Final Judgment. Over and above the usual economic risks presented by an unchecked monopolist—rising prices and monochromatic innovation the nations computer infrastructure will be increasingly vulnerable to attack if a single software system predominates.

Obviously I am referring to Microsoft.

Suppose that 80 or 90percent of the world's grain supply came from a single variety of corns. We would be faced with the unacceptable risk that some single disease, might wipe out an enormous portion of our food supply. Having only one kind of operating system or one kind of browser would make it terribly easier for saboteurs to bring the entire Internet to its knees.

For one entity, such as Microsoft, to control 80 to 90 percent of the market for PC operating systems, Internet browsers, e-mail readers, and office productivity software is clearly a significant security risk. To then allow that monopoly to actively attempt to drive out its remaining competition would hardly be in the public interest. Diversity is the key in producing economic prosperity and improving the society as a whole.

It's now up to you, Judge Kollar-Kotally, to decide whether the proposed settlement between Microsoft and the DoJ is a correct and just solution. However from where I sit, it contains too many loopholes to drastically effect Microsoft's behavior, much less bring about a certain kind of diversity which would enhance our security.

Kind Regards,
Eddie Ortiz
601 Kilpatrick Street
Vallejo, CA 94589

MTC–00028009

From: JLLIZANO@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 12:56pm
Subject: Microsoft Settlement

I agree with it because it is for the best interest of the American people who use Microsoft products.

Juanita L. Lizano
CC:fin@mobilizationoffice.com@inetgw

MTC–00028010

From: Richard Griest
To: Microsoft ATR
Date: 1/28/02 12:59pm
Subject: Microsoft Settlement
The Honorable Colleen Kollar Kotelly
U.S. District Judge
RE: U.S. DOJ /Microsoft Settlement

Your Honor:

The remedy proposed by the Department of Justice (DOJ) brings to mind the Oct. 22nd statement of the SEC chairman Harvey Pitt, ''the SEC would henceforth be a kindler and gentler place for accountants. We all know what a disaster this attitude has resulted in, the Enron scandal. That DOJ would accept the settlement it has, shows that either they don't understand the impact software has in a modern economy or they don't understand the way that Microsoft exerts a negative influence as a monopolist. This settlement is definitely not in the public interest. I use software everyday on my job, as a controls engineer, in factory automation. Over the past two decades I have seen the software get more complex by an order of magnitude, requiring faster and faster computers just break even, with little increase in accomplishment. Increasingly you spend more time getting your operating systems and interfaces to work than you do actually writing the ladder logic that controls the motions and cycles of the factory equipment.

Personally, I feel the disclosure requirements required by Microsoft so that third parties can interface with Windows should be identical to that required by U.S. patent office. In the case of patents, if you don't publicly disclose enough information so that anyone skilled in the art can replicate your invention (interface with it in this case), your patent is invalidated.

Because it is a monopoly, a Microsoft copyright has the same effect as a patent, in preventing other people from entering the market. Forcing Microsoft to come up with a version of Office that would run on Linix as nine states who refused the DOJ settlement are requesting, still doesn't solve the problem. The real dollars are spent buying the Office product not in buying the Windows operating system. So you save $200-$300 by using Linix instead of Windows XP, you still have to fork over $500-$1000 to get Microso ft's Office for Linix.

In addition, there should be an anti-churning provision in the remedy. We are all familiar with churning in the stock market where your broker buys and sells stocks solely for the purpose of gaining commissions. This is exactly what Microsoft does when it brings out a new version of Windows and forces everyone to upgrade. To prevent this, the court should allow only two versions of Windows to be copywrighted at any one time, a business version and a consumer version. When a new version is brought out, all previous versions would revert to the public domain.

One of the benefits of allowing a monopoly is the standardization that it can bring. With Microsoft having so many different versions of Windows the standardization is gone. This is true both from an operator standpoint and from a software standpoint as many programs will only run on one version of Windows.

Finally let me detail two instances of fraud on Microsoft's part. The first envolves the removing of spelling check from the Internet Explorer 5 browser with Outlook Express.

When I downloaded I.E. 5 for free circa 4/28/99 it came with Outlook Express 5 version 5.00.2314.1300 for Windows 95. Under the tools menu the spelling check was a very useful feature for catching errors in you email. Recently I purchased a Dell Inspiron 3800 laptop that came with Windows 2000 and Outlook Express 5.00.2919.6700 which has the spelling check feature disabled.

In any other business this would be called bait and switch. Just to call up and ask the software support people at Dell about a Microsoft problem like this they want $29 for each question asked. Microsoft refers you to the OEM you bought the computer from. Now that they have browser dominance Microsoft wants you to fork over $500 for Office to get the spell checker you used to get for free. And with a Justice Department that ''hears no evil'', ''sees no evil'' and ''speaks no evil'' they get away with it.

The second instance of fraud involves the removal of QBasic from Windows 200 0. If a person goes to a car showroom and sees an engine listed on the sticker, buys the car and then subsequently finds out it has no engine, he would have little trouble in sending that dealer to jail. Yet when Microsoft does the same thing the DOJ just looks the other way.

The contents of the help file is the sofware equivalent to an automobile window sticker.

The help file for Windows 2000 clearly shows that QBasic is included as part of the product.

When you inquire the Microsoft knowldge base as to why QBasic isn't on your CD rom it suggests copying it from an NT CD rom. In as much as not all people with Windows 2000 have legally purchased Windows NT, Microsoft is clearly guilty of conspiracy to get people to violate the copyright act by making these suggestions.

In as much as DOJ's knowledge of computers seems limited, let me elaborate on the significance of leaving out QBasic. A computer operating system such as Windows 2000 can do nothing towards solving problems, which is the reason most computers are purchased. Without QBasic or some other additional software your computer is a $3000 piece of junk. Deleting QBasic is another example of Microsoft's bait and switch. QBasic was part of Windows NT, and it says right on the Windows 2000 boot up screen ''based on Windows NT'' Yet QBasic is gone. What Microsoft is doing here is described in the Wall Street Journal article ''Technology Grows Up'' by Walter S. Mossberg 10/25/01 pg B1 ''On the software side a similar consolidation and drying up of innovation and competition has taken place ....There are two main reasons for the demise of boxed software. First, Microsoft has become a brutal monopolist in the key software categories squeezaing out competitors.'' (pardon the spelling mistakes, Microsoft took my spell checker away) So now you have to purchase Microsoft's Visual C boxed software if you want to write some code to solve even the simplest of problems, like you can on a programable calculator.

Let me close by saying that it took extraordinary effort to locate the address to send these comments to even though I have been looking for months. I contacted Sun, several attorney generals offices, and my local newspaper's office. I find it significant that neither www.pcmag.com now www.pcworld.com felt comfortable posting the address on their web sites.

This kind of fear only a monopolist commands. Something needs to be done.

Sincerely,
Richard M. Griest
Nashville, TN
CC:bob.clement@mail.house.gov@inetgw

MTC–00028011

From: donlstev@cs.com@inetgw
To: Microsoft ATR
Date: 1/28/02 12:56pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse: Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Don Stevens
5511 20th Street Lubbock, TX 79407–2005

MTC–00028012

From: LJ Sweet
To: Microsoft ATR
Date: 1/28/02 12:58pm
Subject: Law suit

Stop meddling in the competition between competitors. This is not for the government to decide this should be settled by the consumer let them use the soft wear that works the best and costs the least. Let AOL and netscape make a better product.

Stop whining.

Drop the law suits

MTC–00028013

From: E G
To: Microsoft ATR
Date: 1/28/02 12:59pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally,

I object to the so-called Proposed Final Judgment in the Microsoft case.

As every one knows, Microsoft continues to violate anti-trust laws set in place many years ago. The Proposed Final Judgment goes against all logic. Previously the US Court, has found Microsoft guilty of breaking the anti-trust laws. However, under the proposed final settlement, MS is permitted to retain most of its profits gained through their illegal activities. Subsequently, the PFJ will not compensate parties injured by the Microsoft debacle.

Moving forward, the PFJ does not take into account all Microsoft gains made through its illegal maneuverings. The final settlement basically acknowledges the acceptance of Microsofts anti-competitive behavior. What kind of message does this send out to the public? Do you think the public will be in favor of such a move?

I can assure you that the message is clear and simple. The Proposed Final Judgment encourages big corporations to engage in monopolistic and predatory conduct, which in turn is detrimental to the technology industry at large. With all due respect your honor, I am outraged at such a preposterous proposal that only helps Microsoft to remain intact and continue with its unethical practices. I submit to you my objection to this Proposed Final Judgment.

Respectfully,
Gigi Ortiz
601 Kilpatrick Street
Vallejo, CA 94589

MTC–00028014

From: coonhnd@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 12:56pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Carol Morrell
1412 Glen Echo Drive
Huntingdon Valley, PA 19006

MTC–00028015

From: coonhnd@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 12:56pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you. Sincerely, Carol Morrell 1412 Glen Echo Drive Huntingdon Valley, PA 19006

MTC–00028016

From: Joseph Lin
To: Microsoft ATR
Date: 1/28/02 1:00pm
Subject: Microsoft Settlement

Judge Kollar-Kotally,

I feel the Microsoft settlement before you has serious flaws, and I urge you to reject it. Every court has agreed that Microsoft has used its monopoly powers to reap unjust profits, yet the company is now being allowed to retain those.

Furthermore, there is no provision to ensure that their anti-competitive won't continue.

Respectfully,
Joe Lin

MTC–00028017

From: Adrian M. Fitzpatrick
To: Microsoft ATR
Date: 1/28/02 1:01pm
Subject: Microsoft Settlement

I urge you to accept the Microsoft Settlement as it now is in the best interest of the public to do so. I think to drag this out

longer will just cost more in litigation fees which will ultimately be paid for by the consumer. Thank You

MTC–00028018

From: biokemist@altavista.com@inetgw
To: Microsoft ATR
Date: 1/28/02 12:58pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Dr.Philip Sekar
Box 29729
Thornton, CO 80229–0729

MTC–00028019

From: Brian Gregory (EWU)
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 1:01pm
Subject: Microsoft settlement

I am an electrical engineer working at a telecom research division in Boulder, CO. I am in favor of ruling as strongly as possible —against— Microsoft in the current case. The only step I'd not advocate is breaking the company up. I find Microsoft's behavior in the matters being investigated if not illegal—which I'm not qualified to judge—reprehensible, immoral and absolutely un-American. They're every bit as manipulative and predatory while hiding behind a panoply of legalisms as the worst stories of turn-of-the-century rail barons ever boasted. Microsoft is clearly an abusive company and near-monopoly. If Microsoft is not reined in, it could continue to foster and force upon an unsuspecting public, mediocre products that have not been properly subjected to the scrutiny and competition of open markets. The result will be a country ill prepared to cope with the 21st-century information age; prone to computer virus infection and poor software reliability.

Punish Microsoft! Share with them some of our pain, please.

Sincerely,
Brian Gregory
Boulder, CO
303.664.1085
brian—gregory@netzero.net

P.S.: Some history

In this case, the DoJ was accepting public input until Jan 28th on the DoJ vs Microsoft case. The DoJ theoretically must weigh public opinion before making their final decision.

CC:'Tom Jones','Kevin Gregory','Home''

MTC–00028020

From: Don Parry
To: Microsoft ATR
Date: 1/28/02 1:02pm
Subject: Microsoft Settlement

To whom it may concern, my wife Carolyn and I wholeheartedly support the Microsoft settlement as presently constituted. Thank You,

Donald S. Parry
Carolyn S. Parry
1178 Wood Duck Hollow
Jacksonville, Fl., 32259–2932
904–287–7720
dsparry@prodigy.net

MTC–00028021

From: N B
To: Microsoft ATR
Date: 1/28/02 1:03pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally,

I am object to the final settlement in the MS court case. Not only does this go against the findings by the U.S. Court of Appeals but, in facts allows MS to go unpunished for past wrong doings.

The Proposed Final Judgment allows MS to continue its predatory practices. My main argument entails the preservation of healthy competition. The way to accomplish such a task is by promoting diversity with in the business sector. For a single entity, such as MS, to control 80 to 90 percent of the market for PC operating systems, e-mail readers, and office productivity software (which undoubtedly can spread viruses) is clearly a significant risk to security. To then allow that monopoly to actively attempt to drive out its remaining competition would hardly be in the public interest.

Therefore, I submit to you that the Proposed Final Judgment will not solve the Microsoft issue.

ALL THE BEST,
Bernie Bonefacio
951 2nd Ave
San Mateo, CA 94401

MTC–00028022

From: Rhodes, Vaughn
To: Microsoft ATR
Date: 1/28/02 1:04pm
Subject: Microsoft Settlement

Dear DOJ,

I am the former product manager at Compaq Computer Corporation who was responsible for the Compaq/AOL deal in 1995. I worked for Rod Schrock at the time, who worked for John Rose. You used several of my email messages in your case against Microsoft. Name: Vaughn Rhodes.

I HIGHLY object to the proposed settlement with Microsoft. I'll go a step further: I have a hard time believing that it is even being proposed. It is a gross miscarriage of justice. I know because I was at the heart of the project at Compaq that resulted in Microsoft sending a letter of termination to Compaq.

Let me provide some background for you.

In 1995, I was placed in charge of defining Compaq's consumer online strategy. I proposed a relationship with America Online, one which was great for America Online, and even better for Compaq. It was worth HUNDREDS OF MILLIONS OF DOLLARS IN INCREMENTAL PROFIT to our business unit. The deal, in a nutshell, involved Compaq heavily promoting the AOL service, in exchance for AOL giving Compaq a large revenue share.

Microsoft heard about this forming relationship. They contacted us and asked that we work with them instead of AOL, to promote their new online service code-named Marvel (now known as MSN, the Microsoft Network). We responded the we would be happy to work with them, but we would expect them to pay us in a similar fashion to how AOL was to pay us.

Their response? I'll paraphrase: We are Microsoft. We own the customer, not you, Compaq. You Compaq have three choices:

1) Do the deal with Microsoft. We will pay you NOTHING, but we'll have a closer relationship, with various intangible benefits (wink wink lower price on the OS, etc.)

2) Cancel the deal and do it with nobody. We Microsoft are OK with that.

3) Do the deal with AOL. WARNING: IF YOU PURSUE THIS OPTION, WE WILL PUT YOU OUT OF BUSINESS.

Our team at Compaq reviewed the situation, and concluded that Microsoft must be bluffing. They couldn't do it, because it would be such a blatant violation of anti-trust laws.

We decided to proceed with the deal.

Shortly afterward, Microsoft sent us a letter telling us that we were in violation of their Windows Licence agreement, and we could no longer sell PCs with Windows installed. THEY WERE PUTTING US OUT OF BUSINESS!!!

Needless to say, we ended up having to redo the deal with AOL, dramatically watering it down and making it effectively into a nothing deal: no real benefit to AOL, no real benefit to Compaq.

If this kind of behavior is not a flagrant abuse of monopoly power, I don't know what is.

I would be glad to discuss this further with anyone from the DOJ.

Please contact me at your earliest convenience.

Thank you,
Vaughn Rhodes
Formerly Strategic Planning Manager (and Product Manger) at Compaq
Computer in Houston, TX
650–938–8587 (home)
650–279–6221 (cell)
vrhodes@archway.com (work email address)
vaughnrho@aol.com (home email address)

MTC–00028023

From: Michael McLay
To: Microsoft ATR
Date: 1/28/02 1:05pm
Subject: Microsoft Settlement

The comments on the Microsoft Settlement by Dan Kegel [1] highlight many reasons for handing down a swift and harsh punishment for Microsoft. There should be no negociating this settlement. They are at the mercy of the court and should suffer the conseqences of their actions. The following suggestion on the nature of the punishment has not been

proposed in any discussions I have seen to date.

I am concerned that the settlement talks with Microsoft have ignored the assignment of a financial penalty. Antitrust law allows for treble damages so the court has ample power to punish violators. An effective settlement must include a stiff financial penalty that is proportionate to the profits that Microsoft gained through their violations of the law. The abuse of monopoly power has resulted in many billions of dollars in windfall profits to the company. A fine of $20–30 billion would send a message that Microsoft will understand. It isn't excessive (it would be less than a year's profits) and wouldn't do excessive harm to the company's financial health (they have the cash to pay the fine immediately). Anything less will be a simple slap on the hands which they will ignore.

Awarding this money directly to those who where damaged by the abuses of Microsoft is not practical. Not everyone registers the purchase of the products involved and even if the fine were distributed the resulting award would only be a few dollars per person. A straight distribution of the fine would have no lasting outcome.

The judgement could leverage the fine against Microsoft to strengthen the punishment and benefit those who were harmed. This can be done by using the money to set up a foundation to fund open source software projects. This would result in a just solution that helps those who were damaged directly by Microsoft. Open source software is freely available to everyone, so everyone benefits equally. Open source software is also the one potential ''competitor'' that Microsoft still fears. A $20B trust fund that assigns matching grants to those who are willing to work for the public good would benefit everyone equally and potentially help restore competition to the software world. There are many open source organizations set up to help fund open source developers. Organizations such as the Free Software Foundation [2] and the Python Software Foundations [3] would be able to make significant progress in projects that otherwise only make progress through the voluntary efforts of motivated and highly skilled software developers. Imagine the good that would be had by funding 20 such organizations with a $1B trust fund. This remedy will do much to help restore the market balance, but it will not be sufficient if Microsoft continues to control the definition of standards.

The punishment must also require Microsoft to participate in the development and use of open and well documented standards. The Kerberose abuse is evidence of their intentions to subvert competition. The punishment must prevent them from further harming the market though the abuse of standards and secret interface definitions.

[1] http://www.kegel.com/remedy/

[2] http://www.fsf.org/

[3] http://www.python.org/psf/

MTC–00028024

From: Bart Locanthi
To: Microsoft ATR
Date: 1/28/02 1:06pm
Subject: Microsoft Settlement

A Better Settlement Proposal

Microsoft was found guilty of violating antitrust law. Microsoft has never abided by any previous findings or judgements beyond the narrowest definition of the letter. During the various legal proceedings, Microsoft continuously demonstrated its contempt for the law and its process. The proposed settlement is, more than anything else, a license for Microsoft to continue and extend its abusive behavior at the expense of the consumer and the industry. Accepting the settlement as is would be an outrage. There must be punishment for previous crimes. There must be compensation for the vast quantity of parties injured by these crimes. There must be consequence for continued, renewed, and new anti-competitive behaviors. And, there must be a mechanism to deter Microsoft from dragging out process, as has been their habit and intent, to outlast competitors, judges, and public attention.

It is with these points in mind that I suggest the following:

1) Require that Microsoft make public all file formats and APIs, past, present, and future, without charge, to anyone who asks. There can be no squirm room here, no hiding behind a supposed need for Microsoft to safeguard internal secrets. Microsoft has always used file formats and APIs as weapons to injure customers and competitors, and any loss of business advantage from this requirement would be a minimal and fair compensation to the world at large.

2) Implement a penalty schedule to force compliance of Item 1. For each file format or API not already published, a clock would start at the first request for it, and a fine imposed for every week said item it not made publicly available. This fine would increase geometrically: a weekly fine would start at $100,000 and be doubled and collected each week. The total cost of delay for four weeks would thus be $1,500,000, and for eight weeks it would be $25,500,000. The fines and penalty schedules for information requests would be independent—by dragging its feet, Microsoft could wind up paying several fines at varying penalty levels at the same time.

This geometric increase is essential, as it addresses the important issue of time, which Microsoft has always used as an ally. Any notion of these fines being ruinous is easily dispelled by two points:

1) all fines can be avoided by immediately complying with information requests, and

2) this is punishment, after all—Microsoft has no business asking for mercy, having always acted with brutality and bad faith in their dealings.

Information may not be witheld for reasons of presentability. Or, rather, if Microsoft cares to polish its presentation, or disentangle it from, say, strategic business information, there would be a known cost for delaying its publication. Again, there can be no excuse for non-compliance. Penalties must be exacted with the extreme prejudice justified by judicial findings and Microsoft's historical refusal to comply with the law.

It is important that fines be collected as they are incurred. There should be no incentive for Microsoft to delay compliance, or hope that by running up a huge total fine they might gain public sympathy and again escape punishment. On the contrary, delay of payment should be met by freezing of their assets and forced collection. There can be no fear of enforcing the law—after all, there is nothing that Microsoft makes that is essential to the economy. To the contrary, the economy has suffered long enough at the hands of Microsoft, and Microsoft needs to learn how to become a proper citizen. The hard way, if necessary.

Bart Locanthi
bart@truedisk.com
Beaverton, OR

MTC–00028025

From: Jay Chell
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 1:05pm
Subject: Microsoft Monopoly Settlement

I disagree with the current settlement plan. It will leave the fox in charge of the hen house. This settlement will cause the DOJ to visit this issue again when things once again get out of hand.

jay chell
Manager, Delegated Financial Audits
phone: 562–989–4455
fax: 562–989–5192
e-mail: jayc@scanhealthplan.com

MTC–00028026

From: Kenneth Olafson
To: Microsoft ATR
Date: 1/28/02 1:06pm
Subject: Microsoft Lawsuit

January 28, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Since the filing of the Microsoft lawsuit by the Clinton Administration Department of Justice, I have tracked the case. I believe it was wrong to file the lawsuit and I am relieved that it is finally over. We do have the unfortunate situation with some renegade Attorney General's around the country, however. Please take the settlement and close the case We need to move forward with our technology investments and with new ideas and technology. We need this case behind us.

Sincerely,
F. Kenneth Olafson
Utah Coalition for Accountable Government

MTC–00028027

From: DJMaytag
To: Microsoft ATR
Date: 1/28/02 l:13pm
Subject: Microsoft Settlement

I have to take objection to this:

''59. The primary channel through which Microsoft distributes its operating systems is preinstallation on new PCs by OEMs. Because a PC can perform virtually no useful tasks without an operating system, OEMs consider it a commercial necessity to preinstall an operating system on nearly all of the PCs they sell. And because there is no viable competitive alternative to the Windows operating system for Intel-based computers, OEMs consider it a commercial

necessity to preinstall Windows on nearly all of their PCs. Both OEMs and Microsoft recognize that OEMs have no commercially viable substitute for Windows, and that they cannot preinstall Windows on their PCs without a license from Microsoft. For example:''

Look at today's PCs and try to buy a PC from Dell, HP with both Windows and Linux factory installed. You can't. You can get Linux in some places, mostly WinMe, but not both. The reason is MS plays a clever game. To use a boot loader, if you're a Windows licensee, you must use the MS loader. Then, if you read the MS Boot Manager license, you can only use it to load MS OSs, DOS, WindowsXX, Windows 2000. Otherwise you lose your Windows license. This explains why you cannot buy a dual boot Windows and a competing OS loaded at the factory. If and when the DOJ wins their case for good and winning means Dell or Compaq can install competing OS at the factory, MS will have to compete on merits. Today, they abuse their monopoly. See http://www.befaqs.com/mirror/classic-be/developers/bmessage/issue01.html for the full article:

Manufacturing Consent

by Jean-Louis Gass,e

Perhaps I should call this column ''Manufacturing Public Opinion,'' rather than ''Manufacturing Consent.'' The idea for it occurred to me as I read the opinion ''polls'' taken right after last Friday's announcement of the DOJ's proposed remedies in the MS anti-trust trial. The pollsters found that the majority (more than 60%) of the American public is opposed to the remedies proposed by Joel Klein's team at the DOJ, working with the attorneys general of 19 states. With more than 20% undecided, that leaves relatively few people supporting the DOJ's position. Vox populi, vox dei? Is the DOJ, which is supposed to fight for the people, out of touch with the public good? That's what the pollster-geist behind the probe would like us to believe. Far from me to suggest that this poll is unscientific. Au contraire. It represents the real science of manufacturing opinion, preferably by creating an avalanche effect. If most people are against breaking up Microsoft, it must be bad; therefore, I must join them, and the next poll might show even stronger disagreement with the DOJ. What's bad for Microsoft is bad for America.

Let's go back to December 1982. You poll consumers for what they want in a personal computers. What do you hear? I want a better, faster, cheaper Apple II, or ///, or PC, or CPM system (yes, these were still around at that time). A month later, you give public demonstrations of the Lisa. The same people now tell you that's what they want. B-b-b-b-but, you stutter, that's not what you said last month. Yes, no, I didn't know this existed.

In other words, the consumer had no words, no concept, to deal with what was unthinkable at the time but which suddenly became describable-and attractive- once seen and touched: a mouse, overlapping windows, a bitmapped screen, pull -down menus. I can only think and discuss what I have reference points for and, in general, I tend to describe the future in today's vocabulary. In this case, most PC users have only been exposed to Microsoft's lineage of operating systems. As a result, there are few reference points for thinking of life with more than one breed of operating system and applications.

Microsoft made sure that an alternative OS such as Be's, Linux, or FreeBSD couldn't be loaded next to Windows by PC OEMs. As a result, people have no data other than the Microsoft experience. They're told that some of the remedies would make the Windows system riskier and that applications might not work as well. We have something that works, the jack-booted thugs at the Justice Department want to make it less than what it is today, so why should I be in favor of breaking up Microsoft? Setting aside the caricature, the point remains: Microsoft's monopoly practices are the very reason why we haven't experienced what a truly competitive situation might be like. This is why the poll is so revealing of a certain kind of science in manipulating the political situation around the suit.

A Crack in the Wall

By Jean-Louis Gass,e

You're the CEO of a PC OEM, delivering some great news to Wall Street: ''In an effort to offer greater variety and performance to the customer, our factory now installs three operating systems on the hard disk—Windows, Linux, and the BeOS. The reaction has been spectacular. Customers love having a choice of OS, and the press—from John Dvorak in PC Magazine to John Markoff in the New York Times to Walt Mossberg in the Wall Street Journal—has heralded us for our bold move. This is a great step forward for the consumer and for the industry. Oh, and by the way, we lost $50 million since we no longer qualify for Windows rebates. But it's a sacrifice for the common good.''

You're now the ex-CEO of a PC OEM.

We know that the Windows rebate scheme exists—but what *is* it, exactly? And why are so many OEMs afraid of losing it? Windows pricing practices are closely guarded secrets, so we don't know exactly how the rebate is structured, but we can assume that it works something like this: The total cost of a Windows license consists of a base price offset by a rebate. The base price is set; the rebate is flexible, and contingent on the ''dedication'' of the licensee. That is, the more you ''advertise'' the product—through prominent positioning, expanded shelf space, and so on—the greater your rebate. This quid pro quo rebate looks innocent enough, and can be a useful tool in a competitive market.

But when you're running a monopoly—and when it comes to out-of-the-box, consumer-grade PC clones, Microsoft *is* a monopoly—''prominent positioning'' and ''expanded shelf space'' have little meaning. Microsoft has no interest in getting ''more'' footage on the OS shelf, because they've already got it all. What interests them—the only useful advantage they can ''buy'' (to be kind) with their rebate—is to ensure that no one else will get any. So how is ''dedication'' measured? A real-life example: We've been working with a PC OEM that graciously—and bravely—decided to load the BeOS on certain configurations in its product line. However, there's a twist in their definition of ''loading.'' When the customer takes the machine home and starts it up for the first time, the Microsoft boot manager appears—but the BeOS is nowhere in sight. It seems the OEM interpreted Microsoft's licensing provisions to mean that the boot manager could not be modified to display non -Microsoft systems. Furthermore, the icon for the BeOS launcher—a program that lets the user shut down Windows and launch the BeOS—doesn't appear on the Windows desktop; again, the license agreement prohibits the display of ''unapproved'' icons. To boot the ''loaded'' BeOS, the customer must read the documentation, fish a floppy from the box and finish the installation. Clever.

One suspects that Linux suffers from the same fealty to Microsoft's licensing strictures. Linux is the culmination of 30 years of development by the Unix community. Surely an OEM can't complain about Linux's quality or its price: It's good, and it's free. If Microsoft licensees are as free to choose as Microsoft claims they are, why isn't Linux factory installed on *any* PC? If you randomly purchase 1,000 PC clones, how many have any OS other than Windows loaded at the factory? Zero. But what about all these announcements from companies such as IBM, Dell, and others? A few URLs are supplied here for your convenience:

<http://www.dell.com/products/workstat/ISV/linux.htm>

<http://www.compaq.com/isp/news—events/index.html>

<http://www.compaq.com/newsroom/pr/1998/wall1298a.html>

<http://www.hp.com/pressrel/jan99/27jan99.htm>

<http://www.hp.com/pressrel/jan99/27jan99b.htm>

<http://www.software.ibm.com/data/db2/linux/>

If you parse the statements, Linux is offered and supported on servers, not on PCs. Another IBM story is that installation is to be performed by the reseller on some PCs or laptops, not by IBM at the factory. As an industry insider gently explained to me, Microsoft abides by a very simple principle: No cracks in the wall. Otherwise, water will seep in and sooner or later the masonry will crumble.

Guarding against even the smallest crack is important to Microsoft, because it prevents a competitor from taking advantage of a phenomenon that economists call the ''network effect.'' The ''network effect'' manifests itself as an exponential increase in the value of a product or service when more people use it. Applied to a computer operating system, the effect works like this: As more people install and use an OS, the demand for applications increases. Developers respond to the demand, which attracts the attention of OEMs and resellers, who promote the OS in order to sell the apps, which attracts more customers... The key to all this is distribution and visibility — in other words, ''shelf space.''

Bill Gates understands the network effect well—he once quoted it to me, chapter and verse. In the Fall of 1983, when I was still running Apple France, I met with Bill in Paris and we got into a conversation regarding the market share limitations of DOS. No problem, he said, with the wide

distribution we enjoy, we'll get the attention of third parties, and the marketplace will fix these shortcomings.

This puts statements by senior Microsoft executive Paul Maritz in perspective. In reaction to my claim that Be wants to co-exist with Microsoft, Mr. Maritz said (as quoted by Joseph Nocera in Fortune Magazine): ''[Gassee is] articulating his strategy for entry into the operating system marketplace. But on the other hand, I know that Be has built a full-featured operating system, so what I believe he's doing here is outlining his strategy about how he will initially co-exist with Windows and, over time, attract more applications to his platform.''

Mr. Nocera interpreted Mr. Maritz's interpretation thus: ''In other words, Gassee's spiel is little more than a trick intended to lull Microsoft. But Microsoft isn't so easily fooled! Microsoft will never ignore a potential threat to its Windows fortress, no matter how slight. The software giant may be in the middle of an antitrust trial, but—as Andy Grove says—only the paranoid survive...''

[The entire article, part of a court house diary, can be found at <http://www.pathfinder.com/fortune/1999/O3/O1/mic3.html>.]

Industry sages such as T.J. Rodgers, the CEO of Cypress Semiconductors, as well as venture capitalists aligned with Microsoft, criticize the Department of Justice's intervention in the new Pax Romana we're supposed to enjoy under Microsoft's tutelage. Don't compete in court, compete in the marketplace, they say. I'm a free marketer myself; I left a statist environment for the level playing field created by the rule of law in this, my adopted country. A free market is *exactly* what we want. One where a PC OEM isn't threatened by financial death for daring to offer operating systems that compete with the Windows monopoly.

We started with a thought experiment. We end with a real-life offer for any PC OEM that's willing to challenge the monopoly: Load the BeOS on the hard disk so the user can see it when the computer is first booted, and the license is free. Help us put a crack in the wall.

Is the Customer King?

By Jean-Louis Gass,e

One would hope to answer this question in the affirmative, but before I elaborate, some follow-up to last week's column, ''A Crack In The Wall,'' along with our thanks.

Our offer of free copies of the BeOS to OEMs willing to load our OS ''at the factory,'' on the hard disk of PCs they sell, got a tremendous response. We appreciate the interest in our product and we intend to do our best to honor the hospitality extended to us. Watch this space or, more generally, www.be.com, for more details. For a number of contractual reasons, this offer applies only in the US and Canada, not to other countries in the Americas or in Asia. For Europe, please contact our VP Europe, Jean Calmon, jcalmon@beeurope.com, for country-by-country details.

As we collect data from the flow of responses, an interesting but not unexpected picture emerges. The OEMs expressing interest are the ones who cannot realistically be ''fined'' by Microsoft—that is, lose their Windows rebate. If you pay the maximum OEM price for Windows, or close to it, you won't be afraid to load Linux or the BeOS on your customers'' hard drives, especially if you don't have to account to Wall Street for your actions. If, on the other hand, your exposure is measured in millions of dollars per quarter, and you are the CEO of a publicly traded company, you'll load Windows and nothing but Windows on the PCs you sell. More precisely, you might load Linux as the OS engine on hardware other than PC servers. In any event, this represents only a preliminary look at the returns—it's too early to draw definite conclusions.

Now, let's turn to the customer in the title of this column. We hear that the Windows monopoly is good for customers—it's a standard, there's no confusion, users can rely on a trusted foundation for their work, and so on. But how can this be if there are so many obstacles placed in the way of a customer's even seeing that (s)he has some (limited) choices? I'll take one example of what I mean by choices. One overseas OEM announced with great fanfare that it would offer some configurations in its PC line with a dual-boot arrangement: Windows 98 for mainstream applications and the BeOS for its natural media uses. Great—exactly what we wanted—the specialized media OS peacefully coexisting with the mainstream platform. Well, not exactly. If you take the machine out of the box and boot it, the BeOS is nowhere to be seen—the computer boots only Windows 98. If you read the documentation carefully, you'll find out how to ''unhide'' the BeOS. Then, through a complicated sequence, you'll finally get to the dual-boot situation. Should the OEM be criticized for this state of affairs? Again, not MTC.00028027—0005 exactly. It appears that the fear of losing Windows rebates intervened to prevent the customer from being offered a genuine dual-boot system. In fact, as we verified for ourselves, the steps the customer must perform are so complicated that it's much easier just to do the simple partition and BeOS installation possible with our retail product, complete with a BeOS Launcher icon on the Windows desktop.

Wouldn't one think that Microsoft behaves, in effect, as if the PC belonged to it, rather than to the OEM or to the customer? It's is hard to see how the customer and, more generally, the industry, benefit if one company decides what's good for all, and what the customer should see or not see.

A Crack in the Wall: Part II

By Jean-Louis Gass,e

Some time ago, I wrote a semi-fictional column regarding the plight of the CEO of a PC clone company (''A Crack in the Wall'' <http://www.be.com/aboutbe/thebenewsletter/volume—III/Issue8.html>). At a quarterly business review for Wall Street analysts, the CEO extolled his vision: Giving buyers more OS choices was A Good Thing. Everything went well—customers loved having Linux and the BeOS installed on their system at the factory, next to the classic Windows. The out-of-the-box experience was great, the options at boot time were easily understood and, since customers could delete the system(s) they didn't want to keep, this was the real thing, freedom of choice—without waste. The PC magazines loved the move, we reaped all the Best Of... awards and generated good will and oodles of free publicity.

Ah, another thing, the CEO continued. The company lost $50 million dollars this quarter because Microsoft fined us for offering other operating systems. Their contract with us gives them the right to increase the price we effectively pay for Windows if we offer other operating systems. Microsoft even invoked an obscure—and confidential—clause in their licensing agreement and grumbled that we had no right to use their boot manager, or any DOS code, to load other operating systems. It's OK for the customer to install a boot manager him/herself, but you, the PC OEM shouldn't. As a result, they claim we shouldn't offer the of out-of-the-box experience I mentioned earlier. Some customer assembly is required. At this stage, the CEO has lost his audience—and his job.

As I said at the beginning, this is a concoction. But testimony is sometimes tastier than what amateur columnists can dream up. What we have before us is a deposition by Garry Norris, an IBM executive and a government witness in the antitrust suit against Microsoft. In his testimony, Garry Norris describes how Microsoft quintupled the Windows royalties it demanded from IBM, to $220 million. There is some dispute about the exact numbers, but you get the idea.

How the media treated this is noteworthy. One title read ''IBM breaks ranks...'' This appears to reflect a commonly held belief: PC OEMs didn't want to break a code of silence for fear of some kind of retaliation. In private, PC OEMs ''share their thoughts'' quite freely. They appear to resent being treated as vassals by Microsoft in its use or abuse of its desktop OS monopoly. In public, they have to take care of business. Who can blame them? Business is competitive enough as it is. Why risk a falling out with Microsoft that will result in a competitive disadvantage? As far as we know, there is no Antitrust Witness Protection Program, so the tension between self -interest and the calculus of common good is understandable. This leads to another thought: Why IBM? Is this an example of the altruism of an enlightened corporation, or have they decided they no longer have anything to lose in the PC business, as various rumors have intimated in the past few months? There has been speculation—and denials—that IBM wanted out of the PC business, because it has become too commoditized and it's been impossible for them to make a profit. Some have even read something of that nature in their multi-year, multibillion dollar agreement with Dell. Whatever IBM's reason for breaking the code of silence, their testimony could make this phase of the trial as surprise-filled as the first Three things you need to remember about me:

1. Alright, alright... I'm a DJ,

2. I changed my mind, OK? (see http://www.djmaytag.com/name/),

3. In any case, I'm STILL not a washer and dryer repairman, either.

http://www.djmaytag.com/ <- Home page

http://www.djmaytag.com/303/ <- The TB-303 re-release page

Fortune cookie: Time is nature's way of making sure that everything doesn't happen at once.

MTC–00028028

From: Patterson
To: Microsoft ATR
Date: 1/28/02 1:08pm
Subject: Microsoft Settlement
VIA E-MAIL
The Honorable Colleen Kollar-Kotelly
United States District Court for the District of Washington, DC
c/o United States Department of Justice
Washington, DC

Dear Judge Kollar-Kotelly:

For the following reasons, I feel compelled to add my voice to those arguing AGAINST Your Honor approving of the Proposed Final Judgment (the ''PFJ'') entered into by the United States of America and several of the States as plaintiffs and the Microsoft Corp. as defendant (the ''Defendant'' or ''Microsoft'') in the antitrust case known as U.S. vs. Microsoft Corp. Judge Thomas Penfield Jackson found Microsoft guilty of being a monopoly and of abusing its monopoly powers, among other things, and he ordered that Microsoft be broken up into a number of separate companies, as well as other remedies. On appeal, the U.S. Court of Appeals for the DC Circuit, in a 7–0 decision, overturned several of Judge Jackson's rulings and vacated his proposed remedies, but the Court of Appeals let one of Judge Jackson's core rulings stand: Microsoft possesses monopoly power and unlawfully used that power to protect its monopoly. Both Microsoft's request to the Court of Appeals for a rehearing and its petition to the United States Supreme Court for certiorari have been denied, so nothing changes the fact that Microsoft is a monopoly and used its monopoly power unlawfully. Now the question arises: What are the proper remedies in the case in question? The quick answer is that the proper remedies are NOT those set forth in the PFJ. Notwithstanding The Honorable Attorney General's pre-nomination pledge not to go ''too easy'' on Microsoft, the U.S. (and some of the States) and the Defendant have entered into a ''sweetheart deal'' by entering into the PFJ. Numerous financial analysts and computer industry experts agree that, under the terms of the PFJ, the Defendant would conduct ''business as usual'' should Your Honor approve the PFJ. Too often, we forget the purpose of remedies. Sure, there should be a rehabilitative component— i.e., the remedies to be applied should mandate or at least encourage the wrong-doer to reform its wrongful ways. But that fails to see the forest for the trees. There should also be a punitive component—i.e., the remedies applied should also mete out a punishment for the injurious conduct that the wrong-doer engaged in, if only BECAUSE there was, in fact, wrongful conduct and concomitant harm.

In the situation before Your Honor, there is no doubt that Microsoft, the defendant, is in the wrong (it is a monopoly) and has engaged in wrongful conduct (it used its monopoly powers to harm the public). The PFJ's terms are simply too generous to the Defendant and provide few rehabilitative provisions and little if any punishment.

Right now, being the de facto monopoly in desktop operating systems, Microsoft simply has no competition. The same could be said of Microsoft's network operating system (at least for the Intel platform). Similarly, Microsoft is the de facto monopoly in desktop application software suites (i.e., its Office suite comprised of word processor, spreadsheet, presentations, database, personal information manager, etc., in various combinations and price levels). The situation will only get worse and Microsoft's monopoly become even greater if the powers that be allow Microsoft to implement its .Net and web services strategies. And that is what the PFJ allows: Microsoft will make some minor— mainly cosmetic concessions—to its desktop operating system, but the PFJ leaves Microsoft's monopolistic business practices virtually untouched. With all due respect, Your Honor should also review and take into consideration the Defendant's past conduct when the U.S. entered into a settlement with it and tried to rehabilitate positively its business practices: Microsoft flouted the spirit (if not the actual provisions) of previous formal or informal settlements with the U.S. and never really changed its wrongful business practices. Out of Microsoft's failures to rehabilitate its business practices arose the current antitrust litigation. Looking at the situation from another angle, Microsoft had its opportunity to ''go straight'' and consciously did not. (For some reason, analogies to the criminal side of jurisprudence keep coming unbidden to mind.) The Defendant was on probation, if you will, and then proceeded to openly violate probation. To add insult to injury, the Defendant as probationer is unrepentant about its continued wrongful behavior and violation of probation. Has the Defendant slowed its openly-stated monopolistic strategies? No! Microsoft rushed to market it's newest desktop operating system, Windows XP, and is rushing to market its software that implements its .Net strategy. In so doing, the Defendant apparently hopes that it can ''beat the system'' by relying upon and cynically utilizing the slow pace of our great system of justice.

Now is not the time to go easy on the Defendant, Your Honor. This is NOT a case of a first offender, Your Honor, where some leniency may be in order. Just as I am confident that Your Honor would NOT go easy on an unrepetenant repeat criminal offender, Your Honor should NOT go easy on the Defendant. In truth, however, the only competition Microsoft has is its own internal divisions. The network operating systems division vs. the desktop operating system division vs. the application suite division vs. the network operating system support software, etc., etc. A break-up of Microsoft is a perfect remedy in that regard. A break-up of Microsoft along product lines provides an appropriate remedy with both rehabilitative AND punitive components. I am sure that Your Honor is considering all possible options in fashioning an appropriate remedy. I am also sure that any remedy Your Honor ultimately imposes will be well-considered and carefully crafted. I cannot know what the exact terms of Your Honor's ultimate remedy will be, but I do know one thing: The PFJ comes nowhere near constituting an adequate remedy for Microsoft's sustained and egregious monopolistic conduct in the case at hand.

For the above reasons, as well as those voiced by others, I respectfully implore Your Honor NOT to approve the PFJ in the U.S. vs. Microsoft Corp. case.

Respectfully yours,
Bob Patterson

MTC–00028029

From: James VanAlstine
To: Microsoft ATR
Date: 1/28/02 1:08pm
Subject: Kill Microsoft

Throughout its existence, Microsoft has been stealing and bastardizing the best ideas of true information technology innovators. It repeatedly, and still, uses its size and aggressive nature to suppress competition ans stifle real innovation.

Only an aggressive break-up, heavy fines, and constant future watch-dogging of this monster monopoly will allow the best and brightest of technology innovators to thrive and keep the US at the top of the world's high-tech economy.

Shamefully, the Bush-era Justice Department has lost what little spine the Clinton era Justice Department had and is now offering Microsoft a sugar coated settlement.

It's a shame we will one day all be sorry for.

MTC–00028030

From: Tom Laming
To: Microsoft ATR
Date: 1/28/02 1:07pm
Subject: Microsoft Settlement

Please see the attached letter.

Thank you,
Tom Laming
P.O. Box 918
Shawnee Mission, KS 66201–0918
January 15, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I am writing to voice my support for settling the Microsoft case. Like many people, I feel that the matter has run its course, and should be resolved as quickly as possible at this point. While I understand why people working in the information technology sector want different programs and operating systems to choose from, average consumers like myself are more interested in products that integrate seamlessly. Continued legal action against Microsoft inhibits their ability to develop products that integrate simply enough for consumers to use without hassle.

Please settle the antitrust case against Microsoft as soon as possible. As a consumer, I support their products and would them to be able to focus on developing their business again.

Sincerely,

Tom Laming

MTC–00028031

From: Steven White
To: Microsoft ATR
Date: 1/28/02 1:09pm
Subject: Microsoft Settlement

I was just reviewing a few things for any final comments I could make on the final comment day, and I came across the point that the proposed settlement does not restrict Microsoft's ability to modify, alter, or refuse to support computer industry standards.

I would like to add one thing to that.

You may have heard of the ''Halloween Document'' where a Microsoft staff person outlines ways to squash the open source movement (LINUX). One way suggested was to use standards slightly altered to Microsoft's advantage, which would, because of Microsoft's monopoly position, make them the de-facto standards. (Bill Gates wrote once in a Microsoft annual report that ''the way to make money is to set de-facto standards.'') This would drive the open source software out of existence because, for all practical purposes, competing software must work with Windows based software.

Now whenever the question of competition comes up, Microsoft likes to point to LINUX and say that they have competition. But the proposed settlement makes it legal for them to do just what they have outlined as a method for getting rid of one of their competitors. Does that make sense?

Remember that a lot of people are forced to use Windows. The common reply to this is that ''no one is holding a gun to their heads.'' Of course not, but the effect is the same. Almost everyone buying a computer is going to want or need Windows because of the need to interact with other computers that use Windows. Thus no computer maker can be in business without selling Windows.

If standards are twisted so that Windows and a competing program are mutually exclusive choices, the choice will have to be Windows. That is unfair and anti-competitive.

We must look to the future. The computer industry should be based on an underlying foundation of public standards.

Thank you.

Steven White
City of Bloomington
2215 W Old Shakopee Rd
Bloomington MN 55431–3096
USA
952–563–4882 (voice)
952–563–4672 (fax)
swhite@ci.bloomington.mn.us

MTC–00028032

From: Tony Biz
To: Microsoft ATR
Date: 1/28/02 1:11pm
Subject: Microsoft Settlement

To whom it may concern,

I am an independent software developer. I develop software products based on the Microsoft platform. Microsoft's operating systems, web browser, and other products have become defacto standards in the computer industry. This allows us to target our products to one platform and reach a broad customer base, instead of having to develop duplicate solutions for many competing platforms. This reduced software cost and allows us provide additional features which are a great benefit to our customers.

I am outraged at the unjust prosecution of Microsoft. The complaint against Microsoft originated not with individual consumers, or with Microsoft's partners, but with Microsoft's unsuccessful competitors. Failed businesses must not be allowed to set the rules for the markets in which they failed. Microsoft is being punished, not because it did something evil, but because it was too good, too successful, produced too much value for its customers. This is a disgraceful inversion of the principal of justice. A successful business and its products are no threat to anyone.

The government is punishing Microsoft for producing better products at cheaper prices than its competitors. Instead of being persecuted for this, they should be congratulated, thanked, and honored. The only people who do not like this are Microsoft's envious unsuccessful competitors, who are not able to produce products as good and as useful as Microsoft.

This action against Microsoft is impeding progress in the high tech industry. Instead of focusing on producing the best products for the cheapest prices for consumers, Microsoft must use their resources to defend themselves and avoid destruction at the hands of our own government. In addition, software developers must waste effort developing duplicate solutions because of the uncertainty associated with this unjust action against Microsoft. Will the government, at a whim, decide that Microsoft does not have a right to exist? Will the government arbitrarily decide to stop Microsoft from adding features to its products, or discontinue products certain products? Unknown.

It is disgraceful that at a time when terrorists are trying to destroy our country from the outside that our own government is attempting to destroy our country from the inside but attacking and persecuting one of our greatest and most productive companies. Microsoft has a fundamental right to exist and control its own property. Our government's job is to protect these rights, not to take them away!

Tony Biz
6130 Buena Vista Avenue
Oakland, CA 94618
CC:Tony

MTC–00028033

From: Husker
To: Microsoft ATR
Date: 1/28/02 1:08pm
Subject: Microsoft Settlement.

DOJ,

The Microsoft witch-hunt has gone on long enough. This is nothing more than a scam in which states hope to obtain money without officially raising taxes. Microsoft has already agreed to hide its IEx icon from the desktop

The case against Microsoft is just ?welfare? for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

I urge you to end this debacle immediately

Mike Kasson
CC:aoctp@aoctp.org@inetgw

MTC–00028034

From: Donald C. Glegg
To: Microsoft ATR
Date: 1/28/02 1:11pm
Subject: Microsoft

I use the microsoft programs all the time and they are made so us older guys can understand and use them.

Please don't keep picking on them. I for one am for them 100%!!!!!!

Thanks!!!!

Donald C. Glegg
406 N. Coffman Street
Park Hills, Mo 63601

MTC–00028035

From: sleepinggiantknr@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:10pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Kathlyn Messina
6870 Manasota Key Road
Englewood, FL 34223

MTC–00028036

From: Chris Brown
To: Microsoft ATR
Date: 1/28/02 1:14pm
Subject: Microsoft Settlement

19414 46th Avenue Northeast
Lake Forest Park, WA 98155
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing to encourage the Department of Justice to accept the Microsoft antitrust settlement. This case has been stretched out over three years; it needs to be settled. Now that there is a settlement available and the terms are fair, I think that the government needs to accept it.

All of the major issues in the suit have been dealt with. Microsoft has agreed to give computer makers the flexibility to install and

promote any software that they see fit. Microsoft has also agreed to release part of the Windows intellectual property to its competitors in order for them to develop software that is more compatible as well. To settle the suit, Microsoft has agreed to a long list of concessions. This list is fair and should be accepted.

Microsoft, the industry, and the government all need to move on. Please accept the Microsoft antitrust settlement.

Sincerely
Jesse C. Brown

MTC–00028037

From: sleepinggiantknr@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:10pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Kathlyn Messina
6870 Manasota Key Road
Englewood, FL 34223

MTC–00028038

From: William Stone
To: Microsoft ATR
Date: 1/28/02 1:14pm
Subject: Microsoft Antitrust case settlement

Please see attached letter.
William w. Stone
82 River Drive
Appleton, WI 54915
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing as a retired American who is in support of Microsoft. I feel the settlement reached between Microsoft and the Department of Justice was fair and reasonable. There is no reason to drag it out further.

I believe the terms of the Microsoft antitrust settlement of November 2nd were reasonable and weft thought out. They require significant changes in how Microsoft develops and markets its product. Certainly, other computer makers will now find it easier to work with other software companies'' software that directly competes with Microsoft's Windows system. I'm sure you have looked at this matter thoroughly and will agree to end this case soon. I believe that revisiting the case is continuing to have a negative effect on our economy and slowing its recovery. For the benefit of Wisconsin and the country as a whole, I ask you to leave the settlement be and go on with the business of the country.

Sincerely,
William Stone
cc: Representative Mark Green

MTC–00028039

From: Thomas Canfield
To: Microsoft ATR
Date: 1/28/02 1:16pm
Subject: 718 Saco Court

718 Saco Court
Saint Augustine, FL 32086
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The IT industry and the economy have been affected enough by the suit brought against Microsoft by the Department of Justice. The litigations have wasted time and tax dollars and it is time this matter is resolved. I am of the opinion that Microsoft has done more than they should have in the first place with regards to the settlement. Microsoft has in part, been responsible for the stabilization of the economy in the 90's and I feel that they should be allowed to continue with their business.

Microsoft has agreed to conditions that will allow for more competition in the IT industry that will in turn benefit the economy and the consumer. In order to do this Microsoft will give competitors the ability to make software that is compatible with Windows, and they will not retaliate against them. Also, they will be monitored by a three person technical committee that will make sure Microsoft adheres to the terms of the settlement and it will also help settle disputes. Clearly Microsoft has done more than what they should have to settle this and so should the Department of Justice.

The country's economy and its citizens will benefit from ending this whole mess. Microsoft should be allowed to return to business as usual. Thank-you.

Sincerely,
Thomas Canfield

MTC–00028040

From: azdeal@csi.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:15pm
Subject: Microsoft Settlement

Your Honor,

I'm writing to voice my objections to the proposed settlement in the United States vs. Microsoft case. Microsoft has profited greatly from its anti-trust violations, and this settlement would allow the company to keep all of those ill-gotten benefits. Furthermore, the settlement doesn't prevent Microsoft from wielding its monopoly power again in the future. The proposed settlement only serves to expand Microsoft's monopoly by allowing them to increase their presence in perhaps the only market segment they don't already dominate—the education market. I ask you to reject the proposed final judgment.

Respectfully,
Connie Deal
19691 N. 66th Ave.
Glendale, AZ 85308
623–572–2622

MTC–00028041

From: Tejas Naik
To: Microsoft ATR
Date: 1/28/02 1:13pm
Subject: Comments

I believe Microsoft should be broken up. This will spur a wave of innovation in IT industry and offer consumers choice. It's in the interest of consumers/developers. While, there may be a proposal of settling a case without breaking up Microsoft, I'm highly skeptical that Microsoft which gave such a hard time to DOJ will execute the settlement right. The only way to be assured is to breakup.

Thanks
Tejas

MTC–00028042

From: Tony Christopher
To: Microsoft ATR
Date: 1/28/02 1:17pm
Subject: Microsoft Settlement

To DOJ reviewers;

I believe that the settlement the US government has made with Microsoft is a travesty that will allow MS to continue with its self benefiting, conquer-all strategies and tactics. And, over the near future, uncontrolled, Microsoft will create more injustice that it has in the Internet Browser situation. The data for my argument comes from looking at the emerging area of standards for personal identity on the Internet.

I work in the area of virtual community technologies and services—see bio link below. I believe that collaboration/connections among people, worldwide, is one of the most powerful, forthcoming benefits of computer-communications technologies. I have researched and learned a good deal about the importance of ''identity'' on the net. Microsoft's Passport system, distributed through their pervasive Windows OS, could become a major mal-influence in the emergence of holistic identity services. Here is the data:

Gartner Group has recently completed a study of 2100 users of online/web services; the study focuses on consumer web identity and privacy issues— http://techupdate.zdnet.com/techupdate/stories/main/0,14179,2830912,00.html Summary: ''Despite consumers'' apathy and distrust, identity services will succeed because they will be embedded into Windows XP and the Internet services that consumers will use. Accordingly, Gartner predicts that 40 million online U.S. consumers automatically enrolled in identity services will use them to access an average of three Web sites each month by the end of 2003. ''

This data substantiates that consumers will lose in the future (versus the econometric models likely used in the trial to show how consumers have been harmed in the past) if Microsoft maintains as one business both the operating system and the application software & Services businesses. One of the

conclusions that can be drawn from Gartner's study/data is that Microsoft's monopoly will result in consumers putting up with the weak privacy-control that will result with Passport—whereas the data shows that consumers want strong privacy-control. If Microsoft were to be two companies where the web services were split out from the WindowsOS business more competitive dynamics could prevail in the coming generation of net services i.e., Passport would have to compete with the Java authentication/identity offerings—consumers would have more choice and more privacy-control alternatives would likely be available.

I want to go on record as being strongly against the weak terms of the antitrust settlement with Microsoft. They will cause more injustice and harm in the future than they have in the past if we do not take the current judgment against them to mete out remedies that will protect the Internet industrial and consumer participants from the force of this conquering gorilla.

A.J. Christopher

These views reflect my own personal beliefs and do not represent those of my employer.

Anthony J. Christopher
Community Practice Manager
Mongoose Technologies, Inc.
www.MongooseTech.com
Bio: www.MongooseTech.com/RealCommunities/Tony.html
E-mail: Tony.Christopher@MongooseTech.com
Phone-Voice Mail: 650–224–4567
CC:Tony Christopher

MTC–00028043

From: Donna Rogers
To: Microsoft ATR
Date: 1/28/02 1:15pm
Subject: Microsoft Settlement

Judge Kollar-Kotally,

I urge you to reject the proposed final judgment in the U.S. vs. Microsoft case. Every court has found that Microsoft violated antitrust laws, making billions of dollars in the process. This proposed settlement would allow the company to keep virtually all of those illegal profits! There is also no provision that would prevent Microsoft from continuing its anti-competitive behavior. In fact, the monopoly is validated and furthered under the PFJ through the dissemination of Microsoft software to our schools. And Microsoft cannot be allowed to essentially police itself.

Please vote against the PFJ in the interest of the public.

Sincerely,
Donna Rogers
3522 Pine Ridge Way
San Jose, CA 95127
408.729.7468
CC:microsoftcomments@doj.ca.gov@inetgw

MTC–00028044

From: Robin (Roblimo) Miller
To: Microsoft ATR
Date: 1/28/02 1:14pm
Subject: Microsoft Settlement

A problem just starting to rear its head in regards to Microsoft's desktop monopoly is the company's curent attempt to extend it to all Internet transactions through its .NET initiative and the accompanying C# programming language that is designed to kill Java, JREE, and other non-Microsoft Web interaction tools.

If it is the DoJ's intent to help Microsoft kill off all competitors; to in effect become the sole controller of all Internet standards, then the current proposed settlement should be allowed to stand. If the DoJ wants to foster computer industry competition and innovation, the proposed settlement will be withdrawn, and Microsoft will be penalized harshly enough for its past lawbreaking that its management will not be tempted to break the law in the future. As a U.S. citizen who is employed in the IT industry, I would rather see competition than have one company control our entire computing infrastructure. I think you will find that my opinion is shared by almost all people in this business who do not work directly or indirectly for Microsoft. It is sad that the United States Department of Justice is not protecting citizens'' interests, but has decided to ''lay down'' for a major corporate campaign contributor. Apparently the SEC did pretty much the same thing for Enron, though.

I wish I knew a way to root out this corruption, but it's hard when both the people who make the laws and the people who enforce them are for sale to the highest bidder. Poor America. I fear for our future.

Robin Miller
206 52nd Ave. W.
Bradenton FL 34207
phone 941–704–0779

MTC–00028045

From: Robert L. Butler
To: Microsoft ATR
Date: 1/28/02 1:16pm
Subject: Microsoft Settlement

Robert L. Butler
99 Woodland Avenue
Summit, NJ 07901–2001
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
BY E-MAIL

Dear Mr. Ashcroft:

I am writing to give my support to the agreement reached between Microsoft and the Department of Justice. I did not support the initial lawsuit. This suit was brought more out of political and professional enmity than any supposed damage to the consumer, the necessary basis for antitrust action. Bill Gates produced a better product, the standardization of computer software. Granted, Microsoft was aggressive, and at times heavy- handed.

Microsoft has been chastened though. Both parties agreed to a settlement that is, for the most part, fair. Microsoft has agreed to open the company up more to third party innovation, has agreed to a uniform price list, has agreed to a technical oversight committee, and has agreed to interface disclosure. Microsoft is obviously trying to meet the demands of the Department of Justice.

It is time to move forward. We have more important things to worry about. We need to put our economy back on track; allowing one of our major companies to get back to work is one way to do this. I urge you to give your support to this measure.

Sincerely,
Robert L. Butler

MTC–00028046

From: richard sonnier
To: Microsoft ATR
Date: 1/28/02 1:13pm
Subject: [Fwd: Microsoft kills Real World/ Great Plains Classic]

Reaf World Classic is a ''COBOL'' accounting running on many platforms Unix/ Ibm Aix / Dos and many others (i.e. any os which has Mico Focus Cobol).

Great Plains Bought Real World.

Micro soft bought Great Plains in 2001.

Microsoft scrapping Classic accounting package.

Microsoft only option to 20,000 customers is you must at extrem expense convert to windows based packages?

Richard L. Sonnier Jr.
Gulf Central Systems
800 Mire Street
Houma, La. 70364
985–851–6674
800–367–3094 (WORK)
RLS0938@AOL.COM

MTC–00028047

From: Nuovo1@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:19pm
Subject: Microsoft Settlement

Dear Atty Gen. Ashcroft:

My wife and I are extremely pleased that the settlement agreement which has been reached between Microsoft and the US Justice Department. It is my understanding that the agreement is currently undergoing a sixty day period in which the public is encouraged to provide input on the matter.

Let me say that we fully support this settlement because it is good for the country, the economy and technological innovation.

Microsoft has accomplished so much and has contributed greatly to the success of this great country of ours.

Please STOP the litigation, enough is enough. Our legal system is running rampant and is destroying our Free Enterprise System which has made our country great.

My wife and I plead with you to stop the litigation and settle the matter.

Thank you for your consideration,
Frank & Francesca Nuovo
730 Woodcrest Lane
Monterey, Ca 93940

MTC–00028049

From: Bernard Rogers
To: Microsoft ATR
Date: 1/28/02 1:20pm
Subject: Microsoft Settlement

Honorable Judge Kollar-Kotally,

I'm a concerned citizen requesting that you reject the proposed final judgment in the Microsoft antitrust case. The public would not be served by the slap on the wrist, as Microsoft would lack any deterrent from repeating its offenses.

The proposed final judgment also fails to address the issue of bolting software to its operating system that first led to this suit. It

will thus be free to repeat the antitrust violations that have earned it billions of dollars a year.

Respectfully,
Mr. Bernard Rogers
3522 Pine Ridge Way
San Jose, CA 95127
(408) 729–7468
CC:microsoftcomments@doj.ca.gov@inetgw

MTC–00028050

From: Bill (038) Carol Roberts
To: Microsoft ATR
Date: 1/28/02 1:23pm
Subject: Microsoft Settlement

Thank you for considering the attached letter.

W. S. Roberts, Jr.
2113 Primrose Lane
Martinsville NJ 08836–2220
Home: 732–469–0824
Fax: 732–469–0639
Cell: 732–245–8049
E-mail: wsrcjr@optonline.net
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

I am writing because I am in support of ending the antitrust lawsuit against Microsoft. Microsoft's ability to operate under normal conditions remains compromised as long as the litigation continues, and settling the case according to the terms agreed upon in November would be the quickest and fairest way to move on.

The settlement is a reasonable conclusion to the case and will foster market growth for Microsoft's competitors, while still assuring the security of Windows. Easing restrictions on computer makers who license Windows will ultimately enable those companies to offer a broader selection of programs from competing developers. Given that, it seems as though the Department of Justice's goal would be achieved.

I am urging you to settle what has already been too long a case. The public and Microsoft are ready to put the matter behind them, and the government should be as well.

Sincerely,
William S. Roberts, Jr.
2113 Primrose Lane
Martinsville, NJ 08836

MTC–00028051

From: WPARK1220@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:23pm
Subject: Microsoft Settlement

8 Ramblewood Drive
Longview, TX 75605
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
Wahington, DC 20530–0001
Dear Mr. Ashcroft:

Thanks for the effort and direction that you and your departments are taking. My family and I approve of the leadership and wisdom that the Bush administration is taking.

It is my understanding that Microsoft and the government have settled an antitrust lawsuit in which Microsoft has agreed to grant computer makers broad new rights to configure Windows so as to promote non-Microsoft software programs that compete with with programs included within Windows. In my opinion, no more federal litigation against Microsoft is acceptaable beyond this agreement.

Sincerely,
William R. Park

MTC–00028052

From: Catherine Brett
To: Microsoft ATR
Date: 1/28/02 1:25pm
Subject: Microsoft Settlement

Please let the present settlement stand.There has been more than enough debate on the subject.

MTC–00028053

From: Christine Rogers
To: Microsoft ATR
Date: 1/28/02 1:26pm
Subject: Microsoft Settlement

Your Honor,

Microsoft must be forced to play by the same rules as everyone else, and the proposed final judgment before your court fails to accomplish that. I ask you to reject it.

For years, strong-arm tactics on Microsoft's part have cut down promising high tech companies and hurt innovation here in Silicon Valley. The courts have ruled against Microsoft—now let's bring about a solution that actually causes them to cease their anti-competitive activities!

I am also concerned that Microsoft's monopoly would only be broadened by the giving of its software to schools. It costs the company virtually nothing to do so, yet the harm to competitors like Apple is enormous.

Please vote against the PFJ.
Christine Rogers
3522 Pine Ridge Way
San Jose, CA 95127
408.729.7468
CC:microsoftcomments@doj.ca.gov@inetgw

MTC–00028054

From: Kevin Clark
To: Microsoft ATR
Date: 1/28/02 1:26pm
Subject: Microsoft Settlement
From: Kevin D. Clark
191 Mitchell Road
Nottingham, N.H. 03290
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement.

I am a professional software engineer, with 10+ years of experience in industry. During these 10+ years, I have seen Microsoft grow to dominate the computer software market. Microsoft has achieved this dominance through anti-competitive practices, and I have seen many novel and innovative technologies crushed by Microsoft, all in the name of furthering Microsoft's iron grip over the software market. As someone who is both passionate about working in this field, and as someone who tries to innovate in this field as well, Microsoft's actions over the last few years are very distressing.

I have read the Proposed Final Judgement, and I want to say this: the Proposed Final Judgement will allow many exclusionary practices to persist. So, I don't support this judgement. (unfortunately, due to time constraints, I cannont enumerate all of the ways in which this judgement is flawed—if you are looking for more specific complaints, please refer to: http://www.kegel.com/remedy/remedy2.html

I consider the summary of the problems with the Proposed Final Judgement on this web-site to be excellent.)

Please work to fix this judgement. If you leave any loopholes in this judgement, there is much precedent to show that Microsoft *will* exploit these loopholes to maintain its illegal monololy.

Regards,
Kevin D. Clark
kevin—d—clark@yahoo.com

MTC–00028055

From: ivoryf@cut.net@inetgw
To: Microsoft ATR
Date: 1/28/02 1:18pm
Subject: Microsoft Settlement

Let Microsoft do what they do best and let s quit spending tax payer dollars to beat the subject over the head. Microsoft may have created a monopoly but was there anyone smart enough to come up with the better product.

MTC–00028056

From: Veritas123@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:18pm
Subject: Microsoft Settlement

Mocrosoft is largely responsible for the greatest technology advance the world has ever seen. MS produces good products at ever-lower prices. Competitions is alive and well in the industry—others need to just make their contribution and let the market buy it or not. The Department of Justice (under President Clinton) and the various states Attorneys General are after money and power—let them show what they can produce. So far I havn t seen what they contribute. They have not protected the public at all rather they inhibit industry advancement. And of course they want millions. (Is there any other thought for these guys?) Let them earn it in an honest way: hard work and imagination. End the suit immediately by taking the least intrusive road out. Microsoft should grow or fail by how it treats the American consumer and not by dictates by government employees. In fact the failed government employees should be forced to relinquish their own pay for all the harm they ve done to innovation and to the American public.

MTC–00028057

From: geheuler@verizon.net@inetgw
To: Microsoft ATR
Date: 1/28/02 1:18pm
Subject: Microsoft Settlement

Microsoft has done more to stimulate the economy has provided more jobs and contributed more to education than any other company or individual anywhere. To say nothing of what they have done for

technology. This country was built on competition and he epitomizes competition.

MTC–00028058

From: tlerb@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:17pm
Subject: Microsoft Settlement

With the current state of the economy we need Microsoft concentrating on business without the distractions of this suit which should have been settled long ago.

MTC–00028059

From: Robert.ewald@worldnet.att.net@inetgw
To: Microsoft ATR
Date: 1/28/02 1:17pm
Subject: Microsoft Settlement

The lack of credibility of the Attorneys General opposing the Governments settlement is strictly a play for publicity and grubbing for money and should not be permitted to proceed farther. I believe the Government s acceptance of the existing settlement is imperative. Thank you for listening. R. H. Ewald

MTC–00028060

From: zman@c2on.net@inetgw
To: Microsoft ATR
Date: 1/28/02 1:18pm
Subject: Microsoft Settlement

please settle with mr. gates perposal so we the tax payer are not burdened any further

MTC–00028061

From: geojenner@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:18pm
Subject: Microsoft Settlement

I am writing to urge you to support the proposed Microsoft settlement and end this controversy's tenure in the federal arena. The United States Government has in past administrations provided its citizens with ample evidence of what results when overzealous and uninformed public representatives take regulation of successful private industry to extremes in the mistaken belief that action against private industry will always end in providing a public benefit. Past government actions against AT&T have broken a national treasure Bell Telephone Laboratories and increased prices while decreasing efficiency and customer service in the process. . Microsoft must still contend with several states lawsuits but I believe it s time and best for all parties to get beyond this ridiculous activity and allow everyone to return to the business at hand. The settlement will compel Microsoft to open its systems to competitors software and use. A committee has been provided in the settlement to monitor Microsoft s future business practices to assure compliance with the settlement s terms. I believe that for the sake of our national economy and the continued success of this vital industry this matter should be settled. As a citizen I feel my technological future will be enhanced by innovations which work and that is what Microsoft is all about.

MTC–00028062

From: hking24834@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:18pm
Subject: Microsoft Settlement

Microsoft has been has helped the US & other countries to emerge into world leading companies. Netscape & CEO James Barksdale was bundling features years ago & was upset with Microsoft turning the tables on them when Mr. Barksdale conceded engaging in in simular practices & stating He didn t recall. Soon after Netscape merged with another company. Who was calling the kettle black? During the 1940 s U.S. Steel went through similar litigation & settled with- out killing the company as Judge T.P. Jackson was trying to do to Microsoft. Who incidentally was not qualified to make this decision. I believe this company has suffered and paid more than their share through unreasonable and excessive charges. The US has encouraged innovation competition & development of technologies. This built our country and made us strong to prevent any Bleeding Hearts to damage and hurt us such as the Ben Laden's. If anyone was wielding a club in these negotations it was Apple not Microsoft. Will AOL be next? What about the merger between AOL and Time Warner? This changed the competition land-scape in one of the most competitive industry in the world. I think it is time to reflect and close the litigation against Microsoft before the Bleeding Hearts close one of our leading companies in our nation.

MTC–00028063

From: cyvalco@juno.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:18pm
Subject: Microsoft Settlement

The settlement (proposed)is still canted toward the government. I believe that the millions of $$ spent on this investigation far surpasses the $$ value to the consumer. What Microsoft did/is doing is just plain good business sense and I don t think they should be codemned for that.

Thanks!!

MTC–00028064

From: t—odwyer@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:18pm
Subject: Microsoft Settlement

It is time to end this law suit. The people did not suffer from Microsoft integrating the browser or in essence offering it free. In fact the only suffering on the part of the people was the amount of tax payer money spent by the government on the case. The settlement that is there now is in the best interest of the American people and the technology industry.

MTC–00028065

From: rkbrooks@amaesd-net.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:18pm
Subject: Microsoft Settlement

I think the settlement reached with Microsoft on Nov. 3rd should be agreed to and bring this lengthy antitrust case to an end.

MTC–00028066

From: birdiebajc@juno.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:18pm
Subject: Microsoft Settlement

Stop persecuting innovative firm

MTC–00028067

From: cdj@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:18pm
Subject: Microsoft Settlement

I believe the ruling was fair and serves the best interest of both Microsoft and the government.

MTC–00028068

From: batigerlily@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:18pm
Subject: Microsoft Settlement

I am very satisfied with the settlement and find no use in any continuing litigation. I feel that the litigation could have been handled in a much better way and that it was motivated by special interests. In any case litigation should end. thank you. Susan Bates

MTC–00028069

From: N M
To: Microsoft ATR
Date: 1/28/02 1:26pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally,

I hereby submit my objection to the Proposed Final Judgement agreed upon between the Department of Justice and Microsoft. I understand that there are several underlying errors attributed to the Proposed Final Judgment.

One noticeable flaw encompasses an inept enforcement device implementing restrictions. The settlement in other words closely monitors and screens all of Microsofts business activities. This close scrutiny insures MS complies with all restrictions entailed in the agreement.

A three man compliance team will oversee and insure that Microsoft comply with the stated rules and regulations. Yet, this three-man oversight committee will be composed of the following: one appointee from the Justice Department, one appointee from Microsoft, and another appointee chosen by the two existing members. In turn, Microsoft will control half of the oversight team.

In the likelihood of any enforcement proceedings, all findings by the oversight committee will not be allowed into court. The sole purpose of the committee is to inform the Justice Department of all infractions by Microsoft. In addition the Justice Depart will launch its own investigation into the matter and commence litigation to halt all infractions. When all is said and done, the oversight committee is just window dressing, who will not strictly oversee Microsofts business moves?

In my opinion, the Proposed Final Judgment does not provide appropriate restrictions against Microsoft. What reassurance do we have against Microsofts illegal and illicit activities? I can assure you that the Proposed Final Judgment does not effectively nor sufficiently address the question. In conclusion, I submit your honor my objection to the Proposed Final Judgment in the Microsoft case.

Sincerely,
Adorabell Bonefacio
951 2nd Ave
San Mateo, CA 94401

MTC–00028070

From: rgbagwell@msn.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:18pm
Subject: Microsoft Settlement

I am amazed by the statements that Microsoft (MS) has cost the consumer since I am convinced that I have saved at least 60% over what I would have paid without the their operating system. I remember the days that the people around me made fun of MS due to the fact that the included OS support was so rudimentary. MS has designed better built-in support over the years and now the same people say it is too good and is driving other people out of business. (Browsers have been in all operating systems for decades!!) True competitors are having a hard time coming up with something better to sell. This is hard on them but does not increase the cost to the consumer. If they have a better gidget I have the choice of using the built-in capability or buying theirs. A really good choice. I can go on and on but I will only say one more thing. Given a specific function it is always cheaper to have one designer selling to 10 million vs 10 designers selling to 1 million apiece. Since it takes the same number of people to design the function and each is sold to 1/10th the number of consumers the cost to the consumer is 10x the one designer scenario. We have the battle of lower cost to the consumer vs more jobs for designers!!

Sincerely

Roger Bagwell HW/SW Engineer

MTC–00028071

From: bobreist1@juno.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:18pm
Subject: Microsoft Settlement

NetScape should spend less time complaining and a lot more time designing a program that will make them competitive in the market. There has been enough tax-payers Dollars wasted on this already and the Court has handed down a JUST ruling so lets get on with the more important things—-Like Enron for instance.

Sincerely Robert J Reist

MTC–00028072

From: dericwise@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:17pm
Subject: Microsoft Settlement

the witch hunt has gone far enough. let microsoft serve the public and its shareholders and get out of its way.

MTC–00028073

From: Microsoft ATR
To: Microsoft ATR
Date: 1/28/02 1:18pm
Subject: Microsoft Settlement

Consumer choices not government management of innovation are the best marketplace regulators. New regulations and unnecessary lawsuits against technology companies will stifle innovation and result in consumers paying higher prices.

MTC–00028074

From: rscully@bellsouth.net@inetgw
To: Microsoft ATR
Date: 1/28/02 1:18pm
Subject: Microsoft Settlement

Let freedom win out here and get this fiasco over with.

MTC–00028075

From: bgreer22@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:18pm
Subject: Microsoft Settlement

I feel that the proposed settlement between the Justice Department and Microsoft is fair. I see no reason to drag this settlement out any longer.

MTC–00028076

From: gibsonrj@nc.rr.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:18pm
Subject: Microsoft Settlement

A bunch of jealous idiots trying to destroy Microsoft will do wonders for China India etc. I m not from the US and you fools are going to really regret losing control of this industry. You can t attack the foundation to 25% of your economy without noticing an impact downturn layoffs recession mean anything to you.

MTC–00028077

From: elroberson@juno.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:18pm
Subject: Microsoft Settlement

I strongly support the agreement reached with Microsoft. Let s roll em!

MTC–00028078

From: leigh—jr2@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:18pm
Subject: Microsoft Settlement

Microsoft is a wonderful example of American enterprise and achievement. They deserve the thanks of all Americans who care about our economy and global competitiveness. It makes no sense to try to take away through the legal system what Microsoft has assembled through their own hard work.

Please leave them alone and maybe thank them for doing such a good job!

MTC–00028079

From: valleybill@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:17pm
Subject: Microsoft Settlement

THE FEDS LET US DOWN MICROSOFT NEEDS TO BE SEVERELY RESTRICTED IN THE FUTURE AND PUNISHED FOR PREVIOUS ANTI-COMPETETIVE ACTIONS

MTC–00028080

From: brooktl@gte.net@inetgw
To: Microsoft ATR
Date: 1/28/02 1:18pm
Subject: Microsoft Settlement

There has been enough court cases. It s time to settle. This settlement sounds just fine. Don t keep beating a dead horse..

MTC–00028081

From: girls@citigraphics.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:18pm
Subject: Microsoft Settlement

I think it was pure BS to go after Microsoft and spend all of the taxpayer s money for what amounted to a political witch hunt. Why don t you people look into the health insurance companies who are not willing to provide coverage for people who need it. But they are glad to take the premiums!

MTC–00028082

From: barchas1@msn.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:18pm
Subject: Microsoft Settlement

The settlement should be agreed to. The litigation has taken enough time and money. Now it is time to go after the gas and Oil companies.

MTC–00028083

From: ronlnels@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:18pm
Subject: Microsoft Settlement

It is time to put this case to bed. It is the job of the courts to protect the consumer not competators. From the start this case has been all about vicious compititors fighting with each other and then attempting to get the Federal and State courts to settle the fight for them. The consumer never was harmed by Micorosoft s actions but rather was aided by having interconnected working program with the operating program making the total computer operation more user friendly. If you want to take a shot at a company that has harmed and taken advantage of the consumer go after AOL Just change the payment method. I do not think that Microsoft should be allowed to give equipment and Micorosoft software to the schools because this would give Microsoft an advantage over Apple. If they have done wrong make them buy Apples computers and Apple compatable software. You might also give the schools the right to chose Apple or IBM compatable and make Mirosoft pay for it. If the court has been unable to prove a monopoly that has harmed the consumer than the case should be thrown out and AOL Oracle and the rest of the cry babys should have to pay the court costs. As a taxpayer I do not think that it is my responsiblity to pay it.

MTC–00028084

From: sandford moser
To: Microsoft ATR
Date: 1/28/02 1:27pm
Subject: Microsoft Settlement

Dear Ms. Hesse:

I would like to go on record as saying that the Microsoft settlement should be accepted right away. I feel that delaying it, only makes everything more costly to the public. Court costs increase. The cost to Microsoft increases. It becomes a lose, lose situation rather than a win, win situation.

Thank you for the opportunity to respond.

Sincerely yours,
Sanford Moser
21700 Greenfield Rd.
Suite 271
Oak Park, MI 48237
248–968–4700

MTC–00028085

From: zman@c2on.net@inetgw

To: Microsoft ATR
Date: 1/28/02 1:18pm
Subject: Microsoft Settlement please settle with mr. gates perposal

so we the tax payer are not burdened any further

MTC–00028086

From: wolfen616@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:18pm
Subject: Microsoft Settlement

I clearly want the court to accept the settlement. It s fair and the litigation has gone on to long.

MTC–00028087

From: wingswren@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:18pm
Subject: Microsoft Settlement

When free enterprise and beaurocratic elements collide history reveals that the forces and energies of free enterprise and industry offers the only viable alternative for progress. The Microsoft senario is a storybook example of industrial leadership leading the way to beneficial development for enterprises both large and small in the scope of macroeconomics. HOORAY FOR THE SETTLEMENT!!

MTC–00028088

From: carolnbruce@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:18pm
Subject: Microsoft Settlement

Give it up quit beating a dead horse.Too much money has been spent already. Microsoft will just pass the cost to the purchaser to defend thier position of free interprise.

MTC–00028089

From: halstead6@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/28/02 1:18pm
Subject: Microsoft Settlement

WHERE WOULD WE BE WITH OUT MICROSOFT. I CAN OTHER THINGS A LOT WORSE THAN MICROSOFT. MY VOTE FOR BILL GATES

MTC–00028090

From: cortath@juno.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:18pm
Subject: Microsoft Settlement

I believe that the Federal Government and all other State governments should now leave Microsoft alone. The court has made it s decision and now we should move on to more important things. Just because the competition is jealous that they did not invent the same things as those working for Microsoft is no reason that they should have any right to capitalize on the hard work of another. I say move on there are more important problems to plague this country. Deal with them.

MTC–00028091

From: das474—2000@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:18pm
Subject: Microsoft Settlement

Leave well enough alone. this is only going to cost people that use computers more mony. Netcape & AOL can be downloaded on any computer free.

MTC–00028092

From: emelianoff.dimitri@mediaone.net@inetgw
To: Microsoft ATR
Date: 1/28/02 1:27pm
Subject: Microsoft Settlement

The ''case'' against Microsoft was, is and shall forever be a sham. The ''problem'' is that Gates and Microsoft got lucky and their competitors didn't. MS was in the right place at the right time and did the right things... the bozo's who are suing them didn't luck out. Let the market decide if Microsoft is a company that the public wants to do business with. Microsoft does not ''own'' the market any more than it owns the souls of it's dustomers. People choose Microsoft products becasue, despite MS's faults, the products are what it's customers want and need and are reasonably priced.

Let the government do what it does best—nothing!!

Dimitri Emelianoff

CC:emelianoff.dimitri@mediaone.net@inetgw

MTC–00028093

From: Chris Waterson
To: Microsoft ATR
Date: 1/28/02 1:28pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally,

I work for Netscape Communications Corportation, on the Netscape browser product. And I am tired of reading uninformed columns in newspapers and answering uninformed questions from friends about 'how Microsoft won the browser war ''fair and square'''. Let's not forget that this is not about the situation —as it is today—, it's about —what Microsoft did that was against the rule of law—. Microsoft has repeatedly flouted the law of the land, and for this, they deserve to be punished.

The settlement fails to terminate the Microsoft monopoly, which they have proven time and again to use aggressively and illegally to expand into other markets. What guarantee do we have that Microsoft will not continue to ''bolt'' new products on to their operating system in the name of ''innovation'', crushing other fledgeling businesses along the way? How will future innovators protect themselves from Microsoft's entry into a market?

Under this settlement, Microsoft will be only marginally penalized for its illegal behavior. Microsoft —broke the law——every court that has reviewed this case has agreed—but yet it will be allowed to retain the profit from its plunder!

I realize that my viewpoint in this matter is far from objective, but I hope that you'll realize that the fate of consumers, entrepreneurs, companies, and even industries rest in your hands right now. Microsoft has proven time and again that they have no regard for the law. They are a threat to innovation in an industry that has powered the economy for the last ten years, and is likely to be a significant economic force for the next fifty years.

Yours,

Chris Waterson
437 Hoffman Ave.
San Francisco, CA 94114
415–642–3522
CC:microsoftcomments@doj.ca.gov@inetgw

MTC–00028094

From: Robert A. Gerhardt, RFC
To: Microsoft ATR
Date: 1/28/02 1:28pm
Subject: Microsoft Settlement
Attorney General John Ashcroft
US Dept. of Justice
950 Pennsylvania Boulevard NW
Washington DC 20530
January 28, 2002

Dear Mr. Ashcroft,

I am writing as an investor and as one who helps other people invest in the American capitalistic system. I note the country has had extraordinary difficulties financing the high tech companies who are our hope in improving productivity. This all started about the time that the competitors to Microsoft goaded the government into starting a federal lawsuit. The investing public worried that the leading innovator in computer generated productivity improvements was going to be attacked and wounded by the government, why wouldn't the same happen to others in the industry? This was a major contributor to the failing confidence by the investing public.

I have read about a reasonable settlement that has been negotiated between Microsoft and the government. I understand that it is under public review at this time. Let me add my voice to the millions of shareholders that depend on the American capitalistic system to continue to improve productivity, profits and expand. I believe that the government has had its opportunity to make its point. Microsoft has made good faith adjustments in its operations and has agreed to share ''secrets'' with their competitors, something the competitors had sought from the outset. It is time to lift this cloud of intimidation from the technology community and allow our economy to expand once again. I would hope that the tragedy of Sept. 11th would help all of us including the government refocus on our nation's priorities. It is time to move ahead with improving our people's living conditions and maintaining our economic leadership of the world.

Most Sincerely,
Robert A. Gerhardt
RG/tes

MTC–00028095

From: Dirk Valcke
To: Microsoft ATR
Date: 1/28/02 1:28pm
Subject: Microsoft Settlement

Dear Sir or Madam:

As a consultant in the computer industry I come in contact with many people in many different organizations.

These organizations range from first class Financial Institutions to small enterprises with only a few employees. For all these organizations and especially for the thousands, even millions of small and mid-sized companies Microsoft* provided an easy to use, cheap, out-of-the-box usable computing environment.

As you probably know and experienced yourself, even a child can install and use the Windows* and Office* platforms. To find a platform that is as easy to use and that keeps the whole computing experience affordable we can only look at Apple*. The giants in the industry, especially SUN, could take some lessons in user-friendliness, ease of use and low-cost from both Apple* and Microsoft*. The initiative of the Linux* group seems to go in the right direction, but the product is not yet at the level we are used to (user interface, ease of use, support).

When I consider the enormous number of companies and people, who earn their living by building on an ever-evaluating platform, persons that study these new versions and implement ever more complex and at the same time ever easier to use software, I am amazed. When I try to imagine the number of people that use these inexpensive, easy obtainable systems, at work, at school and home, I am amazed. When trying to imagine even the very Internet that allowed me to send you this message, without the low-priced, easy to use computers, I wonder if it would have been possible!!

The inexpensive computers and software are a result of volume. The volume is the result of popularity. Popularity is the result of content and happy users! I hope you advice and ruling will allow current and future enterprises to work on even more mind blowing and fantastic applications and systems. That it will allow the customers/users to benefit from ever more features and possibilities.

With kind regards,
Dirk Valcke—Director.
Advanced Computer Technologies
Valcke bvba ? Kortrijk Office
Min. A. De Clercklaan, 35
8500 Kortrijk ? Belgium
Valcke bvba ? Brussels Office
Marktstraat, 46 BUS 8
1210 Brussels ? Belgium

MTC–00028096

From: arlen-betty@centurytel.net@inetgw
To: Microsoft ATR
Date: 1/28/02 1:22pm
Subject: Microsoft Settlement

Microsoft should not have been charged in the first place. Our leaders tend to encourage less than the best from people.

MTC–00028097

From: drwhom@valleyalley.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:22pm
Subject: Microsoft Settlement

Please leave Microsoft alone. Together we can fight political corruption in this country. Thank you a proud citizen

MTC–00028098

From: itremblay@msn.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:22pm
Subject: Microsoft Settlement

Please settle the suit and then leave Microsoft alone to offer new technology to the world markets.

MTC–00028099

From: tomas.palmer@i-codesmith.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:22pm
Subject: Microsoft Settlement

This attack on Microsoft was the cause of our current tech recession. If Microsoft competitors cannot not do better then Netscape and think Java is the key to the future they deserve to lose in the marketplace.

MTC–00028100

From: bob@purdue.edu@inetgw
To: Microsoft ATR
Date: 1/28/02 1:22pm
Subject: Microsoft Settlement

I am not speaking on behalf of Purdue University. However as the IT manager for the Purdue University School of Education I have found Microsoft to be a friend of Education. Microsoft has been a friend to Education for many years even while other companies which have a reputation for being education friendly have taken advantage of Education over-priced their products and given Education little or nothing. Unlike other companies that have been hostile towards education and ignorant of our needs Microsoft has delivered quality products for cheap and in many cases for FREE! This long-term commitment demonstrates to me that Microsoft cares for students and educators. The fact that the vast majority of our students *prefer* Microsoft products to other products and operating systems demonstrates this. I urge you to allow the settlement and resolution of the Microsoft case. Please allow what I consider to be one of our countrys' National Treasures the freedom to continue supporting and inspiring the work of Education.

Thank you and best wishes.
—Robert Evans

MTC–00028101

From: NATHAN S MORRIS
To: Microsoft ATR
Date: 1/28/02 1:30pm
Subject: Microsoft Settlement

——major penalties,no breakup——
NATHAN

MTC–00028102

From: ben—dixon@email.msn.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:22pm
Subject: Microsoft Settlement

Microsoft is the engine of our economy train. Leave them along and let them pull all of us forward.

MTC–00028103

From: chstudstill@juno.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:22pm
Subject: Microsoft Settlement

I donot feel that Microsoft should be allowed to proceed with its products uninhibited by government or less successful competitors

MTC–00028104

From: mikesuda@gtw.net@inetgw
To: Microsoft ATR
Date: 1/28/02 1:22pm
Subject: Microsoft Settlement

I THINK THAT THEIR SHOULD BE NO MORE LITIGATION IN THE MICROSOFT CASE. THE STATES SHOULD APPROVE THE SETTLEMENT.

MTC–00028105

From: ggallas1@nycap.rr.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:22pm
Subject: Microsoft Settlement

I endorse the settlement between Microsoft and US Government. I am hoping for a Final Judgment.

MTC–00028106

From: kwshaeffer@att.net@inetgw
To: Microsoft ATR
Date: 1/28/02 1:22pm
Subject: Microsoft Settlement

Please consider ending the legal activity against Microsoft. Microsoft has offered a very large settlement which should be approved in the interest of allowing technology to advance. Microsoft was never a monopoly (as is my garbage service & city sewer/garbage service). It is unfortunate that the Clinton Administration Justice Department originally started this unsupportable suit. Thank you for listening.

MTC–00028107

From: bobleibo@bellatlantic.net@inetgw
To: Microsoft ATR
Date: 1/28/02 1:22pm
Subject: Microsoft Settlement

This settlement is very fair. the only people that seem to be complaining are microsofts' competitors and people that think operating systems should be free and not be considered intellectual property. This company is one of the great success stories of the 20th century. don't punish them further for this success. nobody that I know complains about microsoft. they like their products and find them easy to use. stop wasting all this money on this court case. it's ridiculous.

MTC–00028108

From: holly—miller@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:22pm
Subject: Microsoft Settlement

While I disagreed with the government s antitrust case in the first place I am pleased with the settlement insofar as it brings the case to a close.

MTC–00028109

From: nirgal27@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:22pm
Subject: Microsoft Settlement

This entire Microsoft case has done more harm than good. Not only has it wasted time and money but it has also been run at the expense of pursuing various attacks by the Al-Qaeda organization.

MTC–00028110

From: alben4@juno.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:22pm
Subject: Microsoft Settlement

Windows XP came installed when I purchased my new computer. I'm very disappointed with this highly praised Operating system. I can't run my printer as I did with Windows 95 and it can't be fixed.

Microsoft should be made to remedy my situation.

MTC–00028111

From: will
To: Microsoft ATR
Date: 1/28/02 1:33pm
Subject: in regards to the microsoft anti-trust case

I used to be a consultant on Microsoft products right up until about 4 years ago when I switched from consulting on systems integration and started doing development work on a variety of other platforms. I've known a lot of the folks at Microsoft over the years and been a part of various Microsoft initiatives. As the years have passed, I've become increasingly concerned with the level of quality of Microsoft products and the direct effects they have on our world. Not just consumers, or businesses, or governments, or the Internet, but —everything—. The reason they have this affect on —everything— is because they outsell other operating system providers in a variety of business spaces. This ability they have comes less from radical product superiority, but mostly from their absolutely amazing business and marketing skills. I think these business and marketing moves that Microsoft has made have become increasingly Machiovellian—the ends absolutely justifies the means in the Microsoft juggernaut's mind (sorry for the personification here). Reading through the findings and my experiences in the Microsoft world and my friends'' lives, I believed as the courts did that Microsoft is guilty of abusing their monopoly.

Reading through the settlement recommendation, I'm appalled. I think it does nothing to curb Microsoft's business and marketing juggernaut which clearly lacks moral sense. I think it actually furthers Microsoft's monopoly in the future without instilling any moral and ethical guidelines.

I am absolutely against this settlement and I think it's ridiculous that it's even being considered by anyone. It's not an issues of good vs. evil, it's an issue of fixing the future so that consumers aren't continually hurt by the continual immoral practices of a behemoth company.

Thank you for your time,

/will

whatever it is, you can find it at http://www.bluesock.org/willg/ except Will—you can only see him in real life.

MTC–00028112

From: ewspak@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:22pm
Subject: Microsoft Settlement

I strongly support the settlement reached between Microsoft and the Federal Government. The few state attorneys general who have not signed on appear to be more interested in the political benefits of opposing big business than in the public welfare. Government must not penalize businesses merely because they are successful or large. Innovation should not be discouraged by reducing competitiveness. Competition is essential to developing the technology that our country s economy depends on.

The settlement protects the public while ensuring competition and innovation. The key features include an onsite committee to ensure Microsoft s compliance the ability for consumers to delete Microsoft programs from their operating systems the ability for computer manufacturers to add programs to PC s with Windows and forcing Microsoft to disclose the technical information necessary to competitors so their software will run smoothly on Windows.

Sincerely

Eric W. Spak

MTC–00028113

From: Clintwood456@juno.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:22pm
Subject: Microsoft Settlement

I think this is a fair and just settlement. Don t think any changes should be made

MTC–00028114

From: Jumpj52@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:22pm
Subject: Microsoft Settlement

I believe the settlement as it stands now between the government and Microsoft is fair and just. I believe the government has been exemplary in it s conduct during the Microsoft case. The nine remaining states should end their suits in this case and join the Federal government in ending this long running case.

They are only wasting the tax payers money. For AOL to bring it s suit against Microsoft on behalf of Netscape is pure folly on AOL s part. The case has pretty much been decided on. They are only try to delay it. For what purpose? Who knows. In my personal opinion I don t believe Microsoft ever did anything wrong. But since it has already been ruled against that s OK. We should move on from there.

End this case now before it does more harm than good.

Thank you for listening.

MTC–00028115

From: ellieford@juno.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:22pm
Subject: Microsoft Settlement

This case has gone on long enough and needs to be settled to get the economy going. Nine states settled and the nine states holding out should settle also. Netscape is a sore loser because people like Internet Explorer better. That's competition on which this country thrives. I have both in my computer but like Internet Explorer better. AOL also has no business bringing a new suit against Microsoft. It should be thrown out. I don't like AOL either. If anyone tries to monopolize the internet it s AOL.

MTC–00028116

From: willo@pillars.net@inetgw
To: Microsoft ATR
Date: 1/28/02 1:22pm
Subject: Microsoft Settlement

Have you people ever read The Law by Frederic Bastiat? It is not the legitimate role of government to manipulate the free market.

MTC–00028117

From: zhou0628@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:22pm
Subject: Microsoft Settlement

Quick and fast settlement is beneficial to the economy as a whole. The current settlement has already posed good restriction on Microsoft on anti-trust related issues.

MTC–00028118

From: fghewitt@juno.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:22pm
Subject: Microsoft Settlement

The governments' actions are threatening the safety liberty and prosperity of the United States and its citizens.

MTC–00028119

From: afreespirit@email.msn.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:22pm
Subject: Microsoft Settlement

Accept the Settlement The proposed settlement already helps the rivals of Microsoft by placing significant restrictions on Microsoft. Hopefully no more time or money will be spent on unnecessary objections by a few state governments that are holding out.

MTC–00028120

From: ctrizogl@cisco.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:22pm
Subject: Microsoft Settlement

In today's highly competitive environment most of Microsoft's practices should not be judged within a legal framework but rather should be seen as aggressive marketing practices. Such extreme cases confuse people and rather than spending time effort and resources to find ways to become more competitive the rely upon a legal system to get them out of the hook. In my opinion the end result of such extreme legal actions is that the consumer does not enjoy the best possible products at the best possible price that come out of competition in so many other markets.

MTC–00028121

From: liloc@att.net@inetgw
To: Microsoft ATR
Date: 1/28/02 1:22pm
Subject: Microsoft Settlement

Microsoft where would we be with out you? You are the brain behind todays technologies and we are for you

MTC–00028122

From: sportsranch@msn.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:22pm
Subject: Microsoft Settlement

I wish that I had the time to write a response that would reflect my complete disgust on the attack of Microsoft by our government's abusive use of power and influence. Simply I want this government's action against Microsoft only for the benefit of Microsoft's unsuccessful competitors to come to an end.

We need to get on with the economy and tremendous prosperity that we enjoyed

before this government's overzealous bureaucrats and these cry baby spoiled brats from Sun Microystems Oracle and Netscape helped take this country into recession. Accept the settlement and get on with life!!! How stupid! Take the most productive and successful company in the world and try to destroy it! What a bunch of idiots!! I said this as nice as I could with this much anger!!! You should hear the way I really feel about it!!

MTC–00028123

From: bone@apex.net@inetgw
To: Microsoft ATR
Date: 1/28/02 1:22pm
Subject: Microsoft Settlement

Please put a stop to the economically draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop the fact is this case against Microsoft is little more than welfare for Netscape and other Microsoft competitors with not a nickel going to those supposedly harmed by Microsoft the computer user. I do not feel I have been harmed. This is just another method for states to get free money and a terrible precedent for the future not only in terms of computer technology but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now.

Thank you

MTC–00028124

From: wtmizuto@msn.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:22pm
Subject: Microsoft Settlement

I fully support the current settlement and believe that further litigations against Microsoft should be stopped. It is obvious that Microsoft's competitors Oracle and Sun System are doing everything they can to ruin the company. Our government should not be influenced by this. Enough already. A fair settlement was achieved. Federal government should discourage the remaining states from further litigation. Microsoft one of the most successful American companies should be allowed to continue its efforts in innovation. Our fragile economy needs this and consumers are benefiting from innovation.

MTC–00028125

From: rustynail@hci.net@inetgw
To: Microsoft ATR
Date: 1/28/02 1:22pm
Subject: Microsoft Settlement

It is time for the government to get out of the free enterprise systems way! Microsoft has made life easier for everyone. I could have any program that I chose. Noone has forced me to use Microsoft Products. I use them because they work and are economical. What's wrong with that? Since when did making money become against the law? They give more to charity than the U.S. Government.

Give me a break and do something worth while. We have become a nation of wannabes rather than a nation of doers. The justice system needs to mind its own business and it has plenty to mind! What if Microsoft said enough. You can have it and we quit and take our ball to the house. Would software still be as economical and work? I think not!

MTC–00028126

From: judimoore@pioneernet.net@inetgw
To: Microsoft ATR
Date: 1/28/02 1:22pm
Subject: Microsoft Settlement

Please move forth on the Microsoft settlement. This case has slowed down the evolution of technology.

MTC–00028127

From: Adella@msn.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:22pm
Subject: Microsoft Settlement

In my opinion the suit against Microsoft should never have been filed by the DOJ to begin with. It is time to stop it and the settlement should be approved and the Court should force all states and persons to abide by it. Let's stop allowing the incapable ones to enter a field about which they are not sufficiently informed and capable by screaming false accusations. End user consumers have been greatly harmed by the suit already and in fact will continue to be harmed by the suit and the limitations and regulations imposed by the settlement. However better that we at least stop further blood-letting and force the competitors to find their place in the market on the merit of their products and not on the basis of politics.

MTC–00028128

From: emory@iquest.net@inetgw
To: Microsoft ATR
Date: 1/28/02 1:22pm
Subject: Microsoft Settlement

Keep the government out of Microsoft's business! This is as stupid as saying Henry Ford had an unfair advantage in selling cars. Microsoft built the better mouse trap and is being punished for it THIS IS UNAMERICAN

MTC–00028129

From: carol1335@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:23pm
Subject: Microsoft Settlement

Bogus charge the company has done more for the consumer then could be expected of any company

MTC–00028130

From: nclac@att.net@inetgw
To: Microsoft ATR
Date: 1/28/02 1:22pm
Subject: Microsoft Settlement

I do not understand the whole problem or lack of. I have had three different computers in the past five years and Netscape and Compuserve were all loaded in them I presently use both Netscape and Microsoft Explorer. LEAVE MICROSOFT ALONE if it was not for them we would not have the ease of use that we enjoy today.

MTC–00028131

From: tom—talbot@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:23pm
Subject: Microsoft Settlement

Further action against Microsoft is unwarranted and will stifle the development of technology that is critical to America maintaining its leadership role in computer applications.

MTC–00028132

From: Jim AA Wright
To: Microsoft ATR
Date: 1/28/02 1:31pm
Subject: Microsoft Settlement

I think it is time to settle this Microsoft thing and quit wasting Government money on it. I don't think anyone knows how many businesses have been started to carry on and supplement Microsoft. I think it is time they were allowed to continue without the threat of a law suit hanging over them. They have caused no real harm to anyone, but there are those that would like to line there pockets at Microsofts expense.

Jim A Wright
wa7hif@juno.com

MTC–00028133

From: williamandgwenfisk@msn.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:23pm
Subject: Microsoft Settlement

I believe it is in the best interest of America to accept the settlement and move on. The settlement despite it's prejudice toward Microsoft will help our economy. I don't think the competitors have suffered from Microsoft exclusion.I think they don't have the expertise to compete. If there was a system that was as user friendly as windows it would have been just as successful. At any rate Microsoft is willing to share their technology with competitors so accept it and move forward.

Sincerely
Gwen Fisk
Owner of Full House Exterminators

MTC–00028134

From: sprice@hyperaction.net@inetgw
To: Microsoft ATR
Date: 1/28/02 1:22pm
Subject: Microsoft Settlement

I believe this settlement is fair to everyone and allows for continued technology growth.

MTC–00028135

From: mccpb@bellsouth.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:23pm
Subject: Microsoft Settlement

let consumers determine the demand and thus the supply for products. the govt should have a hands off policy in the free market place.

MTC–00028136

From: HMGuzzo@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:31pm
Subject: microsoft settlement

TO WHOM IT CONCERNS,

IT SEEMS TO ME THERE ARE MORE IMPORTANT THINGS TO BE DONE IN THIS COUNTRY, BESIDES RIDE MICROSOFT WITH EVERY WHIM OF THE PEOPLE WHO WANT TO SUE. I THINK THERE SHOULD BE A SETTLEMENT AND GET ON WITH WHAT NEEDS TO BE DONE IN THIS COUNTRY. THERE ARE PLENTY OF CROOKS OUT THERE TO GET IF THAT IS

WHAT YOU WANT.I THINK YOU ARE BARKING UP THE WRONG TREE. GO FIND THE REAL CROOKS
SINCERELY
HOPE GUZZO

MTC–00028137

From: exnun68@juno.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:22pm
Subject: Microsoft Settlement

Please allow the ruling on Microsoft to stand. We need strong companies to flourish in our economy without undue government interference. Free enterprise is one of the basic principles of liberty and we need the jobs and technology companies like Microsoft provide.

MTC–00028138

From: bobal251@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:22pm
Subject: Microsoft Settlement

This is a terrible miscarriage of justice. Microsoft should not be held to this ridicule. They are the creature of this soft ware and should be governed by the consumers and not by the government. Microsoft and their operating system are vary big and yes their is a reason for that. It's because they made a produce that was needed. They were is the right place at the right time and created a demand for their produce because people wanted it and it was a good product. Now that they are successful they are being penalized for it. Of course others are going to complain about it that's because others are trying to get a piece of the action and get it any way they can. The actions brought against Microsoft is also an action against the free enterprise of the United States of America.

MTC–00028139

From: jorjw@msn.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:22pm
Subject: Microsoft Settlement

I think Microsoft is doing a fine job and should be exonerated. The competitors are envious and want the government to control the competition in their favor. They can't win people complain if they give their software away or price it too high. If there wasn't a market for it nobody would buy it. The only ones who seem to have a problem with them is their competitors. Leave them alone and let them keep innovating.

MTC–00028140

From: aerospectrum@juno.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:23pm
Subject: Microsoft Settlement

The currently negotiated settlement is sufficient. Any further action should be suspended.

MTC–00028141

From: byne@home.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:22pm
Subject: Microsoft Settlement

Please! Please! Get OFF Microsoft's Back! Stop Your SILLY castigation this productive Company!

MTC–00028142

From: Michele Stouffer
To: Microsoft ATR
Date: 1/28/02 1:31pm
Subject: Microsoft Settlement

I do not believe the settlement offered by the Bush administration and other states is in the public interest. I believe more needs to be done to curb Microsoft's monopoly and invigorate competition and real innovation in the operating system and office product software markets.

I am a technical training course developer in Silicon Valley, and use Microsoft's products not because I believe that they are superior, but because there is no real choice. They have become an inferior defacto standard. One would think that with all Microsoft's resources and the number of years their products have been around, that the products would be robust and elegant. But the fact is, a week doesn't go by that either Word or PowerPoint or even the Windows operating system either freezes up or totally crashes. Over ten years of using their products has added up to countless hours of lost productivity.

I believe that consumers would greatly benefit if Microsoft were forced to spend some of their resources on improving their products (by having to compete) instead of protecting their monopoly.

Michele Stouffer

MTC–00028143

From: info@bayermedia.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:22pm
Subject: Microsoft Settlement

Dear Antitrust Bureaucrats: First I regard DOJs intrusion into Microsoft's business to be an American Travesty. Now that DOJ has sucked millions of dollars out of the Microsoft pot who will be next? Can't you folks at DOJ understand that you have NOT done consumers a favor in that they [consumers] will ultimately pay for your meddling due to increased costs to produce the Microsoft products? Why can't you government (of by and for the people... yeah right) types understand that simple concept?

Furthermore I DO like many products produced by Microsoft. However if I want a choice of operating systems there are others out there and I DO use them. There are other browser products out there such as Opera which I am using right now.... It is better than the Microsoft browser so I use it. You folks at DOJ DID NOT DO ME ANY FAVORS by getting into Microsoft's business and sucking out millions of dollars THE COST OF WHICH MUST ULTIMATELY BE BORNE BY ME THE CONSUMER. You see... not everyone in America is dumb to what is going on here....

Sincerely
Jeff Bayer
BayerMedia

MTC–00028144

From: tbe@ingeroll.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:22pm
Subject: Microsoft Settlement

I request that the settlement that was agreed upon be allowed to be implemented so we can get on with technology advancement.

MTC–00028145

From: Lee Liaw
To: Microsoft ATR
Date: 1/28/02 1:31pm
Subject: Microsoft Settlement

Thank you for letting us ordinary citizens comment on this lawsuit. I am confused by many of the charges that have been made in this lawsuit. However, the one issue that seems to get a lot of attention, and affects the people, is the charge that Microsoft has hurt the end-user. As an ordinary citizen, I can categorically state that I have not been hurt one bit by Microsoft. My family uses their software products, along with a bunch of other companies'' software products, and I have not experienced any problems. In fact, I feel that the other companies are benefiting because I am buying their products. That is what is confusing. I don't see the ordinary citizen being hurt. In fact, I see them as benefiting from all this technology.

When I read the allegations, I am deeply bothered at the charges and statements made by the attorney generals of the 18 States. Then I read what Microsoft's competitor have to say, and that makes me outraged, because it clearly shows that these companies are bribing the States to do their dirty work. The way I interpret it, is that they are not very astute business people, and they need some help, so they pay-off their Congressmen to do their dirty work for them. This is what really outrages me.

Furthermore, I read the remaining 9 States are extending this lawsuit. In my opinion it sounds like greed! The companies that are in those 9 States are again bribing their attorney generals. My analysis, as an ordinary citizen, is that these companies are not very astute business people. If they can't make a good product that people will buy, then they don't deserve to be in business. If they are not astute business people, I don't want them representing my country when the go overseas and sell to foreign countries. I don't feel like a proud American when I read that these companies are bribing their Congressmen to do their dirty work. It reminds of the government corruption that I read about in other countries. I certainly hope that our government does not stoop that low that we allow our businessmen to corrupt us through bribery and collusion.

I may only be a common ordinary citizen with not much influence as these large businesses, but I wish to exercise my Constitutional right to freedom of expression and certainly hope that you will consider my comments.

Thank you.
Lee Liaw

MTC–00028147

From: pdp216@msn.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:22pm
Subject: Microsoft Settlement

Please bring the lengthy anti-trust case to an end. It would be in the best interest of the technology industry consumers and the economy. There was a settlement on Nov.3 2001 with the federal government an a

number of state attorney generals please endorse this settlement.

Thank-you.

Sincerely

Pam & Phil Mehling

MTC–00028148

From: g.weess@worldnet.att.net@inetgw
To: Microsoft ATR
Date: 1/28/02 1:22pm
Subject: Microsoft Settlement

Do leave Microsoft alone they are the leaders in technology in the world. Without Microsofts ideas we would loose our edge.

MTC–00028150

From: immbfd@gwumc.edu@inetgw
To: Microsoft ATR
Date: 1/28/02 1:23pm
Subject: Microsoft Settlement

I believe the entire trial has been a mistake for America and the economy. I use windows-based computers my mother and sister use apples and my son uses Linux. MS is being punished for providing consumers with an easy to use and affordable operating system. Having said that I believe the settlement reached actually goes beyond the finding of the Court of Appeals. So I will be able to support them exactly as written.

MTC–00028151

From: pdp216@msn.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:22pm
Subject: Microsoft Settlement

PLEASE END THE ANTI-TRUST CASE AGAINST MICROSOFT.

THANK-YOU

H&K MEHLING

MTC–00028152

From: gogadgetstubbs@netscape.net@inetgw
To: Microsoft ATR
Date: 1/28/02 1:23pm
Subject: Microsoft Settlement

The Microsoft operating systems starting from Windows 98 to the current XP have filters & command lines written within that causes non Microsoft software programs to stall or crash. The error message in the Close Program box is usually Not Responding. No matter how much Ram is being used or what the processor speed is this message appears. My company builds computer systems installs hardware & software and troubleshoots many PC problems. It has been my experience that the bulk of my troubleshooting calls have been non Microsoft software problems. Usually on the new systems that someone has purchased will have Windows 98 NT ME 2000 & XP as the operating system. Common problems are the driver files located in these operating systems. To fix the problem a mass majority of the time I have to uninstall either the hardware or software and then reinstall it with the disk provided by the manufacturer. Ninety-nine percent of the time the first uninstallation/reinstallation works.

There have been times when I had to do this two or three times and keep rebooting the computer to get it to accept the files from the manufacturer instead of the files provided by the Windows operating system. I currently have Windows 98-Second Edition on my home PC and find that system actually helps troubleshoot problems with other Microsoft OSs. Windows 3.1 and 95 didn't carry the same command lines as the newer OSs thus they had less failures. No company should be allowed to dominate a market such as Microsoft. This is America and it should be an equal opportunity for all computer manufacturers. After all computers in this country run a mass majority of business both in the work place and now more so in the private homes of Americans. This should give all companies the opportunity to develop hardware & software that is compatible. For that reason alone companies like Gateway Compaq Packard-Bell & Apple/MacIntosh aren't very successful in the computer

MTC–00028153

From: LSUangel56@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:23pm
Subject: Microsoft Settlement

I think this case should end immediately. All citizens have benefitted from Microsoft products. Bill Gates is brilliant and surrounds himself with brilliant people and has done nothing wrong. We only wish we were as smart. To force Microsoft to house a Tech Committee to enforce his compliance with the settlement and then demand he fund it is insane. In America we are suppose to be able to succeed without government punishment for doing well. The government should never have been involved in the first place. CEOs of competitors have thrown money in the right place to bring about this suit in the first place. That is obvious to everyone. To even entertain a forced breakup of Microsoft just simply isn't the American way. Someone somewhere forgot that theory. Maybe the competitors should do better work instead of trying to bring down those that are smarter than them. This is just the opinion of a simple public high school teacher who only wishes to have been so brilliant. Leave Microsoft alone.

MTC–00028154

From: kellythm@Hotmail.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:23pm
Subject: Microsoft Settlement

I wish the government and states would just drop this nonsense and quit trying to hurt the free enterprise system and economy also control the freedom of companies to succeed and make better products in very competitive market. If they think for a minuet that the whole government finding was fair and just I think NOT! AOL and other companies point the accusing finger at Microsoft for being a monopoly its just a ploy to take a successful company down so they can eat up the whole market. Microsoft has never overcharged the consumer for innovative products. This kind of legal dog and pony show put on by the states and federal government wasting the tax payers money has got to stop.

MTC–00028155

From: Mbanks@sport.rr.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:23pm
Subject: Microsoft Settlement

I AGREE WITH THE SETTLEMENT

MTC–00028156

From: rolfglerum@msn.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:23pm
Subject: Microsoft Settlement

As a long-time Microsoft user I find the company's settlement offer to be eminently fair and straightforward. Not only does it provide much-needed support to Microsoft users the world over it answers and pretty much solves the complaints that Microsoft competitors have been talking about since the beginning of this whole controversy. For the good of all it's time to move forward. Please accept this settlement offer.

MTC–00028157

From: rroland@dol.net@inetgw
To: Microsoft ATR
Date: 1/28/02 1:23pm
Subject: Microsoft Settlement

I have been a fan of Microsoft and Bill Gates through all of this mess. We as Americans should be grateful for companies and men like Mr. Gates. If Microsoft hadn't developed the technology some other company in another nation would have. All these companies crying and complaining about Microsoft where were they in the early days? Thats right let someone else do the research and development and then cry like a baby that you got screwed. In my opinion Microsoft didn't do anything that someone else could have done if they had been willing to take the Bull By The Horns spend some money and take a risk. I have no ill feelings for Microsoft whatsoever and feel THEY if anyone has been treated unfairly and unjust.

MTC–00028158

From: brians@110.net@inetgw
To: Microsoft ATR
Date: 1/28/02 1:23pm
Subject: Microsoft Settlement

Every section of this settlement which addresses practices which Microsoft has traditionally used to eliminate the possibility of competition seems to be dependent on definitions of terms such as Non-Microsoft Middleware Product and Windows Operating System Product which are still vague enough to be disputable when Microsoft next feels threatened. Enforcement is by a Technical Committee whose paychecks come from Microsoft who are employed in Microsoft arranged offices with Microsoft provided resources on Microsoft's corporate campus in Redmond Washington.

Even if these controls turn out to be sufficient to stop Microsoft's enforcement of it's desktop monopoly we'll be back in this discussion 5 years from now when they expire. This settlement insures that no other company can use the anti-competitive tactics that Microsoft has taught the industry the hard way against Microsoft themselves. To me this seems unfair as these other companies have already been affected by Microsofts past abuses even though most of these other companies have not proven as untrustworthy in this regard as Microsoft. This settlement does not actually have any effect whatsoever on Microsoft's existing monopoly. In my opinion this settlement is an insult to the DOJ and to computer users in general that we could so easily be fooled

again. Microsoft will continue to buy all competition which can be bought and to find creative ways to kill all competition that they can't buy. Thank you for listening. :-)

MTC–00028159

From: acesinger@msn.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:23pm
Subject: Microsoft'settlement

I believe this settlement is not fair. Because I believe this suit should never have been brought in the first place. I have seen firsthand the problems deregulation brought in the telephone industry and I believe it is wrong and rather unAmerican to penalize companys for doing well such as microsoft is being penalized.

The message this sends to the citizens is that if you form a company and do very well the government will step in and force you to give up some of your assets and redistribute your wealth among some of the less wealthy companys. This is the tenents of Carl Marx. We all know what that is called. This has no place in a democracy. This message says Only do moderately well with your company if you make too much money we will step in and redistribute your wealth to others that are less wealthy. Our country needs to take another look at our undemocratic monopoly laws.

MTC–00028160

From: refraxx@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:23pm
Subject: Microsoft'settlement

Is there a limit to the potential of capitalism? Is there a cap on the American success story? If Microsoft makes a product that is only compatible with other Microsoft products then so be it. Anyone that wishes to compete against Microsoft' should be able to do so without restriction. That is what free enterprise is all about. As long as the products that Microsoft creates is not a health hazard etc. they should be able to do as they please. If the public gets fed up they have the option to choose another brand. Don't get me wrong I don't like the idea of a giant corporation taking advantage of their position in the market to wield their unlimited capital and public appeal to take advantage of the consumer. However lets not put an end to freedom of enterprise and let's not put a cap on the potential of success in America.

MTC–00028161

From: T.J. Mather
To: Microsoft ATR
Date: 1/28/02 2:09pm
Subject: Microsoft' settlement

I am opposed to the proposed Microsoft'settlement. I agree with the problems identified in Dan Kegel's analysis on the Web at http://www.kegel.com/remedy/remedy2.html

Sincerely,
Thomas J Mather
155 West 15th Street, Apt #4C
New York, NY 10011

MTC–00028162

From: fwcourington@foxinternet.net@inetgw
To: Microsoft ATR
Date: 1/28/02 1:23pm
Subject: Microsoft' settlement

The parties opposed to the settlement are beyond children having temper tantrums they are morally obscene. The settlement is more than generous and cessation of the conflict will benefit America at large individual citizens our economy and the well-being of people all around the globe. If I were an enemy of the United States I would be cheering the efforts of the opposition as there can be no greater harm done to our nation than to indulge in continuous unremitting illogical energy draining costly distractions from the productive and creative efforts of paradigm-shifting companies like Microsoft. The motives of those opposing the settlement are transparent they are clearly nothing more than cheap gold diggers.

MTC–00028163

From: dweick@ashland.edu@inetgw
To: Microsoft ATR
Date: 1/28/02 1:23pm
Subject: Microsoft' settlement

I agree with this settlement only to the extent that it ends a long and expensive litigation process. The entire suite was economically and Constitutionally unsound but it has now grown to the point that government money would be better spent on other perhaps less intrusive projects. The fact that the government is seeking to exert such obscene control over the high-tech industry is frightening but the prospect of millions of taxpayer dollars being used to subsidize a longer trial is even more frightening.

MTC–00028164

From: patinmur@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:23pm
Subject: Microsoft' settlement

gentlemen: it is my belief that an equitable solution in the microsoft law suit has been reached and should be allowed to stand as is. further it does not appear in anyone's best interest to squander court time and resources on expensive lawyers.

sincerely
c.l.bass

MTC–00028165

From: bvarnam@atmc.net@inetgw
To: Microsoft ATR
Date: 1/28/02 1:23pm
Subject: Microsoft' settlement

I'm not an expert in the technology field. I've followed the news reports involving Microsoft. I think that this is a case of envy. Microsoft was built by hardwork and genius. Competitors have built off of the work of Microsoft. I think the settlement is unfair to Microsoft. They are being penalized for being innovators. I only wish I had their talent genius & understanding of computers & technology.

MTC–00028166

From: nursejane@worldnet.att.net@inetgw
To: Microsoft ATR
Date: 1/28/02 1:23pm
Subject: Microsoft' settlement

We are a global economy. We should allow Microsoft a leader in the worlds communication field and a strong American company to continue to operate without government interference. Let the cry babies that couldn't compete take their lumps and address their own business failures. Microsofts success will only enhance third world countries not only by their business endeavors but also in the area of its philanthropy.

MTC–00028167

From: dbyrd@mcomposites.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:23pm
Subject: Microsoft' settlement

Although Microsoft Microsoft' stockholders and the American consumer are losers including the public school system. With attorneys politicians and special interest groups reaping personal gain at the expense of the consumer Let the settlement stand before the rest of the world assumes tech leader ship.

MTC–00028168

From: manuelwc@manuel-associates.net@inetgw
To: Microsoft ATR
Date: 1/28/02 1:23pm
Subject: Microsoft' settlement

I strongly endorse the settlement. It is balanced in its approach and it achieves as much fairness as is possible given the complexity of the issues and variety of interests demanding to be served.

MTC–00028169

From: DTPatterson@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:23pm
Subject: Microsoft' settlement

As a user of Microsoft products over the years I am very disappointed in DOJs actions against Microsoft and the $35 Million it spent to cripple the IT industry. Although I do not agree with some provisions of the settlement I find the fact of the settlement and resulting closure to be better for the economy than further harassment of MS and it's chilling effect on entrepreneurial spirit. Let's get on with the task of building a better world through information technology. DOJ owes Microsoft an apology that will never be issued but let's not drag them any further from doing what they do best....creating the best software/systems in the world.

MTC–00028170

From: goliver@kih.net@inetgw
To: Microsoft ATR
Date: 1/28/02 1:23pm
Subject: Microsoft' settlement

the government needs to stay out of it all together. if microsoft wants to give the consumer something free this is their right.

MTC–00028171

From: kemmere@home.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:23pm
Subject: Microsoft' settlement

I have reviewed the JD/Microsoft' settlement and I am happy to see that both sides in this action have finally come to a satisfactory agreement. The forces of open competition are essential to build new technology. Also as technology advances the integration issues have to bring us all to a systems solution that is open standards based and therefore competitive in cost. Challenges

to this agreement by competitors are obviously being done for one reason and that is to erode the Microsoft market position. These have to be evaluated for what they are and nothing more!

MTC–00028172

From: tmartsun@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:24pm
Subject: Microsoft Settlement

Henry Ford changed the world as far as automobiles are concerned. Bill Gates changed the world as far as computers are concerned. I think he should receive a Hero medal.

MTC–00028173

From: wmconveyarch@msn.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:24pm
Subject: Microsoft Settlement

It would be beneficial to allow the settlement that forty one states agreed to accept be finalized so that the future of Microsoft isn t clouded by litigation for years to come both here and abroad.

MTC–00028174

From: jimthom78@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:24pm
Subject: Microsoft Settlement

I believe that the settlement agreed to by Microsoft and the Justice Dept. is quite fair and equitable to all parties involved. I do not believe there is anything to be ained by further litigation in fact it will do great harm to the American public.

MTC–00028175

From: jeronamo69@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:24pm
Subject: Microsoft Settlement

The Anti Trust case over Microsoft should have never even started. It is apparent the only reason why it started was because NetScape and AOL paid off people to bring the case because they knew they couldn t bet Microsoft in the marketplace. Who would really want to have to pay for an Internet Browser when they get one for free? This new case AOL has brought is because they are fuming that MSN is getting bigger and bigger pieces of the market. It is called capitalism live with it and stop trying to bring your rival down with cheap tricks or file for chapter 11 and close down. In capitalism whoever is selling the better product for a cheaper price wins and AOL and Netscape needs to realize that and stop complaining to the government. What President Bush is doing by trying to keep out of the private business sector is a smart descision. Business don t need more government control and this how recession we are going through shows what happens when the government does try to control.

MTC–00028176

From: drgruber@juno.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:24pm
Subject: Microsoft Settlement

The government should have never entered in the suit. Microsoft is a great company. It employs many people and it provides great products. No one is tied to the company with a cord. If someone doesn t want to buy the product he/she doesn t have to buy it. The government should stay out of these things and not punish success. If the government officials are jealous of Bill Gates success they should learn to live with it! There is no crime and was no crime!

MTC–00028177

From: dpost@waypt.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:24pm
Subject: Microsoft Settlement

As an end-user comsumer I feel that this Final Judgement is as good as likely to be. I recommend acceptance of this judgement.

MTC–00028178

From: phy1@milwpc.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:24pm
Subject: Microsoft Settlement

I am very much in favor of Microsoft. This is a country of free enterprise. No more tax money on this case.

MTC–00028179

From: waldcwil@bellsouth.net@inetgw
To: Microsoft ATR
Date: 1/28/02 1:24pm
Subject: Microsoft Settlement

Although I do not always agree with the way Microsoft does business I also have to admit that they have done more than Sun Netscape AOL and others to advance the wide spread use of PCs. As far as using software from a company other than Microsoft I find it very easy to install the software. I have little or no problems with the installation or use of non-Microsoft software. I know that Netscape AOL and Sun seem to think that Microsoft has harmed their businesses but I have used Netscape in the past and let me say that Netscape hurt themselves. As far as Sun AOL Apple and others are concerned if they were so concerned about the general population I did not sense it in their products or their business practices.

In closing I will restate that I do not always agree with Microsoft but if not for them and the IBM compatable PC I would not be using a PC today. Before we go to far down the road of penalties against Microsoft we need to explore the true intent of the other companies. If their products and services are good then people will buy them if not—why force their products and services on us.

MTC–00028180

From: lu-su@clarityconnect.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:24pm
Subject: Microsoft Settlement

This law suit was none other than to intimidate a company that was making too much money and certain persons being envious. Also because they didn t give large political contributions had to be punished. Rediculous to have even instituted the law suit against Microsoft. People were and are able to purchase other products. Microsoft makes things easier. I am strickly against the suit. Clinton should be the one on trial these days not Microsoft.

MTC–00028181

From: archangel525252@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:24pm
Subject: Microsoft Settlement

gentlepersons

After careful and through review of the settlement details I wish to express my agreement that it represents a fair and equtible resolution of most of the issues involved. The intense global technological competition is enough for our U.S. companies to have to deal without further selfinflicting judicial wounds that can only hamper our countries continued leadership in these areas.

yours truly

Mr. J. Podesta

MTC–00028183

From: fsalzone@suffolk.lib.ny.us@inetgw
To: Microsoft ATR
Date: 1/28/02 1:24pm
Subject: Microsoft Settlement

If our Government spent as much $ and time going after Osama Bin Laden rather then Bill Gates we would not be mourning our loved ones.

MTC–00028184

From: rjm.rn1@juno.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:24pm
Subject: Microsoft Settlement

I am appalled that AOL is trying to sue Microsoft after the settlement that has been reached which was too tough on Microsoft in my opinion. Where would the millions on AOL customers have come from without Microsoft??? We all owe a debt of gratitude to them rather than envy at a job well done that benefits us all AOL in particular! Please stop this injustice at once.

MTC–00028185

From: wallgren@flash.net@inetgw
To: Microsoft ATR
Date: 1/28/02 1:24pm
Subject: Microsoft Settlement

We've already wasted hundreds of millions of dollars of taxpayers money -the courts have ruled & the settlement was accepted by the justice department. Let s get on with the more important things in our life like the national and homeland security.

MTC–00028186

From: ftrax1@juno.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:24pm
Subject: Microsoft Settlement

the cost of this case is too high. it has stopped technology advance and should be settled now

MTC–00028187

From:lstress@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:24pm
Subject: Microsoft Settlement

Settle this suit. Government should not have filed in the first place. Free markets are the best regulators and protectors of consumers!

MTC–00028188

From: pshoup@juno.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:24pm
Subject: Microsoft Settlement

settlement is better than nothing I believe you should settle this as quick as possible ... I am not in favor of the Microsoft suit nor the expenditures of time money and talent...look at the experience with GM IBM etc. Microsoft will have a tough world in this changing environment and you folks are expressing its early demise raising our cost(s) and realy not benefiting anyone! Fine the hell out of them for their sophmoric tactics and get on with business.

MTC–00028189

From: p.luczka@ieee.org@inetgw
To: Microsoft ATR
Date: 1/28/02 1:24pm
Subject: Microsoft Settlement

Please don't allow onerous regulation and endless lawsuits to gum up private enterprise and customer choice. Thank you.

MTC–00028190

From: jhoward964@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:24pm
Subject: Microsoft Settlement

I think that we need to fullfill the settlement agreement and move on.

MTC–00028191

From: lhack@ubtanet.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:24pm
Subject: Microsoft Settlement

I feel that the microsoft settlement reached on November 3 2001 is fair and reasonable and no further legal action needs be taken.

MTC–00028192

From: polymorphic@geocities.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:24pm
Subject: Microsoft Settlement

The argument is clear. Was the consumer hurt by Microsoft bundling the browser with the operating system? The answer is no. The Netscape argument is it could not compete because the consumer did not have a choice. Netscapes claim is Microsoft circumvented the consumers decision to choose. Software is ubiquitous in that anyone can design develop and sell it. Microsoft did not prevent Netscape from designing developing and selling its browser. Netscape gave up trying to make a better browser and at that point the consumer did choose they choose to use Microsofts browser. The fact is Netscapes success depended on Microsoft selling more copies of Windows and therefore Netscape could have sold more copies of its browser.

MTC–00028193

From: rogowski@pacifier.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:24pm
Subject: Microsoft Settlement

Don't let Microsoft's competitors use the court system to manipulate the marketplace by pressuring the court to continue this case. The settlement proposed to date is fare and just.

MTC–00028194

From: mav802@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:24pm
Subject: Microsoft Settlement

I think we should leave Microsoft Corporation alone. Hooray to Bill Gates he is a very successful man.

My opinion is the government should leave that company alone...and let them get on with their business.

MTC–00028195

From: shors7@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:24pm
Subject: Microsoft Settlement

I support Microsoft in settling the law suit.

MTC–00028196

From: hunt4Him@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:24pm
Subject: Microsoft Settlement

Dear MS. Hesse: Please end the government s unjustified attack on Microsoft. This embarrassment is a hold over from the previous administration s abuse of the US Justice Dept. and the US justice system. I believe that it is in the best interest of the country to drop the case all together but in light of the unlikeliness of that to occur the current settlement should be allowed to stand.

Sincerely
Steve Hunt

MTC–00028197

From: RBSB@att.net@inetgw
To: Microsoft ATR
Date: 1/28/02 1:24pm
Subject: Microsoft Settlement

Enough is enough! Let s get off this subject and go on to More important things!! To persue this subject further would be a waste of tax payers money. Too much has already been spent! Let the settlement stand and let the free market system handle the future! I and millions of other Americans have had enough of this matter!

MTC–00028198

From: leegj@home.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:24pm
Subject: Microsoft Settlement

I concur with the action taken by the Federal Government. I do not like sole source suppliers of any product. It appears to me the Microsoft was well on its way to that end. If I could get other software to work on my computer I would do so. Lee

MTC–00028199

From: deane-o@msn.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:24pm
Subject: Microsoft Settlement

Again I say I remember when Windows first came out I have a copy of that program. I am thankful for Microsoft other wise we would still be using DOS. Microsoft owns Windows and should not have to give away their codes to help other sofeware companys. They invented it and should have all the rights to it. Just like Henry Ford and Alexander G. Bell look at AT&T now since they were told to give away the store. We all are worse off than we were years ago. Let Microsoft do its thing and make it better without interference. I back Microsoft all the way leave them alone they have a vision of the future in using computers and let them proceed. Maybe the stock market will go up again it went down when they got sued remember.

Thank you
D. Atwood

MTC–00028200

From: azadoks@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:24pm
Subject: Microsoft Settlement

Implement the agreed upon settlement without any further delays.

MTC–00028201

From: Michael.Sypek@verizon.net@inetgw
To: Microsoft ATR
Date: 1/28/02 1:24pm
Subject: Microsoft Settlement

I have been a computer user since the days when every computer had its own operating system. Chaos ruled the field. Microsoft by being in a fortunate position and taking advatage of that position by making a superior product became the standard for personal computers throughout the world. To punish them for being the best in what they do would itself be a crime. Breaking them up would bring chaos out of order at a time when the country s economy needs order. To punish Microfsoft with more than a warning and some survaliance paid for by Microsoft would not be justified. The fact that AOL owns Netscape but uses Microsoft Internet Explorer as its Internet Browser says volumes about the quality of Microsofts products. And it isn t American to punish the succesful nor is it in the interest of the United States to overpunish Microsoft. Sure they did some wrong but they have done far more good.

Thank You
Michael F. Sypek

MTC–00028202

From: Littleangels1120@msn.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:24pm
Subject: Microsoft Settlement

I am against the proposed settlement. Microsoft should never have been sued the Clinton Justice Dept. failed miserably and the economic downturn began when Microsoft came under attack and has not recovered since.

MTC–00028203

From: mlanders@triad.rr.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:24pm
Subject: Microsoft Settlement

I strongly support this settlement and an end to any further litigation against Microsoft Corporation as it pertains to the current charges. I have always felt that the charges were baseless and that Microsoft did not take advantage of the market any more than any other legal business would have been entitled to. I feel they are being punished considerably for actions that would not have affected the market or consumers. Please

finalize this settlement and stop bleeding taxpayers and shareholders.

MTC–00028204

From: ALLENMMETZGER@PRODIGY.NET@inetgw
To: Microsoft ATR
Date: 1/28/02 1:24pm
Subject: Microsoft Settlement

I SUPPORT THE SETTLEMENT REACHED BY THE GOVERNMENT AND MICROSOFT. I DID NOT SUPPORT THE LITIGATION. LET S LET MICROSOFT GET BACK TO DOING WHAT IT DOES BEST PROVIDING US WITH THE WORLDS BEST COMPUTER PROGRAMS. STOP HARASSING THIS GREAT COMPANY.

SINCERELY
ALLEN M. METZGER

MTC–00028205

From: Vanny97@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:33pm
Subject: Microsoft Settlement.
Vanessa Castagliola
154 Aspinwall Street
Staten Island, NY 10307
January 26, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I have taken this opportunity to write and express my opinion of the settlement that has been reached in the Microsoft antitrust case. I believe that we need to concentrate on issues of greater importance . I am pleased that a settlement has finally been reached in this case and that Microsoft will be able to continue doing business as a whole entity. It is apparent to me that the people pursuing this litigation are not looking for a good judgment in this case but rather the perpetuation of their own personal agendas. When government becomes involved in business, socialism becomes the rule of the day. I feel that this case has been fueled by jealousy and that until we reach a conclusion to this litigation free enterprise is stymied. The terms of the settlement are fair: Microsoft has agreed to design all future versions of Windows to be compatible with the products of its competitors, and they will also cease any behavior that may be considered retaliatory. Please support this settlement. I trust that you will do all that is within your power to protect American businesses.

Sincerely,

Vanessa I. Castagliola, Leonard D. Castagliola Jr.

MTC–00028206

From: AFeldman@Symantec.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:24pm
Subject: Microsoft Settlement

While I think that this settlement goes too far in restricting Microsoft and that this whole anti-trust case shouldn't have even been brought in the first place I'd really like to see this case end already.

So I am in favor of this settlement agreement.

MTC–00028207

From: APALACHFLA@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:24pm
Subject: Microsoft Settlement

Leave Microsoft alone. Let the free marketplace determine what is good for the free world. Get off their back!

MTC–00028208

From: 2mlech@effingham.net@inetgw
To: Microsoft ATR
Date: 1/28/02 1:25pm
Subject: Microsoft Settlement

I agree with the proposed settlement. Let Microsoft continue to operate and excel at what it does well. If you want to go after a dangerous monopoly may I suggest Walmart. They have put more Mom and Pop Stores out of business and destoyed the competition than any other corporation in America.

MTC–00028209

From: TERRY C ANDERSON
To: Microsoft ATR
Date: 1/28/02 1:33pm
Subject: Microsoft Settlement

The following comments are submitted for the Court's consideration in the Microsoft case before it. Based on my recent experience in the transfer of my Internet service from Qwest to MSN, I am very disturbed about increasing Microsoft's influence and hegemony in the provision of Internet services. The changeover of services has not been managed well—several errors caused frustration, lost information, and took much time to execute. I was led to believe that these difficulties occured because I was not coming from Microsoft software but rather from Netscape. I have spent hours talking to the technical assistance people to straighten this out. Let me add that simply getting to a person (rather than being routed through the branches of call answering systems) is a feat!

While I was not required to switch to MSN, I was given no information on ways I could switch to another server. Nor could I locate such information from Qwest or MSN. In other words, I felt corraled (indeed compelled) to transfer to the Microsoft system, MSN.

Now I'm subjected to advertisements and ''come ons'' whenever I log on. I strongly feel that it is a step backward for the consumer to allow Microsoft more control over Internet services. I am not a sophisticated computer user, but rather a person who struggles with the technology and gets by through simple, direct choices and customer-oriented service rather than glitz and promises.

Please preserve my choice to obtain the best consumer services I can find, not force me into a gargantuan system that is removed, indifferent, and frequently inaccessible.

Thank you for your attention to my concerns.

Terry Anderson,
Portland, Oregon

MTC–00028210

From: raymarieramirez@prodigy.net@inetgw
To: Microsoft ATR
Date: 1/28/02 1:30pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Ramon P & Marie L Ramirez
3295 N 153rd Dr
Goodyear, AZ 85338–8530

MTC–00028211

From: harry—sharp@msn.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:25pm
Subject: Microsoft Settlement

Lets please put politics and competitors interests aside and settle this case. Stop tormenting the greatest success story of a company in the history of the world. Let Microsoft Live! Leave Microsoft Alone!

MTC–00028212

From: Aisen, Alex M.
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/28/02 1:33pm
Subject: Microsoft Settlement
Attached please find my comments, as an individual, on the proposed Microsoft settlement.
Alex M. Aisen
<<comments on MS.rtf>>
CC: Aisen, Alex M.
Comments on Microsoft Settlement

Alex M. Aisen

I am writing these comments as a consumer, professional, and computer user. I am an academic physician, not an attorney, and readily admit I do not know the formal rules for a submission such as this. I believe the comments I am making are accurate, but much of what I write is based on what I have read and remember, but have not verified personally. I am writing as an individual only, and not as a representative of my employer.

My position is that Microsoft is a company that has produced, and continues to produce much excellent software. But they often behave in ways which seriously harm both consumers and competitors, and this behavior is likely to get substantially worse if the proposed settlement is approved without substantial modifications. Like many others, I believe the settlement is far too lenient. The best way to encourage Microsoft to continue to produce top quality software in a way which truly benefits consumers is to ensure that there is competition, and to demonstrate to the company that if they behave in an illegal manner, they will be

punished in a meaningful way. The proposed settlement does neither, and should be substantially strengthened.

Here is my list of many of the harmful behaviors I believe Microsoft to be guilty of. Some of these practices may be illegal; most are likely within the law. But it is clear that the only reason Microsoft has been able to get away with things such as I will mention is that they are a monopoly; their customers, be they corporate or individual, often have no practical choice but to play by their rules, onerous as they often are. Anticompetitive Activities. The activities outlined in the lawsuit several years ago by Caldera Corporation over the computer operating system DR-DOS, wherein Microsoft was alleged to have (and probably did) incorporate well camouflaged code in a version of Windows released to software developers that deliberately ''broke'' a competitor's product (DR-DOS, which at the time competed with Microsoft's MS-DOS) is an excellent example. This lawsuit was settled by Microsoft for a substantial sum.

More recently, Microsoft has released a new version of Internet Explorer, version 6, which, unlike previous versions, is deliberately incompatible with plug-ins (third party accessory software) written in the so-called Netscape style. This deliberate incompatibility may be an attempt designed to further hurt their competitor, Netscape

They have also removed support for up-to-date versions of the Java Programming language from the latest version of Windows, Windows XP. Java is a programming language developed by Sun Microsystems, that has been widely adopted by many software developers; it has the important virtue of being cross-platform. That is, programs written in Java can usually run on computer platforms other than Windows, for example the Macintosh, Unix, and Linux. By removing full support that Microsoft provided in earlier versions of Windows, Microsoft is hurting both developers who choose to use Java, and consumers such as myself who bought Java based software from these developers.

Though I certainly cannot prove it, as a long time users of many Microsoft products, I think is possible or even likely that the company has sometimes introduced or permitted ''glitches'' in their software that interfere with competing products, but not with Microsoft's own. For example, in the past the Novell Corporation has produced a file sharing system that competed with Microsoft servers, allowing desktop PC's to store computer files and share printers via centralized server computers. I have found that there are numerous ''glitches'' when using Novell file servers, that seem not to be present when using Microsoft file servers. As a user, I have no real way of knowing whether these glitches are simply bugs or weaknesses in Novell's software code, or ''deliberate'' incompatibilities hidden in the desktop versions of Windows by Microsoft. And even if there is no overt action by Microsoft, the fact that Windows software is proprietary, and the source code generally secret, can make it hard for competitors to produce products that interoperate with Windows.

More recently, I personally found that I could no longer use a popular third party e-mail client, Eudora, with an enterprise Microsoft Exchange e-mail server. Microsoft had included, as an option, what I've read is a proprietary security feature called ''secure password authentication.'' The enterprise had apparently started requiring that this protocol be supported by the client software. Since Eudora could not use this, I was forced to switch to a Microsoft program, Outlook Express. Now, Outlook Express, like Internet Explorer is presently a free program. And, I have insufficient technical information to determine what caused this particular incompatibility. However, I cannot help but wonder if this is part of a larger strategy to marginalize third party e-mail clients like Eudora, and whether ot not Outlook Express will remain free if and when the competition is gone.

Microsoft's treatment of potential competitors is important as well. An excellent example of the sort of thing they are capable of was recently described in the Wall Street Journal, concerning Eastman Kodak. Film-based photography is now being replaced by digital photography, and Kodak hoped to sell digital cameras and software, which consumers would install on their Windows-based computers. However, this was a market Microsoft wished to enter, either directly or through partners. So Microsoft reportedly designed new versions of Windows to steer consumers away from Kodak's offering, and to those supported by Microsoft. Ultimately, Microsoft backed down in this particular case. But one cannot help but wonder if, given a less powerful adversary than Kodak, or the absence of the ongoing legal activities, if the outcome might have been different.

One additional example: the default home page on standard installations of Internet Explorer (which is part of every copy of Windows and hence part of most PC's sold) is the Microsoft Network. Thus, every time most consumers starts Internet Explorer, the web site they first see is Microsoft's own Microsoft Network. Now, it is possible to change the default home page, but most users either will not know how, or will not bother. So, this simple strategy puts other vendors of web portals at an extraordinary disadvantage.

It has been widely reported that in pre-release versions of Windows XP, Microsoft incorporated a feature called ''smart tags'' which would allow them to direct users of the Internet Explorer web browser visiting just about any third party web sites to be ''directed'' at proprietary sites run by Microsoft or its corporate partners. When word of this feature was reported in the news (the Wall Street Journal), there was an outcry, and Microsoft disabled it. However, there is no reason why they could not activate it in the future, particularly if they feel their dominant position in the market place, and the lack of effective oversight, allows them to do so.

Onerous Licensing Terms: Terms in Microsoft software licenses are often onerous, and it seems self-evident that the only reason Microsoft gets away with including them is that they are a monopoly. These onerous terms affect both consumers and businesses.

Two recently publicized examples from consumer software are as follows. The EULA (end user license agreement) found in the download of Microsoft's very popular Windows Media Player, states ''Digital Rights Management (Security). You agree that in order to protect the integrity of content and software protected by digital rights management (''Secure Content''), Microsoft may provide security related updates to the OS Components that will be automatically downloaded onto your computer. These security related updates may disable your ability to copy and/or play Secure Content and use other software on your computer. If we provide such a security update, we will use reasonable efforts to post notices on a web site explaining the update.''

In other words, Microsoft reserves the right to automatically install software, without the users knowledge or permission, which may disable ''r software'' on the user's computer. Microsoft's newest operating system, Windows XP, incorporates an automatic update feature, which could easily be used in this manner. Though the putative purpose of disabling software is to enforce Microsoft's interpretation of digital copyright enforcement, t it is important to note that the language quoted above is very general; further, even properly intentioned disabling of software could have very adverse unintentional effects on an unsuspecting computer user, as has already been reported in the trade press concerned the automatic updates that occur with XP.

The second example on onerous licensing terms is this language, which speaks for itself, which has been widely reported to be present in the printed EULA included with shrink-wrapped boxes of Microsoft's popular website authoring program, FrontPage: ''You may not use the Software in connection with any site that disparages Microsoft, MSN, MSNBC, Expedia, or their products or services, infringe any intellectual property or other rights of these parties, violate any state, federal or international law, or promote racism, hatred or pornography.''

At the enterprise level, I have heard, and had limited experience with myself, licensing clauses that do such things as forbid companies from sharing performance test results performed on Microsoft software. Thus, companies can, and sometimes are, forbidden from sharing their experiences with Microsoft products with their corporate colleagues. Microsoft is even widely reported to have used such language to prevent the publication of comparative reviews of their products.

Cost is an important factor as well. As Microsoft's monopoly in both operating systems and office productivity software has become entrenched, Microsoft uses its licensing terms to effectively raise prices substantially. For example, years ago, when there were competitors to Microsoft Office, the licensing terms on Office allowed concurrent user licensing. This is no longer allowed. More recently, other changes in its licensing terms require users to pay substantially more, oftentimes several-fold more, for software licenses. The important point is, I think, that Microsoft has substantially increased the cost of its

software to enterprise consumers over the years, and they often do this by changing the licensing terms, rather that ''overtly'' increasing the price. The effect is the same—the price goes up dramatically—but the approach used by Microsoft may allow them to masquerade this fact.

Finally, it is well known that Microsoft often include licensing terms and pricing strategies that pressure companies into making upgrades that they otherwise would not, thereby incurring substantial expenses in training, dealing with incompatibilities with other software, reduced efficiency from complex features that may not be needed, etc. Again, this is a practice that cannot practically be regulated; rather it is essential that there be viable competition to Microsoft to keep their licensing practices reasonable.

Privacy. It is clear that Microsoft often uses its monopoly power in ways that seriously compromise privacy. The major reason Microsoft is able to do this, is that they are an effective monopoly. Several examples of such privacy invasion follow.

Several years ago, it was discovered by a third party that all documents created by the then current version of Microsoft's ubiquitous Office software included a unique identifier that allowed the document to be tied to the system that first created it. Further, it appeared that Microsoft had a database of computer registrations that may have allowed this identifier to be tied to the actual individual who registered or purchased the computer. In other words, any letter created in Word could, with access to MS corporate databases, be tied to the computer, and perhaps even the individual who first wrote it. When this was publicized, Microsoft removed the ''feature.'' But, had this occurred today, with their position even more entrenched, they may not have felt this necessary.

It is worth considering the privacy implications of Microsoft's latest operating system XP. XP incorporates functions that have serious privacy implications. Consider two features a user encounters when first installing or using Windows XP, Product Activation, and Passport. Product Activation is now required of the latest consumer versions of Windows and Office, and requires that users contact Microsoft after purchasing, but before they can use the software (to be precise, they are given a short time of use before product activation is necessary). During this contact, which will usually take place over the Internet, information about the users computer is transferred to Microsoft. The stated purpose of Product Activation is as an antipiracy measure, but the privacy implications are serious. Users have no choice but to send Microsoft information about their computer configuration; the nature of the information they send is not fully known, since the data sent is encrypted, and since Product Activation is a somewhat mysterious and proprietary process.

There are even more serious privacy implications in the MS Passport system. Use of Passport is not theoretically required, as is product activation, but in practical terms most individual users will have to sign on to it. When a newly purchased computer is first turned on, the user is asked multiple times to sign up for Passport. Further, participation in Password is required to obtain technical support from Microsoft; as everyone who has used modem software knows, the need for technical support is inevitable. Passport is designed as a system to electronic commerce, and requires that a user provide significant personal information. One cannot help but be concerned about the collection of such information by a corporation with the ambitions and dominance of Microsoft. Again, viable competition and a robust marketplace would be the best means of ensuring that Product Activation and Passport not be used in ways that violate reasonable user privacy.

Software Reliability: Software reliability, or, rather, the lack thereof, has become a major economic drain in this country. As computers become more ubiquitous, there are important safety concerns as well. It is important to note that the financial motivations for software vendors are not necessarily to produce a reliable product. Companies often charge fees for providing technical support, and indeed, this may be a substantial source of revenue. This revenue stream is enhanced the more complex and ''buggy'' software is. Microsoft's consumer products used to come with free technical support; as the company's dominance has increased, they have discontinued this practice; they now generally charge consumers for technical support after a limited number of incidents that are ''free'' (or, rather, included in the price of the software). Corporations are on the hook for far greater fees, with large annual support contracts and per incident fees. And, because Microsoft's software is proprietary, the company is usually the only feasible source of technical support. The way to ensure that commercially sold software is make as reliable as possible is by competition in the marketplace.

(It is noteworthy that, because software is licensed and not purchased, that the usual remedies in the civil courts for ''buggy'' products do not generally apply to software. This may grow even more true if the software industry, lead by Microsoft, is successful in persuading state legislatures to pass UCITA (Uniform Computer Information Transactions Act), which many feel will effectively eliminate any legal liability for bug ridden software.)

In summary, Microsoft is a great company that has produced many wonderful and useful products. However, there are many ways in which Microsoft's business practices harm consumers, both individual and corporate, as well as competitors. Were Microsoft not a monopoly, the marketplace would be the best policeman. But the company is a monopoly, and has been found by the court to become one through illegal means. It has demonstrated, and continues to demonstrate, a disdain for the legal system that should give us all pause. The solution must be to impose financial penalties, restrictions on conduct, and perhaps even structural changes on the firm that will restore competition and bring things back in to balance. The proposed settlement does not even come close to meeting this end; it is essential for the long-term health of the American economy that the court remedy this unfortunate situation.

MTC–00028213

From: clvanauken@mindspring.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:25pm
Subject: Microsoft Settlement

As a consumer who appreciates the advances in the world of technology, it is difficult to understand the necessity of the Justices Department's suit against Microsoft. I do not even pretend to understand how technology works. I do understand the marketplace and as a consumer it is important to have access to products that can improve communication make it easier to access the abundance of knowledge in the world and to be able to enjoy a different venue of entertainment. Consumers with little doubt indicated they were comfortable with the Microsoft product. It appears the Justice Department may have had too much time and money on hand and needed to make a case against some profitable company. One of the beauties of the US is the ability of the consumer to define the marketplace by what works with ease affordibility and accessibility. It appears the other companies needed to improve their product with more creativity and ingenuity rather than turning to the Justice Department. When the consumer is unhappy then the Justice Department should intervene.

MTC–00028214

From: billsanchez@juno.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:25pm
Subject: Microsoft Settlement

I fully support the conditions of the Microsoft settlement.

MTC–00028215

From: l.m.james@att.net@inetgw
To: Microsoft ATR
Date: 1/28/02 1:34pm
Subject: Microsoft settlement
Laurel James
14023 NE 8th St.
Bellevue, WA 98007
Office # 425–378–8309
Attorney General John Ashcroft
950 Pennsylvania Avenue NW
Washington, DC 20530

Dear Mr. Ashcroft,

I am writing this letter today to voice my support of the settlement reached between the Justice Department and Microsoft. In offering superior, well priced products Microsoft has made my life and my business easier to operate, I have always been extremely happy with their products.

I believe that the enactment of the settlement agreement will spur innovation in the settlement process once more. The settlement agreement contains many stipulations that will benefit the technology industry. Microsoft has agreed under the terms of the settlement to disclose information about the internal interfaces of the Windows system. In addition to this, Microsoft has released contractual restrictions on developers who would wish to enter into multiple contracts.

This lawsuit is old and worn out, and should go away as soon as possible for the

good of America and the economy, and for us, the happy Microsoft consumers.
Sincerely,
Laurel James

MTC–00028216

From: vdrlholl@
westrelay01.boulder.ibm.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:33pm
Subject: Microsoft settlement
I am against the proposed settlement. I believe the only fair solution is to split MS into 2 companies. One company would be operating systems. The other would be applications. The operating systems company would be required to publish all API's (application programming interfaces) to everyone. This would also eliminate the case of breaking another company's application with an upgrade without breaking Microsoft products.

MTC–00028217

From: petitjim@juno.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:25pm
Subject: Microsoft Settlement
Sirs
I am in support of Microsoft not only because I am a small shareholder but I believe in capitalism. Microsoft has grown through research and innovative thinking and has fielded some excellent products which has made them the leaders in their markets. To go against them because their competitors cry foul is an incrouchment of the government into the free market system.

MTC–00028218

From: Carl Keil
To: Microsoft ATR
Date: 1/28/02 1:34pm
Subject: Please Punish Microsoft
Please uphold the spirit of the Microsoft verdict. They were found guilty of breaking the law. Please, don't bend over for bill gates. Punish Microsoft for breaking the law.
Thanks,
Carl Keil
Portland, OR
503–231–0894

MTC–00028219

From: bilretz@webtv.net@inetgw
To: Microsoft ATR
Date: 1/28/02 1:25pm
Subject: Microsoft Settlement
get off microsofts back!!!

MTC–00028220

From: cheronad@bellsouth.net@inetgw
To: Microsoft ATR
Date: 1/28/02 1:25pm
Subject: Microsoft Settlement
I think it is wrong of the United States to do what they are proposing to do to Microsoft. I think Microsoft is a upstanding honest company. They are prosperous because of this and because they have many intelligent people working there. Maybe the government should help fund other companies that aren't as fortunate as Microsoft to give them a chance to compete. I think their decision could hurt them in the future. They may need Microsoft to help them, then what will they do?

MTC–00028221

From: raygps@cs.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:25pm
Subject: Microsoft Settlement
I believe that the Nov 3rd settlement with Microsoft is fair. Microsoft products have standardized the PC industry, enabled ease-of-use, improved efficiency, created value, and reduced cost.

MTC–00028222

From: lesterh@twave.net@inetgw
To: Microsoft ATR
Date: 1/28/02 1:25pm
Subject: Microsoft Settlement
It is my opinion that Microsoft is responsible for uplifting America to the Top in Technology. This Anti-Trust Prosecution by the Clinton Adminisration is nothing less than Corruption for monetary gain. Microsoft should receive support from us and not Prosecution. This is a Common Sense company paid for with honest earned money. If our Nations leaders were not corrupt at the conception of this Lawsuit Common Sense says it would have never happened. Microsofts donations to the people of this Nation are another thing. They have given much to the good causes of our good people. If anyone is guilty of anything it is the Clinton Administation being guilty of a conflict of interest and Microsoft being a victim of its unethical outcome. If the truth be known and when it is the people will side with Microsoft. This is an opinion based on fact.
Thank You
Lester Hopper
6294 Southlake Drive
Hickory NC 28601

MTC–00028223

From: edbar@starband.net@inetgw
To: Microsoft ATR
Date: 1/28/02 1:25pm
Subject: Microsoft Settlement
Dear Sirs:
This is to express support for final acceptance of the settlement between Microsoft the Department of Justice, and the nine states. We urge you not to reject this settlement as any delays will not serve the interests of the American people but serve to further the causes of Microsoft's competitors who continue to choose to compete in the courts instead of the marketplace. The American people are insulted by claims that we have been harmed by Microsoft. In truth, we have been harmed by their competitors who have stalled progress in technology and in the economy. These suits must not be allowed to continue. Before said suits our country experienced unparalleled growth and prosperity. Our country regained its dominance in technology due to the innovation and growth of Microsoft and the many companies supporting their operating systems. We respectfully urge you to help return our country towards prosperity by rejecting further lawsuits and further delays in acceptance of the anti-trust settlement.
Edward J. Barsano
CEO NeuralTick Inc.

MTC–00028224

From: stover8@juno.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:25pm
Subject: Microsoft Settlement
I feel it is time to drop the law suit against microsoft. This country is based on competition and microsoft has a better product. Why is this wrong? I am also tired with spending money on a law suit that is over with. I demand that you drop this suit now!!!

MTC–00028225

From: denrosep@juno.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:25pm
Subject: Microsoft Settlement
I have tried AOL & Netscape and don't like them as well as Internet Explorer

MTC–00028226

From: carollila@juno.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:25pm
Subject: Microsoft Settlement
Enough already. The settlement is fair, stay with it.

MTC–00028227

From: alice-remcheck@webtv.net@inetgw
To: Microsoft ATR
Date: 1/28/02 1:25pm
Subject: Microsoft Settlement
I believe that in the best interest of everyone the lengthy antitrust case with Microsoft should be brought to an end. The litigation should not continue.

MTC–00028228

From: champcom@juno.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:25pm
Subject: Microsoft Settlement
Based on the issues that I have read, the only people who will gain from further harassment of Microsoft Co. will be the competitors and attorneys. No further penalty should be placed against MS.

MTC–00028229

From: vendor@techcollective.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:25pm
Subject: Microsoft Settlement
I can't state it strongly enough. The case against Microsoft was a stupid waste of taxpayer money! The end result was millions of $$$ wasted. Because Microsoft was getting its foot in EVERY door and its products were EVERYWHERE the end result of this total waste of money is to FORCE Microsoft to be in even more places than it is now! By forcing Microsoft to donate software to schools the court is MAKING Microsoft do the very thing it got into trouble for doing! Just DROP the whole thing and go away now before you waste any more of MY money in another pointless chase after Microsoft.
I'll agree that there MIGHT be better things out there than what Microsoft produces. but I have seen NOTHING that forces me to use Microsoft. Did Microsoft FORCE Apple to charge too much for a MAC computer so that most people would choose to buy IBM? No. Did Microsoft FORCE IBM to hold Microchannel close to the vest and not let anyone else make Microchannel products? No. Both of these bone-headed decisions

were made without Microsoft input. Did Microsoft benefit from Apple and IBM making stupid choices? You bet. So did I. The one GOOD thing about the case is that it kept a lot of lawyers busy and thinned out the crowds behind the ambulances.

MTC–00028230

From: TDill@rochester.rr.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:25pm
Subject: Microsoft Settlement

The Man (Microsoft) did business and some people felt they were cut out of the process. Since when is it the job of our justice system to make sure a business makes money. If you have all this time on your hands and want to spend our tax dollars, how about going after the electric and gas companies.

MTC–00028231

From: innthyme@twcny.rr.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:25pm
Subject: Microsoft Settlement

Microsystems is obviously a monoply even after this decision. Therefore, if other monopolies were either split up or negated why was this one treated differently? I believe that they should have been advised to cease and desist their monopolistic practices. It would have been a sound warning to other companies to not replicate those actions.

MTC–00028232

From: robertsw@mindspring.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:25pm
Subject: Microsoft Settlement

I believe the Microsoft case should be settled in its entirety and all states should have to abide by the Federal decision. To do otherwise undermines the economic system which has allowed America to be the economic power that we are.

MTC–00028233

From: Nperricci@cox.rr.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:25pm
Subject: Microsoft Settlement

I am very upset about the Microsoft Settlement. I did not really understand how upset until somebody from Americans for Technology Leadership called my home to harass me about how I needed to show support for the Microsoft Settlement. I have an unlisted number I don't even give it out to the credit card companies. Only my work and very few others (including Microsoft) have my number at all. I am possitive that my privacy has been invaded and I am not sure, but I think my civil liberties may have been violated by the disclosure of my personal information. The proposed settlement is stupid. It will give 3rd parties who did not purchase any software, were not affected by the lack of competition, and not forced to obtain certification from Microsoft, to profit. While on the otherhand, all those affected like customers, competitors, and professionals forced to certify and recertify will go uncompensated. Lastly it does not provide any measures for prevention of future violations. I think that any compensation should go to competitors, customers, and certified professionals who have suffered.

MTC–00028234

From: lrhino@dcwis.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:25pm
Subject: Microsoft Settlement

I believe the settlement reached in the Microsoft Anti-trust case is fair and equitable. Stop persecuting Bill Gates and let him get on with his work

MTC–00028235

From: barney13@mindspring.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:25pm
Subject: Microsoft Settlement

Dear Sir: America has always been the land of the free; to grow, to live, to achieve, to invent and to prosper. On the contrary it seems to me that when someone succeeds in business to the point of making large amounts of money someone or something starts to say this is not right he has to be stopped or he will have a monopoly. Leave Mr. Gates alone. He has been benevolent with his profits, employed thousands and inspired thousands to go into the electronic field. I am not as computer friendly as I would like to be, but at my age, I am doing the best I can with the help of my son. Spend my taxpayer monies and go after the Health Insurance Companies who are dictating who will get the proper care and who won't. I have tried to buy my own health insurance and have been refused because of my age, varicose veins, etc., etc. They didn't care if I could pay; they just didn't want to take the risk. I am sorry I am rambling but my point is there are important issues to take care of. If the product is good, people will buy it. If not, they will buy something else. Frankly I am glad my computer came equipped with Microsoft. It has served me well. I firmly believe in free enterprise. I don't see anyone going after China. They seem to have a Monopoly on every item sold in the USA. When I find something made in the USA, I buy it for a souvenir. Please leave Microsoft and Mr. Gates alone and go catch the bad guys. Thank you.....

MTC–00028236

From: webmaster@seltenrich.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:25pm
Subject: Microsoft Settlement

The settlement should go through. Attempts by competitors of Microsoft to stop the settlement process amount to no more than using the American legal system for their own self-interested business needs.

MTC–00028237

From: edhandlender@juno.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:25pm
Subject: Microsoft Settlement

They have an agreement arrived by compromise. Stop wasting T&M and proceed.

ED

MTC–00028238

From: Soko@kendaco.telebyte.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:25pm
Subject: Microsoft Settlement

I have been watching the Microsoft case for a long time. It is time it was over. Please let the settlement stand.

MTC–00028239

From: dallasscowboys@juno.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:25pm
Subject: Microsoft Settlement

government should stay out of microsoft business.. that company provides the economy with lots of jobs and taxes

MTC–00028240

From: wolfman@mwcsd.k12.ny.us@inetgw
To: Microsoft ATR
Date: 1/28/02 1:25pm
Subject: Microsoft Settlement

No-one complained when Apple gave away systems to schools to get schools to buy Apple. No-one complains about AOL blanket ads on Time-Warner Cable. No-one suffered because of Microsoft but millions benefitted. At least they are real—unlike Enron.

MTC–00028241

From: mutka—ron@msn.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:25pm
Subject: Microsoft Settlement

Microsofts interests are compelling personal computer users to use their operating system. This operating system which is compelling me to act in ways that I would otherwise not choose exceeds healthy business. competition is neither fair nor just. Specifically I believe the physically and mentally disabled are marginally included in this revolution of communication, information and processing. Developers fear that the predators and reverse engineers await on the margins of one operating system (XP) at the ready to copy product(s) which are too young to defend themselves. In particular, I cannot use Government protection and resources in a capitalistic society to defend myself unless I can reasonably expect my most basic development assumptions are protected. These basic assumptions ought to have Microsoft preserve and create public Safe Haven operating system components that will promote software development which would not have to be redesigned because the Operating System has changed. Open Platform operating system proponents may find this a compromise. My example is my own product. I continue to struggle to design a product that is open platformed, meaning it should work on most operating systmens and within all browsers. My testing has found I must discover software bugs that seem to benefit the interests of the operating systems. I believe that these software bugs are not intentional but they are so numerous that a manager can work slowly on them and still be rewarded. This is unfair to the public. This Business market is NOT functioning normally! This is not a model of competition with room for a better business to succeed! This current business model is dysfunctional! I think this dysfunction works in the following way. Current Law allows the creation of conflict between software applications, hardware, and operating

systems when a competting business begins to spend resource to point out the unfairness and fix the software bugs.

T

MTC–00028242

From: holgateg@montana.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:25pm
Subject: Microsoft Settlement

to whom it my concern...this whole matter has been nothing but a joke to me...a total waste of money and time...with the money and time spent on this whole debacle, all parties involved could have new technologies out there for everyone to have and us...but instead what we have is a company like AOL Time Warner looking for more money that they don t deserve(let them go out and do it instead of depending on another company to do it for them)...i think that Microsoft has done a good job and has worked hard to get where the're at...i will always buy and use their products...on the other hand i would never us or do anything with AOL Time Warner...sounds like to me they should be investigated for their aggressive business practices also...they are a legal monopoly by our own government...in closing its time to get back to work on newer technologies and get out of the court room... thank you very much...

Martin C. Holgate

MTC–00028243

From: iancoffer@msn.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:25pm
Subject: Microsoft Settlement

I bought a new computer in November 2001. The operating system was Windows XP but the web browser was AOL!! Ican't understand why the states which are still pursuing the antitrust suit are being backed by the competitors of Microsoft. Barksdale and Ellison have beene crying spilled milk for years. I think the case should be settled and put to rest so that the country can get back to business.

MTC–00028244

From: John Gallant
To: Microsoft ATR
Date: 1/28/02 1:35pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
RE: Microsoft Settlement

Dear Ms. Hesse,

I have, as a stockholder of Microsoft, watched the antitrust proceedings with interest. It seems that the Government has worked an agreement that was fair to all parties and now wants to change terms and conditions relating to the settlement. I do not feel it is proper or fair that at this late date this be allowed to happen.

I further feel that Microsoft is not responsible for individuals that create products that cannot compete in the marketplace because of their own shortcomings (e.g.. Netscape). I am further annoyed that my government sponsors what I consider a monopoly in the AOL / Time Warner merger. Now AOL is trying use Netscape as a platform to damage a perceived competitor, MSN. Try to visualize the PC software market before microsoft created and organized it. Our ability to communicate, organize and interface between businesses has been improved on a scale beyond anything we could have ever imagined prior to 1980. Why... Because Microsoft and its founders had a vision. This settlement represents the best opportunity for Microsoft and the industry to move forward, therefore I hope it will end the litigation.

MTC–00028245

From: feyrerstation@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:25pm
Subject: Microsoft Settlement

I believe the U.S. government acted correctly to investigate Microsoft for anti-trust actions. I don't necessarily agree with every part of the decision handed down. I admit I haven't made time to read all the parts of the decision handed down. I am in favor of our society making market decisions for themselves in general. So the U.S. government should not restrict the free decisions of taxpayers to buy and sell what products they like.

MTC–00028246

From: pyetka@ptialaska.net@inetgw
To: Microsoft ATR
Date: 1/28/02 1:25pm
Subject: Microsoft Settlement

Microsoft is a leader in the technology field and needs to have the freedom to do what it does best. That is to improve the computer technology for everyones use. If there are a few who do not wish to use this technology from Microsoft they can choose to disregard what has and is being made available for the consumer. The consumer has the ability to decide what to use at home and at the workplace. Our government should not interfer with private enterprise and the the ideas of Microsoft or any company. The marketplace is where the decisions should be made aabout who wants to use what products. This lawsuit is frivolous.

Thank you.

MTC–00028247

From: dbnee@mc.net@inetgw
To: Microsoft ATR
Date: 1/28/02 1:25pm
Subject: Microsoft Settlement

I am in agreement with the settlement that brings the lengthy anti-trust case to an end.

MTC–00028248

From: Phan, Anh
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 1:34pm
Subject: Microsoft Settlement

Dear Antitrust Department officer,

I have read through the settlement proposal between the Justice Department and Microsoft. It sounds like it is a fair, effective way to resolve the issues within the merit of the case. I do not understand why other non-settled states and critics want to include a lot of different things falling outside of the scope of the law suite and still claim they are acting on behalf of consumers!!! Like judge Postner stated in his recent book, individual states should be excluded from the antitrust suite since they are acting for the interests of their own states only, not for the entire American people. The purpose of the lawsuit is to restore the fair competition environment in the industry, not to punish the successful company, rewarding the failures, or helping the competitors. American is a free market environment. It will go against our principle if we force a company to include the product of a rival company. If a company chooses to do so, it must come from their own decision. The government should not dictate a particular company how it would run its business. It should be free to run itself in its own creative way as long as it follows the general rules set and honored by every one. Freedom is the strength of our economy, our spirit and our lifestyle.

Thank you very much for your time.

Regards.

anh.

MTC–00028249

From: LDeriau@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:35pm
Subject: Microsoft Settlement.
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

As an active member of my community and a firm believer in American ideals and constitutes, I needed to share my concern with you and the Department of Justice on how unnecessary and detrimental this on-going lawsuit against Microsoft is for our people and our nation as a whole. How can our government leaders not see that this attack on the Microsoft corporation is an attack on the American principles on which this nation was created ? I believe that by accepting the proposed settlement is the only step we can take which will move us forward. This agreement will monitor Microsoft's future production procedures, allowing the technology industry will be allowed to concentrate on business by creating innovative, comprehensible software to keep our IT market evolving.

Your time and attention to this matter is appreciated and I look forward to seeing the end of this litigation once and for all.

Sincerely,

Lisa J Deriau
10215 21st Avenue SE
Everett, WA 98208

MTC–00028250

From: pasqualini@msn.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:25pm
Subject: Microsoft Settlement

I am a registered active voter who supports the settlement in the Microsoft matter. It is time to put this to rest and get on with technological innovation. I hope that special interests and competitors will not derail this settlement for their own selfish and greedy motives.

David A. Pasqualini

MTC–00028251

From: John R. Callahan
To: Microsoft ATR
Date: 1/28/02 1:34pm
Subject: Microsoft Settlement

The proposed Microsoft-DOJ settlement is a judicial travesty. I hereby state that I strongly disagree with the proposed settlement and disapprove of the proposed settlement. I am a 20+ year computer professional (as a member of the Association for Computing Machinery), former (and tenured) academic, civil servant, and current executive in the private sector. Feel free to contact me with any questions or comments. I hereby place this comment in the public domain.

(signed)
John R. Callahan, Ph.D.
jcallahan@acm.org

MTC–00028252

From: wvcoal@msn.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:25pm
Subject: Microsoft Settlement

It is time to end the government's encroachment on private industry. Microsoft has worked well to become a leader in the technology industry while providing an exceptional product. Please end the anti-trust lawsuit and allow Microsoft to continue business as usual.

MTC–00028253

From: Potteryfolk@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:36pm
Subject: microsoft should pay!

I strongly believe that microsoft broke the law and will continue to break the law unless strict rules with real consequences are brought to bear against the company. Microsoft is a monopoly that is using that monopoly to extend unfairly it's control over a huge portion of the US economy. Thank you for stopping this illegal company!

joseph briggs

MTC–00028254

From: David Nadle
To: Microsoft ATR
Date: 1/28/02 1:37pm
Subject: Microsoft Settlement

Dear Sir or Madam:

I am pleased to have the opportunity to add my voice in support of the proposed Final Judgement. In my opinion the proposed Final Judgement protects Microsoft's right to define their product while protecting the right of OEMs to define theirs, and this is good for consumers.

Sincerely,
David L. Nadle, Ph.D.

MTC–00028255

From: UPEA
To: Microsoft ATR
Date: 1/28/02 1:38pm
Subject: Microsoft
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

The Department of Justice has worked hard to find the compromise between the Microsoft Company and their competitors. I have followed this issue with interest because I believe that business should be allowed to find its own market. With this compromise now done, I hope the Department can approve the settlement and allow business to move forward.

Sincerely,
Audry Wood

MTC–00028256

From: Bob (038) Cathy
To: Microsoft ATR
Date: 1/28/02 1:40pm
Subject: Microsoft Settlement
ROBERT AND CATHY FRISBY
18523 Hottelet Circle
Point Charlotte, FL 33948

January 21, 2002
Attorney General John Ashcroft
US Department of Justice
Washington, DC

Dear Mr. Ashcroft,

The Department of Justice has finally agreed to terms on a settlement that brings an end to the antitrust suit against Microsoft. We are writing this letter to express support for the settlement, and to ask that it is approved as soon as the public comment period is over.

The faster this settlement is approved, the faster the economy can get back on its feet. We can't stand to sit and watch the market fall over 200 points one day, then rebound to close out the next day with gains over 120. The settlement will encourage competition, which will lead to better technology at a lower price. This hopefully we will give us some of the stability our economy needs, and can kiss goodbye to this recession. Microsoft does have to forfeit a good deal of technology to their competitors, and they will be monitored by an oversight committee who makes sure they are abiding by the terms of that settlement, but this will certainly be worth it in the long run.

Everything is now in place for an exodus from this recession. We support this settlement, and hope it is implemented as soon as possible.

Sincerely,
Robert & Cathy Frisby

MTC–00028257

From: Chip
To: Microsoft ATR
Date: 1/28/02 1:41pm
Subject: Microsoft Settlement

I feel the remedy is fair and should end the case completely. I do not feel that Microsoft has hurt the public in any matter. Ten to fifteen years ago the computer industry was in a mess. There was no standard operating system. If you went to purchase a computer at Radio Shack you would get a computer running Deskmate. If you went to an Apple distributor you got the Apple operating system. If you went to IBM you got their OS operating system. And then of course you had Windows. Kids in school learned Apple but could not go into businesses and run their computers. The average person had to have an apple computer so their kids could do homework and an IBM computer so they could work at home. Since then and thanks to Microsoft the industry has been standardized, kids in school can go out in the world and run computers. Employees can go home and work on a computer with the same system they use at work. By becoming standardized, how does this hurt consumers? Microsoft has saved the average consumer thousands of dollars. By their continued innovation and development of the operating system they have added tools and recourses that would have cost the average consumer a lot of money. If Microsoft charged for each addition to its product, or forced the consumer to purchase such things as Internet explorer, word, notepad, a calculator, Paint, the basic TCP/IP protocols, the average person could not afford these add ons and would be shut out of the internet.

As for Internet Explorer, that was the best thing that Microsoft ever did. It made surfing the web enjoyable. Question, did you ever try to use Netscape Navigator before Internet Explorer came along, I have and it sucked. You had to pay around $50.00 for it, it took several hours to down load and would crash so often that trying to look up one item would take hours. Microsoft came and gave you Internet Explorer, which at first had its problems, but when they finally integrated into the operating system, it was fantastic, you could surf the net and really enjoy the experience. System hangs and lockups that occurred often before integrating disappeared. And by integrating the software it saved me money, how DID this hurt me? I know the argument it hurt competition, my argument is it did not hurt competition, it caused competition. It caused Netscape to wake up and make a better product. At a more reasonable price, this let the consumer save money by being able to buy a better product at a lower cost. Microsoft did nothing wrong. Those consumers that wanted Netscape still continue to use it, if Netscape wanted to keep customers, and gain customers, they should have developed a product that knocked the socks out of Internet Explorer, but did they no, they cried and sued. They gave up, because they would not take the time and resources to develop a better product. I know the argument, how could they when they did not have the money because Microsoft was giving the product away. Simple, build it and they will come. The consumer wants better products and if the consumer found an item better, those that can afford will buy it.

Is it wrong, to build your business, and to protect your business. NO, it is not wrong! Microsoft played hard ball, yes, but how is that different from any other company that wants to grow, expand, and make a difference. Netscape, AOL, Sun Microsystems and others are playing hard ball now, buy suing Microsoft, because of their jealousy over the dominance Microsoft has. If the companies really cared about the consumer, they would build better products that would blow Microsoft way. But do they no, the run and scream and sue Microsoft, because Microsoft does not play fair. If these companies would build better products on the same caliber as Microsoft, consumers will go there; they will buy what they want. But stripping down Windows will only hurt the consumer, because the costs associated with

buying each piece of software will be more than the average consumer can afford. But those that can afford the software will buy the better software. How is this any different from the auto industry? Yes, I know that there are several companies competing equally, If I went to ford to buy car should they be required to give me a stripped down car. So that I can go to Chrysler to purchase the motor, to Bose for the stereo, to Goodyear for the tires, to Monroe Muffler for the Shocks, and Muffler. NO, they provide the basic systems and then you buy the additional or custom items that you want. Microsoft does that they provide the consumer with the basics and let the consumer buy what they want. The problem is the other companies are not making products that are better and more desirable.

End the lawsuit now and let Microsoft go back and build and innovate so that the envelope of information and knowledge becomes more reliable and available to the average consumer, and so that these other companies will be forced to push the envelope even further buy building better software. If these companies would just worry about building better software that pushes the limits, they would not have to worry about Microsoft.

Thank you
Gary E. Altman II

MTC–00028258

From: Stevens
To: Microsoft ATR
Date: 1/28/02 1:42pm
Subject: Microsoft settlement
Robert & Natalie Stevens
1717 Joshua Court
Palm Harbor, Florida 34683

January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Regarding the recent Microsoft Antitrust settlement, the PC industry, the economy and the stock market have suffered enough from this misguided lawsuit which was instigated by Microsoft's competitors who elected to compete via lobbying and courtroom tactics rather than in the marketplace. I firmly believe that litigation should come to an end. At this point, it seems ridiculous to prolong this case any further.

Microsoft is much less of a problem than the Cable-Satellite-Broadcast Cartel which has conspired to restrict trade by controlling what consumers will and will not be able to watch by forcing viewing ''packages''. Cable and DBS satellite providers mandate that ''packages'' must be purchased if you want to watch even one of the channels in the package. This lack of a la carte offerings forces consumers to buy a multitude of unwanted channels in order to see a few desired channels.

Business Week (Jan 21, 2002 pg. 71) pointed out that AOL/Time Warner (and other cable and mini-dish satellite providers) are collecting $54 per month from its subscribers while Microsoft is lucky if it sells a home PC user a $90 operating-system upgrade every three or four years. If you are worried about monopoly power forcing consumers to pay more, Microsoft should NOT be your target, the Cable-Satellite-Broadcast Cartel should.

The settlement proposed in early November of last year contains several restrictions and commitments to which Microsoft has agreed. In these commitments, Microsoft permits computer makers to replace access to Microsoft features with access to the competitor's software. This will require that Microsoft change certain interfaces necessary to the Windows'' operating system. However, the list doesn't end there. Microsoft has agreed not to retaliate against its competitors and to ensure this from happening, a three person technical committee will be formed to make sure that Microsoft sticks to the terms of settlement.

As you can plainly see, Microsoft has more than paid for its previous actions. As I believe Microsoft to be a respectable company, I assure you that this settlement will more than suffice.

Sincerely,
Robert Stevens &
Natalie Stevens

MTC–00028259

From: donlwilliams@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:40pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Don Williams
2068 US HWY 71
Clarinda, IA 51632

MTC–00028260

From: CDCIAO4@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:42pm
Subject: Microsoft Settlement
3575 Dutch Hollow Road
Strykersville, NY 14145–9558

Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
January 26, 2002

Dear Mr. Ashcroft:

I am writing in support of the recent settlement between Microsoft and the US department of Justice. I think that government should stay out of free enterprise and this is a classic case where the three years of litigation reflects intense lobbying on behalf of the competition rather than a genuine concern for the American public.

The terms of the settlement go beyond what was originally called for when the lawsuit began. Microsoft will be forced to increase relations with computer makers and software developers, disclose technological information to competitors, grant computer makers broad new rights to configure Windows, and form a three-person team to monitor compliance with the settlement.

While I think that Microsoft is giving away too much, I think there is no alternative since further litigation could be detrimental to Microsoft's and our IT sector's future. Please implement the settlement and look out for the best interests of the American public.

Sincerely,
William Streicher

MTC–00028261

From: Kent Compton
To: Microsoft ATR
Date: 1/28/02 1:43pm
Subject: Microsoft Settlement

Dear Department of Justice,

I think a quick settlement with Microsoft is in the best interest of all consumers. Throughout this trial I've gotten the feeling that a majority of the issues were in large part due to weaknesses in Microsoft's competitors. My favorite example is Netscape which originally paved the way to making browsing the World Wide Web easy. Unfortunately, they became slow and unresponsive to the new features I wanted so I switched to Internet Explorer. Before the third version of, IE Microsoft's product was inferior. Once it was superior I made the change. If someone wanted to use the Netscape browser it's certainly not hard to find. I saw a link to it on both Time and People magazines'' web sites just last night.

Don't prop up bad businesses with legal proceedings. The strong companies will survive and the weak ones should be tasked with changing their business models or perishing.

Please settle this case so that I can focus on the important things like keeping my job. We all have more important things to focus on.

Sincerely,
Kent Compton
907 W. Brittany Dr
Arlington Heights, IL 60004

MTC–00028262

From: Paul Cantrell
To: Microsoft ATR
Date: 1/28/02 1:43pm
Subject: Microsoft Settlement

I am strongly opposed to the proposed final judgment of the Microsoft anti-trust case. It is weak, and unlikely to have any substantive effect on Microsoft's conduct.

The PFJ places far too much trust in Microsoft's willingness to follow the spirit as well as the letter of the settlement. When the PFJ says in section III.J.1, for example, that Microsoft is required to share certain technical details, except when those details would harm security—as determined by Microsoft itself!—it nullifies any real power

the settlement has to force Microsoft to share the details the company most wants to hide.

General opinion in the software world is that obfuscation is the enemy of security. A system is only secure if everyone knows how it works, and agrees it can't be broken. As a software engineer, it is unclear to me how hiding any API, protocol, or documentation would protect or enhance the security of any conceivable ''anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems''. It is eminently clear to me, however, how Microsoft could cite unspecified ''security reasons'' to cripple execution of the judgment. Section III.J.1 is a loophole, and only a loophole. So why is it present in the PFJ? The judgment is rife with similar problems. Microsoft must not be able to ''outsmart'' any judgment in this case. The current settlement fails that test miserably. Thank you for this opportunity for public comment.

Paul Cantrell
Software Engineer
St. Paul, Minnesota

MTC–00028263

From: AESOLVANG@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:44pm
Subject: Fwd: Attorney General John Ashcroft Letter
CC: fin@mobilization.com@inetgw

Attached is the letter we have drafted for you based on your comments. Please review it and make changes to anything that does not represent what you think. If you received this letter by fax, you can photocopy it onto your business letterhead; if the letter was emailed, just print it out on your letterhead. Then sign and fax it to the Attorney General. We believe that it is essential to let our Attorney General know how important this issue is to their constituents. The public comment period for this issue ends on January 28th. Please send in your letter as soon as is convenient.

When you send out the letter, please do one of the following:

* Fax a signed copy of your letter to us at 1–800–641–2255;

* Email us at fin@mobilizationoffice.com to confirm that you took action.

If you have any questions, please give us a call at 1–800–965–4376. Thank you for your help in this matter.

The Attorney General's fax and email are noted below.

Fax: 1–202–307–1454 or 1–202–616–9937
Email: microsoft.atr@usdoj.gov

In the Subject line of the e-mail, type Microsoft Settlement.

For more information, please visit these websites: www.microsoft.com/freedomtoinnovate/ www.usdoj.gov/atr/cases/ms-settle.htm
12724 35th Place NE
Lake Stevens, WA 98258

January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing today to encourage the Department of Justice to accept the Microsoft antitrust settlement. A settlement is available and the terms are fair, I would like to see the government accept the settlement and move on.

Many people think that Microsoft has gotten off easy, in fact this is not true. Microsoft has agreed to many concessions in order to reach the settlement. The biggest being that Microsoft agreed to release part of the Windows base code to its competitors. This is so Microsoft's competitors can develop more compatible software. Microsoft has spent years and millions of dollars developing their products, now they are required to hand out part of their work.

There is a big difference between companies that develop new products and companies that copy them. Unfortunately, the government has decided to harass the company that develops them. This issue has been drug out for over three year now; it is time to put an end to it. Microsoft and the technology industry need to move forward. It will be virtually impossible to move forward with this issue hanging over the industry's head, Please accept the settlement allow the industry to move on.

Sincerely,
Arnie Solvang

MTC–00028264

From: Terry Williams
To: Microsoft ATR
Date: 1/28/02 1:42pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

For the record, I was against the original lawsuit filed against Microsoft. As a consumer, I purchased my PC from Dell with Microsoft software installed. I made this decision based on past experience with their software. My PC came with Internet Explorer as my browser. I have experience in using Netscape and my personal preference is with Internet Explorer. As a consumer I could have made an easy change to my system and gone with Netscape. The original lawsuit was brought because someone felt that Microsoft had an unfair advantage by bundling all of their software together. In my opinion, this is a false premise and tends to lead us done a slippery slope. What will happen if Lotus 1–2–3 decides that Microsoft has an unfair advantage with bundling their Excel with other products. Price and quality were my major reasons for choosing Microsoft software. Because the best way for Netscape to compete is to create products that compete with Word, Excel, Power Point and Outlook Express. I have used Netscape email in the past and sincerely believe Outlook is a far better product.

I retired on 12/31/99 from CSX Transportation as Director of Interline Switching. I have a Masters Degree from Johns Hopkins with a concentration in Information Technology. I believe overturning the original lawsuit and sending it back to the lower court is the correct approach. I believe Microsoft should be held harmless because a settlement will be giving into those members of Congress that opposes big business. As I have stated, ''There are market remedies for consumers who wish to use Netscape as their browser''.

In closing, if someone spends their private capital and comes up with a automobile engine that runs on water, is the government going to step in and force the developer of this new engine to share it with everyone else? I hope your answer is NO, because when or if we adopt such a stand, all of the values and principles for which we stand will have been destroyed.

Sincerely;
Terry L. Williams, Retired
12489 Turnberry Dr.
Jacksonville, Fl. 32225–4602=

MTC–00028265

From: hbennion@es.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:46pm
Subject: Microsoft Settlement
To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement

I am a software engineer employed in the computer graphics industry. I am not now, nor have I ever been affiliated with Microsoft or any of its competitors (except, of course, that I use products of both). The opinions and comments expressed are my own. I believe the settlement proposed by the Justice Department falls far short of what would be in the best interest of the industry and of the public. I am particularly concerned about the ability of Microsoft to effectively destroy certain popular and widely used standards such as OpenGL and Java.

For software developers, such as me, these standards are valuable tools that we use to produce our products. Once they are firmly established and widely used, we can count on them to be available and supported for a variety of platforms and devices over a relatively long period of time. I consider these to be a kind of public asset that help to ensure that different products can communicate and be compatible with each other in various ways.

Microsoft has the ability to erode or destroy these standards (and the motivation to do so) only because of the monopoly it holds on the operating system. In a competitive environment, no OS vendor would voluntarily drop support for widely used and still popular standards such as these, since that would give its competitors an important advantage in the marketplace.

Suppose that the nation's electrical power were largely provided by a single company that was also in the electrical appliance business. This company realizes that by changing the standards for power distribution, it can make it much more difficult for any other company to connect to the power grid, or to produce appliances that will work in the vast majority of homes. I believe that this is in effect what Microsoft would like to do and IS DOING in certain ways.

I fear that Microsoft next plans to target Internet standards, with the aim of making it more difficult for other software and platforms to effectively use the Internet and interact with Windows platforms. For most

companies, competitive market pressures would prevent this kind of action, but I believe Microsoft has demonstrated that additional regulatory restrictions are required to restrain a monopoly from such practices.

Heber Bennion
Salt Lake City, Utah
hbennion@es.com

MTC–00028266

From: Melbourne Anderson
To: Microsoft ATR
Date: 1/28/02 1:46pm
3908 59th Street Court NW
Gig Harbor, WA 98335
January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing you today to express my opinion in regards to the Microsoft antitrust dispute. I support Microsoft in this dispute and would like to see this litigation resolved. Microsoft is a good company that has contributed a great deal to our society. Restricting this company will not benefit anyone. I support the settlement reached in November as a means to end this dispute. This settlement is fair and reasonable. Microsoft has agreed to license its Windows operating system products to the 20 largest computer makers on identical terms and conditions, including price. Microsoft has also agreed to design future versions of Windows to provide a mechanism to make it easy for computer makers, consumers and software developers to promote non-Microsoft software within Windows.

During these difficult times, one of our highest priorities should be to stimulate our lagging economy. Restricting Microsoft will not accomplish this end. Please support this settlement. Thank you for your time.
Sincerely,

Melbourne Anderson

MTC–00028267

From: William R. Kesting
To: Microsoft ATR
Date: 1/28/02 1:46pm
Subject: Microsoft Settlement

Dear Sirs,

I strongly believe that the terms-which have met or gone beyond the findings of the Court of Appeals ruling-are reasonable and fair to all parties involved. Please do what you can to bring this matter to a close.

Sincerely,
William R. Kesting
President
Kesting Ventures Corp.

MTC–00028268

From: Lisa Throneberry
To: Microsoft ATR
Date: 1/28/02 1:48pm
Subject: Microsoft Settlement
Lisa Throneberry
338 Knotts Circle Woodstock, GA 30188
770–928–8478 770–516–5059 fax
January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing in full support of the recent settlement between the US Department of Justice and Microsoft. The antirust case has dragged on far too long to date and should be ended as soon as possible. Microsoft is a leading innovator of technology over the last decade. Under British definition a monopoly delivers poor quality products at inflated rates. Microsoft has consistently innovated excellent products and sold them at fair prices. They have also not infringed upon my rights as a consumer. I am free to purchase any software I desire.

The terms of the settlement are not letting Microsoft off easy. They will have to document and disclose for use by competitors its internal interfaces and protocols. They will also be agreeing to not retaliate against computer makers and software developers who develop or promote software that competes with Windows'' operating system products. These concessions give a huge advantage to competition and violate the principles of free market economics.

At any rate the settlement should be relied since the alternative of further litigation would be too much to bear for Microsoft, the IT sector, and our nation's economy. Please take the next step. Thank you.

Sincerely,
Lisa Throneberry

MTC–00028269

From: k l
To: Microsoft ATR
Date: 1/28/02 1:47pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally,

I oppose such a preposterous resolution to the Microsoft case. In the last several years, the U. S. Court of Appeals has found Microsoft guilty of violating all rules of the anti-trust laws.

Yet in the framework of the PFJ, better know as the Proposed Final Judgment, the DoJ throws out these findings, indicting Microsoft on all charges of business wrongdoing. More profound and astonishing is how the PFJ permits Microsoft to continue with its monopolistic practices. I am completely convinced you will receive similar sentiments entailing the various loopholes apparent in the final settlement.

With the evidence presented, the PFJ does not even make an attempt to break up the software giant. What the PFJ permits is the following: permitting Microsoft to leverage its current monopoly positions and expand its business into several other technologies markets. In the past most monopolies were either broken up or carefully regulated. Why not Microsoft? Does AT&T ring a bell?

At the same time, severe reprimands by the DoJ only hinder instead of instigating change with Microsofts existing operation methodologies. Time and time again as history will show, Microsoft will abuse its monopoly position. Breaking up Microsofts business into several parts just might be the best antidote to prevent MS from even doing more damage to the industry. In closing your honor, I submit to you my disapproval of the Proposed Final Judgment.

Sincerely,

Mr. Amor Paraso
7230 Adams Road
Magna UT 84044

MTC–00028270

From: Shanti Kulkarni
To: Microsoft ATR
Date: 1/28/02 1:49pm
Subject: Microsoft Settlement

Regarding the Microsoft settlement, I hope the court will ensure that any settlement is strong enough to ensure a level of competition which provides value to the public and encourages innovation. As was shown by the 1995 ruling, Microsoft will simply weasel out of any agreement that does not include a strong enforcement mechanism. It will use any provided wiggle room to integrate any emerging PC or Internet technology into its all-consuming operating system. Given the monopoly that Windows enjoys, such integration has the effect stifiling innovation by unaffiliated vendors, and denying the public the value of potential competition. It is in the public interest that Microsoft be barred from doing so again, as it did with its Internet Explorer, and is currently doing again with Media Player. I urge the court to reject DOJ's proposed settlement, and any settlement that lacks strong enforcement and heavy penalties for failing to comply with its terms.

Shanti Kulkarni, CCNP, CNE, RHCE
Sr. Network Engineer, Deltek Systems
703–734–8606 x4590/shanti@deltek.com

MTC–00028271

From: Webb, D. Clinton
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 1:51pm
Subject: Comments on U.S. v. Microsoft Corporation settlement

To Whom it May Concern:

I am troubled by the terms of, and procedure for seeking the settlement of, the antitrust lawsuit between the U.S. Department of Justice and Microsoft Corporation.

First, I urge the court to confirm whether the parties have strictly adhered to the requirements of the Tunney Act. Second, I urge the court to investigate whether Microsoft Corporation has improperly discussed details of the settlement with Congress. Third, I urge the court and the parties to confirm that the proposed settlement will have the pro-competitive effects of opening the browser market to third parties, particularly in light of (i) the parameters of the Sherman/Clayton antitrust act; (ii) Netscape/AOL's recent lawsuit against Microsoft for alleged anticompetitive business practices in the web browser market; (iii) improper / unlawful bundling of Microsoft's web browser and operating system; (iv) anticompetitive original equipment manufacturer operating system licensing practices.

In addition, I would like to add the following to the public comment process, as it relates to the conclusion of the Microsoft antitrust proceedings:

As an attorney, a Windows operating system and Microsoft Internet Explorer equipped computer user, and more importantly, an American citizen, I am

troubled by the fact that the following summation of anyone's chance at bringing Microsoft to justice receives this type of response from the popular press: Quoted from http://forum.fuckedcompany.com/fc/phparchives/search.php'search=microsoft

Netscape sued Microsoft. I predict:

1) It finally goes to court after a year

2) Microsoft appeals and tries to delay every court date

3) Microsoft is found guilty

4) They appeal

5) Two years have passed

6) More Microsoft products dominate the market

7) Microsoft settles with an arbitrator for $10 million

8) Netscape is pissed

9) Microsoft wins

(you may insert any company or product into the above places where Netscape is)

Thank you for your consideration of this (informal) comment.

Sincerely,
D. Clinton Webb
Palo Alto, California
dcwebb@mofo.comappeal

MTC–00028272

From: tom@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/28/02 1:52pm
Subject: Microsoft Settlement

Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse:

My qualifications:

Bachelor of Science in Computer Science 1975

Over 20 years of computer programming, software installation, and computer repair experience

My overall complaints of the content of the ''Proposed Final Judgement''

1) No attempt to remedy the past gains in market share and capital amassed by Microsoft through the unfair, illegal, and anti-competetive business practices employed in the intentional quest to dominate the PC market.

2) No attempt to remedy or control the proliferation of Microsoft Office, which is dominant at least in part due to Microsoft's API secrecy, bundling, tie-in, and interoperability tactics. Forcing complete disclosure of the file formats used would be a minimal attempt at restoring competition to this area.

3) No attempt to regulate Microsoft's behavior in non-desktop PC markets (wireless, handheld, internet services, etc.) where they have the leverage and funding amassed to date to overwhelm the competition in any emerging market that they choose to enter.

4) The PFJ contains enough loopholes and Microsoft-friendly definitions to let this company, famous for its past indiscretions, continue to flaunt the intent and purpose of this judgement.

Specific objections to the terms:

III Prohibited Conduct

J 2 ''(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, (d) agrees to submit, at its own expense, any computer program using such APIs, Documentation or Communication Protocols to third-party verification, approved by Microsoft, to test for and ensure verification and compliance with Microsoft specifications for use of the API or interface, which specifications shall be related to proper operation and integrity of the systems and mechanisms identified in this paragraph. THIS ALLOWS MICROSOFT THE LEEWAY TO REFUSE TO COOPERATE WITH OPEN SOURCE DEVEOPERS, WHOM THEY VIEW AS THE MOST SIGNIFICANT THREAT TO THEIR MONOPOLY.

The DOJ should not allow the criminal to define the terms, but rather specifiy that the API shall be available to developers at reasonable, fixed cost.

VI Definitions

N. ''of which at least one million copies were distributed in the United States within the previous year.''

THIS STIPULATION IS A BARRIER TO ANY STARTUP COMPANY, and is unnecessary.

R.''Timely Manner means at the time Microsoft first releases a beta test version of a Windows Operating System Product that is distributed to 150,000 or more beta testers.''

DOES THIS MEAN THAT MICROSOFT CAN HAVE 149,000 BETA TESTERS WITHOUT REVEALING API SPECIFATIONS TO OUTSIDE DEVELOPERS?

Please, substitute wording that promotes fairness.

U.''Windows Operating System Product? means the software code (as opposed to source code) distributed commercially by Microsoft for use with Personal Computers as Windows 2000 Professional, Windows XP Home, Windows XP Professional, and successors to the foregoing, including the Personal Computer versions of the products currently code named ?Longhorn? and ?Blackcomb? and their successors, including upgrades, bug fixes, service packs, etc.

The software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion. HERE WE GO AGAIN. LIMITING THE REMEDY TO ONLY ONE SEGMENT OF INFORMATION TECHNOLOGY, WHILE MICROSOFT USES ITS CLOUT IN ANY EMERGING MARKET THAT IT CHOOSES TO ENTER.

Please apply the restrictions more broadly.

Conclusions:

The Proposed Final Remedy is too little, too late. If fails to properly regulate Microsoft's business practices in the future, while wholly neglecting to apply any remedy for the misconduct of the past. The comsumers and software developers and even the hardware developers are NOT adequately served by this document.

If the Department of Justice will not enforce the anti-monopoly law of this country, then where can we, the citizens, look for remedy ?

Tom B. Younker
777 Riderwood Dr.
Decatur, GA 30033
404–248–8082
Ownere/Member of Dare Computer, LLC
404–248–0336

MTC–00028273

From: Ronald K Finn
To: Microsoft ATR
Date: 1/28/02 1:51pm
Subject: Microsoft Settlement

To whom it may concern:

It is my opinion that Microsoft has been hurt enough. We owe a lot to that company for what we have today. It will serve no purpose to the American public to penilize them further.

Sincerely,
Ronald K. Finn,
6507 Rob Road,
Black Hawk SD. 57718

MTC–00028274

From: Gary Shapiro
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 1:55pm
Subject: Microsoft Settlement
OLE—Obj
January 28, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington DC 20530–0001
Re: United States v. Microsoft Corp., Civil No. 98–1232

Dear Ms. Hesse:

Microsoft has been a valued exhibitor and partner in the International Consumer Electronics Show for several years. Bill Gates has also been a featured keynote speaker at the CES several times in the last ten years. In introducing Bill Gates to the audience the last two years I used a collection of concepts I summarize below. I hope that in approving the settlement you consider some of the sentiments expressed. Not only does litigation cost the business community and taxpayers billions of dollars every year, but additionally, long drawn-out court battles distract businesses from focusing on their core productive operations. With the U.S. now officially in recession and in the face of new concerns domestically, a settlement is needed to provide stability for the industry that has driven the new economy over the last decade.

Ultimately, Microsoft's story is our nation's story. It's about how ideas and a small scrappy upstart can become a world leader and change the face of history. Our country and Microsoft started with driven people pursuing a dream and providing a compelling benefit. Microsoft offered anyone access to freedom by providing a simple interface to conquer the complexities of a computer. Our founding fathers gave us freedoms embodied in the structure and the standard of the Constitution and the Bill of Rights. The American Bill of Rights are becoming accepted by the world and improving the world standard of living. So, too, are the Microsoft standards being accepted and improving the lives of millions around the world.

In the Information Age, Microsoft gave us access to information. Microsoft is to other

corporations what our country is to the rest of the world. Both are the new kids that did well. Each started as an idea. Each became a world standard. These standards have changed the world for the better. For computer users, Microsoft made it simple to create, edit and send documents and presentations anywhere in the world. I had to edit presentations recently in Egypt, Germany and Switzerland and I was comfortable this year using others'' computers in these countries as they all used Microsoft products.

Microsoft has improved the world's standard of living. Microsoft standards increase world productivity by making computers everywhere easy to use. Without the Microsoft standard it is doubtful so many people would be comfortably using computers. Microsoft has not only made many investors happy, it directly employs some 40,000 exceptional people in some 60 countries. More, many others are employed because of Microsoft products. Microsoft also exports more than it sells domestically. With this positive economic activity, terrific products, and reputation for charity, any other country would consider itself blessed to have Microsoft headquartered within its borders, adding to its tax rolls and employing its citizens.

There is a Yiddish word, ''mensch''. It means doer of good and applies to someone who you know well and does good things for people. I submit to you that when a company or individual does good things of such magnitude then they too can wear the ''mensch'' mantle. Not only has Microsoft improved the world's standard of living, but its founder Bill Gates along with his wife Melinda, have donated some $21 billion to the Bill and Melinda Gates Foundation for global education and healthcare. The magnitude of how Microsoft has changed the world and this generosity are so large, that I submit to you both Microsoft and Bill Gates deserve the appellation ''mensch''.

Sincerely,
Gary Shapiro
President and CEO
Consumer Electronics Association
www.ce.org

MTC–00028275

From: BDS4530@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:54pm
Subject: Microsoft Settlement

Dear Ms. Hesse:

I am a retired government employee who taught software courses for the Navy. My students included military as well as civilians. These were the teams, made up of both men and women, that produced training manuals and exams for the Navy.

After testing many different software programs Microsoft was chosen for a number of reasons; it was very computer friendly and the company offered help desk assistance when no other company did. At that time, because all of us were new to computers, these were most compelling reasons. I do not understand why our government, in this country of freedom and opportunity, insists on the continued harrassment of this young man. Who's next? What other country in recent times has produced such a creative mind? Has democracy actually come to this?

Sincerely,
Bettye D. Schmollinger
CC:fin@mobilizationoffice.com@inetgw

MTC–00028276

From: Anna Gallegos Brannon
To: Microsoft ATR
Date: 1/28/02 1:46pm
Subject: Microsoft Settlement

Thank you for your time and consideration.

Anna Gallegos-Brannon
President, LULAC Council #3027
January 28, 2002
Renata B. Hess
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
via email (microsoft.atr@usdoj.gov)
VIA FACSIMILE: 202/307–1454 (or 202/616–9937)
SUBJECT: Microsoft Settlement

Dear Ms. Hesse:

The League of Latin American Citizens—Long Beach Council believes that the proposed settlement of the Microsoft antitrust case amounts to a reward for misconduct. Indeed, the settlement is so good for Microsoft, that it is attempting to buy off those who oppose it with an offer to California and other states to pay their legal costs—if they will step aside and let the sweetheart deal go ahead unchallenged.

This astonishing offer merely confirms the notion that Microsoft believes that all of its errors can be wished away by money. And, it's not the first time that Bill Gates'' company has reached into its treasury and come up with dollars for politicians. During the 2000 political campaign, the company spent more than $6 million on contributions to political campaigns, state parties and political action committees. One can only assume, it hoped to generate political pressure for a favorable settlement.

Whatever the reason, Microsoft has managed to negotiate a settlement, which to a remarkable degree would make it the arbiter of its own compliance—an astonishing turnabout for a company that has repeatedly skirted U.S. antitrust law and found guilty by several courts of abusing its monopoly power. California Attorney General Bill Lockyer is right to resist the settlement and to continue to press for a tough remedy that would limit Microsoft's ability to leverage its Windows monopoly and extend its market domination into more facets of our information age economy.

Nine state Attorneys General and the Corporation Counsel of the District of Columbia chose not to support the current Microsoft settlement and have offered proposals that will adequately address the agreement's loopholes. More specifically, these proposals require that Microsoft fulfill both technical and licensing obligations that will bring greater competition to the software market and greater choice to consumers. In addition, the proposals include more enforceable oversight provisions and stricter penalties in the event Microsoft does not comply with the settlement. The Long Beach Council of LULAC supports these proposals and urges the Court to adopt them.

Anna Gallegos Brannon President, LULAC Council #3027
Long Beach Council #3027
3824 East La Jara Street,
Long Beach Ca 90805
Phone 562 633 3853
Fax 562 590 6494

MTC–00028277

From: Thane Perkins
To: Microsoft ATR
Date: 1/28/02 1:47pm
Subject: Microsoft Settlement

It think the settlement is a step in the right direction. However, I do not think it is a big enought step. I am not one in favor of splitting Microsoft up or fining MS tens of billions of dollars. However, there are some marketing practices that Microsoft is still employing and will continue to employ because they are successful. Unless Microsoft is additionally shackled in some way so that they stop doing these things, Microsoft will use the power and money that they got from their previous illegal business practices to continue to stifle competition and ultimately hurt innovation:

1) Microsoft does innovate and will occasionally surprise me. However, they often eye a successful idea and decide to develop a similar application. This is not bad in an of itself. But, instead of trying to do compete with improved functionality, Microsoft uses their huge cash reserves to worm their way into the market. If they are way behind the competition, they GIVE the new software AWAY—either by integrating it into their operating system or doing special ''deals'' with OEMs so people get the software free or dirt cheap. So, even if the settlement stops Microsoft from making exclusionary deals with OEMs, Microsoft will out-price the competition.

2) Microsoft is a master of the VAPORWARE. They can really put a damper on the sales of a competing product simply by making a press announcement. I wish they would be restricted about the number of days prior to releasing a completely new product could Microsoft announce its development.

And finally, it is 2002—a long time since the original suit was brought and an eternity in terms of the High-Tech industry. Remember, this suit was brought because Microsoft had broken a previous agreement with the DOJ. So, what happens if Microsoft breaks this agreement? Will we have to wait nearly a decade for the next decision—allowing Microsoft to do business as usual in the mean time?

MTC–00028278

From: MD Dbeis
To: Microsoft ATR
Date: 1/28/02 1:57pm
Subject: Microsoft Settlement
M.D.
CS&S Computer Systems, Inc
1505 W. University Dr. Suite 103
Tempe, AZ 85281
www.css-computers.com
480–968–8585
480–968–9544 FAX

Tel (480) 968–8585
CS&S Fax (480)968–9544
Computer Systems
January 28, 2002
Attorney General John Ashcroft
DOJ, 950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

The way that this lawsuit against Microsoft has quickly degenerated into a vengeful exchange of threats of breaking the company up should give pause to any of us in the IT business. It should be acknowledged that Microsoft has not carried itself in the noblest fashion at times, but this alone should not be cause enough to drag the company through the federal courts. Furthermore, if this sort of action can be so easily brought against a company like Microsoft, then other IT companies may soon find themselves in a similar position.

For the sake of clarity, this settlement should be endorsed by all. At it stands, the terms of the settlement go beyond the scope of the original lawsuit. They address the notorious issue of Microsoft's relationship with OEMs, and now Microsoft will have to change the way it sets up contracts with other companies that distribute Windows as well. Of course, its greatest advantage is it will bring to an end this cycle of negative posturing between those on the government's side and those on Microsoft's. My business was noticeably pinched by the lawsuit, and I—and man), others-cannot afford to have the entire IT business in a wait-and-see attitude to see if Microsoft will be split up.

I support this settlement, and convey my hope that this kind of litigation against an American company will not happen again any time soon.

Sincerely,
Mountasir Dbeis
CEO
cc: Representative Jeff Flake
1505 West University Dr. Suite 103
Microsoft
CERTIFIED PROFESSIONAL
Tempe, AZ 85281
Product Specialist

MTC–00028279

From: armen@kazagur.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:56pm
Subject: Microsoft Settlement

Dear Goverment, please dont distry such a great and valueble company as Microsoft. All ''nonefair-monopolist'' accusations are result of their competitors and lobby.

Huge progress of the human civilization build by Microsoft. Millions worked place in the world.

CC:armen@kazagur.com@inetgw

MTC–00028280

From: AlSirkin@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 1:57pm
Subject: Microsoft case settlement

I hope the government will settle this case. I love the Microsoft products and own the stocks. It has been one of the best American companies of all time. It is time to stop beating up on them. Let the other companies that don't like Microsoft make products that are better and let them stop trying to use the Courts. Alan Sirkin

MTC–00028281

From: MOHINDER AGARWAL
To: Microsoft ATR
Date: 1/28/02 1:57pm
Subject: Microsoft

Dear Sir;

I believe the terms-which have met or gone beyond the findings of the Court of Appeals ruling-are reasonable and fair to all parties involved. This settlement represents the best opportunity for Microsoft and the industry to move forward.

So I support the settlement.

Mohinder Agarwal

MTC–00028282

From: Pamela Mann
To: Microsoft ATR
Date: 1/28/02 1:57pm
Subject: Microsoft

In short, I would like to see no action which tramples on the freedom to be innovative and resourceful in the business arena. There are always victims that feel their rights have been compromised when beaten at the finish line. The entrepreneurial spirit is what makes America great.

Thank you,
Pamela Mann
Sr. Sales Director
Mary Kay Cosmetics

MTC–00028283

From: Suzanne Lavine
To: Microsoft ATR
Date: 1/28/02 1:57pm
Subject: Microsoft Settlement

Please adopt the agreed on the terms of the settlement. Please stop wasting tax payer's money and everyone's efforts on something that should be done and over with.

MTC–00028284

From: Klain, Ronald
To: ''microsoft.atr(a)usdoj.gov',Klain, Ronald
Date: 1/28/02 1:58pm
Subject: RE: Microsoft Settlement- Tunney Act Comments

Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530
Re: Comments of AOL Time Warner

Dear Ms. Hesse:

In the attached ''PDF'' file, you will find the Comments of my client, AOL Time Warner, on the proposed final judgment in U.S. v. Microsoft. Please accept these for the Court's consideration under the Tunney Act, 15 U.S.C. 16.

We will also be submitting these in ''hard copy'' form as well. Please do not hesitate to call me at 202–383–5317 if you have any questions.

Sincerely,
Ronald A. Klain
O'Melveny & Myers
<<millerl.pdf>>

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA, UNITED STATES OF AMERICA Plaintiff, v. MICROSOFT CORPORATION, Defendant Civil Action No. 98–1232 (CKK)

STATE OF NEW YORK, et al., Plaintiffs, v. MICROSOFT CORPORATION, Defendant Civil Action No. 98–1233 (CKK)

COMMENTS OF AOL TIME WARNER ON THE PROPOSED FINAL JUDGMENT

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COMMENTS OF AOL TIME WARNER ON THE PROPOSED FINAL JUDGMENT

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. §; 16, AOL Time Warner respectfully submits the following comments on the Proposed Final Judgment (''PFJ'') in the above-referenced matter.

INTRODUCTION

The Proposed Final Judgment sets forth a decree that is too limited in its objectives and too flawed in its execution to meet the Tunney Act's ''public interest'' test. It allows Microsoft to continue to bind and bundle its middleware applications with its Windows Operating System (''OS'')—even though tile Court of Appeals found Microsoft's actions in this regard to be illegal. And its patchwork of constraints on Microsoft's conduct is so loophole-ridden and exception-laden as to render its provisions ineffective. As a result, the PFJ is inadequate to promote competition and protect consumers, and the Court should refuse to find that its entry would be ''in the public interest.'' 15 U.S.C. * 16(e).

The PFJ comes before the Court in an unprecedented posture for a Tunney Act proceeding. This proposed settlement was reached—not as the case was being filed, nor as it was being tried, nor even as it was being appealed—but rather, after the Court of Appeals for the District of Columbia Circuit unanimously affirmed a finding of illegal monopoly maintenance by Microsoft. Such circumstances surely require a more rigorous application of the ''public interest'' standard than a case is settled before the first interrogatory is even served—the usual situation when a Tunney Act review is conducted. Helpfully, a readily available and judicially administrable measure of the ''public interest'' is available for use in this special circumstance: the four-part test for ''a remedies decree'' established by the DC Circuit in this very litigation. United States v. Microsoft, 253 F.3d 34, 103 (DC Cir. 2001). Applying this standard, we believe that the Court should find the PFJ to be in the ''public interest'' only if it (1) ''unfetter[s] a market from anticompetitive conduct''; (2) ''terminate[s] the illegal monopoly''; (3) ''den[ies] to the defendant the fruits of its statutory violation''; and (4) ''ensure[s] that there remain no practices likely to result in monopolization in the future.'' Id. (internal quotations omitted). We believe that there are at least three reasons why the Court should conclude that the PFJ does not meet this test.

First, since July 11,2001 (for the browser) and December 16, 2001 (for other middleware), Microsoft has been implementing many of the PFJ's remedial provisions. Thus, the Court need not speculate about the impact these provisions would have on the industry if they were put in place; rather, it can seek submissions and review evidence on whether these critical provisions are beginning to work as they are being implemented by Microsoft. We believe that any such inquiry will reveal that the original equipment manufacturers (''OEMs'') are not exercising the flexibility that the PFJ ostensibly provides them, because the loophole-ridden PFJ gives too few rights to the OEMs and does too little to protect the OEMs in the exercise of those rights. As a result, there is little reason to believe that the PFJ will prove effective in restoring competition, terminating Microsoft's monopoly, or stripping Microsoft of the fruits of its illegal acts.

How wide a ''gap'' between a hypothetical litigated result and the proposed settlement is permissible in these circumstances is a question that need not be answered here because the PFJ falls so very short of meeting an), reasonable understanding of the ''public interest,'' given its failure to address many of Microsolf's illegal acts and its loophole-ridden provisions in the areas that it does purport to cover.

Second, the PFJ fails to prohibit Microsoft's signature anticompetitive conduct: the binding of its middleware applications to its monopoly operating system, and its bundling of these products to further entrench its OS monopoly. The factual questions that surround these legal issues are quite complex, but here again, the Court has a powerful tool to employ: the extensive factual findings entered by the District Court. (1) These factual findings document Microsoft's purposeful commingling of middleware application code with the Windows OS to harm competition, as well as the contractual bundling of those applications with the OS, to force OEMs to distribute Microsoft's middleware, and to raise distribution hurdles for middleware rivals. Given the PFJ's failure to ban practices that the District Court and the Court of Appeals found to be at the center of Microsoft's illegal maintenance of its OS monopoly, the PFJ does not meet the ''public interest'' standard.

Third, even with regard to those limited objectives that the PFJ does attempt to achieve—i.e., the creation of ''OEM flexibility'' to promote desktop competition—the proposed decree is so ridden with loopholes, exceptions and carve-outs as to render it ineffective. These deficiencies are highlighted when the PFJ is compared to previous remedial plans considered in this case, including Judge Jackson's interim conduct remedies and the mediation proposal offered by Judge Richard Posner (which Microsoft apparently agreed to even before it had been found liable for antitrust violations).

Finally, we believe the Court will find the remedial proposal of the litigating state attorneys general (''Litigating States'' Remedial Proposal'' or ''LSRP'')—and the Court's consideration of that proposal—to be useful in its review of the PFJ. Most immediately, the LSRP provides a benchmark as to what one group of antitrust enforcers believes to be compelled by the ''public interest'' in order to achieve the case's remedial objectives. Moreover, the LSRP provides a helpful point of comparison for some specific aspects of the PFJ—i.e., a way to illustrate why particular PFJ provisions are ineffective, by comparison.

These factual findings were affirmed on appeal. See Microsoft, 253 F.3d at 51–78. In addition, the Court recently held that the factual findings of the District Court ''in support of the liability findings'' should be considered ''undisputed'' for the purpose of this proceeding. (See Transcript of January 7, 2002, at 31.) And third, the Court's consideration of the LSRP will adduce testimony and other evidence that should be weighed in determining whether the PFJ should be approved. Taken as a whole, a comparison of the PFJ with the Litigating States'' Remedial Proposal shows why the latter, and not the former, faithfully meets the remedial objectives set forth by the DC Circuit and serves the ''public interest'' as expressed in the nation's antitrust laws.

I. THE COURT SHOULD USE THE REMEDIAL OBJECTIVES ESTABLISHED BY THE DC CIRCUIT IN THIS CASE AS THE STANDARD FOR ASSESSING WHETHER THE PFJ IS ''IN THE PUBLIC INTEREST.''

Passed by Congress in 1974, the Antitrust Procedures and Penalties Act, commonly known as the ''Tunney Act,'' provides that a proposed consent decree may be entered in an antitrust case only if the district court determines that such entry is ''in the public interest.'' See 15 U.S.C. *16(e). Given that the Court will receive numerous submissions on this point, we do not provide here a recitation of the Tunney Act's provisions, or an extensive analysis of the standard of review under the Act. Instead, we focus on just one, overriding ''procedural'' question: How should the Court measure ''the public interest'' in this unique case? For reasons we will explain below, we believe that the measure of the ''public interest'' to be applied in reviewing the PFJ can be found in the remedial objectives set forth by the DC Circuit in its consideration of this litigation. See Microsoft, 253 F.3d at 103.

First, while the Tunney Act itself does not define ''public interest,'' the case law makes

clear that the Court must begin its analysis ''by defining the public interest'' in accordance with the basic purpose of the antitrust laws, which is to'' ''preserv[e] free and unfettered competition as the rule of trade.'' United States v. American Tel. & Tel. Co., 552 F. Supp. 131,149 (D.DC 1982) (quoting Northern Pacific Ry. Co. v. United States, 356 U.S. 1 (1958)). As a general rule, a court has discretion to reject a proposed consent decree that is ineffective because it fails to address or resolve the core competitive problems identified in the Department of Justice's complaint. United States v. Microsoft Corp., 56 F.3d 1448, 1457–62 (DC Cir. 1995). As this Court stated in United States v. Thomson Corp., 949 F. Supp. 907, 913 (D.DC 1996), the court has a responsibility ''to compare the complaint filed by the government with the proposed consent decree and determine whether the remedies negotiated between the parties and proposed by the Justice Department clearly and effectively address the anticompetitive harms initially identified.'' A court should ''hesitate'' in the face of specific objections from directly affected third parties before concluding that a proposed final judgment is in the public interest. United States v. Microsoft, 56 F.3d at 1462. And it ''should pay ''special attention'' to the clarity of the proposed consent decree and to the adequacy of its compliance mechanisms in order to assure that the decree is sufficiently precise and the compliance mechanisms sufficiently effective to enable the court to manage the implementation of the consent decree and resolve any subsequent disputes.'' Thomson Corp., 949 F. Supp. at 914 (citing United States v. Microsoft, 56 F.3d at 1461–62).

In the context of this proceeding, tremendous guidance as to the content of the public interest test can come from the earlier decision of the Court of Appeals in this case. In that decision, the DC Circuit wrote:

[A] remedies decree in an antitrust case must seek to ''unfetter a market from anticompetitive conduct,'' to ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future.''

Microsoft, 253 F.3d at 103 (quoting Ford Motor Co. v. United States, 405 U.S. 562, 577 (1972) and United States v. United Shoe Mach. Corp., 391 U.S. 244, 250 (1968)). These words, in our view, form the essence of the public interest test to be applied by the Court in this Tunney Act proceeding.

First, on its face, this passage speaks of the object of a ''remedies decree in an antitrust case,'' without differentiating between a decree that is achieved through negotiation and one achieved through litigation. Thus, the Court of Appeals'' ruling would appear to be directly controlling here, insofar as it states the measure of adequacy for any remedial decree, however achieved. There is no apparent reason why the ''remedies decree'' negotiated by the Department of Justice with Microsoft should not have to meet the standard of adequacy generally set forth by the Court of Appeals in its decision.-'' This is particularly true given that the passage merely ''defin[es] the public interest in accordance with the antitrust laws.'' Accord American Tel. & Tel. Co., 552 F. Supp. at 149.[3]

This is not to say that the Court should reject the PFJ if it finds only that it differs in some respects from the remedy that the Court would impose at the end of litigation. For while the public is entitled to a very robust remedy here, especially given the fact that this case has been litigated through trial and affirmed on appeal with judgments against Microsolf, a settlement clearly does not have to match precisely the outcome that would have been achieved in litigation to be deemed acceptable under the tunney Act's public interest test.

Second, the four-part test established by the DC Circuit here would give the Court a clear and manageable standard on which to evaluate the proposed decree's adequacy) Use of the DC Circuit's formulation thus avoids one of the principal bases of controversy and difficulty in Tunney Act reviews -i.e., the lack of a judicially manageable standard for assessing the public interest and the consequent risk that judges will inappropriately use standardless judgment to review an exercise of prosecutorial discretion.[5] Thus, unlike in other Tunney Act cases, where a court lacks an appropriate benchmark on which to measure the purported benefits of the settlement (and thus must be careful not to impose its judgment for that of the Justice Department), here, there is a clear benchmark for the Court to use: the standard set by the Court of Appeals with regard to a ''remedies decree.''

Moreover, to the extent that insisting that the PFJ meet the standard set by the Court of Appeals would result in a more exacting review than the review imposed in other Tunney Act proceedings, that would be appropriate in this circumstance. For while the overwhelming majority of decrees reviewed under the Tunney Act occur in a pre-trial where the court lacks a judicial finding of illegality against which to measure the efficacy of the proposed settlement—this proposed settlement was reached after an appellate affirmance of liability. Because the public has invested its resources and time, and taken the risk to win a judgment of liability and defend that judgment on appeal, it has a right to expect a more rigorous decree that meets a higher standard of review. Under these circumstances, the Court's review under the Tunney Act should not be deferential 1o the Justice Department; instead, the Court should apply the Court of Appeals'' four-part test and determine if the PFJ meets that test.

As explained in more detail below, the PFJ fails to meet the DC Circuit's four-part test, because contrary to the claims of the Department of Justice, it will neither ''provide a prompt, certain and effective remedy for consumers,'' nor ''restore competitive conditions to the market.'' (See CIS at 2.) Specifically, it does not ''unfetter [the] market from anticompetitive conduct,'' because it does not even try to stop Microsoft's illegal binding and bundling practices—or effectively limit Microsoft's ability to coerce OEM behavior to its liking. It does not ''terminate the illegal monopoly'' because it does not effectively promote rival middleware, and because its provisions are so laden with loopholes, exceptions and carve-outs. It does not ''deny to the defendant the fruits of its statutory violation,'' because it allows Microsoft to continue to leverage its OS monopoly to gain market share in other markets.[6] And it does not ''ensure that there remain no practices likely to result in monopolization in the future,'' because it leaves Microsoft free to exploit the OS monopoly to gain don-finance in critical new markets. Failing to address the core anticompetitive wrongs that were found at trial and upheld on appeal against Microsoft, and failing to meet the four-part remedial test established by the DC Circuit, the PFJ is manifestly contrary to the public interest and should be rejected.

II. AS MICROSOFT STARTS TO IMPLEMENT MOST OF THE DECREE'S PROVISIONS, THE COURT SHOULD CONSIDER HOW—IF AT ALL—OEMS ARE RESPONDING.

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[3] This approach generally comports with other Tunney Act cases, which conclude that an antitrust remedy, including a consent decree, must'' ''effectively pry open to competition a market that has been closed by defendants'' illegal restraints.'' Id. at 150 (quoting International Salt Co. v. United States, 332 U.S. 392, 401 (1947); see also 2 P. Areeda & D. Turner, Antitrust Laws * 327 (1978)). A decree ''must ''break up or render impotent the monopoly power found to be in violation of the Act,'' that is, it must leave the defendant without the ability to resume the actions which constituted the antitrust violation in the first place.''

American Tel. & Tel., 552 F. Supp. at 150 (quoting United States v. Grinnell Corp., 384 U.S. 563,577 (1966)). ''It must also effectively foreclose the possibility that antitrust violations will occur or recur.'' Id. As the Supreme Court noted in International Salt Co., 332 U.S. at 400:

[I]t is not necessary that all of the untraveled roads to [anticompetitive conduct] be left open and that only the worn one be closed. The usual ways to the prohibited goals may be blocked against the proven transgressor.

Additionally, ''antitrust violations should be remedied ''with as little injury as possible to the interest of the general public'' and to relevant private interests.'' /d. (quoting United States v. American Tobacco Co., 221 U.S. 106, I85 (191 I)).

While the Department of Justice urges the Court to adopt a much more lax review, even the government acknowledges that the Court's ''review of the decree is informed not merely by the allegations contained in the Complaint, but also by the extensive factual and legal record resulting from the district and appellate court proceedings.'' (See Competitive Impact Statement (''CIS'') at 68 (November 15, 2001).)

It was precisely the lack of a judicial finding of liability that caused Chief Justice Rehnquist to question the constitutionality of the Tunney Act. See Maryland v. United States, 460 U.S. 1001, 1004 (1982) (Rehnquist, J., dissenting). This argument does not apply in the present case where there has been both a judicial finding of liability (at trial and affirmed on appeal), and there is a standard for review established by an appellate court.

[6] Indeed, Microsoft has actually seen its share of the browser market grow since being found liable for illegal monopoly maintenance. For example, Microsoft's share of the work browser market increased from 69.3 percent in April 2000 (when Judge Jackson issued his finding of liability) to 79.5 percent in November 2001. Over the same period, Microsoft's share of the home browser market increased from 75.7 percent to 81.8 percent. See Browser Trended Reach Report, Jupiter Media Metrix, January 2002.

As noted above, the question before the Court is whether the PFJ is ''in the public interest.'' 15 U.S.C. *sect; 16(e). In making that determination, the statute indicates that the Court may want to consider, inter alia: (1) ''the competitive impact'' of the PFJ, (2) whether it results in the ''termination of alleged violations,'' and (3) ''the impact of [the PFJ] upon the public generally and individuals alleging specific injury.'' Id.

Fortunately, contrary to most other courts conducting Tunney Act reviews, this Court need not struggle with evaluating the ''competitive impact'' of the PFJ in a factual vacuum because Microsoft has been, according to its own statements, implementing some provisions found in the PFJ since last Jul)'', and the bulk of its provisions since December. That means the Court need not base its ''public interest'' judgment on abstract legal and economic analyses only; instead, the Court's analysis can (at least in part) be shaped by a consideration of how Microsoft is beginning to implement parts of the PFJ, and how the PFJ's provisions are starting to work in practice.[7] We believe that such a practical review will demonstrate that the portions of the PFJ in question show little prospect—if any-that they will ''unfetter the market,'', ''terminate the monopoly,'' or ''den),'' to Microsoft ''the fruits of its violation.''

A. There Is No Indication That Microsoft's Implementation Of Major Aspects Of The PFJ Is Even Beginning To Promote Competition Or Helping To Loosen Microsoft's Control Over The Desktop. In the joint stipulation filed with the Court on November 6, 2001, Microsoft stated that it would ''begin complying with the [PFJ] as [if] it was in full force and effect starting on December 16, 2001 .'' (Stipulation and Revised Proposed Final Judgment at 2 (November 6,2001).) While provisions with specific timetables were exempted from this pledge—resulting in an excessive delay for some of the PFJ's competitive protections— many of the PFJ's remedial provisions were covered by it. Thus, with regard to many provisions of the PFJ, the proposed decree has been ''in effect'' since mid-December.[8]

Microsoft's stipulation offers the Court a unique opportunity to learn, not just how the PFJ would serve the public interest once implemented, but instead, whether the PFJ provisions already in effect are showing signs that they are likely to serve the public interest. These provisions have now effectively been in place for 43 days—and by the time of a likely hearing or other proceeding to consider this question (presumably, in March or April), will have been in effect for three to four months.

Microsoft may protest that a three- to four-month period in which parts of the PFJ will have been applied is inadequate to test those remedies. And that is doubtlessly true with regard to some measures of the PFJ's effectiveness, such as whether Microsoft's share of the OS market has shrunk from near absolute to anything less. But there are other measures of the PFJ's effectiveness that should be readily discernible even in this relatively short time.

Among the questions we believe that the court could determine, by the time of a hearing in March or April, would be:

Have the OEMs exercised (or even attempted to exercise)—in any way beyond the prevailing industry practice prior to December 16th—the flexibilities to remove/replace icons, start menu entries, and default settings for Microsoft middleware products, that are purportedly provided in Section III.C.1 of the PFJ? If not, why not?

Are non-Microsoft middleware products gaining .new distribution via the OEMs as a result of the provisions of Sections III.A. and III.C.2 of the PFJ, as implemented? If not, why not?

Are non-Microsoft middleware products, to a greater extent than before implementation of the PFJ, attaining the benefits of an ''automatic launch,'' pursuant to the provisions of Section III.C.3 of the PFJ? If not, why not?

* Is any OEM offering a dual-boot computer, as authorized by Sections III.A.2 and III.C.4 of the PFJ? If not, why not?

* Are there new IAP offerings being made at the conclusion of PC boot sequences, pursuant to Section III.C.5 of the PFJ? If not, why not?

Has any ISV, IHV, LAP, ICP or OEM gained any additional Windows licensing rights that it did not have prior to the implementation of the PFJ, pursuant to Section III.I of the PFJ? If not, why not?

Has Microsoft terminated any payments to OEMs that were anticompetitively advantaging Microsoft's products, and that are now forbidden, pursuant to Sections III.A and III.B of the PFJ?

Based on our knowledge of industry developments, we believe that the answer to each of these questions is ''no,'' with perhaps some very rare and isolated exceptions.[9] Thus, despite Microsoft's proclaimed implementation of large portions of the PFJ, there is scant evidence of OEMs even attempting, let alone succeeding, to offer consumers new choices with respect to middleware products. Even in a relatively short time frame of a few months, one would expect to find numerous OEMs reaching agreements to promote or carry multiple non-Microsoft products. But no such evidence exists. No doubt, that is why countless industry observers and analysts have concluded, after examining the PFJ, that ''It]he changes we will see are minute. Microsoft can control its own destiny. It can do whatever it wants.'' [10] Presumably, it cannot be in ''the public interest'' to settle a case after years and years of litigation—including a finding of liability for the government at trial, affirmed unanimously on appeal by the Court of Appeals (See Microsoft, 253 F.3d at 46)—for a remedial decree that effectuates only ''minute'' changes in the strategy the defendant was using to illegally maintain its monopoly. And yet, that is precisely what appears to be happening, as the effectiveness—or lack thereof- of parts of the PFJ are starting to be observed in application. While we certainly agree with the Department of Justice that it will only be ''over time'' that any remedy could ''help lower the applications barrier to entry,'' (see CIS at 29), that objective will never be achieved if the PFJ does not lead OEMs to even begin to ''offer rival middleware to consumers and.., feature that middleware in ways that increase the likelihood that consumers will choose to use it.'' (Id.) That is: the pro-competitive probative of nothing more than the compelling need for a hearing so the Court can explore how, if at all, the PFJ journey of a thousand miles can never be completed if—as it appears to be the case—the PFJ does not create a market in which OEMs feel free to take that all-important first step. To the extent that much of the CIS suggests that the goal of the remedy is to create OEM flexibility for its own sake—i.e., to make sure that OEMs have the right to choose non-Microsoft products, whether or not they exercise that right—it misses the mark. The goal of this litigation is not to protect OEMs'' rights, but rather to protect consumers'' rights to enjoy a free and competitive market. In such a market, OEMs can be important surrogates for consumers, but only if they actually offer competitive choices. Likewise, to the extent that the other goal of the remedial proceeding is to reduce the applications barrier to entry, that objective is only achieved to the extent that the OEMs actually distribute and promote non-Microsoft middleware—it is not advanced by the unexercised presence of theoretical OEM choice.

Thus, the determination of whether the PFJ will be effective in promoting its purported ends—i.e., fostering OEMs in making those choices and creating opportunities for competition—need not be left for some subsequent proceeding or for antitrust scholars in future years. It can be ascertained now from the submissions that the Court is receiving, or, if those submissions are inadequate, it could be resolved by the Court

[7] If the Court finds that the submissions made to date are inadequate to assess this question, it can, of course, under the Tunney Act, take whatever testimony or evidence is needed to make such a determination. See 15 U.S.C. *sect; 16(f); Section V.B, infra.

[8] Some examples of PFJ provisions Microsoft has ostensibly been complying with since December 16, 2001, include: Section III.A (anti-retaliation); Section III.B (uniform licensing); Section III.C (OEM licenses); Section III.G (anticompetitive agreements); and Section III.I (licensing of intellectual properly).

[9] Although Compaq and RealNetworks reached an agreement in December 2001, whereby Compaq would place Real's player on its personal computers, see RealNetworks Sets Deal With Compaq, The Los Angeles Times, December 13, 2001, it is unclear, among other things, what the terms of the agreement are, what impact it will have on competition and consumer choice, and whether the agreement was motivated, in whole or in part, by the purported ''flexibility'' of the proposed settlement. While the Court should certainly give the Compaq agreement some consideration in its public interest review, the agreement's mere existence is already affecting the marketplace.

[10] See Jeff O'Heir, Analysis: MS & DOJ Reach Agreement, P.C. Dealer, November 12, 2001 (quoting Roland Pinto); see also Randy Barrett, MS-DOJ Pact Disappoints, Interactive Week, Nov. 8, 2001 (quoting Roger Frizzell, Compaq Spokesman, ''Basically, we don't feel there's a big difference between where we're standing today and where we were last week.''); Id. (quoting Mike Griffin, ''We don't anticipate any changes at all.''□.

in a proceeding where evidence is taken and testimony is heard. See Section V.B, infra. The manner in which Microsoft is already implementing portions of the PFJ is among the most probative considerations the Court can weigh in determining how—it at all—the proposed settlement will promote competition in the years to come.

B. The Provisions Of The PFJ Implemented By Microsoft Since July 11th Are Not Showing Signs That They Will Work To Restore Competition In The Browser Market.

In addition to the general applicability of the PFJ's provisions, several of its provisions have been in place—as they relate to the Internet browser—since Microsoft took steps to implement them after the Court of Appeals'' decision last June. As with the more general PFJ provisions discussed above, the Court should examine whether these browser- specific remedial provisions—which will have been in place for eight months by mid-March—have been effective to date. Again, we believe that the evidence to date shows that the provisions are showing no sign of effectuating change in the market; thus, the PFJ—which (with regard to browsers) does little more than codify these unilateral Microsoft actions— does not meet the ''public interest'' standard.

On July 11, 2001, in response to the decision of the Court of Appeals, Microsoft announced a program of ''greater OEM flexibility for Windows.'' See Press Release, Microsoft Corporation, Microsoft Announces Greater OEM Flexibility For Windows, July 11, 2001. Specifically, Microsoft announced that it would amend its OEM license agreements to provide that:

PC manufacturers will have the option to remove the Start menu entries and icons that provide end users with access to the Internet Explorer components of the operating system. Microsoft will include Internet Explorer in the Add/Remove programs feature in Windows XP.

PC manufacturers will have the option to remove the Start menu entries and icons that provide end users with access to Internet Explorer from previous versions of Windows, including Windows 98, Windows 2000 and Windows Me .... Consumers will be able to use the Add-Remove Programs feature in Windows XP to remove end-user access to the Internet Explorer components of the operating system ....

d. These provisions mirror the browser-related provisions found in Sections III.C.1 and III.H.1 of the PFJ. Indeed, they comprise almost the entirety of all browser-related remedial provisions found in the PFJ.

Thus, the question of whether the PFJ fulfills the Department of Justice's promise of an effective remedy for ''restor[ing] the competitive threat that middleware products posed prior to Microsoft's unlawful undertakings,'' can easily be assessed—at least with regard to the browser threat, which was such an extensive part of the Court of Appeals'' decision—by seeing how effective these unilateral Microsoft actions, taken in July of 2001, have been to date. And unlike the provisions discussed above, which were put in place only in December, it cannot be argued that these browser-related provisions have not yet been tested in the marketplace; rather, the□, were in place for the launch of Windows XP, which Bill Gates recently dubbed the ''best-selling release of Windows ever, and one that is creating great opportunities for PC manufacturers and our other partners in the industry.'' [11] In the simplest terms, as we note above, these ''remedies'' will have been in place for eight months by mid-March of 2002.[12]

We believe that the initial evidence shows that these provisions are completely ineffective. We are unaware of a single OEM that has used the ''flexibility'' provided to it by Microsoft to remove Internet Explorer from the Start menu, or from any of its multiple promotional placements on the PC desktop. Nor are we aware of any OEM that has elected to use any competitor to Internet Explorer as a default browser, or to promote alternative browsers to Internet Explorer in any way.

Moreover, there is no indication—more than six months after Microsoft's July 11th announcement and four months after the first shipments of Windows XP—that Internet Explorer's commanding market share in the browser market has fallen in any measurable way. If the provisions of the PFJ are strong enough to ''restore'' competition to the marketplace, which DOJ claims they are (see CIS at 3 (''[t]he requirements and prohibitions [of the PFJ] will ... restore the competitive threat that middleware products posed prior to Microsoft's unlawful undertakings'')), one would expect to see that the market shares of Microsoft's browser competitors have increased during this time frame. There is simply no evidence of that. Not only is there a dearth of evidence suggesting that the PFJ's provisions are going to restore competition to the level enjoyed by Microsoft's rivals prior to its illegal conduct, but there is no evidence to suggest they are affecting the market at all.

A remedial provision that has no market impact cannot be said to be in the ''public interest,'' especially in a case like this where the damage from Microsoft's illegal campaign to eliminate rival middleware has already been done. In other words, because Microsoft has illegally driven down the market shares of its rival middleware developers, restoring competition to the marketplace requires much more than simply eliminating the illegal practices: only if the status quo ante is restored would OEM freedom of choice be meaningful. And yet, the evidence suggests that the PFJ provisions that relate to the browser will have no market impact, given the practical experience with highly similar proposals put in place by Microsoft last July. This is important evidence for the Court to consider when reviewing the PFJ.

III. THE PFJ IS NOT IN THE PUBLIC INTEREST BECAUSE IT DOES NOT EVEN ATTEMPT TO HALT MICROSOFT'S MOST INSIDIOUS PRACTICE: ITS ILLEGAL BINDING AND BUNDLING OF MIDDLEWARE APPLICATIONS WITH THE WINDOWS OS.

In this submission—and doubtlessly in the many others the Court will receive - we identify a number of specific deficiencies in the PFJ. See Section IV, infra and Attachment B. But one omission stands out above all others: the failure of the PFJ to limit Microsoft's ongoing and insidious efforts to maintain its monopoly- and leverage and entrench that monopoly—by tying its middleware applications to the Windows OS. This conduct—found illegal by the District Court and upheld as illegal by the Court of Appeals (see Microsoft, 253 F.3d at 67)—is left unchecked by the PFJ. By contrast, a remedy to address this practice appeared in the interim conduct remedies offered by the District Court,[13] as well as the remedial proposal designed by Judge Richard Posner (''Posner Proposal'').[14] The practice is also addressed extensively in the litigating states'' proposed remedy. By failing to remedy one of Microsoft's ''signature'' anticompetitive acts, the PFJ—even before reaching its many other defects—falls far short of the four-part remedial standard set by the Court of Appeals, and by the same token, fails to meet the public interest test established by the Tunney Act.

In explaining why it did not seek to limit Microsoft's tying of middleware applications to Windows in the PFJ, the Justice Department has suggested that there was no basis for such a remedy because of the Court of Appeals'' reversal of the District Court's finding of liability under Section 1 of the Sherman Act, and the appellate court's direction that the remedy here should ''focus[] on the specific practices that the court had ruled unlawful.''[15] This analysis fundamentally misapprehends the

[11] See GM Plans White-Collar Cuts, Financial Briefs, The Washington Post, January 9, 2002, at E02.

[12] Given that the length of the PFJ is only 60 months, see Section V.A of the PFJ, an assessment of the effectiveness of a provision after eight months would be highly significant.

[13] We use the interim conduct remedies as a point of reference—notwithstanding the fact that they were vacated on appeal—because the Department of Justice stated publicly that it would ''seek an order that is modeled after the interim conduct-related provisions of the Final Judgment previously ordered in the case.'' See Press Release, Department of Justice, Justice Department Informs Microsoft of Plans for Further Proceedings in the District Court, September 6, 2001; see also, John Hendren, New Judge Puts Heat on Feds, Microsoft: Quick Settlement Urged to Aid Ailing Economy, The Seattle Times, September 29, 2001 (''Government lawyers have said they intended to model their proposed remedy on an interim conduct order by the previous district judge who oversaw the case, Judge Thomas Penfield Jackson.'').

[14] A draft of the mediation proposal, Mediator's Draft #18 (April 5, 2000) (referred to herein as the ''Posner Proposal''), is available at www.ccianet.org/legal/ms/draft18.php3. At the time, several news reports indicated that Microsoft had agreed to the provisions in the Posner Proposal. See, e.g.. Joe Wilcox, Hard to Gauge Extent. Effectiveness of Microsoft Concessions, CNET News.com, March 30, 2000 (the ''software giant has tentatively agreed to sweeping restrictions on how it does business with its partners'').

[15] See Testimony of Assistant Attorney General Charles James, Senate Judiciary Committee (December 12, 2001); see also Q&A.'' Charles James Defends The Deal, Business Week, Nov. 19, 2001 (''People who suggest that [the decree should have ordered Microsoft to sell a stripped-down version of Windows] are not recognizing that the tying claim was eliminated from the case by the appeals court.'').

implications of the Court of Appeals'' ruling: contrary to DOJ's view, the Court of Appeals did not suggest that an anti- tying remedy was inappropriate or unnecessary here; indeed, much of the Court of Appeals'' decision is a strong declaration of how Microsoft's various forms of tying violated Section 2 of the Sherman Act. See, e.g., Microsoft 253 F.3d at 65–67. A remedy that truly ''focused on the specific practices that the court had ruled unlawful'' would have to address the tying practices that the Court of Appeals ''ruled unlawful''; the PFJ does not.

Because Microsoft's various forms of middleware applications tying are critical tactics that it uses to maintain its illegal monopoly, they must be ended if the remedy is to ''terminate the monopoly.''[16] (See Microsoft's Tying Strategies To Maintain Monopoly Power In Its Operating System (''Mathewson & Winter Report''), attached hereto as Attachment A.) Furthermore, the opportunity to gain market share as a result of such tying is one of the principal fruits of Microsoft's illegality, and should therefore be denied to it.[17] As a result, the failure of the PFJ to address Microsoft's tying is a fundamental flax,,'' that alone merits rejection of the proposed decree.

Importantly, we note that the legal and economic arguments presented below are reinforced by the empirical observations set forth in Section II, supra. That is, the legal and economic analysis below which suggests that a remedy without a ban on tying will be ineffective in theory, is supported by the fact that such a remedy—imposed in part since Jul□'', and more substantially since December—is proving to be ineffective in practice.

A. The Court Of Appeals Explicitly Held That Code Commingling—A Form Of Tying Unaddressed By The PFJ—Violates Section 2 Of The Sherman Act.

In affirming the District Court's findings of fact concerning Microsoft's practice of commingling the code for its own middleware products with the code for the Windows OS, the Court of Appeals made clear that such commingling was an unlawful act in violation of Section 2 of the Sherman Act. See Microsoft, 253 F.3d at 65–67. Specifically, the Court of Appeals concluded that Microsoft's ''commingling has an anticompetitive effect * . . [and] constitute[s] exclusionary conduct, in violation of $ 2.'' Microsoft, 253 F.3d at 66- 67 (emphasis added)*[18] According to the appeals court, Microsoft's ''commingling deters OEMs from pre-installing rival browsers, thereby reducing the rivals'' usage share and, hence, developers'' interest in rivals'' APIs as an alternative to the API set exposed by Microsoft's operating system.'' Id. at 66. Moreover, the Court of Appeals affirmed the District Court's finding that such commingling was done, deliberately and intentionally, to advance Microsoft's anticompetitive aims. Id.

Notwithstanding these clear declarations by the Court of Appeals, this practice is not prohibited by the PFJ. Such a prohibition was omitted despite the finding that it is illegal—and despite the Justice Department's recognition that the first remedial objective in a decree should be to ''end the unlawful conduct.'' (See CIS at 24.) Thus, Microsoft remains free to bind its middleware applications, including the browser, to its Windows OS [19]—making it impossible for an OEM, or a consumer, to remove that application from a PC without doing damage to that PC's operating system.

Microsoft's suggestion that competition is adequately served by allowing OEMs to pre-install rival middleware and to remove end-user access to Microsoft middleware—instead of banning commingling—is incorrect for several reasons. First, as the District Court found and the Court of Appeals affirmed, commingling of code strongly deters - and may even prevent—OEMs and consumers from using middleware products offered by Microsoft's competitors (because the Microsoft product is inextricably intertwined with the OS and is thus both easier to use and harder to remove).[20] Why would an OEM include a competing middleware product that will cost money to install and use up valuable space on the hard drive when Microsoft's product is already there and has been so tightly knit with the OS that it cannot be removed without doing damage to the OS? As the Court of Appeals noted (citing the District Court's holding), Microsoft's commingling has both prevented OEMs from pre-installing other browsers and deterred consumers from using them. In particular, having the IE software code as an irremovable part of Windows meant that pre-installing a second browser would ''increase an OEM's product testing costs,'' because an OEM must test and train its support staff to answer calls related to every software product preinstalled on the machine; moreover, pre-installing a browser in addition to IE would to many OEMs be ''a questionable use of the scarce and valuable space on a PC's hard drive.'' Microsoft, 253 F.3d at 64 (citations omitted).

As long as commingling is permitted, OEMs and other third party licensees will have no incentive to take advantage of the limited freedom provided by the PFJ and will continue to use Microsoft's middleware products at the expense of its competitors. As a result, commingling reduces Microsoft's distribution costs for its middleware applications to zero. It also raises the distribution costs of rival middleware application makers—who not only must pay for something that Microsoft gets for free (i.e., distribution via OEMs), but must also pay an added bounty to persuade OEMs to install their applications as the second such application on a PC. This, of course, assumes that such an added payment strategy for such middleware would even be plausible (which is highly doubtful, except in rare cases) and would not be defeated by Microsoft, a rival with roughly S39 billion in cash available to deter the prospect of being outbid by other middleware developers for PC access.

The other way in which code commingling illegally enhances the position of Microsoft middleware is by encouraging applications programmers to write their programs to Microsoft's products. (Mathewson & Winter Report at ¶¶ 14–16.) Third party developers decide how to write their applications based upon what APIs they believe will be available on the broadest number of computers and will enable their products to function most smoothly. See Microsoft, 253 F.3d at 55. Because the PFJ will allow Microsoft to continue commingling its middleware and OS code, it essentially guarantees that Microsoft's application programming interfaces (''APIs'') are universally available in all Windows environments (in other words, on virtually all PCs)—and that software developers who write their applications to Microsoft's APIs can write directly to the OS. This is true regardless of whether or not end-user access to the middleware product is visible. As a result, third party software developers (whose business interests are to develop successful applications, not to challenge Microsoft's monopoly) will almost always write their programs to Microsoft middleware.[21] Thus, Microsoft's commingling practices only exacerbate the ''applications barrier to entry'' that already encourages developers to create software that runs on Microsoft's dominant OS and interoperates with Microsoft's middleware

[16] See Microsoft, 253 F.3d at 46; 15 U.S.C. * 16(e) (in a Tunney Act proceeding, the court is authorized to consider whether the proposed settlement results in the ''termination of alleged violations''); see also Grinnell Corp., 384 U.S. at 577 (a decree must ''break up or render impotent the monopoly power found to be in violation of the Act'').

[17] See Microsoft, 253 F.3d at 51, 103.

[18] In its Conclusions of Law, the District Court broadly condemned Microsoft's decision to bind ''Internet Explorer to Windows with.., technological shackles.'' United States v. Microsoft, 87 F. Supp. 2d at 30, 39 (D.DC 2000) (''Conclusions of Law''). Specifically, the District Court denounced Microsoft's decision to bind Internet Explorer to the Windows OS ''by placing code specific to Web browsing in the same files as code that provided operating system functions.'' United States v. Microsoft, 84 F. Supp. 2d at 50, ¶161 (D.DC 1999) (''Findings of Fact'')*

[19] The danger of according Microsoft this power is exacerbated—and reinforced—by the PFJ's definition of the Windows Operating System Product (''Definition U''), which states that the software code that comprises the Windows Operating System Product ''shall be determined by Microsoft in its sole discretion.'' Thus, Microsoft can, over time, render all the protections for middleware meaningless, by binding and commingling code, and redefining the OS to include the bound/commingled applications.

[20] 20 See, e.g.. Findings of Fact, 84 F. Supp. 2d at 49–50, ¶ 159 (''Microsoft knows that the inability to remove Internet Explorer made OEMs less disposed to pre-install Navigator .... Pre-installing more than one product in a given category.., can significantly increase an OEM's support costs, for the redundancy can lead to confusion among novice users. In addition, pre-installing a second product in a given software category can increase an OEM's product testing costs. Finally, many OEMs see pre-installing a second application in a given software category as a questionable use of the scarce and valuable space on a PC's hard drive.'').

[21] For example, a developer that creates music search software is far more likely to develop a program that runs on Windows Media Player than RealPlayer, knowing that the new program would interoperate more readily with the OS if it runs on Microsoft's program and would have fewer glitches.

products. (See Mathewson & Winter Report at ¶ 16.)

Thus, in the end, as both the Court of Appeals and the District Court concluded here, commingling itself deters OEMs from installing rival middleware. See Microsoft, 253 F.3d at 66; Findings of Fact, 84 F. Supp. 2d at 49–50, ¶ 159. No doubt this is why every other remedial plan contemplated in this litigation—from the Posner Proposal,[22] to Judge Jackson's interim remedial order,[23] to the proposal set forth by the Litigating States [24]—has prominently included a ban on code commingling (or, at the very least, a requirement that Microsoft make available a non-commingled version of Windows). Yet, despite that, despite the Court of Appeals'' holding, and despite the District Court's factual findings, the PFJ fails to prohibit or limit this practice in any manner whatsoever.

Microsoft has already demonstrated its willingness and ability to fend off threats from competing middleware products by illegally commingling code with the Windows OS.[25] As currently drafted, the PFJ gives the company a green light to continue this anticompetitive and illegal practice. The public interest requires that Microsoft's practice of tying its middleware and operating system, via code commingling, be prohibited.

Microsoft shall not, in any Windows Operating System Product (excluding Windows 98 and Windows 98 SE) it distributes beginning six months after the date of entry of this Final Judgment, Bind any Microsoft Middleware Products to the Windows Operating System unless Microsoft also has available to license, upon the written request of each Covered OEM licensee or Third-Party Licensee that so specifies, and Microsoft supports both directly and indirectly, an otherwise identical version of the Windows Operating System Product that omits any combination of Microsoft Middleware Products as indicated by the licensee.

(See Proposed Text ¶ 1 (hereinafter ''States'' Proposed Text''), attached as Exhibit A to Litigating States'' Remedial Proposal (December 7, 2001).)

B. Microsoft Uses A Variety Of Other Tying Practices To Maintain Its Operating System Monopoly; If The Monopoly Is To Be ''Terminated,'' Such Contractual Tying Must Be Prohibited.

The Justice Department's insistence that the remedy in this case should not include a general tying prohibition because the government abandoned its Section 1 tying claim is logically flawed. Contrary to DOJ's assertions, as discussed at length above, the ultimate remedy in this case must ''terminate'' Microsoft's illegally maintained monopoly- and that can only happen if the remedy addresses those behaviors that anticompetitively maintain the Windows monopoly.

The bundling, or contractual tying, of Microsoft's middleware products to its Windows OS is clearly such an anticompetitive behavior: it is the signature tactic used by Microsoft to maintain its monopoly and fend off competitive challenges, and it has been expressly found to be illegal by the Court of Appeals. See, e.g., Microsoft, 253 F.3d at 61 (the restriction in Microsoft's licensing agreements that prevents OEMs from removing or uninstalling IE ''protects Microsoft's monopoly from the competition that middleware might otherwise present. Therefore, we conclude that the license restriction at issue is anticompetitive.'') (emphasis added); see also Mathewson & Winter Report at ¶¶ 13–33. Put another way, various tying practices were found by the Court of Appeals to illegally reinforce Microsoft's OS monopoly and thus must be banned in order to realize the remedial mandate of the Court of Appeals and the public interest objectives of the Tunney Act.

The anticompetitive nature of tying is apparent on its face: it reduces competition and consumer choice, making it less likely for Windows consumers to acquire and use non-Microsoft middleware products for reasons unrelated to the merits of those products. See Microsoft, 253 F.3d at 60 (upholding District Court's conclusion that contractually restricting OEMs'' ability to remove IE ''prevented many OEMs from distributing browsers other than IE''); see also Mathewson & Winter Report at * 23. Microsoft only makes Windows available for license to OEMs in a bundle that includes a number of its middleware applications (e.g., Internet Explorer, Windows Media Player, Windows Messenger, MSN). Microsoft also contractually prohibits OEMs from removing its applications from the bundled offering.

As explained in the attached economic report from Professors Frank Mathewson and Ralph Winter, such tying is anticompetitive and should fall under the purview of these remedy proceedings for four principal reasons: (1) it reinforces Microsoft's monopoly by increasing the applications barrier to entry against OS competitors; (2) it reinforces Microsoft's monopoly by deterring direct challenges to the OS itself as the platform of choice for software developers; (3) it weakens the greatest current competitor to Windows—prior versions of Windows; and (4) Microsoft's more recent practice of tying the Windows Media Player to the OS creates a new variant of the applications barrier to entry problem for potential OS rivals: a content-encoding barrier to entry. (See Mathewson & Winter Report, passim.)

First, tying anticompetitively strengthens Microsoft's OS monopoly by reinforcing the applications barrier to entry against OS competitors. (Id. at ¶¶ ;14–16.) The dominance of the Windows standard in a wide range of applications, including a few particularly important applications, hampers entry into the operating system market because an entrant has to offer both a new operating system and a full set of applications, or hope that applications will quickly develop once the new operating system becomes available. See Microsoft, 253 F.3d at 55 (applications barrier to entry stems, in part, from the fact that ''most developers prefer to write for operating systems that already have a substantial consumer base''). This is referred to as the applications barrier to entry, and the District Court found that it served to protect Microsoft against an OS challenge from IBM in the 1990s. Id. (upholding District Court's finding that ''IBM's difficulty in attracting a larger number of software developers to write for its platform seriously impeded OS/2's success'').[26]

By engaging in tying to gain dominance in key applications markets, Microsoft can turn the already-daunting applications barrier to entry into a virtually insurmountable shield. As the Court of Appeals explained, ''Microsoft's efforts to gain market share in one market (browsers) served to meet the threat to Microsoft's monopoly in another market (operating systems) by keeping rival browsers from gaining the critical mass of users necessary to attract developer attention away from Windows as the platform for software development.'' Microsoft, 253 F.3d at 60. If Microsoft controls the key applications, it can unilaterally decide not to make those applications available for even the most-promising rival operating systems. Microsoft's tying thus anticompetitively advantages its position in the middleware applications market and sustains its OS monopoly as well. (See Mathewson & Winter

[22] See Posner Proposal * 3(9) (Microsoft is enjoined from ''tying or combining any middleware product to or with a Windows operating system unless Microsoft offers a version of that operating system without such middleware product at a reduced price that reasonably reflects the relative costs of the operating system and the excluded middleware.'').

[23] See United States v. Microsoft, 97 F. Supp. 2d 59, 68 (D.DC 2000) (''Microsoft shall not, in any Operating System Product distributed six or more months after the effective date of this Final Judgment, Bind any Middleware Product to a Windows Operating System .... '').

[24] The Litigating States'' Remedial Proposal would prevent Microsoft from unlawfully reducing the competitive threat from non-Microsoft middleware products by commingling middleware and operating system code. The Litigating States'' Remedial Proposal would prohibit the practice of commingling altogether or, alternatively, require Microsoft to offer, upon written request from OEMs or other third part).'' licensees, its operating system on an unbundled basis:

[25] Note that Microsoft's options for exploiting technological means to advance its tying ends are not limited to code commingling. Code commingling, of course, is an extreme version of such tying, in that it prevents OEMs and consumers from removing applications without threatening the integrity of the OS. Other examples discussed during trial include deliberately harming the interoperability of Netscape's Navigator browser, see, e.g., Findings of Fact, 84 F. Supp. 2d at 31, ¶ 84 (finding that Microsoft executives explicitly offered preferred access to APIs to Netscape as an inducement to them to not expose their own APIs); id. at 33, ¶ 90–91 (finding that when Netscape refused this offer, Microsoft withheld necessary Windows APIs from I Netscape, delaying Netscape's Windows 95 browser launch until after the holiday selling season); id. at 50, ¶ 160 (''We will bind the shell to the Internet Explorer, so that running any other browser is a jolting experience.''); and working aggressively to degrade the performance and desirability of Sun's Java software, id. at 109–110, ¶¶ 404–406 (finding that Microsoft harmed development of Java class libraries and cross-platform Java interfaces).

[26] See Findings of Fact, 84 F. Supp. 2d at 19–22, ¶¶ 36–44.

Report at ¶ 66.)[27] Consider, for example, Microsoft Office. At one point, companies such as Corel and Lotus provided the most popular versions of these applications. At that time, to compete with Microsoft's Windows, rival operating systems needed to persuade Corel and Lotus to port their applications to those rival systems. Now that Microsoft has successfully leveraged Windows to obtain dominance in the Office suite of applications, however, rival OS providers would have to persuade Microsoft to port Office to rival systems.

If Microsoft can gain dominance with key middleware applications such as Office, MSN Messenger, and Windows Media Player, it can ensure that rival operating systems cannot meet customers'' demands for the most popular applications. That is, when Microsoft's browser, Microsoft's media player, and Microsoft's instant messenger are dominant in those applications markets, Microsoft may choose not to write its applications to interoperate with a potential rival OS—making it much more difficult for nascent operating systems to compete with Windows.[28] Thus, Microsoft's tying, over time, takes today's very high ''applications barrier to entry,'' and raises it immeasurably higher. (See Mathewson & Winter Report at ¶ 66.)

Second, bring reinforces Microsoft's monopoly by deterring direct challenges to the OS itself as the platform of choice for software developers. (Id. at ¶¶ 17–19.) A clear incentive for Microsoft to tie its Internet Explorer browser with Windows was the threat that Netscape—on its own, or combined with Java software—would eliminate Microsoft's network advantages in the operating system by providing middleware that would offer a competing platform for software developers. As the District Court and Court of Appeals found, Netscape and Java were particular threats to Microsoft's dominance in operating systems because they potentially represented a platform/programming environment in which software applications could be developed without regard to the underlying operating system. See Microsoft, 253 F.3d at 74. With middleware, the success of a new operating system no longer depended on the development of new code by every application developer. (See Mathewson & Winter Report at ¶ 19.)

If rivals develop valuable, widely distributed middleware, software vendors could very well begin to write most of their applications directly to that middleware, and the applications barrier to entry would disappear. By using anticompetitive tying to dominate each promising field of middleware, Microsoft ensures that software developers face a unified field of proprietary Microsoft OS and middleware interfaces. (Id.) Thus, Microsoft's tying practices serve, in this way too, to reinforce and entrench its illegal OS monopoly.

Third, tying weakens the greatest current competitor to Windows—prior versions of Windows. (Id. at ¶¶ 27–30.)[29] Existing versions of Windows provide competitive constraints on Microsoft for a simple reason: if new versions of Windows are insufficiently innovative or too expensive, consumers will choose to retain their older versions of the product. Through tying, however, Microsoft weakens this source of competition in two ways. First, new versions of Windows are marketed as much for new applications as for new OS features. Windows XP, for example, is being marketed in part for its inclusion of new applications, such as Windows Media Player 8.0—not just based on innovations and improvements to the OS itself. Second, middleware applications such as Internet Explorer, Windows Media Player (with the attendant Microsoft Digital Rights Management), and MSN allow Microsoft to track consumer usage. Microsoft's binding of these products to Windows ''thus creates a total product that lends itself to usage and leasing fees. By gradually reducing the price of Windows and increasing the usage fees on its tied applications, Microsoft can shift to a usage or leasing revenue model, rather than a revenue model based on sales. This eliminates the competitive threat front previous versions of Windows[30]* (in addition to providing Microsoft with the fruits of its illegal behavior, as discussed in Section III.C, below). (See id. at ¶ 28.)

Fourth, in addition to these three general ways in which Microsoft's contractual tying reinforces the OS monopoly, Microsoft's more recent tying of its media player to the OS creates yet another special and highly significant reinforcement of the Windows monopoly. (See Mathewson & Winter Report at ¶ 36.) This problem results from the close connection between the media player and Microsoft's proprietary media encoding format, Windows Media Audio (''WMA''). Because Microsoft does not license the WMA format to some rival media players—including, most notably, the only other media player with substantial market presence, Real Player—Microsoft's media player is the only major player that can play content encoded in Microsoft's format. As Microsoft's format becomes more and more widespread—it is currently growing in use at a rate ten times that of its rivals - more and more content will become viewable and playable only via Microsoft's media player, which is only distributed via Microsoft's OS.

In such a market, then, a rival OS would have to overcome not only today's applications barrier to entry to compete with Windows—that is to say, it would have to persuade application writers to write their applications to interoperate with their OS—it would also have to overcome a new, even more daunting ''content encoding barrier to entry'' - i.e., it would have to persuade owners of thousands (or perhaps even millions) of pieces of multi-media content to re-encode their content in formats that the media player used by'' the rival OS could read. (Id. at ¶¶ 37–38.) This barrier to entry applies not only to rival PC operating systems, but also to evolving operating systems for handheld and mobile communications devices, since consumers v, ill want to access the best streaming content using those devices. Thus, the currently daunting applications barrier to entry is raised many times higher by virtue of the tying of the Windows Media Player (and its related proprietary formats) to the Windows OS.[31]

All four of these anticompetitive effects are mutually reinforcing, because of the network effects operating between the applications sector and the operating system market. (Id. at ¶¶ 31–33.) Achieving dominance in applications (through tying) strengthens the dominance of the OS, because buyers in the OS market are more assured of available applications. The greater dominance in the OS market in turn feeds back into greater dominance in applications, since the tying strategies take the form of imposing an

[27] See Microsoft, 253 F.3d at 59–60 (citing District Court's finding that ''Microsoft's imposition of [licensing] provisions (like man','' of Microsoft's other actions at issue in this case) serves to reduce usage share of Netscape's browser and, hence, protect Microsoft's operating system monopoly'').

[28] This fear is not theoretical: the District Court found that Microsoft made just such a threat to Apple, with regard to Microsoft Office. See Findings of Fact, 84 F. Supp. 2d at 95–97, ¶¶ 345–356.

[29] The District Court's Findings of Fact, 84 F. Supp. 2d at 25, ¶ 57, maintain that the Windows leasing agreement prohibits the user from transferring the OS to another machine so that ''there is no legal secondary market in Microsoft operating systems.'' The Findings of Fact then note at ¶ 58 that there is a thriving illegal market. To limit this, Microsoft charges a higher price for Windows to OEMs that do not limit the number of PCs the), sell without the OS pre-installed. One might argue that the durable-goods monopoly problem is eliminated by Microsoft's refusal to allow OEMs to install (without penalty) old versions of Windows. As explained in the attached Mathewson & Winter Report, this is incorrect for two reasons: ''(i) increases in the price of the new version of Windows will reduce overall demand for new PCs, as users invoke the option to keep existing PCs with the old version, and (ii) there is a retail market for new versions of Windows software for installation on existing PCs. Both (i) and (ii) provide channels through which the existing stock of Windows software provides some competition for a new version of Windows (i.e., it increases the elasticity of demand for the new version). If the price of a new version is increased, the demand for the new version is reduced because fewer consumers will purchase new PCs as the price increase for Windows raises the price of the overall package of the PC and the (mandated by Microsoft) new version of Windows, and because some consumers who would have purchased Windows to install on their old PCs will now refuse to do so.'' (See Mathewson & Winter Report at 12 n. 10.)

[30] See Jeremy Bulow, ''Durable-Goods Monopolists,'' Journal of Political Economy 90(2): 314–332 (explaining how leasing, rather than selling, solves the monopolists'' ''problem'' of competition from previously existing stocks of goods); id. at 330 (a durable-goods monopolist may be able to achieve the leasing result through extending its monopoly to service contracts).

[31] This same theory applies to Microsoft's identity-authentication application, known as ''Passport.'' If Microsoft can leverage its OS monopoly to make Passport ubiquitous, it can persuade e-commerce sites to adopt Passport as the sole identity-authentication standard. If that were to happen, a nascent OS competitor would not only have to develop its own identity-authentication application; it would also have to persuade thousands of e-commerce sites to adopt that application for use on their web sites. Thus, Microsoft's tying of Passport to the Windows OS could potentially create yet another barrier to entry in the OS market.

artificial advantage relative to applications of the dominant OS supplier. The greater Microsoft's share across all middleware applications markets, the greater the applications barrier to entry.

Thus, a remedy that does not forbid Microsoft's anticompetitive tying leaves in place one of Microsoft's most powerful tools to maintain its OS dominance—and as a result, does not ''unfetter'' the market or ''terminate'' the illegal monopoly. For this reason, the PFJ's failure to include a ban on bundling is not in the public interest.

C. By Allowing Microsoft To Continue To Tie Its Middleware Applications To Windows, Microsoft Retains One Of The Most Valuable ''Fruits'' Of Its Illegal Acts.

The Court of Appeals made clear that one necessary element of any remedy in this case was to ''deny to [Microsoft] the fruits of its violation.'' See Microsoft, 253 F.3d at 103 (quoting United Shoe Mach. Corp., 391 U.S. at 250). This is in accord with the prevailing doctrine in this area. See Grinnell Corp., 384 U.S. at 577; 2 P. Areeda & H. Hovenkamp, Antitrust Laws ¶ 325(c) (2d ed. 2000).

The Court of Appeals found that Microsoft illegally maintained its OS monopoly by engaging in anticompetitive practices. See Microsoft, 253 F.3d at 51, 66. Here, because of the nature of its monopoly, one of the most lucrative fruits of Microsoft's illegal behavior is the ability to bundle its other software products with the OS and reap gains in those markets as well. In this way, the PFJ's failure to ban such tying clearly renders it deficient, because without such a prohibition it will fail to prevent future violations of Section 2, as discussed above—and also fail to prevent Microsoft from reaping the benefits of the OS monopoly that it illegally maintained. Without such a prohibition, Microsoft will be able to continue profiting from its anticompetitive behavior and will have evaded any real punishment for breaking the law.

For these reasons, as with the ban on code commingling discussed above, every other remedial proposal considered in this litigation included a ban on Microsoft's contractual tying via bundling. A formulation of such a ban was found in Judge Jackson's interim conduct remedies, which—in addition to the ban on binding middleware products to the OS—would also have prohibited Microsoft from ''conditioning the granting of a Windows Operating System Product license ... on an OEM or other licensee agreeing to license, promote, or distribute any other Microsoft software product that Microsoft distributes separately from the Windows Operating System Product in the retail channel or through Internet access providers, Internet content providers, ISVs or OEMs.'' United States v. Microsoft, 97 F. Supp. 2d 59, 68 (D.DC 2000). Judge Posner's proposal would have prohibited tying any middleware product with the OS unless Microsoft offered a version of the OS without the middleware application, and did so at a reduced price. See Posner Proposal * 3(9). The litigating states also have proposed a very similar remedial approach. (See LSRP at 4–6.) Thus, it is only the PFJ, among the various proposals, that has failed to take this essential step to terminate Microsoft's OS monopoly, and deny Microsoft the fruit of its illegal acts. A remedy without such a provision cannot be in the public interest.[32]

IV. THE PROPOSED FINAL JUDGMENT FURTHER FAILS THE PUBLIC INTEREST TEST, BECAUSE IT DOES NOT ACHIEVE EVEN THE LIMITED OBJECTIVES THAT IT HOLDS OUT AS ITS AIMS.

As demonstrated above, the PFJ fails to address Microsoft's anticompetitive tying of middleware applications to the Windows OS, and consequently fails to fulfill the remedial mandate of the Court of Appeals. Yet. even for those anticompetitive acts that the PFJ does attempt to address, it does not provide an adequate remedy for Microsoft's illegal conduct. Indeed, the PFJ is so replete with carefully crafted carve-outs and exceptions that many of its provisions, though well intentioned, are rendered meaningless. The result is that the PFJ will do little, if anything, either to terminate Microsoft's monopoly or constrain its ability to fend off middleware threats in the future. And, as we argue above, the preliminary experience with these provisions—since the onset of their implementation by Microsoft— provides little reason to believe that the PFJ will be effective in practice. See Section II, supra.

While any conduct remedy will, of course, have limitations and the potential for evasion, none of the major defects in the PFJ are inherent in the nature of this sort of remedy. The Litigating States'' Remedial Proposal provides a useful contrast on this point. Unlike the PFJ, the LSRP does not leave certain of Microsoft's anticompetitive acts unaddressed or leave Microsoft with the ability to perpetuate its operating system monopoly by illegally eliminating competitive threats from middleware developers. The Litigating States'' Remedial Proposal prevents Microsoft from continuing its anticompetitive practices, is designed to restore the competitive balance in the marketplace, and seeks to ensure that competitive threats may emerge in the future unhindered by Microsoft's anticompetitive conduct. As such, it fully comports with the Court of Appeals'' decision and provides this Court with a clear roadmap of what the public interest requires in this case.

To avoid undue length or repetition, we do not here provide a comprehensive list of all the numerous inconsistencies, loopholes, and shortcomings of the PFJ; we have included, in Attachment B, a more complete listing for the Court's benefit. (See A Detailed Critique of the Proposed Final Judgment in U.S. v. Microsoft, Attachment B.) In this Section, instead, we focus on six critical deficiencies in remedies that (unlike tying) are purportedly addressed in the PFJ: (1) the PFJ's failure to prevent Microsoft's discriminatory licensing practices; (2) its limited and slow-moving API disclosure provisions; (3) its inadequate protections for OEMs from retaliation; (4) its failure to promote distribution of Java; (5) its ''gerrymandered'' definition of middleware; and (6) its complete lack of an effective enforcement mechanism. Where helpful, we contrast the relevant provision in the litigating states'' proposal for comparison's sake. By comparing the two proposals on a few central issues, it should be clear why the LSRP, and not the PFJ, addresses Microsoft illegal conduct in manner that both comports with the Court of Appeals'' decision and serves the ''public interest'' under prevailing antitrust law.

A. The PFJ Allows Microsoft To Continue Engaging In Discriminatory And Restrictive Licensing Agreements To Curtail The Use Of Rival Middleware Products.

One of the ways in which the District Court found, and the Court of Appeals upheld, that Microsoft illegally protects its operating system monopoly from rival middleware is through discriminatory and restrictive licensing provisions. Specifically, the Court of Appeals found that Microsoft uses its licenses not only to reward OEMs that utilize and promote its products (and to discriminate against those OEMs that wish to promote non- Microsoft products), but also to restrict the manner in which OEMs can distribute rivals'' products. See Microsoft, 253 F.3d at 61–67.

Despite these findings, the PFJ permits Microsoft to continue to employ discriminatory and restrictive licensing agreements to curtail the use of its competitors'' products. As currently structured, the PFJ allows Microsoft to continue its use of discriminatory and restrictive licensing provisions to fend off nascent threats from middleware competitors in several ways. First, the PFJ explicitly allows Microsoft to provide market development allowances to favored OEMs; it likewise allows Microsoft to enter into ''joint ventures'' with OEMs, that, in practice, are little more than shells for arrangements by Microsoft to shower financial rewards on OEMs that are willing to refuse to deal with Microsoft's competitors. Given the intense competition and low margins in the OEM industry, these rewards would create a decisive competitive disadvantage for ''disfavored'' OEMs, forcing them to accede to Microsoft's restrictive terms.

The PFJ's mechanisms for enabling these anticompetitive tactics are surprisingly explicit. Under Section III.B.3 of the PFJ, Microsoft is allowed to pay OEMs ''market development allowances'' to promote Windows products. Thus, OEMs that promote Microsoft products apparently can receive de facto cash rebates on their Windows shipments, while OEMs that deal with Microsoft's rivals ''.',,ill pay full list price. This preferential behavior in the browser market ,,,,,as found illegal by both the District Court and the Court of Appeals.

[32] We have argued elsewhere that there could be alternatives to a ban on contractual tying that might, over time, also prove effective. For example, if a remedial plan included a strong provision to permit licensing of Windows, not just to OEMs, but to third parties as well, and such a regime became effective— so that there was active and effective retail competition for bundled OS applications offerings—then the necessity for banning Microsoft's contractual tying would be somewhat lessened. In such an instance, Microsoft's potential for abusive tying could be disciplined by competition from competing bundles. However, absent such competition—which the PFJ does not create—a ban on contractual tying is absolutely essential to achieve the remedial objectives of this case—and thus, the PFJ's failure to include such a provision is fatal.

See Microsoft, 253 F.3d at 60–61. Microsoft should be allowed to engage in leg/t/mate pricing decisions, but those decisions should be limited to volume-based discounts published in its price lists?[33]

Second, under Section III.G.2 of the PFJ, Microsoft may use ''joint ventures'' to escape any restrictions the proposed settlement would place on its licensing practices. For example, Microsoft may join an OEM in a joint venture for any ''new product, technology or service'' or improvement to any existing ''product, technology or service,'' provided that the OEM contributes significant developer ''or other resources.'' (See PFJ at Section III.G.2.) In such an arrangement, Microsoft can seek, and obtain, a pledge that its partner be ''prohibit[ed] ... from competing with the object of the joint venture ... for a reasonable period of time.'' (Id. at III.G.) Thus, Microsoft could enter into a ''joint development'' project for the ''new product'' of ''Windows X for Preferred OEM Y.'' The OEM's contribution could be entirely in marketing and distribution. Yet, under the language of the PFJ, it appears that Microsoft would have the ability to contractually prohibit OEMs in such joint ventures from offering products or services that compete with Microsoft. Given Microsoft's history of abusive and coercive behavior toward OEMs, it should not be allowed to enter into joint ventures with OEMs that result in exclusive agreements. Otherwise, in no time at all, Microsoft will use the opportunity to squelch competition.

Third, the PFJ purports to provide OEMs with the freedom and flexibility to configure the computers they sell in a way that does not discriminate against non-Microsoft products. Under Section III.C, the PFJ ostensibly prohibits Microsoft from entering into an agreement that would—among other things—restrict an OEM's ability to remove or install desktop icons, folders and Start menus, and modify the initial boot sequence for non-Microsoft middleware. However, the PFJ contains carve-out provisions that may render these prohibitions effectively meaningless. Under the express terms of Section III.C. 1 of the PFJ, Microsoft may retain control of desktop configuration by being able to prohibit OEMs from installing or displaying icons or other shortcuts to a non-Microsoft product or service, if Microsoft does not provide the same product or service. Thus, for example, if Microsoft does not include a media player shortcut inside its ''My Music'' folder, it can forbid an OEM from doing the same. This turns innovation—and the premise that OEMs be permitted to differentiate their products—on its head: under the PFJ, rivals can ''compete'' with Microsoft, but they are never allowed a chance to bring a product to market first, to offer a functionality before Microsoft does, or to benefit from their innovations before Microsoft determines that it is ready to meet (and if history is a guide, extinguish) these competitive challenges.

Additionally, under the PFJ, Microsoft can control the extent to which non- Microsoft middleware is promoted on the desktop by virtue of a limitation that OEMs may promote such software at the conclusion of a boot sequence or an Internet hook-up only if they display no user interface or a user interface that is ''of similar size and shape to the user interface provided by the corresponding Microsoft middleware.'' (See PFJ at III.C.3.) And OEMs are allowed to offer Internet Access Provider (''IAP'') promotions at the end of a boot sequence, but only for their own LAP offerings (whatever that ambiguous limitation means). (See id. at III.C.5.) Thus, under the PFJ, Microsoft maintains the ability to set the parameters for competition and user interface.

In order to promote competition from rival middleware, Microsoft must be prohibited from entering into restrictive and discriminator)'' contractual agreements with its licensees. Although remedial proposals could have been crafted to address these anticompetitive practices, the PFJ falls short of this mark.

By contrast, the Litigating States'' Remedial Proposal would bring Microsoft's unlawful behavior to an end and thus provide competing middleware the opportunity to receive effective distribution through the important OEM channel. Under the LSRP, Microsoft would be required, at a minimum, to offer uniform and non-discriminatory license terms to OEMs and other third-party licensees. The LSRP would also require Microsoft to permit its licensees to customize Windows to include whatever Microsoft middleware or competing middleware the licensee wishes to sell to consumers. (See LSRP at 7–9.)

In addition, the LSRP specifically prohibits Microsoft from employing market development allowances, including special discounts based on joint development projects?[34] It also gives OEMs and other third-party licensees the flexibility to feature non-Microsoft products in ways that increase the likelihood that consumers will use them, without providing broad exceptions that enable Microsoft to avoid its obligations?[35] Thus, it is the LSRP—and not the PFJ—that meets the Tunney Act's ''public interest'' standard.

B. The PFJ Requires Microsoft To Disclose APIs Only In Certain. Narrow Circumstances. Another key element of the government's case against Microsoft was the company's withholding of the operating system's API information from rivals, so as to illegally decade the performance of rival applications. In any market where Microsoft is allowed to withhold APIs, rival software will perform imperfectly in the Windows environment, and Microsoft will illegally gain dominance. Accordingly, in order to promote competition from rival middleware developers, it is essential that Microsoft be required to provide timely access to all technical information required to permit non-Microsoft middleware to achieve interoperability with Microsoft software.

Section III.D of the PFJ imposes an obligation on Microsoft to disclose to Independent Software Vendors (''ISVs''), and others, the APIs that Microsoft middleware uses to interoperate with any Windows OS product. However, the PFJ's requirement for API disclosure is drawn much too narrowly to allow non-Microsoft middleware to compete fairly with Microsoft middleware. Here again, a comparison with the proposal of the litigating states is instructive.

First, the PFJ's disclosure requirement fails to prevent ''future monopolization,'' because it fails to apply to critical technologies that Microsoft is likely to use to maintain the power of its OS monopoly in the future. Because nascent threats to Microsoft's monopoly operating system currently exist beyond the middleware platform resident on the same computer, any effective API disclosure requirement must apply to all technologies that could provide a competitive platform challenge to Windows, including wizard, desktop, preferences, favorites, start page, first screen, or other aspect of any Middleware in that product.'').)

Second, the PFJ creates an apparent exception for Microsoft's API disclosure requirement in the emerging areas of identity authentication and digital rights management (''DRM'')—critical applications that are also important to the prospects of Microsoft's ''future monopolization.'' Section III.J.1.(a) appears to exempt Microsoft from disclosing any API or interface protocol ''the disclosure of which would compromise the security of... digital rights management.., or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria.'' This exception is written much more broadly than any of the limits on Microsoft behavior, and could easily be used to protect Microsoft's APIs relating to DRM and identity authentication applications. The implication of this is that any rival DRM or authentication software will not function as ,,','ell as Microsoft's DRM, Passport, and .Net

[33] Less explicitly, but perhaps even more nefariously, the same provision that authorizes continuation of ''market development allowances'' (i.e., III.B.3) says that Microsoft may also maintain ''programs ... in connection with Windows [OS] products.'' This appears to be a carefully veiled reference to Microsoft's use of ''Marketing Development Funds''—highly discretionary, highly targeted payments to OEMs that can be yet another means of effectively rendering the list price of Windows economically irrelevant. While the PFJ ostensibly says that these ''programs'' must have ''objective criteria,'' ''neutral'' criteria can be easily formulated that have the effect of rewarding favored players and punishing less cooperative OEMs, given the small number of major OEMs in existence.

[34] (See States'' Proposed Text * 2(a) (''Microsoft shall license, to Covered OEMs and Third-Party Licensees, Windows Operating System Products .... pursuant to uniform license agreements with uniform terms and conditions. Microsoft shall not employ Market Development Allowances or other discounts, including special discounts based on involvement or any joint development process... '').)

[35] (See States'' Proposed Text 2(c) (''Microsoft shall not restrict (by contract or otherwise, including but not limited to granting or withholding consideration) an OEM or Third-Party Licensee from modifying the BIOS, boot sequence, startup folder, smart folder (e.g., MyMusic or MyPhotos), links, internet connection network servers, web servers, and hand-held devices. The PFJ does not; by contrast, the Litigating States'' Remedial Proposal expressly provides that Microsoft must disclose all APIs, technical information, and other communications interfaces so that Microsoft software installed on one computer (including personal computers, servers, handheld computing devices and set-top boxes) can interoperate with Microsoft platform software installed on another computer. (See LSRP at 11.)

My Services (formerly known as Hailstorm). Thus, under the PFJ, Microsoft may be able to degrade the performance of any rivals to any of these services.

These markets, however, are just as important to the next stage of the industry's evolution as browsers were to the last stage. DRM solutions, for example, allow content vendors to sell audio and video content over the Internet on a ''pay for play'' basis. Since the most prevalent use of media players in the years ahead will be in playing content that is protected in this fashion, if non-Microsoft media players cannot interoperate with Windows'' DRM solution, those media players will be virtually useless except for ''freeware'' content.[36] Thus, if DRM is exempt from API disclosures under the PFJ, Microsoft can destroy the competitive market for one of the most vital forms of middleware—media players.

The authentication exemption is potentially even more far-reaching. Most experts agree that the future of computing lies with server-based applications that consumers will access from a variety of devices. Indeed, Microsoft's ''.Net'' and ''.Net My Services'' (formerly known as Hailstorm) are evidence that Microsoft certainly holds this belief. These services, when linked with Microsoft's Passport, may allow Microsoft to participate in a substantial share of consumer e-commerce transactions over the Interact, irrespective of which device is used to access the Internet (cell phones, handheld computers, etc.). If Microsoft prevents competition with its Passport standard, it may be able to realize its stated goal of charging a fee for every single e-commerce transaction on the Internet.[37]

Under the guise of security, Microsoft has obtained a loophole in the PFJ that undercuts a critical disclosure requirement. Microsoft's legitimate security concerns— which, of course, are shared by all of its major business rivals—do not require this loophole. Section III.J.2 of the PFJ excludes from disclosure rights any company with a history of software counterfeiting or piracy or willful violation of intellectual property rights, or any company that does not demonstrate an authentic and viable business that requires the APIs. This means that Microsoft only has to disclose to bona fide software rivals whose interests in security and stability are as Meat as Microsoft's. As added protection, Section III.J.l.(b) of the PFJ allows Microsoft to refrain from any disclosure simply by persuading an impartial government body, on a case-by-case basis, that a specific disclosure would put system security at risk. Together, these provisions provide Microsoft with all the room it needs to take legitimate security precautions.

Once again, the litigating states'' proposal provides a useful contrast. It contains no disclosure ''carve out'' to exempt DRM and identity-authentication from the general disclosure obligation imposed on Microsoft. (See LSRP at 11.) Instead, it creates a regime of timely, complete, and comprehensive API disclosure that will allow competitors an opportunity to challenge Microsoft's efforts to entrench its OS monopoly in a market where distributed computing is the dominant model—an opportunity that was sadly missed as the browser became critical to Internet-related applications, due to Microsoft's anticompetitive refusals to share technical information. Thus, once again, it is the LSRP, not the PFJ, that would meet the Court of Appeals'' objectives and the public interest standard.

C. The PFJ Does Not Ban Many Forms Of Retaliation By Microsoft Against OEMs.

The District Court found, and the Court of Appeals upheld, that in order to create a competitive market structure in which non-Microsoft middleware products are able to compete effectively with Microsoft products, licensees, such as OEMs, must have the ability to distribute and promote non-Microsoft products without fear of coercion or interference from Microsoft. Recognizing the central role that OEMs play in the distribution and ultimate usage of non-Microsoft middleware products, the PFJ includes an anti- retaliation provision which is intended to protect those entities that support or promote non-Microsoft products. According to the Department of Justice, this anti-retaliation provision ''broadly prohibits any sort of Microsoft retaliation against an OEM based on the OEM's contemplated or actual decision to support non-Microsoft software.'' (See CIS at 25.)

Unfortunately, the PFJ does not provide the broad protection from Microsoft's retaliation that the government claims it does. Indeed, the PFJ's anti-retaliation provision is so narrow that it will do little, if anything, to protect OEMs that wish to distribute or promote non-Microsoft products. The PFJ's anti-retaliation provision is deficient in numerous respects. First, it appears to create only a narrow range of procompetitive activities that OEMs can engage in without being subject to Microsoft retaliation. For example, the PFJ prohibits retaliation for OEMs that promote rival middleware, but does not appear to prohibit retaliation against OEMs that promote any other type of rival software (which, under the PFJ's language, probably includes rivals to Passport, MS Money, Windows Movie Maker, and MSN Messenger, just to name a few). Even if this glitch were unintentional, the ambiguity might still be sufficient to allow Microsoft to coerce OEMs into avoiding Microsoft rivals.

Second, even within the scope of protected OEM activities, the PFJ appears to bar only certain types of Microsoft retaliation. The PFJ prohibits Microsoft from withholding ''newly introduced forms of non-monetary Consideration'' from OEMs, but is less clear about whether Microsoft may use already-existing forms of consideration to retaliate against OEMs. (See PFJ at III.A.) More importantly, while the PFJ prohibits Microsoft retaliation via an alteration of commercial agreements, it does not appear to prohibit any other form of Microsoft retaliation (e.g., product disparagement) that Microsoft can imagine.[38]

In addition, under Section III.A of the PFJ, Microsoft may, sua sponte, terminate an OEM's Windows license after sending the OEM two notices stating that it believes the manufacturer is violating its license* There need not be any adjudication or determination by any independent tribunal that Microsoft's claims are correct. All that is required are two notices; after that, Microsoft may terminate an OEM's license. This provision means that the OEMs are, at an), time, just two registered letters away from unannounced economic calamity; after all, given Microsoft's monopoly on the operating system, termination of an OEM's Windows license is a death sentence for an OEM's business.

Again, such inadequate safeguards are not inherent in an effective non- retaliation protection. For instance, the Litigating States'' Remedial Proposal prevents Microsoft from taking any action that directly or indirectly adversely affects OEMs or other third-party licensees that in any way develop, distribute, support or promote competing products, thereby providing the type of protection contemplated by the Court of Appeals. (See LSRP at 13–14.) Thus, the Litigating States'' Remedial Proposal clearly prohibits Microsoft retaliation for any procompetitive OEM behavior and prohibits all forms of Microsoft retaliation. Importantly, the LSRP also prohibits Microsoft from retaliating against any individual or entity for participating in any capacity in any phase of this litigation. Again, it is the LSRP that meets the Court of Appeals'' objectives for this case— not the PFJ.

D. The PFJ Does Nothing To Remedy Microsoft's Illegal Campaign To Eliminate Java.

Yet another aspect of the trial court's decision that was upheld on appeal by the DC Circuit was the District Court's finding that Microsoft's actions in eliminating the threat posed by Sun Microsystems'' Java technology were unlawful under Section 2 of the Sherman Act. See Microsoft, 253 F.3d at 74–75. The PFJ, however, omits any remedy for this core abuse. Thus, unlike either the District Court's remedy or the remedy Judge Posner suggested, the PFJ does not protect those specific products, such as Java, that actually compete with Windows today and offer alternatives to Microsoft's dominance.

The Litigating States'' Remedial Proposal addresses this deficiency by requiring that Microsoft distribute Java with its platform software for a period of ten years. (See LSRP at 17–18.) The LSRP recognizes, as did the District Court and Judge Posner, that in order to ensure that rival products such as Java can compete with Microsoft, they must receive the widespread distribution that they could have obtained absent Microsoft's unlawful behavior.

[36] See Brad King, Microsoft Poised for Music Domination, Wired, June 14, 2001.

[37] As Nathan Myrhvold, Microsoft's former chief technology officer, put it, Microsoft's strategy is to ''get a ''vig,'' or ''vigorish,'' on every transaction over the Internet that uses Microsoft's technology.'' David Bank, Microsoft Moves To Rule On-Line Sales, The Wall Street Journal, June 5, 1997, at B1. The term refers to a gambling house's ''cut'' on all bets placed in the establishment.

[38] For example, the PFJ does not appear to foreclose a Microsoft strategy whereby OEMs would be told that senior Microsoft executives and spokespeople will opine that the product of OEM X works better than the product of OEM Y, if OEM Y refuses to install only Microsoft applications.

The requirement that Microsoft distribute Java with its operating system and Internet Explorer browser takes on even greater importance in light of Microsoft's recent behavior. For example, although the Court of Appeals upheld the trial court's finding that Microsoft targeted and destroyed independent threats from the Java programming language, see Microsoft, 253 F.3d at 53–56, 60, Microsoft announced less than a month later that it was dropping any support for Java from Windows XP. As The Wall Street Journal reported at the time, ''This favors Microsoft's new technologies, and will inconvenience consumers .... [I]f you want your Web page accessible to the largest number of people, you may want to drop Java'' and switch to Microsoft's competing set of products, which is under development and is known as NET.''[39] Thus, notwithstanding the Court of Appeals'' holding that Microsoft illegally maintained its monopoly by requiring major independent software vendors to promote Microsoft's JVM exclusively (i.e., by requiring developers, as a practical matter, to make Microsoft's JVM the default in the software they developed), Microsoft is again acting illegally to maintain—and further entrench—its operating system monopoly against Java's middleware threat.

To remedy the specific and extensive anticompetitive tactics aimed at Java, as found by the District Court and affirmed by the Court of Appeals, Microsoft should be ordered—as outlined in the Litigating States'' Remedial Proposal—to distribute with its platform software a current version of the Java middleware. This would ensure that Java receives widespread distribution, thus increasing the likelihood that it can serve as a viable competitive platform to Windows. Although rivals such as Java will likely remain small players compared to the dominant Windows OS, their existence on the competitive fringe is critical to provide some competitive discipline to Microsoft on pricing and coercion matters. Moreover, the existence of these rivals creates a base for future developments that might one day provide true alternatives to Windows.

E. The PFJ Includes A ''Gerrymandered'' Definition Of Middleware. Though not readily apparent, the effectiveness, or lack thereof, of the PFJ's restrictions on Microsoft's behavior heavily depends on the proposed agreement's definition of ''middleware.'' Under the proposed settlement, OEMs are protected from retaliation and can promote competitive alternatives to Microsoft products only in the area of middleware. Thus, if rival software falls outside of the definition of middleware, Microsoft can essentially use its coercive might to prevent that software from being distributed via OEMs. Conversely, if a Microsoft product is not classified as middleware, Microsoft is permitted to use coercion to force its adoption and promotion.

The PFJ adopts a new, and greatly narrowed, definition of middleware, both in terms of ''Microsoft Middleware Products'' and ''non-Microsoft Middleware.'' The result is significant because under the newly created definition, Microsoft may be able to subvert many of the PFJ's restrictions. Tile Litigating States'' Remedial Proposal defines middleware in a manner consistent with the definition adopted by both the District Court and the Court of Appeals.[40] It thus prevents Microsoft from using a definitional shell game to avoid changing its unlawful behavior.

The District Court and the Court of Appeals adopted the same definition of middleware: software products that expose their own APIs; are written to interoperate with a variety of applications; and are written for Windows as well as multiple operating systems. See Microsoft, 253 F.3d at 53; see also Findings of Fact, 84 F. Supp. 2d at 17–18, ¶¶ 28–29. Thus, while the DC Circuit discussed browsers and the Java technologies as leading examples of middleware, Microsoft, 253 F.3d at 59–78, it never adopted an exclusive list limited to specific products (as the PFJ does).[41] Importantly, the Court of Appeals also agreed with the District Court that the appropriate category of ''middleware'' applications that merit protection against Microsoft's anticompetitive conduct includes .any application that could operate separately or together with other such applications to create even the ''nascent'' potential for alternative platforms that could compete with Microsoft's OS monopoly. Id. at 52–54, 59–60, 74.

These standard definitions of middleware were also endorsed in the Posner Proposal, which, as noted above, Microsoft was reportedly ready to accept last year. Section 2(3) of the Posner Proposal defined middleware broadly, to include any ''software that operates between two or more types of software.., and could, if ported to multiple operating systems, enable software products written for that middleware to be run on multiple operating systems.'' Moreover, the substantive portion of the Posner Proposal, in Section 3(8)(c), explicitly included not just enumerated products, but also an)'' ''middleware distributed with such operating system installed on one personal computer to interoperate with any of the following software installed on a different personal computer or on a server: (i) Microsoft applications, (ii) Microsoft middleware, or (iii) Microsoft client or server operating systems.''

The PFJ departs significantly from these established definitions of middleware and instead adopts wholly new definitions for both ''Microsoft Middleware Products,'' and ''non-Microsoft Middleware.'' These definitions include several flaws that Microsoft may be able to use to anticompetitively advantage its applications, continue to profit from the fruits of its illegally maintained monopoly, and evade the practical consequence of the PFJ for many product lines.

To start, the PFJ's definition of ''Microsoft Middleware Products'' appears to limit this category to five specifically-listed existing products and their direct successors? This makes no sense for two reasons. First, why define the most critical term in the proposed settlement narrowly when Microsoft has already demonstrated its skill at evading consent judgments?[42] And second, why does the list include certain Microsoft products, but arguably not their virtually indistinguishable cousins: i.e., Outlook Express, but not Outlook; Windows Messenger, but not MSN Messenger; the Microsoft JVM, but not MSN RunTime; Internet Explorer, but not MSN Explorer. Likewise, Microsoft middleware applications such as the MSN client software and Passport appear to be excluded. The significance of these omissions cannot be overstated. For example, although Microsoft must allow OEMs, under the PFJ, to remove end-user access to Internet Explorer, the decree's language appears to allow Microsoft to ban any effort to replace MSN Explorer with a competitor. This is a step backwards from the status quo.

Additionally, Section III.H.2 of the PFJ explicitly limits OEM flexibility to set non-Microsoft Middleware as a default so that it can be automatically invoked: the PFJ appears to allow OEMs to do so only with competitors of ''Microsoft Middleware Products'' that (1) appear in separate Top-Level Windows, with (2) separate end-user interfaces or trademarks. Thus, Microsoft might be able to avoid the PFJ's provisions simply by embedding Microsoft middleware with other middleware, or not branding it with a trademark. That means Microsoft—not the OEMs, and certainly not the market—would determine the scope of desktop competition and the pace of desktop innovation.

Conversely, the definition of the rivals to Microsoft Middleware Products— ''non Microsoft Middleware Product''- is also jury-rigged to advantage Microsoft. Under Section IV.N of the PFJ, protected middleware products are limited to those applications ''of which at least one million copies were distributed in the United States within the previous year.'' Thus, developers have no protection from Microsoft's well-honed predatory tactics until they can obtain substantial distribution.

The PFJ's middleware definition also does not explicitly include web-based services, the most important future platform challenge to the Windows monopoly. These web-based services represent an important and growing type of middleware, and the PFJ's failure to explicitly cover them may allow Microsoft to recreate and extend its desktop monopoly to new platforms.[43]

[39] John R. Wilke and Don Clark, Microsoft Pulls Back Its Support for Java: New Windows XP System Won't Include Software Needed to Run Programs, The Wall Street Journal, July 18, 2001.

[40] (See States'' Proposed Text ¶ 22(w).)

[41] See also Microsoft, 253 F.3d at 59 (referring to browsers as exemplary of ''any middleware product, for that matter''); id. at 74 (Java is a set of technologies that ''is another type of middleware posing a potential threat to Windows'' position as the ubiquitous platform for software development'').

[42] The PFJ does contain a generic middlewaredefinition, see Section VI.K.2, but this applies only to new products, and therefore does not capture an)'' product now in existence.

[43] See Rebecca Buckman, Microsoft Says Its Future Lies in Subscriptions, The Wall Street Journal, May 31, 2001.

The newly created and narrowly crafted definitions of middleware in the PFJ pave the way for Microsoft to avoid many of the prohibitions on its conduct. The middleware definitions in the LSRP, on the other hand, are consistent with those endorsed by the District Court and Court of Appeals, and ensure that the protections from Microsoft's illegal conduct are extended to Microsoft's competitors in critical middleware markets.

F. The PFJ Lacks A Meaningful Enforcement Mechanism.

For any remedy against Microsoft to be effective, it must include a strong, timely, and meaningful enforcement mechanism. The PFJ creates an extraordinarily weak enforcement authority—one that likely will be overwhelmed and co-opted by Microsoft. More specifically, as currently drafted, there are two principal problems with the PFJ's enforcement mechanism.

First, the proposed decree leaves all enforcement to a single, three-person Technical Committee (''TC''). With no looming antitrust proceedings to put pressure on Microsoft to behave, Microsoft will have every incentive to hinder the efforts of the TC. Moreover, Microsoft will have substantial insights and influence over the TC—Microsoft will appoint at least one member of the TC (the first two members will appoint the third); the TC will be stationed full-time on Microsoft premises; and the TC will rely for many types of enforcement on a compliance officer hired and paid for by Microsoft. In light of all this, it would be easy to imagine a situation where the TC, during the entirety of its existence, never took a single action critical of or hostile to Microsoft, no matter what behaviors Microsoft engaged in.

Second, the enforcement authority has no power other than the authority to investigate. The TC cannot expedite claims, assess fines, or otherwise move quickly to redress Microsoft's illegal behavior. If the TC finds any abuse, its only recourse will be to the courts, through mini-retrials of United States v. Microsoft. Moreover, under Section IV.D.4.(d) of the PFJ, the TC is prohibited from using any of its work product, findings, or recommendations in any court proceedings. Thus, even if the TC eventually refers a matter to the courts, the proceedings will have to start from scratch. The history of the 1994 consent decree shows the futility of this type of approach.

By contrast, the Litigating States'' Remedial Proposal recommends the creation of a Special Master who is empowered and equipped to investigate Microsoft's behavior in a manner that is prompt and resolute. The appointment of a Special Master with defined remedial powers is essential if Microsoft's unlawful behavior is to be curbed and competition restored to the marketplace. Thus, the creation of a Special Master provides for a mechanism that is much more effective in ensuring Microsoft's compliance with the settlement decree, and does not suffer from the defects identified above in the PFJ's TC proposal.

First, unlike the TC in the PFJ, a Special Master, as selected by the Court, would be independent. He or she would not be dependent on Microsoft for resources, appointment, or other needs.

Second, under the Litigating States'' Remedial Proposal, the Special Master would have the authority to identify, investigate, and quickly resolve enforcement disputes. For example, under the States'' proposal, the Special Master would have the power and authority to take any and all acts necessary to ensure Microsoft's compliance. (See States'' Proposed Text ¶ 18(b).) The Special Master would have the benefit of both business and technical experts. (See id. ¶ 18(d).) Upon receipt of a complaint, it would be required to make an initial determination of whether an investigation is required within fourteen days. After notifying Microsoft and the complainant of its decision to investigate, Microsoft would then have fourteen days to respond. After Microsoft's response, the Special Master would be required to schedule a hearing within twenty-one days, and fifteen days after the hearing, would be required to file with the Court its factual findings and a proposed order. (See id. ¶ 18(f).)

Unlike the enforcement mechanism in the PFJ, the creation of a Special Master as outlined by the States would prevent disputes over Microsoft's compliance from becoming wars of attrition that would drain the system and guarantee Microsoft victory. The history of this case, and of antitrust regulation in general, suggest the need for an enforcement mechanism that can ensure the timely resolution of any disputes and minimize any demand on judicial resources. The enforcement provisions contained in the Litigating States'' Remedial Proposal accomplish these objectives.

V. THE CIRCUMSTANCES OF THIS CASE STRONGLY MILITATE IN FAVOR OF GATHERING EVIDENCE AND TESTIMONY—EITHER IN A HEARING, OR THROUGH THE USE OF THE RECORD FROM THE REMEDIAL PROCEEDING—TO DETERMINE IF THE PFJ MEETS THE PUBLIC INTEREST TEST.

We believe, for the reasons presented above, that the PFJ fails the Tunney Act's ''public interest'' test and should be rejected. At the very least, however, there is ample basis for the Court to conclude that a rigorous hearing is needed to air the objections to the PFJ and resolve the doubts that the Court hopefully has about the proposed decree. While it need not be a lengthy proceeding, the Court may also want to consider accepting evidence and taking testimony- or alternatively, making use of record evidence it will receive in the upcoming proceeding concerning the LSRP. The question of what can be learned about the PFJ's prospects for effectiveness, since its partial implementation began in July (and, in other respects, December), is especially critical, and would benefit from additional fact-finding by the Court.

A. The Complexity And Significance Of This Case—And The Inadequacy Of The CIS -All Militate In Favor Of A Hearing On The PFJ. Of all the cases in which courts have reviewed proposed consent decrees to make a public interest determination under the Tunney Act, the case most similar to the present action is American Tel. & Tel. Co., 552 F. Supp. at 131, aff'd sub nom Maryland v. United States, 460 U.S. 1001 (1983), in which Judge Greene subjected the government's proposed consent decree with AT&T to intense judicial review.[44] In AT&T, the court recognized that the proposed settlement not only would dispose of ''what is the largest and most complex antitrust action brought since the enactment of the Tunney Act, but [] itself raises what may well be an unprecedented number of public interest questions of concern to a very large number of interested persons and organizations.'' American Tel. & Tel. Co., 552 F. Supp. at 145.[45] In light of the size and the complexity of the case,[46] 46 as well as its ''unfortunate history'' and the interests of third parties, the court held an extensive hearing to address key issues raised by the consent decree and the comments of interested parties. Id. at 147, 152. The case for an extensive hearing on the PFJ in this proceeding is overwhelming for similar reasons.

First, this is an extremely complicated case, to say nothing of the profound consequences any settlement will ultimately have on the computer and Internet industries. The economic significance of the computer industry is unquestioned. In such an environment, expert economic analysis is critical to help the Court not only understand the incentives that will drive Microsoft's response to any proposed settlement, but also assess whether the PFJ will succeed in bringing the monopolist's unlawful behavior to an end and promoting competition in a market that has long been restricted. Given the complexity of this case, the Court should not approve the PFJ without an adequate hearing to consider the many- and often technical—objections to it that will doubtlessly be raised in the Tunney Act submissions.

Second, in temps of the impact that an□, proposed settlement in this case will have on the public, Judge Greene's depiction of the AT&T case is, once again, more than fitting here: ''[t]his is not an ordinary antitrust case.'' Id. at 151. Microsoft is one of our nation's largest corporations. It plays a central role in one of the country's most critical and important industries, and thus in our country's economy. Any settlement that

[44] Similar to the case at hand, Judge Greene in ,4 T& T had a well-developed factual record on which to base his public interest determination. In .4 T&T, the parties reached their settlement following a period of discovery, pretrial motions, and an eleven-month trial. Shortly before the evidence phase was to end, the Department of Justice and the defendant agreed upon, and submitted to the court, a proposed final judgment.

[45] Here, of course, the proposed consent decree was reached after a full trial on the merits, as well as an affirmance by the Court of Appeals, upholding the District Court's findings of liability against Microsoft. The court also acknowledged that if approved, the proposed decree ''would have significant consequences for an unusually large number of ratepayers, shareholders, bondholders, creditors, employees and competitors,'' and would affect ''a vast and crucial sector of the economy.'' /d. at 152.

[46] The Senate sponsor of the Tunney Act, Senator Tunney, specifically cited a case's complexity as a factor militating in favor of conducting a hearing on the adequacy of a decree. See 119 Cong. Rec. S3453 (daily ed. February 6, 1973) (statement of Sen. Tunney).

addresses Microsoft's illegal conduct in a manner that is consistent with the Court of Appeals'' decision and prevailing antitrust law will have far-reaching consequences on numerous organizations, both public and private, as well as on Microsoft, its employees, shareholders, competitors, and most importantly, consumers. Thus, a hearing to consider the breadth and depth of these consequences is in order before the PFJ is approved.

Third, a hearing should be held to require the Justice Department to answer the many questions surrounding the PFJ—raised here, and doubtlessly elsewhere—that the Competitive Impact Statement ignores or fails to adequately address. Why was a new, ''gerrymandered'' definition of middleware used in the PFJ—instead of the definition used by both the trial and appellate courts, and in every other remedial proposal? Why was a Java- related remedy omitted, when that was such a key part of the case? Why were only some forms of retaliation, for only some procompetitive acts, prohibited? And most importantly, why does the PFJ not address all of the anticompetitive wrongs that were found at trial, and upheld on appeal—including, most especially, Microsoft's unlawful tying? These questions are not answered by the CIS, as the Tunney Act directs and the public interest demands, and as the Court would surely desire. A full review of these questions, and many others, is needed by the Court before it can approve the PFJ (if it is inclined to approve the PFJ).

Thus, in light of the specific objections from third parties revealing the PFJ's numerous deficiencies—and the oddity of the differing remedial proposals now before the Court—the Court should hear oral argument and, if necessary, take additional testimony. Giving the government an opportunity to explain the omissions in its proposed settlement, and third parties the opportunity to demonstrate the efficacy of the litigating states'' proposal, will afford the Court the necessary basis on which to make its public interest determination in this important and unprecedented case.

B. The Court Should Conduct A Proceeding—Taking Evidence And Hearing Testimony, If Necessary—To Determine How The PFJ's Provisions Have Functioned Since Some Were Put In Place In 2001.

A second rationale for a hearing is to develop a factual record concerning the point we make in Section II, supra: namely, that the Court can assess the prospects for the likely effectiveness of the PFJ by seeing how those provisions that have been implemented are starting to work—or not—in practice.

Above, we have suggested that the empirical record developed in the PC industry since Microsoft's July 11, 2001 announcement of ''greater OEM flexibility for Windows,'' and since Microsoft began to implement many of the PFJ's remedial provisions on December 16, 2001, should be examined carefully by this Court as it determines whether the PFJ is in the ''public interest.'' We also express the view that these provisions have, in fact, been ineffectual in promoting competition and are showing no signs that they will yield change in the competitive position of non-Microsoft middleware—and as a result, cannot be said to be in the public interest.

At the same time—while we doubt it, seriously—we recognize it is theoretically possible that there may be reasons why these provisions have not yet shown signs of effectiveness, but would be effective over time. At least, that is what Microsoft and the Justice Department are likely to assert. If the Court is inclined to give these assertions any credence, that is all the more reason for the Court to conduct a proceeding—taking evidence and hearing testimony, if necessary- to make a determination on such claims based on empirical evidence, rather than relying upon hypothetical contentions or abstract theories. Such a proceeding is authorized by the Tunney Act, see 15 U.S.C. * 16(f), and would be appropriate in this instance.

Evidence and testimony from the OEMs can make clear whether they are taking advantage of the ''new flexibility'' ostensibly being provided under the PFJ—and if not, why not. Given the OEMs'' likely fears of retaliation from testifying in such a proceeding—as reflected by their apparent (and understandable) reluctance to testify in the remedial proceeding—the Court may want to consider appointing a Special Master to take evidence from the OEMs confidentially.[47] Likewise, evidence and testimony from non- Microsoft middleware companies can indicate how the provisions of the PFJ, after they have been in place for several months, are—or are not—enabling them to compete with Microsoft. The same can be said for OS rivals to Microsoft.

The point is that while we firmly believe that the publicly available information and reports all indicate that the PFJ's provisions, as implemented since December 16th (and the browser-related PFJ provisions, as implemented since July 11th), have done little or nothing to promote competition, the Court may wish to base such a conclusion upon a judicially developed record that would allow both proponents and opponents to offer explanations and evidence in support of their views. Such a proceeding could be of a more informal nature, i.e., the Court could solicit comments from the relevant parties and industry experts; or it could be conducted by a Special Master, as we suggest above; or it could be a more formal, trial-type undertaking. All of these approaches are authorized under the Tunney Act, which grants wide discretion to the court to adopt whatever form of proceeding it considers most effective. See 15 U.S.C. § 16, passim. But on one point, the Act, or at least its legislative history, is rather firm: ''[T]he court must obtain the necessary information to make [a] determination that the proposed consent decree is in the public interest.'' 1974 U.S.C.C.A.N. 6535, 6538–39 (H.R. Rep. 93–1463, quoting S. Rep. 93–298, at 6–7 (1973)) (emphasis added). Some sort of proceeding to examine these questions is justified in these circumstances,[48] and could be helpful to the Court in its consideration of the practical effects of the PFJ.

C. In Making Its ''Public Interest'' Determination. This Court Should Take Into Account The Evidence That Will Be Adduced In The Upcoming Remedial Proceeding. Finally, the Court should take advantage of the Tunney Act's broad procedural flexibility to use the record evidence that will be amassed in the upcoming remedial proceeding as it make its ''public interest'' determination in this review. The Court's Tunney Act review of the PFJ in this proceeding can be substantially assisted by the record developed in the forthcoming proceeding on the LSRP. As we have argued, the Court's objectives in both proceedings are the same—namely, to terminate Microsoft's illegal conduct, prevent the recurrence of such conduct, and create a market structure in which competition does not simply exist in theory, but actually yields real alternatives to Microsoft's products. Moreover, the Court's analysis in both proceedings is guided by the[49] same legal principles. See Section I, supra.

Many of the questions the Court must answer in the course of reviewing the PFJ—e.g., What sort of anti-retaliation provisions are needed to empower OEMs and foster real competition? Must third parties be empowered to promote competition through offering alternatives to the ''Windows bundle'' for a remedy to be effective?—will be addressed, in whole or in part, in the remedial proceeding. To the extent that these questions can only be answered by hearing testimony from some of the same individuals and the same sources in the remedial proceeding, the Court's reliance on that evidence in this proceeding would result in a more comprehensively informed review, streamline the Court's resolution of the issues, and lead to a much more efficient use of judicial resources.

The Tunney Act itself grants the Court wide discretion to undertake any procedures it ''may deem appropriate'' in making its public interest determination. 1 5 U.S.C. * 1 6(0(5). This includes using evidence from another proceeding. See American Tel. & Tel. Co., 522 F. Supp. at 136. As the court noted in AT&T, ''[i]n a Tunney Act proceeding the Court is not limited by the rules of evidence but may take into account facts and other considerations from many different sources.'' Id. at 136 n. 7 (emphasis added). In that case, the court relied on a report by the Antitrust Subcommittee of the House Committee on the Judiciary, which had conducted an investigation of the matter, to fill in gaps left in the court record. Id. at 136. Ira court can

[47] The Court is authorized to appoint a Special Master to conduct inquiries as part of this Tunney Act proceeding. See 15 U.S.C. * 16(f)(2). Making a determination as to why OEMs have failed to use their ''new found freedoms''—and whether they are likely to do so in the future—would seem to be a task well suited to a Special Master.

[48] While Congress made clear, in enacting the Tunney Act, that such hearings were to be the exception, and not the rule, see 1974 U.S.C.C.A.N. 6535, 6539 (quoting S. Rep. 93–298, at 7 (1973)), this may well be one of those cases where an evidentiary inquiry is called for.

[49] This is not to say that the PFJ should be rejected merely because it is not identical to the remedy that the Court might impose in the remedial proceeding. See supra note 2. Conversely, acceptance of the PFJ would not preclude the Court from imposing a different remedy in the proceeding being pressed by the litigating states.

weigh an evidentiary record compiled by the Congress, it surely can weigh an evidentiary record of its own creation in a related proceeding. [50]

The Court is currently overseeing a wide range of discovery, both written and oral, in the remedial proceeding. Testimony will presumably be taken from a host of witnesses that will establish, among other things: how Microsoft deals with OEMs, including how various Microsoft practices limit OEM flexibility in configuring the desktop; [51]how Microsoft has used the commingling of code, and other forms of binding its middleware to the OS, to reinforce the applications barrier to entry; how Microsoft has used discriminatory and anticompetitive licensing agreements to limit the distribution and use of rival products; how Microsoft's illegal conduct has worked to destroy Java; how Microsoft's .Net initiative repeats the illegal monopoly leveraging tactics it successfully used to decimate Netscape; how Microsoft's concealment of APIs decades the performance of non-Microsoft products and services; and how Microsoft has manipulated industry standards and developed proprietary standards and formats that limit the interoperability of competing products.

This evidence, which will be presented during the Court's remedial hearing later this Spring, will form the basis on which the Court crafts its remedy in the ongoing litigation. It is our view that this evidence will affirmatively demonstrate why the LSRP, and not the PFJ, fulfills the mandate of the Court of Appeals and comports with well settled antitrust law. By the same token, it will also demonstrate why the PFJ fails to redress Microsoft's illegal behavior in a manner consistent with tile public interest.

Because many of the questions the Court faces in this proceeding mirror those in the remedial proceeding, the Court should take the record evidence from the remedial proceeding into account in conducting its Tunney Act review of the PFJ. Simply put, by utilizing this evidence, the Court will adduce the information it needs to make its ''public interest'' determination in a manner that encourages greater efficiency and avoids unnecessary delay or duplication.

CONCLUSION

The Court should refuse to find that entry of the PFJ is ''in the public interest.'' The PFJ does not unfetter the market from Microsoft's dominance; it does not terminate the illegal monopoly; it does not deny to Microsoft the fruits of its statutory violations; and it does not end Microsoft's practices that are likely to result in monopolization in the future. More specifically, the PFJ does not even attempt to address, let alone end, Microsoft's illegal binding and bundling practices that have done so much to fortify its OS monopoly and to harm desktop competition. And its limited provisions are so filled with loopholes and exceptions that they are rendered ineffective. At the very least, the Court should refuse to approve the PFJ until after it has concluded an extensive review, including an inquiry into whether the PFJ's provisions—as implemented by Microsoft since last year—are showing signs of effectively restoring competition to the marketplace. The Court could conduct an evidentiary hearing, appoint a Special Master, and/or rely upon the record that will be adduced in the trial on the Litigating States'' Remedial Proposal to meet its evidentiary needs.

In the end, it is the proposal of the litigating states—not the PFJ—that meets the public interest standard. The Court should reject the PFJ, and impose a strong, effective and forward-looking remedy that addresses Microsoft's proven anticompetitive conduct in a manner consistent with the mandate of the Court of Appeals and the nation's antitrust laws.

Dated: January 28, 2002

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MTC–00028284—0066

ATTACHMENT A

MTC–00028284—0067

Microsoft's Tying Strategies To Maintain Monopoly Power !n Its Operating System

(Civil Actions No. 98–1232 and 98–1233 CKK)

Submitted on behalf of AOL Time Warner by Frank Mathewson and Ralph A. Winter

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[50] Although the circumstances in which the AT&T court considered the subcommittee's report are different from those here, the Tunney Act clearly allows this Court to rely on evidence from a variety of sources. The legislative history of the Act makes clear that Congress did not intend to limit the techniques a court could use to make its public interest determination. See 1974 U.S.C.C.A.N. 6535, 6539 (quoting S. Rep. No. 93–298, at 6 (1973)) (''Section 2(f) sets forth some techniques which the court may utilize in its discretion in making its public interest determination. It is not the intent of the Committee to in any way limit the court to the techniques enumerated.'')* Indeed, Congress anticipated that by giving trial courts wide discretion to collect evidence and conduct procedures in the way they saw fit, courts would be able to adduce the necessary information in the least complicated and most efficient manner possible* See id. (''The Committee recognizes that the court must have broad discretion to accommodate a balancing of interests... It is anticipated that the trial judge will adduce the necessary information through the least complicated and least time-consuming means possible.'').

[51] As we note above, the OEMs appear understandably reluctant to testify in the remedial proceeding* This is all the more reason to use a Special Master (or other procedural device) to ascertain confidentially their views of the PFJ's provisions and the likely effectiveness of those provisions. See supra note 47 and accompanying text.

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INTRODUCTION

We have been engaged in this case as professional economists [1] to assess the economic incentives and effects of Microsoft's tying practices. Our specific charge is to determine whether Microsoft is tying middleware applications to its operating system (''OS'') in a manner that protects and reinforces its monopoly power in the market for operating systems. Middleware is software that runs on the OS platform, i.e., that calls on the basic operating system through application programming interfaces (''APIs'') of the OS in order to invoke functions of the OS, but which in turn contains its own published APIs that allow higher-level applications to run on the middleware itself.[2] To execute our mandate, we have reviewed the economic incentives at play in this market, conducted interviews with various software developers, and studied the key documents in this case, including the Proposed Final Judgment and the Competitive Impact Statement of the U.S. Department of Justice, the submissions made on behalf of Microsoft, and the Comments Of AOL Time Warner On The Proposed Final Judgment.

Based on our analysis, we conclude that Microsoft has tied its middleware applications to its Windows operating system in ways that preserve and reinforce its monopoly power in the market for operating systems on PCs, damaging competition and harming consumers. The anti-competitive use of tying strategies to maintain a monopoly in this manner is, in our understanding, a violation of Section 2 of the Sherman Act. We conclude that market forces alone do not discipline Microsoft to limit the integration of middleware code into its OS or the bundling of middleware products with its OS to efficiency-enhancing levels. Rather, Microsoft has the ability to tie in ways that lack pro-competitive justification, and in any event has incentives to use tying strategies to integrate applications into its OS more aggressively than justified by efficiency.

We begin in the next section with a brief description of the tying strategies at Microsoft's disposal. We then demonstrate through economic analysis that Microsoft has substantial incentives to tie its middleware products to its monopoly OS to reinforce and entrench that monopoly. Given these incentives, Microsoft's history, and the evidence in this case, we conclude that Microsoft has engaged, and is engaging, in anti-competitive tying, and is doing so in a way that maintains its OS monopoly, to the detriment of consumers and competition.

MICROSOFT HAS MANY TECHNIQUES AT ITS DISPOSAL FOR TYING MIDDLEWARE TO WINDOWS.

Microsoft has various means of binding its middleware products to the Windows operating system. Before describing these practices and the ways in which Microsoft uses them to reinforce its OS monopoly, we explain the general concept of middleware and why Microsoft's licensing of middleware with its OS in the Windows package constitutes tying.

Middleware is exemplified by products such as Internet browsers, including Microsoft's Internet Explorer (''IE'') and Netscape's Navigator, media players, instant messaging, and middleware applications platforms such as Java. By a strategy of tying middleware to the OS, we mean any constraint that Microsoft's operating system be bought with (or bound to) Microsoft middleware products, or any contractual or financial inducement to this end. Microsoft has argued that various middleware applications, especially IE and Windows Media Player (''WMP''), are essential components of an integrated operating system rather than distinct products, and that tying or bundling these products with the core operating system therefore does not constitute tying. Microsoft's argument is incorrect.

Middleware products, such as browsers and media players, are sold in separate markets. Users can obtain Navigator or RealPlayer without purchasing an operating system in the same transaction. Users can also obtain IE or MSN Messenger without obtaining Windows. Until Microsoft bundled WMP into Windows, users could obtain these two products in separate transactions. Moreover, these products are clearly sold by different suppliers. The Court cannot give serious weight to Microsoft's argument that once WMP, for example, is integrated into Windows, the media player ceases to be a separate product: If this argument were accepted, then the mere fact that Microsoft integrates application code into the operating system would itself be a defense for its actions. In other words, tying, as a means of reinforcing a monopoly position, would constitute its own defense. The law, we suggest, cannot intend this.

Tying involves contractual arrangements whereby Microsoft puts pressure on original equipment manufacturers (''OEMs'') or end-users to acquire Microsoft applications as a condition of acquiring Windows. It includes requirements that OEMs install Microsoft applications, rather than applications developed by Microsoft's rivals, and prohibitions on removing or uninstalling those applications. It also includes financial inducements to adopt Microsoft applications when Windows is purchased and installed. Each of these requirements is enforced through Microsoft's coercive power to harm non-adhering OEMs.

Tying also involves desiring the OS so that Microsoft's applications are integrated into the OS code, leaving rival applications unnecessary or even dysfunctional. This type of tying includes: (a) basic integration of code; (b) efforts by Microsoft to hinder disintegration; and (c) efforts to hamper the interoperability of rival applications. Basic integration involves providing, as part of the OS, services previously offered as stand-alone applications. This could be done in a purely modular fashion without the commingling of application code into the kernel of the operating system. If done in this manner, the products can be easily removed and replaced with competing products in a ''plug and play'' fashion. Technological efforts that hinder disintegration, however, have stronger anti-competitive overtones. These include: commingling code in a manner that hampers, and perhaps even bars, the replacement of the products or default options; designing the OS so that Microsoft's applications are chosen as default applications; making it difficult for OEMs or users to replace the icons or launch sequences; and creating utilities to ''sweep'' the Windows desktop and replace non-Microsoft icons. Note that some of these forms of tying, such as hampering rivals'' performance, entirely lack pro-efficiency rationales, while all of them can be used in inefficient, anti- competitive manners. The remainder of this paper demonstrates that Microsoft has strong incentives to engage in such anti-competitive, inefficient bundling, and that it is doing so in a manner detrimental to competition with the goal of maintaining its extant monopoly in operating systems.

ECONOMIC ANALYSIS SHOWS THAT MICROSOFT HAS SUBSTANTIAL INCENTIVES TO USE TYING TO SUSTAIN ITS OPERATING SYSTEM MONOPOLY, HARMING CONSUMERS AND COMPETITION.

Microsoft has maintained that its tying is efficient and that it should be allowed to determine the level of integration of applications into its operating system. Microsoft argues that it should be free to tie its products together in any fashion it sees fit, as this type of product integration is efficient and promotes innovation with eventual consumer benefits. These arguments generally claim to defend Microsoft's intellectual property, and are expressed in terms of the general advantages of product integration, rather than defining specific benefits to users from Microsoft's practice of tying particular middleware products, such as IE or WMP, into the Windows package.

Microsoft's claim amounts to the belief that market forces alone achieve the optimal degree of product integration and separation without any further regulatory or legal constraints. As a matter of economic theory, this argument fails to take note of Microsoft's position as a dominant producer in a market with substantial barriers to entry. For this general market-forces argument to be valid, Microsoft would need to demonstrate that competitive vigor in the market will discipline Microsoft to engage only in tying that enhances efficiency. But such complete reliance on market forces to achieve efficiency, in turn, requires open entry, while the evidence in this case has shown that there are significant barriers to entry in the OS market. This leaves Microsoft in a position to exploit any strategic and anti-

[1] Mathewson is a Professor of Economics and Director of the Institute for Policy Analysis at the University of Toronto and Winter is a Professor of Economics and Finance at the University of Toronto. Both are Senior Consultants to Charles River Associates. Our curriculum vitae are attached as appendices to this report.

[2] Middleware and operating systems, i.e., any software which exposes APIs so that higher level applications run on top of the software, are together referred to as platform software.

competitive motives to integrate. As a matter of market reality, as we shall explain, the evidence demonstrates that Microsoft has engaged in tying to an excessive degree, with the sole purpose of achieving anti-competitive aims in general and OS monopoly-preserving aims in particular.

With respect to the practices of tying middleware, Microsoft's interests are not aligned with those of competition and consumers: Microsoft can benefit without improving its product by using tying strategies to reinforce and strengthen its existing OS dominance.

A. As a general matter, absent legal constraints, Microsoft possesses substantial economic incentives to integrate its products in a manner that reinforces its OS monopoly.

Below, we set forth four theories that explain why Microsoft's practice of integrating its applications with the Windows OS helps to maintain its OS monopoly, in a way that is detrimental to consumers and competition. First, tying helps to sustain the applications barrier to entry, and thus serves to enhance Microsoft's OS dominance. Second, tying deters direct challenges to Windows'' position as the dominant platform and thereby maintains or enhances Microsoft's OS dominance. Third, tying involves dynamic leveraging that permits Microsoft to achieve a monopoly in complementary applications as insurance against any possible erosion of the OS monopoly. Put another way, a monopolist, such as Microsoft which produces a pair of perfectly complementary products, aims to protect its full monopoly power by ensuring its future monopoly in at least one of the complementary products. Fourth, tying permits Microsoft to mitigate the competitive constraints on its operating system monopoly provided by previous releases of the OS. These four theories are not mutually exclusive; each of them contributes to a full understanding of Microsoft's anti-competitive conduct. And, to make matters worse, each of these anti-competitive results is mutually reinforcing because of the network effects operating between the applications sector and the operating system market.

(]) Microsoft ties its applications to its operating system us a way of sustaining the applications harrier to entry. Microsoft has a general incentive to engage in anti-competitive tying to protect its dominance in operating systems against the possibility of competitive developments in applications markets. The first means by which it accomplishes this is through enhancing the applications barrier to entry[3] The dominance of the Windows standard in a wide range of applications, or in a few particularly important applications, makes entry into the operating system market more difficult because an entrant has to offer both a new operating system and a full set of applications, or somehow rely on the chance that applications ,,,,,ill quickly develop once the new operating system becomes available. In this way, an entrant faces a ''chicken-and-egg'' problem because of the indirect network effects in the operating system: the entrant could not succeed without a set of applications available to purchasers of its operating system; yet, few software developers would invest in the development of new applications based on an operating system without a large market share. This is referred to as the applications barrier to entry. The dominance of Windows as a standard for applications leads to the applications barrier to entry and growth in the operating system market.

Microsoft is able to sustain this barrier by exploiting a collective action problem among buyers. When Microsoft ties by supplying the OS with an application such as IE or WMP, users must incur a series of costs to replace the application. These costs include purchasing or downloading the substitute browser or media player, installing the application, and incurring any uncertainty associated with the possible compromise in the functional integrity of the system. In an application market, buyers would collectively be better off if each incurred the costs of purchasing from competing suppliers, because doing so would ensure greater competition in the future application market. However, Microsoft's tying practices preclude this result.

Buyers'' purchase decisions with respect to either the operating system or applications collectively affect the future market structure because Microsoft will achieve dominance if most buyers choose Microsoft products. Once Microsoft achieves dominance, network externalities sustain this dominance so that the market structure becomes a monopoly as a result of buyers'' previous purchase decisions. The impact of each buyer's purchase decision on the future market structure, however, is negligible. Moreover, buyers do not take into account the impact of their purchase decisions on other buyers. As a result, even a small disadvantage to purchasing a competing product in the operating system or applications markets is enough to make the individual buyer prefer Microsoft's product.

The result is that buyers'' decisions make them collectively worse off. The future dominance of Microsoft and the higher prices faced by buyers are a result of their collective decision to purchase Microsoft's applications. Microsoft exploits this collective action problem and pursues dominance in the applications markets through its tying practices. [4]

(2) Microsoft ties applications to its operating system as a way of deterring direct challenges to Windows position as the dominant platform for software developers.

Microsoft's incentives for anti-competitive tying are particularly strong in the case of applications that might allow for the development of direct substitutes to the monopolized operating system. A clear incentive for Microsoft to tie its IE browser with Windows has been the threat that Netscape, either individually or combined with Java software, could eliminate Microsoft's network advantages in the operating system, by providing middleware (which serves potentially as universal translation support between any application and any operating system) that would provide a competing platform for software developers. This was a particular threat to Microsoft's dominance in operating systems because it potentially represented a platform/programming environment in which software applications Could be developed without regard to the underlying operating system. Middleware provides a layer of software between applications and the operating system and can accommodate a new operating system with a change in a single set of code. Without middleware, the success of a new operating system would depend on the development of new code by every application developer. This incentive also explains Microsoft's initiatives to develop a Microsoft version of Java in an attempt to undermine the universal-translator aspect of Java.

Some economists have argued that the backwards compatibility of Microsoft's version of Java, i.e., the ability of all general Java applications to run on Microsoft's version, rules out the hypothesis that Microsoft designed its version of Java for the purpose of stifling the potential threat to its dominance in operating systems. [5] This argument is wrong in its static assumption about compatibility. Given the history of the industry, the fact that Microsoft's initial version of Java was universally compatible with Java applications does not lead one to believe that if Microsoft dominated not just browsers but also Java in the future, it would continue to assure both compatibility of applications and free distribution of the pair of middleware products. Were Microsoft to establish dominance in the potential browser-Java bypass of its operating system dominance, why would it allow the bypass to be freely and effectively available? The concerns expressed by Microsoft's executives about the risks of ''commoditization'' of the operating system are well known. [6] Middleware generally has the potential to act to varying degrees as a universal translator

[3] See U.S. v. Microsoft, 84 F. Supp. 2d 9 (D.DC 1999) (''U.S. Findings of Fact''), 36ndash;44.

[4] In the economics literature, modem theories of anti-competitive exclusion, including tying as exclusionary, are linked by the theme that exclusionary contracts have an impact on individuals outside an individual buyer-seller contract. See Dennis Carlton and Michael Waldman (2001) ''The Strategic Use of Tying to Preserve and Create Market Power in Evolving Industries,'' unpublished working paper; Eric Rasmussen et al., (1991) ''Naked Exclusion,'' American Economic Review 81 (5): 1137–1145; Michael Whinston (1990) ''Tying, Foreclosure, and Exclusion,'' American Economic Review 80(4): 837–859; and Philippe Aghion and Patrick Boulton (1987) ''Contracts as a Barrier to Entry,'' American Economic Review 77(3): 388–401.

[5] ''Microsoft's Java virtual machine ... allowed for all programs written for the original (''pure'') Java to be run on it. Thus it preserved backward compatibility with the original Java that ran on all operating systems. Because of that, Microsoft's actions were not anti-competitive.'' Nicholas Economides, ''The Microsoft Antitrust Case,'' Journal of Industry, Competition and Trade.'' From Theory to Policy, March 2001, p. 20 of working paper version.

[6] In a 1995 memo to his ''Executive Staff and direct reports,'' Microsoft CEO Bill Gates stated that Netscape was ''pursuing a multi-platform strategy where they move the key API into the client to commoditize the underlying operating system.'' (5/26'95 ''The Internet Tidal Wave,'' PI. Ex.20, p. MS98 0112876.3.)

between an operating system and specific applications, because (as the name suggests) middleware intermediates between the operating system and applications: it invokes calls through an operating system's APIs and in turn issues its own APIs to applications. To accommodate a new operating system, instead of each application requiring re-coding for compatibility, only the ''bottom half'' of the middleware application must be reprogrammed. If twenty applications run on top of a particular middleware program, for example, compatibility with a new operating system could be achieved by reprogramming the middleware program instead of reprogramming each application. Middleware thus mitigates the indirect network effects of the operating system—and could potentially diminish the dominance of any operating system that these network effects support.

(3) Microsoft has incentives to tie to achieve a monopoly in complementary applications as insurance against possible future erosion Of its OS dominance.

A common response to the argument that monopolies can profit through leveraging into a second market is that monopoly profits can be collected only once: a tie into a complementary market with an increase in the price of the tied good by a dollar will reduce the demand price of the first good by a dollar. According to this response, there is no incentive to leverage. In the simplest, static world in which there are no industry dynamics, no uncertainty, and no variation in consumer demand, this ''one-monopoly theory'' is correct. This theory, however, fails when there is uncertainty about the preservation of monopoly. If the initial monopoly is at some risk, then an incentive for leverage arises as insurance against the loss of monopoly profits. In the event that the first monopoly fails and the second succeeds, the monopolist will have preserved a monopoly in at least one of the markets. [7] Consistent with the common response, having a monopoly in only one of the pair of markets is sufficient to collect the full monopoly profits. If either market's monopoly is uncertain, the monopolist has an incentive to create monopolies in both markets, and thus increase the likelihood of being able to obtain monopoly profits in at least one market.

If Microsoft fears for the longevity of its operating system monopoly, or believes that operating systems are in a mature market with limited prospects for growth, it will have strong incentives to make minor sacrifices to Windows functionality in order to obtain dominance in high-growth markets. This is particularly true if the sacrifices (such as damaging relationships with OEMs and consumers by forcing them to accept an inferior browser or media player) have negligible effects on demand for Windows. The greater the threat to its OS dominance in the future, the more incentive Microsoft has to establish a dominant supplier position in an application market, such as the browser or media player market. To take a hypothetical future contingency, if the development of middleware means that the future OS market turns out to be more competitive than the current market, then Microsoft's actions to achieve dominance in the application market will leave it with dominance in one product of a pair of complementary products, rather than dominance in neither. Microsoft's incentive to establish dominance in key applications is thus strengthened by the fact that Microsoft's monopoly in the operating system market is not guaranteed to always be airtight. [8]

The gains from leveraging are especially strong where network effects are present in applications markets or these markets otherwise promise large potential growth in revenues for any firm that establishes early dominance. [9] Network effects have three implications that make Microsoft's tying practices particularly effective in reinforcing its OS dominance. First, in the early stages of the market's development, purchasers will be on alert for signals of which standard will eventually become dominant, in order to reduce their exposure to later costs of converting to the dominant standard. Tying a new application with the dominant Windows operating system will send strong signals to purchasers that will help to ''tip'' the market toward Microsoft's favored products, particularly given Microsoft's history. Second, a feedback loop will cause both the tying and Microsoft's dominance to steadily accelerate. As Microsoft begins to gain a substantial share in an application market, it will be able to engage in more overt forms of tying, as customers grow to accept even inconvenient results from Microsoft's ant/- competitive behaviors (such as poor interoperability with rivals) because of the reinforcing network effects. This, in turn, will accelerate the tipping toward Microsoft dominance. Third, once Microsoft's dominance is established, proprietary standards and continued tying will lock in this dominance, not just on current production but on ''future applications in the same functional space. While all of these effects promote Microsoft's dominance in applications, it is the feedback effect of this control over applications to reinforce the OS dominance that is relevant for the matter at hand. Network effects or network economies refer to the positive value that any single user derives from the number of other users adopting the same operating system. See U.S. Findings of Fact ¶¶ 39–42 and ¶¶ 65–66 for application to Microsoft. For a general description of networks and positive feedback, see Carl Shapiro and Hal Varian (1999) Information Rules Boston: Harvard Business School Press, pp. 173–225.

The standard ''one-monopoly'' theory, however, tells us that when there are two perfectly complementary products A and B, a monopoly over either, or a monopoly on both, allows the identical profits and results in the identical effects. (This theory holds in a static framework that sets aside the other three theories that we discuss.) With respect to an OS with a set of applications that are virtually universally adopted by all PC users, a monopoly over the OS alone is identical in its effect and in its incentives to a monopoly over the set of applications alone or a monopoly over both the OS and the set of applications. That is, there is only one monopoly: the economic role of tying under the monopoly-insurance theory is not creating a new monopoly, but rather preserving the monopoly (the monopoly being at least one monopoly position in the OS-applications pair). The monopoly-insurance theory thus explains the anti-competitive use of tying to preserve a monopoly in violation of Section 2 of the Sherman Act.

The monopoly-insurance theory of tying has the effect of reinforcing Microsoft's monopoly position even if the preservation-of-monopoly requirement of Section 2 of the Sherman Act is construed narrowly to apply only to Microsoft's existing monopoly on operating systems for PCs. The reason (discussed below) is that all of Microsoft's incentives for tying applications to Windows are mutually reinforcing. Even if Microsoft's incentive for tying were primarily to insure a monopoly in the event that the Windows OS monopoly failed in the future (the insurance theory), one effect of the tying is to reduce the chance that the Windows OS monopoly actually does fail, because of the strengthening of the applications barrier to entry. The impact is preservation, though imperfect, of Microsoft's monopoly in the operating system market.

Microsoft's operating system also has durable-goods qualities that create further anti-competitive incentives for tying.

Part of Microsoft's argument that it should be free to ''innovate'' rests on the notion that an important source of ''competition'' in selling new versions of Windows is the existing stock of old versions of Windows.[10]

[7] This idea is developed formally in J.P. Choi and C. Stefandis (2001), ''Tying, Investment and the Dynamic Leverage Theory,'' The RAND Journal of Economics 32(1): 52–74.

[8] See U.S. Findings of Fact ¶¶ 33–35, 60–64.

[9] It may appear that any preservation-of-monopoly theory must Be applied narrowly to Microsoft's monopoly power in operating systems. If this were the case, then the insurance theory of tying just described would not apply, since this theory explains why tying to establish dominance in a new market can be profitable because of the profits that can be captured in that new market, instead of why it is profitable to protect the monopoly in the operating systems market.

[10] The District Court's Findings of Fact maintain that the Windows leasing agreement prohibits the user from transferring the OS to another machine so that ''there is no legal secondary market in Microsoft operating systems'' (¶ 57). The Findings of Fact then note (* 58) that there is a thriving illegal market. To limit this, Microsoft advises OEMs that Microsoft will charge a higher price for Windows to OEMs that do not limit the number of PCs they sell without the OS pre-installed. One might argue that the durable goods monopoly problem is eliminated by Microsoft's refusal to allow OEMs to install (without penalty) old versions of Windows. This is incorrect for two reasons: (i) increases in the price of the new version of Windows will reduce overall demand for new PCs, as users invoke the option to keep existing PCs with the old version, and (ii) there is a retail market for new versions of Windows software for installation on existing PCs. Both (i) and (ii) provide channels through which the existing stock of Windows software provides some competition for a new version of Windows (i.e., it increases the elasticity of demand for the new version). If the price of a new version is increased, the demand for the new version is reduced because fewer

Continued

While it is true that the durable-goods aspect of the OS market (i.e., the ability of consumers to retain their existing versions of the OS instead of buying a new version) disciplines Microsoft, it only does so in the sense that Microsoft earns fewer profits than it would in a hypothetical world in which it were to lease its OS. The claim that the OS market is, in fact, more competitive than this hypothetical market does not weaken the claim that Microsoft's position in the OS market is dominant and that its activities are illegal.

Moreover, this ''durable good monopolist'' feature of the market contains an incentive for Microsoft to engage in illegal bundling. The strategy of leasing as a means of escaping the durable monopolist's dilemma is well established and has been thoroughly analyzed by economists.[11] Rather than selling the product into the market in each period, if the monopolist seller of a durable good can lease the product on a period-by-period basis, it can retain complete control over the supply of the good into the market in each period. This allows the monopolist to set monopoly prices in each period instead of being constrained by the consumers'' option to continue using the already-purchased stock (or version) of the product. The monopolist who leases for a period can lease both previous and current production together to achieve monopoly profits; doing so eliminates the competitive discipline that would otherwise occur as past sales re-enter current and future markets. If Microsoft could move to a business plan of leasing rather than selling software, it would completely eliminate competition from old versions of the software: as Microsoft leases new versions of software, it could retire leases on old versions. This would serve to protect the monopoly power that Microsoft enjoys from its OS. Tying can allow Microsoft to implement this leasing strategy so as to avoid the durable good discipline. Specifically, tying the use of the OS to some complementary transaction that can be leased, or priced on a per-use basis—rather than sold—provides Microsoft with the opportunity to collect a revenue stream that is immune to the competitive discipline imposed by previous versions of the OS.

The escape from the durable monopolist's dilemma via leasing thus creates another incentive for tying. Tying allows Microsoft to move closer to the leasing outcome by facilitating the collection of transaction fees based on current usage. [12] The set of middleware products that potentially puts Microsoft in the position of collecting a fee on Internet transactions serves this role. These products are IE, WMP, Microsoft's Digital Rights Management (''DRAM'') software, as well as the Net My Services initiative. The Digital Rights Management software, with WMP, will initially support a market for music and video products. The combination of these middleware applications, enabling the Microsoft e-commerce network, will then support the transition to Internet sales transactions of a broad variety of products. As Microsoft begins to shift its revenue structure from Windows sales to Internet transaction fees, it will seek to control the key Internet access choke points such as browsers, media players, and digital rights management. Tying facilitates this control. Moreover, Microsoft can directly charge usage fees for its media player software that it cannot charge for the OS. While the durable-goods monopoly theory of Microsoft's tying incentives can be seen most directly as a theory of the incentive to dominate applications that facilitate a leasing business plan, one important impact of dominating these applications is to preserve Microsoft's dominance in the market for operating systems. The impact, in other words, is a preservation of Microsoft's OS monopoly.

As an empirical matter, versions of Windows are converging in their substitutability. This convergence of versions strengthens tile durable-good monopolist incentive to tie in two ways. First, it increases Microsoft's incentive to escape the durable-good monopolist discipline on prices, since the easier it is to substitute the current version of Windows with existing versions, the stronger this discipline is. Second, there are, in principle, two ways of leasing to escape tile durable-good monopoly discipline. Microsoft could rent the OS or tie it to an application and collect the corresponding stream of revenues each time the application is used. The converging substitutability of Windows'' versions renders the former more difficult, increasing the incentive to escape the durable-good discipline by tying applications. Thus, the increasing substitutability among sequential versions of Windows, even if later versions are superior, reinforces Microsoft's incentives to extend its monopoly to dimensions, such as Internet sales, in which it can charge a rig [13] or rent the application.

(5) Microsoft's anti-competitive tying incentives are mutually reinforcing and are manifest in strategies that lack any competitive justification.

The incentives for anti-competitive tying that we discuss are mutually reinforcing because of the network effects operating between the applications sector and the operating system market. Achieving dominance in applications (through tying) strengthens the dominance of the OS, because buyers in the OS market are more assured of available applications; the greater dominance in the OS market in turn feeds back into greater dominance in applications, since the tying strategies take the form of imposing an artificial advantage relative to applications of the dominant OS supplier. The greater Microsoft's share across all applications markets, the greater the applications barrier to entry. Greater shares in applications markets create a feedback effect of even greater dominance in the OS market. The source of this feedback effect is an ''indirect network effect'': the greater the penetration of any operating system, the more applications will be written to it, and consequently, the more valuable the operating system will be ''to any user. Since the OS monopoly is not perfect, Microsoft will therefore take advantage of anti-competitive opportunities to generally strengthen the applications barrier to entry. As a general principle, therefore, any extension of Microsoft's monopoly to a set of important applications reinforces its monopoly in operating systems.

Microsoft has a clear incentive to engage in tying in the form of hampering rival applications and coding its own applications to be defaults to the detriment of consumer choice. This type of tying has a negligible negative effect on the demand for Windows, and by tipping high-growth markets, could provide Microsoft with long-term profits. Given that the Windows source code is both complex and proprietary, Microsoft can engage in this type of tying surreptitiously. For example, Microsoft can alter the algorithms that set ''favorites'' in folders and task bars so that Microsoft-preferred applications and web sites are used more frequently. In addition, Microsoft can cause subtle performance problems for rival applications in Windows environments. This type of tying, however, is consistent only with anti-competitive behavior—no efficiency benefits result from ham-ting rivals or setting Microsoft options as defaults.

B. Microsoft's anti-competitive incentives are particularly powerful in the markets for browsers and streaming media, as well as the adjacent markets for content-encoding, digital rights management, e-commerce: and convergence.

In markets with network effects and perceived similarity in product functions, directional changes in market shares can ''tip'' the market toward a dominant outcome because consumer expectations as to which format will dominate are self-realizing. In other words, the expectation on the part of consumers that a particular format will dominate leads each consumer to choose that format because of the rational concern that other formats will not be supported—accelerating the dominance and confirming the expectations of consumers. Consider the browser and the media player as examples. In the browser market, Microsoft has achieved the dominance that it sought, and its monopoly power in the OS continues. These are related: browser dominance reinforces OS monopoly power.[14] The connection is that browser dominance

consumers will purchase new PCs as the price increase for Windows raises the price of the overall package of the PC and the (mandated by Microsoft) new version of Windows, and because some consumers who would have purchased Windows to install on their old PCs will now refuse to do so.

[11] See Jeremy Bulow ''Durable-Goods Monopolists,'' Journal of Political Economy 90(2): 314–332 or Jean Tirole (1988) The Theory of Industrial Organization, Cambridge: MIT Press, p. 81.

[12] See Jeremy Bulow (1982:330) who suggests that a durable-goods monopolist may be able to achieve the leasing result through extending its monopoly to service contracts; these are analogous in principle to the application restrictions in the matter at hand.

[13] The term ''rig'' or ''vigorish,'' a term used by Microsoft, refers to a gambling house's ''cut'' on all bets placed in the establishment. See Allen Myerson, Rating The Bigshots: Gates vs. Rockefeller, The New York Times, May 24, 1998, at 4 (''The Gates crowd speaks ... of collecting a ''vigorish'' or ''vig''.... Now Microsoft wants to collect a rig on Internet access too.'').

[14] See U.S. Findings of Fact ¶¶ 68–72.

increases the applications barrier to entry and simultaneously removes the direct middleware threat posed by Netscape. Both of these effects in turn serve to increase the demand for the Windows OS through network effects as buyers anticipate continued dominance of Microsoft formats in both the operating system and applications markets; the two effects thus reinforce the dominance of Windows OS.

Now that Microsoft has effectively achieved dominance in browsers, and through this reinforced its dominance in operating systems, the stage is set for applying the same tactics to markets for other applications. The media player market represents an important current market in which Microsoft's anti-competitive strategies are at play. In the media player market, Microsoft's first incentive for tying is to protect its dominance in the market for operating systems by deterring the development of new middleware platforms. Streaming media players will be essential for Internet browsing in the future because of their ability to enhance Internet content rendering under bandwidth constraints. If Microsoft achieves dominance in the media player market (and as noted above, the ''tipping point'' argument suggests that a trend to dominance can quickly translate into a highly dominant market share), any entrant into the operating system market would also have to provide a media player compatible with the WMP format. For this reason, the applications barrier to entry incentive is especially powerful for streaming media players. Rival operating systems will be unable to provide a functional (i.e., Windows Media Audio-compatible) media player since the Windows Media Audio format is proprietary and Microsoft refuses to universally license it. [15] Because compatibility with streaming media is vital to future operating systems, Microsoft's dominance over operating systems will be ensured. The observation that Microsoft licenses the software for playing downloaded media, but not the software for streaming media, suggests that Microsoft is strategically aware of the profit-enhancing power of retaining exclusive property rights on media streaming software.

To elaborate: with respect to other applications, an entrant into the OS market could—at least in theory- provide an OS plus a set of applications. However, even this potential entry strategy is not available in the case of the media player application, because the use of a media player by a user depends not just on products that could be provided by the new entrant, but on the proprietary formats chosen by Internet sites using media player software. In this sense, the provider selection of Microsoft's proprietary format creates a content-encoding barrier to entry for streaming media players. Again, this reinforces Microsoft's monopoly power over the OS market.[16]

An additional anti-competitive incentive for dominating an application market is to secure a monopoly position in at least one product in the application/OS pair in order to achieve monopoly profits even in the event that the OS dominance is not sustained. This is discussed above in Section III.A.3. The possibility that the OS dominance is not sustained means that the joint monopolist could not necessarily collect the maximum profits through the OS price alone. Dominance of the application market would secure, or at least increase the likelihood of, monopoly profits.

This incentive is particularly relevant to streaming media markets. For example, the OS dominance could be at risk as consumers move to handheld devices for computing and accessing the Internet that do not require Windows OS. Presumably, however, these customers will still wish to play music and see videos on such devices. To the extent that WMP and its accompanying format achieve dominance for streaming media, Microsoft will maintain monopoly power in the pair of products consisting of the OS plus the media player. (Recall that the essential measure of monopoly in the markets for a pair of complementary products is dominance in at least one of the products.) Thus, streaming media players and formats hold the potential for Microsoft to maintain its original monopoly.

Additionally, significant gain accrues ''to Microsoft if its DRM technology dominates the related market for audio and video files. Using encryption technology, DRM technology permits only users with licenses to play the packaged file. The license has a key to unlock the encryption. Should a user without a license attempt to play the file, the application initializes with an application that permits the user to acquire the license. Applications with DRM technology and Windows Media Device Manager enable the use of WMP on devices other than conventional desktop computers. Since market participants will tend to limit their investments to the likely dominant standard, Microsoft can easily become the sole provider of DRM solutions. Moreover, this will be a critical market for Microsoft, since users will require licenses for downloading, and content providers require certificates for encryption. The alternatives of mutual interoperability or even open standards are equally plausible conceptually, but not in Microsoft's interests. Microsoft thus has incentives to use tying to ensure that its DRM solution remains proprietary and becomes dominant. Microsoft can ensure this outcome by making its media player format the format of choice for both users and content providers, and tying WMP to Windows ensures this choice. Once again, this creates a content- encoding barrier to entry that permits Microsoft to maintain its monopoly power in the pair: OS plus WMP as an application. Because of the durable-goods nature of Microsoft's OS monopoly, as described in Section III.A.4 above, Microsoft has additional incentives to tie streaming media technologies to the OS. Indeed, the greatest value for locking in the dominant streaming media and DRM formats may be the rig that Microsoft hopes to collect from Internet transactions. [17]

Dominating the media player format so as to collect a vig on transactions would position Microsoft to collect transactions revenue that may well exceed revenues available from Windows software licenses alone—even if Microsoft's dominance of the OS market is secure. As we discussed in Section III.A.4, monopolists of durable goods recognize that past sales constitute future competition (here, older versions of Windows compete with current and future versions of Windows). The monopolists face a competitive constraint against increasing prices even in the absence of any significant rivals. Such monopolies naturally seek ways to circumvent the constraint. In the case of Windows, the constraint is potentially circumvented by the collection of the rig on transactions.

What is the link between dominance in operating systems, streaming media, digital rights management, e-commerce, and convergence? Microsoft ,,,,'ill attempt to use its dominance in any of these markets to increase the use of Microsoft-favored products in all of these markets. In contrast to the potential situation where different players are strong in each market, Microsoft will leverage its dominance in any market to strengthen its position in all of them. Microsoft's incentive e to do this lies in the many revenue streams that it currently forgoes. For example, Microsoft does not currently charge web sites for the use of Windows media formats. If Microsoft establishes dominance in the media player market, as it translates to dominance in e-commerce hosting, Microsoft will no longer have any constraint on fully exploiting this revenue stream. Once again, this links back to the original dominance in Microsoft's OS. All of these applications are mutually reinforcing and serve to preserve the monopoly power that accrues from packaging Microsoft's OS with complementary applications.

C. The theorized benefits of product integration that may exist in some cases do not apply to the markets at issue in this case.

As a theoretical matter, of course, in many transactions, purchasers would prefer to buy bundles of products and services. Purchasers of glass prefer to have borates included, drivers prefer to have steering wheels with their cars, and purchasers of shoes typically prefer to have laces included. The relevant question here is whether computer applications are similar to those examples—i.e., whether browsers and other middleware such as streaming media players are ''mere inputs'' into the overall ''Windows experience.''

The economics of software markets cast doubt on Microsoft's efficiency'' arguments

[15] Note that licensing at a monopoly royalty would have a similar effect of foreclosing competition.

[16] Microsoft's action with respect to inducing media content providers to code exclusively with Microsoft's proprietary formatting (in Windows Media Audio) is analogous to Microsoft's attempt in the browser market to induce Interne/content and services providers to optimize their content for its Internet Explorer software instead of the competing browser of Netscape. See U.S. Findings of Fact ¶¶ 311,328, and 337.

[17] Microsoft has already established general strategies for obtaining control over e-commerce standards.

These connections are the Microsoft Passport, .Net, and .Net My Services initiatives.

for integration of its own browser and media player with the OS.

As discussed above, many forms of tying have no efficiency justification. Contractual provisions limiting the acceptance of rival technologies, or efforts to redesign code to harm rivals'' performance, create economic loss. As further discussed above, Microsoft has these forms of tying at its disposal, incentives to use them, and a historical record of using them.

Microsoft's claims regarding the efficiencies of its contractual tying—i.e., that it reduces consumer time costs and confusion to have a set of default options provided with a personal computer ''out of the box''—confuse the benefit to consumers of having a browser and its media player bundled along with the OS, with the benefit of having Microsoft's choice of applications bundled with the OS. The efficiencies that come with providing an integrated package of an OS and various applications are not specific to Microsoft's applications. In a market where OEMs were free to offer whichever packages of software consumers desired (e.g., Microsoft Windows with RealPlayer and IE, or Microsoft Windows with WMP and Netscape), the market would provide those varieties of packages preferred by consumers. The market would respond fully to the efficiencies associated with the purchase of a full package of hardware, OS, and software applications, and in addition, the market would be free to offer the variety that consumers demanded.

Our analysis supports the hypothesis that Microsoft's tying of IE and WMP and its efforts to gain DRM dominance are not driven by efficiency concerns. Although selection of some defaults is necessary on each PC, there appear to be no engineering efficiencies to the integration of the choice of default into the OS. To the contrary, choice and market competition (and consequently, efficiency) suffer when knowledgeable OEMs (who act as informed agents of consumers) face artificial barriers to playing that role, such as when Microsoft commingles code or makes Microsoft applications difficult to permanently remove as default settings. By designing system software to hamper the installation or operation of rival software suppliers, Microsoft reinforces the applications barrier to entry; the impact is a strategic reduction in competition and a reinforcement of Microsoft's OS monopoly.

Additionally, the usual arguments made to justify integration in other markets are largely inapplicable to software application markets. It is often argued that integration occurs (i) to reduce transaction, distribution or production costs, or (ii) to increase the value of the final product.

The argument that transaction and assembly costs justify integration does not apply to major software applications. For example, consumers want to purchase some integrated packages of complementary products such as functioning automobiles because separate purchases of steering wheels, engines, dashboards, seats, etc. would impose enormous transaction and assembly costs. By contrast, software markets allow assembly at low cost even without integration, provided that monopolists are legally prohibited from impairing interoperability. With OEMs acting as purchasing and assembly agents for end-users, it is no more efficient for Microsoft to create OS-and-application bundles than for multiple OEMs (or third-parties who can then license such bundles to OEMs) to create those OS-and-application bundles desired by end-users.

Forced integration of particular software brands does not increase value. Instead, it causes an efficiency cost to the extent that end-users value the product variety entailed in the variety of inputs. The value of variety is lost with integration. Steering wheels in cars are typically undifferentiated commodities that comprise a trivial portion of the value of the final product. Thus, even though a consumer could replace the steering wheel with limited effort, there is little reason to do so because a different steering wheel is unlikely to improve the performance of the overall product. By contrast, technological development in software applications markets means that different applications can differ substantially in what they deliver to consumers. Loss of product variety as a result of integration can be costly.

(2) Contrary to Microsoft's claims, issues of pricing and innovation provide further evidence that Microsoft's tying harms the marketplace and consumers.

Microsoft has argued that the extension of monopoly power across a set of complementary products may produce consumer benefits if the monopolist charges lower prices than would be charged if independent monopolists were to separately produce two or more complementary products. In the latter case, each independent monopolist would raise prices higher than the level that would maximize the combined profits of all the monopolists. Thus, according to this theory, consumers benefit from Microsoft's monopoly leveraging through lower prices.

This theory imagines a static world in which innovation and entry are non-existent, and firms simply set prices to maximize profits, given unchanging demand and unchanging technology. The practical implications of the theory for the real world of rapidly changing technology and potential dynamic competition (as opposed to monopoly positions that are airtight) are minimal. In an economic theory that incorporates industry dynamics, strategies taken by a dominant firm to eliminate a firm in a complementary market remove a potential rival or entrant in the primary market. In the reality of software markets, this anti-competitive effect clearly overwhelms any theoretical, static price effect: innovation and dynamic competition thus are, and should be, the focus of the Microsoft case. The driver of consumer benefit in these markets is innovation: over the past ten years, while prices of applications have fluctuated only moderately, the performance of applications has gown dramatically. New applications, such as browsers and media players, have become important sources of consumer benefit, while improvements in existing applications such as financial software have yielded strong consumer benefits. In any analysis on the impact of tying, the most important question is the impact on innovation, not price. Tying harms innovation by preserving Microsoft's monopoly position, protecting it against dynamic competition to the detriment of consumers.

Microsoft argues that a single monopolist over two products has greater incentives to innovate than two separate monopolists. If two complementary products are monopolized separately, the argument goes, each monopolist ignores the positive benefits that accrue to the other firm from an increase in its own pace of innovation. In the matter at hand, this theoretical efficiency would argue that if Microsoft had a monopoly in operating systems, while Novell had a monopoly in browsers, Novell would not innovate as much as possible because it would not take into consideration the positive effects of browser innovation on operating system demand. This reasoning also suggests that innovation in the industry would be enhanced if Microsoft's OS dominance were to be extended further into still more applications markets. The key point missed in this theory is that any extension of Microsoft's OS monopoly power would dampen innovation into substitutes for Microsoft's OS. Enhancing the applications barriers only reduces the incentive for any firm to engage in OS or applications innovation. If an application could be open to competition—i.e., if it could be characterized by some rivalry or competition, as an alternative to Microsoft's integration—then unrestrained competition would strengthen rather than weaken innovation. While Microsoft's dominance in the browser market today may be a fait accompli, untying the OS and media player will lead to such greater competition in media player innovation.

Significantly for this case, untying would also increase competition in the operating system market. As discussed earlier in Section III.A, tying protects Microsoft's operating system dominance by maintaining the applications barrier to entry and weakening or deterring direct platform challenges. If there are separate monopolists in adjacent markets, each will have the incentive to enter or sponsor entry into the other's market, leading to competitive pressure in both markets.[18]

GVIDENCE IN THIS CASE, THE CONCLUSION IS THAT MICROSOFT HAS ENGAGED, AND IS ENGAGING, IN ANTI-COMPETITIVE TYING IN ORDER TO PROTECT AND STRENGTHEN ITS OPERATING SYSTEM MONOPOLY.

A. Microsoft's options, incentives, and history create a strong presumption that Microsoft's tying harms OS competition and consumers.

The District Court's Findings of Fact confirm that it is Microsoft's ''corporate practice to pressure other firms to halt software development that either shows the potential to weaken Microsoft's applications

[18] Of course, that monopolist competition will only occur if the first monopolist is not permitted to use anti- competitive tactics to foreclose the market for unintegrated rivals.

barrier to entry or competes directly with Microsoft's most cherished software products.'' [19] As a historical matter, Microsoft has clearly engaged in anti-competitive, inefficient tying with other applications. [20]For example, Microsoft has forbidden OEMs from changing system defaults so as to make non-Microsoft products the ''default application'' in ''out of the box'' packages.[21] While Microsoft allows the ''installation icons'' of competing applications to be installed on desktops ''out of the box,'' installation icons disappear if they are not invoked. In an even more subtle form of contractual tying, Microsoft requires applications that run with Windows to obtain a certification from Microsoft. This permits Microsoft to monitor and perhaps discipline its applications rivals. [22] While some of these practices differ in form from strict tying (a certification requirement for software is not the same as a contractual requirement that OEMs use Microsoft products), the effect is similar in that Microsoft is signaling to all other market participants that applications may only run with Windows by Microsoft's permission.

Microsoft's profit incentives dictate that Microsoft would tie its products together much more aggressively than efficiency alone would suggest. With regard to the question of the nature of competition in the media player market, one of the current objects of Microsoft's tying, and, in particular its tying of WMP, is clear: as the District Court determined, the ''multimedia stream [represents] strategic grounds that Microsoft [needs] to capture.''[23] That—and not efficiency—is the driving force behind Microsoft's conduct.

B. The evidence indicates that Microsoft is anti-competitively tying the browser and the media player with its operating system.

In the absence of tying, Microsoft would provide an operating system and applications such as the browser and media player that were developed and offered in a modular, plug-replaceable fashion. The applications codes for the browser and the media player would not be commingled with the OS code, but would instead communicate with the OS through a set of well defined APIs. Publishing the APIs and interface protocols in this non-tying world would enhance the value of Microsoft's operating system by ncouraging competition in the innovation of the complementary good—the browser and the media player. Greater competition and functional value in the market for a complementary good always benefit a firm by increasing the demand for its product. In the absence of anti-competitive incentives to reinforce barriers to entry, this strategy would maximize the profits that Microsoft obtains from its operating system. The fact that Microsoft does not engage in such a business strategy demonstrates, in the absence of evidence that tying is efficient, that Microsoft is motivated by anti-competitive'' incentives.

Microsoft openly engages in contractual tying and basic technological integration. By developing and marketing Windows XP as an integrated package of operating system and popular applications, Microsoft directly ignored the findings of fact and law by U.S. courts.[24] Microsoft's history makes it likely that Microsoft is also engaging in various forms of OEM coercion to raise rivals'' distribution costs and encourage the distribution of its own middleware products. Consistent with our analysis, this tying generally serves the purpose of Microsoft profitability and reinforcement of its OS dominance, rather than consumer benefit. Microsoft directly engages in anti-competitive tying when it prevents OEMs and end-users from removing or uninstalling IE and WMP. Microsoft does this through code commingling between the media player and the operating system that renders substitution for WMP difficult, or even impossible.

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Another example of anti-competitive tying is that Microsoft renders its own DRM technology software non-interoperable with other media players because of DRM's interaction with Window XP's own ''secure audio path'' software. While this is not tying in the sense of designing the operating system to be incompatible with rival applications, it does involve designing an application—DRM—that limits the compatibility of rival applications in a closely related market, the market for media players.

More generally, Microsoft anti-competitively undermines the functionality and utility of rival streaming media players and formats. For example, Microsoft denies a license for playing files streamed in Windows content encoding formats to its principal competitor, RealNetworks, thereby reducing the utility to consumers of RealNetworks'' products. Microsoft also disadvantages rival content-encoding formats by designing WMP to record only in Windows media formats. These actions have, in the past, served to reduce consumers'' perceptions of rivals'' performance—for example by deliberately making consumers'' use of Netscape ''a jolting experience'' [25] or damaging MP3 quality and functionality.[26]

In general, OEMs perform a screening function, as agents of consumers, by ensuring that the software products provided out of the box are compatible with each other and with the operating system? Consumers are aware that OEMs perform this function. Consumers are also aware that OEMs'' reputations are based partly on packaging high- quality software products, so that OEMs have the incentive to choose the best software products for the price. Consumers are in general not aware of the contractual restrictions imposed in various contractual arrangements that might explain the choice of media player, including, for example, any threat not to license the Windows OS to the OEM unless all Windows applications are included as defaults. Nor are consumers aware of any financial incentives offered to OEMs by Microsoft to include only Microsoft applications as default options. Contractual tying alone will thus cause consumers to infer, for reasons unrelated to merit, that Microsoft's applications are the optimal products for them.

As suggested above, the interaction of all these effects, combined with rational expectations, can easily lead to the rapid foreclosure of competition. The force of self-realizing expectations is especially strong when one firm or one format is a natural focal point for consumer expectations. In markets where any number of formats could be sustained as dominant because of self-realizing expectations (economists term this ''the multiplicity of rational expectations equilibria''), a focal point property of any one equilibrium can be important in predicting which equilibrium will be sustained. There could hardly be a stronger focal point than the Microsoft/Windows format for predicting the likely dominant (and perhaps sole) format. The history of the PC software industry is one of the dominance of Microsoft

[19] See U.S. Findings of Fact ¶ 93.

[20] Microsoft has a track record of placing code for Microsoft applications in the same files as code providing functions for its OS in order to achieve its anti-competitive ends. This includes the illegal commingling of code for Microsoft's Internet Explorer with the operating code and the tying of with the OS. See U.S. Findings of Fact ¶¶ 161–229.

[21] See U.S. Findings of Fact ¶ 357, relating to Microsoft's attempts through tying and other means to induce users to select Microsoft's Internet Explorer as the preferred, perhaps only, path to the web. It is possible for consumers to incur the cost to change defaults, but the incentives to do this are very small.

[22] See Steven Vaughan Nichols, Resisting the Windows XP Message, ZDNet, May 9, 2001 (''I can't help but wonder if... independent software vendors will have trouble getting that all-important signature for [their] programs .... [W]hy do I feel certain that giving Microsoft absolute power over all XP apps probably doesn't spell good news for anyone in the tech business—except Microsoft?'').

[23] —,3 See U.S. Findings of Fact i 112.

[24] ''In June ... seven appeals judges ruled unanimously that Microsoft was a monopoly that had violated the antitrust laws by integrating its Web browser into its Windows operating system in an effort to freeze out other browsers. [The Court of Appeals ruled that] Microsoft shouldn't be allowed to design Windows in a way that limits consumer choice—the ability of users to discover and easily use other companies'' products and services. [Despite this,] the company went on to launch a new version of Windows—Windows XP—that continued to integrate tightly into the operating system new features that are crucial to extending Microsoft's monopoly onto the next battleground: Internet-based services. And it added these features in a way that hinders consumer choice.'' Walter S. Mossberg, For Microsoft. 2001 Was a Good Year, But At Consumers'' Expense, The Wall Street Journal, December 27, 2001.

[25] See U.S. Findings of Fact ¶ 160.

[26] See Ted Bridis, Technology Industry Aims to Render MP3 Obsolete, The Wall Street Journal, Apr. 12, 2001, at A3. (''Under Microsoft's new restrictions ... MP3 music ''sounds like somebody in a phone booth underwater,'' says P.J. McNealy, an analyst who researches Internet audio issues for Gartner Inc .... early testers of beta versions of Windows XP already complain that the most popular MP3 recording applications—which compete with Microsoft's format—don't seem to function properly, apparently because of changes Microsoft made to how data are written on CD-ROMs under Windows XP. Microsoft says that while other software vendors'' products may not be ''optimized'' to run with Windows XP, those products should run acceptably with the operating system.'').

standards[27] The prediction that the Microsoft standard will predominate in the media player market is natural, perhaps inescapable, for a consumer—uninformed about the media player market specifically—debating about which format to adopt. While it is arguable that strong network effects might yield dominance by a single firm in a good or service and its complements, it is uncertain whether a monopoly outcome is inevitable absent tying. In this context, tying assures OS dominance and is therefore anti-competitive.

Thus, Microsoft's coercion of OEMs to select WMP for the ''out-of-the-box'' experience, and to obscure the differences in capabilities between WMP and rival products, could weaken consumer awareness of the various functionalities available in the open market.

This would increase expectations of a single dominant format, which in turn would accelerate that dominance. The dominance in the media player market, to emphasize the applications-OS interaction once more, reinforces Microsoft's dominance in operating systems.

CONCLUSION

We show in this report that Microsoft has substantial incentives to engage in ant/-competitive tying of its middleware products with Windows. It has incentives to use contractual inducements to OEMs to bundle Windows with its own middleware instead of rival products; commingle applications code into the kernel of the operating system; and hamper the interoperability of rival applications. We also show that Microsoft's tying—in all of its forms—reinforces Microsoft's monopoly in operating systems.

Microsoft's incentives to anti-competitively bundle fall into four mutually reinforcing categories. First, by tying its middleware applications to the Windows operating system, Microsoft can strengthen the applications barrier to entry against its OS competitors. This reinforces Microsoft's OS monopoly. In order for entrants in the operating system market to succeed, they must have a wide variety of applications available for consumers to purchase. But software developers will invest in the creation of new applications only for operating systems that have widespread distribution. If Microsoft attains dominance with both the operating system and key middleware applications, it can ensure that its OS rivals will be unable to meet consumer demands for the most popular applications. With a dominant position in applications markets, Microsoft may choose not to write those applications to interoperate with rival operating systems, thus enhancing the already significant applications barrier to entry.

Second, tying reinforces Microsoft's OS monopoly by deterring direct challenges to the OS position as the platform of choice for software developers. Since programmers can write calls to middleware products, Microsoft's dominance in these products reduces the possibility that a universal translator (middleware) between operating systems and applications would threaten the Windows monopoly. Just as with the browser, Microsoft weakens this competitive threat to operating systems by integrating the potential substitutes directly into the OS.

Third, tying can provide a method of dynamic leveraging to ensure a future monopoly. This involves a direct counterargument to the familiar ''one-monopoly theory,'' which states that a monopolist cannot collect more profits through a monopoly on a pair of complementary products (an operating system and an application) than through a monopoly on either product alone. Where the future entry into each product is uncertain, establishing a monopoly on both products in the pair increases the chance that the monopolist will retain a monopoly on at least one product in the future and therefore is positioned to collect full monopoly profits. In our context, the fact that the Windows monopoly over operating systems is not airtight creates an incentive for Microsoft to leverage its dominance so as to increase the likelihood of future dominance in at least one class of products—the operating system or applications. Dominance in applications provides (partial) insurance against the loss of monopoly power in operating systems, but the key is the preservation of monopoly in at least one of the pair of products: the OS and one or more important middleware applications.

Finally, tying IE and WMP into the OS and locking in Microsoft's streaming media and DRM formats put Microsoft in a position to potentially collect a tax on e-commerce transactions. Tying thus facilitates the move by Microsoft to a business strategy of collecting revenues from per-transaction royalty of its software, rather than outright sale of its software. This business strategy lessens the competition that Microsoft, as a durable-good monopolist, faces from the sales of its own previous versions of Windows. In this sense, the strategy, and its facilitation through tying, reinforce Microsoft's dominance in operating systems.

Product integration can theoretically be beneficial in some markets. Purchasers prefer to purchase some bundles of inputs, such as steering wheels with cars or laces with shoes.

These efficiencies do not apply to the bundling of middleware with Windows. Purchasing a personal computer with a full set of applications and default options ''out of the box'' is valuable for many consumers. But the efficiencies that come with an integrated package of an OS and various applications are not specific to Microsoft's applications. In a market where OEMs were free to offer whichever packages of software consumers desired, without integration of applications into the operating system, and without Microsoft's tying constraints or inducements, the market would provide the variety of packages preferred by consumers. Moreover, the engineering efficiencies claimed for the integration of middleware code into the operating system appear to be negligible, and are therefore more than offset by the anti-competitive effects of tying. In fact, a software design organized around modular programming of the operating system and middleware applications would achieve the efficiencies associated with modular programming and would allow for plug-and-play replacement of the software.

In the absence of tying, Microsoft would offer an operating system and middleware applications that were distinct in the sense of modular programming. For example, neither browser nor media player code would be commingled with OS code: instead, both would communicate with the OS only through a set of published APIs. Microsoft would enhance the value of its operating system by encouraging competition in the innovation of the complementary good—i.e., the browser and the media player. This strategy would maximize value to consumers and the profits that Microsoft obtains from its operating system. The fact that Microsoft does not engage in such a business strategy demonstrates, in the absence of evidence that its tying is efficient, that Microsoft is motivated by anti-competitive incentives that maintain its OS monopoly.

MTC–00028284—0100

VI. APPENDIX: CURRICULUM VITAE OF FRANK MATHEWSON

G. FRANKLIN MATHEWSON—Professor of Economics, Director of the Institute for Policy Analysis, University of Toronto

Ph.D. Stanford University

B.Com. University of Toronto

ACADEMIC POSITIONS

1996-present Director, Institute for Policy Analysis, University of Toronto.

1969-present Professor of Economics, Department of Economics, University of Toronto.

1969-present Research Associate, Institute for Policy Analysis, University of Toronto.

1995–1996 Acting Chair, Department of Economics, University of Toronto.

1985 Visiting Professor, Center for the Study of the Economy and the State, University of Chicago, Spring Quarter.

1984 Visiting Scholar, Graduate School of Business, University of Chicago, Spring Quarter.

1978–1983 Associate Chairman and Director of Graduate Studies, Department of Economics, University of Toronto.

1970–1982 Professor of Economics, Faculty of Management Studies, University of Toronto.

1978–1979 Senior Research Associate, Ontario Economic Council.

1976–1977 Visiting Research Fellow, Department of Political Economy, University College, University of London.

HONORS AND FELLOWSHIPS

* Social Science and Humanities Research Council Research Fellowship: 1994, 1991, 1989, 1987, 1986, 1985

* Social Science and Humanities Research Council Leave Fellowship: 1983–1984

* Canadian Council Leave Fellowship: 1976—1977

* Canada Council Doctoral Fellowship: 1966–1969

* Woodrow Wilson Fellowship: 1965

PROFESSIONAL AFFILIATIONS

* Editorial Board, Journal of Economics of Business, 1992-present.

[27] This is similar to the screening function that upscale department stores provide in selecting high-quality products. Intermediaries in retail markets invest in establishing brand names or trust on the part of consumers. :s See U.S. Findings of Fact 33—35, 53, 60, and 62–64.

* Editorial Board, Managerial and Decision Economics, 1994-present.

* Editorial Board, Economic Inquiry, 1987–1997.

* Editorial Board, Journal of Industrial Economics, 1990–1995.

* Associate Editor, International Journal of Industrial Organization, 1982–1988.

Co-editor with M. Trebilcock and M. Walker. The Law and Economics of Competition

Policy, Vancouver: The Fraser Institute, 1990.

Co-editor with J. Stiglitz. New Developments in the Analysis of Market Structures, Cambridge: MIT Press, 1985.

Program Committee, European Association for Research in Industrial Economics, 1983-1991.

Program Committee, Conference on Industrial Organization, International Economics Association, 1982.

PUBLICATIONS

''The Analysis of Efficiencies in Superior Propane: Correct Criterion Incorrectly Applied.'' With Ralph Winter. Canadian Competition Record, Fall 2000, 20(2): 88–97.

''Professional Corporations and Limited Liability.'' With Michael Smart, in Peter Newman (ed.)

Palgrave Dictionary in Economics and the Law, 140–143 London: MacMillan Reference Limited, 1999.

''Law Firms.'' With Jack Carr, in Peter Newman (ed.) Palgrave Dictionary in Economics and the Law, 497–500, London: MacMillan Reference Limited, 1998

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''Buyer Groups and Exclusivity: Towards a Theory of Managed Competition.'' With Ralph Winter. International Journal of Industrial Organization 15:2, 137–164, 1997. (Presented at the EARIE Conference, Tel Aviv, Israel, 1993.)

''Tying As a Response to Demand Uncertainty.'' With Ralph Winter. The RAND Journal of Economics 28:3,566–583, 1997. (Presented at the EARLE Conference, Lisbon, Portugal, 1990.)

''ility in the Absence of Deposit Insurance: The Canadian Banking System 1890–1966.'' With Jack Cart and Neil Quigley. Journal of Money, Credit and Banking 27:4, 1137–1158, 1995.

''Ensuring Failure.'' With Jack Can'' and Neil Quigley. Toronto: CD Howe Institute, 1994.

''Territorial Rights in Franchise Contracts.'' With Ralph Winter. Economic Inquiry 32:2, 181- 192, 1994. (Presented at the EARLE Conference, Budapest, Hungary, 1989.)

''Reply to R. Gilson.'' With Jack Can''. Journal of Political Economy 99:2,426–428, 1991.

''The Economics of Law Firms: A Study in the Legal Organization of the Firm.'' With Jack Carr. Journal of Law and Economics 33:2, 307–330, 1990. ''The Economic Effects of Automobile Dealer Regulation.'' With Ralph Winter. Annales d'Economie et de Statistique 15/16, 409- 426, Juillet-Decembre 1989.

''Unlimited Liability and Free Banking in Scotland: A Note.'' With Jack Carr and S. Glied. Journal of Economic History 49:4, 974–978, 1989.

''Vertical Restraints and the Law: A Reply.'' With Ralph Winter. RAND Journal of Economics, 19:2, 298–301, Summer 1988.

''Unlimited Liability as a Barrier to Entry.'' With Jack Cart. Journal of Political Economy 96:4, 766–784, August 1988.

''Is Exclusive Dealing Anti-Competitive?'' With Ralph Winter. American Economic Review 77:5, 1057–1062, December 1987.

''Advertising and Consumer Learning.'' With Y. Kotowitz in FTC Conference Volume, Consumer Protection Economics, 1986. (Paper presented at the FTC Conference on Advertising, Washington, 1984.)

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''The Economics of Life Insurance Regulation: Valuation Constraints.'' With Ralph Winter in J. Finsinger and M. Pauly (eds.), The Economics of Insurance Regulation, MacMillan and Company Limited, 1986. (Paper presented at IIM Conference on Regulation in Insurance Markets, Berlin, 1984.)

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''Entry, Size Distribution, Scale, and Scope Economies in the Life Insurance Industry.'' With S. Kellner. Journal of Business 56:1, 25—-44, January 1983.

''Regulation of Canadian Markets for Life Insurance.'' With Ralph Winter. Department of Consumer and Corporate Affairs, Government of Canada, 1983.

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''Some Issues on Public Advertising.'' With Y. Kotowitz. Journal of Contemporary Business 7:4, 123–124, 1979.

''Economics of Fiscal Transfer Pricing in Multinational Corporations.'' With G.D. Quirin. Ontario Economic Council Research Studies, University of Toronto Press, 1978.

''The Residential Demand for Electrical Energy and Natural Gas: A Model Estimated for Canada.'' With R. Hyndman and Y. Kotowitz in W.T. Ziemba et al. (eds.), Energy, Policy Modelling: United States and Canadian Experiences, Martinus Nijhoff Press, 86–102, 1980. (Paper presented at the Canadian Energy Policy Modelling Conference, Vancouver, 1978.) ''Economies of Scale in Financial Institutions: Reply.'' With P. Halpern. Journal of Monetary Economics 3, 127–131, 1977.

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''A Note on the Price Effects of Market Power in the Canadian Newspaper Industry.'' Canadian— Journal of Economics 5:2, 298–301, May 1972.

''A Consumer Theory of Demand for the Media.'' Journal of Business 45:2, 212–224, April 1972.

VII. APPENDIX: CURRICULUM VITAE OF RALPH WINTER

RALPH A. WINTER— Professor of Economics and Finance, University of Toronto

Ph.D. Economics, University of California at Berkeley

M.A. Statistics, University of California at Berkeley

B.Sc. Mathematics and Economics (with honors), University of British Columbia

ACADEMIC POSITIONS

1988-present Professor of Economics and Finance, University of Toronto

1985–1988 Associate Professor, Department of Economics and Faculty of Management Studies, University of Toronto

1979–1985 Assistant Professor, Department of Economics and Faculty of Management Studies, University of Toronto

HONORS AND FELLOWSHIPS

* Olin Senior Research Fellowship, Yale Law School, i 988

* National Fellowship, Hoover Institution, Stanford University, 1986–1987 Harry, Johnson Prize (with M. Peters), for best article in the Canadian Journal of Economics, 1983

* Canada Council Doctoral Fellowship, 1975–1979

* John H. Wheeler Scholarship, University of California at Berkeley, 1974–1975

* Dean's Honors List, University of British Columbia, 1974

RESEARCH GRANTS

* Social Sciences and Humanities Research Council Research Grant: 1983–1985, 1986-1987, 1988–1989, 1990, 1991–1993

Social Sciences and Humanities Research Council Post-Doctoral Research Fellowship: 1981–1982 and 1982–1983

PROFESSIONAL AFFILIATIONS

* International Editorial Board, Assurances

* Editorial Board, Journal of Industrial Economics

PROFESSIONAL APPEARANCES

* British Columbia Utilities Commission, regarding capital structure and equity risk premium for Pacific Northern Gas, 1998

Canadian Radio-Television and Telecommunications Commission, regarding price cap regulation for telephone companies, 1996

Alberta Energy and Utilities Board, regarding fair rate of return for TransAlta Utilities Corporation and Alberta Power Limited, 1996

* Expert witness, Nielsen case, before the Canadian Competition Tribunal, 1994

Ontario Energy Board (EBRO 483,484), regarding fair rate of return for Centra Gas, 1993 (written submission)

Ontario Energy Board (EBRO 4790), regarding fair rate of return for Consumers Gas, 1992

Expert witness, Chrysler case, before the Canadian Competition Tribunal, 1988

PUBLICATIONS

''Efficiency as a Goal of Competition Policy,'' in Canadian Competition Policy: Preparing for the Future, forthcoming, 2002.

''Efficiency Analysis in Superior Propane: Correct Criterion Incorrectly Applied,'' forthcoming, Canadian Competition Record, 2001, with G.F. Mathewson.

The Law and Economics of Canadian Competition Policy, forthcoming 2001, with M.J. Trebilcock, E. Iacobucci, and P. Collins, University of Toronto Press.

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Mergers and Acquisitions, Queen's Annual Business Law Symposium, 2000, 59–67.

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''Substantial lessening of Competition in Canadian Competition Law'', in Competition Law for the 21st Century, Canadian Bar Association 1998.

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''Colluding on Relative Prices'', Rand Journal of Economics Vol. 28, No.2, (Summer 1997): 359–372.

''Tying as a Response to Demand Uncertainty'', Rand Journal of Economics Autumn 1997 (with Frank Mathewson).

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''The Dynamics of Competitive Insurance Markets'', Journal of Financial Intermediation (1994), 379–415.

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''Vertical Control and Price versus Non-Price Competition,'' Quarterly Journal of Economics, CVIII(1), February 1993: 61–78.

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''The Liability Insurance Market,'' Journal of Economics Perspectives, Summer 1991: 115–136.

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''The Incentives for Resale Price Maintenance under Imperfect Information,'' Economic Inquiry, XXXI(3), June 1983: 337–348. With G.F. Mathewson.

''Market Equilibrium and the Resolution of Uncertainty,'' Canadian Journal of Economics, XVI(3), August 1983: 381–390. With M. Peters.

''Vertical Integration by Contractual Restraints in Spatial Markets,'' Journal of Business, 56(4), October 1983: 497–519. With G.F. Mathewson.

''Vertical Control in Monopolistic Competition,'' International Journal of Industrial Organization, 1(3), 1983: 275–286. With N.T. Gallini.

''On the Choice of an Index for Disclosure in the Life Insurance Market: An Axiomatic Approach,'' Journal of Risk and Insurance, XLIX(4), December 1982: 513–549.

''An Alternative Test of the Capital Asset Pricing Model: Comment'', American Economic Review, Vol. 72, No. 5, December 1982:1194–96. (With S.M. Turnbull).

''Majority Voting and the Objective Function of the Firm under Uncertainty: Note,'' Bell Journal of Economics, 12(1), Spring 1981: 335–337.

''On the Rate Structure of the American Life Insurance Industry'', Journal of Finance, Vol. 36, No. 1, March 1981: 81–97.

ATTACHMENT B

A DETAILED CRITIQUE OF THE PROPOSED FINAL JUDGMENT IN U.S. v. MICROSOFT

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January 2002

INTRODUCTION—1
SECTION-BY-SECTION CRITIQUE OF THE PFJ—2
Section III of the PFJ: Prohibited Conduct —2
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INTRODUCTION

This Court may approve the parties'' Proposed Final Judgment (''PFJ''), but only if it first determines that the proposed decree is ''in the public interest.'' In reviewing the PFJ, we acknowledge that there are some beneficial and important restrictions put on Microsoft's unlawful conduct. In too many instances, however, these restraints are inevitably swallowed up by broad exceptions and grants of power to Microsoft. The result is that the proposed settlement will do little, if anything, to eliminate Microsoft's illegal practices, prevent recurrence of those acts, and promote competition in the marketplace. The public interest requires more, and the Court should thus reject the proposed settlement.

The purpose of this document is to expose—on a point-by-point, provision-by-provision basis—the many loopholes, ''trap doors,'' and other critical deficiencies in the PFJ. We present the issues in an order that tracks the proposed decree itself so that they may be easily followed. We also provide ''real world'' examples where helpful. In general, the PFJ suffers from several global, overarching flaws. First, in critical places, the language used in the PFJ to define the protections for competition are not broad enough to cover behavior the Court of Appeals held to be unlawful. Rather, only specific rights are granted, only specific competitive products are protected, and only specific anticompetitive practices are banned. In many cases, the rights and limitations are further clawed-back through carefully crafted carve-outs that benefit Microsoft.

Second, the proposed decree relies too heavily on the personal computer (''PC'') manufacturers (original equipment manufacturers or ''OEMs'') to implement design changes—particularly in the critical area of middleware—without sufficiently ensuring their independence from Microsoft's tight clasp. The PFJ also follows timelines that are too loose and too generous to a company with the engineering resources and product-. update capabilities of Microsoft.

Third, in too many places, the constraints on Microsoft (once the exceptions are taken into account) devolve into a mandate that Microsoft act ''reasonably.'' Aside from the obvious concern about Microsoft's willingness to do so given its track record, this formulation is problematic for other reasons. It does little more than restate existing antitrust law (such provisions cannot be said to be ''remedial'' if they, in essence, are merely directives to refrain from future illegal acts). And, in terms of enforcement, alleged violations of such ''be reasonable'' provisions can only be arrested through proceedings that will become, in essence, mini-retrials of U.S. v. Microsoft itself.

In sum, a consent decree that causes little or no change in the defendant's behavior cannot be found to advance the public interest, especially when the defendant's conduct has been found by both the district and appellate courts to be in violation of the law. As such, based on the numerous shortcomings outlined below, the Court should disapprove the PFJ.

SECTION-BY-SECTION CRITIQUE OF THE PFJ

Section Ill of the PFJ: Prohibited Conduct

A. Retaliation

The Scope Of The Protection Is Narrow: Section III.A of the PFJ appears to be directed at preventing Microsoft from retaliating against OEMs that attempt to compete with Microsoft products, but Microsoft is constrained only from specified forms of retaliation. If it retaliates against an OEM for any non- specified reason, that retaliation is not prohibited. This formulation is particularly problematic because the protected OEM activities are narrowly and specifically defined. Retaliation against an OEM for installing a non-Microsoft application that does not meet the middleware definition is not prohibited; nor is retaliation against an OEM for removing a Microsoft application that does not meet the middleware definition.

For example:

MSN and MSN Messenger do not appear to be middleware under the PFJ's highly specific definition of a ''Microsoft Middleware Product.'' Given this uncertainty, an OEM cannot know with confidence that it is protected from retaliation if it removes the icon and start menu promotion for MSN and/or MSN Messenger.

If client software to support Sun's Liberty Alliance (a competitor to Microsoft's Passport) were developed, it would probably not be middleware under the PFJ definition. Thus, Microsoft can retaliate if an OEM adds that software.

More generally, it is odd to have a formulation that de facto approves of Microsoft's retaliation against OEMs, except where that retaliation is forbidden. That is, given that competitors to Passport, .Net My Services (formerly ''known as Hailstorm), Windows Movie Maker, Microsoft Money, gaming programs, and Microsoft Digital Photography programs—even when shipped through the OEM channel—may not be included in the scope of protected competition, Microsoft would be free to retaliate against OEMs that promote those competitors.

Finally, the provision is substantially weakened in that only certain types of retaliation (i.e., retaliation by changing contractual relations and retaliation by changing promotional arrangements) are forbidden, as opposed to prohibiting any form of retaliation whatsoever. In order to eliminate Microsoft's ability to unlawfully protect its OS monopoly, it is essential that Microsoft be prohibited from taking any action that directly or indirectly adversely affects OEMs or other licensees who in any way support or promote non-Microsoft products or services.

Non-Monetary Compensation Provision: Microsoft is free to retaliate against OEMs that promote competition by withholding any existing form of ''non- monetary Compensation''- only ''newly introduced forms of non-monetary Consideration'' may not be withheld.

OEM Termination Clause Will Intimidate OEMs: Microsoft can terminate, without notice, an OEM's Windows license, after sending the OEM two notices that it believes the licensee is violating its license. There need not be any adjudication or determination by any independent tribunal that Microsoft's two predicate claims are correct; after just two notices to any OEM of a putative violation, Microsoft may terminate without even giving notice. This provision means that the OEMs are, at any time, just two registered letters away from an unannounced economic calamity. Obviously, that danger will severely limit the willingness of the OEMs to promote products that compete with Microsoft.

Pricing Schemes Will Allow Microsoft to Avoid Effects of the Decree.'' Microsoft can price Windows at a high price, and then put economic pressure on the OEMs to use only Microsoft applications through the provision that Microsoft can provide unlimited consideration to OEMs for distributing or promoting Microsoft's services or products. The limitation that these payments must be ''commensurate with the absolute level or amount of'' OEM expenditures is hollow—given that it is not clear how an OEM's costs will be accounted for, for this purpose.

Pricing

Microsoft Can Use Rebates To Eviscerate Competition. Under Section III.B of the PFJ, Microsoft can provide unlimited ''market development allowances, programs, or other discounts in connection with Windows Operating System Products.'' This provision severely weakens the protection for OEM choice, functioning the same way as the rebate provision discussed above, but without any tether or limiting principle whatsoever. Arguably, Microsoft can charge $150 per copy of Windows, but then provide a $99 ''market development allowance'' for OEMs that install WMP.

Presumably, this is intended to be circumscribed by Section III.B.3.c, which provides that ''discounts or their award'' shall not be ''based on or impose any criterion or requirement that is other, vise inconsistent with.., this Final Judgment,'' but this circular and self-referential provision does not ensure that the practice identified above is prohibited. While Microsoft should be allowed to engage in legitimate pricing decisions, those decisions should be limited to volume-based discounts offered on a non-discriminatory basis.

C. OEM Licenses

Microsoft Retains Control Of Desktop Innovation: Under Section III.C of the PFJ, Microsoft would retain control of desktop innovation by being able to prohibit OEMs from installing or displaying icons or other shortcuts to non- Microsoft software/products/services, if Microsoft does not provide the same software/product/service. For example, if Microsoft does not include a media player shortcut inside its ''My Music'' folder, it can forbid the OEMs from doing the same. This turns the premise that OEMs be given flexibility to differentiate their products on its head.

For example:

Sony—as a PC OEM and a major force in the music and photography industries—would be uniquely positioned to differentiate the ''My Music'' and ''My Photos'' folder. And yet, Sony's ability to do so turns solely on the extent to which Microsoft chooses to unleash competition in these areas.

Microsoft Retains Control Of Desktop Promotion.'' Microsoft also, very oddly, can control the extent to which non-Microsoft middleware is promoted on the desktop, by virtue of a limitation that OEMs can promote such software at the conclusion of a boot sequence or an Internet hook-up, via a user interface that is ''of similar size and shape to the user interface provided by the corresponding Microsoft middleware.'' Thus, Microsoft sets the parameters for competition and user interface.

Promotional Flexibility For IAPs Only, And Only For The OEM's ''Own'' IAP: OEMs are allowed to offer IAP promotions at the end of the boot sequence, but not promotions for other products. Also, OEMs are allowed to offer IAPs at the end of a boot sequence, but only their ''own'' IAP offers. Given that this phrase is ambiguous, Microsoft may attempt to read this provision as limiting an OEM's right to offer an IAP product to those IAPs marketed under the OEM's brand. Helpfully, the Competitive Impact Statement suggests otherwise, but whatever this phrase means, it is a needless restriction on an OEM's flexibility.

D. API Disclosure

APIs Defined Too Narrowly: Microsoft can evade the disclosure obligation provided under Section III.D of the PFJ by ''hard-wiring'' links to its applications, and through other predatory coding schemes. Additionally, the disclosure is limited to ''APIs and related Documentation.'' This is too narrow and can be evaded. Moreover, the provision for the disclosure of ''Technical Information'' found in Judge Jackson's interim conduct remedies has been eliminated. These disclosures are necessary to provide effective interoperability.

G. Anticompetitive Agreements

Joint Development Agreements Can Subvert Protections Of The Settlement. The protection against anticompetitive agreements is substantially undermined by the exception in Section III.G of the PFJ that allows Microsoft to launch ''joint development or joint services arrangements'' with OEMs and others. Under this provision, Microsoft can ''invite'' OEMs, ISVs, and other industry players to enter into ''joint development'' agreements and then resort to an array of exclusionary practices.

For example:

Microsoft invites OEM X to form a ''joint development'' project to create ''Windows for X,'' a ''new product'' to be installed on the OEM's PCs. As long as Microsoft's activities are cloaked under this rubric, it is exempt from the ban on requiting the OEM to ship a fixed percentage of its units loaded with Microsoft's applications, and other protections designed to promote competition.

H. Desktop Customization

Add/Remove Is For Icons Only, Not The Middleware Itself.'' The add/remove provisions in Section III.H in the PFJ only allow for removal of end-user access to Microsoft middleware—not removal of the middleware itself. This position is inconsistent with the language in the Court of Appeals'' opinion on commingling or the ''add/remove'' issue.

If Microsoft's middleware remains on PCs (even with the end-user access masked), then applications developers will continue to write applications that run on that middleware—reinforcing the applications barrier to entry that was at the heart of this case. Allowing Microsoft to forbid the OEMs from removing its middleware, and allowing Microsoft to configure Windows to make it impossible for end-users to do the same, allows Microsoft to reinforce the applications barrier to entry, irremediably.

As we have seen with the implementation of this approach (i.e., icon removal only) with regard to Internet Explorer in Windows XP, Microsoft can use the presentation of this option in the utility to make it less desirable to end-users. Moreover, limiting the required ''add/remove'' provision to icons only is actually a step backward from the current state of affairs in Windows XP, where code is removable for several pieces of Microsoft middleware.

Why Are Non-MS Icons Subject To Add/Remove?: The PFJ gives Microsoft an added benefit: it can demand that OEMs include icons for non-MS middleware in the add/remove utility. Why this should be required, in the absence of any finding that assuring the permanence of non-Microsoft middleware on the desktop is anticompetitive, is bizarre. This essentially treats the victims of Microsoft's anticompetitive behavior as if they were equally guilty of wrongdoing.

Microsoft Can Embed Middleware And Evade Restrictions: Under Section III.H.2, end-users and OEMs are allowed to substitute the launch of a non- Microsoft Middleware product for the launch of Microsoft middleware only where that Microsoft middleware would be launched in a separate Top-Level Window and would display a complete end-user interface or a trademark. This, in essence, allows Microsoft to determine which middleware components will or will not be subject to effective competition. By embedding its middleware components in other middleware (and thereby not displaying it in a Top Level Window with all user interface elements), or by simply not branding the middleware with a trademark, Microsoft can essentially stop rivals from launching their products in lieu of the Microsoft products.

Harder For Consumers To Choose Non-Microsoft Products Than Microsoft Products: In the same provision (III.H.2), Microsoft may require an end-user to confirm his/her choice of a non-Microsoft product, but there is no similar ''double consent'' requirement for Microsoft Middleware. There is no reason why it should be harder for users to select non-Microsoft products than Microsoft products.

Microsoft Can ''Sweep'' The Desktop, Eliminating Rival Icons: Additionally,-the OEM flexibility provisions are substantially undermined by a provision that allows Microsoft to exploit its ''desktop sweeper'' to eliminate OEM-installed icons by asking an end-user if he/she wants the OEM-installed configuration wiped out after 14 days. Thus, the OEM flexibility provisions will only last on the desktop with certainty for 14 days, and after that period, persistent automated queries from Microsoft can reverse the effect of the OEM's installations. The effect of this provision is to severely devalue the ability of OEMs to offer premier desktop space to ISVs—and to undermine the ability of OEMs to differentiate their products and provide consumers with real choices. Desktop ''MFN'' Requirements: Finally, nothing in the decree appears to forbid Microsoft from requiring—especially where non-middleware is concerned—so- called MFN agreements from the OEMs. These agreements tax OEM efforts to promote Microsoft rivals by requiring that equal promotion or placement be given to Microsoft products, often without compensation.

I. Licensing Provisions

Licenses Put In Hands Of OEMs Only—The), May Not Be Able To Use Them Without Help: The OEM licensing provision is limited in its effectiveness because the OEMs are prevented in Section III.I.3 from ''assigning, transferring, or sublicensing'' their rights. This may severely limit their ability to partner with software companies to develop innovative software packages to be pre-installed on PCs. This provision is especially harmful when contrasted with the broad partnering opportunities afforded to Microsoft under Section III.G. In addition, the OEMs'' willingness to use these provisions—even if they have the financial and technical wherewithal to do so—may be limited by the weakness of the retaliation provisions discussed above.

Reciprocal License? ''Equal Treatment'' For Law Abiders And Law Breakers Is Not Equal: Under Section III.I.5, the PFJ requires ISVs, OEMs, and other licensees to license back to Microsoft any intellectual property they develop in the course of exercising their rights under the settlement. But that simply rewards Microsoft for having created the

circumstances (i.e., having acted illegally) that necessitated the settlement in the first place. Microsoft should not be able to obtain the intellectual property rights of others simply because those law abiding entities have been required to work with a lawbreaker.

In addition, this provision may inadvertently work as a ''poison pill'' to discourage ISVs, et al., from taking advantage of the licensing rights ostensibly provided to them in Section III.I. The risk that an ISV would have to license its rights to Microsoft will be a substantial deterrent for that ISV from exercising its rights under Section III.I.

J. ''Security and Anti-Piracy'' Exception to API Disclosure

The Settlement Exempts The Software And Services That Are The Future Of Computing: One of the most seemingly innocuous provisions in the PFJ is, in fact, one of the biggest loopholes: the provision found in Section III.J.1 that allows Microsoft to withhold from API, documentation or communication protocol disclosure any information that would ''compromise the security of .... digital rights management, encryption or authentication systems.'' This provision raises several critical concerns:

Digital Rights Management Exception ''Swallows'' Media Player Rule: Since the most prevalent use of media players in the years ahead will be in playing content that is protected by digital rights management (''DRM'') (i.e., copyrighted content licensed to users on a ''pay-for-play'' ''basis), allowing Microsoft to render its DRM solution non-interoperable with non-Microsoft Media Players and DRM solutions essentially means that non-Microsoft media players will be virtually useless when loaded on Windows computers.

Authentication Exception Allows Microsoft To Control Internet Gateways, Server- Based Services: Most experts agree that the future of computing lies with server-based applications that consumers ,,,,,ill access from a variety of devices. Indeed, Microsoft's ''.Net'' and ''.Net My Services'' (formerly known as Hailstorm) are evidence that Microsoft certainly holds this belief. These services, '',,,'hen linked with Microsoft's ''Passport,'' are Microsoft's self-declared effort to migrate its franchise from the desktop to the Internet.

By exempting authentication APIs and protocols from the PFJ's disclosure/licensure requirement, the settlement exempts the most important applications and services that ,,','ill drive the computer industry over the next few years. If Microsoft can wall off Passport, .Net, and .Net My Services with impunity—and link these Internet/server-based applications and services to its desktop monopoly—then Microsoft will be in a commanding position to dominate the future of computing.

Additional Problems Raised By Numerous Provisions in Section III No Ban On Commingling Of Code.'' Nothing in the agreement prohibits Microsoft from commingling code or binding its middleware to the OS. This was a major issue in the case; the Court of Appeals specifically found Microsoft's commingling of browser and OS code to be anticompetitive; it rejected a petition for rehearing that centered on this issue. And yet, the PFJ would permit this activity to continue.

The danger of the absence of this provision is reinforced by what is found in the definition of the Windows Operating System Product (''Definition U''), which states that the software code that comprises the Windows Operating System Product ''shall be determined by Microsoft in its sole discretion.'' Thus, Microsoft can, over time, render all the protections for middleware meaningless, by binding and commingling code, and redefining the OS to include the bound/commingled applications.

Too Many Of The Provisions Require A Mini-Retrial To Be Enforced: In numerous places throughout Section III, the limitations on Microsoft's conduct are basically rephrased versions of the Rule of Reason. For example, in Section III.F.2, Microsoft may enter into restrictive agreements with ISVs as long as those agreements are ''reasonably necessary;'' likewise, the Joint Venture provisions found in Section III.G also employ a rule-of-reason test. As such, they simply restate textbook antitrust law, and alleged violations of these provisions could only be resolved through mini-trials.

Server Interoperability Issues (Found in Sections III.E, III.H and III.J) Only Full Interoperability Can Reduce Microsoft's Barriers To Desktop Competition: The PFJ's proposed server remedy will fail to provide meaningful, competitive interoperability between Microsoft desktops and non-Microsoft servers because:

The applications barrier to entry is central to this case and to Microsoft's desktop monopoly. A remedy that provides true server interoperability can be a powerful tool to reduce the applications barrier to entry. The server has the same potential to provide an alternative platform as did the browser or Java. In that sense, it is directly analogous to middleware products.

Microsoft has plainly recognized the threat that non-Microsoft servers pose as an alternative applications platform and has acted to exclude those products from full interoperation with the desktop and to advantage its own server products. It is able to do so because it controls the means by which servers may interoperate with the functions and features of the Windows desktop. In order to succeed in establishing non-Microsoft servers as an effective alternative application platform, both consumers and application developers have to be convinced that such servers: (1) can overcome the interoperability barriers that Microsoft has erected, and (2) have become viable alternatives to Microsoft's own servers, insofar as they can fully interoperate with the desktop.

An incomplete interoperability remedy fails to meet this test. Neither consumers (professional IT managers) nor server application developers will be attracted to non-Microsoft servers that lack any important interoperability functionality. If important interoperability barriers are left in place, IT managers simply will not buy the product and the remedy will fail to achieve its intended purpose. This is an important guiding principle.

The proposed decree allows Microsoft to continue to exploit dependencies between its desktop applications or its desktop middleware and its servers or handheld devices to exclude server and handheld competition. Section III.I Excludes Competing Server Vendors From The Benefits Of Section III.E's Disclosures: Section III.I limits Microsoft's obligation to license its desktop-server Communications Protocols to ISVs, IHVs, IAP, ICPs, and OEMs; thus, server competitors are excluded from the group of companies that Microsoft must license information to under section III.E.

The Failure To Define ''Interoperate'' Is A Mistake: Neither Section III.E nor any other provision of the PFJ defines the meaning of ''interoperate.'' The failure to define ''interoperate'' is tantamount to the Department of Justice's (''DOJ'') prior failure to define ''integrate'' in the 1995 consent decree, and will form the basis for unending disputes over the scope of Microsoft's disclosure obligations. ''Communications Protocol'' Is Defined Too Narrowly And Too Ambiguously: The definition of ''Communications Protocol,'' which determines the scope of server information to be disclosed by Microsoft, is highly ambiguous and potentially very narrow in scope:

It appears to be limited to the Windows 2000 server, and thus may exclude Microsoft's Advanced Windows 2000 server and Datacenter server.

It is unclear whether ''rules for information exchange'' that ''govern the format, semantics, timing sequencing, and error control of messages exchanged over a network'' mean the rules for transmitting information packets over a network, or the rules for formatting and interpreting information within such packets.

It appears to be limited to information exchanged via LANs and WANs, and therefore may exclude information exchanged over the Internet. In other words, having illegally seized dominance over browsers, Microsoft will be allowed to use that power to establish de facto proprietary protocols for Internet communication and keep them entirely to itself. Even in its broadest possible meaning, the term ''Communications Protocols'' is insufficiently broad or comprehensive to require disclosure of the information. needed to permit interoperability between non-Microsoft servers and the full features and functions of Windows desktops.

Section III.J's Carve-Out Eliminates the Most Important Disclosures: What little Section III.E provides, Section III.J takes away by permitting Microsoft to refuse to disclose the very protocols and technical dependencies it is currently using to prevent non-Microsoft servers from interoperating with Microsoft desktops and servers.

Section IV Of The PFJ: Compliance and Enforcement

A. Enforcement Authority

Enforcement Authority Is Too Difficult To Employ: Clearly, what is missing from the agreement is a quick, meaningful, and empowered mechanism for preventing and rectifying Microsoft's inevitable violations of

the agreement. Thus, while the provision allowing Microsoft to cure any violations of Sections III.C, D, E, and H before an enforcement action may be brought is not itself objectionable, it is but one of a number of provisions that make enforcing the agreement cumbersome, expensive and time-consuming.

B. Technical Committee / D. Voluntary Dispute Resolution

Source Code Access Is Not Enough: While it is helpful that the Technical Committee (''TC'') will have access to Microsoft's source code and can resolve disputes involving that issue, the TC is otherwise powerless to compel Microsoft's compliance with the agreement in any other respect. The prospects that Microsoft will accept the decisions of the TC in a voluntary dispute resolution process are near zero. And the entire mechanism seems designed to extend disputes indefinitely: no time limits or time-lines are specified for dispute resolution.

As it stands now, a party injured by Microsoft's violation of the decree can complain to the TC, which will then conduct an investigation: Once the investigation is complete, the TC will presumably issue some decision; while the investigation is ongoing, the TC is supposed to consult with Microsoft's Compliance Officer, for an indefinite period;

If the TC concludes that Microsoft violated the agreement, and Microsoft does not agree to change its behavior or rectify the wrong, then the TC must decide whether to recommend the matter to the DOJ for further action;

Once recommended, the DOJ—after some review period—may decide to take action, and apply to the court for a remedy, or it may not; * And once the DOJ applies for action, the process in court to obtain relief or remedy may extend for an indefinite period.

This is obviously a lengthy and ineffective process for ensuring that Microsoft complies with its obligations under the decree. In an industry where time is of the essence and delays can be fatal, the built-in delays that allow Microsoft to drag its feet are wholly unacceptable.

Technical Committee's Investigation Has Only Limited Use: The work of the Technical Committee cannot ''be admitted in any enforcement proceeding before the Court for any purpose,'' and the members of the TC are forbidden to appear.

Thus, under the terms of the decree, the substantial time, effort and expense that can go into a TC process may need to be duplicated in an enforcement action—adding to the complexity and expense that the process will pose for victims of Microsoft violations.

Section V Of The PFJ: Termination

A. Five-Year Limit

Five-Year Coverage Is Inadequate: Given the scope of Microsoft's violations, the time period required to restore effective competition, and the pattern of willful lawbreaking on Microsoft's part, a five-year consent decree is inadequate.

B. Two-Year Extension

Penalty For Knowing Violations Is Too Lenient: Amazingly, the PFJ provides that no matter how many knowing and willful violations Microsoft engages in, the restrictions found in the settlement may be extended only for a single two-year period. Thus, if Microsoft is adjudged to have engaged in such a pattern of violations, it essentially has a ''free reign'' to repeat those violations with impunity.

Section VI Of The PFJ: Definitions

A. APIs

API Definition Too Narrow: This is discussed above.

I. ISV

Definition Is Not Forward-Looking: The definition of ISV is drafted too narrowly and should more clearly encompass developers of software products designed to run on new versions of the Windows operating system and next generation computing devices.

K. Microsoft Middleware Product

Definition Exempts Too Much Middleware: Much of the decree is based on this definition—the OEMs'' flexibility turns on what is included or excluded from this category of application. And yet the definition, which is different from the definition used by the District Court (affirmed and employed by the Court of Appeals) is fatally flawed.

First, there are only five existing products that can be known with certainty to be ''Microsoft Middleware Products.'' That means that highly similar items, such as MSN, MSN Messenger, MSN Explorer, Passport, Outlook, and Office may be excluded from the definition of middleware. Why Windows Messenger would be covered by the PFJ, but MSN Messenger would be exempt; or why Internet Explorer would be covered, while MSN Explorer would be exempt—if this is, in fact, how the provision operates—is a mystery. Why ambiguity would be accepted in such a critical area is an even greater mystery.

Given the uncertainty, Microsoft may attempt to retaliate against OEMs that remove even the icons for its applications; it may also attempt to prohibit end-users from removing these applications (or even their icons). This is a step backward from the status quo (even in Windows XP); the ambiguity is a gaping hole.

Second, the generic middleware definition, which applies only to new products, and therefore does not capture any product now in existence, allows Microsoft to define which products are included or not, by virtue of Microsoft's trademark and branding choices. Thus, as long as Microsoft buries these products inside other applications, they are not independently considered middleware.

Third, as suggested in the points above, the definition misses the future platform challenges to Microsoft's Windows monopoly: web-based services. These services should be specifically defined and included in the class of protected middleware.

N. Non-Microsoft Middleware Product

Only Developers With Substantial Resources □Viii Be Protected: The competitive offerings protected by the decree are narrowly limited to offerings that fall within the definition of ''Non-Microsoft Middleware Products.'' Again, as noted above, the guarantees of OEM flexibility, promotion, and end-user choice apply only to these specified products—not to any other software applications.

And yet, sadly, this narrow definition extends protection only to applications ''of which at least one million copies were distributed in the United States within the previous year.'' Thus, ''an innovator in his garage,'' creating a new form of middleware to revolutionize the computer industry, has no protection from Microsoft's rapacious ways until he can achieve the distribution of 1 million copies of his software.

Also, as noted above, ''web-based services'' are not captured in this definition, notwithstanding their importance to future competition to the Windows OS.

R. Timely Manner

Netscape, All Over Again: Microsoft's obligation to disclose APIs and other materials needed to make applications interoperable with Windows in a ''timely manner'' is keyed off the definition of that term in Section R. But Microsoft retains complete control over this timeline because the definition provides that Microsoft is under no obligation to engage in these disclosures until it distributes a version of the Windows OS to 150,000 beta testers. Thus, as long as Microsoft restricts its beta testing program to 149,999 individuals until very late in the development process, it can effectively eviscerate the disclosure requirements. Our review of the available documentation shows, for example, that Microsoft had no more than 20,000 beta testers 1 for Windows XP until very late in the release cycle; thus, had this provision been in place during the Windows XP release cycle, Microsoft would have been under no obligation to release APIs until the eve of product shipping.

Slow disclosure of APIs is precisely how Microsoft defeated Netscape's timely interoperability with Windows 95. Thus, in this way, not only is the decree inadequate to prevent future wrongdoing, it does not even redress proven illegal acts in the past.

U. Windows Operating System Product

The scope of Microsoft's disclosure obligations under the agreement are determined in large part by the meaning of ''Windows Operating System Product.'' The definition of Windows Operating System Product leaves Microsoft free to determine in ''its sole discretion'' what software code comprises a ''Windows Operating System Product.'' In other words, Microsoft's disclosure obligation is subject entirely to its discretion.

Note that the number of ''beta testers'' will be much smaller than the number of ''beta copies'' of a product that is being prepared for release.

From: Philip Johnson
To: Microsoft ATR
Date: 1/28/02 1:57pm
Subject: Microsoft

I feel Microsoft has done no wrong and should be left alone to innovate and sell their products at whatever the market will bear. They are no more a monopoly than a lot of other companies, so if you are going to penalize them for that then you need to take action against say AOL also and companies like them.

From: Wildcat
To: Microsoft ATR
Date: 1/28/02 1:57pm
Subject: Microsoft Settlement

I certainly hope you take into account that the effects of Microsoft's business practices are *still* being felt, even today... A brand new computer with anything *other* than Windows on-board is still almost unheard of, many hardware manufacturers don't support Linux or offer drivers for it, and many corporate websites are designed almost exclusively for Internet Explorer in *spite* of the W3C standards that are meant to make the ''World Wide Web'' more accessible to *all* available browsers. I realize that these last two points (drivers and web design) are almost entirely due to the preferences of the manufacturers and designers respectively, but those people are basing those decisions on the atmosphere fostered by Microsoft that it is and shall be the only creator of operating system and web browser software.

Recently, I experienced this form of ''browser discrimination'' firsthand. My browser of choice is Netscape, and I was finding it difficult to access a major retailer's website and on-line shopping outlet — my browser kept choking out. I e-mailed a report of this technical glitch, and received a reply suggesting I use Internet Explorer. To me (to use an analogy), this is like being unable to get a clear picture of CNN from my cable company, only to be told that my RCA television is the problem, and that the CNN signal is designed specifically for a Sony. The bottom line is, I've never been a big fan of Microsoft, and would really rather not give them my money, but as long as they're allowed to operate as they have in the past decade, they're going to wind up with a share of the profit on almost anything I buy, whether I know it or not, whether I *like* it or not.

Thank you for allowing me to state my opinion.

Bart Smith
Independence, KS
wildcat@wildcatslair.com

MTC–00028287

From: Mildred/Jerry
To: Microsoft ATR
Date: 1/28/02 1:56pm
Subject: MICROSOFT SETTLEMENT

I/WE ARE IN 100% SUPPORT FOR MICROSOFT SETTLEMENT. WE NEED TIME AND MONEY SPENT ON THINGS LIKE ENRON INVESTIGATION. TOO MUCH ADO HAS BEEN DIRECTED AT MICROSOFT.

SPEND MY TAX MONEY ON GOING AFTER REAL CROOKS LIKE ENRON EXECUTIVES.

THANK YOU
JERRY & MILDRED ROBERTS

MTC–00028288

From: Matt Goun
To: Microsoft ATR
Date: 1/28/02 1:58pm
Subject: Microsoft Settlement

Matthew Goun
1230 Parkwood Drive
Merrick, NY 11566
mgoun@hotmail.com

I have sent a letter stating my thoughts as to settling Microsoft's ongoing court case and I am afraid I was a little slow in mailing it in.

My feelings are, enough already. Leave things as they are. Microsoft has gotten the right decission and enough tax payers money has been spent.

Sincerely,
Matthew goun
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

MTC–00028289

From: amchugh@speakeasy.net@inetgw
To: Microsoft ATR
Date: 1/28/02 1:46pm
Subject: Microsoft Settlement

To Whom it may Concern,

I would like to add my voice to those in adamant opposition to the proposed Microsoft Settlement. Please reject this proposal in favor of a much stronger remedy.

Please review the current proposed settlement and make sure that it adequately represents the interests of open-source advocates, and consumers of open-source products. Essentially, the question that needs to be addressed first and foremost is ''Are the barriers to entry for competition with Microsoft reduced to a reasonable level for both commercial and volunteer competitive efforts?''. Secondly, I would ask ''Is the punitive element of this ruling sufficient to make executives reluctant to engage in similar anti-competitive behaviour, and stockholders reluctant to support executives who do?''.

I trust that you'll come up with an equitable ruling that represents the current and future interests of consumers, even if the economy must suffer.

Sincerely,
Aaron McHugh
amchugh@speakeasy.net

MTC–00028290

From: Dave Jorgensen
To: Microsoft ATR
Date: 1/28/02 1:59pm
Subject: Microsoft Settlement

Dear Sirs,

As a citizen of the United States of America, and an employee in the High-Tech sector of our nations economy, I feel compelled to write and voice my disagreement with the proposed Microsoft anti-trust settlement. For the past two decades, I have watched again and again as Microsoft leverages its monopoly position to wipe out what were once healthy high-tech markets. Their actions have had a continued, chilling effect on the industry which will be felt long into the future. However one of the few remaining areas where Microsoft has not yet accomplished their monopolistic goals, is in the education market.

It's likely that Microsoft would leverage their monopoly to take the education market if they could, but they've likely hesitated in order to avoid undue attention while the current cases are being judged. However, if the proposed settlement (of product donation to the schools) is allowed to continue, our legal system will in effect be sanctioning, even demanding, that Microsoft flood this additional market with its product and drive out competitors from this area as well. In effect, the proposed settlement will simply reward Microsoft's monopolistic practices by providing them another monopoly in the education market.

I urge the Justice Department, The Court, The Judge, anyone else involved, to -reject- the proposed settlement and -insist- on a more fair remedy.

Microsoft is not like some poor farmer who has to hand over his old tractor to cover back taxes. The settlement amount is just a tiny percentage (3%) of the -huge- cash hoard they have accumulated through their monopolistic practices. Short of breaking up the company (which I still think is justified) certainly we should at the very least, insist that they pay their costs like the rest of us do, in cash. Anything less only reinforces their monopolistic position.

Thank you for your consideration in this matter,

David E. Jorgensen
350 Budd Ave. #E7
Campbell, California
95008, USA
e-mail: davej@ccnet.com

MTC–00028291

From: Chuck1040
To: Microsoft ATR
Date: 1/28/02 2:01pm
Subject: Settlement

I believe that this matter has dragged on too far and should be settled as soon as possible. Get an agreement and move on to other problems.

charles dennard,
1237 vintage place,
nashville, tn 37215

MTC–00028292

From: Patrick Purcell
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/28/02 1:57pm
Subject: Microsoft Settlement

Hello

My name is Patrick Purcell. As an Applications Developer and consumer of commercial software , I feel I must comment on the proposed Final Settlement.

I will make the following general comments and then move on to specific items in the documents .(Civil Action No 98–1232 and Civil Action No 98–1232 CKK).

It is my understanding that judgment against Microsoft stands. Microsoft was found in violation of the Sherman Act. I believe the original remedy should stand. In document Civil Action No 98–1232 CKK Section III H 3 Microsoft would be prohibited from modifying third party icons,menus, and shortcuts without asking for permission of the user.

The description does not prevent from Microsoft continually asking the user if changes should be made.

In effect the user could be nagged to making a change.

I believe the language should be strengthen to prevent Microsoft from nagging or making

adjustments through a needed software upgrade (in the case of a software fix).

In document Civil Action No 98–1232 CKK Section III J Microsoft is not obligated to license or disclose its API to third parties.

The API allows a programmer to develop software and take advantage of services the operating system offers.

Having a closed API excludes developers from using the operating system to its full extent and does not provide a level playing field. An open API would level the playing field.

It is possible to have a public API and not compromise security and encryption.

The open source software Linux list all its API while providing a high level of security.

The encryption software Pretty Good Privacy (PGP) provides the API and an excellent level of encryption.

Both Linux and PGP clearly illustrate it is possible to provide your complete API to all and still provide levels of security.

An open API would not preclude making a profit. For example Stronghold is a commercial secure web server based on the Apache web server. Stronghold is a successful product using an open API from the Apache web server. Another example is the Apple product, Mac OS X which is based on FreeBSD Unix.

On December 13, 2001, the ECMA General Assembly ratified the C# and common language infrastructure (CLI) specifications into international standards. The ECMA standards will be known as ECMA-334 (C#) and ECMA-335 (the CLI). The C# is a programming language developed by Microsoft. By having ECMA (http://www.ecma.ch) ratify C# and CLI as international standards, Microsoft lost direct control of the future development of these technologies. However Microsoft opened the API to the public to strengthen the acceptance of these technologies. Microsoft recognizes that publishing the API has benefits. Microsoft would not be overall negatively affected from publishing its complete API for its operating system. The actual publishing of the API could be done through an agency such as ECMA.

The above statements are my sole opinions and do not represent the views of my employer.

I hope you will consider these statements in making a final decision.

Sincerely

Patrick Purcell

MTC–00028293

From: Burt Harris
To: Microsoft ATR
Date: 1/28/02 2:01pm
Subject: Microsoft Settlement .

I want to register my support for the proposed settlement of the Microsoft antitrust case. The proposed settlement takes reasonable steps to address the underlying issue without crossing the boundry into the punitive actions that its opponents seem to want inforced.

As a observer of the situation it strikes me that many of the proponents of harsher terms have lost site of the fact that the settlement is intended to be a remedy, not a punishment. This seems to be driven by the fact that many of the financial backers of these groups are in fact competitors of Microsoft.

I for one, want to make sure that the settlement primarily addresses remedying any wrongs suffered by consumers (which I think are actually relativily few) as opposed to benefiting Microsoft's competitors, especially those competitiors who operate outside the narrowly drafted ''market'' for Intel based operating systems.

Burt Harris
15302 182nd Place NE
Woodinville, WA 98072

MTC–00028294

From: Juanita Bergh
To: Microsoft ATR
Date: 1/28/02 2:02pm
Subject: Microsoft Settlement

I have been and still am rather disgusted at the lawsuit against Microsoft. At the time the lawsuit was filed, I was not an employee of Microsoft. Now I am, but my feelings have not changed. I worked for a software company for 10.5 years before joining Microsoft. We used Netscape as a browser for a short period, but then our company switched to Internet Explorer. I don't recall at what point that was. But at the time I was using Netscape, the browser was given away free as an incentive to get people to switch to using their browser. Does this sound familiar? Isn't this part of Netscape/AOL Time Warner's complaint against Microsoft? That by offering it free and making it available as part of the operating system, Microsoft is engaging in non-competative acts. Hmmm. I wonder why it wasn't illegal when Netscape was first trying to gain market share. That's the main reason we used Netscape, it was free and relatively easy to use. However, we found the Internet Explorer worked better for us. There are differences and distinctions between the two that I'm not terribly familiar with as I have no desire to see if Netscape has become more attractive. I have heard that Netscape offers an easy way of uploading data, which isn't available in IE. I also have heard that Mac users prefer Netscape. The browser that fills the need best is the browser that will be used.

The last couple of times we purchased a computer, it came preloaded with a several different internet connectivity options. We did not choose to use any of them because we wanted to use a different one.

The fact of the matter is, that if someone wants to use a software product, they will use it whether it comes preinstalled or not. It's not as though we're talking about a couple hundred dollars to purchase Netscape; I can download it today for free. I'm not sure if Netscape used to have a charge or what those charges are, but it's rather hypocritical to complain about someone else giving something away free when you're doing the same thing. As I said earlier, who cares if it's preloaded or not; many users today are sophisticated enough that they'll find and load what they want.

Another complaint that bugs me in the lawsuit states that OEM's cannot really add much to change the way windows loads; this really irks me because I don't want to get a different look and feel from windows based on the hardware that I purchase! Is that user-friendly? We had a Packard-Bell that loaded a bunch of junk from PB and it drove us crazy, we disabled it because we didn't want it. I want to be able to purchase hardware based on price, not how it interacts with the os that I choose!! There's also the issue of support and service packs; who's going to support those changes? The OEM? Microsoft? Do I get pushed back and forth because the OEM says it's not their problem and Microsoft says it's been changed so they can't help either? There is nothing worse than trying to support a product that has been modified; all your updates are delayed, because when Microsoft releases a fix, the OEM has to do the same thing. I know how this works; I worked for a software company in the support area for 5 years and you cannot support something once someone else has modified it. This is NOT in the consumer's best interests for any software company to allow that. I know that it happens and it has it's advantages, but it's also a miserable position for the consumer who needs an update or help.

I have worked in the computer industry for 11.5 years now and I am tickled that consumers have pretty much selected one OS that we can use as a basis for developing our own applications. The macintosh died in the business application market because Apple's focus appears to be the graphic / educational market. We used to support our applications on the macintosh for many years, but finally discontinued that because it just wasn't a good business proposition for us. Many, many software companies have thrived by developing on the Microsoft platforms because Microsoft is the company that bothers to find out what consumers want and strives to give it to us. That's why Microsoft thrived and Apple did not. Apple had great potential and is doing fine, but they could've been the Microsoft.

Netscape/ AOL Time Warner would be smarter to use their money to improve their products so they can compete based on the products'' merit, not to try to cripple a successful rival.

One more comment on the ''monopoly'' issue. Microsoft is not a phone company or utility company where the customer has never had a choice; Microsoft has earned it's OS monopoly because no other OS has provided customers with what they want. We love to bash Microsoft (well, not since I've become an employee) for system bombs and crashes, but the fact remains that Microsoft has made it possible for millions of users to be able to use and afford a computer. My parents, in-laws, and grandparents, who never grew up using a computer are able to use email and word processing programs because it's easy, simple, and uniform. I can help them figure things out with a phone call because the OS behaves the same way no matter what type of computer they have! My grandparents would never have thought of using a computer in the pre-windows days.

Microsoft contributes a great deal of money, software and time for charitable issues; if anyone has the issues of the consumer at heart, it's Microsoft.

Thanks for listening,

Juanita Bergh

15705 28th St
Casselton, ND 58012

MTC–00028295

From: King, Steve
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/28/02 2:02pm
Subject: Microsoft Settlement
Renata Hesse
Department of Justice, Antitrust Department
601 D St NW
Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

I am a State Senator from Iowa and I also the owner of construction contracting business. In my capacity as a State Senator I am chairman of the state government committee and also serve on the commerce committee. I chose to serve on these committees because as a business owner I am acutely aware of negative impact over regulation can have on business.

It is from this unique perspective that I am writing you today to encourage you to settle the Microsoft anti-trust case

The suit against Microsoft was brought under anti-trust laws that were developed in at a time in our history when our nation was growing into the industrial and economic leader it is today. These laws were meant to protect American consumers from harm inflicted by monopoly companies. These laws have served their purpose in the past. However, in this case, I do not think they apply. The government and Microsoft's critics have yet to prove consumer harm as a result of Microsoft actions or practices.

As a businessman and strong supporter of our free-market system, it is apparent to me that Microsoft's only crime is giving the American public a superior product, and therefore has been able to build a loyal following of committed users. Assumedly, Microsoft worked very hard to develop its products and market. They should not be punished for this or for having the business savvy to take action to protect their market.

A closer look at this suit and the lobbying efforts that have fueled it will expose disturbing realities. Microsoft's competitors do not appreciate that technology consumers are overwhelmingly loyal to Microsoft products. However, instead of committing to production of new products that may allow them to more successfully compete in our free-market, they have banded together and found a way to use outdated anti-trust laws for their own purposes.

The settlement before you is truly a compromise for Microsoft. Certainly, Microsoft will be held to the severe provision of this settlement, not the least of which is the sharing of intellectual property. However, negotiating settlement is the best solution for the technology industry and our economy in general. When this settlement is approved it will send a signal to the technology industry that the threat of government interference has been lifted.

Sincerely,
Senator Steve King

MTC–00028296

From: Kevin Port
To: Microsoft ATR
Date: 1/28/02 2:03pm
Subject: Please See Attachment- Microsoft

Please See Attachment—Microsoft
Thank you,
K. Port
Kevin Port
250 Gorge Road # 29D
Cliffside Park, NJ 07010
January 28,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

After three years of seemingly endless litigation, I was frankly relieved to hear that Microsoft had reached a tentative settlement with the Justice Department in November. This settlement is good for consumers and therefore no further action is needed on the federal level.

The terms of the settlement cover many areas and will require numerous concessions from Microsoft. One area of concession is in relation to intellectual property rights. Microsoft has agreed that if a third party's exercise of any options provided for by the settlement would infringe any Microsoft intellectual property right, Microsoft will provide the third party with a license to the necessary intellectual property on reasonable and non-discriminatory terms. And to assure this provision and every other one is followed, Microsoft will be monitored by a three-member Technical Committee.

As a former worker in the tech industry, I understand the importance of Microsoft's products to our economy. Although I did not feel this suit had any merit to begin with, I realize at this point the best development is to move forward. I hope your support for this settlement continues and that the recent suit by AOL will also be terminated. It is not worth the time and money of the Justice Department to continue to pursue these actions against Microsoft, a successful, entrepreneurial company, that has contributed to the success of the U.S. economy and our technological breakthroughs. Without the efforts of Microsoft, the global computer industry would not have the standards and success we witness today.

Sincerely,
Kevin Port

MTC–00028297

From: N P
To: Microsoft ATR
Date: 1/28/02 2:03pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally,

In all honesty the Proposed Final Judgment stinks. I disapprove of the tactics uses to get what they want. As one can see, MS, with disregard to the rules put in place, will continue to violate all anti-trust laws. The Proposed Final Judgment is not a panacea to the Microsoft debacle but, in fact, avoids the whole issue altogether.

Undeniably true and accurate, Microsoft is guilty of breaking these laws. Under the final settlement, the DoJ allows MS to retain most of its profits gained through past illegal activities. Therefore, the PFJ will not compensate parties harmed through Microsofts egregious acts.

In addition, the PFJ will not take into account all Microsoft gains made through its illegal maneuverings. With all due respect, the final settlement is basically acknowledging the acceptance of Microsofts anti-competitive behavior. What kind of message does this send out to the public? I can assure you that the message is clear and simple.

The PFJ encourages big corporations to engage in monopolistic and predatory conduct, which in turn is detrimental to the technology industry at large. With all due respect your honor, I am outraged at such a preposterous proposal that only helps Microsoft to remain intact and continue with its unethical practices. Thus, I conclude by respectfully submitting my disapproval to this Proposed Final Judgment.

Respectfully,
Mrs. Nimfa Paraso
7230 Adams Rd.
Magna, Utah 84044

MTC–00028298

From: BROWNING, CONNIE (AIT)
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/28/02 2:04pm
Subject: Microsoft Settlement

To Whom it May Concern:

Regarding the Microsoft Settlement, as a recent purchaser of a new computer preloaded with Microsoft XP, I believe that MS has gone too far in automating updates from my personal computer to their system. I see the XP software, attempting to contact MS every time that I am on the internet. I firmly believe that the software should have been designed to request my explicit permission before sending information regarding my personal machine.

Furthermore, I think that MS's exclusive and proprietary relationships are not in my best interest, and prevent the further innovation of many independent software developers. It was very clear to me when loading other software on my XP system, which vendors had not paid the price for MS's exclusive arrangements and were suffering from the dramatic negative messages that I received when trying to load ''unapproved'' software.

If I had known the nature of XP when purchasing my new computer, I would have insisted at the time that the manufacturer supply me with another operating system.

Connie Browning
468 Liberty Lane
Westerville, OH 43081

MTC–00028299

From: peter@goldthorp.com@inetgw
To: Microsoft ATR
Date: 1/26/02 3:38pm
Subject: Microsoft Settlement

Microsoft was found guilty in this case. They have a history of similar behavior (examples include DR-DOS and Stac Electronics). They are currently targeting Real Networks using similar tactics to the ones used against Netscape.

I do not believe that the proposed final judgement will restrain Microsoft's anticompetitive conduct. It does not appear to do anything to remedy the effects of their past unlawful conduct.

Their current .Net initiative attempts to leverage their desktop monopoly to gain a dominant position online services. They should not be allowed to do this.

Peter Goldthorp
Software Engineer
Hayward CA

MTC–00028300

From: Grissom, Marlene
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 2:03pm
Subject: microsoft settlement

I agree with Microsoft management in Hoping for a quick resolve and settlement

Marlene Grissom

MTC–00028301

From: Chris Arsenault
To: Microsoft ATR
Date: 1/28/02 2:05pm
Subject: Microsoft Settlement

To whom it may concern:

After having read the provided case documents, I have come to the following conclusion:

The proposed Final Judgement for United States v. Microsoft as currently written fails to provide a concise and enforceable order from the courts. It is inadequate to the task of addressing the needs of the People. Given Microsoft's past history of compliance with court orders, I feel that it's business practices would be difficult to enforce without consequences being written into the Final Judgement.

Such consequences should be related to the grant of monopoly for copyrights and patents. In effect, should Microsoft continue predatory business practices in a monopolistic fashion, then the United States should revoke the grant of copyright to the various versions of Windows software and Internet Explorer, as well as the foundation source code. This code would be then be placed in the public domain. This removes the need for monitoring for compliance and reminds Microsoft that it undertakes business at the discretion of the People of the United States.

Additionally, the issue which is at the heart of the case—what constitutes a computing platform, is clearly left unanswered by the proposed final judgement as written. Without delving into a lengthy argument here, at least recognize that support for open source and public standards by which the Internet emerged is clearly a wise and prudent action which encourages innovation and discourages format lock-in.

For these reasons and many others, I strongly recommend that the court reject this proposed Final Judgement.

Sincerely,
Chris Arsenault
67 Pole Bridge Rd.
N. Scituate, RI 02857

MTC–00028302

From: Phil Steele
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 2:03pm
Subject: Microsoft Settlement

To Whom It May Concern:

As US citizen, I am outraged at our government's prosecution of Microsoft, and I believe the whole antitrust case should be closed. I don't need a paternalistic government to tell me which software I should buy or to use my tax dollars prosecuting companies whose products I enjoy and find immensely valuable. This is not the proper role of government, and such antitrust actions must, by their nature, ultimately be destructive of consumer choice in the marketplace.

Please accept this letter as one citizen's plea for a government that protects me from force and fraud—not from valuable products successfully marketed by successful companies.

Philip Steele
691 Ora Avo Drive
Vista, CA 92084

MTC–00028303

From: jack gelin
To: Microsoft ATR
Date: 1/28/02 2:04pm
Subject: Microsoft Settlement
1662 E 24th Street
Brooklyn, NY 11229
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I understand the Courts will make their final decision next week on whether the proposed Microsoft settlement benefits the public. I'd like to express my feeling on this issue.

Microsoft did not get off easy. The settlement was arrived at after extensive negotiations with a court-appointed mediator. The Company agreed to terms that extend beyond what was expected in the suit.

They also agreed to design future versions of Windows, starting with an interim release of Windows XP, to provide a mechanism to make it easy for computer companies, consumers and software developers to promote non-Microsoft software within Windows. This mechanism will make it easy to add or remove access to features built in to Windows or to non-Microsoft software. Consumers will have the freedom to choose or change their configuration at any time.

Microsoft really needs to get back to business because they helped the economy far more than they could ever hurt the economy. Let's end the litigation!!

Sincerely,
Jack Gelin
cc: Representative Anthony David Weiner

MTC–00028304

From: Fred Murhammer
To: Microsoft ATR
Date: 1/28/02 2:07pm
Subject: Microsoft Settlement

I am opposed to the Department of Justice's settlement with Microsoft. I believe it is not in the public interest due to the many loop holes in the settlement agreement. I believe that the nine states which are opposing this settlement are acting in the public interest. I urge the D.O.J. to join forces with these nine states, who are seeking stiffer penalties and safeguards to be imposed on Microsoft. If the D.O.J. settlement with Microsoft is enacted it will allow Microsoft to return to business as usual, which is to abuse it Monopoly position to squash competition and innovation to the detriment of the general public.

Thank you,
Fred Murhammer

MTC–00028305

From: Bill Kirtley
To: Microsoft ATR
Date: 1/28/02 2:09pm
Subject: Microsoft Settlement

To Whom it may concern-

I am writing as a US taxpayer, voter, and citizen to protest the Proposed Final Judgment in the matter of the United States vs. Microsoft antitrust lawsuit.

I do not feel that the solution as proposed either punishes Microsoft for previous anticompetitive behavior, reduce the barriers to entry for vendors other than Microsoft innovating in the field, or inhibits Microsoft from engaging in monopolistic behavior in the future.

A number of well reasoned arguments have been written on the subject, and I won't revisit them here. One good one can be found at: http://www.kegel.com/remedy/remedy2.html I feel that the best way to protect the market without unduly punishing Microsoft shareholders would be to sever Microsoft into separate companies, and require that those companies interact with each other in an above-the-board way. They should use only each others published APIs. There should be clear delineation of the money being spent and earned on individual products. Furthermore I am shocked by the timing of this agreement. The Justice Department has abandoned all attempts to preserve the appearance of enforcing the law. A cynical observer might conclude that the defendant in this case was successful in purchasing influence during the last Presidential election season.

Thank you for your attention.
Bill Kirtley;
117 Newport Street;
Arlington MA 02476

MTC–00028306

From: The Young Family
To: Microsoft ATR
Date: 1/28/02 2:07pm
Subject: RE. Microsoft Settlement

Please accept the settlement as is. This has got to end. Thank You,

Sondra Young

MTC–00028307

From: pjmet@quixnet.net@inetgw
To: Microsoft ATR
Date: 1/28/02 2:05pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel

going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Mary Ellen Torres
121 Crest Haven Drive
Belleville, IL 62221–4387

MTC–00028308

From: james bohan
To: Microsoft ATR
Date: 1/28/02 2:08pm
Subject: RE: M.S. case

I think that at the very least they should be broken up. In addition, I would recommend that the us gov not spend any more money on their operating systems, when there are cheaper and better ones out there.

MTC–00028309

From: Hugh B. Brawford
To: Microsoft ATR
Date: 1/28/02 2:08pm
Subject: Microsoft anti- trust settlement

I support the settlement..it is time to encourage our hard working succesful USA businessmen.

Thank you
Hugh B. Brawford C.R.S.

MTC–00028310

From: bwood@providentmutual.com@inetgw
To: Microsoft ATR
Date: 1/28/02 2:08pm
Subject: Microsoft Settlement

Here is a letter I am trying to fax you. The fax lines are very busy so I'll give email a try.

(See attached file: BonnieMS.doc)
Bonnie F. Wood
Provident Mutual Life Insurance Company
B3S
Bonnie—Wood@providentmutual.com
610–407–1462
fax 302–452–7264

MTC–00028310—0001

Bonnie Wood
116 Timber Springs Lane
Exton, PA 19341
January 28, 2002
Attorney General John Ashcroft Fax 1–202–307–1454
US Department of Justice Page 1 of 1
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

This letter is to give my support to the Microsoft and Department of Justice settlement. Microsoft is one of our greatest companies and I resent the government interference in what is basically competition between technology companies. I doubt whether Microsoft has done anything that the other firms have not. More likely, the other firms could not compete and have gone crying to the government. They just want a bigger piece of the pie.

You don't have to look any further than AT&T to see the havoc that can result from breaking up certain so-called monopolies. AT&T was deemed a monopoly while we had the best service in the world. Now, no one can understand the half-dozen phone bills received each month from strange sounding phone companies. Phone companies come and go with alarming frequency, and those that stay in business seem to be merging all back together. I often wonder if I would have been better off if AT&T had been left alone.

The same may be true for Microsoft. In any event, Microsoft and the Justice Department have reached an agreement. Microsoft has agreed to open the company up to third party innovation; has agreed to disclose internal source codes for Windows; and agreed to an oversight committee. This is more than fair.

I urge you to give your approval to this agreement.

Thank you for your consideration of my views.

Sincerely,
Bonnie Wood
cc: Senator Rick Santorum
202–228–0604

MTC–00028311

From: Nutton, Thomas G
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/28/02 2:07pm
Subject: aol

I believe this can not go forward and in this will be in the best interest of the USA. Tom N.

MTC–00028312

From: Adam C Powell IV
To: Microsoft ATR
Date: 1/28/02 2:10pm
Subject: Microsoft ''settlement''

Greetings,

I am writing to strongly oppose the terms of the ''settlement'' offer in the Microsoft antitrust case. That Microsoft has violated the law is without question. But the proposed settlement in fact rewards that company for its misdeeds, rather than punishing them. I must remind you that the marginal cost of software is a tiny fraction of its retail price, and therefore the stated monetary value of the cost to Microsoft is far in excess of the actual cost to that company. Furthermore, this ''punishment'' allows Microsoft to expand its market share in education, which has long been one of their weakest markets. In other words, this does not punish Microsoft at all, and in fact rewards their lawbreaking activity, handing them more of a monopoly on a silver platter.

As an administration and political party which prides itself on being ''tough on crime'', I would urge you to not reward Microsoft for commiting a crime whose impact on society is unmeasurable. The nation awaits your decision, and hopes that you will bring about justice in this case.

Sincerely,

Adam Powell http://lyre.mit.edu/powell/ <http://lyre.mit.edu/%7Epowell/>

Thomas B. King Assistant Professor of Materials Engineering

77 Massachusetts Ave. Rm. 4–117 Phone (617) 452–2086

Cambridge, MA 02139 USA Fax (617) 253–5418

MTC–00028313

From: James Love
To: Microsoft ATR
Date: 1/28/02 2:10pm
Subject: Microsoft Settlement

MTC–00028313—0001

Subject: Microsoft Settlement
Date: January 28, 2002
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Email: microsoft.atr@usdoj.gov
(Note: In the Subject line of the e-mail, type Microsoft Settlement.)
Fax 1–202–307–1454 or 1–202–616–9937
From: Ralph Nader
P.O. Box 19312
Washington, DC 20036
James Love
Consumer Project on Technology
P.O. Box 19367
Washington, DC 20036

Introduction

Having examined the proposed consent final judgment for USA versus Microsoft, we offer the following comments. We note at the outset that the decision to push for a rapid negotiation appears to have placed the Department of Justice at a disadvantage, given Microsoft's apparently willingness to let this matter drag on for years, through different USDOJ antitrust chiefs, Presidents and judges. The proposal is obviously limited in terms of effectiveness by the desire to obtain a final order that is agreeable to Microsoft. We are disappointed of course to see a move away from a structural remedy, which we believe would require less dependence upon future enforcement efforts and good faith by Microsoft, and which would jump start a more competitive market for applications. Within the limits of a conduct- only remedy, we make the following observations.

On the positive side, we find the proposed final order addresses important areas where Microsoft has abused its monopoly power, particularly in terms of its OEM licensing practices and on the issue of using interoperability as a weapon against consumers of non-Microsoft products. There are, however, important areas where the interoperability remedies should be stronger. For example, there is a need to have broader disclosure of file formats for popular office productivity and multimedia applications. Moreover, where Microsoft appears be given broad discretion to deploy intellectual property claims to avoid opening up its monopoly operating system where it will be needed the most, in terms of new interfaces and technologies. Moreover, the agreement appears to give Microsoft too many opportunities to undermine the free software movement.

We also find the agreement wanting in several other areas. It is astonishing that the agreement fails to provide any penalty for Microsoft's past misdeeds, creating both the sense that Microsoft is escaping punishment because of its extraordinary political and economic power, and undermining the value

of antitrust penalties as a deterrent. Second, the agreement does not adequately address the concerns about Microsoft's failure to abide by the spirit or the letter of previous agreements, offering a weak oversight regime that suffers in several specific areas. Indeed, the proposed alternative dispute resolution for compliance with the agreement embraces many of the worst features of such systems, operating in secrecy, lacking independence, and open to undue influence from Microsoft.

OEM Licensing Remedies

We were pleased that the proposed final order provides for non-discriminatory licensing of Windows to OEMs, and that these remedies include multiple boot PCs, substitution of non-Microsoft middleware, changes in the management of visible icons and other issues. These remedies would have been more effective if they would have been extended to Microsoft Office, the other key component of Microsoft's monopoly power in the PC client software market, and if they permitted the removal of Microsoft products. But nonetheless, they are pro-competitive, and do represent real benefits to consumers.

Interoperability Remedies

Microsoft regularly punishes consumers who buy non-Microsoft products, or who fail to upgrade and repurchase newer versions of Microsoft products, by designing Microsoft Windows or Office products to be incompatible or non- interoperable with competitor software, or even older versions of its own software. It is therefore good that the proposed final order would require Microsoft to address a wide range of interoperability remedies, including for example the disclosures of APIs for Windows and Microsoft middleware products, non-discriminatory access to communications protocols used for services, and non-discriminatory licensing of certain intellectual property rights for Microsoft middleware products. There are, however, many areas where these remedies may be limited by Microsoft, and as is indicated by the record in this case, Microsoft can and does take advantage of any loopholes in contracts to create barriers to competition and enhance and extend its monopoly power.

Special Concerns for Free Software Movement

The provisions in J.1 and J.2. appear to give Microsoft too much flexibility in withholding information on security grounds, and to provide Microsoft with the power to set unrealistic burdens on a rival's legitimate rights to obtain interoperability data. More generally, the provisions in D. regarding the sharing of technical information permit Microsoft to choose secrecy and limited disclosures over more openness. In particular, these clauses and others in the agreement do not reflect an appreciation for the importance of new software development models, including those ''open source'' or ''free'' software development models which are now widely recognized as providing an important safeguard against Microsoft monopoly power, and upon which the Internet depends.

The overall acceptance of Microsoft's limits on the sharing of technical information to the broader public is an important and in our view core flaw in the proposed agreement. The agreement should require that this information be as freely available as possible, with a high burden on Microsoft to justify secrecy. Indeed, there is ample evidence that Microsoft is focused on strategies to cripple the free software movement, which it publicly considers an important competitive threat. This is particularly true for software developed under the GNU Public License (GPL), which is used in GNU/Linux, the most important rival to Microsoft in the server market. Consider, for example, comments earlier this year by Microsoft executive Jim Allchin: http://news.cnet.com/news/0–1003–200–4833927.html ''Microsoft exec calls open source a threat to innovation,'' Bloomberg News, February 15, 2001, 11:00 a.m. PT

One of Microsoft's high-level executives says that freely distributed software code such as Linux could stifle innovation and that legislators need to understand the threat.

The result will be the demise of both intellectual property rights and the incentive to spend on research and development, Microsoft Windows operating-system chief Jim Allchin said this week. Microsoft has told U.S. lawmakers of its concern while discussing protection of intellectual property rights . . .

''Open source is an intellectual-property destroyer,'' Allchin said. ''I can't imagine something that could be worse than this for the software business and the intellectual-property business.'' . . .

In a June 1, 2001 interview with the Chicago Sun Times, Microsoft CEO Steve Ballmer: again complained about the GNU/Linux business model, saying ''Linux is a cancer that attaches itself in an intellectual property sense to everything it touches. That's the way that the license works,''1 leading to a round of new stories, including for example this account in CNET.Com: http://news.cnet.com/news/0–1003–200–6291224.html ''Why Microsoft is wary of open source: Joe Wilcox and Stephen Shankland in CNET.com, June 18, 2001. There's more to Microsoft's recent attacks on the open-source movement than mere rhetoric: Linux's popularity could hinder the software giant in its quest to gain control of a server market that's crucial to its long-term goals.

Recent public statements by Microsoft executives have cast Linux and the open-source philosophy that underlies it as, at the minimum, bad for competition, and, at worst, a ''cancer'' to everything it touches.

Behind the war of words, analysts say, is evidence that Microsoft is increasingly concerned about Linux and its growing popularity. The Unix-like operating system ''has clearly emerged as the spoiler that will prevent Microsoft from achieving a dominant position'' in the worldwide server operating-system market, IDC analyst A1 Gillen concludes in a forthcoming report*

. . . While Linux hasn't displaced Windows, it has made serious inroads. . .] . . In attacking Linux and open source, Microsoft finds itself competing ''not against another company, but against a grassroots movement,'' said Paul Dain, director of application development at Emeryville, Calif.- based Wirestone, a technology services company*

. . . Microsoft has also criticized the General Public License (GPL) that governs the heart of Linux. Under this license, changes to the Linux core, or kernel, must also be governed by the GPL. The license means that if a company changes the kernel, it must publish the changes and can't keep them proprietary if it plans to distribute the code externally. . .

Microsoft's open-source attacks come at a time when the company has been putting the pricing squeeze on customers. In early May, Microsoft revamped software licensing, raising upgrades between 33 percent and 107 percent, according to Gartner. A large percentage of Microsoft business customers could in fact be compelled to upgrade to Office XP before Oct. 1 or pay a heftier purchase price later on.

The action ''will encourage—'force'' may be a more accurate term—customers to upgrade much sooner than they had otherwise planned,'' Gillen noted in the IDC report* ''Once the honeymoon period runs out in October 2001, the only way to ''upgrade'' from a product that is not considered to be current technology is to buy a brand-new full license.''

This could make open-source Linux's GPL more attractive to some customers feeling trapped by the price hike, Gillen said. ''Offering this form of ''upgrade protection'' may motivate some users to seriously consider alternatives to Microsoft technology.'' . . .

What is surprising is that the US Department of Justice allowed Microsoft to place so many provisions in the agreement that can be used to undermine the free software movement. Note for example that under J.1 and J.2 of the proposed final order, Microsoft can withhold technical information from third parties on the grounds that Microsoft does not certify the ''authenticity and viability of its business,'' while at the same time it is describing the licensing system for Linux as a ''cancer'' that threatens the demise of both the intellectual property rights system and the future of research and development.

The agreement provides Microsoft with a rich set of strategies to undermine the development of free software, which depends upon the free sharing of technical information with the general public, taking advantage of the collective intelligence of users of software, who share ideas on improvements in the code. If Microsoft can tightly control access to technical information under a court approved plan, or charge fees, and use its monopoly power over the client space to migrate users to proprietary interfaces, it will harm the development of key alternatives, and lead to a less contestable and less competitive platform, with more consumer lock-in, and more consumer harm, as Microsoft continues to hike up its prices for its monopoly products.

Problems with the term and the enforcement mechanism Another core concern with the proposed final order concerns the term of the agreement and the enforcement mechanisms. We believe a five-to-seven year term is artificially brief, considering that this case has already been

litigated in one form or another since 1994, and the fact that Microsoft's dominance in the client OS market is stronger today than it has ever been, and it has yet to face a significant competitive threat in the client OS market. An artificial end will give Microsoft yet another incentive to delay, meeting each new problem with an endless round of evasions and creative methods of circumventing the pro-competitive aspects of the agreement. Only if Microsoft believes it will have to come to terms with its obligations will it modify its strategy of anticompetitive abuses.

Even within the brief period of the term of the agreement, Microsoft has too much room to co-opt the enforcement effort. Microsoft, despite having been found to be a law breaker by the courts, is given the right to select one member of the three members of the Technical Committee, who in turn gets a voice in selecting the third member. The committee is gagged, and sworn to secrecy, denying the public any information on Microsoft's compliance with the agreement, and will be paid by Microsoft, working inside Microsoft's headquarters. The public won't know if this committee spends its time playing golf with Microsoft executives, or investigating Microsoft's anticompetitive activities. Its ability to interview Microsoft employees will be extremely limited by the provisions that give Microsoft the opportunity to insist on having its lawyers present. One would be hard pressed to imagine an enforcement mechanism that would do less to make Microsoft accountable, which is probably why Microsoft has accepted its terms of reference.

In its 1984 agreement with the European Commission, IBM was required to affirmatively resolve compatibility issues raised by its competitors, and the EC staff had annual meetings with IBM to review its progress in resolve disputes. The EC reserved the right to revisit its enforcement action on IBM if it was not satisfied with IBM's conduct.

The court could require that the Department of Justice itself or some truly independent parties appoint the members of the TC, and give the TC real investigative powers, take them off Microsoft's payroll, and give them staff and the authority to inform the public of progress in resolving compliance problems, including for example an annual report that could include information on past complaints, as well as suggestions for modifications of the order that may be warranted by Microsoft's conduct. The TC could be given real enforcement powers, such as the power to levy fines on Microsoft. The level of fines that would serve as a deterrent for cash rich Microsoft would be difficult to fathom, but one might make these fines deter more by directing the money to be paid into trust funds that would fund the development of free software, an endeavor that Microsoft has indicated it strongly opposes as a threat to its own monopoly. This would give Microsoft a much greater incentive to abide by the agreement.

Failure to address Ill Gotten Gains

Completely missing from the proposed final order is anything that would make Microsoft pay for its past misdeeds, and this is an omission that must be remedied. Microsoft is hardly a first time offender, and has never shown remorse for its conduct, choosing instead to repeatedly attack the motives and character of officers of the government and members of the judiciary.

Microsoft has profited richly from the maintenance of its monopoly. On September 30, 2001, Microsoft reported cash and short-term investments of $36.2 billion, up from $31.6 billion the previous quarter—an accumulation of more than $1.5 billion per month.

It is astounding that Microsoft would face only a ''sin no more'' edict from a court, after its long and tortured history of evasion of antitrust enforcement and its extraordinary embrace of anticompetitive practices—practices recognized as illegal by all members of the DC Circuit court. The court has a wide range of options that would address the most egregious of Microsoft's past misdeeds. For example, even if the court decided to forgo the break-up of the Windows and Office parts of the company, it could require more targeted divestitures, such as divestitures of its browser technology and media player technologies, denying Microsoft the fruits of its illegal conduct, and it could require affirmative support for rival middleware products that it illegally acted to sabotage.

Instead the proposed order permits Microsoft to consolidate the benefits from past misdeeds, while preparing for a weak oversight body tasked with monitoring future misdeeds only. What kind of a signal does this send to the public and to other large corporate law breakers? That economic crimes pay!

Please consider these and other criticisms of the settlement proposal, and avoid if possible yet another weak ending to a Microsoft antitrust case. Better to send this unchastened monopoly juggernaut a sterner message. 1 http://www.suntimes.com/output/tech/cst-fin-micro01.html ''Microsoft CEO takes launch break with the Sun-Times,'' Chicago Sun Times, June 1, 2001.

James Love
Consumer Project on Technology
P.O. Box 19367, Washington, DC 20036
http://www.cptech.org, mailto:love@cptech.org
voice: 1.202.387.8030 fax 1.202.234.5176
mobile 1.202.361.3040

MTC–00028314

From: Drgesq2@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 2:10pm
Subject: Microsoft Settlement!!!!!—-Tunney Act Period

Attn: DOJ and Judge: This note is to support the proposed settlement in the Microsoft case. It is about time this case be ended. In all the years of watching litigation, this case is the clearest example I have ever sceen of a competitor induced lawsuit. Clearly, the Clinton Adm raised millions and got the Calif. electoral votes in exchange for this case. Further, so called judge jackson railroaded Microsoft in every aspect of the case. As a CONSUMER the prices paid by me and every one else is essentially nominal to the benefits realised by use of this software.

Each computer based ahrdware and software company seeks to use their innovation over the competition. These competitors just dont have the skill and talent to realize the kind of success that has come to Microsoft. Please put an end to this matter as clearly as can be done.

Thank You!!
David R. Gray, Esq.
(drgesq2@aol.com)

MTC–00028315

From: LETTIE POE
To: Microsoft ATR
Date: 1/28/02 2:11pm
Subject: ''Microsoft Settlement''

Gentlemen:

URGENT REQUEST!!!

Three years ago, the U. S. Department of Justice charged Microsoft with having engaged in anti-competitive behavior based on allegations by its top competitors. I feel that Microsoft was singled out in this action taken, and now I realize that The Justice Department is in the final stages of deliberating on the proposed Microsoft settlement to decide whether to accept the settlement or to litigate it further.

Personally, I believe that the proposed settlement offers a reasonable compromise that will enhance the ability of seniors, like myself, and all Americans, as well, to access the internet and use innovative software products to make their computer experience easier and more enjoyable. I am e-mailing you at this time to request that you not allow Microsoft's competitors to undermine the settlement negotiated with the federal government and nine states; although, the settlement is tough on Microsoft as it is, I feel it is a fair outcome for all parties concerned particularly senior consumers. I feel that it not only will benefit the seniors, but this settlement more importantly will have a very positive impact on the American economy and will help to pull the Country from the jaws of recession in which we have been experiencing over the past year.

I feel that consumer interests have been served well, and that now the time has come to end this costly and damaging litigation. Continuing with this legal battle further will only benefit the wealthy competitors, lawyers, and special interest groups.

Please do not litigate this matter further, and go ahead and accept the settlement for the betterment of the public interest; all the Country.

Sincerely,
Lettie Ann Poe
2214 Hemerick Place
Clearwater, FL 33765–2227
Telephone Number (727) 796–6992
E-mail lapoe5@msn.com
CC: Lettie Ann Poe

MTC–00028316

From: a p
To: Microsoft ATR
Date: 1/28/02 2:11pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally-

I implore you to reconsider the guidelines set forth in the Proposed Final Judgment. Most honorable one, please analyzes the true facts in the final settlement and judge

accordingly. In the past week it has been brought to my attention a most astonishing development in the MS case. A Final Settlement has been reached between the two parties. However, based on the details provided to me, the PFJ overturns findings by the U.S. Court of Appeals indicts Microsoft on violating antitrust laws. After further review of the proposed settlement I find it hard to believe the Justice Department would withdraw their charges against Microsoft. In fact, based on the assessments made on the proposal, Microsoft will go scotch free from any charges of wrong doing in the matter. How can this be?

There are several glaring flaws in the PFJ. However, non-so more apparent than allowing an absentee landlord to govern Microsoft. With all due respect, the final settlement provides no security to restrict MS from breaking any laws in the future. In my humble yet accurate opinion, the future governing body, implementing certain rules or regulations and forcing MS to adhere by them, will not be stringent nor forceful enough to make any dramatic changes.

Similarly, I am not convinced that these stiff penalties applied to MS will ensure the security and future growth of other companies. A stiffer penalty and a whole new framework of laws must be established to justly punish MS. The Proposed Final Judgment abstains from such justification and order. I conclude therefore by objecting to the Proposed Final Judgment.

All the Best,
Ariel Paraso
3450 West 8539 South
West Jordon, UT 84088

MTC–00028317

From: Grant Young(b)
To: Microsoft ATR
Date: 1/28/02 2:11pm
Subject: Microsoft Settlement
January 28, 2002
Renata Hesse, Trial Attorney
Antitrust Division—US Department of Justice
601 D Street NW—Suite 1200
Washington, DC 20530
microsoft.atr@usdoj.gov
Attorney Hesse:

I am emailing to urge the approval of the settlement of the Microsoft antitrust case. The DOJ, Microsoft and the Attorney Generals that have signed onto this case deserve enormous credit for finding a way to settle this case.

Our economy is the envy of the rest of the world because we have created a successful free-market based competition. As with any competition there are winners and losers. Microsoft has been the leader of the software industry for so many years because they create good products at a decent price. The people who run this company have worked hard to achieve this and work even harder to protect the companies leading status.

While there are those who believe Microsoft has engaged in unfair practices and even harmed consumers, I fail to see where this has been proven over the last 4 years of this case. I believe that many of those involved in this case have come to see it is a losing battle. Microsoft will not be broken up.

Settleing this case is the right thing to do.

Respectfully,
Grant Young
3000 Grand Avenue, #910
Des Moines, Iowa 50312
grantyoung72@hotmail.com

MTC–00028318

From: richard sonnier
To: Microsoft ATR
Date: 1/28/02 2:06pm
Subject: [Fwd: Microsoft kills Real World/ Great Plains Classic]

direct quote from letter to customers dated january 22,2002.

''Your Microsoft Great Plains Classic accounting solution (peviously known as Real World Classic) has benn an important part f both your and our business success, Since it has been available many companyies have relied on Classic to accurately track and report financial information, we are proud to have played a role in your business in the past and we hope to play that role in the future.''

''due to the flexibility of Windows-based products, sales of Classic have been dropping, with demand for technical support steadily declining.

TEREFORE WE ARE ANNOUNCING THAT TELEPHONE SUPPORT OF CLASSIC WILL END JANUARY 31,2003, AND ELECTRONIC SUPPORT WILL END MARCH31,2003, iN ADDITION SALES OF CLASSIC WILL END JUNE 30,2002, THIS NOTICE GIVES YOU ADEQUATE TIME TO WEIGH YOUR OPTIONS AND DETERMINE YOUR NEXT STEP''

1. CLASSIC RUNS ON MANY PLATFORMS (UNIX,DOS,IBM,SUN, HP) AND THE ONLY OPTIONS GIVEN TO CUSTOMERS IS CONVERT AT EXTREME EXPENSE TO ''WINDOWS-BASED''.

2. THE SALES AND SUPPORT ARE DECLINING BECUASE MICROSOFT HAS NOT FURNISHED ANY ENCHANCEMENTS!!!!

3. MICORSOFT PURCHASED GREAT PLAINS WHICH HAD PREVIOUSLY PURCHASED REAL WORLD LESS THEN 1 YEAR AGO.

AND ARE NOT ELIMINATEING 20,000+ USERS PF OTHER PLATFORMS. tHIS IS A CLEAR VIOLATIONS OF ANTITRUST.

BY THE WAY MICROSOFT DID THE EXACT SAME THING ''FOX SOFTWARE'' BOUGHT/CHANGED TO FOXPRO ''WINDOWS-BASE:'' AND ELIMINATED OTHER PLATFORMS.

RICHARD L. SONNIER
GULF CENTRAL SYSTEMS
800 MIRE STREET
HOUMA, LA 70364
985–851–6674
RLS0938@AOL.COM

MTC–00028319

From: James Hertzog
To: Microsoft ATR
Date: 1/28/02 2:12pm
Subject: microsoft

Dear Mr. Ashcroft:

Why are you not letting Microsoft get back to work? Please encourage research and development in our country instead of persecuting it.

Sue N. Hertzog
248 Hwy 289N
Ash Flat, AR 72513

MTC–00028320

From: Stephen Calandrino
To: Microsoft ATR
Date: 1/28/02 2:13pm
Subject: Microsoft Settlement

8 Domidion Court
Middletown, New Jersey 07748
January 3, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I am writing you to express my belief that the time has come to end the Microsoft antitrust case. The Justice Department's proposed settlement plan should be implemented immediately.

I believe the plan is more than fair from the complainants'' standpoint. The procedures and policies Microsoft will adopt exceed the original demands of its competitors. Microsoft will have to share code, change marketing and licensing practices, and submit to government oversight. The company will open itself up to more than mere market competition; it will be required to aid its competitors. This is more than sufficient.

This company should be allowed to return to the business of developing and producing the world's most accessible computer systems. It's time to end this case.

Sincerely,
Stephen Calandrino

MTC–00028321

From: AmericoC@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/28/02 2:11pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Americo Cardillo
168 Lake Garden Dr.
Cranston, RI 02920

MTC–00028322

From: Bryce Carey
To: Microsoft ATR
Date: 1/28/02 2:11pm
Subject: Microsoft Settlement

Hello,

I understand you are collecting comments on the proposed Microsoft settlement under the provisions of the Tunney Act. Please count me as an interested party (consumer and citizen) who is OPPOSED to the settlement as it currently stands.

I would like to see the settlement re-negotiated with terms that are more carefully selected to protect competitors to Microsoft and especially to change the provisions that could potentially allow Microsoft to inhibit competition from non-commercial software projects such as the Open Source software available on the GNU/Linux platform. As a Monopoly, Microsoft must be actively restricted from tilting the proverbial ''level playing field'' by their legal and marketing influences. I do not think the current settlement proposal does enough to assure a fair competitive environment.

Thank you,
Ralph Bryce Carey
rbcarey@pima.edu
Instructional Specialist,
Aztec Middle College,
Tucson Unified School District
Tucson, Arizona

MTC–00028323

From: Jules Feldmann
To: Microsoft ATR
Date: 1/28/02 2:16pm
Subject: Microsoft Settlement

January 28, 2002

TO: Renata B. Hesse

U.S. Department of Justice

In 1976, I purchased a computer to use in my business. It was an IBM and I was forced to use their proprietary ''operating system.'' Application programs for this computer were limited as to vendors because each vendor had to develop their software for use on a specific machine or operating system.

When Microsoft entered the scene, they utilized an ''open architecture'' approach allowing their ''operating system'' to utilize any brand of computer. Because their ''operating system'' was not specific to a particular hardware brand, the soffware application developers were able to write application programs that would work on any computer running the DOS operating system. Because of this ''open architecture'' we consumers were given the choice of many more computer hardware manufacturers, rather than being limited to the manufacture's computer that ran our intended application.

There are several operating systems available that offer an alternative to MS DOS or Windows. Microsoft has been a boon to the small business computer user and to the U.S economy as well.

The government's antitrust activities directed at Microsoft has damaged our economy to a much greater extent than leaving Microsoft to the forces of a free market.

I believe in free markets and I am convinced that a new competitor would have eventually developed a challange to Microsoft by offering a viable alternative.

It is time for the government to stop pursuing this destructive course of antitrust prosecution.

Accept the settlement and let the industry move forward.

Thank you for taking the time to listen to my concerns.

Jules Feldmann, CPA
cpand@minot.com

MTC–00028324

From: D P
To: Microsoft ATR
Date: 1/28/02 2:15pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally,

I oppose the proposed resolution in the MS case, better know as the Proposed Final Judgment. Over and above the usual economic risks presented by an unchecked monopolist—rising prices and monochromatic innovation the nations computer infrastructure will be increasingly vulnerable to attack if a single software system predominates.

Obviously I am referring to Microsoft.

Suppose that 80 or 90percent of the world's grain supply came from a single variety of corns. We would be faced with the unacceptable risk that some single disease, might wipe out an enormous portion of our food supply. Having only one kind of operating system or one kind of browser would make it terribly easier for saboteurs to bring the entire Internet to its knees. For one entity, such as Microsoft, to control 80 to 90 percent of the market for PC operating systems, Internet browsers, e-mail readers, and office productivity software is clearly a significant security risk. To then allow that monopoly to actively attempt to drive out its remaining competition would hardly be in the public interest. Diversity is the key in producing economic prosperity and improving the society as a whole.

It's now up to you, Judge Kollar-Kotally, to decide whether the proposed settlement between Microsoft and the DoJ is a correct and just solution. However I believe it contains too many loopholes to create the desired effect, changing MSs behavior, let alone bring forth a certain types of diversity which would enhance our security.

Kind Regards,
Debbie Paraso
3450 West 8539 South
West Jordon, UT 84088

MTC–00028325

From: wad@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/28/02 2:17pm
Subject: Microsoft Settlement

As a professional developing both computer hardware and software, I feel that the proposed DOJ settlement with Microsoft will not prevent Microsoft from continuing to act contrary the the best interest of the public.

In particular, non-profit organizations are particularly harmed by allowing Microsoft to refuse cooperation. If non-profit organizations developing software for free distribution are not in the public interest, what is ? Microsoft became the unstoppable behemoth that it is today through unsavory and illegal commercial tactics. It must be held accountable and punished.

The proposed DOJ settlement appears to be written by Microsoft, for Microsoft.

Please strike down this proposal, and continue to pursue a solution which adequately addresses past Microsoft actions, and prevents future abuses.

Sincerely,
John A. Watlington
4 Pinewood Rd.
Acton, MA 01720

MTC–00028326

From: Philip I. Long
To: Microsoft ATR
Date: 1/28/02 2:15pm
Subject: Microsoft Settlement

As I'm sure many have pointed out, the current settlement is deficient for many reasons. I would like try to summarize the most important issues as I see them:

Microsoft was found to be a monopolist due to the applications barrier to entry. Microsoft has shown itself very adept at leveraging it's desktop monopoly to creating barriers to entry, as well as defending that desktop monopoly. Therefore an effective settlement must take into account that the monopolist is strong, smart, unrepentant, and resistant to any measures that diminish it's control.

The necessary and sufficient remedy to a monopolist is the possibility for competition in this case, several things would be helpful to allow this to occur:

1) Microsoft must lack the ability to use intellectual property protection (patents, trade secrets, etc.) to prevent —any— entity (company, open source coalition, etc.) to create and distribute (in any way they choose) their own implementation of Microsoft functionality in any of their products. In other words, they must not be allowed any means to stop another entity from creating and distributing their own implementation of anything they want.

2) Microsoft must expose the functional specifications of all of their products so that others could implement them. This includes protocols, file formats, APIs, etc. It should also include all information it's own developers have regarding future directions. I should emphasize that I believe that Microsoft has a right to keep secret their own implementation. Requiring the monopolist to publish the source code to all of their software (without granting the license to copy or compile it) would be effective, but would go too far in my opinion.

3) Microsoft should be prohibited from using their PC desktop monopoly to promote (in any way) other business initiatives. Eastman Kodak's experience with their photo software is telling cautionary tale on this point. As is AOL's/Real's struggles with the MS media player. In particular, the control Microsoft aims to obtain with passport is in need of very close scrutiny. Any effective settlement should prevent the monopolist from approaching these or other initiatives in this manner.

4) Any settlement should prohibit Microsoft from taking any action that discourages alternative desktop operating system adoption. A particularly egregious examples is the rumored OEM license agreement prohibiting the ability to boot to other operating systems if a Microsoft operating system is also present. This works

to prevent Dell, Gateway, etc. from giving the public an option to have a PC that would multiboot BE, Linux, etc. in addition to windows. Clearly this helps the monopolist maintain it's monopoly, but hurts consumers. Another example would be discontinuing existing support of on alternative platforms. Microsoft should be prohibited from, for example, releasing windows versions of MS Office without simultaneously releasing a Mac version. I would not go so far as to say that they should be forced to release a Linux version of Office, but that would be nice (and I'd buy it if they did even at full retail of $500 or whatever they are charging these days).

5) Because the harm they cause is hidden in secret agreements, Microsoft should be prohibited from keeping secret any contracts they enter into.

They should all be available for public review.

I believe that Microsoft would balk at any settlement that effectively addressed any of these points. That they object should not be of any concern to the public or justice because they benefit from intellectual property laws (cf their BSA campaign). As they have built their corporation on the benefit of these laws and have been found to have gone too far and become a monopoly, they must be subject to measures that could not be fairly applied to an entity that had not violated the law to the detriment of consumers. I do not expect them to take kindly to the notion that they must compete on price and quality alone, but it would be of great benefit to consumers, innovation, and the global economy if they had to.

I urge the Department of Justice to ensure that any settlement effectively address these concerns.

Thank You,
Philip Long
373 Daniels Rd.
Barboursville, VA 22923–2808
—
Phil Long
Lead Software Applications Development Engineer, The MITRE Corporation's
Center for Advanced Aviation System Development
Voice: (703) 883–5810 Fax: (703) 883–1367

MTC–00028327

From: Peter Olend
To: Microsoft ATR
Date: 1/28/02 2:16pm
Subject: Microsoft Settlement
4848 Carberry Creek Road
Jacksonville, OR 97530–9329
January 15, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I was pleased to hear that the Department of Justice and many of the states decided to settle the Microsoft antitrust case. I would like the judge handling the case to approve the settlement.

In my opinion, this case should never have been brought against Microsoft. Through hard work and innovation, Microsoft has changed our world for the better. Microsoft has broken the inter-operability barrier and operational obfuscation that the likes of IBM, Sperry-Rand, Digital Equipment Corporation, Varian, ATT and others carefully nurtured prior to the 1980's.

For this, Microsoft is being punished under the guise that they have engaged in anti-competitive behavior. Do you remember the way ATT handled the release of the original Kernigan and Ritchy UNIX into the public domain and the antics of the ''UNIX Consortium''? That was anti-competitive behavior. Nothing breeds contempt like success. However, in the interest of wrapping up this suit, I support Microsoft's decision to be bound by the terms of the settlement agreement.

Microsoft has gone so far as agreeing to disclose to its competitors various interfaces internal to the Windows operating system. As a development systems engineer, I find nothing inhibiting about the public interfaces. They have also agreed not to take action against those who violate Microsoft's intellectual property rights. Similarly, they will not take action against computer manufacturers who ship computers containing the competition's software.

Settling this case is in the best interests of all involved. I urge the Court to approve this settlement agreement. Thank you.

Sincerely,
Peter Olend

MTC–00028328

From: Chauncey Orton
To: Microsoft ATR
Date: 1/28/02 2:18pm
Subject: Microsoft Settlement

Attached is our pro-opinion for the settlement of the Microsoft case.

CC: fin@mobilizationoffice.com@inetgw
29651 Wilhite Lane
Valley Center, CA 92082
January 27,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

Approval of the Microsoft case settlement will be in the best interests of America. The case has gone on long enough for the parties to state their cases and present their evidence. Also, the settlement addresses all the issues in the litigation and goes beyond the scope of the litigation. The parties could agree to terms beyond the litigation, but the judge would be restricted to only the formal issues. So, the settlement is better than anything even the judge could do. What is more, the settlement means that there would be no time consuming and potentially derailing court proceedings. The economy does not have stability needed for growth when one of America's leading industries is in an unsettling wrangle.

The settlement will provide greater flexibility, cooperation and stability within the information technology industry. Microsoft will open up its business practices and software code. A committee of technically skilled and recognized software engineering expert parishioners will see that the terms are followed and hear and investigate any complaints.

Enriching our legal system further is counter productive to expanding businesses. A one time legal business charge this past year, of 2/3 of a billion dollars to defend itself from its own government, is outrageous. The U.S. government is very concerned about what Enron did to their employee's retirement funds and they should be. But on a much larger scale, the government should look at what their actions did to the Microsoft stockholders'' retirement funds.

We look forward to your leadership of bringing the Gov. vs. Microsoft's legal case to an end and focus on the real threat against the U S.- the terrorist.

Thank you.
Sincerely,
Steve and Suzanne Orton
cc: Representative Darrell Issa

MTC–00028329

From: ROSEFR@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 2:21pm
Subject: I support the settlement
Rose Ryba Pomeranz
16 High Meadow Lane
Oyster Bay Cove, NY 11771

MTC–00028330

From: Lee Kenna
To: Microsoft ATR
Date: 1/28/02 2:20pm
Subject: Microsoft Settlement

I believe that the Proposed Final Judgement in the Microsoft case is flawed, principally because it allows continued ''bolting'' of non— integral software to the Windows operating system, in such a way as to minimize the opportunity for other (non -Microsoft) competing products in the market space for these types of non—integral software. Competitiveness and the American economy are not served by allowing Microsoft, in spite of the Judges'' ruling that they had acted unlawfully, to continue these practices.

Respectfully,
Lee M. Kenna
CEO
SIMCO Electronics
1178 Bordeaux Drive
Sunnyvale, Ca. 94089
Tel 408–734–9750

MTC–00028331

From: G M
To: Microsoft ATR
Date: 1/28/02 2:20pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally,

I am opposed to the back-room deal cut between Microsoft and the DoJ. Several close friends and relatives have informed of this matter entailing a proposed settlement, notoriously understood as the Proposed Final Judgment. Truthfully from where I sit, I dont like what I see.

I cant believe the Justice Dept. threw out all court findings indicting Microsoft for all illegal activities. First of all the Proposed Final Judgment grants MS a government mandated monopoly that threatens to destroy any and all serious Microsoft competitors. Im all for free enterprise and what it symbolizes. To strike a huge blow against the spirit of free enterprise, one need not look any further than to allow MS to monopolize every sector, whether it is the gaming industry or the

software industry, by eradicating most if not all competitors. By all means diversity is one essential ingredient in maintaining a healthy industry and more importantly a thriving economy.

I submit my disapproval to the Proposed Final

Judgment.

Kind Regards,

Gladys Montefrio

6024 Palamino Court

Stockton, CA 95210

MTC–00028332

From: McGreal, Martin P.
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 2:40pm
Subject: Microsoft Settlement

This settlement proposal—agreed to by the DOJ and all but nine states— seems alarmingly lenient for a company that was proven not only to be an illegal monopoly, but to have repeatedly abused that monopoly.

I vehemently oppose this settlement, wishing for more austere punishment of the defendant, as well as provisions for the prevention of future monopolisic abuse by the defendant.

Sincerely,

Martin McGreal

St Louis, MO

MTC–00028333

From: Argo, Rich W.
To: Microsoft ATR
Date: 1/28/02 2:10pm
Subject: Microsoft Settlement

I believe that the proposed settlement is a bad idea.

First and foremost, the proposed settlement primarily deals with Microsoft's dealings with OEMs. While this is a start, it does not go nearly far enough.

It also does not appear to enable OEMs to ship a PC with no operating system on it at all. Many users wish to install Linux, FreeBSD or many other free and open source operating systems and should not be forced to pay for an operating system that they do not want to use.

Furthermore, additional provisions need to be implemented in the settlement that will force Microsoft to make versions of Microsoft Office available for the 3 most popular desktop operating systems Currently that would be Linux, Macintosh and Windows. Currently Microsoft only produces versions for Windows and Macintosh. Macs aren't used in the business world very much and are more expensive relative to Intel-based PCs—which is what Microsoft Windows runs on. If there was a version of Office available for Linux, there would then be a choice for consumers that use Intel processors. This would open up competition for operating systems on the Intel processing platform as many businesses are reluctant to switch to another OS since they may not be able to run Office applications. In order to help enforce the spirit of this proposal, provisions would have to be implemented to force Microsoft to release versions of Office concurrently on all platforms.

Additionaly, all Windows API's should be open so that competitors that wish to produce software for Windows would be allowed to compete fairly with Microsofts products. All Microsoft Office file formats should be standardized with an open API so that anyone wishing to compete with an Office-like package could do so fairly.

Microsoft should not under any circumstances be allowed to ship any additional Microsoft software product free of charge along with their Windows operating system. The only exceptions to this rule should be utilities such as Notepad, WordPad and the various command line utilities that currently ship with Windows. Internet Explorer should not ship as a free part of Microsoft Windows. Neither should Microsoft Money. No Microsoft software that competes with another software product should be included with the operating system. If other competing products are offered for download for free from competitor's sites, then Microsoft should be allowed to offer free downloads for those kinds of products, but should not be allowed to ship those with the operating system. If they are allowed to do so, they are unfairly extending their monopoly power. If Microsoft so wishes to ship a software product in with their operating system, they should have to submit that request to a third party committee that would vote on whether or not to allow said inclusion, but only after a 90 day period whereby anyone wishing to protest said inclusion is given the opportunity to do so before the committee in person, via email or paper mail.

If Microsoft is found to have violated any part of the settlement they should be fined a minimum of $1 billion. On the surface, this may sound like an exorbant amount. However, nothing short of this will likely prevent Microsoft from violating the settlement and adequately punish them if they do.

Thank you,

Richard W. Argo

Web Designer, McLeodUSA

MTC–00028334

From: Andrew Hagel
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/28/02 2:26pm
Subject: RE: United States v. Microsoft Settlement

Dear Sir or Madam:

After reviewing the documents concerning the case, it is my personal opinion that the remedies currently proposed by the Department of Justice are in the best interests of the consumer, and that the marketplace is the appropriate competitive venue, as opposed to the court system.

Yours truly,

Andrew Hagel

CC:'andrewhagel(a)mediaone.net''

MTC–00028335

From: jlewin@mail.com@inetgw
To: Microsoft ATR
Date: 1/28/02 2:25pm
Subject: Microsoft Settlement

I would like it to be known that I fully support the settlement proposed by the Government and Microsoft. This decision will bring about stability and confidence to the technology sector and conclude a case that I strongly disagree with. Microsoft makes products that benefit the public. As a software developer who uses Internet Explorer in most of my projects, I've never understood the lawsuit. Why so much attention was directed at I.E. hurting consumers and competitors I will never know. No modern OS would be complete without a web browser. In addition, I.E. is a fantastic product that provides features and functionality that have always surpassed any other products on the market. Please accept this document into record as evidence of one consumer, developer and taxpayer who agrees with settlement hopes to see the case come to a close.

Sincerely,

John Warner Lewin

CC:jlewin@mail.com@inetgw

MTC–00028336

From: Ajay Ramachandran
To: Microsoft ATR
Date: 1/28/02 2:25pm
Subject: Microsoft Settlement.

Hello,

I wanted to write saying that the current settlement in the case seems to be a reasonable one. While I understand that some changes might be necessary I think it very important that the consumers be the ones who gain from any settlement or settlement modification. In this regard specifically it just does not make sense to entertain other competitor wishes, they really ought to work with their customers to provide better products for them instead of attacking Microsoft,

Sincerely,

Ajay S. Ramachandran,

Redmond, WA.

MTC–00028337

From: satteson@pclink.com@inetgw
To: Microsoft ATR
Date: 1/28/02 2:27pm
Subject: Microsoft Settlement

I'm writing to express my reservations about the proposed settlement of the anti-trust case between the United States (as represented by the Justice department) and Microsoft Corporation. I speak as a concerned citizen with broad and significant computing experience. I've used computers in various capacities for over twenty years and have worked with half a dozen different operating system families, including the complete Microsoft family of products from MS-DOS to XP. I also have wide experience with many computer applications from both Microsoft and other parties.

I have provided network and systems administration of Microsoft and Linux systems on a part-time basis and rely on secure and stable computing environments in my primary occupation as a research and development consultant to startup medical device companies.

The proposed settlement offers insufficient redress of Microsoft's previous wrongs and provides too little protection from this company's ongoing anti-competitive practices. While a just settlement should address Microsoft's past practices, I am more concerned that a settlement provide adequate protection to consumers, competitors, and indeed the economy as a whole, from

Microsoft's ongoing and likely future anti-competitive practices.

With the release of it's latest, highly-integrated operating system product, XP, Microsoft has demonstrated that it has no intention of voluntarily curbing the sorts of predatory anti-competitive practices that have enabled it prosper at the expense of competitors and consumers alike. In my experience, succeeding generations of Microsoft operating system products have integrated increasing numbers of middleware applications, and the configuration tools needed to replace these applications with third party products have become more obscure and less effective, locking many consumers into a monolithic, Microsoft-only environment.

The lack of choice implied by Microsoft's monolithic model of computing is contrary to the workings of free market enterprise and is ultimately harmful to consumers. It is apparent that this trend has the goal of maintaining and expanding Microsoft's dominant position in the desktop computing marketplace.

The unnecessarily tight integration of middleware applications into its operating system products is far from the only illegitimate tool that Microsoft has used to dominate the desktop market in the United States. Microsoft has plausibly been accused of: extorting exclusive installation of its products on computers by OEM manufacturers via differential pricing, of corrupting open software standards to gain exclusive access to important domains of computing, and waging so-called FUD (fear, uncertainty and doubt) campaigns against competitors and consumers. An appropriate settlement would address not only the particulars of continued forced, artificial integration of its products but as many of the other tools against free competition that Microsoft has been using as is possible. It is bad public policy and poor economics to allow a single entity to maintain its position in the marketplace via unfair and illegal practices. Among the particular adverse effects of Microsoft's continued anti-competitive behavior are: stifled innovation, corruption of the marketplace, deterioration of the United State's position in the world's information technology economy and unnecessary security vulnerabilities.

Though Microsoft claims to be a leader in innovation, the record suggests that it is instead a follower (or perhaps a gatekeeper) of innovation. The Netscape saga illustrates this point. Microsoft failed to take the internet and its potential seriously until web's usefulness and the great value of effective browser technology were demonstrated by Netscape. Once Netscape was too successful to ignore, Microsoft used all of the anti-competitive tools at its disposal to neutralize Netscape. If Microsoft is allowed to escape effective punishment for this infraction, it will continue its current practices and will be a brake on rather than an engine of innovation. This result would be a loss for everyone, except perhaps Microsoft.

The stifling of innovation is just one of many symptoms of the market distortion created by Microsoft's all too effective use of anti-competitive tactics. There are a number of other ills created by this induced market failure, the most obvious of which are increased prices and lower product quality. Indeed, Microsoft has managed to defy the trends toward lower price and higher quality that typify all other aspects of the computer industry. As hardware has become ever more capable and less expensive, the cost of the software provided by Microsoft has remained high and improvements in quality have been slow and ''grudging'' at best. An overall effect of these opposing trends has been that Microsoft has been able to garner an increasing, and I would say, excessive fraction of every dollar spent on computers. Microsoft is richly rewarded by the market distortions that it has been able to engineer. It is time for these distortions to come to an end, and for the market to freely assert itself. Then the winners will be not only the consumers, who will get better quality at a lower price, but other hardware and software producers who will be able to command a more equitable share of the revenues from their products.

In the long run, Microsoft's illegitimate domination of the domestic information technology (IT) market threatens the United States'' preeminent position in the international IT marketplace. Though Microsoft has a global reach, it is clear that its market power is neither as pervasive nor as potent as it is domestically. Because these overseas markets are less burdened by Microsoft's stifling anti-competitive practices, they can be more efficient and innovative. If this disparity is allowed to persist, it is likely that the United states will suffer an erosion of its now strong position in the world IT economy. The best way for the United States to prevent this deterioration is to open the domestic market to free and fair competition by preventing Microsoft from exerting its anti-competitive tools to distort the domestic IT market.

Microsoft has a history of using its market dominance to gloss over security problems with its products. Rather than act quickly to patch and publicize its security vulnerabilities, Microsoft uses all means at its disposal to suppress news of and information about its security problems. This ''security through obscurity'' approach is well know to be one of the worst possible responses to computer security problems; it leaves the computing community open to security problems for much longer than is necessary. It is typical for weeks or even months to pass between the discovery of a Microsoft security flaw and the company's issuance of a proper security patch. This poor security behavior is completely unacceptable in the face of the heightened security concerns following the events of September 11. Though Microsoft has recently paid lip service to improving the security of its products, it has shown no inclination to replace its antiquated and dangerous security model with a more open, proactive and effective model. Indeed, its recently issued code of security ethics for Microsoft professionals calls for strict adherence to the security through obscurity model. This code dictates that these professionals'' paying customers be kept in the dark regarding security vulnerabilities until such time as Microsft deems it appropriate to reveal the problem. Microsoft's bad citizenship in regard to security is dangerous and should not be tolerated. A properly formulated settlement of the current case should include measures to force Microsoft to follow a more appropriate security model.

Microsoft's anti-competitive practices are not merely illegitimate and contrary to the principles of market capitalism and free enterprise, they greatly harm the American people in a significant number of concrete ways. The proposed settlement fails to address these ills in any meaningful sense. It needs to be reformulated to provide appropriate and strong protection of the market and the people from Microsoft's rapacious and counterproductive practices. A strong and effective settlement would not only serve the cause of justice, it would preserve an important sector of the United States'' economy from unnecessary harm.

It is imperative that the Justice department act in a wise and decisive manner and prevent Microsoft from continuing to isolate itself from market discipline via unfair and illegitimate means.

Michael Satteson,
St. Paul, MN
satteson@pclink.com

MTC–00028337—0004

MTC–00028338

From: Leonard Bernstein
To: Microsoft ATR
Date: 1/28/02 2:26pm
Subject: RE: Microsoft settlement

Please accept the Microsoft settlement and bring this matter to closure.

Thank you,
Leonard Bernstein

MTC–00028339

From: j rim
To: Microsoft ATR
Date: 1/28/02 2:29pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally,

I object to the so-called Proposed Final Judgment in to Microsoft case.

As every one knows, Microsoft continues to violate anti-trust laws set in place many years ago. The Proposed Final Judgment goes against all logic. Previously the US Court, has found Microsoft guilty of breaking the anti-trust laws. However, under the proposed final settlement, MS is permitted to retain most of its profits gained through their illegal activities. The PFJ will not compensate parties injured by the Microsoft debacle.

The PFJ does not take into account all Microsoft gains made through its illegal maneuverings. The final settlement basically acknowledges the acceptance of Microsofts anti-competitive behavior. What kind of message does this send out to the public? Do you think the public will be in favor of such a move?

The PFJ encourages big corporations to engage in monopolistic and predatory conduct, which in turn is detrimental to the technology industry at large. With all due respect your honor, I am outraged at such a preposterous proposal that only helps Microsoft to remain intact and continue with its unethical practices. Thus, I object to this

Proposed Final Judgment. It solves nothing in the matter.

Sincerely,
Simplicio, Tualla Jr.
8959 Tam OShanter Dr.
Stockton, CA 95210

MTC–00028340

From: jason.walker@flyingj.com@inetgw
To: Microsoft ATR
Date: 1/28/02 2:28pm
Subject: Microsoft Settlement
2185 W 6410 N
Brigham City, UT 84302
January 25,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

For nearly four years now, the Microsoft antitrust case has been mired in the federal courts. Finally, after six months of negotiation, Microsoft and the Department of Justice were able to reach an agreement, and in November, their settlement was proposed. That settlement is currently pending approval. Next week, the courts will reconvene and determine whether the settlement serves the best public interest. I ask you, Mr. Ashcroft to support the finalization of the settlement.

Microsoft and the Justice Department have agreed on a wide variety of terms and conditions, all of which are aimed at preventing monopolistic behavior and restoring a competitive balance within the technology market. For example, Microsoft has agreed not to enter into any contracts wherein a third party is compelled to distribute or endorse Microsoft software either exclusively or at a fixed percentage. Microsoft also plans to reformat future versions of Windows so that competitors will be able to introduce their own products directly into the Windows operating system. This will enable computer makers and software developers to use Microsoft as a springboard to launch their own software.

I do not believe that further action against Microsoft needs to be taken on the federal level. In fact, it is likely that extended litigation could be detrimental to an already damaged economy. I ask you to support the finalization of the settlement.

Sincerely,
Jason Walker

MTC–00028341

From: Rick Deno
To: ''microsoft.atr(a)usdoj.gov.''
Date: 1/28/02 2:28pm
Subject: Microsoft Settlement

Lets'' do what is good for the Country and put this litigation behind us.

Time to MOVE ON! I know, AOL and other competitors of Microsoft would love to have Microsoft destroyed, broken up, have all there software coding made public, and all there money taken away. After all, there main crime was competing and being better and smarter than everyone else. Whatever crime thy did commit had nothing to do with them being successful. The Public chose them over Apple, and many other Operating Systems years age because the provided a great produce that worked with a lot of different hardware, which allowed the price of a PC to be affordable. They and there work has only benefited the public, the US economy, and most of Microsoft's competitors. After all, Where would AOL be today if no Microsoft? Do we want to distort the marketplace and get rid of Microsoft? What does this tell the next Microsoft? Don't be too successful or the government will get rid of you. Is this what the free enterprise system is all about? A monopoly is the result of good business moves against bad business moves. This is All about Microsoft's competitors wanting the Government (States and Federal) to do what they couldn't, which is compete.

Thanks,
Richard Deno

MTC–00028342

From: The Young Family
To: Microsoft ATR
Date: 1/28/02 2:28pm
Subject: Microsoft Settlement
——— Original Message ———
From: Microsoft's Freedom To Innovate Network <fin@MobilizationOffice.com>
To: <bsmyoung@adelphia.net>
Sent: Monday, January 28, 2002 2:03 PM
Subject: Attorney General John Ashcroft Letter

Attached is the letter we have drafted for you based on your comments. Please review it and make changes to anything that does not represent what you think. If you received this letter by fax, you can photocopy it onto your business letterhead; if the letter was emailed, just print it out on your letterhead. Then sign and fax it to the Attorney General. We believe that it is essential to let our Attorney General know how important this issue is to their constituents. The public comment period for this issue ends on January 28th. Please send in your letter as soon as is convenient.

When you send out the letter, please do one of the following: * Fax a signed copy of your letter to us at 1–800–641–2255; * Email us at fin@mobilizationoffice.com to confirm that you took action.

If you have any questions, please give us a call at 1–800–965–4376. Thank you for your help in this matter.

The Attorney General's fax and email are noted below.

Fax: 1–202–307–1454 or 1–202–616–9937
Email: microsoft.atr@usdoj.gov

In the Subject line of the e-mail, type Microsoft Settlement.

For more information, please visit these websites: www.microsoft.com/ freedomtoinnovate/ www.usdoj.gov/atr/ cases/ms-settle.htm

January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The Department of Justice and Microsoft have finally reached a decision ending the three-year-long antitrust suit against the company. I want to add my support to this settlement. It has gone on for far too long. We are trying very hard to come out of a economic downturn, which I think was precipitated by the lawsuit, and we need to focus on more important matters than nitpicking over what should be the final decision in the Microsoft lawsuit.

Microsoft has also been more than accommodating with the demands from the Justice Department. Microsoft has agreed to a technical committee to oversee future compliance (consisting of software engineers, not lawyers); Microsoft has agreed to a uniform price list; Microsoft has agreed to internal interface disclosure; Microsoft has agreed to open the company up to third party innovation. This is more than fair.

I urge you to give your support to this agreement.

Sincerely,
Melvin Young
22 Club Drive
illicothe, OH 45601

MTC–00028343

From: Cheryl Stearn
To: Microsoft ATR
Date: 1/28/02 2:29pm
Subject: Microsoft Settlement
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

Microsoft's behavior is such that due to their size and capitalization, they can and will dominate any market they choose. Recently, they decided to compete directly with their ''Microsoft Partners'', firms who integrate and install Microsoft networks by essentially offering the same technical services that firms such as ours do. It is only in the last couple of weeks that Microsoft has rescinded their push to compete with us, primarily, I belive, because they would like us to support them in their fight with the Department of Justice. If this letter is read by Microsoft, I am sure that our business involving their products is toast.

The settlement with Microsoft is a joke. If anything it will tighten Microsoft's hold on the computer market, increase prices and make the US less competitive in the world market.

Sincerely,
Cheryl Stearn
Partner
P.S. Signed pdf document attached
cheryl—stearn@digitalsunrise.com

MTC–00028344

From: Woody McLendon
To: Microsoft ATR
Date: 1/28/02 2:30pm
Subject: Microsoft Settlement comments
January 28, 2002

To Whom it May Concern,

I am writing to express my very strong concern about the nature of the settlement proposal in the DOJ case against Microsoft. I believe that the settlement has major flaws and will do nothing to limit Microsoft in its future attempts to quash competitors in the IT industry.

My work is in IT for a non-profit organization. I use computers daily, including Microsoft products. I do not think Microsoft is ''evil'' but I am greatly

concerned that the company has shown an ongoing history of using its monopoly position to overtake and overwhelm competitors. Microsoft's ''shadow'' on the software and IT industry is huge. They have the ability to out-spend and out-last almost all of their competitors, and if they don't do that, they try to buy them out. With their new products such as Windows XP, Xbox game console, PocketPC handheld computers, they continue the same behavior.

I am not a person that usually writes letters such as this, but because of my involvement in the IT industry and the importance for the future, I felt compelled to write. The recent events with Enron only highlight more fully to me that the US Government has a definite oversight responsibility in industry. I do not believe that market forces alone will protect against abuse. Microsoft has been found to be a monopoly that misuses its position to protect and grow its markets. That behavior must be stopped. Please reconsider the decision and make strong, enforceable structural changes in Microsoft for the good of consumers and the industry. The US Government dealt with monopolistic issues with IBM and the industry did not disappear. Neither did IBM. I believe that the entire computer industry will be better off with a stronger penalty for Microsoft.

Sincerely yours,
William W. McLendon, Jr.
7905 Agape Lane
Waxhaw, NC 28173
woodym@mac.com

MTC–00028345

From: Robert Lancaster
To: Microsoft ATR
Date: 1/28/02 2:30pm
Subject: microsoft settlement

In regard to the settlement between Microsoft Corporation and the Department of Justice: On the findings of the District Court and the Court of Appeal, the settlement is no more than a gift from the DOJ to Microsoft, giving it the right and power to continue its monopolistic and predatory practices in spite of the above- mentioned legal judgements. In fact, its monopoly power would be effectively increased by the failure to require anything which would restrict the ability of XP, Hailstorm, and Microsoft's other current releases to control the user's access to the Internet and the World Wide Web and prevent any other competing innovative products from obtaining a foothold. A radical modification of what appears to be a shameful collusion to allow Microsoft to continue business as usual in defiance of the legal judgements of the courts is imperative for the continuance of free development, innovation, and entrepreneurship in this country (and even to some extent in the developed world).

Robert Lancaster
145 Fairview Lane, Paso Robles, CA

MTC–00028346

From: ROSIEMUS@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 2:31pm
Subject: microsoft settlement
To the Department of Justice:
1/28/02

I strongly believe that Microsoft and the American public deserve a fair, equitable, and timely settlement of the Microsoft dispute. Microsoft is the firm that ''got their first'' and through their innovative technologica and economic skills built the business that exists today. The entire technological industry is exploding now and growth has it's own momentum. Much of it is due to Microsoft that got the ball rolling. Now is the time to quit the haggling and let Microsoft get on with its business, unencumbered by repeated challenges.

I became a small stockholder in the 1980's because my intuition told me they were on track. They had the key that opened the door then, and I believe they still are a wonderful example of American ingenuity in an open market. Have me become a nation that punishes the successful? I hope not.

Sincerely,
Rose Musacchio
52 Bader Avenue
Gowanda,NY 14070

MTC–00028347

From: abelem@mcnet.marietta.edu@inetgw
To: Microsoft ATR
Date: 1/28/02 2:31pm
Subject: Supporting microsoft

Dear Mr. Ashcroft:

I am writing to express to you my approval of the recent settlement in the antitrust dispute between Microsoft and the Department of Justice. The economy needed this settlement. The decline in the stock market began with the attacks on Microsoft.

I sincerely hope litigation on any level is terminated. Thank you for your time and please put me down in favor of the settlement.

Sincerely,
Mona Abele
Marietta, OH

MTC–00028348

From: Tom O'Toole
To: Microsoft ATR
Date: 1/28/02 2:33pm
Subject: To the District Court: Microsoft Antitrust case...
January 28, 2002
Honorable Court Officials,

I am writing today because I have been made aware of the Tunney Act permitting public comment on the proposed settlement between the U.S. Department of Justice and Microsoft Corp.

I strongly believe that the proposed settlement does little or nothing to curb the anticompetitive practices of which Microsoft has been found guilty. In particular, the settlement doesn't resolve the issue of software bundling, which is a fundamental part of the case against Microsoft. Under the terms of the settlement agreement, Microsoft will essentially be given carte blache to include whatever software components they desire into the Windows system which is pre-installed on approximately 90% of computer systems sold, and which has been shown to have a monopoly market. This permits them to continue to use their operating system monopoly to create monopolies in new markets, directly counter to antitrust law.

Microsoft has, in the face of legal action, monopolized the internet browser market, and is in the process of creating a monopoly in audio-visual software with Windows Media Player. The new Windows XP operating system requires users to register with Microsoft. This is just the first part of a plan to maintain a comprehensive database of almost all computer users. It will then be used to monopolize internet commerce using the .NET and Passport services being deployed by Microsoft. This is all being done with blithe disregard to the antitrust findings made by the U.S. court. This attitude (being above the law) was plainly evident in the demeanor of Bill Gates during the trial. Microsoft has preferred to spend vast quantities of money to make the case go away, mostly playing a game of delaying tactics. I feel this settlement gives them exactly what they want, and is antithetical to any concept of fairness.

Microsoft will probably try to ''stuff the ballot box'' with comments in favor of the settlement. It is a well known Microsoft tactic to use pseudo-'grassroots'' marketing efforts on internet newsgroups and bulletin boards, and I expect them to do that in this instance. I urge the court to see through this underhanded scheme and make a decision based on logic, precedent and fairness.

I am a computer user who uses several different systems: Macintosh, Linux and Windows, and I am deeply concerned about the future and what choices we consumers will have. Thank you very much for your time. I'm confident you will do the right thing.

Tom O'Toole
5885 El Cajon Blvd. #317
San Diego, CA 92115
ereiamjh@pacbell.net

MTC–00028349

From: sturde@az.com@inetgw
To: Microsoft ATR
Date: 1/28/02 2:33pm
Subject: Re: MS Settlement

Dear Madam:

The communication below states far more ably than I the reason the proposed DOJ/MS settlement is so objectionable. It simpley will not break the monopoly. If there is anti-trust law, if anti-trust law applies to MS and since MS has violated anti-trust law, then how will the proposed settlement break MS monopoly. It simpley will not.

James Sturdevant
Subject: Microsoft Settlement
Date: January 28, 2002
To: Renata B. Hesse Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Email: microsoft.atr@usdoj.gov
(Note: In the Subject line of the e-mail, type Microsoft Settlement.) Fax 1–202–307–1454 or 1–202–616–9937
From: Ralph Nader
P.O. Box 19312
Washington, DC 20036
James Love
Consumer Project on Technology
P.O. Box 19367
Washington, DC 20036

Introduction

Having examined the proposed consent final judgment for USA versus Microsoft, we offer the following comments. We note at the outset that the decision to push for a rapid negotiation appears to have placed the Department of Justice at a disadvantage, given Microsoft's apparently willingness to let this matter drag on for years, through different USDOJ antitrust chiefs, Presidents and judges. The proposal is obviously limited in terms of effectiveness by the desire to obtain a final order that is agreeable to Microsoft.

We are disappointed of course to see a move away from a structural remedy, which we believe would require less dependence upon future enforcement efforts and good faith by Microsoft, and which would jump start a more competitive market for applications. Within the limits of a conduct-only remedy, we make the following observations.

On the positive side, we find the proposed final order addresses important areas where Microsoft has abused its monopoly power, particularly in terms of its OEM licensing practices and on the issue of using interoperability as a weapon against consumers of non-Microsoft products. There are, however, important areas where the interoperability remedies should be stronger. For example, there is a need to have broader disclosure of file formats for popular office productivity and multimedia applications. Moreover, where Microsoft appears be given broad discretion to deploy intellectual property claims to avoid opening up its monopoly operating system where it will be needed the most, in terms of new interfaces and technologies. Moreover, the agreement appears to give Microsoft too many opportunities to undermine the free software movement.

We also find the agreement wanting in several other areas. It is astonishing that the agreement fails to provide any penalty for Microsoft's past misdeeds, creating both the sense that Microsoft is escaping punishment because of its extraordinary political and economic power, and undermining the value of antitrust penalties as a deterrent. Second, the agreement does not adequately address the concerns about Microsoft's failure to abide by the spirit or the letter of previous agreements, offering a weak oversight regime that suffers in several specific areas. Indeed, the proposed alternative dispute resolution for compliance with the agreement embraces many of the worst features of such systems, operating in secrecy, lacking independence, and open to undue influence from Microsoft.

OEM Licensing Remedies

We were pleased that the proposed final order provides for non-discriminatory licensing of Windows to OEMs, and that these remedies include multiple boot PCs, substitution of non-Microsoft middleware, changes in the management of visible icons and other issues. These remedies would have been more effective if they would have been extended to Microsoft Office, the other key component of Microsoft's monopoly power in the PC client software market, and if they permitted the removal of Microsoft products. But nonetheless, they are pro-competitive, and do represent real benefits to consumers.

Interoperability Remedies

Microsoft regularly punishes consumers who buy non-Microsoft products, or who fail to upgrade and repurchase newer versions of Microsoft products, by designing Microsoft Windows or Office products to be incompatible or non- interoperable with competitor software, or even older versions of its own software. It is therefore good that the proposed final order would require Microsoft to address a wide range of interoperability remedies, including for example the disclosures of APIs for Windows and Microsoft middleware products, non-discriminatory access to communications protocols used for services, and non-discriminatory licensing of certain intellectual property rights for Microsoft middleware products. There are, however, many areas where these remedies may be limited by Microsoft, and as is indicated by the record in this case, Microsoft can and does take advantage of any loopholes in contracts to create barriers to competition and enhance and extend its monopoly power.

Special Concerns for Free Software Movement The provisions in J.1 and J.2. appear to give Microsoft too much flexibility in withholding information on security grounds, and to provide Microsoft with the power to set unrealistic burdens on a rival's legitimate rights to obtain interoperability data. More generally, the provisions in D. regarding the sharing of technical information permit Microsoft to choose secrecy and limited disclosures over more openness. In particular, these clauses and others in the agreement do not reflect an appreciation for the importance of new software development models, including those ''open source'' or ''free'' software development models which are now widely recognized as providing an important safeguard against Microsoft monopoly power, and upon which the Internet depends.

The overall acceptance of Microsoft's limits on the sharing of technical information to the broader public is an important and in our view core flaw in the proposed agreement. The agreement should require that this information be as freely available as possible, with a high burden on Microsoft to justify secrecy. Indeed, there is ample evidence that Microsoft is focused on strategies to cripple the free software movement, which it publicly considers an important competitive threat. This is particularly true for software developed under the GNU Public License (GPL), which is used in GNU/Linux, the most important rival to Microsoft in the server market.

Consider, for example, comments earlier this year by Microsoft executive Jim Allchin:

http://news.cnet.com/news/0–1003–200–4833927.html ''Microsoft exec calls open source a threat to innovation,'' Bloomberg News, February 15, 2001, 11:00 a.m. PT

One of Microsoft's high-level executives says that freely distributed software code such as Linux could stifle innovation and that legislators need to understand the threat.

The result will be the demise of both intellectual property rights and the incentive to spend on research and development, Microsoft Windows operating-system chief Jim Allchin said this week. Microsoft has told U.S. lawmakers of its concern while discussing protection of intellectual property rights .

''Open source is an intellectual-property destroyer,'' Allchin said. ''''I can't imagine something that could be worse than this for the software business and the intellectual-property business.''

In a June 1, 2001 interview with the Chicago Sun Times, Microsoft CEO Steve Ballmer: again complained about the GNU/Linux business model, saying ''Linux is a cancer that attaches itself in an intellectual property sense to everything it touches. That's the way that the license works,''1 leading to a round of new stories, including for example this account in CNET.Com:

http://news.cnet.com/news/0–1003–200–6291224.html ''Why Microsoft is wary of open source: Joe Wilcox and Stephen Shankland in CNET.com, June 18, 2001. There's more to Microsoft's recent attacks on the open-source movement than mere rhetoric: Linux's popularity could hinder the software giant in its quest to gain control of a server market that's crucial to its long-term goals

Recent public statements by Microsoft executives have cast Linux and the open-source philosophy that underlies it as, at the minimum, bad for competition, and, at worst, a ''cancer'' to everything it touches.

Behind the war of words, analysts say, is evidence that Microsoft is increasingly concerned about Linux and its growing popularity. The Unix-like operating system ''has clearly emerged as the spoiler that will prevent Microsoft from achieving a dominant position'' in the worldwide server operating-system market, IDC analyst A1 Gillen concludes in a forthcoming report.

* While Linux hasn't displaced Windows, it has made serious inroads. . .]. . In attacking Linux and open source, Microsoft finds itself competing ''not against another company, but against a grassroots movement,'' said Paul Dain, director of application development at Emeryville, Calif.- based Wirestone, a technology services company.

Microsoft has also criticized the General Public License (GPL) that governs the heart of Linux. Under this license, changes to the Linux core, or kernel, must also be governed by the GPL. The license means that if a company changes the kernel, it must publish the changes and can't keep them proprietary if it plans to distribute the code externally.

Microsoft's open-source attacks come at a time when the company has been putting the pricing squeeze on customers. In early May, Microsoft revamped software licensing, raising upgrades between 33 percent and 107 percent, according to Gartner. A large percentage of Microsoft business customers could in fact be compelled to upgrade to Office XP before Oct. 1 or pay a heftier purchase price later on.

The action ''will encourage—'force'' may be a more accurate term—customers to upgrade much sooner than they had otherwise planned,'' Gillen noted in the IDC report. ''Once the honeymoon period runs out in October 2001, the only way to ''upgrade'' from a product that is not considered to be current technology is to buy a brand-new full license. ''''

This could make open-source Linux's GPL more attractive to some customers feeling trapped by the price hike, Gillen said. ''Offering this form of ''upgrade protection'' may motivate some users to seriously consider alternatives to Microsoft technology.''

What is surprising is that the US Department of Justice allowed Microsoft to place so many provisions in the agreement that can be used to undermine the free software movement. Note for example that under J.1 and J.2 of the proposed final order, Microsoft can withhold technical information from third parties on the grounds that Microsoft does not certify the ''authenticity and viability of its business,'' while at the same time it is describing the licensing system for Linux as a ''cancer'' that threatens the demise of both the intellectual property rights system and the future of research and development.

The agreement provides Microsoft with a rich set of strategies to undermine the development of free software, which depends upon the free sharing of technical information with the general public, taking advantage of the collective intelligence of users of software, who share ideas on improvements in the code. If Microsoft can tightly control access to technical information under a court approved plan, or charge fees, and use its monopoly power over the client space to migrate users to proprietary interfaces, it will harm the development of key alternatives, and lead to a less contestable and less competitive platform, with more consumer lock-in, and more consumer harm, as Microsoft continues to hike up its prices for its monopoly products.

Problems with the term and the enforcement mechanism Another core concern with the proposed final order concerns the term of the agreement and the enforcement mechanisms. We believe a five-to-seven year term is artificially brief, considering that this case has already been litigated in one form or another since 1994, and the fact that Microsoft's dominance in the client OS market is stronger today than it has ever been, and it has yet to face a significant competitive threat in the client OS market. An artificial end will give Microsoft yet another incentive to delay, meeting each new problem with an endless round of evasions and creative methods of circumventing the pro-competitive aspects of the agreement. Only if Microsoft believes it will have to come to terms with its obligations will it modify its strategy of anticompetitive abuses.

Even within the brief period of the term of the agreement, Microsoft has too much room to co-opt the enforcement effort. Microsoft, despite having been found to be a law breaker by the courts, is given the right to select one member of the three members of the Technical Committee, who in turn gets a voice in selecting the third member. The committee is gagged, and sworn to secrecy, denying the public any information on Microsoft's compliance with the agreement, and will be paid by Microsoft, working inside Microsoft's headquarters. The public won't know if this committee spends its time playing golf with Microsoft executives, or investigating Microsoft's anticompetitive activities. Its ability to interview Microsoft employees will be extremely limited by the provisions that give Microsoft the opportunity to insist on having its lawyers present. One would be hard pressed to imagine an enforcement mechanism that would do less to make Microsoft accountable, which is probably why Microsoft has accepted its terms of reference.

In its 1984 agreement with the European Commission, IBM was required to affirmatively resolve compatibility issues raised by its competitors, and the EC staff had annual meetings with IBM to review its progress in resolve disputes. The EC reserved the right to revisit its enforcement action on IBM if it was not satisfied with IBM's conduct.

The court could require that the Department of Justice itself or some truly independent parties appoint the members of the TC, and give the TC real investigative powers, take them off Microsoft's payroll, and give them staff and the authority to inform the public of progress in resolving compliance problems, including for example an annual report that could include information on past complaints, as well as suggestions for modifications of the order that may be warranted by Microsoft's conduct. The TC could be given real enforcement powers, such as the power to levy fines on Microsoft. The level of fines that would serve as a deterrent for cash rich Microsoft would be difficult to fathom, but one might make these fines deter more by directing the money to be paid into trust funds that would fund the development of free software, an endeavor that Microsoft has indicated it strongly opposes as a threat to its own monopoly. This would give Microsoft a much greater incentive to abide by the agreement.

Failure to address Ill Gotten Gains

Completely missing from the proposed final order is anything that would make Microsoft pay for its past misdeeds, and this is an omission that must be remedied. Microsoft is hardly a first time offender, and has never shown remorse for its conduct, choosing instead to repeatedly attack the motives and character of officers of the government and members of the judiciary.

Microsoft has profited richly from the maintenance of its monopoly. On September 30, 2001, Microsoft reported cash and short-term investments of $36.2 billion, up from $31.6 billion the previous quarter—an accumulation of more than $1.5 billion per month.

It is astounding that Microsoft would face only a ''sin no more'' edict from a court, after its long and tortured history of evasion of antitrust enforcement and its extraordinary embrace of anticompetitive practices—practices recognized as illegal by all members of the DC Circuit court. The court has a wide range of options that would address the most egregious of Microsoft's past misdeeds. For example, even if the court decided to forgo the break-up of the Windows and Office parts of the company, it could require more targeted divestitures, such as divestitures of its browser technology and media player technologies, denying Microsoft the fruits of its illegal conduct, and it could require affirmative support for rival middleware products that it illegally acted to sabotage. Instead the proposed order permits Microsoft to consolidate the benefits from past misdeeds, while preparing for a weak oversight body tasked with monitoring future misdeeds only. What kind of a signal does this send to the public and to other large corporate law breakers? That economic crimes pay!

Please consider these and other criticisms of the settlement proposal, and avoid if possible yet another weak ending to a Microsoft antitrust case. Better to send this unchastened monopoly juggernaut a sterner message. sturde@az.com

MTC–00028349 0007

MTC–00028350

From: Scott Shriver
To: Microsoft ATR
Date: 1/28/02 2:33pm
Subject: Microsoft Settlement

To Whom It May Concern:

I hope it's not too late to voice my objection to any plan requiring Microsoft to provide computers to schools as part of a settlement in the

DOJ's antitrust suit against the corporation.

As the computer lab supervisor in an Ohio middle school, I never thought I'd see the day when I'd turn down the possibility of free computer equipment or software. We sure could use whatever assistance may be provided in our goal of increasing student access to computers and the Internet. The substantial costs of modern technology makes it difficult to provide quality technology instruction in any but the most affluent schools. I know the objective is to penalize Microsoft in a way that helps our nation succeed in reforming and invigorating our public school system, but as well-meaning and obvious as this solution may seem, to give such a ''gift'' of computers will create several potential difficulties.

I have used ''Wintel'' computers for many years and have only recently replaced worn-out machines with comparable Apple iMac computers. I have used identical software on both machines and find that the Macintosh is far easier to instruct with and keep running. Maintenance and troubleshooting time has been slashed. Networking, even between Macintosh and Windows machines has never been easier. Our school is now reaching the conclusion of a long process of migrating to the Mac platform.

Apple has worked hard, I am sure to maintain a niche in the education market and has rebounded from recent economic problems. They would have difficulty competing with a company that is literally giving away their products to schools. The proposed settlement will cost Microsoft some money, to be sure. But the gains made by the company as it seeks to make inroads into the education sector will, I believe, more than make up for the heartburn of giving away product. In fact, I would liken this settlement solution to Brer Rabbit's briar patch: they may complain about the cost, but they would relish the opportunity to get away with a forced increase in marketshare. It is my

opinion that to provide any settlement to Microsoft which would erode Apple's ability to continue to provide great service and equipment to the education market does a disservice to the corporation as well as to schools.

Couldn't Microsoft be asked to provide either free technology OR a comparable amount of money that might be used to purchase technology of choice for the schools?

Thank you for your time and attention.

Very sincerely,

R. Scott Shriver

R. Scott Shriver

Talawanda Middle School voice: 513.523.1989

4030 Oxford-Reily Road fax: 513.523.5144

Oxford, OH 45056–8943 email: sshriver@po.tcs.k12.oh.us

MTC–00028351

From: E F
To: Microsoft ATR
Date: 1/28/02 2:33pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally,

I honorably object to the Proposed Final Judgment in the Microsoft case. There are several flaws with in the final proposal. One noticeable error is keeping Microsoft intact and not severely admonishing them for violating anti-trust laws. Another apparent defect entails the ineptitude to establish an effective mechanism that implements restrictions or regulations on MS.

As stated in the proposed settlement, Microsoft must comply with restrictions encompassed in the agreement. A three man compliance team will oversee and insure that Microsoft comply with the stated rules and regulations. Taking a closer look however, this three-man oversight team will be composed of the following: one appointee from the Justice Department, one appointee from Microsoft, and another appointee chosen by the two existing members. In turn, Microsoft will control half of the oversight team.

Yet, in the likelihood of any enforcement proceeding, all findings by the oversight committee will not be allowed into court. The sole purpose of the committee is to inform the Justice Department of all infractions by Microsoft. Subsequently the Justice Depart will launch its own investigation into the matter and commence litigation to halt all infractions.

What does this all mean? Translation- the oversight committee purely is an absentee landlord, who will not scrutinize Microsofts business dealings. Therefore in all fairness, the Proposed Final Judgment does not sufficiently provide the appropriate restrictions or penalties placed on Microsoft. What reassurance do we have that Microsoft will not continue to abuse it monopoly position and break the anti-trust laws? I can assure you that the Proposed Final Judgment will not effectively address the question in this matter. Therefore I respectfully submit to the court my objection to this Proposed Final Judgment.

Sincerely,

Eric Fontanilla

1855 Baring Blvd Apt 2105

Sparks, NV 89434

MTC–00028352

From: Steve Bentley
To: Microsoft ATR
Date: 1/28/02 2:34pm
Subject: Microsoft Settlement

Dear Sirs:

I am writing this in regards to the proposed Microsoft settlement. I am against accepting the proposal as currently understood.

Perhaps it is only my naivety that I continue to imagine that one of the roles of government is to protect the little guy from those more powerful then himself. In that vein, Microsoft is the bully on the block that us little people need government to step in and protect us from. The ''slap on the wrist'' provided by the settlement as currently proposed does not, in my view, do any more than say to Microsoft that it is acceptable to continue to be the bully on the block. This proposed settlement would be akin to telling the bully at school to give back 1 cent of every dollar extorted from your classmates, hardly a just penalty.

Thank you for considering my arguments against accepting the proposal before you.

Sincerely,

Steve Bentley

187 W Randall Ave.

Norfolk, VA 23503

(757) 583–5919

NAstarchld@sybercom.net

MTC–00028353

From: Mildred/Jerry
To: Microsoft ATR
Date: 1/28/02 2:33pm
Subject: 910 Hester Drive

910 Hester Drive
Harrison, AR 72601
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my support of the settlement reached between the Justice Department and Microsoft in the antitrust case in federal court.

I am glad that this case is in its final stages. Microsoft and its competition have spent far too much time competing in court rather than in the marketplace. The case has drained resources on both sides for far too long and should be brought to an end as soon as possible.

In order to foster greater competition and consumer choice, Microsoft has agreed to design future versions of Windows to provide a mechanism to make it easier for computer makers, consumers and software developers to promote non-Microsoft software within Windows. It is in the public's best interest to implement this agreement so that the industry and consumers can take advantage of the new opportunities for competition and choice.

Sincerely,

Jerry Roberts

cc: Representative Bob Stump

MTC–00028354

From: FELLNER, CLAYTON
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/28/02 2:37pm
Subject: Microsoft Settlement

To whom it may concern,

I have used Microsoft products for many years. I want you to know that I believe their products are superior in many ways to their competitors. I enjoy the fact that many of their products are integrated into their operating system. This is a feature that is very useful for people like me, with little computer savvy.

Even though I don't consider myself a technical wizard, I am by no means a hapless victim who cannot choose software that is useful to me. And I do not think that the government has any right to decide what can be in my computer. Also, I resent the idea that a successful business and its products are a threat to anyone, especially me.

This antitrust case was brought about by Microsoft's whiny competitors, not disgruntled customers. Failed businesses must not be allowed to set the rules for the markets in which they failed. Continued application of the antitrust laws against successful businessmen can only lead to corruption and economic disaster as shown in many other countries.

I want to see an America where success is not discouraged or punished, but embraced and held as a goal for others to reach for. I want a free America where anyone with enough intelligence and hard work can be a self-made man like Microsoft Chairman Bill Gates.

And lastly, and most importantly, Microsoft has a fundamental right to its property. It is the government's job to protect this right, not to take it away.

Regards,

Clayton Fellner

3813 Harrison Drive

Carrollton, TX 75010

CC:'activism(a)moraldefense.com''

MTC–00028355

From: Andrew Johnson
To: Microsoft ATR
Date: 1/28/02 2:35pm
Subject: Microsoft Settlement

It is my belief the current proposed settlement with Microsoft is insufficient to punish Microsoft for illegally attempting to extend its desktop operating systems monopoly and to prevent it from re-attempting illegal activities in the future. While I believe an oversight board is necessary to ensure Microsoft's compliance with the court's ruling, I do not believe an oversight board alone is enough.

In the past, Microsoft has used its control of proprietary protocols and application programming interfaces (APIs), and extensions to open protocols and APIs, to prevent third party software from interacting properly with Windows. This has forced users wanting to use these protocols with Windows to use other Microsoft software, rather than third party software. It is also clear Microsoft intends to use similar tactics to establish a lock on Internet traffic and e-commerce through its control of .NET/ HailStorm, MSN, and its other online properties. By causing Windows to require use of Microsoft online properties such as Passport, and building hooks to other

Microsoft online properties into Windows, Microsoft hopes extend its desktop operating system monopoly to control the Web sites a user sees and uses on the Internet. Businesses trying to reach consumers via the Internet will have to do business with Microsoft or lose a vast majority of their audience.

I propose two additions to the settlement that will hopefully deny Microsoft the ability to illegally extend their current monopoly into new markets while allowing the company to retain its current monopoly and its ability to innovate:

(1) Require Microsoft to publish all of its proprietary application programming interfaces (APIs) and protocols, and require its software to comply with published protocols. By forcing Microsoft to publish all of its proprietary protocols and APIs, the settlement would ensure non-Windows software could interoperate freely with Windows desktop software. Microsoft would also be required to comply with public specifications from third parties, since it has ''embraced and extended'' public protocols in the past in such a way as to prevent users from using third party software with Windows. The oversight board, in addition to ensuring Microsoft publishes all of its protocols and APIs, would monitor Microsoft for compliance with its own standards and standards published by others. It would receive and investigate complaints from third parties questioning the corporation's compliance, and take appropriate action if Microsoft was found to be incorrectly implementing standards to lock users into using only Microsoft software.

(2) Require Microsoft to divest MSN and its other online properties, and bar it from owning online services in the future. This will prevent Microsoft from using its desktop monopoly to gain a monopoly on Internet traffic in general and Internet-based e-commerce in specific. Microsoft would be free to develop innovative new software solutions, but would be unable to use them to coerce users to use its online services only. Adding these provisions to the Microsoft anti-trust settlement will both tangibly punish Microsoft for attempting to illegally extend its monopoly and help prevent it from doing the same in the future. Microsoft's monopoly in desktop operating systems would remain intact, as well as Microsoft's freedom to innovate. These measures would force the corporation to be a good industry citizen by denying it the capability to take advantage of its desktop operating system monopoly to dominate other markets.

Thank you for your time and consideration.

Lawrence Andrew Johnson
andy@lightweapons.com

MTC–00028356

From: Cheeseater
To: Microsoft ATR
Date: 1/28/02 2:37pm
Subject: Microsoft Settlement

Dear Judge Kotelly,

I have been informed that you have the responsibility of reviewing the Microsoft antitrust case. I wanted to take a second of your time to express my opinion on this matter. As many know, the Microsoft Corporation has been trying to corner the computer market for nearly a decade. This latest move in attempting to get what is essentially a governmental exemption from antitrust laws. Please do all you can to stop this abuse of our justice system and to help us retain our free market system. Competition is vital to our survival as a nation. Please don't let Microsoft have their way with us and our government. Thank you for your time.

Sincerely,
Adam S. Hammill
1247 W. 30th St. #117
Los Angeles, CA 90007
(323) 733–5381
CC:microsoftcomments@doj.ca.gov@inetgw

MTC–00028357

From: Tom Ulrich
To: Microsoft ATR
Date: 1/28/02 2:36pm
Subject: Microsoft Case Concerns

Please see the attached letter with comments and concerns.

Thank you.
Tom Ulrich
Arthur N. Ulrich Company
tulrich@anu-co.com
800–848–2090
1≤ARTHUR N. ULRICH COMPANY FAX 740–927–6017
10340 PALMER RD. S.W. PATASKALA, OHIO 43062 740–927–8244 TOLL FREE 800–848–2090
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft

Why is there hesitation in Washington to finalize the settlement in the Microsoft case? The cost to the taxpayers of this nation for the government's attacks on one of our nation's most successful companies has been enormous. Not only have we funded what appears to be a vindictive attack via our tax dollars; we have watched billions or trillions of dollars in value evaporate from our personal investments, our profit sharing programs, and our retirement and mutual funds as the market values of Microsoft and other technology related firms fell precipitously as a direct result of the government's illogical efforts.

I'm just a middle class American and a small time investor, but the losses on just the 200 shares of Microsoft stock I owned was nearly equivalent to one-year s tuition and board for my daughter at Miami University. That is not an insignificant amount to me, and it is the Justice Department I have viewed though this process as the ''enemy'' of the consumer, not Microsoft! The posturing of the Department and that of many state attorney generals lining up for their ''dibs'' reminds me a bunch of blood sucking parasites.

My suspicion is that there must be BIG MONEY SPECIAL INTERESTS that prodded the original investigations and that must continue to do so, and that disturbs me. In a market economy, the government generally should not take ''sides'' in commercial and marketing issues Letting Microsoft get back to business would significantly help end the recession; spending tax money on more litigation certainly would not help the national recovery.

I run a small business and have been a Microsoft user since the mid-80s. I have been using Microsoft not because they were a monopoly holding a gun to my head, but because they have created decent and useful products. We don't use them for all our needs; and in fact use Novell and IBM/Lotus for our networking requirements because of their features and benefits. I don't like their latest activation'' policies on XP products, but not once have I felt ''trapped'' or ''manipulated'' into having to buy, use or upgrade Microsoft products.

Please—can't we, for the public good, just get this case over with, and let Microsoft and others in the industry get back to the business of computers.

Sincerely,
Thomas Ulrich
cc: Senator Mike DeWine

MTC–00028358

From: thunderhawk
To: Microsoft ATR
Date: 1/28/02 2:37pm
Subject: Microsoft settelment
Dennis C. Daggett
363 Center Road
Lopez Island, WA 98261–8298
Jnauary 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing today to encourage the Department of Justice to accept the Microsoft antitrust settelment. The issue was brought about by the former administration that simply did not understand the technology industry. They ignored one of the things that makes our country the best in the world, our free enterprise system. Then to top it all off, they extended their socialistic philosophy to apply antiquated antitrust laws to a band new industry.

In the free market, Microsoft rose to the top because they had the best products. Their products are user friendly and Microsoft has made them very easy to integrate and at lower cost than the alternitives. It is no wonder that where people had a choice most choose Microsoft software. Under the terms of the settelment Microsoft has agreed to allow computer makers the flexibility to install and promote any software they see fit. Microsoft has also agreed not to enter into any agreement that would require a computer maker to use a fixed percentage of Microsoft software. I beleive that computer makers will continue to predominatly pre install Microsoftware because it is the best and most computer buyers will chose a Microsoft windows based computer when making a new perchase. This is not a monoply problem, Microsft simply is, supplying a better product and most people know it.

My experiance as supervisor of an electric power generation plant for over 15 years, offered me the oppertunity to try many brands of computer software products and computer equipment. What I found over time

was that even when cost was not a consideration, products that were not Microsft based, did not perform satisfactorly. Microsoft products and windows based computers were simply the best. On top of that we experianced significant savings over other options. Sure Microsoft has made a lot of money, but can you imagine the cost to the people of our nation if Microsoft and all they have provided for us vanished or had never existed? This is my plea for justice in our mecanized and technological society. Microsoft has gotten to where they are by developing better products, not by crushing their competitors.

This suit and the fact it has gone on for over three years is simply mind-boggling. It is time to end it. DO NOT PUNISH MICROSOFT FOR BEING BETTER. Please acept the Microsoft antitrust settelment.

Sincerely,
Dennis C. Daggett

MTC–00028359

From: Jason Irwin
To: Microsoft ATR
Date: 1/28/02 2:35pm
Subject: Microsoft Settlement

I am a concerned citizen who does not think that Microsoft should have been granted the Proposed Final Judgment by the Justice Department. Please review these proceedings so that Microsoft will not have a monopoly. There are laws in place to ensure that there are not monopolies in business in the US and I think they should be abided by.

Jason Irwin
510 Irving Ave
San Jose, CA 95128
408–977–1512
CC:microsoftcomments@doj.ca.gov@inetgw

MTC–00028360

From: Helen Bauch
To: Microsoft ATR
Date: 1/28/02 2:36pm
Subject: Microsoft Settlement
Food Smarts
1119 S. Mission Rd.
Fallbrook, CA 92028
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

For over three years the Department of Justice and the Microsoft Corporation have been pouring millions of dollars down the drain due to court costs. The antitrust suit that was filed against Microsoft has not only cost these two entities millions, but look at what happened to the market after the suit was launched. The suit has cost more than millions, just look at the recession that it has partially caused.

Although the suit should have never been initiated to begin with, I am relieved to see that a settlement has been reached. The settlement is the best thing that could have happened to the antitrust case, and it will benefit the economy. Microsoft's competitors can now produce and ship software that competes with Microsoft's, and will not have to worry about Microsoft trying to prevent that. They have agreed not to retaliate against competitors, which is a move that will boost competition and result in an overall better product. This will encourage people to hit the stores, which will push up the economy. Everyone wins.

I support this settlement, and urge you to implement as soon as possible.

Sincerely,
Helen Bauch
cc: Representative Darrell Issa
Helen Bauch
Food Smarts
1119 S. Mission Rd. PMB317
Fallbrook, CA 92028–3225
(760) 731–9911 FAX (760) 731–9922

MTC–00028361

From: Paul Tait
To: Microsoft ATR
Date: 1/28/02 2:37pm
Subject: Microsoft Settlement
26484 Carrington Boulevard
Perrysburg, OH 43551
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am what you is usually called a ''head hunter''. I try to find qualified personnel for companies. I therefore have a good idea of how the business world is doing, or not doing. Unfortunately, it is not doing very well, and I put much of the blame for this on the antitrust suit brought against Microsoft. This case was totally unwarranted. All these firms started out on the same playing field.

Microsoft is a firm that created a product that people wanted. Bill Gates standardized computer software, allowing the average person to understand computers, and computer programs. There was no need to have five different programs to do a spreadsheet. Bill Gates simply was the best at giving the consumer what they wanted.

Microsoft has been more than accommodating to the Department of Justice's demands. Microsoft has agreed to a technical committee to oversee future adherence; Microsoft has agreed to grant computer makers broad new license to configure Windows as to promote non-Microsoft software; Microsoft has agreed to terms that extend far beyond the products and procedures that were actually at issue in the original suit.

Let's put this matter to rest. I urge you to give your support to this agreement. We need to help our country get beyond this pettiness.

Sincerely,
Paul M.Tait
Consulting and Recruiting
paulm—tait@yahoo.com
(419)874–1500
Perrysburg, Ohio 43551

MTC–00028362

From: Peter Schultz
To: Microsoft ATR
Date: 1/28/02 3:38pm
Subject: Microsoft Settlement

Hello,

The current status of the Microsoft anti-trust case scares me.

When I first got into computers it was 1995 and I thought Windows 95 would be the way to go. The price was better than Apple Macintosh and the whole platform seemed better for programmers. After a short time I became frustrated by the stability of Windows so I began searching for a better alternative.

Then fortune struck! It was late 1996 and I was looking through a Macintosh related magazine when I came across an article about the BeBox by Be, Incorporated. This brand new and highly innovative computer had dual processors and ran the Be operating system, all of which was engineered from the ground up to be modern, or as they called it, a system for the next millennium. I hopped on the Internet right away and looked into buying one of these BeBoxes and found to my surprise that I could get one for a very good price. This system made me happy because I never had any mysterious system problems that required me to waste my time reinstalling as I had done many times with Windows.

Soon thereafter BeOS was up and running on Intel compatible computers and being a total computer geek I had always wanted a laptop computer. So in 1998 I purchased a Dell Inspiron 3000, which I had figured would be able to run BeOS. I was right, Be had the resources to make this possible and I was able to stay current with their latest developments.

There is an alternate side to this Dell computer. It was purchased only weeks before Windows 98 was released yet I did not get any credit for the purchase and was given an ugly hacked version of Windows 95 that made it look like Windows 98. Here's another reason I'm very upset by Microsoft. To my absolute horror this unstable factory installation only lasted about a week before I had to do a clean install of Windows! You'll note that this is the one of the disputed factors in the antitrust case, the tying in of Internet Explorer to Windows 95 is not only a questionable business practice, but it made my brand new very expensive computer a pile of junk.

I called Dell about this and since it was a software problem they brushed it off. I then called Microsoft and before I even talked to an actual person I was informed that I would have to pay them money to even talk to anyone! I instantly hung up the phone and felt angry, sad, and helpless to this ugly situation. I thought to myself, ''why after having spent over $3000 am I being treated this way?'' It was at this time that I decided I did not agree with the Microsoft End User License Agreement and called Dell back to see about getting compensation for this. Dell told me it would not be possible.

I eventually brushed it off because I was primarily a BeOS user and had great hope that Be would be able to continue developing their amazing OS. Unfortunately, Microsoft's stranglehold made it nearly impossible for BeOS to be installed on factory systems and now the result is that for all anyone knows, BeOS will never be updated again! Palm, Inc. has recently purchased the technology and there may be a chance that the public will see another version, but there's just no way to tell.

Microsoft has steadily moved from shrewd business to leveraging everyone into doing what they want. As a computer science student and a part-time consultant I deal with Microsoft in some way everyday. This is not by choice! If I were to attempt to discontinue the use and/or support of Microsoft products I would be putting myself into obscurity. It might be a case where I won't be able to view important documents that are only readable by the latest version of Microsoft Office, or it might be that a web page is only designed to be viewed in Microsoft Internet Explorer. Ask any Macintosh user what would happen if these applications were not available for their platform.

Microsoft is a massive corporation that has gone beyond mere profit and has long been in the business of screwing people over. Even as they have been on trial for being a monopoly they have been making their position stronger. They recently purchased Great Plains Software here in Fargo, North Dakota, and I'm sure it won't take long before they're dominating the small business software market.

As a user who depends on computers for my livelihood I feel depressed about this, and I know that I'm not alone. This American company is making people across the entire planet feel as I do, please do something soon so that at the very least we can enjoy a good variety of platforms. My hope is that your decision will be such that Palm sees opportunity with BeOS and that other small truly innovative companies also see openings thereby giving users like me a choice. As for today the future of computing is gloomy, grayed over by the drab blanket that is Microsoft.

Without your intervention I see absolutely no hope for small truly innovative companies like Be.

Do not simply settle for handing power off to Apple; give it all back to the people. I want Microsoft to hurt as badly as they've hurt me.

Sincerely,
Peter Schultz
1105 13th Ave. N #2
Fargo, ND 58102

MTC–00028363

From: dave parsh
To: Microsoft ATR
Date: 1/28/02 2:37pm
Subject: Microsoft Settlement

I would like to give an opinion no the Microsoft case.

Microsoft is a powerful, innovative company. The sould be congratulated on their success, not punished. In the United States, if we allow people to be creative and innovative then our society will be a better place. By restricting and punishing people for being excellent at what they do, people will be less inclined to take risks and improve our lives. Microsoft's success is at the heart of a capitalistic society. They must continue to innovate and produce new products or else they will fail as a business.

They should not be punished for being successful.

Dave Parsh

MTC–00028364

From: Jamie Folsom
To: Microsoft ATR
Date: 1/28/02 2:38pm
Subject: Microsoft Settlement

I am a web developer for a public tv station, making web sites for kids, and in my professional work have seen much to be concerned about regarding Microsoft's business practices.

Microsoft, in its business and technical decisions, has shown deep-rooted disregard for the openness of the internet, an engine of economic possibility, and has coopted standards ''for the benefit of competition/consumers/<fill in the blank>'', when it suits their purposes.

The Microsoft money machine, a bulldozer in the rain forest of software diversity, must be kept in check, and companies, technologies and individuals inclined to contribute to this great new medium must be clearly told that their freedom, in the form of open, commonly owned standards, will be defended.

Thanks
Jamie Folsom
jamie.folsom@post.harvard.edu

MTC–00028365

From: Mark Moran
To: Microsoft ATR
Date: 1/28/02 2:38pm
Subject: Microsoft Settlement
January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I understand that Microsoft and the Department of Justice have decided to reach a settlement in the antitrust lawsuit that has been dragging on for the last three years. I never agreed with this case from the beginning, and I hope to see this settlement finalized in the near future.

Settling now will only have positive effects on the industry as well as the economy. Microsoft will share information with its competitors regarding Windows, and redesign the operating system to allow other companies'' software to be placed within the system. Competition will increase and the consumers will see many more choices in the marketplace.

Thank you for stopping this litigation. We need to put this case to rest so that Microsoft can get back to creating great products, and the government can focus its energies on more important issues.

Sincerely,
Mark Moran
309 W. 109th St. #5F
New York, NY 10025

MTC–00028366

From: J F
To: Microsoft ATR
Date: 1/28/02 2:39pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally,

I am filing my personal objection to the proposed final judgment on the Microsoft case. Supposedly, the Court has found Microsoft guilty of violating all rules of proper business ethics and practices. However with the PFJ, the Department of Justice throws out, if not abandons all previous court findings that indicts Microsoft. In fact, the PFJ permits Microsoft to continue with its monopolistic and predatory practices, which in my opinion is a detriment not only to the software sector but also to the technology industry as a whole. Without a doubt, I strongly believe you will receive thousands of similar appeals encompassing the many flaws that are apparent in the proposed final settlement. My main focus entails one fundamental flaw clearly noticeable in the proposed settlement: The PFJ does not effectively break up Microsoft, but in fact allows Microsoft to leverage its current market position, or should I say, Monopoly to expand its business into several other technology markets. Under the general rule, most monopolies in the past, such as AT&T and Standard Oil, are either broken up or carefully regulated. However, Microsoft is given a pardon or a waiver to this general rule of thumb altogether. The implementation of reprimands by the Justice Department is not a cure-all to the MS calamity. As history has proven over and over again, Microsoft will undoubtedly abuse its monopoly position at the expense of others. Unless something extraordinary is done such as breaking up Microsofts business into several parts or meting out severe punishment, Microsoft will persistently continue to implement illegal business practices. I submit to the Court my rejection to the Proposed Final Judgment.

All the Best,
Jennifer Fontanilla
Eric Fontanilla
1855 Baring Blvd Apt 2105
Sparks, NV 89434

MTC–00028367

From: Dave Walton
To: Microsoft ATR
Date: 1/28/02 2:50pm
Subject: Microsoft Settlement

I urge you to reject the negotiated settlement with Microsoft.

The only way I see that you can prevent monopolistic and anti-competitive practices that have continued to this day is to separate the Applications and Operating Systems divisions of Microsoft into different companies. It is essential that their Application programs be ported to work with operating systems other than Windows.

I am seriously concerned that representatives of our government could have negotiated a settlement with Microsoft that does nothing to punish them for the acts they have been found guilty of, and does nothing to prevent such acts in the future. I urge you to open all proceedings to public scrutiny so we can see just what transpired that allowed this to happen. I question the impartiality and motivations of those responsible.

Thank You
Dave Walton
2986 Warrington Road
Shaker Heights OH 44120
216–751–6646
Walton@Ameritech.Net

MTC–00028368

From: Gregg Williams

To: Microsoft ATR
Date: 1/28/02 2:41pm
Subject: Microsoft Settlement

Dear Department of Justice:

I am writing regarding the Microsoft settlement as someone with more-than-average credentials to have an opinion. From 1979 to 1988, I was Senior Editor of BYTE magazine, the personal computer industry's first major magazine. From 1988 to 1998, I worked for Apple Computer, where I wrote to third-party developers about the advantages of the Mac OS platform over the Microsoft Windows platform. In both jobs, it was my responsibility to be aware of Microsoft's acts and how they affected the computer industry.

With that introduction, let me add my voice to that of the many people and companies who believe that the Department of Justice's proposed settlement is not in the public interest. The final judgment after a trial should punish the guilty, discourage similar offenses in the future, and if possible, repair the damage done. The proposed settlement actually causes harm, in several ways: It does not provide the remedy that it was meant to; it implicitly encourages the reoccurrence of similar wrongdoing; and it does not address significant larger issues that need attention.

The final judgment for this case is important in more than just its immediate context; it also has important consequences in our increasingly digital world. Our country (and the world) has most of its eggs in one basket—Microsoft's—and this is dangerous. Just as any natural ecology is endangered when its diversity is lessened and one species dominates, so is our digital ecology endangered by Microsoft's overwhelming market share and its stifling of competition. As just one example, observe the devastating effects of the denial-of-service attacks against amazon.com and other online businesses a few years ago. They would not have been as effective if a significant fraction of the country's Internet users had not been using Microsoft's email programs. Also, all hacker attacks are tied to the vulnerability of a specific product; if there were, say, three email programs and three browser programs in common usage (instead of Microsoft's Outlook and Internet Explorer), such attacks would injure fewer users, spread more slowly, and consume less Internet bandwidth than is the case today. For the above reasons, this judgment is doubly important, and the currently proposed judgment is doubly dangerous. I believe that a good final judgment must both prevent further wrongdoing and counteract Microsoft's dominance in current and future markets. Any attempt to regulate Microsoft's conduct MUST be given the resources to succeed, and its workings MUST be visible to the public. Without these two provisions, Microsoft will evade lawful punishment again, just as it did in the mid-1990s.

Finally, Microsoft should be made aware that it has no say in selecting or refusing its punishment. Nor should the court be pressured into compromise for fear that punishing Microsoft will damage this nation's economy. In fact, it is Microsoft's actions that are causing long-term damage, and any judgment that leads to competition, innovation, and meaningful customer choice will help repair that damage our economy.

I support the efforts of the states that are pressing for a more comprehensive punishment for Microsoft's illegal acts. As an informed and active citizen, I expect nothing less.

I submit my opinion to the Department of Justice with great respect, out of a deep concern for this nation's long-term technological and economic health.

Gregg Williams, greggw@telocity.com

MTC–00028369

From: Karenlda@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 2:43pm
Subject: Microsoft

To The Department of Justice

I hope Judge Colleen Koller-Kotelly does not forget about all of us who use Microsoft products and are very satisfied with their performance. They produce a very good product that is easy to use. You get what you pay for! Unfortunately, I have a MAC Power Book and MSN does not have a compatible internet program. At present I have AOL (overpriced) but plan to buy a new laptop that is MSN compatible and cancel my AOL. Has anyone ever told us how many cancel AOL?.....or only brag about how many sign up. Fortunately, the world is full of choices and I am no longer interested in contributing to dissenting states with my AOL monthly fee. Netscape did themselves in and AOL was stupid to buy them. Everyone should read Erick Schonfeld's January 25, 2002 ''A RIDDLE: WHY DOES NETSCAPE STILL EXIST?''. He tells it like it is!

AOL stock is down 50% since I sold mine and a lawsuit against Microsoft is not going to bring it back up.

I am getting fed up with my tax dollars paying for goverment funded lawsuits and in the States vs Microsoft it needs to be settled in a reasonable manner. If Microsoft had beeen contributing to Clinton as the illegal Asian money he probably would have told the DOJ to back off and let Netscape finance their own lawsuit. As it should have been. The nine disssenting states are beginning to sound revengeful and stupid.

I guess they see success and money and their fangs go out. They seem to be blind to the fact that a reasonable settlement could also affect the business in their state in a positive manner. Microsoft is not asking them to divulge their secrets.

I shall be watching the outcome and look forward to my new laptop and cancelling AOL.

Karen Dahlgard Age 65

MTC–00028370

From: tcrech@juno.com@inetgw
To: Microsoft ATR
Date: 1/28/02 2:42pm
Subject: microsoft settlement

Dear Mr Ashcroft,

Please do not increase the microsoft penalties over what was agreed to.

The settlement although severe seemed fair. Futher penalties would in my opinion be overkill and would result in slowing an already weak economy.

Thank you for considering this important matter.

MTC–00028371

From: Samira Lama
To: Microsoft ATR
Date: 1/28/02 2:42pm
Subject: Microsoft Settlement
5445 Elmview Drive
Bay City, MI 48706
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I want to express my support for the Microsoft settlement negotiated last November. I was against the lawsuit against Microsoft and felt a break-up of the company was totally unjustified; consequently, I think the compromise is a necessary move to allow us to move on.

The terms accepted in the agreement are very generous to the competition. Computer manufacturers will have greater flexibility in trading Microsoft software for non-Microsoft products on the Windows operating system without obligation, while software developers will gain access to Windows internal code and even be able to license Microsoft intellectual property.

The terms highlight the fairness of this proposal, which will be regularly monitored by an objective group of technical experts in order to confirm its implementation. I ask that you allow these measures to go through without further legal action. Thank you very much.

Sincerely,
Sam Lama

MTC–00028372

From: Mister Thorne
To: Microsoft ATR Date; 1/28/02 2:42pm
Subject: Microsoft Settlement

I am offering my comments on the Proposed Final Judgment (PFJ) that was submitted by the United States in Civil Action No. 98–1232. I am also sending you these comments via USPS.

I am encouraging the Court to not accept this settlement for these reasons:

1. The settlement is ineffective;

2. The settlement does not serve the public interest;

I encourage the Court to determine an effective remedy, one that (1) ends the unlawful conduct; (2) avoids a recurrence of the violation and others like it; and (3) undoes the anticompetitive consequences of that unlawful conduct.

Effect of Proposed Remedies

The PFJ is ineffective. It does not restore ''competitive conditions in the personal computer operating system market'' as the U.S. claims in its Competitive Impact Statement (CIS). In fact, the PFJ does nothing toward that end.

As the U.S. noted in its complaint, ''PC manufacturers (often referred to as Original Equipment Manufacturers, or ''OEMs'') have no commercially reasonable alternative to Microsoft operating systems for the PCs that they distribute.'' The PFJ does nothing to alter that. Instead, it offers a series of

restrictions and prohibitions aimed at opening the market for ''middleware.'' It offers nothing to restore a competitive market for operating systems for personal computers.

The PFJ does not ''obtain prompt, effective and certain relief for consumers.'' On the contrary; it's effect will be to leave consumers with no viable choice for personal computer operating systems, other than different versions of Windows, or for browsers, other than different versions of Internet Explorer. Consumers will not reap the benefits of competition among operating systems or browsers, as they have the benefits of competition among OEMs.

In the CIS, the U.S. claims that the PFJ ensures that ''consumers will be able to choose to use'' non-Microsoft products like Internet browsers. That assumes that such competing products will come to market, but this is unlikely given that Internet Explorer is given away at no cost. As Jon DeVaan, a Senior Vice President of Microsoft, would testify (see Microsoft's offer of proof in opposition to the entry of the government's proposed final judgment): ''No sensible company devotes large resources to projects from which it sees no potential return on its investment.'' The PFJ does nothing to open the market for Internet browsers or other applications, and so it does nothing to give consumers more choice.

In the CIS, the U.S. says the PFJ ''forbids Microsoft from stopping OEMs from offering dual-boot systems.'' Yet the Court has determined that there exists an ''applications barrier'' to entry to the market for personal computer operating systems. The PFJ does nothing to remove that barrier.

The District Court concluded that Microsoft violated the Sherman Act, and the Court of Appeals upheld the ruling, determining that Microsoft's ''commingling of browser and operating system code constitute exclusionary conduct, in violation of s 2,'' of the Sherman Act. Yet the PFJ does not address the issue of commingling and leaves Microsoft free to integrate whatever it wishes with Windows, to continue to use its operating system monopoly to extend its reach into new, emerging markets.

The PFJ requires Microsoft to disclose to ''ISVs, IHVs, IAPs, ICPs, and OEMs'' the APIs used by Microsoft Middleware to interoperate with Windows. The provision requires the disclosure to occur in a ''Timely Manner.'' But ''Timely'' means only after Microsoft has sent any new version of Windows to at least 150,000 beta testers. The result is that if Microsoft distributes a new version of Windows to 149,999 beta testers, they don't need to disclose the APIs to anyone.

The PFJ contains a provision that if Microsoft engages in ''willful and systemic violations of the agreement,'' then the ''requirements and prohibitions'' in the PFJ may be extended for two years. What the U.S. is basically saying is this: ''if the agreement proves ineffective, our plan is to extend it!''

Finally, things have changed since the U.S. filed its complaint. Microsoft's dominance in the market has continued to grow. It's share of the market for operating systems, browsers, and common applications like word processors, spreadsheets, and e-mail software has increased. And Microsoft is moving on, leveraging its monopoly for operating systems to extend its control of the market with its .NET initiative.

The .NET initiative is Microsoft's program to offer a new development platform, one that sits above the operating system. As Steve Ballmer, CEO of Microsoft, notes, this initiative is ''the pillar on which we are building the next version of Microsoft.'' When the initiative was announced, Ballmer commented: ''Starting this year, everything we do will revolve around Microsoft .NET.'' Having conquered the market for personal computer operating systems, Microsoft is poised to conquer new, emerging markets.

In the CIS, the U.S. says appropriate injunctive relief in an antitrust case should: (1) end the unlawful conduct; (2) avoid a recurrence of the violation and others like it; and (3) undo the anticompetitive consequences of the unlawful conduct. The PFJ achieves none of these objectives. Microsoft's unlawful conduct in the browser market is history, the PFJ does nothing to reopen that market, and it leaves Microsoft free to continue to violate the Sherman Act. And Microsoft's leaders have suggested that that is precisely what they plan to do.

As the U.S. stated in its complaint, ''Microsoft has made clear that, unless restrained, it will continue to misuse its operating system monopoly to artificially exclude browser competition and deprive customers of a free choice between browsers,'' and ''Microsoft's conduct with respect to browsers is a prominent and immediate example of the pattern of anticompetitive practices undertaken by Microsoft with the purpose and effect of maintaining its PC operating system monopoly and extending that monopoly to other related markets.''

Microsoft's leaders continue to give us reason for concern. At the start of the trial, Steve Ballmer stated in an e-mail message sent to Microsoft employees: ''Microsoft's business practices [are] entirely consistent with the way other companies throughout our industry compete.'' After the Court of Appeals upheld the District Court's finding that Microsoft violated the Sherman Act, Steve Ballmer made these statements:

''I do not think we broke the law in any way, shape, or form. I feel deeply that we behaved in every instance with super integrity.''

''We were born a competitor, and we'll continue to compete as we have in the past: vigorously and responsibly.''

These statements from the company's CEO do not portend a change in the way Microsoft conducts business.

Comments made by the leaders of Microsoft after the court determined it broke the law illustrate what many informed commentators have noted: ''Microsoft just doesn't get it.'' While we can expect Microsoft to follow the restrictions in the PFJ, we cannot expect it to live up to the spirit of it. And why not? Thomas Friedman, a New York Times columnist put it well in a column he wrote after the District Court ordered a breakup of the company: ''Microsoft isn't a threat because it's big. GE is big, Intel is big, Cisco is big. Microsoft is a threat because it is big and deaf to some of the bedrock values of the American system.''

The PFJ is ineffective. It does not ''eliminate Microsoft's illegal practices, prevent recurrence of the same or similar practices, and restore the competitive threat that (other software) products posed prior to Microsoft's unlawful undertakings'' as the U.S. claims.

Rather, it cements Microsoft's position as the sole supplier of personal computer operating systems for the Plaintiffs, It allows Microsoft to continue to dump products on the market in order to maintain market dominance. It allows Microsoft to continue to tie its applications to its operating systems, effectively closing the market to would-be competitors. And it allows Microsoft to build upon its monopoly position to establish market reliance on its next-generation development platform (.NET).

The Public Interest

It is in the public interest for the U.S. to enforce antitrust law; it is not in the public interest for the Court to accept the PFJ. That's because the PFJ does not address the central issue in this matter: Microsoft's monopoly position, and its abuse thereof, in the market for operating systems for personal computers.

The public has benefited from competition among PC manufacturers. We've benefited from lower prices, increased functionality, and those innovations that naturally occur when firms compete fairly in a dynamic and open market. If the PFJ is entered as is, then Microsoft is left with its monopoly. And that means no increased competition for operating systems despite the U.S. claim in the CIS that the PFJ would restore ''competitive conditions in the personal computer operating system market.''

The U.S. offers no justification for its claim of increased competition for operating systems: none at all. While the PFJ might enhance competition for middleware, it leaves Microsoft in the same monopoly position it was in at the beginning of this action. In fact, since 1990, when the FTC first investigated Microsoft for antitrust, the company's position has only gotten stronger.

The lack of any effective corrective action in the PFJ lets others know that they can get away with similar tactics, that it will take so long for antitrust complaints to be resolved that they don't even matter. The courts are seen as so slow to act that—in a rapidly changing and advancing market—they can be ignored, and that is definitely not in the public interest.

The public interest would be better served by some remedy that ensures that Microsoft won't be back in court, yet again, for antitrust violations. But that is precisely what we can expect given that Microsoft's leaders have stated that they did nothing wrong, that they operated within the law and always have, that they plan on conducting their business as they have in the past, even after the Court of Appeals upheld the District Court's determination that Microsoft employed ''anticompetitive means to maintain a monopoly in the operating system market.''

The public interest is served by ''the Government defining the contours of antitrust laws so that law-abiding firms will have a clear sense of what is permissible and

what is not.'' Entry of the PFJ works against that. It says, in effect, that if a company has the resources, then it can violate antitrust law.

It can raise all sorts of ridiculous arguments to support its violations. It can use obfuscation to avoid answering questions. It can present the court with bogus exhibits that are not what they are claimed to be. It can protest that an antitrust action is simply a means for the U.S. to help the company's competitors, or that the U.S. doesn't know enough about computers or the computer industry to enforce antitrust laws there. The company can buy so much time that the courts and, hence, the laws become ineffective: by the time the courts act, the company has achieved its objectives, and after the courts act, the company keeps its ill-gotten gains. How is that in the public interest?

An Effective Remedy

I encourage the Court to accept nothing less than an effective remedy, one that serves the public interest, that restores competition in the market for personal computer operating systems and applications, and which discourages Microsoft from continuing to function with limited regard for antitrust law.

But this is problematic. The new administration seems to have little interest in pursuing this matter, even though it is charged with enforcing the law and the court has determined that Microsoft broke the law.

One effective way to open the market could be done by executive order, rather than court order. If the Plaintiffs can require that all their personal computers run Microsoft Windows, then they can just as well require that all their computers run some other operating system, such as UNIX. And there are good arguments in favor of such a change.

Just about every personal computer on just about every desk in just about every government office is equipped with Microsoft Office and Internet Explorer. That application suite includes the most common applications, comprising something like 95% of the applications that 95% of computer users use 95% of the time. That same application suite is available (from Microsoft) for the Macintosh operating system, which is a UNIX-based operating system.

So, if the Plaintiffs adopted a program to use UNIX instead of Windows with their personal computers, the ''applications barrier'' would be fairly low. (The ''applications barrier'' is a fallacy; Windows isn't more popular than Macintosh because there are so many more applications avaiable for Windows; the reason there are so many more applications for Windows is because Windows is more popular, the Plaintiffs and Corporate America long ago having decided that desktop computers must be IBM compatible.)

Of course, the Plaintiffs also make use of specialized applications. Public agencies of all sorts use specialized applications to manage more and more of their operations; a wide variety of government workers use specialized applications on a regular basis. So, there is a real barrier to adopting an operating system other than Windows: specialized applications that were written for Windows need to be rewritten for UNIX. But there is also an opportunity to eliminate that barrier now.

With its .NET initiative, Microsoft claims it is reinventing its business. Steve Ballmer claims that as .NET versions of its products are released, they will make non-.NET versions of products obsolete in four to six years. And that means that the Plaintiffs, unless they intend to use obsolete products in the future, have these two choices: either they can remain dependent on Microsoft and adopt .NET, or they can start to become independent now; they can switch from Windows to UNIX.

While the DOJ claims (without support) that the PFJ is good for the economy, what would be a boost for the economy is for the Plaintiffs to adopt UNIX. The plaintiffs are a sizeable market for software developers. If the Plaintiffs adopt UNIX, ISVs will develop software for UNIX. And, in a marketplace not controlled by Microsoft, one in which market forces are allowed to operate freely, we'll have open competition, and the benefits of it.

And we won't have to worry about a single firm having sole control of an important component of our modern economy. In two decades, the personal computer has gone from being as popular as ham radio, to being an essential tool, and fundamental to our way of life. We could not enjoy our modern way of life were it not for the development of the personal computer and the software that makes it so useful in so many ways.

The public isn't served when there is only one source of oil, or one bank. or one TV station. And the public is not served by having just one supplier of the most basic software for personal computers. The public is served by free and open competition, and the Plaintiffs have a responsibility to enforce the laws that apply.

I don't think the settlement contained in PFJ is good for the public or the economy. I would like to see the Court require a settlement that accomplishes what the U.S. claims this settlement accomplishes.

Sincerely,
Mister Thorne

MTC–00028373

From: Cynthia Roy
To: Microsoft ATR
Date: 1/28/02 2:45pm
Subject: microsoft settlement

Your Honor:

As you know, there was a time in America when Roosevelt had to launch an aggressive campaign against corruption in the corporate world. History has already shown us what happens when industries, because they are monopolies, have too much power. The question is not supposed to be considered on a situation basis, the antitrust laws were made so that, among other reasons, the general public would not and COULD NOT be taken advantage of. Therefore, with all due respect,I don't think that Microsoft should be allowed to abuse antitrust laws.

Thank you sincerely for your time,
Cynthia Roy
e-mail: sequin101@

MTC–00028374

From: M Y
To: Microsoft ATR
Date: 1/28/02 2:45pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally,

I wanted to let you know that I am against the Proposed Final Judgment. For the most part, the goals that were to be accomplished such ridding out MSs illegal monopoly will be overturned with this proposed settlement. I oppose such a deal. MS must be dealt with. I submit to you my objection to the Proposed Final Judgment.

Sincerely,
Marilyn Yu,
310 S. Orange Ave Apt. 19
Lodi, CA 95240

MTC–00028375

From: John Transue
To: Microsoft ATR
Date: 1/28/02 2:46pm
Subject: Microsoft Settlement

Microsoft is clearly a monopolist and stifles competition. A deeper punishment is vital to the industry and also to retain the authority of the government in anti-trust matters.

Microsoft is predatory and parasitic. They are incredibly arrogant about this case. The DOJ has to demonstrate that the US is a country of laws not of men. They have been found to be monopolists. Do the right thing and punish them. Don't let their wealth, power, and treachery get them off the hook.

They frequently make changes to their OS and applications for no reason other than to diminish competition.

Please do the right thing and punish Microsoft.

Sincerely,
John Transue
Assistant Professor
Department of Political Science
Duke University
transue@duke.edu
(919) 660–4336

MTC–00028376

From: John R. Morris
To: Microsoft ATR
Date: 1/28/02 2:45pm
Subject: The Microsoft Anti-trust Case

Dear To whom it may concern,

I am a user of the OS/2 (operating system from IBM). I have found this to be a technologically superior product over any of the operating systems offered by Microsoft, especially their latest version, Windows XP. I Believe that their further bundling of an instant messager (The MSN Instant Messanger), the 3 year limitation on usage, Cd burning software and other included multimedia software makes it clear and obvious that Microsoft is trying to extend and/or maintain their monopoly. Unfortunately, OS/2 has been in decline for a number of years from what I believe to be unfair monopolistic marketing tactics of Microsoft. As a result, vendors of OS/2 related products have also diminished over the years. Contrary to arguments by Microsoft that their products encourage competition, I believe the opposite is true; that Microsoft's marketing practices actually discourages competition and stunts technological growth.

Consequently, I do not believe that the Department of Justice's proposed settlement

with Microsoft, in its current form, is anywhere near adequate and that stricter measures need to be imposed on the company to prohibit such tactics from being used in the future.

In addition, I am appalled that after all the effort, my tax dollars, and other resources that the Department of Justice has used and this is the best settlement that they can come up with. Futhermore, I am greatly troubled that the other Attorney Generals have fought so hard over the past years and have spent enormous amounts of their money, and then settle for this unrealistic package.

Sincerely,
John R. Morris
Morr109@yahoo.com
Corvallis, OR
United States of America

MTC–00028377

From: wvdavid@access.mountain.net@inetgw
To: Microsoft ATR
Date: 1/28/02 2:58pm
Subject: Comment on Microsoft Settlement

Hello,

Attached (better) and below are my comments on the microsoft settlement.

David McMahon
DAVID B. McMAHON / ATTORNEY AT LAW
1624 Kenwood Road, Charleston, West Virginia 25314
Phone 344–3620 / Day 415–4288 / Fax 344–3145
e-mail wvdavid@access.mountain.net
January 28, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001
microsoft.atr@usdoj.gov
Re: Microsoft Settlement.
Dear Ms Hesse,

I am a lawyer for low income people. I am also a ?Consumer Fellow? to the Business Law Section of the American Bar Association. I was an Official Observer on behalf of consumers on the drafting committee of the National Conference of Commissioners on Uniform State Laws that revised Article 9 of the Uniform Commercial Code. I am on the Board of an organization opposing the Uniform Computer Information Transaction Act in the states.

Thank you for the opportunity to comment on the Microsoft settlement. I share generally the opinion of Hon. Darrell McGraw, the Attorney General of my state, the State of West Virginia.

It is my personal position that the settlement between Microsoft and the U.S. Department of Justice is not in the public interest. The settlement does not offer remedies that sufficiently address Microsoft's illegal, anticompetitive behavior as a monopoly that puts grabbing market share above the quality of the software it produces. The settlement fails to include critical provisions that will counter Microsoft's monopolistic tactics, and does not contain appropriate and enforceable penalties for non-compliance. Changes to the settlement must be made to address these issues, in order to bring the benefits of competition, choice and innovation to consumers.

Sincerely,
/s/
[Intended as a signature.]
David B. McMahon
DBM/dbm
David McMahon
E-Mail: wvdavid@access.mountain.net
Phone/Voice Mail: 304–415–4288
Fax: 810–958–6143
Work Address: 922 Quarrier Street, Charleston, WV 25301
Home Address: 1624 Kenwood Rd., Charleston, WV 25314

MTC–00028378

From: Gfound@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 2:47pm
Subject: Microsoft Settlement
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20560–0001
26 January 2002

Dear Mr. Ashcroft:

As a former Federal Government employee who was forced to retire on 2 October 1998 due to a major reduction in force (RIF) in the Defense Department (I was over 55 years of age and I had more than 5 years of service), I have been following the Microsoft antitrust case. Personally, I feel that Microsoft should be left alone. Microsoft has been very good for the economy and the technological advancement of our country. Because of its innovative software, they have brought about increased computer literacy. Can any other software company say the same? Microsoft has also been very flexible in agreeing to the terms of the settlement beyond what is required in any antitrust case.

Microsoft agreed to not enter into any agreements that would obligate a third party to distribute or promote any Windows technology exclusively or for a percentage of sales. I am sure competitors will like that. They have also agreed to allow access to their operating systems protocols that are used to operate within their server to the competition for use with their software. That sounds generous to me.

Now that Microsoft has gone out of their way to cooperate, shouldn't we? Let us end this litigation and move on to more pressing issues. Thank you.

Sincerely,
Georgia Foundotos
4 Damin Circle
St. James, New York 11780 -1604

MTC–00028379

From: dhurst@KsuMail.Kennesaw.Edu@inetgw
To: Microsoft ATR
Date: 1/28/02 2:51pm
Subject: Microsoft Settlement

I do not agree with the current proposed settlement as it stands. I have signed Dan Kegel's petition being submitted to you. Also, I ask you to reconsider your position and read Dan's website. http://www.kegel.com/remedy

Without fixing this problem now we, as a nation, are consigning ourselves and future generations to facing a severe monopoly in the software market in America. Competition in this market in a fair and equitable basis lowers prices for vital research and business functions of public and private markets. Most significantly, from my point of view, research funded by the government cannot afford a Microsoft dominated market. Linux and open source free software is just now setting research programs free of huge licensing overheads. American business needs a cost reduction in software licensing, especially in desperate economic times in the IT market.

All the horror stories of excited young companies with fresh new ideas and new technology being eaten and destroyed by Microsoft should fuel your drive to tame this monster! If Microsoft had decent ethics and treated people right, I wouldn't feel this way or be writing this letter. In fact, you would not have the case you have. I respect the work and time Dan Kegel has put into his review of the proposed settlement. Please give it your consideration. Thank you,

Dow
Dow Hurst
Office: 770–499–3428
Systems Support Specialist Fax: 770–423–6744
1000 Chastain Rd.
Chemistry Department SC428
Email:dhurst@kennesaw.edu
Kennesaw State University
Dow.Hurst@mindspring.com
Kennesaw, GA 30144

MTC–00028380

From: Edwin van Beuzekom
To: Microsoft ATR
Date: 1/28/02 2:51pm
Subject: 1/28/02 3 PM
1/28/02 3 PM

Gentlemen,

This letter is to emphasise my opinion that it would help busines to settle the microsoft anti trust case. Please expedite your decision and help business to grow again.

Sincelery,
Edwin van Beuzekom
email: vanbeuzekom@yahoo.com

MTC–00028381

From: CTMCCUNE@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 2:51pm
Subject: Microsoft settlement

I am extremely disappointed in the government's proposed settlement of the Microsoft case. The judge found that Microsoft had abused its monopoly power to crush the competition and rig the retail environment to ensure that consumers would have virtually no choice but Microsoft. The proposed settlement barely gives Microsoft a slap on the wrist and does nothing to make the market work as intended: in a free and fair competition.

However, with a Republican administration in charge, I am not surprised that the DOJ chose to ''wimp out'' and let Microsoft off the hook. The Microsoft settlement, like the Enron debacle, demonstrates that those with big money don't have to play by the same rules as the rest of us. If they contribute enough to the right campaign coffers, and use buzzwords like ''free market'' and ''competition'' to cover their dirty deeds, they can usually get

government officials to either gut existing regulations and rewrite tax laws to their specifications, or at least look the other way when they break the rules. And this means that big corporations like Microsoft and Enron can get away with almost anything.

I'd like to have faith in the U.S. system of justice, but I doubt the DOJ will redeem itself on this case. My only hope is Microsoft does not yet own the EC, and Europe will refuse to be bought out or bullied. That might at least slow down the Microsoft juggernaut.

Sincerely,
Cynthia A. McCune
3177 Greenoak Court
San Mateo, CA 94403

MTC–00028382

From: Chuck Broms
To: Microsoft ATR
Date: 1/28/02 2:53pm
Subject: Microsoft Settlement

I support the purposed DOJ settlement with Microsoft.

Charles Broms

MTC–00028383

From: Douglas W. Lantz
To: Microsoft ATR
Date: 1/28/02 2:53pm
Subject: Microsoft Settlement
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing to express my views surrounding the Microsoft settlement. I believe that the agreement is fair and reasonable, and would like to see the issue put behind us. Not only does the settlement address the concerns that brought about the case in the first place, but it also sets up guidelines of how to deal with possible future problems. Microsoft has made unprecedented concessions in an effort to end this debacle, and I will outline just a few of them for you.

Under the settlement, Microsoft has agreed to grant computer makers new rights to configure Windows so as to promote non-Microsoft software in direct competition with programs included within Windows. Microsoft will document and disclose for use by its competitors various interfaces that are internal to Windows operating system products. Also, Microsoft has agreed to license Windows to the twenty largest computer manufacturers, which make up a vast majority of PC sales.

There will always be those that try to pull down whoever is on top, just as there will always be those that support it. I feel that if this case is judged by the value of its merits, rather than the depth of the lobbyists'' pockets, it is apparent that the original problems have been solved. I believe that the suit has been pushed by competitors rather than consumers. It has negatively affected our entire industry. In short, three years has been long enough. It is time to allow Microsoft and the IT industry as a whole to return their focus to innovation, rather than litigation. We must ensure our country's place in the world technology market, and the best way to do it is by moving on. I thank you for your time and consideration of my thoughts.

Sincerely,
Douglas W. Lantz, President
Advantage Technology Group, Inc.
dlantz@advtechgroup.com
513.563.3560

MTC–00028384

From: E L
To: Microsoft ATR
Date: 1/28/02 2:53pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally,

Id like to make my position known that I am against the Proposed Final Judgment. MS has been given all the breaks in the case. The Proposed Final Judgment pretty much seals the deal with Microsoft walking away unscathed. Justice must be served and MS should be dealt with accordingly. I again concur with my previous statement by saying I oppose this Proposed

Final Judgment.

Sincerely,
Edith Landero,
310 S. Orange Ave Apt. 19
Lodi, CA 95240

MTC–00028386

From: Karina Montgomery
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 2:55pm
Subject: Microsoft Settlement

Dear Renata Hesse:

As a United States citizen, I urge you to withdraw your consent to the revised proposed Final Judgment settlement in the United States v. Microsoft Corp. antitrust case. The limitations and punishments imposed upon Microsoft do not sufficiently restore the competitive conditions previailing prior to Microsoft's unlawful conduct.

The Settlement only prevents Microsoft from future monopolistic practices; it does not punish Microsoft for previous unlawful behavior. The advantages of immediacy and certainty of the proposed Final Judgment are not sufficient cause for abandonment of pursuit of further litigation.

The damage done to individuals and businesses by design of Microsoft and its engineers and practices requires more punitive measures than a slap on the wrist and a promise to never get caught at doing it again.

I urge you to pursue litigation of the issue of remedy, whether as set forth in the Final Judgement entered by the District Court on June 7, 2000, or as one of the other remedy proposals described in the Competitive Impact Statement, section (V) Alternatives to the Proposed Final Judgement.

Thank you for your time and consideration,

Karina J. Montgomery DOB 1/13/70
4556 Park Blvd #1
San Diego CA 92116

Please refer to my voter registration or passport registration which you as a government agency surely have access to in order to verify my US Citizenship.

CC:Karina Montgomery

MTC–00028388

From: Odysseynorth@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 2:55pm
Subject: Microsoft Settlement

Attached please find a letter voicing my thoughts and questions.

Charlene Howe
(907) 333–7207
Charlene Howe
8050 Resurrection Drive
Anchorage, AK 99504–4731
Phone: (907) 333–7207
E Mail: OdysseyNorth@aol.com
January 25, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I tried to fax this to you on my personal letterhead but your fax lines were constantly busy. There must be a lot of people like me wanting to express our concerns.

As a businesswoman and a veterinarian's wife who has been following the Microsoft antitrust case, I believe the settlement is pretty fair. I have a lot of respect for Microsoft; they've contributed to the prosperity of the ''90's, produced well-paying jobs, and provided great software at reasonable prices. Since the technology sector accounts for a third of economic growth, I am afraid what might happen to the industry if litigation continues.

Microsoft has been very cooperative throughout this ordeal. Not only have they agreed to document and disclose various Windows'' internal interfaces to competitors. They also agreed to the establishment of technical team to monitor Microsoft's compliance to the settlement. What other company would risk such great exposure to competitors?

Unfortunately, the technology industry faces numerous challenges in protecting the entrepreneurial spirit we depend on. Some special interests are lobbying for increased litigation, regulation, and legislation that could impact entire industries and threaten this country's economic vitality. Should we allow this to happen?

Sincerely,
Charlene Howe

MTC–00028389

From: Gregory Gerard
To: Microsoft ATR
Date: 1/28/02 2:56pm
Subject: Microsoft Settlement

The proposed settlement does not redress the wrongs Microsoft has been found guilty of.

Gregory Gerard
255 Manzanita Avenue
Palo Alto, CA 94306

MTC–00028390

From: Tracyalindgren@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 2:56pm
Subject: Microsoft Settlement
January 28, 2002
Hon. Colleen Kollar-Kotelly
U.S. District Court, District of Columbia
c/o Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW

Suite 1200
Washington, DC 20530–0001

Dear Judge Kollar-Kotally:

As a long time political activist I am concerned about the leniency regarding the proposed settlement between the Department of Justice and Microsoft in U.S. v. Microsoft. It is my belief that this will not put an end to Microsoft's monopolistic practices.

The settlement abandons the principle that fueled consumer criticism and which gave rise to this antitrust case in 1998: Microsoft's decision to bind—or ''bolt''—Internet Explorer to the Windows operating system in order to crush its browser competitor Netscape. This settlement gives Microsoft ''sole discretion'' to unilaterally determine that other products or services which don't have anything to do with operating a computer are nevertheless part of a ''Windows Operating System product.'' This creates a new exemption from parts of antitrust law for Microsoft and would leave Microsoft free to bolt financial services, cable television, or the Internet itself into Windows.

The settlement does nothing to deal with the effects on consumers and businesses of technologies such as Microsoft's Passport. Passport has been the subject of numerous privacy and security complaints by national consumer organizations. However, corporations and governments that place a high value on system security will be unable to benefit from competitive security technologies, even if those technologies are superior to Microsoft's. Why? Microsoft controls their choices through its monopolies and dominant market share, and still is able to dictate what technologies it will include.

The weak enforcement provisions in this proposed deal leave Microsoft free to do practically whatever it wants.

A three-person technical committee will be appointed, which Microsoft appointing one member, the Department of Justice appointing another, and the two sides agreeing on the third. This means that Microsoft gets to appoint half of the members of the group watching over its actions.

The committee is supposed to identify violations of the agreement. But even if the committee finds violations, the work of that committee cannot be admitted into court in any enforcement proceeding. This is like allowing a football referee to throw as many penalty flags as he likes for flagrant violations on the field, but prohibiting him from marching off any penalties.

Finally, Microsoft must comply with the lenient restrictions in the agreement for only five years. This is not long enough for a company found guilty of violating antitrust law. The end result is that this proposed settlement allows Microsoft to preserve and reinforce its monopoly, while also freeing Microsoft to use anticompetitive tactics to spread its dominance into other markets.

After more than 11 years of litigation and investigation against Microsoft, surely we can— and we must—do much better than this flawed proposed settlement between the company and the Department of Justice.

Sincerely,

Tracy Lindgren

2825 Grand Avenue, Apt. 206

Des Moines, IA 50312

MTC–00028391

From: Chris Metzler
To: Microsoft ATR
Date: 1/28/02 2:56pm
Subject: Microsoft Settlement

Enclosed please find my personal comment on the proposed settlement in the U.S. vs. Microsoft antitrust action. The comment comes in the form of four attachments.

The first attachment is a text copy of a letter containing my main comment.

The second attachment contains a text copy of an appendix to that letter, going through the proposed settlement in detail and providing a point-by-point critique.

The third and fourth attachments contain the letter and appendix above again, but in .PDF format rather than text, making for more attractive viewing and printing.

Thank you for the opportunity to provide a comment.

Dr. Christopher A. Metzler

CC: cmetzler@speakeasy.net@inetgw
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001

To the United States Department of Justice, and to the United States District Court for the District of Columbia:

I am writing to take advantage of the public comment period regarding the proposed settlement in the antitrust action United States v. Microsoft Corporation, provided under the Tunney Act. I thank you for the time you will take to consider my opinions. Many of the letters you will receive as public comments on the settlement will come from computer industry professionals—persons in the pay of either Microsoft or their competitors. I am neither. Nor, for that matter, do I have informal connections to the software development industry. My profession has been that of a research astrophysicist at prestigious research institutions. I mention this to indicate both that I believe I have the competence to critically examine the settlement and the opinions for and against, and that I have no direct or indirect material stake in the outcome of this settlement.

Despite my independence from the computer industry, as an citizen and a computer user I have strong feelings about this settlement. I believe that this settlement is not only contrary to the public interest, but would damage it instead.

As I understand, it is not illegal for Microsoft to hold an effective monopoly in personal computer operating system software. What is illegal is for Microsoft to maintain that monopoly, and attempt to extend their monopoly into other domains, using predatory or anti-competitive practices. The District Court has found that Microsoft has done this; the Court of Appeals has confirmed this judgment, and the Supreme Court has effectively confirmed it again by choosing not to hear a further appeal by Microsoft. Therefore,

Microsoft has once and for all been declared guilty of such illegal conduct. Numerous Supreme Court decisions in anti-trust cases have indicated that any remedy arising out of a successful anti-trust action should deny the offending corporation the fruits of its violations. And yet, despite the fact that Microsoft was judged guilty by the court of damaging several companies illegally by its actions, there are *no* penalties aimed at making amends for Microsoft's past actions contained in this settlement. In fact, while there are numerous terms clarifying how future operations by Microsoft can be considered legal, there is *nothing*, anywhere in the settlement, that penalizes Microsoft for its past actions. In light of those past Supreme Court decisions, and in light of the flagrant nature of Microsoft's violations of the law (given that this is the second Federal anti-trust action against them, and their violation of the previous consent agreement), a settlement that entirely fails to penalize Microsoft for their past actions and denies them the fruits of their illegal conduct cannot possibly be considered to be ''in the public interest.''

Instead, the focus of the agreement appears to be simply to prevent future anti-trust violations. This approach is tantamount to saying ''it's OK that you violated anti-trust law and illegally damaged other companies a second time, but you should stop it now.'' Perhaps a better way to describe it is as saying ''Stop, or I shall say ''stop'' again!'' It fails to penalize Microsoft for the wrongs already done, and only tries to instruct Microsoft to obey a law that (being a law) they're supposed to obey anyway! This alone would be unacceptable; but in addition, the settlement as written does very little new to hinder Microsoft from continuing to maintain its monopoly, or extend it into other areas, using anti-competitive tactics. Indeed, analysts within the computer industry press have typically described the settlement as demanding almost nothing new from Microsoft. Legal specialists in technology antitrust issues not employed by Microsoft or their competitors have described the settlement as ''business as usual for Microsoft . . .no significant change in the way it develops its products or sells to the marketplace.''

It is true that the agreement outlines constraints on Microsoft's business practices, with the apparent intent of preventing Microsoft from using its influence as a monopoly holder either to force unfair agreements on other hardware or software vendors or to retaliate against them for actions involving non-Microsoft software. However, these constraints are extremely limited in scope, are defined in terms of subjective descriptions which are not easily enforceable, and are laden with loopholes. An appendix to this letter covers several specific flaws in the agreement in more detail; meanwhile, I wish to make several general points.

My appendix below notes how, because of subjective descriptions and loopholes, the agreement fails to set viable restrictions on Microsoft regarding the topics it actually considers. Such subjective descriptions and loopholes matter, because Microsoft has a history of using such flaws to violate agreements coming out of legal actions. For example, the consent decree originating from

the earlier anti-trust action was meant to prevent such actions as the bundling of Windows 98 and Internet Explorer, but this current anti-trust action had to be started because of subjective terms Microsoft successfully entered into the previous agreement that allowed them to ignore its constraints. In the time this action has taken, Microsoft's monopolies have become even more firmly entrenched. To the extent that the requirements of Microsoft in the agreement are concrete, they are comparable to what Microsoft has been doing up to this point. And it is patently absurd to constrain a company guilty of the sorts of actions demonstrated in this court case simply be requiring them to act ''in good faith.'' In other words, not only does the agreement fail to punish Microsoft for its past illegal actions—actions which have damaged or even destroyed other companies attempting to compete—but the agreement also fails in the considerably less ambitious task of clearly defining illegal actions or procedures that Microsoft must avoid.

Finally, there are many topics not addressed by the agreement at all, such as Microsoft's use of proprietary standards in file formats, and how those standards combined with Microsoft's monopoly status effectively block competing products from the marketplace. Microsoft has an effective monopoly on certain types of productivity software, such as word processors and spreadsheets (Microsoft Word and Excel, now bundled together as part of Microsoft Office). Because these monopolies are so entrenched, competitors cannot produce competing software of these types unless their software can read and write Microsoft file formats. Rather than attempting to beat such competitors in the open market, Microsoft has repeatedly acted to prevent competition from taking place at all by keeping the internal file formats for these software packages secret, and by periodically changing those file formats to block potential competitors'' attempts at reverse-engineering them. That this topic is not addressed at all is yet another major failure of the agreement.

What are the consequences of these failures? Dreadful, if Microsoft's past actions predict their future ones. There has been a long history of companies profoundly damaged, or even completely destroyed, by Microsoft's anti-competitive business practices. Digital Research and Stac are two examples of companies whose products were essentially run off the market in a flood of fraud and misinformation and, in the latter case, simple copying of their technology (for which Microsoft lost in court). This case has centered on the damage to Netscape, Sun and Apple by Microsoft's actions; there are many other such companies. we are left with a situation where an environment of innovation and competition is stymied—stymied by fear of even bothering to enter the market, given the expectation that Microsoft will do anything to destroy your enterprise.

In the courtroom, it has been demonstrated that Microsoft has falsified and even destroyed evidence. Despite these events, accepted as fact in a court of law, no criminal penalties have been forthcoming. In recent months, we have seen news stories covering attempts by Microsoft to manipulate public opinion in unethical fashion, ranging from organized efforts to get employees to stuff online ballot boxes/polls about Microsoft and their products, to writing letters to officials on Microsoft's behalf using the names of people who are deceased.

Given this past history, that the Department of Justice would arrive at such an empty settlement with Microsoft is bizarre. After all, the verdict from the District Court was strongly in the Federal Government's favor. While the Court of Appeals subsequently rejected the breakup order, they clearly affirmed Microsoft's guilt. The position of the Federal Government was strong, and Microsoft's announcements of what penalties or restrictions they would not accept in a judgment should have carried no more weight than the assertions of a convicted felon that he ''would not accept'' jail time. It has been noted by Rep. John Conyers Jr., the ranking member of the House Judiciary Committee, that this settlement in fact is less onerous for Microsoft than the terms that Microsoft was willing to concede in settlement talks *before* it lost the case in the Court of Appeals.

Conyers went on to describe the settlement as ''like losing a game by forfeit when your team was ahead with the bases loaded and your best batter on deck.'' (Washington Post, 2 November 2001) Or, as an acquaintance wrote, ''Can someone explain to me how you can win the trial, win the appeal, have the Supremes deny cert to the defendant, and then let the perps walk?''

So why ''forfeit''? Why this settlement? The most commonly-encountered explanation is that the settlement springs purely from politics: the executives of Microsoft were major campaign contributors to the current administration. For example, Robert Lande, a professor of antitrust law who has followed the case closely, has commented that ''Microsoft broke open the champagne when Bush was elected.'' This may or may not be an accurate assessment of the source of this agreement; but it is a difficult suspicion to dismiss; and if this suspicion is true, the claim that the agreement is in the public interest seems even more preposterous. Another explanation offered for this settlement has come from Microsoft and its employees, who have argued that the settlement is indeed in the public interest simply because it halts the continuing hindrance of the operations of the leading computer software company, and therefore is good for the high-tech industry and the economy. These statements are the modern-day equivalent of ''what's good for General Motors is good for America,'' and they are false. It is true that our modern economic engine depends strongly upon the continuing innovation of the computer industry. However, that innovation depends in turn upon the ability of many different sources to imagine and create new software, and for those creations to be able to compete for public attention. It is indeed a bad thing to stifle the ability of the nation's largest software company to produce new products; but it is not an acceptable alternative to stifle the ability of everyone *but* that company to innovate instead.

In short, this settlement is a disaster for the citizens of the United States. It is the polar opposite of an action in the public interest.

It neither penalizes Microsoft for its past illegal, destructive acts, nor does it force the kind of change in Microsoft's current business practices necessary to prevent further predatory, anti-competitive behavior. This despite a contempt for the public and the law displayed in Microsoft's behavior in the courtroom and up to this very moment. If this settlement is upheld, I can guarantee that over its five year course, the problem with Microsoft will only worsen. This may result in yet another court challenge against Microsoft; but we have seen in this case alone how Microsoft attempts to slow the pace of court action as long as possible, the better to create a ''fait accompli'', as they successfully have here. If history, and this and the previous agreements in particular, are any guide, Microsoft will yet again be able to hang on to their ill-gotten gains, and be faced with a set of ''restrictions'' that effect no change and allow them to continue to reinforce their monopolies. The resulting damage to the prospects for innovation and competition in the high-tech sphere will be incalculable, and to the public interest even more so. If Microsoft's hegemony in the computer industry is allowed to solidify further, as this agreement would guarantee, then we will bequeath to our children the kind of future that the early anti-trust actions against Standard Oil or Jay Gould were intended to prevent: where one entity controls the dominant new industry in our economy. We can be better ancestors than that. I therefore urge you, as strongly as I can, not to accept this settlement.

Thank you for your consideration.

Sincerely,

Dr. Christopher A. Metzler
2702 Hemlock Avenue
Alexandria, VA 22305

APPENDIX: SOME DETAILED COMMENTS ON THE TERMS OF THE AGREEMENT

The most significant complaint about this agreement is a general one. Microsoft has been found to be a monopoly by a court of law; that verdict has been affirmed by the Court of Appeals, and the Supreme Court has chosen not to review that affirmation. Therefore, under existing antitrust laws, Microsoft is required to conduct its business practices in a non-predatory/non-anti-competitive fashion. This is a standing requirement of law upon Microsoft. As noted in my letter, the agreement as written holds no penalties for past action, only ''restrictions'' upon future behavior. In my letter, I noted how these ''restrictions'' are ineffective; below, I go into more detail on some of these. But most important of all is the fact that such restrictions should be unnecessary; they attempt to restrict Microsoft from doing things that are illegal in the first place, since as a monopoly Microsoft is bound not to conduct its business in a predatory fashion. For example, requiring Microsoft in the agreement not to retaliate against companies that sell competing products with their computers is no great accomplishment; that was already illegal! In fact, enumerating such restrictions, and then

providing exceptions shortly afterward, gives the impression that there are certain terms under which Microsoft is actually *allowed* to violate the law. This cannot be considered acceptable.

Below are specific comments on parts of the agreement.

—Section III, Part A—

Section III, Part A. has several problems. First, it only restricts what Microsoft can do against OEMs, which means makers of ''Personal Computers'' according to the definition given later in the settlement.

The definition of ''Personal Computers'' used in the agreement excludes a wide class of technologies which should not be. For example, a maker of machines which are intended to be used as servers does not fall under this definition—odd given that the distinction between machines intended as desktop PCs and machines intended as servers is often blurry. The phrasing in this Part indicates that Microsoft is perfectly free to retaliate however they choose for whatever they choose against manufacturers/vendors of server hardware.

Second, it says that Microsoft cannot retaliate by altering commercial relations with OEMs. But they can certainly retaliate by doing nice things for everyone *but* the target OEM. That might seem to be forbidden from the next clause in that sentence (including the parenthetical remark), but it isn't; that only forbids withholding *non-monetary* Consideration that others get. They can withhold new *monetary* Consideration that others get without running afoul of the agreement.

Furthermore, this Part restricts retaliation, but it doesn't restrict Microsoft from entering into really predatory licenses with companies with whom they hadn't previously been doing business. In other words, Microsoft could act so that if you were not previously licensing Windows, and wanted to be, you'd better not do anything that upsets them (such as described in Subparts 1, 2 and 3 of this Part, III A.) or you'll only get a bad license from them. You might think this is prevented by Part B immediately following; but that only applies to ''Covered OEMs'', not new ones.

Next, Section III, Part A restricts Microsoft from retaliating against OEMs that ship Personal Computers that include Windows and another OS or will boot more than one OS; but it doesn't restrict them from retaliating against companies that ship or are contemplating shipping machines which do not include a Windows OS at all. Against OEMs that ship some of their Personal Computers with only a competing operating system installed, or with no operating system installed, Microsoft is perfectly free to retaliate however they like.

Next, OEMs which are not Covered OEMs can have their Windows licenses terminated without the notice and opportunity to cure described here as to be provided to Covered OEMs. What is the purpose of this distinction? Why do only the bigger OEMs get this protection? The obvious reason is ''to lock them into selling Windows.'' In other words, a clause assisting Microsoft in further solidifying its monopoly is contained within the agreement itself!

Finally, the last paragraph says that Microsoft is not prohibited from providing Consideration if it's commensurate with the OEM's effort/expenses related to Microsoft products. But since Microsoft is not required to provide this Consideration, this means that they can use this provision of Consideration as a carrot for the kind of behavior they want OEMs to follow. The first part of this restriction might seem to forbid that, since it talks about withholding Compensation—but that's non-monetary compensation only. They could certainly give monetary compensation (i.e. kickbacks) under this ''restriction.'' One might think this is prevented by the restrictions in Part B immediately below—but again, that only applies to Covered OEMs, not new ones.

—Section III, Part B—

Similar to the guarantees of license termination warnings/ opportunities to cure described in the previous Part, the presence of such volume discounts, and different volume discount schedules for 1–10 vs. 11–20 Covered OEMs, strongly discourages those OEMs from selling any other OS. This is another clause which *helps* Microsoft maintain its monopoly.

—Section III, Part C—

Since the constraints of this part only apply to Microsoft's interactions with OEMs—makers of ''Personal Computers''—other hardware manufacturers, such as people making machines which are intended to be used as servers, *can* be restricted by Microsoft from exercising the options listed here.

—Section III, Part D—

Under these terms, in order to obtain information about the Windows APIs etc., one has to join MSDN or ''similar mechanisms.'' What are the terms of so joining? Presently, MSDN subscriptions cost a lot of money. This constraint seems to be saying that to get Microsoft to play fair, everyone has to pay them! Furthermore, what's to prevent Microsoft from making joining this mechanism difficult for entities they wish to punish or abuse?

Also, this section requires Microsoft to begin providing access to APIs in a ''Timely Manner,'' which is defined as ''the time Microsoft first releases a beta test version of a Windows Operating System Product that is distributed to 150,000 or more beta testers.'' So if they only release it to 149,999 beta testers, this time never arrives (and so the restrictions which are to occur at that point don't)?

Clearly, this ''Timely Manner'' demand is easily circumvented. And, for the purposes of this agreement and definition, what's a beta tester?

If the software is sent to a company, such as a member of MSDN, to be tested, does that company count as one beta tester? Or are there as many as the company has employees that *ever* sit down in front of a machine. This is not clear, and is full of possibilities for exploitation.

—Section III, Part F—

This section hinges on the ban against ''retaliating''; it is not clearly defined what would constitute ''retaliation.''

Furthermore, the entities used in this Part are defined in terms of the term ''Personal Computer,'' which again is defined in a very restrictive fashion. Again, Microsoft is allowed under this Part to retaliate against manufacturers of machines which are intended to be used as servers, for example.

—Section III, Part G—

Once again, Microsoft is permitted under this Part to retaliate against a wide class of hardware manufacturers and vendors because of the bizarre definition of ''Personal Computer'' used in this agreement.

Furthermore, an exception is provided where Microsoft ''obtains a representation that it is commercially practicable'' for the other party to do equal or bigger business with competing software. Nowhere does the agreement indicate from where such a representation of feasibility must come—it could come from inside Microsoft itself!

The agreement does say that the representation should be obtained ''in good faith''; but that's subjective, and absurdly generous to a company that has been found guilty of repeated abusing past agreements.

—Section III, Part H—

In Subpart 1, allowing MS to present the options for MS or non-MS software to people as ''one group'' or ''the other group'' virtually guarantees no one will use the non-MS stuff.

Regarding the exceptions 1. and 2. to the rest of Part H, both listed near the end of the part, 2. is an enormous loophole! It allows Microsoft, and their Windows OS, to shun some non-Microsoft software simply because Microsoft or some capability of Windows itself claims that software is not up to snuff. It could be a ridiculous claim; but in the time it takes to sort it out, the practical damage to the company providing that software is done, and Microsoft's monopoly position is that much stronger. And, of course, ''reasonably prompt'' is a subjective term, and based on their past behavior, Microsoft can be counted upon to interpret it to their advantage.

—Section III, Part I—

Again, this section is hobbled both by the use of subjective terms (''reasonable'') and the bizarre definition of ''Personal Computer'' used throughout this agreement.

Subpart 5 seems to be saying that in any agreement Microsoft signs to give people APIs or documentation or similar information, like they're supposed to provide under the agreement, Microsoft can in turn require the software makers to license to Microsoft any intellectual property rights they might have associated with anything the software companies might do that's described in this Judgment, even if those properties are unrelated to the project for which the APIs/ etc. are used. This effectively authorizes one of Microsoft's more strongly anti-competitive tactics!

—Section III, Part J—

This is perhaps the most flawed Part of the entire agreement. Regarding Subpart 1 . .who decides whether disclosure of a particular piece of information compromises the security of anti-piracy etc. systems? Microsoft? They can just say that it does, without substantiation, and thus avoid terms of this agreement. Any disagreement with Microsoft's claim, and they just drag it out forever in court while the other company dies. This sequence of events could not be more predictable. It will happen. Count on it.

Furthermore, it is important to note that effectively all communications protocols of interest include some sort of authentication process, that Microsoft's future plans involve license subscription with online verification, etc. The claim can be made that none of their APIs, relevant documentation, or Communications Protocols are completely empty of information on security protocols, software licensing, encryption, authentication, digital rights management, etc. This clause basically means that Microsoft can withhold pretty much everything. It is a loophole through which a supertanker could be sailed.

Regarding Subpart 2, how is it determined whether a licensee has a history of willful violation of intellectual property rights? Is it from past legal convictions, or findings against them in civil courts?

Or is it just that Microsoft says so? And who decides whether he licensee has ''a reasonable business need for the API, Documentation, or Communications Protocol''? Microsoft? And who gets to decide whether the standards Microsoft gets to establish for certifying the authenticity and viability of the business are in fact ''reasonable'' or ''objective''? Microsoft has stated that they do not consider Open Source to be a viable model; does this mean that no one writing Open Source software would be allowed to look at the APIs or Communications Protocols? Apparently, according to the terms in this agreement.

In particular, this is an effective lock-out for designers wishing to create free software relating to anything which contains ''security''-type subsystems (of the types listed in the Subpart). And regarding 2d), since the third party, that gets to test/ensure verification and compliance with Microsoft specifications, has to be approved by Microsoft, what's to stop Microsoft from using this third party evaluation as a barrier to other companies'' bringing their products to market? Nothing in this judgment.

This Part is a disaster.

—Section IV, Part A—

The presence of subjective terms such as ''reasonable opportunity'' seems like a recipe for further delays while court actions proceed.

—Section IV, Part B

Three people is not a sufficiently large group to vigorously pursue everything the Technical Committee is tasked to oversee. Furthermore, the small size of the committee makes it strongly susceptible to politics: a pro-Microsoft administration means two pro-Microsoft members on the Committee voting in the third member. To a great many people, this committee appears to be an empty gesture.

And the constraint on public comments by the TC has enormous ramifications. It prevents whistle-blowing, for example. If the system breaks, and two members of the Committee are protecting Microsoft, the third can't say anything about it.

—Section IV, Part D

Subpart 4c) indicates that ''If the TC concludes that a complaint is meritorious, it shall advise Microsoft and the United States of its conclusion and its proposal for cure.'' No provision is made for what happens next. What if Microsoft disagrees with the Committee? What mechanism exists to decide what the appropriate response to the complaint will be? How long can Microsoft drag out the proceedings?

Subpart 4d) is, to be blunt, appalling. Under this agreement, if the TC finds that Microsoft has been brazenly violating this agreement, that fact can't be used in any court proceeding? And the Committee members can't talk about it in any legal proceeding? This is simply absurd; it seems intended to make sure that the Committee cannot actually accomplish anything.

—Section V, Part A—

This Part defines the length of the agreement as five years. This is too short for any penalty agreement, of course; anyone following this case knows that Microsoft can drag out a court action for three years at a minimum.

—Section VI—

''Consideration'' is poorly-defined. It is not sufficiently general; there are many other forms of compensation than are listed here. Under the definition of ''Microsoft Middleware Product,'' existing technologies which are not listed there—such as IIS, SQL software, etc.—are not Microsoft Middleware Products, and so Microsoft can go ahead and continue to exploit secret capabilities of the kernel/APIs in their design, and thus maintain an unfair advantage over competing software.

As noted above several times, the definition of ''Personal Computer'' is far too narrow. In particular, there is often no practical distinction between desktop, ''intended-for-single-user'' machines, and machines intended to be used as servers. Excluding servers from the definition (and thus from the constraints of any agreement) makes no practical sense.

Also as noted above, ''Timely Manner'' is defined in an easily-circumvented fashion.

The definition of ''Windows Operating System Product'' notes that Microsoft alone gets to decide what is part of the Windows OS and what is not. If this restriction had been in place in the past, many of the claims Microsoft made in this case, later disproven, would simply have been accepted as fact. This is a bad definition.

MTC–00028392

From: Wayne Smith
To: Microsoft ATR
Date: 1/28/02 2:57pm
Subject: Microsoft Settlement

The currently proposed settlement with Microsoft seems bad in that it does not appear to penalize or restrain Microsoft enough.

Wayne L Smith
669 Los Ninos Way
Los Altos CA 94022
WayneLSmith@hotmail.com

MTC–00028393

From: A L
To: Microsoft ATR
Date: 1/28/02 2:58pm
Subject: Microsoft Settlement

Dear Judge,

I want to let you know that I am against the Proposed Final Judgment. Microsoft should not go unpunished for leveraging their illegal monopoly and utilizing anti-competitive behavior. MSs fruits of their illegalities must be dealt with in a proper manner. The PFJ does non-of this. Thus I submit my stance opposing the Proposed Final Judgment. Thank you for your time in the matter.

Respectfully,
Aubrey Landero
310 S. Orange Ave. Apt. 19
Lodi, CA 95240

MTC–00028394

From: joeikel
To: Microsoft ATR
Date: 1/28/02 2:57pm
Subject: Pubic Comment

I desired to get a signed copy of my comments to you concerning the Microsoft case and requested Mail-Etc to send a FAX to you but they have reported difficulties in establishing a connection.

To assure that my comments will arrive in a timely manner I am sending them as an attachment to this e-mail. Mail-Etc will continue to send a FAX and if they succeed there will be a duplication of documents in your files.

Thank you!
Joe G. Ike

MTC–00028394—0001

3410 76th Avenue, SE
Mercer Island, WA 98040–3439
January 25,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I am writing to you today to encourage you to bring the litigation against Microsoft to an immediate and decisive closure. I must state that I have been unequivocally and strongly against this case from its very inception. It appears evident to me that it is very unfair to punish a company for excelling in their industry. I am a volunteer instructor with a non-profit organization teaching senior citizens how to enrich their lives by becoming computer literate. This is no easy task but at the close of every session I thank God that Microsoft has been so innovative and far sighted as to integrate their basic Operating System with applications to provide the User with a basis of commonality that makes the learning process infinitely easier. This applies not only to senior citizens but also to those individuals learning the use of new software to increase their knowledge and consequently leading to industrial efficiency. Prior to my retirement I vividly remember the days when it was a nightmare when attempting to home-brew our own integrated system. I have experienced the fact that Microsoft has expended every effort to provide us with the features that we sorely needed.

As I dwell upon the past three years I conclude that it must have been very taxing on the IT industry, the economy, Microsoft and its employees. I understand that Microsoft has spent millions of dollars in their defense—money that could have been put into the development of new products

resulting in further advancement of technology and industrial efficiency. The employees of Microsoft have had to endure an air of uncertainty during this entire situation. As a citizen I am extremely concerned with the possible flight of talent that is the backbone of Microsoft's awesome capability.

It is difficult for me to understand the problems related to the proposed, but rejected, settlement. Judging from what the media has reported, Microsoft has agreed to the terms included in the settlement as well as to the terms brought forth on issues that were not considered to be unlawful. To name two concessions, Microsoft has agreed to avoid agreements that would obligate any third party to exclusively distribute Windows technology. Additionally, Microsoft will not obligate software developers to refrain from developing competing software. Frankly, I personally cannot understand why Microsoft should have to divulge the code that makes up their Operating System. I would certainly include that in the realm of being proprietary and intellectual property. To put it more strongly, to me it smacks of being a case of sour grapes by certain other organizations that have not been as successful.

MTC–00028394 0002

Chairman Greenspan commented, with words to the effect, that the Guide-On that is going to lead the economy of our nation out of the doldrums is technology. It is our future. There is absolutely no doubt in my mind that Microsoft has been a major contributor to technology. As a result, and to reiterate, I personally would like to see this matter closed as soon as possible and I am sure that I am among many who share this same point of view. Thank you for your time and giving me this opportunity to voice my opinion.

Sincerely,
Joe G. Ike
Engineer(retired)
e-mail joeikel@attbi.com
tel: (206) 232–5643

MTC–00028395

From: dave@ipgroup.org@inetgw
To: Microsoft ATR
Date: 1/28/02 3:04pm
Subject: Microsoft Settlement

Sir:

The Intellectual Property Group strongly urges the government to conclude that the proposed settlement with Microsoft is wholly inadequate to encourage Microsoft to comply with applicable legal and ethical practices.

Microsoft has often played the game that simply because an action is not specifically illegal, then it is acceptable to take the action, even if such action is contradictory to common business ethics. In many cases, Microsoft has taken this concept a step further and unilaterally decided that certain laws are extremely limited, as in the case of failing to identify communications with Congressional representatives because, as Microsoft alleges, they are not part of the government (referring specifically to Microsoft's interpretation of the Tunney Act). In fact, Senator Tunney recently declared, with respect to Microsoft's interpretation of the law, ?I do have some pride in my legislative record and my history of service in the Senate, and I don\'t like to have my words and my intention being misinterpreted,? reported at http://www.siliconvalley.com/docs/news/depth/tunney012602.htm. ?The disclosure provisions were designed to help ensure that no defendant can ever achieve ! through political activities what it cannot obtain through the legal process.? Id. ?Failure to comply with these provisions raises an inference or, at a minimum, an appearance of impropriety.? Id. Microsoft has a long record of disregarding the law and intellectual property rights of others in favor of its determination to sustain its monopoly. Microsoft executives have often criticized competition without factual basis, and have launched smear campaigns against people who take positions contrary to their immediate business interests. Moreover, Microsoft has a long record of campaigning against fair competition by other technologies, including open source technologies. Microsoft has attempted numerous times to quash and tarnish the goals of the open source movement. Such tactics are not only fundamentally unfair and unethical, but also against the interest of consumers, especially in view of Microsoft's dismal software security record.

The Intellectual Property Group urges the government to insist on a settlement or verdict that serves to benefit consumers. Such a settlement would not only require Microsoft to timely share relevant portions of its software code with the business community, but would also require that it agree to offer reasonable royalties to intellectual properties in which it holds a controlling interest. Without this second aspect to the settlement, smaller companies could be subject to intimidation and lawsuits by Microsoft. Such actions would stifle competition and result in fewer choices for consumers.

Sincerely,
Dave Ashby
The Intellectual Property Group
http://www.ipgroup.org

MTC–00028396

From: Todd Symionow
To: Microsoft ATR
Date: 1/28/02 2:58pm
Subject: Microsoft Settlement

The settlement that the DOJ and Microsoft came up with is ineffectual and is bad for the people of the United States. After reading the agreement, it appears to me that Microsoft dictated the document to the DOJ, who typed it up for them. Microsoft has received a judgement of being a Monopoly by the courts.

Microsoft should have received a fine of several billion dollars, plus stiff oversight into its practices (like IBM had to go through). The settlement does not punish Microsoft for its illegal and monopolistic activities and doesn't prevent it from continuing to operate in illegal and monopolistic ways. The most important part of the case was ignored by the DOJ—Microsoft's tying of software to its operating system. The largest harm that Microsoft has done to the citizens of the United States is the integration of more and more software into its operating system (Microsoft calls it middleware). Every time Microsoft integrates another program into the operating system, it harms the marketplace by killing competition, forcing us to use Microsoft's proprietary technology (such as activeX, rather than Java), and preventing us from uninstalling unwanted features/software. Microsoft keeps talking about innovating. When it talks about innovation it's really talking about monopolization.

The agreement talks about removing shortcuts and icons. The real answer is for the web browser (and other middleware) to be separate from the operating system so that the consumer can choose which browser (middleware) to use. This wasn't in Microsoft's monopolistic interest, because having the browser (middleware) separate from the operating system prevented Microsoft from locking consumers into using Microsoft's proprietary technologies. I am extremely concerned about Microsoft's .net technology. Not only is Microsoft tying all of their products into .net, but they are beginning to require consumers to use it. An example includes the messaging and multimedia features built into Windows XP. To take advantage of these features, you have to sign up for a Passport (.net) account. This is another form of Microsoft's illegal and monopolistic behavior.

Microsoft has continuously broken previous consent decrees. I have no confidence that Microsoft will abide by this decree either. Besides, this decree is just a slap on the wrist. The world's largest monopoly in history must be fenced-in and controlled so that it doesn't continue to harm consumers. I truly feel that the current DOJ, under the current Pro-business Bush administration is doing a disservice to the American people by not dealing with Microsoft more harshly. This is a turning point. Our government has the opportunity to change Microsoft's behavior now and to restore competition in the computer software marketplace. The Microsoft settlement will not restore competition and it does not punish Microsoft for its illegal, monopolistic actions.

I do not support the current Microsoft Settlement. The opinions expressed in this email are my own.

Todd Symionow
CC:Todd Symionow

MTC–00028397

From: david.anderson@jpl.nasa.gov@inetgw
To: Microsoft ATR
Date: 1/28/02 2:59pm
Subject: Microsoft Settlement

To whom it may concern

I don't feel that the current Settlement will curtail or discourage Microsoft from continuing the same illegal practices. Something has to be done to truly level the playing field. There are many talented and creative people who do not further our current technology because they know that Microsoft would use their money to crush it no mater how good it is. Almost all of my co-workers feel the same way. And many of them feel that Microsoft has the DOJ in it's

pocket and will be able to get away with what ever it wants to. If people could commit a crime that would make them $50,000,000,000 and all they had to do was give back $1,000,000,000 most people would do it as many time as they were allowed. And with the current settlement, Microsoft WOULD NOT be giving up a billion dollars and WOULD be furthering their Monopoly! I read an editorial in Barrons, December 10th, metro section in which a Dr. Jeffrey Smith gave a very good analysis and solution to the problem. I would highly recommend a read of the article and especially his solution.

Thank You,

David Anderson

This is my opinion and I am not speaking for JPL or NASA.

MTC–00028398

From: WILLIAM ROSSI
To: Microsoft ATR
Date: 1/28/02 3:00pm
Subject: Microsoft Settlement
20 Bea Avenue East Northport, NY 11731
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft: I am supportive of the Department of Justice's efforts to settle the antitrust case against Microsoft. I prefer the remedies provided by the settlement agreement, as opposed to breaking up Microsoft. Anticompetitive business practices will be curtailed by Microsoft's agreement; for example, it will become easier for consumers to remove features of Windows from their computers and replace them with other software programs. Additionally, Microsoft has agreed not to retaliate against software developers who promote software that competes with Windows. The settlement agreement provides the appropriate remedies to the complaints made by the plaintiffs. No further action should be taken against Microsoft at the federal level.

Sincerely,

William Rossi r

MTC–00028399

From: Richard Murchy
To: Microsoft ATR
Date: 1/28/02 3:06pm
Subject: Microsoft Anti-trust case.
Attorney General John Ashcoft
U S Department of Justice
950 Pennsylvania Ave.NW
Washington D C 20530

Dear Mr Ashcroft,

This letter is to show my support for the pending settlement of the Microsoft Amti-trust case. The compromise represents a fair resolution to this legal dispute.It has gone on long enough.

Microsoft has made the Computer easy to use and the breakup of this great company is a poor decision to make. The proposed settlement provides flexibility for computer makers with uniform licensing, rights to re-configure Windows with other programs, abilities to license Microsoft technologies and to have access to the Windows internal code. With these conditions in place Microsofts rivals will have ample opportunity to carry on their own operations and will allow Microsoft to operate without further disruption, which of course, will be an asset to the computer consumer and the current struggling economy.Don't breakup this fine company that has put the world at our fingertips.

Sincerely,
Richard S. Murchy
W.188 Lake Forest Lane W.
Shelton, WA 98584
CC:fin@mobilizationoffice.com@inetgw

MTC–00028400

From: Mueone@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 3:01pm
Subject: Fwd: Attorney General John Ashcroft Letter

THEY MADE SOME BRUTAL BUSINESS DECISION, BUT TO BREAKUP A TECHNOLOGY COMPANY WHO STARTED FROM SCRATCH IS DISASTEROUS AGAINST ALL BUSINESS GROWTH PRINCIPLE. hOWEVER i BELIEVE THE SHOULD PAY A CONSIDERABLE FINE WHICH SHOULD BE to PROVIDE INTERNET SERVICE TO SMALL COMMUNITY FARMS REALLY UNDERPRIVELEGED AND THEY SHOULD BE ABLE TO CHOOSE THWE INTERNETSERVICE FOR THEIR OWN CHOICE AND msft SHOULD PAY FOR 3 YEARS.

I AM A VERU SMALL FRY INTERESTED IN BUSINESS AND TECHNOLOGY. P L E A S E get ENRON and these crooks Thanks I hope yopu give my thought some time.

Respectfully
Josef Brunner

MTC–00028401

From: mofish
To: Microsoft ATR
Date: 1/28/02 3:03pm
Subject: Microsoft Settlement

Dear Mr. Ashcroft: Thank you for finally ending the antitrust lawsuit against Microsoft with a settlement that is more than fair. I personally feel that enough is enough. We have expended millions of dollars on this suit already, and I believe our tax dollars could be more prudently allocated.This is a strong agreement. It grants computer manufacturers new rights to configure systems with access to various Windows features. In addition, it creates a governmental technical oversight committee to review Microsoft software codes and books, and to test Microsoft compliance to ensure that Microsoft abides by the agreement. The only term of the settlement I believe is inappropriate is the internal interface disclosure. I do not believe that Microsoft should have to divulge any information to its competitors relating to how it designs or secures its product. This particular term defies the very foundation upon which this nation was built: free enterprise. Your decision demonstrates insightful leadership on your part. I am glad that our Attorney General is a friend of American business. In my opinion, no more action should be taken at the federal level in this case.

Thank you.

Sincerely,
Chris Johnson
20821 Hillcrest Pl. Edmonds, WA 98026

MTC–00028402

From: FBROKER@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 3:03pm
Subject: Microsoft Settlement

I believe the settlement by the mediator was fair and beneficial to consumers and the United States economy. It is time to move beyond this litigation.

Joyce & John Hammill

MTC–00028403

From: Mark G. Munsell
To: Microsoft ATR
Date: 1/28/02 2:59pm
Subject: Microsoft Settlement

MTC–00028404

From: t t
To: Microsoft ATR
Date: 1/28/02 3:04pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally,

Your honor I submit my objection to the Proposed Final Judgment. Apparently, there are several loopholes encompassed in the framework of the final proposal, which favors Microsoft. The proposed final settlement does not dish out any due justice or punishment on the side of Microsoft. At the same time no devices are in place to ensure MS compliance to the stated rules enclosed in the settlement.Although being closely monitored, Microsoft will not have any direct supervision to reassure the company complies with the stated agreement. A three-man compliance team overseeing Microsoft remain in alignment to the stated rules and regulations. This three-man oversight team will be composed of the following: one appointee from the Justice Department, one appointee from Microsoft, and another appointee chosen by the two existing members. In turn, Microsoft will control half of the oversight team. All findings by this committee will not be allowed into court. The sole purpose for such a committee is to inform the Justice Department of all infractions committed by Microsoft. Subsequently the Justice Depart will launch its own investigation into the matter and commence litigation to halt all infractions. When all is said and done, the oversight committee is just window dressing. In turn, who will not strictly oversee Microsofts business moves? In my opinion, the Proposed Final Judgment does not provide sufficient and appropriate restrictions or penalties against Microsoft. What reassurance do we have against Microsofts illegal and illicit activities? I can assure you that the Proposed Final Judgment does not effectively address the question. I am against the Proposed Final Judgment. It in fact pardons MS of all wrongdoing.

Respectfully,
Travis Thurman
311 Estes Ct.
Travis Airforce Base 94535

MTC–00028405

From: Hugh Queen
To: Microsoft ATR

Date: 1/28/02 3:03pm
Subject: Microsoft Settlement
301 Bobby Jones Road
Sarasota, FL 34232
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I hope that this settlement will mean the end of any further action at the federal level and put an end to any more attacks on Microsoft. Microsoft has never been a monopoly and the government certainly has no place telling people how to run their businesses.

Microsoft is willing to put this behind them; they are sacrificing potentially millions of dollars in profits in order to get a settlement agreed upon. They are giving up access to their source code without retaliating when it is used to compete with Microsoft products. This alone will cover any complaints against Microsoft by allowing a greater number of products to be used in what were predominantly Microsoft areas.

I hope that his will satisfy everyone, as it well should. Microsoft is going above and beyond what was expected of them and it should be appreciated.

Sincerely,
Hugh Queen
CC:fin@mobilizationoffice.com@inetgw

MTC–00028406

From: Betty Brennan
To: Microsoft ATR
Date: 1/28/02 3:04pm
Subject: Microsoft Settlement

Please settle the Microsoft case with the current findings. We feel the prosecution of Microsoft has been and is detrimental to the entire economy. The public has been penalized by actions of the federal government in this unreasonable prosecution by the government, Microsoft competitors, various states where the competitors reside and a prejudiced judge. We feel Microsoft has a better product and should not be prosecuted for making the best successful economy in history and its prosecution led to the recession. It appears the other giants, i.e. Exxon and Mobil, merging banks, merging lumber companies, etc. manage to merge and be monopolistic to the detriment of the regular citizen causing increased prices and the federal government does not interfere. While Microsoft gets punished for going it alone (without political aid) and the other giants lobby Congress, we (everyday citizens) have to pay the higher prices.

Please settle this matter with the current decisions and do not carry it out any longer. Forcing Microsoft to help their competitors is unAmerican.

Joe and Betty Brennan
FAX206–878–1681

MTC–00028407

From: Edward Votypka
To: Microsoft ATR
Date: 1/28/02 3:04pm
Subject: Microsoft Settlement See attached, please.

MTC–00028407—0001

@??d;7??-——R*EDWARD A. VOTYPKA
16611 Mohican Trail
Chagrin Falls, OH 44023
January 25, 2002
Attorney General Mr. John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

This is to voice my support for the settlement recently reached between the Department of Justice and Microsoft. In my opinion, this lawsuit should never have happened. The basis of antitrust laws is damage to the consumer and monopolization of the market. There was no damage to the consumer. Bill Gates, through Microsoft, has helped consumers enormously. He standardized computer software. You do not need five different programs to do something. Nor is the price exorbitant; in fact, prices for software have gone down. Microsoft put out a better product at a better price. His competitors had every chance, and still do, to put out a better product and they have not. Instead, they have gone crying to the federal government citing lack of competition. While it is true that Microsoft plays to win, so does every other firm in the IT business ?? indeed, in any business. Microsoft has tried to be fair in meeting the Department of Justice demands. Microsoft has agreed to open the company up to more competition, agreeing to allow other developers more of its copyrighted code to aid in the development of third party programs; Microsoft has agreed to a uniform price list; Microsoft has agreed to disclose interfaces that are internal to Windows'' operating system. This is more than most companies would do.

I urge you to support this agreement and allow us to put this matter to rest.

IF MERGEFIELD PARA4 1/2 PARA4+<> .....

Sincerely,
Edward Votypka

MTC–00028408

From:
macrist@netscape.net@inetgw
To: Microsoft ATR
Date: 1/28/02 3:04pm
Subject: Microsoft Settlement

Good Day:

Short and simple, I am a consumer. A consumer who has been harmed by Microsoft's monopoly in the form of inflated prices, lack of software choice and shoddy software produced by Microsoft. I join with the top Consumer ogranizations in America (Ralph Nader's Consumer Project on Technology, The Consumer Federation of America and Consumer's Union) in asking you to reject the proposed settlement as it does little to preserve real competition going forward and does nothing to punish Microsoft for their illegal past behaviors. Thank you for your consideration.

Respectfully,
Michael A. Crist
5416 Palos Verdes Blvd.
Torrance, CA 90505
macrist@netscape.net

MTC–00028409

From: Lauren Kosty
To: Microsoft ATR
Date: 1/28/02 3:06pm
Subject: Microsoftsettlement

To Whom it May Concern,

I think that Microsoft should not be allowed to abuse the antitrust laws or force consumers to use their own internet browser because there must be competition in the market, otherwise Micosoft will not be motivated to produce a product that is of good quality. It is unfair to take away the consumers right to choose the product they prefer and it is not beneficial to our countries economy to lose its competative edge by permitting monopolistic companies to exist.

sincerely,
Lauren Kosty
huesofgreen@yahoo.com

MTC–00028410

From: Paul Svitenko
To: Microsoft ATR
Date: 1/28/02 3:06pm
Subject: Microsoft Settlement

Dear DOJ,

From time to time, I hate Microsoft and its product.

At all times I hate this antitrust effort. It is unnecessary. Costly. Hypocritical. History is replete with antitrust prosecutions that have wreaked nothing but havok. Doing something to end a government-granted monopoly is one thing. Attacking the most successful company of our day is another. They got to the top by offering what the public wanted. We paid them all the way.

Let those who have the skills and honest desire punish Mr. Gates and company in the market place. There are many out there. If Microsoft lets down even for a minute, they will suffer ? alternatives abound, as the Apple, Linux, and AOL-Netscape-Lindows possibilities show.

In the end, it is not Microsoft that beat AOL, Sun, Apple and the rest of them ? it was I and other consumers who chose a cheap, relatively reliable, available standard in computing. The rest remind me of Carl Marx ? riding on the coattails of their betters and trying to bite the hand that has enabled them to feed themselves. It's disgusting, and you should find something more constructive to do with my tax dollars.

Best regards,
Paul L. Svitenko, Esq.

MTC–00028411

From: Don Carlson
To: Microsoft ATR
Date: 1/28/02 3:07pm
Subject: Microsoft Settlement

Please get this settled and move on with life. Don't cave in to the demands of inferior companies and their whining senators etc. Show me a better product at a better price and I will buy it. Until then, leave Microsoft alone and let's get on with serious business. Thank you for your consideration.

Sincerely, Don Carlson
PO Box 867
Winthrop, WA 98862
509–996–3631

MTC–00028412

From: K T
To: Microsoft ATR
Date: 1/28/02 3:09pm

Subject: Microsoft Settlement
Dear Judge Kollar-Kotally,
I am in opposition to the Proposed Final Judgment in the Microsoft case. Undoubtedly, MS continues to violate business practices. The Proposed Final Judgment does not punish Microsoft for its past violations to the anti-trust laws. Microsoft is guilty of breaking several anti-trust laws. Under the final settlement, Microsoft is permitted to retain most if not all profits gained through their illicit activities. Subsequently, the PFJ will not compensate parties injured or harmed through Microsofts egregious misdeeds.
In addition, the PFJ will not take into account all Microsoft gains made through its illegal maneuverings. With all due respect, the final settlement is basically acknowledging the acceptance of Microsofts anti-competitive behavior. What kind of message does this send out to the public? I can assure you that the message is clear and simple.
The PFJ encourages big corporations to engage in monopolistic and predatory conduct, which in turn is detrimental to the technology industry at large. With all due respect your honor, I am outraged at such a preposterous proposal that only helps Microsoft to remain intact and continue with its unethical practices. In conclusion I submit to you my objection to this Proposed Final Judgment.
Respectfully,
Karen Thurman
311 Estes Ct.
Travis Airforce Base 94535

MTC–00028413

From: Mark Sutherland
To: Microsoft ATR,nolandpeebles@attbi.com @inetgw
Date: 1/28/02 3:10pm
Subject: Microsoft anti-trust
Please don't let Microsoft get away with it. Microsoft would have been just fine if not for their cut throat business practices. Releasing a OS that compeats fairly on the market would mean that microsft would have about 50–60% market share. But when a hardware manufacturer has to sign an agreement to only sell computers with only the one type of operating system it hurts all of us. Competition is what makes our capitalist economy go round and when the OS manufacturer stops that from happening we become little more than a communist commune. Their control of the market has been unmeasurable and this control has damaged the way we live, the way we learn, and the way we work. Microsofts Monopoly has cost businesses in the US alone Billions in dollars that could have been paid back to stock holders or be used to pay off loans and help the economy instead of hurting it. Don't let Microsoft screw us all again make them work with binders on for awhile and see if they can deal with some of their own medicine.
Mark Sutherland
548–59–5236

MTC–00028414

From: Jeryl
To: Microsoft ATR
Date: 1/28/02 3:12pm
Subject: Microsoft Settlement
Don't let Microsoft get away with their tactics any longer! I do not want to see a world dominated by a company that seeks to control all flows of information, whether in the office, school, home or on the net.
A concerned citizen
J Barnett
Norfolk VA

MTC–00028415

From: Tom Stevenson
To: Microsoft ATR
Date: 1/28/02 3:13pm
Subject: Microsoft Settlement

MTC–00028416

From: Gordon Ruby
To: Microsoft ATR
Date: 1/28/02 3:12pm
Subject: Microsoft Settlement
I don?t believe that the proposed settlement in the Microsoft anti trust case is fair in any way. I am a computer technician that has been working with Microsoft software for more that 12 years. I have repeatedly seen Microsoft use its monopolistic advantage to destroy the competition. The proposed settlement only helps Microsoft conquer one of the last areas that it doesn?t have a monopoly: the education system. I find this to be absurd. Also there are so many loop holes in the proposed settlement that the punishment will be less than a slap on the wrist.
Gordon Ruby
River City Technical Services
10534 NE Beech St.
Portland, or 97220
503–262–1930

MTC–00028417

From: Rob Ellis
To: Microsoft ATR
Date: 1/28/02 3:12pm
Subject: Microsoft Settlement
Renata B. Hesse Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
A. Robert Ellis
88 College Road W
Princeton, NJ 08544
To the Court:
As a citizen, a student, a programmer, and a consumer, I would like to comment on the anti-trust case against Microsoft, as allowed by the Tunney Act.
I feel that the proposed settlement with Microsoft does not do enough to punish the company for past anti-competitive actions, nor is it specific enough to ensure that future incidents will not occur. For details, please see the statement made by Dan Kegel and others, which has been, or will be submitted. I agree entirely with their comments.
I hope that a stronger, more detailed agreement can be reached that will resolve current complaints, and protect businesses, programmers, and consumers in the future. Thank you for your time.
Sincerely,
Arthur Robert Ellis

MTC–00028418

From: McDaniel-Neff, Clifton
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 3:12pm
Subject: Microsoft Settlement
I am thoroughly opposed to the settlement that has been reached between the Justice Department and Microsoft in the Antitrust case. Microsoft is, without a doubt, a monopoly that has abused its power and will continue to do so unless it is reigned in by the government. Microsoft corp. does not compete on the merit or value of its software, but by using unfair tactics to get where it wants.
Any settlement, etc. in this case should set very clear rules that Microsoft must adhere to. It should also set forth punishments for past and/or future abusive action. Please do not allow this settlement.
Clifton McDaniel-Neff
Visual Information Specialist
For Your Information, Inc.
Phone: (202) 267–2818
Email: cmcdanielneff@comdt.uscg.mil

MTC–00028419

From: E T
To: Microsoft ATR
Date: 1/28/02 3:14pm
Subject: Microsoft Settlement
Dear Judge Kollar-Kotally-
Please consider my disapproval at the Proposed Final Judgment. Consider the true facts in the matter and judge accordingly.
From my understanding a Final Settlement has been reached between the two parties. However the Proposed Final Judgment will overturn the evidence found by the U.S. Court of Appeals indicting Microsoft in violation of antitrust laws.
The proposed settlement has the Justice Department withdrawing their charges against MS. In fact, based on the assessments made on the proposal, Microsoft will be cleared of all wrongdoing in the matter. How can this be?
There are several glaring flaws in the PFJ. However, non-so more apparent than allowing an absentee landlord to govern Microsoft. With all due respect, the final settlement provides no security to restrict MS from breaking any laws in the future. In my humble yet accurate opinion, the future governing body, implementing certain rules or regulations and forcing MS to adhere by them, will not be stringent nor forceful enough to make any dramatic changes. Similarly, I am not convinced that these stiff penalties applied to MS will ensure the security and future growth of other companies,
A whole new framework of laws must be established to justly punish MS. The Proposed Final Judgment abstains from such justification and order. Again I submit my objection to the stated Proposed Final Judgment.
Sincerely,
Eduardo Tualla
Sacramento, CA

MTC–00028420

From: Marty Irwin
To: Microsoft ATR
Date: 1/28/02 3:14pm

Subject: Microsoft Settlement

Please accept my attached letter of response regarding the Microsoft Settlement with the Department of Justice. Thank You ! Marty Irwin Send and receive Hotmail on your mobile device: http://mobile.msn.com
1116 NW 52nd Street
Vancouver, WA 98663
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing today regarding the settlement that was reached between the Department of Justice and the Microsoft Corporation in their three year long antitrust battle. I believe that this case has been propagated for far too long and the money and resources expended on both sides of this dispute could have been put to better use elsewhere.

The terms of this settlement are fair. Microsoft has agreed to design all future versions of its Windows operating system to work in conjunction with the products of its competitors. The company will also cease any action that may be considered retaliatory. Adherence to this settlement will also be ensured by a government appointed oversight committee which will monitor Microsoft. It is clear to me that this settlement addresses the issues that were brought in this suit and then some. The reluctance of some people to accept these terms is proof that they are more concerned with perpetuating their own political agendas than they are with finding a suitable solution to this problem.

Thank you for supporting this settlement and for allowing me to voice my opinion on this issue.

Sincerely,
Marty Irwin

MTC–00028421

From: Matthew Stoecker
To: Microsoft ATR
Date: 1/28/02 3:15pm
Subject: I urge acceptance of the proposed settlement (EOM)

MTC–00028422

From: carmar
To: Microsoft ATR
Date: 1/28/02 3:15pm
Subject: Support settlement of Microsoft case

Dear Atty. General Ashcroft:

I am writing to request your support of the settlement Microsoft has offered and the Department of Justice has agreed to. There will always be rivals and special interests who object. It is time to put closure and I trust you will support the settlement of this case.

Sincerely,
Carolyn Palmquist
Havana, Florida

MTC–00028424

From: Dave
To: Microsoft ATR
Date: 1/28/02 3:14pm
Subject: Microsoft Settlement

I am writing in the hope that my thoughts and concerns may be heard by the court of Judge Colleen Kotar-Kelley. I'll be brief. The settlement, as proposed by the DOJ, the accepting states and Microsoft is fair to all concerned and the general in public. This case has only minimally been about consumer protection from a monopoly and has largely been about protecting the interests of a very few, large corporate and government interests to make sure that their brand of technology isn't usurped by vendors like Microsoft who work to find unique technologies and incorporate them into a coherent, useable form for large numbers of people to benefit from the technologies use. In regard to this competition, the proposed settlement is very fair, for two of it's primary stipulations, in my mind. The first is that OEM's are assured that Microsoft can not take retribution on the OEM's if the OEM's decide they find one technology more compelling than a Microsoft technology. It also provides the means for Microsoft's competitors to find out about underlying interfaces into it's applications and operating systems, by allowing the sharing of specific technology information,

but which does so, in a controlled atmosphere that protects Microsoft's rights to it's intellectual property.

This is the most important reason to accept this proposal. It DOES protect the intellectual capital of this company without the wholesale rape and plunder of it's most important technological secrets. In a communist/socialist system, one would expect that the details of how a successful business is operated would be viewed in extreme detail without any regard for the rights of those individuals who have worked so hard to make that company a success. But this is America. Organizations and individuals in our society have the right to protect and keep private the fruits of their hard work and share those fruits with others in a way that rewards those who worked to create those fruits. Microsoft's competitors, including the states who are objecting to this settlement (these states also have compelling interests on the behalf of Microsoft's competitors in my humble opinion) care not about competition, but how to get as much intellectual property as possible and eliminate Microsoft as a threat to their very profitable franchises which are far from affordable for the average consumer (which is what they keep telling us this is all about, that this is for Jane and Joe consumer).

Finally, I am not surprised, even in the light of all the stuff that has gone on at ENRON, that the loss of billions of dollars from investor funds (holding Microsoft stock) is not a big deal to our government leaders because of all the money that state and federal representatives hope to acquire from a major shake up of Microsoft, and because their corporate benefactors (IBM, SUN, AOL/TimeWarner, et. al) will benefit from a coup in obtaining Microsoft's intellectual property. ENRON is a big deal, because so many government leaders had there hands involved in that organization in so many ways. Microsoft is, on the other hand, not a big deal to the government and needs to be done away with, because rather than spend a lot of time throwing money at congressional leaders and lobbying congress, Microsoft went about it's business. Microsoft did do and still does an excellent job of finding the best and the brightest talent to become one of the best marketing and technology companies in the world. If you really want to find out about competition, then why don't you go out and compare a Microsoft solution, to that of one of it's competitors (IBM, SUN, AOL/TimeWarner, Linux or other OS/Application variants) and evaluate on all facets (up front costs, consulting needs, ongoing support, etc), and you will see that if more draconian remedies are pushed upon Microsoft that the high prices already charged by these Microsoft competitors will do everything except become more competitive.

Thank you for your time and consideration!

David J. Renner

MTC–00028425

From: W. Curtiss Priest
To: Microsoft ATR
Date: 1/28/02 3:17pm
Subject: Proposed Microsoft settlement: woefully insufficient

Dear Justice Department,

As a software innovator and holder of several software patents, I have first hand knowledge of how extremely brutal, unfair and bullying Microsoft is to others in the industry. I was involved for five years in negotiation, arbitration and potential legal action against Microsoft which only caused Microsoft to spend incredible resources to deny me and Humanic Systems any just and due compensation for our innovative work.

In my opinion, as President of Humanic Systems, a company that was (above) abused by Microsoft regarding our intellectual property for significant components of Microsoft Outlook, the proposed remedy is extremely inadequate:

1. It does not provide substantial redress for the prior losses caused by MS on others

2. Secrecy provisions undermind the ability to obtain API information and will systematically be used by MS, in my opinion, to continue its monopoly stranglehold

3. There are no structural remedies, and, without those, the ''fascist'' mindset of Ballmer and Gates will continue to dominate the thinking of each and every employee

4. Microsoft's stated opinions about various forms of open software, being a ''cancer'' undermines the ability for consumers to get the maximum benefit for the least cost This position, alone, demonstrates that they want ''all the marbles'' and it is a ''winner take all'' game Consider, for example, a PBS documentary about extreme competition as taught within the Gates family as Mr. Gates grew up This person does not know the word cooperation, and, without extremely directive measures, will never show cooperation to the rest of the software industry that is slowly dying under his ruthless hand.

Very truly yours,
Dr. W. Curtiss Priest
President, Humanic Systems
Director, Center for Information, Technology & Society
Member, American Economics Association
Prior, Principal Research Associate, MIT
Author, —Technological Innovation for a Dynamic Economy—, 1980 (Pergamon Press)
—Risks, Concerns and Social Legislation—, 1988 (Westview Press)

—W. Curtiss Priest, Director, CITS
Center for Information, Technology & Society
466 Pleasant St., Melrose, MA 02176
Voice: 781–662–4044 BMSLIB@MIT.EDU
Fax: 781–662–6882 WWW: http://Cybertrails.org

MTC–00028426

From: Rick Balian
To: Microsoft ATR
Date: 1/28/02 2:18pm
Subject: Microsoft settlement

To Whom It May Concern,

I hope Microsoft does not get off with a warning or a fine. Warnings have been disregarded in the past. And a fine will only be earned back by higher prices on its products. I think for Microsoft to curtail its illegal domination there have to be specific, strict instructions as to what it may and may not do. Windows XP is even more bundled with Microsoft products than previous versions. How did that happen; why was that product allowed to be shipped? Microsoft does not play well with others and must be severely restricted in its drive to curtail and bully competition, ignore industry standards and push through its own proprietary standards and hamper innovation.

Sincerely,
Rick Balian —

MTC–00028427

From: Evelyn Kessler
To: Microsoft ATR
Date: 1/28/02 3:18pm
Subject: Microsoft Settlement

In my opinion, Microsoft's proposed settlement to the law suit is a fair solution to ending this long, ongoing fight by competitors to try to bring Microsoft its knees. The willingness of nine states to accept the settlement clearly demonstrates that it is fair and reasonable. But nothing will ever be enough ''punishment'' for those states who want to damage Microsoft.

I urge the DOJ to recommend acceptance of the settlement proposal. Allow Microsoft, along with its new awareness of business practices, to continue building great software and services for users around the world.

Evelyn Kessler

MTC–00028428

From: Leon A Wilson
To: Microsoft ATR
Date: 1/28/02 3:18pm
Subject: DOJ: AOL vs. MSFT

MTC–00028429

From: Anatoly Hiller
To: Microsoft ATR
Date: 1/28/02 3:15pm
Subject: Microsoft Settlement

The PFJ should terminate Microsoft's illegal monopoly. The PFJ should deny to Microsoft the profits of its past behavior and penalize them.

The PFJ should prevent any future anticompetitive activity. Anatoly Hiller (650) 473–3617

MTC–00028430

From: Adams, Michele
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 3:19pm
Subject: Microsoft Settlement

Attached please find letter in support of the Microsoft settlement.

Michele M. Adams
GTECH Corporation
55 Technology Way
West Greenwich, RI 02817
email: madams@gtech.com
Ph: 401–392–5556
Fx: 401–392–4808

MTC–00028430—0001

20 Pepin Street, Unit 4
West Warwick, RI 02893
January 28, 2002
VIA FACSIMILE (202–307–1454) & E-MAIL (microsoft.atr@usdoj.gov)
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
RE: Microsoft Settlement

Dear Attorney General Ashcroft:

I am sending this public comment via email to record my support for settlement of the court case against Microsoft Corporation. I seek your continuing support in the effort to persuade the judge that the settlement will be in the better public interest of the United States than the alternative of costly and unfocused, continued litigation.

The settlement, whatever its effects on Microsoft Corporation, will be quite beneficial to the community that uses personal computers, PC makers will be able to re-configure the desktop package of programs that come with Microsoft?? Windows, or even to combine making PCs with operating systems from Microsoft and other software makers, with the ending of exclusive distribution and promotion terms in contracts, These and other changes will bring greater flexibility and opportunity for experimentation to the PC world, If Microsoft wants to continue to lead the industry it will have to come up with new and better innovations faster than it has in the past.

Please continue to support the settlement. Thank you.

Respectfully yours,
Michele Adams Pizzitola

MTC–00028431

From: Rose, David
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 3:22pm
Subject: personal opinion of MS settlement

To whom it may concern.

I am very concerned regarding a quick and non-remedying settlement against Microsoft. I feel as thought I am a pet of this particular corporation ... I am only allowed to have what they will allow me to have. Not only are my software choices very limited, but even some of those competing choices are taken away from me because of the reasons which found Microsoft guilty of being an illegal monopoly.

One thing I do not understand is why Microsoft has not been sued by corporations using their software. There are many software ''bugs'' in their past software—Office 95, 97 2000, etc. Windows 95, 98, 98 second edition, millennium, etc. If I am buying a license to use software, and not the software itself, it stands to reason that I would expect the licensor to keep fixing the ''bugs'' in software for a specified amount of time; and that new releases are just software with new features.

However, there are many unresolved software ''bugs'' which are never fixed. With no competing software, my only recourse is to buy a new license for a different version of software. This may be an expensive remedy which I should not have to afford.

Also, I have heard that major resellers MUST sell Microsoft software on their computers. From Dell, Gateway, etc I can not get a computer only. I must purchase an operating system. But, on a previous computer that will no longer be used, I already paid for an operating system. If that computer is no longer to be used, or to be used with Linux, Unix, FreeBSD, Be, or some other ''ground roots'' operating system, why must I pay again for a software license when one is already freely available for use?

I believe I have been wronged. I have been duped out of my hard-earned money. I insist that this will not happen again! I want the party found guilty by a jury to be considered guilty by the judicial system!

S. David Rose
Stamford, CT, US
mailto:david.rose@us.wmmercer.com

This e-mail and any attachments may be confidential or legally privileged. If you received this message in error or are not the intended recipient, you should destroy the e-mail message and any attachments or copies, and you are prohibited from retaining, distributing, disclosing or using any information contained herein. Please inform us of the erroneous delivery by return e-mail.

Thank you for your cooperation.

MTC–00028432

From: Linda Charlie Puls
To: Microsoft ATR
Date: 1/28/02 3:21pm
Subject: Microsof Settlement

PO Box 639
Shoreham, NY 11786
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I support the settlement between your office and Microsoft in the ongoing antitrust trial. I believe that Microsoft has the right to free enterprise, and the terms it will comply with to end the case are fair to its competitors. Microsoft's concessions in the settlement will ensure that their rivals have more opportunities to gain market share. Making new program removal features available in Windows XP and giving computer makers new freedoms to integrate non-Microsoft programs into Windows will ensure that other companies who make good products will have a greater chance of distributing them to the public.

Please settle the Microsoft case, and be mindful of their right to innovate and reach as many people as possible with their products.

Sincerely,
Linda J. O'Neill -Puls
Linda Puls

MTC–00028433

From: Gary Robson
To: Microsoft ATR
Date: 1/28/02 3:22pm
Subject: Microsoft Settlement

I believe that the findings in the Microsoft antitrust case were accurate and reasonably stated, but that the remedies do not go far enough to prevent recurrence or to compensate consumers and competitors for the damage done by Microsoft.

When I first began using computers with Microsoft operating systems, the OS represented around 1% of the total cost of the computer (an IBM PC with MS-DOS). Now, I can buy a computer for under $1,000 and a copy of MS Windows will cost over $100. They've gone from 1% to 10%. The vast amounts of profit Microsoft is raking in from their operating systems monopoly is funding advertising, price cutting, and other methods of invading other profit centers, including not only middleware, but video games, the ISP/ASP market (through MSN), and many less visible incursions through acquisitions and partnerships.

Breaking up Microsoft is the only realistic solution. ———

Gary D. Robson
1284 Highway 72 North
P.O. Box 9
Belfry, MT 59008–0009
406/664–3067 (home)
406/446–2742 (work)
gary@robson.org http://www.robson.org/gary/

MTC–00028434

From: David Martin
To: Microsoft ATR
Date: 1/28/02 3:22pm
Subject: Microsoft Settlement
To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200 Washington, DC 20530–0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. In my opinion, the Proposed Final Judgement (PFJ) does not protect the interests of the American public, and does not address the anti-competitive practices Microsoft was found guilty of. In particlular, I would like to make the following points:

The PFJ doesn't take into account Windows-compatible competing operating systems The PFJ Contains Misleading and Overly Narrow Definitions and Provisions The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs The PFJ as currently written appears to lack an effective enforcement mechanism As a professional working in the Computer Software industry, I have personally observed the effect Microsofts monopoly power has had. It has stifled innovation, blocked investment in promising competitive technologies, and severely distorted the efficiency of the software marketplace. Today, no one knows what the economic value of a PC operating system is, or a web browser, or an email client. Microsofts monopoly has blocked the free flow of information and capital that is essential to a healthy market. The decision by the Justice Department to capitulate to Microsoft is a gross injustice to the average consumer of computer software.

In summary, the Proposed Final Judgment, as written, allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

Sincerely,
David M. Martin
74 Shelters Rd.
Groton, Massachusetts
Dmartin82@yahoo.com

MTC–00028435

From: bboam@infowest.com@inetgw
To: Microsoft ATR
Date: 1/28/02 3:22pm
Subject: Mircosoft settlement

MTC–00028436

From: Tom Hayes
To: Microsoft ATR
Date: 1/28/02 3:25pm
Subject: Microsoft Settlement

My Opinion/Vote: Settlement needs to be completed and minimal penalties, if any, need to assessed and allow Microsoft freedom to be innovative, creative and competitive and survive in the world competitive economy and free market. At the rate the legal proceeding are going, throwing this case is completely an option.

I am pro-settlement with Microsoft, DoJ and the nine states. The issues, who and why's are not reflective of the general populating and I am convinced this is being driven by Sun, IBM and AOL/Netscape and several other competitors who lack product creativity and success. After all the legal battles and information about harming consumers, at the end, you ask the general population and consumers thru the Tunney Act. If this was really truly driven by the consumers, I am pretty sure we would be hearing from them more then Sun, IBM, and AOL/Netscape funded legal battles.

Settlement: Microsoft, economy, consumers and innovative productivity has suffered enough. There should minimal penalties against Microsoft and many of the practices in question are no longer in place or even applicable. Companies need to be innovative, creative and competitive to survive in the world economy and free market.

Issues:

*These legal fees are costing the US and Microsoft many dollars. I see where Microsoft took a finical cost, $660 Million dollars battling these legal issues, but where/what are the funds fueling the DoJ and nine states and the other previous other nine states? My income, state and local tax dollars and maybe some selective corporate sponsorship? I would challenge opposing corporate sponsorship in the court of law on a case slated on behalf of the people.

*Other legal issues related to suing Microsoft i.e. the Class-Action Suit http://www.microsoft.com/presspass/Press/2002/Jan02/01–11ClassActionDe cisionPR.asp and the resent AOL/Netscape suit http://www.microsoft.com/freedomtoinnovate/info/news—01—22—02.asp *Where has the end consumer been harmed by Microsoft IE browser, in the scope of this case? For that matter Microsoft's technology harming consumers? And one should look back in history and see where technology has come from and improved consumers, productivity and world wide economy.

Other 100 Class-Act Suite, and suggested settlement:

''Under the proposed settlement, Microsoft had agreed to provide more than $1 billion in cash, training, support and software to help make computer technology more accessible to public schools serving nearly 7 million of America's most economically disadvantaged children.'' Would have helped those schools and prepared those students for the current real world computing skills. But no, Apple/Mac's has the loin-share of that market and go figure they are training students on non-Microsoft technology in preparation their profitable careers.

AOL/Netscape Suit:

Who killed Netscape? Well, AOL purchased Netscape for $10 billion dollars in the midst of the DoJ trial, even after hearing concrete evidence that IE's success in the market was based on merit, not market share. And in the middle of a so called browser war, sound like a poor business decision gone bad and now want the sue.

Regards,
Tom Hayes
425–442–8322

MTC–00028437

From: Tim Pawlenty
To: Microsoft ATR
Date: 1/28/02 3:25pm
Subject: RE: Microsoft lawsuit settlement

January 28, 2002
Ms. Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Dear Ms. Heese:

I applaud the leadership displayed by the Department of Justice and the nine Attorneys General for developing the proposed Microsoft settlement agreement that balances the protection of consumer interests and the competitive process. I believe that this settlement will preserve Microsoft's ability to innovate and engage in normal procompetitive activities, critical during our nation's current economic recession. At the same time, the settlement is a win for consumers, with its broad scope of prohibitions and obligations imposed on Microsoft. It will certainly require substantial changes in the way that Microsoft does business. It imposes significant costs on the company and entails an unprecedented degree of oversight. Furthermore, the agreement strikes an appropriate balance within the technology industry, providing opportunities and protections for firms

seeking to compete while allowing Microsoft to continue to innovate and bring new technologies to market.

This reasonable settlement will help consumers, the industry, and the economy to move forward.

Very truly yours,
Tim Pawlenty
Majority Leader
Minnesota House of Representatives

MTC–00028438

From: legwatch@reliableanswers.com@inetgw
To: Microsoft ATR
Date: 1/28/02 3:21pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. T

his is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Annette Hall
5409 Highview Lane
Citrus Heights, CA 95610–7405

MTC–00028439

From: Miles C
To: Microsoft ATR
Date: 1/28/02 3:26pm
Subject: opposed to settlement

From what I have read in the majority of trade publications is that the consensus is that this is not a settlement that will significantly benefit anyone other than Microsoft.

I hope that 9 states pursuing a separate path is enough to at least give whomever might be in charge of this case that it this case is strongly questionable. I would put forth the suggestion that attorney generals in 9 states are also experts in the matters of law, so even though 9 states have gone along with it the matter has some serious issues. As near as I can tell, Microsoft is and will remain a monopoly. They make the rules for their OS. They will also use unfairly their considerable resources to enter in and dominate any aspect of the software industry because there does not exist another corporation who can print money like they can. The idea of leveraging a monopoly is something that I don't think was adequately explored.

I think that they have adopted the old Royal philosophy of don't explain and don't apologize as much as possible. It works, most people will go away if you deny anything long enough. They have added to it with significant amounts of money in contributions making the party line that much more difficult to dispute.

At this juncture, they seem to be trying to make new inroads into people's lives such that they will control large portions of commerce with the Internet by holding much of the information used for marketing and purchasing. If the Department of Justice can have its case split so cleanly at this juncture how much less of a chance will there be an answer in the future when no doubt the political pressure will likely be even greater because of greater profit?

I truly doubt that they are significantly changed from their earlier tactics simply because those tactics worked and now no longer are necessary rather than they are facing any punitive measures. There will remain the fact that no one can develop for their platform as easily as they can. They have the source code and expertise in developing it that automatically gives them an advantage in experience.

I honestly feel as though I was sold out as a consumer. I don't doubt that any company that is developing in a field that MS looks at as potentially profitable feels even worse knowing that they will be acquired or destroyed as a force in that market through no special ability of MS other than not having that market niche fund its development. Office will help pay for Money, which will help pay for Age of Empires, for instance. Please reconsider this settlement. I truly believe that a diversified software industry will be much better for us than a gigantic corporation kept healthy through government intervention on its behalf.

Sincerely,
Miles Cannon

MTC–00028440

From: rglenn@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/28/02 3:28pm
Subject: Microsoft Settlement

I wish to comment on the proposed Microsoft settlement. I agree with the problems outlined in Dan Kegel's analysis posted on the web at http://www.kegel.com/remedy/remedy2.html It is my opinion that the current proposed settlement will NOT do enough to prevent further anti-competitive practices by Microsoft, and to restore consumer choice to the software market.

Robert A. Glenn
360 W 22nd St #11K
New York, NY 10011

MTC–00028442

From: Bill Keough
To: Microsoft ATR
Date: 1/28/02 3:28pm
Subject: Microsoft Settlement

The recent history of antitrust has been a jihad by the Department of Justice against a pantheon of American industry. Antitrust cases against IBM, Intel and Microsoft seemed to have been designed to wreck the high tech industry. Al-Qaida could not have designed a more devious program to destroy the U.S. economy. Hyperbole? The current recession was started or at least given a boost by the tepped up legal action against Microsoft and the consequent fall of it's stock. Hundreds of billions of dollars have been lost.

This suit has unleashed a mob of whining moochers angling for a chunk of cash or control of Microsoft. If this lawsuit is upheld it will result in the virtual destruction of the company, maybe not at once, but surely in a drawn out death by fragmentation and bankruptcy. No more operating systems, no more Web browsers, no more games, no more office software, no more jobs, no more nothing. Contrast the way Microsoft does business with the way the Post Office, a real monopoly, does business. Can Microsoft prevent the entry of competitors into its realm of business? No it can't, but the Post Office routinely does this the only way possible: by the use of force or the threat of force. There is no other way to bar competition than to resort to force. Entry in a field of business however does not ensure success. Your competitors do not have to make allowances for your weaknesses by tailoring their business practices so you can survive. Everything is permitted except force or fraud. As Bill Gates has said many times, no one has been forced to do business with them. If their partners do not like the terms Microsoft sets they are always free to leave. Microsoft should not be compelled to open up its products to competitors. Windows and Internet Explorer are their property to dispose of as they see fit.

This is the essence of the case, or lack of a case, against Microsoft. Envious competitors complain about Microsoft's business practices, which they themselves routinely use. On a personal level, I started with the Prodigy browser and then switched to AOL. Finally when I bought a new computer I ended up with Internet Explorer. I never had any trouble switching browsers and from a business point of view it would not make sense to impede the installation of new software. After all what would be the point of an operating system that sabotaged certain programs? That Microsoft includes an internet browser with windows does not mean you have to use it. Competing browsers on CDs are so numerous they are regarded as junk mail. The Department of Justice case against Microsoft is not just senseless but in a recession and a time of war it is doubly destructive. Reason and justice dictate that this case should be dismissed.

William B. Keough
Seattle, Washington

MTC–00028443

From: Bill Young
To: Microsoft ATR
Date: 1/28/02 3:28pm
Subject: Microsoft Settlement

To Whom It May Concern:

Many others have eloquently voiced their opposition to the proposed settlement. I cannot hope to express the same concerns as well in a brief email.

I am against the proposed settlement because I do not feel it goes far enough in restricting the anti-competitive practices that currently allow Microsoft to maintain a monopoly position in the desktop operating systems market. Further examples of these practices are evident in software releases subsequent to the court findings, further

justifying the need for strong measures that cannot be circumvented by Microsoft's interpretations of loose wording.

- signed—
William J. Young
Ph.D., Computer Science
26069 Highway 72
Golden, CO 80403
CC:byoung@pcisys.net@inetgw

MTC–00028444

From: gigi.burton@us.cgeyc.com@inetgw
To: Microsoft ATR
Date: 1/28/02 3:32pm
Subject: FW: Microsoft Settlement [CGEY Virus checked]

Thanks,
Gigi Burton
Critical Technologies Recruiter
425.990.6932 (Direct)
425.802.1232 (Cell)
425.990.6801 (Fax)
CapCom 9976898
http://www.usa.capgemini.com
Send to: microsoft.atr@usdoj.gov

My Opinion/Vote: Settlement needs to be completed and minimal penalties, if any, need to assessed and allow Microsoft freedom to be innovative, creative and competitive and survive in the world competitive economy and free market. At the rate the legal proceeding are going, throwing this case is completely an option.

I am pro-settlement with Microsoft, DoJ and the nine states. The issues, who and why's are not reflective of the general populating and I am convinced this is being driven by Sun, IBM and AOL/Netscape and several other competitors who lack product creativity and success. After all the legal battles and information about harming consumers, at the end, you ask the general population and consumers thru the Tunney Act. If this was really truly driven by the consumers, I am pretty sure we would be hearing from them more then Sun, IBM, and AOL/Netscape funded legal battles.

MTC–00028445

From: Susan Greenbach
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 3:41pm
Subject: Microsoft Settlement

Dear District Court Judge:

I am writing to you to as I am frustrated with the prosecution of Microsoft. I am the Information Systems manager for our office and deal with Computers and Servers daily. Streamlining computer software and hardware can be the most difficult, time consuming and costly expense for our company.

Compatibility and support are key. I appreciate that Microsoft has helped immensely with this task. We don't need this process mucked up by government intervention. I resent that the government does not believe that I can decide for myself which software/hardware is useful to me. I can't believe our government views Microsoft as a threat, when after all it is Microsoft that has brought the industry to where it is....on real earnings, not ''puffed-up'' .com hype. Don't forget the bubble bursting for the .communists and all of their venture capital. Those bringing suit are not individual consumers, but Microsoft's unsuccessful competitors. Failed businesses must not be allowed to set the rules for the markets in which they failed.

Protecting some businesses from others is a dangerous policy. I want to see an America where success is embraced, not punished and throttled! Bill Gates is a self-made man who has brought America, the world, to new levels of progress. Microsoft has a fundamental right to its property, and it is the governments job to protect this right, not to take it away. Microsoft, should be lauded and left alone to continue to develop and prosper so that, we the people, can too.

Susan Greenbach
CC: 'activism(a)moraldefense.com'

MTC–00028446

From: Dave Jorgensen
To: Microsoft ATR
Date: 1/28/02 3:36pm
Subject: Microsoft Settlement

Dear Sirs,

This is a follow-up to my e-mail from 11am this morning. My earlier letter was intended for those handling the civil anti-trust suit against Microsoft. This additional letter is in regards to the federal anti-trust case. As a citizen of the United States of America, and an employee in the High-Tech sector of our nations economy, I feel compelled to write and voice my disagreement with the proposed federal anti-trust settlement with Microsoft.

For the past two decades, I have watched again and again as Microsoft leverages its monopoly position to wipe out what were once healthy high-tech markets. While only a few of these cases have seen a courtroom, and while some would disagree about whether Microsoft's dominance in these instances has provided more pluses or minuses for the end customer, one thing is painfully clear: Microsoft has now been caught red-handed, showing the very worst of intentions, as they abused their monopoly position to destroy competition and seize control of the web browser market. What's more, Microsoft has shown in court, in the press, and in the marketplace, that they do not recognize their mistakes in this area. They are simply not capable of the kind of introspection, conscience and respect required to regulate themselves as a result of the findings of this case. As we have seen throughout this long ordeal, Microsoft shows an arrogant disrespect for the letter and spirit of the law; sometimes manipulating technical evidence, other times violating the temporary restrictions placed against them, all showing a clear pattern that they are truly unrepentant in their actions. The currently proposed settlement, which is basically that ''we won't do it again'' is laughable under the existing circumstances. I urge the Justice Department, The Court, The Judge, anyone else involved, to reject the currently proposed federal case settlement, which is merely a slap on the wrist (like so many slaps Microsoft has ignored before) and insist on pursuing truly punitive, active remedies against this company which is so wreckless in the marketplace and so disrespectful of the courts and of the American people.

Short of breaking up the company (which I still think is justified) certainly there should be, at the very least, some hefty fines applied against Microsoft, and perhaps even a loss of property rights (creating an open source library for) the various technology pieces Microsoft has used for monopolistic anti-competitive leverage, such as Microsoft Office, Microsoft Internet Explorer, Windows 95/98/NT, and so on. For us to hesitate on doing this because Microsoft is a ''flagship'' for the industry, or because their products are now such established, fundamental tools in our marketplace, really shows how entrenched and uncontrollable Microsoft truly is.

Again, despite arguments of past or future behavior, at least in this case the findings are clear. Microsoft has been caught abusing its monopoly position in the worst of ways, to the intentional detriment of the browser market. Microsoft has shown that it cannot self-regulate, and that it usurps the court and the will of the people at every opportunity. There has to be a more severe consequence for such destructive actions and intent.

Thank you for your consideration in this matter,

David E. Jorgensen
350 Budd Ave. #E7
Campbell, California
95008, USA
e-mail: davej@ccnet.com

MTC–00028447

From: Wynn (038) Gail Williams
To: Microsoft ATR
Date: 1/28/02 3:43pm
Subject: Gail Williams

Gail Williams
P.O. Box 1693
Tahlequah, OK 74465–1693
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am a proponent of free enterprise and believe that the government's interference with Microsoft hover the last three years has been appalling. How can our nation and economy grow if politicians and lawmakers keep attacking business?

The antitrust lawsuit has been ridiculous and now that a settlement has occurred I see that Microsoft is being forced to grant broad new rights to computer makers to configure Windows so that competitors can more easily promote their own products. They are also forcing Microsoft to disclose for use by competitors interfaces that are internal to Windows operating system products.

The terms of the settlement seem aimed at nothing more than to give competition an edge it did not have before. Nevertheless, your office has to finalize the settlement. Our economy cannot afford further litigation against Microsoft. I hope your office does what it can to deter the states still eager to sue.

Sincerely,
Gail Williams
cc: Senator Don Nickles

MTC–00028448

From: D T
To: Microsoft ATR

Date: 1/28/02 3:38pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally,

In relation to my objection to the final settlement in the MS case, I want to point out several loopholes attributed to the Proposed Final Judgment.

I am not in agreement to the oversight committee proposed by the PFJ. With in the confines of the settlement this committee must closely monitor and screen all activities by MS. This close scrutiny insures MS complies with all restrictions entailed in the agreement.

A three man compliance team will oversee and insure that Microsoft comply with the stated rules and regulations. Yet, this three-man oversight committee will be composed of the following: one appointee from the Justice Department, one appointee from Microsoft, and another appointee chosen by the two existing members. In turn, Microsoft will control half of the oversight team.

Also, in the likelihood of any enforcement proceeding, all findings by the oversight committee will not be allowed into court. The sole purpose of the committee is to inform the Justice Department of all infractions by Microsoft. Subsequently the Justice Depart will launch its own investigation into the matter and commence litigation to halt all infractions. When all is said and done, the oversight committee is just window dressing, who will not strictly oversee Microsofts business moves?

In my opinion, the Proposed Final Judgment does not provide appropriate restrictions against Microsoft. What reassurance do we have against Microsofts illegal and illicit activities? I can assure you that the Proposed Final Judgment does not effectively nor sufficiently address the question. Subsequently, I again submit my objection to the final settlement in the Microsoft case.

Sincerely,
Doray Tualla
Sacramento, CA

MTC–00028449

From: Mark Bohannon
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 3:25pm
Subject: Microsoft Settlement

Please find attached a copy of comments from the Software & Information Industry Association (SIIA) on the proposed PFJ in the case U.S. v Microsoft. Please do not hesitate to contact us if there is an error in the transmission or if you are unable to open the document. <<SIIA 28 Jan 2002 Tunney Act.doc>>

A Message from:
Mark Bohannon
General Counsel and Vice President for Government Affairs
Software & Information Industry Association (SIIA)
1090 Vermont Avenue, NW 6th Floor
Washington, DC 20005
Direct Dial: (202) 789–4471
Switchboard: (202) 289-SIIA (7442) x 1325
Fax: (202) 289–7097
Internet: MBohannon@siia.net
SIIA 2002 Annual Conference: Trends Shaping the Digital Economy
April 13–16, 2002 San Diego, CA Hotel Del Coronado
http://www.siia.net/spring2002
CC:Ken Wasch,'Hilleboe Douglas''

MTC–00028450

From: David Grant
To: Microsoft ATR
Date: 1/28/02 3:40pm
Subject: Microsoft Settlement

I am writing to you today, giving official notice of my objection to the current DOJ anti trust settlement with Microsoft.

As a small business owner and software developer I strongly urge you to reconsider your settlement. Microsoft is a successful company not because their products are superior in quality, but because Mr. Gates and his associates are excellent salesman.

These salesman are selling the United States government into a shitty deal. For years, Microsoft's operating system alone grew to monopolistic power because of exclusive agreements with hardware vendors that eliminated any chance other competitors in that market had. The emergence of the Internet and the browser led to a weak but understandable argument that Microsoft intended to use ''brute force'' in the business world to eliminate its competitor.

While I am all for the American way, and all for free trade and freedom of commerce, I believe along with many intelligent, educated professionals that the American way is now threatened by this settlement. This settlement will bind the United States government to a monopoly that should not exist, a monopoly that already hinders free trade and creativity. Being Microsoft Certified myself, I will leave you with this thought; Microsoft builds software for the lazy IT employee. While many people may be employed as IT professionals, these IT people are short minded and lacking pertinent knowledge. The arrogance this combination breeds; stupid people making good money, establishes security risks.

At this point in time, the last thing the United States government needs is arrogant uneducated individuals at the helm of all the critical data in this country.

David M Grant
President
Busy Data LLC

MTC–00028451

From: Tom Groman
To: Microsoft ATR
Date: 1/28/02 3:37pm
Subject: Microsoft Settlement

Dear Sirs:

Please end the litigation against Micro Soft. What has been agreed to is a fair settlement for all concerned.

Thank You,
Rev. & Mrs. Tom Groman

MTC–00028452

From: Sunshine
To: Microsoft ATR
Date: 1/28/02 3:35pm
Subject: Microsoft Settlement
7199 Bahne Road
Fairview, TN 37062
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

We wanted to write to you today to express our dismay over the Microsoft antitrust dispute. As Americans, we feel that this suit is contrary to the very ideals of free trade and capitalism that we treasure in this nation. It is our opinion that punishing a company or an individual for demonstrating the very cleverness and ingenuity upon which we have built this nation is un-American.

Americans are unlike any other people in the world. It is our goal to become a success; to become something more than our fathers and grandfathers were; to start with nothing more than a good idea and a diligent work ethic and end up a success. This is the American dream, and it is this dream that is under attack in this suit.

This litigation is not a question of whether or not Microsoft violated antitrust laws. It is a question of whether or not we, as Americans, have the right to become successful without the interference of the government. We are pleased that this heinous suit has finally reached a conclusion that is satisfactory to all of the parties involved. However, it is our fondest wish that none of this unpleasant litigation had begun in the first place. Please keep the government out of the private sector.

Thank you.
Sincerely,
Don Crohan
Gayle Crohan

MTC–00028453

From: MFBartley@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 3:41pm
Subject: Microsoft Settlement

Good Afternoon,

I certainly hope that you finally reach a settlement in this case and let one of the finest entities in America get on with business. Throughout my school years and all my years in busines, I have never received greater value and more productive tools than Microsoft software. MS Word and MS Excel are the envy of the software world as is the MS Windows operating system in all its versions. I am sure that all Microsoft's competitors are jealous; however, they should not be allowed to use the courts t achieve that which they cannot achieve through innovation. Sam Walton never resorted to the courts to beat out Sears, J.C Penny, K-Mart and the now defunct Ward's. He used innovation and fair pricing and we all get better value for that. WalMart is now the largest corporation in the world.

Judge Penfield Jackson was so biased in his handling of this case that he should be removed from the bench. I thought that the federal courts operated at a much higher standard but am sorry to say they all don't.

Michael F. Bartley
3616 N. Knoxville Avenue
Peoria, IL 61603–1017

MTC–00028454

From: R M
To: Microsoft ATR
Date: 1/28/02 3:41pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally,

I oppose the proposed resolution in the MS case, better know as the Proposed Final Judgment. Over and above the usual economic risks presented by an unchecked monopolist—rising prices and monochromatic innovation the nations computer infrastructure will be increasingly vulnerable to attack if a single software system predominates.

Obviously I am referring to Microsoft. Suppose that 80 or 90percent of the world's grain supply came from a single variety of corns. We would be faced with the unacceptable risk that some single disease might wipe out an enormous portion of our food supply. In the same respects translate that example over to the Microsoft issue. Having only one kind of operating system or one kind of browser would make it terribly easier for saboteurs to bring the entire Internet to its knees. For one entity, such as Microsoft, to control 80 to 90 percent of the market for PC operating systems, Internet browsers, e-mail readers, and office productivity software is clearly a significant security risk. To then allow that monopoly to actively attempt to drive out its remaining competition would hardly be in the public interest. Diversity is the key in producing economic prosperity and improving the society as a whole. The PFJ goes against allowing diversity to flourish. Therefore I object to the Propose Final

Judgment.

Sincerely,

Reynold Mamon

179 River Pines Way

Vallejo, CA 94589 CC: microsoftcomments @doj.ca.gov@inetgw

MTC–00028455

From: Randolph S. Kahle
To: Microsoft ATR
Date: 1/28/02 3:45pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Randolph S. Kahle
6161 N Canon del Pajaro
Tucson, AZ 85750
28-January-2002

Dear Ms. Hesse:

I have worked in the computer industry for over 25 years. During that time I have worked as a developer, a marketing/business strategist, and as a consultant to large and small companies. I have a degree from Rice University in software and hardware design and an MBA from the Amos Tuck School of Business Administration at Dartmouth College.

My work experience includes Hewlett-Packard as well as six years as a marketing and business strategist at Microsoft working on database and developer products. I have seen Microsoft from both the inside and now, for the last ten years, from the outside.

As I am not an attorney, I cannot speak to the legal specifics of the Proposed Final Settlement, however, I am qualified to speak to the practical implications of the terms in the computer industry as well as other industries and markets into which Microsoft may enter.

COMMENTS IN GENERAL

As the computer industry moves towards a future, fully-distributed, computing environment, it is vital to have an environment which fosters and rewards innovation. While it may seem a mature industry, we are still only at the early stages. To date, there have been several waves of general innovation and consolidation. Each wave brings cost reductions, creative ideas, whole new companies and new technologies. After a wave, there has been consolidation around standards and then the next wave appears. These waves could be named the ''mainframe era'', the ''minicomputer era'', and the ''personal computer era''. We are now leaving the ''personal computer era'' and entering a new one centered on distributed computing and information, the ''distributed computing era''. As each era transitioned to the next, the companies and products of each successive wave accommodated the past, while providing new innovations. IBM anchored the mainframe era, Digital and Hewlett-Packard emerged during the minicomputer era, and Microsoft, Dell, Gateway, and others emerged during the personal computer era.

What is different about the current transition, is that a single company, Microsoft, is attempting to leverage their monopolistic power created in the personal computer era and their position in the industry to define and control the next era.

COMMENTS ON CULTURE

I worked at Microsoft before Windows was a monopoly. What I observed was a culture fixated on domination at all costs. While Microsoft was growing, these actions and activities were not illegal. After becoming a monopoly, they clearly are (and were found to be so by the courts). What is important to note is that these illegal behaviors stem from the culture of the company.

Because of this strong culture, I do not believe that any external monitoring of internal operations would ever be successful (e.g. the ''TC'' as proposed). Microsoft managers are simply too smart, experienced, and aggressive to ever agree to submitting to external pressures. This comes from the top, Bill Gates himself. In my experience, I have never encountered a discussion in which anyone at Microsoft ever thought that they were in the wrong. This would never occur to anyone. This is a cultural factor, an arrogance of doing no wrong. With this culture, it seems extremely unlikely that Microsoft would be able to self-monitor or even work with an external auditing agency.

REMEDIES

My first choice for a remedy is to break Microsoft up into smaller competing entities. The reason for this is to attempt to reshuffle the organization so that there could be cultural and behavioral change. I petition the court to explore this remedy as the best way to combat future violations by Microsoft.

If the court does not pursue a break-up of Microsoft, then I strongly agree with many others, that there must be changes to and additional provisions added to the Proposal Final Settlement. For example, I fully support, and have sign Dan Kegel's open letter (http://www.kegel.com/remedy/letter.html).

OPENNESS AND TRANSPARENCY

My second choice for a remedy is to force openness and transparency in Microsoft's technology. Distributed computing systems are very complex and can be very subtle. To help the court, many other petitioners have listed specific technology disclosures that will help create openness. I will add that, in a general way, if Microsoft's technologies can be viewed by the industry and the market as *components* rather than as a *whole*, then a good balance may be struck between Microsoft's ability to innovate, and the industry's ability to compete and develop both complementary technology as well as competing technology. The tricky question is this: ''Where are the boundaries between the components?''

A simple answer can be found by focusing on and leveraging the up- coming pressures that will be felt as the distributed computing era arrives. The answer I propose is simple, easily monitored and enforced:

* Force Microsoft to fully disclose all wire-level (binary) protocols used between independent computing devices. (This include .Net protocols, SMB/NBT protocols for file sharing, and others)

* Force Microsoft to disclose the APIs which they expect other components to use as they access the wire-level protocols.

* Force Microsoft to fully disclose all file formats used to store persistent information.

The reason these are good remedies relies on the following:

* The future direction of computing is toward small, distributed computing devices. The economic and technological pressures will force the definition of boundaries between distributed components. This will be a constant pressure to

* increase* disclosure over time.

* It is easier to monitor and audit compliance at these boundaries compared to other more abstract and more easily re-defined boundaries. (Microsoft is a master at redefining boundaries for their own benefit).

* These disclosures provide significant value to competitors and innovators.

However, I must also point out that this is only a first step. This describes the technological boundaries and requirements. The Settlement must also address the legal issues such as Microsoft's attempt to prevent open-source software from running on Windows, and other licensing and cross-tie issues. I will leave these issues to the legal experts.

Violation of the Settlement must bring with it a powerful and costly punishment. I propose that if Microsoft violates the provisions of the Settlement that they be forced to place any software or system found to be in violation or associated with a violation into the general domain through an open-source license. This, more than any financial penalty, would be a real deterrent.

Regards,

Randolph S. Kahle

Tucson, AZ

MTC–00028456

From: Judy Quandt

To: Microsoft ATR
Date: 1/28/02 3:43pm
Subject: Microsoft Settlement

MTC–00028456—0001

70 Konci Terrace
Lake George, NY 12845–4101
January 24,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

The settlement with Microsoft is in the best interests of the public and the economy. It not only will restore fair competition but also prevent future antitrust violations. But most importantly, the agreement will allow the technology industry to move forward with developing new products, rather than further burdening it with government lawsuits. The settlement has imposed many restrictions on Microsoft. For example, Microsoft has agreed not to enter into any agreements with any third party to promote any Windows technology exclusively. Additionally, Microsoft has agreed to a technical committee that will monitor the company's compliance with the settlement. Furthermore, Microsoft has agreed to design future versions of Windows to make it easier for computer makers and consumers to promote non-Microsoft software within Windows. Clearly, these changes will benefit both consumers and the economy.

The most impressive part of this settlement is that it includes matters that were not even at issue in the lawsuit. Enough is enough. Let's stop wasting money and time on unnecessary litigation.

Sincerely,
Judith Quandt

MTC–00028457

From: M M
To: Microsoft ATR
Date: 1/28/02 3:44pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally,

I oppose the Proposed Final Judgment in relations to the Microsoft case. As one can plainly see, Microsoft continues to violate business practices. The Proposed Final Judgment does not punish Microsoft for its past violations to the anti-trust laws. Based on supporting evidence found by the Court of Appeals, Microsoft is guilty of breaking several anti-trust laws. Under the final settlement, Microsoft is permitted to retain most if not all profits gained through their illicit activities. Subsequently, the PFJ will not compensate parties injured or harmed through Microsofts egregious misdeeds. In addition, the PFJ will not take into account all Microsoft gains made through its illegal maneuverings. With all due respect, the final settlement is basically acknowledging the acceptance of Microsofts anti-competitive behavior. What kind of message does this send out to the public? I can assure you that the message is clear and simple. The PFJ encourages big corporations to engage in monopolistic and predatory conduct, which in turn is detrimental to the technology industry at large. With all due respect your honor, I am outraged at such a preposterous proposal that only helps Microsoft to remain intact and continue with its unethical practices. In conclusion I submit to you my objection to this Proposed Final Judgment.

Best Regards,
Mylene Mamon
179 River Pines Way
Vallejo, CA 94589
CC: microsoftcomments@doj.ca.gov@inetgw

MTC–00028458

From: Norwood Catron
To: Microsoft ATR
Date: 1/28/02 3:45pm
Subject: Microsoft Settlement

I am an IT professional, specializing in providing Microsoft solutions for small to mid-size businesses. I've worked in the field for four years now, and have used Microsoft operating systems and applications for fifteen years. I've invested considerable time and financial resources in becoming an expert with Microsoft products and have obtained several Microsoft specific certifications. My continued livelihood will continue to depend on Microsoft's dominance in the market.

Having said that, I feel strongly that the currently negotiated settlement does not do enough to punish Microsoft for past anticompetitive behavior or to prevent such behavior in the future. I don't believe that a break up of the company is a solution. The lines between application and operating system are quickly disappearing. Future technologies will continue to blur those lines. But I feel that Microsoft has used strict contracts with OEM's as well as unnecessary integration of applications into the OS (Internet Explorer in Windows 95/98/ME/2000 and XP, and now Windows Media Player in XP) to hinder consumer choice and competition.

In addition to the solutions already proposed, Microsoft should be forced to open the source code to ALL operating system API's, and quite possibly the entire OS. This would allow competing application developers to successfully create applications that work correctly with Microsoft operating systems. I feel strongly that the inaccessibility of the API information was one of the reasons Netscape, Corel, Novell and other application providers have had such a difficult time distributing bug free software.

Microsoft should also be strictly monitored in terms of its contracts with OEM's and other providers. Currently, if a consumer purchases a new PC from a manufacturer, it is quite literally impossible for the consumer to get one without a Microsoft OS. And if a consumer is successful at such an endeavor, that consumer can not be properly reimbursed from the OEM or Microsoft for the Microsoft software costs that are automatically incorporated into the cost of the PC. It is imperative that the federal government return the operating system and application market to a more stable playing field. As well it is important that Microsoft make reparations for past wrongs. Please reconsider the current settlement, and come up with more appropriate and harsher consequences. Microsoft must not get off with just a slap of the wrist.

Sincerely,
Norwood Catron
Independent IT consultant and concerned consumer
ncatron@earthlink.net
23747 Vassar
Hazel Park, MI 48030

MTC–00028459

From: aschan@att.net@inetgw
To: Microsoft ATR
Date: 1/28/02 3:44pm
Subject: microsoft settlement

It is time to end the persecution of Microsoft. This persecution could set a precedent that can ultimately have dire consequenses to our American system of free markets. Should the D of J pursue legal action against McDonalds for the benefit of Burger King and Wendy's? Or Intel, or General Motors, etc?

The government should not be a tool of one group of businesses'' attempts to gain ground on their competition. I am not an employee of Microsoft, nor do I own, nor have I ever owned any Microsoft stock. I purchase their products solely because they are the best on the market.

Andre Schan
41 Horseneck Road
Montville, NJ 07045

MTC–00028460

From: R M
To: Microsoft ATR
Date: 1/28/02 3:47pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally,

I object to the Proposed Final Judgment in the Microsoft case. There are several apparent flaws with in the final proposal that I just dont like. One the PFJ does not terminate the MS illegal monopoly. 2nd MS will be able to continue with its ant-competitive activities. 3rd MS will be allowed to partake in the fruits of its past violations. I dont see how such a settlement punishes Microsoft for breaking the anti-trust laws. Therefore I oppose a settlement- The Proposed Final Judgment.

Sincerely,
Rose Mamon
179 River Pines Way
Vallejo, CA 94589
CC: microsoftcomments@doj.ca.gov@inetgw

MTC–00028461

From: DEDLYDON@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 3:47pm
Subject: Microsoft
January 25,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am frustrated that, despite all efforts to serve justice, problems continue to arise in the Microsoft antitrust case. Now, even as a settlement is pending in the federal courts, Microsoft's opponents are seeking to overturn the settlement and bring additional litigation against Microsoft. This is highly inappropriate. Microsoft has done nothing to warrant such vicious persecution except be

successful. The litigants who seek to overturn the settlement have no altruistic aims—they only want to squeeze all the profit they can out of Microsoft.

After six months of supervised negotiations, Microsoft and the Department of Justice were able to reach a settlement in the antitrust case. Microsoft's opponents claim the settlement is too lenient and that Microsoft has merely received a slap on the wrist, but such is not the case. Some of the terms agreed to in the settlement extend to products and policies that were not found to be unlawful by the Court of Appeals; Microsoft has agreed to these terms in the interest of wrapping up the case. I agree that it is time to settle and move on, and I do not think the settlement is in any way unfair. For example, Microsoft has agreed to license the Windows operating system to twenty of the largest computer makers on identical terms and conditions, including price. Additionally, Microsoft will refrain in future from retaliating against anyone who produces software that directly competes with Microsoft technology.

I do not believe that additional action is necessary on the federal level. Microsoft has paid its debt to society, and it is time to let this go. I ask you to support the settlement in its entirety.

Sincerely,
Donald Decker
183 San Remo Road
Carmel, CA 93923

MTC–00028462

From: Andy Oliver
To: Microsoft ATR
Date: 1/28/02 3:48pm
Subject: Microsoft must be strongly punished for illegal behavior

Microsoft must be strongly punished for its anticompetitive behavior. As a software developer for the past 10 years, I have witnessed first hand the detrimental effect of the Microsoft monopoly on innovation and pricing. Punishments must be far stronger than the proposed settlements in order for them to have any effect on Microsoft's behavior.

Please break up Microsoft and force the separate groups to publicly document all programming interfaces (APIs) and file formats, with strong, regular oversight.

Thank you.
Andy Oliver
Professional Software Developer
andy—o—netcom@yahoo.com

MTC–00028463

From: Jcc1@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 3:48pm
Subject: Microsoft Settlement

I think it is unfair for the government to punish companies for being successful and that is what is happening here.

MTC–00028464

From: Essfor@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 3:48pm
Subject: Microsoft Settlement

Dear Sir or Madam—

Regarding the settlement of the antitrust case with Microsoft— Microsoft's unethical and anticompetitive business practices must be stopped. There must be an injunction or other legal device, or Microsoft must be split into separate business entities in order to restore competition. Microsoft's operating system must be unbundled from its internet browser and other software so that the consumer and free market will determine the best products and foster healthy competition.

I have purchased several software packages such as spreadsheet, word processing, project scheduling that I greatly preferred over the Microsoft products; however, they are no longer available for update due to the unfair competition from Microsoft. I have been personally hurt by Microsoft in that I am forced to use inferior, crash prone software.

Thank you for your consideration.
Sincerely,
KR Schroepfer
310 Rider RIdge
Santa Cruz, CA 95065
1–831–809–1561
essfor@aol.com

MTC–00028465

From: Bob Peterson
To: Microsoft ATR
Date: 1/28/02 3:48pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice

I'm writing this to you because I'm gravely concerned over the settlement between our DOJ and Microsoft. There is no teeth to the settlement. It places too much trust in a company that is not trustworthy and has proven as such over its entire history. All that it will do is enhance Microsoft's grip on the desktop market and allow it to expand and also destroy other areas. Already the signs are everywhere that with every step in Microsoft's control and destruction of our computing industry, innovation has crawled to a near stop. When I say innovation, I am referring to the true meaning of the word and not another mad-twist meaning from Microsoft when they use ''innovate'' as part of their questionable ad campaign.

I am a user of Linux. Lately, I've noticed that Microsoft has increasingly tried to squeeze out non-windows platforms by their usual dirty tactics. It used to be that I could access my hotmail account. Now I'm forced to have a Passport account. Passport is a Microsoft product and Microsoft refuses to support a Linux version of Passport. Remember the debacle with MSN.com not allowing any non Internet Explorer browsers to visit their site? While on the subject of Internet Explorer; who on earth wants to view their file directory as a webpage (like in the Windows operating system)? This is the result of you allowing Microsoft to tie-in their browser and falsely claim that it's an integral part of Windows. It is not necessary and anyone with a slight understanding of computers should know that... except for some reason the DOJ.

As part of the settlement you Microsoft must be forced to sell a version of Windows without all the predatory tie-ins. And they must be forced to port all their applications to other operating systems. Those ported applications must be of equal quality and functionality. Typically, when Microsoft ports their software to another platform (Mac), that software is usually a crippled version of the windows original. They can claim that Windows is superior and thus providing more features but any software engineer would say otherwise. Then Microsoft must provide all the necessary specifications for 3rd party software vendors so as not to give Microsoft another area of unfair advantage.

Another point to bring up is the myth that Microsoft is good for our economy. Is it? I don't think so. How can Microsoft justify charging hundreds of dollars for an operating system that is no better than its previous version? The cost of manufacturing is nearly zero. But yet, everyone PC owner including businesses are strong-armed into buying this poor excuse for an upgrade. Those businesses are then forced to pass on that cost to the consumer. The cost amounts to a heavy burden on our national economy. Then Microsoft uses this money not to truly innovate and create more secure software, but to use their legal monetary might to crush the competition. Thus putting more people out of jobs. This is bad for our economy.

So please do not let Microsoft escape unscathed with yet another blatant violation of the law. Just look around you. The software landscape is nearly bare in the Windows market as far as ''genetic'' diversity. Without strong restrictions on their business tactics, we will be left with a very weakened engineering base as the world will continue to truly innovate. Having our schools teach Microsoft products instead of real software engineering will amount to suicide of the knowledge base. Then we'll have to answer to our children and grandchildren when they ask why we have to import quality software from Asia and Europe. And, why we had such a lead in that field and chose to allow one company (Microsoft) to sabotage everything we've worked for. Do the right thing now before it's too late and we lose everything.

Sincerely,
Bob Peterson
1007 NE 126th
Seattle, WA 98125

MTC–00028466

From: clcorea@sierratel.com@inetgw
To: Microsoft ATR
Date: 1/28/02 3:46pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the

most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Christine Corea
38777 Road 600
Raymond, CA 93653–9504

MTC–00028467

From: Julie Rocheville
To: Microsoft ATR
Date: 1/28/02 3:50pm
Subject: Microsoft Settlement

Please settle this ugly dispute with Microsoft NOW! MS has created more jobs and has done more positive things for the US economy than any other employer in history. Do us ALL a favor and keep Windows together. It truely is time for you say ''enough is enough'' and get back to some more pressing issues. J

on & Julie Rocheville

MTC–00028468

From: N T
To: Microsoft ATR
Date: 1/28/02 3:50pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally,

I do not approve of the Proposed Final Judgment in the MS case. First of all every one know the U.S. Court of Appeals ruled unanimously that Microsoft had clearly violated anti-trust laws. It was understood as well as established that the government was in the process of developing a plan the accomplished the following: abolish the illegal monopoly implemented by Microsoft, deny MS the fruits of its past violations, and last but not least prevent further anti-competitive activity or behavior by MS. To my bewilderment, I cannot yet fathom how it is possible the Department of Justice would agree to such an egregious settlement that for the most part goes against all objectives stated previously in the MS case. Logically this proposal does not accomplish what the U.S Court of Appeals set forth. Therefore I am submitting my disapproval of the Proposed Final Judgment in the Microsoft Case.

Sincerely,
Nils Trulssen
1742 Edgewood Dr.
Lodi, CA 95240

MTC–00028469

From: Charlotte Muse
To: Microsoft ATR
Date: 1/28/02 3:50pm
Subject: <no subject>

I am writing to let you know that in my opinion the proposed settlement between Microsoft and the Department of Justice is a travesty. Microsoft's predatory behavior represents a profound threat to the health not only of the technology sector, in which I work, but of US industry as a whole, and of the United States itself.

If Microsoft can dictate its terms to the US government, who is it that really governs?

I urge you to reinstate the eminently fitting decision of Justice Jackson, and break the company up so as to separate the ownership of the operating system from that of the desktop applications.

Charlotte Muse
1020 Louise Street
Menlo Park, CA 94025

MTC–00028470

From: Andy Warner
To: Microsoft ATR
Date: 1/28/02 3:49pm
Subject: Microsoft Settlement

Dear Person,

I have been employed by Netscape Communications for nearly five years as a software developer and I've been in the Information Technology field for over 20 years. Microsoft should not be allowed to destroy companies at their will, whenever they feel threatened by new technologies or decide to expand into a new market. Obviously, they can put any company into near bankruptcy, by using the revenue from the monopoly OS business to fund development and give away competing products. Allowing that behavior to continue will dramatically slow the growth rate of new technologies by giving the perception that the profits from those very difficult efforts can easily be taken away by the likes of Microsoft. Anything short of severe punishment will just signal that its ok to steal market share and destroy businesses as a tactic of growing your business. If that were allowed, then any business that has more money than another business can destroy it by simply building a competing product and giving it away until you've put them out of business. Is that the kind of business environment that we are trying to promote in this country? This is a great opportunity to show all businesses that integrity and fairness is a requirement to do business in the United States. That the people of the United States will not allow unfair market take-overs by giving away products to destroy companies. We could now show investors that their investments in new technologies will be protected from the predatory practices of companies like Microsoft.

This is not the time to allow ''politics as usual'' and hinder the investment in new technologies by showing that once you begin selling your new idea, any larger company can develop a similar product and give it away until your bankrupt. If you wonder where all the investment is in Silicon Valley startups, just think about the signal that we've given investors through the Microsoft trial. Who would want to invest in building new products knowing that if your successful your business will be stolen from you by any wealthy company that has the inclination.

Thanks,
Andy Warner

MTC–00028471

From: Laurie Wieder
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 4:10pm
Subject: Microsoft Settlement

I am e-mailing to you a copy of the letter we are attempting to fax to you at 202–616–9937 in support of the Microsoft settlement. We will keep trying to fax the letter to you, and we are placing the original of the letter in the mail.

Laurie Wieder
President
Prince William Regional Chamber of Commerce
''The Region's Leading Voice for Business''
4320 Ridgewood Center Drive
Prince William, VA 22191
(703) 590–5000 (703) 590–9815 fax
www.RegionalChamber.org
<<Microsoft Settlement.doc>>
PRINCE WILLIAM REGIONAL CHAMBER OF COMMERCE
4320 Ridgewood Center Drive
Prince William, VA 22192
703–590–5000
January 28, 2002
Ms. Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street, Suite 1200
Washington, DC 20630
RE: Comments on the Microsoft Proposed Settlement Agreement

Dear Ms. Hesse:

The Prince William Regional Chamber of Commerce is writing this letter to express its support for the settlement reached by the U.S. Department of Justice, nine state attorneys general and Microsoft in the long-running antitrust lawsuit initiated by the federal government.

The Region's Chamber is critically aware of how important it is to our national economy that all businesses be able to ''get back to business.'' There were many knowledgeable people guided by an internationally recognized mediator to reach the Microsoft settlement. We believe that additional litigation, following on the heels of many years of costly legal proceedings and on the subsequent work of those in mediation would serve only to prolong the negative impact on our economy of the Microsoft litigation.

Therefore, the Prince William Regional Chamber of Commerce, an organization of more than 800 businesses in the Prince William area, respectfully encourages the U.S. Department of Justice to urge the Courts to adopt the agreement with all due speed so that business and our national—and even international—economy can move forward again with certainty.

Sincerely,
Carol A. Kalbfleisch
Chairman of the Baord
Laurie C. Wieder
President

MTC–00028472

From: Emily L Hughes
To: Microsoft ATR
Date: 1/28/02 3:49pm
Subject: Microsoft settlement
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue NW
Washington DC 20530–0001

John

I am writing you today to encourage you to accept the Microsoft antitrust settlement. This issue has been drug out much more than necessary.

Microsoft has agreed to design future versions of Windows to be more effective for other companies software. They've also agreed to all other terms of the settlement.

Why is our court system punishing Microsoft? What are they afraid of?

Please accept this antitrust settlement, so our court system and Microsoft can get on with other more productive issues.

Thank you.

Emily Hughes

Bellingham, Washington

CC:fin@mobilizationoffice.com@inetgw

MTC–00028473

From: rshwake@mailhub-4.net.treas.gov@inetgw
To: Microsoft ATR
Date: 1/28/02 2:41pm
Subject: Microsoft Settlement

Though I am not an attorney, I have followed this case from the beginning and am appalled that Justice could consider accepting such a settlement. It does not address the criminal wrongdoing described in the Finding of Fact, nor the Findings of Law, almost all of which were upheld by the Appeals Court. More critically, there is neither punishment nor adequate means in place to prevent Microsoft's current market dominance from being leveraged into new ventures. The control mechanisms (''three person team'') is a joke, and the ''exceptions'' provide, as some have described it, ''loopholes on loopholes''. I can only hope that Judge Kottelly has the sense to reject this proposal for failing the test of ''public interest''.

Raymond Shwake

rshwake@rsxtech.atww.org

MTC–00028474

From: Arthur Vardy
To: Microsoft ATR
Date: 1/28/02 3:54pm
Subject: Microsoft

Dear Sirs:

Get off a Microsoft and do something worthwhile like take on Enron.

Sincerely

Beverly Vardy

MTC–00028475

From: C T
To: Microsoft ATR
Date: 1/28/02 3:53pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally,

I wanted to make my opinion count. In turn, I object to the Proposed Final Judgment in the MS case. As history will prove, Microsoft continues to violate business practices. The Proposed Final Judgment in a sense, does not deny Microsoft its past violations and illegal acts. As one can see, every court, which has been involved with the case, has found Microsoft guilty of breaking the anti-trust laws. However, under the proposed final settlement, Microsoft, surprisingly enough, will be permitted to retain most if not all profits gained through their illicit activities.

Subsequently, the PFJ will not compensate parties injured or harmed through Microsofts egregious misdeeds. In addition, the PFJ will not take into account all Microsoft gains made through its illegal maneuverings. With all due respect, the final settlement is basically acknowledging the acceptance of Microsofts anti-competitive behavior. What kind of message does this send out to the public? I can assure you that the message is clear and simple. The Proposed Final Judgment encourages big corporations to engage in monopolistic and predatory conduct, which in turn is detrimental to the technology industry at large. I am angered at a proposal that only helps Microsoft to remain intact. Therefore I submit my objection to this Proposed Final Judgment.

Kind Regards,

Cookie Trulssen

1742 Edgewood Dr.

Lodi, CA 95240

CC:microsoftcomments@doj.ca.gov@inetgw

MTC–00028476

From: donb@gasullivan.com@inetgw
To: Microsoft ATR
Date: 1/28/02 3:54pm
Subject: Microsoft Settlement

With all that has been said, I will be brief and to the point:

(1) Microsoft has been a great partner to our firm, G. A. Sullivan, and has been instrumental in helping us grow dramatically during the last decade. Among the honors we have received, Greg Sullivan, our founder, was named the 1999 U.S. Small Business Administration National Small Business Person of the Year. The success we have enjoyed has often been due to our strong partnership with Microsoft.

(2) Competition is alive and well in our industry. In the operating system marketplace, for example, IBM has thrown its considerable clout behind Linux and is aggressively advertising this fact. During the recent National Football League NFC Championship, they ran advertisements using basketball players as a metaphor for computer industry products and forces. For example, the ?opposing team? included players named ?Hacker?, ?Virus?, and ?Downtime?. ?Linux? was characterized as an incredibly talented player who would play for ?almost nothing? because ?he loves the game?. It remains to be seen how effective this ad campaign will be, but IDC predicts that Linux's market share will increase to 41% by 2005.

(3) While Microsoft does have some advantages in its daily business operations, advantages that we believe they have earned through hard work, it also still faces formidable obstacles and some important disadvantages. For example, as Microsoft attempts to sell its operating systems and platforms to corporate America, in the largest corporations (sometimes called the Enterprise marketplace) they are often viewed with condescension as a ?desktop? vendor selling personal productivity tools, computer mice, and games. They continue to build a channel of partners to help provide the necessary services to install, configure, and support their offerings in large corporations, but face stiff competition from IBM Global Services, often an entrenched competitor of huge proportions. Other large service organizations are also most often working against, rather than for, Microsoft.

(4) In many key areas of new research and growth (e.g. Personal Digital Assistants (PDAs), instant messaging, and highly scalable clustering for scientific purposes), Microsoft is a distant second or third place competitor to other firms and technologies (e.g. Palm, AOL, and Beowulf). To summarize our opinion?in almost every case Microsoft has been a tough but fair competitor in the marketplace. In the areas their practices were found anti-competitive, the remedies that have already been recommended are sufficient.

Microsoft has been a great partner to our firm, and we do our best every day to help ensure their success. Contrary to what many of Microsoft's competitors state, we find the marketplace to be a VERY competitive place, and hope that a more comprehensive ?remedy? is not enacted.

CC:donb@gasullivan.com@inetgw

MTC–00028477

From: bking@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/28/02 3:50pm
Subject: Microsoft Settlement

I'm against the propsed settlement. It is way too easy on Microsoft.

I think Microsoft should be broken up into 1) operatings systems and 2) applications.

MTC–00028478

From: Jeff Fabijanic
To: Microsoft ATR
Date: 1/28/02 3:55pm
Subject: Microsoft Settlement.

To whom it may concern:

I am writing you today to express my concern and oppostition to the Proposed Final Judgement in the United States v. Microsoft antitrust case. I believe this settlement is counter to the best interests of the American people, harmful to our economy, and clearly inadequate given the findings of fact in the trial.

As a professional computer user and technology developer for the past 15 years (over twenty five if you consider my student years in high school and then MIT), I have watched as Microsoft has used any number of unethical and anti-competitive strategies to attain and maintain dominance at the expense of other companies, competing software platforms and consumers such as myself. In this respect, I am satisfied with the findings of fact in the case, as they confirm this viewpoint.

However, as upset as I am with Microsoft's past behaviours, I am extremely concerned that these same types of behavior are prevented in the future. Given the findings of fact, any judgement should demand strict measures which address not only the practices the company has engaged in previously, but which should also prevent them from engaging in other monopolistic practices in the future. I do not think that the Proposed Judgement is strong enough to serve this function.

As I read the Proposed Judgement, many—perhaps most—of the remedies will be ineffective against a company such as Microsoft which is determined to circumvent them. That Microsoft will work to bypass the original intent of the Judgement is clear for both technical and business practices—even during the course of the trial and settlement negotiations it has continued to use tactics that should be blocked by a solid agreement.

In fact just this month Bill Gates declared ''security'' to be the future direction of Microsoft's focus. Of course, under the

Proposed Judgement anything related to security need not be disclosed even if such would otherwise be mandatory. Under a strict reading, if Microsoft adds even basic security interfaces to its APIs then *none* of those APIs would need to be disclosed and there would be no penalty for not disclosing them. And to add insult to injury, the settlement as written actually seems to codify some of Microsoft's predatory practices. For example, although the settlement forces Microsoft to share its APIs with certain competitors, it also would force those who use these APIs to share all their finished code with Microsoft. As a result, Microsoft would see these companies'' code trade secrets and have the oportunity to replicate or circumvent them.

Another example—a requirement for receiving documentation for those APIs is that any organization needing it must meet *Microsoft-developed* standards of business viability; ''non-businesses'' (eg small or non-profit companies, and individual developers) probably won't qualify and so access to those APIs will simply not be available to them. Similarly, the clause requiring that Microsoft's competitors be allowed to place their own icons on the PC desktops only applies to companies which have already sold more than a million copies of their software in the U.S. So the very companies who most need a competitive advantage can not, in this case, receive it.

There are numerous other problems or oversights in the Proposed Judgement. However, for the sake of brevity, I will limit my comments to this last statement—I feel that the Proposed Final Judgement is deeply flawed and needs to be substantially revised to remove these flaws. Microsoft deserves more than a wrist-slap for the destructive abuse of its monopoly power, and all of us, including Microsoft and its investors, need to be protected against future abuses.

Sincerely Yours,
Jeff Fabijanic
Boston, MA.
Jeffrey Fabijanic
MIT Media Lab Liaison
Panasonic Information and Networking Technologies Laboratory
jeff@research.panasonic.com (617) 577–1280 x115

MTC–00028479

From: Stapleton, Mark
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 3:55pm
Subject: Microsoft Settlement

Department of Justice:

I am writing to comment on the proposed settlement with Microsoft. I believe that the settlement is fair for both Microsoft and consumers. Microsoft deserved a penalty for their behavior and the penalty is harsh enough for Microsoft to learn their lesson.

Microsoft's competitors continue to fund lobbying efforts to overturn the settlement and inflict harsher penalties. The settlement is for the consumers, not competitors who find their best way to compete is fund lawsuits against Microsoft. An antitrust remedy should be designed to protect consumers rather than advance the interests of competitors.

The Department of Justice must stand-by the settlement, and not allow competitor-funded lobbying efforts to sway them. In no way do the competitors (i.e. AOL, Sun Microsystems, Oracle) have the consumer rights in mind when they continue to pour money into lobbying efforts. They want to create harsher penalties on Microsoft so they may be better equipped to compete. If they did have the consumers in mind they would be pouring money into research and development to compete with Microsoft in the marketplace.

It's time to end this with the proposed settlement and all these companies should get back to what they do best...create innovative products for consumers.

MTC–00028480

From: hjordan@csonline.net@inetgw
To: Microsoft ATR
Date: 1/28/02 3:54pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Gaynelle Jordan
110 Breed St.
Titusville, PA 16354–2122

MTC–00028481

From: Xana Kim
To: Microsoft ATR
Date: 1/28/02 3:57pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice

I must say that I am appalled at the proposed final judgment in United States v. Microsoft.

Briefly, I do not feel that the settlement will in any way punish Microsoft for it's past violation of the law, nor will it prevent future violation.

Xana Kim

MTC–00028482

From: Tommy Ward
To: Microsoft ATR
Date: 1/28/02 11:44pm
Subject: Fwd: Microsoft Antitrust Comments
Date: Mon, 28 Jan 2002 11:46:45 -0800
To: microsoft.atr@us-doj.gov
From: Tommy Ward <tommy@msbit.com>
Subject: Microsoft Antitrust Comments

>Dear Staff,

>As a 20 year veteran in the network industry, I would like to take this >opportunity to provide my comments on the settlement of the Microsoft >anti-trust case. My opinions are based on both my professional experience >as well as my experiences as a consumer.

>First, the currently proposed settlement terms reached by Microsoft and >Justice Department negotiators is completely inadequate to protect >consumers. It should be dismissed out of hand.

>Second, controls must be put in place to guard against Microsoft's ability >to leverage their current desktop monopoly into effective control of the >public Internet. If they are able to dictate the terms and conditions by >which meaningful business can be conducted over the Internet, this >dynamic forum of social and business intercourse will be extremely >stifled. What would constitute such effective controls? Rather than >focusing on contracts with computer vendors (which might be a >reasonable choice if we were concerned about the maintenance of the >desktop monopoly), the controls should be aimed squarely at the >integration of all Microsoft software—both client and server, with >no distinction between operating system and application—with any >Internet services provided by Microsoft. If Microsoft chooses to >build support for authentication, payment, name resolution, routing, >search, or any other useful functionality into their software they >should be allowed to do so, as long as they do not also provide >such service which is accessed by that software.

>An example of such integration which already exists is >the Passport system, whereby multiple Microsoft application >software products use common procedures to make use of an authentication >service provided by Microsoft over the Internet. An effective >curb on potential Microsoft abuse would be to disallow the company >to provide the Internet service portion of that function. If such a curb >is not implemented, Microsoft may be able to leverage their monopoly >on Internet client software into a very effective control over Internet >commerce. I suggest that the most effective method of implementing

>such a control would be to force the company to divest all Internet >lines of business other than those which are used to market and >support it's software business.

>If effective controls are not placed on Microsoft's business conduct, >this company will be able to leverage undue influence in practically >every area of public life in the United States, including commerce, >entertainment, news, personal correspondence, and government. Not >only would such a situation be bad for business, it would be detrimental >to democracy. We can not allow one company to threaten our >future in the way that Microsoft will if allowed free reign.

>Regards,
>Tommy Ward
>Saratoga, CA
>tommy@msbit.com

MTC–00028483

From: Phyllida@aol.com@inetgw

To: Microsoft ATR
Date: 1/28/02 3:59pm
Subject: Microsoft settlement

Dear DOJ,

Due to the various continuing suits against Microsoft, I am forced to exit Microsoft Explorer (the company's browser and entrance to the internet) and bring up AmericaOnLine to read and send email. My other choice would have been, again, to close Microsoft Explorer and to bring up Microsoft Outlook Express which, as you well know, is split off from Microsoft Explorer. But isn't it ironic; AOL is suing Microsoft over its overweening powers, yet I can use AOL for both purposes: to receive and send email AND TO USE THE INTERNET but I CANNOT use Microsoft Explorer to use both services. Just who IS the monopolist here?

And last I looked on the tv screen, AOL, which also has a pretty good control of the NYC cable market, is spending zillions on advertising its AOL Time Warner direct cable hookup. And doesn't AOL have control of some magazines? and some TV stations? and some books? and some records? Excuse me, while I fall down the rabbit hole, said Alice. As a stockholder of Microsoft, Sun Micro and others and fortunate seller of AOL (at breakeven) and as user of Apple, Microsft Word etc and AOL since 1985, AND attempted user of Netscape which has been largely defunct since being taken over by AOL, I would find the not so sly tactics of the AOL/Sun etc gang who use stockholder monies to launch extensive and expensive litigation (which then becomes their raison d'Atre) laughable if it weren't so harmful to consumers, stockholders and profitably run businesses. It isn't just off balance sheet limited partnership that drain assets.

My support for Microsoft is based on many years of using their products and services which have always worked smoothly, reliably and efficiently which is, after all, what I pay for. As a stockholder I find Microsoft reports earnings in a conservative manner and maintains a strong balance sheet both of which indicate the company tends to its business and is not wasting stockholder assets. Everytime the market sneezes I don't feel as though I am going to lose my entire investment in Microsoft as I might with others. If the interest is the consumer and the stockholder, Microsoft will win hands down. If not, we'll see just how fair the US markets really are.

Ruth Sumners
January 28, 2002

MTC–00028485

From: Bruce Wynn
To: Microsoft ATR
Date: 1/28/02 4:00pm
Subject: Microsoft settlement

The govenment, my government should make sure they understand that the consumer is not harmed by Microsoft it's products are cheaper than and better ever. Is Microsoft not allowed to compete, it should be allowed to compete and those cry babies Sun, Oracle and AOL will just have to make better products rather than lobby with governments about a competior—Microsoft. They are trying the exact same thing in Europe and I hope our legislators see through this smoke screen and see the facts Microsoft has superior products and the market proves that.

I feel the government should not pursure any further actions against Microsoft. I believe the terms-which have met or gone beyond the findings of the Court of Appeals ruling-are reasonable and fair to all parties involved. This settlement represents the best opportunity for Microsoft and the industry to move forward. However, the settlement is not guaranteed until after the review ends and the District Court determines whether the terms are indeed in the public interest.

Bruce Wynn

MTC–00028486

From: Lawrence A. Husick
To: Microsoft ATR
Date: 1/28/02 4:00pm
Subject: Microsoft Settlement

Appropriate injunctive relief in an antitrust case should: (1) end the unlawful conduct; (2) ''avoid a recurrence of the violation'' and others like it; and (3) undo its anticompetitive consequences. See Nat'l Soc'y of Prof'l Eng'rs v. United States, 435 U.S. 679, 697 (1978); United States v. E.I. du Pont de Nemours & Co., 366 U.S. 316, 326 (1961); Int'l Salt Co. v. United States, 332 U.S. 392, 401 (1947); United States v. Microsoft Corp., 253 F.3d 34, 103, 107 (DC Cir. 2001) The proposed settlment fails utterly to achieve these goals. Rather, it is another opportunity for Microsoft to litigate the definitions of the settlement, rather than participate fairly in the market. A settlement which leaves Microsoft free to hide features and functions of its operating system behind license restrictions and nondisclosure agreements, and then to use these functions to advantage its own applications development process and products is inadequate. The source code of Microsoft's operating system must be published and made available at nondiscriminatory rates to all users in order to prevent future misuse of this substantial advantage by Microsoft. The source code to Microsoft's Office products must be auctioned to vendors wishing to compete with Microsoft, whether on the Windows platform or elsewhere in order to redress the violations that use of these hidden functions by Microsoft has created. Microsoft must create an independent, not-for-profit entity, transfer title to its Internet Explorer code to that entity, and pay royalties for each copy of IE to that entity, which should then use the proceeds to fund development of software products which function across multiple platforms in order to open up the application development arena to non-Microsoft products.

Lawrence A. Husick
LIPTON, WEINBERGER & HUSICK
Intellectual Property and Technology Law
Lawrence@LawHusick.com
http://www.LawHusick.com
P.O. Box 587
Southeastern, PA 19399–0587
610/296–8259 Voice 610/296–5816 Fax
AOL/Netscape IM: LawHusick

''It is, in fact, nothing short of a miracle that the modern methods of instruction have not yet entirely strangled the holy curiosity of inquiry.''

—Albert Einstein (1879–1955)—Autobiographical Notes

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(Official-Looking Notice V1.5fc3)

MTC–00028487

From: Frank Zepf
To: Microsoft ATR
Date: 1/28/02 4:01pm
Subject: Microsoft settlement
52 Pennsylvania Avenue
Massapequa, NY 11758
January 27, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft: The antitrust suit against Microsoft has gone on for long enough. I believe that this suit is just trying to gore the fat cat just because it is fat. If Time Warner packages Netscape with AOL, then what is the harm with Microsoft packaging Explorer with Windows? This suit's contradicting demands are having a detrimental consequence on the nation's financial situation.

The settlement that was reached between Microsoft and the Justice Department will be beneficial in reviving consumer confidence. Microsoft has agreed to license its Windows operating system to 20 of the largest computer makers on identical terms and conditions. The settlement instructs Microsoft to also make all future versions of its Windows to be compatible with non-Microsoft software.

The settlement may seem to challenge the free-market, but it is vital to settle the case to help provide assistance in revitalizing the economy.

Sincerely,
Frank Zepf
Frank V. Zepf
52 Pennsylvania Ave.
Massapequa, NY 11758–4838
Phone 516–798 0353

MTC–00028488

From: SHOCK4952@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:01pm
Subject: Microsoft Settlement

Your Honor,

After reading and listening to the mass of information being presented to the general consumer regarding a potential miscarriage of justice, it would appear to me that I may have a rather unpopular opinion. I'd like explain my thoughts, but before I do...I need to clarify that I do NOT work for, recieve monys from, nor do I get any special benefits from either party in doing so.

We've seen what Apple computer tried to do in the past, by making everything they make propriatory. The average working person can't afford the equipment, let alone the software that works ONLY on their system. Tandy corporation (Radio Shack) tried to do the same thing, and nearly sunk them financially. ....because of Microsoft. Seems to me that if a competitor can't come up with a competitive system, ad a competivitve cost...they cry monopoly. If any legal decision favors these flag carrying towncriers of ''healthy competition''.....the ONLY ones that will benefit from it, will be them!

I don't know if I'm adequately articulating my position, but I just feel if 10,000 people can easily afford to buy a computer, and use software that's readily available, it's better for those 10,000 people than if say only 1,500 could afford to pay the EXTREMELY high prices of a system made by Apple or Sun technologies. It's true the profit to Apple and/or Sun is considerably higher from these 1,500 than the 10,000 working class like myself, but in my opinion...through all the smoke and mirrors...that's what this is REALLY all about. $$$$$$ Yes...monopoly CAN be a bad thing, but the only thing Microsoft is guilty of is providing an easy to use product at a low cost. Something the others just can't seem to do.

Go with your instincts, and stick with ''Of the People, By the People.....and FOR the people''. It's an old system...but it still works.

Thanks for your time,
Steve Shockley
PO BOX 237
West Creek NJ 08092

PS: It would interest me greatly to know if you ever recieve this letter.

MTC–00028489

From: Donald E. Barlow
To: Microsoft ATR
Date: 1/28/02 4:01pm
Subject: Microsoft Settlement
Forwarded by Donald E. Barlow/PSG/Prudential on
01/28/2002 04:00 PM
''Microsoft's Freedom To Innovate Network'' <fin@MobilizationOffice.com>
Monday January 28, 2002 03:55 PM
To: ''donald—barlow@prusec.com'' <donald—barlow@prusec.com>
cc:
Subject: Attorney General John Ashcroft Letter

Attached is the letter we have drafted for you based on your comments. Please review it and make changes to anything that does not represent what you think. If you received this letter by fax, you can photocopy it onto your business letterhead; if the letter was emailed, just print it out on your letterhead. Then sign and fax it to the Attorney General. We believe that it is essential to let our Attorney General know how important this issue is to their constituents. The public comment period for this issue ends on January 28th. Please send in your letter as soon as is convenient.

When you send out the letter, please do one of the following:

* Fax a signed copy of your letter to us at 1–800–641–2255;
* Email us at fin@mobilizationoffice.com to confirm that you took action.

If you have any questions, please give us a call at 1–800–965–4376. Thank you for your help in this matter.

The Attorney General's fax and email are noted below.

Fax: 1–202–307–1454 or 1–202–616–9937
Email: microsoft.atr@usdoj.gov

In the Subject line of the e-mail, type Microsoft Settlement.

For more information, please visit these websites:
www.microsoft.com/freedomtoinnovate/
www.usdoj.gov/atr/cases/ms-settle.htm

(See attached file: USAGBarlow—Donald—1044—0124.doc)

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One Seaport Plaza New York, NY 10292
610 Old York Road Suite 400
Jenkintown, PA 19046
January 28,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am sending you this brief message to simply say I favor a swift settlement of the Microsoft anti-trust case. This case has gone on long enough. After four years of litigation, appellate hearings and constant clamor the parties have a fair and workable settlement proposal, endorsed by the court, your department, Microsoft and the majority of state complainants. The proposal should be ratified and the case closed.

The settlement requires Microsoft to radically alter its business practices and its philosophy. Microsoft will now be required to configure its Windows platforms in a manner that readily accept non-Windows software. The company will be required to license its Windows systems to major computer Manufacturers on uniform terms. Microsoft has agreed not to use retaliatory practices against manufacturers whose products compete against its product. It has promised generally to abjure any predatory or anti-competitive market practices. It has agreed, as I said above, to adopt a whole new market philosophy that encourages not just competition, but its competitors. Surely such concessions are sufficient consideration for an end to this lawsuit.

Please support this agreement and help bring this case to a close.

Sincerely,
Donald Barlow
cc: Senator Rick Santorum

MTC–00028490

From: Alan Q. Thompson
To: Microsoft ATR
Date: 1/28/02 4:02pm
Subject: Microsoft Settlement

My name is Alan K. Thompson. I live in Riverdale, MD, am a US citizen, and am 37 years old. I feel that the proposed DOJ settlement with Microsoft is a travesty of justice. The Sherman anti-trust act was created to prevent the sort of illegal extension and protection of monopoly for which Microsoft has been found guilty. Microsoft has demonstrated in the past that it will use every arguably legal means to avoid restrictions on its actions, and the proposed settlement will allow it too much room. A much more structurally enforced remedy, such as that proposed by Judge Jackson in the original conviction or proposed by the ''dissenting states'' in early December 2001, is necessary to restore competition to this vital segment of the economy.

Thank you.
Alan K. Thompson
4711 Sheridan Street Suite 316351
Riverdale Park, MD 20737

MTC–00028491

From: WILLIAM YOCUM
To: Microsoft ATR
Date: 1/28/02 4:02pm
Subject: MICROSOFT SETTLEMENT

WHAT DESIRE WOULD ANY COMPANY HAVE TO DEVELOP PRODUCTS, IF THEY WERE NOT PROTECTED BY PATENTS??? NONE. THIS IS WHAT THE GOVERMENT IS TRYING TO TAKE FROM MICROSOFT. GET OFF THEIR BACKS.

MTC–00028492

From: Rolejoele2@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:03pm
Subject: Microsoft Settlement Please see attached> Sincerely Earl R. Ramsey
3705 Arctic Boulevard #1451
Anchorage, AK 99503–5774
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

As a retiree who has been following this Microsoft antitrust case, I must admit I was disappointed that this case was even brought to court. There are so many other companies with a high market share like Cisco and Oracle. No one pursued those companies. Microsoft has been great for the economy, for the shareholders, and for technology. What are the ramifications for this country, if litigation were to continue another four years? Would Microsoft be able to survive? They are already vulnerable, now that they've agreed to disclose portions of their source codes in their operating system to the competition.

Microsoft has been more than cooperative in resolving this matter and agreed to terms well beyond what is expected in any antitrust case. That ought to be enough.

Let's stop the litigation so the government can focus on more pertinent issues. Not only is it good for the company, but for the economy as well. Thanks for your consideration in this matter.

Sincerely,

Earl Ramsey

MTC–00028493

From: EON
To: Microsoft ATR
Date: 1/28/02 4:03pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
United States Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse,

I am very concerned that the proposed Microsoft settlement is not in the public interest. My fear as a computer user is that the all important freedom of choice which distinguishes our democracy will be further eroded. I appreciate your attention and hope you will include the following in your considerations.

My objections include the following points: 1) The settlement leaves the Microsoft monopoly intact. It is vague and unenforceable. It leaves Microsoft with numerous opportunities to exempt itself from crucial provisions.

2) The proposed settlement ignores the all-important applications barrier to entry which must be reduced or eliminated. Any settlement or order needs to provide ways for consumers to run any of the 70,000 existing Windows applications on any other operating system.

3) Consumers need a la carte competition and choice so they, not Microsoft, decide what products are on their computers. The settlement must provide ways for any combination of non-Microsoft operating systems, applications, and software components to run properly with Microsoft products.

4) The remedies proposed by the Plaintiff Litigating States are in the public interest and absolutely necessary, but they are not sufficient without the remedies mentioned above.

5. The court must hold public proceedings under the Tunney Act, and these proceedings must give citizens and consumer groups an equal opportunity to participate, along with Microsoft's competitors and customers.

Respectfully,

Mary Beth Brangan
117 Terrace Avenue
Bolinas, CA 94924
415–868–1901

MTC–00028494

From: Dave McGinley
To: Microsoft ATR
Date: 1/28/02 4:04pm
Subject: Microsoft Settlement

Respectfully submitted:

I oppose any settlement with Microsoft. I consider Microsoft's tactics to be monopolistic, unfair to competition, and predatory. Consider,

I was an Apple computer user from the late ''70s. Apple computer is no longer a viable option do primarily to Microsoft. The original MS Office came out on the Macintosh. When Apple begin to compete with Microsoft (late 80's), the Office programs suddenly were no longer supported on the Apple Platform and then when again supported MS Word was interpeted causing painfully slow execution (early 90's). Finally, when Apple capitulated to MS, a new fully functional release was made late 90's. I was a Netscape Navigator user. After running in to so many e-sites that would not support Netscape I was forced to change to Internet Explorer. I was a Eudora e-mail user. Again I was forced to change to Outlook Express for compatibility.

Lastly, when using an Apple Postscript printer, mysteriously, MS Office products would encounter errors printing. Research by my programmer showed MS had ''added'' a Postscript command of their own, thus preventing and Apple Standard Postscript command from executing without errors. The bottom line, if MS wants the market they have the financial and technical capability to drive any competitor from the market. Watch what happens with XBox vs Playstation and Ninetendo.

HELP.

Dave McGinley
Pericle Communications Company
1910 Vindicator Drive, Suite 100
Colorado Springs, CO 80919
mcginley@pericle.com 719–548–5014 Vx 719–548–1211 Fx

MTC–00028495

From: Thomas Saeda
To: Microsoft ATR
Date: 1/28/02 4:04pm
Subject: Microsoft settlement

2308 Delina Drive
Las Vegas, NV 89134
January 27, 2002
Attorney General John Ashcroft
U.S. Justice Department
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

I am in support of the Microsoft antitrust settlement. It is clearly a compromise for both parties involved.

This is, out of the possible options, one of the more reasonable choices. Restrictions have been set upon Microsoft by the government under the terms of this settlement. These include contractual restrictions on the promotion of Windows technology, relationship with software developers and design obligations.

Please support this settlement. It is important that the technology industry concentrates on business now. The terms will mean a new wave of innovation, promoted by increased competition. I would appreciate it if the folks in Washington spent the taxpayers'' money in more efficient ways.

Sincerely,

Thomas Saeda

CC: Senator Harry Reid
CC:fin@mobilizationoffice.com@inetgw

MTC–00028496

From: bruce guenard
To: Microsoft ATR
Date: 1/28/02 4:04pm
Subject: microsoft settlement

Dear Judge,

I am(just) a personal user of computers and software since 1982. I have not read all the legal docs, but have followed the rise of the personal compuger industry for about two decades. Microsoft has produced good products and bad products. The culture of Microsoft,(like the culture of Enron) is unhealthy: Before the death of Lotus 123, the Microsoft mantra was''DOS isn't done ''til Lotus won't run.'' The ''winner take all, damn the ethics'' attitude of MS might be tolerable if there were real competition in the operating system(OS) market. But there is no competition. No admission of guilt, no repentance. ''Innovation'' to Microsft is finding new ways to squeeze dollars out if the public. Microsoft will *always* use its OS and browser monopoly to maintain and extend it's illegal monopolies.

If It's a monopoly, it must be regulated. But when has Microsft ever followed a judges'' order or an anti-trust law it doesn't like? Better, separate the OS/Browser business from the rest of Microsoft. THEN use a couple billion of MS illegal profits to fund at least two open source OS alternatives, like Lindows. (using all MS internal tech data) IF there is real competition in the OS market, the public can choose to use or not to use MS products on their merits, not because the OS/Browser demands it.*

We don't want the Chinese Communists creating a Linux future for the Intel/AMD* PC do we?

Bruce Guenard
san jose ca

* There are no good analogies to the power the OS has over the consumer. What if GM were the only car maker in earth and it sold a car, but licensed the key? The key controlled the gas and brake and would only work properly if the car contained GM manufactured products. The car crashes a lot, but really crashes if not using GM tires, gas, oil, batteries etc. And the key quits working after 5 years. Break a key, out of luck. Just buy a new car and license the key

Car costs $19,999.00. Key licences for $1,990.00 for driving in the city, $2,990.00 to go to the suburbs or out of state. (relative pricing of home vs prof versions.) If your spouse or kids want a key, they must buy a license, too.

** With AMD battling Intel in the CPU market, hardware prices drop, with real choice. With the Microsoft OS Monopoly, forced upgrade prices rise. Let there be the end of software monopolies!! (pardon my spelling)

MTC–00028497

From: mike k
To: Microsoft ATR
Date: 1/28/02 4:05pm
Subject: Microsoft Settlement

Dear Sirs,

I believe that Microsoft has proven that they can and will find a way to sidestep the intent of the judgement against them. They will likely muddy the waters in such a way that the details of the settlement will become largely irrelevant. I believe that the current judgement is not enforceable against such a slippery company.

thank you,
Mike Kirita

MTC–00028498

From: Des Owens
To: Microsoft ATR
Date: 1/28/02 4:05pm
Subject: Microsoft Settlement

I find the DOJ proposed settlement with Microsoft to be a disgrace! Microsoft after snookering the original preparer of PC DOS was handed a monopoly by IBM. They have exploited that monopoly in a number of illegal ways. After being found guilty, they are now being rewarded by the DOJ with such weak ''punishment'' and unenforceable behavior restrictions, that Microsoft can now declare victory and continue on their merry way. Considering the relationship between Microsoft and the Bush administration, the money and the Ballmer visit to VP Cheney, one might have expected the DOJ to recuse itself.

This is an ''honorable'' administration—value is given for value received!

Yours truly,
Desmond H. Owens
1839 Kirkmont Drive
San Jose, CA 95124

MTC–00028499

From: Benjamin Curtis
To: Microsoft ATR
Date: 1/28/02 4:05pm
Subject: Microsoft Settlement

Please consider this email a vote for not allowing the proposed settlement to stand. Microsoft has previously ignored and/or violated previous decrees, and have continued to exhibit predatory business practices to both establish and maintain their monopoly in the technology sector. The current proposed settlement does not go far enough to ensure that competition will be restored to the marketplace, and is not in the consumer's interest.

Microsoft has used various means to eliminate any and all threats of competition, including hiring away critical employees of competing companies (Borland), eliminating a profitable market for a software segment (Netscape), and integration of new products with current market-dominating products (Microsoft Word vs. Word Perfect). An oversight committee trying to enforce disputable sections of the settlement will simply be no match against both the entrenched competition-killing culture of Microsoft and the cadre of attorneys used to support that culture's goals. Instead, more drastic measures, such as those proposed by the nine dissenting states, should be put in place to help restore the competition that Microsoft has so effectively eliminated.

There are certain details of the proposed settlement that would seriously weaken the settlement if it were to be implemented as it currently drafted. For example, very little consideration is given to competition that may come from non-profit-oriented organizations such as the developers of the SAMBA project. This project's main goal is to provide software to allow users of other operating systems to provide file-sharing services in a network including Microsoft Windows clients. SAMBA's developers have had to continually adapt to Microsoft's changing of APIs and protocols to achieve this goal. The provisions in the current settlement proposal for releasing of API information simply are not stringent enough to be effective, as they don't address in enough either sharing APIs with non-profit groups or the timeliness of those transfers of information. SAMBA has been the only effective competition to Microsoft when it comes to file-sharing in dominantly Microsoft Windows environments, and this settlement does little to encourage that competition. Granted, this is only one case of a weakness in the proposal, and the settlement is not intended to benefit any one specific entity, but this is an example of how there are significant weaknesses in the settlement's ability to help restore competition and to be in the public interest.

In summary, this proposed settlement is not in the public interest for many reasons—many of which have been well documented elsewhere. Please do not allow the best interests of consumers to be forgotten. Please do not endorse this settlement. Thank you.

Sincerely,
Benjamin Curtis
15 Lake Bellevue Drive, Suite 202
Bellevue, WA 98005
425–454–0088

MTC–00028500

From: Mary
To: Microsoft ATR
Date: 1/28/02 4:04pm
Subject: Microsoft Settlement

To the Justice Department:

I am deeply disturbed by the prosecution of the Microsoft Company and Microsoft Chair Bill Gates. With Microsoft products, I have had the option of using other manufacturer's software and was often supplied at hardware purchase with software like Lotus and Claris and browsers from Mosaic to Netscape. I have received immeasurable benefit from the features of Microsoft products and they continue to be my preference. The reason I say this is that I very much resent the prosecution's contention that I am some kind of helpless consumer that can't even pick which software suits my purpose. And I don't believe the Justice department has the right to tell me what kind of deals I can make with my supplier. The court's job is not to protect one business from another, but to arbitrate contracts and protect individual and property rights (businesses are owned by individuals). Microsoft products are not a threat to anyone. As I remember, this case didn't start with consumers like me feeling ripped-off, or even with a violation of any contract between Microsoft business partners. It started with Microsoft's unsuccessful competitors! Since when do competition's losers get to sue? I want to live in a country where anyone with enough on the ball, putting in sufficient effort, can be a self-made-man like Bill Gates. That is the American Dream. It is a fundamental right! I want to know that my country is there to protect my right to my property, not to worry that if I succeed that my own country will take it away from me and turn it over to my competitors.

Sincerely,
Mary Bachmann
136 Galleon Loop N.E.
Ocean Shores, Washington 98569

P.S. If I (the consumer) have been wronged, shouldn't I be the one getting the settlement?

MTC–00028501

From: Troy Harkey
To: Microsoft ATR
Date: 1/28/02 4:05pm
Subject: Microsoft Settlement
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to you to express my support for the settlement reached between Microsoft and the Department of Justice. Consumer confidence in tech stocks has dwindled as the federal case has dragged on. Since the US District Court entered its judgement against Microsoft on April 3, 2000, we have witnessed a historic decline in investor confidence in the technology industry. The technology-heavy Nasdaq Composite stock index, which managed to get as high as 4504 that day, now rests comfortably below 2000 representing a loss of 56%.

Now we are in a recession. Massive layoffs are announced every week. Once mighty companies are folding. I believe it is time to put this issue to rest and enact the settlement.

Microsoft has made many concessions throughout this process. They have agreed to disclose the protocols of their windows system. This means that Microsoft will be required to make its proprietary information available to competitors. I wonder if those companies will have to share their proprietary data with Microsoft? It seems to me we should be rewarding innovative companies not penalizing them, or slicing them up, and feeding them to the competition.

I can remember when DOJ disassembled AT&T. As a result, my local telephone service is now far less reliable and much more expensive. I can?t even get anyone to answer the phone at the phone company to address a problem with my bill!

Finally, I would like to state that the enactment of the settlement will benefit the technology industries. Microsoft has done its

share to resolve the issue. Please enact the settlement reached in November.

Sincerely,

Troy Harkey

MTC–00028502

From: Frank M. Kepics
To: Microsoft ATR
Date: 1/28/02 3:45pm
Subject: Microsoft Settlement

I'm writing to voice my opinion regarding the proposed Microsoft settlement. I believe that the proposed settlement is woefully inadequate as a deterrent to the anti-competitive and monopolistic business practices employed by Microsoft currently or in the future. Enactment of this agreement as currently proposed will be ineffective in establishing a competitive business environment in the software industry.

I am strongly opposed to the terms and conditions imposed by this agreement and would like to see a re-negotiated settlement that provides more safeguards to competition and effective enforcement than that offered by the currently proposed ''slap-on-the-wrist'' agreement.

Respectfully,

Frank M. Kepics

Frank M. Kepics
School of Biomedical Engineering,
Science and Health Systems
MS 7–709
Drexel University
3141 Chestnut St.
Philadelphia, Pa. 19104 **
(215) 895–2221 (voice)
(215) 895–4983 (fax)

MTC–00028503

From: Carl Kipp
To: Microsoft ATR
Date: 1/28/02 4:06pm
Subject: Microsoft Settlement

WHAT.

This is the penalty in the main DoJ suit after MS lost the appeal. The supression of Netscape's browser is the primary issue, but loss of BeOS is as bad.

HARM.

The MS IE bowser has been a main entry point for viruses, and its extensions have harmed the www. Tim Berners-Lee (who DID invent the Web) dislikes the damage propietary MS extensions has done. His goal was equality of operation across platforms.

MS has harmed Opera, Netscape by GIVING IE away. MS has harmed Carl Kipp by corrupting sites and starving the publisher of my preferred browser: NetScape Communicator! This is written on NetScape's e-mail program!

REMEDY?

I request forcing MS to be split (the original penalty) or source code opened without the ''security'' exemption. MS's recent ''$1 Billion'' settlement proposal for another suit is typically self-serving. They account their $10 MS Office package cost as ''$600'' retail AND hook students in the education market.

This is like letting the tobacco companies pay their fines in cartons of cigarettes!

US Judge Judge Colleen Kollar-Kotelly is going to look at OUR public comment on the remedy/penalty now that Microscoff has been confirmed

GUILTY!

Letting Microsoft off easily leads to:

World ''Dumb-in-Nation''!

Carl Kipp

Columbus, OH, 43202

In Unauthorized Windos 95, Andrew Schulman (wizard & editor) has many quotes from the DoJ vs MS [''settled'' out of court, 1994!] including his own congressional testimony. One was from a MS VP who said ''...my job is to see that Microsoft gets a fair share of the application market. I define that as 100%.'' Perfidy.

This case is an outgrowth of that one. MS agreed to not bundle the browser, did it anyway and claimed it was built-in. A lie, as testimony showed. I own 98Lite a program which merely uninstalls the IE browser.

Drug on the market.

MS's recent ''$1 Billion'' settlement proposal for another suit is typically self-serving. They account their $10 MS Office package cost as ''$600'' retail AND hook students in the education market. This is like letting the tobacco companies pay their fines in cartons of cigarettes!

Or the Carlos Lehder, of Medellin cartel pay fines in cocaine packets!

Judge T.P. Jackson did compare MS to a dealership.

Damage to Society.

Microscoff is bad for innovation. [See Caldera's suit for damage to DR-DOS. See Borland.].

Microsloth is bad for programmers. [You don't program, you use MFC objects. Dumb.]

Microstuff is bad for IT. [No one understands their proprietary stuff. Even MS! See IIS buffer over run. See the FBI warns MS about security. See Universal P'nP holes] Microscruff is bad for ZDNet, a media company. [Users have given up understanding. ZD loses readers looking for enlightenment.

They are since under new management.] ZDNet editor Kingman said ''No single company, not even Microsoft, is the enemy.'' WRONG. MS=Dumbination The GATES to Dumb-in-Nation!

Carl Kipp

Columbus OH, 43202

MTC–00028504

From: Rolejoe1e2@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:06pm
Subject: Microsoft Settlement

Please see attached document, explaining my feeling about the treatment of Microsoft. Thank You Ellen M Ramsey

3705 Arctic Boulevard #1451
Anchorage, AK 99503–5774
January 26,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

As a retiree who has been following this Microsoft antitrust case, I must admit I was disappointed that this case was even brought to court. There are so many other companies with a high market share like Cisco and Oracle. No one pursued those companies. Microsoft has been great for the economy, for the shareholders, and for technology. What are the ramifications for this country, if litigation were to continue another four years? Would Microsoft be able to survive? They are already vulnerable, now that they've agreed to disclose portions of their source codes in their operating system to the competition. Microsoft has been more than cooperative in resolving this matter and agreed to terms well beyond what is expected in any antitrust case. That ought to be enough.

IF MERGEFIELD PARA2 But clever people like me who talk loudly in restaurants, see this as a deliberate ambiguity. A plea for justice in a mechanized society.

Let's stop the litigation so the government can focus on more pertinent issues. Not only is it good for the company, but for the economy as well. Thanks for your consideration in this matter.

IF MERGEFIELD PARA5 But is suspense, as Hitchcock states, in the box. No, there isn't room, the ambiguity's put on weight.

Sincerely,

Ellen M. Ramsey

MTC–00028505

From: PlattDJ@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:07pm
Subject: Mirosoft Settlement.

I feel that the provisions of the agreement are reasonable and fair to all of the parties involved. This would be the best opportunity for MSFT and the industry to move forward. Please accept the agreement. Donna Platt

MTC–00028506

From: S P Arif Sahari Wibowo
To: Microsoft ATR
Date: 1/28/02 4:07pm
Subject: Microsoft Settlement

I think the settlement proposal is NOT good enough:

The technical comittee should give written report to the public, and answer questions from the public as much as they can.

The time of remedy should allow growing of competition, therefore 5 years are not enough, it should be a least 10 years.

Thanks you.

MTC–00028507

From: Wesley Williams
To: Microsoft ATR,Microsoft ATR
Date: 1/28/02 4:10pm
Subject: microsoft settlement

I am a stockholder in microsoft and i believe the settlement should be completed as soon as posible. Approval of the settlement would be in the best interests of all concerned, in my opinion. Please consider approving the settlement. Thank you for your consideration.

Sincerely,

Wesley Williams

MTC–00028508

From: Richard A Martin (DTG)
To: Microsoft ATR
Date: 1/28/02 4:06pm
Subject: Microsoft Settlement

Dear Mr. Ashcroft,

Please read my attached letter...

Richard Martin, Senior System Architect/ President

Dominion Technology Group, Inc.

mailto:rmartin@dominiontechnology.com
(614) 529–1284 Home
(614) 216–7197 Cell
Richard Martin
Assistant Professor
DeVRY Institute of Technology
(614) 253–7291 x2551
mailto:rmartin@devrycoIs.edu
January 28, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am a professor at a technical college, and work as an IT consultant. I acknowledge that there are legitimate reasons that brought about this case three years ago, but Microsoft become powerful not by being a predatory attackers, but by making excellent products. This case should not punish Microsoft for being the industry leader, but should rule that exclusionary practices should be changed. The concerns that give merit to the case have been addressed with the introduction of new Microsoft software, and that provisions are in place under the agreement that will ensure competition in the market.

The concerns of independent vendors, computer makers, and software engineers all have been taken into account to produce licensing and development changes within Microsoft software. Protocol has been set up to ensure that Microsoft remains a responsible industry leader by forming oversight committees and reevaluating future lawsuit guidelines. I do not understand what more can be done at the federal level. This case has already had an impact on the industry and the economy, and the effects of Microsoft being broken up would be devastating. The loss of standardization and operability would halt innovation, and might jeopardize our country's position as the world leader in technology development. We must resolve this case, and the sooner, the better. The necessary steps have been taken to foster competition, and would like to see the settlement given a chance to prove itself.

Sincerely,
Richard Martin
CEO

MTC–00028509

From: BRogoff@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:09pm
Subject: Microsoft Settlement

Dear Renata B.Hesse,

On behalf of the computer dummies please settle this case for the ordinary computer user, because we prefer Microsoft to be allowed to continue to innovate simple software.

Thank you.
Sicerely,
Myrna Rogoff

MTC–00028510

From: Fred Savalli
To: Microsoft ATR
Date: 1/28/02 4:10pm
Subject: Please Settle Microsoft Suit
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am very adamant the lawsuit against Microsoft is unwarranted and should never have started in the first place.

I believe it was politically motivated by significant contributions of Netscape to the Democratic party. Further the suit, I believe has contributed to the down turn in the economy.

I fully suport for settlement that the DOJ has proposed. If Microsoft deems this settlement fair then I will support Microsoft's decision to comply. If you ask me, the lawsuit has only helped to strengthen Microsoft as a company rather than fulfill the intentions of the opposition—to tear the company apart.

Microsoft's willingness to comply should be some indication of the caliber company we are dealing with—a company that possesses true leadership. One of the signs of a great company is the willingness to concede when it is evident that alternative choices are limited. I don't the think the concessions on Microsoft's part where as much an admission of guilt as it is Microsoft sincere desire to get back to what they do best—innovate!

If the remaining opposition were to truly look closely at this case they would see that Microsoft has not gotten of easily as they have implied in the past. Microsoft will have to basically strip themselves of their competitiveness by allowing significant access to their internal interfaces and intellectual property.

Microsoft's efforts to comply, the disastrous effects on the economy, the vast of amounts of tax payer dollars spent should be plenty of reason to bring a speedy end to this case. I hope you hear the plea of the public and wrap up this matter.

Sincerely,
Frederick Savalli
1523 Tangerine Street
Clearwater, Florida 33756

MTC–00028511

From: Justin Lower
To: Microsoft ATR
Date: 1/28/02 4:08pm
Subject: Microsoft Settlement

To Whom It May Concern:

As a long time BeOS (Be Inc. Operating System) user I cannot say how disappointed I am in what remedy's have been discussed to deal with Microsoft's monopoly. These remedies are for me, the consumer, yet I have no doubt that when all is said and done that Microsoft will still be a monopoly, that I will remain to have a very, very limited choice of operating systems to use. (I don't consider Linux, BSD, etc to be valid choices—few companies have been able to provide a easy, usable operating system that does not require a degree in Computer Science to feel one is in control.) Apple and Be Inc. are the only choices I had apart from Windows in the last 5 years or more. Now, with the BeOS ''dead'', largely due to Microsoft's illegal bootloader license forcing system vendors to ignore Be Inc. or ,worse, to force a dual boot system to ignore the BeOS partition unless ''activated'' (see what Hitachi had to do to ship a system with BeOS preinstalled) I have little choice but to move to the Macintosh platform.

Remedy? There are plenty of methods where Microsoft could be forced to pay for illegal activities and possibly save the BeOS platform. They could be forced (with Palm's understanding) to purchase the BeOS/BeIA source code— forced to pay community developers to remove all third party code and release it to the public as open source. I sure that other options are available—ones that might be more realistic, but the fact remains—if the settlement does not result in the renewed development of the BeOS then I will have considered it a failure.

Justin Lower
746 E 19th Ave #4
Eugene, OR 97401
(541)484–2353 <- Home #
(541) 554–7250 <- Cell #

MTC–00028512

From: Susan Chatman
To: Microsoft ATR
Date: 1/28/02 4:11pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
January 28, 2002,

Dear Ms Hesse,

I have been trying to understand the intricacies of the proposed settlement. I am very concerned that the final outcome does not promote a free market, and therefore allows Microsoft to continue monopolistic activities. It is best for the American consumers that viable alternatives to Microsoft have the opportunity to compete freely.

I have a friend that has published several detailed and well-argued points about the basic unfairness of the proposed settlement. Please do not let the free market be hijacked by Microsoft's lawyers. We must have access to code, alternative to both operating systems and application interfaces must be allowed to exist, and we should not let this proposed settlement go through the way it is currently written.

Please reference http://www.kegel.com/remedy/letter.html for more details on the specific changes that will help make this a much better settlement.

Thank you very much for your time.
Sincerely,
Susan Chatman
6665 Green Valley Circle, #322, Culver City, CA 90230–8111

MTC–00028513

From: Frances B. Smith
To: Microsoft ATR
Date: 1/28/02 4:11pm
Subject: Microsoft Settlement
January 28, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street, NW
Suite 1200
Washington, DC 20530–0001

Subject: Microsoft Settlement

Dear Ms. Hesse,

I would like to express Consumer Alert's support for acceptance of the Proposed Final Judgment to resolve the antitrust case against Microsoft. Consumer Alert, founded in 1977, is a non-profit, non-partisan consumer group with individual members in all 50 states. In addition, Consumer Alert is the founder and coordinator of the National Consumer Coalition (NCC). The NCC is an on-going coalition made up of 23 non-profit organizations, with those groups'' members numbering over 3 million.

In today's uncertain economic climate, it is in the best interests of consumers to have the issues settled and to bring to an end litigation that could further stymie our economic recovery. The agreement is needed to ''provide a prompt, certain and effective remedy for consumers.'' The technology sector and its resurgence could be vital to renewed economic growth, not only in the U.S. but in the world economy.

The remedies provided in the settlement are far-reaching and address the business practices that the court found to be anti-competitive. Offered by the U.S. Department of Justice, the proposed settlement was endorsed by nine State Attorneys General. The settlement could bring an end to litigation that has created an uncertain and disruptive climate.

With this settlement, consumers likely will continue to benefit from the products and services offered by firms that operate in dynamic and rapidly changing markets and are innovative in their distribution systems. Those who would seek further redress would try to shape the markets of today into a narrow and static mold of competition—one that would threaten consumer welfare. Satisfying the demands of competitors, at the expense of consumers, should not be the principal factor governing the resolution of this antitrust suit.

Throughout the three-year litigation process, no evidence of consumer harm was offered. Instead, it appeared that competitors wanted the legal system to help them with their business plans. Some of those who are pressing for further restrictions may claim that those are needed to protect consumers from anti-competitive practices. Yet consumers are the ones who benefit from creative institutional and technological change and are far more likely to be injured by political restrictions on such change, especially when such restrictions favor competitors.

Obstructing the agreement is likely to have widespread unintended consequences that could disrupt the continuation of these consumer benefits.

Consumers are benefiting from intense competition that has ?democratized? access to technology in the past decade. Not least of these are dramatically lower prices, ease of use for even the untutored, and the continuous unveiling of innovative products and services. Even during the past three years while this case was being litigated, technological advances continued unabated, many offered by Microsoft, but others portending new possibilities in information technology and new alignments.

Consumers are the ones who benefit from the vibrant competition that exists. They are the ones who would suffer from further antitrust action or draconian remedies that attempt to delineate how competition should evolve. The nature and speed of institutional and technological change is misunderstood. Today, no one can predict the future of IT—who the players will be and who are the likely winners and losers. Those who would use antitrust policy to mold their view of the future are likely to create impediments to innovation. Predicting where systems will go in the future is a task for markets and ultimately the customers in those markets—consumers.

Sincerely,
Frances B. Smith
Executive Director
Consumer Alert
1001 Connecticut Ave., NW, Suite 1128
Washington, DC 20036
Phone: 202–467–5809
Fax::202–467–5814
www.consumeralert.org

MTC–00028514

From: John Ilgen
To: Microsoft ATR
Date: 1/28/02 4:14pm
Subject: Public Comment on Microsoft Anti Trust Settlement

January 25, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I believe that the Department of Justice was justified in filing this lawsuit against Microsoft. I support the settlement that the Justice Department has proposed and think that any other action, is just Microsoft's competitors looking for judicial remedies for what they can't obtain the free market!

As far as the nine remaining states action, there has been no loss to consumers as a part of Microsoft's actions. Microsoft sells in volume and at non monopolist prices. Just look at what its competitors charge for an operating system, Sun and Apple. In fact, it is Microsoft's products that have been the biggest contributor to productivity gains in the US economy in the last five years.

I hope that the settlement will be sustained during this public comment period, and that there will be no further federal action against Microsoft, or any other American company.

Sincerely,
John Ilgen
CEO
CitationSoft Corp
CC:John Ilgen

MTC–00028515

From: Tony Niesz
To: Microsoft ATR
Date: 1/28/02 4:17pm
Subject: Microsoft Settlement

I think the proposed Microsoft settlement is a gross miscarriage of justice. Microsoft is a convicted monopolist, and such a heinous one that the only possible competition is the decentralized, guerilla Linux movement that arose at the grassroots level in the face of Microsoft's anticompetitive tactics. In other words, Microsoft is such an abusive monopoly, that many of the world's most technically proficient volunteered their time and effort to provide an alternative, because any for-profit organization that tried would be run into the ground.

People care about this case. This won't be swept under the rug; it will be remembered in future elections.

Sincerely,
Anthony D. Niesz

MTC–00028516

From: cole
To: Microsoft ATR
Date: 1/28/02 4:13pm
Subject: Microsoft Settlement

I oppose the proposed ''Microsoft Settlement'' that is now before Judge Kollar-Kotelly for consideration. MicroSoft represents how an inferior operating system can achieve and maintain predatory market monopoly through dishonest, unethical and illegal business practices. Break this monstrous company up!

Audrey Cole
270 West Cornwall Rd.
West Cornwall, CT 06796
28 January 2002

MTC–00028517

From: ROTH David R
To: Microsoft ATR
Date: 1/28/02 4:13pm
Subject: Microsoft Settlement

I have been following the most recent case against Microsoft with considerable interest. Whatever objections may have been raised about the objectivity of the original judge, his conclusions about Microsoft's anti-competitive conduct were based on such persuasive evidence that no one outside Redmond has bothered to question it.

He found that Microsoft's conduct was so consistently and pervasively corrupt in it's anti-competitive conduct, that there was no hope of reform without the most dramatic intervention. I agree with him that the company should be broken up, so that the operating system and the applications are developed and sold by separate companies. Short of that, it is obvious that the only effective way for the Government to prevent renewal of the abuses would be to establish a very comprehensive set of guidelines and strictures, with oversight sufficient to enforce them in the rapid and far-flung operation of the business.

I recently signed the petition on this matter which has been circulated by Dan Kegel. I endorsed that petition because it does such a thorough job of identifying ways in which the proposed settlement misses the target. Please heed those warnings.

The defenders of Microsoft originally argued that the Government could not hope to understand and supervise such a dynamic technology. Then the Government prosecutors successfully demonstrated impressive mastery of the issues, sweeping the defense aside in one master stroke after another. Wouldn't it be ironic if the new Administration threw away what the previous Administration had accomplished by formulating a settlement which was based on such a naive and simplistic approach to

the problem. Now that Enron is hanging around the new Administration's neck, does it want to add a sweetheart deal with Microsoft?

MTC–00028518

From: Don Carrington
To: Microsoft ATR
Date: 1/28/02 4:13pm
Subject: Microsoft
Date: January 28, 2002
To: The United States Department of Justice
From: Don Carrington
Vice President, John Locke Foundation
Raleigh, NC
RE: Microsoft Settlement

The Microsoft trial was a waste of taxpayers'' money and a significant disincentive to investors. While both Microsoft and the plaintiffs may be happy with the settlement, the truth is that the plaintiffs should never have filed this action to begin with.

We have seen government sponsored lawsuits against the tobacco industry, against Microsoft, and now fully expect to see lawsuits against the fast food industry. While private parties should always have the freedom to use our courts, the rise in government sponsored lawsuits is a danger to our great country.

This case should be ended as soon as possible, so I am in support of this settlement only to expedite the process.

I have attached the following opinion piece from one of my associates.

Please consider it a part of my official comment.

Cooper Gets It Right on Microsoft

By Dom Armentano and ROY CORDATO

''I have concluded that this settlement with Microsoft is in the best interest of North Carolina consumers.'' With this statement Atty. Gen. Roy Cooper announced that North Carolina, along with eight other states, has joined the U.S. Department of Justice in reaching a settlement in its antitrust lawsuit against Microsoft. Cooper should be commended for deciding to scrap this ill-conceived and ultimately anticonsumer lawsuit brought by his predecessor, now Gov. Mike Easley.

The Microsoft antitrust case, as brought by both the Reno and Easley Justice Departments, was a mistake from the start. The fatal flaw was that the Reno-Easley argument against Microsoft was essentially a legal brief for Microsoft1s disgruntled competitors who simply could not compete. Antitrust laws prohibit restraints of trade and higher prices, yet Microsoft was prosecuted for the opposite behavior?for rapid innovation, increasing production, and lowering prices. Indeed, Microsoft was being prosecuted not because of its monopolist behavior but because it was being too competitive.

Like most antitrust suits since passage of the Sherman Act in 1890, the Microsoft case was not about protecting competition but protecting competitors.

Postsettlement complaints by some of Microsoft1s competition bear this out. In urging the states to continue their war on Microsoft, Real Network1s Kelly Jo MacArthur said the settlement was a ''reward, not a remedy.'' Scott McNealy, CEO of Sun Microsystems, quipped that ''I can1t retire now?I can1t leave the world to anarchy.'' From McNealy1s perspective the world of falling software prices and innovative new products stimulated by Microsoft1s presence in the market is anarchy. Apparently ''order'' is the pre-Microsoft world where consumers paid up to $1,000 for word processing and spreadsheet programs and internet users had to fork over about $100 to use Netscape.

True competition always looks anarchic to those who can1t compete. Microsoft should be praised for refusing to cave in to ludicrous demands from self-styled ''trustbusters'' like Janet Reno and Mike Easley that it unbundle its web browser from its Windows operating system (appeasing Netscape) or that the company be split into three separate pieces. Instead, it courageously fought the government for years to arrive at what amounts to a legal draw and a victory for consumers.

Ultimately the government got almost nothing, and consumers are better off for it. Under the consent decree, Microsoft is prohibited from engaging in exclusive dealing arrangements with original equipment manufacturers (OEMs), access providers, and suppliers, a practice it had all but abandoned anyway. Further, Microsoft is required to share its applications program interface code and allow all OEMs that license its Windows operating system more freedom to display non-Microsoft software applications. Again, Microsoft was already moving in the direction of what they call ''shared sources.'' Finally, Microsoft must charge OEMs published rates and offer them uniform discounts.

But Microsoft is left entirely free to determine its own prices and discounts and change them at any time. This is crucial because it is Microsoft1s aggressive pricing strategies that have made the consumer software market as competitive as it is.

Finally, Microsoft is a clear winner on the issue that first sparked the lawsuit: the tying of its Web browser to its operating system. Not only is that bit of efficient bundling now perfectly legal but more importantly, there are no specific restrictions on any future bundling of applications with operating systems going forward. This is the most important innovational development to come out of the settlement and it1s strongly pro-Microsoft and proconsumer.

It was never in the interest of North Carolina consumers to be part of this witch-hunt. Nearly all antitrust suits are brought or instigated by competitors and are blatantly anticonsumer. Antitrust has a long history of prosecuting aggressively competitive companies that have innovated rapidly and lowered prices to consumers; this includes such famous cases as Standard Oil and IBM. Consumers and businessmen need free, open markets and they need protection from force and fraud, but they don1t need antitrust laws that hamper innovation and harm society. Three cheers for Cooper in his decision to settle the state1s suit against Microsoft, and solid brickbats to Easley for bringing it in the first place.

Dom Armentano is professor emeritus in economics at the University of Hartford and author of ''Antitrust and Monopoly (Independent Institute, 1998) and Antitrust: The Case for Repeal (Mises Institute, 1999)''. Roy Cordato is vice president for research and resident scholar at the John Locke Foundation in Raleigh.

MTC–00028519

From: Jim Abell
To: Microsoft ATR
Date: 1/28/02 4:16pm
Subject: Microsoft Settlement

Dear District Court Judge:

I am writing to you to as I am frustrated with the prosecution of Microsoft.

I am the Information Systems manager for our office and deal with Computers and Servers daily. Streamlining computer software and hardware can be the most difficult, time consuming and costly expense for our company.

Compatibility and support are key. I appreciate that Microsoft has helped immensely with this task. We don't need this process mucked up by government intervention. I resent that the government does not believe that I can decide for myself which software/hardware is useful to me. I can't believe our government views Microsoft as a threat, when after all it is Microsoft that has brought the industry to where it is....on real earnings, not ''puffed-up'' .com hype. Don't forget the bubble bursting for the .communists and all of their venture capital. Those bringing suit are not individual consumers, but Microsoft's unsuccessful competitors.

Failed businesses must not be allowed to set the rules for the markets in which they failed. Protecting some businesses from others is a dangerous policy. I want to see an America where success is embraced, not punished and throttled! Bill Gates is a self-made man who has brought America, the world, to new levels of progress. Microsoft has a fundamental right to its property, and it is the governments job to protect this right, not to take it away. Microsoft, should be lauded and left alone to continue to develop and prosper so that, we the people, can too.

Jim Abell

MTC–00028520

From: Steve Love
To: Microsoft ATR
Date: 1/28/02 4:11pm
Subject: Microsoft Settlement

I haven't seen any improvement in Microsoft antitrust situation. I think the current settlement that lets the Microsoft corportation to not be divided is misguided and shortsighted.

Steve Love steve43@starpower.net
CC:steve43@starpower.net@inetgw

MTC–00028521

From: MCFLOYD01@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:16pm
Subject: Settlement

Dear Renata Hesse:

I wanted to send you a brief e-mail expressing my hopes that ''our'' government will settle the Microsoft case as soon as possible.

I hate that because a man builds and muti-billion dollar business from the ground up that the government has to attack him.

I believe given that the economy is now in recession the last thing we need is more litigation and regulation of the high-tech industry. This litigation is cost us millions of dollars that we could be using for Homeland Security. Also, there has been no consumer harm as a result of any actions taken by Microsoft. They have only helped us.

Settlement of this case is in everyone's best interests ??? the technology industry, the economy and consumers.

Thank you for your time.

Sincerely,

Monty C. Floyd

MTC–00028522

From: WILLIAM YOCUM
To: Microsoft ATR
Date: 1/28/02 4:18pm
Subject: microsoft settlement

WHAT DESIRE WOULD A COMPANY HAVE TO DEVELOP PRODUCTS IF IT WERE NOT FOR PATENTS???. NONE. THIS IS JUST WHAT THE GOVERNMENT IS TRYING TO TAKE FROM MICROSOFT.

MTC–00028523

From: Daniel L Christie
To: Microsoft ATR
Date: 1/28/02 4:13pm
Subject: microsoft settlement

We strongly urge setllement of the microsoft suits as soon as possible why penalize micorsoft for being successful?We need microsoft to help lead the market ahead. dan christie and o.b.v. inc.

MTC–00028524

From: jhunt@seniorexplorer.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:20pm
Subject: I believe consumer interests have been well served.

I believe consumer interests have been well served.

John R. Hunt

MTC–00028525

From: Frank Keenan
To: Microsoft ATR
Date: 1/28/02 4:22pm
Subject: Microsoft has continued to thumb their nose at the Dept. of Justice. For the approximately two yea Microsoft has continued to thumb their nose at the Dept. of Justice. For the approximately two years, every PC sold has included software giving one year FREE internet service via their MSN. In the meantime small internet providers across the country are going out of business. Typical Microsoft operation!

Frank Keenan
38 Gail Dr.
Littleton, NC 27850

MTC–00028526

From: paul.ilgen@highmark.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:13pm
Subject: public comment on microsoft
January 28, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I believe that the Department of Justice was justified in filing this lawsuit against Microsoft. I support the settlement that the Justice Department has proposed and think that any other action, is just Microsoft's competitors looking for judicial remedies for what they can't obtain the free market! As far as the nine remaining states action, there has been no loss to consumers as a part of Microsoft's actions. Microsoft sells in volume and at non monopolist prices. Just look at what its competitors charge for an operating system, Sun and Apple. In fact, it is Microsoft's products that have been the biggest contributor to productivity gains in the US economy in the last five years.

I hope that the settlement will be sustained during this public comment period, and that there will be no further federal action against Microsoft, or any other American company.

Sincerely,

Paul Ilgen

Northeastern Executive Group

MTC–00028527

From: Ken Wingert
To: Microsoft ATR
Date: 1/28/02 4:21pm
Subject: Fw: Microsoft Settlement
Ken Wingert
3000 Grand Ave, #910
Des Moines, IA 50312
Renata Hesse
Trial Attorney
Anti-trust Division
US Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Attorney Hesse:

Please accept the proposed settlement of the Microsoft antitrust suit.

It has been four years since this case was first brought and I fail to see what we have gained. I strongly believe our government must consider the financial impact this case has had and the benefits our economy will gain if it is settled quickly.

This lawsuit has had a very damaging effect on the technology markets. It was not that long ago that we all looked forward to the continued growth of the ''New Economy'' that revolved around the computer industry. Unfortunately, the DOJ's antitrust suit can be closely associated with the downfall of the NASDAQ. We can never forget that when the courts announced that breaking up Microsoft was the correct path to take, all technology stocks dropped.

We have finally reached a point in this case that all parties have come together to negotiate a settlement. There can be no doubt that real compromises were made by Microsoft to put this case behind it. The best example of this is that Microsoft agreed to the establishment of an independent committee to monitor its actions.

Please accept this fair settlement.

Sincerely,

Ken Wingert

MTC–00028528

From: Donald Bauer
To: Microsoft ATR
Date: 1/28/02 4:21pm
Subject: Please Enforce Antitrust Laws, Anticompetitive Practices

Greetings:

I am saddened and angered at the soft and non-punative nature of the proposed Microsoft settlement. You people owe it to your constituency of hard-working American men and women who feel you coziness with Microsoft is an outrageous affront to common decency and moral decency. Shame on you if you allow them to come out of this case with anything resembling the cozy, soft ''penalties'' described in the brief of the proposed settlement. My friends, colleagues and myself feel this settlement has the appearance of undue influence with respect to Microsoft's business practices and the Federal Government's willingness to make them tow the line. Shame!

Microsoft will continue to be an unfairly dominant player in the software market SOLELY BECAUSE of their ability to buy off or otherwise influence legislators and others within our Federal Government because their products are of such mediocre-to-poor quality that they would have trouble competing on a level playing field. Shame!

Please do the right thing; please do the moral thing; please do your job and punish Microsoft in a manner that pleases average American consumers and taxpayers like me and dozens of my colleagues with whom I've spoken of this horrendously-handled issue. PUNISH MICROSOFT—DON'T SUBSIDIZE THEM!!!

Donald Bauer,

California, USA

MTC–00028529

From: tom zukowski
To: Microsoft ATR
Date: 1/28/02 4:21pm
Subject: Microsoft
Tom Zukowski
5746 Oak Hill Road
Gibsonia, Pennsylvania 15044
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I feel bittersweet pleasure at the fact that Microsoft settled with the Department of Justice. Litigation should have ended long ago. As a user I feel that my rights have never been infringed upon my Microsoft.

In fact, their products have made it easier for me to operate efficiently with computers, more so now than ever before. I realize their market dominance precludes competitors from gaining any edge. But, their products are far superior to any other vendors.

I am glad to see that Microsoft has agreed on particular concessions with the US department of Justice, but I am not happy with nine states holding out. I support the settlement, and look forward to the end of this case.

Sincerely,

Tom Zukowski

cc: Senator Rick Santorum

MTC–00028530

From: John P. Kopp

To: Microsoft ATR
Date: 1/28/02 4:21pm
Subject: Microsoft Settlement
John Kopp
342 Wellington Rd
Mineola, N.Y. 11501
January 10,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Ashcroft:

When the federal government decided to pursue Microsoft in an antitrust suit three years ago, the intention was to determine if Microsoft exercised unfair market advantage in the software industry. The result that the plaintiffs (including the government) in the suit did not consider was the harm to other businesses in the technology industry created by the lawsuit.

Unlike other software companies, Microsoft has an open platform that allows many manufacturers of computer software and hardware to be profitable due in part to the enormous investment Microsoft placed in creating the Windows operating system. Being involved in the video industry, I do a great deal of work with computers. The truth is, creating the highly complex codes that are needed to support the programs used in business these days can only be done by a company that has vast economic resources and technical expertise. By harming Microsoft, the lawsuit is harming companies that are dependent on its software for their livelihoods.

Thanks to the extremely low price of the Windows operating system, computers and technology have found the widespread use that benefits all of us. For this and many other reasons, I am in support of this settlement.

Sincerely,
John Kopp

MTC–00028531

From: Kuo, Benjamin P
To: Microsoft ATR
Date: 1/28/02 4:22pm
Subject: Microsoft Settlement

Dear Sir or Madam:

I am writing to express my disapproval over the proposed Microsoft Settlement.

I believe this deal is a sellout to Microsoft. Consumers get no real benefits and Microsoft goes unpunished for their antitrust behavior. We have no reason to spend millions of taxpayer dollars pursuing this case, only to hand out such lenient penalties when the facts are on the government's side. Microsoft is and continues to be a monopoly.

I urge you to reconsider the terms of the deal so that real progress can be made to restore competition in the marketplace.

Sincerely,
Benjamin Kuo

MTC–00028532

From: Florence Fredrichs
To: Microsoft ATR
Date: 1/28/02 4:23pm
Subject: I hope the Department of Justice considers well before punishing I hope the Department of Justice considers well before punishing innovative enterprises in our country. Microsoft has improved much of our systems of communication and i stongly feel that the case against their company is more or less moot. There is always competition in any field and the best systems will succeed.

I urge your department to let market forces reward or punish public ventures and spare the court system for more serious injustices.

Thank you for your attention, Florence A. Friedrichs-7045 HWY 135

Pilot Grove,MO

MTC–00028533

From: jdettre
To: Microsoft ATR
Date: 1/28/02 4:22pm
Subject: Microsoft Settlement
Antitrust Division
Department of Justice
Attached is a letter concerning the Microsoft Settlement.
John W. Dettre
3038 Harbour Drive
Palmyra, NJ 08065–2206
(856) 829–0704
jdettre@home.com
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I am writing in support of Microsoft's antitrust settlement with your Department of Justice. I think it is very reasonable. You should do your utmost to have it approved by the Court.

It is unfortunate that Microsoft's competitors had to resort to exploiting our legal system as their only way of staying in business. In the settlement Microsoft agrees to license its Windows operating system products to the 20 largest computer makers (who collectively account for the great majority of PC sales) on identical terms and conditions, including price (subject to reasonable volume discounts for computer makers who ship large volumes of Windows). Microsoft will make available to its competitors, on reasonable and non-discriminatory terms, any protocols implemented in Windows'' operating system products that are used to interoperate with any Microsoft server operating system. Microsoft will not to enter into any agreements obligating any third party to distribute or promote any Windows technology exclusively or in a fixed percentage.

In addition to the above, it appears that some of our ''REPRESENTATIVES—?'' in Washington are being ''Politically Correct'' and favor those companies that support them There are also'' State Officials'' trying to enhance their position and will do what they can to disrupt Microsoft. Microsoft has given its competitors the opportunity to stay afloat. American consumers have always benefited form Microsoft's innovations.

Sincerely,
John W. Dettre

MTC–00028534

From: Paul D. Shervey
To: Microsoft ATR
Date: 1/28/02 4:22pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse,

In my following of the Justice Departments antitrust action against Microsoft I am compelled to write this letter in of support of Microsoft and what I feel is an unjust prosecution of a company.

First—is bigness a crime? If it is you should take action against the Federal Government and several Sate Governments.

Second—is offering a software package at a lower price than any one else can produce a comparable product a crime?

Third—Microsoft has brought utility and time savings to small business and computer users that is unprecedented in its impact on our nations economy. Microsoft Software's contribution to productivity of individuals and business in the 17 years since they opened their doors has to be one of the major contributions of the 20th Century.

If our economy has produced the greatest standard of living in history it is because of the free enterprise system. This was made possible by the laws and the thinking of our Founding Fathers laid down in the Constitution and Bill of Rights. Our Country cannot maintain it's world leadership in freedom and free enterprise with a twisting of justice such as this case against Microsoft.

Yours truly,
Paul D. Shervey, President
Faber Shervey Advertising
8101 Lea Road
Bloomington, Minnesota 55438–1259
Phone 952–944–5111

MTC–00028535

From: James E. Willems
To: Microsoft ATR
Date: 1/28/02 4:23pm
Subject: Microsoft Case

Usdoj,

When I retired I made microsoft stock the heart of our joint retirement because I believed that this company represents the future america where service rather than production will be our world wide contribution. The government through there failure to settle this case has and continues impact the lives of us retired citizens. Please settle this case so that our lives arenot impacted in such a negative way. Microsoft has done more to make life better for all american citizens, then any other company that I can recall. The settlement as I understand is fair and should be finalized.

Thank you,
James E Willems, Age 75

MTC–00028536

From: David Richard Larochelle
To: Microsoft ATR
Date: 1/28/02 4:24pm
Subject: Microsoft Settlement

I am writing to inform you of my opposition to the proposed settlement in the Microsoft case. As a researcher and a member of the security community I am extremely dismayed by the previsions of the settlement

which allow Microsoft not to disclose details of their software which they deem to be security related.

For over 20 years it has been a widely accepted in the security community that ''security through obscurity'' does not work. Keeping the details of software secret does not make it more secure. Time and again it has been shown that malicious users are still able to find and exploit security holes in software even if the details of the software are not disclosed.

I am extremely distressed that these prevision of the settlement disregard the accepted views of the security community. They will do little or nothing to increase security and provide Microsoft with a giant loop hole to avoid releasing software.

David Larochelle

MTC–00028537

From: Bloom, Larry
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/28/02 4:22pm
Subject: Microsoft Settlement

''Microsoft and its critics both worked to ensure their views were reflected in the comments. Americans for Technology Leadership, made up of Microsoft and several others friendly to the software giant, offered letter writers extra chances to win a handheld computer.''

The above quote is a perfect example of why Microsoft must be reigned in. Microsoft will always stoop to any level to be sure that their products remain the only platform offered to consumers...in this case, by trying to bribe letters of comment for their own support.

Please add my name to the ranks of those who believe that Microsoft must be controlled by an order with more effective enforcement and with more strict controls of their anti-competitive practices.

Larry Bloom
Director, Internet Design & Development
HealthPlanServices
lbloom@healthplan.com
(813) 289–1000 x4904

MTC–00028538

From: Justin Meredith
To: Microsoft ATR
Date: 1/28/02 4:24pm
Subject: Microsoft Settlement

I wholeheartedly disagree with the pending settlement between the DOJ and Microsoft. I see the settlement as further stifling competition. Furthermore, it appears to give Microsoft little more than a ''slap-on-the-wrist'' and send them on their way.

I understand this is not a democratic issue. I'm not casting a vote;

I'm only making a public opinion known.

Justin Meredith
2189 W 480 N
Provo, UT 84601

MTC–00028539

From: Leon H. Carrington
To: Microsoft ATR
Date: 1/28/02 4:27pm
Subject: resend faxed comments

I am resending my comments for your convenience as an attachment. Was concerned that I can not sign them because I am sending from computer and have no scanner to include my signature. Am advised it does not matter. Attachment is to allow you to double space my comments, or manage electronically for your convenience. Attachment is in form of MS Word97.

Sincerely,
Leon H. Carrington
From Leon H. Carrington
22022 Gloucester Court 3–B
Lexington Park, Md. 20653
January 28, 2002
To: Renata Hesse, Trial Attorney
Antitrust Division
U.S. Department of Justice
601 D Street, NW Suite 1200
Washington DC 20530

My name is Leon H. Carrington, I am a citizen of the United States and I am herewith submitting my comments regarding the Proposed Final Judgement in Civil Action No. 98–1232, United States of America v. Microsoft Corporation.

The government has breached its duty to the public by offering the Revised Proposed Final Judgement (Final Judgement) as a Final Judgement and settlement in the case United States v. Microsoft Corporation. The remedy proposed is not effective for correcting or eliminating the violations alleged in the Complaint (Civil Action No. 98–1232 (CKK)). The remedy proposed would create more harm to the public than the damage alleged due to the fact that the proposed remedy would ignore serious allegations and behavior found by the United States District Court for the District of Columbia and the United States Court of Appeals for the District of Columbia, to be in violation of the Sherman Act; and it would confer upon Microsoft powers and authority the market does not allow it to possess currently. Thus, the proposed remedy would not be in the public interest and would be disastrous for many third parties, while greatly benefitting Microsoft.. If the remedy proposed includes both the Final Judgement and the Competitive Impact Statement, the proposal is wholly inconsistent with the Complaint and its allegations due to the fact that the Competitive Impact Statement is not even consistent with the Final Judgement which in turn is not responsive to the Complaint.

Specifically, the most glaring and perverse inconsistency is the base of nearly all damage rendering the Final Judgement inadequate and insulting. That inconsistency is the fact that the Complaint is substantially built on the definition of an operating system. The Competitive Impact Statement defines an operating system in a manner wholly consistent with the Complaint. The Competitive Impact Statement definition is in Section III ''Description Of The Practices Giving Rise To The Alleged Violations'', subsection B ''Factual Background'', subsection 1 ''Microsoft's Operating System Monopoly''. The Complaint definition is in Section IV ''The Relevant Markets'', subsection A ''The PC Operating System Market''. Astonishingly, in this very subsection the Complaint states truthfully, that ''No other product duplicates or fully substitutes for the operating system.'' Yet the Complaint incorrectly states in Section IV ''The Relevant Markets'', that ''There are two relevant markets. The market for personal computer operating systems, and the market for Internet browsers.'' This is foolish, indeed. There are two relevant markets. The market for personal computer operating systems, and the market for applications which includes Internet browsers. Note also that the District Court found and the Appeals Court agreed, that Microsoft illegally tied its Explorer browser into Windows in a nonremovable way while excluding rivals, in 1 violation of section 2 of the Sherman Act. The illegal tie-in also injured certain other application developers developing under Windows, who may not have been involved with browsers..

Notwithstanding, the Complaint makes reference to ''Microsoft's Windows operating system'' in section III subsection C. The Complaint refers often to ''Microsoft's Windows operating system monopoly''. That an operating system enables virtual software unification of the hardware computer components and resources, exposing them, and thus facilitates use of those resources and comnponents by users (consumers) and applications, is a perfectly acceptable and commonly understood definition of an operating system. However the Final Judgement creates a new class of product called a Microsoft Operating System Product (my emphasis) This new class, according to the Final Judgement, includes Windows 2000 Profession, Windows XP Home and Professional, and their successors. The Final Judgement further states in the definition of the term ''Microsoft Operating System Product'', that the code comprising the same ''shall be determined by Microsoft in its sole discretion.'' (Section VI—Definitions) We are lost. In spite of the fact that the Competitive Impact Statement recognizes what an operating system is, it confers upon the above listed Microsoft operating systems the designation ''Microsoft Operating System Product''. The new class and the reliance on Middleware by the Final Judgement and the Competitive Impact Statement, permits Microsoft to evade due penalties for established violations and further abuse their operating system monopoly by expanding their ''tie-in'' policy and rendering harmed ISV's among others, to the status of market irrelevance. This is a position Microsoft does not currrently enjoy. Allowing Microsoft to define what an operating system is (through their monopoly control and now U.S. Justice Department assistance) eliminates the threat of Middleware and applications which may compete with Microsoft applications. Indeed, applications not yet conceived can be preempted until Microsoft ''discovers'' them and adds them to their monopoly.

For such cause, many people recognize that breaking up Microsoft is the best first step in correction of alleged and established abuse. Recognizing and enforcing the legitimate (in this case) separation of operating system and applications is the best way to eliminate the basis by which Microsoft's abuse of its monopoly operating system caused damage and continues to do so. Separating the operating system would encourage its owner to make public all features provided by the underlying hardware manufacturers. It would further encourage competion between hardware

component manufacturers which manufacturers are as much victimized by Microsoft's abuse of its monopoly operating system as consumers and ISVs by virtue of the fact that hardware components'' interfaces must suit the Microsoft vision or be excluded. This why so many computer software game manufacturers continued to develop for DOS well into the late 1990%: the Windows interface denied them full access to the functionality that enabled them to distinguish themselves and satisfy their customers. No other vertical software market had a customer base that would allow it or the underlying hardware verticle market to ''rebel''. We are missing many new innovations.

Evading the operating system definition eliminates or surely deteriorates the possibility of illegal tie-ins. All potential beneficiaries of just and reasonable corrections that would have been established by faithfully addressing the allegations of the also semi-adequate Complaint, are instead further damaged or untreated (left damaged) by the Final Judgement. In the Complaint Section I subsection 5 it is stated that''Microsoft's conduct includes agreements tying other Microsoft software products to Microsoft's Windows operating system;...'' The effects of these tie-ins are well known but not part of the allegations of the Complaint. A Microsoft application with hidden interfaces (tie- ins) to the operating system has a chilling effect on the development of competitive products and prevents those few who may discover this interface from remaining competitive because of course, the hidden interface may be changed upon upgrade of Microsoft's application or operating system, 2 and the former interface removed, thus ''breaking'' the competitors application and causing consumers to spend more money unnecessarily. This situation also allows Microsoft to occasionally appear to be competing on the merits of their offering when such is not the case. Promoting middleware as is done in the Complaint, the Final Judgement, and the Competitive Impact Statement, does nothing to alleviate this problem. As stated in the Complaint and noted above, ''No other product duplicates or fully substitutes for the operating system.'' Indeed, middleware is just another application, however useful. Denying ISVs and consumers the benefits afforded them by a legitimately marketed bona-fide operating system as opposed to an ''Operating System Product'' can not be in the public interest, and is not responsive to the Complaint, including prior court judgements.

When the ''Nimda'' computer virus appeared last year, I was amazed at how it performed its activities. I was more astonished when it occurred to me that I was reading about functionality only a person familiar with Microsoft applications programming would understand. What astonished me was the fact that this and many other common viruses could not occur if Microsoft applications were not tied in to the operating system. Operating system vulnerabilities are policed, as it were, by the entire computing community. Application vulnerabilities are not so well noted, because applications other than middleware do not generally offer much exposure to the programming consumer, and competition keeps them distributed, not concentrated through the entire PC universe. This is not the case with Microsoft applications. Commonly used Microsoft applications are part of the ''programmers toolkit'' for Windows developers. If they were not, the anticompetitive position they occupy would be more blatant as only Microsoft could interoperate with them, using the exposed underlying functionality. On the other hand, having these products so fully integrated into the operating system and each other while exposed and enjoying the proliferation obtained from Microsoft's illegal use of its monopoly operating system, facilitates more and more clever exploits by hackers. The most common viruses affecting consumers have used the victims own Microsoft applications. It is not so easy to wreak havoc in other operating system environments where there are no externally programmable, ubiquitous applications which applications are fully integrated into the operating system via hidden APIs or interfaces. Strangely enough, in the Linux community, where essentially nothing is hidden, applications of this power could exist and remain secure because the open source community polices its environment jointly and severally. Interesting... someone can break Microsoft products but only Microsoft can fix them. Who pays? Thus we have another nasty by-product of the ''tie-in'' problem. It would be eliminated or greatly reduced with a return to application development competition based on an operating system exposed on a non- discriminatory basis.

It would thus be disastrous for ISVs and consumers alike if Microsoft had authority to regulate security issues for operating system and applications alike. That power is also effectively granted by the Final Judgement where security APIs and documentation are to regulated directly or indirectly by Microsoft, the antithesis of security in consumer and commercial computing.

That the Final Judgement creates a new class called Microsoft Operating System Product, is reprehensible, clearly evading the issues addressed by the complaint. That ISVs who know how to use computing facilities as well as and better than Microsoft should be relegated to the use of middleware for protection from abuse and for development is not contemplated by the Complaint or Court findings; is unjustly discriminatory, and not in the public interest; denying the public the expected benefits of many new applications which may or may not use, or be middleware; yet must have the access to the same APIs and documentation as any other entity in the computing arena. Indeed, many of the best among us study hardware documentation for software development, 3 and vice versa. Shall the United States Justice Department and Microsoft alter this historic landscape of a market in the interest of anyone other than Microsoft?

The Competitive Impact Statement seeks to limit the competition that competes against Microsoft and others in selected markets, by requiring that ISVs must be of a certain size in the market and have had that position over a particular period of time in order to obtain API disclosure relief under Section III.D of the Final Judgement; further enabling Microsoft to evade Complaint allegations and even Sherman Act violations it has been found guilty of. This is the case because again, some small mind has not yet learned that computing facilities are continually reused by bright agile minds. Interfaces used for middleware in one mind are perfect and necessary for another application in the mind of another party. This reuseability is the inherent nature of computer software and even the smallest computer hardware components. The various underlying markets must not be constrained by this taking on behalf of Microsoft. The limited vision of Bill Gates'' nightmares and appetites are not the proper perspective to use to correct the abuses of Microsoft's monopoly operating system.

The Competitive Impact Statement states in defining a Non-Microsoft Middleware Product, that such a product must have ''at least one million copies distributed in the U.S. within the previous year'' (my emphasis) .It further states that this requirement ''is intended to avoid Microsoft's affirmative obligations—including the API disclosure required by Section III.D .... being triggered by minor or even nonexistent products that have not established a competitive potential in the market and that might even be unknown to Microsoft development personnel.'' (my emphasis) This is preposterous! This constitutes unjust and unlawful restraint of trade and unjust discrimination. The Final Judgement does not restrict ISVs to a size or type insofar as their right to obtain the benefit of relief under Section III.D is concerned. If such were the case, the U.S. and Microsoft have decided who has the fight to compete where in the computing market which as stated above, consists of many integrated and simultaneously distinct and competing markets. This carving of the competing development community, to the benefit of Microsoft, is ironically, the exact opposite of what should be carved. Neither the U.S. nor Microsoft has the fight to determine what merely new, useful, and innovative products may be created using any functionality of a legitimate operating system. Is this why the evasion technique deployed is to call an operating system an operating system product instead of an operating system?

How dare this decree suggest that Microsoft development personnel should be aware of what all or any others are doing in development. Microsoft development personnel can not provide consumers a finished product after any number of beta tests, nor can they secure the products they make. The Revised Proposed Final Judgement and related Competitive Impact Statement are a stench in the nostrils of intelligent, informed consumers. Unless a settlement can resolve the issues raised herein, Microsoft should be broken into at least two separate pieces: operating systems and applications.

Respectfully Submitted,

Leon H. Carrington,
STB Practitioner
(301) 862–1604

MTC–00028541

From: Ann smith
To: Microsoft ATR
Date: 1/28/02 4:27pm
Subject: microsoft settlement

states sueing microsoft as well as aol using netscape to get money from microsoft thru the courts is wrong. microsoft is being bullied by the goverment and stockholders have lost money because of this court action. it also does not let microsoft give all the attention it needs to fight the hackers and make the internet safe for all users including aol.

The reason we are so interested in Microsoft Programs is that children all over the world are benefiting by Microsoft products,games and all sorts of programs as an educational tool. I'm so pleased when I see my 4year old granddaughter open the computer and do what she wants to do. She spends hours doing games and playing her videos, instead of watching T.V all the time.

We have eight babies we encourage to learn all they can by buying programs for them at Birthdays and just for fun.

We the elderly have fun also and we invest money into the future of Microsoft and other companies for the future.

MTC–00028542

From: Ron
To: Microsoft ATR
Date: 1/28/02 4:27pm
Subject: Microsoft settlement- further evidence

I have further indication that Microsoft continues to exercise monopolistic behavior such that the only solution is to break it into separate companies.

I recently purchased a subscription to MSDN (a service of Microsoft that includes their software on CD or DVD).

I went to install Win/XP. They had not supplied me with a product code for XP, and such a code is required in order to be able to install the product I had paid for.

It turns out that in order to get a product code, I must register an Email address with Microsoft[1]. Further, I must use Microsoft Passport[2] in order to get a product code. The product I'm installing has no relation to Email or Passport.

[1] I should not need an Email address to install something that is not an Email application. Last time Microsoft got my Email address, it took me nearly a year plus a letter to the gripe line at Infoworld to get them to stop spamming me.

[2] Microsoft Passport requires that:

1. You trust them to hold the required information about you.

2. You accept cookies, which has privacy implications

3. You use an approved browser. Microsoft rejected the browser I tried to use. —

Ronald Tansky

MTC–00028543

From: Karl J. Smith
To: Microsoft ATR,karl@karl.com@inetgw
Date: 1/28/02 4:29pm
Subject: Microsoft Settlement

The following is my comment about the proposed Microsoft Settlement under the Tunney Act:

First, let me state that I agree completely with Dan Kegel's comments abot the issues at http://www.kegel.com/remedy/remedy2.html. He has done a great job summarizing the many problems with the proposed settlement. In particular, however, I feel that the public will be harmed most by the fact that the proposed settlement doesn't account for any potential Open-Source competition. It allows Microsoft to decide which entities it's required to share documentation with, and has too many exceptions for Microsoft to use as reasons for not documenting their protocols and API's. Given that Microsoft has a documented history of refusing to cooperate, this portion of the settlement is not very helpful at all in restoring competition, and interoperability of protocols and data is absolutely required for any real competition to exist.

The settlement is not in the public interest, for the many many reasons listed above.

Sincerely,
Karl J. Smith
12525 SW Foothill Dr.
Portland, OR 97225
karl@karl.com

MTC–00028544

From: Dean (038) Danielle Fulcer
To: Microsoft ATR
Date: 1/28/02 4:27pm
Subject: Microsoft Settlement

I am in favor of this settlement. Microsoft has already changed many of its business practices that were shown to be in violation of the antitrust laws. These antitrust laws were meant from the beggining to protect consumers, not simply allow competitors who refuse to innovate and meet customer needs stay in business. Microsoft has taken incredible risks by investing in technology R&D when many other businesses would rather just keep the status quo.

It's time to move on. Accept this settlement. Protect innovation while monitoring Microsoft for compliance. Do not stifle Microsoft's sucees. THAT would hurt consumers, not Microsoft coming out with major new versions of their software that itegrate key features every couple of years. Could you imagine buying a computer from a manufacturer that was not allowed to integrate a CD-RW drive, or a DVD, or for that matter a laptop without a monitor? This is analagous to what Microsoft has done, integrate key user needs into a single product. Please do not force me as a cosumer to shop for each of my operating system needs individually. That would hurt me in terms of time and money.

Sincerely,
Dean Fulcer
428 SW 347th ST
Federal Way, WA 98023

MTC–00028545

From: Beverly Offutt
To: Microsoft ATR
Date: 1/28/02 4:28pm
Subject: USAGOffutt—Beverly—1007—0122

5873 Warnke Road
Michigan City, IN 46360
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my approval of the settlement reached between the Justice Department and Microsoft.

As I understand the settlement, Microsoft has agreed to modify its Windows operating systems to allow for the use of non-Microsoft programs and services within Windows. The amount of additional consumer choice brought about by this concession could be very significant.

In addition, Microsoft has agreed to eliminate many of its more restrictive covenants from its agreements with licensees and distributors. I believe that this agreement will also provide additional consumer choice after a period of time.

I know that you will agree that you have more pressing problems on your agenda right now. Please take advantage of this opportunity, settle the case, and move on. Thank you for your attention.

Sincerely,
Beverly Offutt

MTC–00028546

From: JJ Gifford
To: Microsoft ATR
Date: 1/28/02 4:29pm
Subject: Microsoft Settlement

To Whom It May Concern:

Attached are my comments re. United States et al. v. Microsoft, pursuant to the Tunney Act.

I have attached two copies of the same document, one in Microsoft Word format; the other in Rich-Text Format. Either document should be readable on any modern PC using up-to-date software.

Thanks in advance,
JJ Gifford
212 226 3462

Jonathan Gifford
117 Sullivan St., 5A
New York, NY 10012
doj.ms@jjgifford.com
January 28, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
microsoft.atr@usdoj.gov
re. Deficiencies in Microsoft settlement.

Pursuant to the Tunney Act, I am filing these comments on the proposed resolution of United States, et al. v. Microsoft.

My Perspective, Experience, and Interest

I believe this case is tremendously important. As personal computers and the Internet have become increasingly important to our everyday lives, so too has the landscape of the technology markets become increasingly important. Not only will the outcome of this case impact the fortunes of a host of technology companies, but it will also affect how I and millions of others communicate with our friends and family, what choices we have for online services such as digital photography, and of course how much we and businesses spend on technology infrastructure.

Once the government decided not to seek a structural remedy, it necessarily embarked

on a course of regulation. Regulation only works when the conduct prohibitions truly restrain anti-competitive behavior, and create a genuine opportunity for innovators to enter the market and compete in it based on their merits. Unfortunately, the Proposed Final Judgement (PFJ) presented by the Department of Justice and several states fails on all counts.

Its results will be only a mild, temporary modification to Microsoft's well-documented behavior, with no lasting or significant effect on competition. Microsoft will retain its monopoly and every incentive to maintain it through any means not specifically prohibited by the PFJ. Consumers will continue to be deprived of the innovations and other benefits of a truly competitive market, in part because innovators will be deprived of the opportunity and incentive to challenge Microsoft's monopoly as it expands and evolves. Most importantly, America's technology industry will stagnate, as ever fewer competitors see any value in entering markets dominated by Microsoft.

While I believe that many if not most Americans will be affected by the disposition of this case, I have a particular interest in it as a long-time technology consumer, entrepreneur, and enthusiast. Since 1980, I have used personal computers nearly every day, first as a hobby, then for school, and later for my career in the technology industry. In the early 1990s, I managed a small but pioneering desktop publishing department for a large advertising agency. Later, I joined a groundbreaking multimedia company that produced CD-ROMs for both Macintosh and Windows-based computers.

Most recently, I was a partner in a successful Internet development firm, which designs and produces web sites and other interactive media for corporate clients. Having sold my share of that business, I currently consult for other companies in the technology industry.

Definitions Are Critical: the Devil Is in the Details

1. Most provisions of the PFJ depend on the definition of ''Microsoft Middleware.'' Accordingly, we should expect this term to be well-defined, with clear boundaries and unquestionable meaning. Unfortunately, the reality is that it is vaguely defined, in language that grants Microsoft itself much control over what software it, and therefore the PFJ, governs.

1.1.

Definition: According to the PFJ (PFJ VI.J), ''Microsoft Middleware'' is any software which:

.* is distributed separately from the operating system,

.* controls the user interface of the Microsoft Middleware,

.* provides substantially similar functionality as a Microsoft Middleware Product, and

. is trademarked.

1.2.

Definition gives Microsoft control. So Microsoft, which has long stated its goal of incorporating browsing and other middleware functions into its operating system products, can exclude code from the Microsoft Middleware definition simply by not distributing it separately from the operating system, or even just by not trademarking it. Microsoft therefore will have enormous latitude in determining which new operating system features will be governed by the PFJ.

Clarity Is Essential to Compliance and Public Confidence.

The PFJ consists largely of vague prohibitions hobbled by numerous qualifiers and exemptions.

For instance:

Limited replacement of Microsoft Middleware.

2.1. The PFJ requires Microsoft to enable users and OEMs to specify that Non-Microsoft Middleware be used in place of Microsoft Middleware (PFJ, III.H.2). This is a welcome change because it had previously been difficult to replace Microsoft's Internet Explorer (IE) without facing ''considerable uncertainty and confusion'' when IE would nonetheless unexpectedly be invoked under certain circumstances (Findings,] 171).

2.1.1. Exemption for Microsoft servers. Unfortunately, Microsoft is exempt from this requirement when the Middleware Product would be invoked ''solely for use in interoperating with a server maintained by Microsoft'' (PFJ III.H). This may exempt Microsoft's current move into network services (''.NET'') from the judgement, inasmuch as such services communicate with Microsoft-owned servers. Microsoft considers .NET to be the next phase of the Internet, at last offering 'real'' applications and services. The first .NET service, Microsoft Passport, aims at becoming a cornerstone of Internet shopping and authentication transactions, and stores its data exclusively on Microsoft-owned servers.

2.1.2. Exemption for proprietary technologies. Another exemption allows Microsoft to launch its own middleware when the Non-Microsoft Middleware ''fails to implement a reasonable technical requirement'' (PFJ III H 3). Microsoft will be able to capitalize on this loophole simply by emphasizing proprietary technologies not supported by Non- Microsoft Middleware. To the extent that Microsoft can implement features using proprietary technologies, it will better be able to exclude Non-Microsoft Middleware. A truly pro-competitive PFJ would encourage Microsoft to use open industry standards.

OEM Distribution Channel Opened, But For Whom?

2.2. The PFJ requires Microsoft to allow OEMs to customize the user's desktop by installing icons for Non-Microsoft Middleware and other products (PFJ, III.C.1). This is important to the PFJ because Microsoft has in the past excluded Netscape and other competitors from the valuable OEM distribution channel, often by contractually limiting an OEM's ability to customize the desktop. In addition, Microsoft has used its control over the valuable desktop real-estate as an incentive to get IAPs such as AOL to support Microsoft Middleware instead of competing products.

2.2.1. OEMs lack incentive. Unfortunately, because Microsoft's Internet Explorer is now the market leader, there is today little consumer demand for alternatives to Microsoft Middleware. This makes it unlikely that an OEM would see much gain, if any, in installing Non-Microsoft Middleware. Such distribution may benefit the middleware developers, but would not greatly benefit the OEM.

2.2.2. Customizations will be short-lived. This prohibition remains in effect only for a 14-day window starting after the end user first turns on his or her PC. Thereafter, Microsoft is free to re-arrange the desktop as it sees fit, including automatic removal of any non-Microsoft icons, e.g. by operating system features such as the ''Clean Desktop Wizard'' built-in to Windows XP (PFJ, III.H.3). So, any Non-Microsoft Middleware developers who do manage to secure OEM distribution could well see their products wiped off the desktop after a short two weeks.

2.2.3. Likely results. These limitations beg the question: will any OEMs risk irritating Microsoft for such minor benefits? If they do, will the results truly be increased competition in the middleware market?

General Rule on Sharing APIs.

2.3. The PFJ requires Microsoft to share APIs used by Microsoft Middleware with ISVs, et al. (PFJ III.D). In its Findings of Fact, the District Court found that Microsoft had repeatedly withheld such information from ISVs, or used its disclosure as an incentive for 'friendlier'' behavior, in an effort to preserve the applications barrier to entry (Findings,] 84, 90, 91). Because ISVs depend on such information to develop software for a given platform, withholding APIs can limit or destroy an ISV's ability to create competitive products. Therefore full API disclosure should be considered a basic condition for any kind of effective competition.

2.3.1. Only APIs necessary to mimic Microsoft's products will be disclosed. Unfortunately, the PFJ requires Microsoft to share only those operating system APIs used by Microsoft Middleware. This is a limited set of APIs, of use only to those ISVs who want to develop middleware products similar to Microsoft's. It does little to help ISVs offer features or innovations not already offered by Microsoft's products. Since ISVs typically must provide innovations to gain market share against an entrenched market leader, this requirement is unlikely to promote competition in the middleware market.

2.3.2. Many APIs may be withheld on dubious 'security'' grounds. The PFJ allows Microsoft to exclude any APIs the disclosure of which ''would compromise the security of a particular installation or group of installations of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems'' (PFJ III.I. 1).

. This is a surprising exemption because few security professionals believe API disclosure could weaken any well-designed security system. Indeed, the complete source code (a level of disclosure far greater than simple APIs) is publicly available for several operating systems and security-related products that are widely considered to be more secure than Windows (e.g. the Linux operating system).

. Yet the inclusion of this exemption implies that there in fact are such APIs

whose disclosure could compromise security, and thereby opens the door for Microsoft to make claims about which ones they are. There is no basis for the Competitive Impact Statement's (''CIS'') optimism that security-related exemptions will be limited to ''keys and tokens'' (CIS, IV.B.5) of particular installations. Nothing in the PFJ's language so limits the exemptable APIs, and such entities aren't generally visible at the API level, anyhow.

. With Microsoft's current push into network services (under the .NET moniker), we can expect privacy and security features to be suffused throughout the code, increasing the number of APIs Microsoft will try to exempt from disclosure. Indeed, Microsoft has just this month announced that privacy and security will henceforth be its main priorities. 1

1 Associated Press, ''Microsoft Announces Strategy Shift'', D. Ian Hopper and Ted Bridis, January 17, 2002.

Inadequate Enforcement

3. The task of detecting whether Microsoft has violated these and other provisions falls to a three- person ''Technical Compliance'' committee (the ''TC''). This committee will have access to the source code and tools used to create Microsoft's products, as well as access to the relevant Microsoft staff (PFJ IV.B.8). In theory, the TC's oversight will prevent Microsoft from using technical strategies to camouflage non-compliance, for instance by wrongly claiming that some important API should not be disclosed for security reasons. While such oversight may in fact be helpful, the TC is an inadequate, inefficient and non-transparent attempt to ensure enforcement of a Judgement that otherwise relies on voluntary compliance and enforces few penalties for transgressions.

3.1. Severe employment restrictions threaten the TC's performance. The PFJ includes employment restrictions which will dramatically narrow the pool of TC candidates—first, to those experts not currently working for Microsoft or a competitor, and then to those remaining candidates willing to forego any such employment for two years after serving on the TC. In so doing, it excludes nearly all of those experts in operating systems design and programming whom the TC most needs, since it will be very difficult to find any such experts not currently working for, and with no intention of working for, Microsoft or a competitor. As a professional in this field, I cannot imagine why a highly competent independent minded computer scientist would wish to serve on the TC under these circumstances.

3.2- The TC will be buried under a mountain of technical data. Even if well staffed, the committee will have all enormously difficult task from a technical standpoint. Inasmuch as deciphering computer source code can be difficult even for the code's author, much less a new reader, and inasmuch as Windows XP alone consists of some 45 million lines of code 2, this committee will have an enormously difficult task. Even with a large support staff, it is hard to imagine this committee effectively analyzing Microsoft's source code and fully investigating allegations of non-compliance.

3.3. The TC cannot ensure timely remedies. Further, because the committee is prohibited from public comment (PFJ, IV.B.10), it will be unable to confirm any ISV's suspicions about Microsoft's compliance, nor could it force a timely remedy. Its only recourse will instead be to notify Microsoft and the Plaintiffs and to suggest a possible remedy. Therefore, an ISV suspecting Microsoft of non-compliance will not receive an immediate remedy, but must instead rely on a bureaucracy whose natural tendency will be not to pursue minor infractions. While such infractions may indeed be minor in the scope of the overall judgement, they would assuredly be of great importance to the ISV.

3.4. The TC's findings may not be presented to the Court or the public. Under the PFJ, the TC may not testify in any matter relating to the Final Judgement, nor may its work product and recommendations be submitted to the Court (PFJ, IV.D.4.d). Similarly, the TC is prohibited from public comment (PFJ, IV.B.10). Thus, even if the TC's exclusive access to source code should produce evidence of deception and non-compliance by Microsoft, this evidence will not be presented to the Court. 2

BusinessWeek, ''Windows XP: a Firewall for All'', Alex Salkever, June 12, 2001.

. In theory, the TC will report to the Plaintiffs, who may in turn report such non-compliance to the Court, and produce evidence of it via other means. This may well happen in the case of massive or severe non-compliance. However, what happens to the small ISV who suspects Microsoft of non-compliance, e.g. by not disclosing some necessary API? Such an injured party may report its concerns to the TC, and then hope that the TC is able to verify its claims, and further is able to convince the Plaintiffs to go to court on their behalf. During this bureaucratic pursuit, the ISV's business may suffer irreparable harm, or even vanish altogether (as has very nearly happened to Netscape). Were such ISVs to have access to Microsoft's source code, perhaps in a secure facility, they could investigate such concerns themselves, directly and immediately. Indeed, API disclosure would not be an issue in the first place.

. The point here is that the nature of the TC is as the first step in a bureaucracy whose natural instinct will be to pursue only the most serious transgressions. In the context of a rapidly changing technology industry, this is a serious weakness in the PFJ.

3.5. PFJ places enormous weight on third TC member. The PFJ proposes that the Plaintiffs appoint one member of the TC, Microsoft appoint a second, and then these two members themselves choose a third (PFJ IV.B.3). This structure places enormous responsibility on the third member, who can be expected to decide any disagreement between Microsoft's representative and the Plaintiffs'', especially in the context of the Voluntary Dispute Resolution process in IV.D. It is unclear whether the TC reports to the Plaintiffs only as a single unit, or whether a dissenter's view also gets submitted to the Plaintiffs. A better structure would at the very least make it crystal clear that any single member of the TC may report, to the Plaintiffs.

Also, creating such a fulcrum position in the TC makes this third seat much less attractive and harder to fill, and injects an element of politics into the TC that will distract from its technical mission and smooth functioning. Because the TC is not a decisional body, but simply a means to keep a watchful eye on Microsoft's compliance, it is unclear why Microsoft should have representation here at all. All of the TC's members should be appointed by the Plaintiffs, perhaps with the DOJ appointing one member, the States appointing a second member, and the Plaintiffs collectively appointing the third.

3.6. Catch-22. Given the enormity of the TC's tasks, the limits on its powers and enforcement abilities, and the severe employment restrictions surrounding service in the TC (IV.B.2), it is clear that any candidate for the TC willing to accept the job is almost certainly too inexperienced to be legitimately qualified for it. In Today's Market, More is Needed.

4. In perhaps its broadest weakness, the PFJ fails to recognize that the circumstances of the original case were unique, and that circumstances today are very different. The Internet's rapid public acceptance around 1994–1995 took many established computer-industry firms by surprise, and radically changed the personal computer market. The basic reasons users wanted to own personal computers changed dramatically within less than two years. Two companies in particular, Netscape and Sun Microsystems, were able to aggressively exploit the new technologies and to take advantage of Microsoft's slow response to the burgeoning consumer demand. As a result, they were able to present a serious threat to the applications barrier to entry that has long protected Microsoft's monopoly in Intel-compatible operating systems.

4.1. No longer any consumer demand for non-Microsoft Middleware. But that window of opportunity is long closed. The Internet is an established part of the personal computer market. Microsoft's Internet Explorer is the dominant browser. There no longer is any great consumer demand for alternative browsers. Netscape no longer exists as an independent company, and development of the Netscape browser occurs at a fraction of its former pace. Even the CIS acknowledges that Microsoft has ''perhaps extinguished altogether the process by which these two middleware technologies [Java and the Netscape browser] could have facilitated the introduction of competition into the market for Intel-compatible personal computer operating systems'' (CIS, III.B.3).

4.2. Cannot resuscitate existing middleware competitors. Nothing in the PFJ can or will restore these competitors to their former strength. There is no way to rekindle the massive consumer demand, then left unserviced by Microsoft, that gave these companies their initial momentum.

4.3. Hoping for another thousand-year flood. Still, the CIS claims the PFJ will ''restore the competitive threat that middleware products posed prior to Microsoft's unlawful undertakings'' (CIS, II). Given that Microsoft now dominates the browser market and retains its operating

systems monopoly, and given that the PFJ allows Microsoft to support its browser market share by tying the browser to the operating system, this claim seems to rest on the optimistic hope that some new disruptive technology will appear, will be ignored by Microsoft, and will create massive consumer demand for some non-Microsoft Middleware. Without such an event, the PFJ merely establishes rules for a game that has no players.

Unconditional Surrender

5. Finally, in a bizarre and extreme limitation, the PFJ will expire in only five years—regardless of whether or not Microsoft retains its operating systems monopoly (PFJ, V.A). The DOJ must believe that not only is the PFJ an effective remedy, but that it will be so effective that Microsoft will be reduced to a shadow of its former self and must be unshackled in just five years (seven, if the Plaintiffs seek and receive the maximum extension permitted by the PFJ). Unfortunately, this clause is so careless that it will release Microsoft no matter the circumstances—that is, even if Microsoft retains or even strengthens its monopoly power. The message that the PFJ sends is ''we'll try this for five years, and then we're giving up.'' Any judgement should remain in effect until the Court finds that Microsoft no longer holds a monopoly in Intel-compatible operating systems. It makes little sense to release Microsoft until competition has re-entered the market and Microsoft may no longer commit the illegal acts described by the Court's Findings of Fact.

Alternatives

This PFJ illustrates the difficulty in devising effective conduct remedies for complex software cases such as this, especially where the defendant retains its monopoly power and the incentive to expand and maintain it by any method not prohibited by the PFJ. Vague technical definitions and even apparently narrow exemptions can be exploited by the monopolist to maintain its ill-gotten gains. It would be vastly preferable to create the proper structural conditions for competition by decoupling parts of the monopolist enterprise. Without a structural remedy, it is imperative that the definitions and prohibitions in the Final Judgement be as clear and comprehensive as possible, so as to fully restrict the anti-competitive behavior that has been denying consumers choice, innovation and fair market pricing. There are a number of specific changes that ought to be made to the PFJ:

. Any judgement should remain in effect until Microsoft no longer holds a monopoly in Intel- compatible operating systems. Starting in 5 years, the Court should annually review

Microsoft's position in the Intel-compatible operating systems market. Should it find that Microsoft no longer exercises monopoly power in that market, and therefore cannot commit the illegal acts described in the Court's Findings of Fact, it could release Microsoft from the terms of the judgement.

.* The TC should be appointed entirely by the Plaintiffs, perhaps with the DOJ appointing one member, the States appointing a second member, and the Plaintiffs collectively appointing the third.

.* Definitions such as that of ''Microsoft Middleware'' should be tightened considerably, and the PFJ reworked to minimize its reliance on such narrow categories.

. Microsoft should be required to make the full source-code for its Intel-compatible operating systems available for viewing by ISVs et al.. This will allow ISVs to better develop competitive products, and will allow the ISVs themselves to monitor Microsoft's compliance with the judgement's other technical requirements, instead of relying on an inefficient, overworked TC.

.* If the Court decides against requiring source-code sharing, it should at a minimum require the disclosure of all operating system APIs used by any Microsoft products (i.e. not just those APIs used by Microsoft Middleware). A blanket disclosure requirement such as this will close those existing loopholes whereby Microsoft might withhold critical information from ISVs whose products threaten its operating system monopoly.

.* Exemptions permitting various proscribed behaviors under certain circumstances should, as a whole, be stricken.

.* Finally, the judgment should include real consequences for non-compliance, such as further conduct prohibitions, financial penalties, or further disclosure requirements. The PFJ currently provides only a possible Court-imposed two-year extension of its rather toothless provisions.

Conclusion I hope that the PFJ is modified by the DOJ or the Court, and that what seems to be a great opportunity for antitrust law to make a difference for tomorrow's entrepreneurs and consumers is not lost in a fog of complexity. The technology may be complex and changing, but the underlying competitive issues are fundamental. I take both comfort and concern from the fact that I am clearly not alone in expressing these concerns. As the Financial Times editorialized:

...It would be wrong for the states, or the judge, to reject this settlement merely because it is not sufficiently punitive. The test is whether the proposal provides enough protection for the public and for Microsoft's competitors. As it stands, it does not meet this test. Though a continued trial would be expensive and distracting, it would be better than an unsatisfactory settlement. This proposal should be rejected..

(Financial Times, ''Micro-too-soft'', November 5, 2001)

I believe that the PFJ, if accepted by the Court in its current form, will lead to clear and irreparable harm to consumers and to the United States'' technology industry. So pervasive has technology become that the technology industry is an obviously critical component of the American economy.

Even BusinessWeek, itself no anti-capitalist Microsoft critic, recognized the broad implications of the resolution of this case:

... [T]he Justice Dept.'s weak censure of Microsoft for its serious monopolistic practices could cost the U.S. mightily in the years ahead. The great strengths of the American economy are its openness, its competitiveness, and its innovativeness. Monopoly is the enemy of all three.

(BusinessWeek, ''Slapping Microsoft's Wrist'', November 19, 200!) Based on my experience, I do not find the PFJ to be in the ''public interest'', which is the standard that the DOJ and the Court are subject to under the Tunney Act.

Respectfully submitted,
Jonathan Gifford
January 28, 2002

MTC–00028547

From: Lorenzo Thurman
To: Microsoft ATR
Date: 1/28/02 4:27pm
Subject: Microsoft anit-trust settlement

I feel the settlement does not punish Microsoft for their wrong doings. Note that I did not say ''punish enough'', because I do not feel they are being punished at all. The agreement calls for oversight, not puninishment, and a large donation to schools. Neither of these will force Microsoft into changing its behaviour nor will they help create a more competitve environment. I, as a software developer, feel that any business I start would be threatened if I develop technology like Java that threatens their Monopoly.

I've heard some of Secretary Ashcroft's comments about the settlement and at least part of his reasoning is that it would be good for the economy. In the short term, this may be true, but the downturn in the economy and the war on terrorism will pass, and we will be left with a very non-competitive environment with one company dominating both the operating system and the applications area. This potentially has global ramifications. As you may be aware, some European countries and China are looking elsewhere for their technology. They are concerned about their own security and having only one company to provide the bulk of their productivity, security etc. This will only serve to create markets outside of the US. The Justice Department's current settlement may solve short term problems, but will only serve to isolate the American software vendors, unless you act now to reduce and/or restrict the Microsoft monopoly.

Thank you

MTC–00028548

From: Gordon Fox
To: Microsoft ATR
Date: 1/28/02 4:28pm
Subject: Microsoft Settlement

As an individual and user of the Microsoft Operating System and bundled software I have appreciated the ease of having it all in one package. I believe that most individual consumers would agree. The government broke up Ma Bell and now there are many larger businesses. All it did was to make prices rise. A business should be allowed to produce their product without governmental restraint unless it in some way will do physical harm to a person.

To those of us who are retired and hold stock in these companies such as Microsoft, the ongoing dispute over who is right has only served to hurt the stockholders. Let's get this suit over with once and for all and let

Microsoft get back to doing what they do best ? innovate!

Thank you for your time,

Gordon Fox

MTC–00028549

From: ldlininger@attbi.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:29pm
Subject: Microsoft Settlement

The U.S. government, via the USAF, trained me to use and repair computers over 30 years ago. One of the first things I learned was that there are two kinds of software: operating system software and application software.

The operating system software, such as Windows, controls how the computer functions, whether it be one with an Intel Pentium or another manufacturer's CPU chip. Application software consists of programs that use the computer to perform tasks, such as word processing, money management, or browsing the internet. By Microsoft controlling the operating system market for PCs, they have unfairly competed in the marketplace for years.

By allowing Microsoft to continue to modify its operating system and add application software to it, you are allowing Microsoft to retain their monopoly and unfair advantage.

Microsoft will continue to stifle competition by using its unfair advantage. Consider that Netscape, who developed the network browser, has had to practically give its software away. In 2–3 years, why will anyone want to buy RealPlayer software when Microsoft will have imbedded their media player software in the operating system?

The only way to settle this issue fairly for all concerned is to split Microsoft into two companies. By requiring Microsoft to form a company that produces only operating systems, you will not only make the marketplace more fair for all application software companies, you will force Microsoft to make the best operating system they can.

And, yes, the world needs a better operating system, not just the operating system Microsoft allows consumers to buy. I want an operating system that will efficiently use the software I want to install, not an operating system that is loaded with applications I might not want. By requiring Microsoft to form a company that produces only application software, you will place Microsoft into a position where the quality of their software determines whether they succeed, not because they can use their operating system to an unfair advantage. Splitting Microsoft into two companies would give application software companies a fair chance to succeed. Real and fair competition will return and innovation will drive the market.

In the last 20 years, Microsoft has earned billions of dollars in profits, often at the expense of other companies. Consider Netscape who has had to give away their product. Consider Novell who had the best networking software available, but fell because Microsoft put networking software in their NT operating system. There are dozens, if not hundreds, more.

The settlement that has been negotiated is laughable. It does not change anything. Microsoft will continue with their current way of doing business. And innovation and competition will continue to be stifled.

Respectfully,

Larry Lininger

3130 Hancock Place

Fremont, California

MTC–00028550

From: Brian Showalter
To: Microsoft ATR
Date: 1/28/02 4:30pm
Subject: Microsoft Settlement

As a United States citizen and experienced computer professional who has at times been compelled to work with Microsoft products,I would like to express my opposition to the settlement that has been proposed for the USDOJ's antitrust lawsuit against Microsoft. I feel that the terms of the settlement as currently specified are weighted far too heavily in favor of Microsoft, and that they will do nothing to prevent Microsoft from continuing abuse its monopoly position to stifle competition and lock customers into its products. The terms also significantly underestimate the lengths to which Microsoft has shown it swilling to go to root out loopholes in any agreements it enters into and exploit them in such a way that any intended restrictions on its behavior are effectively neutralized. I also feel that the terms will do literally nothing to ease the market barrier to entry for new products, particularly open-source products such as the Linux operating system, which may happen directly compete with Microsoft's offerings.

There are a number of problems with the settlement which other shave outlined and on which I will not go into further details.However, I am dismayed by the extent to which the proposed settlement focuses almost completely on attempting to restrict Microsoft's behavior on the Windows desktop and middleware platforms, to the virtual exclusion of server platforms and other operating system products that are offered or soon to be offered Microsoft. In particular, the name ''Windows'' is mentioned 56times in the document, yet no mention is made of the embedded operating system market or of Microsoft's explicitly stated intention to replace the Windows desktop and server platform with the .NET initiative. Furthermore, the definitions of ''operating system,'' ''personal computer,'' ''Microsoft Platform Software,'' and''Windows Operating System Product'' refer entirely to desktop operating systems intended for use by a single user at a time.

This loophole would have the effect of rendering Section III.A moot in its entirety should Microsoft attempt to retaliate against an OEM that is attempting to market a competing Server Platform on its products. Additionally, the proposed settlement does nothing to preclude Microsoft from dropping the Windows Brand name altogether and continuing their customer lock-in,competition-stifling and monopoly-extending behavior on a similar but differently named platform.

Dan Kegel has done an excellent analysis which may be found online at (http://www.kegel.com/remedy/remedy2.html). Mr.Kegel's site also contains links to several other very compelling analyses. Due to the flaws which I and others have pointed out,the settlement as it is currently written does not serve the public interest and should not be accepted without considerable revisions to ensure that the market is not tilted unfairly inMicrosoft's favor.

Thank you for your time and for considering my point of view.

Sincerely,

Brian Showalter, Programmer/Analyst

14713 W. 149th Court

Olathe, KS 66062

MTC–00028551

From: Dave Janne
To: Microsoft ATR
Date: 1/28/02 4:31pm
Subject: Microsoft case

Gentlemen- I'll make this short. It's time to settle this case. I think the settlement is more than fair, and any more delay in this is ongoing to hurt the economy more than it already has.

Thank you

L. David Janne- Pres.

Steuben Electronics Inc.

CC:fin@mobilizationoffice.com@inetgw

MTC–00028552

From: Larry Boler
To: Microsoft ATR
Date: 1/28/02 4:31pm
Subject: Microsoft Settlement

Enough is enough. Let's end the legal assaults on Microsoft.

Microsoft has done more for the consumer than anybody else in the industry.

Without Microsoft's excellent leadership and ongoing product improvements we would not be where we are today. Are we about to go back in time?

Let the Free Enterprise System function the way it should and give Microsoft a chance to once again put 100% of it's efforts to making better products for the benefit of consumers.

Larry Boler

MTC–00028553

From: John Jackson
To: Microsoft ATR
Date: 1/28/02 4:30pm
Subject: Microsoft Settlement
13223 46th Place W
Mukilteo, WA 98275
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing you today to express my opinion in regards to the settlement that was reached in November between Microsoft and the government. I support this settlement and believe it is a fair and sufficient agreement to end the three-year antitrust dispute.

This settlement contains provisions that will foster competition. Microsoft has agreed to share more information with other companies and is willing to follow procedures to make it easier for companies to compete. Under this agreement, Microsoft must design future versions of Windows to make it easier to install non-Microsoft

software. Microsoft has also agreed to license its Windows operating system products to the 20 largest computer makers on identical terms and conditions, including price. Microsoft will be monitored for compliance by a technical committee established by order of the settlement.

This settlement will serve in the best public interest. Microsoft has contributed so much to our society that stifling this company will only serve to negatively impact the public. Please support this settlement. Thank you for your time.

Sincerely,

John Jackson

MTC–00028554

From: Arman.Oruc@CliffordChance.com@ inetgw
To: Microsoft ATR
Date: 1/28/02 4:28pm
Subject: Microsoft Settlement

Attached please find comments by Palm, Inc. to the Revised Proposed Final Judgment in United States v. Microsoft Corporation, No. 98–1232, State of New York, et al. v. Microsoft Corporation, No. 98–1233, submitted pursuant to the Tunney Act, 15 U.S.C. 16.

The attached is a .pdf file. We are also delivering hardcopies for your convenience.

Please contact Craig Waldman at (212) 878 8458 with any questions or comments.

<<Palm's Tunney Act Submission.pdf>>

For further information about Clifford Chance please see our website at http://www.cliffordchance.com or refer to any Clifford Chance office.

MTC–00028556

From: Henry Keultjes
To: Microsoft ATR
Date: 1/28/02 4:32pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Re.: Microsoft Settlement

Dear Ms. Hesse:

In response to the request for comments in USDOJ vs Microsoft in accordance with the Tunney Act I ask that such settlement be rejected. Having read the Revised Proposed Final Judgment between USDOJ and Microsoft, and having read the alternate proposed settlement by the nine states and DC, and having understood that the purpose of the Tunney Act to solicit feedback from US citizens affected by the outcome of a final judgment is to make sure that any such final judgment is in the best interest of the consumer, let me start by asking three questions:

1. Now that Microsoft has been at the center of antitrust controversy forever, starting when Novell sued Microsoft culminating in a consent decree in 1994, is it not in the best interest of the consumer and our country as a whole to find a solution that will keep Microsoft out of the courts, at least for a while?

2. Can the USDOJ vs Microsoft settlement proposal be in the best interest of the consumer if the agreement cannot be clearly understood even by the fairly educated person with a fairly good understanding of law that I am?

3. Can the USDOJ vs Microsoft settlement proposal be in the best interest of the consumer if the agreement ignores that, because Microsoft's marginal cost is effectively zero, remedies, that might have been effective for a predatory competitor that *does* have real marginal costs, are totally ineffective here?

What I, as the president of a company and as a consumer seek is simply an environment in which I can buy at a fair price what has become as ubiquitous a product as typewriters once were. In this case, however, this ubiquitous product is without the traditional competitive market place price pressures that go with ubiquitous products. Therefore prices for those Microsoft products that have replaced our typewriters are about four times higher then a competitive market would allow.

The solution, the remedy, that USDOJ and Microsoft offer to solve the issue of Microsoft having been found guilty of anti-trust violations gives me very little comfort, if any, that such a competitively priced market will develop as a result of that agreement. As a matter of fact, if the agreement is allowed to become final, Microsoft will be emboldened to eliminate some of the loopholes that have allowed sophisticated buyers to avoid the so-called Microsoft tax, the fact that the consumer pays for Microsoft products when s(he) buys a PC, whether s(he) needs those Microsoft products or not.

On the other hand, the alternative settlement agreement proposed by the nine states and DC appears to offer a solution that *does* create a competitive environment where it now counts most, the desktop.

Rather than addressing the various aspects of the USDOJ vs Microsoft proposal further, I will just address one issue, the clause in the alternate proposal that Microsoft establish three competitors for its MS-Office product through an auctioning process.

The real sticky problem in trying to find a good solution to *this* anti-trust case lies in the fact that, although an individual or a company may want to switch to a competitor's OS, the huge investment in training and learning MS-Office products, such as MS-Word and and MS-Excel, effectively discourages or even prevents such a switch.

If one draws an analogy between the oft cited Standard Oil anti-trust case, Microsoft has managed to bring about a situation where 90% (including Apple's 5%) of the desktop software can only run on MS-Windows gasoline. Forcing Microsoft to sell off gas stations under those circumstances is obviously not a remedy. However, by forcing Microsoft to auction off three copies of MS-Office, complete with formulas and technical assistance for ten years, competitors can develop desktops that people already know and like but which desktops run on the gasoline of those competitors.

Forcing Microsoft to just share the formula for the gas is an inadequate remedy, not only because, in the eyes of its competitors and a significant segment of the hightech industry, the quality of Microsoft gas is not very good, but also because of the time delay to build a refinery capable of producing that special gasoline.

The solution that the nine states and DC are proposing is therefore an analogy to a Standard Oil case that is even more threatening to the consumer because, in this case, Microsoft also owns the factory that makes the special cars that more than 90% of the people are using now and which cars only run on Microsoft's own special gasoline. Forcing Microsoft to become the non-exclusive manufacturer of those proprietary MS-Office cars is therefore a brilliant remedy on the part of the nine states and DC as well as a meaningful punishment for Microsoft because it is neither a cash punishment not a punishment that will hobble the company.

Competition for the dollars that consumers will spend to buy MS-Office is not only a desirable end to this anti-trust case, by having an MS-Office version that effective runs on OSes like Linux and Unix, this solution will also lead to a more lasting end to this energy sapping Microsoft antitrust hassle. By punishing Microsoft fairly for its proven illegal behavior, the government in effect discourages other illegal behavior, such as cracking, by large groups of people who feel justified to take the law into their own hands if their government fails to afford its consumers protection from a monopolist under the law.

Unless our government punishes Microsoft fairly for its illegal behavior, our government in effect creates an atmosphere in which lawlessness can blossom.

Restated in simple terms, it is my belief that it is in the best interest of the consumers and our country that the court reject the proposed USDOJ vs Microsoft final judgment and instead adopt the remedies in the proposed final judgment of the nine states and DC as the final judgment.

Sincerely,

Henry B. Keultjes
President
Microdyne Company
POB 1056
Mansfield OH 44901–1056
Voice 419–525–1111
HBK/s 27 January 2002

MTC–00028557

From: Bruce Morgan
To: Microsoft ATR
Date: 1/28/02 4:33pm
Subject: Microsoft Settlement

I fully support the proposed settlement between Microsoft and the DOJ. Despite months of testimony and years of legal wrangling, no one has ever given any significant evidence of any consumer harm as a result of Microsoft's actions and behaviors.

Microsoft's Windows operating system including the Internet Explorer browser is far and away the most user friendly, functional, and highest value operating system available. By building the browser functionality into the operating system (both as a user-level feature like IE and as the MSHTML components for ISVs to use), Microsoft has provided a level of functionality far beyond anything any other vendor has delivered.

I think settling this case is the best way for the software industry to move forward,

competing in the market instead of in the courts.

Sincerely,
Bruce Morgan
Bellevue, WA

MTC–00028559

From: Fred Rone
To: Microsoft ATR
Date: 1/28/02 4:32pm
Subject: Microsoft Settlement

Dear DOJ:

Please impose penalties on Microsoft that will encourage new competition in operating systems. The current de facto monopoly results in the price gouging that is apparent in Microsoft's extremely high profit margins.

Sincerely yours,
Fred Rone
frone@prodigy.net

MTC–00028560

From: Bob Ray
To: Microsoft ATR
Date: 1/28/02 4:33pm
Subject: Microsoft Settlement

I can't believe that the government's response to Microsoft's criminal behavior is a mere slap on the wrist. Not only will Microsoft continue to engage in anti-competitive and probably illegal behavior but other large companies will be encouraged to do so as well.

Bob Ray

MTC–00028561

From: Chris Waterson
To: Microsoft ATR
Date: 1/28/02 4:35pm
Subject: Microsoft Settlement

One rememdy that I would find particularly satisfactory would be for Microsoft to have to ship a copy of Netscape's product with every copy of their operating system. :-)

Chris Waterson
437 Hoffman Ave.
San Francisco, CA 94114
415–642–3522
CC:microsoftcomments@doj.ca.gov@inetgw

MTC–00028562

From: Robert Randall
To: Microsoft ATR
Date: 1/28/02 4:36pm
Subject'' Microsoft Settlement

Attached, in WordPerfect format are a cover letter and comments regarding whether the Microsoft settlement is in the public interest. Let me know if you have difficulty opening the attached WordPerfect files.

Robert L. Randall
RainForest ReGeneration
1727 Massachusetts Ave NW
Washington, DC 20036
Tel: (202) 205–3366
Fax: (202) 483–5175
RAINFOREST REGENERATION
THE RAINFOREST REGENERATION INSTITUTE
?27 MASSACHUSETTS AVENUE NW
WASHINGTON, DC 20036
26 January 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse:

Accompanying are public comments regarding the proposed Microsoft settlement submitted for consideration pursuant to the Tunney Act proceedings before the District Court for the District of Columbia.

I am not a lawyer, computer professional, or Microsoft competitor. I use personal computers to perform business ''office'' functions and am concerned by how unwieldy and unreliable Windows has become as new ''features'' I do not want or use are incorporated. I also use Linux and find it better than Windows for my needs. However, few of the specialized applications programs I need for my work (in addition to general purpose ''office'' applications) are available for that platform without custom programming or adaptation so using Windows is a practical necessity. Microsoft products are priced considerably higher than their functional equivalents by other publishers, a phenomenon I attribute to Microsoft's monopoly pricing power that the instant Tunney Act proceedings are intended to curb in the public interest while not losing the benefits of vigorous innovation in computer and communications technology.

You have my permission to publish these comments and to make whatever use of them in the Tunney Act proceedings you see fit. I hope these comments will be helpful to the Court.

Respectfully submitted,

Is the Microsoft Settlement in the Public Interest?

The settlement negotiated between Microsoft and the Justice Department and several of the plaintiff States appears to rest on the dubious proposition that the public interest is synonymous with the summation of private interests. Secondly, while the settlement arguably addresses the ''middleware'' problem that was the focus of much attention in the trial, it is weak, if not completely ineffectual, with respect to the equally important prevention of Microsoft's apparent extension of its operating system monopoly to the most widely used business applications software programs. These observations are amplified below.

While the Sherman Act provides for a private right of action seeking trebling of private damages suffered from monopolization, its strong feature was declaring monopoly and monopolization to be detrimental to the general public interest beyond the summation of losses to identifiable private parties who might sue. These days, in a case such as this, the loss to the general public interest might be seen as a stifling and channeling of innovation into forms approved by the monopolist, a hard-to-predict and quantify loss to an undefined and disparate ''public.'' This is the putative loss the Sherman Act is intended to mitigate through the Tunney Act proceedings. The Justice Department observed in its Competitive Impact Statement that the Court does not have the authority to write a different settlement that it might prefer and that what might emerge from further proceedings, and when, in the event the Court rejects the settlement as not in the public interest is indeterminate. It is also the case that several plaintiff States have not agreed to the instant settlement, though they could yet do so, suggesting that any final resolution with respect to their continuing action would need to be integrated, or made compatible, with this negotiated settlement in the event this settlement is accepted by the Court, if the public interest is not to be undermined by a patchwork of remedies applied to one monopolist by various parties. Moreover, it must also be observed that if this settlement is approved for all the practical reasons noted by the Justice Department, it is also nearly a foregone conclusion that another, more far-reaching governmental antitrust action against Microsoft is practically precluded during the five years duration of this consent decree, even if the consent decree were manifestly not working adequately. In the fast moving field of computers, software, communications, entertainment, and their conjunction—of possibly great value to at least some members of the public—five years is a long time. Lastly, it must be noted that Microsoft is likely to be the landmark case in applying antitrust law and principles to fast moving, high-technology businesses so it is important to get a sound foundation in place for future reference and consideration.

The Court found at trial, and the Court of Appeals affirmed, that Microsoft has a monopoly in its Windows operating system for Intel-compatible personal computers (without any finding that its Windows monopoly is either per se unlawful or unlawfully obtained) and that Microsoft had reinforced and extended its monopoly by a variety of business practices that the instant remedy is intended to rectify. Indeed, the trial Court asserted at some length that computer operating systems may be a natural monopoly in that: (a) the customer generally is buying the computer for the functionality provided by their chosen application programs, (b) OEMS have an over-riding need to sell a machine that works with their hardware and the unknown customer's application programs, (c) software publishers find it easier and more economical to write for only one operating system rather than for several platforms, and (d) most customers want the operating system that works with the most readily available standard software so as to be protected with respect to future needs not fully foreseeable now.

The Court's Findings of Fact noted that while most consumers might have no objection to a ''free'' internet browser bolted into their Windows operating system, many business customers might prefer not to make it easy for their employees to browse the Internet if their duties do not require it. More generally, there may be a broader divergence of what features, capabilities, and level of ''pre-integration'' is wanted and valued by household consumers and by business (office) customers for personal computers, and possibly by other significant identifiable market segments for personal computers. Whether or not the new features may be in some sense ''free'' of extra charge, they manifestly take up more memory, disk space, and other computer resources, none of which are free, and may be more prone to ''bugs'', security holes, and incompatibilities

unrelated to the features a particular user actually wants, needs, values, and in purchasing a personal computer system.

Much of the trial was taken up with ''middleware'', in particular internet browsers and the Java programming language, as both were seen as actually—or at least potentially—offering a new standard set of applications programming interfaces (''hooks'') for other, unrelated application programs of possibly less market penetration potential, while the ''middleware'' itself is more susceptible of being made compatible with non-Windows operating systems (or even native code interfaces) on the machine hardware side. Others can comment more perceptively on how effectively the settlement addresses that problem through its proposed Technical Committee. Though not as thoroughly addressed at trial, Microsoft appears to have extended its Windows monopoly into the large business applications software market (e.g., word processing, spread-sheets, small databases) through the same kinds of business practices as were found unlawful with respect to ''middleware.'' That is, when word processing, spreadsheets, and databases were observed to be applications that were inducing businesses (including government, non-profit, etc., ''office'' environments) to buy computers to put on nearly every employee's desk, Microsoft first tried to program such applications themselves, then if unsuccessful, buy up a third-rate contender in the field, threaten the first-rate contender that if they didn't sell out Microsoft would not make new API ''hook'' information available to them on a competitively timely basis, and apparently design special, undisclosed ''hooks'' into Windows that would make Microsoft's own applications software run better, faster, and/or more reliably than competitors'' products, such compatibility providing great marketing advantage (and commanding higher market prices) over rival applications program publishers whose products might be functional superior to Microsoft's offerings in consumers'' perceptions. Microsoft thereby eventually established a monopoly for these widely used, and lucrative, ''business'' application programs. Whether the Technical Committee approach proposed works for ''middleware'', where there are likely to be only a few, very sophisticated ''middleware'' developers, it is likely to be much less successful in providing relief to general software and applications developers and publishers, who are less likely to have the depth of programming expertise of a middleware developer, or to be able to make a good case for requesting new API ''hooks'' of Microsoft's Windows that might be helpful to their new application, yet that might have the potential to become the new ''next big thing.'' (That adaptability for new or special needs is one of the great virtues of open-source operating systems like Linux as one can add new API hooks as needed and push them into the operating system when the application program loads. Microsoft, of course, is unalterably opposed to open-source software as an expropriation of their intellectual property. While that may be their legitimately chosen business strategy, it leaves them open to antitrust charges if they exercise monopoly power in pursuing such a strategy.)

In summary, the Court should carefully consider whether the negotiated settlement decree will fully and reasonably protect the public from stifling and channeling of innovation in personal computers, aside from its direct effects on competitive private parties. In particular, the Court should inquire carefully into whether the Technical Committee approach underlying the proposed consent decree, particularly with respect to general applications developers/publishers as distinguished from ''middleware'' developers is sufficient to protect the public interest in this fast moving field.

Respectfully submitted,
Robert L. Randall
The RainForest ReGeneration Institute
1727 Massachusetts Avenue NW
Washington, DC 20036
Telephone: (202) 205–3366
From: BigStrains@aol.com @inetgw
To: Microsoft ATR
Date: 1/28/02 4:38pm
Subject: Microsoft Settlement

Renata B. Hesse:

I beleive the Proposed Settlement with Microsoft is fair.It is time for the Government to move forward, lets get the economy back on its feet. This should be a good stimulus to the stock market and us individual investors.

The DOJ should spend more time going after the Enron's who have been robbing the small investors of their pensions.

John J. Strain
16 Corte Almaden
San Rafael, CA> 94903
415–492–3310
CC: fin@mobilizationoffice.com@inetgw

MTC–00028564

From: Katz, Diane S.
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/28/02 4:39pm
Subject: Microsoft
28 January 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse,

Pursuant to the Tunney Act, please accept these comments in support of the proposed settlement in the case of U.S. v. Microsoft. The Mackinac Center for Public Policy is an independent, non-profit research and educational institute dedicated to consumer choice and economic growth. Having closely followed the Microsoft case, we have concluded that consumers have largely benefited from the company's innovative products and services. In particular, the bundling of software applications has greatly enhanced consumer capability and convenience. In the absence of evidence of harm to consumers, it is in the public interest to end this protracted litigation. A settlement of the matter would allow Microsoft to focus its attention once again on producing useful products while also halting the enormous waste of taxpayers'' dollars on punishing private-sector success.

There is no question that Microsoft has proved to be an aggressive competitor. But there is no evidence of either a shortage of software products or rising prices. Indeed, the software market has grown tremendously in recent years while product prices have fallen dramatically. It thus appears that this case was largely provoked by rivals intent on gaining a competitive advantage through government force. The unjustified nature of the antitrust complaint does not warrant further punishment.

Thank you for the opportunity for comment.

Diane Katz
Director of Science Environment and Technology Policy
Mackinac Center for Public Policy
140 West Main Street
P.O. Box 568
Midland, MI 48640

MTC–00028565

From: Mark Cooper
To: Microsoft ATR
Date: 1/28/02 4:38pm
Subject'' Microsoft Settlement

Please accept the attached comments on behalf of a variety of consumer groups.

Dr. Mark N. Cooper
Director of Research
Consumer Federation of America
(www.consumerfed.org)
mailto: markcooper@aol.com
tel: 301/384–2204

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA
UNITED STATES OF AMERICA, Plaintiff, VS. MICROSOFT CORPORATION, Defendant

STATES OF NEW YORK ex rel. Attorney General ELIOT SPITZER, et al., Plaintiff, VS. MICROSOFT CORPORATION, Defendant
Civil Action No. 98–1232 (CKK)
Civil Action No. 98–1233 (CKK)

Tunney Act Comments of
Consumer Federation of AmericaCalPIRG
Connecticut Citizen Action Group
ConnPIRG
Consumer Federation of California
Consumers Union
Florida Consumer Action Network
Florida PIRG
Iowa PIRG
Massachusetts Consumers'' Coalition
MassPIRG
Media Access Project
U.S. PIRG
Submitted January 25, 2002

A FINAL JUDGMENT MUST CORRECT THE VIOLATION OF THE LAW

THE MICROSOFT-DOJ PROPOSED FINAL JUDGMENT IS NOT IN THE PUBLIC INTEREST

We find the Microsoft-Department of Justice final judgment proposal to be fundamentally flawed. It is as an entirely inadequate remedy to the sustained, egregious, illegal conduct engaged in by Microsoft to thwart competition in the software industry and protect and enhance its own monopolies. Because it fails to protect consumers, it fails to serve the public interest. It should be rejected by the District Court.

FEDERAL LAW REQUIRES PUBLIC COMMENT. THE COURT SHOULD REVIEW ALL COMMENTS

Federal antitrust law (Tunney Act, 15 U.S.C. § 16) requires the Department of Justice to ''receive and consider'' comments related to the proposed Microsoft-DOJ resolution currently under review by Judge Colleen Kollar-Kotelly of the U.S. District Court for the District of Columbia. Judge Kollar-Kotelly has ordered the Justice Department to provide to her by February 27 its response to comments received. The Tunney Act requires Judge Kollar-Kotelly, in turn, to determine whether the Microsoft-DOJ proposal is in the ''public interest'' To make that determination, she may —to our mind must— consider the competitive impact of the proposal, including:

* termination of alleged violations and prevention of future monopolization,

* provisions for enforcement and modification,

* duration or relief sought,

* anticipated effects of alternative remedies actually considered, and

* any other considerations bearing upon the adequacy of such judgment.

Under the Tunney Act, Judge Kollar-Kotelly is also given the option of reviewing the original comments provided to the Department of Justice, rather than just the DOJ's response to them. We believe that Judge Kollar-Kotelly should endeavor to read all comments submitted in this highly contentious and landmark case. We believe that the Department of Justice is institutionally disposed to give inadequate consideration to comments such as these critical to a resolution that it, along with Microsoft, has proposed.

Our comments demonstrate that determining whether the DO J-Microsoft proposal is in the public interest should be a fairly straight forward exercise. The proposal fails to terminate the antitrust violations of which Microsoft has been found guilty (at trial and on appeal). Its enforcement provisions are weak at best. It restricts Microsoft behavior for a much-too-short period of time. Myriad other problems, discussed below as well as in detailed analysis attached to these comments prepared by the Consumer Federation of America and Consumers, encumber and eviscerate an otherwise vague and loophole-fiddled settlement proposal. Finally, a strong, workable alternative remedy, advanced by the state attorneys general who continue to aggressively pursue the case, already has been submitted to the Court for review. Unlike the Microsoft-DOJ proposal, that alternative would protect consumers and the public interest. With such numerous and obvious shortcomings, the District Court should reject the Microsoft-DOJ proposal in short order.

THE PUBLIC INTEREST TEST REQUIRES THAT FINAL JUDGMENT PROTECTS CONSUMERS

We insist on such an outcome on behalf of our constituencies, who are America's average consumers. Our groups have worked on basic consumer pocketbook issues across the nation for decades, and our membership numbers in the tens of millions. We believe that the public interest in this case is properly understood to include the harms that average consumers have experienced due to Microsoft's illegally anti-competitive activities. Individual consumers ultimately paid the price of Microsoft's past abuses of monopoly power, directly and indirectly, and they will pay for a continuation of the Microsoft monopoly. Any remedy endorsed by the Court needs to benefit consumers by restoring competition in those segments of the software industry that Microsoft has monopolized or is in danger of monopolizing. We acknowledge that, considering Microsoft's long-standing unfair business practices and deeply entrenched monopoly, such a task will not be easy. It is because of these same factors, however, that it is necessary.

THE SOFTWARE INDUSTRY IS RIPE FOR COMPETITION AND DOES NOT LEND ITSELF NATURALLY TO MONOPOLY

We begin by rejecting claims that the software industry is prone to natural monopoly.

Were that the case, Microsoft would not have had to engage in its systematically anti-competitive practices to maintain and extend its monopolies. The trial record and reams of trade press accounts bear testimony to the unnatural acts embraced by Microsoft to create and protect its monopoly power over the years. These include leveraging the Windows operating system, slowing or stopping its own deployment cycle, denying access to application interfaces, threatening to deny access to its operating system, threatening to stop developing software for competing platforms, bloating the operating system with unnecessary functionality, hiding prices in whole computer configurations, compelling computer manufacturers (original equipment manufacturers, or OEMs) to use its browser, reaching pacts with other companies to deny the use of alternative browsers, and on and on. Though the Department of Justice at least appears to agree in principle that monopoly in the software industry is neither natural nor desirable, in practice its proposal—prepared jointly with Microsoft allows for the continuation, if not exacerbation, of Microsoft market power.

In our view, the software industry is ripe for competition. Competition would yield an explosion of innovation and consumer convenience. Consumers care about applications, not about operating systems. Furthermore, most consumers are inclined to invest time and money in functional applications that they reasonably feel will endure, be supported, and work compatibility with other programs and their hardware. Independent vendors are interested, therefore, in creating products that match consumer expectations.

With the entrenched Microsoft monopoly, independent developers confront an applications barrier—Microsoft has such a significant lock on the computer platform and on applications used, that many developers are dissuaded from producing new products. Should the Microsoft monopoly be broken down, developers would look to create compatible, consumer-friendly products. In fact, that is what Netscape and Sun attempted to do with Navigator and Java—create software, known as ''middleware'' because they insert themselves between the operating system and applications running on top of the middleware. Because Netscape/Java was compatible across systems, it threatened Microsoft. Microsoft's reaction was to launch an illegal campaign to crush Netscape and undermine Java.

Because Microsoft illegally undertook to prevent competition, consumers were left with products that did not honestly earn their place in the marketplace. Microsoft products have not been disciplined for price and quality by competitors because of the company's anti-competitive practices. Remove the monopoly, and an avalanche of competition —aiming towards operable standards, innovative products, and better pricing— will be unleashed. Such developments would provide undeniable benefit to consumers. The software market will support, and therefore the public interest demands, actual competition within and between markets.

THE CHALLENGE BEFORE THE COURT

MICROSOFT'S DEEP-ROOTED ANTI-COMPETITIVE BUSINESS MODEL

Detailing Microsoft's anti-competitive business model is a nearly interminable task, though it was accomplished well by the District Court in its Findings of Fact, virtually all of which were upheld on appeal. The analysis attached by Consumer Federation of America and Consumers Union describe at length the depths to which Microsoft would sink to prop up its operating system monopoly, and to conquer other markets, such as for the browser and business productivity suites. The list of corporate victims is long, and includes not just Netscape and Sun, but also IBM, Intel, and Apple. Figure 1, below, summarizes in simple terms the barriers to competition that Microsoft has repeatedly erected. We reiterate that the Department of Justice and the Court should not lose sight of the fact that such practices ultimately negatively impact individual consumers, in the forms of higher prices, reduced choice, and inferior products and service.

CONSUMERS ARE HARMED BY MICROSOFT'S ABUSE OF MARKET POWER

Microsoft's widespread, unlawful practices, which the Microsoft-DOJ proposal fails to correct, harm consumers both qualitatively and monetarily. The harms are sufficiently great to require that the Court avoid a ''quick fix.'' It is much more important to devote a reasonable amount of time to get the final judgment right and protect consumers.

Microsoft's anticompetitive practices deny consumers choice. Microsoft strictly forces computer manufacturers to buy one bundle with all of its programs preloaded and biases the screen location, start sequences and default options. As a result, it becomes substantially difficult to choose non-Microsoft products. Products tailored to meet individual consumer needs (consumer friendly configurations, small bundles) are una vailable and eventually competing products disappear from the market. Further, by foreclosing the primary channels of

distribution with exclusive contracts and other deals, Microsoft forces consumers of non-Microsoft products to acquire them in time-consuming and inconvenient ways.

FIGURE 1: HOW MICROSOFT STOPS COMPETITION AND HARMS CONSUMERS CONSUMER

DENY CUSTOMER CHOICE Force bundles so OEMs won't install competing software Control the boot screen and desktop Restrict icons and add/remove buttons

CLOSE DOWN DISTRIBUTION<5>Exclusionary deals with Internet Access Providers. Prevent computer manufacturers from preinstalling non-Microsoft products Commingling code to make it hard to preinstall non-Microsoft products

UNDERMINE FUNCTIONALITY DEVELOPMENT AND PRODUCT SUPPORT Restrict functionality Prevent developers from focusing on non-Microsoft products Deceive developers into supporting proprietary products Undermine compatibility Prevent support for competing products

SOFTWARE DEVELOPER

In addition, Microsoft's practices impair quality and innovation. Because of Microsoft's leveraging of the operating system, superior products are delayed or driven from the marketplace. The District Court noted at least six instances in which Microsoft sought to delay the development of competing products. It noted as well several instances in which it delayed the delivery of its own products to accomplish an anti-competitive purpose. Resources are denied to and investment is chilled in competing products, slowing advances in technology and rendering some libraries of content obsolete. In addition, in several instances the Court found that Microsoft had undermined the ability of software applications or middleware to function properly with the Windows operating system. Thus, Microsoft has been quite willing to undermine the quality of its own and of competing products to preserve its market dominance.

In addition to qualitative harm, consumers have suffered monetary harm. The historical behavior of prices makes it possible to draw a direct line between competition and lower prices. Eliminating competition, as Microsoft has, results in higher prices. The fact that the excess price results from a failure to pass cost reductions through to consumers does not change the fact that consumers are overcharged. Nor does the fact that consumers do not pay for the software directly. In fact, there was a substantial increase in the price of Microsoft products in the 1990s that consumers paid in the price of the PCs they purchased. Of course, consumers do pay directly in the case of upgrades and for applications.

The centerpiece of Microsoft's pricing strategy has been to increase operating system prices while other components of the delivered PC bundle have fallen. Evidence at trial gave explicit estimates of the price of operating systems. The average preinstalled price is given as $19 in 1990 and over $49 in 1996. During that time span the average Microsoft revenue for preinstalled software rose from $25 to $62. Microsoft recognizes that it has been the beneficiary of volume growth created by the falling price of the PC, which masks its increasing prices. Thus, one of the key elements in Microsoft's business model is to bury its products in bundles. This hides the price from the public and allows Microsoft to hide behind the declining price of the total package.

The Consumer Federation of America has estimated that in the five years between the start of the anticompetitive attack on the browser in 1995 and the District Court finding of liability, Microsoft overcharged consumers by about $20 billion. The economic analysis of other experts suggests overcharges of as much as $30 billion.

In addition to direct monetary costs, indirect monetary costs of the Microsoft monopoly also present themselves. Though difficult to calculate, they are no less significant, and demand to be considered. Consumers, individual and corporate, have undoubtedly lost hundreds of millions of dollars due to such issues as training, rapid upgrade cycles, software crashes, bloated bundles, debugging, service, and hardware upgrades.

WINDOWS XP/.NET, LEFT UNCHECKED, ENHANCES AND EXPANDS THE MICROSOFT MONOPOLY

Microsoft's brazen disrespect for the antitrust laws is nowhere more readily apparent than in the design of its newest bundle of products (''Windows XP,'' and the ''.NET'' initiative, hereafter referred to as ''Windows XP/.NET'). The product is so blatantly at odds with the Court's ruling Microsoft must have designed it on the mistaken assumption that Microsoft would prevail in its appeal.

The extreme reliance of ''Windows XP/.NET'' on a huge bundle of entire applications and the continued reliance on contractual and technological bundling fly in the face of the Court's cautionary words. Windows XP and the .NET initiative are a bundle of services bolted together by technological links (code embedded in the operating system), contractual requirements, and marketing leverage.

The software, applications, and services that Microsoft has bundled cover all of the functionalities that are converging on the Internet, including communications, commerce, applications, and service. Today these Internet activities are vigorously competitive, just as the browser was before Microsoft launched its victorious attack against Netscape. In other words, the anticompetitive and illegal business practices Microsoft used to win the browser war are being extended to virtually every other application that consumers use. The bundle is built on commingled code, proprietary languages, and exclusive functionalities that are promoted by restrictive licenses, refusal to support competing applications, embedded links, and deceptive messages. A strong remedy, unlike the weak one proposed by Microsoft and the Justice Department, is needed before Microsoft becomes the monopolist of virtually all computer and Internet applications.

THE PROPOSED FINAL JUDGMENT FAILS TO PROTECT INDEPENDENT SOFTWARE DEVELOPERS, COMPUTER MANUFACTURERS, AND CONSUMERS

The history of the case and our analysis of the software industry show that in order for new software to have a fair chance to compete, the remedy must:

ù create an environment in which independent software vendors and alternative platform developers are free to develop products that compete with Windows and with other Microsoft products,

* free computer manufacturers to install these products without fear of retaliation, and

* enable consumers to choose among them with equal ease as with Microsoft products.

The Microsoft-Department of Justice settlement is an abysmal failure at all three levels. Under the proposed Microsoft-Department of Justice settlement, Microsoft will be undeterred from continuing its anticompetitive business practices.

INDEPENDENT SOFTWARE VENDORS GET LITTLE RELIEF UNDER THE MICROSOFT-DOJ PROPOSAL

Independent software vendors and competing platform developers will get little relief from Microsoft's continual practice of hiding and manipulating interfaces. Microsoft has the unreviewable ability under the proposed settlement to define Windows itself. It therefore controls whether and how independent software developers will be able to write programs that run on top of the operating system. The definitions of software products and functionalities and the decisions about how to configure applications programming interfaces (APIs) are left in the hands of Microsoft to an extreme extent. As a consequence, the company will be encouraged to embed critical technical specifications deeply into the operating system and thereby prevent independent software developers from seeing them. To the extent that Microsoft would actually be required to reveal anything, it would be so late in the product development cycle that independent software developers would never be able to catch up to Microsoft's favored developers.

Furthermore, the Court of Appeals recognized that the Microsoft monopoly is protected by a large barrier to entry, as many crucial applications are available only for Windows. The proposed settlement does nothing to eliminate this ''applications barrier to entry,'' such as by requiring the porting of Microsoft Office to other PC platforms. Rather than restore competition, the Microsoft-DOJ proposal all but legalizes Microsoft's previous anticompetitive strategy and institutionalizes the Windows monopoly.

COMPUTER MANUFACTURERS HAVE LITTLE ABILITY OR INCENTIVE TO INSTALL NON-MICROSOFT PRODUCTS UNDER THE PROPOSED FINAL JUDGMENT

The Microsoft-DOJ proposal does not shield computer manufacturers from Microsoft retaliation. The restriction on retaliation against computer manufacturers leaves so many loopholes that any OEM who actually offended Microsoft's wishes would be committing commercial suicide. Microsoft is given free reign to favor some, at the expense of others, through incentives and joint ventures. It is free to withhold access to its other two monopolies (the browser and

Microsoft Office) as an inducement to favor the applications that Microsoft is targeting at new markets, inviting a repeat of the fiasco in the browser wars. Retaliation in any way, shape, fit, form, or fashion should be illegal. Any adequate remedy, unlike the Microsoft-DOJ proposal, must include a prohibition on retaliation that specifically identifies price and non- price discrimination as well as applying to all monopoly products.

CONSUMER SOVEREIGNTY IS NOT RESTORED BY THE SETTLEMENT.

Because the proposed settlement requires no removal of applications, only the hiding of icons, Microsoft preserves the ability to neuter consumer choice. The boot screen and desktop remain entirely tilted against competition. Microsoft retains the ability to be the pervasive default option and is allowed to harass consumers who switch to non-Microsoft applications. Furthermore, it still gets to sweep third party applications off the desktop, forcing consumers to choose them over and over.

GIVEN MICROSOFT'S PAST BEHAVIOR, ENFORCEMENT MUST BE SWIFT WITH SUBSTANTIAL SANCTIONS FOR NON-COMPLIANCE, BUT THE PFJ PROVIDES NO SUCH MECHANISMS

After the District Court identifies remedies that can address these problems, it must enforce them swiftly and aggressively. Microsoft has shown —through a decade of investigations, consent decrees and litigation— that it will not easily be deterred from defending and extending its monopoly. Microsoft behaves as though it believes it has the right to do anything to eradicate competition. Every one of the illegal acts that led to the District Court findings of liability, unanimously upheld on appeal, took place after Microsoft signed its last consent decree.

With three monopolies to use against its potential competitors (the Windows operating system, the Internet Explorer browser, and Office in desktop applications), enforcement must be swift and sure, or competition will never have a chance to take root. The proposed settlement offers virtually nothing in this regard. The technical committee set up to (maybe) hear complaints can be easily tied up in knots by Microsoft because of the vague language that creates it. Because of the delay in its implementation, the crucial element of API disclosure will be in place for only four years. If Microsoft violates the settlement, nothing happens to the company, except that it must ''endure'' the annoyance of this weak settlement for an additional two years. Moreover, Virtually every specific measure of the proposed settlement is either fiddled with ambiguities or put under the sole discretion of Microsoft. In other words, Microsoft defines its own sanctions. The Department of Justice and the Court must not forget that independent software vendors were the targets of Microsoft's campaign and that the competitive process in the software market was its victim. When we review the question of whether the proposed settlement will lift the yoke of anticompetitive practices from this market, we find that it will not (see Figure 2). Under the proposed settlement, Microsoft preserves immense market power and discretion. The settlement cannot work to restore competition because independent software developers will not be freed to produce software products in a competitively neutral environment. As a result, consumers will continue to suffer at the hands of the Microsoft monopolies. The proposed settlement does not serve the public interest and must be rejected.

FIGURE 2: SOFTWARE COMPETITION WILL NOT BE RESTORED BECAUSE THE SETTLEMENT DOES NOT CREATE A LEVEL PLAYING FIELD FOR INDEPENDENT SOFTWARE VENDORS

DO I HAVE A FAIR CHANCE TO HAVE CONSUMERS USE MY PRODUCT?

Consumers have to choose my software twice to get my icon on the screen.

Consumers never have to choose Microsoft's; it's still the default.

Microsoft can sweep my icon off the system every 14 days.

WILL OEMs PUT MY PRODUCT ON THE PC?

Microsoft's code is guaranteed to be in every PC, only its icons are removed.

My code gets into only those PCs that I convince OEMs to install.

Microsoft can still give OEMs ''considerations'' to promote its product.

Microsoft can engage in Joint Ventures and prevent OEMs from using mine.

Microsoft can leverage its monopoly applications to keep my products out.

WHAT APIs DO I GET TO SEE?

Only APIs for products Microsoft has already developed.

Only APIs that Microsoft has decided not to move into the operating system.

Only APIs that Microsoft decides do not compromise its piracy, virus, licensing, digital rights management, encryption or authentication systems.

WHEN DO I GET TO SEE THE APIs?

Very late in the process, after Microsoft has had a huge head start in developing its products.

MTC–00028566

From: Michael Leibowitz
To: Microsoft ATR
Date: 1/28/02 4:32pm
Subject: Microsoft Settlement

I think the proposed settlement stinks. What public good does it serve?! The enforcement provisions are a farce!

Michael Leibowitz [michael.leibowitz@cirrus.com]

Applications Engineer, Embedded Processors
Cirrus Logic, Inc.
4210 S. Industrial Dr.
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MTC–00028567

From: Michael Shaw
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 4:38pm
Subject: Microsoft Settlement
Michael Shaw
Systems Administrator
Johnson & Wales University
8 Abbott Park Place
Providence, Rhode Island 02903
P: 401–598–4357 F 401–598–1511
Michael Shaw
Johnson & Wales University
8 Abbott Park Place
Providence, RI 02903
January 27, 2002
John Ashcroft, Attorney General
Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

Based on my background and experience in the technology industry, I think that the Microsoft antitrust case should be settled on the terms that are on the table now. Obviously, the terms could be tinkered with endlessly. Still, after three months of negotiate with the mediator appointed by the new federal judge on the case, the parties should have had ample opportunity to make the agreement as good as they could get it. The terms of the agreement will make it easier to work with Microsoft, which has been a stickler for holding to its legal fight from copyright and patent infringement, to driving a hard bargain in contract negotiations. For example, Microsoft has been insisting on exclusive marketing agreements, under which a personal computer, PC, building company must put Microsoft's Windows operating system on all of its computers or not receive the legal fight to use Windows at all. The other terms reflect the same opening up of Microsoft to enable its partners, rival and competitors an even greater participation in its overwhelming, and hard earned, success. This settlement will be good from computing, and good for America.

Thank you for your leadership on this issue.

Sincerely,
Michael Shaw

MTC–00028568

From: Hamid Tabassian
To: Microsoft ATR
Date: 1/28/02 4:40pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Fax: 1–202–307–1454 or
1–202–616–9937
Email: microsoft.atr@usdoj.gov

I believe the terms that Microsoft has met or gone beyond the findings of the Court of Appeals ruling are reasonable and fair to all parties involved. Furthermore, I believe this settlement represents the best opportunity for Microsoft and the industry to move forward.

Thank you.
Hamid Tabassian
128 Sawmill Lakes Blvd
Ponte Vedra, FL 32082

MTC–00028569

From: Brian Greenwood
To: Microsoft ATR
Date: 1/28/02 4:40pm
Subject: Microsoft Settlement

Greetings,

As an executive,engineer and inventor (20+ patents) I would like to provide the following comments as the final decisions are made concerning the Microsoft Settlement.

I have been a user of Microsoft Products since buying my first personal computer in about 1983. I have also been responsible for the coordination of information technology within my employer's organization. In submitting these comments, I am not claiming to represent the official position of my current employer, but only my personal views.

The standardization in file formats and software interfaces over the years has greatly improved the ability of people to communicate with each other both within organizations and between organizations. Much of this standardization has come because people selected Microsoft's Products instead of those of other vendors. Taken as a whole, Microsoft's solutions have been superior to those offered by other vendors. The network effect of many users using a common tool has driven the level of deployment of Microsoft's products.

Do not go beyond the current settlement and impair the ability of Microsoft's engineers and programmers to create new and improve their existing software. It should not be the the role of Government to be in the middle of a company's design efforts.

The current settlement takes sufficient steps to correct the commercial missteps which were made by the Microsoft team.

Sincerely,
Brian F. Greenwood
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Cumming, Georgia 30041
email: bfgx@yahoo.com

MTC–00028570

From: Ernest W.
To: Microsoft ATR
Date: 1/28/02 4:40pm
Subject: Microsoft Settlement
US Department Of Justice,

I'm writing to offer support for Microsoft's position in the current Antitrust scenario against them. I feel that the government should NOT take adverse action against Microsoft. The marketplace will do that if the company deserves it. Other parties against Microsoft in the business realm stand to gain financially against Microsoft if the software giant gets penalized. They would therefore offer tons of reasons why Microsoft should be penalized—of course.

Please leave business matters of this sort to the marketplace and consumers instead of lawyers eager for their fees and jealous business rivals holding daggers behind them.

Thank you.
Ernest Wiatrek
19203 CR 341
Abilene, TX 79601
Ph: 915–676–4178

MTC–00028571

From: dank@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/28/02 4:39pm
Subject: Microsoft Settlement
To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
28 January 2002

Ms. Hesse, As a software engineer with 20 years'' experience developing software for Unix, Windows, Macintosh, and Linux, I'd like to comment on the Proposed Final Judgment in United States v. Microsoft. Please find my comments below. A copy of my comments is also posted on the Web at http://kegel.com/remedy/remedy2.html.

Sincerely,
Dan Kegel
901 S. Sycamore
Los Angeles, CA 90036

On the Proposed Final Judgment in United States v. Microsoft

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Introduction

As a software engineer with 20 years'' experience developing software for Unix, Windows, Macintosh, and Linux, I'd like to comment on the Proposed Final Judgment in United States v. Microsoft.

According to the Court of Appeals ruling, ''a remedies decree in an antitrust case must seek to 'unfetter a market from anticompetitive conduct', to terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future'' (section V.D., p. 99).

Attorney General John Ashcroft seems to agree; he called the proposed settlement ''strong and historic'', said that it would end ''Microsoft's unlawful conduct,'' and said ''With the proposed settlement being announced today, the Department of Justice has fully and completely addressed the anti-competitive conduct outlined by the Court of Appeals against Microsoft.''

Yet the Proposed Final Judgment allows many exclusionary practices to continue, and does not take any direct measures to reduce the Applications Barrier to Entry faced by new entrants to the market.

The Court of Appeals affirmed that Microsoft has a monopoly on Intel-compatible PC operating systems, and that the company's market position is protected by a substantial barrier to entry (p. 15). Furthermore, the Court of Appeals affirmed that Microsoft is liable under Sherman Act .7 2 for illegally maintaining its monopoly by imposing licensing restrictions on OEMs, IAPs (Internet Access Providers), ISVs (Independent Software Vendors), and Apple Computer, by requiring ISVs to switch to Microsoft's JVM (Java Virtual Machine), by deceiving Java developers, and by forcing Intel to drop support for cross-platform Java tools.

The fruits of Microsoft's statutory violation include a strengthened Applications Barrier to Entry and weakened competition in the Intel-compatible operating system market; thus the Final Judgment must find a direct way of reducing the Applications Barrier to Entry, and of increasing such competition.

In the following sections I outline the basic intent of the proposed final judgment, point out areas where the intent and the implementation appear to fall short, and propose amendments to the Proposed Final Judgment (or PFJ) to address these concerns.

Please note that this document is still evolving. Feedback is welcome; to comment on this document, please join the mailing list at groups.yahoo.com/group/ms-remedy, or email me directly at dank-ms@kegel.com.

Understanding the Proposed Final Judgment

In crafting the Final Judgment, the judge will face the following questions:

* How should terms like ''API'', ''Middleware'', and ''Windows OS'' be defined?

* How should the Final Judgment erode the Applications Barrier to Entry?

* How should the Final Judgment be enforced?

* What information needs to be released to ISVs to encourage competition, and under what terms?

* Which practices towards OEMs should be prohibited?

* Which practices towards ISVs should be prohibited?

* Which practices towards large users should be prohibited?

* Which practices towards end users should be prohibited?

Here is a very rough summary which paraphrases provisions III.A through III.J and VI. of the Proposed Final Judgment to give some idea of how the PFJ proposes to answer those questions:

PFJ Section III: Prohibited Conduct

A. Microsoft will not retaliate against OEMs who support competitors to Windows, Internet Explorer (IE), Microsoft Java (MJ), Windows Media Player (WMP), Windows Messenger (WM), or Outlook Express (OE).

B. Microsoft will publish the wholesale prices it charges the top 20 OEMs (Original Equipment Manufacturers) for Windows.

C. Microsoft will allow OEMs to customize the Windows menus, desktop, and boot sequence, and will allow the use of non-Microsoft bootloaders.

D. Microsoft will publish on MSDN (the Microsoft Developer Network) the APIs used by IE, MJ, WMP, WM, and OE, so that competing web browsers, media players, and

email clients can plug in properly to Windows.

E. Microsoft will license on reasonable terms the network protocols needed for non-Microsoft applications or operating systems to connect to Windows servers.

F. Microsoft will not force business partners to refrain from supporting competitors to Windows, IE, M J, WMP, WM, or OE.

G. (Roughly same as F above.)

H. Microsoft will let users and OEMs remove icons for IE, MJ, WMP, WM, and OE, and let them designate competing products to be used instead.

I. Microsoft will license on reasonable terms any intellectual property rights needed for other companies to take advantage of the terms of this settlement.

J. This agreement lets Microsoft keep secret anything having to do with security or copy protection.

PFJ Section VI: Definitions

A. ''API'' (Application Programming Interface) is defined as only the interfaces between Microsoft Middleware and Microsoft Windows, excluding Windows APIs used by other application programs.

K. ''Microsoft Middleware Product'' is defined as Internet Explorer (IE), Microsoft lava (MJ), Windows Media Player (WMP), Windows Messenger (WM), and Outlook Express (OE).

U. ''Windows Operating System Product'' is defined as Windows 2000 Professional, Windows XP Home, and Windows XP Professional.

The agreement can be summed up in one breath as follows: Microsoft agrees to compete somewhat less vigorously, and to let competitors interoperate with Windows in exchange for royalty payments.

Considering all of the above, one should read the detailed terms of the Proposed Final Judgment, and ask one final question:

* Is the Proposed Final Judgment in the public interest?

In the sections below, I'll look in more detail at how the PFJ deals with the above questions. How should terms like ''API'', ''Middleware, and ''Windows OS'' be defined?

The definitions of various terms in Part VI of the PFJ differ from the definitions in the Findings of Fact and in common usage, apparently to Microsoft's benefit. Here are some examples:

Definition A: ''API''

The Findings of Fact (? 2) define ''API'' to mean the interfaces between application programs and the operating system. However, the PFJ's Definition A defines it to mean only the interfaces between Microsoft Middleware and Microsoft Windows, excluding Windows APIs used by other application programs. For instance, the PFJ's definition of API might omit important APIs such as the Microsoft Installer APIs which are used by installer programs to install software on Windows.

Definition J: ''Microsoft Middleware''

The Findings of Fact (? 28) define ''middleware'' to mean application software that itself presents a set of APIs which allow users to write new applications without reference to the underlying operating system. Definition J defines it in a much more restrictive way, and allows Microsoft to exclude any software from being covered by the definition in two ways:

1. By changing product version numbers. For example, if the next version of Internet Explorer were named ''7.0.0'' instead of ''7'' or ''7.0'', it would not be deemed Microsoft Middleware by the PFJ.

2. By changing how Microsoft distributes Windows or its middleware. For example, if Microsoft introduced a version of Windows which was only available via the Windows Update service, then nothing in that version of Windows would be considered Microsoft Middleware, regardless of whether Microsoft added it initially or in a later update. This is analogous to the loophole in the 1995 consent decree that allowed Microsoft to bundle its browser by integrating it into the operating system.

Definition K: ''Microsoft Middleware Product''

Definition K defines ''Microsoft Middleware Product'' to mean essentially Internet Explorer (IE), Microsoft Java (MJ), Windows Media Player (WMP), Windows Messenger (WM), and Outlook Express (OE).

The inclusion of Microsoft Java and not Microsoft. NET is questionable; Microsoft has essentially designated Microsoft. NET and C# as the successors to Java, so on that basis one would expect Microsoft. NET to be included in the definition.

The inclusion of Outlook Express and not Outlook is questionable, as Outlook (different and more powerful than Outlook Express) is a more important product in business, and fits the definition of middleware better than Outlook Express.

The exclusion of Microsoft Office is questionable, as many components of Microsoft Office fit the Finding of Fact's definition of middleware. For instance, there is an active market in software written to run on top of Microsoft Outlook and Microsoft Word, and many applications are developed for Microsoft Access by people who have no knowledge of Windows APIs.

Definition U: ''Windows Operating System Product'' Microsoft's monopoly is on Intel-compatible operating systems. Yet the PFJ in definition U defines a ''Windows Operating System Product'' to mean only Windows 2000 Professional, Windows XP Home, Windows XP Professional, and their successors. This purposely excludes the Intel-compatible operating systems Windows XP Tablet PC Edition and Windows CE; many applications written to the Win32 APIs can run unchanged on Windows 2000, Windows XP Tablet PC Edition, and Windows CE, and with minor recompilation, can also be run on Pocket PC. Microsoft even proclaims at www.microsoft.com/windowsxp/tabletpc/tabletpcqanda.asp:

''The Tablet PC is the next-generation mobile business PC, and it will be available from leading computer makers in the second half of 2002. The Tablet PC runs the Microsoft Windows XP Tablet PC Edition and features the capabilities of current business laptops, including attached or detachable keyboards and the ability to run Windows-based applications.''

and

Pocket PC: Powered by Windows Microsoft is clearly pushing Windows XP Tablet PC Edition and Pocket PC in places (e.g. portable computers used by businessmen) currently served by Windows XP Home Edition, and thus appears to be trying to evade the Final Judgment's provisions. This is but one example of how Microsoft can evade the provisions of the Final Judgment by shifting its efforts away from the Operating Systems listed in Definition U and towards Windows XP Tablet Edition, Windows CE, Pocket PC, X-Box, or some other Microsoft Operating System that can run Windows applications.

How should the Final Judgment erode the Applications Barrier to Entry?

The PFJ tries to erode the Applications Barrier to Entry in two ways:

1. By forbidding retaliation against OEMs, ISVs, and IHVs who support or develop alternatives to Windows.

2. By taking various measures to ensure that Windows allows the use of non-Microsoft middleware. A third option not provided by the PFJ would be to make sure that Microsoft raises no artificial barriers against non-Microsoft operating systems which implement the APIs needed to run application programs written for Windows. The Findings of Fact (?52) considered the possibility that competing operating systems could implement the Windows APIs and thereby directly run software written for Windows as a way of circumventing the Applications Barrier to Entry. This is in fact the route being taken by the Linux operating system, which includes middleware (named WINE) that can run many Windows programs.

By not providing some aid for ISVs engaged in making Windows-compatible operating systems, the PFJ is missing a key opportunity to encourage competition in the Intel-compatible operating system market. Worse yet, the PFJ itself, in sections III.D. and III.E., restricts information released by those sections to be used ''for the sole purpose of interoperating with a Windows Operating System Product''. This prohibits ISVs from using the information for the purpose of writing operating systems that interoperate with Windows programs. How should the Final Judgment be enforced?

The PFJ as currently written appears to lack an effective enforcement mechanism. It does provide for the creation of a Technical Committee with investigative powers, but appears to leave all actual enforcement to the legal system.

What information needs to be released to ISVs to encourage competition, and under what terms? The PFJ provides for increased disclosure of technical information to ISVs, but these provisions are flawed in several ways:

1. The PFJ fails to require advance notice of technical requirements

Section III.H.3. of the PFJ requires vendors of competing middleware to meet ''reasonable technical requirements'' seven months before new releases of Windows, yet it does not require Microsoft to disclose those requirements in advance. This allows Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

2. API documentation is released too late to help ISVs Section III.D. of the PFJ requires

Microsoft to release via MSDN or similar means the documentation for the APIs used by Microsoft Middleware Products to interoperate with Windows; release would be required at the time of the final beta test of the covered middleware, and whenever a new version of Windows is sent to 150,000 beta testers. But this information would almost certainly not be released in time for competing middleware vendors to adapt their products to meet the requirements of section III.H.3, which states that competing middleware can be locked out if it fails to meet unspecified technical requirements seven months before the final beta test of a new version of Windows.

3. Many important APIs would remain undocumented

The PFJ's overly narrow definitions of ''Microsoft Middleware Product'' and ''API'' means that Section III.D.'s requirement to release information about Windows interfaces would not cover many important interfaces.

4. Unreasonable Restrictions are Placed on the Use of the Released Documentation

ISVs writing competing operating systems as outlined in Findings of Fact (?52) sometimes have difficulty understanding various undocumented Windows APIs. The information released under section III.D. of the PFJ would aid those ISVs—except that the PFJ disallows this use of the information. Worse yet, to avoid running afoul of the PFJ, ISVs might need to divide up their engineers into two groups: those who refer to MSDN and work on Windows-only applications; and those who cannot refer to MSDN because they work on applications which also run on non-Microsoft operating systems. This would constitute retaliation against ISVs who support competing operating systems.

5. File Formats Remain Undocumented

No part of the PFJ obligates Microsoft to release any information about file formats, even though undocumented Microsoft file formats form part of the Applications Barrier to Entry (see ''Findings of Fact'' ?20 and ? 39).

6. Patents covering the Windows APIs remain undisclosed

Section III.I of the PFJ requires Microsoft to offer to license certain intellectual property rights, but it does nothing to require Microsoft to clearly announce which of its many software patents protect the Windows APIs (cf. current practice at the World Wide Web Consortium, http://www.w3.org/TR/patent-practice). This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users, as illustrated by this report from Codeweavers, Inc.:

When selecting a method of porting a major application to Linux, one prospect of mine was comparing Wine [a competing implementation of some of the Windows APIs] and a toolkit called 'MainWin'. MainWin is made by Mainsoft, and Mainsoft licenses its software from Microsoft. However, this customer elected to go with the Mainsoft option instead. I was told that one of the key decision making factors was that Mainsoft representatives had stated that Microsoft had certain critical patents that Wine was violating. My customer could not risk crossing Microsoft, and declined to use Wine. I didn't even have a chance to determine which patents were supposedly violated; nor to disprove the validity of this claim.

The PFJ, by allowing this unclear legal situation to continue, is inhibiting the market acceptance of competing operating systems.

Which practices towards OEMs should be prohibited?

The PFJ prohibits certain behaviors by Microsoft towards OEMs, but curiously allows the following exclusionary practices:

Section III.A.2. allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

Section III.B. requires Microsoft to license Windows on uniform terms and at published prices to the top 20 OEMs, but says nothing about smaller OEMs. This leaves Microsoft free to retaliate against smaller OEMs, including important regional 'white box'' OEMs, if they offer competing products.

Section III.B. also allows Microsoft to offer unspecified Market Development Allowances—in effect, discounts—to OEMs. For instance, Microsoft could offer discounts on Windows to OEMs based on the number of copies of Microsoft Office or Pocket PC systems sold by that OEM. In effect, this allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas, such as office software or ARM-compatible operating systems.

By allowing these practices, the PFJ is encouraging Microsoft to extend its monopoly in Intel-compatible operating systems, and to leverage it into new areas.

Which practices towards ISVs should be prohibited?

Sections III.F. and III.G. of the PFJ prohibit certain exclusionary licensing practices by Microsoft towards ISVs.

However, Microsoft uses other exclusionary licensing practices, none of which are mentioned in the PFJ.

Several of Microsoft's products'' licenses prohibit the products'' use with popular non-Microsoft middleware and operating systems. Two examples are given below.

1. Microsoft discriminates against ISVs who ship Open Source or Free Software applications

The Microsoft Windows Media Encoder 7.1 SDK EULA states ... you shall not distribute the REDISTRIBUTABLE COMPONENT in conjunction with any Publicly Available Software. ''Publicly Available Software'' means each of (i) any software that contains, or is derived in any manner (in whole or in part) from, any software that is distributed as free software, open source software (e.g. Linux) or similar licensing or distribution models ... Publicly Available Software includes, without limitation, software licensed or distributed under any of the following licenses or distribution models, or licenses or distribution models similar to any of the following: GNU's General Public License (GPL) or Lesser/Library GPL (LGPL); The Artistic License (e.g., PERL); the Mozilla Public License; the Netscape Public License; the Sun Community Source License (SCSL); ...

Many Windows APIs, including Media Encoder, are shipped by Microsoft as add-on SDKs with associated redistributable components. Applications that wish to use them must include the add-ons, even though they might later become a standard part of Windows.

Microsoft often provides those SDKs under End User License Agreements (EULAs) prohibiting their use with Open Source or Free Software applications. This harms ISVs who choose to distribute their applications under Open Source or Free Software licenses; they must hope that the enduser has a sufficiently up-to-date version of the addon API installed, which is often not the case.

Applications potentially harmed by this kind of EULA include the competing middleware product Netscape 6 and the competing office suite StarOffice; these EULAs thus can cause support problems for, and discourage the use of, competing middleware and office suites.

Additionally, since Open Source or Free Software applications tend to also run on non-Microsoft operating systems, any resulting loss of market share by Open Source or Free Software applications indirectly harms competing operating systems.

2. Microsoft discriminates against ISVs who target Windows-compatible competing Operating Systems The Microsoft Platform SDK, together with Microsoft Visual C++, is the primary toolkit used by ISVs to create Windows-compatible applications. The Microsoft Platform SDK EULA says:

''Distribution Terms. You may reproduce and distribute ... the Redistributable Components... provided that (a) you distribute the Redistributable Components only in conjunction with and as a part of your Application solely for use with a Microsoft Operating System Product...'' This makes it illegal to run many programs built with Visual C++ on Windows-compatible competing operating systems.

By allowing these exclusionary behaviors, the PFJ is contributing to the Applications Barrier to Entry faced by competing operating systems.

Which practices towards large users should be prohibited?

The PFJ places restrictions on how Microsoft licenses its products to OEMs, but not on how it licenses products to large users such as corporations, universities, or state and local governments, collectively referred to as 'enterprises'. Yet enterprise license agreements often resemble the per-processor licenses which were prohibited by the 1994 consent decree in the earlier US v. Microsoft antitrust case, in that a fee is charged for each desktop or portable computer which could run a Microsoft operating system, regardless of whether any Microsoft software is actually installed on the affected computer. These agreements are anticompetitive because they remove any financial incentive for individuals or departments to run non-Microsoft software.

Which practices towards end users should be prohibited?

Microsoft has used both restrictive licenses and intentional incompatibilities to discourage users from running Windows

applications on Windows-compatible competing operating systems. Two examples are given below.

1. Microsoft uses license terms which prohibit the use of Windows-compatible competing operating systems MSNBC (a subsidiary of Microsoft) offers software called NewsAlert. Its EULA states ''MSNBC Interactive grants you the right to install and use copies of the SOFTWARE PRODUCT on your computers running validly licensed copies of the operating system for which the SOFTWARE PRODUCT was designed [e.g., Microsoft Windows(r) 95; Microsoft Windows NT(r), Microsoft Windows 3.x, Macintosh, etc.] .... ''

Only the Windows version appears to be available for download. Users who run competing operating systems (such as Linux) which can run some Windows programs might wish to run the Windows version of NewsAlert, but the EULA prohibits this. MSNBC has a valid interest in prohibiting use of pirated copies of operating systems, but much narrower language could achieve the same protective effect with less anticompetitive impact. For instance, ''MSNBC Interactive grants you the fight to install and use copies of the SOFTWARE PRODUCT on your computers running validly licensed copies of Microsoft Windows or compatible operating system.''

2. Microsoft created intentional incompatibilities in Windows 3.1 to discourage the use of non-Microsoft operating systems

An episode from the 1996 Caldera v. Microsoft antitrust lawsuit illustrates how Microsoft has used technical means anticompetitively.

Microsoft's original operating system was called MS-DOS. Programs used the DOS API to call up the services of the operating system. Digital Research offered a competing operating system, DR–DOS, that also implemented the DOS API, and could run programs written for MS–DOS. Windows 3.1 and earlier were not operating systems per se, but rather middleware that used the DOS API to interoperate with the operating system.

Microsoft was concerned with the competitive threat posed by DR-DOS, and added code to beta copies of Windows 3. I so it would display spurious and misleading error messages when run on DR-DOS. Digital Research's successor company, Caldera, brought a private antitrust suit against Microsoft in 1996. (See the original complaint, and Caldera's consolidated response to Microsoft's motions for partial summary judgment.) The judge in the case ruled that ''Caldera has presented sufficient evidence that the incompatibilities alleged were part of an anticompetitive scheme by Microsoft.''

That case was settled out of court in 1999, and no court has fully explored the alleged conduct. The concern here is that, as competing operating systems emerge which are able to run Windows applications, Microsoft might try to sabotage Windows applications, middleware, and development tools so that they cannot run on non-Microsoft operating systems, just as they did earlier with Windows 3.1.

The PFJ as currently written does nothing to prohibit these kinds of restrictive licenses and intentional incompatibilities, and thus encourages Microsoft to use these techniques to enhance the Applications Barrier to Entry, and harming those consumers who use non-Microsoft operating systems and wish to use Microsoft applications software.

Is the Proposed Final Judgment in the public interest?

The problems identified above with the Proposed Final Judgment can be summarized as follows:

* The PFJ doesn't take into account Windows-compatible competing operating systems

o Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

* The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

?? The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

?? The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

?? The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft. NET with competing middleware.

?? The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertised as being ''Windows Powered''.

?? The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

?? The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

?? The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

?? The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

?? The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

* The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

?? Microsoft currently uses restrictive licensing terms to keep Open Source or Free Software apps from running on Windows.

?? Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

?? Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running Linux. (Similar licenses to OEMs were once banned by the 1994 consent decree.)

* The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

?? Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

* The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

?? The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

?? The PFJ allows Microsoft to discriminate against small OEMs—including regional 'white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

?? The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

* The PFJ as currently written appears to lack an effective enforcement mechanism. Considering these problems, one must conclude that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, and would delay the emergence of competing Windows-compatible operating systems.

Therefore, the Proposed Final Judgment is not in the public interest, and should not be adopted without addressing these issues.

Strengthening the PFJ

The above discussion shows that the PFJ does not satisfy the Court of Appeals'' mandate. Some of the plaintiff States have proposed an alternate settlement which fixes many of the problems identified above. The States'' proposal is quite different from the PFJ as a whole, but it contains many elements which are similar to elements of the PFJ, with small yet crucial changes.

In the sections below, I suggest amendments to the PFJ that attempt to resolve some of the demonstrated problems (time pressure has prevented anything like a complete list of amendments). When discussing amendments, PFJ text is shown indented; removed text in shown in [bracketed strikeout], and new text in bold italics.

Correcting the PFJ's definitions

Time constraints do not permit a complete list of needed changes. As an example, Definition U should be amended to read U. ''Windows Operating System Product'' means [the software code (as opposed to source code) distributed commercially by Microsoft for use with Personal Computers as Windows 2000 Professional, Windows XP Home, Windows XP Professional, and

successors to the foregoing, including the Personal Computer versions of the products currently code named ''Longhorn'' and ''Blackcomb'' and their successors, including upgrades, bug fixes, service packs, etc. The software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion.] any software or firmware code distributed commercially by Microsoft that is capable of executing any nontrivial subset of the Win32 APIs, including without exclusion Windows 2000 Professional, Windows XP Home, Windows XP Professional, Windows XP Tablet PC Edition, Windows CE, PocketPC 2002, and successors to the foregoing, including the products currently code named ''Longhorn'' and ''Blackcomb'' and their successors, including upgrades, bug fixes, service packs, etc.

Release of Information

Because any new competitor in the Intel-compatible operating system market must be able to run Windows applications to have a chance in the market, and because Microsoft has traditionally used undocumented Windows APIs as part of the Applications Barrier to Entry, the Final Judgment should provide explicitly for a clear definition of what APIs a competing operating system must provide to run Windows applications.

The best way to do this is by submitting the API definitions to a standards body. This was done in 1994 for the Windows 3.1 APIs (see Sun's 1994 press release about WABI 2.0 and the Public Windows Initiative).

The result is Standard ECMA–234: Application Programming Interface for Windows (APIW), which provides standard definitions for an essential subset (four hundred and forty-four out of the roughly one thousand) of the Windows 3.1 APIs; it was rendered mostly obsolete by the switch to Windows 95. The Final Judgment should provide for the creation of something like ECMA–234 for the various modem versions of Windows.

Because Microsoft currently claims that it has intellectual property rights that protect the Windows APIs, but has never spelled out exactly which patents cover which APIs, the Final Judgment should force this to be spelled out.

To achieve the above goals, the PFJ should be modified as follows:

First, Sections III.D and III.E should be amended to remove the restriction on the use of the disclosed information:

... Microsoft shall disclose ... [for the sole purpose of interoperating with a Windows Operating System Product,] for the purpose of interoperating with a Windows Operating System Product or interoperating with application software written for Windows,

Second, a new section IV.E should be created as follows:

E. Establishment of a Windows API Standards Expert Group

1. Within 60 days of entry of this Final Judgment, the parties shall create and recommend to the Court for its appointment a six person Windows API Standards Expert Group (''WASEG'') to manage the creation, publication, and maintenance of a Windows APIs Standards Definition (''WASD'') and associated Windows APIs Standard Compliance Test Suite (''WASCTS''), and to guide the WASD through the process of being adopted by a standards body such as ECMA or the IEEE.

The WASD shall be a document, suitable for approval by a standards body such as ECMA or IEEE, which accurately defines the inputs, outputs, and behavior of each Windows API, and enumerates any Essential Claims.

The WASCTS shall be software source code which, when compiled and run, automatically tests an operating system for compliance with the WASD, and produces a list of APIs which fail to comply with the WASD. The test suite should run unattended; that is, it should be capable of running without human interaction or supervision.

2. Three of the WASEG members shall be experts in software design and programming, and three of the WASEG members shall be experts in intellectual property law. No WASEG member shall have a conflict of interest that could prevent him or her from performing his or her duties under this Final Judgment in a fair and unbiased manner. No WASEG member shall have entered into any non-disclosure agreement that is still in force with Microsoft or any competitor to Microsoft, nor shall she or he enter into such an agreement during her or his term on the WASEG. Without limitation to the foregoing, no WASEG member shall have been employed in any capacity by Microsoft or any competitor to Microsoft within the past year, nor shall he or she be so employed during his or her term on the WASEG.

3. Within seven days of entry of this Final Judgment, the Plaintiffs as a group shall select two software experts and two intellectual property law experts to be members of the WASEG, and Microsoft shall select one software expert and one intellectual property law expert to be members of the WASEG; the Plaintiffs shall then apply to the Court for appointment of the persons selected by the Plaintiffs and Microsoft pursuant to this section.

4. Each WASEG member shall serve for an initial term of 30 months. At the end of a WASEG member's initial 30-month term, the party that originally selected him or her may, in its sole discretion, either request re-appointment by the Court to a second 30-month term or replace the WASEG member in the same manner as provided for above.

5. If the United States or a majority of the Plaintiffs determine that a member of the WASEG has failed to act diligently and consistently with the purposes of this Final Judgment, or if a member of the WASEG resigns, or for any other reason ceases to serve in his or her capacity as a member of the WASEG, the person or persons that originally selected the WASEG member shall select a replacement member in the same manner as provided for above.

6. Promptly after appointment of the WASEG by the Court, the United States shall enter into a Windows API Expert Group services agreement (''WASEG Services Agreement'') with each WASEG member that grants the rights, powers and authorities necessary to permit the WASEG to perform its duties under this Final Judgment. Microsoft shall indemnify each WASEG member and hold him or her harmless against any losses, claims, damages, liabilities or expenses arising out of, or in connection with, the performance of the WASEG's duties, except to the extent that such liabilities, losses, damages, claims, or expenses result from misfeasance, gross negligence, willful or wanton acts, or bad faith by the WASEG member. The WASEG Services Agreements shall include the following:

a. The WASEG members shall serve, without bond or other security, at the cost and expense of Microsoft on such terms and conditions as the Plaintiffs approve, including the payment of reasonable fees and expenses.

b. The WASEG Services Agreement shall provide that each member of the WASEG shall comply with the limitations provided for in section IV.E.2. above.

7. Microsoft shall provide the WASEG with funds needed to procure office space, telephone, other office support facilities, consultants, or contractors required by the WASEG.

8. The WASEG shall not have direct access to any part of Microsoft's computer software source code that is not normally available to all ISVs. The WASEG shall not enter into any non-disclosure agreements with Microsoft or third parties. No implementations of any Windows APIs shall be written or published by the WASEG.

9. The WASEG shall have the following powers and duties:

a. The WASEG may require Microsoft to provide comprehensive answers to questions about Microsoft intellectual property claims.

b. The WASEG may require Microsoft to provide comprehensive answers to questions about the inputs, outputs, and functionality of any Windows

API; in particular, the WASEG may compel Microsoft to provide complete documentation for Windows APIs, including hitherto undocumented or poorly-documented Windows APIs.

c. The WASEG may engage, at the cost and expense of Microsoft, the services of outside consultants and contractors as required to fulfill the duties of the WASEG.

d. The WASEG shall establish a publicly available web she not owned or otherwise controlled by Microsoft, and will publish status reports and other information there at least as often as once per month. Documentation on the web site shall be made available subject to the terms of the GNU Free Documentation License; test suite source code made available on the web site shall be made available subject to the terms of the GNU General Public License.

e. The WASEG shall compile to the best of their ability a complete list of Windows APIs, including for each API the DLL name, entry point name, entry point ordinal number, return value type, and parameter types, as well as which versions of Windows it is supported by and an estimate of what percentage of Popular Windows Applications use it. The WASEG shall publish this list on the WASEG web site subject to the GNU Free Documentation License, according to the following schedule: Within 90 days after the WASEG is convened, the WASEG shall

publish this information for at least five hundred Windows APIs. On the 1st of each month thereafter, the WASEG shall publish this information for another five hundred Windows APIs. This shall continue until a complete list of Windows APIs is available on the web site. The WASEG shall update the list periodically to add previously unlisted Windows APIs. The WASEG shall periodically check the list for completeness by installing and running a representative sample of Popular Windows Applications and Microsoft Middleware while using tools such as Apius from Sarion Systems Research to watch the Windows APIs actually invoked by the product or its installer. The WASEG shall also set up a way for third parties to report Windows APIs which should be listed, and shall update its list of Windows APIs accordingly as appropriate.

f. The WASEG shall compile a complete list of Essential Claims, and an evaluation of which Windows APIs each Essential Claim covers. The WASEG shall publish this information on the WASEG web site subject to the GNU Free Documentation License, according to the following schedule:

Within 90 days after the WASEG publishes a portion of the list of Windows APIs on its web site, Microsoft shall deliver to the WASEG a list of the Essential Claims that cover the published Windows APIs. Within 90 days after the WASEG receives the list of Essential Claims, the WASEG shall publish its evaluation of which APIs those Essential Claims cover. This shall continue until such evaluations for all Essential Claims have been published on the WASEG web site.

g. The WASEG shall compile documentation for the list of Windows APIs defined above in section IV.E.9.e, including a complete description of the meanings of the return values and parameters, and the effects of the API. The documentation should be composed in a style similar to that used for the Single Unix Specification documentation (http://www.UNIX-systems.org/go/unix). Within 180 days after the WASEG is convened, and on the 1st of every month thereafter until complete, the WASEG will make available the currently completed portion of this documentation via its web site.

h. When the three documents described above—the list of Windows APIs, the list of Essential Claims and which Windows APIs they cover, and the documentation for the listed Windows APIs—is complete, the WASEG shall undertake to submit them to a standards body such as ECMA or the IEEE as a Draft WASD Document, and to make such enhancements and revisions as needed to gain the acceptance of that document as a standard.

i. The WASEG shall create a WASCTS, and publish it on the WASEG web site subject to the GNU General Public License, according to the following schedule: Within 180 days after the WASEG is convened, the WASEG shall publish test cases for at least one hundred Windows APIs. On the 1st of each month thereafter, the WASEG shall publish test cases for at least another one hundred Windows APIs. This shall continue until a complete WASCTS is available on the web site.

j. In the event that a planned update to Windows or any other Microsoft product is expected to result in the creation of new Windows APIs or Essential Claims, or WASEG's list of Windows APIs is updated, the WASEG shall create addenda to the WASD and WASCTS covering the new Windows APIs or Essential Claims, make them available via its web site, and undertake to submit them to the same standards body as above as an addendum to the standard.

Third, in section VI, Definition A should be amended to read

A. ''Application Programming Interfaces (APIs)'' means the interfaces, including any associated callback interfaces, that [Microsoft Middleware running on a Windows Operating System Product uses to call upon that Windows Operating System Product in order to obtain any services from that Windows Operating System Product.] Microsoft Middleware or Popular Windows Applications running or being installed on a Windows Operating System Product use to call upon that Windows Operating System Product or Microsoft Middleware in order to obtain any services from that Windows Operating System Product or Microsoft Middleware.

and two new definitions should be added:

V. ''Popular Windows Applications'' means the top 10 selling applications as reported by NPD Intelect Market Tracking in each of the categories

Business, Education, Finance, Games, Personal Productivity, and Reference, plus all Microsoft Middleware Products.

W. ''Essential Claims'' shall mean all claims in any patent or patent application, in any jurisdiction in the world, that Microsoft owns, or under which Microsoft has the right to grant licenses without obligation of payment or other consideration to an unrelated third party, that would necessarily be infringed by implementation of the Windows APIs Standard Definition by a competing Operating System. A claim is necessarily infringed hereunder only when it is not possible to avoid infringing it because there is no non-infringing alternative for implementing the required portion of the Windows APIs Standard Definition.

The following are expressly excluded from and shall not be deemed to constitute Essential Claims:

1. any claims other than as set forth above even if contained in the same patent as Essential Claims; and

2. claims which would be infringed only by portions of an implementation that are not required by the Windows APIs Standard Definition, or enabling technologies that may be necessary to make or use any product or portion thereof that complies with the Windows APIs Standard Definition but are not themselves expressly set forth in the Windows APIs Standard Definition (e.g., compiler technology, object-oriented technology, etc.) or the implementation of technology developed elsewhere and merely incorporated by reference in the body of the Windows APIs Standard Definition.

Prohibition of More Practices Toward OEMs

? III. A. 2. of the Proposed Final Judgment should be amended to read

2. shipping a Personal Computer that (a) includes both a Windows Operating System Product and a non-Microsoft Operating System, or (b) will boot with more than one Operating System, or (c) includes a non-Microsoft Operating System but no Windows Operating System Product; or...

Summary

This document demonstrates that there are so many problems with the PFJ that it is not in the public interest. It also illustrates how one might try to fix some of these problems.

Dan Kegel
28 January 2002
To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
28 January 2002

Ms. Hesse,

As a software engineer with 20 years'' experience developing software for Unix, Windows, Macintosh, and Linux, I'd like to comment on the Proposed Final Judgment in United States v. Microsoft.

Please find my comments below. A copy of my comments is also posted on the Web at http://kegel.com/remedy/remedy2.html.

Sincerely,
Dan Kegel
901 S. Sycamore
Los Angeles, CA 90036

On the Proposed Final Judgment in United States
v. Microsoft
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Introduction

As a software engineer with 20 years'' experience developing software for Unix, Windows, Macintosh, and

Linux, I'd like to comment on the Proposed Final Judgment in United States v. Microsoft.

According to the Court of Appeals ruling, ''a remedies decree in an antitrust case must

seek to unfetter a market from anticompetitive conduct'', to terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future'' (section V.D., p. 99).

Attorney General John Ashcroft seems to agree; he called the proposed settlement ''strong and historic'', said that it would end ''Microsoft's unlawful conduct,'' and said ''With the proposed settlement being announced today, the Department of Justice has fully and completely addressed the anti-competitive conduct outlined by the Court of Appeals against Microsoft.''

Yet the Proposed Final Judgment allows many exclusionary practices to continue, and does not take any direct measures to reduce the Applications Barrier to Entry faced by new entrants to the market.

The Court of Appeals affirmed that Microsoft has a monopoly on Intel-compatible PC operating systems, and that the company's market position is protected by a substantial barrier to entry (p. 15). Furthermore, the Court of Appeals affirmed that Microsoft is liable under Sherman Act * 2 for illegally maintaining its monopoly by imposing licensing restrictions on OEMs, IAPs (Internet Access Providers), ISVs (Independent Software Vendors), and Apple Computer, by requiring ISVs to switch to Microsoft's JVM (Java Virtual Machine), by deceiving Java developers, and by forcing Intel to drop support for cross-platform Java tools.

The fruits of Microsoft's statutory violation include a strengthened Applications Barrier to Entry and weakened competition in the Intel-compatible operating system market; thus the Final Judgment must find a direct way of reducing the Applications Barrier to Entry, and of increasing such competition.

In the following sections I outline the basic intent of the proposed final judgment, point out areas where the intent and the implementation appear to fall short, and propose amendments to the Proposed Final Judgment (or PFJ) to address these concerns.

Please note that this document is still evolving. Feedback is welcome; to comment on this document, please join the mailing list at groups.yahoo.com/group/ms-remedy, or email me directly at dank-ms@kegel.com.

Understanding the Proposed Final Judgment

In crafting the Final Judgment, the judge will face the following questions:

* ù How should terms like ''API'', ''Middleware'', and ''Windows OS'' be defined?

* ù How should the Final Judgment erode the Applications Barrier to Entry?

* ù How should the Final Judgment be enforced?

* ù What information needs to be released to ISVs to encourage competition, and under what terms?

* ù Which practices towards OEMs should be prohibited?

* Which practices towards ISVs should be prohibited?

* Which practices towards large users should be prohibited?

* ù Which practices towards end users should be prohibited?

Here is a very rough summary which paraphrases provisions III.A through III.J and VI. of the Proposed Final Judgment to give some idea of how the PFJ proposes to answer those questions:

PFJ Section III: Prohibited Conduct

A. Microsoft will not retaliate against OEMs who support competitors to Windows, Internet Explorer (IE), Microsoft Java (MJ), Windows Media Player (WMP), Windows Messenger (WM), or Outlook Express (OE).

B. Microsoft will publish the wholesale prices it charges the top 20 OEMs (Original Equipment Manufacturers) for Windows.

C. Microsoft will allow OEMs to customize the Windows menus, desktop, and boot sequence, and will allow the use of non-Microsoft bootloaders.

D. Microsoft will publish on MSDN (the Microsoft Developer Network) the APIs used by IE, MJ, WMP, WM, and OE, so that competing web browsers, media players, and email clients can plug in properly to Windows.

E. Microsoft will license on reasonable terms the network protocols needed for non-Microsoft applications or operating systems to connect to Windows servers.

F. Microsoft will not force business partners to refrain from supporting competitors to Windows, IE, MJ, WMP, WM, or OE.

G. (Roughly same as F above.)

H. Microsoft will let users and OEMs remove icons for IE, MJ, WMP, WM, and OE, and let them designate competing products to be used instead.

I. Microsoft will license on reasonable terms any intellectual property rights needed for other companies to take advantage of the terms of this settlement.

J. This agreement lets Microsoft keep secret anything having to do with security or copy protection.

PFJ Section VI: Definitions

A. ''API'' (Application Programming Interface) is defined as only the interfaces between Microsoft Middleware and Microsoft Windows, excluding Windows APIs used by other application programs.

K. ''Microsoft Middleware Product'' is defined as Internet Explorer (IE), Microsoft Java (MJ), Windows Media Player (WMP), Windows Messenger (WM), and Outlook Express (OE).

U. ''Windows Operating System Product'' is defined as Windows 2000 Professional, Windows XP Home, and Windows XP Professional.

The agreement can be summed up in one breath as follows: Microsoft agrees to compete somewhat less vigorously, and to let competitors interoperate with Windows in exchange for royalty payments.

Considering all of the above, one should read the detailed terms of the Proposed Final Judgment, and ask one final question:

* ù Is the Proposed Final Judgment in the public interest?

In the sections below, I'll look in more detail at how the PFJ deals with the above questions. How should terms like ''API'', ''Middleware, and ''Windows OS'' be defined?

The definitions of various terms in Part VI of the PFJ differ from the definitions in the Findings of Fact and in common usage, apparently to Microsoft's benefit. Here are some examples:

Definition A: ''API''

The Findings of Fact (* 2) define ''API'' to mean the interfaces between application programs and the operating system. However, the PFJ's Definition A defines it to mean only the interfaces between Microsoft Middleware and Microsoft Windows, excluding Windows APIs used by otherapplication programs. For instance, the PFJ's definition of API might omit important APIs such as the Microsoft Installer APIs which are used by installer programs to install software on Windows.

Definition J: ''Microsoft Middleware''

The Findings of Fact (¶28) define ''middleware'' to mean application software that itself presents a set of APIs which allow users to write new applications without reference to the underlying operating system. Definition J defines it in a much more restrictive way, and allows Microsoft to exclude any software from being covered by the definition in two ways:

1. By changing product version numbers. For example, if the next version of Internet Explorer were named ''7.0.0'' instead of ''7'' or ''7.0'', it would not be deemed Microsoft Middleware by the PFJ.

2. By changing how Microsoft distributes Windows or its middleware. For example, if Microsoft introduced a version of Windows which was only available via the Windows Update service, then nothing in that version of Windows would be considered Microsoft Middleware, regardless of whether Microsoft added it initially or in a later update. This is analogous to the loophole in the 1995 consent decree that allowed Microsoft to bundle its browser by integrating it into the operating system.

Definition K: ''Microsoft Middleware Product''

Definition K defines ''Microsoft Middleware Product'' to mean essentially Internet Explorer (IE), Microsoft Java (MJ), Windows Media Player (WMP), Windows Messenger (WM), and Outlook Express (OE).

The inclusion of Microsoft Java and not Microsoft. NET is questionable; Microsoft has essentially designated Microsoft. NET and C# as the successors to Java, so on that basis one would expect Microsoft.NET to be included in the definition.

The inclusion of Outlook Express and not Outlook is questionable, as Outlook (different and more powerful than Outlook Express) is a more important product in business, and fits the definition of middleware better than Outlook Express. The exclusion of Microsoft Office is questionable, as many components of Microsoft Office fit the Finding of Fact's definition of middleware. For instance, there is an active market in software written to run on top of Microsoft Outlook and Microsoft Word, and many applications are developed for Microsoft Access by people who have no knowledge of Windows APIs.

Definition U: ''Windows Operating System Product''

Microsoft's monopoly is on Intel-compatible operating systems. Yet the PFJ in definition U defines a ''Windows Operating System Product'' to mean only Windows 2000 Professional, Windows XP Home,

Windows XP Professional, and their successors. This purposely excludes the Intel-compatible operating systems Windows XP Tablet PC Edition and Windows CE; many applications written to the Win32 APIs can run unchanged on Windows 2000, Windows XP Tablet PC Edition, and Windows CE, and with minor recompilation, can also be run on Pocket PC. Microsoft even proclaims at www.microsoft.com/windowsxp/tabletpc/tabletpcqanda.asp:

''The Tablet PC is the next-generation mobile business PC, and it will be available from leading computer makers in the second half of 2002. The Tablet PC runs the Microsoft Windows XP Tablet PC Edition and features the capabilities of current business laptops, including attached or detachable keyboards and the ability to run Windows-based applications.'' and

Pocket PC: Powered by Windows

Microsoft is clearly pushing Windows XP Tablet PC Edition and Pocket PC in places (e.g. portable computers used by businessmen) currently served by Windows XP Home Edition, and thus appears to be trying to evade the Final Judgment's provisions. This is but one example of how Microsoft can evade the provisions of the Final Judgment by shifting its efforts away from the Operating Systems listed in Definition U and towards Windows XP Tablet Edition, Windows CE, Pocket PC, X-Box, or some other Microsoft Operating System that can run Windows applications.

How should the Final Judgment erode the Applications Barrier to Entry?

The PFJ tries to erode the Applications Barrier to Entry in two ways:

1. By forbidding retaliation against OEMs, ISVs, and IHVs who support or develop alternatives to Windows.

2. By taking various measures to ensure that Windows allows the use of non-Microsoft middleware.

A third option not provided by the PFJ would be to make sure that Microsoft raises no artificial barriers against non-Microsoft operating systems which implement the APIs needed to run application programs written for Windows. The Findings of Fact (¶ 52) considered the possibility that competing operating systems could implement the Windows APIs and thereby directly run software written for Windows as a way of circumventing the Applications Barrier to Entry. This is in fact the route being taken by the Linux operating system, which includes middleware (named WINE) that can run many Windows programs.

By not providing some aid for ISVs engaged in making Windows-compatible operating systems, the PFJ is missing a key opportunity to encourage competition in the Intel-compatible operating system market. Worse yet, the PFJ itself, in sections III.D. and III.E., restricts information released by those sections to be used ''for the sole purpose of interoperating with a Windows Operating System Product''. This prohibits ISVs from using the information for the purpose of writing operating systems that interoperate with Windows programs.

How should the Final Judgment be enforced?

The PFJ as currently written appears to lack an effective enforcement mechanism. It does provide for the creation of a Technical Committee with investigative powers, but appears to leave all actual enforcement to the legal system.

What information needs to be released to ISVs to encourage competition, and under what terms?

The PFJ provides for increased disclosure of technical information to ISVs, but these provisions are flawed in several ways:

1. The PFJ fails to require advance notice of technical requirements Section III.H.3. of the PFJ requires vendors of competing middleware to meet ''reasonable technical requirements'' seven months before new releases of Windows, yet it does not require Microsoft to disclose those requirements in advance. This allows Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

2. API documentation is released too late to help ISVs Section III.D. of the PFJ requires Microsoft to release via MSDN or similar means the documentation for the APIs used by Microsoft Middleware Products to interoperate with Windows; release would be required at the time of the final beta test of the covered middleware, and whenever a new version of Windows is sent to 150,000 beta testers. But this information would almost certainly not be released in time for competing middleware vendors to adapt their products to meet the requirements of section III.H.3, which states that competing middleware can be locked out if it fails to meet unspecified technical requirements seven months before the final beta test of a new version of Windows.

3. Many important APIs would remain undocumented The PFJ's overly narrow definitions of ''Microsoft Middleware Product'' and ''API'' means that Section III.D.'s requirement to release information about Windows interfaces would not cover many important interfaces.

4. Unreasonable Restrictions are Placed on the Use of the Released Documentation ISVs writing competing operating systems as outlined in Findings of Fact (¶ 52) sometimes have difficulty understanding various undocumented Windows APIs. The information released under section III.D. of the PFJ would aid those ISVs—except that the PFJ disallows this use of the information. Worse yet, to avoid running afoul of the PFJ, ISVs might need to divide up their engineers into two groups: those who refer to MSDN and work on Windows-only applications; and those who cannot refer to MSDN because they work on applications which also run on non-Microsoft operating systems. This would constitute retaliation against ISVs who support competing operating systems.

5. File Formats Remain Undocumented

No part of the PFJ obligates Microsoft to release any information about file formats, even though undocumented Microsoft file formats form part of the Applications Barrier to Entry (see ''Findings of Fact'' * 20 and * 39).

6. Patents covering the Windows APIs remain undisclosed Section III.I of the PFJ requires Microsoft to offer to license certain intellectual property rights, but it does nothing to require Microsoft to clearly announce which of its many software patents protect the Windows APIs (cf. current practice at the World Wide Web Consortium, http://www.w3.org/TR/patent-practice). This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users, as illustrated by this report from Codeweavers, Inc.:

When selecting a method of porting a major application to Linux, one prospect of mine was comparing Wine [a competing implementation of some of the Windows APIs] and a toolkit called 'MainWin'. MainWin is made by Mainsoft, and Mainsoft licenses its software from Microsoft. However, this customer elected to go with the Mainsoft option instead. I was told that one of the key decision making factors was that Mainsoft representatives had stated that Microsoft had certain critical patents that Wine was violating. My customer could not risk crossing Microsoft, and declined to use Wine. I didn't even have a chance to determine which patents were supposedly violated; nor to disprove the validity of this claim.

The PFJ, by allowing this unclear legal situation to continue, is inhibiting the market acceptance of competing operating systems.

Which practices towards OEMs should be prohibited?

The PFJ prohibits certain behaviors by Microsoft towards OEMs, but curiously allows the following exclusionary practices:

Section III.A.2. allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

Section III.B. requires Microsoft to license Windows on uniform terms and at published prices to the top 20 OEMs, but says nothing about smaller OEMs. This leaves Microsoft free to retaliate against smaller OEMs, including important regional 'white box'' OEMs, if they offer competing products.

Section III.B. also allows Microsoft to offer unspecified Market Development Allowances— in effect, discounts—to OEMs. For instance, Microsoft could offer discounts on Windows to OEMs based on the number of copies of Microsoft Office or Pocket PC systems sold by that OEM. In effect, this allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas, such as office software or ARM-compatible operating systems.

By allowing these practices, the PFJ is encouraging Microsoft to extend its monopoly in Intel-compatible operating systems, and to leverage it into new areas.

Which practices towards ISVs should be prohibited?

Sections III.F. and III.G. of the PFJ prohibit certain exclusionary licensing practices by Microsoft towards ISVs.

However, Microsoft uses other exclusionary licensing practices, none of which are mentioned in the PFJ.

Several of Microsoft's products'' licenses prohibit the products'' use with popular non-Microsoft middleware and operating systems. Two examples are given below.

1. Microsoft discriminates against ISVs who ship Open Source or Free Software applications

The Microsoft Windows Media Encoder 7.1 SDK EULA states

... you shall not distribute the REDISTRIBUTABLE COMPONENT in conjunction with any Publicly Available Software. ''Publicly Available Software'' means each of (i) any software that contains, or is derived in any manner (in whole or in part) from, any software that is distributed as free software, open source software (e.g. Linux) or similar licensing or distribution models ... Publicly Available Software includes, without limitation, software licensed or distributed under any of the following licenses or distribution models, or licenses or distribution models similar to any of the following: GNU's General Public License (GPL) or Lesser/Library GPL (LGPL); The Artistic License (e.g., PERL); the Mozilla Public License; the Netscape Public License; the Sun Community Source License (SCSL); ...

Many Windows APIs, including Media Encoder, are shipped by Microsoft as add-on SDKs with associated redistributable components. Applications that wish to use them must include the add-ons, even though they might later become a standard part of Windows. Microsoft often provides those SDKs under End User License Agreements (EULAs) prohibiting their use with Open Source or Free Software applications. This harms ISVs who choose to distribute their applications under Open Source or Free Software licenses; they must hope that the enduser has a sufficiently up-to-date version of the addon API installed, which is often not the case.

Applications potentially harmed by this kind of EULA include the competing middleware product Netscape 6 and the competing office suite StarOffice; these EULAs thus can cause support problems for, and discourage the use of, competing middleware and office suites. Additionally, since Open Source or Free Software applications tend to also run on non-Microsoft operating systems, any resulting loss of market share by Open Source or Free Software applications indirectly harms competing operating systems.

2. Microsoft discriminates against ISVs who target Windows-compatible competing Operating Systems

The Microsoft Platform SDK, together with Microsoft Visual C++, is the primary toolkit used by ISVs to create Windows-compatible applications. The Microsoft Platform SDK EULA says:

''Distribution Terms. You may reproduce and distribute ... the Redistributable Components... provided that (a) you distribute the Redistributable Components only in conjunction with and as a part of your Application solely for use with a Microsoft Operating System Product...''

This makes it illegal to run many programs built with Visual C++ on Windows-compatible competing operating systems.

By allowing these exclusionary behaviors, the PFJ is contributing to the Applications Barrier to Entry faced by competing operating systems.

Which practices towards large users should be prohibited?

The PFJ places restrictions on how Microsoft licenses its products to OEMs, but not on how it licenses products to large users such as corporations, universities, or state and local governments, collectively referred to as ''enterprises''. Yet enterprise license agreements often resemble the per-processor licenses which were prohibited by the 1994 consent decree in the earlier US v. Microsoft antitrust case, in that a fee is charged for each desktop or portable computer which could run a Microsoft operating system, regardless of whether any Microsoft software is actually installed on the affected computer. These agreements are anticompetitive because they remove any financial incentive for individuals or departments to run non-Microsoft software.

Which practices towards end users should be prohibited?

Microsoft has used both restrictive licenses and intentional incompatibilities to discourage users from running

Windows applications on Windows-compatible competing operating systems. Two examples are given below.

1. Microsoft uses license terms which prohibit the use of Windows-compatible competing operating systems

MSNBC (a subsidiary of Microsoft) offers software called NewsAlert. Its EULA states ''MSNBC Interactive grants you the right to install and use copies of the SOFTWARE PRODUCT on your computers running validly licensed copies of the operating system for which the SOFTWARE PRODUCT was designed [e.g., Microsoft Windows(r) 95; Microsoft Windows NT(r), Microsoft Windows 3.x, Macintosh, etc.] .... ''

Only the Windows version appears to be available for download. Users who run competing operating systems (such as Linux) which can run some Windows programs might wish to run the Windows version of NewsAlert, but the EULA prohibits this.

MSNBC has a valid interest in prohibiting use of pirated copies of operating systems, but much narrower language could achieve the same protective effect with less anticompetitive impact. For instance, ''MSNBC Interactive grants you the right to install and use copies of the SOFTWARE PRODUCT on your computers running validly licensed copies of Microsoft Windows or compatible operating system.''

2. Microsoft created intentional incompatibilities in Windows 3.1 to discourage the use of non-Microsoft operating systems

An episode from the 1996 Caldera v. Microsoft antitrust lawsuit illustrates how Microsoft has used technical means anticompetitively.

Microsoft's original operating system was called MS-DOS. Programs used the DOS API to call up the services of the operating system. Digital Research offered a competing operating system, DR-DOS, that also implemented the DOS API, and could run programs written for MS-DOS. Windows 3.1 and earlier were not operating systems per se, but rather middleware that used the DOS API to interoperate with the operating system. Microsoft was concerned with the competitive threat posed by DR-DOS, and added code to beta copies of Windows 3.1 so it would display spurious and misleading error messages when run on DR-DOS.

Digital Research's successor company, Caldera, brought a private antitrust suit against Microsoft in 1996. (See the original complaint, and Caldera's consolidated response to Microsoft's motions for partial summary— judgment.) The judge in the case ruled that

''Caldera has presented sufficient evidence that the incompatibilities alleged were part of an anticompetitive scheme by Microsoft.''

That case was settled out of court in 1999, and no court has fully explored the alleged conduct.

The concern here is that, as competing operating systems emerge which are able to run Windows applications, Microsoft might try to sabotage Windows applications, middleware, and development tools so that they cannot run on non-Microsoft operating systems, just as they did earlier with Windows 3.1.

The PFJ as currently written does nothing to prohibit these kinds of restrictive licenses and intentional incompatibilities, and thus encourages Microsoft to use these techniques to enhance the Applications Barrier to Entry, and harming those consumers who use non-Microsoft operating systems and wish to use Microsoft applications software.

Is the Proposed Final Judgment in the public interest?

The problems identified above with the Proposed Final Judgment can be summarized as follows:

* ù The PFJ doesn't take into account Windows-compatible competing operating systems

?? Microsoft increases the Applications Barrier to Entry— by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

ù The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

?? The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

?? The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

?? The PFJ allows users to replace Microsoft Java with a competitor's product— but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft. NET with competing middleware.

?? The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box— operating systems that all use the Win32 API and are advertised as being ''Windows Powered''.

?? The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

?? The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

?? The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

?? The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

?? The PFJ does not require Microsoft to list which software patents protect the Windows APIs.

This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

* The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

?? Microsoft currently uses restrictive licensing terms to keep Open Source or Free Software apps from running on Windows.

?? Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

?? Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system— even for computers running Linux. (Similar licenses to OEMs were once banned by the 1994 consent decree.)

* The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

?? Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems,

* ù The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

?? The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

?? The PFJ allows Microsoft to discriminate against small OEMs—including regional 'white box'' OEMs which are historically the most willing to install competing operating systems— who ship competing software.

?? The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

* . The PFJ as currently written appears to lack an effective enforcement mechanism. Considering these problems, one must conclude that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, and would delay the emergence of competing Windows-compatible operating systems. Therefore, the Proposed Final Judgment is not in the public interest, and should not be adopted without addressing these issues.

Strengthening the PFJ

The above discussion shows that the PFJ does not satisfy the Court of Appeals'' mandate. Some of the plaintiff States have proposed an alternate settlement which fixes many of the problems identified above. The States'' proposal is quite different from the PFJ as a whole, but it contains many elements which are similar to elements of the PFJ, with small yet crucial changes.

In the sections below, I suggest amendments to the PFJ that attempt to resolve some of the demonstrated problems (time pressure has prevented anything like a complete list of amendments). When discussing amendments, PFJ text is shown indented; removed text in [], and new text in bold italics.

Correcting the PFJ's definitions

Time constraints do not permit a complete list of needed changes. As an example, Definition U should be amended to read

U. ''Windows Operating System Product'' means [] any software or firmware code distributed commercially by Microsoft that is capable of executing any nontrivial subset of the Win32 APIs, including without exclusion Windows 2000 Professional, Windows XP Home, Windows XP Professional, Windows XP Tablet PC Edition, Windows CE, PocketPC 2002, and successors to the foregoing, including the products currently code named ''Longhorn'' and ''Blackcomb'' and their successors, including upgrades, bug fixes, service packs, etc.

Release of Information

Because any new competitor in the Intel-compatible operating system market must be able to run Windows applications to have a chance in the market, and because Microsoft has traditionally used undocumented Windows APIs as part of the Applications Barrier to Entry, the Final Judgment should provide explicitly for a clear definition of what APIs a competing operating system must provide to run Windows applications. The best way to do this is by submitting the API definitions to a standards body. This was done in 1994 for the Windows 3.1 APIs (see Sun's 1994 press release about WABI 2.0 and the Public Windows Initiative). The result is Standard ECMA-234: Application Programming Interface for Windows (APIW), which provides standard definitions for an essential subset (four hundred and fourty-four out of the roughly one thousand) of the Windows 3.1 APIs; it was rendered mostly obsolete by the switch to Windows 95. The Final Judgment should provide for the creation of something like ECMA-234 for the various modem versions of Windows.

Because Microsoft currently claims that it has intellectual property rights that protect the Windows APIs, but has never spelled out exactly which patents cover which APIs, the Final Judgment should force this to be spelled out.

To achieve the above goals, the PFJ should be modified as follows:

First, Sections III.D and III.E should be amended to remove the restriction on the use of the disclosed information:

... Microsoft shall disclose ... [], for the purpose of interoperating with a Windows Operating System Product or interoperating with application software written for Windows,

Second, a new section IV.E should be created as follows:

E. Establishment of a Windows API Standards Expert Group

1. Within 60 days of entry of this Final Judgment, the parties shall create and recommend to the Court for its appointment a six person Windows API Standards Expert Group (''WASEG'') to manage the creation, publication, and maintenance of a Windows APIs Standards Definition (''WASD'') and associated Windows APIs Standard Compliance Test Suite (''WASCTS''), and to guide the WASD through the process of being adopted by a standards body such as ECMA or the IEEE.

The WASD shall be a document, suitable for approval by a standards body such as ECMA or IEEE, which accurately defines the inputs, outputs, and behavior of each Windows API, and enumerates any Essential Claims. The WASCTS shah be software source code which, when compiled and run, automatically tests an operating system for compliance with the WASD, and produces a list of APIs which fail to comply with the WASD. The test suite should run unattended; that is, it should be capable of running without human interaction or supervision.

2. Three of the WASEG members shah be experts in software design and programming, and three of the WASEG members shall be experts in intellectual property law. No WASEG member shah have a conflict of interest that could prevent him or her from performing his or her duties under this Final Judgment in a fair and unbiased manner.

No WASEG member shah have entered into any non-disclosure agreement that is still in force with Microsoft or any competitor to Microsoft, nor shah she or he enter into such an agreement during her or his term on the WASEG. Without limitation to the foregoing, no WASEG member shah have been employed in any capacity by Microsoft or any competitor to Microsoft within the past year, nor shall he or she be so employed during his or her term on the WASEG.

3. Within seven days of entry of this Final Judgment, the Plaintiffs as a group shall select two software experts and two intellectual property law experts to be members of the WASEG, and Microsoft shall select one software expert and one intellectual property law expert to be members of the WASEG; the Plaintiffs shall then apply to the Court for appointment of the persons selected by the Plaintiffs and Microsoft pursuant to this section.

4. Each WASEG member shall serve for an initial term of 30 months. At the end of a WASEG member's initial 30-month term, the party that originally selected him or her may, in its sole discretion, either request re-appointment by the Court to a second 30-month term or replace the WASEG member in the same manner as provided for above.

5. If the United States or a majority of the Plaintiffs determine that a member of the WASEG has failed to act diligently and consistently with the purposes of this Final Judgment, or if a member of the WASEG resigns, or for any other reason ceases to serve in his or her capacity as a member of the WASEG, the person or persons that originally selected the WASEG member shall select a replacement member in the same manner as provided for above.

6. Promptly after appointment of the WASEG by the Court, the United States shall

enter into a Windows API Expert Group services agreement (''WASEG Services Agreement'') with each WASEG member that grants the rights, powers and authorities necessary to permit the WASEG to perform its duties under this Final Judgment. Microsoft shall indemnify each WASEG member and hold him or her harmless against any losses, claims, damages, liabilities or expenses arising out of, or in connection with, the performance of the WASEG's duties, except to the extent that such liabilities, losses, damages, claims, or expenses result from misfeasance, gross negligence, willful or wanton acts, or bad faith by the WASEG member. The WASEG Services Agreements shall include the following:

a. The WASEG members shall serve, without bond or other security, at the cost and expense of Microsoft on such terms and conditions as the Plaintiffs approve, including the payment of reasonable fees and expenses.

b. The WASEG Services Agreement shall provide that each member of the WASEG shall comply with the limitations provided for in section IV.E.2. above.

7. Microsoft shall provide the WASEG with funds needed to procure office space, telephone, other office support facilities, consultants, or contractors required by the WASEG.

8. The WASEG shall not have direct access to any part of Microsoft's computer software source code that is not normally available to all ISVs. The WASEG shall not enter into any non-disclosure agreements with Microsoft or third parties. No implementations of any Windows APIs shall be written or published by the WASEG.

9. The WASEG shall have the following powers and duties:

a. The WASEG may require Microsoft to provide comprehensive answers to questions about Microsoft intellectual property claims.

b. The WASEG may require Microsoft to provide comprehensive answers to questions about the inputs, outputs, and functionality of any Windows API; in particular, the WASEG may compel Microsoft to provide complete documentation for Windows APIs, including hitherto undocumented or poorly-documented Windows APIs.

c. The WASEG may engage, at the cost and expense of Microsoft, the services of outside consultants and contractors as required to fulfill the duties of the WASEG.

d. The WASEG shall establish a publicly available web site not owned or otherwise controlled by Microsoft, and will publish status reports and other information there at least as often as once per month. Documentation on the web site shall be made available subject to the terms of the GNU Free Documentation License; test suite source code made available on the web site shall be made available subject to the terms of the GNU General Public License.

e. The WASEG shall compile to the best of their ability a complete list of Windows APIs, including for each API the DLL name, entry point name, entry point ordinal number, return value type, and parameter types, as well as which versions of Windows it is supported by and an estimate of what percentage of Popular Windows Applications use it. The WASEG shall publish this list on the WASEG web site subject to the GNU Free Documentation License, according to the following schedule: Within 90 days after the WASEG is convened, the WASEG shall publish this information for at least five hundred Windows APIs. On the 1st of each month thereafter, the WASEG shall publish this information for another five hundred Windows APIs. This shall continue until a complete list of Windows APIs is available on the web site. The WASEG shall update the list periodically to add previously unlisted Windows APIs. The WASEG shall periodically check the list for completeness by installing and running a representative sample of Popular Windows Applications and Microsoft Middleware while using tools such as Apius from Sarion Systems Research to watch the Windows APIs actually invoked by the product or its installer. The WASEG shall also set up a way for third parties to report Windows APIs which should be listed, and shall update its list of Windows APIs accordingly as appropriate.

f. The WASEG shall compile a complete list of Essential Claims, and an evaluation of which Windows APIs each Essential Claim covers. The WASEG shall publish this information on the WASEG web site subject to the GNU Free Documentation License, according to the following schedule: Within 90 days after the WASEG publishes a portion of the list of Windows APIs on its web site, Microsoft shall deliver to the WASEG a list of the Essential Claims that cover the published Windows APIs. Within 90 days after the WASEG receives the list of Essential Claims, the WASEG shall publish its evaluation of which APIs those Essential Claims cover. This shall continue until such evaluations for all Essential Claims have been published on the WASEG web site.

g. The WASEG shall compile documentation for the list of Windows APIs defined above in section IV.E.9.e, including a complete description of the meanings of the return values and parameters, and the effects of the API. The documentation should be composed in a style similar to that used for the Single Unix Specification documentation (http://www.UNIX-systems.org/unix). Within 180 days after the WASEG is convened, and on the 1st of every month thereafter until complete, the WASEG will make available the currently completed portion of this documentation via its web site.

h. When the three documents described above—the list of Windows APIs, the list of Essential Claims and which Windows APIs they cover, and the documentation for the listed Windows APIs—is complete, the WASEG shall undertake to submit them to a standards body such as ECMA or the IEEE as a Draft WASD Document, and to make such enhancements and revisions as needed to gain the acceptance of that document as a standard.

i. The WASEG shall create a WASCTS, and publish it on the WASEG web site subject to the GNU General Public License, according to the following schedule: Within 180 days after the WASEG is convened, the WASEG shall publish test cases for at least one hundred Windows APIs. On the 1st of each month thereafter, the WASEG shall publish test cases for at least another one hundred Windows APIs. This shall continue until a complete WASCTS is available on the web site.

j. In the event that a planned update to Windows or any other Microsoft product is expected to result in the creation of new Windows APIs or Essential Claims, or WASEG's list of Windows APIs is updated, the WASEG shall create addenda to the WASD and WASCTS covering the new Windows APIs or Essential Claims, make them available via its web site, and undertake to submit them to the same standards body as above as an addendum to the standard.

Third, in section VI, Definition A should be amended to read

A. ''Application Programming Interfaces (APIs)'' means the interfaces, including any associated callback interfaces, that Microsoft Middleware or Popular Windows Applications running or being installed on a Windows Operating System Product use to call upon that Windows Operating System Product or Microsoft Middleware in order to obtain any services from that Windows Operating System Product or Microsoft Middleware. and two new definitions should be added:

V. ''Popular Windows Applications'' means the top 10 selling applications as reported by NPD Intelect Market Tracking in each of the categories Business, Education, Finance, Games, Personal Productivity, and Reference, plus all Microsoft Middleware Products.

W. ''Essential Claims'' shall mean all claims in any patent or patent application, in any jurisdiction in the world, that Microsoft owns, or under which Microsoft has the right to grant licenses without obligation of payment or other consideration to an unrelated third party, that would necessarily be infringed by implementation of the Windows APIs Standard Definition by a competing Operating System. A claim is necessarily infringed hereunder only when it is not possible to avoid infringing it because there is no non-infringing alternative for implementing the required portion of the Windows APIs Standard Definition.

The following are expressly excluded from and shall not be deemed to constitute Essential Claims:

1. any claims other than as set forth above even if contained in the same patent as Essential Claims; and

2. claims which would be infringed only by portions of an implementation that are not required by the Windows APIs Standard Definition, or enabling technologies that may be necessary to make or use any product or portion thereof that complies with the Windows APIs Standard Definition but are not themselves expressly set forth in the Windows APIs Standard Definition (e.g., compiler technology, object-oriented technology, etc.) or the implementation of technology developed elsewhere and merely incorporated by reference in the body of the Windows APIs Standard Definition.

Prohibition of More Practices Toward OEMs

§ III. A. 2. of the Proposed Final Judgment should be amended to read

2. shipping a Personal Computer that (a) includes both a Windows Operating System Product and a non-Microsoft Operating System, or (b) will boot with more than one Operating System, or (c) includes a non-Microsoft Operating System but no Windows Operating System Product; or ...

Summary

This document demonstrates that there are so many problems with the PFJ that it is not in the public interest.

It also illustrates how one might try to fix some of these problems.

Dan Kegel

28 January 2002

MTC–00028572

From: Riddle, Doug
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/28/02 4:39pm
Subject: Micrsoft Settlement

To Whom It May Concern:

Whatever steps necessary to bring Microsoft onto a level playing field where they are accountable to the users of their software and their competitors should be used. Their software is a National Security risk and their corporate policies toward competitors only serve to increase that risk. Do not settle out of court.

Regards,
Doug Riddle
EMCO / Addis MIS Dept.
Mobile (225) 806–9715
Pager: (225) 339–8275
Office: (225) 267–3225
Home: (225) 775–5691

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MTC–00028573

From: dank@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/28/02 4:40pm
Subject: Micrsoft Settlement
(corrected date)
Open Letter to DOJ Re: Microsoft Settlement
To: microsoft.atr@usdoj.gov
Subject: Micrsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
28 January 2002
Ms. Hesse,

Please find below a joint open letter signed by 2366 people from across the United States. I composed the open letter and offered to collect signatures by email as a simple way for people to express their views on the Proposed Final Judgment.

I certify that the following list of names was compiled from email sent to petition@kegel.com; that return email was used to provide some small degree of assurance that each submission came from a valid email address; and that I have verified to the best of my ability that all co-signers are US residents or citizens.

I am sending the document (http://www.kegel.com/remedy/remedy2.html) referenced in the joint open letter under separate cover as my personal Tunney Act comment.

Sincerely,
Dan Kegel
901 S. Sycamore
Los Angeles, CA 90036
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Ms. Hesse,

Under the Tunney Act, we wish to comment on the proposed Microsoft settlement. We agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html), namely:

* The PFJ doesn't take into account Windows-compatible competing operating systems

o Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

* The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

o The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered.

. The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

. The PFJ allows users to replace Microsoft Java with a competitor's product —but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware.

. The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover

Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertised as being ''Windows Powered''.

. The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

. The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible.

. The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

. The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

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. Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems.

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* The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

. Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems.

* The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

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. The PFJ allows Microsoft to discriminate against small OEMs—including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software.

. The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

* The PFJ as currently written appears to lack an effective enforcement mechanism. We also agree with the conclusion reached by that document, namely that the Proposed Final Judgment, as written, allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest.

It should not be adopted without substantial revision to address these problems.

Sincerely,

Aaron Croyle, Columbus, Ohio; Student, Ohio State University

Aaron Hamid, Ithaca, NY; Java Applications Developer, Cornell University

Aaron J. Grier, Portland, OR; Embedded Systems Engineer, Frye Electronics

Aaron Krol, Elma, NY; Electrical Engineer, member, IEEE

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Aaron Sakowski, Cleveland, OH; Information Management, n/a
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Aaron Zinman, San Diego, CA; Student, University of California at San Diego
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North Star Borough
Abraham Ingersoll, Venice, CA; Programmer, Dajoba
Adam A. Turetzky, Evanston, IL; Technical Support Consultant, Northwestern University
Adam Bowker, Dover, NH; Student, University of New Hampshire
Adam Bregenzer, Atlanta, GA; Vice President Of Information Technology, WebEntrada
Adam Burrill, Seattle, WA; Technology Consultant, n/a
Adam Clayton, Norwich, VT; Software Engineer,
Adam Hitchcock, Ann Arbor, MI; Software Programer, n/a
Adam Houghton, San Antonio, TX; Student, Trinity University
Adam Johnson, Decatur, GA; Graduate Student, Georgia Institute of Technology
Adam Jones, Fishers, Indiana; Software Engineer, Flexware Integration
Adam Kessel, Somerville, MA; Student, Northeastern University School of Law
Adam K. Keys, Dallas, Texas; Student, Southern Methodist University
Adrian P. Sinnott, Huntington Station, NY; Former campus rep, Apple
AE Mustain, Oakland, CA; Software Engineer & Manager, NextBus Information Systems
Afsheen Bigdeli, Boston, MA; n/a
Agris Taurins, Lincoln, NE; Unix Administrator, n/a
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Aleksandr Drel, Brooklyn, NY; Developer, Keane
Alena Waller, Georgetown, KY; Concerned Citizen,
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Benjamin Gilbert, Pittsburgh, PA; Engineering student, Carnegie Mellon University
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Timothy Gray, Rosevelt Park, Michigan; I.S. Specialist, Gray Technologies
Timothy H. Clapin, Laurel, MD; Systems Administrator, n/a
Timothy J. Stegner, Bolton, MA; Senior Systems Engineer, Computer Corporation of America
Timothy J. Wood, Seattle, WA; Vice President, Omni Development
Timothy Kuo, Sterling, VA; Engineer, Orbital Sciences Corp.
Timothy MacDonald, Houston, Texas; Unix Administrator, Houston Information Team
Timothy Musson, Cleveland; Software Engineer, Zin Technologies
Timothy P. Egbert, J.D., Ph.D., Salt Lake City, Utah; Senior Software Developer, n/a
Timothy R. Butler, St. Peters, MO; Chairman & CEO, Universal Networks (www.uninetsolutions.com)
Timothy Wall, Boston, MA; Director of Software Development, Oculus Technologies
Timothy W. Lewis, Toledo, OH; Computer Science Student, University of Toledo
Tim Sirianni, Cottage Grove, MN; SGI
Tim Thomas, Anchorage, AK; Editor, The Communique, Alaska Apple User Group
Tim Uckun, Missoula, MT; IT Director, USIS
Todd A. Mizukami, Alpharetta, GA; NOC Manager, America Online
Todd Chatman, Urbana, IL; Graduate Student, University of Illinois
Todd Eshler, Blacksburg, Virginia; Computer Engineering Graduate Research Assistant, Virginia Tech
Todd Flinders, Sacramento, California; System Software Specialist, California Department of Justice
Todd Hanson, Madison, WI; Software Engineer, Luhata Group

Todd Johnson, Evansville, IN; Unix Specialist, OneStar Long Distance
Todd Lamothe, Boston, MA; Student, n/a
Todd Lawson, Phoenix, Arizona; Attorney at Law, n/a
Todd Sackett, San Francisco, CA; Software QA Engineer, n/a
Todd Warner, Durham, NC; Software Engineer, Red Hat Inc.
Tod Schmidt, Falls Church, VA; Network Engineer, Cable and Wireless
Tom Arons, Davis, CA; Programmer/Analyst, University of California
Tom Barclay, Long Beach, CA; Systems Analyst, PacifiCare Health Systems
Tom Burton, Seward, AK; Student, Alaska Vocational Technical Center
Tom B. Younker, Decatur, GA; Owner/Member, Dare Computer, LLC
Tom Callaway, Durham, NC; Software Engineer, Red Hat
Tom Cloud, Jamestown, RI; Senior Software Engineer, Healthcare Automation
Tom Emmons, Chicago, IL; Technology Architect, Confirmative Technologies
Tom Howland, San Jose, CA; Computer Scientist, n/a
Tommy M. McGuire, Austin, TX; Graduate Student, Dept. of Comp. Sci., UT Austin
Tom Phoenix, Portland, Oregon; Perl Mentor, Stonehenge Consulting Services
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Tom Raymond, Wausau, WI; Programmer/Analyst, Eastbay
Tom Rockwell, Lansing, MI; Graduate Student, Michigan State U.
Tom Scott, Bowling Green, Ohio; President, Vedatel
Tom Vanderpool, Kansas City, Mo; email administrator, n/a
Tom Voorheis, Ann Arbor, MI; Student, n/a
Tony Beauregard, San Antonio, TX; Manager, ISTI
Tony Duckett, Herndon, VA; System Administrator, n/a
Torleiv Ringer, Saint Paul, Minnesota; System Administrator, n/a
Toshi Isogai, Centennial, Co; Hardware Engineer, SEAKR Engineering
Tracy Budd, Arlington, VA; Senior Software Engineer, Exadata Analytics
Trammell Hudson, Bethesda, Maryland; CEO, Rotomotion Corporation
Travis J. Eckman, Jamestown, New York; Network Administrator, Allied Fire Protection Systems
Travis Morga, Shawnee Mission, KS; Systems/Network Engineer, CIO Inc.
Trever Furnish, Indianapolis, Indiana; Unix Administrator, Herff Jones
Trevin Beattie, West Hollywood, CA; Software Developer, n/a
Trevor Johnson, Gardena, California; Software Engineer; Contributor, FreeBSD Project
Trey Merrell, Newberg, OR; Programmer, Student
Troy D. Smith, Chicago, IL; Software Developer, Shoptalk
Troy Gutman, Lexington, KY; Programmer, Wyncom, Inc.
T. Shannon Gilvary, Union Beach, New Jersey; n/a
Tyler Palmer, Lawrence, Kansas; Software Architect/Network Administrator, DesignLab
Ty Norton, Redmond, Washington; Network Administrator, n/a
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Vance Shieh, Kingwood, TX; student, n/a
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Victor Didra, Quincy, WA; Graphics Artist, Quincy Valley Post-Register
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Wade Newbern, New York, NY; Copyeditor, n/a
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Walter Josh Staiger, Akron, OH; Student, Case Western Reserve University
Walter K. Zydhek, Charlotte, North Carolina; NT Administrator, Genesis II Networks, LLC
Walter W. Asher, Troy, Tennessee; TAGMA of Northwest Tennessee
Walter Wilson, Lexington, NC; Student-Computer Science, College
Warren Ferguson, Cary, North Carolina; Senior Software Engineer, n/a
Warren Togami, Honolulu, Hawaii; Founder, Mid-Pacific Linux Users Group
Warren Turkal, Memphis, TN; Computer Science Intern, DotLogix, Inc.
W. C. Ryan Lewis, Janesville, WI; Owner, Red Moon Computers
Wendy Seltzer, New York, NY; lawyer and Fellow, Berkman Center for Internet & Society
Wes Groleau, n/a, Indiana; Software Engineer, n/a
Wesley Ferrel, Omaha, NE; Technical Engineer, Distribution Management Systems
Wesley P. Taylor, Bellingham, WA; Database Programmer, Premier Agendas, Inc.
Wesley Townsend, Guttenberg, NJ; Computer Consultant, Deloitte Consulting
Wesley Watters, Pittsburgh, PA; Graphic Artist, n/a
Wes Loder, Deer Lake, Pennsylvania; Campus Librarian, Penn State Schuylkill
Wes Morgan, Grand Rapids, MI; Computer Science Undergrad Student, Calvin College
Wes Price, Irving, TX; Systems Engineer II, Southwest Airlines
Whitney Tracy Austin, TX; n/a
Wilbur Liebson, Tucson, Arizona; retired
Will Grzanich, Chicago, IL; Software Developer, Morningstar
William A. Birch, New Ipswich, NH; Chief Techical Officer, The lyte Research Group
William Barnett-Lewis, Madison, WI; Owner, Brain Candy Computing
William B. Cushman, Ph.D., Pensacola, Florida; President, Poiesis Research
William Biese, Kaukauna, WI; Systems Analyst, Claim Management Services Inc.
William Birch, New Ipswich, NH; CTO, The lyte Research Group
William Breen, Drexel Hill, Pennsylvania; Sr. Software Engineer, InterDigital Communications Corp.
William Chapple, Ponchatoula, LA; Director of IS, n/a
William Costa, Durham, NH; Information Technologist, University of New Hampshire
William Croft, Menlo Park, CA; Engineer, MITEM Corporation
William E. Shotts, Jr., Rockville, Maryland; VP, Technical Services, Media Cybernetics, Inc.
William E. Stuckey, Indianapolis, IN; Network and Information Systems Coordinator, School of Liberal Arts
William F. Mann, Sudbury, MA; Computer consultant, Self-employed
William G. Thompson, Jr., Bridgewater, NJ; Chief Japple Evangelist, Saucon Technologies
William Hubscher, Huntsville, Alabama; Media Relations Manager, Carleton Public Relations, Inc.
William James Stewart, Charleston, SC; Software Specialist, Buist
William Lamb, Aurora, Illinois; President, William Lamb Development, Inc.
William Leddy, Alexandria, VA; Director, St. Stephen's & St. Agnes School
William Lee Irwin III, Hillsboro, OR; Linux kernel programmer, IBM
William L. Moss IV, Atlanta, GA; Digital Technologies Specialist, Atlanta Journal-Constitution
William Riley, Kirksville, MO; Owner, R and D Technologies
William Schneider, Rochester, Minnesota; Esquire, Retired
William Warner, Seattle, Washington; Software Engineer, A large wireless carrier
William Wise, Norfolk, VA; Manager, Cell Signaling Technology
Will Secrest, Atlanta, Ga; IS Development Manager, Intercall
Will Sergent, Lakewood, OH; System Administrator, n/a
Will Symonds, Houston, TX; IT Consultant, thincpc.com
Will Wainwright, University City, Missouri; System Administrator, Washington University in St. Louis
Wilson Jones, Vinita, OK; Independent Programmer, n/a
Winfield Hill, Stoneham, MA; Dir of E.E., Rowland Institute
Wolfgang Rupprecht, Fremont, CA; Software Engineer, wsrcc.com
W. Wood Harter, Orange, CA; Owner/President, Side-Eight Software (www.side8.com)

Wyatt Bode, Lebanon, Pennsylvania; Manufacturing Information Systems Coordinator, Curwood Specialty Films

Wynette Richards, Albuquerque, NM; Software Engineer, Los Alamos National Laboratory

Young Hyun, San Diego, CA; Software Developer, San Diego Supercomputer Center

Zac Feuerborn, Boise, ID; Consultant, n/a

Zachary Erbaugh, Richmond, Indiana; Computing Support Specialist, Bethany Theological Seminary and Earlham School of Religion

Zachary Weinberg, Berkeley, CA; Consultant, CodeSourcery LLC

Zach Dennis, Columbus, OH; Resource Specialist, EPRI

Zach Johnson, Minneapolis, MN; Student, University of Minnesota—Twin Cities

Zephaniah Hull, Atlanta, GA; Developer, Debian

Please note: we are signing this letter as individuals, not as official representatives of the companies we work for or organizations we belong to.

MTC–00028574

From: Brian Bender
To: Microsoft ATR
Date: 1/28/02 4:41pm
Subject: Microsoft Settlement

To Whom It May Concern,

As I understand the proposed settlement regarding the anti-trust trial against Microsoft, little if anything is done to correct the actions that have been found anti-competitive. The agreement simply prevents them from continuing. This hardly seems sufficient to deter a corporation from cheating its way into a dominant position. There should be, in my opinion, actual peanalties paid for past actions, so that there is a real disincentive to engaging in these practices in the future.

Consider this a ''no'' vote on the proposed settlement.

Thanks for your attention.

Sincerely,

Brian Bender

Pittsburgh, PA, USA

MTC–00028575

From: Lissa Levy
To: Microsoft ATR
Date: 1/28/02 4:41pm
Subject: Microsoft Settlement

I believe that the proposed settlement is a bad idea. It gives too much control to Microsoft without concern for the consumer.

Thanks,

Lissa Levy

Chapel Hill, NC

MTC–00028576

From: Ford, Jim
To: Microsoft ATR
Date: 1/28/02 4:41pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am writing this last minute email to state my support for the Microsoft Settlement. I believe that this battle the DOJ has waged against Microsoft has been, at the least, misguided, and has threatened competition more than anything Microsoft itself has been accused of. I would also point out that most of the key players in this battle on the corporate side stand to gain greatly not because DOJ will eliminate a threat to their well-being, but because DOJ is beating down a competitor who has the pulse of the marketplace (which they often do not).

Let's get this travesty of litigation out of the way and move on to something important!

Jim Ford
Network Consulting
jford@ncmidwest.com
(888) 969–6699

MTC–00028577

From: TSULLV@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:42pm
Subject: Microsoft settlement

Sir:

I am but a lowly consumer and cannot afford 10,000 dollar an hour lawyers.

I have no way to file any briefs with any judges and would not even know how. I can tell you one thing. On my computer I cant even remove one small icon that has to do with the MSN network. I would not even begin to be able to come close to removing or using any other soft ware on my home PC. Now I know little of the law and have no way of sending this letter to the judge.

I can tell you one thing micro soft has monopolized my system and that's a fact.

Thank You

Thomas F. Sullivan

little guy consumer

MTC–00028578

From: Susan Kaltenbach
To: Microsoft ATR
Date: 1/28/02 4:43pm
Subject: Microsoft Settlement

To the Department of Justice (DOJ):

I would like to submit my comment on the issue of the Microsoft settlement.

I understand that complainants against the settlement state that it (a) Does not correct Microsoft's ''anti-competition'' errors, and (b) Having Microsoft donate $1B of hardware, software and training is wrong because it perpetuates Microsoft's domination of the operating system marketplace.

I cannot comment on topic (a) because I am not well educated on the complaints and resolutions of this large and complex case. But I can comment on topic (b).

I am an individual who cares deeply about getting more underrepresented school kids interested in the sciences, and I have expended effort and mentorship to try to facilitate this. (In Washington state, ''underrepresented'' means racial minorities and ''first generation'' college students—students who are the first in their family history to attend college. I personally am a ''first generation'' college student.) I've heard comments from those opposed to the $1B donation that these kids should receive Linux software, since it is ''free'' and ''open code,'' and would help loosen Microsoft's grip on the operating system's marketplace.

I want to make my message perfectly clear: These kids would be further ghettoized if the Linux proponents get their way. The Microsoft Windows software and applications model is used throughout the business world and is the dominant international software. To donate a fringe operating system like Linux would make these non-employable.

Not only is Linux useless in developing work skills for these kids, it is also extremely difficult to learn. Thus, only those who are supremely motivated—such as young boys already pursuing the maths and sciences—would make the effort to learn. The other, majority of students would avoid computing. And they would lack computer skills needed for them to succeed academically and professionally.

The present paradigm is to introduce kids to Windows or MacIntosh operating systems. Then, the kids move to more specialized operating systems as the need arises. Unix and Linux are often used by academics— not by the rest of the world.

I therefore respectfully submit that the settlement agreement is, on topic (b), completely fair and valuable to the nation as a whole.

Thank you for the opportunity to comment.

Susan Kaltenbach

Mercer Island, Washington

MTC–00028579

From: JJ Gifford
To: Microsoft ATR
Date: 1/28/02 4:43pm
Subjec: Microsoft Settlement

To Whom It May Concern:

Attached are my comments re. United States et al. v. Microsoft, pursuant to the Tunney Act.

I have attached two copies of the same document, one in Microsoft Word format; the other in Rich-Text Format. Either document should be readable on any modern PC using up-to-date software.

Thanks in advance,

JJ Gifford
212 226 3462
Jonathan Gifford
117 Sullivan St., 5A
New York, NY 10012
doj.ms@jjgifford.com

January 28, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
microsoft, atr@usdoj.gov
re. Deficiencies in Microsoft settlement.

Pursuant to the Tunney Act, I am filing these comments on the proposed resolution of United States, et al. v. Microsoft.

My Perspective, Experience, and Interest

I believe this case is tremendously important. As personal computers and the Internet have become increasingly important to our everyday lives, so too has the landscape of the technology markets become increasingly important. Not only will the outcome of this case impact the fortunes of a host of technology companies, but it will also affect how I and millions of others communicate with our friends and family, what choices we have for online services such as digital photography, and of course how much we and businesses spend on technology infrastructure. Once the government decided not to seek a structural remedy, it necessarily embarked on a course

of regulation. Regulation only works when the conduct prohibitions truly restrain anti-competitive behavior, and create a genuine opportunity for innovators to enter the market and compete in it based on their merits. Unfortunately, the Proposed Final Judgement (PFJ) presented by the Department of Justice and several states fails on all counts.

Its results will be only a mild, temporary modification to Microsoft's well-documented behavior, with no lasting or significant effect on competition. Microsoft will retain its monopoly and every incentive to maintain it through any means not specifically prohibited by the PFJ. Consumers will continue to be deprived of the innovations and other benefits of a truly competitive market, in part because innovators will be deprived of the opportunity and incentive to challenge Microsoft's monopoly as it expands and evolves. Most importantly, America's technology industry will stagnate, as ever fewer competitors see any value in entering markets dominated by Microsoft.

While I believe that many if not most Americans will be affected by the disposition of this case, I have a particular interest in it as a long-time technology consumer, entrepreneur, and enthusiast. Since 1980, I have used personal computers nearly every day, first as a hobby, then for school, and later for my career in the technology industry. In the early 1990s, I managed a small but pioneering desktop publishing department for a large advertising agency. Later, I joined a groundbreaking multimedia company that produced CD-ROMs for both Macintosh and Windows-based computers.

Most recently, I was a partner in a successful Internet development firm, which designs and produces web sites and other interactive media for corporate clients. Having sold my share of that business, I currently consult for other companies in the technology industry.

Definitions Are Critical: the Devil Is in the Details

1. Most provisions of the PFJ depend on the definition of ''Microsoft Middleware.'' Accordingly, we should expect this term to be well-defined, with clear boundaries and unquestionable meaning. Unfortunately, the reality is that it is vaguely defined, in language that grants Microsoft itself much control over what software it, and therefore the PFJ, governs.

1.1. Definition: According to the PFJ (PFJ VI.J), ''Microsoft Middleware'' is any software which:

. is distributed separately from the operating system,

. controls the user interface of the Microsoft Middleware,

. provides substantially similar functionality as a Microsoft Middleware Product, and

. is trademarked.

1.2.

Definition gives Microsoft control. So Microsoft, which has long stated its goal of incorporating browsing and other middleware functions into its operating system products, can exclude code from the Microsoft Middleware definition simply by not distributing it separately from the operating system, or even just by not trademarking it. Microsoft therefore will have enormous latitude in determining which new operating system features will be governed by the PFJ.

Clarity Is Essential to Compliance and Public Confidence.

2. The PFJ consists largely of vague prohibitions hobbled by numerous qualifiers and exemptions.

For instance:

Limited replacement of Microsoft Middleware.

2.1. The PFJ requires Microsoft to enable users and OEMs to specify that Non-Microsoft Middleware be used in place of Microsoft Middleware (PFJ, III.H.2). This is a welcome change because it had previously been difficult to replace Microsoft's Internet Explorer (IE) without facing ''considerable uncertainty and confusion'' when IE would nonetheless unexpectedly be invoked under certain circumstances (Findings ¶ 171).

2.1.1. Exemption for Microsoft servers. Unfortunately, Microsoft is exempt from this requirement when the Middleware Product would be invoked ''solely for use in interoperating with a server maintained by Microsoft'' (PFJ III.H). This may exempt Microsoft's current move into network services (''.NET'') from the judgement, inasmuch as such services communicate with Microsoft-owned servers. Microsoft considers .NET to be the next phase of the Internet, at last offering ''real'' applications and services. The first .NET service, Microsoft Passport, aims at becoming a cornerstone of Internet shopping and authentication transactions, and stores its data exclusively on Microsoft-owned servers.

2.1.2. Exemption for proprietary technologies. Another exemption allows Microsoft to launch its own middleware when the Non-Microsoft Middleware ''fails to implement a reasonable technical requirement'' (PFJ III H 3). Microsoft will be able to capitalize on this loophole simply by emphasizing proprietary technologies not supported by Non- Microsoft Middleware. To the extent that Microsoft can implement features using proprietary technologies, it will better be able to exclude Non-Microsoft Middleware. A truly pro-competitive PFJ would encourage Microsoft to use open industry standards.

OEM Distribution Channel Opened, But For Whom?

2.2. The PFJ requires Microsoft to allow OEMs to customize the user's desktop by installing icons for Non-Microsoft Middleware and other products (PFJ, III.C.1). This is important to the PFJ because Microsoft has in the past excluded Netscape and other competitors from the valuable OEM distribution channel, often by contractually limiting an OEM's ability to customize the desktop. In addition, Microsoft has used its control over the valuable desktop real-estate as an incentive to get IAPs such as AOL to support Microsoft Middleware instead of competing products.

2.2.1. OEMs lack incentive. Unfortunately, because Microsoft's Internet Explorer is now the market leader, there is today little consumer demand for alternatives to Microsoft Middleware. This makes it unlikely that an OEM would see much gain, if any, in installing Non-Microsoft Middleware. Such distribution may benefit the middleware developers, but would not greatly benefit the OEM.

2.2.2. Customizations will be short-lived. This prohibition remains in effect only for a 14-day window starting after the end user first turns on his or her PC. Thereafter, Microsoft is free to re-arrange the desktop as it sees fit, including automatic removal of any non-Microsoft icons, e.g. by operating system features such as the ''Clean Desktop Wizard'' built-in to Windows XP (PFJ, III.H.3). So, any Non-Microsoft Middleware developers who do manage to secure OEM distribution could well see their products wiped off the desktop after a short two weeks.

2.2.3. Likely results. These limitations beg the question: will any OEMs risk irritating Microsoft for such minor benefits? If they do, will the results truly be increased competition in the middleware market?

General Rule on Sharing APIs.

2.3. The PFJ requires Microsoft to share APIs used by Microsoft Middleware with ISVs, et al. (PFJ III.D). In its Findings of Fact, the District Court found that Microsoft had repeatedly withheld such information from ISVs, or used its disclosure as an incentive for ''friendlier'' behavior, in an effort to preserve the applications barrier to entry (Findings, ¶ 84, 90, 91). Because ISVs depend on such information to develop software for a given platform, withholding APIs can limit or destroy an ISV's ability to create competitive products. Therefore full API disclosure should be considered a basic condition for any kind of effective competition.

2.3.1. Only APIs necessary to mimic Microsoft's products will be disclosed. Unfortunately, the PFJ requires Microsoft to share only those operating system APIs used by Microsoft Middleware. This is a limited set of APIs, of use only to those ISVs who want to develop middleware products similar to Microsoft's. It does little to help ISVs offer features or innovations not already offered by Microsoft's products. Since ISVs typically must provide innovations to gain market share against an entrenched market leader, this requirement is unlikely to promote competition in the middleware market.

2.3.2. Many APIs may be withheld on dubious ''security'' grounds. The PFJ allows Microsoft to exclude any APIs the disclosure of which ''would compromise the security of a particular installation or group of installations of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems'' (PFJ III.J.1).

. This is a surprising exemption because few security professionals believe API disclosure could weaken any well-designed security system. Indeed, the complete source code (a level of disclosure far greater than simple APIs) is publicly available for several operating systems and security-related products that are widely considered to be more secure than Windows (e.g. the Linux operating system).

. Yet the inclusion of this exemption implies that there in fact are such APIs

whose disclosure could compromise security, and thereby opens the door for Microsoft to make claims about which ones they are. There is no basis for the Competitive Impact Statement's (''CIS'') optimism that security-related exemptions will be limited to ''keys and tokens'' (CIS, IV.B.5) of particular installations. Nothing in the PFJ's language so limits the exemptable APIs, and such entities aren't generally visible at the API level, anyhow.

. With Microsoft's current push into network services (under the .NET moniker), we can expect privacy and security features to be suffused throughout the code, increasing the number of APIs Microsoft will try to exempt from disclosure. Indeed, Microsoft has just this month announced that privacy and security will henceforth be its main priorities.1 Associated Press, ''Microsoft Announces Strategy Shift'', D. Ian Hopper and Ted Bridis, January 17, 2002.

Inadequate Enforcement

3. The task of detecting whether Microsoft has violated these and other provisions falls to a three- person ''Technical Compliance'' committee (the ''TC''). This committee will have access to the source code and tools used to create Microsoft's products, as well as access to the relevant Microsoft staff (PFJ IV.B.8). In theory, the TC's oversight will prevent Microsoft from using technical strategies to camouflage non-compliance, for instance by wrongly claiming that some important API should not be disclosed for security reasons. While such oversight may in fact be helpful, the TC is an inadequate, inefficient and non-transparent attempt to ensure enforcement of a Judgement that otherwise relies on voluntary compliance and enforces few penalties for transgressions.

3.1. Severe employment restrictions threaten the TC's performance. The PFJ includes employment restrictions which will dramatically narrow the pool of TC candidates—first, to those experts not currently working for Microsoft or a competitor, and then to those remaining candidates willing to forego any such employment for two years after serving on the TC. In so doing, it excludes nearly all of those experts in operating systems design and programming whom the TC most needs, since it will be very difficult to find any such experts not currently working for, and with no intention of working for, Microsoft or a competitor. As a professional in this field, I cannot imagine why a highly competent independent minded computer scientist would wish to serve on the TC under these circumstances.

3.2. The TC will be buried under a mountain of technical data. Even if well staffed, the committee will have an enormously difficult task from a technical standpoint. Inasmuch as deciphering computer source code can be difficult even for the code's author, much less a new reader, and inasmuch as Windows XP alone consists of some 45 million lines of code2, this committee will have an enormously difficult task. Even with a large support staff, it is hard to imagine this committee effectively analyzing Microsoft's source code and fully investigating allegations of non-compliance.

3.3. The TC cannot ensure timely remedies. Further, because the committee is prohibited from public comment (PFJ, IV.B.10), it will be unable to confirm any ISV's suspicions about Microsoft's compliance, nor could it force a timely remedy. Its only recourse will instead be to notify Microsoft and the Plaintiffs and to suggest a possible remedy. Therefore, an ISV suspecting Microsoft of non-compliance will not receive an immediate remedy, but must instead rely on a bureaucracy whose natural tendency will be not to pursue minor infractions. While such infractions may indeed be minor in the scope of the overall judgement, they would assuredly be of great importance to the ISV. 3.4.

The TC's findings may not be presented to the Court or the public. Under the PFJ, the TC may not testify in any matter relating to the Final Judgement, nor may its work product and recommendations be submitted to the Court (PFJ, IV.D.4.d). Similarly, the TC is prohibited from public comment (PFJ, IV.B. 10). Thus, even if the TC's exclusive access to source code should produce evidence of deception and non-compliance by Microsoft, this evidence will not be presented to the Court. 2 BusinessWeek, ''Windows XP: a Firewall for All'', Alex Salkever, June 12, 2001.

. In theory, the TC will report to the Plaintiffs, who may in turn report such non-compliance to the Court, and produce evidence of it via other means. This may well happen in the case of massive or severe non-compliance. However, what happens to the small ISV who suspects Microsoft of non-compliance, e.g. by not disclosing some necessary API? Such an injured party may report its concerns to the TC, and then hope that the TC is able to verify its claims, and further is able to convince the Plaintiffs to go to court on their behalf. During this bureaucratic pursuit, the ISV's business may suffer irreparable harm, or even vanish altogether (as has very nearly happened to Netscape). Were such ISVs to have access to Microsoft's source code, perhaps in a secure facility, they could investigate such concerns themselves, directly and immediately. Indeed, API disclosure would not be an issue in the first place.

. The point here is that the nature of the TC is as the first step in a bureaucracy whose natural instinct will be to pursue only the most serious transgressions. In the context of a rapidly changing technology industry, this is a serious weakness in the PFJ. 3.5. PFJ places enormous weight on third TC member. The PFJ proposes that the Plaintiffs appoint one member of the TC, Microsoft appoint a second, and then these two members themselves choose a third (PFJ IV.B.3). This structure places enormous responsibility on the third member, who can be expected to decide any disagreement between Microsoft's representative and the Plaintiffs'', especially in the context of the Voluntary Dispute Resolution process in IV.D. It is unclear whether the TC reports to the Plaintiffs only as a single unit, or whether a dissenter's view also gets submitted to the Plaintiffs. A better structure would at the very least make it crystal clear that any single member of the TC may report to the Plaintiffs.

Also, creating such a fulcrum position in the TC makes this third seat much less attractive and harder to fill, and injects an element of politics into the TC that will distract from its technical mission and smooth functioning. Because the TC is not a decisional body, but simply a means to keep a watchful eye on Microsoft's compliance, it is unclear why Microsoft should have representation here at all. All of the TC's members should be appointed by the Plaintiffs, perhaps with the DOJ appointing one member, the States appointing a second member, and the Plaintiffs collectively appointing the third. 3.6. Catch-22. Given the enormity of the TC's tasks, the limits on its powers and enforcement abilities, and the severe employment restrictions surrounding service in the TC (IV.B.2), it is clear that any candidate for the TC willing to accept the job is almost certainly too inexperienced to be legitimately qualified for it.

In Today's Market, More is Needed.

4. In perhaps its broadest weakness, the PFJ fails to recognize that the circumstances of the original case were unique, and that circumstances today are very different. The Internet's rapid public acceptance around 1994–1995 took many established computer-industry firms by surprise, and radically changed the personal computer market. The basic reasons users wanted to own personal computers changed dramatically within less than two years. Two companies in particular, Netscape and Sun Microsystems, were able to aggressively exploit the new technologies and to take advantage of Microsoft's slow response to the burgeoning consumer demand. As a result, they were able to present a serious threat to the applications barrier to entry that has long protected Microsoft's monopoly in Intel-compatible operating systems.

4.1. No longer any consumer demand for non-Microsoft Middleware. But that window of opportunity is long closed. The Internet is an established part of the personal computer market. Microsoft's Internet Explorer is the dominant browser. There no longer is any great consumer demand for alternative browsers. Netscape no longer exists as an independent company, and development of the Netscape browser occurs at a fraction of its former pace. Even the CIS acknowledges that Microsoft has ''perhaps extinguished altogether the process by which these two middleware technologies [Java and the Netscape browser] could have facilitated the introduction of competition into the market for Intel-compatible personal computer operating systems'' (CIS, III.B.3).

4.2. Cannot resuscitate existing middleware competitors. Nothing in the PFJ can or will restore these competitors to their former strength. There is no way to rekindle the massive consumer demand, then left unserviced by Microsoft, that gave these companies their initial momentum.

4.3. Hoping for another thousand-year flood. Still, the CIS claims the PFJ will ''restore the competitive threat that middleware products posed prior to Microsoft's unlawful undertakings'' (CIS, II). Given that Microsoft now dominates the browser market and retains its operating systems monopoly, and given that the PFJ

allows Microsoft to support its browser market share by tying the browser to the operating system, this claim seems to rest on the optimistic hope that some new disruptive technology will appear, will be ignored by Microsoft, and will create massive consumer demand for some non-Microsoft Middleware. Without such an event, the PFJ merely establishes rules for a game that has no players.

Unconditional Surrender

Finally, in a bizarre and extreme limitation, the PFJ will expire in only five years—regardless of whether or not Microsoft retains its operating systems monopoly (PFJ, V.A). The DOJ must believe that not only is the PFJ an effective remedy, but that it will be so effective that Microsoft will be reduced to a shadow of its former self and must be unshackled in just five years (seven, if the Plaintiffs seek and receive the maximum extension permitted by the PFJ). Unfortunately, this clause is so careless that it will release Microsoft no matter the circumstances—that is, even if Microsoft retains or even strengthens its monopoly power. The message that the PFJ sends is ''we'll try this for five years, and then we're giving up.''

Any judgement should remain in effect until the Court finds that Microsoft no longer holds a monopoly in Intel-compatible operating systems. It makes little sense to release Microsoft until competition has re-entered the market and Microsoft may no longer commit the illegal acts described by the Court'' s Findings of Fact.

Alternatives

This PFJ illustrates the difficulty in devising effective conduct remedies for complex software cases such as this, especially where the defendant retains its monopoly power and the incentive to expand and maintain it by any method not prohibited by the PFJ. Vague technical definitions and even apparently narrow exemptions can be exploited by the monopolist to maintain its ill-gotten gains. It would be vastly preferable to create the proper structural conditions for competition by decoupling parts of the monopolist enterprise. Without a structural remedy, it is imperative that the definitions and prohibitions in the Final Judgement be as clear and comprehensive as possible, so as to fully restrict the anti-competitive behavior that has been denying consumers choice, innovation and fair market pricing. There are a number of specific changes that ought to be made to the PFJ:

. Any judgement should remain in effect until Microsoft no longer holds a monopoly in Intel- compatible operating systems. Starting in 5 years, the Court should annually review Microsoft's position in the Intel-compatible operating systems market. Should it find that Microsoft no longer exercises monopoly power in that market, and therefore cannot commit the illegal acts described in the Court's Findings of Fact, it could release Microsoft from the terms of the judgement.

. The TC should be appointed entirely by the Plaintiffs, perhaps with the DOJ appointing one member, the States appointing a second member, and the Plaintiffs collectively appointing the third.

. Definitions such as that of ''Microsoft Middleware'' should be tightened considerably, and the PFJ reworked to minimize its reliance on such narrow categories.

. Microsoft should be required to make the full source-code for its Intel-compatible operating systems available for viewing by ISVs et al.. This will allow ISVs to better develop competitive products, and will allow the ISVs themselves to monitor Microsoft's compliance with the judgement's other technical requirements, instead of relying on an inefficient, overworked TC.

. If the Court decides against requiring source-code sharing, it should at a minimum require the disclosure of all operating system APIs used by any Microsoft products (i.e. not just those APIs used by Microsoft Middleware). A blanket disclosure requirement such as this will close those existing loopholes whereby Microsoft might withhold critical information from ISVs whose products threaten its operating system monopoly.

. Exemptions permitting various proscribed behaviors under certain circumstances should, as a whole, be stricken. Finally, the judgment should include real consequences for non-compliance, such as further conduct prohibitions, financial penalties, or further disclosure requirements. The PFJ currently provides only a possible Court-imposed two-year extension of its rather toothless provisions.

Conclusion

I hope that the PFJ is modified by the DOJ or the Court, and that what seems to be a great opportunity for antitrust law to make a difference for tomorrow's entrepreneurs and consumers is not lost in a fog of complexity. The technology may be complex and changing, but the underlying competitive issues are fundamental. I take both comfort and concern from the fact that I am clearly not alone in expressing these concerns. As the Financial Times editorialized: ''. . .It would be wrong for the states, or the judge, to reject this settlement merely because it is not sufficiently punitive. The test is whether the proposal provides enough protection for the public and for Microsoft's competitors. As it stands, it does not meet this test. Though a continued trial would be expensive and distracting, it would be better than an unsatisfactory settlement. This proposal should be rejected..'' (Financial Times, ''Micro-too-soft'', November 5, 2001)

I believe that the PFJ, if accepted by the Court in its current form, will lead to clear and irreparable harm to consumers and to the United States'' technology industry. So pervasive has technology become that the technology industry is an obviously critical component of the American economy.

Even Business Week, itself no anti-capitalist Microsoft critic, recognized the broad implications of the resolution of this case: ''. . . [T]he Justice Dept.'s weak censure of Microsoft for its serious monopolistic practices could cost the U.S. mightily in the years ahead. The great strengths of the American economy are its openness, its competitiveness, and its innovativeness. Monopoly is the enemy of all three.'' (BusinessWeek, ''Slapping Microsoft's Wrist'', November 19, 2001)

Based on my experience, I do not find the PFJ to be in the ''public interest'', which is the standard that the DOJ and the Court are subject to under the Tunney Act.

Respectfully submitted,
Jonathan Gifford
January 28, 2002

MTC–00028580

From: noreen.willig@verizon.net@inetgw
To: Microsoft ATR
Date: 1/28/02 4:40pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division 601 D Street NW, Suite 1200 Washington, DC 20530–0001 Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Noreen Willig 7394 E. Brisa Drive
Scottsdale, AZ 85262

MTC–00028581

From: Peter Anderson
To: Microsoft ATR
Date: 1/28/02 4:44pm
Subject: MICROSOFT SETTLEMENT
Please find attached my comments in the Microsoft Settlement.
Peter Anderson
5749 Bittersweet Place
Madison, WI 53705
(608) 233–6167
Daytime: (608) 231–1100

MTC–00028581—0001

5749 Bittersweet Place
Madison, Wisconsin 53705
(608) 233–6167
January 28, 2002
Ms. Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW Suite 1200
Washington, DC 20530–0001
Re: MICROSOFT SETTLEMENT COMMENTS

Ms. Hesse:

I would like, if I may, to forgo adding any further efforts to muddy the law and, instead, just comment on the proposed settlement as a consumer who uses a PC computer. With all the drang and sturm already surrounding this case, the interests of the consumer can sometimes get lost in the legal crossfire.

Separate from the arcana of the law, there are two competing views that have been expressed to determine the consumer's interest, as regards the benevolence of the monopoly that Microsoft maintains over desktop operating systems, and against

which the proposed settlement ought to be judged.

The first, and most easy to understand, is the view ably championed by Microsoft. That points to the great advantages in convenience from having a single seller that, alone, can erect a seamless intra and inter connectivity among the various applications on one's own desktop and in electronic communications with different computer users using different platforms. Certainly the convenience factor has some merit and, I must confess, some of my computer-using colleagues with whom I discuss these issues second Mr. Gates'' feelings.

On the other hand, and less readily understood but eminently as vital, is the essential creative energy for dynamic change and future progress that only emanates from disorganization and chaos, both of which are, too often, swallowed in the maw of a monopoly, especially one, like here, that has been found to wantonly abuse its monopoly power. That is why I believe this excerpt from the Pulitzer Prize winning book, Guns, Germs and Steel, is so instructive for how to structure a remedy in this case, if you will indulge me in this short detour to an explanation of why civilizations expand and fall-

''Why did China lose its [technological] lead [over Europe]? Its falling behind is initially surprising because China enjoyed undoubted advantages . . .

''These advantages and head start enabled medieval China to lead the world in technology. The long list of its major technological firsts . . . In the early 15th century it sent treasure fleets, each consisting of hundreds of ships up to 400 feet long and with total crews of up to 28,000, across the Indian Ocean as far as the coast of Africa, decades before Columbus's three puny ships crossed the narrow Atlantic Ocean to the Americas'' east coast. Why didn't Chinese ships proceed around Africa's southern cape westward and colonize Europe, before Vasco da Gama's own three puny ships rounded the Cape of Good Hope eastward and launched Europe's colonization of East Asia? Why didn't Chinese ships cross the Pacific to colonize the America's west coast? Why, in brief, did China lose its technological lead to the formally so backwards Europe?

''The end of China's treasure fleets gives us a clue. Seven of those fleets sailed from China between A.D. 1405 and 1433. They were then suspended as a result of a typical aberration of local politics that could happen anywhere in the world: a power struggle between two factions at the Chinese court (the eunuchs and their opponents). The former faction had been identified with sending and captaining the fleets. Hence when the latter faction gained the upper hand in a power struggle, it stopped sending fleets, eventually dismantling the shipyards, and forbade oceangoing shipping . . . But in China . . . because the entire region was politically unified . . . [o]ne decision stopped fleets over the whole of China.

''Now contrast those events in China with what happened when fleets of exploration began to sail from politically fragmented Europe. Christopher Columbus, an Italian by birth, switched his allegiance to the duke of Anjou in France, then to the king of Portugal. When the latter refused his request for ships in which to explore westward, Columbus turned to the duke of Medina-Sedonia, who also refused, then to the count of Medina-Celi, who did likewise, and finally to the king and queen of Spain, who denied Columbus's first request but eventually granted his renewed appeal. Had Europe been united under one of the first three rulers, its colonization of the Americas might have been stillborn.'' Jared Diamond, Guns, Germs and Steel: the Fates of Human Societies, W.W.Norton & Co. (1999), at pp. 411–413 (emphasis added).

The same motivating forces that animate a civilization described by Mr. Diamond similarly infect those of companies, technologies and markets. Microsoft certainly has much to be proud of in prevailing over so many of its competitors. But innovation does not number high on that list.

Whether we think back to the first ''killer app,'' the spreadsheet, or the word processor, not to mention the mouse, the user-friendly WYSIWYG interface, the world wide web, media streaming, music sharing or almost anything else that has caught fire in the market, it was someone other than Microsoft who conceived and gave life to these ideas so critical to the realization of the full potential of computing. Furthermore, the fact that Microsoft exercised its monopoly power over the desktop to destroy so many of these inventors, depriving them of their just reward for their labors, is of great concern for an economy whose lifeblood literally depends upon the nourishment of innovation.

What Microsoft has added to the equation apart from technical refinements is, essentially, marketing—marketing with the unique power that arises not because it has developed the newest or best product for the consumer, but rather the dominance that derives from the illegal extension of its desktop operating system monopoly.

This is not a contentious statement. The company's executives openly acknowledge the fact, as in the Wall Street Journal profile that ran following Mr. Gates handing day-to-day control over to Mr. Ballmer two years ago at the height of this litigation. ''Mr. Ballmer's ascension signals— ''the shift in power at Microsoft from those with purely technical minds to those who can fuse technology with business sense and customer concerns. For example, Microsoft's consumer chief Rick Belluzzo, a longtime Hewlett-Packard Co. executive whom Mr. Ballmer recruited, says the success of Microsoft's Web efforts depend more on marketing than technology.'' David Bank, ''How Steve Ballmer Is Already Remaking Microsoft,'' Wall Street Journal (Jan. 17 ''00) (emphasis added).

Nor ought that statement to be surprising. It is in the essential nature of organization that, once primacy in some endeavor is achieved, every sinew in its corporeal body is marshaled toward the defense of the product at the source of its power, to be free of the unpleasantness of brutish competition, and to enjoy the quiet life of the monopolist.

Understandable though that may be for any monopoly, including Microsoft, this condition does not demarcate the consumer interest. Rather it is antithetical to it. Messy but vibrant competition is the only proven engine to maintain the pressure to constantly strive and to provide rewards for those who succeed.

Absent clear and enforceable constraints on the extension of Microsoft's desktop monopoly to the web and beyond, the future will be the worse for the dead weight of their monopoly. If the trial court's original structural remedy breaking up the operating system monopoly from applications and the web is off the table, then it is absolutely essential that the final judgment erect an impenetrable wall preventing Microsoft's conduct from extending its monopoly into the new frontiers that advanced computation have opened.

This includes a ban on bundling or otherwise tying the sale of its Windows operating system with any other software product whose essential purpose is to communicate to or from the world wide web or manipulate digitized sights and sounds, all of which are outside the OS market and none of which is mission critical for a desktop computer to operate. At the same time, Microsoft must also open all its evolving source code with complete documentation to competing developers so that they are given a fair opportunity to be the First to market for mid-ware with product that is seamlessly integrated into the operating system. Lastly, the defaults built into the operating system cannot steer the passive user to Microsoft's products, such as the Word folder that Outlook Explorer continues to steer me to when attaching fries such as this to email, impervious to my best efforts to change that default setting.

Mind you, none of this means that Microsoft ought to be stopped from marketing any product that they chose, so long as it is unbundled in its own shrink wrap to insure that they are forced to compete on a level playing field. Even if they had acquired their monopoly power on the desktop legally—and the trial court found otherwise—that tragedy would be inexcusably compounded in a black mark on the legal system were they now permitted to leverage that illegal monopoly into new markets and, in the process, slow the development of future opportunities on which America's leadership depends.

For all his accomplishments, Mr. Gates ought not to be heard to complain about the intervention of the anti-trust laws in his path to market power inasmuch as Microsoft only exists by virtue of the fact that the Justice Department had previously sued IBM for anti-trust violations, which at the time had a near monopoly in mainframe computers. The reason IBM visited young Mr. Gates that fateful day in 1979 in search of an outside party to provide an operating system for IBM's first personal computer was, by moving that product extension in someone else's hands, to throw the antitrust wolves off their traces, not because they had any capacity or desire to develop their own product in-house.

Now it is time for him to recognize that the sun which has shined on him is setting. For the immediate future, Microsoft can continue to enjoy monopoly rents on a mature business so long as it refrains from those acts

found unlawful that illegally sustain its monopoly, but it must leave future markets to be conquered only by those who fairly prevail on the field of competition.

It is in its dynamic economy that America has defined its greatness. In that achievement, however, lay the seeds of our own decline if we let ourselves become prey, as so many civilizations have before us, to subside into complacency, lured by the siren call of convenience and its hand maiden, the status quo.

With the future of economic growth so tied to the ability to multiply human productivity through advances in computation, it would be a tragedy of the first order to let that happen. This case creates the opportunity to seize a far better future than the convenient but far more limited one promised by Microsoft.

Sincerely,
Peter Anderson

MTC–00028582

From: JLennox@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:45pm
Subject: Anti Trust settlement

Mr. Ashcroft,

Please read the attached letter regarding Microsoft. Thank you.

Regards,
James J Lennox

MTC–00028582—0001

James Lennox
19 Dellwood Drive
Florham Park, NJ 07932
January 28, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

The purpose of this letter is to go on record as a supporter of the settlement that Microsoft and the Department of Justice has reached. The antitrust suit against Microsoft has drained state and federal government funds, as well as Microsoft's; am relieved to see that it has ended.

A inordinate amount of money has been spent pursuing Microsoft, and this settlement finally allows an end to the litigation. The settlement was actually harder on Microsoft than I would have liked, but I am relieved to see an end to the dispute. In fact, Microsoft will be required under the agreement to supply its competitors with its intellectual property in the form of source code and design data, which makes up the internal structure of the Windows operating system. This does not seem fair to me, but if it ends the suit against Microsoft, I support it.

This settlement is fair enough, and I just hope that there will be no further litigation against Microsoft.

Sincerely,
James Lennox

MTC–00028583

From: paul—knutson@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:36pm
Subject: Microsoft Settlement

I urge the Federal Government and those states involved in the settlement of the anti-trust case with Microsoft in November 2001 to continue with the process of settlement and see it through to its completion. I have read the terms of the settlement and the punishment of Microsoft is stern but fair for all involved. I and the other consumers who ultimately drive the economy will benefit from this settlement and that is of utmost importance today. It is time for the Federal Government the participating States and all those who seek to further delay this settlement to move on to other issues by allowing the completion of this settlement and ending the Microsoft anti-trust case once and for all.

MTC–00028584

From: nanandkitty@bigplanet.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:36pm
Subject: Microsoft Settlement

Please honor this settlemnt and free time money and resources to pursue solutions to the truly outrageous abuses perpetrated by ENRON and ANDERSEN!!!

MTC–00028585

From: trasharp@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:36pm
Subject: Microsoft Settlement

The government has no business determining software/hardware combinations how technology can be improved how technology companies can form partnerships and how companies can manage their intellectual property. The market and consumers have already made that decision and make it every day in their purchasing choices. This settlement should be approved so that we can all move on to the business of innovation.

MTC–00028586

From: smodan@msn.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:36pm
Subject: Microsoft Settlement

Because I am old (68) I remember the growth of computer technology and it has been great. Microsoft has led the way. But along the way there has been a lot complaining about the leadership. As I remember it would come from people who were experts. It seemed they had control of their world and didnt want it to change. But technology is about change and therefore what ever Microsoft did it made the present better and pushed us into the future. From my point of view we should stop all law suites aginst Microsoft and get on with business.

MTC–00028587

From: cdydr@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:36pm
Subject: Microsoft Settlement

The settlement proposal appears to be more than fair and with all the protection features necessary.

MTC–00028588

From: febetz@toad.net@inetgw
To: Microsoft ATR
Date: 1/28/02 4:36pm
Subject: Microsoft Settlement

Throughout this process Microsoft and Bill Gates have shown no remorse or even signs that they have infringed on the rights of others in the marketplace. The current settlement is a sellout to Microsoft.

They concede nothing and give nothing. The day after this settlement concludes Microsoft will continue to bully and coerce smaller competitors protect their programs and deny what everyone thought that they were supposed to yield. Their lawyers will find protection in the samll print. Microsoft gained leadership through shrewd buisness alignments initially and afterward by borrowing technology from others. Did Microsoft introduce the mouse or pull down screens? No! If it wern t for other competition Microsoft would still have us using DOS. Microsoft has continuously introduced mediocre software and mediocre upgrades that crash and crash again. If they were building automobiles no one would buy a second one. Microsoft has dominated the personal computer software field with poor products soley because they have muscled every competitor into submission. The proposed settlment does nothing to stop this still arrogant corporation from continuing as it has in the past. Break up Microsoft!

Give the Nation an honest and fair playing field for all. Thanks !

MTC–00028589

From: robinpur@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:36pm
Subject: Microsoft Settlement

I am shocked that the government has brought this case against Microsoft. Microsoft is an innovative company that does a lot for it s consumers. It s amazing that a small business can be successful with the tools Microsoft has developed. This case against Microsoft needs to be dropped. It s harming consumers and our economy to continue such a fight against a company that has done so much for the consumers and America! Please drop this case and move on. Settlement is needed to help the economy to move forward. I am so disappointed in the 9 states that are continuing the fight against Microsoft. They are obviously not listening to the American people since most of us do not want this to continue since Microsoft has done so much to help improve our lives. It s so obvious that the 9 states are being pushed to continue to fight Microsoft just for money and their power-hungry competitors that have not been able to develop products as well as Microsoft. As a consumer I choose which products I want to use. It s not forced upon me! Therefore I m not sure how I m being harmed. I choose what I want to use and I will continue to choose Microsoft. Please move forward and let things continue the way they are.

MTC–00028590

From: twotoads@webtv.net@inetgw
To: Microsoft ATR
Date: 1/28/02 4:36pm
Subject: Microsoft Settlement

It is time this case is settled as determined in November and stop any futher costs

MTC–00028591

From: eeldon@juno.com@inetgw

To: Microsoft ATR
Date: 1/28/02 4:36pm
Subject: Microsoft Settlement
Leave Microsoft alone. They have simplified the use of computers. What happened to free enterprise?
they came up with a better mouse trap and other companies want to capitalize on their expertise.

MTC–00028592

From: frankcaicedo@holmail.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:36pm
Subject: Microsoft Settlement
Leave Microsoft alone. This is the first company in the history of the United States to be number one in the world at what they do. I think that Mocrosoft has done a wonderful service to this country and I do not want any damage to the company that has managed to keep the foreigners away from the leadership in this technology. Microsoft deserves all of our support so that they will be able to concentrate on bringing to us the newest advances in computer software and related technology. Sincerely Frank
Caycedo
M.D.

MTC–00028593

From: rogowski@pacifier.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:36pm
Subject: Microsoft Settlement
It seems the loudest voice against the settlement is Microsoft competitors. That should indicate to the court that they intend to use the justice system to their benifit. The settlement is just and fair and should be granted.

MTC–00028594

From: dchadwell@executive.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:36pm
Subject: Microsoft Settlement
Dear Sirs I encourage you to complete and settle the Microsoft case as soon as possible in a manner that is the least intrusive of Microsoft. It is my opinion that this entire case is based not upon what is best for consumers as we enjoy the greatest technological advantage in the world here in the USA largely due to the contributions from Microsoft but based upon the desire of others as Larry Elison and Scott McNealey (Oracle & Sun Corporations) to themselves be # 1 in place of Microsoft. Both have openly and repeatedly said as much on many venues. It is time to close this case and move on. Best
Regards
Danny Chadwell

MTC–00028595

From: jana30@ameritech.net@inetgw
To: Microsoft ATR
Date: 1/28/02 4:36pm
Subject: Microsoft Settlement
The origin of Microsoft is the story of America.Competition and innovation should be encouraged cultivated and applauded.Tempered with some rules and regulations but not punished for triumph.Every contest has a winner and a loser.Does not the vanquished perpetually cry foul upon defeat?Technology today is a profusion of opportunities let‘s not support regulatory suffocation!

MTC–00028597

From: gillesdebordeaux@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:36pm
Subject: Microsoft Settlement
Microsoft is among the few companies who allowed the USA to become the number one software exporter in the world. Don t break or harm a company that brings so much money to the USA and that employs (directly and indirectly) so many people. Microsoft keeps bringing a lot of inovations at a very low cost for the customer.

MTC–00028599

From: wearent@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:36pm
Subject: Microsoft Settlement
i disagree with the gov. interfering with microsoft s effort to increase the use of technolgy. i wish to support the settlement that has been worked out between microsoft and the gov! please alow us the opportunity to determine what we want—-now get off their back so they can provide us with new technolgy sincerely wesley and lois arent.

MTC–00028601

From: sbcascade@msn.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:36pm
Subject: Microsoft Settlement
Please settle the case against Microsoft. Pursuing the case against Microsoft is harming consumers. Microsoft has done a lot for me as a small business owner. I do not support the actions of fighting Microsoft since their programs and tools have helped my business be successful. Please settle and let us consumers decide which products we want to use.

MTC–00028602

From: monette@freeway.net@inetgw
To: Microsoft ATR
Date: 1/28/02 4:36pm
Subject: Microsoft Settlement
Why tear down one of your biggest corporations just to destroy them? (EX> K-Mart). You have much bigger fish to fry. Go after the real problems—the stock market. The manipulations of the anaylasts have done major damage to the ecomony. Go after those people who are one of your biggest problems instead of wrecking another major industry who has done so much to advance technology in the country and the world.

MTC–00028603

From: monette@freeway.net@inetgw
To: Microsoft ATR
Date: 1/28/02 4:36pm
Subject: Microsoft Settlement
Microsoft brought the computer to this country for the common people. They have done what the government could not do. Actually Microsoft brought the computer to the World. You should be thankful for this. Shame on you for being so selfish. Marcia

MTC–00028604

From: ahowens@juno.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:36pm
Subject: Microsoft Settlement
It s a shame when corporations suing Microsoft can t stand competition. It also appears our legal system is willing to continue trying to destroy Microsoft. Why don t we just let the market system work? Let the people buy the product they want instead of forcing Microsoft to give incentives to it s competitors.

MTC–00028605

From: dcmcder@swbell.net@inetgw
To: Microsoft ATR
Date: 1/28/02 4:36pm
Subject: Microsoft Settlement
The involvement of the government in this matter disturbs me a great deal. The tax dollars used to fund the prosecution of Microsoft far outweigh the consumer benefit (if any) a judgment would provide. As I see it the only people who are being assisted by this would be AOL SUN Oracle and others. So as a consumer I would like to once again thank you for all you ve done to help big business in my name.

MTC–00028606

From: joec504@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/28/02 4:37pm
Subject: Microsoft Settlement
Get on with the settlement! As long as all parties aggree let s get back to good competitive business.

MTC–00028607

From: maxrice@charter.net@inetgw
To: Microsoft ATR
Date: 1/28/02 4:36pm
Subject: Microsoft Settlement
I think the proposed settlement is in the public interest and should be accepted.

MTC–00028608

From: ilsawing@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:36pm
Subject: Microsoft Settlement
It is my belief that government has gone too far in it s pursuit/vendetta against Microsoft. When the public buys more goods from a certain company it is usually because that company had the foresight to see the needs of the public. Also the public has in essence cast it s vote by buying goods and services from Microsoft thereby showing it s trust and it s wish to continue a consumer/producer relationship with that company. It makes me wonder what is next on the government s agenda to attack and break up. This divide and conquer strategy taken by our government can next attack anything American. The people should beware and vote accordingly to be assured that those who intend to use big government against the public are not in a position to do so.

MTC–00028609

From: gip4all@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:36pm
Subject: Microsoft Settlement

I do not support the settlement/s as written with Microsoft. Microsoft retains a monopoly on my PC. I can not remove MS Explorer from my PC. I favor Netscape. MS has been let off much to lightly. MS should be split up ASAP.

MTC–00028610

From: ERUTHDUBUISSON@prodigy.net@inetgw
To: Microsoft ATR
Date: 1/28/02 4:36pm
Subject: Microsoft Settlement

Settle this problem now! This suit was not necessary to begin with. Taking up to much precious time and money of the tax payers.

MTC–00028611

From: lmiller@dragonbbs.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:36pm
Subject: Microsoft Settlement

Yes I agree hope it is settled and finished let Microsoft continue with the creative course that made it famous and helped it bring about so many new products and ideas!! Feel Bill Gates is a deservering man —- let him go on and on and on .....

MTC–00028612

From: colvinnl@muohio.edu@inetgw
To: Microsoft ATR
Date: 1/28/02 4:36pm
Subject: Microsoft Settlement

It seems clear that the settlement reached in the Microsoft case is a good one. The most important goal should be to end the use of the taxpayers money on such an unworthy cause. Let s end the waste!

MTC–00028613

From: patandal@asapnet.net@inetgw
To: Microsoft ATR
Date: 1/28/02 4:37pm
Subject: Microsoft Settlement

THE ATTEMPTED RUINATION OF AN INOVATIVE COMPANY BY VINDICTIVE COMPETITORS SHOULD NOT FIND AN ALLY IN THE U.S. JUSTICE DEPT.. SETTLE THIS CASE AND LET S GET BACK TO BUSINESS.

MTC–00028614

From: Matt.Allen@unitedstates.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:36pm
Subject: Microsoft Settlement

I am concerned that this process has draged on long enough and $35 Million taxpayer dollers was too much to spend already.

MTC–00028615

From: mrdubridge@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:37pm
Subject: Microsoft Settlement

It seems to me to be more a matter of extortion than justice.The complaints were brought by competitors rather than consumers. The anti trust and monopoly laws were intended to protect consumers yet consumers are not for the most part the ones complaining.If Microsoft is a monopoly then how can there be competitors to bring about these complaints? It seems to be another case like that of the tobacco co.s of the government seeing a huge pile of cash that it can extort from a legal corporation operating in a legal manner producing a legal product being used in a legal manner.

MTC–00028616

From: gelliott@bigskytel.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:36pm
Subject: Microsoft Settlement

Although it is obvious that Gates is a communist I can t see any lawful authority for the government to tell him how to run his business. And just as the government asked Howard Hughes to finance World War II who do you think the government is going to ask to finance World War III?

MTC–00028617

From: lillian.bensley@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:36pm
Subject: Microsoft Settlement

This is to register my support of Microsoft s position. I think we should support a company that is contributing to the US and world economy by providing a good product. It frustrates me that the government goes after Microsoft... why weren t they on Enron instead? Not enough contributions?

MTC–00028618

From: ajimenez@milesgr.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:37pm
Subject: Microsoft Settlement

We as Americans need to quit spending our time and valuable economic resources and focus on the real problems. Corporations like Microsoft keep America s economy running the war is not against Microsoft who provides job to thousands of Americans and helps to the financial health of our nation. Microsoft as a leading technology improvement corporation should be an example to follow restraining it will cause a regression of the high tech industry. I as a consumer and concerned citizen would like to see a little bit of wisdom in my elected representatives if they could do a better job by focusing on real problems and keep America rolling.

MTC–00028619

From: jblack000@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:37pm
Subject: Microsoft Settlement

Companies against Microsoft should go to work each day to innovate rather than collude with the state AG s to litigate! It seems that the only way to satisfy Microsoft s competitors is to legislate and litigate the Microsoft Corp. completely into oblivion!

MTC–00028620

From: paulbarker—1@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:37pm
Subject: Microsoft Settlement

I think that the speedy resolution of the settlement is in the best interest of everyone—the technology industry the economy and especially consumers. The nation has spent enough money on this case and should move on to other cases more important. Besides the lengthly negotiated settlement have been endorsed across the business spectrum. Let s just move on.

MTC–00028621

From: sueamark@msn.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:37pm
Subject: Microsoft Settlement

This a fair and reasonable settlement time to let the agreement move forward and gauge the results speak for themselves!! Not only have i not benn overcharged for software but have received technical support free of charge whenever it was needed usually because of a problem on my end....I own a lot of software and by far Microsoft has been the most deserving of it s price....features combined with excellent customer service far exceedes almost all other competitors software I have used....other operating systems that i have seen are of no interest regardless if you give it to me for free! price vs. results is of the utmost importance....and free or cheap has it s costs....let free compition be thy guide not lawyers andspecial interests....i stand firmly behind a company that stands behind their products!!!! a satisfied Microsoft customer.....

MTC–00028622

From: joe—213@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:37pm
Subject: Microsoft Settlement

My Opinion is that the government should stay out of technology and the web. They are currupting freedom of speech with every attack on the Internet & Microsoft. People shouldn t be prosocuted for doing good business and making good products. there hasn t been a company that is better at doing business OR making good software for consumers and business to use. Most Commerce on the internet is backed by microsoft servers and a technology that microsoft has made. That awesome advance (known as ACTIVE SERVER PAGES) in the internet is downplayed by one or more tiny little losers in the consumer market. Most people know and love windows its on something like 90% of consumers PCs.

Your alternatives are Macintosh or Linux. Both of these options are either too technical or too expensive. Windows is easy enough for most Non-Technical people to use and learn. Macintosh says they are the easiest but with most people they dont want a Macintosh because they look dumb or they are too expensive you choose why. Plus $1000 for a low end computer isn t desireable for me how about you!?

Your other option are linux and OS2 (all flavors) do you program C? I dont and im a database administrator enough said. Another person (or the government) might take the opposite view. Well they are soo good they are tring to take over all the companies that make technology. I don t believe they are tring to take over anything. I think that the consumers are making them. they are making products that are far better than any others.I don t work for microsoft nor do I believe in thier mission statements. But as a consumer in the technology field I believe in their products. So be it is I will continue to buy

Microsoft products reguardless of any government regulations%

MTC–00028623

From: emoss@agloan.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:37pm
Subject: Microsoft Settlement

I feel that the US Gov t cannot keep their mitts off of anything. I feel bad for the U.S. that we should target the entrepreneurial spirit of this country and lambaste the winners of the contest to see who can come out on top. It is to our shame that an outfit like Microsoft (being the biggest boy on the block by far) is hounded by the U.S. s own legal offices. My feelings about this whole incident lean towards the abstinence of the corporate entity in the marketplace from today on. In other words MS would close their doors from this point on retire those people that they can furlough those people that can t be retired and shut the doors. If the U.S. infrastructure begins to fail so be it. The justice dept. caused the whole thing. If the entire economic structure of the U.S. is placed in jeopardy because of this incident maybe the DOJ will put noses up their own a** instead of into other peoples businesses.

MTC–00028624

From: rdo@community.net@inetgw
To: Microsoft ATR
Date: 1/28/02 4:37pm
Subject: Microsoft Settlement

Microsoft has done more for this country than any other ten companies put together. Stop the action that seems to be planned to go on forever. Finalize the settlement and stop further action.

MTC–00028625

From: pss@comcast.net@inetgw
To: Microsoft ATR
Date: 1/28/02 4:37pm
Subject: Microsoft Settlement

I am encouring a swift and fair conclusion to the Microsoft case. They should be allowed to innovate and offer the consumer their best product. They should be fair. The consumers will ultimately determine the software choices best suited for their needs.

MTC–00028626

From: jmurphy@rsmeans.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:37pm
Subject: Microsoft Settlement

I do not believe that taxpayer interests are served by government continuing to hear competitor-driven antitrust lawsuits against Microsoft. It is regrettable that the original lawsuit was heard.

Sincerely
Jeannene Murphy

MTC–00028627

From: john@inetplus.net@inetgw
To: Microsoft ATR
Date: 1/28/02 4:37pm
Subject: Microsoft Settlement

I think that Microsoft has been unjustly treated. They happen to make the best internet browser and operating software in the industry. Microsoft has made is easy for first time computer users to access the Internet and I herald them for thier efforts... Now get off of them and let them do business.

MTC–00028628

From: ACrawford@phillynews.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:37pm
Subject: Microsoft Settlement

Microsoft should be prevented from its longstanding and ongoing deceptive and predatory business practices. If this requires breaking the company into two or more smaller companies so be it.

MTC–00028629

From: lisagludwig@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:37pm
Subject: Microsoft Settlement

Attention: I am writing to tell you that I believe that there has been no consumer harm whatsoever as a result of any actions taken by Microsoft. In fact Microsofts products and services have led to tremendous benefits for consumers such as my myself and my family such as better products and lower prices. Antitrust law is supposed to be about consumer harm and on that one key issue alone the government has failed to show any harm whatsoever. So lets back off now and leave Microsoft alone and this will also help our economy tremendously! Given that the economy is now in recession the last thing we need is more litigation and regulation of the high-tech industry. Settlement of this case is in everyones best interests the technology industry the economy and consumers. I hope you heed this advice! Thank you! Sincerely Lisa Ludwig

MTC–00028630

From: melendy@bellsouth.net@inetgw
To: Microsoft ATR
Date: 1/28/02 4:37pm
Subject: Microsoft Settlement

In my humble opinion it is long past time to cease this ridiculous persecution of the most innovative corporation in the nation. The benefit that has accrued to the nation from Microsoft s standardization of software and the continued increase in the productivity thereof are vitually beyond calculation. And what do they get as their reward? Persecution by the government because a passel of would-be competitors simply are not sufficiently creative to keep up with them. Can it.

MTC–00028631

From: kkidder778@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:37pm
Subject: Microsoft Settlement

The Dept. Of Justice should drop it s lawsuit against Microsoft. Do not penalize a company for success. I feel that the lawsuit against Microsoft in early 2000 was one of the prime reasons the stock market started it s slide in 2000. Big Business drives the economy of this country do not stand in the way of the economy lets get the economy rolling again.

MTC–00028632

From: dp@ontariodesign.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:37pm
Subject: Microsoft Settlement

Please let the settlement stand. Do not pursue further action against Microsoft.

MTC–00028633

From: fghill@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:37pm
Subject: Microsoft Settlement

you have tried to strangle the goose that laid that golden egg and spent too much $$$ onit.

MTC–00028634

From: tefzel@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/28/02 4:37pm
Subject: Microsoft Settlement

I buy Microsoft products because I like them and I want them. The thought that Netscape or any other company is losing market share due to a monopoly is ridiculous. If I thought other products had merit I would buy them. The only reason Microsoft seems to have a monopoly is because their products are many times better than the competition! In my opinion the plaintiffs in this case are wasting my tax dollars.

MTC–00028635

From: kconover@ilcc.cc.ia.us@inetgw
To: Microsoft ATR
Date: 1/28/02 4:37pm
Subject: Microsoft Settlement

I believe that the Microsoft settlement is fair and equitable for the technology industry. Further litigation would be counter-productive to the technology industry and to the general business climate. It is time to end this protracted court action.

MTC–00028636

From: PatrickPlock@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:37pm
Subject: Microsoft Settlement

I believe this settlement proposal unfair to Microsoft and prohibits Microsoft to conduct their normal course of business not unlike any other corporation. Microsoft has been unfairly targeted as an industry monster and this settlement sends the wrong message to other businesses and consumers alike.

MTC–00028637

From: ballweber@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:37pm
Subject: Microsoft Settlement

I have been a consumer of Microsoft products since 1991. I have never felt disadvantaged by their pricing of their products. In fact my personal productivity has increased significantly every year as their products improved through innovations they incorporated into their software and services. I think the settlement is fair and it is time to end this costly legal battle. Our government has better battles to fight. I would urge the judge to pressure the remaining State s Attorney s to also settle the case and let s move on to more serious offenders than Microsoft which has helped make America the World leader in technology and software.

Sincerely

Rober J. Ballweber Jr.
President

MTC–00028638

From: dflex@worldbank.org@inetgw
To: Microsoft ATR
Date: 1/28/02 4:37pm
Subject: Microsoft Settlement

I do not agree that MicroSoft has violated any antitrust laws. If it weren t for the intellect of Bill Gates where would we be today? He has made a difference!!!

MTC–00028639

From: lscott@dollar.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:37pm
Subject: Microsoft Settlement

I would strongly encourage the resolution of this suit by agreeing to the terms of the proposed settlement.

MTC–00028640

From: bryanrogowski@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:37pm
Subject: Microsoft Settlement

Renata Hesse: Please find in favor of the Microsoft Corporation and direct the DOJ attention at more important matters such as corporate welfare and Enron.

thank you
Bryan Rogowski

MTC–00028641

From: maweber@execpc.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:37pm
Subject: Microsoft Settlement

Our anti-trust laws should be modified to reflect the contemporary marketplace. Microsoft's competitors took advantage of antiquated laws to hurt the company that has provided unprecedented benefit to our society economy productivity as a nation and ability to comunicate globally. Free enterprise has prevailed. It is indeed the very size of Microsoft that enabled continuous reinvestment into improving it's products. The state of our present computing systems is now well ahead of where it might have been were Micrsoft restricted. Re-do the laws. Leave Microsoft alone. Tell the competitors to take their case to the market and not the courts.

MTC–00028642

From: ew—ross@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:37pm
Subject: Microsoft Settlement

To whom it may concern

I believe as a citizen of this free country the government does not have right to intervene with any company. The companies of the United States are like the citizens of the United States. They both have the freedom to excel. This is what makes America what it is. In the case regarding Microsoft I believe they have their right to excel. They company has brought us new technology has helped out the economy and had begin a new market. The comapny should not be punished. I believe the majority of the citizens of the United States are grateful for what Microsoft has done and what they will continue to do. Its a shame that my tax money is being used against a company that wanted to excel.

Thank you for this opportunity and your time.

Take Care
Eric W. Ross

MTC–00028643

From: Rick Moore
To: Microsoft ATR
Date: 1/28/02 4:42pm
Subject: Microsoft Settlement

Dear Sir or Madam,

The proposed settlement does not go nearly far enough in stopping microsoft's egregious behavior. The company should be dealt with decisively. How many anti-trust suits do my tax dollars have to fund. You have a mandate to protect the consumer and competition. Microsoft has repeatedly shown contempt for our government and our people. If we are to fight terrorism around the world we should begin at home. This monopoly only inhibits the growth of our economy, It does not represent it. As a business manager I am forced into disadvantageous purchasing decisions as a direct result of microsoft breaking compliance with technologies before their life cycles are realized. We are forced to spend capital to replace equipment that is not broken just to remain on a platform that they support. You let the best remedy escape when you opposed the break up now you don't even have an enforceable doctrine. Please for all our sakes take stronger action. I just don't want to continue to buy lesser products because I have no choice.

Thank You
Richard Moore

MTC–00028644

From: kcsimon@acm.org@inetgw
To: Microsoft ATR
Date: 1/28/02 4:37pm
Subject: Microsoft Settlement

I am computer professional who for 20 years has worked for large companies small startups and my own business. I urge the court to accept the proposed settlement. Further litigation will severely disrupt our industry and only serve those companies that directly compete with Microsoft. This case has never been about the interests of consumers or software developers. We have voted overwhelmingly in the marketplace for Microsoft products. They have been the underpinning of the great productivity and economic gains which we experienced in the past decade. The courts should not be used by corporations with inferior products as a mechanism for overturning the will of the free market. I resent the use of my hard earned taxpayer dollars to reverse my well thought out choices. I urge the court to settle this case now.

Sincerely
Casey Simon

MTC–00028645

From: clevno@realexcellence.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:37pm
Subject: Microsoft Settlement

Best would have been for the government to halt the lawsuit. But this is acceptable

MTC–00028646

From: steckd@sandersoncmi.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:37pm
Subject: Microsoft Settlement

Judge Kollar Kotelly RE: U.S. vs. Microsoft Your Honor The U.S. Government has no business going after Microsoft in the first place—Bill Gates started in a garage and made it work—his whining competitors should get over it. Please let Microsoft get back to business. One thing about Microsoft is that it is a U.S. company—please free it from U.S. and state lawsuits. We need good products to compete in the world market. Thank you Sir. Sincerely H. David Young 7165 E. St. Rte. 41 Troy OH 45373–9020 937–335–6422

MTC–00028647

From: croy0001@umn.edu@inetgw
To: Microsoft ATR
Date: 1/28/02 4:38pm
Subject: Microsoft Settlement

My thoughts concerning the settlement are few and simple. I believe that the government should have little to do with obstructing the free actions of the marketplace. To my knowledge Microsoft has not used force to compel anyone to purchase their products.

MTC–00028648

From: ohiotax@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:38pm
Subject: Microsoft Settlement

On behalf of the Ohio Taxpayers Association and our over 5,000 Ohio members I am writing in support of the proposed settlement between the Justice Department and the State of Ohio. No further legal action is necessary or welcomed. The settlement provides a fair and reasonable settlement that benefits technology consumers and brings to end this lengthy case. Thousands of Ohioans are employed in well paying jobs because of the work of Microsoft in addition many more Ohioans are shareholders in the company. Settlement allows Microsoft and the rest of the technology industry in Ohio get back to work. The only thing this lawsuit has succeeded in doing is driving down the share prices of technology companies and wasted taxpayers dollars The positive benefits are numerous to this agreed upon settlement. Implementation of the settlement is a positive step for the American and Ohio taxpayer.

Sincerely
Scott A. Pullins
Ohio Taxpayers Association
www.ohiotaxpayers.com

MTC–00028649

From: jcowsert@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:38pm
Subject: Microsoft Settlement

This settlement is for the COMPETITORs NOT the consumer !!! I always thought a free market system would let the market decide. We are not a free market system when the government dictates the market especially when it has been obvious over the last 4 years of this lawsuit that the competitors are

using our own government to gain their own advantages. Not many consumers in the US today believe this lawsuit has anything to do with them. We all know it has to do with jealously and posturing by the competitition.

Please stop this nonsense and let consumers decide what is best for them. Our dollar speaks loudly in a free market system.

MTC–00028650

From: joshthunt@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:38pm
Subject: Microsoft Settlement

The settlement action recently undertaken between the Justice Department and Microsoft Corp. represents a fair and unbiased end to the legal battles that have gone on for these several years. To allow Microsoft s competitors to block this just settlement to aid their own deficient products would be a travesty and not at all in line with the fair competitive nature which benefits both consumers and producers.

MTC–00028651

From: ddd153@psu.edu@inetgw
To: Microsoft ATR
Date: 1/28/02 4:38pm
Subject: Microsoft Settlement

Though I do not believe that justice should be swayed by the majority's opinion for majority'ssake I provide my opinion here because the Microsoft case has been made open for public comment. The American government has taken Microsoft to task for being a productive innovative and successful company. The purpose of the government is to defend its peoples' individual rights these rights are impinged upon when force is used to undermine another's ability to think live or produce through free choice. Controls on legitimate spending contracts and productivity undermine civilized human behavior and only cause more controls. Microsoft has settled rather than fight the court system with its energy money and time. But the justice system is wrong. These laws should never have existed in America. There should be a complete separation between economy and state only cases of national security fraud and broken contract should be business matters of the court domain. To punish Microsoft for being so successful is the equivalent of punishing an individual for being good at living. I can only hope that the precedent set by the outcome of this case does not seek to completely undermine all that America stands for.

MTC–00028652

From: christopher.shaffer@gbbragg.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:38pm
Subject: Microsoft Settlement

I think that the settlement between Microsoft and the state attorneys general is fair and reasonable. I think it is time that this lengthy process is over. The parites that are upset about the settlement obviously want to see Microsoft crushed at the hands of the federal government. If these parties were genuinley interested is fairness which is what they claim then they should endorse the settlement as well. The settlement is in the best interest of the nations economy and the technology industry.

MTC–00028653

From: Doug Riddle
To: Microsoft ATR
Date: 1/28/02 4:47pm
Subject: Microsoft Settlement

To Whom It May Concern:

I think the increasing frequency of computer viruses and denial of service attacks only serve to underscore how important competition is in the market place, and how poor quality and service can get in the face of a monopoly. Microsoft is knowingly producing shoddy products because they can force suppliers to comply with their demands. They use their size, market share and media assets to avoid competition, while their lawyers tie up what competition and complaints there are. I do not want to see them shut down, but I want real accountability to the public built into the remedy. Please help see to it that any proposed settlement has teeth, or do not settle.

Warmest Regards,
Doug Riddle
http://www.dougriddle.com

MTC–00028654

From: smyczpe@auburn.edu@inetgw
To: Microsoft ATR
Date: 1/28/02 4:38pm
Subject: Microsoft Settlement

This ruling against Microsoft is unjust. Settlements like these will scare any company into becoming too successful. The evidence against Microsoft failed to prove that Microsoft is a monopoly. This was just an action by the business-hating Clinton Administration. Don t Hang Microsoft out to dry.

MTC–00028655

From: Griffin, Joanne
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 4:45pm
Subject: I support Microsoft settlement
Please see my attached memo. THx.JSG
CC: ''fin(a)mobilizationoffice.com''
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to you to express my support for the settlement of the anti-trust lawsuit against Microsoft. The agreement that has been reached will not only help the economy, but it will ensure that in the future, anticompetitive corporate action will not be tolerated. Microsoft has not been let off lightly and the government has proven its point.

The biggest provision of the settlement is the fact that Microsoft will not attack other computer manufacturers who produce rival products. This will definitely open up the market to fair competition without fear of reprisal. I support Microsoft's position and also think that it is necessary for small business to flourish in partnership with larger companies. This settlement allows this to happen.

Three years is long enough for a case to continue. Microsoft has agreed to this settlement and now it is time for the government to respond in kind. Anticompetitive laws have benefited greatly from the result of this case and so have all sides concerned. Let Microsoft continue to develop software that benefits us all without the threat of further litigation hanging over the company. I urge you to accept this settlement. Thank you.

Sincerely,
Joanne Griffin
1152 Center Drive
Saint Louis, MO 63117

MTC–00028656

From: Bruce Nazarian
To: Microsoft ATR
Date: 1/28/02 4:49pm
Subject: Microsoft Settlement.

Dear DOJ

The fact that this government has backed down from properly seeking a strong settlement from Microsoft, in view of the finding that it has promulgated monopolistic behavior is distressing. In my view, and that of MANY literate computer professionals, what Microsoft has wrought on the Country, World, and the Computer business at large is nothing more than a thinly -veiled attempt to create a monopolistic stranglehold on how we compute, and what we compute with.

If there needs be any further evidence about how ineffective Microsoft is at innovation, and how little they care about anything other than Market share, it would be this: Their Latest ''state of the art'' operating SYstem Windows XP, is so full of security breaches and bugs that it makes matters WORSE rather than better. And they KNOW it! In addition, they are patching these flaws so quickly and so often that it is virtually impossible for IT professional to maintain a stable computing environment in their businesses.

I, for one, CATEGORICALLY REFUSE to operate their software, and avoid using the Windows operating system completely. Many IT professional are now switching to UNIX, Mac OS X and LINUX as a stable alternative.

i wish that DOJ would SERIOUSLY REVIEW their proposed settlement (which has been watered down significantly since, coincidentally, a REPUBLICAN administratin took power) as it DOES NOT provide protection for the American Computing Public, and, in fact, lays the way clear for Microsoft to continue to promulgate Monopolistic control of the way we work—Iff you need more proof, look seriously as the .NET Strategy, and their abusive software upgrade ''purchase'' policies.

I am disappointed with DOJ being prepared to THROW AWAY the ONLY opportunity we have to remedy Microsoft's egregious business practices, and to properly punish them. Please do the right thing—since you won't break them up, at least LEVEL THE PLAYING FIELD so they can no longer usurp INNOVATION from third parties and call it WINDOWS. LOOK AT WHAT THEY DID TO NETSCAPE!!!! Mad, you're damn right I'm mad—I pay your salaries! Now please do the will of the people, NOT the will of the politicians. WE WANT THIS ABUSER PUNISHED!

Bruce C. Nazarian
Common Citizen, and NON-Mircrosoft user

MTC–00028657

From: WALSHARPE7A@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:49pm
Subject: Microsoft settlement

My wife and I enjoy the quality and reliability of Microsoft products. We have used competitors products in the past and have found them to be inferior time and time again.

We think it would be in everyone's best interest to resolve the case. We may just be two individuals in the population but our opinion is that this drama has gone on too long as it is. The company that provides a superior product at a reasonable price should not be ''bashed'' just because it is preferred by the user.

Approximately fifteen years ago a competition issue arose with telephone companies and I have not experienced the same degree of satisfaction in telephone service since the breakup of AT&T. I would hate to see history repeat itself.

Maybe the time and monies used to prosecute Microsoft could be better used investigating the pricing and merger activities within the cable industry. At the consumer level these appear to be unfair, monopolistic, and not in the best interest of the public.

Wesley & Lynn Sharpe

MTC–00028658

From: Orrinstromswold@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:49pm
Subject: Microsoft Settlement

Dear Mr Ashcroft:

The settlement between Microsoft and the Department of Justice in regards to the antitrust suit is a very fair settlemant for all sides involved. I feel that there is no need to continue litigation. It is a wast of time and money. the only people who profit from this are the lawyers and the companies whose product are less popular with consumers.

I feel that the settlement is a good thing and that it should be finalized.

Regards Orrin O. Stromswold 2706 169th Ave N.E. Bellevue, Wa. 98008

MTC–00028659

From: Reid Flickinger
To: Microsoft ATR
Date: 1/28/02 4:49pm
Subject: Microsoft Settlement

Good Afternoon,

As a professional with 20 plus years of computer technical experience and a decade-long owner of several successful computer service companies I feel that I have a relevant perspective on this case that should not be ignored. Important background to consider first is that I initially gained experience with Microsoft's competitor Apple, followed by various other competitor's systems. I was slow to move to Microsoft's products but eventually found that they offered superior products and support. As a developer in the computer business, they were far more responsive to my needs than Apple and delivered more cost effective solutions. Since then on countless projects, this has been the case and it is for no other reason then Microsoft's ability to offer better products and support with lower total-cost-of-ownership that they have my business.

This case was never created for or even by consumers but for the benefit of failed market competitors to Microsoft. It was presided over by a judge with a personal axe to grind who was incapable of understanding anything technical. The prosecution of Microsoft was an insult and the behavior of the court was worse. Microsoft's proposed settlement is more than fair and should be accepted.

Thank you for your time,
Sincerely,
Reid Flickinger
Reid Flickinger
Chief Technical Officer
MFC Inc, SaleView Systems & Contact24
Continuous Web Monitoring and Notification
Reid@SaleView.Com
925.831.8942 Ext. 11
www.saleview.com & www.contact24.com
Danville, California U.S.A
CC:activism@moraldefense.com@inetgw,letters@capitalis...

MTC–00028660

From: Minoofar(a)cox.net
To: Microsoft ATR
Date: 1/28/02 4:48pm
Subject: Microsoft
44 Blue Horizon
Laguna Niguel, CA 92677
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I was recently informed that the DOJ has asked for the public's opinion on the antitrust lawsuit against Microsoft. As I feel very strongly about this issue, I decided to take full advantage of this opportunity. I am an avid support of Microsoft and if this settlement brings closure to this three-year battle against them, then I support the settlement as well. In my opinion, this lawsuit as done nothing but attempt to tear down the IT industry leader. In the process, major damage has been done to this industry and the economy. It is time to bring closure to this case and I hope that you will make the necessary decision to ensure this.

I have a hard time understanding the reasons behind the States'' dissatisfaction with the settlement. The settlement seems fair and serves to ensure that future antitrust violations will not occur. Microsoft has even agreed to alter business practices that were not found to be unlawful, just so that this matter will close quickly. As for Microsoft competitors, they should be more than pleased that Microsoft has agreed to grant them much easier access to their company codes and interfaces. This is the first time that this has happened in an antitrust case. Additionally Microsoft will adhere to findings by a Technical Committee as it relates to compliance disputes.

I am confident that I am one of many people who feel the same way about this matter and hope that my comments and those of others will play heavily on your decision to wrap this matter up quickly. Thank you for taking the time to consider my thoughts on this matter.

Sincerely,
Albert Minoofar
cc: Representative Darrell Issa
CC:fin@mobilizationoffice.com@inetgw

MTC–00028661

From: Liz Bradley
To: Microsoft ATR
Date: 1/28/02 4:51pm
Subject: Microsoft anti-trust settlement

Greetings—

I am a professor of computer science at the University of Colorado at Boulder. I am a lifelong Unix user, but my professional life has been significantly affected by the Microsoft monopoly, and I would like to make a few points about the settlement.

Microsoft has a long history of business practices that intentionally and effectively tie its users'' hands—in ways that benefit Microsoft, and that perpetuate and extend its monopoly. Their business practices are predatory, and their design choices have made it difficult for anyone to use any kind of competing software or format. This is true from the system level (e.g., the netscape lockout) to the social/practice level—for example, how hard it is to get a Microsoft email program to send email messages in anything but Microsoft-proprietary format.

This last example, which hits me many times every day, may seem petty, but it is really pernicious—in the way that my history classes taught me that the anti-trust act is intended to fix. I get email from a non-computer-scientist colleague, complete with a Word attachment. I email back, asking for a lingua franca format like pdf or ascii. My correspondent can't figure out how to do the translation, eventually gets frustrated, and castigates me for not ''getting with the program'' and using Microsoft. Since I use computers professionally, doing so is not an option; moreover, I know enough to not succumb to that kind of pressure. Neither of those things is true for most people, and the pressure propagates the Microsoft monopoly.

Encouraging an entire community of users to use a single set of proprietary software is not only a matter of monopoly. It is also a matter of security. Microsoft's email programs, for example, not only force their naive users to send Microsoft-format attachments, but also make those users vulnerable, because the defaults are set up so incoming attachments are automatically ingested. Moreover, those programs are full of security holes. This combination causes dozens of virus attacks to propagate around the world every year. My colleagues'' computers are routinely paralyzed during these events, but I have never—NEVER—been affected by a virus in my 20 years at MIT and Colorado.

It is well known in ecology that a diverse population is far more robust. The goal of Microsoft's direct and indirect pressure is a homogeneous population of computer users running Windows. A single smart hacker would be able to take down this entire country if they succeed.

File formats should be open, just like the design of a car interface —- the steering

wheel/accelerator layout, etc.—is open. Competitors should not be smothered using heavy handedness. (This is EXACTLY what catalyzed the suit that ended up in Sherman!) The open-source community, in particular, should be allowed to thrive, not squelched. Manufacturers should be able to install any OS that they can sell, without fear of retaliation. That kind of force is the very antithesis of the free and open market.

Sincerely,
Elizabeth Bradley
Boulder CO
CC:lizb@sogol.cs.colorado.edu@inetgw

MTC–00028662

From: Oliver Harris
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 4:47pm
Subject: Settlement

Our government or any part thereof, should never be used as some sort of wrecking ball used against those entities which through superior strategy and innovation realize the maximum benefits of our capitalistic system. It is through such practices that the consumer realizes the greatest benefits of innovations at competitive market costs.

Therefore, it is a credit to our system of justice and fairness that the anti-trust case against Microsoft, encouraged and driven by those entities that choose to whine rather than compete, be concluded in this settlement rather than some heavy handed judgement by the DOJ against the Microsoft Corporation.

Thank You.
Oliver Harris
Loan Officer
CWCapital, Mid-Atlantic
6395 Dobbin Road
Suite 206
Columbia, MD 21045
410.772.2260 x4
410.772.0503
oharris@cwcapital.com

MTC–00028664

From: Jan Chesne
To: Microsoft ATR
Date: 1/28/02 4:50pm
Subject: Microsoft Settlement

The purpose of the settlement, I hope, is to restrain Microsoft's monopolistic tactics in the future. Allowing them to donate their software and compatible hardware to schools would be a step in the wrong direction, only furthering their monopoly. Anything to equalize the playing field would be helpful, e.g., let them purchase competitors'' products for the schools.

I believe MS should be required to make most of its products and Web services compatible with all other systems. Windows should be provided separately from other MS products (Outlook Express, etc.) so that hardware makers could include competing products and users could make easier choices.

Good luck.
Janet Chesne
61 Village Park Way
Santa Monica, CA 90405

MTC–00028665

From: astrong@privo.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:51pm
Subject: Microsoft Settlement

We strongly support the settlement and want to see this put behind us. Microsoft is one of America's great companies and has been punished enough. Let's move on.

Albert Strong
Privo.com
CC:astrong@privo.com@inetgw

MTC–00028666

From: Danny O. Bielby
To: Microsoft ATR
Date: 1/28/02 4:52pm
Subject: Microsoft Settlement

Freedom to inovate.

If this was a drug, wouldn't you have a patent on it. You can't, what's new today is old tomorrow invclving the internet. In some cases there having law suits today and making the rules tomorrow. I have a little company,so should I automaticaly sue a bigger company with not much of a cause. Who knows, I might win, if not it will be a tax deduction.

Thank you, Danny O. Bielby

MTC–00028667

From: philippa jeffery
To: Microsoft ATR
Date: 1/28/02 4:56pm
Subject: Microsoft Settlement

Dear Sir/Madam,

Please find attached the Tunney Act Comments for Citizens Against Government Waste.

Philippa Jeffery
Media Associate
Citizens Against Government Waste
1301 Connecticut Ave., Suite 400
Washington, DC 20036
202–467–5318- Direct Line
202–467–4253- Fax Number
pj@cagw.org

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA
UNITED STATES OF AMERICA,
Plaintiff
Civil Action No. 98–1232 (CKK)
V.
MICROSOFT CORP.,
Defendant
COMMENTS ON THE PROPOSED SETTLEMENT BY:
Citizens Against Government Waste
Thomas A. Schatz
President
1301 Connecticut Ave., NW—Suite 400
Washington, DC 20036
(202) 467–5300 FAX: (202) 467–4253

On behalf of the one million members and supporters of Citizens Against Government Waste (CAGW), I am providing comments on U.S. v. Microsoft pursuant to the Tunney Act. CAGW supports the settlement as being in the public interest and opposes further litigation in this case. Further expenditure of tax dollars and government resources on this case, which has stifled technology, innovation, and investment at a time when the economy is in recession and the nation is at war, would not benefit the American people.

CAGW is a nonprofit, nonpartisan organization founded in 1984 by J. Peter Grace and Jack Anderson following the report of President Reagan's Private Sector Survey on Cost Control, better known as the Grace Commission. Since its founding, CAGW has been researching, publicizing, and working to eliminate wasteful government spending. In particular, CAGW has exposed mismanagement of governmental resources in the technology sector, such as incompatible computer and accounting systems, as well as billions of dollars spent on hardware and software that simply did not work. On the basis of our 18 years of nationally recognized expertise representing the interests of American taxpayers, we are submitting our comments to you today.

On November 6, 2001, Microsoft, the Department of Justice (DO J) and nine states agreed to a Proposed Final Judgment (PFJ) in the lawsuit against the company. As the overriding element of the Tunney Act is whether an antitrust settlement is in the public interest, CAGW submits that the PFJ clearly meets this standard.

CAGW estimates that to date the Microsoft lawsuit has cost taxpayers more than $35 million. It has also hobbled one of America's premier high-tech engines of growth at a time when we need to jump-start our economy. The PFJ is fair to all sides in the case, including:

Microsoft, which will continue to be able to provide new software that integrates new products;

Competitors, who will have more access to the Windows platform to incorporate their products or make them compatible;

Software manufacturers, who will get back to the business of creating innovative products;

Consumers, who will have more choices among software products; and,

Investors, who will have stability in the marketplace.

Perhaps of greatest benefit to the American people, the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater significance. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted. Furthermore, Microsoft, DOJ and the nine states have accepted the settlement as better than continued proceedings.

Specifically, Microsoft will not be broken up and will be able to continue to immolate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products

developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a technical committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

The settlement is compatible with the findings of the U.S. Court of Appeals for the District of Columbia, which substantially narrowed the scope of legal liability and instructed the U.S. District Court to created remedies that fit the ''drastically altered'' findings. As Assistant Attorney General for Antitrust Charles James said in testimony before the Senate in December:

Of the twenty anticompetitive acts the court of appeals reviewed, it reserved with respect to eight of the acts that the district court had sustained as elements of the monopoly maintenance claim. Additionally, the DC Circuit reversed the lower court's findings that Microsoft's ''course of conduct'' separately violated Section 2 of the Sherman Act. It reserved the district court's rulings on the attempted monopolization and tying claims, remanding the tying claim for further proceedings under a much more difficult rule of reason standard. And, or course, it vacated the district court's final judgment that set forth the break-up remedy and interim conduct remedies.

Acceptance of the PFJ would send a clear signal to the nine remaining states and the District of Columbia opposed to the settlement that their remedy is not appropriate given the findings of the court of appeals. The alternative proposed by the remaining plaintiffs appears to be based on the original district court decision, which is no longer relevant. Dragging the proceedings out further, with a new remedy hearing, a new district court decision, another appeal to the DC Circuit, an appeal to the Supreme Court, and remand back to the court of appeals and district may be in the interests of Microsoft's competitors, but it is not in the public interest.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors'' products after purchase as well. The PFJ even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

Public opinion is squarely in favor of settlement. Voter Consumer Research conducted polls of 1,000 eligible voters in Utah and Kansas in November, 2001, and opposed further action by their state attorneys general following the settlement by a 6 to 1 margin. This is an even greater percentage than previous polls concluding, by a 2 to 1 margin, that the lawsuit brought by DOJ and the 19 states was a waste of tax dollars.

The Microsoft case was supposedly brought on behalf of American consumers, who have paid the price of litigation through their taxes. Investment portfolios have been substantially devalued during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and should be accepted without change.

Respectfully Submitted,
Thomas A. Schatz
President, Citizens Against Government Waste

MTC–00028668

From: sybill@2fords.net@inetgw
To: Microsoft ATR
Date: 1/28/02 4:51pm
Subject: Microsoft Settlement
Attn: Renata B. Hesse
Antitrust Division
U.S. Dept of Justice

In my opinion, the terms of the findings of the Court of Appeals ruling has been met by Microsoft who has not only met but gone beyond said findings. Microsoft has agreed that the terms are reasonable and fair to all parties involved. It's time to drop the matter and allow Microsoft, as well as the industry, to move forward. Please NEVER forget what MICROSOFT has done for the INDUSTRY.

Thank you for your attention to the foregoing.

Sylvia Earnst

MTC–00028669

From: Billy SG McCarthy
To: Microsoft ATR
Date: 1/28/02 4:50pm
Subject: Lack of Punishment

To whom it may concern,

I'm writing as a concerned citizen, and as a computer science major to express my feelings about the settlement reached between the United States Department of Justice and Microsoft. Like many others out there, I do not think that the settlement reached goes nearly far enough to punish Microsoft for it's illegal actions. Also, the settlement does not give anyone any real power to prevent any further antitrust issues from arising.

Microsoft was found guilty of numerous violations of antitrust law, and they are walking away pretty much unscathed. It feels like the US DOJ doesn't have the stamina to fight against a huge corporation, and therefore took the easy way out. This is not right. It is the government's job to find a remedy that is in the best interest of the citizens of the United States of America. We are the ones who were injured by Microsoft's anticompetive actions, and we want to make sure that will never happen again.

Thank you for your time, and I hope that this joke of a settlement is never agreed upon.

William SG McCarthy
18 Allston St.
Allston, MA
USA

MTC–00028670

From: Christina Jordan
To: Microsoft ATR
Date: 1/28/02 4:52pm
Subject: Microsoftsettlement

The anti-trust lawsuit the government filed against Microsoft was the beginning of the recession. Let it go so we can get our economy going again!

Christina Jordan

MTC–00028671

From: John Roth
To: Microsoft ATR
Date: 1/28/02 4:52pm
Subject: Microsoft Settlement

Dear Ladies and Gentlemen:

I would like to register my deep dissatisfaction with the settlement terms offered by the Justice Department to Microsoft. These terms are not in the public interest; rather, they seem to serve only the interest, not even of the shareholders, but of the executives of a few powerful corporations, including Microsoft.

I will not bother to repeat the observations of, for example, Consumers Union, but rather focus on one specific failure of the settlement: namely, to address the concerns of open-source software development.

Many the most important tools that I use in my work as a software developer are ''open-source'' software, including the GNU/Linux operating system. These are non-commercial products with many qualities that Microsoft products have never achieved, such freedom from crashes, support for networking with standard security protocols, compatibility between versions, and adaptability which make them ideally suited to software development. These products are developed largely on the volunteer work of thousands of developers; their quality stems directly from the openness and liberality of the copyright. Their low dollar cost does not reflect their value.

One of the greatest challenges in open-source software development is to implement interfaces to obfuscated, proprietary protocols that companies such as Microsoft develop to lock-out competitors. This point that was not lost on the Department of Justice only a year or two ago. Unfortunately, the terms of the settlement enable Microsoft to continue to use its monopoly power against open-source products, since many of the remedies that are supposed to prevent Microsoft from dominating by implementing proprietary protocols are conditioned on there being an economically viable corporation, rather than a more reasonable definition, perhaps in terms of the number of users represented.

This is a slap in the face to open-source developers, absolutely contrary to the public interest, which it is the Governments'' special responsibility to protect, and a failure to enforce the spirit of anti-trust law, which is to prevent mere market domination from stifling competition. There is no real wealth created by Microsoft's use of proprietary protocols; only a guarantee of its ability to stifle alternative platforms in the future.

Your Truly,
John Charles Roth

MTC–00028672

From: u7c28@raytheon.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:52pm
Subject: Microsoft Settlement

Greetings...

As a long time computer user (since ''82) and software developer (since ''85), I have been extremely bothered and dismayed at the methods that Microsoft has utilized in its business practices. However, because of the

combination of Microsoft's massive pocketbook and their ability to intimidate others within the industry, it seemed the the only relief from Microsoft's tactics lay with the anti-trust efforts of the US Govt and the various states. When Microsoft was found guilty of predatory monoplistic behavior, Judge Jackson's orginal solution was right on target for what was deserved and needed to remedy the actions of Microsoft.

After this valid punishment was overturned on a technicality, an settlement was proposed which does nothing but provide Microsoft with a slap on the wrist and a promise to ''go forth and sin no more''. This is the same ''punishment'' that Microsoft received in ''94.. after which they went out and obliterated Netscape from the Internet, held PC makers hostage to their demands for the desktop and threatened Apple Computer with actions that would have destroyed Apple unless Apple played the game the Microsoft way.

Microsoft has truly proven itself to be a company that cannot be trusted, despite all of Bill Gates'' ''aw-shucks'' mannerisms and speeches. This is a company that choses to not play by the rules or behave like a responsible corporate citizen. Just like with any other individual who continually operates outside the rules, the Federal and State governments MUST PUNISH Microsoft in a way that is comenserate with their crimes.

The proposed settlement does not in any way begin to match what the court documents clearly show that Microsoft deserves. It should be thrown out and a new plan devised that exacts from Microsoft the punishment it deserves.

Thank you.

Dean Gillispie david__d__gillispie@raytheon.com (281) 280–2883 (voice)

SSTF-Vehicle Sys Raytheon Technical Services Co. Houston, Texas, USA

MTC–00028673

From: Anthony Correia
To: Microsoft ATR
Date: 1/28/02 4:52pm
Subject: Government Persecution of Big Business

Stop ''killing'' Big Business! Get on with the job you all are getting paid for with our tax dollars— constitutionally—to provide for the common defense of the ''several states'! Fight TERRORISM not American companies that hire citizens who pay the very taxes you people frivolously fritter away on ''unjust'' causes''.

If we find crooks in our American industries, there are many legal and local authorities to chase them and prosecute to the ''fullest extent of the law''.

I pray to God that this message is CLEAR enough for the least of you and your limited understanding of the Constitution!

An angry Korean ''Conflict'' veteran...

MTC–00028674

From: VaughnRho@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:54pm
Subject: Microsoft Settlement

Dear DOJ,

I strongly object to the proposed settlement with Microsoft. It is a gross and negligent miscarriage of justice.

I have some unique first-hand knowledge of the kind of financial damage that Microsoft has inflicted upon other companies. I know this because I was at the heart of the project at Compaq that resulted in Microsoft terminating Compaq's license to Windows.

Let me provide some background for you. I am the former product manager at Compaq Computer Corporation who was responsible for the Compaq/AOL deal in 1995. I worked for Rod Schrock, who was Vice President of the consumer division. You used several of my email messages in your case against Microsoft.

In 1995, I was placed in charge of defining Compaq's consumer online strategy. I proposed a relationship with America Online, one which was great for America Online, and even better for Compaq. It was worth HUNDREDS OF MILLIONS OF DOLLARS IN INCREMENTAL PROFIT to our business unit. The deal, in a nutshell, involved Compaq heavily promoting the AOL service, in exchange for AOL giving Compaq a significant ongoing revenue share.

Microsoft heard about this forming relationship. They contacted us and asked that we work with them instead of AOL, to promote their new online service code-named Marvel (now known as MSN, the Microsoft Network). We responded that we would be happy to work with them, but we would expect them to pay us in a similar fashion to how AOL was to pay us.

Their response? I'll paraphrase: We are Microsoft. We own the customer, not you, Compaq. You Compaq have three choices:

1) Do the deal with Microsoft. We will pay you NOTHING, but we'll have a closer relationship, with various intangible benefits (wink wink lower price on the OS, etc.)

2) Cancel the deal and do it with nobody. We are OK with that.

3) Do the deal with America Online. WARNING: IF YOU PURSUE THIS OPTION, WE WILL PUT YOU OUT OF BUSINESS.

Our team at Compaq reviewed the situation, and concluded that Microsoft must be bluffing. They couldn't do it, because it would be a blatant violation of anti-trust laws. We decided to proceed with the deal.

Shortly afterward, Microsoft sent us a letter telling us that we were in violation of their Windows License agreement, and we could no longer sell PCs with Windows installed. Our license to Windows was terminated. Since Microsoft Windows is the only viable operating system on the market, we were effectively shut down as a company. As Microsoft had threatened, THEY WERE PUTTING US OUT OF BUSINESS!!!

Needless to say, we ended up having to quickly appease Microsoft and redo the deal with AOL, dramatically watering it down and making it effectively into a nothing deal: no substantive benefit to AOL, no substantive benefit to Compaq.

If this kind of behavior is not a flagrant abuse of monopoly power, I don't know what is. Microsoft regularly wields this kind of abusive power. They have it, and they use it most aggressively. Speak with any of the myriad companies that have fallen victim to Microsoft's stranglehold. Their corpses litter the high-tech industry.

Just how powerful is Microsoft? Powerful enough to put just about any company out of business in short order if they were determined, including other huge powerful companies such as Intel. How would they accomplish such an impossible-sounding feat? Simply by making the following announcement: ''Microsoft today announces a strategic relationship with Advanced Micro Devices. Beginning with the next version of Windows, which will ship in six months, only new co-branded AMD/Microsoft processors will run Windows optimally. Legacy Intel processors will still run Windows, but only at 1/4 speed, and only for a limited time. Microsoft strongly encourages its customers to begin migrating to the AMD/Microsoft platform immediately, in preparation for the release of the exciting new Windows system.''

The proposed settlement does little or nothing to prevent this kind of behavior in the future. The absurd thing is, it actually gives Microsoft a government-sponsored leg-up to claim an additional monopoly in one of the rare markets that they don't currently own: the education market.

Microsoft (and some supporters) say that ''Microsoft is good for the U.S. economy... they are a brilliant high-tech success story for America ... don't punish successful companies.'' There is a half-truth in what they say, but their logic is flawed. By that line of thinking, Standard Oil would never have been broken up. In truth, Microsoft has not been a strong force for innovation. To the contrary, they have systematically stifled innovation. Their policy seems to be ''crush anything that Microsoft doesn't own and control''.

We will never know how much innovation and economic growth might have emerged from companies that fell victim to Microsoft's control ploys. However, we can guess by looking at one rare example where they failed. We know that Microsoft did not want the open Internet to happen, that instead they had a vision of a Microsoft-owned-and-controlled worldwide network (see early presentations on Microsoft's Marvel Project). In this case, for once, they did not move quickly enough to stop this emerging threat, and by the time they began their attack, they met a force so powerful that even they could not stop it. We now know just how much benefit the U.S. and the world have realized from the advent of the Internet. How many other promising technologies and markets has Microsoft successfully stopped? How much economic growth has been stunted by the Robber Baron of high-tech? The time has come to force Microsoft to play fair.

I would be glad to discuss this further with anyone from the DOJ. Please contact me at your earliest convenience.

Thank you,

Vaughn Rhodes

Formerly Strategic Planning Manager (and Product Manger) at Compaq Computer in Houston, TX

650–938–8587 (home)

650–279–6221 (cell)

vrhodes@archway.com (work email address)

vaughnrho@aol.com (home email address)
CC:vrhodes@archway.com@inetgw

MTC–00028675

From: Richard Ballard
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 4:53pm
Subject: Microsoft Settlement

I find it interesting that now, after you made your decision, you permit comments on your to little to late actions.

While following this case not once did I see where it was mentioned all the third party software stolen by Microsoft and ''added'' to their Operating System. ICQ (now MS Message), MP3 (Winamp, MuchMusic, etc. and here they decided to lower the standard 128BPS), Java (They usurped the whole idea of java, making programs usable on ALL OSs, by changing the code so it wouldn't work on their own system). Internet Connection Sharing wasn't an MS idea, I bought that programming back in Win 95s day. Now its a feature? Another company product down the drain.

These are a few of many examples of Microsoft's brazen theft that seemed to be ignored, while they cry ''foul''.

And for punishment you are trying to give them a foothold in the Education market they ignored until Apple started showing it as a viable market? What about the businesses and programmers they put under?

Your punishment couldn't have been any better for Microsoft. Do you own stock?

Richard Ballard
8812 Spring Lake RD.
Pine Bluff, AR

MTC–00028676

From: redebeets@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:51pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Rita Carder
4 Brooks Road
none
Bel Air, MD 21014

MTC–00028677

From: Michael Myers
To: Microsoft ATR
Date: 1/28/02 4:53pm
Subject: Microsoft Settlement

I would like to take a moment to voice my objection to the propsed settlement in the Microsoft Anti-Trust case. I believe that the proposal is far too weak to have any meaningful effect on the marketplace.

In the past, Microsoft has demonstrated it's willingness to do whatever it sees fit in spite of the law, and to use it's billions to fend off any legal action until it is far too late to rectify the damage. I expect that if this settlement is accepted, it will be less than a year until Microsoft breaks the agreement in the pursuit of some competitor and creates another prolonged legal battle that will not be resolved until the competitor is long dead. And I expect that every last word in the agreement will be endlessly debated in court case after court case, as Microsoft forestalls any enforcement for years. Microsoft has shown little respect for the law to date (in terms of previous broken agreements, falsifying testimony related to IE and Windows, forging letters of support, etc). There is no reason to expect them to behave differently in the future.

Such outrages are funded by a public that has little choice but to pay Microsoft for it's products. I am writing this letter on a Linux machine that I bought with Windows 98. Despite the fact that I do not use MS products, I find that I am forced to buy them whenever I buy hardware. So long as MS can ''tax'' us this way, they can afford unlimited legal bills. I feel that any settlement that does not split up the company or prevent it from using Windows to enter new markets is doomed to fail.

Finally, I find it absurd that the DOJ won the first case, and essentially ''won'' the appeal (in that all the findings were upheld and only the remedy was vacated), and then suddenly turned about and proposed the weakest remedy imaginable (filled with all the legal loopholes MS could dream of). This smells heavily of politics. It seems very much as if the new DOJ lead by Mr Ashcroft is not interested in enforcing antitrust law or achieving justice for consumers, but is instead catering to the worst elements of the Republican party. Hopefully, the court will not accept this.

Sincerely,
Michael J Myers
Manchester, PA 17345
mjm306@yahoo.com

MTC–00028678

From: Bruce McDiffett
To: Microsoft ATR
Date: 1/28/02 4:53pm
Subject: Microsoft Settlement

Greetings,

I'd like to express my extreme personal and professional disappointment at what I deeply believe will be the almost total ineffectiveness of the proposed Microsoft antitrust settlement agreement.

You might just as well sentence a serial killer to probation, with the stern warning to not kill the victims again.

As a computer designer, I've had the opportunity to work with Microsoft since the late 1970's. I've watched them stifle technical innovation for almost a quarter century now. For nearly 25 years, regardless of their corporate size, they have consistently shown their only interest is maximizing their corporate profit by any means, legal or illegal.

Microsoft has indeed made a bunch of money for some people. So does dumping toxic waste into the environment. Why should Microsoft be treated differently than anyone else, simply because they've made a lot of money?

As a revealing exercise, consider how much human effort is wasted by Microsoft software each year. Assuming 100,000,000 PC's running MS software, and also assuming a week of unnecessary downtime each year (a conservative estimate), every year we have almost 2 million man-years of human life squandered—simply thrown away. This is technical innovation? This is business leadership? No, this is an appalling disregard for human life. And this tyrannical contempt for the lives of the people is made possible by Microsoft's monopoly. Our country was founded to defend the people from tyrants. And though the founding fathers of our country believed in market freedoms, they believed more in the power of our government to protect the public interest. That's why we have a federal government, and not a federal marketplace. Please, have the courage to create a settlement agreement that will actually protect the American people.

Millions of us are depending on you.

Sincerely,
Bruce McDiffett

MTC–00028679

From: marklavigne@pacificcoastinc.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:53pm
Subject: microsoft settlement-influence peddling

Dear US District judge Colleen Kollar-Kotelly,

The fact that Microsoft has blatantly failed to comply with any honest behavior including the Tunney Act, as evidenced by the interpretation of the acts creator, via his affadavit filed with the court, comes as no surprise to anyone.

Surely any company which doesn't disclose that their top monopoly monger, StevieBoy Balmer met with his kin, (Dickie to drunk to disclose his three drunken driving convictions Cheney,) can't be counted on to comply with a little ole paperwork disclosing the millions spent lobbying the rest of congress and their staff's.

We all know Steve and Dick didn't talk technology shop. They talked about the EnronBushCheney energy monopoly policy! But hey, by golly, thats priviledged information according to Dick. Or maybe they had a concensual sexual relationship, But hey a concenting sexual relationship isn't covered under executive priviledge !!!! So forget antitrust,enrongate,insider trading influence peddling and the rest! Lets be good Republicans and spend 60 million and see if those secret meetings were were about Steve bobbing

Dick!

MTC–00028680

From: Akers117@aol.com@inetgw

To: Microsoft ATR
Date: 1/28/02 4:53pm
Subject: Microsoft Settlement
117 James Garland Road
Hot Springs, AR 71913
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am glad to see that the Microsoft case is coming to a close. I believe that you should settle the case pursuant to the terms of the agreement you reached with Microsoft in November 2001.

This settlement agreement provides you not only with the chance to bring a close to the federal government's case, but also to help the economy in the process.

Microsoft's agreement to discontinue a number of its more restrictive business practices should have a positive impact on the computer and software sector of the economy. The agreement to allow competition from non-Microsoft software within Windows is of particular importance because it could provide immediate opportunities for designers and developers of non-Microsoft software products.

I hope you approve the settlement and close this case as soon as the law allows. Thank you for your time.

Sincerely,
Suzanne C. Akers
Robert C. Akers
E-mail—Akers117@aol.com

MTC–00028681

From: Franziska Raedeker
To: Microsoft ATR
Date: 1/28/02 4:55pm
Subject: Microsoft Settlement

I want a fair choice of several options in computer applications.

1. The proposed settlement is not in the public interest. The settlement leaves the Microsoft monopoly intact. It is vague and unenforceable. It leaves Microsoft with numerous opportunities to exempt itself from crucial provisions.

2. The proposed settlement ignores the all-important applications barrier to entry which must be reduced or eliminated. Any settlement or order needs to provide ways for consumers to run any of the 70,000 existing Windows applications on any other operating system.

3. Consumers need a la carte competition and choice so they, not Microsoft, decide what products are on their computers. The settlement must provide ways for any combination of non-Microsoft operating systems, applications, and software components to run properly with Microsoft products.

4. The remedies proposed by the Plaintiff Litigating States are in the public interest and absolutely necessary, but they are not sufficient without the remedies mentioned above.

5. The court must hold public proceedings under the Tunney Act, and these proceedings must give citizens and consumer groups an equal opportunity to participate, along with Microsoft's competitors and customers.

Sincerely,
Franziska Raedeker
925 Spruce Street
Berkeley, CA 94707
fraedeker@alumni.haas.org

MTC–00028682

From: PDonoso@amanet.org@inetgw
To: Microsoft ATR
Date: 1/28/02 4:55pm
Subject: Microsoft Settlement

Any company that dominates the vehicles by which companies achieve daily tasks and goals (while maintaining the illusion of open market participation, owns and controls the very same roads that facilitate those vital components of commerce AND maintains mafia-esque enforcement practices to insure as few vehicles from any and all rival competitors are equipped with the necessary technology and mechanisms to use those purported ''public'' roads constitutes the key issue in assessing the true injustice of monopolistic practices.

To my mind the appropriate analogy would be if Ford or GM suddenly decides to buy up all the major highways in the US and then equip those highways with exclusive features and benefits that can be only realized if you own their car. As a matter of fact, if your vehicle is not made by that dominant manufacturer, it just doesn't drive as well when it accesses those highways...it seems to go slower, has trouble with maneuvering and steering and the radio signal is weak or generates nothing but static. As a daily consumer of those highways, one becomes quickly convinced to buy a vehicle manufactured by the same company that is optimized for those highways by virtue of their exclusive ownership and that can also take exclusive advantage of any and all the extras and amenities that are not accessible to any other manufacturers'' vehicles.

Microsoft must be disavowed of their monopoly in being made to relinquish ownership either the Windows operating system or the right to develop and market the primary applications which are optimized to run within the Windows OS environment. Individually, each currently dominates their respective markets (solely by virtue of their combined ownership) and jointly present a total supremacy of the marketplace in both areas.

MTC–00028684

From: Gossett, David M.
To: Microsoft ATR
Date: 1/28/02 4:5 1pm
Subject: Microsoft Settlement

Attached please find:

(1) Cover letter;

(2) Comments of Computer & Communications Industry Association on the Revised Proposed Final Judgment;

(3) Declaration of Joseph E. Stiglitz and Jason Furman; and

(4) Declaration of Edward Roeder.

Please confirm receipt of this message. Thank you. Note that we are having a copy of these documents delivered by messenger as well.

Regards,
David Gossett
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January 28, 2002
VIA E-MAIL AND MESSENGER
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Re: Microsoft Settlement: United States v. Microsoft Corp., No. 98–1232 Tunney Act proceedings

Dear Renata:

Enclosed please find the following comments on the settlement:

(1) Comments of Computer & Communications Industry Association on the Revised Proposed Final Judgment;

(2) Declaration of Joseph E. Stiglitz and Jason Furman; and

(3) Declaration of Edward Roeder.

Thank you for your assistance. Please feel free to call my Washington colleague, David Gossett (202–263–3384) or me if you have any questions.

Hope all is well with you. It's a long way from the ELQ days.

Sincerely,
Donald M. Falk
Enclosures

CHARLOTTE CHICAGO COLOGNE FRANKFURT HOUSTON LONDON LOS ANGELES NEW YORK PALO ALTO PARIS WASHINGTON INDEPENDENT MEXICO CITY CORRESPONDENT: JAUREGUI, NAVARRETE, NADER Y ROJAS

BEFORE THE UNITED STATES DEPARTMENT OF JUSTICE UNITED STATES OF AMERICA Plaintiff, v. MICROSOFT CORPORATION, Defendant. Civil Action No. 98–1232 (CKK) United States District Court for the District of Columbia

STATE OF NEW YORK ex rel. Attorney General ELIOT SPITZER, et al., Plaintiffs, v. MICROSOFT CORPORATION, Defendant. Civil Action No. 98–1233 (CKK) United States District Court for the District of Columbia

COMMENTS OF COMPUTER & COMMUNICATIONS INDUSTRY ASSOCIATION ON THE REVISED PROPOSED FINAL JUDGMENT

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INTEREST OF THE COMMENTER

The Computer & Communications Industry Association (''CCIA'') is an association of computer, communications, Internet and technology companies that range from small entrepreneurial firms to some of the largest members of the industry. CCIA's members include equipment manufacturers, software developers, providers of electronic commerce, networking, telecommunications and on-line services, resellers, systems integrators, and third-party vendors. Its member companies employ nearly one million persons and generate annual revenues exceeding $300 billion. CCIA's mission is to further the interests of its members, their customers, and the industry at large by serving as the leading industry advocate in promoting open, barrier-free competition in the offering of computer and communications products and services worldwide. CCIA's motto is ''Open Markets, Open Systems, Open Networks, and Full, Fair and Open Competition,'' and its website is at www.ccianet.org.

For nearly 30 years, CCIA has supported antitrust policy that ensures competition and a level playing field in the computer and communications industries. That involvement antedates the founding of Microsoft, much less its acquisition of its first monopoly and its refinement of anticompetitive techniques. CCIA supported the Tunney Act in the 1973 congressional hearings preceding the enactment of that legislation, and played active roles on the side of competition in other significant antitrust cases, including those against AT&T and IBM. Before participating as amicus curiae at the trial and appellate stages of the current Microsoft case, CCIA participated as a leading amicus curiae in the proceedings examining the last Microsoft consent decree in 1994-1995, both in the district court and in the court of appeals. As a consequence, CCIA and its members are intimately familiar with the shortcomings of that decree, and its failure to prevent or deter Microsoft from continuing on an anticompetitive course. Microsoft's conduct in the intervening years, including the period while this case has been litigated, has only sharpened CCIA's awareness of Microsoft's dedication to driving out competition from as many aspects of the computer-software and related industries as possible. Microsoft may repeat

its attempts to mischaracterize CCIA as a mere voice for competitors, but that innuendo cannot withstand scrutingy in light of the diversity of CCIA's membership now and over the years, combined with CCIA's 30 years of vigorous commitment to supporting openness and competition in the computer technology and communications industries. In hopes that a meaningful remedy in this case will prevent Microsoft from further expanding the scope of its monopoly, and with the certainty that the current Revised Proposed Final Judgment (''RPFJ'') falls far short of that task, CCIA submits this analysis of the RPFJ in conjunction with the economic analysis of Nobel laureate Joseph Stiglitz and his colleague Jason Furman, and the Declaration of Edward Roeder.

INTRODUCTION

The Tunney Act was designed to constrain the Department of Justice (''DOJ'') from entering into settlements that provided DOJ with an exit from an antitrust case but did not provide the public with a remedy commensurate with the defendant's antitrust violations. The Revised Proposed Final Judgment (RPFJ) in this case does not provide adequate relief for the extensive and thoroughly proven antitrust violations it purports to remedy.

Review of the RPFJ in this case should be especially searching because there can be no doubt about Microsoft's liability. For the first time in the history of the Tunney Act, the Court will review a proposed settlement reached after liability has been not only imposed, but unanimously affirmed on the government's most sweeping and economically significant theory. That clear-cut liability, and the voluminous Findings of Fact and trial record, place the Court in this case in a different position from courts reviewing pre-trial settlements.

Because there is no litigation risk on liability, the Court is uniquely situated to evaluate any asserted litigation risk as to remedy. Established principles of antitrust relief provide the Court in this case with concrete, recognized standards to ensure that the settlement serves the public interest in a way that courts reviewing pre-trial settlements cannot. Magnifying the need for close measurement of the RPFJ by objective principles is Microsoft's silence, in its filing under 15 U.S.C. § 16(g), about its effort to truncate this case by a lobbying campaign of unprecedented scope directed at the Executive and Legislative Branches alike—despite extensive public reports of that lobbying. Microsoft's effort to deny the obvious gives rise to an inference that it has something to hide.

The terms of the RPFJ provide the strongest reason for close scrutiny, because they cannot withstand analysis. The RPFJ would not provide a meaningful remedy for Microsoft's extensive campaign of exclusionary acts. That campaign suppressed the most serious threat to Microsoft's monopoly in the past decade, and not only prevented the erosion of the applications barrier to entry that insulates the monopoly, but increased the bar to new competition. The RPFJ ignores some of the most significant holdings of the court of appeals, however, including its separate imposition of liability for Microsoft's commingling of middleware code with the code for the Windows operating system.

More fundamentally, the RPFJ misses the point of Microsoft's illegal conduct, which was to prevent erosion of the applications barrier to entry by preventing middleware from attracting software developers to the middleware application programming interfaces (''APIs''). The RPFJ's basic premises, moreover, ignore the current economic and technical realities of the computer and software markets. In the seven years since Microsoft began the illegal conduct at issue in this case, Microsoft has strengthened its operating systems monopoly. The Internet browser, formerly a threat to that monopoly, has become an adjunct to it, with Microsoft's 91% share of that product adding further insulation to the operating systems monopoly. Microsoft's unadjudicated monopoly over personal productivity applications—a key to the applications barrier to entry in the operating systems market—likewise has grown in market share and market power.

But the RPFJ does not try to deprive Microsoft of any of the benefits of its illegal activity directed at the browser and other middleware. DOJ's remedial theory rests entirely on unidentified future middleware threats. In fact, there are no technologies today presenting a threat as intense as that presented by the Netscape browser and Java, and the duration of the RPFJ is so short that it almost certainly will expire before any significant new threats materialize.

Aside from some restrictions on commercial retaliation that at best might keep matters from getting worse, the RPFJ relies on two sets of putative obligations to achieve a more competitive market. But neither the provisions aimed at original equipment manufacturer (''OEM'') flexibility nor those addressing information disclosure requirements in fact require anything competitively meaningful. In large part, these provisions replicate Microsoft's current business practices respecting the disclosure of technical information and the configuration of end-user access to middleware products.

The OEM flexibility sections in RPFJ §§ III(C) and III(H) are literally superficial, principally addressing desktop icons rather than the middleware code itself, which contains the APIs relied on by software applications developers. Even if successful, the flexibility provisions would not affect the applications barrier to entry. Moreover, these provisions largely restate current business practices or provide OEMs with flexibility that both Microsoft and DOJ understand from experience will never be exercised. OEMs have little or no incentive to exercise their options; if they decline to do so, then the flexibility provisions will have no competitive consequences for the industry.

The RPFJ's information disclosure sections (§§ III(D) and III(E)) are so transparently insubstantial as to cast doubt on the entire proposal. The purported disclosure requirements trace back to definitions that are committed to Microsoft's control, are circular, or simply do not exist. Neither DOJ nor any other objective observer could have any idea precisely which APIs or protocols must be disclosed.

The RPFJ's provisions and definitions are so vague that only two practical results are possible. Either everyone will simply ignore the decree, which plainly would not be in the public interest for an antitrust remedy, or the Court will have to take primary responsibility for defining its terms during enforcement proceedings. DOJ's answer seems to be to let Microsoft set the terms of its obligations: the RPFJ gives the defendant ''sole discretion'' to define the decree's most important term, ''Windows Operating System Product,'' which appears 46 times to delimit the RPFJ's 10 substantive provisions.

Indeed, much of DOJ's Competitive Impact Statement (''CIS'') seems to reflect an understanding that the RPFJ is inadequate in several critical respects. The CIS defines terms not defined in the RPFJ, exaggerates the scope of certain RPFJ provisions, and redefines other terms in order to minimize the impact of some of the broad exemptions in the RPFJ. It is the RPFJ that the Court would have to enforce, however, as the CIS is not part of the contract between DOJ and Microsoft.

In sum, although the RPFJ's provisions superficially seem to restrict Microsoft's practices, there is no substance behind them. The provisions accomplish little beyond laying down criteria for Microsoft to follow in order to avoid any interference with its continuing campaign of illegal monopolization.

The terms of the RPFJ, as much as the circumstances of the settlement, strongly suggest that Microsoft and the Department of Justice shared a desire to end this case, rather than to provide an effective remedy for Microsoft's substantial antitrust violations. The 1995 consent decree with Microsoft produced uninterrupted illegal monopolization, prompting the filing of this case in 1998. The Court can expect the same with this decree. The RPFJ, if approved, might temporarily end DOJ's involvement, but would not provide the type of remedy that the public interest and the Tunney Act demand. To the contrary, because the harm to the competitive process caused by Microsoft's adjudicated illegal conduct is certain, a remedy that masks but does not cure that harm affirmatively injures the public interest, and therefore should be rejected.

A. Liability Rests On Microsoft's Suppression Of Middleware Threats That Threatened To Erode The Applications Barrier To Entry This case is about Microsoft's devastatingly thorough suppression of threats to its Windows operating system (''OS'') monopoly by ''middleware.'' That monopoly was insulated from competition by the applications barrier to entry described by the court of appeals and the CIS. See United States v. Microsoft Corp., 253 F.3d 34, 55–56 (DC Cir. 2001) (''Microsoft III''); CIS 10–11, 66 Fed. Reg. 59,452, 59,462 (2001). See also Declaration of Joseph E. Stiglitz & Jason Furman 7–9 (''Stiglitz/Furman Dec.'') (attached). The middleware at issue in this case exposed APIs that could be used by software applications developers to write programs

that did not rely on the underlying Windows operating system. As Microsoft recognized, if developers embraced non- Microsoft middleware APIs and designed their products to run on that middleware rather than directly on an operating system, ''middleware'' of this kind ''would erode the applications barrier to entry,'' as ''applications * * * could run on any operating system on which the middleware product was present with little, if any, porting.'' Microsoft III, 253 F.3d at 55. The threat that ''middleware could usurp the operating system's platform function,'' id. at 53, prompted Microsoft's anticompetitive conduct.

But non-Microsoft middleware can become a competing platform only if developers write software that calls on the non-Microsoft middleware APIs. Most developers will create software only to run on platforms that are distributed widely enough for the developers to be reasonably certain that the APIs (on which their programs rely) will be present on most, if not all PCs. Likewise, if developers can be certain that Microsoft's middleware APIs are present on all PCs, this will strongly influence their initial decision as to whether it is worth the effort to write applications to alternative, non-Microsoft middleware APIs.

The successful theory of the case—proved and accepted by two courts—is that Microsoft engaged in an ''extensive campaign of exclusionary acts'' that were designed ''to maintain its monopoly'' by suppressing middleware threats posed by the Netscape Navigator Internet browser and the cross-platform Java technologies. CIS 9, 66 Fed. Reg. 59,462; Microsoft III, 253 F.3d at 53–56, 60–62, 74–78. Microsoft's response to this threat guaranteed that developers would not use the APIs of competing middleware, destroying the platform threat.

Because Microsoft has a monopoly over the OS, it can ensure that its own versions of a middleware product have universal distribution, so that Microsoft's middle- ware APIs will be present on all PCs. For example, because Windows is both an operating system and a distribution channel for Microsoft's technologies, Microsoft could and did ensure that the code for its Internet Explorer (''IE'') browser was distributed to every PC.

Ensuring that the code for Microsoft middleware was on every PC accomplished two related goals. First, it guaranteed instant and unassailable ubiquity for the Microsoft version of the middleware and the middleware APIs on which developers rely. Second, the forced ubiquity of Microsoft middleware prevents competing middleware from achieving ubiquity, or anything like it, because few distribution channels will incur the support and other costs of distributing two versions of the same functionality. A key theory of the case is that the applications barrier to entry could have been eroded only if developers chose and used alternative middleware platforms on which to write software. End-user access to middleware was significant only to the extent it influenced developers'' choices to write to the APIs of that middleware.

Thus, ensuring that the code for the Microsoft version of middleware is on every PC destroys the competitive threat presented by the competing middleware's APIs, since few developers will them in preference to Microsoft middleware APIS that are certain to be ubiquitous. This fact provides the essential context for any meaningful analysis of the information disclosure and OEM flexibility provisions of the RPFJ.

B. The RPFJ Does Not Prevent Microsoft From Abusing Its Position And Does Not Meet Basic Standards For An Antitrust Remedy

The DC Circuit set out a simple standard for measuring the legal sufficiency of any remedy selected in the Microsoft litigation: the remedy must ''seek to unfetter [the] market from anticompetitive conduct,'' * * * to 'terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future.''' Microsoft HI, 253 F.3d at 103 (quoting Ford Motor Co. v. United States, 405 U.S. 562, 577 (1972), and United States v. United Shoe Machinery Corp., 391 U.S. 244, 250 (1968)). As the District Court recognized in beginning remedy proceedings on remand (9/28/01 Tr. 6–7), not one word in the DC Circuit's opinion suggests the slightest antipathy toward any conduct remedy related to the illegal monopolization that the Court of Appeals exhaustively condemned.[1] The District Court warned the plaintiffs to be ''cautiously attentive to the efficacy of every element of the proposed relief.'' 9/28/01 Tr. 8. That is, the plaintiffs must make sure that the proposed remedy works.

That admonition appears to have fallen on deaf ears. Because liability has been established and affirmed in great detail, the scope of the District Court's appropriate deference to DOJ is extremely limited because the range of permissible action by DOJ is closely confined. There is no litigation risk other than the risk that the District Court would not approve a particular remedy, or that the District Court's exercise of discretion in approving a remedy might be reversed on appeal. A remedy, even one imposed by agreement, must provide adequate relief for the violations that have been proved, however. DOJ is entitled to deference only for choices that fall within the range of adequate relief.

The RPFJ misses the point of the central theory of liability. The RPFJ does not impose certain, enforceable, or competitively significant obligations on Microsoft to restore competition or to avoid suppressing future threats. The RPFJ allows Microsoft to keep every anticompetitive gain that resulted from its illegal conduct, simply requiring Microsoft to find new and slightly different ways to accomplish its anticompetitive goals. DOJ seems to recognize that the case focused on two specific products—Netscape Navigator and Java—that embodied the broader threat of middleware and the Internet to the stability and significance of Microsoft's monopoly. The RPFJ does nothing to restore the specific competitive threat posed by an independent Internet browser. It does nothing to restore the threat of cross-platform Java. And it does nothing to protect any other middleware threat—in the unlikely event that another such threat might arise within the short duration of the RPFJ—from much similar exclusionary conduct, or indeed from the identical commingling of code that sealed Netscape's fate. Rather, the RPFJ appears to assume that it is still 1995, and that the threat of the Internet browser can begin anew without confronting a more thoroughly entrenched Microsoft. The RPFJ does not take account of the impact on participants at different levels of the computer and software industries of an additional seven years of Microsoft's anticompetitive abuses. That view does not accord with reality, and the provisions intended to permit open competition in that counterfactual world cannot achieve their goal.

C. The Obligations That Supposedly Restore Competitive Conditions In Fact Make Microsoft Do Virtually Nothing Against Its Will

The RPFJ purports to give current and future middleware the ability to present the same threats to the Microsoft monopoly that Netscape and Java presented before the onset of Microsoft's illegal conduct. DOJ describes the obligations in the RPFJ as if they would have stopped Microsoft's suppression of Netscape, and as if they would allow rival middleware vendors to obtain the technical information that they need to ''emulate Microsoft's integrated functions'' (Testimony of Charles James before Senate Judiciary Committee 7 (Dec. 12, 2001)) and to step into the shoes of Microsoft middleware in relation to Windows and the Windows monopoly. The RPFJ does not achieve those goals.

Most of the RPFJ reduces to two sets of obligations, along with some prohibitions on exclusive deals and on retaliation against those who take advantage of Microsoft's obligations. One set of obligations appears to restrain Microsoft from taking particular actions to interfere with OEMs'' placement of the icons of Non-Microsoft Middleware on their machines, or with end-users'' use of those products. These OEM flexibility provisions principally rely on the OEMs to provide a remedy for Microsoft's misconduct. The other set of obligations requires a certain degree of disclosure of APIs and Communications Protocols to allow competing software products can ''interoperate''— an undefined term—with the monopoly OS.

For the most part, the obligations placed on Microsoft by the RPFJ simply replicate current options voluntarily provided by Microsoft. For example, Microsoft must continue to disclose the APIs it currently discloses in the Microsoft Developers'' Network (MSDN), a program Microsoft developed to further its self-interest in making the Windows platform popular with software developers. And Microsoft must continue to allow end-users to delete icons from the desktop and start menu. Such provisions at most simply prohibit Microsoft from making matters worse than they are after Microsoft's years-long anticompetitive campaign. Indeed, the RPFJ in some instances specifically approves potential

[1] Indeed, in denying rehearing, the DC Circuit made crystal clear that ''[n]othing in the Court's opinion is intended to preclude the District Court's consideration of remedy issues.'' Order, at 1 (DC Cir. Aug. 2, 2001) (per curiam).

misuse of Microsoft's current voluntary implementations of the flexibility and disclosure provisions.

To begin with the flexibility provisions, their chief flaw is their focus on icons rather than on middleware functionality. This is literally a superficial approach. Microsoft can include its own middleware and middleware APIs on every PC. Developers will know those APIs are there and consequently will write to them in preference to the APIs of a competing product that may or may not be on a particular machine. No provision of the RPFJ restricts Microsoft's insertion and commingling of middleware code into the ''Windows Operating System Product'' bundle that Microsoft receives the right to define for decree purposes ''in its sole discretion.'' RPFJ § VI(U). From the point of view of developers—and thus of the ability of middleware to erode the applications barrier to entry—these ''flexibility'' provisions are meaningless.

Even to the extent that competing middleware vendors might obtain favorable placement for their products'' icons in preference to the icons for Microsoft products, that achievement would be both superficial and temporary. The functionality of the Microsoft product would remain on the machine, and Microsoft could insist on its invocation for a variety of functions. And, 14 days after a PC first boots up, Microsoft would be free to nag users to click a ''Clean Desktop Wizard'' which would organize icons in the way that suited Microsoft. There is nothing in the RPFJ to stop that ''Wizard'' from resetting default applications to coincide with Microsoft's preferences as well, or even from enhancing the product so that it becomes a Clean File Wizard to remove code of competing middleware with a single click.

These provisions place responsibility for restoring competition on innocent OEMs and ISVs rather than on Microsoft. And many provisions give end-users what they have now: the ability to remove an icon from the desktop or a program menu by right-clicking it and selecting ''Delete,'' or by dragging it to the Recycle Bin. The provisions do change the status quo in one way. The ''Add/Remove'' function, which now removes some underlying code for applications, will only remove a few icons when the removed application is Microsoft middleware.

The disclosure provisions are no better. The RPFJ requires Microsoft to disclose APIs between ''Microsoft Middleware'' and a ''Windows Operating System Product,'' but the definitions of those terms are so completely within Microsoft's control that it is impossible to tell whether Microsoft ever would have to disclose an API that might have competitive significance. As noted above, a ''Windows Operating System Product'' is whatever Microsoft says it is. ''Microsoft Middleware'' must be distributed separately from the OS (unlike, e.g., the current version of Windows Media Player). ''Microsoft Middleware'' must be ''Trademarked'' in a way that would exclude Windows Messenger, may exclude Windows Media Player, and certainly would exclude any products that followed Microsoft's practice of simply combining the Microsoft(r) or Windows(r) marks with a generic or descriptive term.

Indeed, because ''Microsoft Middleware'' need not mean any more than the user interface of a middleware functionality that meets the other definitional requirements, see RPFJ § VI(J)(4), the only APIs that must be disclosed are those between the middleware user interface and ''Windows,'' which Microsoft in its discretion can define to include all of any given middleware functionality. See id. § VI(U). Microsoft need not disclose how the middleware actually invokes Windows to work, except for the way that the OS displays the middleware's shell.

The disclosure provisions applying to Communications Protocols are similarly weakened by non-existent definitions. The disclosable Protocols are those required to ''interoperate''—whatever that may mean—with equally undefined ''Microsoft server operating products.'' RPFJ § III(E). In addition, the Communications Protocol disclosure provisions are limited by sweeping exceptions applying to security protocols that are intertwined with all significant computer-to-computer communication. See id. § III(J)(I). Microsoft can withhold parts of those Protocols (and, indeed, parts of APIs) on the basis that disclosure would compromise security of an installation.

If this exemption were limited to the customer-specific data like encryption keys or authorization tokens, it would be necessary, not objectionable. But the exemption explicitly permits Microsoft to withhold portions of the Protocols and APIs themselves, which necessarily makes ''interoperation'' (as that term normally is used) incomplete. Interoperation, however, is an all-or-nothing state. Software that can use only parts of APIs and Communications Protocols simply cannot ''intemperate'' with the software on the other side of the API or Protocol.

But that is not all. RPFJ § III(J)(2) permits Microsoft to refuse to (disclose security-related Protocols or APIs to any company that does not meet Microsoft's standards of business viability or its standards for a business need. Again, little if anything is left of this disclosure requirement if Microsoft chooses to resist disclosure when that serves its anticompetitive goals.

One thing is certain. Unless Microsoft and DOJ alike render the RPFJ irrelevant by simply ignoring it, the District Court will be faced again and again with the task of interpreting the RPFJ's indistinct provisions. Microsoft has demonstrated its incentive and ability to contest even the most seemingly obvious points of any court order.

D. The Public Interest Requires An Effective Remedy That The RPFJ Does Not Provide

Despite the belated efforts of DOJ to minimize the scope of this case, it remains the largest, most successful prosecution for monopolization liability since at least the Second World War. The DC Circuit affirmed ''the District Court's holding that Microsoft violated ? 2 of the Sherman Act in a variety of ways.'' 253 F.3d at 59. The breadth of that holding is clear from the 20 Federal Reporter pages consumed by the court's detailed discussion of Microsoft's array of exclusionary behavior. The competitive significance of the conduct condemned by that holding is explained both in the opinion, in the Declaration of Joseph E. Stiglitz and Jason Furman (''Stiglitz/Furman Dec.'') 16–20, and in the Comment of Robert E. Litan, Roger G. Noll, and William D. Nordhaus (''Litan/Noll/Nordhaus Comment'') 12–31, among other submissions for this Tunney Act proceeding. The difficulties encountered by peripheral claims are irrelevant, particularly because all of the challenged conduct supported monopolization liability in addition to one or more of the since-abandoned theories. The supposed ''narrowing'' left a huge monopolization case with a stark judgment affirming the government's theory. e RPFJ does not provide a remedy commensurate with that liability.

The RPFJ is insufficient for another overarching reason. The passage of time has only exacerbated the problem of Microsoft's successful abuse of its operating systems monopoly to extend that monopoly to embrace other sectors of computing and to forestall threats to the monopoly from those sectors. Microsoft's monopoly over Internet browsing is complete, as its current 91% market share indicates. Julia Angwin, et al., AOL Sues Microsoft Over Netscape in Case That Could Seek Billions, WALL ST. J., Jan. 23, 2002, at B 1. Even the RPFJ recognizes, albeit through toothless provisions, that Microsoft is using its desktop OS monopoly to force greater use of its server operating systems. And Microsoft's efforts to use the inclusion of its Passport authentication software on every Windows machine as a means of directing through a Microsoft server all authentication and identification transactions—gaining a literal chokehold over the communications aspect of Internet computing—is so significant that Microsoft sought and obtained an exemption in the RPFJ specifically designed to excuse that known monopolistic strategy. See RPFJ § III(H)(1)[second] [2] see also id. § Ill(J).

Microsoft has made ample use of the seven years since the beginning of the conduct at issue in this case. The RPFJ is wholly inadequate even on its own terms, which assume that the world has returned to 1995. But the RPFJ does not begin to address what has happened since then. The public interest in a remedy that achieves what antitrust law says it must cannot be obscured by focusing either on the preference of the technology industry for standards, or on the never-litigated assumption that Microsoft obtained its original operating systems monopoly legally in the 1980s. The last premise, after all, still suggests that the last ten years or so of Microsoft's hegemony have resulted from the illegal acts that prompted two government antitrust lawsuits. If DOJ's enforcement history is to be credited, Microsoft has at least doubled the life of its monopoly through illegal conduct.

In addition, even if the nature of software platforms generally, or computer operating

[2] RPFJ § III(H) contains two subsections (1) and (2). We distinguish between the two sets of subsections with the bracketed terms ''first'' and ''second.''

systems in particular, results in transitory single-firm dominance, that does not mean that competition has no place, or that entrenched monopoly is somehow without social costs. See Stiglitz/Furman Dec. 13–16. Innovation results in the periodic replacement or ''leapfrogging'' of one standard by another. This is not some meaningless replacement of one monopoly with another, as some would have it. To the contrary, as economists—including those of the Chicago school—have recognized, ''competition * * * 'for the field''' provides consumers with substantial benefits. See Microsoft III, 253 F.3d at 49 and sources cited therein. But if competition in a market is limited in scope to serial competition for transitory dominance, predatory conduct is especially harmful. See generally Stiglitz/Furman Dec. 13–16. The monopolist may need to eliminate only a few incipient but significant threats in the course of a decade in order to transform transitory dominance into a durable, even impregnable monopoly.

That is what happened here. Although Netscape Navigator had not developed into a competing applications platform when Microsoft cut off its revenue sources, Netscape contemplated just such a development—and Microsoft both contemplated and deeply feared it. The outcome of the competition that Microsoft thwarted is unknowable. But there will be no further competition—much less competitive outcomes—if Microsoft is allowed to repeat the course of conduct it undertook here.

But the RPFJ permits Microsoft to continue to fortify and expand its monopoly. Indeed, the RPFJ provides an imprimatur for Microsoft to continue and expand a whole range of additional, related anticompetitive practices. As a consequence, the RPFJ is an instrument of monopolization, not a remedy for it. The Court should not add judicial endorsement to DOJ's agreement to give up the case. The ''public interest,'' within the meaning of the Tunney Act, 15 U.S.C. § 16(e), requires far more effective relief.

I. THE TUNNEY ACT REQUIRES CLOSE SCRUTINY UNDER THE PRESENT CIRCUMSTANCES

The Tunney Act exists ''to prevent 'judicial rubber stamping''' of proposed antitrust consent decrees. United States v. Microsoft Corp., 56 F.3d 1448, 1458 (DC Cir. 1995) (quoting H.R. Rep. No. 1463, 93d Cong. 2d sess. 8, reprinted in 1974 U.S.C.C.A.N. 6535, 6538) (''Microsoft/''); United States v. BNS, Inc., 858 F.2d 456, 459 (9th Cir. 1988); In re IBM, 687 F.2d 591,600 (2d Cir. 1982). Upon enactment it was immediately clear that ''Congress did not intend the court's'' review of a proposed settlement ''to be merely pro forma, or to be limited to what appears on the surface.'' United States v. Gillette Co., 406 F. Supp. 713,715 (D. Mass. 1975) (Aldrich, J.).

The Tunney Act requires particularly close scrutiny of the RPFJ in this case. The government seeks to remedy a proven, well-defined, serious violation of the antitrust laws. Microsoft's heavy lobbying of the executive and legislative branches in order to bring political pressure for a lenient settlement heightens the need for scrutiny, and in addition makes necessary the Court's active investigation into Microsoft's failure to disclose the bulk of that lobbying despite the command of 15 U.S.C. 16(g). The lenient terms of the RPFJ itself further underscore the need for close judicial scrutiny. Never in the history of the Tunney Act has a Court been confronted with this combination of an impregnable judgment of liability, pervasive lobbying, and apparent surrender by the federal government. The circumstances here indicate exactly the sort of ''failure of the government to discharge its duty''—whether or not actually ''corrupt''—that even DOJ concedes warrants close judicial scrutiny of a settlement. CIS 66, 66 Fed. Reg. 59,476 (quoting United States v. Mid-America Dairymen, Inc., 1997–1 Trade Cas. * 61,508, at 71,980, 1977 WL 4352 at * 8 (W.D. Mo. 1977)).

A. The Government's Victory On Liability Removes Litigation Risk And Therefore Limits Deference

The CIS suggests (at 65–68, 66 Fed. Reg. at 59,475–476) that the Court owes nearly absolute deference to DOJ's decision to retreat from its appellate victory. That is not true. The affirmance of liability on appeal removes any speculation that ''remedies which appear less than vigorous'' simply ''reflect an underlying weakness in the government's case.'' Microsoft I, 56 F.3d at 1461. There is no ''underlying weakness''; liability is a given, and provides a clear benchmark for measuring whether the proposed relief is sufficiently effective to come ''within the reaches of the public interest.'' Id. at 1460. Those ''reaches'' are narrower when liability is proved and affirmed than when it is merely alleged, as it was in Microsoft I.

1. The Imposition And Affirmance Of Liability Remove Any Constitutional Concerns About Searching Review And Require The Court To Perform Its Constitutional Duty

Most important, the current posture of this case places it beyond the scope of the prudential and constitutional concerns expressed by some courts (and dissenting Justices) about judicial scrutiny of DOJ's charging decisions, or of its settlement of unproven claims. It may be that when ''the government is challenged for not bringing as extensive an action as it might, a district judge must be careful not to exceed his or her constitutional role.'' Microsoft I, 56 F.3d at 1462. Such concerns did not persuade the majority of the Supreme Court, however, which over a dissent rejected similar arguments in summarily affirming the modifications imposed by the district court in the AT&T consent decree. See Maryland v. United States, 460 U.S. 1001 (1983).

In any event, when the action has been brought, tried, and won, and the only question is whether the proposed relief is adequate, the constitutional concerns dissipate. Because DOJ already made the discretionary decision to bring the case, and successfully proved liability to the satisfaction of two courts, the Court in reviewing this settlement runs no risk that by exercising its normal remedial discretion under established legal principles it somehow might be said ''to assume the role of Attorney General.'' Microsoft I, 56 F.3d at 1462. It was precisely the absence of a ''judicial finding of illegality'' that might impede the Tunney Act from ''supply[ing] a judicially manageable standard for review.'' Id. at 1459. Here, two courts have provided the ''findings that the defendant has actually engaged in illegal practices'' that were missing in both Microsoft I and AT&T (like other cases settled before trial). Id. at 1460–1461 (emphasis added). In addition, the appellate affirmance imposed monopolization liability for all of the significant conduct that had been alleged to support the additional, largely supererogatory legal theories that were rejected as ground for additional liability.

It is accordingly entirely appropriate, and indeed necessary, for the Court in this case ''to measure the remedies in the decree as if they were fashioned after trial,'' Microsoft I, 56 F.3d at 1461, because they were ''fashioned after trial'' and appellate affirmance. The Court need not ''assume that the allegations in the complaint have been formally made out'' (id.), but rather knows beyond doubt exactly which allegations were proved. There is a ''judicial finding of relevant markets, closed or otherwise, to be opened'' and ''of anticompetitive activity to be prevented.'' Maryland v. United States, 460 U.S. at 1004 (Rehnquist, J., dissenting). ''IT]hat there was an antitrust violation,'' and ''the scope and effects of the violation,'' were not assumed, as they must be in a pretrial settlement, but proved to the satisfaction of two courts. Id.

Very limited prosecutorial discretion remains in this situation. The amorphous, policy-laden choices whether to bring a case and how much to allege, are behind us. The predictive judgment as to the chances of success on liability likewise is beyond serious dispute in light of the unanimous affirmance of monopolization liability by the en banc court of appeals. DOJ has some leeway in choosing a remedy, but its chosen remedy must be ''adequate to remedy the antitrust violations alleged in the complaint,'' United States v. Bechtel Corp., 648 F.2d 660, 665 (9th Cir. 1981), under the well-established legal standards for antitrust relief. See Microsoft III, 253 F.3d at 103. Those standards inform the ''public interest'' determination under the Tunney Act, and, by contrast with the ''public interest'' standing alone, are judicially manageable without a doubt.

The DC Circuit has made crystal clear that a consent decree ''even entered as a pretrial settlement, is a judicial act,'' so that ''the district judge is not obliged to accept one that, on its face and even after government explanation, appears to make a mockery of judicial power.'' Microsoft I, 56 F.3d at 1462. Judicial approval of the settlement in this case is far more of a classic ''judicial act'' than the typical settlement without proof of liability. As in the context of post-conviction criminal sentencing, the Court must act as more than a passive recipient of arrangements made between the parties

There is no serious question that a federal court may reject a plea bargain in its sound discretion, Fed. R. Crim. P. 11, Santobello v. New York, 454 U.S. 257, 262 (1971), for reasons that may include the ''court's belief

that the defendant would receive too light a sentence under the circumstances.'' United States v. Adams, 634 F.2d 830, 835 (5th Cir. 1981).[3] Granted, plea bargains in the criminal context generally involve admissions of liability. But the case here, if anything, is stronger here, where liability has been, not admitted, but established after extensive litigation and affirmed by an en banc court of appeals over the vigorous objection of the defendant.

At this stage, ''the discrepancy between the remedy and undisputed facts of antitrust violations'' can ''be such as to render the decree 'a mockery of judicial power.''' Massachusetts School of Law, Inc. v. United States, 118 F.3d 776, 782 (DC Cir. 1997) (quoting Microsoft I, 56 F.3d at 1462). By contrast with the concerns expressed in the pretrial settlement context about the intrusion of Tunney Act courts on functions that are constitutionally allocated to the executive branch, the situation after liability is established presents opposite concerns under our system of separated powers, and of checks and balances between the branches of government. Constitutional concerns in this case would arise only if the Court failed to apply the legal standards governing antitrust relief to the adjudicated liability here. DOJ asks the Court not only to abandon its traditional power over the relief to be imposed in an adjudicated case, but also to ignore the clear command of Congress to provide a check on the irresponsible exercise of power by a suddenly and inexplicably compliant prosecutor. The Court should refuse that suggestion.

2. The Extensive Record And Judicial Opinions Provide Clear, Manageable Standards For Substantive Review Of The RPFJ

None of the authorities on which DOJ relies involved a full trial in which liability was proved, much less one in which liability was affirmed on appeal. Indeed, the statements quoted in the CIS draw heavily on that fact—that in each case there had been no finding of liability, and that review of the settlement at issue necessarily involved second-guessing DOJ's prosecutorial discretion in making two rather standardless assessments: (1) whether to bring a case at all, and thus place the matter in a judicial forum, see Microsoft I, 56 F.3d at 1459–1460, and (2) the chances for success. See, e.g., Mid-America Dairymen, 1977 WL 4352, at *8 (Tunney Act ''did not give this Court authority to substitute its judgment about the advisability of settlement by consent judgment in lieu of trial'') (emphasis added).

Here, neither of these fundamentally discretionary prosecutorial judgments is at issue. The decision to bring the case was made years ago, and the case was litigated and won, establishing liability to a known extent.

It is telling that in asking for broad deference DOJ places heavy reliance on language from the Ninth Circuit's decision in United States v. Bechtel Corp., 648 F.2d 660 (9th Cir. 1981). See CIS 66–67 & n.4; 66 Fed. Reg. 59,476. One could hardly find a setting more distant from this one. Not only did Bechtel not involve a finding of liability after full litigation and affirmance on appeal; and not only did the setting there—alleged complicity in the ''Arab boycott'' of Israel in the mid-1970s—implicate the foreign policy powers of the executive branch; but the issue before the curt in Bechtel was the defendant's effort to avoid its own settlement by arguing that the settlement to which it had agreed was ''not in the public interest.'' Bechtel, 648 F.2d at 665.[4]

As it happens, however, the court of appeals in Bechtel enunciated the legal standard that should be applied here: ''whether the relief provided for in the proposed judgment was adequate to remedy the antitrust violations alleged in the complaint.'' Bechtel, 648 F.2d at 665 (emphasis added). That is precisely the standard that DOJ wishes to avoid. Where liability is a given, as it is here, the Court must ensure that the ''remedies negotiated between the parties and proposed by the Justice Department clearly and effectively address the anticompetitive harms'' that have been proved. United States v. Thomson Corp., 949 F. Supp. 907, 913 (D.DC 1996). When the ''anticompetitive harms'' and their illegality have been proved, the fit between those harms and the proposed remedies must be closer than when those harms merely have been ''initially identified,'' id., as is usually the case in Tunney Act proceedings.

Even if there were no finding a liability, the Court would not be compelled ''unquestionably [to] accept a consent decree as long as it somehow, and, however inadequately, deals with the antitrust problems implicated in the lawsuit.'' United States v. Alcan Aluminum, Ltd., 605 F. Supp. 619, 622 (W.D. Ky. 1985) (citing United States v. AT&T, 552 F. Supp. 131,151 (D.DC 1982), aff'd sub nom. Maryland v. United States, 460 U.S. 1001 (1983). With liability in place, however, the Court need not proceed ''on the assumption that the government would have won.'' Gillette, 406 F. Supp. at 716 n.2.

The government did win. The Court in this case need not ''speculate in regard to the probability of what facts may or may not have been established at trial.'' United States v. Mid-America Dairymen, Inc., 1977 WL 4352, at *1. Those facts are a matter of record.

Whatever narrow deference may be afforded here amounts only to the tested rule that ''[i]t is not the court's duty to determine whether this is the best possible settlement that could have been obtained.'' Gillette, 406 F. Supp. at 716 (emphasis added). Although the Court may not be able to insist on the ''best possible'' decree, the proof and affirmance of liability require the Court to ensure that the RPFJ is at least adequate on that record under well-established remedial principles. Bechtel, 648 F.2d at 665.

The differences are real, but not dramatic, between the Court's role in deciding whether to accept this settlement in Track I, and in deciding in Track II what relief to impose at the request of those plaintiffs who have not abandoned the pursuit of a full and effective remedy in this case. In each track, the Court must measure proposed remedies against the legal standards set out by the DC Circuit and by the Supreme Court. In each track, the Court should not approve a remedy that is inadequate to meet those standards. In evaluating the RPFJ, the Court is not at liberty to substitute its view of equally effective, or marginally more effective relief, if the terms of the RPFJ are fully adequate to the task as the law defines it. That is, the DOJ's choices among adequate alternatives warrant deference, but its determination of what is adequate warrants none. In the other track, the Court does have the liberty, not merely to go beyond any decree that might be entered in this track, but also to insist that the final decree address the competitive issues in a way that satisfies the Court's view as to the best and most effective means of opening the operating systems market to competition, depriving Microsoft of the fruits of its illegal conduct, and preventing similar monopolistic abuses in the future. That is, while in this track of the proceeding the Court cannot insist on the ''best possible settlement,'' Gillette, 406 F. Supp. at 716, so long as the proposed relief meets the remedial standards anchored in antitrust law, in Track II the Court has not only the power but the duty to impose the ''best possible'' decree.

B. Broad Deference Is Particularly Circumstances Are Suspicious

1. Inappropriate Because The Microsoft's Manifestly Inadequate Disclosure Under The Tunney Act's Sunshine Provisions Weighs Strongly Against Judicial Deference To The Terms Of The RPFJ Section 2(g) of the Tunney Act requires Microsoft to file a ''true and complete description'' of ''any and all written or oral communications'' by it or on its behalf ''with any officer or employee of the United States concerning or relevant to'' the proposed settlement. 15 U.S.C. § 16(g) (emphasis added). The only exception from this requirement is for settlement negotiations between ''counsel of record alone'' and ''employees of the Department of Justice alone.''/d. (emphasis added).

When Senator Tunney first introduced his bill, he focused on the significance of the disclosure provision. ''Sunlight is the best of disinfectants,'' he explained (quoting Justice Brandeis), and thus ''sunlight * * * is required in the case of lobbying activities attempting to influence the enforcement of the antitrust laws.'' 119 Cong. Rec. 3449, 3453 (1973). Minor amendments to Section 2(g) were designed ''to insure that no loopholes exist in the obligation to disclose all lobbying contacts made by defendants in antitrust cases culminating in a proposal for a consent decree.'' H.R. Rep. No. 1463, at 12 (emphasis added).

The breadth of Microsoft's effort to use political pressure to curtail this case has no parallel in the history of the antitrust laws.

[3] See also, e.g., United States v. Robertson, 250 F.3d 500, 509 (6th Cir. 2001); United States v. Greener, 979 F.2d 517, 521 (7th Cir. 1992); United States v. McGovern, 822 F.2d 739, 742 n.4 (8th Cir. 1987); United States v. Randahl, 712 F.2d 1274, 1275 (8th Cir. 1983).

[4] 4 Decided in an equally remote context was United States v. BNS, Inc., 858 F.2d 456 (9th Cir. 1988), in which the Ninth Circuit approved a preliminary injunction, entered over DOJ's objection, against a tender offer for an acquisition that a proposed consent decree would have permitted.

The ITT episode that prompted the Tunney Act pales in comparison. It has been widely known that since 1998 Microsoft has comprehensively lobbied both the legislative and executive branches of the federal government in an effort to create political pressure to end this case.[5] But Microsoft did not disclose any of these contacts, much less all of them, as the Tunney Act requires.

Rather, Microsoft disclosed only meetings that occurred during the last round of settlement negotiations ordered by the Court. Microsoft's insupportable interpretation of its statutory disclosure duty effectively nullifies the sunshine provisions of the Act, which are crucial to the Act's protection of the public interest.

a. Contacts With All Branches Must Be Disclosed.

All contacts with ''any officer or employee of the United States'' must be disclosed. As Senator Tunney explained,

Included under [section 16(g)] are contacts on behalf of a defendant by any of its officers, directors, employees, or agents or any other person acting on behalf of the defendant, with any Federal official or employee. Thus, * * * the provision would include contacts with Members of Congress or staff, Cabinet officials, staff members of executive departments and White House staff 119 Cong. Rec. at 3453 (emphasis added). In other words, the disclosure applies equally to contact with any branch of Government, including the Congress. * * * [T]here is a great deal to be gained by having a corporate official who seeks to influence a pending antitrust case through congressional pressure, know that this activity is subject to public view.

Id. Indeed, it is firmly established in other areas of the law that ''officer'' of the United States includes Members of Congress and their employees.[6]

But Microsoft did not disclose its extensive and heavily reported lobbying of Congress. Indeed, upon the remand to the District Court, Microsoft's lobbying of Congress produced a letter signed by more than 100 Members urging a swift settlement. But Microsoft did not disclose even that lobbying, aimed at pressuring a swift capitulation by the government despite its victory on appeal, directly before the last round of settlement negotiations.

b. The ''Counsel of Record'' Exception Is Very Narrow.

Section 16(g) provides a narrow exception from disclosure for contacts between ''counsel of record alone'' (emphasis added)—that is, without any other corporate officers or employees also involved—and ''the Attorney General or the employees of the Department of Justice alone.'' As Senator Tunney explained, this ''limited exception'' for attorneys of record ''is designed to avoid interference with legitimate settlement negotiations between attorneys representing a defendant and Justice Department attorneys handling the litigation. * * * [T]he provision is not intended as loophole for extensive lobbying activities by a horde of 'counsel of record.'' 119 Cong. Rec. at 3453. The House Report further clarifies that this ''limited exception'' distinguishes '''lawyering'' contacts of defendants from their 'lobbying contacts'.'' H.R. REP. No. 1463, supra, at 9.

Microsoft did not disclose the well-publicized participation in the last round of settlement negotiations of its lobbyist-lawyer, Charles F. ''Rick'' Rule. It appears that the critical ''negotiations'' leading to the RPFJ took place, not in the offices of Microsoft's counsel of record, but ''in Justice's offices and those of Microsoft legal consultant Rick Rule.'' Paul Davidson, Some States Fear Microsoft Deal Has Big Loopholes, USA TODAY, Nov. 5, 2001. Rule has been a registered lobbyist for Microsoft for some years, but was not named as counsel of record until November 15, 2001, after the settlement negotiations were complete. See Notice of Appearance (D.DC filed Nov. 15, 2001). That designation—long after the settlement deal had been struck cannot retroactively shield his extensive prior contacts with Mr. James or other executive or legislative officials from disclosure. Contacts by ''[a]ttorneys not counsel of record'' must be disclosed. Id. Of course, Microsoft's many other lobbyists do not conceivably come within this exception. But Microsoft concealed all of those lobbying contacts.

c. All Communications Urging The Government To Abandon Or Settle The Case Were ''Relevant To'' The Proposed Settlement

Section 16(g) requires the disclosure of all contacts ''concerning or relevant to'' a proposed settlement. This statutory definition is intentionally broad. Microsoft's disclosure interprets the word ''concerning'' very narrowly, so that the provision covers only actual settlement discussions—and only the last round of them. In Microsoft's view, the Tunney Act would require disclosure only of the very meetings that must precede any settlement. Microsoft reads the words ''relevant to'' right out of the statute. That this statutory provision is broad is obvious by its very terms; in order for the phrase ''relevant to'' not to be mere surplusage, it must encompass contacts less directly focused on the settlement than those that ''concern[]'' that agreement.

Senator Tunney an example: ''the provision would require disclosure * * * of a meeting between a corporate official and a Cabinet officer discussing 'antitrust policy'' during the pendency of antitrust litigation against that corporation.'' 119 Cong. Rec. at 3453. The Act borrows from evidentiary concepts, including the privilege for settlement discussions, which prompted the narrow exception for counsel of record. The evidentiary concept of relevance is very broad. See Fed. R. Evid. 401. ''Relevance of evidence is established by any showing, however slight, that the evidence'' makes a legally important factor ''more or less likely.'' United States v. Mora, 81 F.3d 781,783 (8th Cir. 1996) (emphasis added) (citation omitted). Plainly ''relevant'' to the question whether a defendant's lobbying activities influenced the existence and terms of a consent decree are contacts with the administration, and with members of Congress, that touch on the desirability of the government's agreeing to end the case. It is startling, for example, that Microsoft would omit reference to its efforts to enlist support for congressional proposals that would have cut DOJ's funding for the pursuit of this case, and for antitrust enforcement in high technology industries in general.[7]

Disclosure under Section 2(g) is not usually burdensome; most defendants do not try to win their case politically rather than in the courtroom. Microsoft's massive and unprecedented effort to distort the judicial process through political pressure makes its compliance burdensome, but all the more necessary. It is exactly this sort of manipulation that the Tunney Act was designed to discourage by bringing it to light.

d. Microsoft's Flouting Of Its Statutory Duty Counsels Painstaking Judicial Scrutiny Of The RPFJ

Microsoft's cunning ''interpretation'' of the statutory disclosure requirements—so that disclosures reach only the very settlement discussions that the Tunney Act was not concerned about—sheds considerable light on Microsoft's likely ''interpretations'' of any remedy imposed on it, especially one like the RPFJ of which it can claim to be an equal drafter, if not the principal author. Microsoft's disclosure is so inadequate as to raise questions about Microsoft's good faith. The filing includes no disclosure of any lobbying contacts between Microsoft and the administration; it includes no disclosure of any contacts between Microsoft and members of Congress; it includes no disclosure of any contacts whatsoever before September 27, 2001, although it is well known that Microsoft and the government have tried to settle the government's antitrust action since before it was filed, and that Microsoft lobbied Congress to bring pressure on DOJ to settle or simply abandon the case.

Microsoft should face contempt sanctions for its certification ''that the requirements of [Section 16(g)] have been complied with and that such filing is a true and complete description of such communications known to the defendant or which the defendant reasonably should have known.'' DOJ should refuse to acquiesce in Microsoft's deception. Although DOJ cannot be expected to be

[5] See generally Declaration of Edward Roeder (attached). See also, e.g., Ian Hopper, Microsoft Lobbied Congress Over Case, SAN JOSE MERCURY NEWS, Jan. 11, 2002, at C3; Heather Fleming Phillips, Washington Politicians Chime In On Microsoft, SAN JOSE MERCURY NEWS, June 30, 2001, at A1; Rajiv Chandrasekaran & John Mintz, Microsoft's Window of Influence,'' Intensive Lobbying Aims to Neutralize Antitrust Efforts, WASH. POST, May 7, 1999, at A 1; James Grimaldi & Jay Greene, Microsoft Hard At Work Outside Courtroom, SEATTLE TIMES, Feb. 17, 1999, at A1. See also Microsoft's Political Donation In Question; South Carolina GOP Says Decision To Quit Lawsuit Coincidental, CHI. TRIB., Dec. 25, 1998, at 3.

[6] ee, e.g., Williams v. Brooks, 945 F.2d 1322, 1325 n.2 (5th Cir. 1991) (''a congressman is an ''officer of the United States'' within the meaning of [28 U.S.C. 1442(a)(1)]''); Nebraska v. Finch, 339 F. Supp. 528, 531 (D. Neb. 1972) (''It is * * * clear that a representative to the Congress of the United States is an officer of the United States, not an officer of the district in which he was elected.''); United States v. Meyers, 75 F. Supp. 486, 487 (D.DC 1948) (''Obviously, a Senator of the United States is an officer of the United States.'').

[7] See Chandrasekaran & Mintz, supra, WASH. POST, May 7, 1999, at A 1; Grimaldi & Greene, supra, SEATTLE TIMES, Feb. 17, 1999, at A1.

aware of all of Microsoft's lobbying of Congress in an effort to create pressure for a favorable settlement, DOJ should reveal the end-product of that pressure in the form of communications from Members and their staffs. And there is no excuse for DOJ to be complicit with Microsoft when it comes to contacts with DOJ itself. In particular, DOJ certainly is aware of Mr. Rule's lobbying contacts with before he belatedly appeared as counsel after the settlement had been concluded. The proper resolution of this issue is the appointment of a special master with the ability to examine the relevant participants under oath. In view of its responsibility to enforce 15 U.S.C. § 16(g) along with the rest of the antitrust laws, DOJ should request (and support) the implementation of such a procedure by the Court.

2. The RPFJ Represents A Swift And Significant Retreat By DOJ

Another factor counseling against deference here is the DOJ's striking capitulation to Microsoft's view of an appropriate remedy, despite the unanimous affirmance of the core of DOJ's case. The insubstantial provisions of the RPFJ provide ample ''reason to infer a sell-out by the Department,'' Massachusetts School of Law, 118 F.3d at 784.

After prevailing on liability in the district court, DOJ sought and obtained not only structural relief—as is ''common'' in broad monopolization cases, see Microsoft III, 253 F.3d at 105—but also ''interim'' conduct restrictions that clearly could not stand alone as a monopolization remedy. DOJ earlier recognized that the interim conduct remedies were stopgaps to keep the competitive situation from continuing to decline in the year or so before divestiture jumpstarted competition. See Plaintiffs'' Memorandum in Support of Proposed Final Judgment 30–31 (corrected version) (filed May 2, 2000). On remand, DOJ abandoned the structural relief that it formerly found necessary, even though liability on the monopolization claim—which alone could support structural relief in the first place—was affirmed with minor modifications. DOJ stated that it would pursue relief ''modeled upon'' the interim ''conduct-related provisions,'' along ''with such additional provisions as Plaintiffs may conclude are necessary to ensure that the relief is effective, given their decision not to seek a structural reorganization of the company.'' Joint Status Report 2 (filed Sept. 20, 2001).

Instead of fortifying the proposed decree to compensate for the abandonment of structural relief, however, DOJ moved considerably backward from the interim remedies, narrowing Microsoft's duties and providing broad exceptions. Indeed, the RPFJ is weaker than the final proposal in the settlement negotiations that took place during Spring 2000, before any judgment of antitrust liability, much less appellate affirmance.[8] Then, there was litigation risk as to liability. Now there is none. Nonetheless, the definitions and obligations in the current RPFJ fall short of those in the pre-judgment offer.

''[T]he government's virtual abandonment of the relief originally requested'' is ''a sufficient showing that the public interest was not * * * adequately represented'' in the RPFJ. United States v. Associated Milk Producers, Inc., 534 F.2d 113, 117 (8th Cir. 1976). It is precisely when DOJ appears to have ''abruptly ''knuckled under,'' id. at 118, as here, that judicial scrutiny under the Tunney Act should be most substantive and searching.

3. The CIS Overstates The Terms Of The RPFJ, Reflecting The Indefensibility of the RPFJ Itself

The CIS underscores the need for close scrutiny of the actual terms of the RPFJ and their effectiveness. The CIS seeks to convey an image of stringency by adding terms to provisions of the RPFJ that are absent from the RPFJ itself. But it is the RPFJ, not the CIS, that defines the enforceable bargain between the parties. As the Supreme Court has recognized, ''any command of a consent decree * * * must be found within its four comers, and not by reference to any purposes of the parties.'' United States v. ITT Continental Baking Co., 420 U.S. 223,233 (1975) (citations and internal quotation marks omitted). While the CIS may be useful in interpreting ambiguous terms in the REFJ, the wording of the CIS is not independently enforceable. Only the RPFJ would be entered as a judgment, and ''[t]he government cannot unilaterally change the meaning of a judgment.'' Bechtel, 648 F.2d at 665. It would be different, of course, if the CIS or its relevant refinements were ''expressly incorporated in the decree.'' ITT Continental, 420 U.S. at 238. In particular, the CIS goes beyond the text of the RPFJ to paint a far stricter picture of Microsoft's disclosure obligations than the RPFJ supports. It is no wonder that DOJ seeks to defend a document—the CIS—to which Microsoft would not be bound, rather than the far weaker RPFJ that alone would be judicially enforceable. The CIS cannot transform the RPFJ into a better deal for competition and consumers than it is.

II. THE RPFJ MUST MEET THE LEGAL STANDARDS NORMALLY APPLICABLE TO ANTITRUST REMEDIES

The ''public interest'' standard in the Tunney Act is not without content. Rather, those ''words take meaning from the purposes of the regulatory legislation,'' NAACP v. Federal Power Comm'n, 425 U.S. 662, 669 (1976). The well-developed jurisprudence of antitrust remedies provides sound guidance for the public interest determination.

Although a district court should not ''engage in an unrestricted evaluation of what relief would best serve the public,'' Microsoft I, 56 F.3d at 1458 (quoting Bechtel, 648 F.2d at 666) (emphasis added), principled restrictions for that evaluation in this case arise from the extensive, unvacated Findings of Fact, the comprehensive opinion affirming monopolization liability on appeal, and the long-standing remedial principles of antitrust law, principles that the DC Circuit instructed the District Court to apply to any proposed relief on remand. See Microsoft III, 253 F.3d at 103. The ''appropriate'' inquiry (Bechtel, 648 F.2d at 666) is ''whether the relief provided for in the proposed judgment [i]s adequate to remedy the antitrust violations'' that were proved at trial and affirmed on appeal. Id. at 665.

The DC Circuit provided benchmarks rooted in Supreme Court jurisprudence to guide the evaluation whether a remedy is ''adequate.'' A remedy in this case must serve ''the objectives that the Supreme Court deems relevant,'' Microsoft III, 253 F.3d at 103. That is, a remedy must ''seek to * * * [1] 'terminate the illegal monopoly, [2] deny to the defendant the fruits of its statutory violation, and [3] ensure that there remain no practices likely to result in monopolization in the future.'" Id. at 103 (quoting Ford, 405 U.S. at 577, and United Shoe, 391 U.S. at 250).[9]

A. The Relief Should ''Terminate The Illegal Monopoly''

In a monopolization case, the problem to be remedied is the monopoly itself. Because the RPFJ would leave the illegally maintained monopoly in place without making the market structure more competitive, to satisfy this criterion relief must exclude the possibility that Microsoft again will prolong its monopoly power by abusing it. At a minimum, however, a monopolist should emerge from a remedy facing competitive threats of similar scope and significance to those it illegally stamped out. The DC 35

Circuit recognized that the illegal conduct in this case was aimed at increasing and hardening the applications barrier to entry that insulates Microsoft's OS monopoly. See id. at 55–56, 79. The CIS similarly recognized that ''[c]ompetition was injured in this case principally because Microsoft's illegal conduct maintained the applications barrier to entry * * * by thwarting the success of middleware.'' CIS 24, 66 Fed. Reg. 59,465. A remedy that does not literally terminate the monopoly accordingly must undermine the applications barrier to entry that was strengthened by the illegal conduct.

B. The Relief Should Prevent ''Practices Likely To Result In Monopolization In The Future''

To satisfy this criterion, any remedy must both (1) prevent the monopolist from

[8] 8 That final proposal, known as Draft 18, was formerly posted on a now-defunct website, www.contentville.com, in connection with a review of a book that detailed the progress of this case. The text of Draft 18 may now be viewed at www.ccianet.org/legal/ms/draft 18.php3.

[9] 9 It is telling that the CIS ignores the remedial standard that the DC Circuit set out. See CIS 24, 66 Fed. Reg. 59,465. The CIS submerges the need to craft relief that tends to ''terminate'' the illegally maintained monopoly, despite the court of appeals'' contrary instructions. See 253 F.3d at 103. Rather, the CIS endorses a watered-down standard in order to set a lower bar for the RPFJ to clear, in tacit recognition that the RPFJ cannot satisfy the DC Circuit's standard. The CIS would require relief only to ''[e]nd the unlawful conduct,'' to prevent recurrence of the violation ''and others like it,'' and to ''undo its anticompetitive effects.'' CIS 24, 66 Fed. Reg. 59,465. The RPFJ falls short even of these modified, more modest objectives, however, particularly when measured by its failure to prevent future violations that work slight variations on the conduct condemned by two courts, and its failure to ''undo'' any of the ''anticompetitive effects'' of Microsoft's sweeping, coordinated, and successful anticompetitive campaign.

engaging in the same sorts of conduct that underlie the current finding of liability, and (2) prevent other types of conduct that could preserve the monopoly. The ''monopolization in the future'' that must be prevented includes both the simple maintenance of the current monopoly and the expansion of that monopoly's scope. Relief should make it impossible for the monopolist to continue its pattern of using current market power to foreclose imminent or contemplated competitive threats. Because Microsoft has been ''caught violating the [Sherman] Act,'' it ''must expect some fencing in.'' Otter Tail Power Co. v. United States, 410 U.S. 366, 381 (1973).

A monopolist that has been litigating for years no doubt has developed anticompetitive techniques that achieve the same goals through slightly different means. Microsoft embarrassed DOJ by obtaining language in the 1995 consent decree that was tailored to exclude, at least arguably, the company's next planned anticompetitive initiative. Exemptions, provisos, and narrow definitions should be scrutinized on the assumption that Microsoft again has tried to ensure that the RPFJ will not impede currently planned anticompetitive acts.

C. The Relief Should ''Deny To The Defendant The Fruits Of Its Statutory Violation''

Relief in an antitrust case not only must prevent ''recurrence of the violation,'' but also must ''eliminate its consequences.'' National Society of Professional Engineers v. United States, 435 U.S. 679, 697 (1978). Thus, a remedy should prevent a monopolist from retaining the accrued competitive benefits of its illegal conduct. These advantages may permit a monopolist to maintain its monopoly without additional antitrust violations. Relief that allows a wrongdoer the full benefit of its illegal activity fails the most basic test of any remedy under any branch of the law.

In this case, the ''fruits'' of Microsoft's illegal conduct may be the most important target of a responsible remedy. One of the chief advantages that Microsoft gained by incorporating the Internet browser into the Windows monopoly was the ability to control not only the browser for its own sake, suppressing the possibility that the Internet browser would provide a source of alternate, OS-neutral APIs, but also the browser as the gateway to all Internet computing. As the Litan/Noll/Nordhaus Comment explains (at 58–60), one of the most important fruits of monopolistic conduct is the suppressed development of competitive threats. That is why a forward-looking remedy must be rooted in current market conditions, and must seek to restore competition to where it likely would have been in the absence of the anticompetitive conduct. Litan/Noll/Nordhaus Comment 35–36, 40–42, 58–59.

D. Broader Principles Applicable To Injunctive Relief Also Should Inform The Analysis Of The RPFJ

The remedial analysis here resembles other remedial undertakings. Although civil antitrust relief is not punitive, effective antitrust relief shares with criminal sentencing the broad goals of incapacitation and deterrence. As much as possible, an illegal monopolist should be flatly prevented from engaging in the same or similar suppression of competition in the future. In addition, the remedy should be enforceable with sufficient speed and certainty to make stiff contempt sanctions likely if the monopolist nonetheless manages to engage in anticompetitive conduct again.

The point of antitrust relief after a finding of liability is to learn from history, not to permit the offender to repeat it. This consideration is particularly acute here, where the purposes of the expiring 1995 consent decree clearly have not been realized, but rather have been evaded or neutralized.

Because antitrust relief necessarily is forward-looking, a remedy's effectiveness should be judged with respect to where the market is going, not where it has been. Microsoft has directed its efforts to destroy the competitive threat of Internet computing. The more functionality that is performed on the Web, the less significant the operating system on a particular client device connected to the Web. Thus, Internet computing represents the maturation of the competitive threat posed by the Internet browser and squelched by Microsoft's illegal conduct. The current industry-wide focus on Web-based services reflects the realization that a competitive market still survives in this sector. The Court will have to consider whether the RPFJ in fact is ''all about the past, not the future battle in Internet services[, and] doesn't touch the company's ability to use Windows XP to extend its monopoly to these new areas.'' Walter Mossberg, For Microsoft, 2001 Was A Good Year, WALL ST. J., Dec. 27, 2001, at B1. See Stiglitz/Furman Dec. 38–39.

III. THE RPFJ FALLS FAR SHORT OF PROVIDING A REMEDY FOR PROVEN OFFENSES UPHELD ON APPEAL

The RPFJ lights upon narrowly defined practices and prohibits narrowly defined versions of them, in ways that might have mitigated, but would not have ended, the very conduct at issue in this case. The RPFJ does not measure up to the sweeping monopolization violations found by two courts. The RPFJ's provisions do not address Microsoft's ability and incentives to strengthen the applications barrier to entry, which was the underlying issue at the core of the case, instead focusing on techniques of monopolization that have been defined so narrowly that Microsoft's actual behavior need not change. And when addressing a precise technique that directly implicated the reinforcement of the applications barrier to entry—Microsoft's ability to stop porting its Office productivity suite to the Apple Macintosh platform—the RPFJ permits Microsoft to retain the ability to repeat that threat in slightly altered contexts.

A. DOJ's Effort To Minimize The Scope Of The DC Circuit's Affirmance Cannot Obscure The Failure Of The RPFJ To Remediate Clear, Proven Violations

DOJ has tried to lower the bar for approval of its proposal by minimizing the most significant appellate imposition of monopolization liability in the past half-century, and adopting Microsoft's crabbed view of its own liability. In Senate testimony, Assistant Attorney General James made the remarkable assertion that the DC Circuit, despite affirming ''the District Court's holding that Microsoft violated ¶ 2 of the Sherman Act in a variety of ways,'' 253 F.3d at 59, somehow precluded any consideration, for remedial purposes of Microsoft's astonishing anticompetitive campaign as a whole. See James Testimony 5. To the contrary, the court of appeals never rejected the common-sense notion that ''Microsoft's specific practices could be viewed as parts of a broader, more general monopolistic scheme''; much less did the court of appeals insist (or even hint) that ''Microsoft's practices must be viewed individually'' for all purposes. Id. Rather, the court of appeals clearly considered some illegal acts in the context of others. Thus, the court held that Microsoft's exclusive contracts with ISVs, though affecting only ''a relatively small channel for browser distribution,'' had ''greater significance because * * * Microsoft had largely foreclosed the two primary channels to its rivals.'' 253 F.3d at 72.

The DC Circuit's examination of the divestiture remedy is telling. If the many separately illegal monopolistic acts could not be viewed as cumulatively contributing to the illegal maintenance of Microsoft's monopoly, divestiture would have been an unthinkable remedy, since no specific act held illegal on appeal changed the structure of the company or of the market. But the court of appeals recognized that divestiture could be justified if the many separate illegal acts, taken together, were shown to have had a sufficiently certain causal connection to justify using structural relief to undermine, if not end, the monopoly. See 253 F.3d at 80, 106–107.

The court of appeals did ''reverse [the] conclusion that Microsoft's course of conduct separately violates 2 of the Sherman Act.'' 253 F.3d at 78 (emphasis added). But the reversal occurred because the district court purported to find that a series of acts that did not constitute separate, free-standing antitrust violations had a ''cumulative effect * * * significant enough to form an independent basis for liability''—but never specified acts other than those that separately violated Section 2 that might be aggregated into such a violation. Id.

It is a remarkable leap from this unremarkable holding to the absurd notion that Microsoft's extraordinary series of separate adjudicated antitrust violations cannot be considered together for any purpose. Even the CIS recognizes that those violations are part of one coordinated and ''extensive pattern of conduct designed to eliminate the threat posed by middleware.'' CIS 11, 66 Fed. Reg. 59,462. They should be remedied as such.

B. The RPFJ Simply Restates The Antitrust Laws At Critical Points And Thus Forfeits The Clarity And Efficiency Of The Contempt Process

Another striking feature of the RPFJ is its repeated reliance on a reasonableness standard of conduct that simply imports full rule-of-reason analysis under the antitrust laws. Antitrust remedies, like other injunctive decrees, are supposed to be amenable to swift and sure enforcement,

according to standards that give warning of what is forbidden and what is permitted both to the wrongdoer and to its potential victims. But the RPFJ would regularly require the decree Court to determine whether Microsoft's conduct was ''reasonable.'' For example, the Court would have to determine

* whether volume discounts were ''reasonable'' or exclusionary (RPFJ § III(B)(2));

* whether technical requirements for the bootup sequence that Microsoft imposed on OEMs were ''reasonable'' (id. § III(C)(5));

* whether the terms on which Microsoft makes Communications Protocols available are ''reasonable'' (id. § III(E));

* whether exclusivity requirements imposed on ISVs were ''reasonable'' in ''scope and duration'' (id. § III(F)(2)); see also id. § (III(G)(2));

* whether technical requirements designed to force the invocation of Microsoft Middleware despite contrary consumer or OEM preferences are ''reasonable'' (id. § III(H)(2)[second]);

* whether the licensing terms accompanying required disclosures, and terms of mandatory cross-licenses required for access to the disclosures, are ''reasonable'' (id. ???* and whether Microsoft's bases for excluding ISVs from access to security-related protocols are ''reasonable'' (id. § III(J)(2)(b)–(c)).

It is telling that the RPFJ states so many of its provisions in terms that simply duplicate the antitrust rule of reason. Rule of reason disputes are notoriously difficult to litigate, see Arizona v. Maricopa County Medical Soc., 457 U.S. 332, 343 (1982) (noting ''extensive and complex litigation'' involving ''elaborate inquiry'' at ''significant costs''), — and difficult for plaintiffs to win. These provisions add nothing to the antitrust laws themselves, either in clarity of obligation or in efficiency of enforcement. That is no remedy at all.

C. The RPFJ Provides No Remedy For Microsoft's Suppression Of The Browser And Java.

As noted above, perhaps the most glaring deficiency of the RPFJ is that it does nothing to restore the competitive threats to Windows posed by the Internet browser and cross-platform Java. That cannot be an oversight. The bulk of the evidence, and much of the opinion of the court of appeals affirming liability, focused on Microsoft's successful efforts to suppress these threats to the applications barrier to entry. See Microsoft III, 253 F.3d at 58–78. Even the CIS recognizes the primacy of these products in the case. See CIS 10–17, 66 Fed. Reg. 59,462–463.

Yet the RPFJ does not change the competitive picture for either product in the least. The RPFJ does not deprive Microsoft of these ''fruits'' of its illegal conduct, but instead takes that illegal conduct, and the advantages derived from it, as a tacit baseline for future competition. The RPFJ leaves Microsoft with the full benefit not only of the years of insulation from the competitive threats posed by those products, but also of the expanded power it has accumulated by incorporating Internet Explorer into the Windows monopoly. Microsoft thus has more, and stronger, weapons to suppress any middleware threats that it identifies in the future, since its monopoly control over the browser—now labeled part of the Windows monopoly product—provides Microsoft with complete control over the universal client for Internet computing. The RPFJ's approach is like sentencing a bank robber to probation, but letting him keep his weapons and the loot.

But the RPFJ's failure to provide relief that restores the specific competitive threats that Microsoft illegally suppressed is worse than that. In a platform technology market like that for PC operating systems, single standards tend to prevail, so that only sweeping changes can dislodge the incumbent. Platform threats are very rare. It could easily be another five or ten years or more before a comparable threat arises again; certainly no threat of similar strength to the Internet browser or Java has surfaced in the nearly seven years since Microsoft began the course of illegal conduct condemned by the court of appeals. See Stiglitz/Furman Dec. 35–36. That is what makes anticompetitive conduct directed at them so potentially profitable. The RPFJ makes that conduct profitable beyond any rational actor's wildest dreams, and greatly increases the incentives for its repetition. Having been caught illegally suppressing two related platform threats, Microsoft retains all the benefits that it sought through its illegal acts.

By eliminating Navigator, Microsoft has not only eliminated consumer choice in browsers, but it also seized the power to control the interfaces and protocols through which an enormously valuable set of Internet applications—ranging from instant messaging and e-mail to streaming video and e-commerce—are delivered to desktop computers and other digital devices. Microsoft's Internet Explorer is now the bottleneck through which all Internet-related middleware must pass. Instant messaging and media player technology are equally dependent on browser software. Microsoft has also seized the power to decide whether that browser functionality will be ported to any competing operating system, and, if so, to which ones. Finally, in destroying Navigator, Microsoft has also destroyed an important alternative distribution channel, one free of Microsoft's control or influence, through which Microsoft's competitors could formerly distribute middleware runtimes and products to desktop consumers and application developers.

Although Navigator has practically disappeared from the competitive scene, Java has not. But Java's importance has been limited to servers, where Microsoft has a leading share but not yet an operating systems monopoly. Microsoft's conduct appears to have assured that Java will not function as cross-platform middleware for client computers. Java thus poses no threat to the desktop OS monopoly. But the RPFJ lets Microsoft keep that anticompetitive benefit of its conduct.

IV. THE ICON-FOCUSED OEM FLEXIBILITY PROVISIONS ARE INEFFECTIVE

RPFJ §§ III(H)(1)–(2)[first] superficially allow OEMs and end users to rearrange icons and menu entries relating to middleware.[10] These provisions are hollow, however. Section III(H)(1) duplicates only what Microsoft unilaterally agreed to permit OEMs to do back on July 11, 2001. And the end-user provisions simply restate and preserve end-users'' longstanding options to delete icons and menu entries if they right-click and delete or drag the icon or menu entry to the Recycle bin. The default provisions in Section III(H)(2) are so limited, and so fully subject to Microsoft's architectural control, as to be competitively meaningless as well.

The icon provisions do not adequately address the competitive harms of Microsoft's adjudicated misconduct because Microsoft remains able to ensure that the Microsoft versions of middleware will appear, ready to be invoked by applications, on every PC. Even if the icon provisions had greater competitive significance in theory, they are unlikely to have any significance in fact, because few if any OEMs are likely to take advantage of the options provided. DOJ cannot claim to be unaware of this market reality. These provisions are mere window-dressing. See Stiglitz/Furman Dec. 35.

A. The PFJ Permits Microsoft's To Continue Illegally Commingling Middleware Code With The Code For The Monopoly Operating System

The RPFJ capitulates on DOJ's most hard-fought and significant substantive victory: the finding that Microsoft illegally preserved its monopoly by commingling the middleware code with the operating system, foreclosing the competitive threat to Windows while effectively expanding the scope of the monopoly to encompass middleware. DOJ's inability to enforce the 1995 consent decree against the binding of IE to Windows, see United States v. Microsoft, 147 F.3d 935 (DC Cir. 1998) (''Microsoft II''), was widely viewed as prompting this action. The conduct itself was viewed as the most successful in furthering Microsoft's anticompetitive goals.

Rather than repeat and strengthen the prohibition in the 1995 decree that failed to achieve its goals, the RPFJ does not even impose the type of superficial prohibition applied to other conduct condemned at trial and on appeal. To the contrary, under the RPFJ, the operating system is whatever Microsoft says it is, and Microsoft can commingle any new product to the monopoly product—foreclosing competition for the OS and the new product alike. See Stiglitz/Furman Dec. 34–37. Not only does Microsoft preserve its anticompetitive gains, but it obtains a green light to repeat the same conduct to destroy any new middleware threats. In a market characterized by serial dominance, an incumbent monopolist may need only to suppress one threat every few years in order to make its monopoly virtually permanent. Cf. id. at 35–36. A continued ability to commingle middleware gives Microsoft limitless tenure over the OS market. If Microsoft emerges from this case free to bind middleware to the OS, this action will be an exercise in futility.

1. The DC Circuit Specifically Condemned Commingling Twice

[10] 10 See n.2, supra.

DOJ's victory on the commingling point was crystal clear, and repeatedly underscored by the court of appeals. The court of appeals recognized that ''Microsoft's executives believed'' that ''contractual restrictions placed on OEMs would not be sufficient in themselves'' and therefore ''set out to bind'' IE ''more tightly to Windows 95 as a technical matter.'' Microsoft III, 253 F.3d at 64 (quoting Findings, 84 F. Supp.2d at 50 (¶ 160)). In the CIS (and in Assistant Attorney General James'' Senate testimony), DOJ appears to assume that icon-based relief that subjects some Microsoft Middleware Products to the Add/Remove utility equates with relief for commingling code. Thus, the CIS blends the two offenses in stating that Microsoft violated Section 2 when it ''integrated Internet Explorer into Windows in a non-removable way while excluding rivals.'' CIS 7, 66 Fed. Reg. 59,461. In affirming liability for both courses of conduct, however, the court of appeals clearly distinguished between Microsoft's ''excluding IE from the 'Add/Remove Programs'' utility'' and its ''commingling code related to browsing and other code in the same files.'' 253 F.3d at 64–65, 67. The court of appeals found no justification for commingling code or, indeed, more broadly, for ''integrating the browser and the operating system.'' Id. at 66. One could hardly ask for a clearer statement.

Microsoft argued bitterly against liability for commingling, and for a declaration that its product design decisions were beyond the reach of the antitrust laws. Instead, the DC Circuit pointedly rejected Microsoft's argument that it ''should vacate Finding of Fact 159 as it relates to the commingling of code.'' Microsoft III, 253 F.3d at 66; see Findings, 84 F. Supp.2d at 49–50 (¶ 159). And the court of appeals ''conclude[d] that such commingling has an anticompetitive effect,'' because it ''deters OEMs from pre-installing rival browsers, thereby reducing the rivals'' usage share and, hence, developers'' interest in rivals'' APIs as an alternative to the API set exposed by Microsoft's operating system.'' 253 F.3d at 66 (emphasis added). See generally id. at 64–67. That is, commingling helps reinforce the applications barrier to entry that shields the Windows monopoly.

The DC Circuit's holding reflected a principle of critical importance to the enforcement of the antitrust laws in the software industry, where the complementarity of different programs makes product design a potentially devastating weapon to foreclose competition: a ''monopolist's product design decisions'' can violate the antitrust laws just as any other economic conduct can. 253 F.3d at 65. Product design decisions may be grossly anticompetitive, particularly in the software industry where lines of code can be packaged (and marketed) in many different ways without affecting the operation of programs once they are installed. As Microsoft's James Allchin recently acknowledged, software ''code is malleable,'' so that ''[y]ou can make it do anything you want.'' Microsoft Net Profit Fell 13% in Recent Quarter, Wall St. J. Europe, Jan. 18, 2002, 2002 WL–WSJE 3352885 (quoting Allchin).

Lest there be any doubt on the matter, the court of appeals flatly rejected Microsoft's reheating petition aimed squarely at the remedial issue. Microsoft specifically sought to preclude relief that addressed the commingling violation, and instead to treat the commingling and the lack of add/remove functionality as the same. Microsoft's reheating petition made clear that the ''ruling with regard to 'commingling'' of software code is important because it might be read to suggest that OEMs should be given the option of removing the software code in Windows 98 (if any) that is specific to Web browsing [as opposed to] removing end-user access to Internet Explorer.'' Appellant's Petition for Reheating, at 1–2 (July 18, 2001). Microsoft argued that affirmance only on the ground of the add/remove issue would ensure that the remedy was tightly confined, because the ''problem will be fully addressed by including Internet Explorer in the Add/Remove Programs utility, which Microsoft has already announced it will do in response to the Court's decision.'' Id. at 2.

The court of appeals rejected this argument out of hand, adding this remarkable sentence in a terse per curiam order denying reheating: ''Nothing in the Court's opinion is intended to preclude the District Court's consideration of remedy issues.'' Order at 1 (DC Cir. Aug. 2, 2001) (per curiam). Nonetheless, the RPFJ would settle this case as if rehearing had been granted, requiring Microsoft only to allow OEMs and end users to ''add/remove'' the icons for middleware. This is insufficient to remedy technological binding—commingling [] since it does nothing to remove the underlying middleware code on which developers will continue to rely. If only the Internet Explorer icon is removed from the desktop, the IE middleware remains, and with it the same applications barrier issues that Microsoft preserved by stifling competition by Netscape and Java.

It is true that the interim conduct relief in the vacated Final Judgment required only that Microsoft offer an operating system where OEMs and end-users were permitted to remove end-user access to the middleware components, United States v. Microsoft Corp., 97 F. Supp.2d 59, 68 (D.DC 2000), vacated, 253 F.3d 34 (DC Cir. 2001), a provision similar to that in RPFJ § III(H)(1)[first]. That transitional provision of course assumed the existence of structural relief that would remove Microsoft's economic incentive to bind middleware to the OS unless the binding was independently justifiable. Without a structurally more competitive market, those modest provisions would be meaningless, and would permit Microsoft to follow much the same course that triggered the lawsuit.

There is no excuse for DOJ's failure to do anything about one of the principal, and most easily replicable, violations in the case. Even one of Microsoft's vocal, libertarian defenders, University of Chicago law professor Richard Epstein, recognized that the minimum plausible remedy after the DC Circuit decision would involve ''undoing a few product-design decisions.'' Richard Epstein, Phew/, Wall. St. J., June 29, 2001, at A10. But DOJ did not even insist on that. Instead, the RPFJ's omission of any relief for this violation gives Microsoft something the DC Circuit twice refused: a victory on the hardest-fought legal issue in the case. Given the central importance of middleware to the theory of the case, failing to address the principal means by which Microsoft bundled browser middleware to Windows would be plainly inadequate.

2. The Failure To Limit Commingling Is Critical Because Ubiquity Trumps Technology In Platform Software Markets

The failure to prohibit commingling of middleware deprives the RPFJ of any significant procompetitive effect on the emergence and adoption of competing platform software. The critical competitive phenomenon in this case was not middleware in itself, but rather the potential, and deeply feared, development of particular middleware into a competing platform for software applications. Middleware can develop into a competing applications platform by attracting software developers to use its Application Programming Interfaces (APIs) in preference to, or at least in addition, to the APIs offered by Microsoft in Windows. Developers will write their applications to invoke particular APIs—i.e., to run on a particular platform—based on how widely available the APIs will be.

Although potential platform software not distributed by Microsoft must attract users in order to achieve the widespread availability of their APIs that will attract developers, it is the expected presence of the APIs that matters, not how much consumers directly use the application exposing the APIs. Non-Microsoft middleware depends on the availability of the application in order to gain the critical mass of users that, in turn, may attract developers.

The availability and prominence of the application's icon may be significant for the purpose of attracting end-users. In platform competition, however, the availability of the application is only a means to the desired end. Developers don't write to icons; they write to APIs. The inclusion of Microsoft Middleware functionality in every copy of Windows is determinative, regardless of how or whether the icons are featured, and regardless even of the presence of the user interface or shell? [11] If developers know that the plumbing for a Microsoft version of middleware will be on every PC because it is commingled with Windows, then developers will write to the Microsoft version's APIs. Because the RPFJ permits Microsoft to include the APIs accompanying the software functionality that mimics middleware that is a potential platform threat, Microsoft will be able to defeat any middleware threat in exactly the same way it destroyed the threat of Netscape and Java on the PC desktop. See Stiglitz/Furman Dec. 36.

Under the RPFJ, developers will continue to assume that Windows Media Player, for example, is present on every computer. This will be true regardless of whether ''end user access'' is removed, because the remedy does

[11] The user interface is especially insignificant because the browser window already can serve as the user interface for many products, and could easily be adapted to serve as the user interface for many more.

not require Microsoft to remove the middleware. The result is that software developers will write applications to, for example, the Windows Media Player APIs, rather than to the APIs supplied by rival platforms. That is an advantage that no competitor can overcome.

It is no answer to say that OEMs can offer rival middleware even if the code for a Microsoft version of the same product is commingled with Windows, so that the Microsoft version of middleware appears on every desktop PC. If Microsoft's version of a product is everywhere, few OEMs will go to the effort of providing another product that does largely the same thing. The district court and court of appeals alike recognized that OEMs faced strong disincentives to install two competing products with similar middleware functionality, disincentives arising largely from support costs and disk space. See 84 F.Supp.2d at 49–50, 60–61 (¶¶ 159, 210); 253 F.3d at 61. If the Microsoft Middleware is there, the OEM will have to support it, even if—perhaps especially if—the end-user does not know that it is there.

Thus, rival middleware cannot undermine Microsoft's monopoly unless (1) the rival middleware is ubiquitous, or (2) the Microsoft version is not ubiquitous. If developers do not feel compelled to write to the rival middleware as well as the Microsoft middleware, the rival middleware will not undermine the monopoly. And if Microsoft's version of particular middleware can be ubiquitous by virtue of its inclusion in the monopoly operating system, as the RPFJ plainly allows, there is virtually no likelihood that rival middleware will ever achieve the ubiquity needed to present a platform challenge. See Stiglitz/Furman Dec. 36–37; see generally Litan/Noll/Nordhaus Comment 44–47.

3. The RPFJ Retreats From The 1995 Consent Decree

Microsoft uses Windows as an instant, universal distribution channel for Microsoft software that represents a response to a threat to the dominance of Windows as a program development platform. As a consequence, ''Windows'' has become whatever bundle Microsoft needs it to be to forestall competition. The 1995 Consent Decree contained a prohibition on contractual tying of applications to the operating system in order to prevent anticipated conduct that would maintain the operating systems monopoly by anticompetitive means. That the earlier provision failed in its purpose suggests that the provision should be broader, not that it should be abandoned, particularly since this case began as a way to stop conduct that had escaped summary condemnation under the earlier decree. It would be senseless as a matter of enforcement policy to bring and win an action prompted by an evasion (if not a violation) of a monopolization consent decree, win the case on the monopolization theory most closely related to the object of the earlier consent decree, and then reward the violator by removing the relevant restriction upon the expiration of the earlier decree rather than broadening it as proposed here.

Microsoft's monopoly gives it the power to make all systems integration and software bundle decisions, a power that Microsoft is exercising more broadly, as the breadth of the Windows XP bundles clearly illustrates. The RPFJ should not step back from the 1995 Consent Decree.

4. The RPFJ Encourages Illegal Commingling By Placing The Critical Definition of Windows Under Microsoft's Exclusive Control

But the RPFJ does step back from the 1995 Decree, and makes matters still worse. Not only does the RPFJ completely fail to prevent future illegal commingling, but it effectively approves that conduct by permitting Microsoft ''in its sole discretion'' to ''determine[]'' exactly which ''software code comprises [sic] a Windows Operating System Product.'' RPFJ § VI(U). That provision permits Microsoft an unearned advantage in repelling any future challenges to illegal commingling of applications code with Windows. Were the Court to enter this provision as part of its judgment, Microsoft could point to DOJ's capitulation on this issue—and the Court's approval—as extraordinarily persuasive evidence that its monopoly product was as broad as it says it is, and that, despite the contrary holding of the DC Circuit, any commingling of an application with the operating system is per se legal.

The Court can and should disapprove provisions that appear to endorse practices of apparent anticompetitive effect and dubious legality. Thomson Corp., 949 F. Supp. at 927–930 (refusing to approve fee schedule for mandatory license for legally dubious copyright). The Court should not approve this provision, which defangs many of the other obligations in the RPFJ.

Rather than learning from the difficulties with the ''integration proviso'' in that Decree, DOJ has ceded the issue to Microsoft, permitting Microsoft to decide for purposes of the decree obligations where the OS stops and where middleware begins. Much of the RPFJ rests on the relationship between the Windows OS and middleware. But the RPFJ places Microsoft firmly in control of every technical aspect of the proposed decree by permitting Microsoft absolute control over the definition of ''Windows Operating System Product.'' That subjects many of Microsoft's purported obligations to Microsoft's own discretion.

No term is more important in the RPFJ than ''Windows Operating System Product,'' which appears fully 46 times in the RPFJ: 26 times in the descriptions of substantive obligations, and 20 times in the definitions that circumscribe those obligations. The definition of Application Programming Interfaces (APIs) is the starkest example. ''Windows Operating System Product'' appears three times among the 41 words of the API definition. See RPFJ § VI(A.). Thus, Microsoft can determine ''in its sole discretion'' what an API is, and thus what must be disclosed.

One would think that DOJ would do everything possible to ensure that a new decree did not contain an analogue to the ''integration proviso'' that nullified much of the anti-tying provision of the 1995 decree. See generally Microsoft II, 147 F.3d 935. Instead, Section VI(U) ensures that few, if any, of the technical provisions of the RPFJ will mean anything except what Microsoft wants them to mean, and that none can be enforced without lengthy litigation that will further shrink the tightly limited duration of the proposed relief.

B. Empirical Evidence Shows That The Icon Flexibility Provisions Will Not Be Used

Not only do the icon flexibility provisions address the wrong problem, but the market already has tested their consequences. On July 11, 2001, Microsoft announced that OEMs and end users would be permitted to remove access to Microsoft's Internet Explorer browser, just as RPFJ § III(H)(1) permits. As of this writing, not one OEM has availed itself of this new liberalized policy. Windows XP is shipping with Internet Explorer on every single personal computer shipped by every single OEM. This real-world experience speaks volumes about the practical significance of this relief.

C. The Icon Flexibility Provisions Require—And Accomplish—Little

1. The icon flexibility provisions do not permit OEMs to swap out Microsoft Middleware Products and replace them with other products. Rather, the OEMs at most can hide the Microsoft icon, but need to be prepared to support the underlying Microsoft software when another software application invokes it. That means that these provisions do not address the added ''product testing and support costs'' that discourage OEMs from including more than one version of particular functionality. Microsoft III, 253 F.3d at 66.

This is a step backward from DOJ's settlement posture before liability was established. At that time, DOJ insisted that OEMs be allowed to alter or modify Windows, and that Microsoft provide OS development tools for that purpose. See Draft 18, §§ 4(1)(d), 4(g). The RPFJ provisions, by contrast, only permit OEMs to display icons, shortcuts, and menu entries for Non-Microsoft Middleware. The RPFJ does not require Microsoft to permit OEMs to remove any Microsoft Middleware Products, although even current Microsoft practice permits this. The RPFJ requires Microsoft only to allow the removal of ''icons, shortcuts, or menu entries.'' RPFJ § III(H)(1)[first].

2. Section III(H)(2)[first] seems to permit OEMs and end-users to choose default middleware for particular functions. Microsoft's obligations are far less than they appear.

The provision applies only where a Microsoft Middleware Product would launch into a top-level display window (rather than operating within another interface) and would either display ''a// of the user interface elements'' or the ''Trademark of the Microsoft Middleware Product.'' RPFJ § III(H)(2)(i)–(ii) (emphasis added). Thus, the provision does not apply if Microsoft designs the slightest variation on the interface elements that launch from within another application, so long as the trademark also is not displayed in the top-level window. These do not present serious programming challenges. Microsoft's ability to preclude OEM installation of desktop shortcuts that ''impair the functionality of the [Windows]

user interface'' (RPFJ § III(C)(2)) provides another, largely unreviewable set of opportunities to impede the use of innovative shortcuts to innovative software. Microsoft asserted similar reasons to defend some of the conduct condemned by the DC Circuit. See Microsoft III, 253 F.3d at 63–64. The DC Circuit rejected Microsoft's approach, but the RPFJ adopts it.

3. As explained above, the code beneath the surface is critically important to the success of middleware in undermining the applications barrier to entry in the OS market. The RPFJ contains exceptions that ensure that, however icons may be displayed on the surface, Microsoft Middleware will be firmly (and unchallengeably) established in the plumbing of each PC.

Sections III(H)(1)–(2)[second], undo what might be left of the obligations earlier in Section III(H). Section III(H)(1)[second] permits Microsoft to ensure that Microsoft Middleware Products are invoked whenever an end-user is prompted to use Microsoft Passport or the group of Microsoft web services now known as Hailstorm. Section III(H)(2)[second] ensures that Microsoft need only program in functions that invoke Active X or other similar Microsoft-proprietary implementations of common functions, in order to ensure that Microsoft Middleware Products constantly appear regardless of an end-user's stated preferences. And none of the provisions in Section III(H) would apply unless the corresponding Microsoft Middleware Products existed seven months before the last beta version of a new Windows release. As with other provisions, Microsoft would be constrained by these requirements only if it paid no attention to them when it decided when and how to release its products.

D. The 14-Day Sweep Provision Effectively Nullifies RPFJ § III(H)

Even if these provisions otherwise might mean something, the RPFJ ensures that they will be competitively meaningless by permitting Microsoft to nag users to give permission for Microsoft to override any array of non-Microsoft icons and menu entries 14 days after the initial boot-up of a PC. See RPFJ § III(H)(3). Thus, Microsoft only needs to prompt users with a dialog box inviting them to ''optimize the Windows user interface'' every time they boot up, or when they download the inevitable bug fixes and security patches among Windows updates, in order to undo any OEM's or end-user's customization of icons. Microsoft apparently provided DOJ with the name for this feature, which DOJ uses in the CIS: ''Clean Desktop Wizard.'' CIS 48, 66 Fed. Reg. 59,471. What user would not agree to have a cleaner desktop? No ISV is likely to pay an OEM a fee sufficient to cover the trouble of rearranging icons, and supporting additional software, for the privilege of having non-Microsoft software icons displayed advantageously for as little as two weeks.

The CIS suggests that the ability of Microsoft to sweep away icons of competing middleware and other products 14 days after a computer first boots up (RPFJ § III(H)(3)) applies only to ''unused icons'' (CIS 48, 66 Fed. Reg. 59,471), but the decree terms contain no such limitation. Once its ''Clean Desktop Wizard'' (id.) secures a click of user consent, Microsoft can hide any icons that offend it. Indeed, there is nothing in the RPFJ that would stop Microsoft from including similar ''wizards'' that would prompt users to reset middleware defaults, or even to remove Non-Microsoft Middleware,'' in order to ''optimize performance'' or to ''take full advantage of powerful new Windows features.''

E. By Placing The Burden To Restore Competition On OEMs, The PFJ Leads To No Remedy At All For Much Of The Misconduct At Issue

One of the most misguided elements of the RPFJ is its allocation to OEMs, ISVs and end-users of the primary responsibility for injecting competition into the OS market. The icon and default flexibility provisions of the RPFJ allocate to the OEMs almost all of the financial risk and responsibility for remediating Microsoft's antitrust violation, while the monopolist has no obligations except to allow others to make changes to hide (or add to) Microsoft's middleware. That approach ignores the fact that OEMs are motivated by their own fiduciary and economic considerations, not by the drive to remedy a monopolization offense. OEMs are risk-averse, as they operate in a low-margin, highly competitive environment in what has become a commodity-product market. In that environment OEMs are highly dependent on the good graces of Microsoft, not only for favorable pricing on Microsoft's monopoly software products [] Office as well as Windows [] but also for timely technical assistance, and access to technical information.

The Stiglitz/Furman Declaration confirms (at 32–34) that the economics of the OEM industry—a commodity industry captive to a bottleneck monopolist—discourage expenditures of this kind. It is bizarre and counterproductive to place the burden to restore competition on the innocent, low-margin OEMs rather than the monopolist. The ''hapless makers of PCs'' still ''aren't in any position to defy Microsoft,'' Walter Mossberg, For Microsoft, 2001 Was A Good Year, But At Consumers'' Expense, Wall. St. J., Dec. 27, 2001, at B1, any more than they were when the illegal conduct in this case first occurred. See, e.g., Findings, 84 F. Supp.2d at 62 (¶ 14) (Hewlett-Packard observation to Microsoft that ''[I]f we had a choice of another supplier, * * * I assure you [that you] would not be our supplier of choice''). But if OEMs choose not to exercise their new ''flexibility'' under the middleware provision %62 a choice that seems likely in view of the demonstrated lack of a response to Microsoft's offer of July 11, 2001 [5 the government is left with no antitrust remedy for much of its case.[12]

Nor can ISVs be expected to pay OEMs to take advantage of the limited flexibility provided by RPFJ §§ III(C) and III(H). The RPFJ gives ISVs very slight incentives to subsidize OEM alterations of Microsoft's preferred desktop display, since the ISVs who sell middleware that competes against a Microsoft offering cannot buy exclusivity on the desktop of any computer. Rather, at best an ISV can obtain parity in the availability to developers of its middleware's code. No matter what ISVs and OEMs do, Microsoft Middleware will be ubiquitous. And ISVs could buy only 14 days of advantageous icon display before a Microsoft ''Clean Desktop Wizard'' (CIS 48, 66 Fed. Reg. 59,471) would begin prompting users to undo the OEM's arrangement of icons and reinstate the arrangement favored by Microsoft. No ISV would pay more than a pittance for such a shallow and short-lived advantage on the desktop.

F. The RPFJ Permits Microsoft To Control Consumers'' Access To Innovation To Suit Its Monopolistic Aims

The RPFJ allows Microsoft to exercise full control over the pace of innovation in middleware because Microsoft can ensure that consumers are denied access—or have only severely impeded access—to competitively threatening middleware products to which Microsoft has no analogue. Section III(C)(3) allows Microsoft to prohibit OEMs from configuring PCs to launch non-Microsoft middleware from any point unless Microsoft already has a competing product that launches from that point. Microsoft can prohibit OEMs from configuring non-Microsoft middleware from launching automatically at the end of the boot sequence or upon the opening or closing of an Internet connection unless a Microsoft Middleware Product with similar functionality would launch automatically. RPFJ §III(C)(3).

Even after this catch-up provision serves its delaying purpose, Microsoft can control how competing middleware products reach and serve consumers, so that products launch only in the way that best suits Microsoft. This provision appears designed to protect Microsoft from competition, and to give the monopolist a clear imprimatur to control the pace of innovation. See Stiglitz/Furman Dec. 28.

V. THE API AND COMMUNICATIONS PROTOCOL DISCLOSURE PROVISIONS ARE INEFFECTIVE

A. The API Provisions Require Little, If Anything, Beyond Current Disclosure Practices In Microsoft's Self-Interest

The API and Communications Protocol disclosure provisions (§§ III(D)–(E)) contain little in the way of hard, fast, enforceable obligations, and do not appear to add anything significant to Microsoft's current disclosure practices. As the CIS recognizes: Through its MSDN [Microsoft Developer's Network] service, Microsoft presently makes widely available on the Internet an extensive and detailed catalog of technical information that includes, among other things, information about most Windows APIs for use by developers to create various Windows applications. MSDN access is presently broadly available to developers and other interested third parties.

CIS 34, 66 Fed. Reg. 59,468.

Microsoft already discloses literally thousands of APIs to software developers

[12] Similarly, the RPFJ places no limits on Microsoft's conduct toward one of its largest current groups of licensees—direct corporate licensors of bulk Windows licenses. The corporate market has always been Microsoft's point of leverage, and those buyers now often buy direct. Microsoft has made clear its intention to make Windows and other software a renewable ''service.'' Microsoft can undo all of the provisions applying to OEMs upon the first license renewal with an end-user.

through MSDN for the good reason that it is in Microsoft's self-interest to promote the Microsoft Windows platform to software developers. The extent of information disclosure required by the RPFJ must be understood in the context of Microsoft's current information disclosure practices. A ''requirement'' that Microsoft disclose APIs for the most part simply ''requires'' that Microsoft do what it does voluntarily.

Microsoft has a business incentive not only to disseminate Windows APIs but to assist ISVs in understanding and implementing Windows APIs in their products. Microsoft and other platform software vendors compete to attract developers by disclosing technical information, creating easy-to-use development tools, and ''evangelizing'' their development platforms. Attracting developers helps Microsoft perpetuate the substantial network effects that produce the applications barrier to entry protecting the Windows monopoly. Because the strength of the Windows monopoly and the power of the applications barrier to entry are directly related to the number of developers writing applications for Windows, it is in Microsoft's interest to provide a robust information disclosure program.

By widely disclosing APIs, Microsoft ensures that applications will continue to be written for its platform software rather than for rival platforms. Properly understood, Section III(D) does not actually require Microsoft to provide any new disclosure of APIs and technical information to promote interoperability; Microsoft already engages in these disclosures. Rather, the incremental effect of the API disclosure provisions of the RPFJ is at most to prevent Microsoft from selectively withholding certain APIs from certain vendors. As explained below, however, the disclosure ''requirements'' in the RPFJ are too insubstantial and too easily manipulated to accomplish even that limited goal.

B. The RPFJ Does Not Require Disclosure of Windows APIs, But Rather Lets Microsoft Determine The Scope of Disclosure Through The Design and Labeling of Its Operating System And Middleware

To begin with, the API disclosure requirements aim at the wrong thing. The RPFJ defines APIs as the interfaces used by Microsoft Middleware to invoke resources from a Windows Operating System Product. RPFJ § VI(A). But innovative rival software vendors do not need APIs between Microsoft Middleware and Windows. The really threatening innovators are threatening precisely because their products perform functions that Microsoft's do not. In those cases, by definition, there will not be any fully analogous Microsoft middleware—just as Microsoft did not have an Internet browser when Netscape Navigator first appeared. Those developers need full access to Windows APIs—APIs for all functionalities enabled by the Windows platform, whether Microsoft calls them ''internal'' calls within Windows or external APIs that may be distributed to ISVs—not to the limited subset used by a Microsoft version of similar middleware.

That is what Netscape needed in 1995; there was no Internet Explorer to speak of at that time, and certainly Microsoft's rudimentary browser did not perform anywhere near the range of functions performed by Netscape Navigator. See Findings, 84 F. Supp.2d at 31–32 (§ 82–84), 33–34 (§ 91–92). The RPFJ provisions would not have helped Netscape then. See Letter from James L. Barksdale, former CEO of Netscape, to Chmn. Leahy & Sen. Hatch, Senate Comm. on the Judiciary, Attachment, Question 1 (Dec. 11, 2001). 13 And they will not help any software developer whose products exceed the functionality of existing Microsoft middleware. The API disclosure provisions in the RPFJ thus ensure that Microsoft can control the pace of middleware innovation, providing another level of assurance that non-Microsoft products will not gain the type of head start that might result in ubiquity before a similar Microsoft product can be included

Mr. Barksdale's letter in lieu of hearing testimony is available at http://java.sun.com/features/2002.01.barksdale-letter.html, and the attachment is available at http://java.sun.com/features/2002.01.barksdale-attach.htm in the bundle of products sold with every Windows operating system.

That limitation on API disclosure is severe enough. But it is just a beginning. The disclosure obligation is further limited by the definition of APIs at RPFJ § VI(A): ''Application Programming Interfaces (APIs)'' means the interfaces, including any associated callback interfaces, that Microsoft Middleware running on a Windows Operating System Product uses to call upon that Windows Operating System Product in order to obtain any services from that Windows Operating System Product.

Setting aside the circularity, the malleability of the two principal defined terms renders this definition (and the corresponding obligations) a practical nullity. The API definition depends on the relationship between two ''products,'' each of which is defined solely by Microsoft. As noted above, Microsoft has ''sole discretion'' to identify software code as part of a ''Windows Operating System Product.'' RPFJ § VI(U). Many APIs can disappear from view simply as a result of Microsoft's unreviewable decision to relabel certain interfaces as internal to Windows. If Microsoft says that an operation takes place entirely within Windows, rather than requiring the interaction of a middleware and Windows, then there is no API to disclose.[14]

C. The Definition of ''Microsoft Middleware'' Gives Microsoft Further Leeway to Limit Its Disclosure Obligation

The only APIs that need be disclosed are those used by ''Microsoft Middleware.'' But ''Microsoft Middleware,'' too, is defined in a way that gives Microsoft fight control over the scope of its own obligations. Remarkably, Assistant Attorney General James testified that this definition would have been difficult for DOJ to achieve in a litigated proceeding. Statement of Charles James to Senate Judiciary Committee 8 (Dec. 12, 2001). But it is difficult to imagine what Microsoft would have contested. Just as in the dispute whether Internet Explorer is part of Windows, Microsoft can simply relabel software as part of one product rather than another. The label does not affect the commands and operations in the software.

1. The RPFJ Requires Microsoft To Disclose Only The APIs Used By The ''User Interface'' Or Shell Of Microsoft Middleware

The APIs that must be disclosed are those that ''Microsoft Middleware * * * uses to call upon [a] Windows Operating System Product.'' RPFJ § VI(A); see id. § III(D). But Microsoft determines how much code performing a Microsoft Middleware function is part of the Middleware, and how much is part of the Windows Operating System Product, since the latter definition is within Microsoft's ''sole discretion.'' Id. § VI(U). The only code in Microsoft Middleware that Microsoft must consider separate for the purposes of API disclosure is the user interface, or shell, of the Middleware—or, rather, ''most'' of the shell. Id. § VI(J)(4). The only limit is that ''Microsoft Middleware'' must ''[i]nclude at least the software code that controls most or all of the user interface elements of that Microsoft Middleware.'' Id. Thus, the terms of the RPFJ permit Microsoft to provide only the APIs that go between 51% of the user interface elements of Microsoft Middleware and the rest of the Windows bundle of products. None of the APIs used by the Middleware's functionality—the APIs that permit the Middleware perform its functions while running on Windows—need be disclosed, so long as the shell APIs are disclosed. This definition appears to be designed to have nothing to do with developer preferences, or with the applications barrier to entry.

2. The RPFJ Requires Microsoft To Disclose APIs Only For ''Microsoft Middleware'' That Is Distributed Separately From Windows, Yet Is Distributed To Update Windows

To come within the disclosure obligation, Microsoft Middleware must be ''distributed separately from a Windows Operating System Product.'' That restriction alone is enough to take Windows Media Player 8 outside the definition, as that product is available only as part of the Windows XP bundle. But not all separate distributions prompt the API obligations; Microsoft must characterize the distribution as one that ''update[s] th[e] Windows Operating System Product.'' See RPFJ § VI(J)(1). Thus, the scope of the obligation depends entirely on the labeling of the product, which Microsoft can easily manipulate.

3. The Limitation Of Microsoft Middleware To ''Trademarked'' Products Further Eviscerates The API Disclosure Provision

But that is not all. At least equally significant is the restriction of the Microsoft Middleware definition, and thus the API disclosure obligation, to Middleware that is ''Trademarked.'' RPFJ § VI(J)(2). The definition of ''Trademarked'' allows Microsoft to exclude current middleware from the API disclosure obligation, and to prevent future middleware from becoming subject to the API disclosure obligation,

[14] Moreover, the term ''interfaces'' is not defined in the RPFJ. The CIS explains that '''[i]nterfaces'' includes, broadly, any interface, protocol or other method of information exchange between Microsoft Middleware and a Windows Operating System Product.'' CIS 33–34, 66 Fed. Reg. 59,468. But that definition would not be part of the judgment.

simply by manipulating its use of trademarks.

a. Microsoft Easily Can Ensure That Middleware Is Not ''Trademarked'' By Using A Generic Or Descriptive Name Combined With Microsoft(r) or Windows(r)

The definition of ''Trademarked'' does not include ''[a]ny product distributed under * * * a name compris[ing] the Microsoft(r) or Windows(r) trademarks together with descriptive or generic terms.'' Id. § VI(T). That is how Microsoft has chosen to name some of its newest and most important products: the combination of a monopoly brand with a simple descriptive mark that helps identify an entire software function with the Microsoft implementation of it. Windows(r) Messenger instant messaging software is one example.

Moreover, by the terms of the RPFJ Microsoft disclaims any rights in the use of such combinations of the Microsoft(r) or Windows(r) marks with generic or descriptive terms, and abandons any rights that may be acquired in the future. RPFJ § VI(T). These provisions suggest that Microsoft can change the scope of the definition of Middleware, and thus of the API disclosure obligation, by abandoning some marks it has registered as combinations of Microsoft(r) or Windows(r) with generic or descriptive terms—if the RPFJ does not accomplish that in itself. Windows Media Player is an example. Although Microsoft has registered the combination of Windows(r) and the generic term ''Media'' as Windows Media(r), at bottom the name Windows Media Player is a combination of the Windows(r) mark with the generic term ''media player.''

Indeed, Microsoft could plausibly argue that the Windows Media(r) mark does not come within the ''Trademarked'' definition as it is, since even that mark consists of no more than the Windows(r) mark in combination with the generic term ''media.'' 15 RPFJ § VI(T) may therefore embody Microsoft's ''disclaim[er of] any trademark rights in such descriptive or generic terms apart from the Microsoft(r) or Windows(r) trademarks.'' But even if Section VI(T) does not go so far, Microsoft could easily get Windows Media(r) Player outside of the ''Trademarked'' definition—and thus outside the scope of the In this discussion we set aside the non-trivial question whether ''Windows'' itself is a generic, or at best descriptive, mark for the type of ''windowing'' graphical user interfaces invented at the Xerox Palo Alto Research Center in the 1970s, popularized by the Apple Lisa and Macintosh in the 1980s, and since used by Microsoft and many other software vendors. disclosure obligations that apply only to ''Microsoft Middleware''—simply by abandoning the registration mark and moving the registration symbol to the left. Thus, Microsoft can transform ''Windows Media(r) Player,'' which might be subject to API disclosure requirements, into ''Windows(r) Media Player,'' which clearly is exempt.

b. The ''Microsoft Middleware'' Definition Governing Disclosure Obligations Is Far Narrower Than The ''Microsoft Middleware Product'' Definition Governing OEM Flexibility

That this highly restrictive definition is no accident is clear from comparison with the ''Microsoft Middleware Product'' definition which governs the icon-display obligations. To provisions paralleling the ''Microsoft Middleware'' definition, the ''Microsoft Middleware Product'' definition adds several named current products, including ''Internet Explorer, Microsoft's Java Virtual Machine, Windows Media Player, Windows Messenger, Outlook Express and their successors,'' RPFJ § VI(K)(1), although only to the extent that Microsoft ''in its sole discretion'' (id. § VI(U)) decides that those products are ''in a Windows Operating System Product.'' Id. § VI(K)(1). Thus, Microsoft's icon display/removal obligations for those named products would not change merely because of a strategic product renaming or abandonment of a trademark that combines the Microsoft(r) or Windows(r) name with generic or descriptive terms. But none of those current products is named in the ''Microsoft Middleware'' definition that governs the disclosure obligations. That enables Microsoft to manipulate whether those products, although surely middleware, also satisfy the four subparts of RPFJ § VI(J).

c. The CIS Broadens The ''Trademarked'' Definition Beyond Its Terms

The CIS overstates the breadth of the ''Trademarked'' definition, contending that it ''covers products distributed * * * under distinctive names or logos other than by the Microsoft(r) or Windows(r) names by themselves.'' CIS 22, 66 Fed. Reg. 59,465. The CIS further claims that the exception for products known by combinations of generic terms with Microsoft(r) or Windows(r) does not cover marks that ''are presented as a part of a distinctive logo or another stylized presentation because the mark itself would not be either generic or descriptive.'' CIS 23, 66 Fed. Reg. 59,465 (emphasis added). To the contrary, the terms of the RPFJ definition of ''Trademarked'' focus entirely on ''names,'' not ''logos'' or ''marks'' as a whole. RPFJ § VI(T). The distinction is striking: the word ''name'' appears five times in the definition, and ''descriptive or generic terms'' appears three times. Neither ''logo'' nor ''mark'' appears at all.

Microsoft clearly appreciates the distinction. Although Microsoft apparently has not yet formally abandoned the mark ''Internet Explorer'' (U.S. Trademark Reg. No. 2277122), it does not assert that mark when it lists its trademarks as a warning to the public. See http://www.microsoft.com/misc/info/cpyright.htm. Microsoft does list its trademark for the Microsoft Internet Explorer logo, however. Id.; see U.S. Trademark Reg. No. 2470273.

d. Microsoft Can Easily Manipulate Which Middleware Releases Are ''New Major Versions''

Indeed, even a ''Microsoft Middleware Product'' satisfying that four-part test may not be ''Microsoft Middleware'' subject to the disclosure obligation unless it is a ''new major version'' of the product, that is, if the release is ''identified by a whole number or by a number with just a single digit to the right of the decimal point.'' RPFJ § VI(J). That has two implications. First, Microsoft can simply adopt a different method of naming new releases. Second, even under current practice a version with two digits to the right of the decimal point may fix significant errors, so that disclosure only of the prior version of the APIs might leave developers without the ability to invoke some needed functionality with the disclosed APIs.

D. The Disclosure Provisions—Particularly Those Concerning ''Communications Protocols''—Depend On An Undefined And Thus Unenforceable Concept of ''Interoperability''

Both the API and Communications Protocol disclosure provisions define the scope of the data to be disclosed as that necessary to permit non-Microsoft products to ''interoperate'' with the Windows client OS and to ''interoperate natively'' with Microsoft server operating system products. See RPFJ § III(D), (E). The disclosure obligations are limited to ''the sole purpose of interoperating with a Windows Operating System Product.'' Id.

The obligations depend on the meaning of ''interoperate,'' but the RPFJ never defines that term, and there is no non-discrimination provision attached to this obligation. That is critical because interoperability is not something that can be achieved half way. Either two software products interoperate for all functions that they must perform together, or they do not. Any impediment in any aspect of the interoperation nullifies the interoperability. The CIS seems to equate ''interoperate'' with ''fully take advantage of,'' see CIS 36, 66 Fed. Reg. 59,468, but there is no such language in the RPFJ itself.

The Communications Protocol disclosure provision (RPFJ § III(E))outlines a seeming ''obligation'' that is entirely undefined. Section III(E) seems to require disclosure of Communications Protocols on Windows clients that are ''used to interoperate natively * * * with a Microsoft server operating system product.'' But just as ''interoperate'' is not defined, neither does the RPFJ define ''Microsoft server operating system product.''

One of the most important aspects of the Windows 2000 Server product bundle is Microsoft's web server, IIS. In the absence of a definition of ''Microsoft server operating system product,'' however, it is unclear whether the disclosure obligation encompasses protocols used to interoperate with this and other aspects of the current server product. Cf. RPFJ § VI(U) (defining ''Windows Operating System Product'' as all software code ''distributed commercially * * * as Windows 2000 Professional'' and other named products, and ''Personal Computer versions'' of their successors).

Again, the CIS attempts to provide assurances that go beyond the terms of the proposed judgment. The CIS states (at 37, 66 Fed. Reg. 59469):

The term ''server operating system product'' includes, but is not limited to, the entire Windows 2000 Server product families and any successors. All software code that is identified as being incorporated within a Microsoft server operating system and/or is distributed with the server operating system (whether or not its installation is optional or is subject to supplemental license agreements) is encompassed by the term. For example, a number of server software

products and functionality, including Internet Information Services (a ''web server'') and Active Directory (a ''directory server''), are included in the commercial distribution of most versions of Windows 2000 Server and fall within the ambit of ''server operating system product.''

That definition would be appropriate. But no corresponding language—no enforceable definition—appears in the RPFJ.

E. The Narrow Scope Of The Disclosure Provisions Contrasts Sharply With The Broader Definitions In DOJ's Earlier Remedy Proposals

Before liability had been confirmed on appeal, DOJ took a far broader view of what should be disclosed. The interim remedies in the vacated judgment required disclosure of APIs, Communications Interfaces, and ''technical information'' needed to enable competing products ''to interoperate effectively with Microsoft Platform Software.'' 97 F. Supp.2d at 67 (3(b)). That disclosure requirement was backed up by a requirement, absent from the RPFJ, that Microsoft create a secure facility so that developers could work with Windows source code to ensure that their applications worked properly on the Microsoft platform, gee id.

The definition of ''technical information,'' moreover, helped ensure that disclosure would be complete and not subject to many different methods of manipulative narrowing. The ''technical information'' definition encompassed the following items: all information regarding the identification and means of using APIs and Communications Interfaces that competent software developers require to make their products running on any computer interoperate effectively with Microsoft Platform Software running on a Personal Computer. Technical information includes but is not limited to reference implementations, communications protocols, file formats, data formats, syntaxes and grammars, data structure definitions and layouts, error codes, memory allocation and deallocation conventions, threading and synchronization conventions, functional specifications and descriptions, algorithms for data translation or reformatting (including compression/decompression algorithms and encryption/decryption algorithms), registry settings, and field contents.

97 F. Supp.2d at 73 (7(dd)).

Indeed, DOJ's position was stronger even before liability had been imposed at all.

Draft 18 from the Posner mediation imposed a disclosure obligation using this definition Of ''technical information'':

all information, regarding the identification and means of using APIs (or communications interfaces), that competent software developers require to make their products running on a personal computer, server, or other device interoperate satisfactorily with Windows platform software running on a personal computer. Technical information includes reference implementa- tions, communications protocols, file formats, data formats, data structure definitions and layouts, error codes, memory allocation and deallocation conversions, threading and synchronization conventions, algorithms for data translation or reformatting (including compression/decompression algorithms and encryption/decryption algorithms), registry settings, and field contents. The RPFJ, by contrast, contains no analogue to these precise and inclusive definitions. Instead, the RPFJ relies solely on the circular (and completely manipulable) definition of API (RPFJ § VI(A)), a similarly narrow definition of ''Communications Protocol'' (id. § VI(B)), and a definition of ''Documentation'' that is wholly dependent on the API definition (id. § VI(E)).

F. The ''Security'' Exceptions in Section III(J) Permit Microsoft To Avoid Its Disclosure Obligations

RPFJ § III(J) provides Microsoft with two additional lines of defense in the event that any competitively sensitive APIs nonetheless fall within the malleable definition of API. Section III(J)(1) severely undercuts the disclosure requirements to the extent they apply in the modem world where security protocols are critical to any communication between networked computers, particularly over the Internet. And Section III(J)(2) provides Microsoft with seemingly unfettered discretion to decide who is worthy to receive technical information necessary to make middleware function on the Internet.

Microsoft can plausibly rely on Section III(J) to decline to comply with disclosure requests based on concerns with authentication and security that it will be able to assert with respect to any program that involves communication between a PC and a server on the Internet (or even within many private networks). Authentication, security, and similar protection mechanisms are and will continue to be integral parts of the functioning of those products. See, e.g., Comment, William A. Hodkowski, The Future of Internet Security: How New Technologies Will Shape the Internet and Affect the Law, 13 SANTA CLARA COMPUTER & HIGH TECH. L.J. 217 (1997). Indeed, security and rights-protection are particularly critical to Internet-based economic activity, which encompasses much of the computing on the Internet. As a consequence, the security mechanisms are critically important to any Internet-based middleware threat to the Windows OS monopoly.

For example, digital rights management (''DRM'') has become a principal part of Windows Media Player. Allowing Microsoft to withhold data needed to permit rivals to interoperate with the DRM specifications in Windows Media Player—specifications that Microsoft is making universal by including Windows Media Player on every PC— may well end effective competition for media players within the next upgrade cycle for Windows. Similarly, any distant remaining possibility of Internet browser (or even e-mail client) competition should be squelched by the RPFJ's approval for Microsoft to withhold parts of encryption-related protocols (again, as distinct from the customer-specific keys that make use of those protocols). For another example, Secure Socket Layer (SSL) is an open standard that has been critical to the open development of a relatively secure Internet. As Microsoft implements a proprietary version of SSL—one that others will have to follow given the ubiquity of the Microsoft browser as a result of the misconduct at issue in this case—it will be able to conceal critical layers of that altered protocol from rivals, essentially ending the possibility of competition for client software for Internet computing. And by giving Microsoft a basis to conceal authentication protocols (not merely data), the RPFJ frees Microsoft Passport from scrutiny and permits Microsoft to bind a proprietary universal password and identity utility to its monopoly operating system without hope of interoperation.

By permitting Microsoft to withhold key parts of encryption, digital rights management, authentication, and other security protocols, the RPFJ effectively allocates Web-based computing to the monopolist of the desktop. A decree could hardly try to place a clearer stamp of approval on an expansion of the scope of an illegally maintained monopoly.

1. The Exclusions for Security-Related APIs and Protocols in RPFJ(J)(1) Permit Microsoft To Hobble Disclosures That Are Critical in Internet Computing

It is no coincidence that Bill Gates has now emphasized the centrality of security concerns in Microsoft's future software offerings. See, e.g., John Markoff, Stung by Security Flaws, Microsoft Makes Software Safety a Top Goal, N.Y. TIMES, Jan. 17, 2002, at C1. That is no more than an acknowledgment of market and technical realities that have been widely known throughout the industry for years as Internet computing has taken hold. That market reality should have been sufficient to make clear that an indistinct exception of the type in RPFJ § III(J)(1) would allow Microsoft to disclose ''crippled'' versions of APIs and Communications Protocols. Microsoft's sudden dedication to security leaves no doubt that it will inject security aspects into its proprietary APIs and its proprietary, extended implementations of Communication Protocols. Under the terms of Section III(J)(1), Microsoft can easily argue that disclosure of those aspects—necessary for one machine to communicate with another—will compromise the security from any installation or group of installations. See also Stiglitz/Furman Dec. 30.

The CIS maintains that Section III(J)(1) simply protects Microsoft and its customers from disclosure of customer-specific ''keys, authorization tokens, or enforcement criteria,'' and states that the exception ''does not permit [Microsoft] to withhold any capabilities that are inherent in the Kerberos and Secure Audio Path features as they are implemented in a Windows Operating System Product.'' CIS 52, 66 Fed. Reg. 59,472. But that reading does not square with the text of the exemption. The quoted examples are specifically presented ''without limitation.'' RPFJ § III(J)(1). The RPFJ language easily permits Microsoft to contend that any release of the way its proprietary security protocols work ''would compromise the security of a particular installation.''

Most important, Section III(J)(1) clearly permits Microsoft to withhold portions of APIs or Communications Protocols, but the examples given of keys and authorization codes are not parts of APIs or Communications Protocols. They may be part

of customer- specific Documentation, rather than the Documentation used by customers, consultants, and developers to create or identify and implement particular keys, tokens, or enforcement criteria.) The APIs and Communications Protocols for security-related applications are not customer-specific, nor does their disclosure compromise security. To the contrary, the most powerful encryption and other security-related software is openly disclosed, as is the Kerberos standard, or even open source, as is the federal government's new encryption standard. See, e.g., Watch your AES: A new encryption standard is emerging, Red Herring (Dec. 1, 1999) (open source government standard).

Unless RPFJ § III(J)(1) refers to a null set, however, Microsoft will have a basis to withhold some parts of Communications Protocols and APIs. The CIS states that Communications Protocols ''must be made available for third parties to license at all layers of the communications stack,'' (CIS 36–37, 66 Fed. Reg. 59,468 (emphasis added)) but the RPFJ to which Microsoft agreed—and which alone is potentially enforceable— says no such thing. To the contrary, Section III(J)(1) explicitly relieves Microsoft from the obligation to license some ''portions or layers of Communications Protocols'' (and some ''[p]ortions of APIs'')—not just client-specific data. If part of a Communications Protocol is withheld, not ''all layers of the communications stack'' are ''available * * * to license.'' And if part of a Communications Protocol is unavailable, interoperation is impossible; at certain points, the interaction between two computers will break down.

Limited withholding of APIs or Communications Protocols (rather than merely withholding customer-specific data) will render middleware non-functional, since software cannot interoperate with other software partially. Carving off some aspects of interoperability means that there is no interoperability, thwarting the premise of the disclosure provisions altogether.

The CIS also describes other limits that do not exist in the text of the RPFJ. The CIS claims that the RPFJ requires disclosure of the Communications Protocols used for the Microsoft-proprietary implementation of the Kerberos security standard a ''polluted'' Kerberos that is the strict analogue to the ''pollute[d]'' Java that figured prominently at trial. See Microsoft III, 253 F.3d at 76–77 (quoting 22 J.A. 14,514). But Section III(J) explicitly relieves Microsoft of the obligation to disclose ''portions'' of APIs or Communications Protocols that would ''compromise the security of a particular installation or group of installations of security software. That is an open invitation to withhold some part of the Microsoft-proprietary variation of Kerberos.

The type of customer-specific information that the CIS claims is all that can be withheld could and should be described much more accurately and specifically in the RPFJ, not as [p]ortions of APIs or * * * portions or layers of Communications Protocols,'' but rather as ''customer-specific or installation-specific data the disclosure of which would compromise the security of a particular installation or group of installations of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation keys, authorization tokens or enforcement criteria.'' But that is not the approach the RPFJ takes. Rather, the RPFJ makes clear that Microsoft is entitled to withhold, not merely customer- or installation-specific data, but some ''portions'' of APIs and some ''portions or layers'' of Communications Protocols. All communication of substance between desktops (or other client computers) and server computers over the Internet increasingly involves layers of security protocols, anti-virus routines, and the like. And one of Microsoft's principal current efforts is to foist its own version of digital rights management (DRM) upon providers of copyrighted content over the Internet.

When Microsoft asserts a right to withhold information, it will be difficult indeed for the Technical Committee, DO J, or the Court to exclude the possibility that particular ''portions or layers of Communications Protocols,'' or ''[p]ortions'' of the APIs that permit middleware programs to operate atop Microsoft operating systems, in fact ''compromise the security of a particular installation or group of installations.'' RPFJ § III(J)(1). Any such determination is likely to be time-consuming, and related enforcement therefore would be slow. It should be a simple matter for Microsoft to delay disclosures of this type long enough to disadvantage competitors.

2. RPFJ III(J)(2) Permits Microsoft To Refuse Effective Disclosure To A Range Of Potentially Effective Competitors

While RPFJ § III(J)(1) allows Microsoft to refuse to disclose portions of APIs, RPFJ § III(J)(2) permits Microsoft to withhold all of any ''API, Documentation, or Communications Protocol'' having to do with ''anti-piracy systems, anti-virus technologies, license enforcement mechanisms, authentication/authorization security, or third party intellectual property protection mechanisms of any Microsoft product.'' The RPFJ allows Microsoft to select to whom it will disclose this information by imposing several tests that may be based on standards apparently committed to Microsoft's sole discretion as much as is the definition of Windows Operating System Product.

Thug, RPFJ § III(J)(2)(b) permits Microsoft to evaluate whether a competitor has a ''reasonable business need'' for the desired information. What Microsoft is likely to consider a ''reasonable'' business need by a competitor may be narrow indeed. As the DC Circuit observed, Microsoft viewed its desire ''to preserve its'' monopoly ''power in the operating system market'' as a procompetitive justification for exclusionary conduct. Microsoft III, 253 F.3d at 71. No doubt Microsoft will view direct or indirect efforts to undermine its hammerlock on the OS market as unreasonable efforts to confuse consumers or impair the ''Windows experience.''

Even bona fide attempts by a monopolist to objectively evaluate a potential competitor's ''reasonable business need'' can scarcely be expected to produce consistent or foreseeable results. Rather, that amorphous standard is likely to produce a flood of disputes—each of which will delay the competitor's receipt of technical information while Microsoft gains more time to respond (by legal or illegal means) to the competitive threat. Moreover, the ''reasonable business need'' must be for a ''planned or shipping product.'' If the product is already ''shipping,'' it may be too late for disclosure to be helpful in the market. How fully ''planned'' a product must be raises further questions that Microsoft will be able to resolve to its own disadvantage.

In addition, Microsoft need not provide security-related APIs, protocols, or documentation to any vendor that does not ''meet[] reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business.'' RPFJ § III(J)(2)(c) (emphasis added). That provides Microsoft with a basis for excluding almost all nascent competitors except for those associated with established, profitable companies. It would not be difficult to craft ''reasonable, objective standards'' for ''viability of [a] business'' that would exclude any Internet-focused startup, including Netscape in 1995. Indeed, the history of the software industry both before and after the dot-com bubble shows that very few software companies have had ''viable'' businesses. Certainly Section III(J)(2)(c) would give Microsoft at least a debatable basis for withholding the APIs and Communications Protocols needed to interoperate with Microsoft software over the Internet from all open source ISVs—who are more interested in constantly improving the quality of software than in obtaining licensing profits. Although open source software is widely recognized as a major threat to Microsoft's monopoly power, the business models even of the leading Linux providers might fail any number of ''reasonable, objective standards'' for ''viability.'' Indeed, Microsoft's CEO Steve Ballmer describes open source software as a ''cancer'' that threatens the viability of any software business. See Mark Boslet, Open Source.'' Microsoft Takes Heat, INDUSTRY STANDARD, July 30, 2001; Dave Newbart, Microsoft CEO Takes Launch Break with the Sun-Times, CHI. SUN-TIMES, June 1, 2001, at 57. For that matter, it is not entirely unreasonable to regard head-to-head competition with Microsoft in platform software as a less than viable business plan; certainly most venture capitalist and other investors hold that view. It would not be difficult for Microsoft to craft ''objective'' standards of business viability that would exclude Corel and Novell, to name two examples. Microsoft should be able to exclude many sources of potential cross-platform middleware threats through RPFJ § III(J)(2)(c) alone.

Yet RPFJ § III(J)(2) contains yet another method for screening competitors from access to technical information needed by Internet-centric middleware applications. Any ISV that clears the hurdles and receives the information nonetheless must submit its implementation of the APIs, Documentation or Communications Protocols for review by a Microsoft-approved third party (likely a captive commercial ally) ''to test for and ensure verification and compliance with

Microsoft specifications for use of the API or interface, which specifications shall be related to proper operation and integrity of the systems and mechanisms identified in this paragraph.'' RPFJ § III(J)(2)(d). ''[P]roper'' no doubt will mean ''the way Microsoft does it,'' making this provision into yet another way in which Microsoft can control the pace of innovation to ensure that the market has no or limited access to products that improve upon Microsoft's offerings. This mechanism means that vendors who tried to adapt APIs to function as bridges to other platforms would have to give Microsoft the ammunition to defeat that function—if not simply disapprove it and await the slow operation, if any, of the RPFJ enforcement mechanism.

The CIS suggests that there are strict limits on Microsoft's discretionary ability to deny access to security-related aspects of Communications Protocols and APIs, CIS 53, 66 Fed. Reg. 59,473, but those limits are absent from the decree language. The CIS contends that these exceptions ''are limited to the narrowest scope of what is necessary and reasonable, and are focused on screening out individuals or firms that * * * have a history of engaging in unlawful conduct related to computer software * * *, do not have any legitimate basis for needing the information, or are using the information in a way that threatens the proper operation and integrity of the systems and mechanisms to which they relate.'' Id. Setting aside the opportunity for Microsoft to argue, as it has in other contexts, that the injection of competing software ''threatens the proper operation and integrity'' of its products, see Microsoft III, 253 F.3d at 63–64, the CIS simply does not address the broadest basis for withholding APIs and Communications Protocols under Section 111(1)(2): Microsoft's ability to decide, based on criteria within its own discretion, that an ISV is not ''authentic[]'' and ''viab[le].'' RPFJ § III(J)(2). That provision could provide a basis for excluding all but a handful of other software companies.

G. RPFJ § III(I) Would Place A Judicial Imprimatur On Microsoft's Use Of Technical Information As A Lever To Extract Competitors'' Intellectual Property

The RPFJ would actually increase Microsoft's bargaining power by explicitly placing a judicial imprimatur on demands by Microsoft that recipients of APIs cross-license any intellectual property developed using the APIs. Section III(I) of the RPFJ permits Microsoft to use intellectual property licensing terms to impede whatever competitive benefits otherwise might have arisen from its disclosure obligations. Microsoft's licenses ''need be no broader than is necessary to ensure'' the licensee's ability to ''exercise the options or alternatives expressly provided'' by the RPFJ. RPFJ III(I)(2). A welter of litigation over the breadth that is ''necessary''—and the collateral restrictions that are permissible—is certain to continue through the life of the decree.

Similarly, Microsoft should have no difficulty delaying the use of any option for which it is entitled to charge a royalty, simply by setting a ''reasonable'' royalty (RPFJ § III(I)(1)) beyond what any OEM could afford to pay in that competitive, low-margin business. If OEMs have to pay Microsoft to exercise any of their icon-shuffling options — a state of affairs clearly envisioned in RPFJ § III(I)—the slim likelihood that any OEM will take advantage of those provisions will be lessened still further. Microsoft need not permit transfers or sublicenses of API rights, imposing yet another barrier to entry. Id. § III(I)(3). And Microsoft could ensure, through licenses, that end-users could not make competitively significant alterations to the Microsoft-approved package.

Most important, however, the RPFJ specifically permits Microsoft to use its monopoly as a means to force access to others'' intellectual property. Microsoft can assert a right to license ''any intellectual property rights'' a competitor ''may have relating to the exercise of their options or alternatives provided by'' the RPFJ. RPFJ § III(J)(5). Thus, to take advantage of a competitive option, an ISV will need to license its product to Microsoft, and hope that Microsoft does not use that license as a means to produce a copycat program and bundle it into Windows. Many companies long since departed the software industry after entering into what they thought were limited exchanges of intellectual property with Microsoft. 16

Although the CIS states that Microsoft could demand only any IP rights it would need to comply with its own disclosure obligations under the RPFJ, CIS 50–51, 66 Fed. Reg. 59,472, the broad ''relating to'' language does not compel that narrow reading, and may not support it at all. The vague limitations in Section III(I)(5) are unlikely to reassure ISVs that Microsoft will not use its license to analyze the ISV's IP rights well enough to design around it and bundle a copycat program into Windows or Office, as has happened many times before. This weapon should give Microsoft additional ability to prevent industry participants from taking advantage of the superficially appealing provisions of the RPFJ.

VI. BUILT-IN DELAYS EXACERBATE THE DECREE'S UNJUSTIFIABLY BRIEF DURATION

It is remarkable that the RPFJ would reward Microsoft for litigating and losing broadly on liability with a consent decree that is shorter than other such decrees, and may 16 See, e.g., Testimony of Mitchell Kertzman before the Sen. Jud. Comm., July 23, 1998 (detailing Sybase's difficulties in this regard); Statement of Michael Jeffress before the Sen. Jud. Comm., July 23, 1998 (after TVHost revealed its intellectual property to Microsoft in failed negotiations to sell the company, Microsoft imitated the product). be the shortest ever. DOJ antitrust consent decrees now routinely last ten years. 17 Section V of the RPFJ provides for a term of only five years, however, less time even than Microsoft has engaged in the illegal conduct that was the subject of this litigation. The decree plainly should be longer than the period between the initiation of the misconduct and the imposition of relief, and at least as long as the typical relief. 18 Microsoft has enjoyed the benefits of its misconduct for at least seven years. The RPFJ not only would allow Microsoft to retain those benefits, but would subject Microsoft to its light and uncertain obligations for no more than five years, and scarcely four and one-half years for the many obligations that are delayed.

The RPFJ further abbreviates its already brief duration, and undermines its already insubstantial requirements, by building in long delays before Microsoft must comply with its limited duties. Thus, Microsoft need not comply with the icon-related requirements until November 2002, see RPFJ § III(H)(1), although Microsoft needed only two weeks after the DC Circuit decision to offer OEMs roughly the same flexibility with icon display as the RPFJ requires, and needed no more than three additional months to implement that flexibility on Windows XP. See Microsoft Announces Greater OEM Flexibility for Windows (Microsoft press release July 11, 2001). Similarly, Microsoft need not comply with its API disclosure requirements or the OEM flexibility provisions until November 2002, RPFJ §§ III(D), (H), and need not comply with the Communica-

As of 1998 it was the policy of the Antitrust Division that consent decrees last for at least 10 years. See ANTITRUST DIVISION MANUAL, at IV:54 (3d ed. Feb. 1998); see also V VON KALINOWSKI ET AL., ANTITRUST LAWS AND TRADE REGULATION §§ 96.01[2], at 96–4; 96.02[1] at 96–10 (2d ed. 2000).

If Microsoft actually and convincingly lost its monopoly before the expiration of a decree of appropriate length, it could, of course, move for modification or termination of the decree under Rufo v. Inmates of Suffolk County Jail, 502 U.S. 367 (1992).

Protocol disclosure requirement until August 2002. Id. § III(E). See also Stiglitz/Furman Dec. 30. These built-in delays cut far into the unusually brief term of the decree.

The ''Timely Manner'' governing Microsoft's disclosure obligations in RPFJ §§ III(D)-(E)—after the initial delay—permits Microsoft to withhold that disclosure until a product version has been distributed to 150,000 beta testers. See RPFJ § VI(R). ''Beta testers'' in undefined. Until recently, Microsoft, like other vendors, distinguished between ''beta testers'' who agreed to provide substantial feedback to the software manufacturer, and ''beta copies'' of a program that might be distributed without such obligations or expectations. Few, if any, beta testing programs involved 150,000 beta testers under that usage. A return to the former terminology could postpone the ''Timely Manner'' until commercial release. And in any event, it should be a simple matter for Microsoft to delay distribution of any beta version to 150,000 testers, however defined.

Here again, the contrast with the interim remedies of the original decree is striking. The ''Timely Manner'' definition in that judgment required Microsoft to disclose ''APIs, Technical Information and Communications Interfaces * * * at the earliest of the time that'' those items were

(1) disclosed to Microsoft's applications developers, (2) used by Microsoft's own

Platform Software developers in software released by Microsoft in alpha, beta, release candidate, final or other form, (3) disclosed to any third party, or (4) within 90 days of a final release of a Windows Operating System Product, no less than 5 days after a material change is made between the most recent beta or release candidate version and the final release.

97 F. Supp.2d at 73–74 (§ 7(ff)) (emphasis added). While the vacated judgment made a strong effort to place outside developers on the same footing as Microsoft's applications developers throughout the development process, the RPFJ permits Microsoft to delay disclosure until the last minute, without any analogue to the requirement that Microsoft promptly update changes made in the final pre-release stage.

Another significant built-in delay results from the definition of ''Non-Microsoft Middleware Product'' to include only products that have one million users. RPFJ § VI(N) (ii). That definition governs the extent of the anti-retaliation provisions in RPFJ §§ III(A)(1), III(C), and III(H). Moreover, the icon flexibility and information disclosure provisions apply only to Microsoft Middleware and Microsoft Middleware Products, each of which must have functionality similar to a Non-Microsoft Middleware Product. See RPFJ §§ VI(J)(3), VI(K)(2)(b)(ii). By restricting all of these protections to middleware products that have distributed more than one million copies, the RPFJ encourages Microsoft to crush new middleware threats at the earliest stages. That is, the RPFJ puts a premium—indeed, a judicial imprimatur—on the monopolistic exclusion of nascent threats before the innovations in those products reach a sizable mass of consumers. That flies in the face of the concerns behind the judgments of liability in this case. See Microsoft III, 253 F.3d at 54, 79.

VII. ADDITIONAL WEAKNESSES UNDERCUT THE RPFJ

A. The Anti-Retaliation Provisions Are Deeply Flawed

Although anti-retaliation provisions are clearly necessary, the provisions in the RPFJ proceed from a misguided premise that retaliation by the monopolist—abuse of monopoly power—is permitted unless squarely forbidden. The well-meaning restrictions in the RPFJ leave Microsoft with ample recourse to use its monopoly power to retaliate against those who aid competitive threats. See Stiglitz/Furman Dec. 31–32.

Most important, the anti-retaliation provisions permit Microsoft to withdraw the Windows license of any OEM (or other licensee) that does not serve Microsoft's anticompetitive bidding. The CIS (at 27, 66 Fed. Reg. 59,466) suggests that the provision of RPFJ § III(A) requiring notice and opportunity to cure a violation provides some kind of protection to OEMs. But the protection is evanescent, disappearing entirely after two notices within a license term. See RPFJ § III(A). See also Stiglitz/Furman Dec. 31–32.

Such notices will become routine, quickly and completely nullifying this provision. In the rough-and-tumble of everyday business, parties frequently diverge in minor respects from the terms of their agreements. The CIS admits that ''Windows license royalties and terms are inherently complex.'' CIS 28, 66 Fed. Reg. 59,466. Given that complexity, it would be surprising if most OEMs did not transgress some term of their Windows licensing agreements every year or so, if not more often. Such transgressions would provide ample basis for Microsoft to retaliate without fear of interference from the RPFJ.

There is no limit on what Microsoft can invoke as a reason for termination, that is, there is no requirement that terminations be for cause, much less for a material breach of the license agreement. Indeed, the sudden termination that Microsoft may impose after two notices—even notices of purported violations that were promptly and completely cured—need not even be based on something the OEM could cure.

The anti-retaliation provisions for software and hardware vendors contain another weakness. Section III(F)(1)(a) forbids retaliation against hardware and software vendors who support software that competes with Microsoft Platform Software or that runs on other platforms. But that provision therefore permits Microsoft to use its Windows monopoly to crush middleware vendors if Microsoft does not yet have competing middleware (see RPFJ §§ VI(K)-(L)) and whose middleware applications are used on the Windows platform—where any middleware would have to start in order to be a practical bridge to another platform.

Moreover, when prohibiting a specific type of retaliation would also help undermine the applications barrier to entry, the RPFJ hews to a general approach rather than focusing on precise adjudicated conduct. For example, Microsoft threatened to discontinue its port of Microsoft Office for the Macintosh unless Apple ceased supporting Netscape Navigator. See Microsoft III, 253 F.3d at 73–74. Yet the RPFJ does not require Microsoft to continue to offer Mac Office (much less to keep the port current)—an expedient that would take away Microsoft's weapon rather than merely admonishing it to behave well, and would tend to undermine the applications barrier to entry as well.

B. Microsoft Can Evade The Price Discrimination Restrictions

The uniform pricing provisions in RPFJ § III(B) have too narrow a reach to provide significant limits on Microsoft's ability to engage in price discrimination in order to force OEMs to eschew non-Microsoft products that may threaten Microsoft's OS monopoly. Microsoft's well-known market position in other products permits easy evasion of these limits. For example, nothing prevents Microsoft from discriminating in the pricing of its monopoly suite of desktop productivity applications, Microsoft Office, to which every OEM of any size needs access. Moreover, the leading PC OEMs all build server computers using Intel-based hardware, and increasingly rely on revenue from servers to make up for the exceptionally low margins on desktop PCs. To continue in the Intel-based server business, PC OEMs must license Microsoft's server operating systems, which are dominant on the Intel-based platform. The RPFJ places no limits on Microsoft's pricing of server operating systems, providing another outlet for the nullification of RPFJ § III(B).

Even on their own terms, however, the RPFJ pricing provisions contain a substantial loophole. Microsoft can reward an OEM for an ''absolute level * * * of promotion'' of Microsoft products. RPFJ § III(A). That provides a means for Microsoft to distinguish between OEMs who make sure that Microsoft software dominates their offerings, and OEMs who either promote competing software or simply do not interfere with consumers'' choices.

C. Microsoft Can Enforce De Facto Exclusivity

Despite a superficial prohibition, Sections III(F)(2) and Ill(G) permit Microsoft to impose practical, effective exclusivity obligations on ISVs and others who need access to Windows to develop their products. Microsoft need do no more than recast its agreements with ISVs as contracts to ''use, distribute, or promote * * * Microsoft software'' or ''to develop software for, or in conjunction with, Microsoft,'' RPFJ § III(F)(2), or as a ''joint venture,'' joint development * * * arrangement'' or ''joint services arrangement.'' Id. § III(G). New ''joint development agreements'' or ''joint services arrangements'' likely will supersede the current licenses for use by ISVs of Microsoft software developments tools and perhaps also the current arrangements for preferential access under MSDN. At best, a decree court would have to undertake a full antitrust analysis of whether the joint venture was ''bona fide.'' Id. § III(G). To nullify RPFJ § III(F)(2), Microsoft could simply change its development tools agreements to require use of Microsoft software— which literally would be ''a bona fide contractual obligation * * * to use * * * Microsoft software.'' Since any ISV that wants its software to run on Windows almost certainly would need to use Microsoft's development tools, the anti-exclusivity provision, like so many others in the RPFJ, would have no practical effect.

DOJ has defended this provision as necessary to permit legitimate ''procompetitive collaborations.'' CIS 44, 66 Fed. Reg. 59,470. But the broad terms of the RPFJ itself provide little basis for hope that the objects of joint ventures permitting exclusivity will not include a variety of ''new'' products that amount to little more than routine alterations to Windows and other Microsoft products in conjunction with requests from other industry participants. It is not uncommon for an ISV to ask for a new API, or for an IHV to ask for some other specification in Windows. These exercises soon may become objects of ''joint ventures'' or ''joint development agreements'' under RPFJ § III(G).

RPFJ § III(G)(1) undercuts its superficial prohibition on contracts that would require participants at different levels of the market to install or promote Microsoft Platform Software to a ''fixed percentage'' of those participants'' own customers. Section III(G)(1) permits Microsoft to impose such contracts so long as it ''in good faith obtains a representation that it is commercially practicable for the entity to provide equal or greater distribution, promotion, use or support for software that competes with

Microsoft Platform Software.'' Such representations should be easy to come by, so long as Microsoft pays enough. There is nothing to require a single party making such a representation actually to carry out the parallel distribution that it told Microsoft was ''commercially practicable.'' And it should be easy enough for Microsoft, through a wink and a nod, to ensure that any such representations were not accompanied by efforts to prove that commercial practicability to Microsoft's detriment.

VIII. THE RPFJ'S ENFORCEMENT MECHANISMS ARE FUNDAMENTALLY INADEQUATE.

As we have shown above, the RPFJ fails adequately to prevent Microsoft from engaging in illegal and anticompetitive practices, and allows it to continue the patterns of behavior that led to this litigation in the first place. The RPFJ suffers from an important secondary flaw, however: the enforcement mechanisms contained in Section IV are fundamentally inadequate. The RPFJ commits much of the practical enforcement responsibility to a ''Technical Committee,'' RPFJ § IV(B), that would monitor ''enforcement of and compliance with'' the RPFJ. Id. § IV(B)(1). The Technical Committee is likely to impede enforcement rather than aid it.

First, Microsoft—the antitrust violator—could exert inappropriate control over the membership of the Technical Committee. Rather than creating a special master or an independent review committee to monitor compliance with the consent decree, the RPFJ allows Microsoft to have an equal voice with the plaintiffs in choosing the members of the Technical Committee; indeed, Microsoft may choose one of the three members outright. Id. § IV(B)(3). Although appointing a special master with real (though reviewable) power might make sense as a matter of judicial administration, allowing Microsoft to choose its own monitor makes no sense at all.

The composition of the Technical Committee suffers from a second defect. The RPFJ provides that ''[t]he Technical Committee members shall be experts in software design and programming.'' RPFJ § IV(B)(2) (emphasis added). The interpretation of the RPFJ is largely a legal matter, however, dependent on adequate knowledge of the antitrust Section after section of the RPFJ is extraordinarily vague. 19 Experts in software design simply will not have any basis adequately to review complaints that Microsoft's 19 For example, as we discussed above the RPFJ relies heavily on a ''reasonableness'' standard of conduct that simply reproduces a full analysis under the antitrust laws. Antitrust remedies, like other injunctive decrees, are supposed to be amenable to swift and sure enforcement, according to standards that give warning of what is forbidden and what is permitted both to the wrongdoer and to its potential victims. But again and again, the RPFJ would require both the Technical Committee and eventually the decree court to determine whether Microsoft's conduct was ''reasonable.'' behavior fails to comply with the RPFJ. However, that is the entire purpose of the Technical Committee. Not only is the selection and composition of the Technical Committee problematic; the RPFJ's restrictions on how the Technical Committee can go about its business are equally inadequate. For example, it is likely that all third-party allegations of misconduct by Microsoft will be reviewed by the Technical Committee. 20 But the Technical Committee lacks any real power, and operates almost entirely in secrecy. Even if the Technical Committee finds Microsoft to be violating the RPFJ, its sole recourse is to ''advise Microsoft and the Plaintiffs of its conclusion and its proposal for cure.'' Id. IV(D)(4)(c). If DOJ or the settling State plaintiffs proceed with a complaint, none of the ''work product, findings or recommendations by the Technical Committee may be admitted in any enforcement proceeding before the Court for any purpose, and no member of the Technical Committee shall testify by deposition, in court or before any other tribunal regarding any matter related to [the RPFJ].'' Id. § IV(D)(4)(d). Enforce- ment would have to start over from scratch. In effect, the Technical Committee's investigation is simply a waste of time. Even were the plaintiffs to decide, based on a Technical Committee report, that Microsoft had violated the RPFJ, the plaintiffs would need independently to investigate that violation under Section IV(A)(2). Indeed, the Technical Committee's reports to the 20 While third parties have the right to raise complaints with the Internal Compliance Officer, see RPFJ § IV(C)(3)(g), the RPFJ gives them no incentive to do so; such complaints would merely allow a proven antitrust violator itself to determine whether it has violated the RPFJ or again violated the antitrust laws. Although the RPFJ also allows third parties to submit complaints directly to the plaintiffs, see id. § IV(D)(1), the plaintiffs can thereafter at their sole discretion refer any such complaints to the Technical Committee, id. § IV(D)(4)(a), or to the Internal Compliance Officer, id. § IV(D)(3)(a). plaintiffs will be secret. See RPFJ § IV(B)(8)(e), (9). Ultimately, the Technical Committee simply injects delay into the process. But delay is indisputably in Microsoft's interest; Microsoft's monopolies bring it $1 billion each month in free cash flow, see Rebecca Buckman, Microsoft Has the Cash, and Holders Suggest a Dividend, WALL ST. J., Jan 18, 2002, at A3. Microsoft not only can afford to contest enforcement vigorously, but would not have to postpone enforcement for long before the RPFJ expires.

Finally, the ''crown jewel'' provision in the RPFJ is grossly inadequate. If at any point the court were to find that Microsoft had ''engaged in a pattern of willful and systematic violations,'' RPFJ § V(B) (emphasis added), the RPFJ provides only one remedy for plaintiffs or the court: to extend the inadequate, and already overly-short, consent decree by ''up to two years.'' But that is no deterrent. Willful and systematic violations should result in divestiture that terminates the illegally maintained monopoly once and for all. See Microsoft III, 253 F.3d at 103; United Shoe, 391 U.S. at 250. Slightly prolonging a failed decree makes no sense at all.

CONCLUSION

The Revised Proposed Final Judgment should be rejected as contrary to the public interest.

Respectfully submitted.

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BEFORE THE UNITED STATES DEPARTMENT OF JUSTICE UNITED STATES OF AMERICA, Plaintiff, V. MICROSOFT CORPORATION, Defendant. Civil Action No. 98–1232 (CKK)

STATE OF NEW YORK ex rel. Attorney General Eliot Spitzer, et al., Plaintiffs, v. MICROSOFT CORPORATION, Defendant. Civil Action No. 98–1233 (CKK)

DECLARATION OF JOSEPH E. STIGLITZ AND JASON FURMAN

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I. QUALIFICATIONS

Our names are Joseph Stiglitz and Jason Furman. Dr. Stiglitz is a Professor at Columbia Business School, Columbia's Graduate School of Arts and Sciences (in the Department of Economics), and Columbia's School of International and Public Affairs. In 2001, Dr. Stiglitz was awarded the Nobel Prize in Economic Sciences. In addition, Dr. Stiglitz serves as a Senior Director and Chairman of the Advisory Committee at Sebago Associates, Inc., an economic and public policy consulting firm.

Dr. Stiglitz previously served as the World Bank's Chief Economist and Senior Vice President for Development Economics. Before joining the Bank, he was the Chairman of the President's Council of Economic Advisers. Dr. Stiglitz has also served as a professor of economics at Stanford, Princeton, Yale, and All Souls College, Oxford.

As an academic, Dr. Stiglitz helped create a new branch of economics—''The Economics of Information''—which has received widespread application throughout economics. In the late 1970s and early 1980s, Dr. Stiglitz helped revive interest in the economics of technical change and other factors that contribute to long-run increases in productivity and living standards. Dr. Stiglitz is also a leading scholar of competition policy.

In 1979, the American Economic Association awarded Dr. Stiglitz its biennial John Bates Clark Award, given to the economist under 40 who has made the most significant contributions to economics. His work has also been recognized through his election as a fellow to the National Academy of Sciences, the American Academy of Arts and Sciences, and the American Philosophical Society, as well as his election as a corresponding fellow of the British Academy. He has also been awarded several honorary doctorates.

Jason Furman is a Lecturer in economics at Yale University. In addition, Mr. Furman is a Director at Sebago Associates. Mr. Furman previously served as Special Assistant to the President for Economic Policy at the White House, where his responsibilities included tax policy, the Federal budget, Social Security, anti-poverty programs, and other economic policy issues.

II. PURPOSE

This Declaration was commissioned by the Computer & Communications Industry Association (CCIA) as an independent analysis of the competitive effects of the Proposed Final Judgment. The views and opinions expressed in this Declaration are solely those of the authors based on their own detailed study of the relevant economic theory and court documents; they do not necessarily reflect the views and opinions of CCIA. In addition, the views and opinion expressed in this Declaration should not be attributed to any of the organizations with which the authors are or have previously been associated.

III. INTRODUCTION

Competition is the defining characteristic of a market economy. It provides the incentive to produce new products that consumers want, to improve efficiency and lower the costs of production, and to pass on these innovations in the form of lower prices for consumers. In a competitive market, a firm that does not act in the best interests of consumers will be punished and, ultimately, will fail. But when competition is imperfect—or when it is nonexistent as in the limiting case of monopoly—the incentives to undertake these beneficial actions may be attenuated. In fact, a firm may even face incentives to behave in ways which do not serve the interests of consumers or the economy more generally. Monopoly power may lead a firm to underinvest in innovation, misdirect its investments, or undertake other activities in order to stifle competition rather than to improve products. Costs of production may be excessive because the monopolist has insufficient incentives for efficiency, has incentives to undertake costly measures to deter competition, or undertakes measures to raise rivals'' costs. And consumers will face higher prices and fewer choices in the short run; in the long run, the losses to consumers may be even more severe.

In a unanimous decision, the full Court of Appeals for the DC Circuit upheld the District Court finding that Microsoft was guilty of violating 2 of the Sherman Act through its illegal maintenance of a monopoly in the market for Intel-compatible personal computer (PC) operating systems.[1] The Court of Appeals also affirmed numerous findings of fact concerning the consequences of this illegal monopolization for misdirecting innovation, raising rivals'' costs, and limiting consumer choice.

The desire to maintain this monopoly, even against potentially superior products, creates a powerful incentive for Microsoft to eliminate or weaken competition that could erode or even eliminate its monopoly. In the mid-1990s, the principal threat to Microsoft's Windows operating system came from the development of the Netscape browser and Java technologies,[2] which allowed programmers to write applications to Netscape and Java, meaning that such programs would then work on any operating system that would run Netscape or lava. By reducing or even eliminating the cost of producing applications for different operating systems, these technological rivals reduced the barriers to entry for a new operating system and threatened, over the longer run, to erode Microsoft's monopoly in Intel-compatible PC operating systems by allowing competitors to provide superior products at a lower cost.

Microsoft's conduct has effectively eliminated the threat posed by Netscape and Java. Given ongoing rapid technological progress, it is impossible to predict with certainty where the next challenge to Microsoft Windows will come from. The experience in this area, however, suggests that it is likely to come from rivalry at the borders of operating systems, in particular from ''middleware'' that makes it possible for programmers to write to the ''middleware'' rather than to the underlying operating system. One such example comes from the increasingly important area of multimedia: streaming media players. Whether the next challenge to Microsoft's operating systems monopoly comes from a multimedia package or another technology, Microsoft will continue to have the same incentives and ability to stifle competition as it displayed against Netscape and Java in the mid- 1990s.

The principal goal of any remedy for Microsoft's illegal behavior in this case should be to foster competition and expand choices for consumers. The key to achieving this goal is changing Microsoft's incentives and taking steps to increase competition. A structural remedy, such as splitting up the company, would most directly alter incentives. Where such structural changes are not possible, the remedy should prohibit and regulate the conduct that Microsoft has used in the past and will have an incentive to use in the future to eliminate threats from ''middleware'' products that threaten to limit its monopoly power by usurping some, and perhaps eventually all, of the important functions of the Windows operating system.

The Revised Proposed Final Judgment (PFJ) of November 6, 2001 does not change Microsoft's incentives to undertake anticompetitive acts to stifle consumer choice by thwarting potentially superior products[3]) Furthermore, the PFJ provides few effective prohibitions against future anticompetitive conduct: It alternatively ratifies Microsoft's existing conduct, contains sufficient loopholes to allow Microsoft to circumvent the legislation, and suffers from toothless enforcement procedures that would allow Microsoft to reap the fruits of its monopoly for a significant, and potentially even indefinite, period. In our view, the PFJ would leave intact Microsoft's ability to maintain, and benefit from, its Windows operating system monopoly, while allowing

[1] United States v. Microsoft Corp., 253 F.3d 34 (DC Cir. 2001).

[2] ''The Java technologies include: (1) a programming language; (2) a set of programs written in that language, called the 'Java class libraries,'' which expose APIs; (3) a compiler, which translates code written by a developer into 'bytecode'; and (4) a Java Virtual Machine ('JVM'), which translates bytecode into instructions to the operating system.'' See 253 F.3d at 74, citing Findings of Fact ¶ 73, United States v. Microsoft Corp., 84 F. Supp. 2d 9, 29 (D.DC 1999).

[3] United States v. Microsoft Corp., Revised Proposed Final Judgment, in the U.S. District Court for D.C, November 6, 2001.

it to continue to limit choices for consumers and stifle innovation.

The PFJ does not even accomplish the limited remedial goals articulated in the U.S. Department of Justice's Competitive Impact Statement (CIS).[4] Specifically, in addition to its loopholes and its inadequate enforcement mechanism, the PFJ is entirely silent on several key findings of the Court of Appeals, including the commingling of applications and operating systems code, the pollution of Java, and the applications barrier to entry more broadly.

The PFJ should be rejected and replaced with a remedy that changes Microsoft's incentives to unfetter the market for competition. At a minimum, a remedy in this case needs to restrain Microsoft's conduct, by restricting the means through which Microsoft can illegally maintain and benefit from its monopoly.

The goal of this Declaration is to analyze the PFJ. It does not propose a detailed alternative remedy. It is important to note, however, that the proposal by the litigating States, while imperfect, is clearly superior to the PFJ in all of these regards. We do not address more aggressive remedies—such as structural changes to break up Microsoft or impose more extensive limitations on its intellectual property rights—but we note that such broader measures may well be necessary and desirable in order to alter Microsoft's incentives for anti-competitive behavior.[5] We are convinced, however, that the PFJ fails to meet the minimum requirement of an acceptable remedy—that is, it is unlikely to substantially increase competition in the relevant market.

The remainder of this Declaration contains five sections. First, it presents a brief discussion of the modem theory of competition, focusing on its relation to innovation. Second, it summarizes the relevant facts and legal conclusions relating to Microsoft. Third, it outlines what an effective remedy in this case should entail. Fourth, it examines the PFJ and highlights its deficiencies in comparison to this effective remedy. Finally, the paper concludes with a brief discussion of practical measures that could provide a more effective remedy.

IV. THE MODERN ECONOMIC THEORY OF COMPETITION AND MONOPOLY

This section presents a brief overview of the modem economic theory of competition and monopoly. The theory of competition has evolved rapidly in the last few decades, due in part to the natural evolution of economic thought and in part to the issues raised by the ''new economy'' (such as the importance of network effects and rapid innovation). Given the vast literature on the topic, this discussion is necessarily selective and focuses on the most relevant issues for Microsoft's monopoly of the market for operating systems for Intel-compatible PCs. This theoretical background motivates the conclusions about the PFJ.

A. Acquisition of a monopoly

The traditional view of monopoly is that in specific industries, like public utilities, increasing returns to scale create a situation in which luck or initial success will eventually lead to one firm that can maintain its monopoly by controlling an entire market and thus benefiting from the lower average costs of production that result from the larger scale of production. This aspect of the traditional view is still salient in the software market. Producing a software program has high fixed costs in the form of investments in research and development but, once this investment has been made, virtually no marginal cost from producing additional units. As a result, the larger the scale of production, the lower the average cost. By itself, these increasing returns to scale will provide a powerful force for consolidation.

The modem view of monopoly has added an additional effect that can strengthen the advantages enjoyed by the lucky or initially successful firm: network effects.[6] 6 Network effects arise when the desirability of a product depends not just on the characteristics of the product itself but also on how many other people are using it.

Network externalities may be direct: as a user of Microsoft Word, I benefit when many other people also use the program because it is easier to share Word files. Network externalities may also be indirect: I am more likely to purchase a computer and operating system if I know that more software choices are currently available (and will be available in the future) for this system. An operating system with a larger set of existing (and expected) compatible applications will be more desirable. This indirect network effect has been called the ''applications barrier to entry.'' [7] The main reason that consumers demand a particular operating system is its ability to run the applications that they want. In developing applications, Independent Software Vendors (ISVs) incur substantial sunk costs and thus face increasing returns to scale. This motivates ISVs to first write to the operating system with the largest installed base. Because ''porting'' an application to a different operating system will result in substantial additional fixed costs, a firm will have less incentive to produce the application for operating systems with a smaller installed base, and may do so with a delay or forgo porting completely.

The applications barrier to entry can skew competition for an extended period of time and ensure that any monopoly power, once established, will tend to persist. In choosing a PC and an operating system, consumers make a large fixed investment. In addition, because a considerable amount of learning is associated with the use of operating systems and associated applications, and because files created under one applications software program may not be easily or perfectly transferable to others, there are large costs associated with switching. As a result, consumers will evaluate, among other factors, the current existence of compatible applications and the likely number of future compatible applications.[8] 8 The current number of compatible applications is likely to depend directly on the past and current market share of the operating system. A consumer's reasonable evaluation of the prospects for the continued support of his or her favorite applications and the development of new applications is also likely to be based on current market share. As a result, increased market share indirectly increases the desirability of an operating system.

Empirically, this applications barrier to entry is dramatic. At its peak in the mid-1990s, IBM's operating system, OS/2 Warp, had 10 percent of the market for operating systems for Intel-compatible PCs and ran approximately 2,500 applications. In contrast, Windows supported over 70,000 applications.[9] Establishing a new operating system that effectively competes head-to-head with Windows would require the hugely expensive task of attracting ISVs to port thousands or even tens of thousands of programs to the new operating system, a process with a substantial fixed cost and, in the absence of a large guaranteed market, little scope to benefit from economies of scale. Particularly important to the applications barrier to entry is the availability of applications providing key functionalities, such as office productivity. Microsoft's dominance in this area, and its choice about whether or not to port its Microsoft Office program to alternative operating systems, can add a new and even higher level to the applications barrier to entry.

With this barrier to entry, a monopoly once established may be hard to dislodge. Anticompetitive practices early in the competitive struggle can lead to a market dominance that can persist, even if the anticompetitive practices which gave rise to the monopoly position are subsequently prohibited. These hysteresis effects are reinforced by switching costs. Learning a language or a program interface may involve significant costs. Users must therefore be convinced that an alternative program is substantially superior if they are to be induced to incur the learning and other costs associated with switching to an alternative product. These ''lock in'' effects make it more difficult to dislodge a firm that has established a dominant position, even when it is technically inferior to rivals.

This perspective has two important policy implications. First, it is imperative to address anticompetitive practices as quickly as possible. Delay is not only costly, but it impedes the restoration of competition even in the longer run. Second, prohibiting the

[4] U.S. Department of Justice (November 15, 2001), Competitive Impact Statement in United States vs. Microsoft Corp.

[5] Restrictions on intellectual property rights have been used as a remedy in past antitrust cases, for example IBM's 1956 tabulating machines case, in a manner that is both effective and largely without adverse effects.

[6] For an overall survey, see Michael Katz and Carl Shapiro (1994), ''Systems Competition and Network Effects.'' Journal of Economic Perspectives, 8:2, 93–115. For a specific application to Microsoft, see Timothy Bresnahan (2001), ''The Economics of the Microsoft Case.'' Mimeo available at http://www.stanford.edu/tbres/Microsoft/The Economics of The Microsoft Case.pdf.

[7] Franklin Fisher, ''Direct Testimony of Franklin Fisher'' in United States v. Microsoft Corp.

[8] Nicholas Economides (1996), ''The Economics of Networks.'' International Journal of Industrial Organization, 14:2.

[9] Findings of Fact, ¶ 40 and ¶ 46, 84 F. Supp. 2d at 20, 22.

practices that gave rise to the monopoly may not suffice to restore competition. Stronger conduct, and possibly structural, remedies may be required.

B. Potential for competition

In the most simplistic view, a monopoly once attained is permanent. Increasing returns to scale and network externalities make the monopolist impregnable—any new entrant can be priced out of business by the monopolist—which can then go back to charging the monopoly price for the product.

In contrast to this simplistic static view, the economist Joseph Schumpeter presented a dynamic vision of technological change giving rise to a series of temporary monopolies. In his vision, the most successful firm in a winner-take-all contest would become a temporary monopolist, benefiting from the rents that this monopoly confers—a process necessary to justify incurring the sunk costs in research and development required to obtain the monopoly in the first place. But, in the Schumpeterian vision, this monopoly would eventually be toppled by entry as a newly innovative entrant displaced the monopolist with a superior product, thus reaping the benefits of increasing returns to scale and network externalities.[10]

The real world likely lies somewhere between these two views. A monopoly is not a fixed part of the economic landscape. But the downfall of a monopoly is not inevitable. In fact, more recent economic research strongly indicates that Schumpeter's conclusion was wrong; when restraints on anticompetitive conduct are absent, a monopoly can take steps to ensure that it is likely to be perpetuated.[11] These steps can suppress the overall level of innovation and have other high social costs.[12] Significant network effects combined with switching costs, as discussed above, represent one way in which a firm can perpetuate its market power.

Understanding this point is central to understanding what motivated the actions of Microsoft in promoting Internet Explorer and restraining Netscape and Java, and also to understanding the motivations of a conduct remedy to improve competition. Network externalities are not a ''d factor'' in the economic landscape. They depend, at least in part, on decisions by the monopolist. A monopolist has substantial resources at its disposal to strengthen barriers to entry and thus to maintain and strengthen its monopoly power. Exclusionary conduct by the monopoly can be used to prevent a reduction in the barriers to entry or even affirmatively to raise them even higher. Java and Netscape would have reduced the monopoly power of Windows by allowing a greater variety of programs to function on a greater variety of operating systems. The social benefits from such innovation were likely significant, but Microsoft would have experienced significant losses from the innovation through the erosion of its monopoly power.

Similarly, this same point can provide the rationale for structural or conduct remedies that can potentially reduce barriers to entry and thus increase competition in part, or all, of the market. The fundamental idea is that Microsoft acted as it did because it was afraid that Netscape and Java would reduce the applications barrier to entry and thus undermine its operating systems monopoly. By preventing this anticompetitive behavior, and indeed promoting competition, a conduct remedy could have precisely the opposite effect, creating the conditions for the dynamic, innovative Schumpeterian competition that would otherwise be absent in this market.

In understanding the monopoly in the operating systems market, and how it fits into the overall PC platform, it is useful to introduce some issues specific to this area. Timothy Bresnahan, a Professor of Economics at Stanford University and a former Deputy Assistant Attorney General and Chief Economist at the U.S. Department of Justice Antitrust Division, formulated the concept of ''Divided Technical Leadership.'' [13] The concept is that although each aspect of the platform is dominated by a single company, different companies dominate different ''layers'' of the platform: ''At one stage, all of IBM and Compaq (computer), Microsoft (OS), Intel (CPU), Netware (networking OS), WordPerfect and Lotus (near-universal applications) participated in technological leadership of the PC platform.'' [14] In a situation of divided technical leadership, according to Bresnahan, competition comes from two sources: ''(1) firms in one layer encouraging entry and epochal change in another layer and (2) rivalry at layer boundaries.'' [15] To the degree that divided technical leadership is absent, because for example Microsoft controls many of the layers (operating system, office applications, networking, browsers, etc.), competition will be restricted. Any measures to facilitate divided technical leadership, even if they leave the monopoly at any given layer intact, will facilitate competition and thereby benefit consumers in the form of greater innovation, more choices, and lower prices.

C. Consequences of monopoly

Traditional economic theory suggests that the principal consequence of a monopoly is to raise prices and restrict production. This combination has two consequences. First, higher prices allow the monopolist to capture some of the surplus previously enjoyed by consumers. Second, restricted production results in a deadweight loss for society, the so-called ''Harberger triangle,'' to the extent that the value placed on the forgone consumption by consumers exceeds its cost to producers.[16]

Over the last few decades, economists have substantially enhanced this traditional theory and explored other ways in which market power imposes social costs. The modem view is that when competition is imperfect, firms try to maintain and extend their market power by taking actions to restrict competition. firms is producing innovations In the world of perfect competition, the source of success for that benefit consumers and reduce prices. In the world of imperfect competition, an additional—and perhaps paramount—source of success is the effort to reap monopoly profits, capture rents, deter entry into the market, restrict competition, and raise rivals'' costs.[17]

Under the new view, the social costs of monopolies go well beyond the ''Harberger triangles'' that result from higher prices and restricted output. In fact, even if the monopolist is not currently restricting output, the steps taken to maintain the monopoly will result in substantial economic inefficiencies and costs to society. These costs may be far larger than the monopoly profits and far larger than the Harberger triangles. These social losses reflect higher costs of production (both for the firm and its rival), limited or distorted investment in innovation, a restricted set of potentially inferior choices for consumers, and, in the long run, higher prices.

D. Monopolies and innovation

The information technology industry is characterized by a rapid rate of technological change. As the modem theory of competition and monopoly underscores, it is important to focus not just on the static issues that affect consumers today, but also on how the mixture of monopoly, competition, and the intellectual property regime affects the pace and direction of innovation.

Schumpeter emphasized that monopolies would provide both the incentives and the means for innovation. According to Schumpeter, the fear of losing monopoly rents would drive a monopolist to continue innovating and these monopoly rents—or the promise of further monopoly rents in the future—would provide the financing for these innovations. Schumpeter's vision contains elements of truth: the threat of competition may induce monopolists to invest more in innovation than it otherwise might. But the pace of innovation may be even higher if the incumbent's monopoly power were curtailed. Monopoly power could lower the pace of innovation for four reasons.

First, previous innovations are inputs into any subsequent innovation. Monopoly power can be thought of as increasing the cost of one of the central inputs into follow-on innovations. Standard economic theory

[10] Joseph Schumpeter (1942 / 1984), Capitalism, Socialism and Democracy. Harper Collins, New York.

[11] See, among other references, Richard Gilbert and David Newbery (1980), ''Preemptive Patenting and the Persistence of Monopoly.'' American Economic Review 72(3), pp. 514–526 and Partha Dasgupta and Joseph Stiglitz (1980), ''Uncertainty, Market Structure and the Speed of R&D,'' Bell Journal of Economics, 11 (1), pp. 1–28.

[12] Joseph Stiglitz (1987). ''Technological Change, Sunk Costs, and Competition.'' Brookings Papers on Economic Activity, 3, pp. 883–937.

[13] Timothy Bresnahan and Shane Greenstein (1999), ''Technological Competition and the Structure of the Computer Industry.'' Journal of Industrial Economics, 47(1): pp. 140 and Bresnahan (2001).

[14] Bresnahan (2001), p. 5.

[15] Bresnahan (2001), p. 6.

[16] Arnold Harberger (1954), ''Monopoly and Resource Allocation,'' AEA Papers and Proceedings, 44: 77–87.

[17] Partha Dasgupta and Joseph Stiglitz (1998), ''Potential Competition, Actual Competition and Economic Welfare.'' European Economic Review, 32: 569–577. For an extended discussion and additional references see Joseph Stiglitz (1994), Whither Socialism, MIT Press, Cambridge.

predicts that as the cost of inputs into any activity increases, the level of that activity falls.

Second, with more substantial barriers to entry, the threat of Schumpeterian competition and therefore the incentives to innovate are diminished. In the extreme case, if a monopoly could ensure that there were no threat of competition, it would no longer have to innovate. A monopolist's anticompetitive actions to raise barriers to entry will reduce its future incentives to innovate, similarly measures that increase competition will increase the Schumpeterian incentive.

Third, innovation itself may be misdirected in order to secure a monopoly by deterring entry and raising rivals'' costs. In operating systems, for example, the development of alternative proprietary standards and the construction of non-interoperable middleware are examples of innovations that could potentially strengthen monopoly power.

Fourth, the incentives of a monopoly to innovate are limited.[18] Since a monopolist produces less than the socially optimal output, the savings from a reduction in the cost of production are less than in a competitive market. Also, a monopolist's incentives to undertake research will not lead it to the socially efficient level. Rather, its concern is only how fast it must innovate in order to stave off the competition—a level of innovation that may be markedly lower than socially optimal. Consider, for example, a simple patent race in which a monopoly incumbent can observe the position (at least partially) of potential rivals. The monopolist's incentive is to move out in front of the potential rivals by just enough to convince them that they cannot beat the monopolist. Given those beliefs, the rivals do not engage in research, and the monopolist can then slow down its research to a lower level (since it no longer faces a viable threat).

In short, monopolization not only harms consumers by raising prices and reducing output in the short run, but may reduce innovation in the long run. These long-run harms, which are especially important in innovative industries, may substantially exceed the short-run costs to consumers.

v. FACTS AND LEGAL CONCLUSION RELATING TO MICROSOFT

In its decision, the Court of Appeals affirmed the District Court's overall judgment, albeit on a narrowed factual and legal basis. The Court of Appeals concluded that ''Microsoft violated § 2 of the Sherman Act by employing anticompetitive means to maintain a monopoly in the operating system market.'' 19 In addition, the Court of Appeals overturned the lower court's judgment that Microsoft violated § 2 of the Sherman Act by attempting to monopolize the web browser market. The Court of Appeals remanded the decision on whether the tying of Internet Explorer to Windows violated § 1 of the Sherman Act and indicated that tying should be evaluated under the rule of reason, rather than under a per se rule; the U.S. Department of Justice chose not pursue this issue further. The Court of Appeals also vacated the District Court's Final Judgment, in part because of the narrowed scope of the judgment on the conclusions of law.

The current task in this case is to develop a remedy that addresses the central finding of the Court of Appeals: the monopolization of the operating systems market. This judgment was based on findings of fact and conclusions of law in three areas: Microsoft has monopoly power in the relevant market, Microsoft behaved anticompetitively, and Microsoft's anticompetitive behavior contributed to the maintenance of its monopoly. These are briefly discussed in turn.

A. Monopoly power

Monopoly power is the power to set prices without regard to competition. It can be inferred by the combination of market share in the relevant market and significant barriers to entry. The District Court found that Microsoft's share of the worldwide market for Intel- compatible PC operating systems exceeded 90 percent in every year of the 1990s and has risen to 19 253 F.3d at 46.

more than 95 percent in recent years. Microsoft did not dispute these facts, but instead argued that the relevant market was broader and should include all platform software (e.g., servers, handheld devices, Macintosh computers, etc.). The Court of Appeals, however, rejected Microsoft's attempt to broaden the definition of the market, agreeing with the District Court that these other platforms were not '''reasonably interchangeable by consumers for the same purposes.''' [20]

In addition, the Court of Appeals affirmed the finding that Microsoft's dominant market share was likely to persist. This conclusion was based on the substantial barriers to entry, including increasing returns to scale and the applications barrier to entry discussed above. As a result, according to the Court of Appeals, ''Because the applications barrier to entry protects a dominant operating system irrespective of quality, it gives Microsoft the power to stave off even superior new rivals. The barrier is thus a characteristic of the operating systems market, not of Microsoft's popularity.'' [21]

B. Anticompetitive behavior

The Court of Appeals found numerous instances where Microsoft behaved anticompetitively through exclusionary conduct that harmed consumers, had an anticompetitive effect, and had either no ''procompetitive justification'' or an insufficient ''procompetitive justification'' to outweigh the harm. These actions, according to the Court of Appeals, had the intention and effect of preserving or increasing the applications barrier to entry. The Court of Appeals upheld most of the general categories of anticompetitive behavior originally found by 20 253 F.3d at 52, quoting United States v. E.I. du Pont de Nemours & Co., 351 U.S. 377, 395 (1956).

the District Court, but overturned some of the District Court's specific findings in these areas. The key instances of this anticompetitive behavior found by the Court of Appeals include: Restrictive Licenses to Original Equipment Manufacturers (OEMs).[22] Microsoft's Windows license placed restrictions on OEMs that limited their ability to change the look of the Windows desktop, the placement or removal of icons for browsers, or the initial boot sequence. The result was to increase the user share of Internet Explorer, not because of its merits, but because Microsoft limited the crucial OEM channel of distribution for Explorer's chief rival, Netscape. ú Integration of Internet Explorer into Windows.[23] Microsoft discouraged OEMs from installing other browsers and deterred consumers from using them by not including Internet Explorer in the Add/Remove programs list for Windows 98 and commingling the operating system and browser code.

úAgreements with Internet Access Providers (IAPs).[24] Microsoft engaged in exclusionary conduct to restrict the second main distribution channel for Netscape by offering IAPs, including America Online, the opportunity to be prominently featured in Windows in exchange for using the Internet Explorer browser exclusively. Dealings with ISVs and Apple.[25] Microsoft further restricted additional outlets for Netscape by providing ISVs with preferential access to information about forthcoming releases of Windows 98 in exchange for their writing to Internet Explorer rather than Netscape. In addition, Microsoft negotiated with Apple to restrict the ability of Macintosh consumers to use Netscape in exchange for continuing to develop and support Microsoft Office for the Macintosh operating system. ú Polluting Java. The Court of Appeals also found that much of Microsoft's behavior vis- a-vis Java was an attempt to limit a threat to its operating system monopoly rather than benefit consumers. These illegal actions included entering into contracts requiring ISVs to write exclusively to Microsoft's Java Virtual Machine, misleading ISVs into thinking that Microsoft's Java tools were cross-platform compatible, and forcing Intel to terminate its work with Sun Microsystems on Java.[26]

[18] Kenneth Arrow (1962), ''Economic Welfare and the Allocation of Resources for Invention.'' In The Rate and Direction of Inventive Activity, Princeton University Press, Princeton: pp. 609–625.

[20] 253 F.3d at 52, quoting United States v. E.I. du Pont de Nemours & Co., 351 U.S. 377, 395 (1956).

[21] 253 F.3d at 56.

[22] The Court of Appeals narrowed the scope of this anticompetitive behavior slightly, rejecting the District Court's finding that Microsoft's restrictions on alternative interfaces was anticompetitive, arguing that the ''marginal anticompetitive effect'' of Microsoft's license restrictions was outweighed by the alternative, the ''drastic alteration of Microsoft's copyrighted work.'' See 253 F.3d at 63.

[23] The Court of Appeals, however, overruled the District Court in one instance, finding a sufficient justification for the fact that in certain situations Internet Explorer will override user defaults and launch, for example when alternative browsers do not provide the functionality required by Windows Update. See 253 F.3d at 67.

[24] The Court of Appeals found that several inducements offered by Microsoft to encourage IAPs to use Internet Explorer were not anticompetitive. See 253 F.3d at 68.

[25] The Court of Appeals overturned the finding that Microsoft's deals with Internet Content Providers were anticompetitive. See 253 F.3d at 71.

[26] See 253 F.3d at 74–78. The Court of Appeals, however, found a sufficient procompetitive justification for Microsoft's development of its own version of a Java virtual machine. See id. at 74–75.

C. Effectiveness of anticompetitive behavior in maintaining the monopoly

Finally, the Court of Appeals found that Microsoft's anticompetitive efforts to increase usage of Internet Explorer and Microsoft's Java Virtual Machine at the expense of Netscape and Sun's Java had the effect of increasing the applications barrier to entry and thus helping to maintain Microsoft's monopoly of the market for operating systems for Intel-compatible PCs. This finding is the crucial link to the economics of the case; a monopoly is neither automatically permanent nor automatically transient. Rather, its persistence depends, in part, on the barriers to entry which, in turn, depend on the actions of the monopolist and the regulation of the government. This finding is also crucial to the development of proposed remedies.

Specifically, the Court of Appeals found that although neither Netscape nor Java posed an imminent threat of completely replacing all the functions of the operating system (and thus should be excluded from the definition of the relevant market for the test of monopoly power), they did pose a nascent threat to Microsoft's future dominance of the operating system market. Though not part of the ''operating systems market,'' they clearly affected the nature of competition in this market. Both Netscape and Java established Applications Programming Interfaces (APIs) that allowed developers to write some programs to Netscape and Java. These programs would then be able to run on any operating system that runs Netscape or Java. The result would be, at least in one segment of applications, a dramatic reduction in the applications barrier to entry. No longer would software developers have to incur additional costs to run on additional operating systems. As a result, Netscape and Java had the potential to act as a crucial level of ''middleware'' between the operating system and the programs, and eventually could ''commoditize the underlying operating system,'' to use the memorable words of then-Microsoft Chairman and CEO Bill Gates in an internal memo.[27]

The Court of Appeals wrote:

We may infer causation when exclusionary conduct is aimed at producers of nascent competitive technologies as well as when it is aimed at producers of established substitutes... the question in this case is not whether Java or Navigator would actually have developed into viable platform substitutes, but (1) whether as a general matter the exclusion of nascent threats is the type of conduct that is reasonably capable of contributing significantly to a defendant's continued monopoly power and (2) whether Java and Navigator reasonably constituted nascent threats at the time Microsoft engaged in the anticompetitive conduct at issue.'' [28]

The court answered in the affirmative on both issues.

VI. OUTLINE OF AN EFFECTIVE CONDUCT REMEDY

The Court of Appeals was clear that the District Court has ''broad discretion'' to fashion a remedy that is ''tailored to fit the wrong creating the occasion for the remedy.'' [29] In the CIS, the Department of Justice appears to take a minimal view of the goals of a remedy, writing that it should ''eliminate Microsoft's illegal practices, prevent recurrence of the same or similar practices, and restore the competitive threat that middleware products posed prior to Microsoft's unlawful undertakings.'' [30] We believe that the PFJ fails even within the narrow terms that the Department of Justice set for itself.

The Court of Appeals appears to provide guidance for a broader remedy, quoting the Supreme Court in saying that the role of a remedies decree in an antitrust case is to ''unfetter a market from anticompetitive conduct'' and ''terminate the illegal monopoly, deny the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future.'' [31]

One type of potential remedy, imposed by the District Court but vacated by the Court of Appeals, is structural. Such a structural remedy would involve breaking Microsoft into two or more companies with the goal of establishing a new set of incentives that foster competition. Although potentially disruptive in the short run, the goal of a structural remedy is to terminate the monopoly and create the structural conditions to prevent it from re-emerging, without requiring ongoing regulation or supervision by the court or the government. Such structural remedies are particularly suitable when there have been a wide variety of anticompetitive practices in the past and when changing market conditions (such as innovation) provide opportunities for new types of anticompetitive conduct in the future. Structural remedies have the further advantage of fundamentally altering incentives.

A second type of potential remedy relates to conduct or licensing, seeking to prevent anticompetitive conduct and foster competition. A conduct remedy has the advantage of avoiding the dramatic and potentially deleterious changes associated with a structural remedy, but suffers from the defect that it is necessarily complicated and requires at least some involvement of the court and the government in regulating private enterprise. Ideally, a conduct remedy would also be structured to affect incentives: in particular, such a remedy should raise the costs of acting in an exclusionary manner.

The remainder of this section discusses an outline of the elements of an effective conduct remedy that seeks to achieve three goals: creating more choices for consumers, reducing the applications barrier to entry, and preventing Microsoft from strengthening its operating systems monopoly by bringing new products within its scope. A. Creating more choices for consumers

A conduct remedy should empower rival computer companies to modify their own versions of the computer experience to appeal to consumers. Not only will consumers benefit from the greater product choice, but entry and competition may be enhanced as consumers learn how to interact with a variety of interfaces. At a minimum, empowering OEMs and possibly ISVs to create more choices for consumers would involve: (1) the right to modify the desktop, the start menu, or other fundamental aspects of the computer experience so that OEMs can market PCs with alternative overall ''looks'', different software packages (including supplementing, replacing, or removing Microsoft middleware), and to offer lower-priced options with reduced features; (2) adequate information and technical access to develop applications for, and even modifications to, functionalities included with Windows, which would allow ISVs to develop their own bundle of the Windows operating system plus applications (and/or minus Microsoft middleware) that could be marketed either to OEMs or directly to end users; (3) protection from retaliation by Microsoft for engaging in this conduct; and (4) financial incentives to make changes that benefit consumers.

B. Reducing the applications barrier to entry

The central goal of Microsoft's illegal conduct was to preserve and strengthen the applications barrier to entry so that the Windows operating system continued to be essential to desktop computing. An effective conduct remedy in this case should take steps to reduce the applications barrier to entry, by creating conditions conducive to more competition and by requiring Microsoft to undertake actions that would lower that barrier. Reducing the applications barrier to entry is consistent with the findings of the Court of Appeals and is central to an effective remedy in this case. Although the Court of Appeals rejected or remanded the District Court's findings of liability for tying and for monopolization of the browser market, both of these actions were central to the Court's finding of liability on the § 2 Sherman Act violation for monopolizing the market for operating systems. The Court found that Microsoft used commingling of code and other exclusionary measures to increase the market share for Internet Explorer and reduce the distribution of Netscape and Java in order to strengthen the Windows monopoly.

There are two specific aspects to reducing the applications barrier to entry:

(1) encouraging competition in middleware in a manner that makes it easier for developers to write programs that run on a variety of operating systems, and (2) requiring Microsoft to port its dominant applications to alternative operating systems.

C. Preventing Microsoft from strengthening its operating system monopoly by bringing new products within its scope

Microsoft's ability to leverage its Windows monopoly to control other aspects of computing that then reinforce the Windows monopoly is a key part of its strategy of 23 anticompetitive conduct that formed the foundation for the Court o[Appeals ruling. To deal with the anticompetitive practices that are ''likely to result in monopolization in the future'' requires a remedy that addresses not just areas of past misconduct, but emerging areas as well.

[27] United States v. Microsoft Corp., Government Exhibit 20.

[28] 253 F.3d at 79.

[29] 253 F.3d at 105, 107.

[30] CIS, p. 3.

[31] 253 F.3d at 103, quoting Ford Motor Co. v. United States, 405 U.S. 562, 577 (1972).

The next section compares the actual agreement to these elements.

VII. ANALYSIS OF THE PROPOSED FINAL JUDGMENT

The PFJ fails to fulfill even the minimal goals set by the CIS. It does not address many of the proven illegal practices, including commingling, polluting Java, and strengthening the applications barrier to entry more broadly. Furthermore, in our judgment the PFJ would not ''restore the competitive threat that middleware products posed prior to Microsoft's unlawful undertakings.'' [32] Nothing in the PFJ would be likely to resuscitate the conditions of greater ''divided technical leadership'' that prevailed in the mid-1990s when Netscape and Java both presented a serious threat to Microsoft, which Microsoft suppressed through anticompetitive actions.

The PFJ also falls dramatically short of all three elements of the guidelines that appear to have been endorsed by the Court of Appeals for the DC Circuit: it allows Microsoft's illegal monopoly in operating systems to continue and perhaps even be strengthened, it allows Microsoft to keep the fruits of its statutory violation, and it leaves intact all of the incentives— and many of the means—for Microsoft to maintain and extend its monopoly in the future, especially in the important emerging areas of web services, multimedia, and hand-held computing.

The main impact of the PFJ is to codify much of Microsoft's existing conduct. Where the agreement limits Microsoft's conduct, there are often sufficient exceptions, loopholes, or alternative actions that Microsoft could undertake to make the initial conduct limits meaningless. Even where the limits are binding, Microsoft could still flout the conduct restrictions without fear of a timely enforcement mechanism. Because the Technical Committee [33] is essentially advisory and only has expertise in software design, not law and marketing, the only enforcement of the PFJ is through a full legal proceeding—which would provide enough time for Microsoft to inflict irreversible harm on competition. The time issues are especially important because in a market characterized by increasing returns to scale and network externalities, once a dominant position is established it will be hard to reverse, even if the original abusive practices are subsequently circumscribed.

The fundamental problem with the agreement is that it does not change the incentives that Microsoft faces. All of the illegal anticompetitive actions identified by the District Court and affirmed by the Court of Appeals were the result of rational decisions by Microsoft about how best to enhance its value by maintaining and expanding its monopoly. These same incentives will persist under the PFJ; given these incentives, it impossible to foresee—let alone effectively prohibit—the wide variety of potentially anticompetitive conduct that may result. Indeed, the reason that many economists have argued for the more drastic structural settlement (such splitting up Microsoft) is that such structural changes would alter incentives.[34] Though the Court of Appeals has determined that such a remedy might be too drastic, the imperative in evaluating any remedy is to ascertain its impact on incentives.

The following analyzes the details of the PFJ by comparing it to the principles outlined in the previous section. Our discussion does not aim to be comprehensive, but instead to focus on areas that illustrate or represent important economic aspects of the PFJ. Although the enforcement aspects of the PFJ, in particular the powers of the Technical Committee, are essential to understanding the limitations of the agreement, we only briefly discuss these issues.

A. Creating more choices for consumers

In developing a remedy, the court is well aware of its technical shortcomings in deciding exactly what should or should not be included as part of an operating system today—or in the future. Neither should these determinations be made solely by a monopolist. These choices should be made by consumers through the choices they have between different OEMs and ISVs. Stanford Law Professor Lawrence Lessig described this strategy as follows: ''To use the market to police Microsoft's monopoly... by assuring that computer manufacturers and software vendors remain free to bundle and support non-Microsoft software without fear of punishment by Microsoft.''[35] We agree with Professor Lessig that this should be among the goals of a final judgment and that the current agreement is woefully inadequate in meeting this objective. In our view, this is in fact a minimal objective that mitigates some of the harms to consumers from Microsoft's monopoly position but, by itself, would do little to reduce the applications barrier to entry or facilitate competition in the operating systems market itself. applications would be designed and marketed to maximize their own profits, with no regard to how this might affect the profitability of the operating system.

As noted above, a remedy that turns this overall strategy into a reality requires four different elements: (1)ensuring that OEMs and potentially ISVs have the right to modify the desktop, the start menu, or other fundamental aspects of the computer experience in any way they choose; (2) ensuring that OEMs and ISVs have adequate information and technical access to develop applications for, and even modifications to, Windows; (3) ensuring that they are protected from retaliation by Microsoft for providing alternatives to consumers; and (4) ensuring that they have financial incentives to make changes that benefit consumers. The PFJ is deficient in all four.

1. Ensuring that OEMs and potentially ISVs have the right to modify fundamental aspects of the computer experience in any way they choose

The PFJ codifies several new rights for OEMs to modify the desktop or the computer experience, some of which were already voluntarily announced by Microsoft on July 11,2001 and implemented with the release of Windows XP on October 25, 2001. Specifically, Section III.C of the PFJ prohibits Microsoft from restricting OEMs from ''Installing or displaying icons, shortcuts, or menu entries for, any Non-Microsoft Middleware... distributing or promoting Non-Microsoft Middleware by installing and displaying on the desktop shortcuts of any size or shape...'' among other actions.

This new required latitude, however, is unduly limited in several respects: New flexibility is quite narrow. OEMs can only modify the initial boot screen to market IAPs to users, but cannot modify it to uninstall Microsoft middleware or to market middleware that competes with Microsoft middleware (Section III.C.5). Nothing in the PFJ would allow ISVs to acquire licenses to create their own bundles of Windows plus applications to market to consumers or OEMs, a measure that could enhance competition by bringing additional participants with substantial experience in software development into the market. While the benefits to consumers and competition of allowing ISVs to acquire such licenses are evident, Microsoft Would only be harmed to the extent that it reduces its monopoly power. There is no other convincing explanation for these restrictive trade practices.

u It contains several limitations that limit the overall look of Non-Microsoft Middleware and pace of innovation. For example, the PFJ requires that the user interface on automatically launched Non-Microsoft Middleware[36] must be ''of similar size and shape to the user interface displayed by the corresponding Microsoft Middleware Product'', can only be launched when a similar Microsoft product would have been launched, and Microsoft can impose non-discriminatory bans on icons (Section III.C.3). In addition to the fact that these limitation are frivolous, asymmetric, and would seem to serve no purpose other than restricting competitive threats—no such limitations apply to Microsoft—they could also have a severe impact in limiting competition. Specifically, it allows Microsoft to control the pace of innovation in the computer experience, letting Microsoft delay the effective launch of a new type of product until it is ready to compete in that area. Thus

[32] CIS, p. 3.

[33] The Technical Committee consists of three experts in ''software design and programming''—one appointed by Microsoft, one by the plaintiffs, and the third by these previous two. The Committee would have broad access to internal Microsoft documents, source code, etc. It would be responsible for reporting any violations of the PFJ to the plaintiffs. They would not, however, be able to rely on the work of the Technical Committee in Court proceedings. See PFJ, Section IV.B.

[34] See, for example, Robert Litan, Roger Noll, and William Nordhaus (2002), ''Comment of Robert E. Litan, Roger D. Noll, and William D. Nordhaus on the Revised Proposed Final Judgment.'' United States v. Microsoft Corp., Before the Department of Justice. The point is simple: now strategy with respect both to applications and the operating system is designed to maximize total profits, including the monopoly profits. With structural separation,

[35] Lawrence Lessig (December 12, 2001). ''Testimony before the Senate Committee on the Judiciary.''

[36] 36 AS defined in Section VI.M.

both competition and innovation may be impeded.

u It is unnecessarily delayed. Specifically, Section III.H gives Microsoft up to 12 months or the release of Service Pack 1 for Windows XP, whichever is sooner, to provide end users and OEMs a straightforward mechanism to remove icons, shortcuts, or menu entries for Microsoft Middleware Products or to allow OEMs or end users to designate alternative Non-Microsoft Middleware Products [37] to be invoked by the Windows operating system in place of Microsoft Middleware Products.[38] There is certainly no economic or legal justification for this delay and our understanding is that it is technically feasible to carry out these changes in a few weeks time, as demonstrated by Microsoft's July 11, 2001 voluntary agreement to implement elements of this provision. As we have emphasized, there can be significant long-run consequences for competition from even short delays.

u Microsoft could encourage users to undo changes after 14 days. The value of the new contractual freedoms is limited by Microsoft's ability to encourage the user to undo all OEM changes after 14 days by allowing a user-initiated ''alteration of the OEM's configuration... 14 clays after the initial boot up of a new Personal Computer.'' (Section III.H.3) This provision, in effect, would allow Microsoft to present a message to end users (e.g., ''Press 'yes'' to optimize your computer for multimedia'') that could bias choices toward Microsoft products, regardless of what the OEM had chosen. This provision could therefore greatly reduce the scope and value of the changes that OEMs make.[39]

2.Ensuring that OEMs ISVs have adequate information and technical access to develop applications for, or even modifications to, Windows

The right to make modifications to Windows will only work effectively if OEMs and ISVs have the knowledge to exercise this right. Microsoft currently releases an enormous quantity of information on the Windows operating system and its APIs, through the Microsoft Developer Network (MSDN) and other means. Indeed, the indirect network externalities supporting the Windows monopoly provide a strong incentive for Microsoft to ensure that as many applications as possible run well on its system. But Microsoft also has an incentive to bolster its operating system monopoly by selectively withholding timely information to impede or delay the development of products that threaten to reduce the applications barrier to entry.[40] In addition, Microsoft has also required anticompetitive actions in exchange for information, as in the ''first wave'' agreements found illegal by the Court of Appeals.[41]

The PFJ requires disclosure of ''the APIs and related Documentation that are used by Microsoft Middleware to interoperate with a Windows Operating System Product'' (Section III.D) and specified Communications Protocols (Section III.E).

These requirements, however, are deficient in several ways:

u Windows APIs are not covered. In particular, the PFJ does not require the disclosure of the APIs used by Windows. Although Microsoft already has an incentive to disclose Windows APIs, there are circumstances where delay could be more profitable. The consequences of this omission are aggravated by the definition in Section VI.U: ''the software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion.'' Thus, as middleware gets blended in the operating system, the scope of disclosures could be narrowed.

u Internet Explorer and other middleware APIs are not covered. Furthermore, the agreement does not require the disclosure of the APIs used by Internet Explorer. Although the government did not prove that Microsoft was guilty of monopolizing the browser market, dominating this market played a key role in shoring up its monopoly in the operating systems market. As a result, requiring disclosure of the APIs for Internet Explorer and other middleware could play a role both in denying the fruits of that monopoly and reducing this barrier to entry in its operating systems market. . Definitions could limit disclosure even further. The scope of APIs required to be disclosed under the agreement could be potentially limited even further by the control Microsoft has over what is ''Microsoft Middleware'' and what is the ''Windows Operating System Product.''

. Additional loopholes further limit disclosure and ability of non-Microsoft middleware to fully interoperate with Windows. Section III.J.1 provides a substantial loophole that exempts from the disclosure requirements anything that ''would compromise the security of a particular installation,... digital rights management, encryption or authorization systems...'' These are all very important technologies for Windows Media Player, Passport, the Internet Explorer browser, and any of the many programs that rely increasingly on security and encryption. In addition to giving Microsoft substantial discretion and blurring the disclosure requirements further, these exceptions would make it impossible for competitors to design middleware that fully interoperated with the Windows operating system, leaving certain features only accessible to Microsoft middleware.

. Disclosures are not timely. The disclosures are not very timely, allowing Microsoft enough time to ensure that its products—and products by favored OEMs and ISVs— enjoy a substantial ''first to market'' benefit in taking advantage of the functionality of the operating system. Microsoft has up to 9–12 months to disclose the APIs and communications protocols. In the case of a new version of the Windows Operating System Product, the PFJ bases the timing of the disclosure on the number of beta testers, effectively giving Microsoft substantial discretion over the timing of the required disclosures through its definition of the term ''beta tester'' and its control over their number. (Sections III.D and VI.R)

. Microsoft could cripple rival products. The PFJ does nothing to prevent Microsoft from deliberately making changes in Windows with the sole or primary purpose of disabling or crippling competitors'' software products. 30

3. Ensuring that OEMs and ISVs are protected from retaliation by Microsoft for providing alternatives to consumers The right to make alterations to the Windows desktop will only be effective if companies are protected from retaliation for exercising it. The PFJ provides some protection against retaliation (Section III.A) and requirements for uniform licensing and pricing for Microsoft Windows (Section III.B). The protections, however, are only partial, in that they omit several important behaviors, still leave substantial scope for Microsoft to retaliate, and contain a very large loophole.

First, the prevention against retaliation only applies to a very specific set of actions that are specified in the PFJ, such as altering the icons on the desktop or promoting an IAP in the initial boot sequence. This rule does not apply to other actions by OEMs, such as the inclusion of third party software that does not fall under the definition of Non-Microsoft Middleware.

Second, there may still be some scope for discrimination and retaliation. Section III.B.3 of the PFJ explicitly gives Microsoft the right to use ''market development allowances,'' for example to provide a pre-license rebate to selected OEMs on the basis of potentially ambiguous joint ventures. Although these incentives would have to be offered uniformly, there still could be some scope for defining them in an exclusionary manner. Furthermore, the relationships between Microsoft and computer companies are very complex and multifaceted, leaving substantial scope for retaliation in aspects not covered by the PFJ, including potentially the pricing of Microsoft Office and the server business.

Finally, Section III.A allows Microsoft to terminate the relationship with an OEM without cause and within a brief span of time simply by delivering two notices of termination. With no ready substitutes for Windows available, this power would give Microsoft substantial leverage in its relationships with OEMs. Although the OEM would have the option of litigating Microsoft's denial of a Windows license, the text of Section III.A and the lack of ''bright

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[37] As defined in Section VI.N.

[38] As defined in Section VI.K.

[39] This provision would allow Microsoft to run the ''Desktop Cleanup Wizard'' that removes unused shortcuts from the desktop in a non-discriminatory manner. Nothing in our reading of the language of Section III.H.3, however, would limit the power of Microsoft to remove all user access to non-Microsoft middleware or restore access to Microsoft middleware.

[40] 40 For example, the District Court found that Microsoft withheld the ''Remote Network Access'' API from Netscape for more than three crucial months in mid-1995. Findings of Fact, • 90–91, 84 F. Supp. 2d at 33.

[41] These agreements, which were entered into between the Fall of 1997 and Spring of 1998 between Microsoft and several ISVs, provided preferential early access to Windows 98 and Windows NT betas and other technical information in exchange for using Internet Explorer as the default browser. See See 253 F.3d at 71–72.

line'' rules in the PFJ would make this litigation costly and uncertain—and thus an imperfect means of protection against this threat. 4. Ensuring that OEMs have financial incentives to make changes that benefit consumers

Even if the three previous conditions were met, they would be economically irrelevant if OEMs did not have financial incentives to take advantage of the new licensing freedoms. The production of PCs is a highly competitive industry with very low profit margins.[42] PCs are virtually a commodity that can be priced based on a limited set of characteristics like processor speed and hard drive size. All of the steps allowed by the PFJ—including installing non- Microsoft middleware or removing user access to Microsoft middleware—entail higher costs for the OEMs both in the costs associated with the initial configuration of the system and in the added costs of end user support.[43] In addition, OEMs may perceive that Microsoft would take additional steps to raise their costs through forms of retaliation either permitted by the PFJ or imperfectly banned. These costs may explain why, to our knowledge, no major computer manufacturer has yet taken Microsoft up on its July 11, 2001 offer to remove access to Microsoft middleware and replace it with non-Microsoft middleware.[44]

As a result, the key source of greater competition and consumer choice in the computer experience—OEMs—would have limited economic basis for promoting such choice. In part this is because the value of some of the new freedoms obtained by the OEMs in the PFJ are limited

by loopholes. For example, by allowing Microsoft to bar OEMs from marketing non-Microsoft middleware in the initial boot sequence, the PFJ removes one source of revenue and choice. In addition, allowing Microsoft to encourage users to ''voluntarily'' revert to the Microsoft-preferred configuration of icons, the Desktop, and the Start Menu after 14 days may reduce substantially the value of this screen ''real estate.'' As a result, the PFJ precludes some of the principal means by which OEMs could be remunerated for providing additional or alternative functionality desirable to consumers.

The more fundamental problem is that OEMs continue to be required to license a version of Windows that includes middleware like Internet Explorer, Windows Media Player, and Windows Messenger. By not requiring Microsoft to sell a cheaper, stripped-down version of the operating system—excluding many of these added features—the PFJ in effect would require OEMs to pay twice—once for Microsoft's version of the product (as bundled into the price of Windows) and once for the alternative. Such bundling is a particularly invidious way of undermining competition. In effect, it implies that the marginal cost of any item in the bundle is zero, making competitive entry, even for a superior product, impossible. The fact that such entry has occurred is testimony to the superiority of the rival products—consumers are willing to pay substantial amounts for the alternatives. In addition, forced bundling can have adverse effects on consumers, because it uses up memory and storage space, and there is always the possibility that the commingled code will interfere with the performance of other applications.

In summary, under the PFJ, OEMs are not provided the rights, means, protections, or incentives to create alternative choices for consumers. As a result, the lynchpin of the PFJ's strategy for promoting competition would be greatly attenuated.

B. Reducing the applications barrier to entry

The applications barrier to entry was central to the Court of Appeals'' understanding of this case. It is the principal barrier to entry that protects Microsoft's overwhelming dominance of the market for operating systems for Intel-compatible PCs. Furthermore, the court found that Microsoft engaged in illegal acts to increase the applications barrier to entry, principally by suppressing Netscape and Java at the expense of Internet Explorer and Microsoft's version of Java. Thus, any remedy that is ''tailored to fit the wrong creating the occasion for the remedy'' must necessarily take affirmative steps to reduce the applications barrier to entry and also prevent Microsoft from engaging in anticompetitive actions to increase this barrier. Unfortunately, the PFJ barely addresses this central issue.

The following discusses two key aspects of the applications barrier to entry: the use of anticompetitive means to reduce the market share of rival middleware (and thus its potential to reduce the cost of porting applications to different operating systems) and the use of decisions about Microsoft Office to influence the prospects of rival operating systems. 1. Middleware and the applications barrier to entry

The CIS states that under the PFJ, ''OEMs have the contractual and economic freedom to make decisions about distributing and supporting non-Microsoft software products that have the potential to weaken Microsoft's personal computer operating system monopoly without fear of coercion or retaliation by Microsoft.''[45] Even if the PFJ did give OEMs this contractual and economic freedom without fear of retaliation, and the previous subsection expressed severe doubts on this point, it still would do little if anything to weaken Microsoft's operating system monopoly.

Enhancing competition by allowing OEMs and ISVs to provide consumers with a greater variety of choices, the subject of the previous subsection, is in some sense literally superficial. It involves the ability of firms in the computer industry to change the outer appearance of a computer and the way it is perceived and used by users, including the ability and ease of accessing programs that are included with the Windows operating system or added by the OEM or end user. The issues raised by the applications barrier to entry go deeper, to the underlying code in Windows. In particular, although the PFJ allows end users or OEMs to remove user access to Microsoft Middleware, it also allows Microsoft to leave in place all of the programming underlying this middleware. This code could still be accessed by other programs that write to the APIs exposed by the middleware.

The Court of Appeals explicitly rejected Microsoft's explanation for commmingling the code of Windows 98 and Internet Explorer, concluding that it deterred users from installing Netscape, had no substantive purpose, and thus that ''such commingling has an anticompetitive effect.''[46] Despite this strong finding, no provision in the PFJ addresses this issue.[47]

Netscape and Java represented a very rare challenge to Windows—they offered the opportunity to develop middleware that would allow a wide range of applications to be costlessly transferred between different systems. It is difficult to imagine when, if ever, there will be a challenge of this magnitude again. Nonetheless, some existing middleware—and future middleware that we may not even be able to forecast today—will continue to present challenges to Windows. For example, there is still substantial competition in the market today for multimedia players, with Windows Media Player, RealNetworks RealOne player, and Apple's QuickTime, among others, all offering different versions of similar functionality.

The treatment of middleware is crucial because the market for middleware, like the market for operating systems, is subject to substantial network externalities. These externalities mean that the desirability of a middleware package increases as the installed user base increases. As with operating systems, such externalities arise for direct reasons (e.g., users can share files in a particular media format) and indirect reasons (writing a program to different middleware, so the dominant middleware will have the most programs associated with it). With regard to indirect network effects, the key point is that the installed base is not the number of computers with shortcuts to the given middleware, but the number of computers with the underlying code permitting the middleware to be invoked by a call from another program. A programmer that wanted to develop, for example, an interactive TV program could still use Windows Media Player regardless of whether or not an OEM or end user had removed the icons or shortcuts that allow easy user access to this program.

By providing no means for OEMs or end users to undo the commingling of code that ties

[42] For example, the Washington Post recently noted that profit margins are in ''single digits.'' See Rob Pegoraro and Dina E1 Boghdady (January 20, 2002), ''Building Creativity Into the Box'' Washington Post.

[43] In the Microsoft trial numerous industry witnesses testified to the user confusion and added support costs associated with having alternative browsers pre-installed on a computer. See 253 F.3d at 71–72.

[44] Microsoft Press Release (July 11, 2001), ''Microsoft Announces Greater OEM Flexibility for Windows.''

[45] CIS, p. 25.

[46] See 253 F.3d at 66.

[47] The Court of Appeals rejected, per curiam, Microsoft's petition for a reheating on this point. Order (DC Cir. Aug. 2, 2001).

Microsoft middleware to the operating system, the PFJ ensures that Microsoft middleware will have an installed base, in the relevant sense, of nearly the entire PC market. As a result, programmers will find it cheaper to write to Microsoft middleware rather than to rival programs. In this case, ubiquity could trump quality—because the size of a middleware's installed base could be more important than the quality of the middleware program. Microsoft middleware thus increases the applications barrier to entry in the same manner that promoting Internet Explorer and restricting the distribution of Netscape do. By allowing Microsoft to continue to commingle the code for middleware and its operating system, and preventing OEMs or end users from making real choices, the PFJ contributes to Microsoft's ability to restrict the market share of its rivals in neighboring ''layers'' to the operating system, reducing the main form of potential future competition at ''layer boundaries.''

2. Microsoft Office and the applications barrier to entry

As noted above, in the mid-1990s, Microsoft Windows was compatible with more than twenty times as many programs as IBM's OS/2 Warp. This offers a dramatic example of the applications barrier to entry. One crucial feature of Microsoft is that in addition to producing the Windows operating system, it is also a leader in many other applications. Network externalities work here to help create and maintain market dominance. Thus, for a rival operating system to succeed it would need not only to persuade ''neutral'' software companies to write to it, but also persuade Microsoft itself to port some of its leading applications to the operating system. To the degree that Microsoft produces leading or essential applications, they can use their refusal to port these applications to reinforce their Windows monopoly.

One application, in particular, is especially important to users: Microsoft Office and its associated programs, including Word (for word processing), Outlook (for e-mail and scheduling), Excel (for spreadsheets), and PowerPoint (for presentations). Indeed, Microsoft Office has about 95 percent of the market for business productivity suites. 48

The Court of Appeals affirmed the District Court's finding that the desire by Apple to ensure that Microsoft continued to maintain and update Mac Office was central to its motivation to enter into an illegal, anticompetitive deal with Microsoft to suppress Netscape and promote Internet Explorer. In addition, Microsoft does not currently have a version of Office that operates on Linux, the primary alternative to Windows in the PC operating system market. Withholding or simply threatening to withhold Microsoft Office from other operating systems is 48 Richard Poynder (October 1, 2001). ''The Open Source Movement.'' Information Today, 9:18. a powerful way in which Microsoft can use anticompetitive means to reduce the desirability of rivals while also extracting concessions or exchanges that help support the Windows monopoly of PC operating systems.

The PFJ, however, does not address any issues relating to the pricing, distribution, or porting of Microsoft Office. This considerable loophole has been used by Microsoft in the past. In the future, Microsoft will have the same incentives to use this loophole again. In addition, it may be necessary to examine additional Microsoft applications that can be used to reinforce the Windows monopoly. Given the difficulty of undoing a monopoly of this sort, once established, it is particularly appropriate to reach beyond remedies that are narrowly circumscribed.

C. Preventing Microsoft from strengthening its operating system monopoly by extending it to encompass additional products

The Court is charged with fashioning a remedy that ''ensure[s] that there remain no practices likely to result in monopolization in the future.'' Some of the most important newly emerging areas are multimedia, networking, web services, and hand-held computing. Microsoft is already making substantial investments in these areas with its .NET strategy, Microsoft Passport, MSN, Windows Messenger, Windows Media Player, and the Pocket PC operating system.

The recently released Windows XP is characterized by substantial integration between all of these features; indeed the seamless integration is one of Microsoft's chief selling points for Windows XP. Microsoft has marketed Windows XP (standing for ''experience'') on the basis of its seamless integration between the Internet, multimedia, and the computer. For example, on the day it was released, a Microsoft press release announced, ''Windows XP Home Edition is designed for individuals or families and includes experiences for digital photos, music and video, home networking, and communications.'' [49]

Like Internet Explorer, these new areas present new opportunities for Microsoft to leverage its monopoly in the operating system to dominate other markets. In addition, Microsoft could use its strong or dominant position in these new markets to erect new barriers to entry that prevent potential competitors from offering products and services with part or all of the functionality provided by Windows. For example, if Passport is successful then a rival operating system would not just need to persuade other developers to write for it, but would also need to develop its own version of Passport and convince numerous e-commerce sites to use it. If the rival operating system failed in any of these steps, its attempts to establish itself could be seriously curtailed. The PFJ, however, does not address any aspects of these important emerging barriers to entry.

VIII. STEPS TO IMPROVE THE PROPOSED FINAL JUDGMENT: THE LITIGATING STATES'' ALTERNATIVE

The goal of this Declaration is to explain why we believe that the PFJ is deficient and why the Court should exercise its discretion to fashion a remedy in this case that would promote competition and benefit consumers. We do not propose an alternative remedy or provide an exhaustive analysis of any other proposals. Our analysis of the shortcomings of the PFJ, however, can be illustrated and strengthened by a selective comparison of some of the provisions in the PFJ with the proposal transmitted to the court by the nine litigating States and the District of Columbia on December 7, 2001.[50]

Many of the issues in the ''Plaintiff Litigating States'' Remedial Proposals'' are technical and involve loopholes, some of which were discussed above including stronger anti-retaliation provisions and a broader definition of middleware that could not be manipulated by Microsoft. In addition, this proposed remedy makes an important change in enforcement: it proposes a Special Master, rather than requiring new legal proceedings to enforce the judgment. None of these important issues are discussed here. Instead, we focus on selected areas in which the litigating States'' proposal illustrates some of the principal economic points identified in the preceding analysis.

A. Fostering competition through OEMs and reducing the applications barrier to entry

The litigating States proposal would require Microsoft to license a cheaper version of Windows that does not include commingled code from added middleware. [51] In addition, the proposal would require Microsoft to continue to license older versions of its operating system without raising its prices. This would have two effects. First, it would more effectively promote competition and consumer choice by allowing OEMs to ship computers with a wide range of alternative middleware, thereby allowing consumers to choose between different versions or

Moreover, such a provision would provide Microsoft with better incentives; only if it produced an operating system which performed substantially better would it be able to sell its new releases. It would at least attenuate its ability to use new releases as a way of extending its market power. Some have advocated even stronger measures to ensure Microsoft faces pro- consumer, pro-competition incentives, including requiring Microsoft to release all of its Windows source code and requiring the free distribution of its operating system after 3 to 5 years. Second, this provision would directly address the Court of Appeals finding that Microsoft's commingling of code was anticompetitive. By

[49] Microsoft Press Release, ''Windows XP is Here!'' 10/15/01.

[50] United States v. Microsoft Corp., ''Plaintiff Litigating States'' Remedial Proposals,'' in the U.S. District Court for D.C, December 7, 2001.

[51] The Court of Appeals overturned the District Court, finding that Microsoft could not be held liable for the fact that in certain situations, like updating Windows or accessing help files, Internet Explorer overrides the user's default browser settings and opens automatically. This implies that the complete removal of HTML-reading software is impossible. But Windows could be shipped with, for example, a stripped-down browser that performs essential system functions. Most of the functionality of Internet Explorer, however, is not necessary for the examples Microsoft invoked. This is analogous to the way in which Windows is shipped with a stripped-down text editor, Notepad, but not with a full-fledged word processor.
combinations. The lack of financial incentives for OEMs to take advantage of the more liberalized licensing rules is one of the principal deficiencies in the PFJ.

disentangling the middleware from the operating system, this proposal would allow greater competition in middleware—and thus ultimately in operating systems—by reducing the network externalities that benefit Microsoft middleware at the expense of potentially superior products.

B. Internet Explorer browser open source and Java distribution

Two of the fruits of Microsoft's monopolization of the operating systems market are the dominance of the Internet Explorer browser and the destruction of Java as a viable competitor.

The anticompetitive measures that helped achieve these goals protected a crucial ''chink in the armor'' of the Windows operating system. The PFJ does nothing to ''deny the defendant the fruits of its statutory violation.'' [52] Furthermore, it does not enhance the ability of competitors to interoperate with Internet Explorer because it includes no disclosure requirement for the Internet Explorer APIs.

The litigating States propose to remedy these deficiencies by requiring Microsoft to publish the source code and APIs for Internet Explorer and freely license them to competitors. In addition, their proposal would require Microsoft to distribute a Sun-compatible version of Java Virtual Machine with all future operating systems. The result would be to decrease the applications barrier to entry and promote competition.

C. Cross-platform porting of Office

As discussed in the previous section, Microsoft Office is one of the most crucial applications for many users. The existence of this application for a particular operating system is one key factor in the demand for the operating system. The litigating States'' proposal would remove the ability of Microsoft to either threaten to withhold Office or actually withhold Office by requiring Microsoft to continue to port Office to Macintosh. In addition, the proposal would require Microsoft to auction off licenses to ISVs that would provide them with the entire source code and documentation for Office in order for them to port the product to alternative operating systems. Although we draw no conclusions about the particular rules proposed by the litigating States, this proposal would clearly reduce Microsoft's ability to deliberately raise the applications barrier to entry.

D. Mandatory disclosure to ensure interoperability

The PFJ requires some disclosure to ensure that Microsoft is not able to withhold certain information to illegally benefit Microsoft Middleware at the expense of Non-Microsoft Middleware. The disclosures are limited in scope and timing. The litigating States'' proposal is substantially broader.

Of particular importance, the litigating States'' proposal recognizes that ''nascent threats to Microsoft's monopoly operating system currently exist beyond the middleware platform resident on the same computer'' and thus the States'' proposal requires timely disclosure of technical information to facilitate ''interoperability with respect to other technologies that could provide a significant competitive platform, including network servers, web servers, and hand- held devices.'' [53] In doing this, the proposal would reduce the ability of Microsoft to use its dominant position in operating systems to eliminate emerging threats at the boundary of this ''layer'' of computing.

IX. CONCLUSION

The Revised Proposed Final Judgment agreed to by the U.S. Department of Justice, the Attorneys General of nine States, and Microsoft Corporation is critically deficient. The overall aims of the PFJ are laudable—to increase competition and reduce Microsoft's ability to maintain its monopoly at the expense of consumers. But the PFJ will not succeed in achieving these goals. It does not change any of the incentives faced by Microsoft to undertake anticompetitive actions. It restrains these anticompetitive actions only with highly specific and exception-ridden conduct requirements. And it has an insufficient enforcement mechanism.

The interest of consumers in a greater range of choices, lower prices, and greater innovation would be served by rejecting the PFJ and replacing it with a more effective conduct remedy. A remedy for this case should recognize that the monopoly power created by Microsoft's past anticompetitive, illegal practices is likely to persist, and that it will therefore be likely to continue to enjoy the fruits of its illegal behavior, unless there are far stronger remedies than those in the PFJ. The new remedy should change Microsoft's incentives. It should restrict Microsoft's ability to repeat its past, or develop new, anticompetitive practices. It should provide OEMs and ISVs with the means and incentives to stimulate genuine competition in the provision of platforms. And it should take whatever steps are possible to reduce the applications barrier to entry so that there is greater scope for genuine competition in the market for PC operating systems.

I, Joseph E. Stiglitz, declare under penalty of perjury that the foregoing declaration is true and correct. Executed on January 28, 2002.

E. Stiglitz

I, Jason Furman, declare under penalty of perjury that the foregoing declaration is true and correct. Executed on January 28, 2002.

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IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA, UNITED STATES OF AMERICA, Plaintiff, v. Civil Action No. 98–1232 (CKK) MICROSOFT CORPORATION, Defendant.)))

STATE OF NEW YORK, et al.,)) Plaintiffs, v. Civil Action No. 98–1233 (CKK) MICROSOFT CORPORATION,) Defendant.))

DECLARATION OF EDWARD ROEDER

Edward Roeder declares under penalty of perjury as follows:

I. INTRODUCTION

1. I am a Washington journalist, author, lecturer, and editor, expert on the U.S. Congress, elections and efforts to influence the U.S. government. My byline has appeared in most major U.S. newspapers, many top magazines, and on all major wires and networks. I have written, edited, produced and reported on money in politics, Congressional ethics and the American political economy for more than three decades. My experience includes work as a Senate subcommittee counsel, House select committee chief investigator, United Press International editor, publisher, White House speechwriter, government aide at level GS-15, freelance reporter and publisher. I founded Sunshine Press Services, Inc., a Washington news service and publishing house specializing in ''Casting Light on Money and Politics.'' Sunshine has developed References to Use,

Not Just Peruse TM, computer-based reference works on U.S. politics. As National Political/Finance

Editor for United Press International, I produced the nation's first weekly state-by-state computer- generated reports on federal election financing. In 1974, I became the first freelance correspondent fully accredited to U.S. House & Senate Press Galleries. As a freelance print and broadcast reporter, I specialized in covering elections and election financing. In Roeder v. FEC, I successfully sued Federal Election Commission under the federal Freedom of Information Act, forcing a reduction in fees for records and release of computerized data.

My experience includes lecturing about covering influences on government at the graduate schools of journalism at Columbia, Northwestern (Medill), American, Maryland and other universities, and at the Hastings Center, the Heritage Foundation, and many other forums, and testifying before U.S. House and Senate committees. I also taught a public affairs course, Shadow Government in the Sunshine State, for three terms at Florida State University. I have appeared on ABC's Nightline, the CBS Evening News, World News Tonight (ABC), NBC Nightly News, All Things Considered (NPR), John McLaughlin, and many other broadcast outlets.

My reference publications include PACs Americana, the 1,150-page authoritative reference on political action committees and their interests, Congress On Disk TM, the pioneer diskette publication on politics, PAC-Track TM, covering all transactions by political action committees and party committees, FatCat-Track TM, covering ''soft money'' and all contributions of $200-and-up from individuals to any federal party, campaign or PAC, and Ready Money Reports TM, comparing relative financial standings of each federal campaign. A partial list of news clients is attached as Appendix B.

[52] 253 F.3d at 103, quoting United States v. United Shoe Mach. Corp., 391 U.S. 244, 250 (1968).

[53] Litigating States, pp. 10–11.

2. I was commissioned by the Computer & Communications Industry Association to conduct a review of publicly available documents, news reports, and commentary regarding Microsoft's lobbying and political contributions since the United States Department of Justice and 19 States filed suit against Microsoft in 1998. [1]

3. My review of the available documents has led me to conclude that over the past five years Microsoft has engaged in a ''pattern and practice'' of political influence peddling in many ways unprecedented in modem political history. [2] What makes Microsoft's lobbying efforts so unique is not necessarily the size (i.e. level of political contributions) but the scope of its efforts and the speed at which Microsoft went from having almost no political presence in Washington DC to having one of the largest and most sophisticated political operations in history.

4. By ''scope'' I am referring to the breadth of Microsoft's efforts. Microsoft has not merely established one of the largest Political Action Committees, or leapt to the top of the corporate contributor list in ''soft money,'' unregulated corporate contributions. Over the past five years Microsoft has also assembled a large lobbying office and retained dozens of high-powered consultants; Microsoft has created numerous ''front'' groups and has contributed heavily to a variety of think tanks and other organizations willing to espouse Microsoft's view of antitrust policy and this case; and Microsoft has created a variety of grassroots capabilities that appear to be directed at state-level government.

5. Two key factors indicate that Microsoft's lobbying efforts were designed and directed to try to minimize the impact of its lawsuit and try to achieve a result in the political process that it is Wall Street Journal October 15, 1999. ''Microsoft Paid For Ads Against DoJ Case.'' Madeleine Acey. TechWeb September 20, 1999. ''Microsoft Paid For Ads Backing Its Trial Position.'' David Bank. The Wall Street Journal September 20, 1999. ''Microsoft Paid For Ads Backing It In Trial.''

Seattle Times September 19, 1999. ''Pro-Microsoft Ads Were Funded by Software Giant.'' Greg Miller. Los Angeles Times September 18, 1999. ''Microsoft Paid for Ads About Trial.''

Associated Press September 18, 1999. ''Microsoft Covered Cost of Ads Backing It in Antitrust Suit.'' Joel Brinkley. New York Times September 18, 1999. ''Rivals fear Microsoft will cut a deal.'' John Hendren. The Seattle Times June 21, 2001. ''Bush's Warning: Don't Assume Favors Are Due.'' Gerald F. Seib The Wall Street Journal January 17, 2001. ''Bounty Payments are offered for pro- Microsoft letters and calls.'' The Wall Street Journal October 20, 2000. ''Microsoft is Source of 'Soft Money'' Funds Behind Ads in Michigan's Senate Race.'' John R. Wilke. The Wall Street Journal October 16, 2000. ''Microsoft leans creatively on levers of political power as breakup decision looms, 'stealth'' lobbying efforts aim for survival.'' Jim Drinkard and Owen Ulmann.

USA Today May 30, 2000. ''Microsoft's All-Out Counterattack.'' Dan Carney, Amy Borrus and Jay Greene. BusinessWeek May 15, 2000. ''Aggressiveness: It's Part of Their DNA.'' Jay Greene, Peter Burrows and Jim Kerstetter. BusinessWeek May 15, 2000. ''The Unseemly Campaign of Microsoft.'' Mike France. Business Week April 24, 2000. ''Microsoft's Lobbying Abuses.'' Editorial. New York Times November 1, 1999 ''Awaiting Verdict, Microsoft Starts Lobbying Campaign.'' Joel Brinkley. New York Times November 1, 1999. ''Microsoft Seeks Help Of Holders.'' John R. Wilke. The Wall Street Journal November 1, 1999. ''Microsoft's Bad Lobbying.''

Editorial. Washington Post October 24, 1999. ''Microsoft Attempt To Cut Justice Funding Draws Fire.'' David Lawsky. Reuters October 17, 1999. ''Microsoft Targets Funding for Antitrust Office.'' Dan Morgan and Juliet Eilperin. Washington Post October 15, 1999. ''Pro-Microsoft lobbying to limit antitrust funding irks top lawmakers.'' The Wall Street Journal October 15, 1999.

''Microsoft Paid For Ads Against DoJ Case.'' Madeleine Acey. TechWeb September 20, 1999. ''Microsoft Paid For Ads Backing Its Trial Position.'' David Bank. The Wall Street Journal September 20, 1999. ''Microsoft Paid For Ads Backing It In Trial.'' Seattle Times September 19, 1999. ''Pro-Microsoft Ads Were Funded by Software Giant.'' Greg Miller. Los Angeles Times September 18, 1999. ''Microsoft Paid for Ads About Trial.'' Associated Press September 18, 1999. ''Microsoft Covered Cost of Ads Backing It in Antitrust Suit.'' Joel Brinkley. New York Times September 18, 1999. apparent it could not achieve in the legal process. First, Microsoft's efforts are new. Their onset coincides with the time the government sued Microsoft and they have continued and escalated ever since. Second, Microsoft's efforts are completely out of proportion to the rest of the high- technology industry. There is not one other example of a software, computer hardware, or Internet firm that comes anywhere near Microsoft's level of campaign contributions.

6. I am not a lawyer, an expert on antitrust or an expert on the Tunney Act. My substantive views of of the Proposed Final Judgment are based primarily on the analysis of Nobel economist Joseph Stiglitz, whose declaration also supports the CCIA submission.

7. The Tunney Act was enacted after the ITT scandal during the Watergate affair. As the court is aware, Watergate spurred a number of political reforms requiring ''sunshine'' on the political activities of special interests, in particular. But the Tunney Act was also enacted during a different political era, when political influence peddling was far less sophisticated than it has become after a quarter-century of efforts to circumvent the ''reforms'' of the 1970s. By necessity, political influence peddling is no longer necessarily marked by a single ''transaction'' or a single ''meeting,''

or even an overt ''quid pro quo.'' In fact, one of the effects of the modem reforms has been to legalize many activities—especially the transfer of funds from corporate to political coffers—that had long been illegal under laws in effect since 1907 or 1934. Lobbying today is marked by incrementalism, where there may not be any single meeting, or any single contribution, or any single agreement. Rather, over time, what may develop is an ''understanding'' of the respective parties'' interests, objectives, and desired outcomes. Instead of corruptly influencing politicians to buy a discreet government decision, the money exerts far broader influence over appointments, policy frameworks or positions, and ultimately, decisions. Much of it may be legal, but it's far more corrupting than simple bribery.

The simple matter of paying off a corrupt politician to obtain a favorable government decision is certainly offensive and unfair to the voters and those who are disadvantaged by the decision. Yet such petty or grand corruption, if isolated, does not seriously threaten the American system. What Microsoft has accomplished over the past half decade, however, presents a far darker prospect.

By pouring money into America's institutions of political pluralism, rewarding those organizations and individuals that do its bidding and denying or limiting funding to its opponents, Microsoft has in some ways corrupted American political discourse itself. Newspapers that have run an editorial or opinion article sympathetic to a Microsoft position, reporters who have interviewed a professor, politician, or pundit about this antitrust action, and anyone who has hosted or observed public discourse on the subject must now wonder: Were the views expressed independent and sincere, or were they purchased by an unseen hand, smothering the American marketplace of ideas? As is detailed below, Microsoft's efforts to subvert democratic institutions such as political campaigns and debates, party organizations, news outlets, think tanks and government offices have been so vast as to be a new phenomenon, unenvisioned and unaddressed by existing political mechanisms intended to check the influence of special interests. Limited campaign contributions can serve the purpose of encouraging, facilitating, extending and opening political discussion.

But political money in such vast amounts is a substitute for politics, not a means of undertaking political action.

While the modem-day political pressure brought to bear by Microsoft in the last decade may not be precisely the same as that undertaken by ITT in the 70's, it is no less objectionable to the Court's charge of acting on behalf of the ''public interest.''

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[1] I am aware that Microsoft has undertaken an effort to use the Court discovery process to build a political case against its competitors. The relevancy of Microsoft's strategy will have to be determined by the Court since Microsoft—and not its competitors—have been found to be liable under the antitrust laws. I took input and advice from a broad range of sources in conducting this research, including CCIA and its members. This research is nonetheless based on the extraordinary public record of Microsoft's political activities during the timeframe of this case. I have also undertaken extensive original review of the records of the Federal Election Commission regarding election finance. These records covering all election cycles since 1970–80 have been available in computerized format since the court-ordered settlement of Roeder v. FEC, a Freedom of Information lawsuit I filed in this very courthouse two decades ago.

[2] ''Microsoft Targets Funding for Antitrust Office.'' Dan Morgan and Juliet Eilperin. Washington Post October 15, 1999. ''Pro-Microsoft lobbying to limit antitrust funding irks top lawmakers.''

8. Based on my review of the public record and the declaration provided by Dr. Stiglitz, it is apparent that the Department of Justice undertook a major ''change in policy'' at a critical moment this past fall. My belief—again based largely on Dr. Stiglitz'' analysis and substantiated by a wide array of antitrust experts and scholars—is that the Proposed Final Judgment cannot be reconciled with the government's extensive court victory. The public record suggests a Microsoft strategy that appears to defeats in the legal process, but which focuses on winning an acceptable outcome through the political process. It appears to be working. Indeed, if it weren't working, such vast expenditures might give rise to a shareholder suit for breach of fiduciary duty. If Microsoft's money has had the desired effect of inducing the U.S. government to throw in the towel on the biggest antitrust suit in history, such a suit could be easily defended. But to argue that Microsoft had no such intent is tantamount to suggesting that its corporate spending it in the control of squandering fools.

9. I have also reviewed Microsoft's lobbying disclosures filed before the court as part of the Tunney Act. Again, while I am not a lawyer, my review of public documents, press reports and the plain language of the statute leads me to believe that disclosures made to the court can not possibly be reconciled with Microsoft's lobbying activities surrounding both this case and this settlement.

10. Various press reports indicate that Microsoft is trying to convince the court and the public that the litigating states have been ''put up to this'' (i.e. continuing to litigate through the remedy phase) by Microsoft's competitors, and therefore cannot be acting in the public interest. My review of public documents suggests this theory is backwards and should be particularly alarming to the Court. The far more likely scenario, into which the Court must inquire, is whether the Department of Justice has executed Administration policy in response to the unprecedented campaign to influence the new Administration's antitrust policy generally, and as antitrust policy applies to the high-technology sector and Microsoft, in particular.

11. In fact, with the benefit of hindsight, various Justice Department actions make perfect sense in the context of my research. The Department went to great lengths to create the appearance they were going to be ''tough'' with Microsoft, beginning with enlisting President Bush's renowned litigator, Phillip Beck. What actually occurred, however, is they systematically appear to have given away their hard-fought court victory. First, the Department unilaterally abandoned its pursuit of structural relief, and informed the court it would not seek a review of the Sherman Act Section tying claim on remand. Then the Department suggested it would base its remedy on the interim conduct remedies ordered by Judge Jackson. Then the Department began speaking of the extensive litigation risk involved in pursuing a remedy based on the need for immediate relief. Finally, the Department—outside of public scrutiny—emerges with the Proposed Final Judgment, which based on Dr. Stiglitz'' analysis appears to be woefully inadequate.

12. I declare to the court that where ''there is smoke there is typically fire.'' Even if the ''fire'' in the context of modem day political influence peddling is very subtle, it nonetheless does not serve the public interest. My view is that Microsoft's political campaign has been so extensive the court should take immediate notice. In modem political influence-peddling and purchasing, Microsoft has set a new bar. South Korea's spreading cash throughout Washington in the 1970s Tongsun Park scandal paled in comparison.

13. During the course of my research I was struck by the similarities between Microsoft and the current scandal involving Enron Corporation. While Enron, of course, is in an entirely different business, it seems the core issue—from a public disclosure perspective—is its campaign contributions and its ability to influence the nation's energy policy. Microsoft's campaign contributions significantly surpassed those of Enron; Microsoft was a defendant in a major governmental lawsuit; and it appears Microsoft may have successfully influenced the Administration's antitrust policy, with major implications for legal antitrust precedent.

14. My recommendation to the court is to undertake an immediate review of Microsoft's lobbying activities surrounding this settlement, with particular attention to meetings with the Justice Department or the White House by Microsoft or its agents. Included in this review should also be contacts made on Microsoft's behalf to the Justice Department or the White House by Members of Congress, their official staff, and campaign staff. The court should also interview Department of Justice staff who do not operate within the sphere of political appointees. And the court should interview the political appointees of the Attorney General and their staff. Moreover, the court should review any contacts or communications between the Republican National Committee, the National Republican Senatorial Committee, the Republican Congressional Campaign Committee, and the White House or the Justice Department. Lastly, the court should review any contacts or communications between Microsoft and the settling states. Anything less would clearly not vindicate the public interest.

II. REVIEW OF PUBLIC RECORD

15. Since May 1998, Microsoft has fought strenuously in the courtroom to defend its ''freedom to innovate'' and to continue with business as usual. In fact, plugging in ''Microsoft + trial'' into the Google search engine produces more than 697,000 article hits. When ''Microsoft + politics'' is entered into the search engine, Google produced nearly 448,000 articles and links. But as hard as it fought inside the courtroom, Microsoft fought far harder—often secretly—outside the courtroom to influence the outcome of the trial. In a campaign unprecedented in its size, scope, and cost, Microsoft used campaign contributions, phony front groups, intensive lobbying, biased polling, and other creative, if not possibly unethical, pressure and public relations tactics to escape from the trial with its monopoly intact. According to media accounts, experts, and my own research, Microsoft spent tens of millions of dollars to attempt to create an aura outside the courtroom of what it could not prove inside—innocence. According to Business Week Magazine: ''Even seasoned Washington hands say they have never seen anything quite as flamboyant as the Microsoft effort.'' [3]

16. In late 2001, when the Department of Justice and a group of state Attorneys General agreed to the currently proposed settlement, it appeared as if Microsoft's efforts were successful. Fortunately, two obstacles stand in the way of Microsoft and the continued monopolization of the software industry: the remaining state Attorneys General who are continuing to litigate for a more effective remedy and the Tunney Act, which—among other things—requires Microsoft to divulge all of its dealings with the Administration and Congress in conjunction with the antitrust trial. A. Campaign Contributions

17. In 1995, before the United States Department of Justice and state Attorneys General from 19 states and the District of Columbia brought an antitrust case against it, Microsoft had virtually no presence in Washington, DC The company had only one lobbyist working out of a Chevy Chase, Maryland sales office and had contributed less than $50,000 in the previous election cycle. [4] Its lobbyist, Jack Krumholtz, had no secretary and its PAC was financed by only $16,000. In those days, the Microsoft lobbying operation was affectionately referred to in press reports as ''Jack and his Jeep.''

18. However, since the beginning of the antitrust case against Microsoft, the company has become a major political contributor and was the fifth largest during the 2000 election cycle [5], alongside the giants of the tobacco, telecommunications, pharmaceuticals and insurance industries. Microsoft's political contributions to elected leaders in a position to help the software giant in this election cycle when the trial was at its peak, was greater than all previous, cumulative campaign contributions. In the history of American PACs, only three companies that have raised at least $50K in one election cycle have increased receipts by 500% in the next. In 1984–86, Drexel Burnham Lambert, the corrupt and now-defunct securities brokerage, increased its receipts from just under $67,000 to more than $446,000, a 567% jump. In that same cycle, AT&T, facing antitrust divestiture, increased its PAC receipts by 745%, from $215,000 to $1.8 million. In the history of corporate PACs, only 68 have increased their spending by half in one election cycle after reaching a level of a quarter of a million dollars. Only 15 have doubled their spending in one election cycle after reaching that level. Only one—Microsoft—has approached tripling its spending after reaching that threshold. Microsoft increased its spending almost fivefold, from $267,000 to more than $1.2 million, between the 1997–98 and 1999–2000 election cycles. (Table 5.)

20. Every year, Microsoft tops itself. The company's political giving in the 2000

[3] BusinessWeek, May 15, 2000, Carney

[4] ''The Microsoft Playbook'' Common Cause

[5] San Francisco Chronicle, July 1, 2001, Wildermuth

cycle—the time leading up to its day of judgment in federal court—was again more than it contributed in all previous cycles combined. Campaign money to candidates and political parties in just one state was greater than Microsoft's contributions from 1990 through 1996 to every state and federal candidate combined. (Note that the government first levied antitrust charges against Microsoft in 1995.)

Except for Microsoft, no corporate PAC sponsor in American history has increased its PAC receipts by an order of magnitude, starting from a base of $50,000 or more. Since 1986, the only such firm that has increased its PAC receipts by as much as 500% in one election cycle is Microsoft. Receipts for Microsoft's PAC rose a record-setting 903%, froth $59,790 in 1995–96 to just under $600,000 in 1997–98. (Table 1.) Microsoft followed this by another jump of 165% in 1999–2000, to $1.59 million. (Table 2.) In the history of corporate PACs, only 15 have had as much as a 300% rise in receipts after achieving a base of $50,000. (That requires rising from at least $50,000 to at least $200,000.) None has ever followed such a rise with another three-digit percentage increase in receipts, except Microsoft. (That would require a subsequent rise to at least $400,000.) 21. Between 1995 and 2000, Microsoft donated more than $3.5 million to federal candidates and to the national parties, about two-thirds of which was contributed during the 2000 election cycle alone.[6] Including company and employee donations to political parties, candidates and PACs in the 2000 election cycle, Microsoft's giving (that of the company, its PAC and its employees) amounted to more than $6.1 million, far more than has been previously reported. [7] Nearly $1 million came in the 40 days immediately before the November 7th election. As most political operatives know, these late contributions often are made by donors who don't want their participation known until after the election, when financial reports for the final days of a campaign are due, and public and news media attention are no longer focused upon the election. The effect of delaying contributions until very near the election is to thwart efforts by the news media and the political opposition to make disclosures meaningful to voters before they vote.

i. Federal Contributions

(a) ''Soft'' Money

22. Comprising the majority of Microsoft's campaign contributions was soft money.[8] Like their overall presence in Washington, Microsoft's soft money donations grew substantially since the beginning of the antitrust trial. In fact, in the seven days preceding Judge Thomas Penfield Jackson's ruling against Microsoft, the company donated more in soft money to the national political parties than it gave to federal candidates and political parties between 1989 and 1996. 23. During the 1999–2000 election cycle, Microsoft and its executives accounted for some $2,298,551 in ''soft money'' contributions, according to FEC records. For context, consider that this was two-thirds more than the $1,546,055 in soft money contributed by the now-bankrupt Enron and its executives during the same period. candidates and political parties and PACs federally and in all 50 states.

As one business commentator put it: ''...there's something quite disturbing about watching the world's richest man trying to buy his way out of trouble with Uncle Sam... Gates's actions undermine the legal system itself.'' [9]

(b) Political Action Committee (PAC) Money

24. Microsoft's PAC donations also grew substantially in the years since the beginning of the antitrust trial. In 1998, the company made a concerted effort to increase the size of its PAC.

Within a matter of days, the company grew its PAC from $31,000 to $326,000. [10] Employees contributed $1.6 million to Microsoft's PAC for the 2000 election cycle which allowed the PAC to contribute more than $1.2 million. The PAC began the 2002 election cycle with an impressive $772,000 cash-on-hand—more than any other American corporate PAC.

Microsoft's unprecedented rise as a political player took its PAC from just under $60,000 in 1995- 96 receipts to just under $1.6 million in 1999–2000. In the history of corporate PACs, only two have had a rise of more than 1,000% in receipts over four years (two election cycles), after attaining $50,000. Only one, Microsoft, has had an increase of more than 2,000%. From 1995–96 through 1999–2000, Microsoft's PAC increased in size by more than 2,500%. (Table 4.)

(c) Party Breakdown

25. While Microsoft has donated to both national political parties, the company has tended to favor Republicans, who have been more vocal in their defense of the company. Between 1995 and 1998, 72% of Microsoft's contributions went to Republicans, while the GOP received only 55% of the company's donations during the 2000 election cycle. [11] Republicans received a total of $3.2 million, about half of which—$1.69 million—went to the national Republican Party. 26. Yet, when analyzing Microsoft's campaign contributions by donating entity, some stark disparities emerge. Virtually all of the money donated by individual Microsoft employees ($222,750) benefited Democratic 527s, groups that raise and spend money independent of political campaigns During this same period Microsoft employees gave $15,000 to Republican affiliated 527s. Democratic PACs also benefited from Microsoft's employees largesse, receiving $222,100 compared to just $42,875 for Republican PACs.

27. But Republicans enjoyed an edge in every other category; the majority of donations to leadership PACs, state parties and candidates went to the Republican Party. The following table illustrates the disparity.

Republican Democrat

Leadership PACs $162,000 $41,500

State Parties $255,025 $38,887

Candidates $1,053,792 $818,951

(ii) State Contributions

28. Along with the Department of Justice, 19 states and the District of Columbia initially prosecuted Microsoft. Naturally, then, Microsoft concentrated a good deal of its campaign contributions on state races.

29. Candidates and political parties in all 50 states received contributions from Microsoft, but none more so than the company's home state of Washington, which received $830,478. Republicans received $359,000 while $458,000 went to Democrats. Nearly all of the $100,000 edge for the Democrats came from contributions to the State Democratic Party, which totaled $85,387. 30. One of the original states participating in the suit was South Carolina, whose attorney general, Charles Condon, was facing re-election in 1998. Shortly before the election, Microsoft contributed $25,000 to the South Carolina Republican Party. According to the Chairman of the South Carolina Republican Party this was the largest unsolicited donation ever received. Three weeks after he won, Attorney General Condon withdrew from the antitrust case. Two years ago, Condon solicited and received a $3,500 donation from Microsoft.[12]

31. In California, a state represented by Attorney General Bill Lockyer, Microsoft contributed $25,000 to the 1998 election campaign for challenger Dave Stirling, a Republican; a contribution made nine days before election day. The company contributed an additional $10,000 to gubernatorial democratic candidate Gray Davis, whose opponent was among the original 19 state attorneys general to bring the antitrust suit against Microsoft.

32. Within weeks of the 2000 election, Microsoft CEO Steve Ballmer made late contributions of $50,000 each to two state Republican Parties, Michigan and Washington, where Microsoft found its defenders under fire. Then U.S. Senator Spencer Abraham, a Michigan Republican who is now Secretary of Energy, had been an outspoken supporter of Microsoft. Former U.S. Senator Slade Gorton, a Washington state Republican, who proudly called himself ''the Senator from Microsoft'' had even sought to cut the funding of the Justice Department's Antitrust Division while the court case was ongoing.

33. Microsoft used back channels to direct even more undisclosed soft money into the 2000 Michigan Senate race. According to The Wall Street Journal, Microsoft ''funneled'' soft money into the race by secretly making undisclosed contributions to the Michigan Chamber of Commerce to fund negative ads aimed at Abraham's opponent, now U.S. Senator Deborah Stabenow. Some close to the Chamber have estimated that the contributions, while legal and not requiring reporting, may have amounted to more than $250,000.[13] Such contributions are usually made to organizations to support the organization's activities, not political ads—which is why there is no disclosure

[6] Common Cause

[7] Independent analysis of giving to elective office

[8] ''Soft'' money is the term generally applied to unregulated, unlimited corporate and individual contributions that can not go to candidates but typically goes to political parties in support of party ''efforts.''

[9] BusinessWeek, April 24, 2000, France

[10] ibid.

[11] ibid.

[12] USA Today, 5–30–00, Ullman, Drinkard

[13] Wall Street Journal, Oct. 16, 2000, Wilke

requirement. Microsoft knew this and took advantage of the loophole in Michigan. Political operatives throughout the country reported similar occurrences in other political races considered ''top targets'' by both national parties, but efforts to gain access to contributor lists from some of the ''independent'' groups believed to be accepting the contributions have unsuccessful.

34. Significant contributions were also made in Missouri by Microsoft to help re-elect Senator John Ashcroft, the current U.S. Attorney General. Missouri was another state where independent groups without significant resources of their own suddenly were flush with money to run ads defending Ashcroft and attacking his opponent. Ashcroft, whose campaign benefited greatly from Microsoft's disclosed campaign contributions—$19,000 in reported donations—lost his election bid. He now runs the federal executive department responsible for proposing the settlement offer, and his office is now staffed with political operatives who played a role in raising the $19,000 from Microsoft, coordinating his campaign efforts with those of Microsoft in Missouri, and in one case, directing the entire Republican National Committee fundraising and political campaign operation in the 2000 election cycle.

35. Deborah Senn, the Democratic primary opponent of Washington State Senator Cantwell, received $15,000 more from Microsoft than did Cantwell who received $30,150. This total, however, dwarfs the money poured into now-former Senator Gorton's campaign—$131,160. Only

Democratic Congressman Jay Inslee's total of $126,850 comes close to that of former Senator Gorton. Congressman Inslee represents Microsoft's home district, and defends the company vigorously in Washington, D.C.

36. In addition to those in Washington State, candidates or parties in three other states received contributions totaling six figures. California was second at $174,900 with virtually the entire amount going to Leadership PACs—Members'' PACs that contribute money to other allied candidates—and directly to Members of Congress. Texas was third at $107,250 although this amount does not include contributions to the Bush/Cheney campaign. This was an unusually large amount for the state when compared to previous giving patterns.

37. While Microsoft contributed $100,000 to the Bush/Cheney Inaugural Committee in January 2001, virtually all contributions to presidential campaigns were made prior to July 31st, with the exception of contributions to Libertarian Party candidate Harry Browne's campaign. (This is presumably because, to be eligible for federal matching funds for the primaries and federal funding for the general election, major party candidates receiving are not allowed to solicit or receive campaign contributions after they are nominated at their conventions.) Only four primary presidential candidates received contributions greater than $10,000: Bill Bradley, $33,400; George Bush, $57,300; Al Gore, $28,000, John McCain $39,448.

Table 1. Candidates & Organizations Receiving $10,000 or more from Microsoft Following is a breakdown of Microsoft's contributions of more than $10,000 to candidates and organizations during the 2000 election cycle.

Abraham for Senate $24,650.00 Kerrey for US Senate $10,000.00

Adam Smith for Congress $31,750.00 Leadership PAC 2000 (Oxley) $10,000.00

American Success PAC(Drier) $11,750.00 Majority Leader's Fund (Armey) $11,000.00

Ashcroft (combined) $19,250.00 McCain 2000 $39,448.00

Bill Bradley for President $33,400.00 McIntosh for Governor $25,000.00

Brian Baird for Congress $38,400.00 Michigan Republican State Ctte. $50,000.00

Bush for President $57,300.00 Montana Republican State Ctte. $10,000.00

Bush/Cheney Inaugural $100,000.00 NDN $38,750.00

California FriendsLatino PAC $10,000.00 New Majority Project $15,000.00

California Women Vote $10,000.00 New York Senate 2000 $40,000.00

Cantwell 2000 $30,150.00 NWLeadership PAC (Gorton) $17,000.00

Citizens for Rick Larsen $35,600.00 Republican Party $1,691,090.50

DASHPAC $10,000.00 Republican Campaign Committee of New Mexico $33,492.48

Democratic Party $1,300,892.00 Republican Majority Fund (Don Nickles) $15,000.00

Democratic Party of Georgia $20,000.00 Republican Party of Virginia $12,000.00

Dooley for Congress $10,500.00 Republican Senate Council $15,000.00

EMILY's List $176,600.00 Santorum 2000 $11,000.00

Ensign for Senate $10,000.00 Senn 2000 $45,651.00

Feinstein 2000 $12,000.00 Snowe for Senate $10,000.00

Friends for Slade Gorton $131,160.00 TechNet $10,000.00

Friends of Conrad Bums $15,250.00 Utah Republican Party $29,383.00

Friends of Heidi $16,300.00 Washington State Democratic Central Committee $30,387.00

Friends of Jennifer Dunn $14,700.00 Washington State Republican Party $104,150.00

Gore for President $28,000.00 Washington Victory Committee 1999 $35,500.00

Inslee for Congress $126,850.00 Washington Victory Fund $55,000.00

Jim Davis for Congress $17,250.00 Washington Women Vote $11,000.00

Jon Kyl for Senate $11,000.00 Western Republican PAC $10,000.00

Kennedy for Senate $12,000.00 Women Vote 2000 $100,000.00

B. ''Strategic'' Philanthropy

38. Microsoft has also contributed money to the causes of politicians as yet another method to use donations, political in nature, to gamer support and ultimately influence the outcome of the trial.

39. According to USA Today, Microsoft and the philanthropic arm of its founder and chairman, the Bill and Melinda Gates Foundation, ''donate millions of dollars to causes and projects that are dear to the hearts of government policymakers, such as a $50,000 gift to the Congressional Black Caucus Foundation.'' [14] Shortly after the donation to the CBC, according to Business Week, Microsoft gained an unlikely ally in the Caucus chairman, Representative James E. Clyburn (D- SC), ''who represents one of the least technology-rich districts in the country.'' [15] In addition, a timely $10 million gift to the U.S. Capitol Visitor's Center further endeared Microsoft to many Members of Congress.

40. Yet the strategic philanthropy began long before the 2000 election cycle. According to the Gates Foundation web site, there was a three-year hiatus in philanthropic giving between 1995 and 1998. Curiously, the last donation in 1995 occurred just prior to the signing of the 1995 consent decree and the first donation in 1998 occurred the day prior to the Department of Justice filing its antitrust suit against Microsoft.

c. Lobbying

41. In addition to the millions Microsoft spent on campaign contributions, the company spent millions more lobbying Congress, the Administration and state officials to influence the outcome of the antitrust trial. Much like its campaign contributions, the company's lobbying presence in

Washington has grown significantly in the last few years, its growth accelerating rapidly at the outset of the antitrust trial. Once just Jack Krumholtz, the company's lobbying group now employs

40 people in Redmond and Washington. The company has hired a dozen lobbying firms and counts among its consultants and lobbyists some of the most prominent figures in politics. A company with 30,000 employees, Microsoft has more lobbyists on retainer than the handful of U.S. companies with more than 300,000 employees. According to USA Today, ''in 1996, the company spent $1.2 million on its Washington lobbying operations. [In 1999], that figure topped $4.6 million.'' According to Business Week in reference to the company's political spending, ''These days, Microsoft money flows like champagne at a wedding.'' [16] Some of the biggest names in Washington going back 30 years represent Microsoft—many are former bosses of the people they lobby. There are more than a half-dozen former Members of Congress, four former White House Chief Counsels, countless dozens of former senior aides from the Congress, Justice Department and elsewhere throughout the highest levels of government.

i. Lobbying the Administration

42. Since the inauguration of George W, Bush in January 2001, Microsoft has made a concerted effort to strengthen its ties to the Administration. The Administration's decision to agree to a settlement widely accepted to be ineffective calls into question the nature of such ties.

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[14] USA Today, May 30, 2000, Drinkard, Ullman

[15] BusinessWeek, May 15, 2000, Carney, Borrus, Greene

[16] 16 ibid.

43. Prior to the announcement of the settlement, for example, it has been reported there was an inappropriate, if not illegal, discussion between a senior aide to Attorney General John Ashcroft and a lobbyist for AOL-Time Warner.

44. According to the account in the New York Times, the senior aide to General Ashcroft is David Israelite. Israelite was the political director of the Republican National Committee which received more than a million dollars from Microsoft during the 2000 presidential campaign.

In that role, Mr. Israelite directed fundraising operations and coordinated campaign activities between entities like Microsoft and the national party apparatus. Now General Ashcroft's deputy chief of staff in the Office of the Attorney General, Mr. Israelite recused himself from the case as a result of his ownership of 100 shares of Microsoft stock.

45. The Times wrote, ''According to the notes of a person briefed about the conversation on Oct. 9, the day it is said to have occurred, Mr. Israelite called [AOL lobbyist] Mr. [Wayne] Berman. ''Are you guys behind this business of the states hiring their own lawyers in the Microsoft case?'' Mr. Israelite asked Mr. Berman in the predawn conversation, according to the notes. 'Tell your clients we wouldn't be too happy about that.''

46. Israelite allegedly said on that call that the Supreme Court was soon to deny Microsoft's appeal, which would prompt the Department of Justice to seek a settlement. He was reported to have complained that AOL was ''radicalizing'' the states. [17] While the conversation was confirmed, the participants denied the content of the conversation. Still, it was enough to provoke angry responses from the technology industry and an accusation of ''inappropriate and possibly illegal'' conduct from a key House Democrat, Congressman John Conyers, Ranking Democratic Member of the House Judiciary Committee. In a letter to Attorney General Ashcroft, Rep. Conyers asked for more information about Israelite's alleged contacts with Berman, specifically asking for a list of contacts between Israelite and AOL officials. ''If the allegations reported by the media are true, such active involvement by a recused public official could violate federal conflict of interest laws,'' Conyers wrote. [18]

ii. Lobbying on the Campaign Trail

47. Mirroring its political giving strategy, Microsoft's lobbying strategy has focused mainly on Republicans, while hedging its bets and simultaneously courting Democrats to a slightly lesser extent. 48. During the campaign, Microsoft Chairman Bill Gates was asked if a Republican administration would be a positive development for the company. It would ''help,'' he said. [19] After all, before Judge Jackson ruled against Microsoft, then Governor Bush was quoted as saying that he stood ''on the side of innovation, not litigation.''

49. In fact, according to Newsweek Magazine, Bill Gates's visit to then Governor Bush in Austin was ''part of a delicate political dance between the software giant and the Republican Party .... Dollar signs in their eyes, GOP leaders covet big political contributions from Microsoft's coffers. In turn, Microsoft executives, plagued by the Clinton Justice Department's lawsuit, hope that a Republican president and Congress might shut down the efforts to punish the company.'' 50. A number of other Microsoft executives, lobbyists and other paid counsel lead back to the Bush camp. The company's Chief Operating Officer, Steve Ballmer, served then Governor Bush as a technology adviser. Tony Feather, former Bush political director, is a partner with a Republican consulting firm Microsoft hired to manage grassroots lobbying efforts. And Microsoft has paid lobbyist and former head of the Republican Party Haley Barbour hundreds of thousands of dollars to assist the company in Washington. The company has also hired Vin Weber, a former Republican Congressman, and Michael Deaver, the former White House chief of staff and trusted adviser credited with crafting President Ronald Reagan's image and campaign advertisements in the 1980s. 51. In addition, Microsoft retained the services of Ralph Reed's Century Strategies ''for the stated purpose of improving the company's public image.'' [20] Reed's firm—a paid consultant to the Bush campaign—aimed itself at mobilizing Bush supporters to express to the candidate their dissatisfaction with the antitrust trial. Once it was reported in the New York Times, the firm issued an apology. The Wall Street Journal later reported more on Ralph Reed's lobbying efforts on Microsoft's behalf:

''BOUNTY PAYMENTS are offered for pro-Microsoft letters and calls. Republican Ralph Reed's lobbying firm coordinates a network of public-relations and lobbying partners that generates grass-roots comments for cash. Payments are for letters, calls and visits to lawmakers and policy makers. An e-mail offers sample letters opposing a Microsoft breakup. A letter to a member of Congress from a mayor or local Republican Party official is worth $200, the guidelines say. A ''premier'' letter or visit by a fund-raiser known to the lawmaker or a family member can be worth up to $450 apiece. An op-ed piece in local papers fetches $500.'' [21]

52. Microsoft was lobbying the Democratic side as well. Like its team of Republican all-stars, Microsoft's team of Democrats had very close ties to its party as well. The team included ''super lobbyist'' Tommy Boggs, a top Washington insider with deep Democratic ties, Tom Downey, a former Democratic Congressman with close ties to former Vice President Al Gore, and Craig Smith, former campaign manager for Gore and board member of the Microsoft front group, Americans for Technology Leadership. As a board member of the ATL, Smith wrote to the Democratic National Committee urging his fellow party members to abandon support for the antitrust case, citing that support ''would make us vulnerable to attack in the general election.'' [22]

53. The company also hired Ginny Terzano, former Gore press secretary, and tobacco industry ad man Carter Eskew, a former Gore adviser-cum-Microsoft image consultant who helped craft the company's 1999 advertising campaign aimed at bolstering its reputation as a ''good corporate citizen.'' Also retained by Microsoft was super-lobbyist Jack Quinn, former Chief of Staff to Vice President Al Gore and White House Counsel.

iii. Lobbying Capitol Hill

54. But Microsoft did not focus solely on lobbying those who would soon be in control of the Department of Justice. Microsoft also waged a massive lobbying campaign aimed at Congress.

55. Alongside its Administration-oriented team, Microsoft recruited more lobbyists and consultants with ties to Members of Congress on both sides of the aisle. Republican hires included Allison McSlarrow, former deputy chief of staff to Senate Majority Leader Trent Lott, Ed Kutler, former assistant to then Speaker of the House Newt Gingrich, Mitch Bainwol, former chief of staff to the Senate Republican Caucus and the Republcian National Committee, Kerry Knott, former chief of staff to House Majority Leader Richard Armey, Ed Gillespie, former Armey and Republican National Committee communications director, and Mimi Simoneaux, former legislative director to House Commerce Committee Chairman Billy Tauzin, who was then-chairman of the House subcommittee with jurisdiction over the technology industry.

56. Among the Democrats lobbying on behalf of Microsoft were Jamie Houton, former associate director of the Senate Democratic Steering Committee, former Democratic Representative Vic Fazio, the third-highest ranking House Democrat, and his former top staffer Tom Jurkovich.

57. Despite Microsoft's assertion in its mere three-page Tunney Act disclosure filing, the company has incessantly used its tremendous resources to contact and influence Members of Congress. Over the course of a 16-month period beginning in 1999, Microsoft flew at least 130 Members of Congress or their staff to the company's headquarters in Redmond, Washington to lobby on a number of issues, including the antitrust case.

58. Perhaps the most egregious example of its heavy-handed largesse came in late 1999, when Microsoft lobbied Congress to cut $9 million from the budget for the Department of Justice's Antitrust Division, the very body that was leading the prosecution against Microsoft. Pilloried industries like the gun and tobacco had considered and rejected the strategy as overly bold.

59. According to the Washington Post, ''Nonprofit organizations that receive financial support from [Microsoft] have also urged key congressional appropriators to limit spending for the division .... The non profits made their request in a letter last month after an all-expenses-paid trip to Microsoft headquarters in Redmond, Washington, where they were entertained and briefed on an array of issues facing the company.'' Further discussion follows in the next section entitled ''Front Groups.''

[17] 17 New York Times, Nov. 2, 2001

[18] The Kansas City Star, Nov. 8, 2000, Kraske

[19] Common Cause, ''The Microsoft Playbook''

[20] 20 ibid.

[21] WSJ, Oct. 20, 2000

[22] Common Cause, ''The Microsoft Playbook''

60. After the previously secret letters from these non-profit groups were exposed, news of the attempts received widespread bipartisan criticism from media and politicians alike. House Judiciary Committee Chairman Henry Hyde (R-IL), called the division ''one of the best-run departments in the government.'' Senator Herb Kohl, a Democrat on the Senate Judiciary Committee's antitrust subcommittee, said ''it would set [a] terrible precedent to alter the division's budget based on one case alone.'' ''It's like the Mafia trying to defund the FBI,'' said a prominent member of the Washington antitrust bar. [23] According to Jan McDavid, a lawyer with the Washington firm of Hogan & Hartson and chairperson of the American Bar Association's antitrust section, the section's policy states that it ''opposes the use of the congressional budget and appropriations process to intervene in or influence ongoing antitrust enforcement matters.'' [24]One congressional GOP staffer went as far as to say that Microsoft's lobbying had ''the odor of obstruction.'' [25]

61. Not surprisingly, Senator Slade Gorton, a Republican from Microsoft's home state of Washington, was adamantly supportive of the idea. Between 1997 and 1999, he received more than $50,000 from Microsoft and its employees. During the 2000 election cycle, Gorton's PAC received $17,000 while the Washington State Republican Party received more than $100,000.

iv. Lobbying the States

62. Because 19 state attorneys general initiated the antitrust case alongside the Department of Justice, Microsoft initiated a state lobbying campaign aimed at influencing those attorneys general to back away from the case. Microsoft even hired former Iowa House Speaker Donald Avenson to lobby the state's Attorney General, who was leading the group of states prosecuting the company. While Microsoft has retained professional ''grassroots consultants'' and others in many states, according to published reports, it is their efforts in the 19 states with Attorneys General who brought suit against them where the real pressure has occurred. In those states they have retained former lawmakers, law partners of the Attorneys General, their predecessors in that same office, business associates, and their own trusted political consultants. Microsoft has also hired those on whom the AGs are often most politically dependent, such as union leaders and activists in states with Democratic Attorneys General, and fiscally conservative activists in state with Republican AGs.

63. Perhaps the company's most successful effort to influence the state attorneys general came in 1998, when, three days after a $25,000 contribution to the South Carolina Republican Party, the state's Attorney General, Charles Condon, announced that he would withdraw from the case.

64. Yet, a few of its grassroots efforts targeted at the states have done more harm than good. Because of the unprecedented size, scope and cost of Microsoft's campaign, a number of high profile gaffes have exhibited the true nature of Microsoft's ''public support'' and the depths to which the company will go to influence the outcome of the trial.

65. In August 2001, the Los Angeles Times reported that two letters received by the Utah Attorney General's office, one of the prosecuting states, were sent by dead men. The campaign was funded by Craig Smith's Americans for Technology Leadership. Despite its claims to represent ''thousands of small and mid-sized technology companies,'' news reports have repeatedly characterized ATL and its counterpart, the Association for Competitive Technology (ACT) as essentially wholly- owned subsidiaries of Microsoft Corp., whose funding launched and sustains both groups. [26] Other characteristics of the letter writing campaign to the Attorneys General included similar phrases popping up again and again, invalid return addresses, and even masses of identical letters with different signatories.

66. In one news story, Jim Prendergast, director of ATL, initially admitted only to providing letter writers with ''message points.'' ''We gave them a few bullet points, but that's about the extent of it,'' he said. When asked why identical phrases were popping up again and again, he confessed that sometimes ATL did indeed provide whole letters for the citizens to sign and send. ''We'd write the letter and then send it to them,'' he admitted.

67. According to the same article, other states, like Minnesota and Iowa, were subjected to Microsoft's full-press grassroots lobbying campaign. Both states are participants in the antitrust case. In the case of Iowa, Attorney General Tom Miller received more than 50 letters in a month's time calling on him to drop the case. While none of the letters were identical, several phrases were similar. In four of the letters, for example, the following sentence appeared: ''Strong competition and innovation have been the twin hallmarks of the technology industry.'' Three others contained this sentence: ''If the future is going to be as successful as the recent past, the technology sector must remain free from excess regulation.'' [27]

68. Minnesota Attorney General Michael Hatch, who received 300 identical letters, characterized the campaign as ''sleazy.'' Many of the letter writers were misled by Microsoft and one even wrote by hand to Attorney General Hatch to say so and to apologize for his previous letter. ''I sure was misled,'' he wrote. ''It's time for you to get out there and kick butt.'' [28]

vi. Tying Up the Lobbyists and Lawyers

69. A frequently employed tactic of Microsoft is to retain all major lobbying firms in key states so that its opposition cannot. Similarly, the company has hired many Washington, DC-based law firms with antitrust expertise to work on issues not related to the antitrust case. ''They've got the whole town conflicted out,'' said one attorney. ''They've sucked out all the oxygen.'' [29]

D. Front Groups 70. Supporting its political contributions and lobbying campaign, Microsoft undertook an aggressive public relations campaign aimed at ''creating the appearance of a groundswell of public support for the company.'' [30]

71. In April 1998, a reporter for the Los Angeles Times received a package of confidential materials created by Edelman Public Relations for its client, Microsoft. Among the documents was a media relations strategy for a ''multi-million dollar'' campaign aimed at stemming the rash of antitrust investigations being undertaken by a number of states in conjunction with the federal government's investigation. According to the reporters, Greg Miller and Leslie Helm, ''the elaborate plan ... hinges on a number of unusual—and some say unethical—tactics, including the planting of articles, letters to the editor and opinion pieces to be commissioned by Microsoft's top media handlers but presented by local firms as spontaneous testimonials.'' [31] While Microsoft contends that this strategy was never implemented, a number of the company's activities since the outset of the trial clearly indicate that most of the elements have been employed, at times repeatedly.

72. Throughout the antitrust trial, Microsoft relied heavily on many ''independent'' groups to support the company and to oppose the suit publicly. Some groups they created themselves out of whole cloth during the trial. Others sullied their long, distinguished backgrounds by trading hard cash for the use of their good names. Many denied any involvement with Microsoft, claiming that their passion came from concern for the economy or ''innovation''—only to later be unmasked by the news media when evidence of their financial dealings with Microsoft came to light. One account suggests Microsoft has harnessed at least 15 advocacy groups and think tanks that use Microsoft donations to spread the company's message through polls, news conferences, Web sites, letters to the editor, research papers, opinion pieces and letter-writing campaigns aimed at lawmakers. [32]

73. Groups with names like Americans for Technology Leadership and the Association for Competitive Technology had the veneer of genuine independence, but were actually founded by Microsoft, launched with Microsoft dollars, and work on few other issues than the defense of Microsoft in its antitrust trial.

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[23] 23 Reuters, Oct. 17, 1999, Lawsky

[24] ibid.

[25] WS J, Oct. 15, 1999

[26] ''Microsoft's All-Out Counterattack.'' Dan Carney, with Amy Borrus. BusinessWeek May 15, 2000; ''Microsoft's Lobbying Largess Pays Off; Back-Channel Effort Wins Support for Case.'' James V. Grimaldi. Washington Post May 17, 2000; ''Microsoft leans creatively on levers of political power as breakup decision looms, 'stealth'' lobbying efforts aim for survival.'' Jim Drinkard and Owen Ullmann. USA Today May 30, 2000

[27] Los Angeles Times, August 23,2001

[28] 28 Los Angeles Times, August 23, 2001

[29] Business Week, May 15, 2000, Borrus, Carney, Greene

[30] ''Trust Us, We're Experts'' Sheldon Rampton and John Stauber, p. 8

[31] ibid.

[32] 32 USA TODAY, ''Microsoft leans creatively on levers of political power as breakup decision looms, 'stealth'' lobbying efforts aim for survival'' by Jim Drinkard and Owen Ullmann, May 30, 2000

74. Even well known Washington, DC organizations with strong ties to the Administration and to Congress were well funded by Microsoft—respected fiscally conservative groups like Grover Norquist's Americans for Tax Reform, former White House Counsel C. Boyden Grey's Citizens for a Sound Economy, the National Taxpayers Union and Citizens Against Government Waste. But upon closer scrutiny, the true ties of these groups to Microsoft became apparent. By paying for pro-Microsoft advertisements, by sponsoring publications, by donating money outright, Microsoft both ensured and devalued their support.

75. According to Business Week, Microsoft ''secretly funds those that do its public-relations work and pulls funding from those that dare question its positions.'' [33] On one such occasion, Microsoft pulled funding from the American Enterprise Institute once one of its fellows, Robert Bork, came out in favor of the antitrust trial even though the institute itself has no position on the trial and many of its technical and antitrust experts have expressed their opposition to the case. In another case, they quit a technology industry trade group, the Software and Information Industry Association, because a majority of its members supported the antitrust case.

i. Independent Institute

76. In one instance, Microsoft paid for the placement of newspaper advertisements by the California-based Independent Institute. Published in June 1999 in the New York Times and the Washington Post, the full-page ads featured a pro-Microsoft letter signed by 240 academics. Nothing in the ad's copy indicated to readers who—other than the Institute itself- was paying for the ads. Apparently, no one at the Independent Institute indicated to the letter's 240 signatories who was paying for the ad either. One signatory, Professor Simon Hakim of Temple University, stated that he would not have signed on to the advertisement had he known who was behind it. [34]

77. At a Washington, DC press conference unveiling the ads, Independent Institute president David Theroux answered a reporter's specific question about whether Microsoft had anything to do with the ads, including paying for them, with a resounding ''no.'' When questioned months later by the New York Times, Theroux again denied that Microsoft paid for the ads. He said, instead, that the ads ''were paid for out of our general funds.'' He also said the ''implication that Microsoft had any influence is ridiculous.'' [35] But, according to a front-page article later written in the New York Times, ''among the institute's internal documents is a bill from Mr. Theroux sent to John A. C. Kelly of Microsoft for the full costs of the ads, plus his travel expenses from San Francisco to Washington for the news conference, totaling $153,868.67. Included was a $5,966 bill for airline tickets for himself (Theroux) and a colleague. Unfortunately, he wrote Mr. Kelly, 'the airlines were heavily booked'' and 'we had to fly first class to DC and business class on the return.''' Furthermore, despite additional statements from its president that it ''adheres to the highest standards of independent scholarly inquiry,'' internal institute documents have shown that, having contributed more than $200,000, or 20% of the institute's total outside contributions, Microsoft ''secretly served as the institute's largest outside benefactor [in 1999].'' [36] It wasn't until September that the institute finally admitted the extent of Microsoft's support.

78. In these instances, as in others, Microsoft's behavior outside the courtroom had a direct impact on the proceedings inside the courtroom. According to the New York Times, the ads prompted not only more news stories but also courtroom discussion. [37] Microsoft also covered the costs of the publication of the institute's book, ''Winners, Losers and Microsoft: Competition and Antitrust in High Technology,'' which Microsoft's economic witness in the trial then used to support his own testimony.

ii. Biased Polling

79. According to Business Week, Microsoft has also commissioned polls to help foster an image of great public support for the company. At the outset of the 2000 presidential campaign, around the time of the Iowa caucus and the New Hampshire primary, Microsoft funded polls aimed at demonstrating the public's opposition to the antitrust case. Once the results were in, Microsoft distributed the results to the media in order to compel the candidates to incorporate their opposition to the case into their platform.

80. In addition, while the state Attorneys General were working through the spring on formulating a remedy, Microsoft front group Americans for Technology Leadership conducted and issued the results of a poll, which concluded that the public wanted the Attorneys General to focus their time and energy on other issues. In this case, Microsoft failed to disclose the nature of its relationship with ATL and the source of funding for the poll.

iii. Targeting the Antitrust Division of the Department of Justice

81. As stated above, one of Microsoft's most egregious attempts to use lobbying to influence the outcome of the antitrust trial came when the company lobbied to cut funding for the Antitrust Division of the Department of Justice. Microsoft funded a host of third parties to push forth its agenda.

82. In September 1999, the company flew representatives from about 15 major Washington, DC- based think tanks to Microsoft's Redmond, Washington headquarters ''for three days of briefings that included tickets to a Seattle Mariners game and dinner and entertainment at Seattle's Teatro ZinZani, according to an itinerary.'' [38]Among the groups were Citizens for a Sound Economy, the National Taxpayers Union and Americans for Tax Reform, whose president, Grover Norquist, received $40,000 in lobbying payments from Microsoft during the second half of 1998.

83. Two days after returning from the trip, those three groups and three others secretly sent a letter to House appropriators urging that the Antitrust Division receive the lowest amount of funding proposed. In a coordinated effort, on the same day one of Microsoft's own lobbyists, Kerry Knott, met with Rep. Dan Miller of Florida to urge him to grant the Antitrust Division the lower amount of funds. That meeting prompted Rep. Miller to write to the chairman of the House Appropriations Commerce, Justice, State and Judiciary Subcommittee that ''it would be a devastating blow to the high-tech industry and to our overall economy if the federal government succeeds in its efforts to regulate this industry through litigation.'' According to the Washington Post, ''Miller said that while he objects to the funding on fiscal grounds, he had not focused on it until Knott and Citizens for a Sound Economy spokeswoman Christin Tinsworth, a former Miller staffer, made their pitch just off the House floor.'' [39]

84. A Washington Post editorial summarized the propriety of the incident this way: ''[T]he fact that Microsoft has the right to lobby ... doesn't make the lobbying any less unseemly. If Microsoft has a gripe, it should make its complaint to the court hearing its case.'' [40]

III. CONCLUSIONS

85. The end result of Microsoft's unprecedented political campaign seems to have been rewarded by the weak settlement presented by the Department of Justice.

Respectfully Submitted,

Edward Roeder

January 28, 2002

APPENDIX A: Selected Tables

Table 1. Rapid Rises in Corporate PAC Fundraising, 1979–2002

(After Raising More than $50,000)

Microsoft Corporation, Formed: 1987–88, Total Raised, 1995–96: $59,750, Total Raised, 1997–98: $599,568, Difference: $539,818 = 903.46% Rank: 1

American Telephone & Telegraph Co., Formed: 1983–84, Total Raised, 1983–84: $215,423, Total Raised, 1985–86: $1,820,621, Difference: $1,605,198 = 745.14% Rank: 2

Drexel Burnham Lambert Group, Inc. Formed: 1981–82, Total Raised, 1983–84: $66,844, Total Raised, 1985–86: $446,279, Difference: $379,435 = 567.64% Rank: 3

Safari Club International Formed: 1979–80, Total Raised, 1993=94: $94,149, Total Raised, 1995–96: $545,915, Difference: $451,766 = 479.84% Rank: 4

Fluor Corporation Formed: 1979–80, Total Raised, 1987–88: $87,236, Total Raised,

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[33] Business Week, May 15, 2000, Carney, Borrus, Greene

[34]

I am aware there have been allegations that material relating to the Independent Institute was uncovered by Investigative Group International (IGI), allegedly retained by Oracle Corporation. My understanding of the circumstances indicates that employees of IGI's were terminated as a result of their actions. I have not reviewed those allegations specifically, since the subject of my review was defendant, Microsoft Corporation. Regardless, neither the Independent Institute nor Microsoft ever denied the validity of the claims after they were exposed.

[35] Associated Press, September 18, 1999

[36] New York Times, Sept. 19, 1999

[37] New York Times, Sept. 19, 1999

[38] The Washington Post, Oct. 15, 1999, Morgan, Eilperin

[39] ibid.

[40] Washington Post, Oct. 24, 1999

1989–90: $494,417, Difference: $407,181 = 466.76% Rank: 5

Dow Chemical, USA—HQ Formed: 1979–80, Total Raised, 1995–96: $60,290, Total Raised, 1997–98: $331,286, Difference: $270,996 = 449.49% Rank: 6

Lucent Technologies, Inc. Formed: 1995–96, Total Raised, 1995–96: $87,568, Total Raised, 1997–98: $464,592, Difference: $377,024 = 430.55% Rank: 7

Nat'l Star Route Mail Contractors Ass'n Formed: 1981–82, Total Raised, 1995–96: $63,512, Total Raised, 1983–84: $313,609, Difference: $250,097 = 393.78% Rank: 8

Eastern Airlines, Inc. Formed: 1979–80, Total Raised, 1985–86: $53,309, Total Raised, 1987–88: $243,529, Difference: $190,220 = 356.83% Rank: 9

Pacific Telesis Group Formed: 1979–80, Total Raised, 1981–82: $65,538, Total Raised, 1983–84: $280,183, Difference: $214,645 = 327.51% Rank: 10

Henley Group/Wheelabrator Technologies, Inc. Formed: 1979–80, Total Raised, 1985–86: $89,255, Total Raised, 1987–88: $380,102, Difference: $290,847 = 325.86% Rank: 11

Firstar (First Wisconsin) Corp. Formed: 1979–80, Total Raised, 1997–98: $113,743, Total Raised, 1999–00: $480,239, Difference: $366,496 = 322.21% Rank: 12

U.S. West, Inc. Formed: 1983–84, Total Raised, 1987–88: $123,767, Total Raised, 1989–90: $521,886, Difference: $398,119 = 321.67% Rank: 13

CSX Corp.—Jeffboat Formed: 1981–82, Total Raised, 1997–98: $74,125, Total Raised, 1999–00: $303,763, Difference: $229,638 = 309.80% Rank: 14

J. P. Morgan & Company, Inc. Formed: 1979–80, Total Raised, 1983–84: $68,569, Total Raised, 1985–86: $274,515, Difference: $205,946 = 300.35% Rank: 15

Source: Computer analysis by Sunshine Press Services of Federal

Election Commission data, Jan. 1, 1979 through Dec. 31, 2000.

Table 2. Continued Rises in Corporate PAC Fundraising, 1979–2002

Following Rapid Rise of More than 300% from a base of $50,000+ (Ranked by Percentage Rise in Next Election Cycle)

Microsoft Corporation Formed: 1987–88, Total Raised, 1995–96: $59,750, Total Raised, 1997–98: $599,568, Difference: $539,818 = 903.46% Next Cycle: 1999–00, Total Raised: $1,589,684, Difference: $990,116 = 165.14% Rank: 1

J. P. Morgan & Company, Inc. Formed: 1979–80, Total Raised, 1983–84: $68,569, Total Raised, 1985–86: $274,515, Difference: $205,946 = 300.35% Next Cycle: 1987–88, Total Raised: $514,285, Difference: $239,770 = 87.34% Rank: 2

American Telephone & Telegraph Co. Formed: 1983–84, Total Raised, 1983–84: $215,423, Total Raised, 1985–86: $1,820,621, Difference: $1,605,198 = 745.14% Next Cycle: 1987–88, Total Raised: $3,043,510, Difference: $1,222,889 = 67.17% Rank: 3

U.S. West, Inc. Formed: 1983–84, Total Raised, 1987–88: $123,767, Total Raised, 1989–90: $521,886, Difference: $398,119 = 321.67% Next Cycle: 1991–92, Total Raised: $734,130, Difference: $212,244 = 40.67% Rank: 4

Pacific Telesis Group Formed: 1979–80, Total Raised, 1981–82: $65,538, Total Raised, 1983–84: $280,183, Difference: $214,645 = 327.51% Next Cycle: 1985–86, Total Raised: $364,113, Difference: $83,930 = 29.96% Rank: 5

Fluor Corporation Formed: 1979–80, Total Raised, 1987–88: $87,236, Total Raised, 1989–90: $494,417, Difference: $407,181 = 466.76% Next Cycle: 1991–92, Total Raised: $610,142, Difference: $115,725 = 23.41% Rank: 6

Nat'l Star Route Mail Contractors Ass'n Formed: 1981–82, Total Raised, 1995–96: $63,512, Total Raised, 1983–84: $313,609, Difference: $250,097 = 393.78% Next Cycle: 1985–86, Total Raised: $43,468, Difference: $2,269 = 5.51% Rank: 7

Firstar (First Wisconsin) Corp. Formed: 1979–80, Total Raised, 1997–98: $113,743, Total Raised, 1999–00: $480,239, Difference: $366,496 = 322.21% Next Cycle: (data incomplete, cycle now in progress)

CSX Corp.—Jeffboat Formed: 1981–82, Total Raised, 1997–98: $74,125, Total Raised, 1999–00: $303,763, Difference: $229,638 = 309.80% Next Cycle: (data incomplete, cycle now in progress)

Dow Chemical, USA—HQ Formed: 1979–80, Total Raised, 1995–96: $60,290, Total Raised, 1997–98: $331,286, Difference: $270,996 = 449.49% Next Cycle: 1999–00, Total Raised: $279,618, Difference: $-51,668 = -15.60% Rank: 10

Lucent Technologies, Inc. Formed: 1995–96, Total Raised, 1995–96: $87,568, Total Raised, 1997–98: $464,592, Difference: $377,024 = 430.55% Next Cycle: 1999–00, Total Raised: $343,462, Difference: $-121,130 = -26.07% Rank: 11

Drexel Burnham Lambert Group, Inc. Formed: 1981–82, Total Raised, 1983–84: $66,844, Total Raised, 1985–86: $446,279, 27

MTC–00028684—0173 Difference: $379,435 = 567.64% Next Cycle: 1987–88, Total Raised: $310,188, Difference: $-136,091 = -30.49% Rank: 12

Safari Club International Formed: 1979–80, Total Raised, 1993=94: $94,149, Total Raised, 1995–96: $545,915, Difference: $451,766 = 479.84% Next Cycle: 1997–98, Total Raised: $378,078, Difference: $-167,837 = -30.74% Rank: 13

Eastern Airlines, Inc. Formed: 1979–80, Total Raised, 1985–86: $53,309, Total Raised, 1987–88: $243,529, Difference: $190,220 = 356.83% Next Cycle: 1989–90, Total Raised: $105,734, Difference: $-137,795 = -56.58% Rank: 14

Henley Group/Wheelabrator Technologies, Formed: 1979–80, Total Raised, 1985–86: $89,255, Total Raised, 1987–88: $380,102, Difference: $290,847 = 325.86% Next Cycle: 1989–90, Total Raised: $141,072, Difference: $-239,030 = -62.89% Rank: 15

Source: Computer analysis by Sunshine Press Services of Federal

Election Commission data, Jan. 1, 1979 through Dec. 31, 2000.

TABLE 3.—LARGEST CASH BALANCES AT END OF 1999–2000 ELECTION CYCLE

American Corporate PACs

Rank	PAC Sponsor	Cash on Hand
1	Microsoft Corporation.	$712,874
2	Southern Bell Telephone & Telegraph Co..	617,922
3	Crawford Group / Enterprise Leasing.	611,442
4	Southwestern Bell Corporation.	550,841
5	Chrysler / Gulfstream Aerospace Corp..	481,068
6	Federal Express Corporation.	424,739
7	NationsBank	413,663
8	First Union Corporation.	410,242
9	First Bank System, Inc..	405,187
10	Stone Container Corporation.	368,973
11	General Electric Company.	359,469
12	National Health Corporation.	340,205
13	Exxon Corporation	328,559
14	Outback Steakhouse, Inc..	325,977
15	Columbia / HCA Healthcare.	284,827
16	American Family Corporation.	283,963
17	Cooper Industries, Inc..	281,054
18	Suntrust Banks, Inc.	275,779
19	Winn-Dixie Stores, Inc..	273,232
20	Jacobs Engineering Group, Inc..	272,982
21	Ford Motor Company	264,914
22	U.S. West, Inc.	261,289
23	Compass Bancshares, Inc..	253,625

Source: Computer analysis by Sunshine Press Services of Federal
Election Commission data.

Table 4. Largest Percentage Increases in Receipts Over Two

Election Cycles

American Corporate PACs With More Than $50,000

Microsoft Corporation Formed:1987–88, Total Raised, 1995–96: $59,750, Total Raised, 1999–00: $1,589,684, Difference: $1,529,934 = 2,560.56% Rank: 1

American Telephone & Telegraph Co. Formed:1983–84, Total Raised, 1983–84: $215,423, Total Raised, 1987–88: $3,043,510, Difference: $2,828,087 = 1,312.81% Rank: 2

Firstar (First Wisconsin) Corp. Formed:1979–80, Total Raised, 1995–96: $59,437, Total Raised, 1999–00: $480,239, Difference: $420,802 = 707.98% Rank: 3

J. P. Morgan & Company, Inc. Formed:1979–80, Total Raised, 1983–84: $68,569, Total Raised, 1987–88: $514,285, Difference: $445,716 = 650.03% Rank: 4

U.S. West, Inc. Formed:1983–84, Total Raised, 1985–86: $69,588, Total Raised, 1989–90: $521,886, Difference: $452,298 = 649.97% Rank: 5

Bell Atlantic Corp. Formed:1983–84, Total Raised, 1993=94: $146,949, Total Raised, 1997–98: $1,046,617, Difference: $899, 668 = 612.23% Rank: 6

Fluor Corporation Formed:1979–80, Total Raised, 1987–88: $87,236, Total Raised, 1991–92: $610,142, Difference: $522,906 = 599.42% Rank: 7

Dow Chemical, USA—HQ Formed:1979–80, Total Raised, 1993=94: $53,297, Total Raised, 1997–98: $331,286, Difference: $277,989 = 521.58% Rank: 8

GA Technologies, Inc. Formed:1987–88, Total Raised, 1987–88: $51,702, Total Raised, 1991–92: $320,081, Difference: $268,379 = 519.09% Rank: 9

U.S. West, Inc. Formed:1983–84, Total Raised, 1987–88: $123,767, Total Raised, 1991–92: $734,130, Difference: $610,363 = 493.15% Rank: 10

American Information Technologies Corp. Formed:1983–84, Total Raised, 1989–90: $233,266, Total Raised, 1993=94: $1,370,945, Difference: $1,137,679 = 487.72% Rank: 11

Allied-Signal, Inc. Formed:1979–80, Total Raised, 1981–82: $65,703, Total Raised, 1985–86: $384,530, Difference: $318,827 = 485.25% Rank: 12

Glaxo, Inc. Formed:1985–86, Total Raised, 1989–90: $106,192, Total Raised, 1993=94: $607,224, Difference: $501,032 = 471.82% Rank: 13

Nynex Corporation Formed:1983–84, Total Raised, 1991–92: $62,304, Total Raised, 1995–96: $346,809, Difference: $284,505 = 456.64% Rank: 14

Pacific Telesis Group Formed:1979–80, Total Raised, 1981–82: $65,538, Total Raised, 1985–86: $364,113, Difference: $298,575 = 455.58% Rank: 15

Philip Morris, Inc. Formed:1979–80, Total Raised, 1979–80: $93,291, Total Raised, 1983–84: $499,938, Difference: $406,647 = 435.89% Rank: 16

American Electric Power Company, Inc. Formed:1979–80, Total Raised, 1995–96: $106,155, Total Raised, 1999–00: $545,295, Difference: $439,140 = 413.68% Rank: 17

Waste Management, Inc. Formed:1979–80, Total Raised, 1981–82: $76,738, Total Raised, 1985–86: $391,637, Difference: $314,899 = 410.36% Rank: 18

Cigna Corporation Formed:1979–80, Total Raised, 1979–80: $56,174, Total Raised, 1985–86: $286,319, Difference: $230,145 = 409.70% Rank: 19

LDDS Communications, Inc. Formed:1987–88, Total Raised, 1993=94: $63,542, Total Raised, 1997–98: $323,680, Difference: $260,138 = 409.40% Rank: 20

Safari Club International Formed:1979–80, Total Raised, 1991–92: $107,314, Total Raised, 1995–96: $545,915, Difference: $438,601 = 408.71% Rank: 21

Michigan Bell Telephone Company Formed:1979–80, Total Raised, 1983–84: $53,326, Total Raised, 1987–88: $266,944, Difference: $213,618 = 400.59% Rank: 22

E1 Paso Company Formed:1979–80, Total Raised, 1995–96: $75,920, Total Raised, 1999–00: $379,370, Difference: $303,450 = 399.70% Rank: 23

Merrill Lynch & Company, Inc. Formed:1979–80, Total Raised, 1979–80: $56,895, Total Raised, 1983–84: $282,297, Difference: $225,402 = 396.17% Rank: 24

Federal Express Corporation Formed:1983–84, Total Raised, 1983–84: $230,478, Total Raised, 1987–88: $1,139,978, Difference: $909,500 = 394.61% Rank: 25

MBNA Corporation Formed:1991–92, Total Raised, 1991–92: $184,764, Total Raised, 1995–96: $903,599, Difference: $718,835 = 389.06% Rank: 26

MCI Telecommunications Corporation Formed:1983–84, Total Raised, 1993=94: $104,688, Total Raised, 1997–98: $510,195, Difference: $405,507 = 387.35% Rank: 27

Smith Barney & Company Formed:1979–80, Total Raised, 1995–96: $128,843, Total Raised, 1999–00: $627,332, Difference: $498,489 = 386.90% Rank: 28

Chrysler / Gulfstream Aerospace Corp. Formed:1979–80, Total Raised, 1981–82: $77,152, Total Raised, 1985–86: $373,792, Difference: $296,640 = 384.49% Rank: 29

American Information Technologies Corp. Formed:1983–84, Total Raised, 1987–88: $105,465, Total Raised, 1991–92: $501,210, Difference: $395,745 = 375.24% Rank: 30

Waste Management, Inc. Formed:1979–80, Total Raised, 1983–84: $138,076, Total Raised, 1987–88: $653,361, Difference: $515,285 = 373.19% Rank: 31

Texas Air Corp. Formed:1979–80, Total Raised, 1981–82: $53,560, Total Raised, 1985–86: $252,847, Difference: $199,287 = 372.08% Rank: 32

Federal Express Corporation Formed:1983–84, Total Raised, 1985–86: $334,334, Total Raised, 1989–90: $1,561,744, Difference: $1,227,410 = 367.12% Rank: 33

Drexel Burnham Lambert Group, Inc. Formed:1981–82, Total Raised, 1983–84: $66,844, Total Raised, 1987–88: $310,188, Difference: $243,344 = 364.05% Rank: 34

Dow Chemical, USA—HQ Formed:1979–80, Total Raised, 1995–96: $60,290, Total Raised, 1999–00: $279,618, Difference: $219,328 = 363.79% Rank: 35

General Telephone & Electronics Corp. Formed:1979–80, Total Raised, 1987–88: $169,871, Total Raised, 1991–92: $779,782, Difference: $609,911 = 359.04% Rank: 36

NationsBank Formed:1979–80, Total Raised, 1987–88: $238,405, Total Raised, 1991–92: $1,094,012, Difference: $855,607 = 358.89% Rank: 37

CSX Corp.—Jeffboat Formed:1981–82, Total Raised, 1995–96: $66,789, Total Raised, 1999–00: $303,763, Difference: $236,974 = 354.81% Rank: 38

Sears Roebuck & Co. (Allstate) Formed:1979–80, Total Raised, 1981–82: $50,277, Total Raised, 1985–86: $223,313, Difference: $173,036 = 344.17% Rank: 39

First Union Corporation Formed:1983–84, Total Raised, 1995–96: $119,980, Total Raised, 1999–00: $525,262, Difference: $405,282 = 337.79% Rank: 40

Brown & Williamson Tobacco Corp. Formed:1979–80, Total Raised, 1991–92: $117,271, Total Raised, 1995–96: $512,562, Difference: $395,291 = 337.07% Rank: 41

Coca-Cola Enterprises, Inc. Formed:1991–92, Total Raised, 1993=94: $54,312, Total Raised, 1997–98: $232,861, Difference: $178,549 = 328.75% Rank: 42

Mutual of Omaha Insurance Company Formed:1979–80, Total Raised, 1989–90: $74,612, Total Raised, 1993=94: $319,846, Difference: $245,234 = 328.68% Rank: 43

Chase Manhattan Bank Formed:1979–80, Total Raised, 1983–84: $64,813, Total Raised, 1987–88: $274,828, Difference: $210,015 = 324.03% Rank: 44

Raytheon Company Formed:1979–80, Total Raised, 1979–80: $54,158, Total Raised, 1983–84: $228,899, Difference: $174,741 = 322 65% Rank: 45

Manufacturers Hanover Corporation Formed:1979–80, Total Raised, 1979–80: $69,178, Total Raised, 1983–84: $291,068, Difference: $221,890 = 320.75% Rank: 46

Tenneco, Inc. Formed:1979–80, Total Raised, 1991–92: $208,019, Total Raised, 1995–96: $866,590, Difference: $658,571 = 316.59% Rank: 47

Loral Systems Group Formed:1985–86, Total Raised, 1989–90: $86,215, Total Raised, 1993=94: $358,895, Difference: $272,680 = 316.28% Rank: 48

Koch Industries, Inc. Formed:1989–90, Total Raised, 1993=94: $202,392, Total Raised, 1997–98: $831,184, Difference: $628,792 = 310.68% Rank: 49

Koch Industries, Inc. Formed:1989–90, Total Raised, 1991–92: $104,401, Total Raised, 1995–96: $428,074, Difference: $323,673 = 310.03% Rank: 50

Bellsouth Corporation Formed:1983–84, Total Raised, 1985–86: $70,383, Total Raised, 1989–90: $287,836, Difference: $217,453 = 308.96% Rank: 51

Rockwell International Corporation Formed:1979–80, Total Raised, 1979–80: $123,700, Total Raised, 1983–84: $497,473, Difference: $373,773 = 302.16% Rank: 52

Safari Club International Formed:1979–80, Total Raised, 1993=94: $94,149, Total Raised, 1997–98: $378,078, Difference: $283,929 = 301.57% Rank: 53

RJR Nabisco, Inc. Formed:1979–80, Total Raised, 1981–82: $64,199, Total Raised, 1985–86: $256,498, Difference: $192,299 = 299.54% Rank: 54

American Information Technologies Corp. Formed:1983–84, Total Raised, 1985–86: $58,487, Total Raised, 1989–90: $233,266, Difference: $174,779 = 298.83% Rank: 55

Southern Company Formed:1981–82, Total Raised, 1995–96: $125,656, Total Raised, 1999–00: $497,118, Difference: $371,462 = 295.62% Rank: 56

Lucent Technologies, Inc. Formed:1995–96, Total Raised, 1995–96: $87,568, Total Raised, 1999–00: $343,462, Difference: $255,894 = 292.22% Rank: 57

Fluor Corporation Formed:1979–80, Total Raised, 1985–86: $126,081, Total Raised, 1989–90: $494,417, Difference: $368,336 = 292.14% Rank: 58

Central & South West Services, Inc. Formed:1979–80, Total Raised, 1993=94: $57,841, Total Raised, 1997–98: $226,201, Difference: $168,360 = 291.07% Rank: 59

HSBC Americas / Marine Midland Banks Formed:1981–82, Total Raised, 1983–84: $52,071, Total Raised, 1987–88: $200,106, Difference: $148,035 = 284.29% Rank: 60

Jacobs Engineering Group, Inc. Formed:1981–82, Total Raised, 1995–96: $127,472, Total Raised, 1999–00: $488,875, Difference: $361,403 = 283.52% Rank: 61

Banc One Corporation Formed:1979–80, Total Raised, 1989–90: $270,704, Total Raised, 1993=94: $1,037,361, Difference: $766,657 = 283.21% Rank: 62
Archer-Daniels-Midland Company Formed:1979–80, Total Raised, 1979–80: $50,369, Total Raised, 1983–84: $192,426, Difference: $142,057 = 282.03% Rank: 63
Aetna Life and Casualty Company Formed:1983–84, Total Raised, 1983–84: $88,329, Total Raised, 1987–88: $333,008, Difference: $244,679 = 277.01% Rank: 64
Outback Steakhouse, Inc. Formed:1991–92, Total Raised, 1993=94: $230,022, Total Raised, 1997–98: $865,042, Difference: $635,020 = 276.07% Rank: 65
Lockheed Corporation Formed:1979–80, Total Raised, 1979–80: $136,127, Total Raised, 1983–84: $511,131, Difference: $375,004 = 275.48% Rank: 66
Duke Power Company Formed:1979–80, Total Raised, 1995–96: $69,970, Total Raised, 1999–00: $261,562, Difference: $191,592 = 273.82% Rank: 67
TRW, Inc. Formed:1979–80, Total Raised, 1979–80: $69,121,
Total Raised, 1983–84: $256,296
Difference: $187,175 = 270.79% Rank: 68
United Telecommunications, Inc. Formed:1979–80
Total Raised, 1983–84: $66,922
Total Raised, 1987–88: $247,495
Difference: $180,573 = 269.83% Rank: 69
Loral Systems Group Formed:1985–86
Total Raised, 1987–88: $55,311
Total Raised, 1991–92: $202,887
Difference: $147,576 = 266.81% Rank: 70
American General Corporation Formed:1979–80
Total Raised, 1995–96: $182,254
Total Raised, 1999–00: $668,062
Difference: $485,808 = 266.56% Rank: 71
Phillips Petroleum Company Formed:1979–80
Total Raised, 1983–84: $99,365
Total Raised, 1987–88: $364,141
Difference: $264,776 = 266.47% Rank: 72
Entergy Operations, Inc. Formed:1989–90
Total Raised, 1993=94: $64,650
Total Raised, 1997–98: $236,109
Difference: $171,459 = 265.21% Rank: 73
American Information Technologies Corporation Formed:1979–80
Total Raised, 1983–84: $68,916
Total Raised, 1987–88: $249,574
Difference: $180,658 = 262.14% Rank: 74
Sea-Land Corporation Formed:1979–80
Total Raised, 1987–88: $52,291
Total Raised, 1991–92: $189,284
Difference: $136,993 = 261.98% Rank: 75
First City Bancorporation of Texas, Inc. Formed:1979–80
Total Raised, 1979–80: $85,372
Total Raised, 1983–84: $307,649
Difference: $222,277 = 260.36% Rank: 76
Banc One Corporation Formed:1979–80
Total Raised, 1987–88: $173,949
Total Raised, 1991–92: $622,458
Difference: $448,509 = 257.84% Rank: 77
E1 Paso Company Formed:1979–80
Total Raised, 1993=94: $74,169
Total Raised, 1997–98: $264,338
Difference: $190,169 = 256.40% Rank: 78
Dow Chemical, USA Formed:1979–80
Total Raised, 1985–86: $77,017
Total Raised, 1989–90: $274,424
Difference: $197,407 = 256.32% Rank: 79
Timken Company Formed:1995–96
Total Raised, 1995–96: $79,717
Total Raised, 1999–00: $277,044
Difference: $197,327 = 247.53% Rank: 80
Southern Bell Telephone & Telegraph Co. Formed:1979–80
Total Raised, 1981–82: $54,650
Total Raised, 1985–86: $189,822
Difference: $135,172 = 247.34% Rank: 81
National City Corporation Formed:1981–82
Total Raised, 1983–84: $59,921
Total Raised, 1987–88: $207,361
Difference: $147,440 = 246.06% Rank: 82
Wal-Mart Stores, Inc. Formed:1979–80
Total Raised, 1989–90: $56,535
Total Raised, 1993=94: $195,579
Difference: $139,044 = 245.94% Rank: 83
Eastern Airlines, Inc. Formed:1979–80
Total Raised, 1983–84: $70,676
Total Raised, 1987–88: $243,529
Difference: $172,853 = 244.57% Rank: 84
Heublein, Inc. Formed:1979–80
Total Raised, 1985–86: $52,292
Total Raised, 1989–90: $178,944
Difference: $126,652 = 242.20% Rank: 85
Salomon Brothers, Inc. Formed:1981–82
Total Raised, 1981–82: $106,250
Total Raised, 1985–86: $363,500
Difference: $257,250 = 242.12% Rank: 86
First Bank System, Inc. Formed:1979–80
Total Raised, 1995–96: $85,349
Total Raised, 1999–00: $290,311
Difference: $204,962 = 240.15% Rank: 87
Goodyear Tire & Rubber Company Formed:1979–80
Total Raised, 1993=94: $54,504
Total Raised, 1997–98: $185,093
Difference: $130,589 = 239.60% Rank: 88
North Carolina National Bank Corp. Formed:1979–80
Total Raised, 1979–80: $79,627
Total Raised, 1983–84: $269,718
Difference: $190,091 = 238.73% Rank: 89
Caterpillar Tractor Company Formed:1981–82
Total Raised, 1985–86: $65,232
Total Raised, 1989–90: $219,844
Difference: $154,612 = 237.02% Rank: 90
Lehman Brothers Kuhn Loec, Inc. Formed:1979–80
Total Raised, 1979–80: $51,400
Total Raised, 1983–84: $171,973
Difference: $120,573 = 234.58% Rank: 91
Northrop Corporation Formed:1979–80
Total Raised, 1979–80: $86,250
Total Raised, 1983–84: $288,361
Difference: $202,111 = 234.33% Rank: 92
GMC Electronic Data Systems Corporation Formed:1979–80
Total Raised, 1987–88: $116,315
Total Raised, 1991–92: $388,257
Difference: $271,942 = 233.80% Rank: 93
Textron, Inc. Formed:1979–80
Total Raised, 1981–82: $116,552
Total Raised, 1985–86: $388,852
Difference: $272,300 = 233.63% Rank: 94
Southern Bell Telephone & Telegraph Co. Formed:1979–80
Total Raised, 1987–88: $203,554
Total Raised, 1991–92: $678,024
Difference: $474,470 = 233.09% Rank: 95
United Parcel Service of America, Inc. Formed:1979–80
Total Raised, 1983–84: $272,659
Total Raised, 1987–88: $905,482
Difference: $632,823 = 232.09% Rank: 96
Gun Owners of America (gun control foes) Formed:1991–92
Total Raised, 1995–96: $93,086
Total Raised, 1999–00: $309,050
Difference: $215,964 = 232.00% Rank: 97
Dun & Bradstreet Corporation Formed:1979–80
Total Raised, 1981–82: $51,577
Total Raised, 1985–86: $169,954
Difference: $118,377 = 229.52% Rank: 98
J. C. Penney Company, Inc. Formed:1979–80
Total Raised, 1981–82: $91,484
Total Raised, 1985–86: $301,185
Difference: $209,701 = 229.22% Rank: 99
United Parcel Service of America, Inc. Formed:1979–80
Total Raised, 1985–86: $567,328
Total Raised, 1989–90: $1,865,785
Difference: $1,298,457 = 228.87% Rank: 100

Source: Computer analysis by Sunshine Press Services of Federal Election Commission data, Jan. 1, 1979 through Dec. 31, 2000.

Table 5. Rapid Rises in Corporate PAC Spending, 1979–2002

(After Spending More than $250,000)

Microsoft Corporation Formed: 1987–88
Total Spent, 1997–98: $267,500
Total Spent, 1999–00: $1,221,730
Difference: $954,230 = 356.72% Rank: 1
Federal Express Corporation Formed: 1983–84
Total Spent, 1985–86: $392,441
Total Spent, 1987–88: $1,093,998
Difference: $701,557 = 178.77% Rank: 2
Compass Bancshares, Inc. Formed: 1983–84
Total Spent, 1991–92: $363,617
Total Spent, 1993=94: $974,893
Difference: $611,276 = 168.11% Rank: 3
Metropolitan Life Insurance Company Formed: 1979–80
Total Spent, 1997–98: $310,633
Total Spent, 1999–00: $815,624
Difference: $504,991 = 162.57% Rank: 4
Bell Atlantic Corp. Formed: 1983–84
Total Spent, 1995–96: $388,073
Total Spent, 1997–98: $1,006,783
Difference: $618,710 = 159.43% Rank: 5
Planned Parenthood Action Fund, Inc. Formed: 1995–96
Total Spent, 1997–98: $359,408
Total Spent, 1999–00: $914,501
Difference: $555,093 = 154.45% Rank: 6
RJR Nabisco, Inc. Formed: 1979–80
Total Spent, 1987–88: $348,897
Total Spent, 1989–90: $872,626
Difference: $523,729 = 150.11% Rank: 7
Southern Bell Telephone & Telegraph Co. Formed: 1979–80
Total Spent, 1989–90: $265,096
Total Spent, 1991–92: $650,905
Difference: $385,809 = 145.54% Rank: 8
American Information Technologies Corp. Formed: 1983–84
Total Spent, 1991–92: $518,442
Total Spent, 1993=94: $1,207,881
Difference: $689,439 = 132.98% Rank: 9
Tenneco, Inc. Formed: 1979–80
Total Spent, 1993=94: $380,688
Total Spent, 1995–96: $860,515
Difference: $479,827 = 126.04% Rank: 10
Banc One Corporation Formed: 1979–80

Total Spent, 1991–92: $421,467
Total Spent, 1993=94: $934,434
Difference: $512,967 = 121.71% Rank: 11
American General Corporation Formed: 1979–80
Total Spent, 1997–98: $291,488
Total Spent, 1999–00: $634,510
Difference: $343,022 = 117.68% Rank: 12
Boeing Company Formed: 1981–82
Total Spent, 1995–96: $370,105
Total Spent, 1997–98: $759,495
Difference: $389,390 = 105.21% Rank: 13
MBNA Corporation Formed: 1991–92
Total Spent, 1993=94: $403,796
Total Spent, 1995–96: $825,974
Difference: $422,178 = 104.55% Rank: 14
Compass Bancshares, Inc. Formed: 1983–84
Total Spent, 1995–96: $729,612
Total Spent, 1997–98: $1,468,094
Difference: $738,482 = 101.22% Rank: 15
Southtrust Corporation Formed: 1979–80
Total Spent, 1995–96: $266,593
Total Spent, 1997–98: $530,794
Difference: $264,201 = 99.10% Rank: 16
FirstEnergy Corp. (Ohio Edison) Formed: 1981–82
Total Spent, 1997–98: $253,675
Total Spent, 1999–00: $502,890
Difference: $249,215 = 98.24% Rank: 17
Koch Industries, Inc. Formed: 1989–90
Total Spent, 1995–96: $428,664
Total Spent, 1997–98: $807,318
Difference: $378,654 = 88.33% Rank: 18
Northrop Corporation Formed: 1979–80
Total Spent, 1993=94: $422,969
Total Spent, 1995–96: $794,880
Difference: $371,911 = 87.93% Rank: 19
J.P. Morgan & Company, Inc. Formed: 1979–80
Total Spent, 1985–86: $262,250
Total Spent, 1987–88: $492,681
Difference: $230,431 = 87.87% Rank: 20
Philip Morris, Inc. Formed: 1979–80
Total Spent, 1983–84: $403,699
Total Spent, 1985–86: $754,949
Difference: $351,250 = 87.01% Rank: 21
Eli Lilly & Company Formed: 1979–80
Total Spent, 1995–96: $375,583
Total Spent, 1997–98: $700,580
Difference: $324,997 = 86.53% Rank: 22
Southwestern Bell Corporation Formed: 1979–80
Total Spent, 1993=94: $365,700
Total Spent, 1995–96: $674,857
Difference: $309,157 = 84.54% Rank: 23
Rockwell International Corporation Formed: 1979–80
Total Spent, 1981–82: $266,688
Total Spent, 1983–84: $490,541
Difference: $223,853 = 83.94% Rank: 24
United Parcel Service of America, Inc. Formed: 1979–80
Total Spent, 1991–92: $1,835,231
Total Spent, 1993=94: $3,350,884
Difference: $1,515,653 = 82.59% Rank: 25
General Telephone & Electronics Corp. Formed: 1979–80
Total Spent, 1989–90: $420,131
Total Spent, 1991–92: $765,805
Difference: $345,674 = 82.28% Rank: 26
United Parcel Service of America, Inc. Formed: 1979–80
Total Spent, 1985–86: $522,514
Total Spent, 1987–88: $943,815
Difference: $421,301 = 80.63% Rank: 27
Waste Management, Inc. Formed: 1979–80
Total Spent, 1985–86: $341,975
Total Spent, 1987–88: $615,059
Difference: $273,084 = 79.85% Rank: 28
Houston Industries, Inc. Formed: 1979–80
Total Spent, 1983–84: $256,353
Total Spent, 1985–86: $460,684
Difference: $204,331 = 79.71% Rank: 29
Cigna Corporation Formed: 1979–80
Total Spent, 1997–98: $352,512
Total Spent, 1999–00: $624,736
Difference: $272,224 = 77.22% Rank: 30
United Parcel Service of America, Inc. Formed: 1979–80
Total Spent, 1987–88: $943,815
Total Spent, 1989–90: $1,658,366
Difference: $714,551 = 75.71% Rank: 31
Black America's PAC Formed: 1995–96
Total Spent, 1995–96: $1,899,486
Total Spent, 1997–98: $3,337,602
Difference: $1,438,116 = 75.71% Rank: 32
Chase Manhattan Corporation Formed: 1979–80
Total Spent, 1989–90: $274,760
Total Spent, 1991–92: $481,894
Difference: $207,134 = 75.39% Rank: 33
Barnett Banks of Florida, Inc. Formed: 1979–80
Total Spent, 1985–86: $304,230
Total Spent, 1987–88: $532,509
Difference: $228,279 = 75.04% Rank: 34
Bankamerica Corporation Formed: 1981–82
Total Spent, 1993=94: $311,633
Total Spent, 1995–96: $535,516
Difference: $223,883 = 71.84% Rank: 35
NationsBank Formed: 1979–80
Total Spent, 1997–98: $607,578
Total Spent, 1999–00: $1,041,837
Difference: $434,259 = 71.47% Rank: 36
United Technologies Corporation Formed: 1979–80
Total Spent, 1993=94: $263,300
Total Spent, 1995–96: $450,078
Difference: $186,778 = 70.94% Rank: 37
Southwestern Bell Corporation Formed: 1979–80
Total Spent, 1997–98: $961,990
Total Spent, 1999–00: $1,642,657
Difference: $680,667 = 70.76% Rank: 38
Lockheed Corporation Formed: 1979–80
Total Spent, 1991–92: $422,512
Total Spent, 1993=94: $708,346
Difference: $285,834 = 67.65% Rank: 39
Union Pacific Corporation Formed: 1979–80
Total Spent, 1985–86: $296,938
Total Spent, 1987–88: $495,482
Difference: $198,544 = 66.86% Rank: 40
Household Finance Corporation Formed: 1979–80
Total Spent, 1989–90: $270,795
Total Spent, 1991–92: $444,889
Difference: $174,094 = 64.29% Rank: 41
Sierra Club (environmentalist) Formed: 1979–80
Total Spent, 1997–98: $441,208
Total Spent, 1999–00: $721,429
Difference: $280,221 = 63.51% Rank: 42
Westinghouse Electric Corp. Formed: 1979–80
Total Spent, 1987–88: $264,890
Total Spent, 1989–90: $431,697
Difference: $166,807 = 62.97% Rank: 43
American Telephone & Telegraph Co. Formed: 1983–84
Total Spent, 1985–86: $1,744,301
Total Spent, 1987–88: $2,841,464
Difference: $1,097,163 = 62.90% Rank: 44
General Motors Corporation Formed: 1979–80
Total Spent, 1993=94: $477,782
Total Spent, 1995–96: $777,521
Difference: $299,739 = 62.74% Rank: 45
Keycorp Formed: 1979–80
Total Spent, 1995–96: $376,200
Total Spent, 1997–98: $611,975
Difference: $235,775 = 62.67% Rank: 46
Union Pacific Corporation Formed: 1979–80
Total Spent, 1989–90: $731,974
Total Spent, 1991–92: $1,188,407
Difference: $456,433 = 62.36% Rank: 47
Sierra Club (environmentalist) Formed: 1979–80
Total Spent, 1987–88: $299,891
Total Spent, 1989–90: $486,795
Difference: $186,904 = 62.32% Rank: 48
Chrysler / Gulfstream Aerospace Corp. Formed: 1979–80
Total Spent, 1993=94: $417,015
Total Spent, 1995–96: $659,369
Difference: $242,354 = 58.12% Rank: 49
Pfizer, Inc. Formed: 1979–80
Total Spent, 1997–98: $536,471
Total Spent, 1999–00: $844,132
Difference: $307,661 = 57.35% Rank: 50
Chase Manhattan Bank Formed: 1979–80
Total Spent, 1989–90: $269,299
Total Spent, 1991–92: $423,632
Difference: $154,333 = 57.31% Rank: 51
Sierra Club (environmentalist) Formed: 1979–80
Total Spent, 1993=94: $431,725
Total Spent, 1995–96: $677,883
Difference: $246,158 = 57.02% Rank: 52
Banc One Corporation Formed: 1979–80
Total Spent, 1989–90: $269,833
Total Spent, 1991–92: $421,467
Difference: $151,634 = 56.20% Rank: 53
Raytheon Company Formed: 1979–80
Total Spent, 1995–96: $385,863
Total Spent, 1997–98: $601,994
Difference: $216,131 = 56.01% Rank: 54
Eli Lilly & Company Formed: 1979–80
Total Spent, 1997–98: $700,580
Total Spent, 1999–00: $1,089,599
Difference: $389,019 = 55.53% Rank: 55
Chrysler / Gulfstream Aerospace Corp. Formed: 1979–80
Total Spent, 1995–96: $659,369
Total Spent, 1997–98: $1,021,714
Difference: $362,345 = 54.95% Rank: 56
Amsouth Bancorporation Formed: 1983–84
Total Spent, 1997–98: $304,524
Total Spent, 1999–00: $470,782
Difference: $166,258 = 54.60% Rank: 57
Glaxo, Inc. Formed: 1985–86
Total Spent, 1997–98: $716,634
Total Spent, 1999–00: $1,104,801
Difference: $388,167 = 54.17% Rank: 58
Crawford Group / Enterprise Leasing Formed: 1987–88
Total Spent, 1993=94: $253,769
Total Spent, 1995–96: $391,094
Difference: $137,325 = 54.11% Rank: 59
Associates Corp. (Ford Motor Co.) Formed: 1989–90
Total Spent, 1995–96: $342,269
Total Spent, 1997–98: $526,937
Difference: $184,668 = 53.95% Rank: 60
Morgan Stanley & Company, Inc. Formed: 1979–80

Total Spent, 1985–86: $303,919
Total Spent, 1987–88: $465,992
Difference: $162,073 = 53.33% Rank: 61
Houston Industries, Inc. Formed: 1979–80
Total Spent, 1995–96: $470,646
Total Spent, 1997–98: $720,544
Difference: $249,898 = 53.10% Rank: 62
Outback Steakhouse, Inc. Formed: 1991–92
Total Spent, 1997–98: $636,741
Total Spent, 1999–00: $974,275 Difference: $337,534 = 53.01% Rank: 63
Household Finance Corporation Formed: 1979–80
Total Spent, 1997–98: $512,016
Total Spent, 1999–00: $782,819
Difference: $270,803 = 52.89% Rank: 64
General Motors Corp. / Hughes Aircraft Formed: 1979–80
Total Spent, 1985–86: $271,290
Total Spent, 1987–88: $412,181
Difference: $140,891 = 51.93% Rank: 65
American Airlines Formed: 1979–80
Total Spent, 1991–92: $282,647
Total Spent, 1993=94: $426,852
Difference: $144,205 = 51.02% Rank: 66
Cooper Industries, Inc. Formed: 1979–80
Total Spent, 1989–90: $264,213
Total Spent, 1991–92: $397,960
Difference: $133,747 = 50.62% Rank: 67
Flowers Industries, Inc. Formed: 1979–80
Total Spent, 1993=94: $254,819
Total Spent, 1995–96: $383,269
Difference: $128,450 = 50.41% Rank: 68
Source: Computer analysis by Sunshine Press Services of Federal
Election Commission data, Jan. 1, 1979 through Dec. 31,2000.
APPENDIX B: Publication List
The news organizations listed below have published news reports or commentary by Edward Roeder
Daily Newspapers
Albuquerque Journal
Arizona Republic
Arkansas Gazette-Democrat
Atlanta Constitution *
Austin American-Statesman
Baltimore Sun *
Boston Globe *
Chicago Sun-Times *
Chicago Tribune *
Cleveland Plain Dealer
Dallas Morning News
Denver Post
Deseret News
Detroit Free Press*
Detroit News *
Florida Today
Fort Lauderdale News & Sun-Sentinel *
Greensboro News & Record *
Kansas City Star
Los Angeles Times
Louisville Courier-Journal *
Miami Herald *
Nashville Tennessean
New Orleans Times-Picayune
New York Daily News
New York Newsday
New York Times *
Orlando Sentinel *
Philadelphia Inquirer *
Portland Oregonian
Providence Journal
Richmond Times-Dispatch
Sacramento Bee *
San Jose Mercury News
Seattle Post-Intelligencer
Seattle Times *
St. Louis Post-Dispatch *
St. Petersburg Times *
Tampa Tribune
USA Today
Washington Post *
Washington Times
Articles ran on page 1 or led Sunday section
Periodicals
American Banker *
Capital Style
Conservative Digest *
Free Inquiry *
Monthly Business Review *
MS. *
New Republic *
New Times *
Newsweek
Playboy *
Politics Today *
Rolling Stone *
Saturday Review *
Sierra *
Space Business International *
The Nation *
Time
Village Voice *
Washington Monthly *
Washingtonian *
Bylined feature magazine articles
Broadcast
ABC News (TV) *
CBS News (TV) *
CNN *
Canadian Broadcast'g Co. (Radio) *
KABC-TV (Hollywood, CA) *
National Public Radio *
Nightline (ABC News- TV) *
NBC News (TV & Radio)
20–20 (ABC News- TV)
WBAL-TV (Baltimore, MD)
WDIV-TV (Detroit, Mich.) *
WJLA-TV (Washington, DC) *
WJXT-TV (Jacksonville, Fla.) *
WJZ-TV (Baltimore, MD)
WPLG-TV (Miami, Fla.) *
WRC-TV (Washington, DC)
WTVT-TV (Tampa, Fla.) *
WUSA-TV (Washington, DC) *
* Paid on-air appearanc(s)

MTC–00028685

From: David Robinson
To: Microsoft ATR
Date: 1/28/02 4:55pm
Subject: Microsoft Settlement
I disagree with the PFJ because it does not end Microsoft's monopoly but may allow MS to extend and expand its monopoly! Enforcement of the PFJ appears nearly impossible to enforce.
Thank you for considering my opinions.
Dave Robinson
407–843–3294, ext 227

MTC–00028686

From: Brooke Emmerick
To: 'microsoft.atr(a)usdoj.gov''
Date: 1/28/02 4'58pm
Subject: Microsoft Settlement
BEFORE THE UNITED STATES DEPARTMENT OF JUSTICE
UNITED STATES OF AMERICA, Plaintiff,
v.
Civil Action No. 98–1232 (CKK)
MICROSOFT CORPORATION, Defendant.
STATE OF NEW YORK ex rel.
Attorney General Eliot Spitzer, et al., Plaintiffs,
v
. Civil Action No. 98–1233 (CKK)
MICROSOFT CORPORATION Defendant.
Comments of The Progress & Freedom Foundation on the Revised Proposed Final Judgment and the Competitive Impact Statement
Jeffery A. Eisenach, Ph.D.
President
Thomas M. Lenard, Ph.D.
Vice President for Research
THE PROGRESS & FREEDOM FOUNDATION
1301 K. St., NW
Washington, DC 20005
(202) 289–8928
(202) 289–6079 Facsimile
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I. Introduction
These comments on the Proposed Final Judgment [1] (''PFJ'') and the Competitive Impact Statement [2] (''CIS'') in the Microsoft case are submitted to provide the Department of Justice (''DOJ'') and the Court with information and analysis based on nearly five years of research by the authors on the legal, policy and economic implications of this landmark proceeding. Based on that research, it is our assessment that (a) the PFJ fails to address meaningfully the violations of law found by this court and upheld by the U.S. Court of Appeals and its entry by the court manifestly is not in the public interest; (b) the CIS fails to meet the standard of analysis demanded by the law and occasioned by the magnitude of the issues involved; and (c) the public interest will best be served through imposition of a ''hybrid'' structural remedy or, if the court chooses not to impose a structural remedy, a conduct remedy modeled after the proposals of the remaining litigating states.
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[1] United States v. Microsoft Corp., Stipulation and Revised Proposed Final Judgement (November 6, 2001) (hereafter ''PFJ'').

[2] United States v. Microsoft Corp., Competitive Impact Statement (November 15, 2001) (hereafter ''CIS'').

Foundation,[3] a non-profit research and educational institution dedicated to analyzing the impact of the digital revolution and its implications for public policy, and an Adjunct Professor at George Mason University Law School. As a professional economist, he has been actively engaged in the analysis of competition and regulatory policy issues for more than 20 years, and has served in senior positions at the Office of Management and Budget and the U.S. Federal Trade Commission and as a consultant to the U.S. Sentencing Commission on criminal sentencing guidelines for corporations. He has also served on the faculties of Harvard University's Kennedy School of Government, the University of Virginia and Virginia Polytechnic Institute and State University.

Dr. Lenard is Vice President and Senior Fellow at The Progress & Freedom Foundation and a professional economist with 30 years of experience in academia, government, private consulting and the non-profit sector. He has worked on a wide range of regulatory and antitrust issues covering a broad span of industries, and has consulted on antitrust cases for both private firms and the Federal Trade Commission. In government, he has held senior economic positions at the Council on Wage and Price Stability, the Office of Management and Budget and the Federal Trade Commission. A principal focus of his research has been the benefits and costs of regulatory interventions into the economy and the analytical underpinnings needed to make informed decisions about government interventions. Both Drs. Eisenach and Lenard have done extensive work on the economics of high-tech markets in general, and the Microsoft case in particular. They are co-authors of the annual Digital Economy Fact Book,[4] co-editors of Competition, Innovation and the Microsoft Monopoly: Antitrust in the Digital Marketplace and authors of numerous other papers on these and related topics.[5]

B. Summary of Comments

The PFJ is intended to settle the government's antitrust case against Microsoft and was agreed to by the United States, 9 of the 18 states that were also party to suit, and by Microsoft. The nine remaining states and the District of Columbia (the ''Litigating States'') have not agreed to the PFJ and are pursuing more stringent relief through a remedy hearing at the District Court.[6] The DOJ is required by the Antitrust Procedures and Penalty Act (''APPA'')[7] to prepare a CIS, which is intended to analyze the competitive implications of the PFJ and any alternatives to it.

The PFJ does not serve the public interest and will not achieve the government's objective that it ''halt continuance and prevent recurrence of the violations of the Sherman Act by Microsoft that were upheld by the Court of Appeals and restore competitive conditions to the market.''[8] Indeed, much of the behavior found by the Court of Appeals to be anticompetitive would be permitted under the PFJ. Further, even if the PFJ did preclude such behavior it would fail to restore competitive conditions because it fails to affect the behavior of participants in the marketplace.

The CIS does not satisfy the government's obligation to provide the District Court with an analytical basis for determining whether the PFJ is in the public interest. The APPA clearly requires, and good public policy demands, an ''evaluation'' of the proposed remedy and major alternatives to it. The CIS does not present such an evaluation. It does not explain why the PFJ will achieve the intended results, but merely asserts that it will do so. It also does not explain why the DOJ concluded that the PFJ will better serve the public interest than major alternatives, but merely states that ''[t]he United States ultimately concluded that the requirements and prohibitions set forth in the Proposed Final Judgment provided the most effective and certain relief in the most timely manner.''[9] The DOJ has produced no real analysis of the relative merits for Operating Systems: Alternative Structural Remedies in the Microsoft Case,'' George Mason Law Review, Vol., 9, Spring 2001, 803–841. of alternative forms of relief to guide the District Court in deciding whether to approve the PFJ. Indeed, the CIS fails by a wide margin to meet the standards required of analyses of regulatory proposals routinely promulgated by government agencies.

Accordingly, the District Court should not accept the PFJ, but should, instead, expand its hearing on the Litigating States Proposal (''LS Proposal'') to include the full range of major alternatives. This would permit the District Court to gather the information needed to make an informed judgment concerning which of the remedy proposals will best serve the public interest. The alternatives that should be considered include:

u The PFJ.

u The proposals of the Litigating States.

u Major structural remedies, including the vertical-divestiture remedy initially adopted by the District Court and the ''hybrid'' remedy proposed by Dr. Lenard and others.

Among these remedies, the ''hybrid'' structural approach would best serve the public interest and maximize net economic benefits to consumers.

In the sections that follow, we provide, first, a brief restatement of the facts and legal background in this case, including a brief discussion of what we believe to be the appropriate standards by which remedial action should be judged. Next we discuss the shortcomings in the PFJ and the CIS, explaining why the PFJ will not achieve the government's objectives or serve the public interest and demonstrating that the CIS falls far short of the analytical standard that should be demanded by the court. Finally, we turn to an evaluation of the remedial alternatives and explain why we believe that (a) a ''hybrid'' structural remedy would best serve consumers and competition and (b) that if the court chooses not to impose a structural remedy, the LS Proposal is superior to the PFJ.

II. Background: The Facts, the Law and the Remedy

The U.S. District Court[10] found, and the U.S. Court of Appeals[11] affirmed, a pattern of Sherman Act violations by Microsoft that had the effect of foreclosing competition in the market for personal computer operating systems. The District Court ordered a structural remedy, which was overturned by the Appeals Court, which remanded the remedy issue back to this court. The Appeals Court did not prescribe or prohibit adoption of any particular remedial actions by this court.

A. The Illegal Conduct and Its Effects

The Appeals Court unanimously affirmed the core of the government's case against Microsoft, finding that the company had undertaken a broad array of anticompetitive practices to maintain its monopoly in personal computer operating systems, in violation of Section 2 of the Sherman Act.[12] Microsoft's strategy was to use its monopoly power to prevent the emergence of any new technology that might compete with Windows. Microsoft's anticompetitive activities were particularly directed against two products—the Netscape browser and Sun's Java programming language—that could support operating-system-neutral computing and thereby erode Microsoft's market position. In summary, the District Court found, and the Appeals Court affirmed, that:

Microsoft has monopoly power in the market for Intel-compatible PC operating systems, with a market share of greater than 95 percent. Microsoft's market is protected by a substantial barber to entry—the ''applications barrier to entry''—that discourages software developers from writing applications for operating systems that do not already have an established base of users.

u Microsoft effectively excluded rival browsers from the two most efficient means of distribution—pre-installation by Original Equipment Manufacturers (OEMs) and distribution by Internet Access Providers (IAPs).

u Microsoft imposed restrictions on its Windows licenses that effectively prevented OEMs from pre-installing any browser other than Internet Explorer (IE).

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[3] These comments reflect the views of the authors and do not represent the views of The Progress & Freedom Foundation, its officers or board of directors.

[4] See Jeffrey A. Eisenach, Thomas M. Lenard and Stephen McGonegal, The Digital Economy Fact Book 2001 (Washington: The Progress & Freedom Foundation, 2001).

[5] See Jeffrey A. Eisenach and Thomas M. Lenard, eds., Competition, Innovation and the Microsoft Monopoly: Antitrust in the Digital Marketplace, Kluwer Academic Publishers, 1999; Thomas M. Lenard, Creating Competition in the Market for Operating Systems: A Structural Remedy for Microsoft, (Washington: The Progress & Freedom Foundation, 2000), http://www.pff.org/remedies/htm; and Thomas M. Lenard, ''Creating Competition in the Market

[6] United States v. Microsoft Corp., Plaintiff Litigating States'' Remedial Proposals, (December 7, 2001) (hereafter ''LS Proposal'').

[7] 15 USCS 16 (b-h).

[8] CIS at 2.

[9] 9 CIS at 63.

[10] United States v. Microsoft Corp., 84 F. Supp. 2d 9 (DCCirc 1999) (''Findings of Fact'');United States v. Microsoft Corp., 87 F. Supp. 2d 30 (DC Circ. 2000) (''Conclusions of Law'').

[11] United States v. Microsoft Corp., 253 F 3d, at 6 (DC Circ. 2001).

[12]

u Microsoft's technological binding of IE to Windows deterred OEMs from pre-installing rival browsers and consumers from using them.

u Microsoft's contracts with IAPs—for example, agreeing to give AOL preferential placement on the Windows desktop in exchange for AOL's agreement not to distribute any non-Microsoft browser to more than 15 percent of its subscribers and to do so only at the customer's explicit request—blocked the distribution of a rival browser.

u Microsoft's deals with Independent Software Vendors (ISVs)—for example, giving preferential support to ISVs that used IE as the default browser in software they develop—and Apple—prohibiting Apple from pre-installing any non-Microsoft browser—were similarly exclusionary.

u Microsoft's agreements with ISVs that made receipt of Windows technical information conditional on the ISVs'' agreement to use Microsoft's version of the Java Virtual Machine (JVM) exclusively were anticompetitive. Microsoft also deceived Java developers into believing that its tools were not Windows-specific and were consistent with Sun's objective of developing cross-platform applications.

u Microsoft's pressuring of Intel to stop supporting cross-platform Java—by threatening to support an Intel competitor's development efforts—was exclusionary.

Microsoft was clearly successful in its efforts to eliminate threats to its desktop monopoly. Through its anticompetitive activities, Microsoft achieved dominance in the browser market and forestalled the development of such cross-platform technologies as the Netscape browser and Java that could have eroded the applications barrier to entry. The promise of operating-system-neutral computing was that it would inject competition into the market for operating systems, which would foster innovation throughout the industry. By preventing the development of competition, Microsoft's illegal conduct thwarted innovation and harmed consumers.

B. Appropriate Criteria for a Remedial Action

The Supreme Court has stated that the purpose of remedial action in an antitrust case is to ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation and ensure that there remain no practices likely to result in monopolization.''[13] In other words, a remedy must be effective in the present (terminating the monopoly), the past (expropriating ill-gotten gains), and the future (preventing similar conduct going forward).

As professional economists, we suggest it is especially important to look to the future, where economic actors will make decisions based on the incentives inherent in whatever remedy the court imposes. The remedy should not only address the illegal practices Microsoft already has employed to maintain its operating system monopoly, it should also as the Supreme Court has said—address practices that Microsoft might employ in the future to erect barriers to operating system competition or to use anticompetitive practices to leverage its monopoly beyond the desktop into new phases of computing. In a business that moves as rapidly as the software marketplace (and other information technology and communications markets Microsoft is now entering or is likely to enter soon) it is particularly important that the remedy be forward looking.

The DOJ claims that the PFJ meets these standards, and ''will eliminate Microsoft's illegal practices, prevent recurrence of the same or similar practices, and restore the competitive threat that middleware products posed prior to Microsoft's unlawful undertakings.''[14] For masons discussed at length below, we disagree. Here, we address two issues relating to the standard by which any remedy should be judged.

First, it is noteworthy that the DOJ does not claim the PFJ achieves the goal of denying Microsoft the fruits of its violations, and clearly it will not. Such restitution is important not only to ''make whole'' the victims of Microsoft's illegal activity (e.g., the United States), but also to establish appropriate incentives on a going forward basis. In general, allowing violators to retain the fruits of their illegal conduct deprives the antitrust laws of much of their force, because it sends a signal to violators that the returns to their behavior are positive—even when they are caught. With $42 billion in the bank, one wonders how Microsoft's senior management could read the proposed PFJ any other way.

Second, and relatedly, DOJ's stated goal of restoring ''the competitive threat that middleware products posed prior to Microsoft's unlawful undertakings'' is not the appropriate objective, and certainly is not equivalent to the Supreme Court's standard of ''terminat[ing] the illegal monopoly.'' The competitive threat posed by the Netscape browser and Java was quantitatively relatively small at the time that Microsoft's illegal campaign against them was undertaken. But it was clear, certainly to Microsoft, that their competitive potential in the dynamic software marketplace was very significant. Had Microsoft not engaged in illegal activities, the competitive significance of these products would be much greater today than it was at the time.

There is a useful analogy here to simple commercial damage cases. If, for example, an individual or a company incurs monetary damages from actions in the past, compensation is generally based on the present value of those damages, typically calculated by bringing the damage amount forward (from the time of the damage to the present) at a normal rate of return. That would be the only way for the damaged party to be made whole. Similarly, society has been damaged by Microsoft's actions. For society to be made whole, competition should, to the extent possible, be restored to what it would be today in the absence of Microsoft's illegal conduct,[15] Equally important on a going forward basis, however, Microsoft should not be permitted to earn continuing returns based upon its illegally enhanced monopoly position. To do so would be to allow the company not only to retain the fruits of its illegal conduct in the past but to continue harvesting those fruits indefinitely.

III. The CIS and the PFJ: Flawed Analysis of a Flawed Remedy

DOJ and Microsoft prefer a PFJ which contains a number of restrictions on Microsoft's conduct on a going forward basis. The questions before the court are whether entry of the PFJ is consistent with the purpose and intent of the Sherman Act and, in addition, whether, under the APPA, it is consistent with the public interest. To facilitate the court's deliberations on the latter issue, the APPA requires the DOJ to submit a CIS.[16] However, the CIS submitted in this proceeding contains virtually no analysis of either the PFJ or alternative remedies. It represents nothing more than a set of unsupported assertions, and accordingly should be given little deference by the court.

In this section, we briefly describe the main provisions of the PFJ. Next, we explain why the CIS fails to meet a reasonable standard of substantive analysis. Third, we provide some examples of shortcomings in the PFJ which would have been obvious had DOJ performed a more complete analysis in the CIS.

A. Major Provisions of the PFJ

As described in the CIS, the proposed PFJ contains seven major provisions. In brief summary, they are:

. OEMs would have the freedom to support and distribute non-Microsoft middleware products or operating systems without fear of retaliation by Microsoft.

. To help ensure against retaliation, Microsoft would be required to provide uniform licensing terms to the 20 largest computer manufacturers.

. Computer manufacturers would have the freedom to feature and promote non-Microsoft middleware and customize their computers to use non-Microsoft middleware as the default.

. Microsoft would be required to disclose the interfaces and technical information that its own middleware uses, so that ISVs can develop competitive middleware products.

. Microsoft would be required to disclose communications protocols necessary for server and Windows desktop operating system software to interoperate with each other.

. Microsoft would be prohibited from retaliating against ISVs or IHVs that develop or distribute software that competes with Microsoft middleware or operating system software.

. Microsoft would be prohibited from entering into exclusive contracts concerning its middleware or operating system products.

The CIS claims that these provisions, and the supporting provisions pertaining to enforcement, ''will eliminate Microsoft's illegal practices, prevent recurrence of the same or similar practices, and restore the competitive threat that middleware products posed prior to Microsoft's unlawful

[13] 253 F 3d at 99–100, quoting (United States v. United Shoe Mach. Corp), 391 U.S. 244, 250 (1968).

[14] CIS at 3.

[15] To truly be made whole in addition need to be compensated for the benefits it lost due to the absence of competition in the itnervening years, which is proably not possible.

[16] CIS at 3–4.

undertakings.'' But the CIS presents virtually no analysis to support this claim.

B. The Competitive Impact Statement

The CIS does not meet the standards established by the APPA and does not provide sufficient analysis for this court to make an informed decision on whether the PFJ is in the public interest.

Section 16(b)(3) of the APPA requires that the CIS include ''an explanation o* the proposal ... and the anticipated effects on competition of such relief.'' (Emphasis added.) Section 16(b)(6) further requires ''a description and evaluation of alternatives to such proposal actually considered by the United States.'' (Emphasis added). Under Section 16(e), the District Court is required to determine that the consent judgment is in the public interest and in making that determination ''may consider...anticipated effects of alternative remedies ....'' Taken together, these provisions make clear that the CIS was intended by Congress to serve as a guide to the court in evaluating the proposed relief relative to other alternatives which might better serve the public interest, not simply as a pro forma set of claims and assertions. Yet the CIS in this case fails even to fully ''explain,'' and certainly cannot be said to ''evaluate,'' either the likely effects of either the PFJ or the available alternatives. Such an analysis would seem especially important in a fully-litigated Tunney Act case such as this one, where a prior finding of liability suggests a lower degree of deference to the PFJ than would otherwise be appropriate, and thus a higher burden on the court to evaluate alternatives.

How should the court evaluate the adequacy of the CIS? Three sets of criteria present themselves. First, does the CIS satisfy the plain language of the statute? Second, how does it compare with previous CIS's in similarly significant cases? Third, how does it compare with the standards of analysis that are required to be performed in similar situations, such as agency rulemakings? This CIS fails all three standards.

First, does the CIS satisfy the plain language of the statute? It depends on how the words ''explain,'' and ''evaluate'' are defined. To defend successfully the plain-language adequacy of the CIS, the DOJ would have to adopt a very narrow interpretation of both words.

Granted, the CIS devotes 43 pages [17] to reciting and, DOJ presumably would argue, ''explaining'' the provisions of the PFJ. What the CIS does not do at any point, however, is explain ''the anticipated effects [of the PFJ] on competition.''

The semantic sleight of hand upon which DOJ relies to avoid this obligation is found on page 24 of the CIS. There, DOJ reminds us that ''Restoring competition is the 'key to the whole question of an antitrust remedy,'' du Pont, 366 U.S. at 326.'' Then it continues with a clever subterfuge: ''Competition was injured in this case principally because Microsoft's illegal conduct maintained the applications barrier to entry .... Thus, the key to the proper remedy in this case is to end Microsoft's restrictions on potentially threatening middleware....'' [18] (Emphasis added.)

There, in the word ''thus,'' lies the sum and the entirety of the CIS's explanation of the connection between the PFJ and its anticipated effects on competition. For as explained in more detail below, it is hardly obvious, indeed, it is highly unlikely, that simply ending Microsoft's illegal restrictions on middleware would have any significant effect on competition on a going forward basis. Even in these semantically troubled times, we submit, the word ''thus'' cannot be taken as the ''explanation'' the law requires.

But the CIS's discussion of the PFJ must be counted an analytical masterpiece when compared with its treatment of alternative remedies. In contrast to the lengthy, if failed, treatment accorded the PFJ, the CIS attempts its ''evaluation of alternatives'' in three pages. Not surprisingly, given its brevity, the analysis is limited in how much light it can shed on the DOJ's decisionmaking process or the relative merits of the alternatives before the court. With respect to structural remedies, for example, the evaluation consists of 49 words: ''After remand to the District Court, the United States informed the court and Microsoft that it had decided, in light of the Court of Appeals opinion and the need to obtain prompt, certain and effective relief, that it would not further seek a breakup of Microsoft into two businesses.'' [19] Receiving even less attention are six other remedy alternatives, which are summarily dismissed in a single paragraph, and an unknown number of ''others received or conceived'' which, in apparent direct violation of the APPA, are not even described.[20] There simply is no semantic standard by which this treatment of the alternative remedies can possibly be considered ''an evaluation.''

In summary, the CIS submitted by the DOJ in this case fails the first test the court should apply: It does not fulfill the plain language requirements of either Section 16(b)(3) or Section 16(b)(6) of the APPA.

Any effort the DOJ may make to defend the CIS would be on firmer ground if it could argue it is simply following past practice. While we believe, as suggested above, that the CIS in this case should be held to a higher standard than in cases where the issues have not been fully litigated and a finding of liability has not been entered, at least the DOJ could claim it was adhering to precedent. Even by the standards of past cases, however, this CIS falls far short.

Of course, Tunney Act cases vary in significance and complexity. The best standard for comparison for this case would appear to be the CIS filed in the AT&T case in 1982.[21] In that case as in this one, DOJ was tasked with explaining and evaluating a Proposed Final Judgment aimed at resolving a continuing series of complex antitrust actions affecting one of the most important sectors, and companies, in the U.S. economy.

The AT&T CIS differs markedly from the CIS in this proceeding both in its explanation of the competitive effects and in its evaluation of alternative remedies. Section III of the AT&T CIS [22] presents a comprehensive explanation of the proposed remedy and its anticipated effects on competition. Indeed, in stark contrast to the CIS in this case, the AT&T CIS contains, in Section III.E, an extensive discussion specifically detailing ''The Competitive Impact of the Proposed Modification.'' The section is a lengthy one, explaining in detail how each provision of the proposed remedy is expected to affect competition on a going forward basis, beginning as follows:

Put in simplest terms, the functional divestiture contemplated by the proposed modification will remove from AT&T the power to employ local exchange services in ways that impede competition in interdependent markets, and will remove from the Bell Operating Companies (''BOCs''), which will retain such power, any incentive to exercise it. The United States believes, therefore, that the modification's divestiture requirement, and its complementary injunctive provisions, will substantially accelerate the development of competitive markets for interexchange services, customer premises equipment, and telecommunications equipment generally.[23]

The ensuing pages present a careful analysis of why the government believes this to be the case and what the precise impacts on competition are likely to be. The proposed remedy will ''accelerate the emergence of competition in interexchange services,'' [24]''prevent the reemergence of the ... incentive and ability to leverage regulated monopoly power into the customer premises equipment market,'' [25] make AT&T ''subject to competition in all of its services,'' [26] ''remove the source of AT&T's monopoly power and its ability to leverage monopoly power into related markets,'' [27] and ''prevent the creation anew of incentives and abilities in the BOCs to use their monopoly power to undercut rivals in competitive markets.''[28] ''There is every reason to believe that, divested of the BOCs, AT&T will be a procompetitive force in the markets that it enters. As a result of the modification, it is likely that AT&T will expand not only its product lines, but also the areas in which it sells telecommunications equipment.''[29]

The authors have searched in vain, as will the court, for any similar explanation in the Microsoft CIS. As a procedural matter, the absence of such explanations flies in the face of the APPA. As a substantive one, it strongly suggests such statements are lacking for the simple reason that they are not justified by the remedy Microsoft and the DOJ are asking the court to adopt.

[17] CIS, 17–60.

[18] CIS at 24.

[19] CIS at 61.

[20] CIS at 63.

[21] United States v. Western Electric Company, Inc. and American Telephone & Telegraph Company, Competitive Impact Statement (February 17, 1982), 47 FR 7170–01. (Hereafter AT&T CIS). Of course, unlike this case, the PFJ in the AT&T case was entered prior to any finding of liability.

[22] AT&T CIS at 7173–7180.

[23] 23 AT&T CIS at 7178.

[24] AT&T CIS at 7178.

[24] AT&T CIS at 7179.

[24] AT&T CIS at 7179.

[24] AT&T CIS at 7179.

[24] AT&T CIS at 7179.

[24] AT&T CIS at 7179.

The AT&T CIS also differs from the one in this case in its treatment of alternative remedies.[30] The AT&T CIS appears to meet the requirements of the APPA by describing in some detail the alternative remedies considered and evaluating their likely impacts on competition relative to those expected from the one proposed. ''The United States believes,'' it concludes, ''that the [main alternative] did not approach even remotely the effectiveness of the proposed modification in achieving conditions that would assure full competition in the telecommunications industry.'' [31] Again, such evaluative language is simply absent from the CIS in this case. And again, one cannot help but conclude that, had today's DOJ conducted the same careful analysis as that conducted 20 years ago, it might well have reached different conclusions in the current case.

In summary, then, the CIS not only fails the satisfy the plain language of the APPA, but also fails to meet the standard established by DOJ for a CIS in the most directly analogous case.

The third criteria by which the court should evaluate the sufficiency of the CIS is whether it meets the standards of analysis that are required to be performed in similar situations, the most obvious of which is agency rulemakings.

For at least the last 20 years, agencies have been required to undertake a detailed regulatory impact analysis when they propose major regulatory actions. Under E.O. 12291 (in effect during the Reagan and Bush Administrations), and E.O. 12866 (issued by President Clinton and still in effect), government agencies have been expected to prepare a detailed analysis of the expected benefits and costs of major regulatory proposals and alternatives to them.[32] While the PFJ is technically not a regulation that would fall under E.O. 12866, the magnitude of its impact far exceeds the $100 million threshold that defines a ''major rule'' and thus triggers the requirement for a detailed analysis.

The analysis of regulatory interventions in the economy, which is what the PFJ in this case is, is not a black art. Increasingly, and on the basis of more than two decades of performing such analyses of all major rules, regulatory analysis has become a scientific process comprised of distinct steps and containing specific elements. E.O. 12866, for example, lays out specific criteria such analyses should meet, including: ''(i) An assessment, including the underlying analysis, of benefits anticipated from the regulatory action (such as, but not limited to, the promotion of the efficient functioning of the economy and private markets ....) together with, to the extent feasible, a quantification of those benefits; (ii) An assessment, including the underlying analysis, of costs anticipated from the regulatory action ... together with, to the extent feasible, a quantification of those costs; and (iii) An assessment, including the underlying analysis, of the costs and benefits of potentially effective and reasonably feasible alternatives to the planned regulation ....''

The specific analytical techniques to be used in such evaluations are further described in guidance from the Office of Management and Budget issued January 11, 1996,[33] and reiterated most recently by OMB on June 19, 2001.[34] These guidelines require agencies, before issuing any major regulation, to take into account such issues as whether more ''performance oriented'' approaches are possible, the impact of alternative levels of stringency and effective dates, and alternative methods of ensuring compliance, and to perform evaluations that take into account ''discounting,'' ''risk and uncertainty,'' and ''non-monetized benefits and costs.'' Each analysis, the guidance demands, must ''provide information allowing decisionmakers to determine that: There is adequate information indicating the need for and consequences of the proposed action; The potential benefits to society justify the potential costs ...; The proposed action will maximize the net benefits to society...; [and] .... Agency decisions are based on the best reasonably available scientific, technical, economic, and other information.''

To repeat what we asserted at the outset of this section, the court might evaluate the CIS in this case by three standards: First, does the CIS satisfy the plain language of the statute? Second, how does it compare with previous CIS's in similarly significant cases? Third, how does it compare with the standards of analysis that are required to be performed in similar situations, such as agency rulemakings? This CIS fails all three standards.

C. The PFJ Will Not Have Its Claimed Effect, Nor Any Pro-Competitive Effect

In fact, a close reading of the language of the PFJ indicates that it will not do what the DOJ claims. Moreover, even if DOJ's claims are taken at face value, the PFJ will not have its intended effect because of the realities of the marketplace. Indeed, this is the only conclusion that can be reached based upon a real analysis of the ''competitive impact'' of the PFJ, which is to say an analysis of how, if at all, the provisions of the PFJ will change the behavior of participants in the marketplace.

Other commentators will undoubtedly thoroughly catalogue the loopholes in the PFJ, of which there are many, and it is not our intention to do so here. It is, however, illustrative of the defects of the PFJ to analyze it through the lens of the Netscape browser experience, since so much of Microsoft's liability concerns its actions toward the Netscape browser. Accordingly, much of the PFJ is directed at precluding the type of anticompetitive acts that Microsoft undertook against Netscape (even though the browser war is over and the industry has now moved on to a different stage). But, the PFJ does not even succeed in this minimal goal—of creating the conditions under which the Netscape browser could have competed without being subject to Microsoft's exclusionary practices. Indeed, the PFJ specifically permits many of the exclusionary practices in which Microsoft engaged:

. Section III.A of the PFJ is supposed to protect OEMs from retaliation by Microsoft if they distribute non-Microsoft products. However, the language of Section III.A prohibits Microsoft from retaliating against an OEM for ''developing, distributing, promoting, using, selling, or licensing any software that competes with Microsoft Platform Software or any product or service that distributes or promotes any Non-Microsoft Middleware.'' (Emphasis added). (Microsoft Platform Software is defined as including (i) a Windows Operating System Product and/or (ii) a Microsoft Middleware Product.) While the Netscape browser was a potential competitor for the Microsoft operating system, it never became an actual competitor. Moreover, at the time Netscape introduced its browser, Microsoft did not have a comparable Middleware Product. Thus, the language of III.A would have permitted Microsoft to retaliate against OEMs for distributing the Netscape browser at the time it was introduced.

. Similarly, Section III.F. 1 prohibits Microsoft from retaliating against any ISV or IHV for ''developing, using, distributing, promoting or supporting any software that competes with Microsoft Platform Software or any software that runs on any software that competes with Microsoft Platform Software ....''(Emphasis added). The prohibitions in Section III.F.2 on Microsoft's relations with ISVs are also triggered by software that ''competes with Microsoft Platform Software'', which the Netscape browser did not initially do.

. Section III.G.2 is intended to prevent similar exclusionary behavior with respect to IAPs and ICPs, by prohibiting Microsoft from entering into any agreement with ''any IAP or ICP that grants placement on the desktop or elsewhere ... on the condition that the IAP or ICP refrain from distributing, promoting or using any software that competes with Microsoft Middleware.'' (Emphasis added). Again, Netscape's browser was a new product that did not compete with any Microsoft product at the time it was introduced.

. Section III.C is intended to prevent restrictive agreements with OEMs by, for

[30] 30 AT&T CIS at 7181.

[31] AT&T CIS at 7181.

[32] 32 See E.O. 12291 (February 17, 1981) and E.O. 12866 (September 30, 1993).

[33] Office of Management and Budget, Economic Analysis of Federal Regulations Under Executive Order 12866 (January 11, 1996)(available at www.whitehouse.gov/omb/inforeg/riaguide.html).

[34] Office of Management and Budget, Memorandum for the Heads of Executive Departments and Agencies: Improving Regulatory Impact Analyses (June 19, 2001)(available at www.whitehouse.gov.omb/memoranda/m01-23.html)

respect to Competitive Impact Statements are, of course, far less specific than those listed above. But the purpose of the APPA in requiring a CIS is presumably similar to the purpose of regulatory analyses: To allow decisionmakers, in this case the court, to understand the ramifications of their actions relative to alternative choices. By the standards of modem policy analysis, DOJ's CIS fails to perform this function at the level the court should expect, especially in a case of this magnitude. Office of Management and Budget, Memorandum for the Heads of Executive Departments and Agencies: Improving Regulatory Impact Analyses (June 19, 2001)(available at www.whitehouse.gov.omb/memoranda/m01-23.html)

example, preventing Microsoft from restricting the ability of its OEM licensees from ''[l]aunching automatically ...any Non-Microsoft Middleware if a Microsoft Middleware Product that provides similar functionality would otherwise be launched ....'' (See Section III.C.3, emphasis added). Under this language, Microsoft can preclude its OEM licensees from permitting the automatic launch of a new product if Microsoft does not have a similar product or if the Microsoft product does not have ''similar functionality'' (obviously, a term open to interpretation). Again, when the Netscape browser was launched, Microsoft did not have a similar product.

. Section III.D is intended to preclude Microsoft from excluding rival products by denying them the technical information they need to interoperate with the Windows operating systems. It requires Microsoft to ''disclose to ISVs, IHVs, IAPs, ICPs, and OEMs, for the sole purpose of interoperating with a Windows Operating System Product ... the APIs and related Documentation that are used by Microsoft Middleware to interoperate with a Windows Operating System Product.'' (Emphasis added). If, however, Microsoft does not produce an analogous product, it might not use the APIs needed for a new application, such as the Netscape browser, to get started.

. Section III.H contains a variety of provisions designed to enable choice of Non-Microsoft Middleware Products on the part of users and OEMs. The PFJ explicitly states, however, that ''Microsoft's obligations under this Section III.H as to any new Windows Operating System Product shall be determined based on the Microsoft Middleware Products which exist seven months prior to the last beta test version (i.e., the one immediately preceding the first release candidate) of that Windows Operating System Product.'' At the time the Netscape browser was introduced, there was no comparable Microsoft Middleware Product.

. Finally, Non-Microsoft Middleware Products are defined to include products ''of which at least one million copies were distributed in the United States within the previous year.'' (Section VI.N). Thus, regardless of any of the other provisions, the PFJ permits exclusionary behavior against new products that are trying to get established.

In sum, under the provisions of the PFJ Microsoft would have been permitted to engage in anticompetitive practices against the Netscape browser because the browser did not compete against the Windows operating system and because Microsoft did not at the outset have a comparable product. Moreover, at least in the early stages, the Netscape browser would not have been covered because a million copies had not been distributed in a single year. The DOJ obviously feels that the fabled entrepreneurs of Silicon Valley, working in their garages, are not worthy of protection against Microsoft under the PFJ. It is especially ironic that Microsoft, which has dedicated so much rhetoric to persuading the courts and the public that its monopoly could be overturned at any moment by the proverbial entrepreneur working out of her garage, should seek to preserve the right to squash precisely such competitive threats. More broadly, the requirement that Microsoft have a comparable product in order to trigger some of the PFJ's provisions creates perverse incentives. It may discourage Microsoft from introducing its own product, because to do so triggers provisions restricting its ability to exclude a potential competitor. The result could be that consumers would be deprived entirely of a useful middleware product that might potentially compete with the Windows operating system, because Microsoft is able to engage in exclusionary practices against another firm and does not find it in its interest to introduce its own product.

But the PFJ is flawed at an even deeper level: Even if it did what DOJ and Microsoft say it would, its effect on firms that operate in Microsoft's markets and its ability to restore competition in those markets would be minimal at most. Most of the PFJ is intended to prevent Microsoft from retaliating against OEMs, ISVs, IAPs and others that distribute, develop or otherwise support software that competes with Microsoft middleware. Under the terms of the PFJ, however, these entities would have little incentive to promote competitive middleware.

This is principally because, despite the Appeals Court ruling that Microsoft's integration of the browser and the operating system was anticompetitive, the PFJ would allow Microsoft to continue to bundle its middleware (and other) products with its operating system. Indeed, Microsoft's new XP software incorporates new functionality into the Windows operating system as never before. It includes, among other things, the IE browser, Microsoft's instant messaging and email software, Windows Media Player and the Microsoft Passport digital authentication software. All of these functions are bundled together and the combined package is sold at a fixed price.

Thus, OEMs have virtually no incentive to customize their offerings with non-Microsoft software. To do so involves an additional cost for the non-Microsoft software when compariable functionality is provided by Microsoft at no additional cost. An OEM that did this would have to pass these added costs on to its customers and would likely lose sales to other OEMs. Obviously, if OEMs don't have the incentive to install non-Microsoft software, ISVs won't have the incentive to develop it and IAPs won't have the incentive to distribute it.

As a result, the PFJ will not have any significant pro-competitive impact in the markets for either middleware or PC operating systems. Nor, for the same reasons, is it likely to have any significant pro-competitive impact on newly emerging markets, such as voice-over-IP instant messaging, game boxes, e-commerce technologies (e.g., ''Passport'') or digital rights management technologies. Indeed, the inability to make any plausible claims for such pro- competitive effects is the most likely explanation for the fact that, in contrast to the AT&T CIS, the CIS in this case doesn't make any.

IV. The Remedy Alternatives

There are two general classes of remedies that can be employed to remedy Microsoft's antitrust violations—conduct remedies and structural remedies. Conduct remedies leave Microsoft intact and attempt to constrain its anticompetitive behavior by imposing a set of behavioral requirements—essentially, a regulatory regime tailor-made for one firm. Microsoft's structure—and, importantly, its incentives—remain largely the same.[35] The challenge is to develop rules that effectively deter anticompetitive behavior, given that such behavior might continue to be in Microsoft's interest. The PFJ, which relies on conduct remedies, will not be effective in deterring anticompetitive behavior on the part of Microsoft.

Structural relief takes a different approach. Structural relief, as the name implies, involves restructuring the firm so as to change its incentives and ability to act anticompetitively. As DOJ explained eloquently in the AT&T CIS, if a restructuring is successful in achieving those goals, behavioral restrictions are largely unnecessary. The Appeals Court noted that structural relief is a common form of relief in antitrust cases and is ''the most important of antitrust remedies.'' [36]

In this section, we describe the alternative structural remedies available to the court. Then we offer an evaluation of the proposals offered by the remaining litigating states.

A. Alternative Structural Remedies

At the government's urging, the District Court initially adopted a structural remedy, supplemented by interim conduct relief. [37] The Appeals Court vacated the District Court's remedy, partly because it modified the District Court's liability finding and partly because the District Court had failed to hold an evidentiary hearing. [38] The Appeals Court did not, however, rule out a structural solution to this case. The Court directed that ''the District Court also should consider whether plaintiffs have established a sufficient causal connection between Microsoft's anticompetitive conduct and its dominant position in the OS market.'' [39] It continued, ''[i]f the court on remand is unconvinced of the causal connection between Microsoft's exclusionary conduct and the company's position in the OS market, it may well conclude that divestiture is not an appropriate remedy.'' [40]* This is an issue that should be explored in an evidentiary hearing.

While it is difficult to predict exactly how the industry would have developed in the absence of Microsoft's anticompetitive behavior, it is likely that an alternative to Microsoft's operating- system platform would have emerged and it is a virtual certainty that Microsoft's position would be far less dominant than it is today. Clearly, Microsoft thought that was a distinct possibility.

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[35] 35 Microsoft's incentives would be modified to the extent it faces legal penalties, but those penalties would have to be very large to have a significant effect on Microsoft's incentives.

[36] 253 F 3d at 103, quoting United States v. E.I. du Pont de Nemours & Co., 366 U.S. 316, 331 (1961).

[37] United States v. Microsoft Corp., 97 F Supp-2d. (DCCirc. 2000) ''Final Judgement''.

[38] 253 F 3d at 6.

[39] 253 F 3d at 105.

[40]

The causation between Microsoft's anticompetitive practices and its operating system monopoly runs both ways. Without its monopoly, Microsoft would have been unable to engage in the exclusionary practices documented by the District Court and affirmed by the Appeals Court. Moreover, because of the wide array of business practices at issue and the complexity of the industry, it is very difficult to fashion a conduct relief regime that will be effective if Microsoft retains its dominant market position. This is why the Department of Justice (initially) and others (including ourselves) favor a structural solution. Two different forms of structural solution have been proposed, which we review in turn.

The DOJ initially proposed, and the District Court initially ordered, a vertical divestiture, which would divide Microsoft along product lines, into an operating systems company and an applications company.[41] The DOJ argued that this remedy would create two powerful companies that would have the incentive to compete with each other, diminishing the market power of both. According to Timothy Bresnahan, Chief Economist at the Antitrust Division at the time, ''divestiture of the company into an applications and an operating system company restores competitive conditions very like those destroyed by the anticompetitive acts. Absent the anticompetitive acts, Microsoft would have lost the browser war, and other finns would have commercialized useful technologies now controlled by Microsoft. Divided technical leadership, which could be accomplished by having an independent browser company in the late 1990s or an applications company now, lowers barriers to entry and competition in many markets. It was exactly this route to an increase in competition that Microsoft avoided by its anticompetitive acts. Second, ending Microsoft's unique position in the industry offers innovative new technologies the choice of two mass-market distribution partners, either Appsco [the applications company] or OSCo [the operating system company]. The divestiture will do much to reduce the motive to violate and also to reduce the effectiveness of future anticompetitive acts. It restores conditions for competitive innovation at a moment in technology history [i.e., when the Internet is starting to be commercialized] when having a single firm set the direction of innovation in PC and end-user oriented internet markets is most unwise.'' [42]

Similarly, the Department of Justice, in initially proposing this remedy, argued that separating the operating system from the applications company would ''reduce the entry barriers that Microsoft's illegal conduct erected and make it less likely that Microsoft [would] have the incentive or ability to increase them in the future.'' [43] An independent applications company would have every incentive to support competitors to Windows rather than make decisions based on the level of threat those competitors pose to Microsoft.[44] A separate applications company would have appropriate incentives to port its products to competing operating systems, such as Linux, thereby lowering the applications barrier to entry that potential competitors face. Currently, Microsoft has an incentive to strategically withhold applications from actual or potential competitors, even if providing them would otherwise be economically justified. In addition, the applications company would have the incentive to make its tools available to Independent Software Vendors (ISVs) that cooperate with competing operating system providers.

Separate operating system and applications companies would make it possible for middleware technologies in the applications company to be competitive with Windows. When applications are written to middleware technologies, like the Netscape browser, which operate between the applications software and the operating system, they become operating system neutral,[45] reducing the applications barrier to entry and facilitating competition with Windows. There are several desktop applications, including Microsoft Office, that expose APIs and could become important middleware technologies.

Of course, a vertical divesture now would have a somewhat different effect than when it was first adopted by the District Court, because Microsoft has bundled many more applications into its new XP operating system. If the District Court again decided to adopt this remedy, it would also have to decide whether to require Microsoft to remove some applications functionality from its XP operating system or permit it to remain as is. If the XP operating system were allowed to remain as is, applications that would previously have been part of the applications company would be part of the operating system company. However, significant applications—principally, Microsoft Office—still remain separate from the operating system.

The alternative to a vertical approach is what we term a ''hybrid'' structural remedy, which combines both vertical and horizontal elements. A purely horizontal divestiture would divide Microsoft into several vertically integrated companies, each with full rights to Microsoft's intellectual property, creating several sellers of Windows as well as Microsoft's other software products. This remedy arguably goes beyond what is necessary or could be justified as matter of law, since it divides up products that were not the subject of the case.

A number of commentators, including Dr. Lenard, have proposed a ''hybrid'' remedy, which has elements of both vertical and horizontal divestiture.[46] It goes a step beyond the vertical divestiture remedy that the District Court adopted by first separating the operating systems company from the applications company and then creating three equivalent operating system companies.

Microsoft's bundling of more applications functionality into the new XP operating system strengthens the arguments for the hybrid remedy relative to other remedies. The PFJ (as discussed above) does not contain any restrictions on bundling, which will hinder its effectiveness dramatically. In addition, as more applications are moved into the operating system, the vertical divestiture becomes less able to restore the competitive balance, because the newly formed applications company would be a less powerful competitor.

By creating competing Windows companies, the hybrid remedy directly addresses the monopoly problem, which is the source of Microsoft's anticompetitive behavior. As indicated above, without the monopoly, Microsoft would never have been able to exclude the Netscape browser from the most effective means of distribution—OEMs and IAPs. It would not, for example, have been able to get the OEMs to refrain from pre-installing the Netscape browser as a condition for receiving a Windows license. Similarly, Microsoft would not have been able to extinguish the market for a competing browser by bundling the Windows operating system with IE. Microsoft would not have been able to do these things—which are at the core of the Appeals Court's liability finding—because the OEMs and the IAPs would have had competitive alternatives to which they could turn.

The hybrid remedy would eliminate the applications barrier to entry for the new Windows companies and deprive Microsoft of its ability to leverage its desktop monopoly into new markets. Because it really does restore competition, extensive behavioral restrictions are not required, making this the least regulatory of the available alternatives.

The hybrid remedy is to a significant extent an ''intellectual property'' remedy, requiring Microsoft to grant full intellectual property rights to its Windows Operating System to two new companies. This type of remedy is particularly suited to ''new-economy'' companies like Microsoft, whose assets consist primarily of informational capital, which can easily be replicated.[47] The rationale for going further and dividing up employees is that much of the intellectual property is embodied in the employees.[48] In contrast to traditional ''old-economy''

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[41] 41 Final Judgement at 2.

[42] Timonthy F. Bresnahan, ''The Right Remedy,'' at 1, (available at www.stanford.edu/tbres/microsoft/The Right Remedy.pdf).

[43] Plantiffs'' Memorandom in support of Proposed Final Judgement at 30–43, Microsoft (No. 98–1232), available at http://www.usdoj.gov/atr/cases/f4600/4640.htm.

[44] United States v. Microsoft Corp., 147 F 3d 935 (DCCirc. 1998) Romer Declaration # 4, (hereafter Romer).

[45] 45 Romer at 13.

[46] See Thomas M. Lenard, Creating Competition in the Market for Operating Systems: A Structural Remedy for Microsoft, (Washington: Progress & Freedom Foundation, 2000) http://www.pff, org/remedies/htm; Remedies Brief of Amici Curiae Robert E. Litan et al., 2000; Thomas M. Lenard, ''Creating Competition in the Market for Operating Systems: Alternative Structural Remedies in the Microsoft Case,'' George Mason Law Review, Vol. 9., Spring 2001.

[47] Remedies Brief of Amici Curiae Robert E. Litan et al., 2000.

[48] Thomas M. Lenard, Creating Competition in the Market for Operating Systems: A Structural Remedy for Microsoft,(Washington,: Progress & Freedom Foundation, 2000) http://www.pff.org/remedies/htm.

companies, however, there is very little physical capital to be divided up.

This factor should alleviate some of the concerns expressed in the Appeals Court opinion about the use of a structural remedy in the case of a ''unitary company''—i.e., a company not formed by mergers and acquisitions.[49] Such concerns have more validity in the case of old- economy companies, because of the difficulty of dividing up physical capital. What is being proposed in the hybrid remedy is much closer to a reproduction than it is to a division of the company's assets. When those assets consist primarily of information, they can be reproduced at very low cost.

B. The Litigating States Proposal

We believe a structural remedy continues to offer the best hope of deterring Microsoft's anticompetitive behavior in a way that is not overly regulatory. If, however, a structural remedy is off the table, the conduct remedy proposed by the Litigating States (LS) is far better than the PFJ. The LS Proposal does not contain the obvious loopholes and exceptions that are pervasive in the PFJ. Moreover, the LS Proposal includes a number of provisions that can partially restore competition to what it might have been absent the anticompetitive behavior. Because it will change the behavior of the participants in the market, the LS Proposal provides a serious remedy to Microsoft's offenses. Some of the attractive features of the LS proposal are as follows:

ù In contrast to the PFJ, the LS Proposal contains prohibitions on exclusionary and retaliatory behavior that are clear and unambiguous and mean what they purport to mean. In general, they provide meaningful protection against retaliation for the development and distribution of non-Microsoft software.

The LS Proposal would require Microsoft to license an unbundled version of its software. As discussed above, the bundling of applications together with the monopoly operating system makes it uneconomic in most cases to develop and distribute software that competes with Microsoft. This requirement would address that problem and create an environment in which rival software can be developed.

ù The LS Proposal would require Microsoft to license its software to third parties (not just OEMs) who could produce a customized product that would enlarge the range of consumer choice and provide competition for Microsoft.

ù The proposal also would require Microsoft to continue to license predecessor versions of Windows. This would permit OEMs to expand the range of consumer choice by providing a lower-priced operating-system product that might be perfectly satisfactory for a large number of users. In addition, it would permit OEMs and third parties to continue to develop a differentiated product that might be competitive with Microsoft.

ùThe LS Proposal would require Microsoft to make IE available on an open-source basis, and would require Microsoft to distribute Java, thereby partially reversing some of the effects of Microsoft's illegal activities

ù Finally, the LS Proposal would require Microsoft ''to auction to a third party the right to port Microsoft Office to competing operating systems.'' This would reduce the applications barrier to entry for a competing operating system, such as Linux. All of these aspects of the LS Proposal would add significantly to the probability that the remedy in this case would actually have the desired effect of increasing competition in one or more of the relevant product markets.

V. Conclusion

The PFJ is not an adequate remedy and its adoption is not in the public interest. It will not deter Microsoft from engaging in anticompetitive activities and it will not restore competition in this extremely important sector of the economy. Moreover, the CIS that the government has prepared does not provide the information necessary for the District Court to determine that the PFJ is in the public interest.

In order to generate the necessary information for such a determination, the District Court should hold an evidentiary hearing in which the competitive impacts, benefits and costs of all the available remedies are closely evaluated. In addition to the PFJ, the Court should consider structural remedies—which appear to be justified under the criteria established by the Court of Appeals—as well as the LS Proposal. We believe that at the end of this process, the court will agree that the PFJ is not in the public interest and that the ''hybrid'' structural remedy we recommend best meets all the of the criteria governing the court's deliberations in this matter.

MTC–00028687

From: Albert Delgado
To: Microsoft ATR
Date: 1/28/02 5:01pm
Subject: Microsoft Settlement

Microsoft should be punished to the fullest extent of the law. The government should understand that Microsoft has been found guilty and should make restitution and change its predatory practices. Microsoft does not innovate, but makes shoddy software that many hackers attack at will. At Chicago public schools, the network administrators now prefer Linux and OSX from Apple since they are stable platforms.

Albert Delgado
Chicago Public Schools.

MTC–00028688

From: Ron Ohlander
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/28/02 4:57pm
Subject: FW: Microsoft Settlement

To whom it may concern:

I am a computer scientist (Ph.D Carnegie-Mellon University) who has worked in the field for over 25 years. I have been a close observer of Microsoft's behavior since its inception. I believe that the proposed Microsoft settlement is a farce.

Microsoft has exhibited rapacious behavior since its start. The courts have found them to be a monopoly and guilty of monopolistic practices, which only attests to what most professionals in the field have known for a long time. Even as the case has been progressing through the courts, Microsoft has continued its aggressive tactics. The recent allegation that they lobbied congressional members in defiance of the Tunney act once again bears out my belief that they think they are above the law.

The government has a duty to pursue a course of action that will effectively remedy the situation. This has not been achieved. The proposed settlement terms are extremely weak. They will have virtually no effect in curbing Microsoft's behavior. On the contrary, they seem to be an endorsement of Microsoft's tactics. How can anyone who has any knowledge of the matter imagine that the playing field has been leveled, or that Microsoft will modify its monopolistic practices on the basis of said terms? In addition, where is the penalty for their past actions? The government is about to fail very badly in its duty to protect the American public.

If Microsoft continues to dominate through monopolistic practices, it will significantly affect the technology available to consumers, and what they pay for it. Microsoft has always rushed to market with shoddy software, expecting users to exercise and test it. Large numbers of bug fixes are generally required to any given product, but the products themselves never stabilize because Microsoft releases the next version with more bells and whistles and even more bugs. This process explains why their operating systems are so vulnerable to security attacks, i.e., as the systems have become larger and more complex, adequate security, which has never been very good in any of their products, becomes more tenuous. A lack of real competition exacerbates this kind of result. Businesses and individuals who use Microsoft products and suffer the consequences of viruses, worms, etc. pay an enormous cost. In a competitive market, consumers could make other choices unless the problems were fixed.

Finally, I don't understand how anyone can support Microsoft's argument that the consumer has benefited in the form of low-cost software. One doesn't buy such a product and have done with further expense. Rather, it is a case of buying on the installment plan, as one pays again and again for each new release that is made, along with the need to pay separately for user manuals. If the average person were to calculate the outlay for software over a reasonable time period, it would be shown that the cost is far from the bargain Microsoft portrays.

In conclusion, the government must find a way to curb Microsoft's behavior. The currently proposed settlement signally fails to do that.

Sincerely,
Ronald B. Ohlander

MTC–00028689

From: bugbee
To: Microsoft ATR
Date: 1/28/02 4:59pm
Subject: Comments on MS / DoJ Settlement

Your Honor,

To be especially brief, I'll be politically incorrect. (You have a lot to read.)

It sucks.

Why? For all intents and purposes, there is 1) no penalty for past illegal acts, and 2) no

[49] 49 253 F 3d at 103.

teeth in the agreement to insure it won't happen again.

A structural change in the way Microsoft does business is what's needed. Promising to be good has not worked before, and future monitoring is both ineffectual and pointless. I could elaborate, but I'd be taking your valuable time and I'm sure you've heard it all before.

Please do what you can to SOLVE this problem. ...a structural change.

Thanks for listening,

Larry Bugbee

Kent, Washington

MTC–00028690

From: Russell Pavlicek
To: Microsoft ATR
Date: 1/28/02 4:56pm
Subject: Microsoft Settlement

To whom it may concern,

This settlement is an extremely bad idea. It will not adequately curtail Microsoft's abuse of monopoly power.

Sincerely,

Russell Pavlicek

MTC–00028691

From: Robert McConnell
To: Microsoft ATR
Date: 1/28/02 4:58pm
Subject: Microsoft Settlement.

In response to the government's request for comments on the proposed Microsoft Settlement:

As a computer professional with over three decades of experience writing software for a variety of operating systems including Windows, and as one-time fan of Microsoft, I would like to make two points. The first is to suggest one route which in the absence of a breakup I expect Microsoft to continue to exploit to maintain it's monopoly. The second point is to call attention to a related danger from Microsoft's monopoly which I believe is accelerating the flight of manufacturing from the US to foreign countries.

First the monopoly preservation strategy:

Most competent computer programmers can, if they wish, write and document functioning code which is virtually incomprehensible to any other competent programmer (including the author him/herself). Moreover said author can almost certainly (disingenuously but successfully) argue in a court comprised of non-experts that the code is straightforward, well-documented and easy to understand.

What does this have to do with Microsoft maintaining and extending their monopoly? Everything. Whether hardware or software, it is in the interests of the creator of any product to facilitate use by the consumer while hiding as much of the internal workings as possible to discourage competition. Microsoft's strategy has been to continuously expand the boundaries of it's ''operating system'' (more properly now an operating environment) enveloping or attempting to envelope entire classes of applications, office, networking, on-line shopping, manufacturing etc... within the boundaries of the ''operating system''. This can be done explicitly as in the case of Internet Explorer, or implicitly by simply making it difficult and or prohibitively expensive for outsiders, to access, or even know about operating system, or hardware features which may be important for fields Microsoft dominates, or wishes to dominate. The ''browser wars'' were about exposing the inner workings of Microsoft's operating system so others might use them.

Because of the ease of writing and defending impenetrable code Microsoft already has an almost unlimited ability to restrict access to the core of the operating system and to the hardware beyond, whether or not a court orders it to provide access. Microsoft sells just enough tools to access selected parts its operating environment to be able to provide lip-service to openness. Generally speaking the products are scaled in such a way that only those who have made a large commitment, financial or ''sweat equity'' which will tend to lock in their allegiance to Microsoft are allowed access to the more powerful tools.

Because of the high barrier created by the impenetrability of the Microsoft code, it is hard to imagine any remedy short of a breakup will be able to curtail Microsoft's illegal monopolistic practices. The second comment, related to manufacturing flight, is contained in a letter I sent to the Attorney General general of Massachusetts several months ago. The text follows:

Dear Mr. Attorney General,

I must congratulate you and your staff on the stand you have taken against the proposed Microsoft settlement.

I am a software developer who has long been appalled by the relentless manner in which the American public interest continues to be steamrolled by the Microsoft juggernaut. Therefore I was shocked by the decision by the Justice Department to take the breakup option off the table. It is my opinion that this option offered the only chance to restore competition to the software marketplace. Needless to say, I was further dismayed by the terms of the proposed settlement.

As you are obviously well aware, under the guise of ''innovation'' Microsoft has succeeded in stifling true innovation in many ways. Much of the damage done by Microsoft is not as a result of overt actions towards the ''victim'' whether an individual or a company. Rather it is in creating an environment in which the fate of others who have tried to innovate in the face of Microsoft serves as a deterrent to further innovation. Of course this type of deterrence by example does not carry the connotation of physical danger as might be expected from similar threats by organized crime or terrorists. Nevertheless it is quite effective. This is an environment in which:

1. Intelligent software developers know that they have little chance of being successful unless they join the Microsoft camp. Once in that camp more of a developer's time will be likely spent keeping up with Microsoft's complexity-increasing-whims than improving their product.

2. Intelligent funding institutions know from history that there is no point in developing a product in a market in which Microsoft is known or believed to have interest. The best one can hope for in the case of a very successful product is the opportunity to sell the product to Microsoft at a price determined only by the latter.

3. The required ''operating system'' (now more properly an operating environment) is so complex as to create a huge barrier between the creative idea of a researcher, developer, or engineer and its implementation into a useful product.

I'm reminded of a university researcher's website I saw several years ago. The researcher noted that he was using older, and by then outdated, analysis software for his research. Although he had written the original software himself, he believed that the new requirement of interfacing with Windows had introduced such complexities that he could not afford either the time to update the software himself, or the money to to hire a Windows specialist to update it for him. Whether or not the researcher's assumption was actually true, Microsoft literature and promotions (the so-called FUD factor) would certainly lead him to this conclusion. Hence his further research in this field was stymied.

4. Similarly the Microsoft ''one size fits all'' operating system and tools, interposed between America's manufacturing engineers and the computer, hamper their creative efforts. Modern Windows software effectively prevents these engineers from writing high speed one-of-a-kind applications necessary for the most efficient manufacturing. Ten years ago the same engineer would have had no trouble writing this type of software. As a Senior Member and member of the Peer Review Committee of the Machine Vision Association of the Society of Manufacturing Engineers I became personally concerned about this issue several years ago. I was particularly worried that is resulting in substantial advantages for manufacturing facilities in foreign countries and earlier this year prepared the attached document.

I'm not sure any of this will be of any help in the successful resolution of the Microsoft situation, However I thought it might be helpful in explaining why at least one of us is behind you.

Again, congratulations and good luck on your stand!

Sincerely,

Robert McConnell

MTC–00028692

From: Stephen Hopkins
To: Microsoft ATR
Date: 1/28/02 7:04pm Subject'' Microsoft Settlement

Conceptual Computing, Incorporated
i
9315 Locarno Drive, Dallas, TX 75243–7217

January 28, 2002

Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

Most individuals and companies affiliated with computer software products are very excited about the recent antitrust settlement between Microsoft Corp. and the U.S. Justice Department. The lawsuit has significantly dampened technological innovation as well

as investment. Continuing the lawsuit would only make matters worse; therefore, the settlement should be accepted and finalized as soon as possible as it is fair and reasonable.

For example, it has agreed to disclose its internal interfaces for Windows to its competitors. It also agreed not to retaliate against computer makers who ship software that competes with anything in its Windows operating system. Last, and perhaps most important, Microsoft has to design future versions of Windows to provide a mechanism to make it easy for computer makers, consumers and software developers to promote non-Microsoft software within Windows.

I sincerely hope the settlement is allowed to take hold as soon as the public comment period concludes and that those who may attempt to derail it are not successful in their attempts.

Sincerely,
Stephen Hopkins
President
CC: Representative Richard Armey

MTC–00028693

From: wt.catch1
To: Microsoft ATR
Date: 1/28/02 4:57pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Yvonne Keenoy
46225 Verba Santa
#11
Palm Desert, CA 92260

MTC–00028694

From: Neil Kohl
To: Microsoft ATR
Date: 1/28/02 5:05pm
Subject: Microsoft Settlement

To whom it may concern:

I am writing in opposition to the Proposed Final Judgment (PFJ) in the case of United States v. Microsoft.

I am a programmer with over 20 years experience, and I currently work as a web site administrator for a large medical association.

I agree wholeheartedly with the Open Letter created by Dan Kegel and signed by over 2000 people (http://www.kegel.com/remedy/letter.html). I would like to single out two points which deserve special attention.

As stated in the Findings of Fact, Microsoft enjoys a monopoly in the operating systems market (section 33–44). According to the Court of Appeals ruling, ''a remedies decree in an antitrust case must seek to ''unfetter a market from anticompetitive conduct'', to ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future'' (section V.D., p. 99).

First, to meet these standards the Windows API—almost all of them, not just ''Microsoft Middleware'' as narrowly defined in the PFJ—must be completely open and documented in such a manner that third-party developers can create an environment that can run Windows applications. An example of such an environment is the WINE (WINdows Emulator) middleware that is available for the Linux operating system.

Second, the enforcement mechanism must be nimble. The original suit which led to the PFJ was filed in 1995. Since then, Microsoft has released three new versions of the operating system (Windows 98, ME, XP) and is positioning itself to be the middleman in Internet transactions via the .Net initiative. If the courts are used as an enforcement mechanism then Microsoft is guaranteed several more years without serious competition in the operating systems market.

Best regards,
Neil Kohl
Manager, ACP-ASIM Online
American College of Physicians—American Society of Internal Medicine nkohl @mail.acponline.org 215.351.2638, 800.523.1546 x2638

MTC–00028695

From: Sara Yurman
To: Microsoft ATR
Date: 1/28/02 4:59pm
Subject: Please reject this settlement.

Thank you for the opportunity to comment on this ruling. I am sure than many people have offered excellent technical reasons for rejecting this extraordinarily weak settlement. I have two reasons that I hope the court will consider:

1) I am a small business person. At the moment I can operate on Linux, and not be hampered by some of the Microsoft-specific formats that I receive. This, however, is tenuous and getting more so. As Microsoft extends its reach into the internet, and continues to keep its formats closed my ability to communicate without Microsoft is somewhat serendipitous. Operating with Microsoft products is not an option for us. We are a distributed company and cannot afford the expense and security problems inherent in those products. A virus could be fatal to our small firm.

2) It appears that Microsoft's monopoly power is having a corrosive affect on our political system. I wrote my U.S. Senators (Zell Miller and Max Cleland), urging them to support Senator Schumer's call to block the distribution of the XP operating system. Senator Miller never answered. The following was included in Senator Cleland's response:

>Despite Judge Jackson's ruling last June, Microsoft remains the single most >dominant technology firm in the world. Microsoft's core businesses, its Windows >operating system and Office software, are certainly under legal challenges on >several fronts, but at the moment they are still generating tremendous revenues >and profits for the company. In addition, Microsoft plans to jump-start its >Internet access operation, MSN, which is also unlikely to be affected by Judge >Jackson's verdict. >

Why is it more important to the Senator from Georgia that Microsoft generate profits than have conditions favorable to small businesses in his district? I never got a response, despite phone calls and emails to the Senator's office. This is the ultimate aim of monopoly power, and Microsoft has achieved it. Please stop them. I'd like to have my government back.

Respectfully submitted,
Sara Yurman

MTC–00028696

From: Jerry
To: Microsoft ATR
Date: 1/28/02 4:59pm Subject'' Comments regarding Proposed Settlement

Attached is a PDF document with my comments regarding the Proposed Settlement of US v. Microsoft

Thank you for your attention in this matter.

January 25,2002
To:
Renata B. Hesse
Antiturst Division
U.S Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–001
Subject: Microsoft Settlement

The following are my comments regarding the proposed settlement of the United States vs. Microsoft antitrust case.

Personal Background

I am Information Technology specialist who works primarily in Systems architecture, design, and development. Over the past ten years I have specialized in Information Security. I have been a user of Microsoft products (for both consumers and developers) since the early 1980s.

United States v. Microsoft Background

The District Court and the Court of Appeals concluded that Microsoft had ''unlawfully maintained its monopoly power by suppressing emerging technologies that threatened to undermine its monopoly control of the personal computer operating system market.''

The Court of Appeals held ''a remedies decree in an antitrust case must seek to ''unfetter a market from anticompetitive conduct,'' to ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future.''

Comments

Scope of Protection is Too Limited

Microsoft's competition in the Operating system area varies greatly in type and size. This competion includes:

. direct competitors, organizations creating different Operating systems (e.g. Linux)

. organizations that build applications and middleware that run ''on top'' of an operating system (e.g. Java and Netscape Communicator)

.* organizations that customize operating systems for their clients (hardware OEMs)

.* organizations that provide software equivalence of the services of one operating system on a different system or environment.

The proposed restrictions on Microsoft business conduct will provide protection to a subset of these Microsoft competitors. The majority of the Proposed Settlement focuses on providing relief for

1) organizations that provide middleware that run exclusively on Microsoft Windows products, and hardware OEM vendors. There are only minimal changes in the Microsoft conduct to protect vendors of competing operating systems.

Only Large Competitors Are Protected

The size of organizations that develop software varies greatly. Even Microsoft started as a small number of people. Unlike many other businesses, there is not a requirement for a large capital investment to start developing software.

The restrictions on Microsoft conduct apply only to large organizations (both OEM and software developers). Not only does this not work to terminate the monopoly it creates new exclusionary and discriminatory practices which did not previously exist.

Scope of Interfaces to be Disclosed is too Narrow

The Proposed Settlement requires that Microsoft disclose the APIs for its middleware. However, in the Proposed Settlement the definition of Middleware is so limited that it excludes many of the interfaces required by competitors. The Interfaces to be disclosed need to include not just Application Programming Interfaces (APIs) but all other data structures and protocols extemalized by Microsoft software components. The Department of Justice chose not to pursue issues related to the comigling of software and yet the Proposed Settlement assumes to have sufficient knowledge of the separate pieces (middleware vs. operating system) to provide a working definition in the Proposed Settlement.

As long as the definition of the Windows Operating Systems is outside the scope of the Proposed Settlement Microsoft will maintain the control over which interfaces must be disclosed. It would be more appropriate to require Microsoft to disclose ALL interfaces between all components of their products.

Not All Middleware Components are Identified.

Given that some of the Microsoft Middleware components that are subject to this settlement are mentioned in the Proposed Settlement, the ''.net'' interfaces, as the Microsoft followon to Java should be included. Given the complexity of the definition of Middleware provided in the Proposed Settlement, it would be desireable to include the complete list of all Microsoft Middleware. This list should be publicly available for the time period that the Settlement is enforced.

Not All Current Versions of Windows are Covered in the Settlement

All current versions of Windows that are based on Win-32 should be covered by the Settlement. This should at least include Windows CE and Windows XP Tablet Edition. Too Many Restrictions on Disclosure of Security Interfaces The Proposed Settlement places restrictions on the disclosure of Microsoft security interfaces in the name of National Security. I would suggest that the reverse is true. In the current environment it is important to nurture the development of security functionality. All Microsoft security programmable interfaces, protocols, and data structures should be fully disclosed. The only restriction should be that the content of some specific data elements may not be disclosed (private keys, etc.)

Limits on Which Organizations can Seek Disclosure of Interfaces

The proposed Settlement places restrictions on which competitors Microsoft must disclose their APIs. The competitors must be of sufficient size and have a valid business case. This allows Microsoft to chose which organizations they wish to compete. Even Microsoft in its earliest years would have failed these requirements. Given that in the current environment one of Microsoft's strongest competitors is primarily a volunteer organization (Lunix) it seems likely that Microsoft would not disclose any APIs to ''Free'' Software development organizations.

Poor Enforcement Mechanisms

A good settlement should include enforcement that is easily understood, quantifiable, and verifiable. There should be metrics that can be used over a period of time to evaluate the success of the Settlement. A good enforcement needs to provide quick resolution of issues related the Settlement for the business needs of both any plaintiff as well as Microsoft. Finally, there needs to be a sufficient motivation to insure Microsoft will not violate the Settlement.

The Proposed Settlement provides almost none of the above. There is technical review by a three person team but all of their work will be confidential and not subject to review. There is no public or judicial review of the progress of the Settlement. The only option for handling misconduct, outside of the technical team, is to go back to court—one of the slowest ways to resolve any violations. Finally, given that there is no financial incentive required in this Settlement and that Microsoft earns billions of dollars using their current business conduct it is hard to see why Microsoft will be motivated to make any changes in their conduct.

Conclusion

The Proposed Settlement does not provide adequate changes in business conduct of Microsoft to provide a remedy that meet the requirements of the Court of Appeals mandate. In some cases the Proposed Settlement adds new barriers to the competition to Microsoft Operating Systems and Middleware. Thus, the Proposed Settlement does not serve in the public interest. I recommend that the Proposed Settlement be rejected.

Sincerely,
Jerry L. Hadsell
2800 Wood??ey Road NW
Washington DC, 20008

MTC–00028697

From: Ken Brown
To: Microsoft ATR
Date: 1/28/02 4:59pm Subject'' Tunney Act Comments

Thanks for reviewing our comments.

Ken Brown
January 28,2002
Renata Hesse
Trial Attorney
Antitrust Division
U.S. Department of Justice
601 D Street, NW Suite 1200
Washington, DC 20530
e-mail: microsoft.atr @ usdoij.gov
Re: AdTI Tunney Act Comments

The Alexis de Tocqueville Institution submits these comments under the Tunney Act.

The Alexis de Tocqueville Institution is an independent non-profit education and research organization described in detail at www.adti.net. The mission of AdTI is to provide helpful policy analysis to advance the ideas of democracy and freedom around the world.

Sincerely,
Kenneth Brown
President
Telephone Number(s)- office 202–548–0006, cell 703–608–4222

ALEXIS de TOCQUEVILLE
Why the Microsoft Case Should Be Settled
Alexis de Tocqueville Institution
Washington, DC
January 22, 2002

The Hard Truth About Invention in the U.S. Marketplace

Two courts have reaffirmed that Netscape nor its browser were shut out of the marketplace. The browser wars produced a winner and a loser; and Netscape was the loser. However, within thousands of briefs and legal arguments criticizing the U.S. vs. Microsoft settlement is the repeated concern about the future of new Netscape's in the technology sector. Almost every other issue is tangential, and we must differentiate the arguments properly.

We see an interchanging of terms being used, specifically, ''....the settlement should make the marketplace safe for firms to compete with Microsoft...'' vs. ''...the settlement should be safe for firms to introduce new products...ie, like Netscape Navigator...'' The Department of Justice has proposed a settlement that properly speaks to its duty—to introduce a remedy which allows firms to safely introduce new products. Microsoft has agreed to the rules; which include a mandate that Microsoft disclose any information necessary for rival firms to produce fully interoperable products with Windows for competing software and servers.

The reason why critics want a settlement which goes further is because they want Microsoft completely out of the way. The case is merely obfuscation. With billions of dollars in resources, Microsoft's competitors want every advantage because 1) the marketplace for new technology is overwhelming and having a chief competitor eliminated makes things a little easier and 2) the competitors lobbying for a far-reaching settlement are among the most aggressive and fierce technologists in the world.

The reality is that the marketplace, particularly the marketplace for new

technology has never been safe from a competitor. What Microsoft's competitors want is an oxymoron because no technology product is ever ''competition-free'' or guaranteed success in the marketplace. This benefits consumers, the country and ironically inventors themselves, which makes it relevant to observe the reality of the marketplace (beyond the courtroom) for a moment.

Great Inventors Must Be Fierce Strategists

Every inventor and innovator small and large must face the formidable odds to succeed in the marketplace for new technology. Since the day the first idea was registered in the U.S. patent office, countless inventions and innovations have become cinders in the furnace of competition. Relentless markets in America only sustain the fiercest competitors, without exception. Technologists rewarded with fabulous wealth and fame did so at the expense of employing hard-hitting, merciless strategies. Regardless of ingenuity, technologists without the ability to navigate in the marketplace were failures; and lucky to even receive credit as creators of their own inventions.

The marketplace for food, furniture and other goods each have their challenges. But, the technology marketplace is unique because it demands both inventive genius and keen business savvy. The combination of the two is rare in individuals and corporations, and particularly scarce among pure inventors such as physicists, mathematicians or engineers. From the light bulb to the PC operating system, every innovator that history has been kind to, had the indomitable capability to merge intellectual power with commercial insight. In the end, technologists with these qualities became far more successful than their counterparts with better inventions or greater talent.

Competitive Inventors Preserve U.S. Leadership

However, America's owes its technological leadership in the world to its competitive battleground. Although education, vigorous intellectual property rights and democracy are also credit to American invention, its ability to surface inventors with commercial savvy, make it a source of the most competitive innovations in the world.

In the end, the U.S. is a leader in world-changing innovations, at the expense of sustaining a ''bare-knuckled'' marketplace.

After an excruciating and lengthy examination by the court system, the federal government and 9 states (actually 41 when you consider the states that never filed suit) agree on the U.S. vs. Microsoft settlement. Regardless of the differences among the parties, we can't expect any ruling to settle the differences between Microsoft and its competitors. However, this dissatisfaction is in the best interest of our country and will only spawn better ideas and products that will propel the U.S. to new heights. U.S. technological leadership depends on the undying will of its innovators to be no. 1.

The ''Electric'' War Between Edison and Tesla The debate over Windows is similar to many stories about wars between rival innovators throughout history, particularly aspects of the Thomas Edison story. Although the Edison-Tesla rivalry did not involve anti-trust law, the contest details the reality of the ''invention business'' in the most competitive capitalist society in the world.

Contrary to popular belief, the idea of electric lighting was not Edison's. A number of individuals had developed forms of electric lighting, but none had developed a system that was practical for home use. Using lower current, a small carbonized filament, and an improved vacuum inside the bulb, Edison was able to produce a reliable, long-lasting source of light. Thomas Edison didn't ''invent'' the light bulb, but became a legend for making a 50-year-old idea a fantastic commercial success.

Edison's fiercest rival, was an ex-employee named Nikola Tesla from Smijlan, Croatia. Tesla was a genius who invented the fluorescent bulb in his lab forty years before industry ''invented'' them. At World's Fairs and similar exhibitions, he demonstrated the world's first neon signs. Perhaps Tesla's greatest invention was the AC (alternating current) system we use in our homes today. DC (direct current), an inferior system, ironically, was designed by Thomas Edison. After years of fierce wars and debate between the Tesla and Edison teams, AC became the accepted system of transporting electricity. In fact, Edison later admitted that AC was the better system.

While both men were geniuses ahead of their time, the biggest difference between Edison and Tesla was their perspective and approach to invention. Edison had a keen understanding of capital markets and the strategies necessary to finance, promote and commercialize his inventions. Tesla was a great theoretician who worked perpetually to finance experiments.

Edison held a world record 1,093 patents and died a wealthy, famous man. Tesla received over 800 patents, died penniless and was literally erased from the history books. In fact, Tesla was poor the last thirty years of his life and arguably would have eclipsed Edison's patent record if he had the capital. Remembered for many things, Edison was known for saying, ''1 have more respect for the fellow with a single idea who gets there than for the fellow with a thousand ideas who does nothing.'' Edison's vision reflects the view of anti-trust law, that the greater value is in a stable marketplace, not the resurrection of competing ideas.

The Other Truth about Netscape

The Appeals Court ruling reflects another hard truth—Netscape fell, because it did. The DC Circuit rejected the course-of-conduct theory, under which Microsoft's specific practices could be viewed as part of a ''broad monopolistic scheme.'' This obviously has made anyone that viewed Microsoft as an evil-doer exponentially dissatisfied with DOJ's settlement. But again, is the responsibility of the DOJ to make the world safe from Microsoft?

Netscape maintained its Internet dominance until 1997, when Internet Explorer's fourth version was able to lap Netscape. Netscape Navigator never regained its prominence. In addition, by that time, the Netscape product was slow, outdated, and unstable, falling to a swifter surging Internet Explorer.

But perhaps the most unmentioned reality regarding Netscape's fall was their announcement to all (Microsoft included) that their strategy was to be the middleware that would be the ''new'' Windows, removing Microsoft's flagship product from dominance. Hindsight is 20/20 but when you consider how far ahead Netscape was in front of Microsoft, there are infinite what if's'' to consider if it had been mum about its strategy to take on Redmond. Microsoft had all but ignored the Internet and it is very questionable if they would have been able to play catch-up to a well-funded and branded Netscape team. The outcome of this possibility almost completely counters any damage claims in their civil suit recently announced. After all, Netscape's grand plan was never realized, thus the future is incalculable especially when taking into consideration the hubris of Netscape.

Innovators are the Lifeblood of U.S.

Today, new technology firms use every means available to compete including spending billions of dollars on research and development. Sun Microsystems, IBM and AOL and Microsoft combine to spend over $100 billion annually just on research and development. Firms spend exorbitant amounts of money to create and protect to new products. But again, this competition is to the benefit of inventors and the U.S. marketplace. 1Recently, the United States Patent Office released its annual list of the top ten private sector patent recipients. It reported that for the ninth consecutive year, IBM received more patents than any other organization in the world. ''1 am proud that American corporations are leaders among U.S. patent holders,'' said James E. Rogan, Undersecretary of Commerce for Intellectual Property. ''Patents promote technological progress and are a potent source for competitive free enterprise.''

USPTO's comments echo the importance of preserving the status quo of the U.S. marketplace.

In the end, it is in the interest of innovation that we close the chapter on U.S. vs. Microsoft. The judicial process has sorted through the facts and come to judgment. Those dissatisfied with the settlement should be reminded by W. M. Deming's famous quip, ''Learning is not essential, survival is not mandatory.'' Deming's point speaks not only to the Microsoft case; but the hard truth about invention and success in the technology business. The court system has done its job, and enough precious time has been dedicated to legal jurisprudence. It is now the time for Microsoft and its opponents to tuck in their chin, learn from their mistakes and return to the marketplace.

*U.S. PATENT AND TRADEMARK OFFICE (USPTO) LIST OF TOP 10 PATENT RECIPIENTS

Preliminary Rank In 2001	Preliminary # of Patents in 2001	Organization	Final Rank in 2000	Final Number of Patents in 2000
1	3,411	International Business Machines (IBM)	1	2,886
2	1,953	NEC Corporation	2	2,021
3	1,877	Canon Kabushiki Kaisha	3	1,890
4	1,6543	Micron Technology	7	1,304
5	1,450	Samsung Electronics Co., Ltd.	4	1,441
6	1,440	Matsushita Electrical Industrial Co., Ltd.	11	1,137
7	1,363	Sony Corporation	6	1,385
8	1,271	Hitachi, Ltd	13	1,036
9	1,184	Mitsbushi, Denki Kabushiki Kaisha	14	1,010
10	1,166	Fujitsu Limited	10	1,147

*Source: USPTO, January 10, 2002. The listed patent counts are preliminary counts, which are subject to correction. The final listing of patent counts for the top patent organizations in 2001 should be available by early April 2002. Patent information reflects patent ownership at patent grant and does not include any changes That occur after the

MTC–00028698

From: Helen Gamsey
To: Microsoft ATR
Date: 1/28/02 5:02pm
Subject'' Microsoft settlement
Helen B. Gamsey
6006 S River Road
Norfolk, VA 23505–4711January 27, 2002
Attorney General John Ashcroft
US Department of Justice, 950
Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

I am writing you today to voice my opinion in regards to the Microsoft settlement issue. I feel that this debate has gone on long enough and that it is time to end this litigation. After three years of litigation, it is time to focus on more pressing issues. In my opinion, this lawsuit should never have occurred in the first place. Nonetheless, this settlement is the perfect means to end this dispute. Microsoft will remain together and continue designing and marketing their innovative software, while fostering competition and making it easier for other companies to compete. Microsoft has pledged to share more information about Windows operating system products and has agreed to be monitored for compliance. During these difficult times, it is vital to do all we can to boost our economy. Restricting Microsoft will not accomplish this. This country is at war with a world wide network of Islamic extremists intent on destroying us. The Department of Justice needs to focus on ''fixing'' the FBI and improving the security of our nation and protecting American citizens against more terrorist attacks. Has this short passage of time since September 11 dulled memories so quickly that we are back to the old games of using lawyers and politicians and the Department of Justice to squash competitors? Are things really back to normal? I don't think so...until the next terrorist attack... Antitrust laws are not meant to protect competitors against their inability to compete in the marketplace due to their own incompetence...Look who is suing? AOL, Sun Microsystems, Oracle, IBM are multibillion corporations.., not mom and pop outfits threatened by a bully...The antitrust laws were meant to protect consumers and to allow fair competition.

Consumers are not complaining. However antitrust laws are now being used to protect competitors, and to make trial lawyers even richer,,,at the expense of consumers and the economy. How many companies have been forced into bankruptcy now by trial lawyers over asbestos? 20? 30? 50?

AOL, Time Warner, IBM, Sun Microsystems, Oracle, etc have contributed heavily to politicians for years...long before Microsoft was forced to play this game, as a result of their persistent efforts to prosecute and persecute Microsoft.

Should the DOJ continue to ''work'' on behalf of Attorney Generals who are receiving large contributions and specific instructions from Microsoft's competitors via ProComp and other such organizations? After all, it was Sun Microsystems'' financing of ''Project Sherman'' which assembled of panel of so called antitrust experts to testify before the DOJ. This panel had worked secretly for months, to ''produce'' antitrust charges which would appear credible to the DOJ. Unknowing to the DOJ, these ''experts'' were being paid $600 to $700 an hour by Microsoft's competitors. Reputable antitrust experts like Carlson produced novel antitrust theories of harm from incomplete foreclosure of market share that even bamboozled the Appeals Court judges; their decision relied on this ''novel'' theory...and most of their findings of antitrust violations were based on Carlson's novel'' theories. Project Sherman, which cost Sun $3 million, initially convinced the Department of Justice to take this case..

I would think that the Enron scandal would make politicians and regulators more wary of the dangers involved from large contributors... I was surprised to learn the extent of Enron's contributions. They gave $50,000 to Paul Krugman, from the New York Times, who writes about economic matters, and not too surprisingly, Krugman apparently wrote positive articles in the past about Enron ....

I think it was American competitors of GE and Honeywell who gave secret testimony to the EU commission that lead the EU to disallow the GE-Honeywell merger, ge with Honeywell... It was a complaint from Sun Microsystems that lead the European Union to launch an antitrust case against Microsoft by the EU. There is something about certain American companies that borders on treason, in my opinion...when they resort to getting the European Union to crush their competition ..if they can't get the DOJ or FTC to do it... It is telling that Sun Microsystems has 200 lawyers in their legal department, more than many large firms, even in Washington. I think their shareholders might prefer they spent more on improving their products and competing...as their stock continues to decline. It's the old familiar story as Glassman says. ''Pick an unsympathetic target with deep pockets. Generate lots of publicity.

Change the laws, if need be.'' ''Then get the company to capitulate.'' Gee, Jesse Jackson is so good at these tactics of file:///C√/win/temp/tmp. getting large corporations to donate to his ''charities; it is not surprising he was involved with the class action lawsuits in California claiming Microsoft discriminated against blacks and then women too. Microsoft was consistently been rated one of the top corporations ''to work for and one of the most admired companies by Fortune until the trial lawyers and AG and MSFT's competitors started their hatchet jobs and made Microsoft into an ''unsympathetic target.'' http://www.techcentralstation.com/1051/techwrapper.jsp?PID=1051–250&CID=1051–012901A The Appeals Court judges in Microsoft's appeal were astonished to learn that 160 million copies of Netscape browsers were distributed overall, and that their user base doubled to 33 million ..... in 1998 ..... when Microsoft's competitors were accusing Microsoft of foreclosing competion. They claimed that Microsoft ''threatened to cut off Netscapes air supply,'' a statement MSFT never made.

Microsoft's competitors lobbied politicians for years before Microsoft was finally forced to join their game and forced to pay this'' protection money. '' For about 20 years Gates and his colleagues just sat out there in ''the other Washington,'' creating and selling. As the company got bigger, Washington, DC, politicians and journalists began sneering at Microsoft's political innocence. A congressional aide told the press, ''They don't want to play the DC game, that's clear, and they've gotten away with it so far. The problem is, in the long run they won't be able to.'' Politicians told Bill Gates, ''Nice little company ya got there. Shame if anything

happened to it.'' And Microsoft got the message: If you want to produce something in America, you'd better play the game. In 1995, after repeated assaults by the Federal Trade Commission and the Justice Department, Microsoft broke down and started playing the Washington game. It hired lobbyists and Washington PR firms. Its executives made political contributions. And every other high-tech company is getting the message, too, which is great news for lobbyists and fundraisers.'' (but not for consumers or innovators or successful companies..) From ''The Theft of Microsoft'' by David Boaz. http://www.cato.org/dailys/07–27–00.html

''What lesson should they draw? The antitrust laws are fatally flawed. When our antitrust laws are used by competitors to harm successful companies, when our most innovative companies are under assault from the federal government, when lawyers and politicians decide to restructure the software, credit-card and airline industries, it's time to repeal the antitrust laws and let firms compete in a free marketplace.''

''Our tobacco, gun and antitrust laws have essentially been rewritten by state AGs and their trial-lawyer allies. The result, as former Labor Secretary Robert Reich wrote in USA Today, has been ''regulation by litigation'' - a sorry state of affairs that has cut elected representatives out of the system.''

''Political science quiz: Today's category is decision making at the Federal Trade Commission and the Department of Justice.''

''Which is more important in the merger approval process?

1) a sophisticated economic study prepared by staff economists, complete with extensive industry data, statistical analysis, and tight reasoning,

2) a scratchy, three-minute cell-phone call from the secretary of commerce?'' ANSWER: 2) a scratchy, three-minute cell-phone call from the secretary of commerce?'' ''In 1991, the Time Warner buyout of Turner Broadcasting zipped past the FTC, despite a staff report branding the merger as anti-competitive. After Ted Turner and Gerald Levin, the two CEOs involved, visited top officials in Washington, the commissioners tossed the staff work out the window.'' From: ''Texas Swing:

The not-so-shocking reason the Lone Star state chose not to sue Microsoft.'' By Thomas W. Hazlett REASON August/September 1998 http://reason.com/9808/col.hazlett.html

''Did they disagree with the competitive analysis? Was it a difference of opinion as to the cross-elasticity of demand? Or were the politically appointed regulators moved by a higher voice? It would be nice if the pundits who explained our politics to us could see where the politics goes. ''That's what ''access,'' and the campaign contributions used to purchase it, are all about.'' Somehow this case reminds me of what terrorists living in the US are doing so well.

There are many front groups for violent terrorist groups like Hamas and Islamic Jihad residing in the US, claiming to be think tanks or charitable groups. Organizations like C.A.I.R. or the Council on''American Islamic Relations, masquerade as mainstream public affairs organizations. CAIR has taken the lead in trying to mislead the public about the terrorist underpinnings of militant Islamic movements, in particular Hamas. ''http://www.geocities.com/CollegePark/6453/emerson.html

CAIR and other such organizations have lobbied to change our US laws, like the use of secret evidence, to make it harder to deport them or to prosecute them; under the guise of protecting our freedom of speech.

These terrorists posing as phony charitable groups or think tanks also contribute to politicians and lobbyists and use the media to advance ''their cause. CAIR has routinely exaggerated or fabricated ''hate crimes'' against Muslims. Just one example:

''CAIR's 1997 report on ''hate crimes'' labeled the death of Ahmed Abdel Hameed Hamida as a ''hate crime.'' Hamida drove his car into a crowd of Israelis at a Jerusalem bus stop on February 26, 1996, killing one woman and injuring twenty-three other Israelis. He attempted to escape on foot but was shot to death by Israeli civilians. He shouted ''Allahu Akbar,'' (God is Great!) as his car struck the crowd. He had made statements previously affirming his intent to kill Jews.

Hamida was a terroris, yet CAIR classified his death as a ''hate crime.''

Why is this relevant to Microsoft's antitrust case? Microsoft's competitors and these phony front groups are using their influence over the media, and their power from contributions to politicians to give the appearance that they are concerned with civil rights or consumers, when they are only advancing their own agenda, which is harmful to most of us. Microsoft's competitors claim to have the interest of consumers at heart, when in reality their own incompetence lead to their loss of market share. AOL 5 was such a terrible product that even computer experts could not deal with the changes it made to the computer. It changed your default settings and took over. Mossberg from the Wall Street Journal, who has never been a fan of Microsoft, acknowledged this at the time and there were lawsuits over this which somehow failed to make the news.. Anyone who has ever used AOL knows about their inferior products and their poor customer service.

''In 1975 Microsoft had 3 employees and revenues of $16,000. Over the next 25 years they grew to 36,000 employees and revenues of $20 billion by obsessively figuring out what computer users needed and delivering it to them.'' ''Over the years Gates and his colleagues made a lot of people mad, especially their competitors. Some of those competitors delivered a 222-page white paper in 1996 to Joel Klein, head of the Justice Department's antitrust division, and urged him to do to Microsoft in court what they couldn't do in the marketplace. (Susan Creighton wrote that White Paper).

Justice worked closely with the competitors for four years, often showing them sentences or paragraphs in drafts of the department's plans and soliciting their approval. The politics of the case is a far cry from the Platonic ideal of rigorous economists devising the best possible antitrust rules and wise, disinterested judges carefully weighing the evidence.''

Microsoft's competitors have used the Department of Justice to try to take not just their money but their intellectual property as well.

From ''The Theft of Microsoft'' by David Boaz. http://www.cato.org/dailys/07–27–00.html ''In antitrust circles, Creighton is a card-carrying anti-Microsoft agitator. Creighton is now the deputy director for the FTC.

I hope she has recused herself from any involvement in this case.'' Five years ago—while her then-partner Gary Reback played a more public role—Creighton penned the infamous white paper commissioned by Netscape.'' Susan Creighton, and her partner Gary Reback, from Silicon Valley's Wilson Sonsini Goodrich & Rosati. Creighton ''helped ignite the government's landmark case against the monopolist from Redmond, Wash.

''Microsoft's Captain Ahab'' by Krysten Crawford, from The American Lawyer August 22, 2001from http://www.law.com ''Bill Gates draws praise from the cultural elite when he gives away his money—and he has given away more than $20 billion; the Bill and Melissa Gates foundation has given more than any other philanthropist foundation. Yet those contributions pale when compared to the g Microsoft's great contributions to the technological and economic advances of the last decade. It would be a shame to see Microsoft's assets and intellectual property distributed to greedy conniving corporations and lawyers and publicity seeking Attorney Generals trying to further their careers.

Mr. Tunney is now complaining about the way Microsoft has reported their political contribution. I doubt he is really impartial. Robert Bork was a prominent foe of antitrust law in the 1970's, and a colleague of Judge Posner. Bork though as ''changed'' sides and became very ''pro-antitrust'' when hired by Microsoft's competitors.

I sincerely hope the Department of Justice accepts this settlement and puts an end to this mess and turns their attention to real threats to the Nation- the terrorists who want to destroy the West. Caving into Microsoft's major competitors who are behind the Attorney Generals hurt consumers and the economy further. Let them innovate like Microsoft does, rather than litigate.

Thank you for your attention.
Sincerely,
Helen B. Gamsey
757–440–5910
Sincerely,
Helen Gamsey

MTC–00028699

From: Bartucz, Tanya Y.
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 5:02pm
Subject: Tunney Act comments

Attached please find the Tunney Act comments on the Microsoft settlement of Griffin B. Bell, Edwin Meese III, and C. Boyden Gray. A paper copy will be submitted by fax.

Tanya Bartucz
Sidley Austin Brown & Wood LLP
1501 K Street, NW
Washington, DC 20005

(202) 736–8067
Fax (202) 736–8711

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If you are not the intended recipient, please delete the e-mail and any attachments and notify us immediately.

MTC–00028700

From: John D. Mitchell
To: Microsoft ATR
Date: 1/28/02 5'03pm
Subject: Microsoft Settlement

John D. Mitchell
2129 Ascot Drive q
Moraga, CA 94556
2002.01.28
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
microsoft.atrusdoj.gov
Subject: Microsoft Settlement
SUMMARY

The currently proposed settlement with Microsoft woefully fails to address the critically important need of restoring hope to all of the parties afflicted by the Microsoft's abuse of monopolistic power.

Restoring of hope is a critical criteria by which any and all proposed solutions to the Microsoft monopoly problem must be judged. Moving forward, a just and fair solution to the Microsoft monopoly can only be created through a combination of structural and behavioral remedies.

AXIOMS

(Rule of) Law

At the surface, (the rule of) law is the complex, accretive, disjointly semi-hierarchical, codification of the conglomeration of (the processes of) (dealing with) (quasi-) behaviors.

At the heart, (the rule of) law is a simple belief system.

Fundamentally, (the rule of) law is about hope.

Anti-Trust Law

At the surface, anti-trust laws are primarily about dealing with things like the (private sector) abuse of monopoly power to harm consumers. At the heart, anti-trust laws are about dealing with entities which unduly restrict free-market competition.

Fundamentally, anti-trust laws are about dealing with entities which eliminate hope.

MICROSOFT ANTI-TRUST CASE

Background

The facts are simple and clear:

* Microsoft has systematically and aggressively pursued monopolistic goals since its formation.

* Microsoft's behavioral outrageousness stems directly from the corporate, ''Cult of Bill'' culture [ala ''Cult of Personality] that has been created and fostered by all of the senior management of the company including Bill Gates himself.

* Microsoft has been very successful at gaining monopolistic power in many critical areas of the computer (software) business.

* Microsoft has repeatedly, aggressively, and unapologetically abused its monopolistic power to the detriment of the marketplace.

* Microsoft has clearly shown its obstinate incapability to adhere to behavioral restraints.

Lack of Hope

The settlement and (behavioral) remedies proposed by the US DoJ vs Microsoft anti-trust action are not only worthless to the marketplace but are outright detrimental. Why is that so clearly the case? Simple... The proposed settlement does absolutely nothing to address the fundamental abuse of Microsoft: the severe curtailing and, often, outright elimination of hope. For example:

* The hope of major (software) competitors has been mostly devastated over the years by e.g., Microsoft's abuse of its monopolistic power to exclude the competition from pre-built computers containing Microsoft operating systems (which increasingly forcing the ''up selling'', if not outright inclusion of more and more Microsoft products and services).

* The hope of computer vendors to sell whatever (software) it is that they want and are able to with their computers to satisfy their customers.

* The hope of upstart, would-be (software) competitors. It's a well known truism that a great many startup companies work so as to *not* attract the notice of Microsoft for as long as possible. It's incalculable how many companies (and projects within existing companies) have been canceled due to fear of Microsoft's (re)action.

* The hope of consumers for a fair price based on a fair, open market.

* The hope of (ignorant, inexperienced, etc.) consumers for computer systems that actually work (reliably, robustly, inexpensively, securely, etc.).

* The hope of (informed, experienced) consumers for computers and software that can (reliably, effectively, inexpensively, securely, etc.) inter-operate between all consumers (that don't explicitly choose to isolate themselves) without being, a priori, forced into using Microsoft products (due to such forces as the so called ''network externalities'' effects which reinforce monopolistic power).

* The hope of investors for a market which is unskewed by the insidious abuses of monopolistic power.

* The hope of citizens that the rule of law (still) has meaning and that breaking the law has serious, effective, and efficient consequences upon the violators, inhibitive effects upon would be violators, and some restitution for the violated. By neglecting dealing with hope, the proposed settlement precludes the reconstitution of a fair and open market, allows a vicious predator to continue their predations, and weakens the rule of law.

Therefore, any proposed settlement remedies must be judged in their effectiveness and efficiency at restoring hope.

Side-note on Consumer Pricing

I have heard many arguments, both pro and con, from various people using (''guesstimates'') of the effects of Microsoft's monopolistic abuses on the prices that consumers have paid for various products. I have found all of those such arguments that I have heard to be severely lacking directly in proportion to their failure to address the fundamental hopes and expectations of consumers.

For example, of what import is the fact that Microsoft may or may not have ''over-charged'' some customers for some of their products if there was no hope of having a fair and open market to determine the true pricing? The very fact that there was not (any hope of) a fair and open market meant that there was absolutely no possibility whatsoever that anyone could have paid a fair price for any product or service from Microsoft nor for any product or service impacted by the monopolistic effects of the so skewed marketplace.

Behavioral Remedies are Insufficient Given the facts of the case, it is crystal clear that the current proposed settlement's reliance upon strictly behavioral remedies is insufficient to effectively and efficiently restore any hope.

My analogy is that of modifying the behavior of children... It is clear that while an appropriate corrective action (e.g., a slap on the wrist) by a reasonable, supervising guardian may well affect a change of behavior (for the better) in an otherwise normal, well-behaved child; such a remedy does, at best, nothing to positively change the behavior of a willfully recalcitrant teenager (and, at worst, merely incenses and incents them to be more clever in their abuses). At least, Microsoft must be treated as such a willful violator.

Many others have gone through and picked apart each and every one of the behavioral remedies in the proposed settlement. I won't go further into analyzing them here due to my contention that those remedies are, by themselves, so clearly insufficient. That said, I have co-signed Dan Kegel's open letter—http://www.kegel.com/remedy/letter.html.

Structural Remedies are Necessary

Structural remedies are necessary to any proposed resolution to the Microsoft monopoly. Only by incontrovertibly dispersing and otherwise separating each of the major constituents can there be any hope of significantly and effectively modifying the behavior of Microsoft and its monopolistic effects.

Structural remedies are necessary so that each of the resulting entities can be effectively constrained from (attempting to) reconstitute the original company. In addition, the resulting entities must be sufficiently isolated in terms of its market power by having to stand and compete in a fair and open market without being able to rely on the direct and synergistic power effects that Microsoft currently abuses. Structural and Behavioral Remedies are Necessary and Sufficient I hope that it's clear from the preceding that the only ways to curtail the continued devastation of all of our collective hopes by Microsoft is to imposed significant structural remedies along with broad behavioral remedies.

I will leave it to another missive to go into details and rationale of my proposed remedies but the broad strokes are:

* Divest the current assets of Microsoft into three (4) new entities. One entity for creating operating systems for devices (PCs, handhelds, etc.). One entity for the end-user applications such as Microsoft Office suite of

applications. One entity for the development tools and libraries. And finally, one for end-user services such as MSN. Appropriate, suitably related portions of each of the general facets such as customer service & support and Microsoft Research would be dispersed to each of the new entities.

* Require that the (major) shareholders, the board members, and at least top three levels of executive management can only have anything whatsoever to do with at most one of the created entities. Also, inhibit their ability to switch between the created entities.

* Enjoin the resulting entities from colluding with any of the entities on any products or services to the exclusion of any other companies in any respective market. In conclusion:

* The currently proposed settlement fails completely to provide any hope for anyone, except those who gain by Microsoft continuing to abuse its monopoly, that anything will change for the better.

* Judging any proposed solution to Microsoft's monopoly must incorporate and account for the effects hope.

* Based on my experience and analysis, the only possible solutions necessarily must be based a combination of both structural and behavioral remedies.

Sincerely,
John D. Mitchell
Moraga, CA
2002.01.28

MTC–00028701

From: Devin (038) Marilee
To: Microsoft ATR
Date: 1/28/02 5:04pm
Subject: Microsoft Settlement

ATTN: U.S. Department of Justice Antitrust Division

In my opinion, the terms of the Microsoft Settlement are reasonable and fair to all parties involved. It is time to move Microsoft and the industry forward. The terms of this agreement are in the public interest and should be accepted.

Thank You—
Marilee Sauer
8618 Henrietta Avenue
St. Louis, MO 63144

MTC–00028702

From: Bill Whitlock
To: Microsoft ATR
Date: 1/28/02 5:04pm
Subject: Microsoft antitrust case —

I would like to say get this case over with and let Microsoft get on with business. Do not let the states do separate settlements. Because it will just turn into a money grab. How dose consumer protection benefit from fifty one separate legal cases? The only people that profit are the lawyers and state attorneys looking to make a name for themselves.

Making the source codes available will give new products an ability to integrate with microsoft. Will you require apple to do the same? The U.S. economy is in the toilet. Tens of thousands of jobs have been lost. Excess beating up on Microsoft will not help this situation. Dragging this issue out any longer will not help U.S. consumers.

I am writing this on a Mac G4. I have both Apple and Microsoft operating systems. I also have Netscape and Internet explorer on my home PC.

P.S. The U.S. lost a unfair trade case in the world court. Is this one of those cases where we are suppose to do what you say not as you do?

MTC–00028703

From: Alex Lazutin
To: Microsoft ATR
Date: 1/28/02 4:53pm
Subject: Microsoft Rulings

To whom it may concern:

In my opinion, the Microsoft settlement was just and fair to all parties.

I believe Microsoft should be exempt from any future litigation.

Taking into consideration all the wonderful things Microsoft does for children and its employees, why should the company be put though any future expense.

Sincerely,
Paula Lazutin

MTC–00028704

From: cplp31@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:57pm
Subject: Microsoft Settlement

I find it amazing that the Federal Govt would go through such extrodianry lengths to prosecute Bill GAtes and Microsoft. I cant speak on the legal technacalities of the lawsuit but the Microsoft s impact on the United States is clear. Over the past 10 years computers the internet and technology have been made more available to households and schools across the country. I find it odd that this can be considered some sort of monoply that is harming our nation. Microsoft has done wonders for our scociety making computers cheaper easier to use and more avialable. Thank You for your time.

Marc T Povondra
MIDN USN

MTC–00028705

From: reg@elvis.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:57pm
Subject: Microsoft Settlement

I think that Microsoft should be taken to task for their illegal and bullying ways to crush any competition in the O/S and browser market. They (M$) develop lousy software and through their business methods keep competitors from delivering better software.

REG

MTC–00028706

From: marske@ec.rr.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:57pm
Subject: Microsoft Settlement

I think the government should not continue a lawsuit again Microsoft. I think there should be a settlement so Microsoft can get on with its business. There was no good reason to sue Microsoft in the first place. Just government at its worst going after someone just because it was successful.

MTC–00028707

From: marske@ec.rr.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:57pm
Subject: Microsoft Settlement

I think that the suit against Microsoft was a waste of taxpayers money. They were being sued simply because they were successful.

MTC–00028708

From: bobguth@fidnet.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:57pm
Subject: Microsoft Settlement

The Department of Justice Settlement is a total non-settlement which deserves investigation in it own right. I feel that the anti-competitive practices are being actively encouraged by the Bush Administration settlement allowing Microsoft to increase its stranglehold on operating systems. Please do not sell out the intrests to future generations allowing greed collusion to dictate to future generations what our public officials do not have the courage to do. Do not accept the Department of Justice Settlement.

Maintain the future health of competitors such as Apple and the open systems such as Linux. We as consumers deserve a choice. Have the courage to stop the arrogance of Microsoft please rule against the proposed settlement.

MTC–00028709

From: spirit@hevanet.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:57pm
Subject: Microsoft Settlement

I believe the settelment is in the best intrest of all concerned. lets stop the antics of aol and other companys and individuals who have a hidden agenda what have there contributions been to all compared to microsoft.

MTC–00028710

From: 78455@attbi.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:57pm
Subject: Microsoft Settlement

As I can see that the U.S.Attorney for the Department of justice is looking out for the right of the Computer would and that no one should be ably to hold the computer world down and that mead Mictosoft

MTC–00028711

From: HatfieldCC@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:57pm
Subject: Microsoft Settlement

At a meeting of the Executive Board of The Hatfield Chamber of Commerce today the Board voted unanimously to voice their support of the Proposed Microsoft/Department of Justice Antitrust Settlement.

It is our belief that this settlement is a tough fair and reasonable compromise that is in the best interest of everyone—the technology industry the economy and especially consumers. Thank you.

Hatfield
Chamber of Commerce P.O. Box 445
Hatfield PA 19440

MTC–00028712

From: jreece@northstate.net@inetgw
To: Microsoft ATR
Date: 1/28/02 4:57pm
Subject: Microsoft Settlement

If there has ever been any doubt that AOL does not want a fair and expedient solution to it s legal challenge to Microsoft then it s latest legal action should remove a all doubt. The irony of all their actions is that there has never been a ground swell of consumer complaints stating that the consumer has been hurt by Microsoft business practices. It is obvious that AOL Time Warner is trying to use the courts for it s own competitive purposes. It is also time to challenge whether AOL is monopolistic in it s own business as the largest internet provider. If AOL should in fact buy the Linux operating system I suppose we will see yet another challenge to Microsoft in the courts. For the sake of the technology industry the nation s economy and America s consumers let s get these issues out of the courts and into the competetive marketplace where they should be.

Jack D. Reece
419 Chesterwoods Court
High Point
NC 27262 336–841–7810

MTC–00028714

From: noone@nowhere.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:57pm
Subject: Microsoft Settlement

Microsoft is making a mockery of the DOJ. Who is getting paid off? All your excuses are lame this is an embarrassment.

MTC–00028715

From: ess777@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:57pm
Subject: Microsoft Settlement

I believe that the proposed DOJ settlement offer is fair. I hope that this matter can be resolved and that this great company can get on by the business of innovation. Thank you

Eva Stubits

MTC–00028716

From: bobguth@fidnet.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:57pm
Subject: Microsoft Settlement

The Department of Justice Settlement is a total non-settlement which deserves investigation in it own right. I feel that the anti-competitive practices are being actively encouraged by the Bush Administration settlement allowing Microsoft to increase its stranglehold on operating systems. Please do not sell out the intrests to future generations allowing greed collusion to dictate to future generations what our public officials do not have the courage to do. Do not accept the Department of Justice Settlement.

Maintain the future health of competitors such as Apple and the open systems such as Linux. We as consumers deserve a choice. Have the courage to stop the arrogance of Microsoft please rule against the proposed settlement.

MTC–00028717

From: mikeoc@digitalexp.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:57pm
Subject: Microsoft Settlement

I can not see where Microsoft has hurt anyone except for their feelings. The Government settlement is more than fair.It is time for the cry babies to go home!

MTC–00028718

From: Chris Carman
To: Microsoft ATR
Date: 1/28/02 5:06pm
Subject: reasons against the settlement

I know I might be sending this a bit late, but I just found out about the open comment period and I'd like to say a couple things from an educator's point of view.

I teach two computer classes—one in web site design and programming, the other in computer & network support (aimed at CompTIA's A+ and Network+ tests). Our high school uses Windows PC's almost exclusively because of a directive from our school board that has more or less banned Macs due to their lack of presence in most businesses. I primarily use Macs at home, but I also have 3 PC's and am very comfortable with the Windows and Linux operating systems (I'm A+, Network+ and Linux+ certified).

The settlement is bad for consumers, educators, students and the country as a whole for two major reasons.

The first reason is that educators and students would have very little say in what products are chosen to be placed in their classrooms. Deep discounts from Microsoft and used PC heardware not only limits choices, but also increases tech support costs for the school. I did an observation at an inner-city high school in Cincinnati when I was in college, and five brand-new PC's sat in a corner because kids had stolen the balls from inside the mice and they were rendered useless. Of course, a $2 mouse ball would have fixed this, but with very little tech support in that district, the technology is wasted. If you want to do anything with schools, give them some money for equipment but give a lot more money for tech support training and increased salaries for tech coordinators to attract more qualified individuals.

The second, and most important reason, is that the settlement does absolutely nothing to curb Microsoft's future domineering behavior. In fact, they come out looking like the good guys by donating to impoverished schools while increasing their installed user base! This sort of thing cannot be allowed to happen.

The Windows APIs that allow programs to run inside the Windows Operating System should be opened up for everyone to download, use, interpret, and include in another OS. For example, if Mac OS X could run Windows programs natively, it would be a dramatic improvement for the computer industry as a whole because it would provide some serious competition for Microsoft. If you look back to the beginning of the computer industry, IBM was very slow to improve its original 8086 and 80286 computers until competition (in the form of Compaq clones) came along. The same thing happened with Intel, which rested on its laurels until AMD released a chip (the Athlon) that was faster and cheaper than their Pentium 3.

Competition is good for the industry. Please don't allow Microsoft to get away with this sort of bribery.

Chris Carman
Hamilton, Ohio

MTC–00028719

From: guilmette@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:57pm
Subject: Microsoft Settlement

On belief of the Tech World further delays of the D. of J. in the decision re: MICROSOFT are simply causing greater expenditures of the tax payers money. Furthermore the remedy that was proposed by Microsoft was ideal because it would make available for the most under-priveledged children a technology that now is almost uniform in our country. Further delays will simply compound the problem in teaching.

MTC–00028720

From: gdfox@foxinternet.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:57pm
Subject: Microsoft Settlement

As a user of the Microsoft Operating System and bundled software I have appreciated the ease of having it all in one package. I believe that most individual consumers would agree. The government broke up Ma Bell and now there are many larger businesses. All it did was to make prices rise. To those of us who are retired and hold stock in these companies such as Microsoft the ongoing dispute over who is right has only served to hurt the stockholders.

Gordon Fox

MTC–00028721

From: monkeyjr@purdue.edu@inetgw
To: Microsoft ATR
Date: 1/28/02 4:57pm
Subject: Microsoft Settlement

I use Microsoft products and they are pretty average. I believe they would be better if there was improved and fair competition in the market place. I strongly believe this site is a pawn in Microsofts plans to monopolize information technology. To improve all of out futures rethink your policies and realize that what Microsoft is doing is wrong.

MTC–00028722

From: baan@starpower.net@inetgw
To: Microsoft ATR
Date: 1/28/02 4:57pm
Subject: Microsoft Settlement

Please bring an end to the Microsft suit. The economy has suffered long enough.

Wes Vernon

MTC–00028723

From: cbearden@mail.state.mo.us@inetgw
To: Microsoft ATR
Date: 1/28/02 4:57pm
Subject: Microsoft Settlement

The settlement terms are fair to all concerned and should be implemented without delay. Carl Bearden

State Representative District 16

MTC–00028724

From: Everett—Langford@huntsman.com@inetgw
To: Microsoft ATR
Date: 1/28/02 4:57pm

Subject: Microsoft Settlement

Microsoft creates software they do it better than anybody else. If there is a better operating system possible the developers can become the next Microsoft. It is time to stop punishing success in this country. Microsoft should be praised not hounded. Just leave them alone. The settlement should just say: Microsoft did it better. They did nothing wrong. All charges dropped!

MTC–00028725

From: Ken Brown
To: Microsoft ATR
Date: 1/28/02 5:05pm
Subject: Tunney Act Comments

Just to make sure you received our fax, we are sending it one more time. If there are any problems with the submission you can call me 703–608–4222.

Ken Brown

MTC–00028726

From: LLiebeler@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 5:08pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D. Street, NW
Suite 1200
Washington, DC 20530–0001
RE: Microsoft Settlement

Dear Ms. Hesse:

Please find attached the Tunney Act comments of the Computing Technology Industry Association (CompTIA) relating to Microsoft settlement.

The attached file is formated in Word Perfect 9. Please let me know if you have any difficulties downloading and/or formatting this file and I will be happy to provide it to you in a different format.

Thank you for the opportunity to submit these comments. I would appreciate your acknowledgment of receipt of these comments. Thank you.

Lars H. Liebeler
Thaler Liebeler LLP
1919 Pennsylvania Avenue, NW
Suite 200
Washington, DC 20006
Direct: (202) 828–9867
Main: (202) 466–4110
Fax: (202) 466–2693
4350 North Fairfax Drive, Suite 440
Arlington, VA 22203–1624
Tel (703) 812–1333
Fax (703) 812–1337
publicpolicy@comptia.org
QQQ
CompTIA

Comments of the Computing Technology Industry Association on the Revised Proposed Final Judgment in United States v. Microsoft

Submitted to the United States Department of Justice pursuant to the Tunney Act, 15 U.S.C. u 16

January 28, 2002

I. EXECUTIVE SUMMARY

CompTIA supports the Revised Proposed Final Judgment (RPFJ) entered into between the United States Department of Justice, nine states, and Microsoft on November 6, 2001. The RPFJ represents a reasonable compromise of the parties' respective positions in this case. The benchmark under which the settlement must be judged is whether it is consistent with the United States Court of Appeals June 28, 2001 opinion. The Court of Appeals found that Microsoft took actions to unlawfully maintain its monopoly in the operating system market, but also ruled that Microsoft had not attempted to unlawfully monopolize the Internet browser market nor did it unlawfully tie its Internet Explorer to the Windows operating system. The RPFJ represents a reasonable balance of the Court of Appeals split decision by imposing obligations upon Microsoft in the areas where it was found liable, and avoiding obligations in areas where Microsoft's conduct was not found to be unlawful. As such, the RPFJ is narrowly tailored to fit the violations and will likely avoid collateral damages to the marketplace. After the November 6, 2001 Proposed Final Judgment was announced many of Microsoft's competitors complained that the settlement was too lenient. The antitrust laws, however, make clear that the settlement should not be designed as a wish list for Microsoft's competitors. The settlement should fairly address the areas of liability found by the Court of Appeals. Anything less would encourage Microsoft and other companies to engage in anti-competitive conduct in the future; anything more would inappropriately imperil the technology marketplace and cause harm to consumers.

The terms of the RPFJ insure that the technology sector will continue to expand and innovate. The settlement places strong and appropriate checks on Microsoft in areas where such checks are needed, but is designed in such a way that Microsoft will be able to compete fairly and aggressively in all markets. CompTIA urges the United States District Court to approve the settlement and reject the non-settling states more extensive remedy proposal as that would erode intellectual property protection, harm competition, and stall growth in the industry.

The only significant reservation regarding the RPFJ that CompTIA holds is that the settlement obligates Microsoft to disclose an abundance of intellectual property to the Plaintiffs and the Technical Committee. While this technical information is to be used for the purpose of achieving the interoperability goals specifically identified in the RPFJ, CompTIA is concerned that the precedent established by these disclosure provisions will be harmful to the technology sector in the long run. Innovation and growth in the IT industry are fostered by strong protection of intellectual property rights. If every antitrust violation is remedied by a wholesale forfeiture of valuable proprietary information by the defendant, intellectual property rights will suffer a significant blow. And, justifying the forced disclosure of a company's valuable technical information on the ground that it will be used for interoperability purposes only is not a sufficient protection. Because there is no bright line as to what constitutes interoperability information and what does not, the chance of valuable intellectual property being compromised is high.

CompTIA's reservation notwithstanding, we believe the settlement will benefit the industry as a whole and we respectfully urge the District Court to approve the RPFJ.

II.COMPTIA'S INTEREST IN THIS MATTER

The Computing Technology Industry Association (CompTIA) is the world's largest trade association in the information technology and communications sector. CompTIA represents over 8,000 hardware and software manufacturers, distributors, retailers, Internet, telecommunications, IT training and other service companies in over 50 countries. The overwhelming majority of CompTIA members are resellers companies that resell software and hardware to consumers, businesses, or other resellers. These resellers are vendor-neutral and their objective is to be able to sell whatever products their customers wish to buy. In that sense they believe that antitrust laws should focus primarily on consumer impact rather than competitor impact. Microsoft is a member of CompTIA as are many of Microsoft's competitors. In 1998, CompTIA's Board of Directors adopted a formal policy statement on antitrust.

That statement supports sensible antitrust enforcement that is based on demonstrable economic effects in the marketplace. CompTIA believes that market forces typically correct any temporary market imperfections and that government regulators should only intervene in the technology marketplace when there is overwhelming evidence of a substantial and pervasive market failure. Pursuant to its policy statement, CompTIA has written and spoken frequently on antitrust issues of relevance to the technology sector. In June 1998, CompTIA filed an amicus brief in the Intel v. Intergraph litigation in the U.S. Court of Appeals for the Federal Circuit. In that case

CompTIA urged the court to reject a lower court's finding that antitrust allegations could be a basis for ordering a company to disclose its valuable intellectual property. CompTIA co-authored an amicus brief in the United States Court of Appeals for the District of Columbia Circuit in the United States v. Microsoft case in November 2000. The amicus brief urged the Court of Appeals to reverse the District Court's order breaking Microsoft into two separate companies and further discussed the negative industry-wide ramifications of the District Court's liability findings were they all permitted to stand. The basis for CompTIA's participation as amicus and submission of these Comments is its interest in the overall health and prosperity of the technology sector.

III. THE CONSENT JUDGMENT IS IN THE PUBLIC INTEREST AND SHOULD BE APPROVED BY THE COURT

A. Standards Under Which the RPFJ Should Be Judged

Under the Tunney Act, 15 U.S.C. u 16, the consent judgment should be approved if it is in the ''public interest.'' The public interest analysis must be measured by the objectives of the antitrust laws; public interest concerns that are not within the purview of the antitrust laws are irrelevant. U.S. v. AT&T, 552 F. Supp 131 (D.DC 1982), affirmed, 103 S.Ct. 1240 (1983).

Nor is their a requirement that the settlement be, in the eyes of the District Court, ''the best possible settlement that could have been obtained;'' the settlement must simply be within the reaches of the public interest. U.S. v. Agri-Mark, Inc., 512 F. Supp 737 (D. Vt. 1981). In short the District Court should not reject the consent judgment
merely because [s]he believe[s] other remedies [are] preferable. United States v. Microsoft, 56 F.3d 1448, 1460 (DC Cir. 1995).

The language of the Tunney Act sets forth specific areas of inquiry relating to the public interest:

For the purpose of such determination, the court may consider—(1) the competitive impact of such judgment, including termination of alleged violations, provisions for enforcement and modification, duration or relief sought, anticipated effects of alternative remedies actually considered, and any other considerations bearing upon the adequacy of such judgment; (2) the impact of entry of such judgment upon the public generally and individuals alleging specific injury from the violations set forth in the complaint including consideration of the public benefit, if any, to be derived from a determination of the issues at trial.

15 U.S.C. u 16(e). Focusing on selected areas identified within the Tunney Act, CompTIA sets forth its analysis of the RPFJ below.

B. The Competitive Impact of Such Judgment

1. Termination of Violations

The RPFJ closely tracks the liability findings from the Court of Appeals opinion. First, the settlement prohibits Microsoft from retaliating against any OEM (original equipment manufacturer) because of an OEM's participation in promoting or developing non-Microsoft middleware or a non-Microsoft operating system. This provision takes the club out of Microsoft's hand and prevents the company from using anticompetitive means to discourage OEM's from promoting or preventing rival software from being developed or installed on the Windows desktop.

The anti-retaliation provisions of the RPFJ even go so far as to prohibit Microsoft from altering its license with an OEM even if the OEM offers users the option of launching other Operating Systems from the Basic Input/Output System or a non-Microsoft boot-loader or similar program that launches prior to the start of the Windows Operating System Product.

RPFJ at u III.C.4 (emphasis added). Thus, an OEM has the full ability to make decisions based on price, features and performance with respect to whether an alternative operating system will be loaded on its computers; and that operating system product may appear to the user before Windows does. This flexibility will insure that operating systems that compete with Windows will have a full opportunity to reach the consumer. Once there, the decision about whether they succeed or fail is in the hands of consumers. These anti-retaliation provisions deal head on with the bulk of the conduct the Court of Appeals found to be illegal in the monopoly maintenance section of its June 28, 2001 opinion.

Second, Microsoft is obligated to adhere to one uniform license agreement for Windows with the top twenty OEM's and the royalty for the license shall be made publically available on a web site accessible by all OEM's. The price schedule may vary for volume discounts and for those OEM's who are eligible for market development allowances in connection with Windows products. This allows Microsoft to continue to compete in all software markets with other software manufacturers and this competition will continue to benefit consumers.

Third, OEM's are permitted to alter the appearance of the Windows desktop to add icons, shortcuts and menu items for non-Microsoft middleware, and they may establish non- Microsoft programs as default programs in Windows. Consumers also have the option of removing the interface with any Microsoft middleware product.

Fourth, Microsoft must reveal the API's used by Microsoft middleware to interoperate with the Windows operating system. Microsoft must also offer to license its intellectual property rights to any entity who has need for the intellectual property to insure that their products will interoperate with the Windows operating system.

These central features of the settlement insure that other companies have the ability to challenge Microsoft products, both in the operating system and middleware/ applications markets, and are not unfairly shut out of those markets as a result of Microsoft's operating system monopoly. Consumers and OEM's have far greater freedom to install and use non- Microsoft products, Microsoft is prohibited from retaliating against any entity who promotes non-Microsoft programs, and all companies have equal access to Microsoft API's and technical information so that non-Microsoft middleware has the same opportunity to perform as well as Microsoft middleware. At the same time the RPFJ does not prevent Microsoft from integrating new technology into the Windows operating system and does not prohibit Microsoft from competing in any market that it chooses to enter. Such restrictions would have harmed consumers and been antithetical to the goals of the antitrust laws.

Because the RPFJ adheres closely and effectively addresses the liability findings of the Court of Appeals, it is a reasonable settlement and therefore in the public interest. Finally, the Court of Appeals directed the District Court to consider whether there is a causal connection between Microsoft's anticompetitive conduct and its dominant position in the OS market. United States v. Microsoft, 253 F.3d 34, 106 (DC Cir.), cert. denied, 122 S.Ct. 350 (2001). And while this direction was made in the context of whether structural relief is appropriate, it is logical to conclude that the foundation of that inquiry remains highly relevant even though structural relief is no longer at issue in this case. In the absence of evidence that the marketplace would have looked any differently absent Microsoft's anticompetitive behavior, the RPFJ provisions that enjoin the conduct found unlawful by the Court of Appeals are appropriate and in the public interest. Any remedy that extends beyond the monopoly maintenance findings by the Court of Appeals would not be in the public interest absent a finding of causal connection showing actual harm in the marketplace, and clear evidence of how the remedy would obviate the harm, while avoiding collateral damage to the marketplace.

2. Commingling of Software Code

Bundling can also capitalize on certain economies of scope. A possible example is the ''shared'' library [1] files that perform OS and browser functions with the very same lines of code and thus may save drive space from the clutter of redundant routines and memory when consumers use both the OS and browser simultaneously.

Some may criticize the settlement because the RPFJ does not address the issue of Microsoft's commingling of operating system code and Internet Explorer code which was found to be unlawful. See United States v. Microsoft, 253 F.3d 34, 66 (DC Cir. 2001). The Court of Appeals concluded that Microsoft's commingling of code
deters OEMs [original equipment manufacturers] from pre-installing rival browsers, thereby reducing the rivals'' usage share and, hence, developers'' interest in rivals'' APIs as an alternative to the API set exposed by Microsoft's operating system. Id.

While Microsoft vigorously contested this finding of fact, and the Court of Appeals elsewhere acknowledged potential efficiencies from commingling of code, the Court denied1 Microsoft's petition for rehearing on this issue. In denying Microsoft's petition, however, the Court of Appeals expressly noted that [n]othing in the Court's opinion is intended to preclude the District Court's consideration of remedy issues. Order, August 2, 2001. Thus, the Court of Appeals signaled that its finding that Microsoft unlawfully commingled code does not necessarily mandate a remedial order requiring Microsoft to separate the code. Given the variety of other provisions in the RPFJ that encourage OEMs to place non-Microsoft middleware on the desktop, the consent judgment does not fail for the fact that it does not require Microsoft to separate the code. In the overall totality of circumstances, it is reasonable to conclude that the public interest would be better served by avoiding an order that would require Microsoft to engage in a fundamental redesign of its operating system. The object of such a remedy is effectively addressed through other provisions that do not harm consumers.

3. There are no Loopholes in the RPFJ

Some critics of the settlement have opined that the RPFJ contains loopholes in the language that requires Microsoft to disclose APIs (application programming interfaces) to software developers. See Washington Post, Wording of Microsoft Deal Too Loose, Analyses Say, January 18, 2002, E01. The settlement requires Microsoft to make such disclosures with respect to its browser, Internet Explorer, and other software such as Windows Media Player so that software developers may create competing software that interoperates with the Windows operating system. The allegation that the

[1] Id. at 87.

settlement has loopholes in this regard, however, is based on a faulty interpretation of the plain language of the settlement agreement. Section III.D of the RPFJ requires Microsoft to make available the APIs and related Documentation that are used by Microsoft Middleware to interoperate with a Windows Operating System Product. The term Microsoft Middleware is defined as software code that is contained within the operating system, but for which updates are distributed separately. The definition also requires, inter alia, that the software code be trademarked. The two programs cited by critics of the settlement as possibly excluded from disclosure requirements, Internet Explorer and Windows Media Player, are, however, clearly within the definition. Both are included within the Windows operating system as an initial matter and updates to both are distributed

A comprehensive list of downloadable updates to software that is contained within the Microsoft operating system is located at the following url: Updates to Internet Explorer and Windows Media Player are distributed on this site.

Publically available trademark information indicates that Internet Explorer is trademarked under serial Nos. 75663324 and 75340051 (assigned from Synet Inc.) and Windows Media, including descriptions of Windows Media Player are trademarked under serial Nos. 75663200, 75517785, and 75517786. separately. Moreover, both the logos and the words covering Internet Explorer and Windows2 Media Player are trademarked.3

A natural reading of the RPFJ demonstrates that there are no loopholes that would frustrate the overall intent of the document. The definitions are constructed in such a way to give meaning to certain terms, including middleware, that otherwise would be susceptible to a wide variance of interpretation. While some who are critical of the settlement may prefer broader definitions of certain terms, the danger in over-expansive definitions is that they exclude nothing and thus become unworkably vague.

4. Provisions for Enforcement and Modification CompTIA has carefully analyzed the enforcement provisions of the RPFJ and concludes that the enforcement provisions are stringent, thorough, comprehensive, and are carefully designed to insure that Microsoft comply with the substantive terms of the settlement agreement.

In addition, the terms are creative in that they include provisions that are likely to speed the resolution of consumer and competitor disputes, rather than result in additional lengthy litigation over the terms of the settlement. In sum, CompTIA finds little support for the characterization of the enforcement provisions as weak, and instead believes that the enforcement mechanisms are strong, effective, and will likely provide quick and effective resolution of any disputes under the agreement.

Plaintiff's Powers to Enforce: The RPFJ specifically provides that the United States or any of the individual states involved in the case have responsibility for enforcing the Final Judgment. To facilitate this enforcement, the Plaintiffs have the right to:

! inspect all books, records, ledgers, or any document within the control of Microsoft;

! inspect all source code for any Microsoft program;

! interview any Microsoft employee, and record such interview;

! order Microsoft to prepare any report under oath regarding any matter in the Final Judgment.

These access provisions give the Plaintiffs essentially unfettered ability to obtain any piece of information that they seek with respect to Microsoft's compliance with the Final Judgment. There is no loophole or exception that would prevent the Plaintiffs from acquiring information relating to Microsoft's compliance with the settlement. Further, any information obtained by the Plaintiff's may be presented directly to the Court in order to secure Microsoft's compliance.

The Technical Committee: In addition to the wide latitude given to the Plaintiffs to inspect Microsoft documents, code, and personnel, the settlement agreement also establishes an independent three person Technical Committee (TC). This TC will be made up of experts in software design and programming and shall establish permanent offices at Microsoft's Redmond campus. The expense of the TC shall be paid by Microsoft and the TC shall have the power to hire any consultants necessary to assist them in their duties.

The TC's sole function is to monitor Microsoft's compliance with its obligations under the Final Judgment. Thus, the TC has complete access to all Microsoft documents, computer programs, personnel, equipment, and physical facilities. The TC members may direct Microsoft to prepare reports of any information and in any format the TC desires.

Most significantly, the TC will have complete access to the confidential source code of Microsoft's programs. The TC may study the code, interrogate the code, and interact with the code in order to insure that Microsoft is complying fully with the Final Judgment. The TC may interview any Microsoft employee regarding the source code and its operation. Again, there is no loophole or exclusion that would prevent the TC from obtaining any piece of information in any way related to Microsoft's compliance with the agreement.

And, any information obtained by the TC may be shared with the Plaintiffs and the Court. Indeed, the TC has an obligation to report its activities to the Plaintiff at regular six- month intervals. If, however, the TC has reason to believe that a violation of the agreement has occurred, it is obligated to report that fact immediately to the Plaintiffs and provide a written summary of the nature of the violation. The Plaintiffs may then immediately initiate a contempt proceeding against Microsoft in the U.S. District Court as that Court has ongoing jurisdiction to enforce the terms of the Final Judgment.

Microsoft's Internal Compliance Officer: Another important aspect of the RPFJ is a provision requiring Microsoft to appoint an internal compliance officer. This person has the responsibility to administer the company's compliance with the settlement agreement. The officer must circulate a copy of the Final Judgment to all officers and directors of the company and brief those people on the meaning of the Final Judgment and the requirements of the U.S. antitrust laws. The compliance officer is responsible for securing the written certification from each and every officer and director in the company that they understand the terms of the Final Judgment, agree to comply with its terms, and that they understand that failure to comply may result in a finding of contempt of court.

Dispute Resolution: Any person may submit complaints concerning Microsoft's compliance with the Final Judgment to either the Justice Department, the States, the Technical Committee, or the Compliance Officer. Upon receipt of a complaint from any person the Plaintiffs may initiate an enforcement proceeding with the Court and seek to hold Microsoft in criminal or civil contempt. The Court has wide latitude to interpret the agreement, order compliance with the agreement, and/or impose fines or other sanctions upon the company.

Notwithstanding the Plaintiffs' ability to immediately seek Court intervention to resolve compliance issues, other dispute resolution mechanisms are available under the agreement. These less formal procedures allow complainants to quickly resolve compliance issues with the assistance of the independent Technical Committees's extensive knowledge of the Company's activities. Any person may submit a compliance issue to the Technical Committee for investigation. The TC shall investigate complaints, bring them to the attention of the Microsoft Compliance Officer and advise Microsoft of its conclusions and proposal for cure. The identity of any complainant may be kept from Microsoft to insure that no retaliation could possibly occur.

The only limitation placed on the TC's work is that its findings or recommendations in a informal dispute proceeding may not be admitted as evidence in Court, nor may the TC members be called to testify. This restriction does not interfere with the TC's responsibility to inform the Plaintiffs of any violation, explain the details of that violation, and provide supporting evidence to the Plaintiffs. Similarly, the restriction does not impede the Plaintiffs' ability to obtain and present all information obtained from Microsoft to the Court in support of the alleged violation. Instead, it permits the TC to actively and aggressively use every method possible to quickly negotiate the resolution of disputes between complainants and Microsoft without having the work-product of that negotiation process made public. Protecting the TC members from having to testify is consistent with the rules of every mediation session undertaken within the U.S. legal system. It encourages the parties to be fully candid and forthcoming before the TC in attempting to resolve disputes under the settlement agreement.

In sum, the extensive power and access that the TC has under the settlement agreement insures that the informal complaint procedure will not be a dead letter. Because the TC has full access to every book, record, person, and program at Microsoft, and has the ability to order

Microsoft to prepare any report it wishes, the TC can make life very difficult for Microsoft. Indeed, Microsoft has great incentive to satisfy the TC and avoid compliance issues altogether. The TC will provide an effective procedure for quick resolution of complaints against Microsoft typically far quicker than if a contempt proceeding were initiated.

The enforcement provisions of the RPFJ grant extremely broad powers of access to both the Plaintiffs and to the independent Technical Committee. Both entities have the power to present the information they obtain from Microsoft to the Court to insure Microsoft's compliance with the settlement agreement. The Court has wide discretion in punishing Microsoft for violations of the Final Judgment and the RPFJ specifically provides that the terms of the agreement may be extended for an additional two years if Microsoft has engaged in a pattern of willful violation. The RPFJ also includes a wide array of formal and informal dispute resolution mechanisms that give a complainant maximum ability to resolve disputes quickly and fairly. Charles James, head of the DOJ's Antitrust Division, testified that [t]he proposed decree contains some of the most stringent enforcement provisions ever contained in any modern consent decree. CompTIA's review of the enforcement procedures supports Mr. James' conclusions. The establishment of an exceptionally powerful Technical Committee as a permanent fixture on Microsoft's campus is unprecedented. The Technical Committee's investigatory duties and duties to report directly to the Plaintiffs insures that the enforcement provisions have the power necessary to force Microsoft to comply with the substantive terms of the Revised Proposed Final Judgment.

C. Anticipated Effects of Alternative Remedies Actually Considered

While the November 6, 2001 Revised Proposed Final Judgment goes beyond the liability found by the Court of Appeals in some areas (i.e., by requiring Microsoft to disclose its confidential technical information relating to servers), the non-settling States' proposal filed on December 7, 2001 goes so far beyond the judgment as to bear little relationship to the Court of Appeals decision.

The centerpiece of the states'' remedy demand is that Microsoft be compelled to create and market a stripped down version of its Windows operating system that would not include many of the features that current versions of Windows do include. Since consumers can now easily remove Microsoft features from their desktop and OEM's are free to place non-Microsoft programs on the desktop, it is difficult to see how this requirement would benefit consumers.

Instead of giving consumers more choices of software products, this unwarranted intrusion into marketing and design decision by the non-settling States would cause further delays in the development of software created to run on XP, with developers waiting to see which version would become the standard. Such delays would further postpone the salutary effects of XP on the computer market. It would also hamper programmers'' ability to take full advantage of technological improvements in Windows, creating a marketplace in which the same software applications would not necessarily have the same functionality. This remedy would balkanize the computing industry and would undermine the benefits consumers obtain from a standardized operating platform.

In addition to the stripped down version of Windows, the December 7, 2001 proposal would also require Microsoft to continue licensing and supporting prior versions of Windows for five years after the introduction of a new version of Windows. The primary effect of this requirement is to impose unnecessary costs upon Microsoft (that would likely be passed on to consumers) and reduce the incentives for Microsoft to improve the operating system. This disincentive to Microsoft to make technological advances would ripple throughout the software industry as applications developers would not have an advancing platform to write software to.

The non-settling States remedy proposal also includes a variety of restrictions that will have little if any quantifiable benefit to consumers but which will simply advance the interests of Microsoft competitors. Consumers and OEM's currently have full ability and freedom to include Java software on their computers; the States' requirement that Microsoft carry Java on all copies of Windows does not provide consumers or OEM's with any more choice than they already have. Similarly, the requirement that Microsoft continue to produce an Office Suite for Macintosh interferes with natural market forces that direct resources to the best use and may actually preclude the success of competing applications software. Directing Microsoft to produce and support any software without regard for market forces is likely to harm consumers, not help them. Moreover, the November 6 Proposed Judgment fully addresses and prevents Microsoft from retaliating or taking any anticompetitive actions against Apple.

Advances in technology are frequently made as a result of joint ventures between competitors. The Department of Justice and the Federal Trade Commission have recently released guidelines for the formation of such joint ventures. Notwithstanding the recognition by these enforcement agencies that most joint ventures are pro-competitive, the non-settling States seek to restrict Microsoft from entering into joint ventures whereby the parties to the joint venture agree not to compete with the product that is the subject of the joint venture. This restriction will chill innovation and prohibit countless consumer welfare enhancing arrangements.

Further, this proposal flatly ignores the fact that the Court of Appeals found in Microsoft's favor on the issue of the alleged illegality of its joint venture proposal to Netscape. The most harmful of the remaining remedy proposals include those that require the extensive and mandatory sharing of Microsoft's source code, without compensation to Microsoft.

The non-settling States proposals in this regard go well beyond those in the November 6 Proposed Final Judgment and appear to be aimed at benefitting Microsoft's competitors rather than insuring a level playing field for all participants in the software industry. In the absence of compelling justification for wholesale and forced disclosure of a company's intellectual property, the harm caused by such disclosure is unwarranted and harmful to the entire technology marketplace. The vigorous protection of intellectual property has fueled the rapid and dynamic growth of the technology industry. Actions that erode protections for intellectual property should be viewed with great trepidation.

The long term effects of the conduct restrictions proposed by the non-settling States encourage continued litigation, rather than competition in the marketplace.

IV. CONCLUSION

The RPFJ will never be and cannot be all things to all people. But, in the end, it is a reasonable result given the respective positions of the both sides in this litigation. In assessing the effectiveness of the current settlement, the Court should recognize that the marketplace is far different than it was at the time the case was originally brought in May 1998. The Court of Appeals spoke to this very issue:

[J]ust over six years have passed since Microsoft engaged in the first conduct plaintiffs allege to be anticompetitive. As the record in this case indicates, six years seems like an eternity in the computer industry. By the time a court can assess liability, firms, products, and the marketplace are likely to have changed dramatically. This, in turn, threatens enormous practical difficulties for courts considering the appropriate measure of relief in equitable enforcement actions, both in crafting injunctive remedies in the first instance and reviewing those remedies in the second. Conduct remedies may be unavailing in such cases, because innovation to a large degree has already rendered the anticompetitive conduct obsolete (although by no means harmless). United States v. Microsoft, 253 F.3d 34, 49 (DC Cir. 2001).

CompTIA does not interpret the Court of Appeals' language to support the proposition that minimal or no remedies should be imposed upon Microsoft because advancing technology has made the browser wars or other issues in the 1998 lawsuit irrelevant at this point in time. However, it appears that those who now seek to impose more far-reaching remedies against Microsoft are excessively focused on the marketplace as it was in 1998, ignoring its state in 2002. The advances in server technology, wireless and handheld devices, and web based applications all diminish the overall competitive significance of the Windows desktop. Thus, for example, the goal of attempting to inject more competition into the browser market at this time has little competitive significance to the overall technology marketplace.

The goal of the settlement in this case should not be to penalize Microsoft for past behavior, nor should it be to benefit Microsoft's competitors by forcing Microsoft to license its source code against its will. The settlement should insure that Microsoft does not engage in the actions found unlawful by the Court of Appeals. This consent judgment does just that and therefore it should be approved.

Respectfully Submitted,
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CompTIA Antitrust Counsel
(202) 828–9867

MTC–00028727

From: retredmed@cchat.com@inetgw
To: Microsoft ATR
Date: 1/28/02 5:07pm
Subject: Microsoft

To Whom It May Concern:

I would like to express my opinion on the Microsoft settlement:

1- There should never have been a need. If microsoft competetors can't handle the competition, then its time for them to get out of the business (just as anyone else in business would).

2- Since there seems to be a need for a settlement, I think microsoft has offered one that is more than adequate.

3- Get the government out of the way of progress.

Thanks for this opportunity.

R.E. Lee

MTC–00028728

From: bruce.granger@verizon.com@inetgw
To: Microsoft ATR
Date: 1/28/02 5:08pm
Subject: Microsoft Settlement

I think the facts, as well as the opinions, are in and it is time for the Department of Justice to act firmly against Microsoft. It has long been know that Microsoft has used it position to squelch competition and stifle creativity. Microsoft has used its position to deliver products that were full of flaws and demand premium prices. This, in light of their predatory practices, should not be tolerated.

Please take this opportunity to open up this monopoly to other players and get the economy back on track.

Verizon Communications
Bruce T. Granger, M.I.S.
Enterprise Solutions Group
Manager—Network Integration
Senior Network Integration Engineer—CCNA, CCNP
Work—972.718.3174
Fax—972.718.3336
Mobile—214.789.4630

MTC–00028729

From: Robert McConnell
To: Microsoft ATR
Date: 1/28/02 5:08pm
Subject: Microsoft Settlement

In response to the government's request for comments on the proposed Microsoft Settlement:

As a computer professional with over three decades of experience writing software for a variety of operating systems including Windows, and as one-time fan of Microsoft, I would like to make two points. The first is to suggest one route which in the absence of a breakup I expect Microsoft to continue to exploit to maintain it's monopoly. The second point is to call attention to a related danger from Microsoft's monopoly which I believe is accelerating the flight of manufacturing from the US to foreign countries.

First the monopoly preservation strategy:

Most competent computer programmers can, if they wish, write and document functioning code which is virtually incomprehensible to any other competent programmer (including the author him/herself). Moreover said author can almost certainly (disingenuously but successfully) argue in a court comprised of non-experts that the code is straightforward, well-documented and easy to understand.

What does this have to do with Microsoft maintaining and extending their monopoly? Everything. Whether hardware or software, it is in the interests of the creator of any product to facilitate use by the consumer while hiding as much of the internal workings as possible to discourage competition. Microsoft's strategy has been to continuously expand the boundaries of it's ''operating system'' (more properly now an operating environment) enveloping or attempting to envelope entire classes of applications, office, networking, on-line shopping, manufacturing etc... within the boundaries of the ''operating system''. This can be done explicitly as in the case of Internet Explorer, or implicitly by simply making it difficult and or prohibitively expensive for outsiders to access, or even know about, operating system or hardware features which may be important for fields Microsoft dominates, or wishes to dominate. The ''browser wars'' were about exposing the inner workings of Microsoft's operating system so others might use them.

Because of the ease of writing and defending impenetrable code Microsoft already has an almost unlimited ability to restrict access to the core of the operating system and to the hardware beyond, whether or not a court orders it to provide access. Microsoft sells just enough tools to access selected parts its operating environment to be able to provide lip-service to openness. Generally speaking the products are scaled in such a way that only those who have made a large commitment, financial or ''sweat equity'' which will tend to lock in their allegiance to Microsoft are allowed access to the more powerful tools.

Because of the high barrier created by the impenetrability of the Microsoft code, it is hard to imagine any remedy short of a breakup will be able to curtail Microsoft's illegal monopolistic practices.

The second comment, related to manufacturing flight, is contained in a letter I sent to the Attorney General general of Massachusetts several months ago. The text follows:

Dear Mr. Attorney General,

I must congratulate you and your staff on the stand you have taken against the proposed Microsoft settlement.

I am a software developer who has long been appalled by the relentless manner in which the American public interest continues to be steamrolled by the Microsoft juggernaut. Therefore I was shocked by the decision by the Justice Department to take the breakup option off the table. It is my opinion that this option offered the only chance to restore competition to the software marketplace. Needless to say, I was further dismayed by the terms of the proposed settlement.

As you are obviously well aware, under the guise of ''innovation'' Microsoft has succeeded in stifling true innovation in many ways. Much of the damage done by Microsoft is not as a result of overt actions towards the ''victim'' whether an individual or a company. Rather it is in creating an environment in which the fate of others who have tried to innovate in the face of Microsoft serves as a deterrent to further innovation. Of course this type of deterrence by example does not carry the connotation of physical danger as might be expected from similar threats by organized crime or terrorists.

Nevertheless it is quite effective. This is an environment in which:

1. Intelligent software developers know that they have little chance of being successful unless they join the Microsoft camp. Once in that camp more of a developer's time will be likely spent keeping up with Microsoft's complexity-increasing-whims than improving their product.

2. Intelligent funding institutions know from history that there is no point in developing a product in a market in which Microsoft is known or believed to have interest. The best one can hope for in the case of a very successful product is the opportunity to sell the product to Microsoft at a price determined only by the latter.

3. The required ''operating system'' (now more properly an operating environment) is so complex as to create a huge barrier between the creative idea of a researcher, developer, or engineer and its implementation into a useful product.

I'm reminded of a university researcher's website I saw several years ago. The researcher noted that he was using older, and by then outdated, analysis software for his research. Although he had written the original software himself, he believed that the new requirement of interfacing with Windows had introduced such complexities that he could not afford either the time to update the software himself, or the money to to hire a Windows specialist to update it for him. Whether or not the researcher's assumption was actually true, Microsoft literature and promotions (the so-called FUD factor) would certainly lead him to this conclusion. Hence his further research in this field was stymied.

4. Similarly the Microsoft ''one size fits all'' operating system and tools, interposed between America's manufacturing engineers and the computer, hamper their creative efforts. Modern Windows software effectively prevents these engineers from writing high speed one-of-a-kind applications necessary for the most efficient manufacturing. Ten years ago the same engineer would have had no trouble writing this type of software.

As a Senior Member and member of the Peer Review Committee of the Machine Vision Association of the Society of Manufacturing Engineers I became personally concerned about this issue several years ago. I was particularly worried that is resulting in substantial advantages for manufacturing facilities in foreign countries and earlier this year prepared the attached document.

I'm not sure any of this will be of any help in the successful resolution of the Microsoft situation, However I thought it might be helpful in explaining why at least one of us is behind you.

Again, congratulations and good luck on your stand!

Sincerely,

Robert McConnell

CC:Attorney General Tom Reilly

MTC–00028730

From: Jim D. Kirby
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 5:09pm
Subject: Microsoft Settlement

They say hindsight is 20–20. Sometimes we get the benefit of hindsight prior to the fact. In this case, the emerging Enron scandal shows us exactly what the Bush administration was attempting in their settlement with Microsoft: corporate capitulation.

The proposed settlement between Microsoft and the Federal government reeks of nepotism, favoritism and backroom shenanigans. Enron has shown us how our executive branch operates; please do not let similar actions favoring Microsoft provide yet more fodder for our growing recession.

Jim Kirby

Senior Network Engineer/Architect

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MTC–00028731

From: adam@tameware.com@inetgw
To: Microsoft ATR
Date: 1/28/02 5:01pm
Subject: Microsoft Settlement

I am dismayed by the DOJ action against Microsoft. It makes me ashamed to be an American. I urge the court to dismiss the suit entirely, or, failing that, to impose the mildest sanctions possible.

I use Microsoft's software on a regular basis—it's certainly improved my life. While I prefer using Macintosh computers to PCs running Windows, I have nothing but admiration for Microsoft's accomplishments. Claiming there are no alternatives to Microsoft products is laughable. Not only are there a host of alternatives, but if Microsoft were ever to attempt to charge exorbitant rates for its wares I and a host of others would rush in to compete.

To say that Microsoft has a monopoly for PC operating systems is meaningless. What makes an ''industry standard'' PC standard is precisely the fact that it runs Windows. Microsoft has a monopoly in the same sense that Tom Clancy has a monopoly on ''The Hunt for Red October''. This monopoly is the right of a producer to his product— it is guaranteed by Section 8 of the U.S. Constitution.

Microsoft has never harmed me, nor do I ever expect it to. How could it? My transactions with Microsoft are voluntary. This court, however, can harm me and every American. By restricting Microsoft's freedom everyone's freedom is restricted. This would be too big a price even if there were a public interest to be served by such a restriction. In fact there is none. It is Microsoft who has been serving the public, as evidenced daily by those who voluntarily purchase Microsoft's products. Whether or not they realize it, even Microsoft's competitors benefit from Microsoft's presence, which spurs them to added effort and ever-higher levels of quality. Were it not for Microsoft many of them would not exist! Without Microsoft most computers might still be running CP/M—that would be a sad state of affairs.

Adam Wildavsky

President

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Jackson Heights, NY 11372

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MTC–00028732

From: Chris Carman
To: Microsoft ATR
Date: 1/28/02 5:10pm
Subject: one more comment

I wrote an earlier comment against the settlement, but I wanted to add one last thing—Microsoft should not be allowed to engage in any ''exclusive contracts'' (ie, a computer that is shippsed booting Windows is only allowed to boot Windows and cannot boot or include another operating system like Linux or BeOS—this is why Dell, IBM, etc. won't sell PC's that have both Windows and Linux) for at least the next ten years. This would be roughly in line with how long Windows has been around. Just a thought. Thanks!

Chris Carman

Hamilton, Ohio

MTC–00028733

From: George Van Treeck
To: Microsoft ATR
Date: 1/28/02 5:10pm
Subject: Microsoft Settlement

I would like to comment on section III.J.1 and III.J.2 of the proposed settlement. I worked at company last year that asked for information on a network communication protocol so that we could make our product work their products. Microsoft didnt refuse, they repeatedly failed to respond to the requests in any way. And sections III.J.1 and III.J.2 are so ambiguous in interpretation that there they could use it as an excuse to provide information, effectively squashing small companies who cant afford the legal warfare to compel a disclosure.

An example of how section III.J.1 and 2 could be used a smoke screen by Microsoft to deny access to communication protocols and APIs for security reasons: Virtually all security systems software is designed in such a way that even if you do know how the software works, it is virtually impossible to break it. For example, the software for the PGP encryption algorithm is public knowledge and used by a large number of people, because knowledge of how the encryption works does not help in breaking the code. In fact, public knowledge helps people identify potential problems early before the there is wide adoption. Microsoft can claim a large portion of their product falls under section III.J.1 and 2, when in fact, knowing the details does not lessen security in any measurable way. Small companies would not have the resources to contest this.

As a software engineer, I found most of Microsofts arguments about the need to inextricably bind their browser to the operating system very odd.

Fact #1: Microsofts Internet Explorer browser runs on Apples operating system and a UNIX version also existed. Further, their first versions of Microsoft IE ran without tight integration into its own operating system. So, the claim about it needing to be inextricably bound to the operating system to ''provide a better experience'' is without any merit.

Fact #2: Every competent software engineer will tell you that reliable and maintainable software is designed in pieces with very clearly defined interfaces that encapsulate and hide internal details of each piece. This makes it possible to keep defects in one piece from breaking things inside other pieces. Further, this encapsulation with well-defined interfaces makes it easy to pull out one piece and replace it with a better piece in the future, without breaking all the other pieces (makes future enhancements easier). This is analogous to replacing the incandescent light bulb in your lamp with a more energy efficient light bulb both bulbs use the same screw-in interface to your lamp).

Are we really to believe that all those top talent engineers at Microsoft are NOT using basic design principals of encapsulation and well-defined APIs, that would allow them to easily pull out a current version of their Internet Explorer and with a future enhanced version (and therefore also allow a third party browser to also use that same well defined interface to plug their browser in)?

Microsoft cant have it both ways: They're a competent software company who can speak with authority in court (design code that encapsulates internals with well-defined APIs) or the browser is so inextricably tied that another browser can not easily replace it (and thus can't believe what they say because they're incompetent).

I know Microsoft has some of the sharpest software engineers around. I know they write some pretty good software. So, this means their executive's excuses for Microsoft's behavior are not credible.

So, what does this indicate about Microsoft executives attitude and how they are likely to interpret an ambiguous settlement agreement? Will appointing a review committee that is not highly technical in specialized areas of software (e.g., specialied security) interpret this agreement in the public interest?

MTC–00028734

From: Sean Ryan
To: Microsoft ATR
Date: 1/28/02 5:11pm
Subject: Microsoft Settlement

Your Honor,

I am writing to voice my displeasure with the Proposed Final Judgment in the Microsoft Anti-Trust Case. The PFJ has three major flaws.

1. It does not terminate Microsoft's illegal monopoly

2. The penalty for past illegal behavior is not a disincentive and will actually give Microsoft an advantage in another market segment.

3. The Department of Justice must pledge to prevent any future anti-competitive activity by Microsoft by maintaining a close watch of the companies activities.

Illegal monopolies hurt the consumer, inhibit innovation, and encourage future illegal activity if they are not handled in a manner far more aggressive than that in the Proposed Final Judgment. I urge you to reject the PFJ.

Thank You,
Sean Ryan
(707) 438–7326

MTC–00028735

From: Othniel Graichen
To: Microsoft ATR
Date: 1/28/02 5'10pm
Subject: Microsoft Settlement

In the western system of capitalism, consumers do not usually buy directly from producers. In our economy, multiple levels of middlemen exist to satisfy the demand for finished goods. This results in healthy competition, reasonable profits and an increased tax base. The established Microsoft monopoly on technology (like AT&T's monopoly on communications before it) has not been used toward the public's good and the company's business practices illegally extend this monopoly by tying inferior products to its established ones slowing the rate of technology advancement. This substantially reduces the opportunities for competing technology producers and has resulted in decreased tax revenues which can be collected from the offending multinational corporation. Furthermore by refusing to support the Linux platform, Microsoft management reduces its value to shareholders. My explanation follows:

Microsoft does not just have a monopoly on PC operating systems. In the minds of middle management in the Western world, a new technology is not ready for deployment until a Microsoft product includes it. The successful managers have witnessed where business needs existed for a given technology, early adopters (using non-Microsoft tools) were burned by incompatibilities with key Microsoft software components or unavailability of updates to products such as Excel, Word, DOS, Windows, Internet Explorer and Media Player to name a few.

After slaying Goliath, Microsoft now holds hostage an even larger customer base than IBM did before it changed it business practices to remedy an earlier DOJ suit. Microsoft has not cooperated with the will of the people as pursued by the USDOJ and attorneys general of the 19 states. Unlike IBM, Microsoft cannot see the error of its ways. Its no longer just about profits ? instead it's about the power to be above the law. The ''software tax'' that it collects on all PCs sold planet-wide by leveraging US political and military influence makes Microsoft (and by extension the US) a target of foreign nationalistic pride/prejudice. Wars in the coming centuries will be fought over control of Information. Microsoft's way has not produced the technologically superior or secure operating system platform needed by the marketplace because they have not had to innovate as they hold a monopoly and successfully prevent competition into that space. The computer scientists that have built Linux allow for commercial proprietary software to run on this more reliable platform. They only want the operating system not the applications which run on it to be free/open and beyond subversion. They have produced a system which is more secure and reliable than Microsoft's operating systems. Businesses that have seen how often the Microsoft sands shift have chosen not build on the Microsoft choices of foundation.

The free operating system Linux was given as an example to the court as a serious threat to Microsoft's monopoly, but that argument should be discounted as that Operating System is totally free ? meaning no license cost per machine. So it does not compete with Microsoft. There is no company called Linux. No one company controls the direction Linux will take. The reason Linux? open source API can compete with Microsoft's Monopoly OS is because the companies that use it are guaranteed of a truly level operating system playing field. Linux is to operating system technology what free markets are to economic systems. Requiring Microsoft to support the Linux platform as a tier 1 operating system for all their application software is not taking money out of Microsoft's hand and putting it in the hand of some other company. If Microsoft's management doesn't respond to the viability of Linux, Microsoft's shareholders will be hurt on the order of what happened to Enron. That is not in the interest of middle America. What is in America's best interests is not a powerful Microsoft, but a software platform where no company has control over hardware or processor, but one where all businesses (and governments) can compete based on innovation, quality and their ability to meet customer requirements. Microsoft needs to become a technology producer instead of controlling technology deployment. Microsoft unfairly changes the operating system platform whenever a competitor has found a niche which Microsoft wants to occupy. Only when Microsoft agrees to support the Linux Operating system with their application software will competition in the business and office technology sector flourish to the benefit of all.

Microsoft is a grand marketing organization but they do not stimulate our economy to build (and profit from building) new technological advances. Business plans that would go head-to-head with Microsoft are rejected. Instead of hiring and training more computer scientists, software developers and programmers, our country has changed immigration laws to allow 500 thousand more H1-B Visas thereby increasing the unemployment of working class Americans. Furthermore, Microsoft is not pushing the envelope of technology. It recoups its investment on technology many fold more than necessary before developing new products. This is not good for consumers and has transformed

Microsoft into more of a marketing company than a purveyor of technology. It specifically breaks the law regarding the tying of a new product to a monopoly product by combining bug fixes (a warranty service) into product upgrades (for a fee) and by not making them available separately but combining fixes with new code (and a new set of bugs). While the argument has been made regarding Microsoft's Internet Explorer browser being part of the Microsoft Operating System instead of application software, two facts belie that claim. One, Internet Explorer is available for the Macintosh, Solaris and HP-Unix—platforms that are obviously not Microsoft operating systems. So tying Internet Explorer to the correct operation of the Windows Operating System was a deliberate attempt to sabotage competition in the browser space resulting in the demise and purchase of Netscape instead of more competition. Second, Microsoft's claim that Internet Explorer is free—just like Netscape Communicator is bogus. IE is only free to Microsoft customers. Internet Explorer is specifically not available on Linux (proving that it is not free) and because the API (operating system interface) which it uses is purposely obfuscated. Netscape Navigator and Communicator are free and are available on Linux along with the next generation Mozilla open source browser.

Artificially high operating system prices combined with fewer OS technological advances cause fewer computers to be sold by market forces due to customers learning to be disappointed in what their computers can do. More competition would increase the value of the computing infrastructure and motivate companies to invest in more computers. This was the expectation 20 years ago. All that money went to Microsoft. What do we have to show for all that investment? Some improvement but a lot of broken promises. Open Source Software delivers on that promise and the Linux operating system is the standards based vendor neutral mechanism to remedy the difficult situation the court finds itself needing to resolve.

I look to the court to render a decision which will increase employment of software developers in this country, increase the diversity of IT sector businesses, and punish the company which brazenly ignored anti-trust law, threat, and actual suit. Do not forget how the courts were unmistakably lied to. Now that Microsoft has been found guilty of being a monopolist, do not take the teeth out of enforcement by accepting the weak Proposed Final Judgement. Microsoft has injured the Information Technology sector and with remedies you can drive a truck through and will continue to do so for the next 5 to 7 years. The DOJ position has changed since the beginning of this trial with Joel Klein. Despite all the pressure to join the US DOJ, many of the state attorneys general could not in good conscience join the Revised Proposed Final Judgement. Do your job to ensure that America begins the 21st century by accelerating the deployment of technology rather than allowing business as usual at Microsoft to continue.

Nor is breaking up Microsoft the only solution! That is a simpleton's way to elicit the desired behavior, which won?t work because there will be uncontrollable collusion between the two subentities.

Releasing the source code for Internet Explorer would be in line with Microsoft's claim that Internet Explorer is free. Its? interconnection with Outlook (the Email client) is responsible for most of the virus vulnerabilities. The inevitable improvements in security once the source code is released would benefit the public. Getting Microsoft to drop the suit against Lindows.com ? a potential operating system competitor ? would also be proof that they will permit competition. The most important goal is to convince Microsoft that selling its Office Suite on Linux is good for Microsoft. The RPFJ does not accomplish that. That is one reason why all the state's attorneys general did not support it.

Microsoft writes good application software, but they have made operating systems which are not secure from viruses. Actually Java was designed from the start to be a more secure middleware platform, yet Microsoft quickly pushed its own alternative technology which has since been successfully targeted by virus writers. Why? Not to support the public good, but to retain control of their market.

There is no money in selling operating systems, yet the foundation of all applications is operating system support. Since the beginning, OSes have always been given away with the computer. The Microsoft licensing agreement must be changed to not require that Microsoft application software be used only with or on a Microsoft Operating System license. What Microsoft has done is that they have sold all the computer manufacturers on the idea of paying them to preload computers with their operating system. Thus the price of the operating system is inseparable from the hardware. Microsoft gets their ''tax'' whether you use their software or not. This lack of consumer choice in operating system middleware must end. As long as Microsoft products are only licensed for Microsoft operating systems, consumers will be tied to that platform and technology sector businesses will be unable to innovate and compete with Microsoft.

Lastly, market (business) and government (military) forces are finally responding to the fact that only open source software systems are secure. Your judgement should promote this trend without being legislative. Microsoft should be prevented by decree from developing a version of their operating systems which are incompatible with VMware or preventing their application software from running under WINE in Linux. Such measures are simply exclusionary. Only at this point in history will you be able to extract such willingness to compete from an avowed monopolist. They need to be taught that limits exist on acceptable business practices.

Othniel Graichen
Senior Software Engineer
107 Nobhill
San Antonio, TX 78228

MTC–00028736

From: bfindley@brigham.net@inetgw
To: Microsoft ATR
Date: 1/28/02 5'' 12pm
Subject: Letter
437 Highland Boulevard
Brigham City, UT 84302
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I am very much in favor of the right of consumers to choose the configuration of the system they work in. I am, therefore, in favor of the settlement reached between Microsoft and the Department of Justice. There is no doubt in my mind that Microsoft was behaving monopolistically, but the corporation produces good software, and I do not believe that so much fuss should have been made about actions that were not, in effect, harming the public.

The settlement allows for a return of fair competition in the technology industry. Microsoft has, for example, agreed to reformat future versions of Windows so that computer makers as well as users will be free to reconfigure Windows using both Microsoft and non-Microsoft software to suit their specific needs. The settlement also requires that Microsoft's actions be monitored by a three-person technical committee consisting of software engineers who will resolve disputes and make sure Microsoft complies with the settlement. I think Microsoft deserves a chance to prove its ability to adhere to the settlement. It will cost more in the long run to continue litigation against Microsoft. The technology industry, the economy, and the American people have all felt the repercussions of this case. It is time to settle. I urge you to support the agreement and move on.

Sincerely,
Barbara Findley

MTC–00028737

From:retredmed@cchat.com@inetgw
To: Microsoft ATR
Date: 1/28/02 5:12pm
Subject: Copy of my letter
To Whom It May Concern:

I would like to express my opinion on the Microsoft settlement:

1- There should never have been a need. If microsoft competetors can't handle the competition, then its time for them to get out of the business (just as anyone else in business would).

2- Since there seems to be a need for a settlement, I think microsoft has offered one that is more than adequate.

3- Get the government out of the way of progress.

Thanks for this opportunity.
R.E. Lee

MTC–00028738

From: Eddie Schwartz
To: Microsoft ATR
Date: 1/28/02 5:14pm
Subject: Microsoft Settlement
Eddie Schwartz
4625 Tara Drive
Nashville, TN 37215
Fax:
January 22, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

The Department of Justice and Microsoft have finally reached a settlement to the three-year antitrust dispute, and I am writing to champion that settlement and ask that it be approved as soon as possible. I am in favor of any agreement that will end litigation against Microsoft and that will help America.

Microsoft has agreed not to enter into any contractual obligations with third-party companies that mandate that they strictly use or promote Microsoft products. They have also agreed not to retaliate against computer companies that make or promote software that competes with Windows.

Believe it nor not, they will share source code and other data that is critical to the design and implementation of Windows. This allows the competition to make products that are compatible with Windows. This will improve the IT industry and the economy.

I fully support this settlement, and hope it is approves with haste. Thank you.

Sincerely,
Eddie Schwartz

MTC–00028739

From: Bernard R Buchta
To: Microsoft ATR
Date: 1/28/02 5:15pm
Subject: Microsoft Settlement
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

As a six-year teacher of PCs and the Windows operating system, I would like to voice my strong support for settling the pending Microsoft case. My experience as a PC instructor and my 26-year's as a military logistics officer has taught me the great value of standardization. Standardization buys everyone a lot. And, after standardization is achieved, ''the payback is forever.'' Witness: When we go to war, we want our bullets to fit into our allies'' guns and rifles, and want theirs to fit into ours. We want to be able to share, substitute and interchange their artillery rounds, fuel, and rations, etc., with ours. It's called being ''Interoperable.'' It's a great force-multiplier and keeps costs down.

Standardization, by definition, creates efficiency. It also makes for convenience and ease of use. Now, today, we need standardization and efficiency more than ever. Therefore, the proposed solution seems like a fair compromise that will provide the most effective long-term results for consumers. As seen with the International Standards Organization, the uniformity of Windows(R) and its supporting products is an asset to all computer users. This includes business and industry, schools, home users, . . . just everyone!

Technology is complicated enough for the average person, so the advantages Microsoft provides with the scope of their software presence is immeasurable in the form of America's almost seamless transition into the information age with young and old alike. Though I did not respect the government's case, the restrictions imposed with this deal

are far more favorable than the possibility of a corporate break up and chaos within the computer world. Based on the new, more even-handed approach of Microsoft toward competitors, and those who do business with competitors, plus the implementation of an objective technical committee of experts to ensure compliance, it seem to me it would be in the best interest of all parties involved to proceed with this agreement. This will save the consumer a great deal of heartache. It will also permit continued interoperability in future systems and software programs.

Thank you very much for your consideration.

Sincerely,
Bernard R. Buchta
Bernard R Buchta, in Troy, MI
LTC, OrdC, US Army (Retired)
P.S.

You're doing a great job in the War on Terror.

Don't let them grind you down!

MTC–00028740

From: Daniel Sells
To: Microsoft ATR
Date: 1/28/02 5:15pm
Subject: No winners, just more wasted money.

How many new schools could we build with the money that is being wasted on this case? Better yet, how many people could be feed? What's more important, People or what kind OS/browser they use to access the internet?

Stop Wasting MY Tax Money!!!!!

This lawsuit is a huge waste of tax payer money. The federal government should use MY tax money to provide valued services to me and all Americans. WHAT DOES ANYONE STAND TO GAIN BY SUEING MICROSOFT? Know one is forced to buy the Windows operating system, browser or any other Microsoft product. Apple Macintosh has been around for years and is a very viable alternative to the Windows platform for all who chose such. Linux is growing in popularity as another choice. I don't understand why your DOJ is pursuing this. If other companies want to sue Microsoft, they have the courts to do so. Let AOL, IBM or whoever sue them WITHOUT USING MY TAX DOLLARS! The DOJ should step down and let the other companies battle this out as long as their willing to pay.

D.M. Sells

MTC–00028741

From: Lynn Walker
To: Microsoft ATR
Date: 1/28/02 5'09pm
Subject: MICROSOFT SETTLEMENT
967 Artman-Gibson Road Colville, WA 99114
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Thank you for your efforts to settle the Microsoft antitrust case. Concluding this litigation will be beneficial for the tech industry, as well as the economy.

The settlement agreement adequately addresses concerns about any predatory business practices on Microsoft's part. Upon approval of the agreement, Microsoft will refrain from taking retaliatory action against those who sell, promote, or develop software that competes with Windows. Another step Microsoft is taking is making it easier for consumers to remove features of Windows so they may replace these features with Microsoft's competitor's software programs. In my view, Microsoft has made adequate concessions to resolve this case. No further action should be taken by the Department of Justice against Microsoft.

Thank you for your consideration of my comments on this issue.

Sincerely,
Lynn Walker

MTC–00028742

From: LM14056@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 5:15pm
Subject: Microsoft Settlement
203 Hazelton Court
Mullica Hill, NJ 08062–9350
January 14, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

The Microsoft antitrust case settlement agreement should be approved as soon as possible. We will all be better off. This lawsuit demonstrates that Microsoft's competitors, like Sun, are merely envious of Microsoft's success. Their failure to develop products of the same caliber, as Windows does not mean Microsoft engaged in anticompetitive behavior.

The terms of the settlement agreement are fair. There should be no hesitation in the settlement's approval. The agreement provides for such things as a technical oversight committee, which will monitor Microsoft's business, practices. Additionally, Microsoft has agreed to disclose to its competitors proprietary information, like interfaces that are internal to the Windows operating system. Given these types of concessions, no further action should be taken against Microsoft.

Thank you for your intelligent attention.

Sincere regards,
Linda Maher

MTC–00028743

From: Tom Daly
To: Microsoft ATR
Date: 1/28/02 5:15pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
United States Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse,

I have been following the Microsoft case for many months and I believe that the proposed resolution of the case is clearly not in the interest of the American consumer and not good for the economy.

Microsoft will still be a monopoly for all intents and purposes and will continue to use their power to limit competition. The new regulations have far too many loop holes and with Microsoft's record there is no reason to believe they will change the way they do business. Microsoft must be held accountable and forced to allow applications that run on their system to be used anywhere. And they must be required to make their products compatible with competitive products.

To make this process fair to all, we need to hear from public consumer groups and from state governments not just Microsoft and their competitors. This is a right given by the Tunney act and must be preserved. It is my sincere hope that you will consider these points before going forward. The American people deserve and have a right to choose the products that serve them best, the proposed settlement is unfair and unjust. Please allow the people a voice.

Thank you,
Thomas B. Daly, Ph.D.
303–530–3337
PO Box 17341
Boulder, CO 80301

MTC–00028744

From: Vicinanza, Gregg
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 5:16pm
Subject: Microsoft Settlement

Please accept this comment regarding the Microsoft settlement on behalf of Sony.

Gregg H. Vicinanza
O'Melveny & Myers LLP
555 13th Street, NW
Washington, DC 20004
voice (202)383–5235
fax (202)383–5414
e-mail gvicinanza@omm.com
internet www.omm.com

MTC–00028745

From: William Wallace
To: Microsoft ATR
Date: 1/28/02 5:16pm
Subject: Microsoft settlement

Shame! Microsoft is being rewarded, not penalized for illegal monopoly practices and restraint of trade. Is this administration merely pro-business, or really for a FREE market system?

William Wallace

MTC–00028746

From: Michael T Vilas
To: Microsoft ATR
Date: 1/28/02 5:16pm
Subject: Microsoft Settlement

Dear Sir:

It is time to end the costly litigation against Microsoft. I urge you to stop all that is continuing the delays is the settlement.

Thank You:
M Vilas

MTC–00028747

From: Thomas Treder
To: Microsoft ATR
Date: 1/28/02 5:16pm
Subject: I oppose the Department of Justice's proposed

I oppose the Department of Justice's proposed settlement with Microsoft. None of the proposed actions appear adequate to prevent Microsoft from entering any new market it chooses, then utilizing a

combination of exclusionary licensing, predatory pricing, and all but unlimited marketing capital to force the incumbents into extinction.

Microsoft continues to employ the tactics with which it decimated Netscape. Against RealPlayer, Microsoft has integrated Windows Media Player. To drive a wedge into the game console market, XBox is sold below cost.

While the short-term benefit to the consumer is reduced cost of the individual commodity, the overall cost to the consumer and to society is huge; Operating System (Windows) and Applications (Office) priced far higher than any hopeful rival of equal or greater quality (Linux/StarOffice); reluctance of new players to enter the market; laughable security (ILoveYou, Nimda, Code Red), and ultimately a hegemony imposed with Microsoft the gatekeeper of all society's information flow and transactions (pending success of ''.Net'').

Even Judge Jackson's rememdies seemed no guarantee that Microsoft couldn't find a circumvention; however, that the current Department of Justice has volunteered a remedy weaker than one to which Microsoft had already acquiesed is at best difficult to understand, and at worst smells of malfeasance. Judge Jackson's remedies should be imposed upon Microsoft without delay.

MTC–00028748

From: Larry Blunk
To: Microsoft ATR
Date: 1/28/02 5:16pm
Subject: Microsoft Settlement

I wish to stress my opposition to current United States vs. Microsoft proposed Settlement Agreement. The numerous loopholes and lack of consequences for violation of the agreement will result in little or no change in Microsoft's anti-competitive behaviour.

Perhaps most unsettling is the area of DRM and authentication systems, and audio/video codecs. Microsoft is attempting and dominate these fields through it's .Net and Windows Media services initiatives. There is no mention at all of compulsory licensing of audio/video codecs in the settlement. If Microsoft is able to monopolize these standards, they will extend their control beyond just PC hardware OEM's to all manner of audio/video playback devices. These include pocket audio players, personal video recorders, component audio receivers, DVD players, and handheld organizer (such as the Palm Organizer). All these device makers and will need to license the audio/video codecs on Microsoft's terms. These terms will likely forbid the use of competitive operating systems such as Palm OS and Linux on these devices. It will also require the use of Windows backend server operating systems rather than competing operating systems such as Unix.

Closely related to the audio/video codecs are Microsoft DRM systems which are used to wrap and ''secure'' the codecs. DRM services are specifically excluded from compulsory licensing. The rationale is that licsensing them would somehow undermine their effectiveness. However, there is no reason these systems could not be licensed under a standard non-disclosure agreement (NDA). The same type of agreement could be used for authentication systems. I also note that there is a major flaw in the Department's understanding of authentication and cryptographic systems. A basic tenet in cryptography is that in order to be trusted, a cryptographic system should be subjected to extensive public peer review. Rather than relying on secrecy for security, authentication systems rely on the strength of their cryptographic algorithms. Even though the algorithms are widely published, they remain secure because of the mathematical complexities in defeating them. It should be noted that the standard for securing transactions on the Web today (such as credit card purchases) is the openly specified SSL standard. SSL employs only publicly documented and reviewed cryptographic mechanisms. There is even an open source implementation known as OpenSSL which is used extensively to secure transactions on the Internet. This is a difficult concept for the layman to understand, but it is critical to an open and competetive environment on the Internet.

-Larry J. Blunk
Saline, Michigan USA

MTC–00028749

From: Sawley
To: Microsoft ATR
Date: 1/28/02 5:25pm
Subject: AOL Suit

The AOL lawsuit against Microsoft is a pathetic attempt to try to gain public sympathy in court against a competitor that they can't compete against in the public market.....

Lewis W. Sawley

MTC–00028750

From: BANKSMKT@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 5:18pm
Subject: Microsoft settlement

It is my opinion as a citizen of the United States that the creation of a product using the gifts of intelligence and foresight should not be punished. We have encouraged within our nation the free enterprise system. Microsoft, through superior development and insight into consumer needs, has produced a superior product. This in no way deserves punishment, due to the jealousy of competitors. I believe that this company deserves the freedom to continue producing products that benefit the consumers who purchase them.

Thank you for considering my opinion.
Sincerely,
Debra L. Banks
2035 Oneida Valley Rd.
Karns City, PA 16041

MTC–00028751

From: Stephanie Jayne Sailor
To: Microsoft ATR
Date: 1/28/02 5:20pm
Subject: Public comment—Microsoft

Department of Justice:

The lawsuit against Microsoft is supposed to be for the good of the people. Instead, it's for the good of Netscape, who failed to compete. Microsoft didn't hurt consumers. They helped consumers. If you truly want to put an end to a monopoly, why don't you start with The U.S. Postal Service? That's a Government-created monopoly, which has thrived since the 1840s. It has been against the law for anyone to compete with the U.S. Postal Service by carrying first-class mail. That's a monopoly that you should stop.

I beg of you, Department of Justice, end the Microsoft case now. Do not stifle innovation. Do not require Government permission for companies to improve their products. Such intervention only benefits companies who are lethargic to compete. In the end, that hurts taxpayers, consumers, the economy, and future of technology.

Do not meddle with Microsoft—or any other company's—future product design decisions. Leave that to software executives, not judges and bureaucrats. Keep America free, allowing Microsoft to continue to develop affordable products, create jobs, and please customers. This isn't about Microsoft. It's about the freedom of every American company to improve their products. Most importantly, it's about allowing consumers the freedom to pass judgment with their pocketbooks, by personal choice.

=Stephanie Sailor=
118 Mendham Rd.
Bernardsville, NJ 07924
908.766.0990
Steph@StephanieSailor.com
http://www.StephanieSailor.com
CC:msfin@microsoft.com@inetgw

MTC–00028753

From: Spencer Black
To: Microsoft ATR
Date: 1/28/02 5'19pm
Subject: Microsoft Settlement

Spencer Black
Artist
Microsoft Games Studios
801–275–6393
Scblack@microsoft.com
<mailto:Scblack@microsoft.com>
January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

Three years ago, Microsoft was found to be in violation of established antitrust laws and was brought to trial in the federal courts. The Department of Justice and Microsoft, after six months of negotiations last year, managed in November to reach an agreement with which both parties are satisfied. Now, we find out that it will be determined whether it is in the best public interest to settle. The alternative is to reopen the case, and spend an indeterminate amount of time trying to reach a better settlement. Meanwhile, Microsoft's competitors and those who wish to gain from further litigation, including nine plaintiff states, are attempting to undermine the settlement during its review period. I do not believe that continued litigation would serve the public at all. The economy and the technology industry have suffered while this case has dragged on, and no good can come of extended suit. The settlement is fair, and, if finalized it will allow things to finally return to normal.

Microsoft has agreed to a variety of restrictions and obligations under the settlement, all of which would restore a fair competitive atmosphere within the technology market. For example, Microsoft has agreed not to take retaliatory action against any software producer or computer maker that introduces software into the market that competes with Microsoft.

I do not believe that it is in the best public interest to continue litigation. I urge you to support the settlement as it now stands.

Sincerely,

Spencer Black

MTC–00028754

From: Little Hen
To: Microsoft ATR
Date: 1/28/02 5:22pm
Subject: Microsoft Settlement
Becky Garrett
11050 North Highway 59
Gravette, AR 72736
January 28, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft: My name is Becky Garrett. I am a resident of Gravette, Arkansas writing in support of the settlement recently reached between the federal government and Microsoft. The public interest will not be served by reopening litigation against Microsoft. Given all of the changes in direction the case has taken to date, the outcome of additional litigation is far from certain. You have a settlement agreement on the table at this time that not only provides certainty in the outcome of the case, but also provides increased opportunities for competition in the industry.

Microsoft has agreed to either modify or eliminate allegedly anticompetitive business practices in the areas of pricing, distribution contracts, relations with software developers, and systems configuration. If the agreement is implemented, these concessions will lead to great growth in the software and computer industries. I hope you decide to go forward with the settlement. It is in the best interests of all involved.

Yours truly,

Becky Garrett

cc: Representative Bob Stump

MTC–00028755

From: Bhanu Patel
To: Microsoft ATR
Date: 1/28/02 5:22pm
Subject: microsoft settlement
5201 Meadowview Avenue
North Bergen, NJ 07047
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my interest on the recent antitrust settlement between Microsoft and the US department of Justice. The lawsuit has gone on long enough and should be finalized. All that is happening now is taxpayer dollars are being wasted and other companies are being given the chance to tack on their own lawsuits. Microsoft has done wonderful things for our country including creating jobs, wealth, and making technological breakthroughs.

They shouldn't be forced to disclose interfaces that are internal to Windows operating system products. They have spent huge amounts of money and resources developing these secrets. They should also not be prohibited from entering into agreements that obligate third parties to exclusively distribute Microsoft products. This inhibits their ability to gain market share.

Nevertheless, the settlement should be implemented so that our IT sector can rebound. Our nation needs to pull out of recession and cannot afford to have the government interfering with the most successful businesses. Make the right choice and do what is best for the public. End the dispute.

Sincerely,

MTC–00028756

From: Derik Stenerson
To: Microsoft ATR
Date: 1/28/02 5:23pm
Subject: Microsoft Settlement
January 28, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I would like to voice my position of support for concluding the litigation against Microsoft by approving the proposed settlement with the Justice Department. This case has proved not to be the best use of the government's resources, as the break-up attempt has only led to protracted dispute with no resolution. Consequently, it seems that accepting this current plan would be the best course of action for both sides at this point. The terms will be very favorable to Microsoft's opponents without causing severe disruption to its business model. Computer makers will have more flexibility to choose software programs for the Windows operating system, and even to manage specific features, like the supposedly controversial bundling options. Software developers will have unprecedented access to Windows internal interfaces and server protocols, as well as the ability to license its intellectual property. A non-partisan group of software experts will then monitor the process to ensure ongoing compliance. Based on these actions and measures, it seems that Microsoft is reaching out to the software community in a significant way to allow more competition in the marketplace. It should be in the best interest of all parties to take this opportunity and run with it, rather than delay further the possibility of a mutual solution. I look forward to your finalization of this agreement at your earliest convenience.

Thank you very much.

Sincerely,

Derik Stenerson

7845 235th PL NE

Redmond, WA 98053Get more from the Web. FREE MSN Explorer download : http://explorer.msn.com

MTC–00028758

From: john w orlandella
To: Microsoft ATR
Date: 1/28/02 5:24pm
Subject: Microsoft settlement

I see no reason for the government to continue the case against Microsoft. The only ones who can possibly gain are the attorneys. Please go with the current settlement and lets get this economy going again.

John and Jacqueline Orlandella

Redington Shores, Fl 33708 registered independents

MTC–00028759

From: Dean Royalty
To: Microsoft ATR
Date: 1/28/02 5:25pm
Subject: settlement

To whom it my concern:

It is my opinion that the proposed Microsoft settlement should be finalized as written. We, the public, need this enacted to help our economy to move forward, and help all who access the internet. As a senior,

I say it is now time to settle this matter in this fair and equitable way.

Respectfully, Dean Royalty

CC:Winnie R. Hanna,Shirley M. Trigg,sandra murphy,PAT...

MTC–00028760

From: Linda Jo Hamlin
To: Microsoft ATR
Date: 1/28/02 5:25pm
Subject: Microsoft Settlement

Dear Antitrust Division,

I cannot even guess at what is fair or correct according to the law's eyes to levy upon Microsoft, but I do want to comment regarding this issue. I have always used an apple computer (for many reasons) but I have to use some Microsoft software (Word) to process documents into booklets and layouts. This software often causes crashes as it tries to install over my operating system. The entire screen will freeze and go into a loop. When I reboot my computer, it alerts me that something has tried to rewrite my software. That is just a wrong thing to have happen. It is installed, I bought it, paid Microsoft for it and that should be enough for Microsoft. The rest is nefarious intervention by software written with a company's agenda. Please reprimand this company fittingly. Today the world of competition and deregulation is being swallowed up by profiteering. How can the little guy protect himself from huge, powerful and rich entities if there is no substantial result from proven misdeeds? It must have consequence when actions are done that are not for the good of the economic system we have here in the United States and the consequences should be a deterrent in the future to dissuade others from the same type of actions.

Thank you for your time reading this. I appreciate it.

Sincerely,

Linda Jo Hamlin, one of the little guys.

MTC–00028761

From: Harlan Wilkerson
To: Microsoft ATR
Date: 1/28/02 5:25pm
Subject: Proposed Settlement

I feel that adoption of the proposed settlement is not in the public interest.

The Appeals Court ordered the District Court to craft a remedy that would ''unfetter [the] market from anticompetitive conduct,'' to ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future.''

Windows has gained it's market position not by consumer demand, but by Microsoft's almost total control of production. In the past, Microsoft has used exclusive OEM licensing and —marketing incentives to pass along the so-called ''Microsoft tax'' to every PC consumer. Most of the top 20 OEMs simply don't offer PC systems without the Windows operating system pre-installed. Microsoft has urged (and rewarded) the 0EMs to ''just say no'' to buyers who request a so called ''naked PC'' (a PC with no pre-installed software). This is ironic since the OEM's associated support costs should actually be reduced. The OEMs that do offer alternatives to Microsoft's Windows charge essentially the same price for non-Windows models. This is true even for those with pre-installied versions of absolutely free operating systems e.g. Linux, or the BSDs. These operating systems can be freely downloaded and installed on all of a consumers PCs without any licensing fee whatsoever. Consumers who have opted to install these free operating systems (on their own) are usually frustrated in any attempt to obtain refunds from the OEMs for their unused Windows licenses. This despite provisions for a refund from the OEM that are contained in the Microsoft Windows EULA. It's no accident that consumers can't determine the fair price of a PC under these circumstances. This was highlighted during the trial by a grass roots movement that culminated in a ''Windows Refund Day''. Consumers who purchase Microsoft Windows through an OEM usually have no standing in class action suits brought against Microsoft.

Nothing in the proposed settlement prohibits Microsoft from continuing to offer OEMs existing forms of advertising or marketing incentives (on an equitable basis) to include Windows on every machine, or to decline to sell ''naked PCs''. We currently are in the worst economic recession in at least a decade. It's doubtful that some of todays OEMs will even survive. Nonetheless, many of these same ''equipment manufacturers'' won't sell their equipment at any price without pre-installed software from Microsoft. This is hardly the behavior of an unfettered market.

Microsoft should be required to post the costs of it's OEM products on a public web site, and they should be precluded from offerring any incentives to OEMs to curtail the sales of ''naked PCs''

To paraphrase the Appeals Court by the time this case is resolved the facts will be ancient history, but the effects of the illegal acts will have caused harm nonetheless. The proposed remedy does nothing to ''deny to the defendant the fruits of its statutory violation''. Microsoft staunchly denies any wrong doing in it's public statements, retains billions in capital, and isn't even held liable for the people's costs in prosecuting the case.

In crafting a remedy that terminates the illegal monopoly or eliminates practices likely to result in monopolization in the future it is important that hearings be held to investigate how we got here in the first place. The Federal Trade Commision and DOJ took up Microsoft's trade practices involving OEM per-machine-licensing of MSDOS. During this case a private antitrust suit was brought against Microsoft by Caldera. That suit was settled but provided no relief for the millions of consumers who purchased Digital Research's Disk Operating System. Digital publicly complained that they had sufferred from Microsoft's anticompetitive per-machine-licensing scheme and were wrongly excluded from the Windows 3.1 beta testing program—even though they were participants in beta testing earlier versions of Windows. Digital's Operating system didn't compete with Windows, but did compete with MSDOS. At the time these were seperate Microsoft retail products. The respected magazine and online publication Dr Dobbs Journal revealed that the Windows 3.1 beta contained code that was only useful for detecting Digital Research DOS. This code gave the user error messages or simply halted a users machine whenever Digital Research DOS was detected. Windows version 4 and MSDOS version 7 were eventually bundled into Windows 95 which carried exclusive OEM license agreements that didn't permit OEMs to use or dual boot other operating systems like Digital's DOS. For example, some Hitachi PCs had a hidden copy of the BeOS that consumers could only discover and activate using instructions on Hitachi's web site. Digital, Hitachi and BeOS have since exited the PC OEM and PC Operating system business. For it's part the DOJ has complained publicly that Microsoft violated the first consent agreement. The practice of monopolies denying companies that compete in any software catagory timely access to APIs, and the practice of bundling seperate retail products for anticompetitive reasons, and/or using exclusive licensing agreements to harm competitors is a common and recurring theme. The judge was correct in denying Microsoft's request to limit the scope of the remedies without an evidentiary hearing, and the DOJ was premature in dropping their case in-main on product bundling. Microsoft is engaged in world-wide trade and the DOJ and European antitrust regulators seem uncoordinated and out of step. The European regulators have taken up complaints that Microsoft has withheld access to Windows server software API's that are necessary for interoperability with other network operating systems, and the bundling of Windows Media Player in Windows XP. Microsoft is not so quietly announcing it's plans for a single Internet logon authentication service it's calling ''.NET''.

The stated objective of this initiative is to leverage the Windows monoply in order to create a new (Internet) monopoly. While these practices may or may not be lawful, it's doubtful that all of the practices likely to result in monopolization in the future have been eliminated without a single hearing on the issues here in our courts. Most non-Microsoft operating systems provide a boot manager that allows consumers to use several operating systems. In fact, Microsoft includes a boot manager that allows consumers to use multiple (older) versions of Windows e.g. Windows 2000 and Windows 98. The act of installing a Microsoft operating system doesn't invalidate a consumers licences for a competitors products. Yet installing (or reinstalling) Microsoft Windows will always result in a consumers other operating systems becoming inaccessable. This is anticompetitive behavior. Microsoft should be required to automatically add other operating systems to it's boot manager in the same manner that it adds it's own products.

The DOJ and Microsoft appear to have forgotten that this case is about—Personal Computers— if a consumer shops for a PC, and makes a purchase based on the software selection, it makes no sense to provide Microsoft the arbitrary right within fourteen days to delete icons or programs and substitute their own because they have judged the competitors product lacking in some quality or state they deem essential.

Microsoft has stated that their power to innovate or bundle applications into Windows XP is essential to the economic recovery of the PC industry. The PC OEMs have testified that there is no viable alternative to Windows. In the past year alone private business LANs and Internet companies have suffered billions of dollars in damages caused by trojan or virus programs that specifically targeted Windows PCs. The Executive and Legislative branches of the Federal Government have recognized the Internet as a vital piece of our national and international infrastructure. They have established agencies tasked with it's protection. Indeed one reason for pursuing the proposed settlement after September 11 was ''the national interest''. It's hard to understand why much of Microsoft's ill gotten monopoly shouldn't be considered an essential public facility. Certainly consumers have a right to migrate their own IP out of proprietary Microsoft file formats. Microsoft should be required to publish the file format information needed for other applications to interoperate with files created by MS Office. This is certainly the case with regard to Apple Computer users who have already been threatened with the cancellation of the Apple version of MS Office.

In conclusion, the court combined the individual State and DOJ cases. A settlement that doesn't include half the plantiffs is at best not a settlement.

Sincerely,
Harlan L. Wilkerson
Hutchinson, KS. 67501

MTC–00028762

From: Kevin McCoy
To: Microsoft ATR
Date: 1/28/02 5:25pm
Subject: Microsoft Settlement

I strongly disagree with the proposed settlement. It does not go nearly far enough to restore competition and deny Microsoft the fruits of their illegally obtained market advantage. In particular the Office suite monopoly is devastating to competitors and consumers through lack of choice. I think the

nine states that are still pursuing litigation are much closer to purposing a remedy that is in agreement with the appeals courts findings.

Sincerely,
Kevin D. McCoy
Orem, Utah

MTC–00028763

From: W. Curtiss Priest
To: Microsoft ATR
Date: 1/28/02 5:26pm
Subject: Proposed Microsoft settlement: woefully insufficient

Dear Justice Department,

As a software innovator and holder of several software patents, I have first hand knowledge of how extremely brutal, unfair and bullying Microsoft is to others in the industry. I was involved for five years in negotiation, arbitration and potential legal action against Microsoft which only caused Microsoft to spend incredible resources to deny me and Humanic Systems any just and due compensation for our innovative work.

In my opinion, as President of Humanic Systems, a company that was (above) abused by Microsoft regarding our intellectual property for significant components of Microsoft Outlook, the proposed remedy is extremely inadequate:

1. It does not provide substantial redress for the prior losses caused by MS on others

2. Secrecy provisions undermind the ability to obtain API information and will systematically be used by MS, in my opinion, to continue its monopoly stranglehold

3. There are no structural remedies, and, without those, the ''fascist'' mindset of Ballmer and Gates will continue to dominate the thinking of each and every employee

4. Microsoft's stated opinions about various forms of open software, being a ''cancer'' undermines the ability for consumers to get the maximum benefit for the least cost

This position, alone, demonstrates that they want ''all the marbles'' and it is a ''winner take all'' game

Consider, for example, a PBS documentary about extreme competition as taught within the Gates family as Mr. Gates grew up

This person does not know the word cooperation, and, without extremely directive measures, will never show cooperation to the rest of the software industry that is slowly dying under his ruthless hand.

Very truly yours,
Dr. W. Curtiss Priest
President, Humanic Systems
Director, Center for Information, Technology & Society
Member, American Economics Association
Prior, Principal Research Associate, MIT
Author,—Technological Innovation for a Dynamic Economy—, 1980 (Pergamon Press)
—Risks, Concerns and Social Legislation—, 1988 (Westview Press)
W. Curtiss Priest, Director, CITS
Center for Information, Technology & Society
466 Pleasant St., Melrose, MA 02176
Voice: 781–662–4044 BMSLIB@MIT.EDU
Fax: 781–662–6882 WWW: http://Cybertrails.org

MTC–00028764

From: koufos@pacbell.net@inetgw
To: Microsoft ATR
Date: 1/28/02 5:25pm
Subject: Microsoft Settlement
To: Department of Justice
Re: Microsoft Settlement

Incredibly, the foremost innovative and economy enhancing company of the past fifty years has faced and continues to face an onslaught of legal challenges because of its superior and highly successful business model. This is happening through the combined conspiratorial actions of past federal and present state governments allied with certain business companies, i.e., Sun Microsytems, Oracle, AOL, et al. What these companies could not achieve in the ultimate test—the marketplace—they seek to gain via the use of Machiavellian chicanery and political cronyism; particularly a number of State Attorneys General and the foul, disgraced Clinton Justice Department.

There is no harm here to the American or Foreign consumer. To the contrary, Microsoft has made sense of the Internet and has provided commonality and standardization and thus ease of use to the consumer, not obscurantism and confusion such as that which existed prior to the advent of Microsoft's operating systems.

If there is any illegality being practiced relative to the issues at hand concerning Microsoft, it is the conspiracy of Government operating hand in hand with some of the slimiest, slipperiest billionaire business operatives, and their surrogates, in existence in the world today.

The Government must reward business excellence and innovativeness; Government must recognize and commend those enterprises that enhance economic activity; the Government and the Courts must not penalize achievement and success to satisfy the politically connected obstructionist losers.

MTC–00028765

From: Sam Axton
To: Microsoft ATR
Date: 1/28/02 5:24pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division, U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001

or to whom it may concern,

I am opposed, in principle, to any penalty meted to Microsoft for anti-trust reasons. I use Microsoft products voluntarily which is the only way one can use their products. Any claim to the contrary is simply wrong.

The free market will punish anyone who mistreats their customers. Microsoft has been nothing short of wonderful to the success of my business and personal life. They deserve their success and must be left unhindered to continue their efforts for my best interests. I do not want you to presume to tell me what software configuration I want in my computer nor what any company can bundle to meet my needs. I will decide whether Microsoft or any other company is a success for me or not.

The idea that another company cannot compete with Microsoft is every indication that it does not have what I nor others want. I and every person and/or company must be free to create and sell their property to any other willing person and it is your job to protect that most fundamental right not to undermine and punish it.

Sincerely,
Sam Axton
Reward is commensurate with effort.

MTC–00028766

From: David Rahrer
To: Microsoft ATR
Date: 1/28/02 6:25pm
Subject: Microsoft Settlement

To Whom It May Concern:

It would be difficult in the time I have available to describe the transparent and political nature this case has taken. I will, however, do my best to summarize some of my thoughts for the record, as I believe I represent the majority of working America who simply don't have the time to make their opinions formally known. It is these people who some parties continue to claim have been so desparately harmed by Microsoft. I don't think this is so.

It is clear that MS was extremely aggressive and, in some instances, outside the law in its persuit of the browser market. In the media at the time were boastings by Netscape that they would destroy windows, creating their own desktop environment. They were quite serious and I think MS realized that. I would also like you to recognize that NS browsers were freely downloadable at the time and find it hard to believe that sales to average consumers were a significant source of revenue. It was the corporate sales that drove their engine so please keep in perspective that the majority of consumers were not paying for the endless revisions of the NS Browser, they simply downloaded and installed it.

When MS came out with IE, it was not very good and most people continued using NS, even though IE came with Windows 95. What difference does it make which ''comes with'' the OS. Do the complaintants believe the public is so stupid that they just take what is put before them? It was because IE became so much better than NS that NS failed. They had geared themselves towoard owning the market—their own ''monopoly''—and then beyond to the desktop. It didn't happen, in large part because MS created a much better browser and, forseeing that the Internet would be an extension of the desktop environment, included it as standard equipment with Windows. To this day one can install any browser one chooses—even pay for Opera. Or, one has the choice of using what comes with the Windows OS. Those 12% of users who purchase Apple systems, also have a built-in browser but can install any they like. For those of us that have been using computers for a long time, it is quite obvious that MS has done the unimaginable—converted a world of fragmented systems and hardware to the interchangable, useful, indespensible marvels of today. It had to happen that someone would do this, and I think it is the picture of an American success story that they did. We should not be continually beating on a company that is in reality the crown jewel of

American enterprise. What better example can you offer? And all this because it's fashionable to hate the big guy, and also that some people would rather blame their own business model failures on MS instead of finding ways to innovate.

To be perfectly blunt, as a middleclass, average American, I have been quite disgusted during most of this process. MS doesn't produce tobacco , they aren't the enemy. They deserve to be fined and put on notice about the laws they did in fact violate—not to have a state by state feeding frenzy on the most viable corporation in our country—all fueled by none other than. . . Competitors. It's not moral, should not be legal and the rest of the world is laughing the hidious way we have allowed it to happen.

It is unfortunate, but I believe much of the correspondance you receive will be from those with an axe to grind or who followed the directions on a form letter with hopes of collecting an offered prize. You probably won't hear from the majority, those who are simply working and enjoying the bright, boundless world open to them through the Internet and their computer. Not only would they not be enjoying this as easily or as cheaply if MS had not been sucessful, but they might not be enjoying it at all. These are the people who are collectively thrown around in discussions by politicians and sour CEO's hoping to score points or money by attacking MS while it's fashionable.

I emplore you to settle this trial as swiftly and as close to the current framework as possible. It has run on far too long as it is and we have far, far, more important things to work on. Thank you for your time.

David Rahrer

MTC–00028767

From: bobalexander
To: Microsoft ATR
Date: 1/28/02 5:26pm
Subject: microsoft settlement

please approve settlement as is. it is both fair and reasonable.

MTC–00028768

From: welter@lanset.com@inetgw
To: Microsoft ATR
Date: 1/28/02 5:26pm
Subject: Microsoft action
To: DOJ <microsoft.atr@usdoj.gov>
From: Lee Welter <welter@computer.org>
Subject: Microsoft action
Date: 28 January 2002

Greetings:

Please give the DOJ settlement with Microsoft a chance to work in its current form.

I believe in free-market competition on a level playing field: however, weakening a strong competitor is not a substitute.

Cordially,
Lee

MTC–00028769

From: Alex Lazutin
To: Microsoft ATR
Date: 1/28/02 5:14pm
Subject: USAGLazutin—Paula—1011—0122 (1).doc

25814 S Greencastle Drive
Sun Lakes, AZ 85248–6816
January 24, 2002

Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing in full support of the recent settlement between Microsoft and the US Department of Justice.

Although the lawsuit was lengthy and costly for taxpayers, I am happy that Microsoft will not be broken up. The terms of the settlement seem fair.

Under the terms of the settlement Microsoft has agreed to improve its relations with computer makers and software developers. It has also agreed to design future Windows versions so that competitors can more easily promote their own products. These concessions and more make up the basis for a settlement that is aimed at protecting consumer rights.

While it is not perfect, it is the best thing that could happen. Our nation needs Microsoft back in action and innovating like they have been for over 10 years. Hopefully, your office can overcome any opposition there may be in the federal government to the settlement, and bring a swift end to this already tiresome case. Thank you.

Sincerely,
Paula Lazutin
President of Alco Marketing and Sales
Microsoft shareholder

MTC–00028770

From: Andrew Neely
To: Microsoft ATR
Date: 1/28/02 5:22pm
Subject: Microsoft Settlement

As a longtime computer user, and recent professional who uses both Windows and Macintosh both at work and at home, I feel that without a doubt, Microsoft is a predatory monopoly. I have used many different software products, and it has only been in the last three years or so, during the intense pressure that the DOJ initially brought to bear with it's antitrust lawsuit that I've even seen anything in the way of alternate OS offerings making their way onto store shelves and into OEM computers.

Microsoft has not only dominated the OS market to the detriment of its competition, but to that of its end users as well. That blackhat hackers have been able to repeatedly exploit the same set of vulnerabilities in the close relationship between recent versions of Windows and their mail clients, Outlook and Outlook Express, is inexplicable. Simply changing either piece of software, or both, would close a major security opening in it's products. However, not only has Microsoft failed to address this in a meaningful way, it has managed to avoid all liability to what for all intents and may be thought of as a design flaw. Had a car company's mistakes cost the same amount of lost man hours and money as Microsoft's oversights have, year after year, I doubt that they would even continue to operate as a company, much less as the most powerful one in its industry.

As a United States citizen I ask that my opinion be firmly registered that Microsoft can only be brought to heel as a good corporate citizen by direct oversight and measures designed to cripple the leverage that its Windows brand of operating systems software gives it over competitors. Simply allowing this company to give away so many billion dollars worth of retail software is ineffective. This will not only not cost the company anything like the sticker price of the donations, but in fact allow it to more firmly entrench itself into area it already has inroads into. Monetary damages should be settled in CASH, and the company should be subjected to direct oversight of its activities for at least five years. This seems to be the outside amount of time for it to develop a generation of products all the way across the board, and tying its hands for this length of time will help other companies to get a foothold they badly need to compete.

Sincerely,
Andrew Neely

MTC–00028771

From: RGP9134@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 5:27pm
Subject: (no subject)
Renata B. Hesse
Antitrust Division
U.S.Department of Justice
Washington DC 20530–000i

I'm writing to you in the hope that you will move forward in settling the complaints against Microsoft as the agreement that your office has recommended.

As a faithful taxpayer and retirees, my wife and I rely on the economy being strong. Microsoft is a present and future major player to that end.

Thankyou.
Sincerely,
Ron and MaryLou Pettengill
84 Westover Drive
Webster, NY 14580
CC:fin@mobilizationoffice.com@inetgw

MTC–00028772

From: Gil Friend
To: Microsoft ATR
Date: 1/28/02 5:27pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
United States Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse,

I am writing to comment on the proposed Microsoft/DOJ anti-trust settlement. As a business executive at a company both highly dependent on computing technology and specifically involved in software development, I've come to the conclusion that this settlement is not in the public interest, and fails to remedies the problems that provoked the action in the first place.

The settlement leaves the Microsoft monopoly intact, with numerous opportunities to the company to effectively exempt itself from crucial provisions. The recently proposed ''donation'' to schools is just one example of how Microsoft can turn matters to their own advantage (in this case by decimating Apple's position in the education market).

In addition, the proposed settlement fails to address the critical ''barrier to entry''

problem, enabling Microsoft to maintain an effective ''lock'' on the applications market.

In addition, the proposed settlement fails to address the critical ''applications barrier to entry'' associated with the installed base of 70,000 Windows applications, enabling Microsoft to maintain an effective ''lock'' on the operating systems market by denying competitors with other operating systems the information needed to run these other applications on other operating systems. Any settlement must make it easier—not harder—for competitors to run the Windows applications.

Consumers, not Microsoft, should decide what products are on their computers. The settlement must eliminate Microsoft's various barriers—business and technical—to allowing combinations of non-Microsoft operating systems, applications, and software components to run properly with Microsoft products.

The remedies proposed by the Plaintiff Litigating States are in the public interest and absolutely necessary, but they are not sufficient without these remedies.

The Tunney Act provides for the Court to hold public proceedings, with citizens and consumer groups afforded an equal opportunity to participate, along with Microsoft's competitors and customers. I hope you will encourage those proceedings, and consider carefully how to proceed in this matter. Your decisions have great significance for the health of the US economy's most vital industries, by eliminating Microsoft's ability to illegal constrain markets and innovation.

Thank you for the opportunity to comment on this important matter.

Sincerely yours,
Gil Friend
President & CEO
Natural Logic, Inc.
PO Box 119
Berkeley CA 94701
Natural Logic, Inc.
More value. Less stuff.[tm]
Tel: 1–877–NatLogic
http://www.NatLogic.com

MTC–00028773

From: Bill Foerster
To: Microsoft ATR
Date: 1/28/02 5:31 pm
Subject: Microsoft Settlement

US DOJ:

Attached is a letter expressing my support for the proposed settlement with Microsoft.

Regards,
Bill
William M. Foerster
Foerster Bhupathi International, LLC
8111 Preston Road, Suite 600
Dallas, Texas 75225
1.214.369.3242 (business)
1.214.369.5363 (fax)
1.214.244.9400 (cell)
bill.foerster@fbillc.com
www.fbillc.com
William Foerster
8111 Preston Road
Suite 610
Dallas, TX 75218
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I want to take a moment to express my support for the settlement reached in November between Microsoft and the Department of Justice. I believe the settlement is fair to both sides and represents an opportunity for everyone to move forward.

The terms of the settlement are very strict and mandate a number of concessions from Microsoft. Among the terms of the settlement, Microsoft has agreed to license its Windows operating system products to the twenty largest computer makers on identical terms and conditions, including price.

There should be no question as to Microsoft's compliance with the terms of the settlement. It calls for a technical committee to monitor Microsoft's business practices in the future.

I hope that your continued support for finalizing the settlement will convince those states who are moving forward in their litigation to amend their positions.

It is well past the point for the federal and state governments to focus their resources on more urgent matters, like stimulating our economy.

Sincerely,
William Foerster

MTC–00028774

From: Ernest Kahn
To: Microsoft ATR
Date: 1/28/02 5:29pm
Subject: Microsoft Settlement

BlankTo whom it may concern

In my experience Microsoft has turned out good products a fair prices, It seems that their products where simply better than others and they facilitated communications.

Ernest J. Kahn
Sharon, MA

MTC–00028775

From: Jim
To: Microsoft ATR
Date: 1/28/02 5:29pm
Subject: anti trust

I think America has forgotten that Bill Gates has brought this country to where it is. Any attack against him is from greed and jelousy. He has created more jobs than any one else in the area of free interprise. I personally am ashamed my country would do this to him.

James Payne

MTC–00028776

From: Carola291@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 5:30pm
Subject: Microsoft Settlement

Please see attachment
28 Suncrest Terrace
Oneonta, NY 13820
January 28, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

Today is the last day that I can contact you regarding the finalization of the Microsoft antitrust settlement. I would like to share my view that as the settlement is written, it appears fair to all parties. Apparently, Microsoft has made numerous changes to satisfy this agreement, including agreeing to work with a Technical Committee that will serve as a watchdog of its activities and practices. It seems to me that Microsoft and the government, possibly no lover of the company, have hammered out an agreement that each party can live with. Since this is the case, there should be no reason to alter the agreement...I have become increasingly cynical, believing that additional requirements are wanted by competitors to satisfy their interests, certainly NOT the ''public's''.

My life, and my business'' life, have been improved and made easier by Microsoft. The adage ''crying over sprit milk'' has been a tactic for decades. It is time for competitors to step up their efforts to compete: to innovate, improve and participate in the technology revolution that just won't quit. I also support the philanthropic works of the Gates family and feel certain they will continue to lead the US in discovering and pursuing worthwhile projects, some that the United States has ignored or underfunded for decades. Let Microsoft's competitors follow in its footsteps and show the world that the corporate world can think beyond the ''bottom line'' and lead with generosity. Thank you for calling for comments, and for your attention.

Sincerely,
Carola Lewis

MTC–00028777

From: Edward Becerra
To: Microsoft ATR
Date: 1/28/02 5:40pm
Subject: Microsoft Settlement

I am opposed to tentative settlement of the United States vs. Microsoft antitrust lawsuit.

Edward Becerra
Haxtun, Colorado 80731

MTC–00028778

From: DSchen2835@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 5:31pm
Subject: Microsoft Settlement

Dear Attorney General John Ashcroft;

Now is the time to drop the charges against Microsoft and get on with the real business at hand, the Enron mess!! Microsoft has not caused thousands of people to loose their jobs, caused millions of people to loose much of their life savings, and to be so closely tied to the Bush administration, that it causes concern among voters. Microsoft is just doing a better job than the rest and should be allowed to continue it's leadership role. We all benefit from their expertice.

Dale Schendel,
Bloomington, Mn

MTC–00028779

From: WWPEARL@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 5:32pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
US Dept. of Justice (Legal)

The settlement is more then generous. I do not, and did not agree with the government

action. It is not the justice departments job to aid and abet competitors who cannot make it on their own.

As an example, I cannot buy a Chrysler auto frame, and a General Motors Body and a Ford Transmission, yet that is what you have asked Microsoft to do with it's software. To force a company to design product so that others made add on to it is nut justice. It maybe legal, but not justice. Were we the public to start to buy all Fords, would you take action against Ford to force them to redesign there product so that Chrysler can put its motor in? I think not.

ACCEPT THE SETTLEMENT AND GET OUT OF THE CASE NOW.

CC:fin@mobilizationoffice.com@inetgw

MTC–00028780

From: Trstuelp@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 5:32pm
Subject: Microsoft settlement

I am responding to the U.S. goverment's challenge to Microsoft regarding their conduct in the competitive marketplace. I am speaking from the position of a retired CEO for one of Howard Hughes'' companies.

I see a great parallel between the Microsoft case and the lawsuit against Hughes by TWA. After years of legal actions it finally reached the Supreme Court. In short order it was thrown out. Hughes won. The reason was logic. Hughes owned 70 percent of the TWA stock when he was challenged with mismanagement! The Supreme Court recognized the obvious. He had the legal right to make the decisions involved.

The Microsoft case is different in detail, but identical in concept. The actions each were (are) are charged with represent normal, legal and proper competitive practice. Both Hughes and Microsoft had the right to optimize their hard won positions just as every other company does in the worldwide marketplace. A point missed by the Monday morning, arm-chair critics is that competition is based on survival. The professional football team doesn't let up on the opposing team because it might lose the game in the process. The competitors in the Microsoft case know this is the way competition works. They operate this way too! In fact their present legal action is just another weapon they chose to use. And the state attourney generals who are fighting Microsoft see profit for their state or political advantage.

My plea is not to let them get away with it!! There is no end to this sort of challenge to the healthy capitalist system where innovation is the engine. My suggestion is to review the TWA versus Hughes Tool Company decision by the

U.S. Supreme Court as a reference.

Tom Stuelpnagel
Stuelp@AOL.com
(805) 595 2771

MTC–00028781

From: Stan Smith
To: Microsoft ATR
Date: 1/28/02 5:30pm
Subject: Microsoft Settlement
To: Department of Justice
From: Stanford L. Smith (User of Windows)

Please do whatever you can to bring this whole Microsoft action to a close. It appears that the only thing keeping it going is the strong ''Litigation and Lobby'' being financed by Microsoft competitors who are able to keep the pressure on the nine states that won't buy in to your settlement. At least the DOJ settlement seems to have us (consumers) in mind rather than the welfare of the Microsoft competitors.

The sooner we can get back to letting these companies spend their money on R & D rather than lawyers, the better off we will all be.

Thanks for listening.

MTC–00028782

From: Timothy Buckley
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/28/02 5:32pm
Subject: Microsoft Settlement

I believe this case is a deliberate attempt by companies such as Netscape to use legal methods to help level the playing field instead of innovating and creating a better product. I urge the court to accept the proposed remedies, and let this case be done and over with. Any further remedies will only serve to help Microsoft's competitors, not Microsoft's consumers.

Thank you,
Tim Buckley
Lead Credit Coordinator
(425) 889–3930

MTC–00028783

From: Allan Engle/wellness/stusvc/Okstate
To: Microsoft ATR
Date: 1/28/02 5:34pm
Subject: Microsoft Settlement

To whom it may concern:

In regard to Microsoft's long history of noncompliance, and their more recent delay and defer strategies, I would strongly urge that you scrap the proposed settlement in favor of a penalty that is more self-enforcing. Breakup of the company would meet this criteria. If you give them the leeway contained in the proposed settlement, they will attempt to circumvent it at every opportunity.

Sincerely,
Allan Engle
Allan Engle, Ph.D.
Certified Novell Administrator
Oklahoma State University
Seretean Wellness Center
405–744–6838

MTC–00028784

From: Ruffin Bailey
To: Microsoft ATR
Date: 1/28/02 5:34pm
Subject: Microsoft Settlement

Under the Tunney Act, I would like to comment on the proposed Microsoft settlement.

I find the punishments levied for a company that ?engaged in a variety of exclusionary acts designed to protect its operating system monopoly? are wholly inadequate, amounting to little more than a slap on the wrist. I would like the settlement to have more teeth that would serve to officially level the playing field in the personal computer operating system market without hurting the people at Microsoft that have put in countless hours to create what is a useful product. Splitting Microsoft into a number of companies that all have rights to sell and develop newly forked versions of the operating system would be a great first step. But if this cannot be accomplished, there are still several things that the Department of Justice can do to help with the state of Microsoft's monopoly.

There should be no monetary penalties from Microsoft for original equipment manufacturers (OEMs) that sell computers bundled with Microsoft's operating systems for the inclusion of any software, whether Sun's Java Virtual Machine, Netscape/AOL's Netscape browser, free alternatives to Microsoft Office, or the ability to ?dual-boot? into other alternative operating systems preinstalled on the machine, like Linux or FreeBSD. For every pre-packaged solution offered by Microsoft, whether its Internet Explorer, MediaPlayer, or what-have-you, there should be another, out of the box alternative for computer users ready for use like Mozilla or Real's

RealPlayer or Apple's QuickTime. These should not be secondary products, but true alternatives that users can choose upon first booting their new computers, and should also be alternatives that can be accessed at a future date.

Simply put, not enough has been done to level the playing field. Microsoft's aggressive tendencies can be counterbalanced by providing a level playing field for OEM's to sell their hardware of choice with software of choice without punishing those who have put in hard work at Microsoft unduly as well.

Please reconsider your original, relatively light sentencing.

Wm. Ruffin Bailey
Turben Place
Mount Pleasant, SC 29466

MTC–00028785

From: Michael Crozier
To: Microsoft ATR
Date: 1/28/02 5:33pm
Subject: Comments on the PFJ for USA vs MS

I am fully in agreement to the criticisms of the PFJ that Dan Kegal has collected at http://www.kegel.com/remedy/remedy2.html.

In particular, I am concerned with the licencing practices that Microsoft uses with OEM's and end user software.

Michael Crozier
834 NE Shaver ST
Portland OR 97212

MTC–00028786

From: Vicky Francis
To: Microsoft ATR
Date: 1/28/02 5:37pm
Subject: Microsoft Settlement

January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am in favor of the settlement of the Microsoft antitrust case. In a perfect world, I would like to see the case dropped in its entirety.

However, I recognize that the likelihood of this happening is slim, so I support the steps Microsoft is taking to bring this case to a conclusion. The terms of the settlement

agreement are more than fair. In fact, I think they are entirely too harsh. For example, Microsoft has agreed to the creation of a technical oversight committee that will monitor the way they conduct their business. In our free enterprise system, this seems especially restrictive. They have also agreed to not retaliate against those who compete against them, or those who promote Microsoft's competitors. Our free market does not appear to be so free after all.

While I think the agreement really goes much farther than it should, I fully support Microsoft's decision to do what is best for consumers, the economy, and the IT industry as a whole—and that is to move on.

Thank you.

Sincerely,

Vicky Francis

MTC–00028787

From: Morton M Vogel
To: Microsoft ATR
Date: 1/28/02 5:37pm
Subject: microsoft settlement

It is time to bring the above matter to finalization. The time, effort and money being expended on this extended litagation is wrong. At this time we should be expending our efforts to enhance and develope the best in the computer world, both hardware and sfotware and not be bogged down in non productive situations. Reach a settlement now, so that we can all move forward. Litigation does not produce progress- only additional income for the legal profession.

Morton M. Vogel
e-mail Mortlee@ Juno.com
CC:fin@mobilizationoffice.com@inetgw

MTC–00028788

From: pour@mieterra.com@inetgw
To: Microsoft ATR
Date: 1/28/02 5:37pm
Subject: Microsoft Settlement

Please find attached the objections to the settlement proposal. The original format is .sxw (OpenOffice), and I apologize in advance for any problems in converting it to MS Word, RTF and HTML formats, which I also attach. I will fax a copy in short order so you may see the original.

Unfortunately some time commitments have prevented me from fully addressing all the issues. Within the next week or two a more complete draft will be available. I pray you will still consider it that time- given the utmost importance of this settlement on the future of our society and the freedoms which we enjoy.

Best regards,
Andreas Pour
Chairman
KDE League, Inc.

Antitrust Division U.S. Department of Justice
601 D Street NW Suite 1200
Washington, DC 20530–0001
The Honorable Colleen Kollar-Kotelly
United States District Court for the District of Columbia
333 Constitution Avenue, NW
Washington, DC 20001
Re: US v. Microsoft, Civil Action No. 98–1232: Revised Proposed Final Judgment

The Honorable Judge Kollar-Kotelly and the US Department of Justice: Please find attached the firm objections of the KDE League, Inc. to the above- referenced proposed final judgment (the ''Proposal''). The KDE League is a group of industry leaders and KDE developers focused on facilitating the promotion, distribution, and development of KDE. KDE is a contemporary, free ''Open Source'' desktop environment.

In many ways, KDE is the functional equivalent of Windows. It consists of a modern, elegant, intuitive desktop environment, including a modern browser, accompanied by a host of easy-to-use and easy-to-learn applications, including the productivity/office suite KOffice. In addition, KDE provides a broad array of intuitive graphical configuration tools. In fact, APPS.KDE.com (a KDE/Qt application website) lists over 1,250 publicly-available KDE applications (it should be noted that someone using KDE can also run a number of non-KDE applications, such as GNOME, Motif, wxWindows, X, etc. applications).

The comprehensive set of tools available to KDE users combine to make system administration substantially easier than the standard command-line-driven UNIX/Linux administration, and hence make Linux and other UNIXes more competitive with Microsoft not only in the desktop markets but also in the server operating system markets.

While KDE is most commonly used in conjunction with Linux, it is extremely portable and versatile, and does not depend on any particular operating system. For example, it also runs successfully on many other systems (such as Sun's Solaris, Compaq's Tru64, IBM's AIX, HP's HP-UX, and other UNIXes).

Moreover, since KDE is based on an outstanding graphical toolkit called Qt, and since Qt is also available for Windows, the new Mac OS X, as well as embedded devices (such as Sharp's new Zaurus), KDE has the potential to become a familiar environment deployed in a broad array of heterogeneous environments.

As you are undoubtedly aware, Microsoft has often been noted, during the trial and particularly in recent months, as viewing Open Source as the only significant challenge to its reign. So far, Open Source—particularly Linux—has been largely limited to server systems. But in recent months the defendant has been paying increasing attention to KDE, and at this juncture KDE is the major direct competitor with Microsoft Windows desktop operating system products and Microsoft middleware and productivity applications and, through its capacity to simplify installation, usage and administration, a major indirect competitor with the defendant in the server operating system market.

In recognition of the strength and power of KDE as a desktop environment, an ever-growing body of companies and governments have started the switch to KDE, including the Korean government, which is migrating 120,000 office workers to KDE from Windows, and other companies and governments are seriously contemplating the switch, including the government of Germany. Due to its maturity, low cost, features and active developer community, as well as due to the freedoms KDE grants its users, KDE constitutes the most viable competitor to Microsoft Windows in the desktop operating system market and the strongest factor in the expansion of UNIX-based operating systems in the server market.

The defendant has now clearly observed that in fact KDE is ready and able to expand the role of Open Source as well as proprietary UNIXes on the office, school and home desktop, as well as on TV settop boxes, webpads, handheld- devices and other computing platforms.

The KDE League strongly feels that the proposed settlement does not adequately protect KDE from the defendant's monopoly power, and hence leaves the defendant free to attempt to crush its strongest potential competitor in an anticompetitive manner. In fact, we anticipate that if the Proposal is approved, the defendant may feel even less tethered than it has during the course of this seven-plus-year proceeding to use unlawful practices to attempt to derail KDE from widespread acceptance. The fact that the government has refused my requests for meetings to discuss how the Proposal might be reworded to provide some comfort that the defendant will be unable to use unlawful practices to crushing its strongest competitor adds little solace to a weakly-worded document.

At this juncture I would like to disclose that, from the time of commencement of this case until approximately June 1999, I was employed as an attorney by counsel for the defendant in this matter. However, I was exclusively involved in representing other clients in unrelated matters. I never performed any legal services for the defendant, nor was ! ever exposed to any non-public information about the defendant, whether relating to this litigation or otherwise.

I would also like to point out that the views and opinions in this memorandum express the views of the KDE League, and may not necessarily express the views of its members.

Best regards,
Andreas Pour
Chairman
KDE League, Inc.

Introduction

The KDE League opposes the above-referenced proposed final judgment (the ''Proposal''). Specifically, the Proposal lacks adequate enforcement provisions, is too limited in scope, and fails to address issues of restitution. Our objections will focus on the specific problems faced by an Open Source project such as KDE/Linux, though many will apply more broadly as well.

In conducting its review, the Court should bear in mind the applicable provisions of 15 U.S.C. Sec. 16(e):

(e) Public interest determination

Before entering any consent judgment proposed by the United States under this section, the court shall determine that the entry of such judgment is in the public interest. For the purpose of such determination, the court may consider—

(1) the competitive impact of such judgment, including termination of alleged violations, provisions for enforcement and modification, duration or relief sought, anticipated effects of alternative remedies

actually considered, and any other considerations bearing upon the adequacy of such judgment;

(2) the impact of entry of such judgment upon the public generally and individuals alleging specific injury from the violations set forth in the complaint including consideration of the public benefit, if any, to be derived from a determination of the issues at trial.

As the Supreme Court wrote in U.S. v. Grinnell Corp., 384 U.S. 563 (1966): We start from the premise that adequate relief in a monopolization case should put an end to the combination and deprive the defendants of any of the benefits of the illegal conduct, and break up or render impotent the monopoly power found to be in violation of the Act. That is the teaching of our cases, notably Schine Theatres v. United States, 334 U.S. 110, 128 -129.

As a result of its limited, if not negligible, scope, the absence of any enforcement provisions for private litigants who have shouldered the expense of the trial already and who have been financially injured by the defendant, and the absence of any restitution to the victims of the defendants'' unlawful conduct, the Proposal is at best palpably without, if not directly against, the public interest. As has been said by industry analyst Robert X. Cringely, ''If this deal goes through as it is written, Microsoft will emerge from the case not just unscathed, but stronger than before''.

Unenforceable.

The Proposal makes enforcement of its minimal restrictions by parties actually harmed by the defendant's violation of its provisions practically impossible. In particular, should the defendant use unlawful and anti-competitive practices against KDE, neither the KDE developers nor the KDE League will be likely to obtain redress for such violations. This failure may ultimately deny consumers the choice to forgo the use of some or all of defendants'' products.

To ensure private litigants, who, as the courts so far have agreed, have been financially injured by the defendant, have a remedy for the defendant's unlawful conduct, and so that the defendant's competitors, such as KDE, can have the hope to obtain justice should the defendant continues its pattern of unlawful practices, the Government should require that Microsoft admit to its standing as a monopolist and the violations of the Sherman Act affirmed by the court of appeals, together with any additional violations this Court may find upon remand of, and consistent with, the appellate court's order.

[pour [1]]

The proposed remedies are inadequate for private litigants for the following reasons. First, the Final Judgment provides that it ''does not constitute any admission by any party regarding any issue of fact or law''.[2] The clearest implication of this provision is that the defendant is not legally determined to be a ''monopoly'' in this case for purposes of res judicata or collateral estoppel. Microsoft has proven in this case that, for all practical resources, it has infinite resources, time, tenacity and patience to fight any potential litigants. In fact, recent SEC filings indicate that the defendant is sitting on a $36 billion cash horde. Even the government, with all its resource, has fought for almost seven- and-a-half years, only to end up with a Proposal which only the defendant's stockholders could cheer about. How is a free, open project like KDE to obtain redress against such a tenacious and resourceful opponent?

Though the conclusion was obvious to all judges engaged in this matter, both at trial and on appeal, the fact is that virtually no private plaintiff will be able to afford to prove that Microsoft is a monopoly, a necessary first step in obtaining relief against the defendant should it continue to abuse its monopoly position

Second, the enforcement provisions of the Proposal are weak enough to amount to nothing but a ruse. For example, the ''Technical Committee'' which is charged with the duty to ''assist in enforcement of and compliance with th[e] Final'' Judgment, are (1) picked by MS (though one is picked by MS and one by Justice and the third by the first two, in light of how this Proposal signals the government'' practical abandonment of prosecution of this matter, and in light of the defendant's tenacity, it is likely in our opinion that the third person will favor the defendant); (2) sworn to secrecy; (3) paid by MS; (4) required to work on MS's ''campus''; and (5) unable to speak with any MS employee without an MS lawyer present. See Proposal, Section IV.B. The Proposal reads in relevant part:

B. Appointment of a Technical Committee

1. Within 30 days of entry of this Final Judgment, the parties shall create and recommend to the Court for its appointment a three-person Technical Committee (''TC'') to assist in enforcement of and compliance with this Final Judgment.

2. The TC members shall be experts in software design and programming. No TC member shall have a conflict of interest that could prevent him or her from performing his or her duties under this Final Judgment in a fair and unbiased manner. Without limitation to the foregoing, no TC member (absent the agreement of both parties):

a. shall have been employed in any capacity by Microsoft or any competitor to Microsoft within the past year, nor shall she or he be so employed during his or her term on the TC;

b. shall have been retained as a consulting or testifying expert by any person in this action or in any other action adverse to or on behalf of Microsoft; or

c. shall perform any other work for Microsoft or any competitor of Microsoft for two years after the expiration of the term of his or her service on the TC.

3. Within 7 days of entry of this Final Judgment, the Plaintiffs as a group and Microsoft shall each select one member of the TC, and those two members shall then select the third member. The selection and approval process shall proceed as follows.

a. As soon as practicable after submission of this Final Judgment to the Court, the Plaintiffs as a group and Microsoft shall each identify to the other the individual it proposes to select as its designee to the TC. The Plaintiffs and Microsoft shall not object to each other's selection on any ground other than failure to satisfy the requirements of Section IV.B.2 above. Any such objection shall be made within ten business days of the receipt of notification of selection.

b. The Plaintiffs shall apply to the Court for appointment of the persons selected by the Plaintiffs and Microsoft pursuant to Section IV.B.3.a above. Any objections to the eligibility of a selected person that the parties have failed to resolve between themselves shall be decided by the Court based solely on the requirements stated in Section IV.B.2 above.

c. As soon as practical after their appointment by the Court, the two members of the TC selected by the Plaintiffs and Microsoft (the ''Standing Committee Members'') shall identify to the Plaintiffs and Microsoft the person that they in turn propose to select as the third member of the TC. The Plaintiffs and Microsoft shall not object to this selection on any grounds other than failure to satisfy the requirements of Section IV.B.2 above. Any such objection shall be made within ten business days of the receipt of notification of the selection and shall be served on the other party as well as on the Standing Committee Members.

d. The Plaintiffs shall apply to the Court for appointment of the person selected by the Standing Committee Members. If the Standing Committee Members cannot agree on a third member of the TC, the third member shall be appointed by the Court. Any objection by Microsoft or the Plaintiffs to the eligibility of the person selected by the Standing Committee Members which the parties have failed to resolve among themselves shall also be decided by the Court based on the requirements stated in Section W.B.2 above.

4. Each TC member shall serve for an initial term of 30 months. At the end of a TC member's initial 30-month term, the party that originally selected him or her may, in its sole discretion, either request re-appointment by the Court to a second 30-month term or replace the TC member in the same manner as provided for in Section IV.B.3.a above. In the case of the third member of the TC, that member shall be re-appointed or replaced in the manner provided in Section W.B.3.c above.

5. If the United States determines that a member of the TC has failed to act diligently and consistently with the purposes of this Final Judgment, or if a member of the TC resigns, or for any other reason ceases to serve in his or her capacity as a member of the TC, the person or persons that originally selected the TC member shall select a

[1] See Robert X. Cringely, He's Not in It for the Profit (Dec. 6, 2001, PBS Presents).

[2] See Proposal, Preamble. The Proposal reads in relevant part: AND WHEREAS, this Final Judgment does not constitute any admission by any party regarding any issue of fact or law; and thwart competition in its markets. The Government, having fought its battle in what in technological terms is a generation, cannot really take seriously its reference to remedies under Section 4 of the Clayton Act in Article VI of its Competitive Impact Statement (doc. 9549).

replacement member in the same manner as provided for in Section IV.B.3.

6. Promptly after appointment of the TC by the Court, the United States shall enter into a Technical Committee services agreement (''TC Services Agreement'') with each TC member that grants the rights, powers and authorities necessary to permit the TC to perform its duties under this Final Judgment. Microsoft shall indemnify each TC member and hold him or her harmless against any losses, claims, damages, liabilities or expenses arising out of, or in connection with, the performance of the TC's duties, except to the extent that such liabilities, losses, damages, claims, or expenses result from misfeasance, gross negligence, willful or wanton acts, or bad faith by the TC member. The TC Services Agreements shall include the following.

a. The TC members shall serve, without bond or other security, at the cost and expense of Microsoft on such terms and conditions as the Plaintiffs approve, including the payment of reasonable fees and expenses.

b. The TC Services Agreement shall provide that each member of the TC shall comply with the limitations provided for in Section IV.B.2 above.

7. Microsoft shall provide the TC with a permanent office, telephone, and other office support facilities at Microsoft's corporate campus in Redmond, Washington. Microsoft shall also, upon reasonable advance notice from the TC, provide the TC with reasonable access to available office space, telephone, and other office support facilities at any other Microsoft facility identified by the TC.

8. The TC shall have the following powers and duties:

a. The TC shall have the power and authority to monitor Microsoft's compliance with its obligations under this final judgment.

b. The TC may, on reasonable notice to Microsoft:

i. interview, either informally or on the record, any Microsoft personnel, who may have counsel present; any such interview to be subject to the reasonable convenience of such personnel and without restraint or interference by Microsoft;

ii. inspect and copy any document in the possession, custody or control of Microsoft personnel;

iii.. obtain reasonable access to any systems or equipment to which Microsoft personnel have access;

iv. obtain access to, and inspect, any physical facility, building or other premises to which Microsoft personnel have access; and

v. require Microsoft personnel to provide compilations of documents, data and other information, and to submit reports to the TC containing such material, in such form as the TC may reasonably direct.

c. The TC shall have access to Microsoft's source code, subject to the terms of Microsoft's standard source code Confidentiality Agreement, as approved by the Plaintiffs and to be agreed to by the TC members pursuant to Section IV.B.9 below, and by any staff or consultants who may have access to the source code. The TC may study, interrogate and interact with the source code in order to perform its functions and duties, including the handling of complaints and other inquiries from non-parties.

d. The TC shall receive complaints from the Compliance Officer, third parties or the Plaintiffs and handle them in the manner specified in Section IV.D below.

e. The TC shall report in writing to the Plaintiffs every six months until expiration of this Final Judgment the actions it has undertaken in performing its duties pursuant to this Final Judgment, including the identification of each business practice reviewed and any recommendations made by the TC.

f. Regardless of when reports are due, when the TC has reason to believe that there may have been a failure by Microsoft to comply with any term of this Final Judgment, the TC shall immediately notify the Plaintiffs in writing setting forth the relevant details.

g. TC members may communicate with non-parties about how their complaints or inquiries might be resolved with Microsoft, so long as the confidentiality of information obtained from Microsoft is maintained.

h. The TC may hire at the cost and expense of Microsoft, with prior notice to Microsoft and subject to approval by the Plaintiffs, such staff or consultants (all of whom must meet the qualifications of Section IV.B.2) as are reasonably necessary for the TC to carry out its duties and responsibilities under this Final Judgment. The compensation of any person retained by the TC shall be based on reasonable and customary terms commensurate with the individual's experience and responsibilities.

i. The TC shall account for all reasonable expenses incurred, including agreed upon fees for the TC members'' services, subject to the approval of the Plaintiffs. Microsoft may, on application to the Court, object to the reasonableness of any such fees or other expenses. On any such application: a) the burden shall be on Microsoft to demonstrate unreasonableness; and (b) the TC member(s) shall be entitled to recover all costs incurred on such application (including reasonable attorneys'' fees and costs), regardless of the Court's disposition of such application, unless the Court shall expressly find that the TC's opposition to the application was without substantial justification.

9. Each TC member, and any consultants or staff hired by the TC, shall sign a confidentiality agreement prohibiting disclosure of any information obtained in the course of performing his or her duties as a member of the TC or as a person assisting the TC to anyone other than Microsoft, the Plaintiffs, or the Court. All information gathered by the TC in connection with this Final Judgment and any report and recommendations prepared by the TC shall be treated as Highly Confidential under the Protective Order in this case, and shall not be disclosed to any person other than Microsoft and the Plaintiffs except as allowed by the Protective Order entered in the Action or by further order of this Court.

10. No member of the TC shall make any public statements relating to the TC's activities.

Appointment of a Microsoft Internal Compliance Officer

1. Microsoft shall designate, within 30 days of entry of this Final Judgment, an internal Compliance Officer who shall be an employee of Microsoft with responsibility for administering Microsoft's antitrust compliance program and helping to ensure compliance with this Final Judgment.

2. The Compliance Officer shall supervise the review of Microsoft's activities to ensure that they comply with this Final Judgment. He or she may be assisted by other employees of Microsoft.

3. The Compliance Officer shall be responsible for performing the following activities:

a. within 30 days after entry of this Final Judgment, distributing a copy of the Final Judgment to all officers and directors of Microsoft;

b. promptly distributing a copy of this Final Judgment to any person who succeeds to a position described in Section IV.C.3.a above;

c. ensuring that those persons designated in Section W.C.3.a above are annually briefed on the meaning and requirements of this Final Judgment and the U.S. antitrust laws and advising them that Microsoft's legal advisors are available to confer with them regarding any question concerning compliance with this Final Judgment or under the U.S. antitrust laws;

d. obtaining from each person designated in Section IV.C.3.a above an annual written certification that he or she: (i) has read and agrees to abide by the terms of this Final Judgment; and (ii) has been advised and understands that his or her failure to comply with this Final Judgment may result in a finding of contempt of court;

e. maintaining a record of all persons to whom a copy of this Final Judgment has been distributed and from whom the certification described in Section IV.C.3.d above has been obtained;

f. establishing and maintaining the website provided for in Section IV.D.3.b below.

g. receiving complaints from third parties, the TC and the Plaintiffs concerning Microsoft's compliance with this Final Judgment and following the appropriate procedures set forth in Section IV.D below; and

h. maintaining a record of all complaints received and action taken by Microsoft with respect to each such complaint.

Voluntary Dispute Resolution

1. Third parties may submit complaints concerning Microsoft's compliance with this Final Judgment to the Plaintiffs, the TC or the Compliance Officer.

2. In order to enhance the ability of the Plaintiffs to enforce compliance with this Final Judgment, and to advance the parties'' joint interest and the public interest in prompt resolution of issues and disputes, the parties have agreed that the TC and the Compliance Officer shall have the following additional responsibilities.

3. Submissions to the Compliance Officer.

a. Third parties, the TC, or the Plaintiffs in their discretion may

Third, making matters worse are the Proposal's ''No Third Party Rights''

provisions.[4] The absence of third party rights is, in fact, explicitly stated twice in the Proposal: first in Section III.I (last paragraph) and again in Section VIII). Thus if a private party has been harmed by the defendant's violation of the Final Judgment, that person's sole recourse is to approach the Justice Department or a State to request enforcement of the Proposal. Given the fact that the Justice Department has not even responded to the KDE League's request for a hearing regarding the settlement, it seems that the likelihood that the Justice Department acting on behalf of any Open Source project or other small company is marginal at best. In addition, many Open Source developers live in other countries, making it extremely difficult for them to obtain any redress through the courts. (Here it is important to bear in mind that while these developers live in other countries, their software is freely available to American consumers, and hence submit to the Compliance Officer any complaints concerning Microsoft's compliance with this Final Judgment. Without in any way limiting its authority to take any other action to enforce this Final Judgment, the Plaintiffs may submit complaints related to Sections III.C, III.D, III.E and III.H to the Compliance Officer whenever doing so would be consistent with the public interest.

b. To facilitate the communication of complaints and inquiries by third parties, the Compliance Officer shall place on Microsoft's Internet website, in a manner acceptable to the Plaintiffs, the procedures for submitting complaints. To encourage whenever possible the informal resolution of complaints and inquiries, the website shall provide a mechanism for communicating complaints and inquiries to the Compliance Officer.

c. Microsoft shall have 30 days after receiving a complaint to attempt to resolve it or reject it, and will then promptly advise the TC of the nature of the complaint and its disposition.

4. Submissions to the TC.

a. The Compliance Officer, third parties or the Plaintiffs in their discretion may submit to the TC any complaints concerning Microsoft's compliance with this Final Judgment.

b. The TC shall investigate complaints received and will consult with the Plaintiffs regarding its investigation. At least once during its investigation, and more often when it may help resolve complaints informally, the TC shall meet with the Compliance Officer to allow Microsoft to respond to the substance of the complaint and to determine whether the complaint can be resolved without further proceedings.

c. If the TC concludes that a complaint is meritorious, it shall advise Microsoft and the Plaintiffs of its conclusion and its proposal for cure.

d. No work product, findings or recommendations by the TC may be admitted in any enforcement proceeding before the Court for any purpose, and no member of the TC shall testify by deposition, in court or before any other tribunal regarding any matter related to this Final Judgment.

e. The TC may preserve the anonymity of any third party complainant where it deems it appropriate to do so upon the request of the Plaintiffs or the third party, or in its discretion. any harm visited upon these international developers results in direct harm to the American consumers which the Antitrust Laws are designed to protect.) This limitation should be particularly borne in mind when reading the entire Proposal, such as the supposed ''abandonment'' of certain trademark rights in Section VI.T.

Fourth, the term of the agreement is extremely short—only five years.[5] Even if the government proves to the court ''a pattern of willful and systematic violations'', the Proposal may only be extended once for a maximum of two years.[6] Thus, given the defendant's dilatory legal maneuverings, it is easily possible that the defendant can blatantly violate the Proposal from the get-go and have the Proposal expire before proceedings can adjudge it guilty of any violations.

Of course there is also a ''Voluntary Dispute Resolution'' provision, where essentially a victim of the defendant's monopoly abuses would have the opportunity to submit a grievance through a web form.[7] Insofar as the defendant adamantly denies any wrongdoing in the face of a lawsuit by the federal government and numerous States, and in the face of every judge to have reviewed the matter and disagreed with them, it strikes us as extremely unlikely that any aggrieved party would obtain resolution using this method. Under the Proposal, the defendant then has 30 days to decide, in effect, to ignore the request (it is possible the defendant might redress a grievance, of course, but since the defendant continues to assert it is not a monopoly and not guilty of any wrongdoing, it is totally unreasonable for the government to rely on this in its evaluation of the Proposal).[8]

Alternatively, a complaint may be submitted to the Technical Committee, which in turn may review a complaint (it is notable in this regard that though the Proposal speaks of ''shall investigate'', as there are no third party rights under the Proposal, a third party has no remedy in the event the Technical Committee fails to take such action).[9] In the event the Technical Committee agrees with the person filing a grievance, that person is barred from every presenting any evidence in court about the findings of the Technical Committee.[10] In the final analysis this situation probably does not have a great practical effect, as the person filing the grievance does not have any rights under the Proposal anyway.

However, it does highlight in how many ways the defendant has been able to insulate itself from any responsibility for actual wrongdoing it engages in, and how the Technical Committee is a veritable mirage with respect to any party having a legitimate grievance against the defendant. OS Only The restrictions imposed on the defendant in the Proposal are inadequate to prevent the defendant from further engaging in reasonably predictable unlawful behavior. Moreover, the restrictions are inadequate to protect our democracy from the overconcentration of power left in the defendant's hands. The restrictions of the Proposal have the following principal shortcomings:

First, Microsoft's office, multimedia, Internet and other products, although many of which from all appearances each constitutes a monopoly onto themselves, are not even addressed by the Proposal. Instead, only the ''OS'' is covered. Viewed in light of the defendant's .NET strategy for the future, this limitation all but renders the Proposal's prohibitions vacuous.

Although it is a fact proven in this case that the defendant used its OS as a basis to abuse its monopoly position and compete unfairly, the essence of the violations related to the incorporation by the defendant of additional technologies into its ''OS''. This inclusion repeatedly encompassed items, such as a browser or multimedia player that, in reality, do not form part of the OS but rather are separate applications as they do not have any responsibility for allocating limited resources, such as memory, disk space, screen space, etc., among competing applications, but rather themselves are applications competing for these limited resources).

Under the Proposal, the OS is, at least to some minimal extent (presumably far less than the defendant could have hoped when it formulated its current NET strategy), subject to restrictions. Accordingly, one can reasonably anticipate that the defendant's new strategy will be to extract functionality from the OS. Instead, these applications could be provided separately, either as ''free'' downloads from the Internet (of course if, as may be expected, they won't work without the defendant's OS they are not ''free'') or as network services provided over the Internet or a local network, providing a credible justification for reclassifying as an application what was before (at least according to the defendant) part of the OS.

Specifically, the defendant has ''bet the company'' on its .NET platform. The .NET strategy means any device which has one application (for simplicity, something equivalent to Java) can access a great multitude of services, whether provided by MS or its allies. The OS itself can be restored to what traditionally has been considered an OS, to wit, a system for allocating shared resources (such as access to memory, disk space, the screen, etc.) amongst competing applications, such as multimedia players, browsers, etc., rather that artificially defined to include those applications itself. Such an approach can be seen with some of the defendant's recent home products.

In other words, the last decade has witnessed MS simply ''integrating'' applications into the OS to ensure control over more applications and expand its OS monopoly (for example, when MS integrated its Internet browser into the OS, Netscape's Navigator was doomed). With the OS under

[4] See Proposal, Section III.I (last paragraph) and Section VIII.

[5] See Proposal, Section V.A.

[6] See Proposal, Section V.B.

[7] See Proposal, Section IV.D.

[8] See Proposal, Section W.D(3).

[9] See Proposal, Section W.D(4).

[10] See Proposal, Section IV.D(4)(d).

attack and possibly subject to regulation, the defendant has begun taking the direct opposite tack, undermining the importance of the OS and extracting and separating the core functionality provided by its applications. Of course, from the user's perspective, nothing will have visibly changed.

Second, by reserving to the defendant the right to determine ''in its sole discretion'' the software code which comprises a ''Windows Operating System Product'', the Proposal grants the defendant the uncurtailed freedom to redefine the term ''OS''.[11] Notably, the definition of ''Microsoft Middleware Product'' is limited to products which are ''in a Windows Operating System Product'')[12] Hence, if the OS is reduced in significance, and the Middleware Products are either bundled separately (as a group of add-ons, similar to how currently MS Office is an add-on, possibly available for free download or use to anyone with a registered MS Operating System) or provided as a service via the Internet or some other computer network, such products (though essentially the same) would not be covered by the Proposal either.

Thus, the minimal restrictions included in the Proposal relate to something about which the defendant may reasonably foreseeably no longer care. Having abused its monopoly in the desktop to gain a monopoly in applications (including certain middleware), the defendant can/likely will simply switch to abusing its monopoly in applications, and nothing in the Proposal places any restrictions on that foreseeable tactic.

Third, another extremely important inadequacy of the Proposal is the complete omission of the defendant's office/productivity applications (''Productivity Products''). It seems clear that the defendant enjoys a monopoly in at least the office productivity market (Word, Excel, Powerpoint, FrontPage, etc.) commensurate with (or perhaps even more so) its OS monopoly.

Thus, for example, the provisions of Section II.E of the Proposal, which (to some very limited extent) require the defendant to share ''Communication Protocols'' with third parties to enable them to interoperate with Windows Operating System Products, do not extent to Productivity Products. In particular, the definition of ''Communications Protocol'' is limited to tasks involving a ''Windows Operating Systems Product'', which as noted does not include Productivity Products) [13]

In addition, the principal way in which the defendant maintains its monopoly in Productivity Applications is through the use of file formats which are extremely - if not unnaturally—difficult for competitors to decipher. Without access to the details of such file formats (the standards published on the defendant's website are totally inadequate), competing developers cannot create adequate filters so that their projects can interoperate with the defendant's Productivity Products. As the vast majority of the human knowledge base has been ''locked'' into these decidedly proprietary formats, the absence of an open standard limits consumer choice and may even prevents consumers from switching to another operating system.

One obvious manner in which the lack of attention to Productivy Products comes into play is in the ''restrictions'' of Section III.A. These do not prevent the defendant from retaliating against an OEM for the ''protected'' conduct in the pricing of such additional software, as well as other popular software distributed by the defendant (such as its web server or database products). Similarly, the provisions of the Proposal which to some limited if not negligible extent require the defendant to permit others to learn the defendant's secret protocols do not even pretend to extend to the format of its information encryption, encoding and other obfuscation. Volumous Exceptions

What few requirements are imposed on the defendant are largely undone by the breadth of the qualifications in III.J of the Proposal, particularly subsection 2. Provision (a) thereof essentially disqualified all corporations (including the defendant itself), as it is impossible not to have a ''history'' of violation of intellectual property rights presumably even making an unpermitted backup copy would satisfy this broad provision). Provision (b) requires demonstration of a ''reasonable business'' need (as opposed to reasonable technical need) for a ''planned or shipping product''. The provision would essentially require a competitor to disclose to the defendant its non-public, planned products, without any confidentiality, non-competition or other assurance that the defendant will not use this information to benefit itself or harm the supplier. Provision (c) entitles the defendant to establish ''reasonable, objective standards ... for certifying the authenticity and viability of its business'', which standards for some unknown reason the defendant is not now able to articulate, leading to a very low expectation as to the reasonableness and objectiveness of the eventual standards.

Undoubtedly provisions (b) and (c) are intended to prevent Open Source projects, which to date form the sole serious competitor to the defendant over its range of products, from claiming any rights specified in the Proposal. Generally Open Source developers program for the challenge and joy of expression, rather than as part of a ''viable business''. As Open Source software is free, the defendant could quite rightfully argue that the developers do not have a ''viable business''. Yet from the perspective of a software user, it hardly matters what the developers'' motivation is; in fact a user might prefer software that is developed under the Open Source model rather than for profit.

Finally, provision (d) permits the defendant to deny any request unless the party making the request in essence submits all its trade secrets and intellectual property to a ''third party''. Since this ''third party'' (not to be confused with ''independent party'') is selected in the defendant's sole discretion, and since there is no provision assuring the confidentiality of any data submitted or that any party reviewing the information—including this ''third party''—itself satisfies the criteria of Section III.J, any requester will have to assume that all the submitted information will be carefully reviewed by the defendant.

No Protection to Consumers

The Proposal also does not provide any protection to consumers. While some indirect protection is provided via the limited protections afforded to OEMs, large consumers (such as Fortune 1000 companies) receive no protection. For example, nothing in the Proposal appears to prevent the defendant from raising prices on software to, for example, General Electric if General Electric elects to deploy KDE in its offices. In effect, the defendant is free to retaliate freely against large companies, governments, universities, and other institutions which elect to employ competing products in some but not all of their computer systems. No Protection for ISVs/Developers on other Platforms As recognized by the trial court, both by the defendant and the plaintiff, Open Source clearly represents the most viable competitive threat to defendant's monopoly. Nevertheless, the Proposal does not provide any means for this competition to compete fairly with the defendant.

For example, the defendant's obligation to release Documentation and APIs under Section III.D does not extend to document formats (such as MS Office formats or video/audio ''codecs'' used in multimedia applications) or network protocols used by the defendant to maintain its monopoly, nor does it prevent the defendant from pursuing patents or other exclusive legal rights on such formats and protocols solely or substantially for the purpose of preventing competition from software vendors/developers on other platforms. In addition, as noted above, it is far from clear that any of the limited and unenforceable restrictions in the Proposal apply to Open Source businesses and developers at all.

Proposal Language

Much of the language of the Proposal appears to be drafted to permit easy circumvention. This point will be made with a handful of examples, although many more can be identified in the Proposal. For example, Section III.A uses the term ''known to Microsoft'', as opposed to something less stringent (knowledge being very difficult to prove), such as leaving out the language ''it is known to Microsoft that'' altogether or by using the substitute phrase ''it is or should be known to or suspected by Microsoft that''. In addition, provision III.A.2 does not provide protection to OEMs who ship Personal Computers that boots only into a competing operating system. As another example, Section III.C.4 prohibits the defendant from entering into any agreement with an OEM which restricts the ability of the user to launch another operating system from the boot prompt. However, the provision does not restrict the defendant from causing its operating system to delete any boot loader which might provide the user a choice of which operating system to launch. In fact, the defendant's operating systems are well known to so interfere with the operation of other operating systems. In addition, the provision fails to provide that the defendant is barred from requiring OEMs to install a Windows Operating System on all

[11] See Proposal, Section VI.U.

[12] See Proposal, Section VI.K.

[13] See Proposal, Section VI.B.

its products, which has been the case in the past and which forces consumers to pay for a product they either do not want or need and makes alternative operating systems unable to compete with the defendant on the basis of price.

The provisions of Section III.E similarly fall short of the goal of permitting competition with the defendant. In particular, the disclosure of Communication Protocols is limited by Section III.J.1, which broadly exempts any information ''which would compromise the security of a particular installation or group of installations''. While superficially this sounds reasonable, the gaping hole is created by reference to ''any portion[] or layer[] of Communication Protocols''. Of course, it would be difficult to imagine that knowledge of a communication protocol layer could compromise security, and hence the addition of such language by the defendant would strongly indicate its intention to create such layers in order to prevent competitors from interoperating with its products. It is worth noting at this juncture that all the major authentication, security and encryption schemes rely on completely open protocols and that security is afforded solely through an unknown key, token or similar access control mechanism rather than through any portion of the protocol itself. This is true because it is generally considered insecure to rely on aspects of a protocol for security or authentication as they are quite easy to reverse engineer, i.e. defeat, by anyone not concerned with compliance with the law.

Section III.J.2 requires the defendant to permit competition only when a ''Windows Operating System Product'' (which, as noted more below, is a definition entirely within the control of the defendant) launches a ''Microsoft Middleware Product'' (essentially a browser, Java, a media player, a chat client, a mail client or a calendar client), but only if (a) the product is opened in a ''Top- Level Window'', and b) either (i) all of the user interface elements are displayed, or ii) the Trademark of the Microsoft Middleware Product is displayed. Thus, if the product is not opened in a ''Top-Level Window'', the defendant can prevent the consumer from using a competitor's product. Why, might one reasonably ask, would whether or not a media player has a separate ''move'' and ''resize'' button affect whether or not the user should have a choice over the media player? In fact, the definition of ''Top-Level Window'' is entirely obtuse. Technically, any ''window'' can contain ''sub-windows''—even a simple dialog box is composed of many sub-windows (e.g., each text item, each checkbox, each text edit box, etc. is a ''window''). Since this is a requirement, one must assume it means something more. Hence the requirement leaves a tremendous amount of wiggle room for the defendant.

Similarly, clause (c) of the definition of ''Top-Level Window'' permits ample room for manipulation. The defendant can simply ensure that at least the ''user interface elements'', as opposed to the actual functioning of the program, is not under the control of an ''independent process''. It is important to note here that use of the term ''separate process'' would have been much broader; by specifying ''independent process'', the defendant has made it trivially easy to make any top- level window not fall within the definition of ''Top-Level Window'' simply by starting the middleware product as a ''child'' process.

The second requirement also leaves huge amounts of room for avoidance of any requirement to permit users access to competitor products. One easy way to circumvent the requirement is to add a single user interface element which is available when the product is launched from the Start menu, but not when it is launched from the Microsoft Middleware Product. This element could be an element entirely inconsequential to the operation of the Microsoft Middleware Product, such as a trivial status bar, an extra line of text somewhere, an extra menu element, an extra toolbar or toolbar icon, etc.; in fact it could be a single user interface element added solely to the version launched from the ''Start'' menu for the purpose of making it different than the one launched from the Microsoft Middleware Product (and of course this element could be added after the functional and user interface design of the product has otherwise been totally completed).

Of course, it is also trivially easy for the defendant to avoid being caught in subsection (ii) of Section III.J.2. In particular, the definition of the term ''Trademarked'' specifies that:

We start from the premise that adequate relief in a monopolization case should put an end to the combination and deprive the defendants of any of the benefits of the illegal conduct, and break up or render impotent the monopoly power found to be in violation of the Act. That is the teaching of our cases, notably Schine Theatres v. United States, 334 U.S. 110, 128–129.

Any product distributed under descriptive or generic terms or a name comprised of the Microsoft?? or Windows?? trademarks together with descriptive or generic terms shall not be Trademarked as that term is used in this Final Judgment. Accordingly, the defendant could describe its media player as the ''Microsoft Media Player'', or its messenger as the ''Microsoft Messenger'', or its calendar as the ''Microsoft Calendar'', without being caught in subsection (ii). Obviously, no competitor can similarly name its product, so to say such names are not Trademarked defies all reason. In any event, the essence of the argument is that, if the defendant expends just a little bit of effort and (possibly) imagination, Section III.J.2 will not curtail the defendant from eliminating user choice as to the Middleware Product launched by any Microsoft Operating System Product. Similarly, Section III.J.3 does not specify that the user's consent be voluntary (e.g., the consent may be provided as part of a larger question), that the presentation of the request for the consent be non-discriminatory and fair to all products, or that the defendant may only request a switch once, so that it cannot prevail over its competitors by virtue of sheer harassment (such as popping up a dialog every time a Middleware Product is launched or even every time a feature of a Middleware Product is used). Even the time language in provision b) of that Section is a huge loophole, as it is commonplace for OEMs to do the ''initial boot up'' before shipping a PC and hence the 14-day period could have largely or completely expired by the time a user boots up the PC for the first time.

Another example of loophole language from the definitions relates to the term ''ISV''. The term is defined in terms of an ''entity'', rather than the traditional ''person'' or ''person or entity'', thereby preventing Open Source developers from falling within the protections afforded to ISVs. From a competitive standpoint, there is no reason for the government to favor an incorporeal entity over a human developer, and accordingly this definition is unreasonable and against the public interest. No Restitution or Penalties The evidence, upon which the defendant was adjudged guilty of essentially felonious conduct, was mainly based on events of the mid-late 1990%. Since the commencement of this litigation, the defendant's behavior has in the KDE League's opinion become substantially more unlawful and egregious, the whole time right under the government's nose.

Under the Proposal, the punishment for conduct which all judges to hear evidence have uniformly ruled is unlawful appears to be absolutely nothing; even the most generous read of the Proposal would have to conclude that at most it aims to prevent the defendant from engaging in (some) further unlawful conduct.

In fact, no restitution or compensation to the corporate, developer or consumer victims of its legion abuses is contemplated. Not even an injunction against the defendant's recent announcement that it will stop providing security patches for older versions of its product line (which would be similar to a car manufacturer not fixing a serious safety violation and an act which a non-monopolist could hardly get away with), forcing everybody to ''upgrade'' to the much-more-expensive but in many cases much-less-desirable Windows XP/2000 series. Apparently, the government is quite content that the defendant keep the billions in profit it unlawfully bilked from American consumers and businesses.

Moreover, the government's failure to address the defendant's ever-more- egregious conduct provides the public with no confidence that the government would act to enforce the ''slap-on-the-wrist'' restrictions contained in the Proposal. Accordingly, it is imperative for the public interest that any settlement provide remedies for private litigants to enforce their rights under the federal antitrust laws without having to mount a full attack and prevail over the defendant on the core issues of monopolization and abuse of monopoly power.

Patent Abuse

The threat of the defendant using patents to destroy Open Source interoperability with the defendant's technologies is a major obstacle to consumer choice and a competitive marketplace. The defendant is building up a large reservoir of patents, assisted by the USPTO's abysmal software patent review strategy. Even a patent which might be obviously invalid, for lack of

novelty or otherwise, would be extremely difficult for an Open Source project to overcome, as the defendant has a huge hoard of resources to throw at Open Source developers who would in almost all cases lack the resources to respond, let alone prevail.

Just to pick one example of an absurdly broad patent which the defendant could use as a sword to maintain its monopoly was recently issued. See United States Patent 6,330,670 (Dec. 11, 2001). Claim 1 of this patent is for: A computerized method for a digital rights management operating system comprising: assuming a trusted identity; executing a trusted application; loading rights-managed data into memory for access by the trusted application; and protecting the rights-managed data from access by an untrusted program while the trusted application is executing.

This really is something that must be extremely obvious to even a non-computer scientist. It's the equivalent to getting a patent on the following ''process'', employed by a security guard at a top-secret facility: A method for workplace security comprising: assuming a trusted employer; relying on trusted equipment; permitting the protected employee onto the premises; and protecting the premises from access by an untrusted person while the trusted person is working.

While this sounds like a joke, it is actually more sophisticated than this most obvious ''patent'' the defendant has obtained. Unfortunately, an Open Source project like KDE would find it veritably impossible to have such a patent overturned in court should the defendant elect to try to enforce it. Even more unfortunately, the Proposal does not place any restrictions or circumstances on the defendant—such as its status as an abusive monopolist— which might assist its competitors fight such an attack in a legal forum.

Conclusion

In conclusion, the KDE League would like to reiterate its firm opposition to the Proposal. The Proposal does nothing to assist a great many competitors in competing with the defendant, even in markets which the defendant has demonstrably conquered using unlawful methods. And it does nothing to prevent the defendant from unlawfully abusing its most viable competitors, not even a small leg up in pursuing justice in a court of law.

MTC–00028789

From: Brian Gault
To: Microsoft ATR
Date: 1/28/02 5:43pm
Subject: Microsoft Settlement

Judge Kollar-Kotally:

Not that I am aware of all the issues of law involved here, but it seems to me that Microsoft is in violation of our country's anti-trust laws. As a citizen of this country, I urge you to find against Microsoft in this case.

Brian C. Gault
507 Lindale Drive
Clinton, MS 39056
601–925–0212

MTC–00028790

From: Michael Foley
To: Microsoft ATR
Date: 1/28/02 5:44pm
Subject: Microsoft Settlement

Dear Sir or Madam:

It is my belief that the antitrust suit against Microsoft Corporation is the height of government abuse of a great company. It is the direct result of requests by Microsoft's competitors and their political connections (i.e. Novell and Senator Orin Hatch) to level the playing field.

Microsoft is a great company. I have been using their products since the late seventies and I have always received value for my money. Sure, some of their software has a few bugs, but it's still the best available. Microsoft will work on a product until it is the very best available. They created the microcomputer revolution when they introduced Windows 3.0 in the early 90?s. The interface was easy to use and understand, and helped computers to become common fixtures in American homes and small businesses.

Microsoft increased the size of the American economic pie for all of us. Bill Clinton didn't create the robust economy of the 1990's, Microsoft, Intel, Cisco, and other aggressive and innovative companies did. How does the American judicial system repay the genius and hard work provided by Microsoft over the last 25 or so years. It attempts to break-up one of the most successful companies in American history.

Who was damaged other than Microsoft? Did any consumers complain about the products they purchased? Why were the states allowed to join the suite—-— just how were the states damaged. It all appears to be one big illegal feeding frenzy similar to the tobacco suits. It is shameful.

I strongly believe that this suite against Microsoft ignited the collapse of tech markets in late 1999 and 2000 which sucked billions of dollars of wealth out of the American economy. I think the Clinton Justice Department and Judge P. Jackson should be fined and/or jailed over this extreme abuse of judicial power.

This judgment was bought and paid for by Microsoft's competitors!

Very truly yours,
Michael E. Foley
2320 State Route 73 West
Wilmington, Ohio 45177

MTC–00028791

From: sharonhr@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/28/02 5:38pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Sharon Rondeau
388 Spring Street
Manchester, CT 06040–6738

MTC–00028792

From: moore@cs.utk.edu@inetgw
To: Microsoft ATR
Date: 1/28/02 5:41pm
Subject: Microsoft Settlement
CC: moore@cs.utk.edu@inetgw

This letter is intended as public comment, as provided for by the Tunney Act, on the proposed settlement in United States vs. Microsoft. The proposed settlement should not be accepted for the following reasons:

—The proposed settlement does not provide an adequate remedy for Microsoft's abuses of its monopoly position.

—Rather than increasing competition, the proposed settlement appears to be specifically tailored to discourage certain kinds of competition against Microsoft

—The proposed settlement fails to redress the harm done by Microsoft's illegal abuses of its monopoly position.

—The proposed settlement is likely to strengthen Microsoft's position in the marketplace, thereby worsening the situation for consumers caused by a lack of competition.

—The proposed settlement encourages Microsoft to use its monopoly position in the desktop market to obtain monopolies or drastically increase its market share in other markets.

1. The proposed settlement does not provide an adequate remedy for Microsoft's abuses of its monopoly position.

The proposed settlement specifies several prohibitions and limitations on Microsoft's future behavior. However for the most part these limitations are narrowly tailored to provide remedies for specific features of the Government's complaint of May 1998. Market conditions have changed drastically since that time, due in large part to illegal anticompetitive practices by Microsoft.. There are no longer any credible competitors to Microsoft in the market for desktop operating systems for Intel-compatible personal computers. Microsoft's Internet Explorer has largely succeeded in displacing Netscape's web browser and other web browsers. And while Java has proven to be a very useful programming language in many respects, Java's run-time environment has not become a ''virtual operating system'' which could support the same applications on a variety of computing platforms, and which could thereby threaten its monopoly on the desktop. These developments were significantly furthered by Microsoft's anticompetitive actions both before and after the government's complaint was filed.

Conditions in these markets change so quickly that the problems caused by Microsoft's monopoly simply cannot be

addressed after-the-fact, or by specific prohibitions on Microsoft's future behavior that are narrowly tailored to constrain its previous behavior. Furthermore, previous settlements of this type have proven to be ineffective at curbing Microsoft's abusive practices.

2. Rather than increasing competition, the proposed settlement appears to be specifically tailored to discourage certain kinds of competition against Microsoft

The proposed settlement is also inadequate because it appears to be specifically tailored to discourage certain kinds of competition—in particular, efforts by both commercial and noncommercial parties to make alternatives to Microsoft's products freely available to the public. For instance:

—The settlement prohibits Microsoft from retaliating against OEMs for shipping a personal computer which includes both a Microsoft operating system and a non-Microsoft operating system, but it does not prohibit retaliating against an OEM for shipping a personal computer which does not include an operating system, or which includes only a competing operating system.

Computer purchasers who intend to use alternative operating systems (which are often superior to Microsoft's products for certain purposes as well as being available at no cost) are often forced to purchase a copy of a Microsoft operating system, which they never use, with each new computer purchase. Microsoft has effectively managed to impose a ''tax'' on the sale of most new personal computer systems (particularly ''laptop'' computer systems). The proposed settlement does nothing to redress that problem.

—The provision of the settlement requiring Microsoft to disclose APIs and related documentation, presumably via the Microsoft Developer Network (MSDN), allows Microsoft to impose nearly arbitrary conditions on the use of that information, to prevent potential competitors from using that information to produce products that compete with Microsoft operating systems and middleware.

In addition, in the past such documentation as has been provided by Microsoft via MSDN has often proven insufficiently detailed to allow other parties to write equivalent interfaces.

Finally, nothing in this proposed settlement prevents Microsoft from shipping APIs which provide undocumented features, and documenting and using those features at a later time. This would make its competitors'' deployed operating system and middleware products incompatible with programs written to the latter API specification.

Because of these flaws, this provision is unlikely to be effective at furthering competition.

The provision which requires Microsoft to document communications protocols applies to ''client computer[s]'' only. Presumably this requires only that Microsoft document the ''client'' side of such protocols, allowing Microsoft to hold more closely the documentation of the ''server'' side of a protocol, and allowing Microsoft a competitive advantage over providers of servers which communicate with those clients—particularly those using ''open source'' server platforms such as Linux which have provided significant competition to Microsoft products in the server market.

The provision which allows Microsoft to use Microsoft middleware in preference to a competitor's middleware when the competitor's middleware ''fails to implement a reasonable technical requirement (e.g. the requirement to be able to host a particular ActiveX control)'' effectively gives Microsoft license to bypass competitors'' middleware at will, by declaring as part of the settlement that addition of any ActiveX control to a middleware interface is inherently a reasonable technical requirement. For the settlement to be effective, Microsoft cannot be allowed to change its programming interfaces at will.

The requirement to Microsoft to license intellectual property rights ''on reasonable and nondiscriminatory terms'' that are needed to exercise options under the agreement, because of presumptions on what is ''reasonable'', effectively allows Microsoft to set the bar on access to such information high enough to exclude ''open source'' and noncommercial competitors.

—Similarly, the provision which allows Microsoft to require that the licensee of any of its intellectual property have a ''reasonable business need'' would likely allow Microsoft to exclude noncommercial competitors. The fact that the only significant competition to Microsoft in many markets comes from noncommercial parties makes a presumed requirement of ''reasonable business need'' for access to such information inherently favorable to Microsoft and unreasonable as part of a remedy.

2. The proposed settlement fails to redress the harm done by Microsoft's illegal abuses of its monopoly position.

Due in large part to Microsoft's illegal anticompetitive practices, Microsoft has obtained a monopoly in several markets, including desktop operating systems, web browsers, and office productivity software. The harm done is a considerably more than to limit consumer choice, stifle innovation, and artificially inflate prices.

Microsoft's monopoly has also forced consumers to accept operating system and networking software which are dangerously insecure and have been compromised on numerous occasions by computer viruses. Many of these vulnerabilities are a direct result of Microsoft decisions to:

Disregard Internet standards for the labeling of content transmitted over the network, thereby bypassing the requirement for security review that was designed into that mechanism. This was done in order to allow arbitrary content to be interpreted by applications on Microsoft operating systems, and to provide Microsoft with an advantage over competitors'' operating systems that used other means to label content.

Provide a means for their document formats to contain executable content with the ability to perform any function available to any application on the host computer—including the ability to delete and alter arbitrary files and the ability to send network traffic impersonating the computer's owner—in order to give Microsoft applications an advantage over competitors'' products.

—Impose weak means of authenticating users over a network, for the sake of backward compatibility with Microsoft products.

Even if a settlement provided an effective curb on Microsoft's future behavior, to be acceptable it would also need to redress the considerable harm done by past abuses. Injured parties include not only purchasers of Microsoft software (and computers which were supplied with Microsoft software) but also the numerous institutions who have suffered damage due to such vulnerabilities, and operators of public and private Internet networks whose operations have been harmed by the traffic generated by viruses transmitted by Microsoft software.

To be effective, a remedy would need to redress these injuries without further strengthening Microsoft's position in the market.

3. The proposed settlement is likely to strengthen Microsoft's position in the marketplace, thereby worsening the situation for consumers caused by a lack of competition.

By imposing essentially no penalties on Microsoft and few limitations on its behavior, the proposed settlement would signal to Microsoft and its competitors that anticompetitive behavior is largely ''safe''. The proposed settlement would also provide Microsoft with the means to discourage certain kinds of competition, particularly ''open source'' or noncommercial products, allowing it to further limit consumer choice.

4. The proposed settlement encourages Microsoft to use its monopoly position in the desktop market to obtain monopolies or drastically increase its market share in other markets.

By focusing largely on the desktop or client market, the settlement ignores Microsoft's ongoing efforts to leverage its existing monopolies to obtain monopolies in other markets. Furthermore, because different kinds of computers communicate with one another over a network, Microsoft's monopoly on desktop operating system software can be a powerful coercive force over other markets—for instance, media players and mechanisms for protecting intellectual property transmitted over a network.

There is no significant difference between the tactics that Microsoft used to take over the operating system, web browser, and office productivity software markets, and the tactics that Microsoft is currently using to attempt to establish control over other markets.

Any remedy which allows Microsoft to use its control over the desktop to favor its own solutions in any way cannot be considered adequate. For the reasons stated above, I recommend that the Court reject the proposed settlement.

An effective remedy would require

—Microsoft to be pro-actively prevented from future abuse,

Competition to be re-introduced in the markets in which Microsoft has a monopoly and which it has shown abusive behavior,

—Compensation for injuries caused by Microsoft's anticompetitive behavior It is

difficult to understand how such a remedy could be effected without either:

—Active government regulation of Microsoft's behavior, and in particular affirmative prior approval of all new and revised Microsoft products prior to release, and approval of contracts between Microsoft and other parties before they become effective, or

—Structural reorganization of Microsoft into two or more competing entities and without significant financial compensation to injured parties.

Keith Moore

MTC–00028793

From: Steve Bonfoey
To: Microsoft ATR
Date: 1/28/02 6:09pm
Subject: Microsoft Settlement

Gentlemen:

Microsoft has done nothing but benefit consumers. State attorney generals pursuing politics-as-usual and Microsoft's competitors have used the law to punish a good competitor. Microsoft deserves to win this case. If their competitors and the politicians win it will forever damage the economy of the United States.

Steve Bonfoey
4620 W. Hetherwood
Peoria, Illinois 61615
309–692–6272

MTC–00028794

From: Dave
To: Microsoft ATR
Date: 1/28/02 5:37pm
Subject: Settlement

If Microsoft get off with a slap on the wrist as it look like they will it proves that money talks and B—S—Walks.

MTC–00028795

From: Angela McQuillen
To: Microsoft ATR
Date: 1/28/02 5:42pm
file:///C√/win/temp/tmp.l.
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft: I have always been proud to be an American, not just because this is the place of my birth, but because I have always known that this nation was unlike any other in the world. We are blessed to be citizens of a country where we have the privilege to live life the way we choose. This is the legacy that was left to us by our forefathers, and this is what we should pass on to our children. I believe the antitrust suit against Microsoft, and other cases like it, compromises the very foundation upon which this nation was built. If litigation like this is continued, this nation will become a shell of its former self, and the glory that is America will be nothing but a memory.

This suit was nothing more than an attempt by the Clinton administration to socialize American business. Our forefathers did not build a nation on the ideals of Socialism. This nation did not become the sole world superpower in a mere 200 years of existence because we allowed socialism to thrive in America; rather we are a nation built upon and made strong by our capitalist roots and our belief in free enterprise. It is the dream of every American to exceed the success of their father and grandfather, to go from rags to riches with nothing more than hard work, perseverance, and an unshakeable belief in America. This suit flies in the face of this dream.

Microsoft is the very embodiment of the American dream. This company started in a garage and twenty years later it is one of America's greatest corporate assets. This litigation sends the message to all future American entrepreneurs that it is okay to become successful, but only to a point, because too much success is forbidden. I am in favor of the settlement that was reached in this case in early November, not because it is a fair settlement, but because it will finally bring an end to this protracted litigation.

The issue in this case is no longer whether Microsoft committed antitrust violations. I personally believe that it did. If that were the issue, they would have been reprimanded and sent on their way a better, more responsible business leader. The issue of this case is whether or not we, as Americans, have the right to engage in free trade, and whether or not capitalism has a place in the twenty-first century. I say that without this right the future of America is bleak. This is probably one of the most important decisions that has ever faced this nation, and it rests on your shoulders, so you had better choose wisely. Thank you for your time and consideration of this issue. I trust you will make the right choice.

Sincerely,

Angie McQuillen MSN Photos is the easiest way to share and print your photos: Click Here

Angie McQuillen

MTC–00028796

From: Tom Wolf
To: Microsoft ATR
Date: 1/28/02 5:43pm
Subject: Microsoft Settlement

To whom it may concern,

I want to voice my objections to the announced settlement between the US and Microsoft. It seems to be lost on those involved on the US side that Microsoft broke a consent decree on browsers to get in this mess in the first place. This company has demonstrated contempt for honesty and for the American business community, not to mention the legal process. In short they cannot be trusted to hold up their end of this extremely weak and ineffectual settlement. This settlement is bad for consumers and US business in general. The settlement is transparently politically motivated and completely undermines any credibility the Bush administration had. I urge you to reject the settlement and vigorously pursue the just prosecution of the case to save countless US businesses and preserve innovation in the market.

Regards, Tom Wolf, President,
Ascend Public Relations
206–903–1730
206–903–1732 fax
206–850–3095 cell
866–903–1730 toll free
twolf@ascendpr.com

MTC–00028797

From: Brian Seguin
To: Microsoft ATR
Date: 1/28/02 5:43pm
Subject: Microsoft Lawsuit
Renata B. Hesse
Antitrust Division
U.S. Department of Justice

I believe that the lawsuit against Microsoft by Joel Klein and the Clinton Administration has been a complete waste of time and taxpayers money. Microsoft made computing possible for the individual and small businesses at a reasonable cost. The consumer has benefited from Microsoft products. Attached is my letter to Mr. Ashcroft requesting that this lawsuit be settled under the terms agreed on between the Department of Justice and Microsoft.

Brian P. Seguin, P.E., P.L.S.
Project Engineer
Reid Middleton Inc.
Phone: (425) 741–3800
Fax: (425) 741–3900
bseguin@reidmidd.com
3622 99th Street Southeast
Everett, WA 98208
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The antitrust lawsuit brought against Microsoft was unjustified and flawed. The dispute in my opinion arose due to competitors'' envy for their own lack of innovation and creativity. Microsoft has been the leading innovator of technology for over a decade. In the 80's when we lagged behind Japan in many industries, Microsoft developed a product that streamlined and made more effective many of our businesses. The company I worked for is a perfect example as it was able to use Microsoft software for its businesses.

The terms of the settlement are harsh and seem to reflect the intense lobbying of Microsoft's competitors. Forcing Microsoft to give up internal interfaces and protocols, making them agree not to retaliate against other vendors, stipulating that they must grant computer makers broad new rights to configure Windows so as to make it easier for non-Microsoft products to be prompted, the settlement also reflects lawmakers and politicians lack of concern for the public. This settlement only aims at giving competition an edge they did not have and could not attain on their own.

Even though I think the settlement is unfair, I must support it because the alternative of further litigation would be too much for our weak economy. I urge your office to take a firm stance against the opposition and stop any further disputes.

Thank you.
Sincerely,
Brian P. Seguin
Professional Land Surveyor
Professional Engineer

MTC–00028798

From: Ernest Paul Webber

To: Microsoft ATR
Date: 1/28/02 5:43pm
Subject: Microsoft Settlement

Dear Sirs:

As I see it, you have established as a finding of fact that Microsoft has broken the law. Microsoft is quite apparently lacking in repentance and assured that it can evade justice. Your responsibility is to insure that Microsoft —cannot— continue to break the law. Microsoft has made it clear that it does not understand the crimes it is guilty of, nor does it intend to learn how or why it should change its own behavior, other than as a response to your judgment, and its desire to avoid substantial pain suffered as a result. Please do whatever it takes to stop these guys!

Sincerely,
Ernest Paul Webber
1808 Anacortes Ave NE
Renton, WA 98059

MTC–00028799

From: jjoseph
To: Microsoft ATR
Date: 1/28/02 5:45pm
Subject: Microsoft Agreement

Dear Attorney General Ashcroft:

Attached please find my letter in favor of the Microsoft Antitrust Agreement.

Thank you.

Sincerely,
John E. Joseph
6618 Manila Road
Goshen, OH 45122–9403
513–625–1745
CC: fin@mobilizationoffice.com@inetgw
6618 Manila Road
Goshen, OH 45122–9403
(513) 625–1745
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
January 26, 2002

Dear Mr. Ashcroft:

The Tunney Act mandates that there be a 60-day public comment period that follows a settlement to an antitrust case when the Department of Justice is involved. The final decision on the proposed settlement is made after this period of review. I would like to go on record as supporting the settlement that was made between Microsoft and the Department of Justice.

I feel that Microsoft is actually being punished for being good at what they do. There is no reason why the federal government had to get involved in this issue in the first place, but since they did, I am glad to see that the dispute has finally been resolved. Microsoft actually has to concede more than they would have liked, but since the lawsuit is over and the economy needs all the help it can get, they agreed to the terms. One of the terms, which seem ridiculous, is the disclosure of Windows'' internal interfaces and other operating technology that Microsoft worked long and hard to develop.

This seems to violate intellectual property rights.

I enjoy the fact that my opinion will go on record, and again, I support the settlement reached between Microsoft and the Department of Justice.

Sincerely,
John Joseph

MTC–00028800

From: The Babcock Design Studios
To: Microsoft ATR
Date: 1/28/02 5:45pm
Subject: Microsoft Settlement

Honorable Judge Coleen Kollar-Kotelly, In December of 2001 I have purchased new computer with Microsoft XP, Home Edition program installed. I wanted to upgrade the program to Microsoft XP Professional version. There was no upgrade available. I had to purchase new Microsoft XP Professional version at full price ($300). In above mentioned case I do not consider Microsoft policy either competative or fair.

Sincerely,
Dushan D. Hrovat —

MTC–00028801

From: Dr. W. Curtiss Priest
To: Microsoft ATR,W. Curtiss Priest
Date: 1/28/02 5:44pm
Subject: Proposed Microsoft settlement: woefully insufficient

Dear Justice Department,

As a software innovator and holder of several software patents, I have first hand knowledge of how extremely brutal, unfair and bullying Microsoft is to others in the industry. I was involved for five years in negotiation, arbitration and potential legal action against Microsoft which only caused Microsoft to spend incredible resources to deny me and Humanic Systems any just and due compensation for our innovative work.

In my opinion, as President of Humanic Systems, a company that was (above) abused by Microsoft regarding our intellectual property for significant components of Microsoft Outlook, the proposed remedy is extremely inadequate:

1. It does not provide substantial redress for the prior losses caused by MS on others

2. Secrecy provisions undermind the ability to obtain API information and will systematically be used by MS, in my opinion, to continue its monopoly stranglehold

3. There are no structural remedies, and, without those, the ''fascist'' mindset of Ballmer and Gates will continue to dominate the thinking of each and every employee

4. Microsoft's stated opinions about various forms of open software, being a ''cancer'' undermines the ability for consumers to get the maximum benefit for the least cost This position, alone, demonstrates that they want ''all the marbles'' and it is a ''winner take all'' game Consider, for example, a PBS documentary about extreme competition as taught within the Gates family as Mr. Gates grew up This person does not know the word cooperation, and, without extremely directive measures, will never show cooperation to the rest of the software industry that is slowly dying under his ruthless hand.

Very truly yours,
Dr. W. Curtiss Priest
President, Humanic Systems
Director, Center for Information, Technology & Society
Member, American Economics Association
Prior, Principal Research Associate, MIT
Author,_Technological Innovation for a Dynamic Economy_,1980 (Pergamon Press)
Risks, Concerns and Social Legislation,1988 (Westview Press)
W. Curtiss Priest, Director, CITS
Center for Information, Technology & Society
466 Pleasant St., Melrose, MA 02176
Voice: 617–662–4044
BMSLIB@MITVMA.MIT.EDU
Fax: 617–662–6882 WWW: http://www.eff.org/pub/Groups/CITS

MTC–00028802

From: Chuck Peper
To: Microsoft ATR
Date: 1/28/02 5:45pm
Subject: Microsoft Settlement

As a professional software developer, I find the governments proposed settlement with MS a joke. MS was clearly found to be a monopoly and anti competitive but the government has essentially taken no punitive action. What is even more disquieting is MS continues its illegal activity on a daily basis. It's new products and development languages (.Net) are anti competitive to other database manufacturers. They are using the same tactics over and over.

Splitting MS into OS and application companies is the only solution.

MTC–00028803

From: Michael Sharp
To: Microsoft ATR
Date: 1/28/02 5:47pm
Subject: Microsoft Settlement

Please find attached my comments with regards to the Microsoft Settlement

<<USAGSharp—Michael—1028—0124.doc>>

Regards
Michael Sharp
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

The purpose of this letter is to express my support of the Microsoft settlement in the federal antitrust case. As a Microsoft supporter, I have followed the case against Microsoft with much interest. I do not believe that the federal case is justified in the first place, yet I welcome any resolution that the enactment of this settlement will bring. Thus, I urge the Department of Justice to enact the settlement at the end of January.

In addition, the concessions made by Microsoft through this mediation process are extensive. Microsoft will now license Windows at the same rate to all computer makers, disclose the internal protocols of Windows to competitors, and redesign Windows XP to provide for easy replacement of parts of it by competing software. Enough is enough. I do not believe that Microsoft could do much more in this dispute, and has been punished enough through the concessions it has already made.

Please enact the settlement reached in November and end this issue once and for all.

Sincerely,
Michael Sharp

MTC–00028803_0002

MTC–00028804

From: BRice10273@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 5:49pm
Subject: Microsoft Settlement

I feel the Court should approve the proposed settllement in the Microsoft antitrust case. I think the complaints against Microsoft have been more than adequately addressed by the proposed settlement agreement and I support the recent efforts to bring this case to a rapid conclusion. Thank you for your attention to this important matter. Larry Neustadt

MTC–00028806

From: Damon Miller
To: Microsoft ATR
Date: 1/28/02 5:49pm
Subject: Microsoft Settlement

http://www.kegel.com/remedy/remedy2.html

This sums it up quite nicely. Please release humanity from the stifling monarchy that Microsoft has created. ''Freedom to Innovate''? Not quite, Bill; ''Freedom to desecrate'' is closer to the truth, but still not quite there.

The effect Microsoft has had on the computer industry is disgusting. Bill Gates and his money have systematically destroyed everything the industry stood for, and all of the individuals on whose shoulders it stands. Bush sold millions of peoples'' ideals right down the river on this one, and something needs to be done. Please be strong enough to stand up to Microsoft, finally ending their blatant laughter in the face of human liberties everywhere. Too dramatic, you say? Think again. Take a look at what this company has truly done TO humanity, and ask yourself if that statement is untrue.

Sincerely,
Damon Miller
(An individual trying to breathe under Microsoft's despotic tyranny)

MTC–00028807

From: Bill Humke
To: Microsoft ATR
Date: 1/28/02 5:53pm
Subject: Microsoft Settlement

I urge you to settle this case on what is now before the Court. Too much time and money have been spent upon this case to date. Let's get it behind us so this Company can get onto productive activates, and thus produce profits and positive cash flows so that additional technical developments and innovations can be advanced. This will then aid all of us in increasing our productivity, thus producing additional profits upon which we will have to pay additional taxes—again help all.

Respectfully,
Bill Humke
bhumke@ksni.net

MTC–00028808

From: Ann smith
To: Microsoft ATR
Date: 1/28/02 5:49pm
Subject: Fw: microsoft settlement

————- Forwarded message ————
From: Ann smith <panna3@juno.com>
To: microsoft.atr@usdoj.gov
Cc: u.s.atty.generaljohnashcroft@usdoj.gov
Date: Mon, 28 Jan 2002 16:29:19 -0500
Subject: microsoft settlement

Message-ID: <20020128.162921.-217919.0.panna3@juno.com> states sueing microsoft as well as aol using netscape to get money from microsoft thru the courts is wrong. microsoft is being bullied by the goverment and stockholders have lost money because of this court action. it also does not let microsoft give all the attention it needs to fight the hackers and make the internet safe for all users including aol.

The reason we are so interested in Microsoft Programs is that children all over the world are benefiting by Microsoft products,games and all sorts of programs as an educational tool. I'm so pleased when I see my 4 year old granddaughter open the computer and do what she wants to do. She spends hours doing games and playing her videos, instead of watching T.V all the time. We have eight babies we encourage to learn all they can by buying programs for them at Birthdays and just for fun.

We the elderly have fun also and we invest money into the future of Microsoft and other companies for the future.

CC:microsoft.atr@usdoj.gov/renatahesse@inetgw

MTC–00028809

From: Robert Smith
To: Microsoft ATR
Date: 1/28/02 5:50pm
Subject: Microsoft

Please see the attached letter.
Thank you!
Robert R. Smith
Smith-Krenning Enterprises, LLC
smithrr@smith-krenning.com
CC:gephardt@mail.house.gov@inetgw

MTC–00028810

From: madak@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/28/02 5:51pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Fax: 1–202–307–1454 or 1–202–616–9937
Email: microsoft.atr@usdoj.gov

It is time to close the doors on the Microsoft antitrust case. We (USA) must think of the globe market place. Microsoft produces products that all sold worldwide. We should let Microsoft get back 100% to their real business. I think we should allow the company to go back and work 100% of their time and money on producing new and improved products.

Mary Ann Dieckman
P.O. Box 210113
Auke Bay, AK 99821
Occupation Transportation Planner,

MTC–00028811

From: mitch@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/28/02 5:51pm
Subject: Microsoft Settlement

I oppose the Microsoft settlement. It is bad for the computing profession and bad for long term economic development. I have been a software professional since 1973, and in my personal experience the dominance of Microsoft has had a negative impact on quality and innovation in the software industry. The settlement does not address the practices that have kept Microsoft in power. A continuation of the Microsoft monopoly will only reduce the growth and future utility of the software industry, and keep the general public from reaping the rewards of continued innovation in this relatively young field.

Mitch Wade

MTC–00028812

From: Alyne
To: Microsoft ATR
Date: 1/28/02 5:52pm
Subject: Microsoft Settlement
CC:
January 28,2002
Attorney General John Ashcroft US
Department of Justice
950 Pennsylvania A venue, NW Washington, DC 20530

Dear Mr. Ashcroft:

Over the past three years I have watched the Department of Justices'' aggressive attack on Microsoft. I am so pleased to see that this unwarranted and unsubstantiated antitrust assault on Microsoft coming to close, provided that the government has the foresight to see the beneficial impact from Microsoft's settlement.

The settlement allows for new Windows configurations, giving computer makes and developers greater flexibility in offering non-Microsoft software programs. This will provide consumers with the option to remove and/or reconfigure any part of Windows. This gives the consumer the decision of what they like to use, and don't want to keep. Consumers drive the markets; they decide what it is that makes a company fail or succeed.

Microsoft has successfully proven, time after time, by creating and updating their innovative products, where nothing else compares. This settlement is the right thing to do, for Microsoft, the public interest, the tech industry, the economy, and all of which is vested in consumer purchasing. Keeping Microsoft out of more entangled legal matters, will definitively promote more responsible business decisions from Microsoft right down the line to the customer. Please don't continue this absurd mess of litigious behavior with Microsoft. It is a waste of time and does not serve the best interest of the public good.

MTC–00028813

From: harry emlet
To: Microsoft ATR
Date: 1/28/02 5:52pm
Subject: Microsoft Settlement

The Department of Justice should hold to the revised proposed Final Judgment to which Microsoft has tentatively agreed and reject the requests for other and further remedies requested by the states continuing to oppose the judgment.

I am dismayed at the persistence intemperate misrepresentations by those

several key industry leaders who so ardently seek to diminish the dominant role of Microsoft and if possible replace it. They piously attribute their efforts to their interest in the welfare of the consumer, when in fact it is the average consumer, individual and corporate, who would suffer most should Microsoft be greatly diminished or (in the inevitably lengthy interim) should Microsoft be eventually replaced. They also claim that Microsoft makes it more difficult for entrepreneurs to develop and market innovative products when in fact the opposite is true and their real problem is that they seek the dominance that Microsoft now has and cannot keep up with the innovative pace of Microsoft's continuing evolution of its products. The challengers make these representations directly and through the Attorney Generals of selected states.

The claim of harm to Netscape, for example, is particularly false. Netscape deliberately configured its browser so that when it was used within Windows as part of non-Microsoft application software it would immediately take over all web browser functions. (I personally was so irritated by repeatedly having to counter this latter tactic that I finally gave up in disgust and removed Netscape from my system along with the application that required it.) The position of those pretending that Microsoft was the culprit in the demise of Netscape blissfully ignores both the technological character of the industry, the needs of the average individual and corporate user, and the specific technical issues that are relevant to the case and the remedy.

If the continued challenges to Microsoft prevail it will seriously harm the consumer, will undermine the lead role which the United States now holds throughout the world as a result of the proliferation of Microsoft products worldwide, and will thereby decrease the present ease of communication internationally made possible by the software commonality that is a direct result of the widespread proliferation of Microsoft products. The mantra that increased competition at any cost is always better in the long run is a na<ve article of faith that simply does not apply in this particular case where what the challengers are in effect demanding is to cripple Microsoft's ability to innovate in order that they, the challengers, can gain entrepreneurial advantage. They are opposing rather than advocating a level playing field. While I am fully convinced that, in general, greater competition is by far the lesser of two evils, there are clear exceptions and this is one of them. The average individual and corporate user does not want to have to deal with multiple incompatible operating systems and wishes to have basic applications integrated as fully as possible with that operating system. Nor do most of the application developers want to have to deal with the increased costs and complexities introduced by a multiple operating system environment. There is nothing now that prevents a truly innovative developer from designing and marketing an alternative operating system and supporting applications. However, in order for to be successful in the market place the design must be one that will make switching by the consumer cost effective. For that to happen the alternative offered will have to stand out head and shoulders above Microsoft's product so that the considerable costs of the conversion will be justified. So far the alternatives offered have had only modest advantages coupled with distinct disadvantages. This is likely to continue to be the case as long as Microsoft continues to advance at the same rapid pace the technological and functional character of its product. Unable to outrun Microsoft, its would-be competitors seek to hamstring Microsoft in ways that will slow its progress to where it can be overtaken. Microsoft has provided in its operating system a continually evolving, backward compatible, software standard that has been a crucial factor in facilitating the adoption by both businesses and individuals of computing that permits near universal and highly efficient interaction among all participants at steadily reducing costs in user time and money.

I began my career in 1955 as a programmer on the very first of the large electronic computers introduced by IBM. I have worked with computers in one capacity or another (as an analyst, manager, and corporate executive) ever since in the areas of both national defense systems in support of the Air Force and other Department of Defense agencies and in health systems in support of the Centers for Disease Control, the National Institutes of Health, and other health agencies. As a retired professional I work with five desktop computers in my home. What I and many others, whether independent or corporate users, want in our computers is commonality of software among our own computers and those with whom we correspond electronically. We greatly prefer integrated systems from a single source that keeps to a minimum the investment of our time in resolving conflicts between operating systems and applications. Microsoft through constant innovation has done a superb job of meeting that need. It is obviously not perfect but it demonstrated a wiliness to respond to the needs of its users.

The innovative pace that Microsoft has maintained in the incredibly rapidly evolving technological environment could be achieved by another organization only if that organization could displace Microsoft and then become as dominant as Microsoft is now. That dominance is essential if the ordinary user and the average business user are not to be subject to great losses in productivity and efficiency in dealing with multiple operating systems none of which achieves dominance. And even if in time another organization was eventually to succeed in achieving a dominant position, the transition burden and costs, both real and opportunity costs, to users would be enormous.

The loss of compatibility between computer systems, the heart of which is the operating system, is devastating for the small operator and can be incredibly expensive for the average large corporate operator. The idea that seriously shackling Microsoft is going to make things easier and less costly for the consumer is na<ve in the extreme. It will inevitably do the opposite. There are enormous opportunities for innovative software designers to develop programs that work within the dominant Microsoft operating system as is well demonstrated by the proliferation of such ad hoc software. The very fact that the Microsoft operating system is dominant greatly facilitates continuation of such proliferation.

The Department of Justice needs to continue to keep clearly in focus what is in the best short and long term interests of the consumer rather than what will promote the private agendas of the industry warlords, present or aspiring, in their relentless search for greater power and fortune.

Let stand the revised proposed Final Judgment. Terminate these endless challenges, promptly implement the remedies, let the developers and entrepreneurs move on with their evolution of better and better systems within the Microsoft environment, and let us users continue to move ahead with confidence in the continued forward and backward compatibility of what we produce within the present and future computing environment.

Very much needed as a follow-up, is a thorough reassessment of the antitrust laws in the light of the present very different and rapidly evolving technological environment, the critically related pace of innovation, and the character of the related industries and its users

Harry Emlet
3302 Clearwood Court
Falls Church, VA 22042
righhtnow@msn.com

MTC–00028814

From: Ronnie n/a
To: Microsoft ATR
Date: 1/28/02 5:54pm
Subject: microsoft settlement

This letter boasts my personal opinion in every way and I appreciate microsoft for having contacted me with this letter.
5000 SE 83rd Place
Oklahoma City, OK 73135
January25,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my opinion of the recent settlement between the US department of Justice and Microsoft. I think the lawsuit has gone on too long and has been a waste of taxpayer dollars. Our government should stay clear of free enterprise and allow companies like Microsoft to innovate.

The terms of the settlement violate Microsoft's intellectual property rights, as they will be forced to disclose interfaces that are internal to Windows operating system products. They also have to grant computer makes broad new rights to configure Windows so that competitors can more easily promote their own products. Microsoft spends vast resources developing their products and services and competitors should not be rewarded for being second place.

I urge your office to uphold American principles and finalize the settlement because that is in the best interests of the

American public. It might be flawed, but further litigation would be far worse. I hope you take the right direction and side with American people.

Sincerely,

cc: Senator Don Nickles

Ronnie Higgins

MTC–00028815

From: Gunnar G Pedersen
To: Microsoft ATR
Date: 1/28/02 5:54pm
Subject: Microsoft Settlement

As it has been pointed out by senior citizens groups, the Microsoft settlement seems to be a fair and equitable action and should not be allowed to drag on any longer. I wish to add my voice to this cause. Gunnar Pedersen, Clifton Park, NY

MTC–00028817

From: GGillette@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 5:55pm
Subject: Letter to Hon. Colleen Kollar-Kotelly

Please see attached.

Thanks,

Graham Gillette

515–244–1900

GILLETTE

STRATEGIC

RESOURCES

Wednesday, January 23, 2002
Hon. Colleen Kollar-Kotelly
U.S. District Court, District of Columbia
c/o Renata B. Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Judge Kollar-Kotelly:

The proposed settlement between the Department of Justice and Microsoft in U.S. v. Microsoft is not good enough.

I am a member of the Des Moines School Board, a small businessman and a political activist. In each of these roles, I am concerned about protecting competition in the marketplace. This agreement does not adequately protect the free market and innovation, and does not go far enough to address consumer choice.

The settlement does nothing to deal with the effects on consumers and businesses of technologies such as Microsoft's Passport. Passport has been the subject of numerous privacy and security complaints by national consumer organizations. However, corporations and governments that place a high value on system security will be unable to benefit from competitive security technologies, even if those technologies are superior to Microsoft's. Why? Microsoft controls their choices through its monopolies and dominant market share, and still is able to dictate what technologies it will include.

Enforcing federal antitrust laws against monopolies is not new or novel. Antitrust law has protected free markets and enhanced consumer welfare in this country for more than a century. The Microsoft case does not represent a novel application of the law, but is the kind of standard antitrust enforcement action necessary to insure vigorous competition in all sectors of today's economy.

The proposed settlement allows Microsoft to preserve and reinforce its monopoly, while also freeing Microsoft to use anticompetitive tactics to spread its dominance into other markets. After more than 11 years of litigation and investigation against Microsoft, surely we can—and we must— do much better than this flawed proposed settlement between the company and the Department of Justice.

Thank you for your time.

President

CC: Iowa Attorney General Tom Miller

505 Fifth Avenue, Suite 920 ?Des Moines, Iowa 50309 * (515) 244–1900 * (515) 2444425 Fax www.gillettestrategies.com .info @gillettestrategies.com

MTC–00028818

From: Neele Johnston
To: Microsoft ATR
Date: 1/28/02 5:57pm
Subject: Re: U.S. v. Microsoft: Settlement Information
Date: January 28, 2002
From: Neele T. Johnston, President
Intelligenesis, Inc.
25 Froude Circle
Cabin John, MD 20818
(301) 263–0248
email: NeeleJohnston@usa.net
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
email: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement

To whom it may concern,

I am writing to encourage you, in the strongest terms, to reject the settlement of United States v. Microsoft, that has been proposed by the Department of Justice and Microsoft Corporation. The proposed settlement is not in the public interest and will only serve to give Microsoft Corporation the green light to inflict further harm on consumers, businesses, and the competitive landscape of the Information Technology industry.

Now is the time for our federal government to step up it's efforts to rein in Microsoft and control it's abusive practices. Having rightly found Microsoft guilty of illegally extending their monopoly in personal computer operating systems to other areas of the software industry, the judicial system has an obligation to impose a penalty on Microsoft that is commensurate with the harm they have caused and that will serve to partially restore competition where the defendant's predatory business practices have destroyed it. This is not the time to go easy on them. This is not the time to tire of the fight for increased competition in the software industry.

In spite of what the government and Microsoft now contend, resolution of this case has nothing whatsoever to do with patriotism, ''freedom to innovate,'' or maintaining America's leadership in a flagship industry. On the contrary, leaving Microsoft intact and unshackled will leave a very serious threat to our national security unresolved. The proposed settlement does far too little to restore competition in the key areas of the software industry where Microsoft has eliminated it. In particular, the settlement seems to validate Microsoft's present monopoly in personal computer operating systems. It is this monopoly, which Microsoft maintains by anti-competitive business practices, which has severely compromised the security of the nation's computing infrastructure, which is the very foundation of modern commerce.

Some argue that the personal computer operating system is an example of a ''natural'' monopoly and that the software industry benefits from Microsoft's role in setting de-facto standards. First of all, this argument ignores the observation that the Internet, which throughout most of its formative phase grew up outside Microsoft's sphere of influence and in spite of Microsoft's determined attempts to undermine it, has been the single greatest source of innovation in technology for a generation. Some might say the only source. More importantly, the argument ignores the significant national security and business risks that we are now subjected to as a result of Microsoft's monopoly in operating systems that are used in defense, government and business. Operating systems are the most critical piece of infrastructure which either keep commercial transactions and command and control functions safe and secure, or leave them vulnerable to malicious disruption, theft, and falsification. These vulnerabilities become increasingly clear with each passing week; one need only make a cursory examination of IT industry news to be keenly aware of the risks and costs associated with them.

If we are inclined to be kind to Microsoft we could argue that the risks are inherent in a monopolized market segment, due to the issue of homogeneity. The differences that exist in naturally varying systems mean that only a minority of the population tends to be susceptible to any particular threat. This is borne out by observing the Apple Macintosh community, which is less than five percent of the personal computer population and enjoys essentially all the same capabilities as Microsoft Windows users. While the ninety-five percent of personal computer users with Microsoft Windows have been subjected to over a dozen well-publicized attacks in the form of Internet email worms, Macintosh users (as well as Linux users, who make up an even smaller percentage), have been invulnerable to virtually all these attacks. This proves, on the face of it, that no one besides Microsoft benefits from Microsoft's monopoly.

Furthermore, if we are inclined to be more realistic and less kind to Microsoft, it is easy to establish that Microsoft's chronic lack of emphasis on quality, reliability or security in the Windows operating system has greatly exacerbated the vulnerability that we are now faced with. Microsoft has now, belatedly, admitted this is an issue and pledged to make security their main focus in the future. This is just marketing hype designed to distract us from the magnitude of the risk we are living under. Only the advent of true competition in the operating systems market segment will ever cure this vulnerability.

Microsoft's performance in reference to the Y2K bug proved that they cannot be trusted

to act in the best interests of their customers. Throughout the course of this trial many of Microsoft's defenders have argued that consumers were never harmed in the browser war. This is patently false. Microsoft openly and publicly committed all of their attention and resources to defeating Netscape and embracing (belatedly) the Internet. One need only note the timing of these events to realize that Microsoft was busy fighting the browser war at the precise time that their customers were demanding Y2K fixes, and not getting them. This lack of responsiveness to customer requirements cost American businesses and consumers many billions of dollars, if not more.

During the time of the browser war, I was a director of Information Technology at Fannie Mae, a Fortune 50 company with an IT budget well over $50 million. I had first-hand knowledge of what Y2K abatement cost my company and it was clear that a considerable portion of it, easily several million dollars, was due solely to Microsoft's tardiness in addressing the Y2K issues in their software, many of which were not solved until well past the eleventh hour, well after the date we had targeted to be fully compliant. I am sure that nearly every other American business faced similar issues and the resulting, unnecessary costs they bore are truly staggering. Anyone who believes this was inevitable or even excusable need only note the fact that the Apple Macintosh operating system was never susceptible to any of the Y2K problems that businesses waited until after the eleventh hour for solutions for from Microsoft. Could this possibly be because Apple has never had the luxury of a monopoly position for its products, but has had to compete on their merits? Had Microsoft targeted reliability and quality as major product goals and had they made a reasonable effort at Y2K abatement at the time they began the browser war, I firmly believe (based on first-hand experience in my company) that the price tag that consumers and businesses would have paid for Y2K compliance would have been 30% to 50% less than it was.

I have over twenty years of professional experience in systems integration and IT management. I have carefully observed Microsoft's rise from the start. My seven years at Fannie Mae convinced me that Microsoft's heavy-handed control over my industry is very harmful to corporate IT and to the industry in general. I could go on for many pages to explain to you, with hard evidence, why this is so. However, I believe that has already been established in court. What this industry desperately needs is competition in the segments Microsoft controls, such as desktop operating systems.

Any settlement of this case must not only be fair to Microsoft and to the industry they have harmed, it must be seen to be fair by the public and must be seen as a punishment, if a light one, for the misdeeds that have already been established. This proposed settlement is widely viewed as a stunning victory for Microsoft, witness the majority of reports in the press over the past two months, and that alone is reason enough not to proceed with it. It is not a punishment. It neither guarantees competition nor significantly penalizes Microsoft. The current environment in which Microsoft is seen by most as getting away with murder as a result of their own might and cleverness, and often being lionized for it, is not healthy for the Judicial System or for America, to say nothing of industry.

Microsoft claims that they have a right to compete as vigorously as possible and that they are simply better at it than other companies. However, Microsoft has no awareness of what honorable or gentlemanly competition is all about. In most arenas we do not allow competitors to openly cheat, especially if they are prodigious and unrepentant about it. If we will not allow such behavior in the Olympics, how can we feel comfortable allowing it to continue in Information Technology? The winner must bear a special burden of scrutiny. In addition to numerous abuses that they have not yet been tried for, or are perhaps not technically criminal, Microsoft has been tried and found guilty, upheld on appeal, of severe criminal misconduct. Over the course of this trial, their entire executive staff engaged in numerous, obvious acts of perjury, demonstrating that it is their usual way of doing business. No one seriously believes that they can be trusted to honor the terms of a consent decree.

Given the remarkably high profile of the company, the citizens of this country cannot allow this state of affairs to continue. I want to urge my government, in the strongest terms, to withdraw it's support for the settlement that is on the table. It does not go nearly far enough to serve the public's interests. It is riddled with loopholes, which Microsoft has proven for nearly a decade that they will exploit to the fullest. It sends the wrong messages to the public, to Microsoft, and to whatever would-be innovators may be thinking of trying to compete against Microsoft. It sends a signal to terrorists that we are sanguine about the fact that they have only a single target to concentrate on to take out the infrastructure of America's economy. It gives Microsoft the government's implicit blessing in their continued effort to undermine the free software and open source movements, which represent the only real hope for competition in operating systems and infrastructure technologies.

Please give some consideration to adopting the proposal of remedies put forth by the nine dissenting states. Their proposal, while still inadequate to fully address the threat, is at least a significant improvement over the settlement proposed by the Justice Department.

Yours very truly,
Neele T. Johnston
Intelligenesis, Inc.
25 Froude Circle
Cabin John, MD 20818
301–263–0248
neelejohnston@usa.net

MTC–00028819

From: Smith, Bob
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 5:57pm
Subject: Microsoft

Please see the attached message concerning the litigation against Microsoft.

Robert R. Smith
MPIC-MGTS
(314) 827–3584
Robert. Smith@Maritz.com

MTC–00028819 0001

Robert R. Smith
Smith-Krenning Enterprises, LLC
10784 Stroup Road
Festus, MO 63028
January 28, 2002
Department of Justice
Attorney General John Ashcroft
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

While I believe that the recently negotiated settlement between Microsoft and the Department of Justice has gone too far, I also think that this suit is better settled. It is important for the IT community to move forward again. It is equally important for the IT community to trust that the government would allow the owners their right to enjoy the benefits that our wonderful country was built on, allowing each of us to exercise our skills and make money.

However, some of the terms of the settlement are a bit troublesome. Microsoft should not be forced to release some of its source code to third-party software developers. Doing so is no guarantee that this source code will not be used to develop some sort of Windows-type clone. My company writes applications that work on the Microsoft Windows platform, and we do so without any code from Microsoft that isn't already published. I don't need Microsoft's insight to their operating systems any more than the next developer. If we start demanding code from Microsoft, then Microsoft should be able to demand code from us, and I'm not willing to share mine either.

While innovation is the hallmark of the IT community, simply cloning software that does not carry with it the full expertise that the original software has is dangerous. There are issues like product confusion, reliability and support that may end up causing more confusion in the consumer's mind than did this lawsuit.

The very least that can be said, however, is that the litigation is apparently over, and this is a good thing. I am hoping that there will be no further federal action against Microsoft or any other IT company.

Sincerely,
cc: Representative Richard A. Gephardt
Robert Smith
Co-Owner

MTC–00028820

From: cparrish1
To: Microsoft ATR
Date: 1/28/02 5:59pm
Subject: microsoft settlement

I strongly believe you should back off and let entrepreneurship alone.

Sincerely,
Charles M. Parrish

MTC–00028821

From: Fil Alleva
To: Microsoft ATR
Date: 1/28/02 5:59pm
Subject: Microsoft Settlement

MTC–00028821—0001

??e:///c√/win/temp/tmp.

To US Federal District Court and US DO J,

I am writing to express my support of the settlement reached by Microsoft and the DOJ. I believe that the settlement will allow all of the parties involved to move on to more productive endeavors. Microsoft has been incredibly successful because it has created products that consumers and businesses find useful. Arguably many Microsoft's competitors that decry its behavior would not even exist today had it not been for Microsoft's tireless efforts on behalf of the personal computing industry.

Fil Alleva

Stockholder and Employee of Microsoft

Redmond, Washington.

MTC–00028822

From: kayandmitch
To: Microsoft ATR
Date: 1/28/02 5:59pm
Subject: Microsoft settlement

As a retired citizen of Washington state, I encourage you to accept the proposed settlement in the anti-trust case involving Microsoft. I am neither an employee nor a stockholder in this firm.

This settlement is appropriate and reflects a triumph of the rule of law. Many critics, all with an axe to grind, i.e. competitors and state attorneys-general, call for extreme, stringent restrictions that are totally inappropriate.

These objections ignore the decision of the Appeals Court that reversed much of Judge Jackson's original findings. Objectors not only misstate facts, but deliberately misinterpret the Appeals Courts'' key findings.

In my view there can be no valid objection to this settlement since every major finding of the Appeals Court is stringently addressed with a targeted remedy that specifically prohibits and prevents the conduct in question.

Acceptance of the proposed settlement will send a signal to American industry managements and all thinking citizens that the rule of law is still being enforced appropriately. Any- -thing beyond this settlement would be a victory for those who seek damage and destruction rather than a remedy;. for competitors, litigation rather than innovative, honest competition.

Every person with the most rudimentary understanding of free markets wants the law to protect the markets'' smooth functioning. Can we depend on the fair application of the laws that all participants in the U.S. economy rely on ? I hope your answer is a resounding ''yes''.

Thank you for your consideration.

Harold G. Mitchell

1800 Skyline Way

Anacortes, WA 98221

MTC–00028823

From: Walden3ALR@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 6:00pm
Subject: Microsoft
325 North Broadway
Wind Gap, PA 18091–1214
January 28, 2002

Attorney General John Ashcroft
United States Department of Justice
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I am writing you let you know that I am a staunch supporter of Microsoft and I believe that the current lawsuit against the company instigated by the federal government is wrong and perhaps even counter-productive. Nevertheless, after three long, long years of legal wrestling, the settlement reached in November should provide the opportunity to put an end to this issue once and for all. For that reason I urge that you work towards implementing this settlement as soon as possible.

Under this settlement, Microsoft has agreed to design future versions of the Windows operating system to provide a mechanism for users, computer manufacturers and software developers to promote non-Microsoft software applications. Additionally source codes and interfaces internal to the Windows operating system and its products will be freely available to Microsoft's competitors. This is only the tip of the iceberg. As such, this settlement should more than satisfy the Department of Justice, as well as competing companies.

It is time that we concentrate on more important matters facing America. I ask that you work towards putting the November settlement into action as soon as possible and without any more litigation. Thank you.

Sincerely,

Dennis Cassidy

cc: Senator Rick Santorum

MTC–00028824

From: Mick McQuaid
To: Microsoft ATR
Date: 1/28/02 6:00pm
Subject: Public Comment on Microsoft Settlement

I am a university-based research scientist developing software to reduce information overload. My sponsors include the US Army Research Lab, which hopes my software will reduce information overload for tactical commanders in battle, and the Ford Foundation's Community Development Program, which hopes my software will do the same for overworked, underpaid community development workers.

In my research, I am a consumer of computer hardware and software, as are my sponsors, their customers, and the students who work in my lab. In my view, we are all harmed by Microsoft's monopoly, and this harm is not addressed by the proposed settlement.

As a public university, and with government agencies and charitable community foundations as our sponsors, we are acutely aware of the need to save money. One way we believe we could accomplish this is by using free operating systems such as Linux or FreeBSD instead of Windows. We have been stymied in our efforts to purchase computers with free operating systems or no operating systems.

We found that purchasing a computer from a vendor, Gateway, with no operating system cost just as much as to purchase it with Windows and also led to a warranty problem where the computer was not warranted to operate with any particular operating system. We were warned by our vendor, Gateway, that we should have purchased our computer with Windows, then installed a free operating system to coexist with it. For any remedy to be effective, Windows should be an extra-cost add-on to a basic Gateway computer that we purchase or recommend to the military commanders and community development workers who'll use our software.

A second source of harm to me as a consumer comes from Microsoft's secret file formats. The only way my software can reduce information overload for military commanders and community development workers is if my software can read and write the file formats for information with which these workers are inundated. Other vendors and researchers publish their file formats. Microsoft does not. I can not avoid using Microsoft file formats and must spend extra money to try to keep up with changes to them. Through a model called ''embrace and extend,'' Microsoft is able to use its monopoly position to change file formats such as Rich Text Format over time to reduce interoperability among customers and competitors. Only a remedy that forces Microsoft to publish file formats so that they cease to be a monopoly-strengthening tool can provide effective relief for me as a consumer.

A third source of harm to me as a consumer concerns my ability to use the World Wide Web without the requirement that I use Microsoft products. I can not browse certain web pages nor conduct transactions on certain websites because the authors of a free operating system running on my computer do not have access to Microsoft networking protocols. Fortunately, not every web site is forbidden because I have chosen a free operating system, but more sites are denied me every day. Two years ago, I believed that free operating systems like Linux were the wave of the future. In the past year, I have come to realize that Microsoft is working actively to shut down free operating systems by making access to the Internet more difficult for those who fail to access using current Microsoft products. Only a remedy that forces Microsoft to publicly reveal networking protocols such that users of free operating systems have a chance to rewrite their software to visit websites and conduct transactions.

To summarize, I have been harmed as a consumer by Microsoft's monopoly. The proposed settlement does not offer me any relief from that harm and I suggest in this message three requirements that would have to be met to provide that relief: (1) make Microsoft operating systems an extra-cost add-on to computers, (2) compell Microsoft to publish file formats it uses to maintain and extend its monopoly to the desktop, and (3) compell Microsoft to publish networking standards it uses to maintain and extend its monopoly to the Internet.

I have never written to comment on any such settlement before, in part because I never been persuaded of the gravity of such a situation. The proposed settlement shocks me as a consumer and I can only explain it by taking into account the profound effect

that recent events have had on the DOJ mindset about what constitutes the national interest. Possibly DOJ has become less aggressive toward violators during a period of national mourning. Now it is time for cooler heads to prevail and to demonstrate to the public that our government considers the national interest to include what is best for consumers, not merely what is best for corporations. —

Mick McQuaid, mcquaid@u.arizona.edu
2721 East Fort Lowell Road
Tucson, AZ 85716
520–975–5157

MTC–00028825

From: Tommy Goddard
To: Microsoft ATR
Date: 1/28/02 5:56pm
Subject: Microsoft Settlement

Do you plan on dropping the millions of customers? What do plan on doing about the fact that 99% of the government's computers are run by MS? Now that AT&T is a government controlled company their service sucks. I can see how making MS a government entity would create so many issues for consumers and hurt our economy worse.. Anything federally regulated and funded sucks. Have you ever had a speeding ticket or tried to get a different phone company? MS actually provides good support.

Tommy
Internet √ Developer
Sportwave, Inc. & Championship Tennistours, Inc.
''It's Tennis on the Net!''
EMail: <mailto:tommy@sportwave.com> tommy@sportwave.com

MTC–00028826

From: Keith Kemp
To: Microsoft ATR
Date: 1/28/02 6:01pm
Subject: Microsoft Settlement.

I think the deal that MS has offered is more than fair. Just get off their back so that they can continue to be innovators instead of being regulated allowing someone else to take their position as the leader.

Keith

MTC–00028827

From: LRogers67@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 6:02pm
Subject: Settlement
17311 87th Avenue Court E
Puyallup, WA 98375
January 28, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am submitting the following comments for your review as regards the Microsoft antitrust lawsuit. I am in favor of seeing this case settled. From the lawsuit's inception, I have been frustrated by the fact that Microsoft is being punished merely because it has produced an outstanding operating system.

Despite my disagreement with the wisdom behind filing this suit, in my opinion, the terms of the settlement agreement are fair. In response to the allegation that Microsoft has engaged in unfair business practices, Microsoft has agreed to give up many things. Microsoft has agreed to disclose portions of its code to their competitors. They have also submitted to making it easier for consumers to change the configuration of Windows. This will allow consumers to run programs made by Microsoft's competitors, while using Windows. Additionally, Microsoft has agreed not to take retaliatory actions against those who distribute or promote software that competes with Windows. Fair competition will be restored as a result of the concessions Microsoft has made. Nothing else should be required of Microsoft beyond the terms of the settlement agreement.

Thank you.
Sincerely,
Linda Rogers
CC:fin@mobilizationoffice.com@inetgw

MTC–00028828

From: kwhite
To: Microsoft ATR
Date: 1/28/02 6:02pm
Subject: Microsoft Settlement

The courts are punishing Microsoft, a winner and rewarding the losers who have inferior products in my estimation. What is wrong with winning? I don't see Be on every desktop and Oracle is so expensive and cumbersome that only foolish bureaucracies run this software. There are no gains for the general population which this lawsuit pretends to ''protect''. Very clearly the courts are protecting a very few major corporations and their interests, not us little guys. And guess what ? should anyone be surprised—There are several technical references about computer systems and software that are grievously incorrect in the court documents.

Since when does any company have to get approval from the courts to bring a product to market? Courts have to get out of the market place. Let winners win, and losers lose. Get Bin Laden and others like him. Get bad guys not a company like Microsoft whom we all should be proud of. We should put a statue of Bill Gates right next to the Abe Lincoln monument.

Our future is in our children. Any court settlement (not), if there has to be one should benefit our kids.

Ken White
kwwhite@erols.com
CC:kwwhite@erols.com@inetgw

MTC–00028829

From: Jack Burlingame
To: Microsoft ATR
Date: 1/28/02 6:03pm
Subject: Microsoft Settlement

To Whom It May Concern:

Please register my opposition to the proposed government settlement with Microsoft. Despite the fact that I am a Microsoft shareholder, I believe the company needs to be restrained in its anti-competitive practices.

The case, in my opinion, goes well beyond the so-called ''browser wars.'' The list of companies that Microsoft has harmed as it incorporates additional functions into its operating system software is lengthy. To name just a few: Eudora—email program Adobe—imaging program Symantec—utilities programs Ipswitch—FTP program Real Networks—multimedia programs It is reasonable to ask what the ability to edit photographs, for example, has to do with a computer operating system. The only purpose for including such programs in Windows at no charge is to drive competitors out of business. This represents classic anti-competitive behavior that must be curtailed.

Sincerely,
Jack Burlingame
28–B Old County Road
Hingham MA 02043

MTC–00028830

From: Leonard Shackelford
To: Microsoft ATR
Date: 1/28/02 6:02pm
Subject: Microsoft Settlement

I support any decision which will allow Microsoft to continue business without any government intervention. Please leave Microsoft alone!

Sincerely,
Leonard Shackelford
Leonard@tmgcorp.net

MTC–00028831

From: Gordie (038) Barbara Rydberg
To: Microsoft ATR
Date: 1/28/02 6:03pm
Subject: Microsoft Settlment

Attorney General John Aahcroft I encourage the United States Justice Department to accept the recent anti-trust settlement it reached with Microsoft. I'm for anything that will get the matter behind us so Microsoft can get back to the business of making good software. To open up the market and make it more competitive, Microsoft has agreed to grant computer makers the right to change Windows so that Microsoft product can be removed and competing, non-Microsoft produts can be installed. This will allow small developing software companies to get their feet in the door and compete on an even level. This will also create a competitive environment that will encourage all parties to improve their produts and services. Microsoft has further agreed to not take any action that could be perceived as retaliatory against those computer makers who choose to do this, nor will Microsoft retaliate against computer makers who develop or ship operating systems that compete with Windows. A Technical Coommittee made up of three software experts will be overseeing compliance and assisting in any dispute resolution. Based on these facts, I encourage you to support this good settlement that will benefit Microsoft, competitors, and most iimportantly, consumers who buy these products.

Gordon Rydberg
318 Nelson Lane
Lopez Island, Washington 98261.

MTC–00028832

From: Carl Hekkert
To: Microsoft ATR
Date: 1/28/02 6:05pm
Subject: Microsoft

Your Honor,

As a Silicon Valley resident, I must voice my objection to the proposed settlement in

the Microsoft case. As a beneficiary of years of anti-trust violations, Microsoft is now being allowed to retain many billions of dollars of illegal profits. Furthermore, this proposed settlement does nothing to limit Microsoft's power and ability to continue its anti-competitive behavior. I feel we are being sold short by this proposed final judgment, and Microsoft emerges as the winner.

Respectfully,
Carl Hekkert
408–245–7266

MTC–00028833

From: Nicholas P. Provenzo
To: Microsoft ATR
Date: 1/28/02 6:02pm
Subject: Microsoft Settlement
Please see the attached document for the Center's comments on the proposed Microsoft Settlement.
The Center for the Moral Defense of Capitalism
<http://www.moraldefense.com/> http://www.moraldefense.com
VOX: (703) 625–3296
FAX: (815) 327–8852
THE CENTER FOR THE MORAL DEFENSE OF CAPITALISM
January 28,2002
From: Nicholas Provenzo
Chairman
Center for the Moral Defense of Capitalism
To: Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Re: Microsoft Settlement

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16, the Center for the Moral Defense of Capitalism respectfully submits its evaluation of the proposed Final Judgment resolving U.S. v. Microsoft Corporation (Civil Action No. 98–1232) and State of New York ex. rel Attorney General Eliot Spitzer, et al., v. Microsoft Corporation (Civil Action No. 98–1233).

The mission of the Center for the Moral Defense of Capitalism is to promote the social welfare of the nation by presenting to the public a moral foundation for individualism and economic freedom based on a philosophical analysis of humanity and human nature. Specifically, we seek to apply Ayn Rand's philosophy of Objectivism to the understanding of human action and human relationships.

As the cornerstone of a free, capitalist system, we argue that human life requires thought and effort and that the free market springs from the trade of one's thoughts and efforts with others. We make the argument that human minds and bodies must be left free of coercion, that all human interaction must be voluntary and that the initiation of physical force must be banished from human relationships. We see a proper government as the agent of its citizens, charged with one mission: the use of retaliatory physical force in defense against the initiation of physical force.

Our organization has followed the Microsoft antitrust case from its initial filing—we have opposed the case from the outset, seeing it as an abridgement of the freedom of production and trade and an interference with the right to acquire and possess property. We disagree with the essential factual component of this case that Microsoft's integration of its Internet Explorer Web browser with its Windows operating system was a coercive act against Microsoft's competitors and customers. Instead, we see a company that according it its evaluation of the marketplace saw the commercial value of product integration and acted accordingly. In exercise of Microsoft's right to control its property, the firm set terms for the sale of that property that it believed was in its own self-interest. Microsoft's subsequent commercial success after this integration affirms the wisdom of Microsoft's actions—Microsoft's customers themselves chose to reward the firm with increased sales and increased market share. Rather than serve an impediment to the free market, Microsoft's actions personified them.

The Center for the Moral Defense of Capitalism
4901 Seminary Rd. Ste. 1320
Alexandria, VA 22311–1830
Office: (703) 625–3296 Fax: (815) 327–8852
E-mail: info@moraldefense.com

Yet, obviously, Microsoft's success has made it into the target of the government's wrath via the current antitrust case. Our organization closely followed the District Court case, writing several published evaluations of the case and its subsequent rulings (see Appendix 1 & 2). Our organization also participated in the US Court of Appeals for the District of Columbia Circuit appeals proceedings as an amicus curie. Our amicus brief relied on two major arguments in opposing the government's case: 1.) that the antitrust laws are unconstitutional laws that fail to provide with clear and concise guidance necessary to avoid sanctions under the law; and 2.) that the antitrust laws are unconstitutional laws because they require the government to initiate force against innocent citizens.

Today, our view of the Microsoft antitrust case and its proposed settlement is as follows: While we respect the desire of the parties to seek a resolution to this case, particularly that of Microsoft, which has had to endure a 3 1/2 year crusade against its property rights and its right to conduct its business in a profitable manner, we are wary of any settlement that legitimizes any aspect of this unjust assault against a successful, innovative business. We consider the case against Microsoft to have been defective at every level, from the fundamental claim that the entrepreneurial actions of a successful business are a threat against others, to the claim that a monopoly can exist where there is no legal barrier to entering a market, to the claim that the citizens of the United States are too ignorant or incompetent to exercise their individual power of choice when in the marketplace and therefore require the government to make their personal choices for them. We consider it a failure that the court saw no distinction between the earned success of a business in the free market and the coercive power of a government favorite and we consider it a failure that the court did not ultimately throw out the case against Microsoft.

Considering that this case was initial brought not at the insistence of individual consumers or with Microsoft's business partners, but at the insistence of Microsoft's unsuccessful competitors, this entire case reeks of business failures asking the government to step in and give them the commercial success they could not achieve in the marketplace. Failed businesses must not be allowed to set the rules for the markets in which they failed. In evaluating the proposed settlement, we find that it specifically threatens the right to private property. A key component of the proposed remedy is a requirement that Microsoft make its source codes available to a government-sanctioned oversight committee, which in turn is supposed to ensure these same source codes are made available to non-Microsoft ''middleware'' producers, so that these companies can create products to compete with Microsoft. Since under the proposed judgment, the United States would retain the right to determine and enforce the scope to which these source codes are to be made available, the final judgment constitutes a de facto seizure of private property—the source codes—and its subsequent conversion to a public good. Such a taking is wholly incompatible with the Constitution of the United States. Accordingly, we reject the notion that this settlement serves the public interest, or that any punishment of Microsoft for its business practices will be of benefit to any consumer. Eroding Microsoft's property rights serves no one. We hold that no antitrust case, including the Microsoft case can withstand rational scrutiny, and we ask that no sanction be placed on Microsoft as a result of its antitrust conviction.

Appendix 1:
Judge Jackson's Findings of Fiction
By Dr. Edwin A. Locke, Ph.D.
Senior Policy Analyst
The Center for the Moral Defense of Capitalism

Judge Thomas Penfield Jackson has released his ''findings of fact'' in the Microsoft antitrust case. While his report did contain some correct information—such as the truism that a successful company tries to defeat its rivals—the central claims of his report are blatant falsehoods. Let us examine five of these fictions.

Fiction #1: Microsoft is a ''monopoly.'' There is no such thing as a private monopoly. Only the government can forcibly prevent competitors from entering a market. Microsoft has attained dominance in the software industry, but dominance is not monopoly. Market dominance has to be earned through a long struggle, by providing better products and better prices than anyone else. Dominant companies who falter (as did Xerox, IBM, General Motors and Kodak) will find their market share eroded, sometimes very quickly. There is no threat from these dominant players so long as their competitors are legally permitted to enter the field, invent new products, and combine with each other to gain the needed market power.

In a free market, a dominant position can only be sustained by continually providing new products and services that are better than other firms'' products. Paradoxically, Judge Jackson recognizes this fact but

condemns it. Microsoft's innovation, its continual product upgrades, its millions spent on research and development, are cited by Jackson, not as evidence that Microsoft has earned its position, but only as evidence of a conspiracy to ''stifle'' its competitors.

Fiction #2: Microsoft's ''monopoly power'' allows it to ''coerce'' its customers. A private company has no power to force consumers to do anything. Did Judge Jackson find that Microsoft threatened to beat people up or throw their bodies into the East River if they bought the wrong Web browser? Of course not. The only ''leverage'' Microsoft has is the leverage it has earned by producing a product that people want to buy.

This economic power, the power of voluntary trade, is fundamentally different from political power, the power of the gun. Yet Judge Jackson is eager to erase this distinction. Thus, such actions as upgrading a product to match the features offered by a competitor, distributing a product for free, or negotiating favorable terms with business partners—all of them normal and beneficial business practices—are presented by Judge Jackson as if they are a nefarious, mafia- like conspiracy to oppress the public.

Fiction #3: Microsoft harmed consumers. This is certainly news to the millions of people worldwide who value Microsoft products enough to make the company and its founders rich.

Most bizarre is Judge Jackson's claim that Microsoft harmed consumers by giving away its Web browser, making it unprofitable for other firms to sell their browsers. Any sane consumer would be delighted to get a product for free rather than paying money for it. To speak of receiving free software as a ''harm'' is Orwellian doublespeak.

Fiction #4: Microsoft is a threat to consumers because it ''could'' raise its prices. Under this criterion, anyone could be prosecuted for anything. Do you own a kitchen knife? Then you might stab somebody—so should the government put you in jail?

Microsoft has the right to sell its product for any price it chooses—but anyone familiar with the history of business and with Economics 101 knows that market leaders have a selfish interest in keeping their prices low. Why? Because they make a lot more money by creating a mass market than by creating a product only the rich can buy. Henry Ford understood this. So did Bill Gates. Clearly, Judge Jackson does not.

The only basis for his conclusion is the caricature of the successful corporation as a vicious ''Robber Baron'' which, even if it is not ''exploiting'' consumer now, is merely waiting for the opportunity to do so. Fiction #5: Blocking Microsoft's ability to compete will foster greater industry innovation. A private company, with no power over consumers but the power conferred by offering a useful product, is branded by Judge Jackson as dangerous. But far-reaching government intervention in the software industry, including the massive use of force to shatter Microsoft and control its business practices, is presented as an attempt to spur innovation. Only those who believe AI Gore invented the Internet could take this argument seriously.

What Judge Jackson really objects to is the fact that Microsoft defeated its competitors, i.e., that it was successful. The real meaning of his ''findings of fact'' is that the best brains must be crippled, so that lesser brains will not have such a hard time succeeding. He and the government prosecutors whose arguments he is echoing do not want to foster innovation; they want to sacrifice the best and the brightest in the name of egalitarianism. They want the playing field leveled by coercion so that no one can rise to the top.

What consumers need is an antidote to the fictions peddled by Judge Jackson: the recognition that businessmen have a right to succeed by trading their products in a free market. Dr. Edwin A. Locke is Dean's Professor of Motivation and Leadership at the Robert H. Smith School of Business at the University of Maryland and is affiliated with UMD's Department of Psychology. An internationally renowned behavioral scientist, Locke's work is included in leading textbooks and acknowledged in books on the history of management.

THE CENTER FOR THE MORAL DEFENSE OF CAPITALISM

Appendix 2:

Altruism in Action: An Analysis of Judge Jackson's Finding of Fact and the Antitrust Assault on Microsoft

by Adam Mossoff

Policy Analyst

The Center for the Moral Defense of Capitalism

United States District Court Judge Thomas P. Jackson is crystal clear in his recent ''findings of fact'': Microsoft is marked for destruction. But why does Judge Jackson want to punish one of the most successful corporations in American history? Because Bill Gates proclaimed that he wanted ''to prove that a successful company can renew itself and stay in the forefront'' i—and he proceeded to do just that.

By the early 90s, Microsoft had gained a dominant position in the software industry by creating Windows, the first commercially viable graphical operating system that could be used on PCs. But in the mid-90s, Gates realized that the Internet represented the next step in the ongoing computer revolution; thus, he created a business plan to ''stay in the forefront'' of this revolution. In so doing, he set into motion the same technological and commercial innovation that had led to Microsoft's leading market position in the first place.

Microsoft began by investing a staggering $100 million each year in Internet research and development, and in four years the company expanded its Internet division from only six people to more than one thousand. These investments, in the words of Judge Jackson, paid ''technological dividends.'' ii (Paragraph 135) Microsoft developed a Web browser called Internet Explorer, and ''after the arrival of Internet Explorer 4.0 in late 1997, the number of reviewers who regarded it as the superior product was roughly equal to those who preferred [Netscape's] Navigator.'' (Paragraph 135)

But Gates took Microsoft even farther. He integrated Internet Explorer into Microsoft's Windows operating system so that it would be easier to incorporate the fast-growing Internet into all aspects of personal computing. In fact, Judge Jackson partly acknowledges the groundbreaking work performed by Microsoft in this regard:

The inclusion of Internet Explorer with Windows at no separate charge increased general familiarity with the Internet and reduced the cost to the public of gaining access to it, at least in part because it compelled Netscape to stop charging for Navigator. These actions thus contributed to improving the quality of Web browsing software, lowering its cost, and increasing its availability, thereby benefiting consumers. (Paragraph 408) Concurrent with its technological innovation, Microsoft put into practice novel business services and licensing arrangements. Just one of many examples addressed by Judge Jackson is the Internet Explorer Access Kit (IEAK), a service that permits an Internet access provider (IAP), such as America Online or Earthlink, to accept a license agreement on the Web and then download and customize Microsoft's Internet software. When Microsoft began offering this service in September, 1996, it was the first time an Internet access provider could create a distinctive identity for its service in as little as a few hours by customizing the title bar, icon, start and search pages, and ''favorites'' in Internet Explorer. The IEAK also made the installation process easy for IAPs. With the IEAK, IAPs could avoid piecemeal installation of various programs and instead create an automated, comprehensive installation package in which all settings and options were pre-configured. (Paragraph 249)

More than 2,500 access providers—representing more than 95% of the Internet subscriber market in the US—used Microsoft's IEAK service. (Paragraph 251) Notably, Netscape did not create a similar service until nine months after Microsoft introduced IEAK, and Netscape charged almost $2,000 for something Microsoft offered for free. (Paragraph 250)

Microsoft blended technological innovation with business acumen and thus offered its business partners an integrated package of new technology and new business opportunities. In exploiting these opportunities, Microsoft often offered ''valuable consideration''—such as special discounts— to companies like Compaq, IBM, and Intel as an incentive to adopt its Internet Explorer and other Microsoft technology. In fact, Judge Jackson uses the term ''valuable consideration'' eight times to describe Microsoft's business agreements with other companies—leaving the honest reader to conclude that Microsoft's dealings were not some form of coercion but rather value-for-value trades.

For instance, Microsoft beat Netscape in developing a special type of browser that America Online (AOL) required for its Internet service. As a result, the two companies entered into several agreements in 1996. In exchange for AOL's commitment to use Microsoft's Internet software, Microsoft promised to provide AOL with unprecedented access to Internet Explorer source code, extensive technical assistance, ''free world-wide distribution rights to

Internet Explorer,'' an assurance ''that future versions of its Web browsing software would possess the latest available Internet-related technology features, capabilities, and standards,'' and the placement of an AOL icon in a special folder on the Windows desktop. (Paragraph 288)

This relationship has been advantageous to both parties. Overall usage of Internet Explorer has risen dramatically, and as a result of this agreement AOL registered almost one million new users in a single year—11% of its total membership—through its icon on the Windows desktop. This fact alone prompted AOL to state in 1998 that its business arrangement with Microsoft was an ''important, valued source of new customers for us.'' (Paragraph 302) Microsoft's achievements should be held up as a model of how to create and maintain a highly productive, innovative company. Yet Judge Jackson is unable to view any of these facts in a positive light. While Judge Jackson recognizes many of the concrete facts that demonstrate Microsoft's productive achievement, he is incapable of praising the innovation and business acumen that led to Microsoft's success.

Instead, his descriptions are clouded by slanted, inflammatory terms that attribute vicious motives to Gates and his company. When Microsoft created new technology to compete with its rivals, Judge Jackson describes the company's motivation as ''fear'' and ''alarm.'' When Microsoft offered incentives to its business partners, Judge Jackson decries this as the ''quashing'' and ''stifling'' of rivals. When Microsoft licensed its products only under conditions favorable to its long-term success, Judge Jackson describes these actions as ''threats'' and ''force.'' (Judge Jackson uses variations of ''threat'' no fewer than twenty times and of ''force'' no fewer than sixteen times to describe Microsoft's actions.) When Microsoft refused to support its competition, Judge Jackson calls this ''punishment.'' When Microsoft ingeniously melded technological and business strategies to convince consumers that its products were the best, Judge Jackson sees the company as ''seizing control'' and trying to ''capture'' the market.

Even worse than his slanted terminology are his substantive arguments, in which he sets up impossible standards according to which no successful business could escape prosecution. For example, Judge Jackson writes early in his ruling that:

It is not possible with the available data to determine with any level of confidence whether the price that a profit-maximizing firm with monopoly power would charge for Windows 98 comports with the price that Microsoft actually charges. Even if it could be determined that Microsoft charges less than the profit-maximizing monopoly price, though, that would not be probative of a lack of monopoly power, for Microsoft could be charging what seems like a low short-term price in order to maximize its profits in the future for reasons unrelated to underselling any incipient competitors. (Paragraph 65) (Emphasis added.)

Judge Jackson admits that it is not possible to tell whether Microsoft is in fact charging a monopoly price. Yet he dismisses this lack of evidence as irrelevant because Microsoft could simply be using low prices today in order to ''capture'' the market and charge exorbitant prices at some future date. In other words, Microsoft is a monopolist if it charges prices that are deemed ''too high''—but it is also a monopolist if it charges prices that are too low. By virtue of its dominant position in the industry—that is, by virtue of its success—Microsoft is damned if it does and damned if it doesn't.

Judge Jackson's visceral antagonism to business is also revealed by his condemnation of Microsoft for winning the browser battle against Netscape when ''superior quality was not responsible for the dramatic rise [in] Internet Explorer's usage share.'' (Paragraph 375) Note the implicit premise in this condemnation: If Microsoft hasn't produced a product that is technologically superior, then only commerce can explain its success. Jackson is repulsed by the notion that successful computer companies require both technological savvy and business skills; in his ideal world, Silicon Valley would be populated solely by computer scientists with nary an ''alarming'' venture capitalist or ''threatening'' businessman in sight. Judge Jackson's praise for innovation, however, might seem to contradict his overall attack on successful businesses. Technological innovation is a source of business success, is it not? Although Judge Jackson recognizes that technological innovation causes businesses to succeed, he believes that this innovation has another, more legitimate, function. He writes:

In many cases, one of the early entrants into a new software category quickly captures a lion's share of the sales .... What eventually displaces the leader is often not competition from another product within the same software category, but rather a technological advance that renders the boundaries defining the category obsolete. These events, in which categories are redefined and leaders are superseded in the process, are spoken of as ''inflection points.'' (Paragraph 59) (Emphasis added.)

Innovation appeals to Judge Jackson not because it leads to the creation of wealth, but rather because it tends to tear down the market leader. He argues that the emergence of the Internet in the mid-90s was one such ''inflection point.'' (Paragraph 60) Thus, the nature of his support for innovation explains his disgust with Microsoft's defeat of Netscape: By introducing its browser product sooner, Netscape should have replaced Microsoft—if only Microsoft had not engaged in the ''vicious'' commercial competition that ensured its continued leadership in the computer industry.

These beliefs ultimately lead Judge Jackson to conclude that Microsoft's ''monopoly power'' has ''harmed consumers in ways that are immediate and easily discernible.'' (Paragraph 409) What are these alleged harms? Judge Jackson claims (wrongly) that the integration of Windows 98 and Internet Explorer does not allow employers to block employees from surfing the Web. He asserts that vast ''confusion'' reigns among consumers—but beyond one or two offhand references throughout the ruling, he never explains this vague allegation. Moreover, he claims, the integration of Windows and Internet Explorer has created slower computers with more bugs—as if computers are slower and less dependable than they were two years ago! One might regard such mythical ''harms'' as the laughable allegations of a Luddite—if they did not come from a judge who wields the coercive power of the federal government.

Regardless of how trivial these alleged harms may be, Judge Jackson seems sincerely to believe that Microsoft is acting as a vicious monopolist. Why? He answers this question in the last few sentences of his ruling: ''Microsoft's past success in hurting such companies and stifling innovation ... occur for the sole reason that [other companies and their innovations] do not coincide with Microsoft's self-interest.'' (Paragraph 412) (Emphasis added.)

It takes Judge Jackson more than 200 pages, but in the end he names the essence of his disgust for Microsoft—and the essence of the antitrust laws. In so doing, Judge Jackson exposes the fundamental moral premise dictating his factual distortions, his fallacy-ridden arguments, and his illogical conclusions: a hatred for any form of self-interest.

The morality of altruism or self-sacrifice is often presented as a form of benevolence, as if it simply means being nice to other people. But the actual meaning of this philosophy is a hatred of success. Under this morality, anyone who achieves some extraordinary wealth or distinction owes it to his fellow men to sacrifice what he has earned—including giving away his whole fortune, as and when it is demanded by others. (This is essentially what has been demanded of Bill Gates.) But what about those who have not achieved anything? They are entitled to welfare programs, private charities, protective legislation, and a host of other unearned benefits to be paid for by those who have succeeded. In this system, anyone who earns success through his own effort is to be punished, while anyone who hasn't exerted any effort and hasn't attained any success is to be rewarded.

Far from standing for benevolence or good will, such a moral outlook stands for destruction. This code of sacrifice demands an assault on a Microsoft or a Bill Gates. By amassing so much money and achieving so much success, they must be shirking their duty to sacrifice to others. But it does not demand the destruction of the Netscapes of the world because, by* virtue of having faltered, they are the ''have-nots'' who are entitled to benefit from the sacrifice of their more-successful competitors.

Note that the ultimate standard of this moral outlook is not the well-being of the poor, the weak, the downtrodden; has the welfare state ever achieved these aims? Instead, the goal is the sacrifice of the rich, the strong, and the powerful—not to achieve any positive aim, but simply to punish them because they are rich, strong, and powerful.

The altruist connection to antitrust is evident in the mere fact that Judge Jackson could have applied the antitrust laws against Microsoft without finding any harm at all. Although the ostensible purpose of antitrust

is to ''protect consumers'' from alleged ''monopolists,'' court decisions consistently belie this fiction. In one of the first cases defining the doctrine of antitrust, a large railroad trust defended itself against prosecution by arguing that its price-fixing plan resulted in lower prices for consumers. Since the stated purpose of the 1890 Sherman Antitrust Act was to protect consumers, and since consumers actually benefited in this case, the defendant logically concluded that the antitrust laws should not apply to its practices. The Supreme Court rejected this argument and ruled that the railroad trust was guilty. In an illuminating statement, Justice Peckham declared: ''In this light it is not material that the price of an article may be lowered. It is in the power of the [monopolist] to raise it.'' iii

(Interestingly, Justice Peckham was an ardent conservative who was one of the principal advocates of ''freedom of contract'' in the 19th century—just as Judge Jackson was a Reagan appointee. This proves once again that conservatives are not reliable friends of freedom.) Continuing to apply the underlying anti-success principle of antitrust, the Supreme Court ruled in 1968 that a newspaper company violated the Sherman Antitrust Act when it fired a distributor for charging rates above an allowable maximum price. The Court found that the newspaper ''would not tolerate over-charging'' of its customers, and that it even agreed to rehire the distributor if he ''discontinued his pricing practice''—-that is, if he charged lower prices. Nonetheless, the Court held that the benefit to consumers was irrelevant in finding that the newspaper company acted in ''conspiracy'' with its other distributors to set prices—thus its actions were ''an illegal restraint of trade under Section 1 of the Sherman Act?

Harm to consumers has nothing to do with the purpose of antitrust. The antitrust laws are intended only to punish ''power''—but since economic power is earned on the free market, this means that the purpose of antitrust is to punish successful business practices. Antitrust case law is replete with examples of companies being punished, not for any alleged harm, but simply for having the acumen to remain successful in their industries. A ski resort in Aspen, Colorado, was not only found guilty in 1985 of violating the antitrust laws because it successfully competed against its only rival; it was also held to a ''duty under antitrust law to help a competitor.'' v In the famous case against ALCOA in 1945, Judge Hand declared that ''the successful competitor, having been urged to compete, must not be turned upon when he wins.''

But he contradicted himself in the very next paragraph, concluding that ALCOA insists that it never excluded competitors; but we can think of no more effective exclusion than progressively to embrace each new opportunity as it opened, and to face every newcomer with new capacity already geared into a great organization, having the advantage of experience, trade connections, and the elite of personnel. vi

ALCOA's ability and success, by Hand's reasoning, was the deciding factor for finding it guilty of violating the antitrust laws.

Given this legal context, Microsoft was doomed before it even set foot in the courtroom. The media, in an anti-Microsoft feeding frenzy, often highlighted mistakes made by Microsoft's counsel during the lengthy (and ongoing) trial. Yet Microsoft's attorneys could have performed flawlessly, and Judge Jackson would still have produced the same ruling.

The reason is that Microsoft is an extremely successful company; Gates is a unique combination of technological genius and businessman, reminiscent of earlier American giants like Thomas Edison. Thus, it was irrelevant how hard Microsoft's attorneys worked, or how much intellectual vigor they brought to their legal briefs and courtroom arguments. These things were irrelevant because no army of lawyers could hide a single, essential fact—the only fact necessary for applying the antitrust laws: Microsoft succeeds at what it does.

The punishment doled out for success is paralysis. Judge Jackson makes it clear that Microsoft must not be permitted to capitalize upon its well-earned success. Because it has created values, it must now relinquish them. Does it matter that Microsoft has earned its success by producing a better product, by offering better incentives to its business partners, and by providing better service to software developers and Internet access providers? No.

Such facts do not matter to a man who believes that a successful company has a moral duty to sacrifice to its lesser rivals—-especially when that man has the legal power to coerce the company to obey its alleged duty. With every slanted term and with every absurd conclusion, Judge Jackson practically screams his unstated moral premise: Since Microsoft is a leader in the computer industry, it must sacrifice the values it has created because it has created them.

In his ruling, Judge Jackson claims to set out the objective facts underlying his impending application of the antitrust laws to Microsoft. But the only thing he manages to establish is his own animosity towards commercial success. What drives this animosity is the underlying moral justification for antitrust: altruism's hatred of success.

The basis for Judge Jackson's ruling is not any ''monopoly'' allegedly controlled by Microsoft; it is the monopoly commanded by the morality of altruism over our culture. That monopoly can be seen, unfortunately, in Bill Gates's sanction of his own destruction in a comment immediately after the ruling, in which he declares that ''because of our success, we understand that Microsoft is held to a higher standard, and we accept that responsibility.'' vii As long as this moral monopoly remains unchallenged, legal doctrines such as antitrust will continue to punish successful businesses.

i Bill Gates, The Road Ahead 64 (1995)

ii US v. Microsoft, No. 98–1233 (TPJ) (D.DC Nov. 5, 1999) (findings of fact). All references to the findings of fact hereafter will refer only to the paragraph number.

iii United States v. Trans-Missouri Freight Association, 166 US 290, 324 (1897), emphasis added.

iv Albrecht v. Herald Co., 390 US 145, 153 (1968).

v Olympia Equipment Leasing Co. v. Western Union Telegraph Co., 797 F.2d 370, 377 (7th Cir. 1986), citing Aspen Skiing Co. v. Aspen Highlands Skiing Corp., 472 US 585 (1985) (holding that a monopolist has a duty to help a competitor).

vi US v. Aluminum Co. of America, 148 F.2d 416, 431 (2d Cir. 1945).

vii ''Statement by Bill Gates on the Findings of Fact,'' www.microsoft.com/presspass/ofnote/11- 09wsj.asp, visited Nov. 11,1999.

MTC–00028834

From: kayandmitch
To: Microsoft ATR,info@effwa.org@inetgw
Date: 1/28/02 6:06pm
Subject: Microsoft settlement

As a retired citizen of Washington state, I encourage you to accept the proposed settlement in the anti-trust case involving Microsoft. I am neither an employee nor a stockholder in this firm.

This settlement is appropriate and reflects a triumph of the rule of law. Many critics, all with an axe to grind, i.e. compeitors and state attorneys-general, call for extreme, stringent restrictions that are totally inappropriate.

These objections ignore the decision of the Appeals Court that reversed much of Judge Jackson's original findings. Objectors not only misstate facts, but deliberately misinterpret the Appeals Courts'' key findings.

In my view there can be no valid objection to this settlement since every major finding of the Appeals Court is stringently addressed with a targeted remedy that specifically prohibits and prevents the conduct in question.

Acceptance of the proposed settlement will send a signal to American industry managements and all thinking citizens that the rule of law is still being enforced appropriately. Anything beyond this settlement would be a victory for those who seek damage and destruction rather than a remedy;. for competitors, litigation rather than innovative, honest competition.

Every person with the most rudimentary understanding of free markets wants the law to protect the markets'' smooth functioning. Can we depend on the fair application of the laws that all participants in the U.S. economy rely on? I hope your answer is a resounding ''yes''.

Thank you for your consideration.

Harold G. Mitchell
1800 Skyline Way
Anacortes, WA 98221

MTC–00028835

From: Lisa Kianoff
To: Microsoft ATR
Date: 1/28/02 6:06pm
Subject: Microsoft Settlement

Dear Attorney General Ashcroft.

Please see the attached word document regarding my support for the Microsoft settlement. Please contact me if you have any problem reading the document.

cc: Spencer Bauchus

Regards,

Lisa Kianoff, CITP.CPA

Top Ten Birmingham Business Women For 2000

L. Kianoff & Associates, Inc.

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MTC–00028835—0001

L. Kianoff
Associates, Inc.
Computerized Accounting Solutions
January 28, 2002
1128 22nd Street South
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205–592–9990 * FAX 205–592–9991
e-mail: lisa@kianoff.com
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

I cannot help but think that this settlement recently reached between the Department of Justice and Microsoft is a good thing. Since the court case was as contentious as it was, there was very little progress being made.

The terms of this settlement, however, accomplishes a great deal without all the controversy. Most consumers will immediately benefit by being able to choose different software combinations without fear of compromising their installed operating systems, and most computer makers will benefit by being able to offer a wider variety of options to their customers.

All in all, this settlement is a great benefit to all and I am writing to express my support for it. Thank you for the hard work you put in to reach this settlement, and your continued support.

Sincerely,
Lisa Klanoff
President
Cc: Representative Spencer Bachus
L. Kianoff
Associates, Inc.
Computerized Accounting Solutions
1128 22nd Street South
Birmingham, AL 35205
205–592–9990 * FAX 205–592–9991
e-mail: lisa@kianoff.com

MTC–00028836

From: Maureen Baskin
To: Microsoft ATR
Date: 1/28/02 6:07pm
Subject: Microsoft Settlement

I apologize for sending this via email, I've tried several times to FAX this to you today from a local office store, but the line has been busy each time.

Respectfully,
Maureen J. Baskin
January 24, 2002

Dear Attorney General John Ashcroft,

Please consider my request for an immediate approval of the pending settlement between Microsoft, the Department of Justice and nine states. I worked for Microsoft from 1989 to 1996 in sales. Prior to Microsoft I worked for small and large corporations, including Bank of America and Dun and Bradstreet. I have never worked for a company where the employees were so bright, motivated, and empowered. There are so many strengths I would like to share, but in the interest of brevity I will highlight Microsoft's generosity to employees, customers, community and charities.

There were less than 5,000 employees working at Microsoft when I began work there. Excel had less than 11% of the spreadsheet marketplace and Windows was not yet graphical. Through the careful design by management, programmers, marketing, usability testing and sales people, Microsoft went from a company I had rarely heard mentioned from ''84 to ''89 (while teaching PC classes on the East Coast) to a household name today.

I encourage you to settle this case and commend Microsoft for going beyond the requirements stated by the Court of Appeals ruling. The products Microsoft offers have enriched the lives of so many.

I remember reading an article about Bill Gates'' Mother one time and I've never forgotten it. She was calling for him (perhaps it was to dinner), over and over again, but there was no response. Finally when she asked what he was doing, he said, ''I'm thinking!'' I'm glad he couldn't see the negative in the future, for he may have stopped in his tracks before starting Microsoft.

Let us highlight bright companies and businesses that stretch their imaginations and build superior products. Microsoft was not always such a big company, thousands have worked very hard to bring about it's success. They have worked consistently for developers, resellers, consumers and corporate customers, to build products needed in their world. Please do not allow jealous competitors to side track the industry, government and the economy on this matter any longer. Thank you for your time and consideration,

Respectfully,
Maureen J. Baskin
502 8th Ave. West, Kirkland, WA 98033
CC: Maureen Baskin

MTC–00028837

From: Benjamin B. Thomas
To: Microsoft ATR
Date: 1/28/02 6:08pm
Subject: Microsoft Settlement
Benjamin B. Thomas
1975 Cahaba Valley Road
Indian Springs, AL 35124
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

United States Department of Justice:

I am writing to oppose the proposed settlement with Microsoft. I have read the original complaint of United States and the several States, the proposed settlement, the Competitive Impact Statement at, in addition to many other sources including the findings of fact. I feel that the proposed settlement falls far short of rectifying the damage which has been done to myself and other consumer by Microsoft through years of abuse of their monopoly, and that the enforcement provisions do little to dissuade Microsoft from continuing such practices in the future.

While some of the settlement provisions are a good start, there are many loop holes, and several places where it falls short. The trial should be allowed to proceed, so that a stronger remedy without loop holes, and with stricter enforcement and actual punishment for past wrongs can be enacted. I will leave some of the other problem topics to others, but wish to address a limited set here.

The stipulated parties who are protected from anti-competitive acts are ISVs, IHVs, IAPs, ICPs, and OEMs. This list is much too exclusive. The general public and especially Open Source software developers must also be protected. In the recent past, one of the only viable responses to Microsoft's hegemony has been Open Source software developers. These people have *donated* millions of hours of their time to produce a software platform—a feat which would not have been possible if they were a strictly commercial entity in competition with Microsoft. These people must have the same access to information as commercial entities, or one of the few viable responses to the Microsoft monopoly will be stymied by the settlement.

All of the API, format, and protocol standards which Microsoft uses to propagate its monopoly should be opened. Microsoft has repeatedly leveraged its monopoly position along with rapidly changing or secret formats to lock competitors out of their market. Due to the substantial network effects involved in computer software, it is very hard to function when using alternative software since users will be unable to interact with others as soon as Microsoft releases the next revision of a product.

The central reason that Microsoft has maintained and extended its monopoly is not due to the superiority of its product, but through ''lock-in.'' Once one's data and software on secreted away within the Microsoft platform, it is extremely painful to switch to a superior platform. This not only directly hurts consumers, but stifles innovation in the computer industry. The provisions in the settlement do not do enough to make Microsoft open these standards to all parties interested in being compatible and do little to dissuade foot-dragging on Microsoft's part. Microsoft's APIs, file formats, and protocols should be fully standardized, documented, publicly published, and an accessible compatibility laboratory formed. This allow other software vendors to compete on a more fair playing field. This would be a start, but as others will surely describe in other comments, a fair distribution channel, free from punishing bundling agreements must be enforced.

I ask the DOJ to reconsider the decision to settle and to continue with the matter at trial. Microsoft has repeatedly show a willingness to flout the law. The remedies do not go far enough in punishing past illegal behavior or dissuading similar new behavior. The proposed mechanism of enforcement does not seem to have teeth, and Microsoft will likely attempt to break it soon after enactment. There is little deterrent to their doing so.

Sincerely,
Benjamin Thomas, Voter

MTC–00028838

From: John Spear
To: Microsoft ATR
Date: 1/28/02 6:09pm
Subject: For the proposed settlement

Hi!

While you may discount this, I would like to state my opinion that the proposed settlement in the Microsoft Anti-trust case is both a valuable and useful resolution to this court battle that continues unwarrantedly.

While it is unfathomable to me how the United States government, along with several State governments can conceive of punishing a successful company for being successful, I can see how some of the stated actions attributed to Microsoft could be considered inappropriate for an open marketplace. I do agree that many of the settlement terms implement procedures that Microsoft should have (and sometimes did) put into place many years ago. As such, I believe this settlement should go through substantially as proposed.

I also would like to see our court system spend time and money on anti-trust issues that have actual, demonstrated customer harm at their core, rather than the supposed harm to competitors that tripped up in the course of their own business and have failed to produce products that customers would continue to use over the course of years.

TTFN

John Spear

MTC–00028839

From: Cbethre@ao1.com@inetgw
To: Microsoft ATR
Date: 1/28/02 6:08pm
Subject: Letter for Microsoft

Dear Sir or Madam,

This a copy of my letter to support the efforts of the MA Attorney general, Tom Reilly regarding the Microsoft settlement. I will be following up with a signed copy via fax.

Thank you very much,

Colleen Reilly, MA

Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
via email: microsoft.atr@usdoj.gov

Re: The Microsoft Settlement

I am writing to you about the proposed Microsoft settlement as both a private consumer as well as a human resources professional. I am very concerned as a consumer that I continue to have a choice in the software I purchase without having to be concerned with interoperability issues.

As a human resources professional and personal user of Microsoft, I want to maintain open computer systems that will facilitate communication and training materials.

Openness is paramount to maintaining competition, but openness is not what Microsoft wants. And it is not what this settlement, as it is currently written will guarantee.

I support including additional remedies as proposed by the dissenting Attorneys General, including the AG form my own state, Tom Reilly (no relation). Those remedies would ensure consumer choice, competition and interoperability of software. Specifically, I support the following: .

Microsoft should offer an alternative, basic version of Windows to personal computer manufacturers. This alternative version would have no Microsoft ''add-ons'', such as Internet access software, media players, or email applications, included.

2. Microsoft should provide the software code for Internet Explorer to competing software developers so that Microsoft cannot monopolize the Internet access or browser markets.

3. Microsoft should develop some mechanism to allow competitors to produce non-Windows based versions of the Office software suite.

Sincerely,

Colleen Reilly

MTC–00028840

From: Jmcjimmy@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 6:09pm
Subject: Microsoft Settlement

Microsoft believes the terms-which have met or gone beyond the findings of the Court of Appeals ruling-are reasonable and fair to all parties involved. This settlement represents the best opportunity for Microsoft and the industry to move forward.

I ALSO AGREE WITH MICROSOFT

(This ruling will unnecessarily keep Microsoft from reaching the public with improvements for the computer industry)

Jimmy McCoy

<A HREF=''http://youens.com/mccoy/ ''>http://youens.com/mccoy/</A>

MTC–00028841

From: Elliott Mitchell
To: Microsoft ATR
Date: 1/28/02 6:10pm
Subject: Microsoft Settlement

The settlement is flawed. It will not foster competition in any way. In fact by requiring Microsoft to donate their software to schools will have very much the opposite effect, helping the Microsoft monopoly to weaken Apple, the sole remaining competitor in making Operating Systems.

I sincerely hope that the settlement will be completly rejected, thereby restoring the hope that the rest of the computer industry will florish once again.

MTC–00028842

From: Joangeri@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 6:11pm
Subject: Microsoft Settlement

1085 Warburton Avenue Apt. 324
Yonkers, NY 10701
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am in support of the settlement proposed in the antitrust case between the Department of Justice and Microsoft. The settlement offers terms that I feel are beneficial to technology users and sufficient enough to end all of this litigation.

I think that the internal interface disclosure, licensing of Windows products, and technical committee in the settlement all open the doors for increased competitive behavior. If the government alleges that Microsoft was involved with anticompetitive behavior, then the problem is rectified.

We need an end to drawn out legal proceedings. It is time to allow Microsoft to get out of court and get back to business. Support the antitrust settlement.

Sincerely,

Joan Stupler

MTC–00028843

From: Bpcgraphics@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 6:11pm
Subject: Microsoft settlement

I believe that the microsoft settlement is bad for american business. I have seen the future of Microsoft operating system software in XP and I do not want it. It is horrid to use. I went out and got a older version of win 98 to replace it.

If Microsoft maintains its freedom to abuse its consumers, my business will suffer. The only real punishment is to break up the company or to require much of the secret stuff in Windows to become public so that the market can punish Microsoft for writing bad, crash prone, stupidly functioning, software. Under the current government proposal, this will not happen.

Daniel Winter, President
Brookline Print Center
370 Boylston Street
Brookline MA 02445

MTC–00028844

From: Seth Mearig
To: Microsoft ATR
Date: 1/28/02 6:13pm
Subject: microsoft settlement

Dear Judge,

I am not always entirely in favor of heavy-handed government influences, but I do believe that Microsoft has gone too far in some of its business practices. I do not think the Proposed Final Judgement goes far enough to sanction a company that has proved itself capable of willfully violating laws and engaging in monopolistic practices. Please look again at the PFJ and give Americans some freedom in the area of operating systems, web browsers, and other software programs. If something is not done to check Microsoft now, it may be too late in the future.

Sincerely,
Seth Mearig
3025 Royal Street
Los Angeles, CA 90007

CC:microsoftcomments@doj.ca.gov@ inetgw,dkleinkn@yahoo...

MTC–00028845

From: Jana Marie Goodwin (TASCA)
To: Microsoft ATR
Date: 1/28/02 6:13pm
Subject: MICROSOFT SETTLEMENT

As a Microsoft consumer, employee and shareholder, I felt it my obligation to write on behalf of Microsoft corporation. Our government has spent more time, money and resources fighting Microsoft Corporation than Terrorism! And all based upon allegations

from our competitors and their political supporters. As a tax payer, I question this, as being the best use of tax dollars and government resources and the best place for efforts to be invested.

Microsoft has a passion for the customer and it's products and technology. I've been proud to represent them as an employee and to help our customers succeed and grow their businesses with Microsoft technologies and products. I have over the years, continually had happy customers who felt Microsoft contributed greatly to their success and the growth of the industry and was a true partner in their businesses.

Microsoft is not Big Tobacco, it is not misleading, deceiving or intentionally hurting consumers, which makes the allegations and continued lawsuits increasingly more difficult to rationalize. Why should competitors reap the benefits of this suit?

If consumers and the general public are being hurt, why won't the additional 9 states accept the settlement that proposes to help the consumer and benefit and educate the general public and make technology accessible and available to those who would not have exposure otherwise ?

What I fear, is that the focus has moved away from what is best for consumers, partners, customers and the industry, (not to mention our Nation's economy) by the efforts of competitors and competitive interests, and is aimed at taking down a ''powerhouse'' or ''the richest man in the world''. Is this really as objective a process as it should be?

What is good for ''competitors'' may not be what's good and healthy for innovation and the industry.

Punishing successful companies and entrepreneurs, is creating an environment that destroys the motivation to innovate and improve and invest in new and improved technologies in all facets of our economy. The value placed on Intellectual Property can not be negotiated away. Will you next have COKE, give PEPSI, their recipe? Or throw patents out the window in an effort to level the playing field and stifle innovation all together? There is a difference between Open standards and giving away intellectual property to competitors, then the consumer loses.

And would our competitors willingly give us their source code and intellectual property? If we are leveling the playing field then shouldn't everyone comply?

Based upon the state of our economy, and the recent ENRON scandal, I fear Microsoft is headed in the same direction and thus not hurting the ''Richest Man in the world'' or this big, bad, bully of a company as it is portrayed, but the average American worker and investor in Microsoft in any fund or pension plan nation wide. My pension and retirement funds have plummeted over the last 2 years as this lawsuit ensues and continues. I fear I will end up like the ENRON employees as I watch my 401 K value fall as a result of this lawsuit and the impact it has had on the economy as a whole and the entire tech sector. Over the years, Microsoft has committed to changing it's business and licensing practices multiple times to comply and paid over $600M last quarter relating to the lawsuit. At what point can we all resume business and our competitors and special interests be silenced?

Why are other States, not accepting the proposed settlement and accepting the terms of the settlement , whatever happened to torte reform?

Can't this battle be fought in the market place and not in the court room?

Thank you,
Jana Marie Goodwin
OEM Business Development Manager
Microsoft Press
CDDG
mspress.microsoft.com

MTC–00028846

From: Orpheus Colin Vazquez
To: Microsoft ATR
Date: 1/28/02 6:15pm
Subject: Microsoft Settlement

The current settlement made by the DOJ, failed to meet the changes hoped for by myself, and I'm sure many others. A quick settlement was reached, but no real punishment was delivered to the company, and it seemed as if the DOJ quickly gave up. Hopefully a better agreement can be reached in the future with the last states that have kept their claim against mircosoft, and I hope futhermore that this case if ever brought before a judge in the future by the DOJ, I hope they can further persue their goals in the case, and not give up so quickly. Microsoft continues to show practices which prevent competition. They continue to dominate areas of markets without it seems any hope for future competition with the settlement that has been reached. Hopefully something can and will be done about this one day.

Orpheus Vazquez

MTC–00028847

From: Joanna
To: Microsoft ATR
Date: 1/28/02 6:20pm
Subject: Microsoft Settlement

January 27, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

I am acutely dismayed that our government has decided to insert itself into the affairs of private businesses. I do not believe it is the responsibility of the government to regulate business. The Microsoft antitrust case is just another example of the state pandering to petulance. Companies can and should have the ability to stand on then own feet. I am disgusted that every time a conflict arises in business, it is acceptable to run to the government for protection instead of toughening up. This whole suit has been a colossal waste of time and money not only on the part of the government, but on Microsoft's part as well. They should have been putting their resources towards innovation, not litigation. I believe the government should back off in this case. There is absolutely no need to federalize what is simply the inability of companies to take their licks and keep moving in a fiercely competitive atmosphere.

I do not claim that Bill Gates is a saint. He is a tough competitor, and I understand how companies can feel daunted by Microsoft's prowess in the market. But I believe consumers are able to judge for themselves what is good and what is not, and are capable of regulating big business through purchase and support of products. The government has no fight to take that privilege away from consumers. The settlement requires Microsoft to disclose source code from its Windows operating system, allowing competitors the ability to work within Microsoft's operating system instead of having to develop a quality operating system on their own. It also requires Microsoft to refrain from retaliation when software is put on the market that directly competes with Microsoft software, but this just makes companies weaker by reducing the severity of competition in the market. Restrictions breed contempt, and contempt is not productive. F.A. Harper* wrote, ''Human goodness can only grow in a climate of liberty.'' If liberty is removed from the technology market, the government cannot expect goodness to remain.

The companies and states who are continuing to pursue litigation are opportunists. They are the result of an education system that has indoctrinated them to believe that it is acceptable to steal from one's neighbor as long as one has the government do it for them. They take privileges for granted and claim them as rights. It is nothing but political whoring. It is wrong. The litigation needs to stop now, before this kind of behavior is reinforced any longer. It is a total waste of creative and productive energy—and of the resources that would otherwise support these essential elements of a health economy and prosperous society.

Sincerely,
Joanna Parker

F.A. Harper was a revered scholar and founder of the Institute of Humane Studies, which still continues at George Mason University in Fairfax, Virginia.

MTC–00028848

From: H Pittell
To: Microsoft ATR
Date: 1/28/02 6:16pm
Subject: Microsoft Settlement

I am writing to give my support to Microsoft in the recent Department of Justice v. Microsoft antitrust case, and ask that you approve this settlement. I have Microsoft products and approve and agree with what Mr. Bill Gates has been trying to do—and has succeeded—in doing so by making softwear available to the average person, of which I am one, and at an affordable price. Just what is it that he has done that is contrary to law? I have always thought that by making a superior product with a reduction in price you would be serving the public. Personally, I think it is ''sour grapes'' on the part of the competitors of Microsoft who run crying to the government that what he has succeeded in doing, and doing so well, comes under antitrust. Also the attorneys-general who have refused to enter into a settielement always have been able to appoint ''high powered'' law firms to represent their state which, of course, calls for huge fees—not

fees, as far as I am concerned, but ''pay offs.'' I do not know the technicalities of the settlement nor would I be able to understand the testimony in the actual trial.

I am merely an average citizen, with an average education with a family to support who is interested in justice for the average person and want to pay a fair price for a product which, to me, is outstanding.

What is it that Shakespeare said about lawyers?

Harold Pittell

MTC–00028849

From: John A. Hossack
To: Microsoft ATR
Date: 1/28/02 6:14pm
Subject: MS Settlement

[Text body exceeds maximum size of message body (8192 bytes). It has been converted to attachment.]

Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
From: John Hossack
617 Davis Ave
Charlottesville
VA 22901

I wish to comment on the proposed Microsoft settlement. The Court of Appeals affirmed that Microsoft (MS) has a monopoly on Intel-compatible PC operating systems, and that the company's market position is protected by a substantial barrier to entry, and that Microsoft is liable under Sherman Act 2 for illegally maintaining its monopoly. According to the Court of Appeals ruling, ''a remedies decree in an antitrust case must seek to ''unfetter a market from anticompetitive conduct'', to ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future''.

Like all those found guilty of a crime, Microsoft need to be punished for their actions—ideally in a way that attempts to restore competition and undoes the damage inflicted on the consumer by their anticompetitive behaviour. MS has profitted greatly from their behaviour, and the fruits of their illegal actions must be denied to them.

Previous court ordered remedies have shown that Microsoft willfully ignores and attempts to circumvent any restrictions placed on them by careful selection of the language used in these remedies, and stalling with continued appeals such that by the time a resolution occurs, there is no surviving competition. Microsoft show no signs of remorse or attempts to change their pattern of behaviour. Indeed, while conceding certain points on existing Operating Systems (OS), they are careful to ensure that applications (such as Microsoft Office Suite) and future products such as .NET are excluded from any restrictions. It is clear from their pattern of behaviour that they will attempt to monopolise these markets, and that nothing but the most severe restrictions on their behaviour will have any effect.

Since many of the companies adversely affected by Microsoft are no longer operating due to the illegal monopoly, it is hard to make reparation to them. Rather, the remedy must seek to redress the harm done to the consumer, and to prevent Microsoft continuing to use its illegaly gained market dominance to monopolise new markets. It is apparent that Microsoft traditionally gains dominance in a new market buy tying sales of one product to sales of another— for example, the bundling of Microsoft Office with Windows, and the intimidation of Original Equipment Manufacturers (OEMs) to ensure that this continues to the exclusion of competitors. Their willful circumvention of previous court restrictions, which violate the spirit if not the exact letter of the agreements, indicate that MS must be given no latitude in which to avoid punishment. The only option remaining if this is true, is a structural remedy.

Structural Remedy:

The existing MS corporation must be split into at least 5 separate companies, each of which is barred from operating in the other 4 areas or joining with one of the other compnaies for a period of not less than 10 years. The company should be split along the following lines:- Operating Systems, Computer Programming Languages (must include .NET and C#), Applications (such as MS Office), Hardware (including XBox), and Internet Services (MSN etc).

Microsoft continually use their monopoly position in each of these sections to dominate others—and must be denied the opportunity to do so in the only method it appears that will work. It is imperative that the .NET be split from all other services, since it is clear MS intends to use this to tie in future applications and services and ''lock out'' competing products. Previous anti-trust cases which have resulted in large corporations being split extensively detail prohibitions on these individual companies.

It is clear that despite all evidence pointing to a structural remedy as being the only solution, the courts are unlikely to impose such a remedy. Whether or not this is implemented, the following aspects of MS illegal behaviour must be addressed.

Consumers Overcharged and Require Compensation:

In addition to monopolising markets, the consumer has been harmed by Microsoft products being overpriced than would have occurred had competition been available. Once again, Microsoft must be denied any profits from their illegal activities. The consumer must be recompensed for this, and so a substantial cash fine should be levied against MS, which would then be divided amongst all registered users of Microsoft products. This fine should be no less than 1 billion US dollars—note that MS currently have cash reserves of over $35 billion and this is increasing rapidly—it is a small fine to MS.

Should this not prove to be practical, then MS should still be fined, but with the money going to the purchase of computer and computer related hardware for schools, colleges and charity groups. MS should not be allowed to provide software for these systems, and alternatives such as Apple computers or free software such as Linux must be used instead. This will not only return some benefit to the consumer, but prevent further harm done to MS Competitors.

Applications Barrier to Entry:

Significant barriers exist to competing products in the marketplace due to Microsofts illegal monopoly. These must be eroded and removed in the following ways:

By forbidding retaliation against OEMs, Internet Access Providers (IAPs), Independent Software Vendors (ISVs), and Independant Hardware Vendors (IHVs) who support or develop alternatives to Windows.

All APIs and file formats (MS Word, MS Excel, MS Access, MS Powerpoint, MS Outlook and Outlook Express, WMP—the Microsoft Middleware Products) should be available to ISVs and HSVs. File formats should be open and available for public viewing at no cost. Any changes made to APIs and file formats must be announced and specified a period of time must have passed before these changes are implemented (e.g. 180 days for APIs and 90 days for file formats). Current definitions of APIs allow MS to avoid releasing documentation on many important interfaces. File formats, while an important barrier to entry, are currently not included in the proposed settlement and must be publicly disclosed.

Wording of the licence agreement for ISVs accessing APIs and documentation shall state that it will solely be for the purpose of interoperating with a Windows Operating System Product or with application software written for Windows. Current phrasing limits this to OS only.

Definitions of requirements for companies or individuals to access APIs should be publicly available and independently enforced—MS should have no say in this part of the decision process.

All patents covering the Windows APIs must be disclosed. Currently those ISVs producing Windows-compatible operating systems are uncertain if they are infringing on Microsoft software patents.

Wording of the current proposed final judgement should not prevent ISVs using released APIs to make alternative OSs compatible with Windows based OSs. Forced Upgrades Must be Stopped:

MS abuses its monopoly postion by forcing consumers to upgrade from older products to newer ones, at substantial cost. Since there is now no effective competition due to the illegal actions, the consumer has no alternative but to go with MS products. By altering file formats in latest releases that are incompatible with older versions, and by removing older products from sale, MS force the consumer to upgrade.

To prevent this, file formats for all Office Applications and WMP must be publicly available at no cost to allow alternatives to be developed. This is mentioned in detail above.

To prevent the removal of older products that are still viable applications, Microsoft must continue to support older products for at least 15 years after their introduction. MS may choose not to support the software during this time citing that it is not a useful product, in which case it is allowed to do so but must make the entire MS source code to

the application publicly and freely available. Under these circumstances, users may maintain and compile the software themselves. This will apply to operating systems as well as middleware and applications.

Prohibiting practices towards OEMs:

In addition to current restrictions in the Proprosed Final Judgement (PFJ), Microsoft must be restricted against reprisals for OEMs that sell PCs with a competing OS but no Microsoft OS.

The PFJ requires Microsoft to license Windows on uniform terms and at published prices to the top 20 OEMs, but says nothing about smaller OEMs. This leaves Microsoft free to retaliate against smaller OEMs if they offer competing products. There should be selected ''groups'' of OEMs of varying sizes, for example OEMs 1–20, 21–100, 101–1000, 1001+, and in those bands prices must be uniform and published on all MS OS, Applications, and Middleware products. Market Development Allowances (discounts) to OEMs must be fully disclosed in public. Discounts may not be given in one product (e.g. Office Applications) due to sales in another product (e.g. OS). This will prevent MS using its OS dominance to move its monopoly into other areas.

Enforcement:

MS will attempt to circumvent all remedies to the best of their ability. Strong, independent and effective supervision of MS is necessary, and a panel of several industry experts (chosen by the courts and complainants, with minimal input by MS) must be allowed full and unfettered access to MS documents. They will be provided with support staff, and be paid for by MS at competitive rates given their experience. This panel should have the ability to force release of MS documentation and source code, and delay the release of products until compliance is complete. Any undisclosed APIs discovered should result in a large cash fine. Current proposed enforcement allows no incentive for MS to comply with the remedy.

Some of the above stated remedies may seem extreme, but given the magnitude of the MS corporation and the extend to which it has broken the law, the remedies must be of a similar magnitude. As stated in the first few paragraphs, the intent of any remedy is to restore competition, terminate the monopoly, deny the benefits of the illegal actions, and prevent such abuses from ocurring in the future. Due to the uncooperative nature of MS, the remedy must be decisive and strongly enforced.

While MS has already done considerable harm to the consumer by its illegal actions, there are many future markets in which MS can gain a further monopoly—and exacerbate the problem. They must be prevented from doing so. If an individual commits a crime where the public have been illegaly overcharged that individual will be fined, and perhaps imprisoned—and certainly would be if he was a repeat offender shown to ignore previous court orders. Microsoft must be no different, or justice will not be done, and will not be seen to be done.

John Hossack

MTC–00028850

From: Mike (038) Barb Stineman
To: Microsoft ATR
Date: 1/28/02 6:40pm
Renata Hesse January 28, 2002
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

One thing that sets America apart from almost every other country is our free market system. Recently, however, this system has been in jeopardy. What I have witnessed over past few years between Microsoft and the United States government is infuriating. You would think that the federal government would have learned from the IBM case—that the high-tech industry moves at a pace far greater than that of the federal government bureaucracy.

This case has become a political football and as a result the Nasdaq has plummeted, America's international technology leadership has been compromised, and taxpayers'' time and money has been wasted.

The fact is, no consumer harm by Microsoft was proven in this case—which was the basis for the suit in the beginning. Therefore, Microsoft has been persecuted for making a better product and using aggressive marketing to promote it better than its competitors.

The settlement that is before Judge Kollar Kotelly would do what should have been done long ago: end the federal case against Microsoft. The settlement, in my mind, is more than fair to the government— keeping Microsoft under review for a period of time and making it tougher for them to compete. I support the proposal for the simple reason that it will bring closure to the case.

I hope that you will keep my comments in mind as you review your position on the settlement to the Microsoft case.

Sincerely,
Michael J. Stineman, President
Citation Homes, Inc.
PO Box AF
Spirit Lake, IA 51360
Ph 712–336–2156

MTC–00028851

From: Robert Arango
To: Microsoft ATR
Date: 1/28/02 6:16pm
Subject: Microsoft Settlement

Please refer to the attached letter. I fully support the Microsoft settlement. Let's get off the dime on this.

Thank you
Ann Arango
+Pu .... +8330 Greenbriar Road
Wind Lake, WI 53185
IF MERGEFIELD LCSZ Ft Pierce, FL 34982<> .....

January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

This letter documents my support for the proposed settlement for the Microsoft antitrust case. This case has been active for over three years. I would like to see this case finalized as soon as possible. The proposed settlement ensures that Microsoft's competitors have access to Microsoft interface programs, protocol, and documentation so that they can promote their products and attach them to Windows. Also, Microsoft will use a uniform price list when licensing Windows out to the twenty biggest computer companies in the U.S. Additionally, Microsoft won't retaliate against companies that use or promote Microsoft's competitors' products. Clearly, the terms of this settlement are not too easy on Microsoft.

IF MERGEFIELD PARA2 But clever people like me who talk loudly in restaurants, see this as a deliberate ambiguity. A plea for justice in a mechanized society.<> ..... This settlement should be adopted at the earliest opportunity. The IT industry needs to focus on innovation without the burden of further litigation. Thank you. IF MERGEFIELD PARA4 Ecce homo ergo elk. La Fontaine knew his sister, and knew her bloody well.<> IF MERGEFIELD PARA5 But is suspense, as Hitchcock states, in the box. No, there isn't room, the ambiguity's put on weight.<>

Sincerely,
Ann Mango

MTC–00028852

From: Claude Holland
To: Microsoft ATR
Date: 1/28/02 6:19pm
Subject: Microsoft Settlement
3824 Williamsburg Circle
Birmingham, AL 35243
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I appreciate the opportunity to comment on the proposed settlement between Microsoft and the federal government in the antitrust case.

I believe it is in the public interest to end the case and accept the settlement that is on the table. The case has been pending for three years, and if you go back to Court now it might take at least that much time to reach an outcome. The settlement agreement negotiated by your Department with Microsoft, with the help of a court-appointed mediator, offers the opportunity to end the case now and help the economy.

Microsoft has made a number of concessions, but its primary concession, once implemented, will offer immediate opportunities for growth in the software industry. Under the settlement, Microsoft has agreed to allow competition within its Windows operating systems from non-Microsoft software programs upon finalization of the settlement. This will provide non-Microsoft software designers and manufacturers the chance to step up and compete within a very short period.

I hope you see the wisdom of accepting this agreement rather than continuing in Court. Thank you for allowing me the chance to offer my point of view.

Sincerely,
Claude Holland

cc: Representative Spencer Bachus

MTC–00028853

From: Daniel Clifton
To: Microsoft Settlement
Date: 1/28/02 6:12pm
Subject: Microsoft Settlement
Daniel Clifton
3 Avon Road
Edison, NJ 08817
January 28, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers’ dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies. Thank you for this opportunity to share my views.

Sincerely,
Daniel Clifton

MTC–00028854

From: Bruce Umbaugh
To: Microsoft ATR
Date: 1/28/02 6:18pm
Subject: Microsoft Settlement.

I wish to comment on the proposed settlement of anti-trust litigation United States of America versus Microsoft.

First, I am surprised that the government would agree to terms that do not penalize Microsoft for its past conduct. Having been found in violation of federal law, with a record of apparent disdain for proceedings against it, and as I understand the facts manifestly having violated the strictures of previous such agreements, I would think that Microsoft would be expected to pay some penalty for its corporate misdeeds. Not to penalize Microsoft for its conduct seems unjust, unfair, and I am sure quite unlike the results individual citizens would expect if found similarly to have violated federal law.

Moreover, I believe that this result undercuts respect for law generally in the popluation (''it only matters how much money you have,'' people will say) and undercuts respect for anti-trust law in the corporate world in particular. I think that Microsoft should have to pay a penalty for its years of misconduct and apparent bad faith in dealings with the government, with manufacturers, competitors and those who license Microsoft products, and with consumers and citizens.

Third, in addition to the need for a penalty, I see a need for some structural remedy, not just an agreement about future conduct. Given the particulars of this agreement, as I understand it, Microsoft has far too much latitude to avoid doing the right thing while still arguably conforming to the consent agreement. Microsoft is at liberty, largely at its own discretion, to withhold information crucial to interoperability from competitors it deems ''inauthentic.'' Microsoft can, as I understand the agreement proposed, withhold information from those working to make software available under the GPL as threatening Microsoft's intellectual property. What little oversight is called for is to happen largely in secret, at places of Microsoft's choosing, under terms Microsoft sets, and conducted in part by parties appointed by Microsoft. With what I understand about Microsoft's past record in these matters, it is hard to expect that Microsoft will be a ''good citizen'' in its future dealings and behavior. To my mind, this makes structural rather than conduct remedies necessary.

Finally, if this agreement is settled largely as proposed, and if the state attorneys general fail to sustain their action against Microsoft—one of the richest corporations we might ever know, able to carry on litigation indefinitely far into the future—what might we reasonably expect? If the future is like the past, we should expect Microsoft to try to leverage its desktop-operating-system monopoly into a server operating system monopoly, to try to disenfranchise on the Net content providers not partnering with or otherwise paying tribute to Microsoft through its .Net and Hailstorm undertakings, to try to stigmatize competitors in the media display space by limiting interoperability and exploiting its exisiting monopolies and choke points. Some action on integration of Windows Media Player would help here. Action on browser technology would help here. Any plausible action on ''middleware'' would benefit consumers and benefit competition. Without such remedies—ones that do not require continual maintenance and political will on the part of overseers and that do not require the goodness and ongoing acquiescence of Microsoft—there is every reason to think that the result will be something like an Internet controlled by Microsoft.

An Internet world controlled by Microsoft—or any similar entity—is a frightening prospect. The Internet became so amazingly valuable because it has been, in the words of the Court of Appeals in the Communications Decency Act decision, ''the most democratic medium the world has known.'' The ''gift economy'' that drove the development of the Internet, and in which the real value of the Net still resides for many users (whether they know it or not), would be badly threatened if Microsoft could extend its monopoly to control media distribution, for example, or to control authentication and personal identification through its new Passports strategy.

I wrote about these issues for a popular audience when this antitrust litigation was at an early stage: ''So it's up to consumers like us, and the government that represents us. It's up to us to prevent what has been history's most democratic medium from being trivialized and demeaned. It's up to us to keep the Web from going down the same path as TV itself.'' (''Tailoring the Web for Profit,'' St. Louis Post-Dispatch, June 15, 1998, and Computer underground Digest, June 1998. http://www.webster.edu/bumbaugh/net/tailorweb.html)

I hope that my government will do better than has been proposed. I hope for a good outcome in this case, for justice that punishes the evildoer and takes away its ill-gotten gains, for remedies that will send the right message to individuals and corporations considering misconduct, and for remedies that will benefit all of us today and future generations.

Thank you for the opportunity to comment.

Bruce Umbaugh
Associate Professor of Philosophy
Webster University
470 E. Lockwood Ave.
St. Louis, MO 63119
Bruce Umbaugh
Humanize the Internet:
Assoc. Prof. (Philosophy)
Ethernet the Arts faculty.
Webster University
—Peter Danielson
St. Louis, MO 63119 USA
http://XRayNet.editthispage.com
bumbaugh@webster.edu/bumbaugh@well.com
CC:bumbaugh@webster.edu@inetgw

MTC–00028855

From: William McKenna
To: Microsoft ATR
Date: 1/28/02 6:18pm
Subject: Microsoft Settlement

I have been a resident of the United States since birth and a user of Microsoft products for some twelve years.

I believe that you should withdraw your consent to the revised proposed Final Judgment settlement.

This settlement will not provide a sufficient influence on Microsoft to abandon its monopolistic practices.

Microsoft should NOT be allowed to use its popularity to limit choice among computer manufacturers and therefore, computer users across the world. Here's why:

There are several good operating systems out there today. Each has its own strengths and its own weaknesses. None of them are the perfect solution to every problem. I believe that we all do ourselves a great disservice by forcing users to grow accustomed to the fact that Microsoft (and maybe Apple) is all that there is. Manufacturers should be allowed to provide, NAY! encouraged to promote, side-by-side operating system comparisons on the same machine. For better or worse, let the people decide!

So again, please rescind your agreement. Make Microsoft act properly.

Besides, I doubt that it's going to break them!

Sincerely,

William McKenna
407 West 18th #207
Austin, TX 78701
512.478.9617

MTC–00028856

From: Satish—Channa@notes.amdahl.com@inetgw
To: Microsoft ATR
Date: 1/28/02 6:18pm
Subject: Microsoft Settlement

I really don't understand the settlement that the 9 states made with Microsoft and DOJ. Looks like, it is just a slap on wrist. What ever monitory damages DOJ is assessing against Microsoft, Microsoft can get that money from the consumers by just raising the price of Windows $2–5. Here are my arguments and suggestions.

. We all know now that Microsoft is a monopoly. One of the main reasons is that there is no competing windows operating system. Just like AT&T was broken into pieces and every piece was able to deliver similar services, you are not going to solve the problems. I think, the company should be broken down into 4 main companies—

. Divide it into 2 competing Windows companies, one may sell NT type operating system and the other selling for homes. Let them compete and bring the price of windows down. If you look at the price of Windows product, it has kept on going up through out the decade. They don't even provide any books or training material with it. Again, they provide only 60 days guarantee and that is nothing.

. 3rd part of the company should be Application systems and other software, like office, mapping, etc. Now, if this was an independent company, they will provide software for other platforms to compete with other companies. Also, this company will not get any privileged information any time sooner than the other competing companies.

. 4th part of the comany should be hardware, gaming area.

. Force Microsoft to reduce the price of the operating system every year for the next decade.

.Force them to give 1–2 year warantee.

.Operating system should include only the functionality needed for the operating system. It should not include all type of other packages like Internet explorer, Video player, etc. Every time, Microsoft cannot compete against a company, they start bundling the software. They don't lose any money. They just increase the price of Windows. Also, if you look at the history of TCP/IP products offered by 3rd party companies like NetManage/Chameleon, they were were superior products.

When Microsoft bundled it in Windows 95, not only they made the whole connection as a rigid environment but also they caused problems for the other comanies. Other companies could not offer the same flexibility they were able to offer even in Windows for work groups.

. All government contracts should be bid with 2 vendors with compatible products, so that the government can compare them easily from the initial cost, maintenance (which has been a nightmare with Microsoft software), compatibility, upgrades, etc. If these kinds of guide lines are there,

MTC–00028857

From: J Wilson
To: Microsoft ATR
Date: 1/28/02 6:19pm
Subject: Microsoft Settlement

To whom it may concern,

The settlement of the Microsoft antitrust trial is entirely inadequate, clearly favoring Microsoft.

It is difficult to enforce and easily evaded. I do not believe the DOJ's settlement offer is a serious attempt to fairly resolve this major antitrust issue.

Jim Warhol
Berkeley, California

MTC–00028859

From: YARCOBR64@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 6:21pm
Subject: ANTI TRUST SETTLEMENT

DEAR SIR,

I URGE YOU TO SUPPORT THE ANTI TRUST SETTLEMENT BETWEEN THE DEPT. OF JUSTICE AND MICROSOFT. IT IS FAIR AND JUST TO ALL PARTIES CONCERNED. SIGNED

MAX FINESMITH 2ND LT. US AIR FORCE
WWII
EX POW GERMANY

MTC–00028860

From: JenDuck@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 6:21pm
Subject: Microsoft
2227 Huron Street
Bellingham WA 98226
January 24, 2002

I am writing you today to encourage you and the Department of Justice to accept the Microsoft antitrust settlement. The issue has been dragged out for over three years and it is time to put an end to it. A settlement is available and the terms are fair. I would like to see the government accept it.

In order to reach a settlement, Microsoft has made many concessions. They have agreed to give computer makers the flexibility to install and promote any software that they see fit. Microsoft has also agreed not to enter into any agreement that would require any computer maker to use a fixed percentage of Microsoft software. Also, Microsoft has agreed to license its software at a uniform price to computer makers no matter how much they use it. Microsoft and the industry need to be able to move on. The longer that this suit goes on, the worse it will be for everyone. Microsoft has agreed to many terms to reach a settlement. The settlement is fair and should be accepted. Please accept the Microsoft antitrust settlement.

Sincerely,
DOLORES HANSON

MTC–00028862

From: john waszewski
To: Microsoft Settlement
Date: 1/28/02 6:15pm
Subject: Microsoft Settlement
john waszewski
214 south johnson blvd.
gloucester, nj 08030
January 28, 2002

Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers’ dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
john waszewski

MTC–00028863

From: mitchellrodney@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/28/02 6:21pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Rodney Mitchell
P. O. BOX 3361
Boulder, CO 80307–3361

MTC–00028864

From: Kirby Thornton
To: Microsoft ATR
Date: 1/28/02 6:24pm
Subject: Microsoft Settlement.

TO: Renata B. Hesse

This is a letter I sent to the various State Atty Generals not wishing to concur on this matter under the current settlement proposal. I agree with their efforts; it was suggested that I forward my letter to you for your review and so that is now done.

Thanks you for your attention to this issue,
Kirby Thornton
PO BOX 100
Haymarket, VA 20168

———— Forwarded message ————
Date: Tue, 22 Jan 2002 11:24:46 -0500
From: Richard Blumenthal <attorney.general@po.state.ct.us>
To: Kirby Thornton <rocket@cpcug.org>
Subject: Re: Please, Don't Settle with Microsoft.

Dear Attorney General,

Thank you for not just giving the Microsoft settlement a ''rubber stamping'' of approval. I do not believe the Federal Government's proposed settlement with Microsoft, in its current form, is adequate and that stricter measures must be imposed on the company to prohibit such anti-competitive tactic from being used in the future.

As a programmer and a system administrator, I have used a wide variety of hardware and software over the last dozen years including MVS, OS/2, many flavors of DOS, several versions on UNIX and even some Windows machines too. It saddens me when an individual with whom I have a kindred sprit goes astray... hell, just goes bad. It was unnecessary for Microsoft to engage in the practices it did but that does not mean it should not suffer as a result of its actions.

And their ways continue. Select your favorite HTTP browser and search engine and look for the phrase ''Microsoft outlaws Perl'' from the July 2001 timeframe. Also, you may find this an interesting read: http://www.zdnet.com/intweek/stories/news/0,4164,2781638,00.html.

Contrary to arguments by Microsoft that their products encourage competition, I believe the opposite is true; that Microsoft's marketing strategies actually discourages competition and stunts technological growth.

I applaud your efforts to seek stricter measures and encourage you to stand your ground.

Regards,
Kirby Thornton
PO BOX 100
Haymarket, VA 20168

Quote of the Year, 2001:

''If they are really worried about ''potentially viral software'', what about Visual Basic for Applications?''

>From a USENIX note posted by ''Terry Branaman'' <tbranam@firstworld.net>
Date: Fri, 6 Jul 2001 15:06:53 -0600
NOTE: Most recent malicious computer code that damages Microsoft systems is written in Visual Basic.

MTC–00028865

From: Roger Sherron
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/28/02 6:20pm
Subject: Microsoft Settlement

U.S. Department of Justice,

After all this work, you are going to let them get off with just a slap on the wrist? For shame!

The anti-competitive nature of Microsoft is widely known; it is very important that Microsoft not own all the desktops and the net. —Roger Sherron

Gluon Networks
Email: roger.sherron@gluonnetworks.com
Phone: (707) 285–1499
Fax: (707) 794–9651

MTC–00028866

From: Timothy R. Chilson
To: Microsoft ATR
Date: 1/28/02 6:25pm
Subject: Microsoft Settlement

Timothy R. Chilson
P.O. Box 7125
Mount Jewett, PA 16740
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

As a Microsoft shareholder and user, I am writing to express my opinion about the recent antitrust settlement between Microsoft and the US department of Justice. While I am glad to see that Microsoft will not be broken up, I feel strongly that the penalties are still too harsh.

I am a firm believer in private enterprise being unconstrained by government agendas. And in this particular case state governments have no right to be continuing on with litigation. Microsoft has developed new products and services more rapidly than its competitors and it has been a pillar of strength for our economy during the recession.

I hope sincerely that your office urges the nine states withholding to discontinue their actions and let Microsoft begin focusing on what it does best. This is what is in the best interest of the American public, and what is good for the economy.

Sincerely,
Timothy R. Chilson
cc: Senator Rick Santorum

MTC–00028867

From: mschweis(a)ucsd.edu
To: Microsoft ATR
Date: 1/28/02 6:26pm
Subject: I am extremely opposed to the Microsoft Settlement

Hello.

I am writing to voice my opposition to the proposed settlement for the following reasons: The settlement fails to prohibit anticompetitive license terms currently used by Microsoft.

The settlement fails to prohibit intentional incompatibilities historically Used by Microsoft to prevent fair competition.

The settlement contains misleading and overly narrow definitions and Provisions.

The settlement doesn't take into account Windows-compatible competing operating systems.

The settlement fails to prohibit anticompetitive practices towards distributors.

Please do not accept this settlement as just, because it is not. It is a gift to Microsoft and will do little or nothing to tackle the problems that necessitated its creation.

Thank you
Melissa Schweisguth
San Francisco, CA

MTC–00028868

From: william—mcqueen@apl.com@inetgw
To: Microsoft ATR
Date: 1/28/02 6:23pm
Subject: Microsoft Settlement

In paragraph 4 of the complaint, you should have mentioned that the reason there is no potential threat to Microsoft's operating system monopoly from direct competition by existing operating systems is that Microsoft has already eliminated any competing operating systems on the Intel platform from the market by it's anti-competitive practices. Check and see if you have any comments from Gary Kildall formerly of Digital Research.

Time does not permit me to present a detailed history of the events, but a short history shows that Microsoft has been engaged in business practices of questionable ethics since the early 1980s.

When the group at IBM who designed the original IBM PC was looking for an operating system, they were in talks with Gary Kildall of Digital Research to port his CP/M (Control Program for Microprocessors) from the Intel 8080 and Zilog Z80 platform to the Intel 8086/8088 platform for the IBM PC. One version has it that they were in final negotiations with DR when Gary Kildall left for a skiing vacation with the understanding that things would be finalized at a meeting the following Monday. The folks at IBM called to get in touch with Gary over the weekend and couldn't get a hold of him. Bill Gates found out about this because IBM was negotiating with him for a version of his MBasic to use as a basic interpreter in their system ROM. IBM told them of their problems with getting in touch with Gary Kildall that weekend. Bill Gates told them he had an alternative O/S waiting in the wings. This was not, in fact, the case; but he knew that a small company called Seattle Computer had already ported CP/M to the 8086 so that they could have an O/S for their computer. The story goes that Bill Gates bought Seattle Computer for $10,000 or $15,000 and sold the O/S called SC/DOS to IBM as MS/DOS and entered into a license agreement with IBM that allowed Microsoft to sell the O/S as MS/DOS while IBM sold the O/S as IBM/DOS. When Gary Kildall arrived in his office the following Monday, he called IBM only to find that they had already licensed the rights to modify and use MS/DOS from Microsoft. Digital Research marketed CP/M86 and C/Basic86 for use as an alternative O/S for the IBM/PC but it never got very much market share because IBM/DOS was part of the bundle shipped with every PC and a version of MS Basic was burned into every system ROM.

Later, about the time that Microsoft was shipping MS/DOS version 5, Digital Research released a competing product called DR/DOS 7. At the time, Lotus, Intel and Microsoft had published a memory specification called LIM/EMS which allowed Lotus 123 to use more than the 640 megabytes of main system memory on an IBM PC or clone to store data. A little company called Quarterdeck had

figured out a way of intercepting LIM/EMS system calls to use the Extended Memory available on a 80186 or 80286 system as LIM/EMS memory. At the time, Microsoft did not worry much about Quarterdeck shipping a memory manager as an add-on to MS/DOS but when Digital Research figured out how to incorporate those features (and others) into DR/DOS 7 something had to be done. Microsoft entered into agreements with companies like Compaq Computer that they would ship MS/DOS exclusively with their products. If Microsoft found that any vendor was shipping products with any competing O/S then Microsoft would charge them the retail rate for every copy of MS/DOS that the company shipped with their computers. DR/DOS enjoyed a strong after-market with hobbyists and systems integrators who wanted a superior Operating System but it wasn't enough to sustain their business in the face of the competition from Microsoft's exclusive agreements with the hardware vendors. Now, I think you will find that both Quarterdeck and Digital Research are not much more than footnotes in the history of the Personal Computer.

Another Digital Research product, Gem, was a Graphical User Interface (GUI) that was once used by one of the two leading Desktop Publisher software packages as the user interface. I don't remember the details of this case, but this software vendor was convinced that they would have greater market share if they converted their package to work with Microsoft Windows 2.0. After that, Gem was no longer bundled with the Desktop Publishing software and Gem dropped out of site.

One can only speculate on what the state-of-the-art for personal computing devices would be now if Microsoft had not created this monopoly market for it's operating system products. We are only now beginning to see enhancements such as voice and handwriting recognition technology. These are just two examples of technology that would have been in widespread use years ago if Microsoft had had competition in it's markets. I believe that every consumer of electronic devices such as telephones, personal computers and other consumer electronic devices has been harmed by the lack of choices and innovation in the markets of Operating Systems and productivity software over the last two decades. To give Microsoft significant market share in one of the few areas they have not been able to gain market share on their own, the educational market, is not a fair settlement.

Also, if you look at where Microsoft has focused it's strategy since they were brought to trial, you will see that they have shifted their restrictive licensing policies from the manufacturers to the end-users. The press is filled with many examples of complaints from Corporate IT executives about the restrictive enterprise licensing agreements that Microsoft is forcing them into. Microsoft has also designed their latest Operating System, Windows XP, so that you must supply them with a hardware ''signature'' in order to continue using that software beyond the introductory period. This feature also restricts you from installing this software on more than one computer. Microsoft is also engaging in litigation to prevent a competing O/S said to be capable of running some software designed for older versions of Microsoft Windows from ever coming to market. There seems to be very little in the settlement to prevent Microsoft from continuing these anti-competitive practices that have stifled the market.

Again, I wish that I had more time to substantiate some of the history that I have recalled or to suggest areas where the settlement could be improved but I work in a corporate IT department supporting Microsoft's products. The complex, buggy nature of these products takes up so much of my time that I have not had time to make a better comment before today's deadline. You may find that there are many other people in corporate IT that wish Microsoft didn't have the monopoly in the markets they do have so that they could choose better software for their companies.

Sincerely,
William A. McQueen
william—mcqueen@apl.com
wmcqueen@netzero.net
CC:wmcqueen@netzero.net@inetgw

MTC–00028870

From: Marc Schuette
To: Microsoft ATR
Date: 1/28/02 6:28pm
Subject: Microsoft Settlement

Dear Sir/Madem:

I would like to exercise my right to comment on the proposed Microsoft settlement. I have been involved with the deployment of technology in private businesses for the last seven years and have been involved in the technology industry for the last 15 years. I am currently a Network

Administrator at a private company involved in the wholesale plumbing industry. During my career I have come across situations where system incompatibilities causes by what I feel is poor quality programming on the part of Microsoft. When I searched fro answers to these problems more often than not I came across comments that basically said ''Microsoft believes it should be that way so that the way it is and because they control the operating system it cannot be changed''. Open standards such as JAVA which Microsoft ''broke'' and then when caught in a lawsuit with Sun Microsystems simply refused to include in future versions of the Windows operating system even though the JAVA language held a good chance of easing the burden of portable of software across different platforms (operating systems). Also Microsoft has continually ''tinkered'' with the SMB protocol causing headaches and downtime for any company or person running the open source program SAMBA which allows a company to implement a robust and heterogeneous network. Under Windows 2000 Microsoft modified a version of Kerberos and then called it Microsoft Authorization Data Specification v. 1.0 and required strict disclosure agreement to see the format of the version they had released which had broken networking features that had previously worked.

Programmers were caught between a rock and a hard place because how could they repair the damage if they were not allowed to use the information Microsoft was asking them NOT to disclose?

By ''breaking'' or ''extending'' these current standards Microsoft makes it difficult if not impossible for new entrants and innovators to truly compete in the marketplace. Microsoft has too great of a hold on our desktop operating systems at the current time. The world has seen time and time again that because of the homogeneity of these networks a single virus can move through and cause huge amounts of damage. So why can't network operators move to a more heterogeneous network? The main reason is the limited compatibility between Microsoft and other vendors.

One might say well Microsoft just puts out a better product and the others cannot keep up so don't penalize Microsoft. That statement though could not be farther from the truth. How can anyone compete with a monopoly? If Microsoft can't compete then it simply tweaks the operating system and now a competing vendors product seems to perform far worse than a similar Microsoft product. Isn't it the place of the government to facilitate the marketplace? If so then how can the government or court overseeing this case accept this settlement and believe that acceptable public good was done? Please reject the current settlement and place much tougher restrictions or concessions on Microsoft that open the marketplace to the true innovators and loosen the grip of the incumbent, proprietary solution provider. I could go on and on and on but I think the message I wanted to get across has been made—don't approve the current Microsoft settlement and don't approve any settlement that falls short of facilitating the marketplace. Thank you for your time and consideration on this matter.

Marc Schuette—Consolidated Supply Co.
Voice (503) 684.5904 ext.125
Fax (503) 598.1086
Email schmar@consolidatedsupply.com

MTC–00028872

From: Margaret Crighton
To: Microsoft ATR
Date: 1/28/02 6:28pm
Subject: Microsoft Settlement

YOur Honor,

I am a doctoral student in nursing, writing to express my disagreement with the current microsoft settlement. Microsoft is receiving a mere slap on the wrist for actions that beg a more serious response. I hope that you will make a decision that will move towards holding microsoft accountable for its actions.

Thank you for your considerations,
Margaret H. Crighton,
2224 Kater Street
Philadelphia, PA 19146
215 546 5854

MTC–00028873

From: JOsbo27609@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 6:29pm
Subject: Microsoft Settlement

Dear Sirs;

As a very satisfied user of Microsoft software, I want to strongly urge you to accept the proposed settlement. This

company is a national treasure and any perceived illegal business practices that it has supposedly been involved in, have been addressed and resolved in this agreement.

Yours truly,''
Mrs. Janice Osborne
8508 Caldbeck Drive,
Raleigh, North Carolina 27615

MTC–00028874

From: Vinson, Danny
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 6:34pm
Subject: Regarding the dispensation of justice

Although no lives were lost in the actions of the Microsoft corporation, I feel that they have flown in the face of legality, ethical business behavior, and quality of workmanship for far too long.

Allowing this company to continue to control how the people in our market, and in the greater world, access information is dangerous, both for the immediate business environment and the longer term information economy. We are still dealing with the decisions made ages ago, when Roman engineers build roads to accommodate two horses pulling a two-wheeled chariot, in the sizes of our cars and space shuttle booster motors (which must be transported by rail, which is based on those same measurements).

The stage is set for us to establish an open environment, where ideas and information can flow free from corporate control—this is the fertile environment from which innovation comes, not from the domination of a single corporate entity.

Please don't allow this settlement to take place with only a token nod that Microsoft has strayed from the path of ethical behavior. Definitely don't allow them to propagate uncontrollably by giving schools their over-valued software and hardware resources—that will only breed a higher degree of market domination, no matter how nice it may seem that they would give things to children. Hold to the intention of this legal action, and remove their ability to subjugate smaller companies to their clearly greedy intentions.

Thank you for your time.
-Danny Vinson
Director, Software Quality Assurance
Xperts, Inc.

MTC–00028876

From: Rick Sanders
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 6:30pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Fax: 1–202–307–1454 or 1–202–616–9937
Email: microsoft.atr@usdoj.gov

It is time to move on. This settlement represents the best opportunity for Microsoft and the industry to move forward. At this point the settlement benefits the industry and the nation.

Sincerely,
Richard H. Sanders
Technical Services Manager
ITG
4795 Emerald
Boise, ID 83706
208–344–5545

MTC–00028877

From: Alan Wunschel
To: Microsoft Settlement
Date: 1/28/02 6:27pm
Subject: Microsoft Settlement
Alan Wunschel
130 ELLEN CT
OREGON, wi 53575
January 28, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
ALAN WUNSCHEL

MTC–00028878

From: Bobbi Cady
To: Microsoft Settlement
Date: 1/28/02 6:28pm
Subject: Microsoft Settlement
Bobbi Cady
1865 N Raymond St.
Boise, ID 83704
January 28, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers’ dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Bobbi Cady

MTC–00028879

From: Kevin A Faaborg
To: Microsoft ATR
Date: 1/28/02 6:35pm
Subject: Microsoft Settlement
January 7, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Being in the data processing industry and witnessing first hand the valuable addition Microsoft has made to the industry, I am writing to support the November antitrust settlement between Microsoft and the US department of Justice.

The settlement is fair, as it requires Microsoft to make concessions that will facilitate competition within the industry without breaking the company up. I am glad to see that Microsoft will be able continue to do business as usual and grow at a rate consistent with its past performance. It is ironic that the states filing suit are dependent on Microsoft's technology.

Microsoft's innovation has set the standard for my industry and I look forward to seeing the settlement finalized so Microsoft can once again lead our nation's IT sector to its position of dominance in the global technology market.

Sincerely,
Kevin Faaborg
5112 Towers Terrace
Pittsburgh, PA 15229

MTC–00028880

From: rgirdner
To: Microsoft ATR
Date: 1/28/02 6:36pm
Subject: microsoft

Dear sirs,

I would like to voice my opinion on the Justice Department case against Microsoft. Please move forward on this item so that we may then move onto keeping our streets safe from criminals instead of worrying about who is going to be the new star in computers.

Rick Girdner
CC:Microsoft's Freedom To Innovate Network

MTC–00028881

From: Raj6953
To: Microsoft ATR

Date: 1/28/02 6:37pm
Subject: Microsoft Settlement
To: Judge Kollar-Kotally,

I am Phil Miller with an MBA. This is to request you to file my objection to the proposed settlement before the court in Microsoft vs. US.

As a daily user of Microsoft's products, I would like to have more options from its competitors. The Proposed Final Judgment allows a government sanctioned monopoly which is bad for all computer users and American business. The proposed agreement violates the three required standards from the courts, and is not even enforceable. It threatens all Microsoft competitors, and I object to this special treatment.

appreciate your your kind consideration.

Repectfully

Phil Miller

CC:Gregory Slayton

MTC–00028882

From: James Monsees
To: Microsoft Settlement
Date: 1/28/02 6:34pm
Subject: Microsoft Settlement
James Monsees
11116 Lakeridge Run
Oklahoma City, OK 73170
January 28, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry.

It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

James M. Monsees

MTC–00028883

From: David Emmick
To: Microsoft ATR
Date: 1/28/02 6:40pm
Subject: microsoft trial

Microsoft is certainly not harming the consumer. I am a consumer and I love their products and the decent prices.

Many of these states and companies which are suing Microsoft are not doing it to benefit the consumers, but to get as much as they can. I attended a Jesuit University, Gonzaga U in Spokane. I find the people intent on getting money from Microsoft are just out to get their hands on some dough. Surely the justice department has more important things to concern itself with. Please, let's move on.

Mary Emmick

Issaquah, WA

MTC–00028884

From: Heidi Michaelian
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 6:39pm
Subject: Microsoft Settlement

I don't think it's wise for our nation to let Microsoft monopolize the computer market in this way. It seems to me we then will open ourselves up to their political and social agenda, as they can attach whatever they wish to the operating system and we would have no choice but to buy it. I don't like the possibilities.

Sincerely,

Heidi Michaelian

213–748–8141

CC:'microsoftcomments(a)doj.ca.gov''

MTC–00028885

From: Erik Kennedy
To: Microsoft ATR
Date: 1/28/02 6:42pm
Subject: Microsoft Settlement

I am not in favor of the proposed settlement.

MTC–00028886

From: Billy Miller
To: Microsoft Settlement
Date: 1/28/02 6:36pm
Subject: Microsoft Settlement
Billy Miller
4486 Oriole Street
Columbus, Ga 31907–5056
January 28, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers’ dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Billy Miller

MTC–00028887

From: Tom Tisch
To: Microsoft ATR
Date: 1/28/02 6:44pm
Subject: Microsoft anti-competitive history

The US Department of Justice must not settle with Microsoft on the proposed basis. I have spent 20 years in the venture capital and computer industry during which time I have personally observed Microsoft steal secrets, be duplicitous in its dealings, and through its dominance of the operating system force acceptance of other Microsoft products.

At least two companies of which I have been an investor and a director have directly been harmed by Microsoft monopoly practices. One (Stac) won a $100 Million judgment against Microsoft for stealing patented information. The judgment was no more than a slap on the wrist of the economic juggernaut. The other saw its premier product line integrated into Microsoft products and effectively given away contributing significantly to the company ultimately withering away..

As a personal user, I have wasted hours, even days, of my time dealing with dysfunctional Microsoft products, products that in a more competitive environment would have been driven from the marketplace or forced to upgrade in quality.

What other company can delay, or miss a promised introduction date for a new product by 6 or more months and not suffer competitive penalties? None other but Microsoft. Not General Motors, not General Electric, not United Airlines, not IBM, not ATT.

The time is here when the Federal Government, for which you have some responsibility, can be severely crippled by Microsoft business decisions and for which the Federal Government—along with the rest of us—can find no relief in competitive products or services.

The proposed remedies for the Microsoft antitrust case are a sham and sellout on behalf of the American people and hundreds of thousands of workers in the computer industry. Core ethical values are at stake in this matter.

Thank you.

Tom Tisch

15040 Encina Court

Saratoga, CA 95070

ttisch@mindspring.com

Tel. 415.990.0102

MTC–00028888

From: Michael May
To: Microsoft ATR
Date: 1/28/02 6:37pm
Subject: Public comment
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW

Suite 1200
Washington, DC 20530–0001

It is my opinion that the November 6 revised proposed Final Judgment is an insufficient remedy and does not adequately serve the public interest.

Sincerely,
Michael May
1718 Hillcrest Road
San Pablo, CA 94806

MTC–00028889

From: Blblikken@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 6:43pm
Subject: Microsoft

Microsoft's problems with the nine states still holding out for a settlement are not justified. As a Microsoft shareholder and a tax payer I want this case settled. This case is no longer a matter of what is good for the consumer but only what effects the competition. Free enterprise is what America is all about.

Lee & Betty West
2119 SW 306th Place
Federal Way, WA 98023

MTC–00028890

From: jrs@gte.net@inetgw
To: Microsoft ATR
Date: 1/28/02 6:45pm
Subject: Microsoft Settlement

The settlement terms as they are now do nothing of substance *except* to give Federal approval for MicroSoft's illegal behavior by stipulation! Microsoft ends up with a ''Get Out of Jail Free card''.

The pressure to cave in from the White House, Microsoft and Microsoft's friends must have been tremendous. It is the belief of the people that if any branch of the Federal government will stand fast against backroom dealing, it is the Justice department.

The same belief must have been held at DoJ, and perhaps still is, but has been and is being crushed by the sheer weight of Microsoft. Microsoft's contempt for the law and the judiciary is public knowledge, but it is as much or more the sheer size of it that threatens the very economy of which it is an important component.

This size will stifle innovation and cheat the American people out of the best that they might have in the future. But most important is that Microsoft's success in the settlement marks the end of the government's ability to create and maintain a true free marketplace. Other corporations will follow the precedent. And that will be the end of our economy as we know it. Please, please, do what you can to resist this behemoth.

jrs

MTC–00028891

From: Marc Bizer
To: Microsoft ATR
Date: 1/28/02 6:45pm
Subject: Microsoft Settlement

To whom it may concern: I feel that the settlement failed to improve competition and will not deter Microsoft from future illegal acts.

Sincerely,
Marc Bizer
Associate Professor of French Literature
Department of French and Italian
University of Texas at Austin
Austin, TX 78712–1197
office (512) 471–5531
fax (209) 821–9058
<http://xerxes.frit.utexas.edu>

MTC–00028892

From: Rodney Petersen
To: Microsoft ATR
Date: 1/28/02 6:47pm
Subject: Microsoft Settlement

I feel that any judgment against Microsoft is unfair and bias. I have been using Microsoft products for the past twelve years. I have tried other computer products such as Netscape and Wordperfect. These products do not even match the quality of Microsoft Internet Explorer or Word. The CEO's of Netscape and Wordperfect enticed the government to try and destroy the best Computer Program Company and destroy the quality of Computer Programming. Microsoft has raised the level of Computer Programs and their technical service that other companies do not want to raise their companies to that level. Other companies want to send out products that do not meet the expectations of the buyer and user.

If the government wants to penalize Microsoft for excellence in the field of Computer Programming than they should do the same to IBM, which has been fighting Microsoft for their Operating System for decades. The other companies that should be penalized is Ford, GM, and any other Car Manufacturer and electronics company.

When something that works so well the government wants to destroy it, why? Or, limit or lower the quality of the products that Microsoft produces that the rest of the industry does not want to rise to.

Sincerely,
Rodney J. Petersen
ps I have never worked for Microsoft

MTC–00028893

From: Dirck
To: Microsoft ATR
Date: 1/28/02 6:54pm
Subject: Microsoft Settlement

Please accept the attached public comments in the case of United States of America vs. Microsoft Corporation.

Dirck A. Hargraves, Esq.
Counsel
TRAC
P.O. Box 27279
Washington, DC 20005
202.263.2950(v) 202.263.2962(fax)
email:dirck@trac.org
internet: http://www.trac.org

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IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,
Plaintiff, MICROSOFT CORPORATION,
Defendant.
Civil Action No. 98–1232 (CKK)

MICROSOFT SETTLEMENT COMMENTS SUBMITTED BY

The Telecommunications Research & Action Center
National Black Chamber of Commerce
National Native American Chamber of Commerce

January 28, 2002

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I. INTRODUCTION

The Tunney Act (Antitrust Procedures and Penalties Act, 15 U.S.C. * 16) requires the United States District Court for the District of Columbia (Court) to hear comments to determine whether or not an antitrust settlement was reached in the public interest. In the case of the United States of America v. Microsoft Corporation (Microsoft), the undersigned individuals and organizations all agree that without significant modification, the Microsoft-U.S. Department of Justice settlement (proposed Final Judgement, November 6, 2001) is far too weak to restore competition to the software industry and, thereby, bring the benefits of such competition to consumers. Therefore, without additional provisions, such as those proposed by the nine state Attorneys'' General and Corporation Counsel who are pursuing further litigation, the settlement is decidedly not in the public interest.

II. STATEMENTS OF INTEREST

The Telecommunications Research & Action Center, is a non-profit, tax-exempt, membership organization based in Washington, DC Its primary goal is to promote the interests of residential telecommunications customers by helping them make informed decisions regarding telephone services. However, given the recent convergence of telecommunications, Internet, and other high technology products and services, TRAC is also concerned with consumers'' welfare as it is affected by applications, including computer software, which will shape communications in the 21st Century. TRAC is governed by a Board of Directors. Its funding is primarily (95%) from member contributions and the sales of its publications. TRAC is not affiliated with any corporation and does not accept revenues, other than from the sale of its publications, from industry sources.

A nonprofit, nonpartisan, nonsectarian organization, the National Black Chamber of Commerce (NBCC) is dedicated to economically empowering and sustaining African American communities through entrepreneurship and capitalistic activity within the United States and via interaction with the Black Diaspora. The NBCC

represents 64,000 Black owned businesses and provides an advocacy that reaches all 640,000 Black owned businesses. The businesses that the NBCC represents are both consumers of computer software and competitors in a market that has been shaped and dominated by the Microsoft Corporation. The NBCC joins these comments today in an effort to restore competition to this vital economic sector.

The National Native American Chamber of Commerce (NNACC) is organized to provide a coordinating forum to service Native American business, government, and civic organizations for community development. The efforts of the Chamber are also to provide services and benefits to Native Americans to assist them in competing in business and in government. The nationwide businesses that are members of the NNACC already face enormous challenges in competing in the New Economy. Monopolistic players such as Microsoft, who also engage in illegal business practices, make these efforts at competition nearly impossible. Accordingly, we join in offering these comments to the Court.

III. SUMMARY OF ARGUMENT

The proposed U.S. Department of Justice settlement contains inadequate enforcement provisions to protect consumers from Microsoft's monopolistic overpricing in the software market. Accordingly, the Court should adopt the more stringent settlements as proposed by the nine states Attorneys'' General and Corporation Counsel from the District of Columbia.

A. Microsoft as Monopoly

As a monopoly in the software market, Microsoft produces more than 90% of all of the software operating systems in personal computers (PCs) and approximately 90% of all of the software suites (including Internet browsers, word processing, spreadsheet, and presentation programs) used with those operating systems. From the beginning of this case, the Court has rejected Microsoft's defense that the nature of the software market in which it competes naturally leads to the dominance of one player. As one consumer advocate has noted, ''If a monopoly were really the natural state of affairs in this market, then Microsoft would not have had to engage in so many unnatural acts to preserve it.'' 1

The unanimous decision of the United States Court of Appeals for the District of Columbia affirmed that Microsoft has used its leverage to repeatedly engage in anticompetitive behavior and, in the process, has committed numerous violations of antitrust law. According to the Competitive Impact Statement issued by the U.S. Department of Justice, the Court of Appeals found that Microsoft:

(1) undertook a variety of restrictions on personal computer Original Equipment Manufacturers ''OEMs''); (2) integrated its Web browser into Windows in a non-removable way while excluding rivals; (3) engaged in restrictive and exclusionary dealings with Internet Access Providers, Independent Software Vendors and Apple Computer; and (4) attempted to mislead and threaten software developers in order to contain and subvert Java middleware technologies that threatened Microsoft's operating system monopoly.

As a result of Microsoft's actions, not only have consumers suffered from the immediate effects of higher prices for the company's software products and the continuous cycle of upgrades i Statement of Dr. Mark N. Cooper on ''The Microsoft Settlement: A Look to the Future,'' Before the Committee on the Judiciary, United States Senate, December 12, 2001.

required for their systems to function properly, they have also been adversely affected by the decline of choice, quality and innovation in the marketplace.

1. The Damage to Consumers

An amicus brief filed with the Court in 1999 estimated that monopoly overpricing by Microsoft has cost consumers an estimated $25 to $30 billion. 2 Other estimates put this figure at $10 to $20 billion. 3 In either case, the high and steadily increasing prices of Microsoft's products stand in stark contrast to those of personal computer systems and hardware, which as a result of fierce competition have plummeted in recent years. To some extent, Microsoft's strategy of bundling its products and the overall reduction in new computer system prices have also hidden these high prices from consumers.

The full cost of Microsoft's anti-competitive actions in squeezing out competing operating systems, Internet browsers, word processing, spreadsheet, and presentation applications from the marketplace is difficult to quantify. It is impossible to calculate how, without Microsoft's illegal business practices, competing products might have forced down software prices or brought new innovations to consumers. Such applications might have offered consumers additional choice on how they wished to equip and configure their computers. This de facto homogenization of the PC by Microsoft has led to other problems such as the acceleration of the spreading of viruses. For example, if one computer becomes infected, many become infected, as they share the same programming code with identical loopholes. 2 Remedies Brief of Amici Curiae, United States v. Microsoft, 84 F. Supp. 2d 9 (D.DC 1999)

(Nos. CIV. A. 98–1232, 98–1233). 3 Mark Cooper, ''Antitrust as Consumer Protection in the New Economy: Lessons from the Microsoft Case,'' pp. 847–851, Cooper Hastings Law Review, 200106, November 27, 2001.

Microsoft is now pursuing online applications in banking, news, travel, advertising and other areas. Of paramount concern is the fear that Microsoft will use its Internet browser and these applications to dominate the online business world in the same manner as it leveraged its operating system to control the PC desktop. This cannot be allowed to happen. The success of the Internet and those who do business on it depends largely upon freedom of access through a multitude of competitive applications. Such a vision would not likely be realized were Microsoft to become the Internet's sole gatekeeper.

B. An Inadequate Settlement

In their Proposed Final Judgement, the Court of Appeals recognized Microsoft's culpability and rightly called for ''prompt, certain and effective'' remedies for consumers. The Court is specific in describing these provisions. Among them are requirements that computer manufacturers have the freedom to make ''middleware'' decisions regarding what software they choose to offer to consumers as standard on their machines. Manufacturers are to be able to sell and promote Microsoft and non-Microsoft products equally, and customize their systems and software as they choose, with licensing agreements to reflect this and without fear of retaliation. The Proposed Final Judgement also frees other software and hardware developers to work on applications for the Windows platform, and requires Microsoft to disclose the technical information needed for them to do so.

Consumers would no doubt benefit from the decrease in price and increase in choice in the software market if the U.S. Department of Justice settlement with Microsoft supported, and made enforceable, all of the Judgement's provisions. Unfortunately, the settlement falls short of this goal, as it contains many loopholes. For example, while Microsoft is required to share technical information to ensure compatibility with other companies'' software, it has no obligation to do so if Microsoft determines that the disclosure would compromise security or damage licensing agreements. Microsoft, alone, should not be given the right to make this determination.

The Court of Appeals found Microsoft's ''commingling of code,'' the process by which Microsoft inextricably links the programming of its other applications to Windows and effectively ''locks out'' competitors, to be illegal. Yet, the proposed settlement conspicuously omits mention of an enforceable remedy. The settlement also gives Microsoft the power to unilaterally determine what is defined as a ''Window Operating System product.'' Based on its previous behavior, Microsoft is likely to have an inclusive definition. The company now dominates the Internet browser market, as its Internet Explorer application has become an integral part of the Microsoft operating system.

In yet another example of how consumers gain little from the settlement, Microsoft is also granted a loophole through which it can continue to pay other vendors when ''reasonably necessary'' not to develop or distribute competing products. As a result, innovation will continue to be stifled and consumers will not see or be able to choose products that Microsoft has paid to keep off of store shelves. Rather than fostering an environment that encourages entrepreneurship, growth and healthy business competition, the settlement will reinforce Microsoft's dominant role in the industry.

C. Additional Remedies Needed

In an attempt to address the settlement's shortcomings, nine states and the District of Columbia have offered remedial proposals. These proposals are now consumers'' last

chance at true reform in this case. Unlike those included in the settlement, the proposals will, if enacted, contribute to reduced software prices and ensure that consumers are at minimum given the option of making choices when equipping their computers. Specific proposed remedies would require Microsoft to:

Offer a stripped-down, unbundled version of Windows. Without built-in software such as the Internet browser, media player, or email applications, consumers will be able to better custom order PCs with only the installed applications which they choose to purchase. Share its code for its Internet browser with other software developers, thereby allowing for new products with new innovations and ensuring that consumers do not rely on Microsoft as the predominant way to the Internet.

Auction the right to create different versions of its Office software suite for use on other operating systems, such as Linux. Again, this provision eliminates Microsoft's application barrier to entry and gives more choice to consumers.

Include ''middleware'' software in Microsoft's latest operation system, Windows XP. This will enable software applications to universally, across non-Microsoft platforms, expanding interoperability of products and consumer options.

Consumers also support the nine Attorneys'' General and Corporation Counsel's efforts to advocate for a court-appointed master with real enforcement abilities. The U.S. Department of Justice settlement proposed a three-person technical committee to oversee Microsoft's compliance with the settlement. The findings of this committee would neither be made public nor revealed to the Court. In contrast, a court-appointed master would be able to more effectively respond if Microsoft violates the terms of the settlement.

Finally, the settlement offers no effective punishment to deter Microsoft from acting in bad faith. As it stands, the penalty for non-compliance with the agreement is only an extension of the monitoring period. The litigating states have proposed an alternative punishment with far greater consequences: the revealing of Windows'' source code.

Together, these steps are needed to effectively oversee and enforce any agreement with Microsoft, a company that has leveraged its dominance in the market to get what it wants at the expense of its competitors and consumers.

V. CONCLUSION

The proposed U.S. Department of Justice settlement alone does not remedy or address the finding of the Court of Appeals. It is not complete in its breadth, nor does it contain adequate enforcement provisions. For millions of consumers who rely upon a personal computer in so many facets of their lives, this agreement, as it stands, is decidedly not in the public interest. It will not make Microsoft's products more affordable or reliable. It will not give consumers greater choice of what software they wish to run or flexibility as to how they wish to configure it. It will not encourage innovation and competition in the software industry and allow consumers to reap the benefits.

Many on both sides of this case have complained about the length of the trial and the settlement process. An effective solution now appears to be within reach. We urge the Court not to allow a settlement that does not live up to the Judgment of the Court of Appeals and settle for settlement's sake. We urge that the Court consider and adopt the proposals put forth by the litigating states and the District of Columbia as a much more thorough and enforceable solution, one that will bring all of the above benefits to consumers who represent the public interest.

Respectfully Submitted,
Dirck A. Hargraves
Counsel
Telecommunications Research and Action Center
Post Office Box 27279
Washington, DC 20005
Harry C. Alford
President & CEO
The National Black Chamber of Commerce
1350 Connecticut Ave. NW Suite 825
Washington, DC 20036
Joe Byrd
President
The National Native American Chamber of Commerce
Post Office Box 663
Okmulgee, OK 74447

MTC–00028894

From: Ray Whitmer
To: Microsoft ATR
Date: 1/28/02 6:49pm
Subject: Microsoft Settlement

To whom it may concern, regarding the proposed settlement of the microsoft case.

I am not a lawyer, and have no sound legal advise to offer, and the time has past for that. I have been an employee of a number of companies who have found it impossible to compete with Microsoft because competing with them had little to do with quality of product and everything to do with control.

You do not have to look far at all for many overt acts that I think any reasonable person would call criminal. This is because of the high- pressure eminating from the top of the company, to win at any costs.

In my 20 years developing products across many operating systems and corporate structures, I have worked for WordPerfect corporation, Novell, and Corel, among others, and it has become increasingly obvious that quality has nothing to do with winning in the marketplace.

It is all about who controls the information patterns of the masses, whether it be Movies, Software, News, or Advertising.

This is not a new phenomenon. Once the Catholic Church controlled these things quite effectively with systems that greatly resembled the ever-expanding copyrights and patents on things today. Today, Martin Luther, sneaking out of the Vatican with his biblical transcripts would be hunted down as the latest Napster-ite, who thinks that works which interweave themselves so deeply into the roots of a population should not be controlled by a power-hungry entity such as a Church or a Mega-corporation. This does not mean that those who produce them do not deserve profit, but see what the billions paid for Windows every year buys us: In significant cases, less than what the remaining competition now gives away for free, because Microsoft has such a lock on the market. The profits are squandered every year on power.

There are dozens of competing products that could have easily taken that position had they controlled the power they had in their times as unscrupulously as Microsoft does. Corporate survival and hunger for power and profits are the reason we have antitrust laws. In this case, the public shame is greater, because it is the Copyright laws—an artificially- granted government monopoly—that establishes the Microsoft Monopoly.

If it were possible to still compete in this market against that Corporation, you would clearly be seeing much lower prices—the Microsoft take increases, but somehow the economies of scale in software production never lowers the price of the software, and there is never even consideration that you paid for dozens of versions you can no longer use because Microsoft has made them incompatible.

Microsoft is not an indispensible part of the market. If they vanished, within 5 years, there would be no trace left, and there would be competition for a little while until another corporation showed that it was the most vicious of those remaining and consolidated power.

I and thousands of people like me have started writing new software that is not susceptible to this overbearing corporate eternal ownership—which I have to believe is extremely different from what the framers of the Constitution thought they were doing in granting limited copyright and patents.

We have the technology to design around the original intent of these laws, and it is time that you look at seriously reigning in the moster that has evolved. Law of the mega-corporation, by the mega-corporation, and for the mega-corporation is not in anyone's best interest long-term, even if the mega-corporate advertising of today has the same persuasive power as the mega-Churches of old over the masses, tribunals, and courts of law.

The case against Microsoft was poorly made, and hardly justified, not that there wasn't a huge case to be made. But your remedies are worse than ineffective. They will do more harm than good. You have overturned the breakup, which might have had some effect, but likewise didn't get at the root of the problems, which I have tried to describe here. It is not Microsoft that is wrong but <insert any company> which succeeded by such viciousness would be just as bad, and I would be just as sorry to see Sun, Oracle, or even my own company AOL Time Warner be in such an abusive position.

I think that when a company abuses the public trust of its granted monopolies as badly as Microsoft has, the appropriate and natural action is to revoke their monopoly, which in this case is their copyright. With that arrow in your quiver, it would not be difficult to convince companies in the future to act more in the public interest. Short of that, please abandon your current pursuits and admit honestly that the corporation has won and the country has lost. It is really

rubbing salt in our wounds to offer something that hurts more than it helps and claim you have acted in our behalf.

Human rights are more important than copyrights or corporate rights. Many technology companies go under every year. It would be better, though if there was a better connection between profits and service. If you do not, the next revolution is on the horizon. You cannot lock up everyone for violations of intellectual ''property'' any more than the Church could, however much the corporations want to control everything. And corporations do not need an absolute eternal copyright as much as they might claim.

And America will become the ''old world'' while other countries such as Russia have their patriots thrown in prison in America for crimes of conscience by the dozens of new FBI/DOJ departments created for this new opression — certainly not for any overt act depriving a corporation of it's profit in the recent Sklyarov case. Do you really want to be the ''Department of Justice'' which presided over such a debacle? Where is justice for we, the people?

Ray Whitmer
ray@xmission.com

MTC–00028895

From: Gene Merritt
To: Microsoft ATR
Date: 1/28/02 6:49pm
Subject: Microsoft settlement

Spending any amount of time on an computer one cane encounter MANY areas of UNDUE influence by Microsoft.

This now even extends to websites such as STARBUCKS. I had an account with them until they formed a partnership with Microsoft and redesigned their (Starbucks') website based on Microsoft Passport! My old account is no longer valid.

And, even more, one cannot even approach or get onto or even contact the Starbucks site unless one accepts Microsoft Passport cookies! Not even being allowed on the site without Microsoft's surveillance! I consider this WAY TOO MUCH POWER AND INFLUENCE! And this is only one example!

I've sent several emails to Starbucks * * * finally got to them through Planetfeedback* * * and still no getting near the site.

Microsoft is extending it's web of power and influence AND CONTROL into so many areas of public and private communication. MSNBC. Newsweek. Just to name a few. This may, now, look rather harmless, but* * * they what about the future. One company should not have so much control over so many facets of our daily lives. And the government, in this matter, doesn't look to clean in this case, either. I remember seeing news footage of Gates in Washington set to meet with government officials WHILE MICROSOFT'S CASE WAS BEING HANDLED BY THE GOVERNMENT! I the, immediately, thought about CONFLICT OF INTEREST! Talk about impropriety!!!

Microsoft seems to have no qualms whatsoever about tossing around their incredible weight and thumbing their nose in the air at us regular Americans* * * and for that matter, the laws of this great country!

There's no remorse. No head bowed seeking the government's forgiveness. Does this tell you anything!

It's in your court now! Don't shame the rest of us HONEST Americans by holding Microsoft and it's bullying practices up to a different standard of law than the rest of us!

Thanx for listening!

Gene E. Merritt
Brimfield, Ma.

MTC–00028896

From: Vicky Stables
To: Microsoft ATR
Date: 1/28/02 1:58pm
Subject: Microsoft Settlement

I think the settlement proposal is a bad idea. Please find a better solution that provides better protection to consumers and the software industry.

Vicky
Vicky Stables, CPA
Anacortes, Washington, USA

MTC–00028897

From: Lydia G. Rich
To: Microsoft ATR
Date: 1/28/02 6:50pm
Subject: USAGRich—Lydia—1068—0108 (1)
35 Hyatt Drive
Warren, PA 16365–3527
January 10, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

I am writing to express my support in the recent settlement between Microsoft and the federal government. It is with sincere hope that this is the end of any litigation on the federal level. Considering the terms of the agreement, Microsoft did not get off easy at all. In fact, due to this agreement, Microsoft has to make several important changes to the way that they handle their business.

For example, Microsoft has agreed to disclose and document for use by its competitors various interfaces that are internal to Windows'' operating system products. This alone is a first in an antitrust settlement.

Microsoft has also agreed to make available to its competitors, any protocols implemented in Windows'' operating system products that are used to interoperate natively with any Microsoft server operating system.

With the many terms of the agreement, I see no reason for the government to pursue further litigation on any level against Microsoft. Not only would it be a waste of time, but a waste of money as well. I fully trust that you would agree. Thank you.

Sincerely,
Lydia Rich
cc: Senator Rick Santorum

MTC–00028898

From: Viki Williams
To: Microsoft Settlement
Date: 1/28/02 6:46pm
Subject: Microsoft Settlement
Viki Williams
11522 Small Dr.
Mesquite, TX 75180
January 28, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers’ dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies. Thank you for this opportunity to share my views.

Sincerely,
Viki L. Williams

MTC–00028899

From: Andrew
To: Microsoft ATR
Date: 1/28/02 2:10pm
Subject: Microsoft Settlement

To the Department of Justice:

I am writing to express to you my horror (and I use that word deliberately) at the proposed settlement to the current Microsoft antitrust case. I believe the proposed remedies are in no way commensurate with the crimes of which Microsoft has been found guilty.

Almost all of the subsections under the Prohibited Conduct section contain gaping loopholes. For instance, one subsection provides for the removal of references (on the Desktop and in menus) to Microsoft applications, but in no way provides for the removal of the application itself. Such an application could still be activated by other means, and, by its presence on the system, could interfere with the proper operation of non-Microsoft applications. Microsoft has already proven itself to be very adept at exploiting such loopholes and a truly fair and effective Final Judgement must seek to close them.

At —best—, the remedies in the PFJ will help to slow the growth of Microsoft's monopoly, but will do nothing to diminish it. At worst, such a Final Judgement would actually help to protect Microsoft from further legal action if they continue their anticompetitive practices. And it would be foolish to believe that they would not do so.

In our society, criminals theoretically are supposed to serve jail time and/or compensate their victims for their suffering. This settlement requires neither of Microsoft.

Microsoft has over the years repeatedly raped OEMs, ISVs, consumers, and others, all the while thumbing its nose at America's laws and system of justice. Now it is time for Microsoft and its corporate officers to pay the price. I am counting on the Department of Justice to see to it that the American people are properly protected and compensated.

Andrew T. Smith
Computer Science major
1127 Humboldt St., Apt. C
Santa Rosa, CA 95404
Phone: 707–546–6120

MTC–00028900

From: Steinsaz@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 6:51pm
Subject: Microsoft Settlement

I believe that the AOL suit against Microsoft is not warranted and is doing Microsoft an injustice by prolonging this litigation. I could very well use Netscape as my browser, but prefer Internet Explorer which is an excellent product. AOL and the other companies that are seeking this suit know that Microsoft has cash and are just trying to get some of it into their own pockets. It would be better if they stopped this nonsense. They should get down to the business of running their own companies better and using innovations of their own to produce better software and not trying to blame Microsoft for their own mistakes and problems

Judy Stein

MTC–00028901

From: Mary—Paul—Stewart@berlex.com@inetgw
To: Microsoft ATR
Date: 1/28/02 6:52pm

Your Honor,

I know there is a deadline for comments and I am not the most eloquent arguer on short notice, but here are some of the reasons I feel Microsoft must be severely punished.

Microsoft is not a company we can trust with our technological future. They have a history of ''thumbing their nose'' at the legal system through an expert legal team of ''loophole finders.''

Netscape was only one in a long line of Microsoft casualties. Remember when Lotus 1–2–3 and Word Perfect were king?

What Microsoft is good, perhaps even ''innovative'' at: bundling their products for competitive advantage, giving them away, either for free or a ridiculously low price, then once the competition is gone, and/or their stranglehold on the market is secure, they charge customers hideous prices for marginal upgrades. (Mostly over-rated ''bug fixes''.) Several years back, Microsoft shrewdly invited everyone with pirated copies of their various office product to become ''legal'' though a free registration. The amnesty plan worked, and the now legal owners, feeling they had ''one up on Microsoft'' happily paid for the never-ending upgrades.

In general however, Microsoft is most definitely NOT a technologically innovative company. With few exceptions, (the ''talking paper clip'' for one) their announced ''innovations'' are directly copied from others. For specific examples, see http://www.vcnet.com/bms/departments/innovation.shtml . Bill Gates, often cited as some ''genius'' rather than the megalomaniac that he is, did not even see the relevance of the internet until he saw Netscape's market penetration.

I personally recall purchasing a Netscape browser upgrade several years ago. (My first copy was in my starter kit when I joined Earthlink—and I assume Earthlink paid a license for the privilege of distributing the browser, as it was not free at the time.) Once Microsoft ''woke up and smelled the internet'' they began giving Internet Explorer away to eat away at Netscape's market share. The effect was immediate, and Netscape had no choice but to follow suit. I would also add that at the time Microsoft began giving away their browser, Netscape had the technologically superior product, which had already incorporated the ability to handle javascripts. At the time Microsoft made their infamous deal with AOL, Internet Explorer still did not handle javascripts, which is one of the reasons people used to hate browsing through AOL. I also recall how I complained to AOL about their tactics—they would ''nag'' me at log-on and log-off to download the IE browser—obviously part of the contract.

But that wasn't enough for Microsoft. Their version of innovation was to force Netscape and every other browser into obsolescence by ''welding'' Internet Explorer into the Windows operating system so that it cannot be deleted. While I'm sure that there are many in the pro-Microsoft camp that will give very impressive reasons for why this is necessary and innovative—I don't believe a single one. I consider myself to be a fairly savvy computer user, versed in both PC and Mac platforms, but I have yet to find a single benefit to the consumer that was created by tying these two products together. To be specific, I cannot see any difference in functionality between the bundled Internet Explorer on the Windows computer I use at work versus running Internet Explorer on the Mac I use at work for graphic development. Both programs work as they are supposed to, opening HTML pages and connecting me to the internet. There is only one reason that Microsoft bundled these products* * * to wipe out Netscape and dominate the internet.

And what will Microsoft gain? Well, look at where they are focusing their energy today. Now they are forcing anyone who buys their recent upgrade packages to apply for their internet ''Passport'' account. $400 Rebates/incentives are driving consumers to sign up for MSN as Microsoft takes aim at AOL's market domination. Microsoft has one aim, to control every exchange of personal, consumer, and financial information. Since I have watched a never-ending stream of examples of unethical and anticompetitive behavior from this company, I can say this without reservation: This is not the company I want peeking into my wallet and tracking my visits on the internet. This company is Big Brother incarnate.

Respectfully yours,
Mary L. Paul Stewart

MTC–00028902

From: David Medin
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/28/02 6:52pm
Subject: Microsoft Settlement

I, as a member of the computing and electronics industries for more than 20 years, am completely opposed to the proposed Microsoft settlement, which will do nothing, in my opinion, to open the marketplace to competition nor innovation.

My definition to a satisfactory settlement will be the lowering of market prices for Microsoft operating systems and associated applications to ''reasonable'' levels for businesses and consumers. $450 for a word processing package, per computer, which a consumer has to buy to maintain interoperability with professional standards? $350 for an Operating System?

This pricing level is ridiculous, and Microsoft's margins reflect this! They can only command this price because of monopoly. Microsoft's margins are not a reflection of their innovation—Microsoft software quality and security is known to be among the worst ever in the marketplace and they've only ''innovated'' when forced—but of their sheer market saturation and the need for people to have compatible products in order to exchange information successfully.

The dynamic of the software marketplace is much different from, let's say, automobiles, as the key for marketability is interoperability. If you cannot exchange information in standard formats, such as between word processors of different authors, the application is useless. Microsoft has obtained a monopoly on many aspects of operating systems and applications through brute force and interoperability with Windows features, which they control.

The settlement does not address two key areas neccessary for success—splitting of the Microsoft OS and Applications divisions, and complete opening of internal OS APIs such that compatible and interoperable applications AND operating systems can be easily built. The dynamics of launching a competitor to Microsoft applications like Office would be formidable without drastic measures to equalize the marketplace, so unless those measures are taken, we will continue to be held hostage to Microsoft's monopoly. All the other measures of the settlement, such as educational software donation, are completely self-serving to Microsoft, which wants to overcome Apple's penetration in education anyway. Someone in Redmond will be congratulating themselves if this settlement is adopted. The rest of us lose* * *

Sincerely,
Dave Medin
1305 Brockman Ave.
Marion, Iowa 52302

MTC–00028903

From: Mark Pruner
To: Microsoft ATR
Date: 1/28/02 6:52pm
Subject: Web Counsel comments

Ms. Hesse''

Attached as a WordPerfect file is our comments on the proposed DOJ/Microsoft settlement. Please confirm receipt at your earliest convenience.

Mark Pruner

MTC–00028903—0001

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA
UNITED STATES OF AMERICA,
Plaintiff,
VS.
MICROSOFT CORPORATION,
Defendant.
STATE OF NEW YORK ex rel.
Attorney General ELIOT SPITZER, et al.,
Plaintiffs,
VS.
MICROSOFT CORPORATION,
Defendant.
Civil Action No. 98–1232
Civil Action No. 98–1233
WEB COUNSEL, LLC'S
COMMENTS ON DOJ'S REVISED PROPOSED FINAL JUDGMENT

Web Counsel, LLC is an interactive marketing company that will be harmed if the Proposed Final Judgement agreed to by the Department of Justice and Microsoft Corporation is approved. We believe that the proposed judgement is not in the public interest, and while not perfect, the dissenting states proposal is much closer to the remedy that the U.S. Supreme Court has required to ''unfetter a market from anticompetitive conduct,'' to terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future.''

We fully support the remedies proposed by California, Connecticut and the other dissenting. Their comments are incorporated herein by reference and the material set forth below is meant to complement and extend the remedies proposed by the dissenting states. WE THEREFORE, submit these comments as allowed by the Tunney Act.

Microsoft will push the limits of any judgement and will not be cooperative with any voluntary enforcement mechanism.

Microsoft has shown a history of not living up to the spirit of their prior settlements and agreements. As examples:

1. Microsoft's first settlement with the Justice Department included a two word phrase that Microsoft used as a loophole to totally gut the settlement's effect in the marketplace. The proposed DOJ/Microsoft settlement is replete with phrases such as ''provided that'', ''except that'', ''so long as'' etc. Microsoft will certainly use these phrases to thwart the few significant restrictions in the proposed settlement.

2. The Tunney Act provides that Microsoft is to report all contacts with government officials. Microsoft as usual has taken a very narrow reading of this requirement and not reported many contacts, particularly with legislative branch official.

3. Bill Gates'' was very uncooperative in his deposition. What should have taken a day stretched to 3 days. He did his best to avoid answering questions, by arguing such things as the definition of the word ''is''.

4. Microsoft fabricated or was grossly negligent in presenting their evidence. At several times in the trial, they had to retract testimony after DOJ's counsel was able to show that the facts did not comport with the Microsoft witness'' testimony.

5. Microsoft's first browser was not created by Microsoft, but rather licensed from Spyglass, a small innovative software company. The license required Microsoft to make licensing payments to Spyglass, but Microsoft held up these payments, which were vital to Spyglass to continue developing its browser. Only when Spyglass made it clear that it would no longer actively develop its browser did Microsoft make the payment it was contractually required to make.

II. Web innovation has stalled since Microsoft got a monopoly in web browsers

Prior to Microsoft entering the market for web browsers Netscape and many other companies, such as Spyglass, were developing innovate new features and services in their browsers. The first casualty of the Microsoft monopolist entering the browser battle was not Netscape, but the many smaller innovators, that had been pushing Netscape to make its product better.

Microsoft created a concept called ''embrace and extend'', which should be more properly called ''copy and crush''. Microsoft at its option will copy another company's software, buy the company or license the software. It then adds a few features and uses its monopoly profits and tie-ins with its other monopoly products to crush the competitor. The result of this process is that the monopolist dives the small innovators out of the market. As a result innovation is stifled.

The Microsoft browser illustrates the monopolist's lack of innovation. Anyone who uses Microsoft's Internet Explorer software will find dozens of things that need improvement or that would normally motivate a user to switch to a competitor, but there are no viable alternatives. To illustrate some of the many areas in which Microsoft has failed to innovate set forth below are only some of the problems with the Microsoft browser. IE is unreliable and insecure. IE crashes more often than any other software on our computer. The lost work and wasted time costs the U.S. billions of dollars. IE is unreliable, because Microsoft as a monopolist does not have abide by industry standards. It creates its own standards and changes them, regardless of the costs imposed on third parties. The browser is also very insecure and is constantly having to be patched. Were Microsoft not a monopolist of the OS, the browser and the office suite, many organizations would have rejected it for these reasons. This lack of security has now risen to the level of a national security issue. Hackers, terrorists and foreign governments can exploit this insecure product to the detriment of the U.S. government, its economy and its citizens.

Micropayments—Micropayments are crucial for websites that sell information, both text and images. People will pay from 10 cents to $2.00 to read an article or look at an image or chart, but there is no widespread payment system to make these small payments. The Microsoft payment systems is clunky and invades a user's privacy, as a result, few people use it and even fewer buy articles. Because, Microsoft has kept third parties from accessing the necessary APIs and other parts of the system, the Microsoft monopoly has a has put thousands of web content providers out of business. These content providers can not sell their valuable material, because Microsoft wants to control any micro-payment system. As a result web content providers could only rely on advertising revenue, even though they could sell millions of articles and graphic images with a proper micropayment system. The necessary APIs have to be made public and barriers to the use of non-Microsoft payment systems with Microsoft software have to be removed at both the browser level and the O/S level.

Page editing is difficult—Billions of additional dollars are wasted every month, because web pages are so difficult to create. The difficulty of creating pages for the IE browser increases sales of Microsoft's page editing program, Frontpage. Typical of Microsoft's efforts to exclude competitors, Frontpage is designed to write proprietary codes that can't be read by other browsers or that causes these browsers to crash.

Bookmarks work poorly—The IE browser bookmark feature (called ''Favorites'' by Microsoft) is cumbersome, requiring a multi-step process. Bookmarks can only be to a file, not a spot in a file, so finding information in very long files can be very time consuming. Others have better bookmark systems, but MS has no incentive to incorporate them or improve its bookmarks. While a minor point, this functionality, like other cumbersome features in IF.. is used billions of times each day world-wide, so even a small improvement would huge amounts of time when added together.

Integration of the browser with other functions & with XML—Microsoft has discouraged efforts to easily move information, between web pages and other applications, except where Microsoft products are involved. Extensible Mark-Up Language (XML) has been around for several years, but since Microsoft has a monopoly in browsers they need not worry about a competitor developing this technology, due to the barriers to the entry found by the trial court. At the present time, browsers can display text and graphics, but humans have to organize the information displayed. XML is like the West Key System organizing information into categories for easy retrieval and use. MS is trying to monopolize this standard also and with their three monopolies is likely to succeed.

Browsers on non-PCs—Microsoft has tried to force variations of IF. browser onto personal digital assistants (e.g. Palms) and cell phones, even though they are not suited for these devices. As a monopolist Microsoft has no incentive to develop a different type of browser for non-personal computers. If a company does develop such a non-PC system, Microsoft can move quickly to stop them, as they did with Web TV. Because of its huge monopoly profits, Microsoft was able to pay an extremely high price for this system that displayed website on TV. Once it controlled this potential competitor, Microsoft efforts to further develop this system fell short of the level expected when a non-monopolist invests that amount of money.

Printing sophisticated pages—Printed web pages and web pages on computer screens do not look the same. This causes tremendous

difficulties for Web Counsel and other web developers. Web developers are restricted to basic layouts, even when there would be significant advantages to a more sophisticated layout. The primary solution in this area is a non-Microsoft solution, Adobe Acrobat .pdf files. Microsoft does not see this system as a threat, because .pdf files are very difficult to create and use. Microsoft efforts to make printing web pages is minimal.

Customizing feature—Microsoft makes adjusting and customizing the Internet Explorer browser very difficult. If a company creates a browser based service that needs a customized browser, they must hire expensive programs and even then, customization is very limited. MS restricts API information, uses restrictive licensing and insists on maintaining IE's appearance.

From the individual's user perspective, finding the places and understanding obscured references such as ''Use TLS 1.0'' or ''Show Friendly URLs'' means that most people will have to use their browsers the way Microsoft wants them to use it.

Microsoft, like all monopolists, does not innovate, because they have no economic incentive to do so. Microsoft used to add innovative features to its browsers, albeit mostly copied from other companies, principally Netscape. Microsoft stopped making significant improvements once Netscape stopped innovating. Netscape stopped innovating, because Microsoft had used its monopoly to make sure that there was no money to be made in browsers.

Microsoft already owns the browser market, why should they try to do something innovative, when their market share is much more likely to go down, than up.

Ill. Microsoft's monopolies prevent fair competition and must controlled

Microsoft has monopolies in not only the OS and the browser, but also in the Office Suite software. (This claim was originally made in the state's complaint, but later dropped to harmonize its complaint with the DOJ complaint.) These inter-locking monopolies give Microsoft even greater power than a normal monopolist.

Microsoft's confidence in the power of their monopoly can be seen from their bail-outs of their competitors. Microsoft invested millions of dollars in Apple, the only significant operating system alternative, (although Apple's OS won't run on Intel processors.) Microsoft claimed it was an investment to support Apple, whose users bought Microsoft Office suite software for their Apple Macintoshes. While unlikely, Microsoft's true motivation became evident when they tried to prop-up Corel's WordPerfect office suite. Microsoft's effort to co-opt this competitor was so blatant, that regulators opposed Microsoft's investment and Microsoft withdrew there offer.

Microsoft's competitors know that the Microsoft's monopolies have created a $36 billion treasure chest of monopoly profits. They also know that Microsoft will use these funds and the unlawful tactics outlined by the trial court to oppose anyone that should try to compete with them in their monopoly areas. These funds and Microsoft's hardball tactics scare away potential competitors and innovators. If the DOJ/Microsoft proposed settlement is accepted the perverse result will be that potential competitors will be even more discouraged, because they will see that Microsoft got no monetary penalty and was rewarded with a monopoly for using unlawful tactics. Even now venture capitalists reject out of hand any business plan that Microsoft might see as competing against their core monopolies.

Since Microsoft has 3 inter-locking monopolies, the remedies must be more comprehensive and certain, particularly, since Microsoft has shown that they will not live up to the spirit of the settlement language and are likely to violate the actual letter of the settlement. While I support all of the relief requested by the nine dissenting states, I believe that Microsoft should also be subject to a substantial fine so that they do not benefit from, nor use their ill- gotten gains to unlawfully further their monopolies.

IV. Enforcement

The proposed Microsoft/DOJ enforcement procedure will do little to prevent improper actions by Microsoft. The voluntary dispute resolution procedure will not work. Microsoft will either not volunteer to be punished or more likely they will drag out such procedures and Microsoft will win because of the delay.

Microsoft traditionally comes out with a major new OS about every three years (e.g. Windows 95, Windows 98, Windows XP [2001]). The success of these systems are determined in the first year, so as we have seen Microsoft has tried to constantly delay the present litigation and it has succeeded. The original complaint was filed by DOJ in May of 1998. In the meantime, Microsoft has come out with the minor OS upgrades Windows ME and Windows 2000 and the major new OS, Windows XP. None of these OS's have been restricted, by the DOJ and during this time Microsoft has continued to make extraordinary profits even during the recent down economy.

The new Windows XP has several features that continue to unlawfully leverage Microsoft monopolies, e.g. the Passport system. While it is theoretically possible to run Windows XP without the Passport system, the average user will not be able to figure this out and the software repeatedly demands that the user sign-up for the Passport system and provide their private information to be put under Microsoft's control.

If the court wants to do justice now, the final settlement must have a quick and certain arbitration procedure. Failure to include such a provision will result in Microsoft complying with the orders, but only after they are irrelevant. A clear example of this is the ''concessions'' that Microsoft has made as to the web browser in the proposed DOJ/Microsoft settlement. Microsoft made the concessions because, its unlawful acts have won the browser battle. Microsoft is happy to concede, here and in other areas of the proposed settlement, points that don't restrict what it actually wants to do or that are irrelevant in the marketplace.

Not only is speed essential, but the enforcement procedures must provide a way to expose Microsoft's efforts to intimidate third parties. Microsoft is notorious for threatening not only its competitors, but its customers, something that only a monopolist can do (e.g. threat to Compaq to cut off sales of Microsoft operating systems, see trial courts finding of facts.) Enforcement must include an anonymous reporting feature and substantial penalties swiftly enforced, otherwise Microsoft will continue its intimidation and accept its conduct penalty, if any, many years later after it is irrelevant.

V. The DOJ/Microsoft proposal will only lead to more litigation

Microsoft and its abuse of its monopoly have injured many parties, and regardless of how you rule, there will be substantial litigation as evidenced by the recent action brought by AOL/Time Warner against Microsoft. The AOL suit, however, also illustrates what will happen if the court adopts the proposed DOJ/Microsoft proposed settlement. Litigants, as has AOL, will move to further restrict the monopolist's actions; litigants will bring actions in the courts instead of through arbitration and Microsoft will delay this litigation for years. The resulting uncertainty will hurt the United States leadership in software at all levels.

The software industry is not prone to litigation, but companies will be left with no options to protect themselves, if this court does not provide an adequate enforcement mechanism and fair settlement, that is perceived to be fair.

VI. Java should be required

The public interest and competitive fairness require that Microsoft provide a quality Java interpreter with every copy of their web browser. Much of the functionality, that we and other web developers have built into their websites is based on the Java language. If Microsoft gets away with not providing Java support in their browser, as they have already done with Windows

XP, the results with not be in the public interest: tens of billions of dollars that have gone into programming sites in Java will be wasted tens of thousands of website will lose some or all of their functionality, and Microsoft will have another monopoly, this time in web languages. If nothing else, the DOJ/Microsoft proposed settlement, must be amended to require Java support.

WE, THEREFORE request that you reject the revised proposed final judgment by the U.S. Department of Justice and Microsoft Corporation, and that you adopt the proposed judgement by California, Connecticut and the other dissenting states, that you impose a substantial monetary penalty on Microsoft for their unlawful acts, and that you grant such other relief as is requested herein and you may determine to be in the public interest.

DATED this 28th day of January, 2002

Mark Pruner
President
Web Counsel, LLC
Stamford E-Center
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Stamford, CT 06901
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Our latest site http://www.gibbonslaw.com

MTC–00028904

From: rclay773281
To: Microsoft ATR
Date: 1/28/02 6:52pm
Subject: microsoft settlement
Robert Clayton
14085 Olympic View Road
Silverdale WA 98383
1/28/02
To Attorney General John Ashcroft
US Dept. of Justice
950 Pennsylvania Ave. NW
Washington D.C. 20530

Dear Mr. Ashcroft

I am writing you today to express my opinion in regards to the microsoft antitrust dispute.l am a microsoft supporter ,an d l would like to see this costly litigation ended against Microsoft.lt will serve in the best public interest to permanently resolve this issue.This settlement was reached after extensive negotiations with a court appointed mediator.Microsoft has agreed to all terms and conditions of this agreement .Under this agreement ,microsoft m,ust document its envied interfaces so other companies can use them to develop more sophisticated soft ware. Microsoft has also agreed to grant computer makers broad new rights to configure windows so that other companies can promote their products while windows boots up. Microsoft is more than willing to follow these procedures so they can get back to work.This settlement will serve in the best public interest.Our resources and time should be devoted to more pressing issues

Thank you for your support.l might add that l have much more confidence in your ability than your predecessor

Sincerely
Robert Clayton
rclay773281@msn.com

MTC–00028905

From: Mike Searcy
To: Microsoft ATR
Date: 1/28/02 6:54pm
Subject: Microsoft Settlement

Microsoft has lost focus on the best interests of consumers. The company now places its own ends above those of the consumer. With some companies, this is often understandable and acceptable. However, Microsoft, as ruled by the court, monopolizes an integral component of the computing industry, an industry that has become a primary driving force in the national economy. Consequently, until Microsoft's monopoly is either no longer in place or is no longer viable, the interests of the consumer public must take precedent, and it is up to the government, as representatives of the people, to ensure that the best interests of consumers are pursued. And, while the current settlement agreement between the Department of Justice, nine state Attorneys General, and the Microsoft Corporation, does take some significant strides, it contains multiple loopholes that would cause little to no adjustment in the tactics of Microsoft, a company that has been proven to abuse the monopoly it holds and has been seen to exploit such ambiguities often with brazen disregard for the intent of the agreement in which they reside. One significant loophole, the failure to adequately define what is and what is not an operating system, is the focus of this letter.

Computing and Commodities

Commodities. They are the foundation of the computing industry. However, based on context, they can often go by other names such as objects, standards, and libraries. Simply put, commodoties create an environment in which something can be reused multiple times and interchanged easily. They are the cornerstone of the success of the IBM PC, the World Wide Web, object-oriented programming, and grid computing. They enable competition and promote innovation, often at amazing speed. They form the basis for the goal of permitting any device to work with any data at any time at any location and the hope of writing a program one time and have it run anywhere and on any device.

When an individual goes out to purchase a personal computer, that person can choose from multiple PC vendors including Dell, Compaq, IBM, Hewlett-Packard, and Sony, to name a representative few. More often than not, he or she does not have to worry about whether or not the printer they purchased or the scanner they already own will work with the new PC in which they are investing. That is because the PCs from all of these manufacturers are based on a common, open architecture. The open architecture of these machines ''commodotizes'' the machine itself, allowing them to be interchanged easily. This allows for a large degree of competition between the vendors, lowered prices for consumers, and expedited innovation. In fact, according to the Department of Commercel, PC prices fell 26 percent per year between 1995 and 1999 due to this rampant competition. When that individual is examining those PCs, they can choose between processors from both Intel and AMD. Generally speaking, he or she does not have to worry about whether or not the spreadsheet program they purchased or the service provider they are using to access the Internet supports the processor they are examining, as long as the Windows operating system supports it. In this case, the Windows operating system ''commodotizes'' the processor. Once again, the consumer benefits from intense competition between the processor companies yielding lower prices and greater innovation. Processors run faster and cheaper now than ever before, and the bar seems to be raised by this competition on almost a weekly basis.

When most people think of the Internet, they are actually thinking about only one component of the Internet, the World Wide Web. The success of the web is based on universal standards for the delivery and access of information. These standards ''commodotize'' the sender and receiver of that information. If the standards are followed, the end user, the consumer, does not have to worry if the server he or she is accessing is running Microsoft Internet Information Server (IIS), Netscape Enterprise Server, Lotus Domino, IBM WebSphere, or Apache. The standards ''commodotize'' the web server. This enables significant competition in the web server space, allowing the buyer, the presenter of the data, to choose from any number of servers. And, thanks to this ''commodotization'', the growth of the Internet, in terms of individuals accessing it since the inception of the web, has increased faster than any other medium preceding it, truly yielding immense consumer benefit.

The PC Operating System Commodity

Following the same logic, there is no reason that consumers cannot realize the same degree of consumer benefit and innovation from competition in the PC operating system market. The PC OS can be ''commodotized'' in the same way as the open PC hardware architecture, the PC processors, and the web servers mentioned above, yielding the same benefit to consumers and accelerating innovation. The methodology for sending data to and from a PC OS can be standardized following the same patterns as those detailed in the examples. When a consumer wants to run an application such as a word processor, speadsheet, or personal finance manager, he or she should not need to be concerned about the underlying operating system any more than he or she is concerned about the brand of the underlying PC or processor. It is an unnecessary level of complexity. This approach does not preclude competition in the PC OS space any more than it does in the PC, processor, and web server markets mentioned in the examples. In fact, it promotes it.

However, while such ''commodotization'' of the PC OS yields the greatest consumer benefit in lowered prices, increased competition, and accelerated innovation, it does not allow Microsoft to retain the monopoly grasp on that market that it currently holds and the resultant high profit margins. Consequently, rather than working in pursuit of this goal on behalf of consumers, Microsoft continually works in opposition of it actually working to undermine it, leveraging its monopoly and using tactics such as ''application integration'' to thwart this goal resulting in reduced consumer benefit, slowed innovation, and maintainence of artificially high prices.

Achieving PC OS ''commodization'' is pursued in two different ways: (1) the development of middleware and (2) the restriction of what is and what is not a component of the operating system. Middleware is software that sits between the application and the operting system. Software developers write their applications to the middleware rather than to a particular OS. This allows an application to be written a single time and run on any operating system supported by the middleware. However, as the advantage of middleware is to allow portability of applications across operating systems, it is imperative that the middleware be separate from the OS. Examples of middleware are Java and the Internet browser. Applications written in Java or to the browser, should be accessible on multiple operating systems without needing rewrites. However, as mentioned, such an approach, while benefiting consumers and application developers, does not benefit Microsoft. Consequently, Microsoft has strived to undermine the former and control the latter. Bill Gates,

himself, realizes the benefits of middleware and articulates the intent of Microsoft to undermine it when he states in an email in January 1997, the following in regards to Java support in Windows. ''To avoid middleware taking over an operating system you have to make sure the integrated services are different from the middleware—otherwise the middleware approach has no disadvantages and it wins. I think the path we were going down of building on [Java's Abstract Window Toolkit (AWT)] was a sure disaster—it was creating a situation where pure 100% Java applications would look just as good as pure Windows applications which we have to avoid.'' So, while pure Java applications looking as good as pure Windows applications would be a boon to consumers, it was undermined by Microsoft to protect its monopoly. An internet browser that could run on any operating system would present a universal platform for application development and a universal ''client'' for the consumer. However, such a universal client would undermine the Windows monopoly. Whereas Microsoft could have adjusted the OS to utilize the universal client, maintaining a separate browser client that could be ported to multiple operating systems, Microsoft chose instead to modify the browser client to accomodate the OS, thus eliminating the universal promise of the browser and destroying the resultant consumer benefit it would bring. These tactics could only be successful in an environment where there is no competition for the OS. Otherwise, consumers would flock to the OS that benefits them the most. In today's environment, Microsoft decides what is and what is not beneficial to the consumer. The consumer has no choice.

Inter Alia, Among Other Things

The current settlement agreement concentrates on addressing the middleware issue. However, it avoids addressing the second requirement of reaching the ''commoditized'' OS, a situation that is exploited by Microsoft in an increasingly frequent manner showing no indication of abating. To reach the goal of the ''commoditized'' 0S, a strict definition is needed of what is and what is not part of the operating system. Without such a definition, with its monopoly in place, Microsoft can continually ''integrate'' what is generally deemed as application software into the operating system in the same manner they have done with the browser. Two words in the text of the settlement agreement permit this tactic of Microsoft to continue unabated to the detriment of consumers. ''Inter Alia''. They are found in the definitions section of the agreement within the definition of an ''Operating System'' (Section VI, Paragraph P.). With these two words in place, Microsoft can ''integrate'' anything and everything it sees fit into the operating system. This is easily seen in the latest iteration of its Windows operating system, Windows XP, where Microsoft has ''integrated'' its version of media ''application'' software into the OS. While there are benefits of integration, they are shortsighted and self-serving and do not present the greatest benefit to consumers. For instance, a manufacturer could produce a part that works specifically on a 2002 Ford Thunderbird. The benefit is that the part works wonderfully on that one car, as it is custom-made for that vehicle. However, how much better off is the consumer if the part is made to work on 50 different vehicles as opposed to the one? Immensely. Integrating application code into the OS is no different and yields the same results. Consumers benefit only in the short term and only as long as they continue to use the one OS to which the application code has been welded. Is the integration necessary? Not at all. Is it self-serving to the OS owner? Most definitely. Is it in the best interests of consumers? Not a chance.

Not only is the integration unwise from a usability perspective, it also leads to higher prices. How much cheaper can a single part be mass-produced for 50 different vehicles as opposed to a custom part for each one? The custom, integrated part is always more expensive. However, in this case, the consumer is blissfully ignorant of these unnecessarily higher prices for no other reason than we are all driving Thunderbirds, and the excessively high price of the part is ''integrated'' in the cost of the overall car. To date, the measuring stick for allowing Microsoft to integrate code into its OS is whether or not the integration benefits consumers. This is the wrong approach. As we have seen, there will always be an argument for how the integration benefits the consumer. However, the question should be, ''Of all of the options available, does the integration option present the best option for consumers?'' Using this question as a guide, forced integration into an OS will rarely, if ever, be the best option for consumers.

With the above in mind, a specific definition of a PC operating system is necessary. I am not presumptuous enough to believe that I am capable of providing such a definition. However, I would envision that a group of experts taken from multiple areas of the industry could generate such a definition given the task. Undoubtedly, such a definition would require modifications to Microsoft's existing operating systems or could be enforced for all future versions. However, having such a definition in place, along with the allowance of middleware, could open the door wide for true competition in the PC OS space while setting the foundation for immense, long-term consumer benefit, benefits that will easily fall by the wayside without it.

Regards,
Michael P. Searcy
Tampa, FL

MTC–00028906

From: Harry Yamamoto
To: Microsoft ATR
Date: 1/28/02 6:47pm
Subject: Microsoft Settlement

To Whom It May Concern,

The remedies for the Microsoft Settlement must be fair but not so disruptive that competitive innovations would have no platform to work from. If the government kills off Microsoft the cost will be tremendous for everyone to switch to ????? The ''unfair competition'' seems inherently a part of the nature of these relatively new technologies. If there were not basic uniform operating systems the information technology business would not exist. If Microsoft was more aggressive and kept a ''closed system'' similar to Apple Computer where would competition be? Apple has a significant share of the PC market. Where are the others? If Microsoft were not innovative and added features we could still using Visacalc and be playing Pong.

Many of the software companies calling foul should have approached this business problem with a different tact. Their efforts to tag along behind the leaders will always be a disadvantage. The government must not punish the leaders of an industry just to help the weak companies that are just along for the ride. In the beginning I was a very strong Apple supporter, but I needed integrated products that could be used economically so I switched to PCs and Microsoft software. The need for uniformity and connectiveness breeds the necessity to be able to work across different platforms. Users need products that work and are also convenient. (To save time and expense.)

Harry Yamamoto
5573 Road U SE
Warden, WA 98857
Phone (509) 349–2435

MTC–00028907

From: Neal Stobaugh
To: Microsoft ATR
Date: 1/28/02 6:55pm
Subject: Microsoft Settlement
4030 148th Avenue NE
Redmond, WA 98052
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my full support of the recent settlement between Microsoft and the US Department of Justice. I am glad to see they had reached a settlement and that Microsoft will be allowed to start focusing on business, not politics.

I do believe that the terms of the settlement are fair and will ultimately have a positive effect on the consumer and small businessperson. Microsoft's concessions, such as agreeing not to retaliate against computer makers and software developers who develop or promote products that compete with Microsoft, or granting computer makers broad new rights to configure Windows so that non-Microsoft products can be promoted more easily, should appease all the competitors.

I urge your office to do what is right for the American public. Implement the settlement. Thank you.

Sincerely,
Neal Stobaugh

MTC–00028908

From: Lynnie D. Velarde
To: Microsoft ATR
Date: 1/28/02 6:55pm
Subject: Microsoft Settlement

Dear Attorney General: Attached is my letter of opinion for the settlement between the Department of Justice and Microsoft.

Sincerely,
Manuel B. Velarde

Manuel B. Velarde
8902 Leemore Court
Louisville, KY 40241
January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to show my support for the settlement in the Microsoft antitrust case. Your efforts in supporting the settlement I gratefully welcome. Microsoft has basically agreed to what was asked of it, as well as agreed to some terms that were not even addresses in the original complaints. Now is the time to move on toward renewed innovation and improvement in the American computer technology industry.

The settlement will lead to Microsoft working more closely with its partners in the software industry than it already does. Microsoft will document and disclose the internal code for the interfaces of its Windows programs some other industry companies can make their programs work more efficiently with Windows. Microsoft will provide computer makers a list of established, uniform terms and prices so everyone will know what the deal is, rather than negotiate privately. A technical committee of software experts will monitor Microsoft to ensure that the terms of the settlement are met. These are big concessions and compromises of Microsoft's legal rights to cooperate with its industry and resolve the court case.

I appreciate, and thank you for, your efforts to see that this beneficial settlement is approved. Your leadership is appreciated.

Sincerely,
Dr. Manuel B. Velarde

MTC–00028909

From: John A. Beatson III
To: Microsoft ATR
Date: 1/28/02 6:55pm
Subject: Microsoft Settlement

Thank you for this opprotunity to voice my opinion.

The Microsoft settlement solution offered by the Justice Department is a sham, window dressing to cover a decision to back out of the whole enterprise. The settlement is so weak as to be meaningless. Remeadiation to those who were harmed virtualy non-existant. Enforcement mechanizms are flimsey and will be ineffectual.

The Justice Department tried to enforce an agreement with Microsoft with a weak settlement in the past. They failed because the enforcement mechanizms relied on good faith by Microsoft instead of effective rules and procedures. The result was a further solidification of the Microsoft monopoly, companies and products driven from the market place, and an outrage from the government that was embarassing given that a blind man could have seen it coming.

Don't repeat history. The only effective settlement is one where the remedy fixes the problem and the required remedial actions can be enforced. Enforcement can not rely on good faith by Microsoft, not then, not now, not ever.

MTC–00028910

From: KFred87529@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 6:56pm
Subject: Microsoft Settlement

I urge you to accept this settlement.

MTC–00028911

From: thowe@mmcable.com@inetgw
To: Microsoft ATR
Date: 1/28/02 6:55pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Tom Howe
1033 NW 9th
Moore, OK 73160–1811

MTC–00028912

From: Frank Murphree
To: Microsoft ATR
Date: 1/28/02 6:55pm
Subject: Microsoft Settlement
828 Cooke Street
West Helena, AR 72390–1409
January 14, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am happy to hear the Microsoft case has settled. I urge the Judge reviewing the case to approve the settlement so all parties may focus on more important matters.

While I do not agree with the government's taking action against Microsoft in the first place, I am in favor of the settlement. Its terms are reasonable, and are in the public interest. Consumers will benefit from the settlement, as Microsoft will be free to go about its business producing quality software. Microsoft's competitors will clearly benefit from the agreement. They will be made privy to Microsoft's otherwise confidential operating information. They will also benefit from Microsoft's agreement to make it easier for computer manufacturers to install other company's software on their computers.

The settlement will also provide much needed certainty to the tech industry. This can only help our American economy, especially in a time of recession. I am hopeful this matter will come to a speedy resolution. Thank you.

Sincerely,
Frank Murphree

MTC–00028913

From: John Brugger
To: Microsoft ATR
Date: 1/28/02 6:59pm
Subject: microsoft settlement

it is my opinion that the settlement proposed by the company is ultimately the best solution for all concerned.

MTC–00028914

From: Lydia G. Rich
To: Microsoft ATR
Date: 1/28/02 7:01pm
Subject: Microsoft Settlement
35 Hyatt Drive
Warren, PA 16365–3527
January 10, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing to express my support in the recent settlement between Microsoft and the federal government. It is with sincere hope that this is the end of any litigation on the federal level. Considering the terms of the agreement, Microsoft did not get off easy at all. In fact, due to this agreement, Microsoft has to make several important changes to the way that they handle their business.

For example, Microsoft has agreed to disclose and document for use by its competitors various interfaces that are internal to Windows'' operating system products. This alone is a first in an antitrust settlement. Microsoft has also agreed to make available to its competitors, any protocols implemented in Windows'' operating system products that are used to interoperate natively with any Microsoft server operating system.

With the many terms of the agreement, I see no reason for the government to pursue further litigation on any level against Microsoft. Not only would it be a waste of time, but a waste of money as well. I fully trust that you would agree. Thank you.

Sincerely,
Lydia Rich
cc: Senator Rick Santorum

MTC–00028915

From: Jmcjimmy@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 7:00pm
Subject: MICROSOFT SETTLEMENT
James W. McCoy
RR 3 Box 3412
Naples, TX 75568
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I write to you today to express my support of the recent settlement reached between the Department of Justice and Microsoft. It is my understanding that at the end of January the Attorney General will decide whether or not to enact the terms of the settlement. This is

a very important decision. I believe that enacting the settlement would be the most beneficial course for our country, economy, and technology industry.

The terms of the settlement call for the creation of a technical review committee. This committee will have the job of overseeing Microsoft's action. They will ensure that Microsoft complies with the terms of the settlement agreement. This should ease those who fear Microsoft's compliance.

I hope that the Department of Justice enacts this settlement quickly.

Sincerely

James McCoy

MTC–00028916

From: Harlan Wilkerson
To: Microsoft ATR, dennispowell@earthlink.net@inetgw
Date: 1/28/02 7:02pm
Subject: Proposed Settlement (with corrections)

I feel that adoption of the proposed settlement is not in the public interest.

The Appeals Court ordered the District Court to craft a remedy that would ''unfetter [the] market from anticompetitive conduct,'' to ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future.''

Windows has gained it's market position not by consumer demand, but by Microsoft's almost total control of production. In the past, Microsoft has used exclusive OEM licensing and marketing incentives to pass along the so-called ''Microsoft tax'' to every PC consumer. Most of the top 20 OEMs simply don't offer PC systems without the Windows operating system pre-installed. Microsoft has urged (and rewarded) the OEMs to ''just say no'' to buyers who request a so called ''naked PC'' (a PC with no pre-installed software). This is ironic since the OEM's associated support costs should actually be reduced. The OEMs that do offer alternatives to Microsoft's Windows charge essentially the same price for non-Windows models. This is true even for those with pre-installied versions of absolutely free operating systems e.g. Linux, or the BSDs. These operating systems can be freely downloaded and installed on all of a consumers PCs without any licensing fee whatsoever. Consumers who have opted to install these free operating systems (on their own) are usually frustrated in any attempt to obtain refunds from the OEMs for their unused Windows licenses. This despite provisions for a refund from the OEM that are contained in the Microsoft Windows EULA. It's no accident that consumers can't determine the fair price of a PC under these circumstances. This was highlighted during the trial by a grass roots movement that culminated in a ''Windows Refund Day''. Consumers who purchase Microsoft Windows through an OEM usually have no standing in class action suits brought against Microsoft.

Nothing in the proposed settlement prohibits Microsoft from continuing to offer OEMs existing forms of advertising or marketing incentives (on an equitable basis) to include Windows on every machine, or to decline to sell ''naked PCs''. We currently are in the worst economic recession in at least a decade. It's doubtful that some of todays OEMs will even survive. Nonetheless, many of these same ''equipment manufacturers'' won't sell their equipment at any price without pre-installed software from Microsoft. This is hardly the behavior of an unfettered market. Microsoft should be required to post the costs of it's OEM products on a public web site, and they should be precluded from offerring any incentives to OEMs to curtail the sales of ''naked PCs''.

To paraphrase the Appeals Court by the time this case is resolved the facts will be ancient history, but the effects of the illegal acts will have caused harm nonetheless. The proposed remedy does nothing to ''deny to the defendant the fruits of its statutory violation''. Microsoft staunchly denies any wrong doing in it's public statements, retains billions in capital, and isn't even held liable for the people's costs in prosecuting the case.

In crafting a remedy that terminates the illegal monopoly or eliminates practices likely to result in monopolization in the future it is important that hearings be held to investigate how we got here in the first place. The Federal Trade Commission and DOJ took up Microsoft's trade practices involving OEM per-machine-licensing of MSDOS. During this case a private antitrust suit was brought against Microsoft by Caldera. That suit was settled but provided no relief for the millions of consumers who purchased Digital Research's Disk Operating System. Digital publicly complained that they had sufferred from Microsoft's anticompetitive per-machine-licensing scheme and were wrongly excluded from the Windows 3.1 beta testing program—even though they were participants in beta testing earlier versions of Windows. Digitat's Operating system didn't compete with Windows, but did compete with MSDOS. At the time these were separate Microsoft retail products. The respected magazine and online publication Dr Dobbs Journal revealed that the Windows 3.1 beta contained code that was only useful for detecting Digital Research DOS. This code gave the user error messages or simply halted a users machine whenever Digital Research DOS was detected. Windows version 4 and MSDOS version 7 were eventually bundled into Windows 95 which carried exclusive OEM license agreements that didn't permit OEMs to use or dual boot other operating systems like Digital's DOS. For example, some Hitachi PCs had a hidden copy of the BeOS that consumers could only discover and activate using instructions on Hitachi's web site. Digital, Hitachi and BeOS have since exited the PC OEM and PC Operating system business. For it's part the DOJ has complained publicly that Microsoft violated the first consent agreement. The practice of monopolies denying companies that compete in any software category timely access to APIs, and the practice of bundling separate retail products for anticompetitive reasons, and/or using exclusive licensing agreements to harm competitors is a common and recurring theme. The judge was correct in denying Microsoft's request to limit the scope of the remedies without an evidentiary hearing, and the DOJ was premature in dropping their case in-main on product bundling. Microsoft is engaged in world-wide trade and the DOJ and European antitrust regulators seem uncoordinated and out of step. The European regulators have taken up complaints that Microsoft has withheld access to Windows server software API's that are necessary for interoperability with other network operating systems, and the bundling of Windows Media Player in Windows XP. Microsoft is not so quietly announcing it's plans for a single Internet logon authentication service it's calling ''.NET''. The stated objective of this initiative is to leverage the Windows monoply in order to create a new (Internet) monopoly. While these practices may or may not be lawful, it's doubtful that all of the practices likely to result in monopolization in the future have been eliminated without a single hearing on the issues here in our courts. Most non-Microsoft operating systems provide a boot manager that allows consumers to use several operating systems. In fact, Microsoft includes a boot manager that allows consumers to use multiple (older) versions of Windows e.g. Windows 2000 and Windows 98. The act of installing a Microsoft operating system doesn't invalidate a consumers licenses for a competitors products. Yet installing (or reinstalling) Microsoft Windows will always result in a consumers other operating systems becoming inaccessible. This is anticompetitive behavior. Microsoft should be required to automatically add other operating systems to it's boot manager in the same manner that it adds it's own products.

The DOJ and Microsoft appear to have forgotten that this case is about Personal Computers if a consumer shops for a PC, and makes a purchase based on the software selection, it makes no sense to provide Microsoft the arbitrary right within fourteen days (or some other later date) to delete icons or programs and substitute their own because they have judged the competitors product lacking in some quality or state they deem essential.

Microsoft has stated that their power to innovate or bundle applications into Windows XP is essential to the economic recovery of the PC industry. The PC OEMs have testified that there is no viable alternative to Windows. In the past year alone private business LANs and Internet companies have suffered billions of dollars in damages caused by trojan or virus programs that specifically targeted Windows PCs. The Executive and Legislative branches of the Federal Government have recognized the Internet as a vital piece of our national and international infrastructure. They have established agencies tasked with it's protection. Indeed one reason for pursuing the proposed settlement after September 11 was ''the national interest'' It's hard to understand why much of Microsoft's ill gotten monopoly shouldn't be considered an essential public facility. Certainly consumers have a right to migrate their own itellectual property out of proprietary Microsoft file formats. Microsoft should be required to publish the file format information needed

for other applications to interoperate with files created by MS Office. This is certainly the case with regard to Apple Computer users who have already been threatened with the cancellation of the Apple version of MS Office. In conclusion, the court combined the individual State and DOJ cases. A settlement that doesn't include half the plaintiffs is at best not a settlement.

Sincerely,
Harlan L. Wilkerson
Hutchinson, KS. 67501

MTC–00028917

From: Peggy Broyles
To: Microsoft ATR
Date: 1/28/02 7:00pm
Subject: MICROSOFT SETTLEMENT

Dear Mr. ASHCROFT;

It is good to see the Justice Department has ended its long and very costly antitrust lawsuit against Microsoft. Microsoft has produced wonderful software for the world. They should be allowed to continue.

No more action should be taken at the federal level against Miicrosoft.

Thank you ,
Arthur & Peggy Broyles

MTC–00028918

From: Howard Griffen
To: Microsoft Settlement
Date: 1/28/02 6:55pm
Subject: Microsoft Settlement
Howard Griffen
1436 Baytowne Circle E
Destin, FL 32550
January 28, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Howard Griffen

MTC–00028919

From: mbreivik@att.net@inetgw
To: Microsoft ATR
Date: 1/28/02 7:03pm
Subject: Microsoft Settlement
Mary Breivik
25010–38th Avenue South
Kent, WA 98032
January 28, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am in favor of Microsoft and the Department of Justice settling in the case. The settlement agreement the two sides reached in November adequately addresses the concerns raised by the case's plaintiffs. There is really no need to spend any more money on litigating this case.

I really appreciate the way Microsoft has handled itself throughout the case. It has answered the allegations of unfair business tactics by making fundamental changes to key aspects of its operations. It will license Windows to the 20 largest computer-manufacturing companies at the same price and on the same terms. Additionally, Microsoft agreed to grant computer manufacturers the right to change the configuration of Windows. This will allow the manufacturers to replace features of Windows with software programs designed by Microsoft's competitors, which will give consumers a greater choice of products.

The settlement agreement is the appropriate remedy to the complaints lodged against Microsoft, and, in fact, it goes beyond the scope of the original suit. Microsoft has demonstrated good faith in agreeing to the settlement terms. Nothing more will be gained by dragging this case back to the courts.

Thank you for your attention.

Sincerely,
Mary Breivik

MTC–00028920

From: Spacey@attbi.com@inetgw
To: Microsoft ATR
Date: 1/28/02 7:03pm
Subject: Microsoft Settlement

Dear Sirs:

As an IT (Information Technology) professional for 35 years, I offer the following opinion.

Microsoft has never been an innovator, but always an imitator who targets successful technologies developed by others and then competes with them on the heavily skewed playing field of Microsoft's monopoly control of the PC operating system.

Because of the explosive rate of change in IT hardware so far, there has always been room for innovation by outsiders despite attempts by any entity to control or monopolize any technology. This has created an unprecedented climate of innovation and competition in most IT areas, empowering users with the tools to maximize their output.

However, in the specific field of PC operating systems, this has not happened. Most users have been hobbled with operating systems from Microsoft which are far behind other systems available in ease of use, ease of maintenance, portability, stability, transparency, security, efficiency, etc. This has been possible because of the abuse of the monopoly position that Microsoft has in the PC operating system arena.

If very strong corrective measures are not implemented in the very near future, Microsoft will have achieved a monopoly position over all software used by most PC, Internet, and Communications Device users with the result that competition and thus innovation will be extremely limited, and costs and capabilities will be determined solely by Microsoft instead of the free market.

The current settlement proposal by the USDOJ is not adequate, and should be enhanced to include the original demands made by the prosecutors of this suit.

MTC–00028921

From: hap
To: Microsoft ATR
Date: 1/28/02 7:03pm
Subject: Microsoft settlement
109 Hosmer Street
Hudson, MA 01749–3246
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I am wish to express my support for the settlement reached in the government's case against Microsoft. It's time to end this this. I want the government to stop hounding Microsoft so they can continue to innovate, create more jobs, provide more innovative products, and otherwise help our economy recover just like President Bush wants us to.

Before Microsoft created the Windows product only the technically adept were able to use a computer not to mention the internet. Lets be fair but let's not overly punish a company for being aggressive and competitive. I urge that the government accept the settlement as it has been drafted. Let's get on with business we certainly have many other important challenges to tackle. Let's work together to improve our economy and keep the United States free of terrorism.

Please help us
Sincerely,
Richard Lefebvre
email copy: Representative Marty Meehan

MTC–00028922

From: Mumsy37@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 7:04pm
Subject: Microsoft Settlement

Dear Department of Justice:

Please accept the settlement of the Microsoft case. This country has been through enough distractions. Let's see if Microsoft can use their engery to create software to help in this war on terrorism. I bet they will be on the cutting edge of this fight on terrorism and military deployment logistics, etc.

They do not need any more time and money spent in court to defend their company.

Thank you and God Bless America.
Carl Munson,
CEO Bay Coffee Service,
Corpus Christi, Texas

MTC–00028923

From: Carl Schnurr
To: Microsoft ATR
Date: 1/28/02 7:04pm
Subject: Microsoft Settlement

Enclosed please find my comments on the ongoing MS litigation.

Carl

Carl Schnurr
Group Program Manager, Microsoft
Salt Lake Games
8071 S 865 E
Sandy, UT 84094–0697
January 24,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I find it hard to believe that the state of Utah has the time or the money to pursue litigation against Microsoft. Our projected deficit for this year is nearly two hundred million dollars, and no good can come of further time in the federal courts. My state, along with eight more of the eighteen plaintiff states in the Microsoft antitrust case, are currently seeking to overturn a perfectly reasonable settlement in the hopes of making more of a profit for themselves. I am writing to express my dismay, not only that the suit has gone on this long, but also that there is the possibility that it may drag out even longer. Microsoft, the Justice Department, and the plaintiff states are not the only parties that have felt the negative effects of this suit—the economy has declined even further, the consumer has suffered, and progress within certain aspects of the technology industry has lagged. I do not believe that the pursuit of further litigation is in anyone's best interest.

The settlement that Microsoft and the Justice Department have managed to reach is fair and reasonable. Microsoft has agreed, for example, to reformat future versions of Windows so that non-Microsoft software will be supported within the Windows operating system. Moreover, Microsoft plans to document and disclose various source code, interfaces, and protocols integral and native to the Windows operating system to facilitate customizability within Windows and to allow non-Microsoft servers to interoperate natively with Microsoft servers. Microsoft's competitors will be able not only to use Windows as a platform to market their own software, they will also have the opportunity to reconfigure Windows so as to promote their own programs. I believe the settlement is just. I see no need to pursue additional litigation on the federal level. This has gone on far too long already. I urge you to support the settlement and finalize it as soon as possible.

Sincerely,
Carl Schnurr

MTC–00028924

From: Donald Delahaut
To: Microsoft ATR
Date: 1/28/02 7:04pm
Subject: Microsoft Settlement

The attachment was faxed to Mr. Ashcroft on 1/27/02 about 9:30pm.
Donald Delahaut
260 Fernledge Drive
New Kensington, PA 15068–4614
January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing today to encourage the Department of Justice to accept the Microsoft antitrust settler member of the technology industry, I warn to see Microsoft and the industry to move on The suit on for over three years and has caused great damage [o the. entire industry. Some say that Microsoft is being treated leniently In fact the agreement is quite tough Microsoft document and disclose, for use by its competitors, various interfaces flint are internal to Windows'' system products. Microsoft is virtually handing over their company secrets to their competitors, getting off easy in order to move forward Microsoft b giving in to a lot The terms of the settlement are fair and t. accepted.

CC Senator Rick Santorum, Representative Melissa A. Hart

MTC–00028925

From: John Heine
To: Microsoft ATR
Date: 1/28/02 7:04pm
Subject: Microsoft Settlement
John J. Heine
751 Emerald Drive
Lancaster, PA 17603
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am e-mailing to you today to express my support of the recent settlement between Microsoft and the Department of Justice. After three long years, the settlement is long overdue. As a corporation, Microsoft made concessions above and beyond what was necessary. Although litigation was unnecessary in the first place, it is best to let the issue rest with this settlement.

Again, the settlement sets terms that are beyond the scope of the original litigation. The disclosure of internal interfaces is an example of the generous nature of this settlement on behalf of Microsoft. Under this provision, Microsoft is documenting all of the internal interfaces on the Windows'' operating system products. These documents are being forwarded to competitors of Microsoft for their review. This is unprecedented in any type of antitrust legislation. Further, it is proof of Microsoft's desire to settle the issue. This haste is imperative.

Letting the settlement stand will enable Microsoft, the technology industry, and our economy to recover. In this time of economic unrest, this should be the focus of our government's efforts. I trust that no more action against Microsoft should be taken at the federal level.

Sincerely,
John J Heine
cc: Senator Rick Santorum

MTC–00028926

From: Robert Habas
To: Microsoft ATR
Date: 1/28/02 7:04pm
Subject: Antitrust Settlement with Microsoft

The government antitrust settlement with Microsoft lacks effective enforcement and it fails to prohibit a number of anticompetitive licensing practices. It's taking away the chance for real competition in the operating system market.

MTC–00028927

From: saeed bhatti
To: Microsoft ATR
Date: 1/28/02 7:05pm
Subject: Microsoft settlement

Judge Kollar-Kotally,

My name is Saeed Bhatti and am resident of New Jersey. I came to know through a very close friend about some of the aspects of the Proposed Settlement made by the Justice Department with Microsoft, and I am very unhappy. Firstly, how could the Justice Department grant Microsoft a government-mandated monopoly of the software industry and even worse—other technology markets? Definitely such decision would seriously jeopardize all serious competitors—both now and in the future. We're living in a free and open market society, and one of the advantages of having such a system is that people have the right to choose from among several brands of one single item, and in this case, software. I would want to see a healthy competition of several software companies, in order to make prices competitive as well. Secondly, how could the Justice Department condone Microsoft for violating the antitrust law and even for its illegal conduct e.g. bribing other competitors in order to stop their operation. What is the Justice Department's motive behind this action?

Your Honor, I would want Microsoft be brought to justice upholding to democratic values. Sadly to say that monoplies are the trade mark of monarchs and communist governments.

Very Truly,
Saeed Bhatti

MTC–00028928

From: ruthweeb
To: Microsoft ATR
Date: 1/28/02 7:05pm
Subject: Microsoft Settlement
January 27, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington DC 20530–0001

Dear Mr. Ashcroft:

I am writing in full support of the recent settlement between the US Department of Justice and Microsoft in the antitrust case. I feel this case has gone far too long and I can hardly believe what we as taxpayers have paid to have this continued. I believe the terms of the settlement is very fair and certainly does not let Micro- soft off easy. They stipulate that Microsoft will have to disclose interfaces and protocols that are internal to Windows operating system products. They also will be granting computer makers broad new rights to configure Windows so that non- Microsoft products can be promoted more easily.

The nine states that want to continue litigation should be reprimanded and the settlement should be implemented as soon as possible. Please do what is best for the American public by ending this dispute. Thank you.

Sincerely,
Ruth I. Weeber
3557 Sunridge Drive South
Salem, Oregon 97302
ruthweeb@msn.com

MTC–00028929

From: Renate Wilford
To: Microsoft Settlement
Date: 1/28/02 7:01pm
Subject: Microsoft Settlement
Renate Wilford
3548 Florian Terrace
Palm Harbor, FL 34685–2663
January 28, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers’ dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Renate Wilford

MTC–00028930

From: ALINEAZ@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 7:05pm
Subject: Microsoft Settlement

I feel the provisions of the agreement are fair. The case should be settled and let Microsoft go about their business—which is one of the most successful businesses in the United States. Get off their back.

Aline Gregory
6451 E. Sugarloaf St.
Mesa, AZ 85215

MTC–00028931

From: RRingg2161@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 7:06pm
Subject: Microsoft antitrust deal
To: Renata Hese

I'm writitng this letter in response to the microsoft anti trust case that is still pending. I have to say as a consumer there's no question that Microsoft still has a monopoly on the personal computer and the verdict's established by the DOJ did little to stop microsoft from controlling the OS system market. I really think the DOJ should of done more to protect the consumer from falling into the hands of microsoft's control. My solution to this problem is that law's should be set on how pc computers are sold and what applications can be preloaded so that consumers can have more choice. If you go into a store to buy a pc obviously you going to have to buy MS windows O/S whether you like it or not. Because Microsoft control's the operating system they control the software market. Laws should be set that computers have to be sold with out the Windows system installed so that consumers can purchase the windows software they wan't not what comes on the computer. In the software market if you don't get your product's pre-installed on computers you can't compete in a fair open market. This to me is the solution to the problem and everybody want's to compete in a fair market. I hope this brings some closure to this case and everybody can win from it.

Thank You for your time.

Roy Ringgenberg

MTC–00028932

From: Charles Dorian
To: Microsoft ATR
Date: 1/28/02 7:06pm
Subject: Microsoft Settlement
Charles Dorian
3521 255th Lane SE #19
Issaquah, WA 98029
January 28, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I support the Department of Justice's recent efforts to settle the Microsoft antitrust lawsuit. Continued litigation of this case is not in anyone's best interest. I urge you to take steps to ensure an expedient resolution of this lawsuit.

The terms of the settlement agreement are fair and reasonable. Microsoft has agreed to a wide range of restrictions on the way it conducts business. They have agreed not to retaliate against those who promote software that competes with Windows. They have also agreed to implement a uniform price list for the licensing of Windows and to be monitored by a technical review committee that will ensure Microsoft's compliance with the settlement agreement. The settlement agreement accomplishes the goal of increasing competition. Pursuing this case through more trial will not produce a better result. Accordingly, it is strongly recommended that the Department of Justice approve the settlement agreement.

I am a computer owner for more than twenty years who has used many companies programs in my business and personal activities. I am knowledgeable of the issues involved in this case.

Thank you for considering my comments on this matter.

Sincerely,
Charles Dorian

MTC–00028933

From: JACK MILLS
To: Microsoft ATR
Date: 1/28/02 7:08pm
Subject: Microsoft Settlement

PLEASE ACCEPT THE ATTACHMENT IN SUPPORT OF THE MICROSOFT SETTLEMENT.

REGARDS,
JACK MILLS

MTC–00028934

From: C. Dean Larsen
To: Microsoft ATR
Date: 1/28/02 7:06pm
Subject: Microsoft Settlement

I don't think the federal government and some of the other states which are included should settle with Microsoft under the current proposed terms. Microsoft has been a market predator! It has and continues to use its vastly superior position to unfairly dominate and illegally disadvantage small software companies. Microsoft will continue to do so after the current proposed settlement just as the tobacco industry has done. Fortunately, there are still many states unwilling to settle under the current proposed terms.

Sincerely yours,
Dean Larsen

MTC–00028935

From: Floyd, Terry (DHS)
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/28/02 7:07pm
Subject: Microsoft Settlement

I am a Microsoft Certified Systems Engineer whose livelihood depends on the continuing success of the company. As such, you'd think I'd be one of the people cheering most loudly for Microsoft to prevail in this long and difficult antitrust case. My own self-interest aside, however, I truly believe that Microsoft has done a great deal of harm to their competitors and the information technology industry as a whole through their insidious behavior. Beyond that, the more I learn about Microsoft's products, the less impressed I am with the quality of their technology. Just because they are the most successful software company in the world does not mean they make the best products. In many cases, their competitors have superior products, but they have so little power in the marketplace that they are struggling to survive in the current economic climate.

It has been proven beyond doubt that Microsoft violated the law with many of their business practices. Many other questionable practices that I have seen them implement over the past five to ten years were not even addressed during the antitrust trial. Microsoft is even now trying to prevent a competing product named Lindows from ever coming to market. Lindows is a new distribution of the open source Linux operating system that will have embedded WINE capabilty, allowing it to run Windows applications in a Linux environment. This is a truly innovative product with the potential to be quite

successful. But Microsoft has filed a lawsuit against the small company that is developing Lindows, claiming that the very name of the product infringes upon their trademarked Windows operating system. Personally, I can see no way this suit can succeed, and I hope the judge who hears the case throws it out as being without merit, but Microsoft has the power and the resources to crush any and all of their competitors. Lindows is a small start-up company with a great idea, but few resources. Microsoft could use its legal warchest consisting of almost limitless money and attorneys to keep the product from ever being available to customers. So much for our freedom of choice.

Moreover, I believe Microsoft has violated other provisions of the Tunney act to lobby the government on its behalf. Last week, I received in the mail a brochure from a group named ''Americans for Technology Leadership'' which urged me to send an email to microsoft.atr@usdoj.gov to support Microsoft against attacks by their competitors. I normally throw these kinds of junk mail brochures in the garbage, but later that same day, I received a telephone call from someone at Americans for Technology Leadership who also urged me to send an email to voice my support for Microsoft and its struggle to ''innovate.'' Now, being a curious fellow, I decided to visit the website of Americans for Technology Leadership at http://www.techleadership.org. I guess I shouldn't have been surprised that the site was cluttered with Microsoft advertisements. This group, a supposedly ''independent'' organization of companies and individuals dedicated to limiting government regulation of technology, is actually funded primarily by Microsoft. I have a feeling that ATL had access to the names, addresses and phone numbers of all Microsoft Certified Professionals and was calling us to rally our support behind the company.

I don't really know whether or not this activity violates any laws, but I resent being used as a pawn in this legal circus. I urge you to take strong action against Microsoft to prevent them from using their monopoly power to prevent other companies from developing and marketing products and services that compete with their offerings. I believe in free minds and free markets and in the long run, I do believe the best products will prevail. If these products happen to come from Microsoft, then they deserve to succeed. But if such products come from Novell, or Red Hat, Caldera, or Sun, or Oracle or even Lindows, then these products at least deserve an equal chance to succeed.

I for one, will be one of the first in line to purchase Lindows if Microsoft will ever allow it to reach the marketplace.

Terry Floyd, MCSE, MCDBA, CNA
Associate Information Systems Analyst
California Department of Health Services
Division of Communicable Disease Control
Information Technology Unit
Phone: (510) 540–2866
Pager: (510) 382–4814

MTC–00028936

From: dunmu ji
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 7:12pm
Subject: Microsoft Settlement

Microsoft is a company who is doing business and has people's trust. Making Microsoft uglier and pay to competitor will not save the economy that has been not good for two years. Should dotcoms or any ''bubble'' company sue Microsoft for their lose since anybody was/is using computer software? Many bad news from big companies have already been damaged people's confident about the economy. Get the Microsoft case to be settled as soon as possible.

We need go on.
Xiaoping Ji

MTC–00028937

From: Chris Maynard
To: Microsoft ATR
Date: 1/28/02 7:09pm
Subject: Microsoft Settlement

Good Evening,

I am writing to comment on the Microsoft trial. While I had planned to send my own comments, I found them already written at the website below. http://www.kegel.com/remedy/remedy2.html In short, I do not believe that the proposed settlement will be successful in stopping Microsoft from enjoying and profiting from their monopoly.

Thank you,
Chris Maynard
Systems Admin Flippin,
Densmore, Morse, & Jessee
maynard@flippindensmore.com

MTC–00028938

From: Robert Habas
To: Microsoft ATR
Date: 1/28/02 7:08pm
Subject: Antitrust Settlement with Microsoft

The government antitrust settlement with Microsoft lacks effective enforcement and it fails to prohibit a number of anticompetitive licensing practices. It's taking away the chance for real competition in the operating system market.

Robert Habas
Computer Connections
St. Helens, Oregon
(503) 397–6726 habas@columbiapc.com
http://www.columbiapc.com

MTC–00028939

From: Rodney Snow
To: Microsoft Settlement
Date: 1/28/02 7:04pm
Subject: Microsoft Settlement
Rodney Snow
81 Lemon Grove
Irvine, Ca 92618–4510
January 28, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers’ dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Rodney Snow

MTC–00028940

From: ''SSISA'' Daniel Garber
To: Microsoft ATR
Date: 1/28/02 7:09pm
Subject: Microsoft Settlement

In my judgment, free choice of the best software product has been hindered.

I have not had the benefit of free choice of all of the alternatives in the market.

I want to be able to choose a product other than Microsoft, if I should decide to do so.

Daniel Garber
Surgical Services Information Systems Administrator (SSISA)
Harborview Medical Center Operating Room
325 9th Avenue, Box #359890
Seattle, WA 98104 USA
206–731–4520 voice
206–731–6577 fax
206–986–7505 pager

MTC–00028941

From: Donald Loptien
To: Microsoft Settlement
Date: 1/28/02 7:03pm
Subject: Microsoft Settlement
Donald Loptien
7450 Deerfield Rd
Longmont, CO 80503–8788
January 28, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers’ dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Donald Loptien

MTC–00028942

From: Spencer, Pamela S
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/28/02 7:11pm
Subject: Microsoft Settlement
January 28, 2001
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

As a fellow Republican in Rep. Tom Delay's district I wish to express my support of the settlement reached last November between the Department of Justice and the Microsoft Corporation. It has now been 3 years since the Justice Department began the litigation process against Microsoft. During this time countless dollars have gone to court mediators who endlessly debated the merits of this case. In times where budgetary resources are becoming increasingly scarce this action is increasingly appalling. Three years has been too long. I cannot imagine there is anything more to discuss.

Once more, the settlement that was reached contains many concessions on behalf of Microsoft. in an attempt to settle the dispute Microsoft has been willing to agree to these terms despite their lack of guilt in the case. Microsoft has agreed to design Windows XP with a particular mechanism that will allow users to add competing software into the system. This will revolutionize the way our operating systems are configured.

I believe that if Microsoft is willing to make these changes, the settlement should be enacted. I strongly support the settlement and look forward to the end of this case.

Sincerely,

Pamela Spencer

3006 Oakland Dr.

Sugar Land , TX 77479–2451

cc: Representative Tom DeLay

MTC–00028943

From: Greg Brockway
To: Microsoft ATR
Date: 1/28/02 7:12pm
Subject: Microsoft Settlement

Leave Microsoft alone. We are a lot better off with them than without them. Maybe they should move to Canada and give them the taxes.

Greg A. Brockway

MTC–00028944

From: Harry Dullys
To: Microsoft ATR
Date: 1/28/02 7:13pm
Subject: MICROSOFT Settlement
Harry Dullys
722 Valley Street
Orange, NJ 07050
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

Microsoft has been involved for more than three years in the resolution of its antitrust case. I believe that the time has come to put this matter behind us. I also believe that the current terms serve the best interests of the public. As the settlement agreement stands, the company will be more competitive in the marketplace, and as a result, consumers worldwide will benefit.

It is my understanding that Microsoft has consented to design future versions of Windows that make it easier for software developers to install non-Microsoft programs in the operating system—among many other concessions. Surely this indicates the corporation's commitment to comply with the law and the general needs of consumers and those in the IT field.

I hope that the Department of Justice will see fit to ensure that the agreement remains in its current form, lest three additional years of negotiations become necessary. Thank you for your attention.

Sincerely,

Harry Dullys

MTC–00028945

From: Bob (038) Adie Santore
To: Microsoft ATR
Date: 1/28/02 7:13pm
Subject: Microsoft Settlement
TO : Renata B. Hesse,
Antitrust Division,
US Department of Justice
FROM : Robert Santore, Concerned Citizen

I believe America needs closure on this matter once and for all. How long has it been, how much money will it take...and how long will it continue to be?

The Federal Government must state it's case, derive it's penalties, seek resolution, and end it's relentless efforts to drag this matter on any further—perhaps into the next administration. They need to set a time limit. The longer the Justice Department takes to administer it's justice, the public will be thoroughly disgusted, and America once again will receive her enormous share of worldwide ridicule.

This action is a waiste of precious taxpayer resources, and most of us believe the action by the previous administration was politically motivated, fueled by Microsoft's competiton. No one has yet to prove that the American citizen or the software industry has been hurt by the alligations of anti-competive behavior. Is it worth the cost? And, while the Government continues it's aggressive pursuits, we have real serious problems to contend with...such as the Enron case, where thousands of employees and investors were sucker-punched, collapse of a major corporation, lost employment and retirements. That's the real crime. And that's precisely where the Justice Department should be spending it's efforts. The continuous and incessent attacks against Microsoft

MTC–00028946

From: Jr. Christopher Horton
To: Microsoft ATR
Date: 1/28/02 7:15pm
Subject: Microsoft Settlement

I am a Win98 user who is ''fed up'' with Microsoft's bullying behavior. Linux and other operating systems wouldn't be so popular if Microsoft actully ''listened'' to their customers for once. I am all in favor of restoring consumer choice to the computer market. Customers should be allowed to choose what operating system they want on their PCs, not the ''big box'' computer stores, and certainly ''not'' Microsoft!

Jr. Christopher Horton

bigcatman@mindspring.com

MTC–00028947

From: deanwal@bellsouth.net@inetgw
To: Microsoft ATR
Date: 1/28/02 7:17pm
Subject: Microsoft Settlement

I strongly urge the Department of Justice to accept the proposed settlement as outlined by the appeals court. This litigation should never have been brought in the first place. I use Microsoft products daily and in no way do I feel they have taken unfair advantage in their business practices. I also use Netscape as my internet browser so I know there is a choice. Please accept the agreement so the country and Microsoft can move on.

Dean Waldenberger

MTC–00028948

From: Hathai Sangsupan
To: Microsoft ATR
Date: 1/28/02 7:16pm
Subject: Microsoft Settlement

I just wanted you to know that I feel strongly that the proposed Microsoft Settlement is a TERRIBLE IDEA!

MTC–00028949

From: Joe R. Wood, Jr
To: Microsoft Settlement
Date: 1/28/02 7:08pm
Subject: Microsoft Settlement
Joe R. Wood, Jr
607 Ridgeview Cir
Rocklin, CA 95677
January 28, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers’ dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better

products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Joe R. Wood, Jr.

MTC–00028950

From: brian215@netscape.net@inetgw
To: Microsoft ATR
Date: 1/28/02 7:18pm
Subject: Microsoft Settlement

The proposed settlement, while appearing to address the anticompetitive behaviour identified in the 1998 complaint, is deficient in several ways.

First and foremost, the complaint itself was, it may be inferred, limited in scope, for the purposes of greater probability of gaining a conviction or settlement, and for the purposes of shortening the proceedings.

As such, there is much, reasonably well documented and widely known in the industry, past behavior of an anticompetitive nature on Microsofts part, which was not included in the complaint. This behavior continues, and should be addressed in any settlement or imposed finding by the court.

Specific activity, which is ongoing, was not identified, and which must be stopped, includes the purchasing of software companies dominant in their specific niche markets and providing multi-platform software; purchasing the companies or ''poaching'' critical assets (eg employees) of companies making development software (eg the Borland, past developers of ''C'' compiler which competed with Microsoft's product, whose entire development staff was hired by MS, effectively crushing Borland); and the contractual tying of distribution rights for Explorer, to the use of Microsoft Software on portal internet sites (among ISPs who operate servers and also supply browser software to customers, effectively falsely boosting server market share as well as extortionary pricing).

Another impact, not addressed, is the potential employment market for software developers. By establishing, through its predatory practices, an unnatural market with uncompetitive salaries, Microsoft effectively established a salary cap in the software industry, which has directly affected every single software developer, as well as limiting the potential market for developers, by establishing a closed market in many software solution areas, as well as ''closed shop'' sectors in further areas and placing high barriers to entry to competitors who might have opened these sectors with enabling software (OS's, languages, middle-ware, and open standards in the Open Source Software areas).

In addition to its bad corporate practices, Microsoft has: established its own bad development practices (via its Certification programs); broken the pre-existing ''mentor'' practice for software development (by hiring, exclusively, college graduates or college students) thus circumventing ''best practices'' indoctrination in the industry; demolished pre-existing ''competitive but cooperative'' market practice among competing products (eg ability to import/export among differing word processing packages); and established ''anti-marketing'', the practice now coined ''Fear Uncertainty and Doubt'' (FUD), synonomous with Microsoft but used in other business sectors. Additionally, the failure to adequately address many aspects of what an operating system is itself designed to handle, such as networking, security, file names, memory protection, etc, have been dismal failures or ignored completely—things which in a truly competitive market would have spelled the end of a company failing at such a basic level. All of these behaviors are anti-competitive. All are harmful to consumers. All have had the effect of reducing competition, raising prices, and limiting or eliminating development of new features. All of these need to be addressed, effectively, in any settlement or consent decree, or other court action against Microsoft.

If the court were to see fit to also impose minimum standards on any software deemed an effective monopoly, be it the operating system, browser, complier, network stack, or similar, the protection of consumer interests and businesses alike would be well serverd.

I hope these comments are useful in the settlement process.

Sincerely,
Brian Dickson
Arlington, VA
703–564–7246

MTC–00028951

From: DanLucky(a)MediaOne
To: Microsoft ATR
Date: 1/28/02 7:16pm
Subject: Microsoft
Dan Lucky
2455 S Ponte Vedra Boulevard
Ponte Vedra Beach, FL 32082
904–827–0098
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing on the occasion of the Justice Department's public comment period on the Microsoft settlement. As an objective member of the technology industry with 35 years of experience, working with a competitive platform vendor (IBM) to the Windows operating system, it seems that this case developed as a naive attempt of politicians to placate the complaints of businesses (Sun, Oracle, Apple, etc.) in their districts that have failed to gain their desired market share in the software industry. The ensuing attempt at a break-up was a punch in the face to free enterprise by a government interfering where it doesn't belong, so I believe accepting this compromise would be a major step forward for getting this economy back on track and moving on from this horrible legal charade instigated by envious ''losers''. I have seen this ''looser'' attitude over and over in this industry. Microsoft has set a standard that most competitors don't like to compete against. Though their rivals have mostly been victims of bad marketing strategies and/or mediocre products, Microsoft is planning to take several steps to level the playing field further. I believe they will offer the top 20 computer manufacturers with equal pricing for licenses of the Windows operating system without adding any restrictions on the distribution or promotion of competitive products, while allowing broad capabilities to arrange its platform with a custom combination of Microsoft and non-Microsoft software. They will also provide disclosure of their internal interfaces and server protocols to assist software developers in the design process. As you can see with the above examples, Microsoft is making serious efforts to appease the rest of the marketplace. This is a company that has helped move our economy forward by helping hundreds of millions of consumers join the information age, and that should be respected with a measured judgment. Any further action would be unwarranted and more costly and difficult to implement, so please proceed with this very fair solution. Thank you.

Sincerely,
Dan Lucky
CC:Microsoft's Freedom To Innovate Network

MTC–00028952

From: Campbellcou@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 7:21pm
Subject: Microsoft Settlement

Dear Judge,

I am a student at the University of Southern California, and use computers as one of the primary tools for education and learning. I do not feel that allowing microsoft to abuse the anti trust laws is allowing me to gain all of the possible learning tools for my major. If they have a monopoly over software, I am limited to make my own decisions in applications. PFJ is not enough. Thank you for taking the time to read this.

God Bless,
Campbell Coulter
1247 W 30th St. #110
Los Angeles, CA. 90007
CC:microsoftcomments@doj.ca.gov @inetgw,dkleinkn@yahoo.

MTC–00028953

From: Rosemary Motisi
To: Microsoft ATR
Date: 1/28/02 7:20pm
Subject: Microsoft Settlement

To Whom It May Concern:

I came across today's deadline to comment on the Microsoft settlement quite by accident. I have not been following the case closely and consider myself no expert in these affairs. However, when I did work in the software industry some years ago, Microsoft was well-known for taking the spirit of competition too far. Amusing pranks—such as programmers on loan to competing software developers—purposely embedding errors into software to cause distruption in the competing product's

release. If true, and these stories were widespread, Microsoft has lacked a measure of integrity for a long time. The fact that the company is offering chances at a ''prize'' for writing letters in support of Microsoft and not seeing that in any fashion as a ''bribe'' is typical.

I hope in our efforts to ''promote business'' we do not overlook integrity and honesty and fair dealing.

What's good for Microsoft is not necessarily what's best for America.

Thank you—

Rosemary Motisi

MTC–00028954

From: The Okumuras
To: Microsoft ATR
Date: 1/28/02 7:23pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally,

I am a concerned citizen writing to you about the Microsoft settlement. I ask that you ensure that the punishment is commensurate with the criminal offenses of which Microsoft has been convicted. Consider the amount of money they made in dealing unfairly and brutally with other industry members in the pursuit of profit. Does the current settlement penalize them to the degree of the profit they reaped? I do not think so.

The current penalty does not seem to have any way of changing the way this company operates. Any corporation that has used unfair sales practices to gain an advantage cannot be trusted to police itself. They have lost the right to be self-regulating by the gross offenses of which a court has found them guilty. Any penalty that does not change the way they do business is nothing more than a 21st century version of jury nullification. Doesn't our pledge of allegiance end with ''liberty and justice for ALL?'' Justice should be executed upon all lawbreakers regardless of how much money they have or even the impact it might have on the economy—as bizarre as that may sound. My fear is that when such crimes go relatively unpunished, it sends the message that there is no justice. Our economy will recover but our values and morals—the bedrock of society—will not recover if the courts refuse to uphold the law. In fact, without commensurate penalty, you are creating the very environment that allows companies like Microsoft to continue breaking the law.

As a judge, you have an obligation to uphold the law. I urge you to do so. Do not nullify the judgment of guilt by meaningless penalties that neither right past wrongs nor ensure future wrongs will not be committed.

Sincerely,
Kirk Okumura
130 Ashbrooke Ln
Aston, PA 19014–1003
610.358.3337

MTC–00028955

From: Angnemesis@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 7:24pm
Subject: Is it fair?
Judge Kollar-Kotally

My name is Asmat Khan and I live in New Jersey. I heard about the some aspect of the Proposed settlement made by Justice Department in Microsoft case and I am not satisfied with this proposed settlement. It is not fair to give one company the rights of software monopoly. We are living in a free country and I think same rules applies to the software companies. I believe in the free market where I can choose the product I want offered by different and a competitive price. And it is fair with the software industry.

Your honor, I would want Microsoft be brought to justice upholding to democratic values. Sadly to say that monopolies are the trade mark of monarchs and communist governments.

Asmat Khan.
CC:raj6953@hotmail.com@inetgw

MTC–00028956

From: khudson@mail3.centurytel.net@inetgw
To: Microsoft.atr(a)usdoj.gov
Date: 1/28/02 7:24pm
Subject: Microsoft Settlement

To whom it may concern.

As a Certified IT professional with 19 years experience in Unix Systems administration, I would offer my comments on the Proposed Final Judgment in the case of the US vs. Microsoft.

First I would like to applaud the DOJ on it's finding Microsoft as a monopoly who has used illegal and unethical practices in order to maintain and increase it's monopoly power. If Microsoft is allow to continue it's current criminal behavior, it will extend it's monopoly into yet other markets. Broadcast communications, Internet broad band services and Personal game consoles are already on the Microsoft monopoly radar. I have read the proposal. I will say it is a good start with a couple of glaring exceptions.

As a Unix systems administrator, I have frequently used an ''Open Source'' application called SAMBA to provide file system sharing services between Unix and Windows machine. This software is written in large by volunteers around the world. Submissions are excepted by a central committee on merit of the submitted code alone. The code is checked for any obvious malicious code. But the backgrounds of the individuals submitting the code is never investigated to see if they have a ''history of software counterfeiting or piracy or willful violations of intellectual property rights.''

A volunteer group of coders does not have the resources to provide such a guaranty. But Microsoft, with a legendary legal department of at least 600 lawyers does. Microsoft would use this as a reason to keep this vital documentation from the only real competition remaining in the Windows File and print services space. And, since the SAMBA group is have to figure out much of the undocumented SMB API's (Much of it is documented, but many key aspects are undocumented), Microsoft could declare that the SAMBA team as a whole are, ''counterfeiting, ...intellectual property''

Another group to which these exceptions apply is the ''WINE'' group. These volunteers are trying to port the Windows win32 API to the Linux and other Unix platforms to enable application written for Windows to run on Linux and other Unix computers. Also, there is nothing in the proposal to hinder Microsoft from extending their monopoly into other areas, for instance Personal Gaming Consoles (X-Box), Set top video digital recorders (Ultimate TV) and Broad band access (see http://news.com.com/2100–1033–277203.html?legacy=cnet)

To this end, I would like to add the following commentary to my own. http://www.kegel.com/remedy/remedy2.html In conclusion, while the DOJ proposal is what I would deem a good first rough draft, there are some issues with it as it stands. It keeps key technologies from the only group of programmers who can currently and readily benefit from them, then return these benefits back to the consumer in the shortest amount of time. And it does go far enough to curtail Microsoft's incursion into other markets. With a $35 billion ''War Chest'' whatever technology they can not Co-opt by anti competitive practices, they will simply buy. As last example I would like to offer the following piece. This has just happened within the last several weeks. This is after the DOJ had made the current proposal. http://www.theregister.co.uk/content/54/23708.html

Very Sincerely,
Kevin Hudson
706 Oakley Dr. Lake
Dallas, TX 75065
Ph. (940) 498–0284
E-Mail: mailto:klhudson@bigfoot.com

PS. To the Bush administration: For whom I did vote. If you are really serious about eliminating terrorism where ever it occurs, here is you chance to prove to the world that this isn't just just words to justify revenge against under armed third world countries. Exact judgement against a well known corporate terroirst bred right here on American soil. Bring these terroirst AKA Microsoft to justice. Real justice not just a petty slap on the rest.

MTC–00028957

From: Kathryn Irene Capps
To: Microsoft ATR
Date: 1/28/02 7:26pm
Subject: Conerns about Microsoft monopoly

I am a software engineer working in Silicon Valley. Over the last 10 years I have worked for 4 start up companies. I'm writing to express my concern about Microsoft and the monopoly it holds in the OS market. In particular, I'm very concerned about the chill Microsoft's monopoly has placed on PC application development. I believe that this market has been stagnant for some time, because investors will not put money into a venture that might compete with Microsoft. Microsoft has squashed competitors to Word, Excel, Powerpoint, etc. Microsoft's products have been sometimes better, sometimes worse, and sometimes equivalent. The point is that they did not win the market and kill all competition in these categories because they were better, they won the market because they bundled the applications with the OS that has a monopoly over the market. I see this as a clear abuse of that monopoly. Why try to create an improved spreadsheet if you can't charge a reasonable price? Why create a new application at all if you know that Microsoft can and will enter the market and undercut your price, forcing users to purchase their product when they purchase

the OS? I've seen folks pitch ideas to venture capitalists and be cut down because they might compete with Microsoft. Please consider this issue carefully! Please think through the long term costs of letting Microsoft be the *only* company developing PC applications.

Katie Capps
Software Engineer
January 28, 2002

MTC–00028958

From: Jean Lauver
To: Microsoft Settlement
Date: 1/28/02 7:22pm
Subject: Microsoft Settlement
Jean Lauver
1061 Stonehenge Drive
Hanahan, SC 29406–2416
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Jean Lauver

MTC–00028959

From: Perman, Tim
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/28/02 7:25pm
Subject: Free markets—pretty simple concept
Resource allocation set by producers and buyers

The letter writer who argued for government action as the only method of preserving capitalism by regulating Microsoft sounds like Joel Klein and Judge Thomas Penfield Jackson—misinformed. The Austrian school of economics points out that the allocation of resources in a market economy is determined by the actions of millions of producers and buyers. For any judge or attorney to question this is ludicrous.

Understanding the above, you will also be able to understand that the only monopolies that can possibly exist are government-granted monopolies. The U.S. Postal Service may be the most anti-consumer company in America. Rising costs, slower delivery—that is a monopoly. In this state you need only visit a liquor store (with perhaps inconvenient hours and most likely out-of-the-way locations) to understand how a monopoly can treat consumers. Klein says that he ''will debate any Libertarian, anywhere, anytime'' on the subject of monopolies. As a member of the Libertarian Party, I am proud to say that I share Klein's disdain for monopolies. As the person who is forced to pay both Klein and Jackson, I am outraged that they do not understand simple free-market economics. As a Microsoft shareholder, I hope that the company defends capitalistic freedom with the determination that the Founding Fathers of this country did.

Thomas Hobbes wrote, ''There are few so foolish that they had not rather govern themselves than be governed by others.'' True capitalism can exist only without fools in power. If Klein wants to debate this, bring the fool on.

Tim Perman
Redmond

MTC–00028960

From: Jason Bishop
To: Microsoft ATR
Date: 1/28/02 12:35pm
Subject: Microsoft Settlement

I would like to relate a story that a friend told me a year or so ago. I believe that the setting for this story was ''97 +/- 1 year. At the time, he was working for Intel in a fledgling group for intel's first foray into consumer 3D graphics. At the time, there was really only one 3D graphics standard, SGI's OpenGL.

This story became especially fascinating, because at this same time, SGI independently was interested in extending the reach of OpenGL to the consumer PC. They contributed the software source code for the rendering engine and all library routines that make up OpenGL to Microsoft in the hopes that there might be a place for OpenGL in the desktop operating system.

At this same time, it appears that Microsoft was starting to notice that 3D graphics was becoming an ''interesting market''. I'm not going to second-guess Microsoft thinking, but I will relate the results. OpenGL source code was modified (40 lines) and renamed to Direct3D and then DirectX. Microsoft now had an API for the 3D gaming market, which of course, was incompatible with any other API, including OpenGL. This would not normally be a wise business decision, but this is Microsoft. Since they had a monopoly on the desktop, having a 3D gaming API which was incompatible with any other would turn out to be beneficial. Read on for gory details...

By this time, Intel's 3D chipset for the consumer market was almost ready. All that separated them from a shippable product was Microsoft certification. So Intel takes the new hardware to microsoft, where they learned that it failed certification. Upon inquiry, it was learned that Microsoft had changed the rules for hardware certification, namely that DirectX must be supported and not OpenGL. What makes this especially diabolical is one of the changes made to turn OpenGL into DirectX was a change to the algorithm which determines if a pixel is turned on. This routine is implemented in hardware. The result is that it is impossible to pass the hardware certification with hardware designed for OpenGL. Intel would have to redo their hardware, including producing the chips all over again. Intel would also have to support the new microsoft DirectX API if they wanted to be granted hardware compatability status. So why does Intel care if they receive hardware compatibility status? Easy, because microsoft requires all PC manufactures to only include microsoft certified hardware in PC's they sell. In this way, Microsoft can control hardware companies. Of course, the reverse is true.

Normal rules don't seem to apply to microsoft, and the settlement should reflect this in my opinion.

Jason Bishop
Union City, CA

MTC–00028961

From: Sawley
To: Microsoft ATR
Date: 1/28/02 7:30pm
Subject: Microsoft Settlement

The AOL lawsuit against Microsoft is a pathetic attempt to try to gain public sympathy in court against a competitor that they can't compete against in the public market

Lewis W. Sawley
(my previous email may have been addressed improperly)

MTC–00028962

From: Ray Whitmer
To: Microsoft ATR
Date: 1/28/02 7:31pm
Subject: Microsoft Settlement.

I am adding my full address and other info, which I forgot when I first sent this message:

Ray Whitmer
ray@xmission.com
575 E. Center Street
Orem, Utah 840975603
801–225–3488

Forwarded message
Date: Mon, 28 Jan 2002 16:49:39 -0700 (MST)
From: Ray Whitmer <ray@xmission.xmission.com>
To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement. To whom it may concern, regarding the proposed settlement of the microsoft case.

I am not a lawyer, and have no sound legal advise to offer, and the time has past for that. I have been an employee of a number of companies who have found it impossible to compete with Microsoft because competing with them had little to do with quality of product and everything to do with control. You do not have to look far at all for many overt acts that I think any reasonable person would call criminal. This is because of the high- pressure eminating from the top of the company, to win at any costs. In my 20 years developing products across many operating

systems and corporate structures, I have worked for WordPerfect corporation, Novell, and Corel, among others, and it has become increasingly obvious that quality has nothing to do with winning in the marketplace. It is all about who controls the information patterns of the masses, whether it be Movies, Software, News, or Advertising. This is not a new phenomenon. Once the Catholic Church controlled these things quite effectively with systems that greatly resembled the ever-expanding copyrights and patents on things today. Today, Martin Luther, sneaking out of the Vatican with his biblical transcripts would be hunted down as the latest Napster-ite, who thinks that works which interweave themselves so deeply into the roots of a population should not be controlled by a power-hungry entity such as a Church or a Mega-corporation. This does not mean that those who produce them do not deserve profit, but see what the billions paid for Windows every year buys us: In significant cases, less than what the remaining competition now gives away for free, because Microsoft has such a lock on the market. The profits are squandered every year on power. There are dozens of competing products that could have easily taken that position had they controlled the power they had in their times as unscrupulously as Microsoft does. Corporate survival and hunger for power and profits are the reason we have antitrust laws. In this case, the public shame is greater, because it is the Copyright laws—an artificially- granted government monopoly—that establishes the Microsoft Monopoly. If it were possible to still compete in this market against that Corporation, you would clearly be seeing much lower prices—the Microsoft take increases, but somehow the economies of scale in software production never lowers the price of the software, and there is never even consideration that you paid for dozens of versions you can no longer use because Microsoft has made them incompatible.

Microsoft is not an indispensible part of the market. If they vanished, within 5 years, there would be no trace left, and there would be competition for a little while until another corporation showed that it was the most vicious of those remaining and consolidated power.

I and thousands of people like me have started writing new software that is not susceptible to this overbearing corporate eternal ownership—which I have to believe is extremely different from what the framers of the Constitution thought they were doing in granting limited copyright and patents. We have the technology to design around the original intent of these laws, and it is time that you look at seriously reigning in the moster that has evolved. Law of the mega-corporation, by the mega-corporation, and for the mega-corporation is not in anyone's best interest long-term, even if the mega-corporate advertising of today has the same persuasive power as the mega-Churches of old over the masses, tribunals, and courts of law. The case against Microsoft was poorly made, and hardly justified, not that there wasn't a huge case to be made. But your remedies are worse than ineffective. They will do more harm than good. You have overturned the breakup, which might have had some effect, but likewise didn't get at the root of the problems, which I have tried to describe here. It is not Microsoft that is wrong but <insert any company> which succeeded by such viciousness would be just as bad, and I would be just as sorry to see Sun, Oracle, or even my own company AOL Time Warner be in such an abusive position.

I think that when a company abuses the public trust of its granted monopolies as badly as Microsoft has, the appropriate and natural action is to revoke their monopoly, which in this case is their copyright. With that arrow in your quiver, it would not be difficult to convince companies in the future to act more in the public interest. Short of that, please abandon your current pursuits and admit honestly that the corporation has won and the country has lost. It is really rubbing salt in our wounds to offer something that hurts more than it helps and claim you have acted in our behalf. Human rights are more important than copyrights or corporate rights. Many technology companies go under every year. It would be better, though if there was a better connection between profits and service. If you do not, the next revolution is on the horizon. You cannot lock up everyone for violations of intellectual ''property'' any more than the Church could, however much the corporations want to control everything. And corporations do not need an absolute eternal copyright as much as they might claim. And America will become the ''old world'' while other countries such as Russia have their patriots thrown in prison in America for crimes of conscience by the dozens of new FBI/DOJ departments created for this new opression — certainly not for any overt act depriving a corporation of it's profit in the recent Sklyarov case. Do you really want to be the ''Department of Justice'' which presided over such a debacle? Where is justice for we, the people?

Ray Whitmer
ray@xmission.com

MTC–00028963

From: Ray Leach
To: Microsoft Settlement
Date: 1/28/02 7:25pm
Subject: Microsoft Settlement
Ray Leach
1913 Bay Oaks Court
Fort Worth, TX 76112–4503
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Ray D. Leach, Colonel USAF (Ret)

MTC–00028964

From: ANDREW SHINER
To: Microsoft ATR
Date: 1/28/02 7:32pm
Subject: MICROSOFT

PLEASE BE ADVISED THAT I AM A MICROSOFT USER AND HAVE BEEN SINCE 1982. I THINK MICROSOFT HAS REDUCED THE COST OF INFORMATION OVER THAT PERIOD. PLEASE LET MICROSOFT DO WHAT IS DOES WELL . LETS KEEP GOVERNMENT OUT OF BUSINESS. THE LAST TIME THE GOVERNMENT HELPED ME WAS THE AT&T SPLIT UP. LETS LEARN FROM THE PAST. THANK YOU
ANDREW SHINER P. O. BOX 187
FREELAND, PA 18224

MTC–00028965

From: Donna Fox
To: Microsoft Settlement
Date: 1/28/02 7:27pm
Subject: Microsoft Settlement
Donna Fox
8123 Cesperdes Ave.
Jacksonville, FL 32217–4068
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Donna J. Fox

MTC–00028966

From: Bettye Bailey
To: Microsoft ATR
Date: 1/28/02 7:33pm
Subject: microsoft settlement

It is time to leave Microsoft alone. There are many things more important than bedeviling a company so important to our economy. Please allow them to get back to work. I have a M.A. in Economics from Stanford and do know I speak from experience.

Get to the things that really need doing.

Bettye Bailey

MTC–00028967

From: Stanley‘ Curtis
To: Microsoft Settlement
Date: 1/28/02 7:26pm
Subject: Microsoft Settlement
Stanley‘ Curtis
207 Falcon Crest
Warner Robins, Ga 31088
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Stanley T. Curtis

MTC–00028968

From: Marylynne Kirkland
To: Microsoft Settlement
Date: 1/28/02 7:27pm
Subject: Microsoft Settlement
Marylynne Kirkland
P.O. Box 755
Panguitch, UT 84759–0755
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Marylynne Wagner Kirkland

MTC–00028969

From: ccoulter
To: Microsoft ATR
Date: 1/28/02 7:32pm
Subject: Microsoft Settlement

Dear Judge,

If we want to preserve the right to have a free choice on products, goods, and a freedom to makre our own choices, the the Proposed Final Judgement is not enough. I hope that you will see that Microsoft has been controlling us and has controlled the technology world. Please consider a harsher punishment to stop thier control over a free market.

Sincerely,

Coulter Campbell
Coulter Campbell
910 Knob Hill Ave
Redondo Beach, CA. 90277

MTC–00028970

From: PolPrncsVel@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 7:32pm
Subject: Microsoft Settlement
2859 Hearthstone Way
Rockford, Illinois 61114
January 12, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I think the lawsuits against Microsoft have gone on way too long. I am glad to see that Microsoft is not being broken up, but I thoroughly believe that this suit has been a personal vendetta from the first place and has been extremely unfair to Bill Gates.

The terms of the settlement do not let Microsoft off easy. Microsoft has to disclose internal interfaces, design future version of Windows so that competitors can promote their own products, and improve their relations with computer makers and software developers regardless of their competitors'' practices, efficiencies, or strategies. These restrictions go against free market economy principles to choose your partners, vendors, and consumers.

At any rate, I think it is in the best interest of the American public to end this lawsuit and finalize the settlement as soon as possible. Our tech sector needs to the brilliant innovation of Microsoft and their workers to jumpstart the industry and help out our ailing economy.

Sincerely,

Velora Upstone

MTC–00028971

From: John Wilson
To: Microsoft ATR
Date: 1/28/02 7:33pm
Subject: Microsoft Settlement

I do not agree with the settlement terms as they exist at this point. I appreciate with Microsoft's contention that they should be free to innovate, but they should be forced to compete with the rest of the industry on a level playing field through the quality of their products, rather than by flexing their monopolistic muscles. Windows XP is a clear indication that they have no intentions of playing by the rules, even after all they have been through. Windows XP is just as unstable as Win2K (both are far more stable than the Win95/98 series), and they have once again bundled their ''cornerstone'' software in such a way that it becomes impossible to separate. You cannot shut down Messenger when MS Office is running, for example. The error message states that ''There are other applications currently using features provided by Windows Messenger.These applications may include Outlook, Outlook Express, MSN Explorer and Internet Explorer''. This is precisely the same thing they did when making IE part of the OS. Clearly they haven't learned their lesson, which means the current settlement terms do not go nearly far enough.

Please make them play fair. That is your job. You are not helping the industry by making it easy on Microsoft, you are hurting it.

MTC–00028972

From: brian215@netscape.net@inetgw
To: Microsoft ATR
Date: 1/28/02 7:35pm
Subject: Microsoft Settlement

An important understanding of *modern* economic models would help in crafting a suitable remedy.

The best lay-persons explanation of what kind of competitive behavior should be encouraged, can be seen in the current movie ''A Beautiful Mind''.

In a bar, John Nash explains to his fellow students the impact of Adam Smith style economics, versus his new model, where it concerns competing for limited resources.

Watch the movie, and apply the concept to any proposed remedy. If there is not more than one happy party, the result is bad for everyone. If both sides (and all parties with a direct interest, including AOL Time Warner, Sun, Oracle, etc, as well as Microsoft) do not praise the result, it is practically by definition, bad for consumers, bad for business, and bad for America and the entire western world.

The current proposed settlement, by this reasoning, is *very* *very* bad.

Sincerely,
Brian Dickson
Arlington, VA

MTC–00028973

From: Debra J. McDonald
To: Microsoft ATR
Date: 1/28/02 7:34pm
Subject: Microsoft Settlement

Although I firmly believe that the microsoft anti-trust suit was a misuse of our hard earned tax dollars, I believe the proposed settlement (under the circumstances) is reasonable and we should move in a more positive direction. Finish the deal and gag all other parties who have personal separate agends.

MTC–00028974

From: joe chensky
To: Microsoft ATR
Date: 1/28/02 7:35pm
Subject: microsoft settlement

Sirs; bring this to closure. the states are not interested in finality, they are concerned about power and notoriety. it is time to go on with business and free enterprise. Sincerly Joseph L Chensky. a concerned citizen

MTC–00028976

From: maxineatrobydr@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 7:33pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
maxine pollard
132 No. Roby Dr.
Anderson, IN 46012

MTC–00028977

From: Melissa
To: Microsoft ATR
Date: 1/28/02 7:36pm
Subject: Microsoft Settlement
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to give my thoughts on the settlement between the US Department of Justice and Microsoft Corporation. I want you to know that I support the settlement that was reached back in November. It is in the best interests of the government to accept the settlement, and move onto more pressing matters. I believe we have wasted far too much taxpayer money and government time as it is, to pursue an issue that never was in the consumers best interest.

The terms of this settlement are reasonable, and were reached after a great deal of effort with the help of a court appointed mediator. Microsoft is not getting off easy like it's opponents might lead you to believe. The company has agreed to make a number of specific changes to its business practices that will prevent future antitrust violations. For example, Microsoft has agreed to document and disclose various interfaces that are internal to Windows'' operating system products for use by its competitors.

Also, a technical committee comprised of three software engineering experts will monitor Microsoft's compliance with the settlement, and assist with dispute resolution.

Sincerely,
Melissa Melvin
11001 Dogleg Trace
Tega Cay, SC 29708
cc: Senator Strom Thurmond
CC:senator@thurmond.senate.gov@inetgw

MTC–00028978

From: Tim Schulteis
To: Microsoft ATR
Date: 1/28/02 7:37pm
Subject: Microsoft Settlement

Judge Kollar-Kotally,

The U.S. is giving away the store in the proposed U.S. vs. Microsoft final judgment, and the settlement should be rejected. The proposed settlement has serious flaws. The courts have convicted Microsoft of many anti-trust violations resulting in many billions of dollars of profits, yet the proposed solution would allow the company to keep almost all of that money and would provide no protection against future abuse of Microsoft's power.

Forcing Microsoft to give away software (and even hardware) to schools is barely a punishment, either, as it allows Microsoft to further expand its dominance into perhaps the one market it doesn't yet fully control-the education market. And setting up a structure whereby Microsoft would essentially police itself is entirely the wrong approach to protecting us.

I ask you to reject the proposed final judgment on these grounds.

Sincerely,
Tim Schulteis
3229 Azalea Circle
Lynn Haven, FL 32444
850–747–0336

MTC–00028979

From: Feathersandink@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 7:39pm
Subject: Microsoft Settlement
406 Winston Avenue
Baltimore, MD 21212
January 25, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

It is sad that Microsoft has had to spend three years in court in the antitrust case. This is a great American company that contributed so much to our recent economic growth, and could help us get out of this current recession.

That is why I was very happy to learn that a settlement was reached in this case. Microsoft has paid its dues and agreed to a good settlement. The settlement will give non-Microsoft firms access to Microsoft code. With this information, non-Microsoft firms will be able to build better software.

Unfortunately, some with animosity toward Microsoft opposes this settlement, and they should be ignored. It is time Microsoft is released from federal court.

Sincerely,
Merle Sturm
CC:Feathersandink@aol.com@inetgw

MTC–00028980

From: Walter & Janice Schneider
To: Microsoft Settlement
Date: 1/28/02 7:34pm
Subject: Microsoft Settlement
Walter & Janice Schneider
1603 Riverdale Ave
Sheboygan, WI 53081
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Janice and Walter Schneider

MTC–00028981

From: David Mott
To: Microsoft ATR
Date: 1/28/02 7:40pm
Subject: Microsoft Settlement

The proposed DOJ settlement with Microsoft IS A BAD IDEA! In order to have a chance of restoring competition in the Operating System market for PCs, the restrictions must be much stronger.

Restrictions proposed by the 9 ''rogue'' states are more reasonable.

MTC–00028982

From: Ardy Forouhar
To: Microsoft ATR
Date: 1/28/02 7:42pm
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally,

I am a concerned citizen and software industry employee. I wanted to take this opportunity to let you know that as a silicon valley professional, I don't think the judgement goes far enough in addressing Microsoft's past wrong doings.

I realize that I'm a small voice among large companies and powerful representatives. I am a staffing professional hired full-time by companies to help assist in staffing their organizations on a short and long term basis. As someone working closely with start-ups, I've come to learn that bullying tactics from the industry leader in software technology is not healthy for the diversity of skill set among industry professionals on a domestic and global basis.

Also, the proposed settlement would allow the company to retain almost all of the profits earned from dominant tactics.

There are no guarantees that Microsoft won't continue to break anti-trust laws by bullying competitors as it always has.

Microsoft is left to police itself under the proposed final judgment (conflict of interest by definition).

The proposed settlement would amount to a government endorsement of Microsoft's monopoly. They could carry on as before.

Please do your very best to ensure that future jobs of entrepeneurs within the area are not further affected through industry monopolization and that the high tech industry can be revived and not crushed when the economy makes an eventual turn around.

Regards,

Ardy Forouhar
143 Monte Villa Ct.
Campbell, Ca 95008
Tel: 408–626–9517

MTC–00028983

From: Peter Liesenfelt
To: Microsoft ATR
Date: 1/28/02 7:42pm
Subject: Microsoft Settlment

The proposed settlement between the DOJ and Microsoft is grossly insufficient in either penalizing Microsoft for the antitrust issues they have been found guilty of or to provide sufficient protection against further actions by Microsoft. As I understand it (not being an expert in anti-trust litigation) precedents have been established that have identified the standards for monopoly remedies to be of the nature of denying the defendant gains from their illegal acts, protecting against abuses in the future or eliminate the monopoly. The proposed settlement by the DOJ does none of these three things.

As a citizen of the United States I have seen the following occur to my ''practical freedom of choice': My options for a personal computer operating systems has been reduced to one, Microsoft Windows. My options for application software (word processing and spreadsheets) have been reduced to Microsoft Word and Microsoft Excel. My option for Internet browsing is practically eliminated to one, Microsoft Explorer. I DO NOT want to have my choices of Internet hosts to be reduced to one, an Internet connection to one, an Internet media provider to one or an Internet news service to one. This is the path that Microsoft is going toward, to monopolize computing. See Microsoft for what it is, based on their previous actions as to where they are going.

Recently, when Microsoft was planning the release of the Windows XP operating system decided to leave out a function to Explorer that was called ''smart tags''. This function would have allowed Microsoft to essentially ''override'' the content of internet pages and supplement the content with content that Microsoft desired, essentially censoring internet content. Do we want a company that has demonstrated that it abuses its monopoly position in personal computer operating systems to have this amount of power? Do we trust that they will not abuse this type of power? I think not, I hope not, I hope the United States aggressive sees to it that it will not occur. Recently I had a problem with my Windows 2000 Professional system and had to use a backup (much older) pc to try to access Microsoft's Internet site to help determine the problem. But I found out that since it was a machine that had Netscape as a browser that Microsoft prevented me from viewing the information. This is only one example of where Microsoft dictates terms to its customers something that you would expect it would want to serve. Any justifications to such actions is only to further their goals to maintain or increase their monopoly, not to serve their users, not to serve the public's best interest. As an extremely knowledgeable computer user I find Microsoft's tactics to not be in the user's interest, only in their corporate interest. I am not against corporate America, in fact I am a strong proponent of it, but monopolies that abuse their power must be held accountable.

I could, if need be, help architect a remedy to this case. Do I think Microsoft has to be broken up? No. I believe that Microsoft will never agree to a remedy that addresses the precedents that have been established for antitrust remedies. I strongly urge Judge Kollar-Kotelly to not accept the proposed settlement. I fear that the DOJ under the Bush administration will not seek remedies that are sufficient in depth or breath to prevent future abuses by Microsoft and that Judge Kollar-Kotelly will need to independently determine a course of remedies that will.

Peter Liesenfelt
119 Gladys Avenue
Mountain View, CA 94043

MTC–00028984

From: Michael Jaehrling
To: Microsoft ATR
Date: 1/28/02 7:42pm
Subject: Microsoft Settlement

To whom it may concern:

Yesterday I sent you a brief message stating my opinion regarding the Microsoft case. Today I would like to give you more reasons to leave Microsoft in peace: I use Microsoft products, and appreciate them enormously. I resent the government's stance on the basis that it presumes I am not fit to make decisions about which software I buy, and why. If Microsoft is punished, that means they have been found a threat—how can a succssful company's products be a threat to anyone other than it's competitors. And if the latter is the problem, then the USA cannot claim to be a free market or a free country.

Please bear in mind that consumers did not complain about microsoft, nor any community groups. Its competitors (unsuccssful ones), rather than competing fairly, resorted to seeking government favor to help them. You cannot allow failed companies to set terms that will throttle a competitor just because the former was unable to match up.

Governments should not protect some business at the expense of others. As someone once said—''when politicians determine what gets bought and sold, the first thing to get bought and sold is politicians''. Success, self-made and honest entrepreneurship such as that displayed by Bill Gates, should not be punished, but embraced and ecouraged. Imagine how successful America would be if we had more men like him.... If all of the above is not enough, then look to your constitution. A company, like an individual, has the right to its property. This right is inviolable. Please, for all our sakes, uphold Microsoft's right to compete freely and as it sees fit—do not penalize the good for being good.

Sincerely,

Michael Jaehrling
General Manager
Hyatt Regency Cheju
3039–1 Saekdal-dong
Seogwipo-si
Cheju-do
Korea
Tel: 82 64 733–1234
Fax: 82 64 738–0900
www.hyatt.com

MTC–00028985

From: James R Bain
To: Microsoft ATR
Date: 1/28/02 7:42pm
Subject: Microsoft Settlement

I think it is time to end this costly and damaging litigation against Microsoft. Dragging out this legal battle, in which only the lawyers will benefit serves no useful purpose. The proposed settlement is equitable and should end this legal battle as soon as possible.

James R Bain

MTC–00028986

From: Bruce Miller

To: microsoft.atr(a)usdoj.gov
Date: 1/28/02 7:43pm
Subject: JUDGE KOLLAR-KOTELLY: AVOID THE CURRENT MICROSOFT SETTLEMENT PROPOSAL
Bruce Miller
Box 31134
Seattle, WA 98103
28 January 2002
U.S. District Judge Colleen Kollar- Kotelly
Renata Hesse, trial attorney,
Antitrust Division,
U.S. Department of Justice

Dear Honorable Judge Kollar-Kotelly:

I have comments about the proposed settlement terms with Microsoft. I think the proposed settlement is very flawed and must be re-written to ensure the public and other companies are not harmed further by the Microsoft's monopoly. The proposed settlement only serves the interests of Microsoft.

Microsoft's unfair business practices must be addressed to protect all Americans and all computer users.

1. Microsoft must be prohibited from giving unfair preference and position for its own products when bundled with its operating system products, especially in deals with PC companies.

2. Microsoft must be prohibited from being able to bundle whatever they want to include as part of their operating system, because current separately sold software products could be bundled with Windows in the future and thus, undercut and eliminate many other technology companies.

3. Because Microsoft is a monopoly, Microsoft must publicly disclose their Windows source code in order to level the playfield for all American consumers and businesses.

Please adopt these 3 proposed terms into the currently proposed settlement terms with Microsoft. My proposed terms are fair, unburdensome to Microsoft and the U.S. Federal and State governments and American public, and will be very effective to correct and reverse the wrongs Microsoft has committed.

Sincerely,
Bruce Miller

MTC–00028987

From: sam perelli
To: Microsoft Settlement
Date: 1/28/02 7:35pm
Subject: Microsoft Settlement
sam perelli
po 103
cedar grove, nj 07009
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
sam perelli

MTC–00028988

From: Cynthia Haven
To: Microsoft ATR
Date: 1/28/02 7:43pm
Subject: Microsoft settlement
28 January 2002
Subject: Microsoft Settlement

To whom it may concern,

I cannot let the opportunity to pass for comment on the settlement with the Microsoft company pass without taking my opportunity to make some public comment. There are many out there who think this suit against Microsoft (aka Microshaft) is simply the vendetta of some bitter competitors. But the immoral, illegal, and greedy acts of Microsoft over the years have come at the cost to consumers of choice, innovation, and affordable software. They decided long ago that if they can't beat their competitors with better quality they would cheat them or beat them into submission.

There should not be an expiration date to this settlement, unless it is more than 30 years. Microsoft management has proven that they don't care about the rules and would be anxiously waiting in the wings for the next attack. They need to be punished for the wrong they have done to the American consumer. If they claim they have not stifled competition, why does Microsoft Office cost $500 dollars. That is NOT a competitive price. I can buy the same functions in ''Apple Works'' for $80. And why is it still so hard to get rid of Internet Explorer as your default browser? At work, I have to get technical assistance to change it. And why, as I just found out, that the default search engine for IE is MSN (as in Microsoft Network). Try seeing how intuitive it is is to pick another search engine, like Google, which is much better. Fortunately, at home, I have chosen to use non-Microsoft products, even if it costs me money. This is, however, something Microsoft presumes most people won't do, and they are usually right.

Microsoft is not a group of school boys to be slapped on the hand with a promise not to misbehave again. They are corrupt, greedy, selfish jerks with nobody's interest but their own here. The public is not passive about this situation. We want fair play and true competition based on market rules and true innovation. Not marketing gimmicks and coercion. I applaud the Justice Department in their efforts to resolve this situation, but Microsoft should have no mechanisms to revive their evil ways. The settlement should be strict and long lasting, not 5 years, or we will be in this same situation again.

Sincerely,
Cynthia P. Haven
Houston, TX
cphaven@earthlink.net

MTC–00028989

From: Garthbob@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 7:43pm
Subject: Microsoft Settlement
Attorney General John Ashcroft
US Department of Justice

Dear Mr. Ashcroft:

I am writing to express my opinion about the recent settlement between Microsoft and the US Department of Justice. I think the lawsuit has dragged on long enough and should have by this time covered all the bases necessary. Our government needs to be facing other more pertinent issues than trying to break up a company that creates jobs and wealth.

The terms of the settlement are more than fair and should appease all competition since they stipulate that competitors will be given interfaces and protocols that are internal to Windows operating system products. They also will be given broad new rights to confiqure Windows so that non-Microsoft products can be promoted more easily.

I urge your office to do what is best for the American public, IT sector, and national economy and implement the settlement. I would also request that no further state or federal action is taken unless there is a major violation on Microsoft's behalf.

Thank you for your time.

Sincerely,
Bob Strong

MTC–00028990

From: Kim Coker
To: Microsoft Settlement
Date: 1/28/02 7:35pm
Subject: Microsoft Settlement
Kim Coker
2251 Leon Road
Jacksonville, FL 32246
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

I have to agree with and concur with the following: The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into

the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Kim Coker

MTC–00028991

From: Terry Frost
To: Microsoft ATR
Date: 1/28/02 7:48pm
Subject: Microsoft Settlement

Dear Mr. Ashcroft:

I am writing you to express my concern over the extended delay in the settlement of the Microsoft antitrust case. I see no justifiable reason to prolong this case. The major parties have reached an agreement on both the nature of the matters at issue and the future remedial steps Microsoft will take to remedy past perceptions of wrongs and alter its present monopolistic-like advantages. I see no reason to prolong this litigation. The computer field has new innovations occurring frequently and rapidly.

Microsoft has agreed not only to forego any future anti-competitive practices but also to actively work to reduce its dominance in its field. For example, Microsoft will now configure its Windows systems in a manner that will allow its competitors to readily use and even exploit its platforms. Microsoft will alter its licensing practices with computer manufacturers so as to encourage the use of non-Microsoft software. Microsoft will submit now to an ongoing review of its practices by a new federal oversight committee. The company has agreed to embrace competition for the benefit of the entire industry.

Please work toward an acceptance of this plan and a cessation of this litigation.

Sincerely,
Terrance J Frost

MTC–00028992

From: Susan Gilvary
To: Microsoft ATR
Date: 1/28/02 7:43pm
Subject: Microsoft Settlement

The proposed settlement with Microsoft does the citizens of the United States a grave disservice by failing to protect our rights as consumers. Microsoft has accumulated and abused monopoly power, stifling competition and reducing our choices. The Justice Department should withdraw this proposed settlement. The citizens and businesses of this country deserve an open market, not a market dominated by an unresponsive, self protecting monopoly.

Susan Gilvary

MTC–00028993

From: L. E. JOHNSON, JR.
To: Microsoft Settlement
Date: 1/28/02 7:38pm
Subject: Microsoft Settlement
L. E. JOHNSON, JR.
401 Green T Lake Blvd W
Hernando, MS 38632
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
L. E. JOHNSON, JR.

MTC–00028994

From: Joel Hodgell
To: Microsoft ATR
Date: 1/28/02 7:46pm
Subject: COMMENTS ABOUT THE CURRENT MICROSOFT SETTLEMENT PROPOSAL; MY PROPOSED CHANGES TO IT
Joel Hodgell
12712 Lake City Way NE 3
Seattle, WA 98125
28 January 2002
U.S. District Judge Colleen Kollar- Kotelly
Renata Hesse, trial attorney,
Antitrust Division,
U.S. Department of Justice

Dear Honorable Judge Kollar-Kotelly:

I am writing to you to comment on the proposed settlement terms with Microsoft.

As is, I think the proposed settlement is very fatally flawed and must be written to ensure the public and other companies are not further harmed by the monopolistic practices of Microsoft. The current proposed settlement terms only serve the interests of Microsoft and related special interest groups that gave substantial campaign contributions to the Bush campaign and the GOP party.

Even though I live in Seattle, I believe the unfair monopolistic business practices of Microsoft must be punished and adequately addressed in order to protect all Americans and the U.S. and world economy.

1. Microsoft must be prohibited from giving unfair preference and position for its own products when bundled with its operating system products, especially in deals with PC companies.

2. Microsoft must be prohibited from being able to bundle whatever they want to include as part of their operating system, because current separately sold software products could be bundled with Windows in the future and thus, undercut and eliminate many other technology companies.

3. Since Microsoft is a monopoly, Microsoft must publicly disclose their Windows source code in order to level the playing field for all American consumers and businesses.

Please adopt these 3 proposed terms into the currently proposed settlement terms with Microsoft. My proposed terms are fair, un-burdensome to Microsoft and the U.S. Federal and State governments and American public, and will be very effective to correct and reverse the wrongs Microsoft has committed.

Sincerely,
Joel Hodgell

MTC–00028995

From: Paul Speranza
To: Microsoft ATR
Date: 1/28/02 7:45pm
Subject: Microsoft Settlement
January 28, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

I am writing in response to the public comment period for the Microsoft antitrust trial. I would like to urge you to please end this lawsuit as soon as possible

The settlement will definitely promote competition in the technology industry, if not hindering Microsoft's own competitive abilities. Microsoft will divulge their interfaces and protocols, and will share it with competitors., and consumers will be given more choices when using the Windows operating system.

This witch-hunt needs to be ended, and our computer industry needs to be restored. Please uphold this settlement.

Attached please find an email that I originally sent to my state attorney general, Mr. Richard Blumenthal, who never even saw to it that I at least received an acknowledgment.

Sincerely,
Paul Speranza
Vice President
All Systems Go, Inc.
CC:fin@mobilizationoffice.com@inetgw

Mr. Blumenthal,

I would like to comment on some of the proposed remedies that you and the other eight states have suggested in the Microsoft anti-trust case. Please bear in mind that I am referring to an Infoworld.com article for the points that I am addressing.

1) Allowing other companies to port Office to other platforms. This is no small feat. That is probably why Microsoft has a separate

Macintosh team that develops Office for the Mac. They have to do this because code running on Windows will not run on the Macintosh or any other platform. Did you know that the Mac version is always months behind the newest Windows version? Since the Mac is a completely different operating system that means that the developers get no help from the core Windows developers (The Chinese Wall?). Here Microsoft has succeeded only because they have the best product of its type on the Mac. There is no way to stop anyone from cloning Office. Good luck to anyone that tries. The product is so massive you would need a small army of developers to do it. There is a clone of Outlook for the Linux operating system from Ximian (http://www.ximian.com). Microsoft has not stopped them from doing so. By the way, this company is cloning Microsoft's new .Net Framework for Linux, and as far as I know Microsoft is somehow lending support.

Why would you want to allow someone to clone software from other companies? Where is there innovation in that? Sun Microsystems offers Star Office for free, developed by open source developers. It is compatible with the Office file formats which Microsoft publishes. Why aren?t companies dumping Office for Star Office in droves when Microsoft charges several hundred dollars? It's because over the years programs like Word have evolved to be much more than a word processor. The programs in Office work together to build entire applications based on all of the pieces. You can open up a Word document and in it could be an Excel spreadsheet that you can update without ever knowing you were using Excel. This has evolved over the years and is by no means trivial to do.

As far as the logic that it is too expensive for companies to change to a free product because of training costs, I?m not buying that. Is that supposed to be Microsoft's fault? In a recent interview, Scott McNealy from Sun Microsystems said that large corporations aren?t using Star Office mainly because it is free and the customers didn?t think Sun would be committed to supporting a free product. So now Sun is contemplating charging for it.

2) Allow for a stripped down version of Windows at a cheaper price. What for? Microsoft spends a lot of R&D time and money developing the extras that they give you for free. So if you got a version without the freebies does this mean Microsoft has to pay for not putting in programs that they are giving away? Here is the problem with including only products from other companies? Microsoft's updates to IE, Media Player, etc. are always free for the downloading. RealPlayer, for example, offers a functional yet hobbled version of their software and then gets you to pay for upgrades and newer versions. So does Opera with their web browser. So where is the consumer winning here? With MS I get the feature complete versions of a browser and Media Player for free, with the competitors what initially is free may not be over time if I want versions with more features.

I think what Microsoft did with the PC manufacturers was a great idea: Include all of their products but put whatever competitor's products you want in also.

3) Make IE an open source product. Why? That browser is still the best browser out there. Mozilla is open source and is free. Why aren't people downloading that in droves?

Here is a little software history for you.

Wordstar was the leading word processor. They got fat and happy with their product and did not update it. Along comes Word Perfect with many new features. Bye, bye Wordstar.

Microsoft releases Windows 3.1. Word Perfect does not create a windows version. Microsoft releases Word for Windows and it is a hit. Word Perfect releases a Windows version 2 years later full of bugs. Bye, bye Word Perfect. Corel owns Word Perfect now. They tried to create a Java version of it so it would run on any computer. You know what they found? Although Java is great for backroom systems, the front end interface that a user sees is way to slow to be usable. Sun Microsystems? Star Office, which works on any computer, still needs to have direct ties to the platform it is running on to be usable. Shame on Microsoft for writing great software that runs on Windows.

Microsoft releases Windows 3.1. Lotus, after being begged by Microsoft to do a Windows version to prove the value of Windows, does not. Microsoft releases Excel for Windows, which was already on the Macintosh for years, and it is a hit. Lotus releases a Windows version 2 years later full of bugs. Bye, bye Lotus 123. Ashton Tare had a program called dbase III Plus. They got fat and happy with their product and did not update it. Along comes Foxpro from Fox software and Clipper from Nantucket software. Bye, bye dbase. Microsoft did buy Fox many years later. Computer Associates bought Clipper. Borland bought dbase, released a lousy version 4, tried to release version 5.

See the pattern yet? Stay with me now.

Netscape releases Navigator, a web browser and sells millions at 50 bucks a pop, gets fat and happy with their product and did not update it. Microsoft releases a better browser called IE 4. Netscape, still fat and happy with their product, does not update it. AOL builds their client software around IE. Microsoft releases IE 5 with excellent functionality and great hooks for developers trying to build browser applications. Netscape, still fat and happy with their product, does not update it but decides to give it away. Netscape gets bought by AOL. Microsoft releases IE 5.5 with even better features and developer hooks. AOL releases another version of their client using IE, not their own. Netscape/AOL releases version 6. Full of bugs and slow as hell. A year later Netscape/AOL releases 6.1, slightly better. AOL client 7.0 released, still using IE I think. Netscape/AOL releases 6.2, finally acceptable.

Oh, and before I forget. Because Netscape 4.x was such a lousy browser, companies waste millions in development costs trying to keep websites and web applications compatible with it and the newer browsers. As for the innovative features and improvements that Microsoft put into their browser, most have been adapted by the W3C standards body. All of the newest browsers support those features. As a matter of fact, the new Netscape boasts that they are 100% standards compliant, but they have implemented a few non standard Microsoft features that they feel are very useful.

Why should they release an open source version of it? Did you know that under Windows developers can build IE right into their applications? That means a developer can use Microsoft's product to enhance their own. Not one of the other browsers does that! You see, where Netscape targeted the consumer, Microsoft targeted the consumer as well as the developer that has to create the applications the consumer uses.

So what has Microsoft done wrong here? Oh, yeah, they gave us a free browser with Windows.

So in closing I would like to say that I think the nine states are really going radical here, and I now think it is a witch hunt. I almost want to compare it to what happened with the tobacco companies. Microsoft is sitting there with 30 billion dollars in the bank and people want some of it. To me the feds have gotten about all that is worth getting. I could go on and on but I won?t. I hope that you will at least consider my comments. In case you didn?t notice, I am a software developer. My experience is mostly with Microsoft products, but I have done development using Sun and Netscape products also. I would appreciate a confirmation that you have received this email. If you would like to contact me please feel free to do so.

Paul Speranza
Vice President
All Systems Go, Inc
(203)469–2315

MTC–00028996

From: Randy Pipal
To: Microsoft ATR
Date: 1/28/02 7:45pm
Subject: Microsoft
Randall M. Pipal
2350 E. Apricot Dr.
Meridian, ID 83642
January 27, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

As a businessman, I don't understand why the government needed to interfere with the business practices of Microsoft. After all, Microsoft is a solid company that puts out a good product, is vital to the economy, and is vital to the tech industry. If Microsoft is not allowed to stand strong, I am afraid for what effect it could have on the economy.

Microsoft has been more than willing to come to an agreement in order to facilitate this suit. It seems their efforts are futile since no one seems to want to end this case. Not only did Microsoft agree to the establishment of a technical committee that will monitor Microsoft's compliance with the settlement and assist with any disputes, they also agreed that if a third party's exercise of any options in the settlement would infringe on any of Microsoft's intellectual property rights, Microsoft would provide them with a license

to the necessary intellectual property on non-discriminatory terms. That seems more than fair to me.

Let's move on. The economy needs it. Thanks.

cc: Senator Larry Craig

Sincerely,

Randall Pipal

CC:senator@craig.senate.gov@inetgw

MTC–00028997

From: Sightsaver@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 7:47pm
Subject: microsoft settlement

This case should be settled immediately before any further damage is done to the economy.

MTC–00028998

From: Jeff Beitzel
To: Microsoft ATR
Date: 1/28/02 7:47pm
Subject: Microsoft Settlement

As a programmer and system administrator, the Microsoft judgement will impact me greatly. I have been working with both Microsoft and non-Microsoft products for over 5 years, and in that time I have seen a trend in the software being used. As a system administrator, the integration that Microsoft offers makes my administrative tasks easier. Setup, as well as maintenance, is easier in Microsoft products than in some of competitors, like Oracle, Sun, Netscape, and Linux. The time savings I gain make me more productive. As a programmer, Microsoft products show a tremendous amount of innovation not seen elsewhere. Microsoft has often been accused of breaking standards, but it should be noted that they typically embrace and extend. They take off where standards fall short, they allow the products I write to be better. To me, that innovation they provide is of utmost importance. Also, when doing web-development, Netscape is a horrendous product to work with. Microsoft didn't kill Netscape, Netscape committed suicide by refusing to improve its product and listen to its customers. On a more personal side, I am often recruited to help out non-computer literate friends and family, they need the ease of use, and pricing of Micorosft. Without Microsoft PCs would not be commonplace, but relegated to the hobbists and professionals. Microsoft has made this a connected world because they have given us what we want.

This whole anti-trust situation that has me greatly troubled, as a consumer, person, and somone who creates. It is that the government has abandoned its duty to protect successful people and their property, and chosen to persecute them. The fact is Microsoft, by its own blood, sweat, and tears created its products, and by right has sole ability to decide what to do with its property. The government has proceeded on a witch hunt led by Microsoft's failed competitors under the guise of ''protecting the consumer'', the only people trying to be protected are lacking competitors who would rather pull success down than actually work for success. I resent the implication made by those arguing against Microsoft that I am a helpless victim incapable of making decisions for myself. I use Microsoft products because they are the best available to me. If Netscape, Oracle, or Linux met my needs I'd use them; but they don't. Microsoft is a company that should be commended for its success and supported by the government, not beaten down by it.

It is because of the above I say, ''Leave Microsoft Alone.'' and do not place regulations or restrictions upon them. They are a company that has made my life better, not worse. The likes of Oracle, Sun, Netscape, Linux, and the other whiners would do well to take a lesson from Microsoft's playbook: Innovate, the consumer appreciates that. America needs that.

Sincerly,

Jeff Beitzel (Concerned American and Consumer)

CC:activism@moraldefense.com@inetgw

MTC–00028999

From: Anthony Mangan
To: Microsoft Settlement
Date: 1/28/02 7:43pm
Subject: Microsoft Settlement
Anthony Mangan
155 Quail Hollow Drive
San Jose, Ca 95128–4544
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Anthony Mangan

MTC–00029000

From: Charles Buzbee
To: Microsoft Settlement
Date: 1/28/02 7:43pm
Subject: Microsoft Settlement
Charles Buzbee
2188 SW 55th. St.
Redmond, OR 97756
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Charles L. Buzbee

MTC–00029001

From: Nancy Ward
To: Microsoft ATR
Date: 1/28/02 7:50pm
Subject: Microsoft Settlement

Dear Ms. Hesse:

I write, as a private citizen, to oppose the Justice Department's proposed Microsoft Settlement, currently under review.. I believe that Microsoft has a history of stifling innovation in computer technology, thus harming individual consumers and the national economy. An atmospher in which witnesses of Microsoft's violations are afraid to inform law enforcement officials of their knowledge, which has existed in this country, is harmful to the computer tecchnological industry, as well as law enforcement and belief in the efficacy of the justice system in our country.

Since the settlement does virtually nothing to protect computer manufacturers and others from Microsoft's retaliation, those who defy Microsoft's behavior and views of the technological world are left to become martyrs to what the legislation prohibiting monopolies was designed to prevent.

Remedies proposed by the nine state attorney generals who are still plaintiffs would genuinely constrain Microsoft from its unfair business practices and liberate the technological industry from Microsoft's shadow of fear. Left unchecked that shadow will grow and expand into other areas—why wouldn't it, if there's nothing to stop it, nothing to challenge the unfair and illegal behavior? The existence of such a monopolistic entity is a threat to the well-

being of all who challenge it in the future, and all who would strive for a different and better industry.

Send a message, that justice in the USA is not dead, a commodity sold to the highest bidder, or a kickback to the highest political contributor. Help us be free of this monstrous, harmful entity. Let innovation flourish in this once dynamic field. By freeing the development and exchange of ideas in the technological field, you will help us all to flourish.

Thank you for the opportunity to present my comments.

Nancy Ward
9802 SE Dundee Drive
Portland, OR 97266
email: themerryheart@attbi.com

From: J Surlow
To: Microsoft ATR
Date: 1/28/02 7:50pm
Subject: Microsoft Settlement

Jan 28, 2002

To Whom It May Concern,

The Microsoft settlement does nothing to end the monopoly that they are. If nothing is done about that now, will anything ever be done? Can anything stop the predatory practices of this monopoly?

James D. Surlow
Broomfield, CO 80020

MTC–00029003

From: Joseph W Pfahnl
To: Microsoft Settlement
Date: 1/28/02 7:44pm
Subject: Microsoft Settlement
Joseph W Pfahnl
2197 Glenkirk Dr
San Jose, CA 95124
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Joseph W Pfahnl

MTC–00029004

From: Brian Trotter
To: Microsoft Settlement
Date: 1/28/02 7:46pm
Subject: Microsoft Settlement
Brian Trotter
304 Chambers Rd.
Arab, AL 35016
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Brian Trotter

MTC–00029005

From: Don Alvarez
To: Microsoft Settlement
Date: 1/28/02 7:46pm
Subject: Microsoft Settlement
Don Alvarez
7640 N. Quail Ridge Dr.
Tucson, AZ 85743
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

A Very Concerned American!!
Don Alvarez

MTC–00029006

From: Allen L Plitt
To: Microsoft ATR
Date: 1/28/02 7:53pm
Subject: microsoft settlement

Dear Sirs:

Please end all litigation quickly. The longer this goes on, the more rediculous it gets. We are now asking a company's competitors what punishment they desire levied because they cannot produce a better product. What good is that?

MTC–00029007

FROM: Richard Duncan
TO: MS ATR
DATE: 1/28/02 7:53pm
SUBJECT: Microsoft Settlement
Richard J. Duncan
9302 red-Wood Road, A-304
Redmond, WA 98052
425–830–2202
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am in favor of the Microsoft antitrust settlement agreement. the terms of the settlement agreement are reasonable, and will appropriately address the concerns raised about anticompetitive business practices. Continued litigation will not produce a better result. Addressing the allegation that they have acted in a predatory manner, Microsoft has agreed not to enter into contracts that will obligate third parties to exclusively distribute Windows. They have also agreed not to take retaliatory action against those who promote software that competes with Windows. The net result of the settlement agreement will be a more level playing field for Microsoft's competitirs. additionally, a technical committee will be established to monitor Microsoft's compliance wit the settlement agreement. any party who believes Microsoft has violated the terms of the settlement agreement may lodge a complaint with the technical committee. These types of safety mechanisms will ensure no further violations of antitrust laws occur.

Given the vast array of concessions that have been made by Microsoft, no further litigation is warranted. I am hopeful the Department of Justice will remain committed to settling this case.

Thank you for your time and attention.

Sincerely,
Richard Duncan

MTC–00029008

From: David Horrocks
To: Microsoft ATR
Date: 1/28/02 7:54pm
Subject: Microsoft Settlement
To: Judge Kollar-Kotally
Re:Microsoft remedy

As an IT professional I am writing to express my concern about the proposed Microsoft settlement. I work extensively with Microsoft at the local level in Philadelphia, and have given considerable thought to their market position. We depend on their products, and to some extent their good graces, for consulting revenue.

I offer these thoughts:

As an MBA student, I have analyzed Microsoft's channel strategy (document attached). It is clear that market dominance (i.e. monopoly) has led to changes in Microsoft's approach to the channel. The changes are generally not good for those of us on the receiving end. I don?t suggest that this is illegal, but offer it as evidence of the effects of monopoly.

I believe an OS is a natural monopoly ? and product with a decreasing marginal cost of production would be expected to be, and software's marginal cost of production is pennies per copy. So Microsoft's current monopoly position is not necessarily the result of illegal activity. In fact, I would argue that their product positioning, marketing decisions, and coding talent have been the primary source of their success. Those are all admirable traits.

Because the OS is a monopoly I would disagree strongly with Microsoft's critics would argue for a breakup. That would not serve the market or the consumers, and would only postpone the natural monopolistic state. One of the split up firms would win eventually.

But, other natural monopolies are more heavily regulated, such as power delivery. Microsoft should be thoughtfully regulated.

The proposed settlement is very minimal regulation, and not enough to protect the legitimate competitors Microsoft can, by virtue of its OS position, crush at will.

I would hope that regulatory oversight would focus on protecting competitors from bundling that leverages the OS position. Force them to sell products rather than bundle them. Clearly bundling is just a means to defending market power.

Examples of products that could be integrated but ought to be regulated include: terminal services (Citrix), media services (Real Player), offline storage, virus protection, systems management, and others.

Thank you for your consideration of these issues,

David Horrocks
1010 Windsor Ave
Dresher, PA 19025
Mobile: (215)–353–1531

MTC–00029009

From: David Bowman
To: Microsoft ATR
Date: 1/28/02 7:55pm
Subject: Microsoft Settlement

Dear Mr. Ashcroft:

I am writing during the public comment period in support of the settlement reached in the Microsoft antitrust case.

The options for you are, as I understand them, to accept the settlement agreement reached or to return to Court for further litigation. In light of the state of our economy, continued litigation makes little sense. We cannot afford to keep Microsoft on the sidelines.

Microsoft has agreed to make changes in the way it conducts business, which will be conducive to increased competition within the software industry and to economic growth. Microsoft's agreeing to allow computer makers the right to reconfigure Windows operating systems so as to promote non-Microsoft software should prove to be of immediate benefit to the economy.

Please go forward with the settlement as soon as possible. It is in the public's best interest.

Sincerely,
David Bowman

MTC–00029010

From: russell a cox
To: Microsoft ATR
Date: 1/28/02 7:55pm
Subject: Microsoft settlement

Please accept the settlement offer that has been presented. It is time to move forward, not backwords.

Thankyou
MJCox

MTC–00029012

From: Ron Wike
To: Microsoft ATR
Date: 1/28/02 7:56pm
Subject: Just a few comments about the Microsoft situation

1. If you remove the deterrent from a crime, you might as well declare open-season on that same crime.

2. It is a sad day for the United States of America when, on the day after a Christmas when almost every PC given as a present, is running software that has essentially been declared ''broken'' by the Federal Bureau of Investigation of the United States of America.

3. Let us not forget who ultimately picks up the tab every time one of our major corporations, including the Pentagon of the United States of America and Microsoft itself, is at the mercy of anyone who is willing to take the time to read a book.

4. Isn't it time to do something about this problem when the worldwide monetary damages caused by the vulnerabilities of Microsoft's software exceeds the total population of the world by several billion?

5. Do we really want the future leaders of our country, who are currently coming up through the grades of our educational system, to be using software that has been declared a threat to the infrastructure of our own country by the National Infrastructure Protection Center of the United States of America?

6. Microsoft marketed their latest ''innovated'' product known as Windows XP as the most secure operating system ever. It should be quite evident to you by this time that this is not the case. In fact, this situation is much the same as the proverbial used car salesman who insists that the speedometer has not been turned back. However, the final liability of Microsoft's behavior is yet to be known.

URL's to substantiate the above points provided upon request. Since this is a matter of justice, and the ''J'' in DOJ stands for justice, I find it necessary to remind you that Abraham Lincoln declared that ''All men are created equal'' and that we have a pledge of allegiance to our flag which, although altered a few times over the past several decades, still ends with the phrase ''With liberty and justice for ALL''! Therefore, I encourage you to do your job and enforce the laws of the United States of America with equality and due justice. (Long overdue justice in my opinion). And, unlikely as it might be, it would sure be nice to require the company responsible for all the damage to pay for it (retroactive). If Mr. Gates/Microsoft think they are stimulating a faltering economy, then perhaps their vision is only short-term. In any case, isn't it a great way to erode consumer confidence? What difference is there between capitalism and communism when you are down to only one product and that product is not only seriously flawed, but also a threat to your own national security?

Regards,
Ronald E. Wike

MTC–00029013

From: Forest, Carl
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 7:56pm
Subject: Microsoft Settlement

Dear Sirs and Madams:

I used WordPerfect from 1987 through 2001 because it was by far the best word processing software available. Beginning sometime in the early to mid-90's, each time I bought a new computer, it came with Microsoft Word. Each time I bought a new computer, I asked if the vendor would send me the computer without Word and give me a small decrease in price. The sales people always said they could not do this. So, I got a computer with Word, and bought WordPerfect to put on it. Even though I tried Microsoft Word each time I bought a new computer, since the computer always had Word installed, I never used it because it was obviously inferior to WordPerfect. However, most other people, particularly corporations who watched their budgets, use the ''free'' Word program. Eventually, because it was ''free'', Word became the dominant word processing software. Then Microsoft began charging for it.

Last year my company was purchased by a company that insisted that everyone use the same word processing software. As a result, I now accomplish about 20% less on the average when using word processing because Word is not capable of easily doing what WordPerfect can do seamlessly. Examples: 1. When you copy something from one Word document in say, Arial font, into another Word document with Arial Font, Word will change the font on you. You then have to highlight and change the font back to what it should be. 2. Paragraph numbering and bullets are so erratic in Word, that no one uses these functions—with word, we regress

back to the 80's for automatic paragraph numbering. For example, when you insert a section in front of a newly numbered paragraph with nothing next to it, Word will attach it to the previous paragraph. When you save a document and reopen it, Word will often renumber the paragraphs in some bizarre way. 3. Word has many automatic functions that change things in the text, without your asking, and these are nearly impossible to turn off. 4. Word has inferior lists of symbols.

The above are just a few of the problems with Word. Yet it is the dominant Word processor, not because it is better, but because of clear anti-trust activity.

I believe that if the Government would do something so WordPerfect or some other word processor could really compete fairly against Microsoft, the productivity of this country would increase about 10%.

Carl A. Forest

Partner and Regional Manager, Boulder Office

Patton Boggs LLP

867 Coal Creek Circle, Suite 200

Louisville, CO 80027

Tel: (303) 379–1114

Fax: (303) 379–1155

MTC–00029014

From: Bill & Sue Morgan
To: Microsoft Settlement
Date: 1/28/02 7:47pm
Subject: Microsoft Settlement
Bill & Sue Morgan
4391 Nelson Siding Road
Cle Elum, WA 98922
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Sue & Bill Morgan

MTC–00029015

From: William Lang
To: Microsoft Settlement
Date: 1/28/02 7:51pm
Subject: Microsoft Settlement
William Lang
976 Ferngate Drive
Franklin Square, NY 11010–1804
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

William E.Lang

MTC–00029016

From: Larry See
To: Microsoft Settlement
Date: 1/28/02 7:50pm
Subject: Microsoft Settlement
Larry See
3770 Presidential Corridor West
Caldwell, Tx 77836
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Larry See

MTC–00029017

From: Morton Abramson
To: Microsoft ATR
Date: 1/28/02 8:01pm
Subject: MICROSOFT SETTLEMENT

My wife and I feel that it was a disgraceful waste of taxpayer money to initiate an antitrust suit against Microsoft three years ago.

However, since a settlement exists that will finally end this case, we ask that you continue to support this settlement after the Tunney comment period.

Some competitors and a few in the government are trying to have this settlement withdrawn and Microsoft brought back to court until a finish to this case that satisfies them is reached. Those opposed to the settlement contend the settlement is not harsh enough against Microsoft. However, this settlement will cause Microsoft to disclose more formerly secret design code information than any computer company has ever disclosed to others.

Why, other than for selfish reasons, do opponents of the settlement think that this is inadequate? Why do they want to harm Microsoft? Punishment of success is not the American way! We urge you to ignore the anti-settlement argument.

Three years and millions of dollars later, this case should end now at the federal level.

America has suffered enough embarrassment over this politically-motivated case.

Sincerely,

Morton & Marlene Abramson

426 Green T Lake Blvd. West

Hernando, MS 38632

Phone 662–429–9488

MTC–00029018

From: Mark Mindenhall
To: Microsoft ATR
Date: 1/28/02 7:58pm
Subject: Microsoft Settlement

I urge the court to reject the proposed settlement reached between Microsoft and the DOJ, and instead proceed with the settlement proposed by the nine states which did not join the DOJ settlement.

I believe the nine states'' proposal constitutes a most reasonable remedy which will dramatically reduce Microsoft's monopoly power and dramatically enhance competition. Personally, I am more concerned about Microsoft's desktop monopoly (Win95, Win98, WinME, Win2000 Prof, WinXP Prof, WinXP Home, etc.) and office productivity monopoly (Microsoft

Office) than the strength of their server operating systems. These two monopolies are tightly coupled, and each helps to preserve the other. Office is so strong that its file formats (.doc, .xls, .ppt primarily) have become de facto standards for exchange of complex information between individuals and businesses. Any company wanting to compete with Office needs to fully support reading, editing, and writing documents using these file formats. However, Microsoft provides little documentation of these file formats, which results in competitors having to ''reverse engineer'' the files to understand how the information is stored.

By simultaneously forcing Microsoft to reveal the details of their file formats, while also making Office available on competing platforms such as Linux and varieties of Unix, I think the states'' proposal would dramatically increase competition in the desktop OS market. Also, other applications would be able to ensure 100% compatibility with Office documents, which would create viable alternatives for creating and exchanging documents using the de facto standard Microsoft file formats.

Mark Mindenhall

MTC–00029019

From: Merton Singer
To: Microsoft ATR
Date: 1/28/02 7:51pm
Subject: Microsoft Settlement
TO: Department of Justice
RE: Microsoft Settlement

In my opinion, the settlement proposed for Microsoft is sufficient. In fact, it is already overkill. It must be kept in mind that the changes in our legal system have not, and cannot keep pace with the rapidly evolving changes in high technology. Microsoft might have somehow been in technical violation of our ''traditional'' anti-trust laws. I'll admit that.

However, had Microsoft been forced throughout its history to restrain itself in a literal sense to these laws, it undoubtedly would have never created all the outstanding computer systems and concepts, which most homes, businesses, medical facilities, schools, etc., in America can now afford.

To punish Microsoft more severally than outlined in the present settlement proposal is analogous to rewarding other companies for their lack of vision, mediocrity, and/or lack of means or desire to compete in an extremely intangible, and risky market. Microsoft is too important an entity to be shackled because others cannot, for whatever reason, keep pace.

Sincerely,
Steve Singer
105 Biltmore Drive #203
San Antonio, TX 78213

MTC–00029020

From: Gilbert Andreen
To: Microsoft Settlement
Date: 1/28/02 7:55pm
Subject: Microsoft Settlement
Gilbert Andreen
235 Rockhill Drive
San Antonio, TX 78209
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
G. M. Andreen

MTC–00029021

From: Greg Piper
To: Microsoft ATR
Date: 1/28/02 8:00pm
Subject: Microsoft Settlement

To the Honorable Judge Kollar-Kotelly:

The Discovery Institute would like to affirm to the court its support for the proposed Microsoft antitrust settlement. Our mission is to ''make a positive vision of the future practical,'' and we believe that while any settlement is far from perfect, this particular settlement is very practical and will contribute positively to economic stabilization and growth in America as well as to technological innovation in the public interest—causes we have advocated from the Institute1s debut 12 years ago.

Microsoft is the leading player in the software industry, and its actions as well as actions against the company will have a substantial ripple effect throughout the technology sector and economy at large. Its success has led the way in a growing and stable market for software products that has carried through the collapse of most dot-com enterprises and contributed to record government surpluses until now. Microsoft1s competitors have the right to challenge its market supremacy with their own products and innovations, but in recent years the nature of their competition has largely revolved around government intervention initiated and prodded on by the competitors. AOL Time Warner lately has invested at least as much time and energy in lobbying Washington as in developing attractive and useful products. It purchased Microsoft1s rival Netscape, which makes a browser that is more expensive than and inarguably inferior to Microsoft1s. It didn1t bother to promote the acquisition to its massive AOL audience, preferring to blame its ineptitude on a rival. This reflects a strategy used by the fallen Enron Corp., which extolled the virtues of a deregulated energy market while lobbying government for legal restrictions on its market rivals. Enron1s demise has yet to show serious economic damage. But the assault against Microsoft, in our judgment, has contributed to the current technology sector depression and to recession in the economy as a whole. It is time to call it off.

Economic success rests not only on prudential government regulation, but on a company1s motivation to continually improve its products and make innovations that will attract more consumers. Software users, whether individuals or business, have gradually been leaving the tech market for the past few years because a lack of innovation has decreased any incentive to upgrade their equipment. Massive discounts on computers and accessories can stem the technology exodus for only so long.

The proposed settlement has been careful to limit the damage to Microsoft while redressing its legal breaches in software design and marketing, and any further litigation is likely to devolve into jockeying for advantage between rival corporations, absent of any public interest. For the sake of both the tech sector and the economy that responds so sensitively to its sways, this practical and evenhanded settlement should be enacted expeditiously.

Bruce Chapman, President
Greg Piper, Director of Communications

MTC–00029022

From: Robert L. Brown
To: Microsoft ATR,Ford James F.
Date: 1/28/02 8:01pm
Subject: Microsoft Settlement

The settlement is, in itself, a reward for Microsoft's anti competitive activities. I hope the court holds Microsoft to a trial to hear the evidence of Damages. The company is unbelievable, as the evidence showed during the trial. If the company can not be broken up it should be punished so severely, based upon it's assets, that no other company will consider doing the same as Microsoft in its aggressive anti competitive actions.

This is just my opinion based upon the many pages of material I read about the trial and my own thoughts as to why some programs like WordPerfect were caused problems by the Operating System while ''Word'' was not.

Robert L. Brown
attybrown@missourilaw.net
P. O. Box 358
Arnold, MO 63010
636–296–8260
FAX 636–296–0925

MTC–00029023

From: yurczyks@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 7:58pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Roger Yurczyk
23033 164th SE
Kent, WA 98042

MTC–00029024

From: SBaldlyn@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 8:02pm
Subject: Microsoft Settlement
Marilyn Baldwin
19 Seaview Avenue
Cranston, RI 02905
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW Washington, DC 20530

Dear Mr. Ashcroft:

The case against Microsoft has been controversial. As a concerned citizen, I have followed the case against Microsoft with much interest. While I use Microsoft products, I do believe that at its pinnacle Microsoft may have engaged in anticompetitive practices. The settlement agreement reached last November is equitable indeed, and if enacted, will have many benefits for the technology sector. Thus, I urge the Justice Department to enact the settlement at the end of January.

To expand, the terms of the settlement will benefit consumers, developers, and manufacturers in the technology industries. With the interim release of Windows XP, users of the operating system will be able to reconfigure their desktop according to their own needs. Thus, users will be able to delete Microsoft software from Windows and add competing software at their own discretion. In addition, developers will benefit from the information disclosure of the protocols and interfaces internal to Windows. This information enables developers to produce software that is more compatible with the Windows operating system. Further, PC manufacturers will be given broad new rights to market competing software without fear of Microsoft retaliation.

Much, then, will change with the implementation of the settlement. Given the decline in the technology markets in recent years, I believe that this settlement will encourage confidence in the markets once more. Again, I urge the Justice Department to enact the settlement. Thank you for your time regarding this issue.

Sincerely,
Marilyn Baldwin

MTC–00029025

From: Rody P. Cox
To: Microsoft Settlement
Date: 1/28/02 7:56pm
Subject: Microsoft Settlement
Rody P. Cox
#5 Connaught Ct.
Dallas, Tx 75225
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Dr. and Mrs. Rody P. Cox

MTC–00029026

From: DiMaioWood@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 8:07pm
Subject: microsft settlement

I do not believe there is anything wrong with Micrsofts approach to the market, infact I think Microsoft's is extremely customer oriented & offers valuble products to all of us that use computers & the internet.

MTC–00029027

From: dcfisherod@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/28/02 8:03pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Dr. David Fisher
12921 Dale St #82
Garden Grove, CA 92841–5034

MTC–00029028

From: jws1mcp@juno.com@inetgw
To: Microsoft ATR
Date: 1/28/02 8:06pm
Subject: Microsoft Settlement

Why does a Microsoft Certified Professional oppose the proposed Microsoft-DOJ settlement?

[1] Because Microsoft is an unabashed monopolist that squelches competition—and innovation—in a field that I chose to enter back in the ''DOS Days''; when I (still) aspired to be affiliated with a company that ''demystified'' personal computers, and helped to bring them into small companies and people's homes at an affordable price. Sadly, those days are long gone...

[2] I could write a LONG list of the companies and products that died in the Microsoft stranglehold, but I believe DOJ already has that information in hand from the legal proceedings.

[3] I urge DOJ to force Microsoft to make all of it's API and related code information for Windows 98 / Me / 2000 / XP open to developers; or, those code and ''hidden'' API's in the Office 2000 / XP suite that prevent seamless integration with other suites (Corel, Lotus, Star, etc.).

(As an aside, I am so outraged by Microsoft's behavior that I have become a very vocal advocate for open source operating systems and office automation applications, and I run these on every machine that I can. But even the Linux zealots can't overcome the Microsoft ''machine''!)

Jeffrey W. Stewart, MCP (#2110349)
jws1mcp@juno.com
Montgomery, AL
[BBsPC/PII266]

MTC–00029029

From: Shiven Malhotra
To: Microsoft ATR
Date: 1/28/02 8:08pm
Subject: Microsoft's Monopoly

To Whom It May Concern:

I have been a Microsoft user since I was ten years old. For th longest time I believed that computers were meant to be used only by those who can understand, or know how to use them. But as I grew older I realised that technology has no place in our world unless it can be applied to our everyday lives and to do that technology has to be accessable to those who don't want to understand how the technology achieves the outcome.

I switched to the Macintosh Operating System once I reached college. I realised that Microsoft has never been an innovator in

computer technology but it has always known how to market its products well. But marketing an inferior product is not illelage PREVENTING COMPETITION IS!!

Innovation comes form those how feel that the status quo is not meeting the needs of the common man. Innovators give us a brand new way at looking at ideas and concepts. When a company comes uo with an idea that threatenes the status quo, the status quo tries to prevent the spread of the idea. Microsoft achieves this by crushing the competition, or just making the competitive product incompatible with the Microsoft Operating System.

In Saudi Arabia a years ago WordPerfect was going to release an arabic version of its word processor that was far superior to Microsoft Word. Microsoft decided to preempt WordPerfect by releasing its version of Word in Arabic first. The only problem was that though the box of the software was in arabic, inside THE VERSION WAS IN ENGLISH. Microsoft provided a slip for a free version of the arabic software once it had completed it. BUT it took nearly 3 years for the Arabic version to come out!!! People bought the software believing that the software inside was in their native language but were deceived!!

In Bill Gates book, ''The Road Ahead'', in the original version he believed that the Internet was insignificant!! Yet when Netscape posed a real challange to Microsoft, Mr. Gates went on the offensive by making the Netscape browser less compatible with the Microsoft Operating System, while its browser was brought to the market.

Mr. Gates says that WindowsXP is the ''most secure Operating System'' that Microsoft has ever built, yet hackers have proven him wrong at every turn. Hackers even hacked into Microsoft's ow website. The FBI issued a statement that the Microsoft Operating System was not to be used, because of security concerns.

Competition breeds quality in products deliverd and services rendered. I am originally from India. I have been witness to the changes in the quality of products and services in my country. The lack of competition had made our companies compalicent. The level of services the monopoly companies provided was the only level of service the consumer experienced. There is no surprise that the consumer believed that the level of service was good. After all SOME SERVICE IS BETTER THAN NO SERVICE!!!

Today competition is starting to flourish in India. This has woken up these sleeping giants. They now have to compete with the innovators and new entrants into the market, or become part of history. The consumer, once given a choice will go to the supplier he or she feels best meets their needs. But they will not have this option if they cannot see past the one supplier market!!

Microsoft's main aim is to sheild the consumers from ever seeing any other possibilities in the market, and from preventing these possibilities from ever materialising.

This brings to mind a picture of a dragon protecting a bridge. One one side are the innovators and the competition and the other side are the consumers. To get to the consumers the innovators and competitors have to survive the dragon's displeasure. Even if they manage to get past the dragon, the state in which they get past no longer makes them viable competitors who can make a material difference in the the market.

Microsoft is an innovator is an OXYMORON!!

Throughout history people in power have been scared by new ideas. They have tried to discredit the idea or discredit the person with the idea. Gallalio discovered that the Earth goes around the Sun. He was burned at the stake for sticking to the truth.

PLEASE DON'T LET MICROSOFT PREVENT REAL CHANGE FROM COMING THE INDUSTRY!! THEY HAVE FINANCIAL POWER, DON'T BACK THEM UP WITH LEGAL FREEDOM!!

''Nothing in this world is so powerful as an idea whose time has come''—Victor Hugo

It's time we let Microsoft know that their Monopolistic Strategies will not be tolerated by the United States!!

Thank You,

Shiven Malhotra

MTC–00029030

From: Paul Holwadel
To: Microsoft Settlement
Date: 1/28/02 8:01pm
Subject: Microsoft Settlement
Paul Holwadel
1391 S.O. Blvd.
Pompano Bch. , Fl 33062
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry.

It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Dr. Paul Holwadel

MTC–00029031

From: Louie Swalby
To: Microsoft ATR
Date: 1/28/02 8:08pm
Subject: Comment on MS Antitrust case

The Honorable US District Judge Colleen Kollar-Kotelly,

I wish to express my concern over Microsoft's initial proposal to satisfy its antitrust penalty by providing second hand computer hardware in schools and then its own operating system and associated software applications.

This is pathetic of them to believe that the judicial system as well as the public would believe that this is fair. Rather, it only furthers their monopoly both in the schools and the future job market, where these ''Microsoft schooled'' students will know of no other choices.

Let Microsoft provide hardware (either PCs, or MACs), and let them provide the hardware for providing networking to the schools. Let the schools choose the operating system (MAC, Linux, or Microsoft). I encourage you to seriously consider the offer by Red Hat's president to provide the free Linux OS to all schools.

The United States is synonymous with the idea of choices, a democracy provides for choices.

Microsoft has one choice: theirs. I urge you to reject the proposal put forward by Microsoft in this antitrust settlement.

Respectfully,

MTC–00029032

From: W R Jackson, Jr.
To: Microsoft Settlement
Date: 1/28/02 8:03pm
Subject: Microsoft Settlement
W R Jackson, Jr.
55 Burbank Lane
Yarmouth, ME 04096
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

W R Jackson Jr

MTC–00029033

From: James Wyatt
To: Microsoft Settlement
Date: 1/28/02 8:03pm
Subject: Microsoft Settlement
James Wyatt
7563 Wesselman Road
Cleves, Oh 45002–8604
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

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Thank you for this opportunity to share my views.

Sincerely,

James A Wyatt

MTC–00029034

From: Michael Robertson
To: Microsoft ATR
Date: 1/28/02 8:08pm
Subject: Microsoft Settlement
Statement of Michael Robertson, CEO,
Lindows.com, Inc.

1. I am the Chairman and Chief Executive Officer of Lindows.com, Inc. (''Lindows.com'') and have been employed in that capacity since the company's inception in 2001. I have previously served as founder, CEO and Chairman of MP3.com, an Internet-based digital music storage, management, delivery and promotion company MP3.com, since March of 1998. MP3.com was sold to Viviendi/Universal on August 29, 2001. I have personal knowledge of the facts set forth herein and, if called as witness, I could and would competently testify thereto.

2. Lindows.com, Inc. is a software company currently developing a new personal computer operating system (''OS''), called LindowsOS, that has the ability to run applications written for both the Linux and Microsoft Windows operating systems. Before LindowsOS, a Linux application would run only on a Linux-based operating system, and a Microsoft Windows-based application would run only on a Microsoft Windows operating system.

3. In cooperation with the many open source community programmers, Lindows.com's software engineers have developed a Linux-based operating system with over ten million lines of code, which will incorporate the performance, stability, and secuirty of Linux while being able to run popular Microsoft Windows-compatible applications, as well as all Linux applications. LindowsOS is the commercial culmination of years of computer science research by Lindows.com and other software companies, seeking to harmonize use of the two most common, but incompatible, computer operating systems.

4. Computer and electronics hardware and software cannot function as standalone products. They are integral pieces of a complex environment that businesses and consumers use to be productive, connected, or entertained. Each piece is required to interoperate with the other to be useful to a computer user. Microsoft's software dominance over the last ten years has taken what was once a rich ecosystem of software and hardware innovation and homogenized it as competitors have been legally and illegally put out of business. This ''ethnic cleansing'' of computer software has left Microsoft and its Win-32 based language, the universal operating system to which any company hoping to penetrate computing OS markets must conform. In other words, for a software company to compete they must speak ''Microsoft'' If steps are not put into place now to allow others to obtain a dictionary of the language AND be able to speak it without suffering repercussions, there will be no competition to Microsoft for the foreseeable future. If companies other than Microsoft are allowed to speak this language, there will be a resurgence of competition and innovation in computer and electronic software and hardware.

5. This ''dictionary'' which Microsoft maintains is not the source code to its operating system or middleware, but rather the blueprint for communicating with those products—the APIs. Microsoft's knowledge and control unpublished APIs has allowed it to exert enormous control over how well applications running on a Windows-based platform work. For instance, Microsoft's ''Word'' word processing program now dominates the word processor market simply because Microsoft itself had nearly exclusive access to its own APIs for years, giving it an advantage in designing its products to perform well with its operating system. It has exercised this same ''API control'' strategey with many other applications, dominating, for instance, the spreadsheet (Excel) Internet browser (Explorer), presentations (PowerPoint), and media player (Media Player) applications.

6. Even though Microsoft today publishes a tiny number of APIs, it continues to maintain an advantage over competing operating system manufacturers such as Lindows.com and software developers because it fails to disclose information sufficient to allow competitors to design software which fully supports the APIs of the application software, disk formats and file formats. As a result, competing operating system software manufacturers are forced to engage in an expensive process of blindly attempting to decipher Microsoft's APIs through trial and error. Most companies abandon the process after costly investments and the few that have produced products are very limited in their functionality.

7. Microsoft also exerts enormous anti-competitive influence over OEM hardware manufacturers'' configurations of their own hard drives which are controlled by Microsoft's operating system. Since the vast majority of computers shipped over the last 10 years have Microsoft Windows operating system preinstalled, the accompanying hard disks are configured with either vfat or NTFS configurations. The specifications for NTFS and vfat are not published and known only by Microsoft. As with the APIs, because only Microsoft has access to and dictates the specifications for controlling the hard drives installed in these computers, competing operating systems are effectively blocked from information critical to designing effective and stable systems.

8. To restore competition, the ''Microsoft dictionary'' should be made public. If the language is secret, potential competitors will not be able to speak the common language used by computer hardware and software, and Microsoft alone will continue to exert enormous influence by selecting who can (and can't) know this language. Microsoft must not be able to gain advantage by delaying publication of the common language, so that competitors will have fair opportunity to meet Microsoft to market with products. Full disclosure of all current and future proposed file formats (including VBA scripting language for full PowerPoint compatibility), as well as future updates in advance of commercial releases are necessary to restore balance.

9. Requiring Microsoft to share the language its interfaces use does not dilute the value of what Microsoft creates, as Microsoft is allowed to maintain the proprietary nature of the code for its various programs. Requiring Microsoft to disclose the common language its programs use to interact with other programs and with computer hardware permits independent companies to use this common language to create innovative applications which can fairly compete with Microsoft in the open marketplace, avoiding excessive government monitoring and entanglement.

10. While Microsoft argues that it is continuing to innovate, the fact is that all operating systems vendors are innovating, but because Microsoft controls 95% of the market already, and has been held to have consistently abused that market power to maintain its monopoly, Microsoft is the de facto standard regardless of the comparative benefits of its product. Indeed, recent lapses in the security of Microsoft's XP products have spotlighted just one of the many

comparative deficiencies of Microsoft's operating system. Yet, despite the fact that Linux-based operating systems are more secure, more stable, and more affordable for many applications, Microsoft's system continues to dominate. This can only be due to the absence of fair market conditions.

11. Ultimately consumers will benefit as they see enjoy more product choices, which will control pricing through natural market forces. The open source community developing applications for the Linux operating system is a prime example of the myriad of programs and applications which interface sharing can inspire. Thousands of programs currently exist in this environment, created by individuals and major corporations alike, all of which are designed to enhance the functionality of computing.

12. I strongly urge that Microsoft required to publish the specifications for file formats, hard disk formats and programming APIs. With advance and complete disclosure of the Microsoft programming APIs, file formats and disk formats, and with the requisite protection to implement them in the course of building a business, it is possible to restore competition to the computing environment.

I declare under penalty of perjury that the foregoing is true and correct. Executed in San Diego, California, this 28th day of January, 2002.

MTC–00029035

From: Steve Riddle
To: Microsoft Settlement
Date: 1/28/02 8:04pm
Subject: Microsoft Settlement
Steve Riddle
8608 Twilight Drive West
Ft. Worth, TX 76116–7661
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry.

It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Steve Riddle

MTC–00029036

From: Harry Alford
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 8:03pm
Subject: Microsoft filing Kansas from
National Black Chamber of Commerce
1350 Connecticut Ave NW Suite 825
Washington, DC 20036
202–466–6888 202–466–4918 fax
January 28, 2002
Email Address: <mailto:Microsoft.atr@usdoj.gov> microsoft.atr@usdoj.gov
Subject: Microsoft Settlement

The National Black Chamber of Commerce (NBCC) promotes the interests of the more than 64,000 Black-owned businesses in the United States. We have 201 affiliated chapters located in 40 states, including Kansas, and eight countries.

Although NBCC generally supports allowing the market to sort out competitive issues between corporations, we believe that in this case it is simply too late for self-regulation. Microsoft has stifled competition at every turn in its history. It is time for a change. Unfortunately, the proposed settlement between Microsoft and the Department of Justice will not effect this change. It is far too weak ? its requirements are not expansive enough and its enforcement mechanism is not strict enough.

We agree with Attorney General Carla J. Stovall's position that more must be done to rein in Microsoft's anti-competitive behavior. Specifically, to promote competition and innovation, and provide alternatives to consumers, Microsoft should be required to:

* Offer competing developers a stand-alone, unbundled version of Windows without built-in software

* Share the code for its Internet browser, Internet Explorer, with other software developers.

* Auction to potential competitors the right to create the Office software suite to operate on different operating system platforms.

* Include Sun Microsystems? version of Java software in its latest operation system, Windows XP.

Finally, we believe that the court should implement an effective means of imposing punishment in the event of noncompliance and that empower a court-appointed master to oversee the settlement. As it stands now, there is not only no effective punishment mechanism, there is no one even there to enforce the settlement!

In closing, I would just like to reiterate our support for these additional measures to be included in the final settlement.

Sincerely,
Harry C. Alford
Harry C. Alford
President & CEO

MTC–00029037

From: Ken Demark
To: Microsoft ATR
Date: 1/28/02 8:09pm
Subject: Microsoft

Stop harrassing Microsoft, let the current judgment stand.

Ken Demark
CEO
BOLD Technologies, Inc.

MTC–00029038

From: bjohnson11@austin.rr.com@inetgw
To: Microsoft ATR
Date: 1/28/02 8:13pm
Subject: Microsoft Settlement

To Judge Kollar-Kotelly and whom it may concern,

I have been Microsoft Certified Professional since 1993. I've used many Microsoft products in that time. I will continue to do so; either by personal choice or corporate mandate. I'm finding that my non-Microsoft choices are less and less each year.

I work for a Fortune 500 company, using Microsoft's Outlook email client, the number one propagator of modern computer worms, viral or not. I am forced to use the very product that causes myself and my company's resources so much energy to clean up after, time and time again. Although Outlook Express is included on my personal system, I have no such worries about email worms at home as I choose to use a non-Microsoft mail package outside of work.

The proposed settlement does nothing to curb Microsoft's future actions, certainly does nothing to reprimand past actions, and the proof of both is that even in light of Judge Jackson's findings, and the proposed settlement, it hasn't changed any of it's illegal monopolistic leveraging. That alone should be proof that the proposed settlement is entirely un-enforceable, and in-effectual. Without stronger measures Microsoft will continue down the course they've successfully navigated in the past, namely; Embrace, Extend, and Extinguish. Another concern I have with the PFJ is language which addresses competing ''commercial'' vendors. The fear of many is that this language fails to protect not-for-profit software projects from anti-competitive behavior. As not-for-profit computing has been equally harmed by Microsoft's anti-competitive practices, the PFS must explicitly grant not-for-profits equal remedy and protection.

Regards,
Robert Johnson
RJohnson@webside.com

MTC–00029039

From: Dale Snelling
To: Microsoft ATR
Date: 1/28/02 8:05pm
Subject: Microsoft Settlement

FOR—you're killing the economy.

MTC–00029040

From: William Aldridge
To: Microsoft Settlement
Date: 1/28/02 8:05pm
Subject: Microsoft Settlement
William Aldridge
6424 Brookshire St.
Fayetteville, NC 28314
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

William Aldridge

MTC–00029041

From: Robert Mellor
To: Microsoft ATR
Date: 1/28/02 8:10pm
Subject: Microsoft Settlement

Your Honor,

As a computer fanatic, student, and professional, I have watched Microsoft's practices with interest over the years. In 1995, Netscape was the superior browser and held the lion's share of the browser market. I feel that it is still the superior browser, but do to some shady tricks and arm-twisting by Microsoft, the market share has been reversed. As the complaint states, this is because Netscape and its support for applications that are not OS (operating system) dependant could threaten Microsoft's monopoly hold on the operating systems market. Operating systems like Linux Red Hat and Apple could actually gain a respectable share of the market, if not an even one.

I actually like a lot of the products that Microsoft puts out. But I have watched other products that I like as well become victims of (what I believe to be) illegal contractual arm-twisting to prevent manufacturers of hardware from offering any ''rival'' software. I hope that you will be able to do something about this injustice, as this country became great on the concept of competition. The industry as a whole would progress at a substantially increased rate, and consumers would also benefit from competitive pricing and an increased number of choices. I hope that you can reach a decision that will strengthen this country's historical commitment to fair and open market competition, something that this proposed settlement does not accomplish.

Thank you for this opportunity to express my opinion,

Robert H. Mellor, II
Information System Support Coordinator
CHEP
Computer Network Systems Technology Student at ITT Technical Institute
Graduating June, 2002

MTC–00029042

From: CAHT99@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 8:12pm
Subject: Microsoft settlement

As chairman of Citizens Against Higher Taxes, a Pennsylvania public-interest group, I'd like to offer a brief comment on the proposed Microsoft settlement. I am a long-time user of Word Perfect and despise Microsoft Word; it really gripes me that Word has run rings around Word Perfect in the marketplace. I'm sure millions of other users of non-Microsoft products feel as I do. But we lost, fair and square, in the marketplace of consumer choice. Just because Microsoft is a successful company and produces an operating system and software that most people want to buy, is no reason to punish that success and hurt consumers.

I have looked over the proposed settlement terms and it certainly seems to me that they clearly meet any reasonable standard of curbing potential anti-competitive actions while still preserving relatively free consumer choice.

I would hope that the settlement is upheld, so an innovative and successful company can go about the business of providing ever-newer and better products that appeal to many people (though not especially to me).

James H. Broussard, Chairman
Citizens Against Higher Taxes

MTC–00029043

From: FrancisAClark@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 8:13pm
Subject: Microsoft Settlement
10 Red Oak Court
Voorhees, NJ 08043
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing you today to express my opinion in regards to the Microsoft antitrust dispute. I support Microsoft in this dispute, and I feel that the litigation that has gone on for three years is expensive and will negatively impact consumers. I support the settlement that was reached in November as a means to end this dispute.

This settlement will serve in the best public interest. Microsoft has agreed to all terms of this agreement, including: sharing information with competitors regarding certain internal interfaces included within Windows and any protocols implemented in Windows. Microsoft has also agreed to design future versions of Windows to make it easier to install non-Microsoft software. This settlement will benefit the entire technology industry.

During these difficult times, one of our highest priorities should be to boost our lagging economy. Restricting Microsoft will not accomplish this end. Please support this settlement so we can focus on more important issues. Thank you for your time.

Sincerely,

Francis Clark

MTC–00029044

From: Joan Eslinger
To: Microsoft ATR
Date: 1/28/02 8:13pm
Subject: Microsoft Settlement

I am writing to express my opposition to the proposed settlement to the ongoing antitrust case between Microsoft and the U.S. Government. I obtained a B.S. in engineering from the University of Illinois in 1981. I've worked in the computer industry in Illinois and California for most of the time since then, with experience in operating systems, networking, security, applications, and standards compliance. I'm currently employed by Silicon Graphics (SGI) as a software engineer. I have also followed this antitrust case with great interest, reading the various documents made available to the public including the findings of fact and findings of law, because I have observed Microsoft's effect on the computing landscape for the past several years.

I believe the proposed settlement will do nothing to deter Microsoft from any of its business practices which have already been proven to be predatory and to maintain and extend their monopoly. I can't imagine what possessed the USDOJ to agree to such a thing.

The settlement does not address the most important point for the survival of other operating systems: interoperability. One key way Microsoft maintains and extends their monopoly is related to the file formats produced by Microsoft's Word and Excel applications. Almost every business in this country has found itself forced to use these applications (and others) to interact with other businesses. (I understand there are also government agencies contributing to the monopoly by requiring documents be submitted in these formats, and by disseminating information in these formats). And Microsoft makes deliberate changes to the applications and their file formats periodically, often disabling backward compatibility ''accidentally'', to drive widespread upgrades. The best way to defeat this monopoly-maintenance mechanism would be to require Microsoft to publish these file formats so that other companies can write applications that will correctly read and write Microsoft Office documents. This does not mean Microsoft has to expose any of their source code. I know many people have called out to require Microsoft to make their source code available. I don't believe that is a useful remedy, and Microsoft has made clear they would never agree to such a thing. Publishing file formats is nothing like opening up source code. The TCP/IP protocols that the Internet is built on are described in plain English (with some specialized jargon), and many companies have used that English description to write networking code that works with everyone else's networking code. I believe the government could make a big difference in the world of document exchange merely by specifying that all correspondence be done in

openly-documented file formats. I believe this is one of the most important requirements the goverment could insist on in this case.

The second most important problem is the secret and not-so-secret deals Microsoft makes with hardware manufacturers to ensure Microsoft products (and only Microsoft products) are available to consumers by default. One way this comes about is that almost every contract Microsoft signs with another company contains a non-disclosure clause. Microsoft uses Operating System pricing as the key in such contracts. If a company agrees to lock-out Microsoft competitors, Microsoft will lower their cost to purchase Windows. The uniform licensing terms of the proposed final judgement are a good start, but do not go far enough. There is nothing to prohibit Microsoft from making other deals that lead to a vendor receiving cash or goods or services from Microsoft if it just happens that the vendor does not offer any products from Microsoft's competitors. I'm not an accountant, but I expect it would require analysis of not just Microsoft's accounting records, but also those of the vendor's to detect such a scheme. Frankly, I don't think anything will ensure uniform pricing other than having the hardware vendors publish the cost of Microsoft's software as a line item visible to the consumer, in addition to giving the consumer the right to request a machine with no Microsoft software for the cost of the machine without that line item. Vendors will be less likely to lie about the cost of Microsoft software if they know a consumer can knock that full amount off the price when buying a machine with no OS.

There are many, many loopholes in the agreement that I'm sure other people are writing in about, so I won't go into them in detail. The DOJ should know, however, that Microsoft is famous in the industry for writing contracts they can wriggle out of.

One such loophole I haven't seen discussed concerns the three-person Technical Committee. The committee members are required to be ''experts in software design and programming.'' They are not required to know anything about accounting, business practices, contract law, or criminal investigation. They are permitted to hire staff members, but they also must be software experts. Several sections of the final judgement have nothing to do with software but with contracts and business relationships. Why are there no lawyers or accountants on this committee?

Here's just a short list of some of the problems I've seen in the settlement:

Microsoft is allowed to retaliate against vendors who ship a Personal Computer with no Microsoft software.

Microsoft is allowed to make extra payments to vendors who comply with any unofficial rules they may have (III.A.), as long as it takes the form of a payment for positive action (promotion) rather than a negative action (withholding marketing funds). Intel and Microsoft have both used the marketing funds budget over the years to promote their monopolies. The current form of the Technical Committee is unlikely to be able to police this effectively.

Why are vendors not allowed to advertise non-Microsoft Middleware more prominently than Microsoft Middleware (III.C.3.)? Vendors should be free to configure the systems they sell any way they wish. III.F.2. is worthless. Most companies that work with Microsoft are at a severe competitve disadvantage if they don't sign up for co-marketing agreements. The co-marketing agreements will effectively cancel this provision.

Microsoft should not be permitted to poison existing and future standards. Microsoft is currently investing a lot of money in network protocol design. The obvious inference is that they plan to replace the open protocols of the Internet with their own proprietary ones.

III.H. gives Microsoft permission to pre-empt non-Microsoft middleware if there is a feature missing. Microsoft can always arrange for Microsoft Middleware to have new features not available in competitor's products (and some features, like ActiveX, deliberately avoided by other products due to security problems). By the time an ISV could add support for the new feature, the damage would already be done. This clause will not change anything. Microsoft can always refuse to document an API by claiming it is security-related. By the time a Technical Committee member is able to view the related code, Microsoft can change the API so that it actually does implement some security function. The free operating systems Linux and BSD, currently Microsoft's competition, will not be able to license such code.

The definitions of ''Microsoft Middleware'' and ''Microsoft Middleware Product'' are such that Microsoft can easily work around any restrictions on them. In three years the problems will not center around ''Internet Explorer, Microsoft's Java Virtual Machine, Windows Media Player, Windows Messenger, Outlook Express and their successors'' or ''Internet browsers, email client software, networked audio/video client software, instant messaging software''; they will center around elements of .Net and new applications.

With the new subscription software model, the definitions of OS revisions, upgrades, alpha and beta periods, and distribution will change radically, to the extent that parts of the proposed final judgement will not make any sense (and will no longer apply to anything).

I hope you will take these comments under consideration when evaluating the appropriateness of the proposed settlement. I do not believe this settlement to be in the best interests of consumers or the future of computing.

Joan Eslinger
wombat@sgi.com

MTC–00029045

From: cubsandy2@juno.com@inetgw
To: Microsoft ATR
Date: 1/28/02 8:12pm
Subject: ''Microsoft Settlement.'' Fax: 1–202–307–1454 or 1–202–616–9937

The Seniors strongly believes that the proposed settlement offers a reasonable compromise that will enhance the ability of seniors and all Americans to access the internet and use innovative software products to make their computer experience easier and more enjoyable. The settlement itself is tough on Microsoft, but is a fair outcome for all parties—particularly senior consumers. Most important, this settlement will have a very positive impact on the American economy and will help pull us from the recession we have experienced over the past year.

Sincerely Forrest C. Milligan

MTC–00029046

From: Bob (038) Adie Santore
To: Microsoft ATR
Date: 1/28/02 8:13pm
Subject: Microsoft Settlement
TO : Renata B. Hesse, Antitrust Division, US Department of Justice
FROM : Robert Santore, Concerned Citizen

Please disregard my previous letter, as that was a draft and not ready to be sent. I accidentally pressed the wrong button. So here are my thoughts: I believe the Justice Department and America needs closure on this (Microsoft) matter once and for all. How long has it been, how much money will it take...and how long will it continue on?

The Federal Government must state it's case, derive it's penalties, seek resolution, and end it's relentless efforts to drag this matter any further, perhaps into the next administration. The Government needs to set a time limit. The longer the Justice Department takes to administer it's justice, the public will be thoroughly disgusted, and America once again will receive her enormous share of worldwide ridicule.

This action is a waste of precious taxpayer resources, and most of us believe the action by the previous administration was politically motivated, fueled by Microsoft's competitors. No one has yet to prove that the American citizen, or the software industry has been hurt by the allegations of anti-competitive behavior. Is it worth the cost? And, while the Government continues it's aggressive pursuits, we have real serious problems to contend with, such as the Enron case, where thousands of employees and investors were sucker-punched....collapse of a major corporation, lost employment and retirements. That's the real crime. And that's precisely where the Justice Department should be spending it's efforts. The contentious and incessant attacks against Microsoft must stop.

Remember that old saying, ''it's the economy.....''? I believe the actions of President Clinton and his administration, the Democratic Congress, the raising of interest rates by the Federal Reserve, the Justice Department versus Microsoft, the collapse of Enron (and other big business), the lack of security in the airlines and the attacks of 9/11 are the result of America being diverted from really serious issues. ''It's the Government.....!!!''

It's the Government which is creating an unhealthy economic environment. It's the Government that knew our airlines and airports were vulnerable. And it's the Government which will ultimately drag the country into a deepening recession. Let's end this obsession with Microsoft, let the Government fuel the market and get this economy going again. Let's rock.....

Sincerely;
Robert J. Santore

MTC–00029047

From: Richard H Carlson
To: Microsoft ATR
Date: 1/28/02 8:13pm
Subject: Microsoft Settlement
I believe that you should accept the settlement and cease the litigation.
Sincerely,
Richard Carlson

MTC–00029049

From: LESTER (038) PAM TAYLOR
To: Microsoft ATR
Date: 1/28/02 8:14pm
Subject: Microsoft Settlement
Ir–A YJ OR AWGUS R–AWCH .Lester
andTam Tayfor HC 89,BOX 225
Nt. Pteasant, AR 72561
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530
RE: Microsoft Settlement
Dear Mr. Ashcroft:
We understand that the public comment period on the proposed settlement agreement between the Department of Justice and Microsoft closes today, January 28, 2002. We are writing to cast our votes in favor of settlement. Given the record of accomplishment so far in this case, it makes no sense to continue litigation when you have the chance to conclude the case in a manner beneficial to the economy. The primary complaint against Microsoft was that consumers who chose to use Windows operating systems for their computers were precluded from utilizing non- Microsoft software programs for such services as Internet browsers and messaging services within Windows. Microsoft has agreed to end this practice, and open its Windows systems to such competition. With the major complaint answered, there is no need to further litigate. Please end this case, and put Microsoft back to work. The country needs to heal. Thank you for your kind consideration in this matter.
Sincerely,
114-&A 0. Lester A. Taylor Cpa''@
a. Pamela 3. Taylor

MTC–00029050

From: Joe De Fazio
To: Microsoft Settlement
Date: 1/28/02 8:09pm
Subject: Microsoft Settlement
Joe De Fazio
6805 Douglas Blvd. #43
Granite Bay, Ca 95746
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:
The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.
Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.
Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.
Thank you for this opportunity to share my views.
Sincerely,
Joe De Fazio

MTC–00029051

From: Ernesto Starri
To: Microsoft Settlement
Date: 1/28/02 8:09pm
Subject: Microsoft Settlement
Ernesto Starri
P.O. Box 1934
Corona, CA 92878
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:
The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.
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Thank you for this opportunity to share my views.
Sincerely,
Ernesto Starri

MTC–00029052

From: Brandon Wright
To: Microsoft ATR
Date: 1/28/02 8:15pm
Subject: Microsoft Settlement
√√5012 West Little Water
Peak Drive
Riverton, Utah 84065
January 17,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:
I think the anti-trust lawsuit filed against Microsoft Corporation should finally be closed and satisfied. The suit charged Microsoft with unfair business practices that limit competition, but really the issues were new ground. The technology industry is continually producing new products and procedures that challenge the rest of the world to keep up, including legislation.
Moving forward, Microsoft has agreed to change their policies and procedures to conform to the agreed terms of the settlement of the lawsuit. They have actually agreed to more conditions than were at issue in the lawsuit, and they did so to get the lawsuit behind them and to resume business.
I think Microsoft has shown their intent to conform to the ruling and the terms of the settlement. No further court action should be taken against Microsoft Corporation.
Sincerely,
Brandon Wright

MTC–00029053

From: Tweetsy
To: Microsoft ATR
Date: 1/28/02 8:17pm
Subject: Microsoft Settlement
Dear Attorney General Ashcroft and his Colleagues,
How do you do? My name is Carina Flores*, and I would like to present MY Views on the Microsoft Settlement:
1. Microsoft has SIGNIFICANTLY contributed to the Gross National Product of this Country and to the direct and indirect Livelihood of MILLIONS of people even beyond these patriotic shores;
2. Microsoft has GENEROUSLY contributed to MANY Charitable and Educational Agencies dedicated to uplifting the lives of MILLIONS of people in this country AND in this planet;
3. Microsoft has dramatically ALTERED the landscape of Democracy by making it possible for information technology to be more accessible to a greater number of people and helping us make MORE informed Decisions in the process;
4. Microsoft KNOWS how to keep its Employees happy, productive and instrumental in FUELLING the Economy of this Society, and Microsoft, don't you ever doubt, is in it FOR THE LONG HAUL;
5. Mr Bill Gates of Microsoft IS one of the most ADMIRED people in this Country and in the World, and he and his Colleagues HAVE set NUMEROUS, fine examples of Ingenuity, Wealth-building AND Wealth-Creation for the Youths of Today, and the MANY more Generations to come;
6. This beloved country of ours is admittedly FOUNDED on upholding the Law and discouraging unethical AND illegal behaviour, but NOT —- repeat —- NOT on

punishing Success, which is what Microsoft's Detractors WOULD like to happen because they are counting on you NOT to make that Distinction.

7. This Country and the World IS, by far, BETTER OFF, because Microsoft exists today. Thank you, and may right be done.

Sincerely
Carina F Flores
Box 19780
Stanford, California
94309

* I'm a FORMER Microsoft Contractor who left Microsoft with a great deal of respect AND Admiration.

It is not enough to conquer, one must know how to seduce.—- Voltaire

MTC–00029054

From: John Dunn
To: Microsoft ATR
Date: 1/28/02 8:17pm
Subject: MICROSOFT SETTLEMENT

MS has done complied with everything that the DoJ has asked. AOL is just looking for a free ride.

Finalize the decree and let's MS spend their dollars on productive efforts.

John Dunn

MTC–00029055

From: Hisflyingtune@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/28/02 8:15pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Stephen Bogdan
307 Ashmead Rd.
Cheltenham, PA 19012–1506

MTC–00029056

From: Pease
To: Microsoft ATR
Date: 1/28/02 8:19pm
Subject: MicroSoft Settlement

Dear Sirs:

I fully support the proposed settlement of the Microsoft antitrust action. Microsoft, for all its faults, continues to be the one standardizing force in a market that easily fragments into many special segments serving only cognoscenti of that segment. Microsoft is aggressive and competitive and deserves the restraints imposed by the settlement, e.g., I should be able to by a computer from anyone without an operating system if I want it.

Please bring an end to the hectoring of one of two or three great U.S. companies providing inexpensive computing to virtually anyone with a job.

Sincerely,
George and Valerie Pease

MTC–00029057

From: William Tedrow
To: Microsoft Settlement
Date: 1/28/02 8:12pm
Subject: Microsoft Settlement
William Tedrow
hcr 32 box 399
moyie springs, idaho, ID 83845
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
WilliamA. Tedrow

MTC–00029058

From: Robert Stafford
To: Microsoft Settlement
Date: 1/28/02 8:12pm
Subject: Microsoft Settlement
Robert Stafford
5062–B Foothills Dr.
Lake Oswego, Or 97034
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Robert Stafford

MTC–00029059

From: Albert Briggs
To: Microsoft ATR
Date: 1/28/02 8:18pm
Subject: Microsoft Settlement
P≤Albert Briggs
7571 Links Court
Sarasota, FL 34243
January 28, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

It is unfortunate that some states wish to push for further litigation against Microsoft. In my estimation, the states'' representatives on this case are spending more time listening to money-hungry Microsoft opponents than looking closely at the factors in the case. I have never supported Microsoft to the exclusion of competition. They have in no way done anything that has negatively affected me professionally or personally. I have worked in the computer industry for over thirty years, and Microsoft is a true leader. I currently am a satisfied user of AOL/Time Warner's ?Roadrunner? cable service to the exclusion of MSN. I did choose Microsoft's ?Internet Explorer? product after a disappointing experience with ?Netscape?. Microsoft's support and development programs get my vote, However, one does not need to be an expert in the computer field to see all that Microsoft has done for the computer industry. Another factor that proves Microsoft's high caliber has been their willingness to cooperate throughout this lawsuit and to comply with the terms of the proposed settlement. They have agreed to give their competitors access to Microsoft codes and protocols in order to facilitate competitiveness. In addition, Microsoft has agreed to have their compliance to terms of the settlement monitored by a technical committee. Any person who has a dispute with Microsoft may make their complaints known to this committee.

I am truly hopeful that your office will remain determined to resolve this matter. I thank you for all the work you have done

thus far and for keeping the public's interest at heart.

Sincerely,

Albert Briggs

MTC–00029060

From: David Beck
To: Microsoft ATR
Date: 1/28/02 8:19pm
Subject: pro comp and the trial

I think when all is said and done the boys of procomp and the companies whose product they represent will go down in history as the equal of enron and Anderson. I hope you suffer as big a loss as the rest of us trying to just get by.

MTC–00029061

From: Sheevaun O'Connor
To: Microsoft ATR
Date: 1/28/02 8:20pm
Subject: Microsoft settlement

Dear DOJ Group

Thank you for this opportunity to share some thoughts about this settlement. It is not often that we are asked or have opportunities such as this.

As far as the details of the settlement I cannot be specific but in summary I would say that this particular solution is allowing one conglomerate to sidestep the law. Not only sidestep the law but to impinge on fair trade for other systems. If a company has a superior product that product should not be sabbotoged just because the larger more well funded company wants that market share.

Let's be realistic for a moment in a fair trade arrangement, meaning all companies have equal opprotunities, there would be a better competitive market. Just look at what the IBM suit brought about, PC's on every desk and much more.

I've began my teen life as a programmer at the age of 14 and though that is not my vocation today I have always felt that there were better systems out there. Allowing one company to monopolize one or more markets is certainly not giving the public the tech growth opportunities that are truly out there.

Think for a moment how the FDA handles products that are ingested by humans. Why is it so difficult to see that we are stunting the growth of other products by allowing MicroSoft such an easy out.

Sincerely,

Sheevaun Moran

MTC–00029062

From: Seann Maxwell
To: Microsoft Settlement
Date: 1/28/02 8:15pm
Subject: Microsoft Settlement
Seann Maxwell
4324 Ridgemoor Drive N.
Palm Harbor, FL 34685–3171
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Seann Maxwell

MTC–00029063

From: Robert Smith
To: Microsoft Settlement
Date: 1/28/02 8:14pm
Subject: Microsoft Settlement
Robert Smith
1715 Chip n Dale
Arlington, TX 76012
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Robert W Smith

MTC–00029064

From: Lois Amacher
To: Microsoft Settlement
Date: 1/28/02 8:16pm
Subject: Microsoft Settlement
Lois Amacher
4800 Marconi Avenue #128
Carmichael, CA 95608
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Lois Amacher

MTC–00029065

From: Nick Parlante
To: Microsoft ATR
Date: 1/28/02 8:22pm
Subject: need for competition

I'm writing to express my concern that Microsoft's current position is a frightful drag on innovation and investment in computer science, and that the proposed remedy falls far short of fixing the situation. The obvious concern is that Microsoft can use the market power of its monopoly operating system to achieve dominance in other domains—such as with the Netscape browser, or the Real and Quicktime media formats. Obviously, we want microsoft to compete on price and features in those new domains, rather than leveraging its existing dominance.

Rather than repeat those arguments, I would like to come at the point from a new direction.

What is the most exciting and valuable technology to come about in computer science in the last 10 years? The Internet! At the time the Internet burst on the scene, roughly 90% of the world's computers were using Microsoft operating systems to run Microsoft applications to produce and exchange microsoft formatted files. If Microsoft controlled the operating systems and the applications and the document formats, why did the Internet not develop as a Microsoft feature? Why did the measly other 10% come up with the best technology

of the last decade? There are two answers to this question:

1. Microsoft position has created, inevitably, an atmosphere of complacency. The result has been a series of overpriced, insecure, and just generally crummy products with high prices. It always stuns me how breathless the marketing prose is for these things when they are patently so lame. Or rather, how low our standards have become for the price/performance of software. We have become accustomed to lack of competition. Look at PowerPoint today vs. 5 years ago. Compare that to a domain where there is competition, such as hard drives, or databases.

The rest of computer science proceeds through ruthless competition, and the contrast to the Microsoft products without competition is stunning. With competition, PowerPoint would be far cheaper now than it was 5 or 10 years ago. The atmosphere of complacency inhibits something as useful as the Internet from being developed inside of Microsoft—it threatens the status quo.

2. Microsoft develops products to strengthen its monopoly—each product tries to tie in to the other Microsoft products. Using such ties, both technical and marketing, the Microsoft products lock into each other to protect the franchise from a product that might compete in a single domain. From a technical point of view, the practice enables some neat features, but also a series of disastrous security holes. From a marketing point of view, it has been entirely effective. For example, PowerPoint could never stand on its own in the market with its price/performance ($314 street price, Jan 2002), however bundled with Word and Excel it does ok.

Besides all that, the habit of linking products together exactly prevented Microsoft from developing the Internet. The Internet is all about any-any connections. This works by having a freely available standard, such as TCP/IP or HTTP, and having all systems implement the standard in a non-discriminatory way. So A PC can make a web (HTTP) connection to a Unix machine, or a Macintosh, or whatever. In the early 90's, Microsoft created technology for PC-to-PC networking, but it goes against the Microsoft linking strategy to create good PC-Unix, PC-Mac etc. versions.

The Internet is the philosophical opposite of Microsoft's ''linkage'' strategy. Because Internet connections are based on standards, they lead to —competition—. If you don't like the brand X HTTP server, you can swap in the brand Y HTTP server and it still works since the two are following the HTTP standard. Looking back at the development of the Internet, one of the key technical themes is: standards promote competition which leads to continuous improvement in price/performance. The emergence of the Internet is exactly a peek at what the world would look like without Microsoft domination. The Microsoft domain is so leaden, so stationary, that the tiny, non-profit driven standards projects, such as TCP/IP or HTTP or HTML, created whole new domains while Microsoft stood still. This reflects both the great dynamism that competition creates as well as the sodden rule of a monopolist. (That Microsoft would like to bring these new domains under its control is, of course, the topic of the trial.) The point I would like to emphasize, is how vibrant, how amazingly innovative and valuable computer science can be when prompted with a competition. We are so accustomed to the Microsoft hegemony, that we think of it as high tech and innovative, whereas the Internet showed us that the Microsoft domain is stationary compared to a real competitive domain. Computer science has so much potential to create value when pressed with competition. I fear that Microsoft's monopoly will weight down that potential to look more like the pathetic history of PowerPoint.

I would recommend that Microsoft be divided into three parts: Operating systems, applications, and internet applications. Each part should have to compete in its domain on its merits, without technical, financial, or marketing ties to influence the competition in the other two domains. Disclaimer: I own Microsoft stock. I think if forced to compete, they would do fine on their merits.

Regards,
Nick Parlante
Lecturer in Computer Science
Stanford University
(650) 725–4727
CC:nick@cs.Stanford.EDU@inetgw

MTC–00029066

From: BLUSTM@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 8:23pm
Subject: Microsoft Settlement

I have reviewed the provisions of the agreement between the Justice Department and Microsoft Corp. I believe the provisions are reasonably fair and that Microsoft is giving adequate accommodations to their competitors. It is my opinion this case has been carried on long enough and should be settled, in order that all parties involved can move on with their respective programs. It is also my opinion that a final settlement would be and is in the absolute best interest of the entire country.

Thank you for the opportunity to comment on the settlement of this case.

Sincerely,
Louis L. Studer
CC:fin@mobilizationoffice.com@inetgw

MTC–00029067

From: Stephen McDaniel
To: Microsoft ATR
Date: 1/28/02 8:22pm
Subject: Microsoft Settlement

The settlement is a joke.

Microsoft is bad for business (except for MS business) and , most importantly, they are bad for a world gone wired. They write bloated buggy software and force you into their upgrade scheme in much the same fashion that they screwed computer makers with their fascistic licensing practices. Everything they do runs counter to the ethics of good coders.

Split em up. And let real programmers have a shot at the title.

Thank you.
Stephen G. McDaniel
angstboy@grandecom.net

MTC–00029068

From: Bethany Hanson
To: Microsoft ATR
Date: 1/28/02 8:24pm
Subject: Microsoft Settlement

Microsoft has had a stranglehold on our operating system market for too long. The settlement proposed goes way too easy on them.

Please reconsider.
bjh

MTC–00029069

From: Tmjmslaw@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 8:25pm
Subject: Microsoft Settlement
January 28, 2002
Ms. Renata B. Hesse
Antitrust Division
United States Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse:

As a consumer advocate and consumer, myself, of computer products, I am compelled to file my comments concerning the proposed settlement agreement in the Microsoft case. This case, which as taken years of government resources and much of the public's attention, is at its most important juncture. It is in the public interest for the Department of Justice, Antitrust Division, to uphold the spirit of competition by requiring changes in Microsoft's business conduct. These requirements should be swift and specific, ensuring free competition in the computer sector, not creating further outlets for Microsoft's anti-competitive behavior. I believe that sustaining a company like Microsoft in the current economic climate is useful for empowering the American economy and foreign economies to which the company is attached. However, there must be a reasonable approach to the problem of its monopolistic behavior.

The proposed settlement appears to ignore the barriers to entry issue that was at the heart of the entire investigation and resulting lawsuit. To eliminate or minimize the barriers to market which Microsoft is guilty of would provide more freedom of choice for consumers and would open competition for other manufacturers to provide ways to run existing Windows applications on different operating systems. Creating a way to allow other manufacturers to develop new products will have a profound and lasting effect on the US economy, as they compete to produce better products with the consumer in mind, and then in turn, distribute them through the chain of distribution of their choosing. This will further affect the economy as new businesses spring up to handle the increase and variety of new products.

Furthermore, requiring that Microsoft share its technology with industry participants will give the power of choice to consumers and remove Microsoft from single-handedly dictating use of information technologies. The handling of Microsoft can have implications in many areas of our way of life, such as allowing for the expansion of markets and promoting consumer choice, two things that consumers like me look to the Department of Justice to ensure.

Sincerely,
Jaylene Sarracino
Attorney (DC & MD)
11160 Veirs Mill Rd. L–15, Suite 201
Wheaton, MD 20902

MTC–00029070

From: Billie Staib
To: Microsoft ATR
Date: 1/28/02 8:26pm
Subject: microsoft
86 Waterdale Road
Williamsport, Pennsylvania 17702
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Let me start off by saying that the government had no business bringing a case against Microsoft in the first place. That having been said, I appreciate everything that has been done to end this case quickly and get on with business as usual. The settlement is fair; Microsoft will take steps to increase competition in the marketplace by allowing its competitors to place their own programs on the Windows operating system.

Now, more than ever, we need companies like Microsoft back at full strength, helping the economy. Stop punishing them and let them help get us out of this recession. I'm sure that there are more important things for the Justice Department to be worrying about right now as well.

Thank you for taking the time to listen to my opinion on this and I hope it will have some effect.

Sincerely,
Billie Staib
cc: Senator Rick Santorum
CC:mailto:fin@mobilizationoffice.com@inetgw

MTC–00029071

From: karen.pd@home.com@inetgw
To: Microsoft ATR
Date: 1/28/02 8:24pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Karen Duffy
194 Carnavon Pky
Nashville, TN 37205

MTC–00029072

From: Joyce Kelly
To: Microsoft Settlement
Date: 1/28/02 8:21pm
Subject: Microsoft Settlement
Joyce Kelly
216 Tom Bell Rd. 153
Murphys, CA 95247
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Joyce M. Kelly

MTC–00029073

From: Scott Brennan
To: Microsoft ATR
Date: 1/28/02 8:28pm
Subject: MicroSoft Settlement
Scott Brennan
2473 Tonquin Street
East Meadow, NY 11554–5331
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

Microsoft and the Department of Justice have come to an agreement ending the three-year-long antitrust case against Microsoft. This came after round-the-clock negotiations ordered by a U.S. District Judge. I feel this agreement should be honored. The two parties agreed to this settlement, the federal judge accepted this decision, so why should there be any further discussion? I do not think it is in the best interests of our country to endlessly review these decisions. Why do we have courts, after all?

Further, Microsoft has been more than fair in its settlement. Microsoft has agreed to design future versions of Windows with a mechanism to make it easier for computer makers to promote non-Microsoft software; Microsoft has agreed to release important internal information about Windows so that developers can more easily write competing products. Enough is enough.

I ask that you approve this settlement and let our country get back to business.

Sincerely,
Scott Brennan

MTC–00029074

From: David Goldschmidt
To: Microsoft ATR
Date: 1/28/02 8:29pm
Subject: Microsoft Settlement

Gentlemen:

I strongly object to the proposed settlement with Microsoft. It's less than a rap on the knuckles to the company which has been completely stifling competition in user software for over a decade.

Microsoft's anti-competitive approach to its business is most clearly shown by it's abhorence of internet standards. The company line is that they are ''improving the standard and making the products better for consumers.'' This is total nonsense. They know that open standards promote competition and make for a more level playing field. This is anathema, of course. What they want, and have so far been able to achieve for the most part, is to make all common data formats Microsoft proprietary. The way to do this is to make their internal data formats as complicated and difficult to understand as possible. This makes it more difficult for potential competitors to make their products compatible with Microsoft products.

One technique in particular which they use to obfuscate very effectively is executable content. Like all their other so-called ''innovations'', this is yet another attempt to prevent other software developers from marketing compatible products. It has also turned out to be a security nightmare for the internet. This detestable policy of purposefully over-complicating data formats by including executable code is by far the single most significant security problem on the internet. It has enabled worms and viruses to proliferate ad nauseum. It has cost business and industry billions of dollars.

The latest strategy is to try to dominate the web by inducing developers to use Microsoft web development tools which, of course, generate web pages which only work with Internet Explorer. This simultaneously puts the other browsers out of business and forces the remaining developers to pay big bucks for the Microsoft development tools.

There is zero benefit to consumers in all of this, Microsoft's pious claims to the contrary notwithstanding. The company must be broken up and its monopoly power eliminated once and for all.

Very truly yours,
David M. Goldschmidt

MTC–00029075

From: Larry Seel
To: Microsoft ATR
Date: 1/28/02 8:30pm
Subject: Microsoft Settlement
Larry M. Seel
1444 North High Street

Apartment B9
Columbus, Ohio 43201
January 5, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

As someone who works in and is extremely familiar with the computer industry, I am writing you to express my opinion on the Microsoft settlement issue. I believe that this settlement is long overdue, and I am relieved to see this dispute resolved.

With the economy faltering and the IT industry in retreat on many fields, I feel it is best to allow Microsoft to devote its resources to designing innovative software. This settlement allows all of us in the industry to get on with the business designing and providing IT services. Even with the heavy sanctions this settlement places on Microsoft, sharing of technical information, government review committee, etc., Microsoft will still be able to be the leading force in the technology sector.

Thank you for settling with Microsoft. I believe we should devote our time and energy to more pressing issues at hand.

Sincerely,
Larry Seel

MTC–00029077

From: Scott Brennan
To: Microsoft ATR
Date: 1/28/02 8:30pm
Subject: MicroSoft Settlement

fyi: i just e-mailed my letter...hope it helps, & wasn't to late.

sb
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street, NW
Suite 1200
Washington, DC 20530–0001

To Whom It May Concern:

It is my hope that the Department of Justice will reconsider the decision to settle the Microsoft antitrust lawsuit and follow the lead of the nine state attorneys general who have rejected the decision to let Microsoft off with a slap on the wrist. I am proud that my state's Attorney General, Tom Miller, rejected this Microsoft agreement. I believe that he and the other eight state attorneys general recognize the many problems with this agreement.

The decision to prematurely end litigation against Microsoft is a real error in judgment. A real opportunity exists for the Department of Justice to take a stand and protect our free market society and its consumers. Further litigation could effect real change. Please continue to pursue Microsoft.

Sincerely,
Scott Brennan
#813940

MTC–00029078

From: Ted Fronefield
To: Microsoft ATR
Date: 1/28/02 8:32pm
Subject: Microsoft Settlement

I oppose the currently proposed Microsoft settlement as being one that does not further the ordinary citizen's future interest in having the best computer software available at the best price. If the Microsoft settlement allows the installation of used and refurbished computers with Microsoft operating systems into schools it will provide Microsoft with an otherwise unavailable market destination for disposing of old PC equipment and a monopoly for Microsoft to provide technical support and operating system software.

Further it will enhance Microsoft's ability to require the use of computers using the Microsoft operating system by children at an early age based on a forced environment rather than based on a selection of systems having the best overall value.

Ted

MTC–00029079

From: Bruce Bernott
To: Microsoft ATR
Date: 1/28/02 8:33pm
Subject: help consumers, stop persecuting a productive US company

Dear Sirs:

I am writing in support of the Microsoft positions in the Justice Department lawsuits.

I have been a professional programmer for 37 years. Microsoft has done the most of any software provider to lower the costs of useful software for consumers. There is just no honest refutation of this fact.

I have personally seen $12,000 price tags on developer's toolsets for Sun Microsystems Solaris operating systems, at the same time as Microsoft charged less than $2,000 for a toolset that included not only a comparable developer's tool, but also a complete database system.

I urge the Justice Department to settle or drop its suits against Microsoft as soon as possible, for the benefit of us consumers. Antitrust laws written to stop abuse of fixed land-based distribution of commodities like power, telephone service, and fuel just do not make sense for software which is easily distributed.

Regards,
Bruce A. Bernott
CC:Faye Bourret

MTC–00029080

From: DFisc@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 8:33pm
Subject: Microsoft Settlement
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Ashcroft:

As a small business owner, I strive everyday to accomplish what Microsoft has in the past fifteen years. I have never agreed with the government's pursuit of Microsoft for its successes. I am satisfied that this settlement will bring the lawsuit to an end.

This settlement, and its several provisions satisfy Microsoft's, the American IT industry's, the government's and most importantly, the American public's interest in this matter. The agreement creates a non-hostile competitive environment for other companies besides Microsoft and fosters innovation by requiring Microsoft to make available its intellectual property and source code on reasonable, non-discriminatory terms.

This agreement is the product of three years and three months of a judicial debacle and this should be the end of it. I strongly urge your office to accept this settlement and take no further federal action.

Thank you.
Sincerely,
Danny Fischer
608 Barrington Place
Matthews, NC 28105

MTC–00029081

From: Don G. Primeau
To: Microsoft Settlement
Date: 1/28/02 8:26pm
Subject: Microsoft Settlement
Don G. Primeau
8200 Greeley Blvd
Springfield, VA 22152–3043
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Don G. Primeau

MTC–00029082

From: gfda ghgf
To: Microsoft ATR
Date: 1/28/02 8:35pm
Subject: Microsoft settlement

Dear DOJ,

I am a retired accountant that has consulted with over a hundred companies in my carrier. I have set up computer systems for a majority of these companies working with all the different platforms of their day. To make this brief I believe that Microsoft has its market share not by a monopoly but because they are the best. ANY restrictions

on them would only be used by the competition to make our computer world move to mediocrity. I would encourage you for the sake of this Great Nation to end this nonsense as soon as possible.

Keith Vrede

MTC–00029083

From: Dr. Andrew E. Mossberg
To: Microsoft ATR
Date: 1/28/02 9:36pm
Subject: Microsoft Settlement
Reply requested by 9/24/01
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Ms. Hesse,

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I agree with the problems identified in Dan Kegel's analysis (on the Web at http://www.kegel.com/remedy/remedy2.html), namely:

1. The PFJ doesn't take into account Windows-compatible competing operating systems

2. The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

3. The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

4. The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

5. The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs system.

6. The PFJ as currently written appears to lack an effective enforcement mechanism.

I also agree with the conclusion reached by that document, namely that the Proposed Final Judgment, as written, allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

Sincerely,
Dr. Andrew E. Mossberg,
President, Inicom, Inc.
CTO, Asoki Corporation
CIO, CruisExcursions.Com, Inc
Director, Institute of Maya Studies, Inc.
Dr. Andrew Mossberg
Inicom, Inc.—www.inicom.com
cell: (305) 724–5675

MTC–00029084

From: Helen Lydic
To: Microsoft Settlement
Date: 1/28/02 8:31pm
Subject: Microsoft Settlement
Helen Lydic
264 Haskell Rd.
Coudersport, PA 16915–7945
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Helen F. Lydic

MTC–00029085

From: Mfcnice@cs.com@inetgw
To: Microsoft ATR
Date: 1/28/02 8:35pm
Subject: Microsoft Settlement

Please settle Microsoft suit.

Robert A Childs at mfcnice@cs.com
CC:fin@mobilizationoffice.com@inetgw

MTC–00029087

From: Maynard Sipe
To: Microsoft ATR
Date: 1/28/02 8:37pm
Subject: Microsoft Settlement

The Microsoft settlement proposed by the Dept. of Justice is totally unacceptable and should be rejected by the court. It does not go far enough in any of its provisions. It allows Microsoft too much room for self-determination over whether it is meeting terms of the agreement, it fails to sever the link between pre-market loading of Microsoft's OS and it's Internet Explorer web-browser, and it does not take any affirmative-action type steps to reestablish some competitiveness in the marketplace which is essential.

It is clear that innovative companies with products far superior to Microsoft's have been driven out of business or had their share of the market reduced significantly by Microsoft's uncompetitive practices. The obvious example is Netscape. Because Microsoft could spend almost limitless funds developing Internet Explorer and then induce PC manufacturers to carry Internet Explorer, they were able to practically destroy Netscapes market share. This would not have been possible without the use of unfair and anti-competitive business practices.

Another example is Be. The BeOS was superior in almost every way to Windows, but Microsoft used their market strength to effectively prohibit PC manufacturers from even offering BeOS as an option.

Worse yet, Microsoft is continually attempting to further its monopolistic position by asserting dominance over the internet by using standards in its software not compatible with open standards (HTML, SHTML, Java, etc. Web sites must support the Microsoft applications. Since other companies do not presently have the means to compete with Microsoft, allowing Microsoft to continue to do this threatens to give undue control over the internet to Microsoft. This is extremely serious for the nation's welfare and that of almost all private businesses and industries.

The fact that Microsoft acts in violation of anti-monopoly laws has been established. The proposed settlement etween the Dept. of Justice and Microsoft is patently against the public interest and should not be accepted by the court. No settlement will be effective unless it completely severs any link whatsoever between packaging and distribution of Windows OS and Internet Browser; requires dual-boot OS on ALL pcs marketed with Microsoft OS; and applies affirmative obligations on Microsoft to remedy its past actions. (Such as requiring Microsoft to make the necessary proprietary codes fully available to competitors such as Netscape).

The best remedy would be a break-up of Microsoft into three separate companies. Failing that, any remedy should have proactive measures to restore competitive balance in software markets, particularly for web-browsers (such as requiring dual-boot on all pcs marketing with Microsoft OS); bar Microsoft from packaging its web-browser with its OS; and provide for continued oversight by the Dept. of Justice or better yet, the court.

Thank you for considering my comments,
- Maynard Sipe

MTC–00029088

From: arosenbach@inter-linc.net@inetgw
To: Microsoft ATR
Date: 1/28/02 8:36pm
Subject: Microsoft Settlement
January 24,2002
Attorney General John Ashcroft
US Dept of Justice
950 Pennsylvania Ave, NW
Washington, DC 20530–000l

Dear Mr. Ashcroft,

I am writing to you in support of Microsoft and the settlement recently reached in the anti-trust case.

With microsoft agreeing to allow competition from both computer makers and software developers, there is no further reason to pursue legal action against them.

If the lawsuit is allowed to continue, despite the concessions granted by Microsoft, then it shall prove that the lawsuit had more to do with jealousy than justice.

I support Microsoft and do not wish to see the company divided into separate companies (Baby Softs?)

Sincerely,
Carole Rosenbach

MTC–00029089

From: Lee Berger

To: Microsoft ATR
Date: 1/28/02 8:39pm
Subject: Microsoft Settlement

I wish to express my support for Microsoft and my disgust and disappointment in a government that seeks to punish a successful business for its very success.

Microsoft undertook to make the benefits of the computer and internet available to the average citizen. This was good for the buyer, who 10 years before could not have afforded to own such a system, and it was good for Microsoft, who generated a larger customer base. Historically, this is the way the world has benefited from new inventions and novel applications (the Model T Ford, for example). Someone finds a way to make the new invention inexpensive enough for the average man, who snaps it up eagerly.

The excitement when Windows 95 was launched demonstrated this eagerness to enhances one's life. Windows has streamlined and enriched my own life immeasurably. I freely made this choice and will continue to control what I put on my computer. Microsoft (or any other company) has the right to offer its wares and the rest of us, to purchase them or not.

There has been no damage to consumers. We have received a boon! We each freely chose to buy these products for our own reasons. In a free society, the sight of one person's success should inspire a redoubling of effort on the part of every other worker, not envy and a wish to destroy the innovator. Our Constitution guarantees protection of our property rights. Where is the protection for Microsoft? Can any of us feel confidence in our government in the face of such a blatant misuse of power? I do not wish to live in a country that penalizes our best minds. It is time for us to wake up and recognize the uniqueness of our Constitution and the superb moral mechanism of the free market system.

Leora K. Berger
2014 Browning Avenue South
Salem, Oregon 97302

MTC–00029090

From: ebryan@lumenet.com@inetgw
To: Microsoft ATR
Date: 1/28/02 8:40pm
Subject: Microsoft Settlement

I only wanted to add one wee voice to the heavyweight voices already writing you. Please work to have the Windows Operating System separated from the applications side. I don't need Office ported to Linux or any such silliness but having the operating system so strongly biased toward in-house applications seems to be the root of the many problems. It is unfathomable to me that I had to give up using Netscape (which I was more familiar with and preferred) because the owner of the OS wants me to use Internet Explorer. I am only an average PC user but I can remove most programs from my computer without mishap except Outlook Express or Internet Explorer. Removing either of these causes the machine to develop serious operating problems. This is wrong. Where will it end? By having Windows will I eventually be required to discard other programs when Microsoft decides to enter a new market?

I personally really like the idea of separating into two companies—OS and applications. It seems there is enough demand to keep two companies healthy and thriving. I believe that we would even see real advances in OS rather than the superficial changes brought about by many ''new'' versions of Windows. If the OS company were truly separated we wouldn't see programs like Outlook having freedom to couple so closely; hence, some of the horrendous security problems would be overcome. Applications like IE, Outlook and Office should need to work with the operating system through the same interface as non-Microsoft programs.

I know you must get tons of email so let me boil it down to ''No favoritism for in-house products''.

Thank you for your time.

Earlene Bryan

MTC–00029091

From: Jerry D. Snead
To: Microsoft ATR
Date: 1/28/02 8:39pm
Subject: Microsoft Settlement

Sirs:

Please allow the proposed settlement reached by the Justice Department and Microsoft to be the final act of this farcical suit. The Attorneys General of these states that wish to continue the harassment of Microsoft for their small groups of constituents should not be afforded any more time or monies. Stop these proceedings NOW!

Microsoft has brought a tolerable environment to personal computing, one that did not exist until there was a market force as large as Microsoft to enforce de facto standards. Without these standards, personal computing would be only a small fraction of the pervasiveness it enjoys today. Get off Microsoft's back, and let the consumers reap the benefits of stable, standardized computing environments. Perhaps then the technical sectors of our economy will return to their previous stature.

Thank you for considering this opinion.

Jerry Snead

MTC–00029092

From: Billy Parker
To: Microsoft Settlement
Date: 1/28/02 8:37pm
Subject: Microsoft Settlement
Billy Parker
39542 Chappellet Cir.
Murrieta, CA 92563–4853
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Billy M. Parker

MTC–00029093

From: schinnell1 password
To: Microsoft ATR
Date: 1/28/02 8:43pm
Subject: USAGSchinnell—Debbie—1048—0108
Debbie Schinnell
117 Northridge Drive
Centralia, WA 98531
January 11, 2002
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing you today to voice my opinion in regards to the Microsoft settlement that was reached in November. This issue has worn out its welcome, and it is time to resolve this issue permanently. The settlement is a decent and realistic alternative to another three years of litigation, and it provides the benefits that Microsoft's competitors feel they need to compete. That is why I support this settlement, and I sincerely hope there will be no further action against Microsoft at the federal level.

Among other things, the settlement gives software companies like Sun the protocols and interfaces to redesign their products to run more efficiently on the Windows operating system. Microsoft is literally giving away the sorts of codes that made them known all over the world. Moreover, hardware companies will be able to reconfigure Windows after they receive their licensing agreements, and Microsoft cannot prevent them from changing the ''desktop'' software or cannot take any retaliatory action, so consumers will ultimately dictate what sort of software they will want on their computers before the computer is sent. This settlement does something for everybody interested.

Microsoft is a company that has done so much to impact our society and the technology industry. Microsoft has made it easier for the average consumer to afford and use software, which in turn has made it easier to conduct business. This company should not be stifled or restricted for following the American Dream. Please support this settlement and work in the best interest of the public.

Sincerely,
Debbie Schinnell

MTC–00029094

From: Fr. Ray Ryland
To: Microsoft ATR
Date: 1/28/02 8:43pm
Subject: Microsoft Settlement

I urge the Department of Justice to proceed with its projected settlement with Microsoft in the anti-trust action brought agaisnt Microsoft. It's high time to let Microsoft get back to its business of serving the world with its outstanding products.

Ray Ryland
900 Granard Parkway
Steubenville, OH 43952
(740) 282–3009

MTC–00029095

From: Marcia Jones
To: Microsoft Settlement
Date: 1/28/02 8:36pm
Subject: Microsoft Settlement
Marcia Jones
125 Hildreth Rd
Hot Springs, AR 71913
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayer's dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Marcia Jones

MTC–00029096

From: L. A.
To: Microsoft ATR
Date: 1/28/02 8:42pm
Subject: Microsoft Trials
Renata Hesse, Trial Attorney
1/28/02
Suite 1200, Antitrust Division
Department of Justice
601 D Street NW
Washington, DC 20530

Dear Renata Hesse,

Fearing my letter might not reach you in time I decided it might be wise to send an email.

I appreciate this opportunity to speak out, regarding Microsoft. For me, the domination of Microsoft in the software industry has been a disaster. I consider myself an above average computer user, and yet I could not sufficiently combat the tide of instability caused by the poorly written software developed by Microsoft. I have lost countless hours to troubleshooting crashes caused by the companys products. Worst of this breed of overwrought catastrophes is Internet Explorer. Not a day would go by without this application bringing my entire system to a screeching halt. I often wonder what the face of the industry would be had the company not been able to use their monopoly power on the OEMs to muscle Netscape and other competitors out of the picture. A bully is still a bully, at any age. I shudder to think of the consequences of raising a new generations of kids to rely on inferior tools in their own schools, thanks to the marketshare being handed to Microsoft by their own proposed Seattlement. There is just too much complacency, too much power, and too little brains going into the products at Microsoft for the company to justify the monopoly its established by its frequent use of political leverage and scare tactics. But beyond my own animosity for the company, there is a genuine and immediate need for changes in the balance of power in the technology industry. In my opinion, the answerthe only answeris intervention on the part of a higher authority to remove the advantage that has trapped the computing populous in a seemingly endless cycle of unintended brand loyalty.

Thank you for taking the time to read this.

Sincerely.
Laura A. Caigoy
6439 Valmont Street
Tujunga, CA 91042
email: macunochi@yahoo.com

MTC–00029097

From: Bill Seward
To: Microsoft ATR
Date: 1/28/02 8:44pm
Subject: proposed Microsoft settlement

Dear Sir or Madame:

I would like to request that you revisit your proposed settlement with Micrsoft on the question of penalties for their behavior. Recent actions by Microsoft (their new licensing ''agreement'' and their Product Activation) seem to be more of the ''same old, same old''.

While I do not think a breakup of the corporation is called for, I do beleive that it will require far more stringent measures to reform Microsoft. Their well-document corportate culture is one of ''win at all costs'', and part of the cost has been a marketplace with true alternatives to their products. While there are Unix, the Apple Macintosh and the Open Source movement groups, the fact is that Microsoft operating systems are on over 50% of the servers and over 90% of the desktops in the US. Their browser and various office automation products control similarly extreme shares. While I am a free market supporter to the point of Libertarianism, this is not the sign of a healthy market. It is the sign of a market that has been skewed by the power and money that Microsoft controls. From my point of view as a network administrator and IT manager, Microsoft is the embodiment of the old ''800 pound gorilla'' joke.

Please come up with a settlement with some teeth, or we will be doomed to travel this same road again in the future.

Bill Seward

MTC–00029098

From: Joyce Smith
To: Microsoft ATR
Date: 1/28/02 8:45pm
Subject: Microsoft settlement

Dear Mr. Ashcroft:

With a potential settlement in the Microsoft case, I wanted to voice my position of support on ending further litigation by completing the deal. The antitrust lawsuit was misguided from the start,caused by rivals who only have themselves to blame for their lack of headway in the industry. The growing pattern of government intervention in the business community was evident with the tobacco lawsuit, where states joined a giant money-grab because they dont like the results of people's individual choices. This time, people have made the choice of Microsoft as their preferred software maker and delivered them with a dominant market share, so the government sees an opportunity to make money by punishing a company in the name of competition. The deal offers computer makers oopen access to selecting the software providers of their choice and will be constantly monitored by a group of experts, so Microsoft's rivals should declare this a victory and start creating products that consumers want.

I ask that you go ahead with this proposal and let Microsoft continue to be a strong advocate for innovation in the PC industry, as our economy and financial markets coujld definitely use the boost. It is time to leave government on the sideline and let the litigation be ended. Thank you for hearing my feedback.

Sincerely.
Joyce Smith

MTC–00029099

From: gerry162002@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/28/02 8:45pm
Subject: ZMM: Fwd: Attorney General John Ashcroft Letter

MTC–00029100

From: Raymond Best
To: Microsoft Settlement
Date: 1/28/02 8:40pm
Subject: Microsoft Settlement
Raymond Best
2364 W. Charteroak Dr.
Prescott, AZ 86305

January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Raymond Best

MTC–00029101

From: Kim (038) Jay
To: Microsoft ATR
Date: 1/28/02 8:45pm
Subject: Microsoft Settlement
Kim Ogden
12884 Hamilton Place Drive
Fort Mill, South Carolina 29708
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing you in support of Microsoft's antitrust settlement with the federal government. They have spared us the taxpayer of a lengthy and costly legal battle.

This settlement is very reasonable. Microsoft agreed that if any third party's exercise of any options provided for by the settlement would infringe any Microsoft intellectual property right, Microsoft will provide the third party with a license to the necessary intellectual property on reasonable terms. Also, the settlement establishes an oversight committee to monitor its compliance with the settlement and assist with dispute resolution. Additionally, Microsoft has agreed not to retaliate against software and hardware developers who develop or promote software that competes with Windows or that runs on software that competes with Windows.

Microsoft has and will continue to be a good corporate citizen. I think this settlement shows that the consumer interest has been addressed. I urge you to approve this settlement, so Microsoft can get back to work.

Sincerely,

Kim E. Ogden

cc: Senator Strom Thurmond CC:senator@thurmond.senate.gov@inetgw

MTC–00029102

From: Austin Gonyou
To: Microsoft ATR
Date: 1/28/02 8:47pm
Subject: Please be more stringent on Microsoft.

Please be more stringent on Microsoft. They need to inter-operate with the rest of the world, not vice versa. Any judgement which is passed that, in any way, allows Microsoft to expand it's grasp of the desktop, server, embedded, or other markets, I would consider a mis-carriage of the law.

The main reason I'd feel that way is because Microsoft has been anti-competitive for far too long. They have stifled the creativity of individuals, development communities, and other corporations. That in itself, since they have been found guilty of in fact being anti-competitive —and— being a monopoly, warrants harsh punishment that should reflect in the following ways:

1. Monetarily—Micorosft Corp.'s bottom line.

2. Opened Sources without fear of:

a. forced compensation to MS under penalty of law.

b. lack of future products not being inter-operable with older products, from MS, after sources have been opened.

3. Shame—MS has no shame, and they should. Imagine the following:

a. If your car broke down as often as windows, you'd be upset.

b. If an airplane ran on ''Windows(tm)'' alone.

c. If you woke up and everything you owned was in fact owned, operated, and distributed by a single company.

4. Not only Opened Sources, but licensing which accepts liability, and possibly damages, for the company's lack of integrity due to it's poorly designed software and practices.

Thank you for your time.

Austin Gonyou
Systems Architect, CCNA
Coremetrics, Inc.
Phone: 512–698–7250
email: austin@coremetrics.com

MTC–00029103

From: marcia cooperman
To: Microsoft Settlement
Date: 1/28/02 8:43pm
Subject: Microsoft Settlement
marcia cooperman
1563 se bidwell
portland, or 97202
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Marcia A. Cooperman

MTC–00029104

From: Carol Olyer
To: Microsoft Settlement
Date: 1/28/02 8:42pm
Subject: Microsoft Settlement
Carol Olyer
2814 Brookwood Rd.
Orange Park, Fl 32073
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayer's dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Carol W Olyer

MTC–00029105

From: Ed Smith
To: Microsoft Settlement
Date: 1/28/02 8:43pm
Subject: Microsoft Settlement
Ed Smith
130 Somerset Drive
Brooklyn, MI 49230

January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Ed Smith

MTC–00029106

From: Floura, Ranvir
To: Microsoft ATR
Date: 1/28/02 4:35pm
Subject: Microsoft Settlement
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to voice my opinion on the settlement between Microsoft and the Department of Justice. I don't see how this case has benefited anyone. Microsoft has run a successful business and contributed a great deal to our society. Why is the government wasting our money punishing a company for fulfilling the American dream?

I am a Network Engineer and use a variety of software products in my job. I obviously use Microsoft, but I also use their competitors'' products and have never had any problems in doing so. It is not Microsoft's fault that their competitors couldn't create products that were equal or better. There is a reason that consumers have repeatedly chosen Microsoft's products over other companies''.

Nonetheless, the proposed settlement is a very reasonable agreement that could end this pointless lawsuit. Although Microsoft is giving up way more than should be expected, the settlement would certainly bring on stronger competition in the computer industry. Microsoft is giving away their source codes and server protocols that are integral to the technology they've taken years to create. This will make it easier for competition server systems to interoperate with the Windows operating systems and Microsoft server systems.

Please accept this settlement for the benefit of our struggling economy. The computer industry contributes so much to the economy. Upholding this settlement will strengthen the entire computer industry and will be a benefit to consumers.

Sincerely,
Ranvir Floura

MTC–00029107

From: fremontsmith
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 8:51pm
Subject: Microsoft Settlement

I believe the settlement proposed by the DOJ has more the feel of a Microsoft promotional document than a serious attempt to prevent Microsoft from further abusing its monopoly. I feel it is completely inadequate to protect other markets from the same abuse that Microsoft placed upon the web browsers. I feel it does little or nothing to keep Microsoft from continuing to enjoy the benefits of past abuses. I cannot believe that the very limited enforcement possibilities included in this agreement will have any hope of materially changing the behavior of Microsoft. Microsoft has ignored or broken many agreements in the past. I would fully expect Microsoft to interpret this agreement as allowing them to do practically anything they wanted to do. I am particularly dismayed by the inclusion of clauses that would allow Microsoft to use security as a pretext to withhold API information, or to prevent OEM's from unbundling Microsoft middleware. I certainly do not feel accepting this agreement would be in the best interest of the general public.

Sincerely,
Fremont Smith
Software Engineer

MTC–00029108

From: Christina Weiss
To: Microsoft Settlement
Date: 1/28/02 8:48pm
Subject: Microsoft Settlement
Christina Weiss
1648 Brentwood CT
Plainfield, IN 46168
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Christina Weiss

MTC–00029109

From: Dora Ratliff
To: Microsoft Settlement
Date: 1/28/02 8:48pm
Subject: Microsoft Settlement
Dora Ratliff
663 N Cherry St
Germantown, OH 45327
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Dora Ratliff

MTC–00029110

From: Cecil THREADGILL
To: Microsoft Settlement
Date: 1/28/02 8:49pm
Subject: Microsoft Settlement
Cecil THREADGILL
P. O. BoX 1236, 308 E. Main
Pilot Point, TX 76258
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division

950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Cecil R. THREADGILL

MTC–00029111

From: Arnold Mead
To: Microsoft Settlement
Date: 1/28/02 8:49pm
Subject: Microsoft Settlement
Arnold Mead
R. R. # 5 Box 5449—C
Moscow, PA 18444
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Arnold Mead

MTC–00029112

From: Joy Hiner
To: Microsoft Settlement
Date: 1/28/02 8:47pm
Subject: Microsoft Settlement
Joy Hiner
365 Roxbury Park
Goshen, IN 46526
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Joy Hiner

MTC–00029113

From: Warren Smith
To: Microsoft Settlement
Date: 1/28/02 8:47pm
Subject: Microsoft Settlement
Warren Smith
164 Harvard Rd
Watervliet, NY 12189
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Warren L. Smith

MTC–00029114

From: John Spilker
To: Microsoft ATR
Date: 1/28/02 8:56pm
Subject: Microsoft Settlement
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

Now that the economy is in a recession, with massive layoffs all over the US, and the NASDAQ is way down with no relief in sight, why pursue additional litigation with Microsoft? Let the settlement stand the way it is. It is more than fair for the competition.

Microsoft went out of its way to reach an agreement, beyond what would be expected in any antitrust case. They agreed to everything from disclosing various internal interfaces to making it easier for computer companies, consumers and software developers to promote their software within Windows. I do not know a lot of software companies that would risk their proprietary information and their business, unless they really wanted to settle their antitrust court cases.

Let's get our economy back in shape and quit running after Microsoft.

Thanks for your attention to this matter.

Sincerely,
John Spilker

MTC–00029115

From: Jim/Marcia Bennett
To: Microsoft ATR
Date: 1/28/02 8:57pm
Subject: Microsoft Settlement

I am writing to express my opposition to the proposed settlement between the U.S. Department of Justice and Microsoft. This arrangement would, I firmly believe, let Microsoft off much too easy. The seriousness of the violations of law, and the clear anti-competitive effect of Microsoft's practices warrant a correspondingly severe set of penalties. If the Department of Justice lacks the will to perservere in reaching a truly just solution, then I look to the judge who has jurisdiction to make a properly effective ruling.

I am writing as a concerned citizen and consumer, who looks forward to a future where competing technologies can have a chance to contend on a level playing field, which has not been the case in some of the markets dominated by or targeted by Microsoft.

Thank you for your consideration.

Sincerely,

James A. Bennett

608 Barret Ave.

Louisville, KY 40204

CC:President@whitehouse.gov@inetgw

MTC–00029116

From: Richard Brandon
To: Microsoft Settlement
Date: 1/28/02 8:51pm
Subject: Microsoft Settlement
Richard Brandon
8393 W Cloverleaf
Hayden, ID 83835–7200
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Richard P. Brandon

MTC–00029117

From: Robert Hepburn II
To: Microsoft Settlement
Date: 1/28/02 8:52pm
Subject: Microsoft Settlement
Robert Hepburn II
305 Brookmeade Dr.
Gretna, La 70056
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Robert J. Hepburn II

MTC–00029118

From: DAVID FEARIS III
To: Microsoft Settlement
Date: 1/28/02 8:51pm
Subject: Microsoft Settlement
DAVID FEARIS III
401 CLARK LANE
WAXAHACHIE, TX 75165
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

DAVID P. FEARIS III, M.D.

MTC–00029119

From: Clif / Helen Shumate
To: Microsoft ATR
Date: 1/28/02 8:58pm
Subject: Microsoft Settlement
2201 Ventnor Court
Arlington, TX 76011
January 14, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

It is with great pleasure that I write to you today regarding the Microsoft antitrust settlement. After three years of litigation, the case is finally closed against Microsoft. I believe that the case was unwarranted to begin with, yet I am pleased to see its end.

Microsoft has made many concessions throughout the process. Microsoft has agreed to disclose the internal interface designs of Windows. It has also agreed to license Microsoft at a uniform price to computer manufacturers. These developments come at great cost to the Microsoft Corporation. Why is Microsoft willing to do so? Because it is in everyone's best interest that this matter be resolved.

Sincerely,

MTC–00029120

From: Shannon Casteel
To: Microsoft Settlement
Date: 1/28/02 8:54pm
Subject: Microsoft Settlement
Shannon Casteel
1902 E.Calle De Arcos
Tempe, Az 85284–3474
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Shannon Casteel

MTC–00029121

From: Jay

To: Microsoft ATR
Date: 1/28/02 9:00pm
Subject: Microsoft Settlement

It is time for this to end. I am not a politician, lawyer, lobbyist, employee of Microsoft, etc. I am just a computer user and systems engineer who has been involved with the computer industry for over 30 years and the micro-computer phase since its beginning. In all those years I have used many varieties of software products, both Microsoft and non-Microsoft. I was never met by armed Microsoft police preventing me from purchasing ANY and ALL pieces of software that I wanted at the time. Through the years, Microsoft has tamed the wild west that micro-computer systems had become and gave us a STANDARD that made a significant increase in the productivity of computer users world wide in general and the United States in particular. The nine states (plus AOL, ORACLE, SUN, and other envious competitors of Microsoft) that reject the DOJ—Microsoft proposed settlement are creating an unnecessary burden on computer users and the economy. In my opinion, bring this to an end.

Jay Zittle

MTC–00029122

From: GildaOMoore@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 9:01pm
Subject: microsoft settlement

The Microsoft settlement should remain in place. One of the most successful and prosperous businesses in the US should now be permitted to continue to prosper and innovate for the millions of consumers that owe their new knowledge and way of living to this great American corporation.The settlement is faair for all parties. It is not the consumer who is instigating further litigation. Look to the lawyers and conpeting corporaitions wanting to increase their own fortunes with less effort or innovation.

Hope you take this small voice into consideration.

MTC–00029123

From: David Thum
To: Microsoft ATR
Date: 1/28/02 9:02pm
Subject: Microsoft

I am writing to express my utter feelings of shame at the way our government has gone after Microsoft. In times where it seems capitalism are under attack, it is imperative that it is understood that the very freedoms we enjoy in this country are what are responsible for the success companies like Microsoft, J&J, the big three, Pfizer, McDonald's, and even Flowers.com. I mention varying types of companies because all had the freedom to dream, to plan for the dream and to follow through.

Microsoft was the victim of a government body gone mad over the American dream. Microsoft has no monopoly. If they had a monopoly, there would be no other way to run a computer than with Microsoft software. Any body else can develop their own software and market it. If they succeed, great as that is the American way. If they fail, it is either through poor design, marketing or product support, which, in a way, is also the American way. From a government that has gone mad over tobacco, it is clear that what speaks is the almighty dollar. If tobacco were so bad, make it illegal. The government will not do that because there is too much money in it. Microsoft is being penalized for being successful. Period.

I am ashamed of the Reno DOJ and the Clinton administration for their shameful attacks of Microsoft and the way it continues. If somebody can build a better mousetrap than Microsoft let them. Where is the incentive to try to build a product people want only to have it all destroyed because of success? That is NOT the American way.

I implore this entire mess to be dropped, not only for the continued success of Microsoft (in which I have NO financial interest, other than possibly a mutual fund which I've not checked), but also for the future Microsofts of America on the horizon.

David Thum
Avon Lake, OH

MTC–00029124

From: Carol Enright
To: Microsoft Settlement
Date: 1/28/02 8:57pm
Subject: Microsoft Settlement
Carol Enright
837 12th ave
Port Arthur, Tx 77642
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Carol Enright

MTC–00029125

From: Lance Robertson
To: Microsoft Settlement
Date: 1/28/02 8:58pm
Subject: Microsoft Settlement
Lance Robertson
626 Springfield Circle
Roseville, CA 95678
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief. Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Lance Robertson

MTC–00029126

From: Neal Dalton
To: Microsoft ATR
Date: 1/28/02 9:05pm
Subject: Microsoft Settlement

I do not feel the settlement UNITED STATES OF AMERICA vs. MICROSOFT CORPORATION is a fair one. Over the year Microsoft has settle their disputes only to begin encroaching on the same area there agreed not to do. Even now Microsoft is eating up parts of the market, muscling out the competition by the market power they have as the provider of the OS. Other parts allow for access to Microsoft internal, but only for those who won't disclose them. The open source world (their primary competitor) would not benefit from this agreement. They would have no access to the internal, because the writing of their application to interoperate with Microsoft code would be a violation. So to would people who derive their income from supporting open source be crippled by this ruling.

I would like to see Microsoft force to publish the APIs/internal, so that they can not restrict their competition. I believe also that Microsoft's power as a OS and application leader (which they gained illegally) is too great a power for a company that has a history and continues to use strong arm tactics to crush their completion. Thus putting small businesses and other completion at risk.

Neal

MTC–00029127

From: SaraConrad
To: Microsoft ATR
Date: 1/28/02 9:04pm
Subject: Attn: Renata Hesse—Trial Attorney

ATTENTION—THE FOLLOWING EMAIL IS FROM A SOCCER MOM WHO VOTES!!! micro$oft is a monopoly—plain and simple. When you go to buy a computer you have no choice what operating system you get on your computer even though there are others (that work better) Linux, Solaris.

You have no choice but to use microsoft products, internet exploder, they have pretty much wiped netscape out. And the scary, scary thing is the future. People who are as technically savvy as I are going to be registering with microsoft and their ''passport'' program. This will track everything this unsuspecting people do on the web. And as far as microsoft saying they will donate stuff to schools, that is just another way for them to hook kids! My children use Apples, Unix and windows.. Unix is not platform specific. They use shared code. All games, all software should be able to be used on any computer regardless of the operating system. Micro$oft doesn't allow this. They say—use us or don't use the others. This is wrong, wrong, wrong. You people have a very important decision in front of you. Do the research, don't rely on what microsoft tells you (even if they offer to pay you), find out what it is like with Solaris, Apple X, Red hat... don't let microsoft own everything. Let the people have a choice, even if they don't know the difference between a keyboard and a mouse...This country is about choice and right now, we don't have one as far as Operating Systems are concerned. Check into the claims that microsoft is tracking peoples'' usage. It is a well known fact in the IT business that they keep tabs on who is running their software, what they do online and where they go. Can you say, ''invasion of privacy''???

Don't take my word for it...and don't roll over for them. Thank you for doing the right thing.

Sincerely,
Sara D. Conrad
2310 Glenwood Drive
Boulder, CO 80304
303–444–5357
saraconrd@pcisys.net
Technical support engineer/girrrl geek

MTC–00029128

From: Don Wegeng
To: Microsoft ATR
Date: 1/28/02 9:05pm
Subject: Microsoft Settlement Comment

I appreciate the opportunity to comment on the proposed settlement. I oppose the proposed settlement for two reasons:

1) It provides no controls that will prevent Microsoft from engaging in illegal business practices in areas that are beyond the original charges. The computer software and Internet industries have changes quite a bit since the original antitrust case was filed, and Microsoft is clearly changing it's business plans to engage these new business opportunities. Will the proposed settlement provide any means to control Microsoft's business practices in these new areas? No. This is a major flaw in the proposed settlement.

2) The proposed settlement assumes a business model where all of Microsoft's ''competition'' comes from for-profit businesses. However, in reality Microsoft is being threatened by the developers of the Linux operating system and other open source programs. The proposed settlement does not recognize these open source projects as competitors, and provides no requirement for Microsoft to disclose technical information to the developers of these open source projects. This, again, is a major flaw in the proposed settlement.

I appreciate your consideration of these comments.

Donald L. Wegeng
Fairport, NY

MTC–00029129

From: bjidzik@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/28/02 9:05pm
Subject: Microsoft Settlement

I would like to go on record as stating that I believe Microsoft should be severely punished for its anti-competitive activities. A break up of the company into separate groups seemed most appropriate. The remedy worked out between MS & DOJ is totally inadequate, and in fact rewards MS by allowing them to write off hardware & software ''donated'' to schools as a remedy. Most elementary schools use Apples or Macintosh products. Rather than eliminating monopolistic behavior, it will literally put Apple out of business in favor of ''free'' PCs & Microsoft software.

Further, schools that receive this ''gift'' will end up paying exorbitant amounts on subscription and maintenance fees after the ''remedy'' period is over. This is a travesty. The company has not changed. It's licensing costs are sky-rocketing, and customers have lost any ability to retrieve any damages due to defective software released by MS. I have used their products for almost 20 years now. In my opinion, they are out of control, and only the strongest of remedies, i.e. breakup of the firm, will stop their deceitful, predatory business practices.

MTC–00029130

From: Irene DeMpss
To: Microsoft Settlement
Date: 1/28/02 8:59pm
Subject: Microsoft Settlement
Irene DeMpss
3320 Parksie Drive
San Bernardino, Ca 92404–2408
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Irene DeMpss

MTC–00029131

From: Americo A. Fusco
To: Microsoft Settlement
Date: 1/28/02 8:59pm
Subject: Microsoft Settlement
Americo A. Fusco
39535 Hood Street
Sandy, OR 97055–8403
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Mr. & Mrs. Americo A. Fusco

MTC–00029132

From: Bruce Radebaugh
To: Microsoft Settlement
Date: 1/28/02 9:00pm
Subject: Microsoft Settlement
Bruce Radebaugh

178 Fern Avenue
Collingswood, NJ 08108–1938
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Bruce R. Radebaugh

MTC–00029133

From: Roy Simmons
To: Microsoft Settlement
Date: 1/28/02 8:59pm
Subject: Microsoft Settlement
Roy Simmons
17647 Inwood Lane
Neosho , Mo 64850
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief. Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Roy Simmons

MTC–00029135

From: MSJC
To: Microsoft ATR
Date: 1/28/02 9:08pm
Subject: Microsoft Settlement

Renata B. Hesse,

The Microsoft settlement should be completed. The government had no business in trying to break up Microsoft in the first place. Our entire capitalistic system is supposed to reward those that come up with a better mouse trap, and if they do, they should reap the rewards for their hard work and creative ideas.

Regards,
Mark E. Sitterle

MTC–00029136

From: bfriedman(a)excite. co m
To: Microsoft ATR
Date: 1/28/02 9:07pm
Subject: MICROSOFT SETTLEMENT

I am a computer programmer and instructor at a community college.

I resent the way that Microsoft has conducted itself with regard to the antitrust settlement. This company continues to disregard this country's laws, and should receive appropriate penalties.

Their ''settlement proposal'' to donate software to schools is ludicrous. A piece of software with a retail price of $600 or more costs about $10 in packaging and materials. Microsoft proposes to spend a few million dollars (in real cost), donate this to schools, and then not support the hardware or software in the future. (Thus creating future licensing fees for itself in the future from the same schools.)

The computer industry in general has shown much more good will to the US than many others. In the past, many computer scientists shared information, algorithms, etc., in the hope of advancing the art and technology. Microsoft has dominated an industry, and uses that position as a bully pulpit. They are destroying the previous trends of goodwill within the computing industry.

I do not think that the people in Redmond should be let off with a slap on the wrist. As a corporation, Microsoft should be penalized for their monopolistic and illegal practices. And personally, I do not feel that their proposed gift to schools comes close to being an appropriate punishment for misconduct.

Sincerely,
Brent A. Friedman
P O Box 13145
Minneapolis, MN 55414
of I
01/30/2002 2:38 I
7

MTC–00029137

From: Joseph Minnie
To: Microsoft ATR
Date: 1/28/02 9:07pm
Subject: Microsoft Settlement
Joseph S. Minnie
P.O. Box 642
Brooksville, Fl. 34605
January 19, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am greatly pleased to hear that a proposed settlement has been reached in the Microsoft antitrust case.

This case has endured for over three years and should be brought to quick finalization. Microsoft has agreed to all terms of this proposed settlement and they have agreed to design future versions of Windows to allow competitors to easily attach their software products. Additionally, Microsoft will use a uniform pricing list when licensing Windows out to the twenty largest computer companies in the United States. Microsoft has also agreed to allow their progress toward compliance with all provisions to be monitored.

As the terms of this agreement far exceed the issues originally raised in the suit over three years ago, I feel the case should be closed soon. Thank you.

Sincerely,
Joseph S. Minnie
Joseph Minnie

MTC–00029138

From: Donald Cross
To: Microsoft Settlement
Date: 1/28/02 9:04pm
Subject: Microsoft Settlement
Donald Cross
1239 San Pedro St.
Pittsburgh, PA 15212–1564
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief. Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies. Thank you for this opportunity to share my views.

Sincerely,
Don Cross

MTC–00029139

From: Robert McArtor
To: Microsoft Settlement
Date: 1/28/02 9:04pm
Subject: Microsoft Settlement
Robert McArtor
6430 Princeton Drive
Alexandria, VA 22307–1347
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:
Please allow the Microsoft settlement to stand so we may return to those days when we truly encouraged enterprise. We have squandered enough time and money discoraging free enterprise. Thank you
Sincerely,
Robert C. McArtor

MTC–00029140

From: Shams Kairys
To: Microsoft ATR
Date: 1/28/02 9:11pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
US Dept of Justice
601 D St NW
Suite 1200
Washington, D. C. 20530–0001
Dear Ms. Hesse,
I am quite concerned that the Department of Justice (DOJ) has moved to settle with Microsoft (MS) in a manner that leaves consumers inadequately protected. I have found MS information technology (IT) stifles outside innovation and inter-operability, and hope you will provide a resolution of the MS case that maximizes competition and consumer in the best public interest.
Minimally, I believe that Windows applications should run on other operating systems without modification; should be transparent to other software, so that it would be able to exchange files, data, and services with any MS product; should be able to run properly on computers with different microprocessors. Otherwise, consumers will continue to face unnecessary costs, limited choices, operational complexity, and reliability problems. Enforcement provisions in the proposed settlement are also inadequate and could very well allow MS to continue to stifle competition, creativity, and cost-effectiveness. I urge the DOJ to announce public proceedings at the earliest opportunity as provided by the Tunney Act so that concerned consumers can speak to these issues.
Sincerely,
Shams Kairys
Executive Director, Berkeley EcoHouse
507 Cornell Ave.
Albany, CA 94706
510–525–1465

MTC–00029141

From: DRhoads
To: Microsoft ATR
Date: 1/28/02 9:11pm
Subject: Microsoft Settlement
Final Judgment for a variety of reasons. I shall briefly expound on but a few of them:
1) The potential breakup of Microsoft should be maintained as a future remedy to insure Microsoft's compliance.
2) Lack of punitive damages. Lacking provisions for an evolving industry, the Proposal seems focused on limited measures for a future that is only a simple extrapolation of yesterday's market. There are no penalties for Microsoft's outrageous conduct in the marketplace and before the Court. This sends the wrong message to anyone considering similar behaviour.
3) The Termination of the Decree should NOT occur before ten (10) years from date of entry. Further, the length of any extension should be five (5) years, rather than two. Given that the present proceedings before the Court have consumed almost four (4) years with no action, it is not inconceivable that Microsoft could similarly delay and obstruct a three person panel for the proposed five (5) years.
4) The construction of the Technical Committee (hereafter, TC) is faulty. Potentially, two of the three members of the TC will be answerable only to Microsoft and not to the Plaintiffs. This provides a majority which could veto any action or decision of the TC. The TC should consist of a minimum of five (5) persons, none of whom is appointed by Microsoft. The Defendant's interests could be represented by a non-voting, non-directing liaison to the TC. Also, the TC should be composed of persons with significant experience as auditors or inspectors general, who will be assisted by software experts.
5) MOST IMPORTANT. According to Section IV.D.4.d of the Stipulation, no member of the TC may direct any findings to any other tribunal. This is UNACCEPTABLE! The Congress, other Courts and other States cannot be constrained by this Proposal in any of their future proceedings. In particular, this Section would disallow a member of the TC from informing authorities of a violation of law, including, but not limited to, the Sherman Act.
The Proposed Final Judgment is seriously flawed and should be withdrawn from consideration. DOJ should rejoin with Utah, et al and use their proposals as a starting point for further negotiations.
Sincerely,
David Rhoads
Fort Washington, Maryland

MTC–00029142

From: dmose2@netscape.net@inetgw
To: Microsoft ATR
Date: 1/28/02 9:11pm
Subject: proposed monopoly settlement inadequate
The current proposed Microsoft monopoly settle does a completely inadequate job of protecting consumers from future abuses by Microsoft. In particular,
* Open source and free software concerns are ignored; which will allow MS to tighten its software monopoly by licensing it to public institutions.
* Microsoft is not required to open up the details of its file formats, which harms interoperability with other software and thus prevents competitors from getting a toehold into markets that Microsoft already monopolizes.
* Nothing prevents Microsoft from retaliating against OEMs that ship PCs with a competing OS (but not Windows). Please do not accept the existing settlement proposal.
Thanks,
Dan Mosedale

MTC–00029143

From: Stephen Patterson
To: Microsoft Settlement
Date: 1/28/02 9:05pm
Subject: Microsoft Settlement
Stephen Patterson
21959 C. R. 254
West Lafayette, Oh 43845
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:
The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.
Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.
Thank you for this opportunity to share my views.
Sincerely,
Stephen L. Patterson

MTC–00029144

From: cyberkristie
To: Microsoft ATR
Date: 1/28/02 9:13pm
Subject: Microsoft Settlement
Ok, enough is enough, let's move on and accept the settlement with Microsoft. Then go after someone that is really in total control and unfairly taking advantage of the consumers. The Cable companies! It's just plain usury what the cable companies charge for what they provide and now they are doing the same with the cable internet access. If it weren't for Bill Gates and Microsoft we wouldn't be communicating by email because most of us couldn't afford to own a computer much less have the software to use it to it's full advantage. I've been

around since mainframes were the only thing and pc's weren't even in the realm of home use. Gates made it all affordable and even today his software is affordable and the best to be had. Dragging this thing on just hurts our economy more that it is already hurting. So put it to rest and look into why the money from the tobacco companies settlements isn't going to where it was meant to go. Get involved with issues that really effect the population.

Kristie Ghioni
3012 W Viewmont Way W
Seattle, WA 98199
206–283–3504

MTC–00029145

From: Ludwik Kozlowski SR., M.D.
To: Microsoft Settlement
Date: 1/28/02 9:09pm
Subject: Microsoft Settlement
Ludwik Kozlowski SR., M.D.
7608 Geronimo Circle
N. Little Rock, Arkansas 72116
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Ludwik J. Kozlowski SR., M.D.

MTC–00029146

From: Billy Long
To: Microsoft Settlement
Date: 1/28/02 9:10pm
Subject: Microsoft Settlement
Billy Long
1021 Wales Dr
La Plata, MD 20646
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Charles and Barbara Martin

MTC–00029147

From: Charles and Barbara Martin
To: Microsoft Settlement
Date: 1/28/02 9:10pm
Subject: Microsoft Settlement
Charles and Barbara Martin
503 51 Ave W
Bradenton, Fl 34207
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Charles and Barbara Martin

MTC–00029148

From: Don Young
To: Microsoft Settlement
Date: 1/28/02 9:10pm
Subject: Microsoft Settlement
Don Young
Rt. 1 Box 282 A-10
Scroggins, TX 75480
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Don E. Young

MTC–00029149

From: John Russell
To: Microsoft ATR
Date: 1/28/02 9:14pm
Subject: Microsoft Settlement
John Russell
14763 West Trevino Drive
Goodyear, AZ 85338
January 28, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

I am writing to express my opposition to the antitrust lawsuit against Microsoft. Although I realize that the lawsuit is no longer an issue, what is before your department is the court mediated settlement that can end this debacle. Millions of taxpayer dollars have been used in what essentially is a needless persecution of a competitive company. What is before your department is an exhaustive settlement that has terms that extend well beyond the products and procedures that were originally at issue in the litigation. Microsoft has agreed to these terms in the interest of servicing the

public good and allowing for a fair, agreeable end to this process.

This settlement, which has been reached by the Department of Justice, and approved by nine of the participating states, contains several provisions that extend significant restrictions and changes to how Microsoft does business. The settlement requires Microsoft to improve its relationship with computer and software manufacturers, by ensuring that Microsoft will not retaliate against manufacturers who ship non-Microsoft products and to create uniform pricing, allowing consumers to get the best price for the product. Additionally, the agreement allows any of Microsoft's competitors to file a claim against Microsoft in federal court if they believe that any part of the settlement has been violated, thereby forcing Microsoft to be in contempt of court.

I strongly urge the Department of Justice to view this settlement as having served the public interest and to end this litigation. Nine states have approved this, and with the federal government's leadership, this process may finally be over. In the overall public interest, please cease any further action at the federal level on this matter.

Sincerely,

John Russell

MTC–00029150

From: Tyson Murray
To: Microsoft ATR
Date: 1/28/02 9:15pm
Subject: Microsoft Settlement
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The three-year lawsuit against Microsoft has been continuing for too long. I am amazed and appalled that the Government would attempt to bring litigation against its strongest asset in the tech sector. Microsoft creates jobs and wealth for our nation and does not deserve to be a victim of federal and state litigation.

The terms of the settlement do little to protect consumer rights. In fact, they just give Microsoft's competitors an edge that they could not attain through innovation. Of particular interest to me are the terms by which Microsoft has agreed to disclose interfaces that are internal to Windows operating system products. This is a first in an antitrust settlement and a violation of Microsoft's intellectual property rights. Although flawed and unjustified, I urge your office to finalize the settlement because it is in the best interest of our economy and technology industry to end this dispute.

Sincerely,

Tyson Murray

MTC–00029151

From: Lovella S Richardson
To: Microsoft ATR
Date: 1/28/02 9:15pm
Subject: Re: Microsoft Settlement

The judge's recent decision settling the Microsoft lawsuti seems fair to all to me. I appreciate having a good browser that I don't have to pay extra for. I feel that Microsoft has been a great benefactor to the U. S. economy and technology in general.

Please let this settlement rest!

Lovella Richardson,

7706 Hodges Ferry Road, Knoxville, TN 37920

MTC–00029152

From: Lucas Rockwell
To: Microsoft ATR
Date: 1/28/02 9:17pm
Subject: Renata B. Hesse
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Renata B. Hesse,

I am writing to register my opposition to the proposed Microsoft Settlement with the Department of Justice. My reasons for this are many, but I will list just one for the purposes of this letter. Microsoft is a convicted monopolist and allowing them to donate $1 billion worth of software to schools is ''not'' a punishment. First, $1 billion to Micrsoft is not a lot of money. Recently, Microsoft had $30 billion in cash on hand. Second, Microsoft will experience years of benefits in sales from this deal as schools will seek to upgrade their aging ''free'' MS products. Also, when children learn software in school, parents have a compelling reason to purchase the same software at home. This settlement is a dream come true for Microsoft.

Please, reject this settlement offer.

I thank you very much in advance for your time.

-lucas

Lucas Rockwell
UAS Systems Group
510.642.6465
lr@socrates.berkeley.edu

MTC–00029153

From: The—Neumanns
To: Microsoft ATR
Date: 1/28/02 9:17pm
Subject: Microsoft Settlement

To whomever it may concern,

I am aware of the settlement agreement for Microsoft and agree that the settlement is fair for all parties involved. To assume that all end users are so uneducated that can not make an educated decision for themselves is disturbing in the first place. Even a teenager knows that if he purchases a car and does not like the speaker system that comes preinstalled on the vehicle that they can purchase a new speaker system from a variety of vendors. But then perhaps the older you get the less aware you are... This settlement has more than enough covenants in it. Let's not go overboard on the restrictions.

We live in an age where the computer industry is a thriving industry. More people than ever are using computers on a daily basis. People know that Netscape is out there. I have IE and Netscape on my PC and use them interchangeably. So, where have my choices been limited? Nowhere! This topic really makes me mad.

Microsoft is a good company. I do not understand why people feel like they should go after a company that is turning around and contributing so much to our society. Mr. Gates distributes his wealth to a multitude of charities. People like that are very hard to find. Thank God for someone who is doing something to help people that truly need it in our troubled society.

Sincerely,

Erika Neumann

CC:fin@mobilizationoffice.com@inetgw

MTC–00029154

From: Gregg Bair
To: Microsoft ATR
Date: 1/28/02 9:15pm
Subject: Microsoft

Please leave the decesion whether Microsoft illegally snuffed the COMPETITION where it belongs. With the consumer/ we will decide who has the better product. I have been screwed by Microsoft's competition many times. I would not buy anything else. They have made the computer age affordable , away from the monopolies of Apple and IBM.

In my opinion the legal system in this country should be investigated for the damage it has caused the consumer. The attorneys have raped this country and conned many people into believing they are victims. I ask you this question, how many times does your apple lock-up or what does it cost to fix the Apple? I applauded Microsoft and Bill Gates.

Gregg Bair

I HOPE MY VOTE COUNTS. BECAUSE IT WILL CERTAINLY COUNT IN THE NEXT POLITICAL ELECTION

MTC–00029156

From: MarieHolla@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 9:17pm
Subject: Microsoft Settlement
164 Chesapeake Estate #64
Thomasville, PA 17364–9661
January 10, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing to you today to express my support of the recent settlement reached between the Department of Justice and Microsoft. After three years of litigation, the settlement marks an overdue end to the litigation battle.

While the antitrust dispute was unnecessary in the first place, it is great to see this period come to an end. It is time for Microsoft, the IT industry, and the American economy to focus on productivity again.

The settlement reached is more than equitable for Microsoft competitors. Microsoft has been more than generous throughout this process.

Most important among these concessions is Microsoft allowing for the establishment of a regulatory committee. The technical oversight committee, which will be run by three people, assures that the stipulations mandated in the settlement are carried out. This shows Microsoft's willingness to appease its competitors in their commitment to put this issue at bay.

Thus, it is important that this settlement stands. It is time for Microsoft and the larger IT industry to return to business as usual.

Sincerely,
Marie Hollabaugh
CC:fin@mobilizationoffice.com@inetgw

MTC–00029157

From: JFedor3703@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 9:18pm
Subject: Microsoft Settlement
14202 W Via Manana
Sun City West, AZ 85375
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I think the antitrust case filed against Microsoft should finally be settled.

I wonder why this case is being dragged on. Not only has Microsoft made bold concessions in order to get back to business, they have also promoted a more unified IT sector along the way. This settlement clearly promotes a technology industry that works together which will allow the US to maintain our position in the global market.

Microsoft has made many concessions within the settlement that include changes in product design, licensing and marketing. The terms are meant to open competition to non-Microsoft software while still allowing Microsoft to prosper. The settlement promotes a teamwork environment in the technology industry and allows all to prosper in the process. Microsoft's efforts to end the litigation should be applauded.

I strongly urge that you close this case. The longer we wait for a settlement, the longer we stray from focusing on innovation.

Sincerely,
Joan Fedor
CC:fin@mobilizationoffice.com@inetgw

MTC–00029158

From: Juan E. Ramirez
To: Microsoft ATR
Date: 1/28/02 9:19pm
Subject: Microsoft Settlement

Microsoft is the 800 lb. Gorilla. They control OS software on 95% of all PCs sold in this country. If this is not a ''monopoly'' then the following companies were not:

US Steel
AT&T
Thanks,
Juan E. Ramirez
jr7138@swbell.net

MTC–00029159

From: Shirley R Mundinger
To: Microsoft ATR
Date: 1/28/02 9:18pm
Subject: Microsoft settlement

I hope you will close this long period of bickering among some of the Microsoft competitors and allegations against Microsoft. They, Microsoft, have offered much to the public to make computer use faster and more useable. Please let those fighting them, know that nothing more can be accomplished by dragging this on through the courts. Let them get on with their work and those that are complaining get busy developing their own products to better serve our nation.

This long battle is consuming to much money and time and is unproductive and to our economy and our reputation as a nation. We need to develop more integrity in the business world.

Yours truly,
Shirley Mundinger

MTC–00029160

From: Bob Essman
To: Microsoft ATR
Date: 1/28/02 9:18pm
Subject: Microsoft
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Renata B. Hesse,

I do not believe that the so called ''Antitrust'' laws are constitutional except, perhaps under the constitution of the now defunct U.S.S.R. or The Talibans of Afghanistan.

Although I do not believe that Microsoft is clean of all possible charges, the process followed under this law is and should be unproductive and futile. I've niether seen nor heard of any real evidence. I've only heard accusations.

If Microsoft has broken a law, it should be charged with fruad or theft or some real crime and not for persuing it1s inalienable right to persue commerce and make money. Doing business better than your competetors is a pure American ideal and should be encouraged instead of picked at like a bunch of spoiled children fighting over candy.

Get on with the real work that the taxpayers pay you to do and get to Enron and/or Anderson where the evidence of wrongdoing is apparent.

Sincerely,
Bob Essman

MTC–00029161

From: BARGONN@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 9:20pm
Subject: Microsoft Settlement

As a consumer and individual investor who owns stock in many Tech. companies, including Microsoft, AOL Time Warner, Sun microsystems, etc., I have followed the developments of the government's case against Microsoft, and the complaints filed by individual States and Microsoft's competitors. I continue to believe the settlement already reached between Microsoft, the Justice Dept., and several States Should be the final judgement on the matter. No one, especially Microsoft's competitors, has yet demonstrated any injury to consumers by Microsoft's business practices. Although Microsoft successfully won away customers from AOL's Netscape by giving their Web Browser away for free, one can hardly say this ''injured'' consumers. Getting a superior product for free is not what I would call being abused, nor is this an example of being deprived of choice. There was a choice, and consumers took the superior choice. Most savvy computer professionals agree that Internet Explorer is far better than the Netscape browser, and the Netscape browser cost money, it was not offered free. Also, Microsoft has always striven to establish standards in its software which would ensure its interoperability with many different applications and prevailing programs. Netscape's product could not boast the same attributes.

Also, today, as in the past, there is ample competition for Microsoft, in operating systems such as Unix, Linux, Java, etc., and in internet applications and access providers such as AOL time Warner, Earthlink, and many others. Microsoft is not a monopoly in my view, it is instead a great American success story which has driven the local and national economy, provided thousands of high-paying jobs, and has given much back to the community in raised living standards and charitible donations.

Please bring this legal challenge to a close, as it is not helping to protect consumers, it is not helping our economy to rebound, and it is not justified by the sour grapes failures of Microsoft's inadequate competitorswho seek the government's aid in doing what they were unable to do in fair business competition.

Sincerely,
Baron Borrelli
Bellevue, WA.

MTC–00029162

From: Zoe Alvarez
To: Microsoft Settlement
Date: 1/28/02 9:14pm
Subject: Microsoft Settlement
Zoe Alvarez
1432 NW 26 Avenue
Miami, FL 33125–2130
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry.

It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies. Thank you for this opportunity to share my views.

Sincerely,
Zoe Alvarez

MTC–00029163

From: Brad Chapman
To: Microsoft Settlement
Date: 1/28/02 9:14pm
Subject: Microsoft Settlement
Brad Chapman
4963 S 4055 W
SLC, UT 84118–4044
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Brad Chapman

MTC–00029164

From: Sallie Landry
To: Microsoft Settlement
Date: 1/28/02 9:14pm
Subject: Microsoft Settlement
Sallie Landry
7414 Tanager
Houston, TX 77074
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Sallie Landry

MTC–00029165

From: Dona Sheets
To: Microsoft Settlement
Date: 1/28/02 9:14pm
Subject: Microsoft Settlement
Dona Sheets
3 Pichini Trace
Cherokee Village, AR 72529
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Dona Sheets

MTC–00029166

From: Ellen Green
To: Microsoft Settlement
Date: 1/28/02 9:17pm
Subject: Microsoft Settlement
Ellen Green PO
Box 747 York, AL 36925
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Get off of Microsoft's back. Settle this case!

Sincerely,
Ellen Green

MTC–00029167

From: TomasHol@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 9:24pm
Subject: (no subject)
164 ChesapeakeEstate #64
Thomasville,PA 17364–9661
January 10, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing to you today to express my support of the recent settlement reached between the Department of Justice and Microsoft. After three years of litigation, the settlement marks an overdue end to the litigation battle. While the antitrust dispute was unnecessary in the first place, it is great to see this period come to an end. It is time for Microsoft, the IT industry, and the American economy to focus on productivity again. The settlement reached is more than equitable for Microsoft competitors. Microsoft has been more than generous throughout this process. Most important among these concessions is Microsoft allowing for the establishment of a regulatory committee. The technical oversight committee, which will be run by three people, assures that the stipulations mandated in the settlement are carried out. This shows Microsoft's willingness to

appease its competitors in their commitment to put this issue at bay. Thus, it is important that this settlement stands. It is time for Microsoft and the larger IT industry to return to business as usual.

Sincerely,
Thomas A. Hollabaugh
CC:fin@mobilizationoffice.com@inetgw

MTC–00029168

From: Zerbin Belles
To: Microsoft Settlement
Date: 1/28/02 9:18pm
Subject: Microsoft Settlement
Zerbin Belles
106 Brown Lane
Lexington, SC 29073–8302
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Zerbin D. Belles

MTC–00029169

From: Austin Gonyou
To: Microsoft ATR
Date: 1/28/02 9:24pm
Subject: One last thing.
http://linuxtoday.com/news—
story.php3?ltsn=2002–01–29–008–20-
NW-MS —
Austin Gonyou
Systems Architect, CCNA
Coremetrics, Inc.
Phone: 512–698–7250
email: austin;@coremetrics.com

''It is the part of a good shepherd to shear his flock, not to skin it.''
Latin Proverb

MTC–00029170

From: TranD97@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 9:25pm
Subject: Microsoft Settlement
January 28, 2002
Attn: Renata B. Hesse
Antitrust Division
U. S. Department of Justice
601 D. Street NW, Suite 1200
Washington, DC 20530–0001
To Whom It May Concern:

I would like to make known to the Attorney General my comments concerning the Microsoft settlement. I believe that the Court of Appeals ruling is reasonable and fair to all parties involved. I would like my voice to be heard and that is why I am writing this letter. I think that it would be very unfair to Microsoft if this settlement is rejected.

Yours truly,
Debra K. Trantham

MTC–00029171

From: Gary Oja
To: Microsoft ATR
Date: 1/28/02 9:24pm
Subject: Microsoft Settlement

Dear DOJ,

With billions of dollars at its disposal, a fine would be insignificant to Microsoft (although highly recommended). Any settlement which includes the distribution of Microsoft products would just worsen their monopoly. Please open up the arena to allow other vendors software programs (applications and operating system utlities, including Web browsers) to be substituted for Microsoft products and force Microsoft to unbundle their software to permit equal access. This would allow fair competition in the marketplace and benefit all consumers.

Thank you.
Gary Oja
Principal Software Engineer
Worcester MA
goja@ultranet.com

MTC–00029172

From: Mark Donohoe
To: Microsoft ATR
Date: 1/28/02 9:25pm
Subject: Microsoft Settlement

To whom it may concern,

I am writting this e-mail to let you know that as a consumer I feel frustrated, boxed in and limited by Microsofts monopoly. I have little or no choices when it comes to operating systems or applications to use on my home PC. This lack of choices limits my use of the PC and causes daily productivity loss.

In the application area, there are few if any choices in word processors, speadsheets or other applications. This is simply not right in our competitive and free society we claim to have in the U.S.A. I was hoping the goverment would do something but feel less so in light of the recent actions by the goverment. The doj could help by imposing the following on Microsoft.

1. Force them to publish and keep current the api's to their applications and file formats for those applications. With the published API's, others could write competing applications that could convert existing microsoft files into the format used by the competing application. Today this is not possible or is twarted by MS.

2. Stop microsoft from further integrating features like browsers, media players and the like into the operating system. I use windows 98 now, and don't use IE, except when I have to. BUT, I can't really remove it from my system without permantly damaging the operating system.

3. Stop Microsoft from pointing me to microsoft companies. When I got my pc, it insisted on bootup, that I either cancel the window or login to the microsoft network. This was not only annoying, but unless I sat and watched the machine boot and closed the window, the machine would not complete booting. It took my quite a while, and with some risk, to get this feature disabled.

4. All of the above would not be so bad, if it all worked, but it doesn't! I must reboot my home machine very often, and must reboot my system at work at least once a week to keep things functioning. This is not to mention all the e-mail viruses and the like that plague MS software.

Thank you for your time. Please help us consumers get this monopolist out of our hair and allow real innovation in the computing world.

Mark Donohoe
1012 Hewitt Dr.
San Carlos, Ca. 94070
(4donohoes@attbi.com)
CC:4donohoes@attbi.hp.com@inetgw

MTC–00029173

From: Sandra Bottorff
To: Microsoft Settlement
Date: 1/28/02 9:18pm
Subject: Microsoft Settlement
Sandra Bottorff
12750 170th Avenue
LeRoy, MI 49655
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Sandra J. Bottorff

MTC–00029174

From: Dave Garman
To: Microsoft ATR
Date: 1/28/02 9:26pm
Subject: microsoft settlement
Judge Kollar-Kotally-

I am a scientist at a small biotechnology company involved in developing therapeutics to help people. I am writing this letter in protest of the proposed Microsoft settlement. We use Microsoft products because we are forced to. For the research we do, computer applications are often only generated for the Windows platform because no other operating system has enough market share to justify development. In itself, this is not a significant problem. However, there are so many problems and issues with the Windows operating system and Microsoft Office that we have been forced to hire a full time Information Technology employee for a staff of only 15 people. This expense, in conjunction with software and hardware costs forced by Microsoft compatability issues, costs us more than $200,000 dollars a year. This is a huge expense for a small business.

The proposed settlement seems like a government endorsement of the Microsoft monoplay. This will only make our situation worse, with no competition to control inflation of prices. I hope you will reconsider and take a tougher stance against Microsoft.

Sincerely,
Dave Garman, Ph.D.
Scientist
5084 McCoy Ave
San Jose, CA 95130
(408) 364–1984

MTC–00029175

From: Galvin, Rob
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 9:25pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division U.S. Department of Justice
601 D Street NW Suite 1200
Washington, DC 20530–0001
Ms. Hesse,

Attached are the Comments to the Revised Proposed Final Judgment in United States v. Microsoft Corporation, No. 98–1232, submitted on behalf of Sun Microsystems, Inc. Copies of the comments are submitted in both Word and .pdf formats. In addition, we have sent a copy via facsimile. Please call if you have any difficulties opening or processing these attachments.

Robert Galvin
Day Casebeer Madrid & Batchelder LLP
20300 Stevens Creek Blvd., Suite 400
Cupertino, CA 95014
(408) 342–4578

Comments to the Revised Proposed Final Judgment in United States v. Microsoft Corporation, No. 98–1232

State of New York, et al. v. Microsoft Corporation, No. 98–1233

Submitted By
Sun Microsystems, Inc.

Pursuant to the Tunney Act, 15 U.S.C. § 16

Lloyd R. Day, Jr.
Robert M. Galvin
Renee DuBord
DAY CASEBEER MADRID & BATCHELDER LLP 20300
Stevens Creek Blvd. Suite 400
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901 San Antonio Road
Palo Alto, CA 94303
(650) 960–1300

Introduction

Microsoft illegally maintained its monopoly over Intel-compatible personal computer ''PC'') operating systems by acting to undermine the distribution and commercial appeal of alternative computing platforms like Netscape Corporation's Navigator browser and Sun Microsystems, Inc.'s JavaTM technology.[1] By eliminating the ability of alternative platforms to compete with Windows, Microsoft has not only maintained its monopoly over PC operating systems, it also has dramatically increased the economic power that it derives from that monopoly, such that Microsoft now has the power to control competition in a number of adjacent and downstream markets as well. In the emerging world of networked devices and services, the commercial appeal and success of adjacent or downstream devices and services such as servers, personal digital assistants (''PDAs''), telephones, video game systems, television set-top boxes, and web-based services are in very large measure dependent on their ability to interoperate with PCs via the Internet or other networks. Microsoft's expanded monopoly power over PC operating systems and web browsers affords it the power to deny competing devices and services the same ability to interoperate fully and completely with PCs as Microsoft's networked devices and services enjoy. Microsoft is in fact exercising the power it derives from its PC monopoly in just this way to exclude competition in each of these adjacent markets. Unless and until that power is effectively checked and ultimately eliminated, Microsoft's past practices and insatiable ambition demonstrate that it will continue to destroy competition in each of these enormously important markets.

Unfortunately, the Revised Proposed Final Judgment (''RPFJ'') does little or nothing to eliminate the unlawful monopoly maintained by Microsoft over PC operating systems. Nor does it redress the harm that Microsoft's illegal acts have caused to competition in that market. And while the RPFJ apparently recognizes the threat to competition posed by Microsoft's exclusionary behavior in adjacent and downstream markets, the remedies it proposes to redress this threat are plagued with so many loopholes and ambiguities that there can be no assurance that Microsoft's anticompetitive conduct will stop. A. Competition in the market for PC operating systems must be restored

The adjudicated facts establish that Microsoft illegally maintained a monopoly over the market for PC operating systems by undermining the ability of rival software platforms to compete in that or closely related markets. By offering consumers the ability to run compelling applications on operating systems other than Microsoft's Windows operating system, the Navigator browser and Java platform threatened to reduce or eliminate the applications barrier to competition that sustains Microsoft's monopoly.[2] Microsoft fully recognized the threat these middleware platforms posed to its continued monopoly over PC operating systems and contrived to maintain that monopoly by restricting consumer access to these and any other non-Microsoft middleware platforms.

The commercial appeal of any computing platform is dependent in very large measure on the numbers of consumers who own or use the platform. The greater the number of users, the greater the demand for applications capable of running on that platform. The greater the demand for applications, the greater the number and variety of applications developed for the platform.

And the greater the number and variety of applications developed for a platform, the greater the consumer demand for a given computing platform.[3] Once started, this ''feedback'' effect can and will sustain the adoption and commercial success of platform software, such as Microsoft's Windows operating system, Netscape's Navigator browser or Sun's Java platform. The key to successful competition in platform software is thus distribution.[4] Unless a platform enjoys widespread and sustained distribution, such that large numbers of computer users have the platform installed and available for use on their computer systems, the feedback cycle of application development and platform adoption will not take effect.

As the District Court found, and the Court of Appeals affirmed, Microsoft engaged in a series of illegal acts to choke off the distribution channels for the Navigator and Java platforms.[5] By restricting and disrupting the distribution of the Navigator browser and the Java platform, Microsoft sought to limit the numbers of computer users with access to these alternative platforms and thereby also limit the demand for, and economic incentives supporting, application development on the Navigator and Java platforms. By decreasing the distribution of non- Microsoft platforms, such as the

[1] United States v. Microsoft Corp., 253 F.3d 34, 46 (DC Cir. 2001) (''Microsoft III'').

[2] United States v. Microsoft Corp., 84 F. Supp. 2d 9, § 68 (D.DC 2000) (''Findings of Fact'') (explaining how middleware technologies such as the Navigator browser and the Java platform have the ability to weaken the applications barrier to entry).

[3] See Findings of Fact, 84F. Supp. 2d. at §§ 39–40.

[4] See Microsoft III, 253 F.3d at 55–60, 60–61, 70–71; findings of fact, 84 F. Supp. 2d at §§ 36–52, 143–144.

[5] See Microsft III, 253 F.3d at 61, 72, 75–76; Findings of Facts, 84F. supp. 2d at §§ 357, 395–402.

Navigator browser and the Java platform, Microsoft knew that it could also decrease the number and variety of applications developed for such platforms, and thus their relative commercial appeal to consumers.

But for Microsoft's unlawful attack on the distribution of the Navigator and Java platforms, the installed base of these alternative platforms would have been very different today. So too would the economic incentives and choices of consumers and software developers.

Consumers would have had the opportunity to choose among a variety of competing platforms— not just Microsoft's Windows platform—based upon performance, cost or personal preference.

Developers too would have had the opportunity to choose among a variety of competing platforms on which to develop applications with the features, performance and cost that consumers demand.

Indeed, because the Navigator and Java platforms were ''cross-platform''—that is, ran on top of a variety of operating systems, not just Microsoft's Windows operating system—consumers would have had the ability to run applications written for the Navigator browser and Java platform on anyoperating system, not just Microsoft's Windows operating system. By dramatically lowering the cost to switch applications from one operating system to another, the Navigator and Java platforms directly attacked the applications barrier to competition that protects Microsoft's monopoly over PC operating systems, and greatly reduced the cost to consumers and developers alike of switching away from Microsoft's monopoly platform. In short, but for Microsoft's anticompetitive conduct, consumers today would have enjoyed far greater freedom, at far less cost, to choose among competing operating systems based on their comparative features, performance, and price, rather than simply the number of applications they support. B. Microsoft's unlawful power to exclude competition in adjacent and downstream markets must be stopped and eventually dissipated

By disrupting and eliminating the distribution of competing platforms, Microsoft has not only maintained its monopoly over PC operating systems, it also has increased the economic power that it derives from that monopoly. By secretly manipulating the interfaces and protocols needed to interoperate with Windows, Microsoft can control which products and services in adjacent or downstream markets are capable of interoperating with PCs. Not only does this permit Microsoft to enhance the relative appeal and functionality of its products and services at the expense of its competitors, it denies consumers the benefits of competition. Instead of choosing a server, telephone, application, or web service based solely on its competitive merits, Microsoft is increasingly forcing consumers to purchase such products and services based upon their ability to interoperate with its unlawfully monopolized platforms.

Microsoft is now abusing the power it has over PC operating systems and web browsers by seeking to extend its control to embrace any device, application, or web service that seeks to interoperate with Microsoft's monopolized PC operating systems or browsers. Microsoft's unbridled monopoly over a critical node on the digital network—PCs—provides it the power to allow only such servers, PDAs, telephones, television set-top boxes, videogame systems, or web services that implement Microsoft's proprietary interfaces and protocols to interoperate effectively with Microsoft's monopoly products. By illegally exploiting its PC operating system monopoly to acquire and utilize a chokehold over networked connections to PCs, Microsoft is dramatically expanding its power to deny consumers the benefits of choice and competition in adjacent and downstream markets as well.

C. The RPFJ fails to remedy the monopoly illegally maintained by Microsoft

In the face of this record, the law requires that any remedial decree ''terminate'' the monopoly, ''unfetter'' the market from anticompetitive conduct, ''deny to the defendant the fruits'' of its illegal acts, and ''ensure'' no repetition of such abuse in the future.[6] Measured against this standard, the proposed settlement between the United States and Microsoft reflected in the RPFJ falls far short.

Rather than act directly to restore competition to the market for PC operating systems, and redress the harm to competition inflicted by Microsoft's past misconduct in that and adjacent markets, the RPFJ actually accedes to Microsoft's monopoly, and does little or nothing to eliminate or check the enormous power it provides. Incredibly, the RPFJ barely proscribes behavior already held to be unlawful without remedying the far-reaching and continuing anticompetitive effects that have been caused by that behavior.[7] Even though Microsoft effectively destroyed competition for web browsers and blocked the distribution of upgraded, compatible versions of the Java platform for the PC, the RPFJ fails to remedy directly these anticompetitive acts or disgorge Microsoft of the power it now enjoys as a result of those acts.

Instead, the RPFJ relies on Microsoft's partners—PC manufacturers—to indirectly undermine Microsoft's monopoly by distributing non-Microsoft middleware. Relying on Microsoft's distributors to achieve the Department's goals is fundamentally flawed, since the PC manufacturers have little or no economic incentive or ability to work with Microsoft's competitors, absent fundamental changes to the competitive landscape in the PC operating system market, which the RPFJ fails to seek.[8] At best, the RPFJ will marginally increase the opportunity, but not the ability, of competitors to compete at some future date with Microsoft's middleware products. It does nothing directly to dislodge Microsoft's PC operating system monopoly or to restore the market for PC operating systems to the competitive dynamics the market would have possessed ''but for'' Microsoft's illegal conduct.

While promising in principle, the disclosure remedies in the RPFJ (Sections III.D. and III.E) are likely to fail in practice to achieve the procompetitive objectives identified by the United States Justice Department (the ''Department'') in its Competitive Impact Statement. Key provisions in the RPFJ contain critical loopholes and glaring ambiguities. Given Microsoft's past disdain for compliance with the strictures of its prior antitrust consent decree with the Department, these ambiguities will likely lead to future litigation, particularly since Microsoft has repeatedly refused to answer any questions regarding whether it agrees or disagrees with the interpretations of the RPFJ proposed by the Department in the Competitive Impact Statement. Instead, it is clear that Microsoft's strategy is to say as little as possible about the meaning or application of the RPFJ prior to entry of judgment, hoping that any ambiguities in the language will ultimately be interpreted in its favor. In order to protect the public and ensure that the Department has actually secured a settlement that is consistent with its representations to the Court, the Department must force Microsoft to identify any disagreements that it has with the Department's interpretations prior to entry of the judgment. Unless such minimal steps are taken, the RPFJ will certainly fail to secure even the modest objectives it seeks to attain.

The RPFJ is further flawed because it allows Microsoft to profit from its illegal acts by exacting royalties as a condition for making interoperability disclosures. Moreover, it gives Microsoft far too much discretion about how it will ''comply'' with the RPFJ. Given its past record of anticompetitive conduct, a remedial scheme which relies on Microsoft acting ''reasonably'' is doomed to fail. After having successfully prosecuted its case against Microsoft, that there exists no commercially viable alternative to which they could switch in response to a substantial and sustained price increase or its equivalent by Microsoft.'').It would be tragic for the Department to shirk its duty under the law, and through entry of the RPFJ, allow Microsoft to maintain and expand its monopoly power. II. Sun Microsystems'' Interest Regarding the Terms of the RPFJ''

Since its founding in 1982, Sun has been propelled by an innovative vision—''The Network Is The Computer.'' TM Sun is a leader in the design, manufacture, and sale of computer hardware, software, and services. Sun directly competes with Microsoft across a wide variety of markets including operating systems, ''middleware'' platforms, software development tools, office productivity suites, directory services, and enterprise software.

Sun's experience and expertise place it in a unique position to assess the true

[6] 6 Microsoft III, 253 F.3d at 103.

[7] See Schine Chain Theatres, Inc. v. United States, 334 U.S. 110, 128 (1948) (concluding that injunctive relief which merely ''forbid[s] a repetition of the illegal conduct'' is legally insufficient because defendants would ''retain the full dividends of their monopolistic practices and profit from the unlawful restraints of trade which they inflicted on competitors'').

[8] Findings of Fact, 84 F. Supp. 2d at § 54 (stating that ''[w]ithout significant exception, all OEMs pre-install Windows on the vast majority of PCs that they sell, and they uniformly are of a mind. loopholes in the RPFJ must be eliminated and its important ambiguities clarified

competitive impact of the RPFJ. As one of Microsoft's leading competitors and as the creator and licensor of the Java platform, Sun was a prime target of the anticompetitive conduct at issue in United States v. Microsoft. In addition, because Sun designs, manufactures, and sells a wide variety of products and services that must interoperate with Microsoft's products and services, Sun's real- world experience regarding the difficulties and barriers to effective interoperability with Microsoft's products affords Sun unique insights into whether the various technical disclosures and licensing practices mandated under the RPFJ will actually achieve the results intended by the Department.

Sun's comments on the RPFJ are not intended to be exhaustive. Instead, the comments focus on key shortcomings or problems with the RPFJ, which most directly impact Sun, its distributors, developers, and customers. Others, including trade organizations of which Sun is a member, are likely to raise additional problems with the RPFJ, which should be addressed prior to entry of the judgment. By omitting such subjects from its submission, Sun does not wish to convey to the Department the impression that it believes the remainder of the RPFJ is satisfactory to Sun. Rather, Sun has merely focused its comments to highlight particular areas of concern.

III. The RPFJ Fails To Remedy the Continuing Harm to Competition Caused By Microsoft's Illegal Acts

A. The RPFJ fails to dissipate Microsoft's monopoly power in the market for PC operating systems

A remedies decree in an antitrust case ''must seek to unfetter a market from anticompetitive conduct, to terminate the illegal monopoly, deny the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future.''[9] The market over which Microsoft has unlawfully maintained its monopoly power is the market for PC operating systems. It is that market—the market for PC operating systems— that must be restored to competition, and in which Microsoft's power must be eliminated.

The RPFJ, however, fails to serve this fundamental objective. The first and most important flaw in the RPFJ lies in its failure to do anything to restore competition in the market for PC operating systems. But for Microsoft's anticompetitive conduct, the market would today provide consumers and software developers with the benefits of competitive choice among at least three alternative computing platforms for desktop computers: the Windows operating system, the Navigator browser, and the Java platform. As a direct result of Microsoft's anticompetitive conduct, consumers and developers today effectively enjoy no such choice. Rather than restore the market to the state it would have enjoyed but for Microsoft's illegal conduct, or even attempt to dissipate Microsoft's illegally maintained power over that market,the RPFJ accedes to and accepts Microsoft's monopoly over PC operating systems, and does nothing to directly and immediately restore that market to competition.

Indeed, the RPFJ does not even focus its principal remedies on the relevant market: the market for PC operating systems. Instead, it focuses its principal remedies on entirely different markets: the market for distribution of Microsoft operating systems and the market for middleware. In light of the record established and affirmed in this case, the Department's reliance on Microsoft's own distributors -entities whose commercial viability is dependent on and inextricably tied to Microsoft's success—to promote non-Microsoft middleware products capable of threatening Microsoft's monopoly position is misplaced at best, and foolhardy at worst.

1. The Department previously acknowledged that an effective remedy had to eliminate the applications barrier protecting Microsoft's monopoly In recognition of the Department's obligations under the law and the extent of Microsoft's misconduct, the Department originally set its remedial objectives much higher than those proposed in the RPFJ. In fact, both the Department and the District Court concluded that a combination of structural relief and conduct remedies was necessary to lower the applications barrier to entry and to restore competition in the market for PC operating systems.[10] As the Department itself acknowledged, conduct remedies, by themselves, are likely to be insufficient in this case to remedy the past harm to competition:

[C]onduct remedies can do little to rectify the harm done to competition by Microsoft's illegal conduct in the past. For example, the evidence shows and the Court found that Microsoft's illegal conduct prevented Navigator and Java from eroding the applications barrier to entry ''for several years, and perhaps permanently'' because they could not facilitate entry unless they became almost ubiquitous and thus became attractive platforms for ISVs. A conduct remedy cannot undo the demise of Navigator and the concomitant rise of Internet Explorer, nor can it ensure that there will be other middleware threats comparable to Navigator in the future.[11] According to the Department, ''[c]ompetition was injured in this case principally because Microsoft's illegal conduct raised entry barriers to the PC operating system market by destroying developments that would have made it more likely that competing operating systems would gain access to applications and other needed complements.'' [12] Thus, ''the key to a remedy in this case is to reduce Microsoft's ability to erect or maintain entry barriers.'' [13] To achieve this objective, the Department originally sought to divide Microsoft into an Applications Business and an Operating Systems Business in order to ''create incentives for Microsoft's Office and its other uniquely valuable applications to be made available to competing operating systems when that is efficient and profitable—in other words, in response to ordinary market forces—instead of being withheld strategically, at the sacrifice of profits and to the detriment of consumers—in order to protect the Windows operating system monopoly.'' [14]

But now that the Department has reversed its prior position and seeks to rely solely on conduct remedies, the remedies it has proposed are even less likely to rectify the harm done to competition than the interim conduct remedies previously adopted by the District Court. The conduct remedies of the RPFJ are simply not tailored to rectify the continuing harm or lower the barriers to competition for competing operating system vendors. For example, the RPFJ does not even attempt to redress the competitive harm caused by Microsoft's interference and disruption of the distribution channels for the Navigator browser or the Java platform, even though Microsoft correctly perceived that widespread distribution of these platforms would lower the barriers to competition protecting its monopoly. Nor does the RPFJ take any direct steps to loosen Microsoft's chokehold on the PC operating system market and facilitate the development of applications from both Microsoft and others that could run on competing operating systems. If, as the Department previously contended, the ''key to a remedy'' in this case is to reduce or eliminate Microsoft's ability to create and maintain barriers to competition, the RPFJ does not attempt to serve, much less achieve, that remedial objective.

Although the Court of Appeals vacated and remanded the District Court's divestiture order, it affirmed the central liability findings against Microsoft. Rejecting Microsoft's numerous challenges, the Court of Appeals concluded that Microsoft had monopoly power over the PC operating system market, that Microsoft's monopoly was protected by an applications barrier to entry, and that Microsoft engaged in a panoply of illegal acts to maintain that monopoly in light of the competitive threat posed by the Navigator browser and the Java platform? Furthermore, it set forth the legal standard against which any remedy for such violations should be measured.[16]

While the Department certainly had discretion to choose not to pursue a divestiture remedy on remand, the Court of Appeals' affirmance of the core liability findings against Microsoft provided no excuse for seeking watered-down conduct remedies that are likely to be even less effective than the interim conduct remedies previously ordered by the Court. This is not a case where the Department entered into a

[9] Microsoft III, 253 F.3d at 103 (internal quotations and citations omitted). Although the Department acknowledges the required remedial objectives under the law, it fails to achieve them in practice. See Competitive Impact Statement (''CIS'') at 24 (''Appropriate injunctive relief in an antitrust case should: (1) end the unlawful conduct; (2) ''avoid a recurrence of the violation'' and others like it; and (3) undo its anticompetitive consequences.'').

[10] United States v. Microsoft Corp., 97 F. Supp. 2d 59 (D.DC 2000), aff'd in part, rev'd in part, and remanded, 253 F.3d 34 (DC Cir. 2001).

[11] 11 4/28/00 Plaintiffs'' Memo. in Support of Proposed Final Judgment at 7–8 (citations omitted).

[12] id. at 30.

[13] Id.

[14] Id.

[16] Id. at 103.

settlement with a defendant in lieu of trial. Here, the District Court held, and the Court of Appeals affirmed, that Microsoft violated the antirust laws. By failing to remedy the effects of Microsoft's illegal acts, disgorge Microsoft's ill-gotten gains, and attack the barriers to competition protecting Microsoft's monopoly, the Department has shirked its duty under the law.

2. The RPFJ fails to address the effects of Microsoft's distribution power

Any remedy designed to restore competition in the PC operating system market must account for the economic realities of software platform development. Distribution is the key to competitive viability in the market for PC platform software? The applications barrier to entry which forms a ''positive feedback loop'' for Microsoft and a ''vicious cycle'' for Microsoft's competitors was a centerpiece of the Department's case: the number of installed units of a platform determines its commercial appeal to applications developers; the number and variety of applications available for a platform determines its commercial appeal to consumers; and the commercial appeal of the platform to consumers in turn drives its installed base and market share.[18] As the Court of Appeals concluded, ''[b]ecause the applications barrier to entry protects a dominant operating system irrespective of quality, it gives Microsoft power to stave off even superior new rivals.'' [19] In large measure, the Navigator browser and the Java platform threatened Microsoft's monopoly because they had achieved widespread distribution on both Windows and non-Windows platforms, thereby becoming a potentially more attractive platform for application development than Windows. If developers increasingly chose to develop their applications to the Navigator and Java platforms, rather than the Windows platform, consumers would have greater freedom to switch away from the Windows operating system because they would still be able to run the applications that they desire using competing operating systems.

To restore competition in the PC operating system market, an appropriate remedy should attempt to place the market back in the position it would have been ''but for'' Microsoft's illegal conduct. In other words, an appropriate remedy would ensure, to the extent possible, that alternative platforms achieve the distribution that they would have received ''but for'' Microsoft's illegal conduct. Moreover, an appropriate remedy also would seek to open up Microsoft's distribution channels to expand consumer choice by ensuring that alternative platforms could compete on the merits with Microsoft's products, rather than having Microsoft's illegally maintained distribution powers effectively foreclose such choices.

To evaluate the potential efficacy of the RPFJ, one must compare the competitive landscape before and after Microsoft's illegal acts. Prior to Microsoft's acts, the marketplace was undergoing dramatic changes as a result of the nearly simultaneous emergence of both the Navigator browser and the Java platform. By easily connecting consumers to resources across the Internet and providing a new platform for software development, these new, widely- distributed platforms threatened Microsoft's monopoly power because they afforded consumers the ability to run applications on many different operating systems, not just Windows. Customers could chose between different browsers as well as different implementations of the Java platform. They were not reliant on a single vendor for their platform software. At this inflection point in the market, the barriers to competition protecting Microsoft's monopoly looked increasingly precarious.

Microsoft's internal documents demonstrate how serious that threat really was. Despite its dominant market position, Microsoft believed it was necessary to engage in a campaign of illegal conduct to crush this competition. As a result of that conduct, consumers no longer have any real competitive choices for browsers for PCs, other than Microsoft's Internet Explorer. As a practical matter, PC consumers also have been denied access to the latest, compatible versions of the Java platform as a result of Microsoft's conduct. Instead, Microsoft first offered an incompatible version of the Java platform, and now seeks to roll-out their ''knock-off'' middleware runtime, the .NET Framework/Common Language Runtime, that copies many of the features of the Java platform with one critical difference—it runs only on Windows.

The question that should be asked regarding the RPFJ is whether it will disgorge from Microsoft the fruits of its illegal acts and restore a competitive marketplace where consumers will have the ability to choose their platform software from an array of competitive choices. A critical review of the RPFJ makes plain it does not. 3. The RPFJ does little more than attempt to enjoin Microsoft from continuing to engage in the conduct already found to be unlawful

Rather than attempting to undo the damage to competition resulting from Microsoft's actions and pry open the PC operating system market to competition, the RPFJ is purely forward- looking, focusing primarily on the precise Microsoft conduct already found to be unlawful.

Injunctive relief which simply ''forbid[s] a repetition of the illegal conduct'' is insufficient under Section 2 because it would allow Microsoft to ''retain the full dividends of [its] monopolistic practices and profit from the unlawful restraint of trade which [it] had inflicted on competitors.''[20] As the Supreme Court has made plain, an antitrust remedy ''does not end with enjoining continuance of the unlawful restraints'' but must also seek to undo the effects of the illegal acts and ensure that they do not reoccur. [21]

Most of the RPFJ is oriented towards prohibiting a narrow set of future illegal conduct by Microsoft. For example, the RPFJ contains provisions which would prohibit Microsoft from:

* retaliating against distributors of or developers for Non-Microsoft Operating Systems and Non-Microsoft Middleware (Sections III.A and III.F);

* entering into certain restrictive agreements relating to the distribution of or development for Non-Microsoft Operating Systems and Non-Microsoft Middleware (Sections III.C, III.F.2, III.G); or

* preventing end-users and OEMs from enabling non-Microsoft Middleware Products over Microsoft Middleware Products (Section III.H). Although such provisions are certainly appropriate in light of Microsoft's past conduct, they merely enjoin Microsoft from continuing to break the law in the future, and do nothing to repair the damage to competition caused by Microsoft's past acts.

4. The RPFJ assumes that Microsoft's Windows distributors will promote competitive middleware products

Sun questions whether the Department's reliance upon Microsoft's primary distributors, PC manufacturers, to re-start competition in the PC operating system market is fundamentally misplaced. In its Competitive Impact Statement, the Department contends that the RPFJ will ''restore the competitive threat that middleware products posed prior to Microsoft's unlawful undertakings.'' [22] The Department's assumption seems to be that by giving PC manufacturers greater contractual freedom to distribute non-Microsoft Middleware Products, a rich market of competing middleware products will arise that could eventually give rise to alternative computing platforms capable of undermining Microsoft's application barrier to entry.

The RPFJ, however, does nothing to ensure that such alternative platforms are actually distributed to consumers. If PC manufacturers choose not to distribute such software, consumers will never have the choice that they had, prior to Microsoft's illegal acts, when alternative platforms like the Navigator browser or the Java platform were ubiquitously distributed. The key question then is whether PC manufacturers will aggressively distribute non-Microsoft platforms. Unfortunately, the Department's Competitive Impact Statement offers no explanation or empirical evidence to support this critical assumption.

Given the limited nature of the relief proposed in the RPFJ, Sun is not as sanguine as the Department about such prospects.

First, despite the retaliation restrictions contained in the RPFJ, because Microsoft's market power is left largely untouched and PC manufacturers remain dependent solely on Microsoft for a critical component for their products, it is very likely that, in practice, many PC manufacturers will remain reluctant to risk incurring Microsoft's wrath by supporting competing platforms. Microsoft simply retains too many formal and informal tactics to reward its ''friends,'' and punish its ''enemies.'' One need only look at PC manufacturers'' treatment of Microsoft's Internet Explorer for guidance on how the terms of the RPFJ are likely to be applied in practice. In July 2001, Microsoft announced that PC manufacturers, for the

[18] Findings of Fact, 84 F. Supp. 2d at §§ 39–40.

[19] Microsoft III, 253 F.3d at 55–56.

[20] Schine, 334 U.S. at 128.

[21] See United States v. Paramount Pictures, 334 U.S. 131,171 (1948).

[22] CIS at 3.

first time, would be free to remove access to Internet Explorer. Since that time, not one PC manufacturer has removed the Internet Explorer icon from retail PCs.

Second, under the terms of the RPFJ, competing middleware vendors are at such a competitive disadvantage to Microsoft that it will remain extremely difficult to secure distribution of these competing products through PC manufacturers. Under the RPFJ, Microsoft's ability to bundle middleware products into its Windows operating system would remain essentially unfettered. PC manufacturers would have the legal right to remove or disable certain Microsoft middleware products, but what commercial incentive will the PC manufacturers have to remove or disable the Microsoft products if they have already paid for such products in order to license the Windows operating system? Moreover, while Microsoft retains the ability to bundle its middleware product (e.g., a browser, media player, etc.) into every copy of Windows (absent an affirmative act by a PC manufacturer to exclude such product), a competitor would have to individually approach scores, if not hundreds, of different PC manufacturers around the world and negotiate a separate agreement with each to achieve a comparable degree of distribution. In addition, because the marginal cost to the PC manufacturer for the bundled Microsoft middleware product is effectively zero, PC manufacturers may be reluctant to pay non-Microsoft middleware vendors a sufficient price to recoup the costs such middleware vendors would incur to make and sell competing products.

Finally, since the vast majority of PC manufacturers are in the business of selling Windows PCs, some manufacturers might believe it is against their own commercial interests to support alternative middleware platforms. For example, if a middleware platform (e.g., the Java platform) truly lowers barriers to entry and allows consumers to run applications on any operating system (e.g., Apple Mac operating system, etc.) that supports that middleware platform, consumers eventually might chose to purchase their computers from vendors other than Windows PC vendors. Thus, the RPFJ fails to account for the fact that many PC manufacturers may derive substantial benefit from maintaining the applications barrier to entry protecting Microsoft's Windows monopoly. B. The RPFJ does not remedy the continuing competitive harm to web browsers

Prior to Microsoft's illegal campaign, Netscape's Navigator browser was the market leading web browser by a wide margin.[23] Today, Microsoft's Internet Explorer browser dominates the market, accounting for over 87% of all users. [24]To achieve this dramatic turn of events, the District Court found, and the Court of Appeals affirmed, that Microsoft engaged in a series of unlawful, anticompetitive acts:

* Exclusionary contracts with OEMs,[25] IAPs,[26] and ISVs;[27]

* Commingling of software code to make it technologically difficult to remove, Internet Explorer from Windows; [28]

* Anticompetitive deals with Apple Computer.[29]

Not only did Microsoft effectively destroy Navigator as a viable alternative platform, by seizing control over the web browser, Microsoft greatly expanded its market power. By dominating web browsers and effectively excluding all competitors, Microsoft secured the power to set and control the protocols and interfaces used for connecting with and communicating over the Internet.

Imagine, for example, that a single company monopolized the manufacture and supply of telephones, such that it supplied 95% of the world's telephones. If that company were permitted to change the dial tone on its phones, or the keypad, in ways that permitted only phones made by it to call and interact with its installed base of telephones, the telephones made and sold by its competitors would have very little or no value, since they could no longer interoperate effectively with 95% of all telephones. And if that company also altered the telephones it made so that they worked best—or indeed only—with the telephone switches and answering machines that the monopoly telephone company also made, then that company would quickly obtain a monopoly over the telephone switch and answering machine markets as well.

Microsoft's control over the browser and PC operating system provides Microsoft with just such unbridled power to dictate unilaterally the interfaces and protocols by which other devices and applications can interoperate with Microsoft's products and services over the Internet. The role played by the browser in communicating with devices, applications, and web services over the Internet is directly analogous to the role played by the consumer telephone in the telephone network.

As a result of Microsoft's illegal acts, Microsoft can now exclude competing products and services from being able to communicate over the Internet with Microsoft's browser, or Microsoft can mandate interfaces and protocols which favor its products over competitors'' products. Thus, by virtue of its anticompetitive conduct, Microsoft has secured the power to potentially appropriate a public asset of immeasurable value—the Internet—through use of proprietary interfaces and protocols.

Control of the browser also was essential to protecting Microsoft's PC operating system monopoly. By controlling this ''killer application,'' Microsoft can determine which competing operating systems, if any, will be able to run Internet Explorer. Without first-rate browser support capable of communicating with the content available across the Internet, competing PC operating systems simply will not be able to attract consumers away from Microsoft's monopoly operating system.

Finally, control of the browser was important in order for Microsoft to be able to control a key distribution channel for middleware that potentially threatened Microsoft's monopoly. Browsers have been a vital distribution channel for a variety of middleware products, including the Java platform, media players, instant messaging products, etc. If Microsoft did not control this distribution channel, competitors could have continued to use competing browsers as a vehicle for distributing non-Microsoft middleware.

Consequently, the continuing competitive harm flowing from Microsoft's unlawful conduct is substantial. The RPFJ, however, does nothing directly to address it. Instead, it leaves Microsoft to enjoy the spoils of its illegal conduct. At best, the RPFJ attempts to make it easier for PC manufacturers to now distribute competing browsers. But given the dominant position that Internet Explorer has now achieved, who will develop and market a competing browser? Because Microsoft bundles Internet Explorer with its monopoly operating system, a competitor would have to compete against a product with a marginal cost to PC manufacturers and consumers of essentially zero, since Microsoft can recoup its costs from its monopoly products. Even if the competing browser were technically superior, Microsoft can regularly introduce new interfaces and protocols to interfere with the competing browser's ability to compete, forcing the competitor to chase each new proprietary standard Microsoft announces.

Unless Microsoft is first stripped of the fruits of its illegal conduct, real competition in the browser market is unlikely to occur. Absent such remedial relief, it is akin to holding a 100-yard dash in which Microsoft has an 87-yard lead after jumping the gun and intentionally tripping all of its competitors. Consumers are directly harmed as a result. Instead of a marketplace offering many different browser choices, consumers are increasingly faced with only one choice -Microsoft's browser. C. The RPFJ does not remedy the substantial harm to competition caused by Microsoft's illegal acts against the Java platform

The District Court found, and the Court of Appeals affirmed, that Microsoft engaged in numerous anticompetitive acts directed against the Java platform:

* Exclusionary ISV deals;[30]

* Anticompetitive threats to Intel to stop Java platform development;[31]

* Deceiving developers into using Microsoft's incompatible implementation of the Java platform;[32 33 34]

* Blocking distribution of Netscape Navigator—a prime distribution channel for the Java platform to PCs?

Prior to Microsoft's anticompetitive acts, Sun had secured two major distribution channels for delivering the Java platform to PCs—Netscape's Navigator browser and Microsoft's Internet Explorer browser and

[23] See Findings of Fact, 84 F. Supp. 2d at § 360.

[24] 2/21/01 StatMarket Report Regarding Global Browser Usage Share.

[25] See Microsoft III, 253 F.3d at 64.

[26] See id. at 71.

[27] See id. at 72.

[30] See id. at 76.

[31] See id. at 78.

[32] See id. at 77.

[33] See Findings of Fact, 84 F. Supp. 2d at § 397 (explaining how Microsoft used some of its ''surplus monopoly power'' to suppress distribution of Netscape Navigator and inflict further competitive damage on the distribution of the Java platform).

[34] See United States v. Microsoft Corp., 980 F. Supp. 537, 539 (D.DC 1997).

Windows operating system. By its illegal acts, Microsoft effectively blocked the distribution of compatible, upgraded versions of the Java platform through both channels, and substantially slowed the development of desktop applications written to the Java platform.

First, by blocking distribution of Netscape Navigator and dramatically reducing its market share, Microsoft effectively closed this alternative channel for distributing compatible versions of the Java platform to PCs. Second, by developing and distributing its own incompatible version of the Java platform which was tied to Windows, Microsoft fragmented the Java platform in order to re-create its applications barrier to entry, ensuring that PC consumers only had Microsoft's version of the Java platform. By refusing to distribute compatible upgrades of the Java platform, Microsoft effectively froze desktop development for the Java platform by continuing to distribute an ''old'' version of the technology, which did not have the richer set of functionality available in later versions. Finally, by means of exclusionary deals, threats, and incompatible developer tools, Microsoft attempted to either deceive or coerce developers away from developing compatible applications written to the Java platform that could run on operating systems other than Windows.

Since the trial, Microsoft has continued to attack the Java platform to the detriment of consumers. In its most recent version of Windows, Windows XP, Microsoft no longer included even the old version of the Java platform which it previously had been shipping as part of Windows in accordance with the terms of a settlement agreement with Sun. As a result, millions of consumers purchasing Windows XP will no longer be able to access web pages that contain applications written to the Java platform unless they engage in a time-consuming download of the entire Java platform.

In addition, Microsoft recently unveiled its own competing middleware runtime—the .NET Framework—as part of its .NET initiative. During the time that Microsoft effectively halted the development and distribution of the Java platform for the PC for several years, it simultaneously was busy developing its own middleware runtime that copied the design and architecture of the Java platform with one glaring difference—the .NET Framework runs only on Windows. Thus, not only did Microsoft's illegal conduct allow it to blunt the competitive threat which the Java platform posed to Microsoft's Windows monopoly, it also allowed Microsoft the time to try and catch up with many of the compelling features that, at the time, only the Java platform offered.

The RPFJ, however, does not seek to remedy the continuing competitive harm caused by Microsoft's actions. For example, the RPFJ does nothing to attempt to put the marketplace in the position it would have been ''but for'' Microsoft's conduct—ubiquitous distribution of an upgraded, compatible Java platform on top of every Windows operating system as an available, alternative platform for software applications. Nor does it account for the time-to-market advantage that the Java platform lost as a result of Microsoft's conduct, particularly now that Microsoft will attempt to compete against the Java platform with its .NET Framework.

Instead of attempting to undo this damage to competition, the RPFJ would allow Microsoft to bundle its competing .NET Framework with Windows, while forcing Sun and its licensees to try and re-create the distribution channels that Microsoft unlawfully destroyed.

Absent real remedial relief, Microsoft will continue to reap the benefits of its unlawful conduct, and consumers will have no meaningful alternative computing platform available on PCs that is not controlled by Microsoft. IV. Critical Terms In The RPFJ Are Undefined or Ambiguous A. Significant ambiguities in the RPFJ must be cured to avoid further litigation

The dispute between Microsoft and the Department regarding the prior consent decree demonstrates the need to carefully define technical terms to avoid future litigation and ensure the parties agree with respect to Microsoft's obligations. As the Department is well aware, the 1995 consent decree with Microsoft prevented Microsoft from requiring PC manufacturers to license other products as a condition of licensing the Windows operating system? However, the consent decree specified that this obligation did not ''prohibit Microsoft from developing integrated products,'' though the term ''integrated products'' was left undefined?

In 1997, the Department asked the District Court to find Microsoft in contempt for requiring PC manufacturers who licensed the Windows operating system to also license Internet Explorer. Although the District Court found that the Department's proposed definition was probably correct, the court declined to find Microsoft in contempt because Microsoft offered a ''plausible interpretation,'' and any ambiguities had to be resolved in Microsoft's favor?

Given that any ambiguities are likely to be resolved in Microsoft's favor in any future enforcement proceeding, Sun believes it is essential that any and all material ambiguities be clarified prior to the entry of the RPFJ.

Although the Department offers its own interpretation of some of the RPFJ's ambiguous terms in the Competitive Impact Statement, Microsoft has repeatedly refused to reveal whether it disagrees with those interpretations. For example, following recent testimony by Microsoft's counsel, Charles Rule, before the Senate Judiciary Committee, members of the Committee posed a series of questions to Mr. Rule regarding whether Microsoft agreed with the Department's interpretation of the RPFJ as set forth in the Competitive Impact Statement. Mr. Rule's responses were telling. When asked a series of questions directed to whether ''Microsoft disagree[d] with anything stated in the Department's Competitive Impact Statement concerning the meaning and scope of the proposed Final Judgment,'' Mr. Rule refused to answer the questions directly, instead repeatedly referring to the same ''non-answer'':

Microsoft did not participate in the preparation of the Competitive Impact Statement. The language of the Revised Proposed Final Judgment was carefully negotiated and means what it says. The Department's Competitive Impact Statement has the same legal force and effect in this case as in any other. Beyond that I cannot go in light of the facts that the Tunney Act proceeding is currently under way before Judge Kollar-Kotelly and that the non-settling states are attempting to raise various issues concerning the Competitive Impact Statement as part of the ongoing ''remedies'' litigation also before Judge Kollar-Kotelly. Once that litigation is completed, I may be in a better position to discuss these issues with the Committee.

Microsoft's clear strategy is to refuse to reveal anything about its interpretations of the RPFJ prior to the Court's entry of the judgment, lest it become clear to both the Department and the public that Microsoft's understanding of its potential obligations under the RPFJ is substantially different from the Department's. Then, when disputes with the Department about the scope of its obligations arise, as they inevitably will, Microsoft will be free to argue that the RPFJ is ambiguous, and therefore must be construed, as a matter of law, in Microsoft's favor?

While it certainly is in Microsoft's interest to pursue such a strategy, the Department should not risk being complicit in a scheme that would effectively mislead the Court and the public about the true nature and impact of the RPFJ. The Department should insist that Microsoft identify any and all disagreements that it has with the interpretations offered by the Department in the Competitive Impact Statement prior to entry of the RPFJ. Absent such an inquiry and a record of Microsoft's position, the District Court, Sun, and the public at large have no assurances that the terms of the RPFJ will actually be construed in the manner proposed by the Department in its Competitive Impact Statement. B. ''Interoperate'' and ''interoperating'' must be defined

The key disclosure provisions contained in the RPFJ rely on the terms ''interoperate'' and ''interoperating'' to define the scope of Microsoft's obligations, but these critical terms are not expressly defined.

Section III.D of the RPFJ would require Microsoft to disclose ''for the sole purpose of interoperating with a Windows Operating System Product... the APIs and related Documentation that are used by Microsoft Middleware to interoperate with a Windows Operating System Product.'' (emphasis added).

Section III.E would require Microsoft to: make available for use by third parties, for the sole purpose of interoperating with a Windows Operating System Product, on reasonable and non-discriminatory terms .... any Communication Protocol that is... (i) implemented in a Windows Operating System Product installed on a client computer, and (ii) used to interoperate natively (i.e., without the addition of software code to the client operating system

product) with a Microsoft server operating system product. (emphasis added).[35] [36] [37] [38] [39]

Depending on the definition of these terms, the scope of Microsoft's obligations under these provisions could vary dramatically. Therefore, in order to avoid a reprise of the litigation surrounding the 1995 consent decree with Microsoft, the Department should clarify the meaning of these terms in the text of the RPFJ, particularly since any ambiguity is likely to be construed in Microsoft's favor in any enforcement action brought by the Department.

An explicit definition of these terms is essential because Sun believes the Department and Microsoft likely attach very different meaning to these terms.

For example, in the Competitive Impact Statement, the Department offers a number of broad characterizations regarding the scope of these interoperability disclosures:

* ''[I]f a Windows Operating System Product is using all the Communications Protocols that it contains to communicate with two servers, one of which is a Microsoft server and one of which is a competing server that has licensed and fully implemented all the Communications Protocols, the Windows Operating System Product should behave identically in its interaction with both the Microsoft and non-Microsoft servers.'' [40]

* ''Section III.E. will permit seamless interoperability between Windows Operating System Products and non-Microsoft servers on a network. For example, the provision requires the licensing of all Communications Protocols necessary for non-Microsoft servers to interoperate with the Windows Operating System Products'' implementation of the Kerberos security standard in the same manner as do Microsoft servers, including the exchange of Privilege Access Certificates. Microsoft must license for use by non-Microsoft server operating system products the Communications Protocols that Windows Operating System Products use to enable network services through mechanisms such as Windows server message block protocol/common Internet file system protocol communications, as well as Microsoft remote procedure calls between the client and server operating systems.'' [41]

* ''Section III.D of the proposed Final Judgment requires Microsoft to disclose to ISVs, IHVs, IAPs, ICPs and OEMs all of the interfaces and related technical information that Microsoft Middleware uses to interoperate with any Windows Operating System Product .... Microsoft will not be able to hamper the development or operation of potentially threatening software by withholding interface information or permitting its own products to use hidden or undisclosed interfaces.'' [42]

In light of these comments, the Department appears to be interpreting ''interoperate'' to mean the ability of two different products to access, utilize, and support the full features and functionality of one another. Under the Department's interpretation, the disclosures would be of sufficient detail to allow a non-Microsoft server operating system to implement the Microsoft Communication Protocols in a manner such that the non-Microsoft server operating system could be substituted for a Microsoft server operating system without any disruption, degradation, or impairment of all the features, functionality, and services of any Microsoft PC operating system connected to such non-Microsoft server operating system.

By contrast, in proceedings before the European Commission, Microsoft has asserted a much narrower interpretation of ''interoperate'' than the Department's interpretation. In that forum, Microsoft has maintained it already discloses all information necessary to achieve interoperability between Microsoft's PC operating system and non-Microsoft server operating systems. Since Microsoft contends that they already disclose all of the information necessary to satisfy this narrow definition of ''interoperate,'' if this definition were to prevail, Microsoft will disclose nothing new. Its conduct will remain unchanged.

Under Microsoft's narrow definition, interoperability is a one-way street that is satisfied if all of the functionality of a non-Microsoft server operating system can be accessed from a Windows PC operating system. In contrast to the Department's position, Microsoft has repeatedly taken the position that interoperability does not require a disclosure sufficient to allow a Windows PC operating system to behave identically when connected to both Microsoft and non-Microsoft server operating systems. Moreover, Microsoft has previously claimed that ''interoperability'' relates only to those protocols and interfaces which Microsoft has chosen to document and make available to third parties, and should not include protocols and interfaces that Microsoft reserves for itself to use to connect its PC and server operating system products. Absent an explicit definition of this critical term in the RPFJ, Sun believes the disclosure provisions of the RPFJ are doomed to fail. To avoid future disputes over the meaning of this term and to ensure that the public actually receives a remedy that is consistent with the Department's representations in the Competitive Impact Statement, Sun proposes that the RPFJ should be amended to include the following definition:

''Interoperate'' or ''Interoperating'' means the ability of two different products to access, utilize and/or support the full features and functionality of one another in all of the ways they are intended to function. For example, a non- Microsoft operating system installed on a server computer ''Interoperates'' with a Windows Operating System Product installed on a Personal Computer if such non-Microsoft server operating system can (a) be substituted for a Microsoft operating system running on a server computer connected to a Personal Computer running a Windows Operating System Product, and (b) provide the user of the non-Microsoft server operating system the ability to access, utilize and/or support the full services, features and functionality of the Windows Operating System Product that are accessed, utilized and/or supported by such Microsoft server operating system without any disruption, degradation or impairment in such services, features and functions. C. The scope of Microsoft's ''Communication Protocols'' disclosure should be clarified and exemplified

As a vendor of server operating systems that must connect and communicate with Microsoft's monopoly PC operating system, the disclosure and licensing provisions in Section III.E relating to Microsoft's Communications Protocols are especially important to Sun's business. Although the term Communications Protocols is expressly defined, the RPFJ lacks any explicit examples regarding which Microsoft technologies would currently be required to be disclosed or what the extent of such disclosure would be in practice. While the terms of the RPFJ must be written to anticipate Microsoft's future conduct, there is no excuse for misunderstandings regarding Microsoft's obligations with respect to known, existing interoperability barriers. Because the technical terms surrounding this provision are potentially subject to varying interpretations, the RPFJ would be substantially improved if it gave better guidance on how these provisions would actually be applied in practice.

For example, in its Competitive Impact Statement, the Department identifies some of the specific protocols it believes Microsoft will be required to disclose under Section III.E to the extent such protocols are implemented in Microsoft's PC operating system products, including: protocols relating to Microsoft's Internet Information Services (''IIS'') web server and Active Directory, Microsoft's implementation of the Kerberos security standard (including the exchange of Privilege Access Certificates), the Windows server message block protocol, the Windows common Internet file system protocol, Microsoft remote procedure calls between the client and server operating systems, and protocols that permit a runtime environment (e.g., the Common Language Runtime) to receive and execute code from a server.[43]

Microsoft, however, has refused to say whether it agrees with the Department's interpretation. To avoid future disputes and ensure that the parties agree on the kinds of protocols that will fall within the scope of the term ''Communications Protocols,'' the RPFJ should be amended to identify

[35] Id. at 539–40 (emphasis added).

[36] Id. at 541–42.

[37] Responses of Charles F. Rule to Judiciary Committee Questions at 13.

[38] See Microsoft, 980 F. Supp. at 541 (''The Court must resolve any ambiguities in the terms of the Final Judgment in favor of Microsoft, the party charged with contempt.''); see also Cause v. Nuclear Regulatory Comm'n, 674 F.2d 921,927–28 (DC Cir. 1982).

[39] See also Section III.H (providing that a Windows Operating System Product may invoke a Microsoft Middleware Product in any instance in which ''that Microsoft Middleware Product would be invoked solely for use in interoperating with a server maintained by Microsoft (outside the context of general Web browsing)'').

[40] CIS at 38.

[41] CIS at 38–39.

[42] CIS at 33.

[43] CIS at 37–39.

particular examples of protocols that Microsoft would be required to disclose. Furthermore, in advance of entry of the RPFJ, Microsoft should be required to fully detail what it will disclose with regard to existing Communications Protocols that pose a barrier to interoperability. At a minimum, the Department should require Microsoft to identify any disagreements Microsoft has with the Department's interpretation of this provision prior to entry of the RPFJ. Unless the Department and Microsoft go through the exercise of attempting to apply this provision in practice, the public cannot be assured that there truly has been a ''meeting of the minds'' regarding the scope and meaning of this important provision.

Not only should the Department clarify the RPFJ with examples of particular protocols that Microsoft currently would be required to disclose, the Department also should clarify the kinds of information Microsoft will be required to disclose regarding its Communications Protocols. Although the term Communications Protocols appears to be defined broadly in Section VI.B of the RPFJ, in practice, the actual application of these provisions is likely to give rise to many potential questions and disputes. For example,

* Is everything that is shipped with Microsoft Windows server operating system products (e.g., Windows 2000 Server, Windows 2000 Advanced Server, etc.), including Microsoft's Active Directory or IIS, part of the ''server operating system,'' and therefore potentially the subject of disclosure to the extent it comprises a ''Communications Protocol''?

* Are Active Directory, Kerberos security protocol, COM+, Dfs, DLT, CIFS extensions, RPC, the Win 32 APIs, or Passport examples of ''Communications Protocols'' that must be disclosed and licensed pursuant to Section III.E of the RPFJ?

* Where Microsoft has extended an industry standard like Kerberos, will Microsoft be required to disclose both the standard portion of its implementation and its proprietary extensions?

* Will Microsoft be required to disclose the details regarding its proprietary implementation of the Kerberos security protocol in Windows 2000 and Windows XP Professional, including the information necessary for a non-Microsoft server to be able to generate, exchange, and process the authentication and authorization data in Privilege Access Certificates?

* What does ''make available for use by third parties'' mean in practice in the context of Section III.E? Will Microsoft be required to just disclose fields, formats, etc., or will it be required to disclose sufficient information to allow a competitor to create its own implementation of the Communications Protocol that will allow a competitor's server operating system to seamlessly interoperate with the Windows PC operating system in the same manner as a Microsoft server operating system?

Unless such questions are resolved and clarified in advance of entry of the RPFJ, the disclosure and licensing obligations of Section III.E will not provide any meaningful relief. D. The scope of the ''carve-out'' provisions of Section III.J should be clarified

Particularly troubling to Sun is the possibility that the ''carve-out'' provisions of Section III.J might be broadly construed by Microsoft to exclude many of the kinds of disclosures that would otherwise fall within the scope of Sections III.D and III.E. Section III. J. 1 provides that no provision of the Final Judgment shall: [r]equire Microsoft to document, disclose or license to third parties: (a) portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of a particular installation or group of installations of anti-piracy, anti-virus, software licensing, digital fights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria .... (emphasis added).

In the Competitive Impact Statement, the Department characterizes this exception as a ''narrow one, limited to specific end-user implementations of security items such as actual keys, authorization tokens or enforcement criteria, the disclosure of which would compromise the security of ''a particular installation or group of installations'' of the listed security features.''[44] But nowhere in the RPFJ is the term ''compromise the security of a particular installation or group of installations'' defined. What will this provision mean in practice? With respect to known interoperability problems relating to Active Directory, Microsoft's Kerberos security model, Windows Media Player, or the Passport authentication/authorization service, what portions of those protocols and interfaces can Microsoft refuse to disclose pursuant to this provision? If Microsoft refuses to disclose such information, will competitors be able to fully interoperate with all of the features and functionality of the Windows operating system, or will the value of the disclosure provisions be effectively eviscerated? What steps has the Department taken to ensure that, in practice, this exception will not swallow the intended effect of the disclosure provisions?

Again, unless such questions are clarified in advance of entry of the RPFJ, Microsoft is likely to use this purportedly narrow exception to eviscerate its disclosure and licensing obligations under the RPFJ. E. The definition of ''Microsoft Middleware Product'' should be amended

The definition of ''Microsoft Middleware Product''[45] in the RPFJ is fundamentally flawed because it grants Microsoft discretion to limit its obligations merely based on the way it chooses to trademark its products. For middleware functionality that is distributed after entry of the Final Judgment, except for a small, specified class of middleware applications (e.g., Internet browsers, email client software, etc.), Microsoft's obligations under the RPFJ are not triggered unless it chooses to distribute the middleware product under a trademark other than ''Microsoft??'' or Functionality that Microsoft describes or markets as being part of a Microsoft Middleware Product (such as a service pack, upgrade, or bug fix for Internet Explorer), or that is a version of a Microsoft Middleware Product (such as Internet Explorer 5.5), shall be considered to be part of that Microsoft Middleware Product.

''Windows??.''[46] In other words, after entry of the RPFJ, if Microsoft bundles its new middleware runtime alternative to the Java platform, the .NET Framework (also known as the Common Language Runtime) with Windows, it only would have to make disclosures about the APIs used by the .NET Framework or allow OEMs and consumers to remove access to it, if it chose to distribute the .NET Framework under the trademarked name ''.NET Framework.'' If it simply distributed the product under the name ''Microsoft* .NET Framework,'' its activities would appear to be unconstrained by the RPFJ. To allow Microsoft to evade its obligations under the RPFJ based on arbitrary trademarking practices is absurd.

To avoid this result, the definition of ''Microsoft Middleware Product'' should be amended as follows: the ''Trademarked'' requirement of Section VI.K.2.b.iii should be stricken; the terms ''.NET Framework'' and ''Common Language Runtime'' should be added to Section VI.K.1; and the term ''middleware runtime environment'' should be added to Section VI.K.2.a.

V. Section III.I's Licensing Provisions Allow Microsoft to Profit from Its Unlawful Acts

A. Microsoft should not be allowed to demand royalties as a condition for making interoperability disclosures

The licensing provisions of the RPFJ are fundamentally flawed because they would require the public to pay royalties to Microsoft in order to interoperate with Microsoft's illegally maintained monopoly products. If Microsoft had not engaged in its pattern of illegal conduct, its monopoly would have begun to dissipate, and it would have been unable to collect this ''interoperability'' tax. As the Department itself previously recognized, ''[i]f Microsoft were in a competitive market, it would disclose its confidential interface information to other server software developers so that their complementary software would work optimally with, and thereby enhance the value of, Microsoft's PC operating systems.''[47] It is only because Microsoft has illegally maintained its PC operating system

[44] CIS at 39.

[45] The RPFJ defines ''Microsoft Middleware Product'' as follows: 1. the functionality provided by Internet Explorer, Microsoft's Java Virtual Machine, Windows Media Player, Windows Messenger, Outlook Express and their successors in a Windows Operating System Product, and 2. for any functionality that is first licensed, distributed or sold by Microsoft after the entry of this Final Judgment and that is part of any Windows Operating System Product a. Internet browsers, email client software, networked audio/video client software, instant messaging software or b. functionality provided by Microsoft software that—i is, or in the year preceding the commercial release of any new Windows Operating System Product was, distributed separately by Microsoft (or by an entity acquired by Microsoft) from a Windows Operating System Product; ii. is similar to the functionality provided by a Non-Microsoft Middleware Product; and iii. is Trademarked.

[46] See RPFJ, Sections VI.K and VI.T.

[47] 4/28/00 Plaintiffs'' Memo. in Support of Proposed Final Judgment at 28.

monopoly and wishes to expand its monopoly to server operating systems that Microsoft has an incentive to withhold information from competitors regarding complementary software. Thus, the RPFJ, in effect, authorizes Microsoft to collect a portion of its monopoly rents through this licensing regime.

Furthermore, not only is Microsoft authorized to collect royalties for the ''privilege'' of interoperating with its illegal monopoly, the RPFJ places no limits on how high a royalty Microsoft can demand, other than the royalty must be reasonable. However, since competitors'' products must be able to interoperate with Microsoft's monopoly PC operating systems, they may be constrained to essentially pay whatever Microsoft demands.

To ensure Microsoft does not continue to enjoy the fruits of its illegal conduct, Section III.I of the RPFJ should be amended to require Microsoft to grant any licenses required under the RPFJ on a royalty-free basis.

B. Microsoft has too much discretion over licensing terms under the RPFJ Although Section III.I of the RPFJ places some limitations on the terms under which Microsoft must license its technology to facilitate the disclosure obligations of the RPFJ, Microsoft retains broad discretion, which it is likely to exploit.

For example, Section III.I. 1 requires that all license terms be ''reasonable.''

A reasonableness standard, however, provides little practical guidance, and is a particularly poor choice in the case of a monopolist like Microsoft who has repeatedly broken the law to secure commercial advantages over its competitors. Similarly, the fact that licenses must be ''non- discriminatory'' could actually be exploited by Microsoft to ensure that its strongest competitors are denied access to Microsoft's disclosures. For instance, a small start-up company with no revenues and no existing intellectual property rights might be willing to agree to terms that would be commercially unacceptable to significant Microsoft competitors like Sun, IBM, or Novell.

The terms of the RPFJ also allow Microsoft the ability to substantially delay making any interoperability disclosures. Under Section III.E, Microsoft does not even need to make its Communications Protocols available until nine months after submission of the RPFJ. But since Microsoft can insist that third parties enter into a license agreement before they receive any disclosures, Microsoft can continue to delay making disclosures to key competitors by dragging out negotiations and insisting on commercially unacceptable terms.

Does the Department intend to review ongoing negotiations to ensure Microsoft is taking reasonable positions in the negotiations? How will the Department ensure that Microsoft does not exploit the negotiating process to facilitate delay and disadvantage key competitors? Will Microsoft's competitors be forced to sign license agreements before they know the scope of information that Microsoft will or will not disclose? Does the Department expect that the proposed Technical Committee will be involved in resolving such disputes? If so, will Technical Committee members have the requisite licensing and legal experience to assess whether Microsoft is insisting upon commercially unreasonable terms?

To ensure Microsoft cannot circumvent the intent of the RPFJ, Sun proposes that the RPFJ be amended to include a publicly available template identifying the terms under which Microsoft will license its technology pursuant to the RPFJ. In principle, this approach is analogous to Section III.B which requires Microsoft to have uniform license agreements with OEMs in accordance with published, uniform royalty rates. Requiring Microsoft to identify this license template in advance would serve two important objectives. First, it would help limit Microsoft's ability to evade the intent of the RPFJ through negotiation tactics. Second, it would allow the public to understand the true costs and conditions of licensing under the RPFJ in advance of entry of the RPFJ. Unless the material licensing terms are specified in advance, neither the Department nor the public can accurately assess the actual commercial significance of the proposed disclosure obligations.

C. Microsoft should not be allowed to force third parties to forfeit their intellectual property claims against Microsoft

Section 111.1.5 provides that third parties ''may be required to grant to Microsoft on reasonable and nondiscriminatory terms a license to any intellectual property rights it may have relating to the exercise of their options or alternatives provided by this Final Judgment.'' In other words, Microsoft would be free to infringe a third party's patents or copyrights, or steal its trade secrets, and then by virtue of its monopoly position, force such third party to grant Microsoft a license to do so as the price that third party must pay in order to interoperate with Microsoft's monopoly product. If Microsoft wished to obtain rights to practice or use a competitor's intellectual property, it could do so simply by incorporating that technology into Windows, then insisting on both a royalty and a grant-back license as the consideration that competitor must provide in order to enable its products to interoperate with Microsoft's monopolized PCs.

Indeed, Microsoft's competitors would have to license Microsoft the right to whatever intellectual property Microsoft may have incorporated into Windows even before they know what intellectual property Microsoft has stolen or infringed. No other company has such power, let alone governmental blessing and endorsement, to extort such concessions.

Sun therefore proposes that the RPFJ be amended to strike Section 111.I.5 in its entirety.

VI. Conclusion

The RPFJ fails to remedy the continuing competitive harm resulting from Microsoft's actions, and instead improperly accedes to Microsoft's illegally maintained and expanded monopoly power. The Department should withdraw its support for the RPFJ, and instead pursue remedies that will restore competition to the PC operating system market, prevent Microsoft from expanding its monopoly in that market into adjacent and downstream markets, and redress the harm to competition caused by Microsoft's illegal acts. At a minimum, the Department should seek to remedy directly the specific harm to competition caused by Microsoft's illegal acts against the Navigator browser and the Java platform, which formed the very heart of the Department's case against Microsoft.

Because critical terms in the RPFJ are undefined or ambiguous, the Department also should assure the public that Microsoft is bound by the interpretation of the RPFJ set forth in the Department's Competitive Impact Statement.

Finally, the Department should delay seeking entry of the RPFJ until the completion of trial on the remedies sought by the Department's co-plaintiffs, the Litigating States. Sun believes that the evidentiary record from that trial is likely to demonstrate the substantial flaws and inadequacies of the RPFJ and cause the Department to seriously re-consider whether its support for the RPFJ is in the public interest.

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MTC–00029176

From: Eric Harden
To: Microsoft Settlement
Date: 1/28/02 9:21pm
Subject: Microsoft Settlement
Eric Harden
105 LaFavers Road
Russell Springs, KY 42642
January 28, 2002
Microsoft Settlement
U S Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry

It is high time for this trial, and the wasteful spending accompanying it, to be over Consumers will indeed see competition in the marketplace, rather than the courtroom And the investors who propel our economy can finally breathe a sigh of relief

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation

Competition means creating better goods and offering superior services to consumers With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies

Thank you for this opportunity to share my views

Sincerely,
Eric Harden

MTC–00029177

From: Tom Burke
To: Microsoft ATR
Date: 1/28/02 9:28pm
Subject: Microsoft Settlement

I have been associated with the computer revolution since the early 1960's I have seen the growth and witnessed through my work on the Space Program the tremendous things that can be done with the computer Attached is a letter expressing my sincere thoughts that the current Microsoft Settlement is fir and should be implemented without futher delay

Please feel free to contact me if needed
Thomas A Burke
Phone: 321–259–2284
E-Mail: tburk6@cfl rr com
Melbourne, Florida 32935
28 January 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr Ashcroft:

I have been associated with the computer revolution since the early 196's I have seen the growth and witnessed through my work on the Space Program the tremendous things that can be done with the computer My graduate work dealt with many papers, which visualized the many possibilities that computers offered to civilization Re-reading these notes today I see that I did not come close to understanding what the computer revolution held for our society Thank God for visionaries associated with Microsoft who have taken conceptual ideas not dreamed of in the early days of computers and made them into today/Es standards Looking ahead for the next forty years I firmly believe that we will see that we have only begun to scratch the surface of what technology and social development driven by computers can achieve Most of the growth of this revolution has occurred during the past 10 years when Microsoft released the power of the computer and the Internet through the introduction of the Windows operating System pIt would be a crime of the greatest magnitude to stymie this innovation because competitors lack the vision to move with the concepts being developed for our future The government rather than holding back these ideas should recognize that this technology has reached this pinnacle without major government intervention Why start now?

Microsoft is a good company and I was very glad when the antitrust lawsuit filed against them was finally settled There is no need for further litigation in this issue I truly believe that the resolution is both fair and in the interest of the people of this country

The provisions of this settlement are unique to this type of lawsuit This is the first lawsuit ever that requires a company to disclose internal information about its interfacing new software with its current systems The Microsoft settlement also includes provisions that restrict Microsoft from entering into any kind of agreements that would limit competition among software companies This settlement truly addresses all the concerns of the people, and keeps competition viable within this market

But clever people like me who talk loudly in restaurants, see this as a deliberate ambiguity A plea for justice in a mechanized society.

I see no need for further litigation Vast amounts time and resources have already been spent on pursuing Microsoft and I think it's time that no more be used The resolution now on the table is a fine one I urge you to support it and let it stand as is I thank you for your time and I am sure that you will do what you feel is best for people and economy of this country

But is suspense, as Hitchcock states, in the box No, there isn't room, the ambiguity's put on weight.

Sincerely,
Thomas Burke

MTC–00029179

From: Joyce Greer
To: Microsoft Settlement
Date: 1/28/02 9:21pm
Subject: Microsoft Settlement
Joyce Greer
45 Northridge Dr.
Cody, Wy 82414
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry.

It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Joyce Greer

MTC–00029180

From: James B. Rassi
To: Microsoft Settlement
Date: 1/28/02 9:22pm
Subject: Microsoft Settlement
James B. Rassi
111 Schramm Drive
Pekin, IL 61554–2539
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry.

It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competions means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

James B. Rassi

MTC–00029181

From: BALZERIII@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 9:29pm
Subject: Microsoft settlement

Let them off the hook. They and their stock holders have suffered enough. Let the lawyers seek new bait.

Ed Brant

MTC–00029182

From: Gil Friend
To: Microsoft ATR
Date: 1/28/02 9:27pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
United States Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse,

I am writing to comment on the proposed Microsoft/DOJ anti-trust settlement. As a business executive at a company both highly dependent on computing technology and specifically involved in software development, I've come to the conclusion that this settlement is not in the public interest, and fails to remedies the problems that provoked the action in the first place.

The settlement leaves the Microsoft monopoly intact, with numerous opportunities to the company to effectively exempt itself from crucial provisions. The recently proposed ''donation'' to schools is just one example of how Microsoft can turn matters to their own advantage (in this case by decimating Apple's position in the education market).

In addition, the proposed settlement fails to address the critical ''applications barrier to entry'' associated with the installed base of 70,000 Windows applications, enabling Microsoft to maintain an effective ''lock'' on the operating systems market by denying competitors with other operating systems the information needed to run these other applications on other operating systems. Any settlement must make it easier—not harder—for competitors to run the Windows applications.

Consumers, not Microsoft, should decide what products are on their computers. The settlement must eliminate Microsoft's various barriers—business and technical—to allowing combinations of non-Microsoft operating systems, applications, and software components to run properly with Microsoft products.

The remedies proposed by the Plaintiff Litigating States are in the public interest and absolutely necessary, but they are not sufficient without these remedies.

The Tunney Act provides for the Court to hold public proceedings, with citizens and consumer groups afforded an equal opportunity to participate, along with Microsoft's competitors and customers. I hope you will encourage those proceedings, and consider carefully how to proceed in this matter. Your decisions have great significance for the health of the US economy's most vital industries, by eliminating Microsoft's ability to illegal constrain markets and innovation.

Thank you for the opportunity to comment on this important matter.

Sincerely yours,

Gil Friend
President & CEO
Natural Logic, Inc.
PO Box 119
Berkeley CA 94701

MTC–00029183

From: Steve Mueller
To: Microsoft ATR
Date: 1/28/02 9:28pm
Subject: Microsoft Settlement

Hi:

I'm writing about the proposed settlement between Microsoft and the U.S. government (and some of the states). I am a professional software developer with BS and MS degrees in Computer Science from the University of Michigan, Ann Arbor. My last four jobs over six years have been writing programs for Microsoft's Windows operating system. I am not affiliated with Microsoft or any companies lobbying for responses. I hope it isn't too late to consider my comments; it is still Monday here on the West Coast.

I feel the settlement is inadequate. Microsoft's anti-competitive behavior has been proven in court and upheld on appeal. Microsoft had previously entered into a consent decree with the government in the mid-90s (I believe), and still was found to be anti-competitive. Clearly, this is a company that doesn't learn and doesn't care.

As a professional software developer, I know what an operating system is supposed to do. It is supposed to manage low-level computer resources (memory, files, peripherals, networking, etc.), and it is to provide a platform on which applications can be written. It does *not* contain applications itself, although I have no problems with the inclusion of simple applications to allow the operating system to be useful (such as Notepad, Write, Calculator and Solitaire in Windows).

Microsoft contends, for example, that the Internet Explorer Web browser is a basic part of the operating system. If it is, that is *only* because Microsoft forced it to be. There is no intrinsic reason for the browser to be included as part of the operating system. As a software developer, though, I could easily combine any two functions that are normally not related into one file and then claim that I could not remove one piece without damaging the other, and so Microsoft's protestations to that effect seem disingenuous at best.

In fact, when Windows 95 was first released, Internet Explorer was not part of the operating system, but was included in the Windows 95 Plus Pack, so at one time the separation was possible. If it is not now possible, it is only because the program was intentionally written to make it difficult to remove.

Microsoft could include the low-level functions (the API) to support Web browsing in the operating system without including

the Internet Explorer browser itself as an application. Microsoft is shading the truth if they claim the API and low-level support and the browser application and user interface are one and the same.

Furthermore, not only does Microsoft have a proven monopoly in the operating system area, but they also have a de facto monopoly in office software. Note that even though office software is just as important as Web browsing, Microsoft does not include its Office suite of products in Windows 9x/ME/XP. Why not? Because Office already has a clear market lead and is extremely profitable, so there's no need to bundle it with Windows.

Internet Explorer was a distant second to Netscape at one time, so Microsoft started including it in the operating system, not even in a Plus Pack. This resulted in Netscape losing market share as Internet Explorer was a browser that was good enough for most people.

Also note that Microsoft's Office suite had an example of bundling. At one point, Microsoft PowerPoint was not the leading presentation package (Lotus and Harvard Graphics had superior solutions), so Microsoft bundled it into Office. While you can buy the Office applications separately, it is not economical to do so.

Finally, let me focus on one more anti-competitive move Microsoft— the removal of Java from Windows XP. Java had been included in previous versions of Windows, but has been removed from Windows XP. Doesn't it seem odd that Microsoft can so easily remove Java from Windows XP, but claims that Internet Explorer can't be removed?

This removal has little to do with Java not being useful—many Web sites use Java. It is more likely a combination of Microsoft trying to get back at Sun for losing when Sun sued Microsoft for incorporating non-standard Java features in Microsoft's implementation of Java (contrary to their agreement), and a way to promote using Microsoft technologies for improved browser experiences (ActiveX controls or C#, for example).

Microsoft's Passport and .NET services will rely on C# (and, in fact, I've read that Passport is now bundled in Windows XP, providing yet another source of monopolistic concerns for identity validation on the Internet).

Therefore, given that Microsoft has engaged in anti-competitive practices in the past, continued to do so after a consent decree, and (in my opinion) is still doing so, I believe that Microsoft needs to be punished severely and quickly. I suggest breaking Microsoft into two or three companies—one dealing with the Windows operating system; one dealing with applications, including Office; and possibly one dealing with Internet software and technologies, like Internet Explorer, Passport, WebTV and MSN.

If such a break up is not considered appropriate, the dissenting states'' plan sounds like a reasonable second alternative, although I would add the requirement that the Internet Explorer browser (the application and user interface parts, not the low-level networking and browsing APIs) be removed from all base versions of Windows (Microsoft would be free to sell a ''premium'' version that included Internet Explorer, much like they have Windows XP Home and Professional editions).

Thank you for taking the time to read these comments,

Steve Mueller

Monday, 1/28/2002, 6:09 PM PST

MTC–00029184

From: Rick Zahn
To: Microsoft ATR
Date: 1/28/02 9:28pm
Subject: Opinion

I believe the only real ''crime'' Microsoft has committed is producing a product that it is at the same time superior and cheaper than the products offered by their competitors. By punishing Microsoft, we are, in essence, sending the message that it is better to produce an inferior product and then hire a lawyer to force people to buy.

Frederick Zahn

MTC–00029185

From: Robert Wigger
To: Microsoft ATR
Date: 1/28/02 9:28pm
Subject: Microsoft Settlement

I am writing this note to ask that you would support the Microsoft Settlement.

Thank you,

Robert Wigger

MTC–00029186

From: gegco
To: Microsoft ATR
Date: 1/28/02 9:29pm
Subject: In Support of Microsoft
5217 Starwind Point
Hermitage, TN 37076
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The purpose of this letter is to voice my support of the Microsoft settlement. As a concerned citizen, I watched the case against Microsoft with great interest. Three years have now passed since the inception of this case. During this time, I have been increasingly annoyed by the amount of money wasted in disputing this issue. The court mediated settlement agreement reached last November is very equitable. I would hope that the Justice Department recognizes this and enacts the settlement at the end of January. Further, I believe that the terms of the settlement will provide for great change in the tech industry. Under the stipulations of the agreement, Microsoft will disclose the protocols and interfaces of the Windows system. The result of this action will be to enable software and hardware developers to design new software that assimilates into the Windows operating system. This should increase productivity in the sector.

Finally, I would hope that the federal government decides to enact the settlement reached in November.

Thank you.

Sincerely,

Gayle E. Gotshall

Gayle Gotshall

MTC–00029187

From: Grace Fortuna
To: Microsoft Settlement
Date: 1/28/02 9:23pm
Subject: Microsoft Settlement
Grace Fortuna
20820 Persimmon Place
Estero, FL 33928
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Grace Fortuna

MTC–00029188

From: Dave Zapple
To: Microsoft ATR
Date: 1/28/02 9:30pm
Subject: Microsoft Settlement
Date: January 28, 2002
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

To Whom it may concern,

I have worked in the information technology industry for 18+ years. Currently, I'm a senior systems analyst with Georgetown University. I disagree with the settlement that the Department of Justice has brokered with microsoft and feel that it does NOT addresscompletely/ restrict the anti competitive practices that microsoft has made extensive use in the past or today.

The fact that the settlement does not remove ANY of the monies or competitive edges that microsoft gained by using anti competitive/illegal practices should be enough to not allow this settlement to happen in its current form.

I believe in free enterprise and competition dearly, which is why I can not agree with this

settlement. Where was the freedom to compete when microsoft used illegal practices to crush young company's that did in fact have innovative products? Where is/was the justice for these former companies and technologies?

There are a number of very serious issues involved with microsofts illegal practices that can not be allowed to continue if America is going to continue to be a/the technology leader in the future.

Please do allow this settlement to stand in the form it is in currently, it will prove devastating to the computing industry in this country in the future I am sure. If you would like more information from me, or if I need to be more specific please let me know and I will be more than happy to.

Sincerely,
Dave Zapple
David Zapple
214 Manassas Drive
Manassas Park, VA. 20111
zappled@georgetown.edu
H 703–369–0358
W 202–687–2958
C 703–898–1958
Dave Zapple
Senior Systems Analyst
Advanced Research Computing (ARC)
Office of Information Services
Georgetown University
PreClinical Science Bulding, LB-1
3900 Reservoir Road, NW
Washington, DC. 20007
Voice : 202–687–2958
FAX : 202–687–2585
E-Mail: zappled@georgetown.edu

MTC–00029189

From: Faye Bourret
To: Microsoft ATR
Date: 1/28/02 9:32pm
Subject: Microsoft Settlement
Tunney Act review

Please accept the following comments in your review:

As a consumer of computer products, I ask that the Court accept the settlement terms as currently presented by the Department of Justice, the states Attorneys General, and Microsoft. Microsoft has provided me, the consumer, with software products that are integrated. This is what I want as a consumer because the alternative, a number of products upon which I would need to do the integration, is not a product I want to buy.

Microsoft has led the drop in prices of consumer software products over the past 10 years. It's competitors have been compelled to follow. This leadership by Microsoft has been an advantage to the consumers. An example most recently is the action which Sun took to drop the prices of its servers to a price point that would allow it to compete with comparable Microsoft products. The consumer is and has been the winner when Microsoft has competed vigorously.

Sincerely,
Faye Bourret

MTC–00029190

From: Dan Eisenberg
To: Microsoft Settlement
Date: 1/28/02 9:28pm
Subject: Microsoft Settlement

Dan Eisenberg
1465 Morning Crescent St
Henderson, NV 89052–4040
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Dan Eisenberg MD

MTC–00029191

From: Doug Needham
To: Microsoft ATR
Date: 1/28/02 10:44pm
Subject: Microsoft Settlement

To Whom it May Concern

Pursuant to the Tunney Act, I am writing to comment on the proposed settlement of the United States vs. Microsoft antitrust case. My Background is in software development. I have been a software developer since I ended my enlistment in the Marine Corps. One of the things that disturbs me about the proposed settlement is that it does very little to actually stop Microsoft from continuing to do the things that they have done. I remember a time when it was possible for a person with a good Idea and some programming ability to create something new and begin to package and sell a unique software product . It is still possible to do this so long as you pledge allegiance to Microsoft and pay them exporbitant fees as the price of entry into the professional development communtiy. The productst they make are not the best, they are the only thing out there because so many businesses refuse to build any software product on a non-Microsoft solution. Where are the compilers for Windows applications? They do not exist because software projects that attempted to produce a competing product where cut off by Microsofts changing or not fully documenting their Application Programming Interface (API). Microsoft has repeatedly and unashamedly refused to obey orders given to them by the DOJ. They laugh at the governments power to stop them. They do not respect lawful authority and fair competition. This has got to be stopped. Please count this as a no vote on the proposed settlement and a yes vote to the independent software developers who will be allowed to develop unique non-Microsoft solutions to business problems, and then actually have an opportunity to sell their solutions to corporate America without fear of incompatibilities.

Sincerely,
Doug Needham
Independent Software Consultant.

MTC–00029192

From: VANGUM5@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 9:34pm
Subject: Microsoft Settlement

The Attorney General

From everything I have read on this subject Microsoft has gone beyond the findings of the Court of Appeals ruling,it is fair to all involed. I also beleive it is in the public interest for a settlement at this time.

Oliver Gumley
Anna Gumley

MTC–00029193

From: John Trueblood
To: Microsoft Settlement
Date: 1/28/02 9:26pm
Subject: Microsoft Settlement
John Trueblood
8916 196 th. Street
McAlpin, Fl 32062
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
John Trueblood

MTC–00029194

From: John G. Williams
To: Microsoft Settlement
Date: 1/28/02 9:26pm
Subject: Microsoft Settlement
John G. Williams
407 Diamond Oaks Dr.
Vacaville, CA 95688–1039
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
John & Faye Williams

MTC–00029195

From: dennis huard
To: Microsoft ATR
Date: 1/28/02 9:33pm
Subject: settlement Gentlemen,

This case is about money. Make no bones about it. (I only wish I had some of it- the money not the bones.) If there were utopia, we would all be in heaven and not have to lift a finger. Apple, Sun and several others wish they had something they dont- a bigger piece of the pie.

However, since we live in a real world of World Trade Center bombers, I can only say that we can not all start from ground zero and build over again. I think it would be self destructing to believe that we could knock down one of he the biggest symbols of American business like there was nothing to it and not feel some remorse.

I am one for competition and fair play. This has been the cornerstone of the American way of life since before the time I participated in Little League. There were many times that I wished that I had been better than the person that won out at my position. I would have given anything to be as good. However, I found plenty to do and feel good about my place in society wtihout having to be the top dog at what I do (although I still try).

In all due respects to the participants including Big M, life (including business) is complex. To the best interests of this country and the long term picture of mutual cooperation, we should try to meet a level of mutual understanding. However, I don't think that this includes giving everthing away that one has worked so hard for. In some unkown situatons, it may jeopardize one's own existence. After all, today's hot technology is tomorrow's burnt toast (and it doesn't take much).

All do respects and your humble servent,
Browd Owner of a Mac

MTC–00029196

From: Joseph Schwartz
To: Microsoft ATR
Date: 1/28/02 9:35pm
Subject: Microsoft Settlement
1/28/2002
Joseph L. Schwartz
2116 Lombard St.
Phila, PA 19146
215–985–1047
Joseph.L.Schwartz@verizon.net
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW Suite 1200
Washington, DC 20530–0001
microsoft.atr@usdoj.gov

I want to register my comments on the Microsoft Antitrust Case.

I believe the agreement is reasonable and fair to all parties involved. The settlement is in the best interest of everyone and allows the industry to move forward. I urge the Justice Department to settle this case.

Sincerely yours,
Joseph L. Schwartz

MTC–00029197

From: JIMCAL80@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 9:36pm
Subject: Microsoft Settlement
From: James B. Callahan, Orlando, FL (407) 234–3744

I am a Microsoft Certified Systems Engineer in Orlando, Florida. I looked into the possibility of our local school system, Orange County Public Schools (OCPS) receiving software in schools where 70% or more of the students participate in the school lunch program. My concern is that donation of software which can be used as clients does not trigger additional (Microsoft) licensing fees. Specifically, I am concerned about a licensing fee known as ''Client Access Licenses (CAL)'' that might be required if a new computer at a disadvantaged school accesses a centralized server at school board headquarters for file and print sharing (MS Windows 2000 Server) e-mail (MS Exchange), database (MS SQL Server) or thin client (MS Terminal Services).

I would like to see Microsoft CALs explicitly included in the software donation. I would hate to see ''free'' or low cost computers costing the school system thousands or dollars in CAL fees or alternatively, disadvantaged schools missing out on the benefits of centralized school board services. As to the larger question of the suitability of the entire remedy; that depends on what specifically was alleged in court and proven in court. In theory, I could support a drastic structural remedy based on what I have read in the trade press over they decades. As a practical matter most of what was alleged over the years in the trade press; was not alleged, let alone proven, in court.

Therefore, I will try to do the best that I can for our local schools—even through my impression is that the antitrust suit as a whole was a fiasco on all sides.

James B. Callahan (Jim) MBA, BA Economics & MCSE
1927 Grand Isle Circle, #723-B
Orlando, FL 32810
(407) 234–3744
CC:msfin@microsoft.com@inetgw

MTC–00029198

From: FHefton@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 9:36pm
Subject: MISROSOFT SETTLEMENT

MICROSOFT HAS DONE MORE THEN ANY ORHER CO. TO MAKE IT EASIER FOR ME TO USE THE COMPUTER AND THEIR PROGRAMS RUN I CANT SAY THAT FOR ANY OTHER CO. GIT OFF THEIR BACK.

FRED HEFTON

MTC–00029199

From: Peggy Ann Carrick
To: Microsoft Settlement
Date: 1/28/02 9:31pm
Subject: Microsoft Settlement
Peggy Ann Carrick
3901 E. Pinnacle Pk #339
Phx., AZ 85050–8126
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue,
NW Washington, DC 20530
Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Peggy Ann Carrick

MTC–00029200

From: Robert Schleiger
To: Microsoft ATR
Date: 1/28/02 9:36pm

What is the most recent antitrust issues regarding microsoft?

MTC–00029201

From: TranD97@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 9:37pm
Subject: Microsoft Settlement
January 28, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D. Street NW, Suite 1200
Washington, DC 20530–0001

Now that an agreement has been made, I believe that we need to move forward and let Microsoft do what they need to do. I feel that it would be wrong to reject this settlement. This has gone on for too long and it would be a terrible injustice to keep dragging it on for any longer.

Sincerely,

Richard L. Trantham

MTC–00029202

From: Greg G. Arakelian
To: Microsoft ATR
Date: 1/28/02 9:38pm
Subject: Microsoft Settlement

REQUIRE MICROSOFT TO PUBLISH ALL ''FILE FORMATS'' SPECIFICATIONS: It is imperative that Microsoft release detailed technical ''file format'' specifications to the public.

We, the companies that compete with Microsoft, can do so, if we can build products which work well with the files people currently use (i.e. Microsoft Word documents, Microsoft Excel files, and so forth).

Microsoft should be required to publicly document ''all'' files used by ''all'' of their application. If in fact, WordPerfect corporation had not published their file format specification many years ago, Microsoft Word would have had a much harder time gaining acceptance in the marketplace since WordPerfect files were the defacto standard file format. People may be willing to switch products, but they need to be able to take their data with them. That is the ''real'' way Microsoft keeps people imprisoned.

Thanks for listening,

Greg

MTC–00029203

From: —
To: Microsoft ATR
Date: 1/28/02 9:38pm
Subject: Microsoft Settlement

Hello—

Thank you for the opportunity to express my opinion on the proposed antitrust settlement against Microsoft Corporation.

I sincerely believe that Microsoft has a long and demonstrated history of un-ethical behavior towards its competitors, its business partners, and the general public. To try and stop some of the most egregious of these behaviors, I would recommend:

1) That Microsoft be split into 3 separate companies:

A) Operating Systems

B) End-User Applications (Microsoft Office, Money, TripMaker, games, etc.....)

C) Development Tools (Computer languages, databases, etc...)

Each company should be a separate and distinct entity, with separate management, board of directors, etc. All interface information (API— Application Program Interface) shall be made public to all software development companies. In other words, there shall be no ''hidden'' or ''undocumented'' functions or features which allow one Microsoft company an unfair advantage over any other competitor, due to intimate knowledge of the workings of another Microsoft company's products, which other companies do not have access to.

2) Bill Gates, Paul Allen, Steve Balmer, and other current top-level management should be transferred to the Development tools company. They can own stock in the other two companies, but should be prohibited from ANY other activities in the other two companies for a period of at least 10 years.

3) All Microsoft contracts and agreements which require the second party to either: install Microsoft software products on each and every machine that the second party is providing, or which prohibit the second party from installing Microsoft's competitor's software products on the machines, or any similar contracts which require the use of Microsoft products, should be ordered null and void.

4) Microsoft has a long history of stealing other company's intellectual property (Stack Electronics is a prominent example), of predatory pricing (selling at a loss, or even ''bundling for free'') to drive other competitors from the market (too many companies and products to list), of playing ''dirty tricks'' to ''break'' a competitor's product and keep it from running (Caldera won a lawsuit against Microsoft), and on and on and on. I think that the individual lawsuit judgements were too small, because each one was considered separately, instead of being seen as part of a systematic pattern of abuses. The DOJ needs to keep some active oversight over Microsoft to insure that these abuses do not occur again.

MTC–00029204

From: Virginia B. Kennedy
To: Microsoft Settlement
Date: 1/28/02 9:33pm
Subject: Microsoft Settlement
Virginia B. Kennedy
5104 Eastgate Drive
Tyler, TX 75703–9113
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Virginia B. Kennedy

MTC–00029205

From: BJANTIQUE@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 9:39pm
Subject: (no subject)
619 Chartier Drive
Saint Louis, MO 63135
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530

Dear Mr. Ashcroft:

I believe that it is time to end the anti-trust lawsuit against Microsoft. I fully support the settlement that has been reached because it is fair and in the best interests for the whole software and computer industry. Microsoft has standardized the whole industry. Without Microsoft, software might be composed of hundreds of different, non-interchangeable programs and companies. Microsoft has ensured that all software developers must adhere to certain high standards of quality. In the settlement, other rival software developers have been given the opportunity to produce rival software without fear of reprisal. For this reason alone, the settlement should be agreed to.

Microsoft has agreed to not respond to rival products. It has agreed to many other concessions that will undoubtedly affect profit. The Justice Department should recognize what Microsoft has sacrificed and agree unconditionally to the settlement.

Sincerely,

William Dehmer

CC:fin@mobilizationoffice.com@inetgw

MTC–00029206

From: PBelflower@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 9:40pm
Subject: Microsoft Settlement

Mr. Attorney General:

I urge you to consider the state of the United States'' current environment of

cohesiveness in spirit and united in spirit and in need to support our infrastructure of corporate and government cooperation. Further, that the majority of all issues as related to the original suit have, in time, in free enterprise, and in expanded technology, have resolved themselves.

And so I ask that you endorse and support settlement of litigation between the United States Government and Microsoft Corporation.

Thank you for considering my request.

Sincerely,

Peggy Belflower

MTC–00029207

From: Chester D. Hall
To: Microsoft ATR
Date: 1/28/02 9:43pm
Subject: Microsoft Settlement

It is time the US Government get out of the free enterprise business. Without Microsoft I would not be sending you this message. Microsoft is a very creative highly competitive organization. Clinton and Reno attacked Microsoft for two reasons:

1] Line the trial lawyer and the DNC pockets.

2] Make computer usage more expensive and not widely used. Lets face it Socialists want to control the news media. They cannot control the Internet.

Bring this issue to a close.

C. D. Hall
4400 Gattis School Rd.
Round Rock, TX. 78664

MTC–00029208

From: Macy Courtney
To: Microsoft Settlement
Date: 1/28/02 9:36pm
Subject: Microsoft Settlement
Macy Courtney
4352 Fairfax
Avenue Dallas, TX 75205
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Macy C. Courtney

MTC–00029209

From: SOLBCHRIS@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 9:44pm
Subject: Microsoft Settlement
Chris Solberg
4331 S Mamer Road
Spokane, WA 99206–9384
(509) 926–6966
January 26, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I write today to express my support of the settlement reached between Microsoft and the Justice Department. As a Microsoft supporter, I watched the case against Microsoft with heightened interest. Three years have now passed since the inception of this lawsuit. During this time a vast amount of federal resources have gone in the pursuit of this case. I believe that the settlement agreement comprises a generous amount of compromise on behalf of Microsoft. The settlement agreement should be enacted at the end of January.

To expand, the terms of the settlement are enormously equitable. Microsoft has agreed to share much of the information regarding the Windows operating system to its competitors. Namely, Microsoft will now disclose the protocols in Windows. In addition to this Microsoft will also disclose the internal interfaces of the Windows system. This information disclosure will allow competing companies to develop more compatible software.

I believe that the settlement is fair. Further, it is time that the issue is finally resolved. Thank you so much for your time regarding this issue.

Sincerely,

Chris Solberg

MTC–00029210

From: Leland Hildebrand
To: Microsoft ATR
Date: 1/28/02 9:44pm
Subject: Microsoft Settlement
403 Prestwick Drive
Florence, South Carolina 29501
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Help! Microsoft has endured three long years of litigation. Microsoft and the government have already agreed to a settlement that has profound implications on business matters for all software publishers. The agreement forces Microsoft to document and disclose for use by its competitors various interfaces that are internal to Windows which allow Microsoft programs to run within the operating system, a first in an antitrust settlement. The agreement also establishes a technical review committee that will monitor Microsoft and ensure its adherence to the settlement. Therefore, this settlement should be finalized.

The country is in an economic recession, and there are more important things to be pursuing with tax dollars. Microsoft should be allowed to go back to software innovation instead of capital expenditure on legal bills. In my opinion, no more action should be taken against this settlement. Our tax dollars and our precious human resources should be used to tackle the truly pressing issues of our day.

Sincerely,

Leland Hildebrand

cc: Senator Strom Thurmond
CC:Thurmond@senate.gov@inetgw

MTC–00029211

From: Andreanne Herring
To: Microsoft Settlement
Date: 1/28/02 9:40pm
Subject: Microsoft Settlement
Andreanne Herring
840 Brawley School rd,
Mooresville, NC 26117–6852
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue,
NW Washington, DC 20530

Dear Microsoft Settlement:

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Sincerely,

Mrs Andreanne Herring

MTC–00029212

From: Lindner,James
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/28/02 9:41pm
Subject: Microsoft Settlement

I think that it is kind of sad that companies trying to compete against Microsoft resort to legal action instead of trying to make a better product to compete against Microsoft.

Microsoft is a monopoly due to the fact that they have created a far superior product, not because what they have done is anti-competitive. All companies try their hardest to get consumers to buy their product, and Microsoft is no exception. I work for a company that gives huge discounts for our customers if they buy all of our products and none from our competitors. That is competition. Our competitors do the exact same thing.

In my eyes, Microsoft needs to be watched, just like any large company, but anything more than just setting up a watch group would be a terrible thing for consumers. Microsoft help create what computers are today. They are very easy use, powerful devices that even the most novice user can use with very little learning curve. What was a computer like before Microsoft? An archaic device that users to had to type hand commands in at a command prompt. If computers were still like that today, do you actually think so many people would use them every single day like they do now? I think not. Microsofts competitors are just jealous. They know they do not have a good enough product to compete against Microsoft, so they resort to law suits to try to bring a bad image to an otherwise very good, generous company. Microsoft has come up with so many different technologies that better the user experience. It would be a travesty to punish them for this.

James Lindner
Chief Software Architect
Cerner Corporation

MTC–00029213

From: Plross84@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 9:45pm
Subject: Microsof Settlement

Dear Sir or Madam,

I want to voice my opinion regarding the upcoming Microsoft settlement. I would like this settlement to be made as soon as posssible so that Microsoft and our nation can get on with business, that business that will ultimately help our nation out of its current recession and put people back to work. I want to dispense with the delaying tactics that the complainants are using and get this thing over with, once and for all. This premise of this lawsuit is ridiculous. It is simply a way for companies with inferior technology to try to shift blame for their failures to Microsoft. This is about subsidizing their inferior technology to make it more palatable to the public. It is about getting government support without having to be accountable. Let's stop this insanity now and get this thing over with!

Patricia Ross
13526 Shadow Falls Ct., Houston Tx, 77059
PH 281–286–0753

MTC–00029214

From: William Foster
To: Microsoft Settlement
Date: 1/28/02 9:40pm
Subject: Microsoft Settlement
William Foster
7203 Lindenmere Dr.
Bloomfield Hills, MI 48301
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
William A. Foster

MTC–00029215

From: David Watson
To: Microsoft Settlement
Date: 1/28/02 9:39pm
Subject: Microsoft Settlement
David Watson
931 Sun Circle Way Baltimore, MD 21221
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
David Watson

MTC–00029216

From: Scott K Bramwell
To: Microsoft ATR
Date: 1/28/02 9:49pm
Subject: Microsoft Settlement

Dear District Court Judge:

I am writing to congraulate you on the prosecution of Microsoft. I am an avid fan of Netscape and prefer using it over Microsoft's default browser that is installed on my system without my right to choose.

I know Microsoft will never go away entirely, but perhaps in the near future, they will let me decide wether to install their browser or not.

Sincerely
Scott Bramwell
CC:activism@moraldefense.com@inetgw

MTC–00029217

From: Dwain Fick
To: Microsoft Settlement
Date: 1/28/02 9:41pm
Subject: Microsoft Settlement
Dwain Fick
612 W Turnpike
Bismarck, ND 58501
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Dwain Fick

MTC–00029218

From: mary jane newell

To: Microsoft Settlement
Date: 1/28/02 9:42pm
Subject: Microsoft Settlement
mary jane newell
pob 43 south paris, me 04281
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:
I am very upset with my government suing microsoft in my (the consumers) name. I have used Microsoft products for ten years and they have never harmed me or prevented me from using Netscape..In fact I had both programs on my computer until the Government sued Microsoft. Then I removed Netscape. My government is using unfair business practices, by sueing a major company that has on my opinion done nothing wrong. I suggest you drop the case and settle. Mary Jane Newell POB 43 South Paris, Maine 04281 207–539–4547
Sincerely,
Mary Jane Newell

MTC–00029219

From: Edward D'Ovidio
To: Microsoft Settlement
Date: 1/28/02 9:43pm
Subject: Microsoft Settlement
Edward D'Ovidio
835 Hermitage Ridge
Hermitage, TN 37076
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:
The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.
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Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.
Thank you for this opportunity to share my views.
Sincerely,
Edward D'Ovidio

MTC–00029220

From: Scott Slack
To: Microsoft ATR
Date: 1/28/02 9:49pm
Subject: Microsoft Settlement
I think that the best solution is to cause Microsoft to compete with itself.
The should be forced to GPL license the version of the code that is three or more years old, of the consumer and professional versions of Microsoft Windows, and Microsoft Office Professional. Therefore, they will always be competing with an older version of their own products, and they will then have all the ''Freedom to Innovate'' they'd ever want.
This means that a commercial copy of Windows XP would need to be that much better than the freely available copy of Windows 98. Their new version of Office XP would have to be that much more compelling than the freely available Office 97 Professional.
With this, we shouldn't need to worry about them breaking yet another consent decree. Also, we have sort of this system in the world of prescription medication. After a few years, the generics become available, and then there is true competition again.
-Scott

MTC–00029221

From: Thomas Leung
To: Microsoft ATR
Date: 1/28/02 9:51pm
Subject: Microsoft Settlement
To whom it may be concern
Starting from 1975, Microsoft continually generates exceptional products and makes such products available in ever-improved versions, at ever-lower prices. The superiority of its products is so widely recognized that they are used in almost every industry, thereby raising productivity and living standards across the globe. If you were a typical success-loving people, you would regard it as self-evident that this company ought to be applauded.
However, Microsoft is denounced as an evil exploiter. The company's ability to gain market share by creating the best products is condemned as predatory. Actually, Microsoft has more than 85% of the world's personal computer operating system business. That is certainly a dominant position, however, it is not a monopoly. If consumers want, they can buy a computer from Apple. Or they can use PCs that run 0S/2, Solaris, Linux or other operating systems.
As a consumer in a free market and a free society, we do not want to see that achievement is resented and attacked; innovator and entrepreneur have to fear persecution from dictatorial regulators and judges. Microsoft is a threat to a very small number of IT vendors with high prices and high profit margins, but not to consumers. Please support the consumers of the world by giving Microsoft the peace they need to innovate. The world needs that!
Thomas Leung
Managing Consultant
Infocan Computer (Hong Kong) Ltd.

MTC–00029222

From: Wayne Hedrick
To: Microsoft ATR
Date: 1/28/02 9:52pm
Subject: Microsoft Settlement
The Microsoft court case is one of the biggest money wasters in US Government history. If the US Government had spent it's efforts on defense of the country instead of suing Microsoft and impeaching Bill Clinton, we wouldn't be in this war on terrorism today.
The reason why Microsoft is so strong is simple. Their products work. Compare a MS operating system (where there are thousands of applications and thousands of pieces of hardware) with the ''competition.'' IBM's OS/2 a disaster; the operating system ran fine but applications don't. Call the IT department at American Express and ask them.
Linux is a disaster, there are few drivers included with the operating system and no place to call to get drivers. Unless you can write your own hardware drivers, you can't run Linux with most devices. (They call that the beauty of ''Open Source''...it should be called ''No Source.'') Buy a digital camera and try to run it on Linux.
Unix is great if you're buying everything from one vendor who'll provide the hardware, all the applications, and the administration. But, you can't buy anything else to run on that system. And, it's very, very expensive.
Try that digital camera on Unix...
Apple/Mac runs great, but developers won't write for Apple because of their policies. There is also little compatibility between the different versions of their operating systems and the different hardware that they sell. And, on a related point, Apple is a total monopoly. Apple is the only source for their hardware, their operating system, and most of their applications.
Other companies cannot compete at all. Try to buy an ''iMac com patible'' computer.
Novell 3.x and 4.x was good at file/printer sharing, but that was about it. Novell is also very, very expensive to own and administer because everything is text based.
Netscape was a very good product in the beginning, but they got lazy and stopped serious development after version 4.x. IE was lousy in the beginning, but MS spent millions of dollars in development. IE is superb now and has been since version 4.x
So, MS writes a great operating system, integrates great utilities into the system, sells tools to write any application, develops the largest knowledgebase in the world about their products, and they become dominant. If Apple had done the same thing, I'd be working on Apple's. At any time, the computer industry can change. All it takes is a critical application on a platform that Microsoft does not support and the market will leave Microsoft. Look at how well Palm took off.
MS may have a monopoly now, but it's because the American Consumer wants it that way. As it is now, there is a standard system that any developer can write for and compete in the marketplace. That standard is a PC with Microsoft Windows. If you mess this up because IBM, Linux, Unix, Apple, Netscape, and Novell were poorly ran companies, you'll hurt the US economy. Stay out of the market. Let the consumer choose.
Wayne Hedrick
JK Technologies

757–291–5545

MTC–00029223

From: David Sheehan
To: Microsoft Settlement
Date: 1/28/02 9:45pm
Subject: Microsoft Settlement
David Sheehan
1208 Wine Spring Lane
Baltimore, MD 21204
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
David J. Sheehan

MTC–00029224

From: bob friedmann
To: Microsoft ATR
Date: 1/28/02 9:51pm
Subject: microsoft settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW Suite
1200 Washington, DC 20530–0001

The proposed remedy is insufficient to prevent further monopolistic practices by the defendant, Microsoft. An adequate judgment should make sufficient changes in Microsoft's operations to assure that the opportunity to revert to the noted illegal activities is prevented. Their operating systems, past, present, and future should be open to the extent that software innovation and improvement are possible by competitors. Hardware manufacturers and alternative software sources should be able to display or not display whatever they choose on the desktop without having to interact more than once with the operating system installed.

Regards,
Robert C. Friedmann
22 Cinnamon Ridge
Old Saybrook, CT 06475

MTC–00029225

From: Eugene Maslar
To: Microsoft ATR
Date: 1/28/02 9:53pm
Subject: Microsoft Settlement
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

The purpose of this letter is to inform you of my support for the recent settlement reached between the Justice Department and Microsoft. Microsoft has always had my support as a company. I believe that Bill Gates has brought his company enormous success. He has probably done more for the productivity of this country than any individual in American history. The case against him is highly unmerited. I am pleased to see the end of this ridiculous suit, however.

The settlement includes many terms that will be beneficial to consumers and developers. Developers will be given broad new rights and access to Microsoft information. Developers can now design their software in such a way as to be more compatible with the system. Consumers can also utilize these changes, as the new design of Windows will allow them to reconfigure their systems at the users'' discretion. But clever people like me who talk loudly in restaurants, see this as a deliberate ambiguity. A plea for justice in a mechanized society. The time has come to resolve this issue once and for all. Please enact the settlement as soon as possible.

Sincerely,
Eugene Maslar

MTC–00029226

From: ERB1927@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 9:53pm
Subject: microsoft settlement,

we approve of the present settlement.do no prolong this issue any further.

ed bratton,mckinney texas

MTC–00029227

From: Andrew Rolfe
To: Microsoft ATR
Date: 1/28/02 9:53pm
Subject: Comments on the proposed final judgment in the Microsoft case

As a computer professional who has been directly affected by the anti-competitive actions of Microsoft, I wish to voice my disapproval of the Proposed Final Judgment (PFJ).

Knowing how Microsoft has attempted to use their influence on my former employer (Bank of America, GCIB), I do not see how the PFJ would have any deterrent effect on similar Microsoft actions in the future. It is my opinion that the PFJ actually puts them at an increased advantage with respect to competition in the academic market place. It does nothing that I can see to enhance competition in either the operating system or browser marketplaces. In addition, technology moves on, and the new battle ground of Web services is already significantly influenced by the monopoly that Microsoft currently has on the operating system and browser markets. Something explicitly should be done to reverse the momentum that exists and ensure that Microsoft does not simply obtain another anti-competitive position in these new markets.

Sincerely,
Andrew R Rolfe

MTC–00029228

From: stinsonman
To: Microsoft ATR
Date: 1/28/02 9:53pm
Subject: Microsoft Settlement

Good day Ms. Hesse,

It is time! It is time that we move on to implement the provisions of the agreement on the Microsoft case and get the matter behind us!.

It is time! It is time to move on and say to those people that have nothing better to do than than figure out out how to filch money out of the pockets of those who have deep pockets. Get over it! It is time! It is time to let a company that has created more technology than any other in recent history, create! It is time! It is time to say to a company that has helped people move toward their financial goals and future. Keep helping! It is time! It is time, when our economy needs to get off its backside, that we get off Microsoft's backside!

It is time! It is time that we reward innovation, rather than throw it in a courtroom! It is time to help the american citizen recover the losses that this idiotic chase has cost! Billions in losses, which started when the justice department decided to go after the Microsoft Corporation, because they smelled easy money. This is not about justice!It's about cash money! Microsoft has it, the government wants it! Everyboby sees an easy mark here! Let's get going! Implement the agreement!

Thank You,
Stan Brown 253–927–6402

MTC–00029229

From: Mary Kiekhofer
To: Microsoft Settlement
Date: 1/28/02 9:47pm
Subject: Microsoft Settlement
Mary Kiekhofer
1669 220th St.
Emerald, WI 54013–7910
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken

up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Mary L. Kiekhofer

MTC–00029230

From: Richard Deahl
To: Microsoft ATR
Date: 1/28/02 10:02pm
Subject: Microsoft Settlement
The Deahls
712 Lakewinds Boulevard
Inman, South Carolina, 29349
January 27, 2002
Attorney General Ashcroft
US Department of Justice
950 Pennsylvania Avenue
Washington, DC 20530

Dear Mr. Ashcroft,

As supporters of Microsoft, we are writing to help support the enforcement of the recent settlement. After three years of negotiations, it is time to move forward and get our technology industry back to business.

Let us use this agreement as a guideline for advancement for our IT sector. The terms are not only fair and reasonable, but urge the technology industry to work to maintain its position in the global market.

Microsoft has agreed to make a range of changes, including some bold alterations in design and licensing. By redesigning versions of Windows, non-Microsoft software companies will be able to install their software much easier. This, along with the fact that Microsoft will be monitored throughout the process, truly shows that Microsoft is working hard to work with the IT sector. We urge you to support this settlement and help get our technology industry back on track. We thank you for your support.

Sincerely,

Richard & Linda Deahl

MTC–00029231

From: George Godwin
To: Microsoft Settlement
Date: 1/28/02 9:48pm
Subject: Microsoft Settlement
George Godwin
1212 Summit St
Dothan, Al 36301
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Sincerely,

Mr. & Mrs. George Godwin

MTC–00029232

From: Sharon Wood
To: Microsoft Settlement
Date: 1/28/02 9:50pm
Subject: Microsoft Settlement
Sharon Wood
3401 Granny White Pike D–208
Nashville, TN 37204
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Sharon L. Wood

MTC–00029233

From: Richard Davenport
To: Microsoft Settlement
Date: 1/28/02 9:51pm
Subject: Microsoft Settlement
Richard Davenport
54 Brunswick Drive
Warwick, RI 02886–5147
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Sincerely,

Richard Davenport

MTC–00029234

From: Virgie Bryant
To: Microsoft ATR
Date: 1/28/02 10:00pm
Subject: Judgement

I am for leaving Microsoft alone. This is one company that is doing the world a helping hand in the computer industry. If it was not for Microsoft technology would not be where it is today. Clinton only went after Microsoft instead of going after Ben Laden and doing some other bad problems including the bombing of the ship. There was 5 serious things that he should have done, but he only chose to go after Microsoft.

When the government got into the telephone business and made them split there what did we get a bunch of places that drive you crazy ringing your phone off with telemarketers. Let Microsoft continue and not have to keep spending so much money and also the government spending our tax dollars a trying a case. They have done nothing wrong. They have done more for the economy than any one else. Government just can't stand to see anyone be a success. Bill Gates has given millions out to help the needy and charities. LEAVE HIM ALONE.

MTC–00029235

From: Genegrant@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 10:00pm

Subject: Microsoft Settlement
6656 Evening Street
Worthington, OH 43085–2487
January 12, 2002
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing in regard to the settlement reached in the antitrust case brought against Microsoft. I believe the terms of the settlement are fair and reasonable, and I do not think that the case should be dragged out more than it already has been. Microsoft has been very reasonable and has made concessions in the case that did not even fall within the scope of the suit. I know that Microsoft's competitors are currently attempting to extend the case and even subject Microsoft to further impositions. I do not believe this is necessary.

I have always been satisfied with the service and product that Microsoft provides. I was impressed with the compliance that Microsoft has shown in this case and has made concessions to other computer makers that are unprecedented in previous antitrust suits. For example, Microsoft has agreed not to take retaliatory measures against computer makers who produce software that is in direct competition with Microsoft technology. Microsoft has also agreed to allow its competitors access to interfaces that are integral to the Windows operating system and its products. Microsoft was not let off the hook.

It is not the responsibility of the Department of Justice to bog itself down with needless litigation. There are better things to be done with their resources. Microsoft has paid whatever debt to society that they may have owed.

Best regards,
Marianne Grant

MTC–00029236

From: Charles Boyle
To: Microsoft Settlement
Date: 1/28/02 9:53pm
Subject: Microsoft Settlement
Charles Boyle
104 McConnel Drive
Jackson, MI 49201–8636
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Charles F. Boyle

MTC–00029237

From: kevinc@oct.net@inetgw
To: Microsoft ATR
Date: 1/28/02 9:58pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Kevin Campbell
106 W. Apache St.
St. Marys, KS 66536–1857

MTC–00029238

From: Stu and Mary Anderson
To: Microsoft ATR
Date: 1/28/02 10:00pm
Subject: Re: Microsoft Settlement
P.O. Box 1985 Kingston, WA 98346
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Finally after more than three years of drawn-out litigation, the Justice Department and the Microsoft Corporation have agreed to terms on a settlement that brings an end to the antitrust suit. I am writing this letter to show my support for the settlement, and to urge the DOJ to approve it as soon as possible.

Microsoft has been hounded long enough. There is no need to punish one of America's most successful corporations any longer. Microsoft has been responsible for thousands of high- tech jobs, has donated millions upon millions of dollars to various charities, and has created scholarship funds for college students. Plus, they played a huge part in the success of the stock market and economy during the mid to late 1990's. Why go after a company that has been so good to this country? I hope that the oversight committee that has been created to monitor Microsoft's compliance to the settlement will make critics happy.

Put this issue to bed and move on to more important issues. I support the settlement between Microsoft and the DOJ. Thank you.

Sincerely,
Stuart Anderson

MTC–00029239

From: Bradford L. Barrett
To: Microsoft ATR
Date: 1/28/02 10:01pm
Subject: Microsoft Settlement

Dear Sirs,

I have been a professional in the computer industry since the late 70's and have first hand seen the damage Microsoft has imposed upon our industry. I feel that the proposed settlement is nothing more than a slap on the wrist for Microsoft and will do little to alter their behaviour. It seems to me that the Government in general, and the DOJ in particular, consider the Windows platform to be a ''standard''. Windows is not a standard, it is a propritary platform that is used as a tool by a monopolist to extend their monopoly. Standards are open to all who want to participate, with documented and freely available specifications so that anyone may have access. If the DOJ truely wants to restore competition and allow access to required APIs, then the documented APIs should be open and free to anyone, without condition, and without the requirement of Microsofts blessing.

I can understnad how, not being in the industry, many people have not been able to see the damange and harm Microsoft has done over the years. I have been there, and I have seen it, first hand. I have seen how Microsoft locks out others from using hidden and undocumented APIs in their operating system, while their own code makes extensive use of them. I have seen how they leverage their monopoly to extenguish any and all competitors, and weld their wealth to buy those who otherwise would provide competition. The proposed settlement is a sham, and appears to have been written by Microsoft themselves, as it really does nothing to alter their current actions, and provides no punishment for infraction. Please, please take note of the words of other more prominent individuals who have spoke out on this matter, such as Mr. Ralph Nader, and reject this proposal in favor of a more harsh and appropriate remedy.

Thank You.
Bradford L. Barrett
Senior Systems Architect
USBid Inc.
Miami, Florida

MTC–00029240

From: William Robinson
To: Microsoft Settlement
Date: 1/28/02 9:57pm
Subject: Microsoft Settlement
William Robinson
P.O.Box 710/410 Fort Rock Rd.
Seligman, AZ 86337–0710
January 28, 2002

Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
William A. Robinson

MTC–00029241

From: Doug Warner
To: Microsoft ATR
Date: 1/28/02 10:04pm
Subject: Microsoft Settlement

I think the proposed settlement is bad idea. Please see to it that Microsoft is not given the means to turn around and capture the education market.

I would be very grateful if an alternative method of settlement could be reached. Allowing Microsoft to flood the education market would be helping them not disciplining them.

Respectfully yours,
Doug Warner
Austin, Texas

MTC–00029242

From: Victor Tello
To: Microsoft ATR
Date: 1/28/02 10:05pm

I have been a resident of the United States since birth and a user of Microsoft products for some twelve years. I believe that you should withdraw your consent to the revised proposed Final Judgment settlement. This settlement will not provide a sufficient influence on Microsoft to abandon its monopolistic practices. Microsoft should NOT be allowed to use its popularity to limit choice among computer manufacturers and therefore, computer users across the world.

Here's why:

There are several good operating systems out there today. Each has its own strengths and its own weaknesses. None of them are the perfect solution to every problem. I believe that we all do ourselves a great disservice by forcing users to grow accustomed to the fact that Microsoft (and maybe Apple) is all that there is. Manufacturers should be allowed to provide, NAY! encouraged to promote, side-by-side operating system comparisons on the same machine. For better or worse, let the people decide! So again, please rescind your agreement. Make Microsoft act properly. Besides, I doubt that it's going to break them!

Sincerely,
Vic Tello
8103 Parkdale
Austin TX 78757
512–453–4981

MTC–00029243

From: microman@wt6.usdoj.gov@inetgw
To: Microsoft ATR
Date: 1/28/02 10:16pm
Subject: Microsoft Settlement

Dear Sir/Madam:

This ''settlement'' is laughable. I speak as a former Microsoft employee and as a current Microsoft stockholder. Microsoft can reach into its pocket and pull out a couple of $billion. That won't hurt the company one bit. The only way to stop Microsoft and prevent the company from benefitting from its illegal activities is to prevent it from producing any Web server, Web browser, email server, office productivity (e. g. MS Office), or any other general application software. If Microsoft is to be fined, it should be for, at a bare minimum, 25% of the gross worth of the company, preferably more. Remember, the wealth that they gained was gained illegally.

Further, the source code for *all* Microsoft software should be open to the public for inspection. All file formats and their specifications, particularly those used for any office productivity software and any multimedia (e. g. Word document, Excel spreadsheet, movie files, etc.), should be released into the public domain, similar to PKWare, Inc.'s ZIP format. Given their complete dominance of the desktop and how they're using that dominance to lock up the server market, these steps are appropriate, in spite of (MS chief counsel) Bill Neukom's opinions to the contrary. I remind you that I am a MS stockholder and a former employee. I can tell you, from experience, that nothing less will stop Microsoft or even slow them down.

Sincerely,
Terrell Prude'', Jr.
Network Engineer/Administrator

MTC–00029244

From: Gerald Plischke
To: Microsoft ATR
Date: 1/28/02 10:05pm
Subject: Microsoft Settlement

microsoft offer should be accepted

MTC–00029245

From: Mary Huckaby
To: Microsoft ATR
Date: 1/28/02 10:06pm
Subject: microsoft settlement

I support the Microsoft settlement.

MTC–00029246

From: MRourke555@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 10:06pm
Subject: microsoft settlement

Dear Mr. Ashcroft,

Please strongly urge the final settlement of the Microsoft case. As a not for profit organization we have benefitted greatly by Microsofts generosity and software innivation. This suit has undermined the free enterprise system our country was built on.

Thank you, Mark Rourke
Director, Bement Center

MTC–00029247

From: kittykat579@juno.com@inetgw
To: Microsoft ATR
Date: 1/28/02 10:06pm
Subject: Microsoft settlement

Dear Mr. Ashcroft:

Attached are my thoughts on the Microsoft settlement. I appreciate the opportunity to express my opinion on the matter.

Thank you for your time and effort.

Sincerely,
Katharine Cahill
Katharine Cahill
2 Sagner Court
Frederick, MD 21701
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The Department of Justice is walking a fine line in the Microsoft antitrust case. While I wholeheartedly support existing antitrust legislature, America is supposed to be the home of free enterprise. The federal courts are stifling Microsoft's ability to innovate. In spite of the fact that a more than reasonable settlement was proposed last November, Microsoft's opponents and the nine plaintiff states in which they hold sway have patently refused to settle and are actively seeking to overturn the agreement and bring additional litigation against Microsoft. I believe the proposed settlement is more than fair.

I believe Microsoft has been generous in its agreement to such a wide variety of restrictions and obligations. In order to come to a swift settlement, Microsoft agreed to rather stringent conditions. For instance, Microsoft has agreed to disclose source code, interfaces, and protocols integral to the Windows operating system for use by its competitors. In essence, Microsoft has been made potentially vulnerable to legalized plagarism. Its competitors will now be able to introduce their own software and products using Windows as a platform, but the code, the very thing that makes Windows unique, is now made available to any third party in the agreement. Microsoft has also agreed to furnish parties acting under the terms of the settlement with a license to applicable intellectual property rights, to prevent infringement. Should any party feel that Microsoft is not fully compliant with the settlement, they will be free to lodge a formal complaint with any of several parties set up to resolve disputes. Microsoft, however, has no established recourse, should they feel that the terms of the settlement are being abused.

Ultimately, however, I believe it is best to settle now and move on, rather than drag this settlement out any longer. The case already

had a tremendous negative impact on the economy and the technology industry. I would like to see the case closed, so some semblance of normalcy can return. I urge you and your office to support the finalization of the settlement.

Sincerely,

Katharine Cahill

MTC–00029248

From: Steven Power
To: Microsoft Settlement
Date: 1/28/02 10:01pm
Subject: Microsoft Settlement
Steven Power
2286 East Tolbert Road
Wooster, OH 44691
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Steven Power

MTC–00029249

From: Cathysboat@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 10:10pm
Subject: Microsoft Settlement
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing in full support of the recent settlement between the US Department of Justice and Microsoft. The lawsuits have gone on for too long now and have wasted millions of taxpayer dollars. Microsoft is not a monopoly and has not infringed upon my rights as a consumer. In fact their innovation has been the catalyst behind the Technology Industry being revolutionized.

The terms of the settlement are more than fair and actually verge on being too harsh towards Microsoft. Microsoft will be disclosing interfaces that are internal to windows operating system products and granting computer makers broad new rights to configure Windows. This is a first in an antitrust case.

Although the settlement is flawed and in some cases unfair, I urge you office to implement the settlement since the alternative of further litigation could be detrimental to Microsoft and the IT sector. Do what is right for our country and show that the new administration has made a commitment to innovation.

I am a loyal AOL customer and have used their product since 1993. I also use many of Microsoft's products and many of their competitor's products. Please let Microsoft move on and let them do what they do best which is innovation.

They raise the bar of excellence for all.

Sincerely,

Catherine Hamlin Walker

MTC–00029250

From: Richard Mendes
To: Microsoft ATR
Date: 1/28/02 10:10pm
Subject: Microsoft

Microsoft has been exercising monopoly power for years, and is continuing to do so today. Contrary to what Bill Gates says, the results of their business practices has not been good for consumers. Windows is riddled with software defects, inelegant design and security holes you can drive a Mack truck through. Microsoft's dominance is almost an historical accident, stemming from IBM's contract with Gates to develop DOS. Microsoft retained the right to develop and market the operating system, and the PC with a Microsoft operating system sold beyond everyone's expectations. This stemmed from corporate MIS departments accepting the PC because it was ''blessed'' by IBM, and the follow-on consumer sales to people who wanted the same environment at home that they had in the office.

Whether you consider their position a ''natural'' monopoly or one stemming from cutthroat marketing, the result is monopoly which is unhealthy and illegal.

Richard Mendes
rm3m@optonline.net

MTC–00029251

From: Stephen Baker
To: Microsoft ATR
Date: 1/28/02 10:11pm
Subject: Microsoft settlement

Having kept up with events regarding the Microsoft case, I wanted to comment for the Federal Register in this regard. My view is that Judge Kollar-Kotelly should approve the settlement between Microsoft, the Department of Justice and nine attorneys general and that this will serve the taxpayers of American very well.

Earlier as this case unfolded, I communicated to elected officials from North Carolina my opposition to the initial case as I believe it showed undue interference from the federal government against a company which was one of the most successful the world has ever known. The fact that nearly all home and business users depend on Microsoftp roducts simply means that their products are efficient and economical. Noc onsumer harm has ever been shown, even by the attorney arguing the case. That is why that I hope the judge will approve this settlement since Microsoft will allow monitoring and agree to guarantee equity to suppliers and others. In fact, Microsoft was willing to settle with the government a year ago, but the state attorneysg eneral blocked the settlement and Microsoft stock fell sharply.

As a person who believes in the less government intervention the better, I don't want any company to ever get in a situation where their economic future is mandated by the federal government. If the company cannot perform in the marketplace, has lousy products or is outgunned by competitors, so be it. But that's the way it's supposed be—not getting lambasted by the Department of Justice.

Thanks for your time in reviewing my views on this issue

Sincerely,

Mark Baker
2965 Rhonswood Dr.
Tobaccoville, NC 27050
mugsyb;@peoplepc.com
336–969–4913

MTC–00029252

From: Timothy C. York
To: Microsoft Settlement
Date: 1/28/02 10:02pm
Subject: Microsoft Settlement
Timothy C. York
7139 Hampstead Lane
Indianapolis, IN 46256–2315
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Timothy C. York

MTC–00029253

From: Leo Stevenson
To: Microsoft ATR
Date: 1/28/02 10:11pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
Please accept the settlement for Microsoft. Let's move on without further litigation. Our national economy needs to move on. Accepting the Microsoft settlement will help our national economy move forward.

MTC–00029254

From: Richard Ludwig
To: Microsoft Settlement
Date: 1/28/02 10:05pm
Subject: Microsoft Settlement
Richard Ludwig
104 Hunstanton
Williamsburg, VA 23188–9144
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:
The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief. Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies. Thank you for this opportunity to share my views.
Sincerely,
Richard M. Ludwig

MTC–00029255

From: Keith Duemling
To: Microsoft ATR
Date: 1/28/02 10:13pm
Subject: Microsoft Settlement
Dear Attorney General John Ashcroft,
Please see attached to this email a Microsoft Word document which adequately summaries my opinions regarding the Microsoft Settlement. Thank you for your time.
Keith Duemling
webmaster@nothingisnext.com
MSN Messenger: kduemling
Support the Freedom To Innovate: http://www.freetoinnovate.com/ //end
CC: fin@mobilizationoffice.com@inetgw
711 W Smith Road
Medina, Ohio 44256
January 14, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:
As a supporter of Microsoft, I write you with concern regarding the recent settlement. The terms of this settlement were part of a well thought out process, which was monitored throughout the entire time. It seems impossible that there could be any more room for scrutiny. Let us let these terms speak for themselves and help get our technology industry back to business.
As our economy continues to take a dip, we must do all we can to support our technology industry. Since it acts as a large part of our economy, we need to help solidify its place in the global market. The terms of this agreement help to create a more unified IT sector, which can only help us to work together to keep our place in this global market. By delaying the process, we only open the doors for our competitors, while we focus on litigation. Please help to support this settlement by stopping any further action against the agreement. Help us to help our IT sector get back to business, I thank you for your support.
Sincerely,
Keith Duemling

MTC–00029256

From: Brent Wilde
To: Microsoft ATR
Date: 1/28/02 10:14pm
Subject: Microsoft Settlement
M. Brent Wilde, MAI
1980—112th Ave. NE, Suite 270
Bellevue, WA 98004
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:
I am writing, today, the last day of the public comment period, to show my support for the settlement of the Microsoft antitrust case. This case has gone on long enough. The antitrust case against computer company, IBM, dragged on through the 1960s, 1970s and into the 1980s. Nothing like that should happen again. The new judge in the case appointed a mediator who helped the parties to negotiate together for three months. The settlement should be approved in the best interest of the American people. The settlement will make its easier for other companies to work with Microsoft in using its software codes and changing the programs included in its very popular Windows operating system installation. There will be a technical committee of experts who will inspect Microsoft's software and its facilities to see that the agreement is complied with. The committee will also hear and investigate complaints file by third parties. I would appreciate your continuing support for the Microsoft antitrust settlement. Thank you.
Sincerely,
Brent Wilde

MTC–00029257

From: Walt
To: Microsoft ATR
Date: 1/28/02 10:15pm
Subject: Microsoft Settlement
Memo
To: Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
From: Walt Chambers
Date: 1/28/02
Re: Microsoft Settlement.
Dear Mr. Ashcroft:
I am writing to express my support for the settlement that was reached between Microsoft and the Justice Department. First let me state that I have been in the Industry since 1976 and have worked with Major retailers such as Zales Corp., Major credit card processors such as MBNA. Major banks such as American Savings, Australian New Zealand Bank, State Bank of South Australia. Major manufacturers such as Alp's Electric. I have worked as a consultant for Arthur Andersen Consulting, Cap Gemini Sorgetti, and Computer People Australia. In my various positions with these firms I have been involved with contract negotiations with IBM, Microsoft, Fujitsu, Honeywell, etc? In all my dealings with Microsoft I have never witnessed any unfair dealings and they were usually the industry norm or even a little less competitive than say IBM.
The consumers were in my opinion already well protected by Microsoft from Hardware manufacturers which were trying to make their configurations of Microsoft proprietary and lock business consultants like myself out? If you look back to when PC's first came out this was the biggest problem.. Until Microsoft stepped up to the plate and forced conformity so that the user would have a consistent experience across all platforms and vendors. I feel the settlement would end the waste of time and money by our government. In my opinion the whole legal battle was never really about the consumer but was focused on corporate access to government lobbyist's by hardware and other software manufacturers who weren?t smart enough to compete.
I believe the settlement which ends the wasteful court battles is good for consumers and the entire computer industry. The terms of the settlement indicate an extensive agreement that requires many concessions from Microsoft. Microsoft has agreed to grant computer makers broad new rights to configure Windows so as to promote non-Microsoft software programs that compete with programs included within Windows. And Microsoft will not retaliate against any computer maker who takes advantage of these new rights. Microsoft will also be monitored by a three-member Technical Committee that will assure the company meets its obligations.
As a member of the computer industry, I know the importance of Microsoft not only to our industry but also to the entire economy. Concluding this settlement will provide certainty to the industry and give Microsoft the freedom to design new technology. I hope you will continue to support the settlement and take no further action in litigating this case

Sincerely,
Walt.
CC:fin@mobilizationoffice.com@inetgw

MTC–00029258

From: Babajules@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 10:15pm
Subject: microsoft settlement

it is my opinion that the case between states and microsoft should be settled as per the DOJ.- Thank you.

MTC–00029259

From: Steve Townsend
To: Microsoft ATR
Date: 1/28/02 10:17pm
Subject: Re: U.S. v. Microsoft: Settlement Information

To Whom It May Concern,

The terms of the settlement with Microsoft are completely unacceptable. I hope that it is apparent to those persons in power to make such decisions that Microsoft will not be stemmed from their monopolistic practices with any settlement that allows them such freedom of interpretation.

They (Microsoft) have shown their contempt for and avoidance of any measures attempting to restrict their behavior. It was obvious from the demeanor of CEO Bill Gates during the trial and the continuation of monopolistic practices by Microsoft during the trial and after the findings of guilt that anything short of structural changes to the company will be ineffectual in limiting their monopolistic tendencies.

Microsoft is positioning to extend its reach into key areas of our emerging economy. The operating system monopoly that they enjoy is allowing them to push their .Net product. Microsoft, who's record on security issues is horrendous, is looking to become part of all internet financial transactions by forcing the .Net infrastructure and wants us to entrust them with our sensitive data. Their browser monopoly will insure that the interface for virtually all internet shoppers will be controlled by Microsoft. Their monopolistic might is forcing restrictive marketing of the MSN network product.

Microsoft has a history of pushing ahead with it's own ''standards'' circumventing the international standards committees that help to provide a secure and level playing field. The fact that 99.99% of all viruses and data security threats that exist thrive on Microsoft technology. The holes in Microsoft programs that are left to provide businesses easy marketing opportunities are included at the expense of public privacy and security concerns.

In a marketplace free of the heavy handed monopolist NO customer would opt to expose themselves to the additional risk involved in using Microsoft internet products. Whatever the final solution, it must prevent the continued free reign by this megalomaniacal corporation.

Sincerely,
Stephen J. Townsend
Cottage Grove, MN

MTC–00029260

From: Sandra Helmich
To: Microsoft ATR
Date: 1/28/02 10:17pm
Subject: Microsoft settlement
Attorney General John Ashcroft
US Dept. of Justice
c/o email microsoft.atr@usdoj.gov

Dear Sir Ashcroft:

I am a Microsoft user. I want to say I fully support the recent Microsoft-Department of Justice settlement. It's great Microsoft will not be broken up. However, the lawsuit was too costly and long. The terms agreed upon seem to violate Microsoft's intellectual property rights, by being forced to disclose internal info about the Windows operating system and requiring future design versions making it easier for competitors to promote their products within Windows. Our economic future depends on intellectual innovation and it is to be protected to insure future incentive and financial success. I strongly urge your office to imlement the settlement, as the alternative ..more litigation, will only impact our tech economy and stifle our markets.

Respectfully submitted,
Sandra M. Helmich/signature
cc: Rep. Jeff Flake

MTC–00029261

From: Jerry Schultz
To: Microsoft Settlement
Date: 1/28/02 10:09pm
Subject: Microsoft Settlement
Jerry Schultz
7007 L.5 Lane
Escanaba, MI 49829
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Jerry L. Schultz

MTC–00029262

From: Ryan Bender
To: Microsoft Settlement
Date: 1/28/02 10:10pm
Subject: Microsoft Settlement
Ryan Bender
P.O. box 774
Topeka, IN 46571
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Ryan Bender

MTC–00029263

From: Sarah Carroll
To: Microsoft Settlement
Date: 1/28/02 10:09pm
Subject: Microsoft Settlement
Sarah Carroll
P.O. Box 490
Valders, WI 54245
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Sarah L. Carroll

MTC–00029264

From: Mark MacNeil
To: Microsoft ATR
Date: 1/28/02 10:11pm
Subject: Microsoft Case Comment

DOJ,

I think your case against Microsoft Corp. was a disgrace to the American Legal System. It seems you allowed a group of businessmen from the likes of Sun Microsystems and AOL, who couldn't compete with Microsoft on the field of software design and customer service, and allowed them a chance in a courtroom to do what they could never have done through any work of their own. I use all Microsoft products because of their good design and customer service. I think you should point your legal gun somewhere else...and perhaps you should read Greenspan's work entitled: AntiTrust. Found in Ayn Rands collection of works ''For the New Intellectual''.

Mark MacNeil

MTC–00029265

From: RWB
To: Microsoft ATR
Date: 1/28/02 10:15pm
Subject: Microsoft Settlement

The proposed settlement does not begin to address the market arrogance and bullying behavior which characterized Microsoft's marketing over the past decade. The public destruction of Netscape by giving away it's browser for free and then simply including it in the operating system are just one of many acts which the company has taken to reduce or destroy competition. The beginnings of a sufficient remedy would include requiring Microsoft to cease to offer a browser at all and to agree to never sell a product at less then a competitive product even if they have a minority market share. The agreement not to sell must be adjusted for the effects of ''bundling'' which Microsoft has used not only against Netscape but also WordPerfect and many others.

Rodger Barkus

(formerly Software Association of Oregon board member and the COO of a software company.)

MTC–00029266

From: Diane Collins
To: Microsoft Settlement
Date: 1/28/02 10:09pm
Subject: Microsoft Settlement
Diane Collins
944 Ark 175
Hardy, Ar 72542
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Diane Collins

MTC–00029267

From: Bernard Katz
To: Microsoft Settlement
Date: 1/28/02 10:08pm
Subject: Microsoft Settlement
Bernard Katz
17 Riesling Ct.
Commack, NY 11725–1735
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Bernard Katz

MTC–00029268

From: George Lawrence Storm
To: Microsoft ATR
Date: 1/28/02 10:20pm
Subject: Microsoft Settlement

I am opposed to the Microsoft settlement. If accepted it would penalize those schools involved, greatly reward the monopolistic practices of Microsoft and highly penalize the only creative computer developer left in the US.

As the current settlement stands Microsoft will pay virtually nothing by donating obsolete equipment which has already been written off and donating software that they never would have sold. This settlement places a significant financial penalty on those schools that would be foolish enough to accept this farce. It is a fact that support costs for the windows platform are on the order of ten to one. If we were to accept the notion that this ''donation'' was one billion dollars the schools involved would need to raise ten billion dollars to support the hardware, software and training needed to support it during the very short life remaining in it.

If however a cash fine of one billion was made with that cash going to the purchase of new Macintosh hardware and software those same schools would only need to raise three billion, six hundred million, a bit more than a third the support cost. Additionally the life of the equipment would offer more than twice the longevity of Microsoft's proposed donation. This would further reduce the strain on school budgets by extending the support costs over a five year verses a two-year period of time.

(The factors of 10 and 3.6 are a few years old and need to be researched to see if they have changed recently.) If we are to teach our children the values of honesty and integrity it should be that these values are important. Letting the proposed settlement stand only teaches them that success is based on lies and theft.

If you want to teach justice the only way is to impose the severest of penalties which must include significant jail time for all those involved. Anything less is to reward the criminals involved.

Sincerely,
George Lawrence Storm
George Lawrence Storm
1916 Pike Place / Suite 12 / #441
Seattle, Washington 98101
Telephone: (206) 334—7236
E-mail: keencoyote@earthlink.net

MTC–00029269

From: Wayne Borean
To: Microsoft ATR
Date: 1/28/02 10:20pm
Subject: Microsoft Settlement

The Proposed settlement will have virtually no effect on Microsoft. The settlement is deeply flawed, and needs to be totally recast to have any real and lasting effect on the monopolistic practises of Microsoft Corporation.

Wayne Borean
President
forkliftguy.com

MTC–00029270

From: Sirena Lau
To: Microsoft ATR
Date: 1/28/02 10:22pm
Subject: microsoft settlement
Stella L. Lau
1139 Bacon Street
San Francisco, CA 94134
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The purpose of this letter is for me to go on record as favoring the settlement agreed to by Microsoft and the Justice Department. It is about time that the two sides came to an agreement, and I only hope that this settlement is approved without any delay. Competition in the computer industry is going to benefit greatly from this decision. Microsoft will be producing future versions of Windows that will allow other computer makers and software developers to add their own versions of software that compete with programs included within Windows. They will also be able to remove easily Windows'' software. Companies will now be free to compete with one another, and the quality of software will rise as a result.

This settlement is just what is needed, and I stand behind it 100%.

Sincerely,
Stella Lau

MTC–00029271

From: Patricia Deibler
To: Microsoft Settlement
Date: 1/28/02 10:15pm
Subject: Microsoft Settlement
Patricia Deibler
25742 Cervantes
Mission Viejo, CA 92691–5604
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Patricia Deibler

MTC–00029272

From: Jeff Clearwater
To: Microsoft ATR
Date: 1/28/02 10:22pm
Subject: Microsoft Settlement

Your Honor, Colleen Kollar-Kotelly,

Please do what you can to stop this juggernaut from doing more damage to an already over monopolized industry!

I agree totally with the filing by ProComp regarding the Microsoft ''settlement''. This is a travesty of justice. Microsoft clearly has grossly violated antitrust legislation and has monopolized the market in ways that clearly suppresses innovation and competition in the operating system, browser, and scripting software industries. The filing by Procom says it the best. I reproduce an article with the specifics below.

''This proposed decree is so ineffective that it would not have prevented Microsoft from destroying Netscape and Java, the very acts that gave rise to this lawsuit,'' said Judge Robert H. Bork. ''It is so ineffective in controlling Microsoft that it might as well have been written by Microsoft itself.''

The ProComp filing explained that Judge Kollar-Kotelly must make a truly independent determination of whether the proposed settlement is in the public interest, with the public interest standard defined by the Court of Appeals ruling in this case.

Sincerely,
Jeff Clearwater

Reference Article:

Judge Bork and Judge Kenneth W. Starr were among those signing a Tunney Act filing on the settlement submitted today by the Project to Promote Competition and Innovation in the Digital Age (ProComp), a leading opponent of the settlement.

The ProComp filing also included an affidavit critical of the proposed settlement from Nobel Prize-winning economist Kenneth J. Arrow, a professor at Stanford University, who had supported the 1995 consent decree between the federal government and Microsoft.

The ProComp filing explained that Judge Kollar-Kotelly must make a truly independent determination of whether the proposed settlement is in the public interest, with the public interest standard defined by the Court of Appeals ruling in this case.

''Because this proposed settlement does not follow the mandates of the Court of Appeals judgment, it must be rejected. Neither the Department of Justice or the District Court have the constitutional authority that does not satisfy the Court of Appeals ruling,'' Starr explained. ''This proposed settlement not only fails to meet the Court of Appeals standard, it doesn't even purport to do so. It is simply based on an inappropriate legal standard, and we don't believe it satisfies even this modest standard.''

In his affidavit, Professor Arrow said the new proposed settlement between Microsoft and the Department of Justice fails to eliminate the benefits to Microsoft of its illegal conduct, fails to restore competition in the market, and fails to strengthen the possibilities of competition and deter the exercise of monopoly power now and in the future.

Arrow noted that the Court of Appeals ruled that Microsoft violated federal antitrust law by impermissibly maintaining its monopoly through anticompetitive actions against Netscape and Java. ''Given that finding, the remedies in this case should eliminate the benefits to Microsoft of its illegal conduct; should restore, if possible, the possibility of competition in operating systems; and should not allow Microsoft to protect its illegally maintained monopoly from current and future competition in related markets, such as server operating systems and Web services,'' Arrow said in his affidavit. ''In my opinion, the PFJ (proposed final judgment) fails to accomplish these objectives.''

Arrow said the market position that Microsoft has today—with 92 percent of the PC operating systems market and 91 percent of the browser market—''makes it difficult for any set of conduct remedies to lead to significant middleware competition. Neither the PFJ nor any other set of conduct remedies can re-create the technological disruption or competitive head start that existed before Microsoft acted illegally.''

ProComp's Tunney Act filing also notes that the proposed settlement fails to adequately deal with competitive issues that will determine the future of the software industry, and does not contain the safeguards needed to prevent Microsoft from extending its monopoly into more markets.

''The proposed decree hardly deals at all with Microsoft's likely future anticompetitive conduct. Microsoft's prodigious market power is now directed at the next threat to the Windows platform— applications and services provided via the Internet and other networks—not the Netscape/Java threat of 1995–99,'' according to the ProComp filing, which was signed by Bork, Starr, ProComp President Mike Pettit and others. ''Microsoft has destroyed those revolutionary technologies that are a source of operating systems competition and has moved on to other areas that the proposed decree all but ignores.''

The ProComp Tunney Act filing notes that the proposed settlement's strong-sounding provisions are often undercut by other sections that give Microsoft broad discretion in interpreting the agreement. For example, the proposed settlement permits Microsoft to design and bundle its products in different ways to evade the disclosure requirements by giving Microsoft ''sole discretion'' to decide what software is part of a ''Windows Operating System Product.''

''The API disclosure provisions are riddled with numerous deficiencies that render them ineffective in promoting competition,'' the ProComp filing said. ''These are not loopholes, but triumphal arches that allow Microsoft to proceed uninhibited by the antitrust laws.'' Judges Bork and Starr and the others supporting the ProComp filing urged Judge Kollar-Kotelly to defer a decision

on the proposed decree until after the hearing on the stronger remedies proposed by the nine states which have objected to the proposed settlement.

''The proposed decree supported by Microsoft and the Department of Justice is hopelessly vague and inherently unenforceable,'' Starr said. ''We believe that divestiture remains the preferable and most effective remedy for Microsoft's antitrust violations.''

Jeff Clearwater
Ecovillage Design Associates
2525 Arapahoe Ave, Suite E4, #280
Boulder, CO 80302
303–546–0460,
clrwater@earthlink.net
jeffc@ic.org

MTC–00029273

From: Marilyn Laurie
To: Microsoft Settlement
Date: 1/28/02 10:15pm
Subject: Microsoft Settlement
Marilyn Laurie
6520 Walden Pond Ln. SE
Southport, NC 28461
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Marilyn K. Laurie

MTC–00029274

From: John G. Ata
To: Microsoft ATR
Date: 1/28/02 10:24pm
Subject: Microsoft Settlement

This letter is written to urge the acceptance and adoption of the proposed settlement between the Department of Justice, Microsoft and nine states. This agreement addresses perceived concerns of ''monopolistic practices'' while allowing Microsoft to continue to developing software that is useful. The fact that the Department of Justice and 9 states have signed on shows that it has merit. No alternative has been shown to be better in the long run. Those pushing for such alternatives are those who truly wish to put Microsoft out of business which is not the best course of action for either the industry or our country in the long run. Hopefully, cool heads will prevail and the rhetoric of those who wish for harsher sanctions can be seen for what they are.

Sincerely,
John G. Ata

MTC–00029275

From: rbput.co@netzero.net@inetgw
To: Microsoft ATR
Date: 1/28/02 10:21pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Raymond L. Put
10845 Link Rd.
Fountain, CO 80817–3380

MTC–00029276

From: CHRISTOPHER A PETERS
To: Microsoft ATR
Date: 1/28/02 10:24pm
Subject: Microsoft Settlement

Dear Sirs,

I am writing to express my belief that the proposed settlement of the Microsoft anti-trust case is too weak and should be rejected by the Court. The remedies proposed would not, in my opinion, go nearly far enough to restrain the company from it's proven monopolistic behaviour. I write this as an IT professional with over 10 years of experience in the field.

I am also a conservative who believes in limited government regulation. However, in this case, I believe that it is in the best interest of the U.S. taxpayers that harsher penalties be handed down to Microsoft. By leveraging its'' near-monopoly on desktop operating systems, Microsoft has damaged competition and reduced consumer choice.

In my opinion, the settlement announced in October by the nine states and the Dept. of Justice with Microsoft would be nothing more than a slap on the wrist. A proper remedy would begin with requiring that Microsoft ''unbundle'' its'' Web browser from the underlying operating system and force the company to release the source code for versions of its'' popular Office suite of programs to the general public. Such a remedy would begin to allow more competition in the marketplace.

I do not, however, believe that the company should be broken up.

Sincerely,
Christopher A. Peters
(Microsoft Certified System Engineer)

MTC–00029277

From: Shannon Littlefield
To: Microsoft Settlement
Date: 1/28/02 10:21pm
Subject: Microsoft Settlement
Shannon Littlefield
202 W Lockesburg Street
Nashville, AR 71852
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Shannon Littlefield

MTC–00029278

From: David Rose
To: Microsoft Settlement
Date: 1/28/02 10:17pm
Subject: Microsoft Settlement
David Rose
2721 NW Cascade
East Wenatchee, Wa 98802
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a

serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

David M. Rose

MTC–00029279

From: Jeffrey Horn
To: Microsoft ATR
Date: 1/28/02 10:26pm
Subject: Microsoft Settlement

United States Justice Department:

As an assistant professor of Computer Science, with a Ph.D. in Computer Science and four years of industry experience as a computer networking consultant, it is my opinion that the currently proposed settlement between Microsoft and the US Justice Department is fundamentally flawed. As a researcher and developer in the field of computers, I have seen first hand, time and again, how Microsoft has used its monopoly status to stifle competition and innovation. It is clear to me that Microsoft, in its corporate philosophy, is not interested in innovating, but rather it seeks power and control (and profit). I won't bother with the details of examples, as they have been well-documented, but I will simply list some examples: the elimination of the browser as an alternative desktop, the attempt to eliminate the platform-independent programming language Java (which supports OS independent processing), the attack on the open-source model of software development, etc.

It is my considered opinion that without Microsoft, or at least without its monopolistic influence, the computer industry, the user-computer interface, and indeed our entire understanding of the how computers can help people, would have progressed much further than we actually have so far. I strongly recommend a restructuring of the corporation, and not simply punitive measures. Microsoft has demonstrated repeatedly that it cannot change its corporate culture. Instead, the operating system itself must be made open to support of third-party products, to include new paradigms of computation. Microsoft must not be allowed to keep the entire software ''pie'' to itself, as it cannot be trusted to do anything beneficial with it.

Thank you for your attention.

Jeffrey Horn, Ph.D.
Assistant Professor of Computer Science
Department of Mathematics and Computer Science
Northern Michigan University
Marquette, Michigan 49855
CC:jhorn@nmu.edu@inetgw

MTC–00029280

From: Alix Barstow
To: Microsoft ATR
Date: 1/28/02 10:24pm
Subject: Microsoft Settlement

1) Thank you for bringing this suit on my behalf as an American!

2) I am very concerned that the final settlement be effective, not just in punishing Microsoft for past wrongs, but in creating an environment that hinders future wrongdoing by truly enabling vigorous competition in the middleware as well as operating systems markets. Microsoft has a near monopoly with its Microsoft Office suite and I would like to see stronger competition for these programs in particular.

MTC–00029281

From: Matt Gainer
To: Microsoft ATR
Date: 1/28/02 10:26pm
Subject: Microsoft Settlement

To whom it may concern,

First, even as I type this e-mail in Microsoft Entourage I want to thank you for pursuing an aggressive action against the Microsoft corporation. There is no disputing the quality of Microsoft's products, and the extent that we have come to depend on them; but how Microsoft positioned itself as a leader is definitely worthy of debate, and hopefully critical action as well.

Thank you for the opportunity to share the following brief story with you: In 1997 I finished Graduate school in Los Angeles and accepted my first part time teaching job at a small, private two-year catholic college located in Palos Verdes, California.

I was the first lecturer hired to teach Digital Imaging in the school's new computer lab. From what I understand, the main computer lab, along with the college's central server were at least partially (perhaps completely) funded by Microsoft...with the agreement that non-microsoft software was not allowed on any of the machines if a microsoft brand software existed for a particular task. For instance, I was not allowed to install netscape on any of the machines since Internet Explorer could perform the same tasks.

Other teachers complained that they were also forced to use microsoft products when there were better alternatives available. The issue was not money...since some of the software, like netscape, were available as free downloads. The reason that we were not allowed to use non microsoft product to teach with was because microsoft had defined the parameters of what could be done in the lab when they donated the equipment.

I'm not sure if the agreement with microsoft was legal or not, but it made for an extremely frustrating teaching experience, and severely limited the ways in which we could use the computers in our lab.

Thanks for listening,

Matt
Matt Gainer
(323)660–2846

MTC–00029282

From: hmastran@neo.rr.com@inetgw
To: Microsoft ATR
Date: 1/28/02 10:27pm
Subject: Microsoft Settlement

Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Henry Mastran
400 Mark Drive
Tallmadge, OH 44278

MTC–00029283

From: Susan Dillard
To: Microsoft ATR
Date: 1/28/02 10:30pm
Subject: Microsoft Settlement

11720 81st Avenue NE
Marysville, WA 98271
January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 205301

Dear Mr. Ashcroft:

Although not a member of technology industry, I would like to voice my thoughts on finalizing the Microsoft anti-trust case. To claim that Microsoft is operating as a monopoly, with apparently so many competitors available that they can bring on this lawsuit, comes off as an overblown attack on a company that has succeeded through consumer support, not monopolistic practices.

As I've seen in the telephone industry, there are many more monopolies causing much more harm to the consumer than Microsoft has ever done. Now that a settlement has been reached, the conditions seem highly favorable to the Justice Department, even surpassing some of the initial complaints. So, with so many other distractions of greater importance on the government's plate, it would seem time to finally end this process.

With regular oversight of a technical committee to ensure compliance, Microsoft

will provide ample opportunities for their rivals to succeed with this deal, including more flexible configuration of the Windows platform, access to its internal source code and licensing of its intellectual property.

Please move forward with this process and allow these companies to go compete in this new environment without further intervention.

Sincerely,
Susan Dillard
CC:fin@mobilizationoffice.com@inetgw

MTC–00029284

From: CHARLES DELANEY
To: Microsoft Settlement
Date: 1/28/02 10:20pm
Subject: Microsoft Settlement
CHARLES DELANEY
1219 GLENRIDGE LANE
ELKHORN, WI 53121
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry.

It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

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Thank you for this opportunity to share my views.

Sincerely,
CHARLES R. DELANEY

MTC–00029285

From: Tanuj T
To: Microsoft ATR
Date: 1/28/02 10:30pm
Subject: Microsft Settlement

This is too easy a way out for Microsoft, predominantly because Microsoft has so much money, the charges Microsoft need to pay to settle its monopoly won't even scratch the company. This is meaningless because large companies will continue to get monopolies and pay them off without any problems. The settlement needs to go farther than that, to prevent large companies from getting away with monopolies easily. Just like Carnegie's vertical monopoly on steel, he had made so much money, he still had his monopoly on steel.

What should be done is Microsoft should break up into two competing companies. Thus they will not be able to form trusts more overtly than what they're doing now. Another solution would be to force Microsoft to have two versions of Windows available; one with all the features and software it has now, and one with just the operating system itself. However, I believe this aspect is not an issue because Microsoft just has a better product. The Operating System doesn't prevent one from installing Netscape or anything of that nature, it's equal opportunity for all ventures.

In addition to it being too easy for large companies to get away with monopolies, other companies also bundle up their software, such as Apple. So in reality they are also cutting off the market because Apple requires you to purchase their software and hardware because it won't work any other way.

For example, the Mac Operating System obliges you to also buy a Mac printer, Mac compatible word processors, Mac games, Mac compatible browsers, etc.. They are cutting off the market from Microsoft and other companies, who can't put too much software on it because it's not compatible or else pay Apple to get it on. Because Microsoft doesn't want to waste their money, they just place it on their own OS. It's exactly the same idea: Microsoft bundles up Office and IE, just the same way Apple bundles up their software. However, if Apple receives the lawsuit, they will suffer a lot more than Microsoft, who won't get affected by the lawsuit because they have so much money.

MTC–00029286

From: ALEXANDER R KOBIEC
To: Microsoft ATR
Date: 1/28/02 10:20pm
Subject: microsoft settlement

REQUEST THAT MICROSOFT SUIT BE SETTLED IN A TIMELY AND FAVORABLE OUTCOME IN MICROSOFT'S FAVOR.

I AM A MICROSOFT USER AND FEEL THAT THEIR PRODUCTS ARE FAIR AND REASONABLE. TO RULE AGAINST THEM WOULD STIFLE INNOVATION. I FEEL VERY STRONGLY IN MICROSOFT'S FAVOR.

SINCERELY,
ALEXANDER R. KOBIEC

MTC–00029287

From: Donald Kochanek
To: Microsoft Settlement
Date: 1/28/02 10:25pm
Subject: Microsoft Settlement
Donald Kochanek
757 W. 406 S.
Marion, IN 46953
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Donald R. Kochanek

MTC–00029288

From: Janet Gillette
To: Microsoft Settlement
Date: 1/28/02 10:24pm
Subject: Microsoft Settlement
Janet Gillette
3419 El Serrito Dr
Salt Lake City, UT 84109
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Janet W. Gillette

MTC–00029289

From: Dora Cividino
To: Microsoft Settlement
Date: 1/28/02 10:24pm
Subject: Microsoft Settlement
Dora Cividino
14457 Indian Springs Road
Penn Valley, CA 95946
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Dora Cividino

MTC–00029290

From: Aleks Totic
To: Microsoft ATR
Date: 1/28/02 10:32pm
Subject: Microsoft Settlement
To: The Antitrust Division

My name is Aleksandar Totic. I am writing to comment on the proposed Microsoft settlement, and document anti-competitive MS behavior that occurred in October 2001. I believe that the behavior I've documented clearly demonstrates that MS will inconveniences the consumer if it helps to protect its monopoly.

In ''Competitive Impact Statement'', you claim that the settlement will ''restore the competitive threat that middleware products posed''. I do not believe that the settlement will achieve this goal. This is because:

A)

There are many exceptions in the settlement that Microsoft can use to hinder competition:

Section III.D

Why make interoperating with Windows the sole purpose of the disclosure? MS could use this to deny Linux developers access to the APIs. The APIs should be public, without any strings attached. Section III.H.2 (Windows may invoke MS Middleware) I bet that the line ''designated Non-Microsoft Middleware Product fails to implement a reasonable technical requirement'' can be used to disqualify any middleware MS disagrees with.

B)

The only real threat to MS was that the web would make OS irrelevant. This can only happen if there is browser competition. With IE, MS will make sure that surfing the web on Windows is the only good web experience.

That's all as far as my complaint about the settlement goes. Now here is my documentation of Microsoft continuing to clean up any remaining competition in browser wars in October 2001.

DOCUMENTATION OF ANTI-COMPETITIVE BEHAVIOR, OCTOBER 2001

I was one of the founding engineers of Netscape, employee #11, followed Marc from Illinois. I was one of the authors of the Plugin API for Netscape, back in 95.

Microsoft cloned our API right away in IE, and then removed in October of 2001 as a part of Service Pack 2 for IE5.5/IE6. This caused all Plugin API plugins to stop working, including QuickTime. Some of the Apple's engineers spent a few sleepless nights, frantically rewriting the Quicktime plugin to support ActiveX.

To understand how sinister this move was, you need to know a bit about the Plugin API. It is a standard by which 3rd party developers can extend browser functionality, allowing movies, complex animations to be played in web pages. Flash, RealPlayer, and Quicktime are examples of plugins. The Plugin API was cross-platform, and was widely used, implemented in other browsers, such as Opera.

Microsoft cloned Netscape's Plugin API under competitive pressure in IE 2, and also created a competing standard called ActiveX. ActiveX of course was available only on Windows, and no other browsers ever supported it.

ActiveX and Plugin API were competing standards. Despite MS much more extensive support for ActiveX, Plugin API was widely used, because it was simpler to use, and cross-platform.

When MS removed it, movies stopped playing for millions of movie watching consumers that relied on Quicktime. In one stroke, MS killed PluginAPI, and hurt Quicktime, a competitor of Movie Player. The move inconvenienced the consumers, who had to go to Quicktime site to upgrade or start using Microsoft movie, developers. The only benefit was to Microsoft, to lock people into using IE. And this occurred in October 2001, after they were found guilty.

Microsoft statement about removing the API can be found at: ''Netscape-Style Plug-ins Do Not Work After Upgrading Internet Explorer'' http://support.microsoft.com/support/kb/articles/q303/4/01.asp The list of plugins supporting the Plugin API: http://browserwatch.internet.com/plug-in/plug-in-big-ah.html

Later, they also decided not to ship Java, further destroying the cross-platform promise of the web.

As one of the original visionaries of the web that transcends Operating Systems, this makes me very mad. I applaud Microsoft winning through quality and innovation, but they keep pursuing API lock-in and monopoly as their favorite means of competition.

If you need any further help, I'd be happy to fly out to Washington, testify, do more competitive analysis, code review, etc.

Thank you for your time,
Aleksandar Totic
2023 Pacific Avenue
San Francisco, CA 94109

MTC–00029291

From: Susancrawford@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 10:33pm
Subject: Microsoft Settlement

As a user of Microsoft's products, I object to the company being punished for its success. The suit was brought by Microsoft's competitors, who were not able to produce a product as good as Microsoft's. Business must be allowed to function in a free society, and to function competitively.

The consumer always has the choice to buy from Microsoft, or not. Noone is being cooerced. I stand for Microsoft's right to produce the best product it can. And it's right to own that which it produces.

Susan Crawford
Silver Spring, Md.

MTC–00029292

From: Ronald Hall
To: Microsoft Settlement
Date: 1/28/02 10:29pm
Subject: Microsoft Settlement
Ronald Hall
PO Box 2020
Hew Hartford, NY 13413
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Ronald D. Hall

MTC–00029293

From: Lester Hixson
To: Microsoft Settlement
Date: 1/28/02 10:27pm
Subject: Microsoft Settlement
Lester Hixson
173 San Marcos Dr
Lodi, CA 95240
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Lester N Hixson

MTC–00029294

From: Frank West
To: Microsoft ATR
Date: 1/28/02 10:37pm
Subject: Microsoft Settlement

Just a short comment.

Why pick on Microsoft when the real ''monopolies'' consist of Big Government's overstuffed ''Bureaucracies''! Of course, all the shysters in congress need something to turn the attention away from themselves since ''statesmanship'' is so lacking in this modern age.

F T West
Elyria, OH

MTC–00029296

From: brad
To: Microsoft ATR
Date: 1/28/02 10:35pm
Subject: Microsoft Settlement
Brad Smith
5011 Dixie Highway NE, Suite A-308
Palm Bay, Florida 32905
January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I want to take a moment to express my support for the settlement reached between Microsoft and the Department of Justice in November. I believe the settlement is reasonable and fair to all sides involved in this case.

The agreement requires significant changes in Microsoft's practices. For example, Microsoft will have to design future versions of Windows that provides a mechanism to make it easy for computer makers, consumers and software developers to promote non-Microsoft software within Windows. This will give consumers who do not like Microsoft products the freedom to change their configuration at any time.

And to assure compliance with the agreement, Microsoft has agreed to be monitored by a Technical Committee formed by the Justice Department.

As a frequent user of Microsoft products, I know firsthand of the innovation Microsoft has brought to consumers over the years. This settlement allows Microsoft to shift their focus back to innovation and away from litigation. This alone makes the settlement definitely in the public interest.

Thank you for the opportunity to give my public comment on this matter. Hopefully with your office's continued support of this settlement, a final conclusion can be reached in the near future.

Sincerely,
Brad Smith

MTC–00029297

From: warren (038) florence schreiner
To: Microsoft ATR
Date: 1/28/02 10:37pm
Subject: Microsoft settlement

I am a relatively newcomer to the PC scene (about five years) and have followed the judicial proceedings re the charges involving monopolistic practices on the part of Microsoft. As a user of windows 95, 98 and soon XP Home Edition I have only the highest admiration for the products Microsoft has put out and cannot believe the country would benefit from the Draconian measures some have called for. The settlement now proposed between the US government and Microsoft seems to me to be entirely reasonable from my standing as a consumer. When I had some dissatisfaction with the browser and email programs bundled with W 95 I switched to the Navigator software. Anyone was and is free to do the same. The sane was true of the McAfee virus protection software from which I switched to Symantec's. Since then Microsoft has improved its products and in XP I'll rely on Explorer and Contact Express. Microsoft maintains an upgrading system and is responsive to complaints about bugs in its product by providing free patches. I urge you to proceed and finalize the settlement along the lines as I understand them from media reports.

Respectfully yours,
Warren C. Schreiner
2351 Stag Run Blvd
Clearwater, FL 33765
727 791 1179

MTC–00029299

From: Vincent Papa
To: Microsoft Settlement
Date: 1/28/02 10:32pm
Subject: Microsoft Settlement
Vincent Papa
1313 Mockingbird Ln.
Mineola, ny 11501
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Vincent Papa

MTC–00029300

From: Huland B. Gardner
To: Microsoft Settlement
Date: 1/28/02 10:33pm
Subject: Microsoft Settlement
Huland B. Gardner
4300 Tartt ''s Mill Rd
Wilson, NC 27893–7927
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

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Thank you for this opportunity to share my views. Let this stand!!! Enough is ENOUGH !!!

Sincerely,

Huland B Gardner

MTC–00029301

From: Larry Young
To: Microsoft ATR
Date: 1/28/02 10:40pm
Subject: Microsoft Settlement

Please settle the Microsoft case based on the terms agreed between the Justice Department and Microsoft.

I believe this case has always been about Oracle, Sun and AOL not wanting to compete in the marketplace. These companies would rather stifle competition by wasting court time. For sure there are some actions on Microsoft's part that can be altered, such as publishing all of the API's to the development community. Making sure Microsoft treats all companies the same and not withholding information to competitors, another issue that should be addressed and is addressed in the Government agreement with Microsoft. However many of the same policies and procedures are practiced by the companies that initially brought attention to Microsoft. Oracle is now bundling their software and is attempting to prevent the Oracle user from installing products not sold by Oracle. Sun wants to tie all of its products to Java. AOL refuses to open their Instant Messenger software to other companies. How can AOL accuse Microsoft an antitrust violator when AOL may also be an antitrust violator? Now AOL wants all of its users to stay on servers owned and maintained by AOL instead of having them surf the Internet.

While Microsoft is attempting to promote sites that have a relationship with Microsoft they are also big defenders and promoters of the Internet. If AOL has its way the Net will die on the vine the way Main Street withers when a Wal-Mart comes to town. Please allow Microsoft to remain strong to prevent AOL from destroying the open commerce that is thriving today on the Net. Oracle, Sun and AOL are laughing while the courts enhance their self interest by at best stifling and at worse destroying a competitor they wish not to compete with in the open market place.

Palm

Palm believes Microsoft is destroying their business. Consider that initially 3Com refused to create a separate company thereby forcing the hand of the original developers to leave the company. After the original developers left and started Handspring, 3Com created the separate company. Now with the loss of prime talent, Palm has languished. By all accounts it has been the misdirection and lack of creativity of the Palm management that has allowed Microsoft to take some market share and create a viable product. Why should Palm be allowed to be the only product in the market? If this economy can support more than one automobile company, it can have the Pocket PC alongside the Palm.

Netscape

Netscape lost the browser war because they did not have the better product. It doesn't get any simpler than that and now AOL wants treble damages for making a product that could not compete and was allowed to languish for years without any effort directed at fixing the product. Where is the justice?

FTP Software

If any company should have brought Microsoft to court it is this one. When Microsoft bundled TCP/IP software in the operating system this company could not survive. Today it is unthinkable to consider that an operating system can exist with out TCP/IP services. In fact the UNIX operating systems had this before Microsoft, suggesting that this was indeed a service that belonged in the operating system. In the early years Microsoft didn't even have memory management. That also was provided by a third party. In this case Norton, now owned by Symantec, has been able to morph into other areas. Symantec is a company that knows how to create software the market needs without running to the courts. The point I am trying to make is that government and the courts should not micromanage the bundling of products in the operating system. If it was done years ago then memory management and TCP/IP services would not have become a part of the operating system. This would have been an incredible injustice to Microsoft and the consumer. If we cannot see into the future or look at the present to determine if the customer is damaged then we should look at the past. Companies like Symantec would not have become a strong competitor. The operating system capable of supporting consumers and the business community would not exist. The computer would still be behind glass walls, out of reach of the consumer. I only suggest that Microsoft be required to either sell a feature as a standalone product or be aloud to include the feature in the operating system.

The number of software companies that have formed and flourished because of Microsoft is probably greater than any other company. The number of Microsoft managers and developers that have left to form their own companies is greater than any other company. Microsoft has not only brought computing to the masses but enabled an industry to become world class. These actions have enabled consumers to realize a marketplace rich in products and services that would not have happened if Microsoft did not exist. All Sun and Oracle want to do is sell expensive products that only companies can afford. Sun, Oracle and AOL do not want to compete fairly in the marketplace. AOL won't open their messenger product. Oracle bundles and is creating an operating system under their products. How can Oracle justify that type of bundling? All these companies want to do is overcharge the consumer and create products that have no competition. How does wounding Microsoft help the customer under these circumstances?

I am not an Attorney and therefore I can not even consider the possibility of forming my thoughts into a cohesive legal brief. I therefore appreciate the chance to express my feelings about the case rather than crafting a legal argument.

Thank you.

Larry Young

MTC–00029302

From: Myron Schreiner
To: Microsoft Settlement
Date: 1/28/02 10:36pm
Subject: Microsoft Settlement
Myron Schreiner
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,

Myron M Schreiner

MTC–00029304

From: Ron Peterson
To: Microsoft ATR
Date: 1/28/02 10:42pm
Subject: Microsoft Settlement

As Microsoft has already been found guilty of abusing it's monopoly power, I shall confine my comments to the remedy phase of the trial. At minimum, I hope the court can restore competition to those markets where Microsoft's abuse of their operating system monopoly has given them unfair advantage. This would be a minimal remedy, in the sense that it restores things to the way they should be, without imposing any punitive damages for Microsoft's illegal conduct. Speaking as a career systems manager, I live by a commonplace aphorism: ''Buy computers for the applications''. Not for the packaging. Not for the fancy hardware. No,

not for the operating system. For the ways they extend people's capabilities. For the applications.

These days, that doesn't leave me much choice. Like Microsoft, I value the ''freedom to innovate''. I also believe this freedom should extend to everyone, not just Microsoft. I don't have that freedom. Microsoft's competitors don't have that freedom either.

I buy computers that will most cost effectively run Microsoft operating systems and Microsoft applications, because I must. If I do not, the people I serve will not be able to effectively communicate with collegues, clients, patrons, vendors, friends, and family. Microsoft's dominance in the applications arena hinges on its proprietary data formats. I cannot reasonably ask my patrons to run applications that cannot faithfully, reliably, and consistently both read and write Microsoft documents. However, applications that meet these criteria do not exist, because Microsoft controls the format, but does not divulge the operational details. If a competitor comprehends the format, Microsoft changes it. Microsoft gets an upgrade fee; the competitor starts over.

There is only one way to restore competition to the market for computer applications. Microsoft *must* be compelled to divulge its applications'' file formats. Without this restriction, Microsoft will continue to monopolize the market for computer applications indefinitely. Considering that these applications intrude into almost all aspects of our daily lives—even, as I'm sure you are aware, into the very operation of government—this situation *must* end.

Additionally, Microsoft must be compelled to divulge the format of its network protocols. Microsoft understands full well that compatibility is the key to the kingdom. If they control proprietary de-facto standards for file formats and networking protocols, they control everything. Please don't be mislead by so-called ''compromise'' positions advanced by Microsoft that would open their ''API's'' or Application Programming Interfaces. This position is simply a ruse to promote further adoption of Microsoft applications.

If you compell Microsoft to open their file formats and their networking protocols, you will invigorate the marketplace. You will compell competition on the merits, rather than binary compatibility. You will restore the market to where it should have always been. And you will establish a worthy precedent for how to deal with similar future abuses of monopoly power in the software marketplace.

Best wishes
Ron Peterson
Network & Systems Manager
Mount Holyoke College
http://www.mtholyoke.edu/rpeterso

MTC–00029305

From: Dave Stewart
To: Microsoft ATR
Date: 1/28/02 10:43pm
Subject: Microsoft Settlement

Attached please find the comments of RealNetworks, Inc. addressing the Revised Proposed Final Judgment filed by Microsoft, the Department of Justice and certain plaintiff states.

In the event you have any questions or problems relating to the transmission of this document, please call Dave Stewart at (206) 892–6122.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

Plaintiff, v. Civil Action No. 98–1232 (CKK)

MICROSOFT CORPORATION,

Defendant.

STATE OF NEW YORK, et al.,)

Plaintiffs, v. Civil Action No. 98–1233 (CKK)

MICROSOFT CORPORATION,

Defendant.

COMMENTS OF REALNETWORKS, INC. ON THE REVISED, PROPOSED FINAL JUDGMENT SUBMITTED BY MICROSOFT CORP., THE U.S. DEPARTMENT OF JUSTICE AND CERTAIN PLAINTIFF STATES DATED: JANUARY 28, 2002

I. INTRODUCTION

The United States Court of Appeals for the District of Columbia Circuit has held that, over the last seven years, Microsoft has engaged in a broad range of anticompetitive conduct seeking to stifle the development and distribution of innovative middleware technologies. Microsoft's actions have been directed at entrepreneurial competitors that have, through innovation and ground-breaking competition, invented new products, such as internet browsers, electronic mail, instant messaging, digital imaging, digital media and voice recognition, that have given rise to entirely new industries and new sources of consumer welfare. By imposing an effective remedy to curb Microsoft's anticompetitive abuses, this Court can help ensure that the varied markets for innovative middleware products remain fertile ground for competition and innovation.

Driven by a desire to maintain the dominance of its operating system monopoly, Microsoft has, as the trial court's factual findings and the Court of Appeals' opinion demonstrate, consistently used its monopoly power in a manner that harms consumers and competition. By manipulating the design of its operating system and its own middleware products, Microsoft has effectively denied personal computer manufacturers (''OEMs'') the ability to choose whether or not they want to include Microsoft middleware products on the computers they sell and similarly denied consumers the ability to remove such software from the computers they buy. By imposing broad, exclusionary licensing restrictions by fiat, Microsoft has denied OEMs the opportunity to configure their personal computers in the way they choose, being required instead to favor Microsoft's middleware products over those offered by competitors. By entering into exclusive contracts with a broad range of parties, such as Internet Access Providers (DIAPsÑ), Internet Content Providers (DICPsÑ), Independent Software Vendors (DISVsÑ) and Independent Hardware Vendors (DIHVsÑ), Microsoft has to a significant extent foreclosed the distribution of competing middleware products. At every step of this process, Microsoft has wielded its monopoly power to threaten, coerce and retaliate against parties that resist its demands.

As a result, Microsoft has effectively denied consumers the choice of buying a personal computer that is not laden with Microsoft middleware products. This harms not only today's computer users, but tomorrow's purchasers of personal computers, cellular telephones, personal digital assistants, digital home entertainment centers, set-top boxes, and game consoles, all of whom may have their choices substantially limited if Microsoft's anticompetitive curbs on innovation are not constrained today. It is long settled that such broad findings of liability demand even broader, forward-looking remedies designed to prohibit Microsoft from continuing its anticompetitive acts and finding new ways to hinder the growth of other innovative middleware products. The failure of the last consent decree agreed to between Microsoft and the Department of Justice (DDOJÑ) in 1995 serves as a stark reminder of the waste of judicial resources and harm to competition that results from a narrow, backward-looking remedy. Neither consumers nor competition will be served through imposition of yet another flawed, ineffective remedy that will make the next antitrust suit a foregone conclusion.

Unfortunately, the Revised Proposed Final Judgment offered by Microsoft, the DOJ and certain states (''RPFJ'') fails to heed the all-too-recent lessons of history. As discussed herein, the contours of the RPFJ reflect the concessions required to gain Microsoft's agreement rather than the safeguards required to constrain Microsoft's anticompetitive conduct. The loophole-laden RPFJ is full of exceptions and ambiguities that will not only fail to terminate Microsoft's anticompetitive conduct, but will ensure that extended judicial proceedings will be required to clarify, if not enforce, its provisions.

For the reasons set forth below, RealNetworks respectfully submits that entry of the RPFJ would not be in the public interest.

II. REALNETWORKS AND THE DIGITAL MEDIA MARKET

RealNetworks, which was founded in Seattle, Washington in 1994,[1] is a pioneer in the development of digital media technology and services that enable people to create, deliver, discover, and play digital audio and video content over the Internet and other networks, both through downloading and through a method RealNetworks developed called ''streaming.'' Streaming allows digital media files to be compressed and broken into packets, then delivered and decompressed seriatim, so that consumers can enjoy uninterrupted, real-time broadcasts over the Internet. For example, following the events of September 11, 2001, CNN streamed its newscast via the Internet 24 hours a day to

[1] RealNetworks was originally named Progressive Networks. It changed its name to RealNetworks in September 1997.

provide people with immediate access to the breaking news from their desktops. Innovation in the market for media players has consistently been driven, not through integration of functionality into operating systems, but by independent developers creating a new market for sophisticated digital media technologies with robust and integrated features and functions. RealNetworks developed the first streaming media player and the first streaming media server in 1995. Since then, RealNetworks has continued to lead innovation in the digital media delivery market, consistently bringing industry-leading innovations—such as a built-in radio tuner, delivery of stereo audio at 28.8 kbps modem speeds, bookmarking of favorite streams, links to media programming, support for animation, and automatic updating and just-in-time installation of codecs—to consumers ahead of Microsoft. Rather than being a source of innovation, Microsoft's commingling of its media player into its operating system has constituted a means by which it has sought to suppress, rather than spur, innovation and competition. RealNetworks' technology falls squarely within the Court of Appeals' definition of middleware as ''software products that expose their own APIs,'' or Application Programming Interfaces.[2]

RealNetworks makes available software development kits to enable software developers to build applications and extensions using RealNetworks' technologies to create, deliver and playback digital media. Over 500 ISVs are developing applications using RealNetworks SDKs and websites that provide access to content in RealNetworks' RealAudio and RealVideo formats utilize RealNetworks' middleware. Microsoft competes with RealNetworks in seeking to convince software developers and content providers to build applications using their respective technologies. Applications created using RealNetworks' technology include news broadcasts, distance learning, financial reporting, security for streamed and downloaded content, radio broadcast services, music subscription services, video-on-demand services, web conferencing, e-commerce services and more. One need only look as far as the extensive use of RealNetworks' technology in the pervasive Internet coverage of the events of September 11th to see how important and pervasive such technologies are becoming.

alNetworks offers a universal platform designed to provide the highest quality digital media creation, delivery, playback and security experience across multiple operating systems, transport technologies, media formats and digital devices. This RealSystem technology works on over 20 different operating systems (e.g., Unix, Linux, Windows, Solaris, AIX, HP/UX, Symbian), delivers and plays over 50 different formats or datatypes (e.g., MP3, MPEG-1, MPEG-2, MPEG-4, Quicktime, Macromedia Flash, RealAudio, RealVideo), and works with a wide variety of digital devices (e.g., personal computers, Sony PlayStation2, Hewlett Packard's Digital Entertainment Center, Nokia cell phones, portable music players and personal digital assistants). Applications built using RealNetworks' technology are operating system independent, so that consumers, content providers, businesses, network operators, and others using such applications do not need to install Windows operating systems on either their personal computers or on the servers that deliver media.

The opportunities for digital media are enormous. The current U.S. market for audio and visual media amounts to over $200 billion per year.[3]

Current estimates for spending in the streaming digital media sector alone exceed $10 billion by 2010.[4]

The pace of innovation and adoption of digital media is rapidly increasing as more content is digitized, more consumer electronics equipment supports digital formats and broadband growth continues to accelerate. By 2007, there will be an estimated 120 million streaming media users in the U.S. alone.[5]

There are over 10 million broadband customers in the U.S., a number expected to grow to over 35 million by 2006.[6]

Broadband use is important because it greatly improves and facilitates streaming media resulting in significantly higher streaming media usage rates.[7]

III. THE COURT HAS BROAD AUTHORITY TO ENSURE THAT THE REMEDY IMPOSED PROHIBITS MICROSOFT FROM AGAIN LIMITING THE DEVELOPMENT OF MIDDLEWARE IN AN ILLEGAL MANNER.

In affirming the trial court's holding that Microsoft illegally maintained its operating system monopoly, the Court of Appeals broadly condemned a wide range of actions through which Microsoft attempted to reduce usage of competing middleware products.[8]

Under the reasoning of the Court of Appeals' decision, actions taken by Microsoft that have the effect of hindering competing middleware developers from gaining the critical mass of users necessary to attract developer attention away from Windows as the platform for software development—other than Microsoft's efforts to improve the quality of its own products violate Section 2 of the Sherman Act.[9]

Among other things, the court condemned Microsoft's conduct that falls within the following four broad categories: (1) licensing restrictions limiting the ability of personal computer original equipment manufacturers (OEMs) to configure their personal computers in the manner they determine to be appropriate;[10]

(2) Microsoft's design of the Windows operating systems and Microsoft Middleware in a manner that limits the ability of OEMs and consumers to remove Middleware code from the operating system; [11]

(3) Microsoft's entry into exclusive contracts designed to limit usage of competing middleware products [12] and (4) Microsoft's threats and intimidation designed to limit the development and distribution of middleware.[13]

In condemning Microsoft's actions, the Court of Appeals rejected Microsoft's assertions that integrating Middleware into the operating system or otherwise attempting to keep developers focused upon its APIs somehow provides any procompetitive justification for Microsoft's actions.[14]

A. The Breadth Of The Court Of Appeals' Liability Holding Demands Imposition Of Broad Remedies

The guiding principles underlying our antitrust laws make clear that the broad grounds of liability affirmed by the Court of Appeals demand imposition of an even broader range of remedies. The Supreme Court has repeatedly held that, in enacting the Sherman Act, Congress sought to ''preserv[e] free and unfettered competition as the rule of trade.'' [15]

This need to safeguard free competition is a direct result of the fundamental premise of our economic system that unrestrained interaction of competitive forces will yield the best allocation of our economic resources, the lowest prices, the highest quality and the greatest material progress, while at the same time providing an environment conducive to the preservation of our democratic political and social institutions.[16]

This policy is embodied in two types of legal standards—those applied to the liability phase of antitrust cases and those governing the relief phase. As the Supreme Court has observed, the formulation of adequate remedies is the most significant phase of the

[2] United States v. Microsoft Corp., 253 F.3d 34, 53 (DC Cir. 2001), cert. denied, 151 L. Ed. 2d 264, 122 S. Ct. 350, 70 U.S.L.W. 3267 (2001). APIs are interfaces exposed by operating systems and middleware that support the functions of software programs, called ''applications,'' that perform specific user-oriented tasks. APIs ''are synapses at which the developer of an application can connect to invoke pre-fabricated blocks of code in the operating system. These block of code in turn blocks of code in the operating system. These blocks of code in turn perform crucial tasks, such as displaying text on the computer screen.'' United States v. Microsoft Corp., 84 F. Supp. 2d 9, N 2 (D.DC 1999), aff'd, 253 F.3d 34 (DC Cir. 2001), cert. denied, 151 L. Ed. 2d 264, 122 S. Ct. 350, 70 U.S.L.W. 3267 (2001).

[3] See ''Market Opportunity'' Adapted from source: Kagan World Media estimates 2001.

[4] See ''Streaming Media Market Growth,'' Source: Paul Kagan Associates Streaming Media Investor.

[5] See ''Total Active Streaming Media Users,'' Source: Kagan World Media, June 2001.

[6] See ''Consumer Broadband Adoption Blooms over the Next Five Years,'' Source: Jupiter MMXI.

[7] See ''Percent of U.S. home Internet users accessing streaming media,'' Source: Nielsen/NetRatings, July 2001.

[8] See Microsoft, 253 F.3d at 60. Assistant Attorney General Charles A. James acknowledged that this
was a middleware case, a middleware case, a middleware case. Mark Wigfield, Antitrust Chief Defends Government's Settlement with Microsoft, DOW JONES NEWSWIRES, Nov. 16, 2001.

[9] Id. at 60, 62.

[10] Id. at 59–64.

[11] Id. at 64–67.

[12] Id. at 70–73, 75–76.

[13] Id. at 77–78.

[14] See id. at 71.

[15] Northern Pacific Railway Co. v. United States, 356 U.S. 1, 4 (1958). See also National Society of Professional Engineers v. United States, 435 U.S. 679, 692 (1978); United States v. Crescent Amusement Co., 323 U.S. 173, 187 (1944).

[16] Northern Pacific Railway, 356 U.S. at 4. See also National Society of Professional Engineers, 435 U.S. at 695.

case.[17] Courts have broad discretion during the relief phase to ensure that the antitrust remedies imposed ''effectively pry open to competition a market that has been closed by defendants'' illegal restraints.'' [18]

An antitrust decree must ''break up or render impotent the monopoly power found to be in violation of the Act.'' [19]

In other words, the decree must leave the defendant without the ability to resume the actions which constituted the antitrust violation in the first place.[20]

For these reasons, the decree should not be limited to past violations; it must also effectively foreclose the possibility that similar antitrust violations will occur or recur. As the Court noted in International Salt, it is not necessary that all of the untraveled roads to [anticompetitive conduct] be left open and that only the worn one be closed. The usual ways to the prohibited goals may be blocked against the proven transgressor.[21]

In evaluating the adequacy of an antitrust remedy, the court's inquiry necessarily looks forward, considering evidence that was not necessarily placed in the trial record and, indeed, may not have even been in existence at the time of trial.[22]

It is long settled that the Court may at the relief stage prohibit practices that have not been found unlawful if such a prohibition is necessary to avoid the recurrence of monopolization.[23]

In addition, restraints may be imposed upon the defendant that are designed to allow the development of nascent competition within the relevant market.[24]

Such a remedy is critical here, given the Court of Appeals' explicit conclusions regarding the nascent potential of middleware to erode the applications barrier to entry that protects Microsoft's operating system monopoly.[25]

B.The Antitrust Procedures And Penalties Act Authorizes The Court To Engage In A Broad Inquiry To Determine The Adequacy Of The Proposed Decree

Congress has directed the Court here to determine whether entry of the RPFJ is in the public interest. In making that determination, the Antitrust Procedures and Penalties Act authorizes the Court to undertake a wide-ranging inquiry into two broad areas of evaluation. First, the Court is to consider the competitive impact of the proposed consent decree, including whether the proposed decree would actually terminate the defendant's violations and whether the proposed decree's enforcement provisions are adequate. In making this determination, the statute expressly authorizes the court to consider the anticipated effectiveness of alternative remedies, as well as any other considerations bearing upon the adequacy of such judgment.[26]

Second, the statute authorizes the court to consider the impact of the proposed decree on the public generally and on those individuals harmed by Microsoft's violations of the Sherman Act.[27] Highly relevant to both of these areas of inquiry is the clarity ofthe proposed decree. As the Court of Appeals has recognized, the district judge who must preside over the implementation of the decree is certainly entitled to insist on that degree of precision concerning the resolution of known issues as to make [her] task, in resolving subsequent disputes, reasonably manageable.[28]

In this way, Congress intends the courts to be an ''independent force'' in reviewing the adequacy of proposed consent decrees.[29] As broad as this language is, it is clear that the statute which references alleged violations rather than violations proven at trial, as well as benefits to be derived from a determination of the issues at trial [30]

—primarily contemplates review of consent decrees settling claims that have not yet been adjudicated. Where, as here, federal and state antitrust enforcers have actually proven during the course of a 76-day bench trial that Microsoft illegally maintained its operating system monopoly in violation of the Sherman Act, and that holding has been affirmed on appeal, the court's powers of review are at their maximum level. Unlike Judge Sporkin's review of the DOJ's previous, ill-fated consent decree with Microsoft, which settled claims that had not been proven, this is not a case in which the court's review will implicate the DOJ's prosecutorial discretion in framing the complaint and in appraising whether to pursue its claims through trial, nor does it raise the constitutional concerns of impinging upon the prosecutorial discretion of the executive branch.[31]

Because the Court's determination here is concerned solely with the proper extent of the remedies to be imposed to redress proven violations of the Sherman Act, the Court's evaluation of this proposed decree should be guided by the well-settled principles governing the adequacy of antitrust remedies. As set forth below, careful review of the proposed consent decree demonstrates that it falls woefully short of meeting these standards, which were reflected in the Court of Appeals' admonition that the remedy for Microsoft's illegal acts must seek to unfetter [the] market from anti-competitive conduct, to terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation,[32]

IV. THE RPFJ NEITHER FREES THE MARKET FROM MICROSOFT'S ANTICOMPETITIVE CONDUCT NOR DENIES MICROSOFT THE FRUITS OF ITS ILLEGAL CONDUCT.

The RPFJ fails to satisfy the Court's clear and simple standard. The RPFJ neither terminates Microsoft's illegal monopoly nor denies it the fruits of its statutory violations. It fails to ensure that no practices remain that are likely to result in future monopolization. Certainly, Microsoft's current dominance in the browser market for personal computers is a fruit of its illegal conduct. The RPFJ reads like a tacit approval of Microsoft's newly imposed browser monopoly; indeed, it is not even mentioned in the DOJ's Competitive Impact Statement (CIS). Nor does the CIS address how the RPFJ is designed to terminate the illegal monopoly or restore JAVA to the position it would have held absent the illegal conduct. The CIS is silent regarding the market conditions that would currently exist were it not for Microsoft's anticompetitive acts market conditions that should be restored as part of any adequate remedy. The RPFJ fails to understand and address the long-term impact of Microsoft's conduct.

Moreover, the RPFJ's provisions are vague, internally inconsistent and replete with exceptions and loopholes that will allow a determined and proven illegal monopolist to delay and even avoid the remedies. Indeed, the many instances in which the CIS reads into the RPFJ substantial additional terms/restrictions necessary to create a reasonable interpretation of the provisions foreshadows the difficulty of enforcing the RPFJ. Disagreements at this stage between the parties to the RPFJ will pale in comparison to the disagreements that will arise between Microsoft on the one hand and antitrust regulators and impacted parties on the other hand as the Court seeks to enforce the RPFJ. Because it provides insufficient remedies relating to middleware, OEM/ISV flexibility, information disclosure and enforcement, it is likely that Microsoft will be able to continue with many of its current anticompetitive practices virtually unchanged. In addition, it in effect imposes upon Microsoft's competitors several restrictions and conditions on doing business and innovating that do not exist today. This following discussion outlines only some of the deficiencies in the RPFJ. It is not intended to

[17] United States v. Glaxo Group, Ltd., 410 U.S. 52, 64 (1973).

[18] *International Salt Co.* v. *United States,* 332 U.S. 392, 401 (1947). See also 2 P.A REEDA & H. H OVENKAMP, A NTITRUST LAW 325 (2000) [hereinafter A REEDA.

[19] *United States* v. *Grinnell Corp.,* 384 U.S. 563, 577 (1966). See also *United States* v. *United Shoe Machinery Corp.,* 391 U.S. 244, 251 (1968); *Schine Chain Theatres, Inc.* v. *United States,* 334 U.S. 110, 128–29 (1948).

[20] United States v. AT&T, 552 F. Supp. 131, 151 (D.DC 1982), aff'd sub nom., Maryland v. United States, 460 U.S. 1001 (1983).

[21] International Salt, 332 U.S. at 400. See also National Society of Professional Engineers, 435 U.S. at 697–98; United States v. United States Gypsum Co., 340 U.S. 76, 88 (1950); Associated Press v. United States, 326 U.S. 1, 22 (1945); Crescent Amusement, 323 U.S. at 188; United States v. United Shoe Machinery Corp., 110 F. Supp. at 346–47.

[22] 2 A REEDA at 325c.

[23] United States v. United Shoe Machinery Corp., 110 F. Supp. 295, 346–47 (D. Mass. 1953), aff'd, 347 U.S. 521 (1954). See also Hartford-Empire Co. v. United States, 323 U.S. 386, 409 (1945).

[24] Ford Motor Co. v. United States, 405 U.S. 562, 575, 578 (1972).

[25] 253 F.3d at 53–55.

[26] 15 U.S.C. 16(e)(1).

[27] Id. at 16(e)(2).

[28] United States v. Microsoft Corp., 56 F.3d 1448, 1461–62 (DC Cir. 1995).

[29] Antitrust Procedures and Penalties Act: Hearings on S. 782 and S.1088 Before the Subcomm. on Antitrust and Monopoly of the Senate Comm. On the Judiciary, 93rd Cong., 1st Sess. 1 (1973) (statement of Sen. Tunney).

[30] See id. at 16(e)(1–2).

[31] See United States v. Microsoft Corp., 56 F.3d at 1455, 1457–59. and ensure that there remain no practices likely to result in monopolization in the future.

[32] 253 F.3d at 103 (quoting Ford Motor, 405 U.S. at 577, and United Shoe Machinery, 391 U.S. at 250).

be an exhaustive review of the deficiencies and implications of the proposed settlement.

A. The RPFJ's Definitions Are Confusing, Inadequate And Create

Loopholes And Exceptions To The Actual Remedial Provisions.

Unfortunately, the definitions set forth in the RPFJ severely undermine the RPFJ's proposed remedies by offering a number of significant loopholes and exceptions to the application of the remedial provisions. By contrast, the Litigating States have proposed a set of definitions that do not allow Microsoft to avoid application of the remedial provisions and that are designed to create a more certain and fair remedial framework. A sample of some of the more obvious definitional problems are addressed below.

1. Incredibly, the definition of ''Windows Operating System Product'' states that: The software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion. This provision appears to allow Microsoft to avoid any future claim for illegally tying applications to the operating system, which clearly could not have been the DOJ's intent nor would this be consistent with established legal doctrine concerning illegal tying. However, as written, Microsoft could declare that Microsoft Office, including Word and Excel, is part of the operating system with apparent impunity. This provision also allows Microsoft to gerrymander whether a given set of functions will be placed in the operating system, middleware or an application depending on whether Microsoft is attempting to avoid the requirements of the remedies. For example, because Microsoft need only disclose APIs relating to Microsoft Middleware, Microsoft could declare that applications that would otherwise qualify as Microsoft Middleware are instead part of the operating system. This provision creates a serious loophole in the RPFJ and also conflicts with the definitions for middleware contained in the RPFJ.

There is no indication in the CIS as to how these issues would be addressed under the RPFJ. 2. The definition of Timely Manner leaves it to Microsoft to decide when it will disclose APIs. Because it is triggered by the date Microsoft first releases a beta version of its operating system to more than 150,000 testers, Microsoft can simply limit the number of testers to 149,999 and thereby avoid disclosing APIs until it is too late for competing ISVs to make effective use of the information. This is strikingly easy to manipulate. By contrast, the Litigating States have proposed a reasonable solution that generally requires Microsoft to disclose information to third parties at the same time it makes the information available to its own developers or to any third party, reflecting the importance of early access to APIs to foster fair competition.

3. The definition of Microsoft Middleware, upon which the application of Sections III.D (Information Disclosure) and III.G.2 (Exclusive Dealing) depend, is designed to exclude a large body of Microsoft middleware. Moreover, there is a confusingly similar, though subtly different, definition for Microsoft Middleware Product. Incredibly, under the definition of Microsoft Middleware, Microsoft may even argue that the Windows Media Player 8.0 does not constitute Microsoft Middleware, despite the trial court's recognition that media players are middleware,[33] because it is no longer distributed separately from the operating system.[34]

The consequence of this provision is that Microsoft would not have to disclose any APIs relating to any middleware that is not Microsoft Middleware. Moreover, Microsoft could freely engage in exclusive dealing with IAPs and ICPs with respect to such middleware under Section III.G.2 because that provision relates only to Microsoft Middleware. Microsoft should be required to clearly state its position in this regard before the efficacy of the remedy can be judged.

4. The definition of Microsoft Middleware Product, which is pivotal to a number of provisions relating to middleware relief (e.g., III.C, III.G., III.H, definition of Microsoft Platform Software), contains substantial loopholes and exceptions. For example, Microsoft Middleware Products must be Trademarked or they are free of the RPFJs remedial provisions. The definition of Trademarked is itself problematic, as described below. Any product using a generic or descriptive word with the trademarks Microsoft and/or Windows would not be a Microsoft Middleware Product. There is no valid, pro-competitive reason to apply a remedy according to how Microsoft chooses to name its middleware. In addition, the Microsoft Middleware Product is limited to Microsoft middleware that was distributed separately in the past year and is similar in functionality to other middleware on the market. Thus, if Microsoft's middleware is first to market, it could be argued that it is not a Microsoft Middleware Product. This creates unnecessary ambiguity, and the rationale for this loophole is unclear. It is also unclear why the definition of Microsoft Middleware Product is limited to functionality provided by certain products, rather than the products themselves. Microsoft can use this subtlety to further limit the application of the RPFJ's remedial provisions.

5. The definition for Non-Microsoft Middleware Product is unreasonably limited to products of which more than one million copies were distributed in the prior year. This is a huge number of copies (and affected consumers) that will take a great deal of time, money and resources for most middleware companies to reach. This will allow Microsoft to engage in its anticompetitive acts against small middleware providers during their most vulnerable beginnings. Moreover, if a middleware distributor delivered 900,000 copies year after year to new customers, they would never be protected under the settlement despite the fact that they may have millions of customers. This provision is distinctly anti-innovation, because it allows Microsoft to deny technology access to small, entrepreneurial companies with innovative new technologies—just the type of company Microsoft was in its earliest days. Finally, the RPFJ does not 14 address how new versions of existing middleware products will be counted. Must they accumulate one million distributions of each new version before they are protected? This type of unanswered question creates substantial ambiguity and room for disagreement going forward.

6. The definition of Top-Level Window is limited to windows that have their own window controls, like move and resize, enable sub-windows, and contain user interface elements under the control of at least one independent process. This definition is critical because it determines whether middleware is entitled to certain remedial provisions pursuant to Section III.H of the RPFJ. This loophole allows Microsoft substantial control over whether competing middleware will get the benefit of the remedies. Microsoft could engineer its middleware to launch without using all of the Top-Level Window components and argue that competing middleware cannot avail itself of the remedy. Whether or not Microsoft's middleware enables sub-windows certainly should not be the determining factor as to whether competing middleware is entitled to a remedy.

7. The definition of Trademarked does not include [a]ny product distributed under descriptive or generic terms or a name comprised of the Microsoft and/or Windows trademarks together with descriptive or generic terms. This definition is critically important because whether any Microsoft product can be Microsoft Middleware or a Microsoft Middleware Product inexplicably depends upon whether the product is Trademarked. Under the definition, products named Microsoft Windows Radio, Microsoft Windows TV, Microsoft Windows Theater, Microsoft Windows Music, etc. arguably could not be either Microsoft Middleware or Microsoft Middleware Products, regardless of functionality because they would not be Trademarked. The inclusion of the requirement that any Microsoft Middleware or Microsoft Middleware Product be Trademarked before it is included in the definition provides Microsoft a handy loophole to avoid the RPFJ's remedial provisions. The Litigating States have not allowed this type of loophole in their remedy proposal.

8. The definition of API is unduly narrow and limited to Microsoft Middleware rather than including Microsoft Middleware Products and other Microsoft applications that call on functionality included in, or bundled with, the operating system. The definition is circular in that, rather than requiring Microsoft to disclose to competing middleware developers the same interfaces and related information that it discloses to its own application developers, it allows Microsoft to manipulate the interfaces that it will define in an API and thereby limit all related information. In addition, the related term, Documentation, is also unduly limited to only the documentation that Microsoft currently makes available on its Microsoft Developer Network (MSDN) network.

[33] 84 F. Supp. 2d at 78, 104–114.

[34] Although previous versions of the Windows Media Player are distributed separately from the Windows operating systems, Microsoft now requires consumers to purchase Windows XP to acquire Windows Media Player 8.0.

Competing middleware providers should be entitled to all of the documentation and information available to Microsoft's application developers and in no event less than that typically made available on MSDN.
B.The RPFJ Does Not Effectively Prevent Microsoft From Using Anticompetitive Tactics Against Competing Middleware. The Court of Appeals held that Microsoft's restrictions limiting the ability of OEMs to configure their personal computers in a manner that promotes the use of non-Microsoft middleware violates the Sherman Act.[35]

In any effective remedy, OEMs, ISVs and others must be free to bundle, distribute and promote non-Microsoft middleware applications with their products and completely remove Microsoft middleware. They, and end users, must be free to automatically launch competing middleware at any time and must be free to set that middleware as the default applications under any circumstances, irrespective of what Microsoft's middleware does or does not do. Microsoft should not be able to use its operating system monopoly to override the considered decisions of consumers, OEMs and ISVs without explicit consumer consent, or to automatically prompt consumers override such choices. Whether Microsoft has competing middleware is utterly irrelevant to the threat posed to Microsoft's monopoly operating system by middleware and should not form the basis for the many exclusions provided in the proposed Settlement. The Litigating States have in fact suggested remedies that accomplish these goals without providing Microsoft a litany of loopholes. Section III.H purports to provide some limited additional freedom to allow OEMs and third parties to use competing middleware. Unfortunately, the provision is undermined by exceptions and limitations that fail to comply with the Court of Appeals' admonitions regarding OEM freedom and protection for competing middleware. Section III.H.3 limits Microsoft's ability to use its Windows Operating System Product to override the freedoms granted to OEMs, but that limitation only lasts for fourteen days, after which Microsoft is completely free to use its commingled and bundled middleware to override the OEM configurations. Microsoft can use this gaping loophole to override OEM/consumer choice instantly, automatically, and without notice to consumers to OEMs as long as Microsoft does so through its commingled middleware, rather than through its operating system. Furthermore, a mere fourteen days after an end user starts using his or her personal computer, Microsoft can use its monopoly operating system to recommend that the user change his or her default settings to favor Microsoft middleware to the exclusion of competing middleware. Thus, on day fifteen we can expect Windows to start a daily process of exhorting the user to reject competing middleware. Windows XP currently uses similar behaviors to consistently attempt to reclaim default status for its favored Microsoft middleware. For example, even after a user has selected competing middleware to play back CDs, Windows XP prompts the user to change to Windows Media Player when a CD is inserted. The prompt includes Windows Media Player as the preselected application at the top of the list.

The exception provided in the last paragraph of Section III.H. limits application of that section to Microsoft Middleware Products that exist more than seven months prior to the last beta test version of the operating system. This loophole allows Microsoft to engineer its releases of new middleware to be less than seven months from the final beta in order to completely avoid the remedial provisions in Section III.H. For instance, because Windows Media Player 8 was released within 7 months of the final beta for Windows XP, Microsoft can be expected to argue that competing middleware would not be entitled to the protections of Section III.H. Certainly, this could not be the intended result of the language and the Court must ensure that the parties to the RPFJ clarify the interpretation of the exception to avoid such unintended results. Oddly, the RPFJ's limitations protect Microsoft's middleware from innovative competitors. For instance, Section III.H.2 allows OEMs to set competing middleware as the default only if Microsoft has a Microsoft Middleware Product that would otherwise launch in its own separate Top-Level Window. There is no legal or procompetitive justification for so limiting OEMs, ISVs or end users based on the existence or performance of Microsoft middleware products. As the Court of Appeals recognized, middleware is important because it has the potential to erode Microsoft's operating system monopoly and the applications barrier to entry that protects it.[36]

Conditioning middleware protections on actions within Microsoft's control obviously presents Microsoft with the ability to manipulate its software design, as it has in the past, in a manner that will further impede the development and distribution of competing middleware products. Whether Microsoft has competing middleware and by extension the performance characteristics of that middleware is irrelevant to the nascent threat that middleware poses to Microsoft's operating system monopoly and ignores its past anticompetitive efforts to harm competing middleware. Third party innovators should not be excluded from the application of the RPFJ until and Microsoft first develops its own competing product. In the CIS, the DOJ states that Microsoft Middleware is the concept that triggers Microsoft's obligations, including those relating to Microsoft's licensing and disclosure obligations without providing any rationale.[37]

The applicability of the remedies set forth in Sections III.C.3, H.1 and H.2 should not depend upon the presence or performance of Microsoft's middleware in any way, nor should any other provision.

Section III.H.1 of the RPFJ allows Microsoft to override OEM configurations and consumer choice for default middleware as long as Microsoft uses one of its own servers to communicate with its own competing middleware. This allows Microsoft to use its Passport, MSN, Dot.net, Hotmail and other servers to avoid and override the explicit choices made by OEMs/ISVs and consumers. Section III.H.1 has no procompetitive justification and once again places competing middleware at an unfair disadvantage. The RPFJ would grant Microsoft the right to require consumers who expressly choose to use Non-Microsoft Middleware to subsequently confirm their choices to Microsoft. Some Non-Microsoft middleware products provide consumers with an opportunity to choose whether to establish the middleware product as the default for certain functions and, if so, to authorize the middleware product to protect against attempts by Microsoft to override the consumer's choice. Rather than requiring Microsoft to honor such consumer choices, Section III.H.2 would allow Microsoft to require the consumer to confirm his or her choice every time Microsoft attacks it.

C. The RPFJ Does Not Provide OEMs With Appropriate Freedom To Choose Competing Middleware, Remove Microsoft Middleware, And Customize The User Interfaces, Menus, Desktop And Other Windows Elements.

The need for an effective remedy that prevents Microsoft from illegally abusing its operating system monopoly to harm competitors is beyond dispute. The undisputed facts, as found by the trial court and affirmed by the Court of Appeals, establish in detail the broad power that Microsoft possesses over OEMs and the broad manner in which it has abused that power to maintain its monopoly in violation of the Sherman Act. As the DOJ and the plaintiff States proved in this litigation, Microsoft's operating system monopoly grants it tremendous sway over OEMs. For example, in June 1996 Compaq executives opined that their firm could not continue in business for long without a license for Windows.[38]

This is consistent with Hewlett Packard's lament to Microsoft in March 1997 that [i]f we had a choice of another supplier, based on your actions in this area, I assure you [that you] would not be our supplier of choice.[39].

Based on such statements, the trial court found that OEMs had no commercially viable alternative to pre-installing the Windows operating system on their personal computers.[40]

Moreover, Microsoft's power has actually increased since the trial court made its findings in 1999: according to the International Data Corporation, from 1999 to 2000 Microsoft's share of the client operating system market, including Apple's Mac OS, increased by 10.6% to 95.4% (when measured by shipment and upgrade revenue) and by 11.1% to 92.6% (when measured by new license shipments).[41] As the trial court

[35] Id. at 59–64.

[36] Id. at 53–55.

[37] Pl. DOJ's Competitive Impact Statement at 17–18 (Nov. 15, 2001) [hereinafter CIS].

[38] 38 84 F. Supp. 2d at 206

[39] Id. at 214 (bracketed text in original).

[40] Id. at 158.

[41] INTERNATIONAL DATA CORPORATION, WORLDWIDE CLIENT AND SERVER OPERATING ENVIRONMENTS MARKET FORECAST AND

Continued

found, Microsoft has used its monopoly power to impose its will on OEMs.[42]

First, Microsoft has used its monopoly power to force OEMs to take its middleware applications with its operating system and, by forbidding them to remove or obscure Microsoft middleware, has ensured ubiquity for its middleware while increasing the costs of competing middleware developers.[43]

Second, Microsoft has used its power to impose restrictions on OEMs that have had the effect of restricting consumer access to competing middleware and increasing the costs that competing middleware developers must incur to promote their products.[44]

Third, Microsoft has used its power to threaten and retaliate against OEMs that did not accede to its wishes.[45]

Finally, Microsoft has offered OEMs valuable consideration, which OEMs must accept in order to remain competitive with other OEMs, as a means of coercion in connection with these efforts.[46]

As the trial court found, the OEMs obeyed [Microsoft's] restrictions because they perceived no alternative to licensing Windows for pre-installation on their PCs.[47]

As a result, the trial court concluded that Microsoft's actions have stifled innovation by OEMs that might have made Windows PC systems easier to use and more attractive to consumers,[48] which is diametrically opposed to Microsoft's legitimate interests as an operating system developer.

Plainly, any effective remedy for Microsoft's anticompetitive conduct must put an end to such practices. The RPFJ, however, falls woefully short of either unfettering OEMs from Microsoft's control or ensuring that Microsoft will not continue to impose restrictions on OEMs that harm the development of competing middleware.

1. The RPFJ does not require Microsoft to allow OEMs to remove its middleware from Windows

The RPFJ does not even allow OEMs and end users to completely uninstall and remove Microsoft's middleware once they have acquired the bundled products. In affirming the trial court's conclusion that Microsoft illegally maintained its operating system monopoly in violation of the Sherman Act, the Court of Appeals twice held that Microsoft's design of Windows in a manner that denied OEMs the ability to remove middleware specifically, Internet Explorer from Windows operating systems is anticompetitive because it deters OEMs from pre-installing rival browsers, thereby reducing the rivals' usage share and, hence, developers' interest in rivals APIs as an alternative to the API set exposed by Microsoft's operating system.[49]

Moreover, the Court explicitly rejected Microsoft's assertions that such integration is highly efficient and provides substantial benefits to customers and developers, concluding instead that See also Order (DC Cir. Aug, 2, 2001)(per curiam)(denying Microsoft's petition for rehearing on the commingling issue). Indeed, in denying Microsoft's petition for rehearing on this issue in the clearest possible terms, the Court pointedly advised the parties that [n]othing in the Court's opinion is intended to preclude the District Court's consideration of remedy issues. Id. Microsoft was simply protect[ing] its operating system monopoly from a middleware threat in violation of Section 2 of the Sherman Act.[50]

Notwithstanding the clarity of the Court's ruling on this issue, the RPFJ would essentially endorse Microsoft's anticompetitive commingling of its own middleware into Windows in a manner that prevents OEMs from removing it from the operating system. This is not an idle concern because Microsoft still prevents OEMs from removing middleware, such as Internet Explorer and the Windows Media Player, from the Windows operating systems. Nor would the deceptively named add/remove remedy enable OEMs or consumers to actually remove Microsoft middleware functionality or even disable the middleware, as it simply hides icons without actually removing the middleware code from the operating system. With the middleware code intact, there are many ways in which Microsoft's middleware can still be launched and take default status for all middleware functions. Without appropriate remedies like those proposed by the Litigating States, Microsoft will leverage its ability to bundle and bind its middleware with every copy of the operating system to attempt to convince developers to write to the Microsoft's middleware APIs rather than competing middleware APIs. Allowing Microsoft to commingle its middleware and refusing to allow OEMs to remove Microsoft middleware flies directly in the face of the Court of Appeals decision. 2. The RPFJ enshrines, rather than prohibits, Microsoft's ability to require OEMs to provide access to Microsoft Middleware while restricting the end-user access that OEMs can provide for Non-Microsoft Middleware The findings of fact in this litigation establish beyond dispute that Microsoft has required OEMs to include certain icons, Start Menu entries and other forms of end-user access for Microsoft middleware products while it has at the same time restricted the ability of OEMs to promote competing middleware products during the Windows operating system boot sequence.[51] Specifically, the trial court found that, in the spring of 1996, Microsoft imposed a series of new operating system licensing restrictions on OEMs explicitly intended to restrict the ability of OEMs to reconfigure the Windows operating system desktop and boot sequence in a manner that would improve usage of non-Microsoft middleware. These restrictions included the following:

First, Microsoft formalized the prohibition against removing any icons, folders, or ''Start'' menu entries that Microsoft itself had placed on the Windows desktop. Second, Microsoft prohibited OEMs from modifying the initial Windows boot sequence. Third, Microsoft prohibited OEMs from installing programs, including alternatives to the Windows desktop user interface, which would launch automatically upon completion of the initial Windows boot sequence. Fourth, Microsoft prohibited OEMs from adding icons or folders to the Windows desktop that were not similar in size and shape to icons supplied by Microsoft.[52]

Indeed, Microsoft went so far as to threaten to terminate Compaq's operating system license based on its removal of such icons for Microsoft's Internet-related middleware products.[53]

The Court of Appeals broadly condemned such actions, which reduce usage of competing middleware products, not by improving [Microsoft's] own product but, rather, by preventing OEMs from taking actions that could increase rivals' share of usage.[54]

Notwithstanding these clear legal findings and conclusions, Section III.C of the RPFJ allows Microsoft to continue to retain considerable control over how and whether OEMs can make competing middleware accessible to consumers of its personal computers through display of icons, menu entries and shortcuts. Section III.C.1 allows Microsoft to set rules restricting the manner in which OEMs display icons, menu entries and shortcuts for non-Microsoft middleware. The discretion afforded to Microsoft provides it with yet another method of limiting the prominence that OEMs can assign to competing middleware on personal computers running Windows operating systems. Section III.C.1 allows Microsoft to dictate which Non-Microsoft middleware can be accessible in which places in the Windows operating systems, without justifying its functionality-based distinctions. There is no valid, pro-competitive reason to take this control away from OEMs. As the trial court found, [s]ince OEMs share Microsoft's interest in ensuring that consumers can easily find the features they want on their Windows PC systems, Microsoft would not have prohibited OEMs from removing icons, folders, or Start' menu entries if its only concern had been consumer satisfaction.[55] Nor does the RPFJ protect the ability of OEMs to choose which middleware products to establish as the default on its personal computers. In light of the trial court's finding that Microsoft reduced the Windows royalty price for certain OEMs, including Gateway, that set Internet Explorer

ANALYSIS SUMMARY 2001–2005 at 11–12 (Aug. 2001).

[42] For example, Microsoft delayed release of Windows 98 so as to miss the holiday shopping season in 1996 contrary to the OEMs' economic interests, as well as Microsoft's own economically rational interests solely to ensure that Internet Explorer 4.0 could be commingled into the operating system, regardless of the economic suffering imposed on OEMs in terms of lost sales. 84 F. Supp. 2d at 167 (Maritz agreed with Allchin's point that synchronizing the release of Windows 98 with Internet Explorer was the only thing that makes sense even if OEMs suffer.'')

[43] Id. at 203–08, 213, 241.

[44] Id. at 241, 240.

[45] Id. at 230, 235–38, 241.

[46] Id. at 213–15, 230–31, 236–37, 241.

[47] 47 Id. at 215.

[48] 48 Id. at 241.

[49] 253 F.3d at 64–66.

[50] 253 F.3d at 66–67.

[51] 84 F. Supp. 2d at 203.

[52] 52 Id. at 213.

[53] Id. at 204–08.

[54] 253 F.3d at 60–64.

[55] 84 F. Supp. 2d at N 222.

as the default browser on their personal computers,[56] such protection is required. The proposed decree, however, safeguards the ability of OEMs to designate competing middleware as the default only in those situations where the Windows operating system would otherwise launch Microsoft's application in a Top-level Window that displays all of the user interface elements.[57] For instance, this significant loophole would allow Microsoft to continue to prevent OEMs from launching competing middleware in a variety of instances in which the middleware is invoked as an embedded component in another application, like Internet Explorer. Similarly, by allowing Microsoft to prevent OEMs from launching any non-Microsoft middleware product that does not display a user interface or that displays a user interface that is similar to or smaller than the user interface of Microsoft's middleware product, Section C.3 of the proposed settlement would hand Microsoft the ability to exercise significant control over the design of middleware products and other software applications. This loophole is particularly unjustifiable given the trial court's finding that Microsoft had previously prohibited OEMs from adding icons or folders to the Windows desktop that were not similar in size and shape to icons supplied by Microsoft.[58]

A proposed remedy that endorses, rather than condemns, anticompetitive conduct is not in the public interest. More generally, there is no procompetitive justification for allowing Microsoft, which maintained its operating system monopoly in violation of U.S. antitrust law, to have a substantial impact on the design decisions of competitors that have been disadvantaged by Microsoft's anticompetitive practices. Because these conditions would restrict the ability of OEMs to increase the usage of middleware products that compete with Microsoft, it is apparent that, were they imposed by Microsoft independently, they would be found to violate the Sherman Act under the reasoning of the Court of Appeals decision.[59]

3. The RPFJ does not prohibit Microsoft from continuing to threaten and retaliate against OEMs that have resisted doing Microsoft's bidding The trial court's findings of fact amply document Microsoft's repeated and brazen efforts to threaten and retaliate against OEMs when they have resisted doing Microsoft's bidding.[60]

For example, the trial court concluded that, as part of its efforts to ostracize Navigator from the vital OEM distribution channel, Microsoft threatened to terminate the Windows license of any OEM that removed Microsoft's chosen icons and program entries from the Windows desktop or the Start' menu. It threatened similar punishment for OEMs who added programs that promoted third-party software to the Windows boot' sequence.[61] Such retaliatory efforts extended so far as threatening to terminate Compaq's license for Windows 95, demonstrating that Microsoft was prepared to go to the brink of losing all Windows sales through its highest-volume OEM partner in pursuit of its anticompetitive ends.[62] Microsoft's operating system monopoly enabled it to take such actions with impunity, indifferent to the fact that such threats soured Microsoft's relations with OEMs and stymied innovation that might have made Windows PC systems more satisfying to users.[63]

In light of this sustained practice of intimidation, the DOJ correctly points out that it is critical that the OEMs, through whom the large majority of copies of Microsoft's Windows Operating System Products reach consumers, are free to choose to distribute and promote middleware without interference from Microsoft.[64]

The RPFJ, however, fails to place any restriction on Microsoft's ability to inflict financial retaliation on OEMs. Indeed, Section III.A. of the proposed decree explicitly limits application of its anti-retaliation provisions to newly introduced forms of non- monetary Consideration. Neither Microsoft nor the DOJ offers any justification for failing to restrict Microsoft from employing financial penalties to threaten or retaliate against recalcitrant OEMs.[65]

Moreover, in the face of the extensive record in this litigation of Microsoft's past course of threats and retaliation, Section III.A does not even prohibit Microsoft from withholding existing forms of non-monetary consideration from OEMs that seek to develop, distribute or use non-Microsoft middleware, distribute competing operating systems, or otherwise seek to exercise their purported rights under the RPFJ. Instead, Section III.A applies only to newly introduced forms of non- monetary consideration. Such gaping loopholes simply cannot be reconciled with the DOJ's assertion that Section III.A ensures that OEMs have the contractual and economic freedom to make decisions about distributing and supporting non-Microsoft software products that have the potential to weaken Microsoft's personal computer operating system monopoly without fear of coercion or retaliation by Microsoft.[66]

4. Similarly, the RPFJ does not prohibit Microsoft from continuing to employ discounts and other financial inducements to accomplish its anticompetitive ends The undisputed factual record in this case similarly documents Microsoft's extensive use of discounts and other financial inducements as a critical component of its anticompetitive conduct. For example, it is no longer disputed that Microsoft offered IBM substantial benefits, including soft dollars and marketing assistance, in return for shipping its systems without any software that competed with Microsoft.[67]

The trial court also found that Microsoft grant[ed] Hewlett-Packard and other OEMs discounts off the royalty price of Windows as compensation for the work required to bring their respective alternative user interfaces into compliance with Microsoft's requirements restricting their ability to reconfigure the desktop and boot sequence in Windows 95 and Windows 98.[68]

Similarly, Microsoft used incentives and threats in an effort to secure the cooperation of individual OEMs to promote the Internet Explorer to the exclusion of Navigator.[69]

Indeed, the court found that Microsoft agreed to give OEMs millions of dollars in co-marketing funds, as well as costly in-kind assistance, in exchange for their carrying out other promotional activities for Internet Explorer.[70]

Consistent with this, Microsoft reduced the Windows royalty price for certain OEMs, including Gateway, that set Internet Explorer as the default browser on their personal computers and that displayed Internet Explorer's logo and links to Microsoft's Internet Explorer update page on their own home pages, and offered to compensate Gateway if it would replace Navigator with Internet Explorer.[71]

The RPFJ, however, would not prevent Microsoft from continuing to use discounts, market development allowances and other such programs as part of its efforts to coerce OEMs into favoring Microsoft's middleware over competing software. Given the loopholes that pervade the proposed decree, Section III.B.3 simply requires that Microsoft identify the criteria on which discounts are based and make them available to all OEMs covered by the decree. While this may somewhat limit Microsoft's ability to discriminate among OEMs, it does not prevent Microsoft from using such inducements to coerce OEMs into discriminating against competing middleware products.

For example, the RPFJ would not prevent Microsoft granting discounts or other financial benefits to all OEMs that ship Microsoft middleware products as the default on their personal computers. This would place any OEM that wanted to establish middleware as the default at a potentially serious disadvantage compared to any competing OEMs that take the Microsoft payoff. Moreover, because Microsoft controls pricing of its monopoly operating system, it could establish the price of versions of Windows without its middleware set as the default at some artificially high price and use the difference between the artificially high price and the actual price Microsoft wanted to receive as a cash incentive to pay OEMs to carry Microsoft's middleware as the

[56] Id. at 231.

[57] See RPFJ at Section III.H.2.

[58] 84 F. Supp. 2d at 213.

[59] See 253 F.3d. at 61–62.

[60] 84 F. Supp. 2d at 230 (Microsoft used incentives and threats in an effort to secure the cooperation of individual OEMs in its efforts to ensure that personal computer users would have ready access to Internet Explorer). See also id. at 235–38 (describing pressure exerted on Gateway and IBM).

[61] Id. at 203.

[62] Id. at 206, 208.

[63] Id. at 203.

[64] 64 CIS at 11.

[65] Indeed, the Competitive Impact Statement is notably bereft of any attempt to justify Section III.A's failure to prohibit financially based threats and retaliation. See id. at 11–12.

[66] Id. at 11.

[67] 84 F. Supp. 2d at 237.

[68] Id. at 215. See also id. at 213–14.

[69] Id. at 230.

[70] Id. at 231.

[71] Id. at 231, 236.

default application. This does not correct the present judicially condemned situation.

D.The RPFJ Contains Insufficient Provisions To Ensure Adequate And Timely Information Disclosure

Microsoft has a history of refusing to disclose APIs, delaying disclosure of APIs, and selectively disclosing APIs to favored ISVs at the expense of disfavored ISVs.[72]

For example, Microsoft has refused to disclose APIs relating to Secure Audio Path (SAP)[73] and has actively used its exclusive access to this technology to market against its competitors beginning at least as far back as October 2000. The RPFJ does not end this type of head start and exclusive access. Microsoft uses its control over Windows interfaces to thwart competition from better, more compelling middleware applications. For instance, Microsoft has refused to disclose critical interface and other technical information used by it in Windows XP relating to a number of functions, including direct access to SAP and to the Play all and Burn CD features in the My Music folder. Access to all of the APIs and technical interfaces available in the monopoly Windows OS is critical to ISVs and should be in Microsoft's best interest given its stated top goal of providing a platform upon which all ISVs can build. Because of Microsoft's past anticompetitive behavior, it is important to have a clear and broad remedy provision requiring full disclosure of any technical interfaces, appropriately defined, between Microsoft's operating system, bundled middleware and any other Microsoft applications. The RPFJ contains several major exceptions and loopholes that allow Microsoft to delay and avoid disclosing the technical information necessary to allow competing middleware providers to fully interoperate with Microsoft's software. Section III.D of the RPFJ only requires Microsoft to disclose APIs relating to Microsoft Middleware a very narrowly defined term that does not include any middleware bundled with the operating system (unless separately distributed as an update). This subtlety in the RPFJ allows Microsoft to easily avoid the information disclosure requirements. As long as Microsoft bundles its middleware with its operating system, rather than distributing it separately, it will no doubt argue that there is no information disclosure requirement, although that would seem contrary to the intent of the RPFJ.

Limiting Section III.D to Microsoft Middleware makes it easy for Microsoft to avoid disclosing APIs for a host of features and functions made available to Microsoft's application developers. This is especially true given the fact that the RPFJ allows Microsoft, in its sole discretion, to decide what is in the operating system and what is not. This provides virtually unlimited opportunity for gerrymandering. There is certainly no procompetitive justification for this restriction. The Litigating States' proposed remedy, on the other hand, requires Microsoft to provide all APIs that are used by Microsoft's own application developers to interoperate with either the operating system or middleware. It does not provide a complex web of limitations and restrictions that are bound to create further unnecessary litigation. The provision regarding server interoperability excludes communications between Microsoft Middleware Products even those that are commingled and bound with the Windows operating system—and Microsoft servers. This is an enormous loophole. As written, Microsoft is likely to argue that the provision does not allow ISVs to obtain any access to Microsoft's communications protocols between Microsoft servers and applications such as Internet Explorer, Windows Media Player and instant messaging. Again, this does not seem consistent with the intent of the RPFJ.

In an amazing reversal of fortune, the RPFJ would actually require law-abiding ISVs to license their technology to Microsoft an illegal monopoly if they want to take advantage of Microsoft's APIs. The fact that an ISV might license and use technology from Microsoft, as allowed under the proposed settlement, should not entitle Microsoft to get a license to the ISV's technology relating to the exercise of their options or alternatives. By ensuring that Microsoft will obtain contractual rights to technologies that it deems to be strategic, the RPFJ provides assistance to Microsoft's continuing anticompetitive efforts to restrict the development and distribution of competing middleware by bundling its own versions of those technologies with its operating system in an attempt to dominate the market to the detriment of its more innovative competitors. Because Microsoft is not doing any development on behalf of the ISVs as part of the RPFJ, it does not need licenses to ISV technology to perform its obligations. This provision in effect operates as a poison pill that presents substantial disincentives for competing middleware developers to qualify for the protection of the very provisions of the RPFJ that are designed to foster competition in these nascent markets.

Microsoft Can Continue Its Anticompetitive Practices For Up To One Year And Intends To Do So.

The RPFJ's time periods for Microsoft's compliance with a variety of provisions, including those related to information disclosure, place competing application developers at a serious disadvantage. Middleware ISVs should have as much time as Microsoft's own application developers to use the APIs and other technical information necessary to access, utilize and support the full features and functionality offered by the Windows operating systems. Indeed, the extended time provided to Microsoft to comply with the RPJF is in direct contradiction of one of the DOJ's stated reasons for entering into the settlement: prompt relief. For example, Microsoft has a full year to comply with the bulk of the information disclosure provisions and other provisions related to middleware in Sections III.D and H. Microsoft essentially has been blessed to continue wield its monopoly power for long periods of time to the detriment of consumers and competition. Instead, relief should be immediately available. If Microsoft does not have the technology ready, it should nevertheless be required to allow others to implement the provisions on their own while Microsoft delays disclosing the APIs. There is no competitive justification for giving Microsoft nine or twelve months to disclose and license interfaces that are readily available to, and now in use by, Microsoft's own application developers. In fact, Microsoft is already relying on the 12 month delay provision to avoid disclosing APIs to SAP. Despite repeated requests, Microsoft has not provided RealNetworks with any information or even confirmation that it would provide access to SAP. In a January 2002 communication to RealNetworks, Microsoft simply pointed to the twelve-month time frame and claimed it was in compliance.

F. The RPFJ Does Not Materially Affect Microsoft's Ability To Engage In Anticompetitive Exclusive Dealing

The RPFJ does not effectively prohibit Microsoft from using deals with an IAP, ICP, ISV, an independent hardware vendor (''IHV''), or OEM to limit competition. Microsoft has long relied on such deals in an attempt to limit the development of competing middleware solutions. For example, Microsoft has entered into agreements specifically limiting or forbidding use of middleware that threatens its operating system monopoly. Microsoft has entered into agreements requiring independent content providers to use technology designed to detect whether the end user has Microsoft middleware installed on his or her computer and then using that technology to the exclusion of competing middleware, even when the consumer had chosen the competing middleware as their default. Such conduct flies in the face of Microsoft's own statements that it is trying to create a platform for ISVs; Microsoft's actions are damaging to any ISV who build competing middleware on Microsoft's platform. Section III.G allows Microsoft to demand parity with any third party product that Microsoft considers to be a competitor to its Platform Software in any deal with an IAP, ICP, ISV, IHV, or OEM that distributes, promotes, uses, or supports the third party product. This provision seems designed to prevent competitors from getting ahead of Microsoft.

In addition, Microsoft is sure to continue to use its investments as a vehicle to demand exclusivity or preference for its products to the detriment of competing middleware. Microsoft can enter into any agreement with an ISV, IHV, IAP, ICP, or OEM provided that each contributes either significant developer or other resources prohibiting the entity from competing with the object of the agreement for a reasonable (undefined) period of time. This would bless and legitimize Microsoft's current anti- competitive behavior through which Microsoft leverages other assets to maintain its illegal monopoly. Moreover, Microsoft can apparently avoid even these

[72] Id. at 90–92.

[73] Secure Audio Path is a technology designed to maintain the security of a file as it moves through the operating system for eventual playback by a sound card. It is designed to prevent interception of secure content along the route to the sound card. Microsoft has been exhorting content providers to use its Windows Media middleware in part because of its exclusive access to Secure Audio Path.

requirements simply by licensing intellectual property as part of the deal (see Section III.G.2). Section G appears to allow Microsoft to license third party intellectual property under whatever scenario it desires. This presents a gaping loophole to the entire section, as does the exception for any joint development or joint services' arrangement. Virtually any technology deal could be styled as such.

The prohibitions of Section III.G.2 are strangely applicable only to contracts with IAPs and ICPs (not IHVs, ISV or OEMs) to obtain placement in Windows. In fact, it should simply prohibit Microsoft from entering any contract conditioned on any third party's agreement to refrain from or limit distribution, promotion or use of competing middleware. As written, the provision would allow Microsoft to require any ISV or IHV to refrain from distributing or promoting competing middleware as a condition for placement in Windows, or for placement on MSN, or for access to Dot.Net or for anything else. Surely, this could not have been the intent of the DOJ, yet it is the result of the language in the RPFJ.

G. The Enforcement Provisions Are Weak And Ineffective

The Court of Appeals conclusively established that Microsoft is an illegal monopolist. Yet, remarkably, Microsoft has not modified its anticompetitive behavior in any meaningful way despite the Court's clear conclusions, just as previously the consent decree entered by the DOJ failed to end Microsoft's anticompetitive conduct. The necessary enforcement mechanisms must reflect the harsh reality that Microsoft has repeatedly shown its complete disrespect for the judicial process and directives of the courts. Unfortunately, the enforcement mechanisms in the RPFJ are completely ineffectual and are destined to fail. Any conduct-based remedies in this complex environment will be effective only to the extent they are capable of prompt, rigorous enforcement.

For instance, the proposed settlement fails to put in place a meaningful mechanism for preventing, identifying and resolving violations of the proposed agreement in an expedited manner. The voluntary dispute resolution mechanism is designed for delay rather than deterrence. It is essential that any decree establish clearly defined procedures, with prompt, prescribed time deadlines, to enable the government and the court to address violations of the decree in a full and expeditious manner. By contrast, the ''voluntary dispute resolution'' provisions of the proposed settlement are as inadequate as the name suggests. The only ''penalty'' for willful and systemic violations of the proposed settlement is a one-time, two-year extension on the already truncated five-year term, much of which does not even become effective for an entire year. The time frames for investigating complaints are loose or non-existent, with no clear or prompt recourse to the court for resolution. Moreover, the ''Technical Committee'' is housed at Microsoft, cannot independently go to the court for redress and cannot present any of its findings or information to the court, which ensures that the substantial time, effort, and expense devoted to the Committee's processes would need to be duplicated in future compliance efforts. Inexplicably, Microsoft is allowed to appoint a member of the Technical Committee, a sort of permanent seat on the security council to oversee its overseers. Rather, the proposed decree needs to establish a Special Master, that can make prompt recommendations directly to the Court. This litigation has been going on for over three years. Microsoft has reaped the rewards of its illegal conduct during that time, and continues to do so. The RPFJ would provide Microsoft with an additional 12 months to comply with several provisions that should require immediate compliance. The proposed time frames greatly overstate the difficulty of providing ISVs with technical information that Microsoft has been using itself to develop Middleware and other applications. Any purported hardship imposed by more appropriate deadlines would certainly by justified by Microsoft's history of illegal conduct. Consumers deserve swift and certain relief.

V.CONCLUSION

As set forth above, entry of the ambiguous and loophole-laden RPFJ would engender significant uncertainty as to its terms and actual effect and would, in many respects, potentially assist Microsoft in its anticompetitive efforts to restrict the development and distribution of competing, innovative middleware. The full anticompetitive harm that would result from a failure to effectively redress the anticompetitive conduct identified by the Court of Appeals cannot, however, be fully understood simply by examining Microsoft's anticompetitive conduct to date, as substantial as that is. As the trial court found in this litigation, the full effects of Microsoft's anticompetitive conduct extend well beyond today's consumers of personal computers to chill tomorrow's innovations and the new products and markets that such innovations will make possible:

Most harmful of all is the message that Microsoft's actions have conveyed to every enterprise with the potential to innovate in the computer industry. . . Microsoft has demonstrated that it will use its prodigious market power and immense profits to harm any firm that insists on pursuing initiatives that could intensify competition against one of Microsoft's core products. Microsoft's past success in hurting such companies and stifling innovation deters investment in technologies and businesses that exhibit the potential to threaten Microsoft. The ultimate result is that some innovations that would truly benefit consumers never occur for the sole reason that they do not coincide with Microsoft's self-interest.[74]

By contrast, the Court has before it an eminently superior remedy proposed by the Litigating States. Bereft of the ambiguity and loopholes that benefit the monopolist they are ostensibly intended to restrain, the States' proposed remedy highlights the extent to which the RPFJ fails to effectively end Microsoft's anticompetitive conduct. Forward- looking in scope and straightforward in application, the States' proposed remedy is appropriately tailored to redress the anticompetitive conduct identified by the Court of Appeals, while preserving Microsoft's ability to compete with other operating systems and other middleware products on the merits.

For the reasons set forth herein, RealNetworks respectfully submits that entry of the RPFJ would not be in the public interest.

[74] 84 F. Supp. 2d at V 412.

MTC–00029306

From: Jessica Hollings
To: Microsoft ATR
Date: 1/28/02 10:44pm
Subject: Microsoft settlement

The proposed settlement is not in my interest.

Signed,
Jessica Hollings
Athens, Ohio

MTC–00029307

From: CHARLES A. CRAWFORD
To: Microsoft ATR
Date: 1/28/02 10:44pm
Subject: microsoft settlement

I ask that the current settlement be followed , and that the dissenters be silenced by the court.

Charles A. Crawford
crwfca@juno.com

MTC–00029308

From: Maggie Hayes
To: Microsoft ATR
Date: 1/28/02 10:49pm
Subject: Microsoft Settlement
Maggie Hayes
13759 Morningbluff Lane
San Antonio, TX 78216
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Thank you for the exceptional service you have provided our country. In the interest of furthering the cause of private enterprise, the foundation upon which our country has been built, I am compelled to speak out on the Microsoft settlement. As both a customer and a stockholder, I hold strong opinions on the outcome of this case.

Microsoft has long been a leader in the technology industry. They have earned their place of leadership in the technology industry through their focus on excellence. Due to this commitment Microsoft has consistently outperformed the competition by providing consumers with user-friendly products. As a believer in free enterprise I was outraged by the case against Microsoft. Nonetheless the resolution of this case is the most important matter at this time.

Enacting the settlement will allow Microsoft to get back to business. In addition the stipulations of the settlement will benefit users as well. With the release of Windows XP, Microsoft will be putting in a new mechanism that will allow users to add and delete programs into the system with greater ease. The settlement goes above and beyond the original scope of the case. The Justice

Department must enact the settlement at the end of
January.
Sincerely,
Maggie Hayes

MTC–00029309

From: J. Daniel Moss
To: Microsoft ATR
Date: 1/28/02 10:46pm
Subject: Microsoft Agreement
To Whom It May Concern,
As a citizen, taxpayer, and shareholder concerned with the element of fairness, I want you to know that I support the settlement agreement worked out between the U.S. Department of Justice and Microsoft. I want to add my name to the support enlisted for the agreement.
Joseph Daniel Moss
500 Fisher Avenue
Catawissa, PA 17820
1–570–356–2138

MTC–00029310

From: Hhall27610@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 10:46pm
Subject: Microft Settlement
In a message dated 1/28/02 6:45:37 PM Central Standard Time, fin@MobilizationOffice.com writes: << microsoft.atr@usdoj.gov >>
Below is the letter we have drafted for you based on your comments. Please review it and make changes to anything that does not represent what you think. If you received this letter by fax, you can photocopy it onto your business letterhead; if the letter was emailed, just print it out on your letterhead. Then sign and fax it to the Attorney General. We believe that it is essential to let our Attorney General know how important this issue is to their constituents. The public comment period for this issue ends on January 28th. Please send in your letter as soon as is convenient.
When you send out the letter, please do one of the following:
Fax a signed copy of your letter to us at 1–800–641–2255;
Email us at fin@mobilizationoffice.com to confirm that you took action.
If you have any questions, please give us a call at 1–800–965–4376. Thank you for your help in this matter.
The Attorney General's fax and email are noted below. Fax: 1–202–307–1454 or 1–202–616–9937 Email: microsoft.atr@usdoj.gov
In the Subject line of the e-mail, type Microsoft Settlement.
For more information, please visit these websites: www.microsoft.com/freedomtoinnovate/ www.usdoj.gov/atr/cases/ms-settle.htm
8850 McClellan Boulevard
Anniston, AL 36206–7548
January 13, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Attorney General Ashcroft:
I appreciate the Justice Department finally coming to a settlement over the Microsoft issue. The three year long dispute has brought up many issues regarding antitrust laws and the tech industry. The settlement that was reached represents a good compromise. I believe that it should be acceptable to everyone involved.
Now that the Windows'' operating system will be made available to producers at a uniform price, computer makers will not have to gain favor with Microsoft in order to receive discounted prices. This evens the playing field among computer makers. Further the review committee that is to be created will guarantee that everyone plays fair too.
The settlement comes at a good time. It represents both sides of the issue. The government needs to move on to more important matters. Thanks for listening.
Sincerely yours,
Harold Hall

MTC–00029311

From: daRcmaTTeR
To: Microsoft ATR
Date: 1/28/02 11:00pm
Subject: Microsoft Settlement
To whom it may concern,
Please do this country a big favor and split them up, take them apart...do what ever you have to do to make them play by the same rules everyone else has to if you can't put them out of business. We're all so tired of watching and being able to do nothing while MS gets rich over the dead bodies of smaller companies that are just trying to make a living at what they do. MS stinks, their products stink and the way in which they treat the end users by marketing and selling inferior products stinks! Please give this country and the world the Technological enema that it so desperately deserves and needs and stick it to Microsoft. Though it won't even begin to make up for the way they have stuck it to countless others at least it's better then letting them get away with it unpunished.
Mark Weaver
Written from A Microsoft FREE environment

MTC–00029312

From: Allan G. Osborne
To: Microsoft ATR
Date: 1/28/02 10:47pm
Subject: Microsoft Settlement
5829 NE 198th Place
Kenmore, WA 98028
January 28, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:
I encourage you to support the recent antitrust settlement Microsoft has reached with the DOJ. I can only imagine how much this lawsuit has cost the little people in this country—not Bill Gates, but the people throughout the country, especially those who are in pension funds.
Furthermore, I feel this attack on success is forcing Microsoft to agree to terms that go far beyond the original scope of the lawsuit so it can continue to develop software undisturbed by the government.
As an example, Microsoft has agreed to provide the code so competitors can alter Windows to remove Microsoft products and to install competing products. Furthermore, Microsoft has agreed to disclose various interfaces to its competitors—a first in an anti-trust settlement.
Further, Microsoft has agreed to not force third parties to distribute or promote Windows exclusively or as a fixed percentage; nor will Microsoft prevent computer makers or software developers from developing competing operating systems or software that runs on competing operating system.
For these reasons, I encourage you to support this settlement as good for the consumer, and so that Microsoft can return to the business of developing good software.
Sincerely,
Allan Osborne

MTC–00029313

From: Dolores Dembus
To: Microsoft Settlement
Date: 1/28/02 10:41pm
Subject: Microsoft Settlement
Dolores Dembus
3133 Connecticut Ave NW
Washington, DC 20008
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:
The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.
Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.
Thank you for this opportunity to share my views.
Sincerely,
Dolores Dembus

MTC–00029314

From: Thomas Leszczynski
To: Microsoft Settlement
Date: 1/28/02 10:41pm
Subject: Microsoft Settlement
Thomas Leszczynski
4539 Greystone Dr
Richfield, WI 53076–9405
January 28, 2002
Microsoft Settlement

U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Thomas Leszczynski

MTC–00029315

From: Loyd D. Jacobs
To: Microsoft ATR
Date: 1/28/02 10:48pm
Subject: Micrsoft Antitrust Settlement

I believe the subject settlement is more than fair. Microsoft was largely responsible for the tremendous economic gains of the 1990's. Yet the goose that laid the golden egg is severly attacked. By whom? By a gang of competitors who could not compete in a free market. By a gang of competitors who met together to costruct a case against Microsoft and ask the federal goverment to prosecute it. Collusion?

Yes Microsoft is agressive. In business you do not go far without being agressive. Agressive action and words can stir up emotional responses, but that does not make them illegal?

The general public has not been harmed by Microsoft. To the contrary. Microsoft has made it easy for the novice to use computer systems. They have provided a much needed standard. Compare that to the incompatable wireless telephone systems. My wireless telephone will not work in Europe. Old time computer users complain about Microsoft. They know how to work around computer problems and do for themself. The general public does not. Microsoft provides a standard, a tool the general public can easily use.

Bunding. I want blundling. I do not want to buy my operating software system a piece at a time. Only special applications do I want to buy one piece at a time. I also do not want to make the piece by piece selection of what goes in my basic operating system. I am not smart enough. Microsoft lets me easily buy a complete system that works great.

Cost. Per line of code, there is no maintaied software package that is cheaper.

Do we really want to put overzealious tethers on the company that had a large part in creating the golden egg economic era of the 1990's. I would think twice about that.

Thanks for the opportunity to comment.

Loyd D. Jacobs

P.S. I am a Boeing retiree.

MTC–00029316

From: RAJESH SATPUTE
To: Microsoft ATR
Date: 1/28/02 10:49pm
Subject: Microsoft Settlement

Dear Sir/Madam,

This settlement is in favour of the public. This settlement is good for the industry, economy and above all the nation. As a US Citizen I do agree this steelement.

Regards,
Raj Satpute

MTC–00029317

From: Hugh Inness-Brown
To: Microsoft Settlement
Date: 1/28/02 10:45pm
Subject: Microsoft Settlement
Hugh Inness-Brown
5351 State Hwy 37
Ogdensburg, NY 13669
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Hugh Inness-Brown

MTC–00029318

From: Swapan Gupta
To: Microsoft ATR
Date: 1/28/02 10:52pm
Subject: Microsoft Settlement

We the undersigned would like to submit our comments on the Microsoft Settlement before the Antitrust Division. We are displeased to note that much effort has been expended by the government to listen to envious competitors, who unable to compete in the open market, attack a productive company so that its innovative ways can be hindered. We have been using Microsoft products for over a decade and have never had any complaints about their performance. Over the years their products have kept improving. We are therefore opposed to any settlement, in which the company which has become successful by dint of innovation, is penalized for being too successful. We would also like to state for the record that as free individuals, participating in the marketplace, we have chosen Microsoft products without coercion. Therefore we think that it is not the duty of the Government do decide or restrict the marketing of Microsoft's products at what ever price the market will bear. Also we think that as free individuals we have an inalienable right to purchase and keep on our computers software of our choice without government interference. In other words, the government should not violate our personal liberties in the realm of what we can buy and keep in our computer. Since the business of Microsoft is producing software, we fail to see how it is a threat to anyone. A free market, in essence requires that a company be productive and offer a better product at the lowest price. Microsoft has been able to do this—- a testament to it's success.

One important point to note here is that Microsoft has been brought to court by its competitors, who when unsuccessful in the open market, sought to use government force to not only shackle but also to set the terms by which businesses in future must compete in the market place. Failed businesses must not be allowed to set the terms of the operation of the market place. Penalizing successful businesses can only have a chilling effect on future iconoclastic businessmen and industrialists from trying to be innovative if they conclude that the price of success is the breakup of a company and suffering long drawn out court battles and fines and unreasonable penalties. The government should foster an environment whereby any American entrepreneur with a new idea can start a business by upsetting (if required, just as Henry Ford upset the horse and buggy industry, or what Edison's invention of the light bulb did to the candle makers) current businesses and starting a new field of production just as the computer industry replaced and automated many labor intensive functions of U. S. industry. After all a business has a right to its own property and it is the constitutional duty of the government is to secure and protect those rights.

CC:activism@moraldefense.com@inetgw

MTC–00029319

From: KISSELL814@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 10:51pm
Subject: Microsoft Settlement

Dear Mr. Ashcroft:

The free enterprise system in the United States has been the catalyst for making the

United States the greatest country in the world. Within the system, there will be winners and losers. Microsoft is perhaps the biggest winner of all time; they have created and marketed a product that satisfies the needs of an expanding market all over the globe.

The government has no business meddling into the affairs of Microsoft, or any other business. Microsoft used its own ingenuity and market know-how to achieve the level of success it has. The entire lawsuit between Microsoft and the US government has become a forum for Microsoft's competitors to tear a piece of Microsoft's success away.

Microsoft has agreed to permanent government oversight in the form of the three-person ''Technical Committee.'' This in and of itself should silence most any critic of Microsoft, but the settlement also agrees to make trade secrets such as operating system protocols and interfaces available to its competition as well.

I have strong reservations about this settlement, but if this is what Microsoft wants, than I will support the company. Microsoft performed as any company would in the open market, and has been duly rewarded. The federal government needs to end the litigation and let free enterprise and the market determine the final outcome for Microsoft and its competitors.

Sincerely,
Richard Kissell
3903 23rd Ave. W.
Bradenton, FL 34205

MTC–00029320

From: Howard Hall
To: Microsoft Settlement
Date: 1/28/02 10:49pm
Subject: Microsoft Settlement
Howard Hall
9 Josefa Place
Moraga, CA 94556
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Howard Hall

MTC–00029321

From: barbara ward
To: Microsoft Settlement
Date: 1/28/02 10:49pm
Subject: Microsoft Settlement
barbara ward
box 404
carrizozo, NM 88301
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
barbara ward

MTC–00029322

From: NANCY LONG
To: Microsoft Settlement
Date: 1/28/02 10:52pm
Subject: Microsoft Settlement
NANCY LONG
3601 CHADSWORTH WAY
SACRAMNETO, CA 95821
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
NANCY LONG

MTC–00029323

From: Jerome Isham
To: Microsoft ATR
Date: 1/28/02 10:57pm
Subject: USAGIsham—Jerome—1002—0125
10047 Main Street Apt #213
Bellevue, WA 98004
January 26, 2002
Attorney General John Ashcroft, DOJ
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft,

Today I take the time to encourage the Department of Justice to accept the Microsoft antitrust settlement. The DOJ and Microsoft have slugged this battle out for over three years. It is time to put an end to it. A settlement is available and the terms are fair. It is rally about time that the government accepted it. In order to put this issue behind them, Microsoft has agreed to many terms. They have consented to design future versions of Windows to be more compatible with non-Microsoft software, making it so that features like Explorer and Windows Messaging can be replaced by Netscape and IM. They have also agreed to change several aspects in the way they do business with computer makers. Microsoft has given up a lot in order to settle the issue. It is time for the government—and the courts—to accept the settlement and move on. Microsoft and the technology industry need to move forward, and the only way to move forward is to put this issue in the past. Please accept the Microsoft antitrust settlement.

Sincerely,
Jerome Isham

MTC–00029324

From: Dale Boe
To: Microsoft ATR
Date: 1/28/02 10:59pm
Subject: 280 Yew Street Road
280 Yew Street Road
Belingham, WA 98226
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW

Washington, DC 20530

Dear Mr. Ashcroft,

I wanted to take this moment to write you, during the 60-day public comment period, to express my concern on this tedious lawsuit plaguing the Microsoft corporation. For the past three years (in its most recent version, anyway) Microsoft has concentrated its time, energy and money under public and federal scrutiny and it has been the unfair and unjustified bullying of an enterprise that built itself on American ideals, the dreams that all Americans are made of. The current proposed settlement, although harsh on Microsoft, needs to be the ending of this lawsuit once and for all. If the case goes back to the federal court, not only does the fundamental principle of freedom of enterprise fly out this nation's window, but our nation's economy will suffer further from the loss of potential capital. How can our country criminalize a business that brought this world out of the technological ''stone age?'' It is beyond me how people that have prospered from Microsoft's success are also the ones trying to put them out of business. Is this the message we are instilling in our own people that too much success is a crime and can legally be taken away from you?

By accepting the proposed settlement, Microsoft and the American consumer can put this behind them, get back to business as usual, and keep Microsoft as an investment this country needs to stay at the top of the global market.

Your time and consideration in this matter is greatly appreciated and I hope your actions will speak for the American people and not the jealous competitors trying to take ingenuity away from the Microsoft corporation.

Sincerely,

Dale Boe

MTC–00029326

From: BRTSTAR1@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 10:59pm
Subject: Microsoft Settlement

Greetings.

I believe in the free enterprise society. Let the inventors invent. I want Microsoft to give me the best of the best. I want all the components in one pack of software.

Please let Mr. Gates advance our technology. Stop all the legal action against Microsoft.

Regards,
Valerie Rogers
3428 Hillvale Rd
Louisville, Ky 40241
502–423-STAR

MTC–00029327

From: Carol Wray
To: Microsoft Settlement
Date: 1/28/02 10:55pm
Subject: Microsoft Settlement
Carol Wray
10133 Ga.Hwy.42 South
Fort Valley, GA 31030–9313
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Carol Wray

MTC–00029328

From: Dave La Bounty
To: Microsoft ATR
Date: 1/28/02 10:59pm
Subject: Microsoft Settlement

To whom it may concern:

I am very much against the proposed Microsoft Antitrust Settlement ... it doesn't go far enough to level the playing field against Microsoft or in punishing Microsoft. In it's present form, it appears that the DOJ proposed settlement (once again) lets Microsoft off the hook, and lets them continue their rampant / unabaited, unethical, predatory / monopolistic practices ... it's ALL in the details and crafting of the words ... by highly paid Microsoft lawyers ... once again, there is no ''meat'' to it. ''Nothing'' surprises me anymore ... but America and the world deserves better. There IS an alternative ... ALL you have to do is read the incisive, brilliantly presented descriptions of the problems ... and solutions at the following web sites ... to realize how woefully inadequate the DOJ settlement proposals truely are.

http://www.kegel.com/remedy/letter.html,

http://www.kegel.com/remedy/remedy2.html

http://www.codeweavers.com/jwhite/tunney.html

The solutions proposed at these sites have some ''meat'' to them, and should just be a starting point of ''minimum necessary requirements''. These proposed solutions, would finally, at least, force Microsoft to be more forthright and honest. Hire these guys as consultants!!! IF there is ''any justice'', the DOJ verdict and settlement ought to ''punish'' Microsoft ''severely'', with more than just a weak slap on the wrist ... Microsoft should not continue to be ''rewarded'' by the Justice Dept. for their continued ''best business practices'' ... business practices at their worst.

I have been supporting Computer hardware / software for 40 years from mainframes to PCs, including Microsoft products. There is ''no room'' in a democratic society ... for software code (and a company) that wants to ''imbed'' itself ''everywhere'' ... to the ''exclusion'' of ALL others. This fact is even intuitively obvious to the most casual observer ... and also ought to be obvious to a ''US Justice Dept'' as well.

There is no dispute that Microsoft has stifled innovation, creativity and competition ... and in the process ''sucked'' the life out of an Entire industry / culture. For years, Microsoft has ''rushed to market'' buggy / inept, bloated software code / APIs, applications ... Operating systems (OS) ... in order to circumvent previous, WEAK Justice Dept settlements.

Just look at the security flaws in their ''latest & greatest'' XP OS ... rushed to market to ''procreate'' and ''imbed'' itself ... before it works ... and before the ''law'' can catch up with it ... yet one more time. In Windows 9X, Internet Explorer (IE) was blatently imbedded into the Windows OS, with requirements that IE be the ''default'' browser in order for OTHER Microsoft) applications (such as Outlook) to work properly ... to the exclusion of other applications, including Netscape. Microsoft ''is'' the ultimate blood-sucking virus. It's time to get out the RAID ... and a BIG flyswatter ... or gavel!!!

Surprise me ... do something right ... for a change,

Dave La Bounty,
San Jose, Ca,
Computer Engineer / Technologist (40 years)

MTC–00029330

From: lward@infi.net@inetgw
To: Microsoft ATR
Date: 1/28/02 11:01pm
Subject: Microsoft Settlement
Lester Ward
5604 Newman Davis Road
Greensboro, NC 27406
January 27, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I have been using computers since 1976. That is about adecade before even the first PCs. (even before DOS). I could use computers even without Microsoft. The question is would I want to do so. Imagine the millions of Americans today that use computers and the Internet without even a clue as to how difficult things once were.

I am writing this letter in hopes of restoring some sense to the current course of affairs. I sold my Microsoft stock shortly after Judge Jackson began to try to write himself into the history books. The reason Microsoft is so successful is because we the consumers want it to be. I do not want to purchase a menagerie of software operating systems and user applications that very likely will not work together. I know this started during the Clinton Administration. I feel that it is time to put a halt to this auto-immune attack

Microsoft is an important part of the U.S. economy. Please let Microsoft get back to software production. In these difficult economic times, we need to move forward. I would find it difficult to do my job without the innovations that Microsoft has provided. I will continue to depend on Microsoft. Microsoft has agreed to a settlement that should provide any necessary compliance to regulations and prevent any further perceived need for anti-trust actions.

I hope that my opinion makes a difference. Thank you for your attention in this matter.

cc: Representative Howard Coble

Sincerely,

Lester Ward

MTC–00029331

From: Kiyoshi Yu
To: Microsoft ATR
Date: 1/28/02 11:01pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street, NW
Suite 1200
Washington, DC 20530–0001
Via email: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement

Dear Ms. Hesse:

As a consumer whose activities both at work and at home rely heavily upon the use of personal computer software, I welcome the chance to comment on the proposed settlement between Microsoft and the Department of Justice.

I feel that this agreement, as is, will leave Microsoft to continue in its anticompetitive ways. It will not prevent the monopoly from using strong-arm tactics in licensing deals with computer makers, nor will it stop Microsoft from keeping competitive products from coming to market. As a result, consumers like myself will be forced to continue to pay for Microsoft's expensive operating systems and software suite and the upgrades required to keep them functional. In addition, our choice of software products will continue to be limited and for those of us who do use non-Microsoft operating systems or Internet browsers, compatibility with other Microsoft products will continue to suffer.

The additional proposal put forth by Massachusetts Attorney General Tom Reilly along with eight other states and the District of Columbia is a far better remedy than one proposed by the Department of Justice. This proposal includes key provisions that will put an end to Microsoft's illegal business dealings, help ensure compatibility of software products and bring consumers like myself the benefits of greater choice and lower prices. Moreover, unlike the Department of Justice's settlement, this proposal will provide an enforceable solution with real penalties to guarantee compliance.

Therefore, it is my hope that the Court will find the Department of Justice's settlement with Microsoft not to be in the public interest and rather adopt the proposal of Tom Reilly and the other State Attorney Generals.

Sincerely,

Kiyoshi Yu

388 Ocean Ave.

Revere Beach, MA 02151

MTC–00029333

From: Robert Boyer
To: Microsoft ATR
Date: 1/28/02 11:03pm
Subject: Microsoft Settlement
Attorney General John Ashcroft
Us Dept of Justice
950 Pennsylvania Ave. NW
Washington, DC 20530

Dear Mr. Ashcroft:

I have been following the Microsoft antitrust case in the papers and media and I think it is time to come to a settlement. Microsoft has met all , and more, of the competitors demands. We should meet the simple request of Microsoft to have the settlement approved, so Microsoft can go back to the business of innovating.

I appreciate your efforts to have the Microsoft approved by the Court as in the best interest of the American public.

Thank you for your attention to this matter.

Billie Jo and Robert Boyer

2126 New Bedford Dr.

Sun City Center, Fl 33573

Phone- 813–634–1181

MTC–00029334

From: Kedar Soman
To: Microsoft ATR
Date: 1/28/02 10:57pm
Subject: Microsoft Settlement

Dear Madam / Sir,

This is in regard to Microsoft antitrust settlement case. I sincerely feel if Microsoft continues to follow the current practices, it will pose a grave challenge to the principle on which the capitalism is based, free and healthy competition.

Simply put, if not curbed right now, following thing will happen. Your children will wake up listening microsoft radio station on microsoft radio. They will wear clothes made by microsoft, travel in microsoft made car to office, where they work on windows and MS OFfice. Later in evening, they will come back and watch Microsoft televison. Before sleeping, they will read microsoft printed Bible. And when they will open microsoft printed dictionery to read the meanings of words freedom and customer choice, they will hate you with their whole heart.

Thanking you,

Kedar Soman

MTC–00029335

From: linda rasband
To: Microsoft Settlement
Date: 1/28/02 10:57pm
Subject: Microsoft Settlement
linda rasband
670 west 91st ave.
anchorage, AK 99515
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers'? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

linda rasband

MTC–00029336

From: Gretchen Huizinga
To: Microsoft ATR
Date: 1/28/02 10:57pm

Please see attached letter regarding the Microsoft Settlement.

Gretchen Huizinga
Millennium Arts Inc.
18404 148th Avenue NE
Woodinville, WA 98072
January 23, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I would like to take this time to voice my opinion on the Microsoft case. The government had no right to intervene with private business, but now that the case has been allowed to drag on for three years, the American public needs to see that the case is finally ended. Microsoft is a good company; they've provided consumers with superior products and have changed our lives, contributing so much to our nation's economy. I run a production company and use Microsoft's products in my office. I am not forced to do so; I use their products because I prefer to.

The proposed settlement will be more than favorable to Microsoft's competitors and will consequently foster competition. Microsoft has agreed to tone down its supposedly aggressive marketing techniques and will allow their competitors to create and promote non-Microsoft software in Windows. They are also going to give away a lot of their technical secrets to their competitors.

This settlement is more than reasonable and is the right thing to do. Our economy is struggling and our technology industry needs to be restored. Ending this case is a perfect way to do that. Thank you for your time.

Sincerely,

Gretchen Huizinga

MTC–00029337

From: Johannes Garcia

To: Microsoft ATR
Date: 1/28/02 11:04pm
Subject: Microsoft Settlement

Ladies & Gentlemen:

We must continue to promote the best technology and give the opportunity to those who wants the freedom to innovate in all area of business and industries. Lets keep the courts and the politicians out of technology especially in this critical time ''The New World Economic''. If AOL wants to continue to played this role in promoting policy (and politics) over technology especially as they have done in the last three years and contributing in the impeding of new technology. Let us remember man is the maker of his destiny and we are all guilty if allowed it to happen. Why should the American people be punished to pay for the legal cost of this platform?

As we all know AOL has promised to open up their instant messenger as Microsoft has done, so that we all can have a platform to build services for it, but has AOL complied? NO. They say one thing and do another.

Microsoft has done bad things in the past but is not the evil some people make it out to be. If you had studied them in some depth, you'd understand that.

Microsoft has done great things for the United States Economic and World Economic and their contribution to ordinary people is the real story. Let's keep our head over water and we should continue to review all the facts and put every things on the balanced (World Economic) before we make the biggest mistake in this new World Economic.

Johannes Garcia

MTC–00029338

From: Bertram Rogers
To: Microsoft ATR
Date: 1/28/02 10:56pm
Subject: Microsoft settlement

Dear Renata Hesse,

I would like to see the Microsoft litigation settled amicably ASAP. Microsoft is one of only a few US companies that can compete in the world market. I would not like to see it so cripple that it can no longer compete.

Best wishes,

B. H. G. Rogers

MTC–00029340

From: jack eich
To: Microsoft Settlement
Date: 1/28/02 10:59pm
Subject: Microsoft Settlement
jack eich
18763 felton
morrison, IL 61270
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

jack l. eich

MTC–00029341

From: tylerb@mac.com@inetgw
To: Microsoft ATR
Date: 1/28/02 11:05pm
Subject: Microsoft Settlement

It is a common misperception that Microsoft built it's monopoly upon the proprietary nature of its Windows operating system. In truth, Microsoft built its monopoly upon the proprietary and secret nature of its communication protocols. One historically important example of a proprietary communication protocol is the secret file format utilized by Microsoft application programs such as Microsoft Word and Microsoft Excel.

Because Microsoft wholly controls its secret communication protocols it has the ability to modify a specific protocol with each upgrade to an application program that uses said protocol. For example, when Microsoft issues an update for an application program such as Microsoft Word it has the ability to modify the file format used to encode Microsoft Word documents. Because Microsoft holds a monopoly within the application space that Microsoft Word competes the change in file format triggers a chain reaction of events. Once a critical mass of users adopts the new application program using the modified communication protocol (in this case the Microsoft word file format) other users are compelled to purchase the new version of the application program because the older version cannot understand and use the new protocol. People who wish to communicate within this particular space but who do not own Microsoft Word are compelled to purchase it, not because because the program offers innovative new features, but simply because the application program uses a proprietary protocol. Microsoft possesses both a monopoly and a secret proprietary protocol in many application spaces. This fact compels users to purchase Microsoft products instead of potentially superior competing products, and it allows Microsoft to set the price for these products at artificially high levels.

This situation amounts to a de facto arbitrary tax on communication imposed by a private entity.

The simplest and fairest solution with the best opportunity for success is to compel Microsoft to publicly document all of its communication protocols, including, but not limited to, all of its file formats. This solution is the fairest because it allows all competitors, including Microsoft, to innovate with respect to application features and performance, letting the market determine the price. It also frees users who wish to communicate within a particular space from the compulsion of purchasing Microsoft products.

The simplest and best method for enforcing this behavior is to require the government to confiscate any and all revenue derived from each and every Microsoft product that directly utilizes, or contains any sub component which utilizes, any communication protocol that is not completely documented, including, but not limited to, file formats.

MTC–00029342

From: James W Duffett
To: Microsoft Settlement
Date: 1/28/02 11:04pm
Subject: Microsoft Settlement
James W Duffett
11690 County Farm Road
Lexington, Mo 64067–7101
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Wayne Duffett

MTC–00029343

From: Janice Johnson
To: Microsoft ATR
Date: 1/28/02 11:10pm
Subject: Microsoft Settlement

I wrote to Attorney General Ashcroft about my feelings about the settlement. Now, I would like to tell you how I feel.

I hope so much that there will soon be a settlement to this long drawn out affair. The

settlement that was outlined in the newspaper a few weeks ago seems fair and just to me. As a retired educator, I was particularly pleased to see that it involved gifts of materials and software to schools. It seems like a wonderful way to help children who are the consumers of the future. As an ''older'' consumer, I have grave doubts about the fact that this continued bickering has anything to do with the consumer at all. It appears to me to be an unjust form of competition by some rival companies i.e. Sun Microsystems, AOL, Oracle etc. and they are using to court system which I fund as a taxpayer to further their own ends.

Please, make a fair and equitable end to the squabble. Microsoft is a good company who really has done a wonderful job of focusing on the consumer.

Sincerely,
Janice Johnson
9308 190th ST SW
Edmonds, WA 98020

MTC–00029344

From: Scott Dallmeyer
To: Microsoft ATR
Date: 1/28/02 11:10pm
Subject: Microsoft Settlement

The proposed settlement should not be approved as is. I do not believe that the proposed settlement does anything to rectify the situation created by the found criminal antitrust activities of Microsoft Corporation. The reason for antitrust laws is to maintain healthy competition and markets to promote more and better products. The settlement as proposed only legitimizes the anticompetitive behavior that has killed off so many potential innovators in the software industry.

The proposed settlement is not in the best interests of the consumers of software, in spite of the posturing of Microsoft. Nothing they do or propose can be taken as being in the interests of the consumers. They make so-called ''standards'' and patent them (their message block structure for Windows XP to kill off Samba) and poison emerging standards such as Java all in the interest of Microsoft, not the consumer.

I am totally opposed to this settlement as now structured.

Thank you for the opportunity to comment,
Scott Dallmeyer
Winnetka, IL

MTC–00029345

From: Bob Bezona
To: Microsoft ATR
Date: 1/28/02 11:10pm
Subject: microsoft settlement
2219 Lummi Shore Road
Bellingham, WA 98226
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I encourage you to accept the recent anti-trust settlement between Microsoft and the United States Justice Department because it's good for Microsoft's competitors and good for those who purchase software.

Microsoft has agreed to make the software market more competitive by providing the necessary information for computer makers to remove Microsoft products from Windows and to install competing products in their places. Further, Microsoft has agreed to not take actions against computer makers who decide to take this route, nor will Microsoft prevent computer makers or software developers from shipping or promoting competing operating systems or software that runs on competing operating systems.

For these reasons, I encourage you to support the recent settlement as good for Microsoft, good for its competitors, and good for the consumers.

Sincerely,
Robert Bezona

MTC–00029346

From: Mike Mammarella
To: Microsoft ATR
Date: 1/28/02 11:10pm
Subject: Microsoft Settlement

I believe that the terms of the revised proposed final judgement are too ambiguous; there is ample room for loopholes depending on the way Microsoft chooses to define, for instance, ''digital rights management.'' Microsoft has recently received a patent for digital rights management operating systems, which means that it would be not unreasonable to claim that the entire operating system (of some future version of Windows) is a digital rights management system and therefore exempt from API disclosure.

The terms must be more well-defined, but also not so narrowly as to be specific to the technology of today. Microsoft will soon be boasting a new platform called ''.NET'', which could escape the terms of a too-narrowly defined ''operating system'' and therefore also be exempt from many of the terms of the judgement. Furthermore, I believe that simply limiting Microsoft's illegal monopoly abuse is insufficient. Microsoft has been accused of the same practices before, and reprimanded as a result. However, this does not seem to have stopped Microsoft from continuing the abuse of its operating system monopoly. A more drastic measure could be in order; however this measure must be carefully considered. I'd personally love to see Microsoft dissolved entirely for its support of proprietary PC hardware interfaces (see P.S.), but I realize that this is both unrealistic and uncalled for. However, a split between the operating system division and the software (and middleware) divisions would help to prevent future monopoly abuse; both companies would also be well placed in their respective markets from the beginning. There would need to be restrictions on their interaction, in order to prevent what happened to the AT&T fragments (they eventually joined together again) after that famous split.

This is not the only possible solution. Others include requiring the disclosure of some or all of Windows'' source code, or that of Internet Explorer. These solutions could even be combined in full or partial strength.

I am certainly no legal expert, however as a software engineer and system administrator I feel I am qualified to make the statements I have put forth here. I hope that they will be of use and that the eventual decision will be beneficial to all involved, with the possible exception of Microsoft which can only stand to be in some way restrained from previous illegal activity.

Sincerely,
Mike Mammarella

P.S. A note about proprietary hardware interfaces—in the days of DOS, when a hardware manufacturer made a perhipheral device, whether an adaptor card or a printer, they disclosed information needed in order for the operating system or individual programs to communicate and use that device. With the advent of Windows and its driver interfaces, hardware manufacturers stopped releasing this information, claiming its proprietary nature. Technically, this was the decision of hardware vendors, but Microsoft was in the position to encourage them to continue to disclose their protocols and it instead encouraged the opposite. The effect of all this is that other operating systems cannot support these devices unless the manufacturer writes a driver for that operating system as well, which due to Microsoft's monopoly is much less likely. This further increases the barriers for entry into the operating system market.

MTC–00029347

From: Missy Nielsen
To: Microsoft ATR
Date: 1/28/02 11:10pm
Subject: Microsoft Settlement

I support the Microsoft/DOJ settlement.

I do not agree with the nine holdout states. I believe their uncompetitive constituents are manipulating their AG... I remember how difficult it was to access the internet. I remember how difficult it was to use multiple software applications because none would work with the others.

Microsoft has made my life as a consumer much, much easier and productive. Yes, Microsoft is a monopoly, but they are a monopoly that uses their position to benefit consumers.

Please tell Sun, AOL, Oracle, etc. to spend their money on becoming competitive instead of fighting Microsoft.

Melissa Nielsen

MTC–00029348

From: Myers130@cs.com@inetgw
To: Microsoft ATR
Date: 1/28/02 11:10pm
Subject: MICROSOFT SETTLEMENT

ATTORNEY GENERAL , SIR

Please be advised as a Microsoft share holder and also user of the products, I am urging the settlement of the law suit. I vote to settle this suit knowing the provisions are tough, reasonable, fair to all parties involved and goes beyond the findings of the Court of Appeals ruling. It is prudent in my opinion to settle this suit now.

Sincerely a shareholder.
Mary Ann Myers
4310 N. Camino de Carrillo
Tucson, Arizona 85750—6305

MTC–00029350

From: Barbara Sanders
To: Microsoft Settlement
Date: 1/28/02 11:06pm
Subject: Microsoft Settlement
Barbara Sanders

RR 1, Box 50A-1
Terra Alta, WV 26764
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Barbara A. Sanders

MTC–00029351

From: Johannes Garcia
To: Microsoft ATR
Date: 1/28/02 11:12pm
Subject: Microsoft Settlement

Ladies & Gentlemen:

We must continue to promote the best technology and give the opportunity to those who wants the freedom to innovate in all area of business and industries. Lets keep the courts and the politicians out of technology especially in this critical time ''The New World Economic''. If AOL wants to continue to played this role in promoting policy (and politics) over technology especially as they have done in the last three years and contributing in the impeding of new technology. Let us remember man is the maker of his destiny and we are all guilty if allowed it to happen. Why should the American people be punished to pay for the legal cost of this platform?

As we all know AOL has promised to open up their instant messenger as Microsoft has done, so that we all can have a platform to build services for it, but has AOL complied? NO. They say one thing and do another.

Microsoft has done bad things in the past but is not the evil some people make it out to be. If you had studied them in some depth, you'd understand that.

Microsoft has done great things for the United States Economic and World Economic and their contribution to ordinary people is the real story. Let's keep our head over water and we should continue to review all the facts and put every things on the balanced (World Economic) before we make the biggest mistake in this new World Economic.

Johannes Garcia

MTC–00029352

From: Carl C. Lochen
To: Microsoft ATR
Date: 1/28/02 11:12pm
Subject: Microsoft Settlement
Carl Lochen
30010 Rancho California Road
Apartment 124
Temecula, CA 92591–2952
January 28, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

As an independent developer and supporter of Microsoft, I write you in regard to the recent Microsoft Settlement. After three years of negotiations, it seems strange that there may even be more delays in the implementation of this plan. The process was extremely well thought out and well monitored throughout. Because of this, the terms that were reached benefit all involved.

As we go through these economically stressful times, it is crucial that we support our technology at all levels. By holding up this settlement, we take a backseat in the global market. Our entire technology industry needs to get back to business, and because of the agreement, we are ready to do so. Let us support our IT sector and allow the terms to speak for themselves, including anti-retribution and retaliation acts, and the sharing of selected intellectual property.

Splitting up Microsoft

Specifically the non-Windows platform community has attacked Microsoft for adding to much functionality to its OS, and therefore stifling competition. They argue splitting up Microsoft, would make it easier to compete with Microsoft. This ignores the large amount of developers and companies that have made available more than 100 000 programs available on the Windows platform. Splitting up Microsoft, will for them mean disrupting the dynamics of developing cutting edge technology for Windows.

Windows Building blocks

Splitting up Microsoft into pieces, will create smaller companies developing solutions/libraries that will not be included in Windows and therefore be keeping secrets from other independent developers who will have to develop their own incompatible solutions. Splitting up Microsoft, destroys Windows's ability to offer solutions for connecting together building blocks with the latest technology. Solutions that are now incorporated in Windows and documented for everyone, will end up as proprietary solutions outside Windows. Making it less feasible for smaller developers to keep up with the latest in technology.

Microsoft is giving us pre-tested building blocks guaranteed to be interchangeable and compatible with each other. Developers using these building blocks for their own designs, know that their programs will be compatible with combinations of future designs trying to link up with or work together with their designs. Think of the many millions of errors windows is getting rid of for current and future developers of software...

Whenever building blocks are rewritten with new interfaces, previous interface(s) are still available to let older designs work as building blocks change. This is true of COM+ and any of the API's that come with Windows. It beats trying to design applications to hook up to zillions of applications not using support from the OS.

The Internet building blocks Internet technology built into Windows, assists applications using various Windows technologies in communicating and sharing data with each other over the Internet. This degree of integration between applications/components is only possible by having these technologies built into the platform they are running on. Internet Explorer built into Windows facilitates in building web browsers. Any developer can build their own Web Browser with their own customized controls. In less than a day they can design their own Web Browser that is equal in power to Internet Explorer. Just download the MFCIE project from Microsoft Developer Network (has been available a couple of years). In less than a day you implement remaining Internet Explorer Functions through the OLE/COM+ interface. In a matter of days any organization can design their own Internet portals that access primarily sites of their own choosing.

Documentation for developing software Microsoft develops the functionality and the building blocks needed for applications and distributed components to interact with each other on the Windows platform. Microsoft also provides Documentation and Developer information for all developers to take advantage of these features. Preventing Microsoft from freely expanding these features to provide the latest technologies, will damage the industry's ability to develop comprehensive integrated software solutions for the Windows platform. Instead you will end up with incompatible proprietary solutions and a less versatile Windows platform.

I urge you to support our economy at this time, and help this settlement go through as it stands. I thank you for your support.

Sincerely,
Carl Lochen
cc: Representative Darrell Issa

MTC–00029353

From: John Cowhig
To: Microsoft ATR
Date: 1/28/02 11:12pm
Subject: Please be fair and don't reward Microsoft for breaking the law.

I believe the proposed settlement is not punitive enough for past behavior nor will it be very effective to deter future strong arm tactics by Microsoft. At this point, the company has assured itself a comfortable distance ahead of all major competitors. However, as the linux and Macintosh OS community continue to try to gain market share, Microsoft has moved onto conquer new frontiers.

It is important for the DOJ to focus on the future. The past damage is done, but Microsoft continues to use tactics which act

against the spirit of the law. The masses will continue to take the route Microsoft and AOL plan for them. However, there are many innovative small companies and grass roots type programmers who would like to continue to innovate. Please don't allow Microsoft to continue to place barriers in their way.

Thank you,
John Cowhig

MTC–00029354

From: Mayer Etkin
To: Microsoft ATR
Date: 1/28/02 11:14pm
Subject: RE: My comments on the settlement.
Please see attached 01–02–062 SEA
Clear Day
Capital Solutions, Inc.
Offices & Affiliates Worldwide
Email capsol@attbi.com
Seattle Office:
6719 Seward Park Avenue South
Seattle, WA. 98118
Tel 206–723–9353
Fax 206–723–9354
January 28th 2002
WPI # CSI APT 001
01–02–062 SEA
Confidential email of 2 pages to Microsoft.atr
@usdoj.gov
Ms. Renata Hesse
Trial Attorney
Antitrust Division
US Department of Justice
RE: Comments on the Microsoft Settlement

Dear Ms. Hesse,

I am writing this email to you in my support of brining an end to this travesty of justice. The United States Department of Justice was suckered into persecuting Microsoft under the guise of an antitrust action.

If I were the Judge and it were up to me, I would make the following ruling.

* The court fines Microsoft the sum of $1.00

* The court specifically precludes any plaintiff from using the case record in support of their civil motions or claims against Microsoft if any.

The purpose of antitrust jurisprudence is not to enable a competitor to gain what they what they otherwise fait to gain in an open and competitive marketplace nor is the purpose to enable the plaintiffs bar to file a bogus class action law suit and legally extort $100 million dollars from a defendant because it's cheaper to settle then to litigate.

* If it were up to me to rescind the conclusions of law and findings of fact in this case, I would do so and dismiss the case.

Finally, I accept and approve of the settlement that the Federal Government and Microsoft have agreed to and I order the states that have not joined in it to accept it and to drop all further litigation against Microsoft.

My reasons for making the above rulings are simple, go into any computer store and there are choices to be made. A consumer has the opportunity to decided for themselves exactly what their choice should be. If Microsoft had not taken the actions that they had, they would have run the risk of becoming an also ran in the software business and their operating system would have become obsolete. What one perceives as product improvement and natural migration in an evolving market may be perceived by a competitor in a different manner. It is up to the consumer to decide which is which and not for the government to interfere and make that determination for them. We are advocates of the law, not software engineers, designers nor marketers. In a dynamic and fluid market as this case has shown, what is being argued about is history not current events nor the current state of the software business.

Let's hope the Judge has the courage to rule as suggested and let companies do their battle with each other in the marketplace free of government and judicial impediments.

Have a great day.
Sincerely yours,
Capital Solutions,Inc.
Mayer Etkin, President

MTC–00029355

From: Dearallie
To: Microsoft ATR
Date: 1/28/02 11:14pm
Subject: Microsoft Settlement
PHYLLIS CONANT
65 Kirkland Avenue Apt. 202
Kirkland, WA 98033–6442 USA
Ph/FAX 425 828–9474
January 28, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Now that the Department of Justice and Microsoft have reached an agreement, why can't we just move on? It doesn't make sense that all of these states and companies are jumping on the bandwagon. I think that they are all liberal opportunists that are looking for a quick buck. What benefit does all of this have on the economy? Zero.

Microsoft has gone out of its way to settle this case, beyond what was required in the suit. They agreed to make available to the competition, protocols implemented from parts of its operating system that are used to operate with their server. Microsoft also agreed to the creation of a technical committee that will monitor Microsoft's compliance with the settlement and assist with any disputes.

Now that Microsoft has agreed to such generous terms, shouldn't we agree to let the settlement stand. Our Government has more pressing issues that they need to focus their attention on. I trust that you will do the right thing.

Thanks for your support in these efforts.
Sincerely,
Phyllis Conant

MTC–00029356

From: Rosemary Brubaker
To: Microsoft ATR
Date: 1/28/02 11:16pm
Subject: Microsoft Settlement

Judge Kollar-Kotally,

As a concerned citizen, I urge you to reject the proposed final judgment in the U.S. vs. Microsoft antitrust case. Microsoft is getting off easy, with most of its many billions in illegal profits going untouched. I'm also worried that Microsoft will continue to harm the high tech industry and the American consumer by using anti-competitive bullying tactics. This convicted monopolist must be dealt stronger punishment for the good of the public.

Sincerely,
Rosemary Brubaker
1502 Esbenshade Road
Lancaster, PA 17601
(408) 295–7374

MTC–00029357

From: glassguy@chouteautel.com@inetgw
To: Microsoft ATR
Date: 1/28/02 11:15pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Bruce Davis
R. R. 2, Box 769–2
Locust Grove, OK 74352–9626

MTC–00029358

From: Robert L. Jenkel
To: Microsoft Settlement
Date: 1/28/02 11:14pm
Subject: Microsoft Settlement
Robert L. Jenkel
587 E. Conestoga Circle
Grand Junction, CO 81504–7004
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition

means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Robert L. and Joyce Jenkel

MTC–00029359

From: Chetan Prabhudesai
To: Microsoft ATR
Date: 1/28/02 11:19pm
Subject: Microsoft Settlement

Dear Mr. Ashcroft,

As a user of both Microsoft and Apple computer products, I have to say that I feel Apple Computer has the edge in technology. The fact that Microsoft has a commanding lead over Apple can be attributed to Microsoft's superior marketing. Promoting one's product has never been illegal before, and definitely should not be now.

However, as I write this, I sit surrounded by Microsoft products: Windows, Internet Explorer, MSN Messenger, etc. I am typing this message on MSN Hotmail. Microsoft does have competitors in all of its business segments, but by packaging its inferior products together, it can make its software bundles seem superior to these competitors.

My father owns stock in Microsoft, yet I still do not fully support the company. It may not have committed a physical crime like murder, but it has damaged America's economy by not allowing free trade.

But perhaps economic crimes are not as bad as we think. Most companies recover from recessions, wars, etc.

In my opinion, the only solution to the Microsoft case is to stop it from bundling software. We cannot let Microsoft off too easily, but we should not punish it too hard. Terrorism is a far more important topic for the Supreme Court right now than a company that supposedly stifled innovation.

Sincerely,

Chetan Prabhudesai, 15

MTC–00029360

From: Mamusia@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 11:21pm
Subject: Microsoft Settlement.

I think the settlement with Microsoft is full and fair. At no time in history have consumers had access to such full-featured software at such low cost. I have reviewed the settlement and it seems to protect the public interest, while limiting Microsoft's actions in the future. It also seems to go beyond the original case, evidencing Microsoft's good faith in the matter.

Rebecca Ward

MTC–00029361

From: Sharon Rutland
To: Microsoft Settlement
Date: 1/28/02 11:17pm
Subject: Microsoft Settlement
Sharon Rutland
1068 Badger Road
North Pole, AK 99705
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Sharon I. Rutland

MTC–00029362

From: Norman Lasko
To: Microsoft Settlement
Date: 1/28/02 11:17pm
Subject: Microsoft Settlement
Norman Lasko
13400 Lakeview Dr. N
Omaha, AR 72662
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Norman E. Lasko

MTC–00029363

From: Leland Younkin
To: Microsoft ATR
Date: 1/28/02 11:22pm
Subject: Microsoft Settlement

Microsoft has developed their products for several years. It has produced programs and systems that has greatly benefited millions of consumers, businesses and governments.Without Microsoft's innovations and market savvy we would still be in the dark ages of the computer world Now comes a horde of lawyers (like vultures) seeking to gain large settlements for their benefit. I am convinced that they are not acting to benefit consumers. Just for their own greed Let us put this whole case to rest and let Microsoft continue to be innovative and produce their superior products for all consumers.

Sincerely;

Leland A. Younkin
335 Glendora Circle
Danville, CA 04526–3912
Email address BEONESEVEN@worldnet.att.net

MTC–00029364

From: DSchum2147@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 11:23pm
Subject: MICROSOFT JUDGEMENT
SEE ATTACHED
MTC–00029364_0001
2010 Crestwood Drive
Richmond, Texas 77469
January 8, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am happy to hear that the Department of Justice is ending its three-year antitrust lawsuit against Microsoft with a strong and binding agreement. This costly affair should have been ended a long time before this.

Microsoft did not get off easy. The settlement was arrived at after extensive negotiations with a court-appointed mediator. The company agreed to terms that extend well beyond the products and procedures that were actually at issue in the suit- for the sake of wrapping up the suit.

The agreement requires Microsoft to document and disclose, for use by its competitors, various interfaces that are internal to Windows'' operating system products that are used to communicate directly with the basic Windows system. Microsoft has also agreed not to retaliate against software or hardware developers who develop or promote software that competes with Windows or that runs on software that competes with Windows.

Microsoft has been distracted for long enough. This agreement will very much

benefit its competitors. I do not believe any more litigation beyond this settlement is necessary.

Sincerely,

Janey Schumacher

cc: Representative Tom DeLay

MTC–00029365

From: Douglas Schmutz
To: Microsoft Settlement
Date: 1/28/02 11:19pm
Subject: Microsoft Settlement
Douglas Schmutz
9404 Oakland AVe NE
Albuquerque, NM 87122–3806
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

This is just a note to say that I feel the currently contemplated settlement with Microsoft is a miscarriage of justice. The company has been and continues to be guilty of monopolistic business practices and is largely responsible for a great amount of the insecurity of the WEB. The only reason they have a fairly productive office suite is because they had to compete with WordPerfect. They did not innovate, it was WordPerfect that was the innovator, but because Microsoft controlled the operating system and could do it. they kept secrets that allowed them to make their product appear to perform better and made WordPerfect have incompatibility problems. They finally practically ruined WordPerfect by dropping prices and forcing computers to bundle their products instead of WordPerfect. The result is that now, they can (and do) raise the prices and of their products since the competition is almost nonexistent and they ship buggy software, full of security holes. I think it is in the interest of the consumer and the industry to place huge monetary penalties on the company and that money be distributed to software companies that used to compete so they can get back in business. Also they should be banned from producing software applications that run under Windows, so that they would have no interest in undermining the performance of thirdparty vendors.

Sincerely,

Doug Schmutz

MTC–00029366

From: robert shenk
To: Microsoft ATR
Date: 1/28/02 11:23pm
Subject: Microsoft Settlement

Not only does the agreement lack effective enforcement, but it seriously fails to address past, present, and future anticompetetive practices. We should also not reward companies that embrace standards for the purpose of perverting them. The end result is that the settlement preserves Microsoft's status quo. As a Senior Software Engineer I find this rather frightening.

Robert Shenk

MTC–00029367

From: Bill
To: Microsoft ATR
Date: 1/28/02 10:51pm
Subject: Microsoft Settlement

It was unclear whether the deadline for submission was midnight on 27 January or midnight on January 28, so please accept this submission. The following is my opinion and understanding of Microsoft based upon over 20 years of experience with computers and electronics. I am not affiliated with any Microsoft competitor or free competition group. Microsoft has significantly impacted my choices and capabilities in a TREMENDOUSLY negative way. The impact includes monetary, quality of life, and purchasing freedom. Due to their anti-competitive practices, I have been forced into using an inferior, OVERLY EXPENSIVE, and VERY COMPLEX product in my workplace and where unavoidable, at home.

Microsoft via either restrictive licensing and/or their initially ''free'' products coerces enough people using their product that they can later drive the market. People then must either use the Microsoft product or get left out of significant capabilities which Microsoft did not initially create, but which they have since taken over via either driving the real innovator out of business, purchasing the real innovator (or a competitor), or restrictive licensing. They have the money to do any of the three and have clearly done all of them more times than any other company in history. With only a few exceptions, MICROSOFT IS NOT AN INNOVATOR AND NEVER HAS BEEN. n

Here are some (not exhaustive) examples of Microsoft's successes or at least attempts to own or control nearly all aspects of the computer/electronics industry (percentages or rankings are my guess and better numbers should be easily obtained and will likely be large or increasing):

Operating System (have nearly killed Apple) 60%
Word Processing (have nearly killed Wordperfect, killed Wordstar and others) 80%
Spreadsheets (killed Lotus, I7...) 80%
Presentation 80%
Project Management (hurt FastTrack) 80%
DB (measurable impact to Oracle, Sybase) 40%
Browser (have nearly killed Netscape, killed Mosaic) 79%
Audio Player (will hurt RealPlayer, Quicktime) ??%
Movie Editor (intent to hurt iMovie and Final Cut Pro) ??%
Network-MSN (hurt AOL, others) 30%
Information—.NET, Passport ??%
Servers (significant impact to Solaris, IBM, and HP Unix Servers) ??%
PDA Pocket PC OS (significant impact to PalmOS vendors) 45%
Gaming—XBOX (targets are Playstation, Nintendo, others) ??%
Satellite TV—Ultimate TV (target TiVo) ??%
SW Development.—VisualBasic, C++, Classes (one area which they helped originate)??%
Web Development.—Frontpage ??%
PIMs—Entourage (target Now-Up-To-Date and others) ??%
Encyclopedia—Expedia (target Groliers, others) ??%
E-Mail SW—Outlook (killed Quickmail, hurt Lotus) ??%
Design—bought Visio ??%
Java (attempted hijack of the Sun standard) ??%
News—MSNBC (CNN, Fox, others) #3
eGreeting Cards MSN#4
Expedia Travel #2
Webmail Hotmail Tied #1
Finance MSMoney#5
Housing MSN Home Advisor #4
PC Games AgeOfEmpires #2

As one can see, Microsoft has way too much control of too much of our computing/electronics-related way of life. There are also numerous other areas in which Microsoft has a least some interest and which we are not yet even aware of. EVERYONE knows that once Microsoft decides they want to dominate an area, there are few companies IN THE WORLD which will be able to compete with them. This is due to NOT JUST THEIR PRACTICES, but is also due to their ABILITY and willingness to unethically (and illegally) leverage areas which they already have control.

Please break Microsoft's applications development from their operating system development. I believe this is the ONLY thing that can prevent Microsoft from continued restriction of competition. I strongly look forward to purchasing freedom and use of alternate operating systems and applications, both at home and at work.

Thanks,

Bill Eller

Greenville, TX

MTC–00029368

From: DEBORAHBAHARA@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 11:24pm
Subject: Microsoft Settlement
My comments are attached.
Deborah Gouge
MTC–00029368—0001
522 Woodland Road
Sewickley, Pennsylvania 15143
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

This is in regard to the settlement that has been reached in the government's three- year antitrust case against Microsoft. I want to let you know that I support the settlement that has been reached by the parties involved. The continued pursuit of this case would be a waste of time, money, and human resources. Microsoft will be making a number of specific changes due to the settlement. For instance, Microsoft has agreed to allow computer makers to remove the means by which consumers access various features of Windows, Windows Messenger, Microsoft's Internet Explorer, and Windows Media Player.

Also, the company has agreed to document and disclose various interfaces that are internal to Windows'' operating system products for use by its competitors. I ask that the government accept the settlement, and stop continued litigation against Microsoft.

Sincerely,

Deborah Gouge

cc: Senator Rick Santorum

MTC–00029369

From: Hamachek,Don
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/28/02 11:20pm
Subject: MicroSoft Settlement
12360 Edenwilde Drive
Roswell, GA 30075
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I would like to see the Microsoft settlement agreement finalized. The litigation has dragged on for long enough, to the detriment of the entire technology industry.

I work in the tech industry as a consultant for Cerner Company. I have witnessed firsthand how this case has negatively affected the technology world. Settling the case is in the best interest of everyone.

The terms of the settlement agreement are reasonable. Microsoft has agreed to license Windows to the 20 largest computer companies at the same price. They have also agreed not to retaliate against those who promote or develop software that competes with Windows. These types of concessions will help allay fears of anticompetitive business practices.

I appreciate your efforts at concluding this litigation. Thank you for your consideration of my comments regarding this issue.

Sincerely,
Electronically signed
Donald Hamachek

MTC–00029370

From: Kattner
To: Microsoft ATR
Date: 1/28/02 11:24pm
Subject: Microsoft Settlement

Please accept settlement upon which you have requested public input.

MTC–00029371

From: Abe Lum
To: Microsoft ATR
Date: 1/28/02 11:25pm
Subject: Microsoft Settlement

I was pleased to hear that the Department of Justice and a number of states have made efforts at settlingthe Microsoft antitrust case. I am writing today to urge the court to approve the settlement agreement. Nothing can be gained by continuing litigation in this case. Microsoft has been more than fair in agreeing with changing some of their practices. I hope to see the agreements finalzed in the near future. I thank you for your time and attention.

Abe Lum
5004–29th So.
Seattle Wash 98108

MTC–00029372

From: Thomas Keplar
To: Microsoft Settlement
Date: 1/28/02 11:21pm
Subject: Microsoft Settlement
Thomas Keplar
2710 Emmet Dr.
Logansport, IN 46947
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Thomas Keplar

MTC–00029373

From: Karen Martin
To: Microsoft Settlement
Date: 1/28/02 11:22pm
Subject: Microsoft Settlement
Karen Martin
897 S. Washington PMB 227
Holland, MI 49423
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Karen E. Martin

MTC–00029374

From: Joseph Wojtowicz
To: Microsoft Settlement
Date: 1/28/02 11:22pm
Subject: Microsoft Settlement
Joseph Wojtowicz
1390 Northfield Drive
Mineral Ridge, OH 44440–9420
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Joseph T. Wojtowicz

MTC–00029375

From: Harry Chandler
To: Microsoft Settlement
Date: 1/28/02 11:22pm
Subject: Microsoft Settlement
Harry Chandler
1109 Dixon Dr.
Chula Vista, CA 91911–3304
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the

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Thank you for this opportunity to share my views.

Sincerely,

Harry C. Chandler Jr.

MTC–00029376

From: Albert Bryson
To: Microsoft Settlement
Date: 1/28/02 11:23pm
Subject: Microsoft Settlement
Albert Bryson
P.O. Box 365
Cochranville, PA 19330–0365
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

AlbertvBryson

MTC–00029377

From: ACalapai@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 11:27pm
Subject: Fwd: Attorney General John Ashcroft Letter
349 Gardiners Avenue
Levittown, NY 11756–3701
January 26, 2002
Attorney General John Ashcroft
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

As a retired accountant who has been following the Microsoft antitrust case, I'm still trying to come to terms with the fact that it was determined that Microsoft was acting as a monopoly. How has the public been hurt by the practices of Microsoft? I remember when the price of computers and software was prohibitive for the consumer. Because of Bill Gates'' technical and business acumen, DOS standardized and unified computer systems, and Windows popularized the graphical user interface, dramatically increasing user-friendliness and computer literacy. Thanks in large part to these developments; computers are now commonplace and cheap, reliable and easy to use, and versatile and useful in all kinds of ways.

Now that a settlement has been reached, there is now the threat of more litigation? It's a desperation move on the part of Microsoft's competition. Since they lack the knowledge and the fortitude to compete in the market, they're suing instead. And the attorney generals of the nine states that want increased litigation are only trying to further their careers by getting more money for their respective states. This is grossly unfair.

Microsoft has gone out of its way to cooperate even beyond what was expected. What other company has agreed to license its operating system to the 20 largest computer companies on identical terms, conditions and price?

Microsoft did. How many companies have agreed to disclose various internal interfaces of their operating system to the competition? Microsoft did. I guess that's not enough?! This lawsuit has got to stop. It has dragged on for over three years and may take another three years to resolve. I'm afraid for what this could do to the economy if it is allowed to continue. More poor people have moved up the ranks toward middle and upper middle class because of Bill Gates. have full faith in Microsoft's ability to come back on top if this litigation ends quickly. Otherwise, if the company is allowed to be destroyed, it will have devastating effects on this already fragile economy.

Sincerely,

Andrew Calapai

MTC–00029378

From: Walt Birdsall
To: Microsoft ATR
Date: 1/28/02 11:29pm
Subject: Microsoft Settlement

From 1979 to 1982, the Federal government squandered millions of taxpayer money trying to destroy one of the finest companies the American industrial genius has ever produced: International Business Machines, commonly known as IBM. With its reputation for boat-anchor reliable hardware and its legendary and meticulous obsession with customer service, IBM was the standard by which all other computer companies were measured.

At the last minute, the Feds broke up the phone company. Today, our computers are world-class and our patchwork quilt phone system is on par with Afghanistan.

The Federal government is now trying to destroy Microsoft, probably using the same legal blunderbusses, the same hapless but deep-pocketed taxpayers, and for the same misguided reasons: it's too big, it's a monopoly, they make too much money, stifle competition... et cetera, et cetera.

Do you folks not learn from past screw-ups?

As a professional software engineer, let me explain Windows to you. Windows is typing. Nothing else is involved. No natural resources were consumed, no wildlife was endangered, no wetlands were compromised, and no child labor laws were violated (although I've known some pretty immature teckkies in my day!) A bunch of ill clad, anti-social, frequently unwashed engineers of dubious morals and execrable personal habits, gather in consort... and they type.

And the public buys it. If you don't like it, don't buy it. Are you with me?

A few years ago, some twit at the Department of Justice crowed about having created a ''level playing field'' with respect to Microsoft. (Sports metaphors are very much in vogue at the DOJ.)

The next day there was great rejoicing in the streets of Bonn, New Delhi, Tokyo, Taipei, and London. They just *love* level playing fields!

It is the nature of the computer business that one company must dominate and set the standards that define the industry. Previously, that company was IBM; today, it is Microsoft. If you damage Microsoft, you will foment an unimaginable Tower of Babel chaos. Do you have any idea of the trillions of dollars of American wealth that have been created and leveraged by Microsoft's craftsmanship? Where would Mike Dell be? Intel? Seagate, Maxtor, and Western Digital, if there were no Windows? How many printers do you think HP would sell if there were no PCs to plug into? The Internet would revert to what it once was: an academic play-toy.

Someday, the natural evolutionary forces of technology will cause Microsoft to be set aside into an honored, hallowed place in industrial fossil history, and to a well-deserved rest. My teckkie brethren and I will then create a new enterprise.

Sadly, no one in government has any understanding in this arena except to meddle and create unimaginable mischief.

Please do us all a favor and just go away.

Walt Birdsall

Retired software engineer

MTC–00029379

From: ALBERT M. JACHENS
To: Microsoft Settlement
Date: 1/28/02 11:25pm
Subject: Microsoft Settlement
ALBERT M. JACHENS
4492 W. SIERRA
FRRESNO, CA 93722–2916
January 28, 2002
Microsoft Settlement

U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry.

It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
ALBERT M. JACHENS

MTC–00029380

From: VMo1830Q@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 11:29pm
Subject: Microsoft DOJ Settlement
8426 Academy Street
Houston, Texas 77025
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to say that I am pleased that the Justice Department and Microsoft have finally agreed upon a settlement.

Microsoft's philosophy of a computer in every home with everyone having access to the Internet at a reasonable price has made this country the most computer literate in the world. I understand this settlement will force Microsoft to make a number of specific changes to its products and business practices.

I only hope that this ''government'' control will not stifle Microsoft from continuing to develop new products at reasonable prices and advancing computer communication and usage.

Sincerely,
Rex Morris
8426 Academy St.
Houston, Tx 77025
713–592–6549
vmo1830q@aol.com

MTC–00029381

From: Gail Hemmerich
To: Microsoft Settlement
Date: 1/28/02 11:24pm
Subject: Microsoft Settlement
Gail Hemmerich
4464 Mosquito Lake Road
Deming, Wa 98244
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Gail Hemmerich

MTC–00029382

From: Jeff Jarrard
To: Microsoft Settlement
Date: 1/28/02 11:25pm
Subject: Microsoft Settlement
Jeff Jarrard
601 S Washington St. Apt. 407
Seattle, WA 98104
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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It should also be noted that the explosive growth in the host count on the Internet, the boom in new technology and innovative new business models (such as the one from which I am sending this message) were made possible by Microsoft's Internet Explorer, not Netscape. The Internet was a fledgling, hard-to-use network closed to the ''average American'' before Microsoft included I.E. in Windows 95. It was nothing more than a hobbyists pastime until then.

Thank you for this opportunity to share my views.

Sincerely,
Jeff Jarrard

MTC–00029383

From: George Gribben
To: Microsoft Settlement
Date: 1/28/02 11:27pm
Subject: Microsoft Settlement
George Gribben
580 Highland Hills Dr.
Howard, OH 43028
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
George A. Gribben, Jr.

MTC–00029384

From: Gayle Drake
To: Microsoft Settlement
Date: 1/28/02 11:26pm
Subject: Microsoft Settlement
Gayle Drake
10211 Old Fort Rd.
Klamath Falls, OR 97601
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry.

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Thank you for this opportunity to share my views.

Sincerely,
Gayle Drake

MTC–00029385

From: John Hughes
To: Microsoft ATR
Date: 1/28/02 11:32pm
Subject: Microsoft Settlement

I am against the current settlement between the justice department and the nine states with Microsoft. As a consumer of computer products I feel that Microsoft has abused it's monopoly power and will continue to do so. As a consumer I feel that I should be allowed choices of the features that my operating system on my computer should have.

Sincerely,
John Hughes
johnhug@iglou.com

MTC–00029387

From: Wayne Quinton
To: Microsoft ATR
Date: 1/28/02 11:32pm
Subject: Microsoft Settlment
January 23, 2002
Attorney General John Ashcroft
US Department of Justice,
Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

I am writing to tell you what I think of the Microsoft Case. This case is certainly not serving the public interest; it wasn't even brought on by the public. It was brought on because of their competitors'' influence and is now being paid for with tax money. This case is a ridiculous waste of tax money. People are suing Microsoft because they can't compete. I think there is something wrong when the law allows that.

Microsoft is passing on their technology secrets to their competitors and has even promised not to retaliate when competitors create products from that technology that would compete with Microsoft. If that's not fair, then I don't see what would be. Breaking up the company would be disastrous to our country's economy.

This settlement is long past due and needs to be accepted immediately.

Accepting this settlement is the right way to end this mess.

Thank you for your time.
Sincerely,
Wayne Quinton
The Highlands
Seattle, WA 98177

MTC–00029389

From: Karen Horovitz
To: Microsoft ATR,06karenh@
students.harker.org@inetgw,...
Date: 1/28/02 11:35pm
Karen Horovitz
Period 2
1/28/01

To Whoever it may concern-

I think that the government should accept the settlement from Microsoft. Although Microsoft is a monopoly, in our history there have been many other monopolies. One of them, Rockafeller's oil monopoly, had given him huge profits. Rockafeller had gotten rich on a trust fund. Now the new issue is Netscape vs Internet Explorer.

AOL Time Warner is suing Microsoft because they claim that they have been bundling their software with Internet Explorer browser and that this has reduced the internet market share for Netscape.

Well I don?t think Netscape should be blaming Microsoft when they are actually the ones who are bundling.

They bundle their product with both the hardware and software, making the buyer actually get two things in one.

Not only this, but AOL Time Warner is a huge company. They own many sub-companies. These companies include Warner Bros., AOL, and many other entertainment companies. Because of this, they probably are just suing Microsoft because they want to be the biggest company. Microsoft spokesperson Jim Desler says, ?AOL Time Warner has been using the political and legal systems to compete against Microsoft for years?? This just shows that they sued Microsoft to compete against Microsoft. Microsoft may not be the only ones violating the antitrust act.

MTC–00029390

From: Joseph Beyer
To: Microsoft Settlement
Date: 1/28/02 11:29pm
Subject: Microsoft Settlement
Joseph Beyer
1527 S.E. Schiller St.
Poreland, Or 97202
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry.

It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Joe Beyer

MTC–00029391

From: HARRYR63@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 11:34pm
Subject: Microsoft Settlement
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

The intention of this letter is so that I may express my feelings about the antitrust suit against Microsoft, and the settlement that was reached last November that ended that suit. The Department of Justice and Microsoft agreed to terms on a proposed settlement, and I support that proposition.

I do believe however, that Microsoft should have been left alone in the first place. There are many other corporations that should have received the attention from the government that Microsoft did. There are terms in the settlement that go a little far, especially the ones that force Microsoft to turn over their intellectual property to competitors. They will be documenting various interfaces and source code that is internal to the Windows'' operating system, and giving that to their competitors. This is a travesty of justice.

The antitrust suit against Microsoft was uncalled for, but I guess that the settlement is the best thing that could have happened. It could have been much worse. I support the

settlement because I do not wish to see any further legal action taken against Microsoft.

This entire law suit was brought about because of sour grapes on the part of a few people, namely Sunmicro system's CEO. With his connections with a few Senators, namely Warren Hatch from Utah. He was able to get a senate hearing, and the rest is history.

Gosh darn it, the Federal Government can do us a great deal more good by going after such corporations as big oil. Look at what they are doing with the price of oil, at this very moment, with market control of prices almost varying by zip code. And they talk of Bill gouging the public for his Windows programs and getting by with it due to a lack of competition— please, give me a break.

Sincerely,
Harry Riddle
P.O. Box 88
No. Lakewood, WA 98259
CC:fin@mobilizationoffice.com@inetgw

MTC–00029392

From: David Little
To: microsoft.atr
Date: 1/28/02 11:34pm
Subject: Microsoft Settlement Comment
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
28 January 2002

Ms. Hesse,

This letter presents my comments to the Proposed Final Judgment in the Microsoft Settlement. I object to the PFJ on the following grounds:

-It fails to require the release of the Office file formats. As I IT professional I've seen the lack of alternative Offices packages as a key source of the Microsoft's hold on the desktop since the ability in exchange documents in binary form is a key to collaboration both inside and outside the organization.

-It fails to address Enterprise License Agreements. Microsoft's licensing of both the OS's and Office require payment for all computers. As computers are scrapped due to age the licenses can't be moved the newer machines since OEM's require an OS to be installed.

-It fails to provide an effective enforcement mechanism. Microsoft has shown its willingness to circumvent agreements in the past. Without a strong enforcement mechanism I believe they will do so again.

There have been several lists of issues publish but these are the ones I consider the most important.

Thank you for the opportunity to comment.

David H. Little, Jr.
PO Box 90111
Raleigh, NC 27675
dhlittle@mindpring.com

MTC–00029393

From: Virginiastone527@cs.com@inetgw
To: Microsoft ATR
Date: 1/28/02 11:34pm
Subject: microsoft
Virginia Stone
215 Shope Creek Road
Asheville, NC 28805–9796
January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft: After three long years, the Department of Justice and Microsoft have reached an agreement ending the antitrust suit brought against Microsoft. I want to give my support to this settlement and ask that you do also.

Microsoft has been more than fair in dealing with this issue. Microsoft has agreed to work with companies to achieve a greater degree of reliability with regard to their networking software; Microsoft has agreed to grant computer makers license to configure Windows so as to promote non-Microsoft software.

The list goes on and on. Microsoft and the Department of Justice obviously want to put this case behind us. Further litigation will only be counterproductive.

Give your support to this agreement. Thank you.

Sincerely,
Virginia Stone

MTC–00029394

From: Sandy Graham
To: Microsoft ATR
Date: 1/28/02 11:36pm
Subject: Microsoft Settlement
January 28, 2002

Dear Mr. Ashcroft:

I am writing to express my support in the recent settlement between Microsoft and the federal government. I sincerely hope that no further litigation is being pursued at the federal level.

It is my opinion that any further action would be completely unnecessary. Saundra Graham grahamws@attbi.com

MTC–00029395

From: female1@iwon.com@inetgw
To: Microsoft ATR
Date: 1/28/02 11:34pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Terese Marks
3122 Heritage
Troy, MI 48083–5784

MTC–00029396

From: F. John Leonard
To: Microsoft Settlement
Date: 1/28/02 11:33pm
Subject: Microsoft Settlement
F. John Leonard
69 Farr Lane
Elmira,, NY 14903–7907
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry.

It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Mr. F. John Leonard

MTC–00029397

From: John Moon
To: Microsoft ATR
Date: 1/28/02 11:38pm
Subject: Microsoft Settlement
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I recently learned the federal government and Microsoft settled their antitrust lawsuit. As the CTO of a custom software applications firm utilizing Microsoft technology, I would like to express my satisfaction with the settlement of this matter out of court.

Continued litigation on this matter would not be productive and would only serve to make the lawyers rich at the expense of innovation, among other things. That is why Microsoft wants to settle—not to mention it has been forced to spend untold millions on defending itself for the past three years.

Settling this lawsuit will lift the cloud of apprehension and nervousness that has plagued many tech firms since its inception.

The positive affects of settling this matter are quite clear. It will enable my company to continue designing custom applications without the headache of triple-sourcing which is what a Microsoft breakup would have caused. This may sound like a minor thing, however, it is not. It would be an inefficient administrative nightmare that would affect the performance of the company.

It is my hope that the settlement is finalized at the conclusion of the public comment period. It is in everyone's best interest.

—John Moon
moon@digitalbuilders.com
310/300–1701
digital builders, inc.
310/DIGITAL
310/300–1600 fax
www.digitalbuilders.com

MTC–00029398

From: Rolland Brengle Jr
To: Microsoft ATR
Date: 1/28/02 11:38pm
Subject: MICROSOFT SETTLEMENT

I believe the settlement Microsoft offered should be accepted by the DOJ. Consumers are the ones that will benefit from using Microsoft products.

R. M. Brengle, Jr.
3325 Center
Highland MI 48357

MTC–00029399

From: Leland Younkin
To: Microsoft ATR
Date: 1/28/02 11:40pm
Subject: Microsoft Settlement

Microsoft has developed their products for several years. It has produced programs and systems that has greatly benefited millions of consumers, businesses and governments.Without Microsoft's innovations and market savvy we would still be in the dark ages of the computer world

Now comes a horde of lawyers (like vultures) seeking to gain large settlements for their benefit. I am convinced that they are not acting to benefit consumers. Just for their own greed Let us put this whole case to rest and let Microsoft continue to be innovative and produce their superior products for all consumers.

Sincerely;
Leland A. Younkin
335 Glendora Circle
Danville, CA 04526–3912
Email address BEONESEVEN@ worldnet.att.net

MTC–00029400

From: RICHARD SMITH
To: Microsoft ATR
Date: 1/28/02 11:40pm
Subject: Microsoft Settlement
11531 Reltas Ct.
Cincinnati, OH 45249–1707
January 28,2002
The Hon. John Ashcroft;
Attorney General;
U.S. Department of Justice;
950 Pennsylvania Avenue, NW;
Washington, DC 20530–0001

Dear Mr. Attorney General:

The Department of Justice made a good pitch to Americans at the start of the ''U.S. vs. Microsoft'' lawsuit. We were told that the consumer needed government intervention to avoid being injured by Microsoft's unethical business practices. However, three years of litigation have proven enormously expensive for Microsoft and for the federal government. The inevitable result will be that any substantive benefit the settlement brings to the consumer will be balanced or outweighed by the great burden that the suit has been for the IT industry as a whole. Microsoft will have to reveal portions of Windows code to competitors and by being subject to the permanent scrutiny of a three person committee formed to review Microsoft's actions for years to come. This should be considered a fair resolution.

PLEASE—let's stick to the agreement!! Anymore time and resources spent in persuing Microsoft at the federal level can only serve to raise the price of the lawsuit to customers and taxpayers. It is high time to see this matter put behind us. The Department of Justice must end this lawsuit as soon as this period of public comment is concluded.

Very sincerely,
Richard Smith

MTC–00029401

From: James Brubaker
To: Microsoft ATR
Date: 1/28/02 11:41pm
Subject: Concern re the Microsoft Settlement

Honorable Judge,

I'm writing to ask you to reject the proposed final judgment in the U.S. vs. Microsoft case. Microsoft has been found to have violated our nation's antitrust laws, reaping many billions of dollars of profits in the process.

This proposed settlement would allow the company to retain almost all of that. I am also concerned that there are no provisions to protect us from Microsoft's continuing anticompetitive behavior. There is no indication Microsoft will cease its antitrust violations, and the company is left to police itself!

Actually, the proposed final settlement would amount to a government validation of the monopoly. I urge you to reject the proposed final judgment as it is not in the best interest of the public.

Respectfully,
James Brubaker
1502 Esbenshade Rd.
Lancaster, PA 17601–4450
717–295–7374

MTC–00029402

From: Pat Iler
To: Microsoft Settlement
Date: 1/28/02 11:37pm
Subject: Microsoft Settlement
Pat Iler
3510 W. Shady Side Road
Angola, IN 46703
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry.

It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Pat Ier

MTC–00029403

From: James T Pulaski
To: Microsoft ATR
Date: 1/28/02 11:42pm
Subject: My comments on the MS antitrust settlement

My view is that no one operating system should entirely dominate the market.

Not Windows, Mac OS, OS 2 Warp, Linux, Unix, nor Be OS.

So I think Windows needs to be around, but Microsoft has just gotten to big!

I only want to make a few quick suggestions. These comments should be in addition to other remedies already decided.

Microsoft (MS) should be forced to make a choice between the software business and the operating system (OS) business.

If they want to be in the software business, Windows should be made open source. This would prevent MS from taking over the market by virtue of being first to the OS table. It would foster innovation by making the playing field even.

If they want to be in the operating system business, then all other software divisions should be spun off into separate entities (or one big software entity). This again would take away the incentive for MS tying software inexorably to their operating system.

In addition, I like the idea of giving something to education. I think they should donate $800 million cash to the nations schools to be used for computer training and equipment. The schools would be free to choose what-ever brand of computer and operating system they prefer.

That is my two cents! Good luck!
Jim Pulaski

MTC–00029404

From: Todd Buckley

To: Microsoft ATR
Date: 1/28/02 11:43pm
Subject: Microsoft Settlement

I am writing this letter to voice my concern over the monopoly power that Microsoft Corporation has used in order to retard innovation in the computer industry. I have been a computer user for almost 20 years and I have seen many technologies come and go, but never have I witnessed a company with such zeal and destructive power. I am sure Microsoft truly believes that it is innovating and improving the quality of life for the general computer user, but I find it interesting that the patents held by Microsoft are significantly smaller than patents held by other companies, such as Apple Computers, Inc.

Where has the innovation come from? Microsoft is excellent at copying and mass marketing technology, but they do not innovate for the good of humanity. Quotes like this sum it up, ''Through its conduct toward Netscape, IBM, Compaq, Intel, and others, Microsoft has demonstrated that it will use its prodigious market power and immense profits to harm any firm that insists on pursuing initiatives that could intensify competition against one of Microsoft's core products,'' Jackson wrote in his findings of fact in November 1999.

This is completely true. I have first-hand experience working with Microsoft and it isn1t pleasant. I have watched companies such as Apple Computer, Real Networks, and BE, Inc. create new, beneficial products for the market, but to only get strong armed by Microsoft. And another quote that demonstrates Microsoft1s behavior. ''Many of the tactics Microsoft employed have also harmed consumers indirectly by unjustifiably distorting competition.''

There are numerous things that Microsoft has introduced that have badly hurt the consumer such as Security. Look at how many viruses have been spread. This directly equates to reduced productivity. Where is the innovation? Think about Digital Video. Apple1s Quicktime was the first computer program to use moving images and sound on a broad level for computer users. That was 1990. This lead to Real Networks, or Progressive Networks at the time, which created the ''streaming'' audio and video market over the Internet. It wasn1t until much later that Microsoft finally realized this would be an important part of an end-users experience. Microsoft did not innovate. They used their desktop OS volume to force feed consumers with a second rate technology. After many, seven, development cycles Microsoft has managed to release a good product, but there were good products available before. This behavior does not benefit the end-user.

Apple contracted with a 3rd party to help develop QuickTime for Windows. Unable to countenance Apple's success with a Windows add-on and incapable of developing an equivalent technology within, the Microsoft camp hired the same company to bail out Video for Windows. Lo and behold, Apple programmers discovered amazing similarities in Microsoft's code. Apple filed an injunction and forced Microsoft to rework their code. As part of the recent deal, Microsoft paid Apple 100 million dollars and Apple has agreed to drop such contentious issues and cross license core technologies. Potentially, of course, the market for QuickTime or a Windows equivalent is enormous.

Another example of Microsoft abuse is the user interface. Apple filed patent 5,959,624, in January 1997 which enabled many innovations in the user interface for the desktop computer. Microsoft copied many of these things. Microsoft did not innovate.

There is no justification for Microsoft1s behavior. The massive power and influence of Microsoft has hurt the consumer by limiting innovation. There are numerous more examples I could site, but I want to keep this letter to the point. Microsoft is a monopoly. Microsoft has harmed the consumer directly through its actions. Microsoft has not innovated on the consumers1 behalf. As this settlement continues please, keep these things in mind. Microsoft should not be allowed to continue with ''business as usual'', but they should be punished accordingly. The punishment should not be a simple solution, but a complete solution that will enable an industry to grow and thrive like a balanced eco-system.

Thank you,
Todd Buckley
CC: microsoftcomments@doj.ca.gov@inetgw,attorney.gener...

MTC–00029405

From: Philip Brazil
To: Microsoft Settlement
Date: 1/28/02 11:39pm
Subject: Microsoft Settlement
Philip Brazil
5205 Sabin Ave
Fremont, CA 94536
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Philip E Brazil

MTC–00029406

From: Kevin Schumacher
To: Microsoft ATR
Date: 1/28/02 11:44pm
Subject: Microsoft Settlement

I am a private citizen, not employed by any computer-industry company, organization, or group, writing about my concern the effects of Microsoft's business practices have had on the ''free market''. I have not been asked to write on behalf of anyone, or any company.

Microsoft is a moving target, a company who the courts have recently agreed, has ''won'' by cheating, a company who has a history of using dirty tricks, intimidation, and taking advantage of every possible loophole. They also made a mockery of their last ''agreement'' with the DOJ by violating it at every opportunity, and what has the government learned from these experiences? —Not enough, apparently.

If you will indulge me for a moment, my ''prediction'' for the future is that Microsoft will be spending more & more of their time in courts all over the world, not just in the US. Have you seen Microsoft's FY2001 last quarter's charge of $600,000,000.00 for ''legal expenses''? This trend will be growing —exponentially, and ''rightly'' so. The Chinese, UK, and French governments have realized how firmly they are in Microsoft's grip, and how much of their national wealth is being paid to this (American) gorilla...so much so that the Chinese government's policy is to move to Linux. Others will follow.

I'm quite sure that Sun will continue to develop Star Office. I also think that Apple's Mac OS X will be adopted in more business environments, but only because it does work well in a WinTel-dominated networking world. Apple must improve OS X's interoperability with Windows networking environments to have any real hope of growing their market share. This assumes that Microsoft's moving target strategy, combined with their -embrace, -extend, -extinguish, tactic (''because our customers demand it!''), or the ever-present FUD (Fear, Uncertainty, and Doubt) factor effect, or finally their last big gun, the $36,000,000,000,000 in their savings account, —doesn't slow Apple down so much that it's impossible for them to succeed...a BIG assumption. In the end, even if a few other companies produce a great new product, Microsoft will simply BUY THEM, —if the DOJ allows...just like they bought SGI's intellectual property, i.e. OpenGL...which, by the way, Apple's OS X uses (what a coincidence!), or simply develop a clone and then pollute the original. —Java, anyone? Here's a quote from a very recent article published on the web:

''The second most common critique had to do with my comments about Apple being a niche player. Many readers brought up examples of strong companies that themselves enjoy no more—and sometimes less—than 4.5 percent overall market share. But that reaction is (pardon the expression)

like comparing Apples to oranges. BMW and Ben & Jerry's are viable companies with relatively small market share. But neither of them is competing in a market dominated by one proprietary technology platform. There is no 95 percent gorilla in the jungle of the automobile or ice cream market. But there is one in the personal computer world, and it's called Wintel.'' No, no, no! It's called ''Microsoft'', not ''WinTel''! AMD is a major alternative/competitor, to be fair, and there are several minor players as well, but, —there's only ONE Microsoft. This point is critically important! Microsoft is the world-dominating, company-killing machine; it's Microsoft steering the boat...Intel is a very grateful passenger, trying very hard not to rock the boat (too much). Remember when Intel tried to ''do their own thing'' by developing their own multimedia software, and how Microsoft responded? Nothing happens without Bill's approval, combined with ''plausible deniability''. Sound familiar? Requisite knowledge for CEO's, these days.

Apple has suffered through a decade of negative press, who constantly produce headlines asking the same question, ''Can Apple Survive Another Year? ...why not ask the other, more relevant question, —''How Does Microsoft Constantly Defeat All Other Companies?''...and then ask why consumers, and the US Government, don't seem to care one iota until they find bloody corpses littering corporate America? Netscape, DR-DOS, VisiCalc, Apple (and the innovator, -QuickTime!). Microsoft copies everyone, adds it to their OS, which kills the innovators. ...RealNetworks, and Java, next?

Or, Microsoft ''competes'' with Sony's Playstation by buying up the gaming developers to ensure Xbox-only titles. Sounds a lot like one of the tactics used to ensure the ''success'' of Windows. If Microsoft can't/isn't allowed (anti-trust issues) to buy them up, Intel steps in for the assist; look to the audio & video companies for some recent examples (Terran & Avid). Is this the way companies win? Is this ''competing'' in America?

I have two questions, and I hope you will think about them before coming to a decision regarding an appropriate settlement with Microsoft:

1. (If) I have a great new idea for a piece of software, an idea so good that it is certain to change the way computers are used by everyone...business, consumers, schools, etc... How Likely Is It, That I Could Ever Hope To Bring It To Market Where The 900 Pound Gorilla Rules?

2. Why do the real innovators in today's computing world fare so poorly? How is it possible to have great ideas/products/management/funding, etc...and still fail completely? So completely, that there's room enough only for Microsoft?

Consider that Apple's very future relies on Microsoft continuing to publish MS Office Suite for Macintosh, and that, should Microsoft ever want to put Apple out of business overnight, they could by discontinuing this one product. Think I'm exaggerating?

How is it possible to arrive at a just remedy, without first addressing these issues? As you search for a remedy, consider making —file formats— a ''government & ISO-mandated World Standard''...so that at the very least, Microsoft won't be able to constantly use their embrace/extend/extinguish tactics —''because our customers demand it!''

Consider splitting the company into an Applications Group, and an Operating Systems Group. This is NOT as radical a solution as some have made it out to be.

Consider forcing Microsoft to make Apple (or some other third party company) a licensee of MS Office Suite for Macintosh, to remove the doubt & worry from the marketplace put there by Microsoft, that maybe, one day, we'll stop publishing it for the Mac...then where will all of you poor Mac-users be?

Sincerely,
Kevin Schumacher
771 13 th St
San Diego, CA 92101–7303

MTC–00029407

From: John Thurlow
To: Microsoft ATR
Date: 1/28/02 11:46pm
Subject: Microsoft Settlement

Dear Sirs,

I truly hope this settlement will be accepted so that this whole matter can be put behind us and we can move on. As a consumer I have often felt that some of the more extreme remedies proposed by some of the Attorney's General and Microsoft's opponents amounted to something of a sword hanging over my head a punishment for all those years ago having abandoned the Apple II in favour of a Gateway PC because I could not afford to buy into Apple's Macintosh ''monopoly''. I could see in Microsoft a company which had offered me a way forward when I was stuck on an aging architecture (the Apple II) being carved and quartered in a way that meant the products I currently use and depend on would be negatively impacted. Suffice to say that whilst I believe Microsoft is not totally blameless, I have never bought into the notion that they are a purely malevolent force and the scourge of the industry, the fact is that Microsoft was never handed a ''monopoly'' it had to earn that position of dominance from scratch and the sad truth is that attaining that position had as much to do with their competitors ineptitude and greed as it did with Microsoft's innovation and savvy. I will not dwell on my differences with the monopoly ruling and all that stemmed from that and some of the crass opportunism on the part of Microsoft competitors and lawyers that continues to flow from that decision, but will focus on my two cents worth regarding this settlement.

The proposed settlement offers not only a way to bring this protracted process to a close, but also addresses the concern of choice and flexibility in the market by giving OEM manufacturers a greater choice in how they configure their PC's without the fear of retaliation from Microsoft. Further the agreement promises to bring a level of openness and transparency to Microsoft's dealing with OEM's by having a published schedule which lays down equal terms for them within defined bands based on the volume of licenses they move and not on their software bundling strategies. Indeed OEM's will have much flexibility in what they can do and will only need be mindful of whether these things are actually what consumers want instead of casting eyes warily toward Redmond. The proposed settlement offers similar flexibility to Internet Service Providers.

The proposed settlement also promises something for application developers by mandating full disclosure by Microsoft of the API's in their so called ''middleware'' products whilst at the same time protecting Microsoft's intellectual property rights, after all Microsoft is going to be an important player in the competitive ecosystem, offering the only credible competition to the likes of AOL, Sony and Palm whilst the likes of these companies keep Microsoft on its toes and the only change in play should come from new players rising on their merits and not the stifling of any player through litigation. This proposed settlement also offers to consumers the real prospect of being able to chose if they wish to remove certain components from Windows which are currently mandatory, it also offers protection for Non-Microsoft ''middleware'' and requires the consumers consent before any Microsoft ''middleware'' can remove any Non-Microsoft icons or alter any default associations to Non-Microsoft ''middleware''.

To oversee this proposed settlement it is proposed there be Technical Committee of three persons to keep a vigilante eye and ensure the spirit and the letter of the agreement are being enforced, I think the nature of its composition should also ensure that it does not overly favour one party or another, something the appointment of a special master may run the risk of. It is also good to see that either party can have a recourse should they feel that any of the TC members is not performing as they should and that they are clear procedures defined for their replacement. The proposed settlement also makes provision for a Microsoft Internal Compliance Officer, someone within Microsoft who would have the responsibility for overseeing Microsoft's compliance with the proposed settlement, giving the buck somewhere to stop; we also see where they would be responsible for a web site that would clearly state how third parties can issue complaints to the TC and it also lays out how the TC would deal with and process these complaints. Five years seems like adequate time for this proposed agreement to run its course but should time prove otherwise a two year extension is readily available, during which time any new remedies could be explored if necessary.

Though I support this agreement over continued litigation, I fear the later may prevail as many powerful interests now seem to have a lot vested in the course of litigation and I fear it is us consumers who will end up paying for this tiresome business through having Microsoft continually drawn away from innovation and toward the court and eventually through it having to recover the expenses off this exercise and its penalties through its products and quite possibly our wallets.

On a whole I must say that whilst I view antitrust as well intentioned I feel it is time

we started to put our minds to more creative and dynamic alternatives, I myself intended to post something for discussion on my website once I purchase it and get the software to put it up. On a whole I feel the antitrust process takes far too long and lacks the dynamism of the market and runs the risk of losing its objectivity to political ambition and commercial intrigue, I think we could do much to make the market more self regulating, competitive and innovative if we could address the monopoly created by patent without robbing the inventor of the rewards that often drive his innovation. Such new thinking could address not only cases in the Computer Industry but also Pharmaceuticals and other controversial industries and also allow truly brilliant ideas and concepts to become universal and broadly applied to the benefit of the consumer and the inventor. Unfortunately that is not for this forum at this time, thank you for taking my submission, I hope my support will help put this issue to rest.

Sincerely,

John Thurlow.

MTC–00029408

From: Raul Cayado
To: Microsoft ATR
Date: 1/28/02 11:48pm
Subject: Microsoft Settlement

Dear Sir,

I feel that this matter should be laid to rest. For the good of our Nation and our economy. How long will they maliciously try to extort money from a company that has done so much for our economy. In my opinion Microsoft has already paid and settled.

Sincerely,

Raul A Cayado

MTC–00029409

From: Harold A Harvey
To: Microsoft Settlement
Date: 1/28/02 11:42pm
Subject: Microsoft Settlement
Harold A Harvey
2019 Sage Valley Drive
Richardson, TX 75080–2359
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers, dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Harold A Harvey

MTC–00029410

From: Thomas Dell
To: Microsoft Settlement
Date: 1/28/02 11:44pm
Subject: Microsoft Settlement
Thomas Dell
4902 W 24 Th. Pl.
Kennewick, WA 99338
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers, dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Thomas R. Dell

From: David Barrett
To: Microsoft ATR
Date: 1/28/02 11:49pm
Subject: Comments of SBC Communications Inc. on the Proposed Final Judgment

January 28, 2002
Renata Hesse, Esq.
Trial Attorney
Antitrust Division
U.S. Department of Justice
601 D Street, NW, Suite 1200
Washington, DC 20530
Re: United States v. Microsoft Corp.

Dear Ms. Hesse:

Pursuant to the instructions in the Competitive Impact Statement in United States v. Microsoft Corp., we are submitting to the Department of Justice as an attachment to this e-mail the Comments of SBC Communications Inc. on the Proposed Final Judgment. We would appreciate your sending a reply to this email at your earliest convenience to confirm your receipt of SBC's submission.

In addition, to guard against the risk of a faulty email transmission, we are tonight sending a hard copy of SBC's Comments to you via U.S. Postal Service Express Mail.

Thank you for your consideration.

Very truly yours,

David A. Barrett

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA
X
UNITED STATES OF AMERICA, Plaintiff, v.
Civil Action No. 98–1232 (CKK)
MICROSOFT CORPORATION, Defendant.
STATE OF NEW YORK ex. rel.
Attorney General ELIOT SPITZER, et al.,
Plaintiffs, Civil Action No. 98–1233 v.
(CKK)
MICROSOFT CORPORATION, Defendant.
X

COMMENTS OF SBC COMMUNICATIONS INC. ON THE PROPOSED FINAL JUDGMENT

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January 28, 2002

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Romer Decl. Declaration of Paul M. Romer, in support of Plaintiffs' Memorandum in Support of Proposed Final Judgment, filed in the District Court on April 28, 2000 (corrected May 2, 2000).

RPFJ Revised Proposed Final Judgment. The proposed settlement entered into by the government and the Settling States with Microsoft, filed in the District Court on November 15, 2001.

Shapiro Deck Declaration of Carl Shapiro in support of Plaintiffs' Memorandum in Suppert of Proposed Final Judgment, filed in the District Court on April 28, 2000 (corrected May 2, 2000).

INDEX OF ABBREVIATED TERMS USED IN THESE COMMENTS

API Application Programming Interface
HTML Hypertext Markup Language
IAP Internet Access Provider
ICP Internet Content Provider
IE Internet Explorer
ISP Internet Service Provider
ISV Independent Software Vendor
JVM Java Virtual Machine
OEM Original Equipment Manufacturer
OLS Online Service Provider
PC Personal computer
PDA Personal Digital Assistant

SBC Communications Inc. (''SBC'') respectfully submits the following comments pursuant to Sections 2(b) and 2(d) of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)–(h), relating to the revised proposed Final Judgment that was agreed to on November 6, 2001, by the United States and certain state plaintiffs in these actions on the one hand, and defendant Microsoft Corporation (''Microsoft'') on the other (the ''proposed settlement'').

1. INTRODUCTION

The history of Sherman Act enforcement has witnessed few unlawful monopolies as durable, resilient and exclusionary as Microsoft's. This much is clear from the trial record, the District Court's monopoly maintenance findings and the Court of Appeals' affirmance. Far from providing reassurance that changes in technology will end Microsoft's stranglehold over operating system and middleware competition, or that the company's monopoly will be subject to serious competitive pressures when the proposed settlement's five-year term expires, the record demonstrates the exact opposite. Microsoft's continuing ability to commingle its browser and operating system, which the settlement ignores, leaves Microsoft with the incentive and ability not only to destroy traditional middleware threats to its operating system monopoly, but also to exercise anticompetitive control over the Internet, where server networks currently not dependent on Windows pose the greatest threat to the Microsoft monopoly. The consequences of failing to restrain an ever-expanding Microsoft operating system monopoly—now at over 95% market share—do not, however, fall solely upon software producers whose competitive assaults might erode that overwhelming market domination. Nothing in the proposed settlement would stop the threat that Microsoft's adjudicated and unlawfully-maintained monopoly poses to the very heart of consumer choice in the American economy. The settlement ignores Microsoft's ability to effectively destroy free consumer choice among the far greater array of businesses that use electronic means of communication—such as telecommunications services (local, long distance and cellular), Internet access, voice messaging, instant messaging, video and music services, e-commerce, interactive games, to name a few. The settlement would allow Microsoft to abuse its illegally-maintained control of operating systems by becoming the ultimate ''gatekeeper,'' controlling the bottleneck that both gives businesses in these critical related markets (whether established or still emerging) access to potential customers, and gives consumers the means to reach the providers that they choose to deal with.

Just as Microsoft has for years successfully imposed on consumers its own products and services, irrespective of the comparative merits of competing products it has excluded from the market, Microsoft will—without the kind of strong relief required to break its operating system monopoly—be in a position to repeat its anticompetitive strategy in other markets. Unchecked, Microsoft will favor its own and its partners' services, exclude competitors' products and services from access to consumers, and degrade its rivals'' services and raise their costs (by charging a toll, imposing a tee for listing as an available service or creating an interoperability obstacle). Because potential customers will have to pass through a Microsoft operating system (whether embedded in a PC, a cellular

phone, a set-top box or a PDA), Microsoft will retain the ability to exclude or marginalize all manner of telephone services, messaging products, video or music offerings, Internet services, and other ''utilities'' of modem life. In this way, the Microsoft monopoly threatens to destroy the vast panoply of consumer choice among the myriad sources that create and distribute communications and entertainment products and services. The proposed settlement does virtually nothing to lessen Microsoft's ability to maintain its operating system monopoly and to prevent its enhancement by Microsoft's impeding effective competition for all the products and services that will have to be accessed through Microsoft's monopoly platform.

SBC is one of the businesses that will be significantly impacted. Through its affiliates, SBC provides voice and data communications services throughout the United States and internationally. Some of these services are Internet-based; others are not. Some of SBC's services (such as its unified messaging service, discussed below) would erode Microsoft's operating system monopoly; others will not. All, however, are at risk if Microsoft is not prevented from maintaining and expanding its operating system monopoly. Thus, while SBC devotes a significant portion of its comments to explaining why curing the palpable deficiencies in the proposed settlement is essential to protect Internet-based services that could erode the Microsoft monopoly, including SBC's own ventures, those deficiencies are of equal importance to SBC's core communications businesses.

The reason why the effects of the Microsoft monopoly reach so far can be summed up in a single word—''convergence.'' Convergence refers to the development, for home or office use, of devices or platforms that will provide consumers with multiple communications, computing and entertainment products and services. In order to perform these functions, all such devices or platforms—including personal computers, PDAs, wireless phones and set-top boxes—need to utilize operating systems, whether installed in the device itself or residing on Internet servers. By maintaining and expanding its operating system monopoly across platforms, Microsoft can establish its position as ''gatekeeper'' to all such forms of communications, computing and entertainment services. And as gatekeeper, Microsoft will be in a position to direct customers using these platforms toward its services, to degrade or block access to competitors' services, and to impose costs on those competitors it cannot completely eliminate. By controlling all of these communications gateways, Microsoft will not only preserve its operating system monopoly against all serious threats, it will substantially lessen competition in the provision of innovative new ''convergent'' services.

For example, competition is now growing to reach consumers, through ''gateway'' devices such as PCs or television set-top boxes, with broadband communications signals that can carry everything from TV programming to Internet content to telephone conversations. An estimated 10 million American homes may use such devices next year and 25 million by 2006. See Byron Acohido, Challenging Microsoft? It Could Take Moxi, USA Today, Jan. 16, 2002, at B–3. Microsoft has already announced that it is developing an extension to Windows XP that will allow PCs to function in this manner. Id.; Microsoft Unveils New Home PC Experiences with ''Freestyle'' and ''Mira'' (Jan. 7, 2002), at www.Microsoft.com/presspass/Press/2002/Jan02/01. Unfettered by the proposed settlement, Microsoft can thus use its illegal operating system monopoly to become the literal communications gateway into and out of the American home or office. It then will have enormous power over the products and services consumers use to communicate with each other, to do their work and to entertain themselves.

In this memorandum, SBC addresses the numerous ways in which the proposed settlement fails to meet a paramount goal of relief in this case: To ''pry open to competition'' in the PC operating system market that Microsoft has dominated for over a decade by using blatantly exclusionary tactics.

The following facts are now beyond dispute in this proceeding'.

First, Microsoft's monopoly has been extraordinarily durable, having prospered for over a decade (D.Ct. at ¶35), having increased steadily to over a 95% share even during the litigation (CA at 54; D.Ct. at ¶35), and having enjoyed the continuing protection of significant barriers to entry. See CA at 54–56 (''Because the applications barrier to entry protects a dominant operating system irrespective of quality, it gives Microsoft power to stave off even superior new rivals''); D.Ct. at ¶¶36–44, 61 (''Microsoft could significantly restrict its investment in innovation and still not face a viable alternative to Windows for several years . . . . '').

Second, Microsoft's monopoly has created not only the power, but also the incentive, to exclude competition: every technological innovation that emerged to challenge Microsoft's dominance was met with a successful strategy of anticompetitive exclusion. Microsoft was able to ''extinguish,'' perhaps permanently, the two greatest innovative threats to its dominance that arose in the 1990's—Netscape and Java. CIS at 16–17; see also CA at 76–80 (''Microsoft's ultimate objective was to thwart Java's [and Netscape's] threat to Microsoft's monopoly;'' it adopted as strategic goals to ''kill cross-platform Java'' and interfere with the ability of Netscape's browser to interoperate with Microsoft products); D.Ct. at ¶¶68–77. So long as Microsoft retains the power and incentive to exclude the competitive threats of the 21st century, economic theory predicts, and history demonstrates, that it will seek to evade any regulatory barriers placed in its path. Thus, the prospect of innovation offers no solace to restoring competition, only a sure target for Microsoft's exclusionary conduct.

Third, Microsoft's incentive to engage in calculated predation is so strong that it readily harms consumers and degrades its own products to achieve anticompetitive exclusion. D.Ct. at ¶174 (finding that by commingling ''Microsoft has unjustifiably jeopardized the stability and security of the operating system''), ¶¶408–12 (highlighting harm inflicted upon consumers); CA at 62, 65 (affirming district court findings of consumer harm). It is also revealed in a ''take no prisoners'' approach in which deception, threats, attempts to conspire and degradation of middleware connections were used to stifle competition. CA at 73, 75–77. Nothing in the foreseeable future, much less in the monopoly maintenance record, suggests that marketplace or technological developments alone will suffice to curb Microsoft's market power, its incentive to exclude and its proven ability and willingness to do so ruthlessly.

Finally, Microsoft's monopoly affects the country's most powerful engine of national economic prosperity and productivity—the processing and communication of information. Where monopolization has injured industries of comparable importance, the future of competition has never before been entrusted to illusory promises by the offending firm or to uncertain marketplace developments, unprotected by judicial supervision from recurrent acts of exclusion. See United States v. Am. Tel. & Tel. Co., 552 F. Supp. 131,215–17 (D.DC 1982), aff'd sub nom. Maryland v. United States, 460 U.S. 1001 (1983) (''AT&T'') (rejecting proposed consent decree and ordering its modification based, in part, on the ''complexity and magnitude'' of the decree and the decree's effect ''on the largest corporation in the world ... the entire telecommunications industry, the computer industry... and thus the interests of literally millions of individuals'').

That is why in monopolization cases the law demands that relief must decisively end the anticompetitive practices, prevent their recurrence and extension into new markets, and restore competition. ''Antitrust relief should unfetter a market from anticompetitive conduct and 'pry open to competition a market that has been closed by defendants' illegal restraints.'" Ford Motor Co. v. United States, 405 U.S. 562, 577–78 (1972) (citation omitted). If a decree does not effectively pry a market open to competition, ''the Government has won a lawsuit and lost a cause.'' Int'l Salt Co. v. United States, 332 U.S. 392, 401 (1947). To restore competition, therefore, the relief must take account of all the factors relevant to the offense, including in particular the likely duration of the monopoly power, which, of course, is the wellspring of the incentive as well as the ability to exclude. See Ford Motor Co., 405 U.S. at 575 (affirming ten-year ban on Ford's manufacture of spark plugs; prohibition was a ''necessary step toward the restoration of the status quo ante'' in the market). The government has repeatedly embraced the foregoing standards in this case (see, .c.g., Govt. D.Ct. Memo. at 24; CIS at 3), but its proposed settlement fails their purposes. The ,government has abandoned, without explanation, injunctive relief that it urged upon the District Court as essential to curb Microsoft's appetite for anticompetitive conduct and has agreed to a decree filled with loopholes. For example, although the

Court of Appeals found commingling of browser and operating system code to be unlawful acts of monopoly maintenance, and the government advocated that such commingling be prohibited as ''an especially potent competitive weapon for Microsoft... to target competing middleware threats,'' Gov't D.Ct. Reply Memo at 61, the proposed settlement does not prohibit such conduct. Similarly, although the Department of Justice Antitrust Division Manual provides that the government ''should not negotiate any decree of less than ten years' duration'' and the government in this case objected to Microsoft's initial proposal for a four-year decree because ''there is no sound justification for entering a decree of shorter duration,'' the remedies in the proposed settlement are to last only five years.

The government's retreat from established antitrust policy and from its prior opposition to Microsoft's remedial proposals has grave implications for a competitive economy and for SBC. Not only is Microsoft allowed to repeat conduct, previously found anticompetitive, to protect its operating system monopoly from middleware sources of competition, but it is free to do so where the courts have already recognized an even more powerful threat exists, namely from the Internet. D.Ct. at ¶¶56, 59–60 (cited with approval in CA at 79). Since Internet servers can perform computing functions formerly accomplished only by PCs, networks of servers and PCs that freely interoperate (or ''talk'' to each other)—regardless of the type of operating system software that they use—are a platform for applications not dependent on Windows. This means that the combination of inexpensive computers or handheld devices (like a ''dumb'' PC. a cellphone, or a PDA) and smart server networks connected to the Internet can break the monopoly power of Microsoft's PC operating system by offering a server network alternative that will work with any operating system and provide more and better application choices at less cost. D.Ct. at ¶¶22–27 (cited with approval in CA at 52), ¶¶56, 59–60 (''[T]he rise of the Internet... has fueled the growth of server-based computing, middleware, and open-source software development. Working together, these nascent paradigms could oust the PC operating system from its position as the primary platform for applications development and the main interface between users and their computers.'').

Yet nothing in the government's settlement prevents Microsoft from turning an open Internet into a closed Microsoft environment simply by doing two things: (1) commingling its browser, Internet Explorer (''IE''), with its Windows operating system; and (2) changing the protocol its browser uses to ''talk'' to Internet servers to an undisclosed proprietary standard that will only work effectively with Microsoft servers. Because of the dominance of Microsoft's browser (currently 91% of all browser usage), all web servers would then be forced to have a Microsoft server operating system in order for the servers, and the web sites they host, to be accessible to the vast majority of users. In turn, all consumers and businesses that wish to access the Internet will be forced to purchase a Windows operating system in order to utilize Microsoft's browser. Nothing in the decree prevents this scenario, because Microsoft is free to use its illegally maintained monopoly power to force servers to interoperate only with Windows, such that Microsoft becomes the Internet gatekeeper of a once open and competitive system. Microsoft's operating system monopoly would thereby become still more powerful and durable, as another threat to its dominance is destroyed. In this way, the applications barrier to entry that protects the Windows monopoly will extend to the Internet.

The reality of this threat for the future competitiveness of Internet-based businesses has a direct bearing on a wide range of Microsoft's potential and actual competitors, including SBC. Through its affiliates, SBC provides Internet access and Internet services to customers. SBC is currently developing several new Internet-based businesses, most importantly its Unified Messaging Service (''UMS''), which will compete directly with specific Microsoft products and services. UMS will allow retrieval of voice, e-mail and fax messages from anywhere in the world, using any computer or device running on any operating system. The proposed settlement, however, allows Microsoft to make SBC's UMS product significantly less competitive by taking the two simple steps outlined above. In these circumstances, only Microsoft server operating systems would be interoperable with the vast majority of other devices that access the Internet, and Microsoft would be able to use its server control to discriminate against its competitors.

As this example shows, the omissions and loopholes in the proposed settlement are of no small importance; they have drastic consequences for a competitive economy. So too does the decision to limit the settlement to only five years. The trial court recognized in findings sustained by the Court of Appeals that competitive alternatives to the Microsoft operating system, such as web portals, servers and middleware, take years to develop as viable threats, yet the proposed decree ends almost as soon as it starts—in only five years overall, with some provisions in effect for only four years. No sensible competitor would invest in technology improvements to the maximum extent necessary to challenge Microsoft—innovations that require years to succeed absent predation—when the decree is neither strong enough, nor long enough, to protect them. Yet the government breaks with its own policy of requiring decrees with ten-year terms, despite the fact that Microsoft's monopoly has existed for more than a decade and its unlawful conduct has spanned a period nearly as long.

Equally important, there is nothing in the decree to jump start competition, much less to ''pry open'' the monopolized market to give consumers the benefit of competition that would have existed from the likes of Netscape and Java had Microsoft's exclusionary conduct not ''extinguished'' them. See Schine Chain Theaters, Inc. v. United States, 334 U.S. 110, 128 (1948) (an injunction against future violations is inadequate when it allows the monopolist to retain its ''unlawfully built empires''). Under the Tunney Act, the ''public interest,'' see 15 U.S.C. § 16(e), is not served by a settlement that allows a monopolist to pursue conduct already adjudicated illegal, that leaves open easy escape routes from the proposed decree's proscriptions, and that utterly fails to restore competition to the monopolized market.

When, as here, there is an adjudicated record of serious competitive harm (monopolization) and wrongdoing (anticompetitive exclusion), the responsibility to protect the public from an inadequate settlement is high, and a reviewing court has broad power to do so. AT&T, 552 F. Supp. at 151–53. As the District Court has said, ''The Supreme Court has vested this court with large discretion to fashion appropriate restraints both to avoid a recurrence of the violation and to eliminate its consequences.'' United States v. Microsoft Corp., Civ. Nos. 98–1232, 98–1233 (CKK), Transcript of Proceedings at 9 (Sept. 28, 2001).

For the reasons set forth below, approval of the proposed decree cannot be squared with ten years of government litigation that culminated in resounding appellate holdings of major antitrust offenses. The fact that adverse antitrust consequences will result is clear from the face of the proposed settlement, as well as by comparison to the injunctive provisions defended by the government in its earlier proposed litigated judgment. In fact, adoption of this proposed settlement would be worse than no decree at all, for its negotiated omissions and concessions allow conduct found illegal in the past to continue—such as commingling of code—and thus would appear to prevent even the government from attacking such decree-sanctioned behavior during its term. Such ambiguity surrounding the government's enforcement intentions is in itself affirmatively harmful to the public interest.

II. A MONOP0LIZATION REMEDY MUST RE TAILORED TO THE NATURE AND SCOPE OF THE OFFENSE, THE DURABILITY OF THE UNLAWFUL MONOPOLY, THE IMPORTANCE OF RESTORING COMPETITION TO THE AFFECTED MARKET AND THE LIKELIHOOD OF RECURRING ACTS OF MONOPOLIZATION

A. The Court Of Appeals Sustained A Finding Of Successful And Longstanding Monopolization In A Crucial Technology Industry

The proposed settlement in this case must be evaluated in light of the Court of Appeals' affirmance of the District Court's conclusion, supported by an overwhelming factual record, that Microsoft is guilty of a panoply of illegal activities to maintain and extend its monopoly in the market for Intel-compatible PC operating systems. Microsoft's conduct inflicted significant harm on consumers and competition in violation of Section 2 of the Sherman Act. CA at 50–80.

1. Microsoft Has Monopolized A Critical Industry

Microsoft is the world's largest supplier of computer software for PCs and, in particular, dominates the market for Intel-compatible PC

operating systems software world-wide. Although it has the second-largest market capitalization among American companies, Microsoft's importance extends beyond its financial success, because it is a linchpin of the computer industry (including hardware, peripherals, software and data services), and the computer industry is critical to the functioning of a competitive American economy. See, e.g., Henderson Decl. ¶¶87–98; Romer Decl. ¶17.

2. Microsoft's Monopoly Has Endured For More Than A Decade

Microsoft's operating systems monopoly is an enduring one, persisting for over a decade despite what the Court of Appeals has described as a ''technologically dynamic market.'' CA at 49. Over that same period, the government has been forced to spend resources on a continuous basis to investigate, and then to prosecute, Microsoft for its illegal conduct. The FTC began investigating Microsoft's acquisition and maintenance of monopoly power in the operating systems market in 1990, although it did not bring charges against the company. United States v. Microsoft Corp., 56 F.3d at 1448, 1458 (DC Cir. 1995). Using the FTC's extensive investigation file as a starting point, the Antitrust Division of the Justice Department initiated its own investigation, and in July 1994 filed a civil complaint under Sections 1 and 2 of the Sherman Act, charging, inter alia, that Microsoft unlawfully maintained a monopoly of operating systems for Intel-compatible PCs. Id. That case was settled by a consent decree, thereby avoiding trial on the merits.

Three years later, the Justice Department filed a civil contempt action against Microsoft on the ground that it had violated the decree. On appeal from the grant of a preliminary injunction, the Court of Appeals ruled that Microsoft had not violated the relevant provision of the consent decree, but reserved the question of whether the company's bundling of Internet Explorer with the Windows operating system violated the antitrust laws. United States v. Microsoft Corp., 147 F.3d 935,950 n.14 (DC Cir. 1998). The complaint that gives rise to the instant proceeding was filed in May 1998 by the Justice Department and a group of State plaintiffs, again alleging, inter alia, unlawful maintenance of a monopoly in the PC operating system market in violation of Sherman Act ¶2. CA at 47.

The Court of Appeals affirmed the District Court's finding that Microsoft's Windows operating system accounts for over 95% of the Intel-compatible PC operating system market. CA at 54. As the District Court found:

Microsoft possesses a dominant, persistent, and increasing share of the worldwide market for Intel-compatible PC operating systems. Every year for the last decade, Microsoft's share of the market ... has stood above 90 percent. For the last couple of years, the figure has been at least 95 percent, and analysts predict that the share will climb even higher over the next few years. Even if Apple's Mac OS were included in the relevant market, Microsoft's share would still stand well above 80 percent.

D.Ct. at ¶35.[1]

3. Microsoft's Increasing Monopoly Power Is Protected By Significant Barriers To Entry

The Court of Appeals held that not only was Microsoft's operating system monopoly virtually complete as measured by market share, but also that the monopoly's increasing power and scope derives from a structural barrier—the ''applications barrier to entry''—that protects the company's future monopoly position even as against superior rivals. The Court held that this barrier to entry

stems from two characteristics of the software market: (1) most consumers prefer operating systems for which a large number of applications have already been written; and (2) most developers prefer to write for operating systems that already have a substantial consumer base. This ''chicken-and-egg'' situation ensures that applications will continue to be written for the already dominant Windows, which in turn ensures that consumers will continue to prefer it over other operating systems.

CA at 55 (citations omitted). The Court of Appeals went on to hold that even if Windows may have gained its initial dominance through superior foresight or quality, Microsoft had maintained its position through means other than competition on the merits. ''Because the applications barrier to entry protects a dominant operating system irrespective of quality, it gives Microsoft power to stave off even superior new rivals.'' CA at 56.

4. Microsoft's Monopoly Has Self-Perpetuating Incentives

The Court of Appeals affirmed the District Court's findings regarding a variety of anticompetitive acts by Microsoft that were designed to maintain its monopoly by preventing the effective distribution and use of middleware products—including Netscape's ''Navigator'' browser and the Java cross-platform technologies—that might threaten the Windows operating system monopoly. The Court of Appeals noted with approval the District Court's conclusion that Microsoft's monopoly gives the firm incentives to perpetuate the monopoly by a pattern of exclusionary conduct. CA at 58. As the District Court concluded, ''over the past several years, Microsoft has comported itself in a way that could only be consistent with rational behavior for a profit-maximizing firm if the firm knew that it possessed monopoly power, and if it was motivated by a desire to preserve the barrier to entry protecting that power.'' D.Ct. CL at 37.

5. Microsoft Has Shown Itself Able And Willing To Extinguish Competitive Threats As Fast As They Emerge In A Rapidly Changing Technological Environment, And Willing To Harm Consumers And Degrade Its Own Products In Order To Exclude Competitors From The Market

In its successful efforts to thwart Netscape and Java, Microsoft demonstrated its ability to extinguish competitive threats to its monopoly as fast as they emerged in a rapidly changing technological environment. Microsoft's conduct also evidenced a remarkable willingness to hurt consumers and degrade its own products where necessary to accomplish the exclusion of competitive threats to its dominance.

Both Netscape and Java threatened to facilitate competition in operating systems by permitting software applications developers to write programs for the application programming interfaces (APIs) exposed by these middleware products, which in turn were capable of running not only on Windows, but on other operating systems. If such middleware were permitted to thrive, such ''cross-platform'' applications would have the potential to overcome the applications barrier to entry upon which Microsoft's operating system monopoly rests. CA at 53, 60.

The Court of Appeals upheld the District Court's findings and conclusions that Microsoft engaged in the following unlawful conduct in violation of Section 2 of the Sherman Act for the purpose of maintaining its PC operating system monopoly:

a. License Restrictions

Microsoft prevented OEMs from removing visible means of user access to Microsoft's browser, IE, which thwarted the distribution of rival browsers, primarily Netscape Navigator. CA at 59–61.

Microsoft prohibited OEMs from modifying the initial boot sequence, from adding icons or folders different in size or shape from those supplied by Microsoft, and from using the desktop to promote rival products, thereby preventing OEMs from promoting either browsers or Internet access providers that competed with Microsoft's own Internet access service and that often used Navigator rather than IE. Microsoft's anticompetitive conduct reduced consumer choice for the sole purpose of thwarting a middleware threat to Microsoft's monopoly. CA at 61–64.

b. Commingling Source Code

By placing computer code specific to the web browsing function in the same computer program ''files'' as code supplying operating system functions (i.e., by ''commingling'' the computer code), Microsoft ensured that the deletion of files containing browsing-specific routines would also delete vital operating system routines and cripple Windows' performance. By preventing OEMs from deleting IE, Microsoft deterred OEMs from pre-installing a second browser because doing so would increase the OEM's product and support costs. Had removal of IE been an option, OEMs could have decided to pre-install Navigator. CA at 66. This technological binding of IE to Windows not only reduced consumer choice in the browser market, but also forced consumers to buy a ''loaded'' and arguably slower operating system. The Court of Appeals found that this had no purpose other than to maintain Microsoft's monopoly.

When Microsoft modified Windows 95 to produce the Windows 98 operating system, it took IE out of the Add/Remove Programs utility, which prevented the removal of IE from the operating system. This had the effect of further curtailing end-user control

[1] As recently as January 2002, Microsoft controlled over 96% of the entire PC operating system market, and Apple's Macintosh operating system had only a 2% share. Is Apple Out of the Running in the Operating Systems War? (Jan. 8, 2002), at http://www.websidestory.com/cgi-binwss.cgi? corporate &news&press_l_163.

over the desktop, and reducing usage of rival browser products for the protection of its operating system monopoly. CA at 65.

c. Exclusionary Agreements

To extinguish the competitive threat posed to Microsoft's monopoly by Internet, Access Providers (lAPs) and online services—the other major channel through which browsers could be distributed to consumers—Microsoft entered into agreements with 14 of the 15 largest IAPs in North America under which the IAPs offered their subscribers IE as either the default browser or the only browser. CA at 68.

Microsoft agreed with AOL (the largest IAP) to place the AOL icon in the online service folder on the Windows desktop, in return for which AOL was forced to agree not to promote any non-IE browser, or software using a non-IE browser, except at the customer's request, and even then not to supply more than 15% of its subscribers with a browser other than IE. Because AOL accounted for a substantial portion of all existing Internet access subscriptions, these provisions were highly exclusionary. CA at 70–71.

During the period 199%9, Microsoft made dozens of ''First Wave'' agreements with Internet Software Vendors (''ISVs''), giving them free licenses to bundle IE with their software and preferential support in the form of access to technical information and the right to use Microsoft seals of approval. In exchange, the ISVs agreed to use IE as the default browsing software for any software that they developed with a hypertext-based user interface and to use Microsoft's ''HTML Help,'' accessible only with IE, to implement their applications' help systems. The effect of those deals was to ensure that many of the most popular Internet applications relied on browsing technologies found only in Windows, which increased the likelihood that millions of consumers using applications designed by those ISVs would use IE instead of Navigator. The agreements with ISVs further foreclosed rival browser distribution and curtailed the middleware threat to the Windows monopoly. CA at 71–72.

d. Actual And Attempted Coercion And Retaliation To Exclude Competitors

Microsoft coerced Apple to drop Navigator as the standard browser installed on its PCs, and to substitute IE as the default browser on its Macintosh operating system. Microsoft threatened to cut off production of its ''Office'' business productivity software for Apple PCs (90% of Apple Office suite users relied on the Microsoft version of Office designed for the Macintosh operating system), an action that had no purpose but to maintain Microsoft's operating system monopoly while hurting consumers. Apple was forced to agree to bundle the most current version of IE to the Macintosh operating system for as long as Microsoft continued to support Mac Office, and promised not to promote Navigator on its desktop. CA at 72–74.

Microsoft retaliated against Netscape when Netscape refused to capitulate to Microsoft's demands that it forgo development of Navigator technology as a middleware platform. Microsoft sought to convince Netscape to enter into an illegal market division agreement whereby Microsoft would treat Netscape as a ''preferred ISV'' in exchange for Netscape developing Navigator to rely on Microsoft's platform-level Internet technologies. (At the time of Microsoft's proposal, Navigator was the only browser product with a significant share of the market and the potential to weaken the applications barrier to entry.) When Netscape refused this unlawful arrangement, Microsoft punished Netscape by delaying disclosure of the technical information needed to make Navigator interoperable with Windows, which forced Netscape to postpone release of its new browser. As a result, Netscape was excluded from most of the 1995 holiday selling season. D.Ct. at ¶¶79–91.

e. Efforts To Subvert Sun-compliant Java Technologies

Sun Microsystems created Java,[2] a type of middleware that would support all applications regardless of the operating system they were written for. CA at 74. Programs calling upon Java's APIs will run on any computer that itself is configured for Java; thus, Java enabled software developers to write applications programs that could be run on different operating systems with relative ease. In May 1995, Netscape agreed with Sun to distribute Java with every copy of Navigator, which at that time was the dominant browser. Microsoft violated § 2 in three separate ways in a successful effort to extinguish Java as a competing middleware platform:

''First Wave'' Agreements: The First Wave Agreements were contracts between Microsoft and ISVs for the distribution of Microsoft's proprietary version of the Java Virtual Machine (''JVM''). The agreements required developers to make Microsoft's JVM the default in the programs they developed, in exchange for Microsoft's technical support and other inducements. CA at 75–76.

Deception of Java Developers: Microsoft offered software developers various development tools that purportedly would assist ISVs in designing Java applications, but concealed the fact that aspects of the code generated by the design tools could only be executed properly by Microsoft's JVM. The result was that many developers, relying on Microsoft's public commitment to cooperate with Sun, unwittingly used the programming tools to write Java applications that ran only on Windows, and not other platforms. Microsoft maintained this deception in order to ''kill cross-platform Java by grow[ing] the polluted Java market.'' CA at 76–77. This conduct injured consumers by fraudulently inducing development of corrupted versions of otherwise successful cross-platform middleware, for the sole purpose of protecting the Microsoft monopoly. Id.

Microsoft's Threat to Intel: Intel and Sun had entered into an agreement to create a high-performance, Windows-compatible JVM, and by 1996, Intel had developed a JVM that complied with Sun's cross-platform standards. Starting in 1995, Microsoft's senior management repeatedly requested that Intel stop its cooperation with Sun, and ultimately threatened Intel that if it did not abandon its support of Sun- compliant Java, Microsoft would begin supporting Intel competitors and refuse to distribute Intel technologies bundled with Windows. Intel finally capitulated in 1997. CA at 77–78.

B. The Remedy In This Section 2 Case Must Be Broad And Prophylactic, To Prevent Microsoft From Denying Consumers The Benefit Of Competition By Retaining Illegally-Maintained Monopoly Power

1. Purpose Of Relief

As the government acknowledges in the Competitive Impact Statement, appropriate injunctive relief here must accomplish three things: ''(1) end the unlawful conduct; (2) avoid a recurrence of the violation' and others like it; and (3) undo its anticompetitive consequences.'' CIS at 24 (citing Nat'l Soc'y of Prof'l Eng'rs v. United States, 435 U.S. 679, 697 (1978); United States v. E.I. du Pont de Nemours & Co., 366 U.S. 316, 326 (1961); Int'l Salt Co., 332 U.S. at 401); CA at 107. See also Gov't D.Ct. Memo at 24 (''Permanent injunctive relief ordered in a Sherman Act case must be both forward-looking and remedial. The decree must (i) end the violation, (ii) 'avoid a recurrence of the violation' and others like it and (iii) restore competition to the market.''). Any remedy must be broad in scope and prophylactic in nature so that competition is restored and Microsoft is effectively precluded from further exercise of its monopoly power, even as new products are developed and circumstances in the market change.

a. End Anticompetitive Practices And Prevent Their Recurrence

Any settlement here must be structured to end anticompetitive practices and not merely to prevent repetition of the same illegal conduct. As the Court of Appeals pointedly instructed:

[A] remedies decree... must seek to ''unfetter a market from anti- competitive conduct .... terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future.''

CA at 103 (citations omitted) (quoting Ford Motor Co., 405 U.S. 562; United States v. United Shoe Mach. Corp., 391 U.S. 244 (1968)). In the proceedings on remand, the District Court has already recognized that any remedy, in order to be adequate, must go beyond merely prohibiting the conduct in which Microsoft has previously engaged:

The Supreme Court long ago stated that it's entirely appropriate for a district court to order a remedy which goes beyond a simple prescription against the precise conduct previously pursued .... [T]he remedy may range broadly through the practices connected with the acts actually found to be illegal. The Supreme Court has vested this court with large discretion to fashion appropriate restraints both to avoid a recurrence of the violation and to eliminate its consequences.

Microsoft, Transcript of Proceedings at 9 (paraphrasing Nat'l Soc'y of Prof'l Eng'rs, 435 U.S. at 697; and United States v. U.S. Gypsum Co., 340 U.S. 76, 88–89 (1950)).

[2] When this document refers to ''Java'' without any adjectives or other modifiers, it refers to Sun Microsystems' product.

The public interest is not served merely by eliminating past anticompetitive practices; the remedy must eliminate the future recurrence of illegal conduct:

[T]he end to be served is not punishment of past transgression, nor is it merely to end specific illegal practices. A public interest served by such civil suits is that they effectively pry open to competition a market that has been closed by defendants' illegal restraints. If [the] decree accomplishes less than that, the Government has won a lawsuit and lost a cause.

Int'l Salt Co., 332 U.S. at 401 (emphasis added).

A trial court upon a finding of... a monopoly has the duty to compel action... that will, so far as practicable, cure the ill effects of the illegal conduct, and assure the public freedom from its continuance ....

Acts entirely proper when viewed alone may be prohibited. U.S. Gypsum Co., 340 U.S. at 90 (citations omitted); see also United Shoe Mach. Corp., 391 U.S. at 252 (relief should ''render impotent the monopoly''); Nat'l Soc'y of Prof'l Engn'rs, 435 U.S. at 697 (''the District Court was empowered to fashion appropriate restraints on the Society's future activities to avoid a recurrence of the violation and eliminate its consequences'').

In this case, the government has recognized the need to go beyond enjoining current violations to assure that Microsoft's violations do not recur. See Gov't D.Ct. Memo at 24 (''Forbidding the continuance of the violation—here, for example, the anticompetitive bundling of Internet Explorer with the Windows operating system—is necessary but not sufficient to rectify the harm caused and threatened by Microsoft's illegal conduct.'').

b. Restore Competition (Deny The Fruits Of Wrongdoing)

As the government has acknowledged, ''[r]estoring competition is the 'key to the whole question of an antitrust remedy.''' CIS at 24 (quoting E.I. du Pont de Nemours & Co., 366 U.S. at 697); see also U.S. Gypsum, 340 U.S. at 90 (''The conspirators should, so far as practicable, be denied future benefits from their forbidden conduct.''); United States v. Grinnell Corp., 384 U.S. 563,577 (1966) (''We start from the premise that adequate relief in a monopolization case should... deprive the defendants of any of the benefits of the illegal conduct, and break up or render impotent the monopoly power found to be in violation of the Act.''); CA at 103 (a remedies decree must ''deny to the defendant the fruits of its statutory violation'') (citations omitted). As the Supreme Court put it in a holding that is particularly cogent here:

[A]n injunction against future violations is not adequate to protect the public interest. If all that was done was to forbid a repetition of the illegal conduct, those who had unlawfully built their empires could preserve them intact. They could retain the full dividends of their monopolistic practices and profit from the unlawful restraint of trade which they had inflicted on competitors. Such a course would make enforcement of the Act a futile thing unless, perchance, the United States moved in at the incipient stages of the unlawful project.

Schine Chain Theaters, Inc., 334 U.S. at 128.

2. The Law Requires Effective Measures To Accomplish These Results

a. Relief Must Neutralize Monopoly Power At Its Source And Eliminate The Monopolist's Incentive To Exclude Competitors From The Market

A decree must ''break up or render impotent the monopoly power found to be in violation of the Act.'' Grinnell Corp., 384 U.S. at 577. It must ''leave the defendant without the ability to resume the actions which constituted the antitrust violations in the first place.'' AT&T, 552 F. Supp. at 150.

b. Relief Must Anticipate New Forms Of Exclusion, Commensurate With The Evidence Of Microsoft's Incentive To Exclude And Its Willingness To Do So At The Expense Of Consumers And Its Own Product Quality

Because an antitrust remedy, in order to be adequate, must neutralize the monopolist's power to resume the action constituting the adjudicated violation, any remedy ''must effectively foreclose the possibility that antitrust violations will occur or recur.'' Id. at 150. Again, the Supreme Court has given instruction that is directly relevant here:

When the purpose to restrain trade appears from a clear violation of law, it is not necessary that all of the untraveled roads to that end be left open and that only the worn one be closed. The usual ways to the prohibited goal may be blocked against the proven transgressor and the burden put upon him to bring any proper claims for relief to the court's attention.

Int'l Salt Co., 332 U.S. at 400. As the District Court has recognized, even practices not found to be unlawful should be prohibited where necessary to avoid recurrence of monopolization. AT&T, 552 F. Supp. at 150 n.80 (citing United States v. United Shoe Mach. Corp., 110 F. Supp. 295,346–47 (D. Mass. 1953), aff'd, 347 U.S. 521 (1954)). Similarly, the court must impose additional restraints to allow development of new competition in the relevant market. Id. (citing Ford Motor Co., 405 U.S. at 575).

Given the record in this case, the remedy must anticipate new forms of exclusion such that, in view of Microsoft's incentive to exclude and demonstrated willingness to do so, the company may not further restrain trade illegally and is prevented from repeating its past unlawful practices in new contexts.

c. Relief Must Prevent Regulatory (Decree) Evasion

Where the monopoly in question is as powerful and persistent as that maintained over the last decade by Microsoft, there is a real danger that the monopolist will evade the particular provisions of any consent decree that is entered. In order to cope with the threat of regulatory evasion, antitrust judgments must contain broad proscriptions of anticompetitive conduct that will, by their generality, cover new forms of exclusion. See, E.I. du Pont, 366, U.S. at 1254 (An ''injunction can hardly be detailed enough to cover in advance all the many fashions in which improper influence may manifest itself.''); AT&T, 552 F. Supp. at 167 (approving consent decree ordering divestiture, preclusion from specific markets, and compulsory, royalty-free licensing) (''it is unlikely that, realistically, an injunction could be drafted that would be both sufficiently detailed to bar specific anticompetitive conduct yet sufficiently broad to prevent the various conceivable kinds of behavior that AT&T might employ in the future''); Zenith Radio Corp. v. Hazeltine Research, Inc. 395 U.S. 100, 132 (1969) (court may exercise its ''broad power to restrain acts which are of the same type or class as the unlawful acts which the court has found to be committed or whose commission in the future, unless enjoined, may fairly be anticipated from the defendant's conduct in the past''); CA at 103 (court must ''ensure that there remain no practices likely to result in monopolization in the future''). The ''broad power'' the Court has to fashion an effective remedy includes the authority to prohibit exploitation of monopoly power in any manner and to order provisions designed to create and foster new competition, including the disclosure of proprietary information, mandatory licensing, exclusive dealing bans and many other remedies. Gov't. D.Ct. Memo at 26 (citing United States v. Crescent Amusement Co., 323 U.S. 173 (1944); Hartford-Empire Co. v. United States, 323 U.S. 386 (1945); United States v. Glaxo Group Ltd., 410 U.S. 52 (1973); Int'l Salt Co., 332 U.S. 392; Ford Motor Co., 405 U.S. at 572).

In order to prevent evasion of antitrust proscriptions put in place by a consent decree, courts routinely retain jurisdiction in order to modify decrees, resolve disputes, and ensure there is a forum for timely adjudicating whether defendants are in compliance. See, e.g., Int'l Salt Co., 332 U.S. at 401–02; Otter Tail Power Co. v. United States, 410 U.S. 366, 381–82 (1973); United Shoe Mach. Corp., 391 U.S. at 251–52; AT&T, 552 F. Supp. at 215–17 (ordering modification of proposed consent decree to include provisions relating to Court's continuing ability to enforce decree).

d. Relief Must Be Of Sufficient Duration To ''Pry Open'' The Monopolized Market By Allowing Competitive Products To Take Root

i. It Takes Years For Competitive Alternatives—Web Portals, Servers And Middleware—To Develop, Even Assuming Lack Of Obstruction

The applications barrier to entry that Microsoft enjoys through its operating system monopoly will, as the District Court found (and the Court of Appeals agreed), make it extraordinarily difficult for a new operating system to attract enough developers and consumers to be a viable alternative to Windows in any reasonable time frame. D.Ct. at ¶¶30–31; D.Ct. CL at 36; CA at 54–56. The overwhelming majority of consumers will only use Windows because there are already a large variety of applications written for that operating system. Given that it is expensive to port applications from one operating system to another, software developers will generally write applications only for the operating system that is used by the dominant share of PC users.

Software developers and ISPs are now forced, given the economics of the industry, to use Windows, an operating system that

they would not necessarily choose, but that is virtually the sole conduit available to deliver their product to the end-user. Given these circumstances, ''it remains to be seen whether server or middleware-based development will flourish at all.'' D.Ct. at ¶32.

In order to allow alternative operating systems to develop, the public interest demands a decree that will ''pry open to competition a market that [is] closed'' by the enormous applications barrier to entry and by Microsoft's continuous course of illegal conduct. See Int'l Salt Co., 332 U.S. at 401. Given the time necessary for a competitive operating system or middleware product to overcome the applications barrier to entry (if it is possible at all), any sustainable decree must assure consumers, programmers and potential competitors of a lengthy time frame in which to develop new products that can compete with Windows. Without an adequate time frame for competing products to take hold, consumers will be unwilling to scrap the investment in applications, training, and hardware that they have already made in Windows.

ii. Software Developers And Other ''Investors'' Need Confidence That The Decree Will Provide Protection Long Enough To Give Their Investments A Fair Chance To Be Viable

Without a decree that is broad enough to ensure that Microsoft does not continue to benefit from its past practices and erect new barriers to market entry, the very purpose of antitrust relief in monopolization cases will be thwarted. Without a strong and long-lasting decree, Microsoft's entrenched dominance and the threat of further exclusionary conduct will preclude entrepreneurs and other innovators from improving products and services. As the government has acknowledged, ''an injunction which simply bars the precise illegal conduct proven at trial would leave the defendant with the full dividends of [its] monopolistic practices and profit from the unlawful restraints of trade which [it] has inflicted on competitors.'' Gov't D.Ct. Reply Memo at 10 (quoting Schine Chain Theaters, 334 U.S. at 128 (internal quotation marks omitted)).

If the decree leaves any room for doubt whether Microsoft will retain its freedom and power to exclude competitors, then software developers will, in their economic self-interest, continue what they have been doing for years—writing applications that operate solely on Microsoft's platform—thereby perpetuating the very monopoly that this case has found to be illegal. Such a result violates the fundamental tenet that an antitrust remedy must effectively ''restore future freedom of trade.'' See U.S. Gypsum, 340 U.S. at 90 (reversing an injunction limited to sale of gypsum board in Eastern United States and directing entry of injunction covering all gypsum products throughout the country because the ''relief, to be effective, must go beyond the narrow limits of the violation''); see also Glaxo Group Ltd., 410 U.S. at 64 (ordering compulsory patent licensing on appeal where necessary to assure ''the public freedom from... continuance of the illegal conduct'').

Rather than being narrowly drawn, the remedy in this case must be broad, prophylactic, flexible and forward-looking in order to provide competition a safe harbor from Microsoft's exclusionary power.

C. The Tunney Act Requires Courts To Reject Seriously Deficient Decrees

Pursuant to the Tunney Act, 15 U.S.C. § 16, in evaluating an antitrust settlement, a court may not ''rubber stamp'' a proposed consent decree, but must instead ''make an independent determination as to whether or not entry of a proposed consent decree [is] in the public interest.'' Microsoft Corp., 56 F.3d at 1458 (quoting S. Rep. No. 298, 93d Cong., 1st Sess. 5 (1973)); accord AT&T, 552 F. Supp. at 149 & n.74.[3]

In determining whether the consent decree is in the public interest, the Court must begin by defining the public interest in accordance with the antitrust laws, AT&T, 552 F. Supp. at 149 (citing S.Rep. No. 93–298 at 3; H.R. Rep. No. 93–1463 11–12), and ensure that the provisions of the decree will ''preserve free and unfettered competition as the rule of trade.'' Id. (citing N. Pac. Ry. v. United States, 365 U.S. 1 (1958)). The consent decree's provisions must ''break up or render impotent the monopoly power found to be in violation of the Act.'' Id. at 150 (quoting Grinnell Corp., 384 U.S. at 577) and ''must leave the defendant without the ability to resume the actions which constituted the antitrust violation in the first place,'' id. Not only must the decree remedy past violations, ''it must also effectively foreclose the possibility that antitrust violations will occur or recur.'' Id.; see also id. at 151 (''[I]t does not follow that courts must unquestionably accept a proffered decree as long as it somehow, and however inadequately, deals with the antitrust and other public policy problems implicated in the lawsuit.'').

In its first decision involving Microsoft, the Court of Appeals recognized that a more deferential review standard is appropriate under the Tunney Act in cases where there has been no trial and hence ''there are no findings that the defendant has actually engaged in illegal practices.'' Microsoft Corp., 56 F.3d at 1460–61. It follows, therefore, that where there are express findings based on a full trial record ''that the defendant has actually engaged in illegal practices,'' id., a more intensive Tunney Act review is required. Accord AT&T, 552 F. Supp. at 152. In the instant case, there have been both a lengthy trial on the merits and exhaustive findings of illegal monopoly maintenance by Microsoft—findings that the Court of Appeals expressly affirmed. Thus, unlike in more routine Tunney Act proceedings involving settlements without adjudicated findings of liability, the proposed consent decree in this case is subject to a more searching standard of review by the trial court. See also U.S. Gypsum Co., 340 U.S. at 89 (''[C]ourts should give weight to the fact of conviction as well as the circumstances under which the illegal acts occur. Acts in disregard of law call for repression by sterner measures than where the steps could reasonably have been thought permissible.'').

The AT&T case provides strong support for applying a higher degree of scrutiny in this case than in the typical Tunney Act proceeding. In AT&T, while noting that ordinarily a degree of deference to the Department of Justice's view that a settlement is in the public interest is appropriate, the District Court held that such deference was not warranted where the court had heard ''what probably amounts to well over ninety percent of the parties' evidence both quantitatively and qualitatively, as well as all of [the parties'] legal arguments.'' 552 F. Supp. at 152. The District Court thus concluded that it was ''in a far better position than are the courts in the usual consent decree cases to evaluate the specific details of the settlement.'' Id. The Court of Appeals, in its first Microsoft opinion, embraced this distinction and specifically contrasted the AT&T consent decree proceeding with the first Microsoft decree, which was presented before any evidence had been taken. See Microsoft Corp., 56 F.3d at 1461.

The circumstances now justify a searching and demanding review of whether the decree is in the public interest. The settlement here is not before the Court ''in the first instance,'' or even with ''ninety percent of the parties'' evidence'' presented (as in AT&T,) but rather after a full trial on the merits and multiple findings that Microsoft violated the Sherman Act. The District Court now has before it all of the trial evidence, as well as Findings of Fact and Conclusions of Law, affirmed by the Court of Appeals, regarding the relevant market and Microsoft's illegal, anticompetitive conduct. The Court may therefore make a fully informed and independent determination concerning whether the settlement is truly in the public interest.

As in AT&T, close scrutiny of the settlement is also necessary because of its importance to the national economy. In refusing to narrow the scrutiny given the consent decree, the District Court in AT&T noted that given the ''potential impact of the proposed decree on a vast and crucial sector of the economy and on such general public interest as the cost and availability of local telephone service, the technological development of a vital part of the national economy, national defense, and foreign trade, the Court would be derelict in its duty if it adopted a narrow approach to its public interest review responsibilities.'' AT&T, 552 F. Supp. at 152.

The proposed settlement here is of no less importance. This settlement has broad ramifications for the national economy, especially in technology development, and impacts millions of American consumers—ramifications with little precedent in the

[3] The provisions of the Tunney Act allow the Court to consider a wide variety of factors in determining whether a consent decree is in the public interest, including: (1) the competitive impact of such judgment, including termination of alleged violations, provisions of enforcement and modification, duration of relief sought, anticipated effects of alternative remedies actually considered, and any other considerations bearing upon the adequacy of such judgment; (2) the impact of entry of such judgment upon the public generally and individuals alleging specific injury from the violations set forth in the complaint including consideration of the public benefit, if any, to be derived from a determination of the issues at trial. 15 U.S.C. § 16(e)(1)–(2).

history of antitrust jurisprudence. In such circumstances, the Court's careful, independent review is essential to ensure the decree serves the public interest.

Finally, the proposed settlement also requires heightened scrutiny because half of the States that joined in prosecuting the case do not agree that the settlement would protect the interests of their citizens. The government is now expressing views substantially inconsistent with its expressed positions at earlier stages of the case. Where elected representatives of the public are sharply divided on whether the settlement actually serves the public interest, any questions concerning whether the settlement is fair to the public must be subject to exacting scrutiny. ''None of this means, of course, that the Court would be justified in simply substituting its views for those of the parties. But it does mean that the decree [should] receive closer scrutiny than that which might be appropriate to a decree proposed in a more routine antitrust case.'' AT&T, 522 F. Supp. at 153.

THE PROPOSED SETTLEMENT FAILS IN EVERY MATERIAL RESPECT TO ACHIEVE THE OBJECTIVES OF RELIEF REQUIRED BY THIS CASE AND AFFIRMATIVELY PROVIDES A ''GREEN LIGHT'' AND AN INCENTIVE TO ENGAGE IN EXCLUSIONARY CONDUCT

A. The Government Has Abandoned Its Prior Effort To Use Injunctive Relief To ''Pry Open'' The Monopolized Market, Conceding That Its Purpose Is Now Merely To Protect ''Nascent'' Threats To The Windows Monopoly

The Court of Appeals affirmed findings that Microsoft extinguished all tangible threats to its operating systems monopoly. CA at 79; D.Ct. at ¶¶68–77. The findings also support the conclusion that if Microsoft had pursued competition on the merits rather than anticompetitive conduct, significant erosion of its monopoly would have occurred. See generally CA at 58–79. Certainly, that is what Microsoft's CEO believed when he envisioned the Windows operating system being ''commoditized'' by Netscape. D.Ct. at ¶72. The proposed settlement does nothing to deprive Microsoft of either the ''fruits'' or the source of its successful strategy of extinguishing competition, nor does it restore to consumers the benefits of the choices that they would have had if Microsoft's illegal conduct had never occurred.

At this stage of the proceedings, the government states that its goal is merely to ''restore the competitive threat that middleware products posed prior to Microsoft's unlawful undertakings.'' CIS at 3. These were, as the government admits, merely ''nascent threats,'' id. at 24, 25, not the fully-developed alternatives that would have existed today but for Microsoft's conduct. The competitive threats to the Microsoft monopoly were stillborn, not as a result of fair competition but, as the government acknowledges, because of Microsoft's predation:

> Through its actions against Navigator and Java, Microsoft retarded, and perhaps extinguished altogether, the process by which these two middleware technologies could have facilitated the introduction of competition into the market for Intel-compatible personal computer operating systems.

CIS at 16–17. Although the CIS acknowledges that merely prohibiting future instances of Microsoft's past exclusionary, monopolistic conduct is not sufficient to restore competition, in reality that is all the proposed settlement attempts to do, and even those minimal efforts are unavailing.

indeed, in the earlier remedy proceedings, the government characterized Microsoft's view of appropriate relief (which the government has now largely adopted) as a ''crabbed view of antitrust remedies:''

> [E]specially in an industry like the software industry, which as Microsoft has repeatedly emphasized is rapidly changing, a remedy limited to barring repetition of the precise acts in the precise contexts that were at issue in the trial could not possibly serve the required purposes of preventing recurrence of the violations and restoring competition.

Gov't D.Ct. Reply Memo at 49. It is therefore ironic that the government now embraces in the proposed settlement many of the same substantive decree provisions it earlier dismissed as woefully inadequate.

Presaging the current dispute over remedies, the government stated in a pleading before the District Court almost two years ago:

> In crafting an effective Sherman Act remedy, a court must use the record of a backward-looking trial to fashion forward-looking relief. Looking forward, the Court must anticipate that Microsoft, unless restrained by appropriate equitable relief, likely will continue to perpetuate its monopoly by the same anticompetitive methods revealed at trial, although directed at whatever new competitive threat arises. Neither the Netscape browser nor Java continues to have the prospect of lowering the applications barrier to entry, and it is not certain where future threats to Microsoft's operating system will arise.

Gov't D.Ct. Memo at 27–28. The government then went on to describe as potential middleware or platform threats to Microsoft's operating system monopoly such products and technologies as Microsoft's own Office suite; applications such as voice recognition software, media streaming technology and email programs; server operating systems (and the need for interoperability between PCs and servers); and non-PC devices such as PDAs and hand-held computers. See id. at 28–29.

A settlement such as this one, which limits itself to protecting the next generation of emerging threats instead of ''prying open'' the monopolized market (thereby effectively blessing the extinction of the first generation and the preservation of Microsoft's monopoly), cannot claim to serve even this minimal goal without anticipating and prohibiting, with both specificity and generality, the many ways in which Microsoft can thwart new forms of competition from novel or different technologies, such as those listed by the government. In this regard, it is noteworthy that the Court of Appeals, like the District Court, found that Microsoft's commingling of its browser and operating system codes constituted illegal monopoly maintenance. CA at 64–67. Yet the settlement would allow such conduct to continue. And as long as such commingling is allowed, Microsoft has the power to prevent the next generation of computing on web and network servers, nascent or otherwise, from overcoming its operating system monopoly. Thus, the decree does not even bar ''repetition of the precise acts in the precise contexts that were at issue in the trial.'' Gov't D.Ct. Reply Memo at 49.

B. The Proposed Settlement Is Riddled With Loopholes That Invite Evasion, Does Not Anticipate And Prohibit New Forms Of Exclusionary Conduct To Protect The Windows Monopoly, And Discourages The Development Of Competition To Windows

1. The Proposed Settlement Provisions To Protect Middleware Do Not Adequately Address Microsoft's Past Illegal Conduct, Much Less Prevent Its Recurrence In The Future

One of the principal threats to the dominance of Microsoft's operating system monopoly was middleware, which refers to ''software products that expose their own APIs.'' CA at 53; D.Ct. ¶¶28, 68. Since middleware exposes APIs for which software developers can write programs, it can provide a less time-consuming and cheaper means of writing applications that can run on various operating systems. Id. Anything that reduces the need to adapt, or ''port,'' an application to competing operating systems threatens to overcome Microsoft's monopoly in the PC operating systems market by eliminating the applications barrier to entry. CA at 54–56; D.Ct. at ¶¶68–78.

Unfortunately, the provisions that address middleware are so limited and rife with exceptions as to be virtually meaningless. Sections III.C and III.H of the proposed settlement are inadequate in at least the following respects: (a) the definitions of key terms invite easy evasion and make Microsoft's compliance virtually discretionary; (b) while the settlement is fairly specific in limiting Microsoft's ability to restrict OEMs from promoting competing software, it is silent on a crucial tactic—technological binding [4]—that Microsoft was proven to have used to the same exclusionary ends; and (c) the settlement undermines its own purported goals by including exceptions to each prohibition that largely negate the relief ordered. In its narrowness, the settlement also ignores new products, the potential for future innovation, and novel methods by which similar anticompetitive results may be achieved. As such, the decree fails either to remedy past effects or prevent future anticompetitive acts from occurring.

a. The Definitions In The Decree Effectively Leave Compliance At Microsoft's Discretion

[4] The terms ''binding'' or ''commingling of code'' refer to including software or a link to web-based software in an operating system product in such a way that either an OEM or end-user cannot readily remove or uninstall the code without degrading the performance or impairing the functionality of the operating system. ''Bundling'' refers to the sale or marketing of different software products in a single package, but without commingling of their codes.

i. The Definitions Of ''Microsoft Middleware'' And ''Microsoft Middleware Product'' Encourage Microsoft To Continue Binding Middleware To Its Monopoly Windows Operating System

The definition of ''Microsoft Middleware'' is of crucial importance because, if a program constitutes ''Microsoft Middleware,'' Microsoft is then subject to requirements that it disclose the programming interfaces and communications protocols by which the middleware interoperates with the Windows operating system. The definition also triggers Microsoft's obligation to allow OEMs to re-configure the PC desktop to give purportedly equal access to competing middleware. See CIS at 17–18; RPFJ §§ III.C, III.D, III.E. As shown below, these disclosures and obligations are not adequate to accomplish their avowed purpose. The government's stated goal is to ensure the viability of the OEM distribution channel for competing middleware products and the ability of those products to achieve ''seamless interoperability'' with the Windows operating system. CIS at 38.

The proposed settlement defines ''Microsoft Middleware'' as software code that: (1) is distributed separately from the Windows Operating System Product; (2) is trademarked; (3) provides functionality similar to a Microsoft Middleware Product; and (4) has the code necessary to be considered a self-contained product. See RPFJ § VI.J. Because each element of this definition is too narrow or too easily evaded by Microsoft, the obligations that are triggered by the definition are largely illusory.

The first part of this definition bears directly upon Microsoft's practice of initially distributing a middleware product separately, then bundling it for sale with Windows, and finally binding it to the operating system. See D.Ct. at ¶¶155–74 (discussing employment of these tactics with IE). Binding, or commingling of source code was held by the Court of Appeals to be illegal conduct used by Microsoft to eliminate the browser threat. See CA at 64–67; D.Ct. at ¶¶159, 170–74. It is unnecessary technically and has no procompetitive justification. Id.

The practical effect of the settlement's definition, however, is to allow Microsoft to achieve the same anticompetitive results merely by omitting the first of the three steps mentioned above. Simply by bundling middleware applications with the operating system from the outset (so that they would not be ''distributed separately''), Microsoft may render any provision regulating its use of ''Middleware'' a nullity. Because the settlement contains no limitations on bundling or commingling of Microsoft middleware with the monopoly operating system, the definition actually encourages Microsoft to engage in anticompetitive practices—i.e., commingling of code—in order to avoid application of the decree.

Second, the definition of ''Microsoft Middleware'' requires that the product must be trademarked. Simply by not seeking a trademark, Microsoft can ensure that its middleware will not be covered by the settlement's provisions.[5] This means that Microsoft can distribute any product that may have other intellectual property protections, such as copyright or patent protection, but that is not trademarked, without the product being considered ''Middleware.'' Of course, if Microsoft chooses to bind a product to the operating system and not distribute it separately, there would be no need to trademark the product.

The third requirement, which refers to the functionality of a ''Microsoft Middleware Product,'' further limits the scope of the ''Microsoft Middleware'' definition. This is because the definition of ''Microsoft Middleware Product'' lists by name several products traditionally considered middleware, including Internet Explorer, Microsoft's Java Virtual Machine, Windows Media Player, Windows Messenger, Outlook Express, and their successors in the Windows operating system. See RPFJ § VI.K. But limiting the definition of Microsoft ''Middleware'' only to those products which in the past were distributed as middleware fails to account for future development of new products. In addition, the definition omits important existing products, such as Microsoft Office[6] 6 and Internet telephony products, that perform functions analogous to the listed ''middleware'' products.[7]

The fourth requirement is that the code must be ''self-contained.'' This too encourages commingling of Microsoft middleware with the operating system, because it allows Microsoft to create cross-dependent products solely to avoid complying with the provisions applicable to ''Middleware.'' If Microsoft is allowed to commingle the code for the products in such a way as to create cross-dependencies between the operating system and middleware (as it did illegally for IE), it can avoid compliance with many of the substantive provisions in the decree.[8]

In the CIS, the government explains that the definitions of ''Microsoft Middleware'' and ''Microsoft Middleware Product'' include the ''functionality'' of a number of existing Microsoft middleware products, including IE, Windows Media Player, and Outlook Express. See C1S at 17–20. What is not mentioned, however, is that the government previously advocated a definition of middleware that was truly based on the function of middleware and, as such, there was no need to distinguish between ''Microsoft Middleware'' and ''Non-Microsoft Middleware.'' See Final Judgment § 7(q).[9] Nor does the CIS discuss the fact that in the event that a particular item of software code fails to meet any one of the four definitional requirements in the settlement, it will not be regulated at all by sections III.C, III.D, and III.E of the decree. This is significant, because the definition as it stands now neither comports with the traditional definitions of middleware, nor with the way the courts in this case have used the term. See, e.g., CA at 53.

ii. The Definition Of ''Non-Microsoft Middleware Product'' Is Too Narrow To Protect The Ability Of Products And Competitors To Gain Equal Access To The OEM Distribution Channel

[5] Even the settlement's definition of ''trademark'' is so broad as to further limit the scope of the decree: ''Trademarked'' means distributed in commerce and identified as distributed by a name other than Microsoft(r) or Windows(r) that Microsoft has claimed as a trademark or service mark by (i) marking the name with trademark notices, such as ?? or TM, in connection with a product distributed in the United States; (ii) filing an application for trademark protection for the name in the United States Patent and Trademark Office; or (iii) asserting the name as a trademark in the United States in a demand letter or lawsuit. Any product distributed under descriptive or generic terms or a name comprised of the Microsoft(r) or Windows(r) trademarks together with descriptive or generic terms shall not be Trademarked as that term is used in this Final Judgment. Microsoft hereby disclaims any trademark rights in such descriptive or generic terms apart from the Microsoft(r) or Windows(r) trademarks, and hereby abandons any such rights that it may acquire in the future.'' RPFJ § VI.T. Thus, Microsoft may release a new middleware product entitled WindowsTM Telephone, for example, and because the name is descriptive rather than trademarked, it would not be considered ''Microsoft Middleware'' under the terms of the decree.

[6] Significantly, by omitting Microsoft Office from the list of middleware products, the government has eliminated from the proposed settlement a middleware product that provides Microsoft with a de facto monopoly in the middleware market. As of March 1997, Office's market share had reached 90%, a figure that has likely grown since that point. See Jesse Berst, Office Suites for Free ZDNet AnchorDesk (March 7, 1997), at http://www.zdnet.com/anchordesk/story/story—743.html; see also, Benjamin Woodhead, Microsoft's Australian Monopoly? Let the U.S. Handle It, iTNews (Nov. 17, 1999), at http://www.itnews,com.au/story.cfm?ID=507 (referring to the lack of recent statistics on Office Suite's market share, ''We don't bother to measure that market anymore because Lotus and Corel have been squeezed out of it ... No one will pay for that sort of research because everyone knows what the answer is.'').

[7] Describing the functionality of a product in terms of the categories of applications, rather than the operation of the product, also limits the effectiveness of section III.H of the proposed settlement, which relies heavily upon the definition of ''Microsoft Middleware Product'' to set the parameters of non-Microsoft middleware access to the OEM distribution channel.

[8] An example of cross-dependency is the link between IE and Microsoft Word in the Windows Operating System Product. Even if an end-user has selected Navigator as her default browser, IE may automatically launch if the user clicks on a URL, (i.e., an Internet address) that is contained in a Word document.

[9] The Final Judgment contained the following definition for Middleware, which it applied to both Microsoft and Non-Microsoft Middleware: ''Middleware'' means software that operates, directly or through other software, between an Operating System and another type of software (such as an application, a server Operating System, or a database management system) by offering services via APIs or Communications Interfaces to such other software, and could, if ported to or interoperable with multiple Operating Systems, enable software products written for that Middleware to be run on multiple Operating System Products.

Examples of Middleware within the meaning of this Final Judgment include Internet browsers, e-mail client software, multimedia viewing software, Office, and the Java Virtual Machine. Examples of software that are not Middleware within the meaning of this Final Judgment are disk compression and memory management.

From the outset, the government has supported injunctive relief designed both to give OEMs control over how to configure the PCs they sell and to provide end-users with the ability to remove Microsoft middleware from their computers. See Gov't D.Ct. Reply Memo at 45–47, 60–64. Sections III.C and III.H rely on the definition of ''Non-Microsoft Middleware'' to identify the competing software products that Microsoft must allow OEMs to include on the Windows desktop if they so choose and to distribute to consumers. The intention was to open the OEM channel to distribution of competing software and thereby remove one of the barriers Microsoft had erected to protect its Windows monopoly. Indeed, the definition of ''Non-Microsoft Middleware Product'' encompasses those technologies that Microsoft ''extinguished'' (such as the Netscape browser) as it defines the products entitled to protection. Before a new program receives this protection, however, the settlement's definition of ''Non-Microsoft Middleware Product'' requires that at least one million copies of the product must have been distributed in the previous year. RPFJ § VI.N. This onerous requirement defeats the government's express purpose of giving new products an adequate chance at the OEM distribution channel.

The CIS asserts that this level of distribution is ''minimal'' and ''necessary'' so that Microsoft's affirmative obligations will not be triggered by ''minor'' or ''non-existent'' products. CIS at 20–21. There is no support in the record, however, or in antitrust law generally for the notion that only large competitors deserve protection. ''Minor'' new products, i.e., the nascent competition that the CIS claims will be restored, deserve protection no less than older, more significant ones. One thing that the history of the software industry proves is that some of the most popular products and services were created by the ingenuity of small firms working alone without means of distributing their products. Most, even with the OEM distribution channel opened to them, failed to distribute one million copies the first year on the market, and the CIS cites no evidentiary support for setting the distribution trigger at the extraordinary level of one million copies.

Through this definition, the settlement creates a major obstacle to new products or competitors being able to obtain wide release and distribution of innovative products. Moreover, it has the additional pernicious effect of allowing Microsoft ample time to develop and promote or announce a preemptive offering before the non-Microsoft product reaches the one million distribution mark. Final Judgment § 7(q).

iii. The Definition Of ''Windows Operating System Product'' Grants Microsoft Unfettered Discretion To Decide What Is And What Is Not Part Of Its Operating System

The settlement defines ''Windows Operating System Product'' as a closed universe of past operating system products that is comprised of the software code of Microsoft's currently-distributed versions of its PC operating system, including Windows 2000 Professional and Windows XP Home and Professional, and their successors. RPFJ § VI.U. The definition also leaves in Microsoft's ''sole discretion'' the determination of what software code constitutes future versions of the Windows Operating System Product. Id. The CIS fails to explain why the definition in the proposed settlement does not establish an objective standard, but instead entrusts such determinations to Microsoft's ''sole discretion.'' Additionally, rather than explaining how the definition impacts upon the objectives of the decree and why it was drafted in this way, the CIS merely states that the definition leaves ''packaging'' (read: bundling or binding) decisions in Microsoft's hands. CIS at 23–24.

The government fails to reconcile this definition with the Court of Appeals' finding that Microsoft utilized commingling of code to maintain its monopoly. Nor does it explain how the definition meets the government's avowed goal that the settlement put an end to Microsoft's past monopolistic conduct. The definition gives Microsoft incentives to integrate middleware into its operating system to avoid having middleware products classified as such.

Of particular importance for the future, the definition fails to take into account that Microsoft manufactures non-PC and non-desktop PC operating systems, such as an operating system for personal digital assistants (PDAs) and other handheld devices. These systems include Windows CE 3.0, Windows NT ?? Embedded 4.0, Windows CE for Automotive, Windows 2000 with the Server Appliance Kit, Windows for Smart Cards, Windows CE .NET and Windows XP Embedded. Any settlement that serves the public interest must cover new products that Microsoft can and will use to protect its PC operating system monopoly. There is an extensive set of devices which are the target for these systems beyond PDAs and pocket PCs, including smart phones, smart TVs, gaming devices, web pads, Internet appliances, media appliances, digital cameras, printers, scanners, retail point of sale devices, Windows based thin-client terminals, set-top boxes, residential gateways, automobile computing systems, home servers, industrial control devices and smart cards. In short, the proposed settlement's definition ignores both past and future operating system products. A proper definition of ''Windows Operating System Product'' would both recognize Microsoft's past product releases and include all Microsoft operating systems for any hardware device, including PCs, servers and handheld computing devices.[10]

b. The Settlement Fails To Prohibit Tactics Used By Microsoft To Foreclose OEM Distribution Of Competing Products And Allows That Unlawful Behavior To Continue

The proposed settlement effectively endorses, through its silence, tactics previously employed by Microsoft to prevent OEMs from becoming an effective distribution channel for competing middleware products. Among the deficiencies in section III.C of the settlement are: (i) its failure to prevent Microsoft from binding middleware to its operating system; (ii) its failure to require Microsoft to set meaningful price differentials between ''fully loaded'' and ''stripped down'' (without Microsoft Middleware) versions of the Windows operating system that could ''pry open the market'' for competing bundles of software and middleware offered by OEMs and third-party customizers; and (iii) the inclusion of limitations and loopholes that undermine the purpose of the decree provisions.

i. A Prohibition Against Commingling Of Code Is Necessary To Prevent Microsoft From Continuing To Exclude Competition That Threatens The Windows Monopoly

The Court of Appeals affirmed the District Court's findings that Microsoft's commingling of the code for IE with the code for Windows and its refusal to allow end-users to remove the IE browser from the Windows desktop constituted exclusionary acts in violation of Section 2. See CA at 66–67. Binding the IE middleware product to the Windows operating system injured both Netscape and consumers by degrading the ability of Netscape to effectively interoperate with Windows, thus reducing consumer options in browser choice, and by ensuring that deletion of files containing browser-specific functions would also delete vital operating system routines, thus crippling Windows. CA at 65–66 (citing D.Ct. at ¶164). Microsoft's anticompetitive purpose so dominated its business decisions that it degraded its own products by binding, since commingling of code decreased the security and reliability of Windows. CA at 62, 65; D.Ct. ¶174.[11]

In response to these acts, the government initially advocated a prohibition against the binding of software to the operating system, in order to prevent Microsoft from repeating the illegal conduct that the Court found it undertook with respect to the browser. See, e.g., Findings ¶¶164, 166–74, 176; see also Zenith, 395 U.S. at 132 (a remedy should prevent defendant from repeating the ''same

[10] The definitions of ''Windows Operating System Product'' and ''Personal Computer,'' read together, also create an ambiguity that places in doubt whether future versions of Microsoft's operating system will even qualify as a ''Windows Operating System Product'' under the proposed settlement. Windows XP is Microsoft's first PC operating system designed for shared or multiple person use. Microsoft has promoted XP's ability to facilitate home networks where many people can share devices and Internet connections.

See Experience the Connected Home: Share One or Many Computers (May 9, 2001), at http://www.microsoft.com/windowsxp/home/evaluation/experiences/connectedhome.asp. Because Windows Operating System Product is defined as software ''distributed commercially by Microsoft for use with Personal Computers,'' RPFJ § VI.U, and the definition of ''Personal Computer'' means ''any computer configured so that its primary purpose is for use by one person at a time,'' RPFJ § VI.Q, if XP or its successors are distributed primarily for multiple users or employed for construction of mini-networks or servers, successor products could fail to meet the definitional requirements to be covered under the decree. See RPFJ § VI.Q (expressly excluding servers and other computing devices from the definition of Personal Computer).

[11] ''Binding harmed consumers who did not want Internet Explorer, by causing 'performance degradation, increased risks of incompatibilities, and the introduction of bugs.'' Felton Decl. ¶84 (citing D.Ct. at 173).

type or class'' of unlawful conduct). Forced bundling injures consumers directly and injures competition by increasing the costs rival software vendors must incur to get their products distributed effectively. It is an especially potent competitive weapon for Microsoft because Microsoft is able to target competing middleware threats—like the browser—by bundling its own version with its operating system monopoly, thereby protecting that monopoly.

Gov't D.Ct. Reply Memo at 60–61 (emphasis added). Indeed, the government's chosen remedy on this issue in the Final Judgment not only required abolition of commingling, but required the price of Windows to be reduced in proportion to the amount of unbundled programming that was removed by an OEM:

g. Restriction on Binding Middleware Products to Operating System Products. Microsoft shall not, in any Operating System Product distributed six or more months after the effective date of this Final Judgment, Bind any Middleware Product to a Windows Operating System unless:

Microsoft also offers an otherwise identical version of that Operating System Product in which all means of End-User Access to that Middleware Product can readily be removed (a) by OEMs as part of standard OEM preinstallation kits and (b) by end-users using add-remove utilities readily accessible in the initial boot process and from the Windows desktop; and ii. when an OEM removes End-User Access to a Middleware Product from any Personal Computer on which Windows is preinstalled, the royalty paid by that OEM for that copy of Windows is reduced in an amount not less than the product of the otherwise applicable royalty and the ratio of the number of amount in bytes of binary code of (a) the Middleware Product as distributed separately from a Windows Operating System Product to (b) the applicable version of Windows. See Final Judgment § 3(g). In the CIS, the government acknowledges that the Court of Appeals found that Microsoft unlawfully ''integrated its web browser into Windows in a non-removable way while excluding rivals,'' CIS at 3, but then makes no further mention of the commingling issue.

Notwithstanding the government's stated conviction (backed by the Court of Appeals'' holding) that binding violates Section 2, the proposed settlement gives a green light to Microsoft's continuing to bind middleware products to its operating system. This gap in the settlement's coverage, coupled with the definitions of Microsoft Middleware and Microsoft Middleware Product, not only allows Microsoft to continue its past anticompetitive conduct, but also provides Microsoft with an incentive to use the same techniques to extend its monopoly into other areas.[12]

The settlement's failure in this respect is underscored by Microsoft's recent introduction of Windows XP, which plainly demonstrates its intent to continue defending the Windows monopoly by binding even more applications and services to its new operating systems, notwithstanding the determination that doing so is illegal. Windows XP has more Microsoft middleware products and services bound to or included with the operating system than any previous version of Windows. One of the services integrated into XP is Passport, a web authentication, security and credit card verification service that allows consumers, using a single log-in, to shop on thousands (and ultimately, Microsoft hopes, millions) of websites that accept Passport. Because Microsoft's past unlawful conduct allowed it to maintain a PC operating system monopoly and acquire a de facto monopoly in the browser market (IE is used to access the Internet by approximately 91% of consumers),[13] Microsoft is in a uniquely advantaged position to encourage subscription to Passport whenever a user connects to the Internet from her XP desktop. This is so because XP comes fully loaded with prominently displayed prompts for Passport throughout the program, starting with the initial boot sequence and continuing each time the user logs on to her computer.

As Microsoft succeeds in generating Passport subscriptions through its monopoly distribution of Windows XP, retailers with web portals selling products and services on the Internet will be forced to accept Passport as their authentication system. In this way, Microsoft will be able to nullify threats to the Windows monopoly by precluding other web-based alternatives to Passport. Furthermore, by defending its PC monopoly with Passport, Microsoft will also insert itself on both sides of a web transaction. Because of the ''network effect,'' the final outcome—absent strong and effective injunctive relief—is likely to be that most e-commerce will be conducted with either the consumer or vendor, or both, paying a fee to Microsoft for the use of Passport.

To the extent Passport gains a foothold as an authentication gateway to Internet commerce, this will erect a new barrier to entry for competing operating systems. Consumers will be reluctant to switch to a non-Windows PC operating system, because the personal information stored on Passport is readable only by Microsoft web servers, which in turn can be designed to interact most effectively with the Windows operating system and its embedded middleware, such as IE. At the same time, by erecting a fence (Passport) between PC users and the Internet generally, Microsoft will make it far less likely that a competing middleware platform, such as Netscape's Navigator, will displace user dependence on Windows, because without Passport, Navigator may end up being of little utility for e-commerce.

Nothing in the proposed settlement would prevent this chilling repetition of Microsoft's monopolizing conduct. By failing to adequately address the old tactics used (binding middleware to the operating system) and limiting the scope of the remedy in a manner which excludes new products and services, the proposed settlement fails in a critical way to end Microsoft's monopolizing conduct, let alone to deny Microsoft the fruits of its PC monopoly.[14]

ii. The Proposed Settlement Omits Any Requirement That Microsoft Offer A Stripped-Down Version Of Windows At A Price That Reflects The Value Of The Removed Middleware Products

As the Court of Appeals held, there is an economic disincentive for OEMs to offer, install and service a second middleware product such as a browser. CA at 66. However, nothing in the proposed settlement provides OEMs with an economic incentive to become a viable and effective means of distribution for alternative middleware products. Only by requiring Microsoft to provide OEMs with an economically-viable ''stripped-down'' version of Windows—including the ability to completely remove Microsoft middleware from the operating system, see Final Judgment § 3(g)(i)—will OEMs ever have an incentive to offer users products containing Non-Microsoft middleware alternatives.

Even if Microsoft were required to provide OEMs with an unbundled operating system, it would only be possible for OEMs to offer consumers a choice of an alternative middleware/software package for the PC if Microsoft's price to the OEM were reduced to reflect the lower value of a software package that does not include Microsoft middleware that the OEM wishes to replace with competing products. Put another way, a market for alternative middleware configurations will only arise if such alternatives can be priced competitively with the ''fully loaded'' version of Windows. If the cost of alternative middleware bundles is always higher than that of the Microsoft Windows bundle, the market for non-Microsoft middleware will be limited or nonexistent.

OEMs must have more than the Hobson's choice of either buying Windows XP fully bundled at $200, for example, or paying $199 for a stripped down version of Windows and then incurring the additional capital and labor costs of replacing a Microsoft middleware product with a competing

[12] In addition to the settlement's failure to prohibit commingling of code, the settlement also condones Microsoft's bundling of products with its operating system. Section III.C presents OEMs with a laundry list of options they may adopt in installing, displaying, and distributing Non-Microsoft Middleware, but nothing in the proposed settlement prevents Microsoft from forcing OEMs to accept additional products as part of the Windows Operating System Product that are included with the operating system. As a result, under the proposed settlement, OEMs can be forced to accept a complete package of Microsoft products with each license of the Windows operating system.

[13] Don Clark, AOL Sues Microsoft Over Netscape in Case That Could Seek Billions, Wall Street Journal, Jan. 23, 2002, at B4 (citing Browser Market Shares StatMarket (2002), at www.websidestory.com).

[14] It is noteworthy that the binding of applications is not limited to browsers and internet-related services, but also includes common applications such as word processing. For example, Microsoft has used its operating system monopoly to motivate consumers to use Microsoft Word instead of Corel's Word Perfect. Regardless of the quality or perceived attributes of Word Perfect versus Word, many businesses and individual consumers use Word simply to avoid incurring the additional trouble and expense of licensing a second word processing application when the PC operating system already comes equipped with such a function.

product bought at an additional, separate cost.

Consequently, any remedial proposal that seeks to open the OEM distribution channel to competing middleware must address the pricing of the Windows operating system. The Final Judgment recognized the need for such a pricing mechanism. It required that the price of versions of Windows from which Microsoft middleware functions had been disabled or removed be reduced in proportion to the relative amounts of computer code bytes found in the operating system and middleware products in question. See Final Judgment § 3(g)(ii). Alternative formulations based on the relative product development costs are also available. See Litigating States' § 1.

Connected to the pricing issue is the failure of the proposed settlement to allow any party that is not an OEM (§ III.C) or end-user (§ III.H) to alter the configuration of the Windows platform. This omission has the effect of preventing third parties, who might fill a niche as customizers, to directly offer OEMs or end-users specific software/middleware packages that could be added to a stripped-down Windows operating system. For example, it is likely that absent Microsoft's illegal binding of its middleware to the Windows operating system, an industry of independent bundlers specializing in the sale of customized software packages would have developed. Using the operating system as a platform, these vendors could create customized software/middleware packages based on the need of particular consumer market segments, such as stock market buffs, antiques dealers or mathematicians.[15]

As it stands now, the proposed settlement creates no incentive for OEMs to pursue any of the objectives of section III.C. Yet, if the OEM distribution channel is not reopened, the decree will have no chance to succeed in its most important goal—to restore competition in the monopolized market—as no ISV will have equal access to consumers.

iii. The Provisions In The Proposed Settlement That Purport To Foster OEM Flexibility In Product Configuration And Middleware Choices Contain Fatal Ambiguities And Loopholes

Although the government originally supported straightforward remedy provisions governing OEM flexibility as to what products could be offered with a PC operating system, it now retreats to complicated provisions whose limiting language undercuts the purported relief. Compare Final Judgment § 3(a)(iii) with RPFJ § III.C. When the government initially proposed provisions that would allow OEMs to reconfigure the products they offered to meet consumer demand free from Microsoft's restrictions, it stated:

> Microsoft ... refused to permit OEMs to remove the Internet Explorer icon, even when their customers wanted them to do so. This provision of the Final Judgment thus prohibits Microsoft from preventing OEMs from undertaking competitively valuable alterations to the first screen, bootup sequence, and icon display and will help the OEM channel for distribution of non-Microsoft software, thereby giving consumers greater choices not only in how their computers look, but in what innovative software OEMs can offer them (Shapiro pp. 17–20, 24).
>
> Gov't D.Ct. Memo at 39. In response to Microsoft's objections, the government reiterated that the purpose of the provisions was to prevent Microsoft from restricting OEMs'
>
> ability to customize their PCs in certain ways to promote non-Microsoft software. [It] will simply enable them to configure their systems so that non- Microsoft software can launch automatically, OEMs can offer their own internet access provider or other start-up sequence, and non- Microsoft Middleware can be made the default.
>
> Gov't D.Ct. Reply Memo at 45–46.

Notwithstanding the logic of the government's past proposals, the proposed settlement replaces clarity with ambiguity and loopholes. Section III.C.1 states that ''Microsoft may restrict an OEM from displaying icons, shortcuts and menu entries for any product ... to products that provide particular types of functionality,'' but nowhere defines ''functionality.'' Without such definitions, Microsoft is free to decide what categories of middleware ''functionality'' qualify for display. Thus, nothing prevents Microsoft from excluding non-Microsoft middleware products for which no Microsoft counterpart exists—an obvious deterrent to competing middleware products that are more innovative than Microsoft's own products.

Section III.C.2 ostensibly allows OEMs to distribute and promote non-Microsoft middleware through the display of shortcuts on the Windows desktop, but provides that the provision will apply only ''so long as such shortcuts do not impair the functionality of the user interface.'' However, by never stating who determines when the ''functionality'' of Microsoft's operating system is impaired, the provision gives Microsoft free reign to decide which non-Microsoft products may be promoted by an OEM.

Section III.C.3 permits OEMs to configure competing middleware products to launch automatically at the conclusion of the initial boot sequence or upon connection or disconnection from the Internet. CIS at 31. It also appears to prohibit ISVs and OEMs from palming-off competing products by imitating Microsoft's trade dress. Nonetheless, the ambiguous wording of the provision would let Microsoft decide, in the first instance, which competing products may be displayed and what form the user interfaces (e.g., icons) may take. Moreover, as in § III.C.1, the provision's benefits are tied to a ''functionality'' determination made by Microsoft. The automatic launch of competing Middleware is only assured ''if a Microsoft Middleware Product that provides similar functionality would otherwise be launched automatically at that time,'' which would again limit the settlement's reach to products with which Microsoft already competes.[16]

Subsection 5 allows OEMs to configure the Windows desktop to promote a non-Microsoft Internet access provider (''IAP'') in the initial boot sequence. The provision is problematic for two reasons. First, it permits Microsoft to require that such offers meet ''reasonable technical specifications established by Microsoft,'' which are never defined.

Second, because it refers only to IAP offers, the proposed settlement prevents OEMs from offering any other type of product or service in the initial boot sequence. In striking contrast, the initial boot sequence for Windows XP offers a wide range of Microsoft products and services, including Passport, Hotmail, Instant Messenger and Internet telephony. Competition cannot be restored unless all competing middleware products, not just IAPs, are put on equal footing with Microsoft products. Because the proposed settlement allows Microsoft to retain the advantages of its operating system monopoly in the boot sequence by having an exclusive chance to promote its products and services, it fails to serve the public interest.

Finally, nothing in the proposed settlement discusses OEMs' ability to offer an alternative desktop. Prior to Microsoft's prohibiting the practice, OEMs would change the appearance of the desktop in ways they found beneficial. D.Ct. at ¶214. Some OEMs replaced the Windows desktop with a user interface of their own design or one that conformed with that of the OEM's selected browser. CA at 62–64. The government previously advocated a provision in the Final Judgment that assured OEMs the ability to offer an alternative to the Windows desktop, subject to the proviso that an OEM may not completely block access to the Windows desktop. See Final Judgment § 3(a)(iii)(3) (OEMs may ''display any user interfaces, provided that an icon is also displayed that allows the user to access the Windows user interface'').[17] In the CIS, however, there is no explanation for the

[15] The proposed settlement contains one exception to its blanket prohibition on third party alterations: it would permit a Non-Microsoft Middleware producer to designate that its product be invoked automatically in place of a Microsoft Middleware Product. However, the mechanism by which the producer may accomplish this is at Microsoft's discretion, and Microsoft may require confirmation from the end-user that he or she would like to accept this option. See RPFJ § III.H.2.

[16] Section III.C.4 allows OEMs to offer alternative operating systems. While seemingly procompetitive, the government fails to acknowledge that there currently is no market for alternative operating systems. See CIS at 32. As the Court of Appeals explained, due in large part to network effects, there is no incentive for consumers to use or for ISVs to write programs for PC operating systems other than Windows. See CA at 49–50, 55. Moreover, it is unclear that it is technologically feasible to include multiple operating systems on the same PC without sacrificing significant amounts of storage capacity or speed. No similar provision appeared in the Final Judgment, a fact which suggests that it is mere window-dressing (no pun intended) and does nothing to eliminate the barriers to competition erected by Microsoft.

[17] The Court of Appeals found no justification for the restrictions on OEM configuration generally, but did hold that ''a shell that automatically prevents the Windows desktop from ever being seen by the user is a drastic alteration of Microsoft's copyrighted work, and outweighs the marginal anticompetitive effect of prohibiting the OEMs from substituting a different interface automatically upon completion of the boot process.'' CA at 63.

omission in the proposed settlement of this and other OEM configuration options that the government strongly advocated before the District Court and on appeal.

c. Provisions That Purport To Allow End-Users And OEMS To Enable Or Remove Middleware Products Are Severely Flawed

Section III.H of the proposed settlement purports to allow end-users the freedom to add and remove middleware as they see fit. In actuality, the provision fails to do so because: (i) Microsoft is never required to permit an end-user or OEM to remove a Microsoft Middleware product from the PC's memory, only to ''disable'' the functionality and ''remove'' the icon or other visual means of access; (ii) Microsoft continues to have full control over whether and when its products may override or launch in place of competing products; and (iii) the timetable for implementation renders the provision almost useless as a means of restoring competition.

i. Inability To Actually Remove Microsoft Products From The Operating System Cripples The Effectiveness Of The Decree

The Court of emsp; Appeals held that Microsoft's removal of IE from the add/remove utility Windows had the effect of reducing usage of rival browser products and violated Section 2. CA at 65. Loading the operating system with Microsoft middleware that cannot be removed imposes greater burdens on OEMs that choose to install competing middleware products? It also prevents consumers from receiving full access to the products and services of their choice. CA at 62, 65; D.Ct. at ¶¶174. Binding middleware products to the operating system also has a significant effect on the ability to remove Microsoft middleware, as it is difficult or impossible to remove the products without degrading Windows. CA at 66–67; D.Ct. at ¶159.

The government recognized that not being able to remove Microsoft middleware had the effect of ''foreclosing customer choice and excluding competition,'' Gov't D.Ct. Memo at 6, and that Microsoft used this as a means of increasing the barriers to entry for middleware. Id. at 42; Shapiro Decl. at 25–26. Consequently, the relief initially requested by the government required that any Microsoft middleware product that was technologically bound to the operating system must be removable to create a ''stripped down'' version of Windows via the add/remove utility. See Final Judgment ¶3(g)(i). No such requirement exists in the current settlement, however. Although the CIS states that section III.H ''ensures that OEMs will be able to choose to offer and promote, and consumers will be able to choose to use, Non-Microsoft Middleware Products,'' CIS at 45, the government now discusses the provision in terms of ''removing access'' to the middleware product without explaining that ''removing access'' does not mean removing the product itself. Id.

[18] OEMs incur increased costs as a result of customer ''hotline'' calls to the OEM. CA at 61. The additional program code also reduces the storage capacity of the computer and the speed of the processor. This is yet another way that Microsoft is able to erode OEM and consumer incentives to use competing middleware products.

Because section III.H of the proposed settlement fails to require Microsoft to enable OEMs and end-users to remove unwanted Microsoft middleware from Windows, it facilitates commingling of code, raises rivals' costs, and renders product substitution illusory.

ii. The Exceptions And Limitations Contained In The End User/OEM Control Provisions Swallow The Relief Provided And Permit Microsoft To Override OEM Or End-User Selections Of Preferred Middleware Products

On the subject of OEM/end-user control, the proposed settlement replaces a provision of less than fifty words in the Final Judgment with a series of interlocking provisions that run over six hundred words. Compare Final Judgment § 3(g)(i) with RPFJ ¶III.H(1–3). None of these limitations and exceptions were present in the interim relief the government advocated before the District Court previously, and the CIS is silent regarding the rationale for the avalanche of restrictions that it now proposes. Nor does the government suggest that the changes are needed in response to any holdings by the Court of Appeals.

What the proposed provisions do is create so many exceptions, limitations, and loopholes as to vitiate the broad pronouncements in the CIS. Two aspects of section III.H exemplify the manner in which the proposed settlement undermines its own efficacy: (a) permitting Windows to automatically ask an end-user if he or she wants to alter the computer's desktop configuration to restore Microsoft middleware that was previously removed by an OEM; and (b) permitting Microsoft virtually unbridled discretion as to when to override an end-user's selection of a default web browser or other middleware.

(a) Microsoft Can Alter End-User/OEM Choices

As discussed above, the proposed settlement does not allow OEMs or end-users to actually remove Microsoft middleware from their computers, instead limiting them to merely deleting icons and menu entries; the middleware itself remains physically in the computer, or in many cases, technologically bound to the Windows operating system. Even a conscious decision by an OEM or end-user to remove Microsoft icons and menu items is subject to interference by Microsoft under the proposed settlement. Section III.H.3(a) allows Microsoft to include in the Windows operating system a prompt that would ask the end-user, fourteen days after the initial boot up of the computer, for permission to automatically erase the OEM's or end-user's configuration of the system and reinstate the Microsoft middleware that was previously deleted. RPFJ ¶III.H.3(b).

This provision is troublesome for a variety of reasons, not least its Orwellian reminder of Microsoft's omnipresence. Most importantly, it allows Microsoft to undermine the configuration choices made by OEMs that may include significant promotion of competing middleware. It allows Microsoft to do this fourteen days after an end-user first boots up the computer, at a time when the end-user may not yet have gained a great deal of familiarity with the computer. Depending on how the question is asked and the user's level of sophistication, the user may not understand that he or she is removing the programs installed by the computer's manufacturer and replacing them with Microsoft products that may not work as well. Furthermore, the prompt is unnecessary, because if a user wanted a different configuration, she would be free to buy the computer from another OEM or purchase additional software on her own.

Nor is any limitation placed on the number of times Microsoft may ''suggest'' that the user alter the configuration. But regardless of how often Microsoft asks—every day, every fourteen days, once a year, or only once—the fact that it can raise the question at all not only undermines the OEM configuration, but also the goal of providing end-users with ''a separate and unbiased choice with regard to each Microsoft Middleware Product or Non-Microsoft Middleware Product.'' RPFJ ¶III.H.1(b) (emphasis added); see also CIS at 48 (purpose of section III.H.3 is to prevent automatic alteration of OEM configuration, such as ''sweeping the unused icons that the OEM has chosen to place on the Windows desktop''). There is no justification for permitting Microsoft to undercut this aspect of relief. Microsoft should be prohibited from ever prompting users to scuttle their OEM selections or desktop choices.

(b) Microsoft Can Override End-User/OEM Middleware Default Choices

Although section III.H.2 of the proposed settlement ostensibly enables end-users and OEMs (and middleware producers themselves) to designate non-Microsoft middleware products (including web browsers) to be invoked automatically in lieu of a Microsoft product, loopholes and conditions destroy this provision's utility as a remedial device.

As an initial matter, the default election procedure is made reciprocal—requiring that identical removal options be afforded Microsoft with respect to non-Microsoft middleware that would otherwise be the default. The government does not explain why such parity is being offered to an antitrust violator at the expense of those who have not violated the law.[19]

More troubling are the ''Notwithstanding'' clauses that follow subsection 3, which directly limit the benefits extended by section III.H.2. Part 1 of the first clause allows Microsoft to invoke a Microsoft Middleware Product if it is necessary for the computer to interoperate with a server maintained by Microsoft. RPFJ § III.H. Because so much middleware—be it a web browser or a Java formulation—now interacts with commercial web servers, which are to a large extent Microsoft web servers, the loophole created by this provision is

[19] Although the Court of Appeals did not affirm the District Court's blanket conclusion that IE's override of competing default browsers was illegal in all circumstances (for example, when accessing Windows ''Help'' resources and updates on the Internet), CA at 65–67, the proposed settlement swings much further in the other direction in permitting Microsoft to write the rules of when such an override of a user's designated default middleware product will be permitted.

enormous. As computing moves off the desktop onto Internet servers, communication with servers is becoming the norm. Moreover, because IE has captured over 90% of the market as a result of Microsoft's illegal conduct, Microsoft is now positioned to dominate the server operating system market by changing the protocols its browser uses to communicate with servers, from the current industry standard to its own proprietary protocols. This will leave those who host web servers with little choice but to use a Windows server operating system. See pp. 70–76 infra. Should this occur, the first ''notwithstanding'' clause of the proposed settlement's section III.H will allow Microsoft to override users' default browser selections in the vast majority of situations. The ultimate outcome will be that the illegal Windows monopoly will again be protected from the threat to its dominance posed by non-Microsoft web-based computing.

The second ''Notwithstanding'' clause in § III.H allows a Microsoft Middleware Product to launch if the designated Non-Microsoft Middleware Product fails to implement a ''reasonable technical requirement (e.g., a requirement to be able to host a particular ActiveX control).'' RPFJ § III.H. Because the proposed settlement leaves it to Microsoft to determine what a ''reasonable technical requirement'' would be, the loophole created by this provision is also enormous. To the extent the clause provides an example of such a failure to meet a technical requirement, the exception is overly broad. ActiveX is a programming environment that allows programs provided by servers to run locally on a PC inside the web browser. Its use replaces in part the cross-platform capabilities of Java and the open standard communication protocols used by most servers. Thus, by determining that the hosting of ActiveX is a ''reasonable technical requirement,'' the proposed settlement ensures that anytime a Microsoft web product or service is launched or any product or service that relies on a Microsoft server is downloaded, Microsoft will be able to override a user's choice of browser. This provision grants Microsoft license to automatically override an end-user's browser choice when that user accesses a program or service that requires interaction with a Microsoft server. Far from restoring competition, this pernicious provision protects Microsoft's ill-gotten operating system monopoly from web-based competition.[20]

iii. The Timing Of Implementation Of Section III.H Allows Microsoft To Reap The Fruits Of Its Past Illegal Conduct Without Adequately Limiting Its Conduct Today Or In The Future

In addition to the foregoing serious deficiencies, the timetable in section III.H for implementation of the substantive provisions by itself renders the provision meaningless as a vehicle for restoring competition. Under the terms of the proposed settlement, section III.H will not be implemented until twelve months after submission of the settlement to the Court or at the release of the first service pack for Windows XP, whichever comes earlier. Because Microsoft is not bound by any of the provisions until that time, it has no incentive to release the first service pack prior to December 2002. The provision is thus rendered meaningless for a fifth of the lifespan of the decree.

Microsoft has no grounds to complain about burdens caused by making section III.H immediately effective. To the contrary, the year delay in implementation would reward Microsoft for its bad faith release of Windows XP, before a settlement was in place, with full knowledge that (notwithstanding the monopoly maintenance holding by the Court of Appeals) XP contains more bundled middleware, more commingled code, and more prompts for Microsoft-related products and services than any prior version of Windows. At the very least, the release of XP violates the spirit of the settlement by which Microsoft claims it is already abiding. No minimally adequate settlement would fail to provide relief to the marketplace as soon as practicable.

The proposed settlement also contains another glaring temporal loophole. The last paragraph of section III.H states that only the Microsoft Middleware Products that existed seven months prior to the last beta test on a new version of Windows will be subject to the requirements of the provision. This means that any new Microsoft product or service, developed six months or less prior to the date of the last beta test[21] of a new Windows operating system release or major upgrade, would not be subject to the requirements that its icon or menu entry be removable from the operating system desktop or the requirement that the automatic launching of the product be disabled in favor of a competing middleware product.

The government offers no justification for a proposed settlement that guts the section III.H ''removal'' provision with myriad and, in some cases themselves anticompetitive, limitations and loopholes, and then delays their implementation for significant portions of settlement's proposed five-year duration.

In contrast to the current settlement's abundant accommodations to Microsoft, two years ago, the government categorically rejected Microsoft's complaints that it would be enable to comply with the ''unbinding'' provisions the government then advocated (i.e., requiring that OEMs and end-users have the ability to engage the Add/Remove utility to delete IE):

Microsoft's assertion that offering an ''unbinding'' option for OEMs and end-users for the few covered middleware products in existing operating systems would take ''far longer than six months, would cost hundreds of millions of dollars,'' and would result in a ''far inferior'' OS cannot be reconciled with the record in this case and the district court's findings.

Gov't CA Brief at 132; Gov't D.Ct. Reply Memo at 63–64 (referring to its expert witness's ability to create a removal program that did not damage or degrade the operating system in a relatively short amount of time and the fact that Microsoft already provided a ready means of removing at least 80 components, many of which it considered ''integrated'' features of Windows). There is no reason, technical or otherwise, why the government should not insist upon timely and effective measures to prevent Microsoft from continuing to commingle its middleware with its operating system in blatant disregard of the Court of Appeals ruling.

2. Provisions Designed To Protect Interoperability Between Microsoft Products And Non-Microsoft Products Are Seriously Flawed

In the earlier remedy proceedings, the government explained the indispensable competitive importance of ''interoperability'':[22]

Microsoft's Operating System monopoly gives it the ability to favor Microsoft products in other markets, by refusing to disclose some of the Interfaces supported by Windows. Such a refusal would allow Microsoft to prevent some products from interoperating fully with Windows. Permitting all products to interoperate fully with Windows is necessary to ensure that that those products realize their full potential in terms of performance and functionality.

Felton Decl. ¶¶51–52 (emphasis added). Indeed, full interoperability has long been recognized by Microsoft, quite correctly, to be a primary threat to its monopoly position in the PC operating system market because it would allow multiple, competing operating system platforms to perform essentially all the functions of a Windows PC. CA at 52–54; D.Ct. ¶¶68–93; Henderson Decl. ¶¶12–18, 29–40; Shapiro Deck at 20–21. Middleware, such as Netscape and Java, posed the initial competitive threat in using interoperability to shift computing away from the Windows PC (the ''middleware threat'').

But, as recognized in District Court findings cited with approval or undisturbed by the Court of Appeals, server-based computing, which would shift many computing tasks from the Windows PC to a server on the Internet, also poses a significant threat to the Microsoft operating system monopoly. D.Ct. at ¶¶24–27 (see CA at 52). By preventing full interoperability, however, Microsoft can neutralize the server threat.

Despite the government's claim that the proposed settlement achieved ''seamless interoperability between Windows Operating System Products and non-Microsoft servers on a network'' (CIS at 38), the proposed settlement would, in reality, enable Microsoft to withhold the disclosures necessary to

[20] The last part of the ''technical requirements'' clause, moreover, puts the onus on ISVs to request the reason for the technical failure. Because ISVs are unlikely to be immediately aware that there is a technical failure on the part of their middleware, the burden must be placed on Microsoft to explain such overrides.

[21] ''Beta test'' refers to the last round of testing for a new software product that is typically performed by sending the software product out to consumers and industry insiders both as a means of ironing out the kinks in the product and obtaining publicity for the impending release. There is no set date within the industry of when these ''tests'' are performed. They can occur months before or immediately proceeding a pending product release date.

[22] As a general matter, interoperability is the ability of different computers, servers or other devices, regardless of whether they use the same software and hardware, to freely transmit and receive information to and from each other.

achieve interoperability and thus defeat this goal. The proposed settlement would do nothing to achieve interoperability between a non-Microsoft server operating system and Windows or IE. Instead, the only disclosure requirements are both ineffectual and too narrow: They apply only to PC middleware and certain client protocols, disclosures which are insufficient, on their own, to create interoperability between a PC and a server or among servers. Thus, instead of preserving threats to the Microsoft monopoly from all sources, the settlement gives Microsoft a free shot at disabling server competition.

a. The Government's Original Remedy Required Broad And Meaningful Interoperability Disclosure By Microsoft

During the initial remedy proceedings before the District Court, the government recognized that new threats were emerging to Microsoft's monopoly in the PC operating system market. Gov't D.Ct. Memo at 29. The government recognized the likelihood that, in the future, most computing will be done through networks and on servers housed at remote locations, with personal computer use diminishing. The government acknowledged that, as a result, software for communicating with servers, operating systems for servers, and middleware designed to function on servers, had become a principal competitive threat to the Microsoft PC operating system monopoly. Id.; see also Henderson Decl. ¶¶13–16; Shapiro Decl. at 20–21.

The ''server threat'' arises from the following circumstances, as the government recognizes. Instead of using an expensive, ''intelligent PC'', which contains a Windows operating system, a substantial hard drive and a powerful microprocessor, consumers increasingly use simpler or smaller, more convenient devices, such as cell phones, PDAs (such as ''Palm'' or ''Blackberry'' devices), TV-set-top boxes, or ''dumb PCs,'' all of which are typically equipped only with more basic (and often non-Microsoft) operating systems, a browser, smaller (if any) hard drives, and a microprocessor. D.Ct. at ¶¶22–27; Henderson Decl. ¶¶13–16, 91–92; Shapiro Decl. at 3–4. The consumer will then use this device's browser to connect to the network of servers on the Internet.

By accessing servers on the Internet, the consumer can perform most of the same computing functions (access/browse the Internet; word processing; e-mail; instant messaging, etc.) that are provided by a Windows PC, but at lower cost and much greater convenience. For example, under the PC computing model, to compose and spell-check a document, the PC's processor is used to process the relevant software program to perform the functions. Under the server-network computing model, however, the same function (compose and spell-check a document) is accomplished through the server, which processes the relevant software program and then transmits the document back to the PC. The PC operating system under this scenario does little more than transmit and receive the data. The actual computing functions are largely performed by the server's operating system and hardware. Similarly, far more complex applications can be offered on the Internet through high-powered servers effectively shared by thousands or millions of consumers.

The government recognized the overriding importance of server software and communications protocols in supporting the original Final Judgment:

As computing continues to move off the desktop and into the internet, middleware threats could develop on servers, in either server operating systems or server applications. Microsoft cannot defeat these threats by bundling its own version of such software into its PC operating systems, but it could use its operating system monopoly in other ways to crush any such middleware threats. For example, Microsoft's new Windows 2000 operating system, to which Microsoft intends to migrate its existing Windows users, is designed with proprietary features and interfaces that enable Microsoft's server operating systems to interoperate with PCs more effectively than other server operating systems. If Microsoft were in a competitive market, it would disclose its confidential interface information to other server software developers so that their complementary software would work optimally with, and thereby enhance the value of, Microsoft's PC operating systems. But, if faced with a middleware threat on the servers, Microsoft is likely to continue to withhold that information from competitors in order to protect its operating system monopoly. Gov't D.Ct. Memo at 29 (emphasis added).

The government's expert in the remedy proceedings underlined the importance of the server-based computing model as a critical emerging threat to Microsoft's PC operating system monopoly. Rebecca Henderson, a professor from MIT with a doctorate in Business Economics from Harvard University, testified:

Server-based computing could reduce the applications barrier to entry in the PC operating system market. If server-based applications are supported in a way that permits end-user access to full-featured application functionality on a truly cross-platform basis, users will be able to access them through any PC operating system they choose. Indeed, server software already acts as cross-platform middleware for a few network-centric applications. Web-based e-mail programs, for example, can be hosted on almost any server operating system and used to send e-mail to and from a wide range of clients, including Windows PCs, handheld computers and wireless phones. As the bandwidth available to PC consumers expands, server software could become an increasingly attractive platform for developers interested in writing full-featured applications for PC owners. For example, an accounting package could be ''hosted'' on a web server. If it were designed to be sufficiently cross-platform, and if technology permits, consumers could access its functionality using either a Windows PC or an alternative device.

Henderson Decl. ¶¶14–15.

Microsoft recognizes the server threat to its PC operating system monopoly. D.Ct. at 60. Its strategy has been to use its monopoly control over the PC's operating system and IE to force websites on the Internet to use Microsoft server operating systems, even if they are otherwise not the most desirable choices. To do this, Microsoft can withhold disclosure of communications interfaces and protocols for IE, at the same time as it changes them from previously disclosed interoperable formulations. The objective is to make IE fully interoperable only with a Microsoft server operating system, and to restrict server-to-server communication only to Microsoft server operating systems. In addition, Microsoft can fail to disclose to competitors the server protocols that facilitate full interoperability between a Windows PC and a Microsoft server operating system, or between servers. As a result, Microsoft's server operating system will always interoperate better with a Windows PC operating system or Microsoft server operating system than any competitors' operating systems. These two actions, taken together, will enable Microsoft server operating systems to dominate the Internet, because website owners will need a server that interoperates with the more than 90% of all Internet users that use IE, while consumers will continue to buy the Windows PC operating system because of the applications barrier to entry. In this manner, Microsoft will easily defeat the threat that web-based computing poses to the PC operating systems monopoly by dominating server operating systems and server applications software. Any ''dumb PC,'' cell phone or handheld device, which relies on a server on the Internet to perform the actual computing functions, will either have to use Microsoft operating system software or face elimination from the marketplace.

During the original remedy proceedings, the government's expert economist, Carl Shapiro, explained the importance of a powerful conduct remedy that would require Microsoft to provide timely disclosure of all APIs, protocols and other technical information necessary to allow all server operating systems to fully interoperate with a Windows PC operating system and Microsoft middleware, particularly IE:

Mandatory disclosure of interface information also will prevent Microsoft from using its Windows monopoly power to gain control of complementary applications and middleware... Two especially important software products today that are complementary to the Windows operating system on personal computers are operating systems on handheld devices and operating systems on servers... Indeed, a good case can be made that the most significant threat to Windows in the next several years will come from client/server architectures. Making sure that Microsoft cannot subvert this threat using undisclosed proprietary interfaces is thus central to an effective remedy in this case.

Shapiro Decl. at 20–21 (emphasis added).

For this reason, the government proposed, and the District Court granted a remedy, requiring disclosure of ''all APIs, technical information and Communications Interfaces'' that enabled:

any Microsoft software installed on one computer (including but not limited to server operating systems and operating system for

handheld devices) to interoperate with a Windows operating system (or middleware distributed with such operating system) installed on a Personal Computer.

Final Judgment § 3(b)(iii).

The effect of this provision was to promote competition in the PC operating system market by using interoperability disclosure to support the server and middleware threats to Microsoft's monopoly. These crucial interoperability disclosure provisions required full disclosure of:

(1) all technical information, including both client protocols and server protocols which allow a Windows PC and a Microsoft server operating system to fully interoperate with each other; and

(2) all technical information that enables Microsoft Middleware, such as IE, to fully interoperate with a Microsoft server operating system.

Microsoft's claim that remedies which affect the PC/server and server/server relationships are outside of the Sherman Act § 2 monopolization claims before the Court is insupportable. Defendant Microsoft Corporation's Remedial Proposal at 6–7 (Dec. 12, 2002) (brief filed in response to the Plaintiff Litigating States'' Remedial Proposals). To the contrary, both sides presented evidence on this issue in the prior proceedings, and both this Court and the Court of Appeals were particularly concerned to ensure that the nascent middleware threats to Microsoft's PC operating system monopoly be protected from further anticompetitive conduct. See, e.g., CA at 79 (''it would be inimical to the purpose of the Sherman Act to allow monopolists free reign to squash nascent, albeit unproven, competitors at will—particularly in industries marked by rapid technological advance and frequent paradigm shifts''); D.Ct. at ¶¶24–27, 56, 60.

Indeed, when Microsoft made the same argument during the original remedy proceedings, the government tersely exposed its fallacy:

Microsoft can hardly argue that client/server interoperability issues are unrelated to the trial. In the first place, its own expert, Dean Schmalensee, testified that control over the browser could enable a firm to ''severely'' affect the functionality of server applications... Second, having argued during the trial that Microsoft lacked monopoly power in the operating-systems market because of the future potential of server-based applications, Microsoft can hardly contend now that it should be free to frustrate the threat to the Windows monopoly posed by such server-based applications by withholding critical information needed for those applications to interoperate with Windows.

Gov't D.Ct. Reply Memo at 49 (internal citations omitted).

b. The Proposed Settlement's Interoperability Disclosure Requirements Are Wholly Inadequate

The interoperability disclosure provision in the proposed settlement is seriously deficient in the following ways: (1) no interoperability disclosure protection is afforded to important competitive threats to Microsoft's PC operating system monopoly, including non-Microsoft operating systems for servers and embedded devices (i.e., cell phones, PDAs, set-top boxes) [23]23; (2) the technical information that is required to be disclosed is too limited to be effective; (3) the timing of required disclosures is either too late or too vague; and (4) the definitions of major terms (API, operating system, middleware) would enable Microsoft to avoid disclosure to competitors, by claiming certain middleware or application products are part of the operating system.

i. Important Areas Of Potential Competition In The Monopolized Market Are Not Included In The Interoperability Disclosure Provision

The proposed settlement fails to provide essential disclosure of technical information necessary to ensure interoperability in at least four critical areas: (a) between Windows PC operating systems and non-Microsoft server operating systems; (b) between Microsoft middleware, particularly IE, and non-Microsoft server operating systems; (c) between Microsoft and non-Microsoft server operating systems; and (d) between Microsoft PC or server operating systems and non-Microsoft embedded devices. The absence of such protection effectively encourages Microsoft to dominate server operating systems and software in order to protect its PC operating system monopoly.

(a) The Proposed Settlement Will Not Achieve Server Interoperability

Although the government continues to espouse the public interest goal of ''seamless interoperability'' for servers, CIS at 38, the proposed settlement does not if fact achieve that result. The failure to ensure this essential remedial goal contrasts sharply with the District Court's findings of fact and conclusion of law, which were entirely affirmed or undisturbed by the Court of Appeals, establishing that Microsoft's conduct, in selectively disclosing or entirely withholding such technical information, plainly violated Sherman Act § 2. CA at 71–73; D.Ct. at ¶¶90–92, 338–40.

As late as November 2, 2001—four days before it reached the present settlement agreement with Microsoft—the government still insisted that server interoperability was essential to any settlement. The government's settlement proposal on that date expressly required server interoperability disclosure:

Microsoft shall make available for use by third parties, for the sole purpose of interoperating with a Windows operating system product ... any communications protocol that is... (i) implemented in the Windows operating system product installed on a client computer, and (ii) used to interoperate natively (i.e., without the addition of software code to the client or server operating system products) with Windows 2000 server products or products marketed as its successors installed on a server computer.

Department of Justice, Proposed Final Judgment, Draft of November 2, 2001 at § III.E. (emphasis supplied)' Pursuant to this provision, Microsoft would have been required to disclose both its client protocols and the server protocols which enable a PC and a server operating system to accept and transmit data to each other? [24]

The proposed settlement, however, deleted the requirement that server protocols be disclosed. This was accomplished by removing the words ''or server'' from the provision quoted above. RPFJ § III (E), November 6, 2001. This directly contradicts the view of the government's technical expert, who testified that if Microsoft were able to withhold from disclosure the server protocols:

[it] would give Microsoft the power to choose which server operating system products could interoperate with Windows .... A customer who felt compelled to buy client Windows Operating System Products would therefore additionally be compelled, due to his desire for interoperability, to buy his server Operating System Products from Microsoft or another vendor to whom Microsoft chose to disclose the new protocol. Microsoft's refusal to disclose the [server protocol] would prevent some competing server Operating System Products from interoperating fully with Windows, and thus would put them at a significant disadvantage.

Felton Decl. 53–57.

By removing the server protocol disclosure requirement, the proposed settlement virtually ensures that non-Microsoft server operating systems will never be viable, competitive alternatives to the Windows PC operating system monopoly. The client protocols that Microsoft is required to disclose will only allow the server to receive data or services from the PC. The other half of the transaction, whereby the server responds and sends data to the PC, cannot be accomplished without the server protocols. As a result, ISVs will not be able, on their own, to develop server operating systems that can fully interoperate with Windows PC. The government's expert has admitted that this eliminates the possibility that non-Microsoft

[23] With regard to server interoperability, the proposed settlement only requires ''client protocols'' to be disclosed. As is fully explained below, to achieve full interoperability between a PC (''client'') and a server, there must be disclosure of both client and server protocols, so that the server can accept and transmit data and services to the PC. By disclosing only the client protocol, only one-half of the transaction (PC to server) is achieved, thus defeating the server's ability to fully interoperate with the PC. See pp. 70–72 infra.

[24] A protocol is a piece of an operating system's software code that allows the operating system to translate, and thus understand, the language of another computer or server that is attempting to transmit data. When a PC (''client'') and a server are transmitting and accepting information or services between each other over the internet, server protocols allow the server operating system to accept and understand the information or services being transmitted from the client. In other words, the server protocols allow the server to transmit information to the PC by converting the information from the server's computer language to the PC's computer language. The client protocols perform the opposite task, allowing the PC to fully interoperate with the server. In order to process information from PC to server, and from server to PC, it is essential that both server and client protocols be provided. Without knowledge of the appropriate server protocols necessary to interoperate with a Windows PC, an ISV cannot design an operating system for a server which will properly interoperate with the Windows PC operating system.

servers would ever become a competitive threat to Microsoft's PC operating system monopoly:

[T]he two provisions relating to the disclosure of APIs, interfaces and technical information ... are exceptionally urgent ... [a]s long as Microsoft retains its monopoly power, the ability to withhold information and to deny interoperability in this way will be a fearsome threat. The development of server-based full-featured PC applications, for example, would be completely crippled if these applications could not be accessed from a Windows PC, or could only be accessed in a disadvantaged way, since no one would be willing to invest in building them. Requiring Microsoft to disclose its interface information... provides a necessary check on Microsoft's ability to exploit its illegally obtained position to exclude competitors.

Henderson Decl. ¶¶115–121 (emphasis added).

Quite simply, because Microsoft will not have to disclose any server protocols, this disclosure provision will not achieve ''seamless interoperability'' between a Windows PC and a non-Microsoft server operating system or aid in restoring even a vestige of competition to the PC operating system market.

(b) The Settlement Fails To Require Disclosure To Enable Interoperability Between Internet Explorer And Non-Microsoft Servers

During the original remedy proceedings the government acknowledged the crucial importance of requiring full disclosure of all technical information relevant to the interoperability between Microsoft's middleware products, particularly IE, and server operating systems.

As explained by a government expert, if Microsoft maintains control over the browser-server interaction (as it would under the proposed settlement), it can maintain its PC operating system monopoly by foreclosing the ability of a web server to interoperate with IE:

Owning the dominant browser gives Microsoft great influence over the evolution of important Internet interfaces. As Paul Maritz recognized, ''By controlling the client, you also control the servers.'' GX 498, at MS980168614. See also GX279 (discussing the role of standards in establishing Internet platform, Maritz explained, ''The key is to win the client (patch up the server later)''). This set of interfaces goes beyond the browser APIs to which developers can directly write applications, to include the set of interfaces that constitute the communications protocols between the browser and the network. For information to be received and viewed in Internet Explorer, the developer has to follow these interfaces.

The ability to influence development of web-based applications is a highly valuable tool for future anticompetitive campaigns should Microsoft choose to mount them. As web-based applications grow in importance, so does Microsoft's ability to steer them towards being IE-centric, and, given its control over the browser-to-operating system interface, Windows-centric as well.

Henderson Decl. 81–86 (internal citations to trial record). The proposed settlement, however, completely abandons the disclosure provision necessary to prevent Microsoft from using its control of IE to eliminate demand for non-Microsoft server operating systems as a competitive alternative to Microsoft's PC operating system monopoly.

Under the proposed settlement, Microsoft has no obligation whatever to disclose any technical information—APIs, communications interfaces or otherwise—that would permit a non-Microsoft server operating system to interoperate with Microsoft's Middleware, including IE. The only disclosure obligation under the proposed settlement involving Microsoft Middleware requires disclosure of APIs relevant to interoperability with a ''Windows Operating System Product,'' a term which is defined to include only ''the software code...distributed commercially by Microsoft for use with a personal computer.'' RPFJ §§ III.D, VI.U (emphasis added). For example, this provision would not require any disclosure for the purpose of allowing competing server operating systems to interoperate with IE, the very product that the Court of Appeals held was used by Microsoft to illegally maintain its monopoly power. CA at 64–68.

As a result, under the proposed settlement, only Microsoft server operating systems will be guaranteed access to the proprietary APIs and communications interfaces necessary for a server to interoperate with IE. If a website owner purchases a non-Microsoft server operating system, the more than 90% of consumers who use IE on their Windows PC would be unable to access that website unless Microsoft had agreed to separately license the technical information required for interoperability.

Of equal significance is Microsoft's recent decision not to distribute Java as part of Windows XP. Java had been included in prior versions of Windows. Java is a software program that is an open industry standard; it allows websites both to operate on numerous non-Microsoft operating systems and to display rich colors and graphics to enhance the website's appearance. CA at 74–75; D.Ct. at ¶¶386–405. Approximately 50% of all websites currently on the Internet, including SBC's website, are Java-compatible. Microsoft dropped distribution of Java in favor of promoting ActiveX, which is Microsoft's proprietary software that competes with Java by allowing a web server to process an Internet-based application in a fashion similar to Java. ActiveX is a proprietary browser interface that is installed as part of the software code for IE. As a result, the only way a non-Microsoft server operating system can obtain the proprietary interfaces for ActiveX (or for Internet Explorer generally) is through a license from Microsoft. If Microsoft chooses to make IE's protocols a completely undisclosed, proprietary standard, which it is free to do under the proposed settlement, Microsoft's PC operating system monopoly will be perpetuated, because the already formidable applications barrier to entry will be increased, and the server threat will be further diminished. This will occur as a result of two interrelated effects. First, website owners will be forced to purchase Microsoft server operating systems to ensure that their website remains fully accessible by the more than 90% of consumers who use IE. Second, for this reason among others, the vast majority of applications that are already written exclusively to interoperate with Windows will be increased, as ISVs' commercial need to write their Internet-based applications to be compatible with IE and ActiveX will increase. As time goes on, the number of servers which interoperate with Java and other browsers will continue to fall. Moreover, consumers who want to browse the Internet, that is, to access what will become the overwhelming majority of websites run on a Microsoft server operating system, will have to use IE and to get it, they will need a Windows PC operating system or another device that runs on Microsoft software. In the end, the prospect of ''dumb PCs,'' cell phones and handheld devices equipped with non-Microsoft operating systems and browsers also will be eliminated.

SBC's own website provides an example of the exclusionary effect this lack of disclosure will have on non-Microsoft server operating system. SBC uses non-Microsoft operating systems on its website servers, and the website is designed to be compatible with Java. Because Windows XP (unlike earlier Windows versions) does not contain Java, when Windows XP users attempt to access SBC's website, they receive a message that ''to display this page correctly, you need to download and install the following components: Java Virtual Machine.'' However, to make this (free) download on a normal dial-up connection will take the consumer over 30 minutes in normal conditions (i.e., low network congestion and latency), and an hour or more during times of peak usage. Thus, by dropping Java from Windows XP and failing to disclose its browser interfaces (which would enable SBC to obtain programs that could achieve ''seamless interoperability'' with Windows XP), Microsoft has compelled the consumer to undertake a confusing and lengthy download process. This creates an anticompetitive barrier to consumers' use of SBC's website and entrenches the Windows monopoly.[25]

(e) The Proposed Settlement Does Not Contain An Interoperabillty Disclosure Provision To Cover Server-To-Server Communications

Another corollary to the potential transition from the PC to a server-based computing environment is the need for a vastly increased volume of server-to-server communication transmissions. The proposed settlement contains no provision requiring disclosure of any technical information whatever to facilitate such communications—''interoperability''—between Microsoft and non-Microsoft server operating systems. The government offers no explanation for its absence, which will have

[25] In October 2001, Microsoft dispelled any doubt whatever that it would use its control of Internet Explorer and Microsoft server operating systems to exclude competing browsers, when it blocked access to its MSN.com server for Netscape's and Opera's competing browsers. See p. 80 infra.

the predictable effect of further diminishing the server threat to Microsoft's PC operating system monopoly, while also restraining competition in the server operating system market itself. All of the same deficiencies in interoperability discussed above with respect to PCs and servers also apply to server-to-server communications as well. For this reason, the same outcome is certain to occur: an overwhelming percentage of servers on the Internet will be forced to use a Microsoft operating system. If Microsoft is not required to disclose any of the technical information necessary interoperate with Microsoft's server operating system, the demand for non-Microsoft server operating systems will be significantly reduced. As a result, the Internet-based threat to Microsoft's PC operating system monopoly will be neutralized.[26]

(d) The Proposed Settlement Does Not Contain Interoperability Disclosure Provisions To Cover ''Embedded Devices''

Like a ''dumb PC,'' an ''embedded device'' (such as a cell phone, PDA or set-top box) also can provide a viable, competitive alternative to a Windows PC. The government once again admitted this in prior remedy proceedings when it included embedded devices in the interoperability disclosure provisions:

It is also possible that some of the middleware now being developed for alternative client devices—such as the handheld computer, the Personal Digital Assistant (PDA), the so-called ''Internet Appliance,'' or the wireless telephone—might one day attract developers in large numbers. If ported to the PC, this middleware could then begin to erode the applications barrier to entry to the PC operating system market.

Henderson Decl. 16. See Final Judgment § (3)(b)(iii) (requiting full disclosure of all technical information relevant to interoperability between operating systems of handheld devices and Windows PCs).

The government's position at the time rested squarely on District Court findings that such devices could present an alternative to a Windows PC in the future. D.Ct. ¶¶at 22–23. Those findings were not disturbed on appeal and remain binding today. CA at 52 (handheld devices could, but do not yet, perform enough functions to be an alternative to a Windows PC.)

In the proposed settlement, this essential salutary provision has been removed without explanation by the government. The result is to eliminate another potential threat to Microsoft's PC operating system monopoly, while also giving Microsoft a significant advantage in the closely connected market for operating systems for such embedded devices.[27]

(e) The Technical Information That Is Required To Be Disclosed Under The Proposed Settlement Is Insufficient To Achieve Interoperability

Even in those situations where the proposed settlement does require Microsoft to disclose certain technical information (interoperability between Microsoft middleware and Windows PC operating system; client protocols), the type and extent of the disclosure is inadequate to promote competition, because it fails to achieve the ''seamless interoperability'' that the government admits is essential to provide an effective remedy for Microsoft's antitrust violations.

While the government now claims to have achieved equal access to the ''same interfaces and related information'' for non-Microsoft and Microsoft middleware developers (CIS at 33), this is not correct. Specifically, the proposed settlement only requires disclosure of ''the APIs and related documentation'' used by Microsoft Middleware to interoperate with a ''Windows Operating System Product.'' RPFJ <§ III.D. This limited disclosure is in stark contrast to the disclosure the government sought, and obtained, in the Final Judgment. Final Judgment § 3(b). At that time, the government required disclosure of ''all APIs, technical information and communications interfaces'' to achieve interoperability. Id. (emphasis added).

For example, by limiting disclosure to APIs, the government has left out important additional technical information that is indispensable for a middleware product to achieve ''seamless interoperability'' with a Windows PC operating system. In addition, the definition of what constitutes an ''API'' is drawn too narrowly in the proposed settlement; it does not include items like registry keys, file formats, communications protocols and other necessary technical information that is critical for an ISV to develop a middleware product that is fully interoperable. See RPFJ § VI.A. This stands in sharp contrast, once again, to what the government advocated in the Final Judgment, when its own expert explained that disclosure of all APIs, communications interfaces and other related technical information was essential to promote full interoperability. Felton Decl. ¶¶15–28. The government offers no explanation for its change of position. See Final Judgment § 7(b); Litigating States' § 22(c).

The same deficient definitions apply to the type of technical information that Microsoft must disclose to promote interoperability between a non-Microsoft server operating system and a Windows PC operating system. RPFJ § III.E. Such disclosure is now limited only to ''client protocols,'' while the Final Judgment required disclosure of ''all APIs, Technical Information and Communications Interfaces'' necessary to achieve full interoperability. Final Judgment § 3(b); Litigating States' § 4. The proposed settlement's limited disclosure obligation has grave negative ramifications for ISVs seeking to achieve full interoperability. First, as stated above, both the client and server protocols are necessary to achieve interoperability between a PC operating system and a server operating system. Moreover, there is substantial additional technical information that far exceeds a ''communications protocol.'' Such additional information includes APIs, software tools, file formats and other technical information without which a non-Microsoft server operating system will never achieve ''seamless interoperability'' with a Windows PC, let alone operate as well as a Microsoft server operating system.

The possibility that Microsoft will maintain its PC monopoly in this manner is not hypothetical. In fact, in the absence of strong remedial provisions, not only is Microsoft certain to use disclosure, or the lack thereof, to create and maintain an advantage over its competitors, but it has already used the very same control over communications protocols and the like to disrupt competing browsers' ability to communicate with its own servers over the Internet. At the time of the release of Windows XP just last October, Microsoft secretly changed the MSN web server program codes to specifically prevent the competing browsers Netscape Navigator and Opera from interoperating with the MSN web server.[28] Browser Bruiser, Chicago Sun Times, October 27, 2001, at 36 (''Microsoft's premiere web portal, MSN.com, denied entry to millions of people who use alternative browser software such as Opera and told them to get Microsoft's products instead.''); MSN Shuts Out Other Browsers, Associated Press, October 28, 2001 (''Microsoft's premiere web portal, MSN.com, denied entry to millions of people who use alternative browser software such as Opera...The blockage coincided with Microsoft's showcase launch of its Windows XP operating system. Instead of getting MSN's news, games and shopping features, Opera users were given links to download Microsoft's browsers.'').

(f) The Timing Of The Required Disclosure Under The Proposed Settlement Will Impede, Not Promote, Competition

To restore competition in the PC operating system market, proper timing is no less important than the substance of the required disclosures. The District Court made multiple findings of fact, affirmed by the Court of Appeals, which established that delayed disclosure of technical information to achieve interoperability effectively nullifies its value. D.Ct. at 338–40; CA at 71–73. The ''time to market'' in developing software is of the utmost importance. Id. The ability of an ISV even to attempt to compete with Microsoft is ''highly dependent'' on Microsoft's release of its technical information relevant to interoperability. Id. Netscape learned this lesson in 1995 when Microsoft, in the face of repeated demands from Netscape for technical information regarding interoperability with Windows 95, withheld this technical information from

[26] The Litigating States' proposal properly requires full disclosure of all technical information necessary to design a non-Microsoft server operating system that would be fully interoperable with a Microsoft server operating system. Litigating States'' § 4.

[27] The Litigating States' proposal justifiably requires full disclosure of all technical information relevant to the interoperability between a Microsoft PC or server operating system and any embedded device. Litigating States'' § 4.

[28] When browsers connect to a web server, they send information identifying specifically which browser it is and the capabilities of that browser. Programmers often code their web servers to be aware of browser differences so that the web server can provide a richer end-user experience. It is unusual, to say the least, to use browser and web server capabilities in this way to deny access.

Netscape for approximately three months. D.Ct. at ¶¶90–92. While Netscape was waiting for this information, Microsoft brought to market its competing product—Internet Explorer. Id. The result of this delay was to destroy any fair competitive challenge Netscape might mount against Internet Explorer. Id.

The government has previously acknowledged that the proper timing of disclosure of technical information related to interoperability is critical to restore competition to the PC operating system market. Gov't D.Ct. Reply Memo at 21–23. As a result, the government sought provisions in the Final Judgment that required the timing of all disclosures to be made when Microsoft disclosed the information to its own developers, and well in advance of when any new Windows product is brought to market. Final Judgment § 3(b).

Having manipulated for its own competitive advantage the timing of interoperability disclosures in the past, it is not surprising that Microsoft demanded very liberal and vague timing in the proposed settlement. The government, however, having litigated and prevailed on the timing issue, now largely gives up. The proposed settlement does not require the disclosure of technical information related to interoperability of Microsoft Middleware products to begin until the ''earlier of the release of Service Pack I for Windows XP or twelve months after the submission of this Final Judgment.'' RPFJ § III.D. If Microsoft intends to introduce a new Middleware Product, it does not have to disclose any technical information related to interoperability until the product's ''last major beta test.'' Id. All other disclosures must be made in a ''Timely Manner,'' which is defined as the ''time Microsoft first releases a beta test ... that is distributed to 150,000 or more beta testers.'' Id. § VI.R.

Similarly, the disclosure of client protocols contained in the Windows PC operating system are not required to begin until nine months after the submission of the final judgment, and all subsequent disclosures are not regulated as to time, and thus left solely within the discretion of Microsoft. RPFJ § III.E.

The inadequacy of these timing requirements is patent. There is no conceivable justification, and none has been offered, for delaying disclosure with respect to Microsoft's current products for nine to twelve months from the date of the settlement. By definition, Microsoft knows, and its programmers have access to, current product information today. The delay built into the settlement simply allows Microsoft time to exploit its proven monopoly for another year so that Microsoft's products will have an even greater advantage when disclosure finally begins.

With respect to new middleware products and others, the timing of disclosure also fails to serve the public interest. Disclosure for a new middleware product is not required until the new product's ''last major beta test'', which is also an undefined term. RPFJ § III.D. As to all other middleware disclosures, Microsoft is free to decide when to conduct the required beta test to 150,000 or more beta testers. RPFJ § III.D. With respect to the disclosure of client protocols, Microsoft is not subject to any time limit whatever. RPFJ § III.E. These provisions effectively immunize continued anticompetitive conduct. Microsoft is essentially given free rein to choose when it will be most advantageous in terms of marketing its products to make the required disclosures; and prior to disclosure it is free to develop and position its products for maximum competitive advantage.

Once again, the CIS provides no explanation why Microsoft's disclosure obligations should not commence immediately, and why at all times thereafter, should not be made as soon as information is available to Microsoft's own programmers. CIS at 34–35. For example, the ''beta test'' standard in the proposed settlement is far too late to be competitively meaningful. A beta test is one of the last steps taken by a software developer before placing a new product on the market. It is often viewed as more of a marketing tool (to create a ''buzz'' among technology writers and other cognoscenti), rather than a true development step. Thus, if Microsoft is allowed to wait until this point, it will be able to do to other software developers exactly what it did to Netscape in 1995—ensure that a competing product is so late to market that it faces an insurmountable barrier to overtake Microsoft's lead. D.Ct. at ¶¶90–92.

The Final Judgment and Litigating States' proposal are much more rational, and likely to lead to meaningful disclosure that would promote interoperability and competition. All disclosures under the Final Judgment and Litigating States' proposal are required to be made in a ''timely manner,'' which is precisely defined as, at a minimum, the earliest of the following times:

(i) When the information is disclosed to Microsoft's own application developers;

(ii) When the information is used by Microsoft's ''own platform software developers in software released by Microsoft in alpha, beta release candidate, final or other form'';

(iii) When the information is disclosed to any third party; or

(iv) Within ninety days of the final release of the Windows operating system product, but ''no less than five days after a material change is made between the most recent beta for release candidate version and the final release.''

Final Judgment § 7(ee); Litigating States' § 22(pp).

(g) Important Terms In The Proposed Settlement Are So Loosely Defined That They Enable Microsoft To Avoid Disclosure

The definitions of important terms relevant to interoperability are so vague that Microsoft can largely avoid its disclosure obligations. Among other things, the proposed settlement's definitions of ''Microsoft Middleware'' and ''Windows Operating System Product'' give Microsoft the ability to completely circumvent even the otherwise paltry disclosure requirements. See pp. 36–40, 42–43 supra. Just as important, the critical term ''interoperability'' is not defined in the proposed settlement. It should be defined as the ability of a system or product to work with other systems or products in such a way as to effectively access, utilize and support the full features and functions of one another. See Litigating States' § 22(q).

In addition, the definition of ''Windows Operating System Product'' provides that ''[t]he software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion.'' RPFJ § VI.U (emphasis supplied). Essentially, this provision grants Microsoft the ability to avoid disclosure to competitors of technical information—even that necessary to achieve the government's promised ''seamless interoperability''—merely by embedding a middleware product in the Windows PC operating system code. Microsoft can then argue that the product at issue is not middleware, but rather part of Windows, and thus outside all disclosure obligations.

The definition of ''Microsoft Middleware'' demonstrates the intentional nature of the government's concession on this point and serves no function other than to dilute the effectiveness of the proposed settlement. That definition, which is essentially the flip-side of the ''Operating System'' coin, also allows Microsoft the flexibility to define whatever it wants to as middleware, by either not obtaining a trademark for the product or by simply bundling it with the Windows PC operating system. RPFJ § VI.J. In either instance, the effect is the same: Notwithstanding the conclusion of the District Court and the Court of Appeals that Microsoft bound middleware to its operating system for the purpose of defending its operating system monopoly in violation of § 2, the company will remain free to continue the same conduct.

ii. The Mandatory Licensing Provisions Are Illusory

The proposed settlement provides that Microsoft must license to its competitors the intellectual property fights for any technical information it is required to disclose. The CIS explains that ''[t]he overarching goal of this section is to ensure that Microsoft cannot use its intellectual property fights in such a way that undermines the competitive value of its disclosure obligations.'' CIS at 49. Limitations on Microsoft's licensing obligations, however, make the provision's impact largely illusory. Indeed, they may well benefit Microsoft to the exclusion of its competitors and competition generally in the PC operating system market.

First, Microsoft is permitted to charge a ''reasonable royalty'' to any competitor who requests disclosure related to interoperability. RPFJ § III.I.1. This provision is anticompetitive. On its face, it allows Microsoft to enjoy the fruits (i.e., licensing royalties) of its proven illegal monopoly. Moreover, it gives Microsoft the opportunity to use a ''royalty'' charge to control crucial technical information in a way that restrains its competitors—a practice Microsoft has already shown a willingness to undertake.[29] The government earlier acknowledged that

[29] Under the proposed settlement, there is no practical way for competitors who must pay the fee to challenge its reasonableness.

these dangers can be avoided only by requiring any license to be royalty-free:

The disclosure of APIs, Communications Interfaces and Technical Information required by the Final Judgment will enable third parties to make their products interoperate effectively with Windows, thereby increasing the value of Windows as a platform ..... There is thus no need or justification to charge a royalty for access to the same information about interoperation with Microsoft Platform Software on a Personal Computer that Microsoft's own developers receive.

Gov't D.Ct. Sum. Resp. at 14.

The relevant case law also supports the position that royalty-free licenses are necessary to prospectively remedy Microsoft's illegal monopolization of the PC operating system market. See United States v. General'' Elec. Co., 115 F. Supp. 835,844 (D.N.J. 1953) (royalty-free licenses an essential remedy to prevent a continuance of monopoly). The government made this same legal point when it recognized that the instant case is analogous to United States v. Western Elec. Co., 569 F. Supp. 1057, 1082–1091 (D.DC 1983), aff'd sub nom. California v. United States, 464 U.S. 1013 (1983), where compulsory, royalty-free, sublicensable licenses were required to remedy past anti-competitive conduct. Gov't D.Ct. Reply Memo at 27–29. As the government pointed out, this provision was one of several that insured that ''telecommunications [would] continue to operate in an engineering sense as one national network.'' Id. at 29 (internal quotation marks omitted). The same functional interoperability is necessary to ensure maximum innovation and competition in all aspects of the computer industry.

Moreover, as in the AT&T case, whether royalty-free licenses are necessary is not an issue of remedying a monopolist's past anticompetitive use of its intellectual property per se, but rather a matter of making sure that the relief granted (in this case, disclosure of certain APIs and communications protocols) is not impeded by onerous license terms. Thus, requiring royalty-free licensing is merely in aid of a remedy for antitrust violations that are not directly related to Microsoft's licensing of its intellectual property.

The public interest also is not served by giving Microsoft the tight to condition the grant of any license of its own software upon the licensee's ''cross-licensing'' any intellectual property rights it may have ''that are related to the licensee's exercise of its tights'' under the settlement. RPFJ § III.I.5. It was established long ago that cross-license requirements are inconsistent with restoring competition to a monopolized market:

[A] provision for reciprocal licensing would tend to perpetuate the situation of industry dominance by General Electric which the decree is designed to end... Were General Electric granted the right of reciprocity, since it would be the overwhelmingly largest source from which to demand licenses, once again it would be in a position of being able to channel all development through itself. Therefore the proposal of General Electric for reciprocal licensing will be declined.

General Elec. Co., 115 F. Supp at 847.

The government's present justification, that this provision is necessary to ensure that Microsoft would not be exposed to ''infringement liability'' as a result of the interoperability disclosures, is difficult to understand. CIS at 50. No competitor should be forced to disclose its own proprietary information in order to exercise rights put in place to restore competition in a monopolized market. Again, the government does not explain why it was wrong when it earlier concluded that such a provision has no pro-competitive benefit:

There is no justification for requiting third parties to disclose to Microsoft the APIs' and Communications Interfaces in their products that interoperate with Windows. Microsoft has monopoly power in the market for PC operating systems, and third-party developers of middleware that might challenge that monopoly are thus dependent on access to Windows APIs, Communications Interfaces and Technical Information. Microsoft has previously withheld access to APIs and interfaces to defeat such threats in the past, and the restoration of competition requires that it not be permitted to do so in the future. No comparable concern has been raised in this case about access to information regarding third parties' products. In any event, third parties that get access to APIs, Communications Interfaces, and Technical Information are doing so to create complements to Microsoft's operating system.

Gov't D.Ct. Sum. Resp. at 14–15.

In addition, the disclosures required by cross-licensing would enable Microsoft to get a jump on developing its own product to compete with that which the licensee was forced to disclose. The settlement would thereby further increase Microsoft's timing advantage over its licensee in selling a new product. Nothing requires giving a proven monopolist such a benefit.

iii. The Limitation Upon Disclosure Based On Alleged Security Concerns Is A Massive Loophole

The provision in the proposed settlement that limits Microsoft's interoperability disclosure obligations based on security considerations is another loophole that Microsoft can use to justify withholding crucial technical information. Under this provision, if technical information would ''compromise the security of a particular installation or group of installations of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria,'' it is exempt from disclosure. RPFJ § III.J.1. In addition, Microsoft is also given the right to require that the following conditions be met prior to licensing APIs or communications protocols related to the foregoing subjects:

(i) that any licensee never have participated in software counterfeiting or piracy, and never have willfully violated intellectual property rights;

(ii) that the licensee have a ''reasonable business need'' for the technical information, and the need must be related to a product that is currently being planned or shipped;

(iii) that the licensee meet ''reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business''; and

(iv) that the licensee agree to submit any program using the disclosed technical information to a third party, approved by Microsoft, to ''ensure verification and compliance with Microsoft specifications.'' RPFJ § III.J.2.

The government did not permit any such ''security'' exception in its proposals for the Final Judgment. The government now attempts to justify this provision as a ''narrow exception'' that is necessary to maintain the integrity of the security-related features of Windows. CIS at 10. To the contrary, the broad language and significant discretion given to Microsoft create loopholes for Microsoft to withhold information essential to interoperability from disclosure generally or from specific rivals it wishes to prejudice.

First, virtually all APIs, communications interfaces or other technical information that are relevant to interoperability, on some level will perform ''authentication'' or ''encryption'' functions related to the security of an operating system. Accordingly, the allegedly ''narrow'' security exception in reality gives Microsoft a virtual carte blanche to withhold information necessary for interoperability, simply by citing this section and claiming the code at issue provides ''authentication'' or ''encryption'' functions.

The language requiring that a person seeking disclosure must meet ''reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business'' invites abuse by Microsoft. RPFJ § III.J.2.c (emphasis added). For example, Microsoft could exercise its veto power over a disclosure request from an open source developer, on the ground that Microsoft does not consider ''its business'' to be ''authentic'' or ''viable''. The open source community typically operates on a not-for-profit basis, and has long been a competitive adversary of Microsoft. Rebecca Buckman, Microsoft is Suing Linux Start-up Over Lindows Name, Wall Street Journal, December 24, 2001 (Microsoft brings trademark action against open source operating system developer); Lee Gomes, Linux Campaign Is An Uphill Battle For Microsoft, Wall Street Journal, June 14, 2001 (''A Microsoft Corp. effort to vilify Linux and other open-source software appears to be backfiring ... Microsoft Chief Executive Steve Ballmer ... [called] Linux ''a cancer that attaches itself in an intellectual property sense to everything it touches.''); Byron Acohido, Microsoft Memo to Staff: Clobber Linux, USA Today, Jan. 4, 2002 (''Microsoft is escalating its war against Linux.'').

Similarly, the requirement that the prospective licensee have a ''reasonable business need'' for the information also gives Microsoft anticompetitive powers. Microsoft could dispute the asserted ''need'' or use to its own competitive advantage the information that licensees would presumably submit to it to demonstrate their ''need,'' since the provision effectively gives

Microsoft advance notice of its competitors' new products. For this reason, the provision will discourage competitors from even exercising disclosure rights. Finally, Microsoft is given the gratuitous fight to require all competitors' programs that use Microsoft's APIs to be verified by a third party, who is ''approved by Microsoft,'' to ensure compliance with ''Microsoft's specifications for use of the API or interface.'' RPFJ § III.J.2.d.

Microsoft's alleged concern for security is a pretext to create a loophole, as well as to allow Microsoft to obtain an unwarranted advantage by having early access to its competitors' trade secrets, The fact that certain code may provide a security function is not a legitimate reason to withhold disclosure. Although Microsoft has not been required to license this information in the past, its software security record is arguably one of the worst in the industry. See, e.g., Wayne Epperson, NT Insurance at a Premium, HostingTech (August 2001), at www.hostingtech.com/security/01_08_nt. (reporting that insurer J.S. Wurzler Underwriting Managers had discovered ''that clients who used Microsoft Windows NT software in their Internet operations were at a greater risk of loss to computer hackers than were the insured Unix or Linux users .... After 5 months of analysis, Wurzler Underwriting Managers made the decision to charge its NT clients an extra premium for insurance coverage.''). On the other hand, several of the most effective security programs, such as Kerberos and ''Pretty Good Privacy,'' are available on an open-source basis and freely accessible by the public. These examples prove that even full public disclosure is not inimical to security. What disclosure does prevent, however, is the exercise of monopoly power. For purposes of this proceeding, therefore, the ''security'' loopholes are not in the public interest.

3. The Proposed Settlement Fails To Remedy The Proven Pattern Of Unlawful Retaliation, Inducements, And Exclusive Dealing Arrangements Used By Microsoft To Maintain Its Monopoly

As determined by the District Court in findings upheld by the Court of Appeals, Microsoft threatened to and did withhold critical technical information from software developers; Microsoft provided or withheld financial benefits depending on a party's willingness to aid in its anticompetitive campaign; and Microsoft contractually prohibited third parties from distributing competing software. CA at 71–73, 76–77. Yet, the proposed settlement fails in many respects to protect third parties from new versions of such past conduct which may be used by Microsoft to protect its operating system monopoly.

In earlier proceedings, the government recognized that any remedy must be ''directed towards future competition and innovation,'' and that while the remedy was based on historical experience, the analysis was ''done on a forward-looking basis.'' See Shapiro Decl. at 2. The government further acknowledged that in this fast-moving industry, any remedial conduct provisions must ''be broad enough to prevent Microsoft from engaging in a number of categories of anticompetitive tactics in the future, precisely because the specific tactics that Microsoft might employ in the future are hard to predict today in the face of changing products and technology.'' Id. (emphasis in original)

Having recognized these elements as essential to any remedy that would serve the public interest, the government now proposes to settle on terms that do virtually nothing to anticipate and prohibit new forms of exclusion. Indeed, in many instances, the government has given up or severely limited provisions in the original Final Judgment that were fully justified by the Court of Appeals' affirmance. On a number of such issues, the proposed settlement accepts positions that Microsoft sought to include in the Final Judgment, but the government then specifically rejected. The government rejected Microsoft's proposals precisely because they ''consist[ed] largely of changes that would create loopholes and permit Microsoft to continue to engage in anticompetitive practices like those found by the Court or otherwise to frustrate or undermine the purposes of the Final Judgment.'' Gov't D.Ct. Sum. Resp. at 6. However, the recent CIS does not attempt to justify the government's acquiescence in what were once viewed as ''loopholes'' and a license to resume ''anticompetitive practices.''

a. The Government's Settlement Substitutes Weak And Narrow Protections Of Third Parties For The Strong And Broad Provisions Justified By Microsoft's Conduct s

The Court of Appeals held that Microsoft had engaged in exclusionary acts and threats of retaliation in violation of § 2. CA at 73, 77–78. In its efforts to promote IE and restrict the distribution of Navigator, Microsoft successfully made threats against Apple. To halt the development of cross-platform interfaces for Java, Microsoft threatened to retaliate against Intel. Microsoft also made threats and retaliated against others who posed potential threats to its monopoly. D.Ct. at ¶¶83–84, 91, 101, 102.

The government has recognized the established and urgent need to prevent Microsoft from engaging in acts or threats of retaliation. The original Final Judgment prohibited Microsoft from ''tak[ing] or threaten[ing] any action [that] adversely affect[s] any OEM... based directly or indirectly, in whole or in part, on any actual or contemplated action by that OEM to use, distribute, promote, license, develop, produce or sell any product or service that competes with any Microsoft product or service.'' Final Judgment § 3(a)(i). The Final Judgment further prohibited Microsoft from ''tak[ing] or threaten[ing] any action affecting any ISV or IHV... based directly or indirectly, in whole or in part, on any actual or contemplated action by the ISV or IHV to use, distribute, promote or support any Microsoft product or service, or develop, use, distribute, promote, or support any software that runs on non-Microsoft Middleware or a non-Microsoft Operating System or that competes with any Microsoft product or service.'' Final Judgment 21§ 3(d)(i) and 3(d)(ii).

With respect to OEMs, the government recognized that Microsoft's retaliatory actions ''highlight[] the potential for misuse of monopoly power that must be prevented if potential rivals to Windows and new innovations in software can be expected to emerge.'' Gov't D.Ct. Memo at 38. The government specifically admitted that the broad anti-retaliation provision was needed ''both to prevent subtle or varied forms of coercion and to avoid difficulties in determining the scope of the restriction in an enforcement proceeding.'' Id. at 38–39.

With respect to banning retaliation against ISVs and IHVs, the government said it was necessary to ''ensure that Microsoft does not use its operating system monopoly to nip new competitive threats in the bud.'' Gov't D.Ct. Memo at 41. The provision was a ''safeguard to prevent Microsoft's continued use of the wide array of opportunities presented by its monopoly position to bribe and coerce third parties to favor its own products and exclude others.'' Gov't D.Ct. Reply Memo at 55.

Moreover, because Microsoft repeatedly sought anticompetitive agreements, such as its attempted market allocation agreements with Netscape and Intel, the Final Judgment included a provision that flatly prohibited agreements that limit competition (Final Judgment § 3(h)) ''to ensure that the defendant will be unable to repeat its unlawful conduct.'' Gov't D.Ct. Sum. Resp. at 17. ''Prohibiting anticompetitive activity that could stifle the emergence of other forms of middleware as potential platforms is necessary both to prevent recurrence of past misconduct and to restore competitive conditions.'' Gov't D.Ct. Reply Memo at 65.

Even today, the government recognizes the need to prohibit retaliation based on the specific findings of illegal conduct upheld by the Court of Appeals. In its attempts ''to protect the applications barrier to entry, Microsoft embarked on a multifaceted campaign to maximize [IE]'s share of usage and to minimize Navigator's.'' CIS at 13. Not content to merely develop its own browser, ''Microsoft decided to constrict Netscape's access to the two distribution channels that led most efficiently to browser usage; installation by OEMs on new personal computers and distribution by [IAPs].'' Id. ''To ensure that developers would not Comments of SBC Communications Inc. view Navigator as truly cross-platform middleware,'' Microsoft also pressured Apple ''to make Navigator less readily accessible on Apple personal computers.'' CIS at 14.

Additionally, as part of ''its effort to hamper distribution of Navigator and to discourage the development of software that used non-Microsoft technology, Microsoft also targeted [ISVs] by contractually requiring ISVs to use [IE]-specific technologies in return for timely and commercially necessary technical information about Windows, and precluded important ISVs from distributing Navigator with their products.'' CIS at 14–15. Ultimately, ''Microsoft's actions succeeded in eliminating the threat that the Navigator browser posed to Microsoft's operating system monopoly... Navigator lost its ability to become the standard software for browsing the Web because Microsoft had successfully—and illegally—excluded Navigator from that status.'' CIS at 15.

The proposed settlement (RPFJ §§ III.A,F) fails to implement the procompetitive goals that the government has repeatedly expressed, and substitutes weak and narrow protections for broad prohibitions to interdict new forms of exclusionary conduct adopted by Microsoft in response to new forms of competition.

i. The Range Of Parties Protected From ''Retaliation'' Is Too Limited

The settlement would only protect OEMs, ISVs and IHVs against ''retaliation.'' Microsoft's record of retaliatory conduct, however, demonstrates that the ban against retaliation must apply to all third parties.[30] Microsoft has demonstrated that it will take any action necessary against any entity that poses a threat to its monopoly, by making threats, offering inducements, coercing or contractually restricting others. The government offers no justification whatever, let alone any persuasive reason, to limit the types of third-parties against which Microsoft cannot engage in unlawful retaliation. The settlement's failure to ban retaliation broadly is all the more troubling because this provision does not impose any affirmative duties on Microsoft. The only ''burden'' is that Microsoft must refrain from punishing those who might challenge Microsoft's illegal monopoly.

ii. ''Retaliation'' Is Not Defined

The proposed settlement states that Microsoft ''shall not retaliate,'' but never defines ''retaliation.'' Although the government stated that its intention was to ''prevent subtle or varied forms of coercion and to avoid difficulties in determining the scope of the restriction in an enforcement proceeding'' (Gov't D.Ct. Memo at 38–39), the vague language of the settlement fails to meet that goal. Without a definition of ''retaliate,'' such as a prohibition against ''taking or threatening adverse actions'' (see Final Judgment §§ 3(a)(i), 3(d)), Microsoft will be free to argue that no violation has been established on a particular set of facts. Given the extraordinary record of Microsoft's ingenuity in abusing its monopoly power, any definitional doubt must be resolved against the wrongdoer by imposing a broad definition of ''retaliate.''

Moreover, with respect to OEMs, Microsoft is only prohibited from ''retaliating against an OEM by altering Microsoft's commercial relations with that OEM or by withholding newly introduced forms of non-monetary Consideration.'' See RPFJ § III.A (emphasis added). The use of the words ''newly introduced'' is ambiguous in that it suggests that Microsoft is permitted to withhold existing forms of non-monetary compensation. The CIS offers no explanation for this ambiguity concerning whether Microsoft may continue to engage in conduct previously adjudged illegal. CIS at 25–26.

iii.The Party Injured By Retaliation Must Prove Causation

The proposed settlement too narrowly limits the type of conduct by third parties for which Microsoft may not ''retaliate.'' It only prohibits ''retaliation'' that occurs ''because'' of conduct by the OEM, ISV or IHV. By imposing a causation requirement on the injured party, the government again gives a proven wrongdoer the benefit of a doubt to which it is not entitled. The prior Final Judgment struck the correct balance by prohibiting any adverse action by Microsoft based directly or indirectly on any actual or contemplated action by the protected party. Final Judgment §§ 3(a)(i), 3(d); see also Litigating States' § 8.

iv. Retaliation Not Involving Windows Or Middleware Is Allowed

The proposed settlement's ban on ''retaliation'' currently only applies to a protected party where it is developing, distributing, promoting or using products that compete with Microsoft Platform Software or middleware.[31] Given the multitude of ways in which new threats can (and did) develop to contest the Windows operating system, the ban on retaliation will not be truly effective unless it protects any action or contemplated action involving products or services that compete with any Microsoft products or services.

v. Loopholes Vitiate Even The Existing Limitations

The settlement contains broad savings clauses and exceptions that give Microsoft loopholes for abuse and are not justified by the Court of Appeals' findings. The OEM retaliation provision permits Microsoft to provide ''Consideration'' to any OEM with respect to any Microsoft product or service if the ''Consideration is commensurate with the absolute level or amount of that OEM's development, distribution, promotion, or licensing of that Microsoft product or service.'' RPFJ § III.A. Similarly, Microsoft may enter agreements with ISVs limiting their ability to develop, promote or distribute competing software, if the limitations are ''reasonably necessary to and of reasonable scope and duration in relation to a bona fide contractual obligation of the ISV to use, distribute or promote any Microsoft software or develop software for, or in conjunction with, Microsoft.'' RPFJ § HI F.2.

These vague provisions are an invitation for abuse. Microsoft has repeatedly used these very practices to maintain an illegal monopoly for over a decade. Under these circumstances, a broad prohibition that puts the burden entirely on Microsoft to prove the bona fides of any ''consideration'' or exclusivity is not only appropriate, but essential to revive competition.

vi. Unnecessary And Ambiguous Savings Clauses Undermine The Decree

The retaliation provisions also include broad savings clauses that provide that nothing in the provisions ''prohibit Microsoft from enforcing any provision of any agreement with any [OEM, ISV or IHV] or any intellectual property right, that is not inconsistent'' with the settlement. RPFJ §§ III. A and III. F. 3. Given the ambiguities in the settlement, this loophole, too, will invite aggressive interpretation by Microsoft, and further litigation.

vii. There Is No Prohibition On Agreements Limiting Competition

The provision in the Final Judgment banning agreements to limit competition (Section 3(h)) has been completely eliminated, leaving Microsoft free to seek to enter market allocation agreements such as the ones it proposed to enter with Netscape and Intel. D.Ct. at ¶¶83–84, 97, 101. The proposed settlement (§ III.G) only prohibits Microsoft from entering into agreements with certain entities to use or distribute Microsoft Platform Software exclusively or in fixed percentages. There is no provision that limits Microsoft's ability to enter into agreements with competitors providing that they refrain from developing or distributing products that compete with the Windows operating system or a Microsoft middleware product. This CIS does not explain this glaring omission.

viii. There Is No Protection Against Retaliation For Participating In This Lawsuit

Nothing in the proposed settlement protects individuals or entities from retaliation by Microsoft for participating or cooperating in this litigation. In a letter to the Senate Judiciary Committee, former Solicitor General Robert H. Bork expressed the realistic concern that ''any potential witness with knowledge of anticompetitive conduct in a monopolized market has to weigh the potential benefit of his or her testimony against the likely response of the defendant monopolist. The [government's] proposed meaningless remedy would insure that no witness would ever testify against Microsoft in any future enforcement action.'' See Letter from Robert H. Bork to Senate Judiciary Committee of 12/11/01, at 4. Again, the CIS does not address this issue of obvious concern, given Microsoft's track record of anticompetitive abuse.

b. The Proposed Uniform Licensing To OEMs Is Insufficient

The District Court made findings of fact, which were not questioned by the Court of Appeals, that provide examples of incentives and threats used by Microsoft to induce OEMs to promote IE and not pre-install or promote Navigator. Thus, Microsoft gave reductions in price to OEMs who set IE as the default browser on their PC systems; Microsoft gave further reductions to OEMs who displayed IE logos and links on their home page; and Microsoft gave OEMs millions of dollars in co-marketing funds in exchange for carrying out other promotional activities for IE. D.Ct. at ¶231.

The original Final Judgment contained a strong ban on discriminatory license terms. It compelled Microsoft to license Windows to all covered OEMs on uniform terms and prohibited Microsoft from offering market development allowances or discounts. Final Judgment § 3(a)(ii). Microsoft was further required to give OEMs equal access to, inter alia, licensing terms, discounts, technical and marketing support and product and technical information; and to give written notice and an opportunity to cure before terminating an OEM's license. Id.

[30] The listing of categories of protected parties, instead of applying the ban to all third parties, also presents a significant risk of omitting some competitors (e.g., SBC and Sun Microsystems) from the decree's protection because their businesses do not fit neatly into any standard category.

[31] Microsoft Platform Software is defined as Microsoft Middleware and the Windows Operating System. The limitations of those defined terms which, among other things, exclude applications (including applications on Internet-based servers that would threaten the Windows monopoly), render the ''retaliation'' ban far too narrow. See pp. 36–40, 42–43 infra.

The government recognized the necessity for this provision requiring ''transparent and uniform pricing to the largest OEMs... so that Microsoft cannot retaliate against an OEM for supporting non-Microsoft software.'' Gov't D.Ct. Memo at 39. Uniform terms and pricing were also seen as necessary to ''terminate[] Microsoft's practice of charging substantially different prices for Windows licenses to reward cooperative OEMs, effected in part by its market development allowances, and will thus make it easier for OEMs to promote non-Microsoft products in response to consumer demand.'' Id. The government found that this uniformity was ''necessary to prevent Microsoft from employing the myriad forms of coercion and reward that'' have been held to injure competition. Gov't D.Ct. Reply Memo at 43–44. ''Such coercion is difficult to detect, and the mere threat of its use may be sufficient to accomplish the desired, anticompetitive result.'' Id. at 44.

In the context of the present settlement, the government continues to define as a ''critical'' objective ensuring that OEMs are truly ''free to choose to distribute and promote middleware without interference from Microsoft.'' CIS at 25. It recognizes that Windows'' license royalties and terms are ''inherently complex and easy for Microsoft to use to affect OEMs'' behavior, including what software the OEMs will offer to their customers.'' CIS at 28. By purportedly requiring uniform licensing, the govemment says that the proposed settlement eliminates ''any opportunity for Microsoft to set a particular OEM's royalty or license terms as a way of inducing that OEM to decline to promote non-Microsoft software or retaliating against that OEM for its choices to promote non-Microsoft software.'' CIS at 28. The government's stated goal is ensuring ''that OEMs can make their own independent choices.'' CIS at 28.

Here, as in many other respects, the proposed settlement fails to fulfill the government's stated objectives.

i. Allowing ''Market Development Allowances'' Invites Evasion

Unlike the Final Judgment (§ 3(a)(ii)), which prohibited market development allowances (''MDAs'') outright, the proposed settlement would permit MDAs (RPFJ § III.3.B3), if certain restrictions are met, despite the fact that MDAs have been repeatedly used by Microsoft to induce OEMs to take actions that protect Microsoft's monopoly. As the government earlier acknowledged, making any MDAs permissible creates a loophole that will allow the very discrimination against OEMs that the provision is intended to prevent. See Gov't D.Ct. Sum. Resp. at 10 (the use of undefined and unbounded ''objective'' pricing criteria will permit Microsoft to reward or punish OEMs by charging them different prices).

ii. Microsoft Is Allowed To Keep License Terms Secret

The proposed settlement does not require that Microsoft provide equal access to licensing terms, discounts, technical support, etc. Without this information, OEMs cannot fairly negotiate license terms. In the current market, Microsoft offers significant discounts to OEMs that take the entire Windows package; those discounts enable the OEMs to be competitive with other PC manufacturers. However, if an OEM tries to negotiate anything out of the package, Microsoft significantly increases the price, making the OEM non-competitive. OEMs do not know what terms are negotiable and are afraid to negotiate aggressively out of fear they will be punished by Microsoft.

For this reason, when Microsoft previously requested deletion of the equal access provision, the government rejected the idea because it ''would allow [Microsoft] to reward or punish Covered OEMs with different Windows prices and non-price licensing terms and conditions and thus to evade the purpose of the Final Judgment.'' See Gov't D.Ct. Sum. Resp. at 10. Moreover, the government's view then was that ''the burden should not be on OEMs to know of and affirmatively seek out equal treatment; Microsoft could take advantage of a Covered OEM's ignorance of what has been provided to other Covered OEMs to reward or punish that OEM and thus to evade the purposes of the Final Judgment.'' Id. at 10–11. The government provides no satisfactory rationale for changing that view.

iii. There Is No Independent Verification Of ''Volume'' Discounts

The proposed settlement allows Microsoft to provide reasonable volume discounts based upon the actual volume of licenses. (RPFJ § III.B.2) Unless the provision requires that the volume discounts be based on the independently determined actual number of shipments, however, Microsoft will continue to have the power that it exercised in the past to manipulate discounts.

iv. License Terminations Without Cause Are Allowed

The proposed settlement creates an unnecessary exception to the written notice requirement for termination of OEM licenses. It provides that Microsoft need not provide notice or opportunity to cure if Microsoft has given two prior written notices. This exception invites Microsoft to abuse the notice provision and then arbitrarily revoke an OEM's license. Moreover, Microsoft is not even required to show ''good cause'' for termination. Again, the government provides no rationale why a proven monopolist should be given any such advantages.

c. The Proposed Settlement Fails To Address Exclusive Dealing Adequately

The Court of Appeals held that Microsoft's exclusive contracts with IAPs are exclusionary devices in violation of § 2. CA at 71. By ensuring that the vast majority of IAP subscribers were offered IE as their default browser or as the only browser, Microsoft's deals with IAPs had a significant effect in maintaining its monopoly by keeping usage of Navigator below the critical level necessary for it or any other rival to threaten Microsoft's monopoly. CA at 71.

In addition to the evidence specifically relied on by the Court of Appeals, the District Court made findings, not reversed, of other unlawful exclusive agreements. For example, in exchange for an agreement by IAPs to promote and distribute IE preferentially over Navigator and to convert existing subscribers from Navigator to IE, Microsoft gave fourteen IAPs placement in its Windows Referral Server. D.Ct. at ¶255,256. Microsoft also entered into agreements with AT&T, WorldNet, Prodigy and CompuServe limiting their ability to promote non-Microsoft browsers. D.Ct. at ¶305.

The Court of Appeals also held that Microsoft's illegal agreements with ISVs further foreclosed rival browsers from the market. CA at 72, 76. Microsoft entered dozens of ''First Wave'' agreements with ISVs, promising to give them preferential support in using Windows in exchange for ISVs agreeing to use IE as the default browser in any software they developed. The ''First Wave'' agreements with ISVs also required the ISVs to use Microsoft's JVM rather than Sun's JVM. This directly protected Microsoft's monopoly from the middleware threat. CA at 76.

To redress these exclusionary agreements, the government, earlier in this case, advocated a general and broad prohibition against any and all manner of exclusive dealing by Microsoft. In the Final Judgment, Microsoft was generally prohibited from offering a third party any consideration in exchange for that party's agreement to restrict development, production, distribution, promotion or use of, or payment for, any non-Microsoft Platform Software; distributing, promoting or using any Microsoft Platform Software exclusively; degrading the performance of any non-Microsoft Platform Software; and with respect to IAPs or ICPs, distributing, promoting or using Microsoft software in exchange for placement with respect to any aspect of a Windows Operating System. Final Judgment § 3(e).

The government recognized that such a ban was necessary because Microsoft had ''coerced and bribed'' third parties into becoming, willingly or unwillingly, participants in strengthening the applications barrier to entry. Gov't D.Ct. Memo at 41. The government stated that to prevent recurrence, Microsoft had to be barred from any exclusive dealing or percentage contracts that require a third party to limit its dealings in, or to degrade the performance of, non-Microsoft products, to deal solely in Microsoft software, or, in the case of IAPs or ICPs, to exchange promotion of Microsoft products for placement in the Windows operating system. Id. Significantly, the government advocated a general ban because Microsoft had dealings with a wide range of companies and because ''it is difficult to predict precisely which trading partners Microsoft might otherwise seek to tie up under exclusive arrangements in the next several years.'' Shapiro Decl. at 19. Only a general ban on exclusionary contracts would ''serve to lower entry barriers more effectively than would more limited provisions directed at specific categories of trading partners.'' Id.

In the CIS, the government continues to recognize the necessity of preventing ''Microsoft from using either money or the wide range of commercial blandishments at its disposal.., to hinder the development and adoption of products that, over time, could emerge as potential platform threats to the Windows monopoly.'' CIS at 42. However, the exclusive dealing provision in the proposed settlement (RPFJ § III. G) fails to

meet the goals that the government recognizes are essential. Nor will it prevent Microsoft from engaging in the same types of conduct that were found to be unlawful.

i. The Exclusive Dealing Prohibition Is Limited To Identified Parties Only

The provision is limited to the listed entities (IAP, ICP, ISV, IHV or OEM), but should be extended to all third parties. The government has specifically acknowledged that a ''general ban'' is necessary precisely because it is too difficult to predict which entities Microsoft might seek to tie up under exclusive arrangements in the next several years. Only a general ban may effectively lower entry barriers, as compared to ''more limited provisions directed at specific categories of trading partners.'' Shapiro Decl. at 19.

ii. Paying Third Parties To Refrain From Using Non-Microsoft Products Is Allowed

The proposed settlement only prohibits Microsoft from entering into agreements with certain third parties that grant consideration on the condition that the entity ''distributes, promotes, uses, or supports, exclusively or in a fixed percentage, any Microsoft Platform Software.'' RPFJ § III.G.1. The Final Judgment prohibited Microsoft from entering into an agreement with any third party that grants consideration to ''distribute, promote or use any Microsoft Platform Software exclusively'' (Final Judgment § 3(e)(ii) and ''to restrict its development, production, distribution, promotion or use of, or payment for, any non-Microsoft Platform Software'' (Final Judgment § 3(e)(i)). Microsoft attempted to delete the provision that prohibited agreements with a third party to restrict the development, production, distribution, promotion or use of non-Microsoft Platform software, but the government rejected the proposal. See Microsoft D.Ct. Com. at 12.

The proposed settlement does not prohibit Microsoft from granting consideration to a party that agrees to refrain from using or distributing products or services that compete with Microsoft.[321] RPFJ § III.G.1. Microsoft would thus be allowed to grant consideration (in the form of money, technical information or support, or otherwise) in exchange for the party's agreement not to use or distribute a competing product. Such an agreement would be the functional equivalent of the ''First Wave'' agreements with ISVs found to be illegally exclusionary by the Court of Appeals. The CIS does not articulate a satisfactory basis for omitting from the settlement a prohibition on the types of actions that were adjudged illegal.

iii. Microsoft Can Pay Others To Distribute Its Monopoly Software

Under the proposed settlement, Microsoft is permitted to enter into agreements with IAPs and ICPs that condition their placement in Windows on their agreement to distribute or promote Microsoft Platform Software. RPFJ § III.G.2. When Microsoft argued against this provision in the original Final Judgment, the government rejected its proposal because phrasing it the way Microsoft proposed (and as it is now phrased in the proposed settlement) would allow Microsoft to achieve the same anticompetitive purpose, by simply amending its agreements to require distribution of Micr0s0ft's browser instead of limiting distrution of competing browsers. See Gov't D.Ct. Sum. Resp. at 16; Microsoft D.Ct. Com. at 12. The government has not explained why it has now completely reversed its position.

iv. The Exclusive Dealing Provision Is Riddled With Loopholes

The various exceptions built into the exclusive dealing ban render it potentially meaningless. While purportedly prohibiting exclusive or fixed percentage arrangements, such agreements are actually permitted when Microsoft: obtains a representation that it is ''commercially practicable'' for the entity to provide equal or greater distribution of a competing product; if Microsoft enters into any type of loosely defined ''joint venture'' agreement; or if Microsoft licenses in intellectual property from a third party. (RPFJ § III.G). When Microsoft proposed to include a similar joint venture exception in a related provision of the Final Judgment (Final Judgment § 3(h), Ban on Agreements Limiting Competition), the government rejected the proposal as ''unnecessary'' and because it ''would enable Microsoft to enter into anticompetitive market division agreements regarding such products by labeling them, as it attempted to label at trial the June 1995 Netscape meeting, ''joint development agreements'' or ''agreements ancillary to lawful joint ventures.'' Gov't D.Ct. Sum. Resp. at 18. Once again, the government has agreed to a loophole that can only benefit Microsoft by inviting abuse and further litigation.

4. The Term of the Settlement Is Too Short, Even If Its Deficiencies Were Corrected

As demonstrated above, without correction of numerous deficiencies, the proposed settlement will not restore competitive conditions because it largely permits Microsoft to conduct business as usual and it effectively rubberstamps further anticompetitive conduct. Even if all of the other deficiencies were corrected, however, the term of the proposed settlement is too short to restore meaningful competition with the Windows monopoly. Although this Court's finding that Microsoft illegally maintained its decade-long monopoly has now been affirmed by the Court of Appeals, Microsoft has availed itself—up to and including the present—of every opportunity to maintain and extend its monopoly through anticompetitive actions. For example, Windows XP, designed during the height of Microsoft's litigation with the government and released just before the settlement was announced, commingles code in the exact manner found unlawful by the Court of Appeals.

The government now claims that a five-year decree will be sufficient to restore competition. CIS at 60. This assertion is inconsistent with the Department of Justice's own Antitrust Manual, which states that ''the Division's standard decree language requires that the consent decree expire on the tenth anniversary of its entry by the court. [T]he staff should not negotiate any decree of less than 10 years' duration, although decrees of longer than 10 years may be appropriate in certain circumstances.'' Department of Justice, Antitrust Division Manual, ch. IV at 54 (3d ed. 1998) (emphasis added). As the government argued in earlier urging entry of a ten-year decree:

> Ten years is customary in antitrust cases and in any event four years is too short a time for the Final Judgment to remain in effect. Despite [Microsoft's] assertion that ''[t]en years is an extraordinarily long time in the software industry,'' Microsoft has had the dominant position in the operating-systems business for at least a decade (see Findings (¶35), and under the circumstances there is no sound justification for entering a decree of shorter duration.

Gov't D.Ct. Sum. Resp. at 20 (emphasis added).

The government offers no ''sound justification'' for its acceptance of a settlement that would last only five years. RPFJ § V.A. The CIS only states that five years ''provides sufficient time for the conduct remedies contained in the Proposed Final Judgment to take effect in this evolving market and to restore competitive conditions to the greatest extent possible.'' CIS at 60. There is no factual support cited for the ipse dixit that this is ''sufficient time,'' while it is certain that the standard ten-year decree would restore competition to a greater extent. The government's present position also conflicts with other assertions that it previously made in this case. See Gov't D.Ct. Memo at 27 (''Looking forward, the Court must anticipate that Microsoft, unless restrained by appropriate equitable relief, likely will continue to perpetuate its monopoly by the same anticompetitive methods revealed at trial, although directed at whatever new competitive threat arises.'').

Moreover, the government's only recourse under the proposed settlement—the possibility that the proposed decree could be extended ''one time'' for a ''maximum of two years''—is so short as to be virtually meaningless. RPFJ § V.B. And, even to obtain the ''one-time'' two year extension, the government would first have to demonstrate through a complex, lengthy and burdensome enforcement procedure, that Microsoft engaged in ''a pattern of willful and systematic violations'' of the decree. Id. The government should be seeking—as it originally sought—more than just conduct remedies ''tak[ing] effect.'' CIS at 60. It should instead be trying to ensure that, once the remedies ''take effect,'' they remain in effect for a period sufficient to restore competition to the greatest extent possible. As the government told the District Court, ''[t]en years is customary in antitrust cases and in any event fore' years is too short.'' Gov't D.Ct. Sum. Resp. at 20. There is nothing in the Court of Appeals' decision that justifies the government's decision to depart from its own formal policy.

[32] The proposed settlement does purport to limit Microsoft's ability to enter into agreements with ISVs which require the ISV to refrain from ''developing, using, distributing, or promoting any software that competes with Microsoft Platform Software.'' RPFJ § III.F.2. However, as discussed supra at pp. 97–98, that same section creates an exception that permits such agreements with ISVs if they are in relation ''to a bona fide contractual obligation of the ISV.'' Therefore, even as to ISVs, the restriction is rendered potentially meaningless.

As a matter of law, the government's previously stated position was correct. The case law demonstrates that in cases where a monopolist has committed a Section 2 violation, it has been ''customary'' for courts to impose remedial decrees lasting ten years. In over 70 cases since the Department of Justice's Antitrust Manual was adopted in 1978 to change the prior policy of seeking decrees of unlimited length, the government has required consent decrees having a minimum ten year duration. See e.g., United States v. Greyhound, Civ. No. 95–1852 (RCL), 1996 WL 179570 (D.DC Feb. 27, 1996) (bus companies); United States v. Playmobil USA, Inc., Civ. No. 95–0214, 1995 WL 366524 (D.DC May 22, 1995) (toy companies); United States v. Republic Services, Inc., Civ No. 00–2311, 2001 WL 77103 (D.DC Jan. 18, 2001) (waste collection companies). [33] The government also imposed restrictions on broadcasters'' purchase of television program rights for a period of 15 years. See United States v. American Broadcasting Co., Inc., Civ. No. 74–3600 (RJK), 1980 WL 2013 (C.D. Cal. Nov. 14 1980).

In contrast to these settlements, the proposed decree here is to last only five years, although this case has significantly more importance to the national economy. In addition, Microsoft's prior conduct, the importance of this case to the national economy, and the explicit findings, upheld on appeal, of Microsoft's illegal monopolization activities mandate, if anything, that Microsoft's conduct be supervised for a period longer than the standard ten-year term.

At bottom, a five-year injunction is too short to allow meaningful competition to develop in the operating system market. It has been over ten years since the government first began to investigate Microsoft's practices, and it took six years from Microsoft's first anticompetitive act cited by the District Court for this case to reach the appellate level. The effects of Microsoft's past and present anticompetitive actions, which have already continued for over a decade, will likely last much longer. The government itself concedes that Netscape and Java are likely dead and no longer pose credible threats to Microsoft's operating system monopoly. CIS as 16–17. Even if the proposed decree's numerous loopholes were plugged, it will take considerably longer than five years for strong new competitors to emerge. Most important, the ability of those competitors to become viable depends upon the existence of judicial protection. See United States v. GTE Corp., 603 F. Supp. 730, 742–43 (D.DC 1984) (rejecting as too short five-year expiration date for decree provisions in section 2 case).

5. The Proposed Settlement Nullifies Effective Enforcement

The government claims that the various obligations imposed upon Microsoft in the proposed settlement are supported by ''strong enforcement provisions,'' ''including the power to seek criminal and civil contempt sanctions and other relief in the event of a violation.'' CIS at 5. It also states that Plaintiffs' right, under certain circumstances, to request a one-time extension of the final judgment of an additional two years ''is designed to supplement the government's traditional authority to bring contempt actions.'' CIS at 60.

The reality, however, is to the contrary. The compliance and enforcement provisions in the proposed settlement are entirely inadequate to prevent Microsoft from engaging in future anticompetitive conduct. The provisions in the proposed settlement will result in time delays, inefficient administration of the decree, and ultimately give Microsoft the opportunity to continue its anticompetitive acts unabated. The most critical deficiencies include:

a. The Technical Committee Proposal Is Misguided

By agreeing that a ''Technical Committee'' comprised of computer programming and software experts should perform a monitoring role (RPFJ §§ IV.B.1 and IV.B.2), the government seemingly recognizes the difficulty of monitoring and enforcing Microsoft's compliance with the decree. The government also appears to recognize the obvious—that ''Internal Antitrust Compliance'' by Microsoft, though necessary, is insufficient. Unfortunately, the government fails to recognize that its own concessions make the compliance task vastly more difficult.

The Technical Committee contemplated by the settlement is simply not an adequate answer, much less a substitute for self-enforcing prohibitions, The person charged with responsibility for monitoring and enforcing Microsoft's compliance must be an experienced antitrust lawyer or former federal judge. He or she can then hire software and programming experts to render assistance, but the responsibility for determining whether the specific provisions of a complex court order have been violated must be made by an individual with impeccable legal credentials and long experience in antitrust law and decree interpretation. No novel device such as a ''Technical Committee'' is required. The mechanism of a special master under Rule 53, Fed. R.Civ.P., is readily available and entirely appropriate. See United States v. Microsoft Corp., 147 F.3d 935,954 (DC Cir. 1998) (recognizing ''well-established tradition allowing use of special masters to oversee compliance'').

Aside from its dual, repetitive investigative and reporting procedures (Technical Committee to the government, then the government to the Court, see pp. 114–115 infra.) (RFFJ § III.D.4), the proposed settlement is flawed because it imposes substantial constraints upon how the Technical Committee's findings may be used to assure compliance. The settlement prohibits the admission into evidence of the Technical Committee's findings ''in any enforcement proceeding before the Court for any purpose;'' and prohibits any technical committee member from testifying in any proceeding or before any tribunal regarding any matter relating to the Final Judgment. RPFJ § IV.D.4.d. Each of those prohibitions denies the Court information from the independent technical personnel who are uniquely knowledgeable about the nature of the violation. Indeed, although the decree proposal allows Microsoft to offer any evidence it wants, it shuts off from the Court the evidence in the possession of the technical committee members who rejected Microsoft's explanations.

b. All Relevant Employees Should Be Required To Be Trained In The Decree, But Are Not

The proposed settlement only requires that the officers and directors of Microsoft receive copies of the decree and be ''annually briefed on [its] meaning.'' RPFJ § IV.C.3. In order to be effective, however, all managers (not just corporate ''officers'') and all employees who have positions that enable them to initiate or implement anticompetitive conduct must be required to read, understand and comply with the decree. Of the published consent decrees that require employees of the company to certify that they have read, understood, and will comply with the decree, most extend compliance certification beyond officers and directors of the company, to also include other managers and employees who have responsibility for overseeing the business activities of the antitrust violator. See, e.g., United States v. Western Elec., Civ. No. 82–0192 (HHG), 1991 WL 33559, at *5 (D.DC Feb. 15, 1991) (requiring certification of compliance from each officer and management employee); United States v. Delta Dental of R.I., Civ. No. Civ. A. 96–113P, 1997 WL 527669, at *2 (D.R.I. July 2, 1997) (requiring certification of compliance from all officers, directors, and employees who had responsibility for approving, disapproving, monitoring, recommending, or implementing any provisions in agreements with participating dentists); United States v. Business Inv. & Dev. Corp., No. MO-81-CA-20, 1982 WL 1866, at *2 (W.D. Tx. July 16, 1982) (requiring certification of compliance from all officers, directors, employees and franchisees).

Moreover, the Chairman, CE0 or other responsible senior officer of Microsoft should be required to certify periodically to the Court that Microsoft is in compliance with its obligations. The record evidence that Microsoft's highest officials were not only aware of, but actively encouraged, initiated or directed Microsoft's anticompetitive practices, see, e.g., CA at 73, 77; D.Ct. at ¶¶80–87, 100, 108, 112–13,124–29, 340–349, 396, 406–07, makes it all the more necessary to include such certification provisions to ensure that Microsoft takes seriously its responsibilities under any decree to abide by the antitrust laws.

c. The Proposed ''Dispute Resolution'' Mechanism Encourages Delay

Because of the extraordinarily rapid pace of technological and business developments in the computer industry, avoiding delays in compliance is a critical element in effectively eliminating Microsoft's unlawful behavior and restoring competition. Whether the monitoring function is performed by a Technical Committee or Special Master, the monitor should simultaneously report to both

[33] Based on a review of the published cases, every consent decree that the government has entered in a Section 2 case since 1978 has been ten years or longer in duration, with the exception of the first Microsoft decree. That decree was not entered after a full trial on the merits and a finding of unlawful monopoly maintenance.

the Court and the Plaintiffs. In defending its decisions to make numerous substantive concessions to Microsoft during the settlement process, the government has cited the substantial time it might take to litigate this case to conclusion if it held out for stronger relief than Microsoft would accept. CIS at 61. Those same time considerations militate against the time-consuming enforcement process contained in the proposed settlement.

The proposed decree contemplates an elaborate procedure whereby the Technical Committee, after receiving a complaint about Microsoft's conduct, would be required to meet with Microsoft's internal compliance officer, and allow Microsoft to respond to the complaint, before it determines whether the complaint can be resolved informally. RPFJ § III.D.4.b. There are no time limits on most of these procedures. If, after completing that procedure, the Technical Committee believes the dispute cannot be resolved and that Microsoft's conduct violated the decree, the Technical Committee would then report the violation to the government in the first instance. RPFJ § III.D.4.c. It then would be up to the government, in turn, to evaluate Microsoft's conduct and determine whether the violation should be reported to the Court.

This process guarantees that considerable time will lapse between a violation of the decree by Microsoft and the Court's eventual review of the problem. First, the process for ''Voluntary Dispute Resolution'' contemplated by the proposed decree will substantially delay, and, in some circumstances, entirely eliminate, the reporting of violations to the Court. However, effective enforcement requires that any violation of the decree should be reported by the Technical Committee or Special Master immediately and directly to the Court. Action by Microsoft to ''voluntarily'' cease the unlawful conduct may then, along with other factors, be considered by the Court in determining the severity of any sanction imposed.

in sum, for any remedy to be effective in this case, it must be imposed quickly—not after months or years of further ''dispute resolution.'' Under the enforcement scheme contemplated by the proposed settlement, however, that simply cannot happen.

IV. DEFICIENCIES IN THE PROPOSED SETTLEMENT CREATE SIGNIFICANT RISKS FOR SBC'S COMMUNICATIONS AND DATA BUSINESSES, INCLUDING SBC'S INTERNET-RELATED BUSINESSES, WHICH DEPEND UPON OPEN ARCHITECTURE AND COMPETITIVE ALTERNATIVES

SBC is one of the world's leading businesses in the provision of data and voice communications and Internet access. SBC's affiliates serve nearly 60 million telephone access lines nationwide and 21 million wireless customers. SBC and its affiliates are major providers of DSL high-speed and dial-up Internet service, voice messaging services, and if directory advertising and publishing products. SBC, through its affiliates, has committed substantial resources to the development of a host of computer- and Internet-related businesses. These businesses are designed to provide consumers with flexibility, convenience and, most importantly, more choice.

With these initiatives, together with its expanding telephone, wireless and Internet operations, SBC is prepared to compete vigorously during the coming decade as the ''convergence'' of communications and computing technologies continues to accelerate. That highly competitive environment, however, is threatened by Microsoft's ability—unless restrained by a strong and effective decree in this case—to use its Windows operating system monopoly to control the electronic ''gateways'' that link the Internet and its myriad service and content providers to consumers' homes and offices. That control of the gateways, in turn, will enable Microsoft to entrench the Windows monopoly even more firmly.

A. How SBC Competes, Or Will Compete, With Microsoft

SBC currently has, or is developing, several businesses in competition with Microsoft, which, together with other similar businesses, directly or indirectly, threaten or are threatened by the Windows operating system monopoly.

1. Telephone, Cellular And Internet Services

SBC affiliates Southwestern Bell, Ameritech, Pacific Bell, Nevada Bell, and SNET are the Incumbent Local Exchange Carriers that provide telephone service in thirteen states.[34] In addition, SBC owns a sixty percent interest in Cingular Wireless, which provides nationwide cellular telephone and Internet-related services.

Various SBC affiliates, including Prodigy, provide ISP services, as well as dial-up and broadband (via DSL) Internet access services nationwide. SBC recently finalized a joint venture with Yahoo, whereby Yahoo will provide SBC's Internet portal (home page). In addition, SBC owns an ''Internet Data Center'' which rents server usage to businesses and e-commerce clients.

Microsoft is an actual competitor of SBC in all of these businesses, including voice telephony. Microsoft is actively developing its Voice over Internet Protocol (''VoIP'') through its ''Net2Phone'' business. This service is being embedded in Windows XP, with the aim of convincing customers to use the Internet for long distance and local calls. Microsoft also provides an Internet access service, MSN, which takes advantage of Microsoft's operating system monopoly by virtue of its being bundled with Windows. By bundling additional products and services such as its ''.NET'' initiative and its Passport service with Windows XP, Microsoft is also using its monopoly power to give itself an unfair advantage in new markets for Internet and e-commerce business solutions.

Even in businesses in which Microsoft is not now a direct competitor of SBC, however, such as local, long distance and cellular telephone service, Microsoft's operating system monopoly poses grave risks to the competitive marketplace that Congress sought to ensure in the Telecommunications Act of 1996. If Microsoft is permitted by the proposed settlement to maintain and expand its PC operating system monopoly, it will become the gatekeeper for competitors to offer and for consumers to access key communications and entertainment products and services, including telephone, Internet access, voice messaging, instant messaging, music, video services, e-commerce, and interactive games. Without strong remedial measures designed to break its operating system monopoly (which the proposed settlement does not contain), Microsoft will be in a position to favor its own and its partners' communications, entertainment and related services, to exclude competitors'' services from access to consumers, to impose costs on rivals and to degrade their services (whether through a toll, a charge for being listed as an available service or an interoperability obstacle), all with the effect of squelching competition and harming consumers. No provisions in the proposed settlement even address, let alone bar, such anticompetitive conduct.

Just as Microsoft has for years successfully imposed on consumers its own software products and other services, irrespective of the comparative merits of competing products it excluded from the market, Microsoft will be able to repeat its anticompetitive strategy in collateral markets including the key communications and entertainment markets described above. This is not speculation; Microsoft has already announced that it is developing an extension to Windows XP, named Freestyle, that will make its Windows PC the communications gateway to the home. See Byron Acohido, Challenge Microsoft? It Could Take Moxi, USA Today, Jan. 16, 2002, at B-3; Microsoft Unveils New Home PC Experiences with ''Freestyle'' and ''Mira'' (Jan. 7, 2002), at www.Microsoft.com/presspass/Press/2002/Jan02/01.

2. Unified Messaging

SBC's Unified Messaging Service (''UMS'') is a good example of a new business placed at serious risk because of the anticompetitive actions that the proposed settlement Would allow UMS is currently in the final development stages, with a projected market introduction in late 2002. UMS will allow customers to retrieve their voice, e-mail and

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[34] 34 Prior to 1996, SBC was subject to line of business restrictions imposed by the AT&T Consent Decree or Modified Final Judgment (''MFJ''). These prevented SBC's entry into markets such as long distance telephone and imposed numerous affirmative obligations to assist actual and potential competitors. See U.S.v. AT&T, 522 F. Supp. at 186–95 (setting forth line of business restructions); United States v. Western Electric Co., 673 F. Supp. 525 (D.DC 1987) (upholding ''core'' line of business restrictions on local telephone companies), aff'd in part, rev'd on other grounds, 900 F.2d 283 (DC Cir. 1990). These provisions, which were of indefinite duration, were ultimately superseded by the Telecommunications Act of 1996, which replaced the MFJ with detailed regulatory obligations to preserve non-discriminatory access to the local telephone network, to require SBC to share its network elements at regulated prices, and to take affirmative actions to open its local network to competition as the price for entry into the long distance market. See Telecommunications Act of 1996, 42 U.S.C. §§ 251–59, and § 271 et seq. The duration, detail and substantial scope of those affirmative requirements and prohibitions, even when they were embodied in the MFJ, stand in marked contrast to the trivial and temporary prohibitions applied to the Microsoft monopoly.

fax messages from a single ''mailbox'' that will be accessible by phone (wire or wireless) or via the Internet. In the future, SBC plans to add other services to UMS, including instant messaging and video messaging.

UMS is the first in a new generation of services that will create a convergence of all voice, video and data services into one application. Central to UMS is the principle of ''any device, anywhere.'' SBC has designed UMS to be fully accessible through any type of telephone, personal computer, or handheld device. UMS will operate on any software operating system and with any combination of other software applications and services. UMS is also ''agnostic as to provider,'' meaning that it will function regardless of the provider of Internet access, phone or wireless service. For example, consumers can access UMS as easily and effectively through an inexpensive cellular phone that makes no use of Microsoft technology as they call through an expensive Windows PC using Internet Explorer as its browser.

UMS and similar services offered by other companies will compete by giving consumers the ultimate in choice and convenience, enabling them to access all UMS services from virtually any phone or computing device anywhere in the world. UMS will be a direct competitor of Microsoft's e-mail service (Hotmail), and with MS Messenger, a video and instant messaging service, both of which are promoted through integration with Windows.

B. UMS Is An Integral Part Of Movement To Server-Based Computing Model That Will Erode The Applications Barrier To Entry That Currently Shields Microsoft's Monopoly Power

Because UMS will function with any operating system or Internet browser, and will provide a number of the same functions (voice/data messaging, e-mail, instant messaging) that are or will be provided by a Windows PC, UMS presents a significant competitive threat to Microsoft's PC operating system monopoly. UMS is part of the ''movement off the desktop'' taking place in the computer industry, which offers increased flexibility and choice to the consumer.

Central to this innovation is that the vast majority of actual computing functions will be performed away from the consumer's computing devices, on servers connected through the Internet. A consumer will no longer need a Windows PC, containing a large hard drive and powerful microprocessor. Instead a simpler, inexpensive device, such as a cell phone or PDA, with a very basic operating system and an Internet browser, when coupled with products like UMS, will allow the consumer to perform many of the functions of a Windows PC at a significantly reduced price and with much greater flexibility and convenience. D.Ct. at ¶¶22–27, 56, 59–60 (cited with approval in CA at 52, 79).

In order for UMS to function, however, and to present a competitive alternative to the Windows PC operating system monopoly, SBC must have the ability to effectively process voice and data transmissions through a complex network of different servers, each of which performs separate functions and employs different technologies. At a minimum, when a UMS customer seeks to retrieve a message, either by phone or through the Internet, the voice or data transmission will travel between and through several separate SBC servers (gate, mail, LDAP (lightweight directory access protocol), directory and web server). Each of these servers performs independent functions. As a result, it is critical to UMS that any type of PC, Internet browser, cell phone or handheld device be fully interoperable with all of SBC's servers. UMS also has the potential to be used in a home network, thus requiring full interoperability to extend to set-top boxes.

In short, for SBC and other companies to deliver Internet-based services like UMS, they absolutely must have a ''protected chain of interoperability'' extending throughout all computers, servers, and other devices which participate on the Internet—including the Internet browser and PC. If only one link on the chain is not fully interoperable with the entire network, UMS will not be able to process its voice and data transmissions, and thus the convenience and vast array of choices UMS could bring to consumers as an alternative to the Windows PC operating system monopoly will be eliminated.

There is little doubt that Microsoft will continue to recognize the danger that server-based computing, and multi-platform, multi-device products like UMS, pose to the applications barrier to entry. D.Ct. at ¶60 (cited with approval in CA at 79). Such alternative server-based computing pathways on the Internet, which rely on open operation and architecture, like Java, will attract applications used for Internet communications. In the past when such threats to the applications barrier to entry that protects the Microsoft monopoly have emerged, Microsoft has responded with anticompetitive conduct. Indeed, the actions taken by Microsoft to eliminate Netscape and Java, found to be illegally exclusionary by the District Court and the Court of Appeals, had the sole purpose of protecting the applications barrier to entry. As shown below, however, the deficiencies in the proposed settlement are so pervasive that SBC's competitive, Internet-based offering and similar products from other companies are threatened with the same fate as Netscape and Java.

C. The Proposed Settlement Would Allow Microsoft To Render SBC's Internet-Based Businesses Significantly Less Competitive

1. The Proposed Settlement Will Allow Microsoft To Block Consumers' Access To Competing Products And To Impede Their Functionality

Under the proposed settlement, Microsoft could use its monopoly power to (i) prevent UMS and related products from being accessed by anyone using a Windows PC and IE; (ii) degrade or impede the ability of UMS to function on a Windows PC; and/or (iii) deny UMS access to the Windows desktop. Moreover, Microsoft could avoid the requirements of the proposed settlement by simply claiming UMS was a ''service.'' See pp. 46–48 supra. Because the proposed settlement does not require Microsoft to ensure that UMS will function smoothly on Windows, or even have proper access to the Windows desktop, it could significantly harm the ability of UMS to compete with Microsoft products providing similar services. The danger, of course, is not limited just to UMS, but applies equally to related communications and entertainment products and services that are being developed and offered by other companies.

i. Blocking Access to UMS

The inadequate interoperability/disclosure provisions in the proposed settlement would allow Microsoft to completely block all access to a competing product, like UMS, for all users of a Windows PC and IE. Because the proposed settlement does not require any disclosure to ensure interoperability between IE and a non-Microsoft server operating system, Microsoft is able, and indeed encouraged, to change, and then withhold disclosure of, IE's protocols in order to prevent interoperability with those SBC servers that run on non-Microsoft operating systems. In that case, all UMS customers would be unable to access their UMS account from a Windows PC operating system equipped with IE.

Should SBC decide to convert the entire UMS network of servers to Microsoft operating systems, Microsoft would still, under the proposed settlement, be able to block access to UMS for some users. In this event, Microsoft could merely program its server operating system so that it could not interoperate with a non-Microsoft browser. In fact, Microsoft employed this very strategy recently, when it reprogrammed its web servers for the MSN website to block all access by consumers using the competing Netscape and Opera browsers. See p. 80 supra.

ii. Degrading the Performance of UMS

Should Microsoft choose not to completely block access to UMS, the proposed settlement permits Microsoft to substantially degrade UMS' functionality on a Windows PC operating system. The degradation can be accomplished by programming Microsoft's PC operating system in such a way that UMS' functions are purposefully disadvantaged. For instance, by altering the program codes for IE or Microsoft's version of Java, Microsoft can hinder the performance of UMS on a Windows PC operating system, including the speed at which UMS processes requests, its efficiency and the graphical presentation the user sees.

iii. Denying UMS Access to the Windows Desktop

SBC's strategy for UMS is largely dependent on having access to and visibility on the desktop, as well as on OEMs and end-users being able to change default settings in the Windows operating system to select the SBC home page or set the pre-login screen to allow for message notification. Without provisions in the settlement guaranteeing these rights, Microsoft can prevent UMS from having its own icon on the Windows desktop, or being on the Windows start menu. Furthermore, the proposed settlement would allow Microsoft to prevent UMS customers from choosing to set the SBC-Yahoo homepage as their default homepage on IE. Likewise, nothing in the proposed

settlement would stop Microsoft from denying SBC equal access to the pre-login indicators on the desktop for message notification. Only through such notification could UMS compete with Microsoft's Hotmail or Messenger, which have such indicators on both the desktop and the pre-login screen for the purpose of notifying the subscriber that messages are waiting.

2. Microsoft Can Foreclose Competition By Using Its Ability To Raise Its Rivals' Costs

By not requiring ''seamless interoperability,'' the proposed settlement would allow Microsoft to raise substantially the fixed costs associated with a competing product or service, as well as the ultimate cost to the consumer, to the point that such products are unable to compete. The anticompetitive initiatives Microsoft can pursue under the proposed settlement will force Internet-based businesses to move toward using Microsoft server operating systems and software exclusively. At the same time, the settlement will channel consumer access to the Internet through Windows PC operating systems, which consumers will have to purchase in order to obtain IE.

For example, SBC currently uses Microsoft server operating systems for less than 5% of its UMS server network, and anticipates this percentage will approach zero within the next few years—provided there is full interoperability among servers, PCs, PDAs, phones and all other computing devices. If the proposed settlement is approved, however, SBC will probably have no choice but to replace its entire UMS server network at considerable cost with Microsoft server operating systems and software.

Microsoft's server operating systems are currently significantly more expensive than those of its competitors, and this price differential is likely to grow as Microsoft solidifies its position in the server market. Even at current prices, replacing the UMS server network with Microsoft server operating systems would significantly increase SBC's overall costs for UMS (including the cost of hardware, software, maintenance of hardware and software, staff, network management, and disaster recovery). In addition, if SBC were required to replace the hardware in its entire current server network within the next few years, this would dramatically increase costs for UMS during its critical first years on the market. Taken together, these cost increases will make UMS a much less appealing alternative to the Windows PC, as the consumer's cost savings will be much smaller.

UMS is not the only SBC network service to be negatively impacted. SBC's telephone network also utilizes many servers for various functions. For instance, SBC has servers that perform ''operation support systems,'' as well as ''operations administration maintenance and provisioning.'' Like UMS, under the proposed settlement these network support systems would be at risk, and the cost to convert them all to Microsoft server eperating systems would be significant.

3. Consumers Who Want To Access The Internet Will Have To Have A Windows Operating System,Which Will Increase The Cost To The Consumer For UMS

UMS is designed to save consumers money, because they can access the service through a ''dumb PC'' or handheld computing device, equipped only with a few features, like UMS, that will allow the consumer to use the Internet to perform essentially all major computing functions currently offered by a Windows PC at a fraction of the cost.

Assuming full interoperability, a ''dumb PC'' with a browser would be able to access and browse the Internet as well as a Windows PC. Moreover, by purchasing a product like UMS to accompany the ''dumb PC,'' even more of the functions of a Windows PC (voice/data messaging, instant messaging, e-mail), would be available and the total price would remain substantially below a Windows PC. The cost savings to the consumer, when coupled with the other positive attributes of UMS, would make it a very attractive alternative to the comparable Microsoft products the consumer can only obtain by purchasing a Microsoft operating system.

By preventing full interoperability throughout the network of servers (including the browser), however, Microsoft can destroy any cost savings provided by UMS, because the consumer will have to buy a Windows PC or another device with a Microsoft operating system in order to obtain IE. That operating system already will have integrated or bundled Microsoft products that compete with UMS (MS Messenger; Outlook Express, Hotmail) which are included in the cost of the operating system. Thus, to use UMS, the consumer will have to pay an ''add-on'' or double cost in addition to the cost of the Microsoft operating system. The competitive disadvantage, for both SBC and the consumer, is plain.

4. The Proposed Settlement Will Stifle Innovation And Force Competitors To Sacrifice Quality In Certain Critical Markets

SBC, or any Internet-based business, is highly dependent on the quality and speed of technological innovation in markets that supply the hardware and software used in new ventures, such as UMS, or established services. This is particularly true for UMS, which will rely on an extensive network of servers, computers and related devices and technologies to deliver its range of services. SBC's policy is to use a wide variety of suppliers for different products, including software, throughout the UMS networks and its other computer systems. To take full advantage of technological innovation, SBC chooses the ''best in class.'' This term reflects SBC's philosophy to choose the provider for each particular product or service that best performs the specific functions needed by SBC. In this way, SBC can obtain maximum benefit from the speed and diversity of innovation to create the most competitive products possible.

In certain crucial markets, the proposed settlement will convert this world of choice into a world of one choice—Microsoft. In the process, SBC's ability to employ its ''best in class'' strategy would be severely reduced. Indeed, technological innovation itself will be gravely hindered, particularly for server operating systems and server software—two critical product areas for any network. This change will be driven by the proposed settlement's failure to ensure interoperability. As a result, consumers and businesses will be forced to purchase the Windows PC operating system, IE, and Microsoft server operating systems, or at least license Microsoft intellectual property, in order to guarantee full interoperability. The fact that Microsoft server products, especially in relation to the particular needs and functions of SBC, are more costly but by no means superior in quality or functionality, will no longer be determinative.

In the longer term, as competitive choices in these markets are diminished, Microsoft will be able to unilaterally control the pace of innovation. Currently, many different companies are working to innovate and develop different product functions and niche uses. SBC can take advantage of specialized innovations that are essential to supporting or improving its operations. In the world created by the proposed settlement, however, Microsoft will be the sole arbiter of what areas, products or uses should or should not be explored for technological advancement. Microsoft would be free to stifle innovation in a particular area that may be crucial to developing a product or service which competes with Microsoft.

The government made this very point to the District Court through the testimony of one of its expert economists, who stated that Microsoft's exclusionary practices had

> interfered with the process of innovation in three distinct ways. First, consumers did not get the innovative products that the technology being developed by Netscape and Sun might have delivered. Second, Microsoft's predatory acts had a chilling effect on innovative efforts by all people who might have developed other software technologies that Microsoft found threatening. Third, Microsoft harmed the innovative process because it limited competition, and competitive markets are, on balance, the best mechanism for guiding technology down a path that benefits consumers.

Romer Decl. ¶5.

The effect of the proposed settlement on UMS is illustrative. SBC currently uses between 15 and 20 different providers for different products, including software, throughout the UMS network. In the ''Microsoft world'' that would be created by the proposed settlement, SBC expects that it would be limited to a total of 5 to 10 providers. Each of the lost providers will have to be replaced by Microsoft products because of interoperability obstacles created by Microsoft commingling and nondisclosure.

SBC currently uses three separate server operating systems in its UMS operations, based on the particular needs and functions of different servers throughout the network. The three products are a UNIX operating system which is run on servers produced by several companies; Linux operating systems which run on a variety of servers; and, for certain limited functions, Microsoft server operating systems (which are run on less than five percent of the UMS network). In SBC's view, the Microsoft server operating systems are substantially less effective than

competitors'' systems in performing the functions needed by the UMS network. Among other things, Microsoft products have a poor security performance history, see pp. 90–91 supra, and thus it is SBC's policy that no server that faces the Internet is based on a Microsoft server operating system. As a result of the need for interoperability, however, under the proposed settlement, SBC could be forced to use Microsoft server operating systems throughout the UMS network.

SBC's choices will be similarly circumscribed for server software. For its mail server and directory server, SBC currently uses a range of non-Microsoft software products. For the functions needed by the UMS network, these products better meet SBC's requirements, and are less costly than, comparable Microsoft products. For SBC's web server, which is the critical primary link to the Internet and the Internet browsers, SBC uses server software from Apache. The Apache software is also preferable to comparable offerings from Microsoft for this purpose.

Similarly, in the areas of network management and voice over Internet protocol (''VoIP''), SBC could well be forced to switch to Microsoft products under the proposed settlement. Network management products essentially ensure that SBC's telephone network runs effectively and reliably, by monitoring the system for failures, analyzing configuration, and developing utilization statistics. The network management software currently used by SBC is more efficient and less costly than comparable Microsoft products. In the VoIP area, SBC's ''gateway,'' which translates voice conversations into VoIP, uses a non-Microsoft, ITU (''International Telecommunications Union'') H.323-compliant gateway, or translator. If the proposed settlement were approved, nothing would prevent Microsoft, by changing its server or browser programs to a non-compliant format, from forcing SBC to replace this translator with a Microsoft product or a product that incorporates Microsoft-licensed intellectual property to ensure the interoperability required for SBC's telephone network to function.

5. Delayed Disclosure Will Harm Competition

The flexibility provided to Microsoft to delay the disclosure of technical information could also significantly harm the competitive prospects of UMS and related products. As explained above, Microsoft can delay the release of technical information related to interoperability with a new Windows product or a change in an existing Windows product until very close to the time when the new or altered product is placed on the market. See pp. 80–85 supra. SBC, and other competitors, thus face the very real possibility that there will be insufficient time to ensure that a competing product, like UMS, will be fully interoperable when a new or altered Windows product is introduced. If UMS is not fully interoperable, the result would be that certain UMS customers who attempted to access their mailbox from a Windows PC would be ''dropped''—meaning their request for data or voice information would not be processed. Since SBC plans that UMS will have over 5 million customers by 2007, if UMS is not fully interoperable with Windows PCs for even one day, many UMS customers would be ''dropped.'' The negative consequences should customers be unable to access their UMS mailboxes for any period of time are obvious.

By making it impossible for server operating systems which run websites on the Internet to interoperate with non-Windows operating systems, Microsoft will be able to force all businesses and all consumers to conform to the Windows world. With over 90% of the operating system and browser markets, for example, Microsoft can make its Passport product the dominant intermediary between consumers and e-commerce web sites, and can effectively impose a tax or toll on all transactions. If it wishes to, Microsoft will be able to use its browser dominance to ensure that any web portal in which it has a stake receives preferential display. And if it chooses to, Microsoft will be able to use its browser dominance to control the flow of information or content on the Internet by using its Internet gate-keeper position to prefer one type of message over another, for example, blocking access to sites that are critical of Microsoft. In all of these ways, Microsoft can use the developing world of Internet technology to protect and strengthen its PC operating system monopoly.

V. WITHOUT SIGNIFICANT CHANGES, THE PROPOSED SETTLEMENT CANNOT SATISFY THE PUBLIC INTEREST STANDARD

As shown, the proposed settlement allows Microsoft to continue exclusionary practices, like commingling, to easily evade virtually all of the proposed settlement's proscriptions and affirmative obligations, and, by simply doing what the settlement allows, or fails to enjoin, ensuring that the next generation of threats to the operating system monopoly in the form of Internet servers and web-based computing never leaves its crib. By the time the proposed settlement expires, Microsoft middleware will be the firmly entrenched medium of Internet communication, displacing open architecture with a closed proprietary system; all competition will be forced to use Microsoft's proprietary standards instead of the open architecture currently thriving as the medium for program development and communication; and OEMs will be even more beholden to Microsoft's demands. This is the teaching of an exhaustive trial record and a careful appellate review that affirmed the lower court's findings of a decade-long scheme of monopoly maintenance in violation of Section 2 of the Sherman Act.

Under the law of the District of Columbia Circuit, the proposed settlement falls far short of providing any meaningful remedy for this most serious of antitrust violations and for that reason alone does not satisfy the public interest standard. United States v. Microsoft, 56 F.3d 1448, 1458 (DC Cir. 1995) (The Court must ''make an independent determination whether the proposed consent decree [is] in the public interest.''). Worse still, because the proposed settlement operates to perpetuate this unlawful monopoly by permitting the continuation without sanction of conduct previously found to be exclusionary, the proposed settlement in fact injures the public interest. For these reasons, the District Court must reject it.

Indeed, the proposed settlement fails to meet the public interest standard on all of the bases set out in the 1995 Microsoft decision. As discussed above, and in further detail below in the context of recommended changes and additions to the proposed consent decree, the settlement now advanced by the government (1) is ''ambiguous'' in many respects and fiddled with loopholes and exceptions to key provisions; (2) presents numerous ''difficulties in implementation'' that arise because so many provisions leave compliance in Microsoft's sole discretion; (3) has been subject to widespread condemnation by ''third parties [who] contend that they would be positively injured by the decree,'' including SBC; and (4) in view of the remedies the government said were absolutely essential only two years ago—after the District Court's detailed findings as to monopolization were upheld on appeal—but which have now been omitted from the proposed decree, ''on its face and even after government explanation, appears to make a mockery of judicial power.'' Microsoft Corp., 56 F.3d at 1462.

For these reasons, SBC submits that the proposed decree should not be entered. The proposal made by the Litigating States would, if adopted in its entirety, adequately serve the public interest in SBC's view. Alternatively, SBC respectfully offers the following detailed revisions that, if fully incorporated into the proposed settlement, would provide an appropriate remedy for Microsoft's adjudicated wrongdoing:

A. Changes Must Be Made to RPFJ § III.A (OEM and Other Licensee Retaliation)

Sections 8 and 9 of the Litigating States' proposal provide an adequate remedy prohibiting retaliation by Microsoft against others. Alternatively, the following revisions should be made to the proposed settlement:

§ III.A The retaliation provision should not be limited to OEMs, but should also prohibit retaliation against any third party that is a licensee or potential licensee of Microsoft products or services. Given Microsoft's proven propensity to root out and extinguish competition wherever it develops, the risk of retaliation could affect many sources of competitive pressure on Microsoft besides OEMs. One example would be third-party software system integrators, who pull together products from numerous different vendors to give customers a software or total computing package that is tailored to their specific needs.

The term ''retaliation,'' which is not defined in the proposed settlement, must be defined broadly to include ''any threats or any actions that directly or indirectly have an adverse effect'' on OEMs or other licensees. The phrase ''by altering Microsoft's commercial relations, or by withholding newly introduced forms of non-monetary Consideration'' should be eliminated, because it unnecessarily limits the scope of the term retaliation. Microsoft's proven ability to devise new forms of anticompetitive restraints to meet new competitive threats amply justifies this broad definition.

The scope of the conduct by OEMs and other licensees which cannot be subject to retaliation by Microsoft must be broadened. The provision should prohibit adverse action by Microsoft based on the OEM or other licensee undertaking or contemplating ''any business activity that promotes or distributes software, products or services that may be competitive with Microsoft products or services.'' See Final Judgment § 3(a)(i)(1). Again the record of Microsoft's constantly evolving panoply of anticompetitive actions justifies the broad prohibition to ''pry open'' the market to competition. The burden should be on Microsoft, as the convicted lawbreaker, to seek an exception to the decree's prohibitions if it believes there is a reasonable, procompetitive justification for a particular adverse action.

§§ III.A.1, III.A.2 and III.A.3 Each of these subsections should be deleted because they limit the scope of the conduct by OEMs for which Microsoft is prohibited from retaliating.

The provision in the second half of § III.A addressing license termination should require that Microsoft show good cause before terminating the license of an OEM or other licensee, in addition to giving written notice and an opportunity to cure. See Litigating States' § 2(a). The provision should also be changed to give the licensee 60 days' opportunity to cure. Id. The exception allowing Microsoft to terminate an OEM's license if it has previously given two or more written notices should be deleted because it is too easily subject to abuse. All of these changes are necessary to ensure that Microsoft, given its sorry history of abuse, deals fairly with licensees.

The exception in § III.A that permits Microsoft to provide ''consideration to any OEM with respect to any Microsoft product or service where that consideration is commensurate with the absolute level or amount of that OEM's development, distribution, promotion or licensing of the Microsoft product or service'' should be deleted. It provides Microsoft the opportunity to provide unlawful incentives to licensees based on undefined criteria (''absolute level or amount'') that Microsoft alone determines.

Proposed Additions to Follow RPFJ § III.A

B. A Provision Prohibiting Retaliation By Microsoft Against Any Party Who Participates In The Litigation Must Be Added

A provision, such as Litigating States' proposal 9, should be added following § III.A to specifically prohibit Microsoft from retaliating against any individual or entity who participates or cooperates in any way in any aspect or phase of antitrust litigation involving Microsoft. Such a provision will ensure that Microsoft does not retaliate against any individual or entity that has participated thus far, and will afford protection to any individual or entity that wishes to come forward with complaints against Microsoft based on the consent decree that is ultimately entered. In view of Microsoft's continuing dominant position, its history of retaliation, and the fear it has engendered throughout the marketplace, such a provision is both necessary and reasonable.

C. A Provision Requiring Microsoft To Port ''Office'' To Apple's Operating System Must Be Added

Litigating States' proposal § 14 should be included in the decree to require Microsoft to continue making and updating a version of its ''Office'' business productivity suite that can be ported to the Apple operating system, and to require Microsoft to auction licenses to third parties to facilitate the creation of versions of Office that port to operating systems other than Windows. Such a provision is necessary because the Apple Macintosh operating system at present is the only viable alternative to Windows as an Office platform, but if others develop, they should have access to this widely-used application software. Such a provision is justified by the specific findings, affirmed on appeal, that Microsoft used the threat of dropping support for the Apple version of Office to coerce Apple into using IE as its default browser.

D. Changes Must Be Made To RPFJ § III.B (Uniform Licensing)

The subject of uniform licensing is adequately addressed in ¶2(a) and ¶2(b) of the Litigating States' proposal. Alternatively, the RPFJ should be revised as follows:

§ III.B

For the reasons discussed in connection with RPFJ § III.A., the provision must apply not only to Microsoft's licensing to OEMs, but to all third party licensees. § III.B.2

The proposed decree should allow Microsoft to provide reasonable volume discounts only if they are based upon an independent determination of the actual volume of shipments. See p. 102 supra; Litigating States' § 2(a)(ii). § III.B.3

This provision and its three subsections should be eliminated. Instead, the provision should include an outright prohibition, such as that included in Final Judgment § 3(a)(ii) or Litigating States' § 2(a), against Microsoft's offering market development allowances (''MDAs'') or discounts to OEMs or third party licensees. This loophole allowing MDAs makes it possible, as a practical matter, for Microsoft to engage in the very discrimination that the provision is intended to prevent.

Proposed Additions to Follow RPFJ § III.B

A provision should be added to the proposed decree that would require that Microsoft provide OEMs and other licensees with equal access to ''licensing terms, discounts, technical, marketing and sales support, product and technical information, information about future plans, developer tools or support, hardware certification and permission to display trademarks or logos.'' gee Litigating grates' § 2(b); Final Judgment § 3(a5(ii5. Without this provision, Microsoft will be able to keep such information secret, which will allow Microsoft to continue to take advantage of licensees' ignorance about what terms are available.

F. A Provision Prohibiting Microsoft From Enforcing Agreements That Are Inconsistent With The RPFJ Must Be Added

A provision should be added that prohibits Microsoft from enforcing any contract terms or agreements that are inconsistent with the decree. See Litigating States' 2(a); Final Judgment § 3(a)(ii). This prophylactic measure is justified by Microsoft's proven history of evasion of antitrust regulation and anticompetitive conduct.

G. Changes Must Be Made to RPFJ § III.C (Restrictions on OEM Configuration of PCs)

Section III.C attempts to address Microsoft's past illegal imposition of restrictions on OEM configuration of the desktop. These restfictions closed the OEM distribution channel to non-Microsoft middleware. Because the provision fails to address Microsoft's commingling of code, contains no affirmative requirement to offer a stripped-down version of Windows with a corresponding price reduction, and is fiddled with loopholes and ambiguities that allow Microsoft to override both OEM and end-user choices regarding competing middleware products, section III.C fails to accomplish its goal. To effectively close these loopholes and reopen the OEM distribution channel in an effort to revive middleware competition, SBC recommends the following:

The Litigating States' proposal is adequate to satisfy SBC's concerns regarding the effectiveness of OEM configuration options. SBC recommends that the Litigating States' proposals addressing restrictions on OEM options be adopted to replace section III.C of the proposed settlement. See Litigating States' §§ 1, 2(c), 3, 8, 10. In the alternative, SBC recommends the following modifications to the proposed decree:

§ III.C

Following the words ''OEM licensee'', the phrase ''or Third Parties'' should be added. ''Third Parties'' should be defined as ''any persons offering to purchase from Microsoft at least 10,000 licenses of a product or products offered and licensed to OEMs, including without limitation ISVs, systems integrators, and value-added resellers.'' See Litigating States'' § 22(oo). As described in these comments, this would allow third party software customizers to develop as a competitive force in the industry, as they may well have absent Microsoft's illegal conduct.

Add after the word ''alternatives'' in the first sentence of the provision ''..., which are set forth below, by way of example and not limitation: .... ''This prevents the list of items that follows from becoming an exclusive list of the restrictions Microsoft cannot impose on OEMs. Broad language is necessary so that the remedy can be adapted to technological changes.

Added to the list should be an option that states OEMs are free to display alternative non-Microsoft desktops, provided that an icon or other means of user access is provided to the Microsoft desktop. This allows OEMs the freedom to offer consumers completely separate non-Microsoft interfaces without interfering with, changing the appearance of, or precluding access to, the Microsoft desktop.

§ III.C.1

This subsection is meant to ensure that OEMs are free to install competing middleware products and services and to place icons and shortcuts to those products on the desktop. CIS at 30. To fulfill that purpose:

Eliminate everything after the words ''generally displayed.'' The exception that

follows those words may be misconstrued as providing Microsoft discretion to prohibit OEMs from featuring middleware products as to which Microsoft may not offer a competing product or a product with the same ''functionality.'' The deletion of the language prevents any misunderstanding.

Section III.C. 1 should also make clear that Microsoft may not restrict OEMs from offering an alternative desktop, provided that an icon linking the user to the Windows desktop is also displayed. This would expand options for consumers, while at the same time reducing the burden on OEMs of attempting to conform to Microsoft's desktop requirements.

§ III.C.2

Related to section III.C.1 is subsection 2, which prevents Microsoft from restricting an OEM's ability to distribute and promote non-Microsoft Middleware by displaying shortcuts on the desktop. However, the provision limits this ability to those middleware products that do not impair the ''functionality'' of Windows. At the end of the provision, the following language should be added: ''Whether the functionality is impaired shall be determined by the Technical Committee upon Microsoft's written submission to the Committee as to how the OEM modification impairs the functionality of the Windows Operating System.'' Nowhere in the decree is the term ''functionality'' defined. So as not to leave the determination as to whether a change impairs the ''functionality'' of Windows in Microsoft's discretion, either the term should be defined in the definitions section of the decree, or the aforementioned language should be added.

§ III.C.3

Subsection III.C.3 requires Microsoft to permit OEMs to configure the desktop in a manner that allows non-Microsoft products to launch automatically at the conclusion of the tint or subsequent boot sequences or upon connection or disconnection from the Internet. To accomplish this:

Eliminate everything after ''a user interface'' and replace it with ''that may be seen as attempting to imitate the trade dress of or otherwise appear identical to the corresponding Microsoft Middleware Product.'' While subsection 3 attempts to prevent ISVs from palming-off their products as Microsoft products, as currently written, the provision appears to give Microsoft discretion to decide, in the first instance, which competitors'' icons and interfaces, and in what form, may be displayed. The change clarifies the intent.

As in Section III.C.1 above, this provision contains imprecise language describing when and whether a Non-Microsoft Middleware Product can launch automatically (''if a Microsoft Middleware Product that provides similar functionality would otherwise be launched automatically at that time'') that can be interpreted as allowing Microsoft to stop OEMs from launching innovative middleware products as to which Microsoft has not developed a competing product. This language should be deleted both to avoid any possibility of such an interpretation and also because Microsoft's business choices should not determine or in any way limit OEMs' decision to launch a non-Microsoft product or service.

The provision should include the phrase ''..., application or service (including any security/authentication service)'' after the first appearance of the term ''Non-Microsoft Middleware''. This would allow ISVs to compete with Microsoft's new products and services such as NET and Passport to which Windows XP contains embedded prompts in the initial boot sequence and on the MSN default homepage.

As now drafted, the provision can be read as limiting competition 0nly to the categories of middleware product that existed when the litigation began, i.e., browsers and media players.

The settlement should require that, as part of ensuring that a Non-Microsoft Middleware Product can launch automatically in place of a Microsoft Middleware Product, the non-Microsoft product will replace the Microsoft product in such cross-dependent scenarios as when clicking on a URL in Microsoft Word. In the past, regardless of a user's selection of default browser, IE would launch in its place when the user attempted to reach the Internet in this fashion. Microsoft should not be permitted to automatically invoke its middleware products despite a contrary choice by a consumer or OEM.

§ III.C.5

In this section concerning an OEM's freedom to promote a competing IAP, the settlement must either identify what a ''reasonable technical specification'' is or otherwise remove that determination from Microsoft's sole discretion. Otherwise, Microsoft will be able to block OEMs from featuring competing IAPs for virtually any reason, or else impose anticompetitive requirements, such as the use of Microsoft's proprietary protocols, before a competing IAP is allowed on the desktop. Proposed Additions to Follow RPFJ

§ III.C

H. A Provision That Prohibits Microsoft From Commingling Must Be Added

A provision that reads similarly to the Litigating States' proposed ¶1 should be adopted to prevent Microsoft from repeating the illegal conduct that the Court of Appeals found it engaged in by commingling the code of its IE browser with the code for its Windows operating system. A restriction on the practice of binding middleware to the operating system is essential to restoring competition by making the OEM distribution channel a viable option once again for software vendors. See Litigating States' 1. Such a provision will have the salutary collateral effect of preventing the exceptions contained in RPFJ § III.H from rendering the substance of sections III.C and III.H meaningless, as well as supporting innovation. See Shapiro Decl. at 23 (stating that an anti-binding provision in the Final Judgment, similar to the one proposed here, ''strikes an excellent balance between the consumer benefits that can arise when Microsoft adds functionality to its operating system and the benefits that consumers enjoy when new and improved software is developed independently of Microsoft, especially if that software may serve a role in eroding Microsoft's monopoly position. By allowing OEMs to choose whether to make Microsoft's Middleware Products or rival software directly available to end-users, OEMs will have the incentive to experiment to best serve consumers' interest.'').

I. A Provision Determining The Relative Prices Of Unbundled Versions of Windows Must Be Added

Either as part of the provision dealing with the binding of middleware or elsewhere in the decree, there must be a provision requiring Microsoft to differentiate its product prices based on an OEM's selection of the Microsoft middleware products, if any, that it chooses to bundle with the Windows operating system. Such a mechanism must ensure that ''stripped-down'' versions of Windows cost less than the fully loaded version in a proportion that properly reflects the value of middleware products not included. Failure to provide a pricing mechanism, such as those contained in States' proposal ¶¶1 and 3(b), removes any incentive OEMs have to create software packages composed of competing middleware products.

Several such mechanisms are possible. The Final Judgment provided that pricing be guided based on bytes of code. See Final Judgment § 3(g)(ii). SBC believes it would be preferable to allocate costs between the operating system and the removed middleware based on measurements of ''function point code.'' The International Function Point Users Group Counting Practices Manual is a generally accepted, objective industry standard for measuring non-multimedia software (which excludes games and training software) and estimating software costs using an existing code base. See T. Capers Jones, Estimating Software Costs Function Point Analysis: Measurement Practices for Successful Software Projects (1998); David Garmus and David Herron, Function Point Analysis: Measurement Practices for Successful Software Projects, 34–61 (2000). Alternatively, SBC supports the use of a pricing mechanism based on the fully allocated product development costs for the operating system product and middleware products in question. See Litigating States' ° 1.

J. A Provision Requiring That Microsoft Continue To Offer Predecessor Versions Of Windows Must Be Added

SBC recommends adoption of Litigating States' proposed ¶3. Section 3 mandates that Microsoft continue to license for 5 years its immediate predecessor version of Windows, at a price no higher than the last price at which the predecessor version was offered. This is a further means of preventing Microsoft from commingling its middleware products with Windows without offering OEMs, end-users and third parties the chance to buy a version of the operating system that is both cheaper and without Microsoft products bound to it. Prior versions of Windows typically have less Microsoft middleware product bundled with or bound to the operating system, and rely more heavily on accepted industry standards. As a result, predecessor versions may be more easily configured to include non-Microsoft middleware products.

K. Changes Must Be Made To RPFJ §§ III.D and III.E (Interoperability Disclosure)

Full interoperability is necessary to prevent Microsoft from perpetuating its monopoly of the PC operating system market by exercising control over server operating systems and software, and Internet browsers, and using that control to eliminate the nascent competitive threats posed by non-Microsoft server operating systems and embedded devices.

Section 4 of the Litigating States' proposal achieves full interoperability between (i) a Windows PC operating system and non-Microsoft Middleware; (ii) a Windows PC operating system and a non-Microsoft server operating system; (iii) Microsoft Middleware, including Internet Explorer, and a non-Microsoft server operating system; and (iv) Microsoft and non-Microsoft server operating systems. Litigating States' § 4.

To achieve full interoperability, the disclosure must include ''all APIs, communications interfaces and other technical information related to interoperability.'' Litigating States' § 4. Only in this way can the ''seamless interoperability,'' recognized by the government in the CIS as the operative goal, be achieved. CIS at 38.

The timing of required disclosure under the proposed settlement is equally deficient, because it provides Microsoft sufficient flexibility to use the timing of a disclosure to gain a competitive advantage for its own software. Microsoft should be required to disclose the technical information related to interoperability in a ''timely manner,'' which should be defined as the earliest of the following: (i) when it is disclosed to Microsoft's applications developers; (ii) when it is used by Microsoft's Platform Software developers; (iii) when it is disclosed to any third party; or (iv) within 90 days of a final release of a new version of Windows, and no less than 5 days after a material change is made by Microsoft after the most recent beta or release candidate version. This is the timing provision employed by both the District Court's Final Judgment and the Litigating States' proposal. Final Judgment ¶3(b); Litigating States' § 22 (pp).

Proposed Additions To Follow RPFJ § III.E

L. A Provision That Requires Mandatory Distribution of Java Must Be Added

The Litigating States' proposal properly requires Microsoft to distribute Java, free of charge, for ten years. Litigating States' § 13. The copy of Java that is distributed must be ''a competitively performing Windows-compatible version of the Java runtime environment (including the Java virtual machine and class libraries) compliant with the latest Sun Microsystems Technology Compatibility Kit.'' Id. The proposed settlement does not require Microsoft to distribute a version of Java that is compliant with the latest technology from Sun Microsystems, and that is fully compatible with the most recent version of Windows. This requirement is critical to ensure full interoperability between IE and all non-Microsoft server operating systems, and will also help to erode the applications barrier to entry that shields Microsoft's monopoly power.

M. A Provision Prohibiting Interference With Or Degradation Of Non-Microsoft Middleware Must Be Added

The government's own expert explained the need for an affirmative prohibition against such interference by Microsoft as necessary to prevent one of the more insidious methods of monopoly maintenance:

> Microsoft has demonstrated its ability and incentive to hinder the adoption of rival middleware through a variety of exclusionary tactics such as it employed against Netscape's browser. Once Microsoft is enjoined from employing the tactics it has already used, Microsoft will have an incentive to switch to new, substitute tactics having the same effect. One such tactic is to intentionally degrade the performance of rival middleware interoperating with Windows.

Shapiro Decl. at 22. The Final Judgment and Litigating States' proposal explicitly prohibit Microsoft from knowingly impeding or degrading the performance of non-Microsoft Middleware on a Windows PC. Final Judgment § 3(c); Litigating States' § 5.

The Litigating States' proposal also properly requires that if Microsoft takes any action that would ''interfere with or degrade the performance of non-Microsoft Middleware,'' it must give 60 days advance notice to the affected ISV. Litigating States' 8 5. The proposed settlement does not contain a knowing interference provision. Since the Court of Appeals specifically affirmed the findings upon which this remedy was based, the decision to delete it is difficult to understand. CA at 65–66. To the contrary, the proposed settlement actually gives Microsoft the incentive to make slight changes to its operating system product, as part of a ''minor upgrade,'' that would have the effect of impeding the interoperability of non-Microsoft middleware with a Windows PC operating system. See RPFJ §§ III(D), VI(J). If the change is a part of a ''minor upgrade,'' Microsoft is not required to disclose the APIs and other technical information required to ensure full interoperability. Id.

N. A Provision Requiring Microsoft to Comply With Industry Standards Must Be Added

To create a level playing field and foster competition, a provision must be added to ensure that open or industry standards continue to be promoted and used by Microsoft as part of the Windows PC operating system environment. An industry standard is any technical standard that has been approved by (or has been submitted to and is under consideration by) any independent, publicly recognized organization or group that sets standards. If Microsoft can replace an open industry standard with its own proprietary codes, it will prevent full interoperability and thus reinforce the applications barrier to entry.

As a result of Microsoft's monopoly power in the PC operating system market, it is able now, and in the foreseeable future, to depart from industry-recognized standards for its own competitive advantage. This is accomplished in two ways. First, Microsoft has in the past made subtle, undisclosed changes to a number of recognized industry standards that are used to execute functions by the Windows operating system. Even a small modification can severely impede the ability of a competing operating system or middleware product from interoperating with a Windows operating system product.[35] Second, any new or modified standards implemented by Microsoft become, as a practical matter, an industry standard within a very short period of time because of the high percentage of Windows users.

Microsoft's Brad Silverberg explained this Microsoft strategy in the context of a previous standards battle with Novell's Netware:

> It seems very clear to me that if you are currently on the losing end of a standard battle, your strategy needs to be: (a) adopt the standard so you don't force customers to choose between you and the standard, (b) bootstrap that so you have a reasonable installed base, (c) begin to change the standard on top of it to get people dependent on ''you.'' Once people are dependent on you .... you ''start to turn the crank.''

Henderson Decl. ¶35 (internal citations omitted).

To ensure that Microsoft's practices are changed and to ensure full interoperability, the settlement must include a provision that requires:

(i) that Microsoft continue to use and promote all open or industry-recognized standards;

(ii) that Microsoft not alter or modify an industry standard in any way, except to the extent that such modification is compliant with, and approved by, an independent, internationally recognized industry standards organization;

(iii) that Microsoft disclose any change it implements to an open or industry-recognized standard, in a ''timely manner,'' as that phrase is defined in the Litigating States' Proposal § 22 (pp);

(iv) that Microsoft assist any other software provider to achieve interoperability with any protocol Microsoft uses in any such situation in which Microsoft is the holder of the reference protocol implementation; and

(v) that Microsoft work with all other holders of reference protocols to achieve and ensure interoperability with any protocol Microsoft uses, in any situation in which Microsoft is not the holder of the reference protocol implementation.

There are over 300 separate standards used by any PC operating system to function within a local area network or on the internet. The following protocol families are among those that are particularly important to Internet-based computing: (1) the TCP/IP protocol family, which is universally used to transmit data and services on the Internet; (2)

[35] For example, if Microsoft made subtle changes to the industry-recognized audio Codec standard, applications that used audio features, such as Real Player, would not be able to interoperate with a Windows PC operating system. If Real Player continued to employ the industry-standard Codec in its program, Windows PC users would be able to download that Codec to their Windows operating system, but would face the very real possibility that the program would not function with their Windows PC operating system as well as the competing Microsoft product, Media Player, which would, of course, be designed to run with Microsoft's modified Codec.

the H.323 protocol family as defined by the ITU, which supports video and voice communications and is often referred to as a Voice over IP (VoIP) protocol; (3) the SIP protocol family, which supports video and voice communications, as well as instant messaging; and (4) the HTML/HTTP protocol family, as defined by the World Wide Web Consortium (W3C), which supports web browser and server protocols.

A Provision Requiring Open-Source Licensing for Internet Explorer Must Be Added

Microsoft's control of IE is an integral part of the anticompetitive conduct that has maintained Microsoft's monopoly over the PC operating system market. As the Litigating States propose, to remedy these anticompetitive acts and prevent recurrence, the source code for IE must be disclosed on a royalty-free and non-discriminatory basis. See Litigating States' § 12.

P. Changes Must Be Made To RPFJ § III.F (Retaliation Against Any Third Party)

Sections 8 and 9 of the Litigating States' proposal adequately address retaliation issues. Alternatively, the following revisions should be made in the RPFJ:

§ III.F.1

The retaliation provision must be revised to prohibit retaliation not only against the limited category of ISVs and IHVs, but against any third party. For the reasons discussed in connection with Section III.A above, the continually evolving nature of computer and software technology and business practices means that, as a practical matter, new threats to Microsoft's operating system monopoly could come from as-yet unidentified entities. In light of Microsoft's record of past retaliatory conduct, and the durability of its monopoly power, such ''nascent'' threats must be protected wherever and however they emerge.

The term ''retaliation'' must to be defined broadly to include ''any threats or any actions that directly or indirectly have an adverse effect'' on third parties. See discussion of RPFJ § III.A supra.

The scope of conduct by third parties for which Microsoft may not retaliate must be broadened. The provision should prohibit adverse action by Microsoft based ''directly or indirectly on any actual or contemplated action'' by the protected party. See discussion of RPFJ III.A supra.

The ban on retaliation should be based on any action or contemplated action by a third party ''to develop, use, distribute, promote, or support any non-Microsoft product or service.'' See Litigating States' § 8. The proposed settlement prohibits retaliation based on a party's ''developing, using, distributing, promoting or supporting any software that competes with Microsoft Platform Software or any software that runs on any software that competes with Microsoft Platform Software.'' Based on the inherent problems with the definition of Microsoft Platform Software, this limitation narrows the types of products within its scope. For example, it would be permissible for Microsoft to retaliate for a party's distribution or use of an application that competes with Office, because Office is not ''Microsoft Platform Software.''

§ III.F.2

At a minimum, the exception in this provision must be deleted. It would allow Microsoft to enter agreements that limit an ISV's ability to develop, promote or distribute competing software, ''if those limitations are reasonably necessary and of reasonable scope and duration in relation to a bona fide contractual obligation of the ISV to use, distribute or promote any Microsoft software.'' RPFJ § III.F.2. This creates a loophole for Microsoft to restrict an ISV's ability to develop products that compete with Microsoft products. Given its proven history of anticompetitive conduct, Microsoft should not be entitled to an automatic opportunity to use its market power to obtain even ''reasonable'' exclusive dealing agreements. If Microsoft and an ISV believe a particular agreement has procompetitive justification, they can seek prior approval from the government. In the alternative, this entire provision may be deleted if a provision as discussed in ¶V.Q below is added. See also Litigating States' § 11; Final Judgment § 3(h).

§ III.F.3

This broad savings clause, which provides that Microsoft is not prohibited from enforcing agreements with any ISV or IHV, or any intellectual property right, that is not inconsistent with the proposed settlement, should be removed. It is unnecessary and vague, and invites further litigation. Given the overwhelming record of Microsoft's anticompetitive conduct, the burden should not be placed on the government or a third party to prove that Microsoft did something ''inconsistent'' with the decree.

Proposed Additions to Follow RPFJ § III.F

Q. A Provision Prohibiting Microsoft From Entering Agreements That Limit Competition Must Be Added

A provision should be added, such as Litigating States' proposal 11, prohibiting Microsoft from offering consideration to any competitor in exchange for the competitor's agreeing to refrain from developing or distributing any product or service that competes with any Windows Operating System or Middleware Product. See also Final Judgment 3(h). Such a provision is necessary to prevent Microsoft from seeking anticompetitive contracts that divide markets or otherwise limit competition, regardless of whether the ''terms'' are reasonable. See discussion of RPFJ § III.F.2 .supra.

R. Changes Must Be Made To RPFJ § III.G (Ban on Exclusive Dealing)

SBC believes that Section 6 of the Litigating States' proposal is consistent with the public interest on the issue of exclusive dealing. Alternatively, the following changes should be made in the RPFJ:

§ III.G.1

The provision governing exclusive dealing must be extended to third parties. See Litigating States' § 6; Final Judgment § 3(e). The government previously acknowledged that a general ban is necessary because it is too difficult to predict which entities Microsoft might seek to tie up in exclusive arrangements over the next several years. See Shapiro Decl. at 19.

Microsoft should be prohibited from granting consideration to any third party that agrees to ''restrict its development, production, distribution, promotion or use of, or payment for, any non-Microsoft product or service; distribute, promote or use any Microsoft product or service exclusively or in a minimum percentage; or interfere or degrade the performance of any non-Microsoft product or service.'' See Litigating States' § 6; Final Judgment § 3(e). The proposed settlement would prohibit only agreements that grant consideration for the entity to agree to distribute, promote or use Microsoft Platform Software exclusively or in a fixed percentage. The settlement terms do not prohibit restricting the development or use of non-Microsoft products or services and interfering or degrading the performance of non-Microsoft products or services. Yet such conduct is blatantly anticompetitive and entirely consistent with Microsoft's record of proven illegal conduct.

The exception allowing exclusive or fixed percentage arrangements if Microsoft obtains a representation that it is ''commercially practicable'' for the entity to provide equal or greater distribution of a competing product, should be eliminated. This loophole permits Microsoft to demand parity with any product that it considers a competitor in an agreement with a third party that promotes or distributes a competing product. As a proven monopolist, Microsoft should not be given what is effectively an affirmative right to demand that others carry its products. The opportunities for coercion are far too great.

§ III.G.2

The proposed settlement must be changed to prohibit Microsoft from entering into agreements with IAPs and ICPs that condition their placement on the Windows desktop on their agreement ''to distribute, promote or use any Microsoft product or service.'' See Litigating States' § 6(e); Final Judgment § 3(e)(iv). The proposed settlement only prohibits agreements that condition placement of the IAP or ICP on the Windows desktop upon the IAP or ICP's refraining from promoting or using software that competes with Microsoft Middleware. This creates a loophole permitting Microsoft to condition desktop placement on the IAP or ICP agreeing to distribute, promote or use other Microsoft products or services exclusively. Given Microsoft's proven history of anticompetitive exclusionary conduct, it should be barred from any kind of exclusive dealing arrangement.

The provision that permits exclusive dealing arrangements for joint ventures, joint developments or joint services arrangements should be deleted. It would permit Microsoft to avoid the general prohibitions on exclusive dealing, which are essential to restoring competition, merely by restructuring prohibited agreements as ''joint ventures.'' Once again, if Microsoft believes it has a legitimate, procompetitive basis to enter into a true joint venture agreement, it can seek authorization to do so.

The provision that excludes licensed-in intellectual property should be deleted. Like the ''joint venture'' loophole, it would allow Microsoft to evade the exclusive dealing ban by including in an agreement, licensed-in intellectual property of nominal value.

g. ChanGes Must Math To RPFJ § III.H (OEM/End User Control the Desktop)

Section III.H focuses on OEMs' ability to offer and promote and end-users' ability to choose competing middleware products. Yet the provision undermines this purpose in several ways, including: (1) preventing either OEMs or end-users from removing Microsoft products from the operating system; (2) permitting Microsoft to override or alter OEM and end-user choices of competing middleware products; and (3) delaying the implementation of the provision to such an extent as to render it meaningless for a fifth of the lifespan of the decree. To remedy these flaws, the following changes are suggested:

§ III.H

The first sentence, which delays the applicability of the section for the earlier of 12 months after submission of the settlement to the Court or the release of the first service pack for Windows XP, should be revised to delete the introductory phrase. Microsoft should be required immediately to implement the changes necessary to comply with the OEM/end-user control provisions. This would also maximize the amount of time the provision is in force before the relief expires.

The last sentence of this section, which follows the ''Notwithstanding'' clause, should also be eliminated. All Microsoft Middleware Products should be required to comply with the substantive provisions of sections III.C and III.H. There is no justification for a temporal cut-off point of any kind (such as seven months prior to the last beta test of an operating system release, contained here) for new products, which should be developed with a focus on meeting, not evading, the requirements of the relief.

§ III.H.1

Subsection 1 allows OEMs and end-users to enable or disable the automatic invocation of a Microsoft middleware product or to remove the icon for that product. A subsection (c) should be added that allows end-users and OEMs to add or remove any Microsoft Middleware Product from the operating system, not just the icon for that product. The additional language will eliminate the problem of automatic invocation of Microsoft middleware under certain circumstances and open up hard drive space to add additional programs. This provision will only be effective, however, if there is a prohibition against the binding of middleware to the operating system.

§ III.H.3

The CIS states that section III.H.3 prevents automatic alteration of an OEM configuration (CIS at 48), but subsection III.H.3(b) undercuts this commitment. It would permit Microsoft to prompt an end-user to ''sweep the desktop'' of all selected icons and middleware choices 14 days after the initial boot-up of the computer and thereafter. Because of the possibility of consumer confusion, this has the potential to undo the very OEM and end-user control Section III.H is intended to allow. Subsection (b) therefore should be eliminated. There is no need for Microsoft ever to seek end-user confirmation that he or she wants to reverse an OEM configuration that includes competing products, or ever to prompt the end-user to ''sweep away'' all previous non-Microsoft product choices.

The ''Notwithstanding'' Clauses In This Provision Must Be Deleted

The ''Notwithstanding'' clauses at the end of section III.H allow Microsoft to disregard OEM and consumer choice whenever Microsoft decides that its products must be invoked to operate with its servers or when the Non-Microsoft Middleware Product fails to implement a ''reasonable technical specification'' (a term that is left to Microsoft to define). The clauses should be eliminated in their entirety. The exceptions contained in these clauses are so broad that they threaten to render the substance of section III.H meaningless by permitting Microsoft to override an OEM's or end-user's middleware default choice at will.

T. Changes Must Be Made To RPFJ § III.I (Mandatory Licensing)

The proposed settlement allows Microsoft to charge a royalty for the required license of technical information concerning interoperability, and to obtain a cross-license to the licensee's technical information used to interoperate with a Windows PC operating system or Microsoft Middleware. As the government recognized in the earlier remedy proceedings, royalty and cross-licensing requirements are anticompetitive. Final Judgment § 3(i); see also Gov't D.Ct. Sum. Resp. at 14. As the Litigating States have proposed, Microsoft should be required to license the necessary technical information on a royalty-free basis, and without the tight to a cross-license from the licensee. Litigating States' ¶15.

U. Changes Must Be Made To RPFJ § III.J (Limitations on Mandatory Licensing)

Section III.J of the proposed settlement is a loophole and must be deleted. All APIs, communications interfaces and technical information that must be disclosed to ensure interoperability serve, at least in part, an authentication or encryption function related to the security of the operating system. Microsoft should not be given an excuse to withhold disclosure of crucial technical information for potentially anticompetitive purposes. Neither the Final Judgment nor the Litigating States' proposal contains a similar provision.

V. Changes Must Be Made To RPFJ §§ IV And V (Compliance And Enforcement)

In contrast to the proposed settlement, certain aspects of the Litigating States' proposal would be far more effective in ensuring that the intent and spirit of the final relief entered in this action be effectively enforced:

As mandated by the Antitrust Division Manual and conceded by the government as being ''customary in antitrust actions'' (Gov't D.Ct. Sum. Resp. at 20), the final decree should remain in effect for ten years, not five, as prescribed by RPFJ § V. See Litigating States' § 21 (b); Final Judgment § 6(c).

Pursuant to Rule 53 of the Federal Rules of Civil Procedure, the Court should appoint a Special Master, who would be in a position to immediately report violations directly to the Court and also periodically report to the Court regarding Microsoft's compliance with its obligations, instead of the Technical Committee prescribed by the proposed decree. See Litigating States' § 18.

Any decree should set forth specific sanctions for different levels of violations and impose a strict, rapid, no-nonsense timetable for the formal resolution of all complaints about Microsoft's conduct. See Litigating States' ¶18(f).

A critical deficiency in the proposed settlement is the lack of a requirement that anyone at Microsoft, including its designated Internal Compliance Officer, certify periodically to the Court that Microsoft is in compliance with its obligations. Indeed, no one is in a better position than Microsoft to know whether it is in compliance. For these reasons, the Court should require that any decree include a self-reporting requirement, providing that a senior executive of Microsoft certify periodically under oath to the Court that Microsoft is in compliance with its obligations, Such a provision would further ensure that Microsoft takes its obligations seriously.

Instead of limiting training in the decree to officers and directors (RPFJ § IV.C.3.a), the provision must require officers, directors and all other employees that are in positions that enable them to initiate or implement anticompetitive conduct to read, understand and comply with the decree, as is customary in antitrust consent decrees. See Litigating States' § 17(c); Final Judgment § 4(e).

W. Changes Must Be Made To RPFJ § VI (Definitions)

The way the proposed settlement defines key terms significantly restricts, and in many instances eliminates, the effect of the proposed settlement's substantive provisions. SBC generally recommends the adoption of the definitions contained in the Litigating States' proposal § 22. Some of the problems posed by the proposed settlement's definitions relating to middleware are as follows:

The definition of''Microsoft Middleware'' in section VI.J must be eliminated. The term is defined in so restrictive a way that it would exclude, among other things, any middleware which is bound to the operating system or as to which Microsoft has not sought trademark protection. It should be replaced with a straightforward definition that applies to middleware irrespective of whether it is Microsoft or non-Microsoft middleware, such as the definition of Middleware contained in the Final Judgment § 7(q). See also Litigating States' § 22(w).

The proposed settlement's definition in section VI.K of ''Microsoft Middleware Product'' limits what are considered Microsoft middleware products to specific categories of products. It should be replaced by Litigating States' proposal § 22(x), which is both a broader and more accurate description of a Microsoft Middleware Product, as it accounts for both middleware products currently in existence and products that will be developed in the future.

Subsection (ii) of the definition of''Non-Microsoft Middleware Product'' requires that one million copies of the product be distributed in the previous year for the product to be considered a competing middleware product. See RPFJ § VI.N. This definitional limitation excludes new competing products from a number of the proposed settlement's protections, including those relating to the important OEM distribution channel.

The last sentence of the definition of ''Windows Operating System Product'' grants Microsoft ''sole discretion'' to determine what constitutes a Windows Operating System Product, and should be deleted. See RPFJ § VI.U. The definition should be objective and should roughly correspond to the definition of ''Operating System Product'' in the Final Judgment § 7(v). The definition of ''Windows Operating System Product'' should also include prior versions of Windows, including Windows 95 and Windows 98, as well as versions of Microsoft's operating system developed for non-PC products, such as Windows CE. See Litigating States' § 22(rr).

VI. CONCLUSION

For the reasons stated herein, the proposed settlement with Microsoft is contrary to the public interest and should be substantially modified or rejected entirely.

January 28, 2002

Respectfully submitted,

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Date: 1/28/02 11:49pm

Subject: Microsoft settlement

To whom it may concern,

As part of the public comment on the proposed Microsoft settlement, I am objecting to the prosecution of Microsoft by the Department of Justice and the various Attorney Generals' offices. I understand that with a gun to its head Microsoft wants this settlement. However, the settlement is unjust. As a consumer, Microsoft has benefited me. Sometimes I buy Microsoft, but not always. I use operating systems and browsers produced by other companies. However, Microsoft's leadership in creating software that has been selected by the marketplace as the dominant products created a computing revolution that has changed my life through higher income. In contrast, the government's prosecution of Microsoft has harmed me.

The club-fisted actions by the government in this matter have adversely affected the development of products that would have benefited me. First, the government's attack on Microsoft distracted their expansion in the enterprise server software market which is dominated by companies that have supported the government's efforts. Resources Microsoft could have been used to enhance products that would have benefited me professionally were diverted to pay for attorneys instead of programmers. Second, the government's attack on Microsoft caused the high tech meltdown in the economy by depressing the equity markets. Consequently, jobs were lost and innovative products never made it to market.

Because of the coercion used by the government, I have several objections to the proposed settlement.

First, the settlement imposes restrictions on Microsoft's ability to make contracts. This infringement on Microsoft's right to enter contracts on its own terms is akin to the ''badges of slavery'' prohibited by the 13th Amendment. Consequently, while Microsoft retains title to its property, the government is specifying the terms under which it may exercise its own property. Thus, our government is pursuing fascist economic policies that obliterate the rights of private property.

Second, the settlement mandates the disclosure of proprietary information by Microsoft. This attack on intellectual property rights undermines our economy. Further, it contradicts the foreign policy of our government that seeks to protect the intellectual property rights of Americans abroad. Although there is some recourse to prevent the dissemination of information affecting security, the settlement makes no adequate provisions for resolving disputes between Microsoft and the government on these security claims to protect consumers. Therefore, this settlement puts the property and privacy of Microsoft customers in jeopardy.

Third, this settlement infringes constitutional protections Microsoft, and all Americans, have from unreasonable searches. The presence of government agents in the Microsoft facility at the company's expense with unlimited access to confidential Microsoft information is an affront to our sense of ordered liberties. If this settlement were instead a warrant, the court would deny it as overly broad and unreasonable. In addition, the settlement does not specify sanctions against the government for potential violations of the confidentiality agreements.

Finally, if the government was serious about the danger Microsoft pose to consumers, the Justice Department and the state Attorney Generals' offices should have promised to not use Microsoft products during the term of the settlement. That would let the government work in an environment of incompatible software products that the market has freely chosen to avoid. In summary, the government's prosecution of Microsoft and this settlement is a threat to our individual liberty because it permits the government to destroy the wealth created by our citizens arbitrarily.

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To: Microsoft ATR

Date: 1/28/02 11:49pm

Subject: Microsoft Settlement

January 28, 2002

Renata B. Hesse

Antitrust Division

U.S. Department of Justice

601 D Street NW

Suite 1200

Washington, DC 20530–0001

Dear Ms. Hesse:

Please register my emphatic opposition to the subject Proposed Final Judgement (PFJ) [in re the conjoined Civil Actions No. 98–1232 (CKK) and 98–1233 (CKK), collectively termed the Microsoft Antitrust Case]. My reasons for opposing this PFJ are based upon review and thoughtful consideration of the following:

a) Microsoft's extensive and consistent record of gross anticompetitive abuses in the software industry that gravely harmed competitors, eliminated consumer freedom of choice, and erected illegal barriers to innovation by competitors—abuses for which Microsoft has been adjudicated to be guilty of violations of the Sherman Antitrust Act in this Case—which Microsoft will gladly continue;

b) the provisions of the PFJ, which appear on the surface to offer substantive remedies but in fact, upon careful reading, provide no effective or enforcable restrictions to prevent Microsoft from continuing its anticompetive practices to extend its monopoly illegally - precisely the offense that requires remedy;

c) the glaring omissions of the PFJ, which is blind to current conditions in the software industry and Microsoft's continuing predatory tactics there and in contiguous markets such as Internet enabled ecommerce, mass media delivery and digital rights management, and definition of worldwide network standards, and which further offers no forward looking constraints to prevent Microsoft from proliferating such oppressions of suppliers, customers, competitors, and ultimately consumers and fair markets both within the US and internationally. Microsoft has proven that it is willing to use any means or pretense to avoid or circumvent restrictions on its practices (see the earlier Consent Decree). Microsoft is like a twice-convicted burgler proposing to bargain for parole by promising not to commit burglary again—except if (i) the front door is open, (ii) a window is unlocked, or (iii) the back door can be jimmied open easily. Microsoft can't be trusted to abide by any restrictions on its business acts in good faith. The Judgement of the Court should therefore be in imperative terms without any loopholes Microsoft can use to subvert the Court's intent. Unfortunately, the PFJ is as far from such a clear standard as Microsoft might wish. No wonder Microsoft agreed to this. Far from offering even minimally adequate remedies, the PFJ is a perverse gift to Microsoft in that it would enshrine in a legal settlement the permission to continue, extend, and expand Microsoft's predatory actions and anticompetitive behaviors. For every declaration of prohibited future conduct or requirements to treat other market players and consumers fairly there are entire paragraphs and clauses, definitions and exclusions, which Microsoft can and predictably will employ to subvert both the letter and intent of these supposed remedies.

Furthermore, the face-to-face contact between Steve Ballmer (he is Microsoft's CEO and President) and Dick Cheney (Vice President of the US) as negotiations were ongoing to draft the PFJ but not reported by either party in violation of the Tunney Act,

deserve censure of both sides by the Court, if not appointment of a Special Prosecutor to investigate political and adminstrative corruption.

Don't sell the software industry down the river, allow a monomaniacal company to unfairly wield its monopoly to take over several additional sectors of the economy, destabilize international standards for interoperability in ecommerce and communications, and continue to prey upon businesses, marketplaces, and consumers worldwide. Reject this PFJ. Write a fitting Judgement, with teeth!

Respectfully submitted,
Robert A. Munro
U.S. Citizen

From: Rick Hornbeck
To: Microsoft ATR
Date: 1/28/02 11:50pm
Subject: Microsoft Settlement

To Whom It May Concern:

I have attached three documents that explain my position on the Microsoft Antitrust Case, along with a proposed solution. I also attached a copy of my resume to establish my credibility and to assist you in determining the value that you should place on my recommendations. I do not believe that the Technical Committee will have the necessary access to key Microsoft personnel or the enforcement authority, either directly or indirectly, to make a difference.

Although the Proposed Settlement contains several good measures for curtailing some of Microsoft's anti-competitive actions, it does not go far enough.

I believe that the solution I propose in the first attached document will level the playing field to the degree needed to make a long-term positive impact.

Regards,
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January 28, 2002

U.S. Department of Justice
Anti-trust Division
Microsoft.atr@usdoj.gov

To Whom It May Concern:

I am writing to convey my proposed solution to the Microsoft anti-trust case. The dilemma is how to prevent Microsoft from using its monopolistic power in the future, to weaken competition, consumer choice, and innovation. Breakup along product lines is problematic due to Microsoft's successful public relations disinformation campaign Microsoft has astutely intertwined its various products so tightly that any breakup of the corporation is unrealistic, if it occurs along product lines, requiring each new organization to become its own, independent profit center. At least that is what Microsoft would have us believe.

Although such a restructuring is possible, Microsoft's argument would be that it would reduce the value of each product by approximately 30% because it would eliminate the benefits derived from their capability to ''interconnect,'' and exchange data 'seamlessly.'' In my opinion, this interconnectivity argument is flawed, as virtually the same quantity and quality of interconnectivity has existed amongst Microsoft's products for many years. Microsoft is notorious for inflating the value of its product's features in the media, in advertising, and in supposedly objective articles written by shills in technical journals. However, it has failed to introduce significant new interconnectivity feature enhancements over the past few years, and it is unlikely that any new advancements or features in this area are forthcoming.

In addition, the other major vendors in the desktop software market already offer the same level of interconnectivity between their own products and Microsoft's products, in the only area that really matters—cutting-and-pasting between applications. Nevertheless, any government or court-ordered solution must confront Microsoft's strong public relations and marketing machine, which means that the product line-based breakup model is at best a steep, uphill battle.

Proposed alternative solution—impose structural changes to Microsoft's business processes, not its organization.

My recommended solution requires looking at the situation from a different perspective—instead of imposing structural changes on the organization, impose structural changes to Microsoft's business processes.

My recommended solution is as follows:

1. Require Microsoft to develop and support versions of its major office products that are fully functional on other popular, current and future operating systems, such as Linux, Java, and Mac OS;

2. Until item (1) is achieved, impose a moratorium on the development and release of the following:

a. New Microsoft operating systems or significant upgrades to existing operating systems (except for security-related enhancements or upgrades);

b. Internet Explorer browser (except for security-related enhancements or upgrades);

c. Office suite product upgrades (except for security-related enhancements or upgrades).

3. Obviously this approach will impose a significant burden on the court or its designated representative to develop and rigorously apply a method for monitoring Microsoft's development activities, both at its own facilities, and at its subcontractor's facilities. Nevertheless, I believe this approach, although not without its challenges, is reasonable and realistic, and, if properly enforced, through a process or mandatory quarterly reporting to the court, is likely to achieve the desired objective.

Some amount of financial profit from the licensing of its products on alternative operating systems is appropriate, as further encouragement for Microsoft's enthusiastic cooperation.

This letter represents a rough outline of my proposal. If you would like to discuss it further, please feel free to contact me. You are free to use my ideas that I have enclosed in this letter in your prosecution of Microsoft's anti-competitive behavior, or in a related matter.

Regards,
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THE TROUBLING TRUTH ABOUT ''TRUST'' ON THE INTERNET

An objective survey of the security risks associated with ActiveX and its impact on Microsoft's share of the Web browser market.

(by Rick Hornbeck, M.S., J.D. 1997)*

BACKGROUND

Where did ActiveX Come From and Why Doesn't It Go Away?

By now it is generally accepted that Microsoft and Netscape are engaged in a great World-Wide-Web (WWW) browser war. It is also generally understood that Microsoft's almost limitless revenue from its Windows operating system software and related products will allow it to keep giving it's Internet Explorer browser away free for the next 20 years, while Netscape has to charge customers for it's products. What is less well understood is why ActiveX and the Authenticode securitymodel represent the other two prongs of Microsoft's Internet marketing strategy.

As recently as early 1995 Microsoft was still unsure of the Internet's significance and the role it would play in the PC desktop market. Microsoft believed it could continue its phenomenal year-on-year profit growth relying solely on new sales and paid for upgrades of its existing products. However, these sales must in turn rely on its ability to maintain its grip and influence on the distribution channel, on the corporate purchasers, the original equipment manufacturers (OEMs) and on the standards process. (For example, according to the Microsoft 1996 Annual Report, OEM channel revenues were $1.18 billion in 1994, $1.65 billion in 1995, and $2.50 billion in 1996.)The primary source of OEM revenues is the licensing of desktop operating systems. As such, Microsoft's OEM channel revenues are highly dependent on Windows-compatible PC shipment volume. During 1995 armies of software developers and consumers launched a blitzkrieg against Microsoft's PC desktop dominion, penetrating the Windows defenses everywhere with dynamically distributed Java applets and gaining over 70% of the market for Internet browsers.

Microsoft quickly realized that the confluence of Java with Netscape's browsers had the makings of a platform-independent de-facto industry standard, which would empower users to buy more non-''Wintel'' (Windows operating system on an Intel processor) desktop PCs. The Internet gave Microsoft a vision of it's impending mortality. In response, on Pearl Harbor Day, December 7, 1995, Bill Gates declared war, announcing that ''[t]oday, the Internet is the primary driver of the new work we're doing across our entire product line.''

The Microsoft Web servers took 8,000,000 hits on the first day of their campaign. After his two-hour public presentation Gates told National Public Radio in an interview, ''Well, we've got to make sure that we're leading the

way on the opportunities the Internet represents.'' ''Netscape has two great strengths,'' Gates admitted. ''They've got very high browser market share, and they've got the attention of the world .... It's very important to increase the popularity of our browser.''

Microsoft executive vice president Steve Ballmer put it bluntly when he said, ''[h]ave no confusion in your head: Job one for us right now is the Internet and defeating Netscape.'' Of his Mountain View, Calif., rival in Internet software, Ballmer says, ''They're simply our smartest competitor.''

It was against this backdrop that Microsoft launched its triumvirate Internet marketing strategy, using the parasitic relationship between Authenticode and ActiveX to increase the popularity of Internet Explorer.

INTRODUCTION

ActiveX and Java are ''mini-programs'' that can be downloaded from a Web site and executed directly on a user's PC. Unfortunately ActiveX mini-programs, or ''components'' or ''controls'' can reformat a user's hard drive, or copy personal files to a remote server on the Internet, or do any number of harmful things to a user's PC without the user's authorization or knowledge. A malicious hacker or terrorist could write one of these downloadable and executable programs and the user-victim has no reasonable way of either stopping it's attack once the control has gained access to their PC or reliably preventing it from gaining access in the first place.

The user has several ''unreasonable'' means of minimizing her risk: she can permanently disconnect her PC from the Internet, depriving herself of its benefits. She could browse only those Web sites that she ''knows'' do not contain harmful or malicious controls (''safe zones''), although the possibility of a hacker either spoofing a Web site, or covertly placing harmful controls into a ''known'' Web site exists. She could configure her Internet Explorer browser to prevent all ActiveX controls from downloading to her PC, and hope she does not encounter one that is able to bypass her browser's security configuration, which has been demonstrated in practice. Finally, she could take her chances using Microsoft's ''Authenticode,'' or Netscape's or Sun Microsystems'' ''code-signing'', trust-based security models that use public-key digital signatures and independent third-party Certification Authorities (CAs). Each of these unreasonable alternatives represents a different point on the risk/benefit scale which each user should consider before exploring the WWW.

However, this analysis is only necessary because Microsoft created a previously non-existent security risk by introducing ActiveX. As will be explained below, other software tools exist to provide software developers with the same capabilities as ActiveX, with virtually no security risk. Still, Microsoft has successfully obfuscated the seriousness of these self-created security issues and successfully redirected consumers attention' away from Netscape and Java. In doing so Microsoft has also successfully achieved its goal of creating the perception, in a very short period of time, that it is a player in the Internet game.

Because ActiveX does not contain its own internal security mechanism to restrict the actions of the program, Microsoft was able to introduce the Authenticode trust model as a viable protection solution. Because Authenticode uses public-key digital signatures in combination with trusted third-party Certification Authorities, and only runs on Internet Explorer, Microsoft sought to ''increase the popularity of its browser'' by touting its use of this ''cutting-edge'' technology as evidence of its leadership in the Internet software industry. At the same time it actively castigated Netscape and other browser vendors for allegedly leaving their users vulnerable to the hazards of ActiveX. Unfortunately, the people that suffer from this Machiavellian marketing strategy the most are the innocent netizens who ''reasonably'' allow unproved and potentially dangerous controls to be downloaded to their PCs leaving themselves vulnerable to the vagaries of malicious programmers.

It would be too harsh to accuse Bill Gates of raising Microsoft to is position of dominance through villainy or malice against his customers, given the trends of modern business practices. However, his continued promotion of Authenticode without acknowledging its serious security defects would seem to indicate that its effectiveness in mitigating security risks is subordinated to creating the impression that Microsoft is a leader in the Internet/Electronic Commerce industry. According to Eric Schmidt, Novell CEO, ''if Bill Gates continues with his strategies he could become the most powerful person in the world, and that's not necessarily a good thing.'' Simson Garfinkel wrote recently, ''Microsoft's ActiveX technology is the single greatest technological threat to the future of the World Wide Web. Microsoft's ActiveX promoters are either so blinded by their own rhetoric that they don't see the danger of this new technology, or else they are so cynical that they would destroy the very essence of the Internet rather than compromise their market dominance.''

In a different industry, Microsoft's actions could be analogous to a pharmaceutical/bio-engineering company releasing a virus or disease into the general population so it could profit from the sale of its potential cure. At the same time the pharmaceutical company could also enhance its reputation by advertising that it's anti-virus was created through the use of cutting-edge genetic engineering techniques thereby establishing itself as a leader in this field. However, for this analogy to be consistent the anti-virus must only be effective for a small percentage of the population. The rest of those exposed to the virus would remain susceptible to its deadly effects at any time.

This article will explore the very real damage that can be caused by harmful ActiveX controls, it will explain how Authenticode is supposed to mitigate these security risks, and why it does not. It will also explain why digital signature technology as currently applied under the Authenticode model cannot assist most users in adequately reducing their risk of injury from ActiveX because it does not provide the user with the necessary means of assessing whether or not the software they are considering downloading is ''safe.'' Bill Gates' vision of the future is a seamless integration of the Internet, the World-Wide-Web and the Windows operating system. According to Gates, when someone wants to e-mail a spreadsheet or other file to someone else over the Internet, they are not interested in going out and buying 14 different products to make sure the file will be compatible with the recipient's software. Instead what they want is a desktop environment that can provide spreadsheet and any other kind of robust functionality, without concern for the software or hardware on which it operates.

Most Internet software developers' share this vision however they don't share Gates' vision for implementing it, Microsoft believes this seamless integration should be based on Windows and Microsoft's Internet Explorer (IE) browser whereas the rest of the software industry favors Java because of its true platform-independence. Today Java can run on virtually any hardware or software platform in existence, including such varied platforms as IBM mainframes and Personal Digital Assistants (PDA's).

Yet Microsoft continues increasing the popularity of its proprietary browser by:

Marketing the benefits of ActiveX while simultaneously cross-marketing Internet Explorer (IE) because IE is the only platform capable of directly running ActiveX controls;

Continuing to give its IE browser away for free;

. Failing to live up to its promises made in the fall of 1996, to disclose ActiveX's specifications to an independent standards body, thereby preventing other browser manufacturer's from supporting it in their products;

. Marketing IE as the only means available for user's to purportedly protect themselves from the potential damage threatened by its own hazard, ActiveX, and

. Cross-marketing Authenticode as a general-purpose Internet security solution, thereby further reinforcing the perceived need for IE, because it is the only browser capable of supporting Authenticode.

A BRIEF COMPARISON AND CONTRAST BETWEEN ActiveX, JAVA AND PLUGINS.

(1) Origin of ActiveX

ActiveX adds to the user's Internet Explorer-based Web browsing experience by ''jump-starting'' Web site content, providing a variety of multimedia effects, enhanced page layouts, and executable applications, all of which are downloaded and run in real-time over the Internet. According to Microsoft, over 1,000 ActiveX controls already have been written in C, C++ and other languages for applications such as audio, video and live chat, all of which complement the core technologies of today's Web environment such as HTML, plugins, Java, cgi scripts and more.

According to Fred Langa, writing in Windows Magazine, ActiveX is ''... the fifth and most recent step in a long-developing evolution [by Microsoft Laboratories] of data-sharing and interoperability among applications.'' Essentially it is a trimmed down version of Microsoft's OLE (Object Linking and Embedding) system which a Windows ''power'' user will recall enables

several applications to collaborate on a single ''compound document.'' For example, OLE provides the ''glue'' that allows data to be copied from a WORD document and pasted into a PowerPoint document. The PowerPoint document can then be inserted into an Excel document and later opened as a PowerPoint document from within the Excel document. ActiveX is the next step in the development of this seamless interaction amongst applications. However, where ''Distributed OLE'' only lets the user share data, links and control over a local or wide-are network, ActiveX has taken the technological ''leap'' into Cyberspace by enabling the user to share data, application links and control between a Web page on the Internet and the user's Internet Explorer browser running on his PC. Java has taken the same leap but with much less risk to the user.

ActiveX controls automatically download and install themselves, and they persist (remain available) on a user's system. This feature provides two advantages over other programs: the user doesn't have to download and install software manually, and she only has to download the control once. This is good news to those who don't like waiting for controls to download every time they visit a certain site. However, these controls can be downloaded without user awareness or consent which means the user doesn't know what she is downloading.

(2) JAVA

Java applets can be thought of in the same way but with some important differences. Java applets run either inside the Java Virtual Machine (JVM), a software application that is built into newer browsers, or they can be run separately using the Java Development Kit (JDK). The JDK is a sort of software interpreter that converts Java code into code that is recognizable by the particular platform on which it is running. JDKs are now available for virtually all software and hardware platforms in existence. However, because JDK is another layer of software between Java and the actual operating system, Java tends to run more slowly. ''The major fear is that Java is not going to have the performance it promises, and its going to fade away like a bad TV show.'' Built into both the JVM and the JDK is a set of security controls colloquially called the ''sandbox.'' Java's security model automatically prevents any code from accessing portions of the operating system or the PC hardware that is outside the parameters of the ''sandbox.'' In other words if a Java applet wants to ''play'' on your PC it has to keep its toys inside the sandbox. In contrast, ActiveX controls are not restricted, which means they have direct access to the PC hardware, software and operating system. As a result, ActiveX controls run faster and do more, but at a substantial price in security. Also, because ActiveX controls are distributed in native binary code, separate controls have to be written for each operating system. Java applets, on the other hand are distributed in a one-size-fits-all or ''write once, run anywhere'' fashion meaning that developers only have to produce one version to run on any platform.

(3) Plug-ins

A third means of ''activating'' a Web site is through the use of Netscape ''plugins.'' Both Netscape and Internet Explorer browsers are packaged from the factory with a built-in set of ''standard'' features such as graphics viewers, which a Web site developer can then take advantage by including graphics in his Web site. However, in order for a Netscape browser to take advantage of any non-standard features which the Web site developer has programmed into his Web site, the ''plugin'' version of the entire application that is used to run it must first be downloaded to the user's PC from the developer's Web site and then executed. This is because the application is not embedded with the program, as in the case of ActiveX.

For example, assume that both an ActiveX control and a non-ActiveX program using plugin technology are created to enable users to download and view a short animation sequence from a commercial Web site. The ActiveX developer will include both the animation sequence and the ''viewer'' program in the same control. However, the developer using plugin technology must create a built-in hyperlink in the code to the viewer developer's Web site. When the user clicks on the link on the Web site to view the animation sequence, the code will automatically notify the user that she must go to the vendor's Web site and manually download the entire ''viewer'' software application before she can see the animation. ActiveX components are inherently much smaller because they contain only a limited subset of the entire application needed to perform the function at hand, and therefore can be downloaded more quickly. Once the ActiveX component is resident on the user's PC it can be reused, on-demand precluding future downloads.

According to Microsoft, the excessive amount of time needed by a user to download the actual application ''plugin'' file (.exe) poses a significant deterrent to the use of Netscape's browsers. However, as described in an article in the May 27, 1997 issue of Fortune magazine, Netscape's new Communicator browsers will also automatically install ''plugins.''

ACTIVEX's SECURITY DEFECTS ARE ''GENETICALLY INHERITED''

Because ActiveX is the product of many years of ongoing research and development at Microsoft laboratories it represents the latest in a long line of remarkable software technologies. However its predecessors, OLE and COM, have burdened ActiveX with their ''genetic blueprint,'' legacy code written for earlier generations of software and hardware platforms. In other words this latest progeny is constrained by its ''gene pool'' consisting of thousands of lines of code which have accumulated over the course of years of development and evolution and over which ActiveX is unable to break free. The most significant constraint imposed on ActiveX by this genetic blueprint is a deficient security model. According to Microsoft:

We are doing everything possible to create the technical safeguards that will make software safe. However, in order to remove trust from the equation, we would have to rip away significant amounts of functionality [read: code that could actually be rewritten to more closely fit the needs of the modern Internet environment] that users rely on today. Since the purpose of our industry is to provide more value and power to users, rather than limiting functionality, Microsoft and most other major software manufacturers are advocating a trust-based security model. [read: we could rewrite it if we wanted to but because it doesn't suit our interests we won't]

This ''genetic'' deficiency allows ActiveX controls to interact without constraint with both the operating system and the PC hardware. In a sense, it is as if ActiveX was born without an auto-immune system, making it incapable of combating viruses or malicious programming written by evil programmers that might invade the control and use it to enter and harm an innocent, unsuspecting host.

ActiveX's predecessors did not have to be concerned with such an auto-immune system because they were virtually guaranteed of living out their lives in a ''sterile'' environment. In other words, prior to the advent of the Internet the operating environment in which PC software was executed was always under the complete and exclusive control of the PC user. Each user was able to decide whether they wanted to load a particular program on to their PC, and once loaded whether and when to execute it. This environment remained ''sterile'' regardless of whether or not the PC was a standalone or networked because no external source, including a network operating system could place something onto the users PC without his or his network administrator's permission.

Today, however, through the wonders of downloadable and executable software technologies, a program can automatically download to a user's PC from a Web site or a network server and execute without the user's awareness or consent. Thus, the operating environment in which Microsoft's next generation software tool is living is completely different than the environment of its forefathers. Yet Microsoft has chosen not to take this congenital auto-immune deficiency seriously and has failed to reengineer ActiveX's ''DNA'' to create a reasonable security model thus leaving users vulnerable to exposure to the dangerous code. Such an unprotected and infected control acts like a cyber ''Typhoid Mary'' as it infects everyone it meets with the virus of harmful code. By way of explanation, suppose Mr. And Mrs. Jones owned and lived in a house during the same time the Microsoft software engineers were developing the ancestors of ActiveX. Mr. Jones worked diligently on his house, making improvements and refinements so it would be more comfortable for he and his wife. Now suppose Mr. And Mrs. Jones decide they want to start a family and Mr. Jones asks a contractor for a cost estimate to build a second-story bedroom. The contractor tells the Jones'' that because their house was built using an ''A frame'' design a second story cannot be added. Thus, the Jones'' are constrained from meeting their needs for another bedroom by the limitations of their house's original design, which did not take into consideration the future need for a second story. Similarly, ActiveX is

constrained from incorporating a security model by the limitations imposed on it by the software designs of its predecessors.

However, if Bill Gates were the owner of this ''A frame'' and he wanted to add a second story because he and his wife wanted to start a family, he could easily afford to tear down the existing structure and build whatever design fits his current needs. Similarly, Mr. Gates and Microsoft have the resources to re-write ActiveX or develop a replacement. Indeed, one can only speculate why he has chosen not to develop an Internet software product that fits the current needs of his customers, given that the environment in which his software executes (the Internet) has changed, and is now ''open'' and ''insecure.'' Without providing an answer to this rhetorical question, Jesse Berst also observes in PC Week, ''ActiveX is.. the key to its future. Microsoft will be damned before it acknowledges that ActiveX has a security problem.'' Berst goes on to explain that ''[r]ather than help users understand and minimize the risks [associated with ActiveX], Microsoft contented itself with pointing out that similar problems were theoretically possible with Netscape products.'' Quoting PC Week Editorial Director and former director of PC Week Labs, David Berlind, Berst writes, ''Frankly, I want to puke.'' Microsoft will not give up ActiveX because it is the key to ''Increas(ing) the popularity of its browser.'' Without ActiveX there would be no need for Authenticode, and without Authenticode and ActiveX there would be no way of significantly distinguishing IE from a Netscape browser, except that it is given away at no immediate up-front cost.

THE AUTHENTICODE SOLUTION—Myth and Reality

(1) The Myth

In his article Jesse Berst explains that Authenticode is ''... like requiring people who send mail bombs to put their names on the package.'' Were that approach effective, even the alleged ''Unabomber'' would have been apprehended many years earlier, because according to news reports many of his mail bombs had postmarks from the small town where he lived. Obviously this approach is ineffective because the names would be blown up, just as any evidence of an Authenticode digital certificate could also be destroyed by a malicious ActiveX program after causing other damage to a user's PC. And yet on August 7, 1996 a Verisign Press Release quoted Verisign president and CEO Stratton Sclavos as stating, ''With this service, users can feel confident that the quotes Sclavos as stating that, ''Under the Authenticode program, developers must go through an application and verification process to ensure that certificates are issued only to the appropriate party. This eliminates any worry that developers could be falsely represented by an impostor.''

Microsoft's Authenticode security model requires that all software developers (commercial and independent) must register their ActiveX components with a Certification Authority such as Verisign, before Internet Explorer browsers will allow them to be downloaded to a user's PC from a Web site, if the browser's security setting is on ''High.'' The software developer must ''legally'' affirm that to the best of his knowledge the control is incapable of causing damage to a user's PC. Verisign issues the developer either an electronic ''individual Software Publisher's Certificate'' or an electronic ''Commercial Software Publisher's Certificate'' depending on whether they are registering as an individual or corporate software developer. Different identity verification criteria are used to establish the developer's identity depending on the type of certificate requested.

One way Microsoft successfully propagates the Authenticode myth is through contradictory and vague announcements and bulletins. The following excerpts demonstrate the range of conflicting statements about Authenticode that come from both Verisign and Microsoft management.

The following excerpt from Verisign's Web site explains the service it provides to its customers:

When customers buy software in a store, the source of that software is obvious.

Customers can tell who published the software, and they can see whether the package has been opened. These factors, along with others, enable customers to make judgments about what software to purchase and use, and how much to ''trust'' those products and the companies and individuals who publish them. When customers download software from the Internet, all they see (at most) is a message warning them about the dangers of using the software. The Internet lacks the subtle information provided by packaging, shelf space, shrink wrap, and the like. Without an assurance of the software's integrity, and without knowing who published the software, it's difficult for customers to know how much to trust software. It's difficult to make the choice of downloading the software from the Internet.

Verisign Digital IDs in conjunction with Authenticode (software validation) technology provide customers with the information and assurance they need when downloading software from the Internet. Authenticode communicates to customers the real identity of the publisher and assures them that the product has not been altered or damaged. (emphasis added) Contrast this language with the statement of Cornelius Willis, Microsoft's group product manager-Internet developer marketing, ''Authenticode does not guarantee that users will never download malicious code to their PC .... We don't claim ActiveX is a (a) The Problems of Establishing Identity in Cyberspace The advantage of knowing the publisher's true identity is that if provides the relying party with recourse in the event the software turns out to be ''harmful.'' In the physical world this is generally not a problem, as a purchaser can usually assume that the store's physical location will not change. The benefit of having a physical location to return to serves several purposes. First, the store owner's physical assets can be attached; second, the unsatisfied consumer can create a scene inside the store, or in the community, creating bad publicity for the owner and an incentive for prompt resolution; third, the physical location will be an indicator of the laws that will apply in the particular jurisdiction. Transacting in a physical location has advantages for the seller as well. The merchant can demand physical identification which can usually be verified through on-line databases combined with visual scrutiny of a photo ID, the purchaser's demeanor and dress and other non-verbal cues which can be stored by a video camera for future retrieval and proof of the transaction should the purchaser later attempt to repudiate. Telephone-based sales represents a hybrid marketplace with portions of the physical world and Cyberspace. From the consumer's standpoint, if she dialed an 800 or 888 number she has little assurance of who she was actually calling, where they are located what laws apply, and whether the ''order taker'' works for the company she is purchasing the product from, or an outsourced tele-marketing firm. The risks to the consumer are only that she may be giving her credit card number to someone other than a legitimate merchant who will use it fraudulently. However, her exposure is minimal because most credit card companies limit the consumer's liability to $50, assuming timely, good faith reporting efforts.

The merchant suffers greater risks through telephone-based sales, although the tradeoff is less overhead than a storefront. If the consumer dials an 800 or 888 number, 'caller id'' will notify the merchant of the phone number used by the purchaser to make the call which can be used in connection with reverse phone directories and address cross-checking databases to provide additional identity verification. However, the merchant is unable to demand visual identification, and is legally protected only by on-line credit card clearing services, which can only benefit the merchant after the credit card theft has been discovered and reported. The majority of credit card thieves use the card as quickly as possible after the theft to take advantage of delays in reporting, Because of the limitations on identify verification, and the delays in theft reporting, the likelihood of fraudulent telephone-based transactions increases significantly.

Internet-based sales represent the greatest opportunity for fraud to both parties. The merchant is unable to establish the caller's telephone number and related identifying information. Telephone records cannot provide evidence that the phone call took place because access will be through an independent Internet Service Provider dial-up service. Although Web servers can gather user information through cookies this is not always reliable. The opportunity for using stolen credit cards is at least the same as with telephone sales. (See ''The Essential Role of Trusted Third Parties in Electronic Commerce,'' Michael Froomkin)

Also, it is possible for a Web site to be ''spoofed'' or misrepresented by a hacker, causing the unsuspecting user to enter their credit card and other relevant identifying information on-line. Although a technical discussion of ''Web spoofing'' is beyond the scope of this article, a ''spoofed'' Web site can look exactly like the original to anyone but the most cautious of users. The unsuspecting consumer personal data would be turned over to the thief who would quickly use it.

Because of these and similar identity authentication problems consumers and merchants cannot know with certainty, even with Digital Ids, the actual identity of someone on the Internet. Greater security measures are needed before consumers can reasonably trust the Internet as a medium for safe commerce.

AUTHENTICODE—THE REALITY WHAT IS THE ROLE OF THE CERTIFICATION AUTHORITY?

The purpose of a Certificate Authority is to bind a public key to the common name of the certificate, and thus assure third parties that some measure of care was taken to ensure that this binding is valid. A measure of a Certificate Authority is their ''Policy Statement'' which states what measures they take for each class of certificate they offer to ensure that this binding of identity with public key is valid.

2. WHAT IS THE ROLE OF A DIGITAL ID (PUBLIC KEY CERTIFICATE)?

Although the actual digital signature process will not be covered in detail, the following brief explanation will highlight some of the important points. Traditional encryption for confidentiality uses only a single, ''secret'' key and is called symmetric cryptography. Digital signatures use a mathematically related key pair, (a ''public'' key and a ''private'' key) and employ a technology called asymmetrical cryptography. A mathematical formula or algorithm is used in conjunction with a ''random-number'' generator to create the public and private keys. The design of the encryption algorithm relates the two keys in such a way as to allow either key to decrypt a message encrypted by the other. However, it is ''computationally infeasible'' to determine the value of the private key based on the public key and the digitally signed message. Additional information on digital signature is available at www.rsa.com and www.abanet.org/scitech/ec/isc.

The utility of a digital signature as an authenticating tool is limited by the ability of the recipient to ensure the authenticity of the key used to verify the signature. The following explanation will demonstrate this truth. The traditional labels used to represent the different parties in this sort of discussion are Bob, the sender, and Alice, the recipient. For purposes of this discussion a third party, Mallet, will play the role of evil hacker. If Bob digitally signs a message using his private key and sends it to Alice the only way she has to verify that Bob really sent it is if she knows Bob's public key. However, Alice must be able to retrieve Bob's public key from a source other than Bob's message because if Mallet is forging Bob's message he will send his own public key, claiming that it actually belongs to Bob.

Mallet has the private key corresponding to the public key sent to Alice, her attempt to authenticate the message will result in a positive confirmation even though it was not really from Bob. However, if Alice has access to Bob's real public key from an outside trusted third-party source, and uses it to verify the message signed with Mallet's private key, the verification will fail, revealing the forgery. In short, the Certification Authority (CA) fills the role of an outside source and Bob's public key is transmitted from the CA to Alice in the form of a Digital ID or public-key certificate. In order to ensure the authenticity of the certificate, Bob's Digital ID will be digitally signed by the CA. In order for Alice to establish a ''trusted'' relationship with the CA she must have access to the CA's public-key from another trusted third-party:

In practice, most if not all CAs have chosen to provide their public-key certificates to Netscape or other browser developers, who embed them into their browsers for easy access. In the event Bob has registered his public-key with a new, or unregistered CA, the browser software will notify the user and give him the opportunity to accept the CAs public-key 'on the spot.'' This presents the user with a predicament, and also presents CAs with a strong incentive to pre-register with the Netscape, IE and other browsers.

The fundamental problem comes down to how good a job the CA did in authenticating the subscriber identity. The CA's response will be that it made a good-faith effort consistent with the terms of the agreement or CPS to which both parties are bound. However, close scrutiny of the agreement will reveal that (1) very little detail is provided about the authentication methods used or the reliability of its sources of information, (2) the level of effort invested in the identity verification process is a function of the Level or Class of Digital Id. In other words, a subscriber's Digital Id that costs $20 will not receive as much identify authentication effort as will the subscriber to a $400 Digital Id. The following examples are cited by Verisign as representative of the sorts of transactions that could reasonably be performed using the various Levels of Certificate:

These examples, as well as any attempt to standardize on a generalized template of reasonable reliance is of marginal utility. It quickly breaks down when faced with simple counter-examples such as the following. According to the Verisign Digital Id Certificate model, a Class 1 Digital Id is acceptable for use in confirming the identify of e-mail correspondents and transactions of very low value. Assuming an organization chose to use the Class 1 Id for transactions that are limited to a value of $.01, but the number of these transactions exceeds one million per day. Under these facts the company

3. HOW DOES THE INTERNET EXPLORER BROWSER PROCESS THE DIGITAL ID?

The following step-by-step explanation of what happens when an Internet Explorer browser visits a Web site containing an ActiveX component will provide an overview of the basic steps involved in the public-key digital signature process, as applied in Microsoft's Authenticode model. Additional introductory material on the subject is widely available on the WWW, including the Verisign, RSA, and American Bar Association, Information Security Committee sites.

When the IE browser arrives at a Web site that contains an ActiveX control the browser will first check to see if the component has been digitally signed.

If not, the browser will display a warning message to the user, stating that the component is of unknown origin and may present a security risk, and then allow the user to make the choice whether to allow the component to be downloaded to their PC or not.

If the component has been digitally signed the browser will determine which Certification Authority (CA) authenticated the certificate, and if it doesn't already have a stored copy, it will automatically obtain the software publisher's public key from that CA via the Internet.

The browser will then use the public key to decrypt the ''message digest'' portion of the certificate. The browser will then run the same digital signature ''hashing algorithm'' on the component again and match the resulting message digest against the one in the certificate.

If the component has not been modified, either intentionally or inadvertently since it was signed, the new digest should match the old one. If they don't match, either the code was modified or the public and private keys aren't a matched pair. Either way, the component becomes suspect and the browser notifies the user that it should be discarded.

4. PROCESS WHEREBY SUBSCRIBER CONTRACTS WITH A CERTIFICATION AUTHORITY FOR A DIGITAL ID.

The subscriber must provide the Certification Authority with enough identifying information to satisfy the CA's authentication requirements, depending on the Certificate Class. For example, the following information must be provided to Verisign during the enrollment process, either through their on-line enrollment forms or through regular mail.

Individual Software Publishers (Class 2):

. Individual Publisher's name, address, and e-mail address

. Date of birth

. Social Security Number

. Previous address (if you have moved in the past 2 years)

. Credit card information for billing

Commercial Software Publishers (Class 3):

. Company name, address, e-mail, phone, and fax

. information for a technical contact and an

. organizational contact.

. company's DUNS number, if any.

. Billing information (credit card, P.O. or check), and billing contact information, if any. As of June 1997, pricing for Software Publisher Digital IDs are as follows. Digital Ids for different purposes are also available, at different prices.

Class 2 Digital ID for Validating Software: $20 annually [for Individual Software Publishers)

Class 3 Digital ID for Validating Software: $400 annually [for Commercial Software Publishers, i.e. companies]

The following excerpt from the Verisign Web site explains their procedure for verifying a company or individual identity.

Based on Microsoft code signing program criteria, VeriSign will attempt to verify that your company meets a minimum financial stability level using ratings from Dun & Bradstreet Financial Services, or attempt to verify your personal information through a credit reporting agency such as Equifax for individual software publishers. Your

certificate will indicate if you have met this level. Some software, such as the Microsoft Internet Explorer 3.0, offers end users an option to bypass making an explicit choice to trust code from each new software publisher. If an end user checks an option to trust all software signed by vendors who have met the financial criteria, code signed by these vendors will be run without any user intervention.

5. THE UTILITY OF AN AUTHENTICODE DIGIIAL ID

All properly authenticated digital signatures can demonstrate to a high degree of certainty the following three attributes: Integrity—The component has not be modified since it was signed, either intentionally or inadvertently.

Authentication—The purported identity of the party who registered as the component's author, based on the certificate's level of assurance and Verisign's corresponding identity verification criteria.

Non-repudiation—The component's registered author cannot later repudiate his identify as the component's registered author should it cause damage to a user's PC or other computer-related product (assuming the author registered the component using his own identity).

However, because Authenticode will only work on Microsoft's Internet Explorer, users of any other browser will be unable to gain whatever benefit might be provided by this information. For example, if the ActiveX plugin from NCompass Labs, Inc. is used with a Netscape browser, any ActiveX component encountered on a Web site by the browser will be downloaded without Authenticode's intervention. Netscape's generic software download alarm will probably display a warning, giving the user an option to proceed or quit, but the existence of a Digital ID will not be a factor in the user's decision.

Digital Certificates can only attempt to vouch for the authenticity of someone's identity, not for their good intentions. Neither the digital signature technology nor the Certification Authority (CA) make any warranties as to the safety of the ActiveX component. The Authenticode system merely relies on the assurances made by the component's developer to the CA when they initially apply for a Digital ID subscription. In the patois of logic this appears to be circular reasoning. The party whose trustworthiness is in question is providing the means for assuring the user of his trustworthiness. Furthermore, CA's have neither the mandate, resources, nor the incentive to actively monitor the behavior of millions of its certificate holders. Although they do have a duty to suspend or revoke a subscriber's Digital ID based on reported breaches of a specific set of criteria, they are not obligated to perform an independent monitoring function.

The possibility of undiscovered fraud is significant due to the ubiquity of stolen credit cards and access to personal information on the Internet combined with the limited authentication of the user's identifying information. Authenticode is supposed to provide the means for a user or corporation to ''trust'' the ActiveX components they download from the Internet by ensuring ''accountability.''

The approach here is accountability—to cease having publication of software on the Internet be an anonymous activity. If an organization or individual wants to use the public Internet to publish software, they should be willing to take public responsibility for the code they author and publish. If the code proves to have errors or even malicious faults, these organizations and individuals should be willing to answer for them just as they would take credit for good code. This approach is founded on the idea that accountability is an effective deterrent to the distribution of harmful code. (emphasis added)

The same argument can be made that license plates should act as deterrents to either prevent or curtail the use of cars in the commission of crimes. Because the license plate establishes the owner's identity (with possibly more certainty than a software publisher's certificate) it makes him accountable for his acts using the car and therefore cars will not be used in the commission of crimes. Still, stolen cars are used every day, to smuggle drugs, transport criminals to and from crime scenes, and perform other illegal acts.

Obviously accountability is not an effective deterrent to the use of cars to commit crimes. Likewise, accountability is not an effective deterrent against the malicious use of ActiveX, because stolen credit cards are readily available. What is the solution to this problem? There is probably no single solution short of eliminating ActiveX entirely. However, a number of individual solutions are appearing which, when used in aggregate have the potential to reduce the threat of injury to an acceptable level. Several of these potential solutions are discussed below.

6. DIGITAL AUTHENTICATION FOR WEB SERVERS.

Verisign, Xcert, GTE and other companies are also in the business of selling Digital Ids for Servers. According to Verisign, their product would enable the server owner to establish his authenticity to Web browsers visiting his site. in the marketing literature describing Digital Ids for Servers on its Web site, Verisign explains:

In the virtual world of the Internet, however, the web-site of an unscrupulous con-artist might look just as professional as that of a legitimate business. The low cost-of-entry and the ease with which graphics and text can be copied make it possible for almost anyone to create sites that appear to represent established businesses or organizations. To protect your organization and your customers from such impostors, you need a way to establish you site's authenticity.

Interestingly, in one context Microsoft and Verisign guarantee that users will be able to garner enough information by visiting the developer's Web site to make an informed judgment of both the developer's and his program's trustworthiness. However, in this context Verisign is saying that because almost anyone can create Web sites that appear to represent established businesses or organization that Web site owners should use Digital Id for Servers to establish their site's authenticity to visitors. Later in this same Microsoft document mentioned above, under ''Qualifying for the Individual Software Publishing Certificate'' Microsoft rhetorically asks the question, ''What is the value of the Individual Software Publishing Certificate?'' The document responds:

it would seem that users aren't going to trust individuals they don't know, and businesses aren't going to let code signed by students at a local university into their corporate domain. While this may indeed be the case, the value of this type of certificate is in the information it provides to the user so that he/she can make the decision on how to run the code. Knowing who authored the code, and that the bits have not been altered from the time the code was signed to the present is indeed comforting information. Additionally, the implementation provides links from the user interface (UI) to Web pages so the user can obtain detailed information about the signed code, the author, and the certificate authority. After learning about this code and the author, the user may decide to run the code, and/or all future code signed by this certified individual. (emphasis added).

Leaving aside the remarkable statement that corporations would inevitably not allow software developed by local university students into their domain, Authenticode fails to provide an objective means for users to evaluate this supposedly detailed information about the signed code and its author that is being made available to them. One is left with the gnawing suspicion that Microsoft intends for there to be a direct relationship between a software developer's advertising budget, the purported ''trustworthiness'' of his software, and the frequency with which users will download it over the Internet. In other words the more a developer can achieve brand name and product name recognition amongst Internet users the more frequently his products will be downloaded. Not surprisingly, Microsoft has one of the biggest advertising budgets in the world.

7. PULLING IT ALL TOGETHER WITH SSL. ... ALMOST.

We have seen that browsers can authenticate software publisher Digital Ids and that Web servers can authenticate client browser Digital ??ds, assuming the subscriber's identity is established with reasonable certainty. However, this authentication is only performed once, at the beginning of the transaction. After the initial ''handshaking'' takes place and the browser software is convinced that the other party is who she claims to be, no further checking is performed. This would leave either or both parties vulnerable to eavesdropping, replay and spoofing attacks during the remainder of the communication, if not for SSL.

Secure Sockets Layer (SSL) is an industry standard communications protocol that attempts to remedy these problems by creating unique signature keys that are exchanged throughout the entire communication ''session.'' In other words, after the client is certain the server is not spoofing its identity, the server and client exchange ''session-keys'' that will be used to

sign the data during the data exchange. With SSL 2.0, the same signature keys must also be used for encryption, if confidentiality is needed, however with SSL 3.0 signatures can use different keys than the encryption engine. SSL's main function is to protect users from attack by eavesdroppers or message interceptors. Both the client and the server provide part of the random data used to generate the keys for each connection and that same random data is also used to generate the master secret key associated with that session.

(a) Caching data during secure connections. One important drawback to this SSL scheme is the fact that the Netscape browser can store in local cache on the user's hard disk any data that has been sent by it during the secure connection. Navigator 3.0 has an option to allow caching of data fetched over SSL connections, however the default setting is to not cache data. in Navigator 2.0, documents fetched using SSL were cached in the same way as non-SSL documents. However, the command ''Pragma: no-cache'' in the HTTP header can be used to disable caching for a particular page. Interestingly, in Navigator 1.0 documents fetched with SSL were not cached.

Most importantly the cached data is not encrypted and is available to ''prying eyes'' in cleartext form. As long as the cache remains on the user's hard disk, any information such as credit card numbers or private keys that were sent over the secured SSL connection are ripe for the picking by anyone either physically accessing the PC or using an intermediate agent such as an ActiveX control.

(b) Handling previously unknown certification authorities while Web browsing Whenever a previously unknown CA is encountered by a browser their Root keys for Certificate Authority certificates are loaded through an automatic process using an SSL connection. This means that conceivably a ''rogue'' CA can load its certificate into browsers and begin authenticating harmful ActiveX controls without any restrictions. Netscape states that presumably in the future loading a root certificate through a local process, such as from disk, LDAP, or other out-of-band mechanism, will be a supported addition or in place of the present method of connecting to a trusted server and downloading the certificate chain. This presumption is an acknowledgment of the severe security risks associated with the current approach, and also an acknowledgment of the technological complexity of the more secure approach.

(c) Vendor Incompatibles The successful application of these SSL keying standards is also completely dependent on the capabilities of both the client browser and the Web server. However because different software vendor's products support different implementations and versions of SSL, fundamental barriers still exist to prevent a universally ''secure'' Web browsing experience. Other obstacles to trustworthy applications include the inability for Web servers to automatically check every certificate for currency, either by checking its expiration date, or checking an on-line ''certificate revocation list'' (CRL) to determine whether the certificate has been suspended or revoked for fraudulent or criminal abuse. As this technology evolves, these barriers will be eliminated, bringing us closer to the goal of authenticated, safe communication on the Internet. The problem in the near term however, is that most users are not made aware of the risks associated with these technological shortfalls.

8. CERTIFICATION REVOCATION LISTS (CRLs)

A certificate revocation list (CRL) is a repository of information that presents the current state of any public-key certificate to anyone who accesses it. The CRL can be implemented in different ways but the approach Verisign uses for the Authenticode Digital Ids is to only include those certificates that have a current unrevoked status. In other words, it is possible for a certificate to either be in an active, suspended or revoked state. If the certificate has been revoked it should not be relied on under any circumstances. However, if the certificate is temporarily suspended it is possible that removal of that status is imminent and the potential relying party should contact the Certification Authority directly for further details. Regardless of the unique circumstances it is essential the potential relying party have access to the certificate status or he will be making an uninformed decision regarding reliance. Implementation of the CRL is another contentious subject that again trades off between the development costs to provide customer ease-of-use and informed decision making. Unless the potential relying party knows how to access and use the CRL they are unable to benefit from its contents. However, instructions on its location and use are not conspicuously displayed when the potential relying party is presented with the publisher's Authenticode-based Digital Id. This is generally because this option has only recently been made available to HTML programmers and so a significant retrofitting of all certificates is needed to implement it. When implemented properly a button will appear on the Document Info page for servers whose certificate supports the appropriate extensions or commands. When the button is pressed the CA will be queried via HTTP GET, and will display a dialog to indicate to the user if the certificate is good or not. This button does not appear in the Authenticode Digital Id but instead must be ''manually'' selected from the ''View'' pull-down menu on the browser. If a user attempts to use a client certificate that has expired, a dialog will be displayed warning them that their certificate has expired, and if this extension exists, a button will be on the dialog that will bring up a window displaying the URL. There is no automatic revocation check. As mentioned above, a button allowing manual checks is displayed on the Document Info page. According to Netscape this feature was added because some people needed revocation, but they did not have time to support full CRLs. However, in a future release they will support CRLs, and possibly other forms of revocation technology.

Client authentication as implemented by Microsoft Internet Explorer 3.0 is interoperable with popular Web servers that support secure sockets layer (SSL) 3.0 client authentication. Microsoft is working to extend the complete set of technology components necessary for webmasters to incorporate client authentication in their Web applications. This includes extending Windows NT(r) Server operating system support for challenge and response and the SSL 2.0 protocol used by Microsoft Internet information Server to also ''include support for client authentication through the SSL 3.0 protocol.

7. RELYING PARTY AGREEMENT

The greatest potential victim of any defects in the Authenticode model is arguably the relying party who attempts to verify the Digital ID and make the decision to download. A detailed discussion of the many legal uncertainties surrounding CAs and certificates is beyond the scope of this article. Suffice it to say that a legal outcome will in part depend on the jurisdiction hearing the claim and the ''reasonableness'' of the reliance. Verisign has attempted to address many of these issues in its ''Relying Party Agreement'' which, according to its language, is binding as soon as the third party ''relies,'' either intentionally or otherwise. This reliance is supposed to be triggered automatically when the party inspects a Verisign Certificate Revocation List or accepts a Verisign Digital ID. This agreement also attempts to remove the ''choice of law'' or jurisdiction question by specifying that all parties are bound by California laws. However, a more fundamental question must first be addressed. Under California's Uniform Commercial Code (UCC) statutes however, if a certificate is considered a good rather than a service, any disclaimer of warranties must consist of a conspicuous writing attached to the good being sold. It is difficult to envision how this should be accomplished, yet Verisign's incorporation by reference may not meet the California standard for conspicuousness. Furthermore, the relying party is expected to read this agreement before ''us(ing) or rely(ing) upon any information or services provided by VeriSign's Repository or website '' or ''search(ing) for a certificate, or ( ) verify(ing) a digital signature'' in Verisign's repository and that by doing the verification the user is agreeing to the terms of the agreement, including acknowledging that she has ''access to sufficient information to ensure that [she] can make an informed decision as to the extent to which [she] will chose [sic] to rely on the information in a certificate.''

The relying party is supposedly bound by the agreement which affirms that she has enough information to decide to what extent she will rely on the information in a certificate, and also that she is solely responsible for deciding whether or not to rely on the information in the certificate. In other words Verisign is making no statements about what the information in the certificate represents and instead shifts the burden to the relying party to make the download decision without providing them with the necessary tools and resources.

There are at least two flaws with this approach: (1) It presupposes the relying party can agree that sufficient information will be

on the certificate to make the determination as to whether she will rely on it or not, without having seen the publisher's Web site, and (2) The relying party must be able to receive authentication of a subscriber's public-key from a trusted-third-party (TTP) or the entire model is useless.

8. FACTUAL EXAMPLE OF FLAWS IN THE AUTHENTICODE SOLUTION

(a) Unforeseen Interactions

Consider two ActiveX controls. One provides a control similar to the Win95 ''Start'' button with all the commands on the user's computer presented in a list to choose from. Suppose it keeps these command names in a preferences file such as C:\windows\commands. The file may contain a list such as: Word, Excel, format c:, IE3, etc.

Consider a second ActiveX control that performs certain ''housekeeping'' functions on the PC at regular intervals. It automatically wakes up at a specified time and executes a list of commands such as backup, defrag, etc. Suppose it keeps its list of commands in, for instance C:\windows\commands. At the next scheduled interval the second control dutifully finds the file written by the first one and fires up Word, Excel, and then formats the C drive. Commands after this one are of diminishing consequence. The user's hard disk is wiped clean and so are the ''fingerprints'' for Authenticode. Even if they are somehow located, who should the user point the law enforcement people towards? Both controls did exactly what they were designed to do, exactly what they advertised to do. Who is the user going to sue? Obviously neither ''misbehaved.'' What happened was an unforeseen interaction between the two, and was only possible because ActiveX is given unrestricted access to those system-level tasks. With only a bit of planning it would be possible to come up with a cooperating gang of ActiveX controls to do deliberate theft via collusion where each program is only doing what it's ''supposed'' to, yet the total of their activity is much greater than the sum of the parts. Current methods of tracking events through logfiles are unable to accurately reflect the non-linearity that is clearly at work here in the interaction of the components, the only way to avoid this would be to strictly de-couple the controls, by not allowing any to share information with the other, such as giving each its own private file-space to write in. Although this is the approach used by Java's sandbox, alas it is not possible in the ''security-free'' world of ActiveX.

(b) Proving the Origin of the Malicious Code Can be Almost Impossible

In the event the malicious code does not either reformat the user's hard disk or destroy its digital certificate outright there is still a great deal of uncertainty as to how the particular malicious code at fault can be identified as the cause of any particular harm. Certainly it would be easy if the damage occurred immediately after the ActiveX control was downloaded. But if it does something indirect; or waits until executed the 100th time; or modifies some other program so that it later does something nasty; then tracking down the source of the original corruption will be extremely difficult.

Assume for example that a component is signed by the real author, who was certified by a competent CA to be a reputable software developer. The user reviews the certificate at install time, and accepts it on the basis of the reputation of the developer. The user then forgets about the code for some weeks to come. Later on, he or she visits a page of a hacker, or a page of a web site that has been broken into by a hacker, and the IE browser invokes the code with arguments supplied by the hacker. The code may appear to do what it's supposed to, or appear to do nothing at all while it's erasing the web browser's history file. The user may not even be aware that code is executing. The user goes on to about 50 other Web pages that night, and shuts off their machine with no evidence of a problem. When they reboot they may have a huge problem, depending on what the code was reprogrammed to do. The Authenticode scenario suggests that the user can now call their lawyer to sue someone, but who do they sue? The hacker that the FBI can't track? The well intentioned but pressured software developer who wrote the harmless control that was manipulated by the hacker to cause the damage? The certification authorities like Verisign that have forty page disclaimers of liability? And even if someone could be sued, is this an acceptable remedy for being without their computer system?

(c) No Consideration is Given to the Author's Competence as a Programmer

In cases where a program such as ActiveX has the ability to act on untrusted data, it isn't valid to make a judgment of its security simply on the basis of trusting that the writer of the program is not malicious. Consideration of how competent they are at writing ''safe programs'' is also important. Users of ActiveX are being encouraged to accept or reject controls based on whether they think the signer is trustworthy or not. No consideration is given to the stronger, and more relevant criterion of the author's competence as a programmer.

Because third parties can provide potentially hostile input to Active X controls—at least for those classified as ''safe for initialization''—the ''appropriate diligence'' for such a control is much greater than that required for an ordinary application. Even though a well intentioned author creates a ''safe'' program, unless it has been written using the appropriate security safeguards it can be made to cause damage through the actions of another ActiveX control.

(d) Microsoft Justifies the Inherent Security Risks of ActiveX by Arguing that Users Want and Demand a Rich Computing Experience.

It has been argued that the Java sandbox approach is too restrictive, and that users want and demand a rich computing experience. This may be true, but these same users would prefer to use the name of their favorite movie star or basketball player as a password. It is up to the computer professionals to maintain a balance between adequate security protection and ease of use. Users should be encouraged to take informed risks, but they must be given the guidance and tools to accurately perform the risk/benefit analysis. Authenticode deters users from taking informed risks because it fails to provide them with the information needed to make an informed decision while at the same time assuring them that it is at their disposal.

(e) The Myth That Commercial Software Publishers and Others Will Be Deterred From Writing and Distributing Malicious Software Because of the Polential Risks of Economic Loss and Legal Liability

Historically hefty financial barriers to entry into the software development market using traditional distribution channels have restricted the number of market entrants. However the Internet provides a very low entry-cost distribution mechanism that is not without an increase in associated risks. Lowering the entry cost increases the potential for abuse. Furthermore, automating the process increases the chance that the abuse may go unnoticed. No longer can it be assumed that software developers will not risk loss of their potentially small financial investment by loading malicious controls onto the Web that, if undetected, would serve their ends.

(f) Average User Lacks the Training and Resources Necessary to Make Appropriate Downloading Decision Based on Information Provided by Developer's Web Site

The average user is probably only able to recognize a handful of big name Internet-related software development companies and even fewer companies that develop ActiveX components. And yet users are being asked to decide whether or not they should download a particular company's ActiveX component based on whether they are ''known'' (which, according to Microsoft's definition means ''trustworthy''). Assuming the developer is ''unknown'' to them, the user has no idea what information on the developer's Web site is needed to making this critical decision and yet Microsoft clearly states that the user ''can make the decision on how to run the code'' based on the information provided in the certificate,

Furthermore, the average user will probably be reluctant to spend much time seriously evaluating the trustworthiness of a software developer and will instead base their decision on the site's professional appearance or some other intangible and possibly irrelevant factor. According to Michael Sullivan-Trainor, director of International Data Corp.'s Internet program, ''The problem with the Web is that the sleaziest company in the world can put up a site as slick as the most respected corporation. Shopping [and downloading software] on the Web requires a little more investigation.'' Because a professional appearance can easily be created by the most criminal of software developer's it cannot be used as a measure of the developer's trustworthiness and yet Microsoft provides no guidelines to assist the user in making this analysis. Nevertheless they continue to assert, as stated above, that ''the value of this type of certificate is in the information it provides to the user so that he/she can make the decision on how to run the code'' and that this should be ''comforting information.''

(g) Contrary to Microsoft's Claim, Downloading Software From ''Known'' Software Vendors Does Not Necessarily Eliminate Risk

Implicit in the Authenticode trust model is the belief that all ActiveX components

created by ''known'' software developers will be harmless and can therefore be trusted and downloaded without reservation. The recent track records of several software developers including Microsoft, seriously undermine this notion. According to an article called ''Microsoft Security Flaws Run Deep,'' in the March 6, 1997 issue of CNET's NEWS.COM authors Nick Wingfield and Alex Lash state that ''ActiveX is not the only security headache Microsoft is suffering. There are problems with its Internet Explorer browser.'' The article goes on to explain how earlier that week a group of students (does not specify whether they were students from the local university) found that by planting ''Shortcuts'' on a Web site they could trigger resident Windows 95 and NT programs to delete and manipulate files on a user's computer when browsing the Web site. According to the article Microsoft developers worked around the clock to fix the security hole.

In response to this IE ''Shortcuts'' security hole Stephen Cobb, director of special projects at the National Computer Security Association (NCSA) states, ''1 would say that you have to seriously question the integrity of Internet Explorer at this point because this was such a big hole.'' Cobb goes on to comment that ''Microsoft's statement that they did a lot of testing [on Internet Explorer] is worrying, because if they did a lot of testing and didn't find this problem, their testing is very flawed.'' In all fairness, it must be pointed out that security holes are being found in other software developer's products as well, however the significance of Microsoft's track record in this particular case is that they are the ones that are making the argument that if the software developer is ''known'' then their ActiveX components must be trustworthy, and that the only criteria that is important is whether or not the user recognizes the software developer.

The same CNET article also points out that even if no one's computer is actually damaged by a security hole that is subsequently discovered after the user has downloaded software, individuals and companies still have to spend time and money to install the security patches on their systems. Stephen Cobb concludes that ''[I]t's difficult for Microsoft to weasel its way out with the ''it does no damage'' excuse, because [in the case of the ''Shortcuts'' bug] systems administrators are already looking at a big cost hit,'' There is no empirical evidence to support Microsoft's assertion that downloading software from ''known'' origins is less risky than from ''unknown'' sites. Nor does this assertion take into consideration the possibility of a hacker placing a malicious control on a ''known'' Web site, or the possibility of a hacker ''spoofing'' a ''known '' Web site. Either of these can be done without detection either by the user or by the Authenticode system.

Joel McNamara explores this same issue in the June 1997 issue of Infosecurity News. In an article titled, ''Security-Market Dynamics'' he writes, ''As security professionals, we like to think that security ranks right up there on everyone's most-important list. But when security isn't the primary purpose of the product, security features all too often take a back seat. '' McNamara lists some of the security holes that have been discovered recently in many of Microsoft's products ranging from Windows NT, Windows 95, WORD macro viruses, to Internet Explorer, Authenticode and ActiveX. Joel observes that ''Microsoft's testing methodology appears to be more oriented toward discovering classic, show-stopping bugs rather than searching for more subtle, exploitable security holes.'' He concludes that, ''[i]f people continue to buy products with marginal security, why spend the extra time and money implementing high-end security .... Unfortunately, the marketplace usually needs to yell, scream and ??reaten to walk away before it gets what it wants. So, until then, expect to see security as little more than just another check on a marketing features list.'' A user can be exposed to significant security risks even when downloading software from a ''known'' developer such as Microsoft.

(h) Relevance of Authenticode ''Trust-Model'' for users outside the United States

Software developers located outside the United States but who wish to allow their components to be downloaded in the U.S.

According to the Verisign Web page, ''Digital Ids for Servers: High-level Security at a Low Cost:''

If your company has a Dun & Bradstreet (DUNS) number, you can complete your Digital ID request online. If you do not wish to use a DUNS number, or your company is not in the US, you can complete the enrollment form electronically and fax or mail Verisign any of the following pieces of documentation to establish your company's identity:

. * Articles of Incorporation
. * Partnership Papers
. * Business license
. * Fictitious Business License
. * Federal Tax ID Confirmation

Even assuming, for the sake of discussion, that Verisign's document authenticator's are familiar with the Articles of Incorporation or foreign equivalent for every country, and is able to make a reasonable effort to detect a faxed fraudulent document, how will the user who relies on the Digital ID know whether that foreign country even has any laws that will allow him some measure of recourse in the event that he suffers injury caused by the developer's software?

Software developers located outside the United States but who wish to allow their components to be downloaded both in the U.S. and overseas. Verisign has begun ''franchising'' overseas Certification Authorities who wish to base their practice statements on the Verisign ''Certification Practice Statement'' (CPS). Although several are under development, BelSign (www.belsign.be) is the first franchisee to go productional, , and their stated territory is limited to Belgium and Luxembourg. So far little details are available about identity authentication procedures and other practical considerations and responses to e-mail inquiries have not been forthcoming.

(i) Web sites Can Be Spoofed or Hacked

In December, 1996 the Secure Internet Programming team at Princeton University published a technical report describing an Internet security attack called ''Web spoofing.'' In this scenario, an attacker:

. * Creates a shadow copy of a web page;
. * Then, funnels all access to the web page through the attackers machine;
. * And finally, tricks the unwary consumer into revealing sensitive or private data, such as PIN numbers, credit card numbers or bank account numbers

Web spoofing requires that the attacker be able to interject his machine between the server and client, in a man-in-the-middle attack. Although under some situations certain visual cues may be used to detect the presence of a spoofed Web page, these can be eliminated by the skilled programmer. The only real solution is to check the ''View Source '' option and read the html source code for the Web page the user is currently browsing to know for certain whether their browser is connected to the correct site. Even a server and client using SSL can be spoofed if the hacker is able to intercept the client's initial request for authentication to the server and before a secure link is established. Once the unsuspecting user is connected to the attacker's bogus Web page, all transactions between the user and the certification authority can be intercepted and fraudulently manipulated. Thus, a harmful ActiveX program could easily be made to look as though it came from a ''known'' and trustworthy developer. After the program has downloaded to the user's PC and done its damage there is no way for the user to identify the developer because the program never had a Digital ID in the first place. Furthermore, the knowledgeable hacker will delete or modify the browser's history file so no record would remain of the user's visit to the spoofed Web site. According to Ed Felten, co-founder of the Princeton Internet Programming research team, there have been reports of the FBI investigating false sites and forcing them to shut

(j) Obtaining a Digital ID Through Fraudulent Means

Fred Mclain, software developer, consultant, and author of the now infamous ActiveX ''Exploder'' control (see below), provides the following perspective on the Authenticode ''code signing'' process, from a FAQ on his personal Web site located at www.halcyon.com/mclain/.

Code Signing simply attempts to identify who signed the control. Anyone can go out and get a code signature. It's a pretty much automatic process. You go to a web site, give them a name, address, credit card number and some other stuff (none of which have to be yours), click ''1 Agree'' on a page full of legal jargon, and pretty soon you get an e-mail with the information you need to sign the control in it. Once you have your Digital ID, you can sign any unsigned ActiveX control. Nobody reviews these controls! In other words, a signature doesn't tell you who wrote the control and it doesn't tell you if the control is safe or not. Heck, with the number of hot credit card numbers out on the net, it doesn't even tell you for sure who signed it. A danger is that seeing that a control is signed will give folks a warm fuzzy feeling about the control, and encourage them to run it, even though it does not guarantee their safety!

A recent Associated Press news item from San Francisco dated May 22, 1997

demonstrates the prevalence of credit card theft on the Internet and the accessibility to those stolen numbers. The article reports that according to Bureau spokesman George Grotz, the FBI recently arrested a hacker who used a ''sniffer'' program to eavesdrop on electronic transactions between customers and a dozen companies selling products through a major Internet provider. The sniffer software gathered 100,000 credit card numbers along with enough information to use them. The hacker was arrested for allegedly attempting to sell the information to an undercover FBI agent who saw the hacker's advertisement on a computer bulletin board.

FBI statistics indicate that the majority of computer crimes go undetected, and, until recently, most of the ones that are detected are never reported. Therefore it is safe to assume that there are many other sources of fraudulent credit card information gathered from the Internet that are available to persons registering ActiveX controls. Frequently the credit card owner will not realize their number has been stolen for several weeks or months, depending on the thief's spending patterns. As a result, if a stolen credit card is used to acquire a Digital ID using fake identification, the fraudulent charges will go through undetected and because there is no retroactive follow-up on the part of Verisign or Microsoft, the certificate will remain valid even after the card theft has been discovered and the card invalidated, unless the defrauded consumer makes the effort to contact them which is unlikely.

FACTUAL EXAMPLES OF ACTIVEX-RELATED SECURITY RISKS

(1) InfoSpace Program Compromises Authenticode Security

On September 23, 1996 CNET-Online and other publications reported that Lycos, a WWW Search engine company posted a program on its Web site that would allow downloadable programs with InfoSpace Digital Ids to bypass the Authenticode security controls in Internet Explorer.

Nick Wingfield's article ''Program compromises IE security'' explains that because the program which was created for Lycos by InfoSpace, a startup Internet company, circumvents IE's security warning window, InfoSpace could sneak programs onto a user's personal computer without warning.

InfoSpace executives denied that there was any malice intended in its program, adding that it has provided Lycos with an updated version of the code. Lycos planned to post the new program later that evening, according to InfoSpace. ''It was a bug that got incorporated into the production code,'' InfoSpace CEO Naveen Jain said. Although the InfoSpace program apparently was not created with malicious intent, according to Wingfield ''it underscores the fragility of Internet Explorer's security defenses, as well as broader security issues related to downloading over the Internet.'' ''Code signing is not a guarantee of code quality,'' Charles Fitzgerald, a product manager at Microsoft said. ''It's on accountability trail.''

The InfoSpace ''bug'' modified the Windows 95 Registry configuration setting by simply registering InfoSpace as a ''Trusted Publisher'' thereby allowing all code from InfoSpace to be downloaded automatically without requesting the user's consent. The operation is akin to inviting a guest over to your house for dinner before you leave town for a month-long vacation and having them copy the key to your front door without permission. If the guest enters your house while you're gone and a neighbor questions him about it, the guest only has to show the neighbor the copy of the key as confirmation he has your permission to enter. Whenever the user's browser detects an InfoSpace program it will automatically be downloaded without the user's awareness or consent, because Authenticode has been told to automatically trust all InfoSpace developed programs. ''Clearly their software is doing something a tad aggressive,'' said Rob Price, a group program manager for Internet security at Microsoft.'' (With Authenticode), users are making a one-time trust decision, this is a persistent trust decision.''

(2) Symantec Corporation's Norton Utilities Victimized by Malicious ActiveX Control According to information posted on their Web site (www.symantec.com), on April 7, 1997, Symantec was notified that a malicious Web site had been created that uses an ActiveX control to gain access to a user's PC if they use Norton Utilities 2.0 for Windows95 and get on the World Wide Web. Because a specific component (TUNEOCX.OCX) of the Norton Utilities System Genie is marked as a script file, ActiveX-aware WWW scripts can make use of it as an ActiveX control. The result is that a malicious user could use the script to run any command, such as delete, format or ftp, on the local host. Symantec responded to the news quickly and responsibly, posting a fix for the problem within 24 hours.

(3) ''Exploder'' Control

Software developer and consultant Fred Mclain created a live demonstration of ActiveX's capabilities in late summer of 1996. Mclain created an ActiveX control which he called ''Exploder'' and which he placed on his Web site with the explanation that it would perform an automatic ''graceful'' shutdown of any user's PC running Windows95 who chose to voluntarily click on the control link and automatically download it to their PC. Because the control caused a ''graceful'' shutdown no damage was caused to the user's PC, but the damage to Microsoft's image was immediate and irreversible. As recently as April 1997, Sun Microsystems CEO Scott McNealy was still demonstrating MClain's Exploder control to crowds of Java enthusiasts.

(4) Germany's Chaos Computer Club Live Demonstration To Make Bogus Money Transfers From Intuit's Quicken Online Banking Customers

The Chaos Computer Club (CCC), a German hackers group from Hamburg, demonstrated on national TV in February 1997 that they can use an ActiveX control to steal money from one account and put it into another without the use of a Personal Identification Number (PIN) during an online banking transaction.

CCC showed that once the ActiveX control is downloaded by a user browsing their Web site who uses Intuit's Quicken for electronic banking, the control will add an extra electronic fund transfer command to the pending transfer list. The next time the user does his or her banking online, the bogus transaction will get executed along with the rest without alerting the user.

The Computer Club's stated purpose in holding this public demonstration was to alert people about the risks associated with doing business on the Internet and specifically with ActiveX.

intuit, the company that develops Quicken, responded by recommending that users disable the ActiveX controls in their Internet Explorer browsers or switch to the Netscape Navigator if they are concerned about the safety of ActiveX controls. The company also stated that of the 9 million copies of Quicken currently in use worldwide, the present U.S. version of Quicken can only be used to transfer money from ''pre-authorized'' accounts as approved by the user. A future German version of the software will have encryption features to prevent hackers from breaking in. To its credit, Intuit did an excellent job of public relations ''damage control'' and used wide, the Web, because it is the the situation as an opportunity to educate consumers on how to take proper safeguards to protect themselves on the Internet in general and from similar situations in the future.

RECENT MICROSOFT SECURITY ENHANCEMENTS

(1) Microsoft's Authenticode 2.0—Band-Aid for a severed artery

Microsoft recently announced Authenticode 2.0, a significant upgrade to the initial version which was first released less than one year ago. On the plus side the new upgrade includes a number of features Microsoft says will make downloading code safer, including time-stamping support to ensure that code was signed with a valid digital certificate. Various Microsoft bulletins and announcements inconsistently report that It also supports access to certificate revocation lists (CRLs), a feature that checks in with an online list of revoked certificates before downloading code.

However, on the negative side the logistics of the upgrade are cumbersome, time-consuming and will potentially result in delays while unsuspecting users are forced at the last minute to download either the upgrade. Software publishers who have signed their code prior to June 1997 must re-sign their code by June 30, or before their current Digital ID expires. According to Microsoft, because Authenticode 2.0 checks the revocation list to determine whether the Digital ID is still valid, it will notify a user who wants to download an control that has not been re-signed as either unsafe to download (if their security is set to High), or out-of-date (if their security is set to Medium). Only code that has been re-signed will appear in the revocation list as safe to download.

This upgrade is significant as a validation of Microsoft's willingness to obfuscate the facts and fabricate its own reality, in its single-minded pursuit of market share. Prior to this upgrade a user was expected to navigate the maze of menus and options on

the Verisign Web site to locate CRL information. No explanation or instructions were presented to the user when the subscriber's certificate appeared on their screen, informing him that he must inquire of this proprietary database to find out whether the Id used to sign the certificate he was viewing and potentially relying on was still valid or whether it was suspended or revoked. Also, without the time stamping capability, it was impossible for the user to tell whether the certificate appearing on his screen was signed using an expired Digital Id or not. Although Microsoft and Verisign engineered this upgrade prior to the time most Digital Ids and certificates would have expired, there was no advance acknowledgment of this limitation. One can only hope that other essential attributes of this ostensibly trustworthy Authenticode security model are not still on the drawing board to released later as enhancements.

(2) ''Security Zones''

This new feature will let users or their network administrators arbitrarily divide the Web sites into four predefined zones: intranet, trusted extranet, general Internet and untrusted. Web sites can then be assigned to a particular zone, and be subject to the corresponding level of security protection. For example, ActiveX controls and Java applets coming from the Internet might be assigned to untrusted zones, and the administrator could prevent them from being downloaded by configuring that zones security protection accordingly.

In a sense this is just a ''macro'' version of Java's ''sandbox'' security model. The sandbox prevents Java applets from gaining access to sensitive system functions that are outside its boundaries. IE's security zones can also prevent Java and ActiveX programs from gaining access to sensitive system functions, depending on the way the security protections are configured. However, the user or administrator is Unable to override or misconfigure Java's default sandbox protection, whereas the IE security zone protection can be turned off or improperly configured, leaving the user completely vulnerable.

THE FUTURE OF ACTIVEX AND DOWNLOADABLE AND EXECUTABLE CONTENT—Will it ever be safe to ''trust'' again?

If Microsoft is unwilling, users must organize and develop alternative means of protecting themselves from ActiveX. Some examples of proposed alternatives include:

(1) Web of Distrust

One author is calling for an online, independent watchdog organization that ''provides users with timely alerts on hazardous or questionable software.'' This group would act as a clearinghouse for reports of all harmful or suspicious downloadable and executable content. The information could be distributed by newsletters to subscribers, or available to any user by hyperlink access before they make the ''fateful'' decision to download. Kobielus writes, ''Our best defense against malignant controls is to pool our experiences, expose the offending code-mongers to the entire online ''.... Net community and thereby burn them out of existence.''

Although certain legal issues and standards must be addressed before ''burning'' anyone out of existence, this approach could serve as a model for a more effective means of keeping Cyberspace free from harmful code.

(2) Better-Business-Bureau OnLine (BBBOnLine)

The Council of Better Business Bureaus, best know for their certification of local businesses in the physical world, have developed a new U.S. online service, ''dedicated to helping consumers identify ethical marketers on the Internet and thereby make the Internet a safer, more reliable place to get information and conduct business.'' According to information on their Web site, companies that display an encrypted BBBOnLine CARE seal on their Web pages have demonstrated their commitment to a series of strict business standards for customer service and marketplace ethics. Consumers can hyperlink from the seal to the BBBOnLine home page to get a reliability report on the member company, including their management, time in business, relevant aspects of its goods and services, complaint experience and other evidence of responsible marketplace behavior. Several large corporations involved in Internet-related markets are co-sponsoring this service including, Hewlett-Packard, Xerox, Netscape, AT&T, and GTE....

Some examples of their rigorous Participant Standards include: Provide the BBB with inform ation regarding company location, background, etc. which will be verified by the BBB in a visit to the company's physical premises;

Be in business a minimum of one year (with limited exceptions); Respond promptly to all consumer complaints; Agree to binding arbitration, at the consumer's request, for unresolved disputes involving consumer products or services advertised or promoted online.

(3) PC-based Browser Add-on Security Products

Several vendors including Finjan Inc., and Safe Technologies have recently released products that promise to provide protection against all Internet threats, whether they are hostile ActiveX controls or Java applets, eSafe Protect not only recognizes a set of known security holes and rogue controls, but it also has the ability to run in a learning mode. This allows the program to see where the user's browser and e-mail clients usually read or write data or execute other applications and develop a pattern of acceptable behavior (similar to an ''intelligent'' sandbox model). After the learning period is completed (usually about one day), any activity outside of the normal range will generate an alarm, and require user intervention to proceed. As a result it also provides protection against yet-to-be-discovered security holes in popular Web browsers or other unknown hazards. Independent Software Accrediter is Necessary to Determine Software ''Harmlessness'' Digital signatures can measure the authenticity of a person, but not their intentions or competence. Until software developers see it is in their best interest to invest more resources into writing secure software a separate entity is needed to gather concrete evidence of the software developer's intention and competence in advance. By testing their software against industry benchmarks and providing guidance to the uninformed user interested in ascertaining the safety of the software they want to download this entity will bridge the gap between identity verification and a software publisher's intentions and competence.

The ''Software Accrediter'' will validate that an ActiveX component is both harmless and ''safe'' to operate in an ''open'' environment by testing it against a set of industry-wide programming and Internet security standards. For a control to be ''harmless'', it must be unable to cause damage by itself. For it to be ''safe'' the control must be designed and written with a level of programmer competence that prevents other controls from being able to advantage of programming flaws and force it to cause harm.

The Software Accrediter will take on significance in the use of downloadable and executable content to authenticate its conformity to the norms of programming and Internet security practice. For instance, where a Software Publisher Digital ID is executed and digitally signed by a Certification Authority, the ''Software Accrediter'' will issue a message of accreditation attached to the Digital ID which validates the harmlessness and safety of the program within certain parameters. The validation will identify the level of risk associated with the control and the user can make an informed decision whether or not to download the control, based on the potential injury he could suffer. Neither the mere application of a digital signature, or the restriction to ''safe zones'' satisfies accreditation requirements for these types of dangerous programs. The ''Software Accrediter'' will combine the benefits of digital signatures with industry-accepted software accreditation to provide high quality international control authentication in a measure far exceeding current practices.

Public key cryptography, or digital signatures, can be used to sign application software and certify it as ''safe'' as judged by some certifier, only if the software is held up against a set of industry standards—where one of the ''safety'' properties would be that the application cannot be corrupted by malicious external programs or data. Microsoft offers Authenticode as a way of empowering the user to determine whether individual downloadable executable Web content is safe to use. It purports to provide the user with information which will be ''comforting'' to them in their analysis. Unfortunately, Authenticode simply moves the burden of assurance on to the user, without making the analysis any more tractable. It places an unreasonable burden on users, who must decide which developers are trustworthy based on insufficient data and inadequate tools. Because even major mass market application software (e.g., Quicken) appears susceptible to attacks by malicious controls, it is not clear what this type of certification technique could add.

Netscape's Hybrid ''Code-Signing'' Solution

Netscape has recently released its own implementation of an Authenticode-like Product that has much more robust security protection against harmful downloadable and executable programs. In addition to the generic characteristics of a digital signature; authentication, integrity and non-repudiation, ''code-signing'' also determines what an ActiveX control or Java applet wants to do on the user's machine, Netscape's Communicator checks to see if the software is signed and attempts to verity the signature. If the applet is unsigned or if the signature is unverified the applet is automatically restricted to running inside the ''sandbox.''

When the downloaded program wants to get access to a PCs system resources a dialog box is displayed that shows the user what kind of access it wants, the identity of the signer, and the associated risks. With this information the user then decides to allow or deny the access that the Java applet has requested.

ActiveX controls can be packaged in such a way as to fulfill the Java specifications necessary to allow code-signing. This process is accomplished using the JAR Packager tool which creates an envelope around the control that results in a cross-platform JAR file. The JAR Packager is a tool that allows developers to sign, envelope and compress Java applets, plugins, and any other type of file. The JAR file format was a joint effort between JavaSoft and Netscape.

In the future, an evolving combination of these and other approaches will be used to provide protection. Security guru Gary McGraw believes the long-term solution combines ''code-signing authentication and some sort of security model, like a [Java] Sandbox.'' He believes it will be ''much easier to [add code-signing] to extend Java .... than it will be reverse engineer Sandbox into ActiveX.''

SUMMARY

The general outlook for ActiveX as a computer security problem is unclear. The potential vulnerabilities are legion. Bearing in mind the FBI's computer crime statistics indicate that over 80% of all detected computer crimes go unreported, and many more of them go undetected, during its initial 18 months in existence exploitation of ActiveX has been virtually non-existent. Unfortunately, as the economic incentive for creating malicious ActiveX controls increases, it seems likely that attackers will attempt to exploit its security vulnerabilities.

Given the obvious security risks presented by ActiveX, combined with the absence of broad-based support for Authenticode, the only possible explanation for Microsoft's continued pursuit of this folly is a last-ditch effort to keep its hand in the Internet game and maintain its share of the desktop computing software market. Microsoft is Committed to maintaining its monopolistic hold on the PC and Internet software industry by marketing its auto-immune deficient ActiveX software product, and its parasitic partner Authenticode. Even with the intellectual horsepower at its disposal it appears to be unwilling to develop a secure alternative because then there would be little incentive for users to purchase its internet Explorer Web browser, and there would be little hope for Bill Gates'' vision of a single, seamless Windows-based PC desktop and Internet interface.

CONCLUSION

This article has presented some good points and bad points about ActiveX and Authenticode both of which have only been in existence for less than two years. It is inevitable that both security protection for downloadable and executable programs and Certification Authority policies and practices will evolve gradually. Nevertheless, in the interest of minimizing the risk exposure to the user, it would be prudent for software developers to acknowledge these risks up front and allow users to understand them and begin making informed decisions based on accurate information, or paying customers must demand something better. Risks associated with downloading any software from the Internet are unavoidable, but Microsoft chooses not to explain those risks to users or give them the tools to properly manage those risks. Instead what Microsoft does provide is confusing, contradictory FAQs, bulletins and marketing announcements that even go so far as to state, ''Because Microsoft must respond to changing market conditions, this document should not be interpreted to be a commitment on the part of Microsoft, and Microsoft cannot guarantee the accuracy of any information presented after the date of publication.''

Microsoft understandably wants to be the first to market with each of its latest Internet software products so it can gain whatever advantage it can over its competitors. But they are cutting corners at the customer's expense by leaving necessary security features out and the customer needs to be informed to decide whether it is an acceptable expense. In the wake of Love Canal, Three-Mile Island, Hanford Nuclear Reactor, Rocky Flats and other life-threatening breaches of the public trust we have matured as a nation to the point where even the courts support our right to receive advance notice before toxic chemicals are pumped into our back yards and personal spaces. Yet Microsoft is allowing toxic ActiveX components to be downloaded into our PCs without reasonable notice and disclosure of all the risks by pretending that it's fake security system Authenticode can provide reasonable detection and defense.

The most effective long-term technical solutions appear to require systemic changes in the way computer software is built and the way software standards are developed and enforced. The safest near-term alternatives for the majority of users all involve giving up many of the ''bells and whistles'' that make Web browsing so entertaining by configuring Internet Explorer browsers to restrict all ActiveX controls from being downloaded to the desktop.

* Copyright Rick Hornbeck, 1997.

Microsoft recently announced on TechNet that, as of the release of XP, the only way that consumers and businesses can make on-line purchases, or submit private data (e.g., on-line banking) through a ''secure'' (SSL-enabled) Web site, is by using new features that are available exclusively on Windows XP, via the Windows Update Web site. Users of Microsoft NT, ME, and WZK may install an ''upgrade patch'' that will allow them to manually download new root certs, and to use a limited subset of the XP-based capability.

To better protect Microsoft customers from security issues related to the use of public key infrastructure (PKI) certificates and enhance the experience for Windows users, Microsoft is moving to standardize and clarify the criteria for root certification authorities in Windows XP. This standard also applies to root certification authorities in Internet Explorer and any other Microsoft product.

(http://www.microsoft.com/technet/security/news/rootcert.asp)

Let me repeat, as of the release of XP next week, the ability for consumers using non-Microsoft operating systems to perform ''secure'' transactions via Internet Explorer (IE) will be severely curtailed, and over the coming months, entirely eliminated.

When a user visits a secure Web site (that is, by using HTTPS), reads a secure e-mail (that is, S/MIME), or downloads an ActiveX control that uses a new root certificate, the Windows XP certificate chain verification software checks the appropriate Windows Update location and downloads the necessary root certificate. To the user, the experience is seamless. The user does not see any security dialog boxes or warnings. The download happens automatically, behind the scenes.

Microsoft has no plans to provide an ''upgrade patch'' for the non-Microsoft versions of IE that it currently supports (e.g., Solaris, Linux, HP-UX, and Mac.). Microsoft properly considers Auto Root Update and Windows Update to be Windows technologies for conveniently keeping users up to date with certificates in the Microsoft Root Program (the user doesn't have to take many steps to install the roots). However, it has no plans to provide these convenience mechanisms for non-Windows platforms at this time.

The result is that the only way that CAs or on-line merchants can get their certificates into the IE browsers of non-Microsoft consumers is by forcing the consumer to manually download and install the certificate directly from a Web site. This eliminates any level of trust assurance that may have resulted from IE's existing root certificate accreditation process.

Under this new regime, when a consumer using IE on a non-Microsoft platform enters a secure Web site to make a secure on-line purchase, he is prompted to download and trust the CA root certificate of any merchant whose root is not already in that browser, The same is true if a Web site wants to download an ActiveX control, which is signed by an unknown and hence ''un-trusted'' Publisher, Eliminating future access to new root certificates in its IE browser will deprive consumers using non-Microsoft platforms from the ability to conveniently and ''securely'' make purchases at a secure Web site (HTTPS), read secure e-mail (S/MIME), or download signed ActiveX controls with the same level of trust assurance that he experienced prior to this new regime.

This change will adversely affect the consumer, the on-line merchant, and the CA,

as each of them has a stake in making the on-line experience as smooth, secure, and convenient as possible. This latest manipulation of the Internet software market by Microsoft will provide consumers with a strong incentive to migrate to a Windows platform, so they can continue to use the Web with the same degree of ease, and sense of security as before.

In addition, some commercial PKI applications and products are designed around consumer access to their root certificates in Microsoft's IE. Eliminating consumer access to their root certificates from IE will force them to restructure their applications, and in some cases their whole product strategy. Of course, Microsoft will argue that these vendors were receiving a ''free ride,'' while it developed the technology to tighten up its PKI solution. However, Microsoft's PKI solution is anything but ''tight,'' and in fact, it is still quite immature. In addition, it will remain so for several years, to the detriment of the consumer, and the industry.

This tactic is virtually identical to the one that Microsoft used to eliminate competition in the browser market. It offered features similar to Netscape's, but at no charge, because it could afford to use its income from OS sales to offset the loss it took on its browser product. Initially, Microsoft's browser was inferior to Netscape. However, over time, as the marketing power of the Windows desktop gradually surmounted Netscape's marketing channels, and as Microsoft commandeered many of the existing Internet browser standards, IE achieved a superior market position. This time Microsoft provided consumers and the industry with ''free'' access to CA root certificates embedded in IE. However, now that it believes it has eliminated any competition for this service, Microsoft intends to force consumers to purchase XP or another Windows platform, so they can continue to enjoy the same convenience and benefits from digital certificates as before.

Although Microsoft will certainly claim otherwise, I believe it is well within its power to continue to support the storage of new root certificates in non-Microsoft versions of IE. However, Microsoft representatives have indicated that they have no plans to do so at this time. As are result, consumer trust in on-line commerce, and the viability of many PKI solution vendors will both suffer in Microsoft's latest grab for another piece of the Internet software market, PKI. Microsoft's PKI solution is inferior to current alternatives, and it will not achieve its promised capabilities for many years, after using the public as its testing ground.

Is Microsoft trying to corner another piece of the Internet software market by illegally leveraging its market powers, as the court agreed that it has done in the past? The pattern is virtually identical.

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Customers include:

* ENSURELINK CERTIFICATION AUTHORITY—San Diego, California 2000—Present. PKI Consultant—Certificate Policy, Certification Practice Statement, and PKI-related consulting.

* ALPHATRUST CERTIFICATION AUTHORITY-Dallas, Texas 2000. PKI Legal Consultant-Certificate Policy, Certification Practice Statement, and PKI-delated legal consulting.

* EXPERIAN—Orange, California 2000. PKI Legal Consultant—Consulted with in-house legal counsel, defining and documenting application-specific, PKI-related legal issues.

ENTRUST TECHNOLOGIES—Plano, Texas 1999—2000. Senior Security Consultant-Developed Security Policies, Certificate Policies, and Certification Practice Statements for large national, multi-national, and international organizations. Worked directly with senior client management to determine 1heir PKI requirements. Worked with sales force on national opportunities. Worked with consulting partners to out source PKI consulting work during peak periods and on joint projects. Provided on-site classroom training programs lasting 3–4 days for consulting partners and customers on Entrust-specific security and PKI consulting methodology and concepts.

Customers include: Experian, Bell Atlantic, MCI WorldCom, Hoffman-LaRoche, State Farm Insurance, First American Real Estate Information Services (FAREIS), Ernst & Young, Price Waterhouse Coopers, People's Bank of China, Capital One, US Department of Agriculture, Fidelity Investments, Illinois Secretary of State, First Data Corporation ....

OFFICE OF COURT ADMINISTRATION, STATE OF TEXAS—Austin, Texas 1997—1998. Strategic Technology Planner-Responsible for the implementation of a statewide computer and communication network linking all state courts. Developed supporting rules, policies, guidelines, and statutes relating to the electronic filing of court documents. Prepared cost analysis and preliminary design for the Texas Judicial Committee on Information Technology, based on planned technology.

ELECTRONIC COMMERCE SYSTEMS—Los Angeles, CA (1995—96); Austin, TX 1997–1998. Principal-Consulting company provided electronic commerce consulting services with an emphasis on Internet and Web-based security, public-key infrastructure (PKI), digital signatures, electronic filing of court records, and electronic payments.

Customers included:

Wells Fargo Bank—Los Angeles, California, 1996.

Database Developer-Designed and developed MS-ACCESS database integrating First Interstate Bank commercial loan database with Wells Fargo data following bank merger.

Orange County Superior Court ('intern, part-time)—Santa Ana, California, 1996.

—Court Technology Department—Drafted new court rules for electronic filing of pleadings via the Internet for pilot family law electronic filing project.

—Law and Motion Research Department—Reviewed, researched, and summarized legal motions for judge's Law and Motion hearings.

LAX SHUTTLE TRANSPORTATION CONSORTIUM, El Segundo, California 1996. Arbitralion Hearing Officer ('part-time)—Arbitrated appeals from personnel disciplinary actions.

ATTORNEY GENERAL'S OFFICE, DEPARTMENT OF JUSTICE, STATE OF CALIFORNIA—Los Angeles, California 1995–96. Legal Intern (part-time)—Wrote briefs, motions, and memos; performed legal research in support of Deputy Attorneys General; assisted in trial preparation.

COMPUTER SCIENCES CORPORATION—El Segundo, California 1993—95. Senior Management Consultant—Developed Information Systems Strategic Plan and Architecture for United States Air Force, Materiel Systems Command, Los Angeles Air Force Base (LAAFB). Delivered an integrated, base-wide strategic plan encompassing reengineered business processes, network operating systems, e-mail, and network security for over 25 unique, on-base Air Force organizations with disparate computer and network platforms.

TRW SPACE & DEFENSE (ELECTRONIC SYSTEMS GROUP), Redondo Beach, CA. 1988–93. Network Systems Engineer-Led team in design, development, and implementation of a reengineered purchase order processing system using state-of-the-art client-server technology linked with the corporate network. Implemented software upgrade for Procurement EDI application .and integrated with batch FTP transfer from mainframe. Responsible for implementation, administration, and security of multiple, inter-connected local area network servers running SCO UNIX, AT&T System V.4, and SUN OS over TCP/IP, and DOS/Windows clients.

PRICE WATERHOUSE, OFFICE OF GOVERNMENT SERVICES, Los Angeles, California 1987. Senior Consultant Created functional model for reengineered application in support of ''Los Angeles Employees Retirement Association'' (LACERA) software development project team.

XEROX CORPORATION, PRINTING SYSTEMS DIVISION, El Segundo, California 1985–87. Senior Analyst/Programmer-Supervised two analyst/programmers and coordinated design, development and implementation of purchase order entry system for Printing Systems Division.

TRANSAMERICA CORPORATION, Los Angeles, California 1983–85. Analyst/Programmer-Assisted in design, development, and implementation of a nation-wide information system enabling insurance agents to submit customer applications for insurance coverage directly

into the mainframe computer in the home office from field offices across the country.

TEACHING EXPERIENCE:

* UNIVERSITY OF PHOENIXON-LINE, 2001

Part-time instructor-Risk Management in a CIS Environment (Computer Security); Contracts, Ethics, and Intellectual Property;

* SANTA MONICA COLLEGE, 2001.

Part-time instructor-introduction to Computer Systems;

* CALIFORNIA STATE UNIVERSITY, LOS ANGELES, 2001.

Part-time insfrucfor-Internet security.

LOYOLA LAW SCHOOL, Los Angeles, California.

Juris Doctor—December 1996.

Dean's List Honors, 1995.

California State Bar Foundation—Public Service Grant 1996.

UNIVERSITY OF SOUTHERN CALIFORNIA, Los Angeles, California.

Master of Science, Information Systems Management—May 1990.

CALIFORNIA STATE UNIVERSITY, LOS ANGELES, California.

Bachelor of Science in Business, Minor in Business Information Systems—June 1983.

Dean's List Honors, 1982.

ADMITTED TO PRACTICE

State Bar of Utah—May 2000, Active Member.

ARTICLES, STANDARDS ACTIVITY, PRESENTATIONS, AND COURSES TAUGHT:

PUBLISHED ARTICLES:

* Electronic Filing of Court Records: Standards and Open Systems (West Group 1998);

* Electronic Court Filings for Attorneys: What, Where, When, Why and How (West Group 1998);

* Into the Breach.'' Understanding Security Issues Involved in Commerce on the Internet—Parts I and II, The DataLaw Report, (Clark, Boardman, and Callaghan 1997);

* The Troubling Truth About ''Trust'' on the Internet, Journal of Electronic Commerce, (EDI Group, Ltd. 1997);

COMPUTER SECURITY, PKI STANDARDS, AND RELATED ACTIVITY:

* Internet Engineering Task Force (IETF) ''RFC 2527,'' Internet X. 509 Public Key Infrastructure Certificate Policy and Certification Practices Framework, attributed contributor (March 1999);

* GUIDES—Guidelines, Methodologies and Standards to set up a CA for Digital Signatures, European

Commission, attributed contributor (June 2000); * American Bar Association (ABA), Information Security Committee, Digital Signature Guidelines, drafter (August 1996).

* High-Technology Crime Investigation Association—Southern California Chapter, Member.

* Internet Corporation for Assigned Names and Numbers (ICANN)—Member At Large.

PRESENTATIONS AND COURSES TAUGHT:

* Risk Management in a CIS Environment, University of Phoenix On-line, July-August 2001.

* Certificate Policies and Certification Practice Statements in a Network Trust Model, The Internet Security Conference (TISC), October 1999 Boston, MA;

* Electronic Filing of Court Records: Standards and Open Systems, American Bar Association Annual Meeting, Presidential CLE 1998.

* Electronic Filing of Court Records: A Conceptual Framework, 1998 ABA TechShow;

* Introduction and Intermediate Public-key Infrastructure (PKI); Digital Signature, and Related Standards at the State, Federal, and International Levels; Certificate Policies and Certification Practice Statements (Entrust) 1999;

* Introduction to UNIX Operating System, San Jacinto Community College, Clear Lake Texas, (NASA) 1997.

FOREIGN LANGUAGES:

French (Fluent), Spanish (Proficient).

MTC–00029415

From: Robert Heath
To: Microsoft ATR
Date: 1/28/02 11:51pm
Subject: Microsoft Settlement

Hello,

I just wanted to share my opinion on the Microsoft Settlement. As it stands, I don1t see how the current proposal of basically flooding the market with Windows-based PCs would create or foster a competitive environment. I truly hope those making the decisions think things through and see this as what seems to be an underhanded and sneaky way to comply with a demand without really complying at all.

Robert P Heath
Panama City, FL

MTC–00029416

From: HGoeppele@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 11:51pm
Subject: Microsoft Settlement
Mary Ann Goeppele
15943 NE 139th Place
Woodinville, Washington 98072
January 28, 2002
Attorney General
John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing you today on behalf of my husband and myself in regards to Microsoft. We both support this company whole-heartedly, and we believe this litigation should be ended. During a time when we are facing many pressing national and economic issues, we should not continue to spend precious time and resources concentrating on Microsoft.

In our opinion, the proposed settlement is more than adequate to deal with the issues in this case. Microsoft has pledged to share more information with other companies and be monitored by a technical oversight committee for compliance. Microsoft has also agreed to design future versions of Windows to make it easier to install non-Microsoft software. This settlement is complete and thorough.

We are also concerned about the negative effect the continuation of this litigation will have on the Seattle area economy. As a result of major Boeing lay-offs, Washington State now has one of the highest unemployment rates in the country. Dragging out this issue further will have an even more detrimental effect on the local economy. It is time to end this litigation and focus our energies on more pertinent issues. Thank you for your support.

Sincerely,
MaryAnn Goeppele

MTC–00029417

From: Susan Handy
To: Microsoft Settlement
Date: 1/28/02 11:47pm
Subject: Microsoft Settlement
Susan Handy
4560 Kings Crossing Drive
Kennesaw, GA 30144
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Susan J. Handy

MTC–00029418

From: Michael Hemond
To: Microsoft ATR
Date: 1/28/02 11:52pm
Subject: Microsoft Settlement

To whom it may concern,

I am writing to express my concern with the proposed settlement of United States v. Microsoft Corp., Civil No. 98–1232.

I am a regular user of both Microsoft Windows and a distribution of the operating system known as Linux. I am not a professional software developer, but I have at times written software for both platforms. In essence, my concern is that the proposed remedy for Microsoft's anticompetitive behavior will not restore competition even if its intent is enforced and it is effective in curbing illegal actions.

In my view, a key feature of a competitive operating system market is that users have

the option not to purchase or use any given any given operating system (OS). Specifically, competition in the OS market will be restored only when it is feasible for most users to elect not to purchase Microsoft Windows for a given application.

Unfortunately, a consequence of Microsoft's dominance in many markets is that its ''file formats'' have become de facto standards. (By ''file formats,'' I am referring to the methods used by applications such as Microsoft Word to encode data such as text, document layout, images, etc.) These formats are not publicly available. Attempts at deciphering certain formats have been made by (for example) Sun Microsystems'' StarOffice; however, reverse engineering complete functionality is extremely difficult and has not yet been accomplished successfully for many important formats. Furthermore, changes to such formats are not difficult for Microsoft relative to the burden placed on attempted competitors in deciphering any new changes.

The result of this ''standardization'' of proprietary formats, combined with Microsoft's policy of releasing the applications using these formats only for Windows (although there are exceptions, e.g. Microsoft Word for MacOS), is that potentially competing OS'es cannot run applications that interoperate reliably with these ''standards.'' Thus, anyone wishing to use these ''standard'' formats, even for purposes of e.g. backwards compatibility with existing documents, must purchase not only the relevant Microsoft application but also Microsoft Windows. Such a user may also use other OS'es but is effectively required to purchase Windows. Please note that I do not believe that Microsoft's conduct regarding file formats is illegal, and to my knowledge it has not been found to be so in any court of law. However, I do believe that it will be impossible to restore competition to the OS market unless the issue of file formats is addressed, given the dominant position held by Microsoft. If the fruits of Microsoft's illegal behavior are to be negated successfully, the final remedy must address this issue. An obvious solution would be to require from Microsoft full disclosure of information necessary to flawlessly read and produce files of any Microsoft application. Such a remedy could be similar in spirit to, but more broad than, part III.E of the revised proposed Final Judgement (requiring disclosure of any communications protocols necessary for interoperating with a Microsoft OS).

Thank you for giving me the opportunity for comment. I look forward to a settlement addressing these issues and a more competitive operating system market.

Sincerely,
Michael Hemond

MTC–00029419

From: Michael Greisman
To: Microsoft ATR
Date: 1/28/02 11:55pm
Subject: Microsoft Settlement

To whom it may concern,

My observations of Microsoft's outrageous behaviors in court and in business lead me to believe that nothing short of dismemberment of the corporation will control its behavior.

I disapprove of this settlement, and hope that the Justice Department presses its case once more for a splitting of Microsoft into several completely separate companies.

Nothing I observed over the years of this case indicates that Microsoft ever intends to comply with the intent of a judicial ruling. Even if this settlement succeeded in controlling Microsoft's behavior for a number of years, I am convinced that Microsoft would immediately reknew its anticompetitive actions as soon as its restrictions ended.

Instead, I hope to see Microsoft split into three, four, or more separate and unrelated companies: operating systems (e.g. Windows), software (e.g. Office), hardware (e.g. XBox), and ISP (MSN). Since Microsoft sees fit to attempt to dominate in every popular technology-related market, there may be other divisions to split off, as well. Only then can we hope for Microsoft to cease using its near-monopoly on PC operating systems to leverage its position in every other market.

Thank you for your attention.
Sincerely,
Michael Greisman
Webmaster
Scanalytics, Inc.
703–208–2230
mgreisman@scanalytics.com
Michael Greisman
Applications Scientist Scanalytics, Inc.
mgreisman@scanalytics.com

MTC–00029420

From: Landon Derentz
To: Microsoft ATR
Date: 1/28/02 11:53pm
Subject: Microsoft Setlment

Dear judge,

Microsoft is in my opinion, has broken in the past and will continue to break many anti-trust laws with this back-room deal. The PFJ will not only allow Microsoft to have an unfair advantage on the market, but will also hinder other companies such as Netscape in having a fair chance at this thing called capitalism. Please do not allow this deal to go through. Thank you.

Sincerely,
Landon Derentz
907 West 28th St.
Los Angeles, CA 9007
CC:dkleinkn@yahoo.com@inetgw

MTC–00029421

From: juan alejandro urquizo-Soriano
To: Microsoft ATR
Date: 1/28/02 11:54pm
Subject: Microsoft settlement

Dear Sir:

Microsoft is a real threat,They are the biggest monopoly I have ever seen. Please help the people of the world.

Juan

MTC–00029422

From: David Gallardo
To: Microsoft ATR
Date: 1/28/02 11:54pm
Subject: Microsoft Settlement

I am strongly opposed to the settlement. It is too little, too late.

In the time between the rulings finding Microsoft guilty of violating antitrust laws, Microsoft has increased its dominance of the market even further, by continuing to use the same type of anticompetive business practices.

Punishing Microsoft for its business practices will not quash innovation as they and their supporters claim. On the contrary, by allowing healthy competition to thrive, it will encourage innovation.

Best regards—
David Gallardo

MTC–00029423

From: Bruce C. Pippin
To: Microsoft ATR
Date: 1/28/02 11:55pm
Subject: I am backing Microsoft

Well, I don't know what comment I could make that isn't obvious to at least a large part of the population. I'm not an historian nor am I an attorney. I am but a simple consumer.

There is little doubt in my mind that every man, woman and child on the planet is aware of the case against Microsoft. In at least a general sense, we all know the jest of the case. I think consumers have already responded to the case brought forward by a small handful of attorney's.

Yes, I think we responded well to the needs of a few attorney generals that need to ''protect us'' from ''evil''. Oh yes ... We all know about the righteous.

Before, during, and after this case the general public will continue to appreciate Microsoft innovations. We will continue to purchase their products. I have, over time, used some of Microsoft's competitors products (Netscape for example). I have no doubt that these competitors did not fail due to practices by Microsoft, but by their own hands. Even when given the choice (which we have always had) we have made the choice to pick Microsoft products.

It is sad that only after millions of dollars and several years will we all have the opportunity to reflect on current events and realize what nincompoops these attorney's are for pursuing a case against Microsoft. I back dropping this case against Microsoft without any reservations. One citizen ... And there's my one vote.

No, among other things, I am not an eloquent writer, but I did feel compelled to voice an opinion.

Regards
Bruce C. Pippin

MTC–00029424

From: Brian Fristensky
To: Microsoft ATR
Date: 1/28/02 11:53pm
Subject: Comments on Microsoft Antitrust case

Please see attached HTML file.

Brian Fristensky ... now Microsoft has a new version Department of Plant Science I out, Windows XP, which according to University of Manitoba I everybody is the ''most reliable Winnipeg, MB R3T 2N2 CANADA I Windows ever''. To me, this is frist@cc.umanitoba.ca I like saying that asparagus is Office phone: 204–474–6085 I ''the most articulate vegetable ever.'' FAX: 204–474–7528 http://home.cc.umanitoba.ca/frist—Dave Barry

Comments on Civil Action No. 98–1233 (CKK) United States of America vs. Microsoft Corporation State of New York et al. vs. Microsoft Corporation by

Brian Fristensky
Associate Professor
Department of Plant Science
University of Manitoba
Winnipeg, MB, Canada R3T 2N2
Phone: 204–474–6085 FAX: 204–474–7528
frist@cc.umanitoba.ca
http://home.cc.umanitoba.ca/frist

Judge Colleen Kollar-Kelly
microsoft.atr@usdoj.gov

Dear Judge Kollar-Kelly,

I wish to comment on the Microsoft Antitrust case awaiting judgment in your court. To keep things brief, I shall focus on points that I think have not been adequately brought out in the proceedings of which I am aware.

Point of information:

I am an Associate Professor in the Department of Plant Science at the University of Manitoba in Winnipeg, Canada. I have been doing research in molecular biology for over 20 years. I was also instrumental in the original development of software for DNA sequence analysis, beginning in 1979. I am an active contributor to the field of Bioinformatics, which has gained recognition recently in its role in sequencing the human genome.

Finally, I am an American citizen.

A. The effects of Microsoft's practices, and the indirect effects of its ''de facto standard''

1. The Microsoft culture

It has been well established in court proceedings that Microsoft has a long history of premeditated anti competitive practices. The main point I want to make is that the decision making process at Microsoft is centered around leveraging the existing monopoly to maintain the monopoly. When you have the monopoly advantage, you choose different strategies than a company that uses different premises for decision making, such as ''we need to be competitive'' or ''let's make the best product possible, and then figure out how to best market it.'' Microsoft's decision making, as shown in documents already presented to the court, has become entrenched in the practice of monopoly.

It is this type of mindset that allows Microsoft to treat its customers with contempt. The most glaring example is the Mail and News program, Outlook Express (OE). OE, through its feature of allowing the user to directly click on any icon in an email or news message, resulting in the haunch of an application, is fundamentally insecure. Even after repeated spread of viruses such as the ''Melissa'' virus, each time on a world-wide scale, Microsoft has refused to eliminate this feature from OE. Similarly, the integration of Visual Basic into applications such as MS Word makes it possible for viruses to propagate via text documents. In both cases, Microsoft has completely ignored security experts who advise that these strategies are fundamentally insecure, and remain invitations to an endless stream of viruses. Only a company with an arrogant certainty of market domination could afford to ignore such obvious flaws in its software.

2. The fact of monopoly results in de facto anti competitive effects

a) ''No one was ever fired for buying Microsoft''. In fact, this quote is based on an earlier generation quote ''No one was ever fired for buying IBM''. People make decisions not based upon whether a product is better, but they buy the MS product because it is a safe, defensible decision for which they can't be criticized.

Examples:

i) Long after NCSA Mosaic, and its successor, Netscape were introduced, Microsoft created Internet Explorer (IE). Even though IE was clearly an inferior product for several years, it quickly gained market share. Further leveraging of the Windows platform resulted in the ultimate domination of the browser market, at the expense of Netscape.

ii) RealPlayer and other products from www.real.com virtually created the market for browser-based multimedia. Yet, with the bundling of Windows Media Player (WMP), this established platform is losing ground. Why develop for RealPlayer when you can count on everybody having WMP?

iii) At one time there was a competitive market among word processors, spreadsheets, and drawing/presentation programs. Corel Word Perfect, Quattro Pro, and CorelDraw/ CorelPresents were viable competitors to MS Word, MS Excell, and Powerpoint. Today, the MS products are overwhelmingly the only products in widespread use.

In each case, the Microsoft product took over an already existing market, not by being better, but simply, because it was made by Microsoft. These examples illustrate the point that the de facto aspects of the Microsoft monopoly are far more pernicious than the deliberate anti competitive practices. Put another way, everybody buys Microsoft because everybody has Microsoft. This phenomenon ensures the continuation of the Microsoft monopoly. One might call this the ''market share cycle''.

b) Why develop for other platforms when Windows is the only one that anyone uses. Just about any software developer will tell you that they develop for Windows because it is the dominant desktop platform. Although virtually all computer science professors will teach their students that software development should aim to be platform-independent (for very good reasons), the reality of the marketplace is such that this advice is ignored. Developers, not surprisingly, develop for platforms with a large market share. For most software developers, even developing for the Macintosh platform is not worth their while, because it is such a small percentage of the market share. The net result is that no one chooses which platform to develop for, based on criteria such as quality of the platform, or ease of development. There is no choice at all. They develop for Windows.

Put another way, everybody develops for Windows because everybody develops for Windows. The process is self-perpetuating.

c) The self-perpetuating Microsoft monopoly impedes the evolution of computing There are alternatives to the desktop computing model of MS-Windows. While Macintosh is the most visible competitor, Linux is also a credible contender. As well, server-based solutions such as Sun Microsystem's iPlanet platform (http://www.sun.com/software/sunone/ overview/platform/), make it possible for both novice users and high-tech users to replace the desktop computer entirely with a user-friendly graphic terminal, or to run applications remotely through a browser.

The latter is a viable model as high-speed Internet connections proliferate, especially because they eliminate the need for the user to do any system administration, and insulate the user from the hardware obsolescence, and allow the user to access their computer files and applications from anywhere in the world. Such alternative solutions are in fact used by a very small number of users. They are only slowly gaining ground due to the Microsoft monopoly. The users of these alternative platforms would all argue that they do so because these platforms are superior to the Windows platform. Whether any or all of these alternatives is actually superior is moot. A putatively-superior computing platform simply can not compete with the de facto Microsoft standard.

d) The Microsoft monopoly has a negative effect on the quality of alternative systems. Even those of us who have chosen to use systems other than Microsoft Windows feel the negative impact of the monopoly. In my own case, I have operated my research laboratory, and performed all my teaching duties, almost exclusively on the Sun Unix system. Detailed examples can be found at http://home.cc.umanitoba.ca/psgendb/nc/. At home, my family and I exclusively use Linux.

While the members of my lab group, myself, and my students have often been ahead of the curve in utilizing networked computing resources, there have been a number of stumbling blocks resulting from the Microsoft monopoly. Probably the greatest problem is the fact that the choice of applications available on the Sun Unix system or Linux is much smaller than on Windows, due to the much smaller desktop market share of these systems. Again, developers won't write for these systems because the market share is small, and the market share stays small because the applications aren't available. When new hardware devices are marketed (eg. CD–ROM drives, printers, video cards etc.) the manufacturers seldom write drivers for non-Microsoft platforms. At the same time, they often refuse to make their specifications public, forcing the Linux community to reverse engineer new models in order to write device drivers.

The market share cycle also influences such fundamental things as the ability to purchase alternative systems. All computer stores sell computers with MS Windows preloaded. Only a small number of vendors will sell Linux pre-loaded, even though Linux is freely available. In many cases, a person wishing to run Linux might actually have to buy a Windows machine, thus paying for Windows, and then erase the hard drive and replace it with Linux. This phenomenon is sometimes referred to as the ''Microsoft Tax''. As well, because the user has to take the extra step of installing Linux, Linux is falsely perceived as being less user friendly. This would not be the case if the consumer

had a choice of buying a pre-installed Linux system.

The self-perpetuating Microsoft monopoly therefore results in an arguably flawed operating system maintaining control of the direction of computing, even when better alternatives exist.

B. A behavioral remedy is inadequate because:

* It does not break the market share cycle. As long as Microsoft remains the ''1 stop shopping'' choice for all software needs, no alternative platform, whatever its merits, can compete. Even worse, as the Windows platform continues to scale to midrange servers, that vertical integration will make the Windows platform even harder for IT decision makers to avoid.

* It guarantees endless litigation. MS has managed to make a career out of doing what it wants anyway, while tying up cases in courts for years while competitors flounder.

* It still leaves the MS anti competitive culture intact. The Microsoft corporate culture, as the company is now structured, is oriented toward perpetuating the monopoly. As long as Microsoft remains intact, the culture and attitudes of its employees will be perpetuated.

* One of the recommendations of the joint DO J/Microsoft settlement released in September is that Microsoft should be required to make its software available on other operating systems besides Windows. This might actually result in a further domination of the desktop market, because, due to the ''No one ever got fired for buying Microsoft'' phenomenon. Software that is currently common on non-Windows systems might be pushed out of the market by the perceived ''industry standard'' application. The goal should not be to encourage MS to grab an even larger market share.

Rather, it should be to eliminate the self-propagating domination of the market share that prevents competitors from vying for some of that market share.

C. Microsoft should be broken into several smaller companies

It is my contention that behavioral remedies will not correct the fundamental problems caused by Microsoft's domination of desktop computing. My basic point is that if the settlement is to be truly fair, then Microsoft should be put onto the same level playing field as other companies. It must be forced to make its decisions based on a competitive model, not a domination model.

The structural remedy should be based on the breakup of Microsoft into several companies. There may be many possibilities, and it must be recognized that the breakup should not make it impossible to do business, and should not be structured such that its implementation would be disruptive to the world of computer users, most of whom currently use Windows and MS Office. One such structural remedy would see Microsoft broken into different companies specializing in specific product areas:

1. Operating system

2. Office (current MS-Office: WORD, Powerpoint etc.)

3. Internet and Enterprise services (IIS, Internet Explorer, Outlook Express)

4..NET—API development tools

5. Applications (graphics, multimedia, etc.)

I believe that breakup into even 2 companies does not adequately curb the monopoly effect. It is too easy for two companies to coordinate efforts. It is more difficult for a larger number to coordinate. It also requires a greater effort on the customer's part to end up buying everything from an MS company, rather than buying some from MS, some from IBM, some from Sun, and others from another party.

Other stipulations:

* None of these companies may use the name ''Microsoft'' or ''Windows''. Each company will independently choose new names (eg. Gatesware, Redmond OS, IIS Systems, .NET inc.) This makes it a little more difficult for the ''Microsoft'' product to be automatically recognized and chosen solely for its name. It should be pointed out that MS really can't argue that it will be hurt one bit by a name change. Name changes in very large corporations happen all the time, especially in cases of mergers and acquisitions (eg. Esso to Exxon, AgrEvo to Aventis, Allegheny Airlines to USAir)

The resultant companies are not permitted free access to resources of other former MS companies. They must license use of software, or access to source code, on the same terms as any other OEM, developer, or other partner. That is, if a former MS company licenses something from another former MS company, the same licensing terms must be made available to all interested OEMs or developers.

MS companies are not allowed to dictate terms of inclusion or exclusion of other 3rd party software to any OEM or developer wishing to license products of former MS companies.

Current Microsoft corporate structure: http://www.microsoft.com/press pass/corpprofile.asp

One might argue that a structural remedy is somehow ''unfair'' or overly punitive. However, Microsoft holds no sacrosanct position of privilege. There is no imperative that Microsoft must remain as a pillar of the American way. It is not entrenched in our constitution. It is simply a company that was successful at a certain business strategy, at the expense of the ruin of many other companies.

D. Benefits of a structural remedy

1) It works automatically, and requires less monitoring.

2) It lets smaller companies compete piece by piece with MS, rather than having to compete with the full bundled MS array of products.

Today, an OEM or an IT department really makes few decisions about what to put on their new computers. The choice of OS is a ''no-brainer'', because everybody uses Windows, and most software is developed for Windows. MS-Office is usually bundled with Windows, so there's no choice there. With WindowsXP, a full multimedia package is bundled—again no decision is made. If bundling were eliminated, OEMs and IT departments might return to making decisions about what kind of components best meet their needs, rather than just ''voting the straight ticket'' for Microsoft.

3) Business and home computer users will not be harmed by a Microsoft breakup.

As non-Windows users like myself have demonstrated, one can work just as easily on non-Windows platforms. Especially in the Open Software sector, there are alternatives for most of the main types of applications available on the Windows platform, including applications for office tasks (word processors, spreadsheets, drawing and presentation, calendars), multimedia (MIDI, MP3, video etc.), Internet (web browsers, mailers, FTP, telnet etc.) At the enterprise level, server-oriented tasks such as database management, web serving, application serving and such are strongly represented on alternative platforms such as Unix or IBM's AS400. As well, a Microsoft breakup doesn't mean that Microsoft will go away. It simply means that the consumer will have to explicitly choose Microsoft, rather than having no choice at all.

4) The evolution of computing will not be driven by a single computing platform.

Regardless of whether or not one believes that the Windows platform is good or inferior, the fact remains that it is a monolithic platform. For the average desktop user, Windows is synonymous with computing. The more deeply intertwined the different parts of Windows are allowed to become, the less chance there will be for evolution of ANY part in a way other than that decreed by Microsoft. Microsoft's current strategy is to continue evolving its desktop model of computing to higher levels of computing, such as enterprise file:///C√/win/temp/tristens. computing or supercomputing, where it is a very poor model. Yet, the sheer inertia of Microsoft's market share will drive this system even into places in which it is not an appropriate solution. A set of smaller companies derived from Microsoft would not have the same power over the development of computing, allowing for greater diversity, which is key to any evolutionary process.

E. Closing remarks

Perhaps as good an argument as any from breaking up Microsoft is because computing has become central to almost every aspect of life in the modem world. Computing is unlike, say the oil industry, or the food industry. No car runs on just one brand of gasoline, and people buy a variety of foods because they like variety. When you couple our great dependence on computers in all walks of life, with the monolithic structure nature of desktop computing as controlled by a single company, the result is that the company that dominates that computing infrastructure has some degree of control on most aspects of our modem life. The level of power wielded by Microsoft is frightening. The fact that they had sufficient clout to cause the US Justice Department to reverse its position on a breakup is a chilling example of that power. The fact that Microsoft has maintained its arrogant domination of the computer market, and been allowed to do so with impunity, should be cause for alarm.

It is not unAmerican for any branch of government, executive, legislative or judicial, to limit the power of a private corporation, if that corporation is usurping powers that should rightly be exercised by the government or by the free market. Bill Gates was not elected by voters. The management

of Microsoft is not accountable to the public. The antitrust laws were wisely enacted in recognition of the fact that non-elected entities such as corporations could sometimes wield too much power. It is the job of the judiciary to ensure that they are not allowed to do so.

Comments on Civil Action No. 98–1233 (CKK) United States of America vs. Microsoft Corporation State of New York et al. vs. Microsoft Corporation by Brian Fristensky

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Judge Colleen Kollar-Kelly
microsoft.atr@usdoj.gov

Dear Judge Kollar-Kelly,

I wish to comment on the Microsoft Antitrust case awaiting judgment in your court. To keep things brief, I shall focus on points that I think have not been adequately brought out in the proceedings of which I am aware.

Point of information:

I am an Associate Professor in the Department of Plant Science at the University of Manitoba in Winnipeg, Canada. I have been doing research in molecular biology for over 20 years. I was also instrumental in the original development of software for DNA sequence analysis, beginning in 1979. I am an active contributor to the field of Bioinformatics, which has gained recognition recently in its role in sequencing the human genome.

Finally, I am an American citizen.

A. The effects of Microsoft's practices, and the indirect effects of its ''de facto standard''

1. The Microsoft culture

It has been well established in court proceedings that Microsoft has a long history of premeditated anti competitive practices. The main point I want to make is that the decision making process at Microsoft is centered around leveraging the existing monopoly to maintain the monopoly. When you have the monopoly advantage, you choose different strategies than a company that uses different premises for decision making, such as ''we need to be competitive'' or ''let's make the best product possible, and then figure out how to best market it.'' Microsoft's decision making, as shown in documents already presented to the court, has become entrenched in the practice of monopoly.

It is this type of mindset that allows Microsoft to treat its customers with contempt. The most glaring example is the Mail and News program, Outlook Express (OE). OE, through its feature of allowing the user to directly click on any icon in an email or news message, resulting in the launch of an application, is fundamentally insecure. Even after repeated spread of viruses such as the ''Melissa'' virus, each time on a world-wide scale, Microsoft has refused to eliminate this feature from OE. Similarly, the integration of Visual Basic into applications such as MS Word makes it possible for viruses to propagate via text documents. In both cases, Microsoft has completely ignored security experts who advise that these strategies are fundamentally insecure, and remain invitations to an endless stream of viruses. Only a company with an arrogant certainty of market domination could afford to ignore such obvious flaws in its software.

2. The fact of monopoly results in de facto anti competitive effects

a) ''No one was ever fired for buying Microsoft''. In fact, this quote is based on an earlier generation quote ''No one was ever fired for buying IBM''. People make decisions not based upon whether a product is better, but they buy the MS product because it is a safe, defensible decision for which they can't be criticized.

Examples:

i) Long after NCSA Mosaic, and its successor, Netscape were introduced, Microsoft created Internet Explorer (IE). Even though IE was clearly an inferior product for several years, it quickly gained market share. Further leveraging of the Windows platform resulted in the ultimate domination of the browser market, at the expense of Netscape.

ii) RealPlayer and other products from www.real.com virtually created the market for browser-based multimedia. Yet, with the bundling of Windows Media Player (WMP), this established platform is losing ground. Why develop for RealPlayer when you can count on everybody having WMP?

iii) At one time there was a competitive market among word processors, spreadsheets, and drawing/presentation programs. Corel Word Perfect, Quattro Pro, and CorelDraw/CorelPresents were viable competitors to MS Word, MS Excell, and Powerpoint. Today, the MS products are overwhelmingly the only products in widespread use.

In each case, the Microsoft product took over an already existing market, not by being better, but simply, because it was made by Microsoft. These examples illustrate the point that the de facto aspects of the Microsoft monopoly are far more pernicious than the deliberate anti competitive practices. Put another way, everybody buys Microsoft because everybody has Microsoft. This phenomenon ensures the continuation of the Microsoft monopoly. One might call this the ''market share cycle''.

b) Why develop for other platforms when Windows is the only one that anyone uses. Just about any software developer will tell you that they develop for Windows because it is the dominant desktop platform. Although virtually all computer science professors will teach their students that software development should aim to be platform-independent (for very good reasons), the reality of the marketplace is such that this advice is ignored. Developers, not surprisingly, develop for platforms with a large market share. For most software developers, even developing for the Macintosh platform is not worth their while, because it is such a small percentage of the market share. The net result is that no one chooses which platform to develop for, based on criteria such as quality of the platform, or ease of development. There is no choice at all. They develop for Windows.

Put another way, everybody develops for Windows because everybody develops for Windows. The process is self-perpetuating.

c) The self-perpetuating Microsoft monopoly impedes the evolution of computing There are alternatives to the desktop computing model of MS-Windows. While Macintosh is the most visible competitor, Linux is also a credible contender. As well, server-based solutions such as Sun Microsystem's iPlanet platform (http://www.sun.com/software/sunone/overview/platform/), make it possible for both novice users and high-tech users to replace the desktop computer entirely with a user-friendly graphic terminal, or to run applications remotely through a browser.

The latter is a viable model as high-speed Internet connections proliferate, especially because they eliminate the need for the user to do any system administration, and insulate the user from the hardware obsolescence, and allow the user to access their computer files and applications from anywhere in the world. Such alternative solutions are in fact used by a very small number of users. They are only slowly gaining ground due to the Microsoft monopoly. The users of these alternative platforms would all argue that they do so because these platforms are superior to the Windows platform. Whether any or all of these alternatives is actually superior is moot. A putatively-superior computing platform simply can not compete with the de facto Microsoft standard.

d) The Microsoft monopoly has a negative effect on the quality of alternative systems. Even those of us who have chosen to use systems other than Microsoft Windows feel the negative impact of the monopoly. In my own case, I have operated my research laboratory, and performed all my teaching duties, almost exclusively on the Sun Unix system. Detailed examples can be found at http://home.cc.umanitoba.ca/psgendb/nc/. At home, my family and I exclusively use Linux.

While the members of my lab group, myself, and my students have often been ahead of the curve in utilizing networked computing resources, there have been a number of stumbling blocks resulting from the Microsoft monopoly. Probably the greatest problem is the fact that the choice of applications available on the Sun Unix system or Linux is much smaller than on Windows, due to the much smaller desktop market share of these systems. Again, developers won't write for these systems because the market share is small, and the market share stays small because the applications aren't available. When new hardware devices are marketed (eg. CD-ROM drives, printers, video cards etc.) the manufacturers seldom write drivers for non-Microsoft platforms. At the same time, they often refuse to make their specifications public, forcing the Linux community to reverse engineer new models in order to write device drivers.

The market share cycle also influences such fundamental things as the ability to purchase alternative systems. All computer stores sell computers with MS Windows preloaded. Only a small number of vendors will sell Linux pre-loaded, even though Linux is freely available. In many cases, a person wishing to run Linux might actually have to buy a Windows machine, thus paying for Windows, and then erase the hard drive

and replace it with Linux. This phenomenon is sometimes referred to as the ''Microsoft Tax''. As well, because the user has to take the extra step of installing Linux, Linux is falsely perceived as being less user friendly. This would not be the case if the consumer had a choice of buying a pre-installed Linux system. flawed operating system maintaining control of the direction of computing, even when better alternatives exist.

B. A behavioral remedy is inadequate because:

* It does not break the market share cycle. As long as Microsoft remains the ''1 stop shopping'' choice for all software needs, no alternative platform, whatever its merits, can compete. Even worse, as the Windows platform continues to scale to midrange servers, that vertical integration will make the Windows platform even harder for IT decision makers to avoid.

* It guarantees endless litigation. MS has managed to make a career out of doing what it wants anyway, while tying up cases in courts for years while competitors flounder.

* It still leaves the MS anti competitive culture intact. The Microsoft corporate culture, as the company is now structured, is oriented toward perpetuating the monopoly. As long as Microsoft remains intact, the culture and attitudes of its employees will be perpetuated.

* One of the recommendations of the joint DO J/Microsoft settlement released in September is that Microsoft should be required to make its software available on other operating systems besides Windows. This might actually result in a further domination of the desktop market, because, due to the ''No one ever got fired for buying Microsoft'' phenomenon. Software that is currently common on non-Windows systems might be pushed out of the market by the perceived ''industry standard'' application. The goal should not be to encourage MS to grab an even larger market share.

Rather, it should be to eliminate the self-propagating domination of the market share that prevents competitors from vying for some of that market share.

C. :Microsoft should be broken into several smaller companies

It is my contention that behavioral remedies will not correct the fundamental problems caused by Microsoft's domination of desktop computing. My basic point is that if the settlement is to be truly fair, then Microsoft should be put onto the same level playing field as other companies. It must be forced to make its decisions based on a competitive model, not a domination model.

The structural remedy should be based on the breakup of Microsoft into several companies. There may be many possibilities, and it must be recognized that the breakup should not make it impossible to do business, and should not be structured such that its implementation would be disruptive to the world of computer users, most of whom currently use Windows and MS Office. One such structural remedy would see Microsoft broken into different companies specializing in specific product areas:

1. Operating system
2. Office (current MS-Office: WORD, Powerpoint etc.)
3. Internet and Enterprise services (IIS, Internet Explorer, Outlook Express)
4..NET—API development tools
5. Applications (graphics, multimedia, etc.)

I believe that breakup into even 2 companies does not adequately curb the monopoly effect. It is too easy for two companies to coordinate efforts. It is more difficult for a larger number to coordinate. It also requires a greater effort on the customer's part to end up buying everything from an MS company, rather than buying some from MS, some from IBM, some from Sun, and others from another party.

Other stipulations:

* None of these companies may use the name ''Microsoft'' or ''Windows''. Each company will independently choose new names (eg. Gatesware, Redmond OS, IIS Systems, .NET inc.) This makes it a little more difficult for the ''Microsoft'' product to be automatically recognized and chosen solely for its name. It should be pointed out that MS really can't argue that it will be hurt one bit by a name change. Name changes in very large corporations happen all the time, especially in cases of mergers and acquisitions (eg. Esso to Exxon, AgrEvo to Aventis, Allegheny Airlines to USAir)

The resultant companies are not permitted free access to resources of other former MS companies. They must license use of software, or access to source code, on the same terms as any other OEM, developer, or other partner. That is, if a former MS company licenses something from another former MS company, the same licensing terms must be made available to all interested OEMs or developers.

MS companies are not allowed to dictate terms of inclusion or exclusion of other 3rd party software to any OEM or developer wishing to license products of former MS companies.

Current Microsoft corporate structure: http://www.microsoft.com/press pass/corpprofile.asp

One might argue that a structural remedy is somehow ''unfair'' or overly punitive. However, Microsoft holds no sacrosanct position of privilege. There is no imperative that Microsoft must remain as a pillar of the American way. It is not entrenched in our constitution. It is simply a company that was successful at a certain business strategy, at the expense of the ruin of many other companies.

D. Benefits of a structural remedy

1) It works automatically, and requires less monitoring.

2) It lets smaller companies compete piece by piece with MS, rather than having to compete with the full bundled MS array of products.

Today, an OEM or an IT department really makes few decisions about what to put on their new computers. The choice of OS is a ''no-brainer'', because everybody uses Windows, and most software is developed for Windows. MS-Office is usually bundled with Windows, so there's no choice there. With WindowsXP, a full multimedia package is bundled—again no decision is made. If bundling were eliminated, OEMs and IT departments might return to making decisions about what kind of components best meet their needs, rather than just ''voting the straight ticket'' for Microsoft.

3) Business and home computer users will not be harmed by a Microsoft breakup.

As non-Windows users like myself have demonstrated, one can work just as easily on non-Windows platforms. Especially in the Open Software sector, there are alternatives for most of the main types of applications available on the Windows platform, including applications for office tasks (word processors, spreadsheets, drawing and presentation, calendars), multimedia (MIDI, MP3, video etc.), Internet (web browsers, mailers, FTP, telnet etc.) At the enterprise level, server-oriented tasks such as database management, web serving, application serving and such are strongly represented on alternative platforms such as Unix or IBM's AS400. As well, a Microsoft breakup doesn't mean that Microsoft will go away. It simply means that the consumer will have to explicitly choose Microsoft, rather than having no choice at all.

4) The evolution of computing will not be driven by a single computing platform.

Regardless of whether or not one believes that the Windows platform is good or inferior, the fact remains that it is a monolithic platform. For the average desktop user, Windows is synonymous with computing. The more deeply intertwined the different parts of Windows are allowed to become, the less chance there will be for evolution of ANY part in a way other than that decreed by Microsoft. Microsoft's current strategy is to continue evolving its desktop model of computing to higher levels of computing, such as enterprise computing or supercomputing, where it is a very poor model. Yet, the sheer inertia of Microsoft's market share will drive this system even into places in which it is not an appropriate solution. A set of smaller companies derived from Microsoft would not have the same power over the development of computing, allowing for greater diversity, which is key to any evolutionary process.

E. Closing remarks

Perhaps as good an argument as any from breaking up Microsoft is because computing has become central to almost every aspect of life in the modern world. Computing is unlike, say the oil industry, or the food industry. No car runs on just one brand of gasoline, and people buy a variety of foods because they like variety. When you couple our great dependence on computers in all walks of life, with the monolithic structure nature of desktop computing as controlled by a single company, the result is that the company that dominates that computing infrastructure has some degree of control on most aspects of our modern life. The level of power wielded by Microsoft is frightening. The fact that they had sufficient clout to cause the US Justice Department to reverse its position on a breakup is a chilling example of that power. The fact that Microsoft has maintained its arrogant domination of the computer market, and been allowed to do so with impunity, should be cause for alarm.

It is not unAmerican for any branch of government, executive, legislative or judicial, to limit the power of a private corporation,

if that corporation is usurping powers that should rightly be exercised by the government or by the free market. Bill Gates was not elected by voters. The management of Microsoft is not accountable to the public. The antitrust laws were wisely enacted in recognition of the fact that non-elected entities such as corporations could sometimes wield too much power. It is the job of the judiciary to ensure that they are not allowed to do so.

MTC–00029426

From: James R. Bergman
To: Microsoft ATR
Date: 1/28/02 11:54pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse:

This is to advise you that I strongly believe that the terms of the proposed settlement—which have met or gone beyond the findings of the Court of Appeals ruling—are reasonable and fair to all parties involved. This settlement represents the best opportunity for Microsoft and the industry to move forward.

I say this with a 30-year successful business career behind me and, hopefully, even greater success ahead. But should this settlement not be finalized and a harsher penalty imposed on Microsoft, I know, not believe, that it will affect my business and most all general, old-economy businesses in a severely negative and expensive way. Similarly, the so-called new economy industries will not benefit though those that are envious of Microsoft's success and those who cannot keep up with Microsoft's efficient execution of its business plan may feel differently.

I strongly request that you support this settlement to the greatest degree possible and do all things available to you to assure its being finalized. As both a business owner and home user who has and does use many software programs as well as spends quite a few hours a week on the Internet, I am grateful for all the many wonderful things that Microsoft has accomplished and have always made available to me at reasonable and fair prices that have aided me in my business and family life. Please feel free to contact me if you wish. Should you be speaking to Joel Klein, please say ''Hi'' from an old fraternity brother (we were in Alpha Epsilon Pi, Class of 1967, Columbia College of Columbia University, NYC).

Sincerely,
James R. Bergman
910 S. Delhi Street
Philadelphia, PA 19147–3810
Phone:(215) 922–9145
Fax:(215) 922–4803
Mobile:(215) 284–1676
E-mail:jrb@strikerltd.com

MTC–00029427

From: JVMiller23
To: Microsoft ATR
Date: 1/28/02 11:53pm
Subject: Microsoft Settlement
James V. Miller
P.O.Box 12369
Mill Creek, Wa 98082
January 26, 2002
Attorney General John Ashcroft
Us Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

I am writing you today to inform you of my position regarding the Microsoft antitrust dispute. I support Microsoft in this dispute and feel that the litigation that has gone on is costly and a waste of resources. I support the Microsoft settlement reached in November, and I sincerely hope there will be no further action against Microsoft at the federal level.

This settlement was reached after extensive negotiations. Microsoft has agreed to all terms of this agreement, including terms that extend well beyond the original issues of this lawsuit, all for the sake of wrapping it up. Under this agreement, Microsoft has agreed to grant computer makers broad new rights to configure Windows to promote non-Microsoft software programs that compete with programs included within Windows. Microsoft has also agreed to license its Window operating system products to the 20 largest computer makers. This settlement will benefit companies attempting to compete.

Most importantly, this settlement will help boost our lagging economy and will benefit consumers. Microsoft should be allowed to devote its resources and talent to designing innovative products, rather than litigation. Thank you for your support.

Sincerely,

MTC–00029428

From: JSHIPPO@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 11:54pm
Subject: MIcrosoft Case
Jasper Shau
Eighth Grade

I think that Microsoft should be allowed to settle. Because Microsoft used itswindows system to distribute Internet explorer, it would a kind of monopoly. However, Microsoft does not make any money off the Internet explorer browser. Netscape is being destroyed because they make their money off their browser. If Microsoft pays enough money, and if the money goes to Netscape, it should be allowed to settle.Microsoft had already made several concessions ???We kept making concessions, and the government kept coming back with unreasonable demands, wanting us toinstall Netscape for them,??? Gates said. ???It was like hearing ???Netscape this, Netscape that,??? all the time.??? Obviously the federal government is pushing Microsoft too hard. Though if Microsoft monopolizes the browser they may charge very high fees for using it,the government would not allow them then. Even so, Microsoft says that theyhave no intention of doing so: ''' Gates says. ''In no way are we eliminating choice.'' He also bristles at the notion that Microsoft wants to turn theInternet into its personal toll road. ''We'll get our revenue from selling great software.'' In the Pac-bell incident, Pac-bell was split because it had amonopoly of basically the entire market. That is one extreme past example.

CC:ASKDOJ

MTC–00029429

From: Mike Edwards
To: Microsoft ATR
Date: 1/28/02 11:55pm
Subject: Microsoft Settlement

Microsoft is a monopoly. That is the only way I can find to describe a company who, for years, has concentrated on squashing competitors rather than improving their shoddy products.

I have used Microsoft products in various capacities for many years—starting with MS-DOS 2.10 on a home PC to Windows NT 4 / Windows 2000 in a work environment (as a system administrator, no less). All versions of Microsoft Windows I have used, starting with 3.0, have experienced severe reliability problems—and these problems have grown over time. The rest of their software seems to follow this model.

In stark contrast, there have been quite a few companies over the years who have tried to improve upon the deficencies in Microsoft's products, only to be bought out or forced out of the market by unsavory business practices (bundling, etc.), thereby leaving the market barren of competetors. Netscape is only the most recent example of predatory practices that Microsoft has been using to boost their position for years.

Microsoft is fond of claiming they ''innovate''. I don't think Microsoft has innovated a single thing in their entire existence, instead choosing to buy or steal technology belonging to others. So much for innovation.

Please, don't let this settlement go through. It will just validate Microsoft's position of providing the worst products possible. Given their history of unreliable software with an amazing number of security holes, I would think that this is the last thing you'd want to do.

Mike Edwards

MTC–00029430

From: Joe Bustamante
To: Microsoft ATR
Date: 1/28/02 11:56pm
Subject: Microsoft Settlement

As I understand the meaning and nature of the Tunney Act statutory process, its principle goal is to ensure that the people who are invariably the principle victims of all antitrust violations, that is to say the general public, have a voice in determining what is and is not in their own best interests. It seems self evident that when deciding how to remedy violations of law which harm the general public, the first principle of guarding the public interest should be to minimize the recurrence of violations by making certain the consequences to the violator always outweigh the rewards. It is unavailing to resolve the case if the violator is allowed to profit from his misdeeds in any fashion, since this only encourages others to show even greater contempt for the law. It is similarly fruitless to go to great expense proving in court the facts of eight such violations and then allow the violator to keep

the rewards of them all, and even continue committing one or more. Such seems to be the case in this matter, the United States v. Microsoft, Civil Action No. 98–1232 (CKK).

After carefully reading and researching the findings of fact and conclusions of law of the District Court, as well as the unanimous opinion of the Circuit Court of Appeals, it is apparent that the United States Department of Justice, assisted by the attorneys general of several of the States, made a very compelling and conclusive case to establish that Microsoft Corporation had engaged in an illegal campaign of antitrust violations in order to strengthen and defend their monopoly in PC operating system software.

The District Court ruled firmly that Microsoft had committed a large number of violations, and the Court of Appeals unanimously upheld eight of those. In order to analyze the effectiveness of the remedy, the first thing we must do is ensure that Microsoft is not allowed to continue or profit from any of the eight distinct violations identified by the appellate court. I will begin this analysis with a list of the nine violations as they were expressed in X sections of the appeals court's opinion, along with a brief quote of the appeals court opinion regarding each distinct violation (I preserve the heading numbers used by the court, omitting those which were overturned or remanded).

1. Licenses Issued to Original Equipment Manufacturers—''In sum, we hold that with the exception of the one restriction prohibiting automatically launched alternative interfaces, all the OEM license restrictions at issue represent uses of Microsoft's market power to protect its monopoly, unredeemed by any legitimate justification. The restrictions therefore violate s 2 of the Sherman Act.

2. Integration of IE and Windows—''Accordingly, we hold that Microsoft's exclusion of IE from the Add/Remove Programs utility and its commingling of browser and operating system code constitute exclusionary conduct, in violation of s 2.''

3. Agreements with Internet Access Providers—''Accordingly, we affirm the District Court's decision holding that Microsoft's exclusive contracts with IAPs are exclusionary devices, in violation of s 2 of the Sherman Act.''

4. Dealings with Internet Content Providers, Independent Software Vendors, and Apple Computer—''Microsoft having offered no procompetitive justification for its exclusive dealing arrangements with the ISVs, we hold that those arrangements violate s 2 of the Sherman Act.''—and—''Accordingly, we hold that the exclusive deal with Apple is exclusionary, in violation of s 2 of the Sherman Act.''

5. Java—''Because the cumulative effect of the deals is anticompetitive and because Microsoft has no procompetitive justification for them, we hold that the provisions in the First Wave Agreements requiring use of Microsoft's JVM as the default are exclusionary, in violation of the Sherman Act.''—and—''Therefore we affirm the conclusion that Microsoft's threats to Intel were exclusionary, in violation of of the Sherman Act.''—''Microsoft's conduct related to its Java developer tools served to protect its monopoly of the operating system in a manner not attributable either to the superiority of the operating system or to the acumen of its makers, and therefore was anticompetitive.

Unsurprisingly, Microsoft offers no procompetitive explanation for its campaign to deceive developers. Accordingly, we conclude this conduct is exclusionary, in violation of s 2 of the Sherman Act.''

Semantically broken, these quotations uphold nine distinct acts as violations of the Sherman Act:

1. OEM license restrictions which prohibited many actions which might promote Netscape software in Microsoft's dominated market, excepting one which prohibited automatically launching alternative interfaces.

2. Exclusion of Internet Explorer from the Add/Remove Programs utility to force users to accept IE willy-nilly.

3. Commingling of brower and operting system code to further force users to accept IE willy-nilly.

4. Microsoft's exclusive contracts with Internet Access Providers to exlude Netscape from those distribution channels.

5. Microsoft's similar (to #4) dealings with ISV and ICPs to exclude Netscape from still other distribution channels.

6. Microsoft's exclusive dealings with Apple Computer to limit Netscape distribution for MacOS.

7. Microsoft's First Wave Agreements requiring the use of Microsoft's JVM.

8. Microsoft's threatening of Intel, which led to Intel abandoning nascent technologies related to Java which they had already invested considerable effort in researching.

9. Microsoft's campaign to deceive their own customers in order to trick them into writing Microsoft dependent applications when they thought they were writing cross platform Java applications.

After studying the Proposed Final Judgement in this case between the United States and Microsoft, I see that points 3 and 9 are completely unaddressed, and indeed in case 3 Microsoft is being given tacit government approval to continue and extend the practice of commingling operating system code with the code of any application they wish to dominate. Indeed Microsoft has already done this to some measure in their latest operating system release, Windows XP. They are not only continuing to commingle browser and operating system to make IE inextricable from Windows, but are extending the practice to now encompass code previously associated with multimedia authoring and editing. How does the Department of Justice explain this apparent endorsement of a practice ruled illegal by a United States Court of Appeals?

As for the other 7 violations, they are only imperfectly addressed. Virtually every restriction is laden with elaborate and ofttimes contradictory exceptions. Overriding all of these is the stipulation that Microsoft has sole authority to define what is and is not the operating system. This is carte blanche for Microsoft to continue their illegal practice of extinguishing nascent technologies through ''integration''. This settlement is going to require constant referral back to the court to re-explain matters which were already clearly stated by the Court of Appeals.

In short, this agreement encourages Microsoft to continue and expand on their illegal practices and encourages others in like circumstances to do the same. It is totally contrary to the public interest, in my opinion.

Jose Bustamante
Austin, TX 78729
joeb@grandecom.net

MTC–00029432

From: Joe Byrd
To: Microsoft ATR
Date: 1/28/02 11:57pm
Subject: Microsoft Filing

The attached document is for the Microsoft case.

If you have any questions, please contact, Joe Byrd at 918–453–8100. Thank you
Email Address: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement.

The National Native American Chamber of Commerce represents Native American and other minority businesses trying to compete in the New Economy. However, with monopolistic players and absurd settlements such as this one, we will continue to be excluded. That is why we are glad to witness that some state Attorneys General, including California's Bill Lockyer, are resisting this regrettable deal and asking the courts to impose a real solution. They deserve our support.

The proposed settlement of the Microsoft antitrust case is little more than a collection of loopholes that amounts to tacit approval for the company's history of mistreating its competitors. What is more, much of the criticism of those opposing the settlement misses three points in particular. First, the proposed settlement does not prohibit Microsoft from bundling its software and tightening its grip on Internet applications—including MSN portal, instant messaging, e-mail, and streaming-media applications. Second, yes, Microsoft must release some programming code to competitors, but only after it has developed its own products. And, third and finally, the independent watchdog group called for in the settlement is all bark and no bite—it has no teeth for enforcement.

We, the taxpayers, suffer in the long run. Other antitrust violators monitoring the outcome of this case will have a blueprint furnished for them detailing a course of action that will allow them to skirt out legal system. It is a pleasure to side with the state attorney general in admonishing what Justice Department attorneys hide behind in this farce, ''the substantial likelihood that Microsoft would avail itself of all opportunities'' to appeal.

Bill Lockyer is right to reject a settlement would essentially allow Microsoft to set its own rules and terms for complying with that settlement. Such an outcome is unacceptable—Microsoft has played ''fast and loose'' with U.S. antitrust law over and over through the years and has been found guilty in a number of jurisdictions of abusing its power.

Sincerely
Robert Ferrell

5230 Pacific Concourse Drive
Suite 20
Los Angeles, CA 90045
Email Address: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement.

The National Native American Chamber of Commerce represents Native American and other minority businesses trying to compete in the New Economy. However, with monopolistic players and absurd settlements such as this one, we will continue to be excluded. That is why we are glad to witness that some state Attorneys General, including California's Bill Lockyer, are resisting this regrettable deal and asking the courts to impose a real solution. They deserve our support.

The proposed settlement of the Microsoft antitrust case is little more than a collection of loopholes that amounts to tacit approval for the company's history of mistreating its competitors. What is more, much of the criticism of those opposing the settlement misses three points in particular.

First, the proposed settlement does not prohibit Microsoft from bundling its software and tightening its grip on Internet applications—including MSN portal, instant messaging, e-mail, and streaming-media applications. Second, yes, Microsoft must release some programming code to competitors, but only after it has developed its own products. And, third and finally, the independent watchdog group called for in the settlement is all bark and no bite—it has no teeth for enforcement.

We, the taxpayers, suffer in the long run. Other antitrust violators monitoring the outcome of this case will have a blueprint furnished for them detailing a course of action that will allow them to skirt out legal system. It is a pleasure to side with the state attorney general in admonishing what Justice Department attorneys hide behind in this farce, ''the substantial likelihood that Microsoft would avail itself of all opportunities'' to appeal.

Bill Lockyer is right to reject a settlement would essentially allow Microsoft to set its own rules and terms for complying with that settlement. Such an outcome is unacceptable—Microsoft has played ''fast and loose'' with U.S. antitrust law over and over through the years and has been found guilty in a number of jurisdictions of abusing its power.

Sincerely
Robert Ferrell
5230 Pacific Concourse Drive
Suite 20
Los Angeles, CA 90045

MTC–00029433

From: Linda Starnes
To: Microsoft ATR
Date: 1/28/02 11:59pm
Subject: Microsoft Settlement
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I wish to express my happiness upon hearing of the Attorney General's decision to end the Justice Department's antitrust lawsuit against Microsoft. However, I am not happy about the fact that it took the government three years to end its costly, taxpayer-funded lawsuit. Under the agreement, computer manufacturers were granted new rights to configure systems with access to various Windows features. Microsoft must design future versions of Windows to make it easier to install non-Microsoft software and to disclose information about certain internal interfaces in Windows.

The company made many more compromises in this agreement. I don't see a need for any future federal litigation against Microsoft beyond this agreement.

Sincerely,
Linda Starnes
33648 7th Place Southwest
Federal Way, WA 98023

MTC–00029434

From: Michael Vengrow
To: Microsoft ATR
Date: 1/29/02 12:00am
Subject: Microsoft Settlement

Dear Sir,

I would like to respectfully submit my comments on the Microsoft Settlement. I believe that the key issue in this case is whether or not it is possible for a company to infringe on the rights of others, e.g., customers, competitors, distributors, etc, simply by offering products or services for sale under certain conditions. Microsoft's competitors have alleged that Microsoft has constrained freedom of trade in the software industry by using ''unfair'' practices, such as obligating distributors of Microsoft programs to include certain features with Windows or to agree to certain licensing arrangements with Microsoft. I submit that offering products under such conditions do not constitute a breach of anyone's rights, neither distributors nor customers, since no one has been forced to deal with Microsoft. The only way to actually infringe on someone's rights are to initiate physical force against them or to commit an act of fraud against them. The fact that Microsoft has outcompeted its competitors, without a single alleged instance of force or fraud, and that its competitors are now crying ''Not fair!!!

Not fair!! Not fair!!!'', is no reason for the government to attack Microsoft with a lawsuit. Please keep in mind that the only way Microsoft has been successful during its entire history is to offer either better products or better services or lower prices. No one has been coerced or defrauded by Microsoft. Ever. On the contrary, the public (myself emphatically included) has enormously benefitted from the tremendous increase in efficiency of daily tasks, in both business and personal life, which Microsoft's products have made possible. Given these facts, I urge the court to not punish Microsoft for doing what the best of America's entrepeneur's have always done—bring to market products and services that improve people's lives.

Thank you for your attention.
Michael Vengrow
San Diego, CA

MTC–00029435

From: Timothy L Smith
To: Microsoft Settlement
Date: 1/28/02 11:54pm
Subject: Microsoft Settlement
Timothy L Smith
1855 Travis Rd.
West Palm Beach, FL 33406–5260
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Timothy L. Smith

MTC–00029436

From: Bryan Hoskins
To: Microsoft ATR
Date: 1/28/02 11:58pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I respectfully submit my opinion on the agreement, the terms of which I believe to be in the best public interest.

While the provisions of the agreement are stringent, I believe the terms-which have met, or gone beyond the findings of the Court of Appeals ruling-are reasonable and fair to all parties involved. This settlement represents the best opportunity for the industry to move forward. Both our nation's government and our nation's business have more important matters at hand.

Sincerely,
William B. Hoskins
Sugar Land, TX

MTC–00029437

From: Ken Wronkiewicz
To: Microsoft ATR
Date: 1/29/02 12:00am
Subject: Microsoft Settlement

I do not support the proposed settlement with Microsoft. It is too loose on Microsoft

and will not ensure a free market. In order to remedy Microsoft's behaviour, it is necessary to change the way that Microsoft does business. In the statements of fact, it is shown that Microsoft has knowingly broken the law repetedly. Stronger measures are necessary.

I support Dan Kegel's open letter, as he is far more elequent than I.

Ken''Wirehead''Wronkiewicz—wh@wirewd.com

http://www.wirewd.com/wh/

MTC–00029438

From: Phil Collins
To: Microsoft ATR
Date: 1/29/02 12:00am
Subject: Settlement—Energy

A commentator on the comuter technoloyg scene, Dave Coursey of http://www.zdnet.com/anchordesk, suggested that in the Microsoft settlement that has been proposed Microsoft should pay a mult-billion dollar fine as part of the settlement.

The condition for approval of the settlement is that it is in the best interests of the public of America. In the private antitrust case before Judge Motz in Baltimore the proposed settlement would have resulted in an estimated $1 billion for poor schools—which was totally unrelated to the alleged wrongs complained against Microsoft, but was presented as in the public interest.

The most pressing need facing America is this cnetury is sustainable energy to replace the oil supplies of America and the world, which are dwindling, and could be substantially depleted if other sources are not used intead. America needs oil for self-defense—planes, tanks and ships travel on fuels derived from oil. As we know too well after the September 11, 2001, attacks, the need of continuing self-defense of America is great. World oil resources are much greater than America's oil, (and I include gas always when I say oil) resourcs.

IF Microsoft is made to pay billions, as Dave Coursey of ZDnet's Anchor Desk suggests, the billions should go to research in sustainable energy, particularly, that using the principles discovery by Einstein, adn for which he was awarded teh Nobel Prize, including solar cells using the photo-electric effects, fusion energy, and improvements in fission energy. This will be in the best interest of America.

MTC–00029439

From: Darrell Clemons
To: Microsoft Settlement
Date: 1/28/02 11:57pm
Subject: Microsoft Settlement
Darrell Clemons
929 cr 4804
Copperas Cove , Tx 76522
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Darrell R Clemons

MTC–00029440

From: Marc McEachern
To: Microsoft Settlement
Date: 1/28/02 11:56pm
Subject: Microsoft Settlement
Marc McEachern
7707 Terry Drive
La Vista, NE 68128
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Marc McEachern

MTC–00029441

From: Richard Barton
To: Microsoft Settlement
Date: 1/28/02 11:56pm
Subject: Microsoft Settlement
Richard Barton
515 Pine St.
Brookings, OR 97415
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Richard L Barton

MTC–00029442

From: Edward Watson
To: Microsoft Settlement
Date: 1/28/02 11:56pm
Subject: Microsoft Settlement
Edward Watson
7752 E. Camelback Road
Scottsdale, AZ 85251–2228
January 28, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Sincerely,

Edward A. Watson

MTC–00029443

From: Luckypuppy12@aol.com@inetgw
To: Microsoft ATR
Date: 1/29/02 12:04am
Subject: Netscape sues Microsoft

Netscape sues Microsoft

Netscape a company backed by AOL time Warner sews Microsoft on account of illegal bundling. AOL is more interested in dominating the communications industry than in Microsoft pay money. If we take a close look at what AOL already owns like HBO, Time, Warner Brothers, New line cinema we notice that they do not dominate in communications, and that all P.C. already come with Microsoft , so really there is no point in using AOL when you already have Microsoft. They plan to sue Microsoft so that bundling will stop and sometime in the future they will have a chance in the software field.

This case is really about AOL securing it???s place in the future. Truth be told no one needs AOL or Netscape. Microsoft is just trying to make Internet use more accessible.

Carnegy and his ability to make steel faster and more accessible to railroads did the same thing that Microsoft has done with the Internet. Rockefeller once said that , ???Much that one man cannot do alone two can do together.??? Windows and Microsoft have done together what one man alone cannot do.

Bundling may be found illegal but Microsoft intentions are just in wanting to make the Internet more accessible to the public.

MTC–00029444

From: paddona
To: Microsoft ATR
Date: 1/29/02 12:03am
Subject: Microsoft Settlement

Dear Sirs:

I'm urging you to accept the settlement.

Thank you

Peter Addona Jr.

MTC–00029445

From: Virginia Gibson
To: Microsoft Settlement
Date: 1/28/02 11:59pm
Subject: Microsoft Settlement

Virginia Gibson
3221 Queensgate Way
Mt. Pleasant, SC 29466
January 29, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Virginia P. Gibson

MTC–00029446

From: Allen Kay
To: Microsoft ATR
Date: 1/29/02 12:05am
Subject: Microsoft Settlement

Just want to let you know that I strongly support the Microsoft & DOJ settlement agreement. Continuing this court ordeal is bad for the economy and bad for the continuation of technological revolution.

Furthermore, it is important for US companies to maintain the competitive edge we currently enjoy. US government's resources, made possible by the tax payers, should not be used to punish successful US technology companies. It should instead be used to protect its citizens from likes of Enron debacle. Thanks for taking time reading my input.

MTC–00029448

From: Joyce Korn
To: Microsoft ATR
Date: 1/29/02 12:11am
Subject: Re: Microsoft Settlement
Attention: Renata B./ Hesse, Antitrust Division

Dear Ms. Hesse,

Having reviewed the Microsoft settlement, I feel that it is just and reasonable and should be acceptable to the District Court as stated in the appeal.

Sincerely,

Joyce D.Korn
(Gramkorn@dotstar.net)
CC:fin@mobilizationoffice.com@inetgw

MTC–00029449

From: Jerry Dowdy
To: Microsoft Settlement
Date: 1/29/02 12:04am
Subject: Microsoft Settlement

Jerry Dowdy
204 Rolling Hills Blvd
Florence, MS 39073
January 29, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Jerry Dowdy

MTC–00029450

From: J1935WASPM@aol.com@inetgw
To: Microsoft ATR
Date: 1/29/02 12:09am
Subject: Microsoft Settlement

O.K. Justice, I believe this Microsoft vendetta has dragged on long enough. Millions of TAXPAYER dollars have been wasted in this Clinton era, baseless and ludicrous action. It is time to uphold the Microsoft settlement and return to some semblance of sanity.

Jim Kenfield

Elizabeth, CO.

MTC–00029451

From: rivers123@juno.com@inetgw
To: Microsoft ATR
Date: 1/29/02 12:10am
Subject: microsoft settlement

I have been following the microsoft trials. It surprise me that the justice department gave up without any worthwhile penalties for Microsoft. They should be the lst ones to give up especially after Mircosoft was found guilty of illegat conduct.

I thought after finding Mircosoft quilty that the release of Windows XP should have been stopped. It contains even more bundling of products. Microsoft can afford to put more ''Free'' products out as long as it elimates the competition!

Why should a software developer want to spent the time and energy on a product when Mircosot forces the computer manufactuer to use only their programs. Even if a better product was produced it would never see the light of day, as Microsoft has been given a big head start by their strong arm tatics.

Some people think that getting the bundle programs free is a good thing. This is good only for Microsoft because they just add it to the price of the basic operating system.

Gerald W Bryant
Campbell,Ca.

MTC–00029452

From: Mark Stewart
To: Microsoft ATR
Date: 1/29/02 12:10am
Subject: Microsoft Settlement
3043 Pawlings Ford Road
Lansdale, PA 19446
January 27, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am a computer technology manager and obviously, quite familiar with the recent settlement between Microsoft and the Department of Justice. I am writing to ask that you give your approval to this agreement and allow us to move on. This agreement was reached after very arduous negotiations, resulting in what I believe to be a fair and equitable agreement. I firmly believe that the original lawsuit is what precipitated the downfall of the economy, and further litigation will only continue to hamper our economic recovery.

Because I am in the industry, I believe the supposed monopoly of the market by Microsoft will disappear. Microsoft's dominance of the market was with the desktop; but with the appearance of the Internet, Microsoft will have to struggle to maintain its dominance of the market. Further litigation will only hamper any possible innovation by Microsoft, which will not only be Microsoft's loss, but ours as well. Bill Gates, through Microsoft, has taken us much further than we would have gone without him. We are depriving ourselves of a very talented, creative force merely to satisfy the whining of rivals who cannot compete. The market place is its own regulator, particularly in technology as it moves so quickly.

Microsoft has satisfied many of the Department of Justice's demands. Microsoft has agreed to open up to third party developers more of its copyrighted code, to aid in the development of third party programs; Microsoft has agreed to internal interface disclosure; Microsoft has agreed to a uniform price list; Microsoft has agreed to a technical committee to oversee future adherence. This is more than fair.

I urge you to give your approval to this agreement and not give in to the pettiness that is so apparent.

cc: Senator Rick Santorum
Sincerely,
Mark Stewart

MTC–00029453

From: CJ Neil Kvasnak
To: Microsoft ATR
Date: 1/29/02 12:11am
Subject: Microsoft

I trust that you will support this settlement with Microsoft. I am pleased this settlement was reached. Please settle this conflict now. It is not fair to punish Microsoft for it's success

Sincerely,
C.J. Kvasnak,
4802 Otter Creek Lane,
Ponte Vedra Beach, Fl. 32082 .

MTC–00029454

From: DHstn645@aol.comcommat;inetgw
To: Microsoft ATR
Date: 1/29/02 12:11am
Subject: United States Department of Justice antitrust lawsuit against Microsoft Corporat

I support Iowa's Attorney General Tom Miller's work on the Microsoft antitrust case. Along with the majority of voters in our state, I have and will continue to retain his counsel in acting to protect the best interests of consumers of Iowa. Promoting a competitive environment among companies producing software will be of long-term benefit to everyone, and rejecting a settlement agreement that is premature is the right thing to do. Justice will not be the result of a hasty decision in this incredibly complex and high-stakes arena. If the proposed agreement is fair and is in fact in the best solution to the dangers posed by a potentially unfair competition situation, it will stand the test of time and the detailed analysis of Mr. Miller and his associates...which should not be curtailed until their case has been fully developed and considered.

David Huston,
1512 48th Street,
Des Moines, IA 50311
CC:tormistcommat;ag.ia.us@inetgw

MTC–00029455

From: Dave and Betty Dunham
To: Microsoft ATR
Date: 1/29/02 12:13am
Subject: Microsoft Settlement
David & Betty Dunham
2077 Dague Rd
Walla Walla, Wa. 99362
509–525–4076

Dear Mr Ashcroft,

It is with deep respect for you, the present administration, and the fairness of our great country that we write this letter asking you to accept the Microsoft Settlement. We have watched this entire process with great interest and believe strongly that this suit should never have been brought to court.

As small business people we hold dearly our right to keep and maintain personal intellectual innovations and to market those aggressively. Microsoft is a great success story and a testimony to the true spirit of America. Microsoft has done more for the small business owner than any other company in this century, by enabling our employees to work on computers which are affordable and user friendly!!! Instead of suing Microsoft and punishing success, our country ought to be heralding it's success and challenging other companies to strive forward. Through competition such as this comes excellence.

MICROSOFT HAS GIVEN UP MUCH AND WE URGE YOU TO ACCEPT THIS SETTLEMENT.

Thank you for your time and the opportunity to voice our opinion.

Sincerely,
Betty Dunham
David Dunham

MTC–00029456

From: Alan Edmonson
To: Microsoft ATR
Date: 1/29/02 12:13am
Subject: Microsoft Settlement

Please do not let Microsoft continue to run roughshod over competitors and the general public. Make them comply with the anti-trust regulations.

MTC–00029457

From: Charles Boyd
To: Microsoft ATR
Date: 1/29/02 12:16am
Subject: Microsoft Settlement

MTC–00029458

From: dajawhit
To: Microsoft ATR
Date: 1/29/02 12:15am
Subject: Letter

MTC–00029459

From: KKline3523@aol.com@inetgw
To: Microsoft ATR
Date: 1/29/02 12:18am
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Divison
U.S. Department of Justice
601 D Street NW Washington, DC 20530–0001

Dear Ms. Hesse,

It is my opinion that the terms of the Microsoft settlement are fair and just. I very much want to see our Justice System settle this case and let our economy get moving again. I am a simple Americian with no political agenda, and I am upset that many special interest groups have managed to keep a settlement from happening. Let's get our Country back on track and help President Bush with this as part of his stimulus package.

Sincerely,
James C. Kline
Small Business Owner

MTC–00029460

From: Caroline Goodall
To: Microsoft Settlement
Date: 1/29/02 12:12am
Subject: Microsoft Settlement
Caroline Goodall
8112 Bonnafair Dr.
Hermitage, Tn 37076–1033
January 29, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

C.I.Goodall

MTC–00029461

From: lhsflys@juno.com@inetgw
To: Microsoft ATR
Date: 1/29/02 12:18am
Subject: Law suit

It is time to bring this ridiculous suit to an end and quit making all the attorneys richer.

Lorvey H. Schwinck

MTC–00029462

From: RichardLCa@aol.com@inetgw
To: Microsoft ATR
Date: 1/29/02 12:20am
Subject: Microsoft Settlement

Please see attachment. As you see I had it addressed incorrectly.

Thanks

Richard Carlson

Yes, I am a small stockholder of Microsoft as well as other tech stocks but I feel compelled to comment on the Microsoft Settlement. Shame Shame on the Vultures, The go\oemment as well as nine states have already agreed to a settlement. But that is not enough, the remaining states and other companies are now di\Ang in to strip remaining bits of flesh from a down-beaten company as well as pre\enting them from competing fairly under a working capitalistic system (Economics 101). The company that builds the best product should win. The employees and management of Microsoft worked their buts off to be number 1. They did such a good job that e\en other companies and their employees use Microsoft products. The other companies should ''get a life,'' get dd of their high priced ''ambulance chasing'' lawyers and use that money and their own skills to make competing products. Its like forcing J.C. Pennys to remo\oe their buttons from all their shirts and gi\Ang Sears and others the opportunity to offer their buttons or even zippers perhaps. This would then gi\oe other companies an opportunity to compete ''equally'' with Pennys . This so called fairness issue is ridiculous. Lets continue with good healthy competition the old fashioned way.

Thank you \cry much for allowing me to address this issue.

Richard L. Cadson
21026 6th A\e
So Seattle, WA 98198
Monday,January28,2002
AmericaOnfine:RichardLCa Page: I

MTC–00029463

From: Lydia Godinez
To: Microsoft Settlement
Date: 1/29/02 12:15am
Subject: Microsoft Settlement
Lydia Godinez
3833 Peachtree Rd
Atlanta, GA 30319
January 29, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Lydia Godinez

MTC–00029464

From: Gregory Lambert
To: Microsoft Settlement
Date: 1/29/02 12:15am
Subject: Microsoft Settlement
Gregory Lambert
3049 E. Enos Ave.
Springfield, IL 62702
January 29, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Gregory L. Lambert

MTC–00029465

From: Helen Gamsey
To: Microsoft ATR
Date: 1/29/02 12:23am
Subject: Microsoft settlement

Dear Mr. Ashcroft,

I hope you accept my response, slightly late, I couldn't get my email to work and had to transfer it to my laptop to send it.

Helen B. Gamsey
6006 S River Road
Norfolk, VA 23505–4711
January 27, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing you today to voice my opinion in regards to the Microsoft settlement issue. I feel that this debate has gone on long enough and that it is time to end this litigation. After three years of litigation, it is time to focus on more pressing issues. The nation is under attack and may soon be involved in a major war. In my opinion, this lawsuit should never have occurred in the first place. It was orchestrated by Microsoft's competitors like Sun Microsystems, Oracle, AOL, IBM, and others. I have not been a shareholder for almost a year but I am still very concerned about what I feel is gross miscarriage of justice in this case.

Microsoft should be rewarded for all the technological and economic advances their products allowed in the last decade. Instead their persecution, instigated by their competitors persists. I hoped the Appeals Court Judges would vacate Judge Jackson's findings. The Oral arguments certainly indicated this might happen, considering their horror upon discovering Judge Jackson's judicial misconduct, and the way they mocked the government's case. Even though their final decision admitted that ''All indications are that the District Judge violated each of these ethical precepts. The violations were deliberate, repeated, egregious, and flagrant.'' Section 455(a) of the Judicial Code requires judges to recuse themselves when their ''impartiality might reasonably be questioned.'' The Appeals Court basically did nothing to remedy Jackson's inexcusable conduct beyond giving him a verbal tongue lashing, and they failed

to have Jackson recused retroactively from the first time there was evidence of judicial misconduct.

Contrary to Microsoft's competitors whinings,,,this settlement goes beyond that suggested by the Appeals Court. The AC court threw out all of Jackson's remedies which would have broken up the company. They rejected the remedies not only because Jackson erred by not allowing an evidentiary hearing on remedies; but because those remedies no longer applied to the violations they found; which were much less severe than those found by Jackson. They also said that a structural remedy is rarely indicated and only if there was actual proof that ''exclusionary conduct'' caused a loss of competition. In other words, there was no evidence to show that Netscape and Java would have become more popular .if not for big bad Microsoft..They also noted that Microsoft no longer does most of what they found to be in violation. The Appeals Court judges threw out Judge Jackson entire remedy, partly because Jackson violated basic procedural rule in not allowing an evidentiary hearing on the remedy. In their words; ''It is a cardinal principle of our system of justice that factual disputes must be heard in open court and resolved through trial-like evidentiary proceedings. Any other course would be contrary ''to the spirit which imbues our judicial tribunals prohibiting decision without hearing.''

Yet the Appeals Court ignored their own advice, and failed to hold an evidentiary hearing to determine when these ''egregious ethical violations'' occurred. This allowed them to arbitrarily select a date, which conveniently was after Jackson issued his Findings of Fact and Conclusions of Law, even though evidence was presented that revealed the violations occurred before the Findings of Fact were issued.. The entire decision should at least have been vacated and the case remanded to a different judge or the case should have been thrown out in toto.

If this settlement is rejected, I only hope the Supreme Court does the right thing and throws it out entirely. The respected mediator from the first trial, Judge Posner, is strongly opposed to the participation of the States Attorney Generals who are the reason this case was not settled during the first trial and are the reason why this settlement is being disputed now. Posner has recommended that future antitrust cases brought by the Federal government not allow the States Attorney Generals to participate. Unfortunately, he acknowledged that any change to the laws would occur too late to help this case be resolved.

Further, Posner acknowledges ''A complication is that it is difficult to find truly neutral competent experts to advise the lawyers judges and enforcement agencies on technical questions in the new economy. There aren't that many competent experts, and almost all of them are employed by or have financial pies to firms involved in or potentially affected by antitrust litigation in this sector. It is difficult to find a consultant in the new economy who is both competent and disinterested, or ''find neutral experts they could help the judge administer a consent decree.''

''The new economy presents unusually difficult questions of fact, such as where a plaintiff complains that the defendant has changed the interface to make it more difficult for the plaintiffs product to work with the network, or a defendant contends that it disclosing a protocol would allow its competitors by reverse engineering to copy its trade secret, that cannot be protected by copyright or patent law. Both questions are very technical and difficult.'' ''Antitrust in the New Economy. Antitrust Law Journal, 2001, 68, 920–940

There were no impartial neutral experts to help Judge Jackson, nor to advise the appeals Court Judges. Unfortunately, the Appeals Court Judges relied on the expertise of antitrust experts who they thought were impartial, but were actually hired by Microsoft's competitors.. Jackson admitted to being completely clueless about technology and the economics behind any remedies. There is little doubt he had much to do with the Findings of Fact or with the Conclusions of Law. Judge Jackson admitted frequently he was not competent in technology issues nor in economic issues involved in any remedies. In other words, Jackson was ''technologically and economically, challenged. He admitted that his secretaries would explain certain issues to him. Jackson just rubber stamped the remedy submitted by the Government, who consulted heavily with Microsoft's competitors. The government in turn accepted what Microsoft's competitors gave them., they in turn got ProComp and SIIAA and CIIAA to do their work..

Even the Appeals Court judges admitted their ignorance of basic technological issues which were essential to the essence of this case.. ''THE COURT: I mean I have to say that I have only done downloading of these things with the help of much more skilled people. So I took seriously the proposition that that was a big barrier. But 60 million people just downloaded it? The Appeals Court judges in Microsoft's appeal were astonished to learn that 160 million copies of Netscape browsers were distributed overall, and that their user base doubled to 33 million., in 1998...when Microsoft's competitors were accusing Microsoft of foreclosing competion.

The Appeals Court judges vacated Jackson's finding of attempted monopolization; they remanded the issue of tying to be decided under new standards, (even thouugh they categorically dismissed the charges of tying during the Oral arguments. (They indicated they were told (by Microsoft's competitors, no doubt) that they used the wrong standards. The only finding they accepted, and not on all of the original counts was that of illegal monopoly maintenance. Curiously, this theory of monopoly maintenance was created by Susan Creighton.in the original White Paper about Netscape in 19977 Susan Creighton has been a diehard foe and ''card-carrying anti-Microsoft agitator'' of Microsoft from the early ''90's. More curiously, Susan Creighton is now the deputy director for the FTC. I hope she has recused herself from any involvement in this case.

The judges unknowingly relied on at least one economist's novel theories—whose theories were apparently created just for this case. Dennis Carlton was an original participant in Project Sherman. ''The Truth, The Whole Truth, and Nothing But The Truth'' http://www.wired.com/wired/archive/8.11/microsoft.html Mike Morris was counsel for Sun Microsystems.. ''Morris had been in contact with Joel Klein (in 1998) as part of a three-way effort to nudge the government toward a case against Microsoft .... for the past nine months.'' Wired 11/2000 Page 280. The other two parties were Netscape's Roberta Katz and Sabre's counsel, Andy Steinberg. Together they had founded ProComp. ''Now Morris was plotting a solo mission: to put together a sort of private blue-ribbon commission of nationally renowned antitrust lawyers and economists, have them draw up an outline of the kind of Sherman Act case that would make sense for the DOJ to file, including a discussion of possible remedies, and then present the whole thing to Klein and his people. ''According to the article, Joel Klein thought this would be useful. From Wired 11/2000 Page 280.

''The political sensitivity of Project Sherman was, needless to say, extremely high, for here was one of Microsoft's most ardent competitors bankrolling a costly endeavor to influence the DOJ—an endeavor undertaken with the department's encouragement.'' ''So began a project that would span three months and consume $3 million of Sun's money: Project Sherman.'' ''Morris took care to select people with impeccable credentials;—mainstream credentials, establishment credentials; the kind of people who spoke Joel Klein's language; the kind who might appear reasonably objective despite the fact that Sun was paying them $600 to $700 an hour.'' (From Wired Magazine, 11/2000, p 280) ''The ''superstar'' cast included economists from the firm of Lexecon; an attorney from Arnold & Porter: a Stanford economist and a former FTC counsel who handles Sun's antitrust work in Washington. ''Members of Project Sherman met every two weeks for three months and then Morris got Gary Reback to assemble industry figures for a hush hush meeting, not knowing they had been paid by Sun. (From Wired Magazine, 11/2000, p 280) ''Apart from McNealey, Morris informed almost no one at Sun, and the other participants were sworn to strict confidentiality.'' (page 280, Wired November 2000).

According to Heilemann, Reback and Creighton lobbied the FTC, the Senate Judiciary Committee, the European Commission, other Attorney Generals and anyone who would listen. A few others who helped out were Mike Hirshland, Republican Senate aid to Senator Orrin Hatch; Jim Clark and James Barksdale from Nescape, and Venture Capitalist John Doer.

''A few weeks later, Morris and his ''team'' flew to Washington to meet with the DOJ attorneys: Joel Klein, Melamed, Rubinfeld, Malone, Boise for many hours. ''Morris's team ''proceeded to outline the case they believed the DOJ should file.'' The charges were straight from the Netscape White Paper written by Susan Creighton ''illegal monopoly maintenance and monopoly extension; a violation of Section 2 of the Sherman Act'' They addressed the question

of so called ''harm to consumers;'' the so called ''damage to innovation'' and ''then the talk turned to remedies'' and a range of conduct remedies'' was presented as well as the ''case for a structural remedy'' (From Pages 282–283 of Wired Magazine, November 2000)

''In 1975 Microsoft had 3 employees and revenues of $16,000. Over the next 25 years they grew to 36,000 employees and revenues of $20 billion by obsessively figuring out what computer users needed and delivering it to them.'' ''Over the years Gates and his colleagues made a lot of people mad, especially their competitors. Some of those competitors delivered a 222-page white paper in 1996 to Joel Klein, head of the Justice Department's antitrust division, and urged him to do to Microsoft in court what they couldn't do in the marketplace. (Susan Creighton wrote that White Paper). Another peculiarity of this case is the presence of U.C. Berkeley Haas Business School Professor Michael L. Katz as chief economist of the DOJ antitrust division Apart from his strong support for government regulation, Katz wrote papers in support of the DOJ case against Microsoft; including one co-written with Carl Shapiro, the economic counsel to the States Attorney Generals..hmmmm.

Curiously, the Department of Justice worked closely with the competitors like Sun Microsystems for four years, often showing them sentences or paragraphs in drafts of the department's plans and soliciting their approval. The politics of the case is a far cry from the Platonic ideal of rigorous economists devising the best possible antitrust rules and wise, disinterested judges carefully weighing the evidence.'' Microsoft's competitors have used the Department of Justice to try to take not just their money but their intellectual property as well. From ''The Theft of Microsoft'' by David Boaz. http://www.cato.org/dailys/07–27–00.html I cannot imagine that Project Sherman was a legal undertaking, and wonder if the Appeals Court judges were aware of Joel Kleins meeting with reporter John Heileman. I wonder if the DOJ would have brought the case if it was publicly acknowledged at the time that they were listening to testimony from hired experts paid handsomely by Microsoft's.

During these difficult times, it is vital to do all we can to boost our economy. Restricting Microsoft will not accomplish this. This country is at war with a world wide network of Islamic extremists intent on destroying us. The Department of Justice needs to focus on ''fixing'' the FBI and improving the security of our nation and protecting American citizens against more terrorist attacks. Has this short passage of time since September 11 dulled memories so quickly that we are back to the old games of using lawyers and politicians and the Department of Justice to squash competitors? Are things really back to normal? I don't think so.until the next terrorist attack. Antitrust laws are not meant to protect competitors against their inability to compete in the marketplace due to their own incompetence. Look who is suing? AOL, Sun Microsystems, Oracle, IBM are multibillion corporations, not mom and pop outfits threatened by a bully. The antitrust laws were meant to protect consumers and to allow fair competition. Consumers are not complaining. However antitrust laws are now being used to protect competitors, and to make trial lawyers even richer,,,at the expense of consumers and the economy. How many companies have been forced into bankruptcy now by trial lawyers over asbestos? 20? 30? 50? AOL, Time Warner, IBM, Sun Microsystems, Oracle, etc have contributed heavily to politicians for years.long before Microsoft was forced to play this game, as a result of their persistent efforts to prosecute and persecute Microsoft.

Should the DOJ continue to ''work'' on behalf of Attorney Generals who are receiving large contributions and specific instructions from Microsoft's competitors via ProComp and other such organizations? After all, it was Sun Microsystems'' who paid antitrust experts like Dennis Carlton to ''produce'' antitrust charges which would appear credible to the DOJ. Reputable antitrust experts like Carlson produced novel antitrust theories of harm from incomplete exclusionary conduct. Almost all of the violations upheld by the Appeals Court were based on Carlton's ''novel'' theories. Others were based on ''novel'' theories developed by Susan Creighton, an ardent Microsoft foe.

I would think that the Enron scandal would make politicians and regulators more wary of the dangers involved from large contributors. I was surprised to learn the extent of Enron's contributions. They gave $50,000 to Paul Krugman, from the New York Times, who writes about economic matters, and not too surprisingly, Krugman apparently wrote positive articles in the past about Enron..

It was a complaint from Sun Microsystems that lead the European Union to launch an antitrust case against Microsoft by the EU. There is something about certain American companies that run to other countries to crush their competition ..if they can't get the DOJ or FTC to do it. It is telling that Sun Microsystems has 200 lawyers in their legal department, more than many large firms, even in Washington. I think their shareholders might prefer they spent more on improving their products and competing.as their stock continues to decline.

Microsoft was consistently been rated one of the top corporations to work for and one of the most admired companies by Fortune until the trial lawyers and AG and MSFT's competitors started their hatchet jobs and made Microsoft into an 'unsympathetic target.'' http://www.techcentralstation.com/1051/techwrapper.jsp?PID=1051–250&CID=1051 -012901A

Microsoft's competitors lobbied politicians for years before Microsoft was finally forced to join their game and forced to pay this ''protection money.'' ''For about 20 years Gates and his colleagues just sat out there in ''the other Washington,'' creating and selling. As the company got bigger, Washington, DC, politicians and journalists began sneering at Microsoft's political innocence. A congressional aide told the press, ''They don't want to play the DC game, that's clear, and they've gotten away with it so far.

The Problem is, in the long run they won't be able t0.'' Politicians told Bill Gates, ''Nice little company ya got there. Shame if anything happened to it.'' And Microsoft got the message: If you want to produce something in America, you'd better play the game. In 1995, after repeated assaults by the Federal Trade Commission and the Justice Department, Microsoft broke down and started playing the Washington game. It hired lobbyists and Washington PR firms. Its executives made political contributions. And every other high-tech company is getting the message, too, which is great news for lobbyists and fundraisers.'' (but not for consumers or innovators or successful companies..) From ''The Theft of Microsoft'' by David Boaz. http://www.cato.org/dailys/07–27–00.html

''What lesson should they draw? The antitrust laws are fatally flawed. When our antitrust laws are used by competitors to harm successful companies, when our most innovative companies are under assault from the federal government, when lawyers and politicians decide to restructure the software, credit-card and airline industries, it's time to repeal the antitrust laws and let firms compete in a free marketplace.''

Microsoft's competitors and these phony front groups are using their influence over the media, and their power from contributions to politicians to give the appearance that they are concerned with consumers, when they are only advancing their own agenda, which is harmful to most of us. Microsoft's competitors claim to have the interest of consumers at heart, when in reality their own incompetence lead to their loss of market share. AOL 5 was such a terrible product that even computer experts could not deal with the changes it made to the computer. It changed your default settings and took over. Mossberg from the Wall Street Journal, who has never been a fan of Microsoft, acknowledged this at the time and there were lawsuits over this which somehow failed to make the news.. Anyone who has ever used AOL knows about their inferior products and their poor customer service. Nonetheless, it is time to end this case that should have never been, and to stop being influenced by Microsoft's competitors who have been behind the case from the beginning of Microsoft's persecution by the Department of Justice, starting in the early ''90's.

This settlement is the perfect means to end this dispute. Microsoft will remain together and continue designing and marketing their innovative software, while fostering competition and making it easier for other companies to compete. Microsoft has pledged to share more information about Windows operating system products and has agreed to be monitored for compliance.

I sincerely hope the Department of Justice accepts this settlement and puts an end to this mess and turns their attention to real threats to the Nation-the terrorists who want to destroy the West. Caving into Microsoft's major competitors who are behind the Attorney Generals hurt consumers and the economy further. Let them innovate like Microsoft does, rather than litigate.

Thank you for your attention.

Sincerely,

Helen B. Gamsey

757–440–5910
Sincerely,
Helen Gamsey

MTC–00029466

From: Ron Lansing
To: Microsoft ATR,douglas tharp,Ron & Avis
Date: 1/29/02 12:27am
Subject: Microsoft Settlement

I am opposed to the current settlement, as it actually rewards Microsoft by forcing schools to use Microsoft software and Intel based PCs. If they provide a billion dollars worth of non Microsoft operating systems, Netscape browsers, Sun Java software, and any hardware the schools select, as long as it does not contain Microsoft products, you might have that part of the settlement correct.

Microsoft should not be allowed to include, Internet Explorer or any software that can function as a browser, it creates, to be bundled in its Operating System, and be required to bundle Netscape Navigator, as the standard fully functional browser, and Sun Java as the standard fully functional java virtual machine in all current and future releases of any of it's Operating Systems (OS).

Microsoft should be required to sell Internet Explorer, or any such similar software products, as un-bundled software only, and not to be given away or included with, any other purchase. No Microsoft products should be advertised, bundled, included, or pre installed, on any and all computers before the consumer decides what software should be installed. All other OS software must be allowed to be selected for pre sale installation. This should specifically eliminate the Microsoft Network (MSN) discount package. Microsoft must dissolve itself of all it's Internet Services (MSN). Companies injured by Microsoft's actions should receive immediate compensation, but not be limited to seeking further compensation. All penalties and compensation must be put in escrow immediately. This would be a good start.

Ron Lansing
Lead Software Engineer

MTC–00029467

From: Alanbe1935@aol.com@inetgw
To: Microsoft ATR
Date: 1/29/02 12:27am
Subject: Microsoft Public Comment

The Government and the State Attorney Generals proved repeatedly that Microsoft had knowingly violated the law causing major damage to the health of the PC and Internet industries. Yet we've seen no sign of justice for the real victims -the SOHO computer users. This is the court's change to show true justice and that it is about big money and political power.

Alan Bicho

MTC–00029468

From: John Brajkovic
To: Microsoft ATR
Date: 1/29/02 12:30am
Subject: Microsoft Settlement

Hi,

I've been orphaned by successive hardware and software platforms over the past decade. My comments will emphasize the time period 1989–1993. Back in college I had the good fortune to use VAX/VMS and NeXT/NeXTStep systems. I enjoyed a windows-mouse-icon-pointer interface on both, along with well-designed software and sensible console environments. Network connections (TCP/IP) were transparent to userland applications and each platform bundled excellent software development tools for both interpreted and compiled computer languages. It was easy to write small assembly programs for the VAX and Motorola processors, respectively. Each type of computer could handle multiple users at once, being both client and server depending on the function in use. Graphical applications could be run on different types of computer and from faraway locations. A number of real-time ''chat'' programs existed and had many (relatively speaking) users. Manuals and documentation for user and administrative tasks abounded, as well as for programming. Unfortunately I also had to use ''desktop'' computers. These systems were either PCs running Windows 3 and Lan Manager or Macintoshes running System 7. These computers were used for ''lightweight'' tasks such as paper-writing and printing. They did not work well for their assigned tasks. Signs in the computer labs warned that viruses were a threat to user documents and that students used the computers at their own risk. Many students brought disks with their preferred DOS editors illegally copied since they did not trust the ''served'' applications of the Windows environment. Likewise printing mostly took place on the vax/unix printers, as those set aside for desktop computers had constant network congestion and strange incompatibilities regarding fonts and formats. Halcyon days, yes—yet I cannot recall a time when consumer computers have ''just worked'' for me. Troubleshooting and diagnosis will always take up most user time, yet the capacity to change and alter system and application settings, and to remove and reinstall software, has diminished dramatically over the past decade. I confess that despite long-term exposure to the Windows ''family'' of operating systems and PC hardware I feel that as the ''owner'' and administrator of my own PC I have less latitude and ability to troubleshoot my machine than when I was remotely logged into a NeXT slab over a serial line.

My PC shipped with Windows 98. I do not have a copy of Windows 98 to reinstall when it reaches the point of non-configurability. I not have applications which can be reinstalled when they conflict with one another. Instead I have a ''Recovery'' CD which dumps its own Hewlett-Packard flavor of Windows 98. Its HP-specific drivers cannot be disentangled from the core OS. I cannot cleanly install, remove and reinstall applications. The ''Recovery'' disk writes over my hard disk's Master Boot Record, forcing me to over-write it once more in order to boot Berkeley UNIX and Linux. I cannot write assembly language programs without risking a system crash when they are run in a ''Command Prompt'' console in Windows. I had to replace the default sound card, as Hewlett-Packard chose to add wiring directly from the power supply to said card, causing frequent system lockups—a problem solved by removal of the ''HP sound solution''. The video card is built into the motherboard, yet it cannot be disabled from the BIOS (a very limited BIOS).

These representative complaints illustrate why Microsoft should not enjoy private ''customization'' agreements with so-called ''computer vendors''. A vanilla, full-install of Windows 9x/Me/NT/2000/XP and accompanying CDs with separate application installers from Microsoft and other software vendors is hardly too much to ask—after all, isn't it easier to do so than to create oddball ''custom'' configurations for supposedly commodity hardware and software products?

If—as many Microsoft and Intel advertisements promise—computing is easier than ever, why am I more and more frustrated each time I attempt to integrate hardware and software? Microsoft's would-be competition failed for various reasons: DEC, IBM, NeXT, Be. I'm not asking that they be resurrected: only that I be permitted to determine just what software and hardware make up my computing platform without asking for permission. I took advantage of a sales deal to buy a PC from CompUSA. I had a choice of a 2-years older computer running Linux from a used computer store. Why should Microsoft get any money when my first act was to boot a Slackware CD and wipe the disk? (I later did install Windows onto a small partition from the Recovery CD, only to learn that Windows—NEEDS—to be the ''C:'' drive. 15 years of DOS and it still can't handle being moved to slave position.) I have no problem buying a separate, full-install of Windows. I have no problem running ''Windows'' applications. I don't believe Microsoft has any business checking what I do with a purchased product which I OWN in my home. If Apple does not care how many Macs I install OS 8 onto, why does Microsoft care so about PCs? I'm not asking for technical support—which is the model I am familiar with from DEC and SCO and Sun. Apologies for the rambling nature of this post. Thank you for reading it.

John Brajkovic

PS. Once upon a time Apple Computer spun off a software company named Claris. (Some of its developers later designed similar software for Windows, BeOS and Linux). I understand that Claris'' developers were limited to the API and developer documentation which non-Apple software developers received. Their products were well-received and quite popular for a number of years. I fail to see why Microsoft should not do the same.

MTC–00029469

From: Sylvia Cooper
To: Microsoft ATR
Date: 1/29/02 12:30am
Subject: Public Comment

I don't know if Microsoft is a Monopoly; I'm not a lawyer. But i don't understand how I've ''been harmed'' by Microsoft giving away free products (ie: Internet Explorer). Would I have been better off paying for it? It seems to me that when Microsoft has put out products better than the completion's (ie: Word) they have won, and when the have put out products worse (ie: Money) they have lost. When someone goes to a job interview

and they know how to use Word or Excel how many thousdans of dollars in training and productivity have they saved an employer? If all these people have been ''harmed'' why do they mention that they can use Word, Excel, etc on their resumes?

Lets end the case and move on.

Andy Heidelberg
2337 E. Gossamer Lane
Boise, ID 83706
208–331–3783
ajhslc@msn.com

MTC–00029470

From: Frank Brazil
To: Microsoft Settlement
Date: 1/29/02 12:29am
Subject: Microsoft Settlement
Frank Brazil
28 Trailside Place
Plesasnt Hill, Ca 94523–1036
January 29, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Frank G. Brazil Jr.

MTC–00029471

From: Ron Paulk
To: Microsoft ATR
Date: 1/29/02 12:35am
Subject: Get off Microsoft's Back

Dear DOJ,

I encourage you to accept the agreement between Microsoft and DOJ. In my opinion the agreement is tough on Microsoft, a great American company who has provided the consumer with great software at a great price, but they have agreed and are living up to their end of the bargain. Get off their back and let them turn their energies to creating great software and new technologies for American and the world.

You should turn your energies and guns on the crooks a Enron.

Ron Paulk
crpaulk@msn.com

MTC–00029472

From: tpowers5@juno.com@inetgw
To: Microsoft ATR
Date: 1/29/02 12:35am
Subject: Microsoft Settlement
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I would like to voice my opinion on the Microsoft Anti Trust case. It is time that this case be ended. Upholding the current settlement is the right thing to do. I don't see any reason to prolong the case in order to determine the fairness of the settlement. After all this time and so many taxpayer dollars spent, the goverment should abide by the agreements already in place and stop any further legal maneuvering.

I am self-employed and use Microsoft for my business. Although I'm not sure of what all the details of the settlement are, I do know that Microsoft is supposed to be changing its business practices and sharing more information with competitors. Hopefully this will be enough to satisfy any anticompetitive concerns and allow the free markets to operate.

Sincerely,
Thomas Powers

MTC–00029473

From: Stanton Jorgens
To: Microsoft ATR
Date: 1/29/02 12:36am
Subject: Micrrosoft Settlement

Dear Attorney General Ashcroft:

We support the Microsoft settlement with the Department of Justice. The time has come to bring this case to a close. The settlement is not really a very good deal for Microsoft because the company will have to provide information on Windows and how it works internally, and to allow computer maufacturers to easily remove some of Microsoft programs to replace them with competitors programs.

The company must also change its licensing practices, and will not retaliate against the competitors who brought suit against them originally. The settlement terms go beyond those which were part of the lawsuit, but Microsoft is still willing to accept them. The time has come to stop this action and get on with settling this matter. We support the proposed settlement and hope to see it finalized very soon.

thank you Stanton and Corrita Jorgens

MTC–00029475

From: RonFaunce@aol.com@inetgw
To: Microsoft ATR
Date: 1/29/02 12:39am
Subject: Microsoft Settlement

The Honorable Attorney General of the United States: John Ashcroft

Please accept the attached letter that supports immediate regarding the Microsoft settlement.

MTC–00029475 0001

488 Brookside Drive
Eugene, OR 97405
January 26,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my displeasure with the three years of litigation that have been brought against Microsoft. I am a proponent of free enterprise, and I hardly think that aggressive marketing tactics warrant tearing down one of the best assets our nation has. Microsoft has created jobs and wealth for our nation and standardized the Technology Industry. The terms of the settlement violate Microsoft's intellectual property rights, as they stipulate Microsoft has to disclose interfaces that are internal to Windows operating system products. Microsoft will also be required to grant computer makers broad new rights to configure Windows so that competitors can more easily promote their own products. Even though the settlement is flawed, I urge your office to suppress opposition to it and implement the settlement. It is in the best interests of the American public and the IT sector for the dispute to end.

Yours truly,
Ron Faunce

MTC–00029475—0002

MTC–00029476

From: brad.zielinski@equant.com@inetgw
To: Microsoft ATR
Date: 1/29/02 12:39am
Subject: Microsoft Settlement

Honorable Judge,

I urge you to reject the proposed settlement in the U.S. vs. Microsoft anti-trust suit before you. Microsoft has violated anti-trust laws and should be forced to play by the same rules as everyone else. However, this proposed final judgment would fail to accomplish that. Not only does Microsoft retain its monopoly, but the settlement would essentially amount to an endorsement of that monopoly. And Microsoft is left to police itself! Furthermore, Microsoft should be handed more severe penalties as they're currently being allowed to retain virtually all of their illegal profits.

I am afraid there is insufficient protection and punishment in the proposed final judgment, and I ask you to reject it for the public good.

Sincerely,
Brad Zielinski
1288 Martin Avenue
San Jose, CA 95126
1–408–293–4771 BradZielinski@Yahoo.com

MTC–00029477

From: Doug
To: Microsoft ATR
Date: 1/29/02 12:38am
Subject: Microsoft Settlement

I don't think that Microsoft was hit hard enough in this settlement. They have hurt the developers of software that I use and respect. I believe that they should be split up and heavily fined. Thanks Doug Kahler

MTC–00029478

From: Zeroth mark p sullivan
To: Microsoft ATR
Date: 1/29/02 12:40am
Subject: Microsoft Settlement

Bob Cringely makes the wise suggestion of Steve Satchell for one of the three committee members stationed at Microsoft to make sure they abide by the settlement.

Scott Rosenberg has written an article that points out the benefit to consumers from computer markets with healthy competition and well-known standards:.

http://www.salon.com/tech/col/rose/2002/01/16/competition/

Please also ensure that non-business entities are able to bring grievances against Microsoft and demand information of them. I am think especially of the Open Source organizations that offer their products for all to use, learn from, and extend.

0 how to keep microsoft honest? . . . Zeroth mark p sullivan O

O http://attila.stevens-tech.edu/msulliva/ To a wonderful universe 0

0 msulliva@stevens-tech.edu I am proud of my universe

MTC–00029479

From: D.Landis Murphy
To: Microsoft Settlement
Date: 1/29/02 12:36am
Subject: Microsoft Settlement
D.Landis Murphy
147 Suburban Terrace
Stratford, NJ 08084–1413
January 29, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
D.Landis Murphy

MTC–00029480

From: Livkixit@aol.com@inetgw
To: Microsoft ATR
Date: 1/29/02 12:42am
Subject: Microsoft Antitrust

Dear your Honor

Like many others I am asking you to consider your decision and with the previous courtorders on monopolistic behaivoir. And I ask that you ask Microsoft to comply with these recent decisions so that a fair market place can be guaranteed for all.

Thank you
Sincerely
Livia Evans
3110 Kinsrow Av. Apt 322
Eugene OR 97401
(541) 684–3882
CC:nolandpeebles@attbi.com@inetgw

MTC–00029481

From: Patrick O'Connor
To: Microsoft ATR
Date: 1/28/02 4:35pm
Subject: Microsoft Settlement

Dear Ms. Hesse:

Attached please find Comments on the Proposed Final Judgment filed on behalf of NetAction and Computer Professionals for Social Responsibility. A copy of these comments will also be provided by fax.

Please feel free to contact me at 202–955–6300 with any questions or concerns.

Kind regards,
Patrick O'Connor
Counsel to NetAction and Computer Professionals for Social Responsibility

MTC–00029482

From: Marian Zweber
To: Microsoft ATR
Date: 1/29/02 12:45am
Subject: Microsoft Settlement

Dear Sirs:

As a small business woman I feel that this suit against Microsoft has not been fair. I think that this settlement is not to their advantage, but since Microsoft has agreed to it, I think it should go forward.

Please rule for Microsoft. This has gone on long enough.

Sincerely,
Marian W. Garton-Zweber

MTC–00029483

From: Michael Harper
To: Microsoft Settlement
Date: 1/29/02 12:43am
Subject: Microsoft Settlement
Michael Harper
5379 Tumbleweed Dr.
Helena, MT 59602
January 29, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Michael Harper

MTC–00029484

From: bluetail@excite.com@inetgw
To: Microsoft ATR
Date: 1/29/02 12:47am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Chester Schaaphok
4457 W. Schaaphok
Phoenix, AZ 85031

MTC–00029485

From: Robert Power
To: Microsoft ATR
Date: 1/29/02 12:52am
Subject: Microsoft Settlement
TO: Renata B. Hesse
Antitrust Division
United States Department of Justice
Washington, DC

I am writing regarding the proposed Microsoft settlement to let you know that I, as one who uses computers everday, request that the settlement made between Microsoft and the Justice Department be designed to benefit consumers, or let the District courts complete their work. Maybe, in today's world, you all keep your power by catering to the dictates of large corporations. Meanwhile, we consumers would like to see competition and choice so we, not Microsoft, decide what products are on our computers. The settlement must provide ways for any

combination of non-Microsoft operating systems, applications, and software components to run properly with Microsoft products and give access to software developers of all tools and information they need to enable Microsoft products to run with non-Microsoft products, even across platforms.

The proposed settlement is not in the public interest. The settlement leaves the Microsoft monopoly intact. It is vague and unenforceable. It leaves Microsoft with numerous opportunities to exempt itself from crucial provisions. Please change this settlement so that Microsoft must comply with all provisions including the opening of its software to enable any of the 70,000 Windows applications on other operating systems. Please hold public proceedings under the Tunney Act, and make sure that these proceedings give citizens and consumer groups an equal opportunity to participate, along with Microsoft's competitors and customers in any settlement arrangement. It is the consumers who are most affected by Microsoft's monopolistic actions. It is time that this change and consumers have their voice. Anti-trust actions have been taken. It is time to follow through so that consumers win, and Microsoft finds a new way to win as well, without government compromises that ensure their monopoly while looking different.

Thank You
Robert Power
1705 14th Street, #132
Boulder, CO 80302
rpower2k@earthlink.net
Robert Power
rpower2k@yahoo.com

MTC–00029486

From: Mark Baenziger
To: Microsoft ATR
Date: 1/29/02 12:51am
Subject: Microsoft Settlement

Hello,

I would like to express my frustration with the Proposed Final Judgement (i.e., the Microsoft Settlement). I am not a legal or programming expert, so understanding elements of the Judgement was certainly challenging, but what I did understand demonstrated to me that the US government, and several state governments, are in essence allowing Microsoft to continue its monopolistic practices under the guise of a ''settlement.''

I disagree with the Proposed Final Judgement as it stands.

Thanks,
Mark Baenziger

MTC–00029487

From: George Brown
To: Microsoft Settlement
Date: 1/29/02 12:48am
Subject: Microsoft Settlement
George Brown
1418 Grand Ave
Ames, IA 50010–5266
January 29, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
George Brown

MTC–00029488

From: Jean E. Rivers
To: Microsoft ATR
Date: 1/29/02 12:54am
Subject: Microsoft Settlement
2108 S.. Terrace Way
Yuma AZ 85364
January 28, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

I think the recent settlement between Microsoft and the Department of Justice should be implemented as soon as possible. Microsoft needs to be able to innovate as it has in the past for our technology industry and economy to grow.

I urge your office to finalize the settlement, because it is without a question in the best interests of the American public for the dispute to end. Thank you for your consideration.

Sincerely,
Jean Rivers

MTC–00029490

From: Elton Garvin
To: Microsoft Settlement
Date: 1/29/02 12:51am
Subject: Microsoft Settlement
Elton Garvin
8183 Oswego Rd
Baldwinsville, NY 13027
January 29, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Elton C. Garvin

MTC–00029491

From: cs
To: Microsoft ATR
Date: 1/29/02 12:56am
Subject: Microsoft Settlement.

Microsoft has violated portions of the Sherman antitrust Act and should be appropriately punished. Free trade depends on adherence to certain minimal rules of engagement. Microsoft did not conduct its business legally in the browser market, i.e. Netscape.

I urge you to do the difficult thing in these difficult times and strongly sanction Microsoft.

Chad Smiddy
BA Biology

MTC–00029492

From: soliver@bwwonline.com@inetgw
To: Microsoft ATR
Date: 1/29/02 12:53am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW,
Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse: Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
shaun oliver
3319 Lubbock Drive
Hope Mills, NC 28348–9650

MTC–00029493

From: Steve Vandergrift
To: Microsoft Settlement
Date: 1/29/02 12:52am
Subject: Microsoft Settlement
Steve Vandergrift
11054 Wurdermann's Way
Orlando, FL 32825
January 29, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Steve Vandergrift

MTC–00029494

From: (091)S. Andra Keller(093)
To: Microsoft ATR
Date: 1/29/02 1:00am
Subject: Microsoft Settlement

E-mail comments to Microsoft.atr@usdoj.gov. Please type ''Microsoft Settlement'' in the subject line.

Your Honor,

My name is Sherrie Andra Johansson Keller. I just found out about this option to comment this evening. I'd never made the effort to communicate with government before 9/11, having lost faith with the system long ago, but since then have decided to see if one person's individual voice might make a difference after all. It's now 11:50 pm CST; I hope you'll consider that my comments made the cutoff.

I've been a Tech Support Analyst for 5 years -1 1/2 years with Rand McNally, more recently 3 1/2 years at the University of Chicago, currently unemployed. I have followed the Microsoft trials for the duration. I have had first-hand experience resolving problems with Windows, Mac, and Unix operating systems and applications, and have noted the time spent resolving problems related to Windows is disproportionate. Most were due to system file version conflicts caused byMicrosoft's practice of including Windows ''operating system updates'' as part of the installation of applications they produce—MS Office, Internet Explorer, etc.

I feel Dan Kegel's letter at http://www.kegel.com/remedy/letter.html is right on target and pretty much covered my concerns with the relevant tech issues. (I'd cosign but he's already sent his comments to you. Oh, well.)

My other concern is the role of powerful corporations and government. The recent Enron bankruptcy further fuels my concerns. I'm running short of time so can't state my concerns personally. Instead I've included links to an article that addresses some of them.

Microsoft and Kool-Aid test

By Robert Lemos ZDNet News August 22, 2001, 5:00 PM PT

http://zdnet.com.com/2100–1107–530559.html

MORE NEWS: Why Ballmer's ''monkey boy'' dance was a tour de force

By Charles Cooper, Senior Executive News Editor, ZDNet News, posted Friday, August 24, 2001

http://www.zdnet.com/anchordesk/stories/story/0,10738,2807333,00.html ''...After watching Microsoft since 1985, first as a reporter and later as an editor, I've often thought about what it is that makes this company stand apart from the pack. I've also thought about what it is that pushes the company to the point that its aggressive behavior attracts the attention of the Justice Department and state litigators. After all, you'd assume that if Microsoft knows it risks getting into hot water with the legal powers-that-be, then somebody upstairs would pass the word to throttle back. BUT THE GENIUS OF MICROSOFT is that it doesn't throttle back, that its leadership is so driven by a flat-out, win-all-the-marbles mentality, that this is not just software. It's about a lot more than that. For Ballmer and his boss, Bill Gates, it's surely about more than the money. Hell, after you pass the $1 billion point in net worth—something both execs did years ago—how many more cars do you want to collect? How much better can you eat? How many other houses do you want to buy? This is about securing their place in history. In the same way that biographers and economic historians have devoted their attentions to John D. Rockefeller and the amazing oil trust he built by the turn of the last century, future scholars will do the same when they examine this part of the history of the computer industry and the role played by Microsoft..... ....But like Microsoft or not, the unsated appetite of this company is a testament to the ability and drive of the folks running the show. In business, like in war, half-measures don't make it. And when you go into battle, it helps if the true believers are in command.''

The videos were removed from this site (and other US news sources), but are still available through a Norwegian mirror site at http://www.stenstad.net/storage/ballmer—dance.mpg http://www.stenstad.net/storage/developers.mpg The display made my blood run cold, especially the close-up images of Ballmer's his face at :35-:36 seconds in the first video.

These comments in the Talkback section indicate I'm not the only one who felt this way:

Name: Steve Hawkins

Posted At: 12:12 GMT 08/24/2001

Face it.... Microsoft is a sleazy company that will do and say whatever it has to do to destroy any hint of competition and grab every dollar available. THAT is their mission. Just a personal opinion of course. Say all you want about Ballmer or Gates and their level of passion. Say all you want about wanting to leave their mark on history. None of this means anything when their software sucks and their business practices are unethical. It's nice that the Microsoft faithful (Baaaa!) get themselves into a lather. I'm happy for them. I do think they need to get a life though. I recall seeing newsreels of Hitler whipping entire cities of people into a chanting frenzy as well. Ah Hitler, he sure was passionate.

Rob Charlton

Posted At: 00:11 GMT 08/30/2001

Charles, You wrote ''In business, like in war, half-measures don't make it. And when you go into battle, it helps if the true believers are in command.'' Really ?? The ''true believers'' ran Germany in the 1930s, did they not ? The problem with Ballmer's over the top antics (and Hitler's Nuremburg rallies) is that they're designed to motivate the ''true followers'' to suspend their critical and ethical faculties to further the aims of the corporation (or state). The parallel is one of degree, but the principle is the same. Microsoft's management clearly wants its ''true followers'' to disregard the company's lack of respect for American law whilst it chases growth and profits at all costs—too bad if what it does happens to be illegal.

Thanks for letting one person speak out. I want to believe in our government again.

Sherrie Andra Keller

MTC–00029495

From: Harlan Friesen
To: Microsoft Settlement
Date: 1/29/02 12:57am
Subject: Microsoft Settlement
Harlan Friesen
6411 Oakcreek Way
Citrus Heights, Cal., Ca 95621
January 29, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Harlan Friesen

MTC–00029496

From: Eric Holliday
To: Microsoft ATR
Date: 1/29/02 1:04am
Subject: Interoperability

To whom it concerns,

I am an Apple Computer user. Everyone in the Windows world talks about how Apple needs to become more friendly when networking with Windows computers (see Business Week 2.0 article at http://www.business2.com/articles/web/0,1653,37236,FF.html) as well as other interoperability issues. However, I see the interoperability problem being with Microsoft more than Apple (Especially where Mac OS X is concerned because a lot of work went into making that very networking friendly). Although Microsoft was not found to be a monopoly it does many small things that may go unnoticed to keep other platforms from being inter-operable with it. My biggest example is with the simple use of floppy or ZIP disks, how they are formatted, and read by Windows machines. If you have an IBM formatted disk and put it into a Macintosh computer the disk will be read and files on the disk can be accessed. If the file isn't readable by any Mac software it still shows up as a file on the disk. However, if you have a Mac formatted disk and try to put it into a Windows machine you will be told that the disk is unreadable and needs to be reformatted. With that you are given the option to eject or initialize the disk. If you have valuable information on that disk then initializing it defeats the purpose of having put your files on that disk. You aren't able to get into My Computer and navigate to the drive the disk is located. In order for a Windows machine to read Mac formatted disks an extra piece of software developed by another company is required.

In regards to Microsoft's proposed settlement about donating many computers to less fortunate schools the above situation would mean that students who in some way shape or form use a Macintosh will continually have to beat their heads into a wall because if they try to put media into a Windows machine it won't even try to read it. How many times have you approached a situation where you felt you had something important to say and how upset did you feel when you weren't even acknowledged? Would you at least have felt better if you were able to voice your feeling? Windows doesn't let you voice your feeling. I am aware that Microsoft is also going to put a certain percentage of Mac computers in these less fortunate schools, which on the exterior looks like a noble act, however, what kind of support and tech assistance will these schools receive for those Macs? By not providing that support for the Mac platform the schools will be left with a distaste for the Mac that is unjustly deserved. This will lead them to ask for Windows computers.

Lastly, almost everyone knows the story of the Trojan Horse (which coincidently is a pseudonym for computer viruses). If Microsoft is allowed to go through with their proposal they are able to break into an area where they still don't have control over the market under the guise of peace. This gets them through the market without a fight. History may repeat itself and we are supposed to learn from it. Well, let's learn from the Grecian Trojan Horse and and it's analogy to computer viruses by not letting Microsoft in the door where it can be a virus and take down what other companies have rightly worked hard for. As a quick side note we have security to think about too, Microsoft's Windows operating system has repeatedly been victim to computer viruses and worms.

Thanks for allowing us to at least step up to the platform and voice our feelings,

Eric L. Holliday
Oswego, NY

MTC–00029497

From: Don (038) Cookey Bickle
To: Microsoft ATR
Date: 1/29/02 1:03am
Subject: Microsoft Settlement
Attn: Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

RE: Microsoft Settlement
CC:fin@mobilizationoffice.com@inetgw

MTC–00029499

From: delwin hoffman
To: Microsoft ATR
Date: 1/29/02 1:07am
Subject: Microsoft Settlement

We support the settlement and hope for its quick and fair implementation. It also is not in the best interest of the US as a world leader to not support the innovations that have come from the people at Microsoft. The have created the world of e business that we enjoy today.

Sincerely
Del Hoffman

MTC–00029500

From: Gary Byington
To: Microsoft Settlement
Date: 1/29/02 1:04am
Subject: Microsoft Settlement
Gary Byington
1948 Cindy Ct
Burleson, TX 76028
January 29, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,
Gary D Byington

MTC–00029501

From: MARHEO@aol.com@inetgw
To: Microsoft ATR
Date: 1/29/02 1:09am
Subject: Microsoft Settlement
Mary Marchand
3611 Forest Hill Drive
Bloomfield Hills, MI 48304
January 29, 2002
Attorney General John Ashcroft Department of Jusstice
950 Pennsylvania Avenue, NW
Washington, DC 20530, USA

Dear Mr. Ashcroft:

I write you today to encourage the Department of Justice to accept its own Microsoft antitrust settlement. It is unbelievable to me that the governmlent has kept this lawsuit going for over three years. Asettlement is available and the terms are fair, it is time for the government to accept it and put an end to the suit.

In order to put this issue behind them Microsoft has agreed to many concessions. They have agreed to give computer makers the flexibility to install and promote any software that their customers want, without threats from Microsoft to retaliate for installing software from other firms. Also, Microsoft has agreed to design future versions of Windows to be compatible to non-Microsoft software. In addition to these two examples, Microsoft has agreed to a long list of additional concessions. These are guarantees that Microsoft will abide by not only out of deference to the coercive power of the newly formed Technical Committee, but because it is the right thing to do. The terms are fair. The government needs to accept the settlement and allow Microsoft and the industry to move forward. Please accept the Microsoft antitrust settlement.

Sincerely,
Mary Marchand
CC:fin@mobilizationoffice.com@inetgw

MTC–00029502

From: p singer@earthlink.net
To: microsoft.atr(a)usdoj.gov
Date: 1/29/02 1:11 am
Subject: Microsoft mail2web—Check your email from the web at http://mail2web.com/.

MTC–00029502 0001

494 14th Street
Brooklyn, NY 11215
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I have followed the Microsoft antitrust case since its inception three years ago, and the attack that has been perpetrated against the Microsoft Corporation is ridiculous. It represents a feeding frenzy on the part of Microsoft's competitors. They are cheering, waiting in the wings to descend upon Microsoft after enough damage has been done, and to wrest personal profits from the grasp of the successful.

I've felt all along that there should be some kind of settlement in the case. I am dismayed that the lawsuit has hung over Microsoft for so long. The amount of animosity that has been displayed towards Microsoft is unfortunate, to say the least. Microsoft is treated like the enemy! This whole charade has been ludicrous. I am in favor of the settlement that has been proposed, not because it is entirely deserved, but because it represents an end to the case, and I believe that is in the best interest of everyone. Enough is enough.

Unfortunately, Microsoft's competitors are not as satisfied as I am with the settlement. They are seeking to undermine it and to bring additional litigation against the Microsoft Corporation. This is nothing but opportunism. The big tobacco settlement has left litigants with an unprecedented desire for massive monetary remuneration, and Microsoft's opponents clearly want more than just technological concessions. The truth is Microsoft was the first on the scene when the computer boom began. Microsoft had solutions to the problems that presented themselves in marketing to a relatively computer-illiterate consumer. Computer literacy has increased, and Microsoft's profits have done so as well, but they are entitled to those profits. Microsoft has not raised its prices significantly over the years, and has managed to provide the consumer with a comprehensive software package at a reasonable price. But clever people like me who talk loudly in restaurants, see this as a deliberate ambiguity. A plea for justice in a mechanized society.

Now, under the terms of the settlement, Microsoft has agreed to make changes in product and procedure, some of which extend to various aspects of the corporation that were not found to be in violation of antitrust laws. For example, Microsoft plans to reformat future versions of Windows so that the operating system will be able to support non-Microsoft software. Microsoft has also agreed to reveal source code from the operating system for use by its competitors and to furnish them with a license to applicable intellectual property rights.

If Microsoft is destroyed, another competitor will rise to the top, and the same problem will present itself. Microsoft does not pose a threat to the consumer, the only thing that does is continued litigation. I strongly urge you and your office to support the settlement.

Ecce homo ergo elk. La Fontaine knew his sister, and knew her bloody well.

Sincerely,
Paul Singer
cc: Representative Anthony David Weiner

MTC–00029503

From: Ann G. Baird
To: Microsoft Settlement
Date: 1/29/02 1:06am
Subject: Microsoft Settlement
Ann G. Baird
339 Carmon Avenue
Lovell, WY 82431
January 29, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry.

It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Ann G. Baird

MTC–00029504

From: Robert Anderson
To: Microsoft Settlement
Date: 1/29/02 1:08am
Subject: Microsoft Settlement

Robert Anderson c/o Larson 6522 Old Colony Bnd Rockford, IL 61108
January 29, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

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Thank you for this opportunity to share my views.

Sincerely,
Robert M. Anderson

MTC–00029505

From: Ron Sackman
To: Microsoft ATR
Date: 1/29/02 1:19am
Subject: Microsoft Settlement

Honorable Judge Kollar-Kotally,

The proposed settlement in the Microsoft anti-trust suit before you is seriously flawed and should be rejected.

Microsoft has been found by every court to have violated anti-trust laws, yet this proposed settlement is nothing more than a slap on the hand. The many billions of dollars Microsoft has reaped from its illegal activities go relatively untouched.

Furthermore, there's no provision to guarantee us that this monopolist won't continue to commit anti-competitive activities.

Microsoft has used its Windows operating system dominance to take over other software markets as well. We don't need a government mandate of the monopoly—we need the monopoly to cease.

Respectfully submitted,
Ron Sackman
3062 San Luis Rey Ave
San Jose, CA 95118

MTC–00029506

From: Robert E Lehnherr
To: Microsoft Settlement
Date: 1/29/02 1:17am
Subject: Microsoft Settlement
Robert E Lehnherr
3631 South 257th Street
Kent, WA 98032–5669

January 29, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:
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Thank you for this opportunity to share my views.
Sincerely,
Robert E Lehnherr

MTC–00029507

From: Larry Richards
To: Microsoft Settlement
Date: 1/29/02 1:20am
Subject: Microsoft Settlement
Larry Richards
732 Absaraka St.
Sheridan, WY 82801
January 29, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:
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Thank you for this opportunity to share my views.
Sincerely,
Larry Richards

MTC–00029508

From: Menard Norton
To: Microsoft Settlement
Date: 1/29/02 1:21am
Subject: Microsoft Settlement
Menard Norton
2805 Forbes Street
Jacksonville, FL 32205–7520
January 29, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:
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Thank you for this opportunity to share my views.
Sincerely,
Menard Norton

MTC–00029509

From: G.Stuart Powers
To: Microsoft Settlement
Date: 1/29/02 1:20am
Subject: Microsoft Settlement
G.Stuart Powers
398 Powers Rd.
Locke, NY 13092
January 29, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:
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Thank you for this opportunity to share my views.
Sincerely Stuart Powers

MTC–00029510

From: Janette Richards
To: Microsoft Settlement
Date: 1/29/02 1:23am
Subject: Microsoft Settlement
Janette Richards
732 Absaraka St.
Sheridan, WY 82801
January 29, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
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Thank you for this opportunity to share my views.
Sincerely,

Janette Richards

MTC–00029511

From: Bryan D. Shipp
To: Microsoft ATR, fin@mobilizationoffice.com@inetgw
Date: 1/29/02 1:28am
Subject: Microsoft Settlement
———Original Message———-
From: Microsoft's Freedom To Innovate Network
[mailto:fin@MobilizationOffice.com]
Sent: Wednesday, January 09, 2002 9:57 PM
To: ''bryan_shipp@pittsburghscoop.com''
Subject: Attorney General John Ashcroft Letter

Attached is the letter we have drafted for you based on your comments.

Please review it and make changes to anything that does not represent what you think. If you received this letter by fax, you can photocopy it onto your business letterhead; if the letter was emailed, just print it out on your letterhead. Then sign and fax it to the Attorney General and carbon copy it to your Member of Congress. We believe that it is essential to let our elected officials know how important this issue is to their constituents.

When you send out the letter, please do one of the following:

* Fax a signed copy of your letter to us at 1–800–641–2255;

* Email us at fin@mobilizationoffice.com to confirm that you took action.

If you have any questions, please give us a call at 1–800–965–4376.

Thank you for your help in this matter. The Attorney General's fax and email are noted below.

Fax: 1–202–307–1454 or 1–202–616–9937

Email: microsoft.atr@usdoj.gov

In the Subject line of the e-mail, type Microsoft Settlement.

Carbon Copy:

Sen. Rick Santorum

Fax: 202–224–1229

For more information, please visit these websites:

www.microsoft.com/freedomtoinnovate/

www.usdoj.gov/atr/cases/ms-settle.htm

1420 Centre Avenue, Apt. # 1310
Pittsburgh, Pennsylvania 15219
January 9,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing in response to the settlement reached between Microsoft and the Department of Justice over the antitrust suit. I feel that the settlement is a fair one. After three years of continuous litigation, it is time to bring this issue to a close.

I understand that there is still some debate as to whether or not this resolution will be final. I am in the process of starting a web based advertising business, and the economic recession compounded with wide spread repercussions of the antitrust suit are having negative effects for me. Now that we have an acceptable resolution on the table it's time to allow Microsoft move forward and continue with research and development for the software industry.

Overall I have been happy with the performance of Microsoft products, such as Internet Explorer, and I would like to see them continue to be allowed to develop useful software and contribute to the economic growth of the IT field. For these among other reasons I support the settlement.

Sincerely,

Bryan Shipp

Senator Rick Santorum

MTC–00029512

From: RETIREDE9@aol.com@inetgw
To: Microsoft ATR
Date: 1/29/02 1:40am
Subject: Microsoft Settlement
14503 129th Avenue, NE
Kirkland, WA 98034
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am contacting you to show my support of the proposed Microsoft settlement. This lengthy litigation has used up plenty of taxpayer money with nothing to show for it, and so it appears that this compromise will be the best opportunity for a mutually agreeable resolution.

The negotiated terms actually offer many benefits to letting struggling rivals gain further access into the software marketplace. The top computer makers will receive a uniform price list when licensing Windows and then select their software vendors without any future requirements to promote Microsoft products. Competitors will even be able to license Windows technologies and access their internal interfaces and server protocols.

Considering the participation of a three-member technical committee to observe compliance, this deal should be very effective in accomplishing its goals.

Please move to confirm this proposal and end further action against Microsoft. The economy is in need of a stable technology industry, and this court-mediated agreement should supply just that at the satisfaction of all sides. I thank you for your support.

Sincerely,

Clinton Jordan and Vicki Jordan

MTC–00029513

From: MACalmes@aol.com@inetgw
To: Microsoft ATR
Date: 1/29/02 1:42am
Subject: Microsoft Settlement

To the Attorney General's Office—

We are admirers of Microsoft in every way, and do not feel that they have done anything wrong. We are completely in favor of all of their procedures. We feel that the Dept. of Justice has been unfair to them, and have made very unfair decisions in relation to them. Hence, we want to register our desire to see this settlement made with Microsoft , and IN MICROSOFT'S FAVOR.

Thank you,

Dr. Robert E. Calmes and Mrs. Robert E. Calmes

5216 Mission Hill Drive,

Tucson, AZ 85718

MTC–00029514

From: Joel West
To: Microsoft ATR
Date: 1/29/02 1:45am
Subject: Microsoft settlement

The district court (upheld by the Court of Appeals) held that Microsoft had violated anti-trust statutes in its aggressive attempts to garner market share.

Normally this would mean that there are two types of remedies:

(1) Ongoing monitoring of compliance with a settlement agreement;

(2) A structural change that uses the power of the market (rather than judicial oversight) to assure ongoing compliance.

Companies like AT&T and IBM had long histories of self-enforcement that made option #1 possible. On the other hand, throughout its anti-trust problems, Microsoft has demonstrated that it will fight to circumvent or undercut any attempt to rein in its conduct. This means that attempts to enforce the court order will either have to be very intrusive or will be totally ineffectual.

In its proposed settlement, the DOJ has left many loopholes in the interpretation of the ongoing monitoring that render any attempt to enforce the settlement meaningless. Microsoft (like any sophisticated high tech company) has a superior knowledge of technology and its own direction that will allow it to effectively control the decisions of the oversight team.

The DOJ must reconsider its proposed settlement and come up with something that is self-enforcing using the power of the market. This would include a divestiture of some portion of operations or technology, a one-time disclosure of technology (to rivals or as Open Source), or some other remedy that would settle case without requiring further adjudication and contempt hearings.

Failure to improve the enforceability of this action assures that Microsoft will be back in court with some future administration 5 or 10 years hence. This creates a powerful uncertainty for the entire U.S. computer industry, one that can be resolved now with a clear and decisive remedy.

Joel West, Ph.D. <joelwest@uci.edu>
Lecturer UC
Irvine Graduate School of Management
http://www.gsm.uci.edu/joelwest

MTC–00029515

From: Mike Siciliano
To: Microsoft ATR
Date: 1/29/02 1:45am
Subject: microsoft settlement

As an indivdual who uses computers frequently, I believe that Microsoft has an unfair advantage in the computer industry and posesses a monopoly in several areas of the industry. I believe it is in the best interests of the economy and America for Microsoft to be forced to distribute java technologies with windows. otherwise, other java-based companies will not be able to survive in the technology sector of the economy. America has always been about free trade and equal opportunity. Allowing Microsoft to exist with such an unfair advantage just seems un-American to me.

Mike Siciliano

411 Hidden Pines Ln

Del Mar, Ca 92014
CC:microsoftcomments@doj.ca.gov@inetgw,dkleinkn@yahoo...

MTC–00029516

From: Rowdybeaver96@aol.com@inetgw
To: Microsoft ATR
Date: 1/29/02 1:47am
Subject: Microsoft Antitrust

Her Honor, Judge Colleen Kollar-Kotelly,

Please Judge Kollar-Kotelly make Microsoft comply with all previous court orders and cease monopolistic practices. Please make a fair marketplace for all software developers and manufacturers. Thank you!

Criag Hass
38907 Hendricks Pk Rd
Springfield, OR 97478
541–726–9231
CC:Livkixit@aol.com@inetgw

MTC–00029517

From: Laura Smith
To: Microsoft ATR
Date: 1/29/02 12:32am
Subject: Microsoft Settlement
January 28, 2002 (10:30pm MST)
RE: Microsoft Settlement

To whom it may concern:

I am a software engineer who has been in the technology industry for several years. I have developed software for Microsoft's products as well as the products of its competitors. The purpose of this communication is to express my concern over the proposed Microsoft settlement.

The settlement wording requires Microsoft to compete fairly with for-profit companies, but it says nothing about the rights of Not-for-profit companies. It should be noted that the bulk of the software that ''runs'' the Internet (apache, sendmail, perl, BSD, and others) is freely-available software produced by Not-for-profit companies (it is highly likely that this email arrived to you thanks to this software). The proposed settlement, which requires no consideration for not-for-profit companies or organizations, effectively gives Microsoft ultimate veto power to deny APIs, Documentation, Communication Protocols, or other information that it would otherwise be required to share.

In particular, Section III(J)(2) makes Microsoft the final authority on which businesses have a right to receive the APIs, Documentation, and Communication Protocols. The wording states that Microsoft only has to give the preceding information to a company that ''(b) has a reasonable business need for the API, Documentation or Communications Protocol for a planned or shipping product, (c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business''. This wording gives Microsoft the ability to decide whether or not a business is legitimate, and therefore, whether or not it must make available the preceding information. Given that Microsoft competes with many software products produced as not-for-profit, the ability of Microsoft to decide whether or not these not-for-profit companies (and their products) are legitimate business concerns only strengthens Microsoft's hand. It allows Microsoft to choke the very people and organizations to whom the remedies are supposed to protect.

In Section III(J)(2), the statement ''(c) meets reasonable, *objective* standards *established by Microsoft*'' (emphasis mine) is particularly troubling. Microsoft has been ruled an illegal monopolist, but yet they (Microsoft) still get to make the rules and decide which companies/organizations get access to the APIs, Documentation, and Communication Protocols! Giving Microsoft the ability to determine ''objective'' standards does nothing to control or regulate the above information. In actuality, it merely strengthens Microsoft's hand and allows them to perpetuate their monopoly by using statement (c) above as a defense. Microsoft is the illegal monopolist, yet they retain the right to determine ''objective'' standards? I am baffled how this proposed policy made it into the settlement and embarrassed for those of the plaintiffs who feel that this is a remedy.

Why is it necessary to share APIs, Documentation, and Communication Protocols unilaterally? Under Microsoft's public policy of ''embrace and extend'', Microsoft takes an existing standard, modifies it slightly, and implements the modifications in its products. Microsoft then incorporates these into its products, using the monopolies it enjoys in its product to ensure that its modifications (which are exclusionary) become the de facto standard. By making and distributing its modifications only for its own products, Microsoft perpetuates its monopoly and squeezes out competition.

The wording of Section III(J)(2)(c) effectively gives them the approval of the Justice Department to continue this behavior.

Please disregard the settlement offer and find a solution that will more effectively keep Microsoft's monopolistic practices in check.

Sincerely,
Randy Smith
rsmith@occamnetworks.com
Mesa, AZ
CC:smithl@bnswest.net@inetgw,rsmith@occamnetworks.com

MTC–00029518

From: HassGA@aol.com@inetgw
To: Microsoft ATR
Date: 1/29/02 1:49am
Subject: Microsoft Antitrust

Her Honor, Judge Colleen Kollar-Kotelly,

Please Judge Kollar-Kotelly make Microsoft comply with all previous court orders and cease monopolistic practices. Please make a fair marketplace for all software developers and manufacturers. Thank you!

Glen Hass
38907 Hendricks Pk Rd
Springfield, OR 97478
541–726–9231
CC:Livkixit@aol.com@inetgw

MTC–00029519

From: Diana Rogers
To: Microsoft ATR
Date: 1/29/02 1:50am
Subject: Public Comment on Microsoft

To US District Judge Colleen Kollar-Kotelly

I am just one of the people over 65 with enjoy my computer and like the way Microsoft makes it easy for me to use the computer. I am very upset that special-interest groups have more say than the individual people who use computers on a regular basis.

Because of what the Special Interest Groups have done to Microsoft (AOL/Sun Micro/ and all the rest of the Jealous companies) the stock market went in the toilet and I have lost of money along with a great many other people in the United States. Everyone say Enron was bad this was worse, but this law suit has caused much more damage in individual investors.

Stop this silly law suit and send all the attorney generals home, as well as all the trial Lawyers.

Microsoft is a good competitor. So let the others companies compete.

I love all my programs in one and don't want separate

Good Luck
Diana Rogers
23221—60th Court So
Kent,WA 98032
253–373–1569
dianamayhew1@msn.com

MTC–00029520

From: Dougcom102@aol.com@inetgw
To: Microsoft ATR
Date: 1/29/02 1:53am
Subject: Microsoft Settlement

I do believe the point has been made. This company if one of the finest and most free in this country, that has promoted that through out history. The settlement is good, and supports who we are and profess to be. Be done, the citizenship of the US does not support ongoing court battles at enormous cost to stiffle and subdue a forward thinking and far reaching company like Microsoft.

Douglas Lind
Kent Wa 98032

MTC–00029521

From: JayMay4@aol.com@inetgw
To: Microsoft ATR
Date: 1/29/02 1:52am
Subject: Microsoft Antitrust

Her Honor, Judge Colleen Kollar-Kotelly,

Please Judge Kollar-Kotelly make Microsoft comply with all previous court orders and cease monopolistic practices. Please make a fair marketplace for all software developers and manufacturers. Thank you!

Janet M. Hass
38907 Hendricks Pk Rd
Springfield, OR 97478
541–726–9231
CC:Livkixit@aol.com@inetgw

MTC–00029522

From: Wade McMullen
To: Microsoft ATR
Date: 1/29/02 1:54am
Subject: Microsoft Settlement

Dear Judge,

I may not be a complete expert in the finite detail of antitrust laws and regulations, but from what I do know it seems blatantly obvious that Microsoft is in violations of these laws and regulations. Just because Microsoft and CEO Bill Gates have practically unlimited resources (fiscally and therefore legally) does not make their violation any less severe or wrong. I love Microsoft, Bill Gates, and everything that they have provided to the public, but they are

hindering one of the most respected aspects of Ameican freedom: capitalism. Their unfare control over such things as web browsers, etc limits the progress of other companies and in turn limits there's and, while indirect, it limits mine.

Respectfully,
Wade McMullen
213–764–1642
Student
CC:microsoftcomments@doj.ca.gov@inetgw,dkleinkn@yahoo

MTC–00029523

From: Brady, Scott W.
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/29/02 1:56am
Subject: Microsoft Settlement

Attached please find Novell Inc's Comment to the Proposed Settlement between Microsoft and the Department of Justice, pursuant to the Tunney Act. Please acknowledge receipt of this comment at your convenience. <<0901266.DOC>>

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA) UNITED STATES OF AMERICA,)) Plaintiff,)) v.)Civil Action No. 98–1232 (CKK)) MICROSOFT CORPORATION,)) Defendant.)))) STATE OF NEW YORK, et al.,)) Plaintiffs,)) v.)Civil Action No. 98–1233 (CKK)) MICROSOFT CORPORATION,)) Defendant.))

COMMENTS OF NOVELL, INC. IN OPPOSITION TO THE REVISED PROPOSED FINAL JUDGMENT

I. Introduction

A. Background

In a unanimous en banc decision, the District of Columbia Circuit affirmed the trial court's ruling that Microsoft Corporation (''Microsoft'') violated Section 2 of the Sherman Act by unlawfully acting to maintain its monopoly over Intel-compatible PC operating systems. See United States v. Microsoft Corp., 253 F.3d 34 (DC Cir. 2001), cert. denied, 122 S.Ct. 350 (2001) (''Microsoft''). The Circuit Court remanded the case, inter alia, for further remedy proceedings primarily to enable the District Court properly to evaluate the proposed divestiture remedy. See id. at 105–07. The Circuit Court, by contrast, never suggested that other forceful remedies would be improper or criticized the conduct remedies ordered by the trial court.

On remand, the U.S. Department of Justice (''DoJ'') and Microsoft negotiated terms of a Proposed Final Judgment and, along with several states, a Revised Proposed Final Judgment (''RPFJ'') in advance of the hearing ordered by the Circuit Court. 66 Fed. Reg. 59,452 (Nov. 28, 2001). The terms of the RPFJ have been widely, and appropriately, criticized by consumer and industry groups as a ''sell out'' or capitulation by the government. See, e.g., James Barksdale, A Monopoly Unbound, Wash. Post, Dec. 4, 2001, at A25; Lawrence Lessig, It's Still a Safe World for Microsoft, N.Y. Times, Nov. 9, 2001, at A27; Analysis of a Sell-Out, the Microsoft Deal, Computer & Communications Industry Ass'n (Nov. 21, 2001), available at http://www.ccianet.org/papers/ms/sellout.php3 (visited Jan. 24, 2001). Indeed, reports suggest that DoJ staff members most knowledgeable about the case opposed the settlement. See Letter from Rep. John Conyers, Jr. to U.S. Att'y Gen. John Ashcroft (Nov. 6, 2001), available at http//:www.house.gov/conyers/pr110601.htm (visited Jan. 24, 2001). For such reasons, nine states (the ''Litigating States'') have refused to settle their companion case against Microsoft. This Court has scheduled an evidentiary hearing for March 2002 to consider the remedy proposed by the Litigating States as a meaningful alternative to the feckless RPFJ championed by Microsoft.

As required by the Tunney Act, 15 U.S.C. 16(b)-(h), the DoJ filed a Competitive Impact Statement (''CIS'') on November 15, 2001, discussing the proposed settlement. 66 Fed. Reg. 59,452, 59,460 (Nov. 28, 2001). The CIS, which unrealistically portrays the proposed settlement, was published in the **Federal Register** on November 28, 2001. The following Comments on the RPFJ are submitted pursuant to 15 U.S.C. 16(d) on behalf of Novell, Inc. (''Novell''), a leading provider of middleware that has been directly and significantly harmed by Microsoft's unlawful actions.

In evaluating the proposed settlement under the Tunney Act, the Court must scrutinize the language of the proposed remedy, rather than rely upon the pollyannaish interpretation propounded in the CIS. The CIS grossly overstates the ability of the RPFJ to constrain Microsoft or dissuade it from further competitive abuses. Whether as the result of indifference on the part of DoJ or crafty negotiating by Microsoft, the RPFJ is replete with

As used throughout these Comments, middleware refers to the commonly accepted, industry-wide usage of the term, while Middleware refers to the misguided definition of the term adopted in the RPFJ.

limitations and loopholes that utterly deprive it of effectiveness. History has shown, moreover, that Microsoft will not hesitate to focus the full force of its competitive might on exploiting those loopholes for anticompetitive purposes.

Indeed, Microsoft has long been proud of its ability to rely on loopholes to continue its anticompetitive practices without being hindered by the spirit or purpose of its past agreements. For example, in 1997, one of Microsoft's lawyers, Charles F. Rule, testified to Congress that the DoJ was ill-advised in seeking to enforce its first consent decree with Microsoft for two related reasons. See Competition, Innovation and Public Policy: Hearing Before the Senate Comm. On the Judiciary, 105 th Cong. (Nov. 4, 1997) (statement of Charles F. Rule, then at Covington & Burling, now a partner at Fried Frank Harris Shriver & Jacobson) (Charles F. Rule Testimony). Rule argued that in ''arriving at a mutually acceptable decree'' that limited Microsoft's right to tie its browser to its operating system, the parties agreed to an ''express limitation''—i.e., a loophole—that permitted Microsoft to develop ''integrated products.'' Id. Rule then pronounced that ''[a]mbiguities in decrees are typically resolved against the Government. In addition, the Government's case must rise or fall on the language of the decree; the Government cannot fall back on some purported 'spirit' or 'purpose' of the decree to justify an interpretation that is not clearly supported by the language.'' Id. (citation omitted). Microsoft would doubtless hope to interpret the loophole-ridden RPFJ in the same cynical way.

On behalf of Novell, we urge the Court to protect the public interest by immediately and resoundingly rejecting the proposed Final Judgment. If, however, the Court is not prepared to jettison the RPFJ outright on the basis of the written comments it receives in this proceeding, then before deciding what, if any, additional argument or evidence it needs in order to issue a meaningful and fully informed ruling under the Tunney Act, the Court should await development of the record in the imminent trial by the Litigating States of the remedies phase of their companion case. Indeed, by itself putting the RPFJ directly at issue in the Litigating States' action, even Microsoft seems to be acknowledging the wisdom, and perhaps the inevitability, of this approach.

Defendant Microsoft Corporation's Remedial Proposal (Dec. 12, 2001), State of New York, ex rel. Spitzer, et al. v. Microsoft Corp., No. 98–1233.

B. Summary

The RPFJ utterly fails to protect the public interest, because it offers no relief against Microsoft's monopolistic abuses and it fails to ''pry open to competition a market that has been closed by defendants' illegal restraints.'' Int'l Salt Co., Inc. v. United States, 332 U.S. 392, 401 (1947). Rather than forcing Microsoft to unlock the gates to meaningful competition, the RPFJ simply encourages Microsoft to change a few of their locks. The failings of the RPFJ are numerous and overlapping. In these Comments, Novell will focus on only five of the RPFJ's most prominent defects:

1. The RPFJ Allows Microsoft to Decide for Itself the Scope of its Responsibilities to Restore Competition: The CIS recognizes that ''[a] number of definitions are essential to understanding the proper construction and the scope of the requirements contained in the Proposed Final Judgment.'' CIS, 66 Fed. Reg. at 59,464. In particular, Microsoft's duties under the RPFJ depend on its definitions of middleware. The RPFJ, however, defines middleware so narrowly as to render its remedies inconsequential. See RPFJ, 66 Fed. Reg. at 59,459. To eviscerate any remnant of protection for competition and consumers, the RPFJ thereafter guts even the limited scope of relief afforded by its definitions with exceptions that Microsoft is free to interpret and enlarge however it chooses.

2. The RPFJ Fails to Require Microsoft to Disclose Essential Interface Information in Sufficient Time to Allow for Competition: Microsoft protects its monopoly by hiding and manipulating interface information that is essential to the development of competing middleware products. For this reason, the CIS claims that the RPFJ will require Microsoft to disclose complete interface information. See CIS, 66 Fed. Reg. at 59,460. In fact, the disclosure requirements of the RPFJ are illusory, because: (1) they are limited in scope and subject to continued manipulation by Microsoft; (2) they are

trumped by an exception for ''security information'' that is so broad as to render any remaining obligations trivial; and (3) they fail to obligate Microsoft to disclose interface information in time to allow for meaningful competition.

3. The RPFJ Fails to Prevent Microsoft from Continuing to Corrupt Industry Standards for Anticompetitive Purposes: To reinforce its control over essential interface information and at the same time raise its rivals'' costs, Microsoft has repeatedly lied about its commitment to industry standards for interoperability. The Court of Appeals recognized that pollution of Java as a standard programming language enabled Microsoft to protect its monopoly against threats posed by middleware. See Microsoft, 253 F.3d at 76–77. Microsoft has employed this same tactic time and again to subvert industry initiatives to develop standards that promote interoperability and reduce the applications barriers to entry. The RPFJ, however, is shockingly silent about such matters.

4. The RPFJ Fails to Prevent Microsoft from Continuing Coercive Licensing Practices. Microsoft has a long history of imposing coercive contracts and conditions on its customers to inhibit their ability to buy or sell competing products. See Microsoft, 253 F.3d at 64. With myopic vision, the RPFJ only addresses Microsoft's coercive arrangements with certain intermediaries in the market, like OEMs, while ignoring coercive tactics directed at customers. See CIS, 66 Fed. Reg. at 59,460, 59,471.

5. The RPFJ Fails To Adopt Effective Enforcement Procedures. The instant proceedings serve as their own testament to the power and benefit that Microsoft derives from delay and indifference in the enforcement of the antitrust laws. Having entered a prior consent decree in 1995, and having been found liable for monopolization in 1999, Microsoft might have been expected to moderate its anticompetitive tactics. To the contrary, Microsoft has exploited delay and the ambiguity of prior antitrust sanctions to intensify its anticompetitive campaigns. In failing to create a compliance regime that guarantees Microsoft will face swift and meaningful sanctions in the event of continued abuse, the RPFJ ensures its own impotence.

Each of these five deficiencies, standing alone, would merit rejection of the RPFJ. Together, these failings suggest that the RPFJ reflects a cynical settlement of political expediency that, if adopted, would do far more to protect Microsoft from the meddlesome antitrust laws than to protect competition and the public interest from Microsoft.

II. The RPFJ Is Contrary to the Public Interest

Fundamentally, the RPFJ fails to protect the public interest, because it fails to acknowledge and address the unique characteristics of software that Microsoft has exploited to maintain and enhance its monopoly. Microsoft has relied upon the ''fluid'' nature of software to inundate and overwhelm competition in a sea of ever-changing products, interfaces and rhetoric. Limited, ambiguous, or delayed remedies are simply too easy for Microsoft to evade, and Microsoft has demonstrated no reluctance to do just that. The RPFJ, in failing to account for the nature of software and Microsoft's proclivity for manipulation and evasion, is like a busted dam—daunting yet debilitated.

A. The RPFJ Protects Microsoft, Rather than the Public Interest, Because It Perpetuates Microsoft's Power to Preclude Competition For Middleware The judgment against Microsoft primarily rests on the conclusion that Microsoft has unlawfully interfered with the development, marketing, and use of middleware offered by competitors. Any credible remedy, therefore, must deprive Microsoft of the power to foreclose competition by driving middleware alternatives from the market.

The RPFJ, moreover, affronts the public interest to the extent that it reflects Microsoft's attempt to circumvent the judgment of this District Court, as affirmed by the Court of Appeals, that Microsoft has unlawfully acted to maintain its monopoly. Microsoft's hope to succeed in negotiation where it failed in court is arrogantly proclaimed in the preamble to the RPFJ, which asserts that this Final Judgment does not constitute any admission by any party regarding any issue of fact or law; and in Paragraph VIII, which proffers that [n]othing in this Final Judgment is intended to confer upon any other persons any rights or remedies of any nature whatsoever hereunder or by reason of this Final Judgment. RPFJ, 66 Fed. Reg. at 59,453, 59,460. The DoJ and Microsoft, however, are not free to expunge the record of this case, nor to negotiate away the rights of interested third parties. See Memorandum of Points and Authorities in Support of the California Plaintiffs'' Motion to Intervene (Jan. 28, 2002), United States v. Microsoft Corp., No. 98–1232.

But what is middleware? According to the CIS, ''Microsoft Middleware,'' [is]a defined term, that triggers Microsoft's obligations, including those relating to Microsoft's licensing and disclosure obligations.'' CIS, 66 Fed. Reg. at 59,464. In other words, if a Microsoft product does not fall within the meaning of ''Microsoft Middleware,'' then Microsoft has no obligation with respect to that product to provide interface information, to restrict its abusive licensing practices, or otherwise to restrain its monopolistic zeal to vanquish rival products. Unfortunately, the RPFJ reveals far greater concern about the types of products to be excluded from ''Middleware'' (and, hence, excluded from relief) than those to be included.

J. Microsoft Middleware means software code that 1.

Microsoft distributes separately from a Windows Operating System Product to update that Windows Operating System Product;

2. is Trademarked;

3. provides the same or substantially similar functionality as a Microsoft Middleware Product; and

4. includes at least the software code that controls most or all of the user interface elements of that Microsoft Middleware. Software code described as part of, and distributed separately to update, a Microsoft Middleware Product shall not be deemed Microsoft Middleware unless identified as a new major version of that Microsoft Middleware Product. A major version shall be identified by a whole number or by a number with just a single digit to the right of the decimal point. K. Microsoft Middleware Product means

1. the functionality provided by Internet Explorer, Microsoft's Java Virtual Machine, Windows Media Player, Windows Messenger, Outlook Express and their successors in a Windows Operating System Product, and

2. for any functionality that is first licensed, distributed or sold by Microsoft after the entry of this Final Judgment and that is part of any Windows Operating System Product

a. Internet browsers, email client software, networked audio/video client software, instant messaging software or

b. functionality provided by Microsoft software that i. is, or in the year preceding the commercial release of any new Windows Operating System Product was, distributed separately by Microsoft (or by an entity acquired by Microsoft) from a Windows Operating System Product; Continued on following page

Indeed, the RPFJ defines ''Microsoft Middleware'' so narrowly as to render any safeguards for consumers and competition inconsequential. Worse, the RPFJ allows Microsoft—hardly the guardian of the public interest—to decide what future products will, and will not, be considered ''Microsoft Middleware!'' Thus, the RPFJ puts the fox in charge of the hen house.

1. The RPFJ's Vapid Definitions of Middleware As noted above, the scope of protection afforded by the RPFJ depends entirely on its definition of Microsoft Middleware. Rather than defining Microsoft Middleware in a Continued from previous page

ii. is similar to the functionality provided by a Non-Microsoft Middleware Product; and iii. is Trademarked.

Functionality that Microsoft describes or markets as being part of a Microsoft Middleware Product (such as a service pack, upgrade, or bug fix for Internet Explorer), or that is a version of a Microsoft Middleware Product (such as Internet Explorer 5.5), shall be considered to be part of that Microsoft Middleware Product.

L. Microsoft Platform Software means (i) a Windows Operating System Product and/or (ii) a Microsoft Middleware Product.

M. Non-Microsoft Middleware means a non-Microsoft software product running on a Windows Operating System Product that exposes a range of functionality to ISVs through published APIs, and that could, if ported to or made interoperable with, a non-Microsoft Operating System, thereby make it easier for applications that rely in whole or in part on the functionality supplied by that software product to be ported to or run on that non-Microsoft Operating System.

N. Non-Microsoft Middleware Product means a non-Microsoft software product running on a Windows Operating System Product: (i) that exposes a range of functionality to ISVs through published APIs, and that could, if ported to or made

interoperable with, a non-Microsoft Operating System, thereby make it easier for applications that rely in whole or in part on the functionality supplied by that software product to be ported to or run on that non-Microsoft Operating System, and

(ii) of which at least one million copies were distributed in the United States within the previous year. RPFJ, 66 Fed. Reg. at 59,459.

manner that provides a concrete foundation for meaningful relief, the RPFJ offers a convoluted definition that provides a foundation no stronger than the shifting sands. Specifically, the RPFJ defines ''Microsoft Middleware'' as ''software that provides the same or substantially similar functionality as a Microsoft Middleware Product.'' RPFJ, 66 Fed. Reg. at 59,459. In turn, the RPFJ specifies two criteria for ''Microsoft Middleware Products.'' See id. First, the RPFJ simply chooses a few types of software—namely, Internet Explorer, Microsoft's Java Virtual Machine, Windows Media Player, Windows Messenger, Outlook Express, and their successors—to be deigned ''Microsoft Middleware Products.'' Id. Second, the RPFJ declares that other types of software may be considered ''Microsoft Middleware Products'' if (and only if) three conditions are met; specifically, if the software:

(i) is, or in the year preceding the commercial release of any new Windows Operating System Product the software was, distributed separately by Microsoft (or by an entity acquired by Microsoft) from a Windows Operating System Product;

(ii) has functionality similar to that provided by a Non-Microsoft Middleware Product; and

(iii) is Trademarked. Id.

Together, these definitions of Middleware assure that the protections of the RPFJ will never apply to more than a few forms of middleware and, in particular, to middleware that Microsoft has already crushed by anticompetitive means. Indeed, the inconsequential scope of the RPFJ will embolden Microsoft in its continuing quest to extinguish any new, or competitively significant, middleware offered to consumers. The RPFJ further ensures its own futility by allowing Microsoft to decide when, or if, to trigger any duty to comply. Thus, to qualify as a ''Microsoft Middleware Product or as ''Microsoft Middleware,'' software must at some time be distributed separately by Microsoft from one of its ''Windows Operating System Products.'' Id. Nothing in the RPFJ, however, prohibits Microsoft from rolling all important middleware into its operating system products.

To the contrary, the RPFJ remarkably provides that ''[t]he software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion.'' RPFJ, 66 Fed. Reg. at 59,459 (emphasis added). To make its scope even more trivial (if that is possible), the RPFJ further provides that software code will not be considered either ''Microsoft Middleware'' or a ''Microsoft Middleware Product,'' unless it is ''Trademarked'' by Microsoft. See id. at 16. In other words, even if Microsoft finds it necessary, for some reason, to distribute new software separately from a ''Windows Operating System Product,'' such software still will not fall within the remedy, if Microsoft decides in its sole discretion not to seek trademark protection for the product. This is absurd.5

Finally, even assuming the RPFJ retains some sliver of significance despite its slight scope, additional broad and pliable exclusions assure that Microsoft would be well protected against any meaningful duty to comply. For example, the RPFJ provides that any ''Microsoft Middleware'' must ''include at least the software code that controls most or all of the user interface elements of that Microsoft Middleware.'' Id. Thus, Microsoft could avoid any compliance duties simply by breaking up code for middleware into small units of code, none of which ''controls most or all of the user interface elements.''6 Likewise, the RPFJ excludes from The ridiculous implication of this loophole is that there exists some correlation between a decision by Microsoft to assert trademark protection for software and Microsoft's ability to exploit such software for anticompetitive purposes. To the contrary, this limitation on the scope of the RPFJ is simply a ''give away'' that enhances the misdirected protection afforded by the RPFJ to Microsoft.

Notably, the DoJ appears to have misread, or misunderstood, the import of this element of its own definition. The CIS asserts that this last element of the definition is: to ensure that the definition captures situations where Microsoft chooses to divide up the software code...and to distribute that code not in one block but in smaller blocks the fourth requirement sets a minimum functional requirement that in no case (regardless of the size, or manner of, distributing the code) shall the software code constituting Microsoft Middleware be less than that which controls most, or all of, the user interface elements of that Microsoft Middleware.

CIS, 66 Fed. Reg. at 59,464. In fact, the language of the RPFJ has precisely the opposite effect of what DoJ claims. Because the proposed four elements of ''Microsoft Continued on following page the definition of ''Microsoft Middleware'' any ''updates'' to existing ''Microsoft Middleware Products,'' unless Microsoft, in its sole discretion, decides to label the update a ''major version'' of the product. Id. To avoid compliance, therefore, Microsoft need only rely on ''minor'' updates to impede competition, or call every update ''minor,'' regardless of import. In sum, the RPFJ ultimately allows Microsoft to decide for itself the scope of its duties. In view of Microsoft's demonstrated enthusiasm for legal loopholes, it is hard to imagine a remedy proposal of lesser value.

2. The RPFJ's Limited Scope Precludes Protection of the Public Interest The aulty (and nearly non-existent) scope of the RPFJ is made especially clear when it is compared with the broader definition of middleware proposed by the Litigating States in their proposed remedy. In contrast to the RPFJ, the Litigating States define middleware in conformity with the judgment against Microsoft and would not permit Microsoft to continue its abusive practices simply by making discretionary and trivial changes to its own business practices.7 Plaintiff Litigating States' Remedial Proposals at 34–35 (Dec. 7, 2001), United States v. Microsoft Corp., No. 98–1232 (States' Remedy). Continued from previous page Middleware'' are all required, this last element further limits, rather than expands, the scope of relief. 7 The Litigating States would define middleware as follows: w. Middleware means software, whether provided in the form of files installed on a computer or in the form of Web-Based Software, that operates directly or through other software within an Operating System or between an Operating System (whether or not on the same computer) and other software (whether or not on the same computer) by offering services via APIs or Communications Interfaces to such other software, and could, if ported to or made Interoperable with multiple Operating Systems, enable software products written for that Middleware to be run on multiple Operating System Products. Examples of Middleware within the meaning of this Final Judgment include without limitation Internet browsers, network operating systems, e-mail client software, media creation, delivery and playback software, instant messaging software, voice recognition software, digital imaging software, the Java Virtual Machine, calendaring systems, Handheld Computing Device synchronization software, directories, and directory services and management software. Examples of software that are not Continued on following page

Remarkably, the DoJ's own prior submission to the Court belies any arguments that the RPFJ is sufficiently broad in scope to protect the public interest. Although Microsoft hopes to limit any relief to forms of middleware that no longer threaten its monopoly, the DoJ has explained:

In crafting an effective Sherman Act remedy, a court must use the record of a backward-looking trial to fashion forward-looking relief. Looking forward, the Court must anticipate that Microsoft, unless restrained by appropriate equitable relief, likely will continue to perpetuate its monopoly by the same anticompetitive methods revealed at trial, although directed at whatever new competitive threat arises. Neither the Netscape browser nor Java continues to have the prospect of lowering the applications barrier to entry, and it is not certain where future threats to Microsoft's operating system will arise. But there are several possibilities that ought to be taken into account in crafting an appropriate remedy for Microsoft's violations.

Plaintiff's Memorandum in Support of Proposed Final Judgment (''DoJ Mem. In Supp.'') at 27–28, United States v. Microsoft Corp., No. 98–1232 (emphasis added). Elsewhere, the DoJ has admitted that important new middleware technologies that must be protected from Microsoft's tactics may include ''voice recognition software, media streaming technology and e-mail software,'' as well as ''many server-based middleware products Continued from previous page Middleware within the meaning of this Final Judgment are disk compression and memory management software.

x. Microsoft Middleware Product means:

i. Internet browsers, e-mail client software, media creation, delivery and playback software, instant messaging software, voice recognition software, digital imaging software, directories, Exchange, calendaring systems, systems and enterprise management software, Office, Handheld Computing Device synchronization software, directory services and management software, the Common Language Runtime component of the .Net framework, and Compact Framework, whether provided in the form of files installed on a computer or in the form of Web-Based Software, or

ii. Middleware distributed by Microsoft that (1) is, or in the three years preceding this Judgment has been, distributed separately from an Operating System Product, any successors thereto, or (2) provides functionality similar to that provided by Middleware offered by a Microsoft competitor. States' Remedy at 34–35. that have historically been sold or distributed separately by Microsoft or other firms, including a directory service (Active Directory), an application server (Microsoft Transaction Server—MTS), and a web server (Internet Information Server—IIS)''. Id. at 28; Affidavit of Rebecca Henderson, attached as Exhibit to DoJ Mem. Of Supp. (''Henderson Aff.'').

In sum, the RPFJ protects Microsoft, rather than the public, by limiting restrictions on Microsoft monopolistic tactics to forms of middleware that Microsoft has already, and unalterably, made irrelevant. Meanwhile, the RPFJ will only fuel Microsoft's zeal to replicate its unlawful victories over Netscape and Java in its continuing efforts to extinguish other middleware threats to its monopoly.

3. The RPFJ Subverts the Public Interest By Providing Immunity for Microsoft's Unlawful Efforts to Destroy Middleware Alternatives to Active Directory Perhaps the most insidious characteristic of the RPFJ is that it appears specifically written to impart antitrust immunity to Microsoft for using the same unlawful tactics against competition threatened by directory services middleware that it used to destroy competition threatened by Netscape's internet browser. Remarkably, the RPFJ would not require Microsoft to lift a finger to avail itself of such protection. With utter disregard for the public interest, the RPFJ attempts to legitimize conduct that has already been declared unlawful by both the District Court and the Court of Appeals.

Specifically, the RPFJ permits Microsoft to engage in any anticompetitive tactic of choice against middleware threats, so long as Microsoft chooses to bundle, bind, or even just market, competitively critical middleware with its monopoly operating system products. Although memories can be short in the fast-paced technology industry, it defies credulity that the RPFJ ignores six years of antitrust litigation and the Court of Appeals'' judgment against Microsoft, which directly resulted from Microsoft's simple, but unlawful, decision to combine middleware with its monopoly operating systems.

As discussed below, there can be no question that directory services software, such as Novell's ''eDirectory,'' Microsoft's ''Active Directory,'' and iPlanet's ''Directory Server,'' have become competitively critical links between the desktop and network computing that threaten Microsoft's monopoly. For this reason, it is hardly surprising that Microsoft hopes to insulate directory services software from antitrust scrutiny. See Defendant Microsoft Corporation's Remedial Proposal at 9 (Dec. 12, 2001), United States v. Microsoft Corp., No. 98–1232 (arguing that ''directory services and management software are plainly not ''middleware'' within the meaning of the Court of Appeals'' decision''). Yet, Microsoft offers only rhetoric to support its wish for directory services middleware to be excluded from any remedy in this case. Indeed, Microsoft refutes its own claim. Microsoft notes that [a]s the Court of Appeals used the term, middleware' refers to software products that are capable of running on multiple client operating systems and that could provide a general-purpose platform for applications, such that developers might begin to rely upon APIs exposed by the middleware for basic routines rather than relying upon the API set included in Windows' and the middleware could take over some or all of Windows' valuable platform functions.' Id. (citing Microsoft, 253 F.3d at 53). Technology consumers, middleware competitors, and independent experts all agree that directory services software falls squarely within even Microsoft's definition of ''middleware.''

For example, Internet2 is a consortium of technology consumers that includes over 180 universities working in partnership with industry and government on advanced network applications and technologies. Internet2 explains:

[A] key part of [the Internet2] initiative is to promote open standards ''middleware, or ''glue'', [which] is a layer of software between the network and the applications. This software provides services such as identification, authentication, authorization, directories, and security. In today's Internet, applications usually have to provide these services themselves, which leads to competing and incompatible standards. By promoting standardization and interoperability, middleware will make advanced network applications much easier to use.

Likewise, the well-respected Gartner Group, a leading provider of technology research, has emphasized that ''directory services'' are playing an increasingly important role as middleware platforms for integrating diverse applications and other forms of software, including other middleware products and operating systems. See Conference Presentation, Active Directory, Gartner Group at 5, available at http://www.gartnerweb.com/public/static/win2000/actdirect.pdf (visited Jan. 23, 2002). The Gartner Group notes:

[O]ne of the important parts of integration middleware [such as a directory service] is the superservice. A superservice presents to the application program its own superAPI, effectively masking or superseding the API(s) exposed by other software layers. A superservice provides services, such as metadirectory, security and/or transaction management, across two or more OSs [i.e., Operating Systems], ORBs, TP monitors, DBMSs, application servers and/or networking layers. Id.

Thus, directory services fall squarely within Microsoft's admitted definition of middleware. See Microsoft's Remedial Proposal at 9 (citing Microsoft, 253 F.3d at 53).8 Directory services expose APIs as an alternative to Windows APIs, and serve as platforms for diverse applications.

In view of the competitive importance of directory services as middleware, it is hardly surprising that Microsoft has attempted to drive products that compete with its Active Directory software from the market by using the same unlawful tactics that it used against Netscape. For example, Microsoft has commingled code to bind Active Directory to its Windows operating systems. In recent versions of Windows, Microsoft has also manipulated interfaces specifically to prevent users from replacing Active Directory with eDirectory. (Although eDirectory can be used with recent Microsoft operating systems, it can only be used concurrently with Active Directory.) 9 Second, Microsoft has undermined the use of a standard

See also Windows 2000: Blueprint for Domination, Computer & Communications Industry Ass'n at 24 (Apr. 2000), available at http://www.ccianet.org/papers/ ms/blueprint—for—domination.pdf (visited Jan. 24, 2001) (''CCIA White Paper'') (''Active Directory is the integrated directory service for Windows 2000. It is the glue that binds Windows desktops to Windows 2000 Servers. Active Directory is a critical component for any end user, Application Developer, and IT manager that is using, developing, or managing computers and applications in a Microsoft distributed computing environment.'').

In Windows 2000, Microsoft redesigned its authentication system and refused to disclose the APIs necessary for Novell to continue ''redirecting'' Microsoft calls for Active Directory to eDirectory. Novell used a technique called ''redirection'' to allow an earlier version of its directory services software, called NDS, to interoperate effectively with WindowsNT. By moving and encrypting interface information in Windows 2000 and Windows XP, Microsoft has prevented Novell from using redirection and has forced Novell to ''synchronize'' its directory services software, now called eDirectory, with Active Directory. As a result of this tactic, customers may not run eDirectory alone, but can only use it as a supplement to Active Directory. See CCIA White Paper, supra (''The industry protocol in this case Light Directory Access Protocol or LDAP in favor of proprietary protocols that inhibit development of multi-platform (or non-Microsoft) networks.10

Third, Microsoft has employed coercive licenses, called client access licenses or CALs, to discourage users from installing non-Microsoft directory services.11 More than surprising, however, is that the RPFJ will sanction such unlawful conduct for the simple reason that Microsoft has had the foresight (in light of this litigation) to decide against ever distributing Active Directory separately from Windows. Although Microsoft's decision, standing alone and

without regard to any anticompetitive consequences, will exempt Microsoft's conduct relating to Active Directory from antitrust scrutiny under the RPFJ, the notion that such conduct does nothing to entrench Microsoft's monopoly is preposterous.

B. The Proposed Final Judgment Would Have No Effect, Because it Fails to Require Meaningful Disclosures by Microsoft of Interface Information The next extraordinary deficiency of the RPFJ is the manner in which it purports to require Microsoft to disclose critical interface information that would allow for the way Microsoft's Active Directory is implement on the client-side makes it impossible to redirect services to alternative directory service providers such as Novell's NDS. This means Active Directory must be present on a network of Windows 2000 machines and that Novell can no longer compete as a substitute for directory services as they did with Windows NT.''); Active Directory, Gartner Group, supra, at 9 (''With [Windows] NT v.

4, Novell has used a redirection model with its NDS for NT product to provide a solution for managing heterogeneous NDS and NT domain environments. We believe this approach will be difficult, if not impossible, for Novell to implement with Active Directory in Windows 2000.'').

10 See CCIA White Paper, supra (''Active Directory is also used as Microsoft's vehicle for locking customers into a Microsoft proprietary standard. Active Directory supports standard interfaces such as Lightweight Directory Access Protocol (LDAP) and Domain Name Service (DNS). These protocols are subsets of what Active Directory supports, meaning that no other directory services can substitute for Active Directory.'') For a discussion of LDAP, see Novell Technical Information Document:GroupWise and LDAP Whitepaper (Feb. 15, 2000), available at http://support.novell.com/cgi-bin/search/searchtid.cgi?/2955731.htm (visited Jan. 22, 2002). 11 See discussion of CALs, infra at Section II.D.

development and effective implementation of competing middleware products. The disclosure requirement of the RPFJ can be summarized as: (1) too little; (2) too late; and (3) too full of loopholes. In fact, the RPFJ would expressly allow Microsoft to continue the same anticompetitive practices that have already enabled it to buttress its monopoly.

1. Too Little Disclosure: The RPFJ's Inadequate Definitions of Interface Information—The RPFJ defines interface information so narrowly and incompletely that any compliance by Microsoft with its disclosure requirements would have little, if any, effect. The RPFJ includes the following definitions:

A. Application Programming Interfaces (APIs) means the interfaces, including any associated callback interfaces, that Microsoft Middleware running on a Windows Operating System Product uses to call upon that Windows Operating System Product in order to obtain any services from that Windows Operating System Product.

B. Communications Protocol means the set of rules for information exchange to accomplish predefined tasks between a Windows Operating System Product and a server operating system product connected via a network, including, but not limited to, a local area network, a wide area network or the Internet. These rules govern the format, semantics, timing, sequencing, and error control of messages exchanged over a network. * * *

E. Documentation means all information regarding the identification and means of using APIs that a person of ordinary skill in the art requires to make effective use of those APIs. Such information shall be of the sort and to the level of specificity, precision and detail that Microsoft customarily provides for APIs it documents in the Microsoft Developer Network (MSDN). RPFJ, 66 Fed. Reg. at 59,458.

The first, and most obvious, defect of the proposed disclosures is the scope of Microsoft's duty. Under the definitions of the RPFJ, Microsoft would need only to disclose certain interface information affecting interoperability of ''Microsoft Middleware'' and a ''Windows Operating System Product.'' See id. at 59,459. As discussed above, those terms are defined by the RPFJ to allow Microsoft to avoid compliance altogether, because ''Microsoft Middleware'' is defined absurdly narrowly and ''Windows Operating System Products'' are defined as whatever Microsoft wants them to be. See id. Microsoft's history makes clear that it will simply evade this remedy by declining ever again to offer middleware products separately from its operating systems (or at least it will not assert trademark protection for them). Second, the interface definitions fail to articulate an objective standard for evaluating Microsoft's compliance. To date, Microsoft has never admitted that it has withheld interface information to competitors; instead it points to volumes of information it provides to independent developers through its Microsoft Development Network (MSDN). Meanwhile, it is obvious to competitors and independent observers that while Microsoft has often published interface information that allows competing products to work with Microsoft's operating system products, it frequently refuses to publish information that allows competing products to work well with Microsoft's products or in the same way as Microsoft's products. Indeed, Microsoft has notoriously allowed its own programmers and developers to access and rely upon secret or unpublished APIs, calls, or other interface information to assure full interoperability of its products, while forcing competitors to use only limited sets of information that allow for ''interoperability''—but only in inefficient and constrained ways.12 Nothing in the RPFJ clearly prohibits Microsoft from disclosing selective interface information that provides for limited interoperability. Indeed, paragraph E. of the RPFJ makes clear that Microsoft need not offer any better ''Documentation'' than it does at the present time. See id. at 59,458. For all the foregoing reasons, the information currently available has proven grossly inadequate to allow for meaningful competition. See id.

2. Too Late Disclosure: The RPFJ's Inadequate Definition of Timeliness The RPFJ acknowledges that disclosures of interface information must be sufficiently timely to enable competing providers of middleware to develop alternatives in a commercially reasonable time frame. The CIS explains: Whenever Microsoft develops an updated version of a Windows Operating System Product, it must disclose all relevant APIs and Documentation in a Timely Manner, meaning at the time Microsoft first releases a widespread beta test version of that

12 See, e.g., Jesse Berst, APIs: Microsoft's Hidden Full Nelson, ZDNet (Jun. 28, 2000), available at http://www.zdnet.com/anchordesk/stories/story/0,10738,2595479,00.html (visited Jan. 22, 2002); Sven B. Schreiber, Undocumented Windows 2000 Secrets: A Programmer's Cookbook (2001); Prasad Dabek, Sandeep Phadke & Milind Borate, Undocumented WindowsNT (1999).

Windows Operating System Product (i.e., one made available to 150,000 or more beta testers). If, alternatively, Microsoft develops a new major version of Microsoft Middleware, it must disclose any APIs and Documentation used by that middleware to interoperate with any Windows Operating System Product not later than the release of the last major beta version of that middleware (i.e., the version before the release of any release candidate version of the middleware). This dual-timing trigger mechanism is important to ensure that ISVs and other third parties learn of all relevant APIs and the information needed effectively to use them well in advance of the actual commercial releases of the relevant Microsoft software, so that the third parties can ensure that their own competing products function on and interoperate with Windows. CIS, 66 Fed. Reg. at 59,468 (emphasis in original).13

Notwithstanding the wishful (and unrealistic) analysis of the CIS, the language of the RPFJ fails to offer any meaningful assurance of timeliness. The specified date for release of interface information for new middleware products is the last ''beta'' release, which is typically very shortly before the final version of the software is released to the public. Such beta releases are generally made a year or a year and a half after early code is provided to Microsoft operating systems and applications developers. In effect, under current practices the proposed finding would allow Microsoft to give its own middleware developers a year and one-half head start over competitors.

In fact, the head start the RPFJ affords Microsoft is likely to be far longer (or even infinitely long). By triggering the disclosure obligation on the date of the ''last'' beta release that includes at least 150,000 testers, the RPFJ would, once again, allow Microsoft to decide if and when (if ever) the disclosure obligation would take effect. Nothing in the RPFJ would prevent Microsoft from delaying the ''final'' beta release for more than a year and a half, or even from deciding to test new software exclusively in stages released to groups of less than 150,000 testers.

13 The RPFJ defines ''Timely Manner'' for disclosure of interface information as ''the time Microsoft first releases a beta test version of a Windows Operating System Product that is distributed to 150,000 or more beta testers.'' RPFJ, 66 Fed. Reg. at 59,459.

3. The RPFJ's Security Loophole Precludes Meaningful Relief The RPFJ has been described as Swiss cheese without the cheese. Of the numerous loopholes and deficiencies of the RPFJ, none is larger than the broad and general exclusion it affords Microsoft for ''security'' information, as follows:

J. No provision of this Final Judgment shall:

1. Require Microsoft to document, disclose or license to third parties: (a) portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of a particular installation or group of installations of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria; or RPFJ, 66 Fed. Reg. at 59,455–56.

DoJ attempts to justify this security exception on grounds that ''[it] is a narrow exception, limited to specific end-user implementations of security items such as actual keys, authorization tokens or enforcement criteria, the disclosure of which would compromise the security of ''a particular installation or group of installations'' of the listed security features.'' CIS, 66 Fed. Reg. at 59,472. In fact, this exception is fatal to the efficacy of the RPFJ. Much of what software developers like Novell need in order to develop products that efficiently interoperate with Microsoft Windows products is now being encrypted by Microsoft.

Under the rubric of security, Microsoft harms interoperability by manipulating the encryption, signing or tagging of calls made between its operating systems and middleware. Encrypted or signed calls made by Microsoft's operating systems can be seen by competing middleware, but either cannot be read by them or the calls cannot be executed properly and with full function. Calls made by competing server operating systems are rejected by Microsoft's products because they are not encrypted or signed in the Microsoft way. Microsoft, for example, now encrypts information exchanged between its directory service (Active Directory) and its operating systems. The effect of such ''security'' is to prevent Novell's eDirectory or other directory services from replacing Active Directory in a network. Even if Novell discovers, or is provided with, the interfaces between Active Directory and Windows, Microsoft's encryption of the information exchanges will effectively prevent the use of an alternative directory service. This tactic, moreover, could be replicated wherever middleware exchanges information, or calls, with Windows. Although encryption or signing of calls may, in fact, promote security, there is no legitimate reason for such security methods to harm interoperability. In simplest terms, information security is generally afforded by encrypting or ''locking up'' sensitive information and safeguarding the ''keys'' to those locks. Rather then relying on well established technologies to protect the ''keys'' to sensitive information, Microsoft routinely prevents competitors from using the same types of locks that its uses for its own products. This tactic unnecessarily inhibits interoperability, because information security invariably depends not on the type of lock that is used (since a variety of tamper-proof locks have been developed), but solely on protection of the keys.14 Microsoft routine ignores such distinctions to enable it to harm interoperability under the rubric of security.

In sum, the ''security'' exception to the RPFJ harms, rather than protects, the public interest. As interpreted by Microsoft, the exception will enable it to withhold information that is irrelevant to securing networks from hacking, viruses and the like, but highly relevant to securing networks from meaningful competition.

4. The RPFJ's Inadequate Disclosure Requirements Precludes Protection of the Public Interest

As recognized in the CIS and DC Circuit Court opinion, Microsoft has prevented competitors from offering meaningful Middleware alternatives in three main ways: (1) Microsoft has taken advantage of the fluidity of software to continually reconfigure its products in ways that make it difficult or impossible for even superior middleware offerings of competitors to remain viable; (2) Microsoft has refused to disclose interface information that

One of the most remarkable aspects of modern encryption technology is that it allows for virtually complete security of a ''key'' needed to unlock an encrypted message. In the world of physical locks and keys, a key is never entirely secure (even if it is never shared), because a locksmith can reproduce a key if he or she is given the lock. By contrast, in the world of bits and bytes, modern encryption can prevent a ''key'' from being copied, even if an expert knows how the key was made and is given the locked (i.e., encrypted) message.

would enable competitors to offer middleware products that operate effectively; and (3) Microsoft has engaged in coercive sales and marketing tactics that force distributors and consumers to favor even inferior Microsoft products over those of competitors. See CIS, 66 Fed. Reg. at 59,461.

Microsoft's refusal to disclose meaningful and timely interface information has been especially damaging to competitors, like Novell, who have repeatedly demonstrated their ability to develop superior alternatives to Microsoft products in the increasingly rare instances in which they have been able to obtain, or ascertain on their own, the critical interface information that allows for the effective interoperation of their middleware with Microsoft operating systems. As a result, the public is denied the benefits of innovation and the opportunity to choose among competing alternatives.

The CIS recognizes that meaningful disclosure of interface information by Microsoft is essential to effective relief. The CIS explains: ''[T]he effect of Section III.D [of the RPFJ] is to assure to Non-Microsoft Middleware meaningful access to the same services provided by the operating system as those available to Microsoft Middleware. Microsoft Middleware will not have access to any hidden or proprietary features of Windows Operating System Products that might allow it to operate more effectively.'' Id. at 59,468. Unfortunately, the RPFJ again fails to deliver on DoJ's purported goal.

In contrast to the RPFJ, a meaningful remedy must account for the fact that Microsoft manipulates interface information in a variety of ways to preclude competition. Although too numerous to recount, Microsoft's tactics include: ? ''Secret Interfaces''—Microsoft does not publish all the interfaces it uses and does not publish all the interface information that others need to develop products that interoperate with Microsoft software. ? ''Crippled Interfaces''—For some functions, Microsoft publishes information about an interface that is inferior to the interface that Microsoft itself uses to accomplish a function, or publishes incomplete information about an interface.

''Kick Me Interfaces''—Sometimes, Microsoft publishes information about an interface that Microsoft uses to perform a function, but it ''marks'' non-Microsoft software in a way that assures the interface will operate in an inferior way. Microsoft can ''mark'' competitors software through tagging, signing, encrypted passwords, or by noting the absence of such features. ? Moving Interfaces—If, by some means, a third party has been able to obtain adequate interface information that Microsoft doesn't want it to have, Microsoft will simply move the interface. For example, Novell successfully figured out how to enable its directory services software to interoperate with Windows NT. To counter Novell's success, in Windows 2000 Microsoft broke up and moved the computer files containing the interface information used by Novell and marked, or signed, information required for the interfaces so that Novell could neither use Microsoft's interface information nor replace it.

The typical result of such tactics is that Microsoft makes competing products appear inferior to Microsoft's products. Microsoft's actions may make a competing product appear slower, require more memory, or perform with limited functionality. These tactics also enable Microsoft to persuade customers to buy Microsoft's inferior and/or more expensive products simply to avoid Microsoft's roadblocks.15

15 Perhaps most remarkable, is the arrogance with which Microsoft exploits its anticompetitive efforts to impede interoperability. Microsoft, for example, repeatedly issues marketing materials that criticize products offered by Novell and other competitors for technical problems cause by Microsoft's refusal to allow effective interoperability with Windows.

Thus, in 1998, Microsoft's Website criticized Novell's directory services product, NDS for NT, because ''[i]t is not integrated with the operating system.'' Further, Microsoft proclaimed that Windows NT is ''successful,'' because ''customers have found that Windows NT Server suits most of their needs now and they are confident that Microsoft will deliver on other functionality that they need in the near future. Such is the case with directory services.'' In other words, in 1998, Microsoft admitted that it did not yet offer a competitive directory services

middleware product, but it aggressively discouraged customers from using Novell's product based on interoperability limitations created by Microsoft and its ''promise'' of improving its software sometime in the future. See NDS for NT: Increases Complexity and Cost Without Adding Value, available at Continued on following page

The remedy proposed by the Litigating States, in contrast to the RPFJ, would prevent continued exploitation and manipulation of critical interface information by Microsoft and thereby protect the public interest. First, the Litigating States have proposed definitions of interface information that clearly obligate Microsoft to provide the same interface information that is made available to its own programmers and developers to allow for ''full'' and ''efficient'' interoperability of products. See States' Remedy at 31–32. Further, the Litigating States'' proposal would provide for monitoring and review of Microsoft's disclosure by creating a clean room in which qualified industry representatives could examine and test the underlying computer code. See id. at 11–12. Second, the proposed remedy of the Litigating States, in contrast to the RPFJ, would require disclosures to be sufficiently timely to allow for meaningful competition. The Litigating States define ''Timely Manner'' to mean:

at a minimum, publication on a Web site accessible to ISVs, IHVs, OEMs and Third-Party Licensees at the earliest of the time that such APIs, Technical Information, or Communications Interfaces are (i) disclosed to Microsoft's applications developers, or (ii) used by Microsoft's own Platform Software developers in software released by Microsoft in alpha, beta, release candidate, final or other form, or (iii) disclosed to any third party, or (iv) within 90 days of a final release of a Windows Operating System Product, no less than 5 days after a material change is made between the most recent beta or release candidate version and the final release. Id. at 36–37. Continued from previous page

http://www.strom.com/awards/98a.html (visited Jan. 13, 2002) (republication of paper appearing on Microsoft's website until Jan. 22, 1998). Four years later, Microsoft's Active Directory is still generally regarded as inferior to Novell's eDirectory, yet continues to increase market share at Novell's expense as a result of Microsoft's anticompetitive acts. See, e.g., Products of the Year, Network Magazine (May 7, 2000), available at http://www.networkmagazine.com/article/NMG20010413S0005 (visited Jan. 15, 2002).

Third, the Litigating States would close the gaping ''security'' loophole of the RPFJ by requiring disclosure of information that allows competitors to participate with Microsoft in security mechanisms without compromising security. C. The RPFJ Will Encourage Microsoft To Continue To Corrupt Industry Standards for Anticompetitive Purposes Although the DC Circuit expressly held that Microsoft acted to protect its monopoly through undermining industry standards by deceiving software developers, the RPFJ fails to address this concern at all. Industry standards are often the key to interoperability among products that must communicate with each. Time after time, Microsoft has undermined or corrupted such standards to prevent competing middleware products from interoperating effectively with its dominant operating systems. For example, Kerberos is an industry standard for encryption, in which certain fields are reserved for optional use. Microsoft, however, has used one of those fields to produce its own proprietary version of the standard. In itself, this is unobjectionable. Microsoft, however, has gone one step further: it has manipulated its operating systems and middleware so that they will use and accept only the Microsoft version of the Kerberos standard.16 This is diametrically contrary to the purpose for which standards, even with optional fields, are developed. Optional fields are included in standards to enable firms to add information to a message. Ordinarily, if an optional field is used in creating standard messages, those messages can still be sent and received among all products that comply with the standard. In such cases, the information included in the optional field may simply be ignored. Optional fields are never, however, intended to enable a firm—i.e., Microsoft—to subvert the standard and preclude its widespread usage.

The CCIA explains that ''[w]hile the Kerberos Version 5 Microsoft uses for their security services is a standard, the way they have implemented Kerberos is not a standard and renders it nearly inoperable with any other implementation.'' CCIA White Paper, supra, at 24.

Not content with Microsoft's corruption of the Kerberos standard, Microsoft has filed for a patent on its proprietary version. Consequently, not only will Microsoft products fail to interoperate with non-Microsoft products (because of the modification), but Microsoft will not allow anyone else to use its version unless they purchase a liscense from Microsoft.

Thus, by polluting industry standards, such as Java and Kerberos (among others), Microsoft can further impede the use and development of competing middleware. Any calls encrypted with Kerberos sent by Microsoft Windows can be read only by other Microsoft Middleware and not by Novell's middleware. Similarly, Novell's middleware cannot send calls encrypted with Kerberos (the industry standard), because Windows will reject them. In contrast to the RPFJ, the remedy proposed by the Litigating States addresses the problems created by Microsoft's manipulation of industry standards in two complementary ways. First, by requiring meaningful disclosures of interface information, the Litigating States would effectively impair Microsoft's ability to corrupt third party standards surreptitiously. Second, the Litigating States' proposal would expressly preclude Microsoft from misrepresenting its compliance with industry standards or imposing proprietary (i.e., Microsoft-owned) versions of such standards on the industry. See States' Remedy at 20–21.

D. The RPFJ Will Encourage Microsoft To Continue To Use Coercive Licensing Practices to Exclude Competition As recognized in the RPFJ, Microsoft has a long history of imposing coercive contracts and conditions on its customers to inhibit their ability to buy or sell competing products. See RPFJ, 66 Fed. Reg. at 59,453–55. Once again with myopic vision, the RPFJ ignores the full scope of Microsoft's abusive contracts. Specifically, the RPFJ addresses only Microsoft's arrangements with intermediary technology vendors like OEMs. See id. Microsoft, however, has redirected its muscle at direct purchasers of its software. Microsoft, for example, forces networking customers to purchase Client Access Licenses or ''CALs.'' A CAL is merely one example of coercive licenses directed at users, rather than intermediaries. In connection with Windows 2000, Microsoft began to require customers to purchase a CAL whenever the customer uses a device that authenticates (i.e., identifies) itself and its relation to other elements of the network with Microsoft's Active Directory middleware. In other words, in addition to requiring users to purchase a license for using Windows 2000 on Continued from previous page will not allow anyone else to use its version unless they purchase a license from Microsoft.

server, Microsoft also requires users to purchase enough CALs to cover the maximum level of devices that will have concurrent access to that server. The beauty of a CAL, from Microsoft's standpoint, is that it raises prices for Microsoft software, while at the same time raising the costs to users of using non-Microsoft middleware. The Gartner Group explains: The most significant pricing increase for enterprises using Win2000 will come from Microsoft's licensing change requiring CALs for all authenticated users. This is considerably broader than Microsoft's previous CAL requirement with Windows NT v.4. The most common scenario for increased costs will involve users of Microsoft's Exchange using Novell for NOS [Network Operating System] services. These users will typically see Win2000 server and CAL fees increase five to eight times over their current server and CAL fees. Previously, users of Exchange were not required to Purchase an NT CAL. However, since all versions of Exchange require NT authentication [provided by Active Directory] these users will be required to purchase Win2000 CALs regardless of whether they use another vendor's NOS services. This, in effect, makes the use of Microsoft's NOS services free as compared to other NOSs. The situation is exacerbated by Microsoft's server logo program requirement that certified applications must, at a minimum, support Windows 2000 authentication—a move that increases the number of scenarios in which CALs will be required.

Furthermore, by broadening authentication to include applications ''indirectly'' using Win2000 sign-on services, uses of products that tap into Microsoft's security APIs (e.g., Novell's NDS for NT) must purchase CALs where they were not charged before.

See Win2000 Licensing: Raising Prices, Squeezing Competitors, Gartner Group (Feb. 16, 2000) (italics in original) (boldface added).

Microsoft's CAL licensing policy forecloses competition and reduces consumer choice, because it forces customers to pay Microsoft, even if they prefer to use non-Microsoft

middleware. For example, if a customer has fifty personal computers attached to a network composed of nine Novell servers and one Windows XP server, and the customer uses Microsoft's dominant email software, ''Exchange'' (or any other software that authenticates to Active Directory), then the customer will need to buy fifty CALs from Microsoft—even if the customer would prefer to use Novell's eDirectory for all authentication services.

Why ? Because the customer has no choice: (1) Microsoft bundles Active Directory with Windows 2000 and Windows XP; (2) Microsoft has technologically prevented Novell's eDirectory from replacing Active Directory to provide authentication services for Microsoft products like Exchange; and, therefore (3) virtually all network devices require ''access'' to Active Directory which must be paid for under a Microsoft CAL!

Further, the CAL policy coerces customers into replacing all server software with Microsoft software. Otherwise, the customer will be forced to pay a substantial tax to Microsoft simply to be able to use a competitor's networking software. In the foregoing example, the customer would need to pay for fifty CALs regardless of the number of its ten servers that it converts to Windows XP or Windows 2000. Because Microsoft loads the bulk of pricing into the CALs, rather than into software licenses for its server software, the net effect of this strategy is make it prohibitively expensive for customers to continue to operate servers with non-Microsoft software, such as Novell's NetWare and/or eDirectory, even if they would prefer to do so. In many instances, Microsoft's strategy would effectively force a customer to pay twice for networking software if it had the temerity to rebuff Microsoft by insisting on using a competitor's networking middleware, rather than Windows 2000 or Windows XP (and Active Directory).

The significance of CALs in the overall cost to customers is shown by Microsoft's own estimated retail prices. Microsoft estimates that the Windows 2000 Server license sells at around $799.18 This is also the price of twenty CALs. Thus, using Microsoft's own estimates, as soon as the customer has more than twenty client PCs, the cost of the CALs is greater than the cost of the server license itself. Most enterprises will use far more than twenty client PCs in a network and the greater the number of client PCs, the greater the relative significance of CALs to the customer's overall cost. As a result, customers with large networks are essentially forced to pay for Microsoft's server software, whether or not they prefer that software or even use it. Eventually, however, many customers simply cannot afford to pay the tax imposed by Microsoft for using even superior networking software offered by its competitors.

The server license and five CALs is shown as costing $999 in Windows 2000. See Microsoft Windows 2000 Pricing and Licensing, available at http://www.microsoft.com/ Windows2000/server/howtobuy/pricing/ (visited Jan. 10, 2002). The cost of five CALs is shown separately as $199. Thus the server license is around $799 and each CAL is around $40. This is consistent with the prices shown for the server license and ten CALs ($1,199—$799 plus 10 x $40), for the server license and 25 CALs ($1,799—$799 plus 25 x $40) and for a 20 CAL pack ($799—around 20 x $40).

In sum, Microsoft has repeatedly devised coercive licenses that raise costs to users of non-Microsoft products. The ability of consumers to avoid CALs is ever diminishing as more and more applications that authenticate only to Active Directory are aggressively promoted by Microsoft. By changing the way it charges for CALs in recent versions of Windows, Microsoft assures ''that it makes more money while making it difficult to cost-justify the use of alternative vendors'' products.'' Win2000 Licensing, Gartner Group, supra. Here again, the RPFJ gives Microsoft a mandate to monopolize by limiting one set of coercive licensing practices while condoning another.

E. The RPFJ Would Fail to Protect the Public Interest, Because It Fails To Adopt An Enforcement Regime That Discourages Non-Compliance By Microsoft The RPFJ's enforcement provisions, while elaborate and creative, fail to ensure Microsoft's full and timely compliance with its obligations. The RPFJ fails to impose meaningful time limits on enforcement proceedings, it fails to threaten adequate sanctions to deter Microsoft from ignoring its duties, and it fails to appoint a Special Master to facilitate enforcement. These failings virtually guarantee Microsoft's non-compliance.

In failing to impose time limits on enforcement review and resolution, the RPFJ will allow complaints against Microsoft to languish. Under the RPFJ, a complaint would require an investigation by the DOJ to be followed, to the extent appropriate, by judicial proceedings before this Court. Any enforcement matter before the Court would be complex, even with the able assistance of the Technical Committee. As those investigations crept along, Microsoft would persevere. The history of this action shows that Microsoft sees no reason to take a ''time out'' during periods of antitrust review. Indeed, Microsoft effectively used the time since the entering of the consent decree to complete its annihilation of Netscape's threat to its monopoly.

As in its campaign against Netscape, by the time any sanctions under the RPFJ are imposed, challenged conduct will have long since taken its toll and Microsoft will have already repositioned its monopolistic artillery. Given Microsoft's history of thumbing its nose at the antitrust laws, any remedy must include severe penalties for non-compliance. Absent powerful deterrents, any final judgment in this case will have no more influence over Microsoft than the Treaty of 1839 had over Germany when it decided to invade Belgium in 1914. German Imperial Chancellor Theobald von Bethmann-Hollweg, in an August 4, 1915 conversation with Sir Edward Goschen, British Ambassador to Germany, characterized the Treaty, which guaranteed Belgian neutrality and which had been signed by Germany, as a scrap of paper, at the very time that the Imperial German Army had begun its invasion of Belgium. Sir E. Goschen, Report to Sir Edward Grey, British Foreign Secretary, 1914, available at http://library.byu.edu/rdh/wwi/1914/paperscrap.html (visited Jan. 18, 2002).

The enforcement provisions proposed by the Litigating States are far more likely to disarm Microsoft than the RPFJ. Under the proposal of the Litigating States, a Special Master would be required to conduct prompt investigations of any complaints and to propose resolutions within the short time frame necessary to be meaningful in such a fast-moving market. See States' Remedy at 24. The proposal of the Litigating States contains strict time limits for investigating and resolving any third-party complaints. See id. at 26–27. The Litigating States' enforcement provisions, moreover, would impose severe penalties on Microsoft in the event it perpetuates its monopolist campaign. See id. at 28–29.

III. Legal Standards A. In Evaluating the Proposed Final Judgment and the Public Interest, the Court Must Consider Microsoft's Status as a Defendant That Has Already Been Found to Have Abused its Monopoly Power

The Tunney Act was intended as a safeguard to ensure that antitrust consent decrees were within ''the public interest.'' The Act provides procedural requirements for publication of proposed consent decrees in the **Federal Register** and provides a sixty day comment period during which any person may file written comments to the consent decree. The government is required to respond to any filed comments. Tunney Act, 15 U.S.C. 16(b)-(d). As one commentator has noted, ''[t]hese procedural provisions were designed to satisfy two of the three major criticisms of prior practice by opening up the process to participation by interested third parties and by requiring the government to reveal its justifications for settling the case on the terms provided in the consent decree.'' Lloyd C. Anderson, United States v. Microsoft, Antitrust Consent Decrees, and the Need for A Proper Scope of Judicial Review, 65 Antitrust L.J. 1, 9 (Fall 1996).

The Tunney Act further provides that a district court may only approve a proposed consent decree if it is in ''the public interest.'' The Act lists the following factors which may be considered by a district court: (1) the ''competitive impact'' of the decree; (2) provisions for enforcement and modification of the decree; (3) the duration of the decree; (4) the anticipated effects of alternative remedies; and (5) ''any other considerations bearing upon the adequacy of such judgment,'' as well as ''the impact of the entry of such judgment upon the public generally.'' 15 U.S.C. 16(e).

Since the Tunney Act was enacted in 1974, courts have used varying standards to evaluate consent decrees under the Act based in large part on the posture of the case at the time the consent decree was entered. See, generally, Anderson, supra. In cases in which the consent decree and DoJ complaint were filed simultaneously, and no evidence was introduced concerning the allegations in the complaint, the court's Tunney Act review was extremely limited. See United States v. Microsoft, 159 F.R.D. 318 (Sporkin, J.) (D.DC 1995), rev'd 56 F.3d 1448 (DCCir. 1995) (''Microsoft I'').19 In cases in which

substantial evidence was adduced at trial before the consent decree was entered, the court's ''public interest'' determination 19 In this instance, Microsoft will no doubt argue that this Court has limited authority to review the Proposed Final Judgment based, in large part, on the DC Court of Appeals'' decision overturning Judge Sporkin's ruling which rejected the proposed consent decree entered by DoJ in Microsoft I. Rather than undermining the District Court's authority here, Microsoft I demonstrates the critical importance of a fact-based review of the RPFJ. Although the Court of Appeals rejected Judge Sporkin's decision in Microsoft I, its grounds for reversal are inapplicable here. Further, the Court of Appeals emphasized in Microsoft I that a ''court may (1) insist upon correction of ambiguous provisions, (2) require adequate implementation provisions, (3) consider injury to third parties, and (4) reject decrees that ''make a mockery of judicial power.'' Anderson, supra, at 17; Microsoft I, 56 F.3d 1448, 1461–62.

Judge Sporkin's decision to reject the proposed decree in Microsoft I was overturned, because his decision had no grounding in the record of the case. Rather than consider only the complaint and decree (the only record before him), Judge Sporkin improperly based his decision on facts alleged in a book about Microsoft. Id. at 1453. Neither the book, nor the claims asserted in the book, were properly before the court, and Judge Sporkin's decision to rely on such an extraneous source of information was roundly rejected by the Court of Appeals. In reversing Judge Sporkin's decision, the DC Court of Appeals'' emphasized that Judge Sporkin's reliance on such information amounted to unconstitutional usurpation of the Attorney General's role. Id. See also Anderson, supra, at 34. was significantly more in-depth based largely on the district court's evaluation of the record before it. See, e.g., United States v. A.T.&T, 552 F. Supp. 131 (D.DC 1982) (AT&T).20 Here, in contrast to Microsoft I, there is a robust evidentiary record that must be considered if the Court is even to contemplate accepting or modifying, rather than rejecting outright, the RPFJ. Indeed, the principle reason that the Court of Appeals remanded this case was to assure that the remedy imposed on Microsoft was consistent with the facts established at trial. In the absence of a meaningful review of the facts of this case (including the judgment against Microsoft), and implications of the proposed remedy on the public interest, the Court's proper role under the Tunney Act will not be fulfilled. In fact, this case requires a far more detailed review under the ''public interest'' standard than was undertaken by Judge Greene in the AT&T case.

In that case, the Court, as here, was asked to consider the propriety of a proposed consent decree issued after trial commenced and extensive evidence was presented. Foreshadowing the issue squarely before this Court, Judge Greene explained that evaluation of a settlement prior to a finding of liability is a different analysis than ''fashioning a remedy as it would be upon a finding of liability.'' AT&T, 553 F. Supp. 131, 151 (emphasis added). Judge Greene further stated:

It does not follow from these principles, however, that courts must unquestioningly accept a proffered decree as long as it somehow, and however inadequately, deals with the antitrust and other public policy problems implicated in the lawsuit. To do so would be to revert to the ''rubber stamp'' role which was at the crux of the congressional concerns when the Tunney Act became law. This consideration is especially potent in these cases for several reasons.

Id. at 151.

Judge Greene explained, moreover, that the consent decree in AT&T required ''more than normal scrutiny'' because of the size of AT&T, the complexity of the proposed 20 It is important to note that the DC Court of Appeals in Microsoft I clearly cites to the AT&T case as the most prominent post-Tunney Act case, without ever overruling that case. See Microsoft I, 56 F.3d at 1458, et. seq.

decree, the ''potential for substantial private advantage at the expense of public interest,'' and the ''potential impact of the proposed decree on a vast and crucial sector of the economy.'' Id. at 151–52. Further, Judge Greene noted that although ''courts would generally not be able to render sound judgments on settlements because they would not be aware of the relevant facts . . .,'' that concern was not relevant in the AT&T case because the district court ''already heard what probably amount[ed] to over ninety percent of the parties'' evidence both quantitatively and qualitatively, as well as all of their legal arguments.'' Id. at 152.

Also relevant here, Judge Greene emphasized that greater scrutiny was required because of the ''unfortunate'' history in the prior AT&T actions and settlement: The 1956 Western Electric consent decree that identical settlement, and the identical parties, are now before the Court. Nor can those events simply be dismissed as ancient history, irrelevant to the events of 1981- 82 These circumstances do not foster a sense of confidence that the assessment of the settlement and its implications may be left entirely to AT&T and the Department of Justice.

None of this means, of course, that the Court would be justified in simply substituting its views for those of the parties. But it does mean that the decree will receive closer scrutiny than that which might be appropriate to a decree proposed in a more routine case. Id. at 153.

Based on such concerns, Judge Greene held that the appropriate standard of review under the Tunney Act in such cases is to assure, as a factual matter, that the decree will protect the public interest. He explained: If the decree meets the requirements for an antitrust remedy—that is, if it effectively opens the relevant markets to competition and prevents the recurrence of anticompetitive activity, all without imposing undue and unnecessary burdens upon other aspects of the public interest—it will be approved. If the proposed decree does not meet this standard, the Court will follow the practice applied in other Tunney Act cases and, as a prerequisite to its approval, it will require modifications which would bring the decree within the public interest standard as herein defined. AT&T, 553 F. Supp. at 153.

Judge Greene's reasoning in the AT&T case applies with even greater force to the case at hand. Here, as in AT&T, Microsoft and DoJ previously entered into a consent decree (Microsoft I) which was summarily approved and which, in part, enabled Microsoft to engage in the prohibited conduct in violation of the Sherman Act which is at issue in this case. Here, as in AT&T, Microsoft and DoJ conducted a full trial on the merits. Here, as in AT&T, close scrutiny of the decree is imperative, because of the size and strength of Microsoft, the complexity of the remedies at issue in this case, the clear ''potential for substantial private advantage at the expense of public interest,'' and the ''potential impact of the proposed decree on a vast and crucial sector of the economy.'' Id. at 151–52. Unlike the AT&T case, however, here Microsoft has already been adjudged to have abused its monopoly power and it is incumbent upon this Court, in reviewing the RPFJ, to determine whether Microsoft's confirmed antitrust liability is sufficiently addressed to protect the public interest.

In sum, Microsoft, and relief from its pervasive abuse of monopoly power, are far too important to allow this proceeding to serve merely to ''rubber stamp'' a remedy negotiated behind closed doors. To do so, would render the Tunney Act utterly meaningless. Equally important: Microsoft has already been found liable for violating Section 2 of the Sherman Act. The remedies now proposed by DoJ and Microsoft are far less exacting than the remedies initially proposed by either Microsoft or DoJ, are far more lenient than the original remedies fashioned by the district court, and, if adopted would make a ''mockery'' of the legal process. See Microsoft I, 159 F.R.D. at 318.

B.If the Court Does Not Reject the RPFJ Outright, It Should At a Minimum Await the Outcome of the Hearing on the Litigating States' Proposed Remedies Before Ruling on the Adequacy of the RPFJ For all the reasons discussed supra, Novell believes that the RPFJ is so blatantly inadequate and contrary to the public interest that it should immediately be rejected out of hand. Cf., In re Microsoft Corp. Antitrust Litigation, MDL 1332, Slip Op., Motz, D.J. (D.Md. Jan. 11, 2002) (rejecting settlement of class action against Microsoft in the absence of an factual record sufficient for assessment of the public interest). If the Court declines to reject the RPFJ based on the Tunney Act comments alone, then the Court must undertake a rigorous legal and factual analysis to assess how adoption of the RPFJ would affect the public interest.

Under the terms of the Tunney Act, in making such an analysis, a court may:

(1) take testimony of Government officials or experts or such other expert witnesses, upon motion of any party or participant or upon its own motion, as the court may deem appropriate;

(2) appoint a special master and such outside consultants or expert witnesses as the court may deem appropriate;

(3) authorize full or limited participation in proceedings before the court by interested

persons or agencies, including appearance amicus curiae, intervention as a party pursuant to Federal Rules of Civil Procedure, examination of witnesses or documentary materials, or participation in any other manner and extent which serves the public interest as the court may deem appropriate;

(4) review any comments including any objections filed with the United States under subsection (d) of this section concerning the proposed judgment and the responses of the United States to such comments and objections; and

(5) take such other action in the public interest as the court may deem appropriate.

15 U.S.C. 16(f).

Because of the impending trial on the Litigating States'' proposed remedies, and the fact that Microsoft has chosen to proffer the RPFJ as its own remedies proposal in that Litigating States'' case, the record developed therein is likely to obviate what would otherwise be the clear need for a full evidentiary hearing if the court were even contemplating adoption or modification the RPFJ. Novell respectfully suggests that, in lieu of holding a separate Tunney Act hearing, this Court refrain from ruling on the RPFJ until the conclusion of the hearing in the Litigating States'' case. In that way, the Court will have the opportunity, after a full exposition of the relevant facts, to order a single remedy in the public interest.

IV. Conclusion

To protect the public interest, antitrust relief must look not only backwards at past unlawful conduct, but also forward at foreseeable risks. An antitrust remedy must ''unfetter a market from anticompetitive conduct,'' Ford Motor Co. v. United States, 405 U.S. 562, 577 (1972), and ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future.'' United States v. United Shoe Mach. Corp., 391 U.S. 244, 250 (1968); see also United States v. Grinnell Corp., 384 U.S. 563, 577 (1966). The RPFJ fails this test. Indeed, the RPFJ even ignores Microsoft's aggressively anticompetitive past.

Microsoft has persistently manipulated interface information to cut lines of mooring between the middleware of its competitors and its own monopoly operating systems and to repel any incursions onto the beachfront of competition. Microsoft moreover, has cynically sought to recast its malevolent monopolization as the harmless development of ''integrated products'' under the ''Windows'' name. In spite of this well-documented history, the RPFJ replenishes Microsoft's arsenal of technological knives and linguistic camouflage and encourages it to develop additional anticompetitive weaponry in its assault on the public interest.

Much has been made of the fact that, at the end of the negotiations that resulted in the Proposed Final Judgment, it was Microsoft's counsel, Charles F. Rule, a former Assistant Attorney General for Antitrust in the second Reagan Administration, and Charles James, the current head of DoJ's Antitrust Division, who hammered out the final provisions of the settlement now before this Court. This was the very same Charles Rule who, testifying before Congress in 1997, reminded the Senate Judiciary Committee that ambiguities in consent decrees are typically resolved against the Government (and, assumedly, against the public interest, which the Government should represent) and that, in interpreting a decree later, the Government cannot fall back on some purported 'spirit' on 'purpose' of the decree to justify an interpretation that is not clearly supported by the language.'' Charles F. Rule Testimony, supra at 3. If this Court does not act to reject this settlement, for Microsoft it will be ''been there, done that;'' for the rest of us, it will be ''dij? vu all over again.'' For the foregoing reasons, Novell respectfully requests that the Court reject the RPFJ as contrary to the public interest.

Respectfully submitted,

—/s/—

OF COUNSEL:
Joseph A. LaSala, Jr.
Senior Vice President, General Counsel
NOVELL, INC.
8 Cambridge Center
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Judith L. Harris (DC Bar No. 190579)
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(801) 861–7000
Gary L. Kaplan (DC Bar No. 391616)
REED SMITH LLP
435 Sixth Avenue
Pittsburgh, PA 15219–1886
(412) 288–4268
Counsel for Novell, Inc.

Dated: January 28, 2002

MTC–00029524

From: Brian Snider
To: Microsoft ATR
Date: 1/29/02 1:59am
Subject: Microsoft Settlement

I've read the first half of the Complaint <http://www.usdoj.gov/atr/cases/f1700/1763.htm> (5/18/1998), and the latest proposed settlement to remedy the monopolistic behavior of Microsoft. As a professional in the creative field, I will be watching this case with baited breath, hoping to see Microsoft brought to a real, long lasting justice.

Please remedy this matter in a way that seeds new hope for competing software to flourish. Forcing Microsoft to re-introduce Java into it's OS would be a good start, suspending their exclusive relationships with OEM's would go a long way as well. Perhaps forcing them to port their Office suite to the Linux OS would be the ultimate way to shake things up.

I'm no lawyer, and even I can see the loopholes of the current proposal that the remaining nine states are refusing to sign off on. We need something CONCRETE!

Thank You,
Brian Snider
Seattle, WA

MTC–00029525

From: A.C. Ross
To: Microsoft ATR
Date: 1/29/02 2:05am
Subject: Microsoft Settlement

Grossly Inadequate

I would like to add my voice to those calling for a rejection of the currently proposed DOJ settlement with Microsoft. Microsoft has demonstrated time after time both that it is not reluctant to use the monopoly power it was found guilty of wielding and that it is entirely unrepentant since the decision was handed down.

I'm a management consultant in the computer software industry and have been since the mid 1980s. My jobs in that period often included working or negotiating with large and small software companies who treated Microsoft's presence as the first major marketing issue to address. Always, managers explicitly asked the question, ''Can we survive long enough before Microsoft embeds software like ours in Windows or ties Windows to it in some way to squeeze us out of the market.'' Although some companies may have lost their competitions through their own missteps, there are others, going as far back as STAC, that competed well and won their own court cases, only to be steamrolled by Microsoft's market power.

Transcripts from the trial show multiple instances of Microsoft's outright efforts to illegally divide up markets (the conversations over allocating non-Windows platforms to Netscape noted by Marc Andreeson) and to tie access to the Windows operating system to Draconian restrictions on the marketing decisions of hardware platform vendors.

I don't want to reiterate arguments and proofs that have been made in the press. My summary position starts with the fact that Microsoft was found guilty in federal court. The terms of the agreement are so tenuous and the remedies so weak that I have no confidence whatsoever that Microsoft will feel the need to comply with the spirit and will sail as close to the letter of the law as possible. Its conduct will be entirely unchanged. Indeed, it has clearly indicated that it does not agree with the decision, shows no remorse for its actions, and is safely positioned to violate laws until someone large enough has the resources to take them on.

Microsoft was found guilty, and the government is responsible for setting and enforcing remedies. If you want to get Microsoft's attention, you will have to define and enforce remedies that causes them to change their behavior. The current remedies merely enforce the public perception that a large corporation can buy its way out of any legal difficulties. If the monopoly laws are to mean anything in the future, you must enforce them, and you must make an example of the important role the government plays in ensuring compliance. Otherwise, we are not a nation of laws, but a nation for sale to the highest bidder.

A.C. Ross

MTC–00029526

From: pdm@wt6.usdoj.gov@inetgw

To: Microsoft ATR
Date: 1/29/02 2:10am
Subject: Microsoft Settlement

To Whom It May Concern:

I am writing to express my concern over the settlement in the Microsoft antitrust case.

I am a professional software engineer with over 12 years of experience. During my time in industry, I have seen many promising companies and products hindered by Microsoft's monopoly. Microsoft has consistently shown a lack of regard for reliability and security in their products.

I do not feel that the proposed settlement goes far enough. I encourage you to reconsider the option of splitting Microsoft into separate companies. Only then will it be possible for smaller companies to compete.

Sincerely,
Peter DiMarco
Staff Software Engineer
Integrated Flow Systems
250 Technology Circle
Scotts Valley, CA 95066

MTC–00029527

From: Jim Macey
To: Microsoft ATR
Date: 1/29/02 2:09am
Subject: Microsofe Settlement
2603 Louisiana Street
Longview, WA 98632
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

I wanted to submit this letter to express my approval of the Justice Department's settlement with Microsoft Corporation. I have disagreed with the government's case from the beginning, but I see this agreement as the best solution for all parties to declare victory. Although it is hard to be a real monopoly when you have so much competition trying to push their way into more market share through the tool of litigation, not to mention a constituency of millions of satisfied customers, Microsoft is taking several steps to create a more dynamic software environment with this deal. Hardware developers will have broader rights to configure Windows with software that competes with Microsoft, and will benefit from no contract restrictions on future distribution or promotion of Windows products. The top 20 computer makers will also receive uniform pricing for licensing Windows, to provide further incentives to consider alternative software vendors and truly level the playing field.

As these examples prove, this agreement is quite generous and actually exceeds some of the government's demands. Microsoft is the most dominant software player because they have earned it and deserve to continue without further government interference. Hence, I ask for your support.

Sincerely,
James M. Macey
jimm333@juno.com

MTC–00029528

From: Geoffrey Peck
To: Microsoft ATR
Date: 1/29/02 2:11am
Subject: Microsoft Settlement
January 28, 2002
Renata B. Hesse
microsoft.atr@usdoj.gov
Antitrust Division
U.S. Department of Justice
601 D Street NW Suite 1200
Washington, DC 20530–0001

I am writing to you to suggest a possible set of restrictions on the future conduct of business by Microsoft Corporation that would prevent the company from continuing its aggressive and monopolistic business practices in the rapidly developing computer industry. While these restrictions may seem draconian, I believe that the injury to other parties in the computer software industry has been severe, and that Microsoft has used its dominant position not only to compete unfairly in the marketplace, but also to stifle innovation. I will keep my comments brief for your convenience.

1. Require full disclosure of all interfaces and software elements. It is important that parties other than Microsoft have full access to interfaces and internal characteristics of the monopoly's software products. To make this effective, I propose that Microsoft be required to release full development source code and all internal documentation whenever it releases a product, regardless whether that is a final product or a pre-release (alpha, beta, and release candidate) version. This code shall be made available at a reasonable price, not to exceed the end-user price of one (1) copy of the software. Microsoft may make this source code available under license that restricts the licensee's use of the source code so that the licensee may not directly utilize significant portions of the code to create products that are essentially identical to Microsoft's own products.

Full, commented source code and complete documentation is the only form of full disclosure that will truly enable competitors to produce software that fully integrates with Microsoft's monopoly operating system and desktop program suites.

Releasing specifications of interfaces at a point in time does not affect Microsoft's ability to arbitrarily change these interfaces in ways that make competitive or complementary products noncompetitive or non-interoperable. For example, Microsoft's Common Internet File System (CIFS) was a specification released by Microsoft, but Microsoft has continued to change the messages sent between computers so that maintaining a compatible interface such as Samba is a difficult job, requiring substantial reverse engineering.

Another reason that full disclosure is required is that Microsoft may choose to release only specific, partial information on certain key interfaces. This information would allow a software vendor to produce programs that perform arbitrary, specified functions. A Microsoft version of a similar program might use a ''hidden'' interface that produces better performance, or Microsoft's knowledge of the internal algorithms that underlie an interface might allow it to utilize this supposedly public interface in ways that an external developer could not.

2. Restrict Microsoft's purchase of other technology companies. Microsoft often states that its most sincere desire is to innovate. Unfortunately, the record shows that most of Microsoft's innovation has come in the form of purchasing (or appropriating) technology developed by others, applying its exceptional marketing muscle, and then updating this acquired technology at an often-painfully slow rate once Microsoft has established a comfortable market lead or monopoly position. Examples of this behavior include:

* MS-DOS (acquired by license, Seattle Computer Products)
* Microsoft Windows (copied from Apple's Macintosh, in turn derived from work at SRI and Xerox PARC)
* Microsoft Windows NT OS (and the newer XP OS) (appropriated and then licensed from Digital Equipment Corporation)
* Microsoft Excel (copied from the original spreadsheet, VisiCalc)
* Microsoft Internet Explorer (copied from Netscape Navigator)
* Microsoft FrontPage (company acquired)
* Microsoft PowerPoint (company acquired)
* Microsoft Visio (company acquired)
* Microsoft Hotmail (company acquired)
* Microsoft UltimateTV (company acquired)

To truly encourage innovation and reward that innovation in the market, such acquisitions should be prevented. Microsoft should be prohibited from acquiring more than 40% of any other company, public or private, either directly or via one or more of its major stockholders.

3. Require Microsoft to support at least one additional viable alternative operating system on its desktop applications suite. Many users are forced to purchase Microsoft operating systems because they need to utilize Microsoft's Office Suite or a subset thereof. If offered the choice of running these applications on a different operating system such as Linux, many customers would be delighted to opt for that choice.

Microsoft does offer some, but not all, of the Office applications on the Apple Macintosh; however, given Apple's small market share, the Macintosh Office Suite does not constitute a significant fraction of the market. Microsoft should be required to release a fully comparable version of its Office Suite products (Access, Excel, FrontPage, Outlook, PowerPoint, Publisher, Word, and supporting applications such as Photo Editor) on a widely-used Linux distribution such as Red Hat. The first Linux version of these applications must be made available within 120 days of the conclusion of these proceedings, and subsequent versions must be released at the same time as or before the Microsoft Windows version of these programs. Retail, corporate, and OEM pricing for the Linux version of these programs and packages shall not exceed the prices for the same programs and packages on Microsoft Windows, and all configurations of these programs and packages offered on Microsoft Windows must be offered on Linux. Further, these Linux-based products must be full and complete ports—they cannot use a Windows emulation

library and simply sit on top of Linux with poor interoperability with other Linux tools.

4. Compensate past purchasers of Microsoft software for the overcharging that was made possible by Microsoft's monopoly and tying practices. I believe that direct financial compensation via actual monetary payment (no coupons, no rebates on future purchases) would be the most equitable solution. If a user registered one or more product(s) with Microsoft, those records can be used to make payment to the original purchasers of each product and/or upgrade. If a user did not register, proof of purchase such as original CD-ROMS should be accepted. I believe that the amount of compensation should be selected so that a substantial fraction (more than 50%) of Microsoft's cash on hand is disbursed to consumers. Although these four remedies each may sound quite harsh, I believe that Microsoft's conduct cannot fundamentally be altered without applying all four remedies simultaneously. Ultimately, these remedies will result in the resumption of competition and market-based innovation in many areas of the computer software industry. Without all four remedies, it is quite likely that Microsoft will be able to resume its anticompetitive practices by interpreting the ruling in its own ways.

Thank you for your time.

Geoffrey G. Peck

San Jose, California

Mr. Peck is a computer scientist who has been involved since the late 1960s in designing and a wide variety of computer software ranging from the file system component of operating systems to end-user applications. He graduated from Harvard College in 1978, and obtained his Masters degree in computer science from the University of California, Berkeley in 1982. He is currently Chief Technology Officer of a Silicon Valley start-up. This letter represents Mr. Peck's personal views, and does not necessarily reflect the views of his employer.

MTC–00029529

From: Raymond Borys
To: Microsoft Settlement
Date: 1/29/02 2:09am
Subject: Microsoft Settlement
Raymond Borys
3051 Alexis St.
Portage, IN 46368
January 29, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Raymond J. Borys

MTC–00029530

From: Steven Apour
To: Microsoft Settlement
Date: 1/29/02 2:12am
Subject: Microsoft Settlement
Steven Apour
2640 Melendy Drive, Apt. 3
San Carlos, CA 94070
January 29, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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Thank you for this opportunity to share my views.

Sincerely,

Steven H. Apour

MTC–00029531

From: esko
To: Microsoft ATR
Date: 1/29/02 3:02am
Subject: Microsoft Settlement

I am a software engineer with 19 years of experience developing software for Apple, Windows, DOS, Unix, and Linux. Having studied the proposed final judgement it is obvious to me that it is not in the public interest. To begin with, there appears to be no provision for enforcement.

Additionally there are so many loopholes in the definitions used that even the little that it attempts to do is virtually guaranteed to fail. There are many anti-competitive practices that the proposed judgement does not address at all.

For a more detailed critique of the settlement that touches on most of the issues I highly recommend checking out Don Kegel's summary of the flaws on the internet. (http://www.kegel.com/remedy/remedy2.html) I agree with each of the points he makes in the essay. It is a good outline of many of the most obvious limitations of this proposed settlement.

Microsoft has been allowed to run roughshod over the computer industry for more than a decade. It has danced around the terms of the ''consent decree'' and completely subverted them. There are many examples in the Findings of Fact illustrating an almost complete lack of ethics and total disregard for the law.

Only a very restrictive, well-defined, comprehensive decree with a real enforcement mechanism has any hope of accomplishing the goals that a remedy decree requires.

The ongoing actions taken by this company while these proceedings take place make it readily apparent to me that Microsoft has no intention of following any court order or honoring any agreement it signs.

I strongly urge you to take the necessary steps to accomplish the goals defined by the appeals court. If you manage to do so, you will help restore the computer industry to the dynamic and creative environment I fell in love with so many years ago.

Sincerely,

Esko Woudenberg

391 Montclair Dr. #46

Big Bear City, CA 92314

Software Developer

MTC–00029532

From: Ronald Fritz
To: Microsoft Settlement
Date: 1/29/02 2:14am
Subject: Microsoft Settlement
Ronald Fritz
317 Heather Dr.
Carmel, IN 46032
January 29, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

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government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Ronald E.Fritz

MTC–00029533

From: fondue@best.com@inetgw
To: Microsoft ATR
Date: 1/29/02 2:18am
Subject: Microsoft Settlement
Ms. Renata B. Hesse,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Tracey Cutler
14480 Oak Place
Saratoga, CA 95070

MTC–00029534

From: Marge Evans
To: Microsoft ATR
Date: 1/29/02 2:21am
Subject: AOL/Time Warner/Netscape Suit

It is time for the attacks on Microsoft to end. As a consumer, I now have and have had ample opportunity to choose browsers, internet connectors. The government approved the union of AOL/Time Warner making it a very large media monopoly. AOL has a majority of the online subscriber business for the internet to boot. Having used the Netscape browser years ago I was bombarded with unsolicited e-mail as there was no way to easily get it blocked. AOL is a very aggressive company. I feel that these suits are NOT creating more choice or competition for the industry but rather taking from investors, consumers, the right to improved products. All the money that has been spent on lawsuits, legal costs, trials has taken away from improved products, research, jobs. I feel AOL, Oracle, Netscape and the rest of the companies that have banded together against Microsoft should better spend their time and their investor's monies improving their own products rather than trying to destroy this company. It is difficult to believe that any of those companies is any less aggressive than Microsoft.

When it comes to monopolies, the US Government is the biggest monopoly of all and has, through its inept and unthinking Federal Reserve Bank Policies, with its rate increases, cost hundreds of small companies to go bankrupt. This country needs to stop attacking companies and get its act together to get the economy headed in an upward direction. We are now in the process, because of our policies, of letting China take over Global Crossing, thereby giving up the global fiber optics business to a foreign country. Do we have our heads in the sand?

MTC–00029535

From: Mike Schuh
To: Microsoft ATR
Date: 1/29/02 2:22am
Subject: Microsoft Settlement

Greetings:

I wish to comment on proposed settlement in U.S. et al v. Microsoft. I strongly believe that Microsoft should be penalized for their injurious use of their monopoly in desktop operating systems. However, I do not think that their proposal to give computers and software (theirs, of course) to ''impoverished'' schools is acceptable. It would be like allowing a fox, convicted of raiding a chicken coop, to stand guard over the coop as punishment... One should be cautious of the remedies proposed by those who must fulfill those remedies (''please don't throw me in the brier patch'' comes quickly to mind, albeit in a slightly different context). The basic problem with the proposal is that it helps to perpetuate Microsoft's illegal monopolistic practices! In a few years, when the schools have to upgrade (because Microsoft will have rendered the ''free'' software obsolete), they'll have to buy from Microsoft.

Here's a better idea, and one that I support: http://www.redhat.com/about/presscenter/2001/press—usschools.html Among other things, the ''retail'' value of Microsoft software is, to Microsoft, approximately zero, so the proposal really isn't much of a penalty.

An alternative is for Microsoft to sell off (and forever stay out) their applications software, then reimbursing everyone who has ever purchased software from them with the proceeds (that is, they don't get to keep the proceeds from the sale, that being their penalty). Kind of like a giant class action law suit.

If we don't punish the guilty in a manner that truly is punishing, then there is no disincentive for them (or anyone else) to go and just repeat their behavior. In fact, Microsoft has already done this! Thank you.

Mike Schuh—Seattle, Washington USA
http://www.farmdale.com

MTC–00029536

From: jmetz
To: Microsoft ATR
Date: 1/29/02 2:23am
Subject: microsoft

Sirs

I have only a few thoughts on the matters before the judge. If microsoft is in actuallity a monopoly as most of the tech world belives and it has manipulated the law government and its access to the hardwarre manufacturers there are some very simple solutions that might be implemented.

They need to be punished in a manner that would benefit disadvantaged competitors and the general public as well. So here might be a method that would serve all the injuried parties starting back from 1992 when they virtually drove Geoworks from the office and school suite business.

Geoworks now is under the control of www.breadbox.com had been developed as a complete operating suite and sold recently as NewDealOffice 2000 is a service system that resides on top of any DOS or Win9x NT or linux in a DOSEMU and OS/2 as a cross platform suite

If microsoft were to be forced to release both its win9x as a downloadable and its DOS as downloadable in total with the associated Knowledgebases and source codes this might enable other companies to continue development of those operating systems.

If they were forced to give away mac systems with the associated versions of software to all the schools in need, that would partially aid another company that had been harmed greatly.

If they were to pay for the rehab of older boxes 386 486 and low end pentium units with the addition of the software suggested above for distribution in the 3rd world of central and south americas this would also solve other existing problems. But those are my opinions.

MTC–00029537

From: bill frack
To: Microsoft ATR
Date: 1/29/02 2:23am
Subject: Microsoft Settlement
11143 Philadelphia Road
White Marsh, MD 21162
January 28, 2002
Attorney General John Ashcroft
U.S. Dept. of Justice
950 Pennsylvania Ave. NW
Washington, DC 20530
Dear Mr. Ashcroft:

I am writing to you today to express my support of the settlement reached with Microsoft. The November settlement represents three years of mediation, and given the current state of the economy, I believe enacting it is in the best interests of the country. I urge you to do so.

The settlement contains many concessions on the part of Microsoft. Microsoft has agreed to disclose the internal interface of the Windows system. This information sharing will allow developers to create software that is more compatible with the Windows system. In addition to this, Microsoft users will also have the ability to reconfigure their desktops at their discretion with the new design of Windows XP. Obviously, Microsoft has done its share to end this litigation process; I trust that the Justice Department has the sense to enact the settlement. Thank you for your concern regarding this issue.

Sincerely,
J. W. Frack

MTC–00029538

From: Lewis Zechmeir
To: Microsoft ATR
Date: 1/29/02 2:27am
Subject: MICROSOFT SETTLEMENT

TO WHOM IT MAY CONCERN:

I find the proposed Microsoft settlement odiferous. To allow them to advance their monopoly and call it punishment is ludicrous. The very people who were harmed by their business practices would be harmed by the proposed settlement. I feel that any judgment has to be made to level the playing field.

One alternative would be to have Microsoft donate light wave fibers to local servers and pay to have it laid into rural areas in the various states that are asking for damages. Any company could connect or provide service and customers could choose between them.

This would bring high speed internet into rural areas and bridge the digital gap. The affected states would benefit and it would stimulate the economy fairly.

Respectfully,

Lewis Zechmeir

MTC–00029539

From: Boyd Bronson
To: Microsoft Settlement
Date: 1/29/02 2:27am
Subject: Microsoft Settlement
Boyd Bronson
8915 Somerton Circle
Sandy, UT 84093–7022
January 29, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Boyd Bronson

MTC–00029540

From: Masodoi@aol.com@inetgw
To: Microsoft ATR
Date: 1/29/02 2:31am
Subject: Microsoft andti-trust case.
To Renata Hesse, trial attorney,
Antitrust Divison,
U.S. Deptment of Justice:

No one considered Microsoft a monopoly before it was so designated by Judge Penfold Jackson, who was so prejudiced against Microsoft that a related decision by him was overruled by the appeals court.

Microsoft's tactics to protect its share of the market are common business practice, which is illegal only if performed by a monopoly. So it cannot be punished for violating the Sherman Antitrust Act, before it was legally a monopoly; or it will become an ex post facto case.

Also, the Sherman Antitrust Act outlaws trusts, or combinations of companies, which conspire to restrain trade. Since when has a single company, which won a major share of the market because its service was so superior to its competitors, been prosecuted like Microsoft?

Microsoft founder Gill Gates is giving billions of dollars for worthy causes. By contrast, AOL/Times Warner is lavishing vast sums for politicians and slick lawyers to subvert the law for its own benefit. They are seeking competitive advantages by their list of demands that violate patent laws—not justice!

Hopefully U. S. District Judge Colleen Kollar-Kotelly uses her common sense and not be confused by the countless, questionable details, dredged up by the anti-Microsoft coalition.

Mas Odoi

MTC–00029541

From: Patrick O'Connor
To: Microsoft ATR
Date: 1/28/02 5:31pm
Subject: Microsoft Settlement

Dear Ms. Hesse:

Attached please find Comments of NetAction and Computer Professionals for Social Responsibility on the Proposed Final Judgment in U.S. v. Microsoft. An additional copy has been provided by fax. Please feel free to contact me at 202–955–6300 with any questions or concerns.

Regards,

Patrick O'Connor

Counsel to NetAction and Computer Professionals for Social
Responsibility

MTC–00029542

From: Mark Horton
To: Microsoft Settlement
Date: 1/29/02 2:34am
Subject: Microsoft Settlement
Mark Horton
690 Fort Washington Ave. #2F
New York, NY 10040
January 29, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Mark Horton

MTC–00029543

From: ron
To: Microsoft ATR
Date: 1/29/02 2:44am
Subject: Microsoft Settlement
Ron Hardesty
12024 147th St. Ct. E.
Puyallup, WA 98374
January 28, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am in favor of Microsoft and the Department of Justice settling the antitrust case. It is time for the federal government, the plaintiff states, and Microsoft to get back to the things that really matter. There is a multitude of reasons why this case should be settled. To begin with, Microsoft has been unfairly singled out in this case. Several other high-tech, media conglomerations truly are monopolistic. Yet, Microsoft has been the only target of antitrust litigation. Additionally, the suit was brought under the guise that consumers were being harmed by anticompetitive behavior on Microsoft's part. To the contrary, Microsoft helped consumers by producing innovative products at reasonable prices. The lawsuit has driven up prices of Microsoft software. Consumers will clearly benefit from an end to this protracted litigation. The terms of the settlement agreement are more than fair. Microsoft has agreed not to retaliate against those who promote or distribute software that competes with Windows. They also agreed to begin designing Windows in such a way so that it is easier for computer manufacturers, consumers, and software developers to promote non-Microsoft software within Windows. It will be much easier for consumers to change the configuration of their computers. This will result in more choices, and, hopefully, stronger competition.

I hope to see this settlement agreement finalized as soon as possible. Thank you for reviewing my comments.

Sincerely,
Ron Hardesty
(253)229–6186 Cell
12024 147th St. Ct. E.
Puyallup, WA. 98374

MTC–00029544

From: Anonymous
To: Microsoft ATR
Date: 1/29/02 2:52am
Subject: Microsoft Settlement

Introduction

This document is a sparse skeleton, as the author only discovered the ability to file Microsoft final ruling commentary about a day ago. The 1/28/02 deadline is now known and the skeleton commentary is submitted to meet that deadline, on Email date/time.

The author asserts this timely skeleton is sufficient, as he is claiming US legal mandate in a comment to the US DOJ, carrying ''coals to Newcastle'' so to speak. However, the author will continue to make a more detailed argument with references and plans to file that argument as a collateral DOJ complaint in about a week, with disclosure to presumptively interested parties Apple Computer, American Online, and the other non Judgment participating sovereign states. The author presumes the DOJ will disclose that complaint to Judgement interested parties. The author stands by this skeleton, speculates that further argument may be of benefit in the pursuit of justice, plans that further submission within about a week, but has major collateral duty and makes no delivery guarantee.

The major issues, see below, are the Apple QuickTime environment change, the ''server side'' functionality, and the possible secret Microsoft scheme in iterative maneuvers of an unwitting user body into periodic, not one time, computer system licensing fees. This document is written from memory but is believed to be correct. If nothing shows up in two weeks, 2/11/02, the claim of further argument delivery expires.

The author is not computer ''innocent'', speaks from decades of computer operating system development and maintenance experience as well as legal awareness. The author has purchased, installed, and used Microsoft operating system and tool software. The author is neither lawyer nor witness, attributes the entirety of the possible factual issues to media sources, is submitting Federally protected, US Amendment One petition believed to be true, but labeled as speculation and not fact, expects full investigation, and may be entirely wrong. This document is not signed, as the author is not witness and has collateral awareness of retaliation to complaint. However, US Amendment Right of Petition specifies no signature mandate.

Claim

It is possible Microsoft is guilty of bad faith at a minimum, in knowing, pre-judgement violation of Final Judgement III. A. Prohibited Conduct, ''. . . shall not retaliate . . . .'' This retaliation is possibly via the continuing exercise of a scheme or artifice to defraud OEM's and clients with continual, anti-competitive, fraudulent conduct possibly in violation of US Title 18. It is possible that scheme or artifice is a racketeering enterprise run for profit. It is possible there is probable cause for formal investigation of these issues within US Title 18 mandate.

Assertion

Use of the Microsoft Operating System Product (''MOSP''), and / or Internet connectivity use of the MOSP to other sites or to Microsoft sites, is possibly directly linked to the exercise of interstate commerce, interstate wire traffic, and causal or facilitated US Mail, thus making US Title 18 mandates material.

Assertion

Client usage of purchased MOSP tools runs under sovereign state contract law and regulation, thus possibly defining contract and / or property right entitlement(s) covering that MOSP tool exercise. An involved sovereign state who may have sovereign state entitlement change in progress has a right to a hearing on these possibilities.

Assertion

A reasonable person view of MOSP security support, also within full sovereign entitlement, is possibly a further, distinct property right entitlement and / or contract material issue. Assertion A reasonable person view of questionable MOSP operating system maintenance changes, security or otherwise, changes that impact or eliminate legacy services or that suddenly mandate new interfaces, when viewed by that reasonable person in the current ''operating system world'' and / or history, may involve property right entitlement and / or contract breach, on that questionable cause.

Assertion

An undisclosed change to the MOSP that substantively both eliminates a prior OEM function and adds a Microsoft maintenance/ change may be viewed by a reasonable person as an extortionate act. One wants the change and is thus forced to give up the function . . . to get the change. Alternatively, one installs the change with secret OEM function elimination, possibly evolves into substantive value in the effect of that change, suddenly discovers the OEM function elimination, but no longer can simply ''back up'' to the prior maintenance level, because of involvement in MOSP change.

Assertion

It is possible Microsoft made an MOSP maintenance change that, in part, knowingly eliminated the ability of a current Apple QuickTime product to function. It is possible that change was not done for MOSP function enhancement, but was rather done to harm OEM Apple, to reduce competitor product QuickTime usage, to enhance competing product Microsoft Media Player usage, and to enhance Microsoft profit at the expense of client MOSP service and choice. It is possible a harmful act of this type may be a contract breach, an interstate wire received, cause of breach, and / or a property right entitlement denial.

MTC–00029545

From: Anonymous
To: Microsoft ATR
Date: 1/29/02 2:55am
Subject: Microsoft Settlement

Assertion

It is possible Microsoft apparent change focus on ''server side'' MOSP maintenance enhancement control, as distinct from ''client side'' control, breaches a reasonable person view of the contract rights under MOSP purchase, the sovereign property right entitlement(s) associated with that contract, and / or the intangible right to honest services for an interstate wire transaction.

As an example, Norton Systemworks on Windows 98 appears to do maintenance upgrades on the ''client side'', the user tool using Internet in contacting Symantec for current system levels, offering a list of changes for user download and install, then running that user download and install process.

However, Microsoft MOSP maintenance from Microsoft support itself appears to run ''server side'' system level support, not ''client side'' and appears to possibly force security changes in web browser configuration. The server side browser code possibly determines the needed maintenance by examining the client, not the client side code examining the server.

Microsoft develops both the MOSP client and its own server, has the direct choice of client (MOSP) or server (Microsoft server) support, and is possibly doing the reverse of Symantec. It is possible that server/client choice breaches a reasonable person view of rights and / or entitlements, with the author stating he would never choose server side support if given a choice.

It is possible Microsoft in the past and recently made ''server side'' changes in its Windows maintenance update process that forced ''client side'' security changes in order to obtain both maintenance support and merely a list of the ''client side'' system changes possibly needed. Some of these changes may be critical security changes.

Assertion

It is possible Microsoft has a secret scheme or artifice to increasingly disregard ''client side'' functionality choice, choosing to impose ''server side'' functionality, but for no disclosed or apparent MOSP support reason. It is possible that increasing, undisclosed, suspicious change effects, installed by MOSP necessary bug maintenance practice, is in fact a pattern and practice scheme to increasingly foster ''server side'' functionality upon an unwitting user body, until ''server side'' functionality becomes a mandate, not a choice. At that mandate time, it is possible a secret Microsoft plan to now force periodic software licensing fees upon the user body now will become reality, with the user body, after repeated, subtle, concealed change over time, is now dependent on ''server side'' functionality, and is unable to drop Microsoft or Windows because of business or personal need.

Assertion

It is possible Microsoft has not in good faith tried to comply with the intent of the Proposed Final Judgment and the espoused complaint of opposing parties, has not in good faith tried to be consistent with reasonable person expectation of MOSP and computer tool expectation with Proposed Final Judgement III. A. retaliation expectation, but rather is engaging in a secret scheme or artifice to continually engage in

anti-competitive, fraudulent practices in at least three ways:

One, to ''tailor'' MOSP maintenance changes to reduce or eliminate the ability for a possible OEM to offer competing product, such as Apple QuickTime, Microsoft thus acting not to compete and offer MOST client choice, but to defraud and to retaliate.

Two, to use the secret scheme or artifice to later force periodic licensing upon a user body that now requires ''server side'' functionality, on evolving business or personal need, Microsoft using near-monopoly power to secretly—reverse—the possible entire history of computer usage financing.

Three, speculating on the future, to use that periodic licensing scheme as an anti-competitive mechanism, where a user whose computer is old or wears out has minimal choice for competing product, being forced to stay with the now necessary ''server side'' licensing mechanism because of business or personal need of that software. While Microsoft offers presumptively equal software on Macintosh and Windows, after Windows periodic licensing becomes reality, the pretextual, competing Macintosh versions may become obsolete.

Assertion

While a vendor certainly has the right to develop and offer their own delivery of service, a vendor has no right to use the US Mail, interstate wire, or interstate commerce in a pattern and practice to deny honest services, to conceal material fact in a secret scheme for future profit, to scheme in iterative enticement, lure, or extortion of unwitting users into future, periodic licensing.

Rewording, offering a ''server side'', monthly license fee tool is certainly legal. Maintaining and extending an operating system is certainly legal. But maintenance change patterns that have no credible client value, that have a secret Microsoft value, that are part of a likely ''setup scheme'' for the user, are fraud, in the denial of honest contract and wire services.

If questionable change A, precedes B, precedes C, . . . into now necessary ''server side'' functionality ''P'', a functionality that facilitates periodic licensing, then each distinct change, absent credible cause, is falsified cause and fraudulent effect.

Using a near-monopoly customer base to impose secret, subtle maintenance changes for no credible reason, in denying reasonable person expectation of operating system, computer tool, and / or competitive product honest services, or using knowingly false MOSP maintenance changes to impose Microsoft benefit at the expense of reasonable person expectation, is not legal. It is potential fraud and potential racketeering.

Assertion

This is not a single redress against a single Microsoft. It is a possible class action issue for the entirety of Microsoft users of all tools and all products, for the entire world, for all interstate mail, wire, and commerce acts, for all Microsoft support downloads.

MTC–00029546

From: blakem@cobalt.blakem.com@inetgw
To: Microsoft ATR
Date: 1/29/02 2:58am
Subject: Microsoft Settlement

To whom it may concern:

I am writing to express my disappointment over the settlement proposed by the DOJ in US v. Microsoft. As a software engineer, I am well aware of the strangle-hold Microsoft holds over the industry, and the stifling effect it has on innovation.

In 1994–1995 when Netscape and Mosaic were the only browsers around, Microsoft started whispering about entering the browser market. I was in college at the time (University of Pennsylvania) and had seriously considered entering the browser market with several of my peers. As soon as rumors of Microsoft surfaced, those plans were stopped dead in their tracks. Netscape's 100% market share didn't discourage us at all. Microsoft's track record of stomping out rivals—dare say I entire markets—using ill-gotten gains is what sent our creative energies elsewhere. The ensuing 4–5 years were full of ''browser-war'' stories, but the result was a foregone conclusion before Microsoft had released a single product.

The current software landscape is rather bleak. When the bully gets to usurp any and all innovative ideas, people eventually stop being creative. Motivation is tough to come by when you know that the spoils of your labor will eventually be in the war-chest of said bully.

Since the settlement does nothing to fundamentally change this landscape, I can not support it. I don't feel that the DOJ has represented the public's best interests.... they certainly have not done so with mine.

Blake Mills

MTC–00029547

From: Roddybabes@aol.com@inetgw
To: Microsoft ATR,senator—leahy@ leahy.senate.gov@inetg...
Date: 1/29/02 2:59am
Subject: Microsoft Settlement
Mario Rodrigues
1921 North H Street
APT 48
Oxnard
CA 93030
Wednesday, January 23rd, 2001

To whom it may concern,

Having read the testimony of the Senate Committee on the Judiciary, and the Court's Findings of Fact, I for one am against the proposed settlement because it will maintain the status quo. This will mean the continued absence of any compelling competition for software on the desktop. Any one of a neutral disposition, who has read the testimony and the Court's Findings of Fact, can clearly see the lack of justice when viewed against this landmark judgment.

The Supreme Court has explained that a remedies decree in an antitrust case must seek to ???unfetter a market from anticompetitive conduct,'' Ford Motor Co., 405 U.S. at 577, to ???terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future,'' United States v. United Shoe Mach. Corp., 391 U.S. 244, 250 (1968); see also United States v. Grinnell Corp., 384 U.S. 563, 577 (1966).

Where does the proposed settlement, ''terminate the illegal monopoly'' and ''deny the defendant the fruits of its statutory violation?'' From the Court's Findings of Fact, Netscape, Sun, Apple, RealNetworks, IBM, and Intel have all suffered lost business because of Microsoft's anti-competitive behavior. From their standpoint, the proposed settlement must just look like a slap on the face. Where does the proposed settlement ''terminate the illegal monopoly'' and ''deny the defendant the fruits of its statutory violation?'' These two fundamental principles of remedy have not been addressed at all. Microsoft's market position will not change if this settlement is implemented. Remember what happened to AT&T's illegal telephone monopoly, and how that break-up brought to the consumer choice, better service, and lower costs. If this proposal is accepted, those who buy Microsoft's products will continue to pay over the top rates to use them. If implemented, the proposed settlement that the DOJ has succumbed to will not change the industry for the better, but will continue to leave the consumer, government, and business, over a barrel; to suffer Microsoft's continued exploitation, whose ill-gotten gains (profits) continue to line the pockets of those company officers responsible for creating this illegal monopoly. This can only be seen as ''payback'' for breaking the law, and sets a terrible precedent for future antitrust litigation. Let's hope that Judge Kollar-Kotelly has the courage, and the law, to turn payback into blowback. Let's remember that well known and often used adage, once bitten twice shy. Microsoft has chosen, all too often, to stretch forth its hand and eat from the forbidden fruit. It is now time that they were punished and expelled from their Eden of milk and honey. Microsoft has to be penalized with penalties that bite, which go way beyond the kindergarten settlement we have here today. This has to be done for two fundamental reasons. First symbolic. Microsoft has to be seen to be punished, which has to be commensurate in effect to the way it dealt with companies that it illegally competed against. This punishment will then draw a line in the sand, which for the future will bring to remembrance and serious reflection the serious penalties for stepping beyond the law. Second for competition. The market has to be given time to normalize to a competitive environment. Regulation, not another consent decree, will be required until market conditions allow companies of substance to hold their own against a convicted monopolist. Microsoft should not be left in a position where it is able to repeat conduct that an ideologically diverse Court of Appeals unanimously found illegal. I am not a lawyer, but I do feel confident that this settlement will not meet the requirements of the Tunney Act. If by chance, there is a miscarriage of justice, it will not only be very sad day for justice, it will also cloud all future anti-trust litigation. Because of the courts'' inability to punish illegal conduct with justice of equal measure to the crime, it will give a green light for more commerce law breaking. The saying will be, ''if you want to stay in business act like Microsoft,

if you don't, you'll end up a loser, like Netscape.''

If US law should fail to meet out the requisite punishment for Microsoft, antitrust litigation against Microsoft will continue well into the future. AOL filed suit yesterday, the EEC have a case pending, half the State Attorneys don't agree with the settlement case here, and the judge in the private class action lawsuits ruled that settlement anti-competitve. There is no argument against Microsoft's guilt, there is plain disagreement as to what that punishment should be. In his statement to the Senate Committee on the Judiciary, Senator Orrin G. Hatch said, ''The Microsoft case - and its ultimate resolution—present one of the most important developments in antitrust law in recent memory. The proposed settlement does not justify the Senator's statement.

Let's remember Proverbs 29:18, ''Where there is no vision, the people perish.'' I hope that Judge Kollar-Kottely is blessed with the wisdom and vision to ensure that justice meets its obligations. Mario Rodrigues

MTC–00029549

From: MarieL234@aol.com@inetgw
To: Microsoft ATR
Date: 1/29/02 3:01am
Subject: Microsoft Settlement

This country and our economy is highly dependent upon FREE Enterprise and talented companies like Microsoft that have created so many jobs and technology for our betterment. Microsoft must be given the freedom to continue their innovation unhampered by further litigation. Let the cry-babies work a little harder and stop hiding behind their lawyers.

We are weary of all this litigation. Enough!

Sincerely

Marie L. Odenheimer

MTC–00029551

From: Majewski Harry J Jr SSgt 31CS/SCMFG
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/29/02 3:07am
Subject: Microsoft Settlement

I beleive that the current settlement on the books for Microsoft allows for the company to continue to abuse its monopolistic position on the software market. In order for market fairness to be regained, the company should be, at the very least, forced to make it's browser separate from its operating system, and to not allow the company the use of API's or software libraries that would cause another companies competing software to run less efficiently (I.E. Netscape Communcator), and be disallowed from using secret API's to promote the sale of additional software created by them. I also beleive that Microsoft should be forced to compensate for loss of revenue to other companies due to faulty software that they themselves advocated (I.E. advocated the use of their software in a specific situation when a survey was requested by one company or another.) This, in effect, would bring Microsoft in line with every other major production corporation out there. In the late 80's, software was not a critical aspect of our economy/safety, and thus, was afforded a different kind of protection under law. Unfortunately, times have changed, but the law hasn't; Software companies still have almost complete immunity for creating a faulty product. Microsoft software is being placed in a higher, and higher level of trust every day, as more and more of our lives become computerized. This places a responsibility on the software companies to create software that is secure to outside attacks.

If a car maker had a vehicle that was ''fool proof'' and was capable of avoiding *ANY* accident that would be that vehicle owners fault, that would be great. But, if the same car, when involved in an accident caused by someone else, provided no security, or protection for the occupant, that auto manufacturer would find themselve in a very lengthy court battle, and be responsible for injuries to occupants. Microsoft, and other software companies do not face such problems, yet create the very same situation every day. Their software by itself, does not pose a threat, but, they deny responsibility for the actions of others who create havoc with their software.

Thank you.

SSgt Majewski

MTC–00029552

From: Tom DeChaine
To: Microsoft ATR
Date: 1/29/02 3:10am
Subject: Microsoft Settlement
To: Department of Justice District Court Judge

Microsoft is only ''guilty'' of aggressive marketing; what successful company in the US isn't! Our irrational anti-trust regulations are predicated on the notion that too much success is unhealthy for our economy—which is totally false. And they are used merely as a tool by the envious to devour the very strength in our economy. I, and every computer user, is indebted to Microsoft for the software they have provided and their broader contribution to the advancement of computer technology. Our Government—Federal and States—must side with Microsoft in the legal suits against them. This company is not guilty of a legitimate crime (e.g. fraud); it is a positive example of Capitalism at work. It is time for our Government to turn back the clock and defend Capitalism whenever possible: defend the principles upon which this country was based.

Tom DeChaine

Penn Valley, Ca.

MTC–00029553

From: R. Todd Reasonover
To: Microsoft ATR
Date: 1/29/02 3:10am
Subject: Microsoft Settlement

I believe the Justice Department should NOT settle the lawsuit with Microsoft. I personally believe that Microsoft should be broken into pieces. There is virtually no competition in the OS market, browser market, and office suite market to name a few. Microsoft has consistently shown that they won't play fair. All in the name of innovation; as long as it's Microsoft's way.

Thank you.

Todd Reasonover

MTC–00029554

From: Robert Lyle
To: Microsoft Settlement
Date: 1/29/02 3:06am
Subject: Microsoft Settlement
Robert Lyle
3605 Arlington Oaks Dr.
Mobile, AL 36695–8707
January 29, 2002
Microsoft Settlement
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Robert E. Lyle

MTC–00029555

Marilyn Ayers
2292 Bitterroot Place—
Littleton, Colorado 80129
January 26, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

As an active user of Microsoft software programs since 1989, I want to express my views on the Microsoft settlement: Support. Complete support. Microsoft has standardized the way we use computers.

They continue to give us deals. They provide us with new concepts on how to get the most out of our computers.

Clearly, the Company wants to put this costly legal action behind them and move forward with developing new products. They are certainly not getting off easy with the settlement, and their compliance is guaranteed thanks to the excessive oversight the settlement includes.

Please accept the terms of the settlement Thank you.

Sincerely,

Marilyn Ayers

MTC–00029556

45 Gramercy Park N

New York, NY 10010
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 0530

Dear Mr. Ashcroft:

I support the settlement the Department of Justice and Microsoft agreed to several months ago in their three-year-old antitrust lawsuit. I think Microsoft has gotten a bad rap because of its market dominance, and I believe the case should be concluded without more litigation.

The settlement's terms will allow competitors to better integrate their programs into Windows. Disclosing internal programming language to competitors is a generous move on Microsoft's part, and shows the company's willingness to put the situation behind them. Please support the settlement and allow Microsoft to concentrate on future business endeavo's. They have led the way in technological innovation for two decades now, and should be free to continue doing so.

MTC–00029557

Robert L. Kaufman
34 Jade Lane
Cherry Hill, NJ 08002–1612
January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

Your strong leadership in working to settle the Microsoft antitrust case is certainly in the best interests of America. Federal Judge Thomas Penfield Jackson showed his disdain for judicial ethics by revealing his biased prejudgment to a member of the press in his own judicial chambers long before he issued his opinion in the case. Whatever happened to judges hearing all the evidence and arguments before deciding the case? Whatever happened to judges who aren't ego-induced publicity hounds? Judge Jackson did damage well beyond the judicial and legal community though. His decision to break up Microsoft into pieces, as though he .saw himself as Julius Caesar dividing Gaul, pulled down the whole stock market, in my opinion. Technology stocks were badly hurt.

Fortunately, the Court of Appeals later overturned Judge Jackson, and Microsoft and your department have reached a settlement that will be good for American business and the American public.

Microsoft will have to show its cards, its hidden poker hand. It will show the industry its internal interface code and server protocol code, and license its other codes to companies on a non-discriminatory basis. It will allow computer makers to sell non-Microsoft operating systems at the same time they sell Windows, and set uniform prices and terms instead of negotiating. This will allow the industry greater flexibility. I don't ''know how good this will be for Microsoft, although Microsoft has agreed to it to settle the case and move on. However, it will be very good for the tech industry.

Thank you again for your support of the settlement. Let's hope the new federal judge on the case approves it. I .just had to add my voice during the public comment period. This settlement is important for America.

Sincerely,
Robert L. Kaufman

MTC–00029558

383 Second Ave
Massapequa Park, NY 11762
Phone: 516 799–8300 -24/7
Fax: 516 799–8350 -24/7
eMail: walts@dorsai.org
Fax:
To: Attorney General John Ashcroft
From: Walter C. Schmidt, CPA
US Department of Justice
Fax: 202–307–1454 or 202–616–9937
Pages: Two including this cover sheet
Phone:
Date: 01/27/2002
Re: Microsoft Settlement CC:
See following...
WALTER C. SCHMIOT, CPA.
Massapequa Park, NY 11762 24/
7:516.799.8300
Fax: 516.799.8350
eMail: walts@dorsai.org
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Fax: 202–307–1454- 202–6169937
—Email: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement.

Dear Mr. Ashcroft:

Microsoft continues in its role as a leader in the Information Technology industry. They do this not by luck, but because they are the best at what they do. Microsoft has given us, the business user, the ability to do things we only dreamt of a decade ago. They have done this efficiently and effectively, while at the same time their products have developed a network of satisfied users. It appears other companies are now trying to take advantage of Microsoft's current situation because they are unable to accomplish on their own what Microsoft has successfully done. To continue litigation, already agreed to by the Department of Justice, nine states and Microsoft, would prove to be a waste of time and money.

As an Information Technologies CPA, I continue to use Microsoft products as part of my day-to-day work routine. I do this after an ever continuing and exhaustive review of available products, and because I feel that they continue to be the best, the market has to offer.

The settlement currently under review is fair. Microsoft has agreed to terms that will allow other companies to be better equipped to compete. So far, the passage of time without litigation resolution has caused little harm. Nevertheless, this issue needs to be resolved before it does do serious harm to either Microsoft, the Information Technologies industry, or our country's economy. I would hope the Justice Department feels the same way, sees that the proffered settlement is indeed in the public interest, and submits its final report, recommending acceptance of the settlement.

Sincerely,
Walter C. Schmidt, CPA

MTC–00029559

4929 Canterwood Drive NW
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

[have personally founded six small businesses, each providing software and related services to companies and consumers. Also, I have worked for five of America's largest businesses, performing turn-around leadership to help restore them to competitive health. I know what it means to compete here in America, where entrepreneurship and a free market economy have historically been protected by our government.

I think it is a shame that the previous administration punished successful entrepreneurship and stifled creativity—and has left your department to bat cleanup. The Microsoft antitrust suit is the perfect example of this. I am appalled that the negotiated settlement has been rejected by half of the plaintiff states—without even giving it a: trial period and thus letting six months of negotiations go to waste. I think before rejection is considered, it is necessary to give the settlement a chance.

It is a disgrace that the settlement should be delayed to give Microsoft's opponents a bigger piece of the pie. I think the. settlement is fair as it stands. Microsoft has agreed not to enter into any contracts that would require a third party to distribute or endorse Microsoft products either exclusively or at a fixed percentage. Microsoft also plans to design future versions of Windows so that the operating system will support non-Microsoft software. I believe that these terms are more than reasonable.

In the long run, I believe the economy and the consumer would benefit from a speedy settlement.

I urge you to give your support to the settlement.

4929 Canterwood Drive NW II
Gig Harbor; WA 98332

MTC–00029560

TO:
FROM:
DATE:
??OTAL PAGE (Including Cover Sheet):
Robert She??s
I605 60th Place W
Muki??eo WA 98275
425–349–1207
January 21, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C, 20530

Dear Mr. Ashcroft

The federal case against Microsoft is definitely without warrant. The Case is largely p??litical and has been up in the court system long enough. I find it appalling to consider the amount of taxpayer dollars that have financed this persecution of Microsoft. Having sated the above, I believe that the settlement that was reached signifies an important resolution of the issue. Throughout this process, Microsoft has made many

compromises. Microsoft agrees under the terms of the, agreement to license Windows at the same rate to the larger manufacturers of PCs. Further, Microsoft will relax contractual restrictions upon PC manufacturers. These reass??ssed relations will definitely change the industry.

But clever people like me who talk loudly in resta??ants, sec this as a de??berate ambiguity. A plea for justice in a mechanized society. To conclude, the case against Microsoft is unfair, yet the settlement should be enacted as soon as possible.

But is suspense, as Hitchcock state''& in the box. No, there isn't room. the ambiguity's put on weight.

Robert Shelts DVM

MTC–00029561

January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NVY
Washington, DC 20530

Dear Mr. Ashcroft:

The antitrust suit against Microsoft has gone on long enough, and I would like to see this whole issue end on a bos??tive note. I feel that the settlement that has been reached between Microsoft and the Department of Justice is as fair as it is going to get, even though the terms go a little far in imposing restrictions and obligations on Microsoft.

What we have had here is the federal government punishing success. Microsoft has agreed to terms that extend beyond what was at issue in the initial settlement, and have done so ?? order to get this over with. They have actually agreed to give their competitors code and design information that composes the Windows operating system. This enables the competition to produce software and install in within Windows, and Microsoft can do nothing about it. Enough is enough.

The settlement is reasonable enough; please approve it as soon as possible. Thank you.

Sincerely,
Igor Alexeff

MTC–00029562

JAN–27–02 SUN 04:2S PM SMITH 8059676721
January 27, 2002
To: Attorney General John Ashcroft
FAX: 202/307–1454
From: Mr. & Mrs. James R. Smith
FAX: 805–957–6721
Re: Microsoft Settlement
Please see attached letter.
JAN–27–02 SUN 04:26 PM SMITH 8059676721
Mr. & Mrs. James R. Smith 340 Princeton Avenue Santa Barbara, CA 93111
January 25, 2002
Attorney General John Ashcroft US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The settlement that has been reached in the United States of America vs. The Microsoft Corporation is fair, and I believe that settling this case is in the best interest of the U.S. economy as well as the American consumer. It is vital that for us to have our best and brightest companies working at full steam in these times of economic uncertainty, and continuing this litigation will not benefit this nation.

The settlement is reas??nable; Microsoft will design future versions of Windows to be compatible with the products of other software companies, the company will also cease any retaliatory action against any of its competitors. A three-person technicla committee will monitor this settlement to ??sure Microsoft's compliance. These terms go above and beyond the original grievances of the suit. It is apparent that the parties who feel that the settlement does not go far enough are not looking for a solution to this case, but rather the perpetuation of their own po??cal motives.

Please continue you support of this settlement, the work that you have done to ensure that there is a place ?? free enterprise in the future of this nation has not gone unnoticed. Thank you. Sincerely,

James R. Smith
Willie Smith

MTC–00029563

Kenway Consultants, Inc.
2715 E Mill Plain Boulevard
Vancouver, WA 98661
(360) 696–2553
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I have followed the antitrust suit against Microsoft for the past three years and feel that it is time this matter was brought to a close. Microsoft has been more than fair with regards to the settlement and I would like to see the Department of Justice finalize it as soon as possible. I am the president of my own company and have faithfully used Microsoft products. I have also used non-Microsoft software and have had no problems running it through the Windows operating system. I understand that one of the terms of the settlement is that Microsoft will have to license the internal codes to Windows that will allow competitors to design software that is compatible to Windows. Obviously there are companies who have accomplished this without going to court because I use non-Microsoft software and it runs fine.

I feel that this issue has turned into more of a political issue than an economic one. The government has wasted millions of tax dollars on this suit when there are more pressing issues at hand. This suit has become a way for other companies such as AOL to use Microsoft as a stepping-stone. They are taking advantage of what Microsoft has done because they were unable to do it themselves.

I have always been under the impression that this country is one who supports free enterprise, yet this suit has not backed that philosophy up. There will soon be a chance for the Justice Department to finalize the settlement that has been reached and I hope they do. Thank-you.

Sincerely,
Kenway Mead
President

MTC–00029564

COVER PAGE
TO:
FAX:
FROM: JERRY&BETTY PURCELL
FAX: 970–181–4009
TEL: 970–484–2345
PAGE [S] TO FOLLOW
COMMENT:

Please, I Ask you To Tell The De?? Jostice That I STRONGLY Support The MicRoSOFT ?? ??'s heave well enough ALONE

MTC–00029565

STATE OF MICHIGAN
SENATE MAJORITY LEADER
State Capitol
Lansing, Michigan 48913
SENATOR DAN L. DEGROW
(517) 373–7708
27th District
FAX (517) 373–1450
TDD (517) 373–0543
January25,2002
Ms. Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW—Suite 1200
Washington, DC 20530–0001
Re: Department of Justice Antitrust Lawsuit Settlement with Microsoft

Dear Ms. Hesse:

I write in support of the Department of Justice (DOJ) proposed settlement that was ordered by the United States District Court. The terms of settlement have been agreed to by Michigan's Attorney General.

It is my understanding that the scope of the settlement addresses not only what the United States Court of Appeals for the District of Columbia Circuit ruled on but also issues beyond their findings. Further, this settlement will be strictly enforced by an independent committee that will assure Microsoft complies with the judgment.

The DOJ settlement will resolve the case and allow the industry to move forward, thus, providing innovation for the industry and greater competition and protection for consumers.

Sincerely,
DAN L. DeGROW Senate Majority Leader
Michigan State Senate
DLD
aj

MTC–00029566

548 Corte Aguacate
Camaril10, CA,,93010
January 26, 2002
Attorney General John Ash croft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Ashcroft:

The Department of Justice and Microsoft leached an agreement in November settling the antitrust suit brought against Microsoft. I am writing to say that I support this agreement, I feel it is fair and reasonable, and has already been approved by nine states. I see no need for further federal action, especially while Microsoft is negotiating with the remaining states to reach an agreement. Although the settlement calls for concessions that make antitrust precedent, Microsoft has

agreed in an effort to end this case sooner rather than later. The longer this debacle ensues, the longer that the IT sector will focus on litigation, rather than innovation.

We must allow the industry and the economy to move forward. I feel that this settlement provides that vehicle. Thank you for your consideration of my opinions.

Sincerely,

Harry P. Lee

cc: Representative Elton Gallegly

MTC–00029567

MARLENE F. PARTYKA
611 Berkshire Lane
Des Plaines, IL 60016–7520
847–298–1594
January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

t am taking the time to write you on behalf of myself and thousands of other Americans who I know are behind Microsoft. We support efforts at seeing the Microsoft Corporation freed of further litigation. The past three years have tested Microsoft's ability to produce innovative products, and I expect to see a boost to our economy once the law suit ends. Microsoft has not hurt the consumer.

In view of the fact that our nation prides itself on freedom of enterprise, I have difficulty, understanding why the government initiated this law suit in the first place. We are raised to believe that with hard work and innovation, one can achieve any success, but obviously, this is not true. The price for success is the fear of being criminalized by one's own government. Shameful.

I feel the settlement, proposed and accepted by the U.S. District Court and Microsoft, is the only solution at present to salvage the remaining ingenuity Microsoft has brought to this country and the world. I certainly hope this 60-day public comment period will make a difference in how the case finally ends.

It is time to let Microsoft off the hook and get them back m the field of creating software—if we take that freedom away from them, then what does that say about our country?

Thank you for your time in this matter.

Sincerely,

Marlene F. Partyka

cc: Representative Henry Hyde

MTC–00029568

20319 82nd Avenue SE
Snohomish, WA 98296
January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear General Ashcroft:

I am writing today to encourage the Department of Justice to accept the Microsoft antitrust settlement. The government needs to stay out of private business. The United States is the only country in the world that destroys its own industry. We have destroyed several major companies with our antitrust laws, take a look at Eastman Kodak and AT&T before and since government anti-trust involvement, if you think my position is not tenable. The government has now undertaken an attack on Microsoft. This issue needs to be put to rest. The government needs to get out of private business affairs and allow business to rise or fall in the marketplace. In order to put this issue behind them Microsoft has agreed to many terms. They have agreed to release part of the Windows base code to their competitors which cost them many years and millions of dollars to develop. This is exactly what the government did to Eastman Kodak, in the ''public interest'' with their chemical formulae and Kodak. once a world leader in their field, is now struggling to survive. Where is the public interest in the destruction of successful businesses that provide income and employment to many people and help the balance of payments? Once again, the government is trying to correct a perceived wrong (perceived by unsuccessful competitors and their elected representatives) at the expense of the innovative and successful. Microsoft and the technology industry need to move forward, the only way to move forward is to put this issue in the past. Please accept the Microsoft antitrust settlement and allow them to get on with the development of the best software business m the world.

Sincerely,

MTC–00029568 0001

MTC–00029569

January 2I, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I would like to express my support of the decision by Microsoft and the Department of Justice to settle the antitrust lawsuit that has occupied federal court for three full years. Through the settlement, Microsoft will pay for its misdeeds by opening parts of its code to other software manufacturers so that they may better compete with Microsoft Windows. Microsoft will also have to make itself subject to the constant scrutiny of a technical committee that will oversee the implementation of the various terms of the settlement. The settlement addresses the needs and viewpoints of both the plaintiffs and Microsoft well.

Some of Microsoft's opponents would see the suit continue, this would be a great mistake. Consumers and the IT industry have already suffered too much in the suit. Continuing litigation can only serve to further harm consumers. The Justice Department must see that the proposed settlement becomes formal as soon as this public comment period concludes.

Sincerely,

Bob Moore
7025 116th Avenue SE
Newcastle, WA 98056

* Lets get this lowsuit over with II has cln??gged or too longe other compp??es Are using this lowsuit to Compete.

MTC–00029570

215 S. Stale Street
Appleton, WI 549l 1
(920) 739–1021
Fax # (920) 739–1565
Fax
To: John Ashcroft
From: Jon A G??oves
Fax: 202–297–1454 Pages: 2
Phone:
Date: Jan. 27
Re: microsoft Settlement CC: Rep G??ven
One Odana Court,
Madison, WI 53719,
(608) 274–7744
January 28, 2002
Attorney General John Ashcroft
U.S. Justice Department
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

This letter documents my ,support for the proposed settlement of the Microsoft antitrust case, in accordance with the Tunney Act. This case has been negotiated for over three years under a court-appointed mediator, and it is time to implement the settlement.

There are many terms in the settlement which individually would be enough to make sure that competition is increased; the multitude of them should be a fantasy for Microsoft's competitors Microsoft has sworn to give its competitors access to all necessary Windows interface programs so that they can link with and promote their software products. In addition, Microsoft has agreed to allow the all-new Technical Committee to monitor its progress in complying with all provisions.

This case should be finalized soon. Thank you for your consideration.

Sincerely,

Jon A. Groves

CC: Representative Mark Green

MTC–00029572

January27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The Microsoft antitrust case was unnecessary to begin with,, but the fact that it has dragged out this long is absolutely ridiculous. I do not believe that the push for additional litigation is in the interest of justice; I am of the opinion that the remaining litigants just want what everybody else wants—to get into Microsoft's wallet. A settlement has been proposed that, while it may not be ideal, is acceptable to both Microsoft and the Department of Justice. Next week, the courts will determine whether the settlement is acceptable. I believe it is in the best interest of the consumer to settle now rather than to drag this case on any longer.

Microsoft and the Department of Justice have managed, after half a year of ex??ruciatingly complex negotiations, to reach a settlement that not only satisfies the concerns of both sides, but addresses the issues presented by antitrust laws as well. For example, Microsoft has agreed not to enter into any contract that would require a third party to distribute Microsoft products at a fixed percentage, This would prevent

Microsoft from shutting its competitors out of the market through exclusive contracts. Microsoft has also agreed to disclose source code and interfaces integral to the Windows operating system for use by its competitors.

I do not believe that the settlement is in any way deficient. In fact, I believe it would be best for the economy and the American public to finalize the settlement now. I urge you to take the appropriate action.

MTC–00029573

FROM : JOHN-BURKE
PHONE NO. : 13154514195
Jan. 27 2002 07:55PH P1
5773 Innsbruck Road
East Syracuse, NY 13057
Ph. 315–656–0081
Ms. Renata Hesse
Trial Attorney
Anti-Trust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

This letter is to advocate for a swift settlement of the federal lawsuit against the Microsoft Corporation (U.S. v. Microsoft)

I work for a company that relies on technology for its success. We service major corporate and manufacturing facilities by building and maintaining redundant backup safeguards for their critical energy systems. You could say that our business is to keep others in business.

How sad for this already damaged economy when the federal government jumps in to assist Microsoft's competitors in trying to put one of America's biggest success stories out of business by forcing a breakup. When consumers are damaged by monopolistic activities, that's anti-trust. When Microsoft beats its competitors in the marketplace, that's capitalism.

I have yet to see a situation where software/Internet consumers did not have a choice, and it would appear to me that many of the corporate entities screaming for fairness (Oracle, Sun, Apple, AOL/Time Warner [monopoly- look at my Time Warner cable bill if you want to see monopoly./]) are fully prepared to play hardball and are in no danger of starving anytime soon. Billion dollar companies are tough to view as victims.

We spent eight years under a President who liked to punish business success. Today the President is different, the country is different and the world is different. Let's do the right thing and help business be successful rather than strike them down when they become successful on their own.

Sincerely,

Taxpayer

MTC–00029574

Jan 27 02 06:55p
STAMATS
??
DATE
??
Trial Attorney
Antitrust Division
Department of justice
601 D Street NW, State 12.00
Washington, DC 20530

Dear Ms, Hess,

As part of a company that assists educational institutions with the development of effective student recruitment, medi?? and promotion, and the implementation of institutional enhancement ??es, I have a solid grasp on the importation of public image and public pressure.

When ??sseminating a message to the general public through the media, one key factor to acknowledge is that perception is rea??y Although consumers may or may not have seen the notions of bundling by Microsoft as det?? to the??,. ?? after reading the results of the proceedings many would feel differently.

Thanks to the revolutionary developments by such ??ology ??es as Microsoft and AOL, we have all or the facts and all sides of the story more ??at our fingertips than any generation before us. We are able to access information and communicate via ?? the World Wide web. Through your online sine ?? we are able to ?? the proposed settlement that you face and submit our own personal judgments to you based on our own research.

Upon reviewing this information of the suit and following the proceedings for file few years it has progressed, it is my belief that this is a reason??ble ??fer for a settlement in: the suit: and should be approved.

Sincerely, ??

MTC–00029575

STAMATS
CON?? INC.
Pat Collins
Judge Kolar Ko??ely
c/o Renata Hesse
U.S. Department of Justice
601 D Street, NW, Suite 1200
Washington, DC 20530 ??

Dear Judge Kolar Kottely:

Late last year the U.S. Department of Justice ??ully reached a settlement with the Microsoft Corporation. This settlement is correntlly under your review for acceptance, and I am writing to ??ncourage your support for this agreement.

I work in a compelitive business where my hard work ??as paid ??. My success depends on the superior quality of my product and my ability to sell ??is product to my clients. I have a na??al inclination to admire any individual or company that finds success by working hard and having a good product. Microsoft is a great example of these ideals. Microsoft continues to be an industry leader because ?? provides the consumer with superior products and excellent service.

I have never understood why the government seemed determined to prose??nte a company that provides a reliable product, creates countless jobs, and s??lates both the economy and innovation. By bringing this case the government appeared to be m??ent on nothing more than g??ining ??procedented control over the technology in??ustry.

Now, over two years since the suit was brought, calmet heads now seem to be provailing. The DOJ and Microsoft have fashioned an agreement that represents a true compromise. New reports indicate that Microsoft will be required to share ??tual prop??rty and must guarantee flexibility to comp??ter manufactures that equip their products will Microsoft operating systems.

More importantly though, this settlement represents a vi??tory for the ??omy, entreprencurs, and consumers. This settlement moving forwa?? will once again open the door of inves??ment and innovation.

Thank you.

Pat Collins

MTC–00029576

HOUSE OF REPRESENTATIVES
2 STATE HOUSE STATION
AUGUSTA. MAINE
04333–0002
(207) 287–1400
TTY: (207) 287–4469
Ken Honey
Chapel Street
F.O. Box 6
Roothbay, ME 04537
Telephone: (207) 633–5500
Fax: (207) 633–5092
Renata Hesse
Department of Justice
601 D Strect NW, Suite 1200
Washington. DC 20530

Dear Ms. Hesse,

Please accept my support of the proposed settlement between United States vs. Microsoft Corporation.

Rather than beating Microsoft in the free market, AOL and Sun and others engaged the Justice Department to do it for them. Their true intention has clearly been to deny consumers their market choices and instead force them into paying higher prices for lesser quality products. Competition is the key, not government intrusion.

Without competition, the high technology industry would be completely insignificant. Microsoft, Sun. AOL, Netscape, and others all drive each other to lower prices and better products, all the to benefit of consumers.

The time has come to settle this case. Taking into consideration the poor condition of the economy, the last thing we need is additional inane litigation.

Sincerely,

Ken honey

State Representative

MTC–00029577

FROM: CA
PHONE NO. : 207 848 3685
Jan. 19 2002 09: 35AM P1
HOUSE OF REPRESENTATIVES
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333–0002
(207) 287–1400
TTY: (207) 287–4469
Donald P. Berry, Sr.
115 Sca??smont Road
Relmont, ME 04952
Telephone: (207) 342–5675
Fax: (207) 342–3045
E-Mail: chema??@northlen??ink.com
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

As a former aducator and current legislator I am writing to express my support for the proposed settlement reached by Microsoft, the Department of Justice and several of the State. In reviewing the points of the settlement I see several benefits perticu??arly for educators and our schools. In accapting

this proposal and ending this costly process for all parties involved we also send a message to the American taxpayers that we are being responsible. First in holding large companies accountable for their actions and secondly in knowing when a point has been reached, after which further expenses in non productive.

I believe that Microsoft has learned, ?? all good companies do, that they needed to change some of their business practices and policies. Secondly, they have r??ched an agreement that appears to be beneficial to many of our nations schools and their students, by providing resources that will help train and prepare them for the future. This appeals to me because it puts the resources to work, rather than a cash settlement that might allow politicians to wind??all that would not be as productively distributed.

I also see it as beneficial to the parties Involved. The point has been made to Microsoft, a fair settlement has been negotiated and I see no further need for added legal expenses to the government or Microsoft. It Is In everyone's beet Interest to move on Thank you for consideration of my comments and for all you do.

Sincerely.
Donald P. Berry,
Sr. State Representative
District 109
Belmont, Lincolnville, Morrill, Searsmont, Searsport,
Swanville and Waldo
Printed on recycled paper

MTC–00029578

HOUSE OF REPRESENTATIVES
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333–0002
(207) 287–1440
TTY: (207) 287–4469
Stavros J. Mendros
135 Hogan Road
Le??? ME 04240
Telephone: (207) 783–6475
E-Mail: ???tav@yahoo.com
January 18, 2002
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

As a businessman involved in the computer field I wish to express my support for the proposed settlement reached by Microsoft, and the Department of Justice. I have reviewed the settlement and find many aspects of it to be unique and beneficial to all Americans, I have come to realize the critical importance of training and ongoing development for our teachers and young people. Our communities will benefit by the opportunities provided by these future leaders properly trained in the latest technology. This is a greater benefit to our soclety and workforce than any other program the government could design using a cash penalty assessed on Microsoft. I also believe Microsoft has and will benefit from this experience. They have learned the need to adjust their policies and procedures; there is no a greater needs to further punish them. It to also, o time to move on from this long drawn-out legal dispute, so the people of this country can see the continued healing their our nation needs, we don't need to see more division, but we do need to see positive resolution and I believe that is what this settlement can Offer.

Thank you for consideration of my comments.

Sincerely,
Stavro?? J. Mendros
State Representative

MTC–00029579

HOUSE OF REPRESENTATIVES
2 STATE HOUSE STATION
AUGUSTA. MAINE 04333–0002
(207) 287–1400
TTY: (207) 287–4469
Terrence P. McKenney
14 Cry??tal Lane
Cum??land Center, ME 04021
Telephone: (207) $129–5472
Rusiness: (207) 773–8560
Cell phone: 838–9168
E-Mail:: terryrnck@maine.rr..com
January 18, 2002
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

As a businessman and legislator I wish to express my support for the proposed settlement reached by the court appointed negotiator with Microsoft. and the Department of Justice. I have read the settlement and find many parts of it to be a win-win option for all parties, I gee R as a hotter alternative than e cash fine that will disappear into the federal government's coffers. The practical use of technology and the training of our youth is the key to our future. Our communities will benefit by the opportunities provided by these future leaders properly trained in the latest technology. This is a greater benefit to our society and workforce than any other program the government could design.

Microsoft has end will benefit from this experience. They as any smart and successful business will adjust their policies and procedures there is no need to further punish them. or to wreak havoc on the public members who have invested their retirement or children's college savings in Microsoft stock. It is In all Of our interests to resolve this matter and move on in a productive way.

Thank you for consideration of my comments,

Sincerely
Terrence P. McKenney
State Representative

MTC–00029580

JACK GAMBETTA, CFP
Certified Financial Planner
ICFP Registered Practitioner
Registered Investment Advisor
Registered Representative or
Mutual Service Corporation
Member NASD and SIPC
January 27, 2002
Attorney General John Ashcroft:
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am a financial planner. I have watched the economy go into a tailspin because of the lawsuit brought against Microsoft. This lawsuit put fear throughout not only the tech industry, but also the entire economy itself. We now hear Congress constantly talking about ways to bring the economy back, yet hamstrings the one company that is the major engine of our economy—Microsoft. Microsoft bas been charged with an antitrust suit, the basis of which is abuse of the consumer. Yet, Bill Oates has done nothing more lima help the consumer with the innovations he has created. There is a standardization now of computer software where there was none before More people can use and understand computer programs than before. Prices are lower, Microsoft has contributed so much to our technological expertise; the faro that the company is now being charged with this lawsuit is ridiculous,

Further, I am appalled that the legal system should be brought into what is basically a battle between technological companies, First, what do lawyers know about the computer industry? And how can these self-same people make decisions affecting the use of it? Tilts whole process was a result of Microsoft rivals trying to rein Microsoft in through the legal system; however, the legal system is not just. just legal, influenced more by politics than any real concern over questionable business practices.

Microsoft has agreed to many terms demanded by the Department of Justice that go far beyond the original suit, Microsoft tins agreed to design future versions of Windows with a device to, make it easier to promote non-Microsoft software; Microsoft has agreed to open up to third party developers more of its copyrighted coda to aid in development of third party programs; Microsoft has agreed to a technical committee to oversee compliance. This is more titan a lot of companies would do.

I urge you to gave your approval to this agreement and allow us to move on.

Sincerely.
Jack Gambetta, CFP
email: jagambetta@cs.com
WEB.JACKGAMBETTA.COM
P.O. Box 100,
One Kent Circle,
Terrace Park, OH 45174
Tel/Fax
(513) 248–9400 625
Eden Park
Drive Suite 500,
Cincinnati, OH 45202–6005
(513) 241–5000

MTC–00029581

FORREST H. MUIRE, JR.
908 PRINCETON MIDLAND, TEXAS 79701–4159
915–682–5087
email, lmuirc@swbell.net
FAX 685–1091
January 23, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20550–0001

Dear Mr. Ashcroft:

Please accept the proposed settlement of the Microsoft anti-trust case. As a long-time user of Microsoft products, I see this agreement as the most practical solution for competitors to thrive, short of a break up that

would risk consumers losing a quality, stable presence in the software industry.

Seemingly inspired by a lack of monetary support from the last administration, this government intervention into the business world has been off base from the start. With this deal, Microsoft's market position is clearly weakened, so any further litigation would be an even more misguided attempt to manipulate the marketplace on behalf of the ''consumer.'' Microsoft will allow computer manufacturers broad freedoms to configure Windows with the software of their choice without preference in future licensing deals and will provide competitors with extensive access to its internal code, among other agreed measures to expand competition.

Considering the constant verification by a committee of experts to monitor the deal, I ask for you to support for this overly fair settlement. The IT industry and the economy will greatly benefit from the return of stability to the software marketplace. Thank you very much for your support.

Sincerely,

Forrest Muire

MTC–00029582

HOUSE OF REPRESENTATIVES
2 STATE HOURSE STATION
AUGUSTA. MAINE
04333s–0002
(207) 287–1400
TTY: (207) 297–4469
Russell P. Treadwell
Da??cus Road
RR 2. Box 1570
Car??el. ME 04419
Telephone: (207) 848–5123
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington. DC 20530

Dear Ms. Hesse,

I understand we are in a period where you are looking for public comment on the proposed settlement with Microsoft. In light of this I would like to urge you to accept the proposed terms and resolve this mater for the following reasons.

I believe Microsoft has been significantly and negatively impacted by this more than three year suit. True some of their practices may have been heavy handed and even detrimental to competitors, but those same competitors such as AOL, Sun and Oracle have used the weight and resources of the state and federal legal system to attack and distract Microsoft. I say it is time to end this legal attack, and stop the use of taxpayers monies. Microsoft bas agreed to a very reasonable and, fry for the public and our schools, a extre??ly generous and beneficial program to compensate fox any supposed harm that was done.

I strongly encourage you to move forward on resolving this matter and ending the battle that has consumed so much time and resource of the government and associated parties.

Thank you very much for all your efforts on behalf of the American people and for reviewing my comments.

Best Regards,

Russell P. Treadwell

MTC–00029583

THE NICHOLS STREET ASSOCIATION
138 NICHOLS STREET
NORWOOD, MA 02062
Loretta Fehm
January 25, 2001

I am writing to have my thoughts on the proposed settlement between Microsoft and the United St Department of Justice entered into the record in accordance with the Tunny Acts requirement of public Comment on such settlements, I think the settlement plan is a good one, and one that reaches the necessary balance between antitrust enforcement and the need for as competitive a software market as the U.S. economy can have, Consumers benefit from a competitive market in ways that the kind of regulations previously argued in this case would nullify. Whereas a free and competitive market will drive down prices and hasten the pace of innovation, a heavily regulated market, or a software market including a carved-up Microsoft would stow the pace of innovation and allow companies to sit on their hands and let prices gradually rise.

Consumers deserve the best high tech market available to them, and the best high tech market is the one that innovates, The innovations of the last decade were primarily responsible for the creation of jobs, Investment, and wealth at rates never before witnessed In any economy anywhere. The success of the ''New'' Economy In the i990s was not a boomlet, in my view, but a harbinger of things to come In the future, If the government will allow consumers and entrepreneurs to successfully guide the market toward higher levels of competition and innovation.

I hope my thoughts can be entered into the record and also hope the court sees fit to approve the settlement proposal. It is the best way for the economy to start to put. this recession behind it and begin to build for the future.

Sincerely.

Loretta Fehm

MTC–00029584

January 15, 2002
Judge Kolar Kottely
U.S, Department of Justice, Antitrust Division
601 D Street. NW, Suite 1200
Washington, DC 20530

Dear Judge Kottely,

I am writing to express my opinion as a consumer in the case of the U.S. Department of Justice and state attorneys general versus Microsoft.

This case has been loitering and squandering our hard-earned tax funds for long enough, As a consumer of Microsoft products, I do not feel cheated by the company. Even the limited number and size of computer stores here In Des Moines, we nave a choice in brands of spreadsheets, operating systems, and word processors. When setting up Internet access on a new computer, there was always the choice between Notscape Navigator or Internet Explorer as a web browser. This case came about for the protection of consumers. Yet, we as taxpayers are more concerned about spending tax money to pursue this case than we ever were about Microsoft being a monop??y Please give thoughtful consideration to settling this case quickly.

Thank you,

Lore McManus Solo, APR
Public Relations Director
Strategic America

MTC–00029585

Judge Kolar Kottely
Renata Hesse, Trial Attorney
Antitrust Division
U.S. Department of Justice
601 D Street, NW, Suite 1200
Washington, DC 20530

Dear Judge Kolar Kottely:

There is not an American who has not been touched by or seen the impact of the slowing national economy. As the chief executive officer of a strategic marketing and communications firm, I have witnessed first hand what the slowing economy has meant for our clients and our employees. Across ??owa, we have seen many of our most important employers either close their doors or endure severe layoffs in these troubled economic times.

Almost every decision our government makes right now has a direct impact on the health of our national economy, The decision whether to accept the Department of Justice's settlement with Microsoft is no exception.

Microso?? is one of the most successful corporations in the country. The growth of this company has translated into thousands of jobs, new innovation and the creation of still more technology-based companies. Unfortunately, as the economy began to inch toward recession, the government began its legal wrangling with Microsoft. Next came the major decline of technology stocks. The creation of new technology based companies and jobs slowed as well.

Settling the Microsoft case will help give the economy the boost it needs toward recovery. Plus, the conditions of the settlement were fair for all involved. Under this agreement, Microsoft must allow computer makers to remove their software and they will be prevented from punishing companies that promole Windows competing products. A neutral commission will oversee all elements of the settlement.

I respectfully urge you to accept the Department of Justice's settlement with Microsoft.

Sincerely.

Michael R. Schreurs
Chief Executive Officer
Strategic America

MTC–00029586

PAULA ENLOW
702 Laramie Street
Manhattan, KS 66502
January 23, 2002
Ms. Renata Hesse
Trial Attorney
U.S. Department of Justice, Anti-trust Division
601 ''D'' Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I am writing to express my opinion regarding the Microsoft anti-trust case

settlement recently proposed by the Bush administration.

I believe that if the court wishes to act in the best interests of all Americans, it will approve the settlement, end this case and allow Microsoft and the American tech industry to move forward unencumbered by ongoing litigation. Continuing to pursue this matter in court is a waste of precious time and energy and sets a very bad precedent for undue government interference in private business. Even under the terms of the settlement, Microsoft will be operating under a level of scrutiny that I feel is unnecessary given the facts of the case. However, I believe that the Bush settlement offers our best hope for moving onward and upward, and I urge the court to accept that settlement.

Best regards,
Paula Enlow

MTC–00029587

TIM HOLLOWAY
600 N. 12TH STREET
INDEPENDENCE, KS 67301
January 21. 2002
Judge Kolar Kottely
Attention: Renata Hesse
U.S. Department of Justice, Antitrust Division
60t D Street, NW, Suite 1200
Washington, DC 20530

Dear Judge Kolar Kottely,

I've seen firsthand the blows the economy has been dealt in the last year. As an aeronautical technician, I have seen many in our industry lose their jobs due to cutbacks resulting from the precarious state of the economy.

The economy is soft. In addition to layoffs, the public has also seen a decrease in their investment portfolios. The public and our economy need to be reassured. Approving the current Microsoft settlement proposal is a step toward that reassurance. That assurance will restore investor's faith, providing cash flow for innovation and a demand for employment in one of the driving sectors of our economy—high tech. The boom of the 90's and even 2000 was driven by the health of the technology sector. I believe we can help turn our economy around if we help the tech industry get back on its feet. In my opinion, settling the case against Microsoft is the first step in that direction.

I appeal to you and your wisdom to support settlement of the suit, allowing America's economy to rebound at this time when we all could use some encouragement.

Sincerely,
Tim Holloway

MTC–00029588

January 22, 2002
Ms. Renata Hesse
Department of justice Antitrust Division 60I
D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

Last Er??day the drop in the Dew and NASDAQ were the largest since just after the attacks of September 11th The catalysts were cautious forecasts from two technology stock market ??ants IBM and Microsoft.

This sector has see a great deal of change and turmoil over the past several years on both .sides of the pendulum- sky level highs and rock bottom lows. Many peaks and valleys have stemmed from the Microsoft antitrust case Just prior to the case, and even for so. me time into it, many would argue that loch stocks were infla??ed. It was the belief of several financial analysts that the valleys ca??sed by the case were necessary to deliver a reality check to ??ch investors. All of this may in fact be trite.. Today, however, is a different day, a different time, and our nation's economy is facing very different challenges.

Disheartening news continues to surface in the Wall Street Journal during this time of economic downfall—airline difficulty, telecommunication battles, and the technology industry's downturn. Stories like the one on Friday take the market on another sharp decline taking the Dow down 78 points and the Nasdaq down 55.

As part of the investment and insurance sector, these are issues that bit very close to home both for my clients and myself. With the obvious effects this case has had on the market, I believe k is prudent during this time of economic instability to settle this case.

Thank You,
Brian Hewitt
President
Group Benefits, Ltd

MTC–00029589

Thomas & Loft Stambaugh
8501 Bayview Drive
Wildwood Crests NJ 08260
(609) 522–2754
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

I am writing you to inform you of my opinion in regards to the Microsoft settlement issue. I support the settlement that was reached in November. This settlement will end three years of costly litigation and will give our economy the boost it needs. Please support this settlement so Microsoft can get back to business.

This settlement contains many provisions that will benefit the technology industry and companies attempting to compete with Microsoft. Under this agreement, Microsoft has agreed to grant computer makers broad new rights to configure Windows to promote non-Microsoft software programs that compete with programs included within Windows. Microsoft has also agreed to share more information with other companies, such as various internal interfaces within Windows and any protocols implemented in Windows. Microsoft is more than willing to carry, out all these provisions if it delivers a resolution to this dispute.

Again, I urge you to support this settlement so our resources can be funneled into more important issues. Thank you for your support.

Sincerely,
Thomas & Lori Stambaugh

MTC–00029590

DOROTHY GRATION
1004 FEARRINGTON POST
PITTSBORO, NC 27312
FAX: 919–542–3090
PHONE: 919–542–1963
FAX TRANSMISSION SHEET
TO:
FAX:
FROM: Dorothy Gration
DATE:
PAGES (including cover sheet):
MESSAGE:
1004 Fearrington Post Pittsboro, NC 27312
January 16, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my gratitude that this whole mess involving Microsoft and the federal government looks as though it may finally be coming to an end. I have never agreed with the federal government's pursuit of Microsoft and have long thought of it as a waste of taxpayer money, as well as an attempt to sully the reputation of someone who has lived the American dream. That being said, this settlement offers an opportunity for both parties to walk away satisfied and should be accepted/implemented as soon as possible. The settlement agreement contains provisions that provide for increased competition, the fostering of innovation and greater accountability. The highlight of this agreement is Microsoft's agreement to share its most valued intellectual property in order to advance the industry.

This is a settlement that is three years too late and I strongly urge that it is implemented as soon as possible. Thank you for your efforts in Washington.

Sincerely,
Dorothy Gration

MTC–00029591

January 26, 2002
The Honorable Colleen Kollar-Kotally
U.S. District Court, District of Columbia
c/o: Renata B. Hesse
Antitrust Division, U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Judge Kollar-Kotally:

I write to express my concerns about the proposed settlement of the Microsoft cases. As the executive director of business/trade association, I consider myself to be very pro-business and generally supportive of free enterprise and open competition. However, in order for the free enterprise system to properly work, there must be an opportunity for businesses to actually compete against each other! I respect Microsoft for what they have been able to accomplish, but I believe Microsoft has gone too far in some of its practices. As a result, a competitive market in their sector no longer exists, and businesses and consumers are hindered and frustrated. I understand that a settlement has been proposed that the Department of Justice has found acceptable. I further understand that various attorney generals have also found the proposed settlement acceptable. The Attorney General of the Stare of Utah is not one of them. I support his position and

believe that the term, of the settlement are too lenient on Microsoft. Adoption of the proposed settlement would do nothing but delay the imposition of reasonable sanctions, prohibitions, and conditions on Microsoft until the next government action is taken, if any. In the meantime, Microsoft would essentially walk away with a hand-slap and the ability to continue its anticompetitive behavior. This could also set a precedence that would allow other businesses to take similar control of a market, because they know that they could get away with only lenient punishment, if'' any.

I ask the court to conduct hearings to determine an appropriate remedy that will reasonably penalize Microsoft for past actions and prevent future violations of antitrust laws. Such an action will only be in the best interest of all businesses and consumers.

Sincerely.

Ann Gambr??o, executive director

Utah Hotel & Lodging Association

cc. The Honorable Mark Shurtleff. Utah Attorney General Jonathon Jaffe, The MWW Group

MTC–00029592

January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, N W
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to your office because I support Microsoft and its desire to settle the antitrust lawsuit that the government brought against them. The case has proven to be very lengthy, and I feel that if the government's case were solid, they would have been able to prove it by now. In the meantime, Microsoft's business has been adversely affected.

The settlement proposed several months ago offers Microsoft's competitors an unparalleled opportunity for market growth. Microsoft is boldly agreeing to broad changes, between disclosing Windows program codes it developed to other companies, as well as enabling computer users and manufacturers to remove Internet Explorer and other Windows-based programs from their PCs.

Most importantly, the settlement does not seek the breakup of Microsoft. The company clearly wants to put this dispute behind them. I hope you agree and will settle the case.

Sincerely,
Nadine Hearth
3426 Whitnor Court
Sacramento, CA 95821
Telephone: 916–483–7723

MTC–00029593

FAX COVER SHEET
Herbert L. Stevenson
602 Fifth Street #1003
Kirkland, WA 98033
Tex 425 828 8575
Fax 425 889 0659
SENO TO Company name Depf. Of Justice
From Herhert L. Stevenson
Attention Ms. Renata B. Hesse Ds?? 1—27—62
Office location Office location
Fax number Phone number
(202) 301–145?? (425) 828—8575
COMMENTS

The Microsoft proposed settlement seems more than fair. The #35 million spent to punish Mirosoft is an excessive amount of taxpayer money; especially since the company has done so much for the U.S. Economy

MTC–00029594

January26,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I support Microsoft and its desire to settle the antitrust lawsuit that the government brought against them, I believe it is in the best interests of our country and the economy. This lawsuit has brought untold damage to the economy and it was one of the factors leading to the recession. I am sure you are aware that Microsoft is a leader in its field and spawned many opportunities for other companies. Our country is presently the leader in the computer field. Don't prolong this any more and allow for the possibility for other countries to take the initiative away from our country. It potentially has security impacts that can only be measured in future developments. I hate to use an old cliche but as Microsoft's business goes so goes America's lead in this field. Don't delay the settlement.

As a graduate of the University of California in electrical and electronic business, I believe that I have an inside view of the problem. While Microsoft is a fierce competitor on one hand, they still allow many opportunities for others to enter and succeed in the business. Further delay in this suit will only cause further erosion of these opportunities. Believe me there are many legitimate actions that Microsoft can exercise that will decrease these opportunities. Like any good management plan, i1 must include protection of the company and its stockholders.

The settlement proposed should be grabbed and taken to the bank.

The most important aspect of the proposal is that it will not break-up Microsoft. I hope you agree and settle this case now.

Sincerely,
Richard Hearth
3426 Whitnor Court
Sacramento, CA 95821
Telephone: 916–483–7723

MTC–00029595

January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The Department of Justice's decision to settle the Microsoft antitrust case is reasonable and should be supported. The case has dragged on for long enough, and has had a very detrimental impact on the tech industry as well as our economy. Further litigation might be good for the litigators of the county, but will do little else other than act to further slow down an already slow business environment.

The terms of the settlement agreement are fair. With the assistance of a mediator, the parties engaged in extensive negotiations. As a result, the remedies provided by the settlement agreement are well thought out and provide adequate solutions to the complaints lodged by the plaintiffs. Upon the approval of the settlement agreement, Microsoft will change many of its business practices in an effort to restore fair competition to the software world. Microsoft has agreed not to enter into any contracts that would require third parties to exclusively promote or distribute Windows. They also agreed not to take any retaliatory action against those who distribute software that competes with Windows.

I see no need for protracted litigation in this case, especially in light of what Microsoft is willing to do to resolve the case.

Thank you for working toward a resolution of this case. It is time to move on.

Sincerely, ??
Glen A. Phillips

MTC–00029596

JACQUELYN R. REESER
5827 Hollyhock Drive
Lakeland, FL 33813
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

With the pending results of the Microsoft settlement, I am pleased with the outcome. This agreement should reestablish Microsoft on one main issue...business development. As a self-employed person I know that your reputation can make or break you. The fact that Microsoft extended restrictions and obligations to products and technologies that were not found to be unlawful by the Court of Appeals, convinced me that they are more interested in new growth and development of their company.

Microsoft will now share technology information with its competitors that will allow them to place their own products on Microsoft's operating system. Additionally, Microsoft will use a uniform pricing list when licensing Windows out to the twenty, largest computer companies in the nation. I give my full support to Microsoft's settlement and wish them the best.

Sincerely, ??
Jacquelyn R. Reeser

MTC–00029597

J. R. Mitchell
10315 159th Avenue SE
Snohomish, WA 98290
January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I think the Microsoft antitrust case was ridiculous to begin with; it was all a matter of Microsoft's bitter competitors trying to retaliate against Microsoft's success and

innovation. As part of free enterprise, their competitors had die opportunity to be just as successful as Microsoft- However, they just weren't as smart and didn't create such exceptional products. That's certainly no fault of Microsoft's. I use Microsoft's products ever3: day in my job as a Computer Specialist. I could give you several reasons why I prefer Microsoft's products to anyone else's.

Microsoft is conceding a great deal in this settlement. It is more than fair to their competitors, if not giving them an unfair advantage that they don't deserve. Microsoft is giving away their technology to their competitors and has agreed not to retaliate against software or hardware developers that come up with competing products. They've also agreed to make their Windows software more cross-platform compatible so that users and OEMs can easily configure Windows with other software.

Please accept this settlement for the good of the country. Microsoft is not harming consumers and this settlement unquestionably does not harm their competitors. Please help put a long-awaited end to this lawsuit.

Sincerely, ??

Jimmy R. Mitchell

MTC–00029598

JOHN EBERT
5910 PROVMENOR GOUNTRY GIUB DRIVE
GHARLOTTE, NORTH GAROLINA ??
January 26, 2002
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue SW
Washington, DC 20530

Dear Mr. Ashcroft,

The current status of the American government's case against Microsoft Corporation concerns American citizens like me. It threatens the principles of free enterprise in our country. Microsoft has been targeted because of its overwhelming success and innovation. Other companies have been saddled with government oversight for the opposite reason. The American people axe happiest when businesses are allowed to do what they do best without outside influence. Government interference is rarely a solution. Continued action by the government against Microsoft will likely have negative effects on the American consumer. This is no time for that. Microsoft has attained its position in industry because it is innovative, not predatory. Microsoft has created jobs without political interference. It is an economic engine without rival.

The settlement at hand is fair and just. It should be embraced so that we an all see Microsoft get back into the business of changing people's lives through innovative software technology. Our country desperately needs engines like Microsoft to bee running at full capacity again. Please consider accepting the present settlement. Everyone will receive considerable benefit. Thank you in advance for your attention to this matter.

Sincerely yours,

John Ebert

MTC–00029599

OUTGOING COMMUNICATION
Raytheon Missile Systems Company
P.O. Box 11337 (Bldg: MO2)
Tucson, Arizona (USA) 85734–1337
Raytheon Missile Systems Company
1511 E. Hermans Road
Tucson, Arizona (USA) 85706
TO: RENATA B. HESSE NO. OF PAGES: 7
(INCLUDES COVER SHE??
TELEPHONE:
FAX: 202–307–1454 DATE: 27 JAN 2002
202–616–9937
FROM: KENNETH J. HENDRICKSON VOICE
TELEPHONE: (520) 7943853
E-MAIL ADDRESS: Kenneth—J—
Hendrickson@west.raytheon.com
ALTERNATE (520) 794–0603 FAX: (520)
794–4860
FAX NUMBERS: (520) 794–9087
CC:

COMMENTS ON PROPOSED MICROSOFT SETTLEMENT
Date: 27 January 2002
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001
From: Kenneth J. Hendrickson
2747 W. Anklam Rd., Apt E.
Tucson, AZ 85745–3705
Dear Renata,

Executive Summary:

I strongly urge the Department of Justice (DoJ) and the Court to modify the Proposed Final Judgment (PFJ) in order to achieve an effective remedy against a continuing Microsoft monopoly, and the harm to consumers that will inevitably continue to result.

The modifications I recommend are:

1 Microsoft must be required to publish COMPLETE and ACCURATE documentation for all Application Programming Interfaces (APIs), protocols, and file formats, for *ALL* Microsoft products. This should include a requirement to publish full and complete source code. However, as the source is likely to be very difficult to understand, Microsoft must also be required to fund an independent documentation effort to study the source code and completely and accurately document it. Such documentation and source code must be made available AT NO CHARGE to anybody who wants it, via an Internet download. In addition, Microsoft must NOT be allowed to require a Non-Disclosure Agreement (NDA) in order to obtain this important information.

2 Security considerations must NOT be an excuse for continuing the harmful practice of closed, hidden, and/or undocumented APIs, protocols, and file formats. All algorithms, APIs, protocols, and file formats, must be COMPLETELY and ACCURATELY documented, *ESPECIALLY* when those algorithms, APIs, protocols, and file formats are needed for security and authentication. Sections III.J1 and III.J2 should be entirely stricken from the PFJ.

3 Microsoft must not be allowed to use its patents offensively. A patent is a government granted monopoly. As Microsoft already has a monopoly (even without government granted patents), and has been convicted of illegally ABUSING that monopoly, the government should not be in the business of granting Microsoft more monopoly power with which to abuse its competitors. The PFJ should be amended to forbid Microsoft from using its patents offensively. Before preparing my comments, I read the following documents in their entirety:

1 Original Complaint
http://www.USDoJ.gov/atr/cases/f1700/1763.htm

2 Findings of Fact
http://www.USDoJ.gov/atr/cases/f3800/msjudgex.htm

3 Stipulation and Revised Proposed Final Judgment
http://www.USDoJ.gov/atr/cases/f9400/9495.htm

4 State's Proposed Final Judgment
http://www.NAAG.org/features/microsoft/ms-remedy—filing.pdf

5 Competitive Impact Statement
http://www.USDoJ.gov/atr/cases/f9500/9549.htm

Justification for my Recommended Modifications:

Full Disclosure of Algorithms, APIs, Protocols, and File Formats:

I was very heartened to note that the PFJ would require that Microsoft must publish details of its APIs (section III.D. and others). However, as published, this provision will be largely ineffective, because it does not include Free Software and Open Software development efforts.

Microsoft's own lawyers indicated in 1999 that Microsoft views Linux and the GNU GPL license as its greatest threat.

http://www.OReillyNet.com/pub/a/mediakit/linux.html

Microsoft produced a white paper on the GNU GPL license, in an effort to dissuade companies from trying and/or using Linux.

http://www.Microsoft.com/business/downloads/licensing/Gp1—faq.doc

Although Linux and the Free Software movement are not yet a true competitor to Microsoft (as stated in the Findings of Fact), Linux offers the best hope for a future competitor to Microsoft. In light of this, the DoJ and the Court should tailor the PFJ such that it does not lock out Free Software and Open Software developers from the fruits of the PFJ.

Free Software and Open Software developers must be granted access to COMPLETE and ACCURATE documentation on *ALL* algorithms, APIs, protocols, and file formats for *ALL* Microsoft products, without any cost, and without any nondisclosure agreement (NDA) requirements.

The most complete and accurate documentation is the actual source code, and so that should be made available. The source code, however, is not enough. It is likely that the source code will be very difficult to understand; therefore Microsoft must also be required to fund an independent documentation effort to study the source code and completely and accurately document it. Such documentation and source code must be made available at no charge to anybody who wants it, via an Internet download, without any requirement for an NDA.

Without this extremely important provision, the most important potential

competitor to Microsoft's monopoly will not be able to compete. In addition, without this important provision, Microsoft will be able to *CONTINUE* using closed and secret APIs, Protocols, and File Formats to extend, enhance, and broaden their existing monopoly. It is absolutely necessary that the PFJ be amended to require that Microsoft COMPLETELY and ACCURATELY document *ALL* of their algorithms, APIs, protocols, and file formats, and provide this information at no charge and without NDA requirements to everybody, via a free Internet download.

Security:

The security technique espoused in the PFJ is ''security through obscurity''. The idea is that if nobody knows how authentication or encryption is accomplished, they will not be able to bypass the authentication routines or break the encryption. There is a significant problem with this idea (and thus with the PFJ): IT IS FALSE! It is widely known and accepted within the security community that ''security through obscurity'' is no security at all.

SECURITY THROUGH OBSCURITY IS NO SECURITY AT ALL.

The following papers detail why ''security through obscurity'' is no security at all:

http://Slashdot.org/features/980720/0819202.shtml

http://www.VnuNet.com/Analysis/1126488

http://www.Wide0pen.com/print/101.html

http://www.NightfallSecurity.com/whitepapers/obscurityeu.html

http://www.Albion.com/security/intro-8.html

http://www.eCommerceTimes.com/perl/printer/11060/

http://Adjacency.org/essays/securitythroughobscurity.html

http://www.Treachery.net/jdyson/toorcon2001/

Many more examples exist; they can be found with a Google search.

http://www.Google.com/search?hl=en&q=%22security+through+obscurity%22&btnG=Google+Search

This is perhaps the most important comment I am making, so I will repeat this important point:

SECURITY THROUGH OBSCURITY IS NO SECURITY AT ALL.

Bruce Schneier and Adam Shostack, two of the world's foremost experts in the area of computer and network security, have given a list of recommendations for Microsoft to follow in order to achieve more secure products, after the recent announcement by Bill Gates that Microsoft will henceforth be concentrating on security.

http://www.SecurityFocus.com/news/315

IT WILL BE NOTED THAT NOWHERE IN THIS LIST OF RECOMMENDATIONS IS THERE ANY NOTION THAT ANYTHING SHOULD BE KEPT SECRET. Instead, the recommendations from Messrs Schneier and Shostack encourage complete openness, full and accurate documentation, and a waiting period before Microsoft's proposed protocols and encryption methods are implemented. This is in order that the security community may examine Microsoft's proposed protocols and encryption methods and algorithms in order to find weaknesses, and repair those weaknesses, *before* they are implemented and insecure systems are built and fielded.

Messrs Schneier and Shostack also encourage Microsoft to publish its entire source code, even though they have no hope that Microsoft will do this. The source code should be published so that the security community can examine Microsoft's *implementations* for flaws and weaknesses, and suggest remedies for those flaws and weaknesses. The most well designed security protocols and encryption algorithms can be made worthless by poor implementation. The only way to check the implementation is to have access to the source code.

It is in the best interests of all those who must use Microsoft products, and all those who use computers on networks that include Microsoft products (which includes the entire Internet), that Messrs Schneier's and Shostack's recommendations are adopted by Microsoft. Paradoxically, it is also in Microsoft's best interests to adopt *ALL* of Messrs Schneier's and Shostack's recommendations!!

If Microsoft is forced to COMPLETELY and ACCURATELY document *ALL* algorithms, APIs, protocols, and file formats—without restriction—and make the documentation and source code available to everybody without charge, and without any NDA requirement, bugs will be found in Microsoft's code and fixes will be suggested, just as they are for other open source OSes such as Linux, FreeBSD, NetBSD, and 0penBSD. Microsoft's products will improve as a result of this process. Microsoft will receive the benefit that all Open Source software receives: bug fixes, increased security, and increased stability, all at no cost to Microsoft.

Microsoft will be opposed to this requirement, arguing that their business will be destroyed by forcing their code open. This is not true! COPYRIGHT LAW AND CONTRACT LAW PROVIDE ALL THE LEGAL PROTECTION THAT MICROSOFT REQUIRES TO MAINTAIN THE VALUE IN THEIR SOURCE CODE. In the end, however, it does not matter if Microsoft benefits from the PFJ. What does matter is that Microsoft's monopoly abusing powers are restricted, and that the DoJ and the Court create the possibility for competitors to Microsoft to arise in the marketplace.

Microsoft has been found guilty of abusing their monopoly. One of the ways that Microsoft has abused their monopoly is by using closed and proprietary algorithms, APIs, protocols, and file formats, and by changing them from time to time in order to create incompatibilities with non-Microsoft products, and with older Microsoft products that Microsoft wishes to make obsolete. Microsoft's *secret* algorithms, APIs, protocols, and file formats are part of the problem that the DoJ and the Court must remedy. Such secrecy cannot be part of the solution, even when it comes to ''anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria''. Furthermore, in light of the fact that SECURITY THROUGH OBSCURITY IS NO SECURITY AT ALL, there is never any justification for any ''governmental agency of competent jurisdiction'' to ''direct Microsoft not to'' COMPLETELY and ACCURATELY document *ALL* algorithms, APIs, protocols, and file formats—without restriction—and make the documentation and source code available to everybody without charge. Therefore, section III.J1 and III.J2 must be entirely stricken from the PFJ. As it is necessary to require Microsoft to COMPLETELY and ACCURATELY document *ALL* algorithms, APIs, protocols, and file formats—without restriction—and make the documentation and source code available to everybody without charge, and without any NDA requirement, it is not reasonable to require ''any of the Plaintiffs to keep secret any information or documents obtained from Microsoft'' as detailed in section IV.A.3 of the PFJ. This section should also be stricken from the PPJ.

Patents

Patents are a government granted monopoly. Microsoft has been judged to have a monopoly, and further, to have illegally abused that monopoly. For this reason, Microsoft should be forbidden from using its patents offensively. The government should not continue to grant a preferential monopoly to a convicted monopoly abuser.

This is especially true in the case of Open Software and Free Software. Those who develop Free and Open Software and give it away to the world for no charge are greatly enhancing the wealth of the entire world. These people CANNOT afford to participate in the patent system. In addition, those who develop Free and Open Software are often philosophically opposed to the patent system, and would not participate even if they could. These people who are greatly increasing the world's wealth, should not have the patent system used against them by a convicted monopoly abuser.

Microsoft has already threatened to use patents as an offensive weapon against Linux, the Free Software Foundation, the GNU Project, and other Free and Open Software producers. Full details can be found in the 2nd Halloween document.

http://www.OpenSource.org/halloween/

In order to protect the Free and Open Software movement from future monopoly abuse, Microsoft must be forbidden from using their patent portfolio offensively. This prohibition should *never* expire. A clause to this effect must be added to the PFJ in order to achieve an effective remedy.

Enforcement

A *very* strong enforcement mechanism needs to be put in place by the DoJ and by the Court. We have arrived at this juncture today because Microsoft failed to abide by previous consent decrees (1994) of the Court. Microsoft has proven themselves to be obstinate and belligerent. They cannot be trusted to obey this PFJ without strong and effective oversight. If by some unfortunate circumstance, the DoJ and the Court decide not to require Microsoft to disclose all source code, then an especially vigorous enforcement mechanism must be put in place to ensure COMPLETE and ACCURATE

documentation of *ALL* algorithms, APIs, protocols, and file formats. I would suggest that the PFJ should include a clause stipulating that if anybody finds any errors or discrepancies in Microsoft's documentation, then at that point the Technical Enforcement Committee shall have the authority to immediately force the disclosure of all relevant source code, in order to force compliance with the COMPLETE and ACCURATE documentation requirement.

Dan Kegel's Comments

I would like to add that I am a co-signer to Dan Kegel's comments.

http://www.Kegel.com/remedy/letter.html

I fully agree with Mr. Kegel's entire letter, including all links therein, and strongly urge that each of the problems noted therein must be remedied in the PFJ before the PFJ is adopted by the DoJ and by the Court.

Thank you,

Kenneth J. Hendrickson

*All web references were current on 26–27 January 2002, during the writing of these comments.

MTC–00029600

GLORIORS EVENTS
January 26, 2002
Attorney General John Ashcroft
United States Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing in support of the Microsoft antitrust settlement agreement. I would appreciate your consideration of the following comments about this issue.

The settlement agreement will dramatically change the way Microsoft conducts its business. Microsoft will license Windows to the main computer manufacturers at the same price, and on the same terms. Microsoft has also agreed not to retaliate against those who distribute or promote software that competes with Windows. These concessions should subdue concerns about any ''predatory'' business practices by Microsoft.

I find it interesting that the stock market took a rum for the worse when this litigation ensued. In the interest of stimulating the economy, doesn't it make sense to put an end to the lawsuit so that Microsoft can focus on its research and development endeavors?

Thank you for your commitment to settle this case.

Sincerely,

Vetra Bilsland

MTC–00029601

294 E Frog Hollow Road
Science Hill, KY 42553
January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Thankfully, an end is in sight for this whole mess. The Settlement reached in November answers all the proble??s that were brought against Microsoft at the beginning of the trial

MTC–00029602

44260 Riverview Ridge Drive
Clinton Township, MI 48038
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I was happy to hear that Microsoft had reached a settlement late last year with the Department of Justice. I believe the settlement will be good for consumers and the entire computer industry. Microsoft has agreed to many concessions in order to wrap up this case and move forward. For example, Microsoft has agreed to document and disclose for use by its competitors various interfaces that are internal to Windows'' operating system products. This type of provision is groundbreaking for an antitrust settlement. Also, Microsoft agreed to the creation of Technical Committee that will be charged with monitoring the company and assuring they meet all their obligations.

I believe the federal government, especially in the current environment, could make better use of their resources than continuing this litigation. I commend you for your efforts to resolve tiffs case and hope you will finalize the settlement soon.

Sincerely,

Andrew Emerson

cc :Representative David E. Bonior

MTC–00029603

January 20, 2002
Attention: Renata Hesse
Judge Kollar Kottely
U.S. Department of Justice, Antitrust Division
601 D Street, NW, Suite 1200
Washington, DC 20530

Dear Judge Kollar Kottely:

I am writing regarding the Microsoft anti-trust case and the lessons we should have learned from past experiences.

As I recall, nearly three decades ago, the government initiated another antitrust lawsuit against a computer industry leader.

Success was not defined by a legal victory in that case, but rather by the enormous business expenses incurred by the defendant. These expenses clearly resulted in allowing its competitors to catch up. After three years of the Microsoft case, it seems we are now at that point. This lawsuit has gone on long enough and any legal victory has lost its relevance because the financial price has been paid.

I urge you to move forward by approving the proposed settlement. This settlement is in the best interest of the industry, the economy, and the consumer. It only makes sense to put an end to it.

Thank you for your efforts on this important case.

Sincerely,

Rachel Maher

Rachel Maher
22939 Bauserman Road
Easton, KS 66020

MTC–00029604

ARTISAN DESIGN, INC.
Computer Aided Design & Manufacturing
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

After three long years of court rattles, Microsoft and the Department of Justice have reached settlement regarding the antitrust suit. I believe that this settlement will be beneficial to both, the IT industry and the consumers alike It is necessary that those who are involved in the suit put aside their differences and work to put this issue behind us.

Even though the settlement goes farther than what Microsoft would have liked, I believe that settling the case now is the right thing to do help the industry and the economy move forward. This settlement is fair and reasonable and was reached at after extensive negotiations with a court-appointed mediator present.

There has been enough money spent, and the current settlement is perfectly acceptable. I feel it is incumbent upon the government to put a swift end to dais ordeal so that all involved parties can return to work. Thank you.

Sincerely,

Jake Breedveld

35595-F Curtis Blvd, * East??ake; Ohio 44095 * (440) 953–0147 * Fax: (440) 953–0148

MTC–00029605

13537 Glencliff Way
San Diego, CA 92130
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I would like the Justice Department to settle its antitrust lawsuit against Microsoft. I am aware that both sides reached an agreement in November that would end the case, and I support it. I believe if Microsoft appears to take the settlement seriously, and the company is taking steps to move on and to promote competition. Giving users a greater ability to integrate non-Microsoft programs into Windows will be beneficial to consumers and software developers everywhere. Additionally, Microsoft will level the tech playing field by using a uniform price listing when licensing Windows out to the largest computer makers in the nation. Also, Microsoft will not retaliate against companies that use, sell, or promote non-Microsoft products. I believe it is the time to end the case.

Please settle the Microsoft case and allow them to concentrate on further innovating the way man), of us conduct our personal and professional business.

Sincerely,

Walter Liao

MTC–00029606

URGENT
To: John Ashcroft, Esq.,
Voice Number:
Fax Number: 1–202–307–1454
Company: Attorney General USA
From: MORRIS KAY
Company:
Fax Number: 305–792–4243
Voice Number: 305–792–4041

Date: 1/27/2002
Number of Pages: 2
Subject: Settlement of MICROSOFT pending action.
Message:
Honorable Attorney General:

Attached herein please find a letter expressing my sentiments on the matter related above,

Respectfully Yours,

Morris Kay

20185 E Country Club Drive, #1701
Aventura, FL 33180
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing today to express my support for the recent settlement proposed to Microsoft by the DOJ. The truth is that I have a terrible time seeing what continued litigation would accomplish if the last three years were so unproductive. I would really love to see this lawsuit wrapped up so that taxpayers don't have to waste any more money. Additionally, wrapping up this case will help boost the slowing economy and give the IT industry much needed revitalization.

I believe that the settlement is a fair one that encompasses all points of concern. Microsoft's adherence to terms of this contract ensures that future antitrust violations will not occur. Competitors may also put their concerns to rest as a result of several of Microsoft's agreement. Microsoft has agreed to create future versions of Windows that will allow for non-Microsoft products to function therein. Also, Microsoft has agreed to disclose Windows interfaces and Intellectual property.

It is my hope flint Microsoft desire to comply will help to quell the concerns of the dissatisfied states. Please make the necessary decision to wrap this matter up as soon as possible. This will be in the best interest of the IT industry, the economy and consumes.

MTC–00029607

January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I support the settlement reached in the Microsoft antitrust case. The settlement reflects the compromises and concessions of the parties, especially Microsoft, over three months of negotiations with the assistance of a court-appointed mediator. I feel that approval of the settlement by the Federal Court would be in the best public interest of America. The settlement addresses the complaints brought against Microsoft simply for using all its legal rights. Microsoft's legally protected innovations in its software code for its internal interface and server interoperability protocols will be disclosed to the whole industry, while its other copyrighted and patented intellectual property will be licensed on non-discriminatory terms to any company that wants to use it. Computer makers will be given more flexible contracts to work with non-Microsoft companies like AOL Time Warner, RealNetworks, and Symantec. A technical committee will ensure the terms are followed. These terms will provide an opportunity for the American computer industry to make better use of the very widely used Windows operating system, and will allow Microsoft to get the lawsuit, with its distraction and expense, over with.

I appreciate your strong stand in favor of the Microsoft case settlement. Thank you.

Sincerely,

MTC–00029608

01/28/2002 MON 09:05
FAX 914 693 2247
THE REMBAR COMPANY INC 001/001
Michael Misch
39 Chestnut St
Dobbs Ferry, NY 10522
January 27, 2002
Attorney General John Ashcroft
Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

The antitrust case between the federal government and Microsoft has been going on for much too long, and I would like to see the settlement that the two sides reached become final so that the matter can be put behind us once and for all. The two sides agreed to a reasonable compromise that will foster competition in the industry, and I see no reason to pursue litigation beyond this point.

The technology industry has struggled as a result of this lawsuit, and the nation's economy has been negatively affected as well. Once this settlement becomes final, consumers will have more choices in the marketplace, and independent companies will have a better chance to compete in the future. Microsoft has agreed to design future versions of the Windows operating system so that computer makers may remove Microsoft software and replace it with that of its competitors. Microsoft has also agreed to license its products to the 20 largest computer makers at uniform prices. These and the many other concessions that Microsoft has made in order to achieve this settlement are certainly enough to stop this litigation.

I realize that this settlement was reached after long and arduous hours of negotiations, and [appreciate your decision not pursue this matter any further. I am hopeful that no more action will be taken against Microsoft in the future.

Sincerely,

MTC–00029609

2401 Zion Hill Road
Weatherford, TX 76088
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing you today to express my opinion in regards to the Microsoft settlement issue. I support the settlement that was reached in November and believe this agreement will serve in the best public interest. I am a Microsoft supporter and feel that this company should not be punished for being successful.

Microsoft has agreed to all terms and conditions of this settlement. Under this agreement, Microsoft must grant computer makers broad new rights to configure Windows so as to promote non- Microsoft software programs that compete with programs included within Windows. Microsoft has also agreed to document and disclose for use by its competitors various interfaces that are internal to Windows'' operating system products.

MTC–00029610

William Young 4142 Dundee Drive
Murrysville, PA 15668–1010
January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

As a supporter of Microsoft, I write you in reference to the recent settlement. The settlement is fair and reasonable and should be adopted immediately. After three years of negotiations, further delay would be ridiculous. What more is there to discuss? It is time to get on with business and get our technology industry back to normal.

Not only has Microsoft agreed to make changes in licensing and marketing, but has agreed to design future versions of Windows that will allow for easier installation of non-Microsoft software. Also, in an anti-trust first, Microsoft has agreed to disclose internal information about the Windows operating system. An outside committee will monitor Microsoft's compliance with the agreement.

By stopping any further federal action on this case, we are allowing our technology industry to get back to business. I urge you to help get this agreement moving. I thank you for your help.

Sincerely,

cc: Senator Rick Santorum
Representative Melissa A. Hart

MTC–00029611

Mr. John Martin
3208 SW Sena Drive
Topeka, KS 66604
January 23, 2002
Renata Hesse, Antitrust Division Public Comment
U.S. Department of Justice
6I)1 D Street, NW, Suite 1200
Washington, DC 20530

Dear Renata Hesse,

Thank you for accepting my comments regarding the rod-trust lawsuit against Microsoft. It seems to me that the companies that pushed the suit against Microsoft their competitors: AOL, Oracle, San Micro are about the only ones who don't want to see the case settled. I can understand that as rival high-tech companies, they will do ''whatever it takes'' to compete, but I think this case has gone on long enough.

The DOJ is on the right track to try to settle their case against Microsoft. It is my hope that eventually all of the states involved in the case. will do the same. I hope that the companies that Cave pushed this lawsuit

from the beginning see the writing on the wall and start to worry about competing for customers in fire marketplace rather than the cou??troom.

I strongly urge you to sign off on the settlement terms that have been a agreed to by both sides so that we can at least begin to clean up the mess this case has caused.

Sincerely,

John Martin

MTC–00029612

iNetXperts
January 25,2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

Please make haste to settle the lawsuit in the case of USA vs. Microsoft. I believe that if the terms of the settlement are enforced strictly they are sufficient to prevent Microsoft from engaging in unfair business practices with OEMs and software companies.

It is better for consumers, businesses and the IT industry that this suit is ended.

Sincerely,

Mark Heaney
CTO
iNetXperts Corporation, 113 N.
Washington St. #490, Rockville, MD 20850
tel 202.262.9348
fax 603.947.4732 www.inetxperts.com

MTC–00029613

DATE: January 27, 2002
PHONE:
TO: Renata B. Hesse Department of Justice
FAX: 202–307–1454
FROM: D. Shah
PHONE: 707–538–5900
RE: MICROSOFT SETTLEMENT
FAX: 253–484–2789
Number of pages including cover sheet: 7
Message

Pursuant to the Tunney Act, please find enclosed my comments on the Microsoft settlement.

January 27, 2002
VIA FACSIMILE & EMAIL
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Sir/Madame.

The Microsoft settlement proposed by the Justice Department should not be. approved by the court. It does not adequately prevent Microsoft from abusing its monopoly powers, It is also a poor solution in that it will be complicated to enforce and Microsoft will have economic incentive to try to circumvent the agreement.

No doubt, there are precise legal standards that the court must follow in reviewing the settlement and making its decision. As a layman, I cannot hope to address the intricate legal issues as to what is explicitly mandated by statute and precedence—I can only speak in broad terms. My background is that of an engineer (M.S. in EECS) with 20 years of experience using PC software at work and at home and that of a founder and officer of a small software development company. I comment mostly from the perspective of an end user of PC software products. As a businessman, I have had substantial, experience negotiating, implementing, and litigating businccss agreements. I have found that the best agreements are those that (1) align the economic interest of the two parties (i.e. there is no economic benefit to either party to try to circumvent the agreement) and (2) are simple. The proposed settlement agreement is neither.

As one example, the language in the agreement requires Microsoft to provide access to certain information only to viable business entities. In paragraph III(J)(2)(c), the proposed settlement states that Microsoft will not be required to provide API's or Documentation to an entity that fails to meet ''reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business.'' Arguably, this language could allow Microsoft to exclude access to small businesses, start-ups, and Linux developers (or other non-profit type software developers) if it was in Microsoft's economic interest to do so.

For a second example, the proposed settlement requires Microsoft not to automatically override OEM settings. Paragraph III(H)(3)(b) says Microsoft must not seek permission from the end user for ''[automatic] alteration of the OEM's configuration until 14 days after the initial boot up of a new Personal Computer.'' What does the agreement mean by initial bootup? Strictly speaking, ''initial bootup'' could be interpreted to mean the first time the unit is turned on by the manufacture or the local retailer (for testing & verification purposes) and not the first time the end user turns on the machine. (As an aside, why does Microsoft need to be able to automatically override any settings? It should be sufficient to notify the user in the manual or on-line help that the user can change his settings by selecting the proper options in his application program or Windows operating system.) If such a simple item is this complicated to interpret and enforce, what does it augur for the rest of the agreement?

While it may not be the perfect solution, separating Microsoft into two independent companies meets the criteria stated above for a good business agreement. One, a breakup is simple, once it is completed, it is done—there is no agreement to interpret. Two, a breakup eliminates any economic incentive for Microsoft to circumvent an agreement because there is no agreement to circumvent once the breakup is completed.

My strong feelings about this case arise because I constantly find I have no real choice in my selection of PC operating systems and applications. As much as Microsoft's legal counsel and economists may argue about the user having choices and being better off, I find from my personal experience, that I am not.

If I am unhappy with my GM car, I can easily switch with my next purchase to a Toyota, Ford, Chrysler, Honda, etc. at zero cost. If I dislike my Sony television, I can buy a Zenith, JVC, Philips, or Panasonic, etc. without constraint. Nowadays, I have the freedom to switch phone service or my television reception from cable to satellite. Even with my PC, I can switch from Dell to IBM, Compaq, HP or others, But, I cannot switch from my use of the Microsoft operating system or Microsoft applications without cost. so substantial as to be prohibitive.

On the surface it may appear that there are alternatives to Microsoft's operating systems and applications. However, there are six barriers which effectively prevent me from using a competitor's product. First, because of Microsoft's market dominance, there is far more support from other vendors for Microsoft's products. For example, an application program or peripheral such as a printer may not be supported under either the Apple or Linux operating systems. Other vendor's import/export utilities, synchronization functions or the like may only support dominant Microsoft applications such as Word or Excel. Similarly, web sites may be designed to function best with Microsoft Internet Explorer as compared to competing products.

As a concrete example, consider my brother's experience with the Apple Imac. My brother's children learned to use the Imac growing up because of its superior user interface as compared to Microsoft Windows, However, my brother is now finding that it is too difficult to support the Imac on his home network and DSL line. Vendors just do not provide the same support for Apple that they do for Windows. Additionally, it is too difficult to maintain both Windows systems (for his use) and Apple systems. Therefore, he is forced to switch the children to using Microsoft Windows.

Second, if I wish to use a non-Microsoft product in an area where Microsoft is entrenched, I will be at a tremendous disadvantage when trying to share information. I will be speaking French when everybody else is speaking English. For example, given that everybody uses Microsoft Excel or Word, what real freedom do I have to select a different word processor or spreadsheet (even if superior) when I will be unable to share files with my clients or vendors.

Third, I have invested substantial time in learning to use and debug my existing Windows and Microsoft application programs. I cannot afford to switch to a competing operating system or application and start at ground zero on the learning curve. The amount of time it takes to learn to use a new application is enormous. It far outweighs the dollar cost of purchasing the product. To become as proficient in another word processor application as I am in Microsoft Word after years of use would take months at the very least. No one can afford that cost. As applications grow larger and more complex, this barrier grows larger and larger in Microsoft's favor.

In an interview, Bill Gates himself points out that Microsoft's biggest competitor (when they release a new operating system) is themselves. Users who have already invested time and money in purchasing and using an older version of Windows are loathe to switch to a new version because of the cost in dollars and time to install, debug, and learn the new version. Imagine then the

barrier posed to a completely new operating system or application.

Fourth, there is risk that if I am using a non-Microsoft product, the vendor will eventually be forced out of business by Microsoft and I will ultimately have to switch to the Microsoft product anyway. This was the case with my Lotus and WordPerfect products. In both case, I was finally forced to switch to Microsoft products when the vendors went out of business. Now, if I need to choose between a Microsoft and competing product, the safe decision is to select Microsoft because it is likely the competitor will be eventually driven out of business.

Fifth, there is a cost to switch to a new application because of prior work (data files) that has been generated by the old application. If I have a substantial amount of prior work saved in data flies produced by my Microsoft applications, switching to a competing application means I lose compatibility with all of my old work. At the very least, I will have to spend time converting the data files with the accompanying risk of losing information or formatting.

Sixth, It is risky to use a non-Microsoft product because Microsoft has the upper hand. in keeping its applications in step with operating system upgrades and taking advantage of new operating system features. Microsoft is in a position to improve its products faster because it is also in charge of the underlying operating system. By the same token, Microsoft applications are least likely to break with operating system upgrades. No competitor has that same advantage. (If Microsoft argues there is no advantage, then it should have no complaint against being separated into two independent companies).

In summary, I do not have the freedom to choose to use Microsoft products because they are superior but am forced to use them because the investment in time and potential risk to use competing products is too high.

There are many examples where Microsoft did not have a superior product (or, initially, even a product), but ultimately succeeded due to its monopoly position. For a non-exhaustive list, consider the products: Word (vs. WordPerfect), Excel (w. Lotus), Internet Explorer (vs. Netscape), Microsoft Project (vs. Symantec's Timeline project management software) and even Windows (vs. the Macintosh). In each of these cases, Microsoft did not have the first product or even the better product. Yet, over time in each case Microsoft has either put the other product out of business or become the clear-cut market leader.

In these cases, Microsoft did not succeed because it was the innovator; but because it had a monopoly in the operating system market. It could use its ownership of the operating system and its monopoly profits to enter new markets and eventually push out the competition. No other company, even dominant ones such as Lotus, WordPerfect, and Novell with all their financial resources, has been able to compete successfully against Microsoft because of the monopoly Microsoft enjoys.

Another example of the monopoly power Microsoft enjoys, is its recent decision not to include JAVA in its latest version of Windows. Given the runaway popularity of JAVA, only a monopoly such as Microsoft could risk making that decision. In a competitive environment, no operating system vendor would decide to exclude JAVA and pursue its own initiative. Microsoft can afford to do that because it wields such absolute control over the operating system market. A consumer has no alternate choice of operating systems so he is forced to accept Microsoft's decision to exclude JAVA from the operating system.

As a final example, consider the operating system called ''OS/2'' developed and marketed by IBM. There can be no question that it was a superior operating system and years ahead of Microsoft Windows. It failed however because of the barrier posed by Microsoft's installed base of users. The fact that even IBM failed to make any headway in the market is further evidence of Microsoft's power as a monopoly.

Microsoft may argue that the reason for its success in all of the above examples is that it had the better product or strategy. This is patently false. Microsoft was not the first one to introduce a windowing operating system, an internet browser, the concept of a spreadsheet, a word processor, etc. Microsoft has only been successful in first copying and then outlasting the competition. Microsoft argues that there is no need to regulate Microsoft as a monopoly because technology and the product landscape change so fast that not even Microsoft can exercise monopoly powers. I think it is just this argument taken in context of Microsoft's success time after time over the last decade that is the smoking gun. No company other than Microsoft has been so successful. It is so unlikely that in an area where the pace of change is this fast, that any one company could be so successful in every endeavor it undertakes, that it must be taken for granted that the company enjoys substantial monopoly power.

Contrast Microsoft's situation to that of microprocessors and Intel. Intel is a dominant market leader but faces fierce competition from AMD, Motorola, and others in the microprocessor market. As a result, we have seen a 100-fold or more increase in price vs. performance (comparing a 33MHz 80386 processor to a 2GHz Pentium II) over perhaps the last 10 years. Imagine a situation where Intel enjoyed the same monopoly position that Microsoft does today. That is to say, there was effectively no competition from AMD, Motorola, or others. Without doubt, we would not have seen the same increase in performance vs. price. Intel would not have been forced It innovate and cut prices at the rate it is forced it do so today in order to maintain its market leadership. This is clearly evident from the reported news where each time AMD releases a microprocessor, Intel responds by cutting prices. Of course, there would still have been improvements in microprocessor performance if Intel was a monopoly, but nowhere near the current pace. Intel would have made slow improvements at its own unhurried pace under little pressure from others.

Microsoft has at times argued that it is not a monopoly because the price of its operating system software (as a percentage of the price of a PC) has come down over the years and this is characteristically untrue of monopoly pricing. Even if the price of software is in fact lower today than 10 years ago, it is a meaningless statistic. The relevant question is what would the price of software be today if Microsoft did not enjoy a monopoly position. As compared to the innovation fostered in the microprocessor arena due to competition, software performance has advanced relatively slowly, [here certainly has not been a 100-fold increase in the performance of Microsoft's software over the last 10 years.

In considering the proposed settlement, the court must balance protecting Microsoft's rights and our system of free enterprise against the damage to society from continued abuse by Microsoft's monopoly position. I think the court must err on the side of the consumer. On a big-picture scale, there is no great damage to Microsoft, its shareholders or the concept of free enterprise by breaking Microsoft into separate operating companies. On the other hand, there is potential for great damage to innovation and free enterprise if Microsoft is free to remain a monopoly and to use its power to stifle new products and block the success of other companies.

In conclusion, the question simply comes down to whether the typical end user is better off because of Microsoft's monopoly. As a typical end user, I am firmly convinced that I am not and hope that the courts will take strict action.

Sincerely,

D. Shah

MTC–00029614

A??ey General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 50530

Dear Mr. Ashcroft:

I am retired from a career in engineering. J have used a vatlet3, of computer systems, and I have found computing with Microsoft's Windows software to be easier, more affordable and in many way more productive than other systems. Windows has brought welcome uniformity to the way people work with computers.

It is certainly time to accept the settlement in the Microsoft antitrust case. The lawsuit was, in some ways, a big joke by Microsoft's less successful competitors intended to give Microsoft a raw deal in court. I am glad that you took the lead in directing your department to earnestly work with the mediator appointed by the new judge. The settlement will le?? the American computer industry get back to concentrating on making better, innovative products and maintaining America's leadership in the world of technology.

The anti-Microsoft forces have agreed not to pursue the outrageous and ridiculous demand made by a few of them to ''divide and conquer'' Microsoft. In return, Microsoft has agreed to give up much of its legal rights to its intellectual properly, and business practice. Until now, no company in antitrust litigation has ever had to give its industry the copyrighted software codes to the internal interfaces to its operating system programs. Nonetheless, Microsoft has agreed to license

those codes to any party on reasonable and non-discriminatory terms. Microsoft will release companies that make computers from exclusive marketing agreements, allowing them to mix and match Windows with other operating systems. Also, even the largest equipment builders will be offered a uniform price and term list, instead of individual negotiations. The Windows desktop program included with installation will be made easy to remove and replace with those made by others, such as AOL Time Warner, which owns its own browser and internet messaging software, With government-sponsored engineers who are experts in software monitoring the agreement and investigating and, complaints, the public can be assured of compliance.

Thank you for your support of the settlement. It should be approved, because it is in the best interest of the American public.

Sincerely,
Allan J. Hessel
Hessel Properties Inc.

MTC–00029615

Jo Phylis Esman
3864 NE 167th Street
North Miami Beach, FL 33160
January 25 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I support your efforts to see that the Federal Court approves the settlement of the Microsoft antitrust case. I believe that approval of the settlement would be in the best interest of the United States. I do not think Microsoft ever had or abused a monopoly. I think Microsoft simply build the best, easiest to use, value-priced software. There have always been software choices to be made in buying computers. Microsoft just won out. However, the settlement is good in that it gets the lawsuit behind Microsoft and opens up the Windows software to the industry.

Just as Microsoft gives up much in the settlement, the computer industry gains much in being better able to integrate its products with Microsoft's Windows operating system, or avoiding Microsoft products. Microsoft will disclose its software code for internal Windows interfaces and license its other software to any company that wants to use it. Computer makers will no longer be required to adhere to exclusive marketing agreements with Microsoft, and will be able to modify Windows to remove Microsoft's program, such as Internet Explorer. So, I do not see what Microsoft's competitors could really still want in a reasonable way. Some competitors, having been ignored by customers, seem to think they can become bigger fish in a smaller pond by seeking to dismember and destroy Microsoft. That would not be good for America and its leading place in the worldwide computer industry.

MTC–00029616

Renata Hesse
Trial Attorney
Antitrust Division
U.S. Department of Justice
601 D Street, IV. W., Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I understand that you are currently reviewing public comments on the Microsoft settlement and I am pleased to have this chance to participate.

John Ashcroft's team was smart to 9o after a reasonable settlement of this case that has been hanging around since 1998. My only disappointment is that Kansas was not one of the many states that joined this settlement, I do not understand why our Attorney General Carla Stovall has banded together with Microsoft's competitors to pursue breaking up this strong and vibrant company. Ignoring the real benefits of this settlement ignores the needs of the technology industry and the national economy.

I am appalled that private corporations like Oracle and AOL-Time Warner are so committed to continued litigation. Apparently the decision-makers in this company refuse to see the negative effects their actions and this suit have had on the economy as a whole. They, along with the AGs still on the case, also seem to believe that break-up is the only acceptable solution. I believe this shows their true colors.

For those who believe Microsoft was guilty of some wrong doing this agreement provides many solutions. For example, it provides guaranteed flexibility for computer manufacturers, Microsoft must is not allowed to punish manufacturers who do not promote Windows and Microsoft is required to share certain sensitive information that will definitely put their competitors at an advantage. And to top it all of, a Technology Committee that will make sure Microsoft is living up to all aspects of the settlement will guard the integrity of the agreement.

Please accept this settlement.

Sincerely

MTC–00029617

Corrie A. Kangas
I 17.55 W. ?? 12th Street
Overland Park, KS 66210
913–406–3649
January 21, 2002
Renata Hesse
Antitrust; Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

I encourage you to view settlement of the Microsoft antitrust suit as a positive solution designed to benefit all parties involved. The proposed settlement addresses every point of the charges upheld by the court.

It is certainly a step toward rejuvenating our lagging economy and restoring faith and investment in the ever changing, ever lucrative tech sector.

This competitor driven lawsuit, thinly veiled as consumer advocacy, has actually done more to harm the consumer than protect it. To date, more than 30 million dollars of taxpayer money has been spent on this lawsuit that has affected the consumer through little more than financial implications. The lawsuit has dragged the economy down, giving a bearish outlook toward tech investments, thwarting new innovation. The American public is ready for closure. I urge you to review the settlement before you, and to concur it's a suitable conclusion for all.

Sincerely,
Corrie Kangas

MTC–00029618

January 28, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue
Washington, DC 20530

Dear Mr. Ashcroft,

If you build a better mousetrap the world will beat a path to your door. They did, it has.

I write to you today to express my opinion that the Microsoft antitrust case lacks merit, in that, it does not represent the good or the will of the public, it represents only special interest groups who, as they are finally finding some acceptance realize that their own intellectual properties might be challenged by the government. Microsoft created a better product than their competitors. It should not be prosecuted for its success.

Microsoft is not the only operating system. It has many competitors who are rapidly closing ground(unix 1innux ect.) Hampered by greedy litigation, government regulation, and time it may not survive. This company is no Standard Oil or Enron There is only slight evidence of what is known in the parlance of southern lawyers and horse traders as ''sharp practice''. If you buy a Rolls Royce with accessories included, you should not sue the provider because the radio is difficult to remove and the Honda radio you want to install may not fit.

The case against Microsoft should be immediately dismissed. The right to create, incorporate, innovate and merchandise are recognized as free enterprise in this country.

Sincerely,
Will Taylor
2855 Jordan Woods Dr.
Lawrenceville, Georgia 30044

MTC–00029619

Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

Late last year the Justice Department and Microsoft reached a long sought after compromise in the anti-trust case. I understand that in order to comply with the Tunney Act members of the public at= provided with the opportunity to provide comment on the settlement.

There is no doubt that this case against Microsoft has been art interesting one to observe. The issues of this case are fairly simple to grasp, the government is basically contending that Microsoft has violated anti-trust laws through its business practices and has in fact committed consumer harm.

One interesting aspect of this case is that throughout the last four years that we have watched this case unfold and have heard reports of the impending break-up of

Microsoft we have yet to be shown one sliver or'' evidence that demonstrates consumer harm.

Another aspect of this case is not so much interesting as it is painful. In I998 when this case first began, our country was in the midst of a healthy economy. The New Economy was really beginning to look real. However, as this case began to pick up steam and break-up rumors were rampant the tech economy began to drift downward. Americans have experienced the impact of this lawsuit first hand in their investment accounts and lost jobs.

The DOI and Microsoft have deemed this settlement satisfactory. It outlines remedies for Microsoft that appear to he equitable given what has held up in lower courts. The compromise now on the table will bring an end to a suit that has already cause significant damage. I urge you to accept it.

Sincerely,

Sharon Miller

MTC–00029620

Joyce O. Thedy
933 Beverly Garden Dr.
Metairie, La. USA 10002–5001
jothedy@aol.com
January 27,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The settlement agreement reached between the Justice Department and Microsoft was welcome news, and I hope that it is implemented after the close of the public comment period.

The agreement will provide additional opportunities for software companies to compete with Microsoft products. Microsoft has agreed to allow competition from non-Microsoft programs within its Windows operating systems, and it has agreed to allow its distributors and licensees to deal in products other than those produced by Microsoft.

Whether or not these additional opportunities for competition will result in an increase in products and consumer choice remains to be seen. However, the purpose of this case and the settlement are to open avenues of competition, not to guarantee the success of the competitors.

Thank you for the opportunity to voice my opinion.

Sincerely.

Joyce Thedy
933 Beverly Garden Drive
Metairie, LA 70002

MTC–00029622

BONNIE BERGGREN
January 19, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

As a political activist in Kansas, I do my best to follow current events and to take seriously my responsibilities as a citizen by exercising my rights and fighting to uphold the liberties I maintain as a citizen of this great nation. This letter is a small way for me to use these values to state the reasons I believe settlement of the Microsoft anti-trust case is overdue and serves the interests of Microsoft, their competitors and the consumers of these products.

Though many are wary of government interference in business, the damage this lawsuit has caused from an economic and developmental standpoint justifies settling under the terms of the current proposal. In an attempt to move on with business, however restricted, Microsoft has offered to be subject to review by an onsite technical committee, having access to all areas at all times—at Microsoft's expense. This provision leaves Microsoft with time and loyalty as the only advantage over their competition.

Now, more than ever, it is imperative that we preserve the freedom to innovate and promote free commerce. Approval of the settlement will allow our industry to move forward, freeing the courts and our nation to focus on some of the more demanding issues of today.

Thank you,

Bonnie Berggren

MTC–00029623

1622 Plum Street
San Diego, CA 92106
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I am writing to you on behalf of Microsoft regarding the antitrust suit of the Department of Justice against Microsoft. I personally feel that this litigation is absolutely a waste of time and energy. 1 feel very strongly on this issue and believe that companies that cannot compete in the open free market should not run to the Federal Government for help.

As a physicist I have used computers at home and work. Microsoft has not been my favorite supplier of software (too unstable and crash prone). Only casually have I followed the details of the government's case against Microsoft. However, as a consumer [don't feel that Microsoft has done me any harm. In fact quite the opposite—their bundling of suites of programs with their browser has saved me money, and has furnished the industry with a single standard.

My suggestion is to move on to more pressing matters.

Thank you for your consideration.

Yours truly.

Myer Geller
Tel: 619,223.8425
Fax:619.523,8885
E-Mail: Conny@cox.Net

MTC–00029624

Steve Loney
3032 Aspen Road
Ames Iowa 50014
January 3, 2002
Judge Kollar Kotelly
c/o Renata Hesse, Trial Attorney
Antitrust Division
U.S. Department of Justice
601 D Street, NW, Suite 1200
Washington, DC 20530

Dear Judge Kotelly:

For over a year now our country has been facing serious economic problems. The stock market is weak, the economy is waning, and Americans are losing jobs. There is not one definitive reason why we are facing these economic hard times and our recovery is dependent upon several factors.

It is important that we make smart decisions about everything that may influence our economy. One bright spot on the economic horizon is the proposed settlement between the United States and Microsoft. This proposal is a fair settlement for all involved and will provide benefit to our economy.

While some may argue this settlement is not a good one, a fair review of its provisions demonstrates that it strikes a good compromise. Among other things, Microsoft will be required to share its intellectual property and an independent committee will be established to ensure that Microsoft is following the rules of the agreement.

For over twenty years Microsoft has been a leader of our national economy and its growth. When the government threatened to assert new and excessive regulations on this strong corporation its impact was felt throughout the economy. By allowing this settlement to take place the case will come to a fair conclusion and the best interests of our country will be served.

Thank you for your time.

Sincerely,

Ames, Iowa

MTC–00029625

William Bellamy
3919 Highwiew, Road
Chailotte, ?? 28210
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Washington, DC 20530

Dear Mr. Ashcroft:

The purpose of this letter is to voice my support of the settlement. Microsoft has been at the forefront of the technology industries for years. It is through their dedication to innovation that Microsoft has been able to forge their way in this industry. Microsoft has done more for this country than any other company in technology industry. I believe that raising legal battle in this case is altogether unwarranted. Despite these sentiments, I am pleased that there has finally been resolution in this issue.

The terms of the settlement show Microsoft's further dedication to resolve this issue. One of the most important aspects of this resolution is that Microsoft will now license Windows at the same rate to the twenty biggest computer makers. PC makers will not have to gain favor with Microsoft in order to receive the same rate on the Windows system. This should give PC makers a little more freedom in the negotiations process.

To summarize, I believe that the terms of this agreement are fair and should be enacted

with haste. Thank you for your time regarding this issue.

Sincerely,

William Bellamy

MTC–00029626

January 26, 2002
Sury S Tumuluri
2475 Brookshire Drive # 80–9
Schenectady, NY, 12309
(H) 518–381–1885
(W) 518–385–0581
e- mail: tsnsarma@yahoo.com
To,
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

Please permit me to express my opinion of the settlement that was finally reached in the antitrust case against Microsoft. It is my opinion that this settlement is fair and should be accepted by the all parties involved in this case.

The settlement disciplines and restrains Microsoft adequately such that it will not have a monopoly on the Technology and yet leaves it free to continue with its excellent and monumental work. I am among those who felt pleased that Microsoft agreed to design all future versions of Windows to be compatible with the products of its competitors and desist from retaliatory tactics.

We should also note that the settlement would also be ensured by a technical oversight committee that will monitor Microsoft's business practices in future to be sure that they comply with the settlement.

I am writing this letter to request you to support this settlement and ensure that the future of American business in general and IT Industry in particular is not stifled and side tracked.

Thank You,

Sincerely,

(Sury S Tumuluri)

MTC–00029627

Ms. Renata Hesse
U.S. Department of Justice—Antitrust Division
601 ''D'' Street—Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

Thank you for this forum to share my thoughts regarding the continuing case against the Microsoft Corporation.

The Microsoft Corporation is one of country's leading producers and is certainly a worldwide leader in the growing technology market. I believe this company is an excellent model for study of the free enterprise system. We must always remember that Microsoft was not always the giant it is today, instead this company was created from virtually nothing. It was the innovations and business savvy of its founders that have brought it to the pinnacle of success.

It is the nature of the business world that when a company finds success it becomes the target of its adversaries in the business world. This is part of our system. What I do not believe is part of our system is when the government sets its sites on company simply because it is successful.

The success of this company is felt by all of us. Microsoft has provided good products that make all of our lives easier. These products are easy to use and relatively inexpensive. The company has worked hard to get where it is today and I am sure works just as hard to stay there. This is not a crime.

What is disturbing is that the pursuit of Microsoft has also been felt by all of us. We are living in a very strained economy. Prior to the onset of this suit, the computer and information industry was truly booming. Since the suit began, however, this sector of our economy stalled dramatically. The effects of this slow down have been felt throughout the markets and have negatively added to our strained economy.

I can only assume that the agreement is a fair one since both the Justice Department and Microsoft have agreed to its provisions. It is my hope that the court will approve this settlement.

Sincerely,

MTC–00029628

Sornson Masonry Construction, Inc.
7520 Valley St
Dalton Gardens, ID 83815
January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

There has recently been a settlement to the antitrust lawsuit between Microsoft and the Department of Justice. While we do not agree with the relentless pursuit of the Microsoft Corporation, we are happy to see that a settlement has been reached. The United States government needs to move on and worry about more important issues.

Microsoft will now be working much closer and communicating much more with their competitors. They will be giving their competitors code and other information that makes-up the Windows operating system. It is also our understanding that they will be allowing their competitors to remove Microsoft-made software from Windows, and replace it with non-Microsoft software. Enough is enough.

Microsoft agreed to terms that extend well beyond what was issue in the initial suit, just for the sake of ending this senselessness. We support this settlement and would like to see it implemented as soon as possible.

Sincerely,

David W. Sornson

Cheryl A. Sornson

MTC–00029629

January 23, 2002
Renata Hesse, Esq.
Trial Attorney
Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

Thank you for the opportunity to express my opinion regarding the anti-trust lawsuit against Microsoft.

I was elected to the Kansas State House in 2000 and my experiences since that time has taught me that the actions of government can often have negative effects on the average American. I think this holds true in the government's case against Microsoft.

There is no doubt that this pursuit of Microsoft has negatively affected our economic health. At a time when many states are facing major budget problems, they have also been spending taxpayers'' money to finance this case. In fact, here in Kansas, our budget problems are so bad that some members of the Legislature are supporting an increase in taxes. At the same time, our Attorney General sees fit to continue wasting tax money on this case that the public clearly wants to see brought to an end.

When we look back at the fall of the technology industry and the markets overall, we should not be surprised. Our government was determined to use the courts to break up one of the world's largest companies. Of course the markets are going to feel the effects of this. Of course investors are going to wait on the sidelines. Of course struggling technology companies will declare bankruptcy. And of course the American worker and consumer will feel the pinch.

The settlement currently under consideration addresses this matter fully and fairly. It represents a true compromise. Allowing the proposed settlement to go through is the right thing to do legally. It is also the right thing to do in order to help revitalize our economy and restore faith in the capitalist system we all appreciate.

Thank you.

Rep. Mary Pilcher Cook

MTC–00029630

GENE RASQUEZ
4708 SW TERRACE
AUGUSTA, KS 67010
January 22, 2002
Ms. Renata Hesse
Trial Attorney, Anti-trust Division
U.S. Department of Justice
601 ''D'' Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I always appreciate an opportunity to participate in government matters that affect me directly as an American citizen and I thank you for conducting this comment period regarding the Microsoft anti-trust lawsuit.

I simply wish to voice my full support for the settlement proposed by the President's team. This settlement provides a genuine solution to a costly lawsuit—the merits of which are hotly debated across the nation. There are so many other more critical issues facing our government and your court, especially in light of the September 11 '' attacks, that I cannot see the wisdom in continuing to pursue one of our best and brightest organizations. Microsoft's agreement to operate under the stringent restrictions imposed by the proposed settlement is an indication to me of the company's good faith and the tech market could certainly use the boost of confidence this settlement would provide.

I trust that the court will see the benefits of settling this matter in the manner proposed and move to accept the Bush settlement agreement.

Sincerely,

Gene Basquez

MTC–00029631

Rev David J. Goodrich
P.O. Box 1600
Norwich, VT 05055
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

To provide some personal feedback during this 60-day public comment period, in my opinion it's about time that the government reached a settlement in its case against Microsoft. I feel the legal action should never have begun in the first place, and the Justice Department should stop wasting tax money on this issue.

America was built by people who worked hard to be successful and make money at their businesses, and the government should not try and stop them. Microsoft built themselves from the ground up by making a better product at a fair price, which has left their competitors desperate enough to push for this legal action. By agreeing to several terms to encourage a more dynamic marketplace, Microsoft has surpassed even the government's complaints about their business practices. With an objective group of experts to monitor implementation of the plan, there should no longer be a need to bring this dispute into the legal system.

Our federal and state governments have better things to spend their money on than pursuing this case any further. Please let Microsoft get back to developing great products without distraction and the government to get back to dealing with the real needs of protecting national security.

Thank you for your support.

Please know that I have been a Microsoft user for about 14 years and they have provided a very user friendly product at a reasonable price. Microsoft Word exceeds the competition in quality and price. Please stop this action which will only hurt the consumer. The cost of this case far exceeds the cost of many good projects and is only a punishment for the business community who are the real providers of jobs in America.

Sincerely,
Rev David J. Goodrich
1–802–649–1866
Fax 1–802–649–5601

MTC–00029632

5945 154th Place
Flushing, NY 11355–5508
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

As a computer professional in the technical industry that has been following this Microsoft antitrust case, I think it is grossly unfair that this case was brought about in the first place.

Microsoft has been great for the economy, the technical sector, and the NASDAQ. It is coincidental that all of these sectors are way down now that Microsoft is in the middle of litigation. If we leave the settlement as it stands and not pursue further litigation, it would be of great benefit to us in the end.

Microsoft did not get off as easy as its competitor's would have you think. After intense negotiations and mediation, they agreed to terms well beyond what is expected in any antitrust case. I understand that Microsoft agreed to disclose various internal interfaces in their operating system to competitors. I cannot think of any other software company that would risk their proprietary source code bring exposed to the competition for their use. Apparently, the sacrifice Microsoft is willing to make is not enough. Everyone (the states and the competition) wants more.

Enough is enough. Microsoft should not be penalized because of other companies inability to compete on level ground—Whatever happened to free enterprise? Litigation is bad for the economy. Let us go with the settlement and not pursue any further litigation. In addition, let's focus on rebuilding our economy.

Thank you.

MTC–00029633

1512 N. Elsea Smith Road
Independence, M064056
January 27, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I was pleased to learn that the Justice Department has reached a proposed settlement agreement in the Microsoft litigation.

You now have the opportunity to clean up the mess created by your predecessor. Microsoft was the target of this litigation because of its size and because of its great degree of success. Your implementation of this settlement will bring an end to the political witch-hunt.

Microsoft has placed a number of concrete proposals on the table to resolve the case. They have agreed to changes in almost every aspect of their business operations, from pricing, to distribution, to system design. These changes, if implemented, should provide additional competitive opportunities for Microsoft's competitors and more choice for computer users.

Please go forward with the settlement and let Microsoft get back to business.

Sincerely,
Mark Zachgo

MTC–00029634

1512 N. Elsea Smith Road
Independence, MO 64056
January 27, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I was pleased to learn that the Justice Department has reached a proposed settlement agreement in the Microsoft litigation.

You now have the opportunity to clean up the mess created by your predecessor. Microsoft was the target of this litigation because of its size and because of its great degree of success. Your implementation of this settlement will bring an end to the political witch-hunt.

Microsoft has placed a number of concrete proposals on the table to resolve the case. They have agreed to changes in almost every aspect of their business operations, from pricing, to distribution, to system design. These changes, if implemented, should provide additional competitive opportunities for Microsoft's competitors and more choice for computer users.

Please go forward with the settlement and let Microsoft get back to business.

Sincerely,
Dawn M. Zachgo

MTC–00029636

Jason t. Rigsbee
9237 Estate Cove Circle
Riverview, Florida 33569–3102 U.S.A.
Home: (813) 740–2979 / Mobile: (813) 787–5961
Facsimile: (630) 214–4890
E-mail: jrigsbee@rigsbee.net
World-Wide-Web: http:llwww.rigsbee.net
To: U.S. Department of Justice (Antitrust Division)
RE: Microsoft Settlement/Future Litigation

I have no problem [along with the majority of all Americans] with what Microsoft has done to better the computer technology of today. Without the innovations and mindset of the president and founder, William Gates, the many luxuries we all enjoy as one world would cease. Microsoft is not an evil empire whose goal is to exploit the people of this country. However, its goal is to enhance and bring computer technology to a newer level that will better aid people throughout their daily activities. Microsoft must be allowed to bring the Internet into its operating system, make set-top boxes for televisions, or create the most dominant product since Windows; otherwise you [the government] have taken away one of the priceless commodities that this great nation was founded upon.

If you are so bent on stopping a company's free will to innovate, you should turn your eyes on America Online. America Online (AOL) planned its big takeover of Netscape and its semi-agreement with Sun Microsystems (by the way...both companies approached the government to pursue a case against Microsoft) at the same time as the Microsoft lawsuits. Isn't this a bit odd? If we are so worried about Microsoft's *LARGE* empire, shouldn't we be stepping on AOL's toes also? If you haven't been keeping up with current affairs...AOL has one goal, and that is to be number one and to destroy Microsoft. There is *NO* monopoly here.

Sun Microsystems, America Online, and Oracle are using you [the government] to get back at Microsoft. They are using you [the government] to build their business and in using you hoping to get one step ahead. If you destroy Microsoft's ability to enhance its products m any way its competition will see the victory...not the American people you are trying to protect.

A company [Microsoft] *MUST* be given the right to enhance its products in any way possible to benefit its customers. The Microsoft cases have gone on too long. I hope that you will favor the Justice Department's recommendation for compromise and disallow all current litigation against Microsoft.

Sincerely,
Jason L. Rigsbee
Romans 10:13 For whosoever shall call upon the name of the Lord shall be saved.

MTC–00029637

ALAN & NANCY STRAND
20100 156TH AVE. N.E
WOODINVILLE, WA 98072.
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I am writing today to encourage the Department of Justice to accept the Microsoft antitrust settlement. This issue has been drug out for over three years now and it is time to put it to rest. Microsoft needs the chance to move on and put this government over regulation behind them.

When I buy a Ford it does not come with Chew parts. Chew pans do not fit in Fords and nobody has a problem with that. Now Microsoft creates a product and is being sued because everyone else's products do not work perfectly with their products. Microsoft has agreed to provide their competitors with part of the Windows base code, in order for their competitors to create products that are more compatible with Microsoft's. This has never been done m any other industry and I do not see why it is being demanded from Microsoft.

Microsoft has been harassed for too long. Demands have been made and agreed to that have never been made on any other company. Now it is time to allow Microsoft to move forward. The only way to move forward is to put this issue in the past. Please accept the Microsoft antitrust settlement.

Sincerely,
Alan Strand

MTC–00029638

James Wilkins
1901 Windsor Place
Findlay, OH 45840
January 16, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft,

After three long years, the antitrust case against Microsoft has been settled. I applaud this decision. 1 believe the initial lawsuit was wrong. It was, in my opinion, very counter-productive for the economy. Microsoft is one of the engines of our economy; the economic downturn we have experienced can be traced directly to the antitrust case against Microsoft.

But it is time to go forward. Microsoft has agreed to a great number of demands from the Department of Justice; e.g. agreeing to a technical committee to monitor future actions; agreeing to design future versions of Windows with the ability to promote non-Microsoft software; agreeing not to retaliate against computer makers who send software that competes with Windows operating system. Microsoft is apparently trying to settle the case and get back to business. I agree with this. I urge you to give your support to the agreement between Microsoft and the Department of Justice.

Sincerely,
James Wilkins

MTC–00029639

January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania A?? NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

The Department of Justice and Microsoft have ?? three-year-??, I want to ?? my support to ?? measure and ask that you do so also This has become more of a personal battle between Microsoft and its rivals such as ?? Microsystems, and AOL. It should be noted that ?? stock has gone down, while Microsoft's sto??k, despite all the legal problems, has stinted to rise, again. I believe Microsoft was one of the ?? of the ?? the technological world to be embraced by all—providing lens of thousands of high??. It is on ?? part of ?? nature that there are those who do not like the fact that some people are more successful than they, and they try to bring such individuals down.

But ?? has now been ??, and we should let it stand. Mi?? many changes in their operations. Microsoft has agreed to help companies ?? greater degree of reliability with regard to their networking software; M?? agreed to allow computer makers to ship non-Microsoft product to customers; Microsoft has agreed to design future versions of Windows with a device to make it easier to promote non-Microsoft software. Microsoft has even agreed to a technical committee to monitor future settlement adherence. This is more than fair and reasonable. I urge you to give your support to this agreement and allow us to get back to business and Bill G?? to his creativity.

Sincerely,
Paul?? Dreger

MTC–00029640

Donald Delahaut
260 Fernledge Drive
New Kensington, PA 15068–4614
January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

I am writing today to encourage the Department of Justice to accept the Microsoft antitrust settlement. As a member of the technology industry, I want to see Microsoft and the industry to move on. The suit has dragged on for over three years and has caused great damage to the entire industry.

Some say that Microsoft is being treated leniently. In fact is quite tough. Microsoft has agreed to document and disclose, for use by its competitors, various interfaces that are internal to Windows' operating system products. Microsoft is virtually handing over their company secrets to their competitors. That is no getting off easy.

In order to move forward Microsoft is giving in to a lot. The terms, of the settlement are fair and they should be accepted.

MTC–00029641

Louis Theriault
643 Yorkshire Drive
Oviedo, FL 32765–8159
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

Take a moment to reflect on what the breakup of ATT did to the phone industry. It created very poor phone service and drastically reduced innovation. If ATT were still together people would be looking and talking to each other over the connection instead of only talking to each other.

This hindered innovation is a direct result of the breakup of ATT because it caused them to divert their attention from long overdue innovation.

The same is true in Microsoft's case. Though I am glad that there has been no decision to break up Microsoft, the mere thought that this was considered is appalling. The way I see it, if I ran a company that was unable to keep up with my competition then the fault is mine and not my stronger competitor. I should therefore seek to strengthen my stance in the industry rather than seek corporate welfare from the government. Indeed, seeking the government's help to break up a company for your advantage only is a pitiful thing and I think the government should put a stop to it immediately!

Look at all that Microsoft has conceded in this case. They have agreed to grant competitors greater access to Windows by creating new versions. In addition, they have agreed to give computer makers more flexibility to reconfigure Windows for interoperability with non-Microsoft software. In light of all the varied factors of this case and Microsoft's spirit of cooperation, please put an end to litigation in the interest of fairness.

Sincerely,
Louis Theriault

MTC–00029642

James Hahn
440 E 57th Street
New York, NY 10022
January 27, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

Last November, Microsoft and the Department of Justice reached a settlement in the antitrust case. The settlement is currently being reviewed, and soon the courts will have to decide whether or not the settlement is acceptable. Microsoft competitors are touting the agreement as lenient towards Microsoft and harmful to the consumer. They would like nothing better than to see the settlement overturned and litigation against Microsoft continued. I disagree. Continued litigation, not settlement, would do the most damage to the consumer, and the settlement is anything but lenient.

The settlement allows Microsoft to remain intact, but prohibits Microsoft from engaging in behaviors that would prevent other computer makers from having a fair chance to compete. For example, the settlement

requires that Microsoft disclose source code from the Windows operating system to its competitors for their use either in working independently or with Microsoft Microsoft will also furnish third parties acting within the limits of the settlement with a license to applicable intellectual property rights to prevent infringement. I do not think that Microsoft has been treated too mil?? in this case; in fact, in the interest of wrapping up the se??, Microsoft has agreed to a number of terms that extend to aspects of Microsoft not found to be in violation of ?? laws.

The time has come for a decision to be made, whether or not it is in the best interests of the public to allow a ridiculous amount of time and money to be wasted in laughably ?? litigation, or if the technology industry should be permitted to return to normal and the economy to recover. I would like to see the consumer benefit from a return to nor?? in the economy and the computer industry, and I urge you ?? support the settlement. Enough is enough??

Sincerely,

James Hahn

MTC–00029643

January 17, 2002
Attorney General John Ashcroft
U.S. Justice Department
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft.

At long last, this debacle of an antitrust trial between the government and Microsoft has sputtered to a settlement. While the settlement is weighed slightly against Microsoft, it at least has the advantage of ending the litigation.

This entire lawsuit was, I believe, grounded in much misinformation and misunderstanding. A company's ''dominance'' in any particular market does not necessarily mean that it has achieved that status through anything other than legal—albeit aggressive—means. I believe this to have always been true of Microsoft. Microsoft never manipulated the marketplace to force anyone to purchase its system. Rather, its pricing policies, its integration, and its reliability attracted most people to its product. This is enviable, not despicable.

When our government engages in a mission to ''level the playing field'' for all, there is the natural side effect of having to ''dumb down'' those that have been successful, and force them to either step aside, or give away their hard-earned successes to those less fortunate souls who are not as creative or as industrious. This attitude is reflected in the settlement. Microsoft is being forced to give up some of its source code to others in order to satisfy the government need to level the IT playing field.

While it is useless to object, I find that the settlement at least has the advantage of ending the contentious nature of the trial. For this reason alone, I find myself supporting it.

Sincerely,
Charles Aunger
Chief Technology Officer
PO BOX 470671,
CELEBRATION, FLORIDA, 34747–0671
www.vhinternet.com.
TEL: 407 709 6559 FAX: 407 650 2703

MTC–00029644

Lesa Stafford
3395 80th Road
Thayer, KS 66776
Renata Hesse
U.S. Department of Justice
601 ''D'' Street NVV Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I am glad to have this opportunity to express my opinion regarding the Microsoft antitrust case.

I was relieved to learn that the Bush Administration had proposed a settlement that could soon end this costly endeavor. As a taxpaying citizen, I nave been concerned for quite some time over the high cost of continuing to pursue this case in court, From all I have read and experienced as a consumer in the marketplace, I am convinced that Microsoft has created no monopoly—especially since computer products continue to become more affordable and not more expensive

I firmly believe that the funds being spent to litigate this matter in court are desperately needed in other areas such as education and law enforcement, Therefore I urge the court to accept the proposed Microsoft settlement and free up tax dollars for matters that are truly critical to all our futures.

Sincerely.

Lesa Stafford
January 25,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The settlement reached in the Microsoft anti-trust dispute is essential to the continued success of America's technology industry in the world market. Our IT industry has floundered for the past three years since the inauguration of this anti-trust suit against Microsoft three years ago. This settlement is fair and is a prime opportunity to put this litigation behind us.

Under the terms of the agreement, Microsoft has agreed to design all future versions of Windows to be more compatible with the products of its competitors. Microsoft has also agreed not to retaliate against any competitor who produces products that compete with its own. And, finally Microsoft has promised to report to a three person technical committee that will monitor Microsoft's compliance to these terms. I believe that this settlement is reasonable for the simple reason that it will allow Microsoft to get back to business without being pirated and split apart.

Thank you for you help in this issue and for allowing me to express my opinion. Free enterprise is a precious commodity in this nation and it must be protected.

Sincerely,
James Lay
3400 W Bristol Road
Flint, MI 48507

Made Up To a Quality ... Not Down To a Price !

MTC–00029646

January 23, 2002
Renata Hesse
Trial Attorney
Antitrust Division Department of Justice
601 D Street NW. Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

As an employee for a large midwestern hospital. I see first hand the benefits of technology everyday. Whether it is computerized laser surgical tools or sophisticated medical record software packages, my employer relics everyday on constant innovation within the technology field to better serve our patients and community.

The pervasive nature of technology continues to astound me...it seems as if virtually every thing we encounter has some kind of microchip inside. Is it any wonder then, that one of the largest computer companies in the world being involved in a major lawsuit would have an extraordinary impact on virtually every segment of our economy?

As I understand it, there is a settlement before you that could bring closure to this matter very quickly. While I agree it is vitally important to protect consumers, it is also important to do what is prudent to protect our economy and to continue technological innovation. research and investment.

The settlement before you addresses the concerns of the original complaint. All interested parties have approved it. Please give the settlement your final approval and help get the economy moving again.

Sincerely;

Terri Hasselman
Director of Major Gifts
Mercy Foundation
1111 6th Avenue
Des Moines.

MTC–00029647

Alba English
14113 Grant St
Overland Park, KS 66221
January 19. 2002
Ms. Renara B. Hensse
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse,

It was music to my ears to learn that there can be a settlement soon in the antitrust case against Microsoft Corporation?

I am confident that this settlement will have a positive impact on the ailing U.S. economy. Many of the investments citizens like my self have are directly related to the high-tech market place.

With less government intrusion into private business and mote good old-fashioned competition in the marketplace, we can look forward to new growth in the U.S. economy. Enough taxpayer dollars have already been spent attempting to fix a problem that never existed.

I appreciate your consideration of my view as you deliberate. It is important for you to support this settlement.

Sincerely,

Alba English

Federal Register

5–3–02 Friday
Vol. 67 No. 86 May 3, 2002

Book 10 of 12 Books
Pages 28699–29273

Part II—Continued

Department of Justice

Antitrust Division

United States v. Microsoft Corporation; Public Comments; Notice

MTC–00029649

Wayne Stringer
1270 205th St
Fort Seott, KS 66701
January 26, 2002
Attorney Renata Hesse
Department of Justice, Antitrust Arty
601 D Street NW, Suite 1200
Washington. DC 20530

Dear Attorney Hesse.

I strongly encourage your support in accepting the proposed settlement in the Microsoft antitrust suit ''Microsoft. has simply provided a product that meets a market demand at a price the consumer is willing to pay. If anything, their competitors have used similar tactics to grow their own business—in a sense. keeping the marketplace fair.

The unfairness lies in Microsoft's competitors using the marts to accomplish what they couldn't do in the marketplace. ??'s Larry Ellison has very publicly decreed their he will unseat Microsoft as the number one player in the software industry, and he will do anything to accomplish that goal I sincerely object to this move to replace the free market system with court manipulation.

With all due respect. I hope you object as welt.

I encourage yore full acceptance and approval of the settlement. I truly believe it addresses all involved and allows Microsoft and the industry to move forward on a positive, note.

Sincerely,

Wayne Stringer
January 27, 2002, 11:40 pm
Antitrust Division
U.S. Dept. of Justice
601 D Street NW, Suite 1200
Washington DC, 20530–001

To Whom It May Concern:

I am writing to exercise my right under the Tunney Act to voice my strong disapproval of the current proposed settlement of the Microsoft anti-trust trial. The proposed settlement is both weak and lacking strong enforcement provisions, and is likely to have zero (or worse) effect on competition within the computer industry, with continued and increased harm to consumers in the form of fewer options in the software market and continued increases in the price of the Microsoft software consumers are forced to buy.

Microsoft was convicted of abuse of monopoly power by one Federal judge, and the judgment was largely upheld by another seven Federal justices. In evaluating any proposed settlement, keep repeating one Important Phrase over and over: ''Microsoft is guilty.''

The seven justices of the appeals court ruled that any actions taken against Microsoft (a) must restore competition to the affected market, (b) must deprive Microsoft of the ''fruits of its illegal conduct,'' and (c) must prevent Microsoft from engaging in similar tactics in the future. The proposed settlement fails on every one of these.

(A) Restore Competition

Among the many flaws in the proposed settlement is the complete disregard for the Open Source software movement, which poses the single greatest competitive threat to Microsoft's monopoly.

Most organizations writing Open Source software are not-for-profit groups, many without a formal organization status at all. Section III(J)(2) contains strong language against non-for-profits, to say nothing of the even less-formal groups of people working on projects.

Section III(D) also contains provisions which exclude all but commercially-oriented concerns.

To restore competition the settlement must make allowances for Open Source organizations—whether formal not-for-profit organizations or informal, loosely associated groups of developers—to gain access to the same information and privileges afforded commercial concerns.

(B) Deprivation of Ill-Gotten Gains

Nowhere in the proposed settlement is there any provision to deprive Microsoft of the gains deriving from their illegal conduct. Go back to the Important Phrase: ''Microsoft is guilty.'' In most systems of justice, we punish the guilty. But the current proposal offers nothing in the way of punishment, only changes in future behavior.

Currently Microsoft has cash holdings in excess of US$40 billion, and increases that by more than US$1 billion each month. A monetary fine large enough to have an impact on them would be a minimum of US$5 billion.

Even a fine that large would be a minimal punishment. Microsoft's cash stockpile is used, frequently and repeatedly, to bludgeon competitors, buy or force their way into new markets, or simply purchase customers, with the long-term intent to lock people and organizations into proprietary software on which they can set the price. Taking a ''mere'' US$5 billion from their stockpile will have zero effect on this practice.

For that reason, Microsoft's cash stockpile must be further reduced. In addition to the monetary fine, Microsoft should be forced to pay shareholders a cash dividend in any quarter in which they post a profit and hold cash reserves in excess of US$10 billion. The dividend should be substantial enough to lower Microsoft's cash holdings by US$1 billion, or 10%, whichever is greater.

(C) Prevention of Future Illegal Conduct

The current proposed settlement allows Microsoft to effectively choose two of the three individuals who would provide oversight of Microsoft's conduct and resolve disputes. The proposed settlement also requires the committee to work in secret, and individuals serving on the committee would be barred from making public or testifying about anything they learn.

This structure virtually guarantees that Microsoft will be ''overseen'' by a do-nothing committee with virtually zero desire or ability to either correct Microsoft abuses, or even call attention to them.

Instead of the current proposal, a five-person committee should be selected. Microsoft may appoint one person, but will have no influence over any of the other four. For the four, two should be appointed by the Federal court of jurisdiction, one should be appointed by the U.S. Department of Justice, and one should be appointed by the U.S. Senate. At least two of the appointees should have technical experience and be competent to evaluate technical proposals and arguments by themselves, without the filters which assistants would bring.

These are hardly the only thoughtful and reasonable suggestions you will no doubt receive regarding the proposed settlement of this anti-trust case. And these are hardly the only suggestions which should be adopted if the settlement is to prove effective. But all of them are essential to that aim, and adopt them you must,

Thank you for your time and the opportunity to comment.

Respectfully,
Michael A. Alderete
569 Haight Street
San Francisco, CA 94117
(415) 861–5758
michael@alderete.com

MTC–00029652

Ms. Renata Hesse
Antitrust Division
Department of Justice
601 D Street, NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I am writing in supp ort of the consent decree for the Microsoft settlement. Microsoft has show itself to be an innovator and a company whose products make lives better for he average American. This lawsuit is bad for consumers and ba?? for the economy.

By supper ting the consent degree, you will put an end to a lawsuit theft has become more political than substantive. The Bush administration priorities have been amazingly out of step and out of touch with the American public Hopefully they will at least get this one right and settle the suit. The I maybe we can all move on to a healthy economy and a healthy debate concerning the future of our nation.

Thank you.

Sincerely
Tim Allison Executive Board Member
CA Democratic Party

Title for identification purposes only. This letter reflects the solely the opin on of the signer.

MTC–00029653

January 25, 2002
Renata hesse
Trial Attorney, Antitrust Division
Department of Justice
601 D Street, NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

The Microsoft Lawsuit Is Bad for Business and Bad for Consumers.

For many, the idea of attacking one of the most successful companies in American history, and its CEO Bill Gates, sounds like fun. But the Department of Justice's pursuit of Microsoft is no laughing matter, having cost American taxpayers well over $35 million in litigation so far and the meter is still running.

The reality is that this lawsuit does nothing to benefit consummers. It does however benefit Microsoft's competitors, who after spending millions of dollars lobbying the Department of Justice to file this suit want a return on their investment. Also, it benefits the lawyers who have made a fortune on both

sides of this issue... and the Attorneys General and bureaucrats who are making political hay, back home by demonizing Microsoft. The real beneficiaries are the powerful anti-Microsoft forces not consumers.

The Cost To Businesses and Consumers in Just Too High.

Rather than protecting consumers, drastic remedies such as breaking up Microsoft would be a disaster for consumers and businesses. The integration and standardization Windows brought us has been a boon for the public as well as for our economic productivity. What Bill Gates understood, much to his competitors'' chagrin, was that consumers- people who use computers, not live computers—want an affordable and reliable system that works with and understands other systems.

Government intervention into the world of high tech programming and design sets a dangerous and potially disastrous precedent. Dictating to Microsoft what technology it can develop will decrease the effectiveness of existing products or meet the expanding needs of users could cripple the technological innovation that has been the hallmark of hour high tech, internet economy.

One could argue in fact that the genesis of the huge decline in the Nasdaq, which so far has resulted in more than $2 trillion of lost wealth, is primarily the result of the government's sustained attack on Microsoft's right to innovate. After all, today Microsoft, tomorrow Intel.

Over the past 10 years, Microsoft has lowered its prices, created a better product, and invested enormous sums of money in research and development. This doesn't sound like monopolistic behavior by any standard.

The government's pursuit of Microsoft has cost the American taxpayer over $35 million so far with devastating results for state and private pension funds, and small investors, all over the country, [illigible] state pension funds have lost $144.2 billion. Here in California, since the March, 2000, break down of mediation on the case, Public Employee Retirement System funds have dropped more than $59 billion while the State Teacher Retirement fund lost $15 billion.

We hope the consent decree is adopted and the federal lawsuit is dropped. If not, it may be time to [illegible] our elected representatives to do the right thing and allow Microsoft to continue its history of investment, innovation and improvement The American economy depends on it.

Sincerely
Joe [illegible]
Executive Director, SBCTA
214 East Victoria Street,
Santa Barbara, California 93101
Tel: 805.965.9415
Fax: 565–7915
email: info@sbcta.org www.sbcta.org

MTC–00029654

January 9, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D S??et NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

As a member of the North Carolina General Assembly, I have always sought to make government a cooperative partner of business and industry. After all, business and industry creates jobs that enhance the lives of countless North Carolinians.

For several years, I have witnessed the federal government's pursuit of a lawsuit against Microsoft, one of the most successful companies in the history of American business. This suit has cost the taxpayers upwards of $30 million over the past years.

I request that Judge Kollar Kotelly approve the settlement that the Department of Justice and Microsoft have both agreed upon. In addition, I am pleased to say that my state, North Carolina, has also signed the agreement and decided to settle.

In spite of the fact that nine state attorneys general plan to prolong their cases against Microsoft, I believe the federal case should be settled.

Sincerely,
Jeffrey L. Barnhart
State Representative

MTC–00029655

January 23, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street, NW suite 1200
Washington, DC 20530

Dear Ms. Hesse,

As a business executive who travels to Chicago on business from my home in Greensboro nearly every week, I know how important Microsoft's business technology is to American business, In fact, I find Microsoft's products to be bery helpful when I travel abroad on business as well.

I realize that not everyone travels to the extent that I do, but I would imagine that most people who work In business do rely on Microsoft products to a great extent. And shouldn't they? Microsoft's products are universally recognized as the industry leader and they've improved communication for American businesses, schools and government.

Virtually everyone uses Microsoft's products, Executives, attorneys, entrepreneurs, educators and government officials know that Microsoft is the universal leader in technological innovation They all have great confidence In Microsoft's products to get the job done.

I read recently that Microsoft and the federal government agreed to settle the antitrust lawsuit they've been engaged in for a number of years. That's good news for businesses, families, the stock market and the American economy, our economy needs a shot in the arm at this point in time, and I believe that this settlement will provide it, I request that Judge Kollar-Kotelly approve this settlement. Thank you for your consideration of my comments.

Sincerely,
Kumar Lakhavani
Senior Manager
HR Dynamics Global Practice

MTC–00029656

Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

As a member of the Greenville City Council, I am concerned about the off??er that the Microsoft anti??rust lawsuit is having on both the business and educational institutions in our city. I am a newly elected member of the council, a member who ran in order to create a more efficient government for our ??tizens. I am also concerned that the government operates efficiently.

The American people have a twofold desire in regard to the Microsoft suit, as I see it. First, they want the federal government to work to create a more positive business climate for all Americans. Government needs to use its power to encourage private investment, innovation and job growth, Second, it is the moral responsibility of the federal government to use taxpayers' funds wisely.

The government's work in fostering a strong coonomy is par??licularly timely right now. After all, the unemployment rate is up, the stock market is down, and consumer spending is off. We've got to get back on track. I can think of no more positive action for the federal government to take than for its courts to approve the settlement in the Microsoft case.

Also, Americans today are paying taxes to the federal government at the highest rate per capita in over fifty years. It is the government's responsibility to see to it that these funds are used responsibly for the benefit and general welfare of the American people. The Microsoft lawsuit has cost the American people $30 million to prosecute. It's time to and this litigious spending.

Thank goodness both parties want the suit to end. They have come to art amicable settlement. I urge Judge Kollar-Kotelly to approve the settlement.

Sincerely,
Ray Craft
Council Member

MTC–00029657

January 18, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Departnent of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

As a business leader who has served as Chairman of the American Furniture against Microsoft is close to ending. Virtually all of the executives in business and industry that I am in contact with want to see the case settled.

Our society has become more litigious than ever. Litigation costs business money... and can cost employees their jobs That's why l believe that we ought to move beyond this ease. There are so many societal problems for us to contend with no the least of which is

our ourrent economic recession. We need to focus on growth, and we aced the government to be a true partner in that effort.

The company that I own uses Microsoft products every day. t find them to be useful in making my business more efficient. En??epreneurial life is much different from the legal profession. If I am not constantly looking for now niches in which to make a profit, my business will lag. Microsoft products have made my business more productive, and I think it's time to settle this lawsuit so that Microsoft can focus all its resources on creating new products to benefit businesses like mine.

Microsoft and the federal government are in agreement On the settlement, I strongly urge Judge Kollar-Kotelly to quickly approve the settlement Let's set me economy moving again.

Sincerely,
J. Ray Shufelt
CEO

MTC–00029658

Beth Saine
Lincoln County Commissioner
1760 Whispering Pines Drive
Lincolnton, NC 28092
704.735,3297
January 18, 2002
Renata Hesse
Trial Attorney
Antitrust Divisions Department of Justice
60l D Strut NW, Suite 1200
Washington, DC 20530
Fax: 202–616–9937

As a member of the Lincoln County Commission, I am pleased that the United States Justice Department is settling with Microsoft. Technology is so important to the future of counties like ours all across America, and this settlement will enhance all facets of the tech industry in the coming years.

Our neighbors in Mecklenburg County have had many advantages over Lincoln County, and other counties in the past. Charlotte is the nation's mega banking centaur. That attracts business, and with it comes a substantial local fax base. I'm not saying that money is everything, but huge counties have had a traditional advantage over smaller ones in the past. As a result, they have had an easier time funding essential county services, such as school improvements. Technology quite simply levels the playing field for average-sized counties across America.

When someone togs on to the internet, it doesn't matter if they're sitting in Raleigh or Hanging Dog, their access to information is the same, and their ability to profit from the proliferation of information is the same, The tech industry needs a shot in the arm so that it can continue aiding America's counties in o significant way. Fore this reason, I'd like to request that Judge Keller Kotelly approves the settlement that Microsoft and the federal government have reached. It will benefit Lincoln County, and counties like ours across America,

Regards,
Beth Saine

MTC–00029659

North Carolina Federation of College Republicans
BOX 16160
SULLIVAN HALL
NCSU
Raleigh, NC 27607
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601D Street, N–W Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

As one of the younger members of the North Carolina Republican Party's Central Committee, I have a strong interest in how government interacts with technology so the economy is strengthened in the future. As Chairman of the North Carolina Federation of College Republicans, I want to formally ask that Judge Kollar Kotelly approve the landmark settlement between the federal government and Microsoft. Here's why:

I do not believe that Microsoft has done any harm to even one single consumer. And without consumer harm, what reason exists to bring an antitrust case? None. Face this fact: the future is in high tech jobs. Also, every industry is going high tech. Imagine the damage done by the federal government suing the technology industry's leading company. It discourages young people from being innovative. It discourages them from becoming entrepreneurs. Our Republic will only survive is maintain a strong free market system. And our market system can only thrive if companies continue to be innovative. I hope the settlement is finalized soon, so that American business can operate at its full capacity again soon.

Thank you for your consideration of my comments.

Sincerely,
Matthew Adams
State Chairman

MTC–00029660

Wake Forest Town Commission
January 11,2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

As a member of the Wake Forest Board of Commissioners, I am all too aware of the high cost of government despite the fad that our citizens and businesses endure terrible economic conditions in our state. Out town needs revenue from increased business activity, not higher property taxes. It seems to me that all our local industries will be enhanced when the settlement of the Microsoft lawsuit is completed.

As you can tell, I am adamantly opposed to higher taxes in whatever form and work hard to ensure that tax money is spent wisely. But, the fact is, in our growing community, we have services that need to be paid for by government. The best way for our town to generate additional revenue is to increase business activity in Wake Forest. That is why I was happy to see that the federal government's case against Microsoft had come to a settlement agreement in the court of Judge Kollar-Kotelly, I know that this case has cost the taxpayers of this nation $30 million, not to mention lesser sums in the t 8 states that also brought the original lawsuits. More significantly, it has hurt business, and local revenues, in our town and towns across America.

I am pleased that North Carolina is one state that decided to agree with the settlement and now no more state tax money will be expended. I hope to see the same thing happen in the federal case as well. That is why t am strongly urging the judge to agree to the settlement in this case.

Sincerely,
Chris Malone
Town Commissioner
401 Owen Avenue—Woke Forest, NC 27587

MTC–00029661

January 25, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200 Washington, DC 20530 Fax: 202–616–9937

Dear Ms. Hesse:

Microsoft's products are the greatest in the technology industry, and that is the major reason that they are regarded as a leader m the American economy. Given that fact, it is no wonder that when the federal court announced that Microsoft would be broken up, the stock market came to a screeching halt, and tumbled down from record highs.

I am very encouraged that Microsoft and the federal government have agreed to a settlement in the antitrust case. I believe that this is good for the economy, the government and other societal institutions, which increasing rely on industry to invent new products to make their operations more effective.

The settlement provides for more oversight into Microsoft's operations, and a more competitive playing field for all companies in the industry. That's welcome news for everyone who demands consumer choice. It will also send the right signal to investors that the government is prepared to work in a cooperative effort to spur economic growth and job creation.

I request that Judge Kollar Kotelly will approve the settlement, so that the Justice Department can conserve resources for more pressing legal matters. Additionally, closure in this matter would send a message that government is prepared to work with the American business in taking constructive steps toward a brighter future for all Americans.

Thank you,
Trustee
Rowan-Cabarrus Community College

MTC–00029662

Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Fax: 202–616–9937

Dear Ms. Hesse:

As a young business executive, I am relieved that the federal government and Microsoft, which have been engaged in a protracted antitrust lawsuit, have arrived at a settlement arrangement that is amicable to both sides. Settling this case as soon as possible is important to the technology industry, as well as many other important segments of the economy.

In the business world, companies look at industry leaders for innovation, and they often try to emulate the corporate giants'' successful business strategies. This partially explains why the tach sector of the economy has been in a tailspin for an extended period of time. When the antitrust suit is finally ended once and for all, a dark cloud will be lifted from the entire industry. The American economy, and to some extent, the world economy has never been more interconnected. Each change within one economical sector creates a ripple throughout the rest of the economy. A major shift in one sector results in a sea change across the board of leading economic indicators.

I work in the mortgage banking industry, a business that is highly sensitive to the state of the national economy. While ending the Microsoft litigation will not alone create record revenues for our industry, I feel certain that it would boost consumer confidence, and encourage investments in many types of business enterprises.

Finally, I am excited about the future of technological innovation in the workplace. Microsoft has led the way in this regard, and finalizing the settlement will help the company refocus on developing new and exciting products. That means a more productive workplace in the future.

I request that Judge Kollar Kotelly approves the settlement.

Sincerely,

Stewart

MTC–00029663

January 24, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Fax: 202–616–9937

Dear Ms. Hesse:

As a long-term care specialist, I am concerned that the tumble that the sock market has suffered is draining the finances of our nation's elderly. We've got to get the nation's economy back on track. The government needs to focus on ways to spur economic growth like never before. In less than ten short years, the baby boom generation will begin to reach retirement age. A record number of seniors will inundate our nation's hospitals, nursing homes and assisted living facilities. These people will need savings not for luxury items, but to cover living expenses associated with aging.

Our nation's greatest generation, for the most part, worked at one company for their entire working career. Their pensions are largely vested in stocks. When the stock market is unstable, their financial situation, and living conditions, become unstable as well. The baby boom generation are less likely to have worked in one company, and are less likely to have saved for a retirement. They are, however, more likely to have invested a substantial portion, or all, of their savings in the stock market. IT IS IMPERATIVE THAT WE STRENGTHEN THE ECONOMY IN ORDER TO BOLSTER THESE SAVINGS.

I request that Judge Kollar Kotelly approves the settlementbetween Microsoft and the federal government. This lawsuit has been proven to have caused much of the turmoil within the economy in general, and the stock market in particular. Our nation's retirees need security, and deserve governmental cooperation.

Sincerely,

Douglas McCabe Russell

MTC–00029664

GEORGE W. LITTLE & ASSOCIATES, INC.
INSURANCE CONSULTANTS—BROKERS
January 22, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Fax: 202–616–9937

Dear Ms, Hesse:

I have been involved in business, industry and economic development for over thirty years. Over that period of time, I have come to understand that a quality education system, a solid public infrastructure and a strong flee market system are the keys to economic development in North Carolina and across America.

Virtually every societal institution which is vital to economic development has benefited from the proliferation of technological advances in the past decade. Leading the way in innovative technology is Microsoft. Their products have benefited businesses by saving countless hours of time and making communications between businesses seamless. Microsoft's benefits to the education system are tremendous, Research, class instruction and other benefits have been realized through application of these useful tools. Governmental institutions also rely on Microsoft to maximize their efficiency and serve, the public in a responsive manner.

For these reasons, I am gratified that federal government and the Microsoft have agreed to a settlement in their antitrust case, Microsoft will be able to focus its energies once again on research and development, while the government is granted unprecedented oversight into Microsoft's operations. Under this settlement, economic development wins, and so do the American people.

I hope time Judge Kollar Kotelly will approve the settlement.

Sincerely,

MTC–00029665

January 23, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Fax: 202–616–9937

Dear Ms. Hesse:

I write to express my desire that the government will act in a cooperative manner with Microsoft and similar business interests in developing a mutually beneficial relationship. I am convinced that now is the time to end the federal government's litigation against Microsoft. Microsoft and the federal government have agreed to settle the suit. The public is yearning for an economic recovery. Congress is debating an economic stimulus package. With these facts in mind, I am quite confident that we should move beyond the Microsoft case and work to get our stagnant economy moving again.

As an attorney, I realize that antitrust law is an important component of maintaining a competitive marketplace. However, company innovation and product improvements are as well, and since both parties have agreed to settle the lawsuit, I believe that it would be advantageous for everyone if Microsoft can get back to doing what it does best: researching and developing useful technological tools for the American workplace and the American home.

The settlement guarantees that other companies will have market access. Every new Microsoft operating system will have to include a mechanism that enables end users to remove or re-enable Microsoft s middleware products. While end users can already remove Microsoft middleware from Windows XP, this settlement would make it even easier for users to change middleware products.

I hope that Judge Kollar Kotelly approves the settlement.

Regards,

Phillip J. Strach

Attorney

MTC–00029666

Professor Eric Brodin
P.O. Box 209
Bules Creek, NC 27506
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

During my career as a columnist and professor. I have written over 3,000 articles for various publications such as the Dana Daily Record, the Coastal Piedmont leader and other Journals, newspapers and magazines in twenty countries. I feel compelled to write to you on a hot contemporary issue: the pending settlement of the federal government's antitrust case against Microsoft.

I live in a university community. In the past ten years. I have seen a technological explosion on campus that has revolutionized learning processes and intellectual research. I have found the technological advancements of the newspaper to be beneficial in my work as a columnist. The technological advancements to which I refer are in no small measure due to the entrepreneurial success of Bill Gates and Microsoft. After all, Microsoft has developed products that have aided the process of word processing immeassurably,

as well as improved columnists'' ability to transmit data.

I served as the Endowed Chair of the Landry-Fetterman School of Business at Campbell University from 1980 until 1983. During my tenure, I did my utmost to promote the notion that our societal liberty is largely dependent upon the foundation of the free enterpriss system. I fully realize that antitrust laws are needed in order to foster a competitive marketplace, however if a corporation's business practices do not result in harm to the conssumer, the government should not interfere. I have seen no evidence that Microsoft's business practices have harmed consumers in any way. On the contrary, I believe that Microsoft has benefited the American consumers greatly.

I urge Judge Kollar-Kotelly to approve the proposed settlement of the lawsuit. It's time to allow the free market system to determine the corporate winners and losers in our great land.

Sincerely,

Professor Eric Brodin

MTC–00029667

Steve Tyndall
PO Box 33358 Raleigh, NC 27636
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Fax: 202–616–9937

Dear Ms. Hesse:

The business of America is business, according to President Woodrow Wilson. That statement has held true for the entire duration of our nation's young life Whenever business is good, we say that ''times are good'' in America. When business is off, we say that we're going through a ''tough time''. ! regret to say that I believe that tough times are currently upon us and our economy needs for business to get back on track. In some areas, the government can play an active role in restoring consumer confidence, and strengthening investor resolve.

The stock market is in limbo. Investors are in a period of uncertainty that began when the federal government announced that Microsoft would be dissolved into a series of small companies. The tech sector of the economy, which had been largely separated from government, and looked to Microsoft for leadership, became a very unstable place for investors and employees to be that day. We need to recapture the magic of the 1990s economy by putting the Microsoft lawsuit behind us once and for all.

The federal government and Microsoft are in agreement on the terms of the settlement. All that remains is for Judge Kollar Kotelly to approve the settlement. I hope and pray the settlement will be approved. A renewed spirit of entrepreneurial innovation will be started on that momentous occasion.

I am honored to live in the Unites States of America, a country in which we have a fair and impartial judicial system. The trial has run its course. The verdict is in. Both parties want to settle, in order to save the American people and the American economy irreparable harm. It's time to move forward.

I request that Judge Kollar Kotelly will approve the settlement. Senior Tactical Management Specialist Planner John Deere Corporation

MTC–00029668

Scott Lampe
Former Treasurer, N.C. Republican Party
3707 Waterton Leas Court
Charlotte, NC 28269
January 21, 2002

Dent Ms. Hesse:

I believe that the United States of America has the highest standard of living of any country in the world. I am certain that our prosperity is a direct result of the free enterprise system that enables our economy to flourish. I enjoy following current events, end participating in the political process when I believe that my participation is needed.

The federal government's lawsuit against Microsoft is a prime example of an issue that has stirred my passions and evoked my interest in the public good, From the outset of the lawsuit, I have worried about the suit's impact on the American economy as a whole. I noticed that the entire stock market began its slide at the point which the federal government annoyed Microsoft's breakup.

Microsoft's, innovation has been beneficial for industrial and educational institution across America. I strongly believe that the government ought to be as supportive as possible of all companies that are vital to American enterprise and American jobs. It's important to families that their tax dollars be used to strengthen, not weaken, the economy. That's why I believe that the proposed settlement between Microsoft and the federal government is a positive development for America. The settlement provides for like access and monitoring of Microsoft. In essence, everybody wins... business, industry, the government, and most importantly, the American people.

I hope that Judge Kollar Kotelly will approve the settlement.

Thank you,

Scott Lampe

MTC–00029669

January 18, 2002.
Ms. Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse:

I am encouraging you to accept the Microsoft settlement. It is fair! For three years, I've been reading about the litigation, lobbyists, lawyer's fees and millions of dollars in taxpayers monies spent.

It's time to have less regulation in technology and to have more competition in the market. As a consumer, I want affordable, high quality products that Microsoft creates. This settlement will allow the company to again focus on leading in technology rather than fighting for survival in the face of litigation.

Thank you for considering my input as you deliberate this decision.

Liberty Carty
620 S Highland Dr
Andover, KS 67002
Journalism major, Butler County Community College Member, Kansas Republican State Committee President, Buffer County Republican Assembly

MTC–00029670

Gerald R. Slifka
2028 Winston Place
Waterloo IA 50701
January 27, 2002
Renata Hesse Trial Attorney
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Attorney Hesse:

I am writing to urge the court to accept the settlement proposal of the Microsoft anti-trust case. As a consumer I have witnessed the value of our constantly advancing technology on a daily basis. Like most Americans I am at the same time thrilled and overwhelmed by the new products that are available. These have gone along way toward helping work and live more efficiently. I work in the printing industry and can tell you first hand that technology has had a significant impact on how this industry operates. The quality of our work improved to a great extent while the product turnaround time has been significantly reduced

We are living in a time of financial uncertainty in this country. We must do whatever we can to regain stability in the stock markets and the job market. Ending the government's case against one of our leading companies will help lead our county to continued prosperity.

Please accept the settlement before you.

Sincerely,

Gerald R. Slifka

MTC–00029671

January 16, 2002 Ms.
Renata Hesse, Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

I appreciate that my ideas as a livestock business owner can be shared regarding the Microsoft antitrust ease.

It is important that the Federal Courts recognize the benefits of competition in business and technology. The Anti-trust laws were written over 100 years ago to protect consumers. In this day and age, it seems, some of Microsoft's competitors want to use them as a safe-guard from competition. A better use of the government's legal power would be an examination of the vertical integration of agricultural conglomerates.

I personally agree with settlement and hope that you will accept it to bring closure to this litigation that is costing us so much in time and tax dollars.

Sincerely,

Vernon Suhn, Owner
Suhn Cattle Company
RR2, Box 67
Eureka, Kansas 670445–9428
(620) .583–5923

MTC–00029672

January 22, 2002

Judge Kolar Kottely
U.S. Department of Justice,
Antitrust Division
601 D Street, N. W., Suite 1200
Washington, DC 20530

Dear judge Kottely:

As an educator, with 37 years of experience, I have followed the Microsoft antitrust suit with much interest and would like to express a major concern regarding the timely disposition of this matter.

I believe the principle parties of this suit have come to a fair settlement for all concerned. However, the nine remaining attorneys general and the District of Columbia need to put aside their individual grievances and settle in the interest of consumers as well as the technology industry which so greatly affects the growth of our economy. It disappoints me that the Attorney General of Kansas is one of the parties who have resisted settlement.

I am encouraged that this settlement has the prospects of more healthy competition in the software industry as well as the increasing the availability of a variety of software to consumers. I sincerely hope you will actively work toward approving the settlement of this case as soon as possible.

Sincerely,

Kent Austin, Speech Pathologist/Audiologist
2520 Coronado Ct.
Emporia, Kansas 66801

MTC–00029673

Patricia Piester
12122 willow Lane, #1124
Overland Park, KS 66213
January 21, 2002
Judge Kolar Kottely
U.S. Department of Justice, Antitrust Division
Attention: Renata Hesse
601 D Street, NW, Suite 1200
Washington, DC 20530

Dear Judge Kottely,

The Federal government has been pursuing its case against Microsoft for 3 years and has spent $30 million of the hard-earned taxpayer's dollars in an effort to protect the consumer against Microsoft's perceived unfair business practices. The result has been confusion and no clear answers.

The Court of Appeals effectively put an end to this case by throwing out a break-up plan instituted by a lower court. This move was clearly in the right direction. We should follow their lead by putting an end to this case. Nothing good will come from dragging it out any longer at an even greater cost to taxpayers and consumers.

Instead, we must see action now in order to spur the American economic recovery we need, especially for our ailing technology industry.

Please support the proposed settlement in this case.

Thank you for considering my opinion on this case.

Sincerely,

Patricia Piester

MTC–00029674

January 25, 2001
Renate Hesse
Antitrust Division,
Department of Justice
Fax (202) 616–9937

To Whom It May Concern:

I am writing to express my support for the Department of Justice settlement in your case against Microsoft. I understand that you are close to a settlement and have asked for public input about this issue.

Our tax dollars are spread thin as well our governmental resources. Enough time and money has been spent on this case to come up with the current settlement. The settlement is impartial and the punishment fits the wrong.

My concern at this time is ''who'' will actually benefit from continuing this case against Microsoft, I believe it will be Microsoft's competitors and not consumers. The current settlement creates a stronger technology industry and consumers will be the overall winners. The case against Microsoft stands as an obstruction to progress. We are going through a war and economic recession. Refusing to settle and extending the campaign against Microsoft is technically out-of-date and just another reason for the country slow down. It is time to get back to work.

Thank you for your time and your efforts to settle US v. Microsoft as soon as possible.

Sincerely,

Jaye Stretesky
P.O. Box 2553
South Lake Tahoe, CA 96158

MTC–00029675

Renata Hesse
Trial Attorney; Antitrust
U.S. Department of Justice
601 ''D'' Street NW
Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

It has come to my attention that the Department of Justice has brokered a settlement with Microsoft that could end the government's anti-trust case against this company. I am very supportive of this.

I live in Kansas where our own Attorney General Carla Stovall has been. a leading advocate for the breaking up of Microsoft and has refused to join. the settlement of this case. I am very disappointed that the Attorney General who was elected to protect my interests continues to pursue this case.

The basis for this suit has always been a mystery to me. Microsoft creates great products that people want to purchase. Because the company is in tune with American consumers and is very innovated they have grown tremendously. This growth has benefited us through lower prices, a growing technology industry and a previously skyrocketing NASDAQ. If Attorney Generals like my own were really interested in protecting the public good they would join this settlement. Besides, it appears to me that those who sought to punish Microsoft are getting much of what they want in this agreement.

I urge you to accept this settlement.

Sincerely,

MTC–00029676

To: c/o Renata Hesse, Trial Attorney
Date: Sun Jan 27 21:39:18 CST 2002
Pages (including cover): 4
From: Rick Voland
Comments: Please oppose the proposed settlement in United States v. Microsoft Corporation.
2120 University Ave., Apt. 210
Madison, WI 53705–2343
January 27, 2002
Renata Hesse, Trial Attorney
Suite 1200, Antitrust Division
Department of Justice
602 D Street NW
Washington, DC 20530
fax (202) 616–9937

Dear Renata Hesse,

Thank you for this opportunity to comment on the United States v. Microsoft Corporation; Revised Proposed Final Judgement and Competitive Impact Statement. I write as an advanced user. I am not a programmer, but I rely on computers for my work and am very much concerned about preserving diversity, choice, and quality in computer software.

I am concerned about the power of Microsoft to coerce its competition. Microsoft paid money to both Corel and Apple when each company was desperate and Microsoft could control the terms. I am also concerned that Microsoft forces computer manufacturers to bundle Microsoft applications with the result that computer buyers now assume that Microsoft applications are part of Windows and are included at no cost. The settlement proposed by the Department of Justice would not cover either of these situations even thougt1 riley are clear examples of the power of Microsoft to coerce its competitors into less competitive postures.

In Apple Computer's 10K annual report for the fiscal year ended Sepbember 30, 2000 is the statement of an agreement between Apple Computer and Microsoft. ''Microsoft purchased 150,000 shares of Apple...preferred stock...for $150 million [p. 52]. Apple in turn agreed to limit computer production, and thus competed less against Microsoft.

In August 1997, the Company and Microsoft Corporation entered into patent cross licensing and technology agreements. In addition, for a period of five years from August 1997, and subject to certain limitations related to the number of Macintosh computers sold by the Company, Microsoft will make future versions of its Microsoft Office and Internet Explorer products for the Mac OS. Although Microsoft has announced its intention to do so, these agreements do not require Microsoft to produce future versions of its products that are optimized to run on Mac OS X. The Company will bundle the Internet Explorer product with Mac OS system software releases and make that product the default Internet browser for such Mac OS releases. [p. 24, ''SUPPORT FROM THIRDPARTY SOFTWARE DEVELOPERS,'' emphasis added] The same document discusses Apple Computer's continued dependence on CPU chips from Motorola [INVENTORY AND SUPPLY, pp. 22–23]. Apple Computer's new operating system, now known as Mac OS X, derives from Nextstep and Openstep purchased with NEXT, Inc. Both Nextstep and Openstep run well on CPU chips by Intel

or Motorola. I am writing this letter on an Intel PC minting Openstep 4.2. Even the bridging version between Openstep and Mac OS X (a developer-only release known as Rhapsody) ran on both Intel and Motorola CPU chips.

This cross-platform technology would have left Apple Computer far more flexible and competitive as Motorola continues to have manufacturing problems that leave Apple Computer with more marketing problems (the megahertz gap) and a more hazy future. Motorola chips currently cannot achieve the same clock speeds (megahertz) as CPU chips from Intel, AMD, etc. Consumers often choose computers on the basis of clock speeds, so they tend to discount Apple computers even though the Motorola chips accomplish more work than Intel chips for the same clock speed (the megahertz myth). Apple Computer has been aware of this situation for several years.

The statement that Apple Computer agreed to limit its production is not about Apple limiting its production of the Apple computers using Motorola chips. Apple agreed at that time to stop development of Mac OS X for Intel which would have been a far more serious competitor to Microsoft. A consumer could buy an inexpensive PC and replace the Windows operating system with Mac OS X for Intel. Mac OS X is derived from Unix and is known for great stability. Also, Mac OS X has special software development tools that would attract developers because individuals could complete aggressively with far larger software colt)orations. Mac OS X for Intel would have allowed Apple Computer to move from selling hardware (Macintosh Computers) and proceed to selling software only (Mac OS X) in the same way as NEXT, Inc. moved from selling hardware and software to selling software only. The investment by Microsoft in Apple was incidental. Apple Computer's real concern was that Microsoft threatened to cease development of Microsoft Office for Macintosh, leaving Apple Computer without a strong word processor and office suite. In return, Apple Computer agreed to make Microsoft Internet Explorer the default web browser, instead of Netscape. Macintosh computers don't use Windows, but they largely still depend on Microsoft Office, and Microsoft maintains a hold. Microsoft played one rival (Apple Computer) against Netscape, another rival.

In press release dated October 2, 2000, Corel, Inc. announced that Microsoft agrees to buy 24 million shares of Corel preferred stock at US $135 million. Corel now owns and develops WordPerfect, a competitor to Microsoft Word. WordPerfect was once a dominant word processor, but is now far in the minority. The DoJ Microsoft trial included evidence that Microsoft shipped flawed versions of the Windows 95 operating system to WordPerfect developers in order to leave WordPerfect a flawed product that could not easily compete with Microsoft Word. Also, Microsoft cultivates bundling agreements where PC manufacturers include Microsoft Word and other components of Microsoft Office with Windows computers so that consumers do not even think of purchasing WordPerfect. Then, when they upgrade their software, they continue to purchase Microsoft Word and do not consider WordPerfect. This agreement with Corel, has Microsoft offering .NET, a sort of networking server technology, to Corel. It is interesting that Corel now offers all its graphics products in versions optimized for the new Mac OS X, and advertises its cooperation with Apple. At the same time, it has ceased development of WordPerfect for Macintosh. WordPerfect for Linux exists and could be easily ported to the new Unix-based Mac OS X. This agreement between Microsoft and Corel looks like an agreement to dissuade Corel from continuing to compete agressively with Microsoft Word. Isn't perception an important part of this case?

Microsoft bundles many small applications with Windows that leave fewer opportunities for third-party competitors. Windows now includes image editing software that took away opportunties from Kodak. Kodak negotiated some new opportunties. Kodak now offers little support for Macintosh computers. The larger number of Windows computers is not a true measure of the market here. A large proportion of the images on the Internet were created with Macintosh computers. The graphics and desktop publishing industries still rely heavily on Macintosh computers, yet Kodak digital cameras offer far less support for Macintosh computers than for Windows computers.

Microsoft is now offering very inexpensive versions of its software to schools at prices far below even academic prices. Here at the University of Wisconsin-Madison, Microsoft Office is available at $25–30 for a fully functional suite, and Microsoft Windows 2000 at a similar price. In return, Microsoft often pressures schools to replace their server software with Microsoft products. These prices are attractive because they offer a product students want at an attractive price, but they leave server operators subject to pressures unrelated to product quality. Also, end users may find themselves with fewer opportunties because Microsoft server products do not interoperate well with non-Microsoft products. Microsoft has a history of adopting Internet standards and then releasing an ''enhanced'' version that only works with Windows computers. By the way, the DoJ uses an opensource product (OpenBSD) downloaded from Canada (www.openbsd.org) for its most sensitive communications that require the ultimate in security.

The proposed agreement (final judgement) between the US Department of Justice and Microsoft does not provide protections for Apple Computer or for developers of Linux and other opensource software (e.g., FreeBSD) that would compete with Microsoft products. Linux, FreeBSD, and Hewlett-Packard servers would face unfair competition as I describe in the previous paragraph. The DoJ proposal does not address these concerns. Please separate the Microsoft operating system and application (e.g., Word) divisions. Titus, I favor a breakup of Microsoft into at least two parts.

Thank you for your time and consideration.

Sincerely,

Rick Voland

MTC–00029677

MINDI COOK
4824 SW 98h Ter
Augusta KS 67010
January 21, 2002
Renata Hesse, Esq.
U.S. Department of Justice
Anti-trust Division
601 ''D'' Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I was truly glad to learn that the court was conducting a comment period during which I might write to express my views regarding the lawsuit currently being waged against Microsoft. I have been opposed to this lawsuit for quite some time for many reasons, including its high cost to American taxpayers, its apparent negative effect on the technological industry and general economy, and its attempts to over-monitor the business activities of an American company. If I could see that Microsoft was, in any way. threatening our free marketplace and driving up consumer costs, I might feel differently about the matter. But I see no indication that Microsoft has hurt the tech industry in any way. It makes me wonder who and what is really driving the campaign against Microsoft and I resent having to pay for a lawsuit that most likely serves the interests of Microsoft's competitors—not the American public.

We, the American people, need to have the court decide this matter in a manner that truly serves our needs -not the needs of a big business. In light of that fact, I ask the court to please accept the settlement proposed by President Bush's team and end this lawsuit as soon as possible.

Sincerely,

Mindi Cook

MTC–00029678

??
2825 Ya??cy St. SW
Seattle, WA 98126
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

I am writing you today to express my opinion in regards to the US vs. Microsoft settlement. I support Microsoft in this dispute and I believe this litigation is costly and will have adverse effects on consumers. I support the settlement that was reached in November and would like to see a permanent resolution to this dispute.

The settlement that was reached is reasonable and far more than sufficient to deal with the issues of this lawsuit Under this agreement, Microsoft must grant the same rights to all of the twenty major computer makers who want to install Windows on their machines, no matter how the companies configure the platform.

I think this witch hunt to try and make Microsoft the villain is going to have a detrimental effect on the business climate for now and the future. Please pick another battle .... like national security.

We are facing a lagging economy presently. We must do all we can to boost and stimulate our economy, Stifling Microsoft will not

accomplish this. Letting them go back to Washington State to develop more software will. Please support this settlement and allow Microsoft to get back to business.

MTC–00029679

Renata B. Hesse, Trial Attorney
Suite 1200,
Antitrust Division
U.S. Department of Justice
601 D Street NW
Washington, DC 20530–0001
Via Fax @ 202–307–1545

The undersigned is opposed to the proposed settlement in the Microsoft antitrust trial because the settlement does not fully redress the actions committed by Microsoft, nor substantially inhibit their ability to commit similar actions in the future, or most importantly, attempt to restore competition to this important market.

Furthermore, there are concerns regarding the fact that none of the provisions within the settlement effectively address Microsoft's abuse of its monopoly position in the operating system market. Even non-educated, non-technical citizens can recognize the absurdity and inequity of the requirement that consumers pay for a Microsoft OS on a new PC—whether it is wanted or not—and yet this most basic issue has never been addressed.

Perhaps most appalling is that the proposed settlement does nothing to address Microsoft's previous misdeeds. Software piracy or violations of the DMCA result in million of dollars in fines and potential incarceration, yet no penalties are stipulated in this settlement? it is equally disheartening that there are no provisions to address future abuses instead the settlement, from a technical perspective, appears to bolster Microsoft's expanding control of the Internet and other related areas, Letting the US government publicly reward criminal behavior simply makes a mockery of the law.

Microsoft's monopolistic practices cause the public to bear increased costs and deny them products and innovation that would otherwise be created because of competition. Consequently it is incomprehensible that obvious cost free measures, such as a requirement for the inclusion of Linux and dual-booting on all OEM PC's, is not even considered.

The finding that Microsoft was (and is) an abusive monopoly must be followed by specific, well-defined measures to address past practices and compensate those harmed by the abuses, In addition, substantial penalties and measurable sanctions are required to prevent future monopolistic abuses. Based on past history, it is even more crucial that strong constraints be placed on Microsoft to mitigate their proven propensity for illegal and unethical activities. The proposed settlement is clearly inadequate to serve its function and calls into question the United State's Judicial System's ability to appropriately perform its purpose. As such, it is respectfully requested that the entire matter be reconsidered in a public courtroom.

MTC–00029680

Elsie Zeurcher
1556 SW Santa Fe Lake Road
Towanda, KS 67144
January 24, 2002
Ms. Renata Hesse
Anti-trust Division
Department of Justice
601 ''D'' Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I understand that the Department of Justice is currently conducting a comment period during which members of the American public may express their opinions regarding the Microsoft anti-trust settlement proposed by the Bush administration. I am grateful to have this opportunity to voice my thoughts and would like to thank you in advance for your consideration of my views on this matter.

I firmly believe that the court should approve the settlement which I understand Microsoft has already agreed to accept. At this time in our nation, saving resources for homeland defense and taking steps to strengthen our economy should be at the top of the government's priority list. If the court agrees to the Microsoft settlement, thus ending this expensive and troublesome lawsuit, it will be appropriately addressing both of those pressing needs by: (1) freeing up resources for defense and (2) allowing one of our nation's most productive companies, Microsoft, to continue to generate health activity in the marketplace.

Please consider carefully the realities that face the United States today and approve the Microsoft anti-trust settlement. Thank you again for your consideration.

Best regards,
Elsie Zeurcher

MTC–00029681

Jim Morrill
2220 Casement Road
Manhattan, KS 66502–6628
January 21, 2002
Renata Hesse, Esq.
Trial Attorney, Anti-trust Division
Department of Justice
601 ''D'' Street NW, Ste. 1200
Washington, DC 20530

Dear Ms. Hesse:

I would like to thank the court for inviting the views and opinions of individual United States citizens regarding the Microsoft anti-trust lawsuit and proposed settlement, it seems only right that those of us on the front lines, paying taxes and supporting the economy, should have a voice in this matter.

Free trade is a cornerstone of American capitalism and I believe that the court has been attempting to protect our free trade through its pursuit of Microsoft. However, in spite of all good intentions, the court's efforts appear to have damaged free trade and enterprise instead of protecting it. As a result of the court's actions, Microsoft, one of our nation's most productive business giants, has been forced to pour untold resources into defendin9 itself against an ever-changing, never-ending lawsuit that has yet to establish that the company has harmed the marketplace in any way. In fact, as a result of Microsoft's commitment to improving technology, average American consumers now have access to affordable computer products that were out of reach to them only a decade ago. In the interest of free trade, the court should allow such a company to continue to generate products and business without undue interference.

Additionally, as the court makes its decision regarding the Microsoft settlement. I ask that it consider the amount of taxpayer money it will save by ending this expensive litigation. Too man.,,, hard-earned dollars have already been thrown at this dubious case. Acceptance of the proposed settlement will stop the bleeding and save American citizens further needless cost. I ask the court to make the decision that will truly protect free trade and best benefit the American public. Accept the settlement and end the Microsoft anti-trust case quickly.

Respectfully,
Jim Morrill

MTC–00029682

Logan Overman
632 Tara Court ?? Wichita ?? KS ?? 67206
Renata Hesse
Trial Attorney
US Department of Justice
601 D Street, N-W Suite 1200
Washington, DC 20530

Dear Attorney Hesse:

As an avid consumer of new technology products I am writing to express to you my support for the settlement of the Microsoft anti-trust lawsuit. There are many arguments why the case against Microsoft was an ill-founded decision. However, I feel the economic reasons are the most compelling.

The whole premise of the government's case has been that Microsoft was responsible for significant consumer harm. It is quite apparent this is not the case. Microsoft is the leading choice among consumers because they find its products to be of superior quality. Yet the government has spent millions of dollars prosecuting a case that the public does not support. The cost to the taxpayer has been staggering

The damage this case has caused to our nation's financial well-being goes beyond the wasting of public funds. This case and the government's threat of break-up have served as a deterrent to investment in the computer and communications industry. There are many contributing factors to the major decline of the NASDAQ, however, the threat of serious government intervention in our nation's fastest growing industry only added to the problem.

In an effort to end this case, DOJ and Microsoft negotiators have found enough common ground to reach a settlement. Based on my knowledge of the agreement this settlement is a solid one. Microsoft will be held responsible for portions of the complaint upheld in court and an independent commission will monitor its compliance with the provisions of the settlement.

The settlement of this case is a good indication that companies like Microsoft will be free to compete and grow in our open market. Both our economy and consumers will benefit.

Sincerely,
Logan Overman

MTC–00029683

Kristen Boulware
Renata Hesse, Antitrust Division
Public Comment
U.S. Department of Justice
601 D Street, NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

Finally, Microsoft and the U.S. DOJ have agreed upon a settlement of the marathon-style anti-trust suit against the company. I think that having nine states sign on to the deal proves its value.

From what I have read and heard about the proposed settlement that is pending your approval, it goes a long way toward what the DOJ wanted to accomplish, but does not completely tie Microsoft's hands in a way that they cannot compete. To me this makes great sense as a worthy compromise.

I am hopeful the judge will approve this settlement and allow all the case's participants to go back to doing business as they should.

Thank you.

Kristen Boulware
11780 West 118th Terrace
Overland Park, KS 66210

MTC–00029684

Ms. Renata Hesse
U.S. Department of Justice, Anti-trust
601 D Street Northwest, Suite 1200
Washington, DC 20530

Ms. Hesse:

I am writing to express my support for the Microsoft antitrust settlement propsed by President Bush and his administration.

While I appreciate the Department of Justice's concerns regarding the effects Microsoft creates in our marketplace, I believe the facts all point to this conclusion: Microsoft is not a threat to free trade. I believe the real threat in this matter lies in the exorbitant cost of continuing to pursue Microsoft in court.

I ask the court to please approve the proposed Microsoft settlement and put an end to this lawsuit.

404 Traders Ave
Fall River, KS 67047

MTC–00029685

Scalio, Inc.
Tel: (425)889–8553
Fax: (425)889–9303
6119 114th AVE NE
Kirkland, WA 98033
FAX COVER SHEET
Date:——/——/——Pages, including cover page:————
To:
Name:
Office Number:
Phone Number:
Fax Number:
From:
Name:
Office Number:
Phone Number:
Fax Number:
Note:
Ramon G. Pantin
From: ''Ramon G. Pantin'' <rgp@scalio.com>
To: <Microsoft.atr@usdoj.gov>
Cc: <rgp@veritas.com>
Sent: Sunday, January 27, 2002 11:59 PM
Attach: commenls-040.html
Subject: Microsoft Settlement

Dear Department of Justice representative,

Attached is an HTML document with my comments about the settlement proposed. I have included my background and contact information in that document.

Please feel free to contact me at:
rgp@scalio.com
or at home at:
425–889–1043
if you have trouble with the attached documents.

Sincerily,
Ramon G. Pantin

Introduction

My name is Ramon G. Pantin, I have been in involved in commercial Operating System development since 1989. I have worked on the design and implementation of a large variety of Operating Systems and system software (operating system components) including chronologically:

. IBM's AIX 3. I, AIX 3.2, AIX 4.1 and AIX 5.x UNIX operating systems for their RS/6000 product line (recently renamed eServer pSeries) as a consultant.

. Tandem's NonStop UX UNIX operating system for fault tolerant systems (as an employee of Tandem Computers).

. IBM's now defunct WorkPlace OS desktop operating system (successor to their OS/2 product)) (as a consultant and later as an employee).

. Microsoft's Windows NT4.0 and Windows 2000 (employed by Microsoft).

. ICCOS (a now defunct operating system) (employed at TagoSoft, Inc.)

. FreeBSD UNIX operating system (at TagoSoft, Inc and consulting for Shawn Systems, Inc).

. SUN's Network Filesystem V3 for Windows NT (as a consultant)

. SUN's PC/SKIP product for Windows NT (as a consultan0

. Impactdata/Megadrive/Data Direct Networks CDNA shared storage SAN file system (as a consultant and later as an employee)

. At Scalio, Inc developping storage management software for both Windows 2000 and UNIX systems.

. IBM's AIX 5.x UNIX operating systems for their RS/6000 product line (recently renamed eServer pSeries) as a consultant to Veritas Software making changes to AIX as part of an IBM/Veritas relationship.

I have also taught operating systems design classes at Universidad Simon Bolivar (Venezuela) in 1989 and professional system software classes, both for UNIX and Windows NT. I consider myself eminently well versed as a software enginner with 12 years of hands on operating system design and development.

The issues herein are of great importance to me and the industry that I am a participant of. I appreciate the opportunity to comment about the proposed settlement.

Below is a long list of comments. Each comment's name is of the form ''Comment X.Y'' where X is the major section of the proposed settlement within which the commented terms are discussed, and Y is simply a sequential number of the comments that I have written and it is actually independent of the acutal comment numbering within the proposed settlement itself. Each comment includes the appropriate reference to text in question within the proposed settlement document.

I am available for comment and clarification in any and all issues hereing, preferrably thorugh email, please contact me at:

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Sincerily,
Ramon Pantin
January 26th, 2002

Comment III.1

Section III.A reads:

''A. Microsoft shall not retaliate against an OEM by altering Microsoft's commercial relations with that OEM, or by withholding newly introduced forms of non-monetary Consideration (including but not limited to new versions of existing forms of non-monetary Consideration) from that OEM, because it is known to Microsoft that the OEM is or is contemplating:'' There are 3 problems with this section:

1. It allows Microsoft to withhold existing forms of non-monetary Consideration, because it only prevents witholding newly introduced forms;

2. Monetary considerations are explicitly excluded, they shouldn't be excluded.

3. Microsoft knowledge is irrelevant and hard to establish, that text only contributes to the ambiguity of this section. Section III.A should be not be constrained or qualified in these ways. It should be replaced with this text:

A. Microsoft shall not retaliate against an OEM by altering Microsoft's commercial relations with that OEM, or by withholding any forms of Consideration from that OEM, because the OEM is or is contemplating:''

Comment III.2

Section III.A.I reads:

''1. developing, distributing, promoting, using, selling, or licensing any software that competes with Microsoft Platform Software or any product or service that distributes or promotes any Non-Microsoft Middleware;''

There are 2 problems in this section:

1. Microsoft in the past has retaliated against OEMs that market products that compete against Microsoft products, not just Microsoft Platform Software. For example, Microsoft retaliated against IBM when IBM decided to pro-install its SmartSuite product (a product that competes directly with Microsoft Office) on its PCs, see Findings of Fact, paragraph 122 which reads: ''... Then, on July 20, 1995, just three days after IBM announced its intention to pro. install SmartSuite on its PCs, a Microsoft executive informed his counterpart at the IBM PC Company that Microsoft was terminating further negotiations with IBM for a license to Windows 95. Microsoft also refused to release to the PC Company the Windows 95 ''golden master'' code. The PC Company needed the code for its product planning and development, and IBM executives knew that Microsoft had released it to IBM's OEM competitors on July 17 ....''

2. The words ''any software that competes'' allow for retaliation against the development, distribution, promotion, use, sell, or licensing of any technology that competes against Microsoft technologies. Examples of such technologies, include but are not limited to: technical standards, open or proprietary protocols, services, hardware products, etc. Section III.A1 should be not be constrained or qualified in these ways. The existing Section III.A.1 should be left as part of the text and a new paragraph should be added to the list. Thus Section III.A.4 (a new paragraph) should be:

''4. developing, distributing, promoting, using, selling, or licensing any technology or product that competes with any Microsoft product, technology or service;'' Comment III.3

Section III.A.2 reads:

''2. shipping a Personal Computer that (a) includes both a Windows Operating System Product and a non-Microsoft Operating System, or (b) will boot with more than one Operating System; or'' Microsoft currently forbids OEMs, or it imposes Market Development Agreement penalities or it withholds Consideration from OEMs when they offer for sell Personal Computers without a Microsoft Operating System. Because of the earlier consent decree imposed on Microsoft, instead of requiring that every Personal Computer include a Microsoft Operatin System, Microsoft requires that for each model of Personal Computer offered by the OEM that each Personal Computer of that model be sold with a Microsoft Operating System. If this isn't done, Market Development Agreement penalties or Considerations are withheld from the OEM. Theoretically, the OEM is free to offer a model of Personal Computers for which it expects to sell such a high fraction of them without a Microsoft Operating System, that offering them in that way doesn't cause harm or competitive disadvantage to the OEM. In reality, node of the models of Personal Computers are expected to sell in any large enough percentage without a Microsoft Operating System, thus the OEM ends up paying for a Microsoft Operating System for each Personal Computer for each model that it offers, thus it is forced to always pay for a Microsoft Operating System.

Microsoft, additionally requires that the end user of the Personal Computer accept a license agreement, and the it indicates that if the license agreement is not accepted, that the Microsoft Operating System product should not be used and that the Personal Computer manufacturer should be contacted for a refund.

Because of Microsoft per unit per model royalty imposition on the OEM, the OEM has no incentive to provide such a refund to the end user and these requests are largely ignored by the OEMs thus resulting in end users that desire to purchase a Personal Computer to pay for a software licesnse for a Microsoft Operating System, even if they never use such a software. Given Microsoft's creativity in constraining OEMs in their business decisions, a broad based term should also be included. For example, Microsoft could technologically constraint the GEM from supporting non-Microsoft Operating Systems, for example by Microsoft imposing on the GEM technological standards that must be used in the Personal Computer design and because of intellectual property reasons the use of these standards prevent non-Microsoft Operating Systems from functioning on the Personal Computer (for example because Microsoft might have patents on the technology).

Section III.A.2 should be augmented with these subclauses to allow consumer to purchase Personal Computers without a Microsoft Operating System:

''2. shipping a Personal Computer that (a) includes both a Windows Operating System Product and a non-Microsoft Operating System, or (b) will boot with more than one Operating System, or (c) does not include any Operating System of any kind, or (d) includes a Windows Operating System Product and provides for the removal of the Windows Operating System Product during the startup of the Personal Computer, as long as the Windows Operating System has not been used by the consumer, and allows for a refund to be issued to the comsumer for the price of the operating system, or (e) in any way supports or provides non-Microsoft Operating Systems; or''

Comment III.4

Section III.A by virtue of enumerating the activities that the GEM ''is or is contemplating'' allows Microsoft to retaliate for any activities not explicitly enumerated in this list (III.A.1, III.A.2, III.A.3, etc). A broad term should be added that prevents Microsoft from any other cause for retaliation. Section III.A.5 should be added (Section III.A.4 was proposed to be added above in Comment III.2):

5. engaging in any lawful activity by any means by itself or in cooperation with any party.

Comment III.5

Section III.A in the fith paragraph (the paragraph under III.A.3) reads in its last two sentences: ''Microsoft shall not terminate a Covered OEM's license for a Windows Operating System Product without having first given the Covered GEM written notice of the reasons for the proposed termination and not less than thirty days'' opportunity to cure. Notwithstanding the foregoing, Microsoft shall have no obligation to provide such a termination notice and opportunity to cure to any Covered GEM that has received two or more such notices during the term of its Windows Operating System Product license.''

There are three problems with these sentences:

The time period of thirty days for cure is extremely short and would lead to unnecessary hardship on the OEM because of product distribution considerations (channel, distribution, resellers) that might require a constly product recall to be able to cure in thirty days. A period of at least 90 days is more appropriate. It is interesting to notice how terminating a Covered OEMs license and thus putting the OEM immediately out of the Personal Computer business is codified into this consent decree, when any restraint on Microsoft's illegal monopolistic behaviour requires (so far) years of litigation and continued complaints about how ''draconian'' such measures are.

2. The non-obligation to provide a termination notice can be used by Microsoft as a means of retaliation by not enforcing contractual terms on some OEMs while enforcing them on others, thus easily allowing for just two such notices to cure to be used as retaliatory means. The number of notices should be a function of time, for example 2 notices per year.

3. Microsoft should be required to enforce contractual terms in a non-discriminatory way across all OEMs, it should not be allowed to selectively enforce contractual terms because it would provide an easy retaliatory tool against the OEMs. Additionally, Microsoft must show that if it makes efforts to enforce certain terms, then it must enforce all terms across all OEM with equal effort, dilligence and strength.

4. The notion of termination notices, per se, is problematic, because termination notices might not even correspond to actual OEM behaviour but to misunderstanding between the parties or Microsoft's desires for retaliation against the OEM. Any such termination notice should be submitted to the Technical Committee for technical consideration, the Microsoft Internal Compliance Officer, and to all the Plaintiffs; together with detailed documentation of the non-discriminatotry enforcement by Microsoft of these and any other contractual terms across all Covered OEMs. This communication is important because it ensures that the antitrues enforcement parties are involved from the start when any such notice is given. Comment III.6

Section III.A, last paragraph reads:

''Nothing in this provision shall prohibit Microsoft from providing Consideration to any OEM with respect to any Microsoft product or service where that Consideration is commensurate with the absolute level or amount of that OEM's development, distribution, promotion, or licensing of that Microsoft product or service.''

These issues should be addressed:

1. Such Consideration should be offered to all Covered OEMs in a non-discriminatory basis.

2. The Consideration should be objectively measured according to established accounting practices.

3. The Technical Committee, the Microsoft Internal Compliance Officer, and all Plaintiffs should be informed and provided a copy of any and all such agreements and be allowed to requests additional documentation and conduct interviews related to the agreement.

Comment III.7

Section III.B, first paragraph reads:

''B. Microsoft's provision of Windows Operating System Products to Covered OEMs shall be pursuant to uniform license agreements with uniform terms and conditions. Without limiting the foregoing, Microsoft shall charge each Covered OEM the applicable royalty for Windows Operating System Products as set forth on a schedule, to be established by Microsoft and published on a web site accessible to the Plaintiffs and all Covered OEMs, that provides for uniform royalties for Windows Operating System Products, except that:'' Issues:

1. In the first sentence, where it reads ''... with uniform terms and conditions.'' it should read:'' .... with uniform terms and conditions and Considerations.'' Considerations established outside or after the license agreement has been entered should be communicated to the OEMs in a uniform manner. All agreements and Considerations should be provided to the Technical Committe, the Microsoft Internal Compliance Officer, and all Plaintiffs and these parties must be allowed to requests additional documentation and conduct interviews related to the agreements and Considerations.

2. Microsoft in the past has discriminated against OEMs and other Personal Computer manufacturers (for example Apple) by threatening to not make Microsoft products available on those manufacturers computers, for example Microsoft Office cancellation for Apple's Macintosh systems. Additionally, Microsoft has used the OEM prices of these non-Operating System products as a means to discriminate against OEMs. The prices and the offering of any Microsoft product to any Covered OEM for bundling with a Personal Computer should be nondiscriminatory and subject to uniform license agreements.

3. Volume discounts of groups of Microsoft Operating System Products and Microsoft non-Operating System Products should not be allowed, because it might lead to exclusion from the market of products that competed against the Microsoft non-Operating System Products. For example, group discounts for a bundle of Microsoft Windows XP and Microsoft Office; or Microsoft Windows XP and Microsoft Word (or Microsoft Excell, etc); or Microsoft Windows XP and Microsoft Works; must not be allowed.

Comment III.8

Section III.C reads:

''C. Microsoft shall not restrict by agreement any OEM licensee from exercising any of the following options or alternatives:''

This should read:

C. Microsoft shall not restrict by agreement or any other means any OEM licensee from exercising any of the following options or alternatives:

For example, Microsoft could, through verbal or written communication, or through the quality of service that it provides the OEM restrict the OEM, or threaten the OEM from exercising the alternatives. Microsoft has in the past retaliated against OEMs, particularly IBM and Gateway, as is described in detail in the Findings of Fact through means other than agreements. For example by witholding IBM participation in marketting programs, or threatening Gateway with sofware audits.

Comment III.9

Section III.C.1 and others enumerate:

''icons, shortcuts, or menu entries'' this list should be: icons, shortcuts, folders, appliactions, explorer hierarchies or menu entries

Comment III.10

Section III.C.1 ends in ''with respect to non-Microsoft and Microsoft products.'' This should be changed to read: ''with respect to non-Microsoft and Microsoft products or technologies that offer similar types of functionality.'' For example, the technology might be provided by a network service and not by a product installed in the Personal Computer, how the technology is provided should not be a reason for allowing Microsoft to retaliate or discriminate.

Comment III.11

In general, section III.C.1 and throughout the document, it is assumed that the only way to allow applications or software facilities to be used is through ''icons, shortcuts, or menu entries'', when in reality, applications/middleware can also be activated by associating it with particular types of data, and when such types of data are accessed, the application associated with it is activated. For example, when a file with a given extension is accessed, or when a URL is accessed over the interact, the type of the data is determined and the application associated with that type of data is activated. It is vital that such associations be allowed in a non-discriminatory basis between Microsoft and non-Microsoft technologies. For example, when a Internet audio URL is accessed, the media player associated with the data type is invoked to cause the audio to be decoded and played. It is not unsusual for multiple competing technologies, such as Microsoft Media Player, Real Networks and Apple's Quicktime media players to be capable of supporting the same data types, thus the preservation of the setting chosen by the user is important. Discrimination in this area has occurred in the past against both Apple's Quicktime and Real Network's Real Player. The document should be updated throughout to take into account this form of application activation through data type and file name extension associations.

Comment III.12

Section III.C.2 reads:

''2. Distributing or promoting Non-Microsoft Middleware by installing and displaying on the desktop shortcuts of any size or shape so long as such shortcuts do not impair the functionality of the user interface.''

The term shortcuts should be replaced with icons, because many types of items can be shown on the desktop and these are not limited to shortcuts. For example, applications, files, folders, etc.

Comment III.13

Section III.C.3 reads:

''3. Launching automatically, at the conclusion of the initial boot sequence or subsequent boot sequences, or upon connections to or disconnections from the Interact, any Non-Microsoft Middleware if a Microsoft Middleware Product that provides similar functionality would otherwise be launched automatically at that time, provided that any such Non-Microsoft Middleware displays on the desktop no user interface or a user interface of similar size and shape to the user interface displayed by the corresponding Microsoft Middleware Product.'' Issues:

1. The qualification: ''if a Microsoft Middleware Product that provides similar functionality would otherwise be launched automatically at that time'' is simply a form of restraint of trade. Microsoft usually doesn't lead in innovation, it follows, copies and bundles other's innovations into its products. It is unreasonable to require that Microsoft launch some software at a particular time to allow others to launch their software at that time. Usually some third party or OEM will developped these concepts and only later (much later sometimes) Microsoft will copy the concepts and include them in their versions of such functionality. The qualification should be removed.

2. The second qualification is also very unresonable, here Microsoft again thinks that it can dictate or retrain through its actions (or lack thereof the innovations of others. The qualification reads: ''provided that any such Non-Microsoft Middleware displays on the desktop no user interface or a user interface of similar size and shape to the user interface displayed by the corresponding Microsoft Middleware Product.'' Again, it is ludicrous that competing ISVs or OEMs be reatrained to only mimic Microsoft's actions when usually innovation happens the other way around. This qualification should be removed. Why should microsoft care about the size of the user interface? If the OEM creates a user interface that is too small, or narrow, or large, it doesn't cause any harm to Microsoft, only to the OEM in user dissatisfaction and support costs (none of which are Microsoft's concern given that it doesn't bare any of those costs, and given Microsoft's treatment of Hewlett Packard with respect to startup sequnce shells, it has shown that it doesn't care about those OEM costs).

3. The qualification ''if a Microsoft Middleware Product that provides similar functionality'' also allows for Microsoft restraint of other's innovations, the definition of Microsoft Middleware Product is particularly weak and full of escape clauses. The qualification should not be present at all.

4. The time qualification and enumeration of the circumstances and times under which launching can occur ''at the conclusion of the initial boot sequence or subsequent boot sequences, or upon connections to or disconnections from the Internet'' should also be removed. There are many reasons why lounching might be desireable at other times.

5. Launching of should not be restricted to ''Non-Microsoft Middleware'', any software should be allowed to be launched. Section III.C.3 should read:

3. Launching automatically, at the conclusion of the initial boot sequence or subsequent boot sequences, or upon connections to or disconnections from the Interact, or at any other time, any Non-Microsoft software is allowed without this being subject to any restraint from Microsoft. Mechanisms (APIs, Protocols, Facilities, etc) present in a Microsoft Operating System that aids launching of Microsoft software at particular times should be documented and allowed to be accessed by non-Microsoft software without restraint.

It should be noted that the original Section III.C.3 precludes the implementation of IAP sign up sequences, OEM shells, end user tutorials that are desired to be lounched at the initial and subsequent boot sequences. For example the OEM might present an IAP sign up sequence until such a time when the user as made such a selection or when the

user as indicated that it doesn't want to asked again in subsequent sign up sequences. The reason the Section III.C.3 precludes even the implementation in the initial boot sequence is because Microsoft can remove their own facilities from startup or from displaying a user interface, thus forcing the OEM to remove their facilities. Freedom of innovation and choice by the OEMs cannot be at the mercy of Microsoft's actions. For example, Microsoft might move such facilities to the second boot sequence and it might require that the system reboot after an initial boot sequence process, the OEMs would then not have the freedom to provide their facilities in the second boot sequence.

Comment III.14

Section III.C.4 reads:

''4. Offering users the option of launching other Operating Systems from the Basic Input/Output System or a non-Microsoft boot-loader or similar program that launches prior to the start of the Windows Operating System Product.''

This section should be augmented in this way:

4. Offering users the option of (a) launching other Operating Systems from the Basic Input/Output System; or (b) launching other Operating Systems from a non-Microsoft boot-loader or similar program that launches prior to the start of the Windows Operating System Product.; or (c) choosing to make a non-Microsoft boot-loader the default boot loader in the system; or (d) choosing to allow the end user to interactively direct the Basic Input/Output System or a non-Microsoft boot-loader or any other facility to remove a Microsoft Windows Operating System and to provide the Personal Computer owner to receive a refund for the cost of the Microsoft Windows Operating System from the OEM; or (e) to select a default Operating System that is a non-Microsoft Operating System, for example by allowing the default Operating System to start without user intervention after a timeout period; or (I3 any other form of restraint that might cause an OEM to not preload non-Microsoft Operating systems in theft Personal Computers (for example by having the Microsoft Operating System corrupt the disk occupied used by such non-Microsoft Operating Systems, or from denying supprt to OEMs for such product configurations, etc)..

Given the nature of existing restraints by Microsoft in this area, these additional clauses allow for less restraint by Microsoft on the OEMs actions.

Comment III.15

Section III.D reads:

''D. Starting at the earlier of the release of Service Pack 1 for Windows XP or 12 months after the submission of this Final Judgment to the Court, Microsoft shall disclose to ISVs, IHVs, IAPs, ICPs, and OEMs, for the sole purpose of interoperating with a Windows Operating System Product, via the Microsoft Developer Network (''MSDN'') or similar mechanisms, the APIs and related Documentation that are used by Microsoft Middleware to interoperate with a Windows Operating System Product. In the case of a new major version of Microsoft Middleware, the disclosures required by this Section III.D shall occur no later than the last major beta test release of that Microsoft Middleware. In the case of a new version of a Windows Operating System Product, the obligations imposed by this Section III.D shall occur in a Timely Manner.'' Issues:

1. The text ''via the Microsoft Developer Network (''MSDN'') or similar mechanisms'' allows Microsoft not to use the MSDN program which is broadly available and non-discriminatory, and allows instead for Microsoft to extract other agreements and conditions from the interested parties. The intent should by ''via the Microsoft Developer Network (''MSDN'') or successor developer program (if the MSDN program is discontinued or replaced by a new developer program, but such a program should be equally broadly available and equally nondiscriminatory as the MSDN program was on the earliest date the proposed consent decree was filled with the Court by Microsoft and the Plaintiffs).''

2. The text ''APIs and related Documentation'' should be extended to include ''APIs, related Documentation, Protocols, File Formats, Data Formats, Certification/Validation Component Signatures, and any other technological mechanism''.

3. The text ''that are used by Microsoft Middleware to interoperate with a Windows Operating System Product '', given the loose definition and the escape clauses that Microsoft can invoke in that definition, and given that Microsoft also markets a wide variety of non-Middleware software and hardware, the text should be corrected to require full disclosure of the use by these software and hardware products of Microsoft Operating System facilities. The proposed text is shown below.

4. The requirement that disclosure only occur in the case of a new major version of Microsoft Middleware allows Microsoft an easy exit from their documentation requirements. Microsoft has stated in fron of the District Court (Judge Jackson) that a sandwich would be part of the Operating System if they so dictated, clearly Microsoft cannot be trusted to name a release major or non-major, because to Microsoft it would be whatever they desire at such a time. Furthermore the mechanism of Major and first Minor point release numbers is highly ambiguous and maleable, certain Microsoft products don't even have a version number (Windows XP, Microsot .Net). In any case, whether a product release is major or minor should not be an excuse for non-diclosure, a small bug fix release wouldn't have many changes on interface use, so its documentation requirements would be proportional to the effort spent in the release development. If this restriction is not removed, facilities would remain undocumented, simply because Microsoft doesn't use them initially in their so called major release but instead only uses them initially in a minor release; or even more easily by making every release a minor release. Microsoft has shown in the earlier Consent Decree entered with the D.O.J. that it will take advantage in any ambiguity.

The new section should thus read:

D. Starting at the earlier of the release of Service Pack 1 for Windows XP or 12 months after the submission of this Final Judgment to the Court, Microsoft shall disclose to ISVs, IHVs, IAPs, ICPs, and OEMs, for the sole purpose of interoperating with a Windows Operating System Product, via the Microsoft Developer Network (''MSDN'') or successor developer program (if the MSDN program is discontinued or replaced by a new developer program, but such a program should be equally broadly available and equally non-discriminatory as the MSDN program was on the earliest date the proposed consent decree was filled with the Court by Microsoft and the Plaintiffs), the APIs, related Documentation, Protocols, File Formats, Data Formats, Certification/Validation Component Signatures (and Microsoft shall not restraint or deny such signature facilities or enablements, and any other technological mechanism that are used by Microsoft Middleware, Microsoft Application, Microsoft Hardware Products, or by newly introduced Microsoft Operating System features (that are similar to existing facilities available from third parties in the market) to intemperate with a Windows Operating System Product. In the case of a any new version of Microsoft Middleware or Microsoft Operating Systems, or Microsoft Application, the disclosures required by this Section III.D shall occur no later than the last major beta test release of that Microsoft Middleware. In the case of a new version of a Windows Operating System Product, the obligations imposed by this Section III.D shall occur in a Timely Manner.

Comment III.16

Section III.E should be augmented where it reads ''on reasonable and non-discriminatory tcrms'' to read ''on reasonable, non-discriminatory and non-royalty bearing terms.'' The imposition of per unit royalties as a condition to grant access to any Communication Protocol would allow Microsoft to exclude competitors from the market.

Comment III.17

Section III.E reads:

''E. Starting nine months after the submission of this proposed Final Judgment to the Court, Microsoft shall make available for use by third parties, for the sole purpose of interoperating with a Windows Operating System Product, on reasonable and nondiscriminatory terms (consistent with Section III.I), any Communications Protocol that is, on or after the date this Final Judgment is submitted to the Court, (i) implemented in a Windows Operating System Product installed on a client computer, and (ii) used to interoperate natively (i.e., without the addition of software code to the client operating system product) with a Microsoft server operating system product.''

There are many issues with this section:

1. Communication Protocols can be used for communication between two or more personal computers running a Windows Operating System Product installed on client computers. For example a client computer can share a disk drive so that its file are accessed to other client computers, such functionality doesn't require a Microsoft server operating system product. The ability to interoperate natively should not be

restricted to the Communication Protocols used to interoperate natively with a Microsoft server operating system product, for example a competing non-server client operating system might require to implement these protocols to be competitive. For example, both Apple's MacOS X client operating system and client versions of the GNU/Linux operating systems contain incomplete implementations of the file sharing protocols used by Windows Operating System). Section III.E shall apply equally to both client and server operating systems to allow them interoperate natively with Windows Operating System Products installed on client computers.

2. To circumvent the provisions in Section III.E Microsoft could do this in future (major or minor) releases of its Personal Computer Operating System Products: (a) do not include software that implements future revisions of a Communications Protocol with the Windows Operating System Product installed on a client computer; and (b) request from the Microsoft server operating system product the software that the client requies at first boot, each boot, or at under other circumstances. Thus Microsoft would have circumvented the requirements stated in Section III.E because there would be ''addition of software code to the client operating system product'' (which Section III.E.ii requires that it be ''without the addition of software code to the client operating system product''). By Microsoft implementing a new protocol (which it would not have trouble documenting to 3rd parties) that the client computer's Windows Operating System Product would use to request these addional software codes from a Microsoft server operating system product the circumvention would have been achieved. Thus by removing the existing components that implement existing Communications Protocols all kinds of Communications Protocols would thus be allowed to remain undocument in future releases of a Windows Operating System Product by Microsoft, thus denying the purpose of allowing native interoperability between other operating systems and Windows Operating System Products. Microsoft, through privave key signin and public key signature validation, Microsoft would be able to sign these software components to ensure their origins (Microsoft) and that they have not ben tampered, thus allowing every Communications Protocols to remain undocumented, including security protocols, filesystem protocols, transaction management protocols, etc. The intent of Section III.E is good because it is pro-competitive, but the actual terms easily allow Microsoft to circumvent that intent. Software is very maleable, terms used to describe it, such as: ''without the addition of software code'' are easily circumvented, for example by slicing the software and requiting thatthere be ''addition of software code'', this can be done easily and transparently (i.e. without knowledge by end user).

3. The word ''implemented'' is also used to describe the software, and can lead to arguments or circumvention from Microsof with respect to meaning.

4. The description of what is being made available is ambiguous. Instead of ''Microsoft shall make available .... any Communications Protocol'', it should be stated clearly what is being made available. A description of what should be made available is shown in the proposed revision to Section III.E below.

Section III.E should be replaced with:

E. Starting nine months after the submission of this proposed Final Judgment to the Court, Microsoft shall make available for use by third parties, for the sole purpose of interoperating with a Windows Operating System Product, on reasonable (without an up front fee and royalty free) and non-discriminatory terms (consistent with Section III.I), technical implementations for any Communications Protocol that is, on or after the date this Final Judgment is submitted to the Court, utilized by a Windows Operating System Product nstalled on a client computer to interoperate with (i) a Microsoft server operating system product, or (ii) a Windows Operating System Product. The means through which any such Communications Protocol shall be made available shall include:

(a) a non-fee based and non-royalty based patent license to any and all patents required by an implementation of fully featured, high performance, and interoperable client or server operating system product components that implement the Communication Protocols in question. The patent license can be limited to be for the sole purpose of interoperating with Windows Operating System Products installed on a client computers; and

(b) a non-fee based and non-royalty based license to implement the Communications Protocol in client and server operating system product components that are fully featured, high performance, and interoperable with Windows Operating System Products installed on a client computers. The protocol license can be limited to be for the sole purpose of interoperating with Windows Operating System Products installed on a client computers; and

(c) a technical discussion forum (mail list, newsgroup or web site) through which Microsoft will provide in a nondiscriminatory basis non-fee based technical support to ISVs that require support related to the Communications Protocol. Microsoft shall make its best efforts to provide such technical support. Microsoft shall provide subject to the Communication Protocol license the Communications Protocol specifications which shall be:

(d) the precise and complete set of specifications of the Communication Protocols (and their predecessors), such that based on it a competent third party software developper would be capable of implementing fully featured, high performance, and interoperable operating system product components that implement the Communication Protocols in question (without the need to perform any reverse engineering of any kind); or In the abscence of such a precise and complete set of specifications as described in Section III.E.a (above), or at Microsoft's choosing or by direction of the Technicall Committee, Microsoft shall provide instead:

(e) any and all specifications that Microsoft has of the Communication Protocols (and their predecessors); and the complete source code and build procedures of all the relevant client side components and implementations (for each Microsoft Windows Operating System Product) of the Communications Protocol in a form that these components can be compiled (i.e. translated from source code form into binary form) and linked (translated from object form into a binary executable form) by the third party to produce the exact same binaries of the native components in the Windows Operating System Product that implement the Communication Protocols. The license under which these component's source codes and build procedures would be provided to the third party would be only for reference and use only within the third parties premises for the sole purpose of implementing fully featured, high performance, and interoperable operating system product components that implement the Communications Protocol in question. No redistribution rights of any kind (in binary or source form) are required to be given to the third party.

Additionally:

(f) Microsoft shall continuously and proactively provide updates to the third party such that the third party can continue to implement fully featured, high performance, and interoperable operating system product components that implement the Communication Protocols in question as the corresponding Microsoft Windows Operating System Products implement new patents, versions or features of the Communications Protocol. These updates should be provided irrespective of how major or minor is the Microsoft Windows Operating System Product update that makes use of the Communications Protocol changes or patents. Microsoft shall provide these through addendums:

(i) to the licenses described in Sections III.E.a and III.E.b to cover new patents or protocol revisions or versions as appropriate; and

(ii) the specifications and implementations described or provided in Sections III.E.d and III.E.e as appropriate

Comment III.18

Section III.F.1.a reads:

''a. developing, using, distributing, promoting or supporting any software that competes with Microsoft Platform Software or any software that runs on any software that competes with Microsoft Platform Software, or'' Microsoft has shown that it retaliates against OEMs when they support now-Microsoft software in general, not just Microsoft Platform Software, for example the retaliation against IBM because of IBM's intent to bundle SmartSuite with their Personal Computers as can be seen in the Findings of Fact.

Section III.F.1.a should be expanded to read:

a. developing, using, distributing, promoting or supporting any software that competes with Microsoft Platform Software, Microsoft Operating Systems, Microsoft Application Software, Microsoft Hardware or any other Microsoft supported technologies or any software that runs on any software

that competes with Microsoft Platform Software, Microsoft Operatin Systems, Microsoft Application Software, Microsoft Hardware or any other Microsoft supported technologies; or

Comment III.19

Section III.F.2 reads:

''2. Microsoft shall not enter into any agreement relating to a Windows Operating System Product that conditions the grant of any Consideration on an ISV's refraining from developing, using, distributing, or promoting any software that competes with Microsoft Platform Software or any software that runs on any software that competes with Microsoft Platform Software, except that Microsoft may enter into agreements that place limitations on an ISV's development, use, distribution or promotion of any such software if those limitations are reasonably necessary to and of reasonable scope and duration in relation to a bona fide contractual obligation of the ISV to use, distribute or promote any Microsoft software or to develop software for, or in conjunction with, Microsoft.''

Issues:

1. Again, Microsoft retaliates against OEMs (IBM) to product Microsoft products other than its Operating Systems.

2. Allowing Microsoft to enter into agreements that ''place any limitations on ISV's development, use, distribution or promotion of any such software'' is an open ended means under which Microsoft can cause ISV's to act in manners that Microsoft desires. For example, Microsoft might extend the MSDN agreements with limited sublicensing of Microsoft patent pools and extract in exchange agreements from all 1SVs in the market to limit their development, use, distribution or promotion of any other software. The litigation to ensure that those limitations are not ''reasonably necessary to and of reasonable scope'' would probably take another 4 years of litigation. The Plaintiffs must remember that one of Microsoft's options at any time is to relly on the ambiguities of these terms and use them to realize their means, given that it has been shown that Microsoft has monopoly power int he x86 compatible Personal Computer market its retaliatory means must be reduced as much as possible.

Section III.F.2 should read:

2. Microsoft shall not enter into any agreement relating to a Windows Operating System Product, Microsoft Application Software, Microsoft Hardware or any other Microsoft supported technologies, that conditions the grant of any Consideration on an ISV's refraining from developing, using, distributing, or promoting any software that competes with Microsoft Platform Software, Microsoft Operatin Systems, Microsoft Application Software, Microsoft Hardware or any other Microsoft supported technologies or any software that runs on any software that competes with Microsoft Platform Software. Microsoft may not enter into any agreements that place limitations on an ISV's development, use, distribution or promotion of any such software for any reason.

Microsoft has more than enough resources to all the software development that it requires, if it has to felly on outside parties to do software development, it must do so without placing limitations.

Comment III.20

Section III.G.1 reads:

''G. Microsoft shall not enter into any agreement with:

1. any IAP, ICP, ISV, IHV or OEM that grants Consideration on the condition that such entity distributes, promotes, uses, or supports, exclusively or in a fixed percentage, any Microsoft Platform Software, except that Microsoft may enter into agreements in which such an entity agrees to distribute, promote, use or support Microsoft Platform Software in a fixed percentage whenever Microsoft in good faith obtains a representation that it is commercially practicable for the entity to provide equal or greater distribution, promotion, use or support for software that competes with Microsoft Platform Software, or''

These are the issues:

1. The text: ''except that Microsoft may enter into agreements in which such an entity agrees to distribute, promote, use or support Microsoft Platform Software in a fixed percentage whenever Microsoft in good faith obtains a representation that it is commercially practicable for the entity to provide equal or greater distribution, promotion, use or support for software that competes with Microsoft Platform Software'' allows Microsoft to extract agreements from these parties under which at least, by assuring itself of a 50% distribution, promotion or usage share it guarantees that no competitors technology can be bradly available on a large fraction of Personal Computers so that it can become a platform for cross-platform software. For example by ensuring that 50% of new Personal Computers don't include such software, Microsoft can ensure that such software doesn't obtain critical mass as a platform.

2. These kinds of allowances, given Microsoft's behavior, only serve to codify Microsoft's right to extinguish competition. It codifies the right and means through which Microsoft can cut other parties ''air supply''.

3. By restricting these terms to ''Microsoft Platform Software'' it allows Microsoft to enter other kinds of agreements in which the means to kill innovation and drive others off the market is by developping non-Platform Software, for example by developping Applications, giving them for free and forcing these parties to distribute them at 50% usage share. The whole exception should be removed and Section III.G.1 should read: G. Microsoft shall not enter into any agreement with:

1. any IAP, ICP, ISV, IHV or OEM that grants Consideration on the condition that such entity distributes, promotes, uses, or supports, exclusively or in a fixed percentage, any Microsoft Platform Software, Microsoft Operatin Systems, Microsoft Application Software, Microsoft Hardware or any other Microsoft supported technologies, or Furthermore, the agreement that Microsoft might enter might require that the OEM doesn't distribute certain non-Microsoft Sofware without actually requiring the distribution of Microsoft technologies. Thus a new clause should be added, Section III.G.3:

3. any IAP, ICP, ISV, IHV or OEM that grants Consideration on the condition that such entity refrains in any way or percentage from distributing, promoting, using, or supporting, any non-Microsoft software or technologies

Comment III.21

Section III.G.2 reads:

''G. Microsoft shall not enter into any agreement with:

2. any LAP or ICP that grants placement on the desktop or elsewhere in any Windows Operating System Product to that IAP or ICP on the condition that the IAP or ICP refrain from distributing, promoting or using any software that competes with Microsoft Middleware.'' Again the restriction is too narrow with respect to Microsoft's other means of distributing software, it should read:

2. any LAP or ICP that grants placement on the desktop or elsewhere in any Windows Operating System Product to that IAP or ICP on the condition that the IAP or ICP refrain from distributing, promoting or using any software that competes with Microsoft Middleware, Microsoft Platform Software, Microsoft Operatin Systems, Microsoft Application Software, Microsoft Hardware or any other Microsoft supported technologies

Comment III.22

Section III.G contains this, it is the second to last paragraph in the section: ''Nothing in this section shall prohibit Microsoft from entering into (a) any bona fide joint venture or (b) any joint development or joint services arrangement with any ISV, IHV, IAP, ICP, or OEM for a new product, technology or service, or any material value-add to an existing product, technology or service, in which both Microsoft and the ISV, IHV, IAP, ICP, or OEM contribute significant developer or other resources, that prohibits such entity from competing with the object of the joint venture or other arrangement for a reasonable period of time.'' Microsoft should be allowed to enter into these arrangements, but it should be allowed to require it to ''prohibits such entity from competing with the object of the joint venture or other arrangement for a reasonable period of time.''. Again, ''reasonable period of time'' is ambiguous and open ended, and non-compete clauses have no pro-competive role other than exclusionary when included in agreements by a Monopolist such as Microsoft. Joint development or joint services agreements should not be restricted in this manner. If an actual separate entity is formed, a joint venture that includes the incorporation or foundation of a separate independent legal entity, the entity in question could have non-competition restrictions placed on it, but not the shareholder companies themselves (i.e. Microsoft and the other party).

Comment III.23

Section III.G, last paragraph, reads:

This Section does not apply to any agreements in which Microsoft licenses intellectual property in from a third party. This statement, is very ambiguous and unqualified. The meaning of ''Microsoft licenses intellectual property in from a third party'' could easily mean that Microsoft products that include any third party intellectual propery are exempt from the

section. Most Microsoft products contain third party software, certainly its operating systems do (for example the Vcritas/Seagate backup software and the Veritas Volume Manager included in both Windows XP and Windows 2000; the BSD software included in Windows 2000 and Windows XP; the Mosaic sofware included in all version of Internet Explorer; the Java software included in Windows 2000 and Windows XP; the printing drivers and other device drivers from IHVs included in Windows 2000 and Windows XP; the amount of software licensed into these products is very large; etc). Additionally, there can also be other forms of intellectual licenses that apply to these and other products (for example licenses to use patents of third parties). If the clause is intended to mean something different from my interpretation, please explain what it is intended to mean, and what terms in that sentence ensures that only that meaning is allowed.

This sentence should be removed completely from this section. Alternatively, a sentence that says:

Where terms in this section would cause a third party who has licensed software or any other form of intellectual property to Microsoft to have its license agreement violated then the specific terms in this section that would cause such a license breach do not apply. Unless the third party, at its own discrtion, chooses to allow the specific violations under an agreement amendment. Violation of the license agreement means violation to the detriment of the interest of the third party and not violation to the detriment of Microsoft's interests. Additionally, Microsoft should proactively inform the Microsoft Internal Compliance Officer, the Technical Committee, and the Plaintiffs about the circumstances in question and provide, as priviledged communication and without violating the interests of the third party, all information required for their enforcement activities.

Comment III.24

Section III.H.2 (the first such section, there are two such sections in Section III.H) reads:

''2. Allow end users (via a mechanism readily available from the desktop or Start menu), OEMs (via standard OEM preinstallation kits), and Non-Microsoft Middleware Products (via a mechanism which may, at Microsoft's option, require confirmation from the end user) to designate a Non-Microsoft Middleware Product to be invoked in place of that Microsoft Middleware Product (or vice versa) in any case where the Windows Operating System Product would otherwise launch the Microsoft Middleware Product in a separate Top-Level Window and display either (i) all of the user interface elements or (ii) the Trademark of the Microsoft Middleware Product.''

These are the issues:

The text ''require confirmation from the end user'' should include statements that ensure that Microsoft will not act in a discriminatory or derrogatory manner in those confirmations. For example, Microsoft should not be allowed to include as part of that confirmation process: documentation, help, verbal communitation or any other means discriminatory or derrogatory statements. Examples of such statemetns are: ''By choosing this option, Microsoft voids the warranty of the product or disclaims its obligation to provide support. Microsoft has not tested this third party option, use at your own risk. Use of this option might cause data loss, corruption, etc.'' Microsoft has included messages in their products purposedly to cause third parties to not use non-Microsoft technology. The Windows 3.0 betas included messages similar to these when Windows realized that it was running on top of Digital Research's DR-DOS Operating System (instead of running on top of Microsoft's MS-DOS).

2. These statements: ''launch the Microsoft Middleware Product in a separate Top-Level Window and display either (i) all of the user interface elements or (ii) the Trademark of the Microsoft Middleware Product.'' allow for Microsoft to easily subvert the intent by not Trademarking the Microsoft Middleware (while allowing compound Trademarks suchs as ''Windows (R) Stuff'), by only showing all but one (1) of the user interface elements. The restriction to a separate Top-Level Window means that by providing it in a subwindow of an existing window on in a visually separate top level window that is controlled by a Microsoft non-separate or independent process, these escape clauses, again provide Microsoft with a a myriad ways to escape the intent of the clause. Additionally because of the software maleability the restriction to only Microsot1 Middleware Products should not apply.

Section III.H.2 (the first such section, there are two such sections in Section III.H) should read:

2. Allow end users (via a mechanism readily available from the desktop or Start menu), OEMs (via standard OEM preinstallation kits), and Non-Microsoft software and technologies (via a mechanism which may, at Microsoft's option, require confirmation from the end user in a non-discriminatory and non-derrogatory manner) to designate a Non-Microsoft software or technologies to be invoked in place of any Microsoft Middleware, Microsoft Application or any Microsoft Operating System feature that existed in the market as a third party product prior to Microsoft's incorpration of such a feature into its Operating System (or vice versa) in any case where the Windows Operating System Product would otherwise launch the Microsoft Middleware Product, Microsoft Applications or any such Microsoft Operating System.

Comment III.25

Section III.H.3 allows for ''(b) seek such confirmation from the end user for an automatic (as opposed to user-initiated) alteration of the OEM's configuration until 14 days after the initial boot up of a new Personal Computer''. Such confirmation must be sought through non-discriminatory and non-derrogatory means (as outlined in Comment III.23). Additionally such confirmation from the end user must allow the user to reject the continued request for this confirmation by providing an easily visible checkbox that indicates: ''would you like to be asked this question again in the future?'' if the user doesn't want this question to be asked in the future it selects the checkbox and the question is never asked again (and the current settings remain unchanged).

Comment III.26

Section III.H.3.2 (the second such section, there are two such sections in Section III.H) reads:

''2. that designated Non-Microsoft Middleware Product fails to implement a reasonable technical requirement (e.g., a requirement to be able to host a particular ActiveX control) that is necessary for valid technical reasons to supply the end user with functionality consistent with a Windows Operating System Product, provided that the technical reasons are described in a reasonably prompt manner to any ISV that requests them.''

Issues:

1. The ''designated Non-Microsoft Middleware Product'' term should be ''designated Non-Microsoft software or technology''.

2. Requirements to host a paricular ActiveX control must require that Microsoft proactively documents the interfaces of the particular Active) control, and doesn't prevent through signature or any other mechanism such hosting by the Non-Micorosft software or technology.

3. The ''provided that the technical reasons are described in a reasonably prompt manner to any ISV that requests them'' text shold read ''Microsoft must pro-actively and broadly (through the MSDN program and web sites) describe the technical reasons reasonable manner.'' Any such ''valid technical reasons'' must be communicated to the Technical Committee, the Microsoft Internal Compliance Officer and the Plaintiffs.

Section III.H.3.2 (the second such section, there are two such sections in Section III.H) should read:

''2. that designated Non-Microsoft software or technology fails to implement a reasonable technical requirement (e.g., a requirement to be able to host a particular ActiveX control) that is necessary for valid technical reasons to supply the end user with functionality consistent with a Windows Operating System Product, provided that the technical reasons and detailed and complete technical documentation and mechanisms (component signatures) are described in a reasonably prompt manner to all ISVs through the MSDN program or its successor. Addionally the valid technical reasons and any other information relevant to the reasons must be communicated to the Technical Committee, the Microsoft Internal Compliance Officer, the Plaintiffs and the ISVs in question.''

Comment III.27

The last paragraph of Section III.H.3 reads:

''Microsoft's obligations under this Section III.H as to any new Windows Operating System Product shall be determined based on the Microsoft Middleware Products which exist seven months prior to the last beta test version (i.e., the one immediately preceding the first release candidate) of that Windows Operating System Product.'' Issues:

1. Again this is tied to Microsoft Middleware Prodcuts, it should be replaced by the broader term.

2. When a technology ''exists'' can lead to ambiguity given that Microsoft might dictate that technology doesn't exist until it determines (at its sole discretion) that it exists. This ambiguity is not required.

The last paragraph of Section III.H.3 should be removed completely. Microsoft can introduce new Microsoft Middleware, Microsoft Applications, Microsoft Technologies, Microsoft Hardware at any arbitrary point in time after the release of an Operating System product. In so far as those Microsoft technologies alter user's preferences and default system settings, saving and restoring those settings sould be supported through an Operating System mechanism and user interface that allows for these settings to be manipulated.

Comment III.28

The first paragraphs of Section III.I reads:

''I. Microsoft shall offer to license to ISVs, IHVs, IAPs, ICPs, and OEMs any intellectual property rights owned or licensable by Microsoft that are required to exercise any of the options or alternatives expressly provided to them under this Final Judgment, provided that'' The text ''shall offer to license'' requires that licensing be offered, it doesn't require that it actually enter into such license agreements. The text should instead read:

I. Microsoft shall offer to license, and shall make its best effort to actually license, to ISVs, IHVs, IAPs, ICPs, and OEMs any intellectual property rights owned or licensable by Microsoft that are required to exercise any of the options or alternatives expressly provided to them under this Final Judgment, provided that

Comment III.29

Section III.I.1 reads:

''1. all terms, including royalties or other payment of monetary consideration, are reasonable and non-discriminatory;'' Allowing for per unit royalties or prohibitive up front licensing fees might prevent Microsoft competitors from actually being able to participate competitibly in the relevant product markets. This Section III.I.1 should read instead: ''1. all terms, are reasonable and non-discriminatory. Royalties or other payments of monetary consideration are explicitly forbidden from the temps when the intellectual property is to be used only for interoperation with a Microsoft Operating System product.'' For example such a license would not require royalties from a server Operating System to interoperate with a Microsoft Operating System for Personal Computers, but if the server Operating System makes use of the licensed intellectual property to interoperate with non-Microsoft Operating Systems for Personal Computers, then a royalty might be required by Microsoft.

Comment III.30

Section III.I.2 reads:

''2. the scope of any such license (and the intellectual property rights licensed thereunder) need be no broader than is necessary to ensure that an ISV, IHV, IAP, ICP or OEM is able to exercise the options or alternatives expressly provided under this Final Judgment (e.g., an ISV's, IHV's, IAP's, ICP's and OEM's option to promote Non-Microsoft Middleware shall not confer any rights to any Microsoft intellectual property rights infringed by that Non-Microsoft Middleware);'' XXX

Comment III.31

Section III.I.3 reads:

''an ISV's, IHV's, IAP's, ICP's, or OEM's rights may be conditioned on its not assigning, transferring or sublicensing its rights under any license granted under this provision;'' Not allowing the transferring or assignment of these parties rights under certain circumstances, for example under an acquisition, is inherently a form of discrimination. Given that the licenses are to be offered in a non-discriminatory fashion, it is important that such licenses once offered be available in the future and that the licensing not be restricted to a given period of time. If subsequent versions of technology become available, and new licenses are developped for that technology, the older licenses to the earlier technology should continue to be offered for the earlier verisions of the technology.

Comment III.32

The paragraphs immediately after Section III.I.5 reads: ''Beyond the express terms of any license granted by Microsoft pursuant to this section, this Final Judgment does not, directly or by implication, estoppel or otherwise, confer any rights, licenses, covenants or immunities with regard to any Microsoft intellectual property to anyone.''

Comment III.33

Section III.J.2.b reads:

''that the licensee:

(b) has a reasonable business need for the API, Documentation or Communications Protocol for a planned or shipping product,''

Microsoft shall not unreasonably dispute the licensee's assertions with respect to III.J.2.b, any individual member of the Technical Committee through direct communication with the prospective licensee can make a positive determination about the III.J.2.b requirement and inform Microsoft about its determination without any further Microsoft argument, dispute or delay about the prospective licensee meeting the III.J.2.b requirement (Court intervention shall not be required).

Section III.J.2.b should read:

(b) has a reasonable business need (as promptly and in a non-discriminating manner determined by Microsoft or any one individual member of the Technical Committee), for the API, Documentation or Communications Protocol for a planned or shipping product

Comment III.33

Section III.J.2.b reads:

''that the licensee:

(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business'' It should instead read: (c) meets reasonable, objective and non-discriminatory standards (proposed by Microsoft and promptly approved by the Technical Committe in consultation with the Plaintiffs) for certifying the authenticity and viability of its business, the actual determination of the actual authenticity and viability of the business can be made by Microsoft or any one member of the Technical Committee after taking into consideration legal consultation from the Technical Committee's legal staff

Comment III.34

Section J.2.d reads:

''that the licensee:

(d) agrees to submit, at its own expense, any computer program using such APIs, Documentation or Communication Protocols to third-party verification, approved by Microsoft, to test for and ensure verification and compliance with Microsoft specifications for use of the API or interface, which specifications shall be related to proper operation and integrity of the systems and mechanisms identified in this paragraph.''

The issues are:

1. Should be at Microsoft's expense, not the licensee's.

2. Verification should hot be performed by ''third-party verification, approved by Microsoft'' if such verification is required by Microsoft it should be done under staff hired by the Technical Committee and at Microsoft's expense and not through unknown for profit relationships and agreements between a third party and Microsoft. The intent of this section is for ''proper operation and integrity of the systems and mechanisms'', Microsoft should be satisfied with the Technical Committee staff performing these duties unless its goals are other than those expressed herein.

3. The text ''to test for and ensure verification and compliance with Microsoft specifications for use of the API or interface, which specifications shall be related to proper operation and integrity of the systems and mechanisms identified in this paragraph'' refers to to a ''Microsoft specifications for use of the API or interface'', these specifications shall be made available to the licensee

Section J.2.d should read:

(d) agrees to submit, at Microsoft's expense, any computer program using such APIs, Documentation or Communication Protocols to the Technical Committe for verification, to test for and ensure verification and compliance with Microsoft specifications (which Microsoft shall make available to the licensee) for use of the API or interface, which specifications shall be related to proper operation and integrity of the systems and mechanisms identified in this paragraph.

Comment IV.1 Section IV.A.2.a reads:

''a. Access during normal office hours to inspect any and all source code, books, ledgers, accounts, correspondence, memoranda and other documents and records in the possession, custody, or control of Microsoft, which may have counsel present, regarding any matters contained in this Final Judgment.''

This should be expanded to include electronic forms of communication in electronic form, not printed form, because it is extremely hard to sift through information, such as source code, in non-electronic form.

Section IV.A.2.a should read:

a. Access during normal office hours to inspect any and all source code, source code control systems, bug or defect databases, design documents, build procedures, binary codes, books, ledgers, electronic ledgers, electronic databases, accounts, correspondence, memoranda, newsgroups, discussions forums, web sites and other

documents and records in the possession, custody, or control of Microsoft, which may have counsel present, regarding any matters contained in this Final Judgment. Access to electronic forms of information shall be provided in electronic form and not in only in printed form.

Comment IV.2

Section IV.B.2 describes ''The TC members shall be experts in software design and programming.'' section IV.B.2.c reads:

''c. shall perform any other work for Microsoft or any competitor of Microsoft for two years after the expiration of the term of his or her service on the TC.''

Given that Microsoft competes in almost every software market conceivable, it is a strecth to request two years of non-compete agreement from the TC member. Two such years of non-compete could be provided only if Microsoft provides two such years of salary to the TC member with a yearly inflationary bonus adjustment per year.

Comment IV.3

Section IV.B.8.iii reads:

''(iii) obtain reasonable access to any systems or equipment to which Microsoft personnel have access;''

This should reads:

(iii) obtain reasonable access to any systems, services or equipment to which Microsoft personnel have access; services should include but not be limited to: authentication, file sharing, discussion forums, newsgroups, chat channels, source code control systems, bug/defect database systems, design management systems, document repositories, web sites, etc.

Comment IV.4

Section IV.D.4.d reads:

''d. No work product, findings or recommendations by the TC may be admitted in any enforcement proceeding before the Court for any purpose, and no member of the TC shall testify by deposition, in court or before any other tribunal regarding any matter related to this Final Judgment.''

This is one of the most egregious terms of the settlement. Given that the Technical Committee has hardly any actual enforcement duties, other than monitoring, and the Technical Committee actually being an impartial participant in the actual history of Microsoft's interaction with third parties and Microsoft's possible violations of settlement terms, it is astonishing that this term mandates that the actual work product of the Technical Committee not be admissible as evidence of the settlement enforment activities.

Microsoft deifnitely over-reached by requesting this, this shows Microsoft's true intentions (another 5 years without actual enforcement plus maybe another 5 of further litigation), Microsoft should be forced to accept instead the contrary of this term.

It is an interesting legal question if any documents related to presummed antitrust violations are made the work product of the Technical Committee, then by IV.D.4.d and those documents being unadmissible, then what other documents could be used to initiate Court proceedings by the plaintiffs without any such documents being alleged by Microsoft as being derived from the TC's unadmissible work. How could the plaintiffs promptly produce equivalent analysis without it being under this gag order?

Section IV.D.4.d must read:

''d. All work product, findings or recommendations by the TC must be admitted in any enforcement proceeding before the Court for any purpose, and any member of the TC is herein explicitly allowed to testify by deposition, in court or before any other tribunal regarding any matter related to this Final Judgment.''

If the Plaintiffs are not willing to mandate this rewritten IV.D.4.d they are engaging in blatant dereliction of duty of the antitrust enforcement offices and duties that they purport to serve.

Comment IV.5

Section IV.D.4.e reads:

''e. The TC may preserve the anonymity of any third party complainant where it deems it appropriate to do so upon the request of the Plaintiffs or the third party, or in its discretion.'' It should read instead:

''e. The TC must preserve the anonymity of any third party complainant upon the request of the Plaintiffs or the third party. Where the TC deems it appropriate to do so, and it has not ben requested, by the Plaintiffs or the third party, the TC in its own discretion it may preserve the anonymity of any third party complainant.''

Comment V.1

Section V.A reads:

''A. Unless this Court grants an extension, this Final Judgment will expire on the fifth anniversary of the date it is entered by the Court.''

The Final Judgement should last longer than five years. The actual initial antritrust violations by Microsoft occured more than five years ago and we are stiI1 without any form of remedy. The legal system works very slowly. By entering this Final Judgement, and Microsoft continuing its anticompetitive practices, it would probably take more than five years to resolve those further complaints. Given that the orignal D.O.J. vs Microsoft settlement that related to per computer unit licensing was ambiguous enough that it ended up being mostly ignored and full antritrust proceedings were required, it wouldn't surprise me if this agreement which is even more ambiguous and has many more loopholes means at Microsoft's disposal to circumvent its intent would not result in many more years of litigation without any real behaviour change on Microsoft's part.

Mandating an expiration only after Microsoft no longer has monopoly power in the market of Operating Systems for Personal Computers for Intel x86 or x86 compatible systems is more appropriate. Court proceedings or the under the parties agreement and Court supervision would be required for the settlement to expire, Otherwise a period longer than 5 years, at least 12 years should be mandated.

It must be observed how durable has Microsoft's monopoly been and that it was initially cemented through antitrust violations for which a Final Judgement with no teeth got the industry into its current state: 1.

Since the mid 80s it faced no competition. Through illegal competitive behaviour, it foreclose the market to then Digital Research's DR–DOS product (an atlernative to Microsoft's MSDOS). Microsoft has recently settled a separate antitrus suit by the current owner of the DRDOS assets (Caldera). These original violations animated the first consent decreed between D.O.J. and Microsoft 1995. That consent decree was determined to be ambiguous by the appellate Court in its allowance of integration, and a full antitrust lititgation ensued.

2. Even though Microsoft's technology significantly lagged behind the technical abilities of the systems (for example it took Microsoft 10 years to produce a quasi 32 bit operating system after x86 Intel 32 bit capable operating systems became available in the market) no other competitors could enter the market because Microsoft moved from per-unit licenses to persystem licenses for each model of system that the OEM manufactured (and this continued to exclude other vendors from the market). 3. The one significant threat that Microsoft has faced to its personal computer operating system monopoly has been the advent of the Internet with open standards and as a means for delivering applications from server computers (either through Java or directly as web applications) or through middleware based applications that could perform on Microsoft Operating System based personal computers or personal computers running other operating systems. This one threat has been completely erradicated from the market. Microsoft will continue to exclude Java as a viable Interact based application delivery mechanisms, because this Final Judgement doesn't mandata the allowance of interoperability of Sun's Java with Microsoft's Internet Explorer (the Top Level Window definition is purposedly design to make this impossible). Dereliction of duty now from the Plaintiffs would mean that even under the most blatant violations of antritrust laws and astonishing findings of fact, that Microsoft would escape with a Final Judgement that is too short and very weak from many perspectives. 12 years of enforcement seem the minimal time for market conditions to actually have another opportunity to arise and for actual market change to actually occur.

Comment V.2

Section V.B reads:

''B. In any enforcement proceeding in which the Court has found that Microsoft has engaged in a pattern of willful and systematic violations, the Plaintiffs may apply to the Court for a one-time extension of this Final Judgment of up to two years, together with such other relief as the Court may deem appropriate.''

The Plaintiffs in any enforcement proceeding shall not be limited to only one extension of two years. If the Plaintiffs cannot request as a remedy to future Microsoft's violations of this settlement, then it is not clear if the Court can actually mandate a remedy that is not being requested. Additionally, limiting the length of the actual extension at this time and as part of this settlement seems beyond belief given that any enforcement will require the Court participation because there is no actual real enforcement (other than monitoring by the Technical Committee with its work

product later bein unadmissible as court evidence and without the TC members being allowed as witnesses).

Section V.B should read:

B. In any enforcement proceeding in which the Court has found that Microsoft has engaged in a pattern of willful and systematic violations, the Plaintiffs may apply to the Court for an extension of this Final Judgment for up to ten years, together with such other relief as the Court may deem appropriate, which is hereby agreed by the parties that it is acceptable for it to be of any length as the Court deems appropriate.

Comment VI.1

Definition VI.A reads;

''A. ''Application Programming Interfaces (APIs)'' means the interfaces, including any associated callback interfaces, that Microsoft Middleware running on a Windows Operating System Product uses to call upon that Windows Operating System Product in order to obtain any services from that Windows Operating System Product.''

Issues are:

API refers to the interfaces that are used not only by Microsoft Middleware uses, but any other software uses. APIs are mostly used by regular applications, narrowing the definition of APIs to what Microsoft Middleware uses is a contorted way to allow even more freedoms of circumvention to Microsoft. For example for Microsoft to perform anti-competitive practices through undocumented interfaces that its applications use, but that Microsoft's Middleware doesn't use, thus excluding those APIs (by definition!) from being covered by this settlement. Amazingly, this definition proposed to define API to mean something other than Application Programmin Interface, do you see the word application? It is not Middleware Programming Interface! Simply amazing!

Definition VI.A should be replaced by the definition in the Final Judgement entered by Judge Jackson (definition 7.b):

A. ''Application Programming Interfaces (APIs)'' means the interfaces, service provider interfaces, and protocols that enable a hardware device or an application, Middleware, or server Operating System to obtain services from (or provide services in response to requests from) Platform Software in a Personal Computer and to use, benefit from, and rely on the resources, facilities, and capabilities of such Platform Software.

If another definition is adopted, it should be explained why it is different from the one proposed.

Comment VI.2

Definition VI.B reads:

''B. ''Communications Protocol'' means the set of rules for information exchange to accomplish predefined tasks between a Windows Operating System Product and a server operating system product connected via a network, including, but not limited to, a local area network, a wide area network or the Internet. These rules govern the format, semantics, timing, sequencing, and error control of messages exchanged over a network.''

Issues:

1. Given that Communication Protocols relevant to this settlement (given the proposed changes in other sections) also exist between two personal computers, the definition should reflect that.

2. The set of tasks between the parties in a protocol doesn't have to be predefined, there are protocols under which the parties actually sent pieces of arbitrary code to each other to perform actions that are arbitrary.

Definition VI.B should read:

''B. ''Communications Protocol'' means the set of rules for information exchange to accomplish tasks between a Windows Operating System Product and another operating system connected via a network, including, but not limited to, a local area network, a wide area network or the Internet. These rules govern the format, semantics, timing, sequencing, and error control of messages exchanged over a network.''

Comment VI.3

Definition VI.J reads:

''J. ''Microsoft Middleware'' means software code that

1. Microsoft distributes separately from a Windows Operating System Product to update that Windows Operating System Product; 2.

is Trademarked;

3. provides the same or substantially similar functionality as a Microsoft Middleware Product; and

4. includes at least the software code that controls most or all of the user interface elements of that Microsoft Middleware.

Software code described as part of, and distributed separately to update, a Microsoft Middleware Product shall not be deemed Microsoft Middleware unless identified as a new major version of that Microsoft Middleware Product. A major version shall be identified by a whole number or by a number with just a single digit to the right of the decimal point.''

This is a very astonishing definition of Middleware, nowhere does it talk about software that provides APIs to other software components, which is core to any definition of Middleware. The definition of Non-Microsoft Middleware (VI.M) does seem appropriate to what Middleware is. Definition 7.q in Judge Jackson's Final Judgement should be seen for a reasonable defintion of Middleware:

'''Middleware'' means software that operates, directly or through other software, between an Operating System and another type of software (such as an application, a server Operating System, or a database management system) by offering services via APIs or Communications Interfaces to such other software, and could, if ported to or interoperable with multiple Operating Systems, enable software products written for that Middleware to be run on multiple Operating System Products. Examples of Middleware within the meaning of this Final Judgment include Internet browsers, e-mail client software, multimedia viewing software, Office, and the Java Virtual Machine. Examples of software that are not Middleware within the meaning of this Final Judgment are disk compression and memory management.''

These notions in the VI.J ''Microsoft Middleware'' definition are astonishing:

''2. is Trademarked;'' other than to provide Microsoft another escape clause, this term adds absolutely no value. With this term as part of the definition, Microsoft can rename some component, not use an earlier trademark name for it, and voila! it is no longer Microsoft Middleware.

The notion of what Microsoft Middleware is certainly cannot be tied to the version number given to it! Something is what it is whatever the name used to refer to it. Something as arbitrary as a version number and as easily maleable as a version number certainly cannot be criteria to be used to determine what it is. Contract writting 101 should certainly tech any lawyers about this. It is interesting to pose these questions to the Plaintiffs:

What is the major version number of Office XP? What is the version number of Internet Explorer. NET? What is the version number of Outlook Express. NET? What is the version number of Windows XP, Windows CE, Windows ME, Winodows 95 OSR2? Widonws 95? Microsoft certainly can change interfaces, protocols, APIs, etc in a major, minor, service pack, hot fix, or any other packaging of its software. The names or version numbers of such software should not be used to determine what is contained by them.

Both of these (VI.J.2 and VI.J last paragrpah) should be removed from the definition. The term VI.J.4 seems to be there only for the purpose of allowing Microsoft to slice and recombine its software in such a way as to ensure that the user interface component be the one called the ''Microsoft Middleware'' and not the components that acutally perfrom the traditional Middleware functionality (see Jacksons definition above) of providing APIs to other software. It is very intereseting that Middleware is mostly not about user interfaces but about providing interfaces to other applications, applications that felly on the Middleware as a platform. Most Midleware doesn't have a user interface, if it has one it is incidental.

The term VI.J.4 should be removed.

After these adjustments, Defintion VI.J should just be:

J. ''Microsoft Middleware'' means software code that

1. Microsoft distributes separately from a Windows Operating System Product to update that Windows Operating System Product; and

2. provides the same or substantially similar functionality as a Microsoft Middleware Product; and

Comment VI.4

Definition VI.K reads:

''K. ''Microsoft Middleware Product'' means

1. the functionality provided by Interact Explorer, Microsoft's Java Virtual Machine, Windows Media Player, Windows Messenger, Outlook Express andtheir successors in a Windows Operating System Product, and

2. for any functionality that is first licensed, distributed or sold by Microsoft after the entry of this Final Judgment and that is part of any Windows Operating System Product

a. Internet browsers, email client software, networked audio/video client software, instant messaging software or

b. functionality provided by Microsoft software that

i. is, or in the year preceding the commercial release of any new Windows Operating System Product was, distributed separately by Microsoft (or by an entity acquired by Microsoft) from a Windows Operating System Product;

ii. is similar to the functionality provided by a Non-Microsoft Middleware Product: and iii. is Trademarked.

Functionality that Microsoft describes or markets as being part of a Microsoft Middleware Product (such as a service pack, upgrade, or bug fix for Internet Explorer), or that is a version of a Microsoft Middleware Product (such as Internet Explorer 5.5), shall be considered to be part of that Microsoft Middleware Product.''

The first issue with this definition is, what is the connection between VL.K.2 and the presumably subordinate VI.K.2.a and VI.K.2.b? The sentence under VI.K.2 seems incomplete, it should end in something like:

''* * * and that is part of any Windows Operating System Product, and is either:'' Other issues are:

1. Throughout the trial Microsoft and depositions (but not before litigation was brought into action) would not budge on its pretense incomprehension of what an Internet Browser is. They would only talk about browsing technologies but would react stupified to the notion of Integer Browsers, particularly their own, when they were referred to as ''the browser product.'' It is amusing and without any sign of legal thouroughness that the Plaintiffs have come to agree with Microsoft to a definition that uses the term ''Internet browser'' without actually providing a definition for such a term anywhere in the proposed Final Judgement. Not even what a Internet Browser is being agreed amongst the parties in the dereliction of duty that this document embodies.

2. Given that this section includes other disputed terms such as Internet Explorer, it sould seem to be important to include precise definitions about what these actual terms mean. Maybe when the Plaintiffs try to do this together with Microsoft they will realize that only contorted definitions such as the ones for API, Microsoft Middleware, Microsoft Middleware Product, etc. are arrived at.

3. Again software can be or stop from being a Microsoft Middleware Product depending on whether it is trademarked or not (which to no ones surprise is another contorted and unnatural definition by itself).

4. VI.K.2.b.i refers to ''distributed separately by Microsoft from a Windows Operating System Product'', that term should be precisely defined to mean what it seems to mean, because Microsoft having argued in court that a sandwich is part of Windows if they soley dictate so, then they surely would say that any code ''is distributed as part of a Windows Operating System'' even if the code is sent to the end user m a CD–ROM inside a sandwich not included in the Windows box, or more complexily and seriously, if it is sent to the user's system through a the Windows update process.

5. VI.K.2 seems to require that the functionality be ''part of any Windows Operating System Product'' but immediately and sub-ordinated to that clause it also says VI.K.2.b.i ''distributed separately by Microsoft from a Windows Operating System Product'' which seems to contradict the pre-requisite governing condition (it has to be both part of and not part of?.), that would be by necessity the empty set, because something cannot be both part of something and not part of something; thus redering the whole contorted VI.K definition sense-less.

06. The final paragraph on VI.K states that:

''Functionality that Microsoft describes or markets as being part of a Microsoft Middleware Product (such as a service pack, upgrade, or bug fix for Internet Explorer), or that is a version of a Microsoft Middleware Product (such as Internet Explorer 5.5), shall be considered to be part of that Microsoft Middleware Product.''

as some form of saving grace for the grotesquely constructed prior definition. Obviously, since the litigation started, Microsoft has described everything as part of Windows, so one should not wait standing for Microsoft to ever again market anything in their anticompetitive campaigns as not being part of Windows.

Definition VI.K should be replaced by:

''K. ''Microsoft Middleware Product'' means

1. the functionality provided by Internet Explorer, Microsoft's Java Virtual Machine, Windows Media Player, Windows Messenger, Outlook Express and their successors in a Windows Operating System Product, and

2. any functionality that is first licensed, distributed or sold by Microsoft before, on, or after the entry of this Final Judgment and that is later made part of any Windows Operating System Product, this shold include but not be limited to: Internet browsers, email client software, networked audio/video client software, instant messaging software; or

3. functionality provided by Microsoft software that

i. is, or at any time preceding the commercial release of any new Windows Operating System Product was, distributed separately by Microsoft (or by an entity acquired by Microsoft) from a Windows Operating System Product; or

ii. is similar to the functionality provided by a Non-Microsoft Middleware Product Functionality that Microsoft describes or markets as being part of a Microsoft Middleware Product (such as a service pack. upgrade, or bug fix for Interact Explorer), or that is a version of a Microsoft Middleware Product (such as Internet Explorer 5.5), shall be considered to be part of that Microsoft Middleware Product.''

Additionally, reasonable definitions of what these mean should be included as separate definitions: ''Internet Explorer, Microsoft's Java Virtual Machine, Windows Media Player, Windows Messenger, Outlook Express and their successors in a Windows Operating System Product''

Comment VI.5

The word product should be replaced by technology in definition VI.M because not all middleware is made available in a product form, some of it might be made freely available or under conditions or packaging that don't relate directly to it being a product:

''M. ''Non-Microsoft Middleware'' means a non-Microsoft software product running on a Windows Operating System Product that exposes a range of functionality to ISVs through published APIs, and that could, if ported to or made interoperable with, a non-Microsoft Operating System, thereby make it easier for applications that rely in whole or in part on the functionality supplied by that software product to be ported to or run on that non-Microsoft Operating System.''

It shold read:

''M. ''Non-Microsoft Middleware'' means a non-Microsoft software technology running on a Windows Operating System Product that exposes a range of functionality to ISVs through published APIs, and that could, if ported to or made interoperable with, a non-Microsoft Operating System, thereby make it easier for applications that rely in whole or in part on the functionality supplied by that software product to be ported to or run on that non-Microsoft Operating System.''

Comment VI.6

The requirement under VI.N.ii that:

''and (ii) of which at least one million copies were distributed in the United States within the previous year.''

Seems excessive, a more reasonable number of one hundred thousand copies is more appropriate because the benefits of the settlement can benefit nascent technologies and not just more established ones.

Comment VI.7

The definition under VI.O of OEM is self centered, to be an OEM, the OEM has to be a licensee of a Windows Operating System Product. How do new OEMs come to be if Microsoft refused to license its products directly or uses intermediaries not under its ownership control but under agreement control to do actual sublicensing? The definition of an OEM should be independent of whether they at any given point in time they have a direct license from Microsoft (instead of purchasing the product in the channel like smaller OEMs do). The definition of Covered OEM already takes care of them being licensees.

''O. ''OEM'' means an original equipment manufacturer of Personal Computers that is a licensee of a Windows Operating System Product.''

Should be:

O. ''OEM'' means an original equipment manufacturer of Personal Computers.

Comment VI.8

Definition VI.Q reads:

''Q. ''Personal Computer'' means any computer configured so that its primary purpose is for use by one person at a time, that uses a video display and keyboard (whether or not that video display and keyboard is included) and that contains an Intel x86 compatible (or successor) microprocessor. Servers, television set top boxes, handheld computers, game consoles, telephones, pagers, and personal digital assistants are examples of products that are not Personal Computers within the meaning of this definition.''

The only concern here is if:

television set top boxes, handheld computers, game consoles, telephones, pagers, and personal digital assistants are constructed from Intel x86 or x86 compatible

processors and Microsoft offers a version Windows for them that allows any software designed for Personal Computers to work on those systems, then what those products would be are:

x86 Personal Computer based handheld personal computers; or

x86 Personal Computer based personal digital assistants; or

x86 Personal Computer based personal game consoles; etc

For example today Microsoft offers a fully functional Personal Computer as its game console, the Microsoft Xbox. If Microsoft were to offer Windows XP for that system, it would not only be a game console but also a fully function Personal Computer. Under those circumstances it should not be excluded from the definition.

Comment VI.9

Defintion VI.R reads:

''R. ''Timely Manner'' means at the time Microsoft first releases a beta test version of a Windows Operating System Product that is distributed to 150,000 or more beta testers.'' Without actual evidence about the actual size of the MSDN subscription base, it seems safer to rewrite this. Addtionally because of naming issues, the term ''beta test version'' should be expandded into its meaning:

''R. ''Timely Manner'' means at the time Microsoft first releases a release version of a Windows Operating System Product through its MSDN developper program solely for the purpose of developper testing and not intended for end user use for reasons other than for testing. If Microsoft plans multiple such test releases, then Timely Manner shall means the release time of a test release that is at least one year away from the product's final availabilty to OEMs for pre-installation or for consumer retail purchase, whichever is earlier.''

Comment VI.10

Defintion VI.S reads:

''S. ''Top-Level Window'' means a window displayed by a Windows Operating System Product that (a) has its own window controls, such as move, resize, close, minimize, and maximize, (b) can contain sub-windows, and (c) contains user interface elements under the control of at least one independent process.''

This definition is purposedly constructed to prevent:

1. An alternative Jave Virtual Machine (for example from Sun Microsystems) from being invoked when Java Applets are invoked through a web page because the window controls are the window controls of the Internet Browser and the Java Applet executes within the same window. By Microsoft using this defitintion to condition where it allows non-Microsoft Middleware to be invoked it controls the most important way for Java application execution (i.e. under a more complex web based application). Thus Microsoft having killed Netscape Navigator's viability proceeds to deny Java the remaining vehicle that it could have enjoyed under this settlement, i.e. under Interact Explorer. Of course the Plaintiffs do nothing other than acquesce under this settlement either because of dereliction of duty or blatant technical misunderstanding of the issues involved.

2. For example, the ''live chart'' stock quotes provided (through Java applets) by www.quote.com or the Chess application provided (Java applet) by www.chessclub at

http://www.chessclub.com/interface/java.html

http://queen.chessclub.com/sji/index.html

Would simply continue to run under Microsoft Java Virtual Machine and not under Sun's Java Virtual Machine when installed on the same system and with all the provisions of the settlement fully implement (and without any Microsoft violation of the terms whatsoever).

Thus Microsoft gets to reap the fruits of its anti-competitive camapaign without having actually conceeded anything of substance for non-Microsoft Middleware as it relates to Microsoft's Internet Explorer. The same will occur with network video and audio formats because Microsoft will make its players not start on a Top Level Window thus taking control of audio and video formats of Real Networks players even when the end user has choosen otherwise under the provisions of this agreement.

The notion of Top Level Window must be extricated from the settlement and Microsoft should allow invocation of ActiveX based components of the non-Microsoft Middleware under all circumstances, in a manner similar under which today third party software is invoked under a non Top Level Window and displayed within the Internet Explorer window without a problem (for example see how Adobe's Acrobat Reader is displayed under a non-Top Level Window). Microsoft has done already all the technical work in this area, an it is now only putting contractual road blocks to all these natural forms of invocation of non-Microsoft Middleware.

Comment VI.10

Definition VI.T reads:

''T. ''Trademarked'' means distributed in commerce and identified as distributed by a name other than Microsoft?? or Windows?? that Microsoft has claimed as a trademark or service mark by (i) marking the name with trademark notices, such as ?? or ??, in connection with a product distributed in the United States; (ii) filing an application for trademark protection for the name in the United States Patent and Trademark Office; or (iii) asserting the name as a trademark in the United States in a demand letter or lawsuit. Any product distributed under descriptive or generic terms or a name comprised of the Microsoft?? or Windows?? trademarks together with descriptive or generic terms shall not be Trademarked as that term is used in this Final Judgment. Microsoft hereby disclaims any trademark rights in such descriptive or generic terms apart from the Microsoft?? or Windows?? trademarks, and hereby abandons any such rights that it may acquire in the future.''

The main issue throughout this proposed settlement with respect ot Trademarks is that software is what it is irrespective of what it is called. The definitions of Microsoft Middleware and Microsoft Middleware Product where conditioned with them being trademarked (under this definition) as a means to provide Microsoft and escape clause to make the no longer Microsoft Middleware (and Microsoft Middleware Products). That concept should completely go away. If it doesn't then the defintion of Trademarked shold be exactly the legal defintion understood under the law and not this one.

Comment VI.11

Defitions VI.U reads:

''U. ''Windows Operating System Product'' means the software code (as opposed to source cede) distributed commercially by Microsoft for use with Personal Computers as Windows 2000 Professional, Windows XP Home, Windows XP Professional, and successors to the foregoing, including the Personal Computer versions of the products currently code named ''Longhorn'' and ''Blackcomb'' and their successors, including upgrades, bug fixes, service packs, etc. The software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion.''

The list must also include Windows 95, Windows 98, Windows SE, Windows ME (collectively known as Windows 9x) and Windows NT 4,0 and all their service releases. The current installed base is mostly made out of these products. By purposedly excluding them Microsoft and the Plaintiffs allow Microsoft to continue to prevent non-Microsoft Middleware from fairly competing in the broad installed base and forces competition to only occur under Microsoft's controlled evolution of the market. It does so by not allowing competition from the broad installed base by not affording the benefits of the settlement to that gigantic installed base (i.e. all the versions of Windows 9x).

MTC–00029686

P.O. Box 369
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing you today to express my opinion in regards to Microsoft. I fully support the settlement that was reached in November. In my opinion, the litigation that has continued for the last three yearn is a waste of precious resources that should be focused on more important issues. I am chagrinned that many state Attorneys General have continued suing Microsoft. I sincerely hope there, will be no further action against Microsoft at the federal level.

This settlement is fair and reasonable. Microsoft has agreed to carry out all provisions of this agreement, Under this agreement, Microsoft remains together as a company, while following procedures; that will make it easier for companies to compete. Microsoft has agreed to disclose information about certain internal interlaces in Windows;. Furthermore, Microsoft agreed to, disclose any protocols implemented in Windows'' operating system products.

This settlement will benefit the economy and the technology industry as a whole. Please support this settlement so this dispute, can finally be resolved. Thank you for hearing my opinion.

Sincerely,

MTC–00029687

January 24, 2002

Attention: Renata Hesse
U.S. Department of Justice.
Antitrust Division
601 D Street NW Suite 1200
Washington, DC 20530

Deal Ms. Hesse

Though I am a current member of the Kansas ago Board of Education, I am writing this letter personally and not as a representative of the Kansas State Board of Education. Before you is a fair proposal for settlement of Microsoft case. In a sincere a??empt to close the door on a highly publicized legal embattlement, Microsoft offers to reveal technical information to comp??titors, enabling other companios to write software that actually works with Microsoft's operating products. Microsoft even offers, at its own expense, a failsafe in the form of an impartial review board which will have clearance to every facel of Microsoft's business dealings. This means software customers will have the ability to smoothly access competing software products on the same desktop, just like they are part of Microsoft Office.

Though Microsoft may surely have hoped for a solid win in this case, Bill Gates himsel recently recognized that accepting the strict rules and regulations imposed by the settlement is ''the right thing to do'', benefiting the consumer, the tech sector and the economy. We may hate to admit it, but Gates is right again. Settlement is the right thing to do. Thank you for your consideration of my opinions.

Sincerely,
Dr. Steve Abrams

MTC–00029688

January 27, 2002
Attorney General John Ashcroft
US Department of Justice
Washington, DC 20530

Dear Mr. Ashcroft,

I would like to express my appreciation to the Justice Department for allowing we as Americans to comment on the Microsoft antitrust case. I am a part of the tech industry and am in favor of the settlement in its current form.

I would like to express how happy I am with Microsoft products. Microsoft ha3 changed the way Americans do business. I think most Americans believe that the terms and conditions of the settlement are decent and just, and they are right. The settlement covers all sorts of parts of Microsoft's operation, from business practices to design changes.

Please use your power to end this case in an expeditious manner. It will benefit the country and the IT industry if you do so.

Sincerely,
Dean Martin
Co: Representative Tammy Baldwin

MTC–00029689

Jim Atkins
5569 Pinebrook Lane
Winston Salem, NC 27105
January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am amongst those who believe that the Microsoft antitrust case should have never gone to trial. Nevertheless 1 would like you to support the settlement that was achieved in this case. Continuation of this case would be harm fid to Microsoft, and needlessly cost the Justice Department money in a time of a dwindling government surplus.

Justice Department officials have approved and agreed to the settlement in this case. The settlement will make it easier for non-Microsoft software to be installed on Microsoft platforms, giving competitors a better opportunity to offer their products to the public. However for some opponents of the settlement this is not adequate. It must be kept in mind that special interests will pressure officials to have this case re-opened.

I appreciate you taking the time to review my views on this issue. Once again I would like to stress to you my belief that this cage has undoubtedly become protracted and should be terminated. Please back the settlement.

Sincerely,
Jim Atkins
cc: Representative Mel Watt

MTC–00029690

Michael DiBello
15 Orchard St.
Syosset, NY 11791–2712
January 26. 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I feel that the settlement made between Microsoft and the Department of Justice is reasonable and that the litigation against Microsoft needs to be brought to an end. The money and time that has been spent on this suit doesn't seem to be worth what will be gained if this continues. The terms of the settlement, if finalized, will open up competition to other companies, which will in turn benefit the consumer, Not only will there be more choice but also hopefully there will also be more reasonable prices. Because of the terms of the settlement, Microsoft is going to have to make Windows internal code available to other companies so they can design their software to be compatible. Microsoft will be reimbursed for this, which is fair for all sides involved.

Overall I feel that the settlement should stand the way it is and that any further litigation against Microsoft would prove to be wasteful. Thank you for allowing me the opportunity to express my opinions.

Sincerely,
Michael DiBello

MTC–00029691

January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft.

The Department of Justice was absolutely wrong in wanting to slice Microsoft into separate parts. Three years have produced public resentment and gravely hurt the computing Industry, all for the benefit of those who won't ever be able to compete with Microsoft. The settlement Microsoft agreed to with the federal government must go forward. It is more than generous, and is obviously better than forcing Microsoft back into court, where the only winners are the attorneys representing both sides of this case.

Microsoft concedes to give up more than enough to promote far more competition among the computer makers and software developers who want a more level playing field. Agreeing to open Windows for further application development, Windows and non-Windows alike, will produce far more innovations than ever before, and will show the consumer that they are not at the whim of this industry giant, creating more individually-based options and configurations.

I urge the Department of Justice to see to it that Microsoft is given unprejudiced consideration by allowing them to return to business NOW. Do not continue to waste the incredible innovation and efforts of Microsoft, by choking them in more court proceedings. They have been the most industrious and prolific business since that of Ford Motors. The ramifications are far reaching, for the better good, by supporting the position of this settlement with Microsoft.

MTC–00029692

Mr. Todd Kangas
21800 Dempsey Rd
Leaven worth, KS 66048
U.S. Department of Justice, Antitrust Division
C/O Renata Hesse
601 D Street, NW, Suite 1200
Washington, DC 20530
January 38, 2002

Dear Ms. Hesse:

I would like to share a few thoughts of mine about the Microsoft case that you are currently reviewing as pan of the public comment period for the suit. Microsoft and Bill Gates have paid their penance. Throughout this case, Microsoft has been portrayed as an evil corporate citizen, but in my opinion this accusation does not stand up to reality.

In addition to Microsoft's corporate giving, Bill Gates has established the largest charitable foundation in the world. This foundation is making significant progress by donating hundreds of millions of dollars every year to assist in feeding the hungry in third world countries, preventing diseases, and educating youth in America. Lets put an end to this lawsuit and allow the success of Bill Gates and other high-tech entrepreneurs continue to, not only boost the economy of our country, but to aid to the underprivileged worldwide through charitable giving.

Sincerely,
Todd Kangas

MTC–00029693

Kenneth R. Sone
195 N Harbor Drive Apt. 5307
Chicago, IL 60601
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW

Washington, DC 20530
Dear Mr. Ashcroft:

I want to take a moment to give my feelings on the settlement reached last year between Microsoft and the Department of Justice. I believe the settlement is fair to both sides and should continue t6 be supported by the federal government.

The settement is exlensive aggressive, and covers all the issues that were m dispute. Microsoft has agreed to many concessions for the ??ake of wrapping up this suit and moving forward One example is Microsoft agreeing to document and disclose for use by its competitors various interfaces that are internal to Windows'' operating system products. This is a first for an antitrust settlement and reveals the strength of the agreement on the government's part.

I believe settling this case and ending the litigation can only help the economy during this difficult period. It will bring some certainty to the computer industry and lessen the uncertainty about where the litigation may he heading I commend your office for the efforts so far and hope your support for the settlement remains strong.

Sincerely,

MTC–00029694

FAX
DATE: January 28, 2002
TIME: 9:00 AM
ATTENTION: Attorney General John Ashcroft
COMPANY: US Department of Justice
FAX NUMBER: (202) 307–1454
FROM: Glenn R. Hasman
SUBJECT: Microsoft
NUMBER OF PAGES: 2 (including this cover sheet)
8797 Treetop Trail
Broadview Heights, OH 44147
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

This is to give my approval to the ending of the antitrust case brought against Microsoft. In my opinion, it has gone on far too long and we need to get back to business. We talk about the economic downturn but keep the one company that could probably pull us out of it, tied up in litigation.

From what I understand of the agreement, Microsoft has been more than fair in trying to settle this case. Microsoft has agreed to terms that go far beyond the products and procedures that were actually at issue in the original case; Microsoft has agreed to grant computer makers broad new rights to configure Windows so as to promote non-Microsoft software programs. Microsoft has further agreed to design future versions of Windows with a mechanism to make it easier to promote non-Microsoft software.

It is in the best interests of America, and the world, if we put this case behind us and get back to business. Please give your support to this agreement.

Sincerely,
Glenn R. Hasman

MTC–00029695

1–28–02
Ms. Renata B. Hesse
Please approve the microsoft settlement.
Harry Westenberg
13008 W. Willow Creek
Huntley, IL
60142

MTC–00029696

PO Box 135
Monterey, MA 01245
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Attorney General Ashcroft:

I would like to take this opportunity to express my personal opinion about the government's role in Microsoft's freedom to innovate The United States Department of Justice and Microsoft reached an agreement at the beginning of this past November and that is where the litigation should end. The settlement was fair; allowing Microsoft to continue doing business while allowing competitors to sue Microsoft if they do not think the company is complying with the agreement.

I believe no more litigation should be enacted at the federal level. With a reasonable settlement already reached, further action by our government would only waste more time and money. !n this time of economic recession, these resources could be used in a much more productive manner In these trying times, we need to support our homeland companies and allow them to continue providing high quality products to the marketplace both nationally and internationally. This settlement allows our companies to actually return to the success that the IT industry enjoyed four years ago. Microsoft will now be making future versions of Windows that will include a way to greatly simplify the process of adding arid removing non-Microsoft programs from the Windows operating system.

In a battle that already has been fought and won, I believe it would be in our best interest not to continue suing Microsoft at the federal level Let us get our economy back on track and start supporting products and companies that me made in the USA. Thank you for you time.

Sincerely,
J.T. Buchar

MTC–00029697

3312 Zimmer Road
Williamston, MI 48895
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I was quite pleased to learn that the federal government and Microsoft reached a settlement in their three-year anti-trust lawsuit. I am hopeful that this settlement will become final in the near future so the negative effects that is has had will cease, and the technology industry can see a resurgence.

This will be made possible by the various concessions that Microsoft made in order to settle this dispute. A three person technical committee will oversee Microsoft's business operations from this point forward, and any company that has a complaint of anti-competitive behavior against Microsoft will be able to be heard immediately. Competition will increase, and consumers will have more choices in the marketplace. I see no reason to pursue this matter beyond this point. I want to thank you for your decision to stop this litigation. I am certain it will have positive effects on the industry as well as the whole economy, and I look forward the settlement becoming final in the weeks ahead.

Sincerely,
Rudy Key

MTC–00029698

6402 Dolphin Shores Drive
Panama City Beach, FL 32407–5474
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

Three years ago when Microsoft was first brought to trial, my fear was that the company wouldbe split up and the American technology industry would begin to suffer. Now, a settlement hasbeen proposed that would allow Microsoft to remain whole, and I believe that would be in thebest interest of the consumer for the Justice Department to approve the settlement and move on.I do support limits on Microsoft's conduct to safeguard our antitrust laws, but I think theserestrictions are a bit harsh. Microsoft agreed to terms and conditions in the settlement that extendto procedures and technologies that were not found to be unlawful by the Court of Appeals.Microsoft has agreed, among other things, to disclose source code and interfaces from theWindows operating system to its competitors for their use in developing Windows-compatiblesoftware. Microsoft has also agreed to license the Windows operating system to twenty of thelargest computer makers at the same price. In the interest of wrapping up the case, Microsoftagreed to these and more terms, and I believe that, regardless of the harshness of certainobligations, it is better to settle now and let things get back to normal than to continue litigationand risk further economic damage.

This has gone on long enough, and it is time to move on. Microsoft has made the necessarychanges to prevent further antitrust violations, and I do not believe further litigation is eithernecessary or constructive. I ask you to endorse the settlement.

Sincerely,
Jeannie Fitzsimmons
cc: Representative Jefferson Miller

MTC–00029701

ARTHUR F. HARDEN
1389 OUTLOOK DRIVE WEST
MOUNTAINSIDE, NEW JERBEY 07092
Tel.& FAX # 908–233–7737
DOJ
ATT. Ms. RENATA B. HESSE
202–307–1454,

GENTLEMEN:
I SUPPORT THE PROPOSED SETTLEMENT OF THE MICROSOFT LAWSUIT.
AETHUR F. HARDEN
JANUARY 26, 2002

MTC–00029702

Rhonda Green
11920 Brown Road
Thayer, KS 66776
United States Department of Justice
Antitrust Division
Attn: Renata Hesse
601 D Street, NW, Suite 1200
Washington, DC 20330
Dear Ms-Hesse;

As the parents of two children in a small, rural Kansas school, I was excited to hear about theprospects of Microsoft donating millions of dollars worth of computer systems and learningprograms to schools like the ones my children attend.I have seen first hand the value of computers in advancing the education, of my children and Ifirmly believe that, if accepted, this settlement could prove to be very beneficial to the educationof America's children.

The government has wasted enough taxpayer dollars pursuing a problem that never existed. It ismy hope that this fair settlement, which has levied steep and taxing financial burdens onMicrosoft, will end soon.

Sincerely,
Rhonda Green

MTC–00029703

January. 23, 2002
Ms. Renata Hesse, Anti-Trust Division
U.S. Department of Justice
601 D Street Northwest
Suite 1200
Washington, DC 20530
Dear Ms. Hesse:

I am writing to you to express my feelings regarding the lawsuit filed against Microsoft by JanetReno. I understand that the Bush administration has proposed a settlement that has been agreedto by Microsoft and several of the states involved in the lawsuit.

I want to add my voice to those who believe it is time m put this lawsuit to bed. It is drainingvaluable resources from government coffers and unnecessarily burdening one of America'sleading technology companies. I urge you to approve the settlement proposed by the Bushadministration.

Sincerely,
Mrs. Floyd Powers
Retired Neosho County Employee
5435 Highway 47
Thayer, KS 66776

MTC–00029704

745 Norman Drive
North Bellmore, NY 11710
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I am writing this letter in support of Microsoft. As a businessman, I believe there is no place forGovernment in free enterprise. I have a lot of respect for Microsoft and saw the economy flourishas Microsoft grew. It's no coincidence that the technology, sector, technical stocks andemployment numbers are down while this antitrust case is going on. While it may not be thecause, it sure is the contributor.

Microsoft agreed that if a third party's exercise of any options provided by the settlement wouldinfringe on the rights of any Microsoft intellectual property, they will provide the third party witha license to the necessary, intellectual property on reasonable terms. That seems more than fair tome. Microsoft agreed to provide computers in the school, but all the states rejected it since itwould infringe on Apple's ability to continue providing computers in the school. Here in NassauCounty, we are in desperate need of IBM compatible computer's, especially since we use oldtechnology, like a microfiche. It's a shame we can't access any.

It's obvious to me that the competition and the states are only pursuing litigation because theywant ''a piece of the action.'' If the consumer likes the products of a company ''a'', and thecompany ''a'' gains a large market share, it's not fair for other companies to sue company ''a'' justbecause consumers like their product. Your help in resolving this mailer is greatly appreciated.

Sincerely,
Stuart Muchnick

MTC–00029705

GBG STRATEGIES, INC.
100 FANEUIL HALL MARKETPLACE
BOSTON, MA 02109
Leo T. Goodrich
President
January 25, 2001

I am writing to have my thoughts on the proposed settlement between Microsoft and the UnitedStates Department of Justice entered Into the record in accordance with the Tunny Actsrequirement of public comment on such settlements.

I think the settlement plan is a good one, and one that reaches the necessary balance betweenantitrust enforcement and the need for as competitive a software market as the U.S. economy canhave. Consumers benefit from a competitive market in ways that; the kind of regulationspreviously argued in this case would nullify. Whereas a free and competitive market will drivedown Dries and hasten the pace of innovation, a heavily regulated market, or a software marketIncluding a cawed-up Microsoft would slow the pace of Innovation and allow companies to siton their hands and let prices gradually rise.

Consumers deserve the best high tech market available to them, and the best high tech market isthe one that innovates. The Innovates of the last decade were primarily responsible for thecreation of Jobs, Investment, and wealth at rates never before witnessed In any economyanywhere. The success of the ''New'' Economy In the 1990s was not a boomlet, in my view, but aharbinger of flings to come In the future, if the government will allow consumers andentrepreneurs to successfully guide the market toward higher levels of competition andInnovation.

I hope my thoughts can be entered into the record and also hope the court fit to approve thesettlement proposal. It is the best way for the economy to start to put this recession behind it andbegin to build for the future.

Sincerely,
Leo T. Goodrich

MTC–00029706

NEWTON REAL ESTATE RESOURCE GROUP
Matthew D, Adams
January 25, 2001

I am writing to have my thoughts on the proposed settlement between Microsoft and the United States Department of Justice entered into the record in accordance with the Tunny Act's requirement of public comment on such settlers.

I think the settlement plan is a good one, and one that reaches the necessary balance between antitrust enforcement and the need for as competitive a software market as the U.S. economy can have. Consumers benefit from a competitive market in ways that the kind of regulations previously argued in this ease would nullify. Whereas a free and competitive market will drive down prices arid hasten the pace of innovation, a heavily regulated market, or a software market including a carved-up Microsoft would slow the pace of innovation and allow companies to sit on their hands and let prices gradually rise.

Consumers deserve the best high tech market available to them, and the best high tech market is the one that innovates. The in innovations of the last decade were primarily responsible for the creation of jobs, investment, and wealth at rates never before witnessed in any economy anywhere. The success of the ''New'' Economy in the 1990s was not a boomlet, in my view, but a harbinger of things to come in the future, if the government will allow consumers and entrepreneurs to successfully guide the market toward higher levels of competition and innovation.

I hope my thoughts can be entered into the record and also hope the court sees fit to approve the settlement proposal. It is the best way for the economy to start to put this behind it and begin to build for the future.

Sincerely,
Matthew D. Adams

MTC–00029707

7831 El Pastel Drive
Dallas, TX 75248
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I am writing today to encourage the Department of Justice to accept the Microsoft antitrust settlement. This issue has been dragging on for entirely to long now and I feel that the current settlement before the DOJ is fair and just. I would like to see the government accept it. Many people think that Microsoft has gotten off easy, in fact they have not. In order to put the issue behind them Microsoft has agreed to many concessions. Microsoft has agreed to give computer makers the flexibility to install and promote any software that they see fit.

Microsoft has also agreed not to enter into any agreement that would obligate any computer maker to use a fixed percentage of Microsoft software. Also, Microsoft has agreed to license its products at a uniform price to computer makers no matter how much that computer maker uses Microsoft products.

What we need to remember is that Microsoft products are very affordable and offer many advantages over other products, if one desired, they could purchase another operating system ie; Linux etc., but the fact is most people choose Microsoft Windows over others. With the economy stalling, we need to move forward not backward, many people have spent large amounts of time and money to be trained on Microsoft products, lets not forget them.

Sincerely,
Dameon Rustin
co: Representative Richard Armey

MTC–00029708

Brad D. Houghtaling
230 Wellington Road
Syracuse, NY 13214–2226
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, N–W
Washington, DC 20530

Dear Mr. Ashcroft:

I am violently opposed to the antitrust lawsuit against the Microsoft Corporation, I personally feel that the suit should be dropped, and Microsoft left alone. This case defies the very ideal of free enterprise upon which this nation has been built, and this case does nothing but damage the entrepreneurial spirit that has heretofore been celebrated in this nation.

I understand that Microsoft has agreed to the settlement that has been reached in this case because it would simply like to see this litigation end. While I do not agree that Microsoft should have to settle I understand their desire to see the end of this lawsuit. The terms of the settlement, while a little harsh, are not overly objectionable. Microsoft has agreed to design all future versions of its Windows operating system to be compatible with the products of its competitors, along these same lines Microsoft will disclose certain segments of source code to its competitors enabling them to design products that work within Windows, it is this term that I find most objectionable. I believe that the parties trying to perpetuate this litigation are seeing only their own political ends rather than a fair solution to this dispute.

Please ensure the passage of this settlement. American business needs 3,our support. Thank you.

Sincerely,
Brad Houghtaling

MTC–00029709

808 Beazer Lane
Antioch, TN 37013
January. 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am of the opinion that the settlement that has recently been reached between Microsoft and the Department of Justice is fair and reasonable, and I would like to see it implemented as soon as possible.

The only reason why I do support this settlement is because it brings an end to the ludicrous litigation against Microsoft. The governments, both stale and federal, are legally pursuing Microsoft for one reason and one reason only, for the cash. It is ironic that they have wasted millions of dollars taking Microsoft to court, and do not have much to show in return. The economy is bad enough; we do not need our tax dollars going towards the prosecution of a company that has been so beneficial to the American economy. I hope that the ongoing technical oversight committee, which is a result of the settlement and will monitor Microsoft's compliance with that settlement, will satisfy the government and all other anti-Microsoft entities. A settlement has been reached, we must now put this issue behind us and move on to more pressing issues. Thank you.

Sincerely,
Carl Beck

MTC–00029710

COMMERCIAL REAL ESTATE SERVICES
1005 Boylston Street
P.O. Box 610259
Newton, MA 02461–0259
Thomas P. Godino
January 25, 2001

I am writing to have my thoughts on the proposed settlement between Microsoft and the United States Department of Justice entered into the record in accordance with the Tunny Act's requirement of public comment on such settlements.

I think the settlement plan is a good one, and one that reaches the necessary balance between antitrust enforcement and the need for as competitive a software market as the U.S. economy can have, Consumers benefit from a competitive market in ways that the kind of regulations previously argued in this case would nullify. Whereas a free and competitive market will drive down prices and hasten the pace of innovation, a heavily regulated market, or a software market including a carved-up Microsoft would slow the pace of innovation and allow companies to sit on their hands and let prices gradually rise.

Consumers deserve the best high tech market available to them, and the best high tech market is the one that innovate. The innovations of the last decade were primarily responsible for the creation of jobs, investment, and wealth at rates never before witnessed in any economy anywhere. The success of the ''New'' Economy in the 1990s was not a boomlet, in my view, but a harbinger of things to come in the future, if the government wilt allow consumers and entrepreneurs to successfully guide the market toward higher levels of competition and innovation I hope my thoughts can be entered into the record and also hope the court sees fit to approve the settlement proposal. It is the best way for the economy to start to put this recession behind it and begin to build for the future.

Sincerely,
Thomas P. Godino

MTC–00029711

January 24, 2001

I am writing to have my thoughts on the proposed settlement between Microsoft and the United States Department of Justice entered into the record in accordance with the Tunny Act's requirement of public comment on such settlements.

I think the settlement plan is a good one, and one that reaches the necessary balance between antitrust enforcement and the need for as competitive a software market as the U.S. economy can have. Consumers benefit from a competitive market in ways that the kind of regulations previously argued in this case would nullify. Whereas a flee and competitive market will drive down prices and hasten the pace of innovation, a heavily regulated market, or a software market including a carved-up Microsoft would flow the pace of innovation and allow companies to sit on their hands and let prices gradually rise.

Consumers deserve the best high tech market available to them, and the best high tech market is the one that innovates. The innovations of the last decade were primarily responsible for the creation of jobs, investment, and wealth at rates never before witnessed in arty economy anywhere. The success of the ''New'' Economy in the 1990s was not a boomlet, in my view, but a harbinger of things to come in the future, if the government will allow consumers and entrepreneurs to successfully guide the market toward higher levels of competition and innovation.

I hope my thoughts can be entered into the record and also hope the court sees fit to approve the settlement proposal. It is the best way far the economy to start to put this recession behind it and begin to build for the future.

Sincerely,
James J. Campbell

MTC–00029712

VONDA WIEDMBR
ROUTE 1, Box 545
MADISON, KS 66860
January 15, 2002
Renata Hesse
Trial Attorney
U.S. Department of Justice
601 ''D'' St., NW—Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

All too often in our country it seems our government has taken aim at a successful company under the auspices of protecting the American people. Unfortunately, it is the government's actions that are truly hurting Americans. When the Department of Justice first began its pursuit of Microsoft it claimed it was doing so to protect consumers from some harm created by Microsoft. The reality could not be further from the truth.

The facts are simple really. Microsoft leads its industry because it has developed ways to meet consumers needs better then its competition. This is the American way! Most successful companies strive to be the very best in their field and compete hard with

others in their industry. Certainly Microsoft is no exception. Punishing them for being the best is not appropriate. The United States government and the Microsoft's competitors have yet to provide proof of how consumers have been harmed by Microsoft. However, as a taxpayer T can see where I have been harmed Countless tax dollars have been spent in the pursuit of this case at o time when our economy is constricting. I view this a real example of harm.

Please accept the settlement offer.

Sincerely,

Vonda Wiedmer

MTC–00029713

Matthew Alfieri
7 Northfield Gate
Pittsford, NY 14534
January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The intention of this letter is so that I may go on record as being a staunch supporter of the proposed agreement that was reached between Microsoft and the Department of Justice. The litigation between these two has gone on for long enough, more than three years actually. It is time to put this issue to rest and move on.

The settlement actually goes further than Microsoft would have liked, but they decided to settle because it was in the best interests of the IT industry and the American economy. The settlement mandates that Microsoft make future versions of the Window, operating system to include a feature that makes it much easier for computer makers and consumers to remove Microsoft software programs from Windows and then replace it with non-Microsoft software. This completely opens the industry up to much more competition, and the companies producing the competing software will need to deliver a ''Grade A'' product to the market, or people will simply not buy it.

Everything is now in place for a stronger IT industry and a healthier economy. I support this settlement because it looks out for everyone's best interests. Thank you.

Sincerely,

Matthew Alfieri

MTC–00029714

January 27, 2002
Renata Hesse
Trial Attorney
Anti-Trust Division
U.S. Department of Justice
601 D St., NVV
Suite 1200
Washington, DC 20530
Dear Ms. Hesse:

I appreciate the opportunity to voice my opinion on the proposed settlement before you in the Microsoft antitrust lawsuit.

As a Kirkwood community college computer instructor, I have the opportunity to teach the Microsoft Office suite to my students. I have seen first-hand the advances Microsoft has made in the software industry. Everyday, my students learn more about how to harness technology and use it to their advantage to work more efficiently.

Microsoft changed the way America, and the world for that matter, does business. As I understand it, most of the world's computer users work on Microsoft's Windows software. That is truly an amazing accomplishment. Success on that scale only comes when a company continues to produce an outstanding product year in and year out.

I urge you to accept the settlement before you on behalf of all taxpayers. Too much time and too many resources have been spent trying to tear down a company that has enriched our national economy and aided businesses worldwide. Enough is enough.

Sincerely,

Marie Schulte

MTC–00029715

Leonard R. Beard
841 East 12th Street
Crowley, La. 70526
(337) 781–2317
January 28,2002
Renata Heese
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington DC 20530
FAX: 202–616–9937
RE: Settlement of U.S. v. Microsoft

Nearly 30 million dollars in taxpayer funds have been spent on this case. The time and expense of this case combined with the uncertainty it has led to in the technology sector leads me to believe that now is time that we settle this case.

I do appreciate the government's efforts in protecting consumers. The settlement is appropriate in scope because it addresses only those items upheld by the courts and it provides for close monitoring of future Microsoft operations.

Let's get the technology companies back to competing, which will help consumers and our economy. Thanks for considering my views on this matter.

Sincerely,

Leonard Beard

MTC–00029716

STEPHEN J. OATS 1
WILLIAM M. HUDSON, III 1,2
HENRY ST. PAUL PROVOSTY 1
EDGAR D. GANKENDORFY 1
KENNETH M. HENKE
CLIFTON O. BINGHAM, JR. 3
PATRICK B. MCINTIRE
LAWRENCE E. MARINO 2
HENRY A. HERNAKD. JR.
CRAIG T. BROUSSARD
MICRHELLE K. BUFORD
WALTER R. WELLENREITER
ROBIN L. JONES
CHRISTOPHE B. SZAPARY
ANDREW D. RENTON
OF COUNSEL
OSCAR E. KEED, JR.
VICTORIA A. GUIDRY
STANLEV. B. BLACKSTONE 1.3
CHRIS M. TREPAGNIER 1
OATS & HUDSON
ATTORNEYS AND COUNSELORS AT LAW
A PARTNERSHIP OF PROFESSIONAL CORPORATIONS
SUITE 400
GORDON SQUARE
100 EAST VERMILION STREET
LAFAYETTE, LOUISIANA 70501
TELEPHONE (337) 233–1100
FACSIMILE (337) 233–1178
cbroussard@oatshudson.com
January 27, 2002
SUITE 200
530 NATCHEZ STREET
NEW ORLEANS, LOUISIANA 70130
TELEPHONE (504) 527–0960
FACSIMILE (504) 524–2823
SUITE 200
BELISLE BUILDING
350 THTRD STREET
BATON ROUGE, LOISTANA 70801
TELEPHONE (225) 383–9993
FACSIMILE (225) 383–6993
1 PROFESSIONALIAW CORPORATION
2 ALSO ADMHTTD IN TEYAS
3 BOARD C??TIFIED TAX AT??
TO: Renata Heese, Esq.
FROM: Craig T. Broussard
FAX NO.: 202–616–9937
HARD COPY SENT: No
RE: U.S. v. Microsoft
OUR FILE: FE
TOTAL NO. OF PAGES (INCLUDING COVER SHEET): 2
MESSAGE: Please see the attached.

If you experience any problems with this transmission, please call Dina at the telephone number listed above.

STEPHEN J. OATS''
WILLIAM M. HUDSON, III??
HENRY ST. PAUL PROVOSTY 1
EDOAR D. GANKENDORPP 1
KENNETH M. HBNKB 1
CLIFTON O. BINGHAM. JR. 1
PATRICK B. MCINTIHB
LAWRENCE E. MARINO??
HENHY A. BERNARD, JR.
CRAIG T. BROUSSARD
MICHELLB K. BUFORD
WALTER R. WELLBNREITER
ROBIN L. JONES
CHRISTOPHE B. SZAPARY
OP COUNSBL
OSCAR B. REED, JR.
STANLEY B. BLACKSTONE 1,2
VICTOHIA A. GUIDRY
CHRIS M. TREPAONIRR 1
OATS HUDSON
ATTORNEYS AND COUNSELORS AT LAW
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January 22, 2002
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1 PROFESSIONAL LAW CORPORATION
2 ALSO ADMITTED IN TEXAS

3 BOARD CERTIFICD TAX ATTORNEY
Renata Heese
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington DC 20530
FAX: 202–616–9937
RE: Settlement of U.S. v. Microsoft

I am of the opinion that it is in the best interest of consumers and all involved that this case be settled once and for all.

It is my understanding that the settlement addresses the findings of the court and provides for future operations by Microsoft that will avoid any monopolistic practices. That is good news for all parties.

The bottom line is that enough tax dollars have been spent in this effort and now is the time for our technology companies to return to the marketplace battlefield. That would be the best news for consumers and our economy.

I appreciate your consideration of my views on this matter.

Sincerely,

MTC–00029717

ATTN: Ms. Renata B. Hesse (DOJ)
202–307–1454

Ms. Renata,

This note is to inform you & the Dos that I love support the Microsoft Settlement. Please ''Approve the Microsoft Settlement''.

Thank you
MR & Mrs K. Ni??henke
K. Ni??

MTC–00029718

January 28th, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Fax 202–616–9937
microsoft.atr@usdoc.gov

Dear Ms. Hesse:

As a co-owner of medium size construction company in central Missouri, I have observed the Microsoft lawsuit from the beginning. It appears to me from the press that this case has come full circle and now is the time settle. Based upon my review of the summary of the lawsuit it would appear that the Department of Justice has garnered a fair compromise with Microsoft. While I cannot specifically defend the software glant's business practices, I remain skeptical that this case should have been dismissed some time ago.

Now is the time to settle the case against Microsoft. Thank for allowing me to offer my opinion.

Sincerely,
Chris Hentges

MTC–00029719

Mr. Kenneth Cordon
821 W. Walnut Street
Chanute, KS 66720
January 17, 2002
U.S. Department of Justice
Anti-Trust Department
Attn: Renata Hesse
601 ''D'' Street NW, Ste. 1200
Washington, DC 20530

Dear Judge Hesse:

I am writing to take advantage of the opportunity for the public to express its opinion regarding the anti-trust lawsuit filed against Microsoft. Thank you for making this opportunity available. I believe that the entire basis for suing Microsoft in the first place was flawed. The argument posed by Janet Reno was that Microsoft was engaging in monopolistic practices which were detrimental to the buying public. And yet, Correct me if I'm wrong, but haven't the prices of computers and software been falling? Isn't the definition of a monopoly a company that shuts out its competitors so it can raise prices? That just doesn't make sense.

I hope you'll agree with President Bush that winding up this lawsuit is the right thing to do. It's been going on too long already.

Thanks for letting me comment.

Very truly yours,
Mr. Kenneth Cordon

MTC–00029720

Coastal Equipment Corporation
PO Box 1118
Portland Maine 04104
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am in support of the Microsoft antitrust settlement agreement. The lawsuit has ensued for three years now. Continuing the litigation will only amount to an incredible waste of resources. Settling is in everyone's best interest.

If antitrust laws have been violated, steps should be taken to ensure no further violations occur. The settlement agreement should provide the appropriate safeguards. The agreement provides for the creation of a technical review committee that will monitor Microsoft's business practices. The review committee will also field complaints from parties who believe the settlement agreement is not complied with.

Microsoft has agreed to disclose portions of its code to its competitors. I do not agree that Microsoft should be forced to give away what it has worked hard at developing. However, if Microsoft is agreeable to this concession,. I would support that decision in the interest of resolving this case and moving on to other endeavors.

Your efforts toward resolving this lawsuit are appreciated. Thank you for your time m reviewing my thoughts on this matter.

Sincerely,
Mark Goldstein

MTC–00029721

1425 Bella Vista Avenue
Coral Gables, Florida 33156
January 5, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I was happy to hear of the recent settlement regarding the Microsoft antitrust suit. During these times of recession, it is important to allow our industry to continue to develop. Holding the IT sector back, by dragging out the negotiation process, can only hold back our technology industry. Let us allow the IT sector to get back to business.

Not only do the terms of this agreement promote the competitive process, but they also open up avenues of development on both sides of the fence. Although Microsoft has made an overwhelming number of concessions, they are still able to prosper somewhat. The other software manufacturers have been given many new options with regard to licensing, marketing and new avenues in running non-Microsoft software. All parties involved are ready to move forward and get back to business. By thwarting this process, we only hold up the advancement of the 1T sector and our economy in general.

Let us help our economy move forward by supporting our 1T sector. The competitive market is a global one, and we need to work together to keep our piece of the pie. Help us to move this settlement along, by making sure that no more action is taken against it.
I thank you for your help

Sincerely,
Maria Brito

MTC–00029722

Oilfield Services
Schlumberger-Doll Research
36 Old Quarry Road
Ridgefield, CT 06877–4108
Tel: 203 431–5000
Fax: 203 438–3819
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
January 25, 2002

Dear Mr. Ashcroft:

I am writing to voice my opinion on the antitrust case settlement between the US department of Justice and Microsoft. I am glad to see that there will soon be an end to this lawsuit. It has been a waste of our government's resources and our tax dollars. Does the government want to be responsible for an Enron-type business failure? They need to end this case immediately so that we can all move on with our lives.

I am a Research Scientist and use Microsoft products all the time for my work. Their company has been responsible for the advent of our computer industry, as we know it. They have also created tremendous growth in our economy and have put our nation ahead in the technology race. The proposed settlement is a very fair compromise and should be enacted at once. Microsoft is going to share an unprecedented amount of technology information with their competitors and they will give consumers more choices by allowing OEM's to install non-Microsoft products on Windows.

Please use your influence to implement the settlement as soon as possible. Thank you for your time.

Sincerely,
Chung Chang

MTC–00029723

16112 E 28th Terr. #1806

Independence, MO 64055
January 27, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I was pleased to learn that the Justice Department has reached a proposed settlement agreement in the Microsoft litigation.

You now have the opportunity to clean up the mess created by your predecessor. Microsoft was the target of this litigation because of its size and because of its great degree of success. Your implementation of this settlement will bring an end to the political witch-hunt. Microsoft has placed a number of concrete proposals on the table to resolve the case. They have agreed to changes in almost every aspect of their business operations, from pricing, to distribution, to system design. These changes, if implemented, should provide additional competitive opportunities for Microsoft's competitors and more choice for computer users. Please go forward with the settlement and let Microsoft get back to business.

Sincerely,
Ben Kormanik

MTC–00029725

(708) 547.5969
DESSERT SPECIALISTS
FAX (708) 547–5974
lezza@ameritech.net
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to you to express my belief that the antitrust lawsuit against Microsoft should be concluded. The settlement reached in November 2001, should be accepted by the Justice Department.

Microsoft has offered very generous terms includes full access to the Windows system for rival software developers. Never before has a company had to offer its competitors the right to use its own information against itself. This is a legal first and will allow rival developers the chance to drastically improve their own software. The economy and the country need a strong American company, like Microsoft, to help us through these trying times A lawsuit against Microsoft does nothing but damage our economy, and our country. Please take this opportunity to put an end to this suit. Thank you.

Sincerely,
Ed Lezza

MTC–00029726

S&D SALES COMPANY, INC.
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am in favor of the Microsoft settlement for the following reasons:

Microsoft has agreed to a number of changes in its business that result in greater competition and growing consumer choice:

. Adoption of a Uniform Price List under which Microsoft will market Windows on identical terms and conditions to computer makers.

. Revising agreements which would allow third parties to distribute products other than those manufactured by Microsoft.

. Granting rights to computer makers to reconfigure Windows systems so as to allow the placement of non-Microsoft programs within Windows.

I would rather see this case concluded now with a predictable result than see you roll the dice in Court. The Bill Clinton Department of Justice instigated this unnecessary case. Government at its worst caused the subsequent decline in the technology side of the economy. Please do not jeopardize the fragile business rebirth that the U.S. is going through by extending this case.

Thank you for reviewing my comments.

Sincerely,
Dennis Lange
Excellence In Bulk Material Handing
2965 Flowers Road South, Suite 110
. Atlanta, Georgia 30341–5520
. 770–936–8836
. Fax 770–936–8846 . 800–878–4419
URL: http://www. sdsales.com
e-mail: info@sdsales.com

MTC–00029727

JFERRY WALLACE
708 W. Main Street
Cherryvale, KS 67335
January 21, 2002
Judge Kollar Kottely
Attention: Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street, NW, Suite 1200
Washington, DC 20530

Dear Judge Kollar Kottely:

Those lobbying for stricter regulations against Microsoft had better be careful what they wish for. I seriously doubt that they wish to operate under the same level of scrutiny themselves. Contrary to the claims of the antitrust suit, Microsoft has done nothing but benefit the consumer in terms of providing better, more innovative products at affordable prices.

I ask you to accept the current settlement offer, concluding this questionable lawsuit. Settlement of the suit will definitely crimp Microsoft to some extent, but the fact remains that the consumer will still choose the products they prefer. The only fair way that AOL, Oracle, and other Microsoft competitors can knock off Microsoft's top spot is to truly offer a better product, Hopefully this lawsuit will spur an investigation of the underlying issue, current antitrust law, and how this law does or does not apply to modem day business.

Sincerely,
Jerry Wallace

MTC–00029728

1111 Harbor Lane
Gulf Breeze, FL 32563
January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am disgusted that the government has so little to do with its time that it can waste nearly four years pro-suing the Microsoft antitrust case. I hoped that the economy, which has been suffering ever since this case began, would have the chance to recover. Microsoft's opponents have kept after Microsoft for so long. It is truly becoming tedious.

The settlement provides Microsoft's competitors with the opportunity to use Microsoft's technological advances to their own advantage, in order to restore an atmosphere of fair competition to the technology market. For example, Microsoft will reformat future versions of Windows so that its competitors will have the opportunity to introduce their own software directly into the Windows operating system. Microsoft will also allow computer makers the ability to replace Microsoft programs in Windows with non-Microsoft alternatives.

The settlement is fine; in fact, I think it would be harm tiff to the consumer to extend litigation any longer. The suit is no longer about progress; it is about inhibition. America desperately needs to be able to progress. I urge you and your office to take the necessary action to see this settlement finalized.

Sincerely,
Edwin Barksdale
cc: Representative Jefferson Miller

MTC–00029729

TRUEWATER
January 15, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

There has been enough posturing on both sides of this Microsoft lawsuit to make a flock of peacocks jealous, and more confusion than a chicken running around with its head cut off. It is clear that any further litigation would only make matters worse.

I am writing to lend my individual support for this settlement. I believe that its terms are reasonably fair for both sides. They make sure that Microsoft avoids its allegedly unfair retaliation practices to software makers, such as attaching software to Windows. It will also be required to change future versions of Windows to accommodate other brands of software more effectively.

I am hoping that no further federal action will be necessary, and that this sort of rancor can be minimized in the future.

Sincerely,
Christopher Britt
Cc: Representative Sheila Jackson Lee

MTC–00029730

1901 Empire Drive
Waukesha, WI 53186
January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Now that a settlement has been reached in the Microsoft case, I would like to confirm

my support behind the terms negotiated and allowing this action to be completed. As a technology consultant, I am fully aware that Microsoft has overstepped its bounds in some respects in the past, yet this lawsuit has gone beyond what any reasonable person would consider worth the price in government time and money. A deal is a deal and it's time to put this issue to rest. There is ample competition to Microsoft and many ''disruptive technologies'' emerging that will change the balance of market dominance.

Microsoft is a great success story that is being punished, rather than lauded, for its achievements in the software industry. To suggest a break up would be an injustice to entrepreneurs everywhere who want to create the best products and services possible for their customers. This compromise offers significant concessions to how Microsoft can freely do business and should be considered a credible good faith gesture to allowing more competition.

Considering the greater freedoms for computer makers to configure Windows without question and developers to utilize Windows technology for their own interests, this deal should pass the approval process at once. This is the fairest solution possible among these parties, and also the most practical one, considering the need for stability, in this dicey economic climate. Please halt any further action.

Sincerely,

Phil Mattson

MTC–00029731

FLAMINGO TOURS
4230 S. E. 6TH Street
Miami, Florida 33134
[305] 445–6865
January 22, 2002
Hon. Colleen Kollar-Kotelly
U.S. District Court, District of Columbia
c/o Renata B. Hesse Antitrust Division
U.S. Department of Justice
601 D Street, N. W. Suite 1200
Washington, DC 20530–0001

Dear Judge Kollar-Kotally:

The recent proposed settlement between the Department of Justice and Microsoft fails to put an end to Microsoft's predatory practices. The final settlement in U.S. v. Microsoft does not adequately protect competition and innovation in this vital sector of our economy, does not sufficiently address consumer choice, and falls to meet the standards for a remedy set in the unanimous ruling against Microsoft by the Court of Appeals for the District of Columbia. Its enforcement provisions are vague and unenforceable. The five-year time frame of the proposed settlement is far too short to deal with the antitrust abuses of a company that has maintained and expanded its monopoly power through years of fear and intimidation.

Microsoft's liability under the antitrust laws is no longer open for debate. The company has been found liable before the District Court, lost its appeal to the United States Court of Appeals for the District of Columbia in a 7–0 decision, saw its petition for rehearing in the appellate court denied, and had its appeal to the Supreme Court turned down. The courts have decided that Microsoft possesses monopoly power and has used that power unlawfully to protect its monopoly. The next step is to find a remedy that meets the appellate court's standard to ''terminate the monopoly, deny to Microsoft the fruits of its past statutory violations, and prevent any future anticompetitive activity.'' This proposed settlement fails to do so. In fact, the weak settlement between Microsoft and the Department of Justice ignores key aspects of the Court of Appeals ruling against Microsoft. The decision gives Microsoft ''sole discretion'' to unilaterally determine that other products or services which don't have anything to do with operating a computer are nevertheless part of a Windows Operating System product. The deal fails to terminate the Microsoft monopoly, and, instead, guarantees its survival.

The flawed settlement empowers Microsoft to retaliate against would-be competitors, take the intellectual property of competitors doing business with it and permits Microsoft to define many key terms, which is unprecedented in any law enforcement proceeding.

In addition, the proposed settlement contains far too many strong-sounding provisions that are fiddled with loopholes. The agreement requires Microsoft to share certain technical information with other companies. However, Microsoft is under no obligation to share information if that disclosure would harm the company's security or software licensing. Who gets to decide whether such harm might occur? Microsoft. The settlement says that Microsoft ''shall not enter into any agreement'' to pay a software vendor not to develop or distribute software that would compete with Microsoft's products. However, another provision permits those payments and deals when they are ''reasonably necessary.'' The ultimate arbiter of when these deals would be ''reasonably necessary?'' Microsoft.

Furthermore, the weak enforcement provisions of this proposed deal leave Microsoft free to do practically whatever it wants. The company appoints half the members of its overseeing committee and has the ability to violate regulations, knowing that whatever the committee finds inappropriate is not admissible in court. Finally, Microsoft must only comply with the lenient restrictions in the agreement for only five years. This is clearly not long enough for a company found guilty of violating antitrust laws.

Sadly, the proposed final judgment has the potential to make the competitive landscape of the software industry worse, it contains so many ambiguities and loopholes that it may be unenforceable and will likely lead to years of additional litigation. Various industry experts from such institutions such as Morgan Stanley, the Harvard Business School, Schwab Capital Markets, and Prudential Financial have been quoted as saying that this settlement is beneficial to Microsoft's current monopolistic intentions.

Antitrust law has protected free markets and enhanced consumer welfare in this country for more than a century. The Microsoft case does not represent a novel application of the law, but is the kind of standard antitrust enforcement action that could ensure vigorous competition in all sectors of today's economy. These same standards have been applied to monopolies in the past, such as Standard Oil and AT&T. Court decisions to break up these monopolies led to prices declining as much as 70% and an increase in competition-driven innovation.

The end result is that Microsoft is now able to preserve and reinforce its monopoly, and is also free to use anticompetitive tactics to spread its dominance into other markets. After more than 11 years of litigation and investigation against Microsoft, surely we can do better.

Thank you for your time.

Regards,

Rose Wayne

MTC–00029732

January 15, 2002
Hon. Colleen Kollar-Kotelly
U.S. District Court,
District of Columbia
c/o Renata B. Hesse Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Judge Kollar-Kotally:

The recent proposed settlement between the Department of Justice and Microsoft does not put an end to Microsoft's questionable practices.

Does the final settlement in U.S. v. Microsoft adequately protect competition and innovation in this vital sector of our economy? Does it sufficiently address consumer choice and meet the standards for a remedy set in the unanimous ruling against Microsoft by the Court of Appeals for the District of Columbia? These questions remain unanswered. The five-year time frame of the proposed settlement seems far too short to deal with the multiple antitrust actions of a company that has maintained and expanded its monopoly power through years of unmatched success. Microsoft's liability under the antitrust laws is no longer open for debate. The company has been found liable before the District Court, lost its appeal to the United States Court of Appeals for the District of Columbia in a 7–0 decision, saw its petition for rehearing in the appellate court denied, and had its appeal to the Supreme Court turned down. The courts have decided that Microsoft possesses monopoly power and has used that power unlawfully to protect its monopoly.

The next step is to find a remedy that meets the appellate court's standard to ''terminate the monopoly deny to Microsoft the fruits of its past statutory violations, and prevent any future anticompetitive activity.'' This proposed settlement may not be strong enough.. In fact, the settlement between Microsoft and the Department of Justice seems to ignore key aspects of the Court of Appeals ruling against Microsoft. The decision as it stands gives Microsoft ''sole discretion'' to unilaterally determine that other products or services which don't have anything to do with operating a computer are nevertheless part of a Windows Operating System product, thus failing to terminate Microsoft's standing position in the market.

The settlement allows Microsoft to retaliate against would-be competitors, take the intellectual property of competitors doing business with it and permits Microsoft to define many key terms, which is unprecedented in any law enforcement proceeding.

In addition, the proposed settlement contains far too many strong-sounding provisions that are riddled with loopholes. The agreement requires Microsoft to share certain technical information with other companies. However, Microsoft is under no obligation to share information if that disclosure would ham the company's security or software licensing. The question is, who gets to decide whether such harm might occur? The settlement says that Microsoft ''shall not enter into any agreement'' to pay a software vendor not to develop or distribute software that would compete with Microsoft's products. However, another provision permits those payments and deals when they are ''reasonably necessary.'' The ultimate arbiter of when these deals would be ''reasonably necessary?'' Microsoft.

Furthermore, the provisions in this proposed deal may create a scenario in which Microsoft has too much freedom. The company appoints half the members of its overseeing committee and has the ability to violate regulations, knowing that whatever the committee finds inappropriate is not admissible in court. Finally, Microsoft must only comply with the lenient restrictions in the agreement for only five years. This is clearly not long enough for a company found guilty of violating antitrust law.

Various industry experts from such institutions as Morgan Stanley, the Harvard Business School, Schwab Capital Markets and Prudential Financial have been quoted as saying that this settlement is beneficial to Microsoft's current monopolistic intentions.

Antitrust law has protected free markets and enhanced consumer welfare in this country for more than a century. The Microsoft case does not represent a novel application of the law, but is the kind of standard antitrust enforcement action that could ensure vigorous competition in all sectors of today's economy These same standards have been applied to monopolies in the past, such as Standard Oil and AT&T. Court decisions to break up these monopolies led to prices declining as much as 70% and an increase in competition-driven innovation.

The end result is that Microsoft may still be able to preserve and reinforce its predominance. After more than 11 years of litigation and investigation against Microsoft, I eagerly await what is to be the final outcome.

Thank you for your time.
Regards,
Manolo Coroalles
President
Dupont Plaza Travel

MTC–00029733

January 15, 2002
Hon. Colleen Kollar-Kotelly
U.S. District Court, District of Columbia
c/o Renata B. Hesse Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Judge Kollar-Kotally:

The recent proposed settlement between the Department of Justice and Microsoft does not put an end to Microsoft's questionable practices.

Does the final settlement in U.S. v. Microsoft adequately protect competition and innovation in this vital sector of our economy? Does it sufficiently address consumer choice and meet the standards for a remedy set in the unanimous ruling against Microsoft by the Court of Appeals for the District of Columbia? These questions remain unanswered. The five-year time frame of the proposed settlement seems far too short to deal with the multiple antitrust actions of a company that has maintained and expanded its monopoly power through years of unmatched success.

Microsoft's liability under the antitrust laws is no longer open for debate. The company has been found liable before the District Court, lost its appeal to the United States Court of Appeals for the District of Columbia in a 7–0 decision, saw its petition for reheating in the appellate court denied, and had its appeal to the Supreme Court turned down. The courts have decided that Microsoft possesses monopoly power and has used that power unlawfully to protect its monopoly.

The next step is to find a remedy that meets the appellate court's standard to ''terminate the monopoly, deny to Microsoft the fruits of its past statutory violations, and prevent any future anticompetitive activity.'' This proposed settlement may not be strong enough.. In fact, the settlement between Microsoft and the Department of Justice seems to ignore key aspects of the Court of Appeals ruling against Microsoft. The decision as it stands gives Microsoft ''sole discretion'' to unilaterally determine that other products or services which don't have anything to do with operating a computer are nevertheless part of a Windows Operating System product, thus failing to terminate Microsoft's standing position in the market.

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Furthermore, the provisions in this proposed deal may create a scenario in which Microsoft has too much freedom. The company appoints half the members of its overseeing committee and has the ability to violate regulations, knowing that whatever the committee finds inappropriate is not admissible in court. Finally, Microsoft must only comply with the lenient restrictions in the agreement for only five years. This is clearly not long enough for a company found guilty of violating antitrust law.

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The end result is that Microsoft may still be able to preserve and reinforce its predominance. After more than 11 years of litigation and investigation against Microsoft, I eagerly await what is to be the final outcome.

Thank you for your time.
Regards,
Santiago Morales
President
MaxiForce, Inc.

MTC–00029734

January ??, 2002
Hon. Colleen Kollar-Kotelly
U.S. District Court, District of Columbia
c/o Renata B Hesse Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC. 20503–000??

Dear Judge Kollar-Kotally

The recent proposed settlement between the Department of Justice and Microsoft fails to put an end to Microsoft's predatory practices.

The final settlement m?? does not adequately protect competition and ??ation in this ?? sector of our economy does not sufficiently address consumer choice and fails to meet t he standards for a remedy set in the unanimous ruling against Microsoft by the Court of Appeals for the District of Columbia Its enforcement provisions are ??ague and unenforceable. The five-year time frame of the proposed settlement is far too short to deal with the antitrust abuses of a company that has maintained and expanded its monopoly power through years of fear and intimidation.

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Sadly the proposed final judgment has the potential to make the competitive landscape of the software industry worse, it contains so many ambiguities and loopholes that it may be unenforceable and will likely lead to years of additional litigation Various industry experts from such institutions as Morgan Stanley, the Harvard Business School, Schwab Capital Markets and Prudential Financial have been quoted as saying that this settlement is beneficial to Microsoft current monopolistic intentions.

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Thank you for your time.

Regards.

Juan D ??

President

??eRespondo.com. Inc

MTC–00029735

January 7, 2002

Hon. Colleen Kollar-Kotelly

U.S. District Court, District of Columbia

c/o Renata B. Hesse

Antitrust Division

U.S. Department of Justice

601 D Street NW

Suite 1200

Washington, DC 20530–0001

Dear Judge Kollar-Kotally:

The recent proposed settlement between the Department of Justice and Microsoft fails to put an end to Microsoft's predatory practices.

The final settlement in U.S. v. Microsoft does not adequately protect competition and innovation in this vital sector of our economy, does not sufficiently address consumer choice and fails to meet the standards for a remedy set in the unanimous ruling against Microsoft by the Court of Appeals for the District of Columbia. Its enforcement provisions are vague and unenforceable. The five-year time frame of the proposed settlement is far too short to deal with the antitrust abuses of a company that has maintained and expanded its monopoly power through years of fear and intimidation.

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Sadly, the proposed final judgment has the potential to make the competitive landscape of the software industry worse, it contains so many ambiguities and loopholes that it may be unenforceable and will likely lead to years of additional litigation. Various industry experts from such institutions as Morgan Stanley, the Harvard Business School, Schwab Capital Markets and Prudential Financial have been quoted as saying that this settlement is beneficial to Microsoft's current monopolistic intentions.

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The end result is that Microsoft is now able to preserve and reinforce its monopoly, and

is also free to use anticompetitive tactics to spread its dominance into other markets. After more than 11 years of litigation and investigation against Microsoft, surely we can do better.

Thank you for your time.

Raul Valdes-Fauli
5700 Collins AV, #9–G
Miami Beach FL 33140

MTC–00029737

THE AMERICAS-COLLECTION
PRIVATE & CORPORATE FINE ARTS DEALERS
January 7, 2002
Hon. Colleen Kollar-Kotelly
U.S. District Court, District of Columbia
c/o Renata B. Hesse Antitrust Division
U.S. Department of Justice
601 D Street NW Suite 1200
Washington, DC 20530–0001

Dear Judge Kollar-Kotally:

The recent proposed settlement between the Department of Justice and Microsoft fails to put an end to Microsoft's predatory practices. The final settlement in U.S. v. Microsoft does not adequately protect competition and innovation in this vital sector of our economy, does not sufficiently address consumer choice and fails to meet the standards for a remedy set in the unanimous ruling against Microsoft by the Court of Appeals for the District of Columbia. Its enforcement provisions are vague and unenforceable. The five-year time frame of the proposed settlement is far too short to deal with the antitrust abuses of a company that has maintained and expanded its monopoly power through years of fear and intimidation.

Microsoft's liability under the antitrust laws is no longer open for debate. The company has been found liable before the District Court, lost its appeal to the United States Court of Appeals for the District of Columbia in a 7–0 decision, saw its petition for rehearing in the appellate court denied, and had its appeal to the Supreme Court turned down. The courts have decided that Microsoft possesses monopoly power and has used that power unlawfully to protect its monopoly. The next step is to find a remedy that meets the appellate court's standard to ''terminate the monopoly, deny to Microsoft the fruits of its past statutory violations, and prevent any future anticompetitive activity.'' This proposed settlement fails to do so. In fact, the weak settlement between Microsoft and the Department of Justice ignores key aspects of the Court of Appeals ruling against Microsoft. The decision gives Microsoft ''sole discretion'' to unilaterally determine that other products or services which don't have anything to do with operating a computer are nevertheless part of a Windows Operating System product. The deal fails to terminate the Microsoft monopoly and, instead, guarantees its survival.

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The end result is that Microsoft is now able to preserve and reinforce its monopoly, and is also free to use anticompetitive tactics to spread its dominance into other markets. After more than 11 years of litigation and investigation against Microsoft, surely we can do better.

Thank you for your time.

Regards,
Dora Valdes-Fauli
Director

MTC–00029738

January 18, 2002
Hon. Colleen Kollar-Kotelly
U.S. District Court, District of Columbia
Government Relations & Public Affairs
Counselors 2350 Coral Way, Suite 301
Miami, Florida 33145
Telephone (305) 860–0780
Facsimile (305) 860–0580
c/o Renata B. Hesse Antitrust Division
U.S. Department of Justice
601 D Street NW Suite
1200 Washington, DC 20530–0001

Dear Judge Kollar-Kotally:

The recent proposed settlement between the Department of Justice and Microsoft fails to put an end to Microsoft's predatory practices.

The final settlement in U.S. v. Microsoft does not adequately protect competition and innovation in this vital sector of our economy, does not sufficiently address consumer choice and fads to meet the standards for a remedy set in the unanimous ruling against Microsoft by the Court of Appeals for the District of Columbia. Its enforcement provisions are vague and unenforceable. The five-year time frame of the proposed settlement is far too short to deal with the antitrust abuses of a company that has maintained and expanded its monopoly power through years of fear and intimidation.

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The end result is that Microsoft is now able to preserve and reinforce its monopoly, and is also free to use anticompetitive tactics to spread its dominance into other markets. After more than 11 years of litigation and investigation against Microsoft, surely we can do better.

Thank you for your time.

Regards, Fausto Gomez

President

Gomez Barker Associates

MTC–00029739

January 15, 2002

Hon. Colleen Kollar-Kotelly

U.S. District Court, District of Columbia

c/o Renata B. Hesse Antitrust Division

U.S. Department of Justice

601 D Street NW

Suite 1200

Washington, DC 20530–0001

Dear Judge Kollar-Kotally:

The recent proposed settlement between the Department of Justice and Microsoft does not put an end to Microsoft's questionable practices. Does the final settlement in U.S. v. Microsoft adequately protect competition and innovation in this vital sector of our economy? Does it sufficiently address consumer choice and meet the standards for a remedy set in the unanimous ruling against Microsoft by the Court of Appeals for the District of Columbia? These questions remain unanswered. The five-year time frame of the proposed settlement seems far too short to deal with the multiple antitrust actions of a company that has maintained and expanded its monopoly power through years of unmatched success. Microsoft's liability under the antitrust laws is no longer open for debate. The company has been found liable before the District Court, lost its appeal to the United States Court of Appeals for the District of Columbia in a 7–0 decision, saw its petition for rehearing in the appellate court denied, and had its appeal to the Supreme Court turned down. The courts have decided that Microsoft possesses monopoly power and has used that power unlawfully to protect its monopoly. The next step is to find a remedy that meets the appellate court's standard to ''terminate the monopoly, deny to Microsoft the fruits of its past statutory violations, and prevent any future anticompetitive activity'' This proposed settlement may not be strong enough.. In fact, the settlement between Microsoft and the Department of Justice seems to ignore key aspects of the Court of Appeals ruling against Microsoft. The decision as it stands gives Microsoft ''sole discretion'' to unilaterally determine that other products or services which don't have anything to do with operating a computer are nevertheless part of a Windows Operating System product, thus failing to terminate Microsoft's standing position in the market.

The settlement allows Microsoft to retaliate against would-be competitors, take the intellectual property of competitors doing business with it and permits Microsoft to define many key terms, which is unprecedented in any law enforcement proceeding. In addition, the proposed settlement contains far too many strong-sounding provisions that are fiddled with loopholes. The agreement requires Microsoft to share certain technical information with other companies. However, Microsoft is under no obligation to share information if that disclosure would harm the company's security or software licensing. The question is, who gets to decide whether such harm might occur?

The settlement says that Microsoft ''shall not enter into any agreement'' to pay a software vendor not to develop or distribute software that would compete with Microsoft's products. However, another provision permits those payments and deals when they are ''reasonably necessary.'' The ultimate arbiter of'' when these deals would be ''reasonably necessary?'' Microsoft.

Furthermore, the provisions in this proposed deal may create a scenario in which Microsoft has too much freedom. The company appoints half the members of its overseeing committee and has the ability to violate regulations, knowing that whatever the committee finds inappropriate is not admissible in court. Finally, Microsoft must only comply with the lenient restrictions in the agreement for only five years. This is clearly not long enough for a company found guilty of violating antitrust law.

Various industry experts from such institutions as Morgan Stanley, the Harvard Business School, Schwab Capital Markets and Prudential Financial have been quoted as saying that this settlement is beneficial to Microsoft's current monopolistic intentions. Antitrust law has protected free markets and enhanced consumer welfare in this country for more than a century. The Microsoft case does not represent a novel application of the law, but is the kind of standard antitrust enforcement action that could ensure vigorous competition in all sectors of today's economy. These same standards have been applied to monopolies in the past, such as Standard Oil and AT&T. Court decisions to break up these monopolies led to prices declining as much as 70% and an increase in competition-driven innovation.

The end result is that Microsoft may still be able to preserve and reinforce its predominance. After more than 11 years of litigation and investigation against Microsoft, I eagerly await what is to be the final outcome.

Thank you for your time.

Regards,

Abel ?? Iglesias

828 Maria??a AV

Coral Gables FL 33134

MTC–00029740

EMS educational management services, inc.

January 18, 2002

Hon. Colleen Kollar-Kotelly

U.S. District Court, District of Columbia

c/o Renata B. Hesse Antitrust Division

U.S. Department of Justice

601 D Street NW

Suite 1200

Washington, DC 20530–0001

Dear Judge Kollar-Kotally:

The recent proposed settlement between the Department of Justice and Microsoft fails to put an end to Microsoft's predatory practices. The final settlement in U.S. v. Microsoft does not adequately protect competition and innovation in this vital sector of our economy, does not sufficiently address consumer choice and fails to meet the standards for a remedy set in the unanimous ruling against Microsoft by the Court of Appeals for the District of Columbia. Its enforcement provisions are vague and unenforceable. The five-year time frame of the proposed settlement is far too short to deal with the antitrust abuses of a company that has maintained and expanded its monopoly power through years of fear and intimidation.

Microsoft's liability under the antitrust laws is no longer open for debate. The company has been found liable before the District Court, lost its appeal to the United States Court of Appeals for the District of Columbia in a 7–0 decision, saw its petition for rehearing in the appellate court denied, and had its appeal to the Supreme Court turned down. The courts have decided that Microsoft possesses monopoly power and has used that power unlawfully to protect its monopoly. The next step is to find a remedy that meets the appellate court's standard to ''terminate the monopoly, deny to Microsoft the fruits of its past statutory violations, and prevent any future anticompetitive activity.'' This proposed settlement fails to do so. In fact, the weak settlement between Microsoft and the Department of Justice ignores key aspects of the Court of Appeals ruling against Microsoft. The decision gives Microsoft ''sole discretion'' to unilaterally determine that

other products or services which don't have anything to do with operating a computer are nevertheless part of a Windows Operating System product. The deal fails to terminate the Microsoft monopoly and, instead, guarantees its survival.

The flawed settlement empowers Microsoft to retaliate against would-be competitors, take the intellectual property of competitors doing business with it and permits Microsoft to define many key terms, which is unprecedented in any law enforcement proceeding.

In addition, the proposed settlement contains far too many strong-sounding provisions that are fiddled with loopholes. The agreement requires Microsoft to share certain technical information with other companies. However, Microsoft is under no obligation to share information if that disclosure would harm the company's security or software licensing. Who gets to decide whether such harm might occur? Microsoft. The settlement says that Microsoft ''shall not enter into any agreement'' to pay a software vendor not to develop or distribute software that would compete with Microsoft's products. However, another provision permits those payments and deals when they are ''reasonably necessary.'' The ultimate arbiter of when these deals would be ''reasonably necessary?'' Microsoft.

Furthermore, the weak enforcement provisions in this proposed deal leave Microsoft free to do practically whatever it wants. The company appoints half the members of its overseeing committee and has the ability to violate regulations, knowing that whatever the committee finds inappropriate is not admissible in court. Finally, Microsoft must only comply with the lenient restrictions in the agreement for only five years. This is clearly not long enough for a company found guilty of violating antitrust law.

Sadly, the proposed final judgment has the potential to make the competitive landscape of the software industry worse, it contains so many ambiguities and loopholes that it may be unenforceable and will likely lead to years of additional litigation. Antitrust law has protected free markets and enhanced consumer welfare in this country for more than a century. The Microsoft case does not represent a novel application of the law, but is the kind of standard antitrust enforcement action that could ensure vigorous competition in all sectors of today's economy. These same standards have been applied to monopolies in the past, such as Standard Oil and AT&T. Court decisions to break up these monopolies led to prices declining as much as 70% and an increase in competition-driven innovation.

The end result is that Microsoft is now able to preserve and reinforce its monopoly, and is also free to use anticompetitive tactics to spread its dominance into other markets. After more than 11 years of litigation and investigation against Microsoft, surely we can do better.

Regards,
Esther Tellechea
President
Educational Management Services

MTC–00029741

January 7, 2002
Hon. Colleen Kollar-Kotelly
U.S. District Court,
District of Columbia
c/o Renata B. Hesse Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Judge Kollar-Kotally:

The recent proposed settlement between the Department of Justice and Microsoft fails to put an end to Microsoft's predatory practices.

The final settlement in U.S. v. Microsoft does not adequate protect competition and innovation in this vital sector of our economy, does not sufficiently address consumer choice and fails to meet the standards for a remedy set in the unanimous ruling against Microsoft by the Court of Appeals for the District of Columbia. Its enforcement provisions are vague and unenforceable. The five-year time frame of the proposed settlement is far too short to deal with the antitrust abuses of a company that has maintained and expanded its monopoly power through years of fear and intimidation.

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The flawed settlement empowers Microsoft to retaliate against would-be competitors, take the intellectual property of competitors doing business with it and permits Microsoft to define many key terms, which is unprecedented in any law enforcement proceeding.

In addition, the proposed settlement contains far too many strong-sounding provisions that are fiddled with loopholes. The agreement requires Microsoft to share certain technical information with other companies. However, Microsoft is under no obligation to share information if that disclosure would harm the company's security software licensing. Who gets to decide whether such harm might occur? Microsoft. The settlement says that Microsoft ''shall not enter into any agreement'' to pay a software vendor not to develop or distribute software that would compete with Microsoft's products. However, another provision permits those payments and deals when they are ''reasonably necessary.'' The ultimate arbiter of when these deals would be ''reasonably necessary?'' Microsoft.

Furthermore, the weak enforcement provisions in this proposed deal leave Microsoft free to do practically whatever it wants. The company appoints half the members of its overseeing committee and has the ability to violate regulations, knowing that whatever the committee finds inappropriate is not admissible in court. Finally, Microsoft must only comply with the lenient restrictions in the agreement for only five years. This is clearly not long enough for a company found guilty of violating antitrust law. Sadly, the proposed final judgment has the potential to make the competitive landscape of the software industry worse, it contains so many ambiguities and loopholes that it may be unenforceable and will likely lead to years of additional litigation. Various industry experts from such institutions as Morgan Stanley, the Harvard Business School, Schwab Capital Markets and Prudential Financial have been quoted as saying that this settlement is beneficial to Microsoft's current monopolistic intentions.

Antitrust law has protected free markets and enhanced consumer welfare in this country for more than a century. The Microsoft case does not represent a novel application of the law, but is the kind of standard antitrust enforcement action that could ensure vigorous competition in all sectors of today's economy. These same standards have been applied to monopolies in the past, such as Standard Oil and AT&T. court decisions to break up these monopolies led to prices declining as much as 70% and an increase in competition-driven innovation. The end result is that Microsoft is now able to preserve and reinforce its monopoly, and is also free to use anticompetitive tactics to spread its dominance into other markets. After more than 11 years of litigation and investigation against Microsoft, surely we can do better.

That you for your time.
Regards,
Janet M. Perez
Commercial Services Department
Italy-America Chamber of Commerce Southeast, Inc.

MTC–00029742

January 15, 2002
Hon. Colleen Kollar-Kotelly
U.S. District Court, District of Columbia
c/o Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Judge Kollar-Kotally:

The recent proposed settlement between the Department of Justice and Microsoft fails to put an end to Microsoft's predatory practices.

The final settlement in U.S. v. Microsoft does not adequately protect competition and

innovation in this vital sector of our economy, does not sufficiently address consumer choice and fails to meet the standards for a remedy set in the unanimous ruling against Microsoft by the Court of Appeals for the District of Columbia. Its enforcement provisions are vague and unenforceable. The five-year time frame of the proposed settlement is far too short to deal with the antitrust abuses of a company that has maintained and expanded its monopoly power through years of fear and intimidation.

Microsoft's liability under the antitrust laws is no longer open for debate. The company has been found liable before the District Court, lost its appeal to the United States Court of Appeals for the District of Columbia in a 7–0 decision, saw its petition for reheating in the appellate court denied, and had its appeal to the Supreme court turned down. The courts have decided that Microsoft possesses monopoly power and has used that power unlawfully to protect its monopoly. The next step is to find a remedy that meets the appellate court's standard to ''terminate the monopoly, deny to Microsoft the fruits of its past statutory violations, and prevent any future anticompetitive activity.'' The proposed settlement fails to do so. In fact, the weak settlement between Microsoft and the Department of Rustic ignores key aspects of the Court of Appeals ruling against Microsoft. The decision gives Microsoft ''sole discretion'' to unilaterally determine that other products or services which don't have anything to do with operating a computer are nevertheless part of a Windows Operating System product. The deal fails to terminate the Microsoft monopoly and, instead, guarantees its survival.

The flawed settlement empowers Microsoft to retaliate against would-be competitors, take the intellectual property of competitors doing business with it and permits Microsoft to define many key terms, which is unprecedented in any law enforcement proceeding.

In addition, the proposed settlement contains far too many strong-sounding provisions that are fiddled with loopholes. The agreement requires Microsoft to share certain technical information with other companies. However, Microsoft is under no obligation to share information if that disclosure would harm the company's security software licensing. Who gets to decide whether such harm might occur? Microsoft. The settlement says that Microsoft ''shall not enter into any agreement'' to pay a software vendor not to develop or distribute software that would compete with Microsoft's products. However, another provision permits those payments and deals when they are ''reasonably necessary.'' The ultimate arbiter of when these deals would be ''reasonably necessary?'' Microsoft.

Furthermore, the weak enforcement provisions in this proposed deal leave Microsoft free to do practically whatever it wants. The company appoints half the members of its overseeing committee and has the ability to violate regulations, knowing that whatever the committee finds inappropriate is not admissible in court. Finally, Microsoft must only comply with the lenient restrictions in the agreement for only five years. This is clearly not long enough for a company found guilty of violating antitrust law. Sadly, the proposed final judgment has the potential to make the competitive landscape of the software industry worse, it contains so many ambiguities and loopholes that it may be unenforceable and will likely lead to years of additional litigation. Various industry experts from such institutions as Morgan Stanley, the Harvard Business School, Schwab Capital Markets and Prudential Financial have been quoted as saying that this settlement is beneficial to Microsoft's current monopolistic intentions.

Antitrust law has protected free markets and enhanced consumer welfare in this country for more than a century. The Microsoft case does not represent a novel application of the law, but is the kind of standard antitrust enforcement action that could ensure vigorous competition in all sectors of today's economy. These same standards have been applied to monopolies in the past, such as Standard Oil and AT&T. court decisions to break up these monopolies led to prices declining as much as 70% and an increase rein competition-driven innovation. The end result is that Microsoft is now able to preserve and reinforce its monopoly, and is also free to use anticompetitive tactics to spread its dominance into other markets. After more than 11 years of litigation and investigation against Microsoft, surely we can do better.

That you for your time.

Regards,

Jose Gutierrez

Commercial Broker

MTC–00029743

January 17, 2002

Hon. Colleen Kollar-Kotelly

U.S. District Court, District of Columbia

c/o Renata B. Hesse

Antitrust Division

U.S. Department of Justice

601 D Street NW

Suite 1200

Washington, DC 20530–0001

Dear Judge Kollar-Kotally:

The recent proposed settlement between the Department of Justice and Microsoft fails to put an end to Microsoft's predatory practices. The final settlement in U.S. v. Microsoft does not adequately protect competition and innovation in this vital sector of our economy, does not sufficiently address consumer choice and fails to meet the standards for a remedy set in the unanimous ruling against Microsoft by the Court of Appeals for the District of Columbia. Its enforcement provisions are vague and unenforceable. The five-year time frame of the proposed settlement is far too short to deal with the antitrust abuses of a company that has maintained and expanded its monopoly power through years of fear and intimidation. Microsoft's liability under the antitrust laws is no longer open for debate. The company has been found liable before the District Court, lost its appeal to the United States Court of Appeals for the District of Columbia in a 7–0 decision, saw its petition for reheating in the appellate court defiled, and had its appeal to the Supreme Court turned down. The courts have decided that Microsoft possesses monopoly power and has used that power unlawfully to protect its monopoly.

The next step is to find a remedy that meets the appellate court's standard to ''terminate the monopoly, deny to Microsoft the fruits of its past statutory violations, and prevent any future anticompetitive activity.'' This proposed settlement fails to do so. In fact, the weak settlement between Microsoft and the Department of Justice ignores key aspects of the Court of Appeals ruling against Microsoft. The decision gives Microsoft ''sole discretion'' to unilaterally determine that other products or services which don't have anything to do with operating a computer are nevertheless part of a Windows Operating System product. The deal fails to terminate the Microsoft monopoly and, instead, guarantees its survival.

The flawed settlement empowers Microsoft to retaliate against would-be competitors, take the intellectual property of competitors doing business with it and permits Microsoft of define many key terms, which is unprecedented in any law enforcement proceeding. In addition, the proposed settlement contains far too many strong-sounding provisions that are riddled with loopholes. Furthermore, the weak enforcement provisions in this proposed deal leave Microsoft free to do practically whatever it wants. The company appoints half the members of its overseeing committee and has the ability to violate regulations, knowing that whatever the committee finds inappropriate is not admissible in court. Finally, Microsoft must comply with the lenient restrictions in the agreement for only five years. That is clearly not long enough for a company found guilty of violating antitrust law.

Sadly, the proposed final judgment has the potential to make the competitive landscape of the software industry worse, it contains so many ambiguities and loopholes that it may be unenforceable and will likely lead to years of additional litigation. Various industry experts from such institutions as Morgan Stanley, the Harvard Business School, Schwab Capital Markets and Prudential Financial have been quoted as saying that this settlement is beneficial to Microsoft's current monopolistic intentions.

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Thank you for your time.

Regards,
Martin Mendiola
Presient

MTC–00029744

January 7, 2002
Hon. Colleen Kollar-Kotelly
U.S. District Court, District of Columbia
c/o Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Judge Kollar-Kotally:

The recent proposed settlement between the Department of Justice and Microsoft fails to put an end to Microsoft's predatory practices. The final settlement in U.S. v. Microsoft does not adequately protect competition and innovation in this vital sector of our economy, does not sufficiently address consumer choice and fails to meet the standards for a remedy set in the unanimous ruling against Microsoft by the Court of Appeals for the District of Columbia. Its enforcement provisions are vague and unenforceable. The five-year time frame of the proposed settlement is far too short to deal with the antitrust abuses of a company that has maintained and expanded its monopoly power through years of fear and intimidation.

Microsoft's liability under the antitrust laws is no longer open for debate. The company has been found liable before the District Court, lost its appeal to the United States Court of Appeals for the District of Columbia in a 7–0 decision, saw its petition for rehearing in the appellate court denied, and had its appeal to the Supreme Court turned down. The courts have decided that Microsoft possesses monopoly power and has used that power unlawfully to protect its monopoly. The next step is to find a remedy that meets the appellate court's standard to ''terminate the monopoly, deny to Microsoft the fruits of its past statutory violations, and prevent any future anticompetitive activity.'' This proposed settlement fails to do so. In fact, the weak settlement between Microsoft and the Department of Justice ignores key aspects of the Court of Appeals ruling against Microsoft. The decision gives Microsoft ''sole discretion'' to unilaterally determine that other products or services which don't have anything to do with operating a computer are nevertheless part of a Windows Operating System product. The deal fails to terminate the Microsoft monopoly and, instead, guarantees its survival.

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In addition, the proposed settlement contains far too many strong-sounding provisions that are riddled with loopholes. The agreement requires Microsoft to share certain technical information with other companies. However, Microsoft is under no obligation to share information if that disclosure would harm the company's security or software licensing. Who gets to decide whether such harm might occur? Microsoft. The settlement says that Microsoft ''shall not enter into any agreement'' to pay a software vendor not to develop or distribute software that would compete with Microsoft's products. However, another provision permits those payments and deals when they are ''reasonably necessary.'' The ultimate arbiter of when those deals would be ''reasonably necessary?'' Microsoft.

Furthermore, the weak enforcement provisions in this proposed deal leave Microsoft free to do practically whatever it wants. The company appoints half the members of its overseeing committee and has the ability to violate regulations, knowing that whatever the committee finds inappropriate is not admissible in court. Finally, Microsoft must only comply with the lenient restrictions in the agreement for only five years. This is clearly not long enough for a company found guilty of violating antitrust law.

Sadly, the proposed final judgment has the potential to make the competitive landscape of the software industry worse, it contains so many ambiguities and loopholes that it may be unenforceable and will likely lead to years of additional litigation. Various industry experts from such institutions as Morgan Stanley, the Harvard Business School, Schwab Capital Markets and Prudential Financial have been quoted as saying that this settlement is beneficial to Microsoft's current monopolistic intentions.

Antitrust law has protected free markets and enhanced consumer welfare in this country for more than a century. The Microsoft case does not represent a novel application of the law, but is the kind of standard antitrust enforcement action that could ensure vigorous competition in all sectors of today's economy. These same standards have been applied to monopolies in the past, such as Standard Oil and AT&T. Court decisions to break up these monopolies led to prices declining as much as 70% and an increase in competition-driven innovation. The end result is that Microsoft is ow able to preserve and reinforce its monopoly, and is also free to use anticompetitive tactics to spread its dominance into other markets. After more than 11 years of litigation and investigation against Microsoft, surely we can do better.

Thank you for your time.
Regards,
Lourdes Castro

MTC–00029745

January 14, 2002
Vincent Import & Export, Inc.
751 North Greenway,
Coral Gables, FL
Hon. Colleen Kollar-Kotelly
U.S. District Court,
District of Columbia
c/o Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Judge Kollar-Kotally:

The recent proposed settlement between the Department of Justice and Microsoft fails to put an end to Microsoft's predatory practices.

The final settlement in U.S. v. Microsoft does not adequately protect competition and innovation in this vital sector of our economy, does not sufficiently address consumer choice and fails to meet the standards for a remedy set in the unanimous ruling against Microsoft by the Court of Appeals for the District of Columbia. Its enforcement provisions are vague and unenforceable. The five-year time frame of the proposed settlement is far too short to deal with the antitrust abuses of a company that has maintained and expanded its monopoly power through years of fear and intimidation.

Microsoft's liability under the antitrust laws is no longer open for debate. The company has been found liable before the District Court, lost its appeal to the United States Court of Appeals for the District of Columbia in a 7–0 decision, saw its petition for reheating in the appellate court denied, and had its appeal to the Supreme Court turned down. The courts have decided that Microsoft possesses monopoly power and has used that power unlawfully to protect its monopoly. The next step is to find a remedy that meets that appellate court's standard to ''terminate the monopoly, deny to Microsoft the fruits of its past statutory violations, and prevent any future anticompetitive activity.'' This proposed settlement fails to do so. In fact, the weak settlement between Microsoft and the Department of Justice ignores key aspects of the Court of Appeals ruling against Microsoft. The decision gives Microsoft ''sole discreti8on'' to unilaterally determine that other products or services which don't have anything to do with operating a computer are nevertheless pan of a Windows Operating System product. The deal fails to terminate the Microsoft monopoly and, instead, guarantees its survival.

The flawed settlement empowers Microsoft to retaliate against would-be competitors, take the intellectual property of competitors doing business with it and permits Microsoft to define many key terms, which is unprecedented in any law enforcement proceeding.

In addition, the proposed settlement contains far too many strong-sounding provisions that are fiddled with loopholes. The agreement requires Microsoft to share certain technical information with other companies. However, Microsoft is under no obligation to share information if that disclosure would harm the company's security or software licensing. Who gets to decide whether such harm might occur? Microsoft. The settlement says that Microsoft ''shall not enter into any agreement'' to pay a software vendor not to develop or distribute software that would compete with Microsoft's products. However, another provision permits those payments and deals when they are ''reasonably necessary.'' The ultimate arbiter of when these deals would be ''reasonably necessary?'' Microsoft.

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the ability to violate regulations, knowing that whatever the committee finds inappropriate is not admissible in court. Finally, Microsoft must only comply with the lenient restrictions in the agreement for only five years. This is clearly not long enough for a company found guilty of violating antitrust law.

Sadly, the proposed final judgment has the potential to make the competitive landscape of the software industry worse, it contains so many ambiguities and loopholes that it may be unenforceable and will likely lead to years of additional litigation. Various industry experts from such institutions as Morgan Stanley, the Harvard Business School, Schwab Capital Markets and Prudential Financial have been quoted as saying that this settlement is beneficial to Microsoft's current monopolistic intentions.

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Thank you for your time.

Regards,

Francia Quijada

President

Vincent Import & Export, Inc.

MTC–00029746

January 14, 2002
Hon. Colleen Kollar-Kotelly
U.S. District Court,
District of Columbia
c/o Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Judge Kollar-Kotally:

The recent proposed settlement between the Department of Justice and Microsoft fails to put an end to Microsoft's predatory practices.

The final settlement in U.S. v. Microsoft does not adequately protect competition and innovation in this vital sector of our economy, does not sufficiently address consumer choice and fails to meet the standards for a remedy set in the unanimous ruling against Microsoft by the Court of Appeals for the District of Columbia. Its enforcement provisions are vague and unenforceable. The five-year time frame of the proposed settlement is far too short to deal with the antitrust abuses of a company that has maintained and expanded its monopoly power through years of fear and intimidation.

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Sadly, the proposed final judgment has the potential to make the competitive landscape of the software industry worse, it contains so many ambiguities and loopholes that it may be unenforceable and will likely lead to years of additional litigation. Various industry experts from such institutions as Morgan Stanley, the Harvard Business School, Schwab Capital Markets and Prudential Financial have been quoted as saying that this settlement is beneficial to Microsoft's current monopolistic intentions.

Antitrust law has protected free markets and enhanced consumer welfare in this country for more than a century. The Microsoft case does not represent a novel application of the law, but is the kind of standard antitrust enforcement action that could ensure vigorous competition in all sectors of today's economy. These same standards have been applied to monopolies in the past, such as Standard Oil and AT&T. Court decisions to break up these monopolies led to prices declining as much as 70% and an increase in competition-driven innovation. The end result is that Microsoft is now able to preserve and reinforce its monopoly, and is also free to use anticompetitive tactics to spread its dominance into other markets. After more than 11 years of litigation and investigation against Microsoft, surely we can do better.

Thank you for your time.

Regards,

Daniel Guiterras

Owner

The Globe

MTC–00029747

January 22, 2002
Hon. Colleen Kollar-Kotelly
U.S. District Court,
District of Columbia
c/o Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street, N. W.
Suite 1200
Washington, DC 20530–0001

Dear Judge Kollar-Kotally:

The recent proposed settlement between the Department of Justice and Microsoft fails to put an end to Microsoft's predatory practices. The final settlement in U.S. v. Microsoft does not adequately protect competition and choice, and fails to meet the standards for a remedy set in the unanimous ruling against Microsoft by the Court of Appeals for the District of Columbia. Its enforcement provisions are vague and unenforceable. The five-year time frame of the proposed settlement is far too short to deal with the antitrust abuses of a company that has maintained and expanded its monopoly power through years of fear and intimidation.

Microsoft's liability under the antitrust laws is no longer open for debate. The company has been found liable before the District Court, lost its appeal to the United States Court of Appeals for the District of Columbia in a 7–0 decision, saw its petition for reheating in the appellate court denied, and had its appeal to the Supreme Court turned down. The courts have decided that Microsoft possesses monopoly power and has used that power unlawfully to protect its monopoly. The next step is to find a remedy that meets the appellate court's standard to ''terminate the monopoly, deny to Microsoft the fruits of its past statutory violations, and prevent any future anticompetitive activity.'' This proposed settlement fails to do so. In fact, the weak settlement between Microsoft and the Department of Justice ignores key aspects of the Court of Appeals ruling against

Microsoft. The decision gives Microsoft ''sole discretion'' to unilaterally determine that other products or services which don't have anything to do with operating a computer are nevertheless part of a Windows Operating System product. The deal fails to terminate the Microsoft monopoly, and, instead, guarantees its survival.

The flawed settlement empowers Microsoft to retaliate against would-be competitors, take the intellectual property of competitors doing business with it and permits Microsoft to define many key terms, which is unprecedented in any law enforcement proceeding.

In addition, the proposed settlement contains far too many strong-sounding provisions that are fiddled with loopholes. The agreement requires Microsoft to share certain technical information with other companies. However, Microsoft is under no obligation to share information if that disclosure would harm the company's security or software licensing. Who gets to decide whether such harm might occur? Microsoft. The settlement says that Microsoft ''shall not enter into any agreement'' to pay a software vendor not to develop or distribute software that would compete with Microsoft's products. However, another provision permits those payments and deals when they are ''reasonably necessary.'' The ultimate arbiter of when these deals would be ''reasonably necessary?'' Microsoft.

Furthermore, the weak enforcement provisions of this proposed deal leave Microsoft free to do practically whatever it wants. The company appoints half the members of its overseeing committee and has the ability to violate regulations, knowing that whatever the committee finds inappropriate is not admissible in court. Finally, Microsoft must only comply with the lenient restrictions in the agreement for only five years. This is clearly not long enough for a company found guilty of violating antitrust laws.

Sadly, the proposed final judgment has the potential to make the competitive landscape of the software industry worse, it contains so many ambiguities and loopholes that it may be unenforceable and will likely lead to years of additional litigation. Various industry experts from such institutions such as Morgan Stanley, the Harvard Business School, Schwab Capital Markets, and Prudential Financial have been quoted as saying that this settlement is beneficial to Microsoft's current monopolistic intentions.

Antitrust law has protected free markets and enhanced consumer welfare in this country for more than a century. The Microsoft case does not represent a novel application of the law, but is the kind of standard antitrust enforcement action that could ensure vigorous competition in all sectors of today's economy. These same standards have been applied to monopolies in the past, such as Standard Oil and AT&T. Court decisions to break up these monopolies led to prices declining as much as 70% and an increase in competition-driven innovation. The end result is that Microsoft is now able to preserve and reinforce its monopoly, and is also free to use anticompetitive tactics to spread its dominance into other markets. After more than 11 years of litigation and investigation against Microsoft, surely we can do better.

Thank you for your time.

Regards,

Alina Lopez-Centellas

Vice President

MTC–00029748

January 15, 2002
Hon. Colleen Kollar-Kotelly
U.S. District Court,
District of Columbia
c/o Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Judge Kollar-Kotally:

The recent proposed settlement between the Department of Justice and Microsoft does not put an end to Microsoft's questionable practices. Does the final settlement in U.S. v. Microsoft adequately protect competition and innovation in this vital sector of our economy? Does it sufficiently address consumer choice and meet the standards for a remedy set in the unanimous ruling against Microsoft by the Court of Appeals for the District of Columbia? These questions remain unanswered. The five-year time frame of the proposed settlement is far too short to deal with the antitrust actions of a company that has maintained and expanded its monopoly power through years of unmatched success. Microsoft's liability under the antitrust laws is no longer open for debate. The company has been found liable before the District Court, lost its appeal to the United States Court of Appeals for the District of Columbia in a 7–0 decision, saw its petition for reheating in the appellate court denied, and had its appeal to the Supreme Court turned down. The courts have decided that Microsoft possesses monopoly power and has used that power unlawfully to protect its monopoly. The next step is to find a remedy that meets the appellate court's standard to ''terminate the monopoly, deny to Microsoft the fruits of its past statutory violations, and prevent any future anticompetitive activity.'' This proposed settlement may not be strong enough.. In fact, the settlement between Microsoft and the Department of Justice ignores key aspects of the Court of Appeals ruling against Microsoft. The decision gives Microsoft ''sole discretion'' to unilaterally determine that other products or services which don't have anything to do with operating a computer are nevertheless part of a Windows Operating System product. The deal fails to terminate the Microsoft monopoly and, instead, guarantees its survival.

The settlement empowers Microsoft to retaliate against would-be competitors, take the intellectual property of competitors doing business with it and permits Microsoft to define many key terms, which is unprecedented in any law enforcement proceeding.

In addition, the proposed settlement contains far too many strong-sounding provisions that are fiddled with loopholes. The agreement requires Microsoft to share certain technical information with other companies. However, Microsoft is under no obligation to share information if that disclosure would harm the company's security or soft-ware licensing. Who gets to decide whether such harm might occur? Microsoft. The settlement says that Microsoft ''shall not enter into any agreement'' to pay a software vendor not to develop or distribute software that would compete with Microsoft's products. However, another provision permits those payments and deals when they are ''reasonably necessary.'' The ultimate arbiter of when these deals would be ''reasonably necessary'' Microsoft.

Furthermore, the provisions in this proposed deal leave Microsoft free to do practically whatever it wants. The company appoints half the members of its overseeing committee and has the ability to violate regulations, knowing that whatever the committee finds inappropriate is not admissible in court. Finally, Microsoft must only comply with the lenient restrictions in the agreement for only five years. This is clearly not long enough for a company found guilty of violating antitrust law.

Various industry experts from such institutions as Morgan Stanley, the Harvard Business School, Schwab Capital Markets and Prudential Financial have been quoted as saying that this settlement is beneficial to Microsoft's current monopolistic intentions.

Antitrust law has protected free markets and enhanced consumer welfare in this country for more than a century. The Microsoft case does not represent a novel application of the law, but is the kind of standard antitrust enforcement action that could ensure vigorous competition in all sectors of today's economy. These same standards have been applied to monopolies in the past, such as Standard Oil and AT&T. Court decisions to break up these monopolies led to prices declining as much as 70% and an increase in competition-driven innovation.

The end result is that Microsoft may still be able to preserve and reinforce its monopoly, After more than 11 years of litigation and investigation against Microsoft, I eagerly await what is to be the final outcome.

Thank you for your time.

Regards,

K. William Leffland

Past Dean

Florida International University

MTC–00029749

January 15, 2002
Hon. Colleen Kollar-Kotelly
U.S. District Court,
District of Columbia
c/o Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Judge Kollar-Kotally:

The recent proposed settlement between the Department of Justice and Microsoft does not put an end to Microsoft's questionable practices.

Does the final settlement in U.S. v. Microsoft adequately protect competition and

innovation in this vital sector of our economy? Does it sufficiently address consumer choice and meet the standards for a remedy set in the unanimous ruling against Microsoft by the Court of Appeals for the District of Columbia? These questions remain unanswered. The five-year time frame of the proposed settlement seems far too short to deal with the multiple antitrust actions of a company that has maintained and expanded its monopoly power through years of unmatched success. Microsoft's liability under the antitrust laws is no longer open for debate. The company has been found liable before the District Court, lost its appeal to the United States Court of Appeals for the District of Columbia in a 7–0 decision, saw its petition for reheating in the appellate court denied, and had its appeal to the Supreme Court turned down. The courts have decided that Microsoft possesses monopoly power and has used that power unlawfully to protect its monopoly. The next step is to find a remedy that meets the appellate court's standard to ''terminate the monopoly, deny to Microsoft the fruits of its past statutory violations, and prevent any future anticompetitive activity.'' This proposed settlement may not be strong enough.. In fact, the settlement between Microsoft and the Department of Justice seems to ignore key aspects of the Court of Appeals ruling against Microsoft. The decision as it stands gives Microsoft ''sole discretion'' to unilaterally determine that other products or services which don't have anything to do with operating a computer are nevertheless part of a Windows Operating System product, thus falling to terminate Microsoft's standing position in the market.

The settlement allows Microsoft to retaliate against would-be competitors, take the intellectual property of competitors doing business with it and permits Microsoft to define many key terms, which is unprecedented in any law enforcement proceeding.

In addition, the proposed settlement contains far too many strong-sounding provisions that are fiddled with loopholes. The agreement requires Microsoft to share certain technical information with other companies. However, Microsoft is under no obligation to share information if that disclosure would harm the company's security or software licensing. The question is, who gets to decide whether such harm might occur? The settlement says that Microsoft ''shall not enter into any agreement'' to pay a software vendor not to develop or distribute software that would compete with Microsoft's products. However, another provision permits those payments and deals when they are ''reasonably necessary.'' The ultimate arbiter of when these deals would be ''reasonably necessary?'' Microsoft.

Furthermore, the provisions in this proposed deal may create a scenario in which Microsoft has too much freedom. The company appoints half the members of its overseeing committee and has the ability to violate regulations, knowing that whatever the committee finds inappropriate is not admissible in court. Finally, Microsoft must only comply with the lenient restrictions in the agreement for only five years. This is clearly not long enough for a company found guilty of violating antitrust law.

Various industry experts from such institutions as Morgan Stanley, the Harvard Business School, Schwab Capital Markets and Prudential Financial have been quoted as saying that this settlement is beneficial to Microsoft's current monopolistic intentions. Antitrust law has protected free markets and enhanced consumer welfare in this country for more than a century. The Microsoft case does not represent a novel application of the law, but is the kind of standard antitrust enforcement action that could ensure vigorous competition in all sectors of today's economy. These same standards have been applied to monopolies in the past, such as Standard Oil and AT&T. Court decisions to break up these monopolies led to prices declining as much as 70% and an increase in competition-driven innovation. The end result is that Microsoft may still be able to preserve and reinforce its predominance. After more than 11 years of litigation and investigation against Microsoft, I eagerly await what is to be the final outcome.

Thank you for your time.

Regards,

Gustavo Godoy

Publisher

Vista Magazine

MTC–00029750

January 7, 2001

Hon. Colleen Kollar-Kotelly

U.S. District Court, District of Columbia

c/o Renata B. Hesse

Antitrust Division

U.S. Department of Justice

601 D Street NW

Suite 1200

Washington, DC 20530–0001

Dear Judge Kollar-Kotally:

The recent proposed settlement between the Department of Justice and Microsoft falls to put an end to Microsoft's predatory practices.

The final settlement in U.S. v. Microsoft does not adequately protect competition and innovation in this vital sector of our economy, does not sufficiently address consumer choice and fails to meet the standards for a remedy set in the unanimous ruling against Microsoft by the Court of Appeals for the District of Columbia. Its enforcement provisions are vague and unenforceable. The five-year time frame of the proposed settlement is far too short to deal with the antitrust abuses of a company that has maintained and expanded its monopoly power through years of fear and intimidation.

Microsoft's liability under the antitrust laws is no longer open for debate. The company has been found liable before the District Court, lost its appeal to the United States Court of Appeals for the District of Columbia in a 7–0 decision, saw its petition for reheating in the appellate court denied, and had its appeal to the Supreme Court turned down. The courts have decided that Microsoft possesses monopoly power and has used that power unlawfully to protect its monopoly. The next step is to find a remedy that meets the appellate court's standard to ''terminate the monopoly, deny to Microsoft the fruits of its past statutory violations, and prevent any future anticompetitive activity.'' This proposed settlement falls to do so. In fact, the weak settlement between Microsoft and the Department of Justice ignores key aspects of the Court of Appeals ruling against Microsoft. The decision gives Microsoft ''sole discretion'' to unilaterally determine that other products or services which don't have anything to do with operating a computer are nevertheless part of a Windows Operating System product. The deal fails to terminate the Microsoft monopoly and, instead, guarantees its survival.

The flawed settlement empowers Microsoft to retaliate against would-be competitors, take the intellectual property of competitors doing business with it and permits Microsoft to define many key terms, which is unprecedented in any law enforcement proceeding. In addition, the proposed settlement contains far too many strong-sounding provisions that are riddled with loopholes. The agreement requires Microsoft to share certain technical information with other companies. However, Microsoft is under no obligation to share information if that disclosure would harm the company's security or software licensing. Who gets to decide whether such harm might occur? Microsoft. The settlement says that Microsoft ''shall not enter into any agreement'' to pay a software vendor not to develop or distribute software that would compete with Microsoft's products. However, another provision permits those payments and deals when they are ''reasonably necessary.'' The ultimate arbiter of when these deals would be ''reasonably necessary?'' Microsoft.

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Sadly, the proposed final judgment has the potential to make the competitive landscape of the software industry worse, it contains so many ambiguities and loopholes that it may be unenforceable and will likely lead to years of additional litigation. Various industry experts from such institutions as Morgan Stanley, the Harvard Business School, Schwab Capital Markets and Prudential Financial have been quoted as saying that this settlement is beneficial to Microsoft's current monopolistic intentions.

Antitrust law has protected free markets and enhanced consumer welfare in this country for more than a century. The Microsoft case does not represent a novel application of the law, but is the kind of standard antitrust enforcement action that could ensure vigorous competition in all sectors of today's economy. These same standards have been applied to monopolies in the past, such as Standard Oil and AT&T. Court decisions to break up these monopolies

led to prices declining as much as 70% and an increase in competition-driven innovation. The end result is that Microsoft is now able to preserve and reinforce its monopoly, and is also free to use anticompetitive tactics to spread its dominance into other markets. After more than 11 years of litigation and investigation against Microsoft, surely we can do better.

Thank you for your time.

Regards,

Ben Quevedo, Jr.

Vice President- Administration Alliance Air, Inc.

Alliance Air, Inc.

MTC–00029751

7505 S Avenida de Belleza
Tucson, AZ 85747–9707
January 23, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing you this brief letter to ask you to utilize your office and influence to expedite the finalization of the settlement proposal in the Microsoft anti-trust case. This case is three years old, It has been the subject of endless controversy and continuous litigation, negotiation and mediation, and is now ready and ripe for settlement. Your Justice Department and Microsoft have reached an agreement. It is fair, timely and overdue. Please support it.

The agreement will allow Microsoft to retain its present corporate structure. In return Microsoft will substantially change its marketing practices and marketplace philosophy. Microsoft will hereafter promote the use of non-Microsoft software by reconfiguring its Windows platform systems to readily accept competitors'' products. Microsoft will now even share certain Windows technology with the rest of the industry in order to facilitate innovation and choice for consumers. Within the industry Microsoft will now license its Windows products to major computer manufacturers at similar terms and prices. This settlement contains all of this and more in an effort to prod Microsoft's competitors to greater market share. Such concessions merit a settlement.

Let's let Microsoft get back to the work of leading the IT industry into this new century.

Sincerely,

Charlie Tucker

MTC–00029752

RI?RESINTATIVE J. SAM ELLI?
I you O?ETAICT ORRJCE AOO??OG:
?OT LODI?LATIVE OR?ICE
BUILOING??L?J??. NC 37401–10??
TELE?NONE: ? 735–6788
? 715–7080 ?
HOHI AOC????; ? AU?UAN KWICNTOAL K ROAD
??LCICII. NC 2741?
Ms. Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite
Washington, DC 20530

Dear Ms. Hesse:

The United States Department of Justice has wisely approved the proposed consont docr??e that would end the federal government's three-year antitrust case against Microsoft. The North Carolina Department of Justice has done the same. I believe it is now time for the federal courts to accept the settlement and put an end to this unwise and unnecessary litigation.

Yes, Microsoft has been a tough competitor. But the purpose of antitrust law is to protect the consumer, not to protect the market share of competitors. I have never seen proof set forth that Microsoft's business practices hurt consumers, Software has become more available, easier to use and less expensive. Millions of people have been able to use computers for the first time. Where is the consumer harm?

Yes, in the interests of settling this case and ending the litigation, Microsoft has now agreed to accept unprecedented curbs on how it does business. It must provide more information to competitors and computer manufacturers. It must change the way it develops, licenses and market its software. It must accept the oversight of a technical committee.

These are remarkable concessions. They were developed in tough negotiation led by a court-appointed mediator. They offer something for both sides. More important, they offer Microsoft, this industry and the technology-dependent economy the opportunity to end the costly and time-consuming litigation.

I sincerely hope the federal court will approve this settlement. It is time to put an end to this ill-advised case.

Sincerely,

Sam Ellis

MTC–00029753

Ms. Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW. Suite 1200
Washington, DC. 20530
Fax 202–616–9937
Mictoso?? att??

Dear Ms. Hesse:

From the beginning, the federal government's pursuit of Microsoft has been politically inspired and economically unwise. The case was conceived and even subsidized in the beginning by Microsoft's competitors. They sought to win in the courts what they could not win in the market. The government should never have initiated this proceeding. Now the courts have an opportunity to end this madness. Three years and $30 million of the taxpayers money is enough. At a time when terrorists threaten America and we are facing an economic slowdown, our nation. the information technology industry and Microsoft should not be forced to waste more time and money on this case. It is time to move ahead. Please put and end to this travesty.

Sincerely.

Ballard Evere??t

MTC–00029754

Rick Wolf
435 Glen Park Drive
Bay Village, Ohio 44140
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvanta Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

Microsoft and the Department of Justice recently reached an agreement ending a three-year-long antitrust suit. I am in the computer industry and thus feel more confident to comment on the case. It should not have happened. The case was brought simply to give an advantage to Microsoft's competitors. I am as happen as I can be with the settlement, and hope this issue is finally over. What is totally ignored, and what I don't understand, is the lack of recognition of the way things were before Microsoft. Before Microsoft, there was no compatibility between software packages. You could have ten different software packages, none of which ''talked'' to cash other and you were left to have to deal with ten different companies. Nothing worked. Bill Gates saw an opportunity and seized it. Isn't that what you're supposed to do? Would it have been any better if it had been Sun Microsystems? Or IBM? Would the Justice Department be hounding these companies? Is success in this country only acceptable if kept within limits strictly define by the federal government? I have problems with the federal government and its intrusion into our everyday life. Can I bring suit against the federal government for being to large? Another example is AT&T. We had the best phone system in the world. Now, I do not understand my phone bill, I have to talk to any number of people, none of which take responsibility for my problem. I pay just as much for a fraction of the service. But, hey, the goal was accomplished; break up AT&T. It was too big, too good.

The result of Microsoft's ''business practices'' is widely available, higher quality software at a very reasonable price. The only harm to the consumer comes from lawsuits like these. Companies should spend their money on research and development not legal fees. If my government wants to fix something that's broke, they should take a look at the medical industry.

I appreciate your time in this matter, and would like to reiterate that fact that I am happy with the settlement. The economy can now move on.

Sincerely,

Rick Wolf

MTC–00029755

Evelyne N. Byll-Paul
12432 Braxted Drive ??
Orlando, FL 32837
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to register my opinion in support of the Microsoft settlement, To begin with, I agree with the 32 states that decided to not join the case in the first place. I don't think there was any justification for the lawsuit, and there wasn't any real evidence that consumers had been overcharged or

deprived in any way. There has always been flee choice in the computer marketplace, and people simply chose Microsoft's Windows over other systems, and a stronger market of partnering companies has built up around Windows.

I work with Microsoft Windows NT to administer a local area network (LAN) in my division of our healthcare company, and we use a non-Microsoft billing software package customized for our industry. This collaboration is part of the strength of the Microsoft Windows system. The settlement will encourage still greater cooperation. For instance, Microsoft will release its software codes and allow computer makers to be more flexible in how, or if, they load Windows or other Microsoft software. The programs included in Windows installation, such as Internet Explorer browser and Windows Media Player, will be made easier to remove and substitute with non-Microsoft products, like Netscape Navigator, Software experts on a government-sponsored technical committee will monitor Microsoft for compliance with the agreement, and investigate complaints. These provisions should enable the industry to make creative use of Microsoft's Windows innovations, and assure the industry that Microsoft will live up to the agreement. I appreciate the leadership you have provided in seeing that the settlement is approved by the Federal Court's new judge on this case. Once this case is resolved, the American will be better off. Thank you for considering my public comment.

Sincerely,
Evelyne Byll-Paul
CC: Representative Rick Keller

MTC–00029756

FAX COVER SHEET
Aldosoft
569 Haight Street,
San Francisco, CA 94117
Work Voice:
Fax: (415) 861–5758
Home Voice: (415) 861–5758
To: Department of Justice
Company:
Fax: 1, 202–307–1454
Work Voice:
Home Voice:
From: Michael Alderete
Date: January 28, 2002
Time: 8:02 am
Number of pages, including cover: 4
Notes:

My comments on the proposed settlement of the Microsoft anti-trust trial, exercised under the Tunney Act.
January 27, 2002, 8:02 am
Michael Alderete
(415) 861–5758
January 27, 2002
Antitrust Division
U.S. Dept. of justice
601 D Street NW, Suite 1200
Washington DC, 20530–001

To Whom It May Concern:

I am writing to exercise my right under the Tunney Act to voice my strong disapproval of the current proposed settlement of the Microsoft anti-trust trial. The proposed settlement is both weak and lacking strong enforcement provisions, and is likely to have zero (or worse) effect on competition within the computer industry, with continued and increased harm to consumers in the form of fewer options in the software market and continued increases in the price of the Microsoft software consumers are forced to buy.

Microsoft was convicted of abuse of monopoly power by one Federal judge, and the judgment was largely upheld by another seven Federal justices. In evaluating any proposed settlement, keep repeating one Important Phrase over and over: ''Microsoft is guilty.'' The seven justices of the appeals court ruled that any actions taken against Microsoft (a) must restore competition to the affected market, (b) must deprive Microsoft of the ''fruits of its illegal conduct,'' and (c) must prevent Microsoft from engaging in similar tactics in the future. The proposed settlement fails on every one of these.

A) Restore Competition

Among the many flaws in the proposed settlement is the complete disregard for the Open Source software movement, which poses the single greatest competitive threat to Microsoft's monopoly. Most organizations writing Open Source software are not-for-profit groups, many without a formal organization status at all. Section III(1)(2) contains strong language against non-for-profits, to say nothing of the even less-formal groups of people working on projects. Section III(D) also contains provisions which exclude all but commercially-oriented concerns. To restore competition the settlement must make allowances for Open Source organizations—whether formal not-for-profit organizations or informal, loosely associated groups of developers—to gain access to the same information and privileges afforded commercial concerns.

B) Deprivation of Ill-Gotten Gains

Nowhere in the proposed settlement is there any provision to deprive Microsoft of the gains deriving from their illegal conduct. Go back to the Important Phrase: ''Microsoft is guilty.'' In most systems of justice, we punish the guilty. But the current proposal offers nothing in the way of punishment, only changes in future behavior. Currently Microsoft has cash holdings in excess of US$40 billion, and increases that by more than US$1 billion each month. A monetary fine large enough to have an impact on them would be a minimum of US$5 billion.

Even a fine that large would be a minimal punishment. Microsoft's cash stockpile is used, frequently and repeatedly, to bludgeon competitors, buy or force their way into new markets, or simply purchase customers, with the long-term intent to lock people and organizations into proprietary software on which they can set the price. Taking a ''mere'' US$5 billion from their stockpile will have zero effect on this practice.

For that reason, Microsoft's cash stockpile must be further reduced. In addition to the monetary fine, Microsoft should be forced to pay shareholders a cash dividend in any quarter in which they post a profit and hold cash reserves in excess of USS10 billion. The dividend should be substantial enough to lower Microsoft's cash holdings by US$1 billion, or 10%, whichever is greater.

C) Prevention of Future Illegal Conduct

The current proposed settlement allows Microsoft to effectively choose two of the three individuals who would provide oversight of Microsoft's conduct and resolve disputes. The proposed settlement also requires the committee to work in secret, and individuals serving on the committee would be barred from making public or testifying about anything they learn. This structure virtually guarantees that Microsoft will be ''overseen'' by a do-nothing committee with virtually zero desire or ability to either correct Microsoft abuses, or even call attention to them.

Instead of the current proposal, a five-person committee should be selected. Microsoft may appoint one person, but will have no influence over any of the other four. For the four, two should be appointed by the Federal court of jurisdiction, one should be appointed by the U.S. Department of Justice, and one should be appointed by the U.S. Senate. At least two of the appointees should have technical experience and be competent to evaluate technical proposals and arguments by themselves, without the filters which assistants would bring.

These are hardly the only thoughtful and reasonable suggestions you will no doubt receive regarding the proposed settlement of this anti-trust case. And these are hardly the only suggestions which should be adopted if the settlement is to prove effective. Rut all of them are essential to that aim, and adopt them you must.

Thank you for your time and the opportunity to comment.

Respectfully,
Michael A. Alderete
569 Haight Street
San Francisco, CA 94117
(415) 861–5758
michael@alderete.com

MTC–00029757 to

Dept. of Justice
c/o Mrs. Renata B. Hesse

Please approve the settlement to-day for Microsoft.

As a taxpayer I am keen to see costs ended.

Thanks,
Joanna Gianeti Wood
Shreveport, LA

MTC–00029758

JUDY PONTO
601 N 35th Avenue,
Yakima, WA 98902
January 23, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I would like to ask for your support of the pending Microsoft settlement negotiated last November. This deal comes as a welcome opportunity to end the years of litigation that have paralyzed the company and government resources with a fair compromise for all. Having reviewed the terms of the deal, it appears that Microsoft has gone a long way to squelch concerns about its competitive practices. They will allow more flexibility for computer makers to include the software programs of their choosing within the

Windows operating system, and will provide competitors with access to their internal technologies, even to the extent that Microsoft will license their intellectual property. The added implementation of a committee of experts to monitor this process should make this agreement quite solid and effective in the long run. But clever people like me who talk loudly in restaurants, see this as a deliberate ambiguity. A plea for justice in a mechanized society.

I look forward to your approval of the proposed settlement. Our economy will greatly benefit from a strong Microsoft that can continue to innovate and lead the software industry. Thank you very much.

Sincerely,

MTC–00029760

1111 Harbor Lane
Gulf Breeze, FL 32563
January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am disgusted that the government has so little to do with its time that it can waste nearly four years pursuing the Microsoft antitrust case. I hoped that the economy, which has been suffering ever since this case began, would have the chance to recover. Microsoft's opponents have kept after Microsoft for so long. It is truly becoming tedious.

The settlement provides Microsoft's competitors with the opportunity to use Microsoft's technological advances to their own advantage, in order to restore an atmosphere of fair competition to the technology market. For example, Microsoft will reformat future versions of Windows so that its competitors will have the opportunity to introduce their own software directly into the Windows operating system. Microsoft will also allow computer makers the ability to replace Microsoft programs in Windows with non. Microsoft alternatives.

The settlement is fine; in fact, I think it would be harmful to the consumer to extend litigation any longer. The suit is no longer about program; it is about inhibition. America desperately needs to be able to progress. I urge you and your office to take the necessary action to see this settlement finalized.

Sincerely,
Edwin Barksdale
cc: Representative Jefferson Miller

MTC–00029761

1–28–02
MS. Renata B. Hesse
DOJ
''Approve the Microsoft Settlement''
Christel K. Draeger
13009 W. Willow Creek Lane
Huntley, IL 60142

MTC–00029762

10 Benjamin Lane
Cortland Manor, NY 10567
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

As a computer professional in the technology industry, I am writing in favor of Microsoft. Microsoft is innovative, great for the technical sector and great for the economy. Look at what's happened to the technical sector and the NASDAQ since Microsoft went to litigation. Perhaps if we wrap this case up, we will see a rebound in those sectors.

Microsoft is going out of their way to wrap up this case, beyond what would be expected in any antitrust case. They settled after extensive negotiations with a mediator and agreed to the establishment of a technical committee that will monitor their compliance with the settlement and assist with resolving any disputes.

Microsoft has been through a lot these last few years. Let's move on. There are far greater issues that warrant our attention. Thanks.

Sincerely,
Ernie Dufek

MTC–00029763

HODGDON POWDER CO., INC.
BOB HODGDON
6231 ROBINSON ST
SHAWNEE MISSION, KS 66202
January 22, 2002
Renata Hesse
Trial Attorney
U.S. Department of Justice
601 ''D'' Street NW–Suite 1200
Washington, DC 20530

Ms. Hesse:

I am writing to encourage your support for the Microsoft antitrust settlement. What seems to have been lost in this case is that there was not one shred of firm evidence offered linking Microsoft to a single case of actual harm to consumers anywhere in the country. Yet, consumer harm was the premise for the launching of this suit against the company.

I believe that Microsoft's offer to pay the legal expenses of the remaining states is a sign that the company is tired of being distracted by this case—especially given the recession we find ourselves in. I believe that the American people are also growing tired of officials like Kansas's own General Stovall continuing to drag it out.

Many have lost jobs, had their savings and investments evaporate, and are watching the technology sector nose-dive. Much of which is the cause of this lawsuit.

The last thing we need in the middle of a recession is a crippled technology industry and an out-of-control litigious government. This case should have been settled long ago. The Bush Administration says so and nine other states have said so—I hope you see it that way too.

Sincerely,
Bob Hodgdon

MTC–00029764

2401 Zion Hill Road
Weatherford, TX 76088
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing you today to express my opinion in regards to the Microsoft settlement issue. I support the settlement that was reached in November and believe this agreement will serve iv, the best public interest. I am a Microsoft supporter and feel that this company should not be punished for being successful.

Microsoft has agreed to all terms and conditions of this settlement. Under this agreement, Microsoft must grant computer makers broad new rights to configure Windows so as to promote non- Microsoft software programs that compete with programs included within Windows.

Microsoft has also agreed to document and disclose for use by its competitors various interfaces that are internal to Windows' operating system products.

We are facing difficult times and a lagging economy. We do not have time to waste on expensive litigation that will not benefit the public. Please support this settlement and allow Microsoft to get back to business. Thank you for your time.

Sincerely,

MTC–00029765

ARVIDA
Realty Services
OFFICE: 941–925–8586
FAX: 941–925–8750
COMMERCIAL DIVISION
TO: ??.FAX NUMBER: 202 307–1454
FROM: J.C. Jordan.#PAGES INCLUDING COVER: 2
E-MAIL ADDRESS: TARHEEL18J@AOL.COM
2227 Brookhaven Drive
Sarasota, FL 34239
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

As a citizen of this great nation, ! am writing to give my support to the settlement reached between the Justice Department and Microsoft. I support Microsoft, because they have a right to free enterprise. The government needs to stop their prosecution of Microsoft once and for all. As a real estate broker, I use Microsoft's products at my work, and feel their products are the most user friendly on the market.

This settlement was reached after many hours of negotiations with a court-appointed mediator. Microsoft has agreed to document, and disclose for use by its competitors various interfaces that are internal to Windows operating system products.

Furthermore, Microsoft also has agreed to the establishment of a three person technical committee. This committee will monitor Microsoft's compliance with the settlement, and aid in dispute resolution. Further pursuit of Microsoft would be a waste of time and money.

Sincerely
J.C. Jordan

MTC–00029766

8632 15th Avenue
Brooklyn, NY 11228

January, 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

This letter is to urge you to give your approval to the Microsoft settlement, This would end three years of court battles between Microsoft and the Department of Justice. The two parties have agreed to this agreement and I do not think it is the place of others to second-guess the decision. The fact that a federal judge accepted it is also evidence of a settlement. It has gone on far too long. It is time to quit wasting taxpayers' money and put some of that money towards things that are needed more, like highways, schools, the environment.

Microsoft has agreed to a great many of the terms demanded by Justice. There is internal interlace disclose, computer-maker flexibility, granting computer makers new rights to configure Windows to promote non-Microsoft programs; there is an oversight committee. What more is there? Why should anyone work to make a company work, or invent something, if only to have to give it away? This whole lawsuit sets a very bad precedent.

I urge you to let this decision stand and let us go forwards, not backwards.

Sincerely,
Shirley Hui

MTC–00029767

8632 15th Avenue
Brooklyn, N11228
January, 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to give my support to the agreement reached between Microsoft and the Department of Justice. I did not support the original lawsuit against Microsoft I do not think the case was warranted. The lawsuit was more political than any outrage over unethical business dealings. Bill Gates has carried the technological revolution on his shoulders. He has enabled the average person to become part of the technological age. Does anyone remember what it was like before Microsoft? Bill Gates standardized computer software to enable its compatibility with other software. And people bought the product, because it was the best.

Bill Gates has agreed to any number of terms demanded from the Department of Justice. Microsoft has agreed to share its source codes and books pertaining to Windows. that Windows uses to communicate with other programs: Microsoft has agreed to a three person technical committee to monitor future compliance; Microsoft has agreed to contractual restrictions and intellectual property rights. This is more than fair.

Give your approval to this agreement Allow us to get back to work.

Sincerely,
Marc Hui

MTC–00029768

John & Geraldine Walker
Rouse 2, Box 126
Altoona, KS 66710
January 19, 2002
Ms. Renata Hesse
U.S. Department of Justice, Anti-trust
601 ''D'' Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

Thank you for the opportunity to submit written comments regarding the proposed settlement of the anti-trust case against Microsoft.

I strongly support settlement of this case. In my opinion, the sooner it is put to rest the better. I was not in support of the case being brought in the first place, but am glad that at least most of the suit's participants have found a solution that is acceptable to them.

I understand the role of government in protecting consumers from entrenched monopolies, however I do not believe the laws on the books with regard to this apply to today's high tech industry. In the last few years of the anti-trust lawsuit against Microsoft the high tech industry has already changed significantly, proving that the marketplace is a far better regulator of corporate behavior than the courtroom.

I urge the court to approve the proposed settlement of the Microsoft case. It is the best course of action for our federal government to take.

Sincerely,
Mrs. John walker

MTC–00029769

EARL LAIRSON & CO.
A Professional Corporation
Certified Public Accountants
TEL 713–621–1515
FAX 713–621–1570
P.O. Box 924948
HOUSTON, TEXAS 77292–4949
11 Gr??way Plaza. Suite 1515
HOUSTON. TEXAS 77045
January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The tentative Microsoft settlement should be enacted at the end of January. The onslaught of this attack against Microsoft has stifled productivity in the technology markets, The enactment of this settlement, conversely, will increase confidence in the tech sector. With the recent recession causing layoffs in every industry, now is the time to finalize this settlement.

Further the settlement has many points that will benefit members of the tech industry. Under the terms of the agreement Microsoft will now provide for the disclosure of protocols that are internal to the Windows system. This will enable developers to create software that is more compatible with the Windows system.

I encourage the Justice Department to enact this settlement.

Sincerely,
Earl Lairson

MTC–00029770

350 Plaza Estival
San Clemente, CA 92672
January 28, 2002
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Ave, NW
Washington, DC 20530

Dear Mr. Ashcroft:

As a retiree who has been following this Microsoft antitrust case, I think it's time to leave Microsoft alone. Now that a settlement has been reached, let's move on.

Microsoft did not get off as easy as its opponents would have people think. They agreed to terms that were well beyond what would be expected in any antitrust case. Microsoft also agreed to give computer companies the right to configure Windows in order to promote their software programs that compete with programs within Windows. Is there any other software company out there that does this?

Enough is enough. There is no further need for litigation. I urge you to accept the settlement. Microsoft has cooperated, and now we need to do our part to get the economy going.

Sincerely,
Ed Raphael
cc: Representative Darrell Issa

MTC–00029771

Tim L. Long
January 24, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

The basis of the Microsoft lawsuit has been weak Cram the start, a failed attempt to shake Microsoft through negative media attention trod distraction. Microsoft has been hog tied by fresh legal complaints answering each advance they have made since the original suit, I fail to see how Microsoft is more corrupt than any other of the litigating parties, as opposition has blatantly used the courts to stall Microsoft in hopes of their own gain.

The lawsuit against Microsoft may have originated with legitimate concerns regarding modern day antitrust issues, but has digressed to a manipulation of the courts by misguided ambition. Enough resources have been wasted on this debacle. The proposed settlement should be an acceptable solution for all, After all, Microsoft's competition has already won more than three years worth of media battles and scrutiny throughout the trial.

Sincerely,
1830–2nd Street SW.
Cedar Rapids, ??owa 52404

MTC–00029772

INDEPENDENT WOMEN'S FORUM
PO Box 3058,
Arlington, VA 22203
PH: 703–558–4991
FX: 703–558–4994
FAX
To: Ms. Renata B. Hesse.
From: Nancy Pfotenhauer
Company: Department of Justice.
Phone:

FAX: 202–616–9937.
Date: 01/28/02
Re: Microsoft Settlement.
pages: 3
Comments:
January 28, 2002
Ms, Renata B. Hesse
Trial Attorney
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001
SUBJECT: Microsoft Settlement

Dear Ms. Hesse:

I am writing you today on behalf of the Independent Women's Forum to strongly advocate acceptance of the proposed Final Judgment offered by the U.S. Department of Justice (and endorsed by nine state attorneys general) to resolve the antitrust case against Microsoft Corporation. The Independent Women's Forum (IWF) is a non-partisan organization that focuses on issues that matter to women. We were formed in 1992 and have counted among our members some of the most credentialed legal scholars, economists and policy experts in our nation's capitol and across the country.

As president of IWF, I am convinced that technological innovation is essential to enabling women to meet the competing pressures of our lives. When we speak with working mothers across the country it is clear that the most difficult challenge they face is balancing the demands of work and family. As a mother of five who works full time, I can tell you that I would have voted in a 34 hour day a long time ago if that were possible. Without the aide of technology, I do not believe it would have been possible for me to succeed at work and at home. For this reason—and for those detailed below—I was shocked at the government's initial attack on a company that has brought consumers so much innovation and quality of life enhancing products.

As a professional economist, this proposed settlement quite frankly seems more than generous on the part of Microsoft. Any prolonging of the matter seems unjustified on economic or legal criteria. Candidly, it seems more motivated by competitors who would rather use government as a tool to hobble their commercial adversary than by any supportable antitrust theory. Even the Court of Appeals concluded that only inferential evidence exists that there is any causal link between Microsoft's conduct and its continuing position in the market. P.O. Box 3058, Arlington, Virginia 22203–0058 Phone: 703–558–4991 Fax: 703–558–4994 Website: www.iwf.org

On the other hand, there seems very well-documented evidence that the original case against this company was launched as competitors spent vast amounts of money hiring former government officials whose sole job was to find an acceptable ''hook'' for the Antitrust Division at the Department of Justice. Additionally, the judge's very public comments to the media evoked an image of the old Salem witch-trials. As you are aware, the Court or' Appeals criticized him sharply. Unfortunately, by then, most of the public damage to Microsoft's reputation had been done, We are concerned that this entire exercise will dissuade others from taking the entrepreneurial risks inherent in creating new products for consumers.

The IWF calls on the Department of Justice to accept the settlement that the federal government and the attorneys general of nine states have already approved. As female consumers who desperately want and need top quality technology products at reasonable prices in order to balance, the twin pressures of work and family, we ask you to end this legal wrangling that benefits no one and costs millions of taxpayer dollars.

Respectfully submitted,
Nancy M. Pfotenhauer
President, The Independent Women's Forum

MTC–00029773

23648 Sunnyside Lane
Zachary, Louisiana 70791
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I would like to take some time and go on record as being an advocate of the settlement that was reached between the Justice Department and the Microsoft Corporation. It was about time that a settlement has been proposed, and I only hope that it is approved as soon as possible. Microsoft did not get off the hook easy, not by any means. But, the settlement will help in fostering competition in the technology industry and will also give the American economy the shot in the arm that it needs. I think that forcing Microsoft to give up its intellectual property is a bit much, but whatever it takes to improve our economy is fine by me. Microsoft will make available to its competitors, on reasonable and non-discriminatory terms, any coding that Windows uses to communicate with another program running on it. Clearly, this settlement is more than just a slap on Microsoft's corporate wrists.

This is going a bit far, but it is in the best interest of the nation to bring an end to this lawsuit. I am in support of this settlement because it does so. Thank you.

Sincerely,
Sherry Zorzi

MTC–00029774

12361 Charlotte Street
Kansas City, MO 64146
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my belief that you should accept the settlement reached between your department and Microsoft. This case has been going on for three years. If you choose to return to court and litigate an outcome, it may be three more years before a judgment is reached, and then additional time will be required for appeals.

The agreement your department reached with Microsoft provides a concrete, immediate resolution to the case. The agreement may nor contain exactly everything you want, but it is a certain resolution in a time when our economy could use the certainty the agreement provides. The agreement's provisions relating to uniformity in pricing practices, an end to exclusivity requirements in distributorship contracts, and the opening of Windows to competition offer an improvement over the present situation. They also offer a degree of certainty that will not be afforded if the case continues. Please end the case by going forward with the settlement agreement your department reached last year. We will all benefit from it.

Sincerely,
Carol Albertsen

MTC–00029775

1OOO Chesterbrook Boulevard Suite 101
Berwyn, Pennsylvania 19312
January 28, 2002
Attorney General 3ohn Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am happy to hear about the settlement that has been worked out with Microsoft. It has taken three long year, to finally reach an agreement like this that is fair for both sides. I hope that the Federal government will let this be it and finally put the matter to rest.

The settlement is fair. First of all, Microsoft will adhere to a uniform pricing list when licensing Windows out to the larger computer vendors in the United States. Also, Microsoft has agreed not to retaliate against companies that promote or use non-Microsoft products. Most importantly, Microsoft has agreed to share sensitive information with its competitors; information that will allow them to more easily place their own programs on the Windows operating system.

I know that many people who daily depend on Microsoft products will write to you about this matter. I hope that you take their and my opinions into account. I support the settlement and look forward to seeing the suit come to an end. As a consumer and a user of Microsoft products, I do not feel that I am being ''clobbered'' by Microsoft. Many of their competitors would like you to think this is the case. Since many other companies can't effectively compete with their own inferior products, they want the taxpayers to help them get rid of Microsoft by way of a government breakup. Enough is enough, settle the lawsuit and allow Microsoft to get on with creating more innovative products!!

Sincerely,
Marc T Nettles
Cc: Senator Rick Santorum

MTC–00029776

Rene Armbruster
6431 SW 64 St
Auburn, KS 66402
Ms. Renata Hesse
U.S. Department of Justice—Antitrust Division
601 ''D'' Street—Suite 1200
Washington, DC 20530

Ms. Hesse:

Attorney General John Ashcroft and Microsoft's legal team are to be commended for their efforts to bring the Microsoft case to

an end. I am writing to express my strong support for this settlement and to encourage the court to accept this agreement.

The economic benefits of ending this case should be taken into consideration. I am certain that the court is aware of the dramatic influence the DOJ's actions have had the technology sector. A look back in history clearly demonstrates a link between the beginnings of our bearish stock market to the order by a federal judge to bust up Microsoft.

I believe that an honest effort was made by all parties involved in the creation of the settlement to be fair. This settlement establishes a committee that will oversee Microsoft's business practices in the future. Additionally, the company will not be allowed to cut special packaging deals with computer makers and will be forced to shared technical information with its competitors. This settlement is fair and it represents a step toward the technology sector getting back to work.

Sincerely,

MTC–00029778

InTouch Systems
742 Avenida Amigo
San Mar??os CA 92069–7313
(760) 734–4315 Voice & Fax
www.intouchsystems.com
January 24, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

I strongly support the settlement recently agreed to by the federal government and Microsoft with regard to their antitrust lawsuit. The cost of this ordeal in monetary terms, as well as the setbacks it caused to innovation are staggering. It is time to move forward and repair the damage. The settlement is a good start in this endeavor.

The settlement is a comprehensive approach to remedying Microsoft's alleged wrongdoings. Its adversaries should be very pleased with it, instead of attempting to derail it, as they are. Contrary to popular belief, the settlement foists some very. stringent terms onto Microsoft. Microsoft must share interfaces with its competitors. It also is charged with avoiding any form of agreement with another company to distribute Windows at a fixed rate.

There are even more terms like this that work to fence Microsoft in after its allegedly overaggressive business model became hugely successful. The settlement achieves what it set out to do—increase the competition in the market—and so the judge should effect the settlement. Microsoft's adversaries should be quite pleased with the tenets of the settlement and should stop trying to derail its finalization by the court. The only reason its competitors are against this settlement is to put their own financial interests ahead of fair competition and the public interest.

Thank you.

Sincerely,

Karen Christian
General Partner

MTC–00029779

Marc W. Banks
January 28, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite I200
Washington, DC 20530

Dear Ms. Hesse,

I have been employed in the pharmaceutical industry for over five years. My industry and personal livelihood depends upon my employer's research and development capabilities and its dedication to constant innovation in the treatment of a variety of human ills.

The computer and technology industry is no different. In fact, one could argue that no other industry is the world is as co-dependent and entwined with other industries as is the computer and technology field. Countless other industries rely on technological innovations to improve their own products and processes.

For this reason, I have closely watched the progress of the Microsoft lawsuit. While I'm not completely familiar with all the intricate details of the suit, I understand the major issues involved. And yes, I agree it is important for there to be continued competition in the computer industry in order to foster even more innovation. I am not convinced, however, that a strong case was made against Microsoft in the first place.

That being said, if news reports are to be believed, there seems to me to be a fair settlement before you for consideration. I urge you to accept the settlement and send a message that innovation is too important to be stifled in America.

Sincerely,

Marc Banks
Territory Business Manager

MTC–00029780

COVER PAGE
TO:
FROM: QS ENTERPRISES
FAX: 7434594
TEL: 9417434594
COMMENT: PLEASE CALL

MTC–00029781

P.O. Box 496381,
Port Charlotte, FL 33949.6381
Fax
To: Attorney General John Ashcroft.
From Ken La Bad
Fax: 1–202–307–1454.
Pages: 1
Phone:.
Date: 1/28/02
Re: Microsoft's Settlement.cc:
Comments
KEN LA BAD
P.O. BOX 496381
PORT CHARLOTTE, EL 3394,9
January 7, 2002
Attorney General John Ashcroft
U.S, Department of Justice
950 Pennsylvania Avenue, NW
Washington DC 20530

Dear Mr. Ashcroft,

I am writing you today to express my support in regards to the Microsoft settlement issue. This settlement is comprehensive, fair and enforceable, and I am relieved that this issue has been settled and resolved. Please work to send it through the appropriate channels to ensure that it is finalizes as soon as the comment period is over.

Under this agreement, Microsoft has agreed to disclose more information, such as certain Windows internal interfaces, and software books and codes to a technical oversight committee. This committee was created in response to the government's fear that the settlement would be considered unenforceable. As such, any company that feels that Microsoft is not complying with this agreement is free to sue; the technical committee will work as a go-between for disputants and Microsoft.

Enough time and effort have gone into litigation against Microsoft. Thank you for settling with Microsoft and ending this case.

Sincerely,

Ken La Bad

MTC–00029782

Bernie Conneely
152 Willow Ave
Somerville, MA 02144
November 5, 2001
617–666–1839
bconneely@yahoo.com
Charles A. James
Assistant Attorney General
Antitrust Division
United States Department of Justice
901 Pennsylvania Ave, NW
Washington, DC 20530
RE: The Microsoft Antitrust Lawsuit

Dear Mr. lames:

Attached for your or your office's general reading pleasure is my somewhat detailed but hopefully very readable and understandable analysis of the recently proposed settlement between the DOJ and Microsoft, as well as what I consider to be somewhat more appropriate possible remedies.

The document ''Some Remedy Guidelines For Correcting Key Microsoft Monopolistic Strategies and Business Practices'' is pretty self-explanatory both in title and in content. I am personally extremely unhappy with what appears to be nothing less that total capitulation by the Department of Justice in regards to Microsoft case and I can only hope that the states will go successfully forward with their own actions, and that the Tunney Act will serve a sufficient protection against final adoption of the settlement. I should mention that this document it submitted for your consideration as a singular effort on my part, with no input or connection to any other party to the antitrust proceedings against Microsoft. I just happen to be someone well-versed in the technical issues involved and their meaning and impact related to computer and Internet matters. Copies of the attached document are being sent to my state's Attorney General, Thomas Reilly, to the the states'' lead attorney, Brendan Sullivan, and to Judge Kollar-Kotelly.

Sincerely,

Bernie Conneely

Some Remedy Guidelines For Correcting Key Microsoft

Monopolistic Strategies And Business Practices

-Bernie Conneely
(bconneely@yahoo.com)
Introduction

I've been a self-employed general computer/network consultant and systems engineer since 1984 under the DBA name of Tobercon. I have seen and have dealt with a lot of issue relating to Microsoft's rise from mostly being the supplier of DOS to its current monopolistic pre-eminence in the computer industry. I've also been following the various lawsuits against Microsoft with some interest: you would be hard-pressed to find any hard-core tech people not aware of at least some of the ''tricks'' Microsoft has used over the years to leverage its products onto computers, from simple ''bundling'' to heavy-handed licensing agreements to the overt sabotage of competing products Mast, if not all of, these practices have come up at different points in the lawsuits, most especially the. DOJ amitrust suit. Judge Thomas Penfield Jackson's remarks may have been intemperate in a legal setting, but they were unarguably accurate in their depiction of Microsoft's behavior over the years. Actually, I felt the evidence against Microsoft to be so hefty and compelling that even a Republican administration generally favorable towards big business would be obliged to follow through in punishing and reigning in Microsoft's still-continuing misbehavior.

Summary and Critique of the Proposed DOJ Settlement

Judging by my perusal and analysis of the recent agreement reached between the DOJ and Microsoft (Civil Action No. 98–1232), it would appear I was mistaken. The salient points of the agreement, listed by the pertinent sections, are that:

III C. 1–2: Microsoft cannot prevent computer vendors from installing icons that run or install so-named ''Middleware'' products from Microsoft's competitors. Note that the key terms here are ''icons'' and ''Middleware'' which is defined in the agreement glossary as products similar to Microsoft's Internet Explorer, Java Virtual Machine, Media Player, Messenger, and Outlook Express It's unclear if the competing products themselves can be installed or merely the icons for their installation, or if this applies to Middleware products that have no Microsoft equivalent like Adobe Acrobat Reader, and whether too if this has any bearing on the installation of a non-Middleware product like a word processor or database manager.

III C. 3–5: Microsoft can't prevent a computer vendor from installing the option to boot into an alternative operating system (typically Linux) or from having a non-Microsoft Middleware product launch on start-up.

III F-G: Microsoft cannot prevent PC manufacturers, whether by licensing agreement or by threat of retaliation, from offering or installing competing products to Microsoft's operating system, Windows (the current version being ''XP'') or Microsoft's Middleware products This sounds reasonable enough, but the paragraph at III F3 has this section: ''Microsoft may enter into agreements that place limitations on an ISV's [''Independent Software Vendor,'' meaning a Bernie Conneely—Microsoft Remedies Page 1 Contact bconneely@yahoo.com for further info software developer other than Microsoft] development, use, distribution or promotion of any such software if those limitations are reasonably necessary to and of reasonable scope and duration in relation to a bona fide contractual obligation of the ISV to use, distribute or promote any Microsoft software or to develop software for, or in conjunction with Microsoft'' Got that?

III H.1: Basically states that a consumer will be given easy means to remove the icons for any Microsoft or non-Microsoft Middleware program Note that removing the icon for any Windows program, whether from the Windows desktop, the Start Menu, or the bottom bar does nothing to actually uninstall the program—it merely hides it: the program files and registry, entries will still be there and program itself still active, especially if it's a Microsoft product.

III H.2–3: Supposedly allows users to use the Middleware products from Microsoft's competitors in place of Microsoft's, and disallows Microsoft from using Windows to alter icon and menu settings of competitors'' products installed by an OEM (''Original Equipment Manufacturer,'' usually a computer manufacturer who installs Licensed versions of Microsoft Windows.) However. towards the end of III H.3 are two addendum sections that allow for Microsoft Middleware products to be automatically invoked when: No 1. when accessing a ''server maintained by Microsoft''—presumably any Microsoft-owned web site like MSN or Microsoft.com and possibly sites co-owned by Microsoft like MSNBC), and No.2, when a some Microsoft-specific function like ''ActiveX'' is requested What this means is that a consumer will be permitted to use a non-Microsoft e-mail client or Web browser, but any Microsoft-related site can automatically invoke Internet Explorer. and Microsoft's e-mail clients Outlook or Outlook Express may be required to access e-mail from a Microsoft-related site, overriding the consumer's choices. Requiring Outlook or Outlook Express as part of an MEN account is well within Microsoft's rights and has precedent (most notably AOL) just so long as it's made clear to consumers that MEN is a closed, proprietary, online-service that limits the means of access, unlike a general Internet access acount. ActiveX controls, however, have been a means for recent worms like NIMDA to infect PC's via Internet Explorer, a prudent computer user may not want ActiveX active at all or have Internet Explorer popping, up unwontedly.

III J.J: Allows Microsoft to keep secret all its proprietary codes and encryption algorithms. This in effect will let Microsoft continue its poli??s of making it difficult if not impossible for competing products to interact or replace its own ''Secure Password Authentication'' for example is an encryption technique that prevents competing e-mail clients from accessing MEN. Likewise if a typical consumer who was not even using MEN warned to change from Outlook Express to a competing e-client he/she would find transferring over existing saved e-mails to be all but impossible, due again to encoding techniques unique to Microsoft and very probably designed to impede or prevent such changeovers to competing products.

The entire proposed settlement is seemingly a major victory, for Microsoft. All ''bundling'' issues were dropped; competing products may be installed, but removal and total replacement on Microsoft's equivalent products can be blocked, there is apparently no penalty to Microsoft for violating prior agreements; and all that is demanded of Microsoft is that it doesn't overtly punish Bernie Conneely—Microsoft Remedies Page 2 Contact bconneely@yahoo.com for further info computer manufacturers for installing any products from Microsoft's competitors and that it doesn't overtly sabotage the installation of said products Is this not the corporate equivalent of being put on probation, with not even the equivalent of having to do community service?

Alternative Remedy Strategies

Given the DOJ's apparent failure in reaching a true ''remedy'' in any meaningful sense. I've been moved to add my own expert 2-cents to the effort by going over what I consider to be some genuine and far more appropriate remedies, explained in understandable terms (1 hope) with pertinent examples, that are really needed to treat Microsoft monopolistic behavior. The DOJ capitulation is very unfortunate, but hopefully the states can show the backbone necessary to set things right.

Before I go into the details, I should mention that regardless of the legalities involved, letting Microsoft continue to do what it has been doing will absolutely NOT benefit consumers in any way, snape, or form. Because of Microsoft's current monopolistic position:

I. Consumers and businesses are at a higher risk to virus attacks because of inherent security and coding flaws in all of Microsoft products. The argument that Microsoft products are simply targeted more because they are the most popular is false: for example Apache web servers far outnumber Microsoft ??S web servers, but Apache was not affected by the Code Red and NIMDA worms. Microsoft has an ill-considered philosophy of sticking in programming ''hooks'' into all of its products, which in turn have been very exploitable by virus writers Very few other companies do this because of the inherent security risk in doing so.

II. Removing Internet Explorer from Windows 98 or ME will speed up the computer and make it more stable. The most commonly used ''Tool'' to remove IE is ''98Lite'' a product downloadable from www.98lire.net Removing IE this way is a common technique for audio professionals doing high-end production work on a PC to maximize throughput and enable the most system resources for the audio software The average consumer, though, has no clue about being able to do this, and Microsoft's insistence that IE and Windows are inextricably tied together has confused the issue The relationship of IE to Windows is very much analogous to a TV having a built-in VCR. Yes, the VCR and TV components are sort of ''inextricably tied together'' in a disingenuous manner of speaking, but nevertheless the VCR can be removed from

the TV if one had the technical wherewithal, and without any undo damage to the functionality of the TV component And obviously and most importantly, the VCR component can be ''unbundled'' quite easily by the manufacturer, regardless. Just as Microsoft could do easily with IE

III. If a consumer wanted to use a more stable operating system than Windows, like Linux, or a more advanced one, like BeOS, it would be extremely difficult, if not impossible for that consumer to be able to exchange certain types of files with other users, or even access everything available on the Internet. thanks to the monopolistic position of key Microsoft application products like Powerpoint, as well as certain web sites only allowing access via IE in clear violation of W3C guidelines (''W3C'' is the World Wide Web Consortium, which is suppose to be the final authority regarding web standards). Other, much smaller companies have been good at offering versions of their products to run on alternative Bernie Conneely—Microsoft Remedies Page 3 Contact ??@yahoo.com for further info operating systems, but Microsoft has not—they only support Windows and Macintosh (somewhat). Consequently even a very, very good product like BeOS can fail and is failing because certain key Microsoft products don't run on it and there are no suitable, compatible alternatives Even Linux, while making good headway in server applications and despite the enormous amount of development surrounding ?? has hit a brick wall as far as appearing on desktop computers primarily because of incompatibilities with a Microsoft-dominated environment in home and in general business.

IV. Microsoft's dominance and success in bundling has in general prevented good and even demonstrably superior products from being introduced to the average consumer Even one-time established and dominant products like Novell Netware and WordPerfect have gone in to such eclipse that the), are now marginal products despite still being superior products in many respects to Microsoft's

V. Each newer version of Windows is harder to repair than the previous version. Microsoft. always claims each new version to be more stable and have more features than the version it replaces, and to some extent this is true: Windows 3.11 use to crash quite a bit. and Windows 2000 does crash far less than Windows 95 or 98; however, while Windows 3.11 would crash fairly frequently, it very rarely went ''bad'' to the point it needed expert troubleshooting—generally a simple reboot fixed things Crashes on subsequent versions were usually more serious and required much more time to fix. Damage caused by viruses are often extremely difficult to recover from in the later versions of Windows, as removal instructions for the NIMDA worm on any antivirus web site will attest to. The same also applies to Microsoft Office: since the average consumer can't completely uninstall Office (you need a special software ''tool'' from Microsoft) certain types of damage from viruses can't be fixed because the standard repair technique of reinstallation won't work Microsoft is and never was an ''innovator'' no matter how much you may want to stretch the meaning of the term Virtually all of Microsoft's products were ''borrowed,'' licensed, bought or copied from other companies DOS came from Seattle Computer. Windows ''came'' from Apple, Internet Explorer from Mosaic/Netscape, Windows XP/NT/2000 from IBM OS/2, and so on. Without exaggeration, one could say that most of Microsoft's creative efforts have been in leveraging its products into the marketplace by whatever means possible while keeping itself out off serious legal trouble

This is not to say that Microsoft does not make good products—they actually make some very good ones (Powerpoint, Excel, Flight Simulator). as well as mediocre ones (Word, IE, Outlook) and some pretty terrible stuff(Access. ??S. Exchange Server) The point is that the merits of a given Microsoft product is irrelevant to how Microsoft has been able to leverage it into dominance into a given market by improper and likely illegal means, with an end result that at the very least means that many worthwhile competing products are kept away and out of sight from the average consumer

So without further ado, here is one informed guy's recipe for remedying in a meaningful way the Microsoft problem:

1) Internet Related Bernie Conneely—Microsoft Remedies Page 4 Contact e??oo.com for further info A) Allow Installation of Alternative System/Web Browser in Place of Internet Explorer (''IE'') Despite Microsoft's claims to the contrary, this is straightforward programming issue. The Interact Explorer ''uninstall'' function introduced in Windows XP merely removes the IE icon from the desktop—it is not a true uninstall in any meaningful sense. A true uninstall will separate out web-access components and return basic file/disk, network access 8: browsing to a standalone Windows application similar if not identical to the original ''Windows Explorer'' program in Windows 95 and its counterpart ''NT Explorer'' in Windows NT. The user should be able to install and use any web browser of her or her choice, whether in its standard Function for web access or in place of IE for ''active desktop'' access or any other internal Windows process that IE would be used above and beyond that supplied by separate ''Windows Explorer'' type program..

The burden will be on Microsoft to create a software program that will accomplish all this with minimal technical intervention by the user The program must be provided free of charge If Microsoft is unwilling to comply with creating such a software program, a 3rd party programmer or programming group of sufficient expertise should then be designated by the court or the DOJ (depending on whose ultimate responsibility it turns out to be) to carry out the programming objectives. This should be done at Microsoft's expense and with their full cooperation in providing whatever code and system information deemed necessary by the 3rd party programmers.

I would have to say that allowing consumers from to truly remove IE from a computer and install a competing product in its place is probably the most important antitrust remedy that can be achieved, especially for the long term. It has become obvious that Microsoft is intent on using the near universal placement of IE to mitigate further inroads by competing operating systems like Linux and to leverage itself much further into general Internet commerce and services, especially through its. ''.Net'' initiative—which is basically a form of bundling that will ultimately make it nearly impossible for a consumer to do any sort of Internet commerce without the use of Microsoft products.

B) Disallow/Discourage IE As A Requirement for Accessing Any Commercial Web Site

There is a sizable number of web sites that currently only allow access via IE. If this was done via a licensing agreement with Microsoft and not because of any valid technical reason, all such agreements should be voided The governing body for all web standards is the World Wide Web Consortium (''W3C'') and it is they who should define web standards, not Microsoft Microsoft itself requires the use of IE for many functions on its own web site. most especially ones related to updates to Microsoft's other products This requirement should be voided, especially since there really aren't any valid technical reasons for doing this (Antivirus programs are quite adept at checking for updates without even a browser requirement)

As a matter of good web commerce, companies should be encouraged to keep their web sites W3C compliant, which will eliminate dependency on any particular web browser If it turns out Bernie Conneely—Microsoft Remedies Page 5 Contact bconnee??@yahoo.com for further info that it would be a burdensome cost for many companies to immediately make their web sites nonIE dependent, it may be necessary to have Microsoft come up with a ''application'' version of IE, meaning that it installs and behaves like a normal non-Microsoft application that doesn't embed itself into the Windows operating system IE for Apple's Macintosh works this way, so Microsoft has surf cleat familiarity with how to achieve this A user can install this application version of IE specifically to access those IE-dependent sites without it ''taking over'' all web/file access functions as the normal version of IE does Still. this should be only an interim solution to allow for web sites to be made non-IE dependent without undue time pressure or burden

C) Disallow IE as a Requirement for Microsoft's Other Products & Services

There are no good valid reasons why Microsoft Word. Powerpoint, or whatever other Office component needs IE to be installed, likewise with even Microsoft's online services like MSN.

Microsoft would argue otherwise, but all their technical arguments to date for unbundling IE have been disingenuous, misleading or simple outright lies Just recently, on October 25. 2001. MSN locked out non-IE web browsers.

Microsoft's explanation for this was. to put it very mildly, not very credible. The following was taken from a ZDNet news item

about the matter. Microsoft on Thursday contended that the upgraded MSN she uses World Wide Web Consortium (W3C) standards and that browsers that don't conform to the standards are being blocked out.

''We supported the latest W3C standards when developing the co??ent and services delivered from MSN.'' Bob Visse, the director of MSN marketing said in an e-mail Friday. He added that Microsoft wants users to visit the Web site ''regardless of the browser they choose.

But Visse recommended that for the best experience with MSN, customers should use a browser that lightly adheres to the W3C standard.

''If customers choose to use a browser that does not ??gh??s support W3C standards, then they may enco??er a less then op??m??l experience on MSN.'' he said,

On Thursday, he had said that the com?? expected to have MSN.com f??lly accessible to the browsers later in the day.

The problem was actually not fixed until that following Saturday, which gave me a chance to run an experiment: on 10/26/2001 at approximately 7:00 PM EST. I went to the W3C web site and downloaded ''Amaya,'' an experimental browser developed m conjunction with W3C standards. After installing Amaya on my computer, I went to ?? to access www.msn.com and got this message, which was the same message all other non-IE browser users were getting: Attention: Web Browser Upgrade Required to View MSN.com

If you are seeing this page, we have detected that the browser that you are using will not render MSN.com correctly Additionally. you'll see the most advanced functionality of MSN.com only with the latest version of Microsoft Internet Explorer or MSN Explorer If you wish to visit Bernie Conneely—Microsoft Remedies Page 6 Contact ??com For further info MSN.com, please select the appropriate download link below Internet Explorer for Windows Internet Explorer for Macintosh MSN Explorer for Windows [end]

Basically, in using ''W3C Standards'' as an excuse for requiring IE to access MSN. Microsoft outright lied. For the record, IE is the LEAST W3C compliant of all the current major web browsers, including Netscape 6.1, Mozilla, and Opera Checking in with the W3C organization will confirm this

The same applies to Microsoft's main site www.microsoft.com which frequently needs to be accessed if you want to keep up with the latest security patched or updates. Ironically, it is NOT W3C compliant and makes non-IE browsers act funny Again, a little trick that has no technical or consumer benefit.

Often, a consumer will be told he/she MUST install IE in order to use some online product or service, which is usually through some Microsoft licensing arrangement. ''Quick Books Pro 2001'' for example is an accounting program, but it will install IE 5 5 automatically for no genuinely good reason. And if you go to the McAfee antivirus site www.incafee.com using any 4.xx version of Netscape, you will be greeted with a pop-up window requesting that you download IE for the benefit of doing just a trial test of its online scanner: however. Trend Micro's online scanner at www.housecall.antivirus.com has no such requirement

As a side note, Microsoft also modified its Hotmail online service so that when a Hotmail user signs out. he/she is immediately redirected to Microsoft's MSN web site. While the newer non-IE web browsers don't get that annoying ''Upgrade'' message, older Netscape browsers do. Many public libraries in the Boston area at least have been standardized on Netscape 4.08 for a few years now, and now their many Hotmail users are getting that ''Upgrade'' warning once they are done, even though it has nothing at all to do with accessing Hotmail itself.

Yet more Microsoft heavy-handed ''tricks'' even in the midst of all the current lawsuit and antitrust, activity

2) Application Product Related

A) Allow for Complete Removal of Any Installed Microsoft Product and Without the Need for the Installation CD

Another common Microsoft ''trick'' is to make complete removal of its application products very difficult. Typically, a consumer will buy a new PC and find that it came pre-loaded with a Microsoft product like Works 2000, a very large and seldom used software suite. If the consumer is savvy enough to go to the ''Control Panel'' in Windows and try to uninstall Works via ''Add/Remove'' programs, he/she will be asked to insert a ''Works'' CD and no matter which of Bernie Conneely—Microsoft Remedies Page 7 Contact bconnee??@ yahoo.com for further info the several Works CDs get inserted, it will seem to be the wrong one. The only way to remove is to either have a very technical friend delete The all the Works registry, entries and then The Works folders, or else go to the Microsoft web site and do a search on how to remove Works. and if he/she is lucky, this page will be found http//:support.microsoft.com/support/kb??70.ASP or perhaps this page: http://supprort.microsoft.com/support/kb/articles??74.ASP Removing Office 2000 is more straightforward but still requires the installation CD But if you need to completely remove it and reinstall it because of corruption or virus damage, then you must again go searching on the Microsoft site and if you are again very ''lucky'' you will find this: http://support.microsoft.com/support/kb.articlesQ23??.ASP Or if you're not so lucky, you might find this instead: http://support.microsoft.com.support/kb/articies??5/60.ASP

There is not a single good reason for Microsoft not to include a genuine uninstall option to its software products, either for people who want to clear them off their systems or for users who just want to fix a problem by reinstalling

B) No Automatic Replacement/Disabling of Another Company's Product or Feature

This is seemingly covered in the DOJ settlement, but it should be made more explicit and that it covers all of Microsoft products. This sort of anti-competitor behavior is not a uniquely Microsoft trait (RealAudio is quite good at this in regards to MP3 music files) but it can be much more problematic given that it can interfere with functions critical to important business software For instance ''LDAP'' is a directory service usually built into mail server programs—a standards-based means of looking up e-mail addresses However. if you install a Windows 2000 server and add ''Active Directory Services'' it takes away LDAP from any non-Microsoft e-mail server you might want to install, forcing the installer [o either disable LDAP for the mail server users or else fiddle with the LDAP registry settings for mail server software, or else just give up and install Microsoft's own e-mail server program. Exchange Server Of course Microsoft allows no such changes with its Windows LDAP settings.

C) A ''Bare Windows'' Option With Clean Registry

After buying a typical retail PC, a consumer is usually faced with a daunting number of unwanted programs and add-ons that come with the system above and beyond what he/she expected. Some are bundled anti-trust baiting products from Microsoft. others are ''value-added'' products and quasi-free trails from other vendors, This is not a good thing because those programs slow down the computer, eat up resources, and generally make the completer less stable than it should be. Removing all of these programs is usually tricky, confusing and beyond the capabilities of the average user Microsoft. should include a global ''Rem??'' function to put the system to a basic state without any wasteful programs or registry e?? The consumer could then systematically add back any programs he/she actually needs or want, Bernie Conneely—Microsoft Remedies Page 8 Contact bconnee??@yahoo.com for further info Closing Thoughts

It's been shown that Microsoft blatantly violated previous agreements, that it frequently misled and outright fled about its actions, capabilities and motives, that it was totally willing to doctor evidence in its behalf, that it still tries to undermine its competition through monopolistic leverage, and that these actions have been both harmful to the consumer and hurtful for the economy by excluding better, more secure products from the marketplace The recent incident involving MSN access to non-IE browsers clearly demonstrates that Microsoft has not mitigated its monopolistic operational behavior at all, even in the face of ongoing litigation If Microsoft again fails to comply with what final agreement is reached with the federal and state governments, a suitably severe penalty should be applied. My suggestion is the original break-up order by Judge Jackson with the addition of the release of all Windows 95/98/ME source code This Windows ''lineage'' has ended with the release of Windows XP, which follows from Windows NT/2000, a completely different code set from 95/98/ME. This will protect Microsoft's current technological investment, but would give possible competitor:, an opening for creating a Windows—compatible operating system. That would, be a fair penalty I think.

I can only hope that at least some of what ! wrote will be of some positive benefit

MTC–00029783

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TOTAL PAGES: 8
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January 18, 2002
VIA FACSIMILE AND FIRST CLASS MAIL
Renata Hesse, Esq.
Trial Attorney
Department of Justice
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Re:
United States of America v. Microsoft Corporation, Civil Action No. 93–1232 (CKK) (D.DC);
State of New York ex. tel. Attorney General Eliot Spitzer, et al. v. Microsoft Corporation, Civil
Action No, 98–1233 (CKK) (D.DC)

Dear Ms. Hesse:

Pursuant to 15 U.S.C. § 16(o) and the Notice of Revised Proposed Final Judgment, 66 Fed. Reg. 59452 (Nov. 28, 2001), The New York Times, through its undersigned counsel, hereby submits the following comments relating to the revised proposed Final Judgment pending in the above-referenced matters.

Under the Antitrust Procedures and Penalties Act (the ''Tunney Act''), Microsoft Corporation (''Microsoft'') was required to file, within ten days of the filing of the revised proposed Final Judgment, ''a description of any and all written or oral communications by or on behalf of [Microsoft], including any and all written or oral communications on behalf of [Microsoft], or other person, with any officer or employee of the United States concerning or relevant to such proposal.'' 15 U.S.C. § 16(g). The only communications excepted from this requirement are those made by Microsoft's ''counsel of record alone with the attorney general or the employees of the Department of Justice alone.'' Id.

The revised proposed Final Judgment in the above-referenced actions was filed November 6, 2001. On December 10, 2001, Microsoft filed a ''Description of Written or Oral Communications Concerning the Revised Proposed Final Judgment and Certification of Compliance Under 15 U.S.C. § 16(g)'' (the ''disclosures''), a copy of which is enclosed for your convenience, that purports to satisfy the, Tunney Act's disclosure requirement.

Microsoft's disclosures are insufficient for several reasons. First, with respect to the referenced October 5, 2001 meeting regarding ''technical questions,'' Microsoft indicates that its counsel met with ''representatives of the United States and the plaintiff States'' but does not identify those ''representatives'' or the departments or agencies for which they work Moreover, although Microsoft indicates that Linda Averett, Michael Wallent, Robert Short and Chad Knowlton attended this meeting, it does not indicate what positions these persons hold at Microsoft or the purpose of their attendance at the meeting. Nor does Microsoft describe the substance of the October 5 communications or indicate specifically where they took place.

Similarly, with respect to the referenced meetings that occurred between September 27 and November 6, 2001, Microsoft has not disclosed the names of those counsel for Microsoft, the United States, and the plaintiff States who attended; 1 the specific dates and locations of those meetings; which of those meetings were attended by Professor Eric Green and Jonathan Marks; and which of those meetings were attended by Will Poole. Nor has Microsoft described in even the most cursory fashion the substance of any of these communications.

1 This shortcoming is significant. As Senator Tunney explained, the ''limited exception for attorneys representing the defendant who are of record in the judicial proceeding ... is designed to avoid interference with legitimate settlement negotiations between attorneys representing a defendant and Justice Department attorneys handling the litigation.... [T]he provision is not intended as a loophole for extensive lobbying activities by a horde of 'counsel of record.'" 119 Cong. Rec. 3451 (1973). The report on the Tunney Act issued by the House Committee on the Judiciary further clarifies that the limited exception to disclosure ''distinguishes 'lawyering'' contacts of defendants from their 'lobbying contacts.'" H.R. Rep. No. 93–1463, at 9 (1974), reprinted m 1974 U.S.C.C.A.N. 6535, 6540, 1974 WL 11645.

In addition, it appears that Microsoft may not have made all of the disclosures required. The only exception to the disclosure requirement is for communications between counsel for Microsoft alone and the attorney general or employees of the Department of Justice alone; any other communications between the government and Microsoft or others on Microsoft's behalf concerning or relevant to the disposition of these actions—even those in which no counsel participated—must be disclosed. See 15 U.S.C. § 16(g). The communications disclosed by Microsoft appear to each involve its counsel of record. This fact, coupled with the absence of any meaningful description of the communications and the lack of any express disclaimer of the existence of communications with the government not involving counsel of record, renders it impossible to determine whether Microsoft has complied with Section 16(g).

According to the House Report, the Tunney Act was intended "'to encourage additional comment and response'" by the public to proposed consent decrees "'by providing more adequate notice to the public.'" 1974 U.S.C.C.A.N. at 6538 (quoting S. Rep. No. 93–298, at 5 (1973), reprinted in 9 Earl W. Kintner, The Legislative History of the Federal Antitrust Laws and Related Statutes 6598 (1984) (''Kintner'')). ''[E]ffective and meaningful public comment is also a goal.'' Id. (emphasis added). In addressing Section 16(g) specifically, the House Report emphasized that Congress ''intend[ed] to provide affirmative legislative action supporting the fundamental principle restated by the Supreme Court ... [that it] 'is not only important that the Government and its employees in fact avoid practicing political justice, but it is-also critical that they appear to the public to be avoiding it if confidence in the system of representative Government is not to be eroded to a disastrous extent.'" Id. (quoting United States Civil Serv. Comm'n v Nat'l Ass ''n of Letter Carriers, AFL-CIO, 413 U.S. 548, 565 (1973)); see also Kintner, at 6600 (''antitrust violators wield great influence and economic power,'' and ''additional comment and response'' from the public would alleviate much of the ''significant pressure'' violators could often ''bring ... to bear on government, and even on the courts, in connection with handling of consent decrees''). Indeed, when Senator Tunney first introduced his bill, he focused on the significance of the disclosure provision. ''Sunlight is the best of disinfectants,'' he explained (quoting Justice Brandeis), and thus ''sunlight ... is required in the case of lobbying activities attempting to influence the enforcement of the antitrust laws.'' 119 Cong. Rec. 3453. The disclosure provision was only slightly altered before passage, and the amendments were designed ''to insure that no loopholes exist in the obligation to disclose all lobbying contacts made by defendants in antitrust cases culminating in a proposal for a consent decree .... ''1974 U.S.C.C.A.N. at 6543.

The New York Times respectfully submits that Microsoft's disclosures are inadequate to serve these statutory purposes, i.e., to assure

the Court and the public that the parties agreed upon the revised proposed Final Judgment at arms length and without the exertion of any improper or undue influence. The public has a statutorily recognized right to information sufficient to make this determination. For this reason, The New York Times respectfully suggests that Microsoft should be required to supplement its disclosures to: (1) identify the location, date and, where possible, time of each communication; (2) identify the names and titles of all persons present for each communication; (3) state the purpose of the participation in each communication by those other than counsel of record; (4) describe the substance of each communication; (5) disclose any other required communications, if necessary; an (6) certify that there exist no further communications required to be disclosed.
Sincerely,
LEVINE SULLVAN & KOCH, L.L.P.
By
Lee Levine
Jay Ward Brown
Enclosure
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA
UNITED STATES OF AMERICA,
Plaintiff,
Civil Action No. 98–1232 (CKK)
v.
MICROSOFT CORPORATION,
Defendant.
STATE OF NEW YORK ex. rel.
Attorney General ELIOT SPITZER, et al.,
Plaintiffs,
Civil Action No. 98–1233 (CKK)
v.
Next Court Deadline: March 4, 2002 Status Conference
MICROSOFT CORPORATION,
Defendant.
DEFENDANT MICROSOFT CORPORATION'S DESCRIPTION OF WRITTEN OR ORAL COMMUNICATIONS CONCERNING THE REVISED PROPOSED FINAL JUDGMENT AND CERTIFICATION OF COMPLIANCE UNDER 15 U.S.C. § 16(g)

In conformance with. Section 2(g) of the Antitrust Procedures and Penalties Act (''APPA''), 15 U.S.C. § 16(g), defendant Microsoft Corporation (''Microsoft'') respectfully submits the following description of ''any and all written or oral communications by or on behalf of'' Microsoft ''with any officer or employee of the United States concerning or relevant to'' the Revised Proposed Final Judgment filed in these actions on November only ''communications made by counsel of record alone with the Attorney General or the employees of the Department of Justice alone.''

(1) Following the Court's Order dated September 27, 2001, and continuing through November 6, 2001, counsel for Microsoft met on a virtually daily basis with counsel for the United States and the plaintiff States in Washington, DC After the Court appointed Professor Eric Green of Boston University School of Law as mediator on October 12, 2001, Professor Green and his colleague Jonathan Marks participated in many of those meetings. From October 29, 2001 through November 2, 2001, Will Poole, a Microsoft vice president, also participated in some of the meetings.

(2) On October 5, 2001, counsel for Microsoft met with representatives of the United States and the plaintiff States in Washington, DC to answer a variety of technical questions. Linda Averett, Michael Wallent, Robert Short and Chad Knowlton of Microsoft attended this meeting, as did Professor Edward Felten of Princeton University, one of plaintiffs'' technical experts. Microsoft certifies that, with this submission, it has complied with the requirements of 15 U.S.C. § 16(g) and that this submission is a true and complete description of such communications known to Microsoft.

Dated: Washington, D.C, December 10, 2001

Respectfully submitted,

William H. Neukom John L. Warden (Bar No. 222083)
Thomas W. Burt Richard J. Urowsky
David A. Heiner, Jr. Steven L. Holley
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MTC–00029784

James Hall
Attorney at Law
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Telephone: 614–885–3500
Fax. 614–527.18
January 19, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ash croft:

I would like to start by saying that I am neither pro nor anti-Microsoft. I do however believe in right and wrong. What the government has done to Microsoft over the past three years is definitely wrong. This letter is to show my support for the settlement that was reached with Microsoft. I do not support the settlement because I agree with it; I support it because it brings an end to one of the most absurd lawsuits I have ever seen.

There was not a single reason why the government should have brought Microsoft to court at all. I do not agree with all of their practices, but they have never broken the law. I guess that does not matter when the competition of Microsoft spends more money lobbying to get them in trouble than it does on their own research and development. I suppose the competition can now rest easy in the fact that their money was well spent. Microsoft has agreed, just to get this madness over with, to not retaliate against the competition if they produce software that competes with Microsoft's. Let's examine the word ''competition'' American Heritage Dictionary as defines it: ''the act of competing, as for profit or a prize rivalry''. Microsoft took part in just that; they were competing for a profit. They made this profit, and did great things with it. Millions of dollars in profits were donated to charities other profits were used to establish scholarship funds for college students. Clearly Microsoft isn't some sort of evil corporation.

We need to end this senselessness now. The lawsuit should never have been necessary in the first place.

Sincerely,
James Hall

MTC–00029785

January 27, 2002
FAX TO: ATTN: MS. RENATA B. HESSE
U.S. DEPARTMENT OF JUSTICE
202–307–1454
RE: MICROSOFT SETTLEMENT

Dear Ms. Hesse:

The proposed settlement is, I believe, fair and equitable for all concerned.

. Microsoft will continue to provide new software that will integrate new products;

. Competitors will have more Windows access to incorporate in their products, making them more compatible;

. Software manufacturers will resume the creation of new products;

. Consumers will have wider choices among software products; and

. Investors will enjoy stability in the marketplace.

Sincerely,
William F. Summerfield

MTC–00029786

January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to give my approval to the agreement between Microsoft and the Department of Justice. This is a reasonable settlement for all and it is time to put this matter behind us and move on. I am somewhat irritated with the entire lawsuit, as the competitors of Microsoft are coming across as a bunch of whiners who, because they are not producing a quality product, cry and run to the government to ball them out instead of doing a better job at their own production and marketing.

Be that as it may, Microsoft and the Justice Department worked out a fair agreement. Microsoft agreed to open the company up to more third parties making available more of its copyrighted code to aid in development of third party programs; Microsoft has agreed to disclosure various interfaces that are internal to Windows' operating system, and have agreed to a three person technical committee to oversee future compliance. This is more than enough.

I urge you to give your support to this agreement and allow this country to get back to business.

We desperately need to.

Sincerely,

James P. Duggan

MTC–00029787

Anthony Perrella
6017 Java Plum Lane
Garden Lake Estates
Bradenton, FL 34203
January 28, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my full support of the recent settlement between the US Department of Justice and Microsoft in the antitrust case. The case has taken too long to settle and needs to be finalized to serve the best interests of the public.

The terms of the settlement reflect the intense lobbying efforts on the part of Microsoft's competitors. Microsoft is agreeing to disclose interfaces that are internal to Windows operating system products—a first in an antitrust case. They have also agreed to grant computer makers broad new rights to configure Windows so that non-Microsoft products can be promoted more easily.

It is time for your office to use its influence to press for an end to this matter. There are nine states out there looking to continue litigation, and it is my belief that your office should be active in suppressing this silly notion. Our nation cannot afford further litigation, and we need Microsoft back at full strength.

Sincerely,

Anthony Perrella

MTC–00029788

20 B S Main Street Alburg, VT 05440
January 15, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft

I am writing to you today to voice my support for the Microsoft settlement. Three years have now passed since the beginning of this case During this time, much money has been wasted. Federal dollars have been squandered on court mediators and countless extensions. The settlement of this case then is a welcome end to the protracted ??gation.

The settlement that was reached is equitable Microsoft agrees to share with its competitors some of the workings of its operating system. This gives developers the freedom to design software that will be mereasingly compatible with the Windows system. While this is a large concession on behalf of Microsoft. I agree with Microsoft's support of the settlement. The settlement allows Microsoft to finally resolve this issue. Getting back to business is important to Microsoft.

I agree with Microsoft's decision to settle this case. I believe that the terms of this agreement are fair. I hope that the Justice Department will enact this settlement as soon as possible.

Sincerely,

Richard Bayer

MTC–00029789

KerrAlbert
Office Supplies & Equipment
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

The Justice Department's anti-trust lawsuit against Microsoft has gone on for much too long, and I would like to express my support for the settlement that the two sides reached in November of last year. It is a fair compromise that will benefit all parties involved, and I would like to see it finalized in the near future.

The government should not interfere with Microsoft simply because it is a successful company. Yet Microsoft has agreed to allow other independent companies new rights that will allow them to promote their own products (rather than Microsoft's) within the Windows operating system. Microsoft will not ?? against computer makers that choose to do this, and the result will be stronger competition in the industry. Once competition increases, consumers will have more to choose from, and the technology industry will receive a real boost.

I believe the Justice Department made the right decision in settling this lawsuit. Microsoft can no go back to developing the types of ideas that have made it the successful company it is today, and the government can begin to focus its time and money on more important issues.

MTC–00029790

45 Springfield Street # 1
Belmont, MA 02478
January 28,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing this letter to express my opinion about the settlement that has been reached between Microsoft and the Department of Justice.

First off, I am NOT 100% in Microsoft's camp. I have tried MANY of their competitors'' products: very few are truly better when you take all of the real world factors into consideration. The pattern has been simple all along: Microsoft sees a product in the marketplace, imitates it until it is as good as the competing product, and then (now this is the KEY) they surpass their competitor's product. This is really the driving force behind the technicalities of the lawsuits. You cannot even imagine how much it disgusts me that companies are allowed to sue because another company bettered their product.

If I were Bill Gates, I would be so outraged that] would move Microsoft to Canada. I have consulted for EMC Corporation in Ireland so I know firsthand that the U.S. is losing ground as THE place to be for technology. If our court system continues to allow cases as outrageous as this, no business will want to set up shop here.

Who's going to file a lawsuit next? Palm, Inc.? Well, I'm a registered Palm developer and if they file a lawsuit, guess who will be switching to Windows CE devices?

I obviously think this case should have been thrown out of court on the first day, but since it was not, please just get it over with and APPROVE the settlement. Thanks.

Sincerely,

David M. McNamara

MTC–00029791

Raymond L. Barker, CPA
3967 Hancock Forest Trail,
Annadale, VA 22003
Telephone: 703473–6066
c-mail lbarkcr@erols.com
Fax 703–208–0709
FAX COVER SHEET
From: Raymond L. Barker [lbarker@erols.com]
Sent: Monday, January 28, 2002 9:10 AM
To: 'mailto:microsoft.atr@usdoj.gov''
Subject: Microsoft Settlement

The settlement between DOJ and Microsoft should be settled. Each has affirmed that the settlement is hard but fair. To continue to go after Microsoft is counter-productive to our economy.

The AOL suit is outrageous.

Raymond L. Barker, CPA

MTC–00029793

8632 15th Avenue Brooklyn, NY 11228
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

This letter is to urge you to give your approval to the Microsoft settlement. This would end three years of court battles between Microsoft and the Department of Justice. The two parties have agreed to this agreement and I do not think it is the place of others to second-guess the decision

The fact that a federal judge accepted it is also evidence of a settlement. It has gone on far too long. It is time to quit wasting taxpayers'' money and put some of that money towards things that are needed more, like highways, schools, the environment.

Microsoft has agreed to a great many of the terms demanded by Justice. There is internal interface disclose, computer-maker flexibility, granting computer makers new rights to configure Windows to promote non-Microsoft programs; there is an oversight committee. What more is there? Why should anyone work to make a company work, or invent something, if only to have to give it away? This whole lawsuit sets a very bad precedent.

I urge you to let this decision stand and let us go forwards, not backwards.

Sincerely,

Shirley Hui

PS: ?? a Corner, I can't be more ?? with ?? products. It's a great ??

MTC–00029794

ServComp
2700 Post Oak Blvd., Suite 600
Houston, Tx 77056
713/935–3600
713/935–3650 Fax
www.servcomp.net
FAX COVER PAGE
Attn: ATTORNEY GENE?? JOHN ASHCROFT
Company: US DEPT. OF ??
Phone No.: 202
Fax No.: 202 307 1454
From: Bob BEDD??FIELD
Company: SERVCOMP, INC.
Phone No: 713 935 3600 112
Fax No.: 713 935 3650
Date: 61 28 02
No. Pages: (Including Cover) 2
Message:
ServComp
2700 Post ?? Suit?? 400
713–935–3600
713–935–3650 fox
www.servcomp.com
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

This lawsuit against Microsoft has gone on long enough. There are other Issues of greater Importance facing our county and there is now a settlement In place that will, hopefully, end the hostilities between our government and Microsoft.

Often overlooked throughout the course of this contentious litigation is the fact that there are many other IT companies, that have built their businesses off of Microsoft's leadership and innovative products. While few, of these companies are dependent upon Microsoft, they are dependent upon a reasonable stability In the marketplace. This litigation has disturbed this stability.

The strength of this settlement is that it focuses on remedies for the original issues and leaves Microsoft Intact. I am therefore writing in favor of this settlement, and hope that similar actions will not be brought in the future.

Sincerely,
Bob Beddingfield
Sales Director
ServComp, Inc.
2700 Post Oak Blvd, Suite 600
Houston, TX 77056
713–935–3600, ext. 112
jrb@servcomp.com

MTC–00029795

January 21, 2002
Attn Renata Hesse
US Department of Justice. Antitrust Division
601 D Street, NW, Suite 1200
Washington, DC 20530

The opportunity to make commennts on the Microsoft annual lawsuit is much appreciated with the importance it carries for the economy. We would like to other our opinion for your consideration as you deliberate the proposed settlement of this case.

As the owners of a wholesale plumbing supply company, we understand that government has a role in protecting consumers and businesses from monopolistic behavior. Although we were never supportive or the case against Microsoft, we acknowledge the Court of Appeals findings.

To this end we believe that settlement is the best option for the economy and the high-tech industry.

The key point in our minds in that settlement not only ends the suit, but it does accomoplish what the government set out to do; put a more watchful eye on Microsoft's business practices to ensure consumers are protected.

What we have read about the details of the suit and the settlement talks us that the settlement that is on the table is a good compromise that gives the government what it is seeking. Microsoft some of what it wants, and the economy what it desperately needs. We hope your deliberations bring you to the same conclusion.

Sincerely,
John and Beverly Trimmell, Owners
B & J Wholesale Plumbing Supply
525 S Kansas Avenue
Liberal, KS 67801

MTC–00029796

To whom it may concern:

I am responding to the proposed Microsoft settlement in accordance with the Tunney Act I was someone who has been an IT professional for the past seven years it disturbs me to learn that the proposed settlement will have no real affect on Microsoft and will not restore competition. It is imperative that a settlement to restrain Microsoft include:

1. The equired publishing of API's, file formats, and other protocols to all developers. This is the only way to truly give independent soft-ware companies the ability to compete with Microsoft.

2. Protection to OEM's that wish to load competitive software on their systems. This will allow OEM's to install the software that customers want.

3. Full ??ricing disclosure from Microsoft on how much it charges OEM's for its products. This will allow consumers to make informed choices as to which products are the most cost effective solution.

Thank you for you time.

Mark King

MTC–00029797

January 16, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

As a Microsoft supporter, I would like to see this case concluded. I believe Microsoft has become powerful not by malicious intent, but because it makes a quality product that is reasonably priced.

I do not agree with every decision that Microsoft has made in the past, but I understand the idea of aggressively marketing your own product. Either way, I do not agree with the allocation of scarce state and federal resources on problems that have already been solved.

Under the settlement agreement, Microsoft has promised to change the way it develops, licenses, and markets its software. It has granted computer makers broad new rights to configure Windows to better promote non-Microsoft software on the Windows platform. Also, Microsoft has agreed not to retaliate against software or hardware developers who develop or promote software that competes with Windows. Microsoft has opened its inventions to the competition that would see that invention become obsolete. This goes against the very fundamentals of capitalism, but if it ends the case, then Microsoft is willing to concede.

Although the settlement reaches further than Microsoft may have wished, Microsoft realizes that settling sooner is better than settling later. The longer that the case proceeds and innovation suffers, the greater the risk that American products may lose their competitive advantages in the world market. I am convinced that the only reason states would continue litigation would be an effort to appease Microsoft's competitors, rather than to protect consumers. Let's make sure that we don't lose our place as the world leader in the IT industry; let's end this debacle once and for all.

Sincerely,
Randall Baxley

MTC–00029798

28 January 2002
The Attorney General, John Ashcroft
US Department of Justice
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing today to encourage the Department of Justice to accept the Microsoft antitrust settlement. The issue, which should never have begun, has been dragged out long enough and it is time to put the issue to rest. A settlement is available and the government should accept it.

Under the settlement, Microsoft gave in to many concessions in order to return to software design. They have agreed to give computer makers the flexibility to install and promote any software that they see fit, With no fear of retaliation, Microsoft has also agreed to license Microsoft software at a uniform price to computer makers no ma?? software the company decides to install or promote. Also Microsoft has agreed not to enter into any agreement that would obligate a computer maker to exclusively install or promote Microsoft software.

Microsoft has given far too much in order to settle this issue. Microsoft and the technology industry need to move forward, arid the only way to move ahead is to put this issue behind us. In these days, we hear shouts of outrage that the government has not done more to bolster the airlines, Enron, K-Mart, and many other companies in financial trouble. It is truly outrageous that the government should do much to destroy one of the this country's most successful businesses.

As unfair as it is to Microsoft, ask you to please accept the Microsoft antitrust settlement.

Michael R. Yosko

MTC–00029800

7199 Bahne Road
Fairview, TN 37062
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

We wanted to write to you today to express our dismay over the Microsoft antitrust dispute. As Americans, we feel that this quit is contrary to the very ideals of Free trade and capitalism theft we treasure in this nation. It is our opinion that punishing a company or an individual for demonstrating the very cleverness and ingenuity upon which we have built this nation is un-American.

Americans are unlike any other people in the world. It is our goal to became a success; to became something marc than our Fathers and grandfathers were: to start with nothing more than a good idea and a diligent work ethic and end up a success. This is the American dream, and it is this dream that is under attack in this suit.

This litigation is not a question of whether or not Microsoft violated antitrust laws. It is a question of whet her or not we, as Americans, have the right to become successful without the interference of the government. We are pleased that this heinous suit has finally reached a conclusion that is satisfactory to all of the parties involved. However, it is our fondest wish that none of this unpleasant litigation had begun in the first place, Please keep the government out of the private sector. Thank you.

Sincerely,
Don Crohan
Gayle Crohan

MTC–00029801

Robert Agness
608 Juanita Court
The Villages, FL 32159
January 28, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

As a concerned citizen who would like to see this process ended,

I would like to ask for your approval of the proposed agreement in the Microsoft anti-trust lawsuit. This legal action appeared to have been punishment for not having given enough campaign contributions to the previous administration, which then led down the ridiculous path of Judge Jackson trying to break up Microsoft.

It is time to come back down to earth and accept this more reasonable compromise without further legal action.

The fact is that Microsoft has done more than any other company to move the PC industry forward over the last 20 years. With such advantageous terms, the Justice Department should finalize this deal and let this company continue to work toward further innovations. Considering Microsoft's flexibility of allowing non-Microsoft software programs to be placed on Windows, and offering to license intellectual property and access to its internal code, the competition should be quite pleased with this decision.

It is time to end the arduous legal proceedings and get back to priorities. Please keep Microsoft intact and the software industry stabilized by moving forward with this plan. Thank you very much for your support.

Sincerely,
Robert Agness

MTC–00029802

FAX
DATE: 12802
TO: Renata Hesse, Dept of ??
202, 616, 9937
FROM: Kim Waltman
Number of pages: (including cover sheet) 2
Please call 815–282–8053 if you do not receive all pages indicated.
Message:
January 28, 2002
Ms. Renata Hesse
Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

I am writing to you regarding you the Microsoft lawsuit. This lawsuit was brought against Microsoft by the federal government. During the course of this three-year lawsuit, the federal government has spent $30 million pursuing their case. The funding for the federal government's case comes from the taxpayers of this country.

This case has had its day in court. And the Court of Appeals has ruled to do away with the lower courts' plan to break up the company. Let's put an end to the lawsuit. At this point, spending any additional taxpayer money would just be sending good money after bad. The proposed settlement agreement is the only logical solution.

If this case is carried out any longer, it will only result in unnecessary increased expenses to consumers. I believe any additional public funds spent on this lawsuit are not being used for an appropriate cause. That is why I am asking that you move ahead with the settlement agreement without delay. The agreement will close the book on this overdone court case and allow us to move forward into the next century of technological advancements.

Thank you for giving consideration to my opinion.

Sincerely,
Kim Waltman
Founder
InSync Communications

MTC–00029803

10852 NORTH KENDALL DR # 208
MIAMI, FLORIDA 33176–3469
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

We are writing to show our support for the Microsoft antitrust settlement. It is of vital concern to this country that a climate of stability and support by established for American businesses to flourish, With the grave challenges facing America now, both in the domestic economy and around the world, self-destructive legal abuse is uncalled for.

Microsoft has shown that it is willing to bend over backwards to reach a settlement that will help its partners and competitors perhaps more than itself. The settlement, whatever the effect it has on Microsoft, will greatly help the broader American technology industry. Software companies will be better able to have their products work with Microsoft's Windows operating system when Microsoft makes the code for the internal interfaces and server interoperability protocols that tie program together available. Computer manufacturers will have more flexibility to contract with other companies, like AOL Time Warner, RealNetworks, and Symantec to substitute their products for the program Microsoft includes in the standard Windows installation, such as internet Explorer. The American computer industry should benefit from the settlement I welcome your support and leadership for the settlement, Mr. Attorney General, The Federal Judge who will be deciding on the settlement should approve it in the best interests of the American public.

Sincerely,
Axel Heimer

MTC–00029804

OnQuest Technologies, Inc
January 17, 2002
Attorney General John Ashcroft
U.S, Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

Whatever might be said of this lawsuit against Microsoft, it is, in my opinion, good that the entire case has settled. Without necessarily taking sides on any of the issues explored during the court proceedings, at the very least it can be observed that the tone was contentious and unnecessarily inflammatory.

All of this has apparently created a perceptible nervousness among consumers that has, in turn, adversely affected both sales of computer products, as well as the economy in general.

I am therefore writing to convey my support of the settlement, as well as my hope that there will be no further federal action against Microsoft, or any other IT company. The settlement assures that Microsoft will commit to better business practices, and change its software to reflect that.

Starting with the next release of Windows XP, Microsoft will make their software easier to use for non-Microsoft software developers, and Microsoft will even make it easier for developers, since Microsoft will release its interfaces and protocols to them so they can be more competitive.

This really is more than a slap on the wrist; it's a whole new way of doing business.

Sincerely,
Luis Navarro
President

MTC–00029805

January 28, 2001
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530
Fax: 1–202–307–1454

Dear Mr. Ashcroft:

This letter pertains to the recent settlement of the antitrust lawsuit between Microsoft and the Department of Justice. I am in favor of leaving the company as it is—NOT breaking it up. Let's accept the terms of the settlement and let Microsoft and the industry move forward.

I support final adoption of the settlement as soon as possible. I feel the terms are reasonable and fair to all parties—they meet, or exert go beyond, the ruling by the Court of Appeals. This has been going on far too long.

Helen M. Pickering
3815 E. Funk Avenue
Spokane, WA 99223

MTC–00029806

COLESYSTEMS
Business Applications
Networking Technologies
Software Development
Web Commerce
Training
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

I have always believed that it was a bit overzealous for our government to have actually reacted with a federal lawsuit against Microsoft simply because a few of Microsoft's competitors had suggested it. I agree that Microsoft may well have employed aggressive marketing and sales tactics, but these tactics had never risen to the level of needing federal court intervention. I worry more about any business that doesn't aggressively pursue sales.

The IT business, by its very nature, is a very fluid business. Where one particular company may be dominant today, another will be tomorrow. It is incumbent upon all who hope to survive in the IT world to change with the current times and technologies. Any company that does not—even a company with the apparent invulnerability of Microsoft—will soon find itself relegated to yesterday's outmoded ideas. By the very nature of the IT business, therefore, Microsoft would have had to change to remain competitive. The limitations on Microsoft brought on by the settlement, such as disclosure about internal interfaces of Windows, will only make trade secrets public, and prepare IT engineers for the ''next big thing.''

The irony here is that this lawsuit, and the subsequent settlement, only delayed what would have had to happen on its own anyway. I am hopeful that this marks the end of any federal action against Microsoft, or any other IT business.

Sincerely,
Ivan Cole
Chief Technology Officer

cc: Representative Jerrold Nadler
174 Hudson Street
New York NY 10013
Phone: (212) 965 6400
Fax: (212) 965 6401
Toll Free: 888-COLESYS
Web: http://wwwcolesys.com

MTC–00029807

David Millage
STATE REPRESENTATIVE
Forty-First District
Statehouse (515) 281–3221
e-mail—dmillag@legis.state.ia.us
HOME ADDRESS
3910 Aspen Hills Drive
Bettendorf, Iowa 52722
Home: (319) 332–8723
Office: (319) 388–8417
House of Representatives
State of Iowa
Seventy-Ninth General Assembly
STATEHOUSE
?? 50319
COMMITTEES
Appropriations, Chair
Judiciary
Labor & Industrial Relations
State Government
January 28, 2002
Renata Hesse
Department of Justice, Antitrust Division
202–616–9937
VIA FACSIMILE

Ms. Hesse:

Iowa Attorney General Tom Miller's leadership in the Microsoft antitrust case has caused many Iowans to track the situation with a watchful eye.

According to the Wall Street Journal, Miller ''was the one who originally cooked up the idea of a multi-state assault on Microsoft.'' (November 9. 2001) Regarding the case, Miller told the Journal, ''Everyone knew it was high profile. This one was a no-''??rainer.'' (The same article on November 9, 2001.)

I serve as Chair of the Iowa House Appropriations Committee and I am trying to solve the sizable budget deficit the State of Iowa is facing. I have publicly urged AG Miller to sign on to this settlement and bring this case to an end.

The state is scraping for every dollar in a time of budget cuts, yet our state attorneys are spending staff time and money pursuing this case—that has not and likely will not bring anything back to our state. Thus far, Miller has claimed over $1.1 million in spending on the case. Of the 19 states involved when that claim was filed, only three states topped Iowa's spending, including much larger states like California and New York. According to the Wall Street Journal, Miller is a main reason several states are balking at a settlement, ''...some state pols will stoop lower than others to latch onto a celebrated case in hopes of boosting their name recognition for future electoral ambitions. These antics might have been tolerated when the economy was stronger. but such frivolity looks conspicuously out of place after September 11. In light of the discovery that we have real enemies in the world, suffice it to say the Microsoft prosecution looks more myopic and perverse than ever.''—Wall Street Journal.

''Finally, A Settlement'' Nov. 2.

The hard-earned money of taxpayers can be better spent, and consumers will be no better off if this case are prolonged. At a time of belt-tightening all over the country, the attorneys general who remain on the case are acting like they have unlimited resources for an indefinite pursuit of an American business that anchors a sector of an already limping economy.

Americans deserve fiscal responsibility from their government. Please We strong consideration to approving the settlement in this case.

Sincerely,
David Millage
Iowa House of Representatives

MTC–00029808

Lon Anderson
REPUBLICAN CAUCUS STAFF
IOWA HOUSE OF REPRESENTATIVES
STATE CAPITOL
Des Moines, Iowa 50309
(515) 281–5184
January 28, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

With utter consternation, I have watched my state attorney general continue to battle Microsoft on the issues raised in the current lawsuit pending with the U.S. Department of Justice. I'm not clear on his motives, given that 1owa is facing a severe budget crisis and the expenses of his continued crusade against Microsoft would be much better used to aid Iowans with their education and security budgets than it is to relentlessly pursue one of the most successful companies in the country.

I'm always amazed when politicians like Tom Miller conveniently use lawsuits as a means to advance their own personal agenda at the expense of the taxpaying public they claim to represent. Anyone with any common sense realizes how ludicrous it is to continue this lawsuit when a settlement has been proposed that addresses the concerns raised in the original complaint.

In my opinion, from its onset, this lawsuit was brought by jealous colleagues who are in awe of Bill Gates and his phenomenal capacity to invent and market his products. Isn't that what America is all about? In a few short years, Gates built one of the most successful and profitable companies in the world, which, by the way, made billions of dollars for investors across the globe. To portray this man as an evil to be ''dealt with'' is unfair and unwarranted. The Bill Gates and Microsoft legacy will be one that stands the test of time.

Settle this nuisance lawsuit as quickly as possible so we can all get back to business.

Sincerely,
Lon Anderson
Research Analyst

MTC–00029809

To,
The Department of Justice,

United States of America.

Dear Sir or Madam:

Sub: Opinion on Microsoft settlement

Since it has been proven in US court of justice that Microsoft Corporation has been unlawfully maintaining its monopoly, violating US competition laws. Being a software engineer for about 3 years now I have been in situations when I was a victim of the unlawful monopoly and hence, I would like to make a few suggestions and give possible solutions so that the fights and freedom of people like me is protected in the free market.

Firstly, the judgment has overlooked an important aspect. All OEM's licensing Microsoft software should be made to provide an option without the Microsoft product. For e.g., An OEM selling desktop computers preinstalled with Microsoft Windows Operating System should give an option of a desktop without the Microsoft software. The rationale being ''Why should a consumer who just wishes to buy a desktop computer be forced to have Microsoft software we-installed on it.'' Currently there is not a single portable computer (notebook) in the market which offers a option other than Microsoft Windows.

Though its good to see nearly all clauses of the ''Prohibited Conduct'' talk about the Microsoft licensing policy in the section of the judgment. But, a very important aspect has been missed out: Currently Windows OS overwrites the Master Boot Record so that no other preinstalled operating system would be recognized. Microsoft should be asked to make changes to their OS so that it stops it intrusive behavior and thus making other OS to co-exist on the same machine.

Sincerely hoping that my comments would be helpful to the justice effort.

Regards,

JayaBharath Goluguri

Texas Instruments Inc.

P.O. Box 660199

12500 TI Boulevard, MS 8723

Ph: 972–978–6807(c)

MTC–00029810

To the United States Department of Justice:

Sub: Opinion on Microsoft settlement

I am writing in response to the proposed settlement which is currently under the 60 day public comment period. I consider myself to be a person whom the outcome of this case will have a very significant effect. Since it has been proven in US court of justice that Microsoft Corporation has been unlawfully maintaining its monopoly, violating US competition laws. Being a software engineer for about 3 years now I have been in situations when I was a victim of the unlawful monopoly and hence, I would like to make a few suggestions and give possible solutions so that the rights and freedom of people like me are protected in the free market.

Firstly, the judgment has overlooked an important aspect. All OEM's licensing Microsoft software should be made to provide an option without the Microsoft product. For e.g., An OEM selling desktop computers preinstalled with Microsoft Windows Operating System should give an option of a desktop without the Microsoft software. The rationale being ''Why should a consumer who just wishes to buy a desktop computer be forced to have Microsoft software pre-installed on it.'' Currently there is not a single portable computer (notebook) in the market which offers a option other than Microsoft Windows.

Microsoft has been using open standards in its products and then making some proprietary extensions and claiming all rights over it including closing the source of the so-far open protocol How can Microsoft claim trade secrecy for a protocol that is distributed over the Internet? For example the 'Kereberos'' case.

Microsoft makes it unable for prospective purchasers of its operating system to make informed judgments regarding interoperability with other operating systems in connection with their purchasing decisions. Also it overwrites MASTER BOOT RE CORD of all other previous OS's thus ensuring that user does not have access to his/her OS, other than WINDOWS. The fact is that now, Microsoft has a monopoly on not only operating systems, but also to a lesser degree, office software and web browsers. They have blatantly and obviously abused this monopoly in many cases over the years and it has to stop. The DOJ has made that very clear. However the penalties sought to be imposed nor the agreement between the DOJ and MICROSOFT do not properly address and punish MS for its judged illegal Monopoly. All communication standards and protocols and API, file system formats must be made open source so that all developers can effectively compete and produce more efficient software for the users who are currently forced into buying MS software by various illegal means.

Sincerely hoping that my comments would be helpful to the justice effort.

Regards,

Ravi Shankar R Jagarapu

University of Texas at Dallas

2200 Waterview Pkwy, # 2125

Richardson, TX 75080

Ph: 972–437–2846

MTC–00029811

Tim Pawlenty

Majority Leader

District 38B

Dakota County

COMMITTEES: CHAIR, RULES AND LEGISLATIVE ADMINISTRATION

Minnesota House of Representatives

January 28, 2002

Ms. Renata B. Hesse

Antitrust Division

U.S. Department of Justice

601 D Street NW

Suite 1200

Washington, DC 20530–0001

Dear Ms. Hesse:

I applaud the leadership displayed by the Department of Justice and the nine Attorneys General for developing the proposed Microsoft settlement agreement that balances the protection of consumer interests and the competitive process.

I believe that this settlement will preserve Microsoft's ability to innovate and engage in normal procompetitive activities, critical during our nation's current economic recession. At the same time, the settlement is a win for consumers, with its broad scope of prohibitions and obligations imposed on Microsoft. It will certainly require substantial changes in the way that Microsoft does business. It imposes significant costs on the company and entails an unprecedented degree of oversight. Furthermore, the agreement strikes an appropriate balance within the technology industry, providing opportunities and protections for firms seeking to compete while allowing Microsoft to continue to innovate and bring new technologies to market.

This reasonable settlement will help consumers, the industry, and the economy to move forward.

Very truly your,

Tim Pawlenty

Majority Leader

MTC–00029812

Raymond E Beal

300 E 27th St

Dover OH 44622

January 28, 2002

Attorney General John Ashcroft

US Department of Justice

950 Pennsylvania Avenue, NW

Washington, DC 20530

Dear Mr. Ashcroft:

After three long years of court battles Microsoft and the Department of Justice have reached a settlement regarding the anti-trust stilt. I believe that the settlement will be beneficial to both the IT industry and the consumers alike. It is necessary that all those who are involved in this suit put aside their differences and work to put this issue behind them. I would like to go on record as being a staunch supporter of the settlement.

This settlement went further than what Microsoft would have liked, but they believe that settling the case now is the right thing to do to help the industry and the economy move forward. The agreement is fair and reasonable, and was arrived at after extensive negotiations. The industry will be more competitive since Microsoft has agreed not to retaliate against competitors who produce, promote and ship software that competes with Microsoft's.

I am satisfied with this settlement since it is fair and reasonable to all parties involved.

Sincerely,

Raymond Beal

MTC–00029813

Stephen and Diane Walter

1460 Mills Court

Menlo Park, CA 94025

28 January 2002

Renata B. Hesse

Antitrust Division

US Department of Justice

601 D Street NW

Suite 1200

Washington, DC 20530–001

Fax: 1–202–307–1454

1–202–616–9937

RE: Microsoft Settlement

We urge the Department of Justice to withdraw its consent to the revised proposed Final Judgment. The agreement, as it now stands, will allow Microsoft to extend its monopoly to most if not all aspects of

computing. The new settlement allows firms better access to APIs necessary to work with Windows, which only reinforces the Windows monopoly.

We ask that you (1) restrict Microsoft's practice of forcing Internet Explorer in contractual tying, (2) restrict their practice of giving favorable Windows pricing deals to OEMs, (3) require Microsoft to allow users to remove icons from Windows desktops, (4) restrict Microsoft's bundling of middleware to force its monopoly, (5) re-insert the source code licensing provision of the 2000 DOJ settlement, and (6) allow OEMs to modify Windows to add features.

As you are aware, it is small business that its the fire of the US economy. By allowing Microsoft to extend its monopoly as your proposed agreement will do, you are in essence a□lowing them to continue chasing small companies out of business. Microsoft tolerates NO competition—no matter how small, Please, please take this shark out of the waters of our economy.

Sincerely,
Diane Walter

MTC–00029814

632 Khyber Lane
Venice, FL 34293
January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The nine plaintiff states in the Microsoft antitrust case who are seeking to overturn the settlement reached last November are claiming to act in the best interest of the public. They are mistaken. I do not understand the intricacies of the Microsoft antitrust case. but I do know that extended litigation would be anything but beneficial to the consumer. I do not believe it is necessary to continue litigation at this point. Extended suit can only result in wasted time and money.

The settlement is reasonable. Microsoft will be allowed to remain intact, and it will also retain control over its software, but it will be required to give its competitors access to various parts of Microsoft technology and to refrain from monopolistic actions. For example, Microsoft will not be permitted to enter into any contracts that would require a third party to distribute Microsoft software either exclusively or at a fixed percentage.

It is wrong for States to attack Microsoft under the guise of protecting the consumer. Consumers benefited from Microsoft's developments & marketing. Allowing these nine states to cause the existing ruling to be overturned will only result in expensive litigation, which is contrary to the best interest of consumers.

Thank for your consideration.

Kenneth Twigg

MTC–00029815

620 Terrace Place
Norman, OK 73069–5037
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I completely disagree with the last three years of litigation against Microsoft. The government has no right to keep messing around with private enterprise and it stands to reason why the economy took a turn for the worst when America's number one company is a victim of lawsuits brought on by the Attorney General and Microsoft's competitors.

The terms of the settlement are not fair as they force Microsoft to disclose interfaces that are internal to Windows'' operating system products. They also force Microsoft to grant computer makers broad new rights to configure Windows so that competitors can more easily promote their own products.

Although the terms of settlement are not fully justified, I urge your office to implement it as soon as possible, because our economy cannot afford further litigation against it. Thank you.

Sincerely,
Glen Bell
cc: Senator Don Nickles
Representative J.C. Watts, Jr.

MTC–00029816

decisionmarkTM
818 Dows Rd. S.E., Cedar Rapids, Iowa 52403–7000
Phone: 319–365–5597
Fax: 319–365–5694
January 28, 2002
Renata Hesse
Trial Attorney
Anti-Trust Division
U.S. Department of Justice
601 D St., NW
Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

It is no secret that one of the reasons that Microsoft has succeeded is that the federal government has had very little control over the technology industry. Over-regulating this industry will slow progress.

Technology has fueled the current economic expansion and we should be looking to preserve its status rather than take it down. As a regular consumer of high technology products, I enjoy the benefits of a free and competitive market prices are affordable, the products are of high quality, and the rate of development is the fastest of any market in the world.

There is now an agreement between the opposing parties in this case that designates a fair system of checks and balances. Additionally, it sets out a plan to monitor future activities and a technology committee to enforce them.

Resolving this case once and for all is not only beneficial to the courts and all participants, but also to the marketplace, t hope you will accept this fair agreement.

Sincerely,
David Cechota
2311 Bever Ave SE
Cedar Rapids, IA 52403

MTC–00029817

Carolyn Sergel
3100 Springdale Boulevard
Lake Worth, Florida 33461
January. 22, 2002
Attorney General Ashcroft
US Department of Justice
Washington, DC 20530

Dear Mr. Ashcroft,

I am writing in full support of the recent settlement between Microsoft and the US department of Justice. Although I think the lawsuits have dragged on too long to date, I am happy to see a settlement has been reached. I am confident that the settlement will serve the public's best interests and protect the consumer.

The terms of the settlement are more than fair. Microsoft will be forced to document its Windows interface codes for competitors. It will also be monitored by a special ''Technical Committee'' that will make sure that it stays within the bounds of the settlement.

Our nation cannot afford to continue litigation on fids issue. For the sake of our IT sector and economy, please finalize the settlement. Microsoft needs to focus on business, not politics.

Sincerely,
Carolyn Sergel

MTC–00029818

4040 Lake Forest Drive W
Ann Arbor, MI 48108
January 2.5, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to ask the Department of Justice to accept the Microsoft antitrust settlement The suit by AOL that Microsoft has violated antitrust laws is outrageously beyond my reasonable imagination. Microsoft has done nothing wrong and both companies should work together as well as on a competitive bases to improve the benefit of end customers. It is absolutely bad idea for both companies and the government to spend their resources for nothing. A settlement is in place and the terms are fair, I would like to see the government accept it.

I believe the settlements by Microsoft are more than I could think of as a private company could endure. At the same time, the Justice Department should use its resources from tax dollars in more productive ways for the consumers than harassing Microsoft as a company.

Sincerely,
Seha Son

MTC–00029819

January 24. 2002
Attorney General ,John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing you today to express my opinion m regards to the Microsoft settlement that was reached m November. I favor Microsoft and support the settlement that was reached by Microsoft and the DOJ. I am anxious to see an end to the costly litigation that has gone on for throe years. Microsoft has agreed to all terms and conditions of this agreement, and will be monitored by the

government to ensure, compliance with the agreement Under this agreement, Microsoft has agreed to grant computer makers broad new rights to configure Windows so as to promote non-Microsoft software programs that compete with programs that. compete with programs included within Windows. Microsoft has also agreed to disclose information about. various internal interfaces in Windows. This litigation is costly and a waste of time. I urge you to support this settlement so Microsoft. can be free to design and market its innovative software, which will benefit our society. Thank you for your support. Sincerely,

Roger Perer??
3616 Spokeshave Lane
Matthews, NC 28105

MTC–00029820

Fax Cover Sheet
James and Christianna Downs
3624 Thai Road
Titusville, FL 32796–4017
(321) 267–2485
1–202–307–1454
Supporting comments regarding current Microsoft settlement issue.
James and Christianna Downs
3624 Thai Road
Titusville, FL 32796
January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

We are writing you today in regards to the Microsoft settlement issue, We support the settlement that was reached in November and feel that this costly dispute has gone on too long. Further pursuit of Microsoft will cement the impression held by stockholders that our government is simply conducting a harassment program, Shame on those responsible!

The current settlement is thorough and complete. Microsoft has agreed to share more information with other companies and give consumers more choices. Microsoft has agreed to disclose for use by its competitors various interfaces that are internal to Windows' operating system products.

Microsoft has also agreed to grant computer makers broad new rights to configure Windows in order to promote non-Microsoft software programs that compete with programs included within Windows. Computer makers will now be free to remove the means by which consumers access various features of Windows, such as Microsoft's Internet Explorer web browser, Windows Media Player, and Windows Messenger.

Unfortunately for stockholders, this settlement will benefit companies attempting to compete with Microsoft. We accept that consequence, as this settlement will benefit consumers and will be good for stimulating our lagging economy. Please support this .settlement so our precious resources can be funneled into more pressing issues. Thank you for your support.

Sincerely,
James and Christianna Downs

MTC–00029821

The Seale Group, Inc.
The Source for Developer Training
January 28, 2002
8601 Dunwoody Place Suite 310
A??anta, Georg?? 30350
(770) 992–4888
FAX (770) 992–1296
www.seste.com
Attorney General John Ashcroft
Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

The government's case against Microsoft quickly degenerated into such a war of rhetoric that it became impossible to decipher the real issues. It is my opinion that the government has badly misunderstood the free market concept of employing aggressive marketing techniques over and against its contention that Microsoft was in any way attempting to create an atmosphere of unfair competition.

However, now that the case has entered into the settlement phase, these questions will remain unresolved. I am writing to suggest that the settlement itself is a decidedly better option than the continuation of the litigation. However, I may have some misgivings over some of the more salient terms of the settlement, particularly the provisos for information and divulging of intellectual property.

Sincerely,
Christopher Seale President

MTC–00029822

January 28, 2002
Renata Hesse
Trial Attorney
Department of Justice Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Re: U.S. vs. Microsoft

Dear Ms. Hesse:

This letter will acknowledge my support for the settlement reached by the Department of Justice and Microsoft Corp.

Realizing the time and expense involved, there does not appear to be further reason to expend any more taxpayer money on an already long drawn out process. This case appears to have been thoroughly litigated and attempts by competitors to influence judicial review appear unfounded and contrary to the best interests of the consumer.

Thank you for the chance to express my view of this very important issue.

Sincerely,
Susan B. Sweetland
Account Executive
Fax: 202 616–9937

MTC–00029823

RE: Microsoft Settlement
January, 28, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

While my business has not been adversely affected by this lawsuit against Microsoft, had it continued to its anticipated bitter end, I cannot help but think that all IT businesses would somehow have been hurt.

There is a perception that Microsoft had grown a little too big and successful for its own good. Adding to that perception is the allegation that they had treated much of their customer base (the OEMs) with a certain amount of undue, over-protective suspicion. However, this has more than adequately addressed in the settlement, and the settlement has ample protections figured into it.

It is good on several levels that there has been a settlement. While in a few areas, the settlement goes beyond the lawsuit, it does address the initial concerns leveled at Microsoft by their competitors. I am writing to express my support for this settlement, and hope that with it the IT community, can resume business in a more normal fashion.

Sincerely,
Walter A. Householder
President
cc: Representative left Flake Microsoft
SUITE 400 2999 NORTH 44th STREET, PHOENIX,ARIZONA 85018 602.840.4750 FAX 602.840.5250 WWW.KDC-PHOENIX.COM

MTC–00029824

595 Providence Street
Everett, PA 15537
January 22, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

This correspondence is to show my support for the proposed settlement that has been reached between the Justice Department and Microsoft. The litigation has lasted for over three years, and the time has come to worry more about our slumping economy than a company who has been vital to the economy.

It is nice to see that the government and Microsoft both realized that the best way to stop a recession is to attack the problem at its source. As soon as the antitrust suit against Microsoft was announced, the market started to dive. The longer the litigation lasted, the lower our economy sunk. The settlement will allow the IT industry to be more competitive, and Microsoft will have to work closer with their competitors. They will actually share information and source code to their products just so their competitors can make products that are compatible with Microsoft's.

All in all, this settlement is the best thing that could have happened, and I support it all the way.

cc: Senator Rick Santorum
Sincerely,
Robert Harclerode

MTC–00029825

Charles H. Schaaf Jr.
4900 Southwest 31st Avenue
Fort Lauderdale, FL 33312
January 28, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

In the interest of ending this costly litigation, I would like to ask for your support

of the pending settlement with Microsoft Corporation. This case has been motivated by states that want to protect their weakened software businesses, which would seem antithetical to America's purported belief in the free market system. The case should be wrapped up at the earliest opportunity.

This agreement is a very good one for the competition, as Microsoft has made several gestures to encourage more competition in the industry, even surpassing some of the government's initial complaints. They will allow computer makers to receive universal terms and conditions on licensing the Windows operating system, while working without any contractual quotas to distribute or promote their technologies. Additionally, the broader rights of these companies to offer non-Microsoft software will enable software developers plenty of opportunities to gain a bigger share of the PC market.

In light of the ongoing struggles of the U.S. technology sector, it is time to accept this deal and get these companies back to business. Any further action would only postpone a solution and cost taxpayers more government time and money. I thank you for your support.

I wonder if all the lawsuits that American businesses have to put up with will ruin our economy.

Sincerely,
Charles Schaaf

MTC–00029826

2516 NE 37th Drive
Fort Lauderdale, FL 33308
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I avidly support the Microsoft Corporation and have so for many years. Thus, the federal case against Microsoft over antitrust laws met me with trepidation. I do not believe that the federal government was justified in enacting the outdated antitrust laws against Microsoft. Despite this, however, the settlement that was reached in November is suitable in that it ends the negotiation process.

Microsoft has made many concessions in an attempt to end this process. Microsoft has agreed to disclose much of the internal information regarding the design of Windows. Microsoft has agreed to disclose both the protocols and the design interfaces of the Windows system to its competitors on reasonable grounds. Now Microsoft competitors can access this information when designing software. The software designed from information sharing should result in products that are compatible.

Microsoft has done enough. They have complied with all the terms of the federal government. I believe it is time to put this issue to rest once and for all.

Sincerely,
Wynn Courtney

MTC–00029827

1001 NW 63rd Street Suite 280
Oklahoma City, OK 73116
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to support the implementation of the recent settlement between the U.S. Department of Justice and Microsoft. There is no sense in continuing litigation a against a company that is the only bright in our sorry economy. I do not think the lawsuit should have begun in the first place. Microsoft has made a good offer and the rune states opposing the settlement should accept it. Microsoft is giving away technological secrets, granting broad new rights to computer makers to configure. Windows so as to make it easier for non-Microsoft products to be promoted, and a three-person team will monitor compliance with settlement.

I urge your office to finalize the settlement and to make sure that further unnecessary lawsuits against Microsoft do not occur. Thank you. My losses in the stock market during the past year have been in excess of $2,000,000 and Microsoft is the only bright spot I have left in my technology portfolio, I urge you to get this lawsuit settled and allow Microsoft to work on behalf or the stockholders and America.

Sincerely,
George Platt
CC: Senator Don Nickles

MTC–00029828

STRUCTURAL ASSOCIATES, INC.
General Contractors/Construction Managers
January 28, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D. Street NW, Suite 1200
Washington, DC 20530
Fax: (202) 616–9937
Re: United States vs. Microsoft

Dear Ms Hesse:

I believe that the proposed consent decree between Microsoft and the U.S. Department of Justice provides a fair settlement of this case.

I support the settlement because I believe it is in my best interest as a software user, both Microsoft and other.

Sincerely,
Larry M. Ike
Controller

5903 Fisher Road ?? East Syracuse, New York 13057 ?? Phone: (315) 463–0001 ?? Fax (315) 432–0795 ?? E-mail: info@structuralassociates.com

Regional Office: PO Box 43968 ?? 7939 Honeygo Blvd., Suite 226 ?? Baltimore, Maryland 21236

Phone: (410) 931–0905 ?? Fax (410) 931–0135 ?? E-mail: bill@graytechnologies.com

MTC–00029829

MASTERMAN ADVOCATES
Beth J. Masterman, Esq.
4 Philbrook Terra??e
Lexington, Massachusetts 02421
Telephone: (617) 227–9404
Fax: (781) 863–8550
BJM@mastermanadvocat??.com
Publi?? Consulting and Legal Services
Honorable Colleen Kollar-Kotelly
U.S. District Court, District of Columbia
c/o Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001
RE: U.S. v Microsoft

Dear Judge Kollar-Kotelly,

The proposed settlement between Microsoft and the Department of Justice seems inadequate in resolving Microsoft's monopoly of the market. The settlement may serve to promote further monopolies for Microsoft in web services and other related products. This settlement does not sufficiently protect competitors against predatory pricing and does not protect consumer choice. The unanimous ruling by the Court of Appeals for the District of Columbia against Microsoft should warrant a strong remedy and this settlement does not meet those standards. Microsoft's violation of federal antitrust is no longer an issue it is time that they are held accountable for their questionable practice& It is time that we find a remedy that meets the appellate court's standard to ''terminate the monopoly, deny Microsoft the fruits of its past statutory violations, and prevent any future anticompetitive activity.'' This proposed settlement fails to do so.

The settlement says that Microsoft ''shall not enter into any agreement'' to pay a software vendor not to develop or distribute software that would compete with Microsoft's products. However another provision permits those payments and deals when they are ''reasonably necessary.'' The ultimate arbiter of when these deals would be ''reasonably necessary?'' Microsoft. The settlement does not go far enough to provide greater consumer choice, and leaves Microsoft in a position that it can continue to charge whatever it wants for its products. Consumers should be protected from these types of practices Enforcing federal antitrust laws is vital to maintaining the integrity of free markets. It is Important that we continue to enforce them to protect tile welfare of consumers and the fundamentals that contribute to what makes our country's industries great.

I appreciate you taking your time to examine this important matter.

Sincerely,
Both Masterman
President
Masterman Advocates
CC: Honorable Tom Reilly, Attorney General Commonwealth of Massachusetts

MTC–00029830

O'Sullivan & Associates
333 Victory Road
Quincy, MA 02171
U.S. v Microsoft
January 28, 2002
Hon. Colleen Kollar-Kotelly
U.S. District Court, District of Columbia
C/O Ms. Renata Hesse
Antitrust Division
United States Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Judge Kollar-Kotelly,

The Antitrust Procedures and Penalties Act, also called the Tunney Act, was passed to insure that competition and consumer choice continue in the marketplace. With regard to Microsoft, neither competition nor consumer choice seems to be a concern.

Manufacturers of computers are hamstrung as are those who use computers because they cannot install the software they prefer on their computers. Instead Microsoft, which has become a monopoly in this arena dictates what may be used. Software developers need to have complete information about Microsoft's operating system so that they can compete creating a competitive market.

Included among the concerns I have in looking at the remedy are:

–Microsoft will be permitted to expand its control by bolting applications to Windows using a ''commingling code''. This violates antitrust law.

–Some of the future applications which will undoubtedly be included are: financial, cable services as well as an expanded use of the internet.

–Microsoft is required to share technical information concerning Windows. The catch is that Microsoft itself will determine if there is any possible situation where its security or software licensing may be compromised. The likelihood that Microsoft will use this option is very high.

–The manufacturers' concern is that Microsoft will have access to its intellectual properties by virtue of doing business with the software giant.

–Microsoft will make decisions concerned with which companies it will share technical information as called for m the settlement. There is a clause indicating that sharing information must be reasonably necessary.

–A three person technical committee will be set up to hear violations.

–It is highly unlikely that a company will take on the giant when it could lose the challenge and risk retaliation in the future.

–One of the three people on the committee is appointed by Microsoft; one by the Department of Justice and the third must be an individual who will be agreed to by both Microsoft and the Department of Justice. This arrangement gives an interesting advantage to Microsoft.

–The findings may not be admitted into court in enforcement proceedings. Additionally the compliance is for only five years.

For the most part after all the years of investigating and litigating there will be little or no change in the way Microsoft does business. I appreciate your interest in tiffs matter. If there is any way with which I may be of assistance, please contact me.

Sincerely,

Paul J. O'Sullivan

CC: Tom Reilly

MTC–00029831

Gregory & Associates
Honorable Colleen Kollar-Kotelly
U.S. District Court,
District of Columbia
c/o Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
RE: U.S. v Microsoft

Dear Judge Kollar-Kotelly,

I would like to express my dissatisfaction with the settlement between Microsoft and the Department of Justice. I feel that the settlement, made virtually no impact on protecting consumers from companies like Microsoft who have monopolies in the marketplace.

The settlement has many loopholes and its level of enforcement is questionable, this does not provide consumers the level of protection they need for greater consumer choice. In addition the settlement leaves Microsoft in a position to continually raise prices for their products. It is my understanding that many consumer groups have opposed the settlement.

The agreement states that Microsoft ''shall not enter into any agreement'' to pay a software vendor not to develop or distribute software that would compete with their products, but it is Microsoft that will be the final decision maker on that provision. The agreement also states that Microsoft must share certain technical information, but only if it would not harm the company's security or software licensing. Again, Microsoft will be the final decision maker regarding this matter. The settlement does nothing to deal with the effects on consumers and businesses of technologies such as Microsoft's Passport.

The enforcement of the settlement is questionable at best. The three person technical committee that will be assigned to monitor any violations made by Microsoft of the agreement is comprised half of people selected by Microsoft, and if any violations are found, the work of the committee cannot be admitted into court.

I find these inadequacies to be too broad to accept this settlement. I hope that Microsoft will not be able to continue to preserve its monopoly while consumers and competitors are subject to the practices that are supposed to be protected by antitrust laws.

Thank you for your time.

Regards,

CC: Attorney General, Tom Reily
77 North Washington Street
Boston, MA 02114.1908
Phone 617.367.6449
Fax 617.367.6299
Email chris.gregory@neec.org

MTC–00029832

TO: Microsoft
From: ??tore Val??
Date: 1/28/02
P??: ?? will do ?? possible to help Microsoft ?? believe in Microsoft and the Company Philo??ply.
Salvatore Volvo
101 N Woodland Ridge
Elma, NY 14059
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

This is to give my support to the recent settlement between Microsoft and the Department of Justice. This litigation has gone on long enough, and it is time to settle this matter. The basis of the suit is that Microsoft excluded other companies from competition. However, whenever I have gone into a store, I have had any number of choices. I chose Microsoft because it worked. The competition could not produce the same quality product; hence, the public chose the product that worked for them. This is the basis for all free market philosophy, which is really what the antitrust suit was against.

Furthermore, Microsoft has more than acceded to the demands of the Department of Justice. Microsoft has agreed to allow computer makers to ship non-Microsoft products to its customers; Microsoft has agreed to help companies achieve a greater degree of compatibility with regard to their networking software; axed Microsoft has agreed to gram computer makers broad new license to make Windows promote non-Microsoft software programs. Ultimately, the company agreed to terms that extend well beyond the products that were at issue in the original suit.

Further litigation will only hinder our progress in this direction. Let Microsoft, and the country, get back to work.

Sincerely,

Salvatore Valvo

MTC–00029833

FAX TRANSMISSION
DATE: 28 JAN TIME:
TO: ATTORNEY GENERAL
FROM:
LOCATION:
LOCATION:
FAX#: 1–202–616–9937
FAX#:
MESSAGE:
PHONE#:
Dennis C. Deggett
383 Center Road
Lopez Island, WA 98281–8298
January 28, 2002
Attorney General Jon Ashcroft
US Department of Justice
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing today to encourage the Department of Justice to accept the Microsoft antitrust settelment. The issue was brought about the former administration that simply did not understand the technology industry. They ignored one of the things that makes this country the best in the world, our free enterprise system, Then to top it all off, they extended their socialistic philosophy to apply antiquated antitrust laws to a brand new industry.

In the free market, Microsoft rose to the top because they had the best products. Their products are user friendly and Microsoft has made them very easy to Integrate and at lower cost than the alternitives. It is no wonder that where people had a choice most choose Microsoft software. Under the terms of the settelment Microsoft has agreed to allow computer makers the flexability to install and promote any software they see fit. Microsoft has also agreed not to enter into any agreement that would require a computer maker to use a fixed percentage of Microsoft software. I beleive that computer makers will

continue to predominatly preinstall Microsoft software becuase it is the best and most computer buyers will choose a Microsoft Windows based computer when making a new purchase. This is not a monopoly problem, Microsoft simply is, supplying a better product and most people know it.

My experiance as supervisor of an electric power generation plant for over 15 years, offered me the oppertunity to try many brand, of computer software products and computer equipment. What I found over time was that even when cost was not a consideration, products that were not Microsoft based, did not perform satisfactorly. Microsoft products and windows based computers were simply the best. On top of that we experienced signifig??nt savings over other options. Sure Microsoft has made a lot of money, but can you imagine the cost to the people of our nation if Microsoft and all they have provided for us vanished or had never existed? This is my plea for justice in our mechanized and technolgical society.

Microsoft has gotten to where they are by developing better products, not by crushing their competitors. This suit and the fact It has gone on for over three years Is simply mind-booling. It is time to end It. DO NOT PUNISH MICROSOFT FOR BEING BETTER. Please accept the Microsoft antitrust settelment.

Sincerely,
Dennis C. Daggett

MTC–00029834

THE WASHINGTON COURT HOTEL
FACSIMILE TRANSMITTAL SHEET
TO: Renata Hess
FROM: Joe Wiegand
FAX NUMBER: 202–616–9937 OR 202–307–1454 DATE: 1–28–02
COMPANY: Dept of Justice
TOTAL NO. OF PAGES INCLUDING COVER: 2
PHONE NUMBER: RE: Microsoft Settlement
NOTES/COMMENTS:
Attorney Renata Hesse
Justice Department
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Attorney Hesse,

I am certain that you are receiving many letters of comment regarding the Microsoft settlement with the Justice Department. Your time is greatly appreciated.

It was 1998 when the government first brought its anti-trust suit against Microsoft. In the years since then we have witnessed truly astounding developments in our industry. Laptops are thinner and more reliable, email is a communications device many Americans depend on, and many of us are speeding across the Internet at speeds not thought possible four years ago. These innovations are truly amazing and beneficial to our daily lives. These new products and ideas came about because of the competitive free market system we live in, not because the government was directing it behind the scenes.

The circumstances of our current economy and the government's anti-trust case have truly stifled new growth in this industry. As our country's economy is struggling to find its way toward positive growth again, settling the anti-trust suit can only be viewed as a benefit. Please work to make sure this settlement is agreed to.

Sincerely, ??
32486 White Street??
Ki??bland, ?? 60146
815–522–3801

MTC–00029835

microsoft settlement
Subject: microsoft settlement
Date: Mon, 28 Jan 2002 15:46:14–0500
From: Frank Lastner <FLastner@qis.net>
To: microsoft.atr@usdoj.gov

Microsofts efforts in the computer field have been invaliable to th U.S. Their inovations, systems and marking kept prices falling until the Government intervention. Close the books on litigation and help get the economy moving again.

Frank Lastner
16 Stillway CT.
Hunt Valley Md. 21030

MTC–00029836

Fax Transmission
The Sack Company, Inc.
P.O. Box 528
3302 Zell Miller Parkway
Statesboro, Georgia 30459
Phone: 912.871.8771
Fax: 912.681.6001
TO:
Date: 1/28/02
Fax Number: 202–307–1454
Pages: 2 pages, including this cover sheet
From: Albert Roesel
Subject:
Comments:
''A Standard of Excellence''
The Sack Company, Inc.
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

I am writing to express my support of the Microsoft antitrust settlement agreement. I am in favor of this case settling. As a fellow entrepreneur, I sympathize with the position of Bill Gates. I believe Microsoft should be free to conduct its business with limited government intervention. Notwithstanding my opposition to the lawsuit, the terms of the settlement agreement are reasonable. Microsoft has made many concessions in the interest of settling this case. Microsoft has agreed not to take retaliatory action against those who promote software that competes with Windows. They also agreed not to enter into agreement obligating third parties to exclusively distribute Windows. These types of concessions should put to rest the complaints of anticompetitive behavior on Microsoft's part.

I am happy of see that the current Department of Justice has made the wise decision to settle this case. I appreciate your review of my comments.

Sincerely,
Albert Roesel
Chairman of the Board

MTC–00029837

Microsoft Corporation
123 Wright Brothers Drive
Suite 200
Salt Lake City, UT 84116
Microsoft
Tel 801 257 6300
Fax 801 257 6501
http://www.microsoft.com/
January 26, 2002
Attorney General Ashcroft, USDOJ
950 Penna. Avenue, NW
Washington, DC 20530–0001

Dear AG Ashcroft,

I believe that your decision to settle this Microsoft suit was a wise one. Anytime that our government takes upon itself the rather extreme position of suing a private business is serious indeed. It is important for our government to encourage innovation and creativity through incentives, rather than discouraging them through convoluted, politically expedient lawsuits. It seems as if this case may have had less actual legal merit than it first appeared. In these days, we should remain especially vigilant at concentrating on far more important issues like national security and budgetary problems. It is good for us to settle this case and move on to these more important matters. The settlement does an excellent job of answering for all the problems that competitors brought against Microsoft. By allowing manufacturers their own say in how to configure Windows and competitors more access to source code that will improve their programs' ability to operate in Windows, Microsoft is going well beyond what has been asked of them.

Thank you for your foresight and wisdom in this matter and thank you for taking the time to review my opinion in this matter. It is about time for the Justice Department ask the people who will be most affected by this decision how it will impact them.

Sincerely,
Clark Spencer
Microsoft Corporation is an equal opportunity employer,

MTC–00029838

STRATFORD
3737 Glenwood Ave.
Sutre 100
Raleigh: NG 27612
Tele: (919) 573–6102
Fax: (919) 573–6026
January 23, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D, Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

I understand that the federal courts are now reviewing the proposed settlement in the Microsoft antitrust case. I further understand that the government is collecting public comment on that issue.

My comment is simple: Accept the settlement and help get this country back to work. A lengthy, expensive lawsuit contributes nothing to our nation's economic prosperity. Unwise government interference in the marketplace contributes nothing to economic growth—in fact) it hurts growth. And the Microsoft lawsuit has hurt our nation's economy, make no mistake about it.

The marketplace, not the courtroom, is where these issues should have been decided. Those who are concerned by Microsoft's dominance of its market should remember other industry leaders that no longer lead: Apple and Tandy in computer manufacturing; Kodak and 3M in copiers, and CompuServe m online services.

A market leader that fails Is satisfy its customers will remain a leader no longer. Microsoft will remain a leader if and only if it continues to provide new services and lower costs. That is where its competitors should seek to replace Microsoft, not through the courtroom.

The government should not file antitrust lawsuits simply because a company is dominant in its market or because competitors cry foul. Yes, Microsoft plays hardball. But nothing in this long and costly lawsuit has established that the consumer—the most important person in this proceeding—has been damaged by anything Microsoft has done. In fact, the consumer has been the big winner. If this settlement is approved, the consumer will again be the big winner—as will the entire American economy.

Sincerely,

James A. Ciao

Introduction ?? in from sources ?? it not ?? by ?? and is subjects to change in ??, cor??, ?? and ?? or withdrawal without notice

MTC–00029839

January 28, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Fax: 202–616–9937

Dear Ms. Hesse:

As the government accounts representative for Comark, a leading regional tech firm, I am thrilled that the long awaited settlement between Microsoft and thee federal government is finally at hand. All we need now is for the Judge to approve the settlement. The Judge, in my opinion, has more than ample reason to do just that.

First of all, let me say how well I believe that government and business can work together for mutual prosperity. It can and does happen—EVERY DAY! I see it when I call on governmental agencies, officials and departments.

I enjoy using technology to build a bridge between government and business. It makes perfect sense. After all, the emerging technologies of today make every segment of society more productive—it makes no difference if the end user works for the public good or a private interest. Let's forge ahead and revitalize the American economy. Let's renew our commitment to research and development, so that we continue to lead the world in productivity and quality. Let's create a new spirit of cooperation between the government and private enterprise. Let's show the rest of the world that American don't take recessions lying down—that we will act to strengthen our country and assist our countrymen.

Now is the time for bold action. I request that Judge Kollar Kotelly approves the settlement.

Sincerely,

Jason Deans

MTC–00029840

FAX
To: John Ashcroft
Phone
Fax Phone +1(202)307–1454
Date: Monday, January 28, 2002 Pages including cover sheet: 2
From: Eric & Britt Boston
17525 199th Place NE
Woodinville
WA 98072
Phone +1(425)788–2297
Fax Phone +1(425)788–2297
NOTE:
January 26, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I'm writing to encourage you to accept the terms of the antitrust settlement recently reached between Microsoft and the United States Justice Department. Microsoft has agreed to terms that will result in a much more competitive software environment and that will allow Microsoft to move forward with its business of developing innovative software.

To put this lawsuit behind it, Microsoft has agreed to allow computer makers and software developers to set-up Windows within their computer systems they will sell on the market so that Microsoft products can be disabled and competitive non-Microsoft products can be enabled in their place. And to make this easier, Microsoft will show competitors the various interfaces that are internal to Windows. This will allow smaller, developing software companies to get their foot in the door and grow while fostering a competitive environment that will drive all parties to create better, more innovative software.

Further, Microsoft will not take any retaliatory action against any computer makers of software developers who choose to modify Windows, nor will Microsoft retaliate against any computer makers who ship operating systems that directly compete with Microsoft Windows. Based on these facts, I encourage you to support the terms of the settlement so everyone can move forward with the business of developing good software for the American people. Thank you for all your hard work!

Sincerely,

Brittisha Boston

MTC–00029842

FHANC??S H SUITTER
SUITTER AXLAND
A ??ALT PROSESSIONAL LAW ??TION
175 South West ??emple
Seventh Floor
Sal?? Lake City, ??tah 84101–1480
Telephone (801) 512–7300
F Man ??utter@sunter.com
?? (801) 532 73??
January 28, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I write today concerning the Microsoft Antitrust Class Action Lawsuit. I urge you to settle this case as quickly as possible. As a user of technology on a daily basis, I am concerned that technology consumers are suffering the biggest loss rather than those involved in this suit. I am increasingly alarmed at all of the government regulatory oversight, which will be placed tm computer companies. I have never witnessed a settlement where more government intervention and layers of bureaucracy have been the solution. I urge you to move forward to settlement.

Sincerely,

Francis H. Suitter, Esq.

FHS/jg ??

MTC–00029843

Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Fax: 202–616–9937

Dear Ns. Hesse:

Given that my husband is a local television news personality, I follow the news even more keenly than I ordinarily would. I began working at a new job just a few short weeks ago, as the membership and marketing director for Heritage Golf Club in Wake Forest, North Carolina. Unfortunately, the news and my common sense tells me that many other folks won't be fortunate enough to find new jobs because of the poor economic conditions our country is in. Were got to change that.

Our government must demonstrate that it is serious about stimulating the economy. A great first step in that process would be to finish the job of settling its antitrust lawsuit against Microsoft. I think I speak for most American when I say, ''Enough already!'' Both sides have agreed to settle—it's time to move on to something else,

I believe that I also speak for executives who work in membership and marketing when I say that I'm much more efficient in my job because of Microsoft's quality products. Database management, communications, and publications are all professionally done with just a click of a mouse.

The American people choose Microsoft products because they make life better. Life will also be better for many Americans once this suit is settled. I request that Judge Kollar Kotelly approves the settlement.

MTC–00029844

To: Microsoft Fax: 001
fin@Mobilization Office.com
1–202–307–1454
From: Joe G. Ike
Date. 1/26/02
Letter to Attorney General
Pages: 2

To Whom It May Concern:

Reference is made to your e-mail of Friday January 25, 2002, Attachment USAGike—

Joe—1018—0123 and my reply thereto by return e-mail. As noted in my reply, please find attached a signed copy of the letter that I dispatched this morning to the Attorney General of the USA. I sincerely hope that all will turn out in your favor! Wishes!
3410 76th Avenue, SE
Mercer island, WA 98040–3439
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft

I am writing to you today to encourage you to bring the litigation against Microsoft to an immediate and decisive closure. I must state that I have been unequivocally and strongly against this case from its very inception. It appears evident to me that it is very unfair to punish a company for excelling in their industry. I am a volunteer instructor with a non-profit organization teaching senior citizens how to enrich their lives by becoming computer literate. This is no easy task but at the close of every session I thank God that Microsoft has been so innovative and far sighted as to integrate their basic Operating System with applications to provide the User with a basis of commonality that makes the learning process infinitely easier. This applies not only to senior citizens but also to those individuals learning the use of new software to increase their knowledge and consequently leading to industrial efficiency. Prior to my retirement I vividly remember the days when it was a nightmare when attempting to home-brew our own integrated system, I have experienced the fact that Microsoft has expended every effort to provide us with the features that we sorely needed.

As I dwell upon the past three years ! conclude that it must have been very taxing on the IT industry, the economy, Microsoft and its employees. I understand that Microsoft has spent millions of dollars in their defense-money that could have been put into the development of new products resulting in further advancement of technology and industrial efficiency. The employees of Microsoft have had to endure an air of uncertainty during this entire situation. As a citizen I am extremely concerned with the possible flight of talent that is the backbone of Microsoft's awesome capability.

It is difficult for me to understand the problems related to the proposed, but rejected, settlement. Judging from what the media has reported, Microsoft has agreed to the terms included in the settlement as well as to the terms brought forth on issues that were not considered to be unlawful, To name two concessions, Microsoft has agreed to avoid agreements that would obligate any third party to exclusively distribute Windows technology. Additionally, Microsoft will not obligate software developers to refrain from developing competing software. Frankly, I personally cannot understand why Microsoft should have to divulge the code that makes up their Operating System. t would certainly include that in the realm of being proprietary and intellectual property. To put it more strongly, to me it smacks of being a case of sour grapes by certain other organizations that have not been as successful. Chairman Greenspan commented, with words to the effect, that the Guide-On that is going to lead the economy of our nation out of tile doldrums is technology. It is our future. There is absolutely no doubt in my mind that Microsoft has been a major contributor to technology. As a result, and to reiterate, I personally would like to see this matter dosed as soon as possible and I am sure that I am among many who share this same point of view. Thank you for your time and giving me this opportunity to voice my opinion.

Sincerely,

Joe 13. Ike

Engineer(retired) e-mail joeikel@attbi.com tel: (206) 232–5e43

MTC–00029845

Edward A. Garvey
32 Lawton Street
St. Pail, MN 55102
Phone: 651–296–2243 (wk); 651–221–1922 (hm) E-mail: GarveyEd;@;AOL.com
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington DC 20530

Dear Ms. Hesse:

As a small Microsoft stockholder (about Ii0 shares in my daughter's college fund) and a user of diverse computing and software products, I have followed the antitrust proceedings against Microsoft with interest. With this introduction, I thought it worth sharing with you that I think the settlement between the Department of Justice and Microsoft is a reasonable conclusion to a matter whose founding facts have been (and are being) addressed in the marketplace.

I support the settlement and am pleased that it was reached. Thank you for considering my thoughts.

Sincerely,

Edward A. Garvey

MTC–00029846

Renata B. Hesse
Antitrust Division
U.S. Department of Justice
6ol D Street NW
Suite 1200
Washington, DC 2053D–0001
Randolph S. Kahle
6161 N Canon del Pajaro
Tucson, AZ 8S750
28-January-2002

Dear Ms. Hesse:

I have worked in the computer industry for over 2S years. During that time I have worked as a developer, a marketing / business strategist, and as a consultant to large and small companies. I have a degree from Rice University in software and hardware design and an MBA from the Amos Tuck School of Business Administration at Dartmouth College.

My work experience includes Hewlett-Packard as well as six years as a marketing and business strategist at Microsoft working on database and developer products.

I have seen Microsoft from both the inside and now, for the last ten years, from the outside. As I am not an attorney, I cannot speak to the legal specifics of the Proposed Final settlement, however, I am qualified to speak to the practical implications of the terms in the computer industry as well as other industries and markets into which Microsoft may enter.

COMMENTS IN GENERAL

As the computer industry moves towards a future, fully-distributed, computing environment, it is vital to have an environment which fosters and rewards innovation. While it may seem a mature industry, we are still only at the early stages. To date, there have been several waves of general innovation and consolidation. Each wave brings cost reductions, creative ideas, whole new companies and new technologies. After a wave, there has been consolidation around standards and then the next wave appears. These waves could be named the ''mainframe era'', the ''minicomputer era'', and the ''personal computer era''. We are now leaving the ''personal computer era'' and entering a new one centered on distributed computing and information, the ''distributed computing era''. As each era transitioned to the next, the companies and products of each successive wave accommodated the past, while providing new innovations.

IBM anchored the mainframe era, Digital and Hewlett-Packard emerged during the minicomputer era, and Microsoft, Dell, Gateway, and others emerged during the personal computer era.

What is different about the current transition, is that a single company, Microsoft, is attempting to leverage their monopolistic power created in the personal computer era and their position in the industry to define and control the next era.

COMMENTS ON CULTURE

I worked at Microsoft before Windows was a monopoly. What I observed was a culture fixated on domination at all costs. While Microsoft was growing, these actions and activities were not illegal. After becoming a monopoly, they clearly are (and were found to be so by the courts). What is important to note is that these illegal behaviors stem from the culture of the company. Because of this strong culture, I do not believe that any external monitoring of internal operations would ever be successful (e.g. the ''TC'' as proposed). Microsoft managers are simply too smart, experienced, and aggressive to ever agree to submitting to external pressures. This comes from the top, Bill Gates himself. In my experience, I have never encountered a discussion in which anyone at Microsoft ever thought that they were in the wrong. This would never occur to anyone. This is a cultural factor, an arrogance of doing no wrong. With this culture, it seems extremely unlikely that Microsoft would be able to self-monitor or even work with an external auditing agency.

REMEDIES

My first choice for a remedy is to break Microsoft up into smaller competing entities. The reason for this is to attempt to reshuffle the organization so that there could be cultural and behavioral change.

I petition the court to explore this remedy as the best way to combat future violations by Microsoft.

If the court does not pursue a break-up of Microsoft, then I strongly agree with many others, that there must be changes to and additional provisions added to the Proposal Final Settlement.

For example, I fully support, and have sign Dan Kegel's open letter (http://www.kegel.com/remedy/letter.html).

OPENNESS AND TRANSPARENCY

My second choice for a remedy is to force openness and transparency in Microsoft's technology. Distributed computing systems are very complex and can be very subtle. To help the court, many other petitioners have listed specific technology disclosures that will help create openness. I will add that, in a general way, if Microsoft's technologies can be viewed by the industry and the market as *components* rather than as a *whole*, then a good balance may be struck between Microsoft's ability to innovate, and the industry's ability to compete and develop both complementary technology as well as competing technology.

The tricky question is this: ''Where are the boundaries between the components7''

A simple answer can be found by focusing on and leveraging the upcoming pressures that will be felt as the distributed computing era arrives. The answer I propose is simple, easily monitored and enforced:

* Force Microsoft to fully disclose all wire-level (binary) protocols used between independent computing devices. (This include .Net protocols, SMB/NBT protocols for file sharing, and others) Force Microsoft to disclose the APIs which they expect other components to use as they access the wire-level protocols.

* Force Microsoft to fully disclose all file formats used to store persistent information. The reason these are good remedies relies on the following:

* The future direction of computing is toward small, distributed computing devices. The economic and technological pressures will force the definition of boundaries between distributed components. This will be a constant pressure to *increase* disclosure over time.

* It is easier to monitor and audit compliance at these boundaries compared to other more abstract and more easily re-defined boundaries. (Microsoft is a master at redefining boundaries for their own benefit).

* These disclosures provide significant value to competitors and innovators. However, I must also point out that this is only a first step, This describes the technological boundaries and requirements. The Settlement must also address the legal issues such as Microsoft's attempt to prevent open-source software from running on Windows, and other licensing and cross-tie issues. I will leave these issues to the legal experts.

Violation of the Settlement must bring with it a powerful and costly punishment. I propose that if Microsoft violates the provisions of the Settlement that they be forced to place any software or system found to be in violation or associated with a violation into the general domain through, an open-source license. This, more than any financial penalty, would be a real deterrent.

Randolph S. Ka??e
Tucson, AZ

MTC–00029847

FROM : Santo L Gaudio
3011 146th Street
Flushing. NY 11354
January 25, 2002

Dear Mr. Ashcroft:

I am writing this letter to express my full support for the settlement with Microsoft. Enough is enough. Milllons of dollars are being wasted on unnecessary litigation and we must take advantage of this opportunity to end needless spending now.

Microsoft has made many concessions just so that the company may move forward with developing new products. For example, Microsoft, has agreed to disclose for its competitors various interfaces that are internal to Windows' operating system products—a first in an antitrust settlement, Also, the Company has agreed in design its future products to provide easy access to computer makers and consumers to promote non-Microsoft software within Windows. In addition, Microsoft has agreed to license its Windows operating system products to the 20 largest computer makers on identical terms, including price. Clearly, these changes will benefit both consumers and the economy.

Not only is this settlement fair and reasonable, but it will prevent any future antic0mpetitive behavior as well. The recession has had a huge affect on both government and individual pocketbooks, and it. is important that the IT industry be allowed to concentrate on business as soon as possible.

MTC–00029849

Avionet (U.S.A.) Ltd.
Avionet Leasing Inc.
888 S. Figueroa St., Suite 800
Los Angeles, CA g0017
Tel: (213) 896–1000 Fax: (213) 824–7796
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing to express my support of the recent settlement between the Department of Justice and Microsoft. Even though the terms of the settlement are certainly not favorable to Microsoft, the settlement has the advantage of ending the litigation.

It is better that Microsoft will now be encouraged to handle its pricing policies to its OEMs in a fairer and more equitable fashion, but the requirement that Microsoft release more of its source codes to developers and competitors can be problematic. I am hopeful that that proposed technical committee would be a fair arbiter when dealing with all of these issues.

With so many other more important issues facing our country today, I am glad that this lawsuit is finally over. I am hoping that no further federal action in this matter will be necessary.

MTC–00029850

347 Chilian Ave.
Palm Beach, FL 33480
January 28, 2002
Ms. Renata B. Hesse
US Dept of Justice

Dear Ms Hesse:

I strongly support the Microsoft settlement. I do so as a taxpayer and consumer. Thank You.

Very Truly Yours
Marvin A. Goldenberg

MTC–00029851

Constance Roberts
3421 South Dye Road
Flint, Michigan 48507–1009
January 23, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am urging you to settle the lengthy antitrust lawsuit pending against Microsoft. I think it is ridiculous that the case even made it as far as it has. I think it is a shame that the government has gone after Microsoft. Bill Gates is simply a guy who made good and has been punished for his success. The Justice Department seems to have unfairly singled out Microsoft instead of treating all companies in similar positions in an evenhanded manner.

Though I believe that the justice system has wasted significant time and money in continuing to pursue legal action against Microsoft, I believe that the terms of the current settlement are reasonable, and I would like to see Microsoft back on track. I am a stockholder in the company, so I am affected by its inability to conduct business as usual.

The government's stated aim is to increase competition. The new provisions Microsoft has agreed to will do just that. Users and computer makers can more often and more easily install and configure Windows in ways that promote and use competing products.

Please settle the case as quickly as possible.

Sincerely,
Constance Roberts

MTC–00029852

05/06/1994 09:07 0609663171
GARY REID HOMES INC
Jan–28–02 11:66A Sharon Cassidy
Gary and Susan Reid
5651 Mission Road
Bellingham, WA 98226–9580
Tel (360) 966–2385/1 ax (360) 966–3171
Form: The Attorney General
From: Oaty Reid
Date: January 28, 2002
Re: Microsoft Anti-Trust Settlement

From any viewpoint as a consumer, this suit needs to be resolved. I believe that this suit with cost in money. First, it has increased Microsoft's cost to do business second, it has diverted effect from producing a better products and, third, the tax dollars spent on this suit exceed possible savings to the public.

I believe the Microsoft's product is fairly priced when compared to the benefits obtained I can be par?? communication revolution that has changed the world for less than $200,00.

Does not Microsoft have a proprietary right to its st??ems? It appears that the patent

holder of be ?? hoop has more rights than the designers of this life-changing system The me?? of the internet browser into the basic system is important to the consumer. I should not be se??nitted to give a competition an advantage. Several of the business p?? that were in question have already been changed. If our economic system is ?? competitors need to produce better products—not resort to politically driven ?? that results in power products for the purpose of bringing equality

ee: Microsoft

MTC–00029853

SGM Bindery Inc.
January 28, 2002
Attorney General John Ashcroft
US DOJ
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I would like to take this time to give you my opinion on die Microsoft Anti Trust case. This case has been a fiasco since its beginnings and I can't understand how it has been allowed to go on for so long.

I run my own company and use Microsoft products every day. I have never been forced to use their software. This is supposed to be a free enterprise system and anyone can go out and buy whatever products they want. There is a reason Microsoft's products have become so widespread and widely used that consumers prefer them to their competitors. Consumer preference does not constitute a monopoly.

Even though I feel this settlement goes farther than Microsoft may want, it is necessary to get out country on its feet again. Microsoft has agreed to give away a lot of thee intellectual property and will be changing their business practices to make it easier for consumers to access non-Microsoft products on their computers.

For the sake of our technology industry and our entire economy, please do your pall m putting a final end to this case.

Sincerely,
Stephen G Martinec
President
7120 Rutherford Road,
Baltimore, MD 21244
410.944.7660
800.852.4530
Fax 410.944.5707
bind@sgmbindery.com
www.sgmbindery.com

MTC–00029854

Jan 28 02 04:28p
EVERGLADES
Laboratories. Inc.
1602 Clare Avenue
West Palm Beach, FL 33401
ph: 561/833–4200
fx: 561/833–7280
email: evlabs@beffsouth.net
January 28,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DO 20530

Dear Mr. Ashcroft:

Microsoft is not the evil money grubbing corporation that it has been made out to be. Rather, it is in my opinion that the other information technology companies are the ones with dollar signs in their eyes. The antitrust lawsuit filed against Microsoft was nothing more than profit driven facade.

The settlement that was reached in November is reasonable and in the best interest of all parties involved. Microsoft has agreed not to seek any sort of retaliatory measures against computer manufacturers that promote software other than Windows. The settlement further stipulates that

Microsoft must provide documentation on how to interface competitors' software with its own operating system. Microsoft has already given a lot of ground with this settlement, and I feel that they should be asked to give no more. The settlement as decided upon in November should be left as is with no changes. The money driven attack on this company needs to stop, so please finalize the current settlement and stop litigation now.

Sincerely,
Ben Martin, Ph.D.

MTC–00029855

James Woodward
432 Lynshire Lane
Findlay, OH 45840
January, 26, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

I am writing you today to express my concern in regards to the Microsoft settlement issue. I feel this settlement is fair and reasonable, and I believe that this three-year-long dispute should be resolved permanently. Because of the federal action many states have jumped on board. I don't understand their cause. If you drop the case and accept the initial agreement, then, I'm sure man), of the states will also.

Microsoft is a company that is successful m its business. I do not believe they should be penalized for this. Microsoft has pledged to share more information with other companies and create more opportunities for them, therefore, the entire technology industry will benefit from this settlement.

Again, it will be more productive to allow Microsoft to continue doing what they do best. This will benefit the economy and consumers. I sincerely hope that this settlement will be finalized because it is in the best interest of the industry and the American consumers.

Sincerely,
James Woodward

MTC–00029856

January 27, 2002
Renata Hesse
Trial Attorney
Anti-Trust Division
U.S. Department of Justice
6Ol D St., NW
Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I am not a lawyer, an officer of the court, a technology professional, or a politician. So granted, there may be nuances that I am overlooking in the Microsoft antitrust case. I am having a difficult time understanding why some of Microsoft's competitors driving the antitrust case, along with half of the states suing the company, are unhappy with the settlement that all others involved in this case have agreed upon.

Reviewing the compromise from my vantage point, it would appear that Microsoft gave the most and the plaintiffs got the most. Computer makers using Windows receive flexibility allowing them to replace and remove specific parts of Windows. Even customers receive more flexibility with the product and information technology providers will have access to technical specifications. Plus, they would set up a panel to make sure all parts of the settlement are complied with.

As children, and sadly sometimes as adults, when it comes to decision-making there are always a couple of people that won't budge. In order to seek a compromise, two sides must at least come part way to meet somewhere in the middle. It seems those not signing off on the settlement simply refuse to take any steps toward the middle. Where I come from, that's bullheaded and stubborn and it gets you nowhere fast.

It is my hope that as the officer of the court making a final judgment on this decision, that you will be able to compartmentalize the intricate parts of this case. Set aside those who haven't signed on to the settlement, set aside those technology companies seeking a break up of Microsoft refusing to accept any punishment less, set aside those politicians who may be seeking continued spotlight by moving on with the case. Focus on the facts. A settlement has been reached by most of the parties partaking in the case. It seems to me to be a just compromise.

Sincerely,
Joe Meyers
4822 Ashley Park Drive
W. Des Moines, IA 50265

MTC–00029857

January 28, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

During my tenure as Assistant Director of Admissions at North Carolina State University, I have witnessed many technological innovations and trends. Most Of these have involved the use of a computer, and many involved Microsoft products.

While I cannot say with exact certainty why the federal government pursued an antitrust lawsuit against Microsoft, I can tell you that it has had a devastating impact on technological innovation while it has transpired. Before the lawsuit, tech companies were lauded for focusing on research and development at the exclusion of politics. In fact, few of the leading tech firms employed anyone to conduct government relations programs.

Microsoft learned quickly that its exclusive focus on making life more efficient for everyone had made its competitors struggle

for market share. The competitors retaliated by getting into the political game. The lawsuit followed. Even today, Microsoft's competitors are lobbying to contignue the lawsuit endlessly.

We should support the federal government and Microsoft in their decision to settle the case. I urge Judge KollarKotelly to approve the proposed settlement of the lawsuit. Let's allow research and development to march ahead.

Sincerely,
Jill Green

MTC–00029858

January 28, 2002
Renata Hesse
Antitrust Division
Trial Attorney
U S. Department of Justice
601 D St NW, Ste 1200
Washington, DC 20530

Attorney Hesse:

In my eyes, the government's treatment of Microsoft has not been unlike the actions of Medieval European Lord's who would cut off the head of a nemesis and display it on a stake in the village square for all to heed the warning. Unfortunately, the real harm goes to taxpayers, consumers, and tech investors in this case.

The government and Microsoft finally came to a settlement after going in and out of courtrooms as fast as they would enter and cease mediation talks since this case began a few years ago. Although this settlement is fair, we are beyond even that factor in this proceeding. Whether or not the agreement serves one side more than the other—which from the looks of it serves the government over the corporation—what is important is that a settlement has been reached with most of the contributors to the case have signed off on.

Please end this portion of the case with your approval of the settlement so that all of us—Microsoft, consumers, taxpayers, government court officials, and investors—can get back to business as usual.

Many Thanks,
Richard J. McLaren
President, McLaren Ins. & Associates

MTC–00029859

Linda Diamond
1961 West Hood Avenue 2B
Chicago, Illinois 60660
January 28, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I would like to see the government stop interfering with the business practices of Microsoft, and I am happy to see this case has been settled at the federal level. The two sides reached a fair compromise in November of last year, and it is time to finalize that settlement and end this matter once and for all.

The government agreed to settle this matter because Microsoft agreed to change its operating system to allow independent companies a better chance to compete in the marketplace. Windows will be designed so that these other companies can promote their own products rather than Microsoft's, and Microsoft will not retaliate against its competitors in any way for promoting non-Microsoft products. Them will be no more risk of anti-competitive behavior by Microsoft because a three person technical committee will oversee Microsoft's business operations from this point forward, ensuring that the company fully complies with all terms of the proposed settlement. I see no need to continue this litigation.

Once this case is settled, the IT industry will really benefit, and consumers will have more choices and better choices as a result. Competition will be strong, the industry will flourish, and the nation's economy will get a jump-start that it desperately needs. Thank you for settling this lawsuit, as it is the right thing to do for the industry and for the American economy.

Sincerely,
Linda Diamond

MTC–00029860

Wayne Hummer
Investments, LLC.
Fax
To: Attorney General John Ashcroft
From: Steven & Linda Diamond
Fax: 1–202–307–1454 or
1–202–616–9937 3
Phone:
Date: 1/26/02
Re: Microsoft Litigation cc:
Comments:
JAN-28–2002 15:29
WAYNE HUMMER
312 431 0704
P.02/03
Wh Wayne Hummer
INVESTMENTS
300 South W. Drive,
Chicago, IL 60606–6607
local 312/431.1700 / toll free 800.621.4477
312,431,0704
www.whunmer.com
January 28, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I would like to see the government stop interfering with the business practices of Microsoft, and I am happy to see this case has been settled at the federal level. The two sides reached a fair compromise in November of last year, and it is time to finalize that settlement and end this matter once and for all.

The government agreed to settle this matter because Microsoft agreed to change its operating system to allow independent companies a better chance to compete in the marketplace. Windows will be designed so that these other companies can promote their own products rather than Microsoft's, and Microsoft will not retaliate against its competitors in any way for promoting non-Microsoft products. There will be no more risk of anti-competitive behavior by Microsoft because a three person technical committee will oversee Microsoft's business operations from this point forward, ensuring that the company fully complies with all terms of the proposed settlement. I see no need to continue this litigation.

Once this case is settled, the IT industry will really benefit, and consumers will have more choices and better choices as a result. Competition will be strong, the industry will flourish, and the nation's economy will get a jump-start that it desperately needs. Thank you for settling this lawsuit, as it is the right thing to do for the industry and for the American economy.

Sincerely,
Steven M. Diamond
Serving Investors Since 1931

MTC–00029861

January 28, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite
1200 Washington, DC 20530

Dear Ms. Hesse:

I wanted to correspond with you and convey my opposition to the Microsoft lawsuit and support the compromise settlement.

I don't sec rely harm that has come to the American consumer as a result of the legal proceedings. Capitalism continues to work and Microsoft has developed useful and practical technology for education I am clear that Microsoft has been targeted by its competitors and I don't believe that taxpayers'' money should be silent for this type of lawsuit. Take the government out of this dispute and let capitalism do its job.

In conclusion, I ask that the Court resolve this issue as quickly as possible, in the interest of the American people.

Sincerely,
Barnes Elementary Principal

MTC–00029862

Wake Forest Town Commission
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms, Hesse:

As a member of the Wake Forest Board of Commissioners, I am concerned that the Microsoft antitrust lawsuit has dragged on too long and we need to settle it now. I am elected to represent all the people in Wake Forest, and I am concerned that everyone's jobs are being threatened by the recession. Microsoft products are the backbone of business and industry—and they help offices run efficiently throughout our community. I am opposed to prolonging the lawsuit in any way. The suit needs to be resolved... and resolved now! Many of our commuting citizens work in the Research Triangle Park. High tech solutions for health care, business and communications firms are developed here in the Triangle. However, the ability of these companies to be innovative in creating solutions, and productive in the creation of jobs, hinges upon moving beyond excessive litigation.

Let's face the fact that both parties want the suit to end, Microsoft and the federal

government are in agreement on all points of the settlement. I want to strongly urge Judge Kollar-Kotelly to promptly approve the settlement. This lawsuit has cost businesses and local governments untold millions in lost revenues, Let's stop the bleeding,

Let's move beyond this case and move the economy forward.

Sincerely,

Kim Marshall

Mayor Pro Tempore

401 Owen Avenue—Wake Forest, NC 27587

MTC–00029863

2601 Scofield Rid6e Parkway
#1523
Austin, TX 78727
David Morgan
Fax
To: Attorney General John Ashcroft
From: David Morgan
Fax: 1–202–307–1454 or
1–202–616–9937
Pages: 1
Phone:
Date: 1/28/2002
Re: Microsoft Anti-Trust
cc:
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft

I'm happy to see the Federal Government has come to at least some decision to end the unjustifiably offensive and expensive anti-trust case against Microsoft Corporation. Three years of untold waste has been directed at Microsoft and we the tax payers incurred the entire cost. Quite frankly, had Justice spent the amount of money it wasted in this suit in anti-terrorist security several thousand people would be alive and working at the World Trade Center building. The agreement arrived at after extensive negotiations with a court-appointed mediator is very unfair and only serves the self interests of the individuals and companies which brought the action as well as those political interests of the Justice Department attorneys and US politicians. Simply; Microsoft has gone well beyond any legitimate or fair agreements to remedies. It's time the government accepted the terms levied against the company and moved on to other things, Let Microsoft continue doing great things for the computer industry which helps us all instead of hindering the company and as we all know harming the little guys—the employees and the consumers.

Enough is enough. No more federal legal action should be taken against Microsoft.

Sincerely,

David Morgan

MTC–00029864

Jeffrey L. Phelps
4705 East U.S. Highway 160
Independence, KS 67301
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

The proposed settlement of the Microsoft antitrust case is a good deal for the taxpayer, investors and the computer industry. I strongly encourage the court to accept the settlement. The good news for supporters of the free-market system is that Microsoft is not going to be busted up by the federal government. Instead tiffs settlement specifically provides remedy for portions of the complaint that have been made it through lower courts.

Under this agreement competitors of Microsoft will find it much easier to promote their products into the Windows operating system, it requires Microsoft to provide intellectual property with other companies when necessary, and Microsoft will be banned from cutting special deals with specific computer manufacturers.

Clearly the Department of Justice and the company are interested in seeing this case ended. I the American public can count on the court to support this agreement.

MTC–00029865

To: Attorney General John Ashcroft
From: Forrest G. Gregory
11134 Villas On The Green DR
Riverview, Fl. 33569
Sub. Microsoft Settlement
Date: January 26, 2002

Dear Sir.

I feel the Justice Department should settle with Microsoft. The agreement you and the nine states agree to was a victory for neither side.

Now we need a victory for the consumer. Allow us to use the windows system without diluting it with more regulations on Microsoft.

The public has been supporting the Justice Department and state attorneys with our tax Dollars to continue these lawsuits. Settle and allow the private industry to make a profit. If an inventor has his property taken away by the government, other inventors will take notice. Consider what little incentive Microsoft or other potential targets of lawsuits would have to make a better product I would not be able to type and send you this letter without windows operating system. I'm sure there are others systems but I don't have time to search them out. Settle and somehow don't allow the other nine states to continue battling the litigation can be endless and no benefit to the public.

Settle and close the book.

Forrest G. Gregory

MTC–00029866

Anne Gould Anderson
614 West Marconi Ave
Phoenix AZ 85023–7447
January 28, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I would like to urge you and the administration to do every thing in your power to bring to a close the years old Microsoft case. This anti-trust suit is settled but m name and further politicking in Washington or posturing in the media are wasteful and counter productive exercises. The proposed settlement agreement was born of years of litigation, negotiation and mediation, it is a hard fought and won compromise between the several parties and varied interests. It deserves to be adopted for the sake of Microsoft, a great American company, the faltering IT industry, and our national wellbeing.

The settlement will leave Microsoft as it stood at the outset, the sole leader of America's most innovative industry. It will require the company, however, to change its ways and embrace a more Open and pro-competitive business philosophy. Microsoft will have to abandon its software exclusivity demands when selling its platforms to computer manufacturers. It will have to open itself up to regular government review. It must eschew further predatory or anti-competitive marketing practices. It will have to, not just accept, but also promote a more competitive IT world. In doing so it will hopefully become a catalyst for the whole industry.

Please support this settlement.

Sincerely,

Anne Gould Anderson

MTC–00029867

HENRY G, & EILEEN C. JAMES
1825B BRIARCLIFFE BOULEVARD .
WHEATON, IL 60187
P 630–665–8904 .
F 630–260–4037
Email: twojames@earthlink.net
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

We are writing to express our opinion regarding the antitrust suit against Microsoft, which is that it should be concluded at once. The settlement reached in November 2001, is a fair and just settlement that ought to be accepted by the Justice Department.

For fire sake of Microsoft's shareholders and customers, this antitrust suit needs to be brought to a swift and final conclusion.

Thank you and we think you are doing a good job in your cabinet position.

Sincerely,

Henry G. James

Eileen C. James

MTC–00029868

Fred Dorst
11715 Canyon Vista Lane
Tomball, TX 77375–7677
January 26, 2002

Dear Mr. Ashcroft:

I am happy to hear that the Justice Department has decided to end its antitrust lawsuit against Microsoft. The Department's three-year case has gone on for way too long.

The agreement they came up with came after extensive negotiations with a court-appointed mediator. The company agreed to terms that extend well beyond the products and procedures that were actually at issue in the suit—trust for the sake of wrapping up the suit. The company even agreed to document and disclose, for use by its

compertitors, various interfaces that are internal to windows' operating system products—a first in an antitrust settlement.

Microsoft has been distracted long enough. I don't think the federal government should ever have to drag the company in to the courts ever again, it would be soon by most as nothing more than pure harassment.

Sincerely,
Fred Dorst

MTC–00029869

TRAVEL WORLD
US DEPARTMENT OF JUSTICE
RE:COMMENT PERIOD MICROSOFT SETTLEMENT
JANUARY 28, 2002

AS A SMALL BUSINESS OWNER WHO BELIEVES STRONGLY IN THE FREE INTERPRISE SYSTEM WE SHOULD BE ABLE TO COUNT ON IN THE UNITED STATES, I WISH TO OFFER MY OPION ON THE MICROSOFT ANTITRUST LAWSUIT. I BELIEVE IT WAS WRONG FOR OUR GOVERNMENT TO INITIATE THE LAWSUIT WHICH IN ESSENCE PENALIZED MICROSOFT FOR IT'S SUCCESS IN THE TECHNOLOGY ARENA. I STRONGLY FEEL THAT MICROSOFT HAS NOT HARMED CONSUMERS AND THAT CONSUMERS INSTEAD HAVE BENEFITED FROM THE NEW CHOICES, AND LOW PRICES PROVIDED BY MICROSOFT AND OTHER COMPANIES LIKE THEM. I WAS VERY SORRY TO HEAR THAT NINE ATTORNEYS GENERAL AND THE DISTRICT OF COLUMBIA HAVE DECLINED TO ACCEPT THE SETTLEMENT TO THIS 3 YEAR MILTIMILLION DOLLAR EFFORT TO TOPPLE MICROSOFT AND ALLOW THEIR COMPITORS TO HAVE UNFAIR LEVERAGE OVER THEM. UNFORTUNATELY MY STATE OF IOWA IS ONE OF THOSE NINE.

I WANT TO INCOURAGE THE DOJ TO MOVE FORWARD WITH WHAT IS BEING CONCIDERED A SETTLEMENT WITH SOMETHING FOR EVERYONE WHILE NOT ENTIRELY SATISFYING TO ANYONE. IN THIS TIME OF ECONOMIC UNCERTAINTY, WE NEED BUSINESSES THAT STIMULATE DEMAND FOR PRODUCTS THROUGHOUT THEIR INDUSTRY TO RETURN WORK AND NOT! ENCOUNTER NEW OBSTACLES TO GROWTH.

THANK YOU FOR THE OPPORTUNITY TO EXPRESS MY CONCERNS REGARDING THE LAWSUIT AND PROPOSED SETTLEMENT.

KAY KING, OWNER/PRESIDENT
TRAVEL WORLD. INC
5922 Ashworth Road
West Des Moines, Iowa 50266
Office: 515.223–7474 .
Fax: 515–223–7722

MTC–00029870

Management Reports Incorporated
23945 Mercantile Koad
Beachwood, OH 44122–5924
January 7, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC, 20530–0001

Dear Mr. Ashcroft:

At first glance, many companies in the IT community were elated when the Department of Justice filed their suit against Microsoft. As time went on, however, it became evident that the punitive nature of the suit would probably end up more damaging than helpful to the entire IT community.

Now there is this settlement. I believe this settlement to he amply fair. It is my hope that it will prevail through this period of public comment, and that no further federal action will be contemplated. The settlement's call for interoperability protocol disclosure and Windows reconfiguration will ensure that more varied and effective computer software is brought to the market.

The IT business community has already been hit with slowdown and its share of business failures, both of which cut into the ability to quickly rebound. As the IT business has faltered, so has our entire national economy. It is time to put all of this unpleasantness behind us and allow the IT community to regain its position of strength. It is here that our economic recovery as a nation will be greatly enhanced.

Sincerely,
Robert Burger
IS Manager

MTC–00029871

Kevin H. Smith
12435 129th Avenue E
Puyallup, WA 98374
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I favor an immediate resolution to the Microsoft anti-trust case. A settlement proposal exists. It has the support of the major parties and the majority of party states. It is fair and it is workable and it deserves to be ratified by the government and enacted.

The settlement agreement addresses the concerns and the complaints of all parties. It leaves Microsoft whole while requiring the company to adopt practices that benefit its competitors. Microsoft must abandon predatory market practices. It must open its systems and technology to the exploitation of its competitors. It must now license its Windows platforms to computer manufacturers without exclusivity requirements for its software. These and other settlement terms, which Microsoft has accepted, make it clear that the company is willing to actively contribute to a new more competitive marketplace and justify an end to this case.

Please support this settlement and use your influence to convince the congress that it is, as it is in fact, the best thing for everyone.

Sincerely,
Kevin H. Smith

MTC–00029872

FACSIMILE COVER PAGE
To: Renata B. Hesse
From: Bill Barmes
Sent: 2/1/2002 at 10:17:56 AM
Pages 1 (including Cover)
Subject: Microsoft Settlement

I am a VAR (Value Added Reseller) in the state of Idaho. I believe it is extremely important for the economy of this country to have the DOJ Microsoft agreement resolved as soon as possible. The Small Business Owner not only in Idaho but accross the country has already been badly affected by this process being dragged out. We all need to move forward and get OUR economy going again in the right direction.

Bill Barmes
CompNet Systems
208–283–5400
bbarmes@velocitus.net
fax 208–388–0610

MTC–00029873

Bill Hughes
33 Deborah Drive
Roswell, New Mexico 88201–6501
January 27, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0011

Dear Mr. Ashcroft:

I am of the opinion that the settlement that was reached between the Justice Department and the Microsoft Corporation is fair and reasonable, and I am in full support of it. It is nice to see that the lawsuit that has leveled the stock market and pushed our economy into recession is over, and I hope that the other states still involved in litigation will follow the lead of the federal government.

The settlement does not go easy on Microsoft, but will be beneficial to the entire information technology industry and the economy. Microsoft has agreed to design future versions of Windows, which will include a mechanism that will make it easier for computer makers and consumers to install and use non-Microsoft software within the Windows operating system. It will also make it easier to add or remove access features that are built into Windows. This will push the competition to develop better software that will rival Microsoft's, and gives the consumer more choices. This gives the consumer the best of all worlds. Competition in the information technology industry will benefit as will consumer choice, This settlement is good for everyone involved, and i stand behind it.

Sincerely,
Bill Hughes

MTC–00029874

January 28, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

I work in the financial services industry (commercial insurance) and have closely watched the impact of the Microsoft lawsuit, particularly its effect on the economy as a whole. I don't believe it is a coincidence that just when the lawsuit was getting underway, our economy began a significant downturn which some say we are just beginning to come out of in recent weeks. Continuing this lawsuit is only detrimental to the companies involved and the American economy as a whole. It would be far more advantageous to

all parties to settle the matter with appropriate safeguards in place to prevent a similar suit in the future. In my opinion this suit did nothing to protect me or other American consumers. In fact it harmed our buying power and the overall strength of the economy.

As I understand the settlement from media reports, Microsoft has agreed to share intellectual property (which I don't think is right or fair) and create software that would allow for more flexibility for competing products to be used within Microsoft's operating system. In addition, a special committee will be formed to ensure compliance with all aspects of the settlement. It seems to be a fair and just compromise. Continuing to cripple Microsoft to allow others to ''catch up'' is not what our market economy is based upon. The fair opportunity taken advantage of by Microsoft 20 some years ago was open to all, do not further punish them for exercising their opportunity.

Please accept the settlement before you and put this case to rest. Thank you.

Sincerely,
Scott M. Scheidel

MTC–00029875

Advanced Network Design, Incorporated
301 N. Harvey
Oklahomg City, OK 73102
(405) 319–9795, Fax: (405) 319–9824
January 28, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

During the course of the past several years, there has been a lot of saber-rattling going on between Microsoft and the department of Justice over this lawsuit. I personally do not think that the ultimate goal of the government to break up Microsoft would have survived a Supreme Court review, but the very threat seems to have tamed Microsoft into this settlement.

In the unlikely event that Microsoft would have ever been broken up, it could have been beneficial for my company. However, it must be quickly said that the Microsoft product line is deservedly superior to anything on the market today. The long-term effects of having Microsoft splintered through this lawsuit would have been devastating for most consumers as well as many IT companies.

This settlement is therefore good. Even though its terms encompass more than the lawsuit did, it has been accepted by both sides and, with its acceptance, the struggle between our government and Microsoft is over. i am hoping that this in itself will be enough to allow all of us to put this behind us and move forward.

Sincerely,
John Woods
President
CC: Senator Don Nickles

MTC–00029876

ALLIED WASTE
Charlotte Metro District
January 19, 2002
Renate Hesse
Trial Attorney
Anlitrust Division
Department of Justice
601 D Street NW, Suite I200
Washington, DC 20530
Subject: Support for Microsoft Settlement

Dear Ms. Hesse:

I started in business as a very young man, working with my father at the garbage company he owned. Since then I have worked with a variety of companies in the waste industry. I have seers dramatic changes not only in this industry but also in the national economy, Technology is a driving force in the waste industry and the economy, providing the foundation for increased productivity, consumer and business knowledge and millions of new jobs in almost every industry.

Microsoft has been the leader in technology, not only in the United States, but internationally through its establishment of technology standards and integration of software. The efforts to restrict Microsoft's ability to compete could have serious implications for our economy. I urge a speedy resolution to the antitrust lawsuit. The proposed consent decree offers new flexibility and access to the tachnical aspects of Microsoft software so that computer makers and software developers can integrate non-Microsoft products into computer operating systems. Microsoft itself, its competitors, computer manufacturers, information technology providers and, most important of all, the consumer and end-users will benefit from the protections provided in the settlement agreement. It is time to accept this agreement and allow Microsoft and other technology companies to return to building a competitive technology industry.

Sincerely,
Jimmie Jones
P.O. Box 219/ Pineville, NC
28234/ 704.377.0161/ 803.548.2026 FAX
Waste Services of Charlotte
January 17, 2002
Renata Hesse
Tria1 Attorney
Antitrust Division
Department of Justice
601 D Street NW. Suite 1200
Washington, DC 20530
Fax 202–616–9937
Subject: Support for Microsoft Settlement

Dear Ms. Hesse:

For more than 20 years, I have worked in different aspects of the waste management industry During that time, I have seen dramatic changes in my industry as well as the overall economy. Certainly the use of technology has dramatically changed the way business is done, The waste industry is much more efficient and more capable of keeping track of equipment, waste sites and a variety of other aspects of our work because of technology.

I have watched the antitrust litigation against Microsoft with interest not only because of the impact on technology but also the impact it could have on innovation and product development. While not a panacea for the concerns voiced by computer makers and software developers, the proposed settlement agreement will give them new rights to configure Windows so that non-Microsoft products can be used. Microsoft has also agreed to the establishment of a technical committee to monitor progress of the settlement and to provide a venue for concerns of computer makers, software developers and consumers.

Microsoft will have the freedom to continue efforts to develop new and innovative products, Innovation is key in this country's ability to thrive in a global marketplace where foreign competitors try to replicate our products and sell them st cheaper prices to undercut our economic growth, The proposed settlement, agreement provide protections to all involved in this industry Microsoft itself, its competitors, computer manufacturers, information technology providers and, most important of all, the consumer. From my own experience, I know how difficult it is to come up with a compromise I encourage a quick resolution to the litigation so the technology industry can focus on regaining its competitive edge in the world economy.

Sincerely,
Tony Davies
5105A Morenead Road
Concord, NC 28027
(704) 393–6900, Fax (704) 782–2177
?? Pre??cts, Inc.
?? Break Read, FF-202
Charietie, North Carallas 28205
Phone 704–373–9889
Toll Free 888–332–2888
January 22, 2002
Ronal?? Hesso
Trial Attorney
Antitrust Division
Department of Justice
601 D Streat NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesso.

I am writing in support of the proposed settlement a??eement in the United States v. Microsoft case The Antitrust laws were meant to protect consumers, not to stop market competition. As a small business owner, I believe this proposal will not penalizeó other competing operating systems. This proposed settlement encourages more competition and groater innovation. All new Microsoft operating systems, including Windows XP. would have to include a mechanism that readily allows and users to remove or to-enable Microsoft's middleware products, such as the Internet web browser We need to be encouraging the technology sector, which is critical to out economic recovery.

This Agreement is good for the technology industry, the economy and consumers

Sincerely,
Evan J. Boxer
President
EJn/dgb

MTC–00029877

John O'Donnell
13000 NE 28th Place
Bellevue, WA 98005
January 27, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing in full support of the recent settlement between Microsoft and the US

Department of Justice. It is time that this foolishness comes to a prompt end. More than enough time has been used to cover all of the bases and I feel that it is just a political standoff at this point.

The terms of the settlement make apparent to me the intense lobbying efforts of Microsoft's competition as they will be granted new rights to configure Windows so that non-Microsoft products can be promoted more easily and also be given interfaces that are internal to Windows' operating system produces.

Even though these concessions do not actually protect consumers and just help Microsoft's competitors that were unable to be innovative on their own, I urge your office to finalize the settlement. It is in the best interests of our economy, IT sector, and public for the case to end and our country to move on. Thank you.

Sincerely,
John O'Donnell

MTC–00029878

Beverly Duncan
8310 E MORRIS ST
WICHITA, KS 67207
Renata Hesse
Trial Attorney
Antitrust Division
US Department of Justice
601 D Street NW—Suite 1200
Washington, DC 20530

Attorney Hesse:

Please accept the settlement before involving the Department of Justice's antitrust suit against Microsoft. Based on what I have seen on the news and read in the papers lower courts have ruled that Microsoft should not be broken up and have thrown out much of the original case. It is my understanding that this occurred because the case revolved around proving consumer harm and such harm has never been proven.

While this case has gone on for the last several years, we have all felt its negative impact on our wallets. Whether you consider the astronomical costs that taxpayers must bear or the millions lost in the stock-market, the effects of this case have been negative to average Americans. In an effort to resolve this case the Justice Department and Microsoft have wisely found a way to reach an agreement. It seems to me this agreement more then addresses any concerns some may hold about Microsoft's business practices.

Please support the settlement before the court.

Sincerely,
Beverly Duncan

MTC–00029880

Gary G. Hill
44024 Countryside Druive
Lancaster, CA 93536
January 26, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

Re: Microsoft Settlement Support

As an elected member of the Antelope Valley Health Care District representing 450,000 people, I am writing this letter as in support of the settlement in the case against Microsoft. I believe that this whole suit was a waste of time and money. Only in America do we focus on tearing down success, and destroying a product line the works. There are choices out there, but none of them work as well as the Microsoft products.

There are more pressing issues that are of concern to me in this country such as the energy crisis here in California. The state has lost $22 billion dollars resulting in consumers getting gauged. In addition, the price of gas has risen 20 cents per gallon, just in the last week. The Department of Justice should have taken a strong NO to the rash of oil company mergers this past decade; we can live without a home computer, but must have gasoline (real public transit has not arrived yet) Microsoft did not get off as easy, as its opponents would have people think. They agreed to terms beyond what was required in the suit. They also agreed to design future versions of Windows, starting with an interim release of XP, to provide a mechanism to make k easy for computer companies, consumers and software developers to promote non-Microsoft software within Windows.

Microsoft seemed to be generous when settling the case. Let's end litigation now so that Microsoft can go back to work. We, the American people, need a company like Microsoft to stay strong, so they can continue to create innovative products, well paying jobs, and help strengthen the tech sector of the economy.

Sincerely
Gary G. Hill

MTC–00029882

TAMMY FOX
Renata Hesse
Thai Attorney
Anti-Trust Division
U.S. Department of Justice
601 D St., NW
Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

After years of hearing and reading about the Microsoft antitrust case, it is a great opportunity for the those of us in the general public to voice our opinion as part of the official record. Thank you for the opportunity to do so.

Bill Gates started his company in his garage. Today, it's one of the largest software companies in the world. There is no better example in our time of fulfilling the American Dream. This man and his company are what entrepreneurial spirit is all about. When raising our children, never was it instilled in them to work hard, work smart, build something, BUT be careful not to get too big because if you do, the government might try to take it away. That is not how our country became the economic super power it is today. We got there with freedom and free enterprise. Clearly, I disagree with the premise of this entire case. However, we are past that point. Now we are at a place, after three long years of courtrooms and lawyers, where you have a decision to make On a proposed settlement. The agreement presented delivers what the federal and state governments involved felt they needed—oversight of Microsoft's business operations. I hope you will see fit to endorse the agreement so we can all move on.

Thanks Again,
Tammy Fox
2136 Blake Boulevard SE
Cedar Rapids, Iowa 52403

MTC–00029883

State Senator Stan Clark
205 US Highway 83
Oakley, KS 67748
January 25.2002
Judge Kolar-Kottely
Attn: Renata Hesse, Antitrust Division, U.S. Department of Justice
601 D Street, NW, Suite 1200
Washington. DC 20530

Dear Judge Kolar-Kottely,

This is a difficult time for our nation as we face economic hardship we have not seen in a decade. As a state senator, I know the difficulties that come with this economic downturn. My own state of Kansas is facing budget shortfalls and the threat of increased taxes as a result.

I understand that the economic situation is the result of a number of elements that together have culminated in a recession. Some of these elements, like the attacks on America on September 11(th), were beyond our immediate control. Others elements, like the monetary'' policy of the Federal Reserve are controlled directly by the government. The US Department of Justice's antitrust suit against Microsoft is another event that contributed to our economic downturn at the hands of our own government.

There is quite a pool of evidence that demonstrates that specific events during the government's case against Microsoft had a direct correlation to the state of the stock market, Upon Judge Jackson's ''findings of fact'' against Microsoft, the NASDAQ fell. Upon his recommendation for splitting up the company, there was another NASDAQ freefall.

The lawsuit against Microsoft may seem to be a small part of the whole economic picture, but it is difficult to deny that the case has had a negative economic impact—and on one of the driving sectors of our economy: the high-tech industry''.

When the high-tech industry is ailing, the rest office economy suffers as well. Technology is so integrated into our daily lives that we sometimes forget just how dependent up on it we are. Thus the ripple effect through the economy. When high-tech hurts, everybody hurts.

From what I understand of the settlement accord the Department of Justice, state attorneys general and Microsoft Corp have agreed to, the major concerns of the government have been addressed; yet Microsoft is kept from breakup and allowed to continue to be an innovator in our high-tech industry.

I hope you take a valuable step forward for our national economy by lending your approval to this settlement. It is a timely and appropriate way to end this suit and allow our country's economy to begin to repair itself.

Sincerely,
Sen. Stan Clark

MTC–00029884

VIRGINIA V. MANN
3004 Normandy Place
Evanston, Illinois 60201
January 25, 2002
Renata B. Hesse
Anti-trust Division
US Department of Justice
601 D Street, NW
Washington, DC 20530
Sent via fax to: 202–307–1454

Dear Ms. Hesse:

I was pleased to hear that the Department of Justice had settled its ridiculous suit against Microsoft. Clearly, this lawsuit was politically driven and using our government and our laws in this fashion was unfortunate from the beginning. I am relieved to see this dispute resolved, although believe it should never have been brought in the first place.

Although Microsoft has agreed to the restrictions in this settlement, I believe it is unfortunate that our government has chosen to do anything less than completely dropping the case. Microsoft has done more to improve our efficient and effective communications than has any other company in history. They should be left alone to continue their fine work without further interference from our government.

Sincerely,

MTC–00029885

Mark D. Snipe
420 West 42(nd) Street, Apt, 11F
New York, New York 10036
To: Attorney General's office
Fax: 202–307–1454
From: Mark D. Snipe
Date: 1/28/02
Re: Microsoft Settlement
Pages: 2 (including fax cover page)
CC:
420 West 42nd Street, Apt. 11F
New York, NY 10036
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing you today to express my opinion m regards to the Microsoft antitrust dispute. I fully support Microsoft in this dispute and feel that this company is being punished for being successful. Microsoft has contributed such a great deal to our society that stifling this company would only have adverse consequences for consumers. I support the settlement that was reached in November and believe that this settlement will serve in the best public interest.

Microsoft has agreed to all provisions of this agreement. Microsoft is willing to grant computer makers broad new rights to configure Windows so as to promote non-Microsoft software programs that compete with programs included within Windows. Microsoft has also agreed to design future versions of Windows to provide a mechanism to make it easy for computer makers, consumers, and software developers to promote non-Microsoft software within Windows.

This settlement is thorough. Continuing litigation against Microsoft will only serve to negatively impact our economy and consumers. Please support this settlement so that this company can devote their resources and time to innovation, rather than litigation. Thank you for your time.

Sincerely,
Mark Snipe

MTC–00029886

To:
Fax:
Date:
Subject:
FAX
Citizens for a Sound Economy
Phone 202 783–3870
Fax 202 783–4687
1250 H Street NW
Suite 700
Washington, DC 20005–3908

To the U.S. Department of Justice:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Name:
Address:
Email:

To the U.S. Department of Justice:

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Address:
Email:

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MTC–00029891

January 25, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Fax: 202–616–9937

Dear Ms. Hesse:

As the new Commissioner of the Babe Ruth Softball League, I am confident in the future of our programs. I only wish that I had reason to be as optimistic about the future of the American economy. It seems as though everywhere I look I see doubt, confusion and a lack of stability in the American economy. We've got to improve this situation

I think that President Bush has the right ideas: strengthening our military, improving education and cutting taxes will make our nation stronger, smarter and more ready for business. However, consumer confidence in the short term must be fixed in order to spur growth. The American people want to see their government working to help create jobs. In that spirit, I believe that the pending settlement in the federal government's antitrust suit against Microsoft needs to be finalized. Think about it: the stock market took a nosedive when the federal courts announced that they planned to dissolve Microsoft. The economy has never recovered. We need to reverse this trendl

When I think of every American out of work, it makes me realize how needless and futile that any further pursuit of this lawsuit would be. We need our industry leaders, particularly our industry giants, like Microsoft, to be as strong as possible. Our government should work cooperatively to bolster, not weaken, them.

I request that Judge Kollar Kotelty approves the settlement.

Sincerely,
Famie Horn

MTC–00029892

Adam Marigold
January 27, 2002
Renata Hesse
Trial Attorney
Anti-Trust Division
U.S. Department of Justice
601 D St., NW
Suite 1200
Washington, DC 20530

Dear Ms, Hesse:

The antitrust case against Microsoft brought the booming success of the high-tech industry to a screeching halt.

Microsoft has been a leader in the surge in both the high-tech sector and our overall economy. The case caused numerous slides on Wall Street costing investors everywhere. Future success for not only tech companies, but businesses of all types, seems in jeopardy of government intervention.

The marketplace is constantly changing and guarantees success to no one, but opportunity for success to all. Government involvement in business obstructs the workings of America's free-market system. Customers determine what they want, what they like and buy it. There's no sure thing. The federal government should not be placed in a position of authority over the market—choosing champions and runners up. There is a place for a limited government—to protect.

Those who argue this is in fact the role the state and national Justice Departments undertook in this case, should be asking

themselves—Why does this settlement come three years too late? Three years after it began we have a wounded economy, a limping technology industry, puzzled consumers and furious taxpayers. Please accept the settlement before you.

Sincere
Adam Marigold
3906 B Ave NE
Cedar Rapids, IA 52402
(319) 363–3527

MTC–00029893

Commercial Underwriters
22720 Michigan Ave., Ste. #210
P 0 Box 1088
Dearborn, MI 4812t
Phone: (3t3) 278–3800
Fax: (3t3) 278–8467
TO: Attorney General John Ashcroft
DATE: 1/28/02
COMPANY:
FROM: US Department of Justice
FAX# 202–307 145/05 616–9937
FROM: Dan Schwartz
PAGES INC- COVER:
MESSAGE:
Please see Following page.
Click on us at:
www. CURMinc.com
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, N W
Washington, DC 20530

Dear Mr. Ashcroft:

I want to express my gratitude liar the work you have done since being named Attorney General last year. I am especially pleased with your decision to settle the government's anti-trust lawsuit against Microsoft, and I fully support this settlement. Private businesses should have the right to develop ideas and become successful from them without being punished by the federal government.

This lawsuit has had very negative effects on the technology industry, and this has carried over and hurt the U.S. economy. Microsoft has agreed to change its business practices so that competition can increase, the industry can be revitalized, and the economy can be stimulated. The settlement calls for a three person technical committee that will watch over Microsoft, and make sure that no more anti-competitive behavior exists in the future. Consumers will benefit from more choices in the marketplace, and this was the desired outcome when the lawsuit began over three years ago.

Settling now is the right thing to do for our country at this time, and I thank you for your decision to end the litigation against Microsoft. I am hopeful that this is truly the end of this case at the federal level, and that there will no further action taken against Microsoft.

Sincerely,
Dan Schwartz
P.O. Box 5644
Dearborn, M—I 48128
P.O. Box 1088,
Dearborn, Michigan 48121–1088
22720 Michigan Avenue,
Suite 210,
Dearborn, Michigan 48124
Phone (313) 278–3800
Fax (313) 278–8467—Toll Free 1–800–856–8701
www.curminc.com

MTC–00029894

JOSEPH TARTAGLIA
88 FARRELL DRIVE
WATERBURY, CT 06706
Renata Hesse, Esq.
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Via Facsimile 202–616–9937

Dear Ms Hesse:

This letter is to articulate my support for the proposed settlement in the Microsoft case. The fact that over $30 million in taxpayer dollars has been spent in this case during these trying economic times is proof enough that this case has gone on far too long. Hopefully, the settlement will signal a return to innovation without the threat of government intervention.

The Department of Justice has done a commendable job in putting together an agreement that is fair but won't put Microsoft out of business. It is a reasonable conclusion to this case and I support it wholeheartedly.

Sincerely,
Joseph Tartaglia

MTC–00029895

ASSOCIATED BROKERS
OF SUN VALLEY, LLC
Real Estate
January 28.2002
Mike Sampson
P.O. Box 2004
Sum Valley, ID 83353
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing in support of Microsoft and believe this whole antitrust case has become political. I don't see how this benefits consumers and businesses—especially at the expense of the economy. The tech stocks are down. The technology sector is down. The employment numbers are down. Let Microsoft get back to work and the government get on with worthwhile business. The only people I see benefiting from this case are the lawyers.

I am a small businessman who employs 25 people. I have greatly benefited since 1982 from the products Microsoft produces and feel they have been more than fair to me. If their competitors can't put out a better product with competitive pricing and service that's their problem. I don't see why I should suffer as a small businessman.

After years of extensive negotiations and mediation, Microsoft has gone out of their way to settle this case. They went well beyond what would be required in any antitrust case. They agreed to design future versions of Windows, starting with an interim release of XP, to provide a mechanism to make it easier for computer companies, consumers and software developers to promote their software within Windows.

Let's end this litigation so that we can focus on what's really important. Thanks,

Sincerely,
Mike Sampson
cc: Senator Larry Craig

MTC–00029896

Jesse L Clay
1205 Ridgecrest Drive SE
Albuquerque, NM 87108
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I would like to take some time to express to you my feelings about the proposed settlement that was reached between Microsoft and the Department of Justice. It is about time that the antitrust suit ended, and I feel that the terms in the settlement, although harsh on Microsoft, will be for the betterment of the computer industry and the economy.

I am pleased with the prospect of the case being resolved, but I think it was initiated for all of the wrong reasons. Microsoft's competitors had a major role in initiating the litigation, because they could not bring to the market a product that matched Microsoft's own. The competition should be happy though. The terms of the settlement require Microsoft to turn over to their competitors source code and design data that are crucial to the internal makeup of Windows. Enough is enough. This settlement needs m he approved so the industry can get back on its feet, and with competitors working more closely with one another, the industry will benefit.

I feel the proposed settlement will benefit all parties involved, including Microsoft's competitors.

Sincerely,
Jesse Clay

MTC–00029897

Carol Morse Sibley
92 Overlook Terrace
Bloomfield, NJ 07003–2917
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

The antitrust lawsuits against Microsoft have gone on for too long. They are also not very well justified. Microsoft has not only created jobs and wealth for our country, but also has made technological breakthroughs that have revolutionized the IT sector. I do wish that when they come out with new versions of software they would always make it compatible with previous versions, which they didn't do, for instance, with PowerPoint.

Still, it's clear that the settlement seems to only help competitors gain an edge they were not able to gain beforehand. It forced Microsoft to disclose interfaces that are internal to Windows operating system products, and also grant computer makers broad new rights to configure Windows so that non-Microsoft software can be promoted more easily. It is in the best interests of the

American public to finalize the settlement. Our nation cannot afford further litigation so I urge your office to use its influence to try to rein in the nine states that want to drag this case out for even longer. Thank you for your time.

Sincerely,

Carol Morse Sibley

MTC–00029898

Nancy A. Waxdahl
305 N. Chicago Avenue
Sioux Falls, SD 57103
605–332–5335 Home/Consultant Phone
January 24, 2002
Renata Hesse, Trial Attorney
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I am addressing in this letter the settlement agreement in U.S.v. Microsoft, and its benefits for our state and America's economy.

Frankly, this case has run its course after four years and the tremendous financial investment by federal and state governments, and the Microsoft Corporation, I am aware that nine of the 18 states in the antitrust case have chosen not to agree to settle, but I think it speaks more loudly and convincingly when nine states and the U.S. Department of Justice agree that this case has reached a satisfactory conclusion.

As someone who has served on county and city boards which were created a better quality of life, I am very pleased that a positive result of this case wilt be the distribution of computers, software and support for low income schools in the nation. Our state will certainly benefit, particularly among the Indian populations where some of America's poorest counties are found. I am also pleased that this agreement indicates that this court action will finally end, and Microsoft will be able to refocus its energies to providing the leadership in information technologies. Because Microsoft has blazed the path, America's technology industry has been a cornerstone to our nation's economic position in the world. Please do what you can to allow this agreement to be implemented so that we can all move forward. Thank you very much.

Sincerely,

Nancy Waxdahl

MTC–00029899

JEFFREY Q. OLSON, D.D.S.
Clock Tower Plaza. Suite 211B
2525 West Main St.
Rapld City, SD 57702 605/342.2445
January 25, 2002
Renata Hesse, Trial Attorney
Antitrust Division
U.S, Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Trial Attorney Hesse:

Thank you for the opportunity to provide my Input on the settlement reached recently in U.S.v. Microsoft. I am very pleased that this antitrust case has settled after the years and millions invested in pursuing every relevant issue involved, I realize that it has been a complicated case which has caused the courts to enter unfamiliar terrltory in determining the appropriateness of Microsoft Corporation's practices as they affect its equally ambitious competitors, However, I have been concerned that this case would also act to stifle the dynamic ability of Microsoft—or any other software firm—to create and successfully market the best software which meets the needs of consumers Placing our government in charge of micromanaging innovation would certainly limit the ability of American software companies to keep our nation ahead in technology development, For my dental practice and home use, I have relied on Microsoft to provide a competent and versatile system to conduct bustness and communicate with friends and family. I hope this settlement will allow Microsoft to dived its resources into continuing to make Its clients satisfied with its new products.

Sincerely,

Dr. Jeff Olson

MTC–00029900

COMMUNITY COLLEGE
224 NORTH PHILLIPS AVENUE
Sioux FALLS. SD 57104
605/336,1711
FAX: 605/336–2606
1–800–888. 1147
E-Mall: Info@kee.cc.??d.us
January 17, 2002
Renata Hesse, Trial Attorney
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Renata Hesse:

My letter is for the public commentary portion of the settlement phase in U.S. vs. Microsoft. As an educator in a Sioux Falls college, one reason I support the settlement is it offers a chance to improve education in South Dakota's and the nation's poorest school districts by bringing IT equipment, software, and support to them. This will create a ladder to those who've been trapped in the IT access gap, and give these children the tools they will need to continue their education in our state's colleges.

I also support the proposed settlement largely because it puts an end to an antitrust suit which has not shown consumers have been harmed by Microsoft, and because it has found answers to the issues which were found to be important by the federal court system. Additionally, when a case of this size and important has boon running for four years with all of the resources brought into it, I think you can safely assume that all valid issues have been brought to light and all questions have been answered satisfactorily, Apparently the U.S. Department of Justice thinks so, as do half of the state attorneys general who brought the case.

Our own state did not join this antitrust action. Our Attorney General felt it lacked enough ?? to warrant using our state's limited financial resources to pursue it, I think he was right. Considering them arc much more important and pressing matters before the Department of Justice, I think it's time to call this matter resolved and settled.

Thank you for your attention to my letter.

Sincerely,

Kip Scott

MTC–00029901

Randy
2408 W. Rice Street.
Sioux Fails. SD 57104
January 24, 2002
Renata Hesse—Trial Attorney
Antitrust Division
US Department of Justice
601 D Street NW—Suite ''1200
Washington, DC 20530

Dear MS. Hesse:

With the court's approval, our nation will be best served by the settlement agreement reached between the Department of Justice and Microsoft Corporation. The settlement resolves the issues which were found to be legitimate. It resolves an issue which has absorbed four years and many millions in taxes from the Justice Department.

While our nation has endured a recession, one Of the strong points in our recovery has been the Microsoft Corporation which has Shown great resiliency, even though its resources and attention have been split with the threats posed by the antitrust case. Microsoft has ?? In one of the most hostile Industries because the entire company's energetic focus is on remaining the leader in software development. Their competitors are also very wealthy and they are equally as determined to replace Microsoft as the leader. Therefore, I am not surprised that half of the states in the original suit are still in the hunt to bring down Microsoft.

I am impressed with one Of the gifts available In this settlement, Which will target computers and Information technologies resources for our nation's most poverty-stricken school districts. My home state will probably be rewarded With these computers since some of the nation's poorest counties are located in South Dakota. I nave been an activist on social development Issues, Including my service as Executive Director of the S.D. Alzheimer's Association. I support this settlement not only because It ends an action which has served its usefulness, but also because it benefits children who need the help. I appreciate your consideration of my letter.

MTC–00029902

PAUL SYMENS
STATE SENATOR
3ENATE CH.AMBERS: RESIDENCE:
TELEPHONE:
State Capitol RR Box 89 605/a48–5775
(home)
Pierre, SD 575Ol Amherst, SD 57421 605/
448–2624 (work)
phone: 773–525I 605/448–5786 (fax)
January 18, 2002
Reacts Hesse, Trial Attorney
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Trial Attorney Hesse:

Thank you for the opportunity to provide my comments on the settlement of U.S.v. Microsoft and the benefits this settlement will have for the nation and our state. South. Dakota has been pro-active in making information technologies ubiquitous for

children and adults throughout our state. Governor Bill Janklow's Wiring the Schools Program is making high-speed, wide ban interact service available in all schools and public buildings in every town. Additionally, with the help of a $670,000 matching grant from the Bill and Melinda. Gates Foundation, the state is bringing faculty and administrators up to speed on using these systems so that more children will benefit. The settlement from the Microsoft antitrust case will result in financially disadvantaged school districts receiving free software, hardware and technical support. For disadvantaged kids, this is a case of what happens when preparedness meets opportunity, In South Dakota, where the nation's three poorest counties are found, this settlement will have great meaning for young people seeking their way in tills world.

Aside from the educational benefit, I am glad that this ease is nearly settled. It has absorbed an incredible amount of taxes and four years of productive time to resolve the issues brought to the court. Those issues are addressed in this settlement, and I believe they should he satisfied. There are those who would like to continue this case, I can't imagine that after all of the time and money invested to date that anything useful or productive would be the result. Please let this case become settled, Microsoft is part of the foundation of our nation's economy, and continuing this case will work only to weaken a corporation which has been a responsible citizen to our nation. Thank you for considering my letter.

Sincerely,
Paul N. Symens
State Senator, District I
Paid for by Paul Symens for Senate Committe, RR Box 89, Amherst, SD 57421

MTC–00029903

South Dakota Network
Against Family Violence and Sexual Assault
P.O. Box 20453.
Sioux Fails, SD 57109.
(605)731.0041.
sdnafvsa@meleodusa.net
January 17, 2002
Renata Hesse, Trial Attorney
Antitrust Division
U.S, Department of Justice
601 D Street NW, Suite t200''
Washington, DC 20530

Dear Ms. Hesse:

My comments here are'' in favor of the settlement in U.S. vs. Microsoft, because the settlement's provisions will be a benefit for children in regions'' where poverty has prevented them from accessing the intenet. The state government of South ''Dakota has put an emphasis of wiring our public schools and public'' buildings for the. internet, but obtaining good software and hardware, and the support needed to make the system work smoothly, have been lacking. The settlement will be of great benefit to this program and to the state's children.

I also feel the settlement is the. right thing for our nation's economy, I have used Windows products for work and pleasure, and I am satisfied with the products. They empower people to gain the full benefit of the information superhighway, and they enable business people and nonprofits to correspond on the same technical level, I think it is noteworthy that the antitrust case never established a finding that consumers were shortchanged by Microsoft.

Your attention to my letter .is appreciated.

Sincerely,
Deb Aden

MTC–00029904

Mark Proctor
family & children advocacy services
713 N. Madison Avenue
Picrre, SD 57501
January 22, 2002
Renata Hesse
That Attorney
Anti-trust Division
US Department of Justice
601 D Street NW, Suite t200
Washington, DC 20530

Dear Ms. Hesse:

On the issue of the settlement agreement in US v. Microsoft, please allow this agreement to move forward so that this anti-trust case is allowed to come to a fair and final conclusion very soon.

The time and money which has gone into this case, in both the government and private sectors, has been more than sufficient to render sensible decisions, it is my understanding that the settlement agreement addresses each of the issues which needed to be addressed by the courts. It is interesting that none of Microsoft's practices and policies were determined to be harmful to consumers. AS someone who has worked in family and children advocacy projects in Western South Dakota, I am pleased that an important aspect of this settlement will help to bridge the IT gap among poorer Children in the nation.

The distribution of computers and supplies by Microsoft is in keeping with the reputation of the Bill ?? Melinda Gates Foundation. The Foundation made a sizeable gift to our state to enhance the development of IT services within South Dakota's public school systems. And the Foundation has a tremendous record of philanthropic contributions [o eliminate diseases worldwide through vaccination programs. Despite the criticism by some, the remedy of forcing Microsoft to install and maintain computer systems in public schools to help the neediest children is profoundly wise and beneficial to society.

Sincerely,
Mark Proctor

MTC–00029905

South Dakota Legislature
State Capitol,
500 East Capitol,
Pierre, South Dakota 57501–6070
January 22, 2002
Renata Hesse—Trial Attorney
Antitrust Division
US Department of Justice
601 D Street NW—Suite 1200
Washington, DC 20530
RE: Public commentary In U.S. v. Microsoft settlement

Dear Ms. Hesse:

Public service, for me, means investing my time and energy to help improve the quality of life for the people in my legislative district. That is why I have served as a member of the Rossbud Sioux Tribal ??, and as a State Senator for 10 years, and now as a State House member for my second year.

My legislative District 27 is home to the pine Ridge Reservation and the Ro??obud Reservation, where you will find two of the poorest counties in the entire United States, according to the U.S. Census Bureau. My district is filled with kids who want to do well in school no that they can make a good life for themselves as adults, Everybody is encouraged by our Governor's program Wiring the Schools because it brings wide band, high speed Internal capabilities to our schools. But it is discouraging when you visit the schools and see Kids waiting their turn to use systems which are slow, dilapidated and not up to the standards of systems used by kids in other parts of the United States.

That is one important reason why I support the settlement agreement, because it will bring updated systems, software and support to the schools in my district. Another strong point is the fact that this antitrust case has been fully scrutinized and debated for four years in the federal court system, and the settlement agreement speaks to all of the significant issues which have survived the court process. I have enough faith in the U.S. Justice Department to know that this settlement is a good one, or it would not have aigned off on the agreement.

Thank you for the opportunity to submit my opinion on this important settlement.

Sincerely,
State Representative

MTC–00029906

STEVEN D. SANDVEN
LAW OFFICE5
300 HUNDRED BUILDING
300 NORTH DAKOTA AVENUS, SUITE 516
SIOUX FALLS, SD 57104–6026
PHONE: (605) 332–4408
FAX: (605) 332–4496
CELLULAR: (605) 941–1498
January 22, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Dept. of Justice
601 D Street NW / Suite 1200
Washington, DC 20530
RE: Public commentary on U.S.v. Microsoft Settlement

Dear Ms. Hesse:

In my service as General Counsel to the Sisseton-Wahpeton Sioux Tribe at Lake Traverse Reservation, I am concerned with the development of tribal schools and the education of Indian children. My work also involves services to other tribes in more remote areas of western South Dakota, North Dakota, and Kansas where education programs are also viewed as essential to the economic survival of Indian people and tribal governments.

Tribal schools throughout this region are becoming increasingly interested in new technologies and making sure Indian children are not left behind the curve with non-Indian students. That is why I believe the Microsoft settlement is going to have untold benefits for generations by supplying

these schools and schools of other low-income students with computers, software and technical support they need to operate competent systems.

As an attorney, I have been watching the antitrust case, and I have taken an interest in its outcome. While consumers clearly have not been hurt by anything Microsoft has done, I think it is debatable whether Microsoft was inappropriate in its practices against its competitors. I am glad to see that the U.S. Justice Department and nine of the 18 states in the case come to terms with Microsoft, because I think this case has had enough time and resource paid to it to render a just settlement of issues.

I appreciate your interest in my thoughts on this settlement, and I ask for a quick resolution to approve the settlement.

Steven D. Sandven

MTC–00029907

City of Winnfield
PHONE (318) 628–3939
FAX (318) 628–6773
P. O—BOX 509
WINNFIFLD, LOUISIANA 71453
winn@imerica.net
Deano Thornton, Mayor
Council Members
TONY ASOSTA
KENNY CALDWELL
WILLIE HOLDEN
ANDRE'' HOWARD
MATT MILAM
Date 1–28–02
From?? Fax No.318–428–4773
To?? Fax NO. 202–414–9937
Re: MESSAGE
Renata Heese
Trial Attorney
Antitrust Division Department of Justice
601 D. Street NW. Suite 1200
Washington. DC 20530
FAX: 202–616–9937
RE: Settlement of U.S. vs. Microsoft

Dear Ms. Heese:

I have always been a strong believer in the free enterprise system. It is what built this country from the beginning and is responsible for making us the economic giant of the world. This case has cost taxpayers over thirty million dollars and It is high time that it come to an end. Microsoft's competitors need to return to competing in the marketplace When they do. the consumer wins and the free enterprise system works.

The last thing the technology sector needs is more ''lawyers and governmental intervention. Please accept this letter as complete support of the settlement and request that this case come to an end.

Thank you.

Sincerely

Deano Thomoto

Mayor

DT/sp

MTC–00029908

Peripherals Plus Technologies, Inc
317 North Queen Sweet
Lancaster PA 17603
Phone 717.397.9752
Fax 717.397.9905
www.pptnet.com
January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Since the Courts reached a settlement on the Microsoft antitrust case in November, I was hopeful we could move forward. Now with the additional states and competitors coming forward to pursue further litigation, I am starting to wonder if this benefits the consumer at all or just the business of the competitor's.

Microsoft has been more than cooperative. They agreed to license their Windows operating system products to the 20 largest computer makers on identical terms and conditions, including price. They also agreed to grant computer makers broad new rights to configure Windows, in order to promote non-Microsoft software programs that compete with programs included within Windows.

I urge you to put an end of this litigation fiasco. There are more pressing issues upon which the government should be focused.

Sincerely,

Byron Wright

MTC–00029909

Ellisport Engineering, Inc.
January 28, 2002
To: Ms. Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Subject: Microsoft Settlement

Dear Ms, Hesse,

I believe the terms of the agreement are reasonable and fair to all parties involved. This settlement represents the best opportunity for Microsoft and the industry to move forward. To continue prosecuting Microsoft is to punish one of the few American companies who are helping us to compete in the international arena of commerce,

Please settle this now. It is in the best interest of the country.

Stephen T. Kicinski, PE
Ellisport Engineering, Inc.
20501 81st Ave. S.W.
Vashon, WA 98070
Telephone (206) 463–5311
FAX (206) 463–2578
E-Mall: Ellisportl@aol.com

MTC–00029910

ReportWare
1460 Manzanita Lane
Reno, Nevada 89509–5207
(888) REPWARE
(775) 827–4494/Fax 827–3213
www.ReportWare.com
Sales@ReportWare.com
January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Re: Microsoft Settlement

Dear Mr. Ashcroft:

I support the settlement between Microsoft and the U.S. Department of Justice. Please stop this foolishness.

I feel that, as an attorney and president of a technology firm, I have some reasonable understanding of the issues in this case. It is my strong feeling that the Government's actions have been overly aggressive and caused problems damaging to the whole software industry. I have no sympathy for Microsoft's competitors who have sought to promote this case. I believe that they have done so in order to gain advantage for their otherwise inferior software. I have no economic relationship with Microsoft, beyond being in the same industry and using their products—for which I pay retail. I support Microsoft and this settlement and I hope you will lend your support as well. Thank you.

Yours truly,

Randy Hanshaw

9President. ReportWare, Inc.

RH:gt

cc: Senator Harry Reid

MTC–00029911

34 Heritage Court
Randolph, NJ 07869
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my support of Microsoft and by extension, the settlement recently proposed by the DOJ. I support this settlement because Microsoft deems the terms fair and will comply in the hope of regaining a measure of normalcy in the IT industry as soon as possible. I am sure that this has been public's desire from the very beginning.

However, I don't believe in the prosecution of Microsoft, in the first place, in my mind, this all started due to an overzealous prosecutor and competitor's which used the available court system as a venue to retain competitive advantage, damn fairness and free trade. Microsoft has brought new innovative products to market and because they were superior, they've become widespread. Why on earth should they be prosecuted for being successful?

To me the only good thing that has come out of this lawsuit is that the public has been able to see the kind of company that Microsoft is, one that provides products that the market wants, low cost and effective computing solutions. That they bundled their software, made it easier for me and I support them for it. It didn't kill Netscape (I still use it) or any other competitor. They just failed to be as successful as Microsoft, and now they're complaining.

Microsoft's willingness to comply with the terms of this agreement and those not even at issue in the lawsuit is a classic example of their high caliber. Microsoft has agreed to allow their competitors aspects of Windows that will facilitate competitiveness such as Microsoft's internal interfaces, protocols and intellectual property. To ensure their compliance, Microsoft has agreed to be monitored by a Technical Committee.

In the interest of seeing a restored IT industry and a more stabilized economy, please make the necessary decision to

formalize the proposed settlement, though I personally think it goes to far.

Sincerely,
Richard Paeschke

MTC–00029912

The Genate
Slate of Iowa
Seventy-ninth General Assembly
STATEHOUSE
Des Moines, Iowa 50319
STEVEKING
STATE SENATOR
Sixth District
Statehouse: (515) 281–3371
HOME A ADDRESS
3897 Esther Avenue
??, Iowa 51448
Home—(712) 675–4572
Office—(712) 668–2300
FAX—(712) 675–4573
steve king@legistrate ??
January 28, 2002
COMMITTEES
State Government, Chair
Appropriations
Business & Labor Relations
Commerce
Judiciary Oversight & Communications
Appropriations Subcommittee
Vice Chair
Renata Hesse
Department of Justice, Antitrust Department
601 D St NW
Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

I am a State Senator from Iowa and I also the owner of construction contracting business. In my capacity as a State Senator I am chairman of the state government committee and also serve on the commerce committee. I chose to serve on these committees because as a business owner I am acutely aware of'' negative impact: over regulation can have on business It is from this unique perspective that I am writing you today to encourage you to settle the Microsoft anti-trust case

The suit against Microsoft was brought under anti-trust laws that were developed in at a time in our history when our nation was growing into the industrial and economic leader it is today. These laws were meant to protect American consumers from harm inflicted by monopoly companies. These laws have served their purpose in the past. However, in this case, I do not think they apply the government and Microsoft's critics have yet to prove consumer harm as a result of Microsoft actions or practices.

As a businessman and strong supporter of our free-market system, it is apparent to me that Microsoft's only crime is giving the American public a superior product, and therefore has been able to build a loyal following of committed users. Assumedly, Microsoft worked very hard to develop its products and market. They should not be punished for this or for having the business savvy to take action to protect their market.

A closer look at this suit and the lobbying efforts that have fueled it will expose disturbing realities. Microsoft's competitors do not appreciate that technology consumers are overwhelmingly loyal to Microsoft products. However, instead of committing to production of new products that may allow them to more successfully compete in our free-market, they have banded together and found a way to use outdated anti-trust laws for their own purposes.

The settlement before you is truly a compromise for Microsoft. Certainly, Microsoft will be held to the severe provision of this settlement, not the least of which is the sharing of intellectual property. However, negotiating settlement is the best solution for the technology industry and our'' economy in general. When this settlement is approved it will send a signal to the technology industry that the threat of government interference has been lifted.

Sincerely,
Senator Steve King

MTC–00029913

C. Cowdery
3926 NE Eighty-Ninth Street
Seattle, Washington 98115
January 22, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

After three long years of court baffles, Microsoft and the government have settled an antitrust suit that has profound implications for all software publishers, the rest of the Information Technology industry, and American consumers. By ending this case, the government is actually giving a boost to our sagging economy.

The settlement has teeth. Under the agreement, computer manufacturers were granted new rights to configure systems with access to various Windows features. Microsoft must also design future versions of Windows to make it easier to install non-Microsoft software and to disclose information about certain internal interfaces in Windows.

The government even went so far as to create an ongoing technical oversight committee to review Microsoft software codes and books and to test Microsoft compliance to ensure that Microsoft abides by the agreement. This will help to promote fairness. In conclusion, I don't think it will ever be necessary for the federal government to ever bring any more litigation against Microsoft beyond this agreement. This agreement is more than fair and reasonable and was arrived at after extensive negotiations with a court appointed mediator.

Sincerely,
C. Cowdery

MTC–00029914

RJA Pollinating Co.
P.O. BOX 58
450 West Main St.
Westmorland, CA 92281
760–344–3726
760–344–3091
FAX 760–344–0012
TO: MA Renata B. Hesse
Location: U.S. Dept by Justice—Antitrust Division
Telephone:
FAX: 202 616 9937
Date: 1–28–02
Comments:
Total Number of Pages Sent: 2
Approval:
RJA Pollinating Co.
P.O. Box 58 450
West Main St.
Westmorland, CA 92281
760–344–3726
760–344–3091 FAX 760–344–0012
January 28, 2002
Ms. Renata B, Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001
VIA FACSIMILE: 202–816–9937

Dear Ms. Hesse:

As a concerned citizen with an eye for government waste, I strongly believe that the antitrust case against Microsoft has been a squandering of public resources. I also believe this was brought on by those who have a liberal bias and are against corporate America. Therefore, I support the agreement between Microsoft and the nine plaintiff states.

As you know, our antitrust laws are supposed to protect consumers, not competitors, What's going on here is that our government is penalizing Microsoft for its success, The consequences are far ranging. If the United States government can attack one of the most successful companies in America, who's next?

As a believer in open markets and opponent of government intrusion, I support ''the Microsoft settlement.

Thank you for your time.
Sincerely,
Richard J. Ashcroft

MTC–00029915

1000 Chesterbrook Boulevard,
Suite 101
Berwyn, Pennsylvania 19312
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am happy to hear about the settlement that has been worked out with Microsoft. It has taken three long years to finally reach an agreement like this that is fair for both sides. I hope that the Federal government will let this be it and finally put the matter to rest.

The settlement is fair. First of all, Microsoft will adhere to a uniform pricing list when licensing Windows out to the larger computer vendors in the United States. Also, Microsoft has agreed not to retaliate against companies that promote or use non-Microsoft products. Most importantly, Microsoft has agreed to share sensitive information with its competitors; information that will allow them to more easily place their own programs on the Windows operating system.

I know that many people who daily depend on Microsoft products will write to you about this matter. I hope that you take their and my opinions into account. I support the settlement, and look forward to seeing the suit come to an end. As a consumer and a

user of Microsoft products, I do not feel that I am being ''clobbered'' by Microsoft. Many of their competitors would like you to think this is the case. Since many other companies can't effectively compete with their own inferior products, they want the taxpayers to help them get rid of Microsoft by way of a government breakup. Enough is enough, settle the lawsuit and allow Microsoft to get on with creating more innovative products!!

Sincerely,
Marc T Nettles
Cc: Senator Rick Santorum

MTC–00029916

Denterlein Worldwide
Honorable Colleen Kollar-Kotelly
U.S. District Court, District of Columbia
C/o Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
RE: U.S. v Microsoft

Dear Judge Kollar-Kotelly,

At a time when innovation in the computer technology industry should be booming the decision with regard to U.S. v Microsoft certainly makes it very difficult for companies to find the investment dollars to develop software. Limiting the ability of companies competing, the settlement provides loopholes which will probably keep this issue in litigation for years. Microsoft's monopoly has grown stronger. Its Windows operating system and Office Suite have higher than 90% usage. It is clear that operating systems which may have posed a threat and others that might have competed are no longer a concern.

If competition is precluded it is very unlikely venture capital will be available. Investors historically will avoid the risk involved when potential future development is impeded by a monopoly, Consumers are affected as well be, cause they will not find affordable products in the marketplace, The already sluggish job market and economy certainly does not reflect the potential in the industry if a monopoly did not exit.

It is clear that Microsoft hopes to expand to web services, financial, cable and the like, perhaps even the interact. Without venture capital companies will be unable to creatively address emerging markets, At a time when government on all levels faces serious challenges involving security and privacy issues they will be limited in the software they can use if it is not compatible with Windows.

There is nothing the settlement which will hinder Microsoft. It will be business as usual. The settlement requires Microsoft to share technological information unless Microsoft determines that sharing the information might harm its security or software. In addition Microsoft, due to its monopoly and dominant market share, dictates the technologies, which will be compatible with Windows.

Ten Liberty Square
Boston. MA 02109
P: 617 482 0042
?? 617 357 6911
gerl@denterleinworldwide.com

One of the three person technical committee will be selected by Microsoft. The Department of Justice will choose a second member and they must agree on the third member. There is no question that companies will be less inclined to take on a monopoly when their future business, if the challenge fails, may well depend on that company. Microsoft will continue to be able to charge whatever it wants for its products, prices will skyrocket.

The technical committee must identify violations of the agreement. No findings may be admitted into court in enforcement proceedings and compliance is only for five years. This seems a short time for such a flagrant violation of antitrust law.

After all the years examining this important issue it would seem a better solution could be found. I appreciate your interest. If there is any additional information with which I may be of assistance, please contact me,

Sincerely,
Geri Denterlein
President
CC: Honorable Tom Reilly, Attorney General

MTC–00029917

Lynch Associates, LLC
Honorable Colleen Koltar-Kotelly
U.S. District Court, District of Columbia
c/o Renata B. Hesse Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
RE: U.S. v Microsoft

Dear Judge Kollar,Kotelly,

I am writing in regards to the proposed settlement between Microsoft and the Department of Justice. In the decision on U.S.v. Microsoft it appears that the settlement does not fully resolve Microsoft's monopoly of the market and will continue to lead to predatory, practices.

Microsoft's ''bolting'' of applications to their software which was not terminated in the settlement has maintained an unfair advantage for Microsoft in the distribution of these applications. These types of practices don't create an environment of fair competition, which creates a problem not only for their competitors but also eventually for consumers.

It is clear that Microsoft hopes to expand its monopoly to web services, financial, cable and the like, perhaps even the Internet. If we let Microsoft continue this expansion ultimately consumers will have to pay inflated prices for these products that we will only become more dependant on. Antitrust laws were created to avoid business being conducted in such a manner.

This deal also threatens to curtail innovation in an industry that is a vital part of our new economy. At a time when serious challenges face government and corporations they will be seriously handicapped in choosing the high value systems they need for privacy and security because compatibility with Windows does not exist.

The enforcement mechanisms in the settlement leave Microsoft free to do whatever it wants. The three person technical committee will only serve as a kangaroo court, which further threatens the integrity of enforceability. Analysts from many sectors of the technology industry have indicated the lack of impact the settlement will have and will result in minuet changes in Microsoft's practices.

10 Liberty Square, 5th Floor
Boston, Massachusetts 02109
Telephone: 617.574.3399
Facsimile: 617.695.0173

Enforcing federal antitrust laws is vital to maintaining the integrity of free markets, It is important that we continue to enforce them to protect the welfare of consumers and the fundamentals that contribute to what makes our country's industries great. I appreciate you taking your time to examine this important matter. If there is any additional information I can provide for you, please contact me

Sincerely,
Anne Lynch
Lynch Associates
CC: Honorable Tom Reilly, Attorney General Commonwealth of Massachusetts

MTC–00029918

International Brotherhood of Electrical Workers
256 FREEPORT STREET
DORCHESTER, MASSACHUSETTS 02122
TELEPHONE; (617) 436–3710
FAX: (617) 436–3299
TOLL FREE: (800) 218–0015
WEBSITE: www, ibew103, corm
January 25, 2002
The Honorable Coleen Kollar-Kotelly
U.S. District Court, District of Columbia
C/o Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20540–000:t
RE: U.S. v Microsoft

Dear Judge Kollar-Kotelly:

After many years of investigating Microsoft with regard to monopoly issues, a settlement has been struck which appears to continue that monopoly. Limiting the ability of other companies to compete, the settlement provides loopholes, which wilt probably keep this issue in litigation for years.

The longer it takes for competition to be permitted the less likely it is for those interested in investing venture capital to risk taking a chance on potential future development by companies hoping to compete. The result is that not only are consumers affected in that they will be unable to buy an affordable product, but the already sluggish job market will fail to reflect the potential of the industry.

It is clear that Microsoft hopes to expand its monopoly to web services, financial, cable and the like, perhaps even the internet. Without venture capital companies will be unable to creatively address emerging markets.

Although the agreement precludes Microsoft from paying a vendor to keep it from developing or distributing software that would compete, Microsoft is the determining body when an exception is identified. Likewise Microsoft: must share technological information unless Microsoft determines the

information may harm its security or software. In addition Microsoft, due to its monopoly and dominant market share, dictates the technologies, which will be compatible with Windows.

The Honorable Coleen Kollar-Kotelly
January 25, 2002

At a time when serious challenges face government and corporations they will be seriously handicapped in choosing the high value systems they need for privacy and security because compatibility with Windows does not exist.

Although the technical committee will oversee the process, Microsoft will choose one of its three members. The Department of Justice will choose a second and they must agree on the third member. There is no question that companies will be less inclined to take on a monopoly when their future business may well depend on the company. Given that Microsoft will continue to be able to charge whatever it wants for its products, prices will skyrocket. The technical committee of three must identify violations of the agreement. No findings may be admitted into court in enforcement proceedings and compliance is only for five years. This seems a short time for such a flagrant violation of antitrust law.

After all the years examining this important issue it would seem a better solution could be found. I appreciate your interest. If there is any additional information with which I may be of assistance, please contact me.

Sincerely,
Richard P. Gambino
Business Manager
cc: Honorable Tom Reilly, Attorney General

MTC–00029919

January 23, 2002
CARROLL LOGISTIC8 INC
P.O. Box 4797
Tisbury, MA 02568
TEL 617–945–1600
FAX 617–945–2416
Honorable Colleen Kollar-Kotelly
U.S. District Court, District of Columbia
C/o Renata B. Hesse
Antitrust Division
U.S. Department. of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Judge Kollar-Kotelly,

I am writing with regard to the settlement between the Department of Justice and Microsoft in U.S. v Microsoft. It appears to violate antitrust law. Microsoft has a monopoly now and will be permitted to expand it with regard to emerging markets.

The fact that Microsoft Is free to bolt financial services, cable services or even the internet to Its Microsoft Windows is a great concern. As companies develop software they will be unable to address the issue of affordability due to the dependency on Windows technology to function.

Microsoft may not pay a vendor to keep them from developing or distributing software that would compete, however Microsoft is the determining body when an exception is identified. Likewise Microsoft must share technological information unless Microsoft determines the Information may harm Microsoft security or software. In addition Microsoft, due to its monopoly and dominant market share, dictates the technologies, which will be compatible with Windows. Governments and corporations will be unable to choose high value systems they need for privacy and security if that compatibility does not exist.

Half of the technical committee will be appointed by Microsoft. The Department of Justice and Microsoft each appoint one member while they must agree on the third member. There is no question that companies will be less inclined to take on a monopoly when their future business may well depend on that company. Given that Microsoft will continue to be able to charge whatever it wants for its products, prices will skyrocket.

The technical committee of three must identify violations of the agreement. No findings may be admitted into court in enforcement proceedings and compliance is only for five years. This seems a short time for such a flagrant violation of antitrust law. After many years of examining this important issue I would think a better solution could be found. I appreciate your Interest. If there is any additional Information with which I may be of assistance, please contact me.

Sincerely,
Thomas R Carroll
PO Box 4797
264 Sandpiper Lane
Vineyard Haven, MA 02568
CC: Honorable Tom Reilly, Attorney/General

MTC–00029920

allan associates
six osmanosen avenue
ball, massachusetts 02045
(781) 925–6388
January 22,2002
Hon. Colleen Kollar-Kotelly
US District Court
District of Columbia
C/o Renata B. Hesse, Antitrust Div.
US Dept. of Justice
601 D St. NW
Washington, DC 20530–0001
RE: US v Microsoft

Dear Judge Kollar-Kotelly,

The settlement agreed to by the Department of Justice and Microsoft appears to fly in the face of antitrust laws. Although the examination of this problem took a number of years, the results seem inadequate and the penalties less than one would expect for such serious violations of the law. Among the areas which are of concern:

* Microsoft will determine if any company's technology violates Microsoft security or software. This would preclude a vendor from distributing or developing software as proscribed by the settlement.

* Microsoft may bolt financial, cable services or even the internet to Windows, creating a dependency on Windows technology for all software developers.

* The technical committee which will oversee implementation will be stacked in favor of Microsoft, as there will be one member appointed by Microsoft, another appointed by the Department of Justice and a third on whom both entities must agree.

* The process to'' file a complaint would be unlikely to attract many businesses challenging Microsoft, as the most probable result would be the company then still having to deal with Microsoft.

* Consumers will bear the brunt of this decision, as they will find the expense of software reflected in the monopoly Microsoft will hold in its development.

* At a time when governments and corporations are looking to develop software to insure privacy and security it will be impossible if compatibility with Microsoft Windows does not exist.

I am pleased that Attorney General Tom Reilly has agreed to reject the settlement and is pursuing all avenues to assist individuals and businesses in the Commonwealth of Massachusetts. I appreciate your attention. Please contact me if I may be of assistance.

Sincerely,
Virginia M. Allan
CC: Attorney General Tom Reilly

MTC–00029921

Law Offices of
Mark T. Collins
329D Boston Post Road Millbrook Park
Sudbury, Massachusetts 01776
Telephone (978) 443–7677
January 24, 2002
Honorable Colleen Kollar-Kotelly
U.S. District Court
District of Columbia
C/O Ms. Renata B. Hesse
United States Department of Justice
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Judge Kollar-Kotelly,

With regard to the settlement of the Department of Justice and Microsoft in U—S—v Microsoft I would like to raise a few issues. It appears Microsoft will continue to have a monopoly in the marketplace. Expansion will only increase the corporation's ability to intimidate smaller companies as they make an effort to produce software at more affordable prices.

At a time when development of financial services, updated cable services and the internet are offering challenges to many small and midsized companies to be creative in new uses, the inability of a company to progress without compatibility with Microsoft is a major stumbling block. Microsoft in theory may not keep a vendor from developing or distributing software, even if it might be competition, but Microsoft itself will determine if a company's information technology might adversely affect Microsoft's security or its software.

Compatibility with Microsoft Windows is essential and Microsoft makes the determination as to which technologies will be compatible thus limiting the ability for companies whose technologies are not included to procede.

The oversight of the settlement offers additional problems in that Microsoft will be responsible for the appointment of one individual on the technical committee. In addition the Department of Justice appoints one other and the two must agree on the third. The committee must identify violations of the settlement. In addition it must hear

complaints from the companies whose products are not compatible. It is highly unlikely that a challenge will be made against a company which essentially controls the monopoly which at some point may well control the smaller companies ability to develop future software,

Although Microsoft will comply with these lenient restrictions it will only be required for five years. This seems a short time for a penalty for violating antitrust law, Please contact me if you have any questions.

Sincerely,
Mark T. Collins
CC: Honorable Tom Reilly
Attorney General
Commonwealth of Massachusetts

MTC–00029922

THE LIBERTY SOUARE GROUP
Honorable Colleen Kollar-Kotelly
U.S. District Court, District of Columbia
C/O Renata Hesse
Antitrust Division
United States Department of Justice
601 D Street NW
Suite l200
Washington, DC 20530–0001
RE: US v Microsoft

Dear Judge Kollar-Kotelly,

I realize there has been discussion over many years concerning this issue. It does seem a more equitable solution could have been reached in light of antitrust laws. As it stands now, Microsoft can still bolt financial services, cable or even the internet to Windows hindering competition. The fact that Microsoft will determine what technologies will be compatible with Windows makes it very difficult for companies to develop software or for that matter find capital investors to even be interested in their companies.

As it stands now both Microsoft Windows and Office Suites enjoy a 90% user status. Expansion into other markets will expand that usage even more. At a time when computer technology should be expanding to address security and privacy issues in government and corporations, the inability to compete is certainly not making it the environment good for growth. The settlement provides many loopholes which will probably keep the issue in litigation for years.

Without competition it is very likely venture capital will be unavailable. The affect on consumers will be reflected in the high cost of software. The already sluggish job market and economy certainly does not reflect the potential in the computer software market. It is clear that Microsoft plans to expand to financial, cable and the internet, expanding its monopoly. There is nothing in the settlement which will hinder Microsoft.

One of the three people on the technical committee will be selected by Microsoft. The Department of Justice will choose a second member and they must agree on the third member. It is apparent that companies will be reluctant to take on a monopoly when their future business may well depend on that company. Microsoft will continue to be able to charge whatever it wants for its products, prices will skyrocket.

This issue has been discussed for many years. It seems a more equitable solution could be determined, if I may be of any assistance, please contact me,

Sincerely,
Scott M. Ferson
President
Liberty Square Group
CC: Attorney General Tom Reilly

MTC–00029923

JENNIFER E. LAWRENCE, ESQ.
Honorable Colleen Kollar-Kotelly
U.S. District Court, District of Columbia
c/o Renata B. Hesse Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
RE: U.S. v Microsoft

Dear Judge Kollar-Kotelly,

I am writing in regards to the anticipated settlement with the Microsoft Corporation, This proposed settlement allows Microsoft to preserve and reinforce its monopoly, while also freeing Microsoft to use anticompetitive tactics to spread its dominance into other markets. After more than 11 years of litigation and investigation against Microsoft, it seems a more equitable solution can be reached.

The deal fails to meet the appellate court's remedy standards, which are clearly laid out by the appellate court. The following are some examples of how the deal fails to meet the standards:

1. The settlement does not address key Microsoft practices found to be illegal by the appellate court, such as the finding that Microsoft's practice of bolting applications to Windows through the practice of ''commingling code'' was a violation of antitrust law. This was considered by many to be among the most significant violations of the law, but the settlement does not mention it.

2. The proposed settlement permits Microsoft to define many key terms, which is unprecedented in any law enforcement proceeding.

3. The flawed settlement empowers Microsoft to retaliate against would-be competitors and to take the intellectual property of competitors doing business with Microsoft.

4. The deal fails to terminate the Microsoft monopoly, and instead guarantees Microsoft's monopoly will survive and be allowed to expand into new markets. The settlement is also fiddled with loopholes making the enforceability of the settlement questionable.

The agreement requires Microsoft to share technical information with competitors so that non-Microsoft software will work on Windows operating systems. However, Microsoft is not required to do so if it may harm the security or software licensing. The determiner of this harm? Microsoft. The settlement also says that Microsoft ''shall not enter into any agreement'' to pay a software vendor not to develop software that would compete with its products. However, another provision permits those payments and deals when they are ''reasonably necessary.'' Again who determines this ''reasonably necessary?'' Microsoft.

The enforcement provisions in the settlement are weak and leave Microsoft virtually unaccountable.

Microsoft is only subject to comply with the terms of the agreement for a mere five years. Hardly an adequate amount of time for a corporation found guilty of violating antitrust laws. The three-person committee that is being assembled to identify violations of the agreement will have nearly no effect since the work of the committee cannot be admitted into court in any enforcement proceeding.

The proposed settlement between the Department of Justice and Microsoft in U.S.v. Microsoft falls short of what would be prudent and necessary in rectifying Microsoft's monopoly and changing their current practices.

Thank you for your time.

Regards,
Jennifer E. Lawrence, Esq.

MTC–00029924

4712 Ferncreek Drive
Rolling Hills Estates, CA 90274
January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Ashcroft:

I would tike to express some of my opinions regarding the settlement agreement between your Department and Microsoft. I feel that it is fair, reasonable, and extensive. I do not see the need for further federal action, especially when nine states have approved the agreement. Microsoft is currently negotiating with the opposing states to reach a conclusion. Not only does this agreement address the issues that brought about the lawsuits, but it provides direction in dealing with future problems as weft.

Although the settlement calls for concessions that make antitrust precedent, Microsoft has agreed in an effort to end this case sooner rather than later. The company will stop retaliating against those that design or p ore non-Microsoft programs, end will allow computer makers to configure Windows so as to promote those programs. Most importantly, a technical oversight committee will ensure Microsoft's compliance with these concessions, and competitors will be allowed to sue Microsoft directly if they feel they've been treated unfairly.

I appreciate you taking time to consider my views on this issue. We must bring certainty and stability back to the IT sector. This agreement will allow the market, the industry, and the economy to move forward.

Sincerely,
Erwin Oetken

MTC–00029925

Henry Kath P.O. Box 1920
Cottonwood, CA 96022–0351
January 18, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

As a citizen of California I am very disappointed that the settlement reached between Microsoft and the Department of Justice has not been accepted by my state. I believe that this suit has gone much farther than was ever appropriate. It is my opinion that the alleged crimes committed by this company are much less severe than a number of people have made them out to be. Microsoft does not deserve the callous treatment that they have been given, and the continuation of this already protracted suit will not benefit either the United States as a whole or the state of California.

The proposed settlement is well thought out and is a fair conclusion to this unfortunate litigation. Microsoft will not commit any further anti-trust infringements, the company will be monitored by a three-man oversight committee which will ensure that all business tactics engaged by the company in future are fair and do not lean towards monopolistic practices. The settlement ensures that Microsoft will not strike back against any company that develops products that compete against its own. And finally, Microsoft will develop all future versions of Windows to work more completely with the products of competing companies. This settlement will remedy any problems that any of Microsoft's competitors may have experienced when dealing with this company. All of the states should jump at the chance to accept the terms and finalize this costly litigation.

I understand the need to protect businesses and to ensure that there is a fair playing field for everyone. However, free enterprise must be protected. Without it, we lose the very fabric upon which we have built this nation. I believe that we need to move forward as a nation and to do so we need this settlement. Thank you for the work that you have done to bring this agreement about and for ensuring that we do not ring in another year with this costly litigation hanging around our necks.

Sincerely,
Henry Kath

MTC–00029926

Elliott.
US Department of Justice
Attorney General John Ashcroft
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Elliott Davis Technology Solutions, LLC
1200 Woodruff Rd. Suite C40
P.O. Box 5088
Greenville, SC 29606–6088
Phone 864,281 7440
Fax 864.987.0180
1866281,74.10
January 22, 2002

Dear Mr. Ashcroft,

I personally believe that this lawsuit against Microsoft is better settled. Even though many of the points enumerated in the suit were valid, the litigation was quickly getting out of control and could have resulted in a lot of unnecessary complications for both Microsoft and for the IT businesses in general.

The points of the suit have been adequately addressed in the settlement. The settlement, for example, requires more responsible and flexible attitudes by Microsoft towards its OEM licensees as well as to third party software developers, who will now be able to take advantage of disclosure of Microsoft software code. Microsoft's competition should be elated at this.

I am therefore writing in support of the settlement and hope that this kind of lawsuit be prevented in the future.

Sincerely,
Charles Johnson
Partner

MTC–00029927

LS Consulting
Date: January 21, 2002
Renate Hesse
Triel Attorney
Antirust Division
Department of Justice
?? D Street NW. ?? 1200
Washington, DC 20550

Dear Ms. Hesse.

The Microsoft ?? case reminds me of the novel ?? Shrugged, written by Ayn Rand In the novel, industral competitors turn to the govenment and empower it to choose ?? and losers in the marketplace.

Without question, Microsoft's primary competitors have joined into an unholy zilance with the judicial ?? of government, in an effort to target the success of Microsoft are its popular software You might also want to reference ?? Bastiat's The Law, to gain his insights on how government attempts to choose winners and losers in the marketplace.

I have been intimately involved with personal computers and the software that drives them since the very ??. As a computer consultant and a database software developer for nearly twenty years, I would be amused by government lawyers with limited computer skills—and an even more limited grasp of the actual inner working of software—trying to dictate policy to a marketplace that literally changes every day. If the slakes weren't: so high.

As an active an informed citizen, I have a thorough understanding of the roles the branches of government are to play in our society, and the businese, of choosing winners and losers in the marketplace is not a function of government, in belongs to the American consumer. Sign off on the proposed settlement before you in this case and lot us do our work Sincerely,

Loras Schulte
In His ??

MTC–00029928

NASH FINCH COMPANY
Cedar Rapids Distribution Center
Rob Reinert
Regional Pricing Manager
319–743–4245
Ms. Ronata Hesse
U.S. Department of Justice, Ami-trust
601 ''D'' Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I have been informed that under the Tunney Act you are accepting public comment on the United State's agreement with the Microsoft Corporation. I am writing to offer my views on this matter. I work for a company called Nash-Finch that is based in Minneapolis and operates a large chain of grocery stores in the upper Midwest and wholesale operations in more than thirty states. As Regional Pricing Manager I have seen first hand the benefits of computer innovations. It seems that we are constantly being presented with new tools that allow us to maintain better control of our inventory and maintain/improve gross margins:

The future holds many exciting things for consumers and lousiness when it comes to technology. The last few years have taught us theft almost anything is possible when technicians are allowed to freely ?? and create. Future innovations will allow businesses to operate more efficiently and help our economy as we work out of our current recession.

This case has cruised questions throughout the entire industry as it watches to see if the government will successfully gain new power to regulate this industry. It is clear in the reports that I have read that the settlement currently on the table is fair. It appears that any allegations against Microsoft that have been shown to have merit in court are fairly remedied in the settlement.

This settlement provides a good resolution and it allows the technology industry as a whole to get on the move again.

Your consideration is appreciated.
RO. Box 549
Cedar Rapids, IA. 52406
1201 Blairs Ferry Rand N.E.
Cedar Rapids, IA 52402.
Ph. 319–393–1880
Fx. 319–393–2223
Sincerely.
Rob Reinert
Customer Satisfaction is ACWAYS First

MTC–00029929

January 22, 2002
Ms. Renata Hesse
Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse.

Like so many Americans, I am an investor in the stock market and have been financially hurt by the downturn this past year. As an individual investor, I have made every effort to do my part to prevent an even greater drop in the markets by maintaining my holdings without over-reacting. While we enjoyed a relatively minor upswing recently, the markets once again dropped following the national media attention of the Enron bankruptcy. In the face of so much negative news, it is getting more and more difficult for investors to optinistically believe the markets have hit the bottom and are in a recovery.

From an economic standpoint, you have the ability to send a message which can only be construed as good by the media and the American public. I am referring to the Microsoft lawsuit. A proposed settlement in this case is before you. Most of the parties involved in this case are in agreement to settle this case based on the proposal presented. Please take this opportunity to do your part and sign on to the proposed settlement. By putting and and to this lawsuit, you allow the tech industry the chance to move forward. You will also create

much needed oprimism for a ?? point in our times of economic struggles.

Thank you.

Sincerely,

Keith ??

4815 Grand Avenue

Des Moines, Iowa 50312

515 255–8328

MTC–00029930

ERIG J. KFOURY. EGQ.
January 24, 2002
Honorable Colleen Kollar-Kotelly
U.S, District Court, District of Columbia
C/o Renata B. Hesse
Antitrust Division
U.S. Department of Justice
Suite 1200
Washington, DC 20530–0001

Dear Judge Kollar-Kotelly:

Please accept this letter of concern with regard to the terms of the settlement being proposed by the United States Department of Justice and Microsoft Corporation. Acceptance of this settlement will not dissuade Microsoft from continuing to pursue its established objective of market dominance, and, more importantly, will encourage other businesses to follow the lead in new and different markets without fear of any reprisals or Interference from the government, in all, it is a seemingly toothless me measure of exactitude that undermines the historical good achieved by the antitrust regulations of which Microsoft was duly found to be in violation.

The settlement purports to force Microsoft to share key information with competitors as a way of braking the stranglehold the company enjoys with its Windows product. Howover, it need only do so if Microsoft, itself, determines such divulgence would not hurt its security or product licensing. Further, the continued market dependency c Windows created by the fact Microsoft can bolt it to financial and cable services, as wall as, the internet will adversely affect the affordability of new software being developed by other companies. As such, any potential competition will be priced out of the market and Microsoft will stand alone—the essence of a true monopoly.

Though there are other areas of the settlement that are problematic, the final concern sterns from the notion that there can be a limit to the amount of time (e.g., five years) an antitrust violator should be subject to enforcement. If the government agrees to terms with a corporation to correct conditions set by monopolistic practices, there should be no expiration data with regard to the commitment to those terms.

An antitrust violation has been established. Irrespective of penalizing the violator, an equitable resolution must be found that opens up the market and ensures it remains a place where other businesses and entrepreneurs have a chance to succeed. This proposed settlement does not amount to such a resolution.

Very truly yours,

Eric J. Kfoury, Esq.

Co: Honorable Thomas Reilly, Attorney General Commonwealth of Massachusetts

MTC–00029931

JAN-25–02 14:31
FROM:
ID: PAGE 2
SALOMON SMITH BARNEY
A member of Columbia
Ho??orable Colleen Kollar-Kotelly
U.S. District Court, District of Columbia
C/o Renata B. Hesse
A?? Division
U.S. Department of Justice
601 D Street NW Suite 1200
Washington, DC 20530–0001

Dear Judge Kollar-Kotelly,

I am writing with regard to the settlement between the Department of Justice and Microsoft in U.S. v Microsoft. It appears to violate antitrust law. Microsoft has a monopoly now and will be permitted to expand it with regard to emerging markets.

The fact that Microsoft is free to bolt financial services, cable services or even the internet to its Microsoft Windows is appalling. As companies develop software they will be unable to address the issue of affordability in working to help consumers find a lower priced product due to the dependency on Windows technology to function.

Microsoft may not pay a vendor to keep them from developing or distributing software, which would compete, however Microsoft is the determining body when an exception is identified, Likewise, Microsoft must stare technological information unless Microsoft determines the information may harm Microsoft security or software, In addition, Microsoft, due to its monopoly and dominant market share, dictates the technologies, which will be compatible with Windows. Governments and corporations will be unable to choose high value systems they need for privacy and security if that compatibility does not ??.

The three person technical committee, which will be appointed is inordinately weighted in favor of Microsoft as the department of Justice and Microsoft each appoint one member while they must agree on the third member. There is no question that companies will be less inclined to take on a monopoly when their future business may well depend on that company. Given that Microsoft will continue to be able to charge whatever it wants for its products, prices will skyrocket.

The technical committee of three must identify violation, of the agreement. No lindings may be admitted into court in enforcement proceedings and compliance is only for five years. This seems a short time for such a flagrant violation of antitrust law.

After many years of examining this important issue, I would think a better solution could be found, I appreciate your interest. If there is any additional information with which I may be of assistance, please contact me.

Sincerely,

Karen I, Macdonald

Financial Consultant

SALOMON SMI?? BARNEY A member of citigroup

28 State Street

Beaten, MA 02109

617–570–9430 / 800–235–1205 / 617–570–945R fax

e-mail Karen ??mac??onald@rssmb.com

MTC–00029932

HOUSE OF REPRESENTATIVES
STATE HOUSE, BOSTON O2133??1054
RONALD MARIANO
STATE REPRESENTATIVE
SRD NORFOLK DISTRICT
DISTRICT: (??17) 328–5166
E-Mail: Rep.RonaldM??riano@hou.state.??.us
Chairman
Committee on Insurance
STATE HOUSE, ROOM 254
TEL. (617) 722–2220
FAX (617) 722–2821
January 25, 2002
The Honorable Colleen Kollar-Kotelly
U.S. District Court, District of Columbia
C/o Renata B. Hesse
Antitrust Division
U.S. Department of Justice 601 D Street NW
Suite 1200
Washington, DC 20530–000t

Dear Judge Kollar-Ketelly,

I am writing with regard to the settlement between the Department of Justice and Microsoft in U.S. v Microsoft. It appears that this settlement will enable Microsoft to continue to expand its monopoly with regard to emerging markets and may violate antitrust laws.

Microsoft's ability to bolt financial services, cable services and the Internet to its Microsoft Windows program is of great concern. As companies develop software, they will be unable to address the issue of affordability due to the dependency on Windows technology. Microsoft is required to share technological information unless they determine the information may harm their security or software. Additionally, Microsoft dictates the technologies, which will be compatible with Windows. As such entities will be unable to choose high value systems they need for privacy and security if that compatibility doesn't exist.

As I feel that this agreement raises significant questions affecting the equity and fairness of the settlement, I ask for your consideration of a more appropriate solution to this matter. Thank you for your time mad attention to this matter.

Sincerely,

RONALD MARIANO
State Representative
Cc: The Honorable Thomas Reilly,
Massachusetts Attorney General

MTC–00029933

FROM:
FAX NO.:Jul. 26 2001 06:26PM P1
Wake Forest Town Commission
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

As a member of the Wake Forest Board of Commissioners, I am concerned that the Microsoft antitrust lawsuit has dragged on too long and we need to settle it now. I am elected to represent all the people in Wake Forest, and I am concerned that everyone's jobs are being threatened by the recession. Microsoft products are the backbone of business and industry—and they help offices run efficiently throughout our community.

I am opposed to prolonging the lawsuit in any way. The suit needs to be resolved... and resolved now] Many of our commuting citizens work in the Research Triangle Park. High tech solutions for health care, business and communications firms are developed here in the Triangle. However, the ability of these companies to be innovative in creating solutions, and productive in the creation of jobs, hinges upon moving beyond excessive litigation.

Let's face the fact that both parties want the suit to end. Microsoft and the federal government are in agreement on all points of the settlement. I want to strongly urge Judge Kollar Kotelly to promptly approve the settlement. This lawsuit has cost businesses and local governments untold millions in lost revenues. Let's stop the bleeding.

Let's move beyond this case and move the economy forward.

Sincerely,
Kim Marshall
Mayor Pro Tempore
401 Owen Avenue- Wake Forest, NC 27587

MTC–00029934

Jan 28 02 02:38p p. 1
U.S. Department of Justice, Antitrust Division
Attention: Renata Hesse
601 D Street, NW, Suite 1200
Washington, DC 20530

Dear Judge,

It is time for the Anti-trust lawsuit'' against Microsoft to end.

Our antitrust laws were designed and enacted in order to protect the citizens and consumers of the United States.

The Microsoft Antitrust lawsuit was originally pushed by its competitors and their claims they were working in the interest of consumers. I do not believe that the consumers were clamoring for this lawsuit. I wonder how prolonging these proceedings will benefit consumers?

The Federal Government has spent millions of dollars on this antitrust case. Microsoft has probably spent several times as much defending itself against this claim filed by the government.

These costs will no doubt be passed on to the consumer, the same consumer the antitrust laws are supposed to benefit.

I believe this case has cost enough and should be settled once and for all.

Thanks for your consideration and your acceptance of my comments as part of the public comment period for the case.

Sincerely,
Ruth Mellen
21000 West 180th Street-
Olathe, KS 66062

MTC–00029935

15 Riverpoint Road
Hannibal, MO 63401
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I understand that Microsoft and the Justice Department have reached a proposed settlement of their antitrust case, and I want you to know that I support the settlement.

I wish my letter were sent for the purpose of thanking you for dismissing the case. Microsoft has incurred substantial expenditures of time and money for no reason other than to defend the fact that they are big and they are successful. It is a shame that Microsoft's ability to defend itself in Court was thwarted by a judge with an axe to grind. The case should have been thrown out before evidence was ever presented.

The settlement proposed clearly addresses the allegations of anticompetitive behavior by promoting greater consumer choice and opening areas to greater degrees of competition from non-Microsoft software programs. After implementation of the settlement agreement, Microsoft Windows operating systems will be subject to competition in areas such as messaging and the Internet from non-Microsoft programs.

In addition to responding to the allegations of antitrust violations, Microsoft has placed a settlement on the table that makes concessions regarding products and practices that were never even at issue in the suit. I fail to see the need to punish Microsoft by continuing the Case.

Thank you for the opportunity to speak on this matter.

Sincerely,

MTC–00029936

January 28, 2002
Attorney General John Ashcroft, DOJ
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear AG Ashcroft,

While I agree that this settlement appears better than a perpetuation of this ill-advised lawsuit, I believe that the settlement goes too far. In spite of the fact that Microsoft has agreed to its terms, I do not see the necessity of forcing them to release any more of their source code to developers than they had previous to the suit. This code is proprietary and Microsoft is entitled to keep it so. This consideration aside, I am at least pleased that the lawsuit and all that it entailed will soon be over. On the whole, however, I am hopeful that our government will not be as quick to interject itself into the private marketplace in the future as it has here. If Microsoft supports this suit, than I will.

I am appreciative of the opportunity afforded me to voice my opinion of this settlement, and I must stress here that this opinion is my own. However, the issue of forcing a company to relinquish even a small piece of its proprietary intellectual property, simply because its competitors cannot develop better products on their own, is of some concern.

Sincerely,
Charlie Butler
St. Exchange Engineer
Agilera, Inc.
Cc: Senator Strom Thurmond
1400 Browning Road
Suite 150
Columbia, South Carolina 29210
PHONEú 803.770.1800
www.8gilera.com

MTC–00029937

804 Stirling Road
Silver Spring, MD 20901
January 28, 2002
Attorney General John. Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The Microsoft Corporation and the Department of Justice agreed to terms on a proposed settlement that will bring an end to the three-year antitrust lawsuit filed against Microsoft. I support this settlement because it ends the litigation against Microsoft, and allows them to focus even more on producing innovative products.

The settlement goes further than k should have, in particular as regards intellectual property, which Microsoft will have to disclose to its competitors. In order to end this messy litigation process, Microsoft has actually agreed to give to its competitors source code and other design information that is critical to the internal structure of Windows. While that does not fit the mold of a free market economy, it enables Microsoft's competitors to do more, and to produce software that is compatible with Microsoft's. This will foster competition in the IT industry, and the economy will benefit as a result.

I support this settlement. Now the economy can regain its former level of success, and we can put this costly litigation behind us.

Sincerely,
Sunil Chatterjee

MTC–00029938

1–28–02
Tried to email—mo luck used address microsfot.atr@usdoj.gov.
fax.
RE: Microsoft Settlement

To the Dept of Justice

We believe the settlement between Microsoft and the movement is fair for both sides. At this time to put this to behind us and move forward for the good and all, especially economy

Sincerely.

MTC–00029939

Ken Graham
7531 Aberdon Road
Dallas, TX 75252
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am highly opposed to excessive government intervention in the business world. It is no surprise, then, that I am opposed to the antitrust lawsuit that was brought against Microsoft three years ago. Now that a settlement has been reached in this case, I hope you will support it, as well, and allow Microsoft to put this episode behind them.

Microsoft has offered many compromises as part of this settlement. The company has agreed not to have any contractual restrictions with companies it deals with regarding the sale of non-Microsoft products. Microsoft has also agreed to build all future operating systems in such a manner that non-

Microsoft products can easily be promoted on them.

Despite the fairness of the settlement and the compromises made by Microsoft, some opponents want this case brought back to court. I believe it is your duty to make sure they do not succeed.

Sincerely,
Ken Graham

MTC–00029940

DBM Associates
Computer Systems & Services
One Salem Square,
Whitehouse Station, NJ 08889
January 28, 2002
Attorney General John Ashcroft,
Justice Dept.
950 Penna. Avenue
Washington, DC

Dear Mr. Ashcroft:

I am glad that the litigation in this matter with Microsoft has ended with a settlement. Settling in this case is better for all. There has been a noticeable uncertainty in the IT industry over the threat to break Microsoft up, and this settlement at least will end this talk and help us all get back to business.

Progress in the IT industry, and the strength of this country's IT infrastructure, depend upon both innovation and some semblance of standardization. The prevalence of Microsoft software has greatly aided the exchange of information both within and between organizations. This prolonged legal action is hurting this country by slowing progress to a crawl.

I can appreciate that Microsoft's competitors are unhappy with this prevalence, but that's the way it has worked out. To them I say, there are plenty of other problems to be solved and they should put their resources into solving them instead of counter-productive efforts directed against Microsoft.

For their part, the evidence indicates that Microsoft has engaged in unfair business practices and abused their monopoly position. I see that penalties and restrictions on their future behavior are part of the settlement. I hope that the settlement terms were negotiated in good faith by both parties to effectively address the issues.

I am writing in support of the settlement of the Microsoft case, and the sooner the better. I am hopeful that with it, some uncertainty in the IT industry will be resolved, and we can all put this behind us.

Sincerely,
David Weston
Vice President

MTC–00029941

FAX COVER LETTER
To: attorney ??
Fax No. 1–202–616–9937
From: ??
Fax No. 1–740–482–2126
Date: Jan. 28, 2002
Re: ??
Number of Pages 2
??
Comments:
See attached letter
Rodger and Carol Carpenter
140 T.H. 70
Bucyrus, OH 44820
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

This is to give our support to the antitrust settlement between Microsoft and the Department of Justice. This antitrust suit has gone on for far too long, crippling our economy and holding our country back from further innovation in the technology industry. Furthermore, I do not believe the government should have been brought into what is competition between technology companies. Microsoft became the dominant force in computer software, creating the first compatible software programs. Before Bill Gates nothing worked, nothing was compatible. Through hard work and creativity, Bill Gates met the needs of consumers. The company became successful because of tiffs, and unfortunately, created a lot of jealousy with other rims, who were unable to compete. This was the real cause behind the antitrust suit against Microsoft.

The case has been settled. Even the federal judge wanted to see an end to it, ordering round-the-clock dialogue. Microsoft has agreed to a uniform price list, and to design future versions of Windows with a way to make it easier for computer makers to promote non-Microsoft software such as different startup screens; Microsoft has also agreed to help companies reach a greater degree of reliability with regard to then competing networking software. The company has gone the extra mile to end this case and satisfy the demands of the Department of Justice. We think we should honor that decision.

We urge you to give your support to this agreement and not give in to the pettiness of those whose only concern seems to be the destruction of Microsoft.

Sincerely,
Rodger Carpenter and Carol Carpenter

MTC–00029942

Scott B. Glynn
3205 Poppleton Ave. # 2
Omaha, NE 68105
402–932–6535
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I am writing with regards to the pending settlement between the Department of Justice and the Microsoft Corporation.

In my opinion, the finding of fact in the case of the federal government versus Microsoft, overlooked the most important point: whether or not there has been harm to consumers. We hear conflicting reports—(a) that the company's dominance in the market has resulted in higher prices and (b) that their dominance has produced a trend of prices dropping lower than cost for consumers.

How do consumers feel? In even the most recent public opinion polls, most consumers express their approval of Microsoft and the company's products. The reality of it is that the high-tech industry develops and changes so rapidly that since the trial began the face of the industry has changed, Linux has made great strides in the market with their operating system and several software companies have closed the gap between themselves and Microsoft.

I am sure that most consumers would be in favor of ending the lawsuit against Microsoft. The proposed settlement would end the suit and that is exactly what consumers are looking for. I urge the Judge to approve the settlement.

Sincerely,
Scott B. Glynn

MTC–00029943

Planning Enterprises
David A. Kulle
P.O Box 8019
Jupiter, FL 33468–8019
(800) 447–3660
(561) 335–3077
Fax (561) 335–0009
Robert C. Kulle
P.O. Box 601481
?? 75360–1481
(714) 361–5707
?? (214) ??-3110
fax (214) 378-??
January 26, 2002
Attorney General
John Ashcroft
US Department of Justice
Washington, DC 20530

Dear Mr. Ashcroft,

I have been a firm supporter of Microsoft for many years and my philosophy as far as this settlement goes is that I will support anything that is in Microsoft's best interest. As far as the settlement reached in the antitrust case, I am willing to express support for it in the interest of closure. I feel this entire lawsuit was unwarranted and a complete contradiction to the spirit of free enterprise. Bringing closure to this as soon as possible will be in the best interest of consumers, the economy, and the IT industry on a whole.

It is very hard for me to imagine why there are still States that wish to pursue this matter when one considers the severity of our economic situation. What exactly is the issue? Microsoft has made several concessions in this settlement that will doubtless have adverse effects on their own competitiveness. For example, Microsoft has agreed not to obligate third parties to distribute or promote Windows technology exclusively or at a fixed percentage. Also, Microsoft will make no attempt to obligate software developer to only create Windows-compatible software. I am very pleased with the Microsoft's obvious compliance and hope that you will aggressively pursue means that will pacify the concerns of the dissatisfied states and bring this matter to close immediately.

Sincerely,
Cynthia Kulle

MTC–00029944

TIM GOLBA
13G24 S. S?? STREET

??. KS 66062
January 23, 2002
MS. Renata Hesse
Trial Attorney
Anti-trust Division
U.S. Department of Justice
601 ''D'' Street NW,
Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

Our country is experiencing a recession like we have not seen in decades. Many factors have contributed to our shaken economy, but the onset of the Microsoft antitrust case really bit into the NASDAO, shaking confidence of investors and consumers. It is important to remember that for the first time in history, more than half of American citizens are invested in the stock markets. I am pleased to see the significant steps President George W. Bush has taken to offset the panic of the American consumer in the form of tax rebates and tax cuts. We are fortunate to have such a proactive in office.

Information regarding the lawsuit is readily available through every imaginable media source, and I couldn't help but notice that tech stocks parked up a little with news of the ?? settlement. I appeal to your sense of good ?? and ask you to endorse the settlement. I fear that further litigation and regulation will further damage our economy and morale. Rest assured that an end to this lawsuit would result in a collective sigh of relief from the entire nation.

Sincerely,
Tim Golba

MTC–00029945

January 28, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street N W, Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

I live and work in a Midwestern state that is constantly battling to keep our citizens here to work and raise their families. One of the most important incentives we have to offer is a growing technology industry, which we affectionately refer to as ''Silicorn Valley.''

I've watched with much interest the progress of the Justice Department's suit against Microsoft. I understand the issues involved, but more importantly, I've felt the impact of the lawsuit on my own pocketbook. As a young investor, I have a portion of my retirement savings invested in the technology sector and have watched my returns deflate along with the sinking economy and can't help but assume that this lawsuit has some bearing on my poor returns.

Common sense tells me tells me that the quicker we can ?? this issue ?? the better off all Americans will be, particularly those Americans whose livelihood is directly dependent on the technology industry and those whose retirement savings could use a shot in the arm.

Please give your utmost consideration to the settlement before you. An approval of the settlement will go far in jump-starting the economy and actting America back on the road to prosperity.

Thank you for your consideration.
Sincerely,
Susan Severino
Office of the Speaker
?? House of ??
State Capital
Des Moines, IA 50319

MTC–00029946

34–20 l2th Street
Long Island City, NY 11106
January 22. 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing you to express my opinion in regards to the Microsoft settlement. The settlement that was reached in November is fair and reasonable, and I am extremely anxious to see this settlement finalized. This three-year-long litigation against Microsoft has been expensive and a waste of resources.

Microsoft has agreed to all terms and conditions of this agreement. Microsoft has agreed to document and disclose for use by its competitors various interfaces that are internal to Windows'' operating system products. Microsoft has also agreed not to enter into any agreements obligating any third party to distribute or promote any Windows technology exclusively or in a fixed percentage, subject to certain narrow exceptions where no competitive concern is present. This settlement will create more opportunities for other companies and make ''it easier for these companies to compete against Microsoft. Please support this settlement so this company can remain together and continue benefiting our society, with inventive software that makes our lives easier. Thank you for your support.

Sincerely,
Stefanos Evangelinos

MTC–00029947

January 28,2002
Attorney General John Ashcroft
Department of Justice
950 Pennsylvania Avenue
Washington, DC 20530

Dear Mr. Ashcroft,

The pending settlement between Microsoft and the federal government presents an opportunity to bring this case to a close. This suit has distracted Microsoft and the nation from more pressing priorities for too long, and this settlement will allow us to get back to business.

The settlement will, in effect, force Microsoft to treat its competitors in a more sympathetic way. For example, Microsoft has agreed to avoid retaliation against any computer makers who ship software that competes with anything in Windows. This alone will increase competition among software developers. Additionally, Microsoft has agreed to share its code for the Windows operating system that will enable its competitors to configure software that is fully compatible with Windows. Most vexing, however, is the provision that places Microsoft under the oversight of a government mandated technical review committee. As the president of a business, I can say that I would not relish the idea of my company being watched by the government at all times.

This lawsuit has drained resources on both sides for more than three years. The settlement can stop the resource drain, and at the same time make the IT sector more competitive. I support it wholeheartedly, and believe that it is in the best interest of the nation. Thank you for your time and efforts in Washington.

Sincerely,
Carol Conway
President

MTC–00029948

Renata Hesse
Department of Justice, Antitrust Department
601 D St NW
Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

I am writing as a Kansas State Representative and Vice Chairman of the House Business, Commerce, and Labor Committee. As settlement in the Microsoft suit hangs in the balance, I write with genuine concern for the future of our industry.

The Microsoft Antitrust suit was brought to fruition due to antiquated rules and regulations written during the development of the railroads, Microsoft's harm to the consumer has yet to be proven; point in fact, there is a discrepancy in claims that Microsoft: has undercut the competition by under pricing, yet there are contradicting claims that Microsoft has overcharged the consumer.

Microsoft is primarily guilty of supplying a terrific product for a huge niche market. A market they actually helped to grow due to high demand for the technology they pioneered. The prosecution of Microsoft for giving the consumer what they ask for is absurd. Like an>, business, Microsoft has tried to protect the details of their products from competitors and tried to maintain their market share.

The real meat of this lawsuit lies in the antitrust laws themselves. Microsoft's competitors have merged and aligned in a full attack in hopes of gaining Microsoft's market share through court orders rather than through the free market system. It's as if these laws are allowing the competition to monopolize Microsoft with protection of the courts.

In the time since the lawsuit was introduced, the software and tech industries have ?? into a living, breathing organism, changing daily with each new advance. Paid far by leggy long for State Representative, Rayburn, Treasure. PO Box 546—Madison, KS 66860–0546 (620) 437–283—peglong@ink.org

There are no linear changes here. Each new advance seems to drive the consumer toward a different direction. This reality holds no marker share security for Microsoft. In your consideration of the settlement of this suit, please be thoughtful as to the root of the problem, outdated antitrust law. Prompt settlement will appease the competition, but more importantly let industry move on without such slowing scrutiny.

Cordially,
Representative Peggy Long

MTC–00029949 LARRY McKIBBEN

9STATE SENATOR
Thirty-second District
Statehouse (515) 281–3171
e mail Larry mekibben@legis.state.la.us
HOME: ADDRIESS
P.O. Box 618
Marshulltown, lowa 501.58
The Senate
State of lowa
Seventy-ninth General Assembly
STATEHOUSE
Des Moines, Iowa 50319
Appropriations
Business & labor Relations
local Government
Ways and means, Chair
Transportation, ?? &
Capitals Appropriations ??
January 28,2002
Judge Kollar Kotelly
c/o Ms. Renata Hesse LI.S, Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Your Honor,

The new economy has been the source of an economic and technological renaissance in America and Microsoft has been a part of that from the beginning. At the dawn of the Information Age, there is no denying the importance of the technology industry to America's prosperity in the 21st century.

As an elected official, I need to ensure an environment that allows the technology industry's entrepreneurial freedom to innovate and reinvigorate our economy. We need a return of the self-regulating competition that has built this industry into the most vibrant and successful in the world. The U.S. economy stands to grow by leaps and bounds in coming years, all due to the innovation, competition, and customer-focused attitude of our high tech community.

This case opened a Pandora's box of litigation and regulation that is already stifling competition, cramping innovation, and haring consumers and investors. Microsoft's presence in the market increased competition and innovation driving down costs for consumers, Microsoft helped set a high standard in the market and raised the bar for competitors many of whom have stepped up to the plate and become viable competitors to Microsoft.

Considering a snapshot of the high-tech industry when this case started compared to one from today, it is a much different picture Aside from the fact that the industry has outgrown this case, the proposed Final Judgment would decidedly help our economy and hopefully close the lid on the Pandora's box it opened. I urge you to approve the settlement.

Sincerely,
Larry Mekibben

MTC–00029950

Bonnie Wood
116 Timber Springs Lane
Exton, PA 19341
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Fax 1–202–307–1454
Page 1 of 1

Dear Mr. Ashcroft:

This letter is to give my support to the Microsoft and Department of Justice settlement. Microsoft is one of our greatest companies and I resent the government interference in what is basically competition between technology companies. I doubt whether Microsoft has done anything that the other firms have not. More likely, the other firms could not compete and have gone crying to the government. They just want a bigger piece of the pie.

You don't have to look any further than AT&T to see the havoc that can result from breaking up certain so-called monopolies. AT&T was deemed a monopoly while we had the best service in the world. Now, no one can understand the half-dozen phone bills received each month from strange sounding phone companies. Phone companies come and go with alarming frequency, and those that stay in business seem to be merging all back together. I often wonder if I would have been better off if AT&T had been left alone.

The same may be true for Microsoft. In any event, Microsoft and the Justice Department have reached an agreement. Microsoft has agreed to open the company up to third party, innovation; has agreed to disclose internal source codes for Windows; and agreed to an oversight committee. This is more than fair.

I urge you to give your approval to this agreement.

Thank you for your consideration of my views.

Sincerely,
Bonnie Wood
cc: Senator Rick Santorum
202–228–0604

MTC–00029951

THE HENRY HAZLITT FOUNDATION
Free-Market.Net: The Freedom Network
40t N. Franklin St., Sulte 3E
Chicago, IL 60610
(312) 494–9440
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e-mall: info@hazlltt.org
http://www.free.market, net
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Virginia Postral
Reason magazine
Andrea Millen Rich
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Dr. Jeremy Shearmur
Australian National UniverSity
Dr. Thomas Szasz
SUNY Health Science Center
Dr. Walter E. Williams
George Mason University
January 25, 2002
Renata Hesse
Department of Justice
Antitrust Division
601 D St NW, Ste 1200
Washington, DC 20530

Dear Ms. Hesse,

The settlement before the court in the Microsoft antitrust case is not ideal. The premise for this case was unwarranted to begin with. The antitrust laws being applied are subjective and left to regulators to interpret—in this case not even for the benefit of consumers. All things considered, I still write you today to encourage Judge Kolar Kottely to support the proposal.

The settlement gives the government most of what they wanted, stopping short of breaking up the company. Among other measures, the company is required to disclose significant proprietary information to its competitors. This is a significant and meaningful punishment. To enforce the terms of the settlement, Microsoft engineers will have to put up with a team of three on-site, full-time monitors. The monitors will have access to all of the company's records and personnel, and Microsoft will even have to pick up the tab for their offices and up-keep. Again, this is a significant and meaningful punishment that provides ample ground for the state to make the case to the public that justice has been served.

The end of the conflict between Microsoft and the federal government will restore a much-needed measure of ''certainty in the marketplace,'' as the Justice Department itself has claimed. Consumers and business partners will no longer have to fear the dismemberment of a major player in the software industry. I, as a Microsoft customer, won't have to worry about dealing with more vendors to get the same goods and services. People will be able to make plans for the future with a somewhat reinforced sense of confidence.

But real certainty in today's marketplace requires a knowledge of what's legal and what's illegal. While the Microsoft settlement seems to put a high-profile conflict to rest, it doesn't deal with the larger problems that sparked that battle. As long as legislation that means whatever bureaucrats say remains on the books, conflict will continue between frustrated businesses and arbitrary regulators.

So, I urge you to take this needed step toward bringing this chapter to an end. And I encourage the Department of Justice to work with the legislative branch to carefully re-examine and restructure, or, preferably, repeal the Sherman Antitrust Law.

Thank You,
Louis James
President

MTC–00029952

January 28, 2002
Attorney, General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am the controller of a diamond wholesale company writing to give my support to the recent Department of Justice and Microsoft antitrust case. This settlement was reached after three months of intense, round-the-clock negotiations endorsed by a federal judge. Ongoing persecution of one of the strongest companies m our country is unfair, and stands in stark relief to how much positive difference Bill Gates has made in the computer industry.

When I first started using computers, interoperability was virtually nonexistent, and computers were not user-friendly at all. Now, with Windows, I can install everything myself. I am not a computer expert by any means, but bemuse of Microsoft's simple programs, I have been able to customize my computer to my specifications.

The envious competitors who foisted this lawsuit on America now claim that the settlement is not strict enough. Any objective view of the settlement, however, shows that Microsoft is more than fairly reprimanded. Microsoft has agreed to change Windows so that it will be even easier to install programs, and Microsoft has agreed to share any interfaces that Windows uses to communicate with other programs. This alone is more than enough, and should placate even the shrillest of the competition.

I urge you to continue your support to this agreement.

Sincerely,
Irene Chin
Controller
FULLCUT
M?? Inc.
MAK?? BIRN??ACH)
CHAIRHAN
?? FIFTH AVENUE
NEW YORK. N.Y. 10017
(212) 681–00??0
January 28, 21302
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft;

I am writing on this last day of the comment period to express my full support of the recent settlement in the antitrust case between Microsoft and the US Department of Justice. The lawsuit dragged on too long and now it is definitely in the best interests of the American public to end litigation against Microsoft.

I am a Microsoft supporter. I do not think my rights as a consumer have been infringed upon. In fact, 1 think that Microsoft has standardized the industry and made it mush easier for users. The terms of the settlement are fair. Microsoft has agreed to increase its relations with computer makers and software developers, design future Windows'' versions so that competitors can more easily promote their own products and form a three person team to monitor compliance with the settlement.

I hope your office implements the settlement as soon as possible. Our nation needs Microsoft as the cornerstone of the tech sector. Please suppress the opposition from the nine states and make this thing a reality.

Sincerely
Max Birnbach
President

MTC–00029953

Mrs. Victoria Jenson
32710 WEST ??IST TERRACE
DESOTO, KS 66018
January 19, 2002
Ms, Renata Hesse
U.S. Department of Justice, Anti-trust
601 ''D'' Street NW, Suite 200
Washington, DC 20530

Ms. Hesse:

I appreciate the chance to comment under the Tunney Act on the settlement that has been proposed to end the Department of Justice's anti-trust suit against Microsoft.

I am in favor of settlement of the suit. I believe the suit should be brought to an end. as soon as possible. In my opinion, the case should not have been brought in die fiat place. The fact that nine states and the Department of Justice trove found common ground with Microsoft to settle the case is a very positive development for the entire nation,

It seems to me that the laws governing anti-trust suits are not designed to -keep up with a constantly changing industry like high technology. That said, the proposed settlement does reach a solid middle ground that cakes measures to ensure competition without over-reaching the role of government regulators.

The settlement is a fair and reasonable way to end this suit. I urge the judge to approve it.

Sincerely,
Victoria Jenson

MTC–00029954

165 E 32nd Street
Apt. 2B
New York, NY 1 0016–6054
January 17, 2002
Atty. Gen. John Ashcroft
950 Penn. Ave., NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing in regards to the antitrust settlement reached between Microsoft and the Department of Justice. I am in favor of bringing the litigation process to an end immediately, and I support the current settlement. The antitrust suit with Microsoft has been going for three years now, and with a settlement proposed is the time to put this issue to bed once and for all.

Under the terms set forth in the current settlement, Microsoft has agreed to make several major changes in the way it operates and interacts with other companies, consumers, and in particular with its competitors. Microsoft has agreed to license its Windows products out to the 20 largest computer manufacturers on identical terms and conditions, Additionally Microsoft will no longer enter into any agreements with third parties to exclusively distribute or promote Windows family products, unless there are no competitive concerns present in the particular situation.

While I feel that many of the aspects of the settlement are too restrictive on Microsoft I am still in favor of the settlement as a whole. Now more then ever we need companies such as Microsoft, leaders in the industry, who are financially able to weather our current economic storm. At a time when the economy is dwindling and layoffs are prominent we should not be penalizing successful companies. For these reasons I urge you to support the antitrust settlement and take no further action against Microsoft.

Sincerely,
Jorge Godoy

MTC–00029955

AMERICA
GENERAL
FINANCIAL GROUP
MOORE FINANCIAL GROUP

Please deliver the following documents to the person or department listed below as quickly as possible. Thank Your
NAME: Renata Hesse
COMPANY: 1/28/01
DATE:(202) 616–9937
PHONE NO.:
FAX NO.:
COMMENTS:
PERSON SENDING THIS FAX: Bill

Should there be any difficulty reading this document or if all pages have not been received,
please call (337) 261–1006 for assistance.
William E. ''Bill'' Moore
Registered Representative
P.O. Box 92802
Lafayette, LA 70509
(337) 261–1006
Fax: (337) 236–5566
January 23, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington DC 20530
FAX: 202–616–9937
RE: Settlement of U.S.v. Microsoft

I share the government's concern about consumer harm in the fast growing technology industry. However, I am aware that the settlement agreement provides resources, access, and authority to respond to complaints about Microsoft's compliance.

I am aware that the negotiators have worked out a settlement that may not satisfy, anyone, but includes something for everyone. Usually that is the sign of a fair settlement.

Therefore I believe that it is time to settle this case. As our economy begins to try to rebound, finality in this case would be a great boost. I appreciate your consideration of this important matter.

Sincerely,

MTC–00029956

Anne G. Pullin, President
AAA, FRICS, GG
2887 Wright Avenue
Winter Park, FL 32789
Personal Property Appraisals & Consultations Fine & Decorative
Arts—Antiques
January 28,2000
Attorney General John Ash??? Sales—Art Market Research
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC20530
Phone: (407) 644–2156 jimannep@worldnet.att.net

Dear Mr. Ashcroft:

I am concerned about the states and now AOL currently seeking litigation and more litigation against Microsoft They all seem to be operating only on a basis of greed and without a firm foundation for claims. Or else, they are suffering from sour grapes because they have not been able to bring to the market a product that was as good or as easily usable by people like me. I have used Microsoft products since Word Version One came out. In fact I bought my first computer because research indicated that it would be the best and easiest product to use. Time tins proved me correct.

Microsoft has helped me in so many ways to improve my business: I can exchange information without telephone calls and long retyping of material. Everything is less expensive to operate and buy—from computers to all the software.

I tried Netscape -what a pain it was to use. And AOL is the only E-mail service that I have not been able to exchange images with Microsoft walked away with the business because they had better products and were good about customer service. They have always been able to get me operating—and I am a complete novice to the technical end of this business. I cannot say this for many other software products.

As an example of their products: I took my old DOS with the Multiplan spreadsheet to Europe. Used the old DOS computer because the battery had 6 hours, and I was working in an ancient library. Recorded my data. Brought the data home into Excel and then into Access. It all worked like a charm.

Sincerely,
Anne Pullin
CC: Representative Ric Keller

MTC–00029957

True Blue—Freedom
January 26, 2002
Board of Adojsors
Hon.john A. ??
R??? 8ty ???istrict Ohio
Hon John Kastoh, For??? Chai???
Congressional ???dget ???
???hn S. Dowlin, Co???ssion???
Han??? Couny
Wayne ??? Prestent
Data Rank Cerp
Gregg Schole Ventech
Ranata B, Hesse
Fax 202–616–9937

Dear Renata:

While I am pleased that the Tunney Act allows me to make an input on behalf of True Blue'8 membership across America In regard to the proposed Microsoft settlement, I want to be candid. The federal government's pursuit of Microsoft damaged consumers and the economy, as follows:

. Consumers paid more than $30 million in taxes to sue a company that has consistently created and marketed better products at a lower cost.

. Investors lost millions more as the tech sector of the stock market sagged under the Impact of the threat to break up Microsoft, adding Impetus to a recession.

. Taxpayers, whose Interests are the key priority of lawmakers, paid lawmakers and attorneys'' salaries to work on behalf of the competitors of Microsoft. (Personally, I'm not sure I'll ever want to buy products from companies that whine to the Papa Fools to secure taxpayer funding of their marketplace fights.)

Asking Microsoft to hire a staff and provide offices for a bureaucracy to enforce the settlement is simply using a socialist mechanism to control an Industry. At best, such an office should exist no longer than 12–18 months, and then be completely terminated, If Congress determines a need for such an agency, we can place the idea before Congress, debate the law, and vote. The Court must not become a bureaucracy-creating and bureaucracy-enforcing entity.

Every State Attorney General who continues in this suit clearly morphs his/her office into collection arm grabbing for taxpayer dollars. It is disturbing that the Attorneys General, who are funded by taxpayers at the state level, are grasping for families'' earnings at the federal level, too We urge you to end this matter and allow Microsoft to return to what it does best: Innovating to serve consumers. Consumers will see that Microsoft offers flexibility and demonstrates its resolve to become an ever better industry leader.

Yours truly,
Patricla R. Cooksey, President

MTC–00029958

Attention: Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street. NW, Suite I200
Washington, DC 20530

Dear Ms. Hesse.

I often encourage my students to speak up when they have, an opinion on a current event. I decided recently to heed my own advice and speak up on the proposed proposed Microsoft settlement during this open comment period.

As a teacher in a small rural school. I am encouraged by the possibility that Microsoft has offered to donate millions of dollars of computer equipment to schools like the one where I teach. Many times, rural schools have a hard timer keeping up with technological advances and opportunities available at larger, more urban schools. I believe the settlement proposed by the Bush administration would go a long wary toward leveling the playing field for students who attend rural schools by allowing them access to cutting edge computer technology. Thank you for your work on this important case. I urge you to approve the settlement

Sincerely
Connie Morris

MTC–00029959

Jim Waldo
1202 April Lane
Green Bay, WI 54304–4106
(920) 494–4628 (Voice & Automatic Fax, if our fax does not recognize ≤yours, dial # 11 during ringing
Cell Phone: (920) 362–3623
EMAIL: JIMWALDO2@CS.COM
January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to say that I fully support the Microsoft settlement. I feel that if Microsoft is going to comply with all the terms and conditions of the settlement agreement, then the Justice department should conclude their investigations in this matter. The country needs to go on with it business of production and development in regards to the tech industry.

One way in which Microsoft has agreed to comply in regards to the settlement, is the three expert technical committee, which was formed to make sure that Microsoft will not step out of the bounds of the agreement. If another group finds Microsoft acting inappropriately, that group can take up a formal grievance with a number of individuals appointed by the government and who are associated with this case.

I know that you will make the right decision for all Americans. End this case now, and let the country keep moving.

Sincerely,
Jim Waldo
cc: Representative Mark Green

MTC–00029960

TO: John Ashcroft
Department of Justice
202616–9937
FROM: Calvin A. Jordan
3800 Meredith Drive
Greensboro. NC 27408
January 28, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue. NW
Washington. DC 20530–0001

Dear Mr. Ashcroft:

For a long time I have followed the antitrust, suit being brought on Microsoft by the Justice Department. After more than three years of litigation, a settlement has finally been reached. The purpose of this letter is to show my support for this settlement. This case has simply gone on far too long.

Unfortunately, some powerful opponents of Microsoft would like to see this settlement, revoked, and are pressuring the Justice Department to withdraw this offer. They believe that the settlement does not go far enough. This is where I distinctly disagree. Under the terms of the settlement, Microsoft will allow easy access to its operating systems for competing software firms. Also under the terms of the settlement. Microsoft will be monitored full-time by the government, and can still face lawsuits from competing companies.

The government at the State and Federal levels must fully support, the settlement for it t come to fruition. After three years and millions of dollars, isolated opponents should not be allowed to spoil the work of the DOJ to settle this case. I stand behind the settlement 100%, and appreciate this outlet to have my opinion count.

Sincerely

Calvin A. Jordan

cc: Representative Howard Coble

MTC–00029962

Post-it Fax Note 7671 Date ??? 2
To ZEN???A HESSE From ZOB??? HAUS
Co./Dept. Dos Go.
Phone # Phonb #
Fax #202 616 9937 Fax #
Robert J. Haus
5501 Harwood Drive
Des Moines, IA 50312
(515) 277–3098 (horne)
(515) 490–0538 (office)
January 28, 2002
Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms, Hesse,

I am writing to take advantage of the opportunity to weigh in on the Microsoft antitrust settlement decision by the U.S. District Court. Thank you for this opportunity. Microsoft has been a leader in the technology industry with its software, operating system, and Internet browser. They are accused of being a monopoly, yet the companies fueling the case are identified as Microsoft's ''competitors''—seems like a contradiction.

Linux operating system (OS) is growing at an astounding pace taking a larger share of the market every day. It's able to capture more of the market because consumers are choosing the Linux OS over Windows. The customer is deciding which product best suits their needs—not the government.

Bill Gates took Microsoft to unforeseen levels with unmatched speed. His vision and business savvy made the company ''king of the hill''... for now. However, the high-tech industry grows at such rapid rates that no company will be ''king of the hill''... for long.

In the meantime, Microsoft's position in the market has not caused harm to the consumer. On a professional and personal level I appreciate the ease with which Windows works and my children would agree...it is simply the most user friendly software on the market today. Whether or not Microsoft is the best system for me is, and should remain, my own decision.

The settlement that the parties in this suit have come to is reasonable and delivers the government much of what it sought including a way to enforce the requirements set forth in the agreement. I respectfully request that you support the settlement in this ease.

Thank You,

Robert Haus

MTC–00029963

Kellene Walker
Route 4
??. KS 66736
January 22, 2002
Renata Hesse
Trial Attorney, Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DO 20530

Attorney Hesse,

I find it interesting that Apple is objecting to Microsoft's settlement offer, perhaps due to Microsoft's offer of cash, software, and computer equipment to schools in need, I think Apple pioneered the idea of discounting computers to schools and teachers in the 1980's, possibly in a smart strategy of gaining youth loyalty and influencing future sales, No matter, fair is fair. When Bill Gates and company were working out era garage, they had no more opportunity than any other person or company. Microsoft was literally built from nothing to an empire due to hard work, innovation, and by recognizing an untapped market.

Microsoft's biggest edge is that they pioneered the industry, and to date, they do it better than anyone else. Their business model is studied internationally. Of course Microsoft is a fierce competitor, there are no laws against that.

The bottom line is that freedom to innovate is there for everyone. This lawsuit borders on hindering that freedom. I strongly encourage you to approve the current settlement offer in a move to protect free commerce.

Sincerely,

Kellene Walker, RN

MTC–00029964

FORRESTST H. MUIRE, JR.
908 PRINCETON
MIDLAND, TEXAS 79701–4159
915–682–5097
email, ??uire.@swbell.net FAX 685–4091
January 23, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

Please accept the proposed settlement of the Microsoft anti-trust case. As a long-time user of Microsoft products, I see this agreement as the most practical solution for competitors to thrive, short of a break up that would risk consumers losing a quality, stable presence in the software industry.

Seemingly inspired by a lack of monetary support from the last administration, this government intervention into the business world has been off base from the start. With this deal, Microsoft's market position is clearly weakened, so any further litigation would be an even more misguided attempt to manipulate the marketplace on behalf of the ''consumer.'' Microsoft will allow computer manufacturers broad freedoms to configure Windows with the software of their choice without preference in future licensing deals and will provide competitors with extensive access to its internal code, among other agreed measures to expand competition. Considering the constant verification by a committee of experts to monitor the deal, I ask for you to support for this overly fair settlement. The IT industry and the economy will greatly benefit from the return of stability to the software marketplace. Thank you very much for your support.

Sincerely,

Forrest Muire

MTC–00029965

SEAN GALVIN
Renata Hesse, Esq.
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Via Facsimile 202–616–9957

Dear Ms. Hesse:

I am writing to express my support for Microsoft case's settlement with the federal government. Considering the poor state of the economy, the last thing consumers need prolonged litigation resulting in additional oppression of the high tech industry.

Consumers, on the whole, were harmed by the case far more than they were ever harmed by the conduct described by it. It's been a long time since the high tech industry was truly free to compete and innovate without fear of repercussions from the government, but now that that time has come again. I believe we will see great results in short order that could turn this economy around.

Sincerely,

Sean Galvin

MTC–00029966

Eric Movassaghi
1765 Coliseum St. #314
New Orleans, LA 70130
January 22, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington DC 20530
FAX: 202–616–9937
RE: Settlement of U.S.v. Microsoft

As the owner of a private business I know how fierce competition can be out in the open market. And I do appreciate the government's role in protecting consumers against monopolistic activities. However, this case has gone on long enough and I am hopeful that the proposed settlement will be approved.

It is important to my business that our economy begin to turn around and I think the technology sector is important to the rebound. A final settlement in this case will provide that boost and protect consumers at the same time. I am hopeful that the settlement is approved soon.

Thank you for your consideration of my views.

Sincerely,

MTC–00029967

Inwoodola
Jan 28, 2002
Attn U.S. Department of Justice.
Regarding the lawsuit Against Microsoft

I think it is time to settle this and get it behind us so we can proceed with more important things such as economy and terrorists. I feel this Company is being punished for being successful and that most libly have not done anything more out of their time than those that are bringing

charges against them. Lets get on with it and say it is done!

Sincerely,

Mark Hanson

MTC–00029968

FACSIMILE TRANSMISSION COVER SHEET
Transmission Date: 2/28/02
Total Pages: 2(Including cover page
FROM: Attorney James R. Graves
TO FAX NO: (202) 307–1454
TO THE ATTENTION OF: Renata B. Hesse Antitrust Division
RE: Letter to Attorney General John Ashcroft
January 28, 2002
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

As a Microsoft supporter, I would like to point out some reasons why the antitrust case should be closed at the federal level. The settlement is fair and reasonable, and has been extensive enough for nine states to approve. I fear that the states pursuing further litigation will never be satisified. Under the terms of the agreement, Microsoft will make significant changes in the way it develops and licenses its software. The corporation has agreed to more or less open its inventions to the competition, allowing them to use the success of Windows to launch their own competing products. For instance, Microsoft has granted broad new rights to software engineers and computer makers to configure Windows so that competing programs can be promoted on Windows itself.

Although these concessions make antitrust precedent, Microsoft has been willing to change in an effort to bring this case to a close. As long as the industry leader is giving away market share, there will always be those that want more. I hope you will pay attention to the merits of this case.

If so, you will see fit to end this matter.

Very truly yours,

James R. Graves Attorney-at-Law

MTC–00029969

2 High Stepper Court, Apt, 406
Pikesville, MD 21208
January 17, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to ask that you give your support to the settlement reached between Microsoft and the Department of Justice I am a retired electrical engineer. I know computers, and I know Microsoft. I believe Microsoft was all right; in no way did it monopolize the market. Bill Gates'' main strength was that he was simply quicker and smarter than the other fellows. Bill Gates recognized the need for standardized software programs and filled it. Then he marketed it brilliantly. There are any number of firms out there in other industries whose product is not necessarily better, it's just that they are smarter in promoting it and changing to fulfill public need. MBAs are taught this very lesson Bill Gates was hauled into court out of jealousy, not any unfair business practices.

I also understand from the settlement, Microsoft will be opening up its source codes for the Windows operating system. This is a lot more than other firms would do Microsoft has also agreed to a technical committee that will oversee Microsoft's compliance. Microsoft has more than paid for any sins it may have committed. I urge you, for the good of the county, for business, for the general public, to give your support to this settlement. Thank you.

Sincerely,

Bernard Gerber

MTC–00029970

WILCO VETERINARY CLINIC
RR 4. BOX 188. FREDONIA. KS 66736
January 14, 2002
Judge Renata Hesse
U.S. Department of Justice Anti-Trust Division
601 ''D'' Street Northwest, #1200
Washington, DC 20880

Dear Ms. Hesse:

The purpose of this letter is to add my comments to the record regarding the anti-trust lawsuit filed against Microsoft.

As a veterinarian and businessman, I believe in as little interference as possible in the operations of a private company. Though I see the value of having anti-trust statutes in place to protect the public from, anti-competitive practices. I also believe that in this case, those statutes have not been properly applied.

While it is true that Microsoft is a large company and has earned a great share of the computer and software marker, I believe that has happened because Microsoft offers great products at reasonable prices. I do not believe it has been demonstrated that Microsoft has been engaging in anti-competitive practices that would warrant an anti-trust lawsuit of this type. I further believe that to continue pursuing this lawsuit will only sap state and federal resources that are already in short supply and cause unnecessary damage to a company that has contributed a great deal to the American economy and way of life.

I urge you to affirm the settlement proposed by the Bush Administration and agreed to by many state Attorneys General.

Sincerely,

Dr. Charles Fox

MTC–00029971

2800 Blue Spruce Lane
Silver Spring, Maryland 20906
January 13, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania A venue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

After a long, difficult three years, the Department of Justice has settled its antitrust suit against Microsoft. Microsoft did not get off easy. The firm went far beyond what was originally mentioned in the antitrust case. Microsoft has substantially opened up the company to competitors of Microsoft. Something I do not think any other firm would have done. But it is time to move on. It should be over. We cannot keep dragging the case on. Congress is arguing about a stimulus package, but keeps one of our major companies tied down with litigation. I support the settlement, and look forward to the boost ending this case will give our economy. Thank you for your time and consideration,

Sincerely.

Eldridge Parks

MTC–00029972

East 1751 Riverview Drive
Postfalls, Idaho 83854
January 17,2002
Attorney General John Ashcroft
US Department of Justice
950 Pert??is Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The antitrust law was designed to Protect consumers from abuse by a company. Not to monitor competition between businesses, which is what happened with the antitrust case brought against Microsoft by the Department of Justice. A settlement has been reached and I am writing to ask that you give your rapport to this agreement. The original antitrust suit against Microsoft was badly misinterpreted. Microsoft has not harmed consumers; on the contrary, Bill Gates has helped consumers enormously in understanding the technological revolution that has descended upon us. He has made software easier to understand, easier to imegrate, and much more affordable. What he has not done is pay court to the powers that be in Washington, or appeased his competitors by not being too successful. Hence, we have our antitrust lawsuit against Microsoft. However, the case is over, and it is time to move on.

Microsoft has met the demands by the Department of Justice by agreeing to configure its Windows program to allow competing software to be inserted; Microsoft his agreed to help companies achieve a greater degree of reliability with their networking software, and Microsoft has agreed to terms that extend well beyond the products and procedures ?? in the original lawsuit. Whatever ''sins'' Microsoft may have committed, they have more than paid for. I urge you to give your support to this agreement. It is time to get back on track. We have been through some rough times and now need to concentrate on getting our ??my going again.

Microsoft can help us to this, if we allow it. Thank you.

Sincerely,

James Rocca

cc: Senator Larry Craig

MTC–00029973

Attorney General
Department of Justice
Washington, DC
FAX 1–202–307–1454 or 1–202–616–9937

Please settle the Microsoft case with the current findings.

We feel the prosecution of Microsoft has been and is detrimental to the entire economy. The public has been penalized by actions of the federal government in this unreasonable prosecution by the government,

Microsoft competitors, various states where the competitors reside and a prejudice judge. We feel Microsoft has a better product and should not be prosecuted for making the best successful economy in history and its prosecution led to the recession. It appears the other giants, i.e. Exxon and Mobile, merging banks, merging lumber companies, etc., manage to merge and be monopolistic to the detriment of the regular citizen causing increased prices and the federal government does not interfere.

While Microsoft gets punished for going it alone (without political aid) and the other giants lobby Congress, we (everyday citizens) have to pay the higher prices. Please settle this matter with the current decisions and do not carry it out any longer. Forcing Microsoft to help their competitors is unAmerican.

Sincerely,
Joe Brennan
Betty Brennan
FAX 206–878–1681
January 28, 2001

MTC–00029974

January 26, 2002
Attorney General John Ashcroft
US Dement of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–000

Dear Mr. Ashcroft:

I have taken this opportunity to write and express my opinion of the settlement that has been reached in the Microsoft antitrust case. I believe that we need to concentrate on issues of greater importance. I am pleased that a settlement has finally been reached in this case and that Microsoft will be able to continue doing business as a whole entity.

It is apparent to me that the people pursuing this litigation on are not looking for a good judgment in this case but rather the perpetuation of their own personal agendas. When government becomes involved in business, socialism becomes the rule of the day. I feel that this case has been fueled by jealousy and that until we reach a conclusion to this litigation free enterprise is stymied. The terms of the settlement are fair: Microsoft has agreed to design all future versions of Windows to be compatible with the products of its competitors, and they will also cease any behavior that may be considered retaliatory.

Please support this settlement. I trust that you will do all that is within your power to protect American businesses.

Sincerely,
Vanessa I. Castagliola, Leonard D. Castagliola Jr.

MTC–00029975

January 24, 2002
Attorney General John Ashcroft
US Justice Department
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am tired of the Justice Department using my tax dollars to fund litigation against Microsoft. No other company has provided the amazing tools that have helped businesses around the globe to produce their work faster and better.

The litigation was shaped and formed in the Clinton administration under the guidance of Microsoft's competitors. Had they put as much passion and energy into developing products that were worth using, they would not be in this fight.

Please, let's put the American machine to work protecting our people from terrorists inside and outside of America. Let the free market economy decide who has the better product. At the end of the day, it really doesn't matter what is loaded onto a computer. I can strip it down and build it back with whatever programs I so desire. To date, the competitive products have not been worth the effort.

I am a business owner who has a product that is so great; my clients won't go elsewhere ever again. Does that make me a monopoly too? By the way, I intend to make a profit this year. Is it cause for litigation by the Justice Department?

Sincerely Yours,
Laurie J. Mitchell, Director
EventForce, Inc.
1323 102nd Avenue NE
Bellevue, WA 98004
(425) 635–7696

MTC–00029976

J C BOATRZGIIT
1395 N Falkenburg Road
Tampa. FL 33619
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to you today in support of the settlement that was reached in the Microsoft antitrust dispute. I believe that this case needs to come to a close, and indeed, never should have been brought in the first place.

The settlement is reasonable, under its terms Microsoft will disclose information about the internal interface of its Windows operating system, this will enable its competitors to create new products that will work within the system. Microsoft will also design all future versions of Windows to be compatible with the products of other companies. Finally Microsoft will not engage in predatory business tactics, or exact revenge against any of its competitors. The company will be monitored the by a government appointed technical committee which will ensure that Microsoft complies with the terms of this settlement.

Microsoft is one of this nations greatest corporate assets. Attacking this company will not benefit the U.S. economy, the IT industry, or the American consumer. Thank you for doing all that is within your power to see this settlement pass. Thank you for your consideration of my position.

Sincerely,
J.C. Boatright

MTC–00029977

January 18, 2002
Ms. Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse,

The settlement of the Microsoft antitrust case can help our nation's struggling economy begin to improve.

Employers are challenged by the downswing in the economy. Many workers are seeking employment after being laid off. NASDAQ and technology stocks have been directly affected by the Microsoft lawsuit since the spring of 2000. It is imperative to draw closure to this litigation. I see that this is important to improve our economy and to encourage consumers. I urge you to agree with the settlement of the proposed Final Judgment antitrust case against Microsoft Corporation.

Sincerely,
Jack & Mary Woelfel
4346 $E Maryland
Topeka, KS 66609

MTC–00029978

EQUITRRC
THE TRACKING COMPANY
January 21, 2002
Attorney General John Ashcroft
U.S, Department of Justice
950 Pennsylvania Avenue
Washington, DC 20530–0001

Dear Mr. Ashcroft,

Your decision to settle the Justice Department's lawsuit against Microsoft offers every party involved in the matter the best of both worlds; Microsoft will cease its alleged unfair business practices to the immense benefit of its competitors while at the same be allowed to stay in tact as a company.

Microsoft certainly was penalized with more than a rap on the corporate knuckles. The settlement was arrived at after extensive negotiations with a court-appointed mediator. Important to note is Microsoft's agreeing to terms that extend well beyond the products and procedures that were actually part of the suit; it demonstrates how much Microsoft is committed to settle this lawsuit. Even though they may not realize k right now, Microsoft's biggest adversaries will benefit from the terms of the settlement. First of all, Microsoft has agreed to share its patented code for its Windows operating system with competitors. Second, Microsoft has agreed not to retaliate against computer makers who ship software that competes with anything in its Windows operating system. These two measures will significantly increase competition.

I hope the settlement process is quickly concluded and that the settlement is implemented as soon as possible.

Sincerely,
Gid Yousefi
836 Ponce de Leon Boulevard, Coral Gables, Florida 33134, (305) 442–2060, Fax (305) 442–0687

MTC–00029979

1449 Chelmsford Street NW
North Canton, OH 44720
January 27, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC
20530–0001

Dear Mr. Ashcroft:

Three years ago, Microsoft was brought to trial in the federal courts. Up until six months ago, absolutely no progress was made it was just a waste of time and money. Now, a settlement has been proposed and is currently awaiting approval. Microsoft's opponents believe that the settlement lets Microsoft off too lightly and that Microsoft holds a dangerous monopoly over the consumer. They are wrong. Microsoft did not get off lightly in the settlement, they do not hold a dangerous monopoly, and the only thing that is harming the consumer is the litigation itself. The economy has been crippled over the past several years, arid this is due in large part to the antitrust case, the amount of money that has been spent in litigation, and the panic of stockholders pulling out of their Microsoft shares. I do not believe it is in the best interest of the consumer to continue litigation against Microsoft. It can only do more damage to the economy and the technology industry.

The settlement needs no further deliberation or modification. Microsoft has been more than generous to its competitors, agreeing to terms that cover aspects of Microsoft technology and procedures that were not found to be in violation of antitrust laws. The settlement requires Microsoft to refrain from retaliation should software be introduced into the market that directly competes with Microsoft technology. Microsoft has also agreed to license the Windows operating system to twenty of the largest computer makers on identical terms and conditions, including price.

I can find no reason for litigation to be continued against Microsoft. As I see it, only more harm can come to the public if this drags on for much longer. I ask you to support the settlement as it now stands.

Sincerely,

Richard Miller

MTC–00029980

Senator W.Tom Sawyer, Jr.
3 State House Statum
Augasta, ME 04333–0003
(207) 287–1505
S?? Valley Ave.
Ranger, ME 04401
TEL (207) 942–1771
FAX (107) 943–3073
January 17, 2002
Renata Hesse, Trial Attorney
Antitrust Division—department of Justice
801 D Street NWW, Suite 1200
Washington, DC 20530
Fax 202–616–9937

Dear Ms. Hesse,

I am writing in regards to the proposed settlement negationed with Microsoft. As the former owner and CEO of a Maine Company that employed over 250 people and relied on negotiations with state and local governments for much of my business, I can appreciate first hard the complexity of dealing with issues that effect the public good. In fact that was a significant factor in why I chose to run for both local and state offices in my home town. I also have been involved in litigation and know the enormous drain it is on a business, and even its employees, many of whom are also stockholders, both financially and emotionally. That is why I feel it is in the best internet of the public and the government to accept the proposed settlement negotiated with Microsoft and move on. Having need a considerable amount surrounding the proposal, I feel it to be a beneficial arrangement for the general public in several ways.

It provides for the introduction of technology resources into the education system that will be functional and integrated. It offers the potential for widespread benefit because it includes money for teacher training and support as well as sorely needed hardware and software. These have proven to be more critical to the successful integration of technology than the latest version of computers and associated programs.

I also like the matching greats aspect of the proposed foundation. I have always felt in dealing with various nonprofit groups and charities with which I have been involved, that some contribution on the part of the recipient provided for appreciation of the items or services received. It just makes sense to me.

Fax (201) 287–1527 * TTY (207) 287–1858 * Message Service 1–800–423–6900 * Web Site: http://www.state.me.sul/legis/s??sts E-MAIL: S??@aol.com

MTC–00029981

Ms. Renata Hesse, Esq.
January 17, 2002
Page Two

To return for a moment to the matter of litigation, I am of the opinion that a civil case of prominence benefits our society in that it causes both parties to become more sensitive and responsive to issues that resulted in the suit to begin with. However, there comes a time where the need to resolve the case becomes crucial as it starts to drain productive resources from both parties. Our government's case has reached such a stage. Timing is always of the essence for all parties.

The legal actions to date have forced Microsoft, and many other large corporations, to rethink and modify their business practices if they have half a brain, which can only benefit the general public. Microsoft's willingness to reach a settlement of this magnitude demonstrates a responsive attitude and finally it brings to a productive conclusion a very expensive and burdensome lawsuit which has had adverse effects on the company's value and productivity during the period of the lawsuit and this too has an adverse effect on many citizens as well. As we have seen in the Enron debacle, stockholders are real people too.

At a time when the economy and our nation are in recovery, I feel settlement of this case to be in the general public's best Interest and urge the Attorney General to convey this message to all parties involved.

Thank you for consideration of my comments.

Enthusiastically,

MTC–00029982

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POLICY CENTER
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Washington, DC 20001
(202) 479–2873
Fax: (202) 479–2876
www.urbancure.org
January 24, 2002
Ms. Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001
SUBJECT: Microsoft Settlement

Dear Ms. Hesse:

I am writing to urge acceptance of the proposed Final Judgment offered by the U.S. Department of Justice and endorsed by nine state attorneys general to resolve the antitrust case against Microsoft Corporation.

I am president of the Coalition on Urban Renewal & Education (CURE), a 5-year-old independent nonprofit organization based in Los Angeles. CURE produces research and commentary on a wide range of public policy issues impacting America's inner cities and the poor. CURE promotes faith-based and free-market solutions on issues of race and poverty. CURE works with policy leaders, inner city pastors, entrepreneurs, college students and ex-welfare recipients to create an environment for self-government and free-enterprise.

This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DO]) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance—the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a

Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors'' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability, this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Star Parker
President

MTC–00029983

FACSIMILE TRANSMITTAL SHEET
TO: Ms. Renata Hesse
FROM: Rep. Jeff Plale
COMPANY: Department of Justice
DATE: 01/28/2002
FAX NUMBER: (202)616–9937
TOTAL NO. OF PAGES INCLUDING GOVER:2
PHONE NUMBER:
SENDER'S REFERENCE NUMBER
RE: U.S. v. Microsoft
YOUR REFERENCE NUMBER:
NOTES/COMMENTS:
Please call with any questians.
Thanks,
Rep. Jeff Plale (608) 266–0610
Jeff Plale
State Representative
21st Assembly District
OFFICE
State Capitol
P.O. Box 8953
Madlson, WI 53708–8953
(608) 266–0610
1–888–534–0021
Fax:
(608) 282–3621
E-Mall:
Rep.Plale@legis.state.wl.us
HOME
1404 Eighteenth Avenue
South?? 435
(414) 764–5292
Fax:
5404 18?? Avenue
(414) 571–0035
Printed on recycled paper
January 28, 2002
Ms. Renata Hesse
Trial Attorney
Department of Justice—Antitrust Division
601 D Street NW, Suite 11200
Washington DC 20530
Dear Ms. Hesse:

I am writing to encourage your swift approval of the settlement of the U.S. v. Microsoft case. As you are aware, Microsoft has been a worldwide leader in groundbreaking technology. This has been a tremendous benefit to consumers. Prompt settlement of this case is in the best interest of the state of Wisconsin, and my constituents in the 21st Assembly District. Microsoft's leading technology is of great advantage to our school children and the future of America. By file Department of Justice settling this case, Microsoft could again assist less fortunate school districts with much needed help in technology. To date, over $30 million dollars in taxpayer dollars has been needlessly spent on this case. It is time for the Department of Justice to move forward and approve the settlement of the U.S. v. Microsoft case.

Sincerely,
Jeff Plale
State Representative
21st Assembly District

MTC–00029984

JOSEPH TARTAGLIA
88 FARRELL DRIVE
WATERBURY, CT 06706
Renata Hesse, Esq.
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Via Facsimile 202–616–9937
Dear Ms Hesse:

This letter is to articulate my support for the proposed settlement in the Microsoft case. The fact that over $30 million in taxpayer dollars has been spent in this case during these trying economic times is proof enough that this case has gone on far too long. Hopefully, the settlement will signal a return to innovation without the threat of government intervention. The Department of Justice has done a commendable job in putting together an agreement that is fair but won't put Microsoft out of business. It is a reasonable conclusion to this case and I support it wholeheartedly.

Sincerely,
Joseph Tartaglia

MTC–00029985

ASSOCIATED BROKERS
OF SUN VALLEY, LLC
Real Estate
January 28, 2002
Mike Sampson
P.O. Box 2004
Sun Valley, ID 83353
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I am writing in support of Microsoft and believe this whole antitrust case has become political. I don't see how this benefits consumers and businesses—especially at the expense of the economy. The tech stocks are down. The technology sector is down. The employment numbers are down. Let Microsoft get back to work and the government get on with worthwhile business. The only people I see benefiting from this case are the lawyers.

I am a small businessman who employs 25 people. I have greatly benefited since 1982 from the products Microsoft produces and feel they have been more than fair to me. If their competitors can't put out a better product with competitive pricing and service that's their problem. I don't see why I should suffer as a small businessman. After years of extensive negotiations and mediation, Microsoft has gone out of their way to settle this case. They went well beyond what would be required in any antitrust case. They agreed to design future versions of Windows, starting with an interim release of XP, to provide a mechanism to make it easier for computer companies, consumers and software developers to promote their software within Windows.

Let's end this litigation so that we can focus on what's really important. Thanks,

Sincerely,
Mike Sampson
cc: Senator Larry Craig
P.O. Box 186, Sun Valley, Idaho 83353
Sun Valley Road & Main Street,
Ketchum, Idaho
208–226–5300 . Fax 208–726–4311

MTC–00029986

2724 Gladstone Avenue
Ann Arbor, MI 48104–6431
January 15, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, N-W
Washington, DC 20530–0001
Dear Mr. Ashcroft:

As a citizen of a state party to the pending Microsoft settlement, I would like to offer my support to the Justice Department approving the current deal and ending further legal action in this case. The seemingly envious reaction of the government to Microsoft's growing power and dominance in the technology industry, led to a lawsuit, then a misguided judgment, that far over-reached the right of government to manipulate the marketplace. This agreement seems like a reasonable compromise and should be approved, or risk alienating the public and hurting the economy. Based on the terms of the settlement, it would seem that Microsoft has made great strides to offer competitors more opportunities to succeed. They have agreed to not retaliate against computer makers who ship competitive software, offering broader fights to promote non-Microsoft programs within Windows and providing the top 20 manufacturers a uniform price structure to back up that promise. Starting with Microsoft XP, they will begin to provide a mechanism to make it easy to add access to competitive software, such as those from AOL or Real Networks, or even remove features within Windows. These steps seem like a major opportunity for competitors to show they can thrive in the Windows environment.

I ask for your approval of this very fair settlement, as both sides have proven able to compromise through negotiation with a court-appointed mediator and that work should be upheld. I appreciate your time and look forward to an intelligent decision.

Sincerely,
Vernon Kempfert

MTC–00029987

THE REGION'S CHAMBER
PRINCE WILLIAM REGIONAL CHAMBER OF COMMERCE
4320 Ridgewood Center Drive,
Prince William, Virginia 22192 ??
Tel. 703–590–5000 ??
703–590–9815
email: pwrcc@RegionalChamber.org ??
Internet: www.RegionalChamber.org
FAX COVER SHEET
To
DATE
BUSINESS FAX #
FROM
PAGES (??)
MESSAGE
PRINCE WILLIAM REGIONAL CHAMBER OF COMMERCE
VISION
To be the leading organization for businesses in the Prince William Region.
MISSION
To promote and improve the business climate through initiatives that stimulate economic growth, effect legislative change and enhance the region's quality of life.
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THE WATERS GROUP, INC.
FORT BELVOIR FEDERAL CREDIT UNION
Jan 3rd, 8:00 am Legislative Kick-off Breakfast, Manassas
Jan 10th, 5:30 pm BAH at the Hampton Inn Woodbridge
Jan 16th, 11:30 am Membership Meeting Luncheon at Montclair Country Club
Topic: State of the County
Sponsor: Washington Gas
Jan 18th, 12 pm Lunch Bunch at Burger King, River Oaks
Jan 22nd, 9:00 am New Member Orientation at River Run Senior Apartments
Jan 24th, 8:00 am Business Before Hours at the Chinn Center
Jan 26th, 6:30 pm Chairman's Dinner & the Silver Salute at Montclair Country Club
Happy New Year !
JOIN THE REGION'S CHAMBER NOW—DON'T MISS ANOTHER OPPORTUNITY!
Call (703) 590–5000 for Reservations/Directions/Information
January 28, 2002
Ms. Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street, Suite 1200
Washington, DC 20630
RE: Comments on the Microsoft Proposed Settlement Agreement
Dear Ms. Hesse:

The Prince William Regional Chamber of Commerce is writing this letter to express its support for the settlement reached by the U.S. Department of Justice, nine state attorneys general and Microsoft in the long-running antitrust lawsuit initiated by the federal government. The Region's Chamber is critically aware of how important it is to our national economy that all businesses be able to ''get back to business.'' There were many knowledgeable people guided by an internationally recognized mediator to reach the Microsoft settlement. We believe that additional litigation, following on the heels of many years of costly legal proceedings and on the subsequent work of those in mediation would serve only to prolong the negative impact on our economy of the Microsoft litigation.

Therefore, the Prince William Regional Chamber of Commerce, an organization of more than 800 businesses in the Prince William area, respectfully encourages the U.S. Department of Justice to urge the Courts to adopt the agreement with all due speed so that business and our national—and even international—economy can move forward again with certainty.

Sincerely,
Carol A. Kalbfleisch Laurie C. Wieder
Chairman of the Board President

MTC–00029988

MARLANE R. TAYLOR
4600 Laurel Ave.,
Grants Pass, OR 97527
541.471.4126
uscchirp@terragon.com
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 205301–0001
Re: Comments on Microsoft Antitrust Settlement
Dear Mr. Ashcroft:

It has been well over three years that I have watched the litigation debacle among the Department of Justice, states and other lawsuits against Microsoft. I have been dismayed that Judge Thomas Penfield Jackson's decision was allowed to stand in the first place, when it was obvious that he was biased before the trial ended and his ruling ought to have been tossed out in its entirety. That the litigation continues to date without settlement is egregious.

I am indignant that millions of our tax dollars have been wasted in pursuit of Microsoft, a tax-paying corporation that employs over 40,000 workers worldwide. In the past twenty-five years, it has been known for its software advances and innovation. It has established industry standards where there were none, advanced computer science, and single handedly has been the catalyst of the technological boom. They are only guilty of ''being very successful'' in what they do.

The DOJ's lawsuit has and continues to financially injure retirees, mutual funds, PERS state retirement funds, individual investors, and anyone who has invested in Microsoft. ''How in good conscious can the department justify this?'' So far, the DOJ has done more to disrupt business, injure the public, damage the economy and technology sector, and financial markets combined than what you claim Microsoft has done to the consumer.

Finally, it appeared there would be a settlement with Microsoft offering to undergo close scrutiny and willing to spend a billion dollars on computer science, hardware and software, teacher training and on-going assistance in the most needy schools. It is an innovative idea and adequate settlement offer, all of which is geared to help our youth become computer literate, as the business world will demand and expect of them for entry-level positions.

However, Judge Motz denied the offer, since he believes it gives Microsoft an unfair advantage and allows them to expand their market share into the school system. The judge fails to recognize that he alone is denying impoverished school districts, and the children therein, access to a computer education they will need in order to compete for jobs in the real world. He would rather have children computer-illiterate, because Microsoft might just benefit in some way. What's wrong with this picture?

His ruling is notably without justification, denying Microsoft's good faith offer to settle. Even in a perfect world, the judge's decision would still be wrong, very wrong. This litigation is a perfect example of an imperfect legal system. The ease has gone on far beyond anyone's imagination, and has become a virtual nightmare. The DOJ has seemingly painted itself into a corner, looking very inept. From my viewpoint, it seems the entire justice system needs a complete overhaul, because of its anti-business bias, and predilection against what constitutes normal and free competition in the business world. Judges need to be knowledgeable in the law, of course, but they also need to understand business, economics, capitalism, and who succeeds in business and why. Innovation is not a dirty word. Until now, our country has led the world in creativity and innovation thanks to Microsoft. Take a good look at all the companies that have stood on the shoulders of Microsoft and have ably competed in the marketplace for the last twenty-five years. The list is huge.

That Microsoft is willing to follow the provisions set forth, it should satisfy every one. It is past time to end this debacle. The states that are holding out simply want to pan for gold in Microsoft's deep pockets. There isn't one rational reason not to grant Microsoft's substantial offer of settlement, because, it IS in the public's interest.

The litigation has already cost millions of tax dollars for nothing. Moreover, the DOJ is directly responsible for the untold millions that it has cost Microsoft for its legal defense and representation—not to mention the financial fallout affecting millions of investors.

Enough of this: Settle the case.
Sincerely,
Marlane R. Taylor

MTC–00029989

1001 NW 63rd Street Suite 280
Oklahoma City, OK 73116
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I am writing to support the implementation of the recent settlement between the U.S.

Department of Justice and Microsoft. There is no sense in continuing litigation against a company that is the only bright in our sorry economy. I do not think the lawsuit should have begun in the first place. Microsoft has made a good offer and the nine states opposing the settlement should accept it. Microsoft is giving away technological secrets, granting broad new rights to computer makers to configure Windows so as to make it easier for non-Microsoft products to be promoted, and a three-person team will monitor compliance with settlement.

I urge your office to finalize the settlement and to make sure that further unnecessary lawsuits against Microsoft do not occur. Thank you. My losses in the stock market during the past year have been in excess or $2,000.000 and Microsoft is the only bright spot I have left in my technology portfolio. I urge you to get this lawsuit settled and allow Microsoft to work on behalf of the stockholders and America.

Sincerely,
George Platt
CC: Senator Don Nickles

MTC–00029990

From the Desk of Rick Bagley
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

I wanted to write to Judge Kollar-Kotelly to encourage her to approve of the settlement that has been reached between Microsoft, nine of the attorneys general and the Department of Justice in Washington. If you have a consensus like this with so many interested parties, it is hard to see what is standing in the way of approval of this settlement.

As a member of the school board in Forsyth County and a former employee of one of the largest law firms in the Southeastern United States, I am more than aware of what happens when the government gets involved in lawsuits. The effects of a lawsuit on any company, school or just an individual is chilling enough. But in this case, the effect of forward movement in the Microsoft lawsuit was devastating to millions of investors throughout America who were heavily invested into Microsoft stock. During this period and while many high-tech firms were losing ground, Microsoft continued to be strong and show good earnings. Yet, by facing a court trial and possible break up, Microsoft stock suffered a great deal as did investors as, at that time, Microsoft was the No. 1 held stock in pension and mutual funds. The reason that I would like to see a quick settlement in this case is to get the matter out of the courts so that Microsoft and the other parties can get back to business.

Thanks for your consideration of my views

Sincerely,
Rick Bagley
1195 Whispering Pines Dr.,
Kernersville, NC 27284

MTC–00029992

11234 NE 87th St.
Kirkland, WA 98033
January 28, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing today to encourage the Department of Justice to accept the Microsoft antitrust settlement. The entire case was uncalled for from the beginning. Now that there is a settlement that is fair I would like to see the government accept it and move on.

Many people think that Microsoft is getting off easy, this is simply not true. Microsoft has given up much to reach the settlement. Microsoft has agreed to allow computer makers the flexibility to install and promote any software that they see fit. Microsoft has also agreed to not enter into any agreement with any computer maker that would require them to use Microsoft software in any set percentage. Microsoft has also agreed to license Microsoft software at a set price no matter what kind of software the computer maker installs or promotes.

Microsoft has agreed to much in order to put the issue behind them. The government needs to accept the settlement and allow Microsoft to move forward. The only way to move forward is to put the issue in the past. Please accept the Microsoft antitrust settlement.

Sincerely,
Kenneth Jerome

MTC–00029993

CENTRAL CALIFORNIA
HISPANIC
CHAMBER of COMMERCE
Serving the Central Valley Business
Community from Stockton to Bakersfield
Since 1984
Fax
To: RENATA HESSE
From: ANTONIO GASTELUM
ANTITRUST DIVISION
EXECUTIVE DIRECTOR
DEPARTMENT OF JUSTICE
CENTRAL CALIFORNIA HISPANIC
CHAMBER OF COMMERCE
Fax: 202–616–9937
Pages: 2
Phone:
Date: JANUARY 28, 2002
Re: DOJ v. Microsoft Settlement
CC: BECKY DARLING
· COVER PAGE PLUS 1
ADDITIONAL PAGES FOLLOWING
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
801 D Street NW, Suite 1200
Washington DC 20530
January 26, 2002

Dear Me. Hesse,

Pursuant to the Tunney Act in anti-trust cases, we are writing to strongly urge you to support the settlement reached by the Department of Justice and Microsoft. It is time to put this issue to rest, Nearly four years and 35 million dollars is enough!

Microsoft is a true American business success story and doesn't deserve to be penalized for it. Fair business guidelines are sometimes necessary, and have been already incorporated into the settlement agreement. Let Microsoft get back to the business of creating new and useful computer software. Every part of the economy feels the affects of this issue. As we are in the middle of a hard-hitting recession, it is time to do what is necessary to get the nation back on its financial feet.

Again we strongly urge you to support the settlement reached by the Department of Justice and Microsoft.

Sincerely,
Antonio Gastelum
Executive Director
Central California Hispanic Chamber of Commerce

MTC–00029994

FAX COVER PAGE
FROM THE OFFICE OF
ASSEMBLYMAN JOSEPH D. MORELLE
132ND ASSEMBLY DISTRICT
716 Legislative Office Building
ALBANY, NEW YORK 12248
(518) 455–5373 FAX (518) 455–5647
TO:
FAX #:
FROM:
DATE:
RE:
PAGES: INCLUDING COVER PAGE
REPRESENTING BRIGHTON AND
IRONDEQUOIT AND THE EAST SIDE
OF ROCHESTER.
JOSEPH D. MORELLE
Assemblyman 132nd District
Monroe County
THE ASSEMBLY
STATE OF NEW YORK
ALBANY
CHAIRMAN
Committee on Tourism,
Arts and Sports Development
CHAIRMAN
Subcommittee on Manufacturing
COMMITTEES
Economic Development, Job Creation,
Commerce & Industry
Higher Education
Local Governments
Libraries & Education
Technology
January 28, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Re: Comments on the Microsoft Proposed
Settlement Agreement

Dear Ms. Hesse:

The United State government negotiated a meaningful settlement with Microsoft that is in our nation's best interest. The settlement places sanctions on Microsoft without destroying the company. These sanctions will foster greater competition in the software industry and give consumers greater choice when they purchase and enhance their computers. This settlement will also help define the direction of government's role in the high-tech industry. This is a just, not punitive, resolution that will help the economy and promote new investment in

technology. I am encouraged by the actions of the Department of Justice and support you in your efforts to settle this case.

Sincerely,
Joseph D. Morelle
MEMBER OF ASSEMBLY

MTC–00029995

Tom A. Schatz, President
Citizens Against Government Waste
13Ol Connecticut Avenue, NW, Suite 400
Washington, DC 20036
I am in gavor oh this mio TM. Herrick
Ms. T. M. Herrick
1500 Terrace Ave, Apt. 112
Liberal, KS 67901–5702

Dear Ms. Herrick,

Your response to this letter today will not only put a stop to $35 million in government waste, it may also be the single best way you can help stimulate America's economy and protect this nation's and your own financial future. I need to ask you today to send an urgent message to the U.S. Department of Justice (DOJ) that you support the proposed settlement of the Microsoft lawsuit,

Under a federal antitrust law called the Tunney Act, there is a 60-day period for public comment before the U.S. District Court decides whether to accept the settlement. This period will expire on January 28th.

By sending your message to DOJ, you can help put an end to the government's long-running legal assault on Microsoft, which has cost taxpayers more than $35 million and undermined one of the primary engines of America's economic growth. Let me tell you what's going on and why it's urgent that you send DOJ a message right away that you support the Microsoft settlement.

On Noyember 6, 2001, Microsoft reached, a proposed settlement with DOJ and nine states in the antitrust lawsuit against the company. The terms of the settlement, briefly, are as follows: Computer manufacturers would be free to include non-Microsoft software in their products. Microsoft would alter its products, including the new Windows XP, to make it easier for consumers to substitute non-Microsoft programs in the Windows operating system. Microsoft would be required to share its programming code with competitors so their software for video streaming, digital photography and other features would be compatible with Windows. In addition, a three-member Technical Committee would be established, at Microsoft's expense, to monitor the company's behavior and enforce the settlement for the next five years. Should the company be found in violation of the terms of the settlement, it can be extended for another two years.

The proposed settlement is a win-win for all concerned. It's fair to:

- Microsoft, which will continue to be able to provide new software that integrates new products;
- competitors, who will have more access to the Windows platform to incorporate their products or make them compatible;
- software manufacturers, who will get back to the business of creating innovative products;
- Consumers, who will have more choices among software products; and,
- investors, who will have stability in the marketplace.

Opponents of the settlement—primarily Microsoft's well-heeled competitors who lobbied DOJ and the states to bring this lawsuit on the backs of taxpayers in the first place—have launched a massive campaign to prevent the court from accepting the agreement. They want nothing less than the dismantling of Microsoft, and they want taxpayers to continue to pay to secure a competitive advantage they couldn't win in the marketplace. That's why I urgently need you to send a strong message to DO! today that you support the Microsoft settlement.

By visiting CAGW's website at www.cagw.org, you can e-mail a letter to DOJ, telling the government that you support the settlement. DOJ has specifically stated that they would prefer to receive comments electronically, so that's why I'm talcing the extraordinary step of asking you to visit our website today and send an e-mail to DOJ. All you need to do is go to CAGW's homepage at www.cagw.org, click onto the ''Approve the Microsoft Settlement'' link on the top fight-hand side of the page, and follow the instructions to e-mail your letter. It will just take a few minutes of your time.

If, however, you prefer to fax your comments in support of the settlement to DOJ, you may fax them to the attention of Ms, Renata B. Hesse at (202) 307–1454 or (202) 616–9937. The most important point is that you tell DOJ you support the Microsoft settlement and that you do it right away before the comment filing period ends on January 28th. To date, the Microsoft lawsuit has cost taxpayers more than $35 million. As the District Court Judge presiding over the case has said, ''In light of the recent tragic events affecting our nafion...the benefit which will be'' derived from a quick resolution of these cases [is] increasingly significant.'' Please tell DOJ to approve the settlement today. Thank you.

Sincerely,
Thomas A. Schatz
President, CAGW

P.S. Help put an end to $35 million in government waste. Tell DOJ that as a taxpayer and consumer you support the Microsoft settlement, and please get your message off to them today.

Time is nmning out.

MTC–00029996

Jesse L Clay
1205 Ridgecrest Drive SE
Albuquerque, NM 87108
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I would like to take some time to express to you my feelings about the proposed settlement that was reached between Microsoft and the Department of Justice. It is about time that the antitrust suit ended, and I feel that the terms in the settlement, although harsh on Microsoft, will be for the betterment of the computer industry and the economy.

I am pleased with the prospect of the case being resolved, but I think it was initiated for all of the wrong reasons. Microsoft's competitors had a major role in initiating the litigation, because they could not bring to the market a product that matched Microsoft's own. The competition should be happy though. The terms of the settlement require Microsoft to turn over to their competitors source code and design data that are crucial to the internal makeup of Windows. Enough is enough. This settlement needs m he approved so the industry can get back on its feet, and with competitors working more closely with one another, the industry will benefit. I feel the proposed settlement will benefit all parties involved, including Microsoft's competitors.

Sincerely,
Jesse Clay

MTC–00029997

Carol Morse Sibley
92 Overlook Terrace
Bloomfield, NJ 07003–29t7
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

The antitrust lawsuits against Microsoft have gone on for too long. They are also not very well justified. Microsoft has not only created jobs and wealth for our country, but also has made technological breakthroughs that have revolutionized the IT sector. I do wish that when they come out with new versions of software they would always make it compatible with previous versions, which they didn't do, for instance, with PowerPoint.

Still, it's clear that the settlement seems to only help competitors gain an edge they were not able to gain beforehand. It forced Microsoft to disclose interfaces that are internal to Windows operating system products, and also grant computer makers broad new rights to configure Windows so that non-Microsoft software can be promoted more easily.

It is in the best interests of the American public to finalize the settlement. Our nation cannot afford further litigation so I urge your office to use its influence to try to rein in the nine states that want to drag this case out for even longer. Thank you for your time.

Sincerely,
Carol Morse Sibley

MTC–00029998

1–23–02
Mi. Renata B. ??
?? (202) 307–1454 02 (202) 616–9937 (FAX)
Ms. ??

This Letter is intended to Conform that I am in favor of the ?? settlement between Microsoft and The U.S. Dept. of Justice.

This is the ?? settlement of november 6,2001.

Sincerely ??

MTC–00029999

4911 Bainbridge Court Southwest
Lilburn. GA 30047
January 24,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The lawsuit that has reached a tentative agreement between Microsoft and the US Department of Justice was flawed from the start. The initial aim of settlement was to break up a perceived monopoly and stop Microsoft from infringing in consumer rights. First off, Microsoft does not fall under the terms of he definition for monopoly because it does not sell poor quality goods at inflated rates. Microsoft in fact has consistently delivered user-friendly products that far outdo their competitors. They have also not infringed on our rights, because all consumers made a conscious decision to purchase Microsoft. The terms of the settlement violate Microsoft's intellectual property rights as they force them to disclose for use by competitors interfaces that are internal to Windows'' operating system products. I urge your office to take a firm stance against the nine states that want to continue litigation. Put an end to this dispute so that the cornerstone of the IT sector can continue to innovate as it has in the past. It is in the public's best interests to settle.

Sincerely,

Ralph Knight

MTC–00030000

FRANK W. BROWN
REALTON
POST OFFICE B0X 215.
ORANGE PARK, FLORIDA 32067–0215
—TELEPHONE
904–264–0504
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear General Ashcroft:

If the public spends time listening to Microsoft's opponents, we all would be under the impression that this industry icon was the bad guy in this entire case. These same opponents would like us to think that Microsoft got off easy in this settlement. The truth, however, is the very opposite. Since the company's inception, Microsoft has set the standard for innovation and quality. Their products are accessible, easy to use, arid affordable. They have been seen as the ''bad guy'' because they are being blamed for their competitor's inability to innovate and keep up with Microsoft's rapid changes. How fair is that?

As far as Microsoft getting off easy in the case, this is simply not true, Microsoft has basically opened their operation doors to their competitors by allowing them access to Windows interfaces, protocols, and intellectual property. They have even agreed to create future versions of Windows within which non-Microsoft products may function. In addition to all these damaging concessions, Microsoft has also agreed to terms that were not even found unlawful. I hope that you will make every possible attempt to bring this matter to an early close.

Sincerely,

Frank W. Brown, Jr.

MTC–00030001

320 Tanglewood Trail
Wadsworth, OH 44281–2355
(330) 334–1097
January 14, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I would like to express my support for settling the antitrust suit against Microsoft. I do not feel that the case should ever have been taken as far as it was. It is time to move on to more pressing concerns.

While I recognize Microsoft's market dominance, I also feel that they are operating legally, and as such no further action should be taken. With the economic downturn of the past year, ending the case and letting Microsoft generate further technologies is important. Competitors of Microsoft will gain a lot from the settlement, including disclosure by Microsoft of the internal interfaces of the Windows operating system Microsoft development with its own personnel and capital.

The longer the government keeps Microsoft's hands tied, the more the economy will suffer. Please finalize the settlement agreement as soon as possible. Thank you.

Sincerely,

Jenny Wallace

MTC–00030002

Janurn7 28, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The Microsoft antitrust settlement agreement should be finalized. I am opposed to this lawsuit.

We operate h≃ a free enterprise system where competition is the driving force behind a prosperous economy. Lawsuits of this nature punish a company for being competitive. Despite my opposition to the lawsuit, I believe the terms of the settlement are reasonable. Microsoft has agreed to begin designing Windows with mechanisms to make it easier for consumers to add or remove features of Windows, and instead replace them with non-Microsoft software. They also agreed to not to enter into contracts that would obligate third parties to exclusively promote or distribute Windows products. With these types of concessions, consumers will have greater choices, and any so-called anticompetitive behavior wilt be curtailed.

I am hopeful the Department of Justice will continue in its efforts to settle this case. Thank you.

Sincerely,

MTC–00030003

CarrierChoice
January 28, 2002
Attorney General John Ashcroft
US Department of Jusnce,
950 Pennsylvania, Avenue, NW
Washington. DC 20530

Dear Mr. Ashcroft:

I am writing you this brief note to encourage you to help end the Microsoft antitrust case. This nearly four-year-old case has dramed Microsoft and the government of millions of dollars. It has been the subject of controversy and litigation to no one's discernable benefit. It has had a debilitating affect on Microsoft, the entire ?? industry and the national economy at a nine when we can least afford it. It is tune to resolve this matter.

At present, the major parties and the majority of compl??ant states have reached a tentative settlement agreement. The agreement allows Microsoft to retain its present corporate structure in return for committing itself to a radical change in its marker philosophy and practices. Microsoft will now actively encourage ''competition'' by reconfiguring its Windows platforms to readily accept and even promote non Microsoft software. The company will now no longer requite exclusive Windows software be in agreements of computer manufacturers to whom they license their basic platforms. These and other concessions prove the sincerity of Microsoft's commitment to ameliorating its in intimidating marker dominance.

Microsoft is a great, inventive and productive player in our economy and its own industry. We need Microsoft up and running full time. Please support this settlement

Sincerely,

Chick ??earberstone
Director of Carner Relations
CarrierChoice
cc Senator Rick Santorum

MTC–00030004

THE CENTER FOR THE
MORAL DEFENSE
OF CAPITALISM
VIA FAX
January 28,2002
From: Nicholas Provenzo
Chairman
Center for the Moral Defense of Capitalism
To: Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Re: Microsoft Settlement

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16, the Center for the Moral Defense of Capitalism respectfully submits its evaluation of the proposed Final Judgment resolving U.S. v. Microsoft Corporation (Civil Action No. 98–1232) and State of New York ex. ref Attorney General Eliot Spitzer, et al., v. Microsoft Corporation (Civil Action No. 98–1233). The mission of the Center for the Moral Defense of Capitalism is to promote the social welfare of the nation by presenting to the public a moral foundation for individualism and economic freedom based on a philosophical analysis of humanity and human nature. Specifically, we seek to apply Ayn Rand's philosophy of Objectivism to the understanding of human action and human relationships.

As the cornerstone of a free, capitalist system, we argue that human life requires thought and effort and that the free market springs from the trade of one's thoughts and efforts with others. We make the argument that human minds and bodies must be left free of coercion, that all human interaction must be voluntary and that the initiation of

physical force must be banished from human relationships. We see a proper government as the agent of its citizens, charged with one mission: the use of retaliatory physical force in defense against the initiation of physical force. Our organization has followed the Microsoft antitrust case from its initial filing—we have opposed the case from the outset, seeing it as an abridgement of the freedom of production and trade and an interference with the right to acquire and possess property. We disagree with the essential factual component of this case-that Microsoft's integration of its Internet Explorer Web browser with its Windows operating system was a coercive act against Microsoft's competitors and customers. Instead, we see a company that accordin9 it its evaluation of the marketplace saw the commercial value of product integration and acted accordingly. In exercise of Microsoft's right to control its property, the firm set terms for the sate of that property that it believed was in its own self-interest. Microsoft's subsequent commercial success after this integration affirms the wisdom of Microsoft's actions—Microsoft's customers themselves chose to reward the firm with increased sales and increased market share. Rather than serve an impediment to the free market, Microsoft's actions personified them.

Yet, obviously, Microsoft's success has made it into the target of the government's wrath via the current antitrust case. Our organization closely followed the District Court case, writing several published evaluations of the case and its subsequent rulings (see Appendix t & 2). Our organization also participated in the US Court of Appeals for the District of Columbia Circuit appeals proceedings as an amicus curie. Our amicus brief relied on two major arguments in opposing the government's case: 1.) that the antitrust laws are unconstitutional laws that fail to provide with clear and concise guidance necessary to avoid sanctions under the law; and 2.) that the antitrust laws are unconstitutional laws because they require the government to initiate force against innocent citizens.

Today, our view of the Microsoft antitrust case and its proposed settlement is as follows: While we respect the desire of the parties to seek a resolution to this case, particularly that of Microsoft, which has had to endure a 3½ year crusade against its property rights and its right to conduct its business in a profitable manner, we are wary of any settlement that legitimizes any aspect of this unjust assault against a successful, innovative business

We consider the case against Microsoft to have been defective at every level, from the fundamental claim that the entrepreneurial actions of a successful business are a threat against others, to the claim that a monopoly can exist where there is no legal barrier to entering a market, to the claim that the citizens of the United States are too ignorant or incompetent to exercise their individual power of choice when in the marketplace and therefore require the government to make their personal choices for them. We consider it a failure that the court saw no distinction between the earned success of a business in the free market and the coercive power of a government favorite and we consider it a failure that the court did not ultimately throw out the case against Microsoft.

Considering that this case was initial brought not at the insistence of individual consumers or with Microsoft's business partners, but at the insistence of Microsoft's unsuccessful competitors, this entire case reeks of business failures asking the government to step in and give them the commercial success they could not achieve in the marketplace. Failed businesses must not be allowed to set the rules for the markets in which they failed.

In evaluating the proposed settlement, we find that it specifically threatens the right to private property. A key component of the proposed remedy is a requirement that Microsoft make its source codes available to a government-sanctioned oversight committee, which in turn is supposed to ensure these same source codes are made available to non-Microsoft ''middleware'' producers, so that these companies can create products to compete with Microsoft. Since under the proposed judgment, the United States would retain the right to determine and enforce the scope to which these source codes are to be made available, the final judgment constitutes a de facto seizure of private property—the source codes—and its subsequent conversion to a public good. Such a taking is wholly incompatible with the Constitution of the United States.

Accordingly, we reject the notion that this settlement serves the public interest, or that any punishment of Microsoft for its business practices will be of benefit to any consumer. Eroding Microsoft's property rights serves no one. We hold that no antitrust case, including the Microsoft case can withstand rational scrutiny, and we ask that no sanction be placed on Microsoft as a result of its antitrust conviction.

Appendix 1:

Judge Jackson's Findings of Fiction

By Dr. Edwin A. Locke, Ph.D.

Senior Policy Analyst

The Center for the Moral Defense of Capitalism Judge Thomas Penfield Jackson has released his ''findings of fact'' in the Microsoft antitrust case. While his report did contain some correct information—such as the truism that a successful company tries to defeat its rivals—the central claims of his report are blatant falsehoods Let us examine five of these fictions

Fiction #1: Microsoft is a ''monopoly. ''There is no such thing as a private monopoly. Only the government can forcibly prevent competitors from entering a market. Microsoft has attained dominance in the software industry, but dominance is not monopoly. Market dominance has to be earned through a long struggle, by providing better products and better prices than anyone else Dominant companies who falter (as did Xerox, IBM, General Motors and Kodak) will find their market share eroded, sometimes very quickly. There is no threat from these dominant players so long as their competitors are legally permitted to enter the field, invent new products, and combine with each other to gain the needed market power.

In a free market, a dominant position can only be sustained by continually providing new products and services that are better than other firms'' products. Paradoxically, Judge Jackson recognizes this fact but condemns it. Microsoft's innovation, its continual product upgrades, its millions spent on research and development, are cited by Jackson, not as evidence that Microsoft has earned its position, but only as evidence of a conspiracy to ''stifle'' its competitors.

Fiction #2: Microsoft's ''monopoly power'' allows it to ''coerce'' its customers. A private company has no power to force consumers to do anything. Did Judge Jackson find that Microsoft threatened to beat people up or throw their bodies into the East River if they bought the wrong Web browser? Of course not. The only ''leverage'' Microsoft has is the leverage it has earned by producing a product that people want to buy.

This economic power, the power of voluntary trade, is fundamentally different from political power, the power of the gun. Yet Judge Jackson is eager to erase this distinction. Thus, such actions as upgrading a product to match the features offered by a competitor, distributing a product for free, or negotiating favorable terms with business partners—all of them normal and beneficial business practices—are presented by Judge Jackson as if they are a nefarious, mafia-like conspiracy to oppress the public.

Fiction #3. Microsoft harmed consumers. This is certainly news to the millions of people worldwide who value Microsoft products enough to make the company and its founders rich. Most bizarre is Judge Jackson's claim that Microsoft harmed consumers by giving away its Web browser, making it unprofitable for other firms to sell their browsers Any sane consumer would be delighted to get a product for free rather than paying money for it. To speak of receiving free software as a ''harm'' is Orwellian doublespeak.

Fiction #4: Microsoft is a threat to consumers because it ''could'' raise its prices. Under this criterion, anyone could be prosecuted for anything. Do you own a kitchen knife? Then you might stab somebody—so should the government put you in jail?

Microsoft has the right to sell its product for any price it chooses—but anyone familiar with the history of business and with Economics 101 knows that market leaders have a selfish interest in keeping their prices low. Why? Because they make a lot more money by creating a mass market than by creating a product only the rich can buy. Henry Ford understood this. So did Bill Gates.

Clearly, Judge Jackson does not. The only basis for his conclusion is the caricature of the successful corporation as a vicious ''Robber Baron'' which, even if it is not ''exploiting'' consumer now, is merely waiting for the opportunity to do so

Fiction #5: Blocking Microsoft's ability to compete will foster greater industry innovation. A private company, with no power over consumers but the power conferred by offering a useful product, is branded by Judge Jackson as dangerous. But far-reaching government intervention in the software industry, including the massive use of force to shatter Microsoft and control its

business practices, is presented as an attempt to spur innovation. Only those who believe Al Gore invented the Internet could take this argument seriously.

What Judge Jackson really objects to is the fact that Microsoft defeated its competitors, i.e., that it was successful. The real meaning of his ''findings of fact'' is that the best brains must be crippled, so that lesser brains will not have such a hard time succeeding. He and the government prosecutors whose arguments he is echoing do not want to foster innovation; they want to sacrifice the best and the brightest in the name of egalitarianism. They want the playing field leveled by coercion so that no one can rise to the top.

What consumers need is an antidote to the fictions peddled by Judge Jackson: the recognition that businessmen have a right to succeed by trading their products in a free market Dr. Edwin A. Locke is Dean's Professor of Motivation and Leadership at the Robert H. Smith School of Business at the University of Maryland and is affiliated with UMD's Department of Psychology. An internationally renowned behavioral scientist, Locke's work is included in leading textbooks and acknowledged in books on the history of management.

Appendix 2:

Altruism in Action: An Analysis of Judge Jackson's Finding of Fact and the Antitrust Assault on Microsoft by Adam Mossoff

Policy Analyst

The Center for the Moral Defense of Capitalism United States District Court Judge Thomas P Jackson is crystal clear in his recent ''findings of fact'': Microsoft is marked for destruction. But why does Judge Jackson want to punish one of the most successful corporations in American history? Because Bill Gates proclaimed that he wanted ''to prove that a successful company can renew itself and stay in the forefront'' [i] and he proceeded to do just that.

By the early 90s, Microsoft had gained a dominant position in the software industry by creating Windows, the first commercially viable graphical operating system that could be used on PCs. But in the mid-90s, Gates realized that the Internet represented the next step in the ongoing computer revolution; thus, he created a business plan to ''stay in the forefront'' of this revolution. In so doing, he set into motion the same technological and commercial innovation that had led to Microsoft's leading market position in the first place.

Microsoft began by investing a staggering $100 million each year in Internet research and development, and in four years the company expanded its Internet division from only six people to more than one thousand. These investments, in the words of Judge Jackson, paid ''technological dividends.[ii] (Paragraph 135) Microsoft developed a Web browser called Internet Explorer, and ''after the arrival of Internet Explorer 4.0 in late 1997, the number of reviewers who regarded it as the superior product was roughly equal to those who preferred [Netscape's] Navigator.'' (Paragraph 135)

But Gates took Microsoft even farther. He integrated Internet Explorer into Microsoft's Windows operating system so that it would be easier to incorporate the fast-growing Internet into all aspects of personal computing. In fact, Judge Jackson partly acknowledges the groundbreaking work performed by Microsoft in this regard:

The inclusion of Internet Explorer with Windows at no separate charge increased general familiarity with the Internet and reduced the cost to the public of gaining access to it, at least in part because it compelled Netscape to stop charging for Navigator. These actions thus contributed to improving the quality of Web browsing software, lowering its cost, and increasing its availability, thereby benefiting consumers. (Paragraph 408)

Concurrent with its technological innovation, Microsoft put into practice novel business services and licensing arrangements. Just one of many examples addressed by Judge Jackson is the Internet Explorer Access Kit (IEAK), a service that permits an Internet access provider (IAP), such as America Online or Earthlink, to accept a license agreement on the Web and then download and customize Microsoft's Internet software. When Microsoft began offering this service in September, 1996, it was the first time an Internet access provider could create a distinctive identity for its service in as little as a few hours by customizing the title bar, icon, start and search pages, and ''favorites'' in Internet Explorer. The IEAK also made the installation process easy for IAPs. With the IEAK, IAPs could avoid piecemeal installation of various programs and instead create an automated, comprehensive installation package in which all settings and options were pre-configured (Paragraph 249)

More than 2,500 access providers—representing more than 95% of the Internet subscriber market in the US—used Microsoft's IEAK service. (Paragraph 251) Notably, Netscape did not create a similar service until nine months after Microsoft introduced IEAK, and Netscape charged almost $2,000 for something Microsoft offered for free. (Paragraph 250)

Microsoft blended technological innovation with business acumen and thus offered its business partners an integrated package of new technology and new business opportunities. In exploiting these opportunities: Microsoft often offered ''valuable consideration''—such as special discounts-to companies like Compaq, IBM, and Intel as an incentive to adopt its Internet Explorer and other Microsoft technology In fact, Judge Jackson uses the term ''valuable consideration'' eight times to describe Microsoft's business agreements with other companies—leaving the honest reader to conclude that Microsoft's dealings were not some form of coercion but rather value-for-value trades.

For instance, Microsoft beat Netscape in developing a special type of browser that America Online (AOL) required for its Internet service As a result, the two companies entered into several agreements in 1996. In exchange for AOL's commitment to use Microsoft's Internet software, Microsoft promised to provide AOL with unprecedented access to Internet Explorer source code, extensive technical assistance, ''free world-wide distribution rights to Internet Explorer,'' an assurance ''that future versions of its Web browsing software would possess the latest available Internet-related technology features, capabilities, and standards,'' and the placement of an AOL icon in a special folder on the Windows desktop. (Paragraph 288)

This relationship has been advantageous to both parties. Overall usage of Internet Explorer has risen dramatically, and as a result of this agreement AOL registered almost one million new users in a single year—11% of its total membership—through its icon on the Windows desktop. This fact alone prompted AOL to state in 1998 that its business arrangement with Microsoft was an ''important, valued source of new customers for us.'' (Paragraph 302)

Microsoft's achievements should be held up as a model of how to create and maintain a highly productive, innovative company. Yet Judge Jackson is unable to view any of these facts in a positive light. While Judge Jackson recognizes many of the concrete facts that demonstrate Microsoft's productive achievement, he is incapable of praising the innovation and business acumen that led to Microsoft's success.

Instead, his descriptions are clouded by slanted, inflammatory terms that attribute vicious motives to Gates and his company. When Microsoft created new technology to compete with its rivals, Judge Jackson describes the company's motivation as ''fear'' and ''alarm.'' When Microsoft offered incentives to its business partners, Judge Jackson decries this as the ''quashing'' and ''stifling'' of rivals. When Microsoft licensed its products only under conditions favorable to its long-term success, Judge Jackson describes these actions as ''threats'' and ''force.'' (Judge Jackson uses variations of ''threat'' no fewer than twenty times and of ''force'' no fewer than sixteen times to describe Microsoft's actions.) When Microsoft refused to support its competition, Judge Jackson calls this ''punishment.'' When Microsoft ingeniously melded technological and business strategies to convince consumers that its products were the best, Judge Jackson sees the company as ''seizing control'' and trying to ''capture'' the market.

Even worse than his slanted terminology are his substantive arguments, in which he sets up impossible standards according to which no successful business could escape prosecution For example, Judge Jackson writes early in his ruling that:

It is not possible with the available data to determine with any level of confidence whether the price that a profit-maximizing firm with monopoly power would charge for Windows 98 comports with the price that Microsoft actually charges. Even if it could be determined that Microsoft charges less than the profit-maximizing monopoly price, though that would not be probative of a lack of monopoly power, for Microsoft could be charging what seems like a low short-term

[i] Bill Gates, The Road Ahead 64 (1995).

[ii] US v Microsoft, No. 98–1233 (TPJ) D.D.C. Nov 5, 1999) (findings of fact). All references to the findings of fact hereafter will refer only to the paragraph number.

price in order to maximize its profits in the future for reasons unrelated to underselling any incipient competitors (Paragraph 65) (Emphasis added.)

Judge Jackson admits that it is not possible to tell whether Microsoft is in fact charging a monopoly price. Yet he dismisses this lack of evidence as irrelevant because Microsoft could simply be using low prices today in order to ''capture'' the market and charge exorbitant prices at some future date. In other words: Microsoft is a monopolist if it charges prices that are deemed ''too high''—but it is also a monopolist if it charges prices that are too low. By virtue of its dominant position in the industry—that is, by virtue of its success—Microsoft is damned if it does and damned if it doesn't.

Judge Jackson's visceral antagonism to business is also revealed by his condemnation of Microsoft for winning the browser battle against Netscape when ''superior quality was not responsible for the dramatic rise [in] Internet Explorer's usage share'' (Paragraph 375) Note the implicit premise in this condemnation: If Microsoft hasn't produced a product that is technologically superior, then only commerce can explain its success. Jackson is repulsed by the notion that successful computer companies require both technological savvy and business skills; in his ideal world, Silicon Valley would be populated solely by computer scientists with nary an ''alarming'' venture capitalist or ''threatening'' businessman in sight.

Judge Jackson's praise for innovation, however, might seem to contradict his overall attack on successful businesses. Technological innovation is a source of business success, is it not? Although Judge Jackson recognizes that technological innovation causes businesses to succeed, he believes that this innovation has another, more legitimate, function. He writes: In many cases, one of the early entrants into a new software category quickly captures a lion's share of the sales What eventually displaces the leader is often not competition from another product within the same software category, but rather a technological advance that renders the boundaries defining the category obsolete. These events, in which categories are redefined and leaders are superseded in the process, are spoken of as ''inflection points.'' (Paragraph 59) (Emphasis added.)

Innovation appeals to Judge Jackson not because it leads to the creation of wealth, but rather because it tends to tear down the market leader. He argues that the emergence of the Internet in the mid-90s was one such ''inflection point.'' (Paragraph 60) Thus. the nature of his support for innovation explains his disgust with Microsoft's defeat of Netscape: By introducing its browser product sooner, Netscape should have replaced Microsoft—if only Microsoft had not engaged in the ''vicious'' commercial competition that ensured its continued leadership in the computer industry.

These beliefs ultimately lead Judge Jackson to conclude that Microsoft's ''monopoly power'' has ''harmed consumers in ways that are immediate and easily discernible?'' (Paragraph 409) What are these alleged harms? Judge Jackson claims (wrongly) that the integration of Windows 98 and Internet Explorer does not allow employers to block employees from surfing the Web He asserts that vast ''confusion'' reigns among consumers—but beyond one or two offhand references throughout the rulin9, he never explains this vague allegation Moreover, he claims, the integration of Windows and Internet Explorer has created slower computers with more bugs—as if computers are slower and less dependable than they were two years ago! One might regard such mythical ''harms'' as the laughable allegations of a Luddite—if they did not come from a judge who wields the coercive power of the federal government

Regardless of how trivial these alleged harms may be, Judge Jackson seems sincerely to believe that Microsoft is acting as a vicious monopolist Why? He answers this question in the last few sentences of his ruling: ''Microsoft's past success in hurting such companies and stifling innovation ... occur for the sole reason that [other companies and their innovations] do not coincide with Microsoft's self-interest.'' (Paragraph 412) (Emphasis added.) It takes Judge Jackson more than 200 pages, but in the end he names the essence of his disgust for Microsoft—and the essence of the antitrust laws In so doing, Judge Jackson exposes the fundamental moral premise dictating his factual distortions, his fallacy-ridden arguments, and his illogical conclusions: a hatred for any form of self-interest The morality of altruism or self-sacrifice is often presented as a form of benevolence, as if it simply means being nice to other people. But the actual meaning of this philosophy is a hatred of success. Under this morality, anyone who achieves some extraordinary wealth or distinction owes it to his fellow men to sacrifice what he has earned—including giving away his whole fortune, as and when it is demanded by others. (This is essentially what has been demanded of Bill Gates) But what about those who have not achieved anything? They are entitled to welfare programs, private charities, protective legislation, and a host of other unearned benefits to be paid for by those who have succeeded. In this system, anyone who earns success through his own effort is to be punished, while anyone who hasn't exerted any effort and hasn't attained any success is to be rewarded.

Far from standing for benevolence or good will, such a moral outlook stands for destruction. This code of sacrifice demands an assault on a Microsoft or a Bill Gates. By amassing so much money and achieving so much success, they must be shirking their duty to sacrifice to others. But it does not demand the destruction of the Netscapes of the world because, by virtue of having faltered, they are the ''have-nots'' who are entitled to benefit from the sacrifice of their more-successful competitors.

Note that the ultimate standard of this moral outlook is not the well-being of the poor, the weak, the downtrodden; has the welfare state ever achieved these aims? Instead, the goal is the sacrifice of the rich, the strong, and the powerful—not to achieve any positive aim, but simply to punish them because they are rich, strong, and powerful.

The altruist connection to antitrust is evident in the mere fact that Judge Jackson could have applied the antitrust laws against Microsoft without finding any harm at all. Although the ostensible purpose of antitrust is to ''protect consumers'' from alleged ''monopolists,'' court decisions consistently belie this fiction. In one of the first cases defining the doctrine of antitrust, a large railroad trust defended itself against prosecution by arguing that its price-fixing plan resulted in lower prices for consumers. Since the stated purpose of the 1890 Sherman Antitrust Act was to protect consumers, and since consumers actually benefited in this case, the defendant logically concluded that the antitrust laws should not apply to its practices. The Supreme Court rejected this argument and ruled that the railroad trust was guilty. In an illuminating statement, Justice Peckham declared: ''in this light it is not material that the price of an article may be lowered. It is in the power of the [monopolist] to raise it.'' [iii]

(Interestingly, Justice Peckham was an ardent conservative who was one of the principal advocates of ''freedom of contract'' in the 19th century—just as Judge Jackson was a Reagan appointee. This proves once again that conservatives are not reliable friends of freedom.) Continuing to apply the underlying anti-success principle of antitrust, the Supreme Court ruled in 1968 that a newspaper company violated the Sherman Antitrust Act when it fired a distributor for charging rates above an allowable maximum price. The Court found that the newspaper ''would not tolerate over-charging'' of its customers, and that it even agreed to rehire the distributor if he ''discontinued his pricing practice''—that is, if he charged lower prices. Nonetheless, the Court held that the benefit to consumers was irrelevant in finding that the newspaper company acted in ''conspiracy'' with its other distributors to set prices—thus its actions were ''an illegal restraint of trade under Section 1 of the Sherman Act.'' [iv]

Harm to consumers has nothing to do with the purpose of antitrust. The antitrust laws are intended only to punish ''power''—but since economic power is earned on the free market, this means that the purpose of antitrust is to punish successful business practices. Antitrust case law is replete with examples of companies being punished, not for any alleged harm, but simply for having the acumen to remain successful in their industries. A ski resort in Aspen, Colorado, was not only found guilty in 1985 of violating the antitrust laws because it successfully competed against its only rival; it was also held to a ''duty under antitrust law to help a competitor.'' [v] In the famous case against ALCOA in 1945, Judge Hand declared that ''the successful competitor,

[iii] United States v. Trans-Missouri Freight Association, 166 US 290, 324 (1897), emphasis added.

[iv] Albrecht v. Herald Co., 390 US 145, 153 (1968).

[v] ''Olympia Equipment Leasing Go. v. Western Untion Telegraph Co.. 797 F.2d 370, 377 (7th Cir. 1986), citing Aspen Skiing Co. v. Aspen Highlands Skiing Corp., 472 US 585 (1985) (holding that monopolist has a duty to help a competitor).

having been urged to compete, must not be turned upon when he wins.''

But he contradicted himself in the very next paragraph, concluding that ALCOA insists that it never excluded competitors: but we can think of no more effective exclusion than progressively to embrace each new opportunity as it opened, and to face every newcomer with new capacity already geared into a great organization, having the advantage of experience, trade connections, and the elite of personnel.[vi] ALCOA's ability and success, by Hand's reasoning, was the deciding factor for finding it guilty of violating the antitrust laws.

Given this legal context, Microsoft was doomed before it even set foot in the courtroom. The media, in an anti-Microsoft feeding frenzy, often highlighted mistakes made by Microsoft's counsel during the lengthy (and ongoing) trial. Yet Microsoft's attorneys could have performed flawlessly, and Judge Jackson would still have produced the same ruling. The reason is that Microsoft is an extremely successful company; Gates is a unique combination of technological genius and businessman, reminiscent of earlier American giants like Thomas Edison Thus, it was irrelevant how hard Microsoft's attorneys worked or how much intellectual vigor they brought to their legal briefs and courtroom arguments. These things were irrelevant because no army of lawyers could hide a single, essential fact—the only fact necessary for applying the antitrust laws: Microsoft succeeds at what it does.

The punishment doled out for success is paralysis. Judge Jackson makes it clear that Microsoft must not be permitted to capitalize upon its well-earned success. Because it has created values, it must now relinquish them. Does it matter that Microsoft has earned its success by producing a better product, by offering better incentives to its business partners, and by providing better service to software developers and Internet access providers? No.

Such facts do not matter to a man who believes that a successful company has a moral duty to sacrifice to its lesser rivals—especially when that man has the legal power to coerce the company to obey its alleged duty. With every slanted term and with every absurd conclusion, Judge Jackson practically screams his unstated moral premise: Since Microsoft is a leader in the computer industry, it must sacrifice the values it has created because it has created them In his ruling, Judge Jackson claims to set out the objective facts underlying his impending application of the antitrust laws to Microsoft. But the only thing he manages to establish is his own animosity towards commercial success. What drives this animosity is the underlying moral justification for antitrust: altruism's hatred of success.

The basis for Judge Jackson's ruling is not any ''monopoly'' allegedly controlled by Microsoft; it is the monopoly commanded by the morality of altruism over our culture. That monopoly can be seen, unfortunately, in Bill Gates's sanction of his own destruction in a comment immediately after the ruling, in which he declares that ''because of our success, we understand that Microsoft is held to a higher standard, and we accept that responsibility.'' [vii] vii As long as this moral monopoly remains unchallenged, legal doctrines such as antitrust will continue to punish successful businesses.

MTC–00030005

Henry R. Ochel, Jr.
1155 East 2100 South
Salt Lake City, Utah 84106
January 28, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

As a yahoo Internet user I would like to voice my opinion concerning the Microsoft lawsuit. I urge you to support the settlement and encourage the various companies to get back to the business of technology research. It is my belief that millions of dollars are being spent to stifle competition when these companies should be focused on new markets and technology. Please do what is in the best interest of consumers through out the United States and settle this costly suit.

Sincerely,
Henry R. Ochel, Jr.

MTC–00030006

2035 Harbert Avenue
Memphis, TN 38104–5329
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

The intention of this letter is so that I may go on record, per the Tunney Act, as supporting the settlement that was reached between the Department of Justice and the Microsoft Corporation. The court battles between these two entities went on for over three years, and cost millions of dollars. This is time and money that could have been put to much better use.

Microsoft did not get off easy by any stretch of the imagination, and has had severe restrictions placed upon it. For example, Microsoft will now have to turn over data and source code that makes up internal interfaces in Windows' products. This is a first in an antitrust settlement, and is not fair in that it makes them forfeit their intellectual property. I think this goes too far. Plus they will have to deal with a technical oversight committee watching over Microsoft's every move and testing their compliance with the terms of the settlement.

Enough is enough, this has gone on too long, cost too much money, and is too harsh on Microsoft. End this now. I support any settlement, even though it is not 100.*,'o fair, which ends the litigation against Microsoft.

Sincerely,
Vincil C. Bishop, Jr

MTC–00030007

568 Scenic Hills Drive
North Salt Lake, UT 84054
January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I have been following the Microsoft antitrust case for quite some time now, and quite honestly this is getting a little out of hand. I am pleased that a settlement has been reached in the matter, and I believe it is in the best interest of the public to have the settlement finalized rather than dragged out any longer. The economy has suffered as a result of this seemingly endless suit, as has; the technology industry. Naturally, consumers have begun to suffer as well. Time is getting to be of the essence in this case, and I see no reason to reject this settlement.

After extensive negotiations, Microsoft and the Department of Justice reached an agreement on various terms that would prevent antitrust violations on Microsoft's part in the future and allow Microsoft's competitors more of an edge in the market. Microsoft has, for instance, agreed to reformat future versions of Windows so that non-Microsoft software will be able to be introduced and supported within the Windows operating system. Microsoft has also agreed to refrain from retaliation should sofa, are be introduced into the market that directly competes with Microsoft programs. I believe that these terms are fair; in fact, Microsoft has agreed to conditions that extend to products or policies that the Court of Appeals did not, in fact, find to be unlawful.

This settlement is, I believe in the best public interest. No further action needs to be taken at the federal level. I urge you to support the settlement and allow the Justice Department to move on.

Sincerely,
Hao Chen

MTC–00030008

Name: James W. Putt
Company: PFE Management
Voice Number: 445–2590
Fax Number: 445–2590
77 Mary Ann Lane
Wyckoff, NJ 07481
Date: Monday, January 28, 2002
Total Pages: 2
Subject: Microsoft Settlement
Name: Attorney General
Company: US Government
Voice Number:
Fax Number: (202) 3071454
Note: Please include my attached letter in you decision making process.
Jim Putt
James W. Putt
77 Mary Ann Lane
Wyckoff, NJ 07481
January 28, 2002
Attorile3, General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I would like to see the antitrust lawsuit against Microsoft settled. I feel that the case has been active long enough, and that ending it according to the settlement reached in

[vi] US v. Aluminum Co. of America, 148 F.2d 416, 431 (2d Cir. 1945).

[vii] ''Statement by Bill Gates on the Findings of Fact,'' www.microsoft.com/presspass/ofnote/11

November is fair. An important reason I would like to see the case settled is because of the concessions Microsoft is agreeing to. I have not felt positively about the company bundling Windows-related programs onto computers, and the new removal features will give users and computer manufacturers a wider range of choices. Microsoft's competitors will now be able to more easily place their own programs on the Windows platform. Because of that and the other provisions in the settlement, I believe settling the suit is in the best interests of the public.

Microsoft is approaching the settlement reasonably, and I urge you to do the same. Please end the case without additional delay.

Sincerely,

James Putt

MTC–00030009

5235 W Pershing Avenue
Glendale, Arizona, 85304
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 205301

Dear Mr. Ashcroft:

I have long been a Microsoft supporter and was angry to see a case being brought against them in the first place. Microsoft is a company that is being punished for simply being too successful and the government simply needs to keep their hands off of business. The settlement, that has taken three long years to work out, I think adequately covers many off the issues that people had with Microsoft. Because of the terms of the settlement, Windows will have greater compatibility with a wider array of products and relations with other software developers won't be tarnished because of this case. I feel that this case will improve things overall in the software industry, if that is it is ever over and done with.

I know that there will he many letters coming in concerning this issue, but I also know that a good deal of them will support Microsoft. Please pay attention to how much the average person care about Microsoft and end any further Federal litigation.

Sincerely,

Beverly Goyen

MTC–00030010

LTC Bernard R Buchta (US Army, Ret)
5100 Cameron Drive
Troy, Michigan 48098
.. E-mail: MrBuchta@home.com
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

As a six-year teacher of PCs and the Windows operating system, I would like to voice my strong support for settling the pending Microsoft case.

My experience as a PC instructor and my 26-year's as a military logistics officer has taught me the great value of standardization. Standardization buys everyone a lot. And, after standardization is achieved, ''the payback is forever.'' Witness: When we go to war, we want our bullets to fit into our allies' guns and rifles, and want theirs to fit into ours. We want to be able to share, substitute and interchange their artillery rounds, fuel, and rations, etc., with ours. It's called being ''Interoperable.'' It's a great force-multiplier and keeps costs down.

Standardization, by definition, creates efficiency. It also makes for convenience and ease of use. Now, today, we need standardization and efficiency more than ever. Therefore, the proposed solution seems like a fair compromise that will provide the most effective long-term results for consumers.

As seen with the International Standards Organization, the uniformity of Windows* and its supporting products is an asset to all computer users. This includes business and industry, schools, home users, . .. just everyone!

Technology is complicated enough for the average person, so the advantages Microsoft provides with the scope of their software presence is immeasurable in the form of America's almost seamless transition into the information age with young and old alike. Though I did not respect the government's case, the restrictions imposed with this deal are far more favorable than the possibility, of a corporate break up and chaos within the computer world. Based on the new, more even-handed approach of Microsoft toward competitors, and those who do business with competitors, plus the implementation of an objective technical committee of experts to ensure compliance, it seem to me it would be in the best interest of all parties involved to proceed with this agreement. This will save the consumer a great deal of heartache. It will also permit continued interoperability in future systems and software programs.

Thank you very much for your consideration.

Sincerely,

LTC, OrdC
US Army (Ret)

P.S.

You're doing a great job in the War on Terror.

Don't let them grind you down!

MTC–00030011

651 North Washington Street.
Wilkes Barre, Pennsylvania 18705
January 9, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my opinion in the recent settlement between Microsoft and the US Department of Justice. While I am glad to see Microsoft is not being broken up, I do believe some of the concessions Microsoft are making axe not in the best interest of the public. Microsoft must integrate their software with different software makers' products to allow for more effective development of windows interfaces and technology. But other concessions such as contractual restrictions and windows design obligations seem to go against intellectual property fights and patent laws.

I think that the IT sector is hurt badly enough without any further litigation brought against Microsoft by the nine states who oppose the settlement. I look forward m seeing Microsoft focusing on business and watching one of the premier companies in the world keep on thriving.

Sincerely,

Hudson Zhu

cc: Senator Rick Santorum

MTC–00030012

1651 Nocatee Drive
Miami, FL 33133–2540
January 28, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

We are writing to urge you to accept the pending deal in the Microsoft case. This agreement offers the competition plenty to work with to gain ground in the software market and should mean an end to this costly government action.

Microsoft is one of the great success stories in the history of U.S. business and should not be disbanded because their competitors can't gain consumer support and market share. With the pending settlement, the company has made extensive moves to give their rivals more opportunities to succeed, from licensing its technologies to disclosing its internal code for the Windows operating system. The added verification of a three-person group of experts to monitor the deal should provide added assurance of the plan's long-term effectiveness.

Please make sure to confirm this court-mediated compromise at the soonest time possible, as these steps provide plenty of options for computer makers and give software developers more than enough chance to compete. Any further action is unnecessary. Please make the right decision.

Sincerely,

Daniel Riemer
Rebecca Weymouth

MTC–00030013

Brian Showalter
14713 W. 149th Court
Olathe, KS 66062–4623
bshowalter@sbcglobal.net
January 28, 2002
U.S. Department of Justice
Antitrust Division
6O1 D Street, NW
Suite 1200
Washington, D* 20530–0001
Attn: Renata B. Hesse
Re: Comments regarding the Proposed Final Judgement
United States v. Microsoft
Civil Action No. 98–1232

As a United States citizen and experienced computer professional who has at times been compelled to work with Microsoft products, I would like to express my opposition to the settlement that has been proposed for the USDOJ's antitrust lawsuit against Microsoft. I feel that the terms of the settlement as currently specified are weighted far too heavily in favor of Microsoft, and that they will do nothing to prevent Microsoft from continuing to abuse its monopoly position to stifle competition and lock customers into its

products. The terms also significantly underestimate the lengths to which Microsoft has shown it is willing to go to root out loopholes in any agreements it enters into and exploit them in such a way that any intended restrictions on its behavior are effectively neutralized, T also feel that the terms will do literally nothing to ease the market barrier to entry for new products, particularly open-source products such as the Linux operating system, which may happen to directly compete with Microsoft's offerings.

There are a number of problems with the settlement which others have outlined and on which I will not 9o into further details. However, I am dismayed by the extent to which the proposed settlement focuses almost completely on attempting to restrict Microsoft's behavior on the Windows desktop and middleware platforms, to the virtual exclusion of server platforms and other operating system products that are offered or soon to be offered by Microsoft. In particular, the name ''Windows'' is mentioned 56 times in the document, yet no mention is made of the embedded operating system market or of Microsoft's explicitly stated intention to replace the Windows desktop and server platform with the .NET initiative. Furthermore, the definitions of ''operating system,'' ''personal computer,'' ''Microsoft Platform Software,'' and ''Windows Operating System Product'' in the document refer entirely to desktop operating systems intended for use by a single user at a time. This loophole would have the effect of rendering Section III.A moot in its entirety should Microsoft attempt to retaliate against an OEM that is attempting to market a competing SERVER platform on its products. Additionally, the proposed settlement does nothing to preclude Microsoft from dropping the Windows brand name altogether and continuing their customer lock-in, competition-stifling and monopoly-extending behavior on a similar but differently named platform.

Dan Kegel has done an excellent analysis which may be found online at (http://www.kegel.com/remedy/remedy2.html). Mr. Kegel's site also contains links to several other very compelling analyses. Due to the flaws which I and others have pointed out, the settlement as it is currently written does not serve the public interest and should not be accepted without considerable revisions to ensure that the market is not tilted unfairly in Microsoft's favor. Thank you for your time and for considering my point of view.

Sincerely,
Brian Showalter
Programmer/Analyst

MTC–00030014

Joyce Newell, M.S.W.
Licensed Clinical Social Worker
facsimile transmittal
Joyee Newell L.C.S.W
2729 Blair Stone Lane
Tallahassee. Fl. 32301
Phone (850) 871t-0279
Fax (850) 878–0459
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

It has been three long years of litigation between Microsoft and the Department of justice and quite frankly it is tirr a to put this issue to rest. I am an avid supporter of Microsoft and am very pleased that the settlement is acceptable at the federal level hut am puzzled as to the persistence of the nine remaining states, Is it not obvious to them the negative effects that this continued litigation has on the economy and on the Technology industry? I trust that; my views and those of others will contribute to the expeditious settlement of this matter.

Microsoft's innovations have done much to enhance productivity both on and off the job and is doubtless an Industry icon. This company has made significant contributions to the economy and the overall growth of our country and the sooner this matter is settled the sooner Microsoft is able to rededicate their full attention to doing what it does best—innovate Looking closely at the details of the settlement, we will see that Microsoft has already done very much to honor the terms. They have agreed to make their protocols and intellectual property license available to competitors and have made it easier for competitors to promote non-Micro, soft software within windows. The list of measures taken by Microsoft goes on and on and is a direct indication of their willingness to comply.

Sincerely,
Paul Newell
1362 Grovaland Hills Drive
Tallahassee, FL 32311

MTC–00030015

Mail Boxes Ete.
330 Old Steese Hwy
Fairbanks. AK 99701
(907) 452–2221 Phone
(907) 45%8329 Fax
Facsimile Transmission
481 Valley View Drive
Fairbanks, AK 99712–1327
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
January 24,2002

Dear Mr. Ashcroft:

Winter greetings from Fairbanks!

I am sending you this e-mail to register my support on behalf of the settlement in the Microsoft antitrust case. This is the best resolution available to America now due to a bad situation. The settlement required Microsoft, the attorney generals from the states involved, and the Department of Justice, to state their differences, make concessions, and reach compromises in front of the Federal judge appointed in an effort to avoid countless days of court battles and appeals. In the settlement, Microsoft basically kept itself intact in exchange for giving up its legal rights. Microsoft will release from copyright the software codes of the various internal interfaces and protocols allowing servers to interoperate for its Windows operating system programs. Microsoft must license its other software copyrights and patents to any company that wants to use them on reasonable terms. The ability of a business to enter into exclusive marketing agreements is often very important to its success. Microsoft will no longer be able to contract with computer builders to use its Windows operating system exclusively. Monitoring of the settlement terms by software engineering experts will make sure that the agreement is followed.

The settlement is in the best interest of America. Please use your best efforts to see that the Federal judge approves it. Thank you for your consideration and support.

Sincerely,
Bill Moberly

MTC–00030016

PO Box 1419
Missoula, MT 59806
Ph: 406–541–4545
Fax: 406–54.1–4543
To: Attorney General John Ashcroft
From: Larry D. Williams
Fax: 1–202–307–1454
Date: 1/28/2002
Re: Microsoft Settlement
CO:
PO Box 14-]9
Missoula, MT 59806
Certified Technologies Incorporated
Phone: 406–541–4545
Fax: 406–541–4543
Toll Free: 866–541.-4545
620 W Addison
Missoula, MT 59801
January 16,2002
Attorney General 3ohn Ashcroft
Justice Department
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Microsoft revolutionized the computer age with the advent of its Windows operating system. The standardization and user-friendly operability offered by Windows has a wide appeal and is what pushed Microsoft to the front of the pack. Microsoft's success is due to great innovation and clever products, not surreptitious antitrust activity.

I am content with the pending settlement reached by Microsoft and the government because it is fair. The settlement provisions, such as Microsoft agreeing to share its Windows source code with competitors, represent a very positive development. It is important because they are also interconnected and comprehensive. Microsoft not only will avoid retaliating against software developers who promote software that competes with Windows, but also the computer makers who ship the aforementioned software are also covered. Together, these measures will lead to an increase in competition and therefore remedy the government's primary ''beef'' with Microsoft.

Everyone wins! Thanks.
Sincerely,
Larry Williams
Controller
Certified Technologies, Inc.

MTC–00030017

HIMALAYA ENTERTAINMENT
Renata H??
The Attorney, Antitrust Division

Department of Justice
801 D Street, NW, Ste, 1200
Washington, DC 20530

Dear Ms. Hesse:

I am writing in support of proposed consent decree between the D??trment of Justice and I believe It represents a fait ??ment for both sides.

The lawsuits here been dragging along for nearly four years now and have cost taxpayers $36 million—enough is enough. Let's move forward with this agreement good of the country. Please feel free to contact me for more information, but my position is clear—let Microsoft get back to work and stop w??ting any more tax do?? in pu?? of these lawsuits.

MTC–00030018

Renata Hesse
Trial Attorney, Antitrust Division
Department of Justice
601 D Street, NW, Ste. 1200
Washington, DC 20530

Dear Ms. Hesse,

This letter is to express my strong support for the proposed settlement between the Department of Justice and Microsoft, It is a fair settlement to the antitrust lawsuit. Fair means that it is a compromise which all sides can live with.

This issue has been going on for more than three years. It has gown into multiple lawsuits and the millions of dollars. The proposed settlement gives the opportunity to close part of the issue. If both the DOJ and Microsoft have reached an agreement, let's move forward for the good of the economy and in the bigger picture, the good of the country.

Sincerely,
Katteena Salgado

MTC–00030019

January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

During these times of economic strain, it is important for us to watch our spending, and to focus on production. After hearing that the recent Microsoft settlement may be even further delayed, I felt the need to write you. After years of well thought out negotiations, it is time to let the terms of the settlement speak for themselves. I support the settlement as it stands

The terms of this settlement have teeth. Not only does Microsoft make various concessions to help promote non-Microsoft software, but they have also agreed to be monitored throughout the entire process. The settlement will require Microsoft to share information detailing the internal interfaces in Windows with its competitors, allowing them to more easily install their own software on machines that use Windows It is obvious Microsoft is willing to work with the many companies in the IT sector so that everyone can get back to business.

I urge you to help get the economy back on track. The delay of this settlement can only slow down our growth in the technology industry. The finalization of this settlement would be a step in the right direction.

Sincerely,
Paul W. Budd

MTC–00030020

January 22, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I would like to go on record as supporting the settlement that has been reached between the Department of Just?? a and Microsoft. The settlement finally brings an end to the three-year-old antitrust law suit that has been partly responsible for the sharp decline in America's economy. I can remember three years ago when the antitrust skill against Microsoft was first announced.

The stock market and economy immediately started to go down, and now we are in the middle of a recession I have no idea how economists working for the government did not notice the correlation between these two events. In any case, the settlement is fair. The increased information shoring and non-retaliation provisions should be enough to satisfy even Microsoft's harshest crities.

The settlement is the best thing that has come out of the ??titrust su?? between fi?? Department of Justice and Microsoft, and I fully su?? pert it.

Sincerely,
W??mda Bel??

MTC–00030021

January 22, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

As an active computer user, I would urge you to settle the case against Microsoft. I have heard repeatedly of the unfair advantages that Microsoft has over its competitors and believe this to be a ploy on the part of Microsoft's competitors in the industry.

I have owned a Palm Pilot for over five years while using Microsoft Outlook on my desktop computer. I have never had any synchronization problems with the two software programs. The charge that Microsoft is trying to squash its competition by making software that does not work with other programs is unwarranted. Please work to settle this case as quickly as possible so that all companies involved can focus their time and efforts on software not law suits.

Sincerely,
Barney Chapman

MTC–00030022

Holme Roberts & Owen LLP
Paul F. Moxley most VP@hro.com
Attorneys at Law
111 Last Broadway Suite !100
Salt Lake City; Utah 841I? ''5233
Tel (??1)521–5800 Fax (??01)521–9639
www.??ro.com
Salt Lake City
Den??r
Bou??er
Colorado Spring,
London

January 28, 2002
SENT VIA:
E-MAIL TO: Microsoft.atr@usdoj.gov
VIA FACSIMILE COPY TO: (202) 307–1454
or (202) 616–9937
1ST CLASS MAIL TO:
The Honorable Colleen Kollar-Kotally
U.S. District Court, District of Columbia
c/o Renata B. Hesse Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Re: Microsoft Settlement

Dear Judge Kollar-Kotally:

My comments are made with regard to the proposed settlement in the Microsoft v. DOJ case. I believe it would be improper to allow Microsoft to enter a settlement agreement that does not guarantee that future antitrust violations will be prevented. Microsoft has been adjudged to have violated antitrust laws. Its conduct was so pervasive that the original trial court judge determined that break-up was the only remedy. That decision, but not the decision that Microsoft violated antitrust laws, was reversed on appeal to the Court of Appeals. The case is now back before a new trial court judge following the U.S. Supreme Court's decision not to review the case. The purpose of the remand is to determine the proper sanctions to penalize Microsoft for past conduct and to prevent future violations.

This determination should be made by the court and not by the parties. I am informed that the proposed agreement contains critical provisions that do not go far enough or that place too much discretion into Microsoft's hands. Failure to impose proper and adequate sanctions will set an unfortunate precedent for future antitrust cases and will do little to resolve the issues in the Microsoft litigation.

The court should resist the urge to adopt a settlement and hold hearings to make a proper determination.

Respectfully,
Paul T. Moxley
cc: The Honorable Mark Shurtleff, Utah Attorney General

MTC–00030023

Casey Jones
January 28, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

The Justice Department and State Attorney General offices' case against Microsoft was arguably unwarranted from its commencement.

As a concerned and active voting citizen, I am focused on how to keep taxes at a minimum in our state as well as serving as somewhat of a watchdog for the use of taxpayer money at the state level.

There has been no proof of consumer harm from the monopoly behavior of which this technology company is being accused. Yet, this suit continued seemingly gaining steam with every new wave of national media attention that came with it. At present,

consumers are no better or worse off than when it all started. Unless you consider their position as taxpayers, in which case they are much worse for the wear.

More than $I million has been spent by Iowa's state attorney office alone. Millions of tax dollars have also been spent cumulatively by the other states involved in the case and tens of millions more by the federal Justice Department.

Now after cycling through mediators and various bumps in the road toward bringing this case to an end, there is now a settlement proposed. The proposal is one that gives enough to satisfy both sides and addresses the consumer concerns. I urge you to accept it for the sake of the American taxpayer.

Sincerely,
Casey Jones
Attorney at Law
7216 Wilton Drive NE
Cedar Rapids, IA 52402

MTC–00030024

Angie Weible-Jones
January 27,2002
Renata Hesse
Trial Attorney
Anti-Trust Division
US Department of Justice
601 D Street, NW
Washington, DC 20530

Dear Ms. Hesse:

As an individual who owns her own business, I am very interested in seeing the Microsoft case brought to Its end. I congratulate the US Department of Justice for working hard to find a sound way to close this chapter In American legal history. One of the most amazing things about the technology industry Is that we are only just beginning. The innovations and great strides yet to come should be exciting to all of us. However, the costs and risks of Innovation are extremely high. Investors and creators must have the confidence and the will to move forward,

When the move was made against Microsoft, It was felt throughout the entire industry, This action coincided with falling technology stocks and loss of investment capital for start-up companies. The entire Industry felt the blow and its suffering is detrimental to our nation, When our economy was booming there was much talk about the New Economy and the leading role technology stocks had this economy. But this all ended about the time the government threatened Microsoft. This action raised a cloud of uncertainty around the technology industry and many Investors decided it was best to wait it out. It is interesting that when technology stocks began to slide, it hurt the entire market, If tech stocks rebound it can only be a positive sign for our economy, Investors may regain their confidence if the government ends Its case against Microsoft,

Additionally, when the technology industry slows down if no longer has the free??? case brought to an end. It is In all of our best Interests.

Sincerely,
Angie Weible-Jones
7216 Wilton Drive NE
Cedar Rapids, Iowa 52402

MTC–00030025

Ronald Skaggs
22801 N Briarwood Drive
Edmond, OK 73003.9425
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I think the three-year lawsuit against Microsoft is flawed and unjustified. Microsoft has not done anything that can be called monopolistic. Instead, Microsoft has done wonderful things for our nation, including creating jobs and wealth, as well as making technological breakthroughs. I think it is ridiculous that Microsoft is being forced to disclose interfaces that are internal to Windows operating system products. Microsoft has spent vast amounts of time and money to develop and innovate. They should not be penalized for being the most successful company in the IT industry.

I urge your office to finalize the settlement, although it is flawed, because the alternative of further litigation would be detrimental to our nation's IT sector and economy. I believe it is time to discard the liberal Democrat notion that every competition has to end up in a tie. Thank you.

Sincerely,
Ronald Skaggs
cc: Senator Don Nickles

MTC–00030026

BOB L JOHNSON
4276 EAST SOUTH SHORE DRIVE
ERIE, PENNSYLVANIA 16511
8995380
January 8, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr, Ashcroft:

I would like to tell you how I feel about the Microsoft antitrust case. I am in favor of the settlement and do not agree with the federal government's role in this whole issue. Under the settlement, Microsoft will have to share information with its competitors regarding the internal workings of Windows, allowing them to install their own programs on the operating systems. I am retired and use computers to communicate via email. Microsoft has done a fine job of'' bringing technology into the homes of everyday people, not to mention the thousands of jobs that the company has created. This lawsuit is a waste of tax dollars and I urge you to put an end to any federal action against Microsoft.

Thank you for hearing my opinion on this matter, and again, I support the settlement and hope to see it implemented as soon as possible.

Sincerely,
Bobby Johnson
cc: Senator Rick Santorum

MTC–00030027

STA America
225 Lennon Lane. Suite 110
Wa??nut Creek, CA 84588
FAX 925.955–9993
January 23, 2002
Renata Hesse Trial Attorney, Antitrust Division
Department of Justice
601 D Street, NW, Ste. 1200
Washington, DC 20530

Dear Ms. Hesse:

I write in support of the proposed comet decree between Microsoft and the Department of Justice, After four years and $35 million spent pursuing the lawsuit, it is tune that the country move On to more pressing business.

Microsoft is being adequately reprimanded by the proposed agreement, as the settlement would address many of the major charges against Microsoft. The company would be required to provide technical details to help rivals make products compatible with the Windows operating system. It also bans exclusive* contracts with computer makers that put rival software vendors at s disadvantage.

Prolonging the settlement would deliver a severe blow to California's already shaky financial situation, as our state is expected to pay the lion's share of the remaining trial costs. This is a fair deal—but more importantly, it is time to put tiffs lawsuit behind us for the good of taxpayers. I urge you to move forward with the agreement.

Sincerely,
Robert Branzuela

MTC–00030028

CENTRAL CALIFORNIA
HISPANIC
CHAMBER of COMMERCE
Serving the Central Valley Business Community from Stockton to Bakersfield Since 1984
Renata Hesse
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

Our chamber finds the ongoing pursuit of Microsoft through litigation a very bad precedent to set for business in America Microsoft has succeeded on a global scale and revolutionized the way America, and the world does business.

The business community has always supported the government in actions that best serve the interests of the nation. With that in mind we ask you to take the settlement now on the table between Microsoft and the Federal Government. Ultimately, this long and expensive law suit is proving detrimental to Microsoft, tax payers and for the business community at large. You have the opportunity to bring it to a close. Again we strongly urge you to accept the settlement.

Thank you for your time on this issue.

Sincerely,
Antonio Gastelum
Executive Director
Central California Hispanic Chamber of Commerce
1900 Mariposa Mall, Suite 105. Fresno, California, 93721
(559) 485–6840 office . (559) 485–3738 facsimile . (559) 977–7030 mobile/m??g
cchispanicchamber@sbcglobal.net

MTC–00030029

Fernandez Translation Services
January 23, 2002
Renata Hesse
Trial Attorney, Antitrust Division
Department of Justice
601 D Street, NW, Ste. 1200
Washington, DC 20530

Dear Ms. Hesse:

I am a translator and a bilingual aide in the Alhambra School District, and have been working in education for more than 15 years. I know the problems of our school system first hand, and know that increased funding can go a long way towards improving the quality of education our children receive.

That's why I can't believe our federal government has spent $35 million of taxpayer dollars on the antitrust lawsuit against Microsoft. That money is sorely needed in our schools, and could have gone to solve real problems facing our children. The only positive note is the proposed consent decree between the company and the Department of Justice. If the government and Microsoft have come to an agreement, I say let's ratify it and get on with Solving real problems facing real people. I support the proposed consent decree not only because it addresses the major charges against the company; it allows our leaders to get back to work on the greater issues affecting ordinary citizens.

Sincerely,
Sylvia Fernandez
304 N. Hidalgo Ave., Alhambra, CA 91801
(626) 300–0810

MTC–00030030

Gino's Primo Pizza
''Serving, Southern California for Nearly 20 Years''
January 23, 2002
Renata Hesse
Trial Attorney, Antitrust Division
Department of Justice
601 D Street, NW, Ste. 1200
Washington, DC 20530

Dear Ms Hesse:

As a small business owner, I don't want the government telling me how to run my business—but I understand the validity of the antitrust lawsuit against Microsoft. I also understand that the lawsuit has stretched out to four years—and has cost taxpayers $35 million.

I don't want my tax money going to waste—I want to see it go to help our schools and our healthcare system. I would also like to see it help end the energy crisis—something that directly impacts my business. So that's why I'm writing to support the proposed consent decree between Microsoft and the Department of Justice.

From my understanding, it has a little something for everyone—the major issues against the company are addresses without preventing Microsoft from innovatin8 new technology or responding to the needs of its customers.

Let's put this lawsuit behind us and get on with the nation's business. Feel free to call me if you have any questions.

Sincerely,
Joseph Harvey
Owner
717 W. Las Tunas Dr., San Gabriel, CA 91775 626.576.5945

MTC–00030031

Thea Perrino, MPH
206 Chumalia St., Ste. 3F
San Leandro, CA 94577
510.483.6143
January 23,2002
Renata Hesse
Trial Attorney, Antitrust Division
Department of Justice
601 D Street, NW, Ste. 1200
Washington, DC 20530

Dear Ms. Hesse:

As an alcohol prevention specialist working with at-risk youth, I am deeply concerned that taxpayer dollars have been used to draw out the antitrust lawsuit against Microsoft for almost four years. The $35 million spent pursuing the suit could have gone a long way towards funding youth programs throughout the country.

I understand that a proposed consent decree has been reached between the Department of Justice and Microsoft. I support this agreement—it's time that we let everybody get back to work solving the real problems facing our nation.

Please feet free to call me if you have any questions.

Sincerely,
Thea Perrino

MTC–00030032

Jennifer Zago, RN
360 S. Euclid Ave., #332
Pasadena, CA 91101
626.584.6769
January 23, 2002
Renata Hesse
Trial Attorney, Antitrust Division
Department of Justice
601 D Street, NW, Ste. 1200
Washington, DC 20530

Dear Ms. Hesse:

As a registered nurse, I have firsthand knowledge of our nation's woeful healthcare system. Many of my colleagues are confronted with shortages and inadequate supplies on a dally basis, That Is why I am deeply troubled by the federal government's continued pursuit of the Microsoft lawsuit. These lawsuits have been drawn out for four years, costing taxpayers upwards of $35 million. That money is sorely needed in our healthcare system, and could have been put to good use by doctors and nurses throughout our country.

I understand that there is now a proposed consent decree on the table between Microsoft and the Department of Justice that would address many of the major charges against the company. I support this agreement. It's time that we let everybody get back to work solving the real problems facing our nation, like fixing our healthcare system and getting more funding to hospitals,

Please call me if you have any questions.

Sincerely,
Jennifer Zago

MTC–00030033

Edward D. Failor, Jr.
2610 Park Avenue
P.O. Box 747
Muscatine, Iowa 52761
Renatta Hesse
Antitrust Division
Department of Justice
601 D Street, NW—Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

I am writing to express my support for the settlement Judge Kollar Kottely is considering to end the US Department of Justice's antitrust suit against Microsoft.

As Vice President of Iowans for Tax Relief, I have monitored the suit against Microsoft from its inception. I stand in stark opposition to my Attorney General Tom Miller's dogged pursuit of it. I believe this case has been a waste of taxpayer dollars at the state and federal level. It has also been an albatross around the neck of the technology industry, making it unattractive to investors and uncertain for companies making long-term decisions.

It is important to the high tech industry, taxpayers and investors to end this case as soon as possible. The settlement that the DOJ, nine states and Microsoft have agreed to is a very good deal for the government and achieves what is most important: ending the lawsuit.

Taxpayers have been bearing the negative impacts of this case from the beginning. They have been funding the suit at the state and federal level—without their consent. They have seen their retirement funds suffer through the downturn the stock market has taken since the ruling for a breakup of Microsoft was made back in the Spring of 2000.

I urge Judge Kollar Kottely to approve the proposed settlement in this lawsuit in order to stop the needless damage done to American taxpayers throughout this process. Thank you for accepting my comments as part of the court record.

Sincerely,
Edward D. Failor, Jr.
Vice President
Iowans for Tax Relief

MTC–00030034

Jamie Hopkins
2610 Park Avenue
P.O. Box 747
Muscatine, IA 52761
Renatta Hesse
Antitrust Division
Department of Justice
601 D Street, NW—Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I support approval of the proposed settlement Judge Kollar Kottely is reviewing that would bring closure to the federal government's antitrust case against Microsoft Corporation.

As a grassroots taxpayer advocate, I know firsthand that ending this suit is a priority for taxpayers across Iowa. It is an issue that comes up at many meetings and in telephone conversations with activists on a regular basis.

Taxpayers want to see the suit ended, not just to end the waste of their money, but also to send the message that the marketplace is where decisions about the success and failure of businesses should be made and not courtrooms.

I am hopeful that the judge will approve the settlement and bring an end to waste of federal taxpayer dollars that have been spent on this suit. I appreciate the opportunity to register my opinions on this important issue.

Sincerely,
Jamie Hopkins
Development Director
Iowans for Tax Relief

MTC–00030035

Jeffrey R. Boeyink
EXECUTIVE VICE PRESIDENT
IOWANS FOR TAX RELIEF & TAX EDUCATION FOUNDATION
2610 PARK AVENUE
MUSCATINE, IA
52761 319–284–8080
January 28, 2002
Renata Hesse
Trial. Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I am writing to submit my position on the Microsoft antitrust case. There was no outcry from taxpayers for action in this, case. Rather, competitors implored the * federal government to make sweeping regulatory decisions picking winners over losers in the market.

Iowa attorney general alone spent more than 3,000 hours working on this landmark antitrust case filing a federal court document asking for $1.1 million to reimburse ''the. state* for the time. Altogether, 19 states tendered a $13 million tab from lawsuit expenses and it has been estimated that the federal government spent, some $30 million.

Nine of the states, the Department of Justice, and Microsoft saw fit to settle. There are many more important issues facing. America and taxpayers deserve to have their funds utilized in a responsible manner, which best serves them With a fiercely competitive technology industry Microsoft, like* any business or individual, should be afforded economic freedom.

I urge you to deliver closure for taxpayers in this case and support the proposed settlement.

Cordially,
Jeff. Boeyink
Executive Vice President
Iowans for Tax Relief

MTC–00030036

Richard R. Phillips
Attorney-at-Law
300 E. Second
Muscatine, IA 52761
January 28, 2002
Attention: Renata Hesse
Judge Kollar Kottely
U.S. Department of Justice, Antitrust Division
601 D Street, NW, Suite 1200
Washington, DC 20530

Dear Judge Kollar Kottely:

I am baffled by the fact that the Microsoft antitrust suit has gone this far. Unfortunately, the lawsuit has had serious repercussions not only on Microsoft, but also on the economy and the tech sector in particular. It is time to bring closure to this case so the economy can begin to rebuild.

Even through the economic turmoil this case has created, the public has seen a variety of new products introduced by many different companies. There is real competition in the software industry. So many of us are now plugged into the web, a service that actually bombards us with free software and offers from hundreds of software companies. Many of us have unexpectedly become dependent upon high tech in our work and personal lives and are using products from a wide variety of companies.

Just think how much more innovation and creativity there will be in software and hardware when this lawsuit is ended and the threat of government intervention in the tech marketplace is shelved. I hope you will see to it to approve the settlement in this case. I believe it to be in the best public interest.

Sincerely,
Richard R. Phillips

MTC–00030037

January 28, 2002
Ms. Renata Hesse
Trial Attorney Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

Free enterprise is what made our country a leader in so many sectors of the global marketplace. Today, the nation's has economy weakened and we are facing serious economic concerns. During this difficult time, many of us are tightening our belts and curtailing our own personal family budgets. I hope you will agree that now is the time, to do the same within our government.

In the antitrust case against Microsoft the total to the federal government as of July 2000 was an estimated $30 million dollars in taxpayer funds. The suing states spent millions of state tax dollars on top of that.

The majority of participants reached a long awaited resolution in this case. We applaud those state attorneys general who signed on to this proposed settlement—unfortunately our state attorney general is notably absent .from that list. Nevertheless, settling this case now is the right thing to do for American taxpayers.

Those who came together on this settlement have found a conclusion that will have positive effects for the industry and consumers—those for whom the case was originally brought about. I urge you to approve, the settlement before you.

Thank you for your time and careful consideration.

Cordially,
Edward D. Failor
President
Iowans for Tax Relief

MTC–00030038

DARTMOUTH HITCHCOCK MEDICAL CENTER
1 MEDICAL CENTER DRIVE
LEBANON, NEW HAMPSHIRE
03766
FACSIMILE TRANSMISSION
DATE:1/28/02
FAX #:1–202 307 1454
TO: MS ??
ATTENTION:
NUMBER OF PAGES (INCLUDING COVER):2
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SECTION OF GIM
RETURN FAX #: (603) 650–8770
RETURN TELEPHONE #: 603 ??
Mark Countermarsh
39 Evarts Read
PO BOX 37
North Hartland, VT 05052
January 27, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

This letter is to ask you to give your support to the proposed agreement between the Department of Justice and Microsoft. I understand there is a 60-day period in which public comment is allowed, and I feel it is my duty to encourage your support of this agreement. There is no need for any further Federal action.

Microsoft has provided so much to this country through creating jobs and opening the way for technological innovation in the software industry. I don't feel it should be punished for its success at the expense of weak competition. The agreed terms provide a major opening for other players to build market share and should be quite satisfactory to Microsoft's opponents. Software developers will benefit from access to Windows internal interfaces and server protocols and will even be able to license Microsoft technology while marketing themselves without obstacles due to computer maker's business limitations,

Please move forward with this plan and allow the competition to prove their worth in the software market without the industry disruption of a corporate break up. Our economy will respond, and so will the general public, to this very fair decision being implemented without further delay, I appreciate your support.

Sincerely,
Mark Coutermarsh

MTC–00030040

Microsoft''
January 26, 2002
Attorney General Ashcroft, USDOJ
950 Penna. Avenue, NW
Washington, DC 20530–0001

Dear AG Ashcroft,

I believe that your decision to settle this Microsoft suit was a wise one. Anytime that our government takes upon itself the rather extreme position of suing a private business is serious indeed. It is important for our government to encourage innovation and creativity through incentives, rather than discouraging them through convoluted, politically expedient lawsuits. It seems as if this case may have had less actual legal merit than it first appeared. In these days, we should remain especially vigilant at concentrating on far more important issues like national security and budgetary problems. It is good for us to settle this case and move on to these more important matters. The settlement does an excellent job of answering for all the problems that competitors brought against Microsoft. By

allowing manufacturers their own say in how to configure Windows and competitors more access to source code that will improve their programs'' ability to operate in Windows, Microsoft is going well beyond what has been asked of them.

Thank you for your foresight and wisdom in this matter and thank you for taking the time to review my opinion in this matter. It is about time for the Justice Department ask the people who will be most affected by this decision how it will impact them,

Sincerely,

Clark Spencer

MTC–00030041

Craig Schannaman
P.O. Box 2001—??
January 22, 2002
R?? Hesse, Trial Attorney
A?? Division
U.S. Department of Justice
601 D Street NW, Suite 1.200
Washington, DC 20530

Dear Ms. Hesse:

My interest in the antitrust case, U.S. v. Microsoft, comes from my concerns as a former state legislative leader and as a satisfied customer of Microsoft products. It is no secret that Microsoft is in an incredibly competitive and combative business climate. Microsoft has maintained its position as the number 1 creator and distributor of office systems software by making sure its customers get the most innovative systems at the best prices. Perhaps this is the reason why this four-year-old case did not show that consumers wars getting the poorly served by Microsoft's business decisions.

I am very concerned about the precedents which could be set if this settlement agreement is not approved, and the ball is again tossed in the air to see where it may land next. Would Microsoft be forced to give away its intellectual property, thus removing its technological edge over its competitors? Is the government going to begin micromanaging the affairs of information technology research and development, thus making it virtually impossible for any IT firm in the United States from maintaining a world leadership status? After four years in the courts, this case should have examined every possible aspect of Microsoft's business pr??tices. I trust that the U.S. Department of Justice and nine of the 18 states in this case used good judgment in reaching their settlement.

I hope that it is allowed to end this case and allow the benefits of the settlement to help kids in disadvantaged schools. Thank you for considering any letter in this public commentary on the settlement.

Sincerely,

Craig Schaunaman

MTC–00030042

JOHN L. WILDS
LAWYER
3RD FLOOR THREE HUNDRED BUILDING
300 NORTH ??AKOTA AVENUE
SIOUX FALLS, SOUTH DAKOTA 37104–6026
TELEPHONE (603) 332.1822
TELECOPIER (605) 332–0304
January 25, 2002
Renata Hesse, Trial A??orney
Antitrust Division
U.S. Department of Justice
601 D Street NW, Su?? 1200
Washington, DC 20530

Dear Trial Attorney Hesse:

I am submitting my comments to support the settlement in U.S. vs. Microsoft Corporation, because the settlement has answered all of the significant issues which have survived the court process so far. While there are those who oppose this settlement, it would be senseless to turn it away. I understand it has taken the Justice Department four years and about $40 million to reach this point. It is time for this case to be allowed to come to a conclusion.

No doubt, Microsoft's competitors will continue seeking any means to gain an advantage over Microsoft inside the marketplace and outside the marketplace. Bringing issues to court is an appropriate action when there are significant issues to be answered.

I think this case has answered these issues, and now it is time for the case to be ended. A decision to not accept the settlement, I believe, would be perceived as an invitation to a fishing expedition which will not serve justice for Microsoft or any other company which is involved in the creation and marketing of new software technologies.

I appreciate your attention to my remarks.

Very truly yours,

John L. Wilds

MTC–00030043

01/28/2002
Renata Hesse
Trial Attorney
Antitrust Division
U.8. Department of Justice
6Ol D Street NW—Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

The best interests of the future of Information technologies are found in the settlement agreement between the Microsoft Corporation and the U.S. Department of Justice. The antitrust case, to a large extent, plowed new ground in the development of regulating a company like Microsoft, which has moved very quickly in the development of its software systems. I have been told the settlement answers the issues that prevailed in the court process.

As a state legislator, I am particularly interested In the benefit to schools with high percentages of low-income children and families. South Dakota has a number of school districts that would be eligible for the supply of hardware, software and support in this offering. I think it is a fair method of resolving a case like this, and it will matter quite a lot to the future of the children included in these school districts.

I appreciate your attention to my statements.

Sincerely

Jim Hundstad

State Representative

Logislative District 2

MTC–00030044

South Dakota Legislature
State Capitol,
500 East Capitol,
Pierre, South Dakota 57501–5070
Senate Chamber
Renata Hesse, Trial
Attorney Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
January 28, 2002

Dear Ms. Hesse:

The settlement agreement in U.S. v. Microsoft can result in a major benefit to education in South Dakota because of the children who would be identified to receive computer systems. I understand the settlement terms seek to send the systems to school districts whore there are disproportionate numbers of children who qualify for the fedela1 school lunch aid program. In South Dakota, there are quite a few school districts which would qualify under that criteria.

State government in South Dakota has focused on making internet use ubiquitous via the Wiring the Schools Program. Our state seeks to use long distance learning technologies to make sure our rural school districts are on even ground with, the wealthier urban school districts. The availability of computer systems via the settlement will make this technique a reality for more and more children,

My letter is sent to support the settlement for the benefits it would bring children, arid to express my hopes that this four-year-old lawsuit can be allowed to be put to rest. The settlement fairly and adequately addresses the pertinent issues in the lawsuit, and the settlement will allow good things to happen to children who need the help, Thank you.

Sincerely,

John McIntyre

State Senator

Legislative District 12

MTC–00030045

South Dakota Legislature
State Capitol,
500 East Capitol,
Pierre, South Dakota 57501–5070
House of Representatives
January 28, 2002
Renata Hesse
Trial Attorney
Antitrust Division
US Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

My legislative district is home to or borders on the Yankton Sioux Tribe, the Crow Creek Reservation and the Lower Brule Reservation, as well as non-Indian school districts where you will find tow-income families and stressed financial resources for schools. The people in my district are quite diverse, not only in race, but also in terms of ethnic heritage, faith and occupation.

One cause we all agree on is the fact that a quality education will do more to equalize opportunity for children than anything else. For this reason, I am looking forward to the settlement in U.S. v. Microsoft. The installation of up-to-date computers and systems in low income school districts will allow disadvantaged children equal access to

the wonderful learning tools found in the interest.

I also support the settlement became the antitrust case has fully lived its usefulness to addressing the legal questions involved. It is doubtful that extending this case beyond it's 4-year-old lifespan is going to be productive, I hope this settlement wig. be enacted so that everyone concerned may benefit. Thank you for your attention to my letter

Sincerely,
Sam Nachtigal
State Representative
Legislative District 25

MTC–00030046

Joanne Lockner
Country Visions
301 3rd Street MW/
St. Lawrence 57373
Studio/Ho??e
605–853–2756
Renata Hesse
Trial Attorney
Anti-trust Division
US Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
January 25, 2002

Dear Ms. Hesse:

My comments are offered here to show my support for the Settlement recently obtained between the Justice Department and the Microsoft Corporation, support this settlement because it will bring an end to a case which has remained in the courts long enough to resolve the relevant Issues Involved.

Beyond the Issues, however, I strongly encourage this settlement because it will surely bring a better quality education to children who need the most help in South Dakota and elsewhere. I have served as a State Representative in central South Dakota where them are school districts in farming and ranching communities which are considered remote and low income. Pr??sentiy, the state is expanding its efforts to Improve the quality and availability of tong distance learning. I know there are plenty of rural school districts wh??ch need competent computer systems to take advantage of the Internet and the state's educational efforts. As an ?? who supports the Ar??sts in Schools P?? am excited by the possibilities of helping more ch??dren enhance their lifestyles through the arts via the Internet.

Thank you so much for allowing my comments to be considered. I think the settlement is a healthy step forward for children and for justice.

Yours very truly,
Joanne Lockner

MTC–00030047

DR. NONA LEIGH WILSON
415 Medary Avenue
Brookings, South Dakota 57006
605–688–4365 SDSU Office—
605–692–3915 Residence
January 17, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Sate 1200
Washington, DC 20530

Dear Ms. Hesse: My letter is intended to articulate my support for the settlement reached in U.S. v. Microsoft and to help complete a four-year-old antitrust case which has addressed the issues which have been deemed valid through the court process. It is plainly clear that this case has had sufficient time and enough resources to fully and fairly consider all of the pertinent issues and develop a remedy that is appropriate to the findings involved.

Any further time and financial resources expended to search for additional issues would, in all likelihood, be a wasteful effort, and not worthy of the resources of the United States government. As an educator, I am very interested in realizing the befits to education and disadvantaged children that would result from the settlement. This penalty seems to be a wise and useful result of this lawsuit. Thank you very much for considering my input on this settlement.

Sincerely,
Nona L. Wilson

MTC–00030048

H??C Galloways
Electrical Consultants
P.O. BOX 375
Black Hawk, SD 57715–0375
(605) 787–4169
Fax (605) 787–5839
January 17, 2002
Renata Hesse, Trial Attorney
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Trial Attorney Hesse: On the issue of the settlement in U.S. vs. Microsoft, let my comments show that I support it because the settlement will have great value to Indian children throughout western South Dakota. The settlement calls for Microsoft to supply computers, equipment, software and the technical support they require to the nation's neediest school districts, as defined by the criteria for federal school lunch aid to students. The U.S. Census Bureau has shown South Dakota has three of the nation's poorest counties, all of which are located on reservations. South Dakota also has plenty of low income counties and school districts in rural counties where farm incomes have floundered.

The settlement should be the last word in the Microsoft controversy. This case has had more than enough time and money to find remedies to the issues brought before the U.S. Department of Justice Antitrust Division. I think it says a tot that nine of the eighteen states in the case (South Dakota decided to stay out of the case) and the Justice Department have declared they have a settlement with the Microsoft Corporation. It's not my intention to retry the issues in this tatter because I have faith that everything which could be done to reasonably remedy the controversy has been done. Thank you for your attention to my comments.

Sincerely,
Henry Maicki

MTC–00030049

Fax
To: Renata B. Hesse
From:
Fax: (202) 307–1454 / (202) 616–9937
Pagas: 2 (includes cover)
Phone:
Date: 01/28/02
Re: CC:
. Comments:
CREW & CREW
Attorneys at Law 141 North Main, Suite 706
P.O. Box 923
Sioux Falls, SD 57101–0923
Michael B. Crew
Karen L. Crew
Anje L. Olseth, Legal Assistant
(605) 335–5561
FAX (605)335–762l
January 28, 2002
Renata Hesse, Trial Attorney
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
RE: Settlement agreement in U.S. v. Microsoft

Dear Ms Hesse:

Please include my sentiments in the public commentary as a supporter of the settlement agreement. The sooner this case ends, the sooner all parties involved can move on to other matters.

From what I have been able to learn, the settlement ought to be in the final chapter in this case; it has taken four years to reach this point. I understand that the issues which ,,,ere deemed important by the court have been satisfied in this settlement. I believe, the Department of Justice made a wise decision to close the book on this issue after an exhausting effort to examine all pertinent issues.

Thank you including my remarks on this commentary.

Sincerely,
KAREN L. CREW

MTC–00030050

PUBLIC
POLICY
SYSTEMS
INC.
130 Bowdoin Street, Suite 1108 ??
Boston, MA 08108
Honorable Colleen Kollar-Kotelly
U.S. District Court, District of Columbia
c/o Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
RE: U.S. v Microsoft

Dear Judge Kollar-Kotelly,

I would like to express my dissatisfaction with the settlement between Microsoft and the Department of Justice.

The settlement made virtually no impact on protecting consumes from companies like Microsoft who have monopolies in the marketplace, It has many loopholes and its level of enforcement is questionable, In addition the settlement leaves Microsoft in a position to continually raise prices for their products. This does not provide consumers the level of protection they need for greater consumer choice. It is my understanding that many consumer groups have opposed the settlement.

The agreement states that Microsoft ''shall not enter into any agreement'' to pay a software vendor not to develop or distribute software that would compete with their products, but it is Microsoft that will he the final decision maker on that provision, The agreement also ??tates that Microsoft must share certain technical information, but only if it would not the their security or software licensing. Again, Microsoft will be the final decision maker regarding this matter. The settlement does nothing to deal with the effects on consumers and businesses of technologies such as Microsoft's Passport.

I find rhea, inadequacies to be too broad to accept this settlement. I hope that Microsoft will not be able to continue to preserve its monopoly while consumers and competitors are subject to the practices that are supposed to be protected by antitrust laws.

Thank you for your time,

Regards,

William A Carito, President

CC: Attorney General, Tom Reily

MTC–00030051

January 27, 2002
Renata Hesse
Trial Attorney
Anti-Trust Division
U.S. Department of Justice
601 D St., NW
Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

Thank you for your service as U.S. District Court Justice.

The agreed upon remedies in the Microsoft case allow computer operating equipment manufacturers limited access to Microsoft Windows to manipulate it in a way that fits their specific needs and product. Permits some adjustments to the Windows operating system to be made by the average user. It affords other technology providers—including Microsoft's direct competitors—the benefit of access to technical specifications. It sets in motion a machine to enforce these remedies.

It does the equivalent of disclosing the recipe for the McDonald's Big Mac special sauce to all competing fast food restaurants. The fact that this only applies to Microsoft and none of the other software or operating system manufacturers provides all its competitors with an unfair advantage.

Yet, Microsoft agreed to settle with these remedies in an effort to end this relentless infinitely long litigation. Hopefully you will add your consent to this agreement.

Thank You,

Jill Stutts

5520 Antler Drive

Cedar Rapids, Iowa 52411

MTC–00030052

January 28, 2002
Jason Deans
7412 N. Thorncliff Place
Raleigh, NC 27616
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Fax: 202–616–9937

Dear Ms. Hesse:

As the government accounts representative for Comark, a leading regional tech firm, I am thrilled that the long awaited settlement between Microsoft and thee federal government is finally at hand. All we need now is for the Judge to approve the settlement. The Judge, in my opinion, has more than ample reason to do just that.

First of all, let me say how well I believe that government and business can work together for mutual prosperity. It can and does happen—EVERY DAY! I see it when I call on governmental agencies, officials and departments.

I enjoy using technology to build a bridge between government and business. It makes perfect sense. After all, the emerging technologies of today make every segment of society more productive—it makes no difference if the end user works for the public good or a private interest. Let's forge ahead and revitalize the American economy. Let's renew our commitment to research and development, so that we continue to lend the world in productivity and quality. Let's create a new spirit of cooperation between the government and private enterprise. Let's show the rest of the world that American don't take recessions lying down—that we will act to strengthen our country and assist our countrymen.

Now is the time for bold action. I request that Judge Kollar Kotelly approves the settlement.

Sincerely,

Jason Deans

MTC–00030053

January 28, 2002
Jill Green
4660–302 Tournament Drive
Raleigh, NC 27612
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

During my tenure as Assistant Director of Admissions at North Carolina State University, I have witnessed many technological innovations and trends. Most of these have involved the use of a computer, and many involved Microsoft products.

While I cannot say with exact certainty why the federal government pursued an antitrust lawsuit against Microsoft, I can tell you that it has had a devastating impact on technological innovation while it has transpired. Before the lawsuit, tech companies were lauded for focusing on research and development at the exclusion of politics. In fact, few of the leading tech firms employed anyone to conduct government relations programs.

Microsoft learned quickly that its exclusive focus on making life more efficient for everyone had made its competitors struggle for market share. The competitors retaliated by getting into the political game. The lawsuit followed. Even today, Microsoft's competitors are lobbying to conti9nue the lawsuit endlessly.

We should support the federal government and Microsoft in their decision to settle the case. I urge Judge Kollar-Kotelly to approve the proposed settlement of the lawsuit. Let's allow research and development to march ahead.

Sincerely,

Jill Green

MTC–00030054

January 28, 2002
Tresa Jalot
829 Joyner Court
Wake Forest, NC 27587
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Fax: 202–616–9937

Dear Ms. Hesse: Given that my husband is a local television news personality, I follow the news even more keenly than I ordinarily would. I began working at a new job just a few short weeks ago, as the membership and marketing director for Heritage Golf Club in Wake Forest, North Carolina. Unfortunately, the news and my common sense tells me that many other folks won't be fortunate enough to find new jobs because of the poor economic conditions our country is in. We've got to change that.

Our government must demonstrate that it is serious about stimulating the economy. A great first step in that process would be to finish the job of settling its antitrust lawsuit against Microsoft. I think I speak for most American when I say, ''Enough already!'' Both sides have agreed to settle—it's time to move on to something else.

I believe that I also speak for executives who work in membership and marketing when I say that I'm much more efficient in my job because of Microsoft's quality products. Database management, communications, and publications are all professionally done with just a click of a mouse.

The American people choose Microsoft products because they make life better. Life will also be better for many Americans once this suit is settled. I request that 3udge Kollar Kotelly approves the settlement.

Sincerely,

Tresa Jalot

MTC–00030055

January 28, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Jennifer Sidbury
1425 Suncourt Villa Drive
Wilmington, NC 28409

Dear Ms. Hesse:

As a past Executive Director of the North Carolina Federation of College Republicans, it has been my pleasure to work with many delightful people in all walks of life. Attorneys, business executives and university faculty were heavily involved in the statewide organization that I ran. Most

were people of common sense, good judgement and fine moral character. Most wanted the common good to prevail in all political proceedings. I have always sought to emulate these people—the ones who act in the best interest of ALL of society.

It is in that spirit that I call on Judge Kollar Kotelly to approve the proposed settlement in the antitrust suit between Microsoft and the federal government. It's the right thing to do. People are hurting. We're in a recession. Let's move the economy... and the country forward by ending this whole affair.

Sincerely,

Jennifer Sidbury

MTC–00030056

January 28, 2002
Dan Mansell
Demco Construction
317 W. Second Street Clayton, NC 27520
Renata Hesse
Trial Attorney
Antitrust Division Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Fax: 202–616–9937

Dear Ms. Hesse:

I have always believed that a limited government is the best government. Our federal government should give businesses and families a hand up when they need it. Our federal government should never stand in the way of American progress.

I believe that the Microsoft antitrust suit has gone far enough. Microsoft is an industry leader. They deserve to be supported. I use Microsoft's technology to run my construction business. Start to finish, I use the many tools they offer to estimate, bid, and execute a job.

In short, their products help me meet a payroll. I want the feds to support Microsoft the way Microsoft supports me.

I request that Judge Kollar Kotelly approves the proposed settlement.

Sincerely,

Dan Mansell

CEO

MTC–00030057

January 25, 2002
To: Renata B. Hesse
Antiturst Division
U.S Department of Justice
601 D Street NW
Suite 1200
Washington, DO 20530–001
Subject: Microsoft Settlement

The following are my comments regarding the proposed settlement of the United States vs. Microsoft antitrust case.

Personal Background

I am Information Technology specialist who works primarily in Systems architecture, design, and development, Over the past ten years I have specialized in Information Security. I have been a user of Microsoft products (for both consumers and developers) since the early 1980s. United States w Microsoft Background The District Court and the Court of Appeals concluded that Microsoft had ''unlawfully maintained its monopoly power by suppressing emerging technologies that threatened to undermine its monopoly control of the personal computer operating system market.''

The Court of Appeals held ''a remedies decree in an antitrust case must seek to 'unfetter a market from anticompetitive conduct,'' to 'terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future.'''

Comments

Scope of Protection Is Too Limited

Microsoft's competition in the Operating system area varies greatly in type and size. This competion includes:

. direct competitors, organizations creating different Operating systems (e.g. Linux)

. organizations that build applications and middleware that run ''on top'' of an operating system (e.g. Java and Netscape Communicator)

. organizations that customize operating systems for their clients (hardware OEMs)

. organizations that provide software equivalence of the services of one operating system on a different system or environment.

The proposed restrictions on Microsoft business conduct will provide protection to a subset of these Microsoft competitors. The majority of the Proposed Settlement focuses on providing relief for 1) organizations that provide middleware that run exclusively on Microsoft Windows products, and 2) hardware OEM vendors. There are only minimal changes in the Microsoft conduct to protect vendors of competing operating systems.

Only Large Competitors Are Protected

The size of organizations that develop software varies greatly. Even Microsoft started as a small number of people. Unlike many other businesses, there is not a requirement for a large capital investment to start developing software.

The restrictions on Microsoft conduct apply only to large organizations (both OEM and software developers). Not only does this not work to terminate the monopoly it creates new exclusionary and discriminatory practices which did not previously exist,

Scope of Interfaces to be Disclosed Is too Narrow

The Proposed Settlement requires that Microsoft disclose the APIs for its middleware. However, in the Proposed Settlement the definition of Middleware is so limited that it excludes many of the interfaces required by competitors, The Interfaces to be disclosed need to include not just Application Programming Interfaces (APIs) but all other data structures and protocols externalized by Microsoft software components. The Department of Justice chose not to pursue issues related to the comigling of software and yet the Proposed Settlement assumes to have sufficient knowledge of the separate pieces (middleware vs. operating system) to provide a working definition in the Proposed Settlement. As long as the definition of the Windows Operating Systems is outside the scope of the Proposed Settlement Microsoft will maintain the control over which interfaces must be disclosed. It would be more appropriate to require Microsoft to disclose ALL interfaces between all components of their products.

Not All Middleware Components are Identified.

Given that some of the Microsoft Middleware components that are subject to this settlement are mentioned in the Proposed Settlement, the ''.net'' interfaces, as the Microsoft followon to Java should be included, Given the complexity of the definition of Middleware provided in the Proposed Settlement, it would be desireable to include the complete list of all Microsoft Middleware. This list should be publicly available for the time period that the Settlement is enforced.

Not All Current Versions of Windows are Covered In the Settlement

All current versions of Windows that are based on Win-32 should be covered by the Settlement. This should at least include Windows CE and Windows XP Tablet Edition.

Too Many Restrictions on Disclosure of Security Interfaces

The Proposed Settlement places restrictions on the disclosure of Microsoft security interfaces in the name of National Security. I would suggest that the reverse is true. In the current environment it is important to nurture the development of security functionality. All Microsoft security programmable interfaces, protocols, and date structures should be fully disclosed. The only restriction should be that the content of some specific data elements may not be disclosed (private keys, etc.)

Limits on Which Organizations can Seek Disclosure of Interfaces

The proposed Settlement places restrictions on which competitors Microsoft must disclose their APIs. The competitors must be of sufficient size and have a valid business case. This allows Microsoft to chose which organizations they wish to compete. Even Microsoft in its earliest years would have failed these requirements. Given that in the current environment one of Microsoft's strongest competitors is primarily a volunteer organization (Lunix) it seems likely that Microsoft would not disclose any APIs to ''Free'' Software development organizations.

Poor Enforcement Mechanisms

A good settlement should include enforcement that is easily understood, quantifiable, and verifiable. There should be metrics that can be used over a period of time to evaluate the success of the Settlement. A good enforcement needs to provide quick resolution of issues related the Settlement for the business needs of both any plaintiff as well as Microsoft. Finally, them needs to be a sufficient motivation to insure Microsoft will not violate the Settlement.

The Proposed Settlement provides almost none of the above There is technical review by a three person team but all of their work will be confidential and not subject to review. There is no public or judicial review of the progress of the Settlement. The only option for handling misconduct, outside of the technical team, is to go back to court—one of the slowest ways to resolve any violations. Finally, given that them is no financial incentive required in this Settlement and that Microsoft earns billions of dollars using their current business conduct it is hard to see why Microsoft will be motivated to make any changes in their conduct.

Conclusion

The Proposed Settlement does not provide adequate changes in business conduct of Microsoft to provide a remedy that meet the requirements of the Court of Appeals mandate. In some cases the Proposed Settlement adds new herders to the competition to Microsoft Operating Systems and Middleware. Thus, the Proposed Settlement does not serve in the public interest. I recommend that the Proposed Settlement be rejected.

Sincerely,
Jerry L. Hadsell
2800 Woodley Road NW
Washington DC, 20008

MTC–00030058

Fax Cover Sheet
Date: 28 Jan 2002
To: Renate Hesse Antitrust Division
Company: Department of Justice
Fax: (202) 616–9937
From Harold R. ANDRLS Sr
Company:
Tel: (301) 935–0057
Number of pages including this one: 2
kinko's
4417 Hartwick Rd.
College Park, MD 20740
Tel: (301) 277–7543
Fax: (301) 779–6417
Comments:
Renata Hesse, Trial Attorney
28 January 2002
Antitrust Division
Department of Justice
601 D Street NW Suite 1200
Washington, DC 20530
Fax (202) 616–9937
e-mail microsof.atr@usdoj.gov.

On Shabbas, 26 January 2002AD, an unsolicited virtual message was deposited on my telephone requesting my immediate comments concerning the ''Microsoft'' litigation. Please for the sake of immediacy do not make the mistake of recasting the story of Genesis 25:29–34. The action taken must avoid the ??okology of yet another mons?? marching through-out the Lands of this World. The objective of governance should be to protect the rights and freedoms of People (be they individuals or organizations) against predicatory statements by any entity conspiring to sup press and gain absolute control or power.

In presenting and resolving this and similar issues, perhaps rite views of Dr. Herbert I. Schiller should be, considered. I understand that his observations are available in such works as ''Culture, inc.''/ ''Living in the number one country''/''Mass communication ,and American empire''.

In resolving the arguments, Please do NOT make the mistake of ESAU by selling ?? need of the moment to satisfy greed.

''Happy Iris'' & Trails!
Harold R. Andrus,??
3509 DePauw Pla??
College Park, MD 207404009

MTC–00030059

447 Larchwood Avenue
Trevose, PA 19053–4407
January 11, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing to express my opinion about the recent antitrust settlement between Microsoft and the US Department of Justice. In light of the recent terrorist attack and the ongoing war on terrorism, I think it is absurd that nine states continue to bring lawsuits against Microsoft in a case that seemed unjust from the start.

The settlement is too harsh to begin with since entering into third party exclusive distribution agreements have never been a problem in the past. Also, disclosing internal interfaces that Microsoft spent a lot of time and money to develop is a violation of their intellectual property rights.

I urge your office to free up Microsoft to allow them to focus on business. This will serve the public's best interests because only our strong industry leaders can rejuvenate economy.

Sincerely,
John Stern

MTC–00030060

Kory Nanke Letterhead—realtor / business owner
DATE
Judge Kolar Kottely
Renata Hesse, Antitrust Division Public Comment
U.S. Department of Justice
601 D Street, NW, Suite 1200
Washington, DC 20530

Dear Judge Kottely.

After years of litigation, the Department of Justice, nine state attorneys general, and Microsoft Corporation—the majority of the parties involved in the case—have agreed upon a settlement. It is now before you to make your judgment.

As history has revealed, there is often a six-month to one-year delay before the real estate market feels the effects of a significant economic change in either direction. An economic downturn had begun prior to the horrific events of September 11th. However, it was accelerated after that day. Those of us in the real estate industry are just beginning to feet the market soften.

In addition to the much appreciated efforts of President Bush and Congress to put forth an economic stimulus package to help generate a spark in the economy, settling this case is another small, but important step in that direction.

I urge you to accept the settlement that the majority of the parties involved in this case have agreed upon.

Sincerely,
Kory Nanke

MTC–00030061

Jim Grabowski
487 Covewood Boulevard
Webster, NY 14580–1107
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

Now that Microsoft and the Government have reached an agreement, it appears that the states are doing to Microsoft what they did in the tobacco suit. They wish to pursue further litigation in order to fund their state governments, and I think it's ridiculous.

Microsoft did not get off easy. Not only did they agree to disclose various Windows internal interfaces to the competition, they also agreed to not enter into any agreements obligating any third party to distribute or promote any Windows technology exclusively.

Let's move on. Our government should focus on more pressing issues, and leave decisions about software company size and success up to consumers.

Sincerely,
Jim Grabowski

MTC–00030062

Fax
To: Renata Hesse
From: Kenneth Brown
Fax: 202–616–9937
Pages: 7
Phone: 202–307–1454
Date: 1/28/2002
Re: Tunney Act Comments
CO:
Please call 703–608–4222 if you have any problems with this submission. Ken Brown
January 28, 2002
Renata Hesse
Trial Attorney
Antitrust Division
U.S. Department of Justice
601 D Street, NW Suite 1200
Washington, DC 20530
e-mail: microsoft.atr@usdoj.gov
Re: AdTI Tunney Act Comments

The Alexis de Tocqueville Institution submits these comments under the Tunney Act. The Alexis de Tocqueville Institution is an independent non-profit education and research organization described in detail at www.adti.net. The mission of AdTI is to provide helpful policy analysis to advance the ideas of democracy and freedom around the world.

Sincerely,
Kenneth Brown
President
Telephone Number(s)- office 202–548–0006, cell 703–608–4222

Why the Microsoft Case Should Be Settled
Alexis de Tocqueville Institution
Washington, DC
January 22, 2002

The Hard Truth About Invention in the U.S. Marketplace Two courts have reaffirmed that Netscape nor its browser were shut out of the marketplace. The browser wars produced a winner and a loser; and Netscape was the loser. However, within thousands of briefs and legal arguments criticizing the U.S. vs. Microsoft settlement is the repeated concern about the future of new Netscape's in the technology sector. Almost every other issue is tangential, and we must differentiate the arguments properly.

We see an interchanging of terms being used, specifically, ''....the settlement should make the marketplace safe for firms to compete with Microsoft...'' vs. ''...the settlement should be safe for firms to introduce new products...ie. like Netscape

Navigator...'' The Department of Justice has proposed a settlement that properly speaks to its duty—to introduce a remedy which allows firms to safely introduce new products. Microsoft has agreed to the rules; which include a mandate that Microsoft disclose any information necessary for rival firms to produce fully interoperable products with Windows for competing software and servers.

The reason why critics want a settlement which goes further is because they want Microsoft completely out of the way. The case is merely obfuscation. With billions of dollars in resources, Microsoft's competitors want every advantage because 1) the marketplace for new technology is overwhelming and having a chief competitor eliminated makes things a little easier and 2) the competitors lobbying for a far-reaching settlement are among the most aggressive and fierce technologists in the world.

The reality is that the marketplace, particularly the marketplace for new technology has never been safe from a competitor. What Microsoft's competitors want is an oxymoron because no technology product is ever ''competition-free'' or guaranteed success in the marketplace. This benefits consumers, the country and ironically inventors themselves, which makes it relevant to observe the reality of the marketplace (beyond the courtroom) for a moment. Great Inventors Must Be Fierce Strategists

Every inventor and innovator small and large must face the formidable odds to succeed in the marketplace for new technology. Since the day the first idea was registered in the U.S. patent office, countless inventions and innovations have become cinders in the furnace of competition. Relentless markets in America only sustain the fiercest competitors, without exception. Technologists rewarded with fabulous wealth and fame did so at the expense of employing hard-hitting, merciless strategies. Regardless of ingenuity, technologists without the ability to navigate in the marketplace were failures; and lucky to even receive credit as creators of their own inventions.

The marketplace for food, furniture and other goods each have their challenges. But, the technology marketplace is unique because it demands both inventive genius and keen business savvy. The combination of the two is rare in individuals and corporations, and particularly scarce among pure inventors such as physicists, mathematicians or engineers. From the light bulb to the PC operating system, every innovator that history has been kind to, had the indomitable capability to merge intellectual power with commercial insight. In the end, technologists with these qualities became far more successful than their counterparts with better inventions or greater talent.

Competitive Inventors Preserve U.S. Leadership

However, America's owes its technological leadership in the world to its competitive battleground. Although education, vigorous intellectual property rights and democracy are also credit to American invention, its ability to surface inventors with commercial savvy, make it a source of the most competitive innovations in the world. In the end, the U.S. is a loader in world-changing innovations, at the expense of sustaining a ''bare-knuckled'' marketplace.

After an excruciating and lengthy examination by the court system, the federal government and 9 states (actually 41 when you consider the states that never filed suit) agree on the U.S. vs. Microsoft settlement. Regardless of the differences among the parties, we can't expect any ruling to settle the differences between Microsoft and its competitors. However, this dissatisfaction is in the best interest of our country and will only spawn better ideas and products that will propel the U.S. to new heights. U.S. technological leadership depends on the undying will of its innovators to be no. 1.

The ''Electric'' War Between Edison and Tesla

The debate over Windows is similar to many stories about wars between rival innovators throughout history, particularly aspects of the Thomas Edison story. Although the Edison-Tesla rivalry did not involve anti-trust law, the contest details the reality of the ''invention business'' in the most competitive capitalist society in the world.

Contrary to popular belief, the idea of electric lighting was not Edison's. A number of individuals had developed forms of electric lighting, but none had developed a system that was practical for home use. Using lower current, a small carbonized filament, and an improved vacuum inside the bulb, Edison was able to produce a reliable, long-lasting source of light. Thomas Edison didn't ''invent'' the light bulb, but became a legend for making a 50year-old idea a fantastic commercial success.

Edison's fiercest rival, was an ex-employee named Nikola Tesla from Smijlan, Croatia. Tesla was a genius who invented the fluorescent bulb in his lab forty years before industry ''invented'' them. At World's Fairs and similar exhibitions, he demonstrated the world's first neon signs. Perhaps Tesla's greatest invention was the AC (alternating current) system we use in our homes today. DC (direct current), an inferior system, ironically, was designed by Thomas Edison. After years of fierce wars and debate between the Tesla and Edison teams, AC became the accepted system of transporting electricity. In fact, Edison later admitted that AC was the better system. While both men were geniuses ahead of their time, the biggest difference between Edison and Tesla was their perspective and approach to invention. Edison had a keen understanding of capital markets and the strategies necessary to finance, promote and commercialize his inventions. Tesla was a great theoretician who worked perpetually to finance experiments.

Edison held a world record 1,093 patents and died a wealthy, famous man. Tesla received over 800 patents, died penniless and was literally erased from the history books. In fact, Tesla was poor the last thirty years of his life and arguably would have eclipsed Edison's patent record if he had the capital. Remembered for many things, Edison was known for saying, ''I have more respect for the fellow with a single idea who gets there than for the fellow with a thousand ideas who does nothing.'' Edison's vision reflects the view of anti-trust law, that the greater value is in a stable marketplace, not the resurrection of competing ideas.

The Other Truth about Netscape

The Appeals Court ruling reflects another hard truth—Netscape fell, because it did. The DC Circuit rejected the course-of-conduct theory, under which Microsoft's specific practices could be viewed as part of a ''broad monopolistic scheme.'' This obviously has made anyone that viewed Microsoft as an evil-doer exponentially dissatisfied with DOJ's settlement. But again, is the responsibility of the DOJ to make the world safe from Microsoft? Netscape maintained its Internet dominance until 1997, when Internet Explorer's fourth version was able to lap Netscape. Netscape Navigator never regained its prominence. In addition, by that time, the Netscape product was slow, outdated, and unstable, falling to a swifter surging Internet Explorer.

But perhaps the most unmentioned reality regarding Netscape's fall was their announcement to all (Microsoft included) that their strategy was to be the middleware that would be the ''new'' Windows, removing Microsoft's flagship product from dominance. Hindsight is 20/20 but when you consider how far ahead Netscape was in front of Microsoft, there are infinite what if's'' to consider if it had been mum about its strategy to take on Redmond. Microsoft had all but ignored the Internet and it is very questionable if they would have been able to play catch-up to a well-funded and branded Netscape team. The outcome of this possibility almost completely counters any damage claims in their civil suit recently announced. After all, Netscape's grand plan was never realized, thus the future is incalculable especially when taking into consideration the hubris of Netscape.

Innovators are the Lifeblood of U.S.

Today, new technology firms use every means available to compete including spending billions of dollars on research and development. Sun Microsystems, IBM and AOL and Microsoft combine to spend over $100 billion annually just on research and development. Firms spend exorbitant amounts of money to create and protect to new products. But again, this competition is to the benefit of inventors and the U.S. marketplace.[1] Recently, the United States Patent Office released its annual list of the top ten private sector patent recipients, it reported that for the ninth consecutive year, IBM received more patents than any other organization in the world. ''I am proud that American corporations are leaders among U.S. patent holders,'' said James E. Rogan, Undersecretary of Commerce for Intellectual Property. ''Patents promote technological progress and are a potent source for competitive free enterprise.''

USPTO's comments echo the importance of preserving the status quo of the U.S. marketplace. In the end, it is in the interest of innovation that we close the chapter on

[1] U.S. Patent and Trademark Offfice. January 10. 2002.

U.S. vs. Microsoft. The judicial process has sorted through the facts and come to judgment. Those dissatisfied with the settlement should be reminded by W. M. Deming's famous quip, ''Learning is not essential, survival is not mandatory.'' Deming's point speaks not only to the Microsoft case; but the hard truth about invention and success in the technology business. The court system has done its job, and enough precious time has been dedicated to legal jurisprudence, It is now the time for Microsoft and its opponents to tuck in their chin, learn from their mistakes and return to the marketplace.

U.S. PATENT AND TRADEMARK OFFICE (USPTO) LIST OF TOP 10 PATENT RECIPIENTS

Preliminary rank in 2001	Preliminary # of Patents in 2001	Organization	Final rank in 2000	Final Number of Patents in 2000
1	3,411	International Business. Machines (IBM)	1	2,886
2	1,953	NEC Corporation	2	2,021
3	1,877	Canon Kabushiki Kaisha	3	1,890
4	1,6543	Micron Technology	7	1,304
5	1,450	Samsung Electronics Co., Ltd.	4	1,441
6	1,440	Matsushita Electrical Industrial Co., Ltd.	11	1,137
7	1,363	Sony Corporation	6	1,385
8	1,271	Hitachi, Ltd	13	1.036
9	1,184	Mitsbushi, Denki Kabushiki Kaisha	14	1,010
10	1,166	Fujitsu Limited	10	1,147

*Source: USPTO, January 10, 2002. The listed patent counts are preliminary counts, which are subject to correction. The final listing of patent counts for the top patent organizations in 2001 should be available by early April 2002. Patent information reflects patent ownership at patent grant and does not include any changes that occur after the

MTC–00030063

E. BLAINE RAWSON
596 East 1050 North
Bountiful, Utah 84010
January 28, 2002
SENT VIA:
E-MAIL TO: Microsoft.atr@usdoj.gov
VIA FACSIMILE COPY TO: (202) 307–1454
or (202) 616–9937
1ST CLASS MAIL TO:
The Honorable Colleen Kollar-Kotally
U.S. District Court, District of Columbia
c/o Renata B. Hesse Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Re: Microsoft Settlement

Dear Judge Kollar-Kotally:

I write to inform you of my support for the position taken by Utah's Attorney General concerning the proposed Microsoft settlement.

It would have been easy for Utah's Attorney General, as a Republican, to join with certain other states in accepting the proposed Microsoft/Justice Department settlement. He has been criticized by some for being anti-free market. However, this case can not be reduced to such simplistic sound bytes. His support for a free market is not at issue. Microsoft was found in violation of law by a court of law. The real question is what action should be taken to prevent similar violations from occurring in the future and what penalty should be imposed upon Microsoft: for past violations. The proposed settlement does not appear to reflect the extent of the findings of violation made by the trial court and sustained by the appellate court.

I applaud Attorney General Shurtleff for holding fast to the rule of law, notwithstanding the pressure brought to bear through campaign contributions and by certain public officials who would have him take a position that may not be in the best interest of the citizens of the State of Utah.

If the settlement does not properly terminate present antitrust violations, penalize for past violations, and prevent future antitrust violations, then it should not be adopted. I would prefer this court hold evidentiary and legal hearings and impose a remedy warranted by the facts and law. In addition, the government should zealously enforce the remedy to avoid future abuses.

Respectfully,
E. Blaine Rawson
cc: The Honorable Mark Shurtleff, Utah Attorney General

MTC–00030064

77 Blackbird
Drive Bailey, Colorado 80421
January 26, 2002
Attorney General John Ashcroft
950 Pennsylvania Avenue, NW
U.S. Department of Justice
Washington, DC 20530

Dear Mr. Ashcroft:

The Microsoft case was ridiculous. In my view, it showed how the U.S. Government can step in and attack a company because it has a huge market share. The competitors complained and said Microsoft was unethical even though the stone attackers'' business practices are largely the stone. The settlement on Microsoft's behalf shows how cooperative the company can be in a reluctant situation. It includes compromises that far exceed the original scope of the lawsuit, and gives their competitors several unfair advantages.

Please approve the settlement and let Microsoft put the lawsuit behind them once and for all.

Sincerely,
Jerol Love

MTC–00030065

The Web Practice
Internet alchemy
FACSIMILE TRANSMITTAL SHEET
TO: John Ashcroft
FROM: Curt Fluegel
COMPANY
DATE: 1/28/2002
US Department of Justice
FAX NUMBER: 1–202–307–1454
TOTAL NO OF PAGES INCLUDING COVER:
2
PHONE NUMBER: 651.842.0475
SENDER'S REF??RENCE NUMBER
RE: YOUR REFERENCE NUMBER:
Microsoft Settlement
NOTES/COMMENTS:
THE WEB PRACTICE, LLC
175 5TH STREET EAST, STE. 700 . ST
PAUL, MN 55101 .
[650 776–993]
FAX: [651] 726–7326 .
January 9, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing this letter to inform you that I am fully in support of the settlement reached between Microsoft and the Department of Justice. The legal battle that preceded this settlement drained tax funds, and challenged state budgets. This suit was initially brought about to help give the consumer more choices in the IT market; instead, it has succeeded in draining money from our pockets.

This settlement is fair and pragmatic. Microsoft has gone far and above what it should have needed to do to get this issue resolved. The settlement addresses concerns that were not even part of the original suit, and Microsoft even compromised some of its intellectual property to make the settlement adequately thorough.

Please prevent any further abuse of our tax resources. The right thing to do would be to finalize the settlement and resolve this issue promptly. We muse give Microsoft way, so it can return to innovation—

Sincerely,
Curt Fluegel
General Partner

MTC–00030066

43 Beaumont Circle Apt. 1
Yonkers, NY 10710
January 25, 2002

Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Since the Department of Justice is accepting and publishing public comments for the first time since the antitrust suit was brought against Microsoft over three years ago, here are my comments.

Microsoft agreed to the right of third party's to exercise any of the options provided by the settlement that would infringe on any Microsoft intellectual property right. Microsoft will provide the third party with a license to the necessary intellectual property on reasonable and non-discriminatory terms.

Microsoft also agreed to the establishment of a technical committee that will monitor Microsoft's compliance with the settlement and assist with dispute resolution. The technical committee will consist of three experts in software engineering. Any third party who believes that Microsoft is not complying with any provision of the settlement will be free to lodge a complaint with an internal Compliance Officer at Microsoft, as established by the settlement, the Department of Justice, or any of the State plaintiffs that are party to the settlement. Now that Microsoft has agreed to those terms, shouldn't Government agree to end litigation?

Sincerely,
Syed Kamal

MTC–00030068

SUZANNE F. THORUP
3148 Creek Road
Salt Lake City, UT 84121
January 25, 2002
SENT VIA:
E-MAIL TO: Microsoft.atr@usdoj.gov
VIA FACSIMILE COPY TO: (202) 307–1454
or (202) 616–9937
The Honorable Colleen Kollar-Kotally
U.S. District Court, District of Columbia
c/o Renata B. Hesse
Antitrust Division, U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Re: Microsoft Settlement

Dear Judge Kollar-Kotally:

This letter will inform you of my opposition to the proposed Microsoft settlement. I understand that Microsoft was found to be in violation of the antitrust laws of the United States by virtue of uncompetitive conduct, particularly in its marketing practices. It is important that the market have viable competitors, including those who would make compatible products. Microsoft's practices have destroyed any semblance of an open market place. The proposed settlement appears to be little more than business as usual. Microsoft has once again won, and the consumer has lost. The proposed settlement does not resolve the problems identified by the trial judge, it has merely postponed their resolution because the agreement fails to prevent future violations and does little to correct past behavior.

I am not advocating that Microsoft should be broken up. I am a shareholder and believe that Microsoft is still a strong company that holds value for investors. However, I believe that Microsoft will succeed in a competitive market place. Breaking up Microsoft would not be in the best interests of investors. By the same token, adoption of the proposed settlement agreement would not be in the best interests of the consumers.

Since the parties have not achieved a reasonable settlement, it is time for the courts to do so. Please reject the proposed settlement and conduct such hearings as may be necessary to determine what appropriate remedies should be employed.

Respectfully,
Suzanne F. Thorup

cc: The Honorable Mark Shurtleff, Utah Attorney General

MTC–00030069

268 Neptune Boulevard
Long Beach, NY 11561–3732
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
January 24, 2002

Dear Mr. Ashcroft:

In a few days, the Justice Department will make its final decision on the Microsoft settlement. It is my fervent hope that the government accept this settlement from Microsoft. I feel that Microsoft is giving away too much to the competition, but I completely support Microsoft's efforts to end this three-year legal war over antitrust behavior.

The federal government's actions toward Microsoft have been abominable. I am completely against government involvement in private business affairs. The freedom to innovate must be preserved if our country is to continue to be a world leader This country's strength has been built from our free enterprise system. Further government involvement will continue to hurt our already weak economy.

As a real estate agent, I have exclusively used Microsoft Windows and Microsoft Office for years and it has indeed contributed to the success of my small business. I also use Internet Explorer, my web browser of choice. Nothing on the market compares to Microsoft's software products. The competition can put their software on Windows and remove Microsoft's, but I will always use Microsoft's products.

I have confidence that Microsoft is doing what is in their best interest, to get out from under the hand of government involvement. I see nothing but positives for the economy and for the computer industry, once Microsoft is allowed to work entirely free from further government entanglements. Please do what I feel is best for the economy and the people of this great nation, confirm the Microsoft settlement.

Sincerely,
Maria Ferrer

MTC–00030070

SIDLEY AUSTIN BROWN & WOOD LLP
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From: Name: Tanya Bartucz
Voice Phone: Joanna Harkin 202/736–8268
To: Name: U.S. Department of Justice
Company:
Facsimile #: 202–307–1454
Voice Phone:
Subject:
Message:
Date: 01/28/02
Time: 05:24 PM
No. Pages (Including Cover): 5

Note: If you do not receive all the pages, please call: Joanna Harkin 202/736–8268

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FACSIMILE TRANSMISSION FORM
Date: January 28, 2002 No. of pages including cover sheet:
To: Company: U.S. Department of Justice
Telephone #: Fax #: (202) 307–1454
SPECIAL INSTRUCTIONS: IF NOT USA PLEASE INDICATE COUNTRY & CITY CODE NUMBER
From: Tanya Y. Bartucz Ext. 8067 Floor:
COMMENTS: Attached please find the Tunney Act comments on the Microsoft settlement of Griffin B. Bell, Edwin Meese III, and C Boyden Gray. An electronic copy will also be submitted Problems with this transmission should be reported to: (202) 736–8067
January 28, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Re: Microsoft Settlement

Dear Ms. Hesse:

We believe the Revised Proposed Final Judgment (''RPFJ'') that the federal government and some of the plaintiff states have reached with Microsoft should be adopted, and that the proposals of the nine states that continue to pursue this litigation (the ''Litigating States'') should be rejected. That is so, in our view, for four main reasons. First, the RPFJ will serve the central goal of antitrust law—benefiting consumers—far better than any of the states'' proposed remedies. Most importantly, it allows Microsoft to continue selling a single, uniform operating system under the Windows name. This will directly benefit all the consumers who have relied on Windows' continued availability when deciding which computer and software to purchase.

At the same time, the RPFJ will increase the range of choices available to consumers by requiring Microsoft to enable both computer manufacturers and end-users to turn off Microsoft's middleware products such as its Internet browser, instant messaging tools, media player, and email utilities. Consumers will therefore be free to sample and choose among a variety of middleware utilities from various companies. The RPFJ thus strikes a sensible balance between the goal of giving rival middleware producers access to Microsoft's customers, and the equally important goal of avoiding anything that would destabilize the Windows platform on which consumers—and indeed most of the software industry—depend.

The Litigating States' proposals strike no such balance. For example, the Litigating States would require Microsoft to sell stripped-down versions of Windows at court-mandated prices, without regard for the technical advantages of integrating middleware and operating system functions, or for the importance of a stable, uniform operating system. Computer manufacturers would then be able to patch competitors' middleware into the Windows system and sell the hybrid product to consumers without giving them any guidance as to how to restore their computers to the original Windows settings. This would effectively destroy the Windows standard. That will not benefit consumers; it will harm them. And it is anti-competitive, not pro-competitive.

Second, the RPFJ is narrowly tailored to the findings of illegality affirmed by the Court of Appeals. The RPFJ thus enjoins the types of conduct held illegal by that court—primarily certain exclusive dealing arrangements and threats of retaliation—in language broad enough to preclude similar behavior, without losing sight of the limited Court of Appeals holding.

In contrast, many of the Litigating States' proposals have nothing to do with any of the issues in this case, much less the Court of Appeals' decision. For example, the Litigating States would require Microsoft to inform them sixty days in advance of any acquisition of technology or other intellectual property. Yet this ''remedy'' cannot be tied to any element of this case, let alone to any finding of liability that was affirmed on appeal. Other proposals are simply overbroad or unworkable, such as the proposal that Microsoft notify any software developer sixty days in advance of any action it intends to take that might have an impact on the interaction between the developer's middleware and Windows,

Third, the remedy in this case must be one that the federal courts can administer, not one that will turn the District Court into a regulatory agency. Again, the RPFJ strikes the needed balance. The Technical Committee and the Compliance Officer that it would install are unquestionably intrusive, but at least the Committee would properly make its reports to the plaintiffs, who then would decide what course to pursue,

By contrast, installing a Special Master with his own staff and the power both to investigate and to judge, as the Litigating States propose, would drag the federal courts into a prosecutorial and regulatory role that they are ill-suited to perform. The Litigating States' substantive proposals take a similar, regulatory approach. They would mandate product design and pricing, force Microsoft to distribute its competitors'' products, and give Microsoft's rivals a mechanism to try to block any decision by Microsoft that they dislike.

Finally, we believe that entry of the RPFJ will respect and promote the primacy of the U.S. Department of Justice in enforcing federal antitrust law. To be sure, the States may have some role to play in this area. But it would be bad policy to allow a small group of state attorneys general to trump, in effect, the Department's decision to settle on reasonable terms an antitrust case that has such enormous implications for the national economy.

For all these reasons, we urge the District Court to enter the RPFJ as its final judgment in this case. We believe it would benefit consumers, effectively address the Court of Appeals' findings, and provide a workable resolution to this long-running litigation.

Sincerely.
Griffin B. Bill
Edwin Meese III
C. Boyden Gray

MTC–00030071

South Dakota Legislature
State Capitol,
500 East Capitol,
Pierre, South Dakota 57501–5070
House of Representatives
January 28, 2002
Renata Hesse
Trial Attorney
Antitrust Division
U.S. Department of Justice
601 D Street NW—Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

My pursuit in public service has been to make sure that taxpayers and justice are well served in all matters. In the settlement proposal affecting U.S. v. Microsoft, I am concerned that enough resources in time, money, attention and personnel have been used to pursue the issues raised in this anti-trust case.

At no time in the proceedings has it been established that consumers have been wronged by Microsoft's actions. In fact, I think consumers who've used Microsoft have been well pleased with the quality and cost of the company's products and services. The issue seems to focus on Microsoft and its ambitious competitors, and I think this case has expended enough resources to determine what is fair. I strongly support putting the settlement into effect.

I appreciate your attention to my statements.

Sincerely
Representative Bill Napoli
Legislative District 35
Assistant Majority Leader

MTC–00030072

South Dakota Legislature
State Capitol,
500 East Capitol,
Pierre, South Dakota 57501–5070
Senate Chamber
January 28, 2002
Renata Hesse, Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

This letter is to be entered in the public input phase of the settlement in U.S. v. Microsoft. I support the settlement for the following reasons:

. The settlement answers the issues which were found to be valid at the end of this 4-year-old case.

. The settlement will conclude a case which has used sufficient time, personnel and money to seek out every possible issue and fully explore each one.

. At no time during the past four years has it been established that consumers have been wronged by Microsoft's actions.

. A significant benefit from this case to school districts which hold a disproportionate share of economically stressed children is the dedication of hardware, software and tech support to bridge the IT gap for these children.

Frankly, the continuation of this case will not benefit justice or the information technologies industry. After more than four years, an antitrust case of this magnitude should have yielded all of the benefits that are reasonable.

I appreciate the opportunity to submit this letter.

Sincerely,
Brock L. Greenfield
State Senator
Legislative District 6

MTC–00030073

January 28, 2002
Renata Hesse, Trial Attorney
Antitrust Division
United States Department of Justice
601 D Street NW—Suite 1200
Washington, DC 20530

Dear Renata Hesse:

I am a strong supporter of the use of information technologies as a major resource of developing the economy of South Dakota. Efforts achieved in the state's Wiring the Schools Program and long distance learning systems will reap huge dividends as the so-called digital divide is erased between urban America and rural states. The allocation of computers and backup support which is expected from the settlement proposal in the

antitrust case, U.S. v. Microsoft, offers another leap forward because those systems are targeted for use by low income school districts. South Dakota has many of those districts which should qualify for the computer systems. That is one reason I support the settlement.

The other speaks to how the justice system is used to pursue justice. This antitrust case was established to explore Microsoft Corporation's practices as they relate to its competition. It has not established any harm to consumers, which should be a strong consideration in the value of this settlement. From what I have been able to read and understand, the settlement adequately addresses the issues which have remained viable throughout the court process. I think this case has reached the point when it is time to say enough is enough; it's no longer necessary to keep this court action going.

I think justice has been pursued, and the pursuit has not wandered outside the lines of what is a proper action by the courts. My hope is that this process is not allowed to wander outside the lines by rejecting the settlement. Thank you.

With best regards,

Phil Hanson

MTC–00030074

January 28, 2002
Renata Hesse, Trial Attorney
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Renata Hesse:

My letter is being sent for the settlement phase in U.S. vs. Microsoft. I have followed the case in the news and I have wondered why so much money and attention has been consumed to pursue Microsoft on issues which could have been decided in much less time. Frankly, the case has the public appearance of Microsoft being punished for leading the competition with software which is more competent and less expensive for average users than Microsoft's competitors.

Skepticism aside, I hope the settlement is enacted because this issue has had its day in court and because the issues which were believed to be important have been answered. I am very pleased that the U.S. Department of Justice reached an accord with Microsoft. The fact that such an accord was reached by the federal government and nine of the states involved in the action should weigh heavily in favor of allowing thin settlement to move toward enactment.

Thank you for your attention to my letter.

Sincerely,

Ron Sauby

MTC–00030075

To: US Department of Justice—Antitrust Division
Title:
Company:
Fax 202–616–9937
Business
From:
Fax number:
Business phone:
Date & Time: 1/28/2002 5:46:28 PM
Pages sent: 12
Re: Microsoft Settlement
Please see attached document
The Center for the Moral Defense of Capitalism
4901 Seminary Rd #1320
Alexandria, VA 22311–1830, USA
(703) 625–3296 (VOX)
(815) 327–8852
(FAX)
Internet: http://www.rnoraldefense.com E-mail: info@moraldefense.com
10708 N Essex Court
Mequon, WI 53092
January 26, 2002
Attorney General John Ashcroft
Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I was relieved last November when a settlement was finally proposed in the Microsoft antitrust case. I do not think Microsoft has done anything worthy of such harsh litigation, and I think that a settlement would, at this point, be the best thing that could happen in the case. To my dismay, however, Microsoft's competitors, who have been relentlessly pursuing the destruction of Microsoft from the beginning, are currently engaged in undermining the settlement and seeking further litigation against Microsoft. Ever since this case was brought to the federal courts, the economy has declined and the technology industry has suffered. The measures Microsoft's opponents want to pursue will ultimately de more harm than good, and I do not believe that the public should have to suffer simply because Microsoft's competitors want to make some money.

Microsoft has been very generous in this suit. I think Bill Gates and his lawyers have shown a great deal of pragmatism in making so many unnecessary concessions. They have gone beyond what was required of them in the lawsuit, and have agreed to terms that restrict parts of their company that have not violated antitrust law,, The settlement appears to be very fair, and I can honestly see no good reason for additional litigation. Microsoft has agreed not to cater into any contract that would require a third party to sell Microsoft software at any fixed percentage. Microsoft has also agreed to change its Windows operating system so that it will support non-Microsoft software, and Microsoft's competitors will be able to introduce their own software directly into Windows.

I believe it is time to let Microsoft gel back to business, and the only way to do that is to settle the case. The proposed settlement is sufficient to prevent future antitrust violations, and there is no need to continue federal action. I urge you to accept the settlement.

Sincerely,

Ronald Chikalla

cc: Representative F. James Sensenbrenner, Jr.

MTC–00030076

WP Investments
January 24, 2002
Renata Heese
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington DC 20530
FAX: 202–616–9937
RE: Settlement of U.S. v. Microsoft

Dear Ms. Heese:

I am writing in support of this proposed settlement. I deeply appreciate the efforts of our government in pursuing antitrust activities and believe that this settlement is a positive development in this pursuit. As the former director of a state agency I know that the government and Microsoft lawyers have fought diligently in this important case. I would like to see the case resolved so that private industry can return to competing in the marketplace. The technology sector of our economy is looking for a signal to get moving again. The settlement of this case can provide the right signal that competition is alive and well through innovation and hard work and not continued litigation.

Please know that t appreciate your consideration of my views on this important matter.

Sincerely,

Chris Pilley
Partner
729 S. Acadian Thruway
Baton Rouge, LA 70806
225–389–9429
225–387–0309 (fax)

MTC–00030077

FAX
Date: Monday, January 28, 2002
Pages including cover sheet: 2
To:
Phone
Fax Phone (202)6169937
From: James J. Ferraro
A&J Marketing Southeast In.
PO Box 150533
Altamonte Springs FL 32715
Phone +1(407)331–4960
Fax Phone +1(407)331–7137
NOTE: Microsoft Settlement.
??
P.O. Box 150533
Altamonte Springs, FL 32715–0533
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

Microsoft has been dealing with a hostile government for over three years now; it is time to put on end to the lawsuit. I am writing today to encourage the Department of Justice to accept the Microsoft antitrust settlement. The critics are wrong when they claim that Microsoft is getting away with lenient terms. The settlement was arrived at after extensive negotiations under a court-appointed mediator. Microsoft has agreed to terms that extend well beyond the products and procedures that were actually at issue in the suit, simply for the chance to put the issue behind it. Microsoft has given up the right to charge different computer makers different prices, thus losing leverage useful in getting its software promoted. It has also agreed to allow computer makers and users to remove access to Windows technologies,

features, and bundled applications, in favor of competing software. Microsoft has even committed competing software ?? works better with Windows.

It is time that the government stops harassing Microsoft and allows free enterprise to re-emerge. The terms of the settlement are fair and the government needs to accept it. Please exercise your influence and authority to help make that happen.

Sincerely,
James Ferraro

MTC–00030079

HOUSE OF REPRESENTATIVES
STATE OF UTAH
REPRESENTATIVE JUDY ANN BUFFMIRE
35TH DISTRICT
(SALT LAKE COUNTY)
785 EAST 4255 SOUTH
SALT LAKE CITY, UTAH 84107
HOME (801) 268–1862
STANDING COMMITTEES: EDUCATION; REVENUE AND TAXATION; RULES APPROPRIATIONS: PUBLIC EDUCATION
January 25, 2002
SENT VIA:
E-MAIL TO: Microsoft.atr@usdoj.gov
VIA FACSIMILE COPY TO: (202) 307–1454 or (202) 616–9937
The Honorable Colleen Kollar-Kotally
U.S. District Court, District of Columbia
c/o Renata B. Hesse
Antitrust Division, U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Re: Microsoft Settlement

Dear Judge Kollar-Kotally:

This letter will inform you of my opposition to the proposed settlement of the Microsoft lawsuit. Although we are from different political parties, I agree with the Utah Attorney General's reasons for opposing file proposed settlement—the State of Utah must defend laws that protect our consumers, protect free enterprise, and promote competition. It was determined by the trial court that Microsoft violated the antitrust laws of the United States. That decision has been reviewed and affirmed by the Court of Appeals, and the United States Supreme Court has determined not to hear a further appeal by Microsoft. Microsoft has had ample opportunity to defend itself against charges that its actions thwarted competition in the market. These actions have had an adverse impact on Utah consumers, including some who are my constituents.

Any settlement approved, or any remedy imposed, by the court must assure that Utah's consumers, including its businesses, are protected from Microsoft's anti-competitive behavior. I am informed that the proposed settlement allows Microsoft too much discretion in determining whether or not certain of the settlement provisions apply. Such provisions do not protect free enterprise or promote competition.

Rather than adopting settlement provisions that might lead to future litigation, I recommend that hearings be conducted by the court to determine an appropriate remedy that will ensure fair competition into the future.

Sincerely,
Representative Judy Ann Buffmire
Utah House District 35
cc: The Honorable Mark Shurtleff, Utah Attorney General

MTC–00030080

111 NW First Street
Suite 910
Miami, FL 33128
(305) 375–4507
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

To protect the idea of free enterprise in this country, please make sure to confirm the proposed agreement with Microsoft Corporation. Microsoft has developed a great product, which tile public is satisfied with, so any further attempt to infringe on that could only damage our many years of progress in the PC industry.

Under the review of a committee of software experts, these terms enable computer makers to re-configure Windows with their own preferred software offerings, and the ability to manipulate their supporting features, without reprisal from Microsoft. The top 20 manufacturers will be able to operate without preference on terms and conditions to license the Windows operating system and any requirements to distribute or promote Microsoft technologies. Not only is the offer generous, but also some of the proposed measures even exceed the Justice Department demands in order to encourage swift approval of the deal.

It's time to put the legal activities aside and complete this agreement at the earliest opportunity. There is no reason for further action against Microsoft, as the company should continue freely to develop the high-quality software that consumers want and businesses need. I look forward to your approval.

Sincerely,
Miguel Cordero

MTC–00030081

January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am in favor of the decision to settle the Microsoft antitrust lawsuit. Little will be gained by continued litigation, especially in light of the vast concessions Microsoft has made. Contrary to assertions made by their competitors, Microsoft will not be getting off easy. The settlement agreement will impose numerous restrictions on the way Microsoft conducts its business. For instance, Microsoft will not enter into agreements obligating third parties to exclusively distribute Windows products. They have also agreed not enforce many of their intellectual property rights. Instead of calling for more litigation, Microsoft's competitors should be overjoyed by the changes that will be taking place in Microsoft's business practices. I tort hopeful the court will approve the settlement. The time has come for fine parties to move on, and to focus on other matters.

Sincerely
Michael Baldasare

MTC–00030083

January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Attorney General:

With as many people and small businesses that depend on Microsoft and their products on a daily basis, and considering how large an impact the company has on the U.S. economy and balance of trade, I cannot see how the Justice department thought it a good idea to attack Microsoft. It is like shooting ourselves in the foot to attack one of, if not the, top businesses in the world. That is why I was so pleased to hear that you had reached a settlement, This settlement will mean an end to this issue once and for all. It is harsh enough to satisfy Microsoft's competitors and yet will leave the company in one piece to continue innovating. I only hope that they will respect how much Microsoft is giving up by allowing full access to key components of its software. This will allow anyone to use it to enhance their products to better compete with Microsoft's, without retaliation from Microsoft.

That, without all the other pans of the settlement, should be enough to satisfy Microsoft's critics. Microsoft has simply gone beyond what was expected of them in order to end this case. Let's let them move on and get back to business as usual. In my opinion, this will make a major part of ending our recession.

Sincerely,
Lee & June Johns
645 Village Lane South
Mandeville, LA 70471

MTC–00030084

PAUL C. THORUP
3148 Creek Road
Salt Lake City, Utah 84121
January 28, 2002
SENT VIA:
E-MAIL TO: Microsoft.atr@usdoj.gov
IA FACSIMILE COPY TO: (202) 307–1454 or (202) 616–9937
The Honorable Colleen Kollar-Kotally
U.S. District Court, District of Columbia
c/o Renata B. Hesse Antitrust Division,
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Re: Microsoft Settlement

Dear Judge Kollar-Kotally:

I write this letter to express my concerns about the proposed Microsoft settlement. I am a 17-year old high school student working on a merit badge for my scouting activities. My parents own some stock in Microsoft, and I have discussed the issue with them to help me better understand the issues before making up my mind concerning what type of letter to mite. I am told that the Microsoft proposal is the result of court action in which Microsoft was found to be in violation of antitrust laws. I commend Microsoft for its ingenuity and creativity in bringing products to market, however, I believe Microsoft may have abused its market power to the

detriment of its market competitors and consumers.

The courts have determined that Microsoft has violated antitrust laws. The only thing to determine is what should be done. My parents suggested to me that breaking-up Microsoft may not be in the best interest of its shareholders, however, from I have learned, the proposed settlement has many problems and may not prevent future violations. This would not be in the best interest of the shareholders either.

Please hold hearings to decide what remedies should be imposed, and do not adopt the proposed settlement agreement.

Thank you for your consideration.

Sincerely,

Paul C. Thorup

cc: The Honorable Mark Shurtleff, Utah Attorney General

MTC–00030086

MICHAEL SONNTAG
P.O. Box 675
Draper, UT 84020
January 25, 2002
SENT VIA:
E-MAIL TO: Microsoft.atr@usdoj.gov
VIA FACSIMILE COPY TO: (202) 307–1454
or (202) 616–9937
The Honorable Colleen Kollar-Kotally
U.S. District Court, District of Columbia
c/o Renata B. Hesse
Antitrust Division,
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Re: Microsoft Settlement

Dear Judge Kollar-Kotally:

I am a concerned consumer who believes that the federal government is not looking out for my best interests in supporting the proposed settlement of the government commenced lawsuit against Microsoft.

I have been concerned for a long time that Microsoft's actions were not in the best interest of consumers and that its practices were uncompetitive, designed more to monopolize than provide reliable products to the market. My concerns were realized when the Department of Justice was able to prove its antitrust case against Microsoft. Although the Court of Appeals determined that breaking Microsoft up would be too punitive, the Court did uphold the district court's findings that Microsoft violated antitrust laws.

If breaking up Microsoft is too harsh of a remedy, then the proposed settlement is too lenient of a remedy. Some of the proposed settlement provisions do not go far enough and others are either not easily enforceable or are subject to conditions that would allow Microsoft to determine whether and how to comply. For instance, one of the driving issues of the lawsuit dealt with Microsoft's failure to share information with others to allow for the reasonable development of compatible software. The proposed settlement agreement would allow Microsoft to determine whether disclosure should be allowed, based upon Microsoft's determination that disclosure would harm Microsoft's security of software licensing.

Settlement should be allowed only if past violations are cured and future violations are prevented. The current proposal, in my estimation, does neither and should be rejected.

Your truely,

Michael Sonntag

cc: The Honorable Mark Shurtleff, Utah Attorney General

MTC–00030087

MIKE BROWNING
88 East Mutton Hollow Road
Kaysville, UT 84037
January 25, 2002
SENT VIA:
E-MAIL TO: Microsoft.atr@usdoj.gov
VIA FACSIMILE COPY TO: (202) 307–1454
or (202) 616–9937
The Honorable Colleen Kollar-Kotally
U.S. District Court, District of Columbia
c/o Renata B. Hesse
Antitrust Division,
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Re: Microsoft Settlement

Dear Judge Kollar-Kotally:

I am a supporter of the free enterprise system and believe that government should generally allow businesses to operate and compete without government intervention. Nonetheless, I am informed that a settlement has been proposed in the Microsoft case that may not be in the best interest of average consumers like me.

I understand that the original trial court held that Microsoft violated U.S. antitrust laws and that the Court of Appeals did not overturn that portion of the trial court's decision. If Microsoft has violated antitrust laws, they have hurt rather than promoted competition which is one of the most important aspects of a free enterprise system. This call not be good for the average consumer. If the proposed settlement does not resolve the antitrust violations, then Microsoft's conduct could continue into the future, therefore, I ask that you not accept the proposed settlement and take whatever action may be appropriate to properly protect the interests of consumers.

Sincerely,

Mike Browning

cc: The Honorable Mark Shurtleff, Utah Attorney General

MTC–00030088

POH
42 Quail Run Warren, NJ 07059
Telephone: 732–302–9608
Number of Pages (Including cover) 2
To: Attorney General Mr. John Ashcroft
From: Ann Poh
Company: US Department of Justice
Date: 1/28/02
Fax Number: 1–202–307–1454 Phone
Number:
Reply Requested: Yes [ ] No [ ]
Notes/Comments:
Letter attached. Thank you.
POH 42 Quayle Run
Warren, NJ 07059
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my opinion of the recent settlement between Microsoft and the US Department of Justice. The lawsuits have been too long to date and need to be ended. I feel that Microsoft has been a victim of personal vendettas and greed and has gotten a raw deal even in temps of the recent settlement.

The settlement is harsh and requires Microsoft to give up interfaces that are internal to their Windows products and design future Windows version so that computer makers, software developers, and consumers can more easily promote their own products. These concessions should be enough to appease all parties that are part of dispute so it amazes me that 9 states want to continue litigation. Please ignore this opposition for the sake of our IT sector and economy. Our nation needs your office to take a strong stance and uphold principles of free enterprise.

Sincerely,

Ann Poh

MTC–00030090

423 NW 21st Street
Oklahoma City, OK 73103
January 19, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

This is to address the recent settlement between the Department of Justice and Microsoft. I want to give my support to this agreement. It has gone on far too long. I opposed the initial lawsuit. It was not warranted. Microsoft, through Bill Gates, has done nothing but benefit the consumer with his technology. I use Microsoft software programs, operating systems, everything, because they work better than the other programs on the market. If another firm were to put out a better product, I would use that one. The antitrust suit was nothing more than a bunch of crybabies getting together and trying to cripple the one firm they could not compete with, and the Department of Justice fell right into line. I know there is a great desire to break up Microsoft, but I cannot think of any thing worse for the industry or the country. AT&T was broken up; our phone system has gotten worse ever since. I get ten different bills, none of which I understand, and my phone service keeps increasing in price. When you need to call service, you are always switched somewhere else; no one takes responsibility. This is what would happen with Microsoft. Further, those who are rivals of Microsoft, and those who see any big business as evil, would sit gleefully on the side, cheering.

Microsoft has agreed to terms that extend well beyond the products and procedures that were actually at issue in the suit. Microsoft has agreed to allow computer makers to ship non-Microsoft product to a customer; Microsoft has agreed to design future versions of Windows with a mechanism to make it easier to promote non-Microsoft software; Microsoft has agreed to document for use by its competitors various interfaces that are internal to Windows''

operating system products—a first in an antitrust settlement.

Whatever ''sins'' Microsoft has committed, they have more than paid for. Give your support and approval to the agreement. Thank you.

Sincerely,

E. Claudine Long

CC: Senator Don Nickles

MTC–00030091

ERIC MECHAM
3274 East 7800
South Salt Lake City, UT 84121
January 27, 2002
SENT VIA:
E-MAIL TO: Microsoft.atr@usdoj.gov
VIA FACSIMILE COPY TO: (202) 307–1454
or (202) 616–9937
The Honorable Colleen Kollar-Kotally
U.S. District Court, District of Columbia
c/o Renata B, Hesse Antitrust Division,
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Re: Microsoft Settlement

Dear Judge Kollar-Kotally:

I understand you are receiving comments concerning the proposed Microsoft settlement, and I wish to be heard on the subject.

I believe it was appropriate for the Department of Justice to bring the antitrust case against Microsoft concerning its anti-competitive actions. It was long overdue. However, I am concerned that the case is being settled without imposing appropriate remedies against Microsoft. This is not the first case brought against Microsoft. Each time, the parties thought they had resolved their problems only to find that Microsoft had found a way around compliance with the settlement agreement. Therefore, settlement of those prior cases has not well-served the public interest in having Microsoft stop its anti-competitive behavior.

Microsoft has proven that it can not be trusted to self-police, and the language of the proposed settlement agreement is not tight enough to prevent future violations of antitrust laws. Some of the agreement's provisions grant too much discretion to Microsoft to determine if and when they will comply with some of its provisions. If left to enforce the agreement itself, Microsoft find a way to interpret the agreement in its favor. This is only natural, however, it does not solve the problems that concerned the Department of Justice in the beginning.

Microsoft has already been found to have violated federal antitrust laws. Break-up may be the only way to finally rein Microsoft in, however, whatever remedy is finally imposed, it must take into account past and the potential for future violations of the same laws. The proposed settlement does not do this. The proposed agreement does not prevent future anti-competitive actions against vendors, suppliers, retailers and competitors.

I request that any settlement or court order be tightly worded to avoid any question as to Microsoft's obligation to comply.

Sincerely,

Eric Mecham

cc: The Honorable Mark Shurtleff, Utah Attorney General

MTC–00030092

PATRICIA CHRISTELLO
Honorable Colleen Kollar-Kotelly
U.S. District Court, District of Columbia
c/o Renata B Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1.200
Washington, DC 20530–0001
RE: U.S. v Microsoft

Dear Judge Kollar-Kotelly,

I am writing with regard to the settlement between the Department of Justice and Microsoft in U.S. v Microsoft. This proposed settlement allows Microsoft to safeguard and bolster its monopoly, while also allowing Microsoft to use anticompetitive strategies to spread its dominance into other markets.

The deal does not promote innovation in this vital sector of our economy. The enforcement provisions are vague and it seems there are many loopholes loft in the settlement. At a time when security is of vital importance to both our government and corporations it would seem eminently important that we do not curb the production of new products in an attempt to protect an illegal monopoly,

Microsoft has been found liable before the District Court, they subsequently lost an appeal in a 7.0 decision to the U.S. Court of Appeals for the District of Columbia, have had their rehearing in the appellate court denied, and its appeal to the Supreme Court denied. It is time we rectify those inadequacies and promote the true nature of free markets to keep from hindering innovation in the marketplace.

The court must find a solution that meets the appellate court's standards and avoid any future anticompetitive strategies.

I appreciate you taking the time to consider this matter further.

Sincerely,

Patricia Christello

Business Manager

MTC–00030093

GREGORY M. D'AGOSTINO
Honorable Colleen Kollar-Kotelly
US District Court, District of Columbia
C/O Renata Hesse
Antitrust Division
United States Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
RE: US v Microsoft

Dear Judge Kollar-Kotelly,

I am writing with regard to the settlement between the Department of Justice and Microsoft in US v Microsoft. I realize there has been much discussion over many years concerning this matter. In light of that, it seems a more equitable solution could have been reached. The specifics of this settlement appear to violate antitrust laws.

As it stands now, Microsoft has the capacity to bolt financial services, cable or even the Internet to Windows hindering competition. In addition Microsoft makes the decision as to what technologies will be compatible with its Windows. This makes it very difficult for companies to develop software or for that matter find investors to provide venture capital for their companies. It is interesting to note that currently Microsoft Windows and Office Suites enjoy over a 90% user status. Expansion into other markets will expand that usage even more. At a time when computer technology companies should be challenged to address security and privacy issues in government and corporations, the inability to compete is. certainly not making it an environment good for growth. The settlement provides many loopholes, which could well keep the issue in litigation for years.

The computer software market should be buttressing the economy rather than adding to its sluggishness. Without competition, venture capital and an expectation of success it is very likely this industry will continue its downward slope. It is interesting to look at the monopoly of Microsoft and note the growth in the company as compared to other companies who do not have the ability to control most aspects of the market. The affect on consumers will be reflected in the high cost of software.

Given that nothing in the settlement hinders Microsoft, there should be little change in its business operation. It appears Microsoft plans to expand to financial, cable and the Internet, which will only serve to expand its control.

Although Microsoft will be required to share technology if it is reasonably necessary it also will determine which companies' technologies will be compatible with Windows. Microsoft will appoint one member of the three-person technology committee, the Department of Justice appoints another and they must both agree on the third.

It is likely companies will be reluctant to take on a Microsoft with a challenge, as their future business may well depend on their relationship with Microsoft. Given that Microsoft will be able to charge whatever it wants for its products, prices will skyrocket.

It seems a more equitable solution could be determined, If I may be of any assistance, please contact me.

Sincerely,

Gregory M. D'Agostino

Consultant

CC: Attorney General Tom Reilly

MTC–00030094

Holme Roberts & Owen LLP
Dee L. Heugly
heuglyd@hro.com
Attorneys at Law
111 East Broadway
Suite 1100
Salt Lake City, Utah
84111–5233
Tel (801)521 5800
Fax (801) 521–9639
www.hro.com
Salt Lake City
Denver
Boulder
Colorado Springs
London
January 28, 2002
SENT VIA:
E-MAIL TO: Microsoft.atr@usdoj.gov
VIA FACSIMILE COPY TO: (202) 307–1454
or (202) 616–9937

1ST CLASS MAIL TO:
The Honorable Colleen Kollar-Kotally
U.S. District Court, District of Columbia
c/o Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Re: Microsoft Settlement

Dear Judge Kollar-Kotally:

Please add my name to the list of those who believe that the court should not adopt the proposed settlement in the Microsoft v. DOJ case.

I firmly believe that markets should be open and free to competition. When adequate competition exists, consumers generally benefit. When competition does not exist, consumers are generally harmed to the benefit of one player controlling the market. The federal courts have already determined that Microsoft has so controlled the market that it is in violation of U.S. antitrust laws. Notwithstanding Microsoft's attempt to strike a better deal with the DOJ than it might receive from the court, the proposal falls short of the goal of remedying past conduct and preventing future anti-competitive acts in the future.

Microsoft has proven to be a super-charged competitor in the market place and requires the special attention of the court to deter it from once again becoming too dominant in the market. Please reject the proposed settlement and conduct whatever hearings may be necessary to determine a proper remedy. Respectfully,

Dee L. Heugly

cc: The Honorable Mark Shurtleff, Utah Attorney General

MTC–00030095

Holme Roberts & Owen LLP
Abigail L. Jones
(801)323 3265
slolebr@bro.com
Attorneys at Law
111 East Broadway
Suite 1100
Salt Lake City, Utah
84111–5233
Tel (801) 521–5800
Fax (801) 521–9639
www.hro.com
Salt Lake City
Denver
Boulder
Colorado Springs
London
January 28, 2002
SENT VIA:
E-MAIL TO: Microsoft.atr@usdoj.gov
VIA FACSIMILE COPY TO: (202) 307–1454 or (202) 616–9937
1ST CLASS MAIL TO:
The Honorable Colleen Kollar-Kotally
U.S. District Court, District of Columbia
c/o Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Re: Microsoft Settlement

Dear Judge Kollar-Kotally:

I write to express some concerns with the proposed settlement in the Microsoft v. DOJ case. I am informed that the Microsoft case will be returning to the federal district court for the purpose of imposing a proper remedy. Appropriate sanctions and penalties in an antitrust suit generally require that the violator discontinue past anti-competitive conduct, provide a component to compensate for the damage caused by the past violations, and include conditions under which the violator can operate to prevent future violations. Although this can occur through settlement, it is appropriate for a court to have sufficient supervision over the settlement and approval of its provisions to ensure that future violations will not likely re-occur.

I am informed that the proposed settlement does not go far enough to ensure that there will be an open and fair market place in the future. Microsoft can not be allowed to have too much discretion concerning release of its access codes, otherwise, competitors will not be able to develop compatible products and vendors will once again be required to market software packages according to Microsoft's direction, without competition.

It is time to bring this litigation to an end and correct improper market conduct. It appears this will only occur if the court takes a strong hand to craft and be willing to enforce sanctions designed prevent past conduct from re-occurring. Please reject the proposed settlement and fashion your own remedy based upon the facts and law applicable to this case.

Respectfully,

Abby L. Jones

cc: The Honorable Mark Shurtleff, Utah Attorney General

MTC–00030096

Holme Roberts & Owen LLP
Jennifer N. Byde bydej@hro.com
Attorneys at Law
111 East Broadway
Suite 1100
Salt Lake City, Utah
84111–5233
Tel (801) 521–58oo
Fax (801) 521–9639
www.hro.com
Salt Lake City
Denver
Boulder
Colorado Springs
London
January 28, 2002
SENT VIA:
E-MAIL TO: Microsoft.atr@usdoi.gov
VIA FACSIMILE COPY TO: (202) 30%1454 or (202) 616–9937
VIA FIRST CLASS MAIL TO:
The Honorable Colleen Kollar-Kotally
U.S. District Court, District of Columbia
c/o Renata B. Hesse Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Re: Microsoft Settlement

Dear Judge Kollar-Kotally:

I write to object to the proposed settlement in the Microsoft v. DOJ case.

The federal district court determined that Microsoft has violated United States antitrust laws and the Court of Appeals reviewed and sustained that finding. The Court remanded the case to the district court for a determination of the appropriate remedy. At long last, the case can proceed and the Court may impose appropriate remedies for violations U.S. antitrust law. Although I personally find Microsoft's cavalier attitude towards antitrust laws troubling, and feel that the break-up may be appropriate under certain circumstances, I understand that the Court of Appeals has already determined that break-up is not an appropriate remedy. I further understand that the DOJ has agreed to a settlement of the matter on terms that I believe are wholly inadequate and partially unenforceable. Therefore, I ask that you not approve the settlement and hold your own hearings to determine and impose an appropriate remedy.

Respectfully,

Jenniffer Byde

cc: The Honorable Mark Shurtleff, Utah Attorney General

MTC–00030097

DAVID & BRANDY STEWART
44 West Broadway, Suite # 803
Salt Lake City, Utah 84101
January 26, 2002
SENT VIA:
E-MAIL TO: Microsoft.atr@usdoj.gov
FACSIMILE COPY TO:'' (202) 307–1454 or (202) 616–9937
1ST CLASS MAIL TO:
The Honorable Colleen Kollar-Kotally
U.S. District Court, District of Columbia
c/o Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Re: Microsoft Settlement

Dear Judge Kollar-Kotally:

I have been asked to share some of my feelings relative to the proposed settlement of the Microsoft v. DOJ litigation.

I am a CPA with a large accounting firm and consider myself as pro-business. I generally do not advocate government intrusion into the free market system and would prefer that the competitive market place correct any problems. Unfortunately, when one player is too dominant in the market place and aggressive in using its dominance, the competitive market place can not properly function. This appears to be the case with Microsoft. The federal trial court determined that Microsoft was in violation of U.S. antitrust law by virtue of some of its marketing and other practices. This portion of the court's decision was affirmed by the Court of Appeals and was allowed to stand by the U.S. Supreme Court. Whenever violations of antitrust laws are found to be present, reasonable measures must be taken to deter similar conduct in the future and to deal with the harm caused by past actions. From what I understand about the proposed Microsoft settlement, it does not contain reasonable, enforceable measures to accomplish this result. I am particularly concerned that Microsoft has too much discretion concerning its future compliance with some of the important provisions of the settlement agreement- those that would require sharing of source codes with competitors so that compatible products can

be developed. Without assurances that Microsoft will no longer engage in anti-competitive behavior, nothing will have been gained by the litigation, and the consumers will continue to be harmed thereby.

A proper resolution to the case would entail the imposition of appropriate sanctions and conditions of operation. This can only be done by the court following hearings. Adoption of the proposed settlement will not protect the rights of consumers into the future.

Respectfully,
David Stewart
cc: The Honorable Mark Shurtleff, Utah Attorney General

MTC–00030098

BECKY T. KINZEL
2654 E. Lincoln Lane
Salt Lake City, Utah 84124
January 25, 2002
SENT VIA:
E-MAIL TO: Microsoft.atr@usdoj.gov
VIA FACSIMILE COPY TO: (202) 307–1454 or (202) 616–9937
The Honorable Colleen Kollar-Kotally
U.S. District Court, District of Columbia
c/o Renata B. Hesse
Antitrust Division, U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Re: Microsoft Settlement

Dear Judge Kollar-Kotally:

My perspective on the proposed Microsoft settlement is somewhat unique. My family owns stock in Microsoft and is a consumer of its products. We purchased Microsoft stock several years ago because of its tremendous growth potential. Unfortunately, because of the Microsoft lawsuit and the national economy, our stock has not performed as well as we would have hoped. We believe that Microsoft will not reclaim its great growth potential until the government lawsuits are concluded and all hints of antitrust violations are silenced. Although we would welcome an end to the lawsuit through settlement, there is enough opposition and legitimate questions raised concerning the proposed settlement that litigation could be unnecessarily extended or result in additional lawsuits in the future as the various parties attempt to enforce or comply with the proposed settlement. A judicial resolution after reasoned argument before the court seems to offer a greater likelihood of economic stability and growth for Microsoft. This would be best for Microsoft shareholders. We are confident that Microsoft will meet any challenge and would continue to succeed in a more competitive marketplace.

Therefore, I recommend that the court not adopt the proposed settlement, but impose reasonable, but not punitive sanctions against Microsoft based upon evidence presented at future hearings.

Sincerely,
Becky T. Kinzel
cc: The Honorable Mark Shurtleff, Utah Attorney General

MTC–00030099

MICHAEL K. EVENS
24 Wanderwood Way
Sandy, UT 84092
January 26, 2002
SENT VIA:
E-MAIL TO: Microsoft.atr@usdoj.gov
VIA FACSIMILE COPY TO: (202) 307–1454 or (202) 616–9937
The Honorable Colleen Kollar-Kotally
U.S. District Court, District of Columbia
c/o Renata B. Hesse
Antitrust Division, U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Re: Microsoft Settlement

Dear Judge Kollar-Kotally:

I appreciate the opportunity to comment concerning the proposed Microsoft settlement. I generally believe in free market principles and the least amount of government intrusion into business practices and market competition, however, I am concerned that adoption of the proposed Microsoft settlement will not accomplish what is necessary to prevent future antitrust violations by Microsoft.

Although the proposed settlement pays lip service to penitence for past behavior and contains provisions intended by the Justice Department to prevent future violations, the actual language appears to be so broad as to provide loop-holes to future compliance. Rather than engaging in another round of lawsuits five or ten years from now, the better course would be to impose a proper, enforceable remedy now. This will likely require hearings before the court, but further hearings now will benefit consumers in the long run if it prevents violations and further litigation in the future. Please do not adopt the proposed settlement.

Sincerely,
Michael K. Evans
cc: The Honorable Mark Shurtleff, Utah Attorney General

MTC–00030100

01/28/2002 16:05 FAX 8015219639
HOLME ROBERTS & OWEN LLC
??001/002
ART PURCELL
5197 Spring Clover Drive
Murray, UT 84123
January 26, 2002
SENT VIA:
E-MAIL TO: Microsoft.atr@usdoj.gov
VIA FACSIMILE COPY TO: (202) 307–1454 or (202) 616–9937
The Honorable Colleen Kollar-Kotally
U.S. District Court, District of Columbia
c/o Renata B. Hesse Antitrust Division, U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Re: Microsoft Settlement

Dear Judge Kollar-Kotally:

I understand you are receiving comments concerning the proposed Microsoft settlement, and I have an opinion on the subject. The antitrust case brought by the Department of Justice is not the first case brought against Microsoft concerning its anti-competitive actions. Unfortunately, settlement of those prior cases has not well-served the public interest in having Microsoft stop its anti-competitive behavior. Microsoft has a way of wriggling out of settlement language.

The language of the proposed settlement agreement is not tight enough to prevent future violations of antitrust laws. Some of the agreement's provisions grant too much discretion to Microsoft to determine if and when they will comply with some of its provisions and fail to address the tactics of ''fear, uncertainty and doubt'' that Microsoft has used on competitors'' customers to drive them into Microsoft's camp and to squash competitors.

Microsoft has already been adjudged to have violated federal antitrust laws. Although break-up may be too harsh of a remedy, the remedy finally adopted by the court must consider past, as well the potential, for future violations of the same laws. The proposed settlement does not do this. It does not reduce Microsoft's power to impose anti-competitive conditions upon vendors, suppliers, retailers and competitors. Any settlement or court order must be tightly worded to avoid any question as to Microsoft's compliance obligations.

Sincerely,
Art Purcell
cc: The Honorable Mark Shurtleff, Utah Attorney General

MTC–00030101

LOUISE ANDERSON
11102 9TH AVE CT S
TACOMA, WA 98444
253–474–9421
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Ave. NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am in favor of the Microsoft antitrust case settling. Three years of litigation is enough. In my opinion, this lawsuit should never have been filed against Microsoft. Despite this belief, I would like to see the Court approve the settlement agreement that the parties worked hard to negotiate. Any threat of future anti-competitive behavior should be dispelled by the terms of the settlement agreement. Microsoft has agreed not to retaliate against those who promote or distribute programs that compete with Windows. They also agreed to a uniform price list for the largest computer manufacturers. Beyond the terms of the settlement agreement, nothing further should be required of Microsoft. Little will be gained by continuing to litigate this case. i applaud your efforts to resolve the lawsuit.

I've enclosed my address and phone number, in the event that you would like to contact me.

Respectfully.
Louise Anderson
INC. RV MTRS. SIDE SOUTH : FROM

MTC–00030103

406 Gerald Street
State College, PA 16801
January 11, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my disagreement with the lawsuit that was brought against

Microsoft by the federal government. While the antitrust case has been dragged out way too long, I am glad to see that a settlement has finally occurred.

The concessions seem fair and reasonable and I am confident that they would probably have occurred anyway without the government's interaction, because I believe the government should stay out of free enterprise's business and let them weed out their own problems. Under the terms of the settlement there will be increased relations with computer makers and software developers which is a good thing for the IT industry. There will also be a three-person committee to monitor Microsoft's compliance with the settlement. These represent to concessions that show Microsoft is looking out for the best interests of the public and themselves.

The question is whether or not the government is looking out for our best interests. The nine states holding out seem to be grandstanding their own political agendas instead of trying to help our ailing IT sector. I urge your office to help quell the opposition. IT is time for this matter to end.

Sincerely,
John Davis
cc: Senator Rick Santorum

MTC–00030104

FROM:
FAX NO. :
Sep. 10 2001 06:33AM P1
Richard Gardner
11 Carpenter Lane
Newburg, PA 17240–9219
January 17, 2002
Attorney General John Ashcroft
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am very happy to hear the Department of Justice has reached a settlement. I firmly believe that this settlement is in the best interests of the state, the IT industry, and the economy. Microsoft opponents would like us to believe that Microsoft has gotten off easy in this settlement, but this is not the case. Microsoft has been made to endure three long years of litigation in order to arrive at the terms of this settlement. The terms of the settlement, in my opinion, are fair and reasonable, and, if adhered to, will do much benefit consumers and avoid future anti-competive behavior.

Microsoft has already proven its willingness to comply with the terms of the settlement. They have agreed to establish a uniform pricelist, grant intellectual property licensure to third parties, the establishment of a three person Technical Committee consisting of software engineering experts to help with dispute resolution.

With the current recession and its devastating effects on the state and federal budget, is very important that the technology industry be allowed to concentrate on business now rather than being distracted by a suit of this magnitude. The public appreciates your efforts to resolve this as soon as possible.

Sincerely,

MTC–00030105

January 28 20 02:57p
[206] 722–5078
202.307.1455
3450 Cascadia Ave. S.
Seattle, WA 98144
206.722.5078
dwburroughs@attbi.com
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing in support of the Microsoft antitrust settlement agreement. As someone who works in the technology industry, I see the benefits of the parties settling this case. Protracted litigation is not in anyone's best interest.

The settlement agreement will mean many changes will be made to the way Microsoft conducts its business. These changes appropriately deal with the concerns raised about anticompetitive behavior on Microsoft's part. By way of example, the settlement agreement will require Microsoft to establish a uniform price list. Microsoft will license Windows to the 20 largest computer makers at the same price. Additionally, Microsoft has agreed not to enter into contracts with third parties that would require that party to exclusively distribute Windows. These types of changes in Microsoft's business practices will help restore fair competition. I urge the Department of Justice to continue working toward a prompt resolution of this case.

Thank you for your time and attention.

Sincerely,
David Burroughs

MTC–00030106

Karl Spielman
2609 N. W. Marker St
Seattle, WA 98107
(206) 365–2564 home
(206) 365–5049 fax
(435) 260–1383 cell
email: 2kadspieiman@hcme.com
Utah Back County Pilots
Resource Access
Skypark Airport
Officer
1887 S. Redwood. Box 16
Woods Cross, Utan 8408/
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington DC 20530

Dear Mr. Ashcroft.

For the past three years, the Microsoft antitrust suit has lingered in the federal courts. Six months ago, round-the-clock, mediated negotiations began, and last November, a settlement was proposed. That settlement is pending approval, and next week, it will be determined whether or not the terms are satisfactory. I believe they are, Fully half of the plaintiff states in the case do not agree and are actively seeking to undermine the settlement on, the federal level and extend litigation against Microsoft.

The settlement is not only just it is fair. There is no reason to continue litigation. .Microsoft has even agreed to terms that extend to policies and technology that were not declared unlawful by the federal court of appeals. All of the conditions in the settlement are aimed at restoring a fair competitive atmosphere within the technology market and preventing further antitrust violations on Microsoft's part. For example, Microsoft will refrain in future from taking retaliatory action when software developers or computer makers introduce a product into the market that directly competes with Microsoft technology Microsoft has also agreed to reformat future versions of Windows to support non-Microsoft software, and furnish third parties acting under the terms of thc agreement with a license to pertinent intellectual property rights to prevent infringement. I do not believe that additional action is necessary on the federal level. The settlement addresses the concerns both of the defendant and the plaintiffs, and further li??gation will not only be red??, it will also ?? ??tting and costly. It is time to move on. I urge you to support the finalization of the settlen??

Sincerely,
Karl Spielman

MTC–00030108

Facsimile Transmittal Sheet
Fax Date 1/28/02
To: ??orney General John Ash??
Fax #: 1 202 307 1 454
From: Jerri P??wson
Subject: microsoft antitrust CAST
Total Pages: 2
2045 SW Leewood Drive
Beaverton, Oregon 97006
January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I fully support the settlement of the Microsoft antitrust case. The litigation has dragged on for long enough. The resources of both the government and Microsoft alike would be better spent pursuing other matters.

The settlement agreement's terms are reasonable. Once the settlement is finalized, there will be no grounds for any further complaints on the part of Microsoft's competitors. They will be getting Microsoft's internal operating system information, and will basically be free to infringe upon Microsoft's intellectual property rights. Microsoft is essentially giving up many of its rights in the interest of settling this case.

With these types of concessions, I see no reason for any further action at the federal level against Microsoft. Your efforts toward putting this case to rest are greatly appreciated.

Sincerely,
Jerri Pawson

MTC–00030109

FAX
STONER CHIROPRACTIC OFFICE
515 South Broad Street
Lititz, PA 17543
Phone (717)626–2051 Fax (717)626–7398
E-mail ipaulstoer@dejazzed.com
To: Attorney ?? ?? ??
From: I Paul Stoner, DC
Dale: 1–27–02
#Pages: 1

(excluding ??)
I Paul Stoner
515 South Broad Street
Lititz, PA 17543
January 12, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The federal government's actions in its case against Microsoft have been truly disappointing and inappropriate. The fact that many states have yet to settle simply illustrates the point that their interests do not lie seeking justice but rather seeking their piece of the pie. We have seen other examples of this miscarriage of justice in our government before, never one so blatantly frivolous and inappropriate.

For that reason, the settlement that was reached in this case last November should be implemented immediately and the issue should immediately cease to exist. Settlement is more than adequate to accomplish the stated goals of the government's suit. In fact Microsoft has accepted restrictions and obligations pertaining to products and practices that were not even issue at the lawsuit. Therefore no further actions need to be implemented against Microsoft. For the benefit of all involved in this case, and indeed the entire country, it is my firm belief that this issue be resolved immediately. This can only be accomplished if the current settlement is implemented without further delay.

Cc: Senator Rick Santorum

MTC–00030110

STEVE HALLMARK
7929 South DaVinci Dr.
Salt Lake City, Utah 84121
January 27, 2002
SENT VIA:
E-MAIL TO: Microsoft.atr@usdoj.gov
VIA FACSIMILE COPY TO: (202) 30%I454 or (202) 616–9937
1ST CLASS MAIL TO:
The Honorable Colleen Kollar-Kotally
U.S. District Court, District of Columbia
c/o Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Re: Microsoft Settlement

Dear Judge Kollar-Kotally:

I write because of some concerns I have about the proposed Microsoft settlement. While I am not advocating that Microsoft be broken-up into parts as an appropriate remedy for its antitrust violations, I am concerned that the proposed settlement will not accomplish what it is intended to do, e.g. create a competitive market place, benefit consumers, and rectify past conduct.

I am informed that the proposed settlement is too lenient on Microsoft and may place to much discretion in Microsoft's hands in whether and how to comply with the agreement. Such an agreement will not create of competitive market place or be of long-term benefit to consumers. I would be more comfortable if the court were to conduct hearings during which the parties in interest can voice their concerns and offer evidence and legal precedence. The court can then impose an appropriate remedy that will ensure compliance into the future.

Thank you for your consideration.

Respectfully,
Steve Hallmark

cc: The Honorable Mark Shurtleff, Utah Attorney General

MTC–00030111

FAX COVER SHEET
DATE: January 28, 2002
TO: JOHN ASHCR?? (202)—307—1454 US ATTORNEY GENERAL
FROM: T. Clifford Smith
PHONE: 513–385–8577
FAX: 513–385–4491
Number of pages including cover sheet: 2
Comments: ??
T. Clifford Smith
6480 Dry Ridge Road
Cincinnati, Ohio 45252–1748
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue
Washington, DC 20530–001

Dear Mr. Ashcroft:

It is my opinion that the antitrust suit against Microsoft should never have existed in the first place. However, since it did, I am glad to see that there has been a settlement to the case. It took over three years for the Justice Department to finally settle the case with Microsoft, and I fully support that settlement.

As I'm sure you're aware Microsoft has never harmed anyone; instead it was a large part of the reason for the success of the economy in the 1990's that has been unrivaled throughout history. Thousands upon thousands of people who are employed owe their jobs to Microsoft, as do students who are attending college under scholarships that Microsoft created. Let us not forget all of the charities that Microsoft has donated millions of dollars to.

Microsoft has agreed to several changes in the way they conduct their business that will promote greater competition to Microsoft software programs. Microsoft agreed to make it easier for computer makers, software developers and consumers to reconfigure Windows at any time. Since Microsoft has agreed to such significant demands, its competitors should look favorably on this settlement.

The antitrust suit against Microsoft should never have been brought in the first place, but since it was, I am happy to see that a settlement has been reached.

Sincerely yours,
T. Clifford Smith

MTC–00030112

Advanced Custom Software Development
Microsoft certified Partner
January 28,2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

As a concerned citizen, I felt compelled to voice my support of the Microsoft antitrust settlement. This settlement is designed to be fair and reasonable to both sides, ensuring compensation to Microsoft competitors and giving consumers more choices.

This settlement will be beneficial to both the IT industry and the consumers alike. Among other things in the settlement, Microsoft has agreed to the establishment of a three-person ''Technical Committee'' to monitor its conformity to the agreement and assist with dispute resolution. Microsoft has also agreed not to retaliate against computer-makers that may ship software that competes with the Windows Operating System.

This settlement was reached after three years of court battles. It is mandatory that this agreement be finalized. The whole escapade has been an excessive abuse of our tax dollars. Thank you for your work on this case, and as attorney general.

Sincerely,
Peter Bausbacher
President
1755 N. Collins Blvd., Suite 300
Richardson, Texas 75080
(972) 644–9763
Fax (972) 644–2846
www. ProtoLiak.com

MTC–00030113

Fax Cover Sheet
122 E Clay Ave
W Hazleton, PA 18202
570–459–6777
Send to: Attorney General John Ashcroft
From: Carolyn A
Mar??enssen
Attention:
Date: 1/28/02
Office Location: Washington, DC
Office Location: W Hazleton, PA
Fax Number: 202–307–1454
Phone Number:
570–459–6777
Total pages, including cover: 2
Comments:
Carolyn Martienssen
122 E. Clay Avenue
West Hazleton, PA 18202–3834
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing in full support of the recent settlement between the US Department of Justice and Microsoft. The antitrust case has gone on for too long and is not fully justified. Not only has Microsoft created jobs and wealth for our nation, but also it has made technological breakthroughs that have standardized the IT industry. I have never felt my rights as a consumer have been infringed upon.

In fact, making Microsoft give away interfaces that are internal to their Windows operating system products is a violation of their intellectual property rights. Microsoft has worked long and hard to develop those products that outdo all their competitors. As bad as the settlement is however, it is better than further litigation. Implement the settlement as soon as possible. It is in the best interest of the American public if you finalize this dispute. Thank you.

Sincerely,
Carolyn Martienssen
cc: Senator Rick Santorum

MTC–00030114

Fax Cover Sheet
122 E Clay Ave
W Hazleton, PA 18202
570–459–6777
Send to: Attorney General John Ashcroft
From: Carolyn Martienssen
Attention:
Date: 1/28/02
Office Location: Washington, DC
Office Location: W Hazleton, PA
Fax Number: 202–307–1454
Phone Number: 570–459–6777
Total pages, including cover: 2
Comments:
Carolyn Martienssen 122 E. Clay Avenue
West Hazleton, PA 18202–3834
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

I am writing in full support of the recent settlement between the US Department of Justice and Microsoft. The antitrust case has gone on for too long and is not fully justified. Not only has Microsoft created jobs and wealth for our nation, but also it has made technological breakthroughs that have standardized the IT industry. I have never felt my fights as a consumer have been infringed upon.

In fact, making Microsoft give away interfaces that are internal to their Windows operating system products is a violation of their intellectual property rights. Microsoft has worked long and hard to develop those products that outdo all their competitors. As bad as the settlement is however, it is better than further litigation. Implement the settlement as soon as possible. It is in the best interest of the American public if you finalize this dispute. Thank you.

Sincerely,

Carolyn Martienssen cc: Senator Rick Santorum

MTC–00030115

Fax
To: Attorney General John Ashcroft
From: William Liu
Fax: 2V2–307–1454
Pages: 2
FAX 2:
Date: 1/28/2002
Re: Microsoft Settlement
Comments:
Dear Mr. Ashcroft,

Attached is my opinion on the recent settlement proposed by Microsoft. Please review for your references. Thank you.

Sincerely,
William Liu
Microlink Enterprise, Inc.
13731 E. Proctor Ave.
City of Industry, CA 91746
Phone:626–330–9599 x 114
Fax: 626–330–4095
MICROLINK
ENTERPRISE INC.
January 15, 2002
Attorney General John Ashcroft, USDOJ
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

Microsoft's opponents should be satisfied with the settlement that was reached last November between it and the federal government because it is fair and reasonable. In fact, it goes above and beyond the scope of the claims of lawsuit, which should make them content. Unfortunately, it appears that certain of Microsoft's adversaries are unsatisfied with the settlement and will probably never be until Microsoft is broken up by the government, which is a step that would not resolve any issues the Microsoft adversaries state as problems, and undermine the original intent of the antitrust laws, which is to protect the consumers.

Reasonable people recognize that the settlement is fair. It addresses all of the complaints of Microsoft's adversaries. For example, one of the main complaints was that Microsoft did not allow computer makers to offer any non-Microsoft software without fear of retaliation. In the settlement, Microsoft agreed to not retaliate against computer makers if they choose to ship software that competes with anything Microsoft develops. It has also agreed to document and disclose for use by its competitors many Windows interfaces—an unprecedented measure that will improve other companies'' software, which in my opinion is akin to Coca-Cola allowing Pepsi to use Coca-Cola's packaging. Lastly, Microsoft has agreed not to enter into any agreements obligating any third party to distribute or promote any Windows technology exclusively. There are several more components to the settlement but these are the most profound, in my estimation.

I sincerely hope the settlement is implemented. Too many technology companies have been sitting on the sidelines wondering about the effect of this trial, and it is time to get this ordeal behind us so the technology industry can get back to innovating instead of pondering the future of one of the pioneering agencies. Thank you.

Sincerely,
William Liu
O/Administrative Coordinator
13731 E. Proctor Avenue,
City of Industry, CA 91746
Phone: (626)330–9599
Fax (626) 330–8399
* www.microlinkinc.com

MTC–00030116

TechWorld Computer Services + Training, LLC
1231 Perry Hill Road Ste. B
Montgomery, AL 36109
334–396–1762
334–396–1764-FAX
www.techworldtraining.com
Facsimile transmittal:
To: ??
Fax: (202) 307–1454
From: ??
Date:1/28/02
Re:
Pages: 2
CC:
Notes:
TechWorld Computer Services Training
1231 Perry Hill ??
?? 36109–5208
January 28, 2002
Attorney General John Ashcroft,
Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

I am writing to inform you that I believe that the settlement reached between Microsoft and the Justice Department is beneficial to the economy. If litigation continues, the effect on the economy and the industry will be far more detrimental than it has been. When issues like this come about, consumer confidence drops, thus affecting the industry. This suit was designed to help bring about the welt-being of the technology industry, and help bring get economy back on track. The settlement guides Microsoft to design all future versions of Windows to be compatible with non-Microsoft products. Microsoft has also agreed to the establishment of a three-person ''Technical Committee'' that will monitor its compliance to the agreement.

It is vital that all action that the federal government is taking regarding this case be stopped. The taxpayers do not have the resources to have this case carry on any longer. I urge you to finalize this settlement and allow Microsoft to return to leading industry.

Sincerely,

Angela Davis President

MTC–00030117

To: Attorney General John Ashcroft
Company:
From: Son Integration, Inc.
Subject: Microsoft Settlement
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
930 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

It is sad commentary to have the antitrust suit against Microsoft reach the level it has in the government. The suit sends the wrong message that free enterprise is threatened in the United States. I would agree that Microsoft has not always been on the straight and narrow, but I think it is fair to build a company and have people choose to become dependant on your products. Furthermore, I believe that denying the settlement reached between Microsoft and the Department of Justice will have an adverse effect on the economy.

The current settlement process appears to be stifling the free market, but l believe it is necessary to settle the case as soon as possible to help the economy and industry move forward. Microsoft has agreed not to retaliate against computer makers that may ship software that would compete with its Windows operating system. Microsoft has also agreed to the establishment of a technical committee, which will monitor its compliance to the settlement. I view this suit as an attack on democracy and a hindrance of the capitalist ethic. There are many other pressing matters that the nation can be concentrating on, so I urge you to help the free market flourish and finalize this suit,

Sincerely,
Greg Steirer President

MTC–00030118

ROB WALKER
5572 South Red Cliff Dr., #D
Salt Lake City, UT 84123
January 28, 2002
SENT VIA:
E-MAIL TO: Microsoft.atr@usdoj.gov
VIA FACSIMILE COPY TO: (202) 307–1454
or (202) 616–9937
The Honorable Colleen Kollar-Kotally
U.S. District Court, District of Columbia
c/o Renata B. Hesse
Antitrust Division,
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Re: Microsoft Settlement

Dear Judge Kollar-Kotally:

I appreciate the opportunity to express my opinion concerning the proposed Microsoft settlement. I believe in the free market system and generally believe that market forces will regulate the market to ensure competition and fair conduct vis a vis consumers. Unfortunately, where meaningful competition does not exist, free market principles can not successfully operate. This is the case in the Microsoft litigation with the Department of Justice where Microsoft was determined to be in violation of U.S. antitrust laws. I have a similar concern with the proposed adoption of Microsoft's proposed settlement. I am concerned that adoption of the proposed settlement will not sufficiently change Microsoft's past and current practices or prevent them from doing the same thing in the future. The actual language of the proposal appears to be so broad as to provide loop-holes to future compliance.

Rather than engaging in another round of lawsuits five or ten years from now, the better course would be to impose a proper, enforceable remedy now. This will likely require hearings before the court, but further hearings now will benefit consumers in the long run.

Sincerely,
Rob Walker
cc: The Honorable Mark Shurtleff, Utah Attorney General

MTC–00030119

Mr. and Mrs. Paul Cobb
Butternut Court
Metamora. ?? 81548
January 25,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

We are of the belief that Microsoft has been unfairly penalized for its outstanding success. Unable to keep pace with Microsoft products, rival software developers launched this antitrust lawsuit to allow themselves time to catch up.

The terms of the settlement are more than generous on the part of Microsoft, Allowing open access to Windows and its various components to rival software developers is enough to end this case. Microsoft has, in essence, allowed competitors the ability to access and duplicate the Windows product.

This antitrust suit needs to be concluded now. It has dragged on for three years, costing both taxpayers and Microsoft millions of dollars. The Justice Department should settle this case.

Thank you.
Sincerely,
Paul and Theresa Cobb

MTC–00030120

Raymond Brown
4102 Canterbury, Way
Temple Hills, MD 20748–3409
Ft Pierce, FL 34982
January 24,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing you today to express my opinion in regards to the Microsoft settlement issue. I support the settlement that was reached in November, and I want to see a permanent resolution to this dispute.

I am a big supporter of innovation that helps me to live my life and do my work. Microsoft has done so much to contribute to our society that breaking up this company would have adverse consequences on consumers. Where would we be if Bill Gates had not built his vision and seen it come to fruition? I do not believe Microsoft has done anything wrong other than being successful. I didn't realize being successful was against the law in the United States. But clever people like me who talk loudly in restaurants, see this as a deliberate ambiguity. A plea for justice in a mechanized society.

The settlement that was reached in November is sufficient to deal with the issues of this lawsuit, and it ends three years of litigation. Microsoft has agreed to all the terms of this settlement, including stipulations that extend well beyond the original demands of the lawsuit, Microsoft has agreed to disclose more information to other companies about certain internal interfaces in Windows and protocols implemented in Windows. Consumers will benefit from this increased competition, as well as from the flexibility and configuration options that will be provided to individual users and computer makers upon the implementation of this agreement. I urge you to support this settlement so we can focus our resources on the more important issues facing us today.

Ecce homo ergo elk. La Fontaine knew his sister, and knew her bloody well. But is suspense, as Hitchcock states, in the box. No, there isn't room, the ambiguity's put on weight. on weight.

Sincerely,
Raymond Brown

MTC–00030121

Lucy J. Pullen
Honorable Colleen Kollar-Kotelly
U.S. District Court, District of Columbia
c/o Renata B. Hesse Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
RE: U.S. v Microsoft

Dear Judge Kollar-Kotelly,

I am writing in regards to the anticipated settlement with the Microsoft Corporation. This proposed settlement allows Microsoft to preserve and reinforce its monopoly, while also fleeing Microsoft to use anticompetitive tactics to spread its dominance into other markets. After more than 11 years of litigation and investigation against Microsoft, it seems a more equitable solution can be reached.

The deal fails to meet the appellate court's remedy standards, which are clearly laid out by the appellate court. The following are some examples of how the deal fails to meet the standards:

1. The settlement does not address key Microsoft practices found to be illegal by the appellate court, such as the finding that Microsoft's practice of bolting applications to Windows through the practice of ''commingling code'' was a violation of antitrust law. This was considered by many to be among the most significant violations of the law, but the settlement does not mention it.

2. The proposed settlement permits Microsoft to define many key terms, which is unprecedented in any law enforcement proceeding,

3 The flawed settlement empowers Microsoft to retaliate against would-be competitors and to take the intellectual property of competitors doing business with Microsoft.

4. The deal fails to terminate the Microsoft monopoly, and instead guarantees Microsoft's monopoly will survive and be allowed to expand into new markets. The settlement is also fiddled with loopholes making the enforceability of the settlement questionable. 83 School St. Belmont Massachusetts ?? Phone: 617–489–3890

The agreement requires Microsoft to share technical information with competitors so that non-Microsoft software will work on Windows operating systems. However, Microsoft is not required to do so if it may harm the security or software licensing. The determiner of this harm? Microsoft. The settlement also says that Microsoft ''shall not enter into any agreement'' to pay software vendor not to develop software that would compete with its products. However, another provision permits those payments and deals when they are ''reasonably necessary.'' Again who determines this ''reasonably necessary?'' Microsoft. The enforcement provisions in the settlement are weak and leave Microsoft virtually unaccountable.

Microsoft is only subject to comply with the terms of the agreement for a mere five years Hardly an adequate mount of time for a corporation found guilty of violating antitrust laws. The three-person committee that is being assembled to identify violations of the agreement will have nearly no effect since the work of the committee cannot be admitted into court in any enforcement proceeding. The proposed settlement between the Department of Justice and Microsoft in U.S. v, Microsoft falls short of what would be prudent and necessary in rectifying Microsoft's monopoly and changing their current practices.

Thank you for your time.
Sincerely,
Luck J. Pullen
Exchange Consultant

MTC–00030122

MONY Life Insurance Company
950 Winter Street
Suite 3310
Waltham, MA 02451
www.mony.com
781 890 7830
781 89O 4212 Fax
Honorable Colleen Kollar-Kotelly
U.S. District Court, District of Columbia
c/o Renata B. Hesse Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530,0001
RE: U.S. v Microsoft

Dear Judge Kollar-Kotelly,

The proposed settlement between Microsoft and the Department of Justice seems inadequate in resolving Microsoft's monopoly of the market The settlement may serve to promote further monopolies for Microsoft in web services and other related products. This settlement does not sufficiently protect competitors against predatory pricing and does not protect consumer choice. The unanimous ruling by the Court of Appeals for the District of Columbia against Microsoft should warrant a strong remedy and this settlement does not meet those standards. Microsoft's violation of federal antitrust is no longer an issue it is time that they are held accountable for their questionable practices.

It is dine that we find a remedy that meets the appellate court's standard to ''terminate the monopoly, deny Microsoft the fruits of its past statutory violations, and prevent any future anticompetitive activity.'' This proposed settlement fails to do so. The settlement says that Microsoft ''shall not enter into any agreement'' to pay a software vendor not to develop or distribute software that would compete with Microsoft's products. However another provision permits those payments and deals when they are ''reasonably necessary.'' The ultimate arbiter of when these deals would be ''reasonably necessary?'' Microsoft.

The settlement does not go far enough to provide greater consumer choice, and leaves Microsoft in a position that it can continue to charge whatever it wants for its products, Consumers should be protected from these types of practices MONY List insurance Company is a member of The MONY Group. Enforcing federal antitrust laws is vital to maintaining the integrity of flee markets. It is important that we continue to enforce them to protect the welfare of consumers and the fundamentals that contribute to what makes our country's industries great. I appreciate you taking your time to examine this important matter.

Sincerely,

CC: Honorable Tom Reilly, Attorney General Commonwealth of Massachusetts

MTC–00030123

4837 Summer Street
Erie, Pennsylvania 16509
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my opinion of the recent antitrust settlement between Microsoft and the US department of Justice. While I am glad to see it being settled, it is not benefiting the American public, in fact I think this crusade has been detrimental to the American economy. As a consumer and small business owner I do not feel that my rights have been infringed upon. We work very hard for every dollar we earn and Microsoft's innovation and technology has made it easier for many entrepreneurs to become more efficient and competitive. As soon as litigation began the tech market began to sour. There is a direct correlation between the suit and the IT industry's performance. Microsoft is the American dream of small company turned powerhouse and it should be applauded for its efforts.

I want t??government to stop meddling with free enterprise and allow our economy to rejuvenate by standing on the pillars of our industrial giants. Let their success guide our economy's future.

Sincerely,
John and JoAnn Hornaman
cc: Senator Rick Santorum

MTC–00030124

24 Oyster Row
Isle of Palms, SC 29451
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to you today to express my support of Microsoft and of the settlement. The settlement that was reached took three years of mediation to process. I believe the terms of the settlement are very. fair and will benefit the technology sector. Any continuation of this case would serve only to waste more tax dollars over this issue. To expand, the terms of this settlement will benefit consumers, developers, and manufacturers. Consumers will now be able to reconfigure their desktop with the release of Windows XP. Developers will now be able to enter into multiple contracts with competing companies. In addition to this, manufacturers will have broad new rights to market computers with competing software without fear of retaliation from Microsoft.

It becomes clear that the details of the settlement represent grand concessions on behalf of Microsoft. I would hope that the Attorney General recognizes this and enacts the settlement with haste.

Sincerely,
Richard Calvin

MTC–00030125

PATRICIA C. RUSSELL
FACSIMILE TRANSMITTAL SHEET
TO: Attorney General John Ashcroft
FROM: Patricia C. Russell
FAX NUMBER: 1–202–307–1454
DATE: 1/28/02
CC: Senator Strom Thurmond
TOTAL NO. OF PAGES INCLUDING COVER: 2
PHONE NUMBER: 1–202–224–1300
SENDER'S REFERENCE NUMBER:
RE: Microsoft Settlement
YOUR REFERENCE NUMBER:
NOTES/COMMENTS:

Thanks for your consideration of the attached letter. Patricia C. Russell
115 SHALLOW BROOK DRIVE
COLUMBIA SC 2923
THELADYGOLFER@SR.RR.COM
Jan 28 02 07:28 p Patty Russell
Patricia C. Russell
115 Shallow Brook Drive
Columbia, SC 29223–8109
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

After three grueling years, Microsoft and the Justice Department have reached a settlement in the antitrust case. Both sides worked hard and spent millions to reach this settlement. I write to you to ask you see this settlement through to the end.

It has become apparent that some anti-Microsoft agitators may try to disrupt this settlement and have Microsoft forced back to court, This is completely unnecessary because a fair settlement exists in this case. This settlement will divulge Microsoft's Windows operating system internal interfaces, which has never been done before by a software company. Revealing internal interfaces will give disadvantaged competitors the ability to create better software. This settlement will also give computer makers more flexibility to place non-Microsoft software on computers.

It is obvious that the time for this case to come to a close has come. Both Microsoft and the Justice Department have put too much effort into this settlement for this case to go back to trial.

Thank you.
Sincerely,
Patricia Russell
cc: Senator Strom Thurmond

MTC–00030126

Dan Lucky
2455 S Ponte Vedra Boulevard
Ponte Vedra Beach, FL 32082
904–827–0098
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing on the occasion of the Justice Department's public comment period on the Microsoft settlement. As an objective member of the technology industry with 35 years of experience, working with a competitive platform vendor (IBM) to the Windows operating system, it seems that this case developed as a naive attempt of politicians to placate the complaints of businesses (Sun, Oracle, Apple, etc.) in their districts that have failed to gain their desired market share in the software industry. The ensuing attempt

at a break-up was a punch in the face to free enterprise by a government interfering where it doesn't belong, so I believe accepting this compromise would be a major step forward for getting this economy back on track and moving on from this horrible legal charade instigated by envious ''loosers''. I have seen this ''looser'' attitude over and over in this industry. Microsoft has set a standard that most competitors don't like to compete against.

Though their rivals have mostly been victims of bad marketing strategies and/or mediocre products, Microsoft is planning to take several steps to level the playing field further. I believe they will offer the top 20 computer manufacturers with equal pricing for licenses of the Windows operating system without adding any restrictions on the distribution or promotion of competitive products, while allowing broad capabilities to arrange its platform with a custom combination of Microsoft and non-Microsoft software. They will also provide disclosure of their internal interfaces and server protocols to assist software developers in the design process.

As you can see with the above examples, Microsoft is making serious efforts to appease the rest of the marketplace. This is a company that has helped move our economy forward by helping hundreds of millions of consumers join the information age, and that should be respected with a measured judgment. Any further action would be unwarranted and more costly and difficult to implement, so please proceed with this very fair solution. Thank you.

Sincerely,

Dan Lucky

MTC–00030127

ROBERT W. ANDERSON, Consultant
CORPORATE TRAVFI MANAGEMENT
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–00'01

Dear Mr Ashcroft:

Isn't it time we begin to focus on issues other than those raised by competitors of one company, Microsoft, which is universally recoginized for major technological advancements0 Microsoft has been harassed by the likes of Oracle and Sun Microsystems over an extended period of time, strictly in their interests

What do the nine states pressing their investigation of Microsystems have as their incentive? It seems strictly political to me and. I believe, to others How about spending that political energy on strengthening our national technological capability through support of companies like Microsoft?

Respect??ully Submitted,

Robert W Anderson

cc Senator Rick Santorum

2943 Defford Road

Norristown, PA 19403

Phone: (61??)* ??

MTC–00030128

22419 Spring Creek Road
Washington, IL 61571
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington. DC 20530

Door Mr. Ashcroft:

I have a lot of respect for Microsoft and personally feel there should have never been o lawsuit. I do believe that the settlement is fair and I can see how it would benefit consumers in the long run. My concern is for the threat of additional litigation. How would this impact the future of Microsoft and the economy?

Microsoft did not get off easily. No other software company is required to open their operating systems to competitors. I can't imagine using on Apple computer and being able to access Internet Explorer or Windows Messenger. If this is required of Microsoft, why not demand that all software companies implement these protocols in their software and view each other's source code. Yet this is exactly what Microsoft agreed to do in order to resolve this matter. Isn't that enough?

Let's end this. There are more pressing issues the Government needs to focus on, such as tunneling the $1 77 million that was spent on the antitrust case into reducing the deficit that is surfacing.

Sincerely,

Tom Moore

MTC–00030129

Curtis E. Granberry
Two Catclaw Mountain Road
P. O. Box 236
ConCan, Texas 78838
Ph. 830–232–5731
Fax 830–232–5668
January 28, 2002
FAXED TO 1–202–307–1454
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

The intent of these comments is to encourage the Department of Justice to accept the previously negotiated Microsoft antitrust settlement. I have used Microsoft products for the past 20 years. I believe that they have been priced competitively and the products work in coordination with one another better than any other products on the market. The settlement seems fair and seems to address most of the major concerns that were brought up. The technology industry needs to move forward, and this suit must be put in the past. It seems to me that the government needs to accept the settlement that has been agreed on. Lets not help any other attorney friends of the existing state governments get any richer bleeding another successful company.

Sincerely,

MTC–00030130

14055 Verona Ln. Apt. 15110
Centreville, VA 20120–6350
January 28, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Fax: 1–202–307–1454

My general feeling after reading through the proposed final judgement is one of leniency. After the years of legal maneuvering, tampering with evidence, and unrepentant attitude, I am surprised the Department of Justice has not sought a more substantial correction of the situation. Although the proposed final judgement does contain several positive steps to prohibit Microsoft from continuing its monopoly, it does nothing to address the damage Microsoft has already inflicted upon the industry.

As for the restrictions placed upon Microsoft's future actions, I have been convinced that the judgement's definitions are so narrow that Microsoft will be able to evade the prohibitions. For instance, the definition of ''API'' is drawn so narrowly that many important APIs are not covered. Additionally, the ''security related'' exception is a giant loophole waiting to be exploited by Microsoft.

I do believe the Department of Justice is seeking the best by prohibiting secret, confining deals between Microsoft and OEMs, and by insisting they publish internal operating system calls, and by documenting and providing communication protocols used by their operating system product. These prohibitions will help end Microsoft's monopoly on the desktop. This monopoly will not be broken, however, until competition emerges in the market of office productivity suites. Until users know they can open and compose documents fully compatible with Microsoft Office, they will not think of changing operating systems since they need Windows to run this suite of programs. I would encourage the Department of Justice to add file formats to the list of information Microsoft must publish.

Thank you for your consideration of my suggestions in this matter.

Sincerely,

Bernie Hoefer

MTC–00030131

Donald Faulk
P.O. Box 3214
Sulphur, LA 70664
January 28, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Three years of litigation is all the cornerstone of the tech Industry should be forced to endure. Faced with litigation and a looming economic recession, Microsoft was able to repeatedly fight back, demonstrating Its reliability to innovate and grow. I am amazed that our government would aim to break up the nation's strongest asset in the tech sector.

Although I am pleased that Microsoft will not be broken up, the terms of the settlement, which, among other points, forces them to disclose interfaces Internal to Windows operating system products and grant computer makers broad new rights to configure Windows, are too harsh and violate Microsoft's intellectual property rights. While flawed, the settlement still represents

the best way out of further litigation. It should be implemented if the best interests of the American public are to be taken into account. Please use your influence to affect positive change. Thank you.

Sincerely,
Donald Faulk

MTC–00030132

Fred Burris
3000 Southwest 180th Place
Beaverton, Oregon 87006–3925
January 25,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

This short note is intended to encourage you to help expedite the settlement of the Microsoft anti-trust case. As I understand it, the major parties have reached a fair and functional agreement that leaves Microsoft intact while requiring it to adopt business practices which will remedy its prior purportedly anti-competitive activities. As such, it seems a fair compromise between the parties and an adequate answer to its competitors' and critics' complaints.

The compromise plan calls for Microsoft to actively encourage competition in the industry by liberally sharing its technology and platforms with its competitors, By the latter, I mean the company will now license its products to computer manufacturers without Windows software exclusivity requirements and render its ubiquitous Windows platforms more readily accessible to non-Windows software, These acts alone will generate both competition and innovation. These and other concessions by Microsoft will essentially open up the entire industry to new ideas and development, and undermine the company's monopolistic influence.

This agreement is fair; it is needed and needed now. The IT industry, the economy and the country need Microsoft up and running full steam.

Sincerely,
red Burns

MTC–00030135

10700 Rose ?? I and
??, NY 14031–2325
January 25. 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue. NW

Dear Mr. Ashcroft:

I am writing in support of Microsoft and the antitrust settlement proposed. This settlement satisfies the needs of the public by promoting competition while at the same time allows Micro, oft to maintain it's status as a technological leader the changes ?? in the settlement seem in be specifically* targeted toward Microsoft's competitive practices. Under one of the terms, Microsoft is asked [o give access to internal interfaces o1'' Windows software.. Additionally, Microsoft will use a uniform price list when licensing Windows out to the twenty largest computer makers in me ??. and will agree not to ?? against companies that use sell or promote non-Microsoft products. With ?? as the ones stated above, Microsoft is obviously not getting off easy.

J believe that this proposal and are ?? satisfy the needs of public. I nope that you will support this settlement.

Sincerely,
D. & Judith King

MTC–00030136

Pamela Spencer
January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr, Ashcroft:

As a fellow Republican in Rep. Tom Delay's district I wish to express my support of the settlement reached last November between the Department of Justice and the Microsoft Corporation. It has now been 3 years since the Justice Department began the litigation process against Microsoft. During this time countless dollars have gone to court mediators who endlessly debated the merits of this case. In times where budgetary resources are becoming increasingly scarce this action is increasingly appalling. Three years has been too long. I cannot imagine there is anything more to discuss.

Once more, the settlement that was reached contains many concessions on behalf of Microsoft. in an attempt to settle the dispute Microsoft has been willing to agree to these terms despite their lack of guilt in the case. Microsoft has agreed to design Windows XP with a particular mechanism that will allow users to add competing software Into the system. This will revolutionize the way our operating systems are configured. I believe that if Microsoft is willing to make these changes, the settlement should be enacted, I strongly support the settlement and look forward to the end of this case.

Sincerely,
Pamela Spencer
cc: Representative Tom DeLay
3006 Oakland Dr. Sugar Land, Texas 77479–2451 . 281.265.8283 . psspencer@msn.com

MTC–00030137

Henry Reents
908 N 18th Street
Boise, 119 83702
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

Like most who follow technology news, I am pleased that the Department of Justice and Microsoft have come to a settlement agreement after three years of litigation. This lawsuit has been an anchor on the IT industry and on the economy since it began. Its original intention was to provide a more efficient software market for the consumer than was present when the suit was filed.

Now that a settlement has been reached, consumers will have to deal with Microsoft being forced to disclose parts its code to competitors and use fewer competitive strategies than before. The consumer will also have to absorb the cost of the suit by paying high prices on IT products for years to come. Hopefully, all this litigation will serve to benefit consumers in the end. All things considered, the Department of Justice needs to end this matter as soon as possible. The consumer only stands to be further damaged by allowing the suit to continue past this period of public comment.

Henry Reents
CC: Senator Larry Craig

MTC–00030138

8909 55th Place W
??, WA 98275
January 28, 2002
Attorney General ?? Ashcroft
US Department of ??,
950 Pennsylvania Avenue, NW
Washington, DC 2053

Dear Mr. Ashcroft:

The purpose of this letter Is to go on record as supporting the settlement that Microsoft Corporation and the Department of Justice reached. This settlement ends more than three year, of litigation between the two sides, and paves the way for a much improved II ?? and economy. Microsoft's co??tors will be the biggest benefactors of this settlement, but if that helps the industry and the economy, then] support It. Micro?? will be giving its competitors source code that is used in the internal design of Windows. They are also allowing their coml??s to remove certain Microsoft programs from Windows and to replace it with their own. This will improve competition in the indi??stry and will force competitors to work hard to develop a good product. More com??ion will result in more consumers in the stores.

This settlement works, and I support it. [hope It Is approved as soon as ??le. Thank you. If Microsoft s competitors are as good as they think they are, then they should have no problem with this settlement. To take it further would p??alize Microsoft and give unfair advantage to It's competitors. If they want more, let them improve their product.

Sincerely,
Doris Eastman

MTC–00030139

Seattle, Washington
January 28, 2002
Renatta Hesse
Trial Attorney
U.S. Department of Justice

Dear Ms. Hesse,

I am a private citizen not employed by Microsoft. I am a member of an investment club for 21 years. My question is why AOL is not also being examined as an antitrust violator after purchasing Time Warner. How can other corporations compete with that huge company?

Sincerely,
Carol E. Ramamurti
10455 Maplewood P1. S, W.
Seattle, Washington 98146
206 938 8412
Fax: 202 616 9937 or 202 307 1454

MTC–00030140

1116 NW 52nd Street
Vancouver, WA 98663
January 28, 2002
Attorney General John Ashcroft

US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing today regarding the settlement that was reached between the Department of Justice and the Microsoft Corporation in their three year long antitrust battle. I believe that this case has been propagated for far too long and the money and resources expended on both sides of this dispute could have been put to better use elsewhere.

The terms of this settlement are fair. Microsoft has agreed to design all future versions of its Windows operating system to work in conjunction with the products of its competitors. The company will also cease any action that may be considered retaliatory. Adherence to this settlement will also be ensured by a government appointed oversight committee which will monitor Microsoft. It is clear to me that this settlement addresses the issues that were brought in this suit and then some. The reluctance of some people to accept these terms is proof that they are more concerned with perpetuating their own political agendas than they are with finding a suitable solution to this problem.

Thank you for supporting this settlement and for allowing me to voice my opinion on this issue.

Sincerely,
Marty Irwin

MTC–00030141

165 Pisgah Mountain Road
Booneville, AR 72927
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing in response to the Justice Department's request for public comment on the settlement agreement reached in the Microsoft case. I support the agreement. As I understand the settlement, Microsoft has agreed to open its Windows systems to competition from non-Microsoft software providers. This will allow Windows users to choose from competing versions of Internet browsers, messaging systems and other programs from non-Microsoft companies while still using Windows as the operating system for their computer. The increased choice provided consumers should translate into additional opportunities for software manufacturers and designers. Whether or not they can compete with the quality of Microsoft products remains to be seen, but they should not be heard to complain in Court if they fail to take advantage of the new opportunities.

Sincerely,
Roy Shackleford
cc: Representative Bob Stump

MTC–00030142

January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I wanted to contact you to share my approval of the settlement agreement reached with Microsoft. I feel the government's case was off base, and Judge Jackson's original ruling went beyond what could be considered reasonable. Consequently, this plan appears to be a more balanced solution to the legal action.

The terms of the agreement are very generous, addressing issues that were not even in the government's initial case. Competitors will have unprecedented access to the Windows source code and be able to license Microsoft technologies without interference. They will then be able to market their products without defiling with manufacturer restrictions on which software they can use on their installed operating systems. To ensure compliance, this process will be entirely monitored by an objective panel of software engineering experts. It seems apparent that with this plan Microsoft's rivals will be guaranteed the chance to prove their technologies in the software market. Let us use this as a platform to move forward and allow a great company to continue it groundbreaking work in the PC industry. I appreciate your support.

Sincerely,

MTC–00030143

January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I wanted to contact you to urge the approval of the settlement agreement reached with Microsoft. I believe Judge Jackson's original ruling was outrageous. Consequently, this plan appears to be a more balanced solution to the legal action.

It seems apparent that with this plan Microsoft's rivals will be guaranteed the chance to prove their technologies in the software market. Let the market and the people decide. Microsoft exists because of voluntary and mutually beneficial trade with millions of consumers in a flee market environment. Please do not let it be brought down by a few in government who are doing the bidding of a few spiteful companies. In our troubled times we can't afford this misguided litigation.

Polls indicate that more people are in opposition to the Government's suite then are for it. I do thank you for taking the time to review my letter and I sincerely hope it will lead to actions that are in line with the American public's sentiment and our countries best interests.

Sincerely,
James Dykes

MTC–00030144

Sharing Christ Through Art
January 22,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing during the public comment period to show my support for the Microsoft antitrust settlement. Your efforts in this regard have been a real service to our nation. believe that this suit should never have been brought.

The settlement puts the best face on a bad situation. Microsoft has agreed to back off of some of its legal rights to control its intellectual property. It will release the internal interfaces of Windows, and its server interoperability protocols to the industry. Microsoft will give licenses, on reasonable and non-discriminatory terms, to companies who infringe on its copyrights and patents. Microsoft is cooperating with its industry. Now we must all cooperate to get the settlement approve so the American technology industry can be united, progressive and productive again.

Thank you again for your support of the settlement. Let's show the federal court why this settlement must be approved.

Sincerely,
Cathie Rasch
cc: Senator Strom Thurmond
P.O. Box 12278,
Charleston, SC 29422
1–843–762–7024, 1–843–762–1270 fax
www.galleryex31.com

MTC–00030145

8039 E. Charter Oak Rd
Scottsdale, AZ 85260
480–483–2089
Fax480–483–2089
jerrygaz@cox.net
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

Before retiring as a wholesaler, I entered the technology field in 1996. I have learned a lot because of Microsoft's operating systems. Microsoft has been a great innovator. I support the settlement that was reached in November 2001. I believe it is in the best interest of our industry and the country. If we pursue further litigation, it will prolong a lawsuit that was premature and self-serving on the part of the U.S. government. Where would we be without such an innovator? Put this issue behind us and move on to more important business. Thank you for this opportunity to publicly voice my opinion.

Sincerely,
Jerry Gerber

MTC–00030146

820 Mabry Road
Sandy Springs, GA 30328
January 28, 2002
Attorney General Ashcroft
Washington DC
FAX 1–202–307–1454
Subject: Microsoft Settlement

Dear Attorney General:

I urge you to settle the Microsoft Case. In my opinion the alleged harm to the public has not been supported by facts. Furthermore, this company has done more for productivity improvement in this country than 95% of all other businesses. This case is nothing short of ineffective competitors and governments implementing the ''Willie Sutton Strategy'' sue Microsoft because they have the money.

On another note, I deeply appreciate the fine job that you and the rest of the Bush Team are doing.

God Bless!
Sincerely,
cc: Microsoft@1–800–641–2255

MTC–00030148

Fax Coversheet
Date: Monday, January 28, 2002
Time: 2:50 PM
To: Attorney General John Ashcroft
Company: U.S. Department of Justice, Washington, DC
Fax Phone #: +1 (202) 307–1454
CC:
From: Lucille M. Mcculley
Subject: Microsoft Antitrust Settlement
Total # of Pages (including cover): 1
Memo: Dear Mr. Ashcroft:

I am writing to express support for the Microsoft antitrust settlement. It seems like a good plan and a fair way to resolve what has beeen a lengthy and unnecessary inuiry into Microsft's business dealings. The settlement's terms are very generous to Microsoft's competitors, and giving them access to Windows programming codes will enable them to make their programs more compatible with Microsoft's operating system. Forgoing further exclusivity agreements with computer manufacturers will also diversify the market more than it already is. The settlement should give both the government and Microsoft what they want to ultimarly put the situation to rest. Please finalize the settlement without further delay. Sincerely, Lucille M. McCulley, 221 East 78th Street, NY NY 10021

MTC–00030149

302 Saltmeadow Cove
Johns Island, SC 29455
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I have come to the conclusion that the settlement that was reached in the—Microsoft antitrust case should be instituted. Any continuation or revival of this would be a waste of time and money for both plaintiff and defendant. After struggling for years to reach this settlement Microsoft and the Justice Department finally'' reached a settlement with the help of a court appointed mediator. Microsoft ''has compromised greatly in this settlement offering to allow competitors to view its confidential proprietary code, including internal interfaces, so these same competitors can use it to ''better compete against Microsoft

Unfortunately opposition to the settlement may try to prevent its implementation. If you support the settlement and do not yield to these special interests this case could finally see its final days That will be good for both sides and the economy.

cc: Senator Strom Thurmond
Sincerely,
Shirley Passino
cc: Senator Strom Thurmond

MTC–00030150

URGENT
To: ATTNY. GEN. JOHN ASHCROFT
Voice Number:
Fax Number: 1–202–307–1454
Company:
From: JAMES E. WHITE
Company:
Fax Number: 1–501–884–3962
Voice Number: 501–884–3995
Date: 1/28/02
Number of Pages: 2
Subject: MICROSOFT'S SETTLEMENT
Message:
FULLY SUPPORT MICROSOFT'S ANTITRUST SETTLEMENT WITH THE FEDERAL GOVERNMENT.
JAMES E. WHITE
115 Eagle Ridge Trace
Fairfield Bay, Arkansas 72088
January 11, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I am writing in support of Microsoft's antitrust settlement with the federal government. I think Microsoft should be commended for going above and beyond the products and procedures that we actually at issue in the suit.

The settlement is fair. Microsoft will accept many restrictions on the way it does business. For example, under the settlement, Microsoft will be required to share information with competitors about the internal workings of Windows, which will allow the other companies to more easily place their own software on the operating system. Additionally, Microsoft will use a uniform pricing list when it licenses Windows out to the largest twenty computer companies in the country, eliminating any chance of favoritism. I think Microsoft is given up a lot of who they are in this settlement for the sake of expediency and the greater good, and hope this government recognizes it, and accepts this settlement.

Sincerely,
James White

MTC–00030151

Advanced Glazing Systems L.L.C. WCL ADVANGS035N8
14580 N.E. 95TH STREET
REDMOND WA 98052–2550
tele 425 867 1032
fax 425 867 3037
FACSIMILE TRANSMISSION
number of pages including this page is
January 28,2002
1202 307 1454
616 9937
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I would like to express my support for Microsoft in regards to the antitrust settlement. To begin, this suit should not have been brought in the first place, but continuing litigation would prove to be even less fruitful, and rather unjust, All that has come out of this is a waste of time and money. Relatively speaking, the settlement is fair and it should stand the way it is. Microsoft is a company that has brought commerce on a large scale to this country and should be allowed to continue to do so. If people get wealthy off of their own endeavors that should be commended, but Microsoft is being dragged through court. The terms of the settlement are more than fair. Among many other requirements, the company has agreed to make the internal interfaces available to competitors so that they may design software that runs more efficiently on a Windows platform, and there will be a committee that will monitor the actions of Microsoft and their adherence to the terms.

This settlement should be úmfinalized and all proceedings against Microsoft should cease. Thank you for giving me the opportunity to voice my opinion on this matter.

Sincerely yours,
G. Allen

MTC–00030152

11460 NE 132nd Street Apt. G103 Kirkland, WA 08034
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

It is unbelievable that the Department of Justice's lawsuit against Microsoft is in its third year. Parties envious of Microsoft's success brought the suit. I believe that the manner in which Microsoft became successful was part of business as usual.

Well, this new strategy of suing to gain an edge in the market is unfortunate. It breeds a lack of corporate .responsibility and the need to innovate. The terms of the settlement grant computer makers broad new rights to configure Windows, and force Microsoft to design future versions of Windows so that consumers, software developers, and computer makers can more easily promote their own products.

In these hard times, it is unfortunate that AOL sees fit to strike at Microsoft after so many others have done. Business is difficult enough without endless lawsuits. I am an unemployed software tester and abhor what is going on in this. AOL has no gripes, It is number 1 in it's field. This is outrageous and untimely. Let the consumer dictate what is to become of Microsoft. That's supposed to be the way capitalism works

Sincerely,
Richard Waling

MTC–00030153

Gene Ericson
700 Melody Lane
Edmonds, WA 98020
January 28,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue
Washington, DC 20530
Dear Mr. Ashcroft,

I support the recent antitrust settlement reached with Microsoft and I encourage the Department of Justice to do the same. Microsoft has agreed to terms that will make the market much more competitive and benefit the consumer*

Microsoft has agreed to make it easier for competitors to remove Microsoft's products from Windows OS and to install competing

products. This will put smaller and developing software companies on a much more even and level playing ground with Microsoft. Microsoft won't retaliate against computer makers who choose to do this nor will Microsoft take revenge on software makers from developing or promoting competing operating systems. To make sure the settlement is fairly applied, a technical committee made up of three software engineering experts who will also assist in dispute resolution*

I firmly believe this will make the OS market more competitive. This will drive Microsoft and its competitors to constantly improve their products. In the end, the consumer will ultimately be the winner.

Sincerely,
Gene Ericson

MTC–00030155

United States Security Service
11013 Pacific Highway SW
Lakewood, WA 98499
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
95) Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The Microsoft antitrust case was unnecessary to begin with, but the fact that it ''has dragged out this long is absolutely ridiculous. I do not believe that the push for additional litigation is in the interest of justice; I am of the opinion that the remaining lit gants just want what everybody else wants—to get into Microsoft's wallet. A settlement has been proposed that, while it may not be ideal, is acceptable to both Microsoft and the Department of Justice. Next week, the courts will determine whether the settlement is acceptable. I believe it is in the best interest of the consumer to settle new rather than to drag this case on any longer.

Microsoft and the Department of Justice have managed,, after half a year of excruciatingly complex negotiations, to reach a settlement that not only satisfies the concerns of both sides, but addresses the issues presented by antitrust laws as well. For example, Microsoft has agreed not to enter into any contract that would require a third party to distribute Microsoft products at a fixed percentage. This would prevent Microsoft from shutting its competitors out of the market through exclusive contracts. Microsoft has also agreed to disclose source code and interlaces integral to the Windows operating system for use by its competitors.

I do not believe that the settlement is in any way deficient. In fact, I believe it would be best for the economy and the American public to finalize the settlement now. I urge you to take the appropriate action.

Sincerely,
Douglas Bird

MTC–00030156

Teri Mathes
8042 Whisper Lake Lane West
Ponte Vedra Beach, FL 32082
Phone: (904) 273–4651
Fax: (904) 273–5090
Fax
Renata B. Hesse
To: Antitrust Division
From: Ted Mathes
U.S. Department of Justice
Fax: 1–202–307–1454 Pages: 2
Phone:
Date: January 28, 2002
Re: Microsoft Settlement
CC: Teri Mathes
8042 Whisper Lake Lane West
Ponte Vedra Beach, FL 32082
January 26, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

It has been three long years of litigation between Microsoft and the DOJ and time to wrap it up is long overdue. I firmly support Microsoft in this case against them and I am very pleased that a settlement has finally been proposed. The economy and the IT industry has already endured so much. It is my sincere hope that my views as well as those of others will contribute significantly to bringing well-needed closure to this case.

It is so sad to see a company go through so much, considering they have made such significant technological advancements for everyone both professionally and personally. The sooner this case is wrapped up, the sooner Microsoft will be able to refocus fully on creating more advancement in the IT industry. Ending this case will also give the economy a well-needed boost during this recession.

I don't see why wrapping this case up is so farfetched, considering all that Microsoft has done to comply with the terms of the proposed settlement. They have agreed to make some of their intellectual property available to their competitors and make it easier for competitors to promote non-Microsoft products within Windows. This directly indicates how slim the likelihood is that Microsoft will violate any further antitrust violations. Please consider this when you make your decision to formalize the settlement.

Sincerely,
Teri Mathes

MTC–00030157

January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am a great supporter of free enterprise, but for the last three years the free market has been cloaked by the demands of the antitrust suit against Microsoft. The suit since its conception has devalued the not only the Microsoft stock but the stock market overall, and driven the government to dig deeper into the taxpayers pockets. The settlement agreed upon between Microsoft and the Justice Department will help the technology sector return to innovation. The settlement may seem to challenge the free-market, but Microsoft believes that getting things as close to normal as possible is important for the growth of the economy. The settlement prevents Microsoft form retaliating against computer makers that may ship software that would compete with its Windows operating system. Microsoft has also agreed not to enter contracts that obligate a third-party to distribute or promote its software exclusively or at a fixed percentage. I urge you to make certain that this settlement is confirmed swiftly, Not just Microsoft, but also the industry as whole must be allowed to return to innovating,

Sincerely,
Helen Buswinka
8251 Bridle Road
Cincinnati, OH 45244

MTC–00030159

Kathryn Riva
9725 Fruitville Road
Sarasota, Florida 34240
January 28, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

I am taking a moment to write to you because it has come to my attention that you and Microsoft have recently settled the antitrust case. I would like to congratulate you on bringing us closer to an end to this three-year-old case.

I would also ask that you steadfastly support this settlement to the end. Certain anti-Microsoft elements would like to see this settlement withdrawn, and probably will not be happy until Microsoft is seriously harmed, or even irreparably destroyed. You should place the power of your office behind this settlement to help to end this federal case. Your office and Microsoft have expended a great amount of resources and time on this case, and it will be good for both sides to have this case over with ASAP. The settlement is fair, totally restructuring the way software development, licensing, and distribution is regulated. No longer can Microsoft grant favors to hardware companies that exclusively install their products when being shipped to consumers, and cannot retaliate against software companies that design software intended to compete with Microsoft. Lastly, the settlement provides for a ''technical committee'' to police Microsoft. Let Microsoft and your personnel get w work on the issues of the future. Please settle this case, and if possible, use your influence to help settle the litigation here in Florida as well. Thank you.

Sincerely,
Kathryn Riva

MTC–00030160

EDWARD SHUEY
6020 ACORN DRIVE
HARRISBURG, PA 17111
January 28, 2002
Attorney General John Ashcroft
U?? Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

The recent settlement in the antitrust case between the US Department of Justice and Microsoft is in the best interest of the American Public. Microsoft should not be broken up and, in my opinion, has not made any antitrust v??olations. I support the

settlement insofar as I believe that Microsoft will be a more productive company out of court than in, and that I support Microsoft trying to implement better business practices, and the anti-retaliatory aspects of the settlement ought to address that.

My wife has a home business, which she operates on the Internet. Windows technology has made her life much easier. As a user, I do not feel as if my rights have been infringed upon at all. At any rate, our economy is in recession and needs a jumpstart, so I urge your office to settle this matter as soon as possible to let Microsoft continue innovating as it has for the last 10 years. Thank you for your time in this matter.

Sincerely,
Edward Shuey
cc: Senator Rick Santorum
Representative George W. Gekas

MTC–00030161

161 Austin Drive Unit 120
Burlington, Vermont 05401
January 16, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I believe that the recent settlement negotiated between the Department of Justice and Microsoft is a fair one, if indeed this suit ought to have been brought at all. I am writing this to express my appreciation for your having taken the logical step to settle it. I hope at the end of January this settlement will be enacted.

There are so many other more important things about which we should be concerned. Any further efforts to cripple one of our country's most successful companies ought not be on that list. I am hopeful that this settlement signals the end of hostilities between our government and American business. Microsoft has shown some leeway in this issue. They have agreed to license their Windows at the same price. They have also agreed to disclose some of the interfaces to its competitors. Let's concentrate on those things that are necessary rather than those grudge matches that seem to indicate a lack of national resolve.

MICROSOFT HAS SOON A DRIVING WH?? ?? ??UR BURGE??NING ECONOMY. GIVT ?? SANT SC??CK.

Sincerely,
Marion Evans Jeffers and Gregory Jeffers

MTC–00030162

Fax
To: Hon. John Ashcroft (Attorney Gen.)
From: Thomas W. Johnston
Fax: 202–307–1454
Pages: 2 (including this page)
Date:1/28/02
Re: Microsoft Case cc:

Dear Mr. Ashcroft:

I know you have many items on your plate. Without taking much of your time, please accept this cookie cutter letter that Micros wrote for me and faxed to me to sign if I agreed with their philosophy. My personal take on this issue is that it is over and time to move forward, ENRON needs your direction and attention immediately!

Sincerely,
Thomas W. Johnston
President,
Johnston & Associates
Newark, DE 19711–7460
16 Farmhouse Road
Newark, Delaware 19711
January 28, 2002
Attorney General John Ashcroft
The Department of Justice
950 Pennsylvania Avenue
Washington, DC 20530

Dear Mr. Ashcroft,

I am pleased that we all have seen the final conclusion to the Microsoft lawsuit. This whole dispute seems frivolous now that the case has been settled on the federal level. We need to approve the settlement quickly, and move on with more important national business. It can be argued that has Microsoft actually enhanced the world of computers rather than hindered it. Its integrated software and operating system have certainly educated a segment of computer consumers around the country. Without Microsoft, computers across the globe would be operating on multiple, totally different systems, and many would be unable to communicate with each other.

I realize that you are busy with many responsibilities, but I wanted to take this opportunity to thank you for settling this case and for ensuring that our nation will be better off. We've put this case behind us and it is time to move on. Thank you.

Sincerely,
Tom Johnston

MTC–00030163

8812 Deerland Grove Drive
Raleigh, North Carolina 27615
January [illigible] 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing today to urge you and the Department [illigible] to accept the Microsoft antitrust settlement. The case has been [illigible] over three years now and needs to be settled. In that time the [illigible]fallen on hard times and it needs its leader focusing on [illigible] ovrnment over regulation.

A settlement has been reached and I would like [illigible]. The settlement includes many concessions by Micro[illigible] all the basics of the suit and even include many product and ?? were not mentioned in the original suit. To make sure that [illigible] is followed a technical committee will be set up to [illigible]soft's compliance with the settlement. All that is need[illigible] government to accept its own agreement. Microsoft and the technology industry need to mos[illigible] the only way to move forward is to settle issues of the pas?? the Microsoft antitrust settlement.

Sincerly
William [illigible]

MTC–00030164

ROBERT W. SAUNDERS, CLU, ChfC
Group & Individual Life.Annuities.Disability. Income.Pensions
Tel/Fax (360) 387–8083
Mailing:
P.O. Box 1203,
Stanwood, WA 98292–1203
E-MAIL: ROBERTWS@CAMKNO.NET
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I encourage you to accept the recent anti-trust settlement reached with Microsoft. Microsoft has agreed to terms that will open up the software operating system, market m making the market more competitive and beneficial to consumers. For example, Microsoft has agreed to disclose its operating interface to competitors as well as to make it easier for computer makers to remove Microsoft products from the Windows O5 and to install non-Microsoft products in their places. Microsoft has also agreed to let a three person Technical Committee oversee settlement compliance and assist in dispute resolution. I firmly believe all of this will serve to open the OS market and to make it more competitive. This competitive market will ultimately drive Microsoft and its competitors to create better software. And it will be the consumer who wins.

Sincerely,
Robert Saunders

MTC–00030165

396 South Street
Bridgewater, MA 02324
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Per??svlvania Avenue. NW
Washington. DC 20530

Dear Mr. Ashcroft:

Three years ago, the Department of Justice announced it had filed an antitrust suit against the Microsoft Corporation, and that was the beginning of our economic woes. The stock market dropped sharply that day and kept going. Now we are stuck in a recession, and the settlement that was reached last November between the DOJ and Microsoft has a good chance of helping America regain its economic prosperity.

I support the settlement. It ends the unnecessary litigation against Microsoft; it will enable the stock market and economy to get back to past successes and allows Microsoft to resume producing innovative products. Microsoft has agreed to produce future versions of Windows to make it easier for competitors to remove Microsoft software and replace it with their own. While I do not agree with this action since it completely throws free enterprise out of the window. I am relieved to see the litigation stop.

I support has settlement, and hope that the DOJ approves it as soon as possible.

Thank you.
Sincerely
Lloyd Sime
cc: Representative Barney Frank

MTC–00030166

Charles L. Field
P.O. Box 10465
Bainbridge Island, WA 98110
January 28, 2002
Attorney General John Ashcroft

US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Via Fax: 202–307–1454

Dear Mr. Ashcroft:

I want to express my concern over the Microsoft antitrust dispute. The settlement that has finally been reached in this case is fair and in the best interest of all parties. The continued dispute over this litigation will not aid anyone in any way nor will any of us be benefited by the breakup Microsoft.

The terms of this settlement are fair Microsoft will design all future versions of its Windows operating system to be compatible with the products of its competitors. The company will also cease any behavior that may be construed as predatory or retributive. This settlement will ensure that Microsoft cannot engage in any further antitrust violations, alleged or confirmed. Those who are not satisfied by the terms of the settlement are, in my opinion, not looking for a good solution to this problem, but rather the propagation of their own political ends.

Please ensure that this settlement is approved, I appreciate the time that you have taken to deliberate this issue, and make the right decision.

Sincerely,
Charles Field

MTC–00030167

January 28. 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington. DC 20530

Dear Mr. Ashcroft:

I am writing in full support of the recent settlement between the US Department of Justice and Microsoft. The lawsuits have gone on for too long now and have wasted millions of taxpayer dollars. Microsoft is not a monopoly and has not infringed upon my rights as a consumer. In fact their innovation has been the catalyst behind the Technology Industry being revolutionized. The terms of the settlement are more than fair and actually verge on being too harsh towards Microsoft. Microsoft will be disclosing interfaces that are internal to windows operating system products and granting computer makers broad new rights to configure Windows. This is a first in an antitrust case.

Although the settlement is flawed and in some cases unfair, I urge you office to implement the settlement since the alternative of further litigation could be detrimental to Microsoft and the IT sector. Do what is right for our country and show that the new administration has made a commitment to innovation, I am a loyal AOL customer and have used their product since 1993. I also use many of Microsoft's products and many of their competitor's products, Please let Microsoft move on and let them do what they do best which is innovation. They raise the bar of excellence for all.

Sincerely,
Catherine Hamlin Walker

MTC–00030168

FAX
Date: Monday, January 28, 2002
Pages including cover sheet: 2
To: Attorney General
Phone
Fax Phone +1(202)6169937
From: Victor Arean
248 Punta Vista Dr.
St. Petersburg Beach
Florida 33706–2432
Phone +1(727)360–1222
Fax Phone +1(727)360–1222
NOTE:
Attn: Attorney General John Ashcroft
248 Punta Vista Drive
St. Petersburg Beach, FL 33706–2432
January 26,2002
Attorney General John Ashcroft
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

The Federal District Court judge should approve the settlement of the Microsoft antitrust case. That would be the best thing for the American computer industry and the American economy. Until six years ago, I worked in the computer industry, starting with college internships. I worked with IBM's OS/2 software, which was great for connectivity to IBM's mainframe and mid-level computers, but was able to run only the older, 16-bit Windows programs, not the newer 32-bit ones (Windows 95 and later). The salespeople refused to use OS/2 on their laptops, insisting on Windows. At the time, I purchased a home computer with Windows on it, and later decided to purchase the Microsoft Office Suite, because I thought it worked better than the Lotus Smart Suite and other similar products.

There have been complaints made about Microsoft that are reflected in the antitrust litigation. For example, people have said that Microsoft's knowledge of the internal software code interfaces of its Windows operating system allowed its application programming division to have an inside track to building better programs, like Microsoft Office. Under the settlement, Microsoft will have to document and disclose the Windows internal interfaces. IBM never disclosed the internal interfaces of its operating systems in eighteen years of antitrust litigation. Top software engineering experts will monitor the agreement for five years to ensure that it is complied with, and investigate complaints. The other terms also require Microsoft to cooperate with its competitor, open up its software code, and introduce more flexibility into its business practices. The settlement resolves concerns and is good for the American computer industry.

Thank you for your support of the settlement.

Sincerely,

MTC–00030169

Microsoft Antitrust Case
T. Blanford—01/28/02

How many businesses have been forced out of business by the unlawful, ruthless tactics of Microsoft?

How many individuals have suffered countless loss hours ,and dollars as the result of Microsoft.

How many Billions of dollars in losses has Microsoft cost business's and organizations of all types including the government and individuals by their buggy and often hacked software. By all metals, show me where the security in their software resides. I can't find it.

Show me where the competition is. Microsoft couldn't sell their crap software if there were real competition.

I personally have lost ten of thousands if not hundreds of thousands of dollars and ten of thousands of man-hours as the result of anti-competitive actions by Microsoft.

Show me where the standards are. Show me where Microsoft has promoted and implemented universal cross platform and cross application compatibility.

Who, outside of government, has the power to control rite abuses and raider-handed actions of Microsoft?

Where is tile level playing field for all businesses and individuals?

What is the purpose of government if not to protect the people from unlawfull and unethical acts committed by those without civil sensibilities.

Where is this crap going to end?

Tom Blanford—

MTC–00030170

W. E. SALTER
4531 Fishers Hollow Rd
Myersville, MD 21773
Attorney General John Ashcroft
US Dept. of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
January 26, 2002

Dear Mr. Ashcroft:

The federal case against the Microsoft Corporation is without merit. The Justice Department's litigation against Microsoft has served only to attack the principles of free enterprise that spur productivity. I believe that settling this issue is in the best interests of this nation and I would urge the Dept. of Justice to enact the settlement swiftly.

The details of the settlement agreement contain many changes brought forth by Microsoft in an attempt to resolve the issue. Microsoft will now disclose the protocols and design interfaces of the Windows system. The result of this change will be that developers will more readily be able to design soft-ware that is compatible with the Windows system. I believe that consumers and developers will both benefit from these changes.

The Justice Department should realize the benefits of enacting this settlement.

Sincerely,
Willard E. Salter

MTC–00030171

Claude V. DeShazo
Maureen M. DeShazo
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing this letter to show my support for the recent proposed settlement that was reached between Microsoft and the Department of Justice. It is my opinion that the settlement will provide the necessary push that the IT industry needs to help bolster the economy. The economic troubles

that America is facing all started when the antitrust suit against Microsoft was announced. Our stock market and economy went from being the best in history to being mired in a nasty recession. Microsoft is the one company that has the ability to save our economy, and since the settlement makes them work ever closer with their competitors, competition in the IT industry will benefit, and the economy will show gains. The settlement that was reached is more than fair, and I support it.

Sincerely,

15804 High Bridge Road * Monroe, WA 98272 * 360–794–2172 * 800–530–37OO * Fax: 360 794–5592 * Email: applady@aol.com TOTAL P. 01

MTC–00030172

Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
January 28, 2002

Dear Mr. Ashcroft:

I encourage you to accept the recent anti-trust settlement reached with Microsoft. Microsoft has agreed to terms that will open up the software operating system, market making the market more competitive and beneficial to consumers.

For example, Microsoft has agreed to disclose its operating interface to competitors as well as to make it easier for computer makers to remove Microsoft products from the Windows OS and to install non-Microsoft products in their places. Microsoft has also agreed to let a three person Technical Committee oversee settlement compliance and assist in dispute resolution. I firmly believe all of this will serve to open the OS market and to make it more competitive. This competitive market will ultimately drive Microsoft and its competitors to create better software. And it will be the consumer who wins.

Sincerely,

MTC–00030173

Gary and Susan Reid
5651 Mission Road
Bellingham. WA 98226–9680
Tel. (360) 966–2385/Fax (360) 966–3171
To. The Attorney General
From Gary Reid
Date: January 28, 2002
Re' Microsoft Anti-Trust Settlement

From my viewpoint as a consumer, this suit needs to be resolved. I believe that this suit will cost me money. First, it has increased Microsoft's cost to do business; second, it has diverted efforts from producing a better product: and. third, the tax dollars spent on this suit exceed, am possible savings to tile public.

I believe than Microsoft's product is fairly priced when compared to the benefits obtained. I can be pan or a communication revolution that has changed the world for less than $20000 Does not M?? have a proprietary right to its systems? It appears that the patent holder of the ?? hoop has more rights than the designers of this life-changing system.

The ineorpera?? of the internet browser into the basic system is important to the con?? It should not be separated to give, a competitor an advantage. Several of the business ?? that were in question have already been changed. If our economic system is to work. competitors need TO produce boiler products—not resort to politically driven ?? that result, in pourer products for the purpose of bringing equality ee Microsoft

MTC–00030174

Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I want to take advantage of this opportunity to give my opinion on the settlement concluded last year between Microsoft and the Department of Justice. I believe the agreement represents a good deal and should continue to be supported by the federal government. The agreement is fair and the government received many strong provisions. Microsoft has agreed to design future versions of Windows to provide a meehanism to make it easy for computer makers, consumers and software developers to promote non-Microsoft software within Windows. This mechanism will make it easy to add or remove access to features built in to Windows or to non-Microsoft software. This change will give consumers the freedom to change their computer's configuration whenever they so desire. This agreement is also good for consumers because it allows Microsoft to focus their attention on new products that consumers have come to expect. This will make everyone more efficient, whether they use the products at home or their job.

Sincerely,
Maya Balle

MTC–00030175

19 Lakeview Drive Kinnelon, NJ 07405–3113
January 12, 2002
Attorney General John Ashcroft
US Department of Justice
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I am writing to express my support in the recent antitrust settlement between Microsoft and the federal government. I sincerely hope that no further action is being taken an the federal, level. Considering the terms of the agreement, Microsoft did not get off with just a slap on the wrist. In fact, Microsoft is left to make several significant changes to the ways that they handle their business. For example, Microsoft has agreed to make available to its competitors, any protocols implemented in Windows' operating system products that are used to interoperate natively with any Microsoft server operating system. With the many terms of the agreement, there should be no reason to pursue father litigation against Microsoft on any level.

Thank you.
Sincerely yours,
Donald B Wain

MTC–00030176

Seattle Pacific University
School of Business and Economics
3307 Third Avenue West Seattle, WA 981 19–1997
Phone: 206 281–2970
Fax: 206 281–2733 http://www.spu.edu
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The purpose of this letter is to support Microsoft and the antitrust settlement, The suit brought against Microsoft was frivolous and misplaced. Clearly, Microsoft has been the leader in the technology industry and has driven the incredibly positive returns in the stock market for the entire decade of the 1990s. Government meddling in business has almost never produced positive results—but in this case, the interference has been even more egregious than ever before. I disagree with any Government involvement.

The terms of the settlement will allow other companies the ability to compete and will also be more beneficial/advantageous to consumers. In addition, Microsoft has agreed not to retaliate against software and hardware developers and competitors. They have also agreed to make it easier for non-Windows software to operate within Windows, starting with Windows XP. Surely, you must agree that Microsoft has shown much more than good faith in this entire, ridiculous lawsuit!

Best regards,
Carolyn A. Strand, Ph.D., CPA
Assistant Professor

MTC–00030177

Liam Newman
15127 NE 24th St #403 Redmond, WA 98052
January 28, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW Suite 1200
Washington, DC 20530–0001

Dear Attorney General:

I was happy to hear the Department of Justice made the wise decision to settle the Microsoft antitrust case. As a software developer, I am cognizant of the benefits settlement agreement provides to both Microsoft and to its competitors.

I am supportive of Microsoft's efforts to dispel concerns about anticompetitive behavior. Microsoft has agreed to disclose portions of its code to its competitors, as well as to make it easier for consumers to run other software systems with Windows. Future versions of Windows will be designed with mechanisms that will allow consumers to remove features of Windows and replace them with non-Microsoft programs. By these and other concessions, Microsoft has really gone above and beyond what should be required it.

It is time for the litigation to conclude so Microsoft will be free to focus its resources on developing new products. I hope you continue your efforts to resolve this case. Thank you for your consideration.

Sincerely,
Liam Newman

MTC–00030178

5984W10800 N
Highland, UT 84003

January 21, 2002
Attorney General John Ashcroft, DOJ
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

I am appalled that the Microsoft antitrust case has gone on for this long. Three years have been spent already in the federal courts, and the possibility that even more time and money could be wasted in an extended court battle is outrageous. The push for continued litigation represents a pathetic attempt on the part of state legislatures to line their own pockets at Microsoft's expense, It is not in the best interest of the consumer for another round of proceedings to be brought against the Microsoft Corporation; indeed, the economy and the technology industry have been stagnating since the case began. The proposed settlement would not only prevent future antitrust violations, it would also allow Microsoft and the Department of Justice to get back to business. This is what the economy, the consumer, and the IT industry all need.

Microsoft and the Department of Justice were able last November, with the aid of a courtappointed mediator, to reach a settlement that was realistic as well as just. In the interest of wrapping up the case, Microsoft has agreed to conditions that extend to products and procedures not found to be unlawful by the Court of Appeals. Microsoft has, in fact, already made the necessary changes and is no longer in violation of antitrust laws. For example, Microsoft has agreed to refrain from taking retaliatory action should software developers or computer makers introduce software onto the market that directly competes with Microsoft products, Microsoft has also agreed to disclose various interfaces integral to the Windows operating system for use by its competitors. I cannot imagine that the Department of Justice will be able to find the agreement to be anything but fair.

The settlement needs no revision. Continued litigation is not in the best interest of the consumer, I do not believe that further action needs to be taken on the federal level. I urge you and your office to support the settlement.

Sincerely,
Michael Curtin
CC: Representative Chris Cannon

MTC–00030179

14761 N 88th Lane
Peoria, AZ 85381–2780
January 18, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

As a member of the technology industry, my only concern when working with computers and software is whether or not I can rely on it consistently over time, Microsoft has delivered the best services and products In the industry over the last decade and has benefited consumers, software developers, and computer makers alike, While I think that Microsoft, like any large corporation, has probably been aggressive in its use of marketing, I think that the lawsuits have been brought on not because there are antitrust violations of any great nature, but, because the Clinton administration had political vendettas against Microsoft for their lack of financial support for the party.

The government should stay out of big business and the technology industry especially at this time of growth where our country is competing with other nations for the lead in the IT sector. Even though I think the settlement should have never occurred in the first place, I want to see it come to fruition because it is In the best interests of everyone involved to end litigation. Let Microsoft focus on innovation and growth.

Under the terms of settlement Microsoft is giving away numerous technological secrets, which seem s to me to be in violation of their Intellectual property rights, They are also agreeing to license its Windows'' operating system products to the 20 largest computer makers on identical terms and conditions, including price. This stipulation seems to me to be creating an opportunity for monopolistic behavior since there will be collaboration on pricing.

In spite of these flaws, the settlement should be finalized, The nine states holding out should be reprimanded and all of this has to come about due to the direction off your office. I ask you to please take these thoughts into consideration. Thank you for your time.

S. Gorman

MTC–00030180

1624 Etain Road
Irving, TX 75060–5518
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
January 26, 2002

Dear Mr. Ashcroft:

It's good to see that the Justice Department has ended its very long and costly antitrust lawsuit against Microsoft. By freeing the innovative giant to fully focus on business, the Government will be aiding the creation of many jobs.

The agreement calls for Microsoft to agree to terms that extend well beyond the products and procedures that were actually at issue in the suit—for the sake of wrapping up the suit. One provision calls for Microsoft to disclose and document, for use by its rivals, various interfaces that are internal to Windows'' operating system products—a first in an antitrust lawsuit. Good work deserves its rewards. Microsoft has produced amazing software products for the world. It is time now for the government to allow the provisions of the agreement to fall in to place. No more action should be taken at the federal level against Microsoft.

MTC–00030181

January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

As a fellow Republican in Rep. Tom Delay's district I wish to express my support of the settlement reached last November between the Department of Justice and the Microsoft Corporation. It has now been 3 years since the Justice Department began the litigation process against Microsoft. During this time countless dollars have gone to court mediators who endlessly debated the merits of this case. In times where budgetary resources are becoming increasingly scarce this action is increasingly appalling. Three years has been too long. I cannot imagine there is anything more to discuss.

Once more, the settlement that was reached contains many concessions on behalf of Microsoft, in an attempt to settle the dispute Microsoft has been willing to agree to these terms despite their lack of guilt in the case. Microsoft has agreed to design Windows XP with a particular mechanism that will allow users to add competing software into the system. This will revolutionize the way our operating systems are configured. I believe that if Microsoft is willing to make these changes, the settlement should be enacted. I strongly support the settlement and look forward to the end of this case.

Sincerely,
Pamela Spencer
cc: Representative Tom DeLay

MTC–00030182

FAX TO ATTORNEY GENERAL JOHN ASHCROFT
1 202 307 1454
1928 Claremont Country Club Commons
Normal, IL 61761
January 28, 2002
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

It is in the best interest of the American public to finalize the antitrust settlement with Microsoft as soon as possible. Although we are happy to see Microsoft will not be broken up, we maintain our belief that Microsoft is still receiving unwarranted treatment. Under the terms of the concession, Microsoft has agreed to disclose internal interfaces, and increase its relations with software developers. All of these concessions have their positives and negatives. But, it seems to us when a company starts from nothing and is innovative to the point that it becomes the unprecedented leader of an industry, that company should be applauded, not criticized.

We urge your office to free up the IT sector and allow it to grow again at the rapid rate it did before litigation. Only by allowing Microsoft to focus on business—not politics will the tech sector make a quick recovery. Thank you for your time. We appreciate your consideration of our thoughts for the continuing growth of Microsoft for everyone's benefit.

Sincerely,
Joseph and Maxine Stephens

MTC–00030183

13611 160th Avenue NE
Redmond, WA 98052
January 28, 2002
Attorney G metal John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW

Washington, DC 20530

Dear Mr. Ashcroft:

The Department of Justice has finally ended its pursuit of the Microsoft Corporation. A proposed settlement was reached between the two last November, and I am in full support of it. Now my government will be able to focus its attention o 1 more pressing matters than Microsoft. The settlement that has been reached is more than fair to all parties involved, and I urge you to, approve it as soon as possible. Microsoft will now be communicating more with their competitors than ever before, which will provide the IT industry with the necessary boost it needs. They have agreed to share design information with their competitors concerning the internal make-up of the Windows operating system, an I will make future versions of Windows that will make it easier for companies to manipulate the operating system and install their own software into it.

All in all, his settlement benefits the industry and economy and should be implemented as soon as possible.

Sincerely,

Reginald L. Armfield

MTC–00030184

1624 Etain Road
Irving, TX 75060–5518
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
January 26,2002

Dear Mr. Ashcroft:

It's good to see that the Justice Department has ended its very long and costly antitrust lawsuit against Microsoft. By freeing the innovative giant to fully focus on business, the Government will be aiding the creation of many jobs.

The agreement calls for Microsoft to agree to terms that extend well beyond the products and procedures that were actually at issue in the suit—for the sake of wrapping up the suit. One provision calls for Microsoft to disclose and document, for use by its rivals, various interfaces that are internal to Windows'' operating system products—a first in an antitrust lawsuit. Good work deserves its rewards. Microsoft has produced amazing software products for the world. It is time now for the government to allow the provisions of the agreement to fall in to place. No more action should be taken at the federal level against Microsoft.

Yours truly,

Peggy Broyles

MTC–00030185

Francis E. Baird
206 Radnor Chester Road
Villanova, PA 19085
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing in full support of the recent antitrust settlement between the US Department of Justice and Microsoft, Although I am happy to see that Microsoft will not be broken up, I believe the current penalties are still too harsh. I am an avid believer in free market enterprise. Microsoft continually outdid its competitors by developing better products and services faster. This is called free market competition and Microsoft's efforts only served to increase the rate of growth in the industry. They should be applauded for their efforts not criticized.

I sincerely hope that the remaining nine states opposing Microsoft's actions drop litigation immediately and allow the IT sector to focus on business which is in the best interest of the American public, especially in this time of recession.

Sincerely,

Francis Baird

cc: Senator Rick Santorum

MTC–00030186

19355 Sherman Way, Unit 33
Reseda, California 91335
Phone 818/885.7179
Fax 818/885.1428
January 28, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

Please see that the new Federal District Court judge approves the settlement in the Microsoft case. The settlement is good for the country, because the information technology industries is a leader in fostering American prosperity through increased efficiency as a result of useful innovations, and because Microsoft is a vital part of the IT industry, which has for too long been stymied by this litigation.

The settlement is fair and will be adhered to. A committee of software engineering experts will be able to look throughout Microsoft's facilities and into its software code to see that the agreement is followed. Other companies will be able to make any complaints they may have to the committee and the committee will investigate. This sounds like an approach that should work well.

Please keep up your efforts to resolve this case now that we are so close.

Thank you.

Sincerely,

Sonia Tarrish

MTC–00030187

DAN LESTER
6511 164th Street Southwest
Lynnwood, WA 98037
January 28, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I would like to inform you of my support of the proposed settlement in the antitrust lawsuit against Microsoft. This litigation has extended much further, and cost more money, than the public wants. It should be completed without further delay.

Microsoft has made a significant attempt with this agreement to encourage weaker competitors to gain market share. They will make it easier to configure Windows with the software of competitors and will offer top computer makers equivalent terms and conditions to encourage fair play. Software developers will benefit from measures that are sensitive in scope, gaining the ability to license Microsoft's intellectual property and access their Windows source code. Now that we have the opportunity to move on, let us enact this fair, court mediator-assisted plan and get back to business. Any further action would just do harm to our fragile economy and truly over-step the public's feelings on the issue. I hope we have your approval.

Sincerely,

Dan Lester

MTC–00030188

7080 Weybridge Road
Weybridge, VT 05753
January 27, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I understand there is a 60-day public comment period, as required by the Tunney Act, with regard to the settlement between Microsoft and the Justice Department. Please know that I am fully supportive of this court mediator-assisted compromise and am urging you to cease any further legal action against Microsoft. Microsoft's success is extremely important to the U.S. economy, technological innovation, and millions of consumers. Microsoft's offer—access to their internal code for future design and permitted licensing of their intellectual property—should more than suffice to their competition. Creative, forward-thinking individuals and companies should not be penalized because their competitors are not able to be as successful due to their own lack of ability. This deal offers capitulation with sensible restraint, so I urge you to finalize it and move on to more important matters. Thank you very much.

Yours truly,

Shirley Claudon

MTC–00030189

TAYLOR ANGUS RANCH
Lester and Pain Taylor
HC 89, Box 225
Pleasant, AR 72561
Mt. Pleasant, AR 72561
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530
RE: Microsoft Settlement

Dear Mr. Ashcroft:

We understand that the public comment period on the proposed settlement agreement between the Department of Justice and Microsoft closes today, January 28, 2002. We are writing to cast our votes in favor of settlement.

Given the record of accomplishment so far in this case, it makes no sense to continue litigation when you have the chance to conclude the case in a manner beneficial to the economy. The primary complaint against Microsoft was that consumers who chose to

use Windows operating systems for their computers were precluded from utilizing non-Microsoft software Programs for such services as Internet browsers and messaging services within Windows. Microsoft has agreed to end this practice, and open its Windows systems to such competition. With the major complaint answered, there is no need to further litigate.

Please end this case, and put Microsoft back to work. The country needs to heal. Thank you for your kind consideration in this matter.

Sincerely,
Lester A. Taylor
Pamela J. Taylor

MTC–00030190

1738 Swann Street,
FAYETTEVILLE, NC 28303
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

There has been a recent settlement between the Department of Justice and Microsoft. I want to give my support to this agreement and ask that you do also. The whole case, in my opinion, was a boondoggle. The lawsuit was entirely political, more a result of the collaboration of Microsoft's r??vals tan any unethical business practices. I find it interesting that we comp ??out competition from abroad, urge innovation, yet in other countries, the government helps companies. In our country, companies, if they become ??o successful, are hauled into court, completely at the mercy of their competitors and the government's definition of success. This is a shame out the two parties have reached an agreement and I urge you to give your approval since they, obviously, want this to end.

Moreover, Microsoft has acquiesced to a great number of demand from the Department of Justice. Microsoft has agreed to grant compute takers broad new license to cast Windows as to promote non-Microsoft software programs; Microsoft has agreed to new relations with software developers; Microsoft has agreed to internal interface disclosure. Enough is enough.

Sincerely,
William Hatley

MTC–00030191

FAX??
Date: Monday, January 28, 2002
To: US Department of Justice—
Attorney General John Ashcroft
Fax: 202–307–1454
From: GreCon Dimter, Inc.—
Larry Hilchie
Phone: 425–313–0275
Fax: 425–391–1686
Pages: 1
Subject: Microsoft Settlement

Dear Mr. Ashcroft,

I am faxing you concerning the Microsoft settlement.

I believe in free enterprise and have for many years worked with other small companies. I have used computers since the mid 1980's in my businesses. I greatly appreciate all that Microsoft has done to enable US companies but especially small companies do their business productively. We faced major costs with unknown results trying to use custom software before the success of Microsoft who offer us competitive suitable software for our various needs.

I, like many other people in small business, feel that major companies which try to compete with Microsoft: are trying to use the US government and courts to fight Microsoft success because these big companies have not met the market needs that Microsoft so successfully addresses. While I was totally opposed to the court actions, I was pleased that a settlement was reached at least between the US government as well as many states and Microsoft. The settlement was a compromise but I thought would enable Microsoft to focus again on their customers' needs in a world of global competition. Weakening Microsoft could enable not only US competitors but overseas competitors an unfair advantage. Microsoft is a major US exporter which we need and has helped many other companies and technologies grow to the benefit of the USA. I hope this settlement will be enacted this month.

I believe that less government and more individual initiative is what makes the USA strong in this world. Let us finally let Microsoft focus on their business which has definitely help our company and many thousands of companies our size compete daily in our business areas. Thank you for your time. I wish you continued success in your fight against world terrorism.

Sincerely,
Larry Hilchie
GreCon Dimter, Inc.,
19536 SE 51st Street,
Issaquah, WA 98027 USA

MTC–00030192

FAX
1–202–307–1454
Renata B. Hesse
AntiTrust Division
U.S. Dept. of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–001
Midrosoft Settlement

Dear Sirs,

We are in agreeement with the rulings of the Court of Appeals in the Microsoft suit. I feel enough is enough.

Many thanks for you time + effort beyond the hrs of 9–5.

Sincerely,
(Mrs.) Dick C. Grossblatt

MTC–00030193

Comments on the Revised Proposed Final Judgment
http://www.meer.net/iq/doj—comments.html
John Giannandrea, Independent Software Developer, formerly ('94–'99) Chief Technologist in the Internet Browser group at Netscape/AOL

Summary

After reviewing the Revised Proposed Final Judgment, the Competitive Impact Statement, the May 18th 1998 Antitrust complaint together with the findings of the District Court and the Court of Appeals I submit that the Proposed Final Judgment fails to describe effective remedies for Microsoft's illegal activities.

An effective Final Judgment would prevent recurrence of the illegal behavior and provide relief and protection for independent software developers to develop innovative new middle-ware products and compete with Microsoft in the market for Windows software. The terms of this Final Judgment will not achieve this result because it is seriously flawed. These comments briefly describe the following problems with the Proposed Final Judgment:

1. Problems with the scope of the remedy
2. Shortcomings in the OEM configuration provisions
3. Loopholes and technical shortcomings with the wording of the judgment
4. Restrictive language related to Intellectual Property.
5. Problems with the term and proposed implementation
6. Flaws in several of the definitions

Taken together I believe these flaws in Proposed Final Judgment make it an inappropriate remedy for the illegal behaviors found by the Court of Appeals. While changing some of the specific wording of the Final Judgment and removing some of the loopholes will make it stronger, on balance it is a wholly inappropriate remedy for the ongoing harm done by Microsoft in protecting and extending its Windows monopoly.

ig@meer.net
January 27th, 2002.

1. Problems with the scope of the remedy

There are several problems with the scope of the proposed remedies which are likely to make it ineffective in practice. The Final Judgment does not correct the harm done to the marketplace today by Microsoft's existing software products, nor address the issue of backwards compatibility and harm done to the market by ongoing changes (''upgrades''). Nor does the Final Judgment address the crucial issue of APIs in Microsoft middle-ware products themselves, as opposed to APIs in the Windows Operating System Product.

1.1 What products fall under the proposed remedy?

Sections III.D, III.E and III.H limit the practical effects of the Final Judgment to some future versions of Microsoft's latest operating system product (WindowsXP, SP1) or 12 months from submission of the Final Judgment. This will not provide effective remedy for the actual installed base of Windows users, of which WindowsXP remains a small minority. Microsoft's monopoly position is, and will be for the length of the initial proposed term, made up of Windows2000, WindowsME, Windows98 and Windows95 products and their associated middle-ware product lines. It is in these products that harm is and was being caused by the illegal activities. For the Final Judgment to be effective in providing relief, the communications protocol and Windows API disclosures need to apply to the actual installed base of Windows. It is no more technically difficult for Microsoft to document current APIs than it is to do so in future products.

The final paragraph of III.H limits the proposed remedies to middle-ware as defined by a timeline relative to the release of new Windows operating system products. The reality is that the illegal conduct relates to all existing and past Microsoft middle-ware products, and the release of future versions of Windows will not significantly affect the harm being done in the marketplace. There is no technical reason why existing Microsoft and non-Microsoft middle-ware will not be compatible with future versions of Windows. In fact Microsoft makes considerable effort to ensure that Windows is ''backwards compatible'' with its own applications. Remedies need to apply to all future versions of Windows, and all middle-ware now and in the future, and the obligations of the monopoly holder should not change unilaterally with a product release cycle under their express control. Much of the harm found by the Court is related not just to the disclosure of interfaces and APIs, but to the fact that Microsoft can stop supporting a documented feature or API without consulting the affected parties.

One possible way to improve the Final Judgment would be to add a new condition to III. C. that allows OEMs the option of shipping any prior Microsoft middle-ware with any subsequent version of Windows.

1.2 Middle-ware APIs are as important as Windows APIs Section III.D. proposes that Microsoft shall disclose APIs used by its middle-ware to interoperate with a Windows operating system. Since middle-ware such as Internet Explorer or Windows Media Player has added, subtracted or altered significant APIs with each subsequent version, including minor, so called ''maintenance'' versions, and since these APIs are depended on by the the majority of ISVs. III.D. should be extended to require disclosure of all APIs used by, or provided by any Microsoft middle-ware product, including APIs in other middle-ware software.

1.3 Changes to current and past middle-ware needs to be covered The definition in VI.] excludes software in minor version changes from the definition of Microsoft middle-ware. Yet it was exactly such a minor change that disabled Java for millions of Internet Explorer users, or forced thousands of ISVs to abandon the Web Plug-in API and redevelop or abandon their middle-ware. (See http://www.meer.net/jg/broken-plugins.html) At a minimum all software middle-ware released by Microsoft and in use by a majority of Windows users should be covered by the Final Judgment for it to be effective.

2. Shortcomings in the OEM configuration provisions It is clear from the findings of the Court that needs to exist remedies that enable OEMs and End Users to be able to add, remove and replace middle-ware without limitation by Microsoft through its Windows product. It has been shown to the Court that its technically easy to allow middle-ware either from Microsoft or its competitors to be added removed from the Windows operating system. The current language in the Final Judgment does not protect distribution of new and innovative forms of middle-ware and therefore fails to remedy the current situation where investment and competition in Windows middle-ware is ''chilled'' by Microsoft's prior and current practices.

III.H.3 allows Microsoft to undo an OEM configuration in any subsequent version of a Windows product and to change the way an OEM's configuration interacts with Windows in each subsequent version. This lack of ''backwards compatibiliy'' is in Microsoft's interest at the expense of the OEM's investment.

III.H.3. Allows Windows OS to undo an OEM's configuration automatically after 14 days. But it does not give the same capability to an ISV, or the OEM themselves. If a third party provides competitive differentiation by adding features and services on top of Windows they should be able to do so with no hindrance from Microsoft at all. If it is determined that Windows should have a ''revert'' feature that disables or undoes an OEM's enhancements, then that feature should have an ''undo'' capability so that the enhanced product purchased from the third party is not irreparably harmed by the behavior of the Windows software at some later time. III.H attempts to give end users and OEMs the right to add and replace non Microsoft middle-ware with competitive middle-ware, an essential component of the proposed remedies. Rather than just stating this as a simple requirement, additional restrictions are imposed in III.H.2:

that competing middle-ware be replacing a Microsoft middle-ware

that the middle-ware be a specific subset of possible middle-ware that has a particular and limited type of user interface

that Microsoft can require (and itself present?) a confirmation dialog for the end user if the change is made by software that the user presumably installed themselves

III.H.3 imposes conditions on Microsoft operating system products altering OEM configurations, but Microsoft middle-ware also has a documented history of making such alterations. The Final Judgment does not protect OEM investments or end user choices unless it enjoins all Microsoft software products from altering, without express permission, the end user experience. It is exactly Microsoft's ability to make unilateral changes that expresses its monopoly power and distorts the market for improvements to Windows.

The mechanism proposed in III.H.1 allows Microsoft to provide a interface choice to enable ''all Microsoft Middle-ware Products as a group''. This should be specifically disallowed since it reinforces the distinction between Microsoft and non Microsoft software, and suggests that an end user would be given the default choice of ''taking everything'' (i.e. all available Microsoft middle-ware, turning off competitors middle-ware) in order to allow ease of use and configuration.

III.C.3 The requirement that a non-Microsoft middle-ware product should display a user interface ''of similar size and shape'' to a Microsoft middle-ware product is technically onerous. The additional inferred requirement that a middle-ware product can only launch automatically if a Microsoft middle-ware product were otherwise to do so, is also technically unreasonable. If the purpose of this remedy is to allow competition in such middle-ware; to allow, for example, an OEM to configure a PC so that it connected automatically to an IAP or ICP on boot up, then these restrictions would preclude this.

3. Loopholes and technical shortcomings with the wording of the judgment There are significant exceptions and conditions attached to the definitions used by the Final Judgment. These exceptions appear to make the remedies themselves weaker and in several cases are technically inaccurate or groundless.

3.1 Excluding existing middle-ware

Section III.H after III.H.3 describes two exceptions where Microsoft middle-ware would be allowed to execute in preference to competing Middle-ware. These exceptions effectively negate the value of III.H and are seriously flawed.

3.1.1 The first exception is for middle-ware ''invoked solely for use in inter-operating with a server maintained by Microsoft''. Given the current and past scope of MSN and the services provided by various servers in the ''microsoft.com'' domain, this exception is unreasonable. For example, a component of Windows that contacted a server to upgrade or maintain the device driver software on a Personal Computer would be exempt from III.H. This would presumably preclude an OEM from providing their own value-add service using the same component APIs of Windows. As the value and prevalence of network services grows, Microsoft would be able to continue to exclude competing middle-ware as long as they could define the service as being hosted at Microsoft. This would also include most .NET services, which Microsoft has publicly stated will be at the core of most end user functions in all future versions of Windows. The proposed remedy for past behavior is ineffective.

3.1.2 The second exception is if ''non-Microsoft middle-ware fails to implement reasonable technical requirements .–.–.''. This is an unreasonable and overly broad restriction on the proposed remedy. The specific example given, failure of support ActiveX, is a most egregious example. ActiveX is not a feature of Windows, it is an API created for Internet Explorer middle-ware expressly to tie that middle-ware to the Windows platform. In a healthy competitive environment it should be end users that conclude if middle-ware is providing ''functionality consistent with the Windows product'', not Microsoft. The idea that Microsoft themselves are qualified to say what is and what is not a valid non-Microsoft middle-ware product puts the fox in charge of the henhouse. In fact by the definitions of this section of the Final Judgment, most existing successful non-Microsoft middle-ware (.lava, Netscape Navigator, Web Plug-ins) would be exempt from the remedy. It was precisely the success of these products, demanded by end users, that precipitated the threat to Microsoft and led to the illegal behavior.

3.2 Limitations on disclosure of communications protocols

Section III.E. Requires disclosure of any communications protocol implemented in a Windows OS installed on a ''client''

computer. This would appear to exclude protocols implemented as Microsoft middle-ware, such as Web Browsers, or communications middle-ware such as e-mail programs (Outlook Express) or streaming media players (Windows Media Player). It would also appear to exclude protocols implemented in the same copy of Windows, running as a ''server''. Given the advent of ''peer-to-peer'' computing this distinction excludes more significant protocols than it includes. To meet the intent described in the impact statement, the requirement should be the disclosure of any communications protocol implemented by the Windows Operating System Product and any Microsoft middle-ware product.

3.3 Preventing disclosure on ''security'' grounds.

Section III.J.1.a attempts to limit the APIs and protocol descriptions to be published as part of the proposed remedy. The exceptions include those that would ''compromise the security .–.–.'' of the Microsoft products. It is well known and supported by the majority of reputable computer security experts, including many who work for Microsoft Corporation, that disclosure of the mechanisms of software makes it more secure, not less secure. In fact requiring Microsoft to document and disclose APIs will make the products more secure as flaws are discovered by peer review and then repaired. Computer security should not be considered valid technical grounds to limit disclosure.

3.4 Limitations on who can access the disclosures

Section III 3.2 places all kinds of limitations on the disclosure of the information central to the proposed remedy. In III.D the Final Judgment requires Microsoft to disclose APIs to all listed parties via ''MSDN or similar'' i.e. publicly and for a small fee. This conflicts with III.J.2 which allows Microsoft to withhold such information unless Microsoft itself determines ''a reasonable business need'', or that the requester meets ''standards established by Microsoft for .–.–. viability''. These restrictions are unnecessary and are not vital to the remedy. The required information should be disclosed simply, via MSDN or Microsoft.com, to anyone who has a valid Windows license.

Section III.J.2 additionally requires that non-Microsoft middle-ware innovators be in ''compliance with Microsoft specifications'' and, at their own expense, pass a Microsoft defined third party verification test. These new tests and requirements are onerous, and do not exist in the market today except as optional marketing programs. In particular the non-Microsoft middle-ware at issue in the anti-trust action would not have met these standards. These additional requirements and limitations will serve to place further hurdles in front of middle-ware ISVs. They only serve the interests of the monopolist in limiting access to the required APIs as has happened in the past as documented in the Findings of Fact.

4. Restrictive language related to Intellectual Property.

The licensing terms implied by the Final Judgment are both more onerous than the prevailing market today, and unfairly biased in favor of Microsoft. The terms of III.G are not in force if Microsoft licenses intellectual property from the third party. This would appear to allow, for example, Microsoft to enter into an exclusive distribution arrangement with an ICP if the ICP had a reciprocal license to Microsoft for some middle-ware enhancement related to their Internet content. This kind of transaction is common in the industry today and would seem to weaken the intent of III.G.

Section III.I.5 grants Microsoft the right to require a competitor to license to it IP rights to ''relating to the exercise of their options or alternatives provided by this Final Judgment''. This is an onerous and unreasonable requirement because Microsoft does not need such non reciprocal IP rights to comply with the Final Judgment. (Could such rights be licensed father by Microsoft to other ISVs?)

III.I requires Microsoft to reasonable and non discriminatory licensing of any intellectual property required for the market to take advantage of the provisions of the Final Judgment. However there is a restriction (H.III.3) on sub-licensing. This would in practice curtail most ISV business models if a technology innovator was unable to resell its technology to an ''end user'' OEM or ISV without that entity then being required to obtain a license from Microsoft. The last paragraph of III.I explicitly states that the terms of the Final Judgment will not confer any rights with regard to Microsoft IP on anyone. But as the Final Judgment requires disclosure by Microsoft of APIs, protocols and detailed documentation of mechanisms inherent in middle-ware interfaces, then certain legal rights are in fact surrendered in most jurisdictions.

III.I does not address the significant and influential market in royalty free software (such as Linux) and the open standard nature of the Web protocols and standards. Industry standards groups which Microsoft itself is an active member of such as W3C (The World Wide Web Consortium) customarily require all APIs and protocols to be royalty free. Yet III.I potentially places further restrictions or costs on ISVs developing products and innovations under that model if they wish to integrate them with Windows.

5. Problems with the term and proposed implementation

5.1 Term is not long enough

The Final Judgment has a term of five years (V.A), or seven years with additional violations. Given the pattern of illegal behavior by Microsoft since 1995 and the fact that Windows Operating system product cycles are frequently many years apart, the scope of this agreement appears unusually short. A 10 or 15 year agreement would be more appropriate.

5.2 Issues with creating a competent technical body

The Final Judgment requires a three person technical committee. While this committee is intended to be knowledgeable about software design and programming, it also needs to be knowledgeable about Internet standards and protocols, online transactions and web e-commerce architectures and business models. It is unlikely that a committee as small as three people will have the requisite skill set to oversee the broad range of initiatives and innovations that center on the Windows platform and are the subject of the monopoly concern. The committee would be more in keeping with industry standards and accepted practice if it were larger and comprised of experts in several fields.

5.3 Public disclosure of information relating to enforcement

Section IV.B.10 and other language in :IV (e.g IV.D.4.d) suggests that the Final Judgment requires the work of compliance and technical overview to be conducted in secret. For example if an ISV submitted a complaint to the TC or the Microsoft Compliance Officer it is not required that the complaint and its response be published (IV.D.3) It would be more in keeping with industry standards and accepted practice for technical discussion around the enforcement of a Final Judgment be open to wider technical review. This would improve the quality and accuracy of such review as well as reassuring the community of OEMs, ISVs etc. that the enforcement process was actually working. At a minimum there should be a requirement that the TC host an independent web-site to communicate with the industry about the status of enforcement issues.

6. Flaws in several of the definitions

There are many problems with the definitions of key terms that affect the meaning and substance of the Final Judgment.

VI.A. A suitable definition for Application Programming Interface needs to include interfaces provided by middle-ware itself, since middle-ware can include tiers of software, not just a simple arrangement where middle-ware calls the Windows software layers. A more accurate and common definition of APIs would be independent of both the terms Windows and middle-ware. VI.B. The scope of Communications Protocol should not be limited to communications with a ''server operating system''. This excludes the concept of one Windows XP PC talking to another PC, which is a common occurrence and should be within the scope of the remedy. ''Peer-to-peer'' is an example of a middle-ware category that is not covered by this definition. VI.J.2 and VI.K.b.iii both require that the covered software be ''Trademarked'' to be under the terms of this agreement. This requirement seems to exclude certain middle-ware. For example ''My Photos'' and ''Remote Desktop'' are new middle-ware in WindowsXP and are apparently not trademarked. VI.T defines Trademarked to exclude certain named products regardless of their impact in the market.

VI.J.4 excludes software that has no user interface, such as a streaming video codec or a web commerce protocol handler.

VI.K.1 lists certain products explicitly as middle-ware. Given that the Final Judgment as written only covers Windows XP and subsequent versions (it should be modified to cover prior versions), the list of covered products and categories should also include MSN Explorer, Microsoft Outlook and other Microsoft Office components, Windows Movie Maker and others. VI.N limits the definition of a ''non-Microsoft middle-ware

product'' to one that has shipped 1,000,000 copies in a previous year. Under this definition, Netscape Communicator would not be covered by this Final Judgment, nor would Sun's Java JVM, both examples cited by the Court of middle-ware that require relief. The idea that a competing product has to already be successful to receive the protection of the Final Judgment is flawed. This condition should be removed. VI.N defines non-Microsoft middle-ware in terms of code exposing APIs, which are defined in VI.A as being uses by Microsoft middle-ware (this is a circular definition), More importantly, non Microsoft middie-ware should not be defined more narrowly than Microsoft middie-ware. Not all middie-ware ''exposes a range of functionality to ISVs though punished APIs'' although some (like lava) does. The original Netscape 1.0 web browser would have failed the definition in VI.N.

VI.Q defines Personal Computer as using an Intel x86 processor. Microsoft has in the past and will most likely in the future ship Windows Operating systems for processors other than x86. The Court found that Microsoft's illegal practices in respect of distribution of Internet Explorer also extended to the Macintosh Power-PC platform so this definition is overly narrow. VI.R. 150,000 beta testers is an unusually large number, even for Windows and suggests that ''timely manner'' would be defined as the last test release of a Microsoft product rather than the first public test release. The interests of the enforcement are better served if Timely Manner was defined as the first public test release of a Windows OS product.

[end]

http://www.meer.net/jg/doj—comments.html

MTC–00030194

January 28, 2002 5:09 PM
From:
Fax #:
Page 1 of 1
Jose Diaz
206 L Street Southwest Quincy,
Washington 98848
January 17, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my opinion about the recent antitrust settlement between Microsoft and the US Department of Justice. I think that the government should stay out of big business and not interfere with the operations of our free market. Microsoft has done a world of good for education, job growth, and technological advances. They should be applauded, not reprimanded. I am glad to see that the terms of the settlement do not break up Microsoft. They are harsh though. For instance, Microsoft will have to disclose technological information such as interfaces and protocols to their competitors. They have also agreed not to retaliate against competitors who distribute or promote non-Microsoft products.

I think the settlement is flawed n many ways, but it should be finalized because the alternative, which is further litigation, could be a lot worse. Please take a firm stance against the nine states that want to continue opposition.

To tell you the truth, with all my respects to you, I think our government should learn from Microsoft, our government started long time ago and am able to see the flaw on it.—Microsoft had been evolving for better in a competitive enviroment and it is growing, even though, It stared a few years ago.

Sincerely,

MTC–00030195

3828 High Summit Drive
Dallas, TX 75244
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing today to encourage the Department of Justice to accept the Microsoft antitrust settlement. The issue has been dragged out for over three years now and needs to be put to rest. A settlement has been reached, the terms are fair and the government needs to accept it. In order to reach a settlement Microsoft has agreed to many concessions. They have agreed to allow computer makers the flexibility to install and promote any software that they see fit. They have also agreed not to make any agreement that would obligate any computer maker to use a set percentage of Microsoft software. Also, Microsoft has agreed to license its software at a set price no matter what software the computer maker uses or promotes and no matter at what percentage they use Microsoft: software. These terms are set to allow complete competition in the realm of pre-installed software.

Microsoft and the technology industry need to move forward, the only way to move forward is to put this issue in the past. A settlement is available and the terms are fair, I would like to see it accepted. Please accept the Microsoft antitrust settlement.

Sincerely,
Barem Christian

MTC–00030196

3828 High Summit Drive
Dallas, TX 75244–6620
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing today to encourage you and the Department of Justice to accept the Microsoft antitrust settlement. This issue has dragged on for over three yearn now and it is time to put an end to it. Contrary to critics'' claims, Microsoft has not gotten away with easy terms. Microsoft has agreed to allow computer makers to install and. promote software that competes with Microsoft's. Microsoft has also agreed to release part of the Windows base code to its rivals, making it easier for them to write competing software.

The settlement is fair and should be accepted. Microsoft and the industry need to move forward. It is time to end this government harassment. Please accept the Microsoft antitrust settlement.

Sincerely,
Dorothy Christian

MTC–00030197

MARGARITA CAICEDO
FACSIMILE TRANSMITTAL SHEET
TO: Attorney General John Ashcroft
FROM: Margarita Caicedo
COMPANY: US Department of Justice
DATE: 01/28/02
FAX NUMBER: (202) 307–1454
TOTAl NO. OF PAGES INCLUDING COVER: 2
PHONE NUMBER: (305) 466–0123
SENDER'S REFERENCE; NUMBER:
RE: Microsoft Settlement
SENDER S FAX NUMBER (305) 466–0117
?? URGENT
Following this fax cover is a letter in favor of the Microsoft Settlement
Margarita Caicedo
P.O. Box 801510
Miami, Florida 33280
January 5, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington. DC 20530

Dear Mr. Ashcroft:

I am writing you today to express my opinion in regards to the settlement that was reached with Microsoft in November. I believe this settlement is fair and vital to improving our economy. Under this agreement, Microsoft must share more information with other companies, create more opportunities for other companies, and give consumers more choices. Microsoft has agreed to create future versions of Windows that will make it easier to install non-Microsoft software. Microsoft must also share software books and codes, and a technical oversight committee has been created to oversee Microsoft compliance to this agreement. These stipulations make it clear that this settlement is fair, and not simply a cakewalk for Microsoft.

Thank you for making the right decision and considering public comment on this issue.

Sincerely,
Margarita Caicedo

MTC–00030198

Eve & Andre Nowack
377 B.W. Broadway
Long Beach, N.Y. 11561
Jan. 28, 2002
Attorney General John Ashcroft
U.S. Dept. of Justice
Pennsylvania Ave. NW
Washington, DC 20530

Dear Mr. Ashcroft:

Last Nov, a settlement to the antitrust suit between Microsoft and the Dept. of Justice was proposed and we would like to lend our support to it. The public comment period is coming to an end and it is our hope that the proposed settlement is approved shortly thereafter. Millions of dollars have been spent by both sides in this matter and that is a complete waste of money. Microsoft could be investing that cash into research

and development, and the Federal Govt. could have used taxpayer dollars in a much more productive manner. We hope that once the settlement is approved there will be no further litigation against Microsoft at the Federal level. The settlement calls for a 3-member oversight committee that is extremely well versed in software engineering. This committee will make sure tht Microsoft follows the terms of the settlement and will also handle any 3rd party disputes that might arise. Let us move on.

We support this settlement and hope it is enacted quickly. Thank-you.

Sincerely,

Eve Nowack

Andre Nowack

MTC–00030199

Duane Ellis
206 Pine Blvd
Medford NJ 08055
January 28, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Reg: US V Microsoft, Anti Trust Act Tunney Act Comments

Ladies and Gentlemen,

I am opposed to the settlement as written. I believe it not to be in the public interest. Many times I've heard or seen comments to the effect that ''We can't do that .–.–., look at the effect on our economy that would have .–.–.'' Statements such as these are wrong and must be rejected. I believe Franklin Roosevelt said it best:

The liberty of a democracy is not safe if the people tolerate the growth of private power to a point where it becomes stronger than their democratic State it self. That, in its essence is Facism—ownership of a government by an individual, by a group, or any controlling private power.—Franklin D. Roosevelt

That is also a great benefit of the Tunney Act, under which I write this objection. There are two themes that I see missing: (1) they should be broken up, and (2) their interfaces between the companies and products lines must be publicly available. Each of the baby-Microsofts must make use of, and work only from the same publicly available documentation that every one else has access to.

Specifically:

1) The Divisions

I believe that the public interest would be better served Microsoft should be split into at least 4 operating units, not the two that Judge Jackson ruled.

Those divisions should be:

Games & Entertainment Group. Focus: The home user Duane Ellis, 206 Pine Blvd Medford NJ 08055

Tunny Act Comments reg: Microsoft Includes XBOX, Cable TV. WebTV, MSN, Hotmail, all ''Internet Related'' activities, Microsoft Reader [eBooks] and Internet Explorer, Business Applications

Focus: The business user

This would include Microsoft Word, Excel, PowerPoint, Access, Visio Servers And Operating Systems

Focus: Core Operating systems, and servers. This would include Microsoft Windows CE/95/98/XP/2000/whatever .–.–. and all of its successors what ever they may be. Exchange Mail Server, SQL Server, Terminal Server, Developer Tools

Focus: The software developer community, the people who write the applications. This would include Visual Studio, the computer language compilers for things like ''C, C++, C#, Java, linkers, assembler, Visual Basic, FoxPro'' and so forth.

2) Publicly Document the Interfaces, common to all. This is the fundimental means by which Microsoft has extended and held their monopoly and will continue to hold it:

The proprietary communications formats the Microsoft applications use. These 'communications formats'' include: (a) 'over the wire'' communications such as when one computer communicates with another [Such as a computer network, or the internet], and (b) documentation of the file formats that their products use [such as those used by Microsoft Office].

Today, through out the world many companies claim to have an ''ISO–9000'' (or 9001, or 9002) certification. The fundamental requirement those certifications have is simple: Document what you do. Do what you document. Nothing more, nothing less.

If you look back at the IBM Anti Trust case, and the Telephone industry, a central theme in the solutions are or where: Document the interfaces between the systems, and abide by them. The openness of protocols and file formats is so fundamental that there must be a lethal ''Sword Of Damocles'' making Microsoft document and publish what they do so that competitors have a chance to offer a competing product.

Duane Ellis, 206 Pine Blvd Medford NJ 08055 Tunny Act Comments reg: Microsoft The most striking example of this I can find of this is the documentation for the ubiquitous Microsoft Word DOC file format, or the lack there of. If one was to write a competing word processor, one needs to be able to read and write DOC files. To do so, one needs documentation. To date, all DOC file format programs have been reverse engineered [Those in the industry are aware of the phrase ''Undocumented Function Call'', a hall mark of a Microsoft Style] For example: I wish to write a word processing program. To compete in the market place, my product must be able to read and write the Microsoft Word DOC file format directly.

Nowhere at Microsoft. COM can one find an accurate description of the DOC. The response I have seen about this is: You should supply a plug-in converter for Word so that users could download it. That might be one business solution. I think this will work just as well as Netscape being able to supply their browser to customers using this method .–.–.

My example word processor, to be a viable product must be able to read and write a DOC file directly'—without messing up. (How many times have you, or a co-worker imported a file, only to find it screw up, this is a constant problem users face.) To Microsoft's credit, on their web site one can find Microsoft's ''Knowledge Base'' article id: Q111716 titled: ''How to Obtain the WinWord Converter SDK (GC1039)'' Which has not been updated since 1997. Obviously over the last 5 years we've seen Word98, then Word-2000, and now Word-XP yet there is no updated documentation that I can find. The simple test is this: Please supply me with a Part Number and Price so that I may order full, complete, and not 'reverse-engineered by a 3rd party' documentation for the various file formats used by the last 4 versions of Microsoft Office (Office 98, ME, 2000 and XP). And no, it's not in the MSDN developer package—I've looked. If I've over looked it—please tell me exactly what file or 'page' to find this information.

By the way, the ''GC1039'' documentation refers you to yet another document about RTF files that is of some help, but is so hopelessly out of date (Again 1997)—and has this caveat: Note: The sample RTF reader is not a for-sale product, and Microsoft does not provide technical or any other type of support for the sample RTF reader code or the RTF specification. Site: http://msdn.microsoft.com/library/default.asp?url=/library/enus/dnrtfspec/html/rtfspec.asp, click on ''Appendix A: Sample RTF Reader'' [Visited & Verified January 28, 2002] Duane Ellis, 206 Pine Blvd Medford NJ 08055 Tunny Act Comments reg: Microsoft Microsoft and all the baby-Microsofts must be required to document completely, fully and un-ambiguously their external interfaces for all of the products or groups of products for which they hold a monopoly.

Given Microsoft's prior record there must be a ''Sword Of Damocles'' to enforce this. My choice would cost Microsoft nothing if they behave, and lots if they misbehave. It works like this:

This requirement is in effect for a product, or families of products where Microsoft represents more then 49.9% of the installed user base, and does not expire for at least 20 years. The requirement to supply documentation for a specific product interface expires 1 year after the product is no longer available for purchase (or licensing). Microsoft must in a timely manner, make widely and freely available under a 'free license'' (no patent royalties or non-disclosures required), at a cost of no more then the cost of duplication the documentation for all interfaces to their products.

The first of such disclosures must be made at the same time each ''beta or test'' version is made available. Specifically: The interface documentation must be of the same quality and accuracy that the 'beta or test'' application is. Where applicable, part of the documentation Microsoft should include reference program [or application], with full source code under the same free terms as the documentation that serves to validate the documentation.

As each 'service pack'' or 'patch'' is made available to improve an application, so must the interface documentation be improved. If any one [not just baby Microsofts] asks another for further clarification or information, that information must be posted in a public way so that others may benefit from the information. If a reasonable man

would conclude that the above conditions where not met, Microsoft: would be required to refund 100% of the license fees they have collected for the effected products, including a 5% interest as if the license fees were deposited in a bank account. If a reasonable man would conclude that the disclosures where purposely vague, or show a pattern of problems that are not remedied the penalties increase 10 fold. Duane Ellis, 206 Pine Blvd Medford NJ 08055 Tunny Act Comments reg: Microsoft

The test of this solution is simple:

If Microsoft says they will document—they will have no fear of the Damocles'' sword, as it will never fall. This sword makes them understand in simple terms: Do not forget to document what you do, and do what you document. And you will do nothing else.

Thank you for your time.

Duane Ellis.

Duane Ellis, 206 Pine Blvd Medford NJ 08055 Tunny Act Comments reg: Microsoft

MTC–00030200

Constance Roberts
3421 South Dye Road
Flint, Michigan 48507–1009
January 23, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am urging you to settle the lengthy antitrust lawsuit pending against Microsoft. I think it is ridiculous that the case even made it as far as it has.

I think it is a shame that the government has gone after Microsoft, Bill Gates is simply a guy who made good and has been punished for his success. The Justice Department seems to have unfairly singled out Microsoft instead of treating all companies in similar positions in an evenhanded manner.

Though I believe that the justice system has wasted significant time and money in continuing to pursue legal action against Microsoft, I believe that the terms of the current settlement are reasonable, and I would like to see Microsoft back on track. I am a stockholder in the company, so I am affected by its inability to conduct business as usual.

The government's stated aim is to increase competition. The new provisions Microsoft has agreed to will do just that. Users and computer makers can more often and more easily install and configure Windows in ways that promote and use competing products.

Please settle the case as quickly as possible.

Sincerely,

Constance Roberts

MTC–00030201

LOGISTICS,inc.
January 10, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my full support of the recent antitrust settlement between Microsoft and the US Department of Justice. I am glad to see that Microsoft will not be broken up, but the rest of the concessions seem fair. In order to increase competition in the tech market, Microsoft will agree to share information about how Windows works with its competitors. This information will allow them to place their own programs on Microsoft's operating system, and to better compete with Microsoft.

I am a firm believer in free enterprise and a fan of what Microsoft has accomplished in the last 10 years. There are many large companies that also could be targeted, which leads me to believe their suits are serving political interests than public ones. I support the settlement and look forward to seeing it implemented soon. This settlement will enable the country to move forward again.

Sincerely,

Clifford Bagwell

cc: Senator Rick Santorum
1–800–810–8708
717–284–4521
FAX: 717–284–6024
P.O.Box 32
Pequeo, PA 17565

MTC–00030202

ReidMiddleton
728 134th Street SW—Suite 200
Everett, WA 98204
Ph: (425) 741–3800
Fax: (425) 741–3900
TO: Renata B. Hesse
DATE: January 28, 2002
FROM: Brian P. Seguin, PE PLS
ORGANIZATION: Antitrust Division, U.S. Department of Justice
FAX NO. (202)616–9937
PHONE NO. ( )
CITY: Washington DC
SUBJECT: Microsoft Settlement
MESSAGE:

Attached is my letter to Attorney General John Ashcroft requesting that the lawsuit be settled under the terms agreed on between the U.S. Dept. of Justice and Microsoft. Lets all get back to work and get this economy going again. Thank you.
3622 99th Street Southeast
Everett, WA 98208
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The antitrust lawsuit brought against Microsoft was unjustified and flawed. The dispute in my opinion arose due to competitors'' envy for their own lack of innovation and creativity. Microsoft has been the leading innovator of technology, for over a decade. In the 80's when we lagged behind Japan in many industries, Microsoft developed a product that streamlined and made more effective many of our businesses. The company I worked for is a perfect example as it was able to use Microsoft software for its businesses.

The terms of the settlement are harsh and seem to reflect the intense lobbying of Microsoft's competitors. Forcing Microsoft to give up internal interfaces and protocols, making them agree not to retaliate against other vendors, stipulating that they must grant computer makers broad new rights to configure Windows so as to make it easier for non-Microsoft products to be prompted, the settlement also reflects lawmakers and politicians lack of concern for the public.

This settlement only aims at giving competition an edge they did not have and could not attain on their own.

Even though I think the settlement is unfair, I must support it because the alternative of further litigation would be too much for our weak economy. I urge your office to take a firm stance against the opposition and stop any further disputes. Thank you.

Sincerely,

Brian P. Seguin
Professional Land Surveyor
Professional Engineer

MTC–00030203

George Arthur
12734 111th Lane
Largo, FL 33778–1943
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The settlement with Microsoft in the antitrust case should be approved in the best public interest of America. The settlement was reached only after three months of negotiations with a court-appointed mediator. What is more, the terms of the settlement represent reasonable compromises of the positions of the parties, and will be beneficial to the American computer technology industry as a whole.

The settlement will make it easier for computer software and hardware companies to work with and modify Microsoft's Windows operating system. With disclosure by Microsoft of the internal interfaces and server protocols by which Windows works with programs and other computers, computer companies will be able to find better ways to work with Windows. This can only encourage growth in this industry.

I would appreciate your support of the Microsoft settlement. The Federal Court should approve the settlement. Thank you.

Sincerely,

George Arthur

MTC–00030204

January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Enough is enough! Please implement the fair and equitable settlement reached by the Dept. of Justice and Microsoft.

Washington state has been hit hard by the economic recession. The Bush Administration is now in a position to stop the economic troubles which now effect not only Washington state but the entire nation. Microsoft mirrors the Market. When the tech sector was healthy, the Market was healthy. It is my opinion that the settlement will provide the necessary push that the IT industry needs to help bolster the economy back to its previous strength.

Microsoft is the one company that has the ability to save our economy, and since the settlement makes them work ever closer with their competitors, competition in the IT industry will benefit, and the economy will show gains.

The Bush Administration did not start the recession, but it is in a position to STOP the recession. The settlement that was reached is fair, and I support it.

Sincerely,
Maureen M. DeShazo
16121 High Bridge Road
Monroe, WA 98272–9478

MTC–00030205

United Wholesale Supply Inc.
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I support the terms of the settlement agreement the Department of Justice and Microsoft were able to negotiate. I am in favor of bringing this case to a conclusion.

Microsoft has appropriately addressed the concerns raised by the plaintiffs in the case. They have agreed to take steps to safeguard against future antitrust violations. Microsoft has agreed not to enter into contracts that would require third parties to exclusively promote or distribute Windows. They also agreed not to take retaliatory actions against software developers who design software that competes with Windows. Another important concession is Microsoft's agreement to implement a uniform price list. Beyond the concessions set forth in the settlement agreement, nothing further should be required of Microsoft.

Your efforts to settle this case are appreciated.

Sincerely,
Gerald Robinson
President
25713 74th Ave.
South Kent, WA 98032
(253) 852–9595
Fax (253) 852–9449
UNITEWS044RP

MTC–00030206

Mike Franklin
76708 N Yakima River Drive
West Richland, WA 99353
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I support the Department of Justice and Microsoft's recent proposal to settle. I think it is a satisfactory outcome for both sides.

Microsoft has done its part by accepting restrictions on its business practices, its competitive behavior, and its licensing requirements, among other things. It is the government's turn to do what it must to bring this dispute to an end.

I ask you to represent what ''fairness'' there may be in government, by supporting this ??ottlement. The American government and the Department of Justice have more important issues to spend their time and money on.

Sincerely,
Mike Franklin

MTC–00030207

118 Third Street
Estill, South Carolina 29918
January 17, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

American ingenuity should not be punished. The government's suit against Microsoft is nothing more than an attack on the very creativity and hard work that have made this nation great. I feel that Microsoft has had the wherewithal to become a successful company and they should not be punished for pursuing the American dream.

While I am glad that this suit has reached an end with the settlement that was negotiated in early November, [would rather see the entire thing dropped. I understand that Microsoft has agreed to a number of rather harsh terms because they understand that a quick end to this case is vital to future American leadership in the worldwide technology market. For example, Microsoft will agree not to retaliate against computer companies that use, sell, or promote non-Microsoft software,

Thank you for your efforts thus far in bringing forth a quick end to this litigation. I hope that we can put this unsavory business behind us and that Microsoft can get back to the business that it is best at: innovation. Thank you.

Sincerely,
Lawton Ocain
cc: Senator Strom Thurmond

MTC–00030208

sage software
January 28, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

The greatest advantage to this settlement between Microsoft and the Department of Justice is that it ends the court action. Aside from that, the settlement is rather lopsided.

While I support the settlement, I also feel that some of the terms set a dangerous precedent. Not only will this settlement force Microsoft to release some of its protocols to its competitors, but the settlement also forces Microsoft to allow software other than its own to essentially become part of its operating system.

All of this can have two undesirable side effects: The first is that the reliability and high quality standards that we have all grown accustomed to when operating a computer with the Windows platform may now be rendered unstable because of the addition of someone else's software. Secondly, there will now be a possibility for cloned versions of Windows to flood the market. The idea of Rolex watches springs to mind. Microsoft will no doubt be blamed for this too. Again, I reiterate my support for the settlement in principle, but the specifics of some of these terms can prove problematic down the road.

Sincerely,
Chad Ruff
President
Sage Software, inc.
3423 Piedmont Road
Suite 550
Atlanta, GA 30305

MTC–00030209

OFFICES OF THOMAS M. ROTH, III
1001 South Marshall Street, Box 14, Suite L6
Winston-Salem, North Carolina 27101
Telephone: 336–777–0114
Telefax: 336–777–8499 or
336–777–3601
TELEFAX MEMORANDUM
FROM: Tam Roth
TO: Ins. ?? Hesse
DATE:
FIRM: U.S. Pest ??Jostice
RE:
TELEFAXNO. 202—616—9937
TIME OF SENDING:
NO. OF PAGES
ORIGIN AL: Will not be sent Will follow by
U.S. Mail Will follow by overnight mail
MESSAGE:
OFFICES OF
THOMAS M. ROTH, III
ATTORNEY AND COUNSELOR
1001 SOUTH MARSHALL STREET, BOX 14
WINSTON-SALEM, NORTH CAROLINA
27101
TELE: (336) 777–0114
FAX: (336) 777–8499
E-MAIL: TRROTH@PRODIGY.NET
January 28, 2002
Renata Hesse, Esq.
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

I am writing today in response to the **Federal Register** item concerning the Microsoft settlement with the United States and nine of our states'' attorneys general. I note that North Carolina, my home state, is among the states that have signed off on the proposed settlement.

I have reviewed the proposed settlement of this long running case and endorse the proposed settlement between these parties. I would urge Judge Kollar-Kotelly to do the same. The proposed settlement has positive points for all sides; and appears to make many of Microsoft's anticompetitive practices impossible to continue, while not destroying a firm which has done much to revolutionize the way people all over the world live.

Certainly, Microsoft's agreement to an independent monitor is quite a concession for a corporation in the high-tech areas. The agreement also calls for Microsoft to guarantee ''equity'' in a number of areas with third parties which will mean less profit for the company m the future. I understand that Microsoft is willing to agree to these provisions just to get this case over with. Since this proposed settlement has the support of the Department of Justice, and of nine states, I hope that Judge Kollar-Kotelly will be willing to approve.

Very truly yours,
Thomas M. Roth III

MTC–00030210

Australian Union of Students
P.O. Box 123
Roma Street
BRISBANE QId. 4003
Telephone: (07)3321 3059
Email: info@students.org.au
14 November 2001
Renata Hesse
Trial Attorney
325 7th Street, NW
Suite 500
Washington, DC 20530
USA

Dear Sir/Madam,

I refer to the antitrust case against Microsoft Corporation in the United States District Court for the District of Columbia, reference Civil Action No. 98–1232 (CKK). In accordance with provisions of the Antitrust Procedures and Penalties Act, there is attached to this letter a written submission concerning the proposed Final Judgment which has been agreed to between the United States Government and Microsoft Corporation. Our standing to make a submission is explained in the submission.

Cordially,

Geoff Bird National President

SUBMISSION IN RESPONSE TO THE PROPOSED SETTLEMENT OF THE ANTITRUST CASE AGAINST MICROSOFT CORPORATION

AUSTRALIAN UNION OF STUDENTS

NOVEMBER 2001

EXECUTIVE SUMMARY

1. The proposed settlement will not end litigation against Microsoft, as it neglects to punish Microsoft for unlawful conduct and compensate those affected.

2. If the proposed settlement goes ahead, it will deprive the United States Government of influence over the settlement that Microsoft will ultimately reach with the European Union.

3. Accordingly, our association, on behalf of our members who are American citizens, wishes to propose an alternative settlement.

4. Microsoft should be required to publish the source code for its operating systems.

5. Microsoft should be required, by way of a punishment, to set up a venture capital corporation, and to transfer a proportion of its assets to this corporation.

6. The assets which Microsoft should be required to transfer should be equal to the stockholders'' equity in Microsoft, less the stockholders'' equity that Microsoft would have if it had complied with the law.

7. The venture capital company should be required to invest in business start-ups in a country in proportion to the amount that residents of the country have spent on Microsoft products.

8. Stockholders in Microsoft should be issued with stock in the venture capital company in proportion to their holding in Microsoft.

9. The United States Government should be required to use its best efforts to persuade foreign governments to enact legislation excusing Microsoft for any illegal action committed prior to 2002.

10. If a government of a foreign country does not enact the legislation, the venture capital corporation should not be required to invest in the country.

SUBMISSION

The United States Government has brought an anti-trust action against Microsoft Corporation. Following the election of President Bush with the assistance of donations from Microsoft, the Justice Department has reached a settlement with Microsoft. According to the Antitrust Procedures and Penalties Act, the details of the settlement have to be published in the ''Federal Register''. Members of the public have sixty days to make written submissions on the proposed settlement. This submission is being made in accordance with the statute.

Our association, the Australian Union of Students, has standing to make a submission on the following basis. We have a number of United States citizens as members. Under the constitution of our association, we have the power to make representations to governments on behalf of our members, without necessarily consulting the members beforehand. Accordingly, this submission should be treated as though it was made by American citizens. We could, if necessary, provide to the United States Government, in confidence, the names and addresses of the members concerned.

We are against the proposed settlement. It is not that we are unsympathetic to Microsoft. The management of Microsoft are very much respected in Australia, and are held out by our association as examples who young people in Australia should copy. Nevertheless, the proposed settlement will be of limited usefulness to Microsoft, and will not settle existing litigation by American states, and proposed litigation by European Union countries. This litigation will go ahead, and there will in time be settlements or judgments, which may not be beneficial to Microsoft or the United States.

From the point of view of the United States Government, Microsoft has been held to have broken the law, and to have gained substantial financial benefits as a result. The Justice Department is of the view that it would be undesirable to break up Microsoft into smaller corporations, or to require that Microsoft pay fines. We agree with this. At the same time, Microsoft should have to make up for its illegal actions in some way, so as to discourage other corporations from breaking the law.

The advantage of an out-of-court settlement is that Microsoft can be made to do things that it otherwise cannot be made to do. A court is limited in what it can order. But an out-of-court settlement can contain anything within reason. As an example, an out-of-court settlement could contain a requirement that Microsoft executives must wash their hair each day. An out-of-court settlement should be a ''wish list'' of things that Microsoft should do. The Justice Department has not been imaginative enough in formulating its ''wish list''.

The Justice Department's ''wish list'' must meet two requirements. First, it must end the illegal conduct by Microsoft. Secondly, it must compensate the people adversely affected by Microsoft's actions. The Justice Department should be asking the question, ''What can Microsoft do that would be most beneficial to users of its operating systems?'' This should not necessarily be limited to things that Microsoft can do in its capacity as a supplier of operating systems, but should include anything that Microsoft can do.

For example, an out-of-court settlement could include Microsoft making donations to charities. No distinction should be made between a donation made by Microsoft and a donation made by its stockholders. Past charitable donations certainly go some way to making up for Microsoft's actions, and should be taken into account in deciding whether to accept an out-of-court settlement. To end the illegal conduct by Microsoft, we propose that Microsoft should publish the source code written by its programmers, that is used to compile its operating systems, from DOS up to and including Windows XP. This should include comments by programmers put in to explain what the code does. But it should not include code for functions that are for national security purposes.

The publication of the source code would not make piracy of Microsoft operating systems any easier. The software can already be copied illegally. Anyone compiling the operating system from the source code, and using the software without paying a royalty could still be prosecuted. The advantage of publishing the source code would be that software developers could produce operating systems that are functionally equivalent to Microsoft operating systems. If Microsoft refused to allow its distributors to bundle software with its Windows operating systems, Microsoft would run the risk that a distributor would use an equivalent operating system from some other software developer.

Microsoft operating systems have a similar status to human DNA. The information is essential for everyday life. It is surely unsatisfactory that information that is essential for everyday live should be controlled by Microsoft. Certainly Microsoft developed the information, at great expense, so is entitled to a royalty. But they should not be able to prevent further development and improvement of the information.

In formulating its out-of-court settlement, the Justice Department appears to have thought that Microsoft can best compensate consumers for its illegal actions by continuing to develop operating systems. We disagree. We think Microsoft's talent can be used to greater effect in the field of Venture Capital. Of course, if Microsoft was complying with the law, it would be up to them how they use their resources. But since they have broken the law, it is up to the government. The terms of an out-of-court settlement are up to the government.

We propose that Microsoft should be required by a settlement to set up a venture capital corporation. This corporation would invest in and provide advice to business start-ups. Microsoft would be required to transfer a large part of its assets to this corporation. Its stockholders would be issued with stock in the new corporation, in proportion to their holding in Microsoft. The corporation would be required by its charter to invest an amount in each country that is

proportional to the amount that has been spent in that country on Microsoft products. This would be advantageous to the European Union, and so they would be likely to agree to such a settlement.

To make sure they do, the United States Government should lobby the European Union and other countries on Microsoft's behalf for legislation to excuse Microsoft from any illegal action committed prior to 2002. It should be included in the out-of-court settlement that the government must use its best efforts to secure such legislation. Such legislation should be a pre-requisite for the venture capital corporation being required to spend any money in a country.

The amount that Microsoft should have to invest in the venture capital corporation would be set so as to compel Microsoft to downsize to the size they would have reached if they had complied with the anti-trust statute. In other words, their stockholders'' equity should be reduced to a level that it would be if they had complied with the statute. Microsoft will as a result have to scale down the extent of its activities and lay off staff. These people will be able to set up businesses in areas of Information Technology that Microsoft was previously involved in. Hence there will be greater competition.

We are suggesting that the Justice Department try to compel Microsoft to transfer its capital into the Venture Capital Industry. This is based on a number of considerations. Microsoft has expertise in taking an industry which is disorganised, and organising it. The Information Technology Industry was disorganised in 1975, but after Microsoft released its Windows 98 operating system, it became organised on a comparable basis with other industries. In our view, it is a waste of resources for Microsoft to continue being exclusively involved in this area. Cars made in 2001 are not much better than cars made in 1971, and Windows XP is not much better than Windows 98.

There are a number of industries which are disorganised compared to other industries. The Venture Capital Industry is disorganised in most countries, and is organised only on the West Coast of the United States. Other industries that are particularly disorganised are the Entertainment Industry, the Property Development Industry, and the Genetic Engineering Industry. By getting involved in Venture Capital, Microsoft can bring its organisational ability to bear on helping set up businesses in Information Technology, Entertainment, Property Development, and Genetic Engineering. This will be of incalculable benefit to consumers. Microsoft already acts as a venture capital corporation, so it has staff who can be transferred to the proposed corporation.

The Justice Department's proposed solution certainly prevents future breaches of the antitrust statute by Microsoft. But it is not as imaginative and beneficial as our proposed solution. Of course, the staff of the Department of Justice work under great pressure, in circumstances that are not conducive to imagination. That is why the United States Congress made provision for the Department of Justice to consider public submissions, in order to arrive at a more imaginative solution. We hope our submission is of some assistance.

Our telephone number including country code is +61 7 3321 3059, and our facsimile number is +61 7 3311 2090, while our e-mail address is info@students.org.au, and our postal address is Australian Union of Students, P.O. Box 123, Roma Street, Brisbane 4003, Queensland, Australia.

MTC–00030213

Manning, Fulton & Skinner, P.A.
?? At Law
RALEIGH, NORTH CAROLINA
GLENWOOD PLAZA
3605 GLENWOOD AVENUE
27612
P.O. Box 20389
?? CODE 27619–0389
January 16, 2002
HOWARD B. MANNING
?? L. PULTON
W?? P. ??. ??
?? D. ??
W. ?? ??
M. M?? H?? J??
MICH?? T. M??
SAXUEL T. OLIVER. JR.
DAVIL D. DAUL
C?? B. NICHOLE, J??
B?? D. Many
John C. DO??
W?? C. S??. Jr.
D?? L. H??
STBPHEN T. BYRD
MICHARL S. HARR??LL
M. ??ADLEY EA??
A??ON R. CA??
David T. ??
C?? H. C??
K?? O. L??
Tanya D. Van ROHKEL
T?? C. K??
B. NICOL?? TAYLO??
J?? A. W??
SANDRA?? M. CLA??
H?? W. Taylor
NIICOL?? S. LAYLO??
L?? ?? HODO??
A ?? C?? C??
?? H. H??
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Fax 202–616–9937
microsoft.atr@usdoe.gov

Dear Ms. Hesse: As an attorney, I have long been concerned by the antitrust litigation pursued against Microsoft by the federal government and several states at the instigation of Microsoft's competitors. I was heartened by the decision of North Carolina Attorney General Roy Cooper to agree to the settlement that has been negotiated, and I write in support of the settlement agreement that is before the judge now.

Microsoft's release of its XP program recently again demonstrates why the company has been successful: it offers a superior product at an affordable price that enables even the most computer-challenged among us to take advantage of the information technology revolution. Microsoft should be praised, not punished, for this aggressive innovation and marketing. I strongly believe it is time to bring an end to this lawsuit and get on with the business of meeting the economic and safety challenges that face America today.

Thank you for the opportunity to comment.

M. Bradley Harrold

MTC–00030214

Julie Edge
6010 Melbourne Drive
Raleigh, NC 27603
January 16, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Fax 202–616–9937
microsoft.atr@usdoc.gov

Dear Ms. Hesse:

I am by no means an expert on federal antitrust law. But I am a small business owner, and I am qualified to recognize when a business is spending too much time on the wrong issues. Right now, Microsoft, its competitors and the entire information technology industry are spending far too much time fighting over the law and not nearly enough time doing what they should do: serve their customers.

If, as I understand it, there is a reasonable settlement to this matter before the court, it should be approved and put into effect immediately. As I further understand it, the settlement was reached through negotiations supervised by a court-appointed mediator and accepted by the U.S. Attorney General and a number of state attorney generals.

That is good enough for me. Let's end the lawsuits and get back to the business of rebuilding our nation's economy.

Thank you for allowing me to express my opinion.

Sincerely,

Julie Edge

MTC–00030215

State of New ??
HOUSE OF ??
CONCORD
January 8, 2002
Renate Hesse
Trial Attorney
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Subject: Microsoft Settlement

Dear Attorney ??:

Thank you for your public service and your work on behalf of the ?? government. I am writing you today to offer my support of the current settlement proposed in the Microsoft case. I understand you are now accepting public comment and wish to submit my support. As our nation's economy continues in a downturn, many are out of work and ?? are doing more with less. Here in New Hampshire, I am working with my colleagues in the state ?? to find new and ?? ways to wisely spend the money we have and avoid needless spending in areas that do not have an impact on the public good.

I am concerned that if we continue to pursue the government's case against

Microsoft, we are further impeding in the area of technology and making it less and less attractive for investment in this industry both by ?? and in the financial ??. We cannot afford to have the happen. We need to encourage investment in order to spur an upturn in the economy.

By approving the settlement in this case, you will be benefiting just about everyone except the small group of Microsoft's competitors who have been pushing this case from the beginning. But, it is not the government's role to do their ??, the need to compete in the marketplace by offering comparable products.

I hope you will accept the settlement and and the government's involvement in the operations of one of our nation's most exciting companies. Thank you for your consideration.

Sincerely,

John T. ??

Member of the New Hampenire House of Representatives

?? County, District 7

TDD Access: ?? NH 1–800–735–2984

MTC–00030216

JEANNEMARIE DEVOLITES
POST OFFICE BOX 838
VIENNA, VIRGINIA ??
THIRTY-FIFTH DISTRICT
COMMONWEALTH OF VIRGINIA
HOUSE OF DELEGATES
RICNMOND
COMMITTEE ASSIGNMENTS, PRIVILEGES AND ELECTIONS
HEALTH, WELFARE AND INSTITUTIONS
SCIENCE AND TECHNOLOGY CLAIMS
January 23, 2002
Renata Hesse
Trial Attorney
Antitrust Division
U.S. Department of Justice
601 D. Street, NW # 1200
Washington, DC 20530

Dear Ms. Hesse:

As the Delegate representing the 35th House District in Northern Virginia, I am writing to encourage you to approve the settlement agreement in U.S. vs. Microsoft.

The United States has become a global technology leader because we have always encouraged our citizens to develop their skills, both intellectually and creatively, in order to invent and develop new ideas. Due to their courage, persistence, and work ethic many choose, through entrepreneurship, to further those ideas by establishing businesses. Every once in a while, one of these entrepreneurs will work hard enough to meet with extraordinary success, at which time, it seems, those that are less successful will attempt to ''shoot them down.''

The message this antitrust litigation sends to the entrepreneur is that if he works hard to create a successful business, he will be penalized. This works against the very spirit that has made our nation great!

Thank you for taking the time to read this letter. Once again, I respectfully request that the Department accept the settlement agreement in the U.S. v. Microsoft case,

Sincerely,

Jeannemarie Devolites

MTC–00030217

1/25/02
68 Hillcrest St.
Charleroi, PA 15022

Dear Mr. Ashcroft:

I wanted to write to you giving our family's opinion about the suit brought by the Dept of Justice and Micro- soft. I fully support the settlement that was reached—not because it was warranted or that Microsoft deserved to be punished but because it harms our economy and stifles further creativity by business who want to compete and innovate.

Government interference was not the right thing to do and probably was brought about as a result of lobbying on the part of Microsofts competitors. Just as in the case of the airlines the government ought to be providing other services to its citizens instead of pressure and regulations on the private sector of legitimate business dealings. I am happy a settlement has been reached and hope that the future direction of the Justice Department will not be to hamper and oppress Microsoft and other capitalistic endeavors.

Sincerely,

Evelyn Parent

cc Senator Rick Santourini

MTC–00030219

January. 18, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Fax 202–616–0037
microsoft.atr@usdoc.gov

Dear Ms. Hesse:

As an attorney, I can appreciate the complexity that the court faces as it reviews the proposed settlement of the Microsoft federal antitrust lawsuit. But I am impressed by the fact that the consent decree under consideration was developed in negotiations overseen by a court-appointed mediator, that it is supported by the U.S. Attorney General and that it has been agreed to by North Carolina's Attorney General.

Further, it is telling that the under the proposal Microsoft would agree to accept significant changes in its business practices, as well as the continuing supervision of a technical committee empowered to review the company's compliance with the agreement.

This certainly seems to me to be adequate protection for Microsoft's competitors, without at the same time crippling the company's ability to continue providing excellent products for use in schools, businesses and homes.

I hope the agreement will be approved.

Sincerely,

Sarah Capel

MTC–00030220

Telefax Service
Fax (804) 786–6310
General Assembly Building
January 25, 2002
House of Delegates
To: Ms. Renata Hesse
From: Del. Michele B. McQuigg
Fax No.: Long Distance 202–616–9937
Tel. No.:
City:
State:

This transmission contains 2 pages, which includes this cover sheet. have any problems with this transmission, please contact (804) 698–1558.

Comments:

If you have any questions, call 804–698–1151.

MICHELE B. McQUIGG
2241-R TACKETTS MILL DRIVE
WOODBRIDGE, VIRGINIA 22102
FIFTY-FIRST DISTRICT
COMMONWEALTH OF VIRGINIA
HOUSE OF DELEGATES
RICHMOND
January 20, 2002
Ms. Reneta Hesse
Trial Attorney
Antitrust Division
U.S. Department of Justice
601 D Street, NW Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I am writing in support of the settlement of the Microsoft antitrust case. In a nation where we pride ourselves on free trade and development of services and ideas, Microsoft has proven itself. The agreement contains significant rules and regulations on how Microsoft develops and licenses its software, but it also allows Microsoft to keep innovating on behalf of consumers. I hope you will resist the efforts of Microsoft's competitors, who try to continue their efforts to dissolve this company.

We have many computer and Internet companies throughout Virginia, with a large concentration in Northern Virginia, the area I represent. The economy depends upon technology and Internet success—including Microsoft. It is extremely important to allow this facet of trade to grow and produce without restriction. It is equally as important to allow it to grow free from fear of developing a product that is accepted universally by computer users.

I urge you to accept the settlement as just and fair. If you have any questions, please do not hesitate to contact me.

Sincerely,

DISTRICT: (703) 491–9870
RICHMOND: (804) 898–1051
E-MAIL.:
MICHELE@MCOUIGG.COM ?? HTTP://WWW.HCOUIGG.COM

MTC–00030221

January 20, 2002
Ms. A. Sheard
6503 Rock Crystal Drive
Clifton, VA 20124
Ms. Renata Hesse
Department of Justice
601 D Street, NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

Now that the new year has begun, it is my hope that the other states involved in the suit against Microsoft will agree That it's time to move forward and progress with the proposed settlement. American consumers need some sort of hope that the economy will improve in the months ahead and the high

technology sector could provide just the kick to get the economy moving in the upward direction.

It's time for healthy competition and re-investment into our economy made by consumers. The end needs to arrive as it concerns this case and we all need to do what we can for our country—work to improve the quality of our lives and give us back some sort of stability.

Thank you,

MTC–00030222

January 20, 2002
Mr. Ken Richardson
708 Duff Road NE
Leesburg, VA 20176
Ms. Renata Hesse
Department of Justice
601 D Street, NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

As jobless rates and economic indicators continue to tell consumers that times are getting worse, I think Microsoft's settlement with the federal government could provide a beginning bright light. By settling the case, we could once again see the competitive prosperity of the 90's foster the necessary kick the economy needs to move in a positive direction.

The high tech industry has been a driving force for our nation in recent years and if Microsoft's settlement revitalizes competition, than we should welcome this opportunity. This long drawn out case should be resolved once and for all, and the focus should be on lowering the jobless rate, increasing consumer confidence and strengthening our economy.

Sincerely,

MTC–00030223

202–307–1454
Ms. Renata B. Hesse
Dept. of Justice
Microsoft

Please accept the Microsoft settlement. Enough of this alrady!! Get it overwith.
Shirley S. Henry, AHC
Seattle, WA

MTC–00030224

January 20, 2002
Ms. Patty Richardson
708 Duff Road NE
Leesburg, VA 20176
Ms, Renata Hesse
Department of Justice
601 D Street, AT. W., Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

Now that the federal government has finally settled its long antitrust case against Microsoft, I hope the states still involved with the suit will do the same. It is time for consumers to come together and move the economy and our country in a positive direction—a forward and economically strong direction.

The settlement's provisions protect Microsoft's ability to continue to be innovative and, this hopefully, will revitalize competition and the technology industry for the betterment of us all. Consumers and investors will reap the benefits of this settlement and this should help to get the engines running toward a healthy and prosperous economic stance. Thank you for your consideration.

Sincerely,

MTC–00030225

January 25, 2002
United States Department of Justice
Attn: Ms. Renata B. Hesse
Antitrust Division
950 Pennsylvanie Avenue, NW
Washington, DC 20530–0001

Dear Ms. Hesse:

I am writing to you in: support of the recent Department of Justice settlement with the Microsoft Corporation.

The country is at war, the economy is sour and the business community is struggling. Yet, the U.S. Department of Justice is spending millions of dollars in time and resources on the Microsoft settlement.

I believe it has been a waste of taxpayers dollars, my understanding is that it has cost us over $30 million. This has been a competitor driven lawsuit and it has hampered high tech innovation. If Microsoft's competitors would spend time and money on their own research and development, instead of this lawsuit, all consumers would benefit.

Enough is enough, let's settle this lawsuit and move forward. Thank you for your attention to this matter.

Sincerely,
Jean Ross
5705 Ambrosia Terrace
McFarland, WI 53558
Cc: Michelle Kussow-Wisconsin Grocers Association

MTC–00030226

January 25, 2002
Ms. Rcnata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washinton, DC 20530

Dear Ms. Hesse,

In respect to the U.S. vs. Microsoft anti-trust action and why I support the courts decision. I believe our country, government, judicial system and constitution to be second to no other in the world.

Henceforth if the most advanced and just court system in the world has made a settlement of this case. Being a believer and supporter of our system I would have to agree with this decision. As for I do not believe that the general public has more knowledge of the facts,laws and complexity of this case than the decision rendered by the courts.

I do believe most of the nonsupport of this settlement to be no more than sensational rhetoric influenced by microsoft's competitors.

I trust the judge will do what's best for the consumers and not the profiteering of the competitors.

Thankyou.
Sincerely
John J. J. Rybinski
Small business owner for over one score

MTC–00030227

From: ''CHRISTINE CAWLEY'' <clcawley@msn.com>
To: ''Christine Cawley'' <cawley_c@univerahealthcare.com...
Date: Fri, Jan 25, 2002 6:44 AM
Subject: Fw: U.S. v. Microsoft
Original Message
From: CHRISTINE CAWLEY
Sent: Thursday, January 24, 2002 10:04 PM
To: microsoft.atr@usdoc.gov
Subject: U.S. v. Microsoft

To whom it may concern:

I feel it necessary to voice my opinion in regards to the U.S. v, Microsoft case in hopes that this case will finally settle. As a concerned citizen, and as a business woman in Buffalo, NY, I strongly believe that the continuation of this lawsuit will only serve to put continued undue pressure on our economy and damage further economic advancement possibilities. Buffalo is a perfect example of a city that has been first into any national economic slump and last out, I can only see this lawsuit negatively impacting the economy further. Further funding of a lawsuit that is going after an incredibly successful company—which has been built on the principle of free enterprise that we as Americans so value—will only serve to help Microsoft's competition and do nothing for medium to small businesses. Thank you for your attention to my opinion—

Christine L. Cawley
20 Saber Lane
Williamsvllle, NY 14221

MTC–00030228

DANIEL J. BURLING
Assemblyman 147th District
THE ASSEMBLY
STATE OF NEW YORK
ALBANY
RANKING MINORITY MEMBER
Veterans' Affairs
COMMITTEES
Agriculture
Environmental Conservation
Housing
Legislative Commission
on Solid Waste Management
January 25, 2002
Renata Hesse, Trial Attorney
Antitrust Division
Department of Justice
601 D. Street NW, Suite 1200
Washington, DC 20530
VIA FAX: 202–616–9937

Dear Ms. Hesse:

As a member of the New York State Assembly and small business owner, I strongly support the settlement of litigation associated with the case United States v. Microsoft.

The Country and especially New York State have suffered immeasurable financial losses due to a lagging economy and the destruction of the World Trade Center on September 11, 2001. It is apparent, now more than ever that we need to generate growth in all sectors of the economy. We need to encourage businesses, both small and large, to continue to strengthen the economic environment of the United States.

It is time to move forward and allow one of the world leaders in software technology to do what they do best, and continue to lead the United States economy toward the

recovery we all expect and desperately need at this time. Settlement would be in the best interest of all parties involved including the taxpayers of this great country.

I appreciate your consideration of this matter, and hope for a speedy resolution to this most pressing matter.

Sincerely
DANIEL J. BURLING
Member of Assembly
147th Assembly District
ALBANY OFFICE: Room 938
Legislative Office Building
Albany, New York 12248
(518) 45–5314,
FAX: (518) 455–5891
DISTRICT OFFICE: 2371 North Main Street
Warsaw, New York 14569
(716) 786–0180
FAX: (716) 786–0182

MTC–00030229

Lions of Oklahoma
OFFICE OF THE STATE SECRETARY
4123 NW 10TH Street
Oklahoma City: OK 73107
405–947–6540
January 25, 2002
Renata B, Hesse
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Re: Microsoft Propose, d Settlement Agreement

Dear Ms. Hesse:

On behalf of our business community and thousands of individual computer users, I am writing to lend support to the proposed final settlement between the Department of Justice and Microsoft Corporation.

The growth of the high tech industry has been phenomenal due to the innovative spirit of companies such as Microsoft. The economy of our community and that of the State of Oklahoma have benefited from this impressive industry. The settlement effectively puts an end to what has been a dark cloud over the technology sector, It is better to settle the dispute in a reasonable manner than to continue to hamper the industry with pro-longed litigation.

Please add our voice to those of other civic and business groups that believe the provisions of the settlement should be expeditiously approved.

Sincerely,
Cindy Davis
Office Administrator

MTC–00030230

MARILYN BRAIGER
3021 Hillegass Avenue
Berkeley, CA 94705
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ascroft:

Although not a technology expert, as someone familiar with the Microsoft anti-trust case and its products, I am contacting you to express my agreement with their pending settlement with the Justice Department. From my perspective, Microsoft is hardly a big evil trust squashing the competition and hurting the consumer, so the government's case appears to have gone much further than necessary and should finally be completed. For instance, if the consumer has been hurt, why are prices continually falling for software and related products?

From my review of the pending agreement, I would say Microsoft has made some substantial efforts to encourage competitors to succeed in the software marketplace. They will offer the same pricing to the top 20 computer makers, while opening up their opportunities to re-arrange Windows with the software offerings and features of their preference, free of contract obligations. They will even allow other software developers to utilize their internal codes and license their technologies.

In addition, the situation has certainly changed since this suit was begun; there is much more competition in all the technology fields than once existed, and, if one can credit the business news, AOL is aggressively pursuing Microsoft and may bid fair to best her. This does not appear to be the position of a monopoly, who can shrug off competition and maintain dominance in an industry with no large expenditure of effort.

So much of the attack on Microsoft has appeared to me to be lot of whining by companies that could have done better, and are blaming someone else for their incompetence. Such measures as Microsoft is offering should be quite satisfactory to those who have encouraged this lawsuit. To proceed with a break-up of the company at this point would be overkill to say the least and would only destroy tile opportunity for a peaceful compromise. I look forward to your support.

Sincerely,
Marilyn Braiger

MTC–00030231

HAROLD C, BROWN, JR.
121st Assembly District
THE ASSEMBLY
STATE OF NEW YORK
ALBANY
January 25, 2002
CHAIRMAN
Minority Conference
COMMITTEES
Aging
Health
Rules
Ways & Means
Renata Hesse, Esq.
Antitrust Division
United States Department of Justice
601 D Street NW, State 1200
Washington, DC 20530

Dear Ms. Hesse:

I write in support of the proposed settlement in the anti-trust action involving the U.S. Department of Justice and Microsoft Corporation.

I believe strongly that the time has come for an end to the litigation of this matter, which has cost U.S. taxpayers upwards of $30 million to date. A negotiated settlement appears to be in everyone's interest. The settlement agreed to by the Justice Department and Microsoft, as well as numerous state attorneys general, presents an opportunity to remove this debate from our nation's courtrooms and place it squarely back in the hands of consumers via the marketplace, the most appropriate vehicle, in my opinion, for resolution of the issues involved.

The technology marketplace is a highly competitive one, to be sure. I am among those who have always believed that competition is a positive and lasting characteristic of our nation's economic framework. Those industry competitors who are aggressively opposing settlement of this case are asking the U.S. government to move beyond its role as enforcers of federal anti-trust laws, in my opinion, setting a new standard of government intervention in what should be market-driven forces.

The time has come for a settlement of these issues, and I urge the Department of Justice to move expeditiously toward that end.

Sincerely,
HAROLD C. BROWN, JR.
Chairman
Assembly Republican Conference
Room 521
Legislative Office Building,
Albany, New York 12248,
(518) 455–4505,
FAX (518) 455–5523
Room 102,
5109 W. Ganesee Street,
Camillus, New York 13031
(315) 487–3011,
FAX (315) 487–3014

MTC–00030232

FAX TRANSMISSION
ASSEMBLYMAN GUY R. GREGG
268 ROUTE 206
BUILDING D.
FLANDERS, NEW JERSEY 07836
TELEPHONE: 973–584–5422
FAX: 973–58,4–2977
To: Renata Hesse
Fax #: 202–307–1454
From: Asm. Guy Gregg
Subject: Microsoft
Date: January 25, 2002
Pages:
COMMENTS:
NEW JERSEY GENERAL ASSEMBLY
GUY R. GREGG
ASSEMBLYMAN, 24TH DISTRICT
MORRIS-SUSSEX-HUNTERDON COUNTIES
268 ROUTE 206, BUILDING D
FLANDERS, NJ 07886
(973) 584-5422
FAX (973) 554–2977
E-mail: AsmGregg@njleg.state.nj.us
COMMITTEES
CHAIRMAN
REGULATORY OVERSIGHT
MEMBER
COMMERCE, TOURISM,
GAMING, AND MILITARY
AND VETERANS AFFAIRS
January 25, 2002
Ms. Renata Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
RE: Microsoft Proposed Settlement

Agreement
Dear Ms. Hesse
The Microsoft settlement is a nimble resolution that preserves competition, allows Microsoft and its rivals to freely continue to meet consumer demands, and helps define the direction of government's role in the high-tech industry. More than anything, certainty and resolution will help the economy and promote new investment in technology.
In my estimation, it will be very hard to justify rejecting a settlement that is good for consumers, the technology industry and the economy as a whole. Accordingly, I urge you to accept the proposed settlement agreement.
I thank you for your time.
Sincerely,
Guy R. Gregg
Assemblyman
District 24
GRG:kvp
Printed on Recycled Puper

MTC–00030233

ROME COTTON COMPANY, INC.
706/234–3366
FAX: 706/234–3768
220 Glen Milner Boulevard
Post Office Box 102
Rome, Georgia 30162–1021
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:
I'd like to express my opinion on the Microsoft antitrust ??ase. Microsoft agreed to make available to its competitors, on reasonable and nondiscriminatory terms, any protocols implemented in the Windows' operating system that are used to operate with any Microsoft server operating system. They also agreed to design future versions of Windows, to provide a mechanism to make it easy for computer makers, consumers and software developers to promote non-Microsoft software within Windows.
Now that Microsoft has agreed to the above and a host o?? other terms of the agreement, there may be more pending litigation. How can that be? Is there anything that can be done to stop the pending litigation? Our economy is already below what it was this time last year We cannot afford another drain on our economy.
cc: Representative Bob Barr
Sincerely,
Harvey Burnes
Member
ATLANTIC COTTON ASSOCIATION
AMERICAN COTTON SHIPPERS ASSOCIATION
NEW YORK COTTON EXCHANGE

MTC–00030234

John Biondolillo
504 Young Avenue
Chattanooga: TN 37405
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:
I am of the opinion that the settlement that ended the antitrust case between Microsoft and the Department of Justice is more than fair, and should be implemented as soon as possible. The time has come to put this issue behind us and to move forward. Our economy needs all the help it can get.
This proposed settlement brings an end to the more than three years of litigation than has cost the government and Microsoft millions of dollars. The agreement does not let Microsoft easy by any means, but it does finish the tireless lawsuit. Microsoft will now have to share with its competitors, the source code and data that make-up the design of Windows. This will be done in order to make competing software compatible with Windows, and will encourage competition in the IT industry.
The settlement is past due, and I hope that it is approved as soon as possible.
Sincerely,
John Biondolillo

MTC–00030235

John Biondolillo
504 Young Avenue
Chattanooga: TN 37405
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:
I am of the opinion that the settlement that ended the antitrust case between Microsoft and the Department of Justice is more than fair, and should be implemented as soon as possible. The time has come to put this issue behind us and to move forward. Our economy needs all the help it can get.
This proposed settlement brings an end to the more than three years of litigation dian has cost the government and Microsoft millions of dollars. The agreement does not let Microsoft easy by any means, but it does finish the tireless lawsuit. Microsoft will now have to share with its competitors, the source code and data that make-up the design of Windows. This will be done in order to make competing software compatible with Windows, and will encourage competition in the IT industry.
The settlement is past due, and I hope that it is approved as soon as possible.
Sincerely,
John Biondolillo

MTC–00030236

132 Mill Road
Norristown, PA 19401
January 18, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:
I am concerned that the possibility of continued litigation against the Microsoft Corporation even exists. I cannot fathom how nine states still believe that Microsoft has not been properly dealt with in the antitrust suit. The whole thing is a waste of time for everybody including the government.
Microsoft and the Justice Department have come to an equitable settlement in this case. An agreement has been reached that is fair both to Microsoft and its competitors. Microsoft has agreed to reformat future versions of Windows so that the operating system will support non-Microsoft software. They have also agreed not To retaliate against software producers who introduce programs onto the market that directly compete with Microsoft's technology. I believe that these terms satisfy antitrust laws. I find it unnecessary to bring further suit against Microsoft. No further action should be taken on the federal level. I urge you to allow this settlement to carry through. THIS LAWSUITE IS A JOKE, AND AN INJUSTICE TO ALL THE AMERICAN PEOPLE AND THE USA.
Sincerely,
Sebastian Bartorillo
cc: Senator Rick Santorum

MTC–00030237

6 Sinclalr Rd.
Sinclair, ME 04779
January 22, 2002
Attorney General John Ashcroft,
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft,
I would like to give you my thoughts about the Microsoft Antitrust Case. This issue has been in and out of the news for almost three years. Doesn't our government have anything better to do with their time? It is a waste of taxpayers'' hard-earned money and is not something that truly represents the public interest. Microsoft's company is not harming consumers. Their company has actually contributed a great deal to our economy, providing thousands of well-paying jobs to the technology industry directly, and countless more indirectly.
I am retired and use computers at home now. For years, I used Microsoft products m my office and liked their east of use and compatibility. No other system provides that as Microsoft does; that is why they have been so successful.
This settlement is very reasonable, calling for Microsoft to change their counteractive marketing practices and to give away some of their technology. This will make things more than fair for their competitors, especially since they are getting to take advantage of Microsoft's intelligence and money spent to come up with the technology. Please uphold this settlement for the good of everyone. Our economy needs a boost right now and improving our computer industry is a good way to do it.
Sincerely,
Claudia Morin

MTC–00030239

Salvatore A. DeLuca 60 7 Boulevard Boston, MA 02151
January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:
I support the Microsoft antitrust settlement agreement. I believe that continued litigation at this point would be a waste of time.

Endless amounts of time could certainly be spent nit-picking the terms of the agreement. But, as a whole, I believe its terms are fair. The agreement provides for mechanisms to ensure Microsoft does not have a monopoly. Microsoft will be prevented from engaging in predatory business practices. A technical review committee will be created which will monitor Microsoft's business practices. Microsoft also agreed to uniform price lists for the largest computer makers.

Microsoft may have ended up with a monopoly in the software world, and steps are being taken through the settlement to restore competition in that arena. The settlement goes as far as covering products and procedures that were not the subject of the initial lawsuit.

I would like to see this case brought to a conclusion. Thank you for your efforts in this regard.

Sincerely,

Salvatore A. De Luca

MTC–00030240

Deluca, Salvatore A.,M.D.

From: Microsoft's Freedom To Innovate Network [fin@ MobilizationOffice.com]

Sent: Wednesday, January 23, 2002 11:35 PM

To: Deluca, Salvatore A.,M.D.

Subject: Attorney General John Ashcroft Letter

USAGDe

Luca__Salvatore__1100—012.... Attached is the letter we have drafted for you based on your comments. Please review it and make changes to anything that does not represent what you think.

If you received this letter by fax, you can photocopy it onto your business letterhead; if the letter was emailed, just print it out on your letterhead. Then sign and fax it to the Attorney General. We believe that it is essential to let our Attorney General know how important this issue is to their constituents. The public comment period for this issue ends on January 28th. Please send in your letter as soon as is convenient.

When you send out the letter, please do one of the following:

* Fax a signed copy of your letter to us at 1–800–641–2255;

* Email us at fin@mobilizationoffice.com to confirm that you took action.

If you have any questions, please give us a call at 1–800–965–4376. Thank you for your help in this matter.

The Attorney General's fax and email are noted below.

Fax: 1–202–307–1454 or 1–202–616–9937

Email: microsoft.atr@;usdoj.gov In the Subject line of the e-mail, type Microsoft Settlement.

For more information, please visit these

websites:www.microsoft.com/freedomtolnnovate/www.usdoj.gov/atr/cases/ms-settle.htm

MTC–00030241

COVER PAGE
TO:
FAX: 12023071454
FROM: LUREY PSYCHOLOGICAL
FAX: 910–3738948
TEL: 910–3738947
COMMENT: CONFIDENTIAL

January 24, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

Please support the proposed settlement between Microsoft and the Department of Justice. There needs to be a resolution of this case. I think that the terms agreed to are reasonable, since they offer increased competition, without calling for the break-up of Microsoft.

The settlement calls for improved design features, more competition among computer makers and software developers, and a technology committee to review complaints. The settlement would benefit the state, the IT industry, and the economy.

Since many of the obligations extend to products that were not part of the original lawsuit, I believe this is more than a reasonable compromise by Microsoft. Again, I ask you to please support this settlement.

Sincerely,

Edward Lurey

cc: Representative Howard Coble
902 NORTH ELM STREET
GREENSBORO, NC 27401–T513
(336) 373–8947
FAX (336) 373–8948

MTC–00030242

P.O. Box 381107
Germantown, TN 38183–1107
901–753–8797 or 800–842–0052
FAX 901–753–8796 Fax
To: Attorney General John Ashcroft
From: Carolyn Skinner of Ro?? SKinner
Date: 1–25–02 Pages: 3
COMMENTS:
Carolyn Skinner * 8252 Park Ridge Drive * Germantown, TN 38138
January 25, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The purpose of this letter is to express my support of the Microsoft settlement. The settlement, which was reached last November after three years of litigation, is extensive, and equitable. I strongly urge the Justice Department to enact the settlement.

Enacting the settlement is in the best interest of the technology sector, consumers, and the economy. It will increase confidence in the technology sector and provide for heightened productivity. What's more, Microsoft has agreed to redesign Windows to allow users to reconfigure their operating system at their discretion. Further, the surge in the technology sector that the enacting of this settlement will catalyze will strengthen the economy as well.

Finally, I would hope that the Justice Department recognizes the benefits of this settlement and suppresses any opposition to it.

Sincerely,

Carolyn Skinner
8252 Park Ridge Drive
Germantown, TN 38138

January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The intent of this letter is to urge the Justice Department to enact the federal antitrust settlement reached with Microsoft. As a Microsoft supporter, I have followed the case against Microsoft with great interest. have been increasingly annoyed by the amount of time and money that has been squandered over this issue. Microsoft has been generous in this mediation process. Any continuation of this case would serve only to waste federal resources.

Further, the settlement agreement that was reached is extremely equitable. Microsoft has agreed to license the rights to Windows to competing computer manufacturers at the same rate. Also, Microsoft will disclose some of the interfaces of the Windows system. The disclosure of interfaces will help developers to create software and hardware that is more compatible with the Windows system.

These changes will greatly benefit technology, consumers. Once more, the settlement is fair and should be enacted.

Sincerely,

Rodger Skinner

MTC–00030243

JEFFERY J. RHODE
311 Cherry Lane
Wynnewood, PA 19096
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I understand the Department Of Justice is accepting and publishing public comments for the first time since the antitrust suit was brought against Microsoft more than three years ago.

Microsoft did not get off easy. The settlement was reached after extensive negotiations with a court-appointed mediator. The Company agreed to terms that extend well beyond the products and procedures that were at issue in the suit, for the sake of wrapping up the suit. Now several states anti competitors want to pursue further litigation.

I personally fell the agreement reached m November was fair. I urge you to please end all litigation against Microsoft. Let's focus on other far Important issues such as getting us out of the Recession and other pertinent issues.

Sincerely,

Jeffrey J. Rhodes

cc: Senator Rick Santorum

MTC–00030244

A.C.D. ENTERPRISES
WILLIAM A YOCHUM
34166 STATE STREET
FARMINGTON, MI 48335–4168
PH, (248) 474–2700
FAX (248) 426–0171
To D.O.J.—c/o RENATA B. HESSE
FAX—(202) 307–1454
DATE 1–25–02
SUBJECT MICAOSOFT SETTLEHENT

D.O.J.—Gentlemen and Renata B. Hesse

Please use this fax communication to register my approval of the proposed subject.

William A. Yochum—Owner

MTC–00030245

Vernon George
1273o S Oak Park Avenue
Palos Heights, IL 6o463–2254
January 22,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

As a retiree who has been following this Microsoft antitrust case, I thought the settlement was more than fair. Now I understand that several states want to reopen this case and pursue further litigation. Hasn't this dragged on long enough?

After all, Microsoft did not get off easy. They settled after extensive negotiations and agreed to terms well beyond the issues in the suit. Microsoft has agreed to not retaliate against computer companies that ship competing software.

This lawsuit needs to stop. The economy cannot afford further litigation. No more action should be taken at the Federal level.

Sincerely,
Vernon George

MTC–00030246

DifferentDrummer Lenox
TEL:1–415–637–2910
Jan 25,02 10:13
No.004 P.01
January 24th., 2002
Department o% Justice
Washington, DC
Ref, Proposed Microsoft Antitrust Settlement, Public Comment Opportunity

I wish to weigh in on this matter from the perspective of someone (n small business owner) who has suffered substantial harm as a result of Microsoft's dominance in the past is being harmed at this moment, and will continue to be adversely affected unless major changes occur in the future. First, I would ask you to consider some history. We began a major involvement with computers some fifteen years ago. The operating system in use for IBM compatible computers was DOS. It is important to remember that while Microsoft acquired the rights to this system and IBM used it, there were a number of operating system software producers.

Each system was guaranteed to operate any DOS program and each one offered particular features which might recommend them to the user. Then there were producers of software that dealt with functions viz word processing, spreadsheets; and utilities viz: backup, file management, hard drive maintenance. There was constant competition between these software producers to gain a competitive edge and thereby gain new users far their offerings. It is important to remember that at this time while Microsoft produced certain offerings they were not dominant, or even a major player, in any category.

We had perhaps ten or twelve 8oftware vendors in those days. Of that number the vast majority are out of business as a direct result of Microsoft's practices. Those that are still in business survived by a capitulation to Microsoft and a willingness to stay within the parameters in which they were permitted to operate.

While reason forces one to admit the unknowableness of ''what might have been'', I can feel confident in saying that the damage to the advancement of computer applications as a result of Microsoft having crushed their competition is beyond measure.

We have applications that perform tasks in a manner superior to any offering from Microsoft but they are essentially obsolete as they will not run in a Windows environment. Their developers long since were rolled over by the microsoft behemoth. I could go on for pages about why this monstrous monopoly developed and the interests that supported and abstained it. I will forebear this as it is, at this point, not relevant. What is relevant is.

Different Drummer Lenox
TEL:1–413–637–2910
Jan January 24th., 2002
page two whether or not the situation is going to change or just get worse, No one seems to realize the potential being lost to our economy as a result of computer applications that will be never be developed due to the Microsoft monopoly.

In order to break the Microsoft monopoly two things must be required. First The Windows operating system must be made available for license under terms that will truly allow one or more competitors. Second, Microsoft must be prohibited from being a developer of any applications or utilities software by setting these operations under the control of an unrelated company.

Any remedies short of this will not solve the problem. A problem that is far more onerous and detrimental to our economy than can be imagined save by those who live with the results every business day. I implore you to stop now that which should have been stopped earlier and thereby reintroduce competition to the computer software industry. Thus you will allow the American computer industry to fully achieve its potential.

Respectfully submitted,
Raymond F. Meisberger, President
Different Drummer's Kitchen, Inc.
374 Pittafield Rood
Lenox, MA 01240

MTC–00030247

From: John P. O'Donnell
To: Fax#1–202–307–1454
Date: 1/25/02
Time: 10:03:50 AM
John O'Donnell
13 Old Dutch Road
Harleysville, PA 19438
January 15, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am disturbed by the fact that the Microsoft settlement is in jeopardy. It concerns me that, regardless of the comprehensive and impartial settlement reached in November of 2001, nine out of eighteen plaintiff states continue to seek federal action against Microsoft. What grounds can these nine states possibly find for additional litigation? The terms of the settlement do not allow Microsoft to further violate antitrust laws; how then can the antitrust suit be pursued?

Microsoft did not get off easy. Once the settlement is final, Microsoft will be required to disclose any Windows operating system protocols that allow native interoperation with any Microsoft server. Microsoft has agreed to reformat future versions of Windows so that competing software producers can introduce their products and programs into the Windows operating system without complication. Property rights violations are not an issue here, because Microsoft has also agreed to provide third parties acting within the terms with a license to applicable intellectual property rights. There is nothing in the agreement that does not benefit competitive software makers and prevent antitrust law violations.

I urge you and your office to support this settlement. The only thing that can come of additional litigation is a stagnation of growth in the IT industry and further economic decline for all Americans. I support this settlement, and I believe you should do the same. cc: Senator Rick Santorum

Sincerely,
John O'Donnell

MTC–00030248

City of Salisbury
Human Resources Department
City Office Building
132 North Main Street, 2nd Floor
PO Box 479
Salisbury, NC 28145–0479
General Phone: (704) 638–5217
General Fax: (704) 638–8454
Web Site: www.ci.salisbury.nc.us
Name: Attorney General John Ashcroft
Company:
Fax Number: 1–202–307–1454
Voice Phone:
From:
Name: Brenda Allman
Fax Number: 704–638–8456
Voice Phone: 704–638–5226
Notes:
Date and time of transmission:
Number of pages including this cover sheet:
Friday, January 25, 2002 9:49:36 AM 02

This fax was transmitted directly from a network PC using RightFax for NT.

3605 Lowerstone Church Rd.
Rockwell, NC 28138
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

As a Microsoft supporter I felt it was necessary to write and disclose my opinion of the settlement that was finally reached in the antitrust lawsuit against this company. I believe that this settlement must be passed and that the continued litigation involved in this case has done nothing but bog down the American economy as well as the 1T sector in general.

It is my personal belief that the terms of the settlement are reasonable. Microsoft will

no longer commit antitrust violations and in return they will be allowed to continue trading as a whole entity. The settlement will include the implementation of a technical oversight committee that will monitor Microsoft's compliance to the terms. I feel that the acceptance of this settlement is vital to a positive future of American business. Please ensure that this settlement is accepted. Thank you.

Sincerely,
Brenda Allman
Representative Mel Watt

MTC–00030249

January 24, 2002
Attorney General John Ashcroft
(US Department of Justice,
950 Pcnnsylvania Avenue, NW
Washington, DC 20530–0001

Dear AG Ashcroft:

Microsoft had been responsible for some business practices that could be construed by others as anti-competitive. Whether this had actually been over the point of legality or not is, in my opinion, an open question. There are many examples of other IT companies that have—and and do—exert this kind of anticompetitive behavior who have not been as visible as has Microsoft.. or for whatever reason have remained closer to the political mainstream. Nevertheless, it is far better that this litigation has ended with a settlement. The terms of the settlement address the main points of the original lawsuit, such as the problems of retaliatory action and allegedly u/flair licensing, Settling the lawsuit has the advantage of causing less disruption in the IT industry than would have resulted in Microsoft had been broken up. For this reason, I support the settlement, though I remain skeptical that the original suit should ever have been brought originally.

Sincerely,
David Phillips
President

MTC–00030250

TO: Attorney General John Ashcroft
Company: US Department of Justice
Fax Number: 9,12023071454
Phone Number:
FROM: Veronica S. DeLuca
Fax Number: 61 7–783–7666
Phone Number: 61 7–783–7600/800–545–7685
NOTES:
Date and time of transmission: Friday, January 25, 2002 9:50:38 AM
Number of pages including this cover sheet: 02

This document was faxed using a RightFAX v7.0 electronic document delivery solution. RightFAX
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Last November there was finally a settlement hammered-out between Microsoft and the Department of Justice, which ended the three-year ant/trust lawsuit. This settlement was a long time coming, and I hope that it will be approved as soon as possible.

Microsoft had to concede more than they would have liked in the settlement, but after everything is all said and done, the biggest winner will be the economy. Microsoft has agreed not to retaliate against software or hardware developers who develop or promote software that competes with Windows or that runs on software that competes with Windows. This will allow the competition to bring their product to the marketplace without having to worry about being punished by Microsoft. This will give a much-needed shot in the arm to the economy.

I am in favor of the settlement between Microsoft and the Department of Justice, and would like to go on record as being so.

Sincerely,
Veronica S. Deluca

MTC–00030251

1032 Coronet Road
Warminster, PA 18974
January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I understand the Courts will make a final decision at the end of January on whether the proposed Microsoft settlement is in the best interest of the public. I don't believe this case should have gone to litigation at all. Since it did, and an agreement has been reached, why not end this case? Microsoft did not get off easy, as its opponents would have people think. They have agreed to not enter into any agreements obligating any third party to distribute or promote any Windows technology exclusively or in a fixed percentage. Microsoft has also agreed to not retaliate against software or hardware developers who develop or promote software that competes with Windows or that runs on software that competes with Windows.

I urge you to put an end to this litigation. No more action should be taken at the Federal level.

Sincerely,
Randall Seller
cc: Senator Rick Santorum

MTC–00030252

P.O. Box 5804
Baltimore, MD 21282–S804
January 22, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I am writing to express my support for Microsoft and the government for reaching a settlement on the antitrust issue. The government did what they thought was in the best interest of the consumer. Microsoft showed in this settlement that they have always done that and will continue to.

Microsoft took the initiative and offered a very reasonable settlement. They have agreed not to retaliate against software or hardware developers who develop or promote software that competes with Windows or that runs on software that competes with Windows, not to enter into any agreements obligating any third party to distribute or promote any Windows technology exclusively or in a fixed percentage, subject to certain narrow exceptions where no competitive concern is present, and agreed that if a third party's exercise of any options provided for by the settlement would infringe any Microsoft intellectual property right, Microsoft will provide the third party with a license to the necessary intellectual property on reasonable and nondiscriminatory terms.

Microsoft has lived up to its corporate responsibility, and I, the consumer, never doubted that they would. I support this settlement, and hope it stands.

Sincerely,
Michael Nelson

MTC–00030253

BRIAN SCOTT OLSON
4627 TARAY LANE
HOLDAY FLORIDA 34690–3822
Phone & Fax 727–937–4766
Thinskate@yahoo.com

I am 71 years old and not influenced by keeping up with the Jones or AOL. I have been teaching the use of computers since 1988 and was thrilled when Netscape help drive the Interact, but I do not buy Edsels.

Internet Explorer works so much better now then Netscape, you wonder what AOL programmers are doing. AOL should be in court because of their blatant rejection of material from other services. You can not use their buddy system, even from the greatest Home Page ''Yahoo.'' If you send video or photos outside of AOL you are very fortunate if they arrive. I constantly send Video and photos to my one Son who has the bad judgment to use AOL, those efforts rarely get delivered. My other three children seem to have no problem viewing my efforts. My opinion on a company that is out of control (I assume because they think they are GOD) has to be AOL. I am pragmatic, I had AOL for five years, I now use AT&T. If Netscape and AOL were better they would be on my computer.

When you go on-line with AOL & CS, you are not on the Internet, you are on AOL & CS. AT&T, Earthlink, Juno you are on the Internet. SO? It means AOL is not faster, it also means they control the content on your home page. You pick the content on other servers, not the choices AOL gives you. INTERNET EXPLORER WORKS BETTER AND THE UPGRADES ARE FREE

This is supposed to be about the public, not AOL, Correct?

MTC–00030254

To:
From: Tom Cope
Fax: Pages:
Phone:
Date:
Re:
CC:
Comments:
STEWART E. IVERSON, JR.
STATE SENATOR
Ninth District
Wright, Franklin, Hamilton & Hardin Counties
Statehouse: (515) 281–3560

HOME ADDRESS
3020 Dows-Wiliams Road
Down, Iowa 50071
Home: (515) 852–3350
January 25, 2002
STATE OF IOWA
Seventy-ninth General Assembly
STATEHOUSE
Des Moines, Iowa 50319
SENATE MAJORITY LEADER COMMITTEES
Rules & Administration, Chair
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street, NW, Suite 1200
Washington, DC 20530–0001
Re: Comments in Support of the Microsoft Proposed Settlement Agreement

Dear Ms, Hesse:

I am adding my support as Majority Leader of the Iowa Senate for the efforts by the Department of Justice and a number of Attorneys General to settle the Microsoft case. I am not an economist or a lawyer, but I know the marketplace. The markets have responded very positively to the prospect of this settlement agreement being accepted by the Court. That would be good news here in Iowa as we struggle to regain the momentum our economy had in the 1990s, much of it because many smaller businesses were able to partner with Microsoft and others in the high-tech industry. The markets have said it's time to clear away the cloud cover and bring some sunshine again.

I know the government has some role in overseeing the market place. The settlement helps define that role. It is also important that we not destroy this company. Thank you for the efforts of all involved in crafting this proposed agreement. Keep urging the Court to accept your work product.

Sincerely,
Stewart Iverson, Jr.
Iowa Senate Majority Leader

MTC–00030255

3195 Old Trail Road
York Haven, Pennsylvania 17370
January 14,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to address the settlement reached in the Microsoft antitrust case. I am in favor of ending these proceedings against Microsoft as soon as possible. To that end I am in favor of the current antitrust settlement, although I am opposed to the antitrust suit as a whole. I do not believe that Microsoft should have been involved in antitrust proceedings at all. As I understand it, Microsoft agreed to terms that exceed well beyond the original products and procedures that were at issue under the antitrust suit. Under the terms of the settlement, Microsoft has agreed to license their Windows products out to the 20 largest computer makers on identical terms and conditions, including cost. In addition Microsoft must document and disclose information to its competitors regarding the internal interfaces of the Windows product line for the purposes of further software development on there part.

While I feel that many of the terms of the settlement are overly restrictive to Microsoft, I am in support of the settlement for the sake of getting back on track economically. Bringing an immediate end to the litigation process will benefit the slumping economy. There for I strongly urge you to bring an end to the antitrust proceedings, as we have many more pressing issues currently at hand.

Sincerely,
Millard Wolfgang
cc: Senator Rick Santorum

MTC–00030256

To Whom It May Concern:

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. The current proposed settlement will not put any constraints on Microsoft that Microsoft can not maneuver out of easily. It is imperative to restore competition to the marketplace for the benefit of consumers and businesses alike. Microsoft has maintained its monopoly in the marketplace by controlling who has access to the API's, file formats and protocols used in it s products. These API's file formats and protocols should be available to other vendors and the general public, so adequate competitive products can be developed and to ensure that users have access to their data and computers if Microsoft raises prices. I have always believed in fair competition and letting the best product win. However. Microsoft used its dominance in one area to take over another area. They were able to do this by controlling API's, file formats and protocols available to other vendors. If Microsoft claims its products are superior then it should not have a problem competing on a level playing field where each competitor has the same API's, file formats and protocols available. So I ask the court to consider requiring Microsoft to publish all API's, file formats and protocols on all products prior to their release. This should be monitored by an independent monitoring board appointed by the court with stiff penalties for non-compliance. I also ask the court to require Microsoft to publish the amount it charges for each copy of its products shipped with a new computer to allow consumers to determine the actual value of the software they receive. I also ask the court to provide protection to 0EM manufacturers from Microsoft if the 0EM manufacturers determine that another configuration other than the default windows configuration is best for its customers. Thank you for your time.

George King

MTC–00030257

Ms. Renata B. Hesse
Antitrust Division,
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001
FAX (202)307–1454/(202)616–9937

Dear Ms Hesse:

By way of introduction, my name is John A. Mulhall. I am a practicing pharmacist with Eckerd Drug in Syracuse, New York. As a taxpayer and consumer, I strongly support the proposed settlement with Microsoft in the government's long-standing Clinton-era antitrust lawsuit. So far, it has been estimated that the lawsuit has cost the American taxpayers more than $35 million. What a waste of taxpayer dollars in this witch hunt! I urge you to put a stop to this travesty of justice NOW.

The way I see it, this lawsuit has been nothing more than a form of welfare for Netscape and other competitors of Microsoft, as well as a way for states to get ''free'' money. It has done absolutely nothing for those supposedly harmed by Microsoft, the computer users of this nation, and has greatly discouraged technological innovation. This is not ''the American Way''. At least not the America in my mind's eye.

The waste of taxpayer dollars aside, I, for one, hold the United States government, and specifically he Department of Justice, responsible for crippling this premier high-tech cog in the nation's economy. Is this really an opportune time when we can afford to continue to harm the backbone of this country? Has not the DOJ suffered enough ''black eyes''? Microsoft has already agreed to hide its Internet Explorer icon from the desktop. The proposed settlement is in the best interest of all involved:

—Microsoft: can continue to provide innovative software that integrates new products
—Competitors: can return to the creation &new products which can be incorporated or made compatible with Windows
—Consumers: can have more software choice
—Investors: can have marketplace stability

If the lawsuit is allowed to continue, the expenditures involved will be even more outrageous to the American taxpayer than they already are. The nine states and the District of Columbia still involved in the case have retained many high-priced lawyers intent on dragging this out for a very long time. They have issued twice as many requests for information including frivolous subpoenas of non-involved third parties, during the remedy phase of the trial than the previous 19 states did in the entire liability phase.

It is high time to put an end to this abuse &hard-working American taxpayers. The economy is in dire need of a remedy to this situation. The proposed settlement is a fair one, I thank you in advance for your time and consideration in this very important matter. It is my hope that you and your staff can keep me up-to-date regarding the status of the settlement.

Sincerely Yours,
John A. Mulhall, RPh
7 Evergreen Lane
Cazenovia, New York 13035
(315) 655–4859

MTC–00030259

January 24, 2002
To: Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
From: Jim W Myers
40835 244th Ave S E
Enumclaw, WA 98022

Dear Mr. Ashcroft:

I strongly recommend that the Court approve the Microsoft antitrust settlement agreement. The uncertainty of this situation

continues to damage the economic condition of our country far more than any actions taken by Microsoft. As a business person, I am all too familiar with the dog eat dog climate in the business world. All Microsoft did was play the game too well and the other teams got mad and jealous.

The restrictions that will be placed on Microsoft pursuant to the settlement agreement will allow the competition an extra edge, but they will still have to learn to play the business game as well as Microsoft. Microsoft has agreed not to retaliate against computer makers who promote non-Windows software. They have also agreed to make it easier for consumers to replace features of Windows with non-Microsoft software. Additionally, a technical review committee will monitor Microsoft's business practices to ensure no further antitrust violations occur. No settlement can make Microsoft competitors stronger competition; they have to do it themselves. This settlement is good for the country but still unfair to Microsoft. Microsoft has approved it and so should the country! This case has dragged on for long enough. I am anxious to see the settlement agreement finalized and the case brought to an end.

Thank you,
Sincerely,
Jim W Myers

MTC–00030260

Annc Otcrsen
207 Swansboro Drive
Apex, NC 27502
January 18, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Fax 202–616–9937
microsoft.atr@usdoc.gov

Dear Ms. Hesse:

As a public school teacher now on sabbatical, I know the importance of computer literacy to students in today's world. The products and services that Microsoft provides to schools, businesses and residences have played an important part in providing many people with opportunities to learn, work and improve their lives. So I hope the proposed settlement of the federal litigation against Microsoft will he resolved soon

I understand that the settlement now before the court strikes a balance between restricting Microsoft's potentially anticompetitive business practices and allowing the company to get back to what it does best. Clearly, that is a difficult balance to achieve. But the fact that this settlement has been negotiated under court supervision, accepted by the U.S. Attorney General and accepted by a number of state attorney generals, including North Carolina's, makes a compelling case for its value.

I sincerely hope the court will approve the settlement and resolve this matter soon.

Regards,
Anne Otersen

MTC–00030261

From: REDMOND CHAMBER
FAX/VOICE MESSAGE (206) 882–0996
GREATER REDMOND CHAMBER OF COMMERCE
16210 N.F. 80TH St.
P.O. Box 628
Redmond, Washington
Phone: (425) 885 4014
FAX: (425) [illegible]
www.redmondchamber.org
January 25, 2002
Ms. Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D. Street NW
Suite 1200
Washington, DC 20530.0001
Re: Proposed Microsoft Settlement Agreement

Dear Ms. Hesse:

Redmond is proud and honored to be the home of Microsoft [illegible] American entrepreneurism. The success stories of its founders and employees [illegible] are e ncouragement and example to thousands of other entrepreneurs [illegible] company which has nearly 15,000 employees in Redmond, [illegible] out community by providing family-wage jobs [illegible] and contributing talent and resources to non-profit [illegible] Microsoft job creates five additional jobs.

The company makes good products in high demand [illegible] and businesses. The Greater Redmond Chamber of Commerce believes [illegible] provisions of the settlement will be good for consumers, business, the technology industry and the economy as a whole. On behalf of the Board of Directors [illegible] full support of the Department of Justice and the nine Attorney Generals [illegible] to finally put an end to this case and agree to a settlement that [illegible]

Sincerely
John P. Plovie
Chairman

MTC–00030262

GRANITE STATE TAXPAYEBS
P O Box 10473
Bedford NH 03110–0473
Tel (608) 472–3421
Fax (803) 471–0425
@Mall GST@lopaner.net
January 10, 2002
Attorney Renata Hesse
Antitrust Division, Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Deer Attorney. Hesse:

It is my understanding that your office is now accepting letters of comment in the settlement proposed in the U.S. v Microsoft case. Please accept my letter of supper[for this agreement. Granite State Taxpayers is a coalition of taxpayers and taxpayers associations throughout New Hampshire that work together to stop attempts to increase taxes and : help make sure taxpayer dollars are spent efficiently.

That is why I find this cage so appalling. It has already cost the taxpayers of this nation over $30 million $30 million to prosecute one of the most exciting companies our nation has seen This case never should have been brought forward in the first place. Microsoft has been an innovator in the area of technology, and because of that, their competitors have not been able to keep up with their technology. As a result, they successfully lobbied the government to fight for them In the courtrooms and now we have this kind of money being wasted on our hands. After many, many months, a settlement has been reached that has something for everyone. This is an opportune time to end these proceedings and remove the federal government's involvement in the operations of this area marketplace.

I urge you to stop the needless wasting of taxpayer delivers and approve this case quickly. Thank you for your attention.

Sincerely,
Roy Stewart
Immeditate Past Chairman

MTC–00030263

ANITA GULLICKSON
Post Office Box 223—
Alexandria, South Dakota 57311
—605–239–4664
January 19, 2002
Renata Hesse, Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

The settlement in U.S. v. Microsoft has my support because I believe this case has reached a reasonable conclusion for all parties concerned, including the American economy. I believe It Is Important to point out that the case did not show that consumers were adversely affected by Microsoft's actions, and that the essence of the matter is centered around Microsoft and its highly competitive marketplace adversaries.

In my professional life, personal life and endeavors as a family farm activist, I have depended upon Windows systems, and I have been very satisfied with the product. For farm families in South Dakota, Windows systems have the right price, the most important functions and accessibility needed to remain competitive in agriculture. Windows empowers people, and in the rural areas of our nation Windows becomes a ''great equalizer'' by giving farm people equal access to market information and financial transactions.

A feature I particularly like in the settlement is the requirement that Microsoft will send software, computer systems and technical support to schools in low income areas, and I am sure South Dakota will ultimately become a significant beneficiary in that distribution. Thank you for the opportunity to provide input On this settlement.

Sincerely,
Anita Gullickson

MTC–00030264

SHARI ROWLAND
2105 S. Blauvelt Avenue Sioux Fails, South Dakota 605–339–1424
January 17, 2002
Renata Hesse, Trial Attorney
Antitrust Division
U.S. Department of Justice

601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

The settlement in United States vs. Microsoft has my strong support because four years is plenty of time to examine all of the issues and reach logical conclusions in this highly visible antitrust suit. From everything I've seen on this issue, this case has exhausted every possibility of wrongdoing, and I think it is remarkable that none of the findings have indicated consumers were being harmed by Microsoft Corporation. For your information, I have worked with many businesses in Sioux Falls in a consulting capacity, and I can tell you that the vast majority of them use Windows systems, and they are very pleased with the products they use. From what I've learned, the remedies sought in this settlement are not only fair, but also would be beneficial to improving the education and career preparedness of disadvantaged kids. This would be a commendable result from a case which has threatened to tie the hands of research and development in information technologies.

I hope this case can be allowed to end fairly and quickly, and that Microsoft can continue to produce the great innovations which have helped to strengthen America's economy, and to keep our nation in the leadership position in technological breakthroughs.

Sincerely,
Shari Rowland

MTC–00030265

SIOUXPERIOR STRATEGIES
5305 Lake Placid Circle
Sioux Falls, SD 57110
(605) 336–6321
338–7395 fax
January 18, 2002
Renata Hesse
Trial Attorney
Antitrust Division
U.S. Department of Justice
601 D Street NW—Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

My comments are to be directed for public commentary In U.S. vs. Microsoft's settlement phase. I support the settlement because it is time, after four years, to end this dispute in the American courts system. The important issues have been addressed in this settlement, and continuing this dispute for another year or two would not serve justice nor the American economy, which benefits from a strong presence by Microsoft Corporation.

Microsoft has been the world's leader in the development of innovative software because of its strong competitive nature and the brilliant people who work hard to stay in front of the competition. This antitrust case acts to keep some of the issues involved in the rapid growth of Information technologies in check, That much of it is healthy to the process of growth. But there comes a point when detaining a vibrant company like Microsoft in the courts system beyond e reasonable time becomes burdensome to its viability in a harsh, competitive climate. I hope this settlement obtains permission to be enacted and that this antitrust action is put to rest, It would ultimately serve the best interests of all involved, including Microsoft's competitors.

Thank you.
Sincerely,
Patrick Starr
A CREATIVE MARKETING & PUBLIC RELLATIONS

MTC–00030266

January 22, 2002
Renata Hesse
Trial Attorney
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Here:

Protecting the best interests of business and consumers, as I understand the law, is the purpose of antitrust law and court actions. As U.S. v. Microsoft Corporation has moved along in its winding four-year path through the federal courts system, I think it is interesting that the court has not established that consumers were harmed by Microsoft's policies and decisions. What has mattered in court process has been Microsoft's relationship with its marketplace competitors, and I question whether Microsoft's actions were inappropriate when considering the predatory and pressurized nature of competition between companies striving to get ahead in information technologies. It's a tough business.

It is my hope that this case ends soon, so that one of our nation's most important corporations is allowed to continue serving the quickly shifting needs of consumers with the most versatile and reliable line of software for business and home use. It is remarkable that, despite being sidetracked in the courts for the past four years or more, Microsoft Corporation remains a vibrant force in our national economy. Considering that our economy needs all the help it can within the private sector, we need Microsoft back in the ring putting its full energies into its research and development to keep American information technologies development ahead in the world.

Thank you for your attention to my letter.
Sincerely,
Randy Stratton
THE STRATTON GROUT. INC.
100 S. DAKOTA AVE
SIOUX FALLS, SOUTH DAKOTA 57104
BUSINESS 605–338–6829—FACSIMILE 605–332–4860
www.theseratrongroup.com
Received Time Jan 23. ??:17PM

MTC–00030267

REBECCA J. DUNN
320 N. Summit Avenue—Sioux Falls, South Dakota 57104
–2933
605.33.6524 residential & business telephone
January 22, 2002
Renata Hesse, Trial Attorney
Antitrust Division
U.S. Department of Justice
60i D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

From a South Dakota perspective, I believe the agreement to settle the U.S. vs. Microsoft antitrust case is not only fair, it is appropriate because it creates a public benefit which will be helpful for our nation's poorest children. By targeting school districts with the highest percentages of students who qualify for government assisted lunches, this settlement will put disadvantaged students on a fast track to learning through the internet. Certainly, many of the targeted school districts in this settlement will be here in South Dakota. They will be set on a more level playing field to compete for opportunities with students in wealthier school districts.

My career is as a trainer of children and adults to enable them to realize and fully develop their potential in business and in life. As a State Senator in South Dakota, I worked with many local and state educational leaders to develop positive alternatives for growth, especially for disadvantaged children, I cannot think of a better result for this antitrust suit than to enable these economically challenged children with the tools they need to open their worlds to the internet and Its infinite educational resources.

Additionally, I want you to know that I believe that It would be in the best Interests of our nation's economy and of Justice to accept this settlement and put this case to rest. The case has examined virtually all relevant issues Involved in Microsoft's business practices, and the settlement appears to have addressed these Issues as well as anyone could reasonably expect.

Thank you for considering my opinions on this settlement.

With best regards,
Rebecca .J. Dunn

MTC–00030268

House of Delegates
Telefax Service
Fax (804) 786–6310
General Assembly Building
January 25, 2002
To: U.S. Wept of ??tice : Renata Th??
From: ??gat?? go?? A. Reid
Fax No.: 202–616–9937
Tel. No.:
City: Washington, DC 20530
State:
This transmission contains
pages, which includes this cover sheet. If you have any problems with this transmission, please contact (804) 698–1558.
Comments:
JOHN S. (JACK) REID
POST OFFICE BOX 29566
RICHMOND. VIROINIA 23242
SEVENTY-SECOND DISTRICT
COMMONWEALTH OF VIRGINIA
HOUSE OF DELEGATES
RICHMOND
January 25, 2002
COMMITTEE ASSIGNMENTS:
GENERAL LAWS (CO-CHAIR) PRIVILEGES AND ELECTIONS EDUCATION
TRANSPORTATION FINANCE
Reneta Hesse, Trial Attorney
Antitrust Division
United States Department of Justice
601 D Street, NW
Suite 1200

Washington, DC 20530

Dear Ms. Hesse:

It is my understanding that a settlement agreement has been reached between the Microsoft Corporation and the United States Attorney's office, and that the proposed settlement is based on the competitive principles of the free market system. It is my hope that Microsoft and its competitors will be encouraged to operate and provide the most technically advanced products at the most reasonable cost to consumers.

The growth of the technology industry has been of enormous benefit to the Commonwealth of Virginia providing jobs for our citizens and tax revenues to state coffers. Thus, an expeditious settlement of this dispute should be in the best interest of all concerned.

Thank you for your consideration of my concern.

Sincerely,

JSR:ecr

PHONE: (804) 741–2927

RICHMOND: (804) 898–1072

MTC–00030269

kinko's?? fax cover sheet
Kinko's of Ann Arbor I
Telephone: (734) 761–4539
Fax: (734) 761 1416
Date 2002–01–25

Number of pages 5 (including cover page) to: Name United States Depatment of Justice
Company: Antitrust Department
Telephone
Fax (202) 307–1454
Comments 616–9937
Comment on Microsoft Antitrust Case,
from: Name Elliot Glaysher
Company
Telephone (248) 608–6424

To Whom It May Concern,

As both a member of the public who has been watching this case very carefully, a contributing member of the open source community, and as someone who has been programming for over six years, I feel it is my civic duty to inform you to several problems with the proposed antitrust settlement in the Microsoft case. The proposed settlement addresses does not address any of Microsoft's past anticompetitive behavior, does not force Microsoft to atone for it's past transgressions, and appears to be, as Red Hat CEO Matthew Szulik says, ''an agreement reached for the purpose of expediency, not for ensuring an adequate remedy.''

Not only does the settlement fail to address any of Microsoft's behavior outside of coercing cooperation from original equipment manufactures (OEM), but it also specifically gives Microsoft a government enforced monopoly, with the loophole-ridden Section III.J. Using emotionally and politically loaded phrases like ''anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems'' gives all the ammunition Microsoft needs to maintain it's monopoly, as these systems are vital components that allow Microsoft to leverage it's monopoly, while at the same time, causing problems for Microsoft's largest competitor: Open Source Software.

Open Source Software1 (OSS) is a new form of software development, relying around a model based on community involvement and the principle that the underlying source code2 should be freely available for all to see, modify, and distribute. This is significant as this allows anyone to contribute to an Open Source project. It also must be noted that the open nature of source code means that the full details on the inner workings of a program or protocol are available to any programmer who wants them, as will become significant latter. Because of the uniqueness of the Open Source Model, special attention must be taken in the settlement to make sure that the does not harm Microsoft's largest competitor as a side-effect.

But let us look at certain problems with the settlement that are problematic: First, I must examine the term ''authentication systems'' in Section III.J.1.a, and show why this term is problematic by looking at some recent actions by Microsoft. When Microsoft released Windows 2000, Microsoft included support for an authentication protocol developed at Mir called Kerberos. The problem was that Microsoft deviated from the protocol specifications ever so slightly as to only introduce incompatibilities with other implementations of Kerberos. This means that Windows 2000 only grants access if the Kerberos ''ticket'' (the method of authentication in a Kerberos security model) was issued by a Windows 2000 server. It would reject what would be valid tickets from other vendor's versions of Kerberos for the sole effect of customer lock-in.

1 For a detailed description of the Open Source model, please read Eric S. Raymond's The Cathedral and the Bazaar, available in print format from O'Reilly Press, or http://tuxcdo.org/-esr/writings/cathedral-bazaar/cathedral-bazaar/.

2 Source Code is the programming instructions that describe the intricate operation of a program. Microsoft's later actions show why this situation is dangerous: Microsoft insisted that the changes were trade secrets. Microsoft later released information about their modifications to the Kerberos protocol under the condition that the contents be kept a secret. The agreement was mutually exclusive with the development of Open Source Software, where anyone and everyone has access to the source code, where there arc no secrets.

Another fine example would be the wording regarding ''anti-piracy'' and ''digital rights management.'' Section III.J.I, in effect, gives Microsoft a monopolistic position in regards to digital content, as Microsoft will argue that their distal media file formats are inseparable from their digital fights management scheme and will allow competitors access to neither. For example, what would happen if an Open Source project wanted to extend one of the many Open Source video players on an operating system other than Windows to play Microsoft's video format, including files protected under Microsoft's digital fights management software? Microsoft would deny the project the specifications, as the openness of the code would allow anyone who wished to know how the distal rights management system worked to find out easily. At the same time, Microsoft would be under no obligation to help the other operating system by writing a video player that would play Microsoft's video format, allowing Microsoft to maintain it's monopoly.

In fact, Microsoft has already kept others from using their digital video formats. Microsoft owns patent #6,041,345, which is a patent on the ASF file format. In May of 2000, Microsoft forced Avery Lee, the main author of the popular Open Source project VirtualDub to remove support for their ASF files. This is dangerous because ASF has become the dominant streaming format on the Internet, and only Microsoft can control it. ASF files are now only legal on Microsoft desktops.

In both examples, Microsoft was able to use patents or trade secrets to prevent competition, and force customer lock-in to Microsoft products.

Also troubling is Section III.J.2, as it gives Microsoft the right to discriminate on whom it to licenses information to. Microsoft can easily say that a competitor ''has a history of software counterfeiting or piracy or willful violation of intellectual property fights'' and can deny them access to vital interoperability information. I would be surprised if Microsoft doesn't use this as an excuse to deny information to Linux vendors, as they have already used the unorthodox development process of Open Source Software as the basis of flat out calling it ''un-American.'' Jim Allchin, Microsoft Corporation's Platforms Group Vice President, has also said ''Open source is an intellectual-property destroyer,''3 in a blatant attempt to break down the distinctions between software pirates and OSS writers.4 Microsoft will, beyond a shadow of a doubt, abuse this provision if it's allowed to stand as it is.

3 http://news.cnet.com/news/0–1003–200–4833927 html?tag=mn—hd

4 The argument is fundamentally flawed, as software pirates take the work of others, while OSS programmers freely give out their work as an act of generosity, both creating new intellectual-property, and holding to the American values of volunteerism and community service.

Moreover, Section III.E gives Microsoft even more ways to hurt the competition. The use of the terms ''reasonable and non-discriminatory'' may, at first, not appear to be problematic, yet one must consider the people who write Open Source Software: The majority of Open Source programmers write these programs in their spare time, as non-corporate entities for the benefit of the community. The mere term ''reasonable'' is relative. Is it ''reasonable'' for a large business like Apple or Sun Microsystems? Is it ''reasonable'' for a small start-up that has great ideas but can't implement them due to these fees? Is it ''reasonable'' for a middle-class programmer who wants to write software to better the community.'? Any licensing scheme that Microsoft may come up with which requires monetary compensation to Microsoft in return for information will, by definition, be discriminatory, as Microsoft's largest competitor will be unable to afford the licensing fees for the information necessary to compete.

This proposal is woefully inadequate. Between the combination of Section III.E and Section III.J, we, in effect, have a settlement that gives Microsoft full license to continue it's anti-competitive practices with the government's blessing. A good settlement to halt Microsoft's anticompetitive and destructive behavior must specifically assert the following points:

1. Microsoft must be forced to open any and all technical specs to anyone who asks for any reason. Microsoft must not have the right to discriminate who has access to this information. This solves the problems with Section III.E and III.J, and allows true interoperability to exist, in contrast to the facade presented in the current settlement. Technical specs includes, but isn't limited to:

a. All file formats that Microsoft saves information to. including Word Documents, Excel Spreadsheets, et cetera

b. All distal media file formats. I mention this separately to reiterate the loopholes opened by Section III.J.I.

c. All network protocols, including authentication and encryption protocols

d. All extensions and modifications to existing file formats and network protocols. (Recall that Microsoft's version of Kerberos was only a modification to an open standard.)

e. The Windows API (Application Programming Interface) in its entirety

2. Microsoft must also comply with the following terms regarding the licensing of said information.

a. Microsoft may not be allowed to require monetary compensation for the previously mentioned technical information. While Microsoft may argue that it must be compensated for this information, there is no way in which the information can be reasonably priced for everyone, especially for those that have the largest chance of breaking Microsoft's monopoly.

b. Microsoft may not use the excuse of trade secrets, patents, or any other forms of Intellectual Property protection to withhold information from competition, or to break compatibility. Microsoft has used both patents and trade secrets as an excuse to bully software developers, as seen with the above Kerberos example, and Microsoft's threatening of Avery Lee of the VirtualDub project.

3. New computers must be sold ''naked,'' meaning without an operating system or other bundled software. This would allow people to install the operating system of their choice, whether that be Windows, Linux, BeOS, et cetera. The operating system and related software become an added cost; meaning people who would rather use an alternative operating system would not be forced to pay Microsoft for software they wouldn't use.

4. Microsoft must not have the right to sell its software to anyone at a lower price then anyone else. This means that the price of a computer without Microsoft Windows would be drastically lower then the cost of a computer containing Microsoft software. This is necessary, as the difference in price between a computer loaded with Microsoft's software and a ''naked'' computer would otherwise be insignificant.

5. Any settlement that requires Microsoft to make financial reparations, must specifically forbid Microsoft from repaying the debt in the form of Microsoft software. In closing, I'd like to direct you to the points of Red Hat CEO Matthew Szulik, one of which I mentioned in the opening of this letter: ''...contrary to the statements of the US Department of Justice in its impact statement discussing the Consent Decree, the remedies settlement embodied in the Consent Decree fails to achieve the ends mandated by the Court for the following reasons:

—it fails to deny Microsoft the fruits of its statutory violations,- it fails to ensure that competition is likely to result,

—it was an agreement reached for the purpose of expediency, not for ensuring an adequate remedy and,

—it establishes an untenable precedent for future antitrust cases.''

Thank you,
Elliot Glaysher
Current Residence:
1410 Little House
1503 Washington Heights
Ann Arbor, MI48109–2015
Permanent Address:
668 Bolinger
Rochester Hills, MI 48307
(248) 608–6424

MTC–00030270

12 Lansing Avenue
Trumbull, CT 06611
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing you today to express my opinion in regards to the settlement that was reached in November between Microsoft and the government. This settlement is fair and reasonable, and I am anxious to see this dispute resolved at the federal level. Microsoft has agreed to all terms and conditions of this settlement. Microsoft has pledged to share more information with other companies and create more opportunities for them. Under this agreement, Microsoft must disclose for use by its competitors various interfaces that are internal to Windows operating system products. Microsoft must also make available any protocols implemented in Windows. A technical oversight committee has been created to monitor Microsoft compliance to this agreement.

This settlement will serve in the best public interest. Please support this settlement so we can focus our resources on more pressing issues. Thank you for your support.

Sincerely,
Tej Ram

MTC–00030271

14171 Bahama Cove
Del Mar, California 92014
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

As a supporter of Microsoft, I write you concerning the recent developments in the Microsoft settlement. The terms of this agreement have been determined through a well thought out process and should, at this time, be supported.

Our technology industry, has been working toward a more unified IT sector, and needs our support. By supporting the agreement as it stands, we allow our technology, industry to work together to maintain our position in this highly competitive global market. Not only has Microsoft agreed to make changes in licensing and marketing, but has agreed to design future versions of Windows for easier installation of non-Microsoft software. Also, as an and-trust settlement first, Microsoft has agreed to disclose various interfaces that are internal to Windows'' operating system products. All of these concessions clearly point toward the IT sector working together to continue to advance in this industry.

I urge you to help support this agreement by stopping any further actions against it. Please help to get our technology industry back to business. I thank you for your help.

Sincerely,
Amy Caterina

MTC–00030273

BH&S
Builders' Hardware &
Supply Co., Inc.
1516 15th Ave. West—P.O. Box C 79005
Seattle, WA 98119–3185—
Phone 281–3770
Fax No: 202–307–1454
Attention: Ms. Renata B. hesse
Company: Dept. of Justice
Subject: Microsoft
Pages Including Cover: 1
Date: 1–25–02
From: Shirley S. Henry, AHC

PLEASE accept the Microsoft settlement. Enough of this, already!!

Get it overwith

MTC–00030274

FAX
Date: 1/25/02
Number of pages including cover sheet:
To: Attorney General
John Ashcroft
Phone:
Fax phone: 202–307–1454
CC:
From:
Robert burns
Phone: 615–333–3958
Fax phone: 615–361–0788
REMARKS:

Mr. Ashcroft,

Please consider my letter regarding the Microsoft settlement.

Thanks,
Robert Burns
Robert W Bums
3716 Valley Ridge Dr
Nashville, TN 37211
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing to you today to express my support of the Microsoft settlement. The

settlement that was reached constitutes significant compromise from the Microsoft Corporation. After three years of court mediation, continuing the federal case against Microsoft still further would serve only to waste necessary federal resources. Hence, I urge the Justice Department to enact the settlement at the end of January.

Microsoft serried on generous terms for its competitors and for the public. It will now agree to disclose protocols and internal interfaces of the Windows system. This will allow competing companies to design both hardware and software that is more fully Windows-compatible. Additionally, with an upcoming revision of Windows XP, users will be able to more easily reconfigure their desktops, including the ability to remove access to Microsoft applications and features.

These changes wi11 clearly benefit consumers and developers. I believe that Microsoft has been generous throughout this mediation process and further that the settlement agreement is just. Please finalize the settlement.

Sincerely,
Robert W Bums

MTC–00030275

JAMES WANG
3925 Jamestown Place
Plano, Texas 75023
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing today to encourage the Department of Justice to accept the Microsoft antitrust settlement. The case has languished long enough and it is time to put an end to it. Microsoft and the technology all need to move forward; the only way to move forward is to put this issue in the past.

Microsoft and the government have reached a compromise on all of the major issues involved in the suit. Microsoft has agreed to give computer makers the flexibility to install and promote any software that they see fit. Microsoft has also agreed to release part of the Windows base code, to their competitors, so other software developers will have the ability to develop more compatible software. The terms of the settlement are fair and cover the major concerns that are at issue in the suit.

This case has for over three years and it is time to put an end to it. Microsoft and the industry need to get back to business. It is time to stop this government over regulation. Please continue your support of the Microsoft antitrust settlement.

Sincerely,
James Wang

MTC–00030276

ELC, Inc.
302 888 7030
01/25/02
04:17P
P.001
Edward Land
27 Rose Hill Drive
Bear, DE 19701
January 25, 2001
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

According to the Tunney Act, I am free to comment on the Microsoft antitrust settlement; I briefly wanted to express my approval of the settlement between Microsoft and the Department of Justice. I believe that the lawsuit was a bit unwarranted to begin with, in that Microsoft has always endeavored to make its software compatible with its operating system, This compatibility—which is the very heart of the government's claim that Microsoft was monopolistic-is the one thing that has allowed the average computer user to actually make use of modern computer technology. Whether the issue is a spreadsheet program that works well with the word processor; or either (or both) working at all on the operating system; or the latest release of DirectX that allows for sophisticated gaming that the young people like so much—all of this is possible because of Microsoft's commitment to integration.

I am confident that the review process for the Department of Justice will bear this out. I am hoping that many other Microsoft detractors both in the corporate area, as well as within our government, will allow this settlement to proceed.

I appreciate the hard work that you and your colleagues do to safeguard the American people from abusive business practices. But this Microsoft suit is not one of those areas of corporate abuse. I believe that in fact, it is much more beneficial to have Microsoft continue to do what it has, as unhindered as possible. Thank you.

Sincerely,
Edward Land

MTC–00030277

01/26/2002 03:18 FAX
P.O. Box 111
Highmore, SD 57345
January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to participate in the public comments on the Microsoft antitrust settlement. I support the settlement. It is not perfect, but it. is far better than continuing to have lawyers haggle in court over the fate of one of America's chief engines of prosperity and innovation. It is gratifying to know that you directed your department to work to settle this case. and let Microsoft continue to innovate.

Since the settlement is acceptable to Microsoft, it is acceptable to me. Microsoft agreed up a lot of its property and a lot of its rights. That must not have been easy. Microsoft gives up to the software industry the code of its internal interfaces and server interoperability, It will license its intellectual properly to any company that wants to use it. on reasonable and non-discriminatory terms. It wi11 make it easy for computer makers, software companies and consumers to remove the programs Microsoft includes gralis in Windows, like Internet Explorer, and replace them with their own.

This case has gone on too long, with too little to show for it, and at too great a cost. Your efforts to have the federal court approve this settlement will be greatly appreciated.

Thank you.

cc: Senator Thomas A. Daschle

Sincerely,
Roger Ballew

MTC–00030278

01/25/2002 05:09
FAX 2024663801
ALEC AMERICAN LEGISLATIVE EXCHANGE COUNCIL
FACSIMILE TRANSMITTAL SHEET
TO: Renata B. Hesse
FROM: Duane Parde
COMPANY: Department of Justice, Antitrust Division
DATE:1/25/02
FAX NUMBER: 202–307–1454
TOTAL NO. OF PAGES INCLUDING COVER: 2
RE: US v. Microsoft
01/25/2002 05:09
FAX 2024663801
ALEC AMERICAN LEGISLATIVE EXCHANGE COUNCIL
Bo?? OF D??
N?? C??
O??
Jim Dunlap
F?? V?? CMA??
Louisi?? Stam Rep??
Donald R?? Kenn??d
St?? V?? CHAIRMAN
Mich?? State Senatar
Philip ??offman
T??
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Susan Wagle
SECRETARY
M??ppi S?? Senator
Biliv H??s
Immkd?? Pax?? CHA??
Tenn?? State Represent??ve
Steve K McD??n??el
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James F Boyer
North C?? State Repreven??ive
Harold J. Brubnker
?? State S??
Br??d Bu??
Taxas State ??
Bill Carter
G?? State Re??
??
?? State S??
L. P??
A??
Steve Fans
C??
George L. Gunth??
Coli?? State Senator
Ray Havn??s
N Y S?? Free Pr?? Pro Tom
Owen Johnson
?? State Representatr??
Dolor??s M??
Colorado State Senator
D?? Owwn
N?? Senate M?? L??
Wi??
Navada State Senator

Dean Rhoads
His?? State Senator
Robert Weleh
P??
C??FMAN
Michacl K. Morgan
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F??
Harry M. Winters
U??
SECOND VICE CMAIDNAN
L??S Goldbere
Am?? Expr?? Company
TURA??
Pete Poy??
Re??
St??
Edward D Fall??. Sr.
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A??
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C?? EMERITUS
Ronald F Schc??
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R?? Bagger
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Jane Caltill
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C.T. Kip Howle??
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Roger L. Moxing??
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J. Pa?? Rooney
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A National Association for America's State Legislators Jeffersonian Principles in Action!

January 25, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Re: Comments on the Microsoft Proposed Settlement Agreement

Dear Ms. Hesse:

As you know, on June 28, 2001, the U.S. Court of Appeals for the District of Columbia Circuit overturned a lower court ruling that Microsoft be broken into two companies as remedy for so-called anti-competitive practices. On November 2, 2001, Microsoft and the Department of Justice announced a settlement to the U.S. v Microsoft antitrust case. Nine of the 18 states that were party to the suit have agreed to join this important settlement.

Innovations in technology and telecommunications are an important contributing factor to our nation's economic success. It is, therefore, vitally important that this innovation continues and accelerates, as the economy struggles to rebound from its recent downturn. Settlement of this suit will help ensure this happens.

As the nation's largest, bipartisan individual membership association of state legislators, the American Legislative Exchange Council (ALEC) applauds your efforts to settle this case. We hope that the states that are not party to this settlement will follow the lead of the Justice Department and seek a fair settlement that encourages innovation and secures our economic growth.

Sincerely,
Duane Parde
Executive Director,
American Legislative Exchange Council

MTC–00030279

01/25/02 FRI 13:04
FAX 360 664 0228
ATTY GEN ADMINISTRATION
Christine O. Gregoire
ATTORNEY GENERAL OF WASHINGTON
Administration Division
PO Box 40100 .
Olympia WA 98504–0100 .
(360) 753–6200
FAX COVER SHEET
Date: January 25, 2002
Time: 12:01 PM
Please deliver the following one page(s)
TO: Chief Deputy Peter Siggins
916–327–7154
Chief of Staff Erie Tabor
515–281–4209
Renata Hesse, Department of Justice
202–307–1454
FROM: Attorney General Christine Gregoire
Fax Number: 360–664–0228
Voice Number: 360–664–8565
If there is a problem receiving this fax, please call Barb Winkler at 360–664–9082.
Christine O. Gregoire
ATTORNEY GENERAL OF WASHINGTON
1125 Washington Street SE .
PO Box 40100 .
Olympia WA 98504–0100
January 25, 2002
Ms. Renata Hesse
Antitrust Division
U.S. Department Of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse:

This is a comment submitted pursuant to the Tunney Act, 15 U.S.C. section 16, on the proposed settlement between the Department of Justice and Microsoft. The Attorney General of Washington (''Attorney General'') enforces state and federal antitrust laws. The Attorney General oftentimes works cooperatively with the Department of Justice on enforcement issues which impact the public on a national and local level, and works cooperatively with other state Attorneys General Offices on cases of national interest.

The Attorney General participated in the initial multi-state review of numerous allegations of violations of the antitrust laws by Microsoft. Even before the suit was filed, the Attorney General urged the parties to consider settlement.

The Attorney General did not join the Department of Justice lawsuit for several reasons including:

1. The lawsuit alleged harm to each state's general welfare and economy. This argument was problematic for the state of Washington.

2. We had received very few comments concerning consumer harm in Washington arising from Microsoft's conduct. In fact, we had received contrary comments.

3. If the Department of Justice did successfully obtain an injunction, the injunction would benefit any injured consumers in Washington.

We have reviewed the proposed settlement agreement with the Department of Justice, including the additional requirements negotiated by nine of the litigating states. We compliment all parties on their efforts to fashion a settlement agreement to resolve the litigation. We also acknowledge and respect that nine of the litigating states believe that the proposed settlement does not fully address outstanding issues and are continuing forward with the litigation.

Under the circumstances, with the Federal District Court having found violations of antitrust laws, and the parties formulating an agreement which addresses the contested issues, we support the proposed settlement as being in the public interest and believe it should be approved as proposed by the parties.

Sincerely,
CHRISTINE O. GREGOIRE
Attorney General

MTC–00030280

1–25–2002 2:54PM
FROM JIM CRUMLEY 610 558 3998
1521 N. Hunting Horn Turn
Glen Mills, PA 19342–2248
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am in favor of an immediate settlement of the Microsoft anti-trust case by the ter now before your office for review. I see no reason to further delay an end to this long controversy. It has hobbled a great and productive corporation at a time of national economic decline. It has proved a drain on our entire IT industry. A settlement plan exists and stands endorsed by your own department and the court, Please see that it's ratified and adopted as soon as feasible.

This case arose out of the government's consternation with Microsoft's seeming monopolistic hold on the IT industry. The settlement amply addresses the government's concerns by directing Microsoft to open itself up to more competition by surrendering its hold on near-exclusive Windows software integration in Microsoft platforms. Microsoft will now not just tolerate competition; it will be constrained to promote it. It will in fact be required to radically alter its corporate ethos.

Please help bring an end to this case and allow Microsoft to work untethered towards a more dynamic future for this industry and this country.

Sincerely,

Jim Crumley

cc: Senator Rick Santorum

MTC–00030281

FAULKNER UNIVERSITY
FACSIMILE TRANSMITTAL SHEET
TO: Attny Gen John Ashcroft FROM: Christi S. Lones
COMPANY
DATE: 1.25.02
FAX NUMBER: 202.307.1454/616.9937
TOTAL NO OF PAGES INCLLUDING COVER 2
PHONE NUMBER
SENDER'S REFERENCE NUMBER:
RE
NOTES COMMENTS
Christi Lones
5345 Atlanta Highway
Montgomery, AL 36109–3323
January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue,
NW Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am delighted that a settlement has finally been reached between Microsoft and the federal government.

Microsoft has cooperated beyond what was required. They have agreed not to retaliate against computer makers and software or hardware developers that ship, develop or promote software that competes with Microsoft's operating systems, features, or applications.

Microsoft's compliance with this settlement will be monitored by a three-person Technical Committee established under the settlement by the Department of Justice and by those plaintiff states that are party to the settlement. In addition, any violations of the settlement are punishable as contempt of court.

So why isn't that enough?

This lawsuit has got to stop. The settlement should be accepted, and no more action should be taken at the Federal level.

Sincerely,

Christi Lones

MTC–00030282

Horst Seweron
12028 26th St. NE
Lake Stevens. WA 98258
12028 26th Street NE
Lake Stevens, WA 98258
January 23, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Last November the Microsoft Corporation reached a settlement with the Department of Justice, which brought an end to the three years of antitrust litigation between the two. I am writing to express my support for this settlement since it is in the best interests of the IT industry, and America.

There were concessions made in the settlement that went further than Microsoft would have liked, but the terms were agreed to because the ending the suit was the best thing to do. Microsoft will now work much closer and actually ??n This will make competing software more compatible, and encourage competition to work harder than they ever have before. They will do that because Microsoft has also agreed not to retaliate against competitors. ??s.

You cannot go wrong with this settlement. I fully support m and hope it is approved as soon as possible.

Sincerely,

Horst Seweron

MTC–00030283

FROM: 2002. 01–25 10:51
#913
P.01/02
FAX MBE
MAIL B??XES ETC
Transmitted Via:
Mail Boxes Etc.
12995 N. Oracle Rd. #141
Tucson, AZ 85739–9594
Fax: (520) 825–2070
If there are any problems with this transmission, please call (520) 825–123I.
Date: 1–25–2002
Time:
To: Attorney General JoHN Asbcro??
Fax: 1–202–301–1454
From: Cal?? Rab??ks
Phone: 1–202–616–99??7
Total Pages (including cover page): 2
Message: Attoched
FROM: 2002.01–25 10:51
#313
P.02/02
1397 W Blooming Desert Way
Oro Valley, AZ 85737
January 24, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my full support of the recent settlement between the U.S. Department of Justice and Microsoft. Although I believe that the lawsuit was not justified in the first place, after three long years, I am happy to see that Microsoft is not being broken up and that a settlement has been reached.

Under the terms of the settlement Microsoft is not getting off easy. They must give up internal interfaces and protocols to their competitors. They must not retaliate against soft-ware developers or computer makers who promote no-Microsoft products. They must also grant computer makers broad new rights to configure Windows so as to more easily promote competitors'' products. Although I do not fully agree with the terms of the settlement, I want to see it finalized because it is in the best interests of the American public that there be no further litigation. I ask that your Office takes a firm stance and ends the lawsuits from the nine states trying to drag this thing through the mud.

Thank you.

Sincerely,

Calvin A. Roberts

MTC–00030284

TEL:
BETTY GRA??SSL??
Graphi?? Dev??gnor
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft: Microsoft has done more for our economy in the last 5 years than many other companies. They have created jobs, made technological breakthroughs, and contributed to education and social causes for the good of our nation. Yet, three years of lawsuits still haunt their ability, to grow further. I am appalled that nine states want to continue litigation even after settlement has been reach

The terms of the settlement are more than fair and should appease competitors The reason being that they will be given access to internal interface technology and protocols that Microsoft has worked long and hard to develop. They will also be granted broad new rights to configure Windows so as to make it easier to promote non-Microsoft software.

While I believe parts of settlement are unjustified and in violation of Microsoft's intellectual property rights, I still believe the settlement is in the best interests of the public. We cannot afford further litigation. Please lake a strong stance against the opposition and make the settlement a reality.

Sincerely,

??

Betty Graessle

25 Midchester Avenue . While Plains . New York ??

914. 949. 7909

Fax 914. 949. 7991

MTC–00030285

01/25/2002 14:02
3149971774
FULLERTON
David Fulle??on
Full Circle Computing
??S Greenridge Avenue
White Plains. NY 10605–1248
Telephone/FAX 914997 1774
E-Mail: DCFullenon??ullcircle-ccomputing.com
January 24, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

Throughout this entire Microsoft lawsuit, it has been evident that the issues were obscured by all the animosity. While I have felt that there have been certain things that Microsoft gas done that should merit some control, this litigation was not adequately addressing them.

This is why I think that the settlement is so important. Rather than wasting time with all the divisive contentiousness, the settlement clearly enumerates specific remedies. It addresses the unpleasant quarrel over Microsoft using its OS to steamroll over other companies who wish to sell other software, and calls for interface disclosure so that software companies can write better software. These are just two provisions that help

to increase competition, which is what the antitrust case was supposed to do in the first place.

While some of the terms of the settlement certainly do not favor Microsoft, the settlement itself ends all the acrimony. For this reason, I am writing in support of its acceptance, and hope that with it, our country can get beyond this and move forward with more important priorities.

Sincerely,
David Fullerton=

MTC–00030286

To: Renata Hesse, Trial Attorney
Suite 1200, Antitrust
Division, Department of Justice
Fax: 202–616–9937 or 202–307–1454
From: Robert Wood, 256–895–9286
RE: Comment on Proposed Microsoft Settlement
25 January 2;002
Robert Wood
117Gibbon Drive.
Harvest, AL 35757
25 January, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse:

The following document is a brief objection to the terms of the proposed settlements to Civil Action No. 98–1232 and 98–1233. It i, being sent on 25 January 2002 both as a signed FAX (202–616–9937 or 202–307–1454) and as an e-mail message (microsoft.atr@usdoj.gov) to aid in any transcription that might take place. As a defense engineer whose work has been associated with Information Technology for the past 15 years, I have witnessed the damage done by the monopolistic activities of the Microsoft Corporation. I am concerned that if these activities are allowed to continue (and the proposed settlement does not seem to do anythin8 to curb these practices) the company will continue to squeeze out competing operating systems and ISVs until there are no practical alternatives to the Microsoft products. For the sake of innovation, competition, and security we need viable alternatives for operating systems and applications that have been developed independently of Microsoft's codebase. The high numbers of macro viruses (both in documents and e-mail attachments) as well as the recent US worms demonstrates the danger of widespread adoption of a single product, With healthy competition, there are enough alternative products that it is impossible to attack them all since they will have different weaknesses.

Paragraph III. J of the proposed settlement is especially troubling, since the argument can be made that any component of a Communications Protocol has the potential to ''compromise the security of a particular installation or group of installations...'' Considering that Microsoft has recently announced that they are finally going to ''make security its first priority,'' I believe that this section will be used to withhold any useful data from release.

I recognize the positive aspects of Microsoft's role as the dominant provider of Intel Operating system software, middleware, and applications. The software industry can benefit from the leadership of one entity who has the power and resources to introduce new technologies. Unfortunately, I have seen Microsoft's dominance increasingly used to force alternative products and approaches out of the marketplace. For example, in my organization, no alternative to Microsoft Word is considered by management because it is presumed that no other product can read/write Word formatted text fides perfectly. Even those products that currently do a good job on Word file reading/writing are not guaranteed to be able to continue to be able to keep up with the changes to the largely undocumented Word format. The documentation of the modifications Microsoft made to the widely-accepted Kerberos authentication protocol was distributed under a restrictive license designed to prevent the information about the changes to an open standard to be used to create compatible software. This is a disturbing trend.

The proposed settlement does not appear to do anything to curb the monopolistic practices of Microsoft. It appears, in fact, to simply formalize them and allow the company to continue its practices with little interference. It does not touch on some of the most commonly used Barriers to Entry that the company puts up to discourage competition such as document formats and changing communications protocols. The proposed settlement appears to set up a system where any potential competitor is relegated to the role era Microsoft Developer (MSDN is explicitly mentioned as a delivery medium for some of the information) rather than a competitor. It is difficult to compete in an environment whet0 you can not get necessary information on a product until it is almost ready for release. Quality software demands extensive testing in addition to basic development time and if the required information is only released ''no later than the last major beta release,'' then by the time a competitor's product can be finished and tested, the Microsoft product would have long since been deployed.

In the interests of competition, security, and interoperability, Microsoft should be compelled to develop and deploy those protocols required for communication and authentication in cooperation with an appropriate standards body for the widest possible examination and testing. The standards body could then properly oversee the distribution of the protocol to ensure that competitor's software is truly interoperable with the Microsoft product as well as ensuring that competing products do not introduce incompatibilities with the Microsoft product. Microsoft should be compelled to disclose upfront which elements of a new and existing API, Communications Protocol, or Middleware product are covered by the company's own or licensed intellectual property as a part of this standards acceptance process. The result would be a set of protocols that benefit from community involvement and more extensive security testing than Microsoft is capable of on its own.

Sincerely,
Robert Wood

MTC–00030287

January24,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

This is to give my approval to the recent Department of Justice and Microsoft settlement. This has gone on long enough and it is time to put this thing to rest. I didn't agree with the initial lawsuit. I think if someone is smart enough to come up with something, then it is their right to sell it. Microsoft is just smarter than everyone else and the company keeps coming up with bright ideas. The other companies are just jealous. It is time to act like grown-ups and move on.

Further, I understand Microsoft has given away a great deal. Microsoft has agreed to allow computer makers to ship non-Microsoft product to a customer; Microsoft has agreed to a uniform price list; Microsoft has agreed to help companies better achieve a degree of reliability with regard to their networking software. Enough is enough. I urge you to let this settlement stand. We have more important things to worry about.

Sincerely,
Robert Willetts
1251 St, Rt. 726 New M???, Ohio 45346
Phone: 937,996–5103
Fax: 937–996–5103
Email: ??@??
TOTAL P. 01

MTC–00030288

John R. With
420 Palmer Ave
Aplos. CA 95003
Fax. 831–687–0552
SEND TO
Company name Department of Justice From John P. Wirth
Am??mion Ms. Renate B ??esse
Date 1–25–02
Office location Washington, DC
Fax number 202–307–1454
Phone number 931–586–0297
URGENT URGENT URGENT URGENT URGENT
Total pagas, including cover.

COMMENTS

I am writing to ask that you accept the settlement proposed in the Microsoft case. It is total waste of my tax dollars to pursue this any ??urther. Spending 35 million dollars is enough.

Thank you for your kind consideration.

MTC–00030289

January 25, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

I am writing to express my relief and my support for this lawsuit between the Department of Justice and Microsoft having ended in a settlement. From what relatively little specific information I have about the details of this settlement, I can say that it

appears to satisfy most of the complaints of the lawsuit. There is, for example, this provision that allows for Microsoft to refrain from penalizing computer manufacturers from installing non-Microsoft applications onto any new Microsoft OS. This is a good thing that will obviously allow more flexibility in the industry.

My greatest fear throughout this process has been that serious damage could have resulted from the splintering of a company like Microsoft. While it must be readily admitted that Microsoft has maintained a rather rigid control over the use of its product, even by its own customers, breaking apart a company of this size, as envisioned by the litigation, could have had far-reaching negative effects upon the entire industry.

With this settlement, it appears as if this eventuality is less likely. For this reason I am hoping that the settlement will ultimately prevail.

Sincerely,
Todd Epp??e
Senior Partner

MTC–00030290

18000 72 Ave. S., Suite 217
Kent, WA 98032
Fax
To: Attomey General—John Ashcroft
From: Dave Hafermann
Fax: (202) 307–1454
Pages: 2
Phone:
Date: 1/25/2002
Re: Microsoft Settlement
cc:

Attached, please find my letter regarding the Microsoft Anti-Trust Settlement.

Regards,
Dave Hafermann
cohesion
MARKETING
www.cohesionlnc.com
January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I support the Microsoft antitrust settlement agreement. I have witnessed first hand how this case has created a great deal of uncertainty in the technological industry. It is time for the litigation to end so that companies that are within and/or dependent on the industry can get back to focusing on their own business and the delivery of great new technologies. Continuation of litigation will result in a never-ending legal cycle as companies attempt to use the legal system to accomplish what they were unable to do when competing within the marketplace (as the recently filed AOL/Netscape case shows). More litigation has a negative Impact on the industry and economy, and with the current economic status, this is something the hl-tech industry does not need.

The terms of the agreement are both fair and reasonable. Microsoft will be subjected to restrictions that will help ensure no future antitrust violations occur. For example, Microsoft has agreed to not retaliate against computer manufacturers who install computers with its competitors'' software. They have also agreed to license out code to competitors that would normally be protected under intellectual property statutes. Additionally, a technical oversight committee will be created as a result of the settlement agreement. The oversight committee will act as a watchdog to ensure Microsoft does not engage in anticompetitive business practices. Nothing more should be required or expected of Microsoft.

I appreciate your efforts to resolve this case. I hope the court makes the wise decision to approve the settlement agreement.

Sincerely,
Dave Hafermann
EVP Technology
Cohesion, Inc.

MTC–00030291

Bottomline Technologies (de), Inc.
155 Fleet Street
Portsmouth, NH 03801
(603) 436–0700
Fax: (603) 436–0300
www.bottomline.com
TO:
FROM:
DATE:
TIME:
Pages, including cover sheet
Technologies
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my support of the settlement agreement in the Microsoft antitrust case. The agreement's terms are both fair and reasonable, and the Court should approve the settlement. This settlement is important for our economy.

In the interest of resolving the litigation, Microsoft has agreed to a wide variety of concessions. They have agreed to design Windows in such a way that it will be easier for consumers to replace features of Windows with software programs made by Microsoft's competitors. This will result in greater choice for the consumer. Additionally, in an effort to allay fears of predatory behavior, Microsoft has agreed not to retaliate against those who distribute or promote software that competes with Windows. Microsoft has also agreed to give up its right in many cases to go after those who infringe on Microsoft's intellectual property rights. These types of concessions illustrate how the agreement provides the appropriate remedy for the complaints lodged against Microsoft.

I would like to see this case resolved. I appreciate your efforts in this regard.

Sincerely,
D. M. McGurl
Chairman & CEO
Bottomline Technologies, Inc.
155 Fleet Street
Portsmouth, NH 03801
Phone 603 436–0700
FAX 603 436–0300
www. bottomline.com

MTC–00030292

Software Development And Consulting
701 Merlin Dr.
Green Bay WI 54301
Phone: 920–983–9365
Fax: 920–988–9359
Email: msuls@co??pubrain.com
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Having spent 15 years as a computer programmer, I would like to share my approval of the pending Microsoft settlement being completed at the end of the month and letting the company continue as a successful innovator that has driven the growth of the PC industry. This lawsuit was brought on by desperate competitors, such as Sun and AOL, leading to an expensive litigation that has only succeeded in lost taxpayer dollars and should be ended immediately.

Judge Jackson overstepped his authority with his ruling, as a break up would be a disaster for this fragile economy. Microsoft has not been perfect, but they are superior to any alternative on the market, and should be allowed to continue their progress unimpeded by more government intervention. The negotiated deal already sacrifices several aspects of the company's autonomy and gives the rival factions a broad spectrum of tools to make their mark on the competitive playing field.

I ask for your go-ahead with this plan, which unfortunately provides a level of regulation unheard of in the IT industry. Yet no matter the obstacles, Microsoft deserves a compromise and to exist as one company.

Sincerily
Michael Sule
COMPUBRAIN
cc: Representative Mark Green

MTC–00030293

JAN-25–2002 14:15
PBG/FINANCE 212 304 4060
P.01/05
21 Bennett Avenue
New York, NY 10033–3628
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing you today to express my opinion in regards to the Microsoft settlement issue. I support the settlement that was reached in November and I support Microsoft in this antitrust dispute. I believe it will benefit all of us to settle with Microsoft and stop this litigation.

Microsoft has agreed to carry out all provisions of this agreement. Microsoft has agreed to grant computer makers broad new rights to configure Windows so as to promote non- Microsoft software programs that compete with programs included within Windows. Microsoft has also agreed to design future versions of Windows, beginning with an interim release of Windows XP, to provide a mechanism to make it easy for computer makers, consumers and software developers to promote non- Microsoft software within Windows.

I urge you to support this settlement and allow Microsoft to devote its resources to designing innovative software, rather than litigation. Thank you for your support.

Sincerely,

Felix Yukilevich

MTC–00030294

JAN-25–2002 14:15
PBG/FINANCE
2i2 904 4060
P.82/85
21 Bennett Avenue APT, 26
Now York, NY 10033
January 11,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

To Whom It May Concern:

Subject: Microsoft Settlement

I'm writing you about the DOJ v Microsoft antitrust lawsuit, I've heard how important it is for the government, the interest of Americans. According to the Tunney Act, we (the people) have a given period of time when we can express our opinions on the case.

I want to take this time to express my opinions about the case. I'm a high school student (18 years of age), and in my senior year. I attend the Urban Academy High School (In Manhattan, the Borough of New York City). This case is very important 1:o Americans, and the students as well, for we are all American.

I've been following this case for quite a long time, and I believe, and know that Microsoft is guilty of no crime, unless you can count innovation as one. If we all take a brief moment end think, we can't remember who invented the steering wheel of the automobile; and yet every automobile company features this mechanical part in the car. So far, nobody has cried foul yet.

For another example: when Nissan manufactures its car, the company includes a (Nissan) thermos, and only Nissan's, no one else's; so companies have a right to litigate because the thermos is in any way ''anti-competitive''? So, if Microsoft doesn't feel that it needs to include more programs into its Operating System, it has the constitutional right not to. Why don't you bother Ford, or GMC about them being ''uncompetitive'' about their products if they happen to withhold their secret to their car engineering, and locking out competitors'' parts? I'll tell you why, because it's ludicrous to persecute a company (constantly)just because they don't want to pre-install certain programs.

Microsoft's main competitor Apple should be litigated for locking out competitors as well. The fact that Apple's Macintosh Operating system only runs on Apple's Macintosh computer, and no one else's. No other company has a pre-loaded Mac OS, and that is anti-competitive. Microsoft is being forced to include what we computer people call ''bloat ware''——loading up the OS with unnecessary programs, graphics, etc. People can install these programs on their own. Some of those (major) programs include:

. AOL (and all its products)
. NETSCAPE
. PRODIGY
. AT&T WORLDNET

By counting the hard drive space that these programs take up, the result would be unbelievable. Microsoft doesn't have to include them all, due to the fact that we can install programs of our choice. The same way you download software, freeware, and shareware off the Internet, you can install them just the same way. Why do we need all those programs bundled with Windows? I purchased Windows, so why do I have to get all those Online Services, and all those Instant Messengers (AOL, and Yahoo!)? It Just slows down the computer, no wonder Windows is the OS that is most expected to crash. Why isn't Apple being forced to do the same? How about Corel with its Linux OS? Mandrake's Linux, or Redhat's Linux?

Microsoft is a very innovative corporation. If not for Microsoft, I shudder to think how the world would look like today. Think about this: what do you at the DOJ use for word processing? Do you use the Windows OS? Or do you still use one of those typewriters? Think about it. The briefs for the U.S. Supreme Court cases are written on PC Computers, with Microsoft Word. The sad part is, is that the 9 Justices don't realize that they (or their clerks) are using them. Every court in The Nation uses Laptop computers, and I know they are not Apple's. I, as a professional computer user in the technical fields, I know the necessities, and making sure that Netscape has its browser pro-loaded in Windows is not one of them. AOL is a company that people have a tendency to dislike. My parents and canceled our AOL account, we now use Road Runner Cable service. So why are we being forced to include AOL's buggy software on Windows? We can install it if we want to. AOL's Instant Messenger has a new security problem that gives hackers the control of the victims'' computers.

Microsoft was also accused of forcing consumers to view pictures, play music files, etc... with Internet Explorer, but that [s not true; you don't have to associate the browser with picture file extensions, or music extensions, you can select a different program (Netscape). The reason why you can view pictures through Intemet Explorer is that it's a Web browser, and Web browsers are built to view information on the Intemet, (that includes pictures, music clips, etc...). In fact, you don't have to use Intemet Explorer; you can use Netscape, Lynx, Mosaic, and other third party Web Browsers. In fact, I've even installed other Operating Systems (Mandrake Linux) on my SONY VAIO computer and it works perfectly.

I know how our opinions are Important to you, and therefore, I've written you mine. I also know that it is vital to have opinions on Information Technology from students (high school, and/or college), for it is the ''hot topic'', and we are the future, I'm going to major in Computer Information Technology; therefore, I'm familiar with this field. I'm also interested in law and politics, and want to take Political Science in College.

I hope we can all settle, and move on. Continued litigation is not the right answer. Good luck with the decision.

Sincerely,

Felix Yukilevich.

MTC–00030296

Jan 25 02 12:28p
O'Doherty
(G51)483–2691
p.1
Ned K O'Doherty
177 Galtier Place Shoreview
Minnesota- 55126
January 15, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

As a very satisfied user of Microsoft products and customer service, I would like to add my support for settling the Federal lawsuit after the public comment period ends later this month. I believe any further action would compromise the free market, as the idea of a break up or other extreme measure to rectify lack of competition in the industry was truly over the line.

Having seen the terms of the agreement, I support many of the gestures made in the settlement and see this deal as a fair compromise. The measures to provide an open architecture to competitors, not discriminate against computer makers utilizing non-Microsoft software programs and offer a uniform price list for licensing the Windows operating system to the top 20 computer manufacturers, all seem like good steps to guaranteeing free competition to all. As someone facing anti-competitive tactics in the pharmaceutical industry, the benefits of a uniform price structure have definitely resonated the most.

Now that a settlement has been reached and Microsoft is offering such a wide range of positive measures to give competitors more than their fair chance in the marketplace, I hope the Justice Department will accept this deal and move on to more pressing issues. Any more action would hurt businesses, consumers and the country. Thank you.

Sincerely,

MTC–00030297

01/25/02 14:16
FAX 212 450 1555
THE LUDWIG GROUP INC.
143–40 Roosevelt Avenue
Flushing, NY 11354–6145
January 24, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

There has been a recent settlement to the antitrust case brought against Microsoft. This agreement came as a result of round-the-clock negotiations, with both sides agreeing to settle this dispute. I want to give my support to this agreement. Microsoft has been chastised and has opened the company significantly to competition. It is important for us to put this matter in the past since it has not only been decided in a U.S. District Court, but by the parties as well. I do not believe further litigation will be beneficial to our economy or country.

As I understand it, Microsoft has agreed to a great many terms that extend well beyond

the issues raised in the initial suit. Microsoft has agreed to allow computers to ship non-Microsoft products to customers; Microsoft has agreed to help companies achieve a greater degree of reliability with regard to their networking software; Microsoft has agreed to design future versions of Microsoft with a mechanism to make it easier to promote non-Microsoft software. I urge you to g-ire your support to this agreement. Thank you.

Sincerely,
Pauline Schwager

MTC–00030298

1/25/2002 2:17 PM
FROM: Fax Caudill Consulting
TO:
1–202–307–1454
PAGE: 001 OF 001
January 17, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC. 20530–0001

Dear Mr. Ashcroft

Today I write to express my opinion regarding the Microsoft antitrust settlement. I believe that the settlement is fair and beneficial to everyone involved. It is therefore in the best interests of our country that this issue be resolved.

Through a court appointed mediator Microsoft has settled on the terms of this agreement, which goes beyond the original scope of the case. Microsoft has agreed to change procedures that were not originally an issue in this lawsuit. An example of this is Microsoft's agreement to disclose the internal interfaces of its Windows system to its competitors.

Clearly Microsoft is interested in resolving this issue. I believe that it is time we do just that.

Sincerely,
James Caudill

MTC–00030299

JAN–25–2002 12:24
PM
P. 01
6739 Murray Park Drive San Diego, CA 92120
January 24,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

From seeing how the IT sector has affected Silicon Valley and the bay area's economy, I urge you to end any further litigation in this Microsoft antitrust case. Microsoft did not get off easy. After extensive negotiations, they agreed to terms beyond what is expected in any antitrust case. Microsoft has agreed to document and disclose various interfaces that are internal to Windows'' operating system to the competition, Also,

Microsoft has agreed to use a uniform price list when licensing Windows out to the 20 largest vendors in the U.S. It's obvious to me that Microsoft wants to settle this case so they can go back to business. Shouldn't we get back to business and put people back to work and out of this Recession. Please,

I urge you, no more litigation.

Sincerely,
Steven Horowitz

MTC–00030300

01/25/2002 FRI 14:19
FAX 001/001
David Dindy
8 Baron Park Lane Apt. 27
Burlington, MA 01803
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Last November the Department of Justice and Microsoft agreed to terms on a proposed settlement that will bring an end to the antitrust suit against Microsoft. I support this settlement.

If you look back, the economic downturn started the day that the Department of Justice filed the antitrust suit against Microsoft. The market has been spiraling downward ever since. This settlement sets forth certain obligations that Microsoft must adhere to, and those terms will encourage competition and spur economic growth. Microsoft has agreed to design future versions of Windows that will make it much easier for software and hardware developers to reconfigure the Windows operating system to include non-Microsoft software. Technology companies will be working hard to create a product that will work well in Windows, and that will catch the eye of consumers. This is just what is needed, and the industry will benefit.

I support this settlement, and hope it is approved as soon as possible.

Sincerely,
David Dindy

MTC–00030301

Jan 25 02 02:23p
CINDY BL??EUER 863–802 8722
p.1
4300 STEWARD ROAD
LAKELAND, FL 33815–3240
863–688—4042
863–802–8722 (FAX)
CJPALLET CO., INC.
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Ave, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I believe that it is time for the Microsoft. case to come to an end. For the past three years, the government has wasted its time and energy on a case concerning the problem with Microsoft's success. I believe this to be a mistake. However, I understand that the issue at hand now is whether the settlement is fair to the consumer. Thus, being a consumer myself, I would like to support Microsoft in seeing the end of this settlement.

Three years is a long time for any lawsuit especially since Microsoft has agreed to many terms beyond the scope of these current issues. Basically, Microsoft has agreed to promote the competition as well as to provide them with valuable interfaces that will enable compatible software. Because of this, I believe Microsoft to have sufficiently fulfilled their debt to the competition.

Microsoft is a great company and their success should not be punished any longer. After the finalization of this settlement, I am confident that it will be to the best interest of not only the consumer but also the software industry so that new products and technologies can be developed. Thank you for taking the time out to listen to the public voice.

Sincerely,
Cindy H. Blaeuer
2nd Vice President
Serving the Industry Since 1969!

MTC–00030302

Jane R. Maytin
20011 Cameron Mill Road
Parkton, MD 21120
Via Facsimile 1–202–307–1454
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Attention: Microsoft Settlement

Dear Mr. Ashcroft:

I am writing to voice my opinion regarding the settlement of the Microsoft case. I am glad to see that there is an end in sight. I just hope that the settlement is accepted and we can all get on with our lives. Microsoft has given a lot to our economy and they need to be allowed to focus on developing new products instead of fighting legal battles.

I work in the Development office at a private school in Maryland; we use Microsoft products to run our department and I personally use Microsoft products at home as well. Even though the settlement is harsher than they have wanted, Microsoft is agreeing to a lot just so they can move forward with business. They are sharing an unprecedented amount of technology information with their competitors and will also be changing their anticompetitive business practices. All of the terms of the settlement are more than fair and will allow our computer industry to boom again.

Please do your part in ending this lawsuit. I believe it is for the good of our entire country that you accept the proposed settlement.

Sincerely,
Jane R. Maytin

MTC–00030303

RIKER, DANZIG, SCHERER, HYLAND & PERRETTI LLP
50 West State St.
Trenton, NJ 08608–1102
(609) 396–2121
FAX (609) 396–4578
FAX COVER SHEET
Date: January 25, 2002
From: Mary Kathryn Roberts
User ID # 0298
Attorney #: 0298
Client/Matter #: 16995/2
Re: Microsoft Settlement
Pages sent (including cover): 3
RECIPIENT FIRM CC:
FAX NUMBER
Department of Justice
202–307–1454 or 202–616–9937
.Comments:

Please see attached statements from New Jersey legislators. Confidentiality Note:

The documents accompanying, this telecopy transmission contain information from the law firm of Riker, Danzig, Scherer, Hyland & Perrerd LLP, which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named in the transmittal sheets. If you ate not the intended recipient, you arc hereby nod fled that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopy is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone so that we can arrange for the return of the original documents to us at no cost to you.
3114591.01
Time Sent:Operator:
NEW JERSEY GENERAL ASSEMBLY
GUY R. GREGG
ASSEMGLYMAN, 24TH DISTRICT
MORRIS-SUSSEX-HUNTERDON COUNTIES
268 ROUTE 20??. BUILDING D
FLANDERS. NJ 07896
(973) 584–5422
FAX (973) 584–2977
E-mail. AsmGregg@??
COMMITTEES
CHAIRMAN
REGULATORY OVERSIGHT
MEMBER
COMMERCE, TOURISM.
GAMING, AND MILITARY
AND VETERANS AFFAIRS
January 25, 2002
Ms. Renata Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
RE: Microsoft Proposed Settlement Agreement
Dear Ms. Hesse

The Microsoft settlement is a nimble resolution that preserves competition, allows Microsoft and its rivals to freely continue to meet consumer demands, and helps define the direction of government's role in the high-tech industry. More than anything, certainty and resolution will help the economy and promote new investment in technology.

In my estimation, it will be very hard to justify rejecting a settlement that is good for consumers, the technology industry and the economy as a whole. Accordingly, I urge you to accept the proposed settlement agreement.

I thank you for your time.

Sincerely,
Guy R. Gregg
Assemblyman
District 24
GRG:kvp

January 24, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Re: Comments on the Microsoft Proposed Settlement Agreement
Dear Ms. Hesse:

When word of a possible settlement in the Microsoft case broke, the markets surged. In spite of gloomy economic reports, the news was viewed by investors as a sign that our nation's critically important high-tech industry could move forward. The fact is that news of an impending settlement lifted the share price of technology companies across the spectrum, including Microsoft's rivals. AOL, Time Warner, Sun, Oracle, IBM—they all saw their stocks jump.

The economics of settlement were made clear by the markets. Public sentiment—from consumers to businesses to investors—favors settlement. This fair settlement prevents Microsoft from abusing the strength that it derives from its operating system, but still allows the company to continue to innovate in all areas of software development.

As elected officials from the New Jersey Legislature, we congratulate the Department of Justice for developing a strong but fair settlement and its efforts to put and end to this lawsuit.

Sincerely,
The Honorable Anthony Bucco
New Jersey Senate
Co-Republican Majority Leader
The Honorable Robert Singer
New Jersey Senate
Co-Republican Majority Leader
The Honorable Gerald Cardinale
New Jersey Senate
Co-Chair Senate Commerce Committee

MTC–00030304

Christine Williams
PO Box 1069
Clinton, WA 98236
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I am writing to share my thoughts on the Microsoft Anti Trust case. l believe that the Clinton Administration's Justice Department should never have pursued a legal case against Microsoft in the first place, but I do think that the proposed settlement is in the best interests of everyone involved. From the moment this case began our economy has been negatively affected. It is imperative that Microsoft be free of legal entanglement so that the company can continue to provide innovative products to the marketplace and contribute to the recovery of our economy and the reversal of the recession.

Microsoft is one of the dynamos behind our leadership and superiority in the World Market today. Please don't allow the company's dynamism and innovation to be diminished any further by actions of the Justice Department. ''Dragging down'' Microsoft puts our county at greater peril.

Sincerely,
Christine Williams

MTC–00030305

64 76 ROCKAWAY AVE REALTY CORP.
1005 Park Lane E
Franklin Square, NY 11010
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

The settlement with Microsoft is in the best interests of the public and the economy. It is both fair and reasonable, and it will prevent future anticompetitive behavior. This case has dragged on for far to long and now is the time to end it. This settlement has placed many restrictions on Microsoft. For example, Microsoft has agreed to document and disclose for use by its competitors various interfaces that are internal to Windows'' operating system products—a first in an antitrust settlement. Also, Microsoft has agreed not to enter into agreements with any third party to promote any Windows technology exclusively. Plus, Microsoft has agreed to a ''Technical Committee'' that will monitor the company's compliance with the settlement. A quick return to business as usual should be the focus for all parties involved in this case, not a return to the courtroom. State and Federal budgets have already been spending millions of dollars on this case unnecessarily. Let's end this litigation as soon as possible.

Sincerely,
Fred Bothe

MTC–00030306

Joseph Kishman
3001 Market Street Suite #10
Philadelphia, PA 19104–2800
January 8, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington DC 20530–0001
Dear Mr. Ashcroft,

As a concerned citizen, I write you in support of the recent settlement between Microsoft and the Department of Justice. After three years of court battles, it seems ridiculous to waste our resources on scrutinizing a well-calculated and well-monitored agreement. The process was not only well monitored, but was carried on in the interest of the entire IT sector. Microsoft, as well as other IT companies, is ready to move forward and get back to business. Let us not be the ones to hold them back.

Not only did Microsoft agree to reconfigure licensing and marketing agreements, but also agreed to redesign future versions of Windows in order to help promote non-Microsoft software. If this isn't in the interest of the technology industry as a whole, I don't know what is. As we continue to delay this process, we continue to jeopardize our position in the global market. We need to move forward and get back to business so that we may help out our current economic situation.

I urge you to support the settlement in its current state, and help us to get our IT sector back to business. I thank you for your support.

Sincerely,
Joseph Kishman
Cc: Senator Rick Santorum

MTC–00030307

Leonard P. Ponte
14156 E. Hampden Place
Aurora, Colorado 80014
January 16, 2002
Attorney General John Ashcroft

950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Attorney General:

I am writing in Support of the Microsoft antitrust case settlement. I would like to see the litigation end. I am hopeful the Court will not hesitate to approve the settlement, agreement the parties recently hammered out.

It goes against my principles to settle a case just for the sake of getting out of the litigation. Especially when in a case like this the suit should not have been filed in the first place. However, there comes a time when a company must cut its losses and do what it takes to end the litigation insanity.

Microsoft has clearly gone above and beyond what should be required of them. They have agreed to not retaliate against third parties who distribute or promote software that competes with Windows. They have also agreed not to enter into contracts obligating third parties to exclusively sell Windows products. They have also agreed not to enforce their intellectual property rights. I don't think continuing the lawsuit will result in anything else of substance

The settlement agreement should be approved in its present form, and the parties: focus their efforts on more fruitful endeavors.

Sincerely,

MTC–00030308

Kansas Legislative Education And Research
Legislators Defining the Role of Government
January 25, 2002
BOARD OP DIRECTORS
President Rep Andrew Howell
Vice President Rep. Peggy Palmer
Secretary S??. Tim Huelskamp
Treasurer Rep. Peggy Long
Sen. Bob Lyon
Rep. Bill McCreary
Rep. Judy Morrison
Rep. Don Myers
Sen. Robert Tyson
Executive Director Bob L. Corkins
Ms. Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms Hesse:

On behalf of KLEAR, Inc., an association of Kansas state legislators representing nearly a third of this state's current House and Senate office holders, I write today with their explicit authorization in strong support of the proposed Final Judgment to the Microsoft antitrust case offered by the U.S. Department of Justice and endorsed by nine state attorneys general. Regrettably, Kansas is not yet among the states agreeing to end their pursuit of this ill-conceived litigation. However, we will continue to press the bee-market rationale for an end to this counter-productive legal course. With the direct means at our disposal, we have already severely restricted the state resources that may be devoted to its prosecution.

The rationale for ending the litigation is squarely in line with our KLEAR philosophy. We stand for the Constitutional principles of limited government, individual liberty, free enterprise and traditional family values. From its initiation forward, the antitrust action against Microsoft has been an affront to these principles that hold real hope in achieving the greatest good for the greatest number of people.

In harmony with a glut of esteemed economists and legal scholars from around the country, we consider the justification for the lawsuit to be baseless. New competitors have emerged to challenge Microsoft's well-earned dominance. Consumer have benefited greatly from reduced prices and improved products. In fact, conspicuously absent at trial and in endless media accounts of the controversy is any evidence that consumers have been harmed. To the contrary, Kansans have lost hundreds of millions of dollars as a result of the antitrust litigation. Our own pension program for government employees in this state has seen its unfunded liability mushroom as a direct product of the legal attack on Microsoft. When we take into account such tangible negative effects, the fragile case theory, the inappropriate and counter-productive remedies imposed by Judge Jackson, and the threat to this country's core principles of liberty, our decision to support the proposed Final Judgment to this lawsuit is KLEAR-cut.

Bob L. Corkins
Executive Director
827 SW TOPEKA BLVD
TOPEKA, KS 66612
PHONE 785–233.8765
EAX: 928–244–3262
EMALL: k?? kless@webell.net

MTC–00030309

Carol Storm
15420 139th Avenue SE
Renton, WA 98058–7828
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania
Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I would like to take this opportunity to express my feelings about the antitrust settlement made between Microsoft and the Department of Justice. I feel the settlement reached is more than Microsoft should have agreed to in the first place. Not only has this damaged Microsoft, but it has also hurt the economy and the rest of the IT industry.

Microsoft has taken many steps to help put this issue to rest. They have agreed to document and disclose for use by its competitors various interfaces that are internal to Windows'' operating system products. In conjunction with this they have agreed to a uniform price list. This means that Microsoft will license its Windows operating system products to the 20 largest computer makers on identical terms and conditions, including price.

It is obvious that I feel this issue needs to be resolved. This agreement is a step in the right direction.

Sincerely,
Carol Storm

MTC–00030310

1341 Desoto
Ypsilanti, MI 48198
Fax
To: Renata Hesse
From: Joy Lauderman
Fax: 1–202–307–1454
Pages: 2 (total)
Phone: 734–764–1575
Date: 01/23/02
Re: Opposition to the Microsoft Settlement
Comments:

The included letter states my strong opposition to the proposed DoJ vs. Microsoft settlement.

1341 Desoto
Ypsilanti, MI 48198
January 23,2002
Renata Hesse
Trial Attorney
Suite 1200
Antitrust Division
Department of Justice
601 D Street NW
Washington, DC 20530

I am writing about the proposed settlement in the U.S. vs. Microsoft anti-trust case. After reviewing the proposal, it seems to me that the Department of Justice let Microsoft off easy. I find it highly concerning that most observers of the case consider this settlement to be a victory for Microsoft that will allow them to continue with business as usual. Since Microsoft was found guilty as a predatory monopoly and they have already violated a prior agreement with the DoJ, much stronger remedies are in order.

Any settlement that allows Microsoft to determine what non-Microsoft products may be invoked by Windows and subject that product to a reasonable technical requirement, determined by Microsoft, is terribly is flawed, In addition, the ability of Microsoft to limit the disclosure of API's or communications protocols if they may compromise the security of a particular installation or group of installations is overly broad. Finally, the release of data cannot only be to those that meet objective standards established by Microsoft for certifying the authenticity and viability of their business.

In particular, the viability of business clause completely omits educational, non-profit, open source and free software developers from being eligible for disclosure of API's or communications protocols as the nature of their endeavors are not necessarily to be viable businesses. This is clearly a strategic move on Microsoft's part as it allows them to squeeze the open source Linux community from being able to compete as efficiently in the server and desktop markets. Any remedy must include full public disclosure of all API's and communications protocols. The information disclosed must be determined by an independent third party that is given sweeping investigative and enforcement powers with public accountability, Anything less will not restore competition to the software industry or prevent future anticompetitive behavior from Microsoft.

Sincerely,
Joy Lauderman

MTC–00030311

Fax Cover Sheet
Date: Jan 25 2002
To: Dehastment of Justice
Company:

Fax: 1–202–307–14.54
From: william a ?? som
Company:
Tel: 650 968 5845
Number of pages including this one: 2
kinko's
20660 Homestead Road
Cupertino, CA 95014
Tel: (408) 777–1000
Fax: (408) 777–1030
Comments:
microsoft Settlement
Date: Jan 25, 2002.
To: Department Of Justice
From: William Peterson
Subject: Microsoft Settlement.

I'm very satisfied with the settlement between Microsoft and US Department of Justice. The following is the main reason. As a US citizen is my duty to try my best to provide any information that is good for our country.

I have read extensivly material and documents on this case and settlement including: Complaint(5/18/1998), Stipulation (11/06/2001) and Competitive Impact Statement (11/15/2001). Its a good thing you folks and Janet Reno weren't around at the turn of the last century. If you were I wouldn't be driving my ford.

The Department Of Justice gave Microsoft a very strong order, stronger than the compitition complainted about. I'm very happy that Microsoft agrees to this final settlement.

Sincerely
William G Peterson
LOS ALTOS, CA 94024

MTC–00030312

DATE
Renata Hesse
Trial Attorney
Antitrust Division
U.S. Department of Justice
601 D Street, NW, Suite 1200
Washington. D C. 20530

Dear Ms. Hesse

Under the Tunney Act the Department of Justice is required, to provide a public comment period on the merits of the proposed settlement of the Microsoft Anti-Trust case. I gratefully accept this opportunity to participate m this public comment period.

Our new Attorney General, John Ashcroft and the Department of Justice were on target to actively pursue an equitable settlement with Microsoft. It is unfortunate that some states and several of Microsoft's competitors are insistent in their arguments that this case must continue to be prosecuted, in my view, this is proof that they are only focused on their own self-interest and not on the national economy or the growth of the technology industry.

It is unfortunate that companies like AOL and Oracle are apparently more interested in continuous legal wrangling instead of competing on the open market. Arguing that this case should continue ignores the major remedies found in this proposal. While I can only comment on those made public, it would seem to me that guaranteed flexibility for computer manufacturers, Microsoft's sharing of intellectual property and the establishment of a ''policing'' commission, all combine to create a very fair agreement.

I urge you to accept this settlement.

MTC–00030313

DISTRICT OFFICE:
191 WAUKEGAN ROAD, SUITE 204
NORTHFIELD IL 60093
847/441–0077
FAX: 847/441–9322
E-MAIL:SENKATHYPARKER@
WORKLONET.ATTNET
CHAIR: TRANSPORTATION
VICE CHAIRMAN: PUBLIC HEALTH AND
WELFARE
MEMBER: COMMERCE & INDUSTRY
CAPITOL OFFICE:
ROOMM118 STATE CAPITOL
SPRINGFIELD IL 62706
217/782–2119
FAX: 217/782–0650
ILLINOIS STATE SENATE
KATHLEEN K. PARKER
STATE SENATOR .
29TH DISTRICT
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D, Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse:

It's great news for the country that a settlement has been reached between Microsoft and the Department of Justice and the nine Attorney Generals. The reaction from Americans was overwhelmingly in support of the settlement. It is so important that we try to stabilize the high tech industry at this time. And continuation of this lengthy lawsuit is not in the nations's best Interest as the country grapples with recession, business failure and stock market shocks.

I support your efforts to resolve this Issue with a meaningful and fair agreement.

Sincerely,
Kathleen K, Parker
Senator
29th District
KP:ckr

MTC–00030314

E. P. FRANKS. M. D.
Two EXECUTIVE PARK DRIVE
STUVVESANT PLAZA
ALBANY, NEW YORK 12203
TELEPHONE 518–438–1332
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing to express my opinion about the Microsoft ant/trust settlement agreement. I understand flint the Justice Department is accepting public comment on this issue, and I would like to state that I am in full support of the current agreement, because I believe it is a fair and reasonable solution to this complex case.

It took more than three years to reach this agreement, and I believe that it should remain in its present form. Microsoft has agreed to share its technology and information, allow its rivals to be more competitive in the market, and permit non-Microsoft programs to be installed in Windows. In my view, Microsoft has agreed to the changes that most significantly affect the American public.

For this reason, and because the company produces a reliable, high-quality product, I will continue to support Microsoft. I certainly hope that file government will maintain the integrity of the current agreement and allow the computer company to do what it does best—create and innovate.

Sincerely,
Edward P. Franks, MD FRCOphth

MTC–00030315

Washington State Senate
Democratic Caucus
322 J.A. Cherberg Building
PO Box 40482
Olympia, WA 98504–0482
(360) 786–7350
FAX: (360) 786–7020
TO PPHONE:
FROM:
PHONE:
DATE: TIME:
PAGES (EXCLUDING COVER):
COMMENTS:
Washington State Senate
Senator Sid Snyder
19th Legislative District
Majority Leader
Residence:
PO Box 531
Long Beach, WA 98631
(360) 642–2519
Olympia Office:
311 Legislative Building
PO Box 40419
Olympia, WA 98504–0419
(360) 786–7636
January 22, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
RE: Proposed Settlement of US v. Microsoft

Dear Ms. Hesse:

I support the Department of Justice and the nine state Attorneys General for their efforts to finally put an end to US v. Microsoft and agree to a settlement that is in the best interest of the nation and Washington State.

A driving force for the new economy, Microsoft has provided a number of innovative, quality software solutions for businesses and individual consumers over the years. Microsoft has also created thousands of jobs in Washington State. The company's employment growth has had a positive multiplier effect on our economy—one study estimates that every Microsoft job results in an additional 3.4 Washington jobs. Microsoft's presence in this state contributes to a high-tech sector that employed more than 130,000 Washingtonians in 2000 and generated $15.5 billion in state payroll in 1999.

The provisions of this settlement, worked out with one of the nation's top mediators, will allow Microsoft and its competitors to continue developing new products and services. This is undoubtedly good for the

high technology industry, the Washington state economy and the nation's economy as a whole.

Sincerely,
Sid Snyder
State Senator, 19th District
Committees: Agriculture & International Trade . Natural Resources, Parks & Shorelines . Rules . Ways & Means

MTC–00030316

P.O. Box 1079
Colfax, CA 95713
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The Microsoft ?? within for resolution among comp??. This settlement will provide computer makers and software developers with flexibility when configuring Windows to better promote non-Microsoft software programs that compete with programs included within windows, without the threat of a lawsuit. Microsoft will also use a uniform price list when licensing Windows out to the twenty largest computer makers in the nation, and will not retaliate against companies that use or promote software that competes with Microsoft's programs.

As a retired professor of Engineering & Technology in Sierra College, Rocklin, California, I constantly researched different software programs and found Microsoft's software programs superior among the competition.

The steps taken to settle this case are important because it shows Microsoft has nothing to hide regarding its business practices, and competitors will have an equal playing field.

Sincerely,
Kenneth J. Weger

MTC–00030317

1390 Braewood Drive
Algonquin, IL 60102–3238
January 25, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I want to take a little time to express my full support for the settlement concluded between Microsoft and the Department of Justice last November. I believe the settlement is good for consumers and our economy.

The terms of the agreement are fair and reasonable to both sides. Microsoft has agreed to many concessions in order to wrap this case up and move forward. For example, Microsoft has agreed not to retaliate against computer makers who ship software that competes with anything in its Windows operating system. Also, Microsoft will be monitored by a three-member Technical Committee to assure compliance with the settlement.

As a business owner, I fully understand the importance and value Microsoft provides to both businesses and consumers. This settlement will free them to continue to provide the innovation that has made our economy the engine for the entire world.

Sincerely,
Michael Reilly
cc: Representative J. Dennis Hastert

MTC–00030318

5701 Woodward Avenue
Downers Grove, IL 60516–1128
January 12, 2002
Attorney General John Ashcroft
U.S. Department of Justice
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I was recently amazed to find out that the three year long settlement between Microsoft and the Department of Justice, might be delayed even further. I cannot believe that there would be anything further to discuss. After a well thought out process, these meticulous terms are ready to be set in motion. Let us support the process, by letting this take place.

Not only has Microsoft agreed to redesign new versions of Windows to better accommodate non-Microsoft software, they have also agreed to rework licensing and marketing agreements as well. This definitely proves that Microsoft has been working for the benefit of the IT sector as a whole. By using this agreement as a guideline, the IT sector can get back into the mainstream, and help maintain our position in the global market.

I urge you to help us maintain our global status. Please help stop any action against this settlement. Thank you so much.

Sincerely,
Wayne Wisniewski

MTC–00030319

2181 Osprey Point Dr. W
Jacksonville, FL 32224
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing in order to express my relief over the settlement with Microsoft. I have waited three long years in order for this thing to finally be over and it seems as if the end is in sight. I hope that the federal settlement goes forward so that we can all put this thing behind us.

Microsoft has sacrificed much in order to reach an acceptable settlement with the Department of Justice and I hope that people will realize and respect that They have offered to forgo many of their intellectual property rights and license out software to their competitors. They will also give competitors some say in how computer manufactures can configure their product. This means that they stand to lose a substantial portion of their profits as well as aiding their competitors in contending against Microsoft's products.

Microsoft is willing to do this in order to end this case once and for all I hope that they will be allowed to do so and that this settlement will mean an end to any more action at the federal level.

Sincerely,
Eileen Kirby

MTC–00030320

Caroline Raphun
2109 Nancy Ann Drive
Raleigh, NC 27607
January 21, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Fax 202–616–9937
microsoft.atr@usdoc.gov

Dear Ms. Hesse:

As a parent and a taxpayer, I am impressed by what I have heard about the proposed settlement of the Microsoft case. This litigation has gone on too long and cost too much of the taxpayers'' money. Our state's attorney general has accepted the settlement, and that is a welcome step. I hope the federal court will now do the same.

Microsoft may well be guilty of illegal and improper behavior. It is difficult for the average person to make that judgment. But one can recognize the wisdom of settling a case that distracts an important industry from its work during a time when our nation's economy faces an uncertain future.

Sincerely,
Caroline Raphun

MTC–00030321

HOUSE OF REPRESENTATIVES
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333–0002
(207) 287–1400
TTY: (207) 287–4469
Brian M. Duprey
PO Box 214
Harnpden, ME 04444
Telephone: (207) 862.57115
Fax: (207) 287–1449
E-Mail: repduprey@hotmail.com
January 18, 2002
Renata Hesse
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse.

I am a business owner and legislator who wish to strongly encourage you to accept the proposed settlement between United Stats vs. Microsoft Corporation.

Rather than focusing on improving technology, creating jobs and helping the economy and our nation to rebound, AOL, Oracle, Apple, Sun and others engaged the Justice Department in their effort to compete with Microsoft, Their true intention has clearly been to deny consumers their market choices and instead force them. true paying higher prices for lesser quality products. Competition is the key, not government intrusion.

Without competition, the high technology industry would be completely insignificant. Microsoft, Sun, AOL, Netscape, and other all drive each other to Iowa prices and better products, all the to benefit of consumers.

The time has come to settle this case. Our country needs to see responsible companies mad our government working together on issues of national concern.

Sincerely,
Brian M. Duprey

State Reprcsen??
District 114 Ha??pden, Newburgh and Dixmont
Printed on recycled paper

MTC–00030322

FRANCES T. SULLIVAN
Assemblywoman 117th District
THE ASSEMBLY
STATE OF NEW YORK
ALBANY ALBANY OFFICE
Room 437
Legislative Office Building
Albany, New York 12248
(518) 455–5841
DISTRICT OFFICE
200 N. Second Street
Fullon, New York 13069
(315) 598–5185
January 25, 2002
Renata Hesse, Trial Attorney
Antitrust Division
Department of Justice
601 D Street NY, Suite 1200
Washington, DC 20530
Re: U.S. v. Microsoft
Dear Ms. Hesse:

Throughout my tenure in the New York State Assembly I have been a strong advocate on behalf of small business, consumers, and decreased government regulation.

As an extension of this advocacy I write to support the proposed settlement between the U.S. Department of Justice and Microsoft. It appears that continued litigation would satisfy only technology competitors of Microsoft while the negotiated settlement will inure to the benefit of taxpayers, consumers, the industry and the state and national economy.

Since the most desirable outcome would be that which serves the best interest of the general public, I respectfully urge a favorable consideration of the pending settlement. Thank you.

Sincerely,
FRANCES T. SULLIVAN
Assemblywoman 117th A.D.

MTC–00030323

Joseph A, Sale
Government Consulting
301 South B??onough Street, #600
Tollaha??ee, Florida 32301
January 25, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D. Street NW, suite 1200
Washington, DC 20530–0001
Dear Ms. Hesse:

Recently, I was pleasantly surprised to learn that Microsoft had reached a settlement with nine states. I believe so for two key masons:

First, as a matter of principle, it is the right thing to do. This Ant/trust case has worn its welcome out and has gone on too long. Now is the right time to settle, given the state of the economy. Second, and most important, the terms of the agreement are fair and balanced to everyone. Microsoft agrees to share its intellectual property when necessary and will not penalize a company if it does not use Microsoft products. At the same time, Microsoft is allowed to move on and focus on its business without having to worry about this part of the Antitrust case.

This settlement benefits both sides, and I fully support it.

Thank you for your time.

Sincerely,
Joseph A. Sole

MTC–00030324

Design
Embroidery
Screenprinting
Promotional Products
924 Main Street ??
Lynchburg, ?? 2450 ??
434–846–5223 ??
800–524–4739 ??
Fax 434–847–7563
?? www.hipeak.com
January 25, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW Suite 1200
Washington. DC 20530
Dear Ms. Hesse:

As a business owner who relies heavily on computer technology to be competitive, I have Followed the antitrust suit against. Microsoft. While I appreciate the concerns expressed, I believe there is a danger in the government interfering too much with product development, and regulations that will inhibit innovation.

It is my understanding that Microsoft has tried to address these concerns in order to being the case to a conclusion and to allow the company to move forward with developing new products. It has been reported that Microsoft is agreeable to the proposed settlement. I hope the Department of Justice will agree as well, and allow Microsoft to settle and move on.

Respectfully yours,
Rodney Taylor
Vice-President
Proud Members of:
LYNCHBURG CHAMBER
LYNCH'S LANDING

MTC–00030325

Ms Renata Hesse, Trial Attorney
25 Jan. 2002
Suite 1200, Anti-Trust Division
Department of Justice
601D Street NW
Washington, DC 20530
Dear Ms. Hesse,

I would like to add my thoughts to the others you receive regarding the proposed Microsoft settlement. In a nutshell, I believe the present settlement is inadequate to rectify a situation that, even while it helps some, also harms many others, both businesses and customers.

I am a private, self-employed, long-time computer user, and do not work in the computer or software industries. This makes me a customer. Let me state at the outset that I see no objection to a company, and company personnel, making large profits from a successful business. My objections are purely with the unethical, coersive, and harmful means with which that success was attained. The observations below are drawn from my own experiences and from news and anecdotes from select other sources, So I don't pretend to have complete and detailed knowledge, but am comfortably certain of the following:

—Microsoft has used pervasively the tactic of 'bundling' its software with new computers, forcing thousands of customers buying a new computer to pay for a Microsoft Windows operation system when they didn't want it and intended to erase it.

—Microsoft used blackmail tactics to induce companies with which they did business to use MS software or lose that business.

—Microsoft covertly employed people to pose as unaffiliated with MS but who issued concerted streams of lies and disinformation intended to instill Fear, Uncertainty, and Doubt (commonly known on usenet as FUD) in actual and potential users of non-Microsoft software. The Edelman PR and the Barkto incidents of four years ago are specific examples. Other similar tactics include the MS-fabricated 'grass roots' campaign to dissipate the increasing objections to Microsoft's nefarious tactics.

—Most directly experienced is Microsoft's concerted sabotage of non-MS software that competes with MS software. Most competing software applications went to some pains to describe how to work with MS Windows, while Windows ignored these apps and lavished attention on MS apps. But this neglect was only the beginning: Microsoft invariably 'tweakes' its OS to break competing apps. This has been happening so consistently, for so long, and requires such specific action, that it is not realistic to think it is accidental.

It is true that Microsoft's aggressive marketing has helped swell the number of computer users, and its enforced 'upgrading' regime has increased both hardware and software sales. These have lowered general costs, though at the expense of increased per-customer 'upgrading' cost. But their unethical business tactics have stifled competition and impeded diversification, exacting the additional cost on consumers of decreased choice and lowered quality (reliability and security of Microsoft software is generally deplorable by professional standards).

Some years ago the Department of Justice took IBM to task for its perceived business transgressions, issuing two decrees by which IBM needed to abide. It seems to me that Microsoft is at least as guilty of ethical misbehavior as IBM was, and therefore should be subjected to equally stern measures. In particular, mirroring the second IBM decree, the operating system should be open enough that independent software vendors have the information they need to write software that can compete with that written by Microsoft. This information needs to be equally accessible, with equal timeliness, to the independent software producer as to Microsoft's own applications producing department.

A specific case of this is document formats, whose specifications should be generally available so that Microsoft-produced documents could be read and edited by non-MS programs. Given Microsoft's established

record of unethical coercive business tactics, it is difficult to see how one can realistically expect Microsoft NOT to apply those tactics if they are able and have the motivation. If the same management entity controls both the OS producing department and the apps producing department, then it has the ability, and if it profits from both departments, it has the motivation. This is why I expect that as long as Microsoft's operations are combined, producing both 05s and apps, independent software producers will suffer large handicaps and customers, both business and private, will remain deprived of the advantages of product diversification and true competition.

Cordially,
Dushan Mitrovich
3111 Jane Pt NE, #279
Albuquerque, NM 87111

MTC–00030326

FROM: Lynchburg Florist & Antiques
FAX NO. : 8043856898
Lynchburg Florist & Antiques, Inc.
3224 Old Forest Road
Lynchburg, Virginia 24501
434–385–6566
January 25,2002
Ms. Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I am writing to encourage the Department of Justice to agree to the proposed settlement in the Microsoft Antitrust case. As a small business owner, t have benefited from the ease of use of Microsoft's software; it saves me money and employee hours.

I was glad to learn that Microsoft has agreed not to retaliate against software developers who develop competin9 software. This seems to have been a big part of the antitrust lawsuit, and I hope agreeing to this will enable DOJ to settle and allow Microsoft to continue to develop new products.

Sincerely,
President,
Lynchburg Florist & Antiques

MTC–00030327

City of SUDN
111 ?? First Street
P.O. Box 39
??, Texas 79731
??-??-21??2
Fax 806–227–2146
??
January 25, 2002
Renata Hesse
Antitrust Division
Department Justice
601 D Street NW, Suite 1200
Washington. DC: 20530

Dear Ms. Hesse.

The U. S. District Court has an opportunity to end one of the most misguid??d and wasteful lawsuits in the history of the United States by dismissing the remaining lawsuits against Microsoft Corporation and accepting the proposed settlement. The cost of the lengthy litigation has now exceeded $30 million and is rapidly rising as ??ch day passes. If the settlement is rejected, any eventual financial judgment against Microsoft will be so diminished by legal and administrative fees that vary little will actually find its way to the consumer.

The proposed settlement puts an end to the wasteful use off taxpayer dollars and requires Microsoft to make substantial concessions to its competitors. I am writing to ask the Court to accept the settlement and let consumers make the final determination as to the quality and usefulness of the products they buy.

Sincerely,
Freddie Maxwell Mayor
FM/??

MTC–00030328

House of Delegates
Telefax Service
Fax (804) 786–6310
General Assembly Building
January 25, 2002
To: Ms. Renata Hesse
From: Del. Michele B. McQuigg
Fax No.:
Long Distance 202–616–9937
Tel. No.:
City:
State:—

This transmission contains 2 pages, which includes this cover sheet. If you have any problems with this transmission, please contact (804) 698–1558.

Comments:

If you have any questions, call 804–698–1151.

COMMONWEALTH OF VIRGINIA
HOUSE OF DELEGATES
RICHMOND
MICHELE B. MCQUIGG
22–41-R TAKCETTS MILL DRIVE
WOO??SRIDGE, VIRGINIA 221??2
FIFTY-FIRSY DISTRICT
COMMITTEE ASSIGNMENT
COURTS OF JUSTICE
GENFRAL LAWS
COUNYIES, CITIES AND TOWNS
LABOR AND COMMERCE
January 20, 2002
Ms. Reneta Hesse
Trial Attorney
Antitrust Division
U.S. Department of Justice
601 D Street, NW Suite 12
Washington, DC 20530

Dear Ms. Hesse:

I am writing in support of the settlement of the Microsoft antitrust case. In a nation where we pride ourselves on free trade and development of services and ideas, Microsoft has proven itself. The agreement contains significant rules and regulations on how Microsoft develops and licenses its software, but it also allows Microsoft to keep innovating on behalf of consumers. I hope you will resist the efforts of Microsoft's competitors, who try to continue their efforts to dissolve this company.

We have many computer and Internet companies throughout Virginia, with a large concentration m Northern Virginia, the area I represent. The economy depends upon technology and Internet success—including Microsoft.

It is extremely important to allow this facet of trade to grow and produce without restriction. It is equally as important to allow it to grow free from fear of developing a product that is accepted universally by computer users.

I urge you to accept the settlement as just and fair. if you have any questions, please do not hesitate to contact me.

Sincerely,
Michele B. McQuigg

MTC–00030329

Diane Lyden
January 24,2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Attorney Hesse:

I have recently been made aware that you are accepting public comment in the case of U,S. v Microsoft. I would like to contribute letter in support of Microsoft.

This company has been at the forefront of technology and deserves to continue to be provided the opportunity to reach its company goals. Microsoft has provided Americans and the world with products and services at reasonable costs.

Although I can understand the concerns of the government and Microsoft's competitors, extreme restrictions and continued persecution on Microsoft's activities will only decrease the productivity of all computer companies and the American people. The settlement, as I understand it, gives a little to each party in this case without compromising the continual success of this industry.

Too much time has already been spent on this case. We should be concentrating our efforts on increasing national security, improving schools and healthcare, and offsetting the faltering economy. Government no longer has the luxury to be spending time and money on this issue. The United States needs to focus on the current problems facing the American people. Please approve this settlement as quickly as possible.

Diane Lyden
HC-62 Box 591 B
Center Harbor, New Hampshire
03226

MTC–00030330

John R. with
420 Palmer Ave
Aptos, CA 95003
FAX COVER SHEET
Fax 831–387–0552
SEND TO
Company name
From
Department of Justice
John R. Wirth
Attention
Date
Ms. R??n??ta B. Hesse
1–25–02
Office location Office location Washington, DC
Fax number
Phone number 202–307–1454
831–688–0897
URGENT URGENT URGENT URGENT

URGENT
Total pages, including cover. 1
COMMENTS

I am writing to ask that you accept the settlement proposed in the Microsoft case.

It is a total waste of my tax dollars to pursue this any further. Spending 35 million dollars is enough.

Thank you for your kind consideration.

MTC–00030331

Kinko's (tm) fax cover sheet
Kinko's Bailey's Crossroads .
Telephone: (703) 379–0909 .
Fax: (703) 998–2419
Date 25 Jan 2002
Number of pages 3 (including cover page)
to: Name Renata B. Hesse
from: Name David A. Wheeler
Company U.S. Dept. of Justice
Company (self)
Telephone Telephone 703–250–7047
Fax 1–202–616–9937

Comments

I am strongly opposed to the proposed find judgment in U.S. vs. Microsoft, there is no effective penalty & nothing to prevent similar future activities. These Comments (enclosed), which expand on this, are pursuant to the Tunney Act.

January 24, 2005

Dear Renata Hesse:

I am strongly opposed to the proposed final judgment in United States vs. Microsoft. Microsoft has been clearly convicted of illegal actions, and this is the penalty phase. Yet there is no effective penalty in the proposed final judgment, and in particular, nothing to prevent similar future activities. The proposed ''remedies'' are easily circumvented, indeed, they seem to be carefully crafted to ease circumvention! For example, APIs involving security need not be disclosed, so clearly Microsoft will simply re-label or modify many APIs to be security-relevant and thus circumvent the judgment. Microsoft has clearly harmed the computer industry and the consumer, robbing U.S. citizens of many innovative products, simply because so many organizations are now afraid to compete with Microsoft. Some have even been eliminated by Microsoft's illegal activities. A remedy must end these activities.

In addition to the current judgment, I believe that any remedy must ensure that there will be unfettered public access to all information necessary for interoperability. All interfaces, not just certain APIs, must be made public. Thus, in addition to the current judgment:

1. The specifications of Microsoft's present and future document file formats must be made completely public, so that documents created in Microsoft applications may be read and written by programs from other makers (this is in addition to the APIs already part of the settlement). Much of the world's most important information is trapped in these proprietary formats, making it very difficult for customers to switch to competitors even if competitors offer better functionality and lower prices.

2. There must be no exceptions for what interfaces must be publicly documented. For example, the exception for ''security'' issues must be removed. Indeed, security-related issues require the most public scrutiny.

3. Any Microsoft networking protocols must be published in full and approved by an independent network protocol body, and be re-implementable without royalty fee. This would prevent Microsoft from seizing de facto control of the Internet.

4. Since ''open source software'' is one of Microsoft's prime competitors, any judgment must ensure that open source software developers have equal access to such information, without interference in the form of royalty payments, nondisclosure agreements, and other schemes to prevent consumer choice.

5. Microsoft's claims of ''Intellectual Property Rights'' (IPR) must not be allowed to justify continued illegal activity. If such rights are used to continue illegal activity, then those rights must be forfeited.

Also, in addition to the current judgment, sales channels must be free to sell competing products. The proposed judgment tries to make this possible, but it does not go far enough. Thus, in addition to the proposed judgment:

6. Microsoft's product prices must be strictly based on volume (to prevent Microsoft from ''punishing'' vendors who sell competing products). There are some vague words about ''not punishing'' but their meaning and enforcement is not sufficiently clear.

7. Microsoft products must be extra-cost options in the purchase of new computers, so that users who do not wish to purchase Microsoft products are not forced to do so. If I choose to not use Microsoft's products, then Microsoft should not get a cut of my money. I want the freedom to not pay Microsoft.

8. Microsoft's agreements with resellers must be made and kept public, to prevent secret agreements from damaging the public. A capitalistic economic system only works when there is competition. When a company can gain and routinely exploit a monopoly to eliminate competition in other fields, the result is a loss of choice and quality for all. Without being reigned in, Microsoft might someday completely control essentially all communication media, a dangerous situation for any democracy. Microsoft has already tried to limit freedom of speech through its existing control (e.g., at one time Microsoft's Passport prevented their customers from publishing negative comments about Microsoft, and their database licenses prevented users from publishing benchmarks showing Microsoft product performance). Allowing a single company's products to so dominate an industry ''also presents a grave computer security risk—any flaw in their products opens the entire country to attack. Since there is currently little competition, there's little incentive for Microsoft to improve many of its products. As documented by computer security experts (such as those in ''Bugtraq''), Microsoft has a history of claiming to secure their products yet continuously releasing poorly-secured products.

Allowing Microsoft to continue flagrantly disregarding the law is dangerous, and in the long run may pose more danger to our country than the terrorists we are fighting now. Failing to impose a strong judgment may send a disturbing message—it suggests that we are no longer a country of laws, since nothing important will happen if those laws are repeatedly broken. Please, do not let this proposed judgment be a stain on this court. I urge you to require a real final judgment that actually inhibits future illegal activities.

David A. Wheeler
9904 Manet Rd.
Burke, VA
(703) 250–7047

MTC–00030332

12th Co??
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Senate District 26
Senator Karl W. Turner
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Augusta, ME 04332–0003
(207) 287–1505
16 Town Landing Rd.
Cumberland Foreside. ME 04110
(207) 829–6427
Renata Hesse
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse

Please accept my support of the proposed settlement between United States vs. Microsoft Corporation.

Rather than beating Microsoft in the free market, AOL and Sun and others engaged the Justice Department to do it for them. Thor true intention has clearly been to deny consumers their market choirs and instead force them into paying higher prices for lesser quality products, Competition is the key, not government intrusion.

Without competition, the high technology industry would be completely insignificant. Microsoft, Sun. AOL, Netscape, and others all drive each other to lower prices and better products, all to the benefit of consumers.

The time has come to settle this case, Taking into consideration the poor condition of the economy, the last thing we need is additional inane litigation.

Sincerely
Karl Turner
State Sonator
?? . TTV (207) 287–1583 . Message Service 1–800–423–6900 . Web Sue:
http://www.state.??us/legit/s??te

MTC–00030333

Carp Storm
15420 139th Avenue SE
Renton, WA 98058–7828
January 25, 2002
Attorney General John Ashcroft US:
Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I would like to take this opportunity to express my feelings about the antitrust settlement made between Microsoft and the Department of Justice. I feel the settlement reached is more than Microsoft should have agreed to in the first place. Not only has this damaged Microsoft, but it has also hurt the economy and the rest of the IT industry.

Microsoft has taken many steps to help put this issue to rest. They have agreed to document and disclose for use by its competitors various interfaces that are internal to Windows'' operating system products, in conjunction with this they have agreed to a uniform price list. This means that Microsoft will license its Windows operating system products to the 20 largest computer makers on identical terms and conditions, including price.

It is obvious that I feel this issue needs to be resolved. This agreement is a step in the right direction.

Sincerely,

Carol Storm

MTC–00030334

FACSIMILE TRANSMITTAL SHEET
TO: Atty Hesse
FROM: D G?? COMPANY:
DATE: 1/2??
FAX NUMBER: 202 6169937
PAGES INCLUDING COVVER: 2
PHONE NUMBER: PHONE NUMBER: 9786866732
RE: da??
FAX NUMBER: 975 6817693
PLEASE RECYCLE
NOTES/COMMENTS:
Chemical Services Division
January 20, 2002
??safety-kleen.
Renata Hesse
Trial Attorney
Justice Department, Anti-trust Division
601 D Street NW, Suite 1200
Washington DC 20530

Dear Attorney Hesse,

I have been following the Microsoft lawsuit with an increasing level of concern over the past few years. Initially, it seemed that the action was heavy-handed to say the least. But, with every further disclosure of the role of the industry competition orchestrating many aspects of the litigation, it becomes clear that the United States citizenry will only be served justice if this case is ended.

There is apparently a settlement proposal now before Judge Kollar Kotelly, which will end the case and impose sanctions without creating too much new bureaucracy. This is a great time to turn this case around, and end the practice of using federal lawyers to advance private agendas. The economy needs the boost, and the citizens deserve better.

I respect the government attorneys who worked hard to hammer out this settlement, and hope their effort succeeds.

Respectfully,

Donald W Gallant

Safety-Kleen (NE), Inc.

221 Sutton Street . North Andover, Massachusetts 01845 . 978.683.1002 . Fax 978.687.3036

MTC–00030336

Microsoft Settlement
January 23, 2002

To Whom It May Concern:

AS a US citizen, I would like to express my views on the proposed Final Judgement in the United States vs. Microsoft Settlement. I have been in the software development field for 7 years I have felt for many years that Microsoft has monopolistic market positions and tendencies, and has continued these practices even through the current anti-trust investigations. I believe that these practices have hindered innovation and hurt consumers and businesses.

In general, I thing that the proposed Final Judgement is too soft on Microsoft and will not resolve the anti-trust issues at all. In particular:

*Section 3.A.2 of the proposed Final Judgement appears to prevent Microsoft from strong-arming OEMS that ship dual-boot machines, but offers no protection for OEMs shipping a single-boot machines that do not boot to Microsoft windows.

*Definition K of the proposed Final Judgement covers Microsoft's Java Virtual Machine, but does not affect Microsoft's NET strategy. NET, and the C# language specifically, appear to be designed to woo existing Java programmers with a minimum of new training, while C# is a documented standard, Microsoft's standard method of operation is to extend the standard with Microsoft-only features which eliminate any opportunity for inter-operability. If C# becomes as widely accepted as C++ or Java, I fully expect thee there will quickly be divergent ''Microsoft CS'' and ''Standard CS'' implementations.

*There appears to be no solution to the issue of Microsoft proprietary file formats in the proposed Final Judgement. This is huge hindrance, as more and more email attachments are being sent as Microsoft Word documents, etc. File formats were covered in the ''Applications Barrier to Entry'' section of the ''Findings of Fact''. These are just three of the issues that I was immediately drawn to in the proposed Final Judgement. I am also very concerned with Microsoft's continuing efforts to extend their stranglehold on US consumers and businesses including:

*New Microsoft XP licensing schemes which may raise costs for US consumers and businesses. As part of the XP licensing, consumers will not be allowed to 10ad multiple copies of XP on their own hardware. And licensing costs may increase for 59% of businesses (see article in Ci0 magazine, ''Software Licensing Debate'', http://www2.cio.com/research/surveyreport.cfm?idm50)

*Microsoft's forays into home entertainment (UltimateTV, XBox)

*Microsoft's new effort to be at the center of the Internet (.NET and Passport) Thank you for reviewing my opinions. I hope that any Final Judgement in she United States vs. Microsoft trial will be carefully considered.

Greg Shrack
15140 Jessie Drive
Colorado Springs, CO 80921
greg.shrack@usa.net

MTC–00030337

Catfish Software, Inc,
6070 Mission Gorge Road, Suite 2
San Diego, Ca 92120
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
Via Fax #202–616–9937

TO Whom It May Concern:

I understand that, as part of the Tunney Act proceedings, public comments on the case of US v Microsoft should be sent to the fax number above. Last month, the Senate Judiciary Committee called for hearings on the settlement being proposed in US v. Microsoft. At that time I sent in testimony which was introduced into the record. With this letter I am including a copy of that testimony, I would like for this to be included with the materials in support of the settlement. I am small hi-tech businessman and I firmly believe settling the case against Microsoft is in the best interest of our industry.

If you have any questions, please feel free to contact me.

Sincerely,

Jerry Hilburn

Founder—Catfish Software

619–858–1390

Testimony by
Jerry Hilburn, President and Founder]
Catfish Software, Inc.
San Diego, CA
Provided to the U.S. Senate Committee on the Judiciary
December 12, 2001

I am very pleased to provide a written statement for your hearing on ''The Microsoft Settlement: A Look to the Future. Thank you, Chairman Leahy and Members of the Committee, for the opportunity to deliver a small businessperson s perspective on the case before this distinguished group.

I would like to tell you my point of view on the Microsoft case. I am a small businessman in San Diego, California. Catfish Software, Inc! started operations in 1994 providing network services and custom database applications for small business. In 1998, Catfish Software launched an E-mail Application Services branch providing double opt-in mail list service and web-based customer support applications and today, Catfish Software provides support to 300+ companies reaching 2,000,000+ subscribers of its software services.

One of my firm's top competitors is Microsoft's bCentral. So you may ask why I speak in favor of the Microsoft settlement.

Businesses large and small have mortgaged their futures against the impact of the terrorist war. Some smaller businesses—techology and otherwise—have already found themselves strangled by a lack of consumer demand and by slowdowns in corporate and consumer spending. Most of us are finding it is time to shore up resources and protect our assets from the impact of the war. In this time of so much uncertainty, we need the promise of a brighter day and the knowledge that the government—from the federal level on down—is doing everything possible to invigorate our flagging economy.

Competition and consumer preference should decide the direction of the marketplace and meanwhile, the government should not rush to intervene in the New Economy. The last thing our economy needs at this time is the burden of remedies which do nothing but slow the pace of development and limit the choices of consumer.

The Justice Department handled this case admirably, and the settlement they agreed upon is sound. The settlement outlines how Microsoft can operate, but more importantly it provides some assurances to an industry that has been on unstable ground lately.

Microsoft's ability to design and produce new software in turn creates opportunities for small and medium-sized developers to write applications which operate on a Windows-based platform. As the old saying goes, a high tide floats all ships. Calls for break-up of the company did not help the already tenuous situation. And when Microsoft looked like it might be pulled under, the Nasdaq was hit as well as the stocks of many high-tech companies.

But when announcements of the settlement were made public around the beginning of November 2001, everyone got a nice little bump. Consumers and other technology entrepreneurs were hopeful that this case could be put to bed and that the tech sector could get back to business. This litigation that has been an albatross around all our necks for so long—and ending the string of lawsuits associated with it—will have a positive effect on the tech economy With a little luck, that will ripple out to America's economy as a whole.

With so many technologies poised to enter the marketplace, Microsoft and many others, including Catfish Software are looking for ways to enhance the computing experience. The Internet has become a center of most everyone's daily lives—from toddlers typing their first strokes with learning games to seniors learning how to send and receive e-rural. Untapped markets and unimagined ideas abound, but we must not harness the creativity or the ability of software firms to bring those products to bear in the marketplace.

The olive branch of settlement was extended, and it is a solution that is good for the economy and good for the tech industry. Allow us the opportunity to get back to work and earn money with our products and ideas once again.

This concludes my testimony. Once again, I thank the Committee and its distinguished Members for the opportunity to provide written testimony on tilts important issue.

MTC–00030338

FAX
Date: January 25, 2002
Pages: 3 (incl. cover)
FROM: George Haas
Fax: (831)439–9599
TO: Renata Hesse
Trial Attorney, Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Fax: (202)616–9937 or (202)307–1454
Subject: Microsoft Settlement Public Comment
Message: Attached are my further comments for your consideration.
January 25, 2002
Renata Hesse
Trial Attorney, Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Fax: (202)616–9937 or (202)307–1454
Re: Microsoft Settlement

Dear Ms. Hesse:

Microsoft has done, and continues to do, serious damage to consumers and competitors alike. I will list here the evidence I have witnessed personally.

Microsoft eliminated all competition in the spreadsheet industry, thus destroying Borland, a local company. Hundreds of jobs were lost in our city alone, costing hundreds of thousands of dollars lost in local revenue.

Microsoft blatantly gave away their Internet browser software, Explorer, virtually eliminating Netscape, a pioneer in the industry. Without remedy consumers will have no choice but to use Explorer. Then Microsoft will be free to charge whatever fees they please. They will be the only gateway to an enormous new marketplace. On-line consumers will be at their mercy.

Consumers already suffer, in a number of ways, just by using Microsoft software products. I have worked on both Microsoft and Macintosh operating systems, so I believe I am qualified and justified in comparing the two.

Microsoft Windows products have been notoriously unstable for years, They consistently crash computers for no apparent reason. They are tilled with ''bugs'' that often require specialized knowledge to repair. Users are strangely resigned to these problems since they feel they have no other choice in the business world. The new Windows OS was supposed to correct this problem, but hasn't I never have these types of problems with my Macintosh.

I have a friend who has been a computer hardware and software engineer for 25 years, He is a brilliant engineering consultant who has worked all over the world. He recently bought the new Windows OS. It took him three days of hard work to upgrade from his old system. He ended up buying an entirely new hardware system to run his old programs because the new Windows operating system was not compatible with most of his old software. He readily acknowledged that Microsoft does not care in the least about the grief and cost to its customers.

I recently upgraded my Macintosh system. It took my local dealer a couple of hours. It now runslikeacharm.

The average computer user has a choice. They can spend vast amounts of time mastering complex software and hardware technology Or, they can spend vast amounts of money, paying computer technicians to assist them in solving mundane computer problems that shouldn't exist in the first place. Or, they could buy a Macintosh, as long as Microsoft allows Apple to exist. In seventeen years I can count on one hand the number of times I've had to consult a technician in regards to my Macintosh. In two years I lost count of the number of times I needed a technician to solve software problems with Windows

The damage done to consumers is compounded by Microsoft's vulnerability to breaches of security of its on-line and email services. They are prone to hackers, viruses, and their own quality control problems.

It has been well documented that Microsoft has ignored pleas to improve security, and that they have had the capability, but chose not to implement it. Just another example of their arrogant disregard for the welfare of their customer.

The longer Microsoft is allowed to tighten their grip on the computer industry, the higher the cost will be to consumers. It will be much more than just the financial cost. There will be further losses in productivity, losses in innovation, and losses in consumer confidence, if the world comes to rely on an inheritently flawed system, with no hope of change.

My local congressman has chosen to abrogate his responsibility on this important issue. It is possible that he is ignorant of the dangers to his constituents, since Microsoft poses a serious threat to the Silicon Valley economy Or, perhaps Microsoft has ''persuaded'' our fine congressman that it would be in his best interest to look the other way. Whatever the case might be, I pray that you will seek justice for the consumer, and inflict the harshest penalties possible upon Microsoft.

Cordially,
George Haas
20 Fred Court
Scotts Valley, CA 95066
Fax: (831)439–9599
email: haas@got.net
cc: Congressman Mike Honda

MTC–00030339

ANNE PORTER JACKMAN
136 FOREST STREET
SOUTH HAMILTON, MA 01982
January 7, 2002
Renata Hesse
C/o The Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
By Fax, Hard Copy by Mail

Dear Attorney Hesse:

Please consider this letter as public comment in the case of U.S. v Microsoft. I have been following the case in the press and believe that it is time for the government to accept the settlement as is and stop the litigation.

It is very easy in times of peace to prosecute companies and civilians for reasons that may be more theoretical than pertinent. We arc no longer in peacetime. Now, while this country is at war, it is crucial that all of our energies be focused on prosecuting war criminals and providing national security. Not only is prosecuting Microsoft wasting the time of our justice department it is wasting taxpayer dollars.

Microsoft is a large company and as such has great responsibilities to consumers and other technology firms. The settlement should case some of the concerns of the government and Microsoft competitors without diminishing Microsoft's importance to the economy and the industry. The purpose of this litigation should not be to decrease the productivity of Microsoft because if so American citizens will suffer the consequences.

The United States needs to lead the world in technology, not lag behind because of misinterpreted antitrust laws.

Sincerely,
Anne Porter Jackman

MTC–00030340

Peter T. Flaherty
Citizens Against Unfair Taxation
736 Fords Landing Way

Alexandria, VA 22314
VIA FACSIMILE: 202–616–9937
January 24, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street, NW, Suite 1200
Washington, DC 20530
Re: Comment on the Microsoft Settlement

Dear Renata Hesse:

As provided for by the Tunney Act, I am writing to comment on the proposed settlement in the Microsoft case.

As someone who has spent a great deal of my adult life advocating policies that address the concerns of the American taxpayer, I view the use of taxpayer funds to pursue the break-up of Microsoft as little more than corporate welfare for Microsoft's competitors. There is no dispute as to why the government initiated this case—it was the result of a well-financed lobbying effort by Microsoft's competitors. What these companies could not achieve through competition, or even through direct legal action against Microsoft, they sought to do with taxpayer funds.

As many observers of this anti-trust case have already commented upon, it differed in a major way from the classic view of why monopolics harm the public, i.e., the monopolist uses their monopoly power to overcharge the public for the goods they supply. In this case, the public was benefitting enormously from Microsoft products and many of the prices of such products were dropping or—in some cases—were available free.

The bottom line was that taxpayers benefitting from Microsoft, as well as millions of individuals who directly or indirectly benefitted from Microsoft stock ownership, were forced to fund with their tax dollars a legal action that unquestionably benefitted the narrow economic interests of those who lobbied for the anti-trust action by the government. In short, this was a classic fleecing of the taxpayer.

I support the settlement for one reason—to close the door on this very expensive and shortsighted abuse of the anti-trust laws.

Sincerely,
Peter T. Flaherty

MTC–00030341

Christine Mvote
January 8, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
BY FAX

Dear Attorney Hesse:

I am writing to contribute to public comment in the case of U.S. vs Microsoft, I support the settlement that has been reached in this case, I believe it is time for the government to stop prosecuting Microsoft, We now know there are many groups who are trying to harm Americans. Microsoft is not one of these.

Millions of dollars have been spent arriving at the Microsoft decision. The settlement is appropriate and should not have further restrictions added to It. It is not necessary to continue spending money on this case, especially when there are so many people out of work and the threat of an even greater recession,

At this time the United States needs further technological advances not regulations that make such advances difficult or impossible. The economy also needs some help, Microsoft has contributed a tremendous amount to technology as well as the economy. Placing further restrictions on Microsoft will result in a decrease in the innovative products we've become accustomed to as well as an almost certain increase In cost.

Please settle this case as quickly as possible. Thank you for your time and your attention in this matter

Sincerely,
Christine Myote

MTC–00030342

Kenneth Boehm
Director
Farm Business Council
4933 N. 34th Street
Arlington, VA 22207
VIA FACSIMILE: 202–616–9937
January 24,2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street, NW, Suite 1200
Washington, DC 20530
Re: Public Comment on the Microsoft Settlement

Dear Renata Hesse:

Pursuant to the provisions of the Tunney Act, I am writing to comment on the proposed settlement in the Microsoft anti-trust case.

As an attorney and someone who has followed this case in the media from the onset, it's quite clear that the legal case was driven by Microsoft competitors seeking financial advantage, The detailed coverage of the case in Wired and other publications outlined a highly politicized effort by Microsoft's competitors which appears more motivated by a desire to break up Microsoft than to demonstrate any economic harm to the public.

In addition to a strong belief that using government to obtain what cannot be obtained in the free market is an abuse of government, I view my own experience with computers as evidence as to the hollowness of the cries of ''monopoly'' by the Microsoft competitors. For the last ten years I have exclusively used Apple computers and cannot think of anything Microsoft has done that remotely has harmed me economically in any way.

The settlement seems overly harsh to Microsoft insofar as it allows the very same competitors who lobbied for the lawsuit to abuse the terms of the settlement to frustrate any number of future Microsoft technical developments. The recent reaction of these competitors to the release of Windows XP indicates that they have no reluctance to use government to undercut their competition. Unfortunately, the settlement appears to provide a means for future harassment of Microsoft in the guise of holding Microsoft to the terms of the settlement.

Ultimately, the consumer benefits most from a legal environment that encourages and rewards technical advances. To the extent that Microsoft competitors have shown a predisposition to use government to delay or attack Microsoft's technical advances, the consumer is the loser to the degree the settlement facilitates such actions.

Despite my view that the anti-trust action and the proposed settlement are unfair to Microsoft, I reluctantly support the settlement to get the entire matter resolved. In the context of an economy in recession, it's hard to imagine a more indefensible policy than using government action to try to break up one of the most successful companies in the country.

The settlement appears to fully address many of the limited concerns about the ability of computer firms to remove or replace Microsoft middleware (browsers, instant messaging tools, et al.). Similarly it also appears to allow end users to very readily remove or replace such middleware.

The settlement also allows for an independent Technical Committee to makes sure the settlement is followed. This unprecedented step should answer any qualms as to enforcement although this untried approach may result in unfairly limiting Microsoft's ability to promote important innovations that work well with its existing software.

In the final analysis, our prosperity is dependent on innovation and property rights which reward innovation. The real test for the settlement will be whether it is abused by Microsoft competitors in an effort to tear down their competitor.

Sincerely,
Kenneth Boehm, Esq.

MTC–00030344

Kinko's(tm)
Kinko's Bailey's Crossroads .
Telephone: (703) 379–0909 .
Fax: (703) 998–2419
Date
Number of pages (including cover page)
to: Name
from:
Name
Company Company
Telephone Telephone
Fax
Comments
January 25, 2002

Dear Renata Hesse:

I am vigorously opposed to the proposed final judgment (penalty phase) in the case of United States vs Microsoft. The proposed ''remedies'' seem to be carefully written to ease circumvention of that judgment!

Microsoft has frightened many companies in the US computer industry so that they do not even compete with Microsoft. This effectively is a loss for the US citizen because many innovative products may no longer come to the marketplace. The final judgment does not seem to aid the US citizen or competitive companies at all.

The current judgment must be expanded! There must be easily available public access to all information necessary for

interoperability with Microsoft's products. All interfaces, not only certain APIs, must be made public. One of Microsoft's prime competitors is ''open source software''. Therefore, any judgment must ensure that developers of open source software have equal access to pertinent information—without interference—especially in the form of royalty payments and non-disclosure agreements. The current judgment must also be expanded so that competitive sales organizations are free to sell their competing products. Microsoft's product prices must be based strictly on volume. They must be unbundled additional-cost options, especially in the purchase of new computers, so that customers who do not wish to purchase Microsoft products are not forced to do so. Microsoft's agreements with resellers must be made public and kept public, to prevent secret agreements from damaging the public. I remember the government's anti-trust case against IBM a few decades ago—unbundling worked then, and it can work again now!

It is extremely dangerous to allow Microsoft to flagrantly disregard the law. I urge you to require a real final judgment that actually inhibits future illegal activities.

Thank you for your consideration.

Clyde G. Roby
5206 Jarrett Court
Centreville, VA 20120
(703) 968–7522

MTC–00030345

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To: Renata Hesse
Date: 1/25/02
From: Robert Duncan
Fax#: 2021307–1454
Pages, including this cover sheet:
Subject:
Comments:
COMMITTEES
NATURAL RESOURCES, VICE-CHAIAMAN
SUB-COMHITTEE ON AGRICULTLIRE
FINANCE
JUAISPRUDENCE
ROBERT DUNCAN
STATE SENNTOR
DISTRICCT 2B
January 22, 2002
FAX TRANSMISSION
Senator Robert Duncan
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street N,W., Suite 1200
Washington, DC 20530–0001
Re: Comments on the Microsoft Proposed Settlement Agreement
Dear Ms. Hesse:

The settlement agreement between the U.S. Government and Microsoft comes at a critical time when our economy and nation most need reconciliation. The settlement is fair requiring significant changes in the way Microsoft develops, licenses and markets its software. In turn, the settlement allows innovation and competition to move forward on all sides and removes a critical point of uncertainty for high-tech companies. More importantly, the provisions of the settlement will foster greater competition in the software industry and give consumers more choice in purchasing and upgrading their computers.

I support the Department of Justice and nine Attorneys General for their efforts to finally put an end to this case and agreeing to a settlement that is in our nation's best interest.

Yours very truly,
Senator Robert Duncan

MTC–00030346

STATE OF MAINE HOUSE OP: REPRESENTATIVES
HOUSE REPUBLICAN OFFICE
AUGUSTA, MAINE 04333–0002
Office: (207) 287–1440
Fax: (207)287–1449
B-Mail: disiBS@aol.com
WILLIAM J. SCHNEIDER
ASSISTANT REPUBLICAN FLOOR LFADER
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Sulte 1200
Washington, DC 20530
Dear Ms. Hesse,

I am writing this letter to urge the Justice Department to accept the proposed settlement negotiated with Microsoft Corp. and this costly lawsuit.

I feel it is in the best interest of the public and the government to accept the proposed settlement negotiated with Microsoft. Having read about and followed the issue and reviewed debates surrounding the proposal, I have come to the conclusion that it would be a beneficial arrangement for the general public in several ways.

It provides for the Introduction of functional and Integrated technology resources into the educational system. It offers the potential for widespread benefit, because. it includes money for training and support as well as hardware and software. These are more critical to the successful integration of technology into everyday life than are the latest versions of computers end associated programs.

At a time when the economy and our nation are recovering from disruption, I feel that settlement of this case is in the general public's best interest and I urge the Justice Department and all associated parties to settle this matter as soon as possible. Thank you for consideration of my comments.

Sincerely,
William J. Schneider
Assistant House Republican Leader

MTC–00030347

Hew Hampshire Homeowner/Main Street Alliance
30 Norway Hill
Hancock, New Hampshire 0344??
888–666–4782
VIA FAX (2O2) 616 9937
January 11, 2002
Renata Hesse
Trial Attorney
Antirust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Dear Ms. Hesse:

I am writing on behalf of NH Homeowners/Main Street Al lance to encourage you to approve the proposed settlement between the United States Department of Justice and Microsoft Corporation.

Our organization in a ??

Thank you for your ??

MTC–00030348

California State Senate
SENATOR
KEVIN MURRAY
TWENTY.SIXTH DISTRICT
January 24, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street, NW
Suite 1200
Washington DC 20530–0001
Re: Comments on the Microsoft Proposed Settlement Agreement
Dear Ms. Hesse:

It goes without saying that the settlement agreement between the U.S. Government and Microsoft comes at a critical time when our economy and nation most need reconciliation.

The proposed settlement requires significant changes in the way Microsoft develops, licenses and markets its software. This settlement is fair. It prevents Microsoft from abusing the strength that it derives from its operating system, but also allows the company to continue innovating in all areas of software development.

I congrat??e you on developing a strong but fair settlement.

Warm regards,
KEVIN MURRAY
Senator. 26th district

MTC–00030349

January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I would like to take some time to express to you my feelings about the Microsoft antitrust suit. The government should have never initiated the suit to begin with, and I was relieved to see that both sides had come to terms on a settlement. The settlement between Microsoft and the Department of Justice is fair to all parties involved, and I would like to see this issue finally put to rest.

I am a big fan of the free enterprise system, and feel that less government involvement is business is better. Microsoft has been extremely beneficial to America, and there is no need to keep dragging them through court. They have donated millions of dollars to charities, simplified computing on a global level, and have been responsible for thousands upon thousands of jobs here in America and across the globe. Government interaction is not necessary, and the settlement actually tries to address that issue a little. An oversight committee has been set-up to watch over Microsoft and make sure they adhere to the terms of the settlement.

So, instead of having the Department of Justice and the federal government breathe down Microsoft's neck, the committee will make sure everything is going smoothly.

I support this settlement since it brings to an end the litigation against Microsoft at the federal level.

Sincerely,

Janice Adams

47–110 Lulani Place Kaneohe, HI 96744

MTC–00030350

William B. Zollars
3248 Comanche Rd.
Pittsburgh, PA 15241
Phone: (412)835–1408
Fax: (:412)835–4781
Email: billzol@compuserve.com
TO: JOHN ASHCROFT
LOCATION: US DEPT OF JUSTICE
DATE: 02–01–25
Number of pages including this header: 3
RE: MICROSOFT SETTLEMENT

Attached is my letter of 1/23 viewing my feelings about the Microsoft settlement. Please use it to represent my views in the matter.

WILLLAM B. ZOLLARS
3248 Comanche Road
Pittsburgh, PA 15241
January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 205730

Dear Mr. Ashcroft:

I was really glad when the Department of Justice and Microsoft reached an agreement. Microsoft has been very generous ?? their willingness to donate over $100 million worth of computers in the public school system to foster computer literacy.

Microsoft did not get off easy. The settlement was arrived at after extensive negotiations with a court-appointed mediator. The Company agreed to terms that extend well beyond the products and procedures that were actually at issue in the suit, for the sake of wrapping up the suit. !n addition, Microsoft has agreed not to retaliate against computer makers who ship software that competes with anything in its Windows operating system.

Since Microsoft has done everything in their power to cooperate with the Government and get back to business, why does this case need to be dragged out costing the taxpayer more and Microsoft more resulting in computer user's paying more for software? I believe we need to move on. No more action should be taken at the Federal level.

Sincerely,

William B. Zollars

CC: Senator Rick Santorum

MTC–00030351

BLUE RIDGE ADVISORS
P. O, Box 815
Etowah, NC 28729
828–89I-7679
E-Mail pnd4@home.com
January 25, 2002
Mr. John Ashcroft
U.S. Attorney General
Washington, DC
FAX 202–307–1454

Dear Attorney General Ashcroft;

I would like to ask you for your help. The United States Government has finally reached a tentative settlement with the members of the Board of Directors of Microsoft Corporation. Please expedite the wrap-up of this case so that Microsoft can get back to the business of helping the United States be a World leader in high technology.

I am the Program Chairman of the 254 member Hendersonville, NC Area Computer Society. Our members all use Microsoft's high quality computer operating systems, including Windows 95, Windows 98, the Windows Millennium Edition and now many are moving up to Microsoft's new operating system, XP for Windows. This product is simply the best and has received rave reviews in all the computer magazines.

Please give my request your personal attention.

Best regards.

Pardon N. Dexter

MTC–00030352

Fax Cover Sheet
Date: JANUARY 25, 2002
To: RENATA B. HESSE
Company: ANTITRUST DIVISION U.S. DEPARTMENT OF JUSTICE
Fax: 202–307–1454 OR 202–616–9937
From: JOEL SCHENIDER
Company: EFFELTINE TECH SERVICES
Tel:952–842–0890
Number of pages including this one: 4
kinko's??
Edina
3535 Hazelton Rd
Edina, MN 55435
Phone: (952) 820–6000
Fax: (952) 820–6060
Comments:

THIS COMMENT IS ALSO BEING SUBMITTEO VIA EMAIL AND U.S. MAIL.

Joel Schneider
8941 Kell Avenue South
Bloomington, MN 55437
24th January 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
501 D Street NW
Suite 1200
Washington, DC 20530–0001

To whom it may concern:

As a software developer with over 10 years of experience: I would like to comment on the United States v. Microsoft Corporation Revised Proposed Final Judgement (PFJ), published in the **Federal Register** on November 28, 2001.

My reading of the PFJ has lead me to an opinion that it will not adequately curtail Microsoft's exclusionary, anticompetitive, and predatory practices: and therefore does not serve the public interest. Tiffs comment describes a number of my concerns.

One concern I have about the PFJ is its expiration date. This supposed remedy is set to expire five years from the date it is entered by the Court, with a potential one-time extension of up to two gears. Considering the fact that Microsoft has already been able to successfully circumvent judgements for Sherman Act infractions dating back to 1994, it seems unwise to limit the PFJ to a maximum term of seven years.

Section VI.N, the definition for ''Non-Microsoft Middleware Product'', includes a requirement that ''at least one million copies were distributed in the United States within the previous calendar year.'' This is a ridiculous requirement, as it requires any Non-Microsoft Middleware Product to first struggle against and overcome Microsoft's monopoly power and the applications barrier to entry for at least, one year before becoming eligible for pro, protection as middleware under the PFJ. This numerical constraint should be eliminated.

Section III.C.1 g-rants Microsoft authority to restrict an 0EM from displaying icons, shortcuts, etc. Granting this authority to Microsoft limits the ability of OEMs to compete through customization of their products. This section also does not clearly address middleware for which there is no Microsoft equivalent. Microsoft's authority to restrict the ability of OEMs to customize their systems should be eliminated.

Likewise, section III.C.2 prohibits OEMs from altering the user interface. This infringes on the ability of OEMs to compete by modifying the user interface. Microsoft's authority to stop OEMs from modifying the user interface should be eliminated.

Section III.C.3 requires Non-Microsoft Middleware to display a user interface similar to the corresponding Microsoft Middleware Product. This limits the ability of middleware producers to compete through user interface innovation. Microsoft's authority to control the user interfaces offered by competing middleware should be eliminated.

Section III.C.4 requires that a non-Microsoft boot-loader be used when launching other Operating Systems. OEMs should not be restricted to using a non-Microsoft hoot-loader for this purpose, and should be free to use any boot-leader: including a Microsoft boot-loader.

Section III. C.5 requires that the OEM comply with technical specifications established by Microsoft when presenting an IAP offer in the initial boot. sequence. This limits the ability of IAPs to compete against Microsoft's LAP (MSN.com) and aids Microsoft in its efforts to extend its monopoly into the LAP business. Microsoft's authority to control competing LAP offers should be eliminated.

Section III.H.1 grants Microsoft authority to rest, riot users and OEMs from displaying icons, shortcuts, etc. Greeting this authority to Microsoft, limits the ability of users and OEMs to compete by customizing their systems. This section also does not clearly address middleware for which there is no Microsoft equivalent. Microsoft's authority to restrict the ability of users and 0EMs to customize their systems should be eliminated.

Section III.H.2 grants Microsoft control over the way in which Non-Microsoft Middleware Products are presented to the user. This grants favored status to Microsoft, Middleware Products and thereby impairs the ability of Non-Microsoft Middleware Products to compete. Microsoft's authority to control the way in which Non-Microsoft

Middleware Products are presented to the user should be eliminated.

Section III.H also grants Microsoft, the authority to impose technical requirements, such as the ability to host a particular ActiveX control, upon Non-Microsoft Middleware Products. However, Netscape 4.x, for instance, does not host ActiveX controls, in part due to the security risks the3, present. This authority should be eliminated.

Section III. J enables Microsoft to withold documentation for some of its APIs and communication protocols based on the pretense of protecting the security of specific installations. It also enables Microsoft to impose limitations on the audience to whom such API documentation is made available. However, there is a general consensus among computer security experts that the witholding of such documentation (a.k.a. security by obscurity) does not establish true computer security. Microsoft should not, he allowed to withold documentation for its APIs and communication protocols based on this pretense.

The PFJ also omits an important consideration. Much of the present and future competition to Microsoft comes from non-commercial Open Source and freeware software products such as Linux, Apache, Sendmail, Samba, and Wine. In January 2001, Microsoft president and CEO Steve Ballmer identified the Linux phenomenon as ''threat number one.'' Apache and Sendmail are established mainstays of the internet. Samba sad Wine enable non-Microsoft systems such as Linux to interoperate with (monopolistically entrenched) Microsoft systems. It is reasonable to expect that these and other Open Source and freeware software products are potential targets of Microsoft. Under the existing PPJ, Open Source and freeware software products receive very little consideration, as important portions of the PFJ apply only to companies that meek Microsoft's criteria as a business (see Section III.J.2). The PFJ should be revised to offer specific protection to Open Source and freeware software products.

The above briefly outlines several of my concerns regarding t4e PFJ. It is possible, even likely, that the PFJ contains additional significant flaws not mentioned here. I am of the opinion that the existing PFJ would completely fail to accomplish its stated purpose of providing ''a prompt, certain, and effective remedy for consumers by imposing injunctive relict to halt continuance and prevent recurrence of the violations of the Sherman Act by Microsoft.'' The PPJ is in need of extensive rework and should not be accepted in its present form.

In addition to this comment, I have endorsed an open letter to the DO J, written by Dan Kegel (of Los Angeles, California.) and others. The open letter contains an analysis of deficiencies in the proposed Microsoft. Settlement, along with suggestions for addressing those deficiencies. At the time of this writing, the open letter is visible on the internet at http://www.kegei.com/remedy/lerter.html.

I hope the United States Department of Justice will take these comments into consideration and withdraw its consent from the PFJ. Failing that, I hope these comments will help the Court to reach a conclusion that entry of this PFJ does not serve the public interest.

Sincerely,

Jo??l Schneider

MTC–00030353

52 Headquarters Road
Litchfield, CT 06759
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

We have followed the lawsuit against Microsoft for the past three years and feel that it is time this matter was brought to a close. The settlement Microsoft has agreed to is more than fair and will insure that other companies are able to compete and in turn the consumer will receive a better product.

The state, the IT industry, and the economy will all bounce back from this set back if the matter is resolved soon. Microsoft has agreed to many terms that are more than fair. They have consented to a uniform price list which means Microsoft will license its Windows operating system products to the twenty largest computer makers on identical terms and conditions. Also, Microsoft will design future versions of Windows, beginning with an interim release of Windows XP, to provide a mechanism to make it easy for computer makers, consumers and software developers to promote non-Microsoft software within Windows. Microsoft has taken all the necessary steps to conclude this matter, it is time now for the DOJ to do the same. We hope that this issue is soon put to rest Thank you.

Sincerely,

John & Janet Baker

MTC–00030354

Crystal Clear Solutions, Inc.
8313 West Hillsborough Ave, Suite 460
Tampa Fl 33615–3818
813–249–7754
* 813–243–1321 * 813–789–6640
Microsoft
Windows Web
Hoster Program
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania .&venue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

Throughout the course of this litigation against Microsoft, there has been discussion about how unfair Microsoft is, and how best to legally strip it of its success by breaking it up as a company.

Lost in this rhetoric is the effect that a Microsoft breakup would have on the hundreds of IT companies that depend upon the integrity and reliability of the Microsoft product line for their own business success, my own included.. Had this suit progressed through to its logical conclusion, and Microsoft been broken up as was anticipated, there would certainly have been serious repercussions throughout the IT industry. My business would have been one of the many forced into bankruptcy.

Fortunately'', such will not be the case. This settlement at least has the benefit of forestalling any such drastic outcome. The terms of the settlement provide for Microsoft to adopt a more flexible attitude and better policies regarding its OEMs and developers. Some of the terms appear to be harsh, but since both the Department of Justice and Microsoft have agreed to its terms, then I am hoping that this will end the litigation altogether. I am writing in support of the settlement's ultimate acceptance and hope that this entire suit can be put behind us.

Sincerely.

Christine Collins
President
FAX 813 243–1239
Website: www. Crystalear.net
Email: SiteMaster@Crystalclear.net

MTC–00030355

?? TOX 2002??
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BILL SCHUETTE FAX TRANSMTTTAL
COMMITTEES: CONHAN. ECOHOMIC DEVELOPWENT INTERNATIONAL THAOK AND ?? QUALTOAY AFFALAS OF CHARMANTECHNOL OGY AND ENERGY ??. GAMING AND CASINO OVERSGHT HEMBER, TOUCATON LEGHATIVE COUHCIL
TO:
FROM:
DATE:
NUMBER OF PAGES (including cover)
COMMENTS:

If this fax is not received in full; please call (517) 373–7946.

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http://www.gop. senate.state.mi.us/senator/schuette/
BILL SCHUETTE January 24, 2002
COMMITTEES; CHA(RMAN, ECONOMIC DEVELOPMENT, INTERNATIONAL. TRADE AND SEGULATORY AFFAIRS CHAIRMAN, REAPPORTIONMENT JUDICIARY TFCHNOLOGY AND ENERGY
Ms. Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW—Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse:

I am writing to express my support for the proposed settlement between the State of Michigan and Microsoft in the Department of Justice Antitrust action against Microsoft. Thank you for your reviewing my comments.

The State of Michigan has decided to join with eight other states in agreeing to the terms of the Microsoft settlement which was

announced on November 2, 2001. I am writing to express my support for this settlement.

By agreeing to end this lawsuit, over three years of debate will be brought to an end. I feel the terms of this settlement are fair, which is evidenced by the hi-partisan group of Attorneys General who have endorsed it. Not only wi1l a quick settlement be good for the economy, it will also benefit consumers. Average Americans will benefit by having other software available on their personal computers. This will allow for greater competition, and help to generate new ideas for the next generation of'' software.

I appreciate the efforts of the Department of Justice in bringing this action to a quick resolution.

Again, thank you for considering my support.

Sincerely,
Bill Schuette
State Senator
WDS/rkh

MTC–00030356

Hennes/Haslett & ASSOCIATES
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Crisis Communications
12434 Cedar Road #6
Cleveland. Ohio 44106
216/229–6860
FAX 216/229–2666
www.henneshoslett.com
January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

I have been paying close attention to the developments of the antitrust case between Microsoft and the Department of Justice, and I am now taking some time to write this letter and go on record as being a staunch supporter of the settlement.

Not only does Microsoft benefit from this agreement, but consumers, the competition, and the economy of the United States will also benefit. Even though Microsoft did not get off easy in the settlement, the terms are reasonable, and this country needs all of its companies performing to the best of their abilities. The settlement paves the way for this by mandating that Microsoft grant computer makers vast new rights to configure Windows so as to promote non-Microsoft software programs that compete with programs included within Windows. This will encourage smaller software firms to work hard and make a good product that consumers will like. In turn, competition will be spurred, and the economy will benefit.

The settlement that has been reached is more than fair, and it will benefit everyone involved.

Microsoft can worry less about court and more about innovation. I support this settlement, and urge you to approve it as soon as possible. Thank you.

Sincerely,
Bruce Hermes
Sr. Partner

MTC–00030357

Renata B. Hesse
Anti-trust Division
U.S. Dept. of Justice
60ID Street Northwest, Ste. 1200
Washington, DC 20530–0001

Dear Ms. Hesse:

I am writing to suggest that the Microsoft settlement be affirmed as soon as possible, The case, which has wasted tens of millions of taxpayer dollars, has poisoned our economy when it was already sick.

Investors need assurance that our nation's high-tech industry will thrive, free of the meddling and interference of government gone awry. Our economy being in recession has resulted in large losses of revenue for Illinois and other states. We who are responsible for state budgets need restored public confidence in America's high-tech leadership.

This settlement will serve to revive the very industry that drives the engine of the economy. That will benefit our nation and every one of its citizens.

Please move forward with haste.

Thank you.

Sincerely,

Mary Lou Cowlishaw State Representative 41(st) District

MLC/lr

DISTRICT OFFICE: 552 5. WASHINGTON ST., SUITE 119 . NAPERVILLE, IL 60540 . 630/355–4113 CAPITOL OFFICE: ROOM 2016 STRATTON BLOG., SPRINGFIELD, IL 62706 § 2171782–6507 AECVCLED PAPER SOYBEAN INKS

MTC–00030358

685 Ocean Blvd.West
Holden Beach, NC 28462
January25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

We are writing to give our support to the settlement between Microsoft and the US Department of Justice. This three year antitrust suit has been ongoing for far to long. However, we feel that this case should not have gone to court in the first place, since Microsoft did not break any laws. Windows is an excellent operating system, since it is user friendly for both my husband and I. We can assure you that this settlement is not a ''sweet-heart'' deal to please the government. The company will be making changes in their business practices that will prevent any future antitrust violations. For example, Microsoft has agreed to license its Windows OS products to the 20 largest computer makers on identical terms and conditions, including price.

Furthermore, Microsoft has agreed to be monitored for compliance to this settlement by a three person technical committee that will also aid in dispute resolution. We ask the government to stop attacking Microsoft once and for all.

Sincerely,
Kenneth & Carolyn Shick

MTC–00030360

The Chamber
Atascocita * Humble * Kingwood * Spring
January 25, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms Hesse:

It is time to move on! The recent settlement offer by Microsoft Corporation appears to be a win-win situation. The U.S. Justice Department and the Federal Court can tam a very negative and potentially damaging lawsuit into an exciting and positive outcome for our nation's technology industry and consumers.

On behalf of our chambers twenty-eight board of directors and 1200 plus members, I writing to ask that you dismiss the remaining lawsuits and accept the terms of the most recent settlement offer.

Settling is the best solution to the lengthy and expensive lawsuit. Though terms of the agreement may not satisfy Microsoft's competitors, it will, m the end, benefit consumers most. I hope you agree with me that for the good of our nations' economy, business environment and consumer, a settlement is the best solution.

Mike Byers
President
Humble Area Chamber of Commerce
OUR HOMETOWN HAS IT! Shop Locally
110 WEST MAIN STREET * P.O. BOX 3337 . HUMBE, TX 77347.3337 PHONE: (281) 446–2128, FAX: (281) 446–748:3
www.humbleareachamber.org

MTC–00030361

GLORIA LONG
PO Box 2117
Lake Ozark, MO 65049
January 26, 2002
Renta Hesse
Trial Attorney—Antitrust Division
Department of Justice
601 D Street Northwest,
Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I am concerned over/he continuing legal action aginst Microsoft. It is time to stop utilizing our courts in an attempt to work out perceived problems that should be resolved in the marketplace.

I believe the recent agreement between the Department of Justice and Microsoft was fair and equitable and should form the basis for disposing of this entire matter.

Sincerely,
Gloria Long

MTC–00030362

KATHLEEN KILGORE
838 Rachael
Republic, Mo. 65738
January 26, 2002
Renta Hesse
Trial Attorney—Antitrust Division
Department of Justice

601 D Street Northwest,
Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

It appears that the legal problems concerning the Microsoft Corporation never end. I read with interest, some time ago, the main details of the settlement between Microsoft and the Department of Justice. This settlement sounded like a good basis for resolving this matter and allowing Microsoft to get on with their business of producing products that are needed by the American consumer.

Let's stop dragging this controversy through the courts and use the settlement that was worked out between Microsoft and the Justice Department as a basis for resolving this matter.

Very truly yours,
Kathleen Kilgore

MTC–00030363

Office on Children and Youth
Harrisonburg ?? Rockingham County
Ms. Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
January 25, 2002

Dear Ms. Hesse:

I have read a summary of the key provisions of the proposed Consent Decree for the Microsoft anti-trust case. It appears that the agreement is broad and that compliance is assured by the Technical Committee's monitoring responsibility.

This agreement appears to be a reasonable compromise that is in the best interest of everyone—especially consumers. I direct a small not-for-profit agency that relies upon work-study students and volunters; there is no money in the budget for a professional computer Specialist We use Microsoft software and find it user-friendly. [sincerely hope that this anti-trust suit will not result in government regulations that will hamper the efforts of software companies like Microsoft to provide integrated software and hardware.

Respectfully yours,

Director, Office on Children and Youth Harrisonburg. VA.

P,O. Box 1753 Harrisonburg, VA 22803 * Phone: (540) 568–2558 * Fax: (540) 568–2559 * E-mail: officconyouth@rica.net

MTC–00030364

Ms. Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I am writing in regard to the proposed Microsoft settlement. As a retired business executive with 40 years experience, over the course of my career I have observed the tremendous impact that computers have had on business. We are far more efficient and more productive due to the Innovations of companies like Microsoft. In my opinion, this innovation has been possible because government has not tried to regulate or interfere with them in the past.

I hope that you will agree to the settlement Microsoft has agreed to, and allow them to move on.

Let the marketplace drive the business.

Sincerely yours,
Buford L. Driskill, Jr.
President
Bilbo, LLC
1907 Link Road
Lynchburg, VA. 24503

MTC–00030365

Karen Hoffman
27633 SE—400th Way
Enumclaw, WA 98022
January: 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The reason for this letter is to request that you make a good effort to ensure the settlement reached in the Microsoft antitrust case becomes a reality.

Challengers and foes of Microsoft may pressure officials to delay tiffs settlement in favor of continued litigation in this case. The), are working under the premise that the courts should punish Microsoft. I do not believe the courts should be used in this way.

Furthermore the settlement that is being offered is a good agreement. The settlement will allow easier placement of non-Microsoft products on Microsoft operating systems; including easier removal of Microsoft components. Additionally the settlement will permit computer makers to place non-Microsoft operating systems on computers with fewer restrictions, even if they also use Microsoft systems. Moreover the settlement creates a technical review committee that includes a full time government monitor to ensure all elements of the settlement are enforced. It is clear that this settlement should be implemented and this settlement is good.

Sincerely,
latch Hoffman ''

MTC–00030366

January 25, 2002
I East Pulteney Street, Suite 20.3
Corning, New York 14830
phone: (607) 962–6408
fax: (607) 962.43522
e-mail: success@GOPcampaigas.com
website: www.GOPcampaigns.com
Ms. Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D. Street, NW, Suite I20O
Washington, DC 20530

Dear Atty. Hesse:

As a small business owner who has seen a two-fold increase in business this past year, I am supportive of the tentative settlement in United States versus Microsoft. My office uses Microsoft products and we have only good things to say about their products, services, and pricing.

On many levels it seems like the ''American Way'' is in jeopardy when we try to punish people or companies for being successful. The markets have decided that Microsoft products and services are superior to their competition and litigation should not hold them back from continuing to bring quality products to the public, especially in the present economic situation.

The anti-trust laws were meant to protect consumers and were not meant to be a means to control a competitive industry. The Microsoft competitors are looking for overzealous government intervention instead of searching for innovative products and services of their own. The last thing we as consumers and business people need are lobbyists and lawyers setting technology and industry policy.

Now that over $30,000,000 of our tax dollars have been spent to help companies battle their competition, it is time for us to support this tentative settlement. It addresses the proper items and does not interfere with industry competition. The battle belongs in the market-place not in the courts.

Thank you for your time and consideration.

Sincerely
Timothy R. Kolpien,
Managing Consultant, Kolpien & Associates LLC

MTC–00030367

RAYMOND CONSULTING, LLC
Ms. Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I understand your office is accepting public comment about the Microsoft case. In my Opinion. If Microsoft had not set the standard for compatibility and integration, users would have had a far more difficult (and expensive) time getting software that works together at an affordable price. I hope the proposed settlement with Microsoft will be agreed to, and that government will refrain from trying to regulate the technology business.

Yours truly,
Walker R. Cash, Jr
Raymond Consulting. LLC

MTC–00030368

52 Headquarters Road
Litchfield, CT 06759
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

We have followed the lawsuit against Microsoft for the past three years and feel that it is time this matter was brought to a close. The settlement Microsoft has agreed to is more than fair and will insure that other companies are able to compete and in turn the consumer will receive a better product.

The state, the IT industry, and the economy will all bounce back from this set back if the matter is resolved soon. Microsoft has agreed to many terms that are more than fair. They have consented to a uniform p??

Microsoft will license its Windows operating system products to the twenty largest computer makers on identical terms and conditions. Also. Microsoft will design future versions of Windows: beginning with an interim release of Windows XP. to provide a mechanism to make it easy for computer makers, consumers and software developers to promote non-Microsoft software within Windows.

Microsoft has taken all the necessary steps to conclude this ??. It is time now for the DOJ to do the same. We hope that this issue is soon put to rest Thank you

Sincerely,

MTC–00030369

Fax Cover Sheet Kinko's
Date: January 25, 2002
To: Renata Hesse
Company: Department of Justice
Fax: (202) 616–9937
From: Christ??
Company:
Tel: (805) 482–1781
Number of pages including this one:
393 Ameill Rd
Camarillo,, CA 93010
Tel: (805) 482–3364
Fax: (805) 482–2815
Comments:
From:
805 Paseo Camarillo, #520
Camarillo, CA 93010
January 24, 2002
To Renata Hesse, Trial Attorney
Antitrust Division,
Department of Justice,
601 D Street NW
Suite 1200,
Washington, DC 20530
Re: Microsoft Antitrust Settlement

Dear Mrs. Hesse,

I am writing to express my concern over the proposed settlement terms of the current antitrust case against Microsoft. The terms are inadequate as a remedy for the antitrust violations for which Microsoft has been found guilty, and may in fact strengthen Microsoft's grip on the software industry.

To be effective, the settlement must promote interoperability between Microsoft software and that of other makers. At a minimum, the following provisions are required: 1. The specifications of all Microsoft document formats must be made public, so that documents created in Microsoft applications can be read by software from other makers, and vice versa. This is in addition to the publication of the Windows API, which is already included in the proposed settlement.

2. The specification of all Microsoft network protocols must also be made public, so that network software/hardware from other makers can interoperate with that from Microsoft. These measures will sharply reduce Microsoft's control over the largest barriers to entry to the software marketplace, without damaging Microsoft's ability to produce innovative software. A lever playing field in the software industry is at the heart of the national interest, and the effects of this settlement on the software industry—and on businesses in general—will be felt for many years to come. Therefore, I stress that a correct remedy to this issue is far more important than a speedy conclusion to this case, and respectfully urge the court to add provisions similar to those outlined above to the final settlement.

Respectfully,
Christopher Raser
Web Developer

MTC–00030370

Dick Rasmussen
6314 Autumn Moss Court
Charlotte, NC 28277
January 8,2002
Ranata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Fax 202–616–9937
microsoft.atr@usdoc.gov

Dear Ms. Hesse:

It is inconceivable to me that, in the face of the damage that has been done to our nation's economy in the wake of the September 11 attacks, some state governments are still intent on pursuing the Microsoft antitrust case.

Now is not the time to further weaken the information technology innovations that led to the greatest period of economic progress in our history. Now is the time to bring this costly and case to an end.

Now is not the time to force the technology industry to spend another year in the courtroom. Now is the time to get to rebuilding our economic prosperity It is heartening that North Carolina has agreed to the settlement. I sincerely hope the judge will do the same.

Sincerely,
Dick Rasmussen

MTC–00030371

Donahue, Christopher
From: Donahue, Christopher
Sent: Friday, January 25, 2002 4:32 PM
To: 'microsoft.atr@usdoj.gov'
Subject: Microsoft Settlement
To Whom This May Concern:

I believe that the terms of the settlement are tough on Microsoft and may hurt it's revenues. This company has been an innovator in the technology field and has played a key part in the technology revolution.

The settlements are fair and reasonable to all parties, and meet—or go beyond—the ruling by the Court of Appeals, and represent the best opportunity for Microsoft, the industry and the economy to move forward.

Thanks for your time in this matter,
Christopher J. Donahue
Pfizer Global. Research and Development
Discovery Technologies
Assay Development
2800 Plymouth Road
Ann Arbor, Michigan 48105
734–622–1473 phone
734–622–3244 fax
christopher.donahue@pfizer.com

MTC–00030372

January 14, 2002
Ms. Renata Hesse
Antitrust Division
Department of Justice
60i D Street NW, Suite 1200
Washington. DC 20530

Dear Ms. Hesse:

I wish to offer my comments about the proposed Microsoft settlement. First, I like the provision that Microsoft would not retaliate against software or hardware developers who make products that compete with Windows.

Second, I also think that the provision that sets up a technical committee to assure compliance is good.

These are just two reasons why this settlement ought to be workable.

Sincerely yours,

MTC–00030373

ALAN G. SCHAAF
5925 WILLIAMSPORT DRIVE
FLOWERY BRANCH, GEORGIA 30542
770 965–0445
770 965–0492 FAX
678 656–1024 Cell Phone
aschaaf@bellsouth.net
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

For the past three years, the Microsoft antitrust case has dragged on in the federal courts. The lawsuit has already had a detrimental effect on the economy by introducing additional uncertainty m an already turbulent climate. Isn't it time to put an end to this disrupting influence?

Microsoft and the Justice Department have agreed upon a number of terms that both sides of this suit support.

While this case has lingered in the federal courts, America has suffered. No good can come of additional federal action. I urge you to give your support to the settlement. It is time to move on!

Sincerely,
Alan Schaaf

MTC–00030374

Holme Roberts & Owen LLP
Attorneys at Law
111 .East Broadway
Suite 1100
Salt Lake City, UT 84111
Td (801)521–5800
Fax (801)521–9639
FACSIMILE COVER SHEET
FROM FACSIMILE NUMBER: (801)521–9639
Date: January 25, 2002
Time:
To: U.S. District Court, District of Columbia
Attention: Honorable Colleen Kollar-Kotally
Facsimile No.: 202–307–1454
Verification No.:
Client No.:
From: Jay D. Gurmankin
Message: Re: Microsoft Settlement
Number of Pages Following this Cover Sheet: 2
If you need a confirmation or any of the pages sent again, please call our offices at the following number: (801)521–5800. If you do not call within I5 minutes, we will assume you have received the pages satisfactorily.

SECRETARY: Anette Cunningham EXT: 3274
Offices in: Denver Salt Lake City Boulder Colorado Springs London
#112638 v1
Holme Roberts & Owen LLP
Jay L. Gurmankin gurnory@hro.com
Attorneys at Law
111 ??st Broadway S?? 1100
Salt take City, Utah 841??-5233
Tel (501) 521–5800
Fax (101) 521–9639
www.hro.com
Salt take City
Den??r
Bou??er
Cole ??do Springs
Lon??n
January 24, 2002
SENT VIA:
E-MAIL TO:
Microsofi.atr@usdoj.gov
VIA FACSIMILE COPY TO: (202) 307–1454 or (202) 616–9937
1sT CLASS MAIL TO:
The Honorable Colleen Kollar-Kotally
U.S. District Court, District of Columbia
c/o Renata B. Hesse Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Re: Microsoft Settlement

Dear Judge Kollar-Kotally:

I write to comment on the proposed settlement in the Microsoft v. DOJ case. I have practiced in the antitrust area for approximately 30 years. Although I am not fully aware of all the facts and circumstances of this particular case, and although I believe that break-up of Microsoft would be too stringent of a remedy, I do not believe the current proposal to settle the case is appropriate.

The district court judge made significant findings concerning antitrust violations committed by Microsoft. Although the Court of Appeals may have determined that the break-up remedy may have been inappropriate, that Court did not reverse the district court's findings on the antitrust violations. Therefore, it is neither prudent nor appropriate for the DOJ of a new administration to propose or support a settlement that does not reflect what our judiciary, after a full and fair airing of the arguments of all sides, might impose.
#112664 v1
Holme Roberts & Owen LLP
Renata B. Hesse
January 24, 2002
Page 2

I believe the most appropriate course of action would be for the court, on remand, to conduct a proceeding to determine an appropriate remedy. At such a hearing, all parties, including the attorneys general of the interested states, to present their positions concerning the appropriate remedy.

Respectfully,

Jay Gurmankin

cc: The Honorable Mark Shurtleff, Utah Attorney General
#112664 v1

MTC–00030375

Comment from the Small Business Survival Committee on the Proposed Settlement in United States v. Microsoft
January 25, 2002
Darrell MeKigney
President &
Raymond J. Keating
Chief Economist
Small Business Survival Committee
Small Business Survival Committee 1920 L Street, NW, Suite 200
Washington, DC 20036
Phone: 202–785–0238
Fax: 202–822–8118
E-mail: darrell@sbsc.com
E-mail: rkeat614@aol.com

The Small Business Survival Committee (SBSC) believes that the proposed settlement between Microsoft Corp., the federal government and nine U.S. states in the case of United States v. Microsoft Corp. generally serves the ''public interest'' and the nation's economic well being. In its settlement, Microsoft has agreed to a variety of restrictions on its business practices for at least five years. Microsoft also would be subject to (and have to pay for) a full-time, onsite monitoring panel of three computer experts, who would have complete access to Microsoft's software code, systems, books, records, personnel, etc.

Considering that the antitrust case against Microsoft had absolutely no basis in economic reality, and that the government brought its case at the behest of competitors—not consumers-who could not keep up in the marketplace, we view any findings against Microsoft, and related restrictions placed on the firm, as unwarranted. However, given the costs, looming uncertainties, the current economic climate, and penchant for bad law and convoluted economics to dominate in the antitrust realm, Microsoft certainly made the correct business decision in reaching this settlement. Investor's Business Daily hit the nail on the head when it recently (January 22) editorialized:

''Late Thursday, Microsoft reported its earnings for the fourth quarter. They included a hefty charge of $660 million, or 8 cents a share, for expenses linked to antitrust lawsuits and ongoing legal action by some states.

''Think about it: that's two-thirds of a billion dollars. It could fund a lot of research, give a lot of raises to workers, even fund more Microsoft charity around the country.''

So, the costs of this case for the company, the taxpayers and the economy in general have been formidable.

And make no mistake, these costs are felt by many small businesses. Small enterprises certainly can be affected by the costs of this antitrust case (and others) in their roles as consumers of Microsoft products, and as suppliers to Microsoft. In addition, entrepreneurship and business can be impacted by the message sent by government in a case such as this, i.e., that if a business works and competes hard to succeed and gain market share, the government may move against it through regulation and litigation. That is not a positive economic message for government to be broadcasting into the marketplace.

Microsoft, the many businesses which serve as its suppliers and consumers, and the software industry have been placed at risk due to the government's long antitrust inquisition against Microsoft, and real costs have been incurred. The government's antitrust case against Microsoft has boosted costs, increased uncertainty in the high-tech community, and thereby, hurt the entire U.S. economy.

Looking ahead, it is quite disturbing that government officials—including regulators, lawyers, and judges—have the ability to impose their own anachronistic views of how markets should work on the rest of us, including the high-tech industries of today and tomorrow. Antitrust regulation remains a dangerous wild card in the marketplace. Depending how the latest political breezes happen to be blowing, our nation's most successful companies are in a position to be punished for their success via antitrust actions.

Antitrust law is regularly presented as a bulwark of competition and free markets. In reality, however, antitrust law, for the most part, is distinctly anti-market and anti-competition because it allows government bureaucrats or judges to overrule decisions made by consumers in the marketplace. In the end, government antitrust actions in this case have amounted to nothing more than an effort to protect some of Microsoft's current rivals from the rigors of competition, and/or an effort to expand the reach and control of government.

It needs to be understood that in the free market, businesses compete against current and future competitors. The rapid pace of innovation in the computer industry makes this abundantly clear. Therefore, many antitrust actions exhibit an inability on the part of regulators, government lawyers and some judges to understand the dynamic nature of the marketplace. Markets are not static. The classroom lesson about ''perfect competition'' does not exist in the real world. Instead, the economy involves a rough-and-tumble competitive process whereby entrepreneurs and businesses create new products and services, innovations, and efficiencies, often generating temporary monopolies that are then obliterated by competitors. Prices and profits act as signals in the marketplace to other businesses and entrepreneurs. An activist antitrust regime, as was exhibited over the past several years in the Microsoft case, disrupts this beneficial economic process.

The fact that antitrust law looms unchanged—to be erratically used as a club by government—will continue to east a shadow over the U.S. economy, particularly dynamic high-tech industries in which temporary monopolies are the clear rule.

Ideally, the Microsoft case should have been dropped altogether, and looking ahead, dramatic antitrust reform needs to be undertaken to reflect economic reality.

Short of such action though, a settlement in this case, which obviously steps far back from a proposed break up of Microsoft, makes sense. Hopefully, since much of the government's case has been thrown out or overturned, perhaps this Microsoft settlement will serve as a warning that antitrust restraint on the part of the government far better serves consumers, entrepreneurship and innovation, than does antitrust activism.

Darrell McKigney is the president of the Small Business Survival Committee. Raymond J. Keating serves as chief economist for the Small Business Survival Committee (SBSC). SBSC is a nonpartisan, nonprofit small business advocacy group headquartered in Washington, DC

MTC–00030376

Attention: Renata Hesse
Date: 1/25/2002
Company: U.S. Department of Justice
Number of Pages:
Fax Number: 1–202–307–1454
Voice Number:
From: Tom Moertel
Company: Moertel Co.
Fax Number: 412–341–6618
Voice Number:
Subject: Microsoft Settlement
Comments:

Please admit the following letter as my comments under the Tunney Act regarding the proposed Microsoft Settlement.
205 Dell Avenue
Pittsburgh, PA 15216
January 23, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear officials of the Department of Justice:

As a small-business owner and software professional with more than a decade's experience creating software for Windows, Macintosh, Unix, and Linux operating systems, I am writing pursuant to the Tunney Act to comment on the revised proposed Final Judgment (PFJ) in United States v. Microsoft.

I am deeply troubled that the PFJ, when scrutinized from a technical viewpoint, fails to satisfy any of the requirements for a remedies decree as set forth by the Court of Appeals ruling (section V.D., p. 99). The PFJ does not unfetter the market from Microsoft's anticompetitive conduct, terminate Microsoft's illegal monopoly, deny Microsoft the fruits of its statutory violation, or ensure that there remain no practices likely to result in monopolization in the future. Rather, the PFJ allows many of Microsoft's anticompetitive practices to continue—effectively legitimizing these illegal practices—and provides license for Microsoft further to abuse and extend its monopoly.

Rather than enumerate my specific concerns here, I will refer you to the findings of Dan Kegel's analysis? which summarizes the technical failings of the PFJ. I agree with Mr. Kegel that the PFJ fails to take into account Windows-compatible competing operating systems, contains misleading and overly narrow definitions and provisions, fails to prohibit anticompetitive license terms currently used by Microsoft, fails to prohibit intentional incompatibilities historically used by Microsoft to protect and extend its monopoly, and fails to prohibit anticompetitive practices towards OEMS.

I also agree with Mr. Kegel's conclusion that the PFJ allows and even encourages anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore counter to the public interest. Further, I am appalled that, despite the best intentions of the Department of Justice, the PFJ permits so many of Microsoft's illegal practices to continue unfettered that it effectively legitimizes these practices and threatens to make Microsoft's abuses into a government-sanctioned benefit of its monopoly.

Therefore, I must urge the Department of Justice to withdraw its consent to the existing PFJ and begin work on a new proposal that provides meaningful and effective remedies for Microsoft's illegal business practices. To do otherwise would likely result in a monumental miscarriage of justice and, ultimately, irreparable harm to the competitive environment that is vital to our nation's promising technology industry and the economy it supports. Again, I must urge you to withdraw your consent for this fundamentally flawed proposal.

Sincerely,
Thomas G. Moertel

MTC–00030377

Matthew Seymour
123 Wright Brothers Drive
Salt Lake City, UT 84116
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Three years ago, Microsoft was found to be in violation of antitrust laws. The corporation was duly brought to trial in the Federal courts, and it was not until June of last year that a settlement even began to be negotiated. After six months of around-the-clock negotiation, Microsoft and the Department of Justice were finally able to reach a settlement, and finalization has been pending ever since, However, nine of the plaintiff states in the case are currently seeking to undermine the settlement and bring further litigation against the Microsoft Corporation. I do not believe this is either necessary or wise. The proposed settlement would not only prevent further antitrust violations and thereby negate the claims that Microsoft's opponents have against the corporation, it would also allow business within the technology industry to return to normal.

The settlement restricts various actions on the part of Microsoft and also requires them to make changes in the Windows operating system. For example, future versions of Windows will be reformatted in order to support non-Microsoft software. Additionally, Microsoft has agreed to refrain from entering into any contract that would require a third patty to promote or sell Microsoft products either exclusively or at a fixed percentage. Microsoft has been extremely compliant in reaching this agreement, and the Justice Department has been fair to Microsoft in return. Microsoft will be allowed to remain intact, instead of being divided in thirds as was initially proposed. Microsoft has, in turn, agreed to terms under the settlement that: extend to technologies and processes that were not determined to be unlawful by the Court of Appeals. It is time for the nine states that have thus far refused to settle to cease their compliant(s) and to allow justice to be served. I urge you, Sir, to support the settlement.

MTC–00030378

Post-it?? Fax Note 7671
Date
# of pages??/
To Jom?? Ashcroft
From JAMES Sen??
Co./Dept. DOJ Co.
Phone # Phone #
Fax# 1–202–616 .9937
Fax# 201–291–7929
1–202–307–1454
464 Beverly Road
Ridgewood, NJ 07450–3308
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
January 25, 2002

Dear Mr. Ashcroft:

My family is writing to express our support for the settlement reached between Microsoft and the Federal Government. Microsoft went beyond the products and procedures that were actually at issue in the suit, for the sake of wrapping up the suit.

Microsoft has agreed to grant computer makers broad new rights to configure Windows so as to promote non-Microsoft software programs that compete with programs included within Windows, not to enter into any agreements obligating any third party to distribute or promote any Windows technology exclusively or in a fixed percentage, and not to retaliate against computer makers who ship software that competes with anything in its Windows operating system.

This is a very generous settlement that addresses the government's concerns and Microsoft's competitors' concerns. Its time to let Microsoft get back to work, please approve this settlement

Sincerely,
James S. Serpico
Cheryl L. Serpico
Alexander J. Serpico

MTC–00030379

AMITAVA GHOSE, Ph.D., P.E.
2715 Darnby Drive,
Oakland, CA 94611
(510) 531–7570
January 25, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington., DC 20530

Dear Mr. Ashcroft,

I urge you to settle the lengthy antitrust lawsuit that the government has brought against Microsoft after this comment period. The concessions Microsoft is willing to make to end the case are more than fair, and the situation should be put to rest.

Whining competitors who are jealous of Microsoft's market dominance are driving many of the concessions Microsoft is making. Many of those companies engage in similar business practices, but are being hypocritical simply because Microsoft has performed

better. One of Microsoft's concessions is to disclose certain Windows codes to other companies in the marketplace, yet those companies have not agreed to do the same thing in relation to their products. Microsoft is being more than reasonable in trying to resolve the litigation.

It is high time that this lengthy legal process ceases to handicap Microsoft's ability to bring cutting edge innovations to both Corporate America and the private consumer, at the dazzling rates that it has been able to do in the past. Microsoft's concessions will not only further ensure market competition, but will in fact benefit their rivals more than themselves. The government should not ask any more of Microsoft than that.

I strongly urge you to finalize the settlement.

Sincerely,

MTC–00030380

P.O. Box 9706
Phone: (505) 842–0644
E-mail: aoci@nm.net
Albuquerque, NM 87119.9706
Fax: (505) 842–0734
Web site, http://www.aci.nm.org
January 25, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Re: Comments on the Microsoft Proposed Settlement Agreement

Dear Ms. Hesse:

Microsoft is a company that has long provided good products to consumers and businesses, and it provides opportunities for other software companies as well to develop programs for the Windows platform. The provisions of the settlement, worked out with one of the nation's top mediators, will be good for consumers, businesses, the tech sector and the economy as a whole. I fully support the Department of Justice and the nine Attorneys General, including New Mexico Attorney General Patricia Madrid, for their efforts to finally put an end to this case and agree to a settlement that is in our nation's best interest.

ACI is the statewide business advocate and the New Mexico affiliate of the U.S. Chamber of Commerce and the National Association of Manufacturers.

Sincerely,
John A. Carey
President & CEO
??The Statewide Business Advocate??

MTC–00030381

P.O. Box 9706
Phone: (505) 842–0644
E-mail: aoci@nm.net
Albuquerque, NM 87119.9706
Fax: (505) 842–0734
Web site, http://www.aci.nm.org
January 25, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Re: Comments on the Microsoft Proposed Settlement Agreement

Dear Ms. Hesse:

Microsoft is a company that has long provided good products to consumers and businesses, and it provides opportunities for other software companies as well to develop programs for the Windows platform. The provisions of the settlement, worked out with one of the nation's top mediators, will be good for consumers, businesses, the tech sector and the economy as a whole.

I fully support the Department of Justice and the nine Attorneys General, including New Mexico Attorney General Patricia Madrid, for their efforts to finally put an end to this case and agree to a settlement that is in our nation's best interest.

ACI is the statewide business advocate and the New Mexico affiliate of the U.S. Chamber of Commerce and the National Association of Manufacturers.

Sincerely,
John A. Carey
President & CEO
??The Statewide Business Advocate??

MTC–00030382

BILL FLETCHER
S??
January 22. 2002
Renata Hesse, Trial Attorney
Antitrust Division
Department of Justice
6m D Street NW, S?? 1200
Washington, DC 20530
Fax 202–616–9937

Dear Ms Hesse:

I am the parent of three children, have run my own business for must of the past two decades, and am in my third four-year term on the Wake County Board of Education. So I come to my conclusions from a variety of viewpoints.

I believe Microsoft has put their offer on the table in their effort to bring to closure the action initiated by the Clinton Justice Department.

1. For the public schools, Microsoft's settlement offer contains desperately needed hardware, software and training. There is significant inequality in ?? schools in terms of technology. Some characterize the emerging ''digital divide'' and a change from the ''haves and have nots'' to the ''knows and the know nots'' The Microsoft proposal puts essential technology in the hands of our d??erving students immediately. And none too soon

2. For my business Microsoft continues to provide high value, cost effective products and services, even with significant resources d?? away by frivolous lawsuits.

3. For my family, prices of quality hardware and software continue to decline so that we ?? been able to provide appropriate educational tools for our college hound children. From the beginning, the federal government's pursuit of Microsoft has been politically inspired and ?? unwise. The case was ?? and oven subsidized in the beginning by Microsoft's competitors. They sought to win in the courts what they could not win in the market. The government should never have initiated this proceeding.

Now the courts have an opportunity to end this madness. Three years and 530 million of the taxpayers'' money is enough. At a time when terrorists threaten America and we are facing an economic slowdown, our nation, the information technology industry and Microsoft should not be forced to waste more time and money on this case.

It is time to move ahead Please ?? the Mrcrosoft offer and let's refocus our government's resources on more important issues.

Sincerely,
Bill Fletcher

MTC–00030383

Ms. Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I write to say that I am pleased to see that the Department of Justice is close to settling the Microsoft case. I don't know many details about the charges in the case, but I do know that Microsoft has produced software that has proven extremely valuable in my work, In my view, Microsoft is the reason most software is now created 1o be compatible on most computers. For computer users who are not ''techies''. this has been invaluable.

It is time to settle and move on, so Microsoft can proceed with the kind of product development and innovation that has been so valuable in business, and therefore, in our economy. I hope the Department of Justice will agree.

Sincerely,
Elizaboth R. Cash
Director of the Annual Fund
Lynchburg College
Lynchburg, VA 24501

MTC–00030384

Management ??'' at Lyn??hburg
2511 Memorial Avenue, Suite 202
Lynchburg, VA 20501
(804) 528–1611
FAX (804) 528–1611
careers@mrlynchburg.com
January 25, 2002
Ms. Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
Got D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

As a recruiter with more than 20 years in the business, I have observed the impact Microsoft products have had on business and industry, and in particular on small business. In the early days of computers, only very highly paid ''computer gurus'' could use the technology of the day. Recruiting and hiring these people was an expensive proposition, so much so that most small businesses had to do without.

Because of the innovation and ''Dear-friendly'' products of Microsoft, small businesses today can hire someone right out of high school to use software, which enables them to compete with much larger companies. Because we have access to the latest software and hardware at affordable prices, we have been able to develop a

reputation in the marketplace and are frequently called on by many of the Fortune 100 companies to conduct National and International searches for them. Without the access to the affordable technology we use this would not be possible.

One reason Microsoft and other computer and software makers have been so successful, in my opinion, is because they have been allowed to operate in a free marketplace, unencumbered by unnecessary government restrictions. Their success has in turn has allowed us to he successful. I suggest to you that a timely settlement of the antitrust lawsuit is in the best interests of everyone, especially business.

Sincerely,
David Blue
Manager

MTC–00030385

Delivering Internet Results
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft, understand the government decided to settle its three-year-long antitrust lawsuit with Microsoft Corp. This is very good news, because settlement is in the best interests of the State of Michigan, the IT industry, and the economy.

Microsoft did not get off easy, but the settlement is fair and reasonable, and it will definitely benefit consumers and preclude future anticompetitive behavior. The recession has had a devastating effect on state on state budgets and the federal budget, and it is important that the technology industry be allowed to concentrate on business now.

One of the main accomplishments of the settlement is Microsoft's agreement not to retaliate against computer makers who ship software that competes with Microsoft in its Windows operating system. Microsoft's competitors should be very pleased with this clause. Additionally, Microsoft agreed to share its software code for various interfaces that are internal to Windows with its competitors. This should make its competitors ecstatic. It is my hope that this can all be worked out and that the settlement can take effect as soon as possible.

Thank you.
Sincerely,
e-Business Analyst
Internet Operations Center Inc

MTC–00030386

Renata B. Hesse
Antitrust Division
U,S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–000
Via Facsimilie: 1–202–307–1454

To Whom it May Concern:

I am writing you today to express my grave concern about the proposed settlement to the Microsoft anti-trust case, I hope you'll consider my comments under the Tunney Act, I am the Chief Technology Officer of a company that develops internet content and software applications for a variety of mid- to large-sized businesses. I have ten years'' experience as a computer programmer, systems engineer, and technologist.

After thoroughly reading the terms of the proposed settlement, I object to it on two equally important but distinct grounds,

First, the settlement fails to adequately punish Microsoft for its anticompetitive and illegal behavior, in order to be in the public interest. any settlement must substantially deny Microsoft the benefit of its illegal acts. The settlement further harms the public interest in this regard by failing to serve as a sufficient deterrent to future monopolies, Only an immensely large fine, of sufficient magnitude to madate immediate changes in the company's business practices, could achieve these goals.

I furge you to consider the opinions of former Supreme Court Justice Robert Bark on this matter, as he expressed in a recent interview: http://www.linuxplanet,com/linuxpianet/opinions/4020/3 My second objection to the settlement is that it is riddled with errors and other failings in terms and definitions, any one of which could allow Microsoft to evade all but the most convenient of the settlement's provisions, Specifically, any settlement terms requiring Microsoft to disclose APIs and other documentation to its competitors and the general public must specifically define the effect that disclosure must achieve. For example, the remedies that address Microsoft's anti-competitive use of file formats must specifically state that the company's competitors and customers must be able to use the documentation to build fools that are completely and effectively compatible with Microsoft's tools.

In an effort to make the terms legally abstract enough to remain relevant to future products and technologies, they have been rendered largely useless. These fallings, and others documented in the comments you've received under the Tunney Act, must be resolved before this or any settlement could be considered in the public interest.

Thank you for considering my comments.
Yours,
Matthew J, Rechs
Chief Technology Officer
The Content Project

MTC–00030388

CERTIFIED PUBLIC ACCOUNTANT
1300 SOUTH UNIVERSITY DRIVE, SUITE 308
FORT WORTH, TEXAS 761O7–5735
(817) 338–1115
Metro (817) 429–7422
Fax (817) 338–1163
e-mail wbrown@sgw-cpas.com
Member of Texas Society of Certified Public Accountants
January 25,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am a practicing CPA and have been using Microsoft products for many years. I currently use Internet Explorer, Microsoft Excel, Microsoft Word and Microsoft Outlook. These axe all superior products. Never have I felt disadvantaged in not being able to use competing products since I could switch at any time if I wanted to. As far as Windows is concerned it is a superior operating system. I have never met anyone who felt handicapped in not being able to use another operating system.

Everyday as I read about the settlement process regarding the Microsoft anti-trust case, I become more annoyed with our federal legal system. After three years of litigation, I fail to see what can be scrutinized any longer. Microsoft has made numerous concessions in an attempt to resolve this case.

Under this settlement Microsoft will disclose the protocols and design interfaces of Windows. This will enable developers to design software that is increasingly compatible with the Windows system. In addition to this users will be able to delete Windows programs that they do not want on their system with greater ease.

The settlement can finally bring an end to this case that has drained resources for more than three years now. I support the settlement, and hope it is enacted soon.

Sincerely,
Willis F. Brown, CPA

MTC–00030389

Sanborn
42 Isabella Road
Elverson, PA 19520
January 25,2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my support of the recent settlement in the antitrust case between Microsoft and the US Department of Justice. I think the lawsuit was unjustified in the first place, considering how much Microsoft has done for our country by way of creating jobs, generating income, and making technological breakthroughs. I realize that the competition is way behind, but this is the reality of a capitalist society and a free market. The most innovative will always succeed.

I feel that the lawsuit was initiated because Microsoft would not and did not play ball with the Democratic Party and specifically the Clinton's who wanted donations from Microsoft. The terms of the settlement are harsh and make Microsoft give away many secrets. For one, Microsoft is being forced to disclose interfaces that are internal to Windows operating system products. This seems to me to be in violation of their intellectual property rights.

Nevertheless, I think it is in the best interests of the American public to have the case finalized. Our economy and the IT sector in particular needs Microsoft focusing on business, not politics. I urge your office to take a stance against the nine states in opposition and do what is right for the American public.

Thank you.
A. Sanborn
B. cc: Senator Rick Santorum

MTC–00030390

WASHINGTON LEGAL FOUNDATION

2009 MASSACHUSETTS AVENUE, NW
WASHINGTON, DC 20036
(202) $88–0302
FAX: (202) 588–0386
FACSIMILE COVER SHEET
To: DOJ Antitrust Div.
ATTN: Renata B. Hesse
From: Paul D. Kamenar
Fax: 202–307–1454
Copy Sent (Date & Time): Jan. 25, 2002
Transmission consists of pages, including this cover page
COMMENTS:

ATTACHED ARE COMMENTS OF THE WASHINGTON LEGAL FOUNDATION ON THE PROPOSED JUDGMENT IN US v. MICROSOFT

CALL IF ANY QUESTIONS OR PROBLEMS. I CAN EMAIL YOU A COPY AS WELL.

PLEASE EMAIL ME THE DOJ EMAIL ADDRESS. MY EMAIL IS: pkamenar@wlf.org

Thank you.

MTC–00030391

Attorneys at Law
111 East Broadway
Suite 1100
Salt Lake City, UT 84111
Tel (801)521–5800
Fax (801)521–9639
FACSIMILE COVER SHEET
FROM FACSIMILE NUMBER: (801)521–9639
Date: January 25, 2002
Time:
To: U.S. District Court, District of Columbia
Attention: Honorable Colleen Kollar-Kotally
Facsimile No.: 202–307–1454
Verification No.:
Client No.:
From: Thomas J. Rossa
Message: Re: Microsoft Settlement
Number of Pages Following this Cover Sheet: 2

If you need a confirmation or any of the pages sent again, please call our offices at the following number: (801)521–5800. If you do not call within 15 minutes, we will assume you have received the pages satisfactorily.

SECRETARY: Anette Cunningham EXT: 3274
Offices in: Denver Salt Lake City Boulder Colorado Springs London
Thomas J. Rossa ??@??.com
Attorneys at Law
111 East Broadway Suite ??100
Salt ?? City, Utah 8411?? 5233
Tel (801) 521–5800
Fax (801) 521–9639
www.??ro.com
Salt Lake City Denve??
Boul??
Color??do Springs
London
January 25, 2002
SENT VIA:
E-MAIL TO: Microsoft.atr@usdoj.gov
VIA FACSIMILE COPY TO: (202) 307–1454 or (202) 616–9937
1ST CLASS MAIL TO:
The Honorable Colleen Kollar-Kotally
U.S. District Court, District of Columbia
c/o Renata B. Hesse Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Re: Microsoft Settlement

Dear Judge Kollar-Kotally:

As a practicing attorney in the intellectual property area for nearly 30 years, I write to object to the proposed settlement in the Microsoft v. DOJ case. While comment from the public or the bar is typically inappropriate, in this case the involvement of press suggests that it would seem highly appropriate that comments be supplied in reference to the proposed arrangement. My purpose in writing is not to comment on the correctness of the decision but the application of the proper remedy. I must assume that the district court correctly determined and the Court of Appeals correctly reviewed the determination that Microsoft violated the antitrust laws of the United States. The U.S. Supreme Court has determined not to hear an appeal of the Court of Appeals decision, therefore, Microsoft's legal remedies to challenge the trial court's findings are at an end. What remains is the Court of Appeals'' remand to the district court to determine how Microsoft should be punished for its violations.

I understand that with a change in the administration, the DOJ's desire to continue with the litigation has somewhat waned and that a settlement has been proposed that DOJ finds acceptable. In my experience and understanding, however, the determination that a monopoly exists and findings of antitrust violations require the imposition of remedies that follow certain logical principles. Specifically the remedy or disposition should lead to a termination of the monopolistic activities. In addition there should be some structure to level the playing field and allow those who have been disadvantaged to reenter the market place. Indeed, logic supports tilting that playing field toward the excluded for a time to dissipate the advantage unfairly and illegally obtained by the monopolizer.. Of course there should be some penalty for past conduct and something to prevent or deter future violations. I am at a loss to explain how the proposed settlement satisfies the requirements of these principles and how it complies with the standards set forth in the Court of Appeals'' decision.

Anytime a company's dominance in the marketplace and behavior reaches the levels of a monopoly as has been determined in this case, affirmative action must be taken to bring the marketplace into balance. The proposed settlement does not do so, and I suggest the court take evidence from others not party to the proceedings to develop proper and appropriate remedies. While there are experts who are better positioned to opine on the details, it seems entirely logical for sufficient portions of the programs including the source code to be made available so that others are able to access and develop compatible systems. There is some similar precedent for such because in the early 70's the Bell system was forced to allow others to access the Bell system through interface circuitry. Thus Bell's monopoly over the PBX systems ended. While Microsoft is not a utility, it dominates the industry to the point that it is tantamount to a utility. In turn, remedies that are somewhat regulatory would be logical if not compelling. Indeed, some continuing court supervision after the remedy has been fashioned would seem to be as important as court supervision of bussing to effect integration.

Respectfully,
Thomas J. Rossa
cc: The Honorable Mark Shurtleff, Utah Attorney General

MTC–00030392

Patrick Neborg
101 Horseshoe Lane
North Wales, PA 19454–4272
January 22, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0002

Dear Mr. Ashcroft:

I would like to see the Microsoft case brought to a conclusion. It is in the best interest of all involved that this case be settled.

The concessions made by Microsoft will achieve the goal of restoring fair competition. Microsoft will take steps to ensure computer manufacturers and consumers may more easily install its competitors'' software programs. Microsoft has also agreed to not retaliate against those who promote the competition's products. These types of changes in Microsoft's business practices will help ensure there are no future antitrust violations.

Like most members of the technology industry, I would like to see Microsoft concentrate its resources on developing new products, rather than on litigation. Drawing out the case any further will benefit no one.

Sincerely,
Patrick Neborg
cc: Senator Rick Santorum

MTC–00030393

Anqelo J. Bello
1437 79th Street
Brooklyn, New York 11228
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I would like to express my opinion on the recent settlement in the Microsoft antitrust case. This case needs to be ended and the current settlement is a good solution. There should be no question that this settlement serves the public interest, Microsoft is giving up so much in this case and it is only fair to leave them alone now.

I am a computer technician and I install computers for my employer as well as for friends, family and other personal business associates. We don't solely rely on Microsoft's products, but rather use a combination of software products. We have complete freedom to choose to use other products and have obviously done so with no problems. Additionally, when using the MS windows platform, never once was I, nor anyone I know, prohibited from installing or using other products. As a successful company, when providing a product, why would you want to include a competitors'' product within your own? That's not to say

that you are stopping from adding or installing others''. I don't see that Microsoft has acted unfairly, they are merely a hugely successful company who made smart business decisions to try and maintain that success. They are now being punished because less successful companies wanted a part of it and didn't have the means to step up to Microsoft without bringing the courts and lawyers into the process.

As it stands, the settlement already is more than fair. This issue needs to be ended and maintaining the settlement is the right thing to do. It indeed serves the public interest and it indeed addresses the issues brought up by Microsoft's competitors. Please allow this settlement to be the end of this drawn-out lawsuit. Our economy can't stand any further delay in this issue.

Sincerely,
Angelo J. Bello

MTC–00030394

Carl C. Carlsen
Captain (Ret.)
425–334–1454
2903—116th Ave NE
Lake Stevens, WA 90258–9161
cearlsent@compuserve.com
ha?? radio call—KD7BFN
January 25, 2002
Attorney General John Ashcroft
U,S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C, 20530

Bear Mr. Ashcroft:

I would like to start off by saying that I am not a strong supporter of Microsoft. I don't really have any stong ties to them, but I don't agree with the antitrust suit against them. The settlement that was made between Microsoft and the Department of Justice is more than fair, and it is time this matter was over with. Millions of state and federal dollars have been wasted on this suit. The Untied Slates is based upon a free enterprise system; while we may not always agree with the tactics employed by big business, our interference in business undermines the very foundation this nation has been built upon.

Microsoft has agreed to terms that will enable other companies to compete. They have to license the internal codes of Windows to the top twenty companies so they can produce software that is compatible with Windows. Because of the competition that will arise from this settlement a wider variety of products will emerge. So now, not only will the consumer have a better product, but the prices will be more reasonable. Also, Microsoft will be forced to produce a better product in order to stay competitive.

I would like to reiterate that I am not writing this letter because the issue is personal to me. I am not a huge stockholder and I know no one who works for Microsoft. I do know what is right though, and ending this ridiculous suit against Microsoft is the right thing to do. Thank-you.

Sincerely,
Carl Carlsen

MTC–00030395

January 12, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am an architect with his own firm. I am well versed in business and business practices which is why I am thoroughly annoyed with the lawsuit brought against Microsoft. The whole process was one of professional jealousy than any monopolistic business practices.

The antitrust laws were set up to protect the consumer; Bill Gates did nothing but help the consumer. He standardized computer software; he made computer software more understandable; he made computer software more affordable. Software has gone down in price, not up. Does anybody remember how difficult computers were before Microsoft? And for this the company is being persecuted. This is wrong.

Furthermore, from what I understand of the agreement, Microsoft has done a great deal to assuage the demands of the Department of Justice. Microsoft has agreed to help companies achieve a greater degree of reliability with regard to their networking software; Microsoft has agreed to document for use by its competitors various interfaces that are internal to Windows'' operating system; and has even agreed to a technical committee to monitor future adherence. I would not do as much.

Microsoft, through Bill Gates, has made this country's technological revolution. Microsoft and the Department of Justice have made peace. Let's honor it and go forward.

Sincerely,
Herb Zelikoff

MTC–00030396

January 25, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Fax: 202–616–9937

Dear Ms. Hesse:

As a member of the North Carolina Academy of Trial Lawyers, I believe that the government needs to end the Microsoft antitrust case. The case has already cost hard working American taxpayers over $30 million, and that figure is rising every day.

A settlement has been reached that is suitable to both parties. Under the agreement, the government has unprecedented oversight of Microsoft's operations and controls to prevent anti-competitive business practices. Consumers will have greater choice in the selection of their computer operating system than ever before.

In the free enterprise system, consumers dictate the success of a given firm or product. They control the system by voting with their pocketbook. I am certain that throughout American history, there have been many examples of companies egregiously violating antitrust laws. In this instance, however, I do not see the harm to consumers that is required in order to prosecute the Microsoft case further.

Settling the case not only helps the economy a great deal, but it frees up needed funds for the Justice Department to pursue more pressing concerns. I sincerely hope that we can end this antitrust saga soon. wall Street and Main Street are waiting.

I hope that Judge Kollar Kotelly approves the settlement.

Regards,
Tony Gurley
10037 Sycamore Rd.
Raleigh, NC 27613

MTC–00030397

January 25, 2001
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms, Hesse:

I am writing this letter, as a consumer of high-tech products, to register my support for the recently negotiated settlement of the Microsoft lawsuit. It is clear that the best interest of all is for a quick resolution of this long and expensive lawsuit.

Even though some will say the terms of the settlement are not tough enough, I think it is far preferable to find a workable solution rather than mete out crippling sanctions against Microsoft that will do nothing more than dull America's cutting-edge technological superiority.

Antitrust laws were meant to protect consumers, yet at no time during this case has anyone shown that Microsoft has done harm to a consumer. I say it is time to put and end to this competitor-driven pursuit and let technological innovators, such as Microsoft continue to fight it out in the marketplace-not the courtroom.

Sincerely,
Darlene Causey
Executive Director

MTC–00030398

CERTIFIED PUBLIC ACCOUNTANT
1300 SOUTH UNIVERSITY DRIVE, SUITE 308
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Fax (817) 338–1163
e-mail wbrown@sgw-cpas.com
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am a practicing CPA and have been using Microsoft products for many years. I currently use Internet Explorer, Microsoft Excel, Microsoft Word and Microsoft Outlook. These ate all superior products. Never have I felt disadvantaged in not being able to use competing products since I could switch at any time if I wanted to. As far as Windows is concerned it is a superior operating system. I have never met anyone who felt handicapped in not being able to use another operating system.

Everyday as I read about the settlement process regarding the Microsoft anti-trust

case. I become more annoyed with our federal legal system. After three years of litigation, I fail to see what can be scrutinized any longer, Microsoft has made numerous concessions in an attempt to resolve this case.

Under this settlement Microsoft will disclose the protocols and design interfaces of Windows. This will enable developers to design software that that increasingly compatible with the Windows system. In addition to this users will be able to delete Windows programs that they do not want on their system with greater ease.

The settlement can finally bring an end to this case that has drained resources for more than three years now. I support the settlement, and hope it is enacted soon.

Sincerely,

Willis F. Brown, CPA

MTC–00030399

January25, 2002
Renata Hesse
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Madam:

I am writing this letter to express my support for the recently negotiated settlement of the Microsoft case For the past several months, I have watched as the Department of Justice and several state Attorneys General have relentlessly pursued a frivolous antitrust lawsuit against Microsoft. As a user of Microsoft products, I think it is time to bring this issue to a conclusion. The treat of government regulation has caused tremendous harm to the industry, consumers and the entire economy. At a time when the economy is heading into difficult times, the last thing the technology industry needs is more litigation and government regulation.

Further litigation will not improve quality or increase innovation. On the contrary, attempts to place limits or] any part of the tech sector—not just Microsoft—will Inhibit innovation, increase costs, and place America's technology at a disadvantage in the global market.

I think it is time to settle this matter and let the industry, and Microsoft, continue to develop affordable, innovative products.

Sincerely,

Diana Queen Koether
Manager
Hamilton Chamber of Commerce

MTC–00030400

January 24, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington DC 20530
RE: Microsoft

Dear Ms. Hesse:

As each day we see more of our industries faltering in the aftermath of September 11, 2001, I am writing to encourage the Justice Department to free companies in the high-tech industry to compete with one another in the marketplace without crippling them with unnecessary sanctions. Please lend your support to the negotiated settlement of the Microsoft lawsuit as it is clearly in the best interest of the national economy to quickly resolve this lawsuit and avoid further slowdown in one of our most important industries.

The terms of the settlement are strong enough. Consumers such as Sanders & Sanders Associates, Inc. have not been harmed by Microsoft, but rather, helped by this strong, innovative company.

Sincerely,

Janet R. Sanders
Vice President
Sanders & Sanders A??
5252 Westchester. Suite 170
Houston, Texas ??
713 522–9734 Fax
713 522 9733

MTC–00030401

Tax Plus of Oklahoma
Renata Hesse
Antitrust Division
Department of Justice
601 D. Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

The U.S. Department of Justice and nine state attorneys general decided to settle the Microsoft antitrust case. A recent survey done by Americans for Technology Leadership, a broad-based coalition of technology professionals, found that 70 percent of American consumers agreed with that decision.

Yet, the pursuit of Microsoft continues.

It seems that a handful of Microsoft's competitors have prevailed upon the remaining nine state attorneys general to reject any settlement—be it reasonable or not—and continue to chip away at Microsoft.

Of the 1001 individuals contacted in poll, 82 percent said that Microsoft's competitors should compete by creating new products rather than lobbying for the government to stop Microsoft's new products.

We lead the world in technological innovation thanks in large part to Microsoft. Let's not lose that advantage because we-re afraid to let one corporation get too far ahead in the market place. I say, settle this case quickly and let's get back to what made this nation great—competition.

Sincerely,

Rhonda Schrum
President

MTC–00030402

SJS CADD, Inc.
4072 US HIGHWAY 62
CALVERT CITY. KY 42029
phone: (270)395–1851
fax: (270)395–1708
www.sjscadd.com
25-Jan-02
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

I write this letter to express my opinion regarding the antitrust suit against Microsoft. I support the settlement and the conclusion of the federal involvement in the suit. Continued litigation would have resulted the eventual destruction of Microsoft, thus causing detrimental effects on the progress of technology and the economy in the country. It is necessary that further litigation is prevented, and this settlement is implemented.

The settlement will help taxpayers and consumers save on taxes and costs of technology. It directs Microsoft to provide information regarding the various interfaces of its Windows operating system. Microsoft has also agreed not retaliate against computer makers that may ship software that would compete with Windows.

I urge you to realize the necessity for the conclusion of this case. It has been a suit that has created a state of ambiguity within the technology field. It is imperative that you stop all federal action and confirm the settlement.

Sincerely,

Shane Cosby
Partner

MTC–00030403

ROWLETT
CHAMBER OF COMMERCE
January 25, 2002
Ms. Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Re: Microsoft Proposed Settlement Agreement

Dear Ms, Hesse:

It is time to end the pursuit of Microsoft. It is time to accept the terms of the recently negotiated settlement.

A vast majority of American consumers feel they have benefited from Microsoft products and feel Microsoft has contributed to the economic growth of the United States. I consider myself one of those American consumers.

The settlement worked out with the nation's top mediators will be good for everyone, consumers, businesses, the technology industry and the economy.

On behalf of the Rowlett Chamber Commerce being part of the Texas Association of Businesses and Chambers of Commerce and a spokesperson for the Rowlett business community I urge there be an end to the Microsoft case'', agree to a settlement that is in our nation's best interest.

Sincerely,

Mary Alice Ethridge
President/Executive Director
3910 Main Street . P.O. Box 610 . Rowlett, Texas 75030–0610
972/475–3200 . Fax 972/463–1699
e-mail: rowlett__chamber@rowlettchamber.com .
http://www.rowlettchamber.com

MTC–00030404

CHICAGO TECHNICS, Inc.
January 17, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

The antitrust suit against Microsoft has not had an adverse affect upon my technology-

based company as of yet, but if this suit were to continue, it would surely affect it. In a worst-case scenario, if Microsoft were broken up, I could go out of business, even though I am not employed by Microsoft. There are probably thousands of businesses like mine that would face the same problem. The settlement that was reached between Microsoft and Department of Justice promises to prevent any adverse effects if litigation is stopped.

Under the settlement, Microsoft has agreed not to retaliate against any computer makers if they ship software that would compete with its Windows operating system. Microsoft has also agreed to make all future versions of Windows to be compatible with non-Microsoft products. The settlement also establishes a three-person ''Technical Committee'' that will monitor Microsoft's compliance to it.

I also do not want to see Microsoft forced to open the code for Windows?? to the world. I would not want to be forced to buy my software from India, Germany, Japan or China. If you think that opening the source code to Windows?? will help Microsoft's competitors, what do you think it will do to those same competitors when they have to compete with companies in other countries. To continue litigation is to squander all the time and money spent formulating this settlement. The government must not waste such scarce resources amid recession. I urge you confirm this settlement and allow the industry to move ahead.

Sincerely,
John G Miller
President
Microsoft CERTIFIED Partner
?? Harbor Point Concourse,
155 North Harbor Drive,
Chicago, IL 60601 ??
(312) 938–0026??

MTC–00030405

Patricia Meluin
1011 Great ??and Read
Narth ??nd??ver, Massachusetts 01845
(978) 683–4396
January 24, 2002
Renata House
Trial Attorney
Antitrust Division
Department of Justice
601D Street NW, Suite 1200
Washington, DC 20530

Dear Attorney Hesse:

Please accept my comments for consideration during the public comment period in the Microsoft anti-trust case. I support the settlement agreement that has been reached in this case, and urge the court to accept it as written as soon as possible. This case has dragged on too long with little discernible public benefit, and ought to be concluded once and for all.

The other players in the high tech industry would be better served to have their research and marketing divisions work as hard as their lawyers and lobbyists. This case has never been about protecting the consumer from anti-trust abuses, as much as it has been about picking sides in the marketplace. We would all be better off if the case is settled, and everyone can get back to business.

It is a shame that so much taxpayers'' money has been wasted chasing one company in a competitive field; it would only make matters worse if we were left with government bureaucrats micromanaging the industry. Please don't allow the terms of the settlement to be expanded. They go far enough as it its.

Respectfully,
Patricia Melvin

MTC–00030406

Mega-Data
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

RE: Microsoft Settlement

I have been most disturbed by the Federal government's continued proceedings against Microsoft Corporation. In my opinion, the entire suit brought by the Federal government and several states was extremely ill-founded, and strikes a negative blow at the very heart of the free enterprise system through which this country has prospered

I bought my first ''personal'' computer in 1978. It was an Ohio Scientific brand, and it contained 3 separate CPUs and 3 separate operating systems. One of the operating systems was CP/M, which was the front-runner at that time. The second operating system was DOS (by Microsoft). I no longer remember the name of the third operating system, as it never became widely Used. There was no ''standard'' in PC operating systems at that time, but it was presumed at that time that CP/M would become the prevailing operating system.

Obviously, that did not happen. Microsoft's DOS and later its Windows operating system because the prevailing product in the market. There are many reasons for this, including:

1. Superior feature content which was readily accepted by users

2. Wide selection of compatible application software, due to a programmer-friendly development interface

3. Availability of information to enable developers to write applications to run on this operating system

4. Affiliate and partnership programs with developers, software and hardware vendors In short, Microsoft came to the forefront of the industry by offering ''a better mousetrap'' than the competition. The Federal government itself has affirmed this fact by making Microsoft products its own desktop standards. (Our company had the privilege of delivering training on Microsoft products to all of the regional offices of the General Services Administration several years ago.) Mega-Data Services, Inc, . 13667 Edith Road, Loxahatchee, Florida 33470–4911 Tel (561) 798–3940 . Fax (561) 798–3525 . e-mail: info @mega-data.com

Microsoft has contributed immensely to the prosperity of this country. And there are thousands of small businesses like ours that would probably not even exist today if we had not had the benefit of Microsoft's partner programs.

It is an extremely dangerous precedent to allow a competitor in the open market to bring suit when it fails to ''win'' in the market place. Forcing a company to share its proprietary and confidential research and development information in order to allow its competitors to better compete squelches the free market initiative to invest in R&D. It also has a decidedly malodorous aura of Socialism.

In my opinion, this continued legal action is motivated as much by the anticipated revenues of the legal firms involved as by the competitors'' wishes to gain marketplace by any means possible - an obvious instance of the ''deep pockets'' syndrome. Even though the settlement goes further than original complaints in the suit, Microsoft has chosen to settle so that it and the market can move forward The settlement requires Microsoft to disclose information regarding how it develops it software. Microsoft has also agreed not retaliate against computer-makers that may ship software that would compete with its Windows operating system. Just these two remedies by themselves will have an enormous impact on Microsoft, but there are even more stipulations than that, as you are well aware.

Although I firmly believe that Microsoft should not even be subject to these settlement requirements because I believe it won the prevailing market position by offering superior products, it would be beneficial to the entire industry and to this country to confirm the current settlement agreement and move on to other issues. Therefore, we are urging you to confirm the current :Settlement agreement as soon as possible and let the IT industry be free to develop products in an unfettered free enterprise environment.

Yours truly,
Patricia McDermott-Wells President
Tel (561) 798–3940 .
Fax (581) 798–3525 .
e-mall: info@mega-data.com

MTC–00030407

551 Blue Spruce Road
Alpine, UT 84004
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft: I am thoroughly disgusted with the outright refusal of half of the plaintiff states in the Microsoft antitrust case to accept the settlement. It has not only had a negative impact on the economy and impeded the progress of the technology industry, but it has also cost the parties involved a great deal of time and money. I cannot imagine how Utah plans to finance additional litigation against Microsoft. Not only that, but it appears that the only reason flint these nine states are pursuing litigation against Microsoft is because the plaintiff states in the big tobacco suit were able to make such a profit off of their lawsuit.

The settlement, is, I believe, a little too heavy-handed with Microsoft. Microsoft has done its best to wrap up the case as speedily as possible, and I believe that is in the best interest of all parties involved to settle. The terms agreed upon are sufficient to prevent further antitrust violations. For example,

Microsoft has agreed not to enter into any contracts that would require a third party either to sell or distribute Microsoft products at a fixed percentage. The agreement also allows for a leveling of the playing field in the technology market. Microsoft's competitors, for instance, will be allowed to introduce their software into Windows, and Microsoft: has agreed to reformat the Windows operating system to this end.

I do not believe it is necessary for Microsoft to be held further accountable in the antitrust suit. No additional action needs to be pursued on the federal level. This has gone on for long enough, and, frankly, I think it's starting to do more harm than good. I urge you to support the settlement.

cc: Repres entative Chris Cannon

Sincerely,

Nathan Larsen

MTC–00030408

William Hunnicutt
7904 Briarwood Lane
Urbandale, IA 50322
515–7274854
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
January 25, 2002
Re: Microsoft Settlement

Dear Ms. Hesse:

Microsoft's competitors are guilty of tying up the courts with litigation based on unsubstantiated, personal vendettas. I am even more appalled, however, that there are State Attorneys General pushing the case, seemingly more eager to make a name for themselves than adhere to the rule of law. As a consumer, I see no benefit in the continuation of protracted litigation based upon the spurious public interest proffered by the remaining States. Indeed, not only have millions of tax dollars been wasted, this frivolous litigation has taken money out of our economy as investors hold their breath, watchful of government involvement in business.

The Department of Justice has settled the case, as have a handful of State Attorneys General. The stolid AGs remaining should follow their lead. A suitable settlement is on the table and there is nothing left to gain. I appeal to you to use your power to put an end to this prejudicial litigation so that the country, the economy, trod the Court can focus on the more substantive issues that face our nation today.

Sincerely,

William Hunnicutt

MTC–00030409

25 January, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
Suite 1200
601 D Street NW
Washington, DC 20530–0001

To whom it may concern:

Pursuant to the Tunney Act, I am writing to express my opposition to the Proposed Settlement in the: United States vs. Microsoft antitrust case. The Proposed Settlement places much-needed restrictions on Microsoft's licensing practices by preventing Microsoft from retaliating against OEMs who ship Personal Computers that include both a Windows Operating System Product and a non-Microsoft Operating System. However, the Settlement completely ignores a critically important class of licenses: End-User License Agreements (EULAs).

Microsoft uses EULAs as a lever against competing Operating Systems with the ability to run Microsoft Windows programs. For example, the Microsoft Windows Media Encoder 7.1 Software Development Kit (SDK) EULA states in part:

...You may install and use the SOFTWARE on a single computer to design, develop, and test your software application products that utilize Microsoft Windows Media technology (your ''Application'') for any version or edition of Microsof5 Windows 98, Microsoft Windows NT 4.0, Microsoft Windows 2000 operating system or any Microsoft operating system that is a successor to any of those operating systems (the ''OS Platforms'')...

Thus even if a competing Operating System has the technical ability to run Microsoft software, the user is prevented from doing so by the EULA because it is not a ''sanctioned'' Microsoft Operating System. Microsoft doesn't stop there, however. The same EULA prevents the software from even being distributed with an Open Source system:

...you shall not: distribute the REDISTRIBUTABLE COMPONENT in conjunction with any Publicly Available Software. ''Publicly Available Software'' means each of (i) any software that contains, or is derived in any manner (in whole or in part) from, any software that is distributed as free software, open source software (e.g. Linux) or similar licensing or distribution models; and (ii) any software that requires as a condition of use, modification and/or distribution of such software that other software distributed with such software (aa) be disclosed or distributed in source code form; (bb) be licensed for %he purpose of making derivative works; or (cc) be redistributable at no charge. Publicly Available Software includes, without limitation, software licensed or distributed under any of the: following licenses or distribution models, or licenses or distribution models similar to any of the following: GNU's General Public License (GPL) or Lesser/Library GPL (LGPL); The Artistic License (e.g., PERL); the Mozilla Public License; the Netscape Public License; the Sun Community Source License (SCSL); and the Sun Industry Standards License (SISL)...

Thus, through their EULAs Microsoft is able to effectively retard or even halt development of competing Open Source systems which might otherwise be competitors. However, they are still not satisfied with such restrictions. Microsoft goes further by placing limits on the end user's right to Free Speech. For example, the EULA included with Microsoft FrontPage 2002 (an application for creating web pages) states in part:

...You may not use the software in connection with any site that; disparages Microsoft, MSN, MSNBC, Expedia, or their products or services...

Thus, Microsoft is not content to simply squelch competition, they insist on squelching Free Speech as well.

The Proposed Settlement is a good start, but until it limits the restrictions Microsoft is permitted to place in their EULAs. the Settlement will be insufficient to curb their anticompetitive behavior.

Regards,

Tristan Fillmore

Redwood City, CA

MTC–00030410

Thomas D. Hogen
30074 Village Park Drive
Chapel Hill, NC 27517
(919) 967–5574
FAX (919) 967–1668
Email Thogen1535@aol.com
January 25, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I want to use this opportunity to convey my thoughts on the settlement between Microsoft and the Department of Justice. I believe the settlement is a good development for the economy and will end this unwarranted litigation. The settlement is strong and requires many concessions from Microsoft. And these concessions are backed by very strong enforcement measures. These measures include the creation of a Technical Committee to monitor Microsoft's actions. Also, any third party that believes Microsoft is not meeting their obligations can file a complaint with the Technical Committee, the Department of Justice, or any of the State plaintiffs that are party to the agreement.

Both sides in this dispute will benefit from this settlement. Microsoft can focus their attention on developing new technology that will make businesses more efficient. And the government will be able to focus on more urgent matters, such as stimulating the struggling economy and prosecuting our country's enemies.

Microsoft has been helpful to me in their supply of quality products.

Sincerely,

Thomas Hogen

MTC–00030411

DARRYL C. TOWNS
Assemblyman 54th District
Kings County
?? DISTRICT OFFICE:
264 Jamaica Avenue
Brooklyn. New York 11207
(718) 235–5627
FAX (718) 235–5966
?? ALBANY OFFICE:
Room 435
Legislative Office Building
Albany, New York 12248
(518) 455–5821
FAX (518) 455–5591
THE ASSEMBLY STATE OF NEW YORK
ALBANY
January 23, 2002
CHAIR
Legislative Commission on Science and

Technology
CHAIR
Sub-Committee on Mass Transit
COMMITTEES
Banks
Children & Families
Health
Mental Health
Oversight, Analysis & Investigation
Transportation
Veterans Affairs
MEMBER
Black, Puerto Rican & Hispanic Legislative Caucus
Puerto Rican/Hispanic Task Force
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001
RE: Comments on the Microsoft Proposed Settlement Agreement

Dear Ms. Hesse:

It goes without saying that the settlement agreement between the U.S. Government and Microsoft comes at a critical time when our economy and nation most need reconciliation. Microsoft is a company that has long provided good products to consumer and businesses, and it provides opportunities for other software companies as well to develop programs for the Windows platform. The provisions of the settlement, worked out with one of the nation's top mediators, will be good for consumers, businesses, the tech sector and the economy as a whole.

I fully support the Department of Justice and the nine Attorneys General for their efforts to finally put an end to this case and agree to a settlement that is in our nation's best interest. I congratulate you on developing a strong but fair settlement.

Sincerely,
Darryl C. Towns
Member of Assembly

MTC–00030412

January 25, 2002
Ms. Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I appreciate the chance to offer my comments on the Microsoft settlement. It is important to note that the settlement gives computer users a great deal of flexibility. To be able to remove or reinstate products like an Internet browser, tools for instant messaging and email is remarkable. This will make it much simpler for users to switch and compare with other products available in the marketplace. The technology industry, the economy and consumers are all better off with the speedy settlement of this case.

Sincerely yours,
Elizabeth G. Ludden

MTC–00030413

Louise Fontaine Ware
3222 Grove Avenue
Richmond, VA. 23221
January 25, 2002
Ms. Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
Washington, DC 20530
Re: Microsoft antitrust suit

Dear Ms. Hesse:

Please accept my comments regarding the proposed settlement in the Microsoft antitrust suit. It is my understanding that the settlement imposes a broad series of restrictions and affirmative obligations on Microsoft, I have read that these restrictions and obligations extend to products and technologies that were not at issue in the lawsuit as welt as aspects of Microsoft's business and product development that were not found to be unlawful by the Court of Appeals.

Microsoft appears to be making more that a good-faith effort in order to conclude this case, I hope that the Department of Justice will agree with the proposed consent decree and allow this settlement

Sincerely,
Louise F. Ware

MTC–00030415

Herb Boome
506B Spring Lake Road
Ocala, FL 34472
January 25, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

After three long years of expensive court battles, Microsoft and the government have settled an antitrust suit that will permanently change the face of the computer industry. I think this will boost our economy, because it will free this innovative company to focus on what it does best. The agreement they came up with was the result of extensive negotiations with a court-appointed mediator. The company agreed to terms that extend well beyond the procedures and products that were actually at issue in the suit. For the sake of expediency—and a first in an antitrust settlement—Microsoft has even agreed to document and disclose, for use by its competitors, various interfaces that are internal to Windows'' operating system products.

The Federal Government has many more important issues to tackle. It should allow the provisions of this settlement to fall into place.

This agreement notwithstanding, I do not see any reason for the government to sue Microsoft in the courts ever again.

Sincerely,
Herb Boome

MTC–00030416

Randy Hoffman 27633 SE 400th Way
Enumclaw, WA 98022
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The reason for this letter is to request that you make a good effort to ensure the settlement reached in the Microsoft antitrust case becomes a really.

Challengers and foes of Microsoft may pressure officials to delay this settlement in favor of continued litigation in this case. They arc working under the premise that the courts should punish Microsoft. I do not believe the courts should be used in this way.

Furthermore the settlement that is being offered is a good agreement. The settlement will allow easier placement of non-Microsoft products on Microsoft operating systems; including easier removal of Microsoft components. Additionally the settlement will permit computer makers to place non-Microsoft operating systems on computers with fewer restrictions, even if they also use Microsoft systems. Moreover the settlement creates a technical review committee that includes a full time government monitor to ensure all elements of the settlement are enforced. It is clear that this settlement should be implemented and this settlement is good.

Sincerely,
Randy Hoffman

MTC–00030417

MANAGED BENEFIT
S E R V I C E S I N C
263 Summer Street
Boston, MA 02210
Tel: 617,946–B700
Fax: 617–946–8744
Diane P. Davis President
January 24, 2001

I am writre8 to have my thoughts on the proposed settlement between Microsoft and the United Sates Department of Justice entered into the record in accordance with the Tunny Act's requirement of public comment on such settlements.

I think the settlement plan is a good one, and one that reaches the necessary balance between antitrust enforcement and the need for as competitive a software market as the U.S, economy can have. Consumers benefit from a competitive market in ways that the kind of regulations previously argued in this case would nullify. Whereas a free and competitive market will drive down prices and hasten the pace of innovation, a heavily regulated market, or a software market including a carved-up Microsoft would slow the pace of innovation and allow companies to sit on their hands and let prices gradually rise.

Consumers deserve the best high tech market available to them. and the best high tech market is the one that innovates. The innovations of the last decade were primarily responsible for the creation of jobs, investment and wealth at rates never before witnessed in any economy anywhere, The success of the ''New'' Economy in the 1990s was not a boomlet, m my view, but a harbinger of things to come in the future, if the government will allow consumers and entrepreneurs to successfully guide the market toward higher levels of competition and innovation.

I hope my thoughts cart be entered into the record and also hope the court ?? fit to approve the seulement proposal. It is the heal way for the economy to start to put this recession behind it and begin to build for the future.

Sincerely,
Diane P. Davis

MTC–00030419

January 25, 2002
Renata Hesse, Trial Attorney VIA FACSIMILE
Antitrust Division,
Department of Justice
(202) 616–9937
601 D Street NW, Ste. 1200
Washington, DC 20530
Dear Ms. Hesse:

Each time I think about those Enron employees whose 401k retirement accounts have been obliterated to nothing, my heart goes out. In this day and age, all of us are counting on corporate stocks to provide for our years after we finish working. That is why I hope the courts will resolve this Microsoft case by approving of the settlement.

Hundreds of thousands of Americans are now going to work longer than they, originally planned because of the recent stock market crash. I believe the uncertainty this case against Microsoft causes in the market is very threatening to those of us who are using the market to finance our retirement. This case has too much significance with too many people to get caught up in insignificant issue. It is time to settle.

Sincerely,
Chris Ernst

MTC–00030420

P.O. Box 7322
Arlington, VA 22207–0322
(703) 598–4293—ofc
(413) 723–5038—fax
To: Renata B. Hesse
Prom: G. Andrew Duthie
Antitrust Division
U.S. Department of Justice
Fax: (202) 307–1454
Pages: 3
(202) 616–9937
Phone:
Date: 1/25/2002
Re: US v. Microsoft Settlement
cc:
Comments:
Attached is a letter from my company in support of the proposed settlement of the Microsoft antitrust lawsuit.
Graymad Enterprises, Inc.
P.O. Box 7322
Arlington, VA 22207–0322
January 25,2002
Renata B. Hesse
Antitrust Division,
U.S. Department of Justice
601D. Street NW. Suite1200
Washington, DC 20530–0001
To Whom It May Concern:

I am writing to express my support for the proposed settlement of the Department of Justice's antitrust suit against Microsoft Corporation, and my dismay at the actions of Microsoft's competitors in trying to derail this settlement. As a software developer, author, conference presenter, and small business owner, I have been working with Microsoft products for more than 5 years professionally, and for many more years in my personal life. I have also from time to time attempted to use products from Microsoft's competitors, including the Linux operating system, Sun Microsystems'' Solaris operating system (for the Intel platform), and database software from Oracle. In every case, I have found these products to be manifestly inferior to those I have used from Microsoft.

What's more, despite the ongoing assertions on the part of Microsoft's detractors and competitors that their purported monopoly has crushed innovation and harmed consumers, I find that Microsoft's operating system products have improved more during the period during which they were found to have a monopoly than at any period prior. Microsoft's Windows XP operating system is more stable, more secure, easier to install, and compatible with more devices than any Microsoft operating system I have worked with prior, and is far superior to any other operating system I have used, regardless of vendor. All of this is to say that I do not believe that it is Microsoft's alleged monopoly that has held back its competitors. Rather, it is these competitors'' inability (or unwillingness) to provide products and services that rival Microsoft's offerings in either value or quality.

Case in point of this is the Navigator browser, offered by Netscape Communications, now a division of AOL-Time-Warner, which recently filed suit against Microsoft in what appears to be an effort to derail the antitrust settlement through negative publicity. But Netscape did not lose the 'browser wars'' because of anti-competitive conduct on Microsoft's part It lost because it failed to produce a superior, or even equal, product. I say this as one who has developed Web applications for both Internet and intranet use, and who has had to code around flaws in Navigators support for accepted Web standards, and flaws in the implementation of the JavaScript language for browser interactivity (which was introduced by Netscape). Since version 4.0, Microsoft's Internet Explorer browser has been superior to Navigator in performance, standards compliance, and features, and has consistently been reviewed as superior in trade magazines. This is why Netscape lost, not because of Microsoft's actions, which were certainly not unusual in a competitive market.

I am also disturbed by the continuing trend of supposedly independent entities, such as ProComp, and most recently, the American Antitrust Institute, attempting to influence the outcome of the antitrust case and the settlement, without fully disclosing that they are, in fact, wholly or partly funded by Microsoft's competitors. For example, from the ProComp Web site (http://www.procompetition.org/procomplindex.html):

Among the companies and trade associations supporting ProComp are: American Society of Travel Agents, Computer and Communications Industry Association, Corel, Netscape Communications Corporation, Oracle Corporation, Preview Travel, Software Information Industry Association, Sun Microsystems, Inc., The Air Transport Association, the SABRE Group, Sybase, and worldweb.net. A number of other companies and organization are also working with or supporting ProComp but do not choose to be publicly identified at this time. Corel, Netscape, Sun Microsystems, and Oracle Corp. are all direct technology competitors to Microsoft, while the American Society of Travel Agents and the SABRE group (which operates the Travelocity.com travel Web site) are competitors to Microsoft's Expedia travel Web site. That these competitors are weighing in via a supposedly independent third party should be viewed with some skepticism, in my opinion. The American Antitrust Institute, meanwhile, is funded by, among others, Oracle Corp.:

Funding for the AAI comes from corporations such as Oracle, as well as from trade associations. foundations, and law firms.

Source: http://www.antitrustinstitute.org/recent/82.cfm

The voices of these advocacy groups, funded by Microsoft's harshest competitors, should not be allowed to drown out the voices of satisfied consumers across America, who have made their satisfaction clear by voting for Microsoft again and again with their wallets, despite the longtime availability of such alternatives as Linux and FreeBSD (both free operating systems whose adherents claim they are technically superior to Windows), and the products of Apple Computer, including their newest iMac computer, which recently was given the cover of Time magazine, if a company that is able to get its products on the cover of a national magazine cannot win in the marketplace, it is not due to lack of consumer awareness. Rather, it is due to not offering consumers what they want. Apple, true to form, has priced its new machine higher than comparable Windows-based machines, counting on the ''leading-edge'' style of their machines to increase their popularity. Whether this is a smart strategy or not remains to be seen, but it is a decision that should be made in the marketplace, not in the courts, and not due to political lobbying by Microsoft's competitors.

I and other small businessmen like me, am able to contribute significantly to the health and ongoing growth of the American economy in large measure because of the many productive tools provided by Microsoft. The antitrust trial, and other legal maneuverings by Microsoft's competitors, however, can only impose unnecessary costs on businesses and consumers alike. I strongly urge you to complete the proposed settlement with Microsoft, and end the antitrust action against them with all haste. Doing so will benefit consumers and competitors alike be removing a significant drag on the information technology industry.

Respectfully,
G. Andrew Duthie
President, Graymad Enterprises, Inc.

MTC–00030421

Rich Jasper
7305 Soundview Drive, Unit #702
Gig Harbor, WA 98335
January 25, 2002
Attorney General John Ashcroft

US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I believe the antitrust settlement case between Microsoft and the U.S. government is fair and reasonable, and I agree with the terms.

Microsoft has agreed to remove technical and contractual barriers to computer makers or consumers shipping or installing competing operating systems, applications, and other software. In fact, Microsoft has gone well beyond the products and procedures covered in the actual suit itself. Clearly, they are being cooperative and doing what they can to resolve this matter.

In this context, continuing with litigation would not merely be damaging to the economy and the consumer, but also unfair. The settlement that has been developed was done so in good faith by both parties and now is the time to eliminate the cloud hanging over this situation and let Microsoft get on with their business.

I believe the settlement is in the best interest of the people, industry, and economy of our state of Washington. Let's get this behind us and move on with our lives.

Sincerely,
Rich Jasper

MTC–00030422

R.D. 4, Brown's Run Road
Wheeling, WV 26003
January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Ave, NW
Washington, DC 20530–0001
RE: Microsoft Settlement

Dear Attorney General Ashcroft:

We have had Microsoft Windows on both of our computers, as well as, our previous computers, and use the internet extensively; however, we have never used the Microsoft Internet Explorer product that was ''maliciously'' bundled with the Windows Program. We preferred to use our local internet service provider and Netscape.

We are writing to you today to express our opinion in regards to the antitrust case being settled with Microsoft. We feel that this has drawn on long enough, and we would be truly relieved to see this issue settled. We sincerely hope that there will be no further action against Microsoft, as settling with this company would be in the best interest of our economy, which certainly needs all the help it can get at this time.

We are happy with this settlement and believe it is fair. Thank you for your time and effort in reaching an agreement with Microsoft. Also, thank you for the great job you are doing for our country, during this time of crisis.

Sincerely,
Charles Monfradi
Dolores Monfradi

MTC–00030423

M. David Stirling
P.O. Box 1000
Walnut Grove, CA 95690
January 25, 2002
To: U.S. Department of Justice
From: M. David Stirling
Subject: Microsoft Settlement

This letter is submitted pursuant to the Tunney Act public comment provision.

I served as Chief Deputy Attorney General of the California Attorney General's Office between January 1991 and December, 1998. The Chief Deputy is the chief operating officer of the California Department of Justice and more than 4,500 employees. Within the Legal Divisions of the Attorney General's office, 1, as Chief Deputy, provided overall general supervision and direction to the approximate 1,000 deputy attorneys general (lawyers), including the deputies in the Anti-trust Section and the Consumer Law Section of the Public Rights Division. From this experience, I am knowledgeable regarding the law of anti-trust and the law of unfair competition/business practices.

During my eight years as Chief Deputy, one of my primary concerns within the office was the consumer-activist, anti-business attitude of deputies in these sections, as well as their case filing motivations and litigation practices. Generally speaking, instead of working mine with amenable businesses to gain compliance with the laws, the attitude was to file suit immediately, and, using the vast resources of the state, leverage the defendant business into an eventual settlement at a higher dollar amount than perhaps the legal violation justified. While I attempted to reign in the use of this approach, my efforts were only partially successful due to its entrenched nature and the protections of civil service

My ''second-in-command'' position in the largest state attorney general's office in the country also gave me the opportunity to work with and observe elected state attorneys general, including how they regard their powerful roles, including how they prioritize the use of the legal resources of their offices. And while their general philosophy as reflected by their political party affiliation is a factor, in large, high-visibility cases, at least three other considerations play a more direct role in their litigation decisions. Indeed, in the case of the U.S. Justice Department's settlement of its anti-trust case with Microsoft, the decision by nine state attorneys general, including California's, to go forward with the anti-trust/unfair competition litigation against Microsoft is influenced by one or more of these other considerations. It is the position of this writer that none of these considerations constitute legitimate legal justification for their separately proceeding with the litigation.

First Consideration: Some of these nine elected state attorneys general are up for re-election in November, 2002. For those, there is much political visibility to be had, and spin to be made of a scrappy state attorney general not taking the easy road of settlement, but fighting the giant software company alone in court on behalf of higher state's residents. And if these nine state attorneys general prior to the November elections are able to settle their cases against Microsoft (mostly likely not having anything to do with the particular merits of their cases) for amounts larger Than what the Justice Department settlement provided, then the political mileage they will garner for carrying on the fight will be played to the hilt.

Second Consideration: Some of the nine state attorneys general have based in their states high technology companies that are not only competitors of Microsoft, but were the chief complainants against Microsoft in the Justice Department's anti-trust litigation. None of those competitors are satisfied with the federal Microsoft settlement, and each is pushing for their attorney general to go forward with the litigation against Microsoft. It could also be assumed that these companies have been, or have indicated their intention at a future time to be, political financial supporters of their state attorney general.

Third Consideration: Despite Judge Jackson's judicial finding that consumers were not harmed by Microsoft's marketing practices, the consumer-activists among the nine state attorneys general are driven by Microsoft's potential as an even bigger ''cash cow'' than the tobacco industry. In the mid-'90s, one state attorney general hired a local plaintiffs'' lawyer on a contingency fee arrangement to sue the tobacco companies. The notion of the states hiring contingency-fee lawyers to simultaneously wage legal warfare against the giant tobacco industry, without incurring the legal expenses or risks of litigation, quickly lead to a nationwide alliance between the states'' elected attorneys general and well-connected plaintiffs'' lawyers. In December, 1998, this powerful alliance settled its multiple lawsuits against the tobacco industry for $246 billion over 25 years. For the 200 to 300 contingency-fee lawyers who teamed with the state attorneys general, the Hudson Institute's Michael Horowitz estimates they will share $500 million each and every year—probably in perpetuity. This powerful alliance between state attorneys general and their favorite members of the plaintiffs'' bar still exists. It has been estimated that there are as many as 100 separate lawsuits against Microsoft filed by these lawyers in multiple jurisdictions around the country (for maximum leverage). These suits are not nearly as valuable, nor are there chances of establishing liability against Microsoft as great, under the Justice Department's settlement with Microsoft as they would be if these nine attorneys general are allowed to try to establish in court a greater degree of liability against Microsoft. Finally, those state attorneys general who have reputations as consumer-friendly and anti-business have reason to keep their state's plaintiffs'' bar happy. The plaintiffs'' bar is a major political funding source for those attorneys general. Consider how much of the enormous attorneys fees they received and will continue to receive from the tobacco settlement went to their favorite state attorneys general as political contributions.

All of the foregoing considerations undermine the nine state attorneys generals'' given reasons for being allowed to litigate against Microsoft beyond the Justice Department-Microsoft settlement. As in California, when a ''consumer-friendly, anti-business'' attorney general gives the green light to activist attorneys in the Anti-trust and Consumer Law sections of his office, the question of the legal validity of his case and whether it is so compelling as to warrant continued litigation beyond the Justice

Department-Microsoft settlement becomes lost in the political agendas of the numerous players involved.

Thank you for your consideration.

M. David Stirling

MTC–00030424

FAX
TO Department of Justice
Fax: 1–202–307–1454 or 1–202–618–9937
FROM Daniel Jones
SUBJECT Proposed Microsoft settlement
DATE 25 January, 2002
PAGES 1 (including this header)

I would like to express my opposition to the proposed antitrust settlement with Microsoft. I work in the information technology area, and can see clearly the ways that Microsoft takes unfair advantage of it monopoly position. This behavior continues even as the proposed settlement is being considered.

The narrow terms of the proposed settlement may hinder some of Microsoft's practices. Personally I think even that doubtful, but for the sake of argument [illegible]. However the outlines of equally effective substitute strategies can already be seen.

For instance, using its operating system monopoly as leverage. Microsoft used bundling of software to destroy potential competitors. That might be hindered by the proposed settlement. (Though even that is doubtful given the ease with which cosmetic changes in version numbering or file naming might be used to circumvent restrictions.) Even so Microsoft is already employing a highly different strategy [illegible] to systematically subvert industry standards that might allow competitors a niche in which to develop. For instance, Microsoft has ''extended'' euphemism for [illegible] subverting) the Javascript language used for many websites. It has then bundled tools for developing websites that incorporate these extensions in such ways that only the Microsoft Internet Explorer can properly access them This sort of Trojan Horse strategy is not addressed at all by the proposed settlement.

In my opinion there are very few ways to address the undesirable effect of the Microsoft monopoly. One would be to require that Microsoft publish ALL operating system APIs down to the least significant [illegible] call. Such publication would have to be done sufficiently far in advance that any developers could incorporate them. They could also have to be fully public, not simply available to a select group of major developers. Very harsh penalties would have to be in place for violations. Even so, this approach would remain open to manipulation.

The other approach is the one originally decided upon by the courts. Microsoft should be broken into two or more completely separate companies.

Whatever the ideal solution. It is clear that the proposed judgement is almost completely toothless. It appears to be a political fig leaf to allow the Justice Department to walk away from its legal responsibilities. Hopefully the courts will have more integrity.

Daniel Jones

MTC–00030425

SWS Integration, LLC
IT Integration, Management and Technical Support
January 23, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

I am writing to offer my support for the recent settlement between Microsoft and the Department of Justice. As a small business owner of a technology company, this has been a very important topic for me. Even though the anticipated Impact upon my company would have primarily been limited to higher prices for Microsoft products, It Is far better to have this lawsuit and all the bad publicity that it generated behind us.

I am not acquainted with all of the details of the settlement, but what I have heard is certainly good in that It will cause Microsoft to handle Its relations with computer makers and others to be improved with greater flexibility. This Is good for consumers as well as for IT customers that Microsoft serves, including small businesses like ours that depend on new Industry innovations. The provision that forces Microsoft to share more of its source code with software developers concerns me, but since Microsoft has agreed to that provision as well I see no reason to think that the company will not be able to adequately control the integrity of its own product.

I am supportive of the agreement, in that It is better to have this lawsuit resolved. I am hoping that no further action will be necessary, in that consumer confidence in the computer industry needs time to rebuild.

Sincerely,
Tina Filla
CTO
1840 130th Ave, NE, Suite One,
Bellevue, WA 98005
Tel: 425–881–3332
Fax: 425–869–6114

MTC–00030426

Thomas C. Morton
20 Harleston Green
Hilton Head Island, 5C 29928
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The purpose of this letter is to express my support of the Microsoft settlement. After three years of litigation, I feel it is time that this issue is finalized. I strongly dispute the merits of this case, yet I believe the settlement of this case is in the publics'' best interest. I urge the Justice Department to enact the settlement with haste.

Further Microsoft has given up much under the terms of the settlement in the hopes of finding a resolution. Microsoft has agreed to relax relations with software developers so that developers will now be able to enter into multiple contracts with competing employers. Developers will also have access to the Windows design interfaces. This will allow developers to create software that is increasingly compatible with Windows.

Obviously Microsoft has done their part to resolve this dispute. I would hope that the Justice Department recognizes the importance of enacting this settlement.

Sincerely,
Thomas C. Morton
cc: Senator Strom Thurmond

MTC–00030427

Attorney General of New Mexico
P.O. DRAWER 1508
SANTA FE, NM 87504
(505) 827–6000
FRONT OFFICE FACSIMILE
(505) 827–5826
PATRICIA A. MADRID
Attorney General
STUART M. BLUESTONE
Deputy Attorney General
TO: Renata Hesse: Anti-Trust Division
DATE: 01/25/2002
FAX: (202) 307–1454
FROM: Attorney General Patricia A. Madrid
PHONE: (50.5) 827–6000
TOTAL NUMBER OF PAGES INCLUDING THIS PAGE: 2
MESSAGE:
PO Drawer 1508
Santa Fe, New Mexico 87504–1508
505/827–6000
505/$27–5S26 Fax
PATRICIA A. MADRID
Attorney General
January 25, 2002
Attorney General of New Mexico
STUART M. BLUESTONE
Deputy Attorney General
Renata Hesse
Antitrust Division
US Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Re: Proposed Settlement with Microsoft

Dear Ms. Hesse:

As Attorney Genera of New Mexico, I determined shortly after the decision by the U.S. Court of Appeals for the District of Columbia that the Microsoft antitrust lawsuit should not be litigated any further and was ripe for a speedy resolution. I believed that the litigating stales'' continued pursuit of a structural remedy was no longer appropriate. Accordingly, in July 2001, I was the first to enter into a separate settlement agreement with Microsoft for the State of New Mexico. It was my hope that this decision to settle would open the way for the remaining litigating states to pursue their own acceptable settlement terms.

I am glad to see that hope finally realized. I have been of the firm belief that k was time to settle this case and to move forward. I believe the current settlement pending between Microsoft and the Department of Justice and nine of the remaining litigating states imposes appropriate conduct sanctions, while not unduly inhibiting Microsoft's ability to innovate and market its products. I believe that the best interests of consumers, the computer industry, and the national economy will be served by bringing this lawsuit to this agreed-to conclusion.

Sincerely
PATRICIA A. MADRID

ATTORNEY GENERAL
PO Drawer 1508
Santa Fe. New Mexico 87504–1508
505/827–6000
Fax 505/827–5826

MTC–00030428

11501 Steele Creek Drive
Ch??rl??ne, NC 29273
facsimile transmittal
To: Attorney General John Ashcroft:
Fax: 1–202–307–1454
From: Ronald E. Hostetler
Date: 01/25/02
Re: Microsoft Settlement
Pages: 2
CC: Strom Thurmond
FAX: 202 224–1300
972 Eagle Drive
Rock Hill, SC 29732–9007
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

For more than three years now, the unfortunate Microsoft lawsuit has occupied the attention of the entire software industry. The resulting uncertainty about the future of the technology sector has discouraged hightech investment and damaged the economy. Fortunately, your department and Microsoft have recently agreed on a settlement.

Under its terms, Microsoft must now disclose important proprietary information regarding its Windows product to competitors. Microsoft must also function under the permanent scrutiny of a three-person technical committee. These two parts of the settlement should be enough to show that Microsoft is willing to do whatever it takes in order for the federal government to get out of the Microsoft's private business dealings.

Those who wish to see the lawsuit continue past the stipulated period of public comment are more concerned with how to take more of Microsoft's money than they are for the public interest in the case. Ending the suit now is imperative to the future of Microsoft and for the good of the IT industry. We urge you to do all you can in seeing the currently proposed settlement formalized as soon as possible.

Sincerely,
Ronald & Carol Hostetler
cc: Senator Strom Thurmond

MTC–00030429

Ray and Barbara Merritt
37082 S.
Rock Crest Drive,
SaddleBrooke Resort,
Tucson, Arizona 85739
<>(S20) 818–0130
<>Fox (520) 818–0129
<>E-Mail ExKodaker@AOL.COM<>
Bate: January 25, 2002
To: U.S. Attorney General John Ashcroft
Fax #: 1 202 307–1454 or 1 202 616–9937
Total # of pages including cover sheet: 2
From: Raymond & Barbara Merritt
Subject: Microsoft settlement.
Raymond & Barbara Merritt
37082, S. Rock Crest Drive
SaddleBrooke Resort
Tucson, AZ 85739–1176
January 16, 2002
Attorney General John Ashcroft
U.S. Justice Department
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

This is a short note with tall intention. After almost four years of litigation, negotiation, controversy and self-serving political posturing, would you and the Administration please see you're way clear to settling the Microsoft case?

This case is ripe for settlement. The main parties have reached an agreement. The court supports it. The settlement addresses the salient complaints and concerns of ALL the parties. There is no justifiable reason to prolong this process.

The proposed settlement will essentially require Microsoft to refrain from any future trust-like activities. The company will be required to reconfigure its Windows systems so as to readily accommodate other company's software. It will have retool its product licensing practices to the benefit of the major computer manufacturers. It will in a nutshell have to open itself up to competition. These concessions and others more than justify the government's blessing and support of the settlement.

For the sake of our economy and the future of the IT industry a settlement is appropriate and needed now.

Sincerely,
Raymond Merritt
Barbara Merritt

MTC–00030433

GOD FIRST MENTALITY INCORPORATED
P.O. BOX 444
ALBION, MI 49224
Phone (517) 629–5227
Fax (517) 629–5227*51
Microsoft Corporation
One Microsoft Way
Redmond, WA 98052–6399
ATTN: William Neukom

On December 2, 1998, I faxed you a letter. It refers to the micro-processing of privacy invasion. This involves a tort system. It is a wrongful act, not including a breach of contract or trust, that results in injury to another person, property, reputation, or the like, and for which the injured party in entitled to compensation. The dishonest computer hackers need to be prosecuted. Privacy invasion is a violation of the U.S. constitution. I believe its'' in Microsofts'' best interest to compensate for damages suffered. Microsoft can participate in acknowledging the relentless pursuit of injury to our central nervous systems. I will be informing the Inspector General at the U.S. Justice Department.

I have been online for nearly 1900 consecutive days, around the clock.

Environmental Defense Fund in Washington DC has offered to support me.

My case is about how word processors are converting electrical pulses into sound that is compressed and decompressed into digital code. It refers to software that has not been processed into voice recognition. Microsoft has not acknowledged this either. These interfaces have me a centralized PC within a Public Switched Telephone Network. I need these signals or pulses converted into modulation transmitted above the threshold. This will help me regain my privacy. Considering all the devastation, I will settle for a 1 billion dollar settlement. I will consider any, out court, counter offer. Please, have someone contact me by mail, phone call or fax at your earliest convenience.

YOURS IN CHRIST
gfm inc.

MTC–00030441

Thomas D. Hogen
30074 Village Park Drive
Chapel Hill, NC 27517
(919) 967–5574
FAX (919) 967–1668
Email Thogen1535@aol.com
January 25, 2002
Attorney General John Ashcroft US
Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I want to use this opportunity to convey my thoughts on the settlement between Microsoft and the Department of Justice. I believe the settlement is a good development for the economy and will end this unwarranted litigation.

The settlement is strong and requires many concessions from Microsoft. And these concessions are backed by very strong enforcement measures. These measures include the creation of a Technical Committee to monitor Microsoft's actions. Also, any third party that believes Microsoft is not meeting their obligations can file a complaint with the Technical Committee, the Department of Justice, or any of the State plaintiffs that are party to the agreement.

Both sides in this dispute will benefit from this settlement. Microsoft can focus their attention on developing new technology that will make businesses more efficient. And the government will be able to focus on more urgent matters, such as stimulating the struggling economy and prosecuting our country's enemies.

Microsoft has been helpful to me in their supply of quality products.

Sincerely,
Thomas Hogen

MTC–00030442

DEPT. OF JUSTiCE
MS. RENATA B HESSE
STOP SPENdinG OUR TAX MONEY ANd ENd
THE MiCROSOFT FiGHT.
GET ON WiTH MATTERS Which CONGERN SEPT ??!
F.E. WEHNER
8510 WiMBoRNE WAY
LooiSViLLE KY 40222

MTC–00030443

FAX
Date: Friday, January 25, 2002
Time: 7:55:00 PM
To: U.S.Attorney General John Ashcroft
From: Ronald J. Markham
Fax: 307–1454
Fax: 860,349,3816

Voice: Voice: 860,349,3816
Comments:
The Honorable Attorney General John Ashcroft
27 Dunn Hill Road
Durham, CT 06422
Washington DC
Jan. 25, 2002
Dear Attorney General,
re: Microsoft Settlement

Please count me in the opposed column to the pending suit against the Microsoft Corporation. Night after night I see on television or read in the newspapers adds for cars and trucks, appliances, and other products hawking giveaways if you will just buy this or that product. I see no difference in the marketing of many other corporations than the marketing of Microsoft. Is not the idea of building a better mousetrap or marketing a better mousetrap the ''American Way''? I am an ordinary citizen with no axe to grind, but I find it very distasteful to waste tax dollars on such a silly exercise. Microsoft has improved our way of life in so many ways by pursuing this legal action leaves me saddened and frustrated. Please Attorney General Ashcroft, stop this waste of manpower arid tax dollars and redirect the governments legal efforts to meaningful pursuits.

Very truly yours,
Ronald J. Markham

MTC–00030444

Brent Smith
12025 Gold Pointe Lane
Gold River, CA 95670
January 21, 2002
Attorney General John Ashcroft
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Sir:

Given this open comment period, I am writing to give you my thoughts on the Microsoft settlement. I have been following this case for some time and am familiar with the issues involved. This compromise between the DOJ and Microsoft is long past due and accepting it now is a necessary action to help revitalize our computer industry.

I am self-employed and use Microsoft software to help run my business. Their company is responsible for building up our existing computer industry. They've provided consumers with superior products but now are being punished for that.

In a move toward the future, Microsoft is limiting its own competitiveness so that the lawsuit might end. They are sharing an unprecedented amount of their intellectual property with their competitors arid have agreed to tone down their often-aggressive marketing practices. This settlement is more than fair to Microsoft's rivals and is clearly in the public interest. Please make the necessary decision to end this lawsuit as so on as possible. Our struggling economy can afford no less.

Sincerely,
Brent Smith

MTC–00030445

m & ?? Construction, Inc.
DRYWALL CONTRACTOR
320 E. WASHINGTON STREET
YORKVILLE, ILLINOIS 60560
(630) 553–0508
January 25, 2002
Renata B. Hesse
US Dept of Justice
Fax # 1–202–307–1454

To whom it may concern:

I am writing to express my views on the Microsoft antitrust case. If you are pursuing this case in the consumers best interest, please stop! The wonderful economist, Ludwig von Mises, wrote that the greatest democracy ever invented is the free market system. Everyone is constantly voting, with every dollar they spend, for what they want and what they, can do without Consumers have full power and authority to deal with supposed evil monopolists like Bill Gates.

They do this by either freely spending their dollars on his products, or deciding to do without (even boycott) Microsoft products, The most appropriate use of the US Dept of Justices'' time would be to fight terrorism and leave the American consumers to deal with legitimate businessmen in the most effective way possible; the free market system.

Sincerely,
Mike McCurdy (President)

MTC–00030447

COVER SHEET
TO:
FAX NO:
FROM: B. Kehayes
DATE:
FAX NO: 252–482–8521
COMMENTS:
NO. OF SHEETS INCLUDING COVER:
P.O. Box 733
Edenton, NC 27932
January 24, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, N. W
Washington, D C 20530

Dear Mr. Ashcroft:

I writing to urge you to support the recent settlement created between the government and Microsoft. This prolonged period of court battles has sapped energy that could be better put into moving ahead in our economy.

This agreement allows manufacturers to compete on a more even footing while not penalizing Microsoft too greatly for their part in the vast technological revolution that has made life better for all Americans.

America has been a country of innovation and we need companies that can afford to and will spend money and time to bring new products to market. Microsoft has done this in the past and is eager to continue doing so if they are not unduly constrained. Our economy is sadly strained; our young people are out of work. Please do what you can to settle this issue and let us all get back to pulling ahead.

Thank you.
Sincerely,
Barbara Kehayes

MTC–00030448

Department of Justice
Subject: Microsoft Settlement

I believe it is time for the DOJ to terminate the proceedings against Microsoft. There never should have been a lawsuit. There has never been a shred of evidence that Microsoft has harmed the consumers. If anything Microsoft has been a tremendous force for uniting and standardizing the PC industry. No other company has stepped forward to do this. Microsoft has virtually no competition because no one else had the vision, foresight and nerve to invest and drive to develop an operating system that would make the PC the vital, universal tool that it is today. The companies that cannot compete have stooped to lawsuits through the government as the only way they can damage an industry leader. It only looks like sour grapes to me.

The US government should be giving Microsoft at-a-boys for being the driving force behind the most useful tool of the present generation and maybe of the 20th century. It is past time to stop harassing Microsoft. so they can get back to being the world leader in developing easy to use operating systems and other software which will keep the US in the forefront of this industry.

Sincerely,
Bob Maupin
PO Box 1030
Frankston, TX 75763

MTC–00030449

1103 East 1500 Road
Lawrence, KS 66046
January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

This is to give my approval to the agreement between the Department of Justice and Microsoft. I think the whole lawsuit has ruined the country. Microsoft was one of the major engines of our economy, producing not only a quality product, but providing thousands of jobs. This lawsuit was more the result of sour grapes on the part of Microsoft's rivals than any unethical business practices.

Microsoft has more than tried to meet the demands of the Department of Justice. Microsoft has agreed to help companies better achieve a greater degree of reliability with regard to their networking software; Microsoft has agreed to grant computer makers broad new rights to configure Windows to promote non-Microsoft software programs that compete with programs included within Windows.

This is more than fair. Give your support to Microsoft.

Sincerely,
Nancy Hardman

MTC–00030451

FAX
ATTN. AG John Ashcroft
Fax Number 1–202–307–1454
Phone Number
FROM Keith D. Wheeler
Fax Number 480–759–6841
Phone Number 480–759–8823
SUBJECT
Number of Pages 2
Date 1/25/02
MESSAGE
KEITH D. WHEELER

2549 E, Mountain Sky Ave
Phoenix, AZ 85048
Fax 480–759–6841
Home Phone 480–759–8823
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft: ,

I am writing to say that the lawsuit against Microsoft has gone on now for entirely too long. I am a proponet of a free market economy and this lawsuit seems to do everything to undermine the underlying reason to be innovative. How can our government go after a company that has created jobs, generated wealth, and made technolgical breakthroughs? The case was flawed from the beginning.

The terms of the settlement show this in that they do little to protect consumer rights. The settlement forces Microsoft to disclose interfaces internal to the Windows operating system products and also prohibits them from entering into agreements that obligate third parties from exclusively distributing Microsoft products. These concessions reflect the intense lobbying efforts of competitors.

I believe it is in the publics best interests to have this case sealed. Our economy cannot afford further litigation and that is why I am appalled at the nine states holding out. Please implement the settlement as soon as possible and suppress any state opposition. Thank you.

Sincerely,

Keith D. Wheeler

cc: Representative Jeff Flake

MTC–00030452

18 Janock Road
Milford, MA 01757
January 19, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

As a concerned citizen, I write you to discuss the recent developments of the Microsoft settlement. After three years of negotiations, it is time to support this agreement and get our technology industry back to business. I urge you to help support this agreement and help to assure that no more actions be taken against it.

Microsoft has agreed to make many alterations including changes in licensing and marketing. Along with this, Microsoft has agreed to not enter into any agreements obligating any third party to distribute or promote any Windows technology exclusively. Also, all of these concessions will be monitored to make sure that Microsoft is following procedure. The many concessions that Microsoft has made are bold statements toward a unified IT sector. Microsoft is obviously working hard to let our technology industry work together. By doing this, we can secure our place in this highly competitive global market.

Let's work together to support our technology industry and get everyone back to business. I thank you for your support.

Sincerely,

Mary Bruno

MTC–00030453

Fax Transmission
From: Steven Waldman
44 Stridesham Ct
Baltimore MD 21209
tel (410) 336–1408
swaldman@mchange.com
To: Renata B. Hesse
Antitrust Division
US Department of Justice
fax (202) 307–1454 or (202) 616–9937
Re: Microsoft Settlement
Length: 8 Pages Including This Page
Notes:

The attached Tunney Act comments have been submitted by fax (26-January-2002), as an e-mailed PDF document (26-January-2002), and by a commercial overnight carrier (delivery a.m., 28-January-2002). I apologize for the multiple modes of submission, but it is important that these comments be verifiably received by the morning of January 28. I would be very grateful if the Department could provide an acknowledgement of on-deadline receipt of these comments, perhaps by e-mail. Many thanks for your attention and assistance.

Steven Waldman
44 Stridesham Ct
Baltimore, MD 21209
(410) 336–1408
swaldman@mchange.com
January 26, 2002
US Department of Justice
Antitrust Division
601 D Street NW
Suite 1200
Washington DC 20530
Attn: Renata Hesse
Re: Comments regarding Proposed Final Judgement United States v. Microsoft Corporation Civil Action No. 98–1232

Thank you for the opportunity to comment upon the US v. Microsoft Proposed Final Judgement, published in the **Federal Register** on November 28, 2001.

The Proposed Final Judgement as written is not in the public interest. I urge the Department to pursue remedies substantially different from those proposed, whether via further negotiations with Microsoft, or through adversarial proceedings. If the settlement is presented to the District Court without substantial modification, I would urge Judge Kollar-Kotelly make a determination under the Tunney Act that the Proposed Final Judgement would not serve the public interest.

The Proposed Final Judgement Would Do Positive Harm

It may seem odd to suggest that an antitrust remedy could be positively harmful. After all, regardless of the remedy, a convicted monopolist cannot leave an antitrust proceeding with more rights than it had when it arrived, and usually leaves with fewer. However, a poor remedy can indeed leave the public in a situation worse than the status quo ante. The current Proposed Final Judgement does so, in two ways. First, the PFJ describes, permits, and envisions specific future conduct on the part of Microsoft that would itself be anticompetitive. By providing implicit government endorsement for this conduct, the PFJ would make it difficult for the Department, the States, or private third parties to bring proceedings against Microsoft to curb it at a later date. Second, the PFJ contains enforcement provisions whose primary practical effect would be to delay and reduce the likelihood of further action should the company continue to behave unlawfully.

In other words, while the Proposed Final Judgement does place Microsoft under some new constraints, it places the DOJ and other potential litigants under even greater constraint. The net effect would be a diminishment rather than an increase in deterrence of Microsoft's anticompetitive behavior.

PEJ Explicitly Permits Continued Anticompetitive Practices

The purpose of the Proposed Final Judgement is to remedy Microsoft's unlawful conduct, specifically its unlawful maintenance of a monopoly in Intel-compatible PC operating systems. The reasoning behind the Court of Appeals upholding of the monopoly maintenance claim centered on the idea that there is an ''applications barrier to entry'' to operating systems markets, but that this barrier to entry could plausibly be chipped away at by a class of applications referred to as ''middleware''. The Court held that Microsoft engaged in various practices to ''protect[] Microsoft's monopoly from the competition that middleware might otherwise present'', in violation of Section 2 of the Sherman Act. It is these practices that must be remedied. In particular, the Court held that by virtue of restrictive contracts with computer manufacturers (''OEMs''), internet providers (''IAPs''), software companies (''ISVs'') and by other means, Microsoft impeded the widespread distribution of middleware that might have threatened its monopoly.

Section III.C.3 of the Proposed Final Judgement forces Microsoft to allow OEMs to automatically launch non-Microsoft middleware at the end of a PCs boot sequence, but only ''if a Microsoft Middleware Product that provides similar functionality would otherwise be launched automatically at that time''. By this caveat, the PFJ endorses a restriction in an OEM licensing agreement that would otherwise constitute a violation of Section 2 of the Sherman Act under the Court of Appeals'' reasoning. The caveat is anticompetitive on two counts. First, it permits Microsoft to ''choose its battles'': Microsoft need only face challenges from automatically launched middleware where the company feels its own offerings have an advantage. Should a competitor create an innovative middleware product that would threaten Microsoft's applications barrier to entry, Microsoft can prevent its distribution as a default running service indefinitely, by simply not fielding an offering of its own or by quietly integrating but not trademarking its offering (see the definition of a ''Microsoft Middleware Product'', PFJ, Section Vl.K.2.b.iii).

Secondly, the caveat necessarily permits competing middleware only if OEMs include Microsoft's offering as well, since by definition (again, PFJ, Section VI.K.2) a Microsoft Middleware Product is a part of a

Windows Operating System Product. The Appeals Court noted several reasons why OEMs are reluctant to include two products of the similar functionality in a default installation, including customer confusion; increased support and testing costs; and that it is a ''questionable use of the scarce and valuable space on a PCs hard drive.'' (the Appeals Court quoting the District Court's Findings of Fact) These considerations are cited by the Court in holding unlawful and exclusionary OEM contracts that forced a choice of including Microsoft middleware alone or Microsoft middleware plus a similar competitor. Additionally, even when competitive middleware is preinstalled alongside Microsoft's offering, ''network effects'' would put any one of several non-ubiquitous occasionally installed competitors at a serious disadvantage with respect to offering by Microsoft, even if inferior, that is guaranteed to be present on all installations. Should Microsoft force an ''ours or both'' decision with respect to competing middleware as a condition of OEM Windows licensing, it would most certainly be anticompetitive. However, it would also be explicitly sanctioned by the Proposed Final Judgement, and therefore difficult for the government or a third party to oppose. [1]

To the degree that Section III.C might have any effect in allowing OEMs to integrate third party middleware with a Microsoft OS, Section III.H.3 largely eviscerates the hazard to the monopolist by foreseeing a mechanism by which the company's operating systems could ask end-users to confirm an alteration or undoing of OEM additions to the OS fourteen days after the consumer first turns on a PC. For example, under this section, an operating system would be permitted to present a dialog box stating, ''Windows has detected that this configuration has been modified from Microsoft-recommended defaults. This may lead to incompatibilities or system faults. [Correct Now?] [Cancel]'' Clicking ''Correct Now?'' would replace OEM-installed non-Microsoft middleware with Microsoft's offering. If faced with the question, a court might determine that such a presentation (which Microsoft's competitors would be unable to make) would constitute unlawful monopoly maintenance by Microsoft. But it would be difficult for the government or for a private litigator to make that case in the face of a Final Judgement that clearly endorses the conduct.

The problems thus far mentioned are not unique. The Proposed Final Judgement is riddled with ''loopholes'' that not only make it a weak remedy, but that foresee and allow specific behavior by Microsoft that in the absence the Final Judgement would be actionable. By complicating potential future public or private antitrust enforcement against Microsoft, the Proposed Final Judgement would encourage misconduct and do positive harm to competition in the software industry.

PFJ Specifically Discriminates Against ''Open Source'' Competition

Over the past several years, a novel approach to software development known as ''open source'' has risen to prominence. Under the ''open source'' development model, many widely dispersed individuals, businesses, and other entities collaborate in the production of complex software products, contributing to what over time has become a rich commons of collectively authored software. ''Open source'' software is made available free of charge, under licenses that permit widespread redistribution and modification by users, sometimes with the restriction that any derived works must be made available to the public under the same terms. The business model that supports the continued development of open source software remains to be fully understood. The licensing terms of open source software prevent the exploitation by authors of any limited monopoly that would enable them to profitably ''sell'' software as traditional software vendors, such as Microsoft, have done. Nevertheless, a wide variety of actors including individual hobbyists, multinational companies, public and private universities, governments, and nongovernmental organizations have found sufficient incentive to invest substantial amounts of time and money into the production of open source software.

In the face of Microsoft's successful and unlawful monopoly maintenance, very few traditional software vendors still stand as competitors in the company's core market of Intel-compatible PC operating systems. Behemoths like IBM and scrappy upstarts like Be, Inc. have battled to gain a fingerhold, but failed to make any headway at all, and their products (IBM's OS/2, Be's BeOS) have all but faded from the computing landscape. The only non-Microsoft operating system that has managed to grow its share dramatically despite Microsoft's well-established pattern of anticompetitive behavior is the open source operating system Linux. Other open source projects that have competed effectively with Microsoft include Samba (which provides Windows interoperable file and print services to computer networks) and Apache (the most popular web server on the Internet).

It appears that the open source development model is somewhat resistant to the sort of anticompetitive behavior that has been effective for Microsoft in the past. One might even argue that the explosion of open source soil. ware over the past few years is a response by businesses, developers, and users to an artificially straitened ''traditional'' software landscape, and is perhaps attributable at least in part to Microsoft's anticompetitive behavior. As traditional vendors have receded from whole categories of software under the self-fulfilling truism that competing with Microsoft is akin to suicide, many entities have for one reason or another decided that the cost of contributing a small portion to the development of alternatives is less than the direct costs (continual licensing fees) and indirect costs (the failings of software not adequately tailored to their needs; uncertainty and future costs created by vendor lock-in) associated with relying on Microsoft products.

Regardless of the whys, open source software now stands as one of the few sources of effective competition against Microsoft. Indeed, while many of the battles that prompted the Justice Department's action against Microsoft are now past and prologue (e.g. the ''browser wars'' between Netscape and Microsoft), the struggles between open source Linux and Windows in the server space and between open source Apache and Microsoft's IIS remains, among many others, remain active and fierce. [2] Any remedy to Microsoft's anticompetitive behavior that diminishes the likelihood that open source projects can effectively interoperate with and compete against Microsoft's offerings would harm competition in the software industry. Unfortunately, the Proposed Final Judgement in several places explicitly permits Microsoft to discriminate against open source competitors.

Importantly for open source developers, Sections III.D and III.E of the Proposed Final Judgement would obligate Microsoft to disclose APIs, communication protocols, and documentation that might be required to interoperate with a Windows Operating System product. However, the caveats of Sections III.I and III.J restrict these earlier sections, and would allow Microsoft to essentially exclude open source competitors from access to or the use of this information. For the disclosure requirements of Sections III.D and III.E to have any effect, competitors must be able to use the information disclosed to develop and distribute competing and/or interoperating products. However, Section III.I foresees a regime under which the disclosed information must be licensed, as it continues to be the proprietary, intellectual property of Microsoft. Section III.I guarantees ''reasonable and non-discriminatory terms'' for such licensing, based on the payment of ''royalties or other payment of monetary consideration''. However, ''reasonable and non-discriminatory'' commercial terms inherently discriminate against open source software, which by virtue of its licensing must be freely distributable and modifiable.

Under ordinary circumstances, a company certainly should have the right to offer use of its proprietary technology only under commercial license, and this would legitimately prevent those who might wish to distribute open source applications based on that technology from doing so. But in the case of a company that has a monopoly over a substantial portion of the computing world and that has maintained that monopoly through unlawful anticompetitive conduct, allowing it to require competitors to pay even ''reasonable'' licensing fees in order to interoperate with its monopoly product provides the monopolist with unjustifiable reward for its misbehavior, in Microsoft's case, permitting such licensing is particularly insidious, because even if it were to provide licensing of its putative IP on absurdly generous terms, for example if it were to levy a royalty of 1¢ per thousand copies, it would immediately exclude what in the present real world are currently its most tenacious competitors from any possibility of interoperating with its software. By permitting ''reasonable and non-discriminatory'' commercial licensing of technologies the use of which is required in order to compete against and interoperate with Microsoft technologies, the Proposed Final Judgement condones and foresees a

practice that would exclude and discriminate against important open source competitors.

Section III.J restricts the scope of the PFJ disclosure requirements where security technologies (''anti-piracy, antivirus, software licensing, digital rights management, [and] encryption or authentication systems'') are concerned. Unfortunately, in today's networked world, no software is untouched by security concerns, and any non-trivial internet application must make use of and interoperate with encryption and authentication systems. Further, non-disclosure of security-critical techniques and protocols is unnecessary: the professional computer security community is nearly unanimous in its disavowal of the notion of ''security through obscurity''. A well-designed system should be secure even in the face of an attacker who fully understands the algorithms and protocols used to enforce the security. This is not as difficult as it sounds: the academic literature is filled with encryption algorithms and protocols that have never been broken despite massive peer-review, and even some that are ''provably secure''. Historically, non-disclosure of security techniques in software has more often served to provide cover for shoddy work than to even arguably enhance security. ''Security by trade secret'' is invariably broken, because, invariably, secret techniques are not subjected to sufficient peer review, and weak secret techniques can be reverse-engineered and then compromised. (See the recent history of CSS, a once-secret, easily broken, scheme for protecting DVDs, for a topical case-in-point.) Microsoft has a particularly poor security record, with respect to both the inadequate security of its products, and its attempts to restrict disclosure in hopes of covering up embarrassing lapses.

Open source software, in general, has a much better reputation for security, owing in large part to the fact that security algorithms in open source software are necessarily published, and are therefore subject to widespread review. Thus it is ironic that Section III.J.2 of the Proposed Final Judgement explicitly allows Microsoft to condition disclosure of security-sensitive technologies to those who ''meet[] reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business''. Since most open source software projects are not developed or ''owned'' by any one business, and since the terms of open source licensing often require disclosure of source code, III.J.2 effectively excludes open source software from any access to protocols, APIs, and other information that might be required to interoperate with or compete against Microsoft products that include a security component. Any significant application now must have security designed into it, so Section III.J.2 could be used to effectively lock open source competitors out of the disclosure requirements of the Proposed Final Judgement. It would be difficult to oppose Microsoft in court for discriminating against its troublesome open source competitors when the discrimination is based on the language of a court-sanctioned Final Judgement.

PFJ ''Enforcement Mechanisms'' Would Hinder Effective Enforcement

The following portions of the Proposed Final Judgement would hinder effective enforcement of the agreement:

. Section IV.B provides for the appointment of a Technical Committee to ''assist in enforcement and compliance'' with the PFJ. The constitution and role of the ''TC'' is described in detail. The Technical Committee would oversee Microsoft's compliance with the agreement in an ongoing way, and would respond to complaints from the plaintiffs or third parties. However, the Technical Committee has no power other than to assist in Voluntary Dispute Resolution, and, according to Section IV.D.4.d, ''No work product, findings, or recommendation by the TC may be admitted in any enforcement proceeding before the Court for any purpose, and no member of the TC shall testify by deposition, in court or before any other tribunal regarding any matter related to this Final Judgement.''

. Section IV.A.1 requires that ''the plaintiff States shall form a committee to coordinate their enforcement of this Final Judgement. A plaintiff State shall take no action to enforce this Final Judgement without first consulting with the United States and the plaintiff States'' enforcement committee.''

. Section VIII explicitly excludes third parties from taking any role in the enforcement of the Proposed Final Judgement.

Let us be perfectly clear: At the end of the day, the Proposed Final Judgement provides the United States and each of the plaintiff States with a right to sue to enforce its terms. But let's also be honest: the choice by a State of whether or when to enter into complex antitrust litigation against a well-known and well-heeled opponent is politically fraught under the best of circumstances. Under the terms of the PFJ, an unsatisfied plaintiff would be faced with two bad options: 1) the plaintiff can expend resources on a dispute resolution mechanism (the ''TC'') that the PFJ endorses, but that has no power, cannot be used at all as a basis for further proceedings, and will have no effect unless an amicable resolution is reached; or 2) eschew the dispute resolution mechanism endorsed by the settlement, thereby facing accusations of burdening Court resources unnecessarily, as well as a politically treacherous ''consulting'' process that would predictably lead to accusations of judicial overzealousness by reluctant former co-plaintiffs. A reasonable non-judicial enforcement mechanism would serve as a basis for judicial enforcement if required. Instead, the PFJ creates a ''middle path to nowhere'', that increases the political difficulty of undertaking any binding action against the company Under the PFJ, the real-world probability that misbehavior on Microsoft's part would bring legal consequences would be less than without the proposed enforcement mechanisms. Thus, the Proposed Final Judgement does positive harm to the public.

Complex, Vague, and Contradictory Language Hides New Anticompetitive Tools For Microsoft The ostensible purpose of Section III.1 of the Proposed Final Judgement is to require that Microsoft license under ''reasonable and non-discriminatory terms'' intellectual property that software vendors and other parties might require in order to offer middleware products interoperable with Windows. If the wording were less vague (and if ''reasonable and non-discriminatory'' were changed to ''royalty free'' to include open source developers), this would be a serious and legitimate remedy: Having unlawfully restricted the development of competing middleware, it is fair that Microsoft be compelled to license, under generous terms, whatever intellectual property nascent competitors would find necessary to interoperate with Windows.

However, the wording of this section is astonishingly vague. Microsoft may be compelled to license its IP to ''ISVs, IHVs, IAPs, ICPs, and OEMs'' only as required to ''exercise options and alternatives expressly provided to them under this Final Judgement''. Exactly what ''options and alternatives'' are provided to these parties by the Proposed Final Judgement is not a matter of scientific clarity, even to the avid reader of the document. What is crystal clear, however, is that those to whom the PFJ purports to offer this relief—the alphabet soup of third parties—have absolutely no standing to enforce (and therefore to enlist a Court's aid in interpreting and clarifying) this or any other section of the Proposed Final Judgement (Section VIII of the PFJ, see above).

Further, in an astonishing twist, Section III.I.5 exacts the remedy of compulsory licensing not only of the convicted monopolist, but of innocent competitors seeking relief. Section III.I.5 insists that a software vendor who wishes to provide a middleware product for a Microsoft operating system, if they require access to Microsoft IP to interoperate, must license to Microsoft its own intellectual property. The following language is no doubt intended to soothe competitors: ''[T]he scope of such license shall be no broader than is necessary to insure that Microsoft can provide such options or alternatives'' (Sec III.I.5). However, nowhere in the PFJ have I been able to discern any ''options and alternatives'' that Microsoft must provide to any third parties that would require a license on its part. Microsoft must merely permit practices that it has heretofore managed to prevent, in part by refusing to license its own IP, and it must disclose some of what it has heretofore kept secret. The requirements of Section III.I.5 unnecessarily and specifically envision a situation where a competitor, attempting to interoperate with Windows in ways that arguably would require some license of IP from Microsoft, could be asked to license its own IP to Microsoft, or else to cease and desist. If Microsoft and the putative competitor were to disagree about what ''no broader than necessary'' means, a competitor could not enlist, any court to resolve the dispute and compel licensing under the PFJ. Thus, the PFJ sets up a situation where Microsoft could ''leverage'' an interoperability requirement by a competitor or ISV in order to acquire access to the attractive IP of its competitors. In the absence of the PFJ, a court might look at a ''we'll show you ours only if you show us

yours'' requirement as anticompetitive, given that Windows Operating Systems are a de jure monopoly with which many third parties must interoperate or die. However, the Proposed Final Judgement gives cover to the practice by explicitly foreseeing and sanctioning a cross-licensing requirement, diminishing the likelihood of a successful outcome and increasing the burden in litigation for companies that may find themselves in the crosshairs of Microsoft's IP lawyers. Again, the public is positively harmed by the PFJ, because it diminishes the likelihood of legal consequences should Microsoft engage in foreseeable anticompetitive behavior.

Conclusion

A District Court found, and a Federal Court of Appeals, affirmed, that Microsoft engaged over a period of years in multiple unlawful and sometimes deceptive practices in order to maintain its monopoly on PC-compatable operating systems. The fruits of this illegally maintained monopoly have been and continue to be huge for the company and its principals. The Proposed Final Judgement fails to provide any strong remedy for this conduct, and instead shelters the monopolist from potential consequences of past and future misconduct. The Proposed Final Judgment, by providing court sanction to practices a court might well find to be anticompetitive absent the proposed settlement, leaves consumers, competitors, open source software developers, and other interested parties in a worse position than they would be in if Microsoft were simply left to face private litigation as a de jure monopolist without any specific remedy being imposed in the present case. The Proposed Final Judgement would therefore be harmful to the public interest, and, unless it is very substantially modified, it should be rejected.

Notes

[1] Section III.C.1 suffers from the same flaw. It permits OEMs to install ''icons, shortcuts, and menu entries'' for pre-installed, competing middleware, but ''Microsoft may restrict an OEM from displaying icons, shortcuts, and menu entries for any product in any list of such icons, shortcuts, or menu entries specified in the Windows documentation as being limited to products that provide particular types of functionality, provided that the restrictions are non-discriminatory with respect to non-Microsoft and Microsoft products.'' Microsoft would be freed again to create an ''ours or both'' situation, justified by language it could graft into contracts directly from the Proposed Final Judgement.

[2] For an informal measure of the perceived threat that open source software presents to Microsoft's monopoly, we might examine the lengths to which Microsoft has gone in disparaging such software recently. Microsoft CEO Steve Ballmer has called Linux ''a cancer'' [Chicago Sun-Times, June 1, 2001] that has ''the characteristics of communism.'' [The Register, August 2, 2000] Ballmer has explicitly described Linux as ''threat number 1.'' [upside.com, January 20, 2001i According to the public comments of Microsoft exec Jim Allchin, ''Open source is an intellectual property destroyer... I'm an American, I believe in the American Way. I worry if government encourages open source, and I don't think we've done enough education of policy makers to understand the threat.'' [CNet news.com, February 15, 2001] [URLs:

http://www.suntimes.com/output/tech/cstfin-micro-01.html;

http://www.theregister.co.uk/content/1/12266.html;

http://www.upside.com/texis/mvm/news/story?id=3a5e392ca3;

http://news.com.com/2100–1001–252681.html?legacy=cnet]

MTC–00030454

6320 Chaprice Ln.
Montgomery, AL 36117
J.R. SMITH
1535 WILDLIFE TRAIL
UNION SPRINGS, AL 36089
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Ave, NW
Washington, DC 20530

Dear Mr. Ashcroft,

I was recently surprised to hear of the recent development in the Microsoft settlement. After three years of negotiations, I cannot believe that this agreement may be held back even further. The terms of this agreement were part of a sophisticated, detailed process and all affected were involved. At this point in time, the settlement is fair and reasonable and should be used as a guideline to get our technology industry back to business.

Under the settlement, Microsoft will design all future operating systems so that competitors can easily place their components on the system. Also, under this settlement, the government will appoint a full-time monitor to observe Microsoft. These concessions are clearly a step toward a more unified, stronger II sector. By getting back to work. we can maintain our place in the competitive world market, and car, get our economy back on track To enforce this agreement would be beneficial to the consumer, the IT sector and the entire economy.

Please work to help stop any further actions against this agreement. As we support our technology industry, we support the growth of our economy and the advancement of this great country.

Sincerely.
I.R. Smith
334–738–2182

MTC–00030455

Cipher Systems
80 Glastonbury Blvd
Glastonbury, CT 06033
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

This letter is to inform you of my full support of the antitrust settlement that was reached by the Justice Department and Microsoft Corporation.

The settlement is fair and reasonable, and should be finalized as soon as possible, since Microsoft did not get off easy. In fact, Microsoft has agreed to share portions of its interfaces and protocols for its Windows operating system. This is nearly priceless intellectual property. It also agreed not to retaliate against software or hardware developers who develop or promote software that competes with Windows or that runs on software that competes with Windows. The settlement changes every aspect of the way Microsoft conducts business. I hope the settlement is finalized soon.

Thank you generously for your attention.

Sincerely,
Bert Sirkin
Chief Technology Officer
Cipher Systems LLC

MTC–00030456

Carole Tovar
P.O. Box 13675
Mill Creek, WA 98082–1675
January 21, 2002
John Ashcroft
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I'm writing to encourage you to support the recent anti-trust settlement Microsoft reached with the U.S. Justice Department. I feel this is something Microsoft has agreed to merely so it could end the suit and so it can return to the business of making good and innovative software.

Microsoft has, for example, agreed to allow computer makers to change Windows so that Microsoft's products can be removed from the operating system and competing, non-Microsoft products can be installed in their places. AOL Instant Messenger can be installed in the place of Windows Messenger; RealNetworks RealPlayer can be installed in the place of Windows Media Player; and Netscape Navigator can be installed in place of Internet Explorer. Microsoft has also agreed to not take any actions against computer makers who choose to do this, or who decide to ship operating systems that compete with Windows, or who develop software that runs on such alternative operating systems.

That sounds pretty, far-reaching to me. To give its rivals a break: Microsoft is giving up all kinds of fights over its freedom to contract and over its own property. There's no point in hounding them with even more litigation.

I encourage you to accept the terms of the settlement so Microsoft can continue to make good software and provide jobs to thousands around the country.

Sincerely,
Carole Tovar

MTC–00030457

TOVAR PROPERTIES
January 21, 2002
John Ashcroft
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I'm writing to encourage you to support the recent anti-trust settlement Microsoft reached with the U.S. Justice Department. I feel this is something Microsoft has agreed to merely so it could end the suit and so it can return to the business of making good and innovative software.

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That sounds pretty, far-reaching to me. To give its rivals a break, Microsoft is giving up all kinds of rights over its freedom to contract and over its own property. There's no point in hounding them with even more litigation.

I encourage you to accept the terms of the settlement so Microsoft can continue to make good software and provide jobs to thousands around the country.

Sincerely,

Carole Tovar

MTC–00030459

650 Halfway Road
Crawfordsville, IN 47933
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

My name is Ginger Todd. I am a resident of Crawfordsville, Indiana. I am happy to hear that a proposed settlement has been reached between the federal government and Microsoft in the antitrust case.

While I don't know all of the details of the lawsuit or this settlement proposal, one thing the proposal clearly deals with is the most frequently voiced consumer complaint against Microsoft: the lack of choice when utilizing the Windows operating system. Microsoft has agreed to allow computer makers to change Windows to have non-Microsoft programs built-in—programs that compete directly with Microsoft features and programs that usually come included with Windows.

The agreement by Microsoft to allow competition within Windows will be of great benefit to both consumers and competing software designers and manufacturers. I hope that you will approve the agreement so we consumers will be able to benefit from it soon. Thank you for taking time to read my comments.

Sincerely,

Ginger Todd

MTC–00030460

FACSIMILE COVER PAGE
To: Renata B. Hesse
From: HARRY MESSENHEIMER
Sent: 1/25/02 at 8:33:16 PM
Pages: 3 (including Cover)
Subject:
Comments on Microsoft Settlement
Rio Grande Foundation
P.O. Box 2015
Tijeras, NM 87059
505 286–2030
www.riograndefoundation.org
January 25, 2002
Antitrust Division
U.S. Department of Justice
601 ''D'' Street NW, Suite 1200
Washington, DC, 20530
Attn: Renata B. Hesse
Subject: Comment on Proposed Final Judgment re Microsoft

Dear Sir or Madam:

I am writing to you on behalf of the Rio Grande Foundation of New Mexico, an independent, non-partisan policy research group dedicated to promoting free markets and open competition. I appreciate tile opportunity to comment.

In my capacity as Senior Fellow for Economic Research at the Foundation, I urge you to accept the proposed settlement in the anti-trust case involving Microsoft. In urging you to accept the settlement my arguments are that (1) we do not know enough about possible harms to take more aggressive action against MS and (2) we should be careful about opening up antitrust law to unproductive, rent-seeking activity.

The proposed settlement is file one that likely will do file least harm. I say that with a good deal of humility, since I think many economists tend greatly to overstate what we really know of tile possible harms alleged in this case. But one thing we do know is that competition is beneficial to society. Competition in an environment of economic freedom tends to promote human prosperity, an assertion strongly supported by recent empirical evidence.

What we don't know much about, however, is how the competitive process leads to prosperity. The economist's model of ''perfect competition'' is not particularly useful in informing us about antitrust law as it relates to possible harms that may reduce prosperity. Knowledge is not given; innovative change has been taking place at incredible speed. The premier scholar who wrote about competition and our lack of knowledge was Professor F. A. Hayek, who said in a famous essay about competitive process:[1] ''.–.–. we should worry much less about whether competition is perfect and worry much more about whether there is competition at all.'' Undoubtedly some of MS's restrictions on access to Windows were only intended to increase its market share while raising cost barriers to potential entrants. But it is hard to differentiate those restrictions from actions that substantially benefit consumers, as some of the alleged predatory behavior on the part of MS would appear to do. It is not readily apparent, for example, that the tying of Internet Explorer to the Windows desktop is anything but a benefit to those who purchase Windows. The issue boils down to whether or not this tying will result in differential harm to consumers over time. The only way that could happen is if the barriers to entry were so substantial and the resulting MS monopoly so inefficient as to erode away this short-run benefit. But those barriers actually seem to be quite small. Any time I surf the Internet I am amazed at how much competition there is. And how can we tell if MS is more or less efficient now than an unseen evolution under a different set of antitrust doctrine in which MS has a court-dictated constraint on behavior to reduce its market share? Market share as a measure of harm seems to be a red herring. The threat of entry, itself, tends to promote expanded service and lower costs. I think what we have observed over the past 40 years at least partially justifies my assertion.[1]

Hayek, F.A, ''The meaning of competition,'' in Individualism and Economic Order, Univ. of Chicago Press 1948, Midway reprint 1980, p 105.

As mentioned above, my second argument involves the unproductive cost of seeking differential advantage over competitors through the government in general and antitrust law in particular. In economics this is know as ''rent-seeking'' behavior. Economists are in wide agreement that rent-seeking is a loss the economy. Rather than seeking differential advantage from the government, firms could be using those resources to produce a better product at lower cost. The costs of rent-seeking behavior in this case alone seem to be enormous. And the draconian ruling by Judge Jackson would appear to open the door for like kind of wasteful activity. It would lead to severe impacts far beyond one company, acting as a drag on one of the most vibrant sectors of our economy. We can do nothing about the resources already used in this case, but we can prevent this kind of wasteful activity in the future.

That is why the settlement should be approved. It is a common-sense solution that recognizes the limitations in what we know about competition and innovation. And its approval also would serve to reduce predatory, rent-seeking behavior in the future.

Thank you for your consideration.

Sincerely,

Harry Messenheimer, Ph.D.

Senior Fellow, Rio Grande Foundation

MTC–00030461

Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NVV
Suite 1200
Washington, DC 20530–0001
January 25, 2002

ISSUE: It is my understanding that the Dept. of Justice is asking for public comment concerning the negotiations over the Microsoft antitrust suit.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop. I personally believe, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. The Clinton/Reno Justice Dept. began this suit for some nebulous masons of their own, I have never trusted their motives in the situation, and I for one, would cheer Bill Gates if he shut down his complete US holdings and moved to Singapore or somewhere else where the government would not be trying to destroy a successful business during a recession. Please put a stop to this madness. The destruction to the economy already done

is huge, and continuing this blunder will only exacerbate an already bad situation.

Thank you for considering my opinion.

Ray Grace
468 West Street, Box 222
Heppner, OR 97836
Fax 541–676–5292

MTC–00030463

FAX
Date: Friday,
January 25, 2002
Time: 8:13:00 PM
2 Pages
To: U.S.Attorney General John Ashcroft
From: Ronald J. Markham
Fax: 616–9937
Fax: 860,349,3816
Voice: Voice: 860,349,3816
Comments:
The Honorable Attorney General John Ashcroft Washington DC
27 Dunn Hill Road
Durham, CT 06422
Jan. 25, 2002

Dear Attorney General,

re: Microsoft Settlement

Please count me in the opposed column to the pending suit against the Microsoft Corporation. Night after night I see on television or read in the newspapers adds for cars and tracks, appliances, and other products hawking giveaways if you will just buy this or that product. I see no difference in the marketing of many other corporations than the marketing of Microsoft. Is not the idea of building a better mousetrap or marketing a better mousetrap the ''American Way''?

I am an ordinary citizen with no axe to grind, but I find it very distasteful to waste tax dollars on such a silly exercise. Microsoft has improved our way of life in so many ways by pursuing this legal action leaves me saddened and frustrated. Please Attorney General Ashcroft, stop this waste of manpower and tax dollars and redirect the governments legal efforts to meaningful pursuits.

Very truly yours,
Ronald J. Markham

MTC–00030464

January 25, 2002
Renata Hesse, Trial Attorney
Antitrust Division, Department of Justice
601 D Street NW, Ste. 1200
Washington, DC 20530
VIA FACSIMILE
(202) 616–9937

Dear Ms. Hesse:

The case against Microsoft has been a tremendous waste of time and money. Monopolies are when train companies won't let other train companies use their rail system. Monopolies are not when companies load a browser on to a computer—when a consumer can simply download the competing browser at the click of a button. When did this country lose the idea of open competition in the market place?

The cries from Microsoft's competitors were not legitimate. However, assuming they were justified, those issues are certainly dealt with in the existing settlement. This settlement will end much of the case and get the software industry working again, I urge the courts to endorse the settlement.

Sincerely,
Bill Carlson

MTC–00030465

Michael S. Giorgino, Esq.
1634 Pomona Avenue
Coronado, CA 92118–2932
(619) 437–8217
mgiorgino@aol.com
Renata Hesse, Trial Attorney
Antitrust Division,
Department of Justice
601 D Street NW, Ste. 1200
Washington, DC 20530
VIA FACSIMILE
(202) 616–9937

Dear Ms. Hesse:

I am writing the court because I am very concerned about the case of US v. Microsoft. From my reading on the case, I believe I am able to introduce public comments into the record. Please accept this letter as my public comment.

I am an attorney licensed to practice law in the State of California and in the Federal Courts. While I have not reviewed this case in depth, I understand its core issues. I am a concerned citizen who truly abhors government waste. My concern about wasted taxpayer dollars inspired me to write this letter.

Before September 11, the US Government spent more on the case against Microsoft than it did trying to stop the actions of Osama Bin Laden. We, the American taxpayers, have funded this case long enough. It has gone on almost four years and cost untold millions of dollars. To date, I know of nothing positive which has come from this case. The t??ch industry is down, innovations have slowed, and almost every state (including California) went from a surplus to a deficit in their budgets.

Novelist/philosopher Ayn Rand wrote that Antitrust is ''the penalizing of ability for being ability, the penalizing of success for being success, and the sacrifice of productive genius to the demands of envious mediocrity.'' Microsoft's competitors initiated this case so they could gain from the courts what they were unable to accomplish in the free market. Enough is enough! Wasting a single additional taxpayer dollar persecuting Bill Gates'' brilliant and innovative company is unacceptable—economic progress cannot be achieved at the point of a gun.

I urge the court to accept the proposed settlement in the interests of fiscal responsibility and economic justice.

Sincerely,
Michael Giorgino
Attorney at Law

MTC–00030466

FAX
TO:
FR:
RE:
DATE:
# of pages: (including this page)
January 25, 2002
Renata Hesse, Trial Attorney
Antitrust Division
U.S. Department of Justice
601 D Street, NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

Thank you for this opportunity to state my opinion regarding the government's proposed settlement of its case against Microsoft.

First of all, the government had no business interfering with the operation of Microsoft when it began its pursuit of them back during the Clinton administration. The federal government was wrongly attempting to control and regulate a new, growing, and very vital part of our nation's economy. The last thing the technology industry needed was bureaucrats and Justice Department lawyers hovering over them like vultures.

I have read the proposed settlement/stipulation, and I believe Microsoft is being more than reasonable to agree to this document. Setting up the governmental *technical committee'' seems particularly onerous. However, in the interest of ending this whole misplaced attack, I urge you to approve this settlement.

Thank you for your consideration of my comments.

Sincerely,
Cynthia M. Lyon
2315 Iowa Avenue
Independence, IA 50644
(319) 334–3490

MTC–00030467

Chris H. Pipkin
January 21, 2002
Judge Kolar Kottely
U.S. Department of Justice
601 D Street, NW, Suite 1200
Washington, D.C 20530

Dear Judge Kolar Kottely

It is my understanding that you are currently considering whether to accept the proposed settlement reached by the Department of Justice and Microsoft. I am writing m you in order to express my strong support for this settlement.

I am an investment officer in Cedar Rapids. The ebbs and flows of the economy, along with any outside forces that impact it, are of great interest to me. There is no doubt that bringing closure to the Microsoft case will have a positive impact on the national economy.

The government's case against Microsoft had potential to set far-reaching precedent for government intervention and regulation of an industry. This reality caused much concern for investors who worried that the growth of the technology industry would be hampered by government regulation. While there are many causes for our weakened economy, the uncertainty erented by this ease was a contributing factor in the decline of many technology stocks.

Bringing the Microsoft case to end is in the best interest of the economy and this proposed settlement is the vehicle to make it happen. While I do not know all of the intricate details of the settlement, what I have read lends me to Believe a fair compromise addressing the concerns of the complaint was reached. For example, Microsoft will be bound to share intellectual property and must create new versions of Windows that allow the promotion of non-Microsoft

products. The settlement also establishes a committee that will police Microsoft's compliance with the settlement.

Thank you for your consideration

Sincerely,

Chris H, Pipkin

3604 HEATHERIDGE DR. + Cedar Rapids, + 52402 + 319–862–2293

MTC–00030468

To Renata Hesse

The following six (6) pages of this facsimile are a comment on the Microsoft Settlement in the Microsoft antitrust case. This comment has been simultaneously submitted by email.

Mason Thomas

(805) 530–1502

As a professional working in the technology sector, I often have occasion to use Microsoft software and competing products. I am therefore concerned that the Revised Proposed Final Judgment in the Microsoft antitrust case has a number of deficiencies that prevent the Judgment from providing certain and effective relief for Microsoft's violations of the Sherman Act. Unless these flaws are corrected, the Revised Proposed Final Judgment is clearly against the public interest and will positively harm third parties.

This Comment addresses five serious deficiencies of the Revised Proposed Final Judgment, The deficiencies are discussed in the order they appear in the Judgment, not necessarily in their relative order of impact on injunctive relief. The deficiencies are:

1. The Judgment provides no remedies for past unlawful conduct.

2. Allowing volume discounts anticompetitively maintains Microsoft's monopoly (Section III.A. and III.B.).

3. Restrictions on disclosure of communications protocols maintains a barrier to competition (Section III.E.).

4. Arbitrary five year term of Judgment harms the public interest (Section V.).

5. The definition of ''Non-Microsoft Middleware Product'' maintains a barrier to competition (Section VI.N.).

Although it is unreasonable to expect a truly optimal Judgment that best serves the public interest, the existence of any one of the above deficiencies—and certainly the coexistence of several of them—will not end Microsoft's unlawful conduct nor avoid a recurrence of violations of the Sherman Act, and is thus outside the reaches of the public interest.

1. Judgment provides no remedies for past unlawful conduct

Although the Revised Proposed Final Judgment provides limited remedies ''to halt continuance and prevent recurrence of the violations of the Sherman Act by Microsoft'' (Competitive Impact Statement, Section I.), it does not in any way ''undo its anticompetitive consequences'' (Competitive Impact Statement Section IV.B.) , There is no provision in the Judgment to remedy any past anticompetitive actions by Microsoft: all provisions in the Judgment attempt to alter the current and future behavior of Microsoft. As such, the Judgment does not effectively restore the competitive conditions experienced by Microsoft prior to its violations of the Sherman Act. An effective remedy for Microsoft's past illegal actions requires a careful balance to empower injured competitors while not unduly damaging Microsoft. A simple but fair remedy would create a pool of Microsoft's money based on a percentage of sales of Microsoft Operating System Products since the filing of the antitrust complaint till the time of the Final Judgment entered by the Court. The parties damaged by Microsoft's anticompetitive behavior (e.g., Sun Microsystems, Netscape Communications Corp., etc.) would be payed from this pool. The size of the pool and the relative payment terms to competitors are details that require careful consideration.

2. Allowing volume discounts anticompetitively maintains Microsoft's monopoly allowing volume discounts serves no procompetitive interest and is in fact very much against the public interest as it serves to illegally maintain Microsoft's monopoly. Section III.A. of the revised proposed final judgment stipulates that ''Nothing in this provision shall prohibit Microsoft from providing Consideration .–.–. commensurate with the absolute level or amount of that OEM's development, distribution, promotion, or licensing of that Microsoft product or service.'' Section III.B.2 provides for a licensing fee schedule that ''may specify reasonable volume discounts based upon the actual volume of licenses of any Windows Operating System Product .–.–.'' These provisions allow Microsoft to continue to leverage its monopoly position to illegally maintain that monopoly. The Competitive Impact Statement entirely ignores the anticompetitive ramifications of these terms.

Unlike traditional manufacturing, where the production or distribution of a large quantity of a product can generate ''economies of scale'' and thereby procompetitively justify non-uniform pricing (e.g., volume discounts), the licensing of software has no significant economies of scale. A comparison with traditional manufacturing is useful. For a car dealership selling hundreds of cars per month, there is economic justification for the car manufacturer to provide a volume discount to the dealership: the distribution costs (shipping) per car are lower than for a dealership selling only ten cars per month, with software however, the only economy of scale obtained is slightly cheaper production materials: compact disks for distribution and paper for documentation and product boxes. OEMs typically only include a compact disk with a new computer purchase, for which the volume production cost is under one dollar (US$1.00). Hence the economies of scale afforded by large scale OEMs to Microsoft are less than one percent (1%) of the retail value of typical Windows Operating System Products. Hence there is no significant procompetitive reason to allow volume discounts to large OEMs.

Allowing Microsoft to offer volume discounts will further entrench its monopoly position. With volume discounts, Microsoft would retain the ability to price its Windows Operating System Product licenses at an artificially low cost to the largest OEM vendors. These vendors would thus have a strong incentive to continue to offer exclusively or predominantly the Microsoft Operating System Product on new Personal Computers, The largest OEM Personal Computer suppliers would have a free market incentive to choose alternate Operating System Products if Microsoft's Operating System Product were instead priced at an open market value. Avoiding volume discounts increases competition while preventing Microsoft from leveraging its monopoly to stifle competition.

This deficiency of the revised proposed final judgment is remedied by deleting the words ''distribution'' and ''licensing'' from the last paragraph of Section III.A. and by modifying Section III.B.2 to read ''the schedule may not specify volume discounts based upon the actual volume of licenses of any Windows operating System Product or any group of such products.'' These modifications will still allow Microsoft to compete in the marketplace based on the merits of the windows Operating System Products, but prevent Microsoft from anticompetitively erecting barriers to competitive products.

3. Restrictions on disclosure of communications protocols maintains barrier to competition The Revised Proposed Final Judgment maintains a significant barrier to competing Non-Microsoft Middleware Products by restricting the disclosure of Communications Protocols. Section III.E. of the Judgment provides that Microsoft shall disclose Communications Protocols ''on reasonable and non-discriminatory terms.'' Such terms, however, prevent a large number of established and nascent competitors from obtaining the Communication Protocols. ''Reasonable and non-discriminatory'' license terms act as an anticompetitive barrier to potential Microsoft competitors, while providing no procompetitive advantage for Microsoft.

''Shareware'' software developers typically provide software products (including middleware) free of charge for end users to evaluate, and only demand payment if the end user decides to continue using the software product. Such developers would be unable to comply with ''reasonable and non-discriminatory'' licensing terms unless a very large percentage of end users payed for the software product. Similarly, the entire ''open source'' class of software would be unable to meet ''reasonable and non-discriminatory'' terms as the ''open source'' licenses allow virtually unlimited duplication and derivation rights. Several important Non-Microsoft Middleware Products are ''open source'', notably the Samba program (http://www.samba.org), that provides file transfer and print Services through the Microsoft SMB Communications Protocol. The Samba program is a well-established and widely used alternative to Microsoft Middleware Products, but it would be effectively prevented from competing with Microsoft through the adoption of ''reasonable and non-discriminatory'' licensing terms for future changes in the SMB protocol.

This deficiency of the Revised Proposed Final Judgment can be remedied by a simple wording change. The phrase ''reasonable and non-discriminatory'' in Section III.E. of the Judgment should be changed to ''royalty

free''. Since Microsoft's ability to hide Communication Protocols serves only to prevent competitors from effectively interoperating with Microsoft products and does not in any way increase competition, a mandatory royalty free license would serve to allow both large and small competitors to interoperate with Microsoft products.

4. Arbitrary five year term of Judgment harms the public interest The Competitive Impact Statement in Section IV.C. claims that a five year time frame for the Judgment ''provides sufficient time for the conduct remedies contained in the Proposed Final Judgment to take effect .–.–. and to restore competitive conditions to the greatest extent possible.'' The Competitive Impact Statement provides neither evidence, nor precedence, nor logic to support this claim.

In fact, a five year term may well be too long. The provisions of the Revised Proposed Final Judgment may turn out to be so effective at restoring competition that Microsoft loses its dominance in less than two years in the Operating System market for Personal Computers and becomes unnecessarily hobbled by the restrictions of the Judgment. In such a case, Microsoft would be unfairly restricted from competing in the market for another three years, possibly causing great economic damage to Microsoft and depriving consumers of the fruits of a vibrant competition in the Operating System market.

Alternatively, the provisions of the Revised Proposed Final Judgment might not be sufficient to hinder Microsoft's anticompetitive actions, and Microsoft could continue to violate the Sherman Act through an extended seven-year Judgment period. Clearly such a situation would severely harm the public interest, again depriving consumers of the benefits of a competitive market and stilting the entire Operating System and Middleware market. The arbitrary five year Judgment term length would only be beneficial in the most serendipitous of circumstances, and the arbitrary two-year extension does not mitigate this fault.

The overriding concern of this Judgment is to prevent Microsoft's anticompetitive actions and to restore competitive conditions to the market, and it is that principle that should guide the term length of the Judgment. The most straightforward application of this principle would be to terminate the Judgment when Microsoft no longer enjoys monopoly status. This could be achieved with the following replacement for Section V. (Termination) of the Revised Proposed Final Judgment:

''This Final Judgment will expire when Microsoft's windows Operating System Product has less than fifty percent share of the Personal Computer Operating System market (as determined by a market study provided by a mutually agreed upon third party).''

With this revised termination clause, the Judgment will stand exactly as long as necessary for the public interest. An alternate definition of monopoly status (i.e., instead of ''fifty percent market share'') may also be acceptable, provided it is logically and legally defensible, and maintains the intent of the Judgment.

This new termination clause will ensure the return of healthy competition to the Operating System market without unduly burdening—or harming—Microsoft. At the point that Microsoft's windows Operating System Products have less than fifty percent share of the Personal Computer Operating System market, there is clearly healthy competition in that market, with at least one other dominant competitor to Microsoft. There is then no further reason to impose the conditions of the Judgment. However, Microsoft is not prevented from maintaining its monopoly on the technical merits of its products. The ongoing terms of the Judgment would not be onerous to Microsoft should it maintain a monopoly position without resorting to anticompetitive actions.

5. Definition of ''Non-Microsoft Middleware Product'' maintains barrier to competition Although the Revised Proposed Final Judgment seeks to ''restore the competitive threat that middleware products posed prior to Microsoft's unlawful conduct (Competitive Impact Statement, Section IV), the proposed definition of ''Non-Microsoft Middleware Product'' serves instead to maintain barriers to competition. Section VI.N. of the Revised Proposed Final Judgment stipulates that a software product, among other requirements, can only be considered a ''Non-Microsoft Middleware Product'' if ''at least one million copies were distributed in the United States within the previous year.'' This requirement is explained in the Competitive Impact Statement, Section IV.A. as being ''intended to avoid Microsoft's affirmative obligations .–.–. being triggered by minor, or even nonexistent, products that have not established a competitive potential in the market .–.–.'' As the Competitive Impact Statement makes clear, the definition of ''Non Microsoft Middleware Product'' intentionally limits the possible competitive impact of nascent middleware products. Such a limitation is antithetical to the desired goals of the Judgment.

This deficiency of the Revised Proposed Final Judgment can be easily remedied by deleting Section VI.N.(ii) and thus removing the restriction on number of copies distributed. The Competitive Impact Statement in Section IV.A. states that the restriction on number of copies distributed ''is intended to avoid Microsoft's affirmative obligations—including the API disclosure required by Section III.D. and the creation of the mechanisms required by Section III.H.—being triggered by minor, or even nonexistent, products .–.–.'' In other words, Microsoft should not endure an onerous burden in its obligations. However, deleting Section VI.N.(ii) would not create such a burden. Since Section III.D. already specifies that APIs and related Documentation shall be disclosed via the Microsoft Developer Network or similar mechanisms, Microsoft will not require any further effort to make the APIS and Documentation available to ISVs or other middleware developers that have not established a competitive potential in the market—but that nevertheless have the potential to become competitors with Microsoft, Furthermore, the mechanisms required in Section III.H. (such as the creation of Add/Remove icons) are sufficiently generic that they will only need to be created once—and likely already exist—to accommodate all Microsoft and Non-Microsoft Middleware, and hence the expansion of the number and kind of possible middleware competitors to Microsoft again does not create an undue burden on the company.

This Comment has been submitted through both e-mail and facsimile copy.

Respectfully submitted,
Mason Thomas
4333 Wildwest Circle
Moorpark, CA 93021
(805) 530–1502
January 25, 2002

MTC–00030469

13405 NW Spirit Court W
Silverdale, WA 98383–9507
(360) 697–2461
January t2, 2002
Attorney General John Ashcroft
United States Department of Justice
Washington, DC 205300001

Dear Attorney General Ashcroft:

I urge the Department of Justice to accept the proposed Microsoft anti-trust settlement, which goes far beyond the original scope of the lawsuit as it was originally filed. I feel Microsoft made this settlement so it can back to its business of developing software.

As terms of the settlement Microsoft has agreed to grant computer manufacturers and software developers the ability to remove Microsoft products and install competing products in their places. Examples include: Netscape Navigator, RealNetworks RealPlayer, and AOL Instant Messenger. You should note, though, that consumers can install these products on their computer systems regardless if those products came preinstalled on their systems. Microsoft has also agreed to not enter into agreements with third-party computer manufacturers or software developers that would require them to exclusively or in a fixed percentage distribute or promote Windows, unless there is no competitive issue.

Microsoft also must grant intellectual property rights to those third parties that choose to exercise any options in the settlement if those options would infringe on Microsoft's intellectual property. Also as part of the settlement, a three-person ''Technical Committee'' made of software engineers will be overseeing compliance and assisting in dispute resolution, when needed, The settlement also makes it easy for an individual or company who feels Microsoft is not complying with the settlement provisions to file a complaint, thus making it more likely that Microsoft will abide by all terms in the settlement. For these reasons, I support the Microsoft settlement. I look forward to seeing this matter finalized and put behind us so we can get on with the business of business. Thank you.

Sincerely,

MTC–00030470

FAX COVERSHEET
URGENT
To: Attorney General John Ashcroft
Fax Number: 1–202–307–1454

From: Sharon Miller
Fax Number: 1–716–388–7329
Pages: 2
Date: 1/26/2002
Subject: Microsoft Settlement
21 Cedarview
Fairport, NY 14450
January 25, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I was really happy when Microsoft and the Department of Justice reached an agreement; now my hopes were dashed when I learned that several states want to pursue further litigation. Why? Microsoft has already agreed that if a third party's exercise of any options, provided for by the settlement, would infringe any Microsoft intellectual property, Microsoft will provide the third party with a license to the necessary intellectual property on reasonable and nondiscriminatory terms.

They also agreed to license file Windows operating system to the largest computer companies on identical terms, conditions, and price.

I urge you to end all litigation so that we can move forward. No more action should be taken at the Federal level.

Sincerely,
Sharon Miller

MTC–00030471

John J. Petroci Jr.
1909 Kirkby Drive
South Park, Pennsylvania 15129
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to let you know my views on the Microsoft settlement, First and foremost, this case has been in litigation for many years now. Secondly, this lawsuit should not have concerned the federal government, since no laws have been broken. Settlements have been reached in various states, all of which have involved appropriate concessions, including more information sharing and changes in Microsoft's business practices.

I have firsthand experience with big business. I previously worked in the steel industry, and due to government intervention and regulation, I was put out of work when the companies were broken up. Pennsylvania's steel industry will never be the same. I urge to you please do your best to see that this does not happen to Microsoft. Our nation's IT industry depends on companies such as Microsoft, and our economy also depends on the IT industry, Please discontinue these lawsuits and help our economy return to normalcy. I strongly suggest that it is in the best interests of everyone to discontinue these lawsuits so our economy can return to a sense of normalcy.

Sincerely,
John J.Petroci Jr.
cc: Senator Rick Santorum

MTC–00030472

371 Bald Road
Touchet, WA 99360
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I think the federal government never should have filed the lawsuit against Microsoft. At this stage in the proceedings, however, I think it is in everyone's best interest that the case is settled. It is a shame that the remaining plaintiff states have not joined in the settlement efforts. The concessions Microsoft has made are more than reasonable. Microsoft has agreed to disclose portions of its code to its competitors. They have agreed to establish a uniform price list for computer manufacturers. They have agreed to make it easier for servers to interoperate with one another. They have agreed not to take actions against computer manufacturers who install the competition's software on their computers. All of these concessions amount to establishing fair competition for other software companies.

The settlement agreement should be approved, and the federal government should take no further action in this case.

The Clinton Administration should have never initiated this suit. They were totally anti-business and their motives were entirely political!

Sincerely,
Mark Wagoner

MTC–00030473

Christopher & Sharon Moline
12407 Madeley Lane
Bowie, MD 20715–2904
January 22, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

We are writing to show our support for the settlement reached between Microsoft and the government. It is fair and reasonable.

The fact that Microsoft has agreed not to retaliate against software or hardware developers who develop or promote software that competes with Windows or that runs on software that competes with Windows shows me that Microsoft is not looking for ways to hurt consumers, but to help them, Further, Microsoft won't enter into any agreements forcing a third party to distribute or promote any Windows technology exclusively or in a fixed percentage. Finally, the government will establish a ''Technical Committee'' that will monitor Microsoft's compliance with the settlement and assist with dispute resolution.

This is a good settlement and Microsoft deserves a lot of credit for taking the lead on resolving these issues. We hope the settlement will be approved so Microsoft can get back to developing innovative software.

Sincerely,
Christopher & Sharon Moline

MTC–00030474

PhoneTools
BVRP
software
508 North View Road
Mount Airy, MD 21771
Phone: 301–831–0927
Fax: 3010–831–0927
Message:
Please review the attached document.
From: Steve and Linnea Capps
To: us Department of Justice Attorney General John Ashcroft
Date: 1/26/2002
Page(s): 2
January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

As a woman aspiring to start her own business, I am discouraged and disheartened by the manner in which the federal government treats success. I am bitterly disappointed that our government—MY government—feels it necessary to oversee the financial castration of inventors and creators, hobbling what is supposed to be free enterprise. I feel strongly that government has no right to insert itself into legitimate and successful business, to legislate and litigate, to attempt to regulate a product that clearly outshines other, similar products. Smaller companies, who can't compete became the quality of the product they offer is no match for the ''big guy'', cry foul and the government steps in to try to level the playing field, The playing field for business will never be level It is not only futile to attempt to level that field with legislation or legal action, it is a childish wish for fairness that assumes that it can be done. If Linux and Unix were such operating systems, they would be where Microsoft is now, became the consumer would have demanded their products over Windows. If WordPerfect or Lotus 1–2–3 were as user-friendly as MS Word or Excel, they would be the applications in great demand. The fact is, Microsoft is guilty of nothing more than being popular—popular became they provide an intuitive, user-friendly, and versatile environment in which to work. How can you, as Attorney General, support, represent, or oversee the punishment of a company whose only crime is that the consumer prefers its product over the competition's?

For example: The entry of Wal-Mart and Target into the discount department store business, offering better products at lower prices, drove KMart into Chapter 11 bankruptcy. Consumers regulated the market with their purchases. In the eyes of the consumer, Kmart just didn't measure up to the competition. It has always been consumers who ensure the success or demise of a business. We have, and should be allowed to retain, without legislative or litigious interference, the power to regulate business with our wallets.

I am not so naive as to think Microsoft is entirely without fault or abuse of power in their rise to their current market position. The proposed settlement with the government, which I have reviewed, appears to be genuinely equitable. It not only provides a solution to the anti-trust ''problem'' Microsoft presented (in the eyes of the Department of Justice), it also provides

concessions to Microsoft and its competitors. At this point, I do not believe additional action is necessary on the federal level.

I am concerned that the federal government has been so intrusive and vituperative against Microsoft. Success, innovation, and creativity should not be a federal offense, and are certainly no reason for litigation to continue. I urge you and your office to finalize the settlement and move on.

Sincerely,
Linnea Capps
(Mrs. Stephen R.)

MTC–00030475

Natalie Dunlap
316 Webster Street
Lewiston, ME 04240–4854
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I was pleased to learn the federal government decided to settle its antitrust case against Microsoft. This should have been done a long time ago. Nonetheless, I am in favor of the steps that have recently been taken to resolve this lawsuit.

I am a very strong supporter of Microsoft. As a result of Microsoft's hard work and innovation, we live in a world where I can communicate with loved ones across the country with ease. I firmly believe this case was brought as a result of the misguided idea that a successful company should be knocked down, and its competitors should be awarded the fruits of their labor, Notwithstanding my belief that this case lacked merit from its inception, I think the settlement agreement's terms are fair. The court should not hesitate in its approval of the settlement. Microsoft has agreed to make it easier for its competitors to compete with Windows. They agreed to document and disclose to their competitors portions of the Windows code. They also agreed not to retaliate against those who promote software that competes with Windows. Nothing more should be expected or required of Microsoft beyond the terms of the settlement agreement.

Sincerely,
Natalie Dunlap

MTC–00030476

Jan 26 02 10:07 am
January 16, 2002
Attantion: Renata Hesse
Judge Kolar Kottely
U.S. Department of Justice,
Antitrust Division
801 D Street, NW, Suite 1200
Washington, DC 20530

Dear Judge Kottaly.

From the perspective of a regulatory compliance officer for lowa's state-designates secondary market for student loans. I have followed the Microsoft antitrust case with great interest and look forward to a settlement.

Working with college graduates and students of lowa colleges and universities, we are well aware of the growing number of young people a??ting our state after compi??ting higher education. To start this tide, businesses and our state government continue to focus attention on how best to keep and attract college graduates to lowa—investment in our cities, increasing amounts and avaliability of vonture capital, creating a business ??mate that is Inviting to companies.

It is unfortunate our state is one of only nine others whose Attorney General did not sign onto the proposed Microsoft antitrust s??tlement before you. It does not help our state's cause to attract burg??ning tech companies or young professionals. I do not believe his position is representative of the majority of lowa residents or businesses—which is what com??iled me to write. The settlement on the table has taken a great deal of time and effort from the parties involved. It is a fair settlement and your approval of it would take a large pace toward the finish line in this marathon case.

Thank you for accepting my comments.

Sincerely.
camas G. Solo, CPA. CIA
Compliance Officer
Iowa Student Loan Liqui??ty Corporation

MTC–00030477

Facsimile transmittal
To: Department of Justice
Fax: 1–202–307–1454
From: Don Phillips
Date: 1/26/2002
Re: Microsoft Settlement
Pages: 1
CC:
X Urgent
To: Department of Justice

From: Don Phillips, Consumer, Engineer, Voter

I believe the US Government should settle its antitrust suit against Microsoft immediately. The current proposed settlement should be approved and implemented as soon as possible. This lawsuit never, in any way, represented the interests of consumers. Microsoft has had a long track record of developing and selling software products that consumer like and use. The company's growth and profits are evidence of this. On the other hand, no credible evidence was ever presented during the trial (or after) to show that Microsoft ever did anything that was against consumer interests. Clearly this lawsuit never had any basis In fact and never should have been undertaken.

In fact, the lawsuit, itself, has caused major harm to consumers and to the entire US economy. Also, the government's reputation as being objective and fair has been seriously eroded. In short, the whole process has been a disgrace to justice and an insult to American consumers. I have worked in the semiconductor industry for 30 years and have had many dealings with Microsoft as well as many of Microsoft's competitors. Also, I have personally used many products from Microsoft and from its competitors. Based on my Long experience with technical products it is very clear to me why Microsoft's competitors have not prevailed in the marketplace. This lawsuit has clearly been shown to be nothing more than a thinly veiled attempt by weak competitors to do serious harm to a more successful company. This is very disgraceful behavior! For the government to continue to perpetuate this case would be a major miscarriage of Justice.

Respectfully, Don Phillips, Pale Alto, CA

MTC–00030478

1721 15th Avenue Southwest
Olympia, WA 98502
January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I understand the Courts will make a final decision at the end of this month on whether the proposed Microsoft settlement is in the best interest of the consumer. I personally believe that we need to leave it alone. It has already cost us billions of dollars in legal fees, lost production and loss of jobs in the technology sector of the economy.

Microsoft has agreed to grant computer makers broad new rights to configure Windows, in order to promote non-Microsoft software programs that compete with programs included within Windows. They have also agreed to document and disclose various interfaces that are internal to 'Windows' operating system for use by its competitors. This is definitely beyond what is expected in any antitrust settlement.

Let's end this before we get in over our head. There are far more pressing issues we need to concentrate on such as reviving this fragile economy.

Sincerely,
Edward Heffernan

MTC–00030479

John & Darlene Cooke
Phone: (252) 537–0960
P.O. Box 495
Fax: (252) 308–0990
Gaston, NC 27832–0495
email: dcooke@schoollink.net
TO: Attorney General John Ashcroft
FROM: Darlene Cooke
DATE: 1–24–02
NUMBER OF PAGES (including cover page): 2
COMMENTS: Re?? Microsoft Settlement
P. O. Box 495
Gaston, NC 27832
January 23, 2002
Via Facsimile (202)–307–1454 or(202)–616–9937
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Ashcroft:

As part of the public comment phase, I am writing to urge the Department of Justice to accept the settlement proposal in the Microsoft anti-trust case. I believe the terms of the proposed settlement will protect consumers and will shield Microsoft's competitors from unfair business practices. By accepting the proposed settlement, Microsoft will change many of its former business practices and will agree to abide by the stipulations therein. If Microsoft is willing to accept those terms, the Department of Justice should be willing to endorse the settlement and bring the issue to a close.

Our nation is facing profound challenges on several fronts. I think your department

and the various states'' Attorneys General should settle the Microsoft case in order to focus on other more pressing issues.

Sincerely,

Darlene Cooke

MTC–00030480

Frederick & Coleen Walther
P.O. Box 30
West Poland, ME 04291–0030
January 25, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I would very much like to see the Microsoft settlement agreement which, in my opinion is very well conceived, approved by the Court. It seems to me that the goals set forward were met and that no antitrust laws are in jeopardy.

From what I understand, Microsoft has agreed to significantly change the way it conducts business so that its competition has a level playing field, and it will not take negative actions against any competitor of Windows. They have also agreed not to enter into agreements with third parties obligating them to sell Windows exclusively.

I just can't see why taxpayer dollars would be spent wisely by litigating this case further. It is time to get on with business and allow Microsoft to help stimulate the economy and reward its patient shareholders like my family. Government actions have already cost our portfolio far more than we would like!

Thank you for your time and attention.

Sincerely,

Frederick & Coleen Walther

MTC–00030481

Helga Gardetto
475 Windridge Drive
Racine, WI 53402–2658
January 21, 2002
Attorney General John Ashcroft
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I would like to propose finalization of the agreed settlement deal with Microsoft and the government. I don't think a company should be held down in its attempt to prosper, and this lawsuit has over-stepped any reasonable bounds of dealing with the free market.

The settlement proposed offers several steps to allow more competition. Microsoft will not require computer companies to use Microsoft software, and will allow competitors unheard-of access to Microsoft's proprietary technologies. This deal should be appear quite accommodating to the company's opponents, as it will be monitored regularly by industry experts. Meanwhile, I'm sure that a break-up would not offer such favorable cooperation and results for those groups.

Please move forward with this settlement and allow the PC industry to be stable and successful in the coming years ahead. Thank you for your time.

Sincerely,

Helga Gardetto

MTC–00030482

12938 Kingsbridge Lane
Houston, TX 77077
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing you today to express my opinion in regards to Microsoft and the antitrust dispute I support Microsoft in this dispute, and I believe this litigation is costly and a burden on taxpayers and consumers I support the settlement that was reached in November as an adequate means to end this dispute.

Microsoft has agreed to carry out all provisions of this agreement and will be monitored for compliance. Under this agreement, Microsoft must license its Windows operating system products to the 20 largest computer makers on identical terms and conditions, including price. Microsoft has also agreed to disclose various interfaces that are internal to Windows'' operating system products, which is a first in an antitrust settlement. Microsoft did not get off easy in this settlement.

This settlement not only keeps Microsoft together as a company but will also foster competition. Continuing this litigation will only have adverse effects on consumers and the economy Please support this settlement so our precious resources can be devoted to more pressing issues. Thank you for your support.

Sincerely.

Amanda Quam

MTC–00030483

12938 Kingsbridge Lane
Houston, TX 77077
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing you today to express my opinion in regards to Microsoft and the antitrust dispute I support Microsoft in this dispute, and I believe this litigation is costly and a burden on taxpayers and consumers I support the settlement that was reached in November as an adequate means to end this dispute.

Microsoft has agreed to carry out all provisions of this agreement and will be monitored for compliance. Under this agreement, Microsoft must license its Windows operating system products to the 20 largest computer makers on identical terms and conditions, including price. Microsoft has also agreed to disclose various interfaces that are internal to Windows'' operating system products, which is a first in an antitrust settlement. Microsoft did not get off easy in this settlement.

This settlement not only keeps Microsoft together as a company but will also foster competition. Continuing this litigation will only have adverse effects on consumers and the economy Please support this settlement so our precious resources can be devoted to more pressing issues. Thank you for your support.

Sincerely.

Amanda Quam

MTC–00030484

6585 South Military Trail
Lake Worth, Florida 33463
(561) 968–1111
Fax (561) 968–1804
FAX
COVER PAGE
DATE 1–26–02
TO ATTORNEY GENERAL JOHN ASHCROFT
FAX # 1–202–616–9937
PHONE 1–202–307–1454
FROM: JERRY DOSER
UMBER OF PAGES INLCUDING COVER 2
ORIGINALS TO FOLLOW: NO ?? YES
MESSAGE: COMMENTS REGARDING MICROSOFT SETTLEMENT.
3855 Jonathans Way
Boynton Beach, Florida 33436
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The intent of this letter is to go on public record and express my support for the settlement that was reached in the antitrust lawsuit between Microsoft and the Department of Justice. The settlement was reached on November 2, 2001, and I was relieved to see that the suit had finally come to an end.

There are still individual states that are continuing with litigation against Microsoft, and I hope that will soon come to an end, but I am happy to see that it has been settled at the federal level. Hopefully the remaining states will see that they are wasting funds that could be used for so many other more important issues. Microsoft had to concede more than they would have initially liked, but settling the dispute and getting back to business was more important. Microsoft will be monitored by an ongoing technical oversight committee, so. they will have to abide by the terms of the settlement. I am glad to see that two sides come to an agreement, and I fully support the settlement.

Sincerely,

Jerry Doser

cc: Representative Robert Wexler

MTC–00030485

Henry M. Gubitosi
13 Easton Street
Cantonment, FL 32533–6559
January 24, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

For the past three years, the people who depend on Microsoft's products everyday have waited for a settlement to be reached in this antitrust suit. Now it seems that the end is in sight. I hope that this settlement goes forward so that this case can finally be put to rest.

Microsoft is willing to give up a lot in order to reach a settlement and I for one hope they do. Out of the many elements that

Microsoft is willing to forfeit, one of the most overlooked is the right they're giving to computer manufacturers. By giving them the freedom to configure Windows with whatever applications they choose, Microsoft is ceding significant portions of its market share. Microsoft has also agreed to provide a uniform price list to them.

I hope that people will spend the time to go over the settlement, to see exactly what Microsoft is forgoing in order to put this case to rest. The settlement should be acceptable to everyone but the most ardent Microsoft opponents. I hope that it will be finalized soon so that everyone can just move on.

Sincerely,
Henry Gubitosi
cc: Representative Jefferson Miller

MTC–00030486

Cathy Bason
125 Phillips Rd
Longville LA 70652
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Please allow this letter to serve as my vote of support for the settlement agreement that was reached in the Microsoft antitrust case.

Under this agreement, Microsoft will be making changes in its pricing structures, distribution agreements and Windows systems configuration in an effort to promote increased competition and greater consumer choice. It is in the public's best interests to enforce this agreement and end this case.

Thank you for considering my opinion.

Sincerely,
Cathy Bason
125 Phillips Rd
Longville, LA 70652

MTC–00030487

1200 Harger Road Suite 521
Oak Brook, IL 60523
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am taking this moment to write you concerning the current settlement between the US Federal government and Microsoft. I feel it necessary to voice my opinion during this period of public comment, after all, it is people like myself, the American consumer, that are suffering throughout this overdrawn litigation.

The current settlement plan is, in my view, a fair and just compromise and the federal government should remove itself from the corporation's future business tactics. Microsoft has only made the face of technology easier for America, not to mention the whole world, and thanks to Microsoft, America has continued to be one of the leaders in the global economy. Please take into consideration my opinion as an active member of my community and an American consumer who wants to see Microsoft back in the business of innovation.

Sincerely,
Anthony De Paul
cc: Representative Henry Hyde

MTC–00030488

Bob Jones Tax Service
3333 Brea Canyon Rd. Suite 201
Diamond Bar, CA 91765
January 17, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Ashcroft:

I would like to convey to you my support for the settlement reached between Microsoft and the Department of Justice. This settlement ends an expensive court battle and will facilitate the American technology industry in its efforts to once again flourish.

This unprecedented settlement will create more openness in the technology sector. The settlement gives competitors more access to Microsoft's product information and code than any other company has ever had to disclose in the history of the technology industry. More expensive courtroom battles and conflict will serve only to increase the legal bills of the government and Microsoft. Microsoft has agreed to more terms in the settlement than were actually at issue in the lawsuit to facilitate a reasonable conclusion to the suit.

Undoubtedly this settlement's time has come. No further Federal action is required in this case. Microsoft and the DOJ should finalize the settlement and help to focus the high tech sector of our economy on technology and not lawyers.

Sincerely,
Robert Jones
Bob Jones Tax Service

MTC–00030489

Tim L. Long
January 24, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

The basis of the Microsoft lawsuit has been weak from the start, a failed attempt to shake Microsoft through negative media attention and distraction. Microsoft has been hog tied by fresh legal complaints answering each advance they have made since the original suit. I fail to see how Microsoft is more corrupt than any other of the litigating parties, as opposition has blatantly used the courts to stall Microsoft in hopes of their own gain.

The lawsuit against Microsoft may have originated with legitimate concerns regarding modern day antitrust issues, but has digressed to a manipulation of the courts by misguided ambition. Enough resources have been wasted on this debacle. The proposed settlement should be an acceptable solution for all After all, Microsoft's competition has already won more than three years worth of media battles and scrutiny throughout the trial.

Sincerely,
Tim L. Long
1830—2nd Street SW
Cedar Rapids, Iowa 52404

MTC–00030490

Gary A. Bean
January 24, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

Thank you so much for considering comments from the consumer in your deliberation of the Microsoft antitrust suit. What may have begun as a test of modem day antitrust law has become a corrupt forum for corporate lobbyists. It seems as though this suit has gone strangely awry, focusing on corporate influence and loopholes rather than law.

The speed of advancement in the tech sector today is scarcely confinable by current antitrust law. Microsoft's competition may have gained better results at challenging antiquated antitrust law rather than Microsoft's specific business practices.

The abuse of corporate power in this case certainly dispels any merited changes to current law. Paradoxically, the competition hemmed themselves in to more government scrutiny rather than gaming a leg up on Microsoft.

Quiet, prompt settlement is the most graceful exit from such poorly intentioned litigation.

Sincerely,
Gary A. Bean
6016 Sharon Lane NW ??
Cedar Rapids, Iowa 52405

MTC–00030491

Samantha West Gudheim
137 ½ West ?? Street
Manch??, New Hampshire 03101
January 23, 2002
Renata Hesse
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Attorney Hesse:

I am aware of a period of public comment in the case of the U.S .and Microsoft is now open and will be until January 27, 2002. I would like to express my support of the settlement that has been reached.

I understand that these settlements are difficult to reach. Knowing how much time and effort goes into these cases I believe that no more time should be spent on this case. Further litigation in the Microsoft case will only keep government lawyers and staff from more meaningful business. The government now needs to focus on other more pressing national matters. Needless to say, too much money has already been spent.

Microsoft lawyers and staff should also be allowed to concentrate on the business of technology. They should be allowed to continue to be a progressive and productive company. As such, Microsoft will contribute to the economy and the computer industry. At a time when many companies are failing the government should be encouraging all

companies, especially large and productive ones, to continue to grow—not restrict or regulate them needlessly.

Thank you for your consideration and for your service in the United States government.

Sincerely,

Samantha Gudheim

MTC–00030492

Fax Cover Sheet
copyworks??
OPEN 24 HOURS
Date: 1–26–02
Number of Pages (including Cover): 2
Fax Directed To: Department of Justice
Sent By: ??
Fax Number: 202 616 9937
Fax Number:
Phone Number:
Phone Number:
Company:
Message:
?? AMES ?? AUBURN ?? CEDAR FALLS ?? CEDAR RAPIDS ?? CORALVILLE ?? DUBUQUE ?? LINCOLN 105 Welch Ave. 212 West Magnolia St. 2227 College Street 4837 1st Ave. SE 309 2rid St. 136 Wacker Plaza 1320 Q St. Ames, IA 50014 Aubum, AL Cedar Falls, IA 50613 Cedar Rapids, IA 52402 Coralville, IA 52241 Dubuque, IA 52002 Lincoln, NE Ph: (515) 292–3630 Ph: (334) 826–3555 Ph: (319) 266–2306 Ph: (319) 373–5335 Ph: (319) 338–5050 Ph: (319) 557–2679 Ph: (402) 477–7400 FAX: (515) 292–5011 FAX: (334) b26–3553 FAX: (319) 266–5422 FAX: (319) 373–5436 FAX: (319) 338–1717 FAX: (319) 557–2004 FAX: (402) 477–8966
Patricia E. Masteller
345 Marion Boulevard
Apartment # 112
Marrow, Iowa 52302
January 24, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

American consumers have been bilked out of tens of millions of dollars enduring prolonged litigation in the Microsoft antitrust case. And their own attorneys general and the very companies trying to woo their business have done the bilking.

Microsoft's competitors would tell like they are the proverbial ''David'' to Microsoft's ''Goliath'', but several of these companies have grown and merged to monolithic conglomerates themselves. In the biblical story, it is David who threw stones, and Microsoft's competitors have fervently done so, encouraging media frenzy through bitter accusations and editorial campaigns. Somehow excusing their own anti-competitive behaviors, competition has rabidly sought to achieve through the courts what they haven't been able to in the marketplace.

This shameful abuse &our judicial system should not be tolerated. I understand this highly publicized case has come to you through a questionable course of litigation. I am confident that prompt settlement ends this tragic scene of corporate manipulation, and I hope you'll agree.

Sincerely,

Patricia E. Masteller

MTC–00030493

WHITE & JOHNSON, P.C.
ATTORNEYS AND COUNSELDRS AT LAW
January 21, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW. Suite 1200
Washington, DC 20510

Dear Ms. Hesse:

The settlement proposed in the Microsoft antitrust case deserves strong consideration. The independent Technical Committee set out in the proposal provides an enforcement device. If compliance backsliding by Microsoft should occur, the committee would be engaged ?? the cost of Microsoft.

End users would receive the kind of continued flexibility that we have already seen in the release of their new Windows XP operating system guaranteeing consumers the freedom to select applications from competitor providers with ease.

Information technology consumers of Microsoft's operating system would have access to technical specifications of Windows that actually makes it easier for its competitors to provide compatible applications to be used on computers and with servers of Microsoft's operating system.

Although shor?? of breaking apart the company, there are also fair provisions set forth in this settlement that would punish the company for the sections of which they have been found guilty.

I trust you will give this settlement offer sufficient deliberation.

Thank you

Brent Cl??son

MTC–00030494

The ?? Comm?? Massachasetts ??
FRANCIS L. MARINI ??NTATIVE
MINORITY LRABER ??
ROOM 124
TEL: (617) 722–2100
FAX: (617) 722–2300 ??
January 24, 2002
Ms. Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse,

There is a growing sentiment among economists that we are finally seeing the light at the and of the tunnel of our nation's recession. The markets are improving, and the economic forecast is generally positive. However, state revenues are down and most states will have to consider tough outs on spending in coming budgets.

In Massachusetts, we have witnessed a shrinking state revenue base mostly caused by the recession. Many growth opportunities were squandered in the 1990s, and now, in ?? of trading on our accomplishments, we are ?? over what might have been.

On thing that can be done to aid states'' economies is to end the Microsoft lawsuit. We are writing in support of the nine states and the Department of Justice's settlement agreement. It is a fair and reasonable agreement which brings a satisfactory conclusion to this long-running anti-trust case. As the old saying goes, a rising tide floats all boats. And just as a rising tide will float a boat sitting at the lowest point first, so the resolution of this case will help those who have the farthest to rise first.

The technology-driven ''innovation economy'' has created tremendous opportunities for the citizens of the Commonwealth. But we must act now to take some of the uncertainty out of the economy. We urge you to endorse this settlement agreement, which would provide states greater confidence in fiscal planning and would allow entrepreneurs and businesses to get back to the business of creating new and better products for consumers.

Sincerely,

Fra?? L. M??ini
Minority Leader
Georg?? Peterson, Jr.
Minority Whip
Bradley ?? Jon?? Jr.
Assistant Min?? Leader
Mary S. Rogeness
Assistant Minority Whip

MTC–00030495

HOUSE OF REPRESENTATIVES
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333–0002
(207) 287–1400
TTY: (207) 287–4469
Roger L. Sherman
P.O. Box 682
Houlton, ME 04730
Telephone: (207) 532–7073
E-Mail: reproger??man@??
E-Mail Home: ??-2000@yahoo.com
Renate Hesse
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

I am a ??red teacher and current legislator I am writing to express my support for the proposed settlement reached with Microsoft, by the Department of Justice and nine of the States involved. In reviewing the settlement I see several benefits particularly for our schools.

The opportunity to provide funding for critically need training of educators and staff. Hardware and software, available for use on multiple operating systems, and for the critical resources needed to acquire hardware for financially strapped schools across the nation.

Microsoft has been put on notice they need to change their business practices, and has agreed to do so. The Federal and State Governments have exercised their rightful authority in protecting the public interests, have reached a reasonable solution.

Now is the time to show the public that we are being responsible and ??nd the long drawn out legal process. We must be responsible with the resources of the people with which the government has been entrusted. It is time to restore faith in our legal system by showing that we know when to end the seemingly endless stream of

litigation. Thank you for consideration of my comments and for all you do.

Sincerely,

Roge?? L. Sherman

State Representative

MTC–00030496

Saturday, January 26, 2000 11:30 AM
To:
From: Dave Poage
Sharla S. Poage
9390 264th Road
Arkansas City, KS 67005
Judge Kolar Kottely
Attn.: Ranata Hesse, Antitrust Division
Public Comment
U.S. Department of Justice
601 D Street, NW, Suite 1200
Washington, DC 20530

Dear Judge Kottely,

Since the Clinton years the federal government and several states have been pursuing on anti-trust case against Microsoft which has been one of our country's leading producers of innovative technology. It appears that we are now faced with an opportunity to clear our courts of this case for good. I am hopeful that those in charge will cease this opportunity.

While I am not directly involved with the technology industry and am not a legal scholar, I am a consumer and taxpayer that follows current events very closely. When this case was first brought I was disappointed to learn that my own Attorney General, Carla Stovall, was dragging Kansas into this litigation. It is my belief this case should have never been brought in the first place because it serves no public good.

The theory under which this case was brought is that Microsoft was harming the consumers of their product and had established a sort of monopoly. I do not believe this theory has been borne out with substantial evidence.

What I see is a company that has put products on the market that are appreciated and purchased by consumers. Because of Microsoft's ability to provide customers with products they want, the company has experienced tremendous growth. This is not a reason to punish them! Rather, it is more proof that our system of free enterprise and competition works.

Companies like Microsoft that succeed through supplying innovative and highly demanded goods to consumers should be celebrated not torn down. It is just these types of companies that help stimulate our economy by encouraging consumer confidence, creating jobs, and growing their industry. When the government steps in to flex its regulatory muscle real harm is done. Again, the settlement on the table provides those in charge with an opportunity to end a case that has been harmful to the public good. I urge you to take that opportunity and give your approval to the settlement.

Thank you,

Sharla S. Poage

MTC–00030497

January 25, 2002
Renata Hesse, Trial Attorney
Antitrust Division, Department of Justice
601 D Street NW, Ste. 1200
Washington, DC 20530
VIA FACSIMILE (202) 616–9937

Dear Ms. Hesse:

One of the reasons the American economy is in such a weakened state is the flaws in our system. Specifically, special interests have too much power in Washington DC. The Microsoft case is a perfect example.

Microsoft's competitors don't want to compete against Microsoft in the marketplace, They spend their money on politicians rather than research and development—next thing you know—Microsoft is facing antitrust investigation.

US v. Microsoft has been competitor driven since the day it began. Those opposed to the settlement are still promoting their self interest over the interests of the rest of the country.

Sincerely,

Pete Whittet

MTC–00030498

Jan 26 02 11:25a
John J. DiPietro
ABC/D ADVANCED BUSINESS CONCEPTS/
DiPIETRO
Marketing Strategies.Advertising.Public
Relations.Speaking.Training
January 25, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
VIA FAX: 202–616–9937

To Whom It May Concern:

It is my understanding that the Justice Department is seeking input, regarding the proposed settlement in the Microsoft lawsuit.

As a small business owner, I understand competition and know that it is healthy for our economy. I use Microsoft products daily in my business and they have been a great help to me. They have allowed me to better serve my customers clients, to manage our business and to actually expand. Given the state of our economy right now, we should do everything possible to spur growth, not hinder it.

There has been no consumer harm as a result of any actions taken by Microsoft. Microsoft's innovations have, in fact, have helped many small businesses like mine grow.

It is also my understanding that an additional benefit to settling the suit is the proposal to donate about 200,000 computers to the public schools. It think this is a great idea. We need workers who are computer literate.

I would suggest that we end this action and approve the settlement.

Sincerely yours,

John J. DiPietro

Managing Partner

672 Main Street.Holden, Massachusetts 01520.Tel: (508) 829–9949.FAX'' (508) 829–9959.e-mail: market4you@aol.com

VISIT US ON THE INTERNET AT www.joindipietro.com

MTC–00030499

January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am pleased that a settlement has been proposed to Microsoft by the U.S. Department of Justice. This settlement is long overdue. I understand that we are currently in a sixty-day period for comments on what is in the best interest of the public. In light of this, I am taking this opportunity to express my views on the matter.

Microsoft opponents persistently seek to give the impression that Microsoft has gotten away with easy terms. I beg to differ! If the millions of dollars that they had to spend in their defense is no indication the very opposite is true, then look at all the concessions they have agreed to make. For example, Microsoft has agreed to grant their competitors licensure to their intellectual property. Competitors will now also have the assurance of interoperability within the Windows environment because Microsoft has agreed to disclose Windows protocols. Future versions of Windows will also allow users and computer makers to reconfigure Windows to remove potions of the operating system and substitute competing alternatives.

In my estimation, Microsoft obvious willingness to cooperate with these terms should be enough to abate the concerns of the dissatisfied states. hope that your decision will bring this matter well-needed closure.

Sincerely,

Frank Lempert

31600 S.W. Arbor Glen Loop ??
Wilsonville, Oregon 97070

MTC–00030500

01/26/2002 21:55
508–435–7788
VERNE KAMINSKI
Verne Kaminski
185 West Main Street
Hopkinton, MA 01748
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I want to take a moment to express my support for the settlement that was reached between Microsoft and the Department of Justice in November. I believe it is time to move forward and stop this unnecessary litigation.

I believe Microsoft has agreed to many tough concessions to reach this agreement. One such concession is that Microsoft has agreed to grant computer makers broad new rights to configure Windows. This should satisfy those consumers who felt they were locked into only using Microsoft products as it allows them to buy competing products if they so desire.

This agreement will allow Microsoft to return their focus solely to producing the next generation of innovations. Microsoft can turn its attention to the competitive environment instead of the legal environment. I hope your support of this consumer-friendly settlement will continue. Let's remember that this country was founded on competitive ideas.

Sincerely,
Verne Kaminski

MTC–00030501

2684 Taft Court
Denver, CO 80215
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I express my fullest support regarding the Microsoft settlement. This settlement should bring any pending issues against Microsoft to closure. Microsoft did not deserve to go through such a long litigation.

The terms in the settlement are very beneficial to software developers. As a writer of database programs in the chemical engineering field I have personally enjoyed using Microsoft programs. The only real concern Z have is the recent allegations from AOL/TIME Warner (Netscape) about the Internet web browsers. I am confident the U.S. Government will try and resolve their issues. Overall, the settlement should reap big benefits for businesses and individual consumers.

Because it allows computer-makers the flexibility to configure Windows as well as the ability to promote non-Microsoft software programs that compete with programs included within Windows.

Sincerely,
Stephen Erickson

MTC–00030502

Don G. Baker
3725 Lucy Trimble Road
Burleson, TX 76028
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing you today to inform you of my position in regards to the Microsoft antitrust dispute. I fully support Microsoft and the settlement that was reached in November, and I am anxiously waiting for an end to this dispute.

The settlement that was reached in November is fair and reasonable. Microsoft has agreed to all provisions, including provisions that extend well beyond the products and procedures that were actually at issue in the suit, for the sake of wrapping up the suit, Microsoft is willing to license its Windows operating system products to the 20 largest computer makers on identical terms and conditions, including price. Microsoft has also agreed to design future versions of Windows, beginning with an interim release of Windows XP, to provide a mechanism to make it easy for computer makers, consumers, and software developers to promote non- Microsoft software within Windows.

This settlement will serve in the best public interest. I strongly urge you to support this settlement so consumers and the economy can feel the positive effects of allowing Microsoft to get back to business as usual. Thank you for your support.

I actually believe Microsoft did no wrong.

Sincerely,

MTC–00030503

59 Laurel Avenue
West orange, HJ 07052
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

We would like to use this opportunity of public comment to give our support for the settlement reached between Microsoft and the Department of Justice. The settlement is good for our country and gives each side the chance to move forward.

The terms of the settlement are comprehensive and mandate many changes in Microsoft's past business practices. For example, Microsoft has agreed to grant computer makers broad new rights to configure Windows so as to promote non-Microsoft software programs that compete with programs included within Windows. This gives computer makers the ability to replace access to features of Windows with access to non-Microsoft so—re such as programs from AOL Time Warner. Finally, the agreement calls for the creation of Technical Committee to supervise Microsoft's compliance with their responsibilities.

This case has gone on for too long and neither side wins with continued litigation. The settlement gives Microsoft the opportunity to focus on innovation while the federal government can focus dwindling resources on stimulating the economy.

Sincerely,

MTC–00030504

January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I cannot see how a case was ever brought against Microsoft in the first place. They are not a monopoly; they simply make the product that most people enjoy. That's why I was so pleased when a settlement has finally reached in November.

I was sorry, however, that Microsoft had to give up so much in order for the Justice Department to agree to end its suit. Microsoft is being asked to hand over software, that it has taken time and hard work to create, to its competitors for free. They even have to make sure that subsequent versions of Windows are more geared toward non-Microsoft products.

I feel that while this is all a bit extreme, it would be worth it in order to put an end to this case. Both Microsoft and the Justice Department have more important issues to worry about right now, and it would be good to have them free to do so.

Sincerely,

MTC–00030505

COVER PAGE
TO:
FAX: 12823871454
FROM: JIM CARLETON
FAX: 7137231403
TEL: 7137293417
COMMENT:
Jim Carleton
6043 Lymbar Drive
Houston, Texas 77096
January 26, 2002
Attorney General John Ashcroft
Department of Justice
950 Pennsylvania Avenue
Washington, DC 20530

Dear Mr. Ashcroft,

It has become apparent that some anti-Microsoft forces are attempting to derail the settlement that was reached in the antitrust case this November. It would be very unfortunate if the case was resumed, and Microsoft was forced to continue wasting time and money on this case.

A settlement was agreed to by all sides, and approved by a federal judge. Sadly, forces opposed to the settlement are trying to interfere and have this case resuscitated. Many want to see Microsoft face injury in the court because they are unable to compete with Microsoft in the free market.

It is unfortunate that this opposition exists because the settlement is beneficial to all, including Microsoft's rivals. The settlement give non-Microsoft companies the ability to view and use Microsoft code to create better software. It also will make it very simple for non-Microsoft software to be placed on Microsoft operating systems. Undoubtedly, it is time to conclude this case, and promote competition in the market, not the courts.

Sincerely,
Jim Carleton
Cc: Rep. Tom DeLay

MTC–00030506

53 Arrowhead Road
Duxbury. MA 02332–5035
January 25,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Ashcroft:

I am writing to give my support to the recent settlement between the Department of Justice and Microsoft The proposed agreement was a long time coming, and we are only' days away from the end of the comment period. ! hope that once everything is all said and cone, the settlement is approved and implemented as soon as possible.

It is time to move on The Department of Justice has accomplished its goal of making Microsoft. technology more accessible to competing companies Microsoft has agreed to a number of changes opening up its codes and books to other manufacturers. The Justice Department has held Microsoft's ''feet to the fire'' long enough, and the settlement even goes as far as having a ''Big Brother'' feel to it. A three-member committee of software engineering experts has been assembled and will monitor Microsoft's compliance to the agreement. Please support the proposed agreement between the Department of Justice and Microsoft as I do, and approve it with haste Thank you.

Sincerely,
David Delory

co: Representative William Delanunt

MTC–00030507

Darryl LaRocque
P.O. Box 2772
Big Bear City, CA 92314
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I have been following the Microsoft antitrust case in the federal courts since its inception three years ago. Last November, a settlement was proposed, and it is curtly pending approval. This bodes well for the economy, which has been steadily declining since the case began.

Unfortunately, Microsoft's opponents are not happy that Microsoft will emerge intact in this settlement, and are striving both to undermine agreement of the settlement and to bring additional litigation against Microsoft.

Further litigation will serve no one. Microsoft has agreed to make the necessary adjustments in policy and product to prevent further antitrust violations; no further action is necessary. The settlement reached late last year is fair both to Microsoft and its competitors. Microsoft will be allowed to retain control over the bulk of its operations, but will be required to restrict some other practices deemed monopolistic and alter certain products in order to facilitate fair competition.

For example, Microsoft has agreed not to retaliate if software is introduced into the market that directly competes with Microsoft software. Microsoft also plans to allow computer makers broad fights to reconfigure Windows to their own specifications using non-Microsoft software, and enable them to do so by reformatting upcoming versions of Windows in order to support non-Microsoft programs.

I believe the settlement is fair and that no additional measures need to be taken against Microsoft on the federal level. I urge you to support finalization of the settlement.

Sincerely,
Darryl LaRocque

MTC–00030509

Constance Reynolds Lewis
1611 Ninth Street
Lake Charles, LA 70601
FAX COVER SHEET
Date: 1–26–02
Time:
To:
Phone:
Fax: 1–V02–Z07–1454
From:
Phone:(337) 439–4245
Fax: (337) 439–4245
RE: MICROSOFT
Number of pages including cover sheet: 2
Message:

Jie:

I do not believe Hat the government has ANY ?? ?? to ?? Microsoft ?? the posilion?? ?? ?? it has

EARNE?? ??
ROBERT M & LET. RUDE
21301 8th Place W
Lynnwood, WA 98036
January 25, 2002
Attorney General John Ashcroft
U.S. Department oú Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

We have taken this opportunity to write in and express our opinion of the antitrust suit against the Microsoft Corporation. We feel that this suit has been bogged down in the judicial system for long enough and it is time for the government to allow Microsoft to get back to work. It needs to continue setting the standard in the worldwide technology industry.

It is our opinion that this suit has pulled the American economy down, especially in the vital IT sector. The bottom line is, Microsoft is one of this nation's largest employers, and the perpetuation of this case during these times of economic uncertainty is imprudent. Microsoft is and always has been a great company. They have given millions of dollars to charity and have changed the way we view computers forever. Microsoft made technology accessible to Americans in a form that was usable. Without this company, there would have been no ''P.C. revolution.'' We believe that the terms of this settlement will ensure that there are no further violations of antitrust committed by the company, especially with the establishment of a technical committee which will monitor Microsoft and prevent them front any future violations.

We are please that an end to this litigation is in sight. Please continue to support the settlement and the future of free enterprise in this nation.

Sincerely,
Robert Rude
Lc Rude

MTC–00030510

Jerry Stork
6528 Volley Stream Way
* Cumming, GA 30040
Cell Phone 770.329.3794
* Answering Machine 770.475.0922*
Home phone 770.475.1225
* Fax 770.664.1404*
E-mail jrsdll@bellsouth.net
Saturday, January 26. 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

Please do whatever you can to help expedite a settlement of the Microsoft anti-trust case. This nearly four-year-old case has produced little, but controversy. There is now, as you know, a settlement agreement that has been preliminarily accepted by the major parties and the court. This agreement fairly balances the concerns of the parties and offers a fair solution to the dispute. In return for retaining its corporate integrity, Microsoft has agreed to adopt certain practices, which will render it more vulnerable to its competitors. It has, in fact, agreed to help raise its competitors to its own level of play. For example, Microsoft will now invite competition by configuring its Windows platforms to easily incorporate non-Windows software. Microsoft will now offer computer manufacturers licensing agreements without a condition of Windows software exclusivity. Microsoft has even promised to disclose to competitors certain internal Windows interfaces. In other words, Microsoft has agreed to encourage the industry to catch up with itself.

These concessions and this change in philosophy will inure to the benefit of the industry and the public. Please support this settlement.

Sincerely,
Jerry Stark
Teleflex Fluid Systems,
One Firestone Drive, Suffield, CT 06078
1–800–225–9077 or 1–860–668–1285
Fax 1–860–666–2353
www.teleflexhose.com

MTC–00030511

350 S Clinton Street Apt. 9A
Denver, CO 80231
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing today to encourage the Department of Justice to accept the Microsoft antitrust settlement. A settlement is available and the terms are fair, Microsoft has agreed to a wide rang of concession in order to settle. I would like to see the government accept the settlement and allow Microsoft and the industry to move on.

Many people think that Microsoft has gotten off easy, in fact they have not. The settlement was arrived at after extensive negotiations with a court-appointed mediator. Microsoft has agreed to terms that extend well beyond the products and procedures that were actually at issue in the suit. To make sure that Microsoft complies with the settlement a technical committee will be set up to monitor Microsoft's compliance. The settlement that was reached is fair and it is guaranteed to be followed.

Microsoft and the industry need to move forward, and in order to move forward this issue needs to be put in the past. Please accept the Microsoft antitrust settlement.

Sincerely,

MTC–00030512

Justice Department:

Three years of litigation is enough. Dragging out this legal battle further will only benefit a few.

The aggressive lobbying campaign to undermine the settlement is only serving to line the pockets of wealthy competitors, lawyers and special interest bigwigs. Not one new product that helps consumers will be brought to the marketplace.

I strongly urge the U.S. Department of Justice to end this wasteful investigation. The proposed settlement offers a reasonable compromise. It is time to move on with the agreed settlement negotiated and allow businesses who wish to compete to compe??. Those who can't muster up the competitive edge need to either merge or get out of the business arena

Sincerely
Ben Jones
E-mail

MTC–00030513

Complimentary Fax Cover Sheet
To:
From:
Fax #
Phone #
Date: Urgent
Confidential Confirm Receipt
Number of Pages: (Including Cover)
Reply Fax #:
Message:
Dorothy Klughers
30 John Lane
Levittown, NY 11756–1905
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

I am in favor of the Microsoft antitrust settlement agreement. The terms of the settlement agreement are more than fair. I urge the court to approve the agreement. Among other things, Microsoft has agreed to grant computer makers many new rights. The manufacturers will be able to remove various features of Windows. such as Microsoft's web browser. Internet Explorer, and replace them with browsers made by Microsoft's competitors. This will result in giving consumers more choice when it comes to software they purchase. Microsoft has also agreed not to take retaliatory action against those who promote or develop software that competes with Windows.

The settlement agreement will help level the playing field among the software companies. Litigating this case further will not prove to be as beneficial to consumers as this agreement will be.

Sincerely,
Dorothy Klughers

MTC–00030514

16 Charles River Road
Medway, MA 02053
January 18, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I am writing to strongly urge you to support the current settlement between Microsoft and the Department of Justice. I firmly believe that there should be no further action against Microsoft regarding the proposed negotiated settlement A/though the litigation should have never brought forth several yearn ago, this current settlement is the result of a fair, judicious and reasonable process that should be respected.

This settlement is unique in that it has the necessary enforcement powers to ensure that the terms of the agreement are abided by. The agreement contains a provision that allows private companies such as SUN Microsystems, Apple and IBM to sue Microsoft should the company not follow the terms of the settlement. Additionally, the agreement requires Microsoft to submit to a government technical oversight committee and to change their business, licensing and marketing practices to foster greater competition. This settlement signals the end of a long and drawn out process and should be respected.

With all that is going on in the world, a faltering economy, and more significant national priorities I hope that you will help support this settlement in its current state. It is a shame that a company like Microsoft who builds a superior product and is a major contributor to the economy would be consistently hounded by a government that is supposed to support free enterprise.

Sincerely,
Allen Sisson

MTC–00030515

DANIEL HICKY GRANT, Ed.D.
Board Certified Forensic Examiner, Fellow of the American College of Forensic Examiners, Diplomate of the American Board of Psychological Specialties—American College of Forensic Examiners
Board Certified Expert in Traumatic Stress
Diplomate, American Academy of Experts in Traumatic Stress
Board Certified Neuropsychologist—The Americana Board of Professional Neuropsychology
Diplomate in Pain Management—American Academy of Pain Management
Licensed Psychologist—Georgia License # 859
Post Office Box 1359
Richmond Hill
Georgia 31324
912–727–3158
danielgrant@msn.com
899 Mill Hill
Landing Road
Richmond Hill, GA 31324–4625
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Fax #: 202 307 1454
January 25, 2002
Dear Mr. Ashcroft:

I am in support of Microsoft and its right to practice ethical business in a free market economy. I am also in support of the proposed antitrust settlement between them and the Department of Justice. I believe this is a fair resolution to this lawsuit,

Microsoft is disclosing much of the features that give it a competitive edge. This includes disclosure of interfaces that are internal to Windows'' operating system, and allowing software developers to develop competitive software. The release of this information should be enough to satisfy the government.

I urge you to support this settlement and conclude this case. I would feel more comfortable with the Government focusing its efforts on pursuing more suspicious and illegal companies.

Thank you.

MTC–00030516

Don & Arlene Fenno
1124 S. Ave. B
Washington, IA 52353
(319) 653–2365
534 Princeton Greens Ct.
Sun City Center, FL 33573
(813) 634–5494
Justice Department
Re: Microsoft Settlement.

We believe that the Federal court settlement was very adequate. Any further harassment could damage our inventive spirit and curb new efforts when we need them most. States should stop now.

Don & Arlene Fenno

MTC–00030517

Attention: Concerning comments about Microsoft Litigation Microsoft has gone thru enough. The settlement the federal government came up with should be enacted. We can thank Microsoft for a lot of the Standands enjoyed today to computing and the internet.

X-president Clinton should have been going after Bin Laden and not Bill Gates.

Thanks,
Mike Stuart
P.S.

Would you mail or E-mail me a schedule of upcoming topics and issues for ocmment by the
DOJ.
mikesutart@coastalnet.com
1104 Karen Dr. A-6
New Bern, NC
28562
Thanks

MTC–00030518

10831 Valmay Avenue NW
Seattle, WA 98177–5336
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

I am writing today to encourage the Department of Justice to accept the Microsoft antitrust settlement. It disappoints me that the government has in the past chosen to harass a company like Microsoft. Microsoft has added such a great economic contribution to this country. The contribution extends from Washington State all the way to Washington, DC Microsoft is a core holding of most company retirement plans, 401Ks, IRAs and mutual funds throughout America Therefore it is in the best interests of almost every American to get this case settled.

In order to settle this issue Microsoft has agreed to many terms. It has agreed to design future versions of Windows to be more compatible with non-Microsoft soft-ware. It has also agreed to change several aspects of the way it does business with computer makers. Microsoft did not get off easy, there are pages of terms agreed to in addition to these two.

Microsoft needs to be able to get back to business. This suit has bogged down the company for over three years now. For the good of American's everywhere ! urge you to accept the Microsoft antitrust settlement

Respectfully
J. Bradford Borland

MTC–00030519

7957 2nd Avenue S

St. Petersburg, FL 33707–1023
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Asberoft:

I am writing in support of the settlement that you have reached with Microsoft in November. I know that, while not yet finalized, this settlement brings the promise of an end! to the Microsoft lawsuit at the federal level.

I hope that everyone will see just how much Microsoft is willing to sacrifice in order to bring about an end to this settlement. By offering its proprietary code and the rights that go along with it, Microsoft is forgoing billions in creative profits. And that provision is merely a small portion of the overall settlement.

This settlement should be agreeable to everyone and I feel that the states that refuse to settle are only trying to pad their own budgets like they did with the tobacco companies. But this time, they are attacking a company that is vital to the average American and the economy. Hopefully, with this settlement finalized, they will fall in line with the rest of America.

Sincerely,
Jim Engel

MTC–00030520

3115 Lafayette Street
Houston, TX 77005
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I would like to point out some of my views regarding the Microsoft antitrust case. I do not agree with every decision that Microsoft has made, but understand that business is business. I feel that there was merit behind many of the issues that brought about this case, but that was three years and countless taxpayers'' dollars ago. I feel that the settlement agreement is the best way to close this case, and ensure that it never reaches the federal level again.

Although the settlement calls for concessions, Microsoft has agreed in an effort to end this case sooner rather than later. Microsoft has agreed to change the way it markets, licenses, and develops its software, as well as the way it deals with independent vendors. Microsoft Ins agreed to stop retaliating against those that promote or design non-Microsoft programs, and computer makers will be allowed to configure Windows so as to promote those programs.

It appears to me that Microsoft has made the necessary concessions, and now we must move our focus to the states that are pursuing further litigation. I fear that since the tobacco settlements, states have seen corporate lawsuits as additional forms of state revenue. I hope you are Wing to recognize when states are using consumer protection as a veil for return on investment. As long as Microsoft is willing to give up some of its market share and competitive advantage, there will always be those requesting more. I hope you will do everything in your power to attempt to close this case as soon as possible, or we might be back in a few years trying to protect Microsoft.

Sincerely,
Catherine McNamara

MTC–00030521

29303 NE 11th Street
Carnation, WA 98014
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I am very much in favor of the Microsoft antitrust case settlement agreement. The remedies provided in it are good for everyone involved, and I would not like to see the case dragged on through the courts any further.

The terms of the settlement agreement are quite reasonable by any standards. Once the agreement is approved, Microsoft will be helping the competition by leveling the playing field in the high-tech industry. For example, Microsoft has agreed to make it easier for consumers to run other software programs simultaneously with the Windows operating system. They also agreed not to retaliate against retailers that promote software that competes with Windows. Additionally, Microsoft has agreed to implement a uniform price list for the top 20 largest computer manufacturers. Microsoft's competitors should be satisfied with these types of concessions.

I appreciate your efforts toward settling this case. Thank you.

Sincerely,
Ron Beman

MTC–00030522

Benjamin Friedman
* 17846 Beckley
* CircleVilla Park, CA 92861
January 23, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I would like to take a moment to express my opinions regarding the Microsoft antitrust case. I think I might feel differently about Microsoft if it had become powerful by malicious intent, but it achieved its position because it made a better mousetrap and sold it at the lowest price. I am a supporter and avid user of Microsoft products, and would like to see this case put behind us. Although the settlement may reach further than Microsoft may have wished, it realizes that settling the case sooner, is better than later. In order to do this, it has agreed to concessions that make antitrust precedent. Microsoft has granted broad new rights to computer makers, software engineers, and to consumers. It has allowed them to configure Windows so as to promote non-Microsoft programs that compete with the programs already included within. Also, Microsoft has agreed to document and disclose various interfaces within its Windows operating system. This boils down to Microsoft opening its doors to the competition, and allowing them to use its invention to promote their own competing products. Imagine if Nike put Reebok logos on its shoes, or if Ford built cars with Toyota engines. It seems ridiculous when considering products that we are more familiar with, bat nevertheless, Microsoft has a agreed to these concessions to speed a conclusion. We should consider the very foundations of free enterprise and competition and realize that the longer this case precedes, the greater the risk that we may cause irreparable damage to the IT industry, and the economy.

Sincerely,
Berjamin Friedman
cc: Representative Christopher Cox

MTC–00030523

January 17, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I am writing you today to express to opinion in regards to the Microsoft anti- trust dispute. I support Microsoft in this dispute, and I favor the settlement reached in November. This settlement is complete and thorough, and I am anxious to see this dispute resolved permanently. Microsoft has agreed to carry out provisions in this agreement. such as: designing future versions of Windows to provide a mechanism to make it easy for computer makers, consumers, and software developers to promote non-Microsoft software within Windows. The mechanism will make it easy to add or remove access to features built into Windows or to non- Microsoft software. Microsel5 has pledged to create more opportunities for competing companies. ''

Microsoft is a company that delivers quality product to the marketplace. I have used Microsoft's products for years now, and I hope I will be able to enjoy these products for years to come. Please do your part to stop litigation against Microsoft. Thank you for your support.

Sincerely

MTC–00030524

Earl W. Mallick
13 Lands End Way
Hilton Head Island, SC 29928
January 26, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear General Ashcroft:

I am writing, as a long time admirer of yours as well as a small shareholder in Microsoft, to voice my support for the federal settlement with Microsoft. I believe that Microsoft has earned a position of leadership in the technology sector through its focus on excellence. It has consistently and continually provided its customers with innovative products. I feel that it is improper to stifle creativity by permitting those less innovative companies to go to the federal government to file lawsuits as a substitute for their own lack of imagination, and I therefore believe that the case against Microsoft is without merit.

The time has come to finally resolve this lawsuit to let Micorsoft concentrate on doing what they do best—developing innovative products. Microsoft has made plenty of concessions. The government should not be wasting funds on this lawsuit when we need to spend more on fighting terrorism. The third-party oversight committee which Microsoft has agreed to will keep everybody honest. Please see that the Department of Justice recognizes the importance of finalizing this settlement and does so soon.

I can't close this letter without commending you on the outstanding work you are doing on the terrorism front. May God continue to bless you, the President, and all of the others working to preserve our way of life. Cc: Senator Strom Thurmond

Sincerely,
Earl W. Mallick

MTC–00030525

15 Broadway
Ocean Grove, NJ 07756
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I urge you as strongly as possible to settle the Microsoft antitrust case and to end the extensive and costly legal proceedings against them. I find the amount of money spent fighting the case an irresponsible use of resources, and the case should be wrapped up as quickly as possible at this point.

As an everyday computer user, I find a uniform operating system to be beneficial in my ability to smoothly operate my PC. Though some of Microsoft's tactics have been heavy-handed, there is no denying the success they have had in making programs work seamlessly with each other and creating a standard other companies have yet to match. Though they will lose some of their entrepreneurial freedom in disclosing Windows coding to competitors, it will allow Microsoft to get back to business, and to continue paving the way for innovations that benefit millions of people.

Therefore, I am in favor of settling the case as soon as possible. If our past President, Mr. Clinton had spent as much time, energy and money pursuing Bin Laden and company as he had pursuing Bill Gates and company (Microsoft), we as a nation would be in better shape. One of the main reasons I voted for President Bush was in the belief that he would do the right thing.

Sincerely,
John Sosenko

MTC–00030526

Sandra Drake
12201 NE Olive Drive
Kingston, WA 98346–9265
January 26, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington. DC 20530–0001

Dear Mr. Ashcroft:

I believe that the antitrust lawsuit against Microsoft has gone too far. I feel that it has been fueled by political motives and personal avarice since its conception three years ago. It is not my belief that Microsoft was guilty of antitrust violations in the first place, and finally I believe that the settlement that has been reached in this case must be accepted for the simple reason that it is the quickest way to end this case.

This settlement will require Microsoft to design all future versions of Windows to be compatible with the products of its competitors. While I believe that this is a bit harsh I would like to urge you to accept this settlement. Microsoft has agreed to the terms because it understands the importance of ending this litigation—not just for its own sake, but for the sake of the U.S. economy as well as the technology industry.

Thank you for the work that you have done in this case and for your support of this settlement.

Sincerely,
Sandra Drake

P.S. The U.S. should be ?? of ??government officials. In ?? Government, what a concept.

MTC–00030527

John Gilstrap
36 South Marion Circle
Ringgold, GA 30736
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The court should approve the Microsoft antitrust settlement. Entering into the settlement agreement will ensure Microsoft will be able to get back to focusing on developing innovative products while safeguarding against the complaints made about anticompetitive business practices. Continued prosecution of this case by the federal government is unnecessary. Microsoft has agreed to make many changes in the way it conducts its business. They agreed to design future versions of Windows in a way that will make it easier for consumers to run software made by other companies along with Windows software.

While I have not been directly impacted by this lawsuit, I have friends in the technology industry who have. Drawing out this lawsuit is not beneficial to them, or to the tech community as a whole.

Thank you for working toward a resolution of this case.

Sincerely,
John Gilstrap

MTC–00030528

FAX COVER SHEET
ATTENTION: Attorney General ??
COMPANY: Department of Justice
FAX NUMBER: 1–202–307–1454
DATE:.1.26.2002
NUMBER OF PAGES SENT INCLUDING THIS PAGE: 2
FROM: ??
COMPANY:
PHONE: (253) 582 8368
FAX: (253) 581–9178
MESSAGE: As attached
NOTICE: If you have any problems receiving this fax, please con :act
Mail Masters at (253) 581–9177 immediately.
8302 104th Street Southwest
Lakewood, WA 98498
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I want to express my support of the settlement reached between Microsoft and the Department of Justice. I do not believe the anti-trust case against Microsoft had any merit in the first place. Yet, I was pleased to hear that Microsoft and the Department of Justice had agreed to the terms of a settlement. I urge the Justice Department to enact the settlement this month.

The proposed settlement contains many stipulations that will benefit the IT industry. Microsoft has agreed to disclose the protocols and interfaces of its Windows system, which provides for the development of new software. This new software should be more compatible with the Windows system. Competing developers will clearly benefit from the disclosure of this information. Finally, everyone will benefit from this settlement. Microsoft will be allowed to return its full focus to business, and technology companies will benefit from the increased confidence in the sector. For these reasons, and many more, the Justice Department must enact the settlement.

Sincerely,

MTC–00030529

Carlotta Boyd
6104 36th Avenue NW
Seattle, WA 98107
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am in favor of the Microsoft antitrust settlement agreement. It is in the public's best interest that this protracted litigation come to an end.

The terms of the settlement agreement are fair. Microsoft has taken appropriate steps to restore fair competition in the software industry. Microsoft has agreed to make available to its competitors the information necessary to enable servers to interoperate natively with Microsoft server operating systems. They also agreed to not to enter into contracts with third parties which would require that third party to exclusively sell Windows products. Concessions such as these will help foster competition.

I appreciate your commitment to resolving this case. Further litigation is obviously not going to accomplish anything more than running up legal expenses and creating more uncertainty in the tech world.

I support the settlement, and I look forward to the end of this case. Thank you for your time and consideration.

Sincerely,
Carlotta Boyd

MTC–00030530

867 Plymouth Street
Pelham, NY 10803–3128

January 15, 2002
Attorney General John Ashcroft
US Department of Justice
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

Extending litigation In the Microsoft antitrust case would be a mistake. A settlement has been reached between Microsoft and the Justice Department, Our Justice Department should continue to support this settlement,

Certain spatial interests would like to see the case continue. The continuation of this case, however, will benefit no one but some special Interests. The settlement is fair and balanced. It will create more openness in the technology Industry, It allows competitors unprecedented access to Microsoft cede, In addition to the code openness, Microsoft has agreed to submit to a three person, government appointed technical oversight committee who will ensure that Microsoft is complying with the terms of the agreement.

Unquestionably the Microsoft antitrust case should be settled. Despite the wishes of some special Interests to continue with this case, It Is time for this costly and time-consuming case to and. Attorney General Ashcroft, please continue your outstanding support for the settlement.

Sincerely,
Albert Andresen

MTC–00030531

1985 Green Lane Road
Lansdale, PA 19446–5043
January 22, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington. DC 20530–0001

Dear Mr. Ashcroft:

I wish to express my frustration about the fact that it took the Department of Justice three years to end its costly antitrust lawsuit against Microsoft. Our tax money can be far more properly spent. The agreement they came up with is strict. It requires Microsoft to grant computer makers broad new ways to set up Windows with non-Microsoft software programs. Computer makers will now be free to remove the means by which consumers access various features of Windows. They can also replace access to those features with access to non-Microsoft software.

The big deal in this settlement, however, is that Microsoft has also agreed to disclose various interfaces for its rivals, so that they can write more effective software programs and applications. Certainly this agreement is more than fair and reasonable. The federal government should now allow the provisions of this settlement to fall in to place. No more litigation should be brought against Microsoft beyond this agreement.

Sincerely
Fran Henshaw
CC: Senator Rick Santorum

MTC–00030532

12230 SE 61st Street
Bellevue, WA 9,8006
January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing this letter because of my expressed interest of putting this matter behind us. We need to move forward and get beyond this point. It is a lingering process that is not in the best interest of the people, the industry or the economy of our great state of Washington.

I believe the settlement is a reasonable solution to this ongoing litigation process. Microsoft will, under this settlement, share information with its competitors that will enable them to place their own programs on the Windows operating system. In addition to the federal government, I would also like to see the other individual nine states that are still pressing this case settle at the state level.

The settlement is an important one and I thank you for giving me the opportunity to share my opinions.

Sincerely,
Arvid Portin

MTC–00030533

1985 Green Lane Road
Lansdale, PA 19446–5043
January 22, 2002
Attorney General John Ashcroft
U.S, Department of Justice
950 Pennsylvania Avenue, NW
Washington. DC 20530–0001

Dear Mr. Ashcroft:

I wish to express my frustration about the fact that it took the Department of ,Justice three years to end its costly antitrust lawsuit against Microsoft. Our tax money can be far more properly spent.

The agreement they came up with is strict. It requires Microsoft to grant computer makers broad new ways to set up Windows with non-Microsoft software programs. Computer makers will now be free to remove the means by which consumers access various features of Windows. They can also replace access to those features with access to non-Microsoft software.

The big deal in this settlement, however, is that Microsoft has also agreed to disclose various interfaces for its rivals, so that they can write more effective software programs and applications. Certainly this agreement is more than fair and reasonable. The federal government should now allow the provisions of this settlement to fall in to place No more litigation should be brought against Microsoft beyond this agreement.

Sincerely.
Joseph Henshaw
CC: Senator Rick Santorum

MTC–00030534

R MILTON LAIRD
Certified Public Accountant
4550 Union Road
Paso Robles, California 93446
Tel (805) 237–9202 Fax (805) 237–84.49
January25,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington DC 20530

Dear Mr. Ashcroft:

I am deeply disturbed by the travesty of justice caused by legal actions that have been and are icing taken against Microsoft. Microsoft, in fact, is one of the primary contributors to the success of our economy. The efficiency and productivity of our entire workforce has been dramatically increased by Microsoft's software.

Along with other companies such as Intel, Microsoft has enabled computer users to speedily communicate and handle complicated problems efficiently on PCs and network by replacing numerous cumbersome, complicated and slow operating systems with Windows and other products that are amazingly effective and economical.

Before Microsoft s software was available, only engineers and sophisticated mathematicians were able to program and operate the massive computers in use, Now anyone who can read and write can expertly operate their PCs and business networks.

As a reward for this massive contribution to oar economy and improvement in the work forces efficiency, Microsoft has been severely penalized by actions brought by competitors who could not develop competitive systems and turned instead to the government in an attempt to limit Microsoft's effectiveness.

Even though the proposed settlement is severe, Microsoft has agreed to make future programs easier for other companies to release their products. Windows XP will have a device that enables other companies to add or remove computer attributes built into Windows, so if anyone comes up with better programs, (which I doubt will happen) these programs can be easily introduced into new computers.

Yet some greedy State Attorney Generals are trying to exceed the already unjust penalties proposed for Microsoft and AOL is bringing a lawsuit which can only lead to more unnecessary and unproductive litigation to the detriment of all except attorneys.

Let's conclude this hassle and get on with making America more efficient.

R. Milton Laird
cc. Senator Dianne Feinstein

MTC–00030535

Haskell Rosenberg
4 Bridgewater Court
Pittsford, New York 14534
716:381 -2340
Fax—716:381—3094Haskelini@aol.com
Fax Cover
January 26, 2002
FROM: Haskell Rosenberg
Phone: 585/381 -2340
Fax: 585/381—3094
TO: Attorney General John Ashcroft
FAX: 202/307–1454 202/616–9937
I trust that, despite your overcrowded agenda, you will be able to give consideration to something that has already gone on much too long.
Haskell Rosenberg
2 Pages, including cover
Haskell Rosenberg
4 Bridgewater Court
Pittsford, New York 14534
Ph. 716:381—2340
Fax:716: 381- 3094
email: haskelini@aol.com
January 26 2002
Attorney General John Ashcroft

US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing in support of settling the Microsoft antitrust case according to the settlement agreement negotiated in November. The case should never have been brought in the first place and has resulted in enormous expense to taxpayers and a great waste of everyone's time. In the settlement agreement Microsoft has made a number of concessions, including the implementation of a uniform price list for the largest computer manufacturers, and an agreement not to take retaliatory action against competing software companies. With these concessions Microsoft has gone far to level the playing field, giving these companies a meaningful opportunity to compete with Windows and with the applications Microsoft writes for it. Microsoft has earned its dominant position because they earned it in the hurly-burly of the market-place. It ill becomes giving sore losers the opportunity to bring down a company, especially one so important in our ''new economy'', simply because of its success. It would be better for all parties to see this case resolved. The November settlement agreement is an appropriate way to put an end to at least a portion of this needless litigation.

With best wishes.

Sincerely,

Haskell Rosenberg

MTC–00030538

[illegible]
January 25, 2002
Attorney General John Ashcroft
U.S. Department of Justice
9500 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

I am writing to you to express my support for Microsoft and the sttlement in the antitrust case. This case has dragged on for long enough and it is time to conclude these legal proceedings. Microsoft has offered generous terms in the settlement: the licensing of intellectual property, [illegible] on Windows for rival software developers free reign for computer makes in relation to what software they install, and a uniform price for the top 20 computer makes to purchase Microsoft products. These are only a few of the concessions Microsoft has offered in the November 2001 settlement.

Microsoft is a great company that has revolutionized the technology industry. It is time [illegible] move forward once again and continue to make fine products without the threat of a lawsuit hanging over them. I strongly urge you to accept this settlement because it is fair to all parties involved.

[illegible]

MTC–00030539

January 9, 2002
Judge Kollar Kotelly
Antitrust Division
U.S. Department of Justice
601 D Street, NW, Suite 1200
Washington, DC 20530
Attention: Renata Hesse

Dear Judge Kotelly:

After years in the courtroom and millions of dollars of taxpayer money spent, the Department of Justice has reached a proposed settlement with Microsoft, I am aware that you are considering the merits of this settlement and that the law allows for comments from the general public on this matter. I am grateful for this opportunity to participate in this way.

When news of this settlement was first announced I was very pleased to know this case seemed to be drawing to a dose, While I have never seen the merit of the 9overnment's case in this matter, my greatest concern was the clear lack of regard for the financial impact this case would have on our national economy.

Since this case started over $30 million dollars of taxpayer money has been spent pursuing this boondoggle, This is unacceptable at a time when states like mine are facing real budget constraints and the federal government should be placing its resources in areas that truly protect the interests of Americans.

At this time of economic recession and heightened budget concerns this proposed settlement is the best solution. I am hopeful you will agree to support this proposed settlement.

MTC–00030540

3690 Woods Road E
Port Orchard, WA 98366
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to you today to express my support of the settlement that was reached between Microsoft and the Department of Justice. While I ardently question the merits of this case, I was pleased to hear that a resolution may finally be in sight given the three-month mediation process that has already ensued. The enactment of this settlement would be beneficial. I urge the Justice Department to enact the settlement and suppress any further action against Microsoft. Some people have made the mistake of seeing Shunt's work as a load of rubbish about railway timetables.

Microsoft has done more for this country under the leadership of Bill Gates than any many other entrepreneurs in American history. Further, Microsoft, as a corporation, has gone above and beyond the scope of the original litigation in an attempt to resolve this issue. Microsoft has agreed to disclose the internal interfaces of the Windows system. This is a first in any antitrust settlement.

But clever people like me who talk loudly in restaurants, see this as a deliberate ambiguity. A plea for justice in a mechanized society.

I would hope that the Justice Department recognizes the immense benefits of enacting this settlement and proceeds accordingly at the end of the month. When Shunt says the 8:15 from Paddington he really means the 8:17 from Paddington. The places are the same, only the time is altered.

MTC–00030543

A HY YO! HIHARA DESIGN
San Gabriel, CA
91775
Voice:
(626) 284–0233
FAX.
(826) 284–5411
Ms. Renata Hesse
Antitrust Division
Department of Justice
601 D Street, NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I am writing in support of the Microsoft settlement. It is time for the federal government to stop spending millions on a lawsuit, when a reasonable settlement is at hand. This settlement, which all parties have agreed to, will put this issue to rest.

At a time when the stock market at is down and the economy is in recession, the market is looking for stability—not the uncertainty of an ongoing lawsuit against one of America's most successful companies. There are many more important issues that the government can fund—from programs for children to paying down the national debt.

The consent decree is a fair compromise. Please support it. Thank you.

Sincerely,

Ka by Yoshihara

President

K hy Yoshihara Design

MTC–00030544

CALIFORNIA DEMOCRATIC PARTY
Sc
1401 21st Street,
Sacramento, 455 22
916,442,570
Ms. Renate Hesse
Antitrust Division
Department of Justice
801 D. Street, NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I am writing in support of the Microsoft settlement. The time has come for the federal government to jet its spending prior straight. Instead of wasting millions o?? dollars on a lawsuit that will do??thing for the consumer except make an already shaky economy worse, the time has come to and the ch??ade.

By supporting the co??ent degree, you will put the issue behind us and help refocus the spending priorities of the administ??ation. Hopefully, the consumer backlash?? this west??ful spending will in??cause this administration to focus its effects on important priorities such as working men and women, programs for our nation's youth and paying down the national debt. The first step, ??owever, is to avoid wasting the millions of dollars fun??ed into it is laws it that could be better spent almost anywhere else.

Thank you.

Sincerely,

Bob H??ndy
Director, Region 10
CA Democratic Part
*This letter represents the opinion of the author of the letter and shall hot be construed to
implement it represents the official California Democratic Party position.
Class S. Fig?? Str??t Suite 400

Let Angeles, CA 9–017–5440
213,239,8736- F?? 2398737
DE-?? Web site
imfo@??dem.urg
www.ci-dcm.org

However not intervention into the world of nigh tech programming and design sets a dangers is, and potentially dis??rous prec??dent. Di??tating to Microsoft what technology it can develop to in?? the effectiveness of existing products of meet the rapidly expanding needs of us?? the technological into a from that has been the hallmark of our high tech, internet??

?? could argue in fact that the ger??esis of the huge decline in the Nasdaq, which so far ?? in ?? than $2 million of loss wealth, it primarily the result of the government's ?? attach Microsoft's right to innovate. After ?? today Microsoft, to norrow Intel.

Microsoft appears to be a Government target because of their success as a company. We need to guard success and innovation, r than attack a company because of their success. Microsoft's success should be viewed as an ?? not a liability. The consumer has benefitted from Microsoft's success. The prospect of ?? benefits to the consumer should not be stifled by our ?? government. Similarly, other companies should not have to worry that their success could so ready be h??eatened by heavy-handed government action, oppressive attorneys foes and a legal a ?? designed to harass, publicly smear and possibly even break apart the business. The message we must and is that success should be rewarded and not punished.

We hope the consent decree is adopted and the federal lawsuit is dropped.

Sincerely,
Joe An?? ??
Executive Director,
Sit Council ?? Association

MTC–00030546

City of Santa Barbara
City Hall
De Le Guerre Plaza
(806) 584–5324
mailing address
Post Office Box 1990
Santa Barbara, CA 93102
Fax (808) 594–5475
[illegible]
January 25, 2002
Renata Hesse
Trial Attorney Antitrust Division
Department of Justice
601 D Street, NW, Suite 1200
Washington, DC 20530

Des Ms. Hesse:

I urge the Department of Justice to end the class action lawsuits against Microsoft. The millions of dollars being spent on this lawsuit would offer more of a benefit to the public if they were spent on programs for youth it our communities.

There is a severe lack of funding for mentoring programs, after-school activities, sponsor programs, summer reading programs, gang violence prevention, school facilities monies, and many other important youth-serving programs.

Children are the future for this great country. Please, help to redirect the money that is being wasted on a class action lawsuit this provides no benefit to the consumer, to programs that will make a positive difference in the lives of our children. Please support the settlement.

Sincerely,
Harold P. [illegibel]
Mayor Pro Tempore

MTC–00030547

Mires Promotions
1228 Leavenworth St..San Francisco, CA 94109 * 415–793–7933 Field Marketing . In-Store Promotions . Event Management
January 21, 2002
Ms. Renata Hesse
Trial Attorney, Antitrust Division
Department of Justice
601 D Street, NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I was a dot-tom victim. My previous employer was partially funded by Microsoft. It was a new and amazing telecommunications concept.

When we went back to Microsoft for more funds in late 1999, they refused on the grounds that the Anti-trust lawsuit would make it more difficult to move investments into the telecommunications space. They feared what the media and the courts might say.

I know that the settlement can't bring back my failed dot-corn. But ending a three-year lawsuit that has cost Microsoft and the Government millions will allow everyone to get back to work,

That's just what our economy needs right now.

Thank you,
David Mires
President, Mires Promotions

MTC–00030548

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George Mason University
Richard K. Vedder
Department of Economics
Ohio University
Bruce Yahd??e
Department of Economics
Clemson University
27 January 2002
Renata Hesse, Trial Attorney
Antitrust Division, Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

Millions of average Americans like myself have invested in Microsoft; many directly, even more through their pension funds. We've witnessed with alarm your office's case against the company cause dramatic flux in the stock market. All investors, not just those holding Microsoft shares, have been hurt by the general downturn in the market.

Speaking of ''markets,'' in my view it was only an extremely narrow, and unrealistic definition of the ''operating-system market'' that allowed the judge to conclude that Microsoft was ''monopolizing.'' Microsoft is big—it shipped product to 100 million people just in the last year—but this is because Americans, and many people overseas, have made Windows the operating system of choice, not because there is no competition, or any illegal restraint of trade. The fact that there are other competing operating systems such as Apple's Macintosh platform, and the Linux share-ware platform seems to have been lost.

All high-tech companies live and die by guarding the make-up of their key intellectual products, particularly software. Yet the proposed remedy that Microsoft, and of course the government, agreed upon would force the company to share such information with its competitors. Although this may trample the heart of commercial and intellectual property law in the country with untold harm done not just to this one company, but also to an entire sector of our economy, Microsoft appears to have agreed to it in an effort to, in the currently popular phrase, ''move on.'' It's important we let the high-tech sector of the American economy continue to increase the standard of living of the average American to levels never before seen in history If Microsoft's competitors and the government act like the greedy persons who killed ''the goose that laid the golden eggs,'' our economy is likely to end up as dead as the goose did in the fairy tale. It's time to ''close the book'' on this case by approving the proposed settlement.

Sincerely,
Dr. Don Racheter, President

MTC–00030549

Dr, Jacqueline, Bartol
Doctor of Veterinary Medicine
157–2 Hare Road

Milton, New Hampshire 03850
January 23, 2002
Renata Hesse
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Attorney Hesse:

I am writing to contribute public comment in the case of U.S. v Microsoft. It is time for the government to stop spending time and money on the Microsoft case.

Millions of dollars have already been spent arriving at the current settlement. The settlement should allow both Microsoft and its competitors to be productive. It is unfortunate that individual companies have tied up the government's time on this issue, but the reality is that they have, We should recognize it and move on.

Microsoft has contributed greatly to the technology industry and the economy. In this time of recession and national insecurity we need companies like Microsoft to help pull the country out of difficult economic times and continue to lead the world in technological advances. As an elected official, I work hard to make sure that taxpayer dollars are spent wisely and in areas that make a positive difference in peoples lives. I urge you to do the same and end this needless spending spree.

Please accept this letter as support of the Microsoft settlement. There are many other important issues facing our country at this time. It would be in everyone's best interest if the government spent our money and time dealing with these rather than Microsoft.

Sincerely,
Jacqueline Bartol, DVM

MTC–00030550

Paul Dow Dawson, Ph.D.
318 Maranon Way
Punta Gorda, Florida 33983
pdawson@sunline.net
1–941–235–0197
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
January 27, 2002

Dear Mr. Ashcroft:

The reason for this letter is because I am interested in American business, and I am also interested in having the stock market make a comeback. With that said, the settlement between Microsoft is good for two reasons. First, the absurd antitrust suit is finally over. Second, Microsoft can now devote all of its resources to bringing new and advanced products to the market instead of to wasting time in court.

Better products in the marketplace will result boost the ailing tech sector. The litigation against Microsoft started the economic downturn, and now we are in a recession. While all of this was happening, Microsoft's competitors were lobbying as hard as they could to keep Microsoft in court. Innovation was stifled. Who cares how much money Bill Gates makes? I consider myself successful, and if he makes more money than me, fine. The more money people make, the stronger the economy. The one good thing that came out of the settlement is that Microsoft will not be able to retaliate against companies who ship software that competes with Windows. This will encourage competition and benefit the economy.

Although there should have never been a suit in the first place, I am in support of anything that will put an end to the litigation.

Sincerely,
Paul Dow Dawson

MTC–00030551

E 2370 Spring Rock Lane
Hayden, ID 83835–8355
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC? 20530

Dear Mr, Ashcroft:

The Microsoft antitrust case has dragged through the federal courts for nearly four years now last year, a settlement was reached between Microsoft and the Dep??mont of Justice, and that se??tlemem is currently pending, in the federal courts Unfor??naiel Microsoft's opponents are currently seeking to undermine the settlement and bring additional litigation against the Microsoft Corporation in the federal corals. ??urther sail would be a waste of time and money, and I think it is in the best interest of the public to finalize the settlement, rather than allow the federal courts to become the playground for personal vendettas to be hashed out.

The settlement is by no means unfair, especially to Microsoft's competitors In fact in the interest of wrapping up the case, Microsoft has agreed to terms and conditions that extend to aspects of the corporation that were not found to be in violation of antitrust laws. In other words, the settlement represents generosity on Microsoft's part Microsoft has agreed to refrain from retaliating against computer makers who introduce software into the market flint directly competes with Microsoft technology. Microsoft has also agreed to license the Windows operating system to twenty of the largest computer makers on identical terms, including price. I do not believe that, with a perfectly reasonable settlement available, further litigation is necessary. Microsoft has paid its debt to society and it is time to move on. I ask you to support the finalization of the settlement as soon as possible.

Sincerely,
Helen Tester
cc: Senator Larry Craig

MTC–00030552

284 Melrose Avenue
Merion Station, PA 19066
January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Now that the Department of Justice has reached an antitrust agreement with Microsoft, what's next? Will this matter get dragged on for another three years, leaving the technology sector in a major recession?

Microsoft has been more than willing to settle this matter. They have agreed to license their Windows operating system to the largest computer makers, with identical terms and conditions. They have also agreed to design future versions of Windows to provide a mechanism to make it easy for computer makers, consumers, and software developers to promote non-Microsoft software within Windows.

Let's end this dispute and allow economic law—supply and demand—determine how business is done. I support the settlement and look forward to the end of this case.

Sincerely,
Jordan Driks
cc: Senator Rick Santorum

MTC–00030553

T&K Solutions
12126 Feldwood Creek Ln
Riverview, Fl 33569
(813) 671–7362
(813) 671–7413 (fax)
eMail tomg@t-k-solutions.com
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I have been an avid user of Microsoft and am happy to see the government finally reach a settlement in their antirust case against Microsoft. I feel that the settlement is fair and I just wish the whole issue were already resolved.

While I have been pretty neutral throughout the whole case, I have anxiously been awaiting an outcome. Microsoft was not wholly innocent, but that was three years ago and the concessions they make in the settlement more than cover for what was asked of them. By giving over their source code to the competition, while at the same time designing Windows to work better with outside programs, Microsoft will be helping to increase the diversity of choices for people to use in what have been predominantly Microsoft dominated areas.

In short, I would like to thank you for taking the time to read opinions like mine on this case. I feel that it is important to know how a decision of this magnitude will affect the public before finalizing it.

Sincerely,
Tom Gerhart
Thank you for allowing us to serve you!
Tom Gerhart

MTC–00030554

FAX SHEET
H. Thomas & Patricia H. Norris
403 Wesley Road
Greenville, NC 27858–6404
Phone 252–355–2479 FAX 252–355–8927
tomnor@attglobal.net
FAX TO: Attorney General John Ashcroft—
_____
_____
_____
_____
FAX NUMBER: 1–202–307–1454
FROM: Ab??se—————————————
_____
DATE: 1/27/02
TIME: 6142 AM/PM
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403 Wesley Road
Greenville, NC 27858
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to you today to express my support for the settlement agreement between Microsoft and the Department of Justice. After three years of litigation, the time has come to finally put this issue to rest. The settlement agreement that was reached is fair and should be quickly enacted.

The terms of the agreement indicate Microsoft's desire to resolve the antitrust dispute. Under the terms of the settlement, Microsoft will now disclose the protocols and internal interfaces of the Windows system. This will allow developers to create software that is increasingly compatible with the Windows system. Information sharing, then, should provide consumers with an increased choice in operable software. Clearly, Microsoft has agreed to disclose this information in an attempt to resolve the dispute.

Please enact the settlement at the end of January. Enough litigation has already gone through the courts.

Thank you for your time regarding this issue.

Sincerely,
H. Norris

MTC–00030555

REALTY EXECUTIVES
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Fax (262) 367–9695
Toll Free: (800) 942–0048
Email: BillJohnson@realtor.com
January 22, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

Although I believe this situation should not have arose in the first place, I wanted to write to express my support for finalizing the Microsoft settlement deal announced in November. Considering Microsoft's incredible contribution to the PC industry—offering a user-friendly, standardized software platform that has changed the world—keeping this company intact should be a priority of this legal action.

The incredible costs that have been endured by this lawsuit, from years of prior litigation to future monitoring, are a major sacrifice of taxpayer time and money. Now that Microsoft has offered guidelines to open up more competition in the industry, changing licensing agreements and design of Windows, let's end this process and move on to more important issues. Leave Windows alone, unlike the government, it works!

To further the course of breaking up a company because of competitive business practices, just because it is so successful at it, would be a major mistake and would preclude the potential opportunity for cooperation from here forward. Please approve the agreement and let the technology industry get back into position to rebound and grow in 2002. Thank you.

Yours trul??
William R. Johnson, C.R.S. G. R. I.
cc: Representative Jim Sensenbrenner

MTC–00030556

January 25, 2002
Ann Rothstein
14 Rolling Way
New Rochelle, NY 10804–2406
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am in favor of the Microsoft antitrust case settling. I urge the court to approve the settlement agreement, and hope that no further action will be taken against Microsoft by the federal government

The terms of the settlement agreement are more than reasonable. Microsoft has agreed to make it easier for their competitors to compete with Windows technology. They have also agreed to design future versions of Windows in such a way that computer manufacturers will be able to more easily add or remove features of Windows and replace those features with non-Microsoft software. Additionally, Microsoft has agreed not to enter into contracts that would obligate third parties to exclusively sell Windows products. Concessions of this type should certainly do away with concerns of predatory business practices on Microsoft's part.

The settlement agreement is good for consumers, and is good for the technology industry as a whole. I would like to see the court approve this agreement without any further delay.

Sincerely,
Ann Rothstein

MTC–00030557

Saturday January 25, 2002
TO: The Department of Justice
Washington, D.C
Subject: Microsoft Settlement;
Fax # 1 202–307–1454

As a voter, living in the state of Colorado, I feel the negotiated agreement made by Microsoft with your department, and nine states, is a fair and equitable to all parties concerned. It time we all move forward without spending more of our tax dollars, and lining the pockets of the attorneys involved.

Regards;
Bill Coriell
Denver, CO

MTC–00030558

2304 41st Avenue E
Seattle, WA 98112–2732
January 25. 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing this letter to express my opinion on the settlement reached between the Department of Justice and Microsoft. For three years I have followed the case against Microsoft with avid interest. I'' have become increasingly annoyed with the length of the litigation process. The terms of the federal settlement are extremely fair and I believe that it should be enacted without hesitation. Any continued mediation in this case would be poor judgment by the Justice Department.

Further, the terms of the settlement include many concessions on behalf of Microsoft. The terms of the agreement call for the disclosure of protocols and internal interface designs of the Windows system. This will result in the ability for competing developers to produce software that may be more compatible with the Windows system. In addition to this Microsoft has allowed for the formation of a technical review board that is composed of outside members. This panel will ensure Microsoft's compliance with the terms of the settlement. It becomes increasingly clear that the enactment of this settlement is important. Resolution in this case will benefit the technology industries and the economy. Please enact the settlement.

Sincerely,
Kurt Buecheler

MTC–00030559

Rebecca Frankel
MIT Laboratory for Computer Science
Room 435, 200 Technology Square
Cambridge, MA
rfrankel@mit.edu
January 26, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Response to the Proposed Settlement of the Microsoft Case:

I am writing because I am unhappy about the proposed settlement of the Microsoft antitrust trial. I do not wish to try to enumerate the flaws of the settlement. I think other people have done a good job of that; for instance, I approved of Daniel Kegel's petition and signed it. In addition, I feel uncomfortable saying anything that might imply that I know better than I he judge how to decide issues of law or apply them to a remedy. I am a software engineer; I don't know anything about law. The only special understanding I have is of technology.

However, the problem of the ''understanding of technology'' is an issue in this case. There has been much griping in technology circles that this settlement shows how thoroughly the legal system doesn't ''get'' technological issues. But most of this griping is just that—griping. You legal people must wonder about us: if there really is something you don't ''get,'' why can't we explain to you what it is?

For instance, recently an engineer complained to Lawrence Lessig: ''Members of the judiciary are largely unqualified to comment or judge upon issues of a technical nature, simply because their careers do not incorporate a great deal of technical knowledge, and also because they have not sought it ... My concern is that...we won't have a lot of judges with a high awareness of the intricacies involved for several years. However, the judges presently sitting are essentially creating a body of law to govern what they do not understand.'' In reply, Lessig shot back a challenge to us:

''There was a time when I thought that lawyers wouldn't do too much damage... All that has changed now ... This is, in part, because courts don't understand the technology. But I don't think it's because courts don't know how to code. I think the problem is that courts don't see the connection between certain kinds of technology and legal values. And this is because we've not done a good job in demonstrating the values built into the original architecture of eyberspace:

That the Internet embraced a set of values of freedom...that those values produced a world of innovation that otherwise would not have existed. If courts could be made to see this, then we could connect this struggle to ideals they understand.

Sometimes when I read Slashdot debates, I wonder whether you guys get this connection either... And this leads me to the greatest pessimism: If you guys don't get the importance of neutral and open platforms to innovation and creativity; if you get bogged down in 20th century debates about libertarianism and property fights; if you can't see how the .commons was critical to the .com revolution, then what do [you] expect from judges?

You guys ... built an architecture of value. Until you can begin to talk about those values, and translate them for others, courts and policy makers generally will never get it. Lessig is basically telling us we are being a bunch of inarticulate crybabies. He is right. If we want to claim the right to complain that courts do not understand us, we need to provide a ''translation of our values'' in terms that a layman can understand.

My goal in this letter is to attempt to provide such a translation, and then use it to make an analysis of the nature of the public interest in the settlement of the Microsoft trial. I am deeply involved with the society that created the values to which Lessig refers. I have spent a large part of the last eight years at the MIT Lab for Computer Science—a place whose extraordinary qualities were better characterized by another student from my floor:

[I]t is tough for most people to imagine a building where a young herd can walk out of his office on the 4th floor, argue with the founder of the free software movement (Richard Stallman), annoy the authors of the best computer science book ever written (Abelson and Sussman), walk up one floor to run a few ideas past Dave Clark, Chief Protocol Architect for the Internet from 1981–1989, and walk down two floors to talk to Tim BernersLee, developer of the World Wide Web. I know all these people; many of them feel like family to me. I know what they care about, what they hope for, what they dream about, what they fight, for, and what they fear. I never imagined that, as an MIT engineer, so much of what I would struggle with would not be the ''intricacies involved'' in the practice of engineering, but instead the problems of defining and communicating the value that technology can and can't provide to society. The engineers here are in a constant battle to prevent society from destroying the value they try to build for it: this struggle takes up so much of their energy that it is hard to think of what they do as just engineering anymore. I do not, like this: I want to simply be an engineer. I wish that you, the court, could take from us the job of defining and communicating values, so we could go back to being ordinary engineers. It is much more natural for you to take on this role, than it is for us to have it. But in order for you to do that, first we would have to explain these values to you.

I am unhappy with the proposed settlement because it shows how deeply the courts do not understand the value that engineers here are trying to build. I could pick on the specifics of the settlement terms ad infiniturn, but I feel it would be a pointless exercise, because only a basic failure of understanding of the nature of the public interest could make such a flawed settlement, seem acceptable in the first place. But if I claim that there is a basic failure of understanding, that raises a question: ''What exactly is it that I think government, officials don't understand?'' It is rather shocking that we have failed to effectively answer this question. We have told you many things: long stories of power struggles in the browser market, mind-bendingly technical analysis of the proper design of network protocols, plenty of satirical accounts of Microsoft's shady shenanigans, and many other similar things. But we never have given a simple answer to the simple question ''What is the nature of the public interest in all these matters?'' It is the goal of t, his letter to try to fill this gap. I will make my argument in a context so ordinary that it may well seem childish, but please bear with me: in my silly example, I think I can capture the essential issues at stake and then tie them back to our complex and confusing real situation.

So here is my simple picture—instead of talking vaguely about the ''old economy'' and the ''new economy,'' and about the mysterious difference between them, I want instead to talk about two ordinary household tasks: mowing the lawn and cleaning the basement. In my picture ''mowing the lawn'' will represent the old economy, and ''cleaning the basement'' will represent the new. (I warned you this would sound silly; but please hang on—it is not as dumb as it sounds). Why did I choose these particular examples? Because I think the fundamental change that we are calling ''the appearance of a new economy'' is a shift from an economy that strives to increase productivity by automating manufacturing, to one that strives to increase productivity by automating organizational tasks. The new frontier is the reorganization of supply chains and business processes to take advantage of ''information technology''—the ability of machines to do the organizational tasks that used to be handled by armies of clerks and middle managers. But this shift, is so huge, complex, and hard to picture, that I want to pull it down to earth and discuss its central principles in the context of the kind of organizational task we all are familiar with: the problem of how to bring some order to a messy basement. By way of contrast, I want to compare this task to another one we all know and love: the problem of how to tame an unruly lawn. (You might ask, how is mowing the lawn manufacturing? Well, it is manufacturing shorter grass.) Now that I have identified my representative ''industries'', I want to talk about how we can think about the nature of the ''public interest'' in the context of these tasks. As I continue this description, I hope you will see the advantages of translating our discussion to such a down-to-earth context. In this setting, it is easy to use one's ordinary intuition to understand the public interest, in a conflict. Maybe it is hard to interpret the public's interest in the ''future of an online architecture for e-business,'' but how hard is it to think about what you want for the future state of your basement? I want you to see what our conflict with Microsoft would look like if it occurred in this ordinary context.

So, to start my story, let me describe a conflict which illustrates a threat to the public interest in the context of the ''old economy.'' Suppose I need my lawn mowed, and the kid who I usually hire to push my clunky old gas mower around the yard, instead shows up to work with a shiny, spiffy new lawnmower of his very own. He has broken his piggy bank to buy it: he is very proud of himself and shows it off to everyone on the block. His beautiful new lawnmower mows the lawn twice as fast as the old one did. As a result, he can mow twice as many lawns in the same time. Pretty soon he is raking in the cash. He is making so much money, he can afford to lower his lawn-mowing rates, so he begins to steal business from the other lawn-mowing kids on the block. The other kids get upset. ''He's cheating!'' they cry. They gang up on him, beat him up, and smash his new lawnmower. The original kid, recovering in the hospital, appeals to the adults on the block for justice. ''The other kids were jealous of my success!'' he cries. ''They had no right to hurt, me or my lawnmower. You should protect me so that nothing like this ever can happen again!''

Should the adults listen to him? Absolutely. Not only was what happened to the kid unfair, it also damaged the public interest. When a kid can mow lawns twice as fast for less money, everyone on the block benefits. He put considerable investment and risk into obtaining his lawnmower, and it provided a benefit for everyone. Yes, he also

made a lot of money from his new lawnmower, and maybe he was a little obnoxious about showing it off, but his good fortune was good fortune for everyone. Therefore, his investment deserved to be protected from the destructive jealousy of the other kids. The rich kid should be protected, and the jealous kids should be punished.

Now, to continue, let me introduce another story of a situation that causes harm to the public interest, this time in the context of the ''new economy.'' Suppose I decide to hire a kid to help me clean my basement. This kid works very hard, sorting all the stuff in the basement, building appropriate-sized boxes for various categories of stuff, and carefully labelling all the boxes so it is easy to find things later. His hard work is useful to me: it helps me find tilings more easily. But, there is trouble in my little paradise. One day, my little helper cannot come, so I hire another kid to help out. But this kid is different. He is careless: he puts things in the wrong boxes, and mislabels the boxes. Worse, he is devious: he discovers that if he puts things in the wrong boxes deliberately, and labels the boxes in a scrawl only he can understand, then he can make extra money off me, because I will need his help to be able to find things again. Worse still, he is ambitious: he realizes that if he puts the potting soil in a place where only he can find it, then pretty soon I will be forced to ask him to take charge of organizing the gardening shed as well. Thus he can double the amount of money he can make off me, and there is nothing I can do about it.

So how do we think about the ''nature of the public interest'' in this situation? Well, in order to answer that question, it is important to ask first ''what is the result I am trying to achieve?'' If I hire someone to clean my basement, the result I want is a well-organized basement, a basement in which it is easy to find things. The kid who worked hard to sort things accurately and label the boxes clearly helped me achieve my goal. The kid who deliberately mislabeled the boxes and misplaced the potting soil did not help me achieve my goal. He hurt my interests, not merely because he over-charged me, took over my basement, and hatched devious designs on my gardening shed, but much more simply, because he failed to deliver to me the basic effect I wanted and needed. I needed a basement where I can find things easily: he didn't give it to me. By contrast, the first kid, the one who built me a good system of well-organized; wen-labelled boxes, did give me the effect I needed. The first kid's actions served the public interest; the second kid's did not.

This observation is the whole secret to understanding the ''architecture of value'' of which Lessig spoke. What is an ''architecture of value?'' It is nothing fancy: one can think of it as an information architecture that would remind one of a well-organized basement. This architecture is valuable because the careful sorting and clear labels make it easier to find things. There is nothing terribly subtle or difficult about this idea. The only really deep concept here is the observation that it is useful to ask the question: ''what is the fundamental goal we are trying to achieve?'' We are entering into an ''organization economy,'' and in such an economy, we want to achieve the goal of being well-organized. These central value of such an economy is no more complicated than the admonition we have all heard a thousand times from our mothers: ''it, is nice to put things away where they belong so it will be easier to find them again later.'' But if it is all so simple, why does it seem so hard? It seems hard because it IS hard, but it is not hard because anything about the situation is complicated. It is hard for quite another reason, which I want to illustrate using a third story. This, my final story, is a classic tragedy.

Let us suppose that the first kid I hired to clean my basement returns from his vacation and ventures downstairs to view the state of his handiwork. When he sees what the second kid has done, words cannot describe what he feels at the sight of the ruin of all his hard work. He grabs the second kid by his shirt collar and drags him to me to face judgment. ''He's cheating!'' he cries. (He doesn't say much else: unfortunately this first kid—though a good, honest worker—is not exactly the articulate type.) The second kid replies: ''He is just, complaining because he is jealous of my success! He has no right to handle me this way or damage the valuable ''intellectual property'' I have created. You should protect me so that nobody can ever treat me like this again!'' Now when I hear these words, I remember my earlier trauma when I witnessed the kid with the new lawnmower get beaten up by a jealous gang. I remember how I pledged to the kid on his hospital bed that nothing like that would ever be allowed to happen again. This recollection plunges me into a state of fear and confusion. The first kid comes to me and begs for the right to re-label the boxes correctly: it is hard to deny such a heartfelt request. On the other hand, I made a solemn pledge to the kid in the hospital that I would never, ever allow anything like the disaster that happened to him to happen to anyone else. I am riven in two: I do not know what to do. So I propose a compromise. I propose that certain of the boxes in the basement are to be declared ''Middleware'', and I will require of the kid who now owns the organization system of my basement that he reveal the meaning of the labels on those boxes. ''To protect his ''intellectual property,'' I only require that he reveal these labels to another party when they agree to sign a non-disclosure agreement. The second kid is happy enough to agree to that, especially since he alone knows exactly where he has hidden the potting soil, and he has carefully made sure that the box where it is hidden is not declared ''Middleware.'' In this way, his designs for the takeover of my gardening shed are unaffected. Since summer is coming, the control of the gardening shed is the only thing that really matters anyway, so he loses nothing by signing on to my ''compromise''. Now, what can we say about, this compromise? Should I say that it is a bad compromise because I was not. careful enough to locate the hidden potting soil before I settled on my definition of ''Middleware''? Should I say that it is unfair to require people to sign a non-disclosure agreement whenever they want to get a hammer from the basement? I could say all these things, and more, but they seem to skim over the surface of the problem. Much more fundamentally, this compromise represents a failure to think clearly about what we are trying to accomplish. It is in our statement of the nature of the values which we are ''compromising'' that we have failed. We have failed to understand the essential values that we are pledged to protect. To appreciate the tragedy of this failure, imagine how this situation would appear to the first kid, the one who cares more than anything about properly organizing the basement. He worked hard and honestly to do the very best job he could, but to no avail: all his hard work was ruined, it wasn't even accidentally ruined it was ruined on purpose. But when he tries to protest about this betrayal of his values, not only is he not listened to, he is also treated like a jealous, violent gang leader. Since he is not a sophisticated kid, he cannot figure out why any of this is happening to him. It simply feels to him like all the adults around him have gone mad.

I might ask: what exactly were the essential values I failed to understand when I devised my compromise? One might say that my compromise shows how little I understand the values associated with the ''new economy.'' It is true that I have failed [o understand how overwhelmingly important it is to have clearly labeled boxes in my basement. But this concept of ''value'' in the new economy is so very simple and easy to understand, that one might also maintain that I understood it perfectly clearly. When I insisted that the ''Middleware'' boxes should be clearly labelled, I showed that I do understand what constitutes value in the new economy.

Nonetheless, my judgment was confused, but it was not a lack of understanding of the new economy that caused this confusion. Instead, my judgment was clouded by the pain and confusion that the reminder of an old-economy conflict invoked in me. I ran into difficulties because I was led to apply ''old economy thinking to a new economy problem.'' In particular—this is the key point—my real failure carne not from a failure to understand the values of the ''new economy,'' but from a failure to understand the values of the old one. When I promised to the kid in the hospital that nothing like what happened to him would ever be allowed to happen again, I did not define very clearly in my head what exactly it was I was pledging myself to protect. What exactly did I promise? Did I promise that in every circumstance where a rich and successful kid was challenged by a poorer, less successful kid, I would always side with the rich kid?

No, that is not what][promised. I made the promise to the kid in the hospital because I saw that his good fortune was good fortune for everyone, and therefore I pledged myself to protect it. But when I later found myself in a situation when a rich and successful kid demanded that I protect his good fortune, I forgot the rationale behind my original promise. If I had remembered it, I might have thought to ask myself ''in this new situation, is riffs rich kid's good fortune good fortune for everyone?'' Hopefully it is clear that this

question receives a rather different answer in this situation. So, does my old promise bind me anymore? Am I required to devise a compromise between the interests of the two children in my charge? No, such a compromise doesn't make sense. I could make things much easier on myself if I just worried about protecting my own interests. My interest is to be able to easily find things in my own basement. The first kid fought for my interests, the second kid did not. It is that simple: there is no need for the terrible pain and confusion this case evokes, or the strange and convoluted compromises that are the result. So, to wrap up my Story, I want to summarize the four conceptual errors I made which drove me to devise such a thoroughly flawed compromise.

First, I made two mistakes in my understanding of the ''new economy'':

1. I did nor understand how much value the first, kid provided for me when he carefully sorted and labeled all my stuff.

2. I did not understand how badly the second kid hurt me when he destroyed this careful labeling system. I did not understand how dangerous it is that I have become dependent on his aid to find anything in his system of artfully mislabeled boxes. Second, I made two mistakes in nay application of principles that came from the ''old economy'':

3. When the second kid claimed to me that I had an obligation to protect his incentive to invest, I forgot that the statement of this obligation is that we must protect the ''incentive to invest in machinery to make a manufacturing job more productive.'' I need to protect a kid's incentive to break his piggy bank and buy a lawnmower, or I will have to put up with the fumes and noise from my old gas mower forever. But, this obligation does not apply to the conflict between the kids who are cleaning my basement, because there is no machinery that will aid the task of ''manufacturing'' a cleaner basement. So there is no need to protect the incentive to invest in such machinery.

4. More generally, I made a mistake when I failed to notice how the second kid manipulated and abused my commitment to the values of the old economy with his carefully chosen words. Earlier I said that this kid was careless, and worse, devious: and worse still, ambitious. But worst of all, he is manipulative. He is perfectly willing to take our most central, sacred values and twist them into a empty caricature of themselves to serve his own interests. It is our mistake and our shame that we cannot see what is being done to us.

So now I have completed my story. I have explained the essential failures of understanding that caused me to make a dreadful mistake. I promised earlier that when I was done I would take the lessons I have explained and tie them back to our complex and confusing real situation. So I will describe again the four mistakes I have just identified, this time as they appear in the real world. I contend that this settlement reveals that public officials fail to understand four important concepts that are crucial to understanding the nature of the public interest in the conflict with Microsoft.

First, it reveals that there are two ways that public officials basically misunderstand the ''new economy.''

1. They do not understand the tremendous value to society provided by the creators of the open standards of the Internet, the World Wide Web. the associated free software that supports the Internet (Apache, Bind, Perl, etc) and the free operating systems Linux and BSD. They do not understand the tremendous value to society of open, well-specified APIs on every level of the information architecture we are trying to build to support the future productivity of our society.

2. They do not understand how badly society is hurt by Microsoft's manipulation of its APIs and file formats. They do not understand how much the constantly changing proprietary file formats hurt ordinary people's ability to get work done, nor do they understand the loss of potential productivity that occurs when a API is obscured or destroyed. They do not understand how Microsoft's control of the platform hurts the prospect for real competition and progress in the computer industry.

Second, more seriously, it reveals two ways that public officials are confused about how to apply the values of the ''old economy'' in this new situation.

3. They haven't noticed that, just as you don't need a lawnmower to clean a basement, you don't need a lawnmower to write an opera, ting system. All the effort to preserve a delicate balance between the need for open APIs, and the need to preserve the incentive to invest, have missed the point that we are protecting the incentive to invest in a purely imaginary lawnmower. There is no machinery that will make the job of writing an operating system any easier, so there is no need to protect the incentive to invest in imaginary machinery.

4. Finally, they haven't noticed that Microsoft is lying to them Microsoft is lying in a horrible way: they are invoking the values that honorable public officials have spent their whole lives protecting, and they are manipulating them, using them, twisting them around so they come to mean something entirely different. The government does not detect this duplicity—that is their greatest mistake. We engineers have a name for these kinds of lies: we call them FUD, which stands for ''fear, uncertainty and doubt.'' We watch Microsoft deliberately spread fear, uncertainty and doubt in the government, the courts and the general population, and we view with amazement and horror the enormous power that these lies have over the world.

We are lost: we do not know what to do to combat lies which have such terrible power. We are like children who live in a world where all the adults have gone mad.

Yours sincerely,
Rebecca Frankel

MTC–00030560

4404 Burke Drive
Metairie, LA 70003
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr Ashcroft:

As a supporter of Microsoft, I cannot say how pleased I was to see that the Justice Department finally came to its sense and resolved to settle with Microsoft. This case has gone in far too long for people like me, who depend on Microsoft's products in our daily lives

I hope that the settlement will not be too harsh on Microsoft. With giving over their trade secrets to their competitors and allowing people who ship computers to configure Windows anyway they want, Microsoft could lose out on a lot of money. However, I feel that they will continue to succeed like they always have despite these handicaps,.

I hope that the government will refrain in the future from attacking business that are integral to our economy like Microsoft is. This whole case, which has taken up so much of their time, could be the reason why we are currently in a recession. End this case and let Microsoft get back to work.

MTC–00030562

2454 28th Street
Long Island City, NY 11102–1917
January 25, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

Now that the Courts will make a final decision next week on whether the proposed settlement benefits the public, I'd like to express my opinion.

Microsoft has agreed to not enter into any agreements obligating any third party to distribute or promote any Windows technology, exclusively or in a fixed percentage, subject to certain narrow exceptions where no competitive concern is present. The company has also agreed not to enter into agreements relating to Windows that obligate any software developer to refrain from developing or promoting software that competes with Windows. Microsoft has also agreed to not retaliate against software or hardware developers who develop or promote applications of operating systems that compete with Microsoft's.

So why should we pursue further litigation? The agreement seems more than fair. Let's move on.

No more litigation!!

Sincerely,
Nikolaos Natsoulis

MTC–00030564

6419 Fairbanks Street
New Carrollton, MD 20784
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing you today to express my opinion in regards to the antitrust dispute involving Microsoft. I support Microsoft in this dispute and feel that this litigation is a waste of precious resources, time, and talent.

I believe the settlement that was reached in November is a fair and reasonable agreement to end this three-yearlong dispute.

This settlement is thorough, and Microsoft did not get off easy. Microsoft has agreed to license its Windows operating system to the 20 largest computer makers on identical terms and conditions, including price. Microsoft has also agreed to grant computer makers broad new rights to configure Windows so as to promote non- Microsoft software programs that compete with programs included within Windows.

This settlement will benefit companies attempting to compete with Microsoft. This settlement will also benefit consumers by allowing tiffs company to remain together and continue delivering innovative products to the marketplace. Please support'' this settlement. Thank you for your time.

Sincerely,

Sesil Rubain

MTC–00030565

Doug and Marle Oison
4180—71st Ave NE
Marysville, Wash. 98270–8807
Phone: (425) 554 0188
Pax (425) 334 1010
doug.mariooison@luno.com
January 28, 2OO2
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr, Ashcroft:

As a concerned constituent, I write to inform you of my support of the Microsoft settlement. Over the last three years I have followed the federal suit against Microsoft. I have been increasingly annoyed with the Justice Department's pursuit of Microsoft. Microsoft has been more than willing to compromise In attempts to resolve this issue.

With the release of Windows XP, Microsoft will now put into effect a mechanism that will allow users to add or delete Microsoft programs at their own discretion. This will revolutionize consumer ability to configure their operating systems and should be beneficial.

I believe Microsoft has gone above and beyond themselves to meet the demands of the Justice Department. It is finally time to resolve this issue once and for all. Thank you for your concern regarding this issue.

Sincerely,

Marle Olson

MTC–00030566

JAMES D. SMTIH
10675 NINB MILE ROAD
WAITMORB LAKE, MI 48189
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C&IL 734–476 1109
January 26, 2002
Anor?? ?? John Ar??roft
US D?? of Ju??tice
950 Pe?? Av??ue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I urge you to accept the settlement with Microsoft. We should one the begal?? system to insure a highly competitive marketplace. We should not, however, be misged??ded by constructs of competitiveness in an industrial economy when analyzing an informationed one. Microsoft has made a major contribution to growing the American economy. It has a lead?? po??ition in the software market, but its station is easy prey to innovative comp??sons. Microsoft has made concessions that will enhance the ability of others to challenge it. It is time to ?? the conflict from the courtroom to the marketplace.

The real danger we face is excessive government incursion in the marketplace. If the last hundred years tell us anything, it is flee peoples and free markets knock the socks off bureaucratic decision making.

MTC–00030567

117 Northwood Court Bayport, NY 11705
January 25, 2002
Attorney General john Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing you today to inform you of my opinion as regards the Microsoft antitrust suit. I support Microsoft in this dispute, which is now in its third year. I believe we should be focusing on more pressing issues, and not prolonging litigation against Microsoft that will only be a waste of time and precious resources.

This agreement is thorough. Microsoft has agreed to license its Windows operating system products to the 20 largest computer makers on identical terms and conditions. Microsoft has also agreed to grant computer makers broad new rights to configure Windows so as to promote non-Microsoft software programs that compete with programs included within Windows. A technical oversight committee has been created by the government to oversee Microsoft compliance.

The terms of this settlement are sufficient to end the lawsuit. Please support this settlement.

Thank you for your time.

Sincerely,

Martha Schary

MTC–00030568

AVIATION SIMUI?? A??TIONS
INTERNATIONAL. Inc.
POST OFFIC?? BOX 358 ?? TEL & FAX
516271–6476
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I support the settlement of the Microsoft antitrust lawsuit ??hile your office primarily seems concerned with Microsoft's impact with?? the technology industry, I feel that it is important to consider their role in our overall e??nomy, which has slowed considerably in the past few years. Aside from the economy slowing, the U.S. still retains a large surplus in exporting software, Microsoft is a leader in that market and why mess with a good thing? As a small-scale software developer, t appreciate the standard platform that Microsoft has created. Many average PC users probably do as well. It simplifies all of our lives.

The changes Microsoft is making in the settlement are reasonable and favorable to its competition Easing its bundling and exdus??ity pacts with computer makers will immediately open the door wider for other com??nies to market their software. Because that is the government's main contention with Microsoft, the company's endorsement of the settlement should leave you with no reason not to finalize it

Sincerely,

Everett Jo??ne

MTC–00030569

Walter W. Lerch
15220 Golden Rain Drive, Chesterfield
Missouri, 63017
January 26, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

I am writing to voice my support to an end to the Microsoft antitrust case. The proposed settlement between Microsoft and the Justice Department reflects a fair balancing of the interests and should be approved and implemented.

If given the opportunity, I am sure Microsoft's opponents will nickel and dime tiffs agreement to death. This should tell you that they are not after fairness, but are truly after a permanently crippled Microsoft. This snow job on Microsoft by competitors is most certainly not in the public interest any more than any alleged antitrust violations.

Microsoft has responded to the main complaint against it by agreeing that non-Microsoft software programs can be installed in the Windows operating system. They do this both by changing their licensing scheme and their program as a whole. I do not see the need to return to court when the main objective can be accomplished short of further litigation.

Thank you for considering my comments.

Sincerely,

Walter W. Lerch

MTC–00030570

System Integrators Inc.
Developing Solutions of Tomorrow—Today
January 27, 2002
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Sir:

We are a small business and develop products targeting Microsoft??* Windows??* platforms. The general economy as you are aware is not helping any business, especially small business. Add another dimension to the problem—the Microsoft, Justice Department legal battle. We see customers have taken a wait and see attitude toward new purchases and upgrades, on account of both the delays in the lawsuit settlement and the general economy. We are also unable to plan our future business for the same reason as our products generally support Microsoft technologies. I feel the suit should have been resolved one way or the other long time ago.

At long last, there is a settlement that covers the points in the suit. It fairly changes Microsoft's business practices, particularly with respect to licensure and software development, and prevents the retaliatory action Microsoft allegedly used to keep its hold on the market. I am hopeful that the current review process will come to a speedy conclusion so that consumers and other software publishers such as us will be able to move forward. Let's break this period of uncertainty, and accept the current settlement. Let's channel our efforts and time to innovate for the benefit of the consumer, instead of wasting it on long drawn legal wrangling.

Sincerely,
Ganesh Srinivasan
President

MTC–00030571

114 Eddy St. #5
Ithaca, NY 14850
January 27, 2002
Renata Hesse
Trial Attorney
Antitrust Division
U.S. Department of Justice
601 D Street, NW, Suite 1200
Washington, DC 20530
Facsimile: (202)6:6–9937 or (202) 307–1454
Email: microsoft.atr@usdoj.gov
Re: Microsoft Trial Tunney Act Comments

I am very concerned about the proposed settlement of the antitrust case against Microsoft. I don't think this settlement is in the public interest. After enduring years of litigation and continued anti-competitive action on the part of Microsoft, the public deserves an effective remedy. The proposed remedy, if adopted, will not be effective. The proposed remedy restricts Microsoft's actions very little and allows them to continue the same anti-competitive business practices that have resulted in the bleak software business of today.

The most important and most critical effect of any final judgment in this case should be to restore competitive conditions in the markets affected by Microsoft's unlawful conduct. The proposed settlement is bound to fail in this goat because it is ill-conceived, ambiguous, and full of holes. Effective relief would be based on principles, not an enumeration of prohibited conduct. Just as a judge must avoid even the appearance of impropriety, Microsoft should be required to avoid even the appearance of anti-competitive conduct. Given its history of unlawful behavior, Microsoft must be held to the highest standards of ethical, pro-competitive behavior. There must also be an effective, efficient, and powerful enforcement authority.

The proposed settlement has none of these properties. Rather it is full of holes, restrictions, and limitations that will make it wholly ineffective:

1. The proposed settlement is confusing and ambiguous. Given Microsoft's history, one must assume that every ambiguity will be interpreted in the most advantageous possible way by Microsoft. This practically ensures future litigation over the meaning of the terms and conditions.

2. The proposed settlement is backward looking. Rather than focus on restoring competitive conditions to the markets as they are now or will be, it focuses on the past.

3. There is no effective means for enforcement. Some sort of oversight board with actual power is necessary, as are actual penalties for noncompliance. The proposed settlement permits only further litigation.

4. The proposed settlement aims to protect the market for personal computer operating systems, but not the market for server operating systems. Should not Microsoft be enjoined from using anti-competitive practices to monopolize the server market in addition to the PC market?

5. The proposed 'Technical Committee'' is worthless, in part because of its secrecy. It needs real investigative and oversight powers. It should be a resource for further litigation. It should have the right and responsibility of reporting the behavior of Microsoft to the public.

6. The proposed settlement fails to adequately protect 'open source' competition. As 'open source' software is generally provided to the public with source code as a public service at no charge, it is deserving of the highest protections from unlawful anti-competitive practices. 'Open source' software is commonly written as a hobby by individuals or small associations. The proposed settlement discriminates against open source software by allowing Microsoft to deny access to those with out a 'legitimate business need'. Similarly, the 'reasonable and non-discriminatory' terms for API and communications protocol licensing may be used to discriminate against open source developers and products. Microsoft could impose non-disclosure licensing terms that prohibit distribution of source code, for example.

7. The protections of OEM's are inadequate. The proposed settlement provides maximum protection to only the largest twenty. All OEM's should be treated equally, and price schedules should be published for all to see.

8. The term of 5 years, extensible to 7, of the proposed agreement is inadequate, given Microsoft's record of ignoring such agreements and litigating.

9. Microsoft's competitors need to be protected against the 'Embrace and Extend' strategy of hijacking established standards and modifying them to be incompatible. Microsoft should be enjoined from using these tactics, and rather should be required to work with standards groups. Java and Kerberos are two standards that have suffered this fate in recent years.

10. Recent price increases in volume licensing agreements have demonstrated to the public that the Microsoft monopoly is alive and well despite the ongoing litigation. The final judgment should ensure that pricing is kept at a reasonable level,

11. Microsoft should be enjoined from using patents to prohibit or discriminate against 'Open Source' software. Perhaps Microsoft should be required to license for free 'Open Source' use any patent that it owns or otherwise licenses.

12. Microsoft has been recently trying to leverage its operating systems monopoly and Internet subsidiaries to promote its 'Passport' on-line authentication service. Microsoft should be enjoined from using its currently monopoly to eliminate or prevent competition in the on-line authentication service business.

13. The definition of middleware is poor. Middleware should be defined based upon functionality or character of a product, not on whether it is trademarked.

I have enumerated but a few of the serious limitations of the proposed settlement. The proposed settlement is wholly inadequate and is not in the public interest.

Sincerely,
Stephen D. Holland

MTC–00030572

6803 244th Street Court E
Graham, WA 98338
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am a small business owner and I have used Microsoft products to help run my business for years. I feel that the antitrust case against Microsoft is senseless. The settlement should stand the way it is and this whole mess should be over.

Microsoft has contributed greatly to the IT industry and I feel that they've earned what they have. According to one of the terms of the settlement, as I understand it, Microsoft is required to release their internal codes to Windows so that other companies can use them to produce their software. I feel as though others are simply taking advantage of Microsoft, I don't think the courts should support that.

I hope that the Department of Justice decides to clear this matter up. To finalize the settlement is clearly in the best interest of all involved. I would hate to see any more money wasted on this.

Sincerely,
Jerry Taylor

MTC–00030573

Watts and Associates
22622—50th Avenue S E
Bothell, WA 98021
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am in favor of the proposed Microsoft vs. The Department of Justice antitrust settlement. In my opinion, the settlement as put forth, is a reasonable one providing all of the participants fair and just resolution; not to mention putting all of this government financed litigation behind us. This settlement accomplishes a number of specific changes. For instance, computer makers will be able to replace access to various features of Windows with access to non-Microsoft software. Another change that I believe to be very generous on Microsoft's part is the proposed licensing of Windows operating system to computer makers.

I am particularly disturbed that while the government was searching for ways to break up Microsoft, other institutions were getting

away with countless acts of corruption. It's time that Microsoft got back to business and the government went back to governing. Why is it that we allow the liberals in the government to continue rewarding the do-nothing persons and punishing those who accomplish and contribute to the economy?

Sincerely,
G W Watts

MTC–00030574

Shirley M. Sebright
1047 Crystal Lane
Springfield, OH 45502–9567
Fax
To: Attorney General John Ashcroft
From: Shirley M. Sebright
Fax: 1–202–307–1454
Date: 1–27–02
Phone: Pages: 2 Including Fax Sheet
Re: CC:
x Urgent %62 For Review %62 Please Comment %62 Please Reply %62 Please Recycle
Comments: [Click here and type any comments]
Shirley Sebright
1047 Crystal Lane
Springfield, OH 45502
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing to give your support to the Department of Justice and Microsoft. I think the government should leave Microsoft and Bill Gates alone and allow the company to get back to be the creative, innovative company it is. The Department of Justice had no business bringing the suit against Microsoft. This suit was more a political ploy brought about by Microsoft's competitors. This lawsuit sets a dangerous precedent in that the government is being used as a weapon against a competing company. This lawsuit also threatens the innovative and creative spirit of our country. What effect do you think this action has on those who have dreams of creating a product, but then see a very creative company being hounded? Yes, the company was aggressive, but business is aggressive. Microsoft did nothing more or less than what their rivals did.

Microsoft will ultimately be giving up its interfaces and protocols to other software developers so that they can more comprehensively write software for Windows. The company will also be held to a regimented licensing code that will ensure that computer makers are able to use the software they want with Windows. A Technical Committee will make sure these rules as well as others are followed.

Leave the company be. Give your support to this agreement.

Sincerely,
Shirley Sebright

MTC–00030575

1860 Hall Street SE
Grand Rapids, MI 49506
January 25, 2002
Attorney General John Ashcroft US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Microsoft has had to suffer through three years in the antitrust case with the Justice Department. It is pleasing to know a settlement was reached in this case, however it is unsettling that this case could be re-opened.

The fact is that this case has a good settlement available to end it, and it should be implemented.

The settlement will allow Microsoft's competitors to access Microsoft code so they can design better software. Competitors under this settlement will have the ability to effortlessly place their software on Microsoft operating systems. Despite these improvements opponents of the settlement have launched a campaign to have it revoked, and Microsoft dragged back to court. There is no good reason to let this happen, the settlement is good and it is too expensive to continue this case.

Once more I would like to state that this case should be concluded with the current settlement.

Sincerely,
Ron La Mange

MTC–00030576

JBMB CONSULTING
January 26, 2002
Michel G. Bernard
President
29 East 64th Street New York, NY 10021
Tel (212) 879–6242
Cell (917□ 881–2224 Fax (212) 744–2552
mbernard@jbmb.org
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The settlement reached between Microsoft and the Department of Justice, appears to be fair. It is my strong belief that at this point additional litigation will not help anyone, including the States that are seeking to continue suit. It is now time to settle and move on.

Microsoft tins agreed to a number of terms and conditions, all of which restrict monopolistic behavior and promote competition within the technology industry. Microsoft will refrain from engaging in retaliatory behavior should software developers and computer makers introduce a product into the market that directly competes with Microsoft technology. Microsoft has also agreed to license its Windows operating system to twenty of the largest computer makers on identical terms and conditions, including price, and to grant them broad fights to reconfigure Windows to their own specifications.

I do not believe additional action is necessary on the federal level. The proposed settlement is equally beneficial to Microsoft and its competitors, and a cessation of litigation would most definitely be beneficial to the consumer. I urge you to give your support to the settlement.

Sincerely,
Michel G. Bernard
President

MTC–00030577

2304 41st Avenue East Seattle, WA 98112
January 26, 2002
Attomey General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Today I write to voice my support of the Microsoft settlement. It is true that the Microsoft Corporation has been at the forefront of the technology industries in recent years. Their leadership, however, is the result of a dedication to excelence that is not matched within the industry. The result is the continual production of quality products that out perform any substitutes. This is in by no means a crime. I therefore take issue with the federal pursuit of a case based upon outdated statutes.

Regardless of this opinion, I believe that the settlement agreement is in the best interests of the public. Too much time has already been spent in the litigation process and the entire technology industry has suffered for it. Further, anyone wary of Microsoft's compliance with the terms of the agreement should be cased as the agreement calls for the formation of a watchdog group.

I adamantly believe that enacting the settlement will encourage confidence and growth within the tech. industry. The Justice Department should suppress any opposition to the enactment of this settlement.

Sincerely,
Lori Buecheler

MTC–00030578

January 27, 2002
Attention: Ms. Renata B. Hesse U.S. Department of Justice Fax # 202–307–1454

Dear Ms. Hesse:

This is to inform you that I fully support the proposed settlement of the Microsoft lawsuit. For the sake of national interest I would hope that this can be finalized without delay; the matter has dragged on entirely too long.

Sincerely,
J.C. Hensel

MTC–00030579

Via FAX
432 Greensboro Drive
Dayton, OH 45459
January 25, 2002
Attorney General John Ash??
U S Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

During the period of the past three years, the IT industry, and the general public have been forced to endure the US vs Microsoft lawsuit. This unfortunate quit has slowed innovation and movement in the software industry and has hurt investment in technology as a whole. Consumers have taken the suit in stride even though it is they who will receive the bill for the case by way of higher prices on technology products through the corning years.

The settlement has teeth that force Microsoft to disclose proprietary software code to competitors and will exist under the

constant scrutiny of a three-person committee in its future business dealings. These and other points in the settlement make it more than fair to all the plaintiffs in the lawsuit.

Now that all. the involved parties have been served, a settlement must be formalized. The Department of Justice must see that the needs of the consumer are met in ending this lawsuit as soon as legally possible. I urge the Department of Justice to formalize the proposed settlement as soon as this period of public comment concludes.

Sincerely,
Arthur C. O'Neil

MTC–00030581

P.O. Box 3125
Atlantic Beach, NC 28512
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

As you are well aware, Microsoft has been under public and government scrutiny concerning their business tactics as being a monopoly. In my view, this lawsuit has been going on for far too long and I'd like to see it finished once and for all. The continuation of its opposing competitors who keep pressuring Microsoft are doing damage to this nation far beyond what they could possibly realize.

Thousands of Americans rely on Microsoft in various ways, some in terms of jobs, most in terms of computer technology that they use in their homes and businesses. If we let this suit go back to the Federal Court, our people will continue to lose out on millions of dollars and the possibility of improved software to evolve our way of life.

The settlement is fair and reasonable and it will most definitely benefit consumers and eliminate future possibilities of competitors attacking Microsoft for unjustly dominating the IT market. This country needs to consider the money being spent on file lawsuit and realize that re-direction of funds is in need. Your help m Microsoft's defense is greatly needed and appreciated.

Sincerely,
William Woodbury

MTC–00030582

January 27, 2002
From: Steven White, 5125 Logan Avenue South, Minneapolis, Minnesota 55414
About: Microsoft Settlement

I am sending this in a way that verifies its authenticity (hand writing) because it is regarding a company that has been reported to have commissioned ''spontaneous'' letter writing campaigns to state attorneys general which, in one case, included letters from two dead people. I want to report tht I am alive and strongly opposed to any lieniency toward Microsoft. Three courts have declared that they have broken the law. They should pay the price of their freely-chosen actions. i would like to address one point that I hope has not escaped your notice. This is a company famous for its willingness and ability to squirm around restrictions and whatever it can to win at any cost. They have squashed or stolen innovative ideas from others, driven companies out of business, and finally been convicted of illegal tactics, and they not only show no penitance, but, based on their public statements, seem to be convinced they are in the right.

If you make a settlement that has any imaginable loophole, they will be through it the day it goes into effect. If you say that programming interfaces to Windows must be made public, they will move the interfaces to some layer of ''middleware'' and declare that they are not part of Windows.

They will behave as they did when ordered to release Windows 95 without Internet Explorer; they released a version that didn't work. They will ''comply,'' but, as one journalist phrased it, ''with middle finger extended.''

For the sake of the future of the computer industry, Micorost's anti-competitive grip must be broken.

Sincerely yours,
Steven White

MTC–00030583

www. GenGap.net
Judge Kolar Kottely
c/o Attorney Renatta Hesse
Department of Justice, Antitrust Division
601 D St, NW—Ste 1200
Washington, DC 20530
January 28, 2002
VIA FACSIMILE: 202–616–9937

Dear Judge Kolar Kottely

I am writing to express my overall concern with for the technology sector with the pursuance of the Microsoft antitrust case.

I am the resident of a rural town and owner of a small online business. I am able to conduct business with customers all over the world thanks to the innovation and developments in the technology and telecommunications industries.

What I don't see is the lack of competition in the high-tech industry addressed by this case. Over the last decade the number of jobs in the software industry has grown from 290,000 to close to some 860,000. The 24,000 software companies in 1990 can be compared to the 57,000 software companies today. The growth in this industry is like nothing we've seen in recent history, yet the case against Microsoft was brought on by an alleged lack of competition in the market.

In just the past few years the number of software companies and employees have nearly tripled. This year the software industry alone will add nearly $20 billion in surplus to America's balance of trade. Microsoft is on a list of indicators for the Dow Jones Average and is considered a market bellwether.

These factors do not add up to a lack of competition in the industry. They are instead indicators that the high-tech industry is a flourishing, rapidly growing industry that changes so quickly that tomorrow's Linux will replace today's Microsoft.

Continued litigation in this case will only slow competition and growth in the industry. I hope you see fit to sign off on the fair settlement in this case.

Marlene McLaren
PO BOX 383 Spirit Lake, IA 51360–0363
(712) 336–2346
www. GenGap.net
President, CEO
GenGap.net
PO Box 383 Spirit Lake, IA 51380–0363
(712) 336–2346

MTC–00030584

January 3, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
FAX To:
202–307–1454

Dear Mr. Ashcroft:

I am writing to support the settlement between the Justice Department and Microsoft that will bring an end to their long antitrust dispute.

Some groups do not think the settlement is fair, but they are wrong. The only possible way the settlement could be unfair is if it unfairly harm Microsoft Look at the stipulations Microsoft is willing to accept. It disclose documentation on the internal interfaces of its Windows operation system. It will make future versions of Windows easier to work with terms of removing Microsoft programs and adding non-Microsoft ones. will guarantee that Windows runs as well with the new software as it c with the original Microsoft software. It will not retaliate against any of the companies that sued it. It will change its licensing practices to increase competitors'' viability in the IT market. Microsoft will even submit constant government oversight of their business practices. How mayo outside of Microsoft's boardroom could possibly be dissatisfied with the settlement is a mystery to me.

Microsoft is willing accept these terms. For that reason alone, I think ?? settlement ought to go forward. Thank you for your time.

Sincerely,
Kirk Puffenberger
6263 Indian Field
Norcross, GA 30092

MTC–00030585

7 Edwards Drive
Freehold, New Jersey 07728
January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The consistent persecution and harassment of the Microsoft Corporation must cease immediately, both for the good of our country and because it is the fight thing to do. The past three years of litigation have resulted in nothing besides wasting my money, and the recently settlement services the public interest in this matter and its provisions go beyond the government's original complaints.

The provisions of this settlement, among other things, require Microsoft to submit to a federal technical oversight committee which is required to review Microsoft's business and software practices. Additionally, Microsoft must make its intellectual property available to those compentors who use it in their application of this agreement.

These provisions, the general settlement and the process in which it was reached are all fair, judicious and reasonable. It is my hope that there is no further federal action in this matter.

Sincerely,

Fred Billand

MTC–00030586

COLDWELL BANKER
TRAR PROPERTIES
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing today to encourage you and the Department of Justice to accept the Microsoft antitrust settlement. Microsoft has given up a lot to be able to settle the issue. The terms of the settlement are fair and they should be accepted.

Many people think that Microsoft is getting off easy, in fact this is not so. In the terms of the settlement, Microsoft has agreed to release part of their Windows base code to their competitors. This is so their competitors can make more compatible software. Microsoft is being forced to give up their patented trade secrets. Microsoft has spent years and millions of dollars developing their products, now they have to simply hand part of them over to their competitors. In the technology industry there are companies that develop new products and companies that copy products. Not surprisingly the companies that develop new products are more successful, it is a shame that the government has chosen to harass a company simply because it is successful. This issue has been dragged out for over three years; it is time to put an end to it. The terms of the settlement are more than fair and they should be accepted. Please accept the Microsoft antitrust settlement.

Sincerely,

Diana M. Campbell

Sales associate

FREELAND OFFICE BAYVIEW OFFICE LANGLEY OFFICE OAK HARBOR OFFICE

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langley@coldwellbankerwiudbcy.com

Each Office Is Independently Owned And Operated.

MTC–00030587

January 26, 2001
Diana M. Campbell
7410 Dead Goat Road
Clinton Washington 98236
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington DC 20530

Dear Mr. Ashcroft:

I am writing today to encourage you and the Department of Justice to accept the Microsoft antitrust settlement. Microsoft has given up a lot to be able to settle the issue. I would like to tell you exactly how I feel about this issue, please think back to articles of history of the United States and the Auto Industry. Mr. Henry Ford certainly was not the first automaker competing with other industrialist of his time, His story is fabulous. One story that really talks about the ''American dream.'' And this is only one story of such struggle to produce a sellable product that has lasting quality, No Mr, Ford was not the only automaker of his time but he produced a good competitive product.

Mr. Gates and his company have been producing a sellable competitive product. What is the Justice Department trying to tell the American businessperson? What is this new attack? The United States of America is the home of the free. If we do not have the freedom to create a better ''mouse trap'', then why are our borders flooded with immigrants?

Mr. Gates has not asked to have the status of a King in the United States, He has built a team of people that are of the highest regard working with ideas and values to build competitive soft wear for a very fast growing industry.

Please know Mr. Ashcroft that I am a normal everyday housewife, and I know something about cooking and recipes, some of the ingredients are private, some are family secrets. Are you telling me that I must tell people what I put in a cake should I want to compete in a contest, for my personal gain. I believe in the American Dream. I grew-up having the ability to choose my way of life, I think you are treading on sacred ground.

Please Mr. Ashcroft do not use any more of your precious time and my money. Please accept the

Microsoft antitrust settlement.

Sincerely,

Diana M. Campbell

Wife

Mother of 10, Grandmother of 22

Great grandmother of 6

Real Estate sales associate

MTC–00030588

Mr. Stan Eischen
10113 Keysboruogh Drive
Las Vegas, Nevada 89134
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530

Dear Attorney General Ashcroft,

I support the settlement that has been reached between Microsoft and the Department of Justice. The settlement will bring an end to the costly and contentious court conflict between the two.

Some may criticize the settlement and say it lets Microsoft off too easy. That is simply not the case. Microsoft will agree to many restrictions on its method of doing business. First and foremost among these restrictions is the requirement that Microsoft share its code for Windows with its competitors, thereby allowing them to place their own programs on the Windows system.

Additionally, Microsoft will eliminate any possibility of favoritism in its licensing procedures by using a uniform price list when dealing with the top twenty computer business in the nation.

These two provisions alone would be enough, but Microsoft has also agreed to forgo any retaliation against companies that sell or promote software that competes with Microsoft's products. Some people may claim that Microsoft will just ignore these requirements, but the settlement will establish a technical review committee to make sure that Microsoft adheres to all of its terms. With all of these restrictions, Microsoft will be severely hampered and its competitors will be aided.

There comes a time in any conflict when the sides sit down and ask themselves if the time and effort would really be worth continuing to fight. Microsoft and the Justice Department have decided that the answer to that question is no. This settlement will end their battle, and no one should block an agreement that is amenable to both of them. Thank you for your time and efforts in Washington.

Sincerely,

Stan Eischen

MTC–00030589

Association of
Business and Industry
The Voice of Iowa Business
January 21, 2002
Judge Kolar Kottely
C/O Renata Hesse
Trial Attorney
Antitrust Division
U.S. Department of Justice
601 D Street, NW, Suite 1200
Washington, D.C 20530

Dear Judge Kolar Kottely:

Thank you for the opportunity to participate in the public comment period regarding the settlement of the government's antitrust case against the Microsoft Corporation. As an executive with the Iowa Association of Business and Industry in Des Moines, Iowa I was pleased to hear that a settlement in this case has been reached. While this case has implications for most American consumers, the implications for those of us in the business sector are even greater.

The negative impact this case has had on the technology industry was apparent nearly from its inception, technology stocks began their slide downward at the same time the district court ruled that Microsoft should be broken up. This ruling caused major uncertainty within the tech community and with its investors.

This proposed settlement would provide much needed subility to the technology industry that was absent during the period this case remained unresolved. The conclusion of this suit will send the signal to both investors and innovators that they no longer need to be concerned with unnecessary government regulations as they work to create new technology products and services for the future.

I encourage you to accept the settlement reached by the Department of Justcie and the Microsoft Corporation .

Sincerely,
John R. Gilliland
Vice President

MTC–00030590

HANSER & ASSOCIATES
public relations
4401 Westown Parkway, Suite 212
West Des Moines, IA ??266–0991
Email:nanser@hanser.com
www.hanser.com
January 22, 2002
Ms. Renata Hesse
Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

The appeal and success of our great country lies in the opportunity to succeed and to make a better way of life for our families. This has been possible because of our economic and personal freedoms. Those with innovative and pioneering spirits are the reason our country rose so quickly to become a world leads.

Most of those who drive our country because of their innovation and willingness to take risks never become global figures or even nationally known. But there is one such individual who is known worldwide for his technological developments. Bill Gates has prodded software and Interact technologies that have forever changed our personal and business relationship with the computer. With his great ideas turned into reality, he has created thousands of jobs for Americans and provides a great deal of financial support for humanitarian relief. For example, The Bill and Mclinda Oates Foundation announced on January 4, 2001 a $7.5 million grant to help combat the spread of HIV in sub-Saharan Africa and worldwide. And this is just one. example of the impact he has had on our world.

Because we are a lawful society, we certainly have an obligation to enforce our national laws. But that obligation has been met in the Microsoft antitrust lawsuit, it no longer can serve any relevant purpose. A fair and realistic settlement has been proposed and should be signed in order to conclude tiffs case and allow Microsoft to move forward with all new business activities, and to allow Bill Gates to continue providing humanitarian relief throughout the world through his foundation.

Thank you,
Arnanda Carstens Steward
Account Manger

MTC–00030591

Jan 27 02 02:46p
p.2
HANSER & ASSOCIATES public relations
4401 Wastown P??way, Su?? 212
West Des Meines, 1A 50266–1037
575,224??086 Fax. 515.224,0991
Emailhanser@ha??ser.com
www.henser.com
January 22, 2002
Ms. Renata Hesse
Department of Justice,, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

Antitrust is defined by Merriam-Webster, as consisting of laws to protect trade and commerce from unlawful restraints and monopolies or unfair business practices. A lawsuit was filed against Microsoft several years ago alarming the company was in violation of the antitrust laws of our country. In other words, theó claim is that other companies competing for the, game customer base were not able to fairly compete with Microsoft. A lower court ruled that the company would have to be broken up, This ruling did not stand up in the Court of Appeals. But in the process, the Federal government has spent millions of dollars and Microsoft has been forced to spend similar amounts defending its case. Now a settlement has been proposed and agreed to by many of the parties involved in the lawsuit.

Until this case is permanently closed, the biggest loser is the American consumer. Not only have our tax dollars been the source of income for the federal government to fund their rose, but it is likely that Microsoft will offset of the millions they have spent by increasing costs on their products.

I think the only reasonable course reasonable is to agree to the proposed settlement, It is in theo best interest of all parties involved, including the American consumer. Your efforts are truly appreciated. Thank you.

Sincerely,
Ron Hanser Prosident

MTC–00030592

JAN—27—0205: 12PM
FAX COVER PAGE
TO: ATTORNEY GENERAL JOHN ASHEROFT
FROM: MS. ALICE FASS
FAX #: 212 828–9854
VOICE # : 212 534–0682
(CALL IF THERE IS A PROBLEM WITH THE FAX!)
TOTAL # OF PAGES: (INCLUDING COVER PAGE)
NOTES: BE: MICROSOFT
Alice Fass
January 18, 2002
Attorney General John Ashore
US Department Justice 950 P, ???sylvania Avenue, NW
Washington, DC 20530–0001
D??? Asheroft:

I am willing to express my support for Microsoft in light, of recent litigation against them Microsoft is a great company with great products available to the public at very reasonable prices. It has been an industry leader who has done much to stabilize the IT industry and the economy. With this lawsuit. Microsoft has been forced to shift their attention from producing new products to defending themselves in court. This reduced production has doubtless made., damaging impact on the IT industry and the economy as a whole.

In the interest of settling the matter mote quickly Microsoft agreed to procedures and obli??ons that the US Court of Appeals did not even find problems with. For one example, Microsoft decided to allots'' computer makers to remove the ''paths'' that consumers use to access venous Windows programs. These include programs like Explorer and Media Player. D??ing ???us well enable sofrware made by companies such as Netscape or RealNetworks to use those paths instead. This will intensity competition, which will benefit consumers.

I look forward to this matter being wrapped up as soon as possible It has gone on for far too long, and has done severe damage to the country on a whole I appre???ate the willingness of your office to hear the views of the public. I trust that you will conclude that wrapping this matter up will be in the best interest of the public.

Sincerity,
Ahe ??

MTC–00030593

FROM DIANE AND BARRY CAVANAUGH
324 ANNA AVENUE
MOUNTAIN VIEW, CA 94043–4704
FAX/PHONE 1–656–968–4524
E-Mail: ebarrydiane@webtv.net
DATE January 27 2002
REF: Microsoft Litigation
TO: US Federal Government
FAX NUMBER 202–3071454
Gentlemen or Madam

We as seniors feel and believe that the settlement against Microsoft was fair and just. We believe that further litigation by selfish lobbyists would be costly and wrong. Pleae sned all further litigation against Microsoft now.

Barry and Diane Cavanaugh

MTC–00030594

Jan 27 02 03: 36p OFFICE DEPOT#617 1 248 968 2486 p. 1
15261 Forrer Street
Detroit, MI 48227
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

I am writing today to encourage the Department of Justice to accept the Microsoft antitrust settlement. I cannot understand why the government has gone after Microsoft in the first place. As soon as the government started their suit against Microsoft the entire technology industry went downhill. Now that there is a settlement in place, the government should accept it and allow business to return to normal.

In order to put this .issue behind them Microsoft has agreed to a long list of provisions. Microsoft has agreed to allow computer makers the flexibility to install and promote any software that they see fit, or that consumers request. Microsoft has also agreed to design future versions of Windows to be more compatible with non-Microsoft software. Microsoft has agreed to many compromises to reach the settlement. It is time for the government to accept the settlement and move on.

Please accept the Microsoft antitrust settlement. A settlement this fair has no business languishing in court

Sincerely,
H. Pankratz
Cc: Rep. John Conyers

MTC–00030595

FROM: FAX NO.: 2158785193 Jan. 27 2002 03:01PM P1
6329 Sherwood Road
Philadelphia, PA 19151–2521
January, 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

As a supporter of Microsoft, I write you with concern over the recent developments in the settlement. It is strange to see that, after three years of negotiating, this settlement may be subject to still further litigation. It is ridiculous to waste our time and money on fighting a battle that has already been won.

Microsoft has made sweeping commitments to prove that they are willing to work with their competitors. They have agreed to make changes in licensing and marketing and even design. Microsoft has agreed to design future versions of Windows that will allow for easier installation of non-Microsoft software. They have also agreed to be monitored for proper procedure and even allow- themselves to be sued if a competitor does not feel that they are acting properly.

With concessions such as these it only makes sense to support this settlement. It is clearly beneficial for the consumer, the IT sector and our economy as a whole. I urge you to help support it in its current state and not waste more time, energy and money that could be better spent elsewhere.

Sincerely,
Marcia Levinson
cc: Senator Rick Santorum

MTC–00030596

FROM: RICK & SHERRY BEATTY FAX NO. : 360 779 4958 Jan. 27 2002 01: 06PM P1
P.O. Box 135 Keyport, Washington 98345 January 12,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I would like to express my support for Microsoft in the government's antitrust case. A settlement has been reached and I think that it should be respected. Microsoft has been punished enough in the last three years. This lawsuit has been a waste of time and money. Everyone, the government included, has better things to do than pursue a lawsuit that punishes a company for being successful.

It is a total injustice to allow every competitor of Microsoft to continue their influence over the courts and to blame Microsoft for their own inability to have and market a better product. I don't believe there has been one consumer financially damaged by Microsoft's business tactics. Enough is Enough.

Microsoft may have made some mistakes, but they are ready to change their ways. The settlement is evidence of that. Microsoft is conceding a great deal in order to move on. They are giving away some of their technology information and making it easier for consumers to use non-Microsoft programs within their Windows platform. Please respect the efforts of Microsoft and their supporters. This settlement is fair and is a good ending to this whole mess.

Sincerely,
Richard R Beatty

MTC–00030597

FROM : RICK & SHERRY BERTTY FAX NO. : 360 779 4958 Jan. 27 2002 01:06PM P2
P.O. Box 135 Keyport, Washington 98345
January 12,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I would like to express my support for Microsoft in the government's antitrust case. A settlement has been reached and I think that it should be respected. Microsoft has been punished enough in the last three years. This lawsuit has been a waste of time and money. Everyone, the government included, has better things to do than pursue a lawsuit that punishes a company for being successful.

Microsoft may have made some mistakes, but they are ready to change their ways. The settlement is evidence of that. Microsoft is conceding a great deal in order to move on. They are giving away some of their technology information and making it easier for consumers to use non-Microsoft programs within their Windows platform. Please respect the efforts of Microsoft and their supporters. This settlement is fair and is a good ending to this whole mess.

Sincerely,
Sherry Beatty

MTC–00030598

JAN-27–2002 01: 44P FROM: Dale L i 11 i e 918–492–9541
TO: 12023071454 P: 1/2
5622 E70th PL
Tulsa, OK 74138–8413
Phone: 918–492–5806
Fax: 918–492–9341
To: ??Dept. of ??
From: Dale G Lillie
Fax: 1–202–307–1454
Date: Jan 27, 2002
Phone:
Pages: 2
Re: Microsoft ??eff??
CC:
Urgent For Review Please Gomment Please Reply Please Recycle
-Comments:
River Forecast Group
5622 E 78 PL
Tuha OK 741.30–8413
www.River Forec???. corn
January 27,2002
U. S Department of Justice
Antitrust Division
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Dear Sir or Madam:

I strongly urge the U.S. Department of Justice to settle the Microsoft case now and enter the revised proposed Final Judgment. The case brought against Microsoft was motivated primarily by competitive malice. Settling this case is certainly in the public interest.

Microsoft has been a boon to me by bringing lower PC prices, faster and better computing, and better software development tools. In addition, this lawsuit has cost investors, literally hundreds of billions of dollars.

I have gladly purchased and used Microsoft products for over 20 years. Professionally, 1 have developed many systems based on Microsoft software products. During this time I have interacted with Microsoft personnel at many levels. At no time did I think that the relationship with Microsoft was not fair or beneficial to me as well as to other parties involved To the contrary, I believe that Microsoft to a large degree is responsible for the current economic good health of the USA, as well as many other countries of the world.

It is time to end this antitrust action begun in 1997

Sincerely,
Dale G Lillie
Principal, River Forecast Group

MTC–00030599

01/12/1995 02: 38 4072996027 VINCENT PAGE 01
1609 Hinckley Road Orlando, FL 32818–5927
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW Washington, DC
20530–0001
January 26, 200
Dear Mr. Ashcroft:

I am writing to express my disapproval with the last three years of litigation brought against Microsoft by the US department of Justice. Microsoft has been the cornerstone of the Technology Industry, and its capacity to generate wealth and create jobs for our nation should not be overlooked. Our Government needs to stop interfering in free enterprise and start worrying about more pertinent issues like security.

The terms of the settlement do not let Microsoft off easily as they stipulate Microsoft will have to disclose interfaces that are internal to Windows operating system products and also grant computer makers broad new rights to configure Windows so as to make it easier for non-Microsoft products to be promoted. This, I believe will be a detriment to Microsoft, the consumer and the free market as we know it.

I urge your office to do what is right for the American public and the Information Technology sector by implementing the settlement. The nine states that want to continue litigation should be reprimanded and this case should come to an end. Thank you for your time.

Sincerely,
Carol Vincent

MTC–00030600

aai
The American Antitrust Institute
2919 ELLICOTT ST, NW . WASHINGTON, DC 20008
January 24, 2002
Renata Hesse
Trial Attorney

Antitrust Division
U.S. Department of Justice
601 D Street, NW, Suite 1200
Washington, DC 20530
Facsimile: (202) 616–9937 or (202) 307–1454
E-mail: microsoft.atr@usdoj.gov
Re: AAI Tunney Act Comments

The American Antitrust Institutes submits these comments under the Tunney Act. Separately, we have filed with the U.S. District Court a complaint for declaratory and injunctive relief, arguing that failures of the U.S. and Microsoft to comply fully with the requirements of the Tunney Act have kept us and the public generally from receiving all the information that is required by statute as a basis for these comments. With that in mind, these comments must be viewed as preliminary, subject to amendment or expansion if and when additional public disclosures are made.

The American Antitrust Institute (''AAI'') is an independent non-profit education, research and advocacy organization, described in detail at www.antitrustinstitute.org. The mission of the AAI is to support the laws and institutions of antitrust. To our knowledge, we are the only public interest organization devoted solely to the field of antitrust.

Executive Summary

This Court should reject the Proposed Final Judgment (''PFJ'') between Microsoft, the U.S. Department of Justice (''DOJ''), and the settling states. The PFJ is not in the ''public interest,'' as this term is defined under the Tunney Act.[1] 1 The PFJ is ambigous, will be extraordinarily difficult, if not impossible, to implement and affirmatively harms consumers and other third parties. Most importantly, however, the PFJ constitutes a mockery of judicial power since it fails to satisfy any of the remedial goals established by the Court of Appeals.

Standard of Review. Under the Tunney Act a reviewing court is not permitted to ''rubber stamp'' a proposed consent order if that consent order makes a ''mockery of judicial power.''[2] Normally, this standard gives substantial discretion to the DOJ's determination of what is in the ''public interest.'' But this deference is not appropriate in cases like this one where there has been a full trial and decision on the merits.[3] In such cases the court has a special obligation to ensure that the remedial goals of the court that imposed liability on the defendant—in this case the D. C. Court of Appeals[1]—have been met. A consent judgment, such as the PFJ, which effectively ignores the findings of liability and remedial goals expressly stated by a unanimous en banc decision of the Court of Appeals is a mockery of judicial power.

Even when courts are reviewing consent orders entered before a trial, a consent judgment is not in in the ''public interest'' if it: (1) is ambiguous;[1] 5 (2) presents foreseeable problems in compliance and implementation;[6] or (3) affects third parties detrimentally.[7] Since virtually every key provision in the PFJ is ambiguous, will be extraordinarily difficult to implement, and will have a direct and substantial detrimental effect on consumers and other third parties, the PFJ is not in the ''public interest'' even under the lower standards of scrutiny applied to pretrial settlements.

Substantive Failings of the PFJ. The DOJ asserts that the PFJ ''will provide a prompt, certain and effective remedy.''[8] While a prompt, certain and effective remedy is often better than a perfect remedy achieved after extended litigation, virtually any remedy this Court would order after litigation would be better than the PFJ. The PFJ is neither prompt, certain, nor effective.

A prompt remedy would take effect quickly and provide procedures to enforce swift compliance. Most of the so-called restrictions on Microsoft's conduct will not take effect for 12 months.[9] Given the rapid pace of change in information technology, Microsoft's dominance of the covered middleware markets may well be a fait accompli before much of the PFJ would take effect. The procedural provisions also fail to provide for quick resolution of disputes over compliance. The Technical Committee cannot resolve disputes, but only ''advise'' Microsoft and the government of its conclusions.[10]

A certain remedy, at the very least, would set forth a clear delineation of what Microsoft can and cannot do. Yet many of the most important putative restrictions on Microsoft are vague and all are riddled with exceptions and qualifications. This lack of clarity will almost certainly compound the delay already present in the PFJ since the inevitable differences of opinion cannot be resolved without extended litigation to determine the ''intent'' of the parties according to the rules of contract law.

Finally, and most fundamentally, the remedy should be effective. As the Court of Appeals explained, a remedy should (1) free the market place from the effects of Microsoft anticompetitive conduct, (2) deny to Microsoft the fruits of its illegal monopolization, and (3) ensure that Microsoft does not undertake similar practices likely to result in future monopolization.[11] Yet the PFJ affirmatively allows some of the most egregious anticompetitive acts such as the commingling of middleware and operating system software.[12]

The following comments focus upon the deficiencies of the PFJ rather than attempt to propose alternative measures. Nonetheless, we urge the Court to consider the proposals put forward by the nine dissenting states. These proposals correct many of the PFJ's deficiencies identified in these comments.

Discussion

I. Standards of Review: The Tunney Act Requires Careful Review of the PFJ To Determine Whether It Is In The Public Interest

The Microsoft case is widely considered the most important antitrust case of our time. It is critically important to the future of antitrust that this case be decided—or settled—on the merits in a way that the public will perceive justice to have been achieved. All the more so when Microsoft has been found (after a full trial and by a unanimous landmark appellate opinion) to have abused a monopoly in an industry that all agree will have a profound impact on our future. With so many economic interests affected in cases like this, it is important that special efforts be made to keep antitrust settlements transparent so that the public will recognize them to be free of political taint or corruption.

A. Especially Careful Review Is Warranted in a Fully Litigated Case

The Tunney Act directs Courts to carefully scrutinize proposed antitrust Consent Orders.[13] The Tunney Act mandates that the Court shall make an independent inquiry into whether the decrees, and it will assure that the courtroom rather than the backroom becomes the final arbiter in antitrust enforcement.'' The Antitrust Procedures and Penalties Act of 1974: Hearings on S. 782 and $. 1088 Before the proposed consent order is in the ''public interest,''[14] and authorizes the Court to take evidence and receive arguments to assure itself that the consent order serves the public interest.[15] As noted in the landmark Tunney Act decision of United States v. AT&T, a degree of deference to the DOJ in the reviewing the consent order is appropriate—otherwise, parties would have no incentive to compromise and settle.[16] The

[1] 1 15 USCS Section 16(e).

[2] The Antitrust Procedures and Penalties Act of 1974: Hearings on S. 782 and S. 1088 Before the Subcomm. on Antitrust and Monopoly of the Senate Comm. on the Judiciary, 93d Cong. 1 (1973). (opening remarks of Senator Tunney); United States v. ABA, 118 F.3d 776, 783 (DC Cir. 1997)

[3] See Section I(A), infra

[4] United States v. Microsoft Corp., 253 F.3d 34 (DC Cir. 2001) (hereinafter ''Microsoft III'').

[5] United States v. Microsoft Corp., 56 F. 3d 1448, 1461 (1995) (the reviewing judge ''should pay special attention to the decree's clarity'').

[6] Id. at 1462 (if the judge ''can foresee difficulties in implementation we would expect the court to insist that these matters be attended to'').

[7] Id (''certainly, if third parties contend that they would be positively injured by the decree, a district judge might well hesitate before assuming that the decree is appropriate.'').

[8] Competitive Impact Statement (''CIS''), p. 2.

[9] See, e.g., PFJ sections III.D and III.H.

[10] See PFJ section IV.D.4.c. Moreover, the PFJ's ''gag orders'' prohibiting both testimony from Committee members and use of their work product in enforcement proceedings will cause further delay since enforcement will always require the government to duplicate the Committee's work in amassing evidence.

[11] United States v. Microsoft Corp., 253 F.3d 34, 103 (DC Cir. 2001). The PFJ does nothing to deprive Microsoft of the fruits of illegal monopolization, and the DOJ's Competitive Impact Statement (''CIS'') omits this goal in its discussion of the remedial goals. CIS, pp. 2 and 24.

[12] See Section II infra.

[13] The Tunney Act ''will make our courts an independent force rather than a rubber stamp in reviewing consent Subcomm. on Antitrust and Monopoly of the Senate Comm. on the Judiciary, 93d Cong. 1 (1973). (opening remarks of Senator Tunney).

[14] 15 U.S.C. 16(e).

[15] 15 U.S.C. 16(0.

[16] See United States v. AT&T, 552 F. Supp. 131, 151 (1982) (''If courts acting under the Tunney Act disapproved proposed consent decrees merely because they did not contain the exact relief which the court would have imposed after a finding of liability, defendants would have no incentive to consent to judgment and this element of

AT&T court also noted, however, that the standard of review would vary depending on the circumstances.[17] AT&T rejected the notion that courts must unquestioningly accept a proffered decree as long as it somehow, and however inadequately, deals with the antitrust and other public policy problems implicated in the lawsuit. To do so would be to revert to the ''ber stamp, role which was at the crux of the congressional concerns when the Tunney Act became law.'' [18]

The need for deference is important in cases where there has been no trial since the ''public interest'' must include consideration not only of an appropriate remedy but also whether and for what the defendant may be found liable at trial.[19] More importantly, the court has little knowledge of the determinative facts. But once a trial has established the defendant's liability, the need for deference diminishes greatly. As the court in AT&T stated, the concern ''that the courts would generally not be able to render sound judgments on settlements because they would not be aware of all the relevant facts ... is of relatively little relevance here, for this Court has already heard what probably amounts to well over ninety percent of the parties'' evidence both quantitatively and qualitatively, as well as all of their legal arguments[, and the reviewing court] is thus in a far better position than are the courts in the usual consent decree cases to evaluate the specific details of the settlement.'' [20] Once liability has survived appellate scrutiny, as in the case at bar, the need for deference to the DOJ's understanding of the public interest almost completely vanishes since the only consideration left in determining the public interest is whether the consent order does in fact remedy the defendant's violation of the law.

The DOJ argues for a cursory review, limited to the allegations contained in the complaint.[21] The DOJ's argument, however, relies on cases such as the 1995 Microsoft consent decree case (''Microsoft/''),[22] where the case settled prior to a trial. Microsoft I, however, was expressly concerned with the entry of a consent decree where ''there are no findings that the defendant has actually engaged in illegal practices.'' [23] While Microsoft I was correct in stating that it would be ''inappropriate for the judge to measure the remedies in the [pretrial settlement] decree as if they were fashioned after trial,'' [24] in the case at bar, there has in fact been a trial, a finding of liability and an affirmance of that finding on appeal. The DOJ also relies on selected passages from AT&T while ignoring the passages quoted here. Simply put, the law does not compel the court to ignore the record developed at trial and affirmed on appeal as the DOJ asserts.

The Court in this case faces an unprecedented situation. Although almost all Tunney Act proceedings have involved cases where the litigation has not started, in this case the facts and law have been fully argued. There are findings of liability by both a District Court and Court of Appeals.[25] The public has expended large amounts of money and time in establishing the facts and the specific nature of a substantial violation of the antitrust laws. The only thing remaining in this historic, massive and protracted case, before the PFJ was signed, was the remedy proceeding.

We have not located another case in which the settlement occurred this late in a proceeding. In prior Tunney Act proceedings there were few, if any facts established through the legal process and the Court's knowledge of the facts was admittedly limited.[26] Here, all of the trial court's Findings of Fact were affirmed by the Court of Appeals.[27] It also agreed with Judge Jackson that Microsoft had violated the antitrust laws.[28]

These unique circumstances require that this Court should carefully follow the instructions of the Court of Appeals as to what constitutes an appropriate remedy.[29] As was held by the Court of Appeals: the remedy must (a) restore competition to the illegally monopolized market,[30] (b) deprive the violator of the ''fruits'' of its illegal acts,[31] and (c) prevent the violator from engaging in similar behavior in the future.[32]

In a case that has proceeded as far as this one, this Court should use its substantial discretion to see that the views of the Court of Appeals as to what constitutes appropriate relief is implemented. Accordingly, this Court is only under a limited obligation to give deference to the DOJ as to whether the Court of Appeals requirements have been satisfied. Indeed, at this stage of the proceedings, the very nature of this task is more of a judicial function than a prosecutorial function. Accordingly, a settlement at this stage will be in the ''public interest'' only if these three requirements of a remedy are strictly achieved. This Court has an obligation to the Court of Appeals to ensure that this occurs.

B. Especially Careful Review Is Warranted By the Importance of this Case to the Economy

All cases are of great importance to the litigants, but few cases have far reaching economic consequences on their own. From this point of view, it is no exaggeration to say that this Court is reviewing the most important consent order since the break up of AT&T a generation ago. The words of the court in A T& T apply with equal force to the case at bar: This is not an ordinary antitrust case. The American Telephone and Telegraph Company, with its various components and affiliates, is the largest corporation in the world by any reckoning, and the proposed decree, if approved, would have significant consequences for an unusually large number of ratepayers, shareholders, bondholders, creditors, employees, and competitors .... [the decree would have] a potential for substantial private advantage at the expense of the public interest. In view of these considerations, and of the potential impact of the proposed decree on a vast and crucial sector of the economy and on such general public interests as the cost and availability of local telephone service, the technological development of a vital part of the national economy, national defense, and foreign trade, the Court would be derelict in its duty if it adopted a narrow approach to its public interest review responsibilities.[33]

Virtually the same thing could be said with respect to the position of Microsoft within

compromise would be destroyed. The consent decree would thus as a practical matter be eliminated as an antitrust enforcement tool, despite Congress'' directive that it be preserved. See S.Rep. No. 93–298, supra, at 6; H.R.Rep. No. 93-1463, supra, at 6.'')

[17] ''It follows that [where no evidence has been taken and no liability has been found] a lower standard of review must be applied in assessing proposed consent decrees than would be appropriate in other circumstances. H.R.Rep. No. 93–1463, supra, at 12. For these reasons, it has been said by some courts that a proposed decree must be approved even if it falls short of the remedy the court would impose on its own, as long as it falls within the range of acceptability or is ''within the reaches of public interest.'' United States v. AT&T, 552 F. Supp. 131, 151 (1982)

[18] United States v. AT&T, 552 F. Supp. 131,151 (1982), aff'd sub nom. Maryland v. United States, 460 U.S. 1001 (1983).

[1] At pretrial stage, ''[r]emedies which appear less than vigorous may well reflect an underlying weakness in the government's case, and for the district judge to assume that the allegation in the complaint have been formally made out is quite unwarranted.'' United States v. Microsoft Corp., 56 F.3d 1448, 1461 (DC Cir. 1995) (''Microsoft I'').

[20] us v. A T & T, 552 F. Supp. 131,152 (D.DC 1982).

[21] CIS, pp. 65–68.

[22] United States v. Microsoft Corp., 56 F.3d 1448 (DC Cir. 1995) (''Microsoft I'').

[23] Id. at 1460–61.

[24] Id. at 1461.

[25] United States v. Microsoft Corp., 87 F. Supp. 2d 30 (D.DC 2000) (''Conclusions of Law''), United States v. Microsoft Corp., 253 F.3d 34, 117 (DC Cir. 2001) (''Microsoft III'')

[26] The closest example was the AT&T settlement, US v. A T & T, 552 F. Supp. 131 (D.DC 1982), aff'd sub nom. Maryland v. United States, 460 U.S. 1001 (1983). The Settlement was agreed upon during the trial, before the Court had issued its decision.

[27] United States v. Microsoft Corp., 253 F.3d 34, 117 (DC Cir. 2001).

[28] Id., 60–80.

[29] See, Jonathan B. Baker and Andrew I. Gavil, Ill-Gotten Gains, Toothless Settlement Lets Microsoft Keep Rewards of Monopolization, The Legal Times, Nov. 12, 2001, available at. http://www.antitrustinstitute.org/recent/152.cfm. (''When the settlement follows trial and appeal, judicial concerns about encroaching on prosecutorial power to decide what charges to bring and congressional concerns about uninformed courts venturing into the realm of prosecutorial discretion—both of which underlie the narrow role allotted the District Court in the usual Tunney Act review—are mooted. Once the nature and scope of the violations have been determined, as they have here, all that is left is to set the appropriate remedy—a peculiarly judicial task, concerning which the executive branch may advise but not encroach'')

[30] The Court of Appeals explained: ''The Supreme Court has explained that a remedies decree in an antitrust case must seek to ''unfetter a market from anticompetitive conduct,'' United States v. Microsoft Corp., 253 F.3d 34, 103 (DC Cir. 2001).

[31] Quoting the Supreme Court, the goal is to ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation...'' Id.

[32] ''[E]nsure that there remain no practices likely to result in monopolization in the future,'' United States v. United Shoe Mach. Corp., 391 U.S. 244, 250, 20 L. Ed. 2d 562, 88 S. Ct. 1496 (1968), quoted in United States v. Microsoft Corp., 253 F.3d 34, 103 (DC Cir. 2001).

[33] United States v. A T & T, 552 F. Supp. 131,151 (D.DC 1982) (emphasis added).

the personal computer and Internet industry. The personal computer industry and the Internet now reach into almost every facet of the economy. Consumers of personal computers, just like consumers of telecommunications services a generation ago, have an enormous stake in ending the monopoly and enjoying the choices of new technologies and other benefits from a newly competitive marketplace. With so much at stake, any court would be derelict in its duty under the Tunney Act if it did not carefully review the PFJ to ensure that its entry is in fact in the public interest.

C. Especially Careful Review Is Warranted Because the PFJ Is Ambiguous, Difficult to Implement and Enforce, and Will Harm Consumers and Other Third parties

Under the Tunney Act, even when courts review consent orders entered into before a trial, they are charged with providing an especially close review to those portions of the consent order that: (a) are ambiguous (i.e., the reviewing judge ''should pay special attention to the decree's clarity'' [34] since it will be very difficult for the Court to administer unclear provisions); (b) relate to compliance mechanisms (if the judge ''can foresee difficulties in implementation we would expect the court to insist that these matters be attended to'') [35] and (c) affect third parties detrimentally (''certainly, if third parties contend that they would be positively injured by the decree, a district judge might well hesitate before assuming that the decree is appropriate.'') [36]

Every key provision in the PFJ is ambiguous and therefore unlikely to effectively achieve its desired result, will be extraordinarily difficult if not impossible effectively to implement, and will have direct and substantial detrimental effect on a number of third parties, including consumers.

These are three additional reasons why this Court should scrutinize the PFJ especially closely. Section II of this Discussion also will show that this scrutiny will reveal to the Court that the PFJ is not in the ''public interest.'' Section II of this discussion will demonstrate why this Court should reject the PFJ because: (a) key terms are so ambiguous or riddled with loopholes that they will not achieve any of the objectives of the relief portion of this litigation; and (b) difficulties in implementation, including the ineffective and cumbersome enforcement mechanism, will similarly serve to render the PFJ toothless. These two problems will exacerbate other features of the PFJ, which will cause significant injury to many third parties, including in particular consumers.

D. Especially Close Review Is Warranted Because the PFJ Is a ''Mockery of Judicial Power''

Finally, under the Tunney Act a reviewing court should not ''rubber stamp'' a proposed Consent Order that makes a ''mockery of judicial power.'' [37] The PFJ does exactly this.

Although a prompt, certain and effective remedy is often better than a perfect remedy achieved after extended litigation, virtually any remedy that this Court would order after litigation would be better than the PFJ. Section II of this discussion will demonstrate that the PFJ is neither prompt, certain, nor effective.

If the Court of Appeals'' three requirements for an adequate remedy are not satisfied, the public's investment in this case will be wasted and the public interest will not be served. Worse, future monopolists will be sent a signal that they will not be made to account for their illegal behavior, and so many might conclude that the entire Microsoft proceeding has been a mockery of judicial power.

E. The Court Should Not Make its Tunney Act Determination Until It Has Heard The Nonsettling States'' Evidence As To Which Remedy Is In The Public Interest Not only is this case unique in that the consent order has been submitted after a finding of liability has been made and upheld on appeal, it is also unique in that the Court continues to have a responsibility to fashion a remedy independent of whether it accepts the PFJ in its current or in modified form. This is because nine of the Plaintiff states did not accept the terms of the PFJ.

Clearly, these non-settling Plaintiff states in the Microsoft case believe that the PFJ is an unsatisfactory remedy for Microsoft's illegal conduct.[38] They believe that only much more stringent remedies would constitute an effective remedy.[39] They have asked for, and are entitled to, a hearing on their proposed remedy, and this remedy hearing is scheduled to start on March 11.[40]

The peculiar situation of this ''two track'' proceeding requires that the Court hold off its decision under the Tunney Act until after it has heard the arguments to be presented by the nine non-settling States. These plaintiffs have a constitutional right to completion of the trial, and this includes the right to a Hearing before a Court that not only is unbiased, but also a Court that appears to be unbiased. However, if this Court rules under the Tunney Act that the PFJ is in the ''public interest'' prior to the completion of the non-settling States'' hearing, this Court will appear to be biased. It will appear that, even before this Court has heard the evidence that the plaintiff states produce during the March 11 hearing, this Court already had determined the appropriate remedy in the Microsoft case.

To avoid even the appearance that this Court has prejudged the plaintiff-states'' case, this Court should receive and carefully review the public comments on the PFJ, and receive and carefully review the Justice Department's responses. But then this Court should hold off making a Tunney Act determination until the plaintiff-states'' hearing is completed.

This is especially true in light of the overall purpose of the Tunney Act. The Tunney Act granted authority to the Court to take additional evidence in order to ascertain whether the remedy is in the ''public interest.'' It sets deadlines for the DO J, the defendant and the public, but it does not prevent this Court from waiting until the remaining parties have presented their evidence.

Moreover, this delay will not cause any hardship to Microsoft, which has sought to delay the remedial proceedings in this case on numerous occasions. Since not postponing of the Court's Tunney Act determination would harm the remaining plaintiffs by depriving them of their right to a remedy determination that appears to be unbiased, and will not adversely affect Microsoft, a balancing of the equities (as would be done in a preliminary injunction proceeding) clearly suggests that the Court should not make a Tunney Act ''public interest'' determination until all of the evidence concerning the appropriate remedy is before this Court.

It is important to stress the need for further evidence and argumentation with respect to the remedy in this complicated case. As commentators under the Tunney Act, we are asked to rely on the Competitive Impact Statement (''CIS'') filed by the Department of Justice. The CIS mentions that the Department considered a variety of alternative remedies, but it fails utterly to analyze them, saying in less than one page, conclusorily and in disregard of its obligation to help the public comment on the case, that it has rejected all alternatives. Without the detailed explanation by the Government of why various alternatives (including many that were proposed by the American Antitrust Institute) were rejected, it is impossible for the public commentors to play their proper role under the Tunney Act in providing the Court with advice as to the implications of the PFJ. Because of this shortcoming, it is especially appropriate for the Court to hear the evidence in support of alternative remedies that will be promulgated by the non-settling States before judging what is in the public interest.

II. Substantive Failings of the Proposed Final Judgment

As noted in the previous section, the Court is not to ''rubber stamp'' whatever settlement the DOJ puts forward. The degree of deference given the DOJ depends on the stage of the proceeding.

Where, as here, the issues of liability been fully litigated and the remedial goals clearly established, the Court is obligated to ensure that any consent order fulfills those goals. Under this standard, the Court should reject the PFJ as a mockery of judicial power. But

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[34] United States V. Microsoft Corp., 56 F.3d 1448, 1463 (1995).

[35] Id. at 1462.

[36] Id.

[37] United States v. ABA, 118 F.3d 776, 783 (DC Cir. 1997) (''The district court must examine the decree in light of the violations charged in the complaint and should withhold approval only if any of the terms appear ambiguous, if the enforcement mechanism is inadequate, if third parties will be positively injured, or if the decree otherwise makes ''a mockery of judicial power''); See also, United States v. Central Parking Corp., 2000 U.S. Dist. LEXIS 6226 (D. DC 2000) (It appears, upon examination in light of the violations charged in the complaint, that the terms of the decree are not ambiguous, that the proposed enforcement mechanism is adequate, that third parties will not be ''positively injured,'' and that the decree does not make a mockery of judicial power);United States v. Microsoft Corp., 56 F.3d 1448, 1462 (DC Cir. 1995).

[38] These states filed their own proposal with the Court on December 7, 2001.

[39] Id.

[40] See Scheduling Order filed October 2, 2001.

even under the more deferential standards used to review pretrial consent orders, the Court should reject the PFJon grounds that it is ambiguous, unenforceable, injures consumers and other third parties.

A. The PFJ Constitutes a Mockery of Judicial Power

This case presents unique circumstances in that the issues of liability have been fully litigated and affirmed by the Court of Appeals in an unanimous en banc decision. Consequently, the Court must strictly follow the standard for a proper remedy established by the Court of Appeals: ''a remedies decree in an antitrust case must seek to [1] ''unfetter a market from anticompetitive conduct,'' [2] ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and [3] ensure that there remain no practices likely to result in monopolization in the future.'' [41] The PFJ fails to prohibit the most pernicious anticompetitive conduct identified by the Court of Appeals and does nothing to inhibit Microsoft's power to continue to use these tactics to maintain its operating system (''OS'') monopoly or to expand that monopoly into other markets. Not only does the PFJ do absolutely nothing to deprive Microsoft of the fruits of its monopoly, the Competitive Impact Statement (''CIS'') filed by the DOJ does not even mention this remedial goal mandated by the Court of Appeals. A proposal which completely ignores critical holdings of the Court of Appeals consitutes a mockery of judicial power.

1. Failure to Prohibit Anticompetitive Integration of Middleware and the Operating System

The PFJ fails to restrict, let alone prohibit, the most egregious types of illegal activity identified by the Court of the Appeals, Microsoft's integration of its products into the Operating System. As with many of the deficiencies in the PFJ, Microsoft's continuing and unfettered ability to integrate products into the operating system transgresses all three remedial goals established by the Court, for it is not only the most important tool used by Microsoft to maintain its current monopoly and create new ones, the exclusive power to integrate software into the operating system is a fruit of Microsoft's illegally maintained monopoly.

While the DOJ completely ignores the Court of Appeals mandate to deprive Microsoft of the fruits of illegal monopoly, the CIS concedes that appropriate relief should, among other things, ''end the unlawful conduct.'' [42] The Court of Appeals unanimously and squarely held that Microsoft's integration of the browser middleware and the operating system ''constitute exclusionary conduct, in violation of § 2'' of the Sherman Act.[43] More specifically, the Court of Appeals found that Microsoft violated the law by commingling software code and by failing to create a way to remove the commingled code from the operating system.[44] Not only does the PFJ fail to end this unlawful conduct by requiring Microsoft either to stop the commingling or to provide a way to remove the commingled code, the PFJ actually endorses such anticompetitive integration by giving ''Microsoft in its sole discretion'' the right to determine the ''the software code that compromises a Windows Operating System Product.'' [45] It is hard to imagine anything that could more readily constitute a mockery of judicial power than to authorize the defendant to engage in conduct which the court has specifically found to be illegal. Yet that is precisely what the PFJ does.

The importance of integration to Microsoft's ability to maintain and extend its monopoly can hardly be understated. It is Microsoft's weapon of mass destruction against competition. Network effects assure that middleware distributed with every new PC will dominate the market and drive out even superior products simply because the middleware is distributed with every new PC. In markets characterized by network effects, ubiquity beats quality. Microsoft can achieve this universal distribution without resort to threats of retaliation or contractual restrictions simply by commingling its middleware code with the operating system software code. As the Court of Appeals found, Microsoft can and has used this type of integration to snuff out middleware that threatened the applications barrier to entry which protects Microsoft's operating system monopoly. So important is this weapon to Microsoft that it sought a rehearing on this matter, despite the fact that the Court had unanimously found that the conduct violated Section 2 of the Sherman Act. Not surprisingly, the Court of Appeals refused to rehear the issue.[46]

The Court of Appeals identified two types of illegal integration, commingling the browser middleware code with the operating system and excluding the browser middleware code from the Add/Remove programs utility. Yet the PFJ neither prohibits commingling nor mandates a method of removing commingled code. Section III.H of the allows OEMs and end users to hide Microsoft middleware products, but Microsoft can force the OEMs to install Microsoft middleware products as part of the operating system. OEMs and consumers can remove the icons for Microsoft middleware products, but neither OEMs nor consumers remove the middleware product itself. It is simply untrue to say that OEMs will have ''freedom to make middleware decisions'' [47] when Microsoft ''in its sole discretion'' can force OEMs to distribute and consumers to accept Microsoft's middleware product as part of the operating system.[48]

Similarly, OEMs and end users can change the settings so that, for example, the PC will launch RealPlayer instead of Microsoft's Windows Media Player middleware to play certain types of music, but neither the OEM nor the end user can really turn off the Windows Media Player. Windows Media Player will still play the music whenever ''necessary for valid technical reasons to supply the end user with functionality consistent with a Windows Operating System Product.'' [49]

Given the existence of network effects, this inability to turn off, let alone remove, Microsoft middleware will ensure that Microsoft defeat rivals offering cross platform alternatives. Consider the music example. RealPlayer does not play music streamed in Microsoft's proprietary format and Windows Media Player does not play music streamed in RealNetworks proprietary format.

Consequently, whenever consumer wants to hear music streamed in Microsoft's format, the PC will automatically play the music using Windows Media Player even though the consumer or the OEM has installed RealPlayer. But the situation is not reciprocal. If the consumer or OEM has not installed RealPlayer and chosen it as the option to play music, when the consumer attempts to listen music streamed in RealNetwork's format the PC will not automatically invoke RealPlayer.

Instead, the PC will display an error message, probably leading the consumer to believe that the content provider's products are defective. Now consider the position of content provider. She can stream her music in RealNetwork's format, which may provide superior features, but which can only be listened to on a subset of PCs. Alternatively, she can stream her music in Microsoft's format and have it play on all PCs, even PCs where the OEM or end user has attempted to disable Windows Media Player. Of course, she will choose to stream in Microsoft's format and as more and more content providers reach the same obvious conclusion, demand for RealPlayer will evaporate regardless of which format provides the better quality music or lower prices. (Note that price is an issue. Even if Microsoft does not charge a separate price for Windows Media Player, Microsoft does sell the server software, encoding tools, etc., to content providers.)

Realistically, ISVs cannot avoid the implications of integration by purchasing installations from OEMs. The obstacles to successful implementation of such a strategy are overwhelming. First, network effects dictate that an ISV will have to purchase installation from every OEM or it will fail to achieve the universal distribution necessary to have a fighting chance against Microsoft.

The price for universal distribution will not be cheap. Again, consider the plight of RealNetworks. Since an OEM cannot remove Windows Media Player, Real Networks would have to compensate the OEM for the additional testing, support and hardware costs of having two media players installed on the PC.[50] OEMs will demand payment because the universal distribution needed by RealNetworks to survive will also mean that an OEM cannot achieve a competitive advantage over its rivals by installing RealPlayer, e.g., IBM cannot differentiate its PCs from Dell's by installing RealPlayer when Dell also installs RealPlayer, and if

[41] Microsoft III, 253 F.3d at 103 (citations omitted).

[42] CIS, p. 24.

[43] United States v. Microsoft Corp., 253 F.3d 34, 67 (DC Cir. 2001); CIS, pp.3 and 7.

[44] Id. at 66–67

[45] PFJ, sec. VI.U.

[46] United States v. Microsoft 2001 U.S. App. LEXIS 17137 (DC Cir.)

[47] CIS, p.3.

[48] 48 PFJ, sec. VIM.

[49] PFJ, sec. III.H.

[50] Microsoft III, 253 F.3d at 64.

RealPlayer is not installed on both IBM and Dell PCs, RealNetworks cannot reasonably hope to survive against Microsoft in this middleware market. The cost to RealNetworks is compounded by the fact that Microsoft not only does not have to compensate the OEM for the cost of installation, Microsoft also gets paid by the OEM for installation of Windows Media Player as part of the overall royalty for Windows. Consequently, every PC shipped would represent an expense to RealNetworks and income to Microsoft. In short, any ISV who seeks to challenge Microsoft in a middleware market will do so at an enormous and probably insurmountable cost disadvantage.

The PFJ contains provisions which further discourage ISVs from challenging Microsoft's integrated middleware and diminish their chances of success if they do. For example, the PFJ gives Microsoft the right to have Windows automatically request the end user to change back to Microsoft middleware fourteen days after the PC's first use.[51] Assume that RealNetworks convinces an OEM to install RealPlayer and to configure the PC to use RealPlayer instead of Windows Media Player for music. Two weeks after the consumer purchases her new PC, she may be confronted with a pop up window asking her to switch to Windows Media Player every time she tries to listen to music. Microsoft is free to make it impossible to turn off these incessant requests except by agreeing to turn off RealPlayer and turn on Windows Media Player. Just to get rid of the annoying message, at least some consumers will agree to switch to Windows Media Player. In other words, RealNetworks cannot really purchase more than fourteen days worth of installation on a PC. Microsoft, however, will Windows Media Player permanently installed as part of the operating system.

Microsoft also has an unrestricted right to automatically override the consumer's or OEM's configuration whenever the consumer installs ''a new version of a Windows Operating System Product.'' [52] There are no restrictions on Microsoft's power to issue ''new versions'' of Windows. Nor is there any restriction on Microsoft's ability to update a consumer's PC to these new versions automatically when the consumer connects to the Internet. Microsoft is free to issue automatic updates to new versions of Windows which do little more than sweep away the configuration. So even among consumers who refuse Microsoft's repeated requests to switch to Windows Media Player, the RealPlayer installation may last only until Microsoft issues its next operating system update.

At best, therefore, all an ISV can purchase from an OEM will be a temporary presence on many PCs. Not only will this discourage ISVs from entering the market with competitive middleware products, those who do will find that a temporary presence creates the same problems as lack of universal distribution due to network effects. Why should someone stream audio, write applications, etc., for a non-Microsoft middleware product that is available on a hit or miss basis when Microsoft middleware is universally present on a permanent basis?

There are two effective tools to deal with the issue of anticompetitive integration: (1) prohibit integration by Microsoft or (2) require Microsoft to include competitive middleware with the operating system. The PFJ contains neither tool. Given a unanimous en banc decision of the Court of Appeals holding that Microsoft illegally commingled middleware code with the operating system, the failure of the PFJ to provide either tool constitutes a mockery of judicial power.

2. Microsoft Remains Free to Withhold Vital Information

Without disclosure of the operating system's APIs and related information, IHVs, IAPs, ICPs, OEMs, and perhaps most importantly ISVs cannot develop functional products that will work on Windows. Microsoft used selective disclosure of this information as a reward/retaliation mechanism in order to obtain compliance from third parties in its effort to eliminate competition from cross platform middleware products. Furthermore, by withholding information from ISVs that is available to Microsoft's own developers or by disclosing the information to ISVs later than the information is made available to Microsoft's own developers, Microsoft can retard an ISV's ability to develop competitive products, including middleware.

In a competitive market for operating systems, Microsoft would fully disclose all APIs and related information in order to attract support from third parties and to make sure that their products worked as well as they possibly could with the Windows operating system. But Microsoft does not operate in a competitive marketplace, and Microsoft has an incentive to engage in selective, incomplete and delayed disclosures in order to prevent the development of cross platform middleware products.

Rather than simply compel Microsoft to make the complete and timely disclosures that would ordinarily be required by a competitive marketplace, the PFJ puts into place a regime which seems designed to preserve Microsoft's unbridled ability to exploit its monopoly power through selective disclosure. For example, the PFJ does not require disclosure of all APIs but only the subset of ''the APIs and related documentation that are used by Microsoft Middleware to interoperate with a Windows Operating System Product.'' [53] There are a number of problems with this restricted set of mandatory disclosures. First, ISVs may want to use APIs in Windows that Microsoft does not happen to use for its own middleware. While a certain API or set of APIs may be the best way for Microsoft to implement its middleware on Windows, a different set of APIs may prove better for a competitor's middleware. Under the terms of the PFJ, however, Microsoft only has to disclose the APIs used by its own middleware. In other words, and contrary to the CIS, competitiors do not have access to the same APIs as Microsoft's own middleware developers. Rather, they have access only to those APIs used by Microsoft's middleware developers.

Second, Microsoft has complete discretion over which APIs fall into this subset of mandatory disclosures. Under the PFJ, an API is limited to the interfaces ''that Microsoft Middleware running on a Windows Operating System Product uses to call upon that Windows Operating System Product in order to obtain any services from that Windows Operating System Product.'' [54] The PFJ also gives Microsoft complete control over what constitutes the ''Windows Operating System Product.'' [55] The repeated references to ''Windows Operating System Product'' in the definition of APIs make clear that Microsoft can refuse to disclose APIs simply by exercising its unfettered discretion under the PFJ to remove those APIs from the ''Windows Operating System Product.''

Third, the APIs used by important Micorosoft Middleware Products such as Windows Media Player may not be subject to mandatory disclosure. The PFJ does not require disclosure of the APIs used by ''Microsoft Middleware Products.'' Instead, the PFJ requires disclosure of the APIs used by ''Microsoft Middleware.'' [56] The definition of ''Microsoft Middleware Products'' expressly includes not only Windows Media Player, but also other important middleware such as Microsoft Internet Explorer.[57] However, these products are not expressly included in the definition of ''Microsoft Middleware.'' [58] Not all software which provides ''the same or substantially similar functionality as a Microsoft Middleware Product'' [59] falls within the definition of ''Microsoft Middleware.'' It must also be ''distribute[d] separately separately from a Windows Operating System Product to update that Windows Operating System Product.'' [60] If, for example, Microsoft ceases to distribute Internet Explorer and Windows Media Player separately from Windows or if Microsoft no longer treats these separate distributions of Internet Explorer and Windows Media Player as Windows updates, then Internet Explorer no longer constitutes ''Microsoft Middleware'' and Microsoft no longer has an obligation to disclose the APIs used by Internet Explorer.[61]

Whether a product falls within the definition of ''Microsoft Middleware,'' and hence whether the APIs it uses must be disclosed, also depends on whether the product is trademarked.[62] Under PFJ section VI.T, a product is ''Trademarked'' if Microsoft claims a trademark in the product, separate from its trademark claims for ''Microsoft??'' and ''Windows??,'' by, for example, marking the name with the ??

[51] PFJ, sec. III.H.3

[52] PFJ, sec. III.H.3.

[53] PFJ, sec. III.D.

[54] PFJ, sec. VI.A.

[55] PFJ, sec. VI.U.

[56] PFJ, sec. III.D and VI.A

[57] PFJ, sec. V.K

[58] PFJ, sec. VI.J

[59] PFJ, see. VI.J.3.

[60] PFJ, sec. VI.J. 1.

[61] Note that Microsoft's current distribution of these products for the Macintosh platform will not constitute the required separate distribution because the Macintosh versions cannot be updates to Windows.

[62] PFJ, sec. VI.J.2.

character. But a product is not Trademarked if its name is ''comprised of the Microsoft ?? or Windows?? trademarks together with descriptive or generic terms.'' In other words, Microsoft Internet Explorer?? and Windows Media Player?? would be Trademarked and the APIs used by those products would be subject to disclosure. But Microsoft?? Internet Explorer and Windows?? Media Player would not be Trademarked and the APIs used by those products would not be subject to any mandatory disclosure. Under PFJ Section VI.T, Microsoft ''disclaims any trademark rights in such descriptive or generic terms.''

Consequently, if the Court enters the PFJ, Microsoft Internet Explorer?? and Windows Media Player?? will automatically become Microsoft?? Internet Explorer and Windows?? Media Player and the APIs used by those products will fall outside the scope the PFJ's mandatory disclosure provisions.

Fourth, the number of APIs subject to mandatory disclosure is further reduced by PFJ section III.J.1 (a) which allows Microsoft to refuse disclosure of APIs ''which would compromise the security of a particular installation or group of installations of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems.'' The importance of the APIs for these functions can be seen from the fact that anyone who wishes to play music distributed by the PressPlay joint venture created by two of the five major record labels will need access to the digital rights management APIs. The CIS asserts that ''the APIs ... for the Secure Audio Path digital rights management service ... must be disclosed.'' [63] Unfortunately, the CIS is wrong. Section III.J.1(a) of the PFJ states: ''No provision of the Final Judgment shall ... [r]equire Microsoft to ... disclose ... portions of APIs ... which would compromise the security of a particular installation or group of installations of ... digital rights management.'' The CIS appears to assume that ''installation'' refers to an ''end-user installation,'' [64] when, in fact, the the term ''end-user installation limitation'' is not stated anywhere in Section III.J.1.a. Installation could just as easily mean Microsoft particular installation of this technology in Windows generally as it could an consumer's particular installation on his own PC. Indeed, the former interpretation is more probable, at least with respect to APIs, since it is hard to conceive of a Windows API installed only on the PC of one particular consumer.

Fifth, not only are ISVs limited to an artificially and anticompetitively limited subset of the APIs, ISVs do not get access to those APIs until the ''last major beta test release'' of the Microsoft Middleware. In other words, ISVs can never hope to catch up with Microsoft's own developers. While Microsoft's developers presumably have access to new APIs as soon as they are created, ISVs do not get access to new APIs until Microsoft releases a beta version of the revised operating system to 150,000 or more beta testers.[65] It is not clear that Microsoft has ever had 150,000 beta testers in any of its beta testing programs.

Sixth, the PFJ delays the initial disclosure of the APIs for a year.[66] There is no need for this delay. Microsoft already discloses the APIs it wants to disclose through the Microsoft Developer Network mechanism utilized by the PFJ. The CIS restates the one year delay, but provides no justification for it. Consequently, it is a mockery of judicial power to allow Microsoft to continue this anticompetitive conduct for another year.

Finally, PFJ section J.2 empowers Microsoft to exclude Open Source developers from access to many, if not all, APIs. The most important source of competition for Microsoft may well come not from commercial ISVs but the Open Source movement, i.e., the creators of Linux, Apache, etc. While the Open Source movement has significant potential for creating competition, the Open Source movement does not constitute a for profit business or even a traditional nonprofit business. Section III.J.2(b), however, gives Microsoft the right to condition access to many APIs on proof of ''a reasonable business need for the API'' and section III.J.2(c) allows Microsoft to limit access to those who meet ''reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business.'' Participants in the Open Source movement will have difficulty establishing that they are a business with business needs under many tests, but it will certainly be impossible to meet the standards established by Microsoft given that Microsoft has already attacked the Open Source model as ''unhealthy'' and doomed to failure.[67] Indeed, Microsoft has even branded all Open Source software as ''a virus.'' [68]

The CIS is simply wrong when it states that ''Subsection III.J.2, by it explict terms, applies only to licenses for a small subset of the APIs and Communications Protocols that Microsoft will have to disclose.'' [69] In reality, Section III.J.2, ''by its explicit terms,'' covers APIs and other information ''related to anti-piracy systems, anti-virus technologies, license enforcement mechanisms, authentication/authorization security, [and] third party intellectual property protection mechanisms.'' Virtually all APIs fall into this category, depending on how one defines ''related to'' and Microsoft will have no incentive to define the phrase narrowly. But even under a narrow interpretation of section III.J.2, participants in the Open Source movement may still be excluded from disclosures of APIs and other critical information on grounds that they are not ISVs because they do not constitute an entity. Sec. Vii.

The District Court found, and the Court of Appeals affirmed, that Microsoft illegally maintained its monopoly by engaging in selective and delayed disclosures of APIs. The PFJ allows this practice to continue virtually unabated. Consequently, the PFJ is a mockery of judicial power.

3. Failure to Prohibit Anticompetitive Corruption of Cross-Platform/Open Standards

Microsoft's assault on middleware threats to its Operating System monopoly has not been limited to integration. Java represented a perhaps even greater threat to Microsoft's Operating System than Netscape's web browser, and unlike the Netscape web browser, Java continues to be a viable product. Created by Sun, Java is at its essence a technology that allows programmers to write applications that will run on any operating system with a Java Virtual Machine installed.

Microsoft licensed Java from Sun and began to market programming tools for ISVs to use in writing Java applications. Microsoft also created its own version of the Java middleware for Windows. Microsoft, however, secretly altered its implementation of Java so that applications written using Microsoft's programming tools would not run correctly under any operating system other than Windows. The Court of Appeals condemned Microsoft's use of these tactics as part of an ''embrace and extend'' strategy—Microsoft embraced an open/cross-platform and then extended it with Windows-only proprietary technology—as a violation section 2 of the Sherman Act. Use of the ''embrace and extend'' strategy, whether done openly or in secret, effectively renders any cross-platform technology useless as a means of breaking down the applications barrier to entry.[70]

While the PFJ does purport to contain language which restricts—but does not eliminate—Microsoft's use of exclusive dealing agreements and threats of retaliation for using competing middleware products, including, presumably, Sun's Java Virtual Machine, nothing in the PFJ restricts Microsoft's ability to subvert an open standard by engaging in a surreptitious embrace and extend strategy. If, as the CIS asserts, ''[c]ompetition was in this case principally because Microsoft's illegal conduct maintained the applications barrier to entry into the personal computer operating system market by thwarting the success of middleware that would have assisted competing operating systems in gaining access to applications and other needed complement,'' then Microsoft must be prohibited from polluting the open standards on which cross-platform middleware relies. The failure of the PFJ to do so constitutes a mockery of judicial power.

[63] 63 CIS, p. 35.

[64] Page 51 of the CIS states that Section III.J.1.a is ''limited to specific end-user implementations of security items.''

[65] PFJ, sec.III.D and. VI.R.

[66] More specifically, the PFJ section III.D states that the mandatory disclosures will begin ''[s]tarting a the earlier of the release of Service Pack 1 for Windows XP or 12 months after submission of the [Proposed] Final Judgment for to the Court.''

[67] See, Prepared Text of Remarks by Craig Mundie, Microsoft Senior Vice President The Commercial Software Model The New York University Stern School of Business May 3, 2001 <http://www.microsoft.com/presspass/exec/craig/05–03sharedsource.asp>

[68] See, e.g., Stephen Shankland,'' Microsoft license spurns open source'' CNet News.com, June 22, 2001 <http://news.com.com/2100–1001–268889.html?legacy=cnet>

[69] 69 CIS, p. 53.

[70] Microsoft III, 253 F.3d at 74–78.

4. Microsoft Remains Free to Retaliate Against Those Who Favor Competitive Products

Section III.A of the PFJ initially purports to prohibit retaliation against OEMs who distribute competitive middleware products. Yet section III.A then renders this prohibition meaningless by giving Microsoft the right to provide ''Consideration ....commensurate with the absolute level or amount of that OEM's development, distribution, promotion, or licensing of that Microsoft product or service.'' Consideration includes both ''monetary payment'' and ''the provision of preferential licensing terms.'' [71] So Microsoft may reward OEMs who distribute, promote or license Microsoft products to the exclusion of competitive middleware products. Of course, those OEMs who favor competitive middleware products will not receive ''Consideration'' from Microsoft. It does not matter that this use of Consideration is limited to ''absolute'' versus ''relative'' levels of distribution. The additional support costs of installing two products which provide the same functionality will deter most OEMs from installing competitive product when they are already installing the Microsoft product. By any reasonable standard, therefore, Microsoft's ability to give consideration to OEMs for the distributing, promoting and licensing of Microsoft's products amounts to an unrestricted right to retaliate against OEMs who distribute, promote or license non-Microsoft products.

Similarly, Section III.G.1 purports to prohibit Microsoft from offering ''Consideration'' to OEMs as well as IAPs, ICPs, ISVs, and IHVs in exchange for their distribution of Microsoft Platform software in a fixed percentage, but the section goes on to state Microsoft may enter such agreements whenever ''Microsoft in good faith obtains a representation that is commercially practicable for the entity to provide equal or greater distribution, promotion, use or support for software that competes with Microsoft Platform Software.'' Note that the OEMs and others are not required to distribute any competitive product, only to represent that they could distribute competitive products. The CIS points out that Microsoft could grant an ISV preferential marketing, technical and other support ''on the condition that the ISV ship the Windows Media Player along with 70% of the ISV's products'' so long as ''the ISV affirmatively states that it is commercially practicable for it also to ship competing media players with at least the same (or greater) number of shipments.'' [72] Commercial practicability is not defined in the PFJ, and it is difficult to imagine that an ISV (or OEM, IAP, etc.) would refuse to make such a representation in exchange for preferential treatment from Microsoft. At the same time, it is difficult to believe that an ISV would distribute two products that perform the same function. As with OEMs, the additional distribution costs may be small, but the additional support costs to help consumers sort out which product to use are likely to be prohibitive.

Section III.F.2 also purports to prohibit Microsoft from giving an ISV Consideration in exchange for the ISV's agreement to refrain from ''developing, using, distributing, or promoting any software'' that competes a Microsoft or runs on a competing platform. Yet the very same section gives Microsoft the right to enter into these exclusive agreements as part of a ''bona fide contractual obligation of the ISV to use, distribute or promote any Microsoft software.'' All ISVs who write software for Windows must use Windows, even if only to test whether products will run under Windows. Consequently, Microsoft is relatively free to offer Consideration, including preferential developer support, to any ISV as part of the ISV's other contractual obligations with Microsoft. Section III.F.2 does, to be sure, require that the restrictions be connected to ''bona fide contractual obligations'' and limits the permissible restrictions to those that are ''of reasonable scope and duration.'' But these are all undefined terms, so challenges to conduct under this section as unreasonable in scope or duration may require years of litigation. Since the Technical Committee (''TC'') cannot issue binding decisions, nor can its members testify, nor can its work product be used in any enforcement proceeding, the TC will add a layer of delay rather than expedite resolution of these disputes.

B. Consumers and Other Third Parties Will Be Injured

Independently of whether the PFJ consitutes a mockery of judicial power, the Court can and should refuse to a consent order which poses a high risk of injury to consumers or other third parties. The PFJ contains provisions which will affirmatively make matters worse in at least four important ways. First, the PFJ contains language which Microsoft may be able use to require competitors to license their intellectual property to Microsoft. This would take away the rights of third parties to negotiate with Microsoft over whether and on what terms Microsoft may use their property. Second, the Court of Appeals modified the standard for tying from ''illegal per se'' to ''rule of reason,'' but the PFJ purports to immunize Microsoft from tying claims altogether. This poses an unacceptable risk that the third party victims of Microsoft's tying may lose some or all their rights to challenge this conduct. Third, whereas Microsoft now makes it possible to remove certain middleware such as Windows Messenger from middleware, the PFJ will limit Original Equipment Manufacturers (''OEMs'') and consumers to deleting icons. Finally, the PFJ enables Microsoft to retaliate with legal immunity against OEMs and others in a variety of ways.

1. The PFJ Requires Cross-Licensing of Third Party Intellectual Property to Microsoft.

Currently, ISVs and other third parties are at least theoretically free to license their intellectual property to Microsoft or not as they see fit. The extent to which third parties actually have the power to exercise this legal right may remain in doubt due to Microsoft's monopoly power, but the PFJ, with no consideration for the possible anticompetitive effects of cross licensing with a monopolist in networked markets, appears to sweep away the intellectual property rights of third parties who deal with Microsoft.

The loss of the legal right to refuse to cross license intellectual property with Microsoft is found in section III.I.5 which provides:

an ISV, IHV, IAP, ICP, or OEM may be required to grant to Microsoft on reasonable and nondiscriminatory terms a license to any intellectual property rights it may have relating to the exercise of their options or alternatives provided by this [Proposed] Final Judgment; the scope of such license shall be no broader than necessary to insure that Microsoft can provide such options or alternatives.

The scope of this provision and its potential impact on third parties is astonishing. Assume, for example, that an OEM wishes to enable dual booting, i.e., to allow the end user to choose between using Linux (or some other OS) and Windows when she turns on her PC. Can Microsoft insist that it receive a license from the OEM for the software that makes the choice possible? The answer would seem to be yes. After all, the OEM would be attempting to take advantage of ''options or alternatives provided'' by the PFJ and Section III.I.5 does say that Microsoft may require the OEM to grant Microsoft ''a license to any intellectual property rights it may have relating to the exercise of [its] options or alternatives.'' Expanding Microsoft's ability to insist on cross-licensing will likely have two types of negative effects. In some cases, it will raise the price of dealing with Microsoft too high for the other company, in which case the company will be disadvantaged in the marketplace. In other cases, the cross-licensing will occur and Microsoft may gain important intellectual property that will give it a competitive advantage over its competitors. In either instance, the incentives for other companies to produce new intellectual property will be reduced and consumers will suffer.

2. The PFJ May Immunize Microsoft From Tying Claims.

One of the more remarkable phenomena in this case has been Microsoft's success at escaping liability for tying under Section 1 of the Sherman Act. When the lawsuit began, Microsoft, like everyone else, was subject to the rule that tying is illegal per se. The Court of Appeals ignored at least a half century of Supreme Court precedent and held that the rule of reason analysis should apply to Section 1 claims of tying against Microsoft.[73] (Note that the Court of Appeals already found that this conduct violated the rule of reason standard under Section 2 of the Sherman Act.) Section VI.U of the PFJ, however, dispenses with even the rule of reason analysis and tries to immunize Microsoft from tying claims altogether when it states that the ''software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion.'' Even the failed 1995 Consent Decree required Microsoft to offer at least a plausible procompetitive reason for its tying of software to the Operating System.[74] It is

[71] PFJ, sec. VI.C.

[72] CIS, pp. 42–43.

[73] Microsoft Ill, 253 F.3d at 89–95.

[74] See United States v. Microsoft Corp., 147 F.3d 935 (DC Cir. 1998).

difficult even to conceive of a greater victory for a convicted abusive monopolist who is already in the process of tying new products to its core operating system monopoly. This provision of the PFJ alone makes a mockery of the entire case, but it also could mean that the victims of tying, whether it be consumers forced to purchase products they do not want or ISVs whose products are excluded from the OEM channel of distribution, may also be left without remedy. Clearly, the PFJ gives consumers and other third parties no legally enforceable rights.[75] The PFJ also presents an unacceptably high risk of depriving them of their existing rights. Such a consent order is not in the public interest.

3. The PFJ Delays Changes in Microsoft's Conduct which Should Already Be in Place. Section III.H allows OEMs and consumers to hide certain Microsoft middleware by deleting the icons for the Microsoft products and replacing them with icons for competitive products beginning ''at the earlier of the release of Service Pack 1 for Windows XP or 12 months after submission of this [Proposed] Final Judgment to the Court.'' In the rapidly changing middleware markets affected by this provision, a year may provide Microsoft more than enough time to eliminate viable competitors by excluding them from access to consumers, and there is no justification for giving Microsoft a year to implement this provision. On July 11,2001, Microsoft issued a press release stating these changes would be incorporated into Windows XP when it shipped in October 2001.[76] If Microsoft could implement this flexibility in October 2001, why must competition take a battering for another full 12 months? The delay can only serve to entrench Microsoft's efforts to eliminate competition in the middleware markets covered by Section III.H of the PFJ.

4. The PFJ Enables Microsoft to Retaliate Against OEMs and Others. As noted in our comments on justice and ambiguity, Microsoft may in fact remain free to retaliate against OEMs, Independent Software Vendors (''ISVs'') and others who do not favor Microsoft middleware products. While the other comments focus on Microsoft's ability to take advantage of loopholes and vague and ambiguous provisions within the PFJ, perhaps it is as important to note that the PFJ covers only a small number of Microsoft products. Programming tools and Application Programming Interfaces (''APIs'') not used by Microsoft are critically important to ISVs and others. Similarly, Microsoft Office's commanding market share makes it an indispensible product to OEMs. The Court of Appeals noted the willingness of Microsoft to use these products in its illegal efforts to maintain the Windows monopoly, yet the PFJ leaves Microsoft free to retaliate against ISVs, OEMs and others by discriminating on price and other terms of access to these products. Without realistic protections against retaliation, the record of this case indicates strongly that many remedial portions of the PFJ will be ineffective. C. The Proposed Final Judgment Is Ambiguous ''A district judge pondering a proposed consent decree understandably would and should pay special attention to the decree's clarity.'' [77] The PFJ fails to set forth specific and precise remedies for the antitrust concerns identified by the Court of Appeals. There are no clear prohibitions on Microsoft's conduct in the Proposed Final Judgment. Many of the putative restrictions on Microsoft are vague and all are riddled with exceptions and qualifications. As the experience over the 1995 Consent Decree shows, Microsoft and the government may have enormous differences of opinion as to the meaning of the terms. This lack of clarity will almost certainly compound the delay already present in the Proposed Final Judgment since the inevitable differences of opinion cannot be resolved without extended litigation to determine the ''intent'' of the parties according to the rules of contract law.

1. Unclear Whether Microsoft Can Retaliate Against OEMs Who Favor Competitive Products A critical issue in Microsoft's illegal maintenance of its monopoly has been its ability to retaliate against those who stand in its way, especially OEMs. OEMs provide an extraordinarily important distribution channel for software, including any cross-platform middleware that could serve to break down the applications barrier to entry. Unlike Microsoft, OEMs face intense competition and operate on razor thin profit margins. Consequently, they are especially vulnerable to retaliation from Microsoft. Seemingly small differences in the price charged for Windows can account for the success of one OEM and the demise of another. Nor is retaliation limited to price differences for Windows. If Microsoft can retaliate through the prices it charges for other products, such as Microsoft Office, and through the level of support that Microsoft gives an OEM. Since OEMs currently have no viable alternative to Windows, they simply cannot afford incur Microsoft's disfavor.

Section III.A. 1 appears to prohibit Microsoft retaliating against OEMs who favor rival products: Microsoft shall not retaliate against an OEM by altering Microsoft's commercial relations with that OEM, or by withholding newly introduced forms of non-monetary Consideration ... from that OEM, because it is known to Microsoft that the OEM is or is contemplating ... developing, distributing, promoting, using, selling, or licensing any software that competes with Microsoft Platform Software ...

Now assume that an OEM wants to develop, distribute and promote a new type of software that will compete with JAVA as a tool for creating applications that will run on multiple Operating Systems. As such, this technology threatens to erode the Applications Barrier to Entry that protects Microsoft's monopoly. Can Microsoft retaliate against the OEM for doing this? No one can tell from the language of the PFJ. First, there is the question of whether this new technology competes with a ''Microsoft Platform Product.'' Microsoft Middleware products are included within the PFJ's definition of a ''Microsoft Platform Product.'' [78] It is still unclear, however, whether this new OEM middleware would compete with ''Microsoft Platform Software.'' The PFJ narrowly defines ''Microsoft Middleware Products.'' [79] Microsoft's ''Java Virtual Machine'' is included in the definition of Microsoft Middleware Products,[80] but the OEM is not offering a different ''Java Virtual Machine,'' The OEM is offering an alternative to using Java. True, this technology threatens Microsoft's monopoly in the same way as Java does, but it remains unclear whether this new technology competes with any Microsoft Middleware Products. Therefore, it remains unclear whether the new technology competes with Microsoft Platform Software. Therefore, it remains unclear whether Microsoft may retaliate against the OEM for offering this technology. Consider another example where an OEM seeks to distribute the Netscape web browser, and the OEM promotes its use of Netscape in advertising, etc. Presumably this presents a clearer case since the definition of Microsoft Middleware Products expressly includes the Internet Explorer web browser and, therefore, it would seem almost certain that the Netscape web browser competes with Microsoft Platform Software. May Microsoft retaliate against the OEM for distributing the Netscape web browser? Again, the answer is unclear. As previously noted, section III.A. 1 does state that Microsoft cannot condition any Consideration that it gives an OEM based on whether the OEM distributes or promotes software that competes with Microsoft Platform Software. But Section III.A also states that ''[n]othing in this provision shall prohibit Microsoft from providing Consideration to any OEM with respect to any Microsoft product or service where that Consideration is commensurate with the absolute level or amount of that OEM's development, distribution, promotion, or licensing of that Microsoft product or service.'' In other words, Microsoft cannot withhold Consideration for promoting Netscape, but Microsoft can withhold Consideration for failing to promote Internet Explorer. OEMs have limited resources to devote to the distribution and promotion of software, and if an OEM devotes its marketing budget to Netscape, the OEM cannot also spend those funds distributing and promoting Internet Explorer. Consequently, the OEM's distribution and promotion of Netscape may mean that the OEM has not given the required level of distribution or promotion to Internet Explorer, thereby entitling Microsoft to withhold the Consideration that Microsoft gives to competing OEMs who do not distribute and promote Netscape. This contradiction recreates the same type of ambiguity found the 1995 Consent Decree which prohibited Microsoft from tying products to Windows, but expressly allowed Microsoft to integrate products into Windows.

2. Unclear Whether Non-Microsoft Middleware and Non-Microsoft MiddleWare Products as Defined by the PFJ Could Ever Exist

[75] PFJ, see. VIII.

[76] See Microsoft Press Release.

[77] United States v. Microsoft, 56 F.3d 1448, 1461(DC Cir. 1995).

[78] PFJ, sec. VI.L(ii).

[79] PFJ, sec. VI.K

[80] PFJ, Sec. VI.K.1

Some of the most important provisions of the PFJ concern the rights of OEMs, consumers, and others to use Non-Microsoft Middleware and Non-Microsoft Middleware Products. Section III.H, for example, allows an OEM or end user to hide Microsoft Middleware Products and install Non-Microsoft Middleware Products as the default mechanism to perform the same functions. Thus, it would seem that an OEM could remove the icon for Internet Explorer and replace it with an icon for Netscape's web browser, but in reality this will depend on whether Netscape's web browser constitutes a Non-Microsoft Middleware Product. To constitute a Non-Microsoft Middleware Product, Netscape's web browser must, among other things, expose ''a range of functionality to ISVs through published APIs.'' [81] Generally speaking, APIs are the special codes that an application uses to communicate with Middleware or the Operating System. Indeed, Middleware constitutes a competitive threat to Microsoft's Operating System monopoly because Middleware contains its own set of APIs so that an application does not have to communicate directly with the Operating System. As long as the PC contains the appropriate Middleware, the application will run regardless of whether the PC uses Windows or some other Operating System. This is not to say that the Operating System APIs are irrelevant. The Middleware still uses the Operating System's APIs, but the applications use the Middleware APIs. Netscape's web browser does expose APIs as that term is commonly used.

The PFJ, however, contains a much narrower definition of APIs than that commonly used. Under PFJ section VI.A, only ''the interfaces ... that Microsoft Middleware running on a Windows Operating System Product uses to call upon that Windows Operating System Product in order to obtain any services from that Windows Operating System Product'' constitute APIs. In other words, APIs that exist outside the Windows Operating System do not appear to constitute APIs at all. These APIs are, of course, Microsoft's intellectual property.

So, for an OEM to have the right to install Netscape as the default web browser the question is not whether Netscape exposes Netscape APIs, but whether Netscape exposes Windows APIs. This makes no sense since it could easily mean that there is no such thing as Non-Microsoft Middleware Product, thereby rendering a significant portion of the PFJ meaningless. But this interpretation is more than plausible given the express language of the PFJ. Ultimately, the Court may reject this interpretation and refuse to use the PFJ's definition of APIs for purposes of determining what constitutes a Non-Microsoft Middleware Product. Then again, the Court might not. Either way, the PFJ is ambiguous on this fundamental point.

3. Unclear Whether Microsoft May Retaliate Against ISVs Who Favor Competitive Products Just as Section III.A. 1 initially appeared to limit Microsoft's ability to retaliate against OEMs, so too Section III.F.1 provides that ''Microsoft shall not retaliate against any ISV ... because of that ISV's ... developing, using distributing, promoting or supporting any software that competes with Microsoft Platform Software or any software that runs on any software that competes with Microsoft Platform Software'' and Section III.F.2 states that ''Microsoft shall not enter into any agreement relating to a Windows Operating System Product that conditions the grant of any Consideration on an ISVs refraining from developing, using, distributing, or promoting any software that competes with Microsoft Platform Software or any software that runs on any software that competes with Microsoft Platform Software.'' As with the prohibition against OEM retaliation, whatever clarity these provisions might otherwise have vanishes upon careful examination.

Assume that an ISV plans to develop a game that will make use of some RealPlayer's multimedia functionalities. Does the PFJ allow Microsoft to punish the ISV for not using RealPlayer instead of Windows Media Player? Could Microsoft, for example, refuse to provide the ISV with technical support in retaliation? The answer is far from clear. RealPlayer competes with Windows Media Player, which is included in the definition of Microsoft Middleware Products and, therefore, within the definition of Microsoft Platform Product which would seem to invoke Section III.F's ban on retaliation. But Section III.F.2 contains an exception to the general rule against withholding Consideration in retaliation for the use of competing software: Microsoft may enter into agreements that place limitations on an ISV's development, use, distribution or promotion or any such software if those limitations are reasonably necessary to and of reasonable scope and duration in relation to a bona fide contractual obligation of the ISV to use, distribute or promote any Microsoft software ... The PFJ does not define or give any guidance as to how to define what is ''reasonably necessary,'' ''reasonable scope and duration,'' or ''a bona fide contractual obligation.'' If Microsoft wants to retaliate, Microsoft would simply argue that it offered Consideration only as part of a contract to promote Windows Media Player and that the ISV who uses RealPlayer either did not enter into such a contract or breached the contract by using RealPlayer. Such an interpretation of the exception would render the main prohibition meaningless and the Court might interpret the exception more narrowly, but then again the Court might accept the broad interpretation of the exception. Either way, the provisions that relating to retaliation against ISVs who favor non-Microsoft products are ambiguous.

4. Unclear Whether Microsoft Must Make Any Disclosures to Third Parties.

The PFJ contains language which standing on its own might require Microsoft to make certain disclosures of APIs, Communications Protocols, and related documentation that enable ISVs and others to write software capable of running on Windows. These comments have already pointed out that the loopholes contained in the API provisions allow Microsoft almost complete discretion to continue to withhold APIs. The ambiguities surrounding the mandatory disclosure provisions for Communications Protocols allow Microsoft to withhold critical information. PFJ section III.E states that ''Microsoft shall make available for use by third parties ... any Communications Protocol that is ... (1) implemented in a Windows Operating System Product ... and (ii) used to interoperate natively ... with a Microsoft server operating system product.'' There are three critical terms in determining what Microsoft must disclose: ''Communications Protocol,'' ''Windows Operating System Product,'' and ''Microsoft operating system product.'' The PFJ defines ''Communications Protocol'' as:

[T]he set of rules for information exchange to accomplish predefined tasks between a Windows Operating System Product and a server operating system connected via a network, including, but not limited to, a local area network, a wide area network or the Internet. These rules govern the format, semantics, timing, sequencing, and error control of messages exchanged over a network.[82]

The incorporation of ''Windows Operating System Product'' and ''server operating system'' into the definition of ''Communications Protocol'' makes the definition of these terms especially important in understanding what Microsoft must disclose. The PFJ definition of ''Windows Operating System Product'' expressly allows Microsoft to include whatever it wants and by implication to exclude whatever it does not want from the ''Windows Operating System Product.'' [83]

The definition of ''Windows Operating System Product'' and its incorporation into the definition of ''Communications Protocol'' makes Microsoft's obligation to disclose ''Communications Protocol'' a moving target. But the third critical term, ''server operating system product,'' is not defined at all. Nor does the PFJ define server operating system. The CIS, perhaps in belated recognition of this issue, purports to define the term,[84] but there is no reason to believe that Microsoft agrees with the CIS definition. Thus, exactly what Microsoft must disclose as under the Communications Protocol provision remains ambigous.

Microsoft's obligations to disclose Communications Protocols are also subject to the same exceptions in PFJ section III.J that apply to the API disclosure provisions. Just as PFJ section III.J. 1 threatens to remove a broad set of APIs from disclosure, so too it may exempt many if not most of the Communications Protocols that Microsoft would otherwise have to disclose. Similarly, PJF section III.J.2 may well mean that Microsoft can deny disclosure of Communications Protocols to competitors, including the Open Source movement, just as it does for APIs.

5. Unclear Whether Open Source Developers Are ISVs.

The Open Source Movement presents one of the biggest threats to Microsoft. Linux is undoubtedly the most famous Open Source

[81] PFJ, see. VI.N.

[82] PFJ, see. VI.B

[83] PFJ, sec. VI.U

[84] CIS, p. 37

project, but a wide variety of Open Source Projects are underway. Although some commercial enterprises bundle Open Source software with additional proprietary software, documentation or services, e.g., Red Hat, the Open Source software itself is distributed without charge. A number of references in the PFJ suggest that its protections may not apply to Open Source developers despite their unusual potential for creating competition against Microsoft.

For example, section III.J.2(c) specifically states that Microsoft can refuse to license ''any API, Documentation or Communcations Protocol related to anti-piracy systems, anti-virus technologies, license enforcement mechanisms, authentication/authorization security, or third party intellectual property protection mechanism of any Microsoft product'' to any one who fails to meet ''reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business.'' Ambiguity exists on two levels here. First, Microsoft could argue that virtually all of its APIs, etc., are in some way ''related to'' this wide range of key technologies. Second, Microsoft would seem to have almost carte blanche to refuse access to anyone on grounds that they do not meet Microsoft's standards for ''authenticity and viability.'' What constitutes ''reasonable, objective standards'' is anyone's guess, but even if this language sufficiently protects commercial enterprises, Microsoft may still be able to refuse to grant access to Open Source developers since, by definition, they do not even charge for their software, let alone make a profit.

More fundamentally, the PFJ defines an ISV as ''an entity other than Microsoft that is engaged in the development or marketing of software products.'' [85] Much of the Open Source community remains a loose collection of individuals who post changes to software code on an ad hoc basis in a variety of sometimes shifting locations on the Internet. Whether these communites constitutes ''entities'' is unclear.

6. Additional Ambiguities

Trying to pin down what Microsoft may or may not do is like trying to hold water in your hand. Virtually every provision raises questions. The preceding discussion identifies the most important ambiguities, but there are more. Fore example: When does an OEM installed ''shortcut'' for Non-Microsoft Middleware ''impair the functionality of the user interface''?[86] What constitutes ''a user interface of similar size and shape to the user interface displayed by the corresponding Microsoft Middleware Product?[87] What constitutes ''commercially practicable''?[88] . What constitutes a ''bona fide joint venture'' or a ''joint development or joint services arrangement''?[89] What constitutes ''a reasonable technical requirement'' or ''valid technical reasons''? PFJ, sec. III.H. What constitutes a ''bona fide join venture''?[90] What constitutes ''a reasonable period of time'' ? [91]

D. The Enforcement Mechanism Is Inadequate

The PFJ cannot possibly achieve its purported goals without an enforcement mechanism adequate to deter violations by Microsoft or bring about compliance when violations occur. For this to occur, the line between permissible and impermissible conduct must be clearly drawn. Unfortunately, most of the ''prohibitions'' contained in Section III of the PFJ are riddled with exceptions and undefined terms. Consequently, even under the best of circumstances, fairly extensive litigation would be necessary to determine the exact parameters of permissible conduct. But the Microsoft case does not present the best of circumstances. The delay inevitably caused by disputes over the interpretation of vague language and complex exceptions inevitably play to Microsoft's advantage. The PFJ lasts at most seven years. PFJ, sec. V. Consider the issue of Microsoft's ''integration'' of middleware with the operating system. This issue appeared to be settled with the consent decree that Microsoft agreed to in 1994 and which the Court entered in 1995. Microsoft never accepted the government's interpretation of the 1995 Consent Decree or the law on that issue. This dispute ultimately led to the current litigation. Microsoft eventually lost the dispute in 2001 when the Court of Appeals held that Microsoft's integration of the browser middleware with the operating system violated Section 2 of the Sherman Act (a decision which will effectively be reversed if the Court enters the PFJ in 2002). In the meantime, Microsoft has effectively eliminated all competition in the browser middleware market largely by integrating its browser into the operating system.

The rapidly changing nature of the software markets compounds the necessity of a swift and certain enforcement mechanism. ''By the time a court can assess liability, firms, products, and the marketplace are likely to have changed dramatically.'' [92] Despite the pressing need of swift and sure enforcement, the PFJ seems designed to enable and to reward delay.

1. The Enforcement Mechanism Lacks Appropriate Penalties.

An effective enforcement mechanism must contain a penalty sufcient to deter misconduct by the defendant. Ideally, the enforcement mechanism would reward the defendant for extending itself to accomplish the remedial goals, but at the very least the mechanism should severely punish a pattern of willful misconduct. The PFJ, however, does neither. The PFJ provides no incentives for Microsoft to cooperate in the effort to break down its Operating System monopoly. Worse, the PFJ does not punish Microsoft for deliberate and repeated violations of the PFJ's restrictions. Microsoft's only stated penalty for ''engag[ing] in a pattern of willful and systematic violations'' of the restrictions is ''a one-time extension of this [Proposed] Final Judgment of up to two years.'' PFJ, sec.V.B. The base period of the PFJ is five years. If Microsoft has repeatedly violated the PFJ for five years, why should it care if the PFJ is extended to seven years.'? If Microsoft can get away with ignoring the restrictions for five years, surely it will not pose any problem for Microsoft to ignore the restrictions for another two years.

2. The Technical Committee Will Only Delay Enforcement.

The Technical Committee can only serve to delay resolution of complaints about Microsoft's failure to comply with the restrictions contained in the PFJ. The Technical Committee cannot resolve disputes, but only ''advise'' Microsoft and the government of its conclusions. The Proposed Final Judgment's ''gag orders'' prohibiting both testimony from Committee members and use of their work product in enforcement proceedings will cause further delay since enforcement will always require the government to duplicate of the Committee's work in amassing evidence.

Assume, for example, that Microsoft refuses to disclose an API to an ISV in retaliation for the ISV's use of RealPlayer technology. This denial immediately places the OEM at a significant disadvantage over ISVs who comply with Microsoft's wishes that they only use Windows Media Player. Assume further that the ISV immediately contacts the TC with its complaint alleging violations of sections III.D and F of the PFJ. The TC must then begin the investigation. While it is impossible to know how long such an investigation would take, the powers and duties of the TC outlined in section IV.B.8.b enable the TC to undertake a truly exhaustive investigation: The TC may, on reasonable notice to Microsoft:

(i) interview, either informally or on the record, any Microsoft personnel, who may have counsel present; any such interview to be subject to the reasonable convenience of such personnel and without restraint or interference by Microsoft;

(ii) inspect and copy any document in the possession, custody or control of Microsoft personnel;

(iii) obtain reasonable access to any systems or equipment to which Microsoft personnel have access;

(iv) obtain access to, and inspect, any physical facility, building or other premises to which Microsoft personnel have access; and

(v) require Microsoft personnel to provide compilations of documents, data and other information, and to submit reports to the TC containing such material, in such form as the TC may reasonably direct.

While such expansive investigatory powers are laudable in many respects, they do represent a tradeoff in favor of accuracy over speed. After such a thorough investigation, however, the TC may only conclude whether the ''complaint is meritorious,'' and if so, ''it shall advise Microsoft and the Plaintiffs of its conclusion and its proposal for cure.'' PFJ, sec. IV.D.4.c. Assuming that the TC finds merit in the ISV's complaint, it is not clear whether the TC may inform the ISV of its findings. PFJ section IV.B.8 states that ''TC members may communicate with non-parties

[85] PFJ, see. VI.I

[86] 86 PFJ, sec. III.C.2.

[87] PFJ, see. III.C.3.

[88] PFJ, sec. III.G.1

[89] PFJ, sec. III G.

[90] PFJ, sec. III.I.

[91] PFJ, sec. III.I.

[92] Microsoft III, 253 F.3d at 49.

about how their complaints ... might be resolved with Microsoft,'' but whether communication ''about how their complaints might be resolved'' includes the TC's findings and recommendations remains unclear. PFJ section IV.D.4.c authorizes the TC to communicate its findings only to Microsoft and the Plaintiffs. PFJ section IV.B.9 provides that ''any report and recommendations prepared by the TC ... shall not be disclosed to any person other than Microsoft and the Plaintiffs.'' It is certainly possible to construe these provisions as prohibiting the TC from informing the complaining ISV of anything other than a range of possible outcomes. What happens if, after extensive investigation, the TC finds merit in the ISV's claim and recommends that Microsoft disclose the APIs to the ISV? If Microsoft resists the decision, whether to proceed against Microsoft rests not with the OEM victim or the TC, but with the Plaintiffs. Section IV.A.1 of the PFJ gives the Plaintiffs ''exclusive authority'' to enforce the restrictions. Any one of the Plaintiff's may now take up the ISV's complaint, but if the Plaintiff who is willing to pursue the OEM's complaint is one of the settling states, it must first consult with ''with the United States and with the plaintiff States'' enforcement committee.'' PFJ, sec. IV.A.1. After consulting with the United States and the plaintiff States'' enforcement committee, the enforcing state must then ''afford Microsoft a reasonable opportunity to cure'' the alleged violation. PFJ, sec. IV.A.4. Note that this is a second opportunity for Microsoft to cure the violation, since the first opportunity was given with the TC's decision. If the United States decides to take up the ISVs complaint, then it apparently avoids the delay of consulting with the enforcement committee, but the United States must still give Microsoft an opportunity to cure. The ''consultation'' and ''reasonable opportunity to cure'' delays are merely the tip of this iceberg. Although the TC has conducted an extensive investigation and gathered much, perhaps even all of the relevant evidence, neither an enforcing state nor the United States use the evidence accumulated by the TC and the TC members are prohibited from testifying. Section IV.D.4.d specifically provides:

No work product, findings or recomendations by the TC may be admitted in any enforcement proceeding before the Court for any purpose, and no member of the TC shall testify by deposition, in court or before any tribunal regarding any matter related to this [Proposed] Final Judgment.

In other words, the United States or the enforcing state will needlessly duplicate the discovery work of the TC and the Court will have to conduct a de novo review of the evidence without the benefit of the TC's insights and expertise.

3. The Court Will Be Denied Access to the Insights and Expertise of the Technical Committee. Despite the fact that the Technical Committee cannot render enforceable decisions, the TC will be in an excellent position to evaluate both Microsoft's overall conduct and the appropriateness of various alternative remedies for specific complaints and problems. The TC members will have expertise ''in software design and programing.'' PFJ, see. IV.B.2. The TC will have considerable access to Microsoft documents and personnel. PFJ, sec. IV.B.8.b. In addition to its own experience with complaints, the TC will apparently receive reports from Microsoft advising the TC of the nature and disposition of complaints filed with Microsoft's compliance officer. PFJ, sec. IV.D.3.c. The TC, in short, has an exceptional vantage point from which to ''monitor Microsoft's compliance with its obligations under [the Proposed] [F]inal [J]udgment.'' PFJ, sec. IV.B.8.a. Despite the exceptional value of the TC to the Court as both expert witnesses on technical issues and as eye witnesses to larger issues, including whether Microsoft ''engaged in a pattern of willful and systematic violations,'' PFJ, sec. V.B, section IV.D.4.d expressly prohibits members of the TC from testifying ''by deposition, in court or before any other tribunal.'' By denying the Court access to witnesses with critical information and expertise, the PFJ ensures that the Court will have to make rulings without regard to some of the most important evidence on the issues that will inevitability arise under the ambiguous provisions of the PFJ.

Conclusion

The acid test of the PFJ must be whether it would have protected Netscape as it tried to launch a middleware challenge to Microsoft's operating system monopoly in 1994. Sadly, even a cursory reading of the PFJ reveals that the answer is no. Since Microsoft did not have comparable middleware, there would, even under the most favorable interpretations of the API disclosure provisions in PFJ section III.D, have been nothing to prevent Microsoft from engaging in selective disclosures to Netscape. Microsoft would have been free to deny Netscape access to many, if not all, of the Communications Protocols necessary for any Internet middleware to work on Windows since the new, untested company would certainly have failed to meet Microsoft's test of a viable business under PFJ section III.J.2(c). Most importantly, nothing in the PFJ could change the economics of the OEM industry which make it unprofitable to install two web browsers and therefore, in what can only be called a mockery of judicial power, PFJ VI.U would expressly allow Microsoft to choke off Netscape's acess to the crucial OEM distribution channel by declaring Internet Explorer to be a part of the Windows Operating System Product. For the foregoing reasons, we urge the Court to reject the Proposed Final Judgment.

Respectfully submitted on behalf of the American Antitrust Institute by:——
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MTC–00030601

BEFORE THE UNITED STATES DEPARTMENT OF JUSTICE ANTITRUST DIVISION COMMENTS OF THE WASHINGTON LEGAL FOUNDATION SUPPORTING THE PROPOSED JUDGMENT IN UNITED STATES v. MICROSOFT

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Date: January 25, 2002

COMMENTS OF THE WASHINGTON LEGAL FOUNDATIONIN SUPPORT OF THE PROPOSED JUDGMENT IN UNITED STATES v. MICROSOFT

Introduction and Summary. The Washington Legal Foundation (WLF), pursuant to the Tunney Act (Antitrust Procedures and Penalties Act, 15 U.S.C. § 16), hereby submits these comments in support of tee settlement reflected in the Revised Proposed Final Judgment dated November 6, 2001 in United States v. Microsoft Corp., Civil No. 98–1232.[1]

WLF is the nation's preeminent center for public interest law and policy, advocating free-enterprise principles, responsible government, property fights, a strong national security and defense, and a balanced civil and criminal justice system. WLF devotes substantial resources to these issues through litigation, by publishing through its Legal Studies Division, and by educating the public through its Civic Communications Program. With respect to antitrust law, and the Microsoft case m particular, WLF filed a brief in the United States Supreme Court supporting the petition for writ of certiorari filed by Microsoft to review the judgment of the court of appeals that left intact the district court's findings of fact and conclusions of law, despite the flagrant judicial misconduct of the trial court in giving interviews to the press expressing his bias and hostility to Microsoft and Bill Gates. Microsoft Corporation v. United States, 122 S.Ct. 350 (2001). WLF's Legal Studies Division has also published studies and other materials on antitrust issues and the Microsoft case. See Antonio F. Perez, U.S. v. Microsoft: DOJ's ''New'' Antitrust Paradigm

[1] The case is on remand from the Court of Appeals which vacated the Final Judgment, affirmed in part the market maintenance claims, ordered reconsideration of the Section 1 tying claim, reversed the browser market attempted monopolization claim, and ordered new remedy proceedings. U.S. v. Microsoft Corp., 253 F.3d 34 (DC Cir. 2001).

Resurrects Outdated Economics (WLF Legal Backgrounder, Feb. 4, 2000); Robert A. McTamaney, Microsoft On Appeal: ''Monopolies'' In A Complex Society (WLF Working Paper Feb. 2001). WLF supports the Proposed Judgment (the result of intense negotiations with the assistance of two of the nation's top mediators) as a rational resolution to a case formally initiated in May 1998, but effectively tracing its roots to an FTC investigation begun more than a decade ago, therefore now rivaling in time and burden the IBM antitrust litigation of the 1980's. The matter is overly ripe for resolution, and the States which have declined to join the settlement should in our judgment be urged by the Department and the Court to reconsider and adopt it. The Standard for Entry. The Tunney Act contemplates that the Court will evaluate the relief set forth in the Proposed Judgment and enter the judgment if the settlement is within the reaches of the public interest and within the government's rather broad discretion, considering (1) the competitive impact and adequacy of the judgment and (2) the impact on the public generally, and on affected individuals, and the benefit, if any, of an eventual trial determination. The Court reviews the Proposed Judgment in light of the Complaint's allegations, and withholds approval only if there is ambiguity, art inadequate enforcement mechanism, if third parties would be positively injured, or if the decree somehow makes a 'mockery'' of judicial power.[2] The belief that other remedies might be preferable does not warrant rejection of the Proposed Judgment; the Tunney Act does not authorize the imposition of different terms or permit de novo review of the settlement.[3]

The Complaint Versus the Proposed Judgment. Under the Tunney Act, whether the public interest is served by entry of the judgment is first tested by comparing the allegations of the Complaint with the Proposed Judgment. As will be demonstrated, the comparison is more than a favorable one.

The Complaint is dated May 18, 1998. There are 141 numbered paragraphs in the Complaint, of which, read fairly, 128 paragraphs relate to Microsoft's browser technology, including its Interact Explorer (IE) in Windows 98, and the promotion and distribution of that technology to Windows 98 users. The principal responsible author of the Complaint described the case as an extremely limited, discrete, ''surgical strike'' directed solely against the Company's integration of browser technology with its operating system.[4]

On June 23, 1998, the U.S. Court of Appeals for the District of Columbia Circuit held that the IE Browser was not a product separate from Windows for purposes of the 1995 consent decree that had resolved the Department's 1994 case, and the related European Commission (EC) case, against Microsoft.[5] While the Court reserved its position on any future market power allegations, most observers believed that the May 18 Complaint had been rendered moot, since any arguably illicit tie requires, by definition, two products.

The trial judge disagreed, and permitted the case to proceed, and premised his eventual breakup order, in effect, on the sparse references in the Complaint to the alleged market dominance of Windows in a narrowly-defined market of Intel-powered personal PCs.[6] In its reversal and remand of the trial judge's conclusions and remedies, the Court of Appeals specifically reversed the conclusion that Microsoft attempted to monopolize a browser market, and remanded the issue of an illegal tie for reconsideration under the Rule of Reason.[7] In recognition of the rigors of this test, and in light of the demonstrated insistence of consumers on a browser-operating system combination, the Department determined not to pursue this claim.

To the extent therefore that the Tunney Act dictates measuring the judgment against the Complaint,[8] the Proposed Judgment is a remarkable result. The judgment exacts dramatic conduct remedies and imposes massive costs on a defendant, when the essential allegations of the Complaint were first deflated by the Court of Appeals, then carefully either selected or avoided by the Department and the State plaintiffs, then momentarily revived by the trial judge, only to be excised again by the Court of Appeals, which set a standard for resolution that the Department itself has decided unilaterally could never be met.

Certainty of the Proposed Judgment. The Tunney Act as interpreted next suggests that the Judgment should be examined for ambiguities. Ambiguity is measured by the trial judge interested in the reasonably manageable enforcement of the judgment, rather than by competitors who might parse every comma to suggest ambiguities where none fairly exist. And of course ambiguity is anathema to the defendant, since it is the party most at risk from an overly broad interpretation urged by its competitors or others. In that respect, the Proposed Judgment is a strikingly plain-worded document, difficult (for anyone versed or educated in the field) to misinterpret mad even more difficult, it would seem, to avoid. The Proposed Judgment is accompanied by a thorough and convincing Competitive Impact Statement that explains the theory underlying each section of the Proposed Judgment, how it addresses and cures the conduct found wanting by the Court of Appeals, and how it would operate in practice. The Competitive Impact Statement itself would surely assist in, if not dictate, the resolution of may arguable ambiguity.

The Proposed Judgment broadly prohibits any retaliation against OEMs that distribute competitive middleware or operating systems (Section III.A), requires uniform licensing terms (which cannot include exclusive or percentage promotion of Microsoft middleware) to the significant universe of OEMs (Section III.B), and leaves most desktop decisions to the OEMs'' discretion. (Section III.C). This all seems very plain. The Proposed Judgment permits OEMs to install icons or shortcuts to access products that provide particular types of functionality, even if they compete with Microsoft's own installed versions (Section III.C.1), so long as they do not impair the user interface. Basically, the Original Equipment Manufacturers (OEM) can add an icon to access, for example, a competing photo program, provided that shortcut works without unseating Windows itself. Surely there is little room for ambiguity here.

Under the Proposed Judgment, Microsoft can override a competing product only if that product ''fails to implement a reasonable technical requirement.'' Basically, Microsoft can provide the consumer with its own product if the competitor's doesn't work, and even then the failing product's proponent is given the right to remedy the problem. Competitors have objected to the use of the word 'reasonable,'' which is obviously a standard the Courts have dealt with successfully since the outset of the common law. There is no ambiguity apparent here. Next, the Judgment requires Microsoft to disclose the Application Programming Interfaces (API) for new products to makers of interoperable products, whether they make hardware or software or are Internet carriers, unless the disclosure would compromise security or anti-privacy safeguards (Section III.D). No ambiguity exists here, and the burden would certainly be on Microsoft to demonstrate that the API disclosure would impair security or privacy, which should in any event be a primary goal of the competitor as well.[9] And the API disclosure must be made timely and in good faith, again well-recognized standards in the courthouse. Microsoft also agrees not to automatically alter competitors'' icons or shortcuts placed on the desktop by OEMs (Section III.H.3). It can offer its own alternatives to consumers, but they can accept or decline as they see fit,

[2] E.g., U,S. v. Microsoft Corp., 56 F.3d 1448 (DC Cir, 1995)

[3] ''The court should therefore reject the [judgment] only if 'it has exceptional confidence that adverse antitrust consequences will result...''' U.S. v. Enova Corp., 107 F. Supp. 10, 27 (D.DC 2000); accord, U.S. v. Central Parking Corp., 2000 U.S. Dist, Lexis 6226 (D.DC 2000). Applying these legal standards, the Proposed Judgment should be entered.

[4] In its 1994 maintenance case against Microsoft, the Department did not contend that the company's obtaining of its market position was illegal, but rather that it was the fortuitous result of IBM's choice of Microsoft's MSDOS for IBM's PCs. In that ease the government's economic witness said that only artificial barriers such as restrictive license provisions should be prohibited since the company's market position was entirely natural and not the result of anticompetitive behavior. Id.

[5] U.S. v. Microsoft Corp., 147 F. 3d 935 (DC Cir. 1998),

[6] Compare U.S. v. Microsoft, supra note 2 (''The government... urges us to flatly reject the district judge's efforts to reach beyond the complaint to evaluate claims that the government did not make ...'').

[7] The Court of Appeals dismissed 4 of the 5 principal claims against Microsoft, and alas dismissed 23 of the 35 acts found wrong by the trial judge.

[8] E.g., U.S. v. Alcoa, 152 F.Supp. 2d 37, 44 (D.DC 2001) (''[T]he court is confined to the factors alleged in the government's complaint.'').

[9] This has been a goal for Microsoft, which has just announced a company-wide suspension of development while security concerns are assessed and resolved. The New York Times, January 17, 2002.

and many a court has said in other contexts that there's no harm in asking.

Under the judgment, OEMs can even include a competing operating system as easy to access as Windows, arid even give it preference in the boot sequence. Again, this seems to be as clear as it reads.

In short, the Proposed Judgment is plainly worded and devoid of apparent ambiguity. One competitor has suggested that Microsoft improperly seized on art ambiguity to avoid the 1995 Consent Decree to the extent that the decree prohibited the integration of the IE browser with Windows. This is an intriguing fallacy, but a fallacy nonetheless. Microsoft certainty did seek to integrate IE with Windows, but this was consistent in its judgment with the 1995 Decree; and the Court of Appeals agreed that it was entirely legal for Microsoft to do so, under the plain wording of that document. Impact Upon Third Parties. The Proposed Judgment goes far beyond the prohibition of the handful of specific and isolated instances of conduct found wanting by the Court of Appeals, to generic relief which presumably will benefit all those to which it is directed and all others within its ambit. Will consumers be satisfied? Presumably they will vote with their pocketbooks. Will competitors be satisfied? Presumably never, but the correct test is whether the proposed decree would positively injure third parties, not whether some competitor claims that it could be better treated.[10]

For example, California and the other States dissenting thus far from the settlement have proposed instead that the Company completely redesign Windows (and then presumably maintain, update, and support it) to offer a version stripped even of the browser, then force open-source licensing of the browser, require Java (a competitive operating system of sons), to be included in Windows, and require licensing of the Office Suite to third parties like Apple (although Apple now already has it). A new 60-day version of Hart Scott Rodino Act would also be imposed on Microsoft acquisitions, another and entirely new commercial burden on a company never even accused of growth through acquisition. Conduct specifically upheld by the Court of Appeals would be specifically baited. We submit that this is a wish list for competitors, not consumers, and has nothing to do with fostering competition as anticipated by the U.S. antitrust laws.[11] To the extent that alternative remedy proposals were put forward by all parties, including the competitors intent on imposing their own punitive schadenfreude on Microsoft, they were considered by the Department in formulating the Proposed Judgment, including specifically the very remedies now proposed again by the dissenting States.[12] ''The United States has ultimately concluded that the requirements and prohibitions set forth in the [Proposed Judgment] provided the most effective and certain relief in the most timely manner.'' [13]

The Enforcement Mechanism. The final substantive prong of the Tunney test is whether the Proposed Judgment is readily enforceable. In this respect, the Proposed Judgment contemplates contempt sanctions and other relief if violated. Microsoft has agreed to appoint an Internal Compliance Officer [14] to supervise an internal compliance program, and has also agreed to the extraordinary remedy of an onsite, court-approved Technical Committee, experienced in software design and programming, with virtually unfettered access, for at least five years, to the Company's design and business planning and implementation, for the purpose of ongoing and constant oversight regarding the Company's compliance.[15] In this respect, as well as in the breadth of the conduct remedies which will be supervised, the Proposed Judgment vastly exceeds the typical constraints imposed upon a settling defendant. Courts are most reluctant to impose sanctions which require the ongoing observations of a defendant's commercial activities. Here, to the contrary, the oversight established by the onsite observers will give the Court, and interested outsiders as well, more assurance than could reasonably be ever expected regarding the Company's ongoing good faith adherence.

Adequacy of the Remedy. First, the Proposed Judgment should be considered in light of the remedies one might expect to have been imposed after further evidentiary hearings, briefs, arguments, conclusions, and the inevitable appeals. In this respect, one searches in vain for precedents as broad and inhibiting as the Proposed Judgment in a case where all claims except isolated, specific findings of market position maintenance have been dismissed or unilaterally discarded by the principal prosecutors. We submit that judicial remedies might well be expected to be far more 'surgical'' and conduct-specific than the broad and thoroughgoing conduct requirements imposed by the Proposed Judgment, not the least of which is the ongoing oversight to assure good faith compliance.

Certainly office Remedy: Second, there is no assurance that an eventual judicial remedy would survive appeal, since the case is presently proceeding on remand on the basis of findings of fact and, in part, on conclusions of law [16] expressed by a trial judge with deepseated, privately expressed, actively concealed, personal bias against the company and its president reflected by the drastic remedies ordered after the briefest of further proceedings.[17] The Supreme Court has deferred consideration of this issue, and so observers in the meantime must accept the illogic of an appellate court finding that the District Judge had repeatedly violated law and the judicial canons, but nonetheless feeling constrained to accord his findings of tact and law the same presumptions of correctness usually reserved for judges with no appearance of impartiality.[18]

If the case proceeds to judicial remedies, with the inevitable appeals, there is more than a fair likelihood that the Supreme Court would refuse to accept any of the former trial judge's findings under the circumstances; rather, the Court would likely remand the case to begin again before an unbiased jurist. The Proposed Judgment obviates that possibility to some extent, and would avoid it completely if it were joined by the thus far dissenting States, and thereby achieve a final resolution.

The Remedy and Innovation. In 1998, when the then Assistant Attorney General made his often-quoted 'surgical strike'' comments, his purpose was to allay concern in the computer industry that the Government was opening a broadside attack on Microsoft, which is, sadly, exactly what the ease then became. His purpose was to assure innovators that they could continue to innovate without governmental interruption or interference, provided that they stayed within the principal antitrust boundaries.

Microsoft has been reported publicly as saying that innovation, at least its own, will not be impeded by the Proposed Judgment. We submit that is a critically important issue for the Court in considering the public interest overall.

For example, Windows XP, Microsoft's latest rendition of the operating system, presents users, according to its reviewers, with improvements in reliability, performance, and system security, and also facilitates multi-use end user customization, workplace enhancements, and marked file improvements. It continues to integrate IE, and adds instant messaging (a favorite feature of AOL), digital photography and movie making, and other media features to the new design. Industry reaction has been fascinating. Some competitors have reportedly been encouraging the Department and certain of the States to resurrect the original IE integration ease, arguing that the Company should make the various components of its integrated design (some of which have been part of Windows for many

[10] U.S. v. Microsoft, 56 P.3d 1448, 1461 n.9.

[11] Netscape, the competitor whose objections set off the 1998 case, has objected that it never would haw corn, into being if the Proposed Judgment had been in place when Netscape's own monopoly was created in 1994. Dow Jones Newswires Dec. 12, 2001. If this is to be believed, then presumably Netscape's multi-billion dollar combination with AOL also would have been avoided.

[12] Competitive Impact Statement, p. 35

[13] Id. at 36.

[14] Microsoft on December 13, 2001 announced the appointment of its internal compliance officer as contemplated by the Proposed Judgment. He is a former enforcement lawyer with the Federal Trade Commission. The Public Interest. Overall, the Tunney Act contemplates an affirmative finding that the settlement is in the public interest, There are several other factors relevant to this consideration, beyond the specific traditional tenets of approval discussed above.

[15] By Stipulation, Microsoft began complying with the Proposed Judgment effective December 16, 2001.

[16] U.S. v. Microsoft Corp., 84 F. Supp. 2d 9 (D.DC 1999); U.S. v. Microsoft Corp., 87 F. Supp. 2d 30 (D.DC 2000).

[17] U.S. v. Microsoft Corp., 97 F. Supp. 2d 59 (D.DC 2000).

[18] According to the Court of Appeals, the District Judge's violations of the Code of Conduct for United States Judges and Section 455(a) of the Judicial Code by speaking to reporters about the case while it was pending were ''deliberate, repeated, egregious, and flagrant.'' 253 F.3d 34, 107 (DC Cir. 2001). The judge's insistence to the reporters to embargo his comments until the trial was over implied full knowledge of the improprieties. This arrangement made it impossible for Microsoft to have objected sooner, an objection that the appellate court said would have succeeded by the removal of the trial judge from the case.

years) available separately. Others, notably Apple, have instead decided to compete where competition belongs—in the marketplace instead of the courthouse. Apple is scheduled to begin shipping the elegant and affordable ''iMac,'' which will incorporate ''iDVD,'' a DVD recording software, ''iPhoto,'' a photo organizer and processor, ''iTunes,'' a CD and internet music player and converter, and ''iMovie,'' which enables easy home-movie production, and other features, all on a 15-inch fiat panel display connected to a computer half the size of a basketball at a very competitive price.

Would Apple have created this incredible device had Microsoft not raised the bar with Windows XP? Perhaps, but far less likely. We submit therefore that an important component of the Court's Tunney Act determination is to ensure that any proposed judgment does not stifle the very innovation the antitrust laws were enacted to promote. Otherwise, such a judgment could surely serve the private interests of competitors rather than the public interest of competition and consumers, and thereby make a mockery of the very process which the Tunney legislation cautions against and condemns.

Conclusion. The United States has said it best: ''[T]he [Proposed Judgment], once implemented by the Court, will achieve the purposes of stopping Microsoft's unlawful conduct, preventing its reoccurrence, and restoring competitive conditions in the personal computer operating system market, while avoiding the time, expense and uncertainty of a litigated remedy.'' [19] We support the Proposed Judgment. The matter is long overdue for resolution, and the States that have declined to join the settlement should, in our judgment, be urged by the Department and the Court to reconsider and adopt it.

Respectfully submitted,

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Comments on the proposed United States v. Microsoft Settlement
Date: January 26, 2002
Tunney Act Submission United States v. Microsoft
Rebecca Henderson,
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January 2002

Introduction

My name is Rebecca Henderson. I am the Eastman Kodak LFM Professor of Management at the MIT Sloan School of Management, where I have been teaching since 1988. I am also a Research Associate at the National Bureau of Economic Research. My C.V. is attached.[1]

I write to express my deep concern with the terms of the proposed settlement between the United States and the Microsoft Corporation. In my view it does almost nothing to remedy the harm caused by Microsoft's prior illegal conduct, and the provisions that it includes in an attempt to forestall future anticompetitive conduct fall short on a number of important dimensions, Moreover it creates incentives for Microsoft to engage in behavior that has the potential to create significant harm for consumers.

1. A failure to remedy the harm caused by prior illegal conduct. As the Court found and the Appeals Court maintained, Microsoft engaged in a systematic pattern of illegal conduct in an attempt to undermine Netscape's position in the browser market. Microsoft came to believe that the Netscape Browser had the potential to develop into ''cross-platform middleware,'' since it potentially enabled the development of full-featured PC applications on a range of platforms. Microsoft viewed this possibility as a potent threat to its monopoly and moved against Netscape with devastating effect. Microsoft's predatory conduct crushed the possibility that Netscape might emerge as a viable alternative platform for full-featured applications development.

Microsoft's success in preventing the emergence of browser-based alternative platforms that would threaten the applications barrier to entry, along with its current overwhelming and increasing share of browser usage, puts the firm in an extraordinarily strong position to prevent the emergence of other threats to its desktop monopoly. The proposed settlement does almost nothing to attempt to redress this harm.

A world in which Netscape had succeeded in building a dominant share of the browser market would have been one that was significantly more conducive to competition (and significantly more threatening to the Microsoft monopoly). A successful independent browser would not only have been potentially important cross platform middleware in its own right: it would also have been of enormous assistance to the further development of additional independent middleware. Both would have greatly increased the possibility that Microsoft's desktop monopoly would have faced significant competition. Had Netscape succeeded the world would probably be different in three important respects. First, the Netscape browser might have become an ideal platform for web-centric and network-centric applications cross-platform applications. Second, if there had been a widely-distributed browser outside Microsoft's control, new middleware initiatives such as Java, that involve software running on the client would certainly have been able to achieve widespread distribution without Microsoft's sufferance. Third, the existence of such a browser would have given Microsoft much less control over the evolution of important Internet interfaces, increasing the possibility that new types of middleware running on the server might emerge to facilitate challenges to the Windows monopoly.

(i) The Netscape Browser might have become a platform for applications development An independent browser might have become an ideal platform for web-centric and network-centric cross-platform applications. An independent browser enables developers to write cross-platform applications without additional porting costs. As the Court found, ''for at least the next few years, the overwhelming majority of consumers accessing server-based applications will do so using an Intel-compatible PC system and a browser,'' (FOF 27) and a ''browser product is particularly well positioned to serve as a platform for network-centric applications that run in association with Web pages.'' (FOF 69). Or as Microsoft's Ballmer expressed it: ''the browser is as much a platform for what people will want to do in the Internet over the next several years as DOS was the platform for what people would want to do on personal computers.'' (RX 21, at 4). Microsoft's illegal actions ensured that Netscape did not have the opportunity to develop into this kind of cross platform middleware, and the proposed settlement does nothing to reverse this.

(ii) A successful Netscape Browser would have developed into a distribution vehicle for additional non Microsoft cross platform middleware As both the Court and the Appeals Court found, one of the goals of Microsoft's illegal conduct was the suppression of platform independent Java. An independent, widely distributed Netscape Browser would have become an ideal vehicle for the distribution of this kind of platform independent middleware. Microsoft, in contrast, has very little incentive to distribute client based middleware that might facilitate the development of cross platform applications. Netscape's defeat in the browser war means not only that the browser itself is not available as a platform for applications development but also that the Java virtual machine, and other middleware technologies like it, are much less likely to be widely available on the PC. The proposed settlement attempts to make the distribution of alternative middleware possible, but its provisions are incomplete and are likely to be ineffective.

(iii) Microsoft's control of the browser gives it enormous influence over the future

[19] Competitive Impact Statement, p. 34.

[1] In 1999 1 was retained by the Department of Justice as an expert witness in connection with the remedies phase of the Microsoft trial. The declaration that I filed in the spring of 2000 as a result of this work is available on the Department of Justice's web site. While I do not believe that anything in this document is inconsistent with the opinions that I would have expressed in court had I been called as a witness, the opinions expressed here are entirely my own. Nothing in this document draws in any way on confidential information to which I was given access in the course of my work with the Justice Department.

development of the Internet, allowing it to ensure that server based technologies that might lower the applications barrier to entry and facilitate threats to the OS monopoly are unlikely to emerge. Owning the dominant browser gives Microsoft great influence over the evolution of the Internet, and in particular over the evolution of important Internet interfaces. As Paul Maritz recognized, ''By controlling the client, you also control the servers.'' GX 498, at MS980168614. This set of interfaces goes beyond the browser APIs to which developers can directly write applications, to include the set of interfaces that constitute the communications protocols between the browser and the network. For information to be received and viewed in Internet Explorer, the developer has to follow these interfaces, and so has to conform to Microsoft standards. The importance of browser interfaces is widely acknowledged. Ron Rasmussen, an executive with operating system supplier Santa Cruz Operation, testified: ''if there is one person or one company who controlled the browser and its look and feel and how it presented applications, it could severely enhance or detract from the application functionality of ... the server.'' Rasmussen Dep., 12/15/98am, at 67:14—68:3. Similarly Brian Croll of Sun testified that ''having a degree of control over the browser'' is ''critical'' because the browser is ''linked very closely to whether a server is useful or not.'' Because the ''two sides need to talk to each other,'' Sun cannot sell servers if the browser ''can't talk to the server.'' Croll Dep., 12/15/98pm, at 60:22—61:16. Control over the browser thus gives Microsoft significant control over the software running on the server, and this in turn makes it significantly less likely that software running on servers will develop into potentially powerful ''cross platform middleware'', facilitating competition to the Microsoft Windows OS. Just as a platform independent browser might have become an attractive platform for cross platform applications development, so a server operating system that could be accessed through Microsoft independent standards by an independent browser might have become an attractive platform for applications development, greatly increasing the probability that serious competition to the Windows OS might emerge.

Microsoft's control of the browser greatly reduces the probability that this will happen. Developers and content providers will generally choose to write to the interfaces that will enable them to reach the broadest possible audience (FOF 361). This led Microsoft, when it had a low market share in browsers, to pledge to write Internet Explorer to conform to some of the public interfaces promulgated by the World Wide Web Consortium (W3C). RX 15 (Microsoft Press Release, 7/8/97). In fact, Microsoft itself had difficulty when its market share was only 30% in convincing its own Office developers to take advantage of IE 4 features. GX 514, at MS7 0075706.

Given IE's dominant position today, web developers have an incentive to write to IE's interfaces first and foremost, and now that it has a dominant share, Microsoft has stated that it may not always choose to support public interfaces. RX 16 (MSDN Online 2/7/00). To the extent that Microsoft is able to impose Microsoft-specific interfaces on the Internet, the capabilities of users of non-Microsoft browsers to view content may be degraded or eliminated. Cf. FOF 322 (Microsoft contracts requiring that content providers offer content viewable only with IE or ''with acceptable degradation when used with other browsers''), and the ability of server based software to develop into cross platform middleware will be severely curtailed. The ability to influence the development of web-based applications is a highly valuable tool for future anticompetitive campaigns should Microsoft choose to mount them. As web-based applications grow in importance, so does Microsoft's ability to steer them towards being IE-centric, and, given its control over the browser-to-operating system interface, Windows-centric as well. The proposed settlement does nothing to address this issue.

(iv) Conclusion

In summary, the proposed settlement does little or nothing to redress the harm caused by Microsoft's destruction of the browser threat. Microsoft's victory leaves it in control of all browser interfaces, without the need to accommodate an independent browser that might have served as an important platform for cross platform applications, and without any real threat that a Java virtual machine (or other comparable cross platform middleware) might be widely distributed.

Prevention of Future Harm

The proposed settlement instead attempts to ensure that Microsoft will not act against future middleware threats as it acted against Netscape. Unfortunately its provisions in this respect are insufficient to prevent the harm they seek to guard against.

(i) The definition of Middleware

Many of the most important provisions of the proposed settlement refer to actions that Microsoft must take in regard to ''Middleware'' products. For example, in section III D, Microsoft is required to ''disclose to ISVs, IHVs etc... the APIs and related Documentation that are used by Microsoft Middleware to interoperate with a Windows Operating System Product.'' Similarly section III H requires that Microsoft allow end users and OEMs to make a number of choices with respect to the nature of the Middleware that is installed and invoked on the end user's PC. In both cases the definitions of ''Middleware'' are overly restrictive, and omit both current software that might well be considered ''middleware'' in the terms of the original case and new software that might emerge to take on the characteristics of middleware. In the case of section III D, Middleware is defined in section VI, point K as:

1. the functionality provided by Internet Explorer, Microsoft's Java Virtual Machine, Windows Media Player, Windows Messenger, Outlook Express and their successors in a Windows Operating System Product and

2. for any functionality that is first licensed, distributed or sold by Microsoft after the entry of this Final Judgment and that is part of any Windows Operating System Product

a. Internet browser, email client software, networked audio/video client software, instant messaging software or

b. functionality provided by Microsoft software that—-

i. is, or in the year preceding the commercial release of any new Windows Operating System Product was distributed separately by Microsoft (or by an entity acquired by Microsoft) from a Windows Operating System Product;

ii. is similar to the functionality provided by a Non-Microsoft Middleware Product; and

iii. is Trademarked

There are two problems with this definition. The first is that it omits a number of types of software that might reasonably be considered potentially platform independent middleware. For example it omits Handheld Computing Device synchronization software. Handheld computers are probably currently complements to the PC: their use encourages PC use and vice versa. But if the power and speed of these devices increases sufficiently, and if a significant number of important applications become available over the web via server hosting and other kinds of services, one can imagine a world in which the existence of Handheld Computing Devices might greatly facilitate the development of substitutes for Windows. Thus software that enables a PC to synchronize with a Handheld Computing Device is arguably ''Middleware'' in the sense of the case. Other types of software that might plausibly develop into ''Middleware'' in the sense of the case but that are omitted from the settlements definition include voice recognition software, and directory and directory service support software.

The second problem with this definition is that it is inherently static. In focusing on a subset of current Middleware products it omits, by definition, any future middleware products that might emerge. The path of technological progress in an industry as dynamic as the computer industry is impossible to predict. In focusing on current Middleware products rather than on the more general question of which classes are software are likely to facilitate competition to the Windows monopoly, the settlement makes it unlikely that entirely new Middleware—the kinds of products that are perhaps most likely to facilitate challenges to Windows—will be covered by any of the provisions of the settlement.

This static focus is particularly evident in the definition of ''Middleware'' in operation in the case of Section III H. Here ''Middleware'' is defined by the statement: Microsoft's obligations under this Section 111.H as to any new Windows Operating System Product shall be determined based on the Microsoft Middleware Products which exist seven months prior to the last beta test version Notice that this means that these obligations apply only to those Middleware Products for which Microsoft has produced a product of its own. They would not cover, for example, the first editions of the Netscape browser! More generally, if new forms of Middleware emerge, the settlement gives Microsoft strong incentives to bind them to the operating system immediately. If Microsoft never issue the Middleware as a

separate product, by the terms of this clause it is never ''Middleware'', and Microsoft never has to meet its obligations under Section III H. (ii) Giving Microsoft control over the pace and shape of technological development The agreement as currently written is also flawed in that much of the assistance it purports to offer to potentially important competitive Middleware is not only very slow, but is also technically limited in important ways.

The provisions of Section III.D, for example, require Microsoft to release key information about the ways in which Middleware can interoperate with the Windows Operating system ''no later than the last major beta release of that Microsoft Middleware.'' The timing of a beta release varies by product, but in most cases the availability of a beta release signals that the hard work of new product development has been done, and the product is more or less ready for sale. Delaying the release of key technical information to third party suppliers until the time of a beta release puts third party suppliers under a very significant handicap, since it forces them to enter the market significantly after Microsoft.

In the case of Netscape, for example, denying them access to key interface information until after the beta release of Microsoft's first browser product would have forced them to delay their entry to the marketplace very significantly and would have deprived them of the early entry, ''first mover'' advantage that is often the one of the most advantages that third party suppliers can offer consumers. Competition thrives where new, innovative firms can enter a market quickly with dramatically new offerings. This provision would serve to slow competition to the speed at which Microsoft wishes to compete.

The provisions of Section III.D. are also flawed in that they restrict the release of critical technical information to ''the APIs and related Documentation that are used by Microsoft Middleware to interoperate with a Windows Operating System Product.'' This effectively forces potentially competitive Middleware to use the same interfaces as Microsoft's middleware. Clearly some information is better than none. But to the degree that the purpose of competition is precisely to encourage the generation of alternatives that do not mirror Microsoft's offerings, forcing competitive software to use the same kinds of interfaces as Microsoft's own offerings leaves tremendous control over the direction of technological development in Microsoft's hands. Those competitive offerings that wish to interoperate with the operating system in different ways will get no help from this provision.

(iii) Who counts?

Section J.2. of the proposed settlement allows Microsoft to condition the license of ''any API, Documentation or Communication Protocol related to anti-piracy systems, antivirus technologies, license enforcement mechanisms, authentication/authorization security...'' to persons or entities that: ''meets reasonable, objective standards established by Microsoft (my emphasis) for certifying the authenticity and viability of its business.'' I read this provision as suggesting that Microsoft can refuse to release key information—information that is increasingly critical to the development of any third party Middleware—to any firm that Microsoft deems ''inauthentic'' or ''not viable.'' Would Microsoft have deemed Netscape viable, in its early days? Will the company believe that firms whose business model is based on the exploitation of Linux are viable? This provision allows Microsoft to deny critical information to precisely those kinds of firms that are most likely to provide significant competition in the marketplace—those firms that may be too small or too new or too unconventional to be ''viable.''

(iv) Forced Licensing

Section I. 5 provides that: ''an ISV, IHV, IAP, ICP or OEM may be required to grant to Microsoft on reasonable and nondiscriminatory terms a license to any intellectual property rights it may have relating to the exercise of their options or alternatives provided by this Final Judgment; the scope of such license shah be no broader than is necessary to insure that Microsoft can provide such options or alternatives.''

I find this wording ambiguous and potentially troubling. First, I wonder why any third party should be required to license anything to Microsoft. Microsoft's obligations extend to the provision of technical information about interfaces and to offering to OEMs and to end consumers the ability to remove Microsoft supplied Middleware. It is not at all clear to me why Microsoft should need to know anything about third party software in order to meet these obligations. Second, I am troubled by a possible interpretation of this language. One interpretation is that it forces third parties to license their software to Microsoft in order that Microsoft should be able to offer the same options and alternatives as the third party supplier. Would this language not have forced Netscape to license their browser to Microsoft so that Microsoft could provide the Netscape browser as an alternative? If an OEM chooses to install Real Player as the default media player, does this language imply that Microsoft has the right to license Real Player so that Microsoft also has the option to offer Real Player as the default media player? Surely this kind of forced licensing can only suppress competition?

(v) Second guessing consumer choice:

Although the current agreement purports to make it much easier for OEMs to install alternative Middleware and thus to offer end users a real choice of systems, the agreement severely restricts this choice in two important respects. In the first place, Section C.3. allows for the installation of third party Middleware provided that ''any such Non-Microsoft Middleware displays on the desktop no user interface or a user interface of a similar size and shape to the user interface displayed by the corresponding Microsoft Middleware Product.''

Just as section III.D. restricts the design of competitive Middleware by limiting competitive knowledge of key interfaces to knowledge of only those technical interfaces used by equivalent Microsoft authored Middleware, so this provision restricts the presentation of potentially competitive Middleware to a ''look and feel'' roughly similar to Microsoft Middleware. How can this restriction increase consumer welfare? If OEMs believe that end users would welcome Middleware that uses a very different kind of user interface for their alternative Middleware, should they not be allowed to install it?

In the second place, Section H.3. permits Microsoft to offer end users the choice to install Microsoft middleware as default software 14 days after the first boot of their system. While this provision may seem innocuous, its real effect will be to remove choice from the OEM. As the trial established, OEMs cannot afford the costs of widespread consumer confusion. Imagine a world in which consumers face every day—or every hour (!)—a screen saying something like ''are you sure you want to use Product ABC? Why not use Microsoft XXX, a product designed to work seamlessly with the operating system?'' Many consumers may be effectively forced into switching products in the face of what may well be perceived as an implicit threat. Real competition cannot thrive under such circumstances. OEMs should have the power to configure systems in the ways they wish. Competition in the market place can decide if these configurations create value for end users.

Microsoft incentives from this agreement.

Lastly, the agreement is flawed in that it creates incentives for Microsoft to take actions that may significantly reduce consumer choice. Framed as it is, the current agreement creates very strong incentives for Microsoft never to release another piece of separate ''Middleware''! Releasing Middleware will incur obligations—Microsoft will need to release technical information and to permit OEMs to remove the Microsoft authored product. These obligations can be easily evaded by immediately bolting new applications to the operating system. This will create two kinds of harm. In the first place, it will lead inevitably to increasingly ''bloated'' code, Consumers that might have preferred to purchase a ''slimmer'' Operating System will be unable to do so. Indeed in the worst case Microsoft might actively invest in the generation of ''spaghetti code''—systems in which the code necessary to provide the new functionality and the code necessary to run the operating system are deliberately commingled. Such commingling may significantly lower the overall performance of the operating system. In the second place, such immediate ''bolting'' will defeat the intention oft he settlement: potential third party suppliers of such Middleware will not have access to the key technical information that would enable them to seamlessly interoperate with the operating systems, nor will OEMs have the opportunity to install them in place of the Microsoft Middleware. It is possible, of course, that the fully integrated Microsoft solution that this agreement gives Microsoft strong incentives to provide may be a technologically superior solution. But this solution will be imposed on consumers without the process of competition that has historically proven to be such a source of consumer benefit.

Conclusion

The proposed settlement falls short in two critically important respects. Not only does it

do almost nothing to redress the harm caused by Microsoft's illegal conduct with respect to Netscape, leaving Microsoft with all the fruits of its illegal victory, but the provisions that it includes in an attempt to prevent a repetition of Microsoft's conduct in the browser case are limited and incomplete.

Suppose a Middleware threat with the potential impact of the Netscape browser were to emerge next year, or two years from now. The terms of the proposed settlement do little to ensure that Microsoft could not engage in an anticompetitive campaign to successfully crush it. Unless Microsoft chooses to recognize it as ''Middleware'' by producing a competing product, as opposed to simply copying the functionality and immediately bolting it to the operating system, it would not be covered by the terms of this settlement. Even if Microsoft were to choose to recognize it (and they would have strong incentives to avoid so doing), the current settlement would allow Microsoft to decide that the firm producing it did not have a ''viable'' business: to delay releasing critical technical information until after the release of its own beta product; to insist that its user interface be of ''similar size and shape'' to Microsoft's own product and, 14 days after first boot up, to bombard consumers with the option to switch to the Microsoft alternative.

Microsoft's victory in the browser war leaves it in a significantly stronger position to protect its operating systems monopoly and to block threats from any competition that might emerge to challenge it. The settlement does very little to remedy this situation and is instead rife with the potential for significant consumer harm.

Curriculum Vitae

Name: Rebecca Henderon Department: BPS, Sloan School

Birth Date: Oct 29, 1960 Place of Birth: London

Citizenship: US Citizen

Education

Harvard University Ph.D. 1983–1988

Doctorate in Business Economics. Thesis: The Failure of Established Firms in the Face of Technological Change: A Study of Photolithographic Alignment Equipment.

Massachusetts Institute of Technology S.B. 1978–1981

Mechanical Engineering.

Academic Employment:

Eastman Kodak LFM Professor, MIT Sloan School, 1999-

Tenured Associate Professor, MIT Sloan School, 1995–1999

Research Associate, National Bureau of Economic Research, 1995-

Thomas Henry Carroll Foundation Visiting Professor of Management, Harvard Business School. 1996–1997

Robert Noyce Associate Professor, MIT Sloan School, 1993–1995

Research Fellow, National Bureau of Economic Research, 1990–1995

Visiting Assistant Professor, Stanford Graduate School of Business, 1992–1993.

Assistant Professor, MIT Sloan School, 1988–1992

Non Academic Employment:

McKinsey and Company Summer associate. Summer 1986

Harvard University Research assistant, K Clark. Summer 1985

General Electric Analyst, strategic planning. Summer 1984

McKinsey and Company Analyst. 1981–1983

Honors and Awards:

ASQ Awa??d for Scholarly Contribution 1996

Teacher of the Year 2001

Runner-up, Teacher of the Year 1990, 1991, 1992, 1993, 1995, 1996, 1998, 1999

Dively Award for best thesis proposal, H.B.S 1988

Alumane Award, (outstanding female graduate) MIT. 1981

Elected to Phi Beta Kappa 1981

Boards and Advisory Panels

Boards

The Whitehead Institute for Biomedical Research, Cambridge, MA. 1999—

Linbeck Construction Corporation, Houston Texas. 2000—

The Ember Corporation, Cambridge MA 2001—

Advisory Panels

The Department of Social and Decision Sciences, Carneige Mellon 1995—

ThePlatform, Inc 2000-

Anti-Trust Experience

Retained by the Department of Justice as an expert witness in connection with the remedies phase of the Microsoft trial. Summer 1999—Spring 2000. Declaration available on line at: www.usdoj.gov/atr/cases/ms—remediespapers.htm

Editorial Responsibilities

Department Head, Strategy, Management Science 1995—2000

Member, Editorial Board:

Administrative Science Quarterly 1994—

The Strategic Management Journal 1994—

Economics of Innovation and New Technology 1995—

Research Policy 1998—

Management Science 2000—

Publications

Journal Articles (Refereed).

''Putting Patents in Context: Exploring Knowledge Transfer from MIT'' Jointly with Ajay Agrawal, forthcoming in Management Science

''Discontinuities and Senior Management: Assessing the Role of Recognition in Pharmaceutical Firm Response to Biotechnology'' Jointly with with Sarah Kaplan, Fiona Murray, forthcoming in Industrial and Corporate Change.

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''Measuring Competence? Exploring Firm Effects in Drug Discovery'' Jointly with Iain Cockburn. Chapter 6 in The Nature and Dynamics of Organizational Capabilities, Edited by Giovanni Dosi, Richard R. Nelson and Sidney G. Winter, 2000 by Oxford University Press, Oxford, UK.

''The Economics of Drug Discovery'' Jointly with Iain Cockburn, Chapter 5 in Pharmaceutical Innovation, edited by Ralph Landau, Basil Achilladelis and Alexander Scriabine, Chemical Heritage Press, Philadelphia PA 1999, pp 308–331.

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''The Pharmaceutical Industry and the Revolution in Molecular Biology: Interactions Among Scientific, Institutional and Organizational Change.'' Jointly with Luigi Orsenigo and Gary Pisano. Chapter 7 in The Sources of Industrial Leadership, Cambridge University Press, David Mowery and Richard Nelson, Editors, Cambridge University Press, 1999, pp 267–311.

''On the Dynamics of Forecasting in Technologically Complex Environments: The Unexpectedly Long Old Age of Optical Lithography'' In Technological Innovation: Oversights and Foresights, Raghu Garud, Pravenn Nayyar and Zur Shapira, Editors, Cambridge University Press, New York, 1997.

''Trends in University Patenting 1965–1992,'' (Jointly with Adam Jaffe and Manuel Trajtenberg.) Forthcoming in the Center for Economic Policy Research conference volume: University Goals, Institutional Mechanisms and the ''Industrial Transferability'' of Research.

''The Determinants of Research Productivity in Ethical Drug Discovery.'' (Jointly with Iain Cockburn) In The American Enterprise Institute Conference Volume: Competitive Strategies in the Pharmaceutical Industry, Robert B Helms, Ed. Washington DC, 1996.

''Maintaining Leadership across Product Generations: The Case of Canon in Photolithographic Alignment Equipment'' in Managing Product Development, Toshihiro Nishiguchi, Ed. Oxford University Press, 1996. (This book was awarded the 1996 Shingo Prize for Excellence in Manufacturing research.)

''Technological Change and The Management of Architectural Knowledge.'' In Transforming Organizations, Edited by T. Kochan and M. Useem. Oxford University Press, Oxford, U.K., 1992. Reprinted in Organizational Learning, edited by Michael D. Cohen and Lee S. Sproull, Sage Publications Inc, CA, 1996. Conference Proceedings.

''Public-private interaction in pharmaceutical research'' (Jointly with Iain Cockburn) in the Proceedings of the National Academy of Sciences 93/23 (November 12, 116) p. 12725–12730

''Controlling Variability of Sub-micron Gate Lithography in a GaAs MMIC Manufacturing Environment.'' (Jointly with Peter Moran, Jesus del Alamo, Nell Wylie and Scott Elliott.) Presented at the SEMI Advanced Semiconductor Manufacturing Conference, pp136a-g. September 1990, Danvers, MA.

''Workload Regulating Wafer Release in a GaAs Fab Facility.'' International Semiconductor Manufacturing Science Symposium, May 1990, San Francisco, CA. (Jointly with James Lawton, Al Drake, Lawrence Wein, Ron Whitney, and Dick Zuanich) Working Papers.

''A Behavioral Analysis of Learning Curve Strategy'' With Eric Beinhocker, Lee Newman and John Sterman.

''Balancing Incentives: The Tension between Basic and Applied Research'' Jointly with Iain Cockburn and Scott Stern.

MTC–00030603

January 28, 2002
VIA FACSIMILE (202) 307–1454
The Honorable Charles James
Assistant Attorney General for Antitrust
c/o Renata Hesse, Antitrust Division
U.S. Department of Justice
601 D Street, N-W, Suite 1200
Washington, DC 20530–0001

Dear Assistant Attorney General James: The proposed Final Judgment submitted in U.S. v. Microsoft Corporation, mad State of New York et al. v. Microsoft Corporation, triggers obligations by you under the Antitrust Procedures and Penalties Act (the ''Tunney Act''), set forth at 15 U.S.C. § 16. Under the Act, you are designated to ''receive and consider any written comments relating to the proposal for [a] consent judgment submitted under... this section.'' i5 U.S.C. § 16(d). On November 8, 2001, Judge Colleen Kollar-Kotelly ordered ''that members of the public may submit written comments concerning the proposed Final Judgment to [the Justice Department.]'' This letter is sent to you pursuant to this statute and court order.

As Chairman of the Subcommittee on Antitrust, Business Rights, and Competition of the Senate Committee on the Judiciary, I have studied the proposed settlement of the government's antitrust lawsuit against Microsoft very closely, and I write to express my concern about whether the settlement is in fact ''in the public interest.'' 15 U.S.C. § 16(e). Accordingly, I respectfully ask that you address the issues raised in this letter when you file with the district court your mandatory ''response'' to these comments. See 15 U.S.C. § 16(d). This settlement affects vast and important segments of the U.S. economy, and thus, its significance cannot be overstated. As a result, I believe it should only be approved if it can truly be shown that the settlement is ''is m the public interest,'' Such a determination will require the court to assess ''the competitive impact of such judgment, including termination of alleged violations, provisions for enforcement and modification, duration of relief sought, [and] anticipated effects of alternative remedies actually considered.'' 15 U.S.C. § 16(e)(1). These comments and questions are designed to inform this inquiry.

(1) Does the proposed settlement contain significant loopholes that render it largely ineffective to cure the damage to competition caused by Microsoft's illegal behavior? The unanimous District of Columbia Circuit Court of Appeals held that Microsoft violated section 2 of the Sherman Act by illegal conduct designed to maintain its monopoly on personal computer operating systems. The proposed settlement is designed to ''provide a prompt, certain and effective remedy for consumers'' arid ''halt continuance mad prevent recurrence of the violations of the Sherman Act by Microsoft... and restore competitive condition, s to the market.'' Competitive Impact Statement at 2.

However, it appears that, in many respects, the Revised Proposed Final Judgment (''PFJ''), contains so many loopholes, exceptions, qualifications, and definitional limitations that Microsoft can easily avoid its requirements. I have serious concerns that these loopholes and qualifications in the proposed settlement render it inadequate to accomplish its task of remedying Microsoft's illegal conduct and restoring competition in the computer software market. I will list a few examples below, but this list is not exhaustive.

(a) Million software copy limitation—Under the proposed consent decree, competitive access to the computer desktop has to be provided for certain types of firs.1 software application makers. More specifically, Microsoft must permit computer manufacturers and computer users to replace the icons, short-cuts, or menu entries for Microsoft Middleware Products on the desktop or start menu with Non-Microsoft Middleware Products. See PFJ ¶III.H.1. But the proposed consent decree contains a loophole in the definition of Non-Microsoft Middleware Products that denies that protection unless, in the prior year, ''at least one million copies [of that rival software] were distributed m the United States.'' Id. ¶VI.N. Thus, many start-up software companies with promising yet unproven technology in the pipe]me—precisely the companies most in need of protection from exercise of market power by a monopolist—will be left unprotected by the settlement. This could have a negative impact on the flow of venture capital and investment to technology start-ups—precisely the engine that drove the economic expansion of the late 1990s and a key to further expansion of our all-important technology sector. Requiring the distribution of a million copies in the United States in a year seems a very high threshhold. Why was this limitation written into the settlement? Why was the one million number chosen? In this era of internet downloads, how can a software maker prove that a million copies were distributed in the United States? What purpose does this limitation serve? Should the consent decree be modified to close that loophole and foster

new investments and growth by protecting those investments from monopoly practices?

In answering this inquiry I would request that you conduct a survey of a representative sample of non-Microsoft middleware product manufacturers to determine how long it took them to distribute one million copies of their software in the United States (if in fact they have done so). For example, it would be fruitful to determine how long it took products such as Kodak photofinishing software or the Palm OS to reach this threshhold, even though they might not qualify as non-Microsoft middleware products under the decree.

(b) Definitional limits on API disclosures—A cornerstone of the proposed settlement is the requirement that Microsoft disclose certain Application Programming Interfaces (''APIs'') that are used by Microsoft Middleware to interoperate with a Windows Operating System Product. See ¶III.D. Yet the definition of Microsoft Middleware is limited in such a way that raises doubts about the true extent of the requirement of API disclosure. Microsoft Middleware must be distributed seperately from a Windows Operating System Product and must be trademarked. Id. ¶VI.J. And any product comprised of the Microsoft or Windows trademark together with descriptive or generic terms are not considered to be trademarked. Id ¶VI.T. It appears that these definitional limitations will make it easy for Microsoft to avoid having to disclose APIs. Why can Microsoft simply decide not to trademark software and thereby have it fall outside this definition? Why does the definition of trademark exclude products identified by the Microsoft or Windows trademark plus a generic term?

In addition, Microsoft need not release any API to a software maker unless Microsoft determines that the software maker ''has a reasonable business need for the API'' and ''meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business.'' Id. ¶III.J. Many are concerned that permitting Microsoft to determine the ''business need'' and ''viability'' of potential competitors will be another way Microsoft can avoid the API disclosure requirements.

Another limit on API disclosure applies to new versions of Windows Operating Systems Products. With respect to new versions, disclosures of APIs need only be made in a Timely Manner. Id. ¶III.D. Timely Manner is defined to mean when Microsoft releases a test version of a Windows Operating System Product to 150,000 beta testers. Id. ¶VI.R. Microsoft could avoid this provision by simply having the new version—and the obligation to release APIs tested by less than 150,000 beta testers. What assurance is there that Microsoft will not avoid the API disclosure limitation in the future in this manner? There are many other definitional limits and qualifications found throughout the proposed consent decree. Beyond their specific provisions, these limitations raise the broader—and fundamental—question: is the proposed settlement is strong enough to make sure that Microsoft cannot use its monopoly power to squelch competition and innovation?

(2) Is the scope of the settlement's protection of middleware adequate to promote competition ? Before even running the gauntlet of the decree's restrictions outlined above, software must qualify as non-Microsoft middleware under the restrictive definitions of middleware used in the decree, see PFJ ¶¶VI.J, VI.K, VI.M, VI.N. The decree's protections are largely limited to competitors of ''Microsoft Middleware Products.'' But the definition of what is (or is not) a Microsoft Middleware Product remains somewhat ambiguous. Windows Messenger is covered, but MSN Messenger does not appear to be. Internet Explorer is covered, but MSN Explorer seems to be missing. Popular products such as software for personal digital assistants and photofinishing are excluded. What accounts for these gaps? And why did the Department of Justice and Microsoft abandon the definition of middleware that had been employed by, the District Court and affirmed unanimously on appeal? These definitions lie at the core of the consent decree's potential effectiveness. The heart of the Court of Appeals'' ruling was that Microsoft's acts of illegal monopoly maintenance blocked the ability of competitors to develop middleware which could effectively become an alternative platform to compete with the Windows operating system. The goal of the consent decree therefore must be to encourage and protect innovation in the middleware field. Yet the more restrictive and unclear the definitions are, the more they introduce uncertainty into this field and the more ineffective the consent decree will be. If potential innovators believe that Microsoft can avoid the ambit of the decree, then hopes for spurring innovation and competition among middleware products will be lost.

(3) Why is Microsoft ever allowed to retaliate against the computer makers? The settlement rests on the computer makers'' ability to promote competition on the desktop and in the industry generally. A key provision of the consent decree bans Microsoft from retaliating by agreement for a computer makers loading certain types of non-Microsoft software on its computers. See PFJ ¶III.A. Yet, the ban on Microsoft retaliation against computer makers is limited: the decree only bans retaliation in commercial agreements (not other forms of retaliation); only bans retaliation for removing specifically named ''Microsoft Middleware Products'' (not other Microsoft products); and only bans retaliation, for promoting specific competitive products (and not other products that could challenge Microsoft's desktop dominance). Will these loopholes ''swallow the rule'' that Microsoft should be banned from retaliating against computer makers? Would it not be far simpler to ban all Microsoft retaliation against the computer makers?

(4) Will Microsoft be able to accomplish through incentives what it could not accomplish by retaliation.? The ban on retaliation in no way prevents Microsoft from paying incentives to computer makers to strongly prefer—or install exclusively—Microsoft software products. Indeed, the proposed consent decree expressly provides that nothing ''shall prohibit Microsoft from providing Consideration to any OEM with respect to any Microsoft product or service where that Consideration is commensurate with the absolute level of that OEM's development, distribution, promotion, or licensing of that Microsoft product or service.'' PFJ ¶III.A. Given Microsoft's market power and financial resources, what will prevent Microsoft from using its financial resources, what will prevent Microsoft from paying bounties to computer manufacturers to ''voluntarily'' exclusively install or at least to prefer, Microsoft products, thereby accomplishing through incentive payments what it could not achieve by retaliation?

(5) Why does the settlement abandon the ban on commingling that the Court of Appeals found to be illegal? Nothing in the agreement prohibits Microsoft from commingling code or binding of its middleware to the Operating System (OS), even though the Court of Appeals specifically found Microsoft's commingling of browser and OS code to be anti-competitive and rejected a Microsoft petition for rehearing that centered on this issue. Computer manufacturers are likely to be discouraged from installing competing middleware products to those commingled with OS code, as these are likely to slow down the computer's speed and performance. Why should the proposed settlement permit this commingling to continue in the face of an explicit finding of illegality from the Court of Appeals?

(6) Is the five year term of the settlement sufficient to restore competition? The proposed consent decree has a five year term (extendable for two years only if the Court finds Microsoft has engaged in willful and systematic violations of the decree). PFJ ¶V. This is an unusually short time for an antitrust consent decree, which is typically ten years in length. Many wonder if this term is sufficient to remedy Microsoft's illegal conduct and restore competition. Why was the term of the decree limited to five years? How can we be sure that five years will be sufficient to restore competition?

In addition, under the decree, Microsoft has up to a year after submission of the decree before implementing several of its provisions, including the crucial API disclosure requirements and the provisions granting computer manufacturers and users the right to modify the start-up menus and icons with competing products. See PFJ ¶¶III.D, III.H. Thus the effective time that Microsoft must live under these restrictions is substantially shorter than the five year term of the agreement. And yet, this summer, when Microsoft made some very, minor changes to Windows to respond to the Court of Appeals ruling, it took just three weeks to make the changes. Given Microsoft's proven ability to make rapid changes, would it not be in the public interest to require Microsoft to live by the consent decree immediately and not wait another year?

(7) Is the enforcement mechanism sufficient? The proposed Final Judgment does not set forth vigorous enforcement mechanisms to keep Microsoft within the framework of this settlement. The proposed consent decree requirements the appointment of a ''Technical Committee'' to

monitor compliance with the decree, but its findings are entirely advisory and not binding on Microsoft. PFJ ¶IV.B. The only true enforcement mechanism would be for the Justice Department to go to Court in art enforcement action. In such an enforcement action, no work product findings or recommendations of the Technical Committee can be admitted as evidence in court. Id. ¶IV.D.4.d. ''While Microsoft is required to ''be reasonable'' in its conduct: violations of such ''be reasonable'' provisions can only be remedied through proceedings that will become, in essence, mini-retrials of U.S. v. Microsoft itself. Are these provisions sufficient to ensure that the settlement can be enforced properly? Without an iron-clad enforcement mechanism, how can the public take solace in the ''promise'' that Microsoft will ''be reasonable'' given the history of litigation in this case, and earlier antitrust lawsuits against Microsoft?

(8) What will the settlement's effect be on Microsoft's future conduct? Microsoft is has dubbed its aggressive Internet strategy .NET or ''Hailstorm''—a strategy to give consumers a one-stop shop on the Internet. How will the consent decree foster competition for these future ''platforms?'' If the purpose of this case was to check Microsoft's monopoly power, how will the Justice Department ensure that this monopoly dominance is not extended from the desktop to the Internet? And why are critical new technologies, such as digital rights management and identity-authentication, exempted from the proposed settlement's disclosure provisions? In closing, we today stand on the threshold of writing the rules for competition in the digital age, and we have two choices. One option involves one dominant company controlling the computer desktop, facing minor restraints that expire in five years, but acting as a gatekeeper to 95% of all personal computer users. The other model is the flowering of innovation and new products that resulted from the ending of the AT&T telephone monopoly nearly twenty, years ago. From cell phones to faxes, from long distance price wars to the development of the Interact itself, the end of the telephone monopoly brought an explosion of new technologies and services that benefit millions of consumers every day. We should resist on nothing less from this proposed settlement. In sum, any settlement in this case should make the market for computer software at least as competitive as the market for computer hardware is today. We should insist on a settlement that has an immediate, substantial, and permanent impact on restoring competition in this industry. I recognize the extraordinary effort that the Justice Department has expended in the litigation of this case, and I thank you and your staff for the vigor with which you have pursued this challenging case. I believe that answers to the questions and issues posed above are essential for determining whether the proposed settlement is in the public interest. Thank you for your attention to this matter.

Sincerely,

HERB KOHL

Chairman

Subcommittee on Antitrust, Business Rights and Competition

MTC–00030604

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Facsimile Cover Sheet

FROM: Patrick O'Connor DATE: January 28, 2002

TO: Renata B. Hesse FAX: (202) 307–1454 TEL:

CC: Audrie Krause, NetAction (415) 673–3813

Dear Ms. Hesse: The attached are the Comments of NetAction and Computer Professionals for Social Responsibility on the Proposed Final Judgment in United States v. Microsoft. A copy has already been provided to you via E-mail.

Please feel free to contact me at 202–955–6300 with any questions or concerns.

Regards,

Patrick O'Connor

Counsel to NetAction and Computer Professionals for Social Responsibility

Comments of NetAction and Computer Professionals for Social Responsibility On the Proposed

Final Judgment

INTRODUCTION

The Government's Competitive Impact Statement claims that ''[t]he relief contained in the Proposed Final Judgment provides prompt, certain and effective remedies for consumers.'' [1] However, any potential relief is far from ''certain'' or ''effective'' for the average (non-corporate) consumer, and relief certainly will not be ''prompt'' since it will arrive, if at all, only as Microsoft rolls out later versions of its Windows Operating System.

Unfortunately, the Proposed Final Judgment does not offer consumers any hope of relief in the market for the non-middleware software applications on which they rely, such as word processing and spreadsheets. Nor does the Proposed Final Judgment attempt to offer any hope of relief to consumers using Windows 95, Windows 98, Windows NT, or Windows 2000. By its terms, the Proposed Final Judgment only applies to Microsoft's dealings with third pasty developers for Windows 2000 Professional, Windows XP, and later Windows versions. Thus, to achieve even the uncertain benefits of the Proposed Final Judgment, consumers will have to pay a high price for new software and, as explained below, new hardware, including new computers. For these reasons, the Proposed Final Judgment is suspect in terms of both the public interest and the goals of antitrust relief described by the Government.[2]

Moreover, the Proposed Final Judgment must be rejected because the record does not permit the Court to determine, with any reasonable degree of comfort or certainty, exactly what relief the Proposed Final Judgment provides. The language of the Proposed Final Judgment, in combination with the numerous exceptions to its prescriptions, necessarily leaves the Court and the public at a loss to confidently predict what conduct is prohibited and what conduct is permitted. Indeed, in a number of specific instances, the exceptions provided for in the Proposed Final Judgment appear to enable Microsoft to escape large portions or even all of its obligations. As the Court is fully aware, the Government's current lawsuit-now approaching its fourth anniversary-was triggered by Microsoft conduct that the Government thought it had prohibited in a previous consent decree. Only when it attempted to enforce the decree against that conduct did the Government discover that the language of the decree-language perhaps inserted by Microsoft and ''protecting'' its rights to innovate-could be interpreted to permit Microsoft to require that customers purchase its browser as a component of Microsoft's Windows Operating System, the exact conduct that the earlier decree ostensibly would have prevented.[3] The very. same sorts of ambiguity are evident in the Proposed Final Judgment. If it is approved, Microsoft and the Government will find themselves back in this Court yet again, arguing over interpretation, while non-corporate consumers are forced to endure yet another round of anticompetitive effects.

Because the Court has no power under the Tunney Act to modify the terms proposed by the parties, the Court must either reject the Proposed Finn Judgment as inconsistent with the public interest, or order additional proceedings to clarify its terms.[4] Such additional proceedings should provide the parties to the Proposed Final Judgment with an opportunity to prove that there has been an actual ''meeting of the minds'' with regard to the terms of the agreement. Only where that has occurred should the Court consider approving the Proposed Final Judgment; otherwise, rejection is the Court's only recourse.

DISCUSSION

NetAction is a national nonprofit organization dedicated to promoting use of the Internet for effective grassroots citizen action campaigns, and to educating the public, policymakers, and the media about technology policy issues. Among other projects, NetAction manages the Consumer Choice Campaign to focus public attention on Microsoft's growing monopolization of the Internet.

Computer Professionals for Social Responsibility (''CPSR'') is a public-interest alliance of computer scientists and other interested individuals concerned about the impact of computer technology on society. CPSR provides the public and policymakers with realistic assessments of the power, promise, and limitations of computer technology and directs public attention to critical choices concerning the applications of computing and how those choices affect society.

I. A Large Segment of the Consumer Market Will Be Unable to Avail Themselves of the

[1] Competitive Impact Statement § I

[2] See 15 U.S.C. § 16(e), Competitive Impact Statement § I

[3] See U.S. v. Microsoft, 56 F.3d 1448, 1461–62 (DCCir. 1995); see infro. § II.A.

[4] See 15 U.S.C. 16(b) et seq.

Limited and Uncertain Benefits of the Proposed Final Judgment Unless They Invest Substantial Sums in Hardware and Software Upgrades

A. The Proposed Final Judgment Would Do Nothing to Increase Competition for Software Applications

Despite Microsoft's substantial dominance in the market for software applications-such as email, word processing, and spreadsheets-the Proposed Final Judgment limits its modest proposed remedies co the market for ''middleware.'' The Government's loftiest description of its anemic proposed remedy promises only to ''restore the competitive threat that middleware products posed prior to Microsoft's unlawful undertakings.'' [5] The ''bulleted'' enumeration of those benefits offered by the Government further clarifies that only the market for middleware is targeted for relief.[6]

It is certainly true, as the Government points out, that middleware poses-or perhaps more accurately ''posed'' when the case was filed nearly four years ago-a significant threat to the dominance of Microsoft's Windows Operating System. By exposing its own ''APIs,'' middleware allows software developers to write applications that will run on multiple operating system platforms, thus decreasing the importance of any particular operating system.[7] And the middleware category is particularly important as computing evolves towards a model in which users go outside their desktop/laptop hardware not only for their data-as Internet has taught them to do-but also for applications by which to interact with that data.

While the Government certainly was correct to make middleware an important focus of its case, the Government certainly is not correct to make middleware the sole focus of its proposed remedy. It is one thing to say that the existence of a competitive market for middleware could undercut Microsoft's monopoly of operating system software if computing moves away from a desktop/server environment to a Net-based environment. It is quite another to say, as the Proposed Final Judgment does, that the public interest is satisfied when consumers can achieve some benefits of competition only if computing moves away from a desktop/server environment to a Net-based environment.

It is simply not in the public interest-certainly not in the non-corporate consumers'' interest-to conclude what by now is nearly a decade of Government antitrust litigation by providing for some uncertain possibility of middleware competition while ignoring file monopoly position that Microsoft has built in the applications market over that same period.

B. Consumers Will Be Forced to Buy Software and Expensive New Hardware To Get Any Benefits From the Proposed Final Judgment

Even assuming that the Proposed Final Judgment has the potential, over time, to create a more competitive market in the narrow middleware product line which is its sole aim, consumers will have to buy a very expensive ''admission ticket'' to obtain any of those benefits.

The Government acknowledges that relief should, at a minimum, end the unlawful conduct, prevent its recurrence, and ''undo its anticompetitive consequences.'' [8] Curiously, despite this acknowledgement, the Proposed Final Judgment is purely prospective: by its terms it would apply only to the conduct of Microsoft and the opportunities of third party software and hardware vendors in relation to Windows 2000 Professional, Windows XP, and later generations of Microsoft's Windows Operating System.[9] While not evident on the face of the Proposed Final Judgment, this result flows from the interplay among the Proposed Final Judgment's operative provisions and definitions. All of Microsoft's proposed obligations would be limited to conduct relating to a ''Windows Operating System Product'' which is defined as the ''software code ... distributed ... by Microsoft ... as Windows 2000 Professional Windows XP Home, Windows XP Professional, and successors[.]'' [10]

Thus, by its terms the Proposed Final Judgment would not even attempt to ''undo [the] anticompetitive consequences'' of Microsoft's conduct for consumers who continue to use earlier versions of Windows, including Windows 95, Windows 98, and even Windows Me. Perversely, consumers will have to fill Microsoft's coffers by purchasing upgraded operating system software in order to obtain relief. Under the Proposed Final Judgment, only those consumers who upgrade to Windows 2000 Professional or a later version of the Windows Operating System would see any of the benefits of increased competition in the range of software choices available to them.[11]

And the cost of admission to the realm of greater choice is not just the price of the new software product. As anyone who has attempted a system upgrade on his or her own can attest, it is an endeavor best left to professionals. The process is enormously complex, takes hours of time, requires the user to make numerous decisions, often without adequate information, and is prone to crashing the computer, requiring professional help for recovery.[12] Even the IS departments in corporate America are wary of upgrading their entire user community before they have thoroughly tested both the new operating system and the process of upgrading to it. And outside corporate America-that is, for the average (non-corporate) consumer-the task is so difficult that most consumers avoid it, continuing to use the operating system that came with their computers, and changing operating systems only if and when they buy a new computer.

To compound the problem and increase the price of admission even further, each new generation of operating system is significantly more resource-intensive than the last, as clearly indicated by the ''minimum system requirements'' notice Microsoft includes on its packaging and on its web site. The ''minimum system requirements'' for random access memory (RAM) have doubled with each succeeding consumer version of Windows. Windows Me required 32 megabytes (MB) of RAM; Windows 2000 Professional required a minimum of 64 MB; Windows XP recommends at least 128 MB.[13] The ''minimum'' CPU and hard disk requirements have accelerated even more rapidly.[14] And as every computer user knows, the ''minimum'' hardware requirements rarely provide adequate performance under the new operating system. So consumers are forced to buy enhancements to their existing computers, such as more memory and larger hard drives, to ''catch up'' with the demands of the new operating system. Even the consumer who upgrades her computer faces significant performance limitations stemming from the processor and bus architecture of existing systems. This history of Microsoft operating system evolution is that a

[5] Competitive Impact Statement § 1 <http://www.usdoj.gov/atr/cases/f9500/9549.htm>.

[6] Id.; see also Competitive Impact Statement § III, IV <http://www.usdoj.gov/atr/cases/19500/9549.htm>.

[7] This would be true so long as several conditions obtain: (1) those applications depend only on the middleware's APIs, and not on the APIs of the underlying operating system, (2) the middleware runs equally effectively on multiple operating system platforms, and (3) all of every user's applications run on middleware.

[8] Competitive Impact Statement § IV.B <http://www.usdoj.gov/atr/cases/f9500/9549.htm>.

[9] Proposed Final Judgment § VI.U <http://www.usdoj.gov/atr/cases/f9400/9495.htm>.

[10] Proposed Final Judgment §§ III.A–I VI.U <http://www.usdoj.gov/atr/cases/f9400/9495.htm>; Competitive Impact Statement § I (bullet points) <http://www.usdoj.gov/atr/cases/19500/9549.htm>.

[11] A massive migration to later Windows operating system products carries additional problems for consumers, Indeed, another of the hidden costs to consumers of both Microsoft's anticompetitive conduct and the Proposed Final Judgment is the cost in network security. The continued dominance of the Windows Operating System and related applications means that Microsoft is a target for hackers and all those who would compromise the privacy and security of network systems. Elinor Mills Abreu, Hack this! Microsoft and its critics dispute software security issues, but users make the final call, InfoWorld (Sept. 27, 1999) <http://iwsun3.infoworld.com/??qibin/displayStory,p12/features/990927haek.htm>. Thus, a breach of privacy or security in a given Microsoft product will be visited upon millions of consumers worldwide. Absent continued anticompetitive conduct, leading to continued dominance in operating system, browser and office applications, such costs would be significantly decreased as the risk of breach would be more dispersed among several operating systems. See Letter from the Electronic Privacy Information Center to United States Senator Patrick Leahy, Senate Judiciary Committee (Dec. 11, 2001), <http://msdn.microsoft.com/msdnews/2001/July/hess/prior.as??>.

[12] 12 See, e.g. Mark Hammond, Hidden upgrade woes found in Windows 98, eWEEK (June 25, 1998) http://zdnet.com.com/2102–11–510242.html, A. Kandra, Consumer Watch: Avoiding the Upgrade From Hell, PC World (August 2001) <http://www.??cworld.com/features/article/0,aid,52348,00.as??>.

[13] Compare <http://www.microsoft.com/catalog/display.asp'site=10451&subid=22&??=3> (Windows Me); <http://www.microsoft.com/catalog/display.asp'site=657&subid=22&p??=3> (Windows 2000 Professional); and <http://www.microsoft.com/catalog/display,asp'site=11052&subid=22&pg=3> (WindowsXP).

[14] 14 Id.

consumer will, as a practical matter, need to buy a new computer to make effective use of a new operating system.

The reality, then, is that even if the Proposed Final Judgment would allow the development of a more competitive market for middleware, consumers would have to purchase new software and new computers (or spend almost as much to upgrade their existing systems) to obtain any benefits. As a result, a large percentage of consumers would simply be unable to afford the price of admission in their homes, or in their schools, or in their libraries. No proposed antitrust remedy can be in the public interest when it excludes the most vulnerable members of the public from any potential benefits.

II. Important Provisions of the Proposed Final Judgment Will Not Accomplish Their Intended Purposes

The Proposed Final Judgment is vague or subject to evasion by Microsoft to such an extent that it is not in the public interest as it currently stands. In Tunney Act proceedings—particularly where the litigation was required by a failure of precision in a prior settlement decree—a court should insist on precision in the proposed decree, so that the task of enforcing the decree does not become unmanageable.[15] As discussed below, however, the Proposed Final Judgment is fiddled with provisions that make its interpretation and enforceability highly problematic.

A. Microsoft I Illustrates the Importance of Eliminating Ambiguities and Loopholes from the Proposed Final Judgment

In assessing the Proposed Final Judgment, there are important lessons to be learned from past dealings between the Government and Microsoft, in particular the unfortunate history of the first Microsoft consent decree. That decree provided, among other things, that Microsoft can not require OEMs, as a condition of a license to an operating system, to license another Microsoft product.[16] Soon after that decree was approved, however, Microsoft integrated its web browser code into the Windows Operating System, causing the Government to seek an injunction. The decree, however, contained an exception that doomed its very object: it could not be ''construed to prohibit Microsoft from developing integrated products.'' [17] Because the appellate court found that the Government was unlikely to prevail on this question of integration, Microsoft was free to integrate its web browser into the operating system.[18]

It was only last year, after extensive litigation, that Microsoft's integration of the browser code into the Windows Operating System was finally found to be illegal as an improper effort to prevent entry by rival browsers.[19] By that time, however, Netscape Navigator, the browser at which Microsoft had directed many of its tactics, was no longer a threat to Microsoft's monopoly. In a very real sense, the presence of a vague exception for ''integration'' in the first Microsoft decree, and Microsoft's ability to exploit that exception, made. possible the monopolistic behavior and anticompetitive distortion that was at issue in Microsoft II.[20] It is crucial that that scenario not be repeated here, and that the Proposed Final Judgment be cleansed of similar opportunities for Microsoft to ''design around'' the decree's restrictions. Regrettably, there are many aspects of the Proposed Final Judgment that require such cleansing.

B. The Proposed Final Judgment Will Allow Microsoft To ''Design Around'' Its Obligations Despite the fact that ambiguous language is exactly the reason this case was initiated, the Proposed Final Judgment suffers chronically from the same defect. Loose language and a plethora of exceptions would permit Microsoft to ''design around'' the restrictions that are currently being proposed by the Government:

First, the Proposed Final Judgment would allow Microsoft alone to determine the definition of its Windows Operating System. Combined with loose language in the definition of Microsoft Middleware, this provision raises the possibility that Microsoft would be able to escape its API disclosure obligations by incorporating middleware products into future versions of its operating system. If such is the case, contrary to the intent of the Proposed Final Judgment, Microsoft could thereby prevent competition in middleware;

Second, under the Proposed Final Judgment, Microsoft alone would be able to determine when its disclosure obligations arise, as it would determine what constitutes a ''major version'' release under the definition of Microsoft Middleware. By releasing updates, as opposed to ''major versions,'' Microsoft could continue to advance the development of Microsoft Middleware, while precluding competition from other middleware producers;

Third, when a major version is released by Microsoft, the terms of the Proposed Final Judgment regarding the release of information on APIs would permit Microsoft a perpetual advantage in the relevant markets: by the time Microsoft was obligated to release information on APIs, it would already have developed its next major version for release. Thus, under the terms of the Proposed Final Judgment, competitors will always remain at least one step behind Microsoft;

Fourth, Microsoft would unilaterally control whether the user can designate a competitive middleware product by determining the technical compatibility of such products with the Windows Operating System. By continually establishing new (and potentially irrelevant) technical requirements, Microsoft can ensure that consumers are forced to use Microsoft products for an increasing number of applications;

Fifth, and finally, Microsoft would be able to escape all of its disclosure obligations under the Proposed Final Judgment where it would be able to determine that a particular product threatens the ''security'' of any number of integrated systems. In the current environment where applications are increasingly tied to both the operating system and other programs, such claims are easy to make and difficult to disprove. By invoking this exception, Microsoft would be free to preclude competition altogether;

Each of these shortcomings is discussed in further detail below. Given the ambiguities and exceptions, consumers have no reason to expect that the Proposed Final Judgment would effectively prevent the Microsoft monopoly from expanding beyond the operating system and browser markets into every facet of digital life. For these reasons, the Proposed Final Judgment should be rejected or additional proceedings ordered by this Court.

Under Section VI.U of the Proposed Final Judgment, ''It]he software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion.'' This overarching provision would permit Microsoft to unilaterally alter one of the bedrock terms of the Proposed Final Judgment and, thus, to alter the terms of the agreement. As in 1995, the actual implications of this provision of the decree are unclear (except, perhaps, to Microsoft). Nevertheless, it is not difficult to imagine instances in which Microsoft would attempt to, for example, integrate potential Microsoft Middleware Products into its Windows Operating System in order to escape its disclosure obligations (a possibility discussed further below).[21] The provision would also allow Microsoft to implement code designed to make competing middleware products incompatible with the Windows Operating System and thus prevent consumers from using that product as is ostensibly permitted under Section III.H. Indeed, the overarching problem with this provision for both competitors and consumers is its ambiguity and the uncertainty that is associated with it. At a minimum, definitional control of the Proposed Final Judgment should reside first with the agreement itself and, next, with the Court; it certainly should not reside with Microsoft. There is hardly any point in a decree that gives the defendant the right to determine its meaning.

Similarly, under Section III.D of the Proposed Final Judgment, Microsoft must disclose to competitors any and all APIs used by Microsoft Middleware to function effectively on the Windows Operating System. However, because the definition of Microsoft Middleware appears to be limited to ''software code that Microsoft distributes separately from a Windows Operating System

[15] 15 U.S. v. Microsoft, 56 F.3d 1448, 1461–62 (DCCir. 1995).

[16] 16 U.S. v. Microsoft, 147 F.3d 935,939 (DCCir. 1998) (''Microsoft I'').

[17] 17 Id. at 939.

[18] 18 Id. at 955.

[19] U.S. v. Microsoft, 253 F.3d 34 (DCCir. 2001) (''Microsoft II'').

[20] 20 Id.

[21] ''A monopoly in operating system software is a platform for unprecedented control over the flow of information to consumers. Control over this software can be leveraged to near total control over the computer screen, Dominating the screen means controlling ... what [consumers] see and when they see it.'' The Project to Promote Competition & Innovation in the Digital Age. At the Crossroads of Choice, <http://procompetition.org/researchlcrossroads/crossexec.htm>.

Product,'' [22] the possibility arises that Microsoft could avoid the required disclosure of its APIs simply by integrating potential Microsoft Middleware into the operating system.[23] Integration would have the same effect upon potential competitors as nondisclosure; the applications barrier to entry would remain impenetrable and innovation by anyone other than Microsoft would be prevented. Moreover, further integration of middleware products would permit Microsoft to extend its monopoly power into adjacent markets.'' [24]

Moreover, assuming that Microsoft determines to release future Microsoft Middleware, Section VI.J would egregiously permit it to determine when or even if its API disclosure obligations are triggered. Specifically, this provision would allow Microsoft to unilaterally determine which releases are ''updates'' to existing Microsoft Middleware and which are ''new major version[s]'' of such.[25] Microsoft would avoid disclosure (triggered by release of a new major version) simply by denominating the release anything other than ''a whole number or ... a number with just a single digit to the right of the decimal point.'' [26] The implications of this type of control on the part of Microsoft make the API disclosure provisions of the Proposed Final Judgment effectively meaningless.

Even where disclosure of APIs to competitors was to occur under Section III.D, it would not be required until ''the last major beta test release'' of the relevant Microsoft Middleware.[27] Microsoft would thus have two incentives with regard to the release of the updated version: (1) to push the date of release of its last beta test as close as possible to the release of a commercial product, and (2) to use the interval until the last beta test to plan a subsequent and improved version of the same software to be released once competition with the updated version is threatened. After release, potential competitors would hurriedly attempt to implement the APIs to enable their products to interoperate with the Windows Operating System. Meanwhile, Microsoft's product would have been commercially re]eased and gaining market share. Thus, before competitors would have been able to convince consumers of the value of their products, Microsoft would have developed a subsequent and improved version of the product, effectively foreclosing competition. The timing of competitors'' access to APIs is crucial for compettion to have any chance of developing. But the timing provided for in the Proposed Final Judgment does not accomplish its purpose.

Section III.H ostensibly ''ensures that OEMs will be able to choose to offer and promote, and consumers will be able to choose to use, Non-Microsoft Middleware Products[.]'' [28] However, the same section would provide Microsoft with yet another exception that effectively swallows the obligation: Microsoft would be permitted explicitly to override a consumer's default choice of middleware product with its own Microsoft Middleware Product where the non-Microsoft product ''fails to implement a reasonable technical requirement ... that is necessary for technical reasons to supply the end user with functionality consistent with a Windows Operating System Product[.]'' [29] Even a superior middleware product could be preempted where it did not conform to Windows Operating System Product code, over which Microsoft would have exclusive control (described above). It is not difficult to imagine Microsoft creating a series of ''technical requirement'' obstacles that would need to be navigated by competitors and consumers in order to permit them choice in middleware products. Granting Microsoft such control over this important provision would permit Microsoft to avoid its impact entirely, continuing the exact anticompetitive conduct this provision was ostensibly designed to prevent.

Finally, the Proposed Final Judgment would grant Microsoft an overarching exception to all of its disclosure obligations where, in Microsoft's determination, ''the disclosure ... would compromise the security of a particular installation or group of installations of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria[.]'' [30] In an environment where each and every piece of software is increasingly integrated with both the underlying operating system and companion programs, each piece of software could be interpreted by the platform provider as a vehicle for potential interference with vital systems. This is a common argument of monopolists, for it is designed to delay or prevent competition in network services. Given this amount of discretion, Microsoft would be able to effectively prevent competitors from introducing products based upon Microsoft's ''determination'' that such products would be ''dangerous'' to the platform or other components.

The litany of ambiguities described in the preceding paragraphs are not a complete listing of the faults of the Proposed Final Judgment; rather, they are indicative of a systematic failure to consider the machinations of Microsoft and the extent to which even the smallest exception will undoubtedly be employed to preclude competition. Ultimately, consumers will suffer the most from these anticompetitive tactics because, with few alternative resources, they will be forced to buy what the incumbent has to offer, without the benefits of innovation and competition. For these reasons, the Court should reject the Proposed Final Judgment or order additional proceedings as described below.

III. The Court Should Either Reject the Decree As It Currently Stands or Order Additional Proceedings to Eliminate Evident Ambiguities

Unfortunately, under the Tunney Act, the Court has no power to modify the terms agreed to by the parties to the Proposed Final Judgment.[31] This leaves the Court with the difficult decision of whether to accept or reject the Proposed Final Judgment in its entirety. NetAction and CPSR respectfully recommend that the Court not shy away from rejection of the Proposed Final Judgment where it is apparent that ambiguous provisions, described above, will not ameliorate the extant competitive situation for consumers. Such approval would not be in the public interest as required by statute.[32] As an alternative to outright rejection, the Court should consider instituting additional proceedings to assure itself of a ''meeting of the minds'' among all parties to the agreement.

Microsoft, the Government, and the state parties to the Proposed Final Judgment will undoubtedly argue that the expenditures in time and resources necessary to come to a workable agreement justify approval of the Proposed Final Judgment at this time. On the contrary, however, the time and energy spent upon formulating a solution to a competitive problem that has plagued competitors and consumers for the better part of a decade argues for, and not against, an agreement that is stable, workable and not subject to multiple interpretations. The Court should nor rush to approve an agreement that will return to its docket in the near future as a result of ambiguities.

Instead, the Court must be careful to define the terms of the Proposed Final Judgment such that it neither inadvertently accepts an agreement that will not solve the problem nor rejects an agreement that would successfully ameliorate the problem and benefit consumers in the marketplace. Such terms have not yet been defined with respect to the Proposed Final Judgment. Fortunately, under the Tunney Act, the Court has broad powers to order further proceedings to ensure that the public interest is served.[33] In aid of its enforcement authority, then, the Court should order additional proceedings in this

[22] Proposed Final Judgment § VI.J <http://www.usdoj.gov/atr/cases/f9400/9495.htm>.

[23] Comments of Robert Litan, Roger Knoll and William Nordhaus on the Revised Proposed Final Judgment (filed Jan. 17, 2002); see also Jonathan Krim, Wording of Microsoft Deal Too Loose, Analyses Say. The Washington Post, E1, E10 (Jan. 18, 2002).

[24] The list of markets into which Microsoft is attempting to expand its dominance is growing. Consumer Federation of America and Consumers Union recently published a report, which describes Microsoft's current bundling strategy, which includes integrating email, instant messaging, calendars and contact lists, audio and video media players, digital photography, digital rights management, and identity verification. Dr. Mark N. Cooper. Consumer Federation of America. and Christopher Murray, Consumers Union, Windows XP/.NET: Microsoft's Expanding Monopoly, How It Can Harm Consumers and What the Courts Must Do to Preserve Competition (Sept. 26, 2001) <http://www.consumcrfed.org/WINXP anticompetitive study.pdf>.

[25] Proposed Final Judgment § IIT J <http://www.usdoj.gov/atr/cases/f9400/9495.htm>.

[26] Id.

[27] Proposed Final Judgment § III,D <http://www.usdoj.gov/atr/cases/f9400/9495.htm>.

[28] Competitive Impact Statement § IV.B.8 <http://www.usdoj.gov/atr/cases/f9500/9549.htm>.

[29] Proposed Final Judgment § III.H <http://www.usdoj.gov/atr/cases/f9400/9495.htm>.

[30] Proposed Final Judgment § III.J.I <http://www.usdoj.sov/atr/cases/9400/9495.htm.>.

[31] 15 U.S.C. § 16(b) et seq.

[32] 15 U.S.C. § 16(e).

[33] 33 Id.

case to ''pin down'' the meaning of the various provisions of the Proposed Final Judgment that appear to be subject to dispute.

In order to assure itself that Microsoft, the Government, and the state parties have reached an actual ''meeting of the minds,'' the Court should permit participants to the Tunney Act process to submit written questions to each of the three parties to the Proposed Final Judgment. Such questions should only cover what is or what is not permissible under the provisions of the Proposed Final Judgment, Each of the three parties should answer separately, with no consultation among them, as to whether the action in question is permissible. In order to prevent any ''backsliding'' in interpretation, each party should be required to submit an affidavit agreeing to be bound by its answers in any additional proceedings. If the three separate answers are in agreement as to the questions posed, the Court should recognize that a ''meeting of the minds'' has occurred and approve the Proposed Final Judgment forthwith. If the answers are not in agreement, the Court should reject the Proposed Final Judgment until such a ''meeting of the minds'' is reached and conclusively proven.

CONCLUSION

The Proposed Final Judgment, as it currently stands, does not offer consumers any hope of relief in the market for non-middleware software applications. Nor does it attempt to offer any relief to consumers using Windows 95, Windows 98, Windows NT, or Windows 2000. To achieve even the uncertain benefits claimed by the Proposed Final Judgment, consumers will have to buy new software and hardware, including new computers.

Moreover, the Proposed Final Judgment is disturbingly reminiscent of Microsoft I in its ambiguities. Indeed, it was an ambiguity in Microsoft I that led to this proceeding and forced consumers to endure five long years of legal wrangling over an issue that the Government thought had been decided between the parties. As it stands, the Proposed Final Judgment does not permit the Court to determine, with any reasonable degree of comfort or certainty, what relief in fact would be provided by the Proposed Final Judgment. Indeed, in a number of specific instances, the exceptions provided for in the Proposed Finn Judgment appear to permit Microsoft to escape large portions or even the entirety of its obligations.

On the present record, the Proposed Final Judgment cannot be found to be in the public interest. The Court should either reject the Proposed Final Judgment outright, or order additional proceedings, as described herein, to definitively clarify its terms.

Dated: January 28, 2002

Respectfully submitted,

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Re: United States v. Microsoft Corp. & State of New York v. Microsoft Corp., United States District Court for the District o[Columbia, Case Nos. 98–1232, 98–1233

Dear Ms. Hesse: On behalf of Sony Corporation (''Sony''), a Japan corporation, we offer the following comments pursuant to 15 U.S.C. °16(d) with regard to the Revised Proposed Final Judgment (the ''Proposed Judgment'') in the above captioned matter.

Introduction and Summary

As one of the world's leading technology and entertainment companies, Sony develops and manufactures a wide variety of audio, video, communications and information technology products. Sony is also an original equipment manufacturer (''OEM'') of personal computers and a direct licensee of Microsoft Corporation (''Microsoft'').

Microsoft maintains that certain provisions of the Proposed Judgment require it to impose ''standard'' licensing terms on Sony and other OEMs that could possibly erode protections for their intellectual property. Sony and other OEMs have made, and continue to make, significant investments in such intellectual property. These companies should be free to negotiate more favorable licensing provisions that restrict Microsoft's ability to leverage its market power to gain access to this intellectual property. Accordingly, Sony requests a clarification or modification of the Proposed Judgment to ensure that Sony and other similarly situated OEMs can negotiate appropriate protections for their intellectual property beyond those available in ''standard'' licensing terms and conditions.

Background

Like other OEMs, Sony has entered into a series of one-year Desk Top Operating System (DTOS) license agreements with Microsoft that contain terms relating to operating system products, royalties and payments. These license agreements incorporate other terms and conditions from longer term ''Business Terms Documents'' negotiated between Microsoft and its OEMs. Last year, Sony and Microsoft entered into the current Business Terms Document, which is effective for several years.

The current Business Terms Document contains several provisions relating to intellectual property. These provisions include ''non-assertion covenants'' in which OEMs, under certain conditions, agree not to assert patent claims against Microsoft and Microsoft licensees. Sony and its various affiliates, however, have a significant history and patent portfolio in various areas, including audio, video, software applications and other technologies. To protect its rights to assert these patents, Sony negotiated with Microsoft important limitations on the scope of these non-assertion covenants. Sony believes these limitations are necessary to protect its investments in intellectual property.

Section III.B of (he Proposed Judgment

Under the terms of the Proposed Judgment, Sony is a ''Covered OEM'' because it is one of the 20 OEMs with the highest worldwide volume of licenses of Windows Operating System Products. (Revised Proposed Final Judgment, ° VI.D.) The Proposed Judgment would require Microsoft to offer Sony and other Covered OEMs licenses on ''uniform terms and conditions.'' Section III.B of the Proposed Judgment provides:

B. Microsoft's provision of Windows Operating System Products to Covered OEMs

shall be pursuant to uniform license agreements with uniform terms and conditions. Without limiting the foregoing, Microsoft shall charge each Covered OEM the applicable royalty for Windows Operating System Products as set forth on a schedule, to be established by Microsoft and published on a web site accessible to the Plaintiffs and all Covered OEMs, that provides for uniform royalties for Windows Operating System Products, except that:

1. the schedule may specify different royalties for different language versions;

2. the schedule may specify reasonable volume discounts based upon the actual volume of licenses of any Windows Operating System Product or any group of such products; and

3. the schedule may include market development allowances, programs, or other discounts in connection with Windows Operating System Products, provided that:

a. such discounts are offered and available uniformly to all Covered OEMs, except that Microsoft may establish one uniform discount schedule for the ten largest Covered OEMs and a second uniform discount schedule for the eleventh through twentieth largest Covered OEMs, where the size of the OEM is measured by volume of licenses;

b. such discounts are based on objective, verifiable criteria that shall be applied and enforced on a uniform basis for all Covered OEMs; and

c. such discounts or their award shall not be based on or impose any criterion or requirement that is otherwise inconsistent with any portion of this Final Judgment.

(Revised Proposed Final Judgment ° III.B.)

The Department of Justice has explained that Section III.B was included in the Proposed Judgment to prevent Microsoft from retaliating against OEMs that market or promote products from Microsoft's competitors. In its ''Competitive Impact Statement,'' the Department of Justice stated:

In order to ensure freedom for the 20 Covered OEMs from the threat of Microsoft retaliation or coercion, Section III.B requires that Microsoft's Windows Operating System Product licenses with such OEMs contain uniform terms and conditions, including uniform royalties. These royalties must be established by Microsoft in advance on a schedule that is available to Covered OEMs and the Plaintiffs.

(Competitive Impact Statement at 27–28.)

The Department of Justice also has argued that Section III.B will eliminate ''any opportunity for Microsoft to set a particular OEM's royalty or license terms as a way of inducing that OEM to decline to promote non-Microsoft software or retaliating against that OEM for its choices to promote non-Microsoft software.'' (Id. at 28.) The Department concluded that Section III.B will ''ensure that OEMs can make their own independent choices.'' (Id.) Microsoft's Proposed Uniform Terms and Conditions

Microsoft has informed Sony that it intends to enter into a new DTOS license agreement with Sony embodying new ''uniform terms and conditions'' mandated by Section III.B. These ''uniform terms and conditions'' apparently represent an effort to create a standard set of terms and conditions from a variety of existing Business Terms Documents with various OEMs. Microsoft's efforts to comply with Section III.B, however, may have produced new ''uniform terms and conditions'' that weaken certain pro-competitive limitations on the non-assertion covenants.

Microsoft has been adjuged to have illegally maintained its operating system monopoly in violation of the Sherman Act. United States v. Microsoft Corp., 253 F.3d 34, 54 (DC Cir. 2001), cert. denied, 122 S.Ct. 350 (2001). This raises the possibility that Microsoft will use its monopoly power to force its OEM licensees to give up intellectual property rights, thus affording Microsoft the opportunity to expand its power. In the current Business Terms Document, Sony has negotiated narrow non-assertion covenants to reduce this possibility,

Microsoft maintains that Section III.B of the Proposed Judgment precludes it from accepting the non-assertion covenants in the Business Terms Document freely negotiated and signed last year with Sony. Microsoft insists that, in order to comply with Section III.B, Sony must agree to new ''uniform'' non-assertion covenants that may weaken previously negotiated protections for Sony's intellectual property. If Sony is forced to agree to these changes, 1:he new license agreement would diminish Sony's ability to assert its patents, particularly in markets outside the operating system market, and thereby may enable Microsoft to expand its power into new areas. Proposed Clarification or Modification.

Requiring Sony to accept new ''uniform'' provisions that may weaken Sony's existing intellectual property protections and allow Microsoft to leverage its power into other markets is contrary to the underlying principles of the Proposed Judgment. Forcing all OEMs to accept identical non-assertion covenants also fails to acknowledge or accommodate the important differences among companies regarding intellectual property portfolios and business activities in other markets.

Sony or any other Covered OEM desiring additional intellectual property protection to enable it to compete with Microsoft or other licensees should be free to negotiate for such provisions outside any framework imposed by the Proposed Judgment. Accordingly, Sony respectfully requests that the Proposed Judgment be clarified or modified to provide that OEMs desiring protection for their particular intellectual property interests can negotiate for more favorable non-assertion covenants than those contained in the ''uniform terms and conditions.'' As long as there is a baseline set of ''uniform terms and conditions'' available to all covered OEMs that would apply if the OEM is unsuccessful in its efforts to obtain more favorable terms, the OEM is protected from coercion or retaliation. If an OEM obtains different terms and conditions for non-assertion covenants, these new covenants could be made available to all Covered OEMs on a non-discriminatory basis to prevent Microsoft from withholding these provisions to coerce or retaliate against other Covered OEMs. The OEMs should be free to accept or decline the non-assertion covenants depending on their own interests and intellectual property portfolios.

The courts have recognized the threat to competition posed by a monopolist that uses its power in one market to secure domination of other markets. See Spectrum Sports v. McQuillan, 506 U.S. 447 (1993); Alaska Airlines v. United Airlines, 948 F.2d 536 (9th Cir. 1991), cert. denied, 503 U.S. 977 (1992). An antitrust settlement should not enable a monopolist to erode the intellectual property barriers that would otherwise limit the monopolist's penetration of other markets. By including the clarifications or modifications described above, the Proposed Agreement would avoid this unfortunate consequence.

Very truly yours,
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BEFORE THE UNITED STATES DEPARTMENT OF JUSTICE UNITED STATES OF AMERICA, Plaintiff, v. Civil Action No, 98–1232 (CKK)

MICROSOFT CORPORATION, Defendant.

STATE OF NEW YORK ex rel.

Attorney General Eliot Spitzer, et al., Plaintiffs, Civil Action No. 98–1233 (CKK)

v.

MICROSOFT CORPORATION Defendant.

Comments of The Progress & Freedom Foundation on the Revised Proposed Final Judgment and the Competitive Impact Statement

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I. Introduction

These comments on the Proposed Final Judgment[1] (''PFJ'') and the Competitive Impact Statement[2] (''CIS'') in the Microsoft ease are submitted to provide the Department of Justice (''DOJ'') and the Court with information and analysis based on nearly five years of research by the authors on the legal, policy and economic implications of this landmark proceeding. Based on that research, it is our assessment that (a) the PFJ fails to address meaningfully the violations of law found by this court and upheld by the U.S. Court of Appeals and its entry by the court manifestly is not in the public interest; (b) the CIS fails to meet the standard of analysis demanded by the law mad occasioned by the magnitude of the issues involved; and (e) the public interest will best be served through imposition of a ''hybrid'' structural remedy or, if the court chooses not to impose a structural remedy, a conduct remedy modeled after the proposals of the remaining litigating states.

A. The Authors

Dr. Eisenach is President and Senior Fellow at The Progress & Freedom Foundation,[3] a non-profit research and educational institution dedicated to analyzing the impact of the digital revolution and its implications for public policy, and an Adjunct Professor at George Mason University Law School. As a professional economist, he has been actively engaged in the analysis of competition and regulatory policy issues for more than 20 years, and has served in senior positions at the Office of Management and Budget mad the U.S. Federal Trade Commission and as a consultant to the U.S. Sentencing Commission on criminal sentencing guidelines for corporations. He has also served on the faculties of Harvard University's Kennedy School of Government, the University of Virginia and Virginia Polytechnic institute and State University.

Dr. Lenard is Vice President and Senior Fellow at The Progress & Freedom Foundation and a professional economist with 30 years of experience in academia, government, private consulting and the non-profit sector. He has worked on a wide range of regulatory and antitrust issues covering a broad span of industries, and has consulted on antitrust cases for both private firms and the Federal Trade Commission. In government, he has held senior economic positions at the Council on Wage and Price Stability, the Office of Management and Budget and the Federal Trade Commission. A principal focus of his research has been the benefits and costs of regulatory interventions into the economy and the analytical underpinnings needed to make informed decisions about government interventions. Both Drs. Eisenach and Lenard have done extensive work on the economics of high-tech markets in general, and the Microsoft case in particular. They are co-authors of the annual Digital Economy Fact Book.[4] co-editors of Competition, Innovation and the Microsoft Monopoly: Antitrust in the Digital Marketplace and authors of numerous other papers on these and related topics.[5]

B. Summary of Comments

The PFJ is intended to settle the government's antitrust case against Microsoft and was agreed to by the United States, 9 of the 18 states that were also party to suit, and by Microsoft. The nine remaining states and the District of Columbia (the ''Litigating States'') have not agreed to the PFJ and are pursuing more stringent relief through a remedy hearing at the District Court.[6] The DOJ is required by the Antitrust Procedures and Penalty Act (''APPA'')[7] to prepare a CIS, which is intended to analyze the competitive implications of the PFJ and any alternatives to it.

The PFJ does not serve the public interest mid will not achieve the government's objective that it ''halt continuance and prevent recurrence of the violations of the Sherman Act by Microsoft that were upheld by the Court of Appeals and restore competitive conditions to the market.''[8] Indeed, much of the behavior found by the Court of Appeals to be anticompetitive would be permitted under the PFJ. Further, even if the PFJ did preclude such behavior it would fail to restore competitive conditions because it fails to affect the behavior of participants in the marketplace.

The CIS does not satisfy the government's obligation to provide the District Court with an analytical basis for determining whether the PFJ is hi the public interest. The APPA clearly requires, and good public policy demands, an ''evaluation'' of the proposed remedy and major alternatives to it. The C1S does not present such an evaluation. It does not explain why the PFJ will achieve the intended results, but merely asserts that it will do so. It also does not explain why the DOJ concluded that the PFJ will better serve the public interest than major alternatives, but merely states that ''[t]he United States ultimately concluded that the requirements and prohibitions set forth in the Proposed Final Judgment provided the most effective and certain relief in the most timely manner.''[9] The DOJ has produced no real analysis of the relative merits of alternative forms of relief to guide the District Court in deciding whether to approve the PFJ. Indeed, the CIS fails by a wide margin to meet the standards required of analyses of regulatory proposals routinely promulgated by government agencies.

Accordingly, the District Court should not accept the PFJ, but should, instead, expand its hearing on the Litigating States Proposal (''LS Proposal'') to include the full range of major alternatives. This would permit the District Court to gather the information needed to make an informed judgment concerning which of the remedy proposals will best serve the public interest.

The alternatives that should be considered include:

. The PFJ.

. The proposals of the Litigating States.

. Major structural remedies, including the vertical-divestiture remedy initially adopted by the District Court and the ''hybrid'' remedy proposed by Dr. Lenard and others.

Among these remedies, the ''hybrid'' structural approach would best serve the public interest and maximize net economic benefits to consumers.

In the sections that follow, we provide, first, a brief restatement of the facts and legal background in this case, including a brief discussion of what we believe to be the appropriate standards by which remedial action should he judged. Next we discuss the shortcomings in the PFJ and the CIS, explaining why the PFJ will not achieve the government's objectives or serve the public interest and demonstrating that the CIS falls far short of the analytical standard that should be demanded by the court. Finally, we turn to an evaluation of the remedial alternatives mad explain why we believe that (a) a ''hybrid'' structural remedy would best serve consumers and competition and (b) that if the court chooses not to impose a structural remedy, the LS Proposal is superior to the PFJ.

II. Background: The Facts, the Law and the Remedy

The U.S District Court[10] found, and the U.S. Court of Appeals[11] affirmed, a pattern of Sherman Act violations by Microsoft that had the effect of foreclosing competition in the market for personal computer operating systems. The District Court ordered a structural remedy, which was overturned by the Appeals Court, which remanded the remedy issue back to this court. The Appeals Court did not prescribe or prohibit adoption of any particular remedial actions by this court.

A. The Illegal Conduct and Its Effects The Appeals Court unanimously affirmed the core of the government's case against Microsoft, finding that the company had undertaken a broad array of anticompetitive practices to maintain its monopoly in personal computer operating systems, in violation of Section 2 of the Sherman Act. Microsoft's strategy was to use its monopoly

[1] United States v. Microsoft Corp., Stipulation and Revised Proposed Final Judgement (November 6, 2001) (hereafter ''PFJ'').

[2] United States v. Microsoft Corp., Competitive Impact Statement (November 15, 2001) (hereafter ''CIS'').

[3] These comments reflect the views of the authors and do not represent the views of The Progress & Freedom Foundation, its officers or board of directors.

[4] See Jeffrey A. Eisenach, Thomas M. Lenard and Stephen McGonegal, The Digital Economy Fact Book 2001 (Washington: The Progress & Freedom Foundation, 2001).

[5] See Jeffrey A. Eisenach and Thomas M. Lenard, ads., Competition, Innovation and the Microsoft Monopoly. Antitrust in the Digital Marketplace, Kluwer Academic Publishers, 1999; Thomas M. Lenard, Creating Competition in the Market for Operating Systems: A Structural Remedy for Microsoft. (Washington: ''rile Progress & Freedom Foundation, 2000), http://www.pff.org/remedies/htm; and Thomas M. Lenard, ''Creating Competition in the Market for Operating Systems: Alternative Structural Remedies in the Microsoft Case,'' George Mason Law Review, Vol., 9, Spring 2001,803–841.

[6] United States v. Microsoft Corp., Plaintiff Litigating States'' Remedial Proposals, (December 7, 2001) (hereafter ''LS Proposal'').

[7] 15 USCS 16 (b-h)

[8] CIS at 2.

[9] CIS at 63.

[10] United States v. Microsoft Corp., 84 F. Supp. 2d 9 (DCCirc 1999) (''Findings of Fact''); United States v. Microsoft Corp., 87 F. Supp. 2d 30 (DC Circ. 2000) (''Conclusions of Law'').

[11] United States v. Microsoft Corp., 253 F 3d, at 6 (DC Circ. 2001).

power to prevent the emergence of any new technology that might compete with Windows. Microsoft's anticompetitive activities were particularly directed against two products—the Netscape browser and Sun's Java programming language—that could support operating-system-neutral computing and thereby erode Microsoft's market position. In summary, the District Court found, and the Appeals Court affirmed, that:

. Microsoft has monopoly power in the market for Intel-compatible PC operating systems, with a market share of greater than 95 percent. Microsoft's market is protected by a substantial barrier to entry—the ''applications barrier to entry''—that discourages software developers from writing applications for operating systems that do not already have an established base of users.

. Microsoft effectively excluded rival browsers from the two most efficient means of distribution—pre-installation by Original Equipment Manufacturers (OEMs) and distribution by Internet Access Providers (IAPs).

. Microsoft imposed restrictions on its Windows licenses that effectively prevented OEMs from pre-installing any browser other than Interact Explorer (IE).

. Microsoft's technological binding of IE to Windows deterred OEMs from pre-installing rival browsers and consumers from using them.

. Microsoft's contracts with IAPs—for example, agreeing to give AOL preferential placement on the Windows desktop in exchange for AOL's agreement not to distribute any non-Microsoft browser to more than 15 percent of its subscribers and to do so only at the customer's explicit request—blocked the distribution of a rival browser.

. Microsoft's deals with Independent Software Vendors (ISVs)—for example, giving preferential support to ISVs that used IE as the default browser in software they develop—and Apple-prohibiting Apple from pre-installing any non-Microsoft browser—were similarly exclusionary.

. Microsoft's agreements with ISVs that made receipt of Windows technical information conditional on the ISVs'' agreement to use Microsoft's version of the Java Virtual Machine (JVM) exclusively were anticompetitive. Microsoft also deceived Java developers into believing that its tools were not Windows-specific and were consistent with Sun's objective of developing cross-platform applications.

. Microsoft's pressuring of Intel to stop supporting cross-plat form Java—by threatening to support an Intel competitor's development efforts—was exclusionary.

Microsoft was clearly successful in its efforts to eliminate threats to its desktop monopoly. Through its anticompetitive activities, Microsoft achieved dominance in the browser market and forestalled the development of such cross-platform technologies as the Netscape browser and Java that could have eroded the applications barrier to entry. The promise of operating-system-neutral computing was that it would inject competition into the market for operating systems, which would foster innovation throughout the industry. By preventing the development of competition, Microsoft's illegal conduct thwarted innovation and harmed consumers.

B. Appropriate Criteria for a Remedial Action

The Supreme Court has stated that he purpose of remedial action in an antitrust case is to ''terminate the illegal monopoly, deny to the defendant tile fruits of its statutory violation and ensure that there remain no practices likely to result in monopolization.[13] In other words, a remedy must be effective in the present (terminating the monopoly), the past (expropriating ill-gotten gains), and the future (preventing similar conduct going forward).

As professional economists, we s??ggest it is especially important to look to the future, where economic actors will make decisions based on the incentives inherent in whatever remedy the court imposes. The remedy should not only address the illegal practices Microsoft already has employed to maintain its operating system monopoly, it should also—as the Supreme Court has said—address practices that Microsoft might employ in the future to erect barriers to operating system competition or to use anticompetitive practices to leverage its monopoly beyond the desktop into new phases of computing. In a business that moves as rapidly as the software marketplace (and other information technology and communications markets Microsoft is now entering or is likely to enter soot) it is particularly important that the remedy be forward looking.

The DOJ claims that the PFJ meets these standards, and ''will eliminate Microsoft's illegal practices, prevent recurrence of the same or similar practices, and restore the competitive threat that middleware products posed prior to Microsoft's unlawful undertakings.''[14] For reasons discussed at length below, we disagree. Here, we address two issues relating to the standard by which any remedy should be judged.

First, it is noteworthy that the DOJ does not claim the PFJ achieves the goal of denying Microsoft the fruits of its violations, and clearly it will not. Such restitution is important not only to ''make whole'' the victims of Microsoft's illegal activity (e.g., the United States), but also to establish appropriate incentives on a going forward basis. In general, allowing violators to retain the fruits of their illegal conduct deprive the antitrust laws of much of their force, because it sends a signal to violators that the returns to their behavior are positive—even when they are caught. With $42 billion in the bank, on wonders how Microsoft's senior management could read the proposed PFJ any other way.

Second, and relatedly, DOJ's stated goal of restoring ''the competitive threat that middleware products posed prior to Microsoft's unlawful undertakings'' is not the appropriate objective, and certainly is not equivalent to the Supreme Court's standard of ''terminat[ing] the illegal monopoly.'' The competitive threat posed by the Netscape browser and Java was quantitatively relatively small at the tin: that Microsoft's illegal campaign against them was undertaken. But it was clear, certainly to Microsoft, that their competitive potential in the dynamic software marketplace was very significant. Had Microsoft not engaged in illegal activities, the competitive significance o t'' hose products would be much greater today than it was at the time.

There is a useful analogy here to simple commercial damage cases. If, for example, an individual or a company incurs monetary damages from actions in the past, compensation is generally based on the present value of those damages, typically calculated by bringing the damage amount forward (from the time of the damage to the present) at a normal rate of return. That would be the only way for the damaged party to be made whole. Similarly, society has been damaged by Microsoft's actions. For society to be made whole, competition should, to the extent possible, be restored to what it would be today in the absence of Microsoft's illegal conduct.[15] Equally important on a going forward basis, however, Microsoft should not be permitted to earn continuing returns based upon its illegally enhanced monopoly position. To do so would be to allow the company not only to retain the fruits of its illegal conduct in the past but to continue harvesting those fruits indefinitely.

III. The CIS and the PFJ: Flawed Analysis of a Flawed Remedy

DOJ and Microsoft prefer a PFJ which contains a number of restrictions on Microsoft's conduct on a going forward basis. The questions before the court are whether entry of the PFJ is consistent with the purpose and intent of the Sherman Act and, in addition, whether, under the APPA, it is consistent with the public into rest. To facilitate the court's deliberations on the latter issue, the APPA requires the DOJ to submit a CIS.[16] However, the CIS submitted in this proceeding contains virtually no analysis of either the PFJ or alternative remedies. It represents nothing more than a set of unsupported assertions, and accordingly should be given little deference by the court.

In this section, we briefly describe the main provisions of the PFJ. Next, we explain why the CIS fails to meet a reasonable standard of substantive analysis. Third, we provide some examples of shortcomings in the PFJ which would have been obvious had DOJ performed a more complete analysis in the CIS.

A. Major Provisions of the PFJ

As described in the CIS, the proposed PFJ contains seven major provisions. In brief summary, they are:

. OEMs would have the freedom to support and distribute non-Microsoft middleware products or operating systems without fear of retaliation by Microsoft.

. To help ensure against retaliation, Microsoft would be required to provide

[13] 253 F 3d at 99–100, quoting (United States v. United Shoe Mach. Corp), 391 U.S. 244,250 (1968).

[14] CIS at 3.

[15] To truly be made whole, society would in addition need to be compensated for the benefits it lost due to the absence of competition in the intervening years, which is probably not possible.

[16] CIS at 3–4.

uniform licensing terms to the 20 largest computer manufacturers.

. Computer manufacturers would have the freedom to feature and promote non-Microsoft middleware and customize their computers to use non-Microsoft middleware as the default.

. Microsoft would be required to disclose the interfaces and technical information that its own middleware uses, so that ISVs can develop competitive middleware products.

. Microsoft would be required to disclose communications protocols necessary for server and Windows desktop operating system software to interoperate with each other.

. Microsoft would be prohibited from retaliating against ISVs or IHVs that develop or distribute software that compeles with Microsoft middleware or operating system software.

. Microsoft would be prohibited from entering into exclusive contracts concerning its middleware or operating system products.

The CIS claims that these provisions, and the supporting provisions pertaining to enforcement, ''will eliminate Microsoft'' illegal practices, prevent recurrence of the same or similar practices, and restore the competitive threat that middleware products posed prior to Microsoft's unlawful undertakings.'' But the CIS presents virtually no analysis to support this claim.

B. The Competitive Impact Statement

The CIS does not meet the standards established by the APPA and does not provide sufficient analysis for this court to make an informed decision on whether the PFJ is in the public interest. Section 16(b)(3) of the APPA requires that the CIS include ''an explanation of the proposal ... and the anticipated effects on competition of such relief'' (Emphasis added.)

Section 16(b)(6) further requires ''a description and evaluation of alternatives to such proposal actually considered by the United States.'' (Emphasis added). Under Section 16(e), the District Court is required to determine that the consent judgment is in the public interest and in making that determination ''may consider...anticipated effects of alternative remedies....'' Taken together, these provisions make clear that the CIS was intended by Congress to serve as a guide to the court in evaluating the proposed relief relative to other alternatives which might better serve the public interest, not simply as a pro forma set of claims and assertions. Yet the CIS in this case fails even to fully ''explain,'' and certainly cannot be said to ''evaluate,'' either the likely effects of either the PFJ or the available alternatives. Such an analysis would seem especially important in a fully-litigated Tunney Act case such as this one, where a prior finding of liability suggests a lower degree of deference to the PFJ than would otherwise be appropriate, and thus a higher burden on the court to evaluate alternatives.

How should the court evaluate the adequacy of the CIS? Three sets of criteria present themselves.

First, does the CIS satisfy the plain language of the statute? Second, how does it compare with previous CIS's in similarly significant cases? Third, how does it compare with the standards of analysis that are required to be performed in similar situations, such as agency rulemakings? This CIS fails all three standards.

First, does the CIS satisfy the plain language of the statute? It depends on how the words ''explain,'' mad ''evaluate'' are defined. To defend successfully the plain-language adequacy of the CIS, the DOJ would have to adopt a very narrow interpretation of both words. Granted, the CIS devotes 43 pages[17] to reciting and, DOJ presumably would argue, ''explaining'' the provisions or the PFJ. What the CIS does not do at any point, however, is explain ''the anticipated effects [of the PFJ] on competition.''

The semantic sleight of hand upon which DOJ relies to avoid this obligation is found on page 24 of the CIS. There, DOJ reminds us that ''Restoring competition is the 'key to the whole question of an antitrust remedy,'' du Pout, 366 U.S. at 326.'' Then it continues with a clever subterfuge: ''Competition was injured in this case principally because Microsoft's illegal conduct maintained the applications barrier to entry....Thus, the key to the proper remedy in this ease is to end Microsoft's restrictions on potentially threatening middleware....''[18] (Emphasis added.)

There, in the word ''thus,'' lies the sum and the entirety of the CIS's explanation of the connection between the PFJ and its anticipated effects on competition. For as explained in more detail below, it is hardly obvious, indeed, it is highly unlikely, that simply ending Microsoft's illegal restrictions on middleware would have any significant effect on competition on a going forward basis. Even in these semantically troubled times, we submit, the word ''thus'' cannot be taken as the ''explanation'' the law requires.

But the CIS's discussion of the PFJ must be counted ,an analytical masterpiece when compared with its treatment of alternative remedies. In contrast to the lengthy, if failed, treatment accorded the PFJ, the CIS attempts its ''evaluation of alternatives'' in three pages. Not surprisingly, given its brevity, the analysis is limited in how much light it can shed on the DOJ's decisionmaking process or the relative merits of the alternatives before the court. With respect to structural remedies, for example, the evaluation consists of 49 words: ''After remand to the District Court, the United States informed the court and Microsoft that it had decided, in light of the Court of Appeals opinion and the need to obtain prompt, certain and effective relief, that it would not further seek a breakup of Microsoft into two businesses.''[19] Receiving even less attention are six other remedy alternatives, which are summarily dismissed in a single paragraph, and an unknown number of ''others received or conceived'' which, in apparent direct violation of the APPA, are not even described.[20] There simply is no semantic standard by which this treatment of the alternative remedies can possibly be considered ''an evaluation.''

In summary, the CIS submitted by the DOJ in this case fails the first test the court should apply: It does not fulfill the plain language requirements or either Section 16(b)(3) or Section 16(b)(6) of the APPA.

Any effort the DOJ may make to defend the CIS would be on firmer ground if it could argue it is simply following past practice. While we believe, as suggested above, that the CIS in this case should be held to a higher standard than in cases where the issues have not been fully litigated and a finding of liability has not been entered, at least the DOJ could claim it was adhering to precedent. Even by the standards of past cases, however, this CIS falls far short.

Of course, Tunney Act cases vary in significance and complexity. The best standard for comparison for this case would appear to be the CIS filed in the AT&T case in 1982.''[21] In that case as in this one, DOJ was tasked with explaining and evaluating a Proposed Final Judgment aimed at resolving a continuing series of complex antitrust actions affecting one of the most important sectors, and companies, in the U.S. economy.

The AT&T CIS differs markedly from the CIS in this proceeding both in its explanation of the competitive effects and in its evaluation of alternative remedies. Section Ill of the AT&T CIS[22] presents a comprehensive explanation of the proposed remedy and its anticipated effects on competition. Indeed, in stark contrast to the CIS in this case, the AT&T CIS contains, in Section III.E, an extensive discussion specifically detailing ''The Competitive Impact of the Proposed Modification.'' The section is a lengthy one, explaining in detail how each provision of the proposed remedy is expected to affect competition on a going forward basis, beginning as follows:

Put in simplest terms, the functional divestiture contemplated by the proposed modification will remove from AT&T the power to employ local exchange services in ways that impede competition in interdependent markets, and will remove from the Bell Operating Companies (''BOCs''), which will retain such power, any incentive to exercise it. The United States believes, therefore, that the modification% divestiture requirement, and its complementary injunctive provisions, will substantially accelerate the development of competitive markets for interexchange services, customer premises equipment, and telecommunications equipment generally.[23]

The ensuing pages present a careful analysis of why the government believes this to be the case and what the precise impacts on competition are likely to be. The proposed remedy will ''accelerate the emergence of competition in interexchange services,''[24] ''prevent the reemergence of the ... incentive

[17] CIS, 17–60.

[18] CIS at 24.

[19] CIS at 61.

[20] CIS at 63.

[21] United States v. Western Electric Company, Inc. and American Telephone & Telegraph Company, Competitive Impact Statement (February 17, 1982), 47 FR. 7170–01. (Hereafter AT&T CIS). Of course, unlike this case, the PFJ in the AT&T case was entered prior to any finding of liability.

[22] AT&T CIS at 7173–7180.

[23] AT&T CIS at 7178.

[24] AT&T CIS at 7178.

and ability to leverage regulated monopoly power into the customer premises equipment market,''[25] make AT&T ''subject to competition in all of its services,''[26] ''remove the source of AT&T's monopoly power ,and its ability to leverage monopoly power into related markets,''[27] and ''prevent the creation anew of incentives and abilities in the BOCs to use their monopoly power to undercut rivals in competitive markets.''[28] There is every reason to believe that, divested of the BOCs, AT&T wilt be a procompetitive force in the markets that it enters. As a result of the modification, it is likely that AT&T will expand not only its product lines, but also the areas in which it sells telecommunications equipment.''[29]

The authors have searched in vain, as will the court, for any similar explanation in the Microsoft CIS. As a procedural matter, the absence of such explanations flies in the face of the APPA. As a substantive one, it strongly suggests such statements are lacking for the simple reason that they are not justified by the remedy Microsoft and the DOJ are asking the court to adopt.

The AT&T CIS also differs from the one in this case in its treatment of'' alternative remedies.

The AT&T CIS appears to meet the requirements of the APPA by describing in some detail the alternative remedies considered and evaluating their likely impacts'' on competition relative to those expected from the one proposed. ''The United States believes,'' it concludes, ''that the [main alternative] did not approach even remotely the effectiveness of the proposed modification in achieving conditions that would assure full competition in the telecommunications industry.''[31] Again, such evaluative language is simply absent from the CIS in this case. And again, one cannot help but conclude that, had today's DOJ conducted the same careful analysis as that conducted 20 years ago, it might well have reached different conclusions in the current case.

In summary, then, the CIS not only fails the satisfy the plain language of the APPA, but also fails to meet the standard established by DOJ for a CIS in the most directly analogous case. The third criteria by which the court should evaluate the sufficiency of the CIS is whether it meets the standards of analysis that are required to be performed in similar situations, the most obvious of which is agency rulemakings.

For at least the last 20 years, agencies have been required to undertake a detailed regulatory impact analysis when they propose major regulatory actions. Under E.O. 12291 (in effect during the Reagan and Bush Administrations), and E.O. 12866 (issued by President Clinton and still in effect), government agencies have been expected to prepare a detailed analysis of the expected benefits and costs of major regulatory proposals and alternatives to them.[32] While the PFJ is technically not a regulation that would fall under E.O. 12866, the magnitude of its impact far exceeds the $100 million threshold that defines a ''major rule'' and thus triggers the requirement for a detailed analysis.

The analysis of regulatory interventions in the economy, which is what the PFJ in this case is, is not a black art. Increasingly, and on the basis of more than two decades of performing such analyses of all major rules, regulatory analysis has become a scientific process comprised of distinct steps and containing specific elements. E.O. 12866, for example, lays out specific criteria such analyses should meet, including: ''(i) An assessment, including the underlying analysis, of benefits anticipated from the regulatory action (such as, but not limited to, the promotion of the efficient functioning of the economy and private markets ....) together with, to the extent feasible, a quantification of those benefits; (ii) An assessment, including the underlying analysis, of costs anticipated from the regulatory action ... together with, to the extent feasible, a quantification of those costs; and (iii) An assessment including the underlying analysis, of the costs and benefits of potentially effective and reasonably feasible alternatives to the planned regulation....''

The specific analytical techniques to be used in such evaluations are further described in guidance from the Office of Management and Budget issued January 11, 1996,[33] and reiterated most recently by OMB on June 19, 2001.''[34] These guidelines require agencies, before issuing any major regulation, to take into account such issues as whether more ''performance oriented'' approaches are possible, the impact of alternative levels of stringency mad effective dates, and alternative methods of ensuring compliance, and to perform evaluations that take into account ''discounting,'' ''risk and uncertainty,'' and ''non-monetized benefits and costs.'' Each analysis, the guidance demands, must ''provide information allowing decisionmakers to determine that: There is adequate information indicating the need for and consequences of the proposed action; The potential benefits to society justify the potential costs ...; The proposed action will maximize the net benefits to society...; [and] .... Agency decisions are based on the best reasonably available scientific, technical, economic, and other information.''

The requirements of the APPA with respect to Competitive Impact Statements are, of course, far less specific than those listed above. Bat the purpose of the APPA in requiring a CIS is presumably similar to the purpose of regulatory analyses: To allow decisionmakers, in this case the court, to understand the ramifications of their actions relative to alternative choices. By the standards of modern policy analysis, DOJ's CIS fails to perform this function at the level the court should expect, especially in a case of this magnitude.

To repeat what we asserted at the outset of this section, the court might evaluate the CIS in this case by three standards: First, does the C1S satisfy the plain language of the statute? Second, how does it compare with previous CIS's in similarly significant cases? Third, how does it compare with the standards of analysis that are required to be performed in similar situations, such as agency rulemakings? This C1S Pails ale three standards.

C. The PFJ Will Not Have Its Claimed Effect, Nor Any Pro-Competitive Effect

In fact, a close reading of the language of the PFJ indicates that it will not do what the DOJ claims. Moreover, even if DOJ's claims are taken at face value, the PFJ will not have its intended effect because of the realities of the marketplace. Indeed, this is the only conclusion that can be reached based upon a real analysis of the ''competitive impact'' of the PFJ, which is to say an analysis of how, if at all, the provisions of the PFJ will change the behavior of participants in the marketplace.

Other commentators will undoubtedly thoroughly catalogue the loopholes in the PFJ, of which there are many, and it is not our intention to do so here. It is, however, illustrative of the defects of the PFJ to analyze it through the lens of the Netscape browser experience, since so much of Microsoft's liability concerns its actions toward the Netscape browser. Accordingly, much of the PFJ is directed at precluding the type of anticompetitive acts that Microsoft undertook against Netscape (even though the browser war is over and the industry has now moved on to a different stage). But, the PFJ does not even succeed in this minimal goal—of creating the conditions under which the Netscape browser could have competed without being subject to Microsoft's exclusionary practices. Indeed, the PFJ specifically permits many of the exclusionary practices in which Microsoft engaged:

. Section III.A of the PFJ is supposed to protect OEMs from retaliation by Microsoft if they distribute non-Microsoft products. However, the language of Section III.A prohibits Microsoft from retaliating against an OEM for ''developing, distributing, promoting, using, selling, or licensing any software that competes with Microsoft Platform Software or any product or service that distributes or promotes any Non-Microsoft Middleware.'' (Emphasis added). (Microsoft Platform Software is defined as including (i) a Windows Operating System Product and/or (ii) a Microsoft Middleware Product,) While the Netscape browser was a potential competitor for the Microsoft operating system, it never became an actual competitor. Morcover, at the time Netscape introduced its browser, Microsoft did not have a comparable Middleware Product. Thus, the language of III.A would have permitted Microsoft to retaliate against OEMs

[25] AT&T CIS at 7179.

[26] AT&T CIS at 7179.

[27] AT&T CIS at 7179.

[28] AT&T CIS at 7179.

[29] AT&T CIS at 7179.

[30]

[32] See E.O. 12291 (February 17, 1981) and E.O. 12866 (September 30, 1993).

[33] Office of Management and Budget, Economic Analysis of Federal Regulations Under Executive Order 12866 (January 11, 1996)(available at www.whitehouse.gov/omb/inforeg/riaguide.html).

[34] Office of Management and Budget, Memorandum for the Beads of Executive Departments and Agencies: Improving Regulatory Impact Analyses (June 19, 2001)(available at www.whitehouse.gov.omb/memoranda/m01–23.html)

for distributing the Netscape browser at the time it was introduced.

. Similarly, Section III.F.1 prohibits Microsoft from retaliating against any ISV or IHV for ''developing, using, distributing, promoting or supporting any software that competes with Microsoft Platform Software or any software that runs on any software that competes with Microsoft Platform Software....'' (Emphasis added). The prohibitions in Section III.F.2 on Microsoft's relations with ISVs are also triggered by software that ''competes with Microsoft Platform Software'', which the Netscape browser did not initially do.

. Section III.G.2 is intended to prevent similar exclusionary behavior with respect to IAPs and ICPs, by prohibiting Microsoft from entering into any agreement with ''any IAP or ICP that grants placement on the desktop or elsewhere ... on the condition that the IAP or ICP refrain from distributing, promoting or using any software that competes with Microsoft Middleware.'' (Emphasis added). Again, Netscape's browser was a new product that did not compete with any Microsoft product at the time it was introduced.

. Section III.C is intended to prevent restrictive agreements with OEMs by, for example, preventing Microsoft from restricting the ability of its OEM licensees from ''[l]aunching automatically ...any Non-Microsoft Middleware if a Microsoft Middleware Product that provides similar functionality would otherwise be launched ....'' (See Section III.C.3, emphasis added). Under this language, Microsoft can preclude its OEM licensees from permitting the automatic launch of a new product if Microsoft does not have a similar product or if the Microsoft product does not have ''similar functionality'' (obviously, a term open to interpretation). Again, when the Netscape browser was launched, Microsoft did not have a similar product.

. Section III.D is intended to preclude Microsoft from excluding rival products by denying them the technical information they need to interoperate with the Windows operating systems. It requires Microsoft to ''disclose to ISVs, IHVs, IAPs, ICPs, and OEMs, for the sole purpose of interoperating with a Windows Operating System Product ... the APIs and related Documentation that arc used by Microsoft Middleware to interoperate with a Windows Operating System Product.'' (Emphasis added). If, however, Microsoft does not produce an analogous product, it might not use the APIs needed for a new application, such as the Netscape browser, to get started.

. Section III H contains a variety of provisions designed to enable choice of Non-Microsoft Middleware Products on the part of users and OEMs. The PFJ explicitly states, however, that ''Microsoft's obligations under this Section III.H as to any new Windows Operating System Product shall be determined based on the Microsoft Middleware Products which exist seven months prior to the last beta test version (i.e., the one immediately preceding the first release candidate) of that Windows Operating System Product.'' At the time the Netscape browser was introduced, there was no comparable Microsoft Middleware Product.

. Finally, Non-Microsoft Middleware Products arc defined to include products ''of which at least one million copies were distributed in the United States within the previous year.'' (Section VI.N). Thus, regardless of any of the other provisions, the PFJ permits exclusionary behavior against new products that arc trying to get established.

In sum, under the provisions of the PFJ Microsoft would have been permitted to engage in anticompetitive practices against the Netscape browser because the browser did not compete against the Windows operating system and because Microsoft did not at the outset have a comparable product. Moreover, at least in the early stages, the Netscape browser would not have been covered because a million copies had not been distributed in a single year. The DOJ obviously feels that the fabled entrepreneurs of Silicon Valley, working in their garages, are not worthy of protection against Microsoft under the PFJ. It is especially ironic that Microsoft, which has dedicated so much rhetoric to persuading the courts and the public that its monopoly could be overturned at any moment by the proverbial entrepreneur working out of her garage, should seek to preserve the right to squash precisely such competitive threats.

More broadly, the requirement that Microsoft have a comparable product in order to trigger some of the PFJ's provisions creates perverse incentives. It may discourage Microsoft from introducing its own product, because to do so triggers provisions restricting its ability to exclude a potential competitor. The result could be that consumers would be deprived entirely of a useful middleware product that might potentially compete with the Windows operating system, because Microsoft is able to engage in exclusionary practices against another firm and does not find it in its interest to introduce its own product.

But the PFJ is flawed at an even deeper level: Even if it did what DOJ and Microsoft say it would, its effect on firms that operate in Microsoft's markets and its ability to restore competition in those markets would be minimal at most. Most of the PFJ is intended to prevent Microsoft from retaliating against OEMs, ISVs, IAPs and others that distribute, develop or otherwise support software that competes with Microsoft middleware. Under the terms of the PFJ, however, these entities would have little incentive to promote competitive middleware. This is principally because, despite the Appeals Court ruling that Microsoft's integration of the browser and the operating system was anticompetitive, the PFJ would allow Microsoft to continue to bundle its middleware (and other) products with its operating system. Indeed, Microsoft's new XP software incorporates new functionality into the Windows operating system as never before. It includes, among other things, the IE browser, Microsoft's instant messaging and email software, Windows Media Player and the Microsoft Passport digital authentication software. All of these functions are bundled together and the combined package is sold at a fixed price.

Thus, OEMs have virtually no incentive to customize their offerings with non-Microsoft software. To do so involves an additional cost for the non-Microsoft software when compariable functionality is provided by Microsoft at no additional cost. An OEM that did this would have to pass these added costs on to its customers and would likely lose sales to other OEMs. Obviously, if OEMs don't have the incentive to install non-Microsoft software, ISVs won't have the incentive to develop it and IAPs won't have the incentive to distribute it.

As a result, the PFJ will not have any significant pro-competitive impact in the markets for either middleware or PC operating systems. Nor, for the same reasons, is it likely to have any significant pro-competitive impact on newly emerging markets, such as voice-over-IP instant messaging, game boxes, e-commerce technologies (e.g., ''Passport'') or digital rights management technologies. Indeed, the inability to make any plausible claims for such pro-competitive effects is the most likely explanation for the fact that, in contrast to the AT&T CIS, the CIS in this case doesn't make any.

IV. The Remedy Alternatives

There are two general classes of remedies that can be employed to remedy Microsoft's antitrust violations—conduct remedies and structural remedies. Conduct remedies leave Microsoft intact and attempt to constrain its anticompetitive behavior by imposing a set of behavioral requirements-essentially, a regulatory regime tailor-made for one firm. Microsoft's structure—and, importantly, its incentives—remain largely the same.[35] The challenge is to develop rules that effectively deter anticompetitive behavior, given that such behavior might continue to be in Microsoft's interest. The PFJ, which relies on conduct remedies, will not be effective in deterring anticompetitive behavior on the part of Microsoft.

Structural relief takes a different approach. Structural relief, as the name implies, involves restructuring the firm so as. to change its incentives and ability to act anticompetitively. As DOJ explained eloquently in the AT&T CIS, if a restructuring is successful in achieving those goals, behavioral restrictions are largely unnecessary. The Appeals Court noted that structural relief is a common form of relief in ,antitrust cases and is ''the most important of antitrust remedies.''[36]

In this section, we describe the alternative structural remedies available to the court. Then we offer an evaluation of the proposals offered by the remaining litigating states.

A. Alternative Structural Remedies

At the government's urging, the District Court initially adopted a structural remedy, supplemented by interim conduct relief.[37] The Appeals Court vacated the District Court's remedy, partly because it modified the District Court's liability finding and

[35] Microsoft's incentives would be modified to the extent it faces legal penalties, but those penalties would have to be very large to have a significant effect on Microsoft's incentives.

[36] 253 F 3d at 103, quoting United States v,. E.I. du Pont de Nemours & Co., 366 U,S. 316, 331 (1961).

[37] United States v. Microsoft Corp., 97 F Supp-2d. (DCCirc. 2000) ''Final Judgement''.

partly because the District Court had failed to hold an evidentiary hearing.[38] The Appeals Court did not, however, rule out a structural solution to this case. The Court directed that ''the District Court also should consider whether plaintiffs have established a sufficient causal connection between Microsoft's anticompetitive conduct and its dominant position in the OS market.''[39] It continued, ''[i]f the court on remand is unconvinced of the causal connection between Microsoft's exclusionary conduct and the company's position in the OS market, it may well conclude that divestiture is not an appropriate remedy.''[40] This is an issue that should be explored in an evidentiary hearing. While it is difficult to predict exactly how the industry would have developed in the absence of Microsoft's anticompetitive behavior, it is likely that an alternative to Microsoft's operating-system platform would have emerged and it is a virtual certainty that Microsoft's position would be far less dominant than it is today. Clearly, Microsoft thought that was a distinct possibility.

The causation between Microsoft's anticompetitive practices and its operating system monopoly runs both ways. Without its monopoly, Microsoft would have been unable to engage in the exclusionary practices documented by the District Court and affirmed by the Appeals Court. Moreover, because of the wide array of business practices at issue and the complexity of the industry, it is very difficult to fashion a conduct relief regime that will be effective if Microsoft retains its dominant market position. This is why the Department of Justice (initially) and others (including ourselves) favor a structural solution. Two different forms of structural solution have been proposed, which we review in turn.

The DOJ initially proposed, and the District Court initially ordered, a vertical divestiture, which would divide Microsoft along product tines, into an operating systems company and an applications company.[41] The DOJ argued that this remedy would create two powerful companies that would have the incentive to compete with each other, diminishing the market power of both. According to Timothy Bresnahan, Chief Economist at the Antitrust Division at the time, ''divestiture of the company into an applications and an operating system company restores competitive conditions very like those destroyed by the anticompetitive acts, Absent the anticompetitive acts, Microsoft would have lost the browser war, and other firms would have commercialized useful technologies now controlled by Microsoft. Divided technical leadership, which could be accomplished by having an independent browser company in the late 1990s or an applications company now, lowers barriers to entry and competition in many markets. It was exactly this route to an increase in competition that Microsoft avoided by its anticompetitive acts. Second, ending Microsoft's unique position in the industry offers innovative new technologies the choice of two mass-market distribution partners, either Appsco [the applications company] or OSCo [the operating system company]. The divestiture will do much to reduce the motive to violate and also to reduce the effectiveness of future anticompetitive acts. It restores conditions for competitive innovation at a moment in technology history [i.e., when the Internet is starting to be commercialized] when having a single firm set the direction of innovation in PC and end-user oriented internet markets is most unwise,''[42]

Similarly, the Department of Justice, in initially proposing this remedy, argued that separating the operating system from the applications company would ''reduce the entry barriers that Microsoft's illegal conduct erected and make it less likely that Microsoft [would] have the incentive or ability to increase them in the future.''[43] An independent applications company would have every incentive to support competitors to Windows rather than make decisions based on the level of threat those competitors pose to Microsoft.[44] A separate applications company would have appropriate incentives to port its products to competing operating systems, such as Linux, thereby lowering the applications barrier to entry that potential competitors face. Currently, Microsoft has an incentive to strategically withhold applications from actual or potential competitors, even if providing them would otherwise be economically justified. In addition, the applications company would have the incentive to make its tools available to Independent Software Vendors (ISVs) that cooperate with competing operating system providers.

Separate operating system and applications companies would make it possible for middleware technologies in the applications company to be competitive with Windows. When applications are written to middleware technologies, like the Netscape browser, which operate between the applications software and the operating system, they become operating system-neutral,[45] reducing the applications barrier to entry and facilitating competition with Windows. There are several desktop applications, including Microsoft Office, that expose APIs and could become important middleware technologies.

Of course, a vertical divesture now would have a somewhat different effect than when it was first adopted by the District Court, because Microsoft has bundled many more applications into its new XP operating system. If the District Court again decided to adopt this remedy, it would also have to decide whether to require Microsoft to remove some applications functionality from its XP operating system or permit it to remain as is. If the XP operating system were allowed to remain as is, applications that would previously have been part of the applications company would be part of'' the operating system company. However, significant applications—principally, Microsoft Office—still remain separate from the operating system.

The alternative to a vertical approach is what we term a ''hybrid'' structural remedy, which combines both vertical and horizontal elements. A purely horizontal divestiture would divide Microsoft into several vertically integrated companies, each with full rights to Microsoft's intellectual property, creating several sellers of Windows as well as Microsoft's other software products. This remedy arguably goes beyond what is necessary or could be justified as matter of law, since it divides up products that were not the subject of the case.

A number of commentators, including Dr. Lenard, have proposed a ''hybrid'' remedy, which has elements of both vertical and horizontal divestiture.[46] It goes a step beyond the vertical divestiture remedy that the District Court adopted by first separating the operating systems company from the applications company and then creating three equivalent operating system companies.

Microsoft's bundling of more applications functionality into the new XP operating system strengthens the arguments for the hybrid remedy relative to other remedies. The PFJ (as discussed above) does not contain any restrictions on bundling, which will hinder its effectiveness dramatically, in addition, as more applications are moved into the operating system, the vertical divestiture becomes less able to restore the competitive balance, because the newly formed applications company would be a less powerful competitor.

By creating competing Windows companies, the hybrid remedy directly addresses the monopoly problem, which is the source of Microsoft's anticompetitive behavior. As indicated above, without the monopoly, Microsoft would never have been able to exclude the Netscape browser from the most effective means of distribution—OEMs and IAPs. It would not, for example, have been able to get the OEMs to refrain from pre-installing the Netscape browser as a condition for receiving a Windows license. Similarly, Microsoft would not have been able to extinguish the market for a competing browser by bundling the Windows operating system with IE. Microsoft would not have been able to do these things—which are at the core of the Appeals Court's liability finding—because the OEMs and the IAPs would have had competitive alternatives to which they could turn.

[38] 253 F 3d at 6.

[39] 253 F 3d at 105.

[40] 253 F 3d at 105–6..

[41] Final Judgement at 2.

[42] Timonthy F. Bresnahan, ''The Right Remedy,'' at 1, (available at www.stanford.edu/tbres/microsoft/The Right Remedy.pdf).

[43] Plantiffs'' Memorandom in support of Proposed Final Judgement at 30–43, Microsoft (No. 98–1232), available at http://www.usdoj.gov/atr/cases/f4600/4640.htm.

[44] United States v. Microsoft Corp., 147 F 3d 935 (DCCirc. 1998) Romer Declaration # 4, (hereafter Romer).

[45] Romer at 13.

[46] See Thomas M. Lenard, Creating Competition in the Market for Operating Systems.'' A Structural Remedy]'or Microsoft, (Washington: Progress & Freedom Foundation, 2000) http://www.pff.org/remedies/htm; Remedies Brief of Amici Curiae Robert E. Litan et al., 2000; Thomas M. Lenard, ''Creating Competition in the Market for Operating Systems: Alternative Structural Remedies in the Microsoft Case,'' George Mason Law Review, Vol. 9., Spring 2001.

The hybrid remedy would eliminate the applications barrier to entry for the new Windows companies and deprive Microsoft of its ability to leverage its desktop monopoly into new markets. Because it really does restore competition, extensive behavioral restrictions are not required, making this the least regulatory of the available alternatives.

The hybrid remedy is to a significant extent an ''intellectual property'' remedy, requiring Microsoft to grant full intellectual property rights to its Windows Operating System to two new companies. This type of remedy is particularly suited to ''new-economy'' companies like Microsoft, whose assets consist primarily of informational capital, which can easily be replicated. [47] The rationale for going further and dividing up employees is that much of the intellectual property is embodied in the employees.[48] In contrast to traditional ''old-economy'' companies, however, there is very little physical capital to be divided up.

This factor should alleviate some of the concerns expressed in the Appeals Court opinion about the use of a structural remedy in tile case of a ''unitary company''—i.e., a company not formed by mergers and acquisitions.[49] Such concerns bare more validity in the case of old-economy companies, because of the difficulty of dividing up physical capital. What is being proposed in the hybrid remedy is much closer to a reproduction than it is to a division of the company's assets. When those assets consist primarily of information, they can be reproduced at very low cost.

B. The Litigating States Proposal

We believe a structural remedy continues to offer the best hope of deterring Microsoft's anticompetitive behavior in a way that is not overly regulatory. If, however, a structural remedy is off the table, the conduct remedy proposed by the Litigating States (LS) is far better than the PFJ. The LS Proposal does not contain the obvious loopholes and exceptions that are pervasive in the PFJ. Moreover, the LS Proposal includes a number of provisions that can partially restore competition to what it might have been absent the anticompetitive behavior. Because it will change the behavior of the participants in the market, the LS Proposal provides a serious remedy to Microsoft's offenses. Some of the attractive features of the LS proposal are as follows:

. In contrast to the PFJ, the LS Proposal contains: prohibitions on exclusionary and retaliatory behavior that are clear and unambiguous and mean what they purport to mean. In general, they provide meaningful protection against retaliation for the development and distribution of non-Microsoft software.

. The LS Proposal would require Microsoft to license an unbundled version of its software. As discussed above, the bundling of applications together with the monopoly operating system makes it uneconomic in most cases to develop and distribute software that competes with Microsoft. This requirement would address that problem and create an environment in which rival software can be developed.

. The LS Proposal would require Microsoft to license its software to third parties (not just OEMs) who could produce a customized product that would enlarge the range of consumer choice and provide competition for Microsoft.

. The proposal also would require Microsoft to continue to license predecessor versions of Windows. This would permit OEMs to expand the range of consumer choice by providing a lower-priced operating-system product that might be perfectly satisfactory for a large number of users. In addition, it would permit OEMs and third parties to continue to develop a differentiated product that might be competitive with Microsoft.

. The LS Proposal would require Microsoft to make IE available on an open-source basis, and would require Microsoft to distribute Java, thereby partially reversing same of the effects of Microsoft's illegal activities

. Finally, the LS Proposal would require Microsoft %0 auction to a third party the right to port Microsoft Office to competing operating systems.'' This would reduce the applications barrier to entry for a competing operating system, such as Linux. All of these aspects of the LS Proposal would add significantly to the probability that the remedy in this case would actually have the desired effect of increasing competition in one or more of the relevant product markets.

V. Conclusion

The PFJ is not an adequate remedy and its adoption is not in the public interest. It will not deter Microsoft from engaging in anticompetitive activities and it will not restore competition in this extremely important sector of the economy. Moreover, the CIS that the government has prepared does not provide the information necessary for the District Court to determine that the PFJ is in the public interest.

In order to generate the necessary information for such a determination, the District Court should hold an evidentiary hearing in which the competitive impacts, benefits and costs of all the available remedies are closely evaluated. In addition to the PFJ, the Court should consider structural remedies—which appear to be justified under the criteria established by the Court or Appeals—as well as the LS Proposal. We believe that at the end of this process, the court will agree that the PFJ is not in the public interest and that the ''hybrid'' structural remedy we recommend best meets all the of the criteria governing the court's deliberations in this matter.

MTC–00030607

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,))
Plaintiff,))
v.) Civil Action No. 98–1232 (CKK))
MICROSOFT CORPORATION,))
Defendant.)))

STATE OF NEW YORK, et al.,))
Plaintiffs,))
v.)Civil Action No. 98–1233 (CKK))
MICROSOFT CORPORATION,))
Defendant.))

PLAINTIFF LITIGATING STATES'' REMEDIAL PROPOSALS

Pursuant to this Court's Scheduling Order of September 28, 2001, Plaintiff States California, Connecticut, Florida, Iowa, Kansas, Massachusetts, Minnesota, Utah, West Virginia and the District of Columbia hereby submit their proposals for remedial relief in this matter.

Introduction

A unanimous en banc decision of the United States Court of Appeals for the District of Columbia Circuit affirmed the District Court's conclusion that Microsoft Corporation (''Microsoft'') unlawfully maintained its monopoly power by suppressing emerging technologies that threatened to undermine its monopoly control of the personal computer operating system market. See United States v. Microsoft Corp., 253 F.3d 34 (DC Cir.), cert denied, 122 S. Ct. 350 (2001). The key to Microsoft's monopoly maintenance was the use of its monopoly power to enhance and maintain what the Court of Appeals called the ''applications barrier to entry.'' Computer operating systems can compete successfully only if they provide a platform for the software applications that consumers want their computers to perform; but software developers naturally prefer to write applications for operating systems that already have a substantial consumer base. The applications barrier to entry, coupled with Microsoft's 90% plus market share, gave Microsoft the power to protect its ''dominant operating system irrespective of quality'' and to ''stave off even superior new rivals.'' Id. at 56.

During the mid-1990s, Microsoft was confronted with a potential threat to the applications barrier to entry, and thus to its monopoly power, in the form of two new products, Netscape's Internet browser, known as Navigator, and Sun Microsystems'' Java technologies. Recognizing the threat posed by these middleware products (i.e., software that can itself be a platform for applications development), Microsoft aggressively and unlawfully prevented these rivals from achieving the widespread distribution they needed to attract software development and ultimately make other platforms meaningful competitors with Microsoft's Windows operating system. The Court of Appeals catalogued an extensive list of anticompetitive, exclusionary acts by which Microsoft artificially bolstered the applications barrier to entry, including commingling the software code for its own middleware with that of its monopoly operating system, thereby eliminating distribution opportunities for competing middleware; threatening to withhold and withholding critical technical information from competing middleware providers, thereby allowing Microsoft middleware to

[47] Remedies Brief of Amici Curiae Robert E. Litan et al., 2000.

[48] Thomas M. Lenard, Creating Competition in the Market for Operating Systems: A Structural Remedy for Microsoft, (Washington,: Progress & Freedom Foundation, 2000) http://www.pff.org/remedies/htm.

[49] 253 F 3d at 103.

obtain significant advantages over its rivals; threatening to withhold porting of critical Microsoft software applications and financial benefits from those who even considered aiding its rivals; contractually precluding OEMs and ultimately end-users from the opportunity to choose competitive software; and even deceiving software developers to conceal the fact that the software they were writing would be compatible only with Microsoft's platform.

''The proper disposition of antitrust cases is obviously of great public importance, and their remedial phase, more often than not, is crucial. For the suit has been a futile exercise if the Government proves a violation but fails to secure a remedy adequate to redress it.'' United States v. E.I. du Pont de Nemours & Co., 366 U.S. 316, 323 (1961). As the Court of Appeals held, ''a remedies decree in an antitrust case must seek to 'unfetter a market from anticompetitive conduct,'' to 'terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future.'" Microsoft, 253 F.3d at 103 (quoting Ford Motor Co. v. United States, 405 U.S. 562, 577 (1972) and United States v. United Shoe Mach. Corp., 391 U.S. 244, 250 (1968)) (citation omitted).

Consistent with these principles, any remedy must prevent Microsoft from continuing the practices it used to artificially enhance and protect the applications barrier to entry—prohibiting, for example, the types of deals with third parties that cut off the critical channels of distribution needed by Microsoft's middleware competitors. A meaningful remedy must do more, however, than merely prohibit a recurrence of Microsoft's past misdeeds: (1) it must also seek to restore the competitive balance so that competing middleware developers and those who write applications based on that middleware are not unfairly handicapped in that competition by Microsoft's past exclusionary acts, and (2) it must be forward-looking with respect to technological and marketplace developments, so that today's emerging competitive threats are protected from the very anticompetitive conduct that Microsoft has so consistently and effectively employed in the past. Only then can the applications barrier to entry be reduced and much-needed competition be given a fair chance to emerge.

Specific Remedial Proposals

A. Unbinding Microsoft's Software

As part of its illegal effort to suppress forms of middleware that threatened to offer a competitive platform for software development, Microsoft commingled the software code for Internet Explorer with the code for its monopoly operating system. See Microsoft, 253 F.3d at 66. The Court of Appeals affirmed the District Court's findings that (1) the commingling of Internet Explorer with the Windows Operating System deterred computer manufacturers (''OEMs'') from installing a rival browser such as Netscape Navigator, (2) Microsoft offered no specific or substantiated evidence to justify such commingling, and (3) ''such commingling ha[d] an anticompetitive effect.'' Id.

To prevent further unlawful commingling of Internet Explorer with the Windows Operating System, and to prevent similar anticompetitive commingling of other rival middleware (such as multimedia viewing and/or listening software or electronic mail software), Microsoft must be required either to cease such commingling or to offer its operating system software on an unbundled basis:[1]

1. Restriction on Binding Microsoft Middleware Products to Windows Operating System Products. Microsoft shall not, in any Windows Operating System Product (excluding Windows 98 and Windows 98 SE) it distributes beginning six months after the date of entry of this Final Judgment, Bind any Microsoft Middleware Products to the Windows Operating System unless Microsoft also has available to license, upon the written request of each Covered OEM licensee or Third-Party Licensee that so specifies, and Microsoft supports both directly and indirectly, an otherwise identical version of the Windows Operating System Product that omits any combination of Microsoft Middleware Products as indicated by the licensee; further, Microsoft must take all necessary steps to ensure that such version operates effectively and without degradation absent the removed Microsoft Middleware Product(s). Microsoft shall not deny timely access to alpha and beta releases of Windows Operating System Products to any OEM or third party seeking to exercise any of the options or alternatives provided under this Final Judgment. Microsoft shall offer each version of the Windows Operating System Product that omits such Microsoft Middleware Product(s) at a reduced price (compared to the version that contains them). The reduction in price must equal the ratio of the development costs of each omitted Microsoft Middleware Product to the relative development costs of that version of the Windows Operating System Product (i.e., development costs incurred since the previous major release; and for the avoidance of doubt, the major release previous to Windows XP is Windows 2000), multiplied by the price of the version of the Windows Operating System Product that includes all such Microsoft Middleware Products. However, if any such Microsoft Middleware Product(s) is/are sold separately from the Operating System, and the price of the license(s) for those omitted unbound Microsoft Middleware Product(s) is greater than the result of the formula in the preceding sentence, then the amount of the reduction shall be equal to or greater than the price of such separate licenses.

B. Mandating Uniform and Non-Discriminatory Licensing

The District Court concluded that Microsoft provided significant additional consideration to OEMs who promoted Internet Explorer or curtailed distribution or ''promotion of Netscape Navigator. See United States v. Microsoft Corp., 84 F. Supp. 2d 9, 67 (D.DC 1999). The Court of Appeals and the District Court both concluded that Microsoft also employed numerous restrictive license previsions to reduce distribution and usage of Netscape Navigator. 253 F.3d at 61. This restrictive and discriminatory contractual treatment of Microsoft licensees was a critical means of preventing rival middleware from receiving effective distribution in the important OEM channel.

Because Microsoft has monopoly power and thus typically licenses the overwhelming majority of the operating systems used by virtually every major OEM, Microsoft has the undeniable power to harm an OEM or any other third-party licensee, who wishes to distribute non-Microsoft middleware, by providing more favorable licensing terms to the recalcitrant OEM's or third-party licensee's competitors—i.e., those who promote or distribute Microsoft middleware. In order for competing middleware to have a chance to obtain distribution through the important OEM channel (and thereby achieve a degree of usage that would erode the applications barrier to entry), Microsoft must be required, at a minimum, (1) to offer uniform and non-discriminatory license terms to OEMs and other third-party licensees, and (2) to permit such licensees to customize Windows (including earlier versions of Windows) to include whatever Microsoft middleware or competing middleware the licensee wishes to sell to consumers. Moreover, Microsoft's obligation to license should not be restricted just to OEMs, but rather should include other third parties who also could repackage some or all of Windows with competing middleware and thereby offer software packages that are differentiated from and competitive with Microsoft's Windows:

2. Windows Operating System Licenses.

a. Mandatory, Uniform Licensing for Windows Operating System Products. Microsoft shall license, to Covered OEMs and Third-Party Licensees, Windows Operating System Products, including those versions made available for license pursuant to Section 1, pursuant to uniform license agreements with uniform terms and conditions. Microsoft shall not employ Market Development Allowances or other discounts, including special discounts based on involvement in development or any joint development process. Without limiting the preceding sentence, Microsoft shall charge each licensee the applicable royalty for the licensed product as set forth on a schedule, to be established by Microsoft and published on a web site accessible to Plaintiffs and all licensees, that provides for uniform royalties for each such product (which royalties shall in any case be consistent with the requirements of Section 1), except that:

i. the schedule may specify different royalties for different language versions; and

ii. the schedule may specify reasonable, uniform volume discounts to be offered on a non-discriminatory basis based upon the independently determined actual volume of total shipments of the licensed products (aggregating all Windows Operating System Products, including any versions made available for license pursuant to Section 1).

Microsoft shall not engage in any discriminatory enforcement of any license for

[1] The proposed text of the remedial order appears in italics throughout this document. The full text of the proposed remedial order is also attached at Exhibit A.

a licensed Windows Operating System Product (including those versions of the Windows Operating System Product offered and licensed pursuant to Section 1) and shall not terminate any such license without good cause and in any case without having first given the Covered OEM or other Third-Party Licensee written notice of the reason for the proposed termination and not less than sixty days'' opportunity to cure. Microsoft shall not enforce any provision in any Agreement with a Covered OEM or other Third-Party Licensee (including without limitation any cross-license) that is inconsistent with this Final Judgment.

Microsoft shall not, by contract or otherwise, restrict the right of a Third Party Licensee to resell licenses to Windows Operating System Products (including those versions of the Windows Operating System Product offered and licensed pursuant to Section 1).

b. Equal Access. Microsoft shall afford all Covered OEM licensees and Third-Party Licensees equal access to licensing terms; discounts; technical, marketing, and sales support; support calls; product information; technical information; information about future plans; developer tools or developer support; hardware certification; and permission to display trademarks or logos. Notwithstanding the preceding sentence, Microsoft need not provide equal access to technical information and information about future plans for any bona fide joint development effort between Microsoft and a Covered OEM with respect to confidential matters solely within the scope of that joint effort.

c. OEM and Third-Party Licensee Flexibility in Product Configuration. Microsoft shall not restrict (by contract or otherwise, including but not limited to granting or withholding consideration) an OEM or Third-Party Licensee from modifying the BIOS, boot sequence, startup folder, smart folder (e.g., MyMusic or MyPhotos), links, internet connection wizard, desktop, preferences, favorites, start page, first screen, or other aspect of a Windows Operating System Product (including any aspect of any Middleware in that product). By way of example, and not limitation, an OEM or Third Party Licensee may:

i. include a registration sequence to obtain subscription or other information from the user or to provide information to the user;

ii. display and arrange icons or menu entries of, or short-cuts to, or otherwise feature, other products or services, regardless of the size or shape of such icons or features, or remove or modify the icons, folders, links, start menu entries, smart folder application or service menu entries, favorites, or other means of featuring Microsoft products or services;

iii. display any non-Microsoft desktop, provided that an icon or other means of access that allows the user to access the Windows desktop is also displayed, or display any other user interface;

iv. launch automatically any non-Microsoft Middleware, Operating System, application or service (including any security/authentication service), offer a non-Microsoft IAP or other start-up sequence, or offer an option to make or make non-Microsoft Middleware the Default Middleware; or remove the means of End-User Access for Microsoft Middleware Products; or remove the code for Microsoft Middleware Products; or

v. add non-Microsoft Middleware, applications or services.

3. Continued Licensing of Predecessor Version.

a. License and Support. Microsoft shall, when it makes a major Windows Operating System Product release (such as Windows 98, Windows 2000 Professional, Windows Me, Windows XP, ''Longhorn,'' ''Blackcomb,'' and all their successors), continue for five years after such release to license on the same terms and conditions and support both directly and indirectly the immediately previous Windows Operating System Product (including any unbound versions of that Operating System licensed under Section 1) to any OEM or Third-Party Licensee that desires such a license. In addition, Microsoft shall continue to license and support, both directly and indirectly, Windows 98 SE to any OEM or Third-Party Licensee that desires such a license, on the same terms and conditions as previously licensed, for three years from the date of entry of this Final Judgment.

b. Royalty Rate. The net royalty rate for the immediately previous Windows Operating System Product shall be no more than the lowest royalty paid by the OEM or Third-Party Licensee for such product prior to the release of the new version. The net royalty rate for Windows 98 SE shall be no more than the lowest royalty offered to that OEM or Third-Party Licensee for Windows 98 SE prior to December 7, 2001.

c. Marketing Freedom. The OEM or Third-Party Licensee shall be free to market Personal Computers in which it preinstalls such immediately previous Windows Operating System Product or Windows 98 SE in the same manner in which it markets Personal Computers preinstalled with other Microsoft Platform Software.

C. Mandatory Disclosure to Ensure Interoperability

The District Court found that Microsoft threatened to delay and did delay disclosing critical technical information to Netscape that was necessary for the Navigator browser to interoperate with the Windows 95 Operating System. Microsoft, 84 F. Supp. 2d at 32–33. This delay in turn substantially delayed the release of a version of the Navigator browser that was interoperable with Windows 95, causing Netscape to be excluded from most of the crucial holiday-selling season and giving Internet Explorer an unfair advantage in the market. Id. at 33. Moreover, the Court of Appeals upheld the District Court's finding that Microsoft illegally gave preferential treatment in terms of early release of technical information to Independent Software Vendors (''ISVs'') that agreed to certain anticompetitive conditions, including using only Internet Explorer. Microsoft, 253 F.3d at 71.

In order to prevent future incidents in which Microsoft middleware developers receive preferential disclosure of technical information over rival middleware developers, thereby stifling the competitive threat posed by rival middleware, Microsoft must provide timely access to the technical information needed to permit rival middleware to achieve interoperability with Microsoft software so that such middleware may compete fairly with Microsoft middleware. Moreover, because nascent threats to Microsoft's monopoly operating system currently exist beyond the middleware platform resident on the same computer, timely disclosure of technical information must apply to facilitate not only interoperability between middleware and the monopoly operating system on the same computer, but also interoperability with respect to other technologies that could provide a significant competitive platform, including network servers, web servers and hand-held devices:

4. Disclosure of APIs, Communications Interfaces and Technical Information.

a. Interoperability Disclosure. Microsoft shall disclose to ISVs, IHVs, IAPs, ICPs, OEMs and Third-Party Licensees on an ongoing basis and in a Timely Manner, in whatever media Microsoft customarily disseminates such information to its own personnel, all APIs, Technical Information and Communications Interfaces that Microsoft employs to enable:

i. each Microsoft application to Interoperate with Microsoft Platform Software installed on the same Personal Computer;

ii. each Microsoft Middleware Product to Interoperate with Microsoft Platform Software installed on the same Personal Computer;

iii. each Microsoft software installed on one computer (including without limitation Personal Computers, servers, Handheld Computing Devices and set-top boxes) to Interoperate with Microsoft Platform Software installed on another computer (including without limitation Personal Computers, servers, Handheld Computing Devices and set-top boxes); and

iv. each Microsoft Platform Software to Interoperate with hardware on which it is installed.

b. Necessary Disclosure. Microsoft shall disclose to each OEM and Third-Party Licensee all APIs, Communications Interfaces and Technical Information necessary to permit them to fully exercise their rights under Section 2.c.

c. Compliance. To facilitate compliance, and monitoring of compliance, with this Section 4, Microsoft shall create a secure facility where qualified representatives of OEMs, ISVs, IHVs, IAPs, ICPs, and Third-Party Licensees shall be permitted to study, interrogate and interact with the source code and any related documentation and testing suites of Microsoft Platform Software for the purpose of enabling their products to Interoperate effectively with Microsoft Platform Software (including exercising any of the options in Section 2.c).

D. Prohibitions on Certain Licensing and Other Practices

The Court of Appeals affirmed the District Court's conclusion that Microsoft's licensing practices and/or other dealings with various third parties, including Internet Access

Providers (''IAPs''), Independent Software Vendors (''ISVs''), and rival operating system manufacturers, were similarly designed to stifle competition. Microsoft, 253 F.3d at 67. These dealings, when coupled with other Microsoft conduct designed to thwart or delay interoperability, confirm that Microsoft must also be prohibited from taking certain actions that could unfairly disadvantage its would-be competitors, whether by (a) knowingly interfering with the performance of their software with no advance warning, or (b) entering into certain types of contracts that could unreasonably foreclose competing middleware providers:

5. Notification of Knowing Interference with Performance. Microsoft shall not take any action that it knows, or reasonably should know, will directly or indirectly, interfere with or degrade the performance or compatibility of any non-Microsoft Middleware when Interoperating with any Microsoft Platform Software other than for good cause. If Microsoft takes such action it must provide written notice to the ISV of such non-Microsoft software us soon as Microsoft has such knowledge but in no case less than 60 days in advance informing the ISV that Microsoft intends to take such action. The written notice shall state Microsoft's reasons for taking the action, and every way known to Microsoft for the ISV to avoid or reduce interference with, or the degrading of, the performance of the ISV's software.

6. Ban on Exclusive Dealing. Microsoft shall not enter into or enforce any Agreement in which a third party agrees, or is offered or granted consideration, to:

a. restrict its development, production, distribution, promotion or use of (including its freedom to set as a default), or payment for, any non-Microsoft product or service;

b. restrict Microsoft redistributable code from use with non-Microsoft Platform Software;

c. distribute, promote or use any Microsoft product or service exclusively or in a minimum percentage;

d. interfere with or degrade the performance of any non-Microsoft product or service; or

e. in the case of an agreement with an IAP or ICP, distribute, promote or use a Microsoft product or service in exchange for placement with respect to any aspect of a Microsoft Platform Product.

7. Ban on Contractual Tying. Microsoft shall not condition the granting of a Windows Operating System Product license, or the terms (including without limitation price) or administration of such license (including any license granted pursuant to Section 1), on a licensee agreeing to license, promote, distribute, or provide an access point to, any Microsoft Middleware Product.

E. Ban on Retaliation

The Court of Appeals and the District Court catalogued a variety of conduct by Microsoft that was designed to reward those who acceded to Microsoft's anticompetitive aims and punish those who did not. An effective remedy therefore must prevent Microsoft from taking adverse or other retaliatory or discriminatory actions against OEMs, other third-party licensees, ISVs, and others, who in any way develop, distribute, support or promote competing products. Microsoft must also be barred from any acts of retaliation against any individual or any entity as a result of their participation in any capacity in any phase of this litigation:

8. Ban on Adverse Actions for Supporting Competing Products. Microsoft shall not take or threaten any action that directly or indirectly adversely affects any IAP, ICP, IHV, ISV, OEM or Third-Party Licensee (including but not limited to giving or withholding any consideration such as licensing terms; discounts; technical, marketing, and sales support; enabling and integration programs; product information; technical information; information about future plans; developer tools or developer support; hardware certification; ability to install Synchronization Drivers; and permission to display trademarks or logos) based directly or indirectly, in whole or in part, on any actual or contemplated action by that IAP, ICP, IHV, ISV, OEM or Third-Party Licensee to:

a. use, distribute, promote, support, license, develop, set as a default, produce or sell any non-Microsoft product or service; or

b. exercise any of the options or alternatives provided under this Final Judgment.

9. Non-retaliation for Participation in Litigation. Microsoft shall not take or threaten to take any action adversely affecting any individual or entity that participated in any phase of the antitrust litigation initially styled as United States v. Microsoft, Civil Actions No. 98–1232 and State of New York v. Microsoft, Civil Action No. 98–1233, including but not limited to pretrial discovery and other proceedings before the liability trial, the liability trial, any of the remedy proceedings before this Court, any proceeding to enforce the Final Judgment or to investigate any alleged violation of the Final Judgment, and any proceeding to review or otherwise consider any settlement or resolution of this matter, based directly or indirectly, in whole or in part, on such individual or entity's participation as a fact witness, consultant or expert on behalf of any party, or on such individual or entity's cooperation in any form, whether by meeting, providing information or documents, or otherwise, with or to ''any party in this litigation, or any counsel, expert or agent thereto or thereof.

F. Respect for OEM and End-User Choices

Microsoft engaged in various practices that were designed to coerce OEMs into setting Internet Explorer as the ''default browser'' on their computers. Microsoft, 84 F. Supp. 2d at 67–68. If competing middleware is to have a fair opportunity to gain distribution sufficient to erode the applications barrier to entry, OEMs and other third-party licensees, as well as end-user consumers, should be accorded the freedom to select a default middleware product other than a Microsoft middleware product. If applications software developers perceive that Microsoft, through its control of the operating system, is unfairly tilting end users to Microsoft applications, then they will be less inclined to develop the applications necessary to erode the entry barrier that preserves Microsoft's monopoly:

10. Respect for User, OEM and Third-Party Licensee Choices. Microsoft shall not, in any Windows Operating System Product distributed six or more months after the date of entry of this Final Judgment, make Microsoft Middleware the Default Middleware for any functionality unless the Windows Operating System Product (i) affords the OEM or Third-Party Licensee the ability to override Microsoft's choice of a Default Middleware and designate other Middleware the Default Middleware for that functionality, and (ii) affords the OEM, Third-Party Licensee or non-Microsoft Middleware the ability to allow the end user a reasonably accessible and neutrally presented choice to designate other Middleware as the Default Middleware in place of Microsoft Middleware. If the OEM, Third-Party Licensee, or end user has designated non-Microsoft Middleware as the Default Middleware for a functionality, the Windows Operating System Product (including updates thereto) or other Microsoft software or services shall not change the designation or prompt the user to change that designation (including by cautioning the end user against using the non-Microsoft Middleware). However, in the event that the end user has subsequently installed a Microsoft Middleware Product performing that functionality, the subsequently installed Microsoft Middleware Product may offer the end user a reasonably accessible and neutrally presented one-time choice to make that product the Default Middleware for that functionality.

G. Prohibition on Agreements Not to Compete

The Court of Appeals and the District Court found numerous instances in which Microsoft entered into agreements with OEMs, ISVs and others that stifled competition. In one particular instance, Microsoft proposed a ''special relationship'' with Netscape that, if consummated, would have effectively ended any potential competitive threat posed by the Navigator browser to the Windows Operating System. 84 F. Supp. 2d at 33. Given Microsoft's past conduct, a prohibition on offering or agreeing to limit competition with respect to Operating System Products or Middleware Products is necessary and appropriate:

11. Agreements Limiting Competition. Microsoft shall not offer, agree to provide, or provide any consideration to any actual or potential Platform Software competitor in exchange for such competitors agreeing to refrain or refraining in whole or in part from developing, licensing, promoting or distributing any Operating System Product or Middleware product competitive with any Windows Operating System Product or Microsoft Middleware Product.

H. Internet Browser Open-Source License

Much of the evidence during the trial concerned Microsoft's relentless campaign to drive down usage of Netscape's Navigator and push people instead to its own browser, Internet Explorer. Indeed, a substantial percentage of the acts reviewed by the Court of Appeals involved tactics designed to ''reduce[] the usage share of rival browsers not by making Microsoft's own browser more attractive to consumers but, rather, by

discouraging OEMs from distributing rival products.'' 253 F.3d 34, 65.

Eliminating Netscape and establishing Internet Explorer as the dominant browser was a critical component of Microsoft's monopoly maintenance strategy. Given that Microsoft's browser dominance was achieved to bolster the operating system monopoly, the remedial prescription must involve undoing that dominance to the extent it is still possible to do so. Accordingly, the appropriate solution is to mandate open source licensing for Internet Explorer, thereby ensuring at a minimum that others have full access to this critical platform and that Microsoft cannot benefit unduly from the browser dominance that it gained as part of its unlawful monopolization of the operating system market:

12. Internet Browser Open-Source License. Beginning three months after the date of entry of this Final Judgment, Microsoft shall disclose and license all source code for all Browser products and Browser functionality. In addition, during the remaining term of this Final Judgment, Microsoft shall be required to disclose and make available for license, both at the time of and subsequent to the first beta release (and in no event later than one hundred eighty (180) days prior to its commercial distribution of any Browser product or Browser functionality embedded in another product), all source code for Browser products and Browser functionality. As part of this disclosure, Microsoft shall identify, provide reasonable explanation of, and disseminate publicly a complete specification of all APIs, Communications Interfaces and Technical Information relating to the Interoperation of such Browser product(s) and/or functionality and each Microsoft Platform Software product. The aforementioned license shall grant a royalty-free, non-exclusive perpetual right on a non-discriminatory basis to make, use, modify and distribute without limitation products implementing or derived from Microsoft's source code, and a royalty-free, nonexclusive perpetual right on a non-discriminatory basis to use any Microsoft APIs, Communications Interfaces and Technical Information used or called by Microsoft's Browser products or Browser functionality not otherwise covered by this paragraph.

I. Mandatory Distribution of Java

Microsoft's destruction of the cross-platform threat posed by Sun's Java technology was a critical element of the unlawful monopoly maintenance violation affix-axed by the Court of Appeals. Microsoft continues to enjoy the benefits of its unlawful conduct, as Sun's Java technology does not provide the competitive threat today that it posed prior to Microsoft's campaign of anticompetitive conduct. Because an appropriate antitrust remedy decree should, among other things, attempt ''to deny to the defendant the fruits of its statutory violation,'' Microsoft, 253 F.3d at 103 (quoting United States v. United Shoe Mach. Corp., 391 U. S. 244, 250 (1968)), Microsoft must be required to distribute Java with its platform soft-ware (i.e., its operating systems and Internet Explorer browser), thereby ensuring that Java receives the widespread distribution that it could have had absent Microsoft's unlawful behavior, and increasing the likelihood that Java can serve as a platform to reduce the applications barrier to entry:

13. Java Distribution. For a period of 10 years from the date of entry of the Final Judgment, Microsoft shall distribute free of charge, in binary form, with all copies of its Windows Operating System Product and Internet Browser (including significant upgrades) a competitively performing Windows-compatible version of the Java runtime environment (including Java Virtual Machine and class libraries) compliant with the latest Sun Microsystems Technology Compatibility Kit as delivered to Microsoft at least 90 days prior to Microsoft's commercial release of any such Windows Operating System Product. Microsoft must publicly announce the commercial release of its Windows Operating System Products (including significant upgrades) at least 120 days in advance.

J. Cross-Platform Porting of Office

The applications barrier to entry can be eroded only when consumers can obtain significant software application functionality from their computers through means other than Microsoft's monopoly operating system. Cross-platform software, such as middleware, would have permitted the porting of numerous important applications to operating systems other than Microsoft's Windows. To begin to erode the applications barrier to entry that was enhanced by Microsoft's unlawful behavior, and thereby begin to ''pry open to competition a market that has been closed by defendants'' illegal restraints,'' International Salt Co. v. United States, 332 U.S. 392, 401 (1947), Microsoft should be required to auction to a third party the right to port Microsoft Office to competing operating systems:

14. Mandatory Continued Porting of Office to Macintosh and Mandatory Licensing of Office for the Purpose of Porting to Other Operating Systems.

a. Continued Porting of Office to Macintosh. Microsoft shall port each new major release of Office to the Macintosh Operating System within 60 days of the date that such version becomes commercially available for use with a Windows Operating System Product, pursuant to the same terms and conditions under which it currently ports Office to Macintosh. The ported version shall operate at least as effectively as the previous ported version.

b. Auction of Licenses To Port. Within 60 days of entry of this Final Judgment, Microsoft shall offer for sale, at an auction administered by an independent third party, licenses to sell Office for use on Operating Systems other than Windows, without further royalty beyond the auction price. In conjunction with these licenses, Microsoft shall supply to the winning bidders all information and tools required to port Office to other Operating Systems, including but not limited to all compatibility testing suites used by Microsoft to port Office to the Macintosh Operating System, the source code for Office for Windows and Office for Macintosh (to be used for the purpose of such porting only), all technical information required to port Office to other Operating Systems (including but not limited to file formats), and all parts of the source code of the Windows Operating System Product necessary for the porting. At such auction, Microsoft shall offer'' to sell at least three such licenses, as described in this Section 14.b, to three third parties not affiliated with either Microsoft or each other. The terms of such licenses shall become effective (and the relevant source code made available to the licensee) immediately upon their sale.

c. Provision of Necessary Information. As soon as practicable, but in no case later than 60 days prior to the date each new version of Office becomes commercially available for use with a Windows Operating System Product, Microsoft shall provide, to holders of the licenses issued pursuant to Section 14.b, the compatibility testing suites and source code necessary to enable porting of the new version of Office to other Operating Systems. The terms of such licenses shall become effective (and the relevant source code made available to the licensee) no later than the date on which the new version of Office becomes commercially available.

K. Intellectual Property Rights

For many of the provisions of the remedy to be effective, including but not limited to the disclosure provisions contained in Section 4, various 0EMs, ISVs and others must necessarily acquire certain intellectual property rights from Microsoft. Accordingly, it is appropriate for Microsoft to license to such third parties those intellectual property rights that are necessary for the effective implementation of this remedy proposal:

15. Necessary Intellectual Property License. Microsoft shall, within 20 days of request, license to IAPs, ICPs, IHV's, ISVs, OEMs and Third-Party Licensees all intellectual property rights owned or licensable by Microsoft that are required to exercise any of the options or alternatives provided or available to them under this Final Judgment (including without limitation enabling their product(s) to Interoperate effectively with Microsoft Platform Software), on the basis that:

a. the license shall be on a royalty-free basis and all other terms shall be reasonable and non-discriminatory;

b. the license shall not be conditional on the use of any Microsoft software, API, Communications Interface, Technical Information or service;

c. the scope of any such license (and the intellectual property rights licensed thereunder) must be as broad as necessary to ensure that the licensee is able to exercise the options or alternatives provided under this Final Judgment but shall not provide any unnecessary rights (e.g., an IAP's, ICP's, IHV's, ISV's, and OEM's option to promote Non-Microsoft Middleware shall not confer any rights to any Microsoft intellectual property rights infringed by that Non-Microsoft Middleware); and

d. the terms of any license granted under this section shall be in all respects consistent with the terms of this Final Judgment.

L. Adherence to Industry Standards

A common tactic in Microsoft's unlawful monopoly maintenance was the limitation on interoperability with potential competitors. This has been accomplished, on occasion, by

co-opting and/or undermining the industry standards for software developers. Microsoft also purposely deceived software developers into believing that the Microsoft Java programming tools had cross-platform capability with Sun-based Java:

16. Adherence to Industry Standards.

a. Compliance With Standards. If Microsoft publicly claims that any of its products are compliant with any technical standard (''Standard9 that has been approved by, or has been submitted to and is under consideration by, any organization or group that sets standards (a ''Standard-Setting Body''), it shall comply with that Standard. If Microsoft chooses to extend or modify the implementation of that Standard, Microsoft shall continue fully to implement the Standard (as that Standard may be modified from time to time by the Standard-Setting Body). Microsoft shall continue to implement the Standard until: (i) Microsoft publicly disclaims that it implements that Standard; or (ii) the Standard expires or is rescinded by the standard-setting body. However, Microsoft shall not be permitted to require third parties to use or adopt Microsoft's version of the Standard. To the extent Microsoft develops a proprietary version of a Standard, Microsoft's Operating Systems must continue to support non-proprietary, industry versions of such Standard.

b. Compliance With De Facto Standards. As to any Standard with which Microsoft is required to comply under the preceding paragraph, to the extent that industry custom and practice recognizes compliance with the Standard to include variations from the formal definition of that Standard (a ''De Facto Standard''), Microsoft may discharge its obligations under this provision by complying with the de facto Standard provided that: (i) before doing so, Microsoft notifies Plaintiffs and the Special Master in writing of its intention to do so, and describes with reasonable particularity the variations included in the De Facto Standard; and (ii) Plaintiffs do not, within 30 days of receipt of such notice, object to Microsoft's intention to comply with the De Facto Standard.

M. Internal Compliance

Vigilant compliance is absolutely critical to any remedial program's effectiveness. The first prong of such compliance must be an active program of internal controls to ensure compliance, including the appointment of an internal January 28, 2002

Ms. Renata Hesse
Antitrust Division
U.S. Department of Justice
601 D Street, N. W., Suite 1200
Washington, D. C. 20530

Re: United States v. Microsoft Corporation, Civil Action No. 98–1232 (CKK)
State of New York. ex tel. Attorney General Eliot Spitzer, et al. v. Microsoft Corporation, Civil
Action No. 98–1233 (CKK)

Dear Ms. Hesse:

I am writing on behalf of the states of California, Connecticut, Florida, Iowa, Kansas, Massachusetts, Minnesota, Utah, West Virginia and the District of Columbia. These jurisdictions continue to litigate against Microsoft Corporation to seek a remedies decree that will '''unfetter [the] market from anticompetitive conduct''; ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future'' U.S. v. Microsoft, 253 F.3d 34, 103 (DC Cir. 2001) (quoting Ford Motor Co. v. United States, 405 U.S. 562, 577 (1972) and United States v. United Shoe Mach. Corp., 391 U.S. 244,250 (1968)). Although the litigating jurisdictions will have the opportunity to present evidence and argument directly to the. court concerning appropriate remedies in this case, we have produced or received three documents in the course of our litigation that we believe are especially pertinent to the record of the Tunney Act proceeding. Without waiving any rights to a hearing on our proposed decree, these documents arc:

1. Excerpt from Plaintiff Litigating States'' Answers to Interrogatories from Microsoft Corporation: Attached as Exhibit A it; the Litigating States'' answer to an interogatory from defendant Microsoft Corporation detailing the principal inadequacies of the proposed consent decree. (Please note that further or additional problems may be revealed by discovery so this list should not be considered final.);

2. Plaintiff Litigating States'' Re??ial Proposals: Attached as Exhibit B is rite Litigating Stales'' remedial proposal filed with the trial court on December 7, 2001. For the reasons stated in this document, the Litigating States conclude that their proposed remedy is necessary to address the illegal conduct of Microsoft Corporation; and

3. Defendant-Microsoft's Responses to the Litigating States' Requests for Admissions: Attached as Exhibit C ate the responses of defendant Microsoft Corporation to the Litigating States' requests for admissions. In this document, Microsoft repeatedly refuses to admit or sidesteps characterizations by the Department of Justice of the proposed consent decree contained in the Competitive Impact Statement (CIS). Microsoft's objection that such admissions require a ''legal conclusion'' is troubling. While this could mean that there was never a meeting of the minds among the parties, it suggests, at a minimum, that the decree itself is ambiguous. As a result, enforcement will. in all likelihood. be delayed as the parties wrangle over the meaning of their agreement in an industry in which product cycles are extremely short and in which enforcement must be swirl in order to be effective.

For the foregoing reasons, the litigating jurisdictions request that the Department of Justice withdraw its consent to the Revised Proposed Final Judgment because of its ambiguity and failure to adequately address the illegal conduct of Microsoft. If the Department chooses not to do this, the litigating jurisdictions request that the Revised Proposed Final Judgment be disapproved by the court because it fails to meet the standard in 15 U.S.C. section 16(e).

Respectfully submitted,
Tom Greene
Senior Assistant Attorney General
California Department of Justice
FOR THE LITIGATING STATES

Exhibit A

SUPPLEMENTAL RESPONSES TO INTERROGATORIES

1. State in the most specific and detailed manner possible each and every respect in which you claim that the Revised Proposed Final Judgment is deficient, and explain why.

RESPONSE: The Plaintiff Litigating States object to this Interrogatory as a contention interrogatory that is premature and more appropriately answered at a later time, see Fed. R. Civ. P. 33(c), and therefore the Plaintiff Litigating States reserve the right to amend, supplement or modify the response to this Interrogatory to incorporate information gained through discovery. Subject to and without waiving this objection or the General Objections, the Plaintiff Litigating States respond that, as highlighted in Plaintiff Litigating States'' Remedial Proposals filed on December 7, 2001, the Revised Proposed Final Judgment (the ''RPFJ'') is deficient in many respects, including without limitation the following:

(1) the RPFJ does not require Microsoft to license an'' unbundled version of Windows, even though (a) the Court of Appeals found that Microsoft's commingling of middleware code with its monopoly operating system was anticompetitive (see United States v. Microsoft Corp., 253 F.3d 34, 66 (DC Cir.) (''Microsoft''), cert. denied, 122 S. Ct. 350 (2001), and (b) such a remedy would enable competing middleware developers to gain access to the OEM channel of distribution, recognized by Microsoft, and the District Court, as one of the two most important distribution channels (United States v. Microsoft Corp., 84 F. Supp. 2d 9, 46 (D.DC 1999) (''Microsoft Findings of Fact'));

(2) the RPFJ provides for overly broad exceptions to the OEM uniform licensing requirement, including without limitation (a) market development allowances, and (b) consideration tied to the level of an OEM's promotion or distribution of Microsoft's products or services, even though the Court of Appeals and District Court found Microsoft's discrimination between OEMs in its contractual relationships a critical lever in several types of anticompetitive conduct (see Microsoft, 253 F.3d at 59–64; Microsoft Findings of Fact, 84 F. Supp. 2d at 66–68);

(3) the RPFJ does not adequately provide for timely and broad disclosure of interfaces and other technical information to third parties, despite the fact that (a) the Court of Appeals found that Microsoft illegally used the discriminatory disclosure of technical information to ISVs as an incentive to obtain their agreement to certain anticompetitive conditions, including curtailment of the use and promotion of Internet Explorer (see Microsoft, 253 F.3d at 71–79.; see also Microsoft Findings of Fact, 84 F. Supp. 2d at 93–94), and (b) the District Court found that Microsoft deliberately withheld technical information necessary to ensure the interoperation of a rival platform (Netscape's Navigator) and the Windows operating system (see Microsoft Findings of Fact, 84 F. Supp. 2d at 33–34) and thereby hampered the rise of this threat to Microsoft's monopoly;

(4) the RPFJ limits the disclosure of interfaces and technical information to those that concern the interoperation of only

Microsoft middleware and its Windows operating system, even though (a) there are many other currently existing nascent threats to Microsoft's operating system monopoly such as alternative platforms like network servers, web servers, handheld computing devices and set-top boxes, (b) disclosure of information relating to interoperation between these products is as important as information relating to interoperation with Windows, and (c) an antitrust remedy must be forward looking to prevent a recurrence of analogous harm and not simply seek to remedy specific past misconduct (see Nat'l Soc'y of Pro??l Engineers v. United States, 435 U.S. 679, 697 (1978));

(5) the RPFJ mandates the disclosure of communications protocols only in the context of client-server interoperation, even though the disclosure of such protocols is necessary to permit third parties to develop other nascent threats to Microsoft's operating system monopoly that communicate with personal computers such as widely interoperable handheld devices and middleware installed thereon;

(6) the RPFJ delays the impact of the disclosure provisions for up to nine months in the case of communications protocols that concern the interoperation of client personal computers and servers, and twelve months in the case of interfaces relating to the interoperation of middleware and operating systems—given the necessity of prompt disclosure in the light of the pace of change in the computer industry, such delays are simply unjustifiable;

(7) the RPFJ delays the required disclosure of middleware/operating system interoperability interfaces, in the case of new releases of Microsoft operating systems, until Microsoft releases a beta test version of the new release to 150,000 or more beta testers—this test is not only subject to manipulation to avoid timely disclosure but on its face means that disclosure will not be required until very close to the release date of the new product, thereby disadvantaging Microsoft's rivals;

(8) the RPFJ does not require disclosure of the technical information required by third parties to make full use of the disclosed interfaces and protocols;

(9) the RPFJ permits only members of a three person ''Technical Committee'' (one of whose members is appointed by Microsoft) to have access to Microsoft's source code, even though third parties wishing to make meaningful use of Microsoft's interoperability disclosures need direct access to source code through some means, such as a secure facility at which they can view and interrogate such code;

(10) the RPFJ imposes unjustifiable qualifications in the provisions that appear to provide for flexibility in product configuration (e.g., (i) Microsoft can limit the addition of icons, shortcuts and menu entries for non-Microsoft products to only those places where Microsoft has decided to promote a Microsoft product with similar functionality (thus blocking such additions if Microsoft does not make that decision and/or does not offer a competing product), and (ii) the automatic launching of competing software may be prohibited if such software displays a user interface that is not of a similar size and shape to the interface displayed by the equivalent Microsoft software or a Microsoft product would not otherwise launch automatically);

(11) the RPFJ does not adequately require Microsoft to respect OEM and end-user preferences for non-Microsoft software because the provisions which appear to have that aim are encumbered with unjustifiable qualifications (e.g., (i) the ability to designate a non-Microsoft middleware product to be invoked in place of a Microsoft middleware product is available only where the Microsoft middleware would be launched in a separate Window and would display all of the user interface elements or a trademark; and (ii) the restriction on Microsoft asking an end user to alter an OEM's product configuration lasts for only fourteen days and there is no restriction on the number of such requests Microsoft may make thereafter);

(12) the RPFJ does not require Microsoft to license previous versions of Windows, even though (a) the guaranteed existence of previous versions of Windows encourages the creation of middleware threats to Microsoft's operating system monopoly by giving software developers confidence that the operating system with which their middleware would be designed to interact will be available to end users for a reasonable length of time, and (b) the District Court found that Microsoft used its control of information regarding a new release of Windows to thwart the growing popularity of a threat to its operating system monopoly (see Microsoft Findings of Fact, 84 F. Supp. 2d at 3334), and efforts to use such leverage would be less effective if the previous version were still to be available;

(13) the RPFJ does not require Microsoft to notify third parties regarding its knowing interference with non-Microsoft middleware, despite the fact that (a) the Court of Appeals found that one aspect of Microsoft's anticompetitive conduct regarding the middleware threat of Sun's Java was to deceive software developers into writing programs using Microsoft Java development tools that did not interact with Sun's Virtual Java Machine (see Microsoft, 253 F.3d at 76–77), (b) the District Court found that Microsoft made technical changes to Windows and Internet Explorer to ensure that the interoperation of Windows and a non-Microsoft browser was a ''jolting experience'' for users (see Microsoft Findings of Fact, 84 F. Supp. 2d at 50), and (c) the Distric Court found that Microsoft deliberately withheld from Netscape vital information required to ensure the interoperability of Navigator and a new version of Microsoft's Windows operating system (see Microsoft Findings of Fact, 84 F. Supp. 2d at 33–34)—in other words the remedy fails to curb Microsoft's anticompetitive tendency to hinder the interaction of non-Microsoft products with Microsoft-sponsored products;

(14) the RPFJ does not adequately restrict Microsoft's exclusive arrangements, despite the Court of Appeals condemnation of such practices as anticompetitive (see Microsoft, 253 F.3d at 67—74), because, for example, the provisions that appear to be aimed at such practices are subject to overbroad and unjustifiable qualifications (e.g., (i) a joint venture exception that does not define with Any specificity the minimum criteria for the existence of such an arrangement and thus appears subject to manipulation; (ii) an exception where the third party represents that it could devote greater resources to non-Microsoft products than to Microsoft products, whether or not it actually does so; and (iii) an exception for any agreement under which Microsoft licenses intellectual property from a third party, no matter how anticompetitive the other terms of such agreement);

(15) the RPFJ does not prohibit contractual tying of Microsoft middleware to Microsoft's Windows operating system, even though (a) such arrangements could unreasonably foreclose competing middleware providers, (b) such a remedy would help to prevent Microsoft's ability to further reap benefits from its illegally maintained operating system monopoly, and (c) the Court of Appeals found that Microsoft manipulated contractual relationships with various third parties to stifle middleware threats to its operating system monopoly (see Microsoft, 253 F.3d at 59–64, 69–72, 75–76);

(16) the RPFJ does not adequately protect against retaliation by Microsoft (e.g., the prohibition on retaliation against OEMs is limited to particular types of actions, instead of broadly banning any adverse action, and lists OEM activities only in connection with middleware and operating systems, instead of referring to any activities relating to products or services that compete with Microsoft);

(17) the RPFJ does not effectively restrict agreements limiting competition, despite the Court of Appeals clear holding that such arrangements were anticompetitive (see Microsoft 253 F.3d at 71–72), because, for example, (a) the provision apparently aimed at restricting such conduct is subject to an exception where an ISV has agreed to use, distribute or promote Microsoft software, even though such an exception could be construed as effectively nullifying the applicable restriction, (b) the restriction does not apply to agreements with any entity other than an ISV (i.e., presumably such agreements with an OEM, ICP, IAP, IHV or any other third party would not be prohibited), and (c) the restriction only applies to agreements relating to Windows operating system products (i.e., an exclusive dealing arrangement that related to other Microsoft platform software would not be prohibited);

(18) the RPFJ does not address specifically the status of Microsoft's Internet browser, Internet Explorer, which benefited directly from much of Microsoft's anticompetitive conduct (see, e.g., Microsoft, 253 F.3d at 59–74);

(19) the RPFJ does not address specifically Microsoft's anticompetitive conduct aimed at elimination of Sun's Java as a threat to its operating system monopoly (see, e.g., Microsoft, 9.53 F.3d at 74–78);

(20) the RPFJ does not require Microsoft to port its Office suite of applications to Apple's Macintosh, even though the Court of Appeals found that Microsoft's threat to terminate

such support for Office had been deliberately used as a ''club'' to force Apple to enter into an anticompetitive exclusive dealing arrangement (see Microsoft, 253 F.3d at 72–74);

(21) the RPFJ does not provide a mechanism to ensure that Office is ported to ether operating systems, despite the Court of Appeals' recognition of the importance of this suite of applications and acknowledgment that the absence of Office on a rival operating system, Mac OS, would eliminate such competition (see Microsoft, 253 F.3d at 72–73), and the fact that ensuring the availability of Office on other platforms is likely to weaken the applications barrier to entry and enhance the potential of other platforms to compete with Microsoft's monopoly operating system;

(22) the RPFJ requires licensees of required Microsoft intellectual property to pay for such license and to cross license their intellectual property to Microsoft, even though the premise of this remedy is that such intellectual property is required to allow third parties to exercise their rights under the final judgment—it is unjustifiable for Microsoft to be paid and benefit from cross-licensing rights simply, for ensuring the efficacy of remedies imposed as a result of its illegal conduct;

(23) the RPFJ does not address Microsoft's undermining of industry standards, despite the Court of Appeals holding that Microsoft sabotaged the Java standard by deceiving software developers into believing that the Microsoft Java programming tools had cross-platform capability with Sun-based Java (see Microsoft, 253 F.3d at 75–76);

(24) the RPFJ does not require Microsoft to provide information about transactions that are not subject to the filing requirements of the Hart-Scott-Rodino Act, even though such transactions could be used by Microsoft to maintain its operating system monopoly;

(25) the RPFJ does not protect from retaliation individuals and entities that participate in this litigation, despite the District Court and Court of Appeals findings that Microsoft is no stranger to retaliation and threats when it does not get its own way (e.g., (i) retaliation against IBM (see Microsoft Findings of Fact, 84 F. Supp. 2d at 40); (ii) threats against Apple (see Microsoft, 253 F.3d at 72–74); and (iii) threats against Intel (see Microsoft, 253 F.3d at 77–78);

(26) the RPFJ contains other unjustifiable exceptions and carve-outs that hobble the provisions they qualify (e.g., (i) the restriction on retaliation against, and discriminatory treatment of, OEMs that promote non-Microsoft products is qualified by an exception that permits Microsoft to provide additional consideration to OEMs that, inter alia, promote Microsoft products; (ii) Microsoft's disclosure obligations may be construed as not extending to areas of activity that Microsoft has identified as important enough to its monopoly operating system to include in its latest Windows operating system release, such as authentication and security/encryption systems and digital rights management; and (iii) Microsoft's disclosure obligations relating to certain matters such as authentication systems are subject to Microsoft's subjective determination as to whether, inter alia, the recipient has a ''reasonable'' business need and a ''viable'' business);

(27) the RPFJ contains ineffective compliance provisions (e.g., (i) there is no independent office or body such as a special master to assist the Court with compliance and enforcement; (ii) there is no annual compliance certification by Microsoft; (iii) there is no periodic reporting to the Court by an independent body regarding Microsoft's compliance; (iv) there is no mandatory document retention provision; (v) there is no mechanism for Microsoft employees to submit evidence of violations on a confidential basis to a third party; and (vi) no work product, findings or recommendations of the body empowered to consider complaints against Microsoft may be used in court, necessitating a duplication of effort if a complaint is not adequately dealt with on an extra-judicial basis);

(28) the RPFJ does not provide for a sanctions regime making clear the potential consequences to Microsoft of non-compliance and thus providing a strong incentive to comply;

(29) the RPFJ's middleware definitions are drawn too narrowly, excluding from protection competitors of Microsoft in critical middleware markets and excluding from the restrictions of the judgment important Microsoft products—for example, (a). software cannot qualify as a ''Non-Microsoft Middleware Product'' unless at least one million copies were distributed in the U.S. in the previous year, meaning that by definition nascent or developing middleware threats receive no protection under the user configuration flexibility remedy, (b) certain important software categories such as web-based software and digital imaging software are not present in any of the middleware definitions, (c) software developed in the future by Microsoft that does not perform a pre-identified function (e.g., Internet browsing) but that does exhibit the characteristics of middleware, such as API exposure, would be excluded from the definition of ''Microsoft Middleware Product'' if it is not trademarked (e.g., Microsoft's photo editing software), had not been distributed by Microsoft separately from an operating system product (e.g., many of the new features on Windows XP) or was not similar to a competitor's product;

(30) the RPFJ's definition of ''Windows Operating System Product'' leaves Microsoft to determine its scope, a freedom that could potentially eviscerate major portions of the judgment;

(31) the RPFJ does not define certain key terms (e.g., ''Interoperate,'' ''Bind,'' ''Web-Based Software'') and narrowly defines other key terms (e.g., ''Communications Protocol'');

and

(32) the RPFJ's term is limited initially to five years—given the scope of Microsoft's violations and the time needed to restore effective competition, this term is too short.

Exhibit B

COMPLIANCE OFFICER AND AN ANNUAL CERTIFICATION BY MICROSOFT THAT IT IS ADHERING TO THE REQUIREMENTS OF THE FINAL JUDGMENT:

17. Internal Antitrust Compliance. This section shall remain in effect throughout the term of this Final Judgment.

a. Compliance Committee. Within 30 days of entry of this Final Judgment, Microsoft shall establish a compliance committee (the ''Compliance Committee9 of its Board of Directors, consisting of at least three members of the Board of Directors who are not present or former employees of Microsoft.

b. Compliance Officer. The Compliance Committee shall hire a Compliance Officer, who shall report directly to the Compliance Committee and to the Chief Executive Officer of Microsoft. The Compliance Officer shall be responsible for development and supervision of Microsoft's internal programs to ensure compliance with the antitrust laws and this Final Judgment. Microsoft shall give the Compliance Officer all necessary authority and resources to discharge the responsibilities listed herein.

c. Duties of Compliance Officer. The Compliance Officer shall:

i. within 60 days after entry of this Final Judgment, arrange for delivery to each Microsoft officer, director, and Manager, and each platform software developer and employee involved in relations with OEMs, ISVs, IHVs, or Third-Party Licensees, a copy of this Final Judgment together with additional informational materials describing the conduct prohibited and required by this Final Judgment;

ii. arrange for delivery in a timely manner of a copy of this Final Judgment and such additional informational materials to any person who succeeds to a position described in subsection c.i above;

iii. ensure that those persons described in subsection c.i above are annually briefed on the meaning and requirements of this Final Judgment and the United States antitrust laws and advising them that Microsoft's legal advisors are available to confer with them regarding any question concerning compliance with this Final Judgment or under the United States antitrust laws;

iv. obtain from each person described in subsection c.i above, within 30 days of entry of this Final Judgment and annually thereafter, and for each person thereafter succeeding to such a position within 5 days of such succession and annually thereafter, a written certification that he or she:

(1) has read, understands, and agrees to abide by the terms of, and has to their knowledge not violated, this Final Judgment; and

(2) has been advised and understands that his or her failure to comply with this Final Judgment may result in conviction for criminal contempt of court;

v. maintain a record of persons to whom this Final Judgment has been distributed and from whom, pursuant to subsection c.iv above, such certifications have been obtained;

vi. establish and maintain a means by which employees can report to the Special Master potential violations of this Final Judgment or the antitrust laws on a confidential basis;

vii. on an annual basis, certify to the Plaintiffs and the Special Master that Microsoft is fully compliant with this Final Judgment; and

viii. report immediately to the Plaintiffs and the Special Master any credible evidence of violation of this Final Judgment.

d. Removal of Compliance Officer. The Compliance Officer may be removed only by the Chief Executive Officer with the concurrence of the Compliance-Committee.

e. Retention of Communications and Relevant Documentation, Microsoft shall, with the supervision of the Compliance Officer, maintain for a period of at least four years (i) the e-mail, instant messages, and written correspondences of all Microsoft officers, directors and managers engaged in software development, marketing, sales, and developer relations related to Platform Software, and (ii) all documentation necessary or useful to facilitate compliance with this Final Judgment, including without limitation the calculation of development costs in Section 1.

f. Compliance Inspection. For purposes of determining or securing implementation of or compliance with this Final Judgment, or determining whether this Final Judgment should be modified or vacated, and subject to any legally recognized privilege, from time to time:

i. Duly authorized representatives of a Plaintiff, upon the written request of the Attorney General of such Plaintiff, and on reasonable notice to Microsoft made to its principal office, shall be permitted:

(1) access during office hours to inspect and copy (or, at the option of the duly authorized representatives, to demand Microsoft provide copies of) all books, ledgers, accounts, correspondence, memoranda, source code, and other records and documents in the possession or under the control of Microsoft (which may have counsel present), relating to the matters contained in this Final Judgment; and

(2) subject to the reasonable convenience of Microsoft and without restraint or interference from it, to interview, either informally or on the record, its officers, employees, and agents, who may have their individual counsel present, regarding any such matters.

ii. Upon the written request of the Attorney General of a Plaintiff, made to Microsoft at its principal offices, Microsoft shall submit such written reports, under oath if requested, as may be requested with respect to any matter contained in this Final Judgment.

iii. No information or documents obtained by the means provided in this section shall be divulged by a representative of a Plaintiff to any person other than a duly authorized representative of a Plaintiff, except in the course of legal proceedings to which the Plaintiff is a party (including grand jury proceedings), or for the purpose of securing compliance with this Final Judgment, of as otherwise required by law.

iv. If at the time information or documents are furnished by Microsoft to a Plaintiff, Microsoft represents and identifies in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and Microsoft marks each pertinent page of such material, ''Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure,'' then 10 days notice shall be given by a Plaintiff to Microsoft prior to divulging such material in any legal proceeding (other than a grand jury proceeding) to which Microsoft is not a party.

N. The Special Master

In addition to internal oversight by Microsoft, effective implementation of this remedy also requires a Special Master empowered and equipped to conduct prompt investigations of any complaints and to propose resolutions within the short time frame necessary to be meaningful in such a fast-moving market. Such a Special Master can ensure timely resolution of any disputes and minimize any demand on judicial resources.

18. Special Master. Pursuant to Rule 53 of the Federal Rules of Civil Procedure (''Rule 53'') the Court will appoint a special master (the ''Special Master'') to monitor Microsoft's obligations under the Final Judgment and to aid the Court in enforcing the Final Judgment.

a. Appointment. The Court will select a Special Master. Ten days after the Plaintiffs and Microsoft are notified of the selection, the Plaintiffs and Microsoft may file with the Court their written objections to the proposed Special Master. Any party who does not object within ten (10) days shall be deemed to have consented to the Court's selection. The terms of this subsection shall apply to any replacement Special Master chosen by the Court.

b. Powers. The Special Master has and shall exercise the power and authority to monitor Microsoft's compliance with this Final Judgment, including taking all acts and measures he or she deems necessary or proper for the efficient performance of the Special Master's duties and responsibilities as set forth in this Final Judgment.

c. Internal Compliance. The Special Master, and those acting under his or her authority, shall have access to all information, personnel, systems, equipment, premises and facilities the Special Master considers relevant to the performance of his or her duties. Microsoft shall develop such financial or other information as the Special Master may request and shall cooperate with the Special Master and facilitate the Special Master's ability to perform his or her responsibilities and to monitor Microsoft's compliance with this Final Judgment. To facilitate Microsoft's compliance, Microsoft will create a full-time position entitled ''Special Master Liaison Officer'' with primary responsibility for ensuring full cooperation with the Special Master, including without limitation arranging for timely access to personnel, information and facilities. The Special Master Liaison Officer shall be a senior Microsoft executive and shall report directly to the Chief Executive Officer of Microsoft. Microsoft shall give the Special Master Liaison Officer all necessary authority and resources to discharge his or her responsibilities under this subsection. If the Special Master determines that Microsoft is inhibiting the Special Master in any of its Rule 53 functions, the Special Master may file with the Court, sua sponte, a report of non-compliance.

d. Advisory Committee; Staff and Expenses. The Court, with the assistance of the Special Master, shall appoint an advisory committee of 3 individuals (the ''Advisory Committee9 to assist the Special Master on technical, economic, business and/or other areas of expertise. Objections to the Court's selection shall be lodged in the manner noted in Section 18.a. Microsoft shall indemnify each Advisory Committee member and hold him or her harmless against any losses, claims, damages, liabilities or expenses arising out of, or in connection with, the performance of the Advisory Committee's functions, except to the extent that such liabilities, losses, damages, claims, or expenses result from gross negligence or willful acts by an Advisory Committee member.

The Special Master, upon approval from the Court, may hire such additional individuals as a permanent staff or on an advisory basis to assist the Special Master. The Special Master shall submit to the Court a monthly accounting of the Special Master, his or her staff and the Advisory Committee's services and expenses. Upon approval from the Court, Microsoft will remit payment to the Special Master.

e. Periodic Reports. The Special Master shall apprise the Court, in writing (with copies to the Plaintiffs), whether Microsoft is in compliance with this Final Judgment thirty (30) days after the date of his or her appointment and every one hundred eighty (180) days thereafter until the Final Judgment terminates.

f. Actions and Proceedings.

i. Any person who has reason to believe that Microsoft is not complying with the Final Judgment may submit a complaint to the Special Master. The Special Master shall promptly provide a copy of the complaint to a State chosen by the Plaintiffs to serve as the recipient of such complaints.

ii. To facilitate the communication of complaints by third parties, the Special Master Liaison Officer shall place on Microsoft's Internet website, in a manner acceptable to the Special Master, the procedures for submitting complaints.

iii. The Special Master may preserve the anonymity of any third party complainant where he or she deems it appropriate to do so upon the request of the Plaintiffs or the third party, or in his or her discretion.

iv. Within fourteen (14) days of the receipt of the complaint, the Special Master shall determine if an investigation is warranted. In making this decision, the Special Master may use any of its Rule 53 powers. If the Special Master determines that an investigation is not warranted, the Special Master will issue a statement noting his or her decision to the complainant, Microsoft and each Plaintiff.

v. If the Special Master decides to pursue a formal investigation, the Special Master must notify Microsoft, each Plaintiff and the complainant of'' (i) its decision to investigate; (ii) the conduct underlying the potential violation; and (iii) the provision of the Final Judgment at issue. The Special Master will furnish a copy of this notice to the Court.

vi. Within fourteen (14) days of receiving the notice of the Special Master's investigation, Microsoft and the complainant shall file with the Special Master, and copy to the Plaintiffs, a response, including any

documentation they wish the Special Master to consider.

vii. Upon receipt of the responses, the Special Master shall schedule a hearing within twenty-one (21) days. The Special Master may exercise all powers available under Rule 53 (including without limitation requiring the production of documents and examining witnesses). The Plaintiffs shall have standing to participate in each such hearing.

viii. Within fifteen (15) days from the conclusion of the hearing, the Special Master will file with the Court a report containing its factual findings and a proposed order pursuant to Rule 53(e)(1).

ix. Pursuant to the requirements of Rule 53(e)(2), Microsoft and the complainant may object to the Special Master's report.

g. Power Retained by Court. In addition to acting on the recommendations of the Special Master, the Court may institute its own proceedings and modify or amend the Final Judgment as necessary either sua sponte or at the request of the Plaintiffs.

h. Admissibility in Subsequent Proceedings. (i) Any findings or recommendations by the Special Master and work product of the Special Master and the Advisory Committee are not prohibited hereunder from submission or admission in any subsequent action or proceeding whether before this Court or elsewhere regarding this Final Judgment, and [ii) the Special Master and any person who provided assistance thereto (including without limitation any member of the Special Master Advisory Committee) is not prohibited hereunder from testifying in any such action or proceeding.

O. Consequences of a Pattern of Non-Compliance. In a market in which timing is so important, it is all too likely that delaying one's rivals by begrudging compliance with the obligations of the Final Judgment punctuated by occasional acts of outright non-compliance—could well be profit-maximizing behavior. One prudent and potentially highly effective means of avoiding this situation is to make clear in advance that a pattern of significant, material non-compliance will lead to serious consequences, and thereby reduce the likelihood that such non-compliance will ever be an issue:

19. Orders and Sanctions.

a. Orders. The Court may act at any time to issue orders or directions for the construction or carrying out of this Final Judgment, for the enforcement of compliance therewith, and for the punishment of any violation thereof.

b. Jurisdiction. Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance herewith, and for the punishment of any violation hereof.

c. Knowing Act of Material Non-Compliance. Upon recommendation of the Special Master or the Plaintiffs, or sua sponte, the Court shall review evidence pertaining to Microsoft's Material Non-Compliance with the terms of this Order. If the Court determines that Microsoft has knowingly committed an act of Material Non-Compliance, the Court may, in addition to any other action, convene a hearing to consider an order requiring Microsoft to license its source code for the Microsoft software that is implicated by the act of Material Non-Compliance to anyone requesting such a license for the purpose of facilitating interoperability between the relevant Microsoft product and any non-Microsoft product or, in the case of an act of Material Non-Compliance that does not implicate particular Microsoft software, to order such other sanctions as the Court deems just and appropriate given the nature of Microsoft's actions and the likely deterrent effect of the sanction.

d. Pattern or Practice of Material Non-Compliance. If the Court finds that Microsoft has knowingly engaged in a pattern or practice of Material Non-Compliance with the terms of this Order, the Court may, in addition to any other action, (i) convene a hearing to consider an order requiring Microsoft to pay such civil penalties as the Court deems just and appropriate, given the nature of the violation and the likely deterrent effect of the sanction, and/or (ii) request proposals from the Plaintiffs and/or the Special Master for appropriate further conduct remedies and impose those or other conduct remedies the Court deems just and appropriate, given the nature of the violation and the likely deterrent effect of the sanction.

e. Meaning of Material Non-Compliance. For purposes of this Section, ''Material Non-Compliance'' shall include any:

i. violation of the disclosure requirements relating to APIs, Communications Interfaces, and Technical Information that has any significant effect on the ability of ISVs to develop Software Products or Web-Based Software that Interoperate as effectively with Microsoft Platform Software as Microsoft's own Software Products or Web-Based Software do;

ii. violation of any anti-retaliation or non-discrimination provision included in this Order;

iii. violation of the provision of this Final Judgment pertaining to interference with the performance of non-Microsoft applications, Middleware, or Web-Based Software; or

iv. other action or omission that the Court determines has the effect of undermining a substantial purpose of this Order.

f. Intellectual Property Infringement Claims. Upon recommendation of the Special Master or the representative of the Plaintiffs, or sua sponte, the Court shall review evidence that Microsoft has brought or has threatened to bring a groundless claim of Intellectual Property infringement for the purpose of preventing, hindering, impairing, or inhibiting any non-Microsoft software, Middleware, or Web-Based Software from Interoperating with a Microsoft Operating System Product or Microsoft Middleware Product. If the Court determines that Microsoft has undertaken such action, it shall issue an order enjoining Microsoft from asserting or enforcing any intellectual property rights in related APIs, Communications Interfaces, or Technical Information.

P. Reporting of Software and Related Transactions

Microsoft can use acquisitions as a weapon to maintain its operating system monopoly. Many of these deals are structured in such a way, or relate to such relatively small businesses, that they are not captured by the disclosure regime under the Hart-Scott-Rodino Act. To ensure governmental oversight over these transactions, the remedy should provide for limited disclosures to the plaintiffs in connection with such transactions.

20. Reporting of Certain Transactions.

a. Notice. For any direct or indirect acquisition (which term includes an acquisition of securities or of assets) or investment by Microsoft or any of its Subsidiaries and for any exclusive license of technology or other intellectual property to Microsoft or any of its Subsidiaries, Microsoft must provide the Plaintiffs with sixty (60) days'' prior written notice of the consummation of such acquisition, investment or license transaction where such transaction involves (either as a direct or indirect ''acquiree, investee or licensor) a person (other than Microsoft or any of its Subsidiaries) whose business (or any part thereof) has been or could reasonably be classified under (or any of whose Subsidiary's businesses, or any part thereof, has been or could reasonably be classified under) any of the following North American Industry Classification System codes, and Microsoft did not own 33% or more of the securities of such person prior to December 1, 2001:

i. 334 (computer and electronic product manufacturing);

ii. 42143 (computer and computer peripheral equipment and software wholesalers);

iii. 5133 (telecommunications);

iv. 5132 (cable networks and program distribution);

v. 52 (finance and insurance); or

vi. 5415 (computer systems design and related services).

b. Information. Accompanying such written notice shall be the same information that would be reported if the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (the ''HSR Act9 were applicable to such transaction. Such information shall be treated as confidential to the extent that it would be so treated under the HSR Act.

21. Effective Date, Term, Broad Interpretation, Costs and Fees.

a. Effective Date. This Final Judgment shall take effect 30 days after the date on which it is entered.

b. Term. This Final Judgment shall expire at the end often years from the date on which it takes effect.

c. Broad Interpretation. All of the provisions of this Final Judgment, whether substantive, regulatory or procedural, will be interpreted broadly consistent with its remedial purpose of restoring the prospect of competition to the operating systems market.

d. Costs and Fees. Plaintiffs shall be awarded reasonable costs and fees. The Plaintiffs shall submit a motion for costs and

fees, with supporting documents as necessary, no later than forty-five (45) days after the entry of this Final Judgment.

22. Definitions.

a. ''Advisory Committee'' has the meaning given in Section 18.d.

b. ''Agreement'' means any agreement, understanding, joint venture, arrangement or alliance, whether written or oral.

c. ''APIs'' or application programming interfaces mean the interfaces, service provider interfaces, file formats, data structures, Component Object Model specifications and interfaces, registry settings, global unique identifiers (''GUIDs'') and protocols that enable a hardware device or an application, Middleware, server Operating System or network Operating System to efficiently obtain services from (or provide services in response to requests from) and fully Interoperate with Platform Software and to use, benefit from, and rely on all the resources, facilities, and capabilities of such Platform Software. APIs include all interfaces, methods, routines and protocols that enable any Microsoft Operating System or Middleware Product installed on a Personal Computer to (a) execute fully and properly applications or Middleware designed to run in whole or in part on any Microsoft Platform Software installed on that or any other device (including servers, telephones and devices), (b) fully Interoperate with Microsoft Platform Software, applications or directories installed on the same computer or on any other computer or device, and (c) perform network security protocols such as authentication, authorization, access control, encryption / decryption and compression/decompression.

d. ''Bind'' means to include software or a link to Web-Based Software in an Operating System Product in such a way that either an OEM or an end user cannot readily remove or uninstall the binary code of that software or link without degrading the performance or impairing the functionality of such software or the Operating System.

e. ''Browser'' means software that, in whole or in part, provides the functionality present in any version of Internet Explorer or MSN Explorer offered on either Macintosh or Windows, including without limitation utilizing, storing or communicating in any way with or via HTTP, HTML, URLs, XML, Javascript or any broadly compatible or competitive standards, products, systems, protocols, or functionalities.

f. ''Communications Interfaces'' means the interfaces and protocols that enable software, directories, networks, Operating Systems, network Operating Systems or Web-Based Software installed on one computer (including Personal Computers, servers and Handheld Computing Devices) to Interoperate with the Microsoft Platform Software on another computer including without limitation communications designed to ensure security, authentication or privacy.

g. ''Covered OEM'' means one of the 20 Personal Computer OEMs having obtained the highest volume of licenses of Windows Operating System Products from Microsoft in the calendar year preceding the effective date of the Final Judgment. Starting on January 1, 2003, Microsoft shall annually determine and publish within 30 days the list of OEMs that shall be treated as covered OEMs for the new calendar year, based on the independently determined volume of licenses during the preceding calendar year.

h. ''De Facto Standard'' has the meaning given in Section 16.b.

i. ''Default Middleware'' means Middleware configured to launch automatically (that is, ''by default'') to provide particular functionality in the event that the user has not selected specific Middleware for this purpose. For example, a default Web browser is Middleware configured to launch automatically to display Web pages in the event that the user has not selected other software for this purpose.

j. ''End-User Access'' means the invocation of Middleware directly or indirectly by an end user of a computer, or the end user's ability to invoke Middleware. ''End-User Access'' includes invocation of Middleware that the Operating System Product's design requires the end user to accept.

k. ''Handheld Computing Device'' means any RAM-based electronic computing device (including without limitation a cellular telephone, personal digital assistant and Pocket PC) that is small enough to be used while held in the user's hand, that may or may not be capable of networked operation, including Internet access, that contains a computer microprocessor, and that can run software applications or Web-Based Software.

l. ''HSR Act'' has the meaning given in Section 20.b.

m. ''IAP'' means an Internet access provider that provides consumers with a connection to the Internet, with or without its own proprietary content.

n. ''ICP'' means an Internet content provider that provides content to users of the Internet by maintaining Web sites or Web servers.

o. ''IHV'' means an independent hardware vendor that develops hardware to be included in or used with a computer.

p. ''Intellectual Property'' means copyrights, patents, trademarks or trade secrets that Microsoft uses or licenses to third parties.

q. ''Interoperate means the ability of two products to effectively access, utilize and/or support the full features and functionality of one another.

r. ''ISV'' means any entity other than Microsoft (or any subsidiary, division, or other operating unit of any such other entity) that is engaged in the development and licensing (or other marketing) of software products or Web-Based Software (including without limitation products or services designed for Personal Computers, servers or Handheld Computing Devices).

s. ''Manager'' means a Microsoft employee who is responsible for the direct or indirect supervision of more than 100 other employees.

t. ''Market Development Allowance'' means any marketing development allowance, agreement, program, rebate, credit or discount, whereby an OEM or Third-Party Licensee is provided a monetary discount in the applicable royalty for a licensed product (other than the discount specifically described in Section 2.a.ii of this Judgment) in exchange for the OEM or Third-Party Licensee agreeing to some additional licensing term. For example, Microsoft has previously referred to Marketing Development Allowances as marketing development agreements, or MDAs, and marketing development programs, or MDPs.

u. ''Material Non-Compliance'' has the meaning given in Section 19.e.

v. ''Microsoft'' means Microsoft Corporation, its successors and assigns (including any transferee or assignee of any ownership rights to, control of, or ability to license the Intellectual Property referred to in this Final Judgment), their subsidiaries, affiliates, directors, officers, managers, agents, and employees, and all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise.

w. ''Middleware'' means software, whether provided in the form of files installed on a computer or in the form of Web-Based Software, that operates directly or through other software within an Operating System or between an Operating System (whether or not on the same computer) and other software (whether or not on the same computer) by offering services via APIs or Communications Interfaces to such other software, and could, if ported to or made Interoperable with multiple Operating Systems, enable software products written for that Middleware to be run on multiple Operating System Products. Examples of Middleware within the meaning of this Final Judgment include without limitation Internet browsers, network operating systems, e-mail client software, media creation, delivery and playback software, instant messaging software, voice recognition software, digital imaging software, the Java Virtual Machine, calendaring * systems, Handheld Computing Device sychronization software, directories, and directory services and management software. Examples of software that are not Middleware within the meaning of this Final Judgment are disk compression and memory management software.

z. ''Microsoft Middleware Product'' means

i. Internet browsers, e-mail client software, media creation, delivery and playback software, instant messaging software, voice recognition software, digital imaging software, directories, Exchange, calendaring systems, systems and enterprise management software, Office, Handheld Computing Device synchronization software, directory services and management software, the Common Language Runtime component of the Net framework, and Compact Framework, whether provided in the form of files installed on a computer or in the form of Web-Based Software, or

ii. Middleware distributed by Microsoft that-

(1) is, or in the three years preceding this Judgment has been, distributed separately from an Operating System Product, any successors thereto, or

(2) provides functionality similar to that provided by Middleware offered by a Microsoft competitor.

y. ''Microsoft Platform Software'' means a Windows Operating System Product or

Microsoft Middleware Product or any combination of a Windows Operating System Product and a Microsoft Middleware Product.

z. ''OEM'' means the manufacturer or assembler of a computer (including without limitation servers and Handheld Computing Devices), regardless of whether such manufacturer or assembler applies its trademark to the final product.

aa. ''Office'' means all software developed and distributed by Microsoft incorporating the brand name ''Microsoft Office'' and its successors, including at least the individual Microsoft Middleware Products Word, Excel, Outlook, Power Point, and Access.

bb. ''Operating System'' means the software that controls the allocation and usage of hardware resources (such as memory, central processing unit time, disk space, and peripheral devices) of a computer (including without limitation Personal Computers, servers and Handheld Computing Devices) or network, providing a ''platform'' by exposing APIs that applications use to ''call upon'' the Operating System's underlying software routines in order to perform functions.

cc. ''Operating System Product'' means an Operating System and additional software shipped with the Operating System, whether or not such additional software is sold separately. An Operating System Product includes Operating System Product upgrades that may be distributed separately from the Operating System Product and any version of any Operating System Product created pursuant to the terms and requirements of this Final Judgment.

dd. ''Personal Computer'' means any computer configured so that its primary purpose is to be used by one person at a time, that uses a video display and keyboard (whether or not the video display and keyboard are actually included), and that contains an Intel x86, successor, or competitive microprocessor, and computers that are commercial substitutes for such computers.

ee. ''Plaintiff'' means any of the following plaintiffs in this action: the States of California, Connecticut, Florida, Iowa, Kansas, Massachusetts, Minnesota, Utah and West Virginia and the District of Columbia.

ff. ''Platform Software'' means an Operating System or Middleware or any combination of an Operating System and Middleware.

gg. ''Rule 53'' has the meaning given in Section 18.

hh. ''Special Master'' has the meaning given in Section 18.

ii. ''Special Master Liaison Officer'' has the meaning given in Section 18.c.

jj. ''Standard'' has the meaning given in Section 16. a above.

kk. ''Standard-Setting Body'' has the meaning given in Section 16.a above.

ll. ''Subsidiary'' of a person means an affiliate controlled by such person directly, or indirectly through one or more intermediaries.

mm. ''Synchronization Drivers'' means software that facilitates or enables the synchronization of information on any two computers (including without limitation Personal Computers, servers and Handheld Computing Devices).

nn. ''Technical Information'' means all information regarding the identification and means of using and/or implementing APIs and Communications Interfaces that competent software developers require to make their products running on any computer Interoperate effectively with Microsoft Platform Software running on a computer. Technical information includes but is not limited to reference implementations, communications protocols, file formats, data formats, syntaxes and grammars, data structure definitions and layouts, error codes, memory allocation and deallocation conventions, threading and synchronization conventions, functional specifications and descriptions, encryption algorithms and key exchange mechanisms for data translation, reformatting, registry settings and field contents.

oo. ''hird-Party Licensee'' means any person offering to purchase from Microsoft at least 10,000 licenses of a product or products offered and licensed under Section 1, including without limitation ISVs, systems integrators and value-added resellers.

pp. ''Timely Manner'': Disclosure of APIs, Technical Information and Communications Interfaces in a Timely Manner means, at a minimum, publication on a Web site accessible to ISVs, IHVs, OEMs and Third-Party Licensees at the earliest of the time that such APIs, Technical Information, or Communications Interfaces are (i) disclosed to Microsoft's applications developers, or (ii) used by Microsoft's own Platform Software developers in software released by Microsoft in alpha, beta, release candidate, final or other form, or (iii) disclosed to any third party, or (iv) within 90 days of a final release of a Windows Operating System Product, no less than 5 days after a material change is made between the most recent beta or release candidate version and the final release.

qq. ''Web-Based Software'' means software code that resides, in whole or in part, on a computer connected to a network and whose functionality (whether or not described as or labeled a service), includes without limitation database, directory and/or security functionality, accessed via a different computer via the Internet.

rr. ''Windows Operating System Product'' means software code (including source code and binary code, and any other form in which Microsoft distributes its Windows Operating Systems for Personal Computers) of Windows 95, Windows 98, Windows 2000 Professional, Windows Me, Windows XP and their successors (including the Windows Operating Systems for Personal Computers codenamed ''Longhorn,'' and ''Blackcomb,'' and their successors), as distributed by Microsoft to any licensee, whether or not such product includes software code of any one or more Microsoft Middleware Products.

The Importance of this Remedy Litigation

Plaintiff Litigating States'' proposed remedies, taken together, redress Microsoft's anticompetitive behavior in a manner that fully comports with the principles and spirit of the Court of Appeals'' decision. These proposed remedies are intended to prohibit the recurrence of, and remedy the harm done by, the Microsoft practices that were held to be unlawful by the Court of Appeals.

They are framed in terms of the specific anticompetitive conduct in which Microsoft engaged, such as commingling middleware and operating system software code; discriminatory licensing; failure to make timely disclosure of the interfaces necessary to enable its rivals to market software compatible with Windows; actual and threatened retaliation against customers and rivals to discourage their development and use of competing software; refusal to give OEMs and consumers the freedom to choose software based solely on its merits; the pollution of cross-platform technologies like Java; and the abuse of important applications like Office to deter the emergence of alternative software platforms.

These remedies are also intended to minimize the enforcement burden on the Court by giving Microsoft incentives to comply and by appointing a Special Master with substantial authority. Unlike the previously announced settlement between the Department of Justice (''DOJ'') and Microsoft, these remedies create a real prospect of achieving what the DOJ said it intended to accomplish: ''stop Microsoft from engaging in unlawful conduct, prevent any recurrence of that conduct in the future, and restore competition in the software market...'' Assistant Attorney General Charles James, DOJ Press Release, Nov. 2, 2001, at page 1.

To implement a meaningful remedy faithful to the Court of Appeals decision, the Plaintiffs'' proposals must and do differ substantially from the DOJ settlement. By the terms of the Final Judgment, Plaintiffs propose that, unlike the DOJ settlement, Microsoft be required, inter alia: (1) to license an unbundled version of Windows (i.e., in which code for Microsoft's middleware and its monopoly operating system is not commingled); (2) to provide early and broad disclosure of interfaces so that rival software companies have a fair opportunity to bring their products to market at the same time as Microsoft; (3) to disclose technical information so that rival handheld devices, servers and networks can interoperate with Microsoft's dominant Windows operating system; (4) to respect OEM and end-user preferences for non-Microsoft software, so that consumers have real freedom of choice unbiased by Microsoft; (5) to make Internet Explorer, the browser that benefited from so many of Microsoft's anticompetitive acts, available on an open source basis; (6) to carry Java, which Microsoft also labored mightily to destroy, along with its own operating system; and (7) to pert Office to work on other operating systems. These remedies also differ from the DOJ settlement in that they recognize that: (1) carefully crafted carve-outs and exceptions must be avoided, because of their tendency to render potentially useful provisions impotent, and (2) effective compliance requires strict requirements for internal compliance, strong incentives, and an enforcement mechanism (the Special Master) that promises prompt resolution of differences and minimal burden on the Court's resources. Accepting the determinations and directives from the Court of Appeals, both in its liability determination

and in its guidance on remedy, the Plaintiff Litigating States'' Remedy Proposals maximize the prospect for truly meaningful platform competition, and all of the benefits to consumers that such competition would yield.

Respectfully submitted,

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Brendan V. Sullivan, Jr. (Bar No. 12757)

By: /s/ Steven R. Kuney

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Exhibit C

IN THE UNITED STATES DISTRICT COURT FOR THE D1STRICT OF COLUMBIA

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———————————————

STATE OF NEW YORK ex. rel. Attorney General ELIOT SPITZER, et at., Plaintiffs, Civil Action No. 98–1233 (CKK)

v.

Next Court Deadline: March 4, 2002 MICROSOFT CORPORATION, Status Conference

Defendant. ———————————

———————————————

MICROSOFT CORPORATION'S RESPONSE TO PLAINTIFF LITIGATING STATES'' FIRST JOINT REQUESTS FOR ADMISSION IN REMEDY PROCEEDINGS

Pursuant to Rule 36 of the Federal Rules of Civil Procedure, Local Rule 26.2, and the Scheduling Order entered by the Court on September 28, 2001, defendant Microsoft Corporation (''Microsoft'') hereby objects and responds as follows to the Plaintiff Litigating States'' First Joint Requests for Admission in Remedy Proceedings (the ''Requests'').

GENERAL OBJECTIONS

The following General Objections apply to each of the Requests and shall have the same force and effect as if set forth in full in response to each individually numbered request.

A. To the Requests Generally

1. Microsoft objects to each of the Requests to the extent that they seek information protected from discovery by file attorney-client privilege, the attorney work product doctrine or any other applicable privilege, protection, immunity, law or rule. Any disclosure??of information protected from discovery by the attorney-client privilege, the attorney work product doctrine or any other applicable privilege, protection, immunity, law or rule is inadvertent and should not be construed to constitute a waiver.

2. Microsoft objects to each of the Requests (and their accompanying Instructions) to the extent that they seek to impose burdens and obligations on Microsoft that exceed those imposed by the Federal Rules of Civil Procedure or the Local Rules of the United States District Court for the District of Columbia.

3. Microsoft objects to each of the Requests to the extent they are overly broad and unduly burdensome and seek information that is not relevant to any remaining claim or defense in this action.

4. Microsoft objects generally to the Requests to the extent they are vague and ambiguous and do not pose simple and direct questions that cab. be readily admitted or denied.

5. Microsoft objects generally to the Requests to the extent they seek to elicit information concerning issues in dispute between the parties that is more appropriately sought through other discovery devices.

6. Microsoft objects generally to the Requests to the extent they call for legal conclusions or seek ratification of the legal significance plaintiffs ascribe to disputed issues of fact.

7. Microsoft objects generally to the Requests 1o the extent they are argumentative or reflect plaintiffs'' subjective interpretation of factual issues.

8. By agreeing to respond to the Requests, Microsoft does not concede that the Requests seek information that is relevant to any remaining claim or defense in this action. Similarly, Microsoft does not concede that the Requests seek information that is reasonably calculated to lead to the discovery of admissible evidence. Microsoft instead expressly reserves all further objections as to the relevance and admissibility of the information provided, as well as the fight to object to further discovery relating to the subject matter of any information provided.

9. Microsoft objects to the Requests to the extent they purport to require that the response be made ''under oath.'' Rule 36 of the Federal Rules of Civil Procedure provides that a written answer ''signed by the party or the party's attorney'' is a fully sufficient response to requests for admission.

B. To the Instructions

1. Microsoft objects to Instruction No. 1 to the extent that it purports to impose burdens and obligations on Microsoft that arc different from or greater than those imposed by Rule 36 of the Federal Rules of Civil Procedure.

2. Microsoft objects to Instruction No. 2 to the extent that it purports to impose burdens and obligations on Microsoft that are different from or greater than those imposed by Rule 36 of the Federal Rules of Civil Procedure.

3. Microsoft objects to Instruction No. 3 to the extent that it purports to impose burdens and obligations on Microsoft that are different from or greater than those imposed by Rule 26(e) of the Federal Rules of Civil Procedure.

RESPONSES TO SPECIFIC REQUESTS FOR ADMISSION

REQUEST NO. 1

Admit that Microsoft has violated the antitrust laws of the United States of America, and in particular Section 2 of the Sherman Act, 15 U.S.C. § 2. Response: Objection. This request improperly calls for a legal conclusion. Notwithstanding this objection, Microsoft admits that the United States Court of Appeals for the District of Columbia affirmed in part a conclusion that Microsoft had violated Section 2 of the Sherman Act and avers that, pending resolution of all proceedings in this Court, Microsoft retains the ability to challenge that conclusion in the United States Supreme Court.

REQUEST NO. 2

Admit that ''the key 1o the proper remedy in this case is to end Microsoft's restrictions on potentially threatening middleware, prevent it from hampering similar nascent threats in the future and restore the competitive conditions created by similar middleware threats.'' Plaintiff United States Department of Justice Competitive Impact Statement (''CIS'') at 24. Response: Admit that the quoted statement appears in the CIS prepared by the A?? Division of the U.S. Department of Justice. (''DOJ'') but deny that Microsoft shares the opinion expressed.

REQUEST NO. 3

Admit that ''OEMs are a crucial channel for distribution and ultimate usage of Non-Microsoft Middleware Products such as browsers.'' CIS at 25. Response: Admit that the quoted statement appears in the CIS prepared by the DOJ but deny that Microsoft shares the opinion expressed. There are numerous other distribution channels for software products, including electronic downloading from the Interact, and those channels have, if anything, become more effective in garnering usage since the original trial of this action ended.

REQUEST NO. 4

Admit that in order for a remedy in this proceeding to be effective, ''it is critical that the OEMs ... are free to choose to distribute and promote middleware without interference from Microsoft.'' CIS at 23.

Response: Admit that the quoted statement appears in the CIS prepared by the DOJ but deny that Microsoft shares the opinion expressed, particularly to the extent it suggests that OEMs were appreciably restrained from promoting non-Microsoft middleware in the past. OEMs have always been free to install non-Microsoft software products on their personal computers and to promote such software products through placement of icons on the Windows desktop and in the Start menu and otherwise.

REQUEST NO. 5

Admit that in determining whether Microsoft has violated Section III.A. of the Revised Proposed Final Judgment filed on November 6, 2001 (hereafter ''RPFJ''), ''It]he existing Microsoft-OEM relationship provides a baseline against which any changes Microsoft makes in its treatment of that OEM for prohibited reasons can be detected and assessed.'' CIS at 25.

Response: Admit that the quoted statement appears in the CIS prepared by the DOJ but deny knowledge or information sufficient to form a belief as to how the DOJ intends to ascertain whether a violation of Section III.A of the RPFJ has occurred.

REQUEST NO. 6

Admit that under the RPFJ, Microsoft can compensate (both monetarily and non-monetarily) an OEM in return for an agreement to include a Microsoft product or service with personal computers shipped to customers.

Response: Objection. The proper interpretation of the RPFJ calls for a legal conclusion. Microsoft refers plaintiffs to Section III.A of the RPFJ for a complete end accurate statement of its terms.

REQUEST NO. 7

Admit that under the RPFJ, Microsoft can withhold Consideration from an OEM if an OEM chooses not to support, promote or carry any Microsoft product or service.

Response: Objection. The proper interpretation of the RPFJ calls for a legal conclusion. Microsoft refers plaintiffs to Section III.A of the RPFJ for a complete and accurate statement of its terms.

REQUEST NO. 8

Admit that under the RPFJ, if an OEM chooses to remove user access to any Microsoft Middleware Product, Microsoft can compensate (both monetarily and non-monetarily) that OEM less than an OEM that chooses not to remove user access to any Microsoft Middleware Product.

Response: Objection. The proper interpretation of the RPFJ calls for a legal conclusion. Microsoft refers plaintiffs to Sections III.A and III.B of the RPFJ for a complete and accurate statement of their terms.

REQUEST NO. 9

Admit that the majority of Covered OEMs were at one or more times during the calendar years 2000 and 2001 in violation of the terms of their license agreements with Microsoft.

Response: Denied.

REQUEST NO. 10

Admit that ''Windows license royalties and terms are inherently complex and easy for Microsoft to use to affect OEMs'' behavior, including what software the OEMs will offer to their customers.'' CIS at 28.

Response: Admit that the quoted statement appears in the CIS prepared by the DOJ but deny that Microsoft shares the opinion expressed.

REQUEST NO. 11

Admit that under the RPFJ, Microsoft is free to enforce its license, s with OEMs for Windows Operating System Products in a non-uniform manner.

Response: Objection. The nature of Microsoft's rights and obligations under the RPFJ calls for a legal conclusion. Microsoft refers plaintiffs to the RPFJ for a complete and accurate statement of its terms.

REQUEST NO. 12

Admit that under the RPFJ, if an OEM ''promote[s] or install[s] third party offers for Interact access, subscription on-line music services, or Web-based applications that use or support Non-Microsoft Middleware such as an alternate browser, audio/video client software, or Java Virtual Machine,'' CIS at 30, Microsoft may offer that OEM less Consideration than an OEM that agrees to promote or install Microsoft software applications, services and/or Middleware Products.

Response: Objection. The proper interpretation of the RPFJ calls for a legal conclusion. Microsoft refers plaintiffs to Sections III.A and III.C of the RPFJ for a complete and accurate statement of their terms.

REQUEST NO. 13

Admit that under the RPFJ, if Microsoft designs a Windows Operating System Product to ''reserve a particular list for multimedia players, [Microsoft] cannot specify either that the listed player be its own Windows Media Player or that, whatever multimedia player an OEM chooses to list in that entry, it be capable of supporting a particular proprietary Microsoft data format.'' CIS at 30–31.

Response: Objection. The proper interpretation of the RPFJ calls for a legal conclusion. Microsoft refers plaintiffs to Section III.C.1 of the RPFJ for a complete and accurate statement of its terms.

REQUEST NO. 14

Admit that under the RPFJ, Microsoft can prevent an OEM from installing a list of Middleware Products or other software products on a Windows Operating System Product.

Response: Objection. This request is vague and ambiguous in its use of the phrase ''installing a list of Middleware Products or other software products.'' Moreover, the proper interpretation of the RPFJ calls for a legal conclusion. Microsoft refers plaintiffs to Section III.C.1 of the RPFJ for a complete and accurate statement of its terms.

REQUEST NO. 15

Admit that under the RPFJ, Microsoft can prohibit an OEM from launching automatically, at the conclusion of the initial boot sequence or upon connection or disconnection from the Internet, any non-Microsoft Middleware Product so long as a Microsoft Middleware Product with similar functionality would not otherwise launch automatically.

Response: Objection The proper interpretation of the RPFJ calls for a legal conclusion Microsoft refers plaintiffs to Section III.C.3 of the RPFJ for a complete and accurate statement of its terms.

REQUEST NO. 16

Admit that under the ??PFJ, Microsoft can prevent an OEM from configuring its products to launch non-Microsoft Middleware automatically, other than when Microsoft Middleware Products launch automatically at the conclusion of the first boot sequence or subsequent boot sequences or upon connection to or disconnection from the Internet.

Response: Objection. The proper interpretation of the RPFJ calls for a legal conclusion. Microsoft refers plaintiffs to Section III.C.3 of die RPFJ fur a complete and accurate statement of its terms.

REQUEST NO. 17

Admit that under the RPFJ, Microsoft can offer an OEM Consideration in return for that OEM configuring its products to launch Microsoft Middleware Products at any time, including at the conclusion of the first boot sequence* or subsequent boot sequences or upon connection to or disconnection from the Internet.

Response: Objection. The nature of Microsoft's rights and obligations under the RPFJ calls for a legal conclusion. Microsoft refers plaintiffs to the RPFJ for a complete and accurate statement of its terms.

REQUEST NO. 18

Admit that under the RPFJ, Microsoft can impose currently unspecified ''technical specifications'' in connection with any IAP offer presented during the initial boot sequence.

Response: Objection. The proper interpretation of the RPFJ calls for a legal conclusion. Microsoft refers plaintiffs to Section III.C.5 of the RPFJ for a complete and accurate statement of its terms.

REQUEST NO. 19

Admit that under the RPFJ, Microsoft can restrict by agreement an OEM from promoting any non-Microsoft Middleware or any other ISV product or service during the initial boot sequence.

Response: Objection. The nature of Microsoft's rights and obligations under the RPFJ calls for a legal conclusion. Microsoft refers plaintiffs 1o the RPFJ for a complete and accurate statement of its terms.

REQUEST NO. 20

Admit that under the RPFJ, Microsoft can offer an OEM Consideration in return for aa agreement to promote only Microsoft products or services, including Microsoft Middleware Products, during the initial boot sequence.

Response: Objection. The nature of Microsoft's fights and obligations under the RPFJ calls for a legal conclusion. Microsoft refers plaintiffs to the RPFJ for a complete and accurate statement of its terms.

REQUEST NO. 21

Admit that under the RPFJ, Microsoft does not have to disclose to ISVs, IHVs, IAPs, ICPs, and OEMs all of the APIs and related technical information relating to Microsoft Platform Software that are disclosed to developers of Microsoft Middleware Products.

Response: Objection. The proper interpretation of the RPFJ calls for a legal conclusion. Microsoft refers plaintiffs to Section III.D of the RPFJ for a complete and accurate statement of its terms.

REQUEST NO. 22

Admit that since January 1, 2000 developers of Microsoft Middleware Products have studied, interrogated and/or interacted with the source code and any related documentation of Microsoft Platform Software.

Response: Objection. This request is circular #yen that Microsoft Platform Software is defined in Section VIA. of the RPFJ to include the Microsoft Middleware Products defined in Section VI.K of the RPFJ.

REQUEST NO. 23

Admit that the APIs that must be disclosed under the RPFJ include, ''broadly, any interface, protocol or other method of information exchange between Microsoft Middleware and a Windows Operating System Product.'' CIS at 33–34.

Response: Objection. The proper interpretation of the RPFJ calls for a legal conclusion. Microsoft refers plaintiffs to Section III.D of the RPFJ for a complete* and accurate statement of its terms.

REQUEST NO. 24

Admit that under the RPFJ, Microsoft's obligation to disclose ''documentation'' only requires Microsoft to disclose the sort of information that Microsoft already provides to ISVs and others through the Microsoft Developer's Network (''MSDN'').

Response: Objection. The proper interpretation of the RPFJ calls ''for a legal conclusion. Microsoft refers plaintiffs to Section III.D of the RPFJ and the definition of Documentation in Section VI.E of the RPFJ for a complete and accurate statement of their terms.

REQUEST NO. 25

Admit that developers of Microsoft Middleware have access to APIs and/or related technical information and documentation relating to Microsoft Platform Software that are not disclosed by Microsoft through the MSDN.

Response: Objection. This request is circular given that Microsoft Platform Software is defined in Section VI.L of the RPFJ to include the Microsoft Middleware* Products defined in Section VI.K of the RPFJ, and the developers of such Microsoft Middleware Products are also the developers of the Microsoft Middleware defined in Section VI.J of'' the RPFJ.

REQUEST NO. 26

Admit that under the RPFJ, developers of Microsoft Middleware are permitted access to APIs and/or related technical information relating to Microsoft Platform Software that arc not made available to ISVs, IHVs, IAPs, ICPs and OEMs.

Response: Objection. This request is circular given that Microsoft Platform Software is defined in Section VI.L of the RPFJ to include the Microsoft Middleware Products defined in Section VI.K of the RPFJ, and the developers of such Microsoft Middleware Products are also the developers of the Microsoft Middleware defined in Section VI.J of the RPFJ.

REQUEST NO. 27

Admit that under the RPFJ, Microsoft Middleware developers may have access to APIs and/or related technical information relating to Microsoft Platform Software before such information is made available to ISVs, IHVs, IAPs, ICPs and OEMs.

Response: Objection. This request is circular given that Microsoft Platform Software is defined in Section VI.L of the RPFJ to include the Microsoft Middleware Products defined in Section VI.K of the RPFJ, and the developers of such Microsoft Middleware Products arc also the developers of the Microsoft Middleware defined in Section VI.J of the RPFJ.

REQUEST NO. 28

Admit that under the RPFJ, Microsoft is not obliged to release the last major beta version of any Windows Operating System Product ''well in advance of the actual commercial release'' of that Windows Operating System Product. CIS at 35.

Response: Objection. The proper interpretation of the RPFJ calls for a legal conclusion. Microsoft refers plaintiffs to Section III.D of the RPFJ for a complete and accurate statement of its terms.

REQUEST NO. 29

Admit that under the RPFJ, Microsoft is not obliged to release the last major beta version of any Microsoft Middleware ''well in advance of the actual commercial release'' of that Middleware. CIS at 35.

Response: Objection. The proper interpretation of the RPFJ calls for a legal conclusion. Microsoft refers plaintiffs to Section III.D of the RPFJ for a complete and accurate, statement of its terms.

REQUEST NO. 30

Admit that under the RPFJ, developers of Microsoft Middleware* ''will not have access to any ... features of Windows Operating System Products that might allow it to operate more effectively'' that are not also made available to ISVs, IHVs, IAPs, ICPs and OEMs. CIS at 35.

Response: Objection. This request misquotes the CIS by (i) referring to developers of Microsoft Middleware rather than to the Microsoft Middleware itself and (ii) replacing the words ''hidden or proprietary'' with an ellipsis. Moreover, the proper interpretation of the RPFJ calls for a legal conclusion. Microsoft refers plaintiffs to Section III.D of the RPFJ for a complete and accurate statement of its terms.

REQUEST NO. 31

Admit that under the RPFJ, all APIs and related technical information, including all documentation, ''for the Secure Audio Path digital fights management service that is part of Windows XP must be disclosed and mad* available for use by competing media players in interoperating with Windows XP.'' CIS at 35.

Response: Objection. The proper interpretation of the RPFJ calls for a legal conclusion. Microsoft refers plaintiffs to Section III.D of the RPFJ for a complete and accurate statement of its terms.

REQUEST NO. 32

Admit that the ''competitive significance'' of non-Microsoft Middleware is ''highly dependent on content, data and applications residing on servers and passing over networks such as the Internet or corporate networks ....'' CIS at 36.

Response: Admit that the quoted statement appears in the CIS prepared by the DOJ but deny that Microsoft shares the opinion expressed.

REQUEST NO. 33

Admit that under tile RPFJ, Microsoft is not obliged to license to third parties all APIs, technical information and Communications Protocols relating to Windows Operating System Products that Microsoft makes available to Microsoft developers of server software.

Response: Objection. This request is vague and ambiguous in its use of the term ''technical information'' and ''server software.'' Moreover, the proper interpretation of the RPFJ calls for a legal conclusion. Microsoft refers plaintiffs to Section III.E of the RPFJ for a complete and accurate statement of its terms.

REQUEST NO. 34

Admit that under the RPFJ, third party licensees ''will have full access to and be able to use, the protocols that arc necessary for software located on a server computer to interoperate with, and fully take advantage of, the functionality provided by a Windows Operating System Product.'' CIS at 36.

Response: Objection. This request is vague and ambiguous in its use of the phrases ''software located on a server'' and ''fully take advantage of.'' Moreover, the proper interpretation of the RPFJ calls for a legal conclusion. Microsoft refers plaintiffs to Section III.E of the RPFJ for a complete and accurate statement of its terms.

REQUEST NO. 35

Admit that notwithstanding the fact that the term ''server operating system products'' is not defined in the RPFJ, it ''include, but is not limited to, the entire Windows 2000 Server product families and any successors...as well as a number of server software products and functionality, including the Interact Information Services ... and Active Directory.'' CIS at 37.

Response: Objection. This request misquotes the CIS by (i) adding an ellipsis at the end of the first sentence of the first paragraph on page 37, wrongly suggesting that the words following the ellipsis are part of the same sentence; (ii) adding the words ''as well as'' without placing them in square brackets, wrongly suggesting that those words are part of the original text; and (iii) quoting only a portion &the third sentence of the paragraph and concluding the quotation with a period rather than an ellipsis, wrongly suggesting that the sentence ends with the words ''Active Directory.'' In fact, Internet Information Services and Active Directory are features of the Windows 2000 Server family of products. Microsoft admits that Windows 2000 Server, Windows 2000 Advanced Server and Windows 2000 Datacenter Server and their successors are server operating system products as that term is used in the RPFJ.

REQUEST NO. 36

Admit that under the RPFJ, Microsoft is not required to license Communications Protocols implemented in any Windows Operating System Product that are used by a Microsoft server operating system product to interoperate with that Windows Operating System Product with the addition of other software to the client computer.

Response: Objection. The proper interpretation of the RPFJ'' calls for a legal conclusion. Microsoft refers plaintiffs to Section III.E of the RPFJ for a complete and accurate statement of its terms.

REQUEST NO. 37

Admit that under the RPFJ, there is no time period within which Microsoft must make available for license to third parties the Communications Protocols referenced in Section III.E. of the RPFJ.

Response: Objection. The proper interpretation of the RPFJ calls for a legal conclusion. Microsoft refers plaintiffs to Section III.E of the RPFJ for a complete and accurate statement of its terms.

REQUEST NO. 38

Admit that under the RPFJ, Microsoft is not obliged to license any Communications Protocols distributed only with a Microsoft server or otherwise separately from a Windows Operating System Product.

Response: Objection. The proper interpretation of the RPFJ calls for a legal conclusion. Microsoft refers plaintiffs to Section III.E of the RPFJ for a complete and accurate statement of its terms.

REQUEST NO. 39

Admit that one of the purposes* of Section III.E. of the RPFJ is to ''??nsur[e] that competing, non-Microsoft server products ... will have the same access to and ability to interoperate with Windows Operating System Products as do Microsoft's server operating systems.'' CIS at 38.

Response: Objection. This request is vague and ambiguous in its use of the term ''non-Microsoft server products.'' Moreover, Microsoft denies knowledge or information sufficient to form a belief as to what the DOJ thinks are the ''purposes'' of Section III.E of the RPFJ. The proper interpretation of the RPF3 calls for a legal conclusion. Microsoft refers plaintiffs to Section III.E of the RPFJ for a complete and accurate statement of its terms.

REQUEST NO. 40

Admit that one of the purposes of Section III.E. of the RPFJ is to ''permit seamless interoperability between Windows Operating System Products and non-Microsoft servers on a network.'' CIS at 38.

Response: Objection. This request is vague and ambiguous in its use of the term ''seamless interoperability.'' Moreover, Microsoft denies knowledge or information sufficient to form a belief as to what the DOJ thinks arc the ''purposes'' of Section III.E of the RPFJ. The proper interpretation of the RPFJ calls for a legal conclusion. Microsoft refers plaintiffs to Section III.E of the RPFJ for a complete and accurate statement of its terms.

REQUEST NO. 41

Admit that Section III.E. of the RPFJ ''requires the licensing of all Communications Protocols necessary for non-Microsoft servers to interoperate with the Windows Operating System Products'' implementation of the Kerberos security standard in the same manner as do Microsoft servers, including the exchange of Privilege Access Certificates.'' CIS at 38.

Response: Objection. This request is vague and ambiguous in its use of the phrase ''the Windows Operating System Products'' implementation of the Kerberos security standard.'' Moreover, the proper interpretation of the RPFJ calls for a legal conclusion. Microsoft refers plaintiffs to Section III.E of the RPFJ for a complete and accurate statement of its terms.

REQUEST NO. 42

Admit that Section III.E. of the RPFJ requires Microsoft to ''license for use by non-Microsoft server operating system products the Communications Protocols that Windows Operating System Products use to enable network services through mechanisms such as Windows server message block protocol/common Internet file system protocol communications, as well as Microsoft remote procedure calls between the client and server operating systems.'' CIS at 39.

Response: Objection. This request is vague and ambiguous in its use of the terms ''network services'' and ''Microsoft remote procedure calls.'' Moreover, the proper interpretation of the RPFJ calls for a legal conclusion. Microsoft refers plaintiffs to Section III.E of the RPFJ for a complete and accurate statement of its terms.

REQUEST NO. 43

Admit that Section III.E. of the RPFJ requires Microsoft to license to third parties ''Communications Protocols that permit a runtime environment (e.g., a Java Virtual Machine and associated class libraries or competing functionality such as the Common Language Runtime) to receive and execute code from a server ... if those protocols are implemented in a Windows Operating System Product.'' C1S at 39.

Response: Objection. This request is vague and ambiguous in its use of the term ''runtime environment.'' Moreover, the proper interpretation of the RPFJ calls for a legal conclusion. Microsoft refers plaintiffs to Section III.E of the RPFJ for a complete and accurate statement of its terms.

REQUEST NO. 44

Admit that Section III.J.1.a. of the RPFJ exempts from disclosure under Section III.E. only ''specific end-user implementations of security items such as actual keys, authorization tokens or enforcement criteria, the disclosure of which would compromise the security of a particular installation or group of installations of the listed security features.'' CIS at 39 (quoting RPFJ §III.J.1.a.).

Response: Objection. The proper interpretation of the RPFJ calls for a legal conclusion. Microsoft refers plaintiffs to Sections III.E and III.J.1.a of the RPFJ for a complete and accurate statement of their terms.

REQUEST NO. 45

Admit that Section III.J.1.a, of the RPFJ ''permits Microsoft to withhold limited information necessary to protect particular installations of the Kerberos and Secure Audio Path features of its product5 (e.g., keys and tokens parti?? to a given installation) but does not permit it to withhold any capabilities that are inherent in the Kerberos and Secure Audio Path features as they are implemented in a Windows Operating System Products.'' CIS at 39.

Response: Objection. This request is vague and ambiguous in its use of the phrase ''capabilities that arc inherent in the Kerberos and Secure Audio Path features as they arc implemented in a Windows Operating System Product'' Moreover, the proper interpretation of the RPFJ calls for a legal conclusion. Microsoft refers plaintiffs to Section III.J.1.a of the RPFJ for a complete and accurate statement of its terms.

REQUEST NO. 46

Admit that under the RPFJ, Microsoft may contractually prevent an ISV from developing, using, distributing or promoting any software that competes with Microsoft Platform Software or runs on any software that competes with Microsoft Platform Software so long as it is part of an agreement to use, distribute or promote any Microsoft software or to develop software for, or in conjunction with, Microsoft.

Response: Objection. The proper interpretation of the RPFJ calls for a legal conclusion. Microsoft refers plaintiff?? to Sections III.F and III.G of the RPFJ for a complete and accurate statement of their terms.

REQUEST NO. 47

Admit that under the RPFJ, Microsoft may cater into an agreement with an ISV in which Microsoft pays the ISV to make Internet Explorer the default browser for software developed by the ISV.

Response: Objection. The proper interpretation of the RPFJ calls for a legal conclusion. Microsoft refers plaintiffs to Sections III.F and III.G of the RPFJ for a complete and accurate statement of their terms.

REQUEST NO. 48

Admit that under the RPFJ, Microsoft may enter into an agreement with an ISV or ICP in which Microsoft pays the ISV or ICP to make Windows Media Player the default media player for software or Interact content developed by the ISV or ICP.

Response: Objection. The proper interpretation of the RPFJ calls for a legal conclusion. Microsoft refers plaintiffs to Sections III.F and III.G of the RPFJ for a complete and accurate statement of their terms.

REQUEST NO. 49

Admit that under Section III.G.1. of the RPFJ, Microsoft could not make the ''commercially practicable'' representation a standard part of its agreements with IAPs, ICPs, ISVs, IHVs or OEMs. Respond: Objection. The proper interpretation of the RPFJ calls for a legal conclusion. Microsoft refers plaintiffs to Sections III.G.1 of the RPFJ for a complete and accurate statement of its terms.

REQUEST NO. 50

Admit that under the RPFJ, Microsoft is free to take action it knows or reasonably should know will directly or indirectly interfere with or degrade the performance or compatibility of non-Microsoft Middleware when interoperating with Microsoft Platform Software, without providing notice to the ISV of such non-Microsoft Middleware prior to taking the action.

Response: Admit the subject matter of this request is not addressed in the RPFJ, but deny that (i) Microsoft has ever taken such action or (it) such action is expressly or impliedly permitted under the RPFJ.

REQUEST NO. 51

Admit that Microsoft currently restricts its redistributable code from use with some non-Microsoft Platform Software.

Response: Objection. This request is vague and ambiguous in its use of the terms ''redistributable code'' and ''non-Microsoft Platform Software,'' neither of which is defined in the RPFJ or the

Requests.

Dated: Washington, DC
January 11,2002

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MTC–00030608

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RE: Comments to the Proposed Final Judgment In United States v. Microsoft Corporation, No. 98–1232 State of New York, et al v. Microsoft Corporation, No. 98–1233
Dear Ms. Hesse,
Enclosed please find ten (10) copies of the comments of the Project to Promote Competition and Innovation in the Digital Age (''ProComp''), submitted pursuant to the Tunney Act, 15 U.S.C. §16, with respect to the Proposed Final Judgment in the above-captioned matters.

Please also note that this filing is accompanied by an affidavit prepared and submitted by Professor Kenneth J. Arrow, the original signed copy of which is attached hereto.
Sincerely yours,
Mitchell S. Pettit
President
ProComp
Comments to the Proposed Final Judgment In United States v. Microsoft Corporation, No. 98–1232 State of New York, et al. I,. Microsoft Corporation, No. 98–1233
Submitted By
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I. INTRODUCTION

This proposed decree is so ineffective that it would not have prevented Microsoft from destroying Netscape and Java, the very acts that gave rise to this lawsuit. It is so ineffective in controlling Microsoft that it might as well have been written by Microsoft itself.

A. Standard of Tunney Act Review

The ''public interest'' standard of the Tunney Act, 15 U.S.C. § 16(e), is determined in this case by the unanimous legal ruling of the Court of Appeals for the District of Columbia Circuit sitting en bane. That Court held that Microsoft has maintained its monopoly in personal computer operating systems in clear violation of Section 2 of the Sherman Act. No decree that fails to cure that illegality and prevent its recurrence can conceivably serve the public interest. The Proposed Final Judgment (''PFJ'' or ''proposed decree'') accomplishes neither of those mandatory purposes.

For that reason, the proposed decree should be rejected by the District Court.

This case is entirely different from any settlement since the adoption of the Tunney Act in 1974.

All other settlements were entered into prior to the conclusion of any trial, usually before any trial had even commenced. Cases holding that a Tunney Act court must accept a lesser remedy than might (or might not) be obtained after trial are utterly irrelevant. The Competitive Impact Statement's (''CIS'') reliance upon such cases is misguided. United States v. Microsoft Corp., Revised Proposed Final Judgment and Competitive Impact Statement, 66 Fed. Reg. 59,452 (2001). Here, the District Court and the Court of Appeals, including a total of eight judges, have decided that in violating the Sherman

Act, Microsoft's behavior is directly contrary to the public interest. The Tunney Act does not empower the District Court to enter a remedy that excuses past violations and permits future conduct of the same nature. The proposed decree does precisely that. It is no more binding on the District Court than would be a Department of Justice statement that henceforth a named company would be immune from antitrust prosecution.

In particular, the proposed settlement takes no steps to remedy Microsoft's foreclosure of middleware threats from competing Internet browsers and cross-platform Java technology, Microsoft's related efforts to illegally increase the applications barrier to entry protecting its Windows monopoly, or Microsoft's illegal commingling of browser and other middleware code with Windows. Further, the proposed settlement does not assure that future middleware competitors will have access to the necessary technical information to interoperate properly with Windows, and does not open up the critical Original Equipment Manufacturer (''OEM'') distribution channel to these future competitors. Finally, the PFJ ignores the competitive threat to Microsoft's monopoly presented by server-based distributed applications, and thus fails to address Microsoft's practice of protecting its monopoly by controlling proprietary interfaces and communications protocols.

More significantly, the only suggestion in the CIS as to any basis for a very limited and deferential scope of judicial review is simply wrong. The Department insists that such a standard is ''particularly'' appropriate ''where, as here, court's review of the decree is informed not merely by the allegations contained in the Complaint, but also by the extensive factual and legal record resulting from the district and appellate court proceedings.'' CIS, 66 Fed. Reg. at 59476. Exactly the opposite is the case. In routine Tunney Act cases, the law is clear that respect is to be accorded to the Department's antitrust enforcement judgments—its ''perceptions of the market structure and its view of the nature of the case''—precisely because there is no factual or legal record before the court. United States v. Microsoft Corp., 56 F.3d 1448, 1448 (DC Cir. 1995) (''Microsoft I'') (emphasis added). When a Sherman Act case has been litigated and affirmed on appeal, however, the district court is fully capable of assessing the proposed remedy in light of those rulings and its ''familiarity with the market involved.'' Id. at 1461.

The closest parallel to this Court's review of the PFJ is the AT&T monopolization settlement presented by the Department and decided by this Court (Harold Greene, J.) under the Tunney Act. United States v. AT&T, 552 F. Supp. 131 (D.DC 1982), aff'd mere. sub nora., Maryland v. United States, 460 U.S. 1001 (1983). In the AT&Tease, Judge Greene had heard the vast majority of the evidence—on all issues except remedy—and more than a year earlier bad denied AT&T's motion to dismiss on the merits after the close of the government's case-in-chief.

Following a wide-ranging Tunney Act process that included evidentiary hearings, third-party submissions and several days of oral argument, Judge Greene refused to approve the consent decree as proposed, even though it mandated divestiture of major components of the Bell System. He concluded that the decree was in certain respects substantively inadequate, precluded the Court from effective oversight and enforcement, and posed a risk of harming third-parties (despite the presence of complementary regulatory jurisdiction to accomplish similar goals). Judge Greene therefore insisted upon substantial modifications to the proposed decree before he would enter the settlement under the Tunney Act's public interest standard.

Recognizing the intense public concern over a possible ''rubber stamp'' of the settlement by the Court, Judge Greene concluded that it was his responsibility to ensure that the decree protected consumers, opened the relevant markets to effective competition in a timely manna-, and was readily enforceable. Significantly, Judge Green found that ''unlike ordinary pre-trial antitrust settlements, the Court would ''be able to render sound judgments'' because it ''ha[d] already heard what probably amounts to well over ninety percent of the parties'' evidence both quantitatively and qualitatively, as well as all of their legal arguments.'' Id. at 152 (citations omitted). For this reason, Judge Greene held that ''it does not follow that [the Court] must unquestionably accept a consent decree as long as it somehow, and, however inadequately, deals with the antitrust problems implicated in the lawsuit.'' Id.

The purpose of judicial review under the Tunney Act is to ensure that a consent decree follows ''the public interest as expressed in the antitrust laws.'' S. REP. NO. 93—298 (1973) (''SENATE REPORT'') (emphasis added). Here, the Court of Appeals held specifically that ''a remedies decree in an antitrust case must seek to ''unfetter a market from anticompetitive conduct,'' to ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future.'' United States v. Microsoft Corp., 253 F.3d 34, 103 (DC Cir. 2001) (''Microsoft III'') (quoting Ford Motor Co. v. United States, 405 U.S. 562, 577 (1972), and United States 1,. United Shoe Mach. Corp., 391 U.S. 244, 250 (1968)). The Department itself earlier emphasized to this Court on remand that ''both the applicable remedial legal standard and the liability determination of the Court of Appeals are clear.'' Joint Status Report, United States v. Microsoft Corp., at 24 (D.DC filed Sept. 20, 2001). The Court of Appeals has spoken and its holding is binding on this Court as well as the litigants. Consequently, in the unique procedural posture of this case, the ''public interest as expressed in the antitrust laws'' is the Court of Appeals'' mandate itself. SENATE REPORT, supra, at 5.

B. Failure to Satisfy Settled Monopolization Remedies Law

The CIS does not even cite, let alone argue, that the PFJ meets the DC Circuit's remedial standard, quoted above, to terminate the monopoly, deny the defendant of its ill-gotten fruits, and ensure that monopoly practices cannot arise in the future.

As that standard recognizes, there is no difference between the remedies called for when a defendant has unlawfully gained a monopoly or unlawfully maintained a monopoly. The offense of monopolization under Section 2 of the Sherman Act occurs when a finn has either ''acquired or maintained'' monopoly power by anticompetitive means. United States 1,. Grinnell Corp., 384 U.S. 563, 570–71 (1966); Microsoft III, 253 F.3d at 50. There is no legal basis to distinguish between the methods of monopolization either for liability or relief purposes, and neither DOJ nor Microsoft has cited a case making such a distinction. All arc equally unlawful and all arc equally harmful to consumers. Here, for example, even assuming that Microsoft achieved its monopoly power through legitimate business means, it has been found to have maintained such monopoly power through a series of anticompetitive conduct designed to illegally preserve its monopoly position by foreclosing rivals. But for this illegal maintenance, Microsoft's monopoly power would probably have dissipated, and competitors and consumers would have enjoyed the benefits of free and fair competition. Microsoft's internal communications demonstrate that Microsoft thought that would be the likely outcome.

For these reasons, courts apply broad relief even where a firm has been found to possess monopoly power that was legally acquired but illegally maintained. See, e.g., United Shoe, 391 U.S. at 250 (in context of a legally attained monopoly position that was illegally maintained, the Court held it has a duty to ''prescribe relief which will terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future''). And courts have never distinguished between illegal attainment and illegal maintenance when determining remedies for a Sherman Act Section 2 monopolization claim. See, e.g., Schine Chain Theatres, Inc. v. United States, 334 U.S. 110, 128 (1948) (holding conduct injunctions against future violations not adequate to protect public interest in monopolization cases since defendant thus maintains the full benefit of the monopoly; instead broad remedies, including divestiture, are necessary to undo the harm to the market); see also 3 PHILLIP E. AREEDA AND HERBERT HOVENCAMP, ANTITRUST LAW ¶653i (2002) (quoting United Shoe, 391 U.S. at 250–52, for the proposition that a ''monopoly that has been created or maintained by plainly exclusionary conduct is unlawful and that it is the duty of the court to assure its ''complete extirpation.'' (emphasis added)). In short, an appropriate set of remedies to restore competition needs to be sufficient to pry open the market to competition, stop the bad acts, undo the effects of the bad acts, and preclude future alternative anticompetitive tactics.

The DC Circuit was well aware that this case involves monopoly maintenance—that the achievement by Microsoft of a Windows monopoly in the first instance was not alleged to be unlawful—but nonetheless specifically adopted the Ford/United Shoe

remedy standard, including its command to ''terminate'' the defendant's monopoly power. That is the law of this case and the law in all Sherman Act monopolization cases.

C. Failure to Redress Core Violations

By agreeing to the proposed settlement, the Department and the Settling States have ''won a lawsuit and lost a cause.'' International Salt Co. v. United States, 332 U.S. 392, 401 (1947). By excluding consideration of terminating the Windows monopoly from their remedy calculations, Plaintiffs have ignored the central meaning of Section 2. They would have the Court sanction Microsoft's unlawful conduct allowing its monopoly to remain intact. The Court of Appeals'' use of the traditional Ford/United Shoe standard clearly holds that that is not a proper remedy. The CIS explains that the applications barrier to entry protecting Microsoft's monopoly was directly threatened by ''two incarnations of middleware that, working together, had the potential to weaken the applications barrier severely without the assistance of any other middleware''—Netscape and Java. CIS, 66 Fed. Reg. at 59464–65. Nonetheless, the PFJ inexplicably contains no provision addressing Internet browsers or cross-platform Java runtime technology, let alone any other provisions that erode the applications barrier to entry. Moreover, the proposed decree simply ignores a number of other significant ways in which the Court of Appeals held that Microsoft's practices violated the Sherman Act. Consequently, the PFJ does not ''unfetter [the] market from anticompetitive conduct'' or ''ensure that there remain no practices likely to result in monopolization in the future.'' Microsoft III, 253 F.3d at 103.

Nothing in the settlement prohibits Microsoft from commingling code or binding its middleware to the operating system. This was a major issue in this litigation, and the Court of Appeals specifically found Microsoft's commingling of browser and operating system code to be anticompetitive. The danger is reinforced by the definition of ''Windows Operating System Product'' in Section VI.U, which states that what code comprises Windows ''shall be determined by Microsoft in its sole discretion.'' PFJ, 66 Fed. Reg. at 59459. Thus, Microsoft can render the protections for middleware, meaningless by binding and commingling code and redefining the operating system to include the bound/commingled applications.

ProComp strongly disagrees with the notion that it is impossible to move the market forward to approximate where it would have been absent Microsoft's violations. The applications barrier to entry is not an immutable condition. There are remedial alternatives available to restore Internet browsers and cross-platform runtime technology to the position they would have achieved—ubiquitous distribution without any ''lock-in'' to the Windows operating system m in the absence of Microsoft's violations. The open source Internet Explorer (''IE'') licensing requirement proposed by the Litigating States does just that. More specifically, a remedy that acts directly to undermine the applications barrier to entry, for instance by requiring ''porting'' of the Office suite to other operating systems platforms, could potentially do precisely what Netscape and Java were poised to accomplish in 1995–98—''commoditize'' the operating systems and thus allow operating systems competition to occur on the basis of efficiency and consumer demand, rather than hardware lock-in. In any event, by ignoring the economic importance of the competition destroyed by Microsoft's wide range of exclusionary practices, the PFJ fails to address the central lesson of this litigation. It does not redress the core Sherman Act violations on which liability was unanimously affirmed by the en bane Court of Appeals.

The relief proposed by the Litigating States acts directly to deny Microsoft the fruits of the violation (Interact Explorer licensing), pry open the operating systems market to competition (Java must carry) and erode the barrier to entry protecting Microsoft's monopoly power (applications porting). It is precisely these omissions m consequences of the Department's current, erroneously truncated remedy analysis m that fatally undermine the legal sufficiency of the PFJ. The Department's proposed remedy flatly contradicts the Court of Appeals'' directives and thus ''the public interest as expressed in the antitrust laws.'' SENATE REPORT, supra, at 5.

D. The PFJ Does Not Achieve its Purported Goals

The PFJ purports to provide applications developers with the tools to create competing platforms, but the proposed decree fails to achieve even the narrow goals it sets out to accomplish. The PFJ neither creates the conditions under which new middleware competition can flourish nor provides OEMs with the freedom to support such middleware in the event these technologies avoid the predatory acts of Microsoft.

Most predatory conduct fails to achieve or maintain monopolization because the aggressor must incur greater costs than its prey in order to keep or drive competitors from the market. What this litigation has shown is that Microsoft has numerous weapons in its arsenal to impose far greater damage on its competitors than the loss Microsoft suffers by using such weapons. Controlling the disclosure of the Application Program Interfaces (''API'') and the related technical information, imposing conditions on OEM licenses, ''commingling'' or bolting of software code and products are all examples of weapons Microsoft employed in its predatory attack on Netscape's Navigator and Java technologies. The PFJ does nothing to protect Microsoft from using the same tactics against any future middleware threats.

1. The API Disclosure Requirements

The PFJ purports only to make public those APIs between the operating system and Microsoft middleware that run on top of the operating system. It does not accomplish even that narrow result. To name a few, the convoluted definitions and exemptions to the API disclosure obligation allow Microsoft itself to decide which APIs will be subject to the disclosure requirement and when those APIs will be released. The decree also permits Microsoft to design and bundle its products in different ways to evade the disclosure requirements, for instance by permitting Microsoft in ''its sole discretion'' to decide what software comprises a ''Windows Operating System Product.'' PFJ, 66 Fed. Reg. at 59459. With some simple packaging decisions, Microsoft can unilaterally dictate whether middleware competitors will receive the interoperability information necessary to innovate. In short, as explained in detail below, the API disclosure provisions are riddled with numerous deficiencies that render them ineffective in promoting competition.

These are not loopholes, but triumphal arches that allow Microsoft to proceed uninhibited by the antitrust laws. The PFJ expressly allows Microsoft to play a game of form over substance by categorizing pieces of code into different defined terms. The operation of the disclosure requirements is devoid of any notion of technological or economic efficiency.

2. OEM Desktop Flexibility

The PFJ relies almost exclusively on OEMs to restore competition, a naive hope at best. OEMs do not have the resources or the economic incentive to create competition for Microsoft. In any event, the provisions regarding OEM flexibility to distribute competing middleware products ignore the economic realities of the software industry. Most importantly, the decree fails to provide OEMs and consumers with the flexibility to support competing middleware or other new technologies that Microsoft may deem as a threat to its monopoly position. The add/remove provisions in the proposed decree only allow for removal of end user access, i.e., the icon for Microsoft middleware, not the middleware itself. As discussed in the accompanying Declaration of Kenneth Arrow (Attachment A), Nobel laureate and the Department's own expert in Microsoft 1, this perpetuates the applications barrier to entry that is at the heart of this litigation. Thus, the OEM provisions enhance rather than erode Microsoft's operating system monopoly power.

E. The PFJ Fails to Address Competitive Issues that Will Determine the Future of the Software Industry

Even if these serious deficiencies in the structure, scope and language of the proposed decree were corrected, the settlement would still not create the conditions for a competitive operating systems market. The proposed decree hardly deals at all with Microsoft's likely future anticompetitive conduct. Microsoft's prodigious market power is now directed at the next threat to the Windows platform—applications and services provided via the Internet and other networks m not the Netscape/Java threat of 1995–99. Microsoft has destroyed those revolutionary technologies that are a source of operating systems competition and has moved on to other areas that the proposed decree all but ignores.

The PFJ fails to serve the public interest and to achieve the settled goals of monopolization relief reaffirmed in the Court of Appeals'' decision. It ignores the changing market realities, and the core violations upheld by the DC Circuit. The proposed

settlement exhibits an unjustifiable deference to a convicted monopolist in designing its products and determining the scope of the remedy. In doing so, it renounces its purported goal of creating the conditions for new middleware threats to flourish. Additionally, it clearly fails to deny Microsoft the ''fruits'' of its violations and ''terminate'' its monopoly power. It is precisely these flaws that fatally undermine the legal sufficiency of the PFJ. In contrast, the relief proposal by the Litigating States includes provisions, such as Interact Explorer licensing, Java must carry, applications porting, sufficient and timely disclosure of information, and the freedom to license unbundled Microsoft products, just to name a few, which deny Microsoft the fruits of the violation, pry open the OS market to competition and erode the barrier to entry protecting Microsoft's monopoly power. As a matter of law, the Department's settlement proposal cannot be said to be consistent with ''the public interest as expressed in the antitrust laws,'' SENATE REPORT, supra, at 5, where it has proposed a remedy without reference to those laws as reiterated by the Court of Appeals m this very case.

11. THE COURT SHOULD DEFER DECISION ON THE PROPOSED DECREE UNTIL AFTER THE LITIGATING STATES'' REMEDIES HEARING AND SHOULD APPLY THE SETTLED ANTITRUST REMEDY STANDARD EXPRESSLY REAFFIRMED IN THIS CASE BY THE COURT OF APPEALS

This is the only substantial Government Section 2 case in more than 30 years litigated through trial to judgment, appeal and dual opportunities for Supreme Court review. [1] A ''rush to judgment'' is simply not the appropriate course of judicial review under the Tunney Act, or otherwise. A decision on the adequacy of the proposed decree should therefore be deferred until after the conclusion of the evidentiary heating on the remaining Plaintiffs'' (''Litigating States'') relief proposals. Moreover, the normal Tunney Act flexibility accorded to the Government in offering a proposed pretrial antitrust settlement cannot hold in the unique circumstances of this case, in which the Court is obligated to conduct a searching, independent inquiry into the proposed decree, with no deference accorded to the government.

A. Approving the Proposed Decree Before Completion of the Remedy Hearings Would Be Wholly Unprecedented and Highly Prejudicial

No court has ever approved an antitrust settlement where, as here, there are remaining plaintiffs in the very same consolidated action that are about to begin a full remedies hearing based on adjudicated Sherman Act liability that has been affirmed on appeal. In this unprecedented case, [2]it is essential that the Court evaluate all available evidence bearing on the ''public interest'' of the Department's proposed settlement.

1. Waiting to Rule on the Proposed Decree Until After the Remedies Trial Avoids PreJudging the Remedies Case and the Prospect of Inconsistent Rulings

The Tunney Act sets no deadlines. Neither the Act nor its legislative history in any way encourages ''fast-track'' review. Instead, the Act expressly allows the Court to set its own schedule and to tailor its judicial review process to the facts and circumstances of each antitrust case. 15 U.S.C. ¶¶16(1) [3] As the Senate sponsor of the Tunney Act explained:

> The decision to make [Tunney Act] procedures discretionary is dictated by a desire to avoid needlessly complicating the consent decree process. There are some cases in which none of these procedures may be needed. On the other hand, there have been and will continue to be cases where the use of many or even all of them may be necessary. In fact, in a very few complex cases, failures to use some of the procedures might give rise to a, indication that the district court had failed to exercise its discretion properly.
>
> 119 Cong. Rec. 3453 (statement of Sen. Tunney) (emphasis added).

This highly complex case demands that the Court utilize all available procedures for evaluating the adequacy of the proposed decree and the evidentiary basis of the economic projections that underly the Department's remedial scheme. Deferring decision on the proposed decree is the only sensible approach. The Court's consideration of testimonial and other evidence on the failings of the decree will avoid unfair pre-judgment of the remedies remand and the entry of potentially conflicting relief. It also offers the most efficient means of ensuring that the many issues raised by the proposed decree and the Court of Appeals'' decision receive a thorough hearing on the merits. Deferring judgment will not harm any party or inconvenience the Court, given that the Litigating States'' upcoming remedies trial is scheduled to begin just thirteen days after the completion of the Tunney Act comment process. [4]Indeed, neither the Justice Department nor Microsoft can claim to be prejudiced by a short deferment in judgment on the PFJ, because Microsoft represents that it is already complying with the terms of the proposed decree.

Deferral would also avoid the highly undesirable result of inconsistent judgments. The Litigating States'' remedy proposal differs markedly from the proposed settlement in breadth, scope and approach. A premature ruling on the PFJ would force the Litigating States either to (1) pursue their relief proposal in full, knowing there may be inconsistent remedy orders issued by this Court that would make compliance difficult, if not impossible, or (2) stunt their case by limiting their proposed remedies to those that can be implemented in a manner consistent with the PFJ, even though they have already rejected that settlement as inadequate.

The Court faces a similar, untenable choice if it seeks to issue an early ruling on the proposed decree. The Court would have to limit its ultimate remedy order to the terms already required by its ruling on the Department's settlement, or order new remedies but vacate those portions of the PFJ that are inconsistent with the subsequent decree. This dilemma is easily avoided, however, by waiting to resolve the issues raised by the Tunney Act comments until after the Litigating States and Microsoft have had a full and fair opportunity to present evidence supporting their respective remedy proposals.

Avoiding conflicting remedial orders alone is reason enough to defer judgment on the decree. Inconsistent judgments are to be avoided in antitrust as in all complex litigation. See In re Transit Co. Tire Antitrust Litigation, 67 F.R.D. 59, 65 (W.D. Mo. 1975) (separate relief hearings ''would result in duplication of effort [and] possible inconsistent judgments''). It is well-established that ''[t]he avoidance of logically inconsistent judgments in the same action'' is a ''just reason for delay[ing]'' entry of final judgment in multi-party civil actions. [5]

The Court should give particular weight to considerations of uniformity in this case, because of the great need to ensure that all in the software industry—suppliers, customers and competitors —face a fair and even playing field. As the Supreme Court has held, antitrust violations should be remedied ''with as little injury as possible to the interest of the general public.'' United States v. American Tobacco Co., 221 U.S. 106 (1911). Thus, ''the Court would be justified in rejecting the proposed decree or requiring its modification if it concluded that the decree unnecessarily conflicts with important public policies other than the

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[1] Microsoft Corp. v. United States, 530 U.S. 1301 (2000) (denying appeal); Microsoft Corp. v. United States, 122 S. Ct. 350 (2001) (denying certiorari).

[2] Like AT&T, ''It]his is not an ordinary case.'' 552 F. Supp. at 151

[3] A Tunney Act court is authorized to ''take testimony of Government officials,'' appoint a ''special master and such outside consultants or expert witnesses as the court may deem appropriate,'' hear evidence and argument from other interested persons and organizations, and ''take such other action in the public interest as the court may deem appropriate.'' 15 U.S.C. § 16(f). These procedures are so important to a careful assessment of the public interest that courts routinely employ them, even in pretrial Tunney Act cases. See, e.g.. United States v. Bechtel Corp., 1979–1 Trade Cas. (CCH) ¶62,430 (N.D. Cal. 1979), aff'd 648 F.2d 660 (9th Cir. 1981); Dillard v. City of Foley, 166 F.R.D. 503 (M.D. Ala. 1996); United States v. Westinghouse Elec. Corp., 1988–1 Trade Cas. (CCH) ¶68,012 (D.DC 1988); United States v. ARA Serves., 1979–2 Trade Cas. (CCH) ¶62,861 (E.D. Mo. 1979); United States v. Mid-America Dairymen, Inc., 1977–1 Trade Cas. (CCH) ¶61,508 (W.D. Mo. 1977).

[4] Based on the deadlines set forth in the Court's November 8, 2001 Order and Section 16(b) of the Tunney Act, comments on the PFJ and the Department's responses to those comments are not due until February 26, 2002. Thus, the remedy trial, scheduled to begin on March I 1, 2002, will start only two weeks after the Justice Department is scheduled to submit its Response-to-Comments on the PFJ. Even if the Justice Department files its Response-to-Comments early, deferring judgment on the PFJ will cause little if any delay, no prejudice, and great benefits to the parties and the Court.

[5] Phoenix Renovation Corp. v. Gulf Coast Software, F.R.D. 580, 582 (E.D. Va. 2000) (quoting Fed. R. Civ. P. 54(b)); see also Dana Corp. v. Celotex Asbestos Settlement Trust, 251 F.3d 1107, 1120 (6 th Cir. 2001) (affirming the district court's condemnation of a reorganization plan provision that unnecessarily ''raise[d] a likelihood of inconsistent judgments'').

policy embodied in the Sherman Act.'' AT&T, 552 F. Supp. at 151. In this case, such an important public policy is the uniform application of antitrust law to the national software market.

2. Deferring Ruling on the Proposed Decree Promotes the Tunney Act's Express Goal of Conserving Judicial Resources

Deferring judgment on the proposed decree will also conserve judicial resources by allowing the Court to determine which questions raised by the PFJ can be resolved by the testimony and other evidence offered in the remedy trial. The Court may then limit or avoid duplicative evidence that must be adduced to assess whether the decree meets the applicable substantive standard for Tunney Act judicial review.

Consent decrees subject to Tunney Act review are generally used to obviate trial—to avoid ''extended proceedings'' and provide a ''prompt and less costly'' means of resolving antitrust suits pre-litigation. CIS, 66 Fed. Reg. at 59476 (quoting 119 Cong. Rec. 24598 (1973)). Even the Department of Justice, in discussing the negotiation of antitrust settlements in its Practice Manual, identifies the consent decree as the best way to obtain relief ''without taking the case to trial.'' Antitrust Division Manual, Ch. IV, § E, at 50 (3 rd ed. 1998) (emphasis added). Here, however, a liabilities trial has already occurred, and a remedies trial must occur regardless of when or whether the proposed Department settlement is approved. There is little or no court action to avoid. As a result, judicial resources are best conserved and most efficiently allocated by holding the remedies trial before ruling on the PFJ.

B. The Applicable Legal Standard for Reviewing the Proposed Decree is the Ford/United Shoe Test Specifically Mandated by the Court of Appeals

In no reported case since adoption of the Tunney Act in 1974 has the Department sought to settle a monopolization action after prevailing at trial and on appeal. The CIS nonetheless suggests that in assessing the adequacy of the proposed decree under the Act, this Court must approve a settlement that is less than the remedy the Court would otherwise impose of its own accord. CIS, 66 Fed. Reg. at 59476 (citations omitted). In the unprecedented procedural posture of this case, it cannot.

The Court of Appeals agreed that relief in this case must seek to ''terminate'' Microsoft's operating system monopoly, to ''unfetter'' barriers to competition to the operating systems market, to ''deny'' Microsoft the ''fruits'' of its statutory violations, and to ''ensure'' there are no practices ''likely to result in monopolization in the future ''[6] That mandate is binding on this Court as well as the litigants. The Supreme Court has ''consistently held that an inferior court has no power or authority to deviate from the mandate issued by an appellate court.'' Briggs v. Pennsylvania R. Co., 334 U.S. 304, 306 (1948). Indeed, even prior to the Tunney Act the Supreme Court emphasized that in antitrust cases, ''[t]he Department of Justice ... by stipulation or otherwise has no authority to circumscribe the power of the courts to see that [their] mandate is carried out.'' Cascade Natural Gas Corp. v. El Paso Natural Gas Co., 386 U.S. 129, 136 (1967).[7]Consequently, in the unique procedural posture of this case, the ''public interest as expressed in the antitrust laws,'' SENATE REPORT, supra, at 5, is the Court of Appeals'' mandate itself. [7] ''[A] remedies decree in an antitrust case must seek to ''unfetter a market from anticompetitive conduct,'' to ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future.'' Microsoft III, 253 F.3d at 103 (citations omitted). 7 The legislative history of the Tunney Act indicates that Congress was clearly aware of Cascade and intended the Act's public interest standard to codify that rule of antitrust remedies. Judge L Skelly Wright, former Chief Judge for the DC Circuit, discussed the Cascade problem at length in his Senate appearance, explaining that ''the Supreme Court felt compelled to say that—and I am quoting—''The United States knuckled under to El Paso and settled this litigation''—close quote, rather than fully protecting the public interest by getting a decree which fully insured future competition.'' SENATE REPORT, supra, at 147.

The DC Circuit did not establish a new legal standard for monopolization relief, but rather adopted the traditional test developed by the Supreme Court decades ago. See Microsoft. III, 253 F.3d at 103 (quoting Ford Motor Co. v United States, 405 U.S. 562, 577 (1972), and United States v. United Shoe Mach. Corp., 391 U.S. 244, 250 (1968)). Notably, however, the CIS does not even cite, let alone argue, that the PFJ meets the DC Circuit's remedial standard. The Department instead offers its own view that ''[a]ppropriate injunctive relief in an antitrust case should: (1) [e]nd the unlawful conduct; (2) avoid a recurrence of the violation and others like it; and (3) undo its anticompetitive consequences.'' CIS, 66 Fed. Reg. at 59465 (citations omitted). This lesser standard is invalid because it ignores the Supreme Court's directives to ''terminate'' the monopoly and to eradicate the ''fruits'' enjoyed by the unlawful monopolist.

To the extent that DOJ may contend this case is different because the acquisition of Microsoft's monopoly was not challenged, rather the unlawful maintenance of that monopoly, it would be incorrect. There is no legal basis to distinguish between the methods of monopolizalion either for liability or relief purposes, and neither DOJ nor Microsoft has ever cited a case making such a distinction. The adverse consumer welfare and economic efficiency consequences of monopoly power are the same whether a monopoly was illegally acquired, illegally maintained or both. Indeed, the DC Circuit was well aware that the achievement by Microsoft of a Windows monopoly in the first instance was not alleged to he unlawful, [8] but nonetheless specifically adopted the traditional Ford/United Shoe remedy standard.

The Court of Appeals'' carefully crafted and detailed opinion can hardly be deemed to have applied this standard by accident. Accordingly, notwithstanding Microsoft's claim, it is simply not true that ''contrary to the critics'' overheated rhetoric, there is no basis for relief designed to terminate an 'illegal monopoly.''' [9] The fact that a monopoly was acquired lawfully does not provide any defense, because the monopolist forfeits its right to continue to hold even a lawfully acquired monopoly when it violates the Sherman Act in its preservation.[10]

The Department and Microsoft may argue that the Court of Appeals'' ''drastic'' modification of liability is of crucial significance in evaluating the scope of a remedy. See Microsoft III, 253 F.3d at 105. What this contention ignores is that the Court of Appeals reversed or remanded separate, distinguishable legal theories for Sherman Act liability that all arose from the same set of operative facts. As the government explained to the Supreme Court: The court of appeals affirmed the district court's central ruling that Microsoft violated Section 2 of the Sherman Act by engaging in an unlawful course of conduct to maintain its monopoly of the market for Intel-compatible PC operating systems. With minor exceptions, the court agreed with the district court's findings and conclusions that Microsoft's restrictions on original equipment manufacturers; its bundling of Internet Explorer into Windows; its dealings with internet access providers, independent software vendors, and Apple Computers; and its efforts to contain and to subvert Java technologies that threatened Microsoft's operating system monopoly, all served unlawfully to maintain the Windows monopoly.

Brief for the United States in Opposition [To Certiorari], Microsoft Corp. v. United States, No. 01–236, at 5 (S. Ct. filed Aug. 2001) (emphasis added; citations omitted). And the Court of Appeals added the explicit, highly unusual caution that ''[n]othing in the Court's opinion is intended to preclude the District Court's consideration of remedy

[8] See Microsoft L 56 F.3d at 1452 (no claim that ''Microsoft obtained its alleged monopoly in violation of the antitrust laws'') (emphasis in original); Microsoft III, 253 F.3d at 58 (Microsoft ''violated § 2 by engaging in a variety of exclusionary acts ... to maintain its monopoly'').

[9] Statement of Charles F. (Rick) Rule, Fried Frank Hams Shriver & Jacobson, Prepared for the Committee on the Judiciary, United States Senate, at 5 (Dec. 12, 2001) (''Rule Senate Testimony''). 10 This self-evident proposition becomes even more clear when the relief in this case is compared with that adopted by the Department, approved by this Court under the Tunney Act and affirmed on the merits by the Supreme Court in the AT&T antitrust case. United States v. AT&T, 552 F. Supp. 131. There, like here, the Section 2 claim was monopoly maintenance, not unlawful acquisition of monopoly power. Furthermore, unlike Microsoft, AT&T's monopoly was in part a de jure consequence of regulatory and legal protections. Id. at 135–41. Had there in fact been a difference for antitrust remedy purposes between monopoly maintenance and monopoly acquisition, use of the ultimate relief of divestiture in A T& T would have been impermissible. Thus, only by ignoring the largest antitrust settlement of the generation preceding Microsoft can the settling litigants here escape the conclusion that termination of a defendant's monopoly power is the principal remedial objective of Section 2 monopoly maintenance cases.

issues.'' [11] That the lesser included offenses of attempted monopolization and tying were not upheld does nothing to subtract from the seriousness of the widespread Section 2 violations affirmed by the Court of Appeals or the Court's explicit reaffirmation of the Ford/United Shoe standard for antitrust relief.

CIS'' lengthy recitation of cases indicating that a Tunney Act court must accept a lesser remedy than might be obtained after trial is irrelevant. CIS, 66 Fed. Reg. at 59475–76. None of these cases arose in the context of a post-trial settlement of a Section 2 monopolization claim and thus none resolved whether the remedial standard adopted by the federal courts in a fully litigated antitrust case must be jettisoned if the government subsequently agrees to a consensual decree. [12] More importantly, the Department has not offered any statutory or policy basis 1o justify its wooden invocation of Tunney Act dicta to this case. By failing to articulate any legitimate justification for the deference it insists upon, the Department's position suggests that it is designed to shield the merits of the decree from critique by the Court and to mask the weakness of the proposed settlement, rather than to satisfy any compelling institutional or constitutional policy.

The only suggestion in the CIS as to any basis for a limited scope of judicial review is just wrong. The Department insists that a different relief standard is ''particularly'' appropriate ''where, as here, court's review of the decree is informed not merely by the allegations contained in the Complaint, but also by the extensive factual and legal record resulting from the district and appellate court proceedings.'' CIS, 66 Fed. Reg. at 59476. That has things backwards. In normal Tunney Act cases, the law is clear that respect is to be accorded to the Department's antitrust enforcement judgments w its ''perceptions of the market structure and its view of the nature of the case''—precisely because there is no factual or legal record before the court. Microsoft I, 56 F.3d at 1448. When a Sherman Act case has been litigated and affirmed on appeal, however, the district court is fully capable of assessing the proposed remedy against that record and its ''familiarity with the market involved.'' Id. at 1461. [13] In short, the Court of Appeals'' mandate, and its application of traditional monopolization remedy law, is the applicable standard against which to measure the scope and efficacy of the PFJ.

C. The Court Owes No Tunney Act Deference To the Department in this Unprecedented Post-Trial, Post-Appeal Settlement The language, legislative history and purpose of the Tunney Act all indicate that the relatively deferential attitude ordinarily adopted by courts to antitrust settlements should not constrain this Court's inquiry into the legal sufficiency and acceptability of the remedy proposed by Microsoft, the Department and the Settling States.

The leading authority on Tunney Act deference is not at all to the contrary. In Microsoft I, the DC Circuit reversed the district judge for ''construet[ing] his own hypothetical case and then evaluat[ing] the decree against that case.'' 56 F.3d at 1459. Here, no one is asking the Court to consider claims the government chose not to pursue. Quite to the contrary. ProComp asks the Court to grant effective relief for those claims that the Department actually brought and on which it has already prevailed.

The difference in judicial deference owed to the Executive Branch is easily understood against this backdrop. The Tunney Act was created as a ''check on prosecutorial discretion,'' In re IBM, 687 F.2d 591,595 (2d Cir. 1982), that is, ''a check.., on the government's expertise m or at the least, its exercise of it—even on its good faith.'' United States v. Gillette Co., 406 F. Supp. 713, 715 (D. Mass. 1975). The concern of Congress was the predominance of pretrial antitrust settlements that otherwise would never reach a courtroom, [14] For these reasons, the Microsoft I decision cautions that a district court's Tunney Act obligation to avoid delving too deeply into the substantive merits of antitrust settlements arises because ''there are no findings that the defendant has actually engaged in illegal practices.'' Microsoft I, 56 F.3d at 1460 (emphasis in original). .

That is obviously not the case here. Microsoft's liability for a wide variety of exclusionary practices violative of Section 2 of the Sherman Act has been adjudicated and affirmed on appeal. In contrast, it is clear that the Tunney Act was predicated on the assumption that proposed consent decrees would be presented in the context of pretrial settlements over which the courts had yet to engage in an exercise of judicial power. See 15 U.S.C. § 16(e)(1) (district court must ''evaluate the competitive impact of... termination of alleged violations ....''); § 16(e)(2) (court must consider ''the public benefit, if any, to be derived from a determination of the issues at trial''). Unlike the ordinary Tunney Act situation, in this case it is indisputably not correct to conclude that ''[r]emedies which appear less than vigorous may well reflect an underlying weakness in the government's case.'' Microsoft I, 56 F.3d at 1461.

The Tunney Act's underlying principles of judicial restraint applicable to the exercise of prosecutorial discretion—deeply rooted in separation of powers—simply do not apply here. [15] In the typical Tunney Act case, courts have made ''no judicial finding of relevant markets, closed or otherwise, to be opened or of anticompetitive activity to be prevented,'' is by definition not present in a post-appeal antitrust settlement. Maryland v. United States, 460 U.S. 1001, 1004 (1983) (per curiam) (Rehnquist, J., dissenting). The separation of powers concerns in a post-trial settlement are actually reversed. [16] The source of Tunney Act deference is that ''the court's authority to review a decree depends entirely on the government's exercising its prosecutorial discretion by bringing a case in the first instance.'' Microsoft I, 56 F.3d at 1459–60 (emphasis added). In contrast, deferential review of a post-trial settlement in a fully litigated, finally appealed antitrust prosecution would directly contradict the ''mandate rule'' of Cascade Natural Gas and would be inconsistent with this Court's Article III obligations.

The Court of Appeals has explained that because there are ''constitutional difficulties that inhere in this statute,'' it is ''inappropriate for the [district] judge to measure the remedies in the decree as if they were fashioned after trial.'' Microsoft I, 56 F.3d at 1461. The converse is true when a remedy is in fact fashioned after trial. In that situation, the court has already made the factual and legal findings that do not exist in the ordinary consent decree situation, and therefore is not required to ''give due respect to the Justice Department's perception of the market structure and its view of the nature of the case.'' Id. at 1461.

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[11] United States v. Microsoft Corp., No. 00–5212, Order (Aug. 2, 2001) (per curiam).

[12] The Department's reliance on United States I,. BNS, Inc., 858 F.2d 456 (9 th Cir. 1988), is especially problematic. CIS, 66 Fed. Reg. at 59476. In BNS, a merger case, the public interest ''could be harmed irreparably by permitting a merger to become a fait accompli'' while the district court deliberated on the adequacy of the decree's provisions. 858 F.2d at 462. The proposed Microsoft settlement could not be more different. This is not a merger proceeding. Indeed, the public interest would be harmed profoundly if the Court accepts a relief proposal, like the PFJ, that is plainly inadequate to restore competition or eliminate the widespread anticompetitive practices whose illegality was squarely affirmed by the Court of Appeals. Accordingly, the Department's citation to BNS for the proposition that this Court cannot ''engage in an unrestricted evaluation of what relief would best serve the public,'' id., is both highly misleading and inapplicable.

[13] The Court of Appeals admonished and reversed the prior District Judge in this case, in part, for entering a decree based largely on the relief proposed by the government. Although the Justice Department's officers ''are by reason of office obliged and expected to consider w and to act—in the public interest,'' Microsoft 111. 253 F.3d at 34 (quoting Judge Jackson), that did not excuse the District Court from its independent obligation to consider and explain how the relief proposed would meet the sealed objectives of antitrust remedies. Microsoft I!!. 253 F.3d at 34. Nothing less is warranted now.

[14] H.R. REP. NO. 93–1463 (1974) (''HOUSE REPORT''). Note, The ITT Dividend: Reform of Department of Justice Consent Decree Procedures, 73 colum. L. Rev. 594 (1973).

[15] The purposes of the Tunney Act are not implicated in a proposed post-trial settlement of a Government. Section 2 prosecution that has already been affirmed on appeal. There is no risk of excessive secrecy, because the remedy phase of a litigated antitrust case necessarily takes place in an open judicial process dining which, based on the trial record and l/ability findings, the district determines whether the government's requested relief adequately remedies the defendant's violations of the antitrust laws. Nor is there any risk that judicial review of a proposed post-appeal consent decree will discourage government antitrust settlements, as the Department retains the power—which it exercised long ago in this case -whether to initiate an antitrust prosecution or settle.

[16] The courts have therefore distinguished between a court's involvement in ''the executive branch's decision to abandon litigation,'' which ''might impinge upon the doctrine of separation of powers,'' and ''[j]udicial approval of consent decrees under the [Tunney] Act,'' which is ''an entirely distinct proposition because the decree is entered as the court's judgment.'' In re IBM Corp., 687 F.2d 591,602 (2d Cir. 1982).

In light of these serious constitutional concerns, this Court should not and cannot accept a proposed decree that falls short of the remedy that the Court would impose based on its own, independent assessment of the record and the Court of Appeals'' remand mandate. The Court is undoubtedly aware of the long-standing maxim that constitutional questions are to be avoided if a statute can be interpreted so as not to raise them. E.g., Richmond Screw Anchor Co., 275 U.S. 331, 346 (1928). In the context of this unprecedented Tunney Act case, simple prudence dictates that the Court should construe the Act to dispense with deference to the government where liability has been adjudicated and affirmed on appeal, and thus avoid any possibility of a constitutional challenge to its remand decision on remedies.

D. Tile AT&T. Model is Instructive by Conducting a Searching Inquiry into the Scope, Adequacy and Effectiveness of the Proposed Decree Before turning to a substantive critique of the PFJ, it is appropriate to discuss the close parallels between Microsoft and the last major monopolization settlement presented by the Department and decided by this Court (Harold Greene, J.) under the Tunney Act. United States v. AT&T, 552 F. Supp. at 151.

Before the AT&T settlement was proposed, Judge Greene had heard the vast majority of the evidence—on all issues except remedy—and had denied AT&T's motion to dismiss on the merits after the close of the government's case-in-chief. United States v. AT&T, 524 F. Supp. 1336, 1380 (D.DC 1981). Following a wide-ranging Tunney Act process that included evidentiary hearings, third-party submissions, and several days of oral augment, Judge Greene declined to approve the decree as proposed—even though it required divestiture of the Bell system—because he concluded that it was substantively inadequate, precluded the Court from effective oversight and enforcement, and posed a risk of harming third parties.

The Judge insisted upon substantial modifications to the proposed decree before he would enter the settlement under the Tunney Act's public interest standard. In doing so, Judge Greene explained that ,47&T was “not an ordinary antitrust case.'' 552 F. Supp. at 151. Instead, in that case as in this one, the proposed decree was an ''enormous undertaking'' having ''significant consequences for an unusually large number of ratepayers [i.e., consumers], shareholders... and competitors.'' 552 F. Supp. at 152. In addition, and also like in this case, the Court would ''be able to render sound judgments'' because it ''ha[d] already heard what probably amounts to well over ninety percent of the parties'' evidence both quantitatively and qualitatively, as well as all of their legal arguments.'' Id. For these reasons, Judge Greene concluded that ''it does not follow that [the Court] must unquestionably accept a consent decree as long as it somehow, and, however inadequately, deals with the antitrust problems implicated in the lawsuit.'' Id. Instead, Judge Greene reasoned it was his responsibility to ensure the decree protected consumers, opened the relevant markets to effective competition in a timely manner, and would be readily enforceable. The Supreme Court affirmed. Maryland v. United States, 460 U.S. 1001 (1983) (per curiam); California v. United States, 464 U.S. 1013 (1983)(per curiam).

Like AT&T, this has been a long, exceedingly complex and very hard-fought case. Unlike AT&T, however, in this litigation the proposed settlement comes after the trial was completed and after the courts finally adjudicated the defendant's liability. Also'' unlike AT&T, moreover, here the government has not succeeded in obtaining via settlement anything close to the relief it sought on the merits from this Court. We have submitted our view that deference to the Department of Justice is inappropriate in this unique case. The A T&7 model provides a benchmark for the scope of Tunney Act judicial review which, if anything, should be exceeded given the far more advanced procedural posture here. This Court cannot err by following an expanded AT&T-like procedure. The converse may not be true.

In sum, the Litigating States must be allowed to proceed free from the interference that early Court approval of the proposed decree would entail. When the Court does assess and rule on the decree, it must undertake a thorough, independent analysis of whether the settlement protects the public interest and satisfies the DC Circuit's mandate for effective relief. Delegating this core judicial responsibility to the Department would violate the Tunney Act, raise serious separation-of-powers concerns and leave the public without effective redress against a proven monopolist.

III. THE PROPOSED FINAL JUDGMENT IS INSUFFICIENT UNDER ANTITRUST REMEDIES LAW AND DOES NOT MEET THE STANDARD ARTICULATED BY THE DEPARTMENT

The proposed settlement does not meet the DC Circuit's remedial standard, quoted above, to terminate the monopoly, deny the defendant its ill-gotten fruits, and ensure that monopoly practices cannot arise in the future. The CIS does not even cite, let alone argue that the PFJ meets the DC Circuit's remedial standard. Indeed, the PFJ does not even meet the lesser standard, articulated in the CIS, to ''(1) end the unlawful conduct; (2) ''avoid a recurrence of the violation'' and others like it; and (3) undo its anticompetitive consequences.'' CIS, 66 Fed. Reg. at 59465 (citations omitted).

In fact, the proposed settlement fails to undo the competitive harm from the core antitrust violations affirmed by the Court of Appeals, and does not even address a series of additional violations of the Sherman Act upheld by the Court of Appeals.

A. The Decree Does Not ''Undo'' the Competitive Harm Resulting from Microsoft's Anticompetitive Practices

Netscape's browser and Sun's Java were revolutionary middleware technologies which allowed Independent Software Vendors CISVs'') to write programs that would run on any operating system, thus potentially making hardware platforms—and correspondingly, operating systems—a matter of competitive and technological indifference. Microsoft both recognized and feared that this new model for software development would be an inflection point in the computer industry, [17] and accordingly launched a multi-faceted campaign to destroy the economic and technological viability of these forms of competing middleware.

In this case, Microsoft early on recognized middleware as the Trojan horse that, once having, in effect, infiltrated the applications barrier to entry, could enable rival operating systems to compete .... Alerted to this threat, Microsoft strove over a period of approximately four years to prevent middleware technologies from fostering the development of enough full-feature, cross-platform applications to erode the applications barrier to entry. United States v. Microsoft Corp., 87 F. Supp.2d 30, 38–39 (D.DC 2000) (Conclusions of Law), affirmed in part, 253 F.3d 34 (DC Cir.), cert. denied, 530 U.S. 1301 (2000).

The Court of Appeals affirmed the illegality of Microsoft's campaign to destroy the competitive threat of Internet browsers and cross-platform Java technology. Further, as the Court of Appeals explained, Sun's distribution arrangement with Netscape was key to .,''achiev[ing] the necessary ubiquity on Windows'' required for Java to serve ''as the ubiquitous platform for software development.'' Microsoft HI, 253 F.3d at 74, 75. By foreclosing Netscape from the market, Microsoft thus eliminated the ability of the Java runtime environment to develop into a ubiquitous, competitive alternative to Windows for applications development. [18] Today, the anticonsumer effects are even more clear because Microsoft has integrated its own Internet browsing and Java-like runtime technologies into Windows.

No other middleware technologies introduced since Netscape and Java have evolved to the point where they could directly challenge, and substitute for, Windows. While a variety of middleware is available today, most if not all presently lack the capability to serve as major platforms for software development. As Professor Arrow explains, no middleware entrant currently exists that offers the user base, head start and technological capability to supplant Windows, characteristics enjoyed by both Netscape and Java before Microsoft eliminated them as serious competitive threats. Arrow Decl. ¶¶25–30. Middleware is more often a short-run complement to the operating system rather than a substitute. It is only when particularly ''disruptive technologies'' can achieve the distribution scale and scope of exposed APIs to permit substitution among operating systems—the ''commoditized'' operating systems feared by

[17] Microsoft accepts the concept of inflection points in technology markets, and unsuccessfully argued to the DC Circuit that the possibility of inflection points meant that it did not enjoy monopoly power in the operating systems market. Brief of Appellant Microsoft Corporation, United States v. Microsoft Corp., at 16 (DC Cir. filed Nov. 27, 2000) (''Microsoft DC Circuit Brief').

[18] The CIS agrees that distribution of Java by Netscape ''creat[ed] the possibility that Sun's Java implementation would achieve the necessary ubiquity on Windows to pose a threat to the applications barrier to entry.'' CIS at 16, 66 Fed. Reg. at 59463

Microsoft—that middleware becomes a long-run competitive substitute for the operating systems. Id. ¶¶16–17, 33–34. Powerful middleware substitutes for Microsoft's operating systems monopoly just do not come along every week. Id. ¶18 (''Technological disruptions such as the middleware threat of the mid-1990s do not occur continually.'')

Microsoft's anticompetitive practices destroyed the prospect that middleware could effect such a fundamental change (sometimes called a ''paradigm shift') in the operating system market and, thus, have substantially entrenched its monopoly power. ''Microsoft's significantly enhanced ability to stem potential middleware threats is the result, in very substantial part, of its past anticompetitive campaign against Netscape.'' [19] As Professor Arrow explains, ''[a]t times of technological disruption, the forces of dynamic competition play an especially important role.'' Id. ¶18. See Findings of Fact ¶377 (''Microsoft ''successfully denied'' Netscape status of ''the standard software for browsing the Web''). [20]It will be ''exceedingly difficult now, even with the best of remedies, to re-establish middleware fully as the kind of competitive threat to Microsoft's monopoly power that it posed in the mid-1990s.'' Arrow Decl. 5, 18, 71. Thus, as Professor Arrow concludes, it is ''highly unlikely'' that ''market forces alone will lead to the development of innovative middleware that creates the same competitive risk to Microsoft that it faced from Navigator and Java in 1995.'' Id. ¶30.

Despite these compelling facts, the Department and the Settling States have proposed middleware provisions that ignore the core Internet browser and Java runtime technologies in favor of undefined, future middleware that may or may not present the same viable cross-platform capabilities. The Department's remedy ratifies the illegal acts that Microsoft committed, instead of moving the market forward to where it would be today had Netscape and Java been permitted to grow without illegal Section 2 constraint. [21] The Supreme Court, however, has squarely rejected the proposition that ''antitrust violators may not be required to do more than return the market to the status quo ante.'' Ford, 405 U.S. at 573 n.8.

Assistant Attorney General James explains that the settlement is designed ''to recreate the potential for the emergence of competitive alternatives to Microsoft's operating system monopoly through middleware innovations.'' [22] But without identifying any comparable middleware products today or predicting that truly competitive middleware will be introduced in the near-term future that could become substitutes for Windows, the Department does not have a verifiable basis to project that such a remedy will have any impact on competition. The Department's proposed settlement posits only hypothetical future entry to counteract the very real monopoly power of Windows today.

In addition, Microsoft's integration of Internet browsing and runtime environment technology into Windows allows Microsoft today to prevent any competing middleware technology from achieving ubiquity, thus preserving the applications barrier to entry.[23] Unlike the Netscape and Java technologies that Microsoft's unlawful practices eliminated as serious competitive threats, however, Microsoft middleware is not cross-platform. Consequently, by sanctioning Microsoft's integration of middleware into Windows and by failing to redress its illegal campaign against Netscape and Java, the proposed decree enhances, rather than reduces, Microsoft's operating systems monopoly power. In short, the PFJ does not undo the competitive harm resulting from Microsoft's unlawful assault on Netscape and Java, and therefore, fails to meet the requirements of established antitrust law and the lesser standard the Department has set.

B. The Proposed Settlement Fails to Deny Microsoft the Ill-gotten Fruits as Required by Established Antitrust Law

Equally importantly, in clear denial of the standards under established antitrust remedies law, the decree permits Microsoft to retain the fruits of its statutory violations. See United Shoe, 391 U.S. at 252. It ''would be inimical to the purpose of the Sherman Act to allow monopolists free rein to squash nascent, albeit unproven, competitors at will—particularly in industries marked by rapid technological advance and frequent paradigm shifts.'' Microsoft III, 253 F.3d at 79. Consequently, because the PFJ fails to ''deny to [Microsoft] the fruits of its statutory violation,'' id. at 103, it cannot be approved by this Court.

There are remedial alternatives available to restore Internet browsers and cross-platform runtime technology to the position they would have achieved—ubiquitous distribution without any ''lock-in'' to the Windows operating systems D in the absence of Microsoft's violations. The open source Internet Explorer licensing requirement proposed by the Litigating States does precisely that. A remedy that acts directly to undermine the applications barrier to entry, for instance by requiring ''porting'' of the Office suite to other operating system platforms, would act to commoditize the operating system and thus allow operating systems competition to occur on the basis of efficiency, technology and consumer demand.[24] See Arrow Decl. 46–49.[25]

In sharp contrast, the proposed decree is described in the CIS as encouraging the development of future technologies that ''over time could help lower the applications barrier to entry.'' CIS, 66 Fed. Reg. at 59467 (emphasis added). As no significant platform innovations with the characteristics necessary to substitute for Windows have developed since Microsoft's multi-faceted predatory campaign was launched, there is simply no reason to believe that new Netscape and Java-like middleware competition could flourish today, especially under the decree, which not only does not lower the applications barrier to entry—it actually preserves and strengthens. Therefore, the remedy fails to meet the standard set by established antitrust remedies law by refusing to deny Microsoft the fruits of its unlawful acts, or providing any viable alternative mechanism.

C. The Decree Does Not Terminate or Redress Numerous Practices that the Court of Appeals Found to Violate the Sherman Act

The decree now proposed by the government improperly permits Microsoft to continue some of the very exclusionary practices that the Court of Appeals explicitly held were illegal. Both established antitrust remedies law and the lesser standard articulated by the Department require that the settlement terminate and redress the unlawful conduct affirmed by the Court of Appeals. The settlement does not.

1. Integration of Windows and Middleware

The PFJ does not preclude Microsoft from integrating middleware software, or any other technology that could erode the applications barrier to entry, into its operating system products. Hence, the proposed decree not only does not end Microsoft's practice of binding competing technologies to Windows, but allows middleware integration to continue unabated in the future. This failure is impossible to square with the Court of Appeals'' decision. First, the Court specifically held that ''Microsoft's decision to bind IE to Windows 98'' by ''commingling of

[19] Henderson Decl., supra, ¶73.

[20] ''Microsoft's campaign succeeded in preventing—for several years, and perhaps permanently—Navigator and Java from fulfilling their potential to open the market for Intel-compatible PC operating systems to competition on the merits.'' United States I,. Microsoft Corp., 87 F.Supp.2d 30, 38 (2000) (Conclusions of Law).

[21] The Competitive Impact Statement explains that the objective of the proposed decree is ''to restore the competitive threat that middleware products posed prior to Microsoft's unlawful conduct.'' CIS, 66 Fed. Reg. at 59463–64.

[22] James Senate Testimony, supra, at 10.

[23] See Findings of Fact ¶397 (''By bundling its version of the Windows JVM with every copy of Internet Explorer and expending some of its surplus monopoly power to maximize the usage of Interact Explorer at Navigator's expense, Microsoft endowed its Java runtime environment with the unique attribute of guaranteed, enduring ubiquity across the enormous Windows installed base.'').

[24] Assistant Attorney General James has suggested that such relief would be improper because no ''essential facilities'' claim was made by the government. James Senate Testimony, supra, at 10 (emphasis added). But a monopoly maintenance ''must cant'' remedy designed to redress artificial applications barriers to entry does not need to be supported by an essential facilities claim. To the contrary, in its 1998 Complaint to this Court, the government expressly sought as one form of injunctive relief that Microsoft be required to ''include with [the Windows] operating system the most current version of the Netscape Internet browser.'' Complaint, § VII.2.e.1 (Prayer for Relief). Thus, the very ''must-carry'' obligations that the Department now opposes were the precise relief it initially sought.

[25] Professor Rebecca Henderson of the MIT Sloan School of Management, a remedies expert for the government, testified by affidavit in 2000 that ''[t]he availability of the world's most popular office productivity suite on alternative platforms would serve to reduce the barriers to entry protecting Microsoft's monopoly, which will, in turn, increase the potential for competition in the PC operating systems market.'' Declaration of Rebecca M. Henderson, United States v. Microsoft Corp., No. 98–1232 (TPJ), at ¶22 (D.DC filed April, 28, 2000).

code'' was an unlawfully ''exclusionary'' practice. Microsoft III, 253 F.3d at 64–67. The Court of Appeals'' discussion is worthy of close attention became it sheds light on the magnitude of the PFJ's failure with respect to product integration. The Court explained that ''[t]echnologically binding IE to Windows ... both prevented OEMs from pre-installing other browsers and deterred consumers from using them,'' Microsoft III, 253 F.3d at 64 (citing Findings of Fact ¶159), and thus that ''Microsoft's... commingling of browser and operating system code constitute[s] exclusionary conduct, in violation of ¶2.'' Id. at 67. Moreover, the Court of Appeals emphasized that its Section 2 holding rebuffed Microsoft's arguments ''not only that its integration of IE into Windows is innovative and beneficial, but also that it requires non-removal of IE.'' Id. at 89. Second, the Court summarily denied Microsoft's rehearing petition challenging both the factual basis and the legal sufficiency of the code commingling holding.[26] The Court denied without opinion Microsoft's rehearing petition, in which the defendant Microsoft argued that '''commingling of code'' is not ''per se pernicious or even suspicious''' and urged the DC Circuit to (1) reverse the applicable findings of fact, and (2) limit its liability holding with respect to bundling of Internet Explorer to Microsoft's refusal to permit ''[r]emoval of end-user access by OEMs.'' [27]

In spite of these repeated holdings, the PFJ reverses course and adopts the position for which Microsoft argued on rehearing. The proposed settlement allows OF. Ms to remove ''access to'' middleware—that is, icons w from the desktop and related areas of the Windows user interface. Conversely, it permits Microsoft to commingle any code and prohibits OEMs from deleting Microsoft middleware code from the operating system software. Thus, although the Court of Appeals expressly reiterated that technological integration of Interact Explorer violated Section 2, the PFJ fails to impose any limits whatsoever on current or future bundling of middleware and operating systems software.

Assistant Attorney General James has testified that ''[t]he court of appeals ruled that, albeit with some limits, Microsoft could lawfully integrate new functions into the operating system.''[28] This is a mischaracterization. The DC Circuit remanded the tying claim for rule of reason analysis, Microsoft III, 253 F.3d at 84–95, but did not conclude that any product integration litigated at trial was ''lawful.'' The only general statement the Court made was that the ''integration of additional software functionality into an operating systems'' is not a per se unlawful Section 1 offense.[29]

2. Coercion and Market Allocation

The DC Circuit affirmed that Microsoft's coercion of Apple, by threatening to withhold porting of Office to the Macintosh operating systems platform, was unlawful. The District Court likewise found that Microsoft attempted (this time without success) to coerce Apple into abandoning development of its QuickTime software, in order to limit ''the development of multimedia content that would run cross-platform.'' Findings of Fact ¶110.

Microsoft also coerced Intel—Microsoft's partner in the IBM-compatible PC market m into abandoning its work on creation of Java-compatible multimedia software.[30] Microsoft III, 253 F.3d at 77. In fact, the Court specifically ruled that ''Microsoft's threats to Intel were exclusionary, in violation of § 2 of the Sherman Act.'' Id. at 78 (emphasis added). And the District Court, again without objection by the Court of Appeals, also found that Microsoft pressured Intel to cease development of ''Native Signal Processing ('NSP') software, [which] would endow Intel microprocessors with substantially enhanced video and graphics performance,''[31] as well as ''using revenues from its microprocessor business to fund the development and distribution of free platform-level software,'' [32] in order to ''halt the development of software that presented developers with a set of operating-system-independent interfaces.'' [33]

The proposed decree does not constrain Microsoft's ability to engage in this sort of coercive conduct to impede competition from potential middleware or other software rivals. Section III.F of the PFJ precludes Microsoft only from ''retaliating'' against ISVs and IHVs that develop or use competing platform software and from entering into exclusive dealings with ISVs (but curiously not IHVs) for platform software. It does not, however, deal with the use of threats and coercion to compel adherence to Microsoft's objectives short of an actual agreement.[34] As both a legal and practical matter, the PFJ fails to redress the Court of Appeals'' holding that Microsoft's ''threats'' to its competitors and partners violated Section 2.

3. Deception and Product Sabotage

The Department recognizes that among the practices the DC Circuit ruled unlawful was Microsoft's ''attempt[s] to mislead and threaten software developers in order to contain and subvert Java middleware technologies that threatened Microsoft's operating system monopoly.'' [35] Yet the PFJ does not prohibit Microsoft from misleading developers or, as it did with Java, creating supposedly ''open'' software development tools that, in reality, are compatible only with Windows. See Microsoft III, 253 F.3d at 77. These sorts of practices are added in the Litigating States remedy proposal.[36] By preventing Microsoft from intentionally sabotaging competing applications or middleware products, and by requiring that if Microsoft implements open industry standards it not ''pollute'' those standards with proprietary, Windows-specific protocols and features, such relief would constrain the exclusionary conduct held unlawful by the DC Circuit. The Department's proposed settlement does not.

The Department's claim that the decree ''ends'' Microsoft's unlawful practices is incorrect. It is also wrong as a matter of remedies jurisprudence. Antitrust courts must ''start from the premise that an injunction against future violations is not adequate to protect the public interest.'' [37] In order to prevent ''a recurrence of the violation'' found, antitrust courts are not limited to imposing ''a simple proscription against the precise conduct [the violator] previously pursued.'' [38]

Yet Assistant Attorney General James recently testified that the government's remedy proposal is ''focused on the specific practices that the court [of appeals] had ruled unlawful.'' [39] This focus on specific practices does not eliminate those practices. In any event, it is settled that antitrust relief may prohibit even otherwise lawful conduct if it ''represents a reasonable method of eliminating the consequences of the illegal conduct'' or preventing its resumption.[40]

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[26] United States v. Microsoft Corp., No. 00–5212, Order (Aug. 2, 2001) (per curiam).

[27] Microsoft Corporation's Petition for Rehearing, United State v. Microsoft Corp., Nos. 00–5212, 5213, at 2, 4 (DC Cir. filed July 18, 2001) (quoting United States v. Microsoft Corp., 147 F.3d 935, 958 (DC Cir. 1998) (Wald, J., concurring in part and dissenting in part)) (''Microsoft DC Cir. Rehearing Petition'').

[28] James Senate Testimony, supra, at 14 (emphasis added).

[29] For Section I purposes, the DC Circuit ruled that technological innovation is subject to an efficiency-harm balancing test under the rule of reason. Microsoft II1, 253 F.3d at 90, 93. Given the lack of an efficiency justification by Microsoft for having commingled the browser with the operating system, it is highly likely that the Government would have prevailed on the Section I claim under the ''rule of reason'' test. See/d. at 66 (Microsoft does not ''argue that either excluding IE from the Add/Remove Programs utility of commingling code achieves any integrative benefit'').

[30] See also Findings of Fact ¶388 (''Gates told Intel's CEO in June 1996 that he did not want the Inter Architecture Labs cooperating with Sun to develop methods for calling upon multimedia interfaces in Windows.''); Id. ¶404 (''Microsoft used threats to withhold Windows operating-system support from Intel's microprocessors and often to include Intel technology in Windows in order to induce Intel to stop aiding Sun in the development of Java classes that would support innovative multimedia functionality.'').

[31] Findings of Fact ¶95.

[32] Findings of Fact ¶102.

[33] Findings of Fact ¶94.

[34] Under the antitrust laws, a firm has not as a matter of law entered into an ''agreement'' with a distributor or other party where it unilaterally declares its position and by virtue of its economic power compels distributors to adhere to those conditions. See Monsanto Co. v. Spray-Rite Svc. Corp., 465 U.S. 752, 764 ¶n.9 (1984).

[35] CIS, 66 Fed. Reg. at 59460. In related private antitrust litigation, courts similarly have found that Microsoft ''create[d] the illusion that [a competing product] was incompatible with Windows by inserting error messages conveying to the user that either [the competing product] was incompatible with Windows that [Microsoft's product] was the only environment in which Windows could properly function.'' Caldera, Inc. v. Microsoft Corp.. 72 F. Supp. 2d 1295, 1314 (D. Utah 1999).

[36] Litigating States'' Remedy Proposal, supra, at 12.

[37] Schine Chain Theatres, Inc. v. United States, 334 U.S. 110, 128 (1948).

[38] National Soc'y of Prof. Eng'rs v. United States, 435 U.S. 679, 698 (1978).

[39] James Senate Testimony, supra, at 6.

[40] National Soc'y of Prof Eng'rs, 435 U.S. at 698; United States v. U.S. Gypsum Co., 340 U.S. 76, 90 (1950) (Section 2 relief may ''go beyond the narrow limits of the proven violation''). Accord

IV. THE API DISCLOSURE AND OEM FLEXIBILITY PROVISIONS OF THE PROPOSED DECREE WILL NOT CREATE THE OPPORTUNITY FOR MIDDLEWARE COMPETITION

The proposed decree neither provides future middleware competitors with the API information needed to develop interoperable products nor opens the OEM distribution channel to effective competition from any such new entrants. To a surprisingly large degree, the PFJ's provisions simply memorialize Microsoft's current business practices. Indeed, the PFJ would not have thwarted Microsoft's 1995–98 unlawful campaign against Net. scape and Java had the decree been in place at that time.

As a consequence, the PFJ will discourage, rather than encourage, investment and innovation in new middleware technology. Future middleware competitors, faced with the very real prospect that they may not be able to obtain necessary API information from Microsoft or access to the OEM distribution channel, will have virtually no incentive to invest in time development of new and innovative middleware technology. Moreover, even if the PFJ actually did ''creat[e] the opportunity for software developers and other computer industry participants to develop new middleware products that compete directly with Microsoft,'' as the CIS states, the five-year term of the proposed decree is far too short to promote innovation and investment in middleware technology. In short, under the PFJ the status quo that prompted the Department of Justice and State Attorneys General to bring these actions against Microsoft will perpetuate.

As the Supreme Court emphasized in its landmark ruling in the DuPont antitrust case, ''It]he proper disposition of antitrust cases is obviously of great public importance, and their remedial phase, more often than not, is crucial. For the suit has been a futile exercise if the Government proves a violation but fails to secure a remedy adequate to redress it.'' United States v. E.I. du Pont de Nemours & Co., 366 U.S. 316, 323 (1961). Under any appropriate standard for judging the effectiveness of antitrust remedies, the key portions of the PFJ are just such an exercise in futility.

A. The Proposed Decree's Provisions for Information Disclosure Do Not Assure that Future Middleware Competitors Will Have Access to Necessary Interoperability Information The Department proclaims that the API disclosure provisions of the proposed decree will create middleware competition by requiring Microsoft to disclose all of the interfaces and related technical information that Microsoft's middleware uses to intemperate with the Windows operating system.'' CIS, 66 Fed. Reg. at 59460.[41] That is simply not accomplished by a literal reading of the proposed decree's API provisions. The proposed decree does not provide middleware competitors with the information needed to intemperate, but rather allows Microsoft itself to decide whether, when and which APIs to release to potential competitors.

There are four provisions of the proposed decree that seek to address the issues of information disclosure for the purposes of enabling interoperability. Section III.D addresses the disclosure of APIs and Section III.E addresses the disclosure of communications protocols with server operating systems products. These provisions need to be read in concert with Section HI J, which substantially narrows the scope of required disclosures, and Section HI.L5, which potentially undermines the information disclosure regime by granting to Microsoft rights to insist on cross licenses to intellectual property developed through the use of Microsoft's APIs. Lastly, these provisions are dependent on a multitude of definitions which include Sections VI.A ''APIs''; VI.B ''Communications Protocol''; VI.E ''Documentation''; VI.J ''Microsoft Middleware''; VI.R ''Timely Manner''; VI.T ''Trademarked''; and VI.U ''Windows Operating System Product.'' To understand the impact of the PFJ on information disclosure, all these provisions must be read together, along with their subordinate definitions and exceptions.

1. The API Provision's Scope is Far Too Narrow.

The PFJ falls short of requiting the disclosure of APIs that innovative middleware technologies might need. Section III.D requires only that Microsoft disclose: ''the APIs and related Documentation that are used by Microsoft Middleware to intemperate with a Windows Operating System Product.'' PFJ, 66 Fed. Reg. at 59454 (emphasis added). This obligation is plainly too narrow to support real middleware competition. If a potential competitor creates a new form of middleware that provides innovative functionalities, it will not be entitled to the necessary APIs, if those APIs are not ''used by Microsoft Middleware to interoperate with a Windows Operating System Product'' within the scope of Section III.D. This necessarily limits future innovation to the parameters set by the breadth of Microsoft's Middleware functionality, it creates a regime where competitors must always follow, as opposed to lead, middleware innovations. For example, when Netscape was attempting to achieve full 38 interoperability with the Windows operating system in 1995, Netscape required the APIs for Windows, not merely the APIs between Windows and Microsoft's browser, which was just in the process of development.[42]

Further, under Section III.D, Microsoft must disclose ''for the sole purpose of interoperating with a Windows Operating Systems Product... APIs and related documentation that are used by Microsoft Middleware to interoperate with a Windows Operating System Product.'' PFJ, 66 Fed. Reg. at 59454. Windows Operating Systems Products are defined in Section VI.U to include Windows 2000 Professional and Windows XP for the PC. Thus, Microsoft does not have to disclose APIs its middleware uses to interoperate with Microsoft operating systems on servers or handhelds. And for those APIs that Microsoft does disclose, Microsoft is permitted to limit their use by third parties ''solely for the purpose of interoperating with a Windows Operating System Product.'' Id. at 59454. Thus, Microsoft can distribute middleware products that interoperate with all of its client and server operating systems along with its applications such as Office, while competitors'' middleware products will be limited to using any disclosed APIs to intemperate only with PC versions of Windows. This limitation certainly does not provide a level playing field for competitive middleware.

2. The API Provision of the PFJ Constructs an Illusive Framework for Disclosure of Interoperability Information

Close review of the plain language of the API disclosure provision and its subordinate definitions reveals that the provision is quite illusory. A careful examination of these complex provisions of the proposed decree—represented graphically in Figure 1 on the next page reveals that, despite their length, they are nonetheless circular and illusory. ??

Section III.D sets forth the basic obligation that Microsoft must disclose to competitors ''the APIs and related Documentation that are used by Microsoft Middleware to interoperate with a Windows Operating System Product.'' The PFJ therefore establishes a regime where Microsoft must disclose the ''APIs,'' a defined tern, that are used by ''Microsoft Middleware,'' a defined term, to intemperate with a ''Windows Operating System Product,'' a defined term.

a. Defined Terms Within the API Disclosure Provision Leave All Material Disclosure Determinations to Microsoft.

The defined terms within Section III.D reveal that the PFJ's API disclosure obligations are without substance. As stated, the provision calls for the disclosure of ''APIs'' between ''Microsoft Middleware'' and the ''Windows Operating System Product.'' Taking those definitions in reverse order demonstrates that the Department cannot possibly predict precisely what information is required to be disclosed under Section III.D because most of the definitions are left to Microsoft.

First, Section VI.U provides the definition of a ''Windows Operating System Product.''

International Salt, 334 U.S. at 400; DuPont. 366 U.S. at 327.

[41] See also CIS, 66 Fed. Reg. at 59468 (decree ''requires Microsoft to disclose to ISV, IHVs, LAPs, ICPs and OEMs all of the interfaces and related technical information that Microsoft Middleware uses to intemperate with any Windows Operating System Product'').

[42] The district court's ''Internet Order'' did not suffer from this problem because Section 3.b of its API disclosure provisions broadly required the release of APIs that Microsoft employs to enable (i) Microsoft applications to interoperate with Microsoft Platform Software (defined as both operating systems and middleware), (ii) Microsoft middleware to interoperate with a Microsoft operating systems product (or Microsoft middleware distributed with a Microsoft operating systems product, and (iii)any Microsoft software installed on one computer to interoperate with a Microsoft operating systems or middleware product installed on another computer. The proposed decree's use of ''Microsoft Platform Software'' is confined to Sections III.A and III.F.I (retaliation) and Section III.F.2 and III.G.I (exclusivity), but has no application to API disclosure. United States v. Microsoft, Final Judgment (D.DC 2000) (''Interim Order'').

A Windows Operating System Product is defined as: the software code (as opposed to source code) distributed commercially by Microsoft for use with Personal Computers as Windows 2000 Professional, Windows XP Home, Windows XP Professional, and successors to the foregoing, including the Personal Computer versions of the products currently code named ''Longhorn'' and ''Blackcomb'' and their successors, including upgrades, bug fixes, service packs, etc. The software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion. (emphasis added)

The CIS explains that, pursuant to the proviso in the final sentence, this definition means that ''the software code that comprises a Windows Operating System Product is determined by Microsoft's packaging decisions (i.e., by what it chooses to ship as ''Windows').'' CIS, 66 Fed. Reg. At 59459. Under this approach, therefore, Microsoft retains the unilateral discretion to determine what constitutes Windows for purposes of its API disclosure obligations. If middleware software is included with Windows, it is thus part of a Windows Operating System Product for the purposes of this definition. It follows that if Microsoft chooses ''at its sole discretion'' to include middleware as part of Windows it escapes the disclosure requirements of

Section III.D.

The other ''bookend'' of Microsoft's information disclosure requirement rests on definition VI.J, ''Microsoft Middleware.'' First, it is critical to understand that provision III.D does not invoke definition VI.K ''Microsoft Middleware Product,'' which clearly sets forth that ''Internet Explorer, Microsoft's Java Virtual Machine, Windows Media Player, Windows Messenger, Outlook Express and their successors'' are ''Microsoft Middleware Products.'' Id. Rather, the provision rests on the far more ambiguous definition of ''Microsoft Middleware.'' Under definition VI.J, Microsoft Middleware means: software code that

1. Microsoft distributes separately from a Windows Operating System Product to update that Windows Operating System Product;

2. Is Trademarked;

3. Provides the same or substantially similar functionality as a Microsoft Middleware Product; and

4. Includes at least the software code that controls most or all of the user interface elements of that Microsoft Middleware.

Software code described as part of, and distributed separately to update, a Microsoft Middleware Product shall not be deemed Microsoft Middleware unless identified as a new major version of that Microsoft Middleware Product. A major version shall be identified by a whole number or by a number with just a single digit to the right of the decimal point.

The weakness of this definition is immediately apparent. The first prong of the definition requires Microsoft middleware to be distributed ''separately from a Windows Operating System Product.'' Therefore, if Microsoft decides to include middleware as part of Windows as it is entitled to do ''in its sole discretion'' it cannot possibly be Microsoft Middleware because it will not be ''distributed separately.'' Alternatively, because middleware is ''Microsoft Middleware'' only if it is distributed ''to update'' Windows, Microsoft can as easily avoid any API disclosure obligations by distributing middleware as a separate application rather than as a Windows update.[43]

Second, in order to qualify as Microsoft Middleware, the middleware must also be ''Trademarked.'' Section VI.T of the PFJ defines '''Trademarked'' in two ways. The first clause of the definition states:

''Trademarked'' means distributed in commerce and identified as distributed by a name other than Microsoft?? or Windows?? that Microsoft has claimed as a trademark or service mark by (i) marking the name with trademark notices, such as ?? or TM, in connection with a product distributed in the United States; (ii) filing an application for trademark protection for the name in the United States Patent and trademark Office; or (iii) asserting the name as a trademark in the Unites States in a demand letter or lawsuit.

PFJ, 66 Fed. Reg. 59459.

We cannot fathom the rationale for resting the definition of Middleware on whether or not a particular technology is trademarked. The Department contends that the definition is ''designed to ensure that the Microsoft Middleware ... that Microsoft distributes (either for free or for sale) to the market as commercial products are covered by the Proposed Final Judgment.'' CIS, 66 Fed. Reg. at 59465. Yet, again it appears that exactly the opposite is true based on the second part of the ''Trademarked'' definition, which states:

Any product distributed under descriptive or generic terms or a name comprised of the Microsoft?? or Windows?? trademarks together with descriptive or generic terms shall not be Trademarked as that term is used in this Final Judgment. Microsoft hereby disclaims any trademark fights in such descriptive or generic terms apart from the Microsoft?? or Windows?? trademarks and hereby abandons any such rights it may acquire in the future. PFJ, 66 Fed. Reg. at 59459 (emphasis added).

Under this definition, if the product is distributed as ''Windows?? Media Player'' as opposed to ''Windows Media?? Player'' it would not be covered. That is because the formulation of the name ''Windows?? Media Player'' would be ''comprised of the ... [Windows??] trademarks together with a descriptive or generic term [Media Player].''

An analysis of each of Microsoft's Middleware Products demonstrates the problem. ''Microsoft Internet Explorer'' could easily be distributed as Microsoft?? plus the generic or descriptive term ''Internet Explorer'' or ''Windows Messenger'' as Windows?? plus the generic or descriptive term ''Messenger.'' As a factual matter, ''Microsoft Internet Explorer,'' ''Microsoft Java Virtual Machine,'' ''Windows Media Player'' and. ''Windows Messenger'' are not currently distributed under either ?? or m nor are they registered with the United States Patent and Trademark Office.[44] Thus, in stark contrast to its purported effect, Section VI.T either currently excludes or provides a roadmap to exclude each of Microsoft's major Middleware Products from the disclosure requirements of III.D.

When the ''Trademarked'' provision is taken in conjunction with the additional requirement that the Middleware must be ''distributed separately from a Windows Operating System Product to update that Windows Operating System Product,'' it is apparent that Microsoft can completely escape coverage under Definition VI.J by either altering its distribution or the nomenclature of its products. In sum, the set of ''Microsoft Middleware'' that interoperates with ''Windows Operating System Products'' appears to be a null set.

The final definition implicated by Provision III.D is that of ''Application Programming Interfaces.'' ''APIs'' are defined in Definition VI.A as follows: the interfaces, including any associated callback interfaces, that Microsoft Middleware running on a Windows Operating System Product uses to call upon that Windows Operating System Product in order to obtain any services from that Windows Operating System Product. PFJ, 66 Fed. Reg. at 59458. (emphasis added). Thus, ''interfaces'' means ''interfaces'' because the basic API definition rests once on the Microsoft Middleware definition (described above) and three times on the definition of Windows Operating System Product, which is defined by Microsoft in its ''sole discretion.'' The Department has proclaimed the API disclosure remedies to be the centerpiece of the PFJ. That the definition of ''API'' will be exclusively determined by Microsoft highlights the seriously flawed nature of the entire proposed device.

In sum, we do not believe it is possible for the Department of Justice, Microsoft or any party to know with any degree of certainty exactly what must be disclosed under Provision III.D. But there is no question that these definitional issues will be before the Court in numerous enforcement actions and dominate this Court's docket for the next five years.

3. The API Disclosure Provision Also Leaves Critical Terms Undefined. Focusing on the terms of Provision III.D that are not defined yields some striking conclusions.

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[43] The Competitive Impact Statement flatly mischaracterizes this section in contending that the definition of Microsoft Middleware captures what it calls '''redistributable[s]'' associated with Microsoft Middleware Products.'' CIS, 66 Fed. Reg. at 59464. The Department claims that ''[i]f such a redistributable exists, as they currently do for most Microsoft Middleware Products, then the redistributable is Microsoft Middleware'' because it is ''distributed separately'' from Windows. Id. This explanation, however, ignores the clause specifying that separate distribution must be ''to update'' Windows under Section VI.J.

[44] A complete list of Microsoft trademarks is posted on the Web at http://www.microsoft.com/trademarks/docs/mstmark.rtf. The description in the test is taken from the document at that location titled ''Microsoft Corporate Trademarks,'' dated December 2001. That document advises that other companies should ''not use any trademark symbols ... for those products that are not listed above as trademarks, such as 'Microsoft?? Excel,'' 'Microsoft?? Internet Explorer.'''

First, the critical term ''interoperate'' is left undefined by the PFJ. Moreover, despite the Department's claim in the CIS that the decree's API provisions require the release of all ''interfaces and related technical information,'' [45] these terms are neither defined nor employed in the language of Section III.D. In fact, the phrase ''technical information'' does not even appear in the proposed decree. In contrast, the Interim Order included a detailed definition of ''Technical Information'' (Section 7.dd) that the Department and Microsoft have without explanation eliminated from the proposed decree.[46] Inexplicably the PFJ has lowered the standard of interoperability supported by disclosed APIs in the Interim Order from information that software developers ''require'' to ''interoperate effectively'' with Windows to information ''used by Microsoft'' to ''interoperate.''

These terms are not peripheral. They go to the core meaning of the API disclosure provisions of the proposed decree. An injunction designed to require Microsoft to disclose interoperability information to rivals cannot possibly be effective where the scope of the information to be released is not defined with specificity. The elimination of the definition of Technical Information is thus particularly revealing, because it illustrates that the Department has crafted a remedy that is, at best, a subset of the Interim Order on which the Department claims it relied. It also demonstrates that the Department affirmatively made a determination not to define a term which was clearly central to the disclosures mandated by the Interim Order.

4. Under Provision III.D, APIs Will Never be disclosed in a Timely Manner

Finally, Section III.D does not ensure simultaneous API access for Microsoft and its competitors.

While the Interim Order required disclosure of APIs at the same time they were made available to Microsoft applications developers, the PFJ does not. Instead, the proposed decree uses the very ambiguous standard that, for a ''new major version'' of Microsoft middleware, API disclosure ''shall occur no later than the last major beta test release.'' PFJ, 66 Fed. Reg. at 59454. Yet ''last major beta test release'' is not defined, and the provision in any case begs the question of how to decide which beta release is the ''last.''

No less problematic are the requirements for timely disclosure of APIs exposed by new versions of Windows. Here, the proposed decree provides in Section III.D that for ''a new version of a Windows Operating System Product,'' disclosure ''shall occur in a Timely Manner.'' Here the definition of ''Timely Manner'' provides little, if any, protection for ISVs. Definition VI.R provides that Timely Manner is ''the time Microsoft first releases a beta test version of a Windows Operating System Product that is distributed to 150,000 or more beta testers.'' We do not believe that Microsoft has ever had 150,000 ''beta testers'' as opposed to 150,000 ''beta copies'' of its new product. Regardless, all Microsoft has to do is limit distribution to 149,000 beta testers in order to frustrate the timeliness of the required disclosures.

5. The Exceptions from and Preconditions to API Disclosure Further Narrow the Scope of an Already Unworkable Disclosure Provision

The proposed decree also contains several broad exemptions from and preconditions to API disclosure by Microsoft. These provisions undermine whatever strength, if any, remains in Section III.D in light of the scope and definitional failings addressed above. Section III.J of the PFJ exempts Microsoft from disclosing ''portion of APIs or Documentation'' related interface information ''which would compromise the. security'' of a ''particular installation or group of installations'' of any ''anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems.'' 66 Fed. Reg. at 59455. These exceptions to API disclosure are extremely broad.

First, the scope of this provision implicates nearly all of Microsoft's Middleware products. For example, digital rights management is encompassed in all multimedia applications (e.g., Windows Media Player). Authentication is a function embedded in Windows software (e.g., Outlook Express and Microsoft Passport) and is required for access to Windows server operating systems. Encryption likewise is a technology that is used by Internet browsers (e.g., Internet Explorer) for e-commerce and by instant messaging middleware (e.g., Windows Messenger). Second, because the Department acknowledges that this provision permits Microsoft to withhold from disclosure certain APIs, CIS, 66 Fed. Reg. at 59472, it must also acknowledge that this provision both narrows an already limited scope of disclosures and ensures that an alternative middleware product will never be fully interoperable in the same way as Microsoft's middleware.[47]

Third, the CIS either misstates the implications of the provision or the Department does not understand what was agreed to in the PFJ. For example, there is no such thing as an API that is relevant to a ''particular installation [PC] or group of installations [network of PCs].'' APIs are standard across all Windows installations. Moreover, the provision does not refer to ''keys and tokens particular to a given installation'' as stated in the CIS, 66 Fed. Reg. at 59472, but rather states that Microsoft may withhold ''APIs ... the disclosure of which would compromise the security of a particular installation or group of installations ... including without limitation, keys, authorization tokens or enforcement criteria.'' PFJ, 66 Fed. Reg. at 59455. Therefore, the way the provision appears in the PFJ as opposed to the CIS, is that it is not limited to the user-specific security duties protecting specific computer networks that no one argument should be disclosed publicly.

Section III.J.2 also imposes onerous preconditions on ISVs for the receipt from Microsoft of APIs ''related to'' encryption, authentication and other security matters. In order to receive relevant APIs that relate to security technologies, competitors must meet a subjective standard of ''reasonableness'' which the decree appears to consign to Microsoft's discretion. Thus, an ISV is only entitled to the APIs if the competitor (1) ''has a reasonable business need'' for the information ''for a planned or shipping product,'' (2) satisfies ''reasonable, objective standards established by Microsoft'' for ''certifying the authenticity and viability of its business,'' and (3) submits its software for Microsoft testing to ''ensure verification and compliance with Microsoft specifications for use of the API or interface.''

None of these limitations seems appropriate, because they unduly rely on Microsoft to determine ''reasonable business'' need. As one example, Microsoft clearly views ''open source'' software, or a threat, but will no doubt continue to claim that it is not a ''viable business''.

6. Cross-Licensing of Middleware APIs

The API section must also be read in conjunction with Section III.I of the proposed decree. This portion of the proposed decree contains a provision (Section III.5) that grants Microsoft the right to require ISVs and other API recipients to cross-license their own intellectual property back to Microsoft if it relates ''to the exercise of their options or alternatives provided by this Final Judgment.'' PFJ, 66 Fed. Reg. at 59455. Under this approach, Microsoft can, at is own discretion, require that the products developed with APIs and related interface information—for instance, a competing middleware program—be licensed back to Microsoft, because they ''relate[] to the exercise'' of an ISV's ''options or alternatives'' under the proposed decree. That is not a new issue in the industry. For years Microsoft has attempted to extract

[45] CIS, 66 Fed. Reg. at 59460, 59468.

[46] The Interim Order defined ''Technical Information'' as ''all information regarding the identification and means of using APIs and Communications Interfaces that competent software developers require to make their products running on any computer interoperate effectively with Microsoft Platform Software running on a Personal Computer. Technical information includes but is not limited to reference implementations, communications protocols, file formats, data formats, syntaxes and grammars, data structure definitions and layouts, error codes, memory allocation and deallocation conventions, threading and synchronization conventions, functional specifications and descriptions, algorithms for data translation or reformatting (including compression/decompression algorithms and encryption/decryption algorithms), registry settings, and field contents.'' In contrast, the PFJ requires only disclosure of related ''Documentation,'' defined in Section VI.E as ''information'' that is ''of the sort and to the level of specificity, precision and detail that Microsoft customarily provides for APIs it documents in the [MSDN].'' PFJ, 66 Fed. Reg. at 59459.

[47] The CIS appears to limit the extent of Microsoft's ability to withhold APIs under Section 1113 of the PFJ. But the CIS description is either unclear or inconsistent with the terms of Section III.J. At a minimum, the Department should reconcile these two documents in order to mitigate the risk of future anticompetitive conduct and litigation over the interpretation of this section. There is no reason to believe that Microsoft will endorse the CIF interpretation, and no doubt Microsoft will argue in any future action that where these two documents conflict, the plain language of the PFJ controls.

cross-licensing requirements and most in the industry have successfully resisted. If this provision is exercised, Provision III.D will simply not be utilized if the result is a requirement that intellectual property resulting from competitors'' own investments in software research and development. Again, the CIS purports to limit the plain meaning of Section III.I by opining that the intellectual property cross-licenses are only available if Microsoft ''is required to disclose interfaces that might be used by others to support a similar feature in the same fashion.'' CIS, 66 Fed. Reg. at 59472. But that does not appear to be consistent with the language of the PFJ.

7. Timing of API Disclosure Obligation Finally, under Section III.D, the requirement for Microsoft to release APIs and Documentation to competitors does not commence for one year. This delay means that Microsoft's own middleware will continue to be preferred in terms of its interoperability with the Windows operating system. The one-year period in which competitors must wait for API releases is one-fifth of the decree's five-year term. Nothing in the CIS discusses or explains a rationale for this substantial delay. B. The Communications Protocol Provisions of the Decree Do Not Require Release of any Server APIs and are Based on Terms the Department Failed to Include in the Settlement The Competitive Impact Statement claims that the server provisions in Section III.E of the proposed decree will ''prevent Microsoft from incorporating into its Windows Operating System Products features or functionality with which its own server software can intemperate, and then refusing to make available information about those features that non-Microsoft servers need in order to have the same opportunities to interoperate with the Windows Operating System Product.'' [48] Like the decree's API disclosure provisions, this obligation is ephemeral.

First, Section III.E is designed only to support interoperability between Windows PCs and non-Windows servers. See CIS, 66 Fed. Reg. at 59469 (interoperability between ''Windows Operating System Products and non-Microsoft servers on a network''). It expressly does not cover interoperability between Windows servers and non-Windows PCs. Thus, Apple, Linux and all other desktop operating systems competitors have no right under the proposed decree to obtain any of the technical information needed to allow PCs running such competing operating systems to intemperate with Windows servers.

Second, as with the API disclosure requirements, Microsoft can easily avoid Communications Protocol disclosure through product design. For example, Microsoft can implement protocols in other software on the desktop, such as Office, or from software it downloads over the Internet from its servers to its Windows Operating Systems Product rather than implementing those protocols directly in the Windows Operating Systems Product.[49] Indeed, we understand that with Microsoft's new .Net offering, Microsoft plans to download code from the Internet to effect communications between clients and Microsoft's .Net servers. This will require no disclosure under Section III.E.

Third, the definition of ''Communications Protocols'' itself is extraordinarily ambiguous. The decree defines Communications Protocol in Section VI.B as: the set of rules for information exchange to accomplish predefined tasks between a Windows Operating System Product and a server operating system product connected via a network, including, but not limited to, a local area network, a wide area network or the Internet. These rules govern the format, semantics, timing, sequencing, and error control of messages exchanged over a network.

PFJ, 66 Fed. Reg. 59458. This definition does not prescribe what ''predefined tasks'' are encompassed, and the phrase ''format, semantics, sequencing, and error control of messages'' can just as easily be read to apply only to the physical means of sending information to or from a server (the rules for transmitting information packets over a network) rather then the content of such information (the rules for structuring and interpreting information within such packets). Thus, Microsoft competitors wilt be able to learn how to construct messages that can be passed to or from Microsoft severs, but will not learn the substance of the information necessary to invoke the features and functionalities of the server.

Fourth, like the PFJ's API disclosure provisions, the key terms of Section III.E are undefined. We have addressed Windows Operating System Product, which allows Microsoft itself to define the term, above. The corresponding prong of Section III.E is that Communications Protocols are disclosable when used by a Windows Operating System Product to interoperate with ''a Microsoft server operating system product.'' The CIS claims that [t]he term ''server operating system product'' includes, but is not limited to, the entire Windows 2000 Server product families and any successors. All software code that is identified as being incorporated within a Microsoft server operating system and/or is distributed with the server operating system (whether or not its installation is optional or is subject to supplemental license agreements) is encompassed by the term. For example, a number of server software products and functionality, including Internet Information Server (a ''web server'') and ActiveDirectory (a ''directory server''), are included in the commercial distributions of most versions of Windows 2000 Server and fall within the ambit of ''server operating system product.'' CIS, 66 Fed. Reg. at 59468–69. Amazingly, this term is nowhere defined in the PFJ, despite the fact that this language is what bounds the scope of Microsoft's obligation to disclose crucial information to rivals. Based on the plain language of the PFJ alone, there is no reason to believe that, for example, Internet Information Server is covered by the undefined PFJ term ''server operating system product.'' Although the Department attempts to clarify this definition in the CIS, as noted above there is no reason to expect Microsoft to accept the Department's CIF definition.

Fifth, a large share of PC interactions with servers occur via the Interact browser. (For instance, all Web browsing, e-commerce and other Web functionalities are a result of the browser interoperating with a server.) Section III.E does not cover protocols that are implemented in Internet Explorer to support interoperability with Microsoft's server operating systems products. Therefore, Microsoft can easily evade the scope of this provision—whatever that may be—by incorporating proprietary interfaces and protocols into IE rather than Windows. Sixth, the obligations of Section III.E appear to only apply to Communications Protocols that are ''implemented ... on or after the date this Final Judgment is submitted to the Court.'' Read literally, all of the Communications Protocols built into Windows 2000 and Windows XP are exempt from disclosure because they were implemented before the proposed decree was submitted.

Finally, Section III.J constrains the Communications Protocol provisions of Section III.E in the same way it limits the API disclosure provisions of Section III.D. Thus, any Communications Protocols that ''would compromise the security'' of authentication, encryption or related technologies are exempt from disclosure. Because the heart of sever-based network interoperability is authentication and encryption, these exemptions once again swallow the rule. For all these reasons, the decree's provisions for server interface information disclosure do not provide Microsoft competitors with the interface or protocol information necessary to enable interoperability between Windows PCs and non-Windows servers. Section III.E does not even cover interoperability between non-Windows PCs and Windows servers. The central terms establishing the scope of Microsoft's obligations are undefined and subject to Microsoft's unilateral control. In short, the PFJ has created another Venn Diagram with no intersecting circles, because the Communications Protocol provisions of the decree require nothing at all. C. The Proposed Decree's Provisions for OEM Flexibility Do Not Open the PC Manufacturing Channel to Future Middleware Competitors

The Department explains that the personal computer manufacturer (''OEM'') provisions of the proposed decree support ''the ability for computer manufacturers and consumers to customize, without interference or reversal, their personal computers as to the middleware they install, use and feature.'' CIS, 66 Fed. Reg. at 59460, 59471. In reality, these measures hardly change anything in existing Microsoft-OEM relations, and do not appreciably alter the dynamics of the OEM

[48] CIS, 66 Fed. Reg. at 59469. See also CIS, 66 Fed. Reg. at 59460 (decree ''prevent[s] Microsoft from incorporating into the Windows operating system features or functionality with which only its own servers can interoperate by requiring Microsoft to disclosure the communications protocols that are necessary for software located on a computer server to interoperate with the Windows operating system'').

[49] The CIS makes clear that this ploy avoids the Section III.E obligations, stating that disclosure is not required if Microsoft ''only distributes code that implements that protocol along with its server software or otherwise separately from the client operating system ...'' CIS, 66 Fed. Reg. At 59469.

distribution channel. Most important, Sections III.C and III.H cannot, by their very design, provide an opportunity for rival middleware products—as compared to Microsoft's middleware—to attract sufficient distribution to have any impact at all on the applications barrier to entry. The OEM sections may actually make matters worse for middleware rivals. The PFJ limits what OEMs can remove from their PC products to just the middleware icons, euphemistically referred to as ''access to'' middleware in Sections III.C and III.H. In other words, OEMs are not permitted to remove the code for Microsoft Internet Explorer, Windows Media Player or any other Microsoft middleware, and the proposed decree allows Microsoft to commingle and integrate middleware with its Windows operating system software. The fact that the flexibility guaranteed to OEMs is limited to removing icons, and not the middleware itself, has major competitive significance and actually guarantees perpetuation of the applications barrier protecting Microsoft's operating systems monopoly.

1. The OEM Provisions Place Sole Responsibility for Introducing Middleware Competition on PC Manufacturers

To achieve its goal of ''recreating the potential for the emergence'' of middleware alternatives to Microsoft's monopoly operating system, the PFJ delegates the role of competitive gatekeepers to OEMs. Instead of requiting the monopolist itself to unfetter the market for entry by competitors, here the PFJ imposes that obligation on third-parties who are partners with, not competitors of, the defendant. If PC manufacturers do not act on the desktop flexibility powers provided by Sections III.C or III.H of the PFJ, there will, by definition, be no OEM-based remedy. Walter Mossberg, Personal Technology columnist for the Wall Street Journal, captured the problem elegantly. ''Much'' of the DOJ settlement, he explained, ''pertains to the company's relations with the hapless makers of PCs, which aren't in any position to defy Microsoft.''[50]

OEMs are captives of Microsoft for a number of reasons, beginning with the obvious fact that there are no commercially viable alternatives to the Windows operating system; there are no real alternatives to Microsoft's Office suite of personal productivity applications (Word Processing, Spreadsheets, E-Mail, etc.); and there is de minimis competition for Interact browsers. The fact that OEMs find themselves in a sole source relationship with the defendant provides Microsoft with innumerable avenues to exercise its leverage over the OEM channel. These complex relationships are built more on the subtleties of a sole source relationship than on written contracts, or overt retaliation, and thus are hardly resolved by the uniform Windows pricing obligation provided for in Section III.B.

It must also be understood that personal computer manufacturers are in the business of producing low margin commodity equipment, a business characterized by very minimal (and shrinking) R&D budgets. It is unrealistic to expect any Windows-centric OEM to develop, test, and pre-install packages of rival middleware, because that would require substantial expenditures in technical software expertise and customer support which would further narrow already shrinking profit margins in a business where competitors are currently engaged in a major price war to gain market share.

The financial burden of customer support, where a single end user service call can eliminate an OEM's profit margin on a PC, creates powerful disincentives to the inclusion of non-Microsoft middleware. See Microsoft III, 253 F.3d at 62. Judge Jackson found and the Court of Appeals affirmed that in light of their customer support obligations, which are ''extremely expensive,'' Microsoft III, 253 F.3d at 61 (citing Findings of Fact ¶210), OEMs are disinclined to install multiple versions of middleware. Since OEMs ''have a strong incentive to minimize costs,'' id., the customer confusion resulting from duplicative middleware is sufficient to preclude OEMs from installing competitive programs where comparable Microsoft middleware is included with Windows.

Under the proposed decree, however, these are precisely the circumstances faced by OEMs. There are no restrictions in the PFJ on Microsoft's ability to integrate middleware technologies into Windows; in fact Microsoft is allowed to do so at its ''sole discretion.'' Even if an OEM wants to install a competitive non-Microsoft middleware program, it will be required to deal with the fact that the corresponding Microsoft middleware product is already present on its PCs, which it is not permitted to remove. Consequently, just as OEMs'' cost minimization requirements forced them not to pre-install Netscape where IE was included with Windows, so too will these same profit pressures force OEMs to decline to install competing middleware programs under the PFJ.

This is in stark contrast to the provision of the Interim Order on which the Department claims to have based its settlement. Both the Interim Order and the remedy proposed by the Litigating States would require Microsoft to ship a version of the operating system without any middleware included, if requested by an OEM. That scheme makes it possible for an OEM to truly offer a differentiated product suite without the burden of having Microsoft's corresponding technology present on the system as well.

Even if they had an independent economic incentive to support middleware competition, however, Windows OEMs are still held captive under the proposed decree's retaliation provisions. Section III.A prohibits ''retaliation'' (another undefined term) by Microsoft against OEMs for developing, distributing or supporting competitive middleware or exercising their desktop icon flexibility rights.

Despite their relative length, the retaliation provisions do not at all effectively preclude retaliation. Retaliation is only prohibited under Section III.A where ''it is known to Microsoft'' that an OEM is undertaking a permitted, competitive action. This subjective, actual knowledge standard will be difficult if not impossible to enforce. In addition:

. Microsoft is not prohibited from retaliating if an OEM removes the code for a Microsoft Middleware Product from its retail PCs.

. Nor does this provision prevent retaliation if an OEM removes either icons or code for Microsoft software that does not qualify as a ''Microsoft Middleware Product'' (for instance, Microsoft Movie Maker).

. And Microsoft is not prohibited from retaliating against OEMs for promoting products that fall outside of the Section III.A terms. By way of example, Microsoft could retaliate against OEMs for promoting non-Microsoft Internet services, server operating systems, server middleware or server applications. Microsoft could even retaliate against OEMs for distributing or promoting middleware that does not yet compete with Microsoft Middleware Products.

Section III.A also limits the prohibited forms of retaliation to ''altering Microsoft's commercial relations with that OEM, or by withholding newly introduced forms of non-monetary Consideration (including but not limited to new versions of existing forms of non-monetary Consideration).'' PFJ, 66 Fed. Reg. 59453. Microsoft is not precluded from denying new monetary consideration to OEMs as a means of retaliation, as that is neither an ''alter[ed] commercial relation'' nor a ''newly introduced form of non-Monetary Consideration.'' Similarly, Microsoft can also reward compliant OEMs by providing concessions on license fees for non-Windows Microsoft software, including applications such as Office, server operating system software and server applications, as well as Microsoft Middleware Products. None of these types of software is covered by the pricing parity requirements of Section III.B, which apply only to ''Microsoft Operating System Products.'' Id.

Finally, as a general matter there is no practical way to identify and prohibit all the subtle ways Microsoft can preferentially favor some OEMs, and harm others, depending on their degree of support for Windows. For instance, the definition of Consideration in Section VI.C covets ''product information'' and ''information about future plans.'' Id. at 59458. Yet Microsoft could retaliate against OEMs by denying them sufficient technical information regarding important, upcoming Windows features, for example by not inviting them to internal development conferences or presentations. Likewise, Microsoft could assign fewer or less knowledgeable technical support personnel to a specific OEM's account team, a form of retaliatory discrimination that would be difficult to detect and virtually impossible to prove. In sum, the anti-retaliation provisions offer little shelter for OEMs desiring to respond to legitimate demands by their customers for choice among competing software products. If there is any doubt about this analysis of Sections III.C and III.H above, the Court should took no further than the OEMs'' treatment of Microsoft Internet Explorer. On July 11, 2001 Microsoft announced that OEMs would be free to remove access to Internet Explorer, which

[50] Walter S. Mossberg, Microsoft Has Good Year, At Expense of Customers, Wall Street J., Dec. 27, 2001, at B1.

they had previously been prohibited from doing.[51] Since this announcement was made more than six months ago, not one OEM has actually taken advantage of this provision and removed the icon for Internet Explore from retail PCs This real-world market test is an accurate gauge of how many OEMs will likely take advantage of the exact same flexibility provided in Section III.H of the decree, albeit for a somewhat wider range of middleware products: none.

2. The Provisions Allowing OEM Flexibility Do Not Address the Key Issue of Microsoft's Ubiquitous Middleware Development Platform

The core of the case against Microsoft rests on the theory that Netscape and Java provided an alternative development platform (middleware) for applications developers, which, if applications developers began writing applications to the middleware, would undermine the applications barrier to entry and thus Microsoft's Windows monopoly. For this to occur, developers need to view rival middleware as a more attractive development platform than Windows. Unfortunately, the PFJ provides a solution to the wrong problem and actually ensures that rival middleware applications will never be able to attract a critical mass of developers.

Sections III.C and III.H of the decree allow OEMs to install competing middleware and to ''enable or remove access to'' Microsoft Middleware Products from the desktop of Windows PCs that they sell to end users. However, as noted, these provisions do not authorize OEMs to delete the Microsoft middleware itself, and Microsoft is not prohibited from retaliating against OEMs that attempt to delete Microsoft middleware code from its configured PCs.

This distinction between icons and code is competitively decisive. The applications barrier exists because developers write to Windows-centric APIs. Under the terms of the decree, however, the APIs exposed by Microsoft middleware remain on every Windows PC even if OEMs and end-users exercise all of the flexibility provided by Section III.H. It is crucial to understand that an application developer can write to Microsoft middleware regardless of whether ''access'' to that software is removed. In other words, Microsoft's middleware APIs remain ubiquitously available on all Windows PCs under the proposed decree. The best a rival middleware provider can hope for is to be ''carried'' alongside Microsoft's middleware on some lesser portion of personal computers.

A critical lesson learned in this case is that, as with Netscape and Java, ubiquity trumps technology in network effects markets. Professor Arrow explains that no middleware competitor can expect any economically significant chance to compete on the merits if, as permitted under the decree, Microsoft middleware is ubiquitous. Arrow Decl. ¶26. The important distinction between icons and code was explained by the DC Court of Appeals in 1998. The court emphasized that removal of end user access ''do[es] not remove the IE software code, which indeed continues to play a role in providing non-browser functionality for Windows. In fact, browser functionality itself persists, and can be summoned up by ... running any application (such as Quicken) that contains the code necessary to invoke the functionality.'' Microsoft II, 147 F.3d at 941.

Consequently, by limiting its effect to the removal of icons only, the proposed decree cannot achieve any appreciable effect in eroding the applications barrier. They cannot ''recreate the potential for the emergence'' of middleware alternatives in a way that provides an economically realistic opportunity for operating systems competition. 3. The OEM Provisions Do Not Create a Level Playing Field for Middleware Desktop Competition

We explained above why it is unlikely that OEMs will expend resources to promote rival middleware products. The alternative model is that rival middleware providers would pay an OEM to feature its software and delete end-user access to Microsoft's middleware. This is consistent with the CIS, which explains that the function of the OEM provisions is to allow OEMs to ''feature and promote'' non-Microsoft middleware. CIS, 66 Fed. Reg. at 59460.

Section III.H does not achieve this goal, for two primary reasons. First, as detailed above, the ''value'' of the PC desktop is diminished by the fact that an OEM is not permitted to remove the Microsoft middleware code, and thus cannot offer a rival exclusivity.

Second, Section III.H.3 does not guarantee that a rival's middleware icon will even remain on the desktop. As the Department explains the theory of this remedy, it is to create a ''marketplace'' on the desktop where OEMs can ''stand in the shoes'' of consumers and exercise choices in which middleware technologies to feature based on price and performance. Yet, the PFJ permits Microsoft to ''sweep'' competing middleware icons placed on the Windows desktop by OEMs.

That is, Windows may automatically remove the icons featured by an OEM just fourteen days ''after the initial boot-up of a new Personal Computer.'' True, this section contains a proviso stating that Microsoft may not do so absent end user ''confirmation,'' but neither the text of this provision nor the Competitive Impact Statement require that confirmation be based on any objective notice or alert by Microsoft. CIS, 66 Fed. Reg. at 59471.

The fourteen-day desktop sweep proviso directly contradicts the objective of fostering OEM flexibility to feature and promote non-Microsoft middleware, because it undermines the ability of OEMs to sell desktop placement an ISV can count on. Under Section III.H.5, the best an OEMs can offer is a guarantee of desktop placement for fourteen days.

This is critically important for the reasons stated above. As rival middleware vendors attempt to attract developers to write applications to their platforms, as opposed to Microsoft's platform, they will have to make representations as to how many PC desktops actually have the rival middleware installed and available to consumers. With the fourteen day ''sweep'' provision included in the PFJ, ISVs will simply not be able to make any accurate projections, which will further reduce the price they might be willing to pay for desktop placement. 4. Additional OEM Provisions Further Undermine the Crucial Ability of ISVs to Differentiate Competing Middleware Products

In order to displace Microsoft middleware and encourage applications developers to write to their APIs, competing ISVs will need to differentiate their middleware products from Windows Media Player, Windows Messenger and the other Microsoft middleware products that are bundled with Windows. The OEM provisions affirmatively undermine the ability of ISVs to achieve any meaningful degree of product differentiation.

First, Section III.C.3 permits OEMs to launch automatically non-Microsoft middleware only at boot-up or upon making a connection to the Interact. This constrains the ability of manufacturers to configure competing middleware products and reduces the value of this flexibility for (and hence potential OEM revenues from) ISVs.

Second, auto-launch of competing middleware is permissible under Section III.C.3 only (a) ''if a Microsoft Middleware Product that provides similar functionality would otherwise be launched automatically at that time,'' PFJ, 66 Fed. Reg. 59454, and (b) if the non-Microsoft Middleware ''displays on the desktop no user interface or a user interface of similar size and shape to the user interface displayed by the corresponding Microsoft middleware product.'' Id. These limitations allow Microsoft to gate middleware competition by reducing the role of non-Microsoft middleware to only those instances in which Microsoft's own products are launched. If Microsoft decides that its middleware products will not have a user interface, or will utilize a window of a specific size, those decisions are binding on competitors'' product designs as well. Indeed, the PFJ surprisingly appears not even to contemplate a situation where Microsoft's competitors develop a middleware product for which there is no ''corresponding'' Microsoft middleware. Third, the PFJ empowers Microsoft to limit the freedom of ISVs in their product design and functionality decisions on its competitors. Microsoft can also limit the placement of icons and shortcuts may appear on the desktop and elsewhere, id. at 59454, 59455, the ''functionality'' of middleware products whose icons and shortcuts may be included by the OEM, and the ability of end users to designate non-Microsoft middleware as default middleware on their computers. Id. at 59455.

Each of these provisions has a similar, substantial effect. By allowing middleware to be substituted by an OEM only when (a) it performs similarly to Microsoft middleware, (b) exhibits functionality defined by Microsoft, or (c) includes the same user interface as Microsoft middleware, the PFJ allows Microsoft to ''gate'' competition. There is no competitive justification for these provisos, all of which serve to eliminate opportunities for product differentiation and

[51] We note that at the time of the announcement, Microsoft had already achieved significantly greater than 80 percent of the browser market as a result of its six-year anticompetitive campaign, so it is hard to view this as a concession.

permit Microsoft to constrain middleware competition to the scope, location and even ''look and feel'' it determines for its own products.

5. The OEM Provisions Contain Other Superfluous Terms that Substantially Limit Any Potential Market Impact

Section III.H of the proposed decree allows Microsoft twelve months to modify Windows XP in order to permit OEMs to remove Microsoft middleware icons or change default settings for invoking middleware functionalities. Yet the modification necessary to allow removal of icons via the ''Add/Remove Programs'' utility is a trivial exercise. Demonstrable proof of this fact is that Microsoft was able to modify the beta version of Windows XP to permit removal of the Interact Explorer icon within weeks of its July 11, 2001 announcement. We can not fathom why Microsoft is now given twelve months to accomplish the same task.

Section VI.N of the decree also provides that a ''Non-Microsoft Middleware Product'' is software with certain functionalities ''of which at least one million copies were distributed in the United States within the previous year.'' Because the Section III.H obligations requiring modification of Windows XP to permit addition and removal of competing middleware apply to ''Non-Microsoft Middleware Products,'' OEMs are foreclosed from the ability to feature and promote small middleware start-up competitors in Windows XP, Section VLN is a very veal impediment to achievement of the innovative middleware market the PFJ is purportedly designed to promote. 6. The OEM Provisions Have No Impact on Java.

Sections III.C and III.H also do not apply to Microsoft's Java Virtual Machine (''JVM''), or Microsoft's equivalent of the JVM, its Common Language Runtime. Despite the fact that the ''Microsoft Middleware Product'' definition includes the Microsoft Java Virtual Machine, it appears there is no competitive consequence to its inclusion in this definition in any of the provisions of the decree. First, Microsoft no longer ships its JVM with Windows, so there is nothing for OEMs to remove. Second, even if they did continue to ship a JVM, there is no ''icon'' or ''end-user access'' to Java. Rather, Java is invoked automatically by programs that rely on its presence.

7. The OEM Provisions Largely Codify Microsoft's Existing Business Practices. Users today enjoy the flexibility—without the benefit of the PFJ—to add, delete or customize their own PC desktops. Users may delete icons by simply ''dragging'' the icon to the ''recycle bin'' or ''right-clicking'' on the icon and simply choosing ''delete.''

Thus, the decree's OEM provisions allowing OEM removal of icons only codify Microsoft's current business practices. In response to the Court of Appeals'' opinion, Microsoft on July 11, 2001 announced that ''it is offering computer manufacturers greater flexibility in configuring desktop versions of the Windows operating system in light of the recent ruling by the U.S. Court of Appeals for the District of Columbia.'' [52] According to the Microsoft press release, under this policy OEMs can ''remove the Start menu entries and icons that provide end users with access to the Interact Explorer components of the operating system,'' and ''Microsoft will include Internet Explorer in the Add/Remove programs feature in Windows XP.'' Id. Thus, Microsoft stressed that ''Microsoft has always made it easy for consumers to delete the icons for Interact Explorer, but will now offer consumers this additional option in Windows XP.'' Id.

This announcement is revealing because it confirms, from Microsoft itself, that the ''flexibility'' provided to end users by Section III.H of the decree has always existed. And by revising Windows XP to permit OEMs to remove the Interact Explorer icon, Microsoft has already done precisely what the decree requires. Thus, the OEM provisions of the decree succeed mostly in codifying Microsoft's current business practices and achieve minimal, if any, remedial purpose.

In sum, the relief provided by Sections III.C and III.H is fundamentally at odds with the theory of the case. These OEM ''desktop'' remedies will not provide any opportunity for alternative middleware platforms to attract developers and thus to challenge the applications barrier to entry.

They are economically irrational since Microsoft's middleware will continue to be ubiquitously available on all PCs, regardless of the choices exercised by OEMs. These provisions allow Microsoft to dictate product design features to its rivals, to limit product differentiation and to restrict OEM deals with rivals to a brief, fourteen-day exclusivity period. And at bottom, they cannot change the economic structure of the PC distribution channel because OEMs are sole-source partners of Microsoft, not competitors.

D. The Proposed Decree Does Not Effectively Preclude Microsoft's Exclusive Dealings Although the proposed decree purports to ban exclusive dealing by Microsoft with respect to Windows software, Section III.G expressly permits Microsoft to establish favored or exclusive relations with certain OEMs, ISVs, etc., if the parties enter into ''any bona fide joint venture or ... any joint development or joint services arrangement.'' This exception all but vitiates the supposed prohibition, for it allows Microsoft to enter into the identical distribution agreements that were held unlawful at trial merely by denoting them as ''nt'' activities.

E. Current Market and Economic Realities Demonstrate that the PFJ is Incapable of Having Any Substantial Procompetitive Impact

The Department recognizes explicitly that relief in this case must '''ensure that there remain no practices likely to result in monopolization in the future.''' Microsoft Ill, 253 F.3d at 103 (citations omitted); see CIS, 66 Fed. Reg. at 59465 (monopolization remedy should ''avoid a recurrence of the violation'' in the future). Yet by failing to address significant market and technological developments that have occurred in the period since the trial record closed, the narrow remedies of the proposed decree do not provide relief that comes even close to ensuring that Microsoft's unlawful practices will not be repeated in the future.

1. New Monopolies Enable Microsoft to Protect its Operating System Monopoly Despite the PFJ Since the trial, Microsoft has solidified three new chokeholds with which it can easily perpetuate its monopoly power:

Microsoft's monopoly power over Internet browsers and its integration of IE into Windows allow it to replicate many of the prohibited practices through IE.

Microsoft's monopoly power over the Office suite and its anticompetitive use of Office porting allow it to replicate many of the prohibited practices through Office.[53]

Microsoft is fast acquiring monopoly power in the operating systems for low-end servers used in local or wide area networks. Microsoft can just as easily exploit the APIs exposed by the operating system on the network to perpetuate the applications barrier to entry.

However, the PFJ does not require the disclosure of APIs exposed by IE, Office the low-end server operating systems. Microsoft can develop middleware programs that utilize these APIs—which are as ubiquitous as the Windows APIs themselves—and thus evade the API disclosure provisions of the PFJ. Similarly, although Section III.E of the PFJ requires the disclosure of Communications Protocols used for interoperability with Microsoft server operating systems, by controlling the client (IE), Microsoft can control the server irrespective of these provisions.[54] That is, Microsoft's monopoly control over IE allows it unilaterally to implement proprietary standards and protocols within IF, that are not disclosable under the PFJ because they are not ''implemented in a Windows Operating System Product installed on a client computer'' within the scope of Section III.E.

2. The Proposed Settlement Ignores the Likely Tactics Microsoft Will Use to Eliminate the Next Significant Threat to its Monopoly Position

The primary competitive threat to the Windows OS/IE platform is the emergence of applications and services provided over the Internet, where the application or service is independent of the computing platform employed by the user. The recent spread of high-speed Internet service has further spurred the development of this category of

[52] Available at www.microsoft.com/MSCorp/presspass/Press/2001/Jul01/07–11OEMFlexibilityPR.asp.

[53] Microsoft's resulting power over Internet browsers and personal productivity applications provides it with alternative vehicles with which to achieve the same anticompetitive foreclosure of middleware threats that it accomplished in 1995–98 through Windows itself.

[54] As Microsoft executive (and trial witness) Paul Maritz put it, ''the most important thing we can do is not lose control of the Web client,'' because ''[b]y controlling the client, you also control the server.'' Gov't Ex. 498. Microsoft can suppress competition by adding proprietary features and protocols to the IE browser that are necessary to generate actions by its server operating systems products or by refusing to add features and protocols that would similarly support a competitor. Professor Schmalensee acknowledged this incentive at trial: ''[I]f one company controlled the browser and its look and feel and how it presented applications, it could severely enhance or detract from the application functionality of programs or applications running on the server.'' 6/24/99 (p.m.) Tr. 46–47; see also id. at 48; Henderson Decl. ¶82 (quoting Rasmussen Dep., 12/15/98 (a.m.), at 67–68).

distributed applications or web services that take advantage of Internet's underlying architecture.

Two features of distributed applications in particular constitute a revolutionary change from the previous ''client-server'' model. First, rather than residing principally on one machine (either a client or a server), distributed applications effectively reside on the network itself. It is therefore possible to access these services from any computer or device connected to the Internet. From the user's perspective, although the application itself resides on the network, it is accessible as rapidly and seamlessly as if it resided on the user's own PC.

Second, because the applications and data are accessible from different machines, access to these services depends critically upon being able to establish the identity of the user seeking access to those services. Web identity and authentication services accordingly take on extraordinary importance in the world of distributed applications.

These changes in the market reveal a picture of today's PC industry that is radically different from the Department's placid vision of ''recreating the potential'' for middleware competition by opening the OEM channel to possible future middleware innovations. The critical question, however, is whether distributed web-based applications, which do not need to be compliant with any particular operating system, will be able to remain independent of Windows and in the process bring down the applications barrier to entry.

The PFJ does not protect the Internet-based competition for the Windows operating systems monopoly in the future because the proposed decree does nothing to prevent Microsoft from continuing to shift from one anticompetitive activity to another in order to maintain its monopoly. Instead of bundling middleware code into Windows and creating exclusive dealing arrangements with ISVs and OEMs, Microsoft today is attempting to defeat the threat from Web-based services by bundling its Web services technologies into Windows and entering into exclusive vertical distribution arrangements with Web-based content and e-commerce providers.

See Passport to Monopoly: Windows XP, Passport, and the Emerging World of Distributed Applications at 25 (ProComp June 21, 2001) and Microsoft's Expanding Monopolies: Casting A Wider .Net (ProComp May 15, 2001).

As would be expected, Microsoft now attempts to create a proprietary equivalent to the distributed applications paradigm by bundling its latest operating system with certain applications and technologies in order to secure dominance in distributed applications. For example, Microsoft Passport, a proprietary authentication technology built on the .NET Framework, is bundled with Windows XP. This bundling allows Microsoft's own authentication services to have a ubiquitous distribution base—and deny rival technologies ubiquity—in the same way that its bundling practices extinguished the middleware threats from Netscape and Java. A monopoly in web identity services will enable Microsoft to control the means by which users access distributed applications from the Internet. Nonetheless, the PFJ does nothing to restrict Microsoft's practices in this area. The API disclosure provisions only mandate the release (if at all) of APIs used by a Microsoft Operating System product to interoperate with Microsoft Middleware, which excludes Passport.

Similarly, Microsoft's broader .NET initiative is replacement of the Java and Netscape technologies that it unlawfully crippled with Microsoft proprietary technology. Microsoft defines .NET as its ''platform for XML web services.'' [55] The services which .NET offers are a combination of pre-designed applications, some of which come under the rubric ''Hailstorm,'' and a set of tools, under the rubric of Visual Studio Integration Program, designed to allow developers to create web applications which rely on the all-important APIs exposed by Microsoft programs. At the core of .NET stands the Common Language Runtime environment (''CLR'').

CLR is Microsoft's answer to the Java runtime environment, with a key difference. CLR provides the developer with a device that is similar to the JVM, but that lacks the element so destructive to Microsoft's hegemony—freedom from reliance on Microsoft's APIs. Of course, CLR will take full advantage of Microsoft's vast distribution network via bundling with future versions of Windows (including Windows XP) as well as with IE and Microsoft Network.

Microsoft's monopolization strategy has not changed at all. Bill Gates has explained that ''there's a very strong analogy here between what we're doing now [with Web-based services] and what we did with Windows.'' [56] Since Microsoft will pursue the same tactics and strategies found unlawful in the instant case, any remedy that does not prohibit a repeat of these practices in new markets and new contexts is facially flawed.

In sum, the proposed decree fails to address identifiable market and technological developments since the trial record closed that allow Microsoft both to protect its operating systems monopoly against current potential rivals and to engage in the same types of conduct adjudged unlawful by the Court of Appeals. Consequently, the proposed decree does not and cannot ''ensure that there remain no practices likely to result in monopolization in the future,'' Microsoft III, 253 F.3d at 103 (citations omitted), and must be rejected by this Court.

F. The Decree Increases Microsoft's Market Dominance and Actually, Worsens Competitive Conditions in the Relevant Software Markets

The proposed settlement not only does not achieve the procompetitive effects that the Department claims, it increases Microsoft's dominance of the operating systems market and actually worsens competitive conditions across the entire software industry. Among other things, the proposed decree rewards Microsoft for its illegalities, promoting future defiance of antitrust laws and intransigent tactics by dominant firms. Many of the deficiencies of the proposed decree have been outlined in this submission. These deficiencies will allow Microsoft to perpetuate its monopoly position. In addition, the decree represents a step back from the current state of affairs notably because it sanctions continued bundling or commingling by Microsoft of middleware technologies with Windows, thus increasing rather than decreasing Microsoft's power to sustain the applications barrier to entry protecting its operating systems monopoly while disadvantaging non-Microsoft middleware providers. By enhancing Microsoft's ability to buttress the applications barrier to entry, the proposed settlement harms competition, and increases, rather than terminates, Microsoft's monopoly power.

G. The Settlement Would Not Have Prevented Microsoft's Unlawful Campaign Against Netscape and Java

One appropriate measure for assessing whether the PFJ is adequate is whether it would preclude today the same conduct Microsoft used to foreclose Netscape and Java, and thus preserve its monopoly power, in 1995–98. It would not.

As a fundamental matter, this is because Microsoft is not required to disclose the APIs needed for new and innovative forms of middleware. When Netscape was launched in late 1994, Microsoft did not have an Internet browser and was focused on Chairman Gates'' vision of interactive television, rather than the Internet. Thus, there were no APIs exposed by Windows that were ''used by Microsoft Middleware to interoperate'' within the scope of Section III.D of the proposed decree. Had the decree been in place when Jim Barksdale, former CEO of Netscape, met with Microsoft in 1995, Netscape would not have been entitled to APIs or any other interoperability information under the express terms of the decree. ''For the same reasons, no interoperability information would have been disclosable to Sun in order to enable interoperability of Java runtime technology with Windows.

Most of the distribution tactics Microsoft used to cut off Netscape's air supply and to ''pollute the market for cross-platform Java'' are also permissible under the decree. Microsoft can still force OEMs to take its own middleware through bundling. Microsoft can still coerce or threaten partners like Intel and rivals like Apple and can still refuse to port its monopoly Office suite in order to protect the applications barrier to entry. Microsoft can still throttle middleware innovations because the PFJ gives it the ability to ''gate'' the functionality and product design of rival middleware products. Microsoft can still prohibit OEMs from removing its middleware, or applications, and is free to retaliate against OEMs that do so. Microsoft can still deceive middleware developers and can still introduce application development tools that pollute open standards by producing only Windows-compatible

[55] .NET Defined. available at www.Microsoft.com/net/whatis.asp.

[56] ''So for every element of Windows—user interface, the APIs .–.–. for each one of those things there's an analogy here.'' Bill Gates, Forum 2000 Keynote, Bill Gates Speaks About the .NET Platform. (Available at www.microsoft.com/BUSINESS/vision/gates.asp)

programs. And Microsoft can still protect the applications barrier by utilizing the very same practices through its monopoly IE and Office products that the PFJ purportedly outlaws for Windows.

In short, the PFJ does not even foreclose the means of foreclosure that were proved at trial and affirmed by the Court of Appeals. Under any Tunney Act standard of review, it must be rejected.

V. THE PROPOSED DECREE IS HOPELESSLY VAGUE AND INHERENTLY UNENFORCEABLE

The proposed decree is fiddled with ambiguities and loopholes and grants unilateral, essentially unreviewable, power to Microsoft to define the scope of its own ambiguous obligations. As such, the PFJ is an illusory contract, and unenforceable as a matter of well-settled contract law.

As the Court emphasized in Microsoft I, a proposed settlement cannot be entered, at least without substantive modification, if it is ambiguous or if there are ''foresee[able] difficulties in implementation.'' 56 F.3d at 1462. The proposed decree here is the epitome of such a case.

Twenty-four different sections of the PFJ provide that specific actions by Microsoft, or standards for assessing whether its practices are permissible, must be ''reasonable.'' [57] In a decree purportedly drafted to provide a ''certain'' remedy, this is anything but. As just two examples, in addition to the reasonable scope of ''bona fide,'' exclusive joint ventures discussed in the preceding section, Microsoft is expressly permitted to adopt ''reasonable technical requirements'' on which to override an OEM's or end user's choice of non-Microsoft middleware (Section III.H) and to enter into concerted refusals to deal with ISVs—requiring them not to develop software for competing platforms—that are ''of reasonable scope and duration'' (Section III.F.2). Consent decrees are interpreted as contracts, and it is black letter contract law that illusory contracts, those that give one party the fight to decide the scope of its own obligations, are not enforceable. See Rest. Contracts 2d § 77.

The judge in the first instance for all of these reasonableness clauses is Microsoft itself. In short, it is difficult to conceive of a more loosely drafted decree than the PFJ, which allows the defendant, without any practical constraint except lengthy contempt proceedings, to establish unilaterally the extent of its own decree obligations. Due to the inherent ambiguity in ''reasonableness'' terms, these disputes will be complex, tedious and time-consuming exercises for the Court.

The ''Technical Committee'' and so-called ''Crown Jewel'' provisions are equally inefficacious. The Technical Committee (''TC'') established by Section IV.B of the proposed decree does not help enforcement matters appreciably. Most significantly, nothing that the Technical Committee does is binding and nothing that it investigates, analyzes or recommends is permitted to see the light of day. The TC reports only to the plaintiffs (Section IV.B.8.e) and ''all information'' gathered by the TC is subject to confidentiality and non-disclosure agreements and a protective order (Section IV.B.9). The members of the TC may ''communicate'' with third-parties, but only about ''how their complaints or inquiries might be resolved with Microsoft'' (Section IV.B.8.g). Furthermore, ''[n]o work product, findings or recommendations by the TC may be admitted in any enforcement proceeding before the Court for any purpose, and no member of the TC shall testify by deposition, in court or before any other tribunal regarding any matter related to the decree'' (Section IV.D.4.d).

Rather than a vehicle for prompt resolution of enforcement disputes, the TC provisions are a charter for delay and obfuscation. By denying the Court any access—whether or not in camera—to the work product of the TC, the proposed decree simply creates another hoop through which third-party complainants, and the government itself, must pass in order to enforce violations of the decree b5, the defendant It also denies the Court the benefit of the unbiased, objective technical expertise of the TC, which is the principal criterion on which its members are to be selected. Coupled with the sheer number of ''reasonableness'' provisions in the decree itself, the TC process will therefore delay enforcement and make clean resolution of decree interpretation issues more costly and burdensome for all affected parties and non-parties.

Finally, Section V.B of the PFJ provides that if the Court finds Microsoft ''has engaged in a pattern of willful and systematic violations,'' on application of the plaintiffs a ''one-time extension'' of the decree may be granted, for up to two years. Although presented as a ''Crown Jewel'' provision, this section does little to ensure compliance. The function of a Crown Jewel clause is to provide such an onerous penalty that the defendant's compliance with its substantive obligations can be coerced, and deliberate evasion avoided, without ever having to invoke the penalty. Here, the ''threat'' Microsoft is being presented with is that of being forced for two more years to decide at its ''sole discretion'' what constitutes Windows, to constrain exclusive joint ventures to ''reasonable'' duration, to gain access to intellectual property developed by middleware competitors, and to dictate to those competitors the functionality and user interface of their products. This is plainly something Microsoft should welcome with open arms rather than fear.

The vagueness of the terms, the ineffectiveness of the Technical Committee and the lack of a meaningful deterrent Crown Jewel provision will plague the courts for years to come. In the absence of any deterrent, Microsoft will no doubt interpret the ''reasonableness'' standards generously incorporated in the proposed settlement in its own favor. The enforcement agencies and numerous competitors will witness the ill effects of future Microsoft actions and challenge these practices. However, without the proper dispute resolution mechanisms in place, it will be up to the courts to resolve all these ''reasonableness'' issues arising out of the proposed settlement.

VI. DIVESTITURE REMAINS THE PREFERABLE AND MOST EFFECTIVE REMEDY FOR MICROSOFT'S SECTION 2 VIOLATIONS

ProComp and its members have consistently supported structural relief in this case. In our view, divestiture remains the most effective remedy for Microsoft's wide-ranging unlawful practices. Conduct remedies like the proposed decree are a second-best solution, because they rely on the defendants good will to comply. An injunctive decree in a Section 2 monopolization case ''does no more than encourage the monopolist to look for some new way of exercising its dominance that is not covered by the current injunction.'' [58] Comprehensive behavioral decrees inevitably require interpretation and application as the defendant introduces new products, moves into new markets, or changes its business strategies in its traditional markets.

That does not mean, however, that conduct remedies will necessarily be ineffective here, but rather that they must be targeted and broad enough to redress the core practices used to maintain Microsoft's monopoly and to eliminate the barriers to entry protecting that monopoly power. The proposed decree does not even purport to satisfy this goal, which we submit is compelled by the Ford/United Shoe standard required for assessing relief in this case. The relief proposed by the Litigating States achieves these objectives. We respectfully submit that the Court adopt a crown jewel divestiture provision to deter Microsoft from engaging in further unlawful conduct.

VII. THE COURT SHOULD CONDUCT A RIGOROUS TUNNEY ACT EXAMINATION OF THE DECREE, THE COMPETITIVE IMPACT STATEMENT AND THE DEPARTMENT'S UNSUBSTANTIATED PROJECTIONS OF FUTURE COMPETITIVE EFFECT

There are several circumstances in which it is established that district courts must engage in rigorous scrutiny of proposed antitrust settlements under the Tunney Act. This case epitomizes those circumstances. If ever there was a case in which a full, independent judicial assessment should be conducted, it is this one.

A. The Complexity and Substantial National Importance of this Case, the Government's Flat Reversal of Position and its Disregard of Clear Tunney Act Obligations All Dictate the Necessity of Critical Judicial Oversight in this Landmark Proceeding

[57] Substantive ''reasonable'' provisions are III.B.2, III.C.5, III.E, III.F2 (two), III.G, III.H.2, III.I, III.J.2.b and III.J.2.C. Procedural ''reasonable'' provisions are IV.A.2, IV.A.2.b, IV.A.2.c, IV.A.4, IV.A.6, IV.A.7 (two), IV.A.8.b (three), IV.A.8.h and IV.A.8.l (three).

[58] 3 P. AREEDA & H. HOVENKAMP ANTITRUST LAW ¶704.3, at 213 (1999 Supp). See William K. Kovacic, Designing Antitrust Remedies for Dominant Firm Misconduct, 31 Conn. L. Rev. 1285, 1311 (1999) (''By blockading recourse to certain commercial tactics, a remedial decree will inspire the defendant to pursue other paths that circumvent the judicially imposed constraints.''). As the Supreme Court cautioned in the landmark DuPont antitrust case, ''the policing of an injunction would probably involve the courts and the Government in regulation of private affairs more deeply than the administration of a simple order of divestiture. United States v. E.I. du Pont de Nemours & Co., 366 U.S. 316, 334 (1961); accord, AT&T, 552 F.Supp. at 167–68.

Even in the pretrial context with its more limited review, Tunney Act courts will rigorously scrutinize proposed settlements when an antitrust case is complex, subject to considerable controversy, and affects large segments of the public.[59] Especially rigorous scrutiny is also undertaken when the proposed decree departs substantially from the relief sought in the government's complaint,[60] or otherwise represents a sharp reversal in the government's prior position.[61] Each of these situations is present in this case

1. This Complex, Controversial, Nationally Important Antitrust Prosecution Demands Serious Judicial Oversight

This is certainly a highly complex case that has preoccupied the political, technology and business communities for years. These are precisely the circumstances in which the Tunney Act's genesis reveals a major policy concern with the appearance of the government settling for too little ''because of the powerful influence of antitrust defendants and the complexity and importance of antitrust litigation.'' SENATE REPORT, supra, at 147 (statement of Judge J. Skelly Wright).

Microsoft plainly ''wield[s] great influence and power'' and has brought ''significant pressure to bear on [the] Government'' throughout the litigation. Id. Thus, the Court needs to consider whether this is a case, such as Cascade, where the Department ''knuckled under'' to an economically and politically powerful antitrust defendant. Cascade Natural Gas Corp. v. El Paso Natural Gas Co., 386 U.S. 129, 136, 142 (1967).[62]

2. Heightened Scrutiny is Needed Because Neither the Department Nor Microsoft Complied With their Respective Tunney Act Obligations

Courts have also refused to enter proposed antitrust consent decrees where the Government or the defendant did not comply with its procedural responsibilities under the Tunney Act. Even technical and formalistic failures have been deemed grounds to deny entry of a proposed judgment. United States v. Central Contracting Co., 527 F. Supp. 1101 (E.D. Va. 1981).

The procedural irregularities in this case are far greater, and are of substantive importance to the Court's review. First, the Tunney Act requires the Department to provide an explanation of ''alternatives'' to the proposed decree considered in evaluating a settlement proposal. 15 U.S.C. § 16(b)(6). Here, however, the Department simply offers a laundry list of other conduct remedies proposed by third-parties, dismissing all of them collectively with the terse statement that the PFJ ''provide[s] the most effective and certain relief in the most timely manner.'' CIS, 66 Fed. Reg. at 59475. The Department's assertion is unexplained.

The CIS recites only that the Department considered intervening changes ''in the computer industry, as well as the decision of the Court of Appeals, which reversed certain of the District Court's liability findings.'' [63] Nothing in the CIS offers any useful guidance to the Court, or the public, as to why the rejected conduct remedies are inappropriate; thus, the Department fails to come forward with the ''detailed notice to the public'' the Tunney Act was intended to require.[64] This violates the Government's duty not just to ''describe'' the alternatives (which the CIS does), but also to provide an ''explanation'' of their adequacy (which the CIS does not). This is an improperly narrow view of the government's Tunney Act responsibilities is incompatible with the purpose of the Tunney Act to ensure that all relevant issues are subject to maximum ''ventilation.'' [65]

The government's ''predictive judgments'' about market structure and competitive effect should be accorded a presumption of regularity, Microsoft I, 56 F.3d at 1460 (quoting United States v. Western Elec. Co., 993 F.2d 1572, 1577 (DC Cir.), cert. denied 510 U.S. 984 (1993), but on& when tile circumstances are regular. Where, as here, the Department's exposition of the reasons for its settlement and its legal interpretation of the Court of Appeals'' mandate are woefully lacking, such a presumption of regularity should not apply. In these circumstances, the Court cannot ''carefully consider the explanations of the government in the competitive impact statement.'' CIS, 66 Fed. Reg. at 59476 (citation omitted).

Second, the Tunney Act mandates that the government make available all ''materials and documents which the [it] considered determinative in formulating [a settlement] proposal.'' 15 U.S.C. § 16(b). The CIS responds to this requirement with a blanket statement that [n]o materials and documents of the type described in the [Tunney Act] were considered in formulating the Proposed Final Judgment. Consequently, none are being filed with this Competitive Impact Statement.

CIS, 66 Fed. Reg. at 59476. That cannot be accurate. Even in antitrust cases that are not the length and complexity of the Microsoft litigation, courts have found similar disclaimers ''to be almost incredible.'' Central Contracting Co., 527 F. Supp. at 1104. It defies credulity to suggest that there does not exist even one document, memorandum or analysis that the Department considered ''determinative'' in selecting the relief package presented to this Court.

Third, the CIS misstates many provisions of the PFJ. We address these in detail in Section III above, and will not repeat that analysis here. Where, as here, the government presents a document that seeks to justify provisions that on close examination arc illusory, it has in effect challenged the legitimacy of statute. Under even the strictest interpretations of Tunney Act deference, this Court cannot permit the Tunney Act process to ''make a mockery of judicial power.'' Microsoft I, 56 F.3d at 1462.

Fourth, the Tunney Act requires that the defendant file a list of ''all'' written or oral communications ''by or on behalf of such defendant .–.–. with any officer or employee of the United States concerning or relevant to such proposal, except [for] communications made by counsel of record alone with the Attorney General or the employees of the Department of Justice alone.'' 15 U.S.C. § 16(g). Remarkably, Microsoft's Section 16(g) filing indicates that only two such communications occurred, both in connection with negotiations together with Microsoft and the Court-appointed mediator. This cannot be true It has been publicly confirmed by numerous public officials, and acknowledged by Microsoft, that a large number of Microsoft-retained lawyers and lobbyists have advocated its position on this case before countless officials in Congress and the Executive Branch. The Court should require Microsoft to fully comply with Section 16(g).[66]

3. The Court Should Closely Examine the Government's Reversal of Position on Relief

The government's about-face on its remedy proposals provides another reason why heightened judicial scrutiny is required. While the government now says that the PFJ will provide effective relief, this reflects a marked abandonment of its earlier position. Indeed, the Justice Department's position just 18 months ago was that only structural relief was adequate, and conduct decrees like the proposed PFJ were inherent failures. As emphasized in one of the cases cited by the

[59] Cascade Natural Gas Corp. v. El Paso Natural Gas Co., 356 U.S. 129, 136, 141 (1967); AT&T, 552 F. Supp. at 152; Associated Milk Producers, 394 F. Supp. 35, 42 (W.D. Mo. 1975).

[60] United States v. Automobile Mfrs. Ass'n, 307 F. Supp. 617, 621 (C.D. Cal. 1969), aff'd mem. sub nom. New York v. United States, 90 S. Ct. 1105 (1970).

[61] Cascade, 386 U.S. at 137; Automobile Mfrs. Ass'n, 307 F. Supp. at 621.

[62] In Cascade, the Department refused to implement an antitrust divestiture decree affirmed on appeal by the Supreme Court. The Court eventually directed the Department to oversee ''divestiture without delay'' and instructed the district court to prepare ''meticulous findings .–.–. in light of the competitive requirements'' of the remedy. 386 U.S. at 137.

[63] CIS, 66 Fed. Reg. at 59475.

[64] The CIS was intended, rather, to be ''detailed notice to the public what the case is all about. Further than that, the public impact statement makes the lawyers for the Department of Justice go through the process of thinking and addressing themselves to the public interest consideration in the proposed decree. There is no better exercise for determining whether you are right or not than trying to put it down on paper to see how it writes.'' SENATE REPORT, supra, at 8 (remarks of Judge J. Skelly Wright).

[65] See Central Contracting. 527 F. Supp. at 1103 (quoting 119 Cong. Rec. 24597 (1973) (remarks by Senator Tunney)).

[66] The company apparently takes the unsupportable position that lobbying communications on the subject of the Microsoft litigation occurring before the September 2001 negotiations resumed are not ''relevant'' to the settlement. Microsoft also claims many communications were protected by the ''counsel of record'' exception. ''Counsel of record'' for purposes of these disclosures is intended to differentiate between lawyers actively appearing before the trial court and those undertaking related, but non-judicial ''lobbying'' functions. Central Contracting Co., 527 F. Supp. at 1105. The House Report discusses Congress's intent to distinguish ''lawyering contacts,'' which warrant protection, from ''lobbying contacts,'' which must be disclosed. It states that a lobbying contact is performed by ''counsel of record accompanied by corporate officers; or by attorneys not counsel of record.'' HOUSE REPORT, supra, at 6 (emphasis added). Congress requires their disclosure in order to guarantee ''that the Government and its employees in fact avoid practicing political justice.'' Id. (quoting Civil Service Comm'n, 414 U.S. 906 (1973)).

Justice Department, less deference is warranted when ''the government has requested broad relief at the outset, represented to the courts that nothing less would do, and then abruptly knuckled under.'' United States v. National Broad. Co., 449 F. Supp. 1127, 1144 (C.D. Cal. 1978).

The point is not that the Department has decided not to seek divestiture, but instead that the conduct remedies it now proposes contradict its prior representations to this Court on their effectiveness. The earlier DOJ position was also consistent with its prior settlement decisions in this litigation itself. In the mediations supervised by Chief Judge Richard Posner in March 2000, the Department and the State plaintiffs demanded settlement terms that would have gone far beyond the limited provisions of the PFJ in eradicating Microsoft's ability to act anticompetitively. Indeed, the plaintiffs'' last settlement proposal in the mediations—dubbed ''Mediator's Draft 18 (Attachment B)—would have included provisions requiring Microsoft to license the actual source code for Windows, to permit ISVs to modify Windows itself, and to allow OEMs to ''display[] a middleware user interface'' in lieu of the Windows desktop. None of these or similar provisions is included in the proposed decree. Thus, the PFJ is considerably weaker in several key respects than the very conduct relief which the Department demanded in settlement before Microsoft's Sherman Act liability had been established. [67]

Given the importance of this case, and Court's obligation to look to the Supreme Court and the DC Circuit for guidance rather than the Justice Department, the Court must decide for itself whether the settlement would give the public effective relief against Microsoft's proven wrongdoing.

B. Live Evidence is Needed on the Technical and Economic Complexities of the Software Industry and the Profound Failings of, and Harms Caused by, the PFJ The drafting of an antitrust decree necessarily ''involves predictions and assumptions concerning future economic and business events.'' [68] It is a ''cardinal principle'' of our system of justice that ''factual disputes must be heard in open court and resolved through trial-like evidentiary proceedings.'' Microsoft III, 253 F.3d at 101. This mandate for evidentiary hearings applies not just to liability determinations, but also to determinations concerning the ''appropriate [form of] relief.'' Id.; see also, id. at 107 (vacating and remanding Judge Jackson's remedy decree in large part due to his ''fail[ure] to hold an evidentiary hearing despite the presence of remedies-specific factual disputes,'' and holding that a remedies decree must be vacated whenever there is ''a bona fide disagreement concerning the substantive items of relief which could be resolved only by trial'' Id. (quoting Interim Order at 62).

The Tunney Act contemplates an evidentiary hearing in these circumstances. As the Justice Department recognizes, this court must permit the use of the ''additional procedures'' authorized by 15 U.S.C. § 16(f)''—which include live hearings with fact and expert testimony—if ''the [public] comments have raised significant issues and .–.–. further proceedings would aid the court in resolving those issues.'' CIS, 66 Fed. Reg. at 59476. It strains credulity to suggest, as the Justice Department does, that the remedial phase of the most complicated antitrust case in decades will not involve ''significant issues'' that would benefit from ''further proceedings.'' Evidentiary hearings are critically important in complex antitrust cases because the assessment of antitrust remedies necessarily requires the Court to determine a number of facts relevant to both the degree of anticompetitive harm and the likely future condition of the market in which competition must be restored. United States v. United States Gypsum Co., 340 U.S. 76, 89 (1950); see also United States v. Glaxo Group, Ltd., 410 U.S. 52, 64 (1973). In particular, any proposed settlement decree must reach forward in time to ''assure the public freedom from'' continuance of the monopolistic practices. Id. As such, this Court must make '''predictions and assumptions concerning future economic and business events.''' Microsoft III, 253 F.3d at 102 (quoting Ford, 405 U.S. at 578). Although courts retain wide discretion in fashioning such forward-looking relief, they must base that relief on a sound evidentiary record. International Salt, 332 U.S. at 401.

In this case it is especially important to heed Congress's instruction to ''resort to calling witnesses for the purpose of eliciting additional facts,'' HOUSE REPORT, supra, at 5, because the record has not yet been developed on remedies. See Associated Milk Producers, Inc., 394 F. Supp. 34 (W.D. Mo. 1975).[69] Indeed, the procedural posture that the Court now faces is more closely akin to a contested summary judgment motion or administrative consent decree, for which hearings are the standard method of resolution. E.g., Celotex Corp. v. Catrett, 477 U.S. 317 (1986); Citizens for a Better Environment v. Gorsuch, 718 F.2d 1117 (DC Cir. 1983); United States v. Trucking Employers, Inc., 561 F.2d 313 (DC Cir. 1977).[70]

Only by permitting third parties, such as ProComp and its members, to participate fully in such a proceeding can the Court assure that there will be adequate evidentiary attention to facts and circumstances that contradict the Department's views on the market, competition and other issues relevant for remedy purposes. Otherwise, this Court would repeat the very error that led the DC Circuit to reverse the last judgment in this case.

VIII. CONCLUSION

For all the foregoing reasons, the Court must find that the Proposed Final Judgment is not in the public interest. At a minimum, the Court should defer any judgment on the PFJ until the upcoming remedies hearing in the ongoing litigation is conducted. This is necessary to avoid inconsistent remedies. Indeed, many of the remedies proposed by the Litigating States are irreconcilable with those proposed by the PFJ. When the Court does consider the PFJ, it is obliged in the discharge of its Article III duties to make an independent determination whether the PFJ adequately fulfills the mandate of the DC Circuit.

Attachment A

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA, Plaintiff,
v. Civil Action No. 98–1232 (CKK)
MICROSOFT CORPORATION,
Defendant.

STATE OF NEW YORK, et al.,
Plaintiffs,
v. Civil Action No. 98–1233 (CKK)
MICROSOFT CORPORATION,
Defendant.

DECLARATION OF KENNETH J. ARROW

Kenneth J. Arrow declares under penalty of perjury as follows:

I. INTRODUCTION

1. I am the Joan Kenney Professor of Economics Emeritus and Professor of Operations Research Emeritus at Stanford University. I received the degrees of B.S. in Social Science from The City College in 1940, M.A. in mathematics from Columbia University in 1941, and Ph.D. in economics from Columbia University in 1951. I have taught economics, statistics, and operations research at the University of Chicago, Harvard University, and Stanford University,

[67] The barrier to introduction into evidence of settlement offers under Rule 408 of the Federal Rules of Evidence does not apply where the settlement is not used to show liability but instead, as here, to illuminate the policy considerations governing fashioning of a remedy. E.g., Carney v. American Univ., 151 F.3d 1090, 1095 (DC Cir. 1998). Rule 408 precludes proof of settlements and settlement offers only ''to prove liability for or invalidity of'' a claim. Fed. R. Evid. 408. Indeed, evidence of settlements is expressly permitted by Rule 408 ''when the evidence is offered for another purpose.'' Id.

[68] Ford, 405 U.S. at 578.

[69] To the contrary, the DC Circuit reversed and remanded precisely because the prior District Judge did not permit an evidentiary hearing on remedies. The court stressed that ''a full exploration of the facts is usually necessary to properly draw an antitrust decree so as to prevent future violations and eradicate existing evils,'' and remanded for such an exploration of facts. Microsoft III, 253 F.3d at 101 (quoting United States v. Ward Baking Co., 376 U.S. 327, 330–31 (1964) (internal quotations and brackets omitted)).

[70] In summary judgment practice, complex legal issues are frequently presented to courts on the basis of affidavits and other ''paper'' evidence. But, unless the papers reveal no ''genuine issue'' of ''material fact,'' a standard that cannot be met here, summary judgment motions must be denied and a case set for trial so that the Court can adduce whether the parties have met their respective burdens of proof on the disputed factual issues. E.g., Celotex Corp., 477 U.S. at 323; Thompson Everett, Inc. v. National Cable Adver., 57 F.3d 1317, 1322 (4th Cir. 1995) (applying Celotex to review of a motion for summary judgment of antirust conspiracy claim). Indeed, where the credibility of an affiant is at issue, as it undoubtedly will be here with respect to the reliability of expert opinions and projections of future economic and technological developments, it is difficult to conceive of any basis on which the Court would be permitted to resolve such controverted issues without availing itself of ordinary, trial-type evidentiary procedures.

and I have written more than 200 books and articles in economics and operations research. I am the recipient of numerous awards and degrees, including the Nobel Memorial Prize in Economic Science (1972). A significant part of my writing and research has been in the area of economic theory, including the economics of innovation and its relation to industrial organization. My curriculum vitae is attached.

2. I have been asked by ProComp to comment on various economic issues related to the Revised Proposed Final Judgment (''PFJ'' or the ''decree'') proposed by the United States, various settling States and Microsoft Corporation (''Microsoft'').

3. My review of the PFJ begins with the fact that Microsoft has been found liable for violating Section 2 of the Sherman Act by engaging in a widespread series of practices that illegally maintained its monopoly in Intel-compatible PC operating systems. These practices were focused on eliminating the threat posed to Microsoft's PC operating system monopoly by the combination of Netscape Navigator and cross-platform Java technology (''middleware competition'').

4. Given that Microsoft has been found liable for illegal monopoly maintenance, the remedies in this case should be designed to eliminate the benefits to Microsoft from its illegal conduct. To the extent possible, the remedies should be designed to restore the possibility of competition in the market where monopoly was illegally maintained (i.e., the market for PC operating systems). In addition, the remedies should strengthen the possibilities for competition and deter the exercise of monopoly power in the present and future, taking account of the special problems of an industry in which network effects are important.

5. It is my opinion that the PFJ fails to accomplish these objectives. First, the PFJ is unduly focused on attempting to re-create an opportunity for future middleware competition. Because of network effects and path dependencies, Microsoft's monopoly power in PC operating systems is more entrenched than it was in the mid-1990s. It will be exceedingly difficult now, even with the best of remedies, to re-establish middleware fully as the kind of competitive threat to Microsoft's monopoly power that it posed in the mid-1990s. Additional remedial steps need to be taken to ensure that Microsoft does not benefit from its illegal conduct and the consequences of that conduct on dynamic competition in the OS market. Second, the PFJ does not address the fact that no effort to restore competition in the market for PC operating systems will be successful without measures designed to lower the applications barrier to entry that currently protects Microsoft's position in this market. Third, the enforcement mechanism described in the PFJ seems likely to be ineffective, even with respect to the inadequate remedies in the PFJ. Fourth, the PFJ pays insufficient attention to the ways in which Microsoft is currently attempting to protect its monopoly power by using its illegally maintained monopoly in PC operating systems against current and future competitive threats, such as server operating systems and Web services.

6. This affidavit has six pans and is organized as follows. After this introduction (Part I), Part II reviews the threat that Netscape, Java and the Internet posed in the mid-1990s to Microsoft's monopoly power in PC operating systems. Part HI then reviews the illegal conduct that Microsoft used in defeating this threat. Part III also analyzes the state of the computer industry today following this illegal conduct and explains why it seems unlikely, at this stage, that the middleware threat can be re-created. With this as background, Parts IV and V review and assess the remedies proposed in the PFJ. Part IV critiques the remedies designed to restore middleware competition. In addition, Part IV discusses the lack of attention in the PFJ to the applications barrier to entry that protects Microsoft's monopoly power in PC operating systems. It also notes certain deficiencies in the enforcement mechanism proposed in the PFJ. Part V follows with a discussion of Microsoft's efforts to protect its existing monopoly power by using its illegally maintained monopoly in PC operating systems to gain advantages in other markets that threaten to reduce the scope of its current market power. Part V explains that the PFJ gives insufficient attention to this important subject—a subject that bears on the future of competition in the computing industry. The affidavit concludes in Part VI with a summary of conclusions.

II. MICROSOFT'S MONOPOLY POWER AND THE THREAT POSED BY NETSCAPE, JAVA AND THE INTERNET

A. NETWORK EXTERNALITIES

7. Network externalities have been central to Microsoft's ability to maintain its monopoly power in the market for PC operating systems. Both the District Court and the U.S. Court of Appeals for the District of Columbia Circuit referred to the ''applications barrier to entry,'' the process by which a large installed base induces the development of applications and other complementary goods designed for the dominant operating system, which further reinforces the position of the dominant operating system. I described this process in a declaration that I submitted in 1995 on behalf of the government in a prior settlement with Microsoft:

A software product with a large installed base has several advantages relative to a new entrant. Consumers know that such a product is likely to be supported by the vendor with upgrades and service. Users of a product with a large installed base are more likely to find that their products are compatible with other products. They are more likely to he able successfully to exchange work products with their peers, because a large installed base makes it more likely that their peers will use the same product or compatible products. Installed base is particularly important to the economic success of an operating system software product. The value of the operating system is in its capability to run application software. The larger the installed base of a particular operating system, the more likely it is that independent software vendors will write programs that run on that operating system, and, in this circular fashion, the more valuable the operating system will be to consumers.

8. The applications barrier to entry implies that it is likely that a single platform (or programming environment) will dominate broad segments of the computer software industry at any point in time. This does not necessarily imply that there will be monopoly; that depends on the extent to which the dominant platform is proprietary or closed. However, if the dominant platform is proprietary (which is certainly the case with Windows), then the interdependence of applications and operating systems creates a barrier against any new entrant. A new entrant would need to create both an operating system and the applications that make it useful.

9. In addition, any customer of a new entrant would have to incur considerable costs in switching to a new system. In the first place, the customer would have to learn new operating procedures. Second, there would be a problem of compatibility of files. These factors constitute a natural obstacle to change, so that a system with a large installed base will have a tendency to retain its users.

10. The special nature of operating systems and software also gives Microsoft, because of its large installed base of operating system, a great advantage in the markets for complementary software. Specifically, it can distribute the software much more easily than its competitors. Since virtually every new PC ships with Windows, Microsoft can put its software into the hands of users by including it with the operating system. Any other vendor of complementary software that wanted to distribute through OEMs would have to cut a separate deal with each OEM, and would face the task of persuading OEMs to carry software products that may be directly competitive with products offered by Microsoft. As a result, complementary software from other vendors typically either has to be downloaded (which imposes added costs on users) or distributed separately to users in ''shrink wrap.'' In addition, Microsoft has the ability to allow Microsoft developers of complementary software access to ''hidden APIs''—application programming interfaces in the PC operating system that Microsoft developers know about but which are not disclosed fully to competing developers of complementary software. of the OEM distribution channel. Most important, Sections III.C and III.H cannot, by their very design, provide an opportunity for rival middleware products—as compared to Microsoft's middleware—to attract sufficient distribution to have any impact at all on the applications barrier to entry.

The OEM sections may actually make matters worse for middleware rivals. The PFJ limits what OEMs can remove from their PC products to just the middleware icons, euphemistically referred to as ''access to'' middleware in Sections III.C and III.H. In other words, OEMs are not permitted to remove the code for Microsoft Interact Explorer, Windows Media Player or any other Microsoft middleware, and the proposed decree allows Microsoft to commingle and integrate middleware with its Windows operating system software. The fact that the flexibility guaranteed to OEMs is limited to removing icons, and not the middleware itself, has major competitive

significance and actually guarantees perpetuation of the applications barrier protecting Microsoft's operating systems monopoly.

1. The OEM Provisions Place Sole Responsibility for Introducing Middleware Competition on PC Manufacturers

To achieve its goal of ''recreating the potential for the emergence'' of middleware alternatives to Microsoft's monopoly operating system, the PFJ delegates the role of competitive gatekeepers to OEMs. Instead of requiring the monopolist itself to unfetter the market for entry by competitors, here the PFJ imposes that obligation on third-parties who are partners with, not competitors of, the defendant. If PC manufacturers do not act on the desktop flexibility powers provided by Sections III.C or III.H of the PFJ, there will, by definition, be no OEM-based remedy. Walter Mossberg, Personal Technology columnist for the Wall Street Journal, captured the problem elegantly. ''Much'' of the DOJ settlement, he explained, ''pertains to the company's relations with the hapless makers of PCs, which aren't in any position to defy Microsoft.'' [50]

OEMs are captives of Microsoft for a number of reasons, beginning with the obvious fact that there are no commercially viable alternatives to the Windows operating system; there are no real alternatives to Microsoft's Office suite of personal productivity applications (Word Processing, Spreadsheets, E-Mail, etc.); and there is de minimis competition for Internet browsers. The fact that OEMs find themselves in a sole source relationship with the defendant provides Microsoft with innumerable avenues to exercise its leverage over the OEM channel. These complex relationships are built more on the subtleties of a sole source relationship than on written contracts, or overt retaliation, and thus are hardly resolved by the uniform Windows pricing obligation provided for in Section III.B.

It must also be understood that personal computer manufacturers are in the business of producing low margin commodity equipment, a business characterized by very minimal (and shrinking) R&D budgets. It is unrealistic to expect any Windows-centric OEM to develop, test, and pre-install packages of rival middleware, because that would require substantial expenditures in technical software expertise and customer support which would further narrow already shrinking profit margins in a business where competitors are currently engaged in a major price war to gain market share.

The financial burden of customer support, where a single end user service call can eliminate an OEM's profit margin on a PC, creates powerful disincentives to the inclusion of non-Microsoft middleware. See Microsoft III, 253 F.3d at 62. Judge Jackson found and the Court of Appeals affirmed that in light of their customer support obligations, which are ''extremely expensive,'' Microsoft III, 253 F.3d at 61 (citing Findings of Fact ¶210), OEMs are disinclined to install multiple versions of middleware. Since OEMs ''have a strong incentive to minimize costs,'' id., the customer confusion resulting from duplicative middleware is sufficient to preclude OEMs from installing competitive programs where comparable Microsoft middleware is included with Windows.

Under the proposed decree, however, these are precisely the circumstances faced by OEMs. There are no restrictions in the PFJ on Microsoft's ability to integrate middleware technologies into Windows; in fact Microsoft is allowed to do so at its ''sole discretion.'' Even if an OEM wants to install a competitive non-Microsoft middleware program, it will be required to deal with the fact that the corresponding Microsoft middleware product is already present on its PCs, which it is not permitted to remove. Consequently, just as OEMs'' cost minimization requirements forced them not to pre-install Netscape where IE was included with Windows, so too will these same profit pressures force OEMs to decline to install competing middleware programs under the PFJ.

This is in stark contrast to the provision of the Interim Order on which the Department claims to have based its settlement. Both the Interim Order and the remedy proposed by the Litigating States would require Microsoft to ship a version of the operating system without any middleware included, if requested by an OEM. That scheme makes it possible for an OEM to truly offer a differentiated product suite without the burden of having Microsoft's corresponding technology present on the system as well.

Even if they had an independent economic incentive to support middleware competition, however, Windows OEMs are still held captive under the proposed decree's retaliation provisions. Section III.A prohibits ''retaliation'' (another undefined term) by Microsoft against OEMs for developing, distributing or supporting competitive middleware or exercising their desktop icon flexibility fights.

Despite their relative length, the retaliation provisions do not at all effectively preclude retaliation. Retaliation is only prohibited under Section III.A where ''it is known to Microsoft'' that an OEM is undertaking a permitted, competitive action. This subjective, actual knowledge standard will be difficult if not impossible to enforce. In addition:

Microsoft is not prohibited from retaliating if an OEM removes the code for a Microsoft Middleware Product from its retail PCs.

Nor does this provision prevent retaliation if an OEM removes either icons or code for Microsoft software that does not qualify as a ''Microsoft Middleware Product'' (for instance, Microsoft Movie Maker).

And Microsoft is not prohibited from retaliating against OEMs for promoting products that fall outside of the Section III.A terms. By way of example, Microsoft could retaliate against OEMs for promoting non-Microsoft Interact services, server operating systems, server middleware or server applications. Microsoft could even retaliate against OEMs for distributing or promoting middleware that does not yet compete with Microsoft Middleware Products.

Section III.A also limits the prohibited forms of retaliation to ''altering Microsoft's commercial relations with that OEM, or by withholding newly introduced forms of non-monetary Consideration (including but not limited to new versions of existing forms of non-monetary Consideration).'' PFJ, 66 Fed. Reg. 59453. Microsoft is not precluded from denying new monetary consideration to OEMs as a means of retaliation, as that is neither an ''alter[ed] commercial relation'' nor a ''newly introduced form of non-Monetary Consideration.'' Similarly, Microsoft can also reward compliant OEMs by providing concessions on license fees for non-Windows Microsoft software, including applications such as Office, server operating system software and server applications, as well as Microsoft Middleware Products. None of these types of software is covered by the pricing parity requirements of Section III.B, which apply only to ''Microsoft Operating System Products.'' Id.

Finally, as a general matter there is no practical way to identify and prohibit all the subtle ways Microsoft can preferentially favor some OEMs, and harm others, depending on their degree of support for Windows. For instance, the definition of Consideration in Section VI.C covers ''product information'' and ''information about future plans.'' Id. at ''59458. Yet Microsoft could retaliate against OEMs by denying them sufficient technical information regarding important, upcoming Windows features, for example by not inviting them to internal development conferences or presentations. Likewise, Microsoft could assign fewer or less knowledgeable technical support personnel to a specific OEM's account team, a form of retaliatory discrimination that would be difficult to detect and virtually impossible to prove.

In sum, the anti-retaliation provisions offer little shelter for OEMs desiring to respond to legitimate demands by their customers for choice among competing software products. If there is any doubt about this analysis of Sections III.C and III.H above, the Court should look no further than the OEMs'' treatment of Microsoft Internet Explorer. On July 11, 2001 Microsoft announced that OEMs would be free to remove access to Internet Explorer, which they had previously been prohibited from doing.[51] Since this announcement was made more than six months ago, not one OEM has actually taken advantage of this provision and removed the icon for Internet Explore from retail PCs This real-world market test is an accurate gauge of how many OEMs will likely take advantage of the exact same flexibility provided in Section III.H of the decree, albeit for a somewhat wider range of middleware products: none.

2. The Provisions Allowing OEM Flexibility Do Not Address the Key Issue of Microsoft's Ubiquitous Middleware Development Platform

The core of the case against Microsoft rests on the theory that Netscape and Java provided an alternative development

[50] Waiter S. Mossberg, Microsoft Has Good Yea); At Expense of Customers, Wall Street J., Dec. 27, 2001, at B1.

[51] We note that at the time of the announcement, Microsoft had already achieved significantly greater than 80 percent of the browser market as a result of its six-year anticompetitive campaign, so it is hard to view this as a concession.

platform (middleware) for applications developers, which, if applications developers began writing applications to the middleware, would undermine the applications barrier to entry and thus Microsoft's Windows monopoly. For this to occur, developers need to view rival middleware as a more attractive development platform than Windows. Unfortunately, the PFJ provides a solution to the wrong problem and actually ensures that rival middleware applications will never be able to attract a critical mass of developers.

Sections III.C and III.H of the decree allow OEMs to install competing middleware and to ''enable or remove access to'' Microsoft Middleware Products from the desktop of Windows PCs that they sell to end users. However, as noted, these provisions do not authorize OEMs to delete the Microsoft middleware itself, and Microsoft is not prohibited from retaliating against OEMs that attempt to delete Microsoft middleware code from its configured PCs.

This distinction between icons and code is competitively decisive. The applications barrier exists because developers write to Windows-centric APIs. Under the terms of the decree, however, the APIs exposed by Microsoft middleware remain on every Windows PC even if OEMs and end-users exercise all of the flexibility provided by Section III.H. It is crucial to understand that an application developer can write to Microsoft middleware regardless of whether ''access'' to that software is removed. In other words, Microsoft's middleware APIs remain ubiquitously available on all Windows PCs under the proposed decree. The best a rival middleware provider can hope for is to be ''carried'' alongside Microsoft's middleware on some lesser portion of personal computers.

A critical lesson learned in this case is that, as with Netscape and Java, ubiquity trumps technology in network effects markets. Professor Arrow explains that no middleware competitor can expect any economically significant chance to compete on the merits if, as permitted under the decree, Microsoft middleware is ubiquitous. Arrow Decl. ¶26. The important distinction between icons and code was explained by the DC Court of Appeals in 1998. The court emphasized that removal of end user access ''do[es] not remove the IE software code, which indeed continues to play a role in providing non-browser functionality for Windows. In fact, browser functionality itself persists, and can be summoned up by .–.–. running any application (such as Quicken) that contains the code necessary to invoke the functionality.'' Microsoft II, 147 F.3d at 941.

Consequently, by limiting its effect to the removal of icons only, the proposed decree cannot achieve any appreciable effect in eroding tile applications barrier. They cannot ''recreate the potential for the emergence'' of middleware alternatives in a way that provides an economically realistic opportunity for operating systems competition.

3. The OEM Provisions Do Not Create a Level Playing Field for Middleware Desktop Competition

We explained above why it is unlikely that OEMs will expend resources to promote rival middleware products. The alternative model is that rival middleware providers would pay an OEM to feature its software and delete end-user access to Microsoft's middleware. This is consistent with the CIS, which explains that the function of the OEM provisions is to allow OEMs to ''feature and promote'' non-Microsoft middleware. CIS, 66 Fed. Reg. at 59460.

Section III.H does not achieve this goal, for two primary reasons. First, as detailed above, the ''value'' of the PC desktop is diminished by the fact that an OEM is not permitted to remove the Microsoft middleware code, and thus cannot offer a rival exclusivity.

Second, Section III.H.3 does not guarantee that a rival's middleware icon will even remain on the desktop. As the Department explains the theory of this remedy, it is to create a ''marketplace'' on the desktop where OEMs can ''stand in the shoes'' of consumers and exercise choices in which middleware technologies to feature based on price and performance. Yet, the PFJ permits Microsoft to ''sweep'' competing middleware icons placed on the Windows desktop by OEMs.

That is, Windows may automatically remove the icons featured by an OEM just fourteen days ''after the initial boot-up of a new Personal Computer.'' True, this section contains a proviso stating that Microsoft may not do so absent end user ''confirmation,'' but neither the text of this provision nor the Competitive Impact Statement require that confirmation be based on any objective notice or alert by Microsoft. CIS, 66 Fed. Reg. at 59471.

The fourteen-day desktop sweep proviso directly contradicts the objective of fostering OEM flexibility to feature and promote non-Microsoft middleware, because it undermines the ability of OEMs to sell desktop placement an ISV can count on. Under Section III.H.5, the best an OEMs can offer is a guarantee of desktop placement for fourteen days.

This is critically important for the reasons stated above. As rival middleware vendors attempt to attract developers to write applications to their platforms, as opposed to Microsoft's platform, they will have to make representations as to how many PC desktops actually have the rival middleware installed and available to consumers. With the fourteen day ''sweep'' provision included in the PFJ, ISVs will simply not be able to make any accurate projections, which will further reduce the price they might be willing to pay for desktop placement.

4. Additional OEM Provisions Further Undermine the Crucial Ability of ISVs to Differentiate Competing Middleware Products

In order to displace Microsoft middleware and encourage applications developers to write to their APIs, competing ISVs will need to differentiate their middleware products from Windows Media Player, Windows Messenger and the other Microsoft middleware products that are bundled with Windows. The OEM provisions affirmatively undermine the ability of ISVs to achieve any meaningful degree of product differentiation.

First, Section III.C.3 permits OEMs to launch automatically non-Microsoft middleware only at boot-up or upon making a connection to the Internet. This constrains the ability of manufacturers to configure competing middleware products and reduces the value of this flexibility for (and hence potential OEM revenues from) 1SVs.

Second, auto-launch of competing middleware is permissible under Section III.C.3 only (a) ''if a Microsoft Middleware Product that provides similar functionality would otherwise be launched automatically at that time,'' PFJ, 66 Fed. Reg. 59454, and (b) if the non-Microsoft Middleware ''displays on the desktop no user interface or a user interface of similar size and shape to the user interface displayed by'' the corresponding Microsoft middleware product.'' Id. These limitations allow Microsoft to gate middleware competition by reducing the role of non-Microsoft middleware to only those instances in which Microsoft's own products are launched. If Microsoft decides that its middleware products will not have a user interface, or will utilize a window of a specific size, those decisions are binding on competitors'' product designs as well. Indeed, the PFJ surprisingly appears not even to contemplate a situation where Microsoft's competitors develop a middleware product for which there is no ''corresponding'' Microsoft middleware.

Third, the PFJ empowers Microsoft to limit the freedom of ISVs in their product design and functionality decisions on its competitors. Microsoft can also limit the placement of icons and shortcuts may appear on the desktop and elsewhere, id. at 59454, 59455, the ''functionality'' of middleware products whose icons and shortcuts may be included by the OEM, and the ability of end users to designate non-Microsoft middleware as default middleware on their computers. Id. at 59455.

Each of these provisions has a similar, substantial effect. By allowing middleware to be substituted by an OEM only when (a) it performs similarly to Microsoft middleware, (b) exhibits functionality defined by Microsoft, or (c) includes the same user interface as Microsoft middleware, the PFJ allows Microsoft to ''gate'' competition. There is no competitive justification for these provisos, all of which serve to eliminate opportunities for product differentiation and permit Microsoft to constrain middleware competition to the scope, location and even ''look and feel'' it determines for its own products.

5. The OEM Provisions Contain Other Superfluous Terms that Substantially Limit Any Potential Market Impact

Section III.H of the proposed decree allows Microsoft twelve months to modify Windows XP in order to permit OEMs to remove Microsoft middleware icons or change default settings for invoking middleware functionalities. Yet the modification necessary to allow removal of icons via the ''Add/Remove Programs'' utility is a trivial exercise. Demonstrable proof of this fact is that Microsoft was able to modify the beta version of Windows XP to permit removal of the Internet Explorer icon within weeks of its July 11, 2001 announcement. We can not fathom why Microsoft is now given twelve months to accomplish the same task.

Section VI.N of the decree also provides that a ''Non-Microsoft Middleware Product'' is software with certain functionalities ''of which at least one million copies were distributed in the United States within the previous year.'' Because the Section III.H obligations requiting modification of Windows XP to permit addition and removal of competing middleware apply to ''Non-Microsoft Middleware Products,'' OEMs are foreclosed from the ability to feature and promote small middleware start-up competitors in Windows XP, Section VI.N is a very real impediment to achievement of the innovative middleware market the PFJ is purportedly designed to promote.

6. The OEM Provisions Have No Impact on Java.

Sections III.C and III.H also do not apply to Microsoft's Java Virtual Machine (''JVM''), or Microsoft's equivalent of the JVM, its Common Language Runtime. Despite the fact that the ''Microsoft Middleware Product'' definition includes the Microsoft Java Virtual Machine, it appears there is no competitive consequence to its inclusion in this definition in any of the provisions of the decree. First, Microsoft no longer ships its JVM with Windows, so there is nothing for OEMs to remove. Second, even if they did continue to ship a JVM, there is no ''icon'' or ''end-user access'' to Java. Rather, Java is invoked automatically by programs that rely on its presence.

7. The OEM Provisions Largely Codify Microsoft's Existing Business Practices.

Users today enjoy the flexibility—without the benefit of the PFJ—to add, delete or customize their own PC desktops. Users may delete icons by simply ''dragging'' the icon to the ''recycle bin'' or ''right-clicking'' on the icon and simply choosing ''delete.''

Thus, the decree's OEM provisions allowing OEM removal of icons only codify Microsoft's current business practices. In response to the Court of Appeals'' opinion, Microsoft on July 11, 2001 announced that ''it is offering computer manufacturers greater flexibility in configuring desktop versions of the Windows operating system in light of the recent ruling by the U.S. Court of Appeals for the District of Columbia.'' [52] According to the Microsoft press release, under this policy OEMs can ''remove the Start menu entries and icons that provide end users with access to the Internet Explorer components of the operating system,'' and ''Microsoft will include Internet Explorer in the Add/Remove programs feature in Windows XP.'' Id. Thus, Microsoft stressed that ''Microsoft has always made it easy for consumers to delete the icons for Internet Explorer, but will now offer consumers this additional option in Windows XP.'' Id.

This announcement is revealing because it confirms, from Microsoft itself, that the ''flexibility'' provided to end users by Section III.H of the decree has always existed. And by revising Windows XP to permit OEMs to remove the Internet Explorer icon, Microsoft has already done precisely what the decree requires. Thus, the OEM provisions of the decree succeed mostly in codifying Microsoft's current business practices and achieve minimal, if any, remedial purpose. In sum, the relief provided by Sections III.C and III.H is fundamentally at odds with the theory of the ease. These OEM ''desktop'' remedies will not provide any opportunity for alternative middleware platforms to attract developers and thus to challenge the applications barrier to entry.

They are economically irrational since Microsoft's middleware will continue to be ubiquitously available on all PCs, regardless of the choices exercised by OEMs. These provisions allow Microsoft to dictate product design features to its rivals, to limit product differentiation and to restrict OEM deals with rivals to a brief, fourteen-day exclusivity period. And at bottom, they cannot change the economic structure of the PC distribution channel because OEMs are sole-source partners of Microsoft, not competitors.

D. The Proposed Decree Does Not Effectively Preclude Microsoft's Exclusive Dealings

Although the proposed decree purports to ban exclusive dealing by Microsoft with respect to Windows software, Section III.G expressly permits Microsoft to establish favored or exclusive relations with certain OEMs, ISVs, etc., if the parties enter into ''any bona fide joint venture or .–.–. any joint development or joint services arrangement.'' This exception all but vitiates the supposed prohibition, for it allows Microsoft to enter into the identical distribution agreements that were held unlawful at trial merely by denoting them as ''joint'' activities.

E. Current Market and Economic Realities Demonstrate that the PFJ is Incapable of Having Any Substantial Procompetitive Impact

The Department recognizes explicitly that relief in this case must ''ensure that there remain no practices likely to result in monopolization in the future.'' Microsoft III 253 F.3d at 103 (citations omitted); see CIS, 66 Fed. Reg. at 59465 (monopolization remedy should ''avoid a recurrence of the violation'' in the future). Yet by failing to address significant market and technological developments that have occurred in the period since the trial record closed, the narrow remedies of the proposed decree do not provide relief that comes even close to ensuring that Microsoft's unlawful practices will not be repeated in the future.

1. New Monopolies Enable Microsoft to Protect its Operating System Monopoly Despite the PFJ Since the trial, Microsoft has solidified three new chokeholds with which it can easily perpetuate its monopoly power:

Microsoft's monopoly power over Interact browsers and its integration of IE into Windows allow it to replicate many of the prohibited practices through IE.

Microsoft's monopoly power over the Office suite and its anticompetitive use of Office porting allow it to replicate many of the prohibited practices through Office.[53]

Microsoft is fast acquiring monopoly power in the operating systems for low-end servers used in local or wide area networks. Microsoft can just as easily exploit the APIs exposed by the operating system on the network to perpetuate the applications barrier to entry.

However, the PFJ does not require the disclosure of APIs exposed by IE, Office the low-end server operating systems. Microsoft can develop middleware programs that utilize these APIs—which are as ubiquitous as the Windows APIs themselves—and thus evade the API disclosure provisions of the PFJ. Similarly, although Section III.E of the PFJ requires the disclosure of Communications Protocols used for interoperability with Microsoft server operating systems, by controlling the client (IE), Microsoft can control the server irrespective of these provisions.[54]

That is, Microsoft's monopoly control over IE allows it unilaterally to implement proprietary standards and protocols within IE that are not disclosable under the PFJ because they are not ''implemented in a Windows Operating System Product installed on a client computer'' within the scope of Section III.E.

2. The Proposed Settlement Ignores the Likely Tactics Microsoft Will Use to Eliminate the Next Significant Threat to its Monopoly Position

The primary competitive threat to the Windows OS/IE platform is the emergence of applications and services provided over the Internet, where the application or service is independent of the computing platform employed by the user. The recent spread of high-speed Internet service has further spurred the development of this category of distributed applications or web services that take advantage of Internet's underlying architecture.

Two features of distributed applications in particular constitute a revolutionary change from the previous ''client-server'' model. First, rather than residing principally on one machine (either a client or a server), distributed applications effectively reside on the network itself. It is therefore possible to access these services from any computer or device connected to the Internet. From the user's perspective, although the application itself resides on the network, it is accessible as rapidly and seamlessly as if it resided on the user's own PC.

Second, because the applications and data are accessible from different machines,

[52] Available at www.microsoft.com/MSCorp/presspass/Press/2001/Jul01/07–11OEMFlexibilityPR.asp.

[53] Microsoft's resulting power over Internet browsers and personal productivity applications provides it with alternative vehicles with which to achieve the same anticompetitive foreclosure of middleware threats that it accomplished in 1995–98 through Windows itself.

[54] As Microsoft executive (and trial witness) Paul Maritz put it, ''the most important thing we can do is not lose control of the Web client,'' because ''[b]y controlling the client, you also control the server.'' Gov't Ex. 498. Microsoft can suppress competition by adding proprietary features and protocols to the IE browser that are necessary to generate actions by its server operating systems products or by refusing to add features and protocols that would similarly support a competitor. Professor Schmalensee acknowledged this incentive at trial: ''[I]f one company controlled the browser and its look and feel and how it presented applications, it could severely enhance or detract from the application functionality of programs or applications running on the server.'' 6/24/99 (p.m.) Tr. 46–47; see also id. at 48; Henderson Decl. ¶82 (quoting Rasmussen Dep., 12/15/98 (a.m.), at 67–68).

access to these services depends critically upon being able to establish the identity of the user seeking access to those services. Web identity and authentication services accordingly take on extraordinary importance in the world of distributed applications.

These changes in the market reveal a picture of today's PC industry that is radically different from the Department's placid vision of ''recreating the potential'' for middleware competition by opening the OEM channel to possible future middleware innovations. The critical question, however, is whether distributed web-based applications, which do not need to be compliant with any particular operating system, will be able to remain independent of Windows and in the process bring down the applications barrier to entry.

The PFJ does not protect the Internet-based competition for the Windows operating systems monopoly in the future because the proposed decree does nothing to prevent Microsoft from continuing to shift from one anticompetitive activity to another in order to maintain its monopoly. Instead of bundling middleware code into Windows and creating exclusive dealing arrangements with ISVs and OEMs, Microsoft today is attempting to defeat the threat from Web-based services by bundling its Web services technologies into Windows and entering into, exclusive vertical distribution arrangements with Web-based content and e-commerce providers. See Passport to Monopoly: Windows XP, Passport, and the Emerging World of Distributed Applications at 25 (ProComp June 21, 2001) and Microsoft ''s Expanding Monopolies: Casting A Wider .Net (ProComp May 15, 2001).

As would be expected, Microsoft now attempts to create a proprietary equivalent to the distributed applications paradigm by bundling its latest operating system with certain applications and technologies in order to secure dominance in distributed applications. For example, Microsoft Passport, a proprietary authentication technology built on the .NET Framework, is bundled with Windows XP. This bundling allows Microsoft's own authentication services to have a ubiquitous distribution base—and deny rival technologies ubiquity—in the same way that its bundling practices extinguished the middleware threats from Netscape and Java. A monopoly in web identity services will enable Microsoft to control the means by which users access distributed applications from the Interact. Nonetheless, the PFJ does nothing to restrict Microsoft's practices in this area. The API disclosure provisions only mandate the release (if at all) of APIs used by a Microsoft Operating System product to intemperate with Microsoft Middleware, which excludes Passport.

Similarly, Microsoft's broader .NET initiative is replacement of the Java and Netscape technologies that it unlawfully crippled with Microsoft proprietary technology. Microsoft defines .NET as its ''platform for XML web services.'' [55] The services which .NET offers are a combination of pre-designed applications, some of which come under the rubric ''Hailstorm,'' and a set of tools, under the rubric of Visual Studio Integration Program, designed to allow developers to create web applications which rely on the all-important APIs exposed by Microsoft programs. At the core of .NET stands the Common Language Runtime environment (''CLR'').

CLR is Microsoft's answer to the Java runtime environment, with a key difference. CLR provides the developer with a device that is similar to the JVM, but that lacks the element so destructive to Microsoft's hegemony—freedom from reliance on Microsoft's APIs. Of course, CLR will take full advantage of Microsoft's vast distribution network via bundling with future versions of Windows (including Windows XP) as well as with IE and Microsoft Network.

Microsoft's monopolization strategy has not changed at all. Bill Gates has explained that ''there's a very strong analogy here between what we're doing now [with Web-based services] and what we did with Windows.'' [56] Since Microsoft will pursue the same tactics and strategies found unlawful in the instant case, any remedy that does not prohibit a repeat of these practices in new markets and new contexts is facially flawed.

In sum, the proposed decree fails to address identifiable market and technological developments since the trial record closed that allow Microsoft both to protect its operating systems monopoly against current potential rivals and to engage in the same types of conduct adjudged unlawful by the Court of Appeals. Consequently, the proposed decree does not and cannot ''ensure that there remain no practices likely to result in monopolization in the future,'' Microsoft III, 253 F.3d at 103 (citations omitted), and must be rejected by this Court.

F. The Decree Increases Microsoft's Market Dominance and Actually Worsens Competitive Conditions in the Relevant Software Markets

The proposed settlement not only does not achieve the procompetitive effects that the Department claims, it increases Microsoft's dominance of the operating systems market and actually worsens competitive conditions across the entire software industry. Among other things, the proposed decree rewards Microsoft for its illegalities, promoting future defiance of antitrust laws and intransigent tactics by dominant firms. Many of the deficiencies of the proposed decree have been outlined in this submission. These deficiencies will allow Microsoft to perpetuate its monopoly position. In addition, the decree represents a step back from the current state of affairs notably because it sanctions continued bundling or commingling by Microsoft of middleware technologies with Windows, thus increasing rather than decreasing Microsoft's power to sustain the applications barrier to entry protecting its operating systems monopoly while disadvantaging non-Microsoft middleware providers. By enhancing Microsoft's ability to buttress the applications barrier to entry, the proposed settlement harms competition, and increases, rather than terminates, Microsoft's monopoly power.

G. The Settlement Would Not Have Prevented Microsoft's Unlawful Campaign Against Netscape and Java One appropriate measure for assessing whether the PFJ is adequate is whether it would preclude today the same conduct Microsoft used to foreclose Netscape and Java, and thus preserve its monopoly power, in 1995–98. It would not.

As a fundamental matter, this is because Microsoft is not required to disclose the APIs needed for new and innovative forms of middleware. When Netscape was launched in late 1994, Microsoft did not have an Internet browser and was focused on Chairman Gates'' vision of interactive television, rather than the Interact. Thus, there were no APIs exposed by Windows that were ''used by Microsoft Middleware to interoperate'' within the scope of Section III.D of the proposed decree. Had the decree been in place when Jim Barksdale, former CEO of Netscape, met with Microsoft in 1995, Netscape would not have been entitled to APIs or any other interoperability information under the express terms of the decree. ''For the same reasons, no interoperability information would have been disclosable to Sun in order to enable interoperability of Java runtime technology with Windows.

Most of the distribution tactics Microsoft used to cut off Netscape's air supply and to ''pollute the market for cross-platform Java'' are also permissible under the decree. Microsoft can still force OEMs to take its own middleware through bundling. Microsoft can still coerce or threaten partners like Intel and rivals like Apple and can still refuse to port its monopoly Office suite in order to protect the applications barrier to entry. Microsoft can still throttle middleware innovations because the PFJ gives it the ability to ''gate'' the functionality and product design of rival middleware products. Microsoft can still prohibit OEMs from removing its middleware, or applications, and is free to retaliate against OEMs that do so. Microsoft can still deceive middleware developers and can still introduce application development tools that pollute open standards by producing only Windows—compatible programs. And Microsoft can still protect the applications barrier by utilizing the very same practices through its monopoly IE and Office products that tile PFJ purportedly outlaws for Windows.

In short, the PFJ does not even foreclose the means of foreclosure that were proved at trial and affirmed by the Court of Appeals. Under any Tunney Act standard of review, it must be rejected.

V. THE PROPOSED DECREE IS HOPELESSLY VAGUE AND INHERENTLY UNENFORCEABLE

The proposed decree is riddled with ambiguities and loopholes and grants unilateral, essentially unreviewable, power to Microsoft to define the scope of its own ambiguous obligations. As such, the PFJ is an

[55] .NET Defined, available at www.Microsoft.com/net/whatis.asp.

[56] ''So for every element of Windows—user interface, the APIs ... for each one of those things there's an analogy here.'' Bill Gates, Forum 2000 Keynote, Bill Gates Speaks About the .NET Platform. (Available at www.microsoft.corn/BUSINESS/vision/gates.asp)

illusory contract, and unenforceable as a matter of well-settled contract law. As the Court emphasized in Microsoft I, a proposed settlement cannot be entered, at least without substantive modification, if it is ambiguous or if there are ''foresee[able] difficulties in implementation.'' 56 F.3d at 1462. The proposed decree here is the epitome of such a case.

Twenty-four different sections of the PFJ provide that specific actions by Microsoft, or standards for assessing whether its practices are permissible, must be ''reasonable.'' [57] In a decree purportedly drafted to provide a ''certain'' remedy, this is anything but. As just two examples, in addition to the reasonable scope of ''bona fide,'' exclusive joint ventures discussed in the preceding section, Microsoft is expressly permitted to adopt ''reasonable technical requirements'' on which to override an OEM's or end user's choice of non-Microsoft middleware (Section III.H) and to enter into concerted refusals to deal with ISVs—requiring them not to develop software for competing platforms—that are ''of reasonable scope and duration'' (Section III.F.2). Consent decrees are interpreted as contracts, and it is black letter contract law that illusory contracts, those that give one party the right to decide the scope of its own obligations, are not enforceable. See Rest. Contracts 2d § 77.

The judge in the first instance for all of these reasonableness clauses is Microsoft itself. In short, it is difficult to conceive of a more loosely drafted decree than the PFJ, which allows the defendant, without any practical constraint except lengthy contempt proceedings, to establish unilaterally the extent of its own decree obligations. Due to the inherent ambiguity in ''reasonableness'' terms, these disputes will be complex, tedious and time-consuming exercises for the Court.

The ''Technical Committee'' and so-called ''Crown Jewel'' provisions are equally inefficacious. The Technical Committee (''TC'') established by Section IV.B of the proposed decree does not help enforcement matters appreciably. Most significantly, nothing that the Technical Committee does is binding and nothing that it investigates, analyzes or recommends is permitted to see the light of day. The TC reports only to the plaintiffs (Section IV.B.8.e) and ''all information'' gathered by the TC is subject to confidentiality and non-disclosure agreements and a protective order (Section IV.B.9). The members of the TC may ''communicate'' with third-parties, but only about ''how their complaints or inquiries might be resolved with Microsoft'' (Section W.B.8.g).

Furthermore, ''[n]o work product, findings or recommendations by the TC may be admitted in any enforcement proceeding before the Court for any purpose, and no member of the TC shall testify by deposition, in court or before any other tribunal regarding any matter related to the decree'' (Section IV.D.4.d).

[57] Substantive ''reasonable'' provisions are III.B.2, III.C.5, III.E, III.F2 (two), III.G, III.H.2, III.I, lll.J.2.b and III.J.2.C. Procedural ''reasonable'' provisions are IV.A.2, IV.A.2.b, IV.A.2.c, IV.A.4, IV.A.6, IV.A.7 (two), IV.A.8.b (three), IV.A.8.h and IV.A.8.1 (three).

Rather than a vehicle for prompt resolution of enforcement disputes, the TC provisions are a charter for delay and obfuscation. By denying the Court any access—whether or not in camera—to the work product of the TC, the proposed decree simply creates another hoop through which third-party complainants, and the government itself, must pass in order to enforce violations of the decree by the defendant. It also denies the Court the benefit of the unbiased, objective technical expertise of the TC, which is the principal criterion on which its members are to be selected. Coupled with the sheer number of ''reasonableness'' provisions in the decree itself, the TC process will therefore delay enforcement and make clean resolution of decree interpretation issues more costly and burdensome for all affected parties and non-parties.

Finally, Section V.B of the PFJ provides that if the Court finds Microsoft ''has engaged in a pattern of willful and systematic violations,'' on application of the plaintiffs a ''one-time extension'' of the decree may be granted, for up to two years. Although presented as a ''Crown Jewel'' provision, this section does little to ensure compliance. The function of a Crown Jewel clause is to provide such an onerous penalty that the defendant's compliance with its substantive obligations can be coerced, and deliberate evasion avoided, without ever having to invoke the penalty. Here, the ''threat'' Microsoft is being presented with is that of being forced for two more years to decide at its ''sole discretion'' what constitutes Windows, to constrain exclusive joint ventures to ''reasonable'' duration, to gain access to intellectual property developed by middleware competitors, and to dictate to those competitors the functionality and user interface of their products. This is plainly something Microsoft should welcome with open arms rather than fear.

The vagueness of the terms, the ineffectiveness of the Technical Committee and the lack of a meaningful deterrent Crown Jewel provision will plague the courts for years to come. In the absence of any deterrent, Microsoft will no doubt interpret the ''reasonableness'' standards generously incorporated in the proposed settlement in its own favor. The enforcement agencies and numerous competitors will witness the ill effects of future Microsoft actions and challenge these practices. However, without the proper dispute resolution mechanisms in place, it will be up 1o the courts to resolve all these ''reasonableness'' issues arising out of the proposed settlement.

VI. DIVESTITURE REMAINS THE PREFERABLE AND MOST EFFECTIVE REMEDY FOR MICROSOFT'S SECTION 2 VIOLATIONS

ProComp and its members have consistently supported structural relief in this case. In our view, divestiture remains the most effective remedy for Microsoft's wide-ranging unlawful practices. Conduct remedies like the proposed decree are a second-best solution, because they rely on the defendants good will to comply. An injunctive decree in a Section 2 monopolization case ''does no more than encourage the monopolist to look for some new way of exercising its dominance that is not covered by the current injunction.'' [58] Comprehensive behavioral decrees inevitably require interpretation and application as the defendant introduces new products, moves into new markets, or changes its business strategies in its traditional markets.

That does not mean, however, that conduct remedies will necessarily be ineffective here, but rather that they must be targeted and broad enough to redress the core practices used to maintain Microsoft's monopoly and to eliminate the barriers to entry protecting that monopoly power. The proposed decree does not even purport to satisfy this goal, which we submit is compelled by the Ford/United Shoe standard required for assessing relief in this case.

The relief proposed by the Litigating States achieves these objectives. We respectfully submit that the Court adopt a crown jewel divestiture provision to deter Microsoft from engaging in further unlawful conduct.

VII. THE COURT SHOULD CONDUCT A RIGOROUS TUNNEY ACT EXAMINATION OF THE DECREE, THE COMPETITIVE IMPACT STATEMENT AND THE DEPARTMENT'S UNSUBSTANTIATED PROJECTIONS OF FUTURE COMPETITIVE EFFECT

There are several circumstances in which it is established that district courts must engage in rigorous scrutiny of proposed antitrust settlements under the Tunney Act. This case epitomizes those circumstances. If ever there was a case in which a full, independent judicial assessment should be conducted, it is this one.

A. The Complexity and Substantial National Importance of this Case, the Government's Fiat Reversal of Position and its Disregard of Clear Tunney Act Obligations All Dictate the Necessity of Critical Judicial Oversight in this Landmark Proceeding

Even in the pretrial context with its more limited review, Tunney Act courts will rigorously scrutinize proposed settlements when an antitrust case is complex, subject to considerable controversy, and affects large segments of the public.[59] Especially rigorous scrutiny is also undertaken when the proposed decree departs substantially from the relief sought in the government's complaint,[60] or otherwise represents a sharp

[58] 3 P. AREEDA & H. HOVENKAMP ANTITRUST LAW ¶704.3, at 213 (1999 Supp). See William K. Kovacic, Designing, Antitrust Remedies for Dominant Firm Misconduct, 31 Conn. L. Rev. 1285, 1311 (1999) (''By blockading recourse to certain commercial tactics, a remedial decree will inspire the defendant to pursue other paths that circumvent the judicially imposed constraints.''). As the Supreme Court cautioned in the landmark DuPont antitrust case, ''the policing of an injunction would probably involve the courts and the Government in regulation of private affairs more deeply than the administration of a simple order of divestiture. United States v. E.I. du Pont de Nemours & Co., 366 U.S. 316, 334 (1961); accord, AT&T, 552 F.Supp. at 167–68.

[59] Cascade Natural Gas Corp. v. El Paso Natural Gas Co., 386 U.S. 129, 136, 141 (1967); AT&T, 552 F. Supp. at 152; Associated Milk Producers, 394 F. Supp. 35, 42 (W.D. Mo. 1975).

[60] 60 United States v. Automobile Mfrs. Ass'n, 307 F. Supp. 617, 621 (C.D. Cal. 1969), aff'd mere.

Continued

reversal in the government's prior position.[61] Each of these situations is present in this case

1. This Complex, Controversial, Nationally Important Antitrust Prosecution Demands Serious Judicial Oversight

This is certainly a highly complex case that has preoccupied the political, technology and business communities for years. These are precisely the circumstances in which the Tunney Act's genesis reveals a major policy concern with the appearance of the government settling for too little ''because of the powerful influence of antitrust defendants and the complexity and importance of antitrust litigation.'' SENATE REPORT, supra, at 147 (statement of Judge J. Skelly Wright).

Microsoft plainly ''wield[s] great influence and power'' and has brought ''significant pressure to bear on [the] Government'' throughout the litigation. Id. Thus, the Court needs to consider whether this is a case, such as Cascade, where the Department ''knuckled under'' to an economically and politically powerful antitrust defendant. Cascade Natural Gas Corp. v. El Paso Natural Gas Co., 386 U.S. 129, 136, 142 (1967).[62]

2. Heightened Scrutiny is Needed Because Neither the Department Nor Microsoft Complied With their Respective Tunney Act Obligations

Courts have also refused to enter proposed antitrust consent decrees where the Government or the defendant did not comply with its procedural responsibilities under the Tunney Act. Even technical and formalistic failures have been deemed grounds to deny entry of a proposed judgment. United States 1,. Central Contracting Co., 527 F. Supp. 1101 (E.D. Va. 1981).

The procedural irregularities in this case are far greater, and are of substantive importance to the Court's review. First, the Tunney Act requires the Department to provide an explanation of ''alternatives'' to the proposed decree considered in evaluating a settlement proposal. 15 U.S.C. § 16(b)(6). Here, however, the Department simply offers a laundry list of other conduct remedies proposed by third-parties, dismissing all of them collectively with the terse statement that the PFJ ''provide[s] the most effective and certain relief in the most timely manner.'' CIS, 66 Fed. Reg. at 59475. The Department's assertion is unexplained.

The CIS recites only that the Department considered intervening changes ''in the computer industry, as well as the decision of the Court of Appeals, which reversed certain of the District Court's liability findings.''[63] Nothing in the CIS offers any useful guidance to the Court, or the public, as to why the rejected conduct remedies are inappropriate; thus, the Department fails to come forward with the ''detailed notice to the public'' the Tunney Act was intended to require.[64] This violates the Government's duty not just to ''describe'' the alternatives (which the CIS does), but also to provide an ''explanation'' of their adequacy (which the CIS does not). This is an improperly narrow view of the government's Tunney Act responsibilities is incompatible with the purpose of the Tunney Act to ensure that all relevant issues are subject to maximum ''ventilation.''[65]

The government's ''predictive judgments'' about market structure and competitive effect should be accorded a presumption of regularity, Microsoft I, 56 F.3d at 1460 (quoting United States v. Western Elec. Co., 993 F.2d 1572, 1577 (DC Cir.), cert. denied 510 U.S. 984 (1993), but only when the circumstances are regular. Where, as here, the Department's exposition of the reasons for its settlement and its legal interpretation of the Court of Appeals'' mandate are woefully lacking, such a presumption of regularity should not apply. In these circumstances, the Court cannot ''carefully consider the explanations of the government in the competitive impact statement.'' CIS, 66 Fed. Reg. at 59476 (citation omitted).

Second, tile Turnkey Act mandates that the government make available all ''materials and documents which the [it] considered determinative in formulating [a settlement] proposal.'' 15 U.S.C. § 16(b). The CIS responds to this requirement with a blanket statement that [n]o materials and documents of the type described in the [Tunney Act] were considered in formulating the Proposed Final Judgment. Consequently, none are being filed with this Competitive Impact Statement.

CIS, 66 Fed. Reg. at 59476. That cannot be accurate. Even in antitrust cases that are not the length and complexity of the Microsoft litigation, courts have found similar disclaimers ''to be almost incredible.'' Central Contracting Co., 527 F. Supp. at 1104. It defies credulity to suggest that there does not exist even one document, memorandum or analysis that the Department considered ''determinative'' in selecting the relief package presented to this Court.

Third, the CIS misstates many provisions of the PFJ. We address these in detail in Section III above, and will not repeat that analysis here. Where, as here, the government presents a document that seeks to justify provisions that on close examination are illusory, it has in effect challenged the legitimacy of statute. Under even the strictest interpretations of Tunney Act deference, this Court cannot permit the Tunney Act process to ''make a mockery of judicial power.'' Microsoft I, 56 F.3d at 1462.

Fourth, the Tunney Act requires that the defendant file a list of ''all'' written or oral communications ''by or on behalf of such defendant ... with any officer or employee of the United States concerning or relevant to such proposal, except [for] communications made by counsel of record alone with the Attorney General or the employees of the Department of Justice alone.'' 15 U.S.C. § 16(g). Remarkably, Microsoft's Section 16(g) filing indicates that only two such communications occurred, both in connection with negotiations together with Microsoft and the Court-appointed mediator. This cannot be true It has been publicly confirmed by numerous public officials, and acknowledged by Microsoft, that a large number of Microsoft-retained lawyers and lobbyists have advocated its position on this case before countless officials in Congress and the Executive Branch. The Court should require Microsoft to fully comply with Section 16(g).[66]

3. The Court Should Closely Examine the Government's Reversal of Position on Relief

The government's about-face on its remedy proposals provides another reason why heightened judicial scrutiny is required. While the government now says that the PFJ will provide effective relief, this reflects a marked abandonment of its earlier position. Indeed, the Justice Department's position just 18 months ago was that only structural relief was adequate, and conduct decrees like the proposed PFJ were inherent failures. As emphasized in one of the cases cited by the Justice Department, less deference is warranted when ???''the government has requested broad relief at the outset, represented to the courts that nothing less would do, and then abruptly knuckled under.'' United States v. National Broad. Co., 449 F. Supp. 1127, 1144 (C.D. Cal. 1978).

The point is not that the Department has decided not to seek divestiture, but instead that the conduct remedies it now proposes contradict its prior representations to this Court on their effectiveness. The earlier DOJ position was also consistent with its prior settlement decisions in this litigation itself. In the mediations supervised by Chief Judge

sub nom. New York v. United States, 90 S. Ct. 1105 (1970).

[61] Cascade, 386 U.S. at 137; Automobile Mfrs. Ass'n, 307 F. Supp. at 621.

[62] In Cascade, the Department refused to implement an antitrust divestiture decree affirmed on appeal by the Supreme Court. The Court eventually directed the Department to oversee ''divestiture without delay'' and instructed the district court to prepare ''meticulous findings ... in light of the competitive requirements'' of the remedy. 386 U.S. at 137.

[63] CIS, 66 Fed. Reg. at 59475.

[64] The CIS was intended, rather, to be ''detailed notice to the public what the case is all about. Further than that, the public impact statement makes the lawyers for the Department of Justice go through the process of thinking and addressing themselves to the public interest consideration in the proposed decree. There is no better exercise for determining whether you are right or not than trying to put it down on paper to see how it writes.'' SENATE REPORT, supra, at 8 (remarks of Judge J. Skelly Wright).

[65] 65 See Central Contracting. 527 F. Supp. at 1103 (quoting 119 Cong. Rec. 24597 (1973) (remarks by Senator Tunney)).

[66] The company apparently takes the unsupportable position that lobbying communications on the subject of the Microsoft litigation occurring before the September 2001 negotiations resumed are not ''relevant'' to the settlement. Microsoft also claims many communications were protected by the ''counsel of record'' exception. ''Counsel of record'' for purposes of these disclosures is intended to differentiate between lawyers actively appearing before the trial court and those undertaking related, but non-judicial ''lobbying'' functions. Central Contracting Co., 527 F. Supp. at 1105. The House Report discusses Congress's intent to distinguish ''lawyering contacts,'' which warrant protection, from ''lobbying contacts,'' which must be disclosed. It states that a lobbying contact is performed by ''counsel of record accompanied by corporate officers; or by attorneys not counsel of record.'' HOUSE REPORT, supra, at 6 (emphasis added). Congress requires their disclosure in order to guarantee ''that the Government and its employees in fact avoid practicing political justice.'' Id. (quoting Civil Service Comm'n, 414 U.S. 906 (1973)).

Richard Posner in March 2000, the Department and the State plaintiffs demanded settlement terms that would have gone far beyond the limited provisions of the PFJ in eradicating Microsoft's ability to act anticompetitively. Indeed, the plaintiffs'' last settlement proposal in the mediations—dubbed ''Mediator's Draft 18 (Attachment B)—would have included provisions requiring Microsoft to license the actual source code for Windows, to permit ISVs to modify Windows itself, and to allow OEMs to ''display[] a middleware user interface'' in lieu of the Windows desktop. None of these or similar provisions is included in the proposed decree. Thus, the PFJ is considerably weaker in several key respects than the very conduct relief which the Department demanded in settlement before Microsoft's Sherman Act liability had been established.[67]

Given the importance of this case, and Court's obligation to look to the Supreme Court and the DC Circuit for guidance rather than the Justice Department, the Court must decide for itself whether the settlement would give the public effective relief against Microsoft's proven wrongdoing.

B. Live Evidence is Needed on the Technical and Economic Complexities of the Software Industry and the Profound Failings of, and Harms Caused by, the PFJ

The drafting of an antitrust decree necessarily ''involves predictions and assumptions concerning future economic and business events.'' [68] It is a ''cardinal principle'' of our system of justice that ''factual disputes must be heard in open court and resolved through trial-like evidentiary proceedings.'' Microsoft III, 253 F.3d at 10l. This mandate for evidentiary hearings applies not just to liability determinations, but also to determinations concerning the ''appropriate [form of] relief.'' Id.; see also, id. at 107 (vacating and remanding Judge Jackson's remedy decree in large part due to his ''fail[ure] to hold an evidentiary hearing despite the presence of remedies-specific factual disputes,'' and holding that a remedies decree must be vacated whenever there is ''a bona fide disagreement concerning the substantive items of relief which could be resolved only by trial'' Id. (quoting Interim Order at 62).

The Tunney Act contemplates an evidentiary hearing in these circumstances. As the Justice Department recognizes, this court must permit the use of the ''additional procedures'' authorized by 15 U.S.C. § 16(t)''—which include live hearings with fact and expert testimony—if ''the [public] comments have raised significant issues and ... further proceedings would aid the court in resolving those issues.'' CIS, 66 Fed. Reg. at 59476. It strains credulity to suggest, as the Justice Department does, that the remedial phase of the most complicated antitrust case in decades will not involve ''significant issues'' that would benefit from ''further proceedings.''

Evidentiary hearings are critically important in complex antitrust cases because the assessment of antitrust remedies necessarily requires the Court to determine a number of facts relevant to both the degree of anticompetitive harm and the likely future condition of the market in which competition must be restored. United States v. United States Gypsum Co., 340 U.S. 76, 89 (1950); see also United States v. Glaxo Group, Ltd., 410 U.S. 52, 64 (1973). In particular, any proposed settlement decree must reach forward in lime to ''assure the public freedom from'' continuance of the monopolistic practices. Id. As such, this Court must make '''predictions and assumptions concerning future economic and business events.''' Microsoft III, 253 F.3d at 102 (quoting Ford, 405 U.S. at 578). Although courts retain wide discretion in fashioning such forward-looking relief, they must base that relief on a sound evidentiary record. International Salt, 332 U.S. at 401.

In this case it is especially important to heed Congress's instruction to ''resort to calling witnesses for the purpose of eliciting additional facts,'' HOUSE REPORT, supra, at 5, because the record has not yet been developed on remedies. See Associated Milk Producers, Inc., 394 F. Supp. 34 (W.D. Mo. 1975).[69] Indeed, the procedural posture that the Court now faces is more closely akin to a contested summary judgment motion or administrative consent decree, for which hearings are the standard method of resolution. E.g., Celotex Corp. v. Catrett, 477 U.S. 317 (1986); Citizens for a Better Environment v. Gorsuch, 718 F.2d 1117 (DC Cir. 1983); United States v. Trucking Employers, Inc., 561 F.2d 313 (DC Cir. 1977).[70]

Only by permitting third parties, such as ProComp and its members, to participate fully in such a proceeding can the Court assure that there will be adequate evidentiary attention to facts and circumstances that contradict the Department's views on the market, competition and other issues relevant for remedy purposes. Otherwise, this Court would repeat the very error that led the DC Circuit to reverse the last judgment in this case.

VIII. CONCLUSION

For all the foregoing reasons, the Court must find that the Proposed Final Judgment is not in the public interest. At a minimum, tile Court should defer any, judgment on the PFJ until the upcoming remedies hearing in the ongoing litigation is conducted. This is necessary to avoid inconsistent remedies. Indeed, many of the remedies proposed by the Litigating States are irreconcilable with those proposed by the PFJ. When the Court does consider the PFJ, it is obliged in the discharge of its Article Ill duties to make an independent determination whether the PFJ adequately fulfills the mandate of the DC Circuit.

Attachment A

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

(UNITED STATES OF AMERICA,)
(Plaintiff,)
(v.) Civil Action No. 98–1232 (CKK)
(MICROSOFT CORPORATION,)
(Defendant.)
(STATE OF NEW YORK, et al.,)
(Plaintiffs,)
(v.) Civil Action No. 98–1233 (CKK)
(MICROSOFT CORPORATION,)
(Defendant.)

DECLARATION OF KENNETH J. ARROW

Kenneth J. Arrow declares under penalty of perjury as follows:

I. INTRODUCTION

1. I am the Joan Kenney Professor of Economics Emeritus and Professor of Operations Research Emeritus at Stanford University. I received the degrees of B.S. in Social Science from The City College in 1940, M.A. in mathematics from Columbia University in 1941, and Ph.D. in economics from Columbia University in 1951. I have taught economics, statistics, and operations research at the University of Chicago, Harvard University, and Stanford University, and I have written more than 200 books and articles in economics and operations research. I am the recipient of numerous awards and degrees, including the Nobel Memorial Prize in Economic Science (1972). A significant part of my writing and research has been in the area of economic theory, including the economics of innovation and its relation to industrial organization. My curriculum vitae is attached.

2. I have been asked by ProComp to comment on various economic issues related to the Revised Proposed Final Judgment (''PFJ'' or the ''decree'') proposed by the United States, various settling States and Microsoft Corporation (''Microsoft'').

3. My review of the PFJ begins with the fact that Microsoft has been found liable for

[67] The barrier to introduction into evidence of settlement offers under Rule 408 of the Federal Rules of Evidence does not apply where the settlement is not used to show liability but instead, as here, to illuminate the policy considerations governing fashioning of a remedy. E.g., Carney v. American Univ., 151 F.3d 1090, 1095 (DC Cir. 1998). Rule 408 precludes proof of settlements and settlement offers only ''to prove liability for or invalidity of'' a claim. Fed. R. Evid. 408. Indeed, evidence of settlements is expressly permitted by Rule 408 ''when the evidence is offered for another purpose.'' Id.

[68] 68 Ford, 405 U.S. at 578.

[69] To the contrary, the DC Circuit reversed and remanded precisely because the prior District Judge did not permit an evidentiary hearing on remedies. The court stressed that ''a full exploration of the facts is usually necessary to properly draw an antitrust decree so as to prevent future violations and eradicate existing evils,'' and remanded for such an exploration of facts. Microsoft III, 253 F.3d at 101 (quoting United States v. Ward Baking Co., 376 U.S. 327, 330–31 (1964) (internal quotations and brackets omitted)).

[70] In summary judgment practice, complex legal issues are frequently presented to courts on the basis of affidavits and other ''paper'' evidence. But, unless the papers reveal no ''genuine issue'' of ''material fact,'' standard that cannot be met here, summary judgment motions must be denied and a case set for trial so that the Court can adduce whether the parties have met their respective burdens of proof on the disputed factual issues. E.g., Celotex Corp., 477 U.S. at 323; Thompson Everett, Inc. v. National Cable Adver., 57 F.3d 1317, 1322 (4 th Cir. 1995) (applying Celotex to review of a motion for summary judgment of antirust conspiracy claim). Indeed, where the credibility of an affiant is at issue, as it undoubtedly will be here with respect to the reliability of expert opinions and projections of future economic and technological developments, it is difficult to conceive of any basis on which the Court would be permitted to resolve such controverted issues without availing itself of ordinary, trial-type evidentiary procedures.

violating Section 2 of the Sherman Act by engaging in a widespread series of practices that illegally maintained its monopoly in Intel-compatible PC operating systems. These practices were focused on eliminating the threat posed to Microsoft's PC operating system monopoly by the combination of Netscape Navigator and cross-platform Java technology (''middleware competition'').

4. Given that Microsoft has been found liable for illegal monopoly maintenance, the remedies in this case should be designed to eliminate the benefits to Microsoft from its illegal conduct. To the extent possible, the remedies should be designed to restore the possibility of competition in the market where monopoly was illegally maintained (i.e., the market for PC operating systems). In addition, the remedies should strengthen the possibilities for competition and deter the exercise of monopoly power in the present and future, taking account of the special problems of an industry in which network effects are important.

5. It is my opinion that the PFJ fails to accomplish these objectives. First, the PFJ is unduly focused on attempting to re-create an opportunity for future middleware competition. Because of network effects and path dependencies, Microsoft's monopoly power in PC operating systems is more entrenched than it was in the mid-1990s. It will be exceedingly difficult now, even with the best of remedies, to re-establish middleware fully as the kind of competitive threat to Microsoft's monopoly power that it posed in the mid-1990s. Additional remedial steps need to be taken to ensure that Microsoft does not benefit from its illegal conduct and the consequences of that conduct on dynamic competition in the OS market. Second, the PFJ does not address the fact that no effort to restore competition in the market for PC operating systems will be successful without measures designed to lower the applications barrier to entry that currently protects Microsoft's position in this market. Third, the enforcement mechanism described in the PFJ seems likely to be ineffective, even with respect to the inadequate remedies in the PFJ. Fourth, the PFJ pays insufficient attention to the ways in which Microsoft is currently attempting to protect its monopoly power by using its illegally maintained monopoly in PC operating systems against current and future competitive threats, such as server operating systems and Web services.

6.]his affidavit has six pans and is organized as follows. After this introduction (Part I), Part II reviews the threat that Netscape, Java and the Internet posed in the mid-1990s to Microsoft's monopoly power in PC operating systems. Part III then reviews the illegal conduct that Microsoft used in defeating this threat. Part III also analyzes the state of the computer industry today following this illegal conduct and explains why it seems unlikely, at this stage, that the middleware threat can be re-created. With this as background, Parts IV and V review and assess the remedies proposed in the PFJ. Part IV critiques the remedies designed to restore middleware competition. In addition, Part IV discusses the lack of attention in the PFJ to the applications barrier to entry that protects Microsoft's monopoly power in PC operating systems. It also notes certain deficiencies in the enforcement mechanism proposed in the PFJ. Part V follows with a discussion of Microsoft's efforts to protect its existing monopoly power by using its illegally maintained monopoly in PC operating systems to gain advantages in other markets that threaten to reduce the scope of its current market power. Part V explains that the PFJ gives insufficient attention to this important subject—a subject that bears on the future of competition in the computing industry. The affidavit concludes in Part VI with a summary of conclusions.

II. MICROSOFT'S MONOPOLY POWER AND THE THREAT POSED BY NETSCAPE, JAVA AND THE INTERNET

A. NETWORK EXTERNALITIES

7. Network externalities have been central to Microsoft's ability to maintain its monopoly power in the market for PC operating systems. Both the District Court and the U.S. Court of Appeals for the District of Columbia Circuit referred to the ''applications barrier to entry,'' the process by which a large installed base induces the development of applications and other complementary goods designed for the dominant operating system, which further reinforces the position of the dominant operating system. 1 described this process in a declaration that I submitted in 1995 on behalf of the government in a prior settlement with Microsoft:

A software product with a large installed base has several advantages relative to a new entrant. Consumers know that such a product is likely to be supported by the vendor with upgrades and service. Users of a product with a large installed base are more likely to find that their products are compatible with other products. They are more likely to be able successfully to exchange work products with their peers, because a large installed base makes it more likely that their peers will use the same product or compatible products. Installed base is particularly important to the economic success of an operating system software product. The value of the operating system is in its capability to run application software. The larger the installed base of a particular operating system, the more likely it is that independent software vendors will write programs that run on that operating system, and, in this circular fashion, the more valuable the operating system will be to consumers.

8. The applications barrier to entry implies that it is likely that a single platform (or programming environment) will dominate broad segments of the computer software industry at any point in time. This does not necessarily imply that there will be monopoly; that depends on the extent to which the dominant platform is proprietary or closed. However, if the dominant platform is proprietary (which is certainly the case with Windows), then the interdependence of applications and operating systems creates a barrier against any new entrant. A new entrant would need to create both an operating system and the applications that make it useful.

9. In addition, any customer of a new entrant would have to incur considerable costs in switching to a new system. In the fast place, the customer would have to learn new operating procedures. Second, there would be a problem of compatibility of files. These factors constitute a natural obstacle to change, so that a system with a large installed base will have a tendency to retain its users.

10. The special nature of operating systems and software also gives Microsoft, because of its large installed base of operating system, a great advantage in the markets for complementary software. Specifically, it can distribute the software much more easily than its competitors. Since virtually every new PC ships with Windows, Microsoft can put its software into the hands of users by including it with the operating system. Any other vendor of complementary software that wanted to distribute through OEMs would have to cut a separate deal with each OEM, and would face the task of persuading OEMs to carry software products that may be directly competitive with products offered by Microsoft. As a result, complementary software from other vendors typically either has to be downloaded (which imposes added costs on users) or distributed separately to users in ''shrink wrap.'' In addition, Microsoft has the ability to allow Microsoft developers of complementary software access to ''hidden APIs''—application programming interfaces in the PC operating system that Microsoft developers know about but which are not disclosed fully to competing developers of complementary software.

B. THE MIDDLEWARE THREAT: NETSCAPE AND JAVA

11. A threat to Microsoft's monopoly in PC operating systems arose in the mid-1990s with the nearly simultaneous emergence of the Internet browser developed by Netscape and the Java programming environment. These are both examples of middleware—application software designed to run on multiple operating systems and which has its own set of APIs. Middleware that provides extensive functionality through a broad set of APIs has the potential to become an alternative platform for application development. If many applications valued by PC users were written to middleware APIs, and if the middleware were ported to other operating systems (existing or to be created), then the applications barrier to entry in the market for PC operating systems would be weakened.

12. Netscape Navigator was a browser that also had the potential to become a platform for application programs. Netscape's browser had its own set of APIs to which developers could write application programs.

13. The initial success of Netscape Navigator was dramatic. Netscape shipped its first browser in September 1994.[1] In July 1995, less than a year later, its share of the browser market was 74%.[2] By mid-1996, Netscape's Share had reached 85%.[3]

14. The threat that Netscape pored to Microsoft's monopoly power in PC operating

[1] ''A Software Giant's March Onto the Internet,'' New York Times (Jan. 12, 1998) at C4.

[2] ''Browser Usage: How It's Trending,'' Interactive Age (Jul. 31, 1995) (citing figures compiled by Interse Market Focus).

[3] ''Microsoft v Netscape: Freer than Free,'' The Economist (Aug. 17, 1996, U.S. Edition).

systems was made even greater by the nearly simultaneous development of Java. The Java technology has several pieces. It is a programming language that I understand has features well suited for writing ''distributed applications''dash;applications that run on networks, calling upon resources located on different computers in the network. Java technology also includes the Java Virtual Machine (''JVM'') and Java Class Libraries. The JVM and Java Class Libraries am forms of middleware.

They are software programs that have been implemented on Windows and many other operating systems. A JVM is software that converts Java code into instructions that can be processed by the operating system on which the JVM sits. The Java Class Libraries are software that performs specific functions that developers can call upon, and build into, their Java application programs.

The JVM and Java Class Libraries are sometimes referred to collectively as the ''Java runtime environment.'' The Java technology has been licensed in a way designed to encourage its implementation on a variety of different operating systems. The Java ideal was captured in the phrase, ''write once, run anywhere.''

15. Java added to the threat posed by Netscape because it extended the set of middleware APIs to which developers could write application programs. It increased the chances that developers could write sophisticated PC application programs written to middleware APIs instead of Windows APIs. Netscape also complemented Java by serving as a distribution mechanism. The Java technology could not succeed without widespread distribution of the Java runtime environment. Because Netscape supported Java and included the Java runtime environment with every copy of its browser, growth in the share of PCs that used the Netscape browser also meant growth in the share of PCs with a Java runtime environment that supported Java's ''write once, run anywhere'' ideal.

16. The economic relationship between middleware and the OS is unusual among the commodities that economic theory usually deals with. Middleware is a complement to any OS in the short run, but it facilitates substitution among operating systems in the long run. Middleware is a complement in the short run because it adds functionality to the existing OS, but it is in a sense a substitute in the long run, because applications can be written to it rather than to the OS. Middleware therefore permits substitution among operating systems, since the applications are not specific to any one OS. Therefore, an OS monopolist will have an incentive to control middleware in order to maintain its OS monopoly. The short-run complementarity becomes an instrument by which this incentive can be realized. The middleware has to be ported to the OS, and the OS producer's control of the needed APIs can be used to restrict the spread and use of the middleware.

17. Middleware is naturally thought of as a disruptive technology, and the emergence of middleware in 1995 created what is frequently referred to as an ''inflection point.'' Put simply, this means that the then well-defined organization of the software market for personal computers might be altered substantially, or at least such a risk existed. As that organization was centered on the Microsoft Windows operating system and its productivity application suite Microsoft Office, Microsoft had the most at risk from any disrupting change that resulted from middleware.

18. Technological disruptions such as the middleware threat of the mid-1990s do not occur frequently. They only arise when there is an important innovation that allows technology to evolve and create new products or functionality that has widespread appeal. At times of technological disruption, the forces of dynamic competition can play an especially important role. The Netscape browser and the cross-platform Java technology separately and in combination had the potential to develop into an alternative platform for application programs that could run on any operating system and which could transform PC operating systems into a commodity business. Bill Gates, in his memorandum of May 26, 1995 on the ''Internet Tidal Wave,'' described just this sort of dynamic competitive threat when he realized that, if successful, Netscape could ''commoditize'' the operating system.

19. There is no easy method by which an economist can determine exactly how significant a threat Java and Netscape actually represented to Microsoft's operating system monopoly. A precise determination of whether Netscape and Java could have succeeded in eroding Microsoft's monopoly power absent Microsoft's illegal conduct would require a counterfactual analysis that addressed a variety of complex interrelations. However, even without this kind of analysis, we have evidence that a reasonably expert onlooker felt the threat was serious, namely, the statements and behavior of Microsoft. Bill Gates, in his memorandum on the ''Internet Tidal Wave,'' explained:

A new competitor ''born'' on the Internet is Netscape. Their browser is dominant, with 70% usage share., allowing them to determine which network extensions will catch on. They are pursuing a multi-platform strategy where they move the key API into the client to commoditize the underlying operating system. ... One scary possibility being discussed by Internet fans is whether they should get together and create something far less expensive than a PC which is powerful enough for Web browsing.

20. In the same memorandum, Gates made clear that he understood how Microsoft should leverage its Windows advantage to bolster its Internet position:

We need to move all of our Internet value added from the Plus pack into Windows 95 as soon as we possibly can with a major goal to get OEMs shipping our browser preinstalled. This follows directly from the plan to integrate the MSN and Interact clients. Another place for integration is to eliminate today's Help and replace it with the format our browser accepts including exploiting our unique extensions so there is another reason to use our browser.

21. To summarize, in an industry marked by network externalities, there is a strong tendency to monopoly (at least when the dominant platform is proprietary or closed). The consumer welfare and efficiency losses associated with monopoly are well known, but the one most relevant here is the decreased incentive to technological innovation. It is all the more important to encourage what may be called dynamic competition, the entry of new firms and new products. At certain periods, whether due to technological innovation or to a transient situation in which the tendency to monopoly has not yet worked to its completion, the market will be confronted with alternative lines of development; Netscape Navigator and Java as against Microsoft products in 1995, client-server networks and web services today. At these periods, there may be opportunities for a new platform to compete with and possibly take over from the existing one. In view of the strong tendency to monopoly in this industry (because of network externalities), it is all the more important to keep the competition as viable as possible when the opportunity presents itself. In particular, illegal anticompetitive steps by existing monopolists should be prevented to the maximum extent possible. Such a policy prevents the stagnation of existing monopolists and encourages the expansion of the number of alternatives among which the buyers can choose.

III. MICROSOFT DEFEATED THE THREAT POSED BY NETSCAPE AND JAVA

A. MICROSOFT'S ILLEGAL PRACTICES

22. Microsoft made a concerted effort to eliminate the threat from middleware competition. Microsoft was found to have engaged in illegal conduct exactly at the moment that dynamic competition might have flourished. As the DC Circuit concluded, Microsoft took illegal steps to exclude the middleware threat, and in particular, took anticompetitive actions directed against Netscape Navigator and Java. In particular, the DC Circuit judged illegal significant elements of Microsoft's strategy:

a) By barring original equipment manufacturers (''OEMs'') from removing access to Microsoft's Internet Explorer (''IE'') browser from the Windows desktop, Microsoft prevented many OEMs from installing Navigator or other browsers, and that in turn protected Microsoft's OS monopoly by reducing potential middleware competition. This violated Sec. 2 of the Sherman Act.

b) By preventing OEMs from altering the initial boot sequence for Windows, Microsoft prevented OEMs from promoting Internet access providers, many of whom were using and distributing Navigator to their customers. Again, this reduced competition with IE and protected Microsoft's OS market power in violation of Sec. 2.

c) Through commingling software code for Windows with that of Internet Explorer, Microsoft deterred OEMs from installing Navigator. That, in turn, reduced Navigator's usage share, and thereby protected the applications barrier to entry by reducing developer's interest in the APIs exposed by Navigator. Microsoft also removed Internet Explorer from its Add/Remove utility, further entrenching Internet Explorer and further discouraging OEMs from distributing Navigator. The DC Circuit found these

actions to be anticompetitive and to support a finding of liability for exclusionary conduct and therefore monopolization under Section 2.

d) By entering into contracts with Internet access providers that foreclosed Navigator's access to an economically significant share of the Internet access provider (''IAP'') market, Microsoft engaged in exclusionary conduct in protection of its OS monopoly, again in violation of See. 2

e) By entering into contracts with independent software vendors that required those independent software vendors (''ISVs'') to use Internet Explorer if the ISV need web display, Microsoft further foreclosed distribution of Navigator, again in protection of its OS monopoly, in violation of Sec. 2.

f) By entering into an exclusive distribution contract with Apple for Internet Explorer after Microsoft had threatened to cancel the Macintosh version of Office, Microsoft engaged in exclusionary conduct in protection of its OS monopoly in violation of Sec. 2.

g) Through a number of exclusionary actions directed at Java, Microsoft limited Java's viability as a cross-platform threat and did so in violation of Sec. 2. Those actions included: limiting distribution of ''write once, run anywhere'' JVMs directly through exclusionary contracts with ISVs and indirectly through Microsoft's actions against Netscape; deceiving developers who wanted to develop pure Java code into writing code with Windows-specific extensions that would make the code Windows dependent; and threatening Intel and inducing it to stop developing Intel multimedia software for Java.

B. THE STATE OF THE MARKET TODAY

23. As of 1995, Microsoft's share was of the installed base of PC operating systems was 870% [4] while its share of the Internet browser market was less than 5%.[5] Today, those figures stand at 92% for PC operating systems [6] and 91% for browsers.[7] Thus Microsoft's position in PC operating systems remains strong, while its share in Internet browsers has risen dramatically.

24. Microsoft's illegal practices were successful in helping to minimize the threat that middleware posed for the creation of a programming environment outside of Microsoft's control. I am aware of no middleware today that poses a risk to Microsoft comparable to that posed by Navigator and Java in 1995. Nor does the government's Competitive Impact Statement suggest that such a threat exists today or is likely to emerge over the five-year duration of the PFJ.

C. MICROSOFT'S MIDDLEWARE ADVANTAGES

25. Microsoft today has substantial advantages in middleware that make it unlikely the market itself will generate new entrants into middleware capable of re-creating the competitive risk faced by Microsoft in 1995. As noted earlier, through its control over Windows, Microsoft has had—and under the PFJ will continue to have—an enormous advantage in the distribution of software that is complementary to Windows. Since every new PC ships with Windows, Microsoft has a very easy way to get software into the hands of users: it can include it with the operating system. Microsoft can simply bundle the middleware with Windows or it can integrate the code into Windows itself.

26. This ensures the ubiquity of Microsoft middleware and operates as a barrier to entry for competing middleware. Any entrant would have to make a substantial investment to achieve comparable widespread distribution. A firm considering entry should understand that its inability to guarantee a universally exposed set of APIs means that, all other things equal, developers would prefer to write to the APIs exposed by Microsoft middleware. The ubiquity of Microsoft middleware and its ability to integrate middleware into Windows—which the PFJ does not constrain—therefore operate as economic disincentives for the development of competing middleware by potential entrants.

27. Microsoft also has complete freedom in how it prices its middleware. In bundling middleware with Windows, Microsoft need not charge an incremental price for the middleware. It can simply fold into the price of Windows whatever price it would charge for the middleware were it distributed separately. This would not be an option available for a potential entrant who will expect that it would need to establish a separate, discrete positive price for any middleware that it might create. The ability of Microsoft to set an apparent price of zero for its middleware operates as a barrier to entry in middleware.

28. Even if competing middleware were created, the ubiquity of Microsoft middleware would operate as a direct barrier of the distribution of that middleware. As the DC Circuit affirmed, OEMs are reluctant to install two products that perform the same function, as this raises support costs. Twice as many products will be supported for the same function, plus consumers may be confused by the presence of both products.

29. Moreover, Microsoft's ability to ''embrace and extend'' any middleware created by an entrant also operates as a barrier to entry. Again, it will take a substantial amount of time for an entrant to distribute innovative middleware. During that time, Microsoft will likely be able to imitate that middleware and distribute updated'' versions of Microsoft middleware over the Internet to end users through its Windows Update feature. Given this, entry into middleware is less likely and this may reduce innovation in and development of middleware.

30. In sum, Microsoft took substantial steps to eliminate the threat posed to it by Netscape and Java. The DC Circuit affirmed that a substantial number of those actions constituted impermissible monopoly maintenance and therefore monopolization in violation of Section 2 of the Sherman Act. Today, Microsoft's illegally maintained monopoly operates as a substantial barrier to new entry into middleware. The monopoly operates as a disincentive for entry and thereby likely reduces innovation in middleware. Given this market structure, it is highly unlikely that market forces alone will lead to the development of innovative middleware that creates the same competitive risk to Microsoft that it faced from Navigator and Java in 1995.

IV. THE RESTRICTIONS ON MICROSOFT'S BEHAVIOR CONTAINED IN PFJ ARE INSUFFICIENT TO RESTORE THE COMPETITIVE THREAT THAT MIDDLEWARE POSED IN 199'5

31. No remedy can turn back the clock to 1995 and re-create the competitive threat that existed at that crucial time of technological disruption. Technological disruptions of the magnitude that Bill Gates called ''the Internet tidal wave'' cannot be created by judicial proceedings. Even so, one of the objectives of the remedies should be to attempt to restore, to whatever extent possible, the possibility of competition in the market where the illegal monopoly was maintained (i.e., the market for PC operating systems). The restrictions on Microsoft's behavior in the PFJ fall well short of this objective.

A. PROBLEMS WITH THE MIDDLEWARE REMEDIES

32. Following its years of illegal conduct, Microsoft's position in the core middleware products (Internet browsers and Java technology) is totally different today than it was in 1995. Microsoft has a dominant share of the browser market, IE has caught up to and surpassed Navigator's technical capabilities, and the prospect of large numbers of desktop applications written in ''write once, run anywhere'' Java seems remote.

33. There are two features of the industry that made the threat from Netscape and Java so significant. First, the technological disruption of the Internet made the functionality of the browser sufficiently important that it could become a platform for large numbers of applications. Second, the head start that Netscape and Java had over Microsoft middleware provided a substantial first-mover advantage, a particularly important element for competitive success in network industries prone to ''tipping.'' Probably the only chance a competitor has to overcome the inherent advantages that Microsoft has in distribution is to create a large installed base of users before Microsoft can develop and launch a competitive product.

34. The market position that Microsoft has today makes it difficult for any set of conduct remedies to lead to significant middleware competition. Neither the PFJ nor any other set of conduct remedies can re-create the technological disruption or competitive head start that existed before Microsoft acted illegally. However, for the reasons explained below, the middleware remedies in the PFJ seem especially likely to be ineffective.

1. The Reliance in the PFJ on OEMs to Distribute Competing Middleware

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[4] Dataquest, ''All Platform Operating Systems Sales History and Forecast Summary,'' Table 12 (Mar. 1997).

[5] ''Microsoft v Netscape: Freer than Free,'' The Economist (Aug. 17, 1996, U.S. Edition).

[6] IDC, ''Worldwide Client and Server Operating Environments, Market Forecast and Analysis, 2001–2005'' (Aug. 2001).

[7] ''AOL Files Suit Against Microsoft For Damages Inflicted on Netscape,'' Wall Street Journal (Jan. 23, 2002) (citing data compiled by WebSideStory, a market research firm).

35. The PFJ relies heavily on competition in the OEM distribution channel as the key mechanism for overcoming the competitive harm created by Microsoft's actions. The same was true in the government's prior settlement with Microsoft, as I noted in my 1995 declaration:

Despite the importance of natural advantages [referring to the installed base discussion above] in the market for IBM-compatible PCs, the complaint and proposed remedies addressed competitive issues that are critical to the success of new competition in this market. The most effective and economic point of entry for sales of IBM-compatible PC operating systems is the OEM distribution channel. New operating system software products should have unimpeded access to this channel. The Government's complaint and proposed settlement provide needed relief to facilitate the entry of new competitors, such as IBM's OS/2.

36. Seven years later, it is clear that little was accomplished in the prior consent decree in relying on the OEM channel to facilitate competition in PC operating systems. Unimpeded access to this channel may indeed be necessary for effective competition. However, it is far from sufficient to create effective competition for middleware given the current state of the industry.

37. One obstacle to competition in middleware, which the PFJ does not address, is the applications barrier that now protects the position of Microsoft middleware. ISVs have a strong incentive to write applications to Microsoft middleware, since Microsoft middleware will be present on every Windows machine that is shipped. The PFJ does not restrict Microsoft's ability to commingle code and include middleware APIs in with its Windows operating system. The PFJ permits OEMs to remove Microsoft middleware icons, but the middleware itself, and its associated API set, will remain. Thus, the ubiquity of Microsoft's middleware will encourage ISVs to write applications to these APIs.

38. The PFJ restricts Microsoft's ability to discriminate against OEMs that also ship competing middleware, but this does not create an incentive for OEMs to ship competing middleware. For the reasons explained by the District Court and the Court of Appeals, OEMs are reluctant to include software that provides similar functionality to other software on the machine—it increases confusion among users and raises support costs.

39. If ISVs do not write applications to the competing middleware, OEMs will not distribute it. If OEMs do not distribute it, ISVs will not write applications to it. The current dominance of Microsoft middleware thus makes it very unlikely that this circle can be broken by the non-discrimination restrictions in the PFJ.

40. The PFJ also seeks to increase the role of OEMs in defining the Windows desktop. This is also insufficient to create significant middleware competition. Even if OEMs had complete control over the icons that would appear on the Windows desktop—and they would not under the PFJ—this would not alter in any way the software that would actually be present on the computer. Removing an icon from the desktop just removes the most obvious point of consumer access to the software, but the ability of ISVs to write to the APIs presented by the software remains unchanged.

41. The PFJ also attempts to prohibit Microsoft from discriminating against OEMs that distribute competing middleware. It does this by requiring Microsoft to provide uniform licensing terms to the 20 largest OEMs and preventing specific retaliation against OEMs that distribute competing middleware. It is not clear to me that these restrictions are sufficient to prevent Microsoft from exercising influence over the behavior of OEMs towards products that compete with Microsoft. First, I understand that the non-discrimination provisions apply only to certain Windows desktop operating systems (Windows XP and Windows 2000 Professional) and not to other Microsoft products that an OEM might purchase. Second, the relationships between Microsoft and OEMs are complex and multi-faceted. For example, Microsoft provides marketing and promotion support to OEMs; its provides technical assistance; its provides allowances for product development. Microsoft may provide these services differently to OEMs. Since the PFJ does not prohibit all forms of discrimination across OEMs, Microsoft may have sufficient ability to influence OEM decision-making.

42. The PFJ also contains limited disclosure requirements. The exact scope of these disclosures depends on careful interpretation of the complex language of the PFJ. I do not attempt such an interpretation but comment only on the limited impact of the disclosure remedies under any reasonable interpretation. There is a requirement to disclose interfaces that permit competing middleware to interoperate with Windows operating systems. I understand, however, that Microsoft is only required to make these disclosures if the interface is already in use by a Microsoft middleware product. A disclosure requirement limited in this manner pushes potential middleware competitors in the direction of ''me too'' products and does little to create incentives for significant innovation in middleware.

2. IE Open Source and Java Must-Carry

43. There are alternative middleware remedies that could have a more significant effect. More aggressive remedies with respect to that middleware threat would be open source Internet Explorer and a requirement for Microsoft to distribute the most current version of the standard Java runtime environment with IE and Windows. Even these remedies are likely to be insufficient to turn back the clock to the level of competition that existed before Microsoft's illegal conduct. But they are likely to have more impact than the remedies in the PFJ.

44. Open source IE is the most effective way to fully expose the links between IE and Windows as well as the IE APIs. This creates the possibility of interoperability between competing products and it furthers the possibility of operating system competition. It also allows anyone who wants to develop a competitive browser to be fully compatible with applications that are written to IE APIs. This way it limits the extension of the applications barrier to entry created by Microsoft's dominance in the browser.

45. The Java must-carry remedy works to erode the application barrier to entry by helping to overcome reluctance of ISVs to develop programs that require Java on the client. It is only by assuring sufficient ubiquity of Java and browser functionality that there is any chance that Microsoft may lose control of the applications barrier through competing middleware.

B. INATTENTION TO THE APPLICATIONS BARRIER TO ENTRY

46. The applications barrier to entry identified by the DC Circuit consists in part of the large number of applications available on the Windows platform. As discussed above, successful entry in middleware of the type commenced by Netscape Navigator and Java could have substantially eroded the applications barrier to entry and facilitated entry into the operating systems market.

47. Microsoft controls the most economically important set of applications in its Microsoft Office suite. Office accounts for nearly 30% of Microsoft's annual revenue.[8] Software suites consisting of personal productivity applications such as word processing, spreadsheets, presentation software, electronic mail, and calendar and contact management constitute a distinct and relevant product market. Microsoft's share of that market today is in the mid-90s[9] and Microsoft almost certainly holds substantial market power.

48. As found by the DC Circuit, Microsoft has used its control over Office to maintain its OS monopoly. Microsoft threatened to cancel the Macintosh version of Office if Apple did not distribute Internet Explorer, Microsoft's Interact browser. It is clear that Microsoft's ability to make such threats would be diminished if Microsoft had an obligation to license the rights to port Office to competing OS platforms.

49. Since remedies focused entirely on middleware will not re-create the threat to Microsoft's monopoly power in PC operating systems that existed prior to Microsoft's illegal conduct, additional actions need to be taken to ensure that Microsoft does not benefit from its illegal conduct. These additional actions should be targeted at further reducing the underlying source of Microsoft's market power, namely the applications barrier to entry. Porting Office to other platforms would be a remedy of this type that could have a significant impact on the applications barrier. One factor that limits the demand for Unix workstations, which have computational advantages over Intel-based PCs, is the inability to

[8] Dresdner Kleinwort Wasserstein, ''Microsoft Corporation,'' Figure 4 (1 Aug. 2001).

[9] In 1999, Microsoft accounted for 96.1% of the revenues of office suites designed for Windows. Since 98.1% of all sales of office suites in 1999 were for the Windows platform, these figures by themselves imply an industry share of 94%. But Microsoft also accounted for a large share of the revenues of office suites designed for Apple's Macintosh OS—a platform that accounted for nearly all of the non-Windows sales of office suites. IDC Office Suite Market Review and Forecast, 1998–2003 (Aug. 1999).

interoperate with Office. The thin-client model of computing, where most computing occurs on the server, not the client, represents one of the most important threats to Windows desktop computing. The switching costs of adopting new personal productivity software with files not compatible with Office represents a significant barrier to Unix-based thin client networks. A requirement to license the rights to port Office may be one of the most effective ways to create competition for Windows, something which can probably no longer be achieved by remedies exclusively related to middleware.

C. PROBLEMS WITH THE ENFORCEMENT MECHANISM

50. The remedies in the PFJ are too limited in scope to re-create past competitive conditions even if they are enforced perfectly. However, the enforcement mechanisms in the PFJ are far from perfect and will likely lead to delays and costs that further limit the effectiveness of the remedies. The PFJ relies on a technology committee to oversee Microsoft's compliance with the PFJ. The membership in the committee is controlled 50% by the company whose past illegal activities have been the subject of the Circuit Court's decision. The committee lacks both resources and the power to enforce the PFJ. The committee must rely on information provided to it by Microsoft and has little ability to engage in its own investigations. Furthermore, if it uncovers a violation, it must rely on lengthy litigation to enforce it.

51. The implication is that failures by Microsoft to comply may go undetected and if they are detected, it may take a great deal of time and effort to impose a change on Microsoft's behavior. Delays can greatly limit the effectiveness of any particular remedy in a dynamic industry subject to network effects. If enforcement will be ineffective, it may create an incentive for Microsoft to violate the terms of the decree.

52. Other consent decrees have used special masters with sufficient resources and expedited judicial review to enforce their terms. Given the complex, dynamic nature of the software industry, it is especially important that the resources are in place to monitor the terms of the decree and that swift enforcement is possible.

V. APPROPRIATE REMEDIES SHOULD NOT ALLOW MICROSOFT TO PROTECT ITS ILLEGALLY MAINTAINED MONOPOLY AGAINST CURRENT AND FUTURE COMPETITION FROM OTHER MARKETS

53. The PFJ focuses on the PC desktop as the central space in which competition will take place going forward. It does this by creating limited new operating rights for OEMs coveting the appearance of the desktop and greater protections for installing middleware that competes with Microsoft. As I have discussed above, given the substantial advantages in middleware that Microsoft has through its illegally maintained monopoly, I think that it is unlikely that these desk-top-oriented remedies will spur economically meaningful entry in middleware and that there is therefore little reason to think that those remedies will re-create the competitive risk Microsoft's desktop monopoly faced from middleware entrants in 1995.

54. The PFJ therefore needs to be augmented with remedies that take a forward-looking approach. The PFJ needs to focus on the current and future threats to Microsoft's market power and ensure that Microsoft is not allowed to use its illegally maintained monopoly in PC operating systems to dilute these current and future competitive threats. A PFJ focused on desktop remedies not only will not jump start competition now, but by allowing Microsoft to keep the benefits of its illegal activities, such remedies will fail to deter future illegal anticompetitive actions by Microsoft. Instead, additional remedies should naturally be directed at ensuring competition going forward uninfected by Microsoft's illegally maintained monopoly. In particular, these remedies should seek to re-create the same risks faced by Microsoft in 1995 when the middleware threat arose. ''

A. FUTURE COMPETITION IN SERVERS AND WEB SERVICES

55. A forward-looking remedy should seek to limit Microsoft's ability to use its illegally maintained monopoly power to bias competition in complementary products that have the potential to develop into substitutes for desktop computers. Server operating systems and Web services are two prime examples. These products intersect at the middle of two related trends. To date, the Internet has been a PC Interact. Most Interact users access the Internet through a PC or workstation. The first trend is a probable shift to the use of many devices to access the Interact, including cell phones, handhelds such as the Palm Pilot and other personal digital assistants, and thin clients. As these devices themselves are not as powerful as a typical PC, they will demand more work from the servers and sewer operating systems delivering the information. The implication is that, in the future, a significant amount of computing will bypass the desktop—which in turn implies that Microsoft has an incentive (if it can) to extend its monopoly from the desktop into servers.

56. The second trend is a related shift in how software is owned and managed. Prior to the Internet, PC software and content was largely locally owned and locally managed. The software was installed directly on the user's PC, from a floppy disk and then later a CO. The rise of the Interact makes it possible to move the location of software off of the PC and onto a remote device—a server—with much of the work done remotely. This gives rise to the generalized notion of a web service, where software is no longer a thing like a CD but instead a service delivered to a connecting device, much the way electricity is delivered to many devices.

57. On November 29, 2001, Steve Ballmer, Microsoft's CEO, discussed these trends and how Microsoft was approaching them through its .NET initiative: [10]

About three years ago we changed the vision of our company. Instead of talking about a computer on every desk and in every home we started talking about empowering people through software anytime, any place, any device. ... It starts with a view, which came to us quite clearly about five, almost six years ago now that XML [eXtensible Markup Language] would really be the transforming industry phenomenon of the next five years. If it was the PC 20 years ago and graphical user interface 10 or 15 years ago and the Internet five or six years ago, it's XML. And I'm not going to give a long description, but I think the way you should think about it is XML will be the Lingua Franca of computing. It will be the basis on which systems work better with systems, people with people, businesses with businesses, businesses with consumers. It will improve the level of integration and connectivity. It gives us a framework at least for the software community to build the software that allows that. ... .NET is our platform to let people take advantage of the XML revolution.

58. Ballmer also discussed the Microsoft business model and how .NET fits within it. He sees Microsoft as targeted on seven business areas, including, unsurprisingly, PC operating systems, PC productivity solutions ''anchored'' by Office, and server software for building and deploying these applications. All of these are now being organized around .NET:

I think you could say we are a company that invests in seven businesses around one platform. That platform is .NET. .NET is our platform for the next technology revolution that is going on. And that is the shift to the XML web service model as the fundamental way of building and deploying software. .NET is our platform to do that. ... That's how we think about the seven business areas in which we are investing. They're all being re-platformed or re-plumbed around .NET and XML web services.

59. A computing world in which Web services, hosted on servers, are delivered on demand over the Internet is a world that has negative implications for Microsoft's near-monopoly in desktop operating systems. In such a world, there is no longer the same need for desktop computers to have ''fat'' operating systems such as Windows. In many respects, the Web services model is simply a more developed version of the thin-client, ''network computer'' model advocated by Oracle and Sun in the mid/late-1990s. As such, the Web services model is a threat to Microsoft's desktop monopoly and Microsoft therefore has an incentive (if it can) to use its existing monopoly to gain control over this possible threat. It has an incentive to ensure that Windows remains at the center of the Web services model and/or to migrate its monopoly from the desktop to Web services.

B. MICROSOFT IS ATTEMPTING TO PROTECT ITS EXISTING MARKET POWER BY USING ITS ILLEGALLY MAINTAINED MONOPOLY IN PC OPERATING SYSTEMS TO GAIN ADVANTAGES IN SERVERS AND WEB SERVICES

60. Microsoft's illegally maintained monopoly in the market for PC operating systems provides it with important advantages in server operating systems, in particular operating systems for workgroup servers. Workgroup servers are the servers in a ''client-server'' network that interoperate directly with desktop clients. Workgroup

[10] S. Ballmer speech, Credit Suisse First Boston Technology Conference (Nov. 29, 2001) (http://www.microsoft.com/msft/speech/BallmerCSFB112901.htm).

servers provide services such as authentication and authorization, directory, and file and print. Very importantly, they are also the point of contact or gateway between an organization's network of servers and the Interact. Workgroup servers are distinct from enterprise servers, which are more powerful, reliable and expensive servers that handle databases and other ''mission critical'' applications.

61. Some of Microsoft's advantages in workgroup server operating systems arise because of the distribution advantage provided by its monopoly in PC operating systems. Suppose a vendor of workgroup operating systems develops a new feature (such as a new directory service for keeping track of the users and resources on a network or a new security system for authentication and authorization). In the usual case, the network cannot make use of the new service in a server operating system unless certain new code (supplied by the vendor of the server operating system) is also installed on the clients in the network. In large networks, this can be a costly and time-consuming exercise—unless the network is running Windows on its servers. A network that runs Windows on its servers does not face this kind of problem because Microsoft ensures that the client-side pieces of server-side technologies are built into its Windows desktop operating system. This gives Microsoft a competitive advantage over other vendors of workgroup server operating systems. But it is an advantage that derives from Microsoft's illegally maintained monopoly in PC operating systems. Moreover, there may be significant long-run costs through the adverse effect that Microsoft's distribution advantages (derived from its illegally maintained monopoly in desktop operating systems) may have on incentives to invest in server-side innovation.

62. There are other ways in which Microsoft's past illegal conduct has provided it with advantages today in the market for workgroup server operating systems—advantages that help protect and enhance Microsoft's existing market power. For example, one of the benefits to Microsoft from the defeat of Netscape's browser was the resulting reduction in demand for Netscape application programs for servers. These server-side applications were designed to interoperate with the Netscape browser and certain client-side applications, such as e-mail, written to the Netscape Navigator APIs. Unlike Microsoft's server-side applications (such as Exchange) that run only on Windows, Netscape's server-side applications were implemented on multiple platforms, including Unix and Novell's NetWare. As Netscape's share of the browser market declined following Microsoft's illegal conduct, the demand for Netscape's server applications also declined. Thus a consequence of Microsoft's illegal conduct has been an increase in the demand for Microsoft server-side applications such as Exchange that, as mentioned above, run only on Windows server operating systems. Put differently, Microsoft's past illegal conduct towards Netscape is helping Microsoft establish an applications barrier that will protect and enhance its future position in the market for workgroup server operating systems.

63. Another way in which Microsoft's past illegal conduct affects the market for workgroup operating systems today involves distributed application programs. As I mentioned before, Java is a programming language with features that I understand make it well suited for distributed applications, i.e., applications that call upon resources located on multiple different computers located around a network. As I understand it, for distributed applications to work, they need to conform to a particular set of protocols, and these protocols need to be supported by the operating systems of the computers involved in executing the distributed application. Java had protocols for distributed applications (RMI and CORBA) that were supported by multiple operating systems. Microsoft had an alternative, proprietary set of protocols called DCOM. By interfering with the development of cross-platform Java, Microsoft gave an advantage to its framework for distributed applications (DCOM) and promoted the development of distributed applications written to protocols that run only on Windows operating systems. In addition, since the programs that are written to these Microsoft protocols are targeted for computers using the Windows operating system, such programs also make use of Windows APIs. This means that even if rival operating systems were given the ability to support DCOM, they could not run most of the distributed applications written to this protocol because these applications also make use of Windows APIs. Thus this is another example of how Microsoft's past illegal conduct, this times towards Java, is helping Microsoft establish an applications barrier that will protect and enhance its future position in the market for server operating systems.

64. Microsoft's past illegal conduct has also given it advantages today in Web services. For example, one of the Web services that Microsoft has promoted heavily is Passport, its Internet authentication and authorization service. In a network environment, key issues are verifying the identity of users or computers (''who are you?'') and determining the resources to which you are entitled to have access (''what are you authorized to do?''). Passport is an authentication and authorization service targeted, at least initially, at e-commerce. Consumers who subscribe to Microsoft's Passport service will have their name and credit card information on file on servers controlled by Microsoft. E-commerce vendors who participate in Passport will have back office connections with the Microsoft servers so that, when a consumer who subscribes to Passport wants to purchase something, the e-commerce vendor can check with Microsoft's Passport servers to authenticate and authorize the purchase (and debit the consumer's credit card). The theory is that Passport will simplify e-commerce transactions.

65. For Passport to be successful, Microsoft needs to have a large base of consumers who subscribe to the service. A large base of consumers will make firms engaged in e-commerce interested in joining Passport on the vendor side, which in turn will make Passport more attractive to consumers. Thus there are potential network effects which, if they get started, may result in Passport being in the middle of a very large volume of Internet transactions.

66. Microsoft is actively using its illegally maintained monopoly in PC operating systems as a vehicle for enrolling consumers in Passport. Every time a consumer boots up a new copy of Windows, the consumer is asked multiple times whether he or she would like to sign up with Passport. In addition, the consumer is told that he or she will not receive information about product upgrades unless the consumer signs up for Passport. Thus this is an example in which Microsoft is using the distribution advantages that it has by virtue of its illegally maintained monopoly in PC operating systems to gain advantages in Web services. In so doing, Microsoft helps protect its existing monopoly power and/or helps migrate its market power from the desktop to Web services.

C. THE PFJ GIVES INSUFFICIENT ATTENTION TO:FUTURE COMPETITION

67. The implications of these trends are significant. Microsoft's monopoly in desktop operating systems provides it with advantages in adjacent markets that Microsoft is able to use to protect and enhance its illegally maintained monopoly power. By migrating its monopoly from desktop operating systems into server operating systems and Web services, Microsoft can help ensure that its future market power is comparable to (or greater than) the market power it possessed when the desktop was the principal hub of computing activity.

68. Given these links between Microsoft's past illegal conduct and Microsoft's future market power, an appropriate remedy should be focused on limiting Microsoft's ability to use its illegally maintained monopoly to gain advantages in products in other markets that have the potential to become substitutes for the Windows desktop operating system. Disclosure remedies have the potential to be an important step in this direction. For example, if Microsoft were required to fully disclose the interfaces and protocols used by its server and client operating systems, then vendors of non-Microsoft server operating systems could design their products so that they could interoperate smoothly in networks populated by Windows clients and servers. The resulting competition among vendors of server operating systems would help ensure that servers remain a threat to Microsoft's illegally maintained monopoly in desktop operating systems.

69. The PFJ does, not ignore completely issues related to adjacent markets. The PFJ does require disclosure for communication protocols that allow for servers to interoperate with Windows operating systems. This requirement, in contrast with the other provisions of the PFJ, appears to focus more on the server operating system market than competition in middleware. I understand, however, that the disclosure requirements proposed in the PFJ are exceedingly narrow and ultimately inadequate to allow full and equal interoperability for competitive server operating systems or Web services architectures.

70. In designing disclosure remedies (or any other remedy), it is important to remember that one is try to cure the consequences of past illegal conduct. As a result, there is no reason to be troubled by remedies that impose obligations that one would be reluctant to impose on other firms. Against this background, it seems reasonable to consider a remedy that requires disclosure sufficient to allow competitive products to interoperate with Microsoft software on an equal basis as Microsoft's own products. It is not clear that even this would be enough to offset the advantages that Microsoft has gained for itself in adjacent markets through past illegal conduct and which serve to protect and enhance its existing market power. But it scans like a reasonable step.

VI. SUMMARY OF CONCLUSIONS

71. As the DC Circuit found, Microsoft violated Sec. 2 of the Sherman Act in impermissibly maintaining its monopoly through actions designed to eliminate the threat to that monopoly posed in the mid 1990s by competition from Netscape Navigator and Java middleware. Given that finding, the remedies in this case should eliminate the benefits to Microsoft of its illegal conduct; should restore, if possible, the possibility of competition in operating systems; and should not allow Microsoft to protect its illegally maintained monopoly from current and future competition in related markets, such as server operating systems and Web services. In my opinion, the PFJ fails to accomplish these objectives.

72. The PFJ focuses on the desktop and on re-creating the possibility for middleware competition by giving OEMs freedom with regard to icon display and more limited freedom in installing and using non-Microsoft middleware. In doing so, it ignores the reality that Microsoft's market position in browsers and other middleware is substantially stronger today than it was in 1995. I know of no competing middleware today—and none is suggested in the Competitive Impact Statement—that begins to enjoy the time-to-market and market presence advantages held by Netscape Navigator and Java in the mid-1990s. The PFJ does nothing to address the powerful distributional advantage that Microsoft alone has and which ensures that its middleware will be ubiquitous. That ubiquity operates as an unchecked barrier to entry and reduces the incentive for others to create innovative, competitive middleware. I therefore see no reason to think that the PFJ will succeed in spurring a new middleware threat to the Microsoft operating system or in denying Microsoft the fruits of its illegally maintained monopoly.

73. The PFJ ignores remedies that could have a more significant effect in middleware markets, in particular, remedies that require Internet Explorer to be open source and that require Microsoft to distribute the most current version of the Java runtime environment with IE and Windows. Although these remedies are unlikely to fully restore the competitive threat posed by middleware before Microsoft's illegal activities took place, these remedies would likely have a greater impact than those set forth in the PFJ.

74. More fundamentally, the PFJ does nothing to address the applications barrier to entry that defines Microsoft's monopoly in PC operating systems. Microsoft also controls the most economically important set of applications for Windows through its control over Microsoft Office. As the DC Circuit found, Microsoft used that control to protect its operating system monopoly through threats against Apple. It is clear that Microsoft's ability to make such threats would be diminished if Microsoft has an obligation to license the rights to port Office to competing operating systems. Indeed, porting Office to other operating systems is a remedy that could have a significant impact on the applications barrier to entry.

75. In addition, the PFJ should focus on the current and future threats to Microsoft's market power and ensure that Microsoft cannot use its illegally maintained monopoly to stifle such threats. This ease makes clear that those threats are likely to come from products that are complements to Windows in the short run and potential competitors in the long run. That was precisely the position of Netscape Navigator and Java in 1995; today, based on Microsoft's?? public statements, that may be the position of server operating systems and Web services. Both of these represent a move away from a computing structure organized around desktop computers using ''fat'' operating systems such as Windows. Server operating systems and Web services represent an evolution of the thin-client model of computing, and as such, represent a threat to Microsoft's desktop monopoly. Microsoft is currently attempting to defeat this threat by using its illegally maintained monopoly in PC operating systems as a vehicle for expanding its market share in servers and attaching consumers to its Web services infrastructure. The PFJ is missing forward-looking remedies that address such efforts by Microsoft to protect and enhance its existing market power by using its illegally maintained monopoly in PC operating systems to defeat competitive threats in adjacent markets. This is a significant hole in the PFJ that bears on the future of competition in the computing industry.

I hereby affirm under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief. Executed this 25th day of January, 2002 in Palo Alto, California.

Kenneth J. Arrow

Attachment B

PRIVILEGED AND CONFIDENTIAL

In re: United States v. Microsoft Corp., Civ. Action No. 98–1232; New York v. Microsoft Corp., Civ. Action No. 98–1233

Mediator's Draft No. 18 of Settlement Stipulation and Proposed Consent Decree Stipulation

The parties, by their respective attorneys, agree as follows:

1. The court has jurisdiction over the subject matter of this action and over all the parties to it.

2. The final judgment attached hereto (sometimes referred to as the ''decree'') may be entered by the court upon motion of any party or upon the court's own motion at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16.

3. The parties shall comply with the terms of the attached final judgment no later than 30 days after the date of the execution of this stipulation, with the exception of § 3.9 and 4.1, with respect to which compliance shall be due no later than 60 days after the date of the execution of this stipulation, and § 4.2, which specifies the time for compliance with that section.

4. The plaintiffs agree not to oppose a motion by Microsoft to vacate the findings of fact that the court issued on November 5, 1999, and to declare that those findings, and the judgment when entered, shall have no preclusive effect, either under principles of collateral estoppel (issue preclusion) or section 5(a) of the Clayton Act, 15 U.S.C. § 16(a), in any proceeding, the court having rendered no conclusions of law or determination of liability and Microsoft Corporation having not acknowledged liability and having represented that it has agreed to the entry of this judgment solely for business reasons, to avoid the expense and uncertainties of continued litigation. Microsoft's consent to the entry of this judgment is conditional upon the grant of this motion.

5. If the court does not enter the decree as the final judgment in this proceeding, all the parties are relieved from all obligations under the decree and this stipulation.

6. This stipulation will not be effective until all the parties to the litigation have signified in writing that they agree to it. It will become effective on the day on which the last party communicates its acceptance to the other parties.

7. This stipulation and the attached decree are the complete and integrated expression of the parties'' settlement agreement.

For the United States

For the other plaintiffs

For Microsoft Corporation Dated:——————————, 2000 4/5/00

Final Judgment

It is ordered, adjudged, and decreed, as follows:

§ 1. Jurisdiction:

This court has jurisdiction of the subject matter of this action and of Microsoft. Microsoft has violated sections 1 and 2 of the Sherman Act, 15 U.S.C. § 1, 2, and related state laws of the States of New York, California, Connecticut, Florida, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, New Mexico, North Carolina, Ohio, Utah, West Virginia, and Wisconsin, and the District of Columbia.

§ 2. Definitions:

(1) ''operating system'': the software that controls the operation of a computer. An ''operating system product'' is any operating system or part or feature thereof that is distributed commercially whether or not it is marketed for a positive price. A ''personal computer operating system'' is an operating system intended to be used with personal computers, whether or not such operating system is also intended to be used with other computers.

(2) ''Windows operating system.'' Software code (including source code and binary) of

Windows 98, Windows 2000 Professional, and their successors, including the Windows operating systems codenamed ''Millennium,'' ''Whistler,'' and ''Blackcomb.''

(3) ''middleware'': software that operates between two or more types of software (such as an application, an operating system, a server operating system, or a database management system) and could, if ported to multiple operating systems, enable software products written for that middleware to be run on multiple operating systems. Software does not cease to be middleware, if otherwise within the definition in this subsection, merely because it interacts directly with the operating system or other software. Examples of middleware within the meaning of the decree include Internet Explorer, the Outlook Express e-marl client, Windows Media Player, and the Java Virtual Machine. Examples of software that are not middleware within the meaning of the decree are disk compression and memory management.

(4) ''platform software'': either an operation system or middleware, as these terms are defined above.

(5) ''default Middleware'': software configured to launch automatically (that is, by ''default'') to provide particular functionality-when-other middleware has not been selected for this purpose. For example; a default browser is middleware configured to launch automatically to display Web pages transmitted over the Interact or an intranet that hear the .htm extension, when other software has not been selected for this purpose.

(6) ''personal computer'': a computer that is designed to he used by one person at a time that uses a video display and keyboard (whether or not the video display and keyboard are actually included), and that contains an Intel x86 or competitive microprocessor, and computers that are commercial substitutes for such computers.

(7) ''original equipment manufacturer (OEM)'': the manufacturer or assembler of a personal computer.

(8) ''independent software vendor (ISV)'': any entity other than Microsoft (or any subsidiary, division, or other operating unit of any such other entity) that is engaged in the development and licensing (or other marketing) of software products intended to intemperate with Microsoft platform software.

(9) ''application programming interfaces (APIs)'': the interfaces and protocols that enable an application, middleware, or server operating system to efficiently and effectively obtain services from (or provide services in response to requests from) platform software in a personal computer and to use, benefit from, and rely on the resources, facilities, and capabilities of such platform software.

(10) ''communications interfaces'': the interfaces and protocols that enable applications, middleware, or operating systems installed on other computers (including servers) to interoperate satisfactorily with the Windows platform software on a personal computer.

(11) ''technical information'': all information, regarding the identification and means of using APIs (or communications interfaces), that competent software developers require to make their products running on a personal computer, server, or other device interoperate satisfactorily with Windows platform software running on a personal computer. Technical information includes reference implementations, communications protocols, file formats, data formats, data structure definitions and layouts, error codes, memory allocation and deallocation conversions, threading and synchronization conventions, algorithms for data translation or reformatting (including compression/decompression algorithms and encryption/decryption algorithms), registry settings, and field contents.

(12)

(a) ''intellectual property rights'': copyrights, patents, trademarks, and trade secrets;

(b) ''to infringe intellectual property rights'': to commit a legal violation of such a right.

(13) ''end-user access'': the invocation of middleware by an end user of a personal computer or the ability of such an end-user to invoke middleware. ''End-user access'' includes invocation of middleware by end-users which is compelled by the design of the operating system.

(14) ''Market Development Agreement (MDA)'': the class of agreements with OEMs that provides discounts from Windows operating system royalties.

§ 3. Prohibitions:

Microsoft Corporation is enjoined from:(1) agreeing or offering to provide any consideration or advantage to any person in exchange for, or conditioned on, such person's agreement or willingness not to develop, promote or distribute (or to limit the development, promotion or distribution) of any operating system product or middleware competitive with any Windows operating system product or middleware.

(2) offering or conditioning a Windows operating system license to any OEM, or the terms of administration of a license, or any change in Microsoft's commercial relations with an OEM, or offering or threatening to do any of these things, related to whether (or to the extent) the OEM

(a) makes or promotes (or declines to make promote, distribute, or license) a non-Microsoft operating system product or middleware;

(b) makes, promotes, distributes, or licenses a modified version of the Windows operating system; or

(c) exercises any of the options provided under this decree;

(3) limiting an OEM's

(a) interrupting the Windows initial boot sequence by a registration sequence used to obtain subscription or other information from the user;,

(b) displaying icons of a competing platform software product on the Windows desktop, or the size, shape, or convenience of such icons;

(c) displaying a middleware user interface, provided that an icon is also displayed that allows the user to access the Windows desktop and that the OEM makes clear that the interface is not Microsoft's; or

(d) offering its own sign-up sequence, which may include an option to make a non-Microsoft middleware product (for example, non-Microsoft Web-browsing functionality) the default middleware product and to remove the icon for Microsoft's middleware product from the Windows desktop;

(4) conditioning the licensing of a Windows operating system, or the terms or administration of any such license (including the nature and extent of support provided), on the OEM's

(a) also licensing, shipping, or promoting (or declining to license, ship, promote; or limiting its licensing, shipment, or promotion of) (i) a Microsoft middleware product (ii) any other Microsoft software product that Microsoft distributes, in whole or in part, separately from the Windows -operating system(whether or not for a separate or positive price) (iii) the unmodified version of such an operating system if the OEM offers a modified version of the Windows operating system pursuant to this decree, or

(b) making middleware supplied by Microsoft the default middleware in computers sold or distributed by the OEM;

(c) whether the OEM limits end-user access to the middleware that is distributed with the operating system,

(5) Entering into any agreement with an OEM in which the operating system royalties are payable to Microsoft by the OEM are set otherwise than by reference to a uniform royalty schedule to be established by Microsoft: in its sole discretion, except that the schedule may specify different royalties for different language versions

(6) agreeing or offering

(a) to provide any consideration or advantage to any person in exchange for, or conditioned on such person's agreement or willingness to degrade or limit the quality of any non-Microsoft platform software, or not to may the supplier of any non-Microsoft platform software, or

(b) to include or promote any product of any person on the Windows desktop, in a folder on the Windows desktop, in the Active Desktop, or in the Windows initial boot sequence, related to the distribution, use, or promotion of Microsoft platform software, or to the limitation of the distribution, use, or promotion of non-Microsoft platform software;

(7) conditioning any bona fide ISV's access to technical information, or developer support to assist in its use, to assist in the creation of Windows-based applications (or the terms on which such Information or support is provided), upon such ISV's

(a) use, distribution, promotion, or support of any Microsoft middleware

(b) declining to use, distribute, promote, or support any non-Microsoft middleware

(8) failing to disclose (at the time such APIs, technical information, or communications interfaces are disclosed to Microsoft's own software developers) for use in interoperating with Windows operating systems and middleware distributed with such operating systems, the APIs, technical information and communications interfaces that Microsoft employs to enable

(a) Windows platform software to interoperate with Microsoft applications installed on the same personal computer, or

(b) Windows operating system software and middleware distributed with such

operating system to interoperate with Microsoft middleware installed on the same personal computer if the middleware is (i) Internet Explorer, the Outlook Express e-mail client, Windows Media Player, or the Java Virtual Machine, or their successors, or (ii) distributed separately from the operating system for installation on any Windows operating system; or

(c) a Windows operating system and middleware distributed with such operating system installed on one personal computer to interoperate with any of the following software installed on a different personal computer or on a server—(i) Microsoft applications, (ii) Microsoft middleware, or (iii) Microsoft client or server operating systems,

(9) tying or combining any middleware product to or with a Windows operating system unless Microsoft offers a version of that operating system without such middleware product at a reduced price that reasonably reflects the relative costs of the operating system and the excluded middleware

(10) limiting an OEM's right or ability to add non-Microsoft middleware to a Windows operating system

§ 4. Affirmative Provisions:

(1) Microsoft shall license the source code for Windows operating systems on the following terms:

(a) Microsoft-shall grant each of its 50 highest-volume OEM customers, at the OEM's option, a perpetual, nonexclusive license to the source code of Windows operating systems for the sole purpose of using that source code to modify those operating systems for purposes of (i) preventing end-user access to any middleware included in the operating system, (ii) facilitating, improving, or otherwise optimizing the interoperation of any non-Microsoft middleware with, and fixing the bugs in, the operating system, and (iii) installing any end-user interface; provided that OEMs shall have no right to make modifications to a Windows operating system that render inoperable any of the APIs exposed to ISVs by that operating system unless doing so is reasonably necessary to accomplishing purposes (i), (ii), or (iii) above and the end-user to whom such operating system is licensed is given the means readily to install all software necessary to endure that such APIs are rendered operable. The source code licenses granted by Microsoft under this subsection shall not entitle OEMs to use such source code for any purpose other than creating modified versions of Windows operating systems for the purposes stated in this section and working with ISVs to facilitate the interoperation of such ISV's products with Windows operating systems.

(b) The terms of source code licenses granted by Microsoft under this subsection shall be standardized and not be subject to negotiation with individual OEMs. Microsoft shall not charge OEMs a royalty or fee for access to the source code of Windows operating systems.

(c) Microsoft's royalty for any modified version of a Windows operating system installed on an end-user's personal computer shall be calculated as follows: (i) if the royalty charged that OEM for the unmodified version is no higher than the royalty charged for the predecessor operating system, the royalty charged the OEM for the modified version shall not exceed the royalty charged that OEM for the predecessor operating system; (ii) if the royalty charged that OEM for the unmodified version exceeds the royalty charged that OEM for the predecessor system, the royalty charged that OEM for the modified version shall be the royalty charged that OEM for the unmodified version discounted by the percentage difference that is allocable in accordance with accepted accounting principles to the middleware that is (i) excluded or (ii) made not end-user accessible by the OEM. The allocation shall be based on the development costs of the unmodified version of the operating system, as determined by the agreement of the parties or, in the absence of the agreement, by an arbitrator selected in accordance with the rules of the American Arbitration Association.

(d) OEMs shall have the right to license any modified version of a Windows operating system that they create pursuant to this § 4(1) to end-users, and to value-added resellers, systems integrators, retailers, ISVs, and other OEMs for licensing to end-users, for installation and use on personal computers, provided only that such non-end-user licensees agree, either in a sublicense With-the OEM or in a license with Microsoft, to be bound by the terms set forth in-the OEM's license (other than those terms providing for access to and modification of source code) with Microsoft pursuant to this section.

(e) Microsoft may require that modified versions of Windows operating systems created by a particular OEM be installed only in the form in which the unmodified versions of that operating system are installed, but must permit the OEM to distribute any non-Microsoft software in any form. Microsoft may also require that OEMs, and any licensees pursuant to § 4(1)(d) above, provide their customers with end-user licenses for such modified versions of Windows operating systems in a form prescribed by Microsoft .that is consistent with this decree. Microsoft is not required-to grant OEMs any right to disclose source code for the original or any modified version of a Windows operating system except as provided in the preceding sentence and in subsection 4(h) below.

(f) Microsoft may require that an OEM that develops a modified version of a Windows operating system that boots up automatically into a non-Microsoft user interface to include an icon on the primary screen of that user interface that enables the end-user to return to the Windows desktop as designed by Microsoft.

(g) Microsoft shall make all source code for Windows operating systems available to OEMs that enter into source code licenses pursuant to this section beginning with the first alpha, beta, or other release of the operating system outside of Microsoft and shall supply complete updates to that source code at the time of all later releases and release candidates. Microsoft may require OEMs to base their modified versions of Windows operating systems on the commercially released versions of those operating systems and not on a beta release or a release candidate, provided that Microsoft supplies OEMs with the final code for such systems at least 180 days prior to the earlier of their scheduled release date or their release. Microsoft may prohibit OEMs from releasing any modified version of a Windows operating system prior to the earlier release of Microsoft's release of that operating system or 60 days after the scheduled release date.

(h) To facilitate creation of modified versions of Windows operating systems by OEMs, Microsoft shall provide OEMs with its internal build tools, source code archives, bug-tracking databases, custom compilers, test suites, and other development tools ordinarily used by software developers in modifying and testing modified source code for operating systems (subject to normal and customary restrictions on disclosure of such proprietary technology), as well as reasonable access to knowledgeable Microsoft support engineers familiar with the source code, whose time may be billed by Microsoft to OEMs at customary rates. Subject to customary and reasonable intellectual property rights (including customary and reasonable nondisclosure agreements executed by ISVs and their personnel exposed to Microsoft's source code), Microsoft must permit an OEM to work with one or more ISVs or other software developers (which may participate in modifying the source code) to facilitate the OEM's development of a modified version of a Windows operating system pursuant to § 4(1) of this decree.

(i) OEMs shall have the right to use the word ''Windows'' to designate any modified version of a Windows operating system created pursuant to this section and to state, when true, that the modified version runs applications that run on Microsoft Windows, provided that the OEM states clearly that such modified version has been modified by the OEM, and does not imply that Microsoft endorses the modifications.

(j) Microsoft shall have no obligation to provide product support to an OEM's customers for those aspects of a modified version of a Windows operating system created by the OEM that are due to the modification.

(2) Microsoft shall, when it makes a major Windows operating system release (such as Windows95,Windows 98, Windows 2000 Professional, Windows ''Millennium,'' ''Whistler,'' ''Blackcomb,'' and successors to these), continue to license the previous Windows operating system at the existing royalty rate for three years to any OEM that desires such a license. During that period, Microsoft shall make the previous Windows operating system's code available to its 50 highest-volume OEM customers at customary and reasonable terms, together with reasonable personnel support (for which Microsoft may require compensation from the OEM at customary rates), for the purpose of enabling those OEMs to adapt the operating system to the latest hardware advances and to fix bugs. The OEM shall be free to market computers in which it preinstalls such an operating system in the same manner in which it markets computers

preinstalled with other Windows operating systems, provided, however, that Microsoft shall be entitled to require OEMs to inform their customers that such computers contain a modified version of a Windows operating system.

(3) In all future MDAs, Microsoft shall offer the same MDA terms to all OEMs whose shipments of Microsoft operating systems fall within a specified range (e.g., the 10 largest OEMs, as measured by total annual volume of modified and unmodified versions of Microsoft operating systems that they ship, would be entitled to the highest MDA, the next 10 to a lower MDA, and the remaining OEMs to no MDA), subject to variations by geography for OEMs that make more than S0 percent of their sales outside the United States. No class entitled to the same MDA terms in accordance with this subsection shall have fewer than 10 members.

(4) Notwithstanding the foregoing provisions, upon the release of its next Windows operating system, codenamed ''Millennium,'' and upon the next release, version, or service pack update of Windows 2000 Professional after May 30, 2000, Microsoft shall provide the means for OEMs and end users at their option readily to prevent end-user access to the operating system's browsing functionality. § 5. Term:

(1) Microsoft shall comply with the provisions of this decree within 30 days after its submission to the district court for approval.

(2) This decree shall expire at the end of five years from the date of that submission, except that:

(a) The source code licenses granted pursuant to § 4(1) are perpetual, and the right to license modified operating systems created thereunder shall continue for an additional five years; and

(b) If the obligation set forth in § 4(2) to continue to license a predecessor operating system is triggered during the five-year period referred to in the preceding subsection, Microsoft shall continue to comply with that obligation with respect to that predecessor operating system for an additional two years, but § 4(2) shall have no further force or effect after the expiration of the two-year period.

§ 6. Enforcement: In order to minimize the burden on the judicial system of enforcing this decree, the plaintiffs have agreed that exclusive responsibility for enforcing it shall be lodged with the United Department of Justice and with one of the-States that are plaintiffs in this action, as selected by the plaintiff States.

§ 7. Reporting and Compliance:

(1) To determine or secure compliance with this decree, duly authorized representatives of the plaintiffs shall, upon reasonable notice given to Microsoft at its principal office, subject to any lawful privilege, be permitted:

(a) access during normal office hours to inspect and copy all books, ledgers, accounts, correspondence, memoranda, source code, and other documents and records in the possession, custody, or control of Microsoft (which may have counsel present) relating to any hinters contained in this decree;

(b) subject to the reasonable convenience of Microsoft and without restraint or interference from it, to interview officers, employees, or agents of Microsoft, who may have counsel present, regarding any matters contained in this decree;

(c) upon written request and on reasonable notice to Microsoft at its principal office, require Microsoft to submit written reports, under oath if requested, with respect to any matters contained in this decree.

(2) No information or documents obtained by the means provided by this decree shall be divulged by any of the plaintiffs except in the course of legal proceedings to which one or more of the plaintiffs is a party, or for the purpose of securing compliance with this decree, or as otherwise required by law. If when information or documents are furnished by it Microsoft identified in writing material to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure and marks each page of such material ''Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure,'' ten days'' notice shall be given to Microsoft prior to divulging such material in any legal proceeding (other than a grand jury proceeding) to which Microsoft is not a party.

(3) Within thirty days of the date of submission of this decree for approval by the court, Microsoft shall designate an officer of the corporation to be the antitrust compliance officer. That officer shall have primary responsibility within the corporation for achieving and maintaining full compliance with this decree and shall serve as liaison with the plaintiffs with respect to the administration of the decree. The officer may be assisted by other employees of Microsoft and will report directly to Microsoft's chief executive officer.

§ 8. Miscellaneous Provisions:

(1) This decree applies not only to Microsoft but also to each of its officers, directors, agents, employees, successors, and assigns, and to all persons in active concert or participation with any of them who shall have received actual notice of this decree by personal service or otherwise.

(2) The district court shall retain jurisdiction to enforce the decree.

(3) The decree is in the public interest.

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

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UNITED STATES OF AMERICA,)) Plaintiff,)) v.) Civil Action No. 98–1232 (CKK)) MICROSOFT CORPORATION,)) Defendant.)) ————————————————)

STATE OF NEW YORK, et al.,)) Plaintiffs,)) v.) Civil Action No. 98–1233 (CKK)) MICROSOFT CORPORATION,)) Defendant.)) ————————————————————————

DECLARATION OF KENNETH J. ARROW

Kenneth J. Arrow declares under penalty of perjury as follows:

I. INTRODUCTION

1. I am the Joan Kenney Professor of Economics Emeritus and Professor of Operations Research Emeritus at Stanford University. I received the degrees of B.S. in Social Science from The City College in 1940, M.A. in mathematics from Columbia University in 1941, and Ph.D. in economics from Columbia University in 1951. I have taught economics, statistics, and operations research at the University of Chicago, Harvard University, and Stanford University, and I have written more than 200 books and articles in economics and operations research. I am the recipient of numerous awards and degrees, including the Nobel Memorial Prize in Economic Science (1972). A significant part of my writing and research has been in the area of economic theory, including the economics of innovation and its relation to industrial organization. My curriculum vitae is attached.

2. I have been asked by ProComp to comment on various economic issues related to the Revised Proposed Final Judgment (''PFJ'' or the ''decree'') proposed by the United States, various settling States and Microsoft Corporation (''Microsoft'').

3. My review of the PFJ begins with the fact that Microsoft has been found liable for violating Section 2 of the Sherman Act by engaging in a widespread series of practices that illegally maintained its monopoly in Intel-compatible PC operating systems. These practices were focused on eliminating the threat posed to Microsoft's PC operating system monopoly by the combination of Netscape Navigator and cross-platform Java technology (''middleware competition'').

4. Given that Microsoft has been found liable for illegal monopoly maintenance, the remedies in this ease should be designed to eliminate the benefits to Microsoft from its illegal conduct. To the extent possible, the remedies should be designed to restore the possibility of competition in the market where monopoly was illegally maintained (i.e., the market for PC operating systems). In addition, the remedies should strengthen the possibilities for competition and deter the exercise of monopoly power in the present and future, taking account of the special problems of an industry in which network effects are important.

5. It is my opinion that the PFJ fails to accomplish these objectives. First, the PFJ is unduly focused on attempting to re-create an opportunity for future middleware competition. Because of network effects and path dependencies, Microsoft's monopoly power in PC operating systems is more entrenched than it was in the mid-1990s. It will be exceedingly difficult now, even with the best of remedies, to re-establish middleware fully as the kind of competitive threat to Microsoft's monopoly power that it posed in the mid- 1990s. Additional remedial steps need to be taken to ensure that Microsoft does not benefit from its illegal conduct and the consequences of that conduct on dynamic competition in the OS market Second, the PFJ does not address the fact that no effort to restore competition in the market for PC operating systems will be successful without measures designed to lower the applications barrier to entry that currently protects Microsoft's position in this market. Third, the enforcement mechanism described in the PFJ seems likely to be ineffective, even with respect to the inadequate remedies in the PFJ. Fourth, the PFJ pays insufficient attention to the ways in

which Microsoft is currently attempting to protect its monopoly power by using its illegally maintained monopoly in PC operating systems against current and future competitive threats, such as server operating systems and Web services.

6. This affidavit has six parts and is organized as follows. After this introduction (Part I), Part II reviews the threat that Netscape, Java and the Internet posed in the mid-1990s to Microsoft's monopoly power in PC operating systems. Part III then reviews the illegal conduct that Microsoft used in defeating this threat. Part III also analyzes the state of the computer industry today following this illegal conduct and explains why it seems unlikely, at this stage, that the middleware threat can be re-created. With this as background, Parts IV and V review and assess the remedies proposed in the PFJ. Part IV critiques the remedies designed to restore middleware competition. In addition, Part IV discusses the lack of attention in the PFJ to the applications barrier to entry that protects Microsoft's monopoly power in PC operating systems. It also notes certain deficiencies in the enforcement mechanism proposed in the PFJ. Part V follows with a discussion of Microsoft's efforts to protect its existing monopoly power by using its illegally maintained monopoly in PC operating systems to gain advantages in other markets that threaten to reduce the scope of its current market power. Part V explains that the PFJ gives insufficient attention to this important subject—a subject that bears on the future of competition in the computing industry. The affidavit concludes in Part VI with a summary of conclusions.

II. MICROSOFT'S MONOPOLY POWER AND THE THREAT POSED BY NETSCAPE, JAVA AND THE INTERNET

A. NETWORK EXTERNALITIES

7. Network externalities have been central to Microsoft's ability to maintain its monopoly power in the market for PC operating systems. Both the District Court and the U.S. Court of Appeals for the District of Columbia Circuit referred to the ''applications barrier to entry,'' the process by which a large installed base induces the development of applications and other complementary goods designed for the dominant operating system, which further reinforces the position of the dominant operating system. I described this process in a declaration that I submitted in 1995 on behalf of the government in a prior settlement with Microsoft:

A software product with a large installed base has several advantages relative to a new entrant. Consumers know that such a product is likely to be supported by the vendor with upgrades and service. Users of a product with a large installed base are more likely to find that their products are compatible with other products. They are more likely to be able successfully to exchange work products with their peers, because a large installed base makes it more likely that their peers will use the same product or compatible products. Installed base is particularly important to the economic success of an operating system software product. The value of the operating system is in its capability to run application software. The larger the installed base of a particular operating system, the more likely it is that independent software vendors will write programs that run on that operating system, and, in this circular fashion, the more valuable the operating system will be to consumers.

8. The applications barrier to entry implies that it is likely that a single platform (or programming environment) will dominate broad segments of the computer software industry at any point in time. This does not necessarily imply that there will be monopoly; that depends on the extent to which the dominant platform is proprietary or closed. However, if the dominant platform is proprietary (which is certainly the case with Windows), then the interdependence of applications and operating systems creates a barrier against any new entrant. A new entrant would need to create both an operating system and the applications that make it useful.

9. In addition, any customer of a new entrant would have to incur considerable costs in switching to a new system. In the first place, the customer would have to learn new operating procedures. Second, there would be a problem of compatibility of files. These factors constitute a natural obstacle to change, so that a system with a large installed base will have a tendency to retain its users.

10. The special nature of operating systems and software also gives Microsoft, because of its large installed base of operating system, a great advantage in the markets for complementary software. Specifically, it can distribute the software much more easily than its competitors. Since virtually every new PC ships with Windows, Microsoft can put its software into the hands of users by including it with the operating system. Any other vendor of complementary software that wanted to distribute through OEMs would have to cut a separate deal with each OEM, and would face the task of persuading OEMs to carry software products that may be directly competitive with products offered by Microsoft. As a result, complementary software from other vendors typically either has to be downloaded (which imposes added costs on users) or distributed separately to users in ''shrink wrap.'' In addition, Microsoft has the ability to allow Microsoft developers of complementary software access to ''hidden APIs'' -application programming interfaces in the PC operating system that Microsoft developers know about but which are not disclosed fully to competing developers of complementary software.

B. THE MIDDLEWARE THREAT: NETSCAPE AND JAVA

11. A threat to Microsoft's monopoly in PC operating systems arose in the mid-1990s with the nearly simultaneous emergence of the Internet browser developed by Netscape and the Java programming environment. These are both examples of middleware—application software designed to run on multiple operating systems and which has its own set of APIs. Middleware that provides extensive functionality through a broad set of APIs has the potential to become an alternative platform for application development If many applications valued by PC users were written to middleware APIs, and if the middleware were ported to other operating systems (existing or to be created), then the applications barrier to entry in the market for PC operating systems would be weakened.

12. Netscape Navigator was a browser that also had the potential to become a platform for application programs. Netscape's browser had its own set of APIs to which developers could write application programs.

13. The initial success of Netscape Navigator was dramatic. Netscape shipped first browser in September 1994.[1] In July 1995, less than a year later, its share of the browser market was 74%. [2] By mid-1996, Netscape's share had reached 85%. [3]

14. The threat that Netscape posed to Microsoft's monopoly power in PC operating systems was made even greater by the nearly simultaneous development of Java. The Java technology has several pieces. R is a programming language that I understand has features well suited for writing ''distributed applications''—applications that run on networks, calling upon resources located on different computers in the network. Java technology also includes the Java Virtual Machine (''JVM'') and Java Class Libraries. The JVM and Java Class Libraries are forms of middleware. They are software programs that have been implemented on Windows and many other operating systems. A JVM is software that converts Java code into instructions that can be processed by the operating system on which the JVM sits. The Java Class Libraries are software that performs specific functions that developers can call upon, and build into, their Java application programs. The JVM and Java Class Libraries are sometimes referred to collectively as the ''Java runtime environment.'' The Java technology has been licensed in a way designed to encourage its implementation on a variety of different operating systems. The Java ideal was captured in the phrase, ''write once, run anywhere.''

15. Java added to the threat posed by Netscape because it extended the set of middleware APIs to which developers could write application programs. It increased the chances that developers could write sophisticated PC application programs written to middleware APIs instead of Windows APIs. Netscape also complemented Java by serving as a distribution mechanism. The Java technology could not succeed without widespread distribution of the Java runtime environment. Because Netscape supported Java and included the Java runtime environment with every copy of its browser, growth in the share of PCs that used the Netscape browser also meant growth in the share of PCs with a Java runtime environment that supported Java's ''write once, run anywhere'' ideal.

16. The economic relationship between middleware and the OS is unusual among the commodities that economic theory usually deals with. Middleware is a complement to

[1] ''A Software Giant's March Onto the Internet,'' New York Times (Jan. 12, 1998) at CA.

[2] ''Browser Usage: How It's Trending,'' Interactive Age (Jul. 31, 1995) (citing figures compiled by Interse Market Focus).

[3] ''Microsoft v Netscape: Freer than Free,'' The Economist (Aug. 17, 1996, U.S. Edition).

any OS in the short run, but it facilitates substitution among operating systems in the long run. Middleware is a complement in the short run because it adds functionality to the existing OS, but it is in a sense a substitute in the long run, because applications can be written to it rather than to the OS. Middleware therefore permits substitution among operating systems, since the applications are not specific to any one OS. Therefore, an OS monopolist will have an incentive to control middleware in order to maintain its OS monopoly. The short-run complementarity becomes an instrument by which this incentive can be realized. The middleware has to be ported to the OS, and the OS producer's control of the needed APIs can be used to restrict the spread and use of the middleware.

17. Middleware is naturally thought of as a disruptive technology, and the emergence of middleware in 1995 created what is frequently referred to as an ''inflection point.'' Put simply, this means that the then well-defined organization of the software market for personal computers might be altered substantially, or at least such a risk existed. As that organization was centered on the Microsoft Windows operating system and its productivity application suite Microsoft Office, Microsoft had the most at risk from any disrupting change that resulted from middleware.

18. Technological disruptions such as the middleware threat of the mid- 1990s do not occur frequently. They only arise when there is an important innovation that allows technology to evolve and create new products or functionality that has widespread appeal. At times of technological disruption, the forces of dynamic competition can play an especially important role. The Netscape browser and the cross-platform Java technology separately and in combination had the potential to develop into an alternative platform for application programs that could run on any operating system and which could transform PC operating systems into a commodity business. Bill Gates, in his memorandum of May 26, 1995 on the ''Internet Tidal Wave,'' described just this sort of dynamic competitive threat when he realized that, if successful, Netscape could ''commoditize'' the operating system.

19. There is no easy method by which an economist can determine exactly how significant a threat Java and Netscape actually represented to Microsoft's operating system monopoly. A precise determination of whether Netscape and Java could have succeeded in eroding Microsoft's monopoly power absent Microsoft's illegal conduct would require a counterfactual analysis that addressed a variety of complex interrelations. However, even without this kind of analysis, we have evidence that a reasonably expert onlooker felt the threat was serious, namely, the statements and behavior of Microsoft. Bill Gates, in his memorandum on the ''Internet Tidal Wave,'' explained:

A new competitor ''born'' on the Internet is Netscape. Their browser is dominant, with 70% usage share, allowing them to determine which network extensions will catch on. They are pursuing a multi-platform strategy where they move the key API into the client to commoditize the underlying operating system .... One scary possibility being discussed by Internet fans is whether they should get together and create something far less expensive than a PC which is powerful enough for Web browsing.

20. In the same memorandum, Gates made clear that he understood how Microsoft should leverage its Windows advantage to bolster its Internet position:

We need to move all of our Internet value added from the Plus pack into Windows 95 as soon as we possibly can with a major goal to get OEMs shipping our browser preinstalled. This follows directly from the plan to integrate the MSN and Internet clients. Another place for integration is to eliminate today's Help and replace it with the format our browser accepts including exploiting our unique extensions so there is another reason to use our browser.

21. To summarize, in an industry marked by network externalities, there is a strong tendency to monopoly (at least when the dominant platform is proprietary or closed). The consumer welfare and efficiency losses associated with monopoly are well known, but the one most relevant here is the decreased incentive to technological innovation. It is all the more important to encourage what may be called dynamic competition, the entry of new firms and new products. At certain periods, whether due to technological innovation or to a transient situation in which the tendency to monopoly has not yet worked to its completion, the market will be confronted with alternative lines of development; Netscape Navigator and Java as against Microsoft products in 1995, client-server networks and web services today. At these periods, there may be opportunities for a new platform to compete with and possibly take over from the existing one. In view of the strong tendency to monopoly in this industry (because of network externalities), it is all the more important to keep the competition as viable as possible when the opportunity presents itself. In particular, illegal anticompetitive steps by existing monopolists should be prevented to the maximum extent possible. Such a policy prevents the stagnation of existing monopolists and encourages the expansion of the number of alternatives among which the buyers can choose.

III. MICROSOFT DEFEATED THE THREAT POSED BY NETSCAPE AND JAVA

A. MICROSOFT'S ILLEGAL PRACTICES

22. Microsoft made a concerted effort to eliminate the threat from middleware competition. Microsoft was found to have engaged in illegal conduct exactly at the moment that dynamic competition might have flourished. As the DC Circuit concluded, Microsoft took illegal steps to exclude the middleware threat, and in particular, took anticompetitive actions directed against Netscape Navigator and Java. In particular, the DC Circuit judged illegal significant elements of Microsoft's strategy:

a) By barring original equipment manufacturers (''OEMs'') from removing access to Microsoft's Internet Explorer (''IE'') browser from the Windows desktop, Microsoft prevented many OEMs from installing Navigator or other browsers, and that in turn protected Microsoft's OS monopoly by reducing potential middleware competition. This violated Sec. 2 of the Sherman Act.

b) By preventing OEMs from altering the initial boot sequence for Windows, Microsoft prevented OEMs from promoting Internet access providers, many of whom were using and distributing Navigator to their customers. Again, this reduced competition with IE and protected Microsoft's OS market power in violation of See. 2.

c) Through commingling software code for Windows with that of Internet Explorer, Microsoft deterred OEMs from installing Navigator. That, in turn, reduced Navigator's usage share, and thereby protected the applications barrier to entry by reducing developer's interest in the APIs exposed by Navigator. Microsoft also removed Internet Explorer from its Add/Remove utility, further entrenching Internet Explorer and further discouraging OEMs from distributing Navigator. The DC Circuit found these actions to be anticompetitive and to support a finding of liability for exclusionary conduct and therefore monopolization under Section 2.

d) By entering into contracts with Internet access providers that foreclosed Navigator's access to an economically significant share of the Internet access provider (''IAP'') market, Microsoft engaged in exclusionary conduct in protection of its OS monopoly, again in violation of See. 2.

e) By entering into contracts with independent software vendors that required those independent software vendors (''ISVs'') to use Internet Explorer if the ISV need web display, Microsoft further foreclosed distribution of Navigator, again in protection of its OS monopoly, in violation of See. 2.

f) By entering into an exclusive distribution contract with Apple for Internet Explorer after Microsoft had threatened to cancel the Macintosh version of Office, Microsoft engaged in exclusionary conduct in protection of its OS monopoly in violation of Sec. 2.

g) Through a number of exclusionary actions directed at Java, Microsoft limited Java's viability as a cross-platform threat and did so in violation of Sec. 2. Those actions included: limiting distribution of ''write once, run anywhere'' JVMs directly through exclusionary contracts with ISVs and indirectly through Microsoft's actions against Netscape; deceiving developers who wanted to develop pure Java code into writing code with Windows-specific extensions that would make the code Windows dependent; and threatening Intel and inducing it to stop developing Intel multimedia software for Java.

B. THE STATE OF THE MARKET TODAY

23. As of 1995, Microsoft's share was of the installed base of PC operating systems was 87%,[4] while its share of the Internet browser market was less than 5%.[5] Today, those figures stand at 92% for PC operating

[4] Dataquest, ''All Platform Operating Systems Sales History and Forecast Summary,'' Table 12 (Mar. 1997).

[5] ''Microsoft v Netscape: Freer than Free,'' The Economist (Aug. 17, 1996, U.S. Edition).

systems [6] and 91% for browsers.[7] Thus Microsoft's position in PC operating systems remains strong, while its share in Interact browsers has risen dramatically.

24. Microsoft's illegal practices were successful in helping to minimize the threat that middleware posed for the creation of a programming environment outside of Microsoft's control. I am aware of no middleware today that poses a risk to Microsoft comparable to that posed by Navigator and Java in 1995. Nor does the government's Competitive Impact Statement suggest that such a threat exists today or is likely to emerge over the five-year duration of the PFJ.

C. MICROSOFT'S MIDDLEWARE ADVANTAGES

25. Microsoft today has substantial advantages in middleware that make it unlikely the market itself will generate new entrants into middleware capable of re-creating the competitive risk faced by Microsoft in 1995. As noted earlier, through its control over Windows, Microsoft has had and under the PFJ will continue to have—an enormous advantage in the distribution of software that is complementary to Windows. Since every new PC ships with Windows, Microsoft has a very easy way to get software into the hands of users: it can include it with the operating system. Microsoft can simply bundle the middleware with Windows or it can integrate the code into Windows itself.

26. This ensures the ubiquity of Microsoft middleware and operates as a harrier to entry for competing middleware. Any entrant would have to make a substantial investment to achieve comparable widespread distribution. A firm considering entry should understand that its inability to guarantee a universally exposed set of APIs means that, all other things equal, developers would prefer to write to the APIs exposed by Microsoft middleware. The ubiquity of Microsoft middleware and its ability to integrate middleware into Windows—which the PFJ does not constrain—therefore operate as economic disincentives for the development of competing middleware by potential entrants.

27. Microsoft also has complete freedom in how it prices its middleware. In bundling middleware with Windows, Microsoft need not charge an incremental price for the middleware. It can simply fold into the price of Windows whatever price it would charge for the middleware were it distributed separately. This would not be an option available for a potential entrant who will expect that it would need to establish a separate, discrete positive price for any middleware that it might create. The ability of Microsoft to set an apparent price of zero for its middleware operates as a barrier to entry in middleware.

28. Even if competing middleware were created, the ubiquity of Microsoft middleware would operate as a direct barrier of the distribution of that middleware. As the DC Circuit affirmed, OEMs are reluctant to install two products that perform the same function, as this raises support costs. Twice as many products will be supported for the same function, plus consumers may be confused by the presence of both products.

29. Moreover, Microsoft's ability to ''embrace and extend'' any middleware created by an entrant also operates as a barrier to entry. Again, it will take a substantial amount of time for an entrant to distribute innovative middleware. During that time, Microsoft will likely be able to imitate that middleware and distribute ''updated'' versions of Microsoft middleware over the Internet to end users through its Windows Update feature. Given this, entry into middleware is less likely and this may reduce innovation in and development of middleware.

30. In sum, Microsoft took substantial steps to eliminate the threat posed to it by Netscape and Java. The DC Circuit affirmed that a substantial number of those actions constituted impermissible monopoly maintenance and therefore monopolization in violation of Section 2 of the Sherman Act. Today, Microsoft's illegally maintained monopoly operates as a substantial barrier to new entry into middleware. The monopoly operates as a disincentive for entry and thereby likely reduces innovation in middleware. Given this market structure, it is highly unlikely that market forces alone will lead to the development of innovative middleware that creates the same competitive risk to Microsoft that it faced from Navigator and Java in 1995.

IV. THE RESTRICTIONS ON MICROSOFT'S BEHAVIOR CONTAINED IN PFJ ARE INSUFFICIENT TO RESTORE THE COMPETITIVE THREAT THAT MIDDLEWARE POSED IN 1995

31. No remedy can turn back the clock to 1995 and re-create the competitive threat that existed at that crucial time of technological disruption. Technological disruptions of the magnitude that Bill Gates called ''the Interact tidal wave'' cannot be created by judicial proceedings. Even so, one of the objectives of the remedies should be to attempt to restore, to whatever extent possible, the possibility of competition in the market where the illegal monopoly was maintained (i.e., the market for PC operating systems). The restrictions on Microsoft's behavior in the PFJ fall well short of this objective.

A. PROBLEMS WITH THE M1DDLEWARE REMEDIES

32. Following its years of illegal conduct, Microsoft's position in the core middleware products (Internet browsers and Java technology) is totally different today than it was in 1995. Microsoft has a dominant share of the browser market, IE has caught up to and surpassed Navigator's technical capabilities, and the prospect of large numbers of desktop applications written in ''write once, run anywhere'' Java seems remote.

33. There are two features of the industry that made the threat from Netscape and Java so significant First, the technological disruption of the Internet made the functionality of the browser sufficiently important that it could become a platform for large numbers of applications. Second, the head start that Netscape and Java had over Microsoft middleware provided a substantial first-mover advantage, a particularly important element for competitive success in network industries prone to ''tipping.'' Probably the only chance a competitor has to overcome the inherent advantages that Microsoft has in distribution is to create a large installed base of users before Microsoft can develop and launch a competitive product.

34. The market position that Microsoft has today makes it difficult for any set Of conduct remedies to lead to significant middleware competition. Neither the PFJ nor any other set of conduct remedies can re-create the technological disruption or competitive head start that existed before Microsoft acted illegally. However, for the reasons explained below, the middleware remedies in the PFJ seem especially likely to he ineffective.

1. The Reliance in the PFJ on OEMs to Distribute Competing Middleware

35. The PFJ relies heavily on competition in the OEM distribution channel as the key mechanism for overcoming the competitive harm created by Microsoft's actions. The same was true in the government's prior settlement with Microsoft, as I noted in my 1995 declaration: Despite the importance of natural advantages [referring to the installed base discussion above] in the market for IBM-compatible PCs, the complaint and proposed remedies addressed competitive issues that are critical to the success of new competition in this market. The most effective and economic point of entry for sales of IBM-compatible PC operating systems is the OEM distribution channel. New operating system software products should have unimpeded access to this channel. The Government's complaint and proposed settlement provide needed relief to facilitate the entry of new competitors, such as IBM's OS/2.

36. Seven years later, it is clear that little was accomplished in the prior consent decree in relying on the OEM channel to facilitate competition in PC operating systems. Unimpeded access to this channel may indeed he necessary for effective competition. However, it is far from sufficient to create effective competition for middleware given the current state of the industry.

37. One obstacle to competition in middleware, which the PFJ does not address, is the applications barrier that now protects the position of Microsoft middleware. ISVs have a strong incentive to write applications to Microsoft middleware, since Microsoft middleware will be present on every Windows machine that is shipped. The PFJ does not restrict Microsoft's ability to commingle code and include middleware APIs in with its Windows operating system. The PFJ permits OEMs to remove Microsoft middleware icons, but the middleware itself, and its associated API set, will remain. Thus, the ubiquity of Microsoft's middleware will encourage ISVs to write applications to these APIs.

38. The PFJ restricts Microsoft's ability to discriminate against OEMs that also ship

[6] IDC, ''Worldwide Client and Server Operating Environments, Market Forecast and Analysis, 2001–2005'' (Aug. 2001).

[7] ''AOL Files Suit Against Microsoft For Damages Inflicted on Netscape,'' Wall Street Journal (Jan. 23, 2002) (citing data compiled by WebSideStory, a market research firm).

competing middleware, but this does not create an incentive for OEMs to ship competing middleware. For the reasons explained by the District Court and the Court of Appeals, OEMs are reluctant to include software that provides similar functionality to other software on the machine—it increases confusion among users and raises support costs.

39. If ISVs do not write applications to the competing middleware, OEMs will not distribute it. If OEMs do not distribute it, ISVs will not write applications to it. The current dominance of Microsoft middleware thus makes it very unlikely that this circle can be broken by the non-discrimination restrictions in the PFJ.

40. The PFJ also seeks to increase the role of OEMs in defining the Windows desktop. This is also insufficient to create significant middleware competition. Even if OEMs had complete control over the icons that would appear on the Windows desktop—-and they would not under the PFJ—this would not alter in any way the software that would actually be present on the computer. Removing an icon from the desktop just removes the most obvious point of consumer access to the software, but the ability of ISVs to write to the APIs presented by the software remains unchanged.

41. The PFJ also attempts to prohibit Microsoft from discriminating against OEMs that distribute competing middleware. It does this by requiring Microsoft to provide uniform licensing terms to the 20 largest OEMs and preventing specific retaliation against OEMs that distribute competing middleware. It is not clear to me that these restrictions are sufficient to prevent Microsoft from exercising influence over the behavior of OEMs towards products that compete with Microsoft. First, I understand that the non-discrimination provisions apply only to certain Windows desktop operating systems (Windows XP and Windows 2000 Professional) and not to other Microsoft products that an OEM might purchase. Second, the relationships between Microsoft and OEMs are complex and multi-faceted. For example, Microsoft provides marketing and promotion support to OEMs; its provides technical assistance; its provides allowances for product development Microsoft may provide these services differently to OEMs. Since the PFJ does not prohibit all forms of discrimination across OEMs, Microsoft may have sufficient ability to influence OEM decision-making.

42. The PFJ also contains limited disclosure requirements. The exact scope of these disclosures depends on careful interpretation of the complex language of the PFJ. I do not attempt such an interpretation but comment only on the limited impact of the disclosure remedies under any reasonable interpretation. There is a requirement to disclose interfaces that permit competing middleware to interoperate with Windows operating systems. I understand, however, that Microsoft is only required to make these disclosures if the interface is already in use by a Microsoft middleware product. A disclosure requirement limited in this manner pushes potential middleware competitors in the direction of ''me too'' products and does little to create incentives for significant innovation in middleware.

2. IE Open Source and Java Must-Carry

43. There are alternative middleware remedies that could have a more significant effect. More aggressive remedies with respect to that middleware threat would be open source Internet Explorer and a requirement for Microsoft to distribute the most current version of the standard Java runtime environment with IE and Windows. Even these remedies are likely to be insufficient to turn back the clock to the level of competition that existed before Microsoft's illegal conduct. But they are likely to have more impact than the remedies in the PFJ.

44. Open source IE is the most effective way to fully expose the links between IE and Windows as well as the IE APIs. This creates the possibility of interoperability between competing products and it furthers the possibility of operating system competition. It also allows anyone who wants to develop a competitive browser to be fully compatible with applications that are written to IE APIs. This way it limits the extension of the applications barrier to entry created by Microsoft's dominance in the browser.

45. The Java must-carry remedy works to erode the application barrier to entry by helping to overcome reluctance of ISVs to develop programs that require Java on the client. It is only by assuring sufficient ubiquity of Java and browser functionality that there is any chance that Microsoft may lose control of the applications barrier through competing middleware.

B. INATTENTION TO THE APPLICATIONS BARRIER TO ENTRY

46. The applications barrier to entry identified by the DC Circuit consists in part of the large number of applications available on the Windows platform. As discussed above, successful entry in middleware of the type commenced by Netscape Navigator and Java could have substantially eroded the applications barrier to entry and facilitated entry into the operating systems market

47. Microsoft controls the most economically important set of applications in its Microsoft Office suite. Office accounts for nearly 30% of Microsoft's annual revenue.[8] Software suites consisting of personal productivity applications such as word processing, spreadsheets, presentation software, electronic mail, and calendar and contact management constitute a distinct and relevant product market. Microsoft's share of that market today is in the mid-90s [9] and Microsoft almost certainly holds substantial market power.

48. As found by the DC Circuit, Microsoft has used its control over Office to maintain its OS monopoly. Microsoft threatened to cancel the Macintosh version of Office if Apple did not distribute Internet Explorer, Microsoft's Internet browser. It is clear that Microsoft's ability to make such threats would be diminished if Microsoft had an obligation to license the rights to port Office to competing OS platforms.

49. Since remedies focused entirely on middleware will not re-create the threat to Microsoft's monopoly power in PC operating systems that existed prior to Microsoft's illegal conduct, additional actions need to be taken to ensure that Microsoft does not benefit from its illegal conduct. These additional actions should be targeted at further reducing the underlying source of Microsoft's market power, namely the applications barrier to entry. Porting Office to other platforms would be a remedy of this type that could have a significant impact on the applications barrier. One factor that limits the demand for Unix workstations, which have computational advantages over Intel-based PCs, is the inability to interoperate with Office. The thin-client model of computing, where most computing occurs on the server, not the client, represents one of the most important threats to Windows desktop computing. The switching costs of adopting new personal productivity software with files not compatible with Office represents a significant barrier to Unix-based thin client networks. A requirement to license the rights to port Office may be one of the most effective ways to create competition for Windows, something which can probably no longer be achieved by remedies exclusively related to middleware.

C. PROBLEMS WITH THE ENFORCEMENT MECHANISM

50. The remedies in the PFJ are too limited in scope to re-create past competitive conditions even if they are enforced perfectly. However, the enforcement mechanisms in the PFJ are far from perfect and will likely lead to delays and costs that further limit the effectiveness of the remedies. The PFJ relies on a technology committee to oversee Microsoft's compliance with the PFJ. The membership in the committee is controlled 50% by the company whose past illegal activities have been the subject of the Circuit Court's decision. The committee lacks both resources and the power to enforce the PFJ. The committee must rely on information provided to it by Microsoft and has tittle ability to engage in its own investigations. Furthermore, if it uncovers a violation, it must rely on lengthy litigation to enforce it.

51. The implication is that failures by Microsoft to comply may go undetected and if they are detected, it may take a great deal of time and effort to impose a change on Microsoft's behavior. Delays can greatly limit the effectiveness of any particular remedy in a dynamic industry subject to network effects. If enforcement will be ineffective, it may create an incentive for Microsoft to violate the terms of the decree.

52. Other consent decrees have used special masters with sufficient resources and expedited judicial review to enforce their terms. Given the complex, dynamic nature of

[8] Dresdner Kleinwort Wasserstein, ''Microsoft Corporation,'' Figure 4 (1 Aug. 2001).

[9] In 1999, Microsoft accounted for 96.1% of the revenues of office suites designed for Windows. Since 98.1% of all sales of office suites in 1999 were for the Windows platform, these figures by themselves imply an industry share of 94%. But Microsoft also accounted for a large share of the revenues of office suites designed for Apple's Macintosh OS—a platform that accounted for nearly all of the non-Windows sales of office suites. IDC Office Suite Market Review and Forecast, 1998–2003 (Aug. 1999).

the software industry, it is especially important that the resources are in place to monitor the terms of the decree and that swift enforcement is possible.

V. APPROPRIATE REMEDIES SHOULD NOT ALLOW MICROSOFT TO PROTECT ITS ILLEGALLY MAINTAINED MONOPOLY AGAINST CURRENT AND FUTURE COMPETITION FROM OTHER MARKETS

53. The PFJ focuses on the PC desktop as the central space in which competition will take place going forward. It does this by creating limited new operating fights for OEMs covering the appearance of the desktop and greater protections for installing middleware that competes with Microsoft. As I have discussed above, given the substantial advantages in middleware that Microsoft has through its illegally maintained monopoly, I think that it is unlikely that these desktop-oriented remedies will spur economically meaningful entry in middleware and that there is therefore little reason to think that those remedies will re-create the competitive risk Microsoft's desktop monopoly faced from middleware entrants in 1995.

54. The PFJ therefore needs to be augmented with remedies that take a forward-looking approach. The PFJ needs to focus on the current and future threats to Microsoft's market power and ensure that Microsoft is not allowed to use its illegally maintained monopoly in PC operating systems to dilute these current and future competitive threats. A PFJ focused on desktop remedies not only will not jump start competition now, but by allowing Microsoft to keep the benefits of its illegal activities, such remedies will fail to deter future illegal anticompetitive actions by Microsoft. Instead, additional remedies should naturally be directed at ensuring competition going forward uninfected by Microsoft's illegally maintained monopoly. In particular, these remedies should seek to re-create the same risks faced by Microsoft in 1995 when the middleware threat arose.

A. FUTURE COMPETITION IN SERVERS AND WEB SERVICES

55. A forward-looking remedy should seek to limit Microsoft's ability to use its illegally maintained monopoly power to bias competition in complementary products that have the potential to develop into substitutes for desktop computers. Server operating systems and Web services are two prime examples. These products intersect at the middle of two related trends. To date, the Internet has been a PC Internet. Most Internet users access the Internet through a PC or workstation. The first trend is a probable shift to the use of many devices to access the Internet, including cell phones, handhelds such as the Palm Pilot and other personal digital assistants, and thin clients. As these devices themselves are not as powerful as a typical PC, they will demand more work from the servers and server operating systems delivering the information. The implication is that, in the future, a significant amount of computing will bypass the desktop—which in turn implies that Microsoft has an incentive (if it can) to extend its monopoly from the desktop into servers.

56. The second trend is a related shift in how software is owned and managed. Prior to the Internet, PC software and content was largely locally owned and locally managed. The software was installed directly on the user's PC, from a floppy disk and then later a CD. The rise of the Internet makes it possible to move the location of software off of the PC and onto a remote device—-a server—with much of the work done remotely. This gives rise to the generalized notion of a web service, where software is no longer a thing like a CD but instead a service delivered to a connecting device, much the way electricity is delivered to many devices.

57. On November 29, 2001, Steve Ballmer, Microsoft's CEO, discussed these trends and how Microsoft was approaching them through its .NET initiative:[10]

About three years ago we changed the vision of our company. Instead of talking about a computer on every desk and in every home we started talking about empowering people through software anytime, any place, any device .... It starts with a view, which came to us quite clearly about five, almost six years ago now that XML [eXtensible Markup Language] would really be the transforming industry phenomenon of the next five years. If it was the PC 20 years ago and graphical user interface 10 or 15 years ago and the Internet five or six years ago, it's XML. And I'm not going to give a long description, but I think the way you should think about it is XML will be the Lingua Franca of computing. It will be the basis on which systems work better with systems, people with people, businesses with businesses, businesses with consumers. It will improve the level of integration and connectivity. It gives us a framework at least for the software community to build the software that allows that ..... NET is our platform to let people take advantage of the XML revolution.

58. Ballmer also discussed the Microsoft business model and how .NET fits within it. He sees Microsoft as targeted on seven business areas, including, unsurprisingly, PC operating systems, PC productivity solutions ''anchored'' by Office, and server software for building and deploying these applications. All of these are now being organized around .NET: I think you could say we are a company that invests in seven businesses around one platform. That platform is .NET..NET is our platform for the next technology revolution that is going on. And that is the shift to the XML web service model as the fundamental way of building and deploying software..NET is our platform to do that .... That's how we think about the seven business areas in which we are investing. They're all being re-platformed or re-plumbed around .NET and XML web services.

59. A computing world in which Web services, hosted on servers, are delivered on demand over the Internet is a world that has negative implications for Microsoft's near-monopoly in desktop operating systems. In such a world, there is no longer the same need for desktop computers to have ''fat'' operating systems such as Windows. In many respects, the Web services model is simply a more developed version of the thin-client, ''network computer'' model advocated by Oracle and Sun in the mid/late-1990s. As such, the Web services model is a threat to Microsoft's desktop monopoly and Microsoft therefore has an incentive (if it can) to use its existing monopoly to gain control over this possible threat. It has an incentive to ensure that Windows remains at the center of the Web services model and/or to migrate its monopoly from the desktop to Web services.

B. MICROSOFT IS ATTEMPTING TO PROTECT ITS EXISTING MARKET POWER BY USING ITS ILLEGALLY MAINTAINED MONOPOLY IN PC OPERATING SYSTEMS TO GAIN ADVANTAGES IN SERVERS AND WEB SERVICES

60. Microsoft's illegally maintained monopoly in the market for PC operating systems provides it with important advantages in server operating systems, in particular operating systems for workgroup servers. Workgroup servers are the servers in a ''client-server'' network that interoperate directly with desktop clients. Workgroup servers provide services such as authentication and authorization, directory, and file and print. Very importantly, they are also the point of contact or gateway between an organization's network of servers and the Internet. Workgroup servers are distinct from enterprise servers, which are more powerful, reliable and expensive servers that handle databases and other ''mission critical'' applications.

61. Some of Microsoft's advantages in workgroup server operating systems arise because of the distribution advantage provided by its monopoly in PC operating systems. Suppose a vendor of workgroup operating systems develops a new feature (such as a new directory service for keeping track of the users and resources on a network or a new security system for authentication and authorization). In the usual case, the network cannot make use of the new service in a server operating system unless certain new code (supplied by the vendor of the server operating system) is also installed on the clients in the network. In large networks, this can be a costly and time-consuming exercise—unless the network is running Windows on its servers. A network that runs Windows on its servers does not face this kind of problem because Microsoft ensures that the client-side pieces of server-side technologies are built into its Windows desktop operating system. This gives Microsoft a competitive advantage over other vendors of workgroup server operating systems. But it is an advantage that derives from Microsoft's illegally maintained monopoly in PC operating systems. Moreover, there may be significant long-run costs through the adverse effect that Microsoft's distribution advantages (derived from its illegally maintained monopoly in desktop operating systems) may have on incentives to invest in server-side innovation.

62. There are other ways in which Microsoft's past illegal conduct has provided it with advantages today in the market for workgroup server operating systems—advantages that help protect and enhance Microsoft's existing market power. For

[10] S. Ballmer speech, Credit Suisse First Boston Technology Conference (Nov. 29, 2001) (http://www.microsoft.com/msft/speech/BallmerCSFB112901.htm).

example, one of the benefits to Microsoft from the defeat of Netscape's browser was the resulting reduction in demand for Netscape application programs for servers. These server-side applications were designed to interoperate with the Netscape browser and certain client-side applications, such as e-mail, written to the Netscape Navigator APIs. Unlike Microsoft's server-side applications (such as Exchange) that run only on Windows, Netscape's server-side applications were implemented on multiple platforms, including Unix and Novell's NetWare. As Netscape's share of the browser market declined following Microsoft's illegal conduct, the demand for Netscape's server applications also declined. Thus a consequence of Microsoft's illegal conduct has been an increase in the demand for Microsoft server-side applications such as Exchange that, as mentioned above, run only on Windows server operating systems. Put differently, Microsoft's past illegal conduct towards Netscape is helping Microsoft establish an applications barrier that will protect and enhance its future position in the market for workgroup server operating systems.

63. Another way in which Microsoft's past illegal conduct affects the market for workgroup operating systems today involves distributed application programs. As I mentioned before, Java is a programming language with features that I understand make it well suited for distributed applications, i.e., applications that call upon resources located on multiple different computers located around a network. As I understand it, for distributed applications to work, they need to conform to a particular set of protocols, and these protocols need to be supported by the operating systems of the computers involved in executing the distributed application. Java had protocols for distributed applications (RMI and CORBA) that were supported by multiple operating systems. Microsoft had an alternative, proprietary set of protocols called DCOM. By interfering with the development of cross-platform Java, Microsoft gave an advantage to its framework for distributed applications (DCOM) and promoted the development of distributed applications written to protocols that run only on Windows operating systems. In addition, since the programs that are written to these Microsoft protocols are targeted for computers using the Windows operating system, such programs also make use of Windows APIs. This means that even if rival operating systems were given the ability to support DCOM, they could not run most of the distributed applications written to this protocol because these applications also make use of Windows APIs. Thus this is another example of how Microsoft's past illegal conduct, this times towards Java, is helping Microsoft establish an applications barrier that will protect and enhance its future position in the market for server operating systems.

64. Microsoft's past illegal conduct has also given it advantages today in Web services. For example, one of the Web services that Microsoft has promoted heavily is Passport, its Internet authentication and authorization service. In a network environment, key issues are verifying the identity of users or computers (''who are you?'') and determining the resources to which you are entitled to have access (''what are you authorized to do?''). Passport is an authentication and authorization service targeted, at least initially, at e-commerce. Consumers who subscribe to Microsoft's Passport service will have their name and credit card information on file on servers controlled by Microsoft. E-commerce vendors who participate in Passport will have back office connections with the Microsoft servers so that, when a consumer who subscribes to Passport wants to purchase something, the e-commerce vendor can check with Microsoft's Passport servers to authenticate and authorize the purchase (and debit the consumer's credit card). The theory is that Passport will simplify e-commerce transactions.

65. For Passport to be successful, Microsoft needs to have a large base of consumers who subscribe to the service. A large base of consumers will make firms engaged in e-commerce interested in joining Passport on the vendor side, which in turn will make Passport more attractive to consumers. Thus there are potential network effects which, if they get started, may result in Passport being in the middle of a very large volume of Internet transactions.

66. Microsoft is actively using its illegally maintained monopoly in PC operating systems as a vehicle for enrolling consumers in Passport. Every time a consumer boots up a new copy of Windows, the consumer is asked multiple times whether he or she would like to sign up with Passport. In addition, the consumer is told that he or she will not receive information about product upgrades unless the consumer signs up for Passport. Thus this is an example in which Microsoft is using the distribution advantages that it has by virtue of its illegally maintained monopoly in PC operating systems to gain advantages in Web services. In so doing, Microsoft helps protect its existing monopoly power and/or helps migrate its market power from the desktop to Web services.

C. THE PFJ GIVES INSUFFICIENT ATTENTION TO FUTURE COMPETITION

67. The implications of these trends are significant. Microsoft's monopoly in desktop operating systems provides it with advantages in adjacent markets that Microsoft is able to use to protect and enhance its illegally maintained monopoly power. By migrating its monopoly from desktop operating systems into server operating systems and Web services, Microsoft can help ensure that its future market power is comparable to (or greater than) the market power it possessed when the desktop was the principal hub of computing activity.

68. Given these links between Microsoft's past illegal conduct and Microsoft's future market power, an appropriate remedy should be focused on limiting Microsoft's ability to use its illegally maintained monopoly to gain advantages in products in other markets that have the potential to become substitutes for the Windows desktop operating system. Disclosure remedies have the potential to be an important step in this direction. For example, if Microsoft were required to fully disclose the interfaces and protocols used by its server and client operating systems, then vendors of non-Microsoft server operating systems could design their products so that they could interoperate smoothly in networks populated by Windows clients and servers. The resulting competition among vendors of server operating systems would help ensure that servers remain a threat to Microsoft's illegally maintained monopoly in desktop operating systems.

69. The PFJ does not ignore completely issues related to adjacent markets. The PFJ does require disclosure for communication protocols that allow for servers to interoperate with Windows operating systems. This requirement, in contrast with the other provisions of the PFJ, appears to focus more on the server operating system market than competition in middleware. I understand, however, that the disclosure requirements proposed in the PFJ are exceedingly narrow mad ultimately inadequate to allow full and equal interoperability for competitive server operating systems or Web services architectures.

70. In designing disclosure remedies (or any other remedy), it is important to remember that one is try to cure the consequences of past illegal conduct. As a result, there is no reason to be troubled by remedies that impose obligations that one would be reluctant to impose on other firms. Against this background, it seems reasonable to consider a remedy that requires disclosure sufficient to allow competitive products to interoperate with Microsoft software on an equal basis as Microsoft's own products. It is not clear that even this would be enough to offset the advantages that Microsoft has gained for itself in adjacent markets through past illegal conduct and which serve to protect and enhance its existing market power. But it seems like a reasonable step.

VI. SUMMARY OF CONCLUSIONS

71. As the DC Circuit found, Microsoft violated Sec. 2 of the Sherman Act in impermissibly maintaining its monopoly through actions designed to eliminate the threat to that monopoly posed in the mid 1990s by competition from Netscape Navigator and Java middleware. Given that finding, the remedies in this case should eliminate the benefits to Microsoft of its illegal conduct; should restore, if possible, the possibility of competition in operating systems; and should not allow Microsoft to protect its illegally maintained monopoly from current and future competition in related markets, such as server operating systems and Web services. In my opinion, the PFJ fails to accomplish these objectives.

72. The PFJ focuses on the desktop and on re-creating the possibility for middleware competition by giving OEMs freedom with regard to icon display and more limited freedom in installing and using non-Microsoft middleware. In doing so, it ignores the reality that Microsoft's market position in browsers and other middleware is substantially stronger today than it was in 1995. I know of no competing middleware today—and none is suggested in the Competitive Impact Statement—that begins to enjoy the time-to-market and market

presence advantages held by Netscape Navigator and Java in the mid-1990s. The PFJ does nothing to address the powerful distributional advantage that Microsoft alone has and which ensures that its middleware will be ubiquitous. That ubiquity operates as an unchecked barrier to entry and reduces the incentive for others to create innovative, competitive middleware. I therefore see no reason to think that the PFJ will succeed in spurting a new middleware threat to the Microsoft operating system or in denying Microsoft the fruits of its illegally maintained monopoly.

73. The PFJ ignores remedies that could have a more significant effect in middleware markets, in particular, remedies that require Internet Explorer to be open source and that require Microsoft to distribute the most current version of the Java runtime environment with IE and Windows. Although these remedies are unlikely to fully restore the competitive threat posed by middleware before Microsoft's illegal activities took place, these remedies would likely have a greater impact than those set forth in the PFJ.

74. More fundamentally, the PFJ does nothing to address the applications barrier to entry that defines Microsoft's monopoly in PC operating systems. Microsoft also controls the most economically important set of applications for Windows through its control over Microsoft Office. As the DC Circuit found, Microsoft used that control to protect its operating system monopoly through threats against Apple. It is clear that Microsoft's ability to make such threats would be diminished if Microsoft has an obligation to license the rights to port Office to competing operating systems. Indeed, porting Office to other operating systems is a remedy that could have a significant impact on the applications barrier to entry.

75. In addition, the PFJ should focus on the current and future threats to Microsoft's market power and ensure that Microsoft cannot use its illegally maintained monopoly to stifle such threats. This case makes clear that those threats are likely to come from products that are complements to Windows in the short run and potential competitors in the long run. That was precisely the position of Netscape Navigator and Java in 1995; today, based on Microsoft's public statements, that may be the position of server operating systems and Web services. Both of these represent a move away from a computing structure organized around desktop computers using ''fat'' operating systems such as Windows. Server operating systems and Web services represent an evolution of the thin-client model of computing, and as such, represent a threat to Microsoft's desktop monopoly. Microsoft is currently attempting to defeat this threat by using its illegally maintained monopoly in PC operating systems as a vehicle for expanding its market share in servers and attaching consumers to its Web services infrastructure. The PFJ is missing forward-looking remedies that address such efforts by Microsoft to protect and enhance its existing market power by using its illegally maintained monopoly in PC operating systems to defeat competitive threats in adjacent markets. This is a significant hole in the PFJ that bears on the future of competition in the computing industry.

I hereby affirm under penalty of perjury that the forgoing is true and correct to the best of my knowledge, information and belieú Executed this 25th day of January, 2002 in Palo Alto, California.

Kenneth J. Arrow

BIOGRAPHICAL SKETCH

KENNETH J. ARROW

Personal

Born: 23 August, 1921

Wife's name: Selma

Children: David Michael and Andrew Seth

Education

B.S. in Social Science, City College, New York, 1940. Major: Mathematics.

M.A., Columbia University, 1941. Field: Mathematics.

Ph.D., Columbia University, 1951. Field: Economics.

Positions

Captain, U. S. Army Air Corps, 1942–46 (Weather Officer). Research Associate, Cowles Commission for Research in Economics, 1947–49.

Assistant Professor of Economics, University of Chicago, 1948–49.

Consultant, the RAND Corporation, 1948-date.

Acting Assistant Professor of Economics and Statistics, Stanford University, 1949–50.

Associate Professor of Economics and Statistics, Stanford University, 1950–53.

Professor of Economics, Statistics, and Operations Research, Stanford University, 1953–68

Economist, Council of Economic Advisers, U. S. Government, 1962.

Visiting Professor of Economics, Massachusetts Institute of Technology, Fall, 1966.

Fellow, Churchill College (Cambridge, England), 1963–64, 1970, 1973, 1986.

Guest Professor, Institute for Advanced Studies, Vienna, June 1964, June 1970.

Professor of Economics, Harvard University, 1968–74.

James Bryant Conant University Professor, Harvard University, 1974–79.

Joan Kenney Professor of Economics and Professor of Operations Research, Stanford University, 1979 to 1991.

Senior Fellow by Courtesy, Hoover Institution on War, Revolution and Peace, 1981–94.

Part-time Professor, European University Institute, 1986.

External Professor, Santa Fe Institute, 1988 to date.

Joan Kenney Professor of Economics Emeritus and Professor of Operations Research Emeritus, 1991 to date

Fulbright Professor, University of Siena, Spring 1995.

Visiting Fellow, All Souls College (Oxford, England), 1996.

University and Faculty Administration at Stanford University

Executive Head, Department of Economics, 1953–6

Member and Chair, Executive Committee of the Academic Council

Acting Executive Head, Department of Economics, 1962–3

Member and Chair, Advisory Board

Member and Chair, Senate of the Academic Council

Director, Stanford Institute for Theoretical Economics, 1993–98

Director, Stanford Center on Conflict and Negotiation, 1993–5

Honors and Awards

Gold Pell Medal (highest grades), City College, New York, 1940.

Phi Beta Kappa.

Social Science Research Fellow, 1952.

Fellow, Center for Advanced Study in the Behavioral Sciences, 1956–57.

John Bates Clark Medal, American Economic Association, 1957.

LL.D. (honorary), University of Chicago, 1967.

M.A. (honorary), Harvard University, 1968.

Marshall Lecturer, Cambridge University, Spring 1970.

D.Soc/Eco.Sci. (honorary), University of Vienna, 1971.

LL.D. (honorary), City University of New York, 1972.

Nobel Memorial Prize in Economic Science, 1972.

John R. Commons Lecture Award, Omicron Delta Epsilon, 1973.

D.Sci. (honorary), Columbia University, 1973.

D.Soc.Sci. (honorary), Yale University, 1974.

Dr. (honorary), Universite Rene Descartes, 1974.

LL.D. (honorary), Hebrew University of Jerusalem, 1975.

LL.D. (honorary), University of Pennsylvania, 1976.

D.Pol.Sci. (honorary), University of Helsinki, 1976.

Member, National Academy of Sciences (Chairman, Section 54, 1976–1979, Council member 1990 to date).

Fellow, American Academy of Arts and Sciences (Vice President, 1979–80, 1991–94).

Member, American Philosophical Society.

Member, Institute of Medicine.

Foreign Honorary Member, Finnish Academy of Sciences.

Corresponding Member, British Academy.

Sigma Xi (President, Stanford Chapter, 1981–82).

Tanner Lecturer, Oxford University, Spring 1983.

2nd Class Order of the Rising Sun, Japan, 1984.

Tanner Lecturer, Harvard University, Spring 1985.

Dr. of Letters, University of Cambridge, 1985.

Dr. Honoris Causa, Universite d'Aix-Marseille III, 1985.

von Neumann Prize of The Institute of Management Sciences and the Operations Research Society of America, 1986.

LL.D. (honorary), Washington University in St. Louis, 1989.

Clarendon Lectures, Oxford University, November 1989.

LL.D. (honorary), Ben-Gurion University of the Negev, 1992.

Member, Pontifical Academy of Social Sciences

Laurea (honoris causa) Universita Cattolica del Sacro Cuore (Milan)

Dr. (hon causus) University of Uppsala, 1995.

Publication of Enduring Quality Award 1995, Association of Environmental and Resource Economics (with Anthony C. Fisher)

Kampe de Feriet Award (Information Processing for Management under Uncertainty), 1998

Medal of the University of Paris, 1998

Dr. (hon.) University of Buenos Aires, 1999

LL.D. (hon.) Harvard University, 1999

Dr. (hon. Causus) University of Cyprus, 2000.

50th Anniversary Medal, School of Humanities, Arts, and Social Sciences, Massachusetts Institute of Technology

Ph.D. (h.c.) University of Tel Aviv, 2001

Professional Societies

Econometric Society (Fellow; Vice President, 1955, President, 1956, Member of the Council, 1983).

Institute of Mathematical Statistics (Fellow).

American Statistical Association (Fellow).

American Economic Association (Member, Executive Committee, 1967–1969; President-elect, 1972; President, 1973; Distinguished Fellow).

The Institute of Management Sciences (President, 1963; Chairman of the Council, 1964).

Western Economic Association (President, 1980–1981).

American Association for the Advancement of Science (Fellow; Chair, Section K, 1982).

International Society for Inventory Research (President, 1983–1988).

Honorary President, International Economic Association; President 1983–1986; Member, Executive Committee, 1986–1992.

The Society for Social Choice and Welfare, Caen, France, First President, 1992–93.

Economists Allied for Arms Reduction, Co-Chair, 1990–1995

Business Positions

Member, Board of Directors, Varian Associates, Inc., 1973–1991

Member, Board of Directors, Abt Associates, Inc., 1975–1985

Member, Board of Directors, Fireman's Fund Insurance Company, 1980–1991

Member, Board of Directors, Strategies for a Global Environment, Inc., 1998-

Member, Board of Directors, Unext, Inc., 2000-

PUBLICATIONS OF KENNETH J. ARROW

BOOKS

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I. Introduction

Microsoft illegally maintained its monopoly over Intel-compatible personal computer (''PC'') operating systems by acting to undermine the distribution and commercial appeal of alternative computing platforms like Netscape Corporation's Navigator browser and Sun Microsystems, Inc.'s Java TM technology. [1]By eliminating the ability of alternative platforms to compete with Windows, Microsoft has not only maintained its monopoly over PC operating systems, it also has dramatically increased the economic power that it derives from that monopoly, such that Microsoft now has the power to control competition in a number of adjacent and downstream markets as well.

In the emerging world of networked devices and services, the commercial appeal and success of adjacent or downstream devices and services such as servers, personal digital assistants (''PDAs''), telephones, video game systems, television set-top boxes, and web-based services are in very large measure dependent on their ability to interoperate with PCs via the Internet or other networks. Microsoft's expanded monopoly power over PC operating systems and web browsers affords it the power to deny competing devices and services the same ability to interoperate fully and completely with PCs as Microsoft's networked devices and services enjoy. Microsoft is in fact exercising the power it derives from its PC monopoly in just this way to exclude competition in each of these adjacent markets. Unless and until that power is effectively checked and ultimately eliminated, Microsoft's past practices and insatiable ambition demonstrate that it will continue to destroy competition in each of these enormously important markets.

Unfortunately, the Revised Proposed Final Judgment (''RPFJ'') does little or nothing to eliminate the unlawful monopoly maintained by Microsoft over PC operating systems. Nor does it redress the harm that Microsoft's illegal acts have caused to competition in that market. And while the RPFJ apparently recognizes the threat to competition posed by Microsoft's exclusionary behavior in adjacent and downstream markets, the remedies it

[1] United States v. Microsoft Corp., 253 F.3d 34, 46 (DC Cir. 2001) (''Microsoft III'').

proposes to redress this threat are plagued with so many loopholes and ambiguities that there can be no assurance that Microsoft's anticompetitive conduct will stop.

A. Competition in the market for PC operating systems must be restored

The adjudicated facts establish that Microsoft illegally maintained a monopoly over the market for PC operating systems by undermining the ability of rival software platforms to compete in that or closely related markets. By offering consumers the ability to run compelling applications on operating systems other than Microsoft's Windows operating system, the Navigator browser and Java platform threatened to reduce or eliminate the applications barrier to competition that sustains Microsoft's monopoly. [2] Microsoft fully recognized the threat these middleware platforms posed to its continued monopoly over PC operating systems and contrived to maintain that monopoly by restricting consumer access to these and any other non-Microsoft middleware platforms.

The commercial appeal of any computing platform is dependent in very large measure on the numbers of consumers who own or use the platform. The greater the number of users, the greater the demand for applications capable of running on that platform. The greater the demand for applications, the greater the number and variety of applications developed for the platform. And the greater the number and variety of applications developed for a platform, the greater the consumer demand for a given computing platform.[3] Once started, this ''feedback'' effect can and will sustain the adoption and commercial success of platform software, such as Microsoft's Windows operating system, Netscape's Navigator browser or Sun's Java platform.The key to successful competition in platform software is thus distribution.[4] Unless a platform enjoys widespread and sustained distribution, such that large numbers of computer users have the platform installed and available for use on their computer systems, the feedback cycle of application development and platform adoption will not take effect.

As the District Court found, and the Court of Appeals affirmed, Microsoft engaged in a seal es of illegal acts to choke off the distribution channels for the Navigator and Java platforms.[5] By restricting and disrupting the distribution of the Navigator browser and the Java platform, Microsoft sought to limit the numbers of computer users with access to these alternative platforms and thereby also limit the demand for, and economic incentives supporting, application development on the Navigator and Java platforms. By decreasing the distribution of non-Microsoft platforms, such as the Navigator browser and the Java platform, Microsoft knew that it could also decrease the number and variety of applications developed for such platforms, and thus their relative commercial appeal to consumers.

But for Microsoft's unlawful attack on the distribution of the Navigator and Java platforms, the installed base of these alternative platforms would have been very different today. So too would the economic incentives and choices of consumers and software developers.

Consumers would have had the opportunity to choose among a variety of competing platforms—not just Microsoft's Windows platform—based upon performance, cost or personal preference. Developers too would have had the opportunity to choose among a variety of competing platforms on which to develop applications with the features, performance and cost that consumers demand.

Indeed, because the Navigator and Java platforms were ''cross-platform''—that is, ran on top of a variety of operating systems, not just Microsoft's Windows operating system—consumers would have had the ability to run applications written for the Navigator browser and Java platform on any operating system, not just Microsoft's Windows operating system. By dramatically lowering the cost to switch applications from one operating system to another, the Navigator and Java platforms directly attacked the applications barrier to competition that protects Microsoft's monopoly over PC operating systems, and greatly reduced the cost to consumers and developers alike of switching away from Microsoft's monopoly platform. In short, but for Microsoft's anticompetitive conduct, consumers today would have enjoyed far greater freedom, at far less cost, to choose among competing operating systems based on their comparative features, performance, and price, rather than simply the number of applications they support.

B. Microsoft's unlawful power to exclude competition in adjacent and downstream markets must be stopped and eventually dissipated

By disrupting and eliminating the distribution of competing platforms, Microsoft has not only maintained its monopoly over PC operating systems, it also has increased the economic power that it derives from that monopoly. By secretly manipulating the interfaces and protocols needed to intemperate with Windows, Microsoft can control which products and services in adjacent or downstream markets are capable of interoperating with PCs. Not only does this permit Microsoft to enhance the relative appeal and functionality of its products and services at the expense of its competitors, it denies consumers the benefits of competition. Instead of choosing a server, telephone, application, or web service based solely on its competitive merits, Microsoft is increasingly forcing consumers to purchase such products and services based upon their ability to interoperate with its unlawfully monopolized platforms.

Microsoft is now abusing the power it has over PC operating systems and web browsers by seeking to extend its control to embrace any device, application, or web service that seeks to interoperate with Microsoft's monopolized PC operating systems or browsers. Microsoft's unbridled monopoly over a critical node on the digital network—PCs—provides it the power to allow only such servers, PDAs, telephones, television set-top boxes, videogame systems, or web services that implement Microsoft's proprietary interfaces and protocols to interoperate effectively with Microsoft's monopoly products. By illegally exploiting its PC operating system monopoly to acquire and utilize a chokehold over networked connections to PCs, Microsoft is dramatically expanding its power to deny consumers the benefits of choice and competition in adjacent and downstream markets as well.

C. The RPFJ fails to remedy the monopoly illegally maintained by Microsoft

In the face of this record, the law requires that any remedial decree ''terminate'' the monopoly, ''unfetter'' the market from anticompetitive conduct, ''deny to the defendant the fruits'' of its illegal acts, and ''ensure'' no repetition of such abuse in the future. [6] Measured against this standard, the proposed settlement between the United States and Microsoft reflected in the RPFJ falls far short.

Rather than act directly to restore competition to the market for PC operating systems, and redress the harm to competition inflicted by Microsoft's past misconduct in that and adjacent markets, the RPFJ actually accedes to Microsoft's monopoly, and does little or nothing to eliminate or check the enormous power it provides. Incredibly, the RPFJ barely proscribes behavior already held to be unlawful without remedying the far-reaching and continuing anticompetitive effects that have been caused by that behavior. [7] Even though Microsoft effectively destroyed competition for web browsers and blocked the distribution of upgraded, compatible versions of the Java platform for the PC, the RPFJ fails to remedy directly these anticompetitive acts or disgorge Microsoft of the power it now enjoys as a result of those acts.

Instead, the RPFJ relies on Microsoft's partners—PC manufacturers—to indirectly undermine Microsoft's monopoly by distributing non-Microsoft middleware. Relying on Microsoft's distributors to achieve the Department's goals is fundamentally flawed, since the PC manufacturers have little or no economic incentive or ability to work with Microsoft's competitors, absent fundamental changes to the competitive landscape in the PC operating system market, which the RPFJ fails to seek. [8] At best, the

[2] United States v. Microsoft Corp., 84 F. Supp. 2d 9, § 68 (D.DC 2000) (''Findings of Fact'') (explaining how middleware technologies such as the Navigator browser and the Java platform have the ability to weaken the applications barrier to entry).

[3] See Findings of Fact, 84 F. Supp. 2d at §§ 39–40.

[4] See Microsoft III, 253 F.3d at 55–60, 60–61, 70–71; Findings of Fact, 84 F. Supp. 2d at §§ 3652, 143–44,

[5] See Microsoft III, 253 F.3d at 61, 72, 75–76; Findings of Facts, 84 F. Supp. 2d at §§ 357, 395402.

[6] Microsoft III, 253 F.3d at 103.

[7] See Schine Chain Theatres, Inc. v. United States, 334 U.S. 110, 128 (1948) (concluding that injunctive relief which merely ''forbid[s] a repetition of the illegal conduct'' is legally insufficient because defendants would ''retain the full dividends of their monopolistic practices and profit from the unlawful restraints of trade which they inflicted on competitors'').

[8] Findings of Fact, 84 F. Supp. 2d at § 54 (stating that ''[w]ithout significant exception, all OEMs pre-install Windows on the vast majority of PCs that they sell, and they uniformly are of a mind that

RPFJ will marginally increase the opportunity, but not the ability, of competitors to compete at some future date with Microsoft's middleware products. It does nothing directly to dislodge Microsoft's PC operating system monopoly or to restore the market for PC operating systems to the competitive dynamics the market would have possessed ''but for'' Microsoft's illegal conduct.

D. The loopholes in the RPFJ must be eliminated and its important ambiguities clarified

While promising in principle, the disclosure remedies in the RPFJ (Sections III.D. and III.E) are likely to fail in practice to achieve the procompetitive objectives identified by the United States Justice Department (the ''Department'') in its Competitive Impact Statement. Key provisions in the RPFJ contain critical loopholes and glaring ambiguities. Given Microsoft's past disdain for compliance with the strictures of its prior antitrust consent decree with the Department, these ambiguities will likely lead to future litigation, particularly since Microsoft has repeatedly refused to answer any questions regarding whether it agrees or disagrees with the interpretations of the RPFJ proposed by the Department in the Competitive Impact Statement. Instead, it is clear that Microsoft's strategy is to say as little as possible about the meaning or application of the RPFJ prior to entry of judgment, hoping that any ambiguities in the language will ultimately be interpreted in its favor. In order to protect the public and ensure that the Department has actually secured a settlement that is consistent with its representations to the Court, the Department must force Microsoft to identify any disagreements that it has with the Department's interpretations prior to entry of the judgment. Unless such minimal steps are taken, the RPFJ will certainly fail to secure even the modest objectives it seeks to attain.

The RPFJ is further flawed because it allows Microsoft to profit from its illegal acts by exacting royalties as a condition for making interoperability disclosures. Moreover, it gives Microsoft far too much discretion about how it will ''comply'' with the RPFJ. Given its past record of anticompetitive conduct, a remedial scheme which relies on Microsoft acting ''reasonably'' is doomed to fail. After having successfully prosecuted its case against Microsoft, it would be tragic for the Department to shirk its duty under the law, and through entry of the RPFJ, allow Microsoft to maintain and expand its monopoly power.

II. Sun Microsystems'' Interest Regarding the Terms of the RPFJ

Since its founding in 1982, Sun has been propelled by an innovative vision- ''The Network Is The Computer.'' TM Sun is a leader in the design, manufacture, and sale of computer hardware, software, and services. Sun directly competes with Microsoft across a wide variety of markets including operating systems, ''middleware'' platforms, software development tools, office productivity suites, directory services, and enterprise software.

Sun's experience and expertise place it in a unique position to assess the true competitive impact of the RPFJ. As one of Microsoft's leading competitors and as the creator and licensor of the Java platform, Sun was a prime target of the anticompetitive conduct at issue in United States v. Microsoft. In addition, because Sun designs, manufactures, and sells a wide variety of products and services that must interoperate with Microsoft's products and services, Sun's realworld experience regarding the difficulties and barriers to effective interoperability with Microsoft's products affords Sun unique insights into whether the various technical disclosures and licensing practices mandated under the RPFJ will actually achieve the results intended by the Department. Sun's comments on the RPFJ are not intended to be exhaustive. Instead, the comments focus on key shortcomings or problems with the RPFJ, which most directly impact Sun, its distributors, developers, and customers. Others. including trade organizations of which Sun is a member, are likely to raise additional problems with the RPFJ, which should be addressed prior to entry of the judgment. By omitting such subjects from its submission, Sun does not wish to convey to the Department the impression that it believes the remainder of the RPFJ is satisfactory to Sun. Rather, Sun has merely focused its comments to highlight particular areas of concern. III. The RPFJ Fails To Remedy the Continuing Harm to Competition Caused By Microsoft's Illegal Acts A. The RPFJ fails to dissipate Microsoft's monopoly power in the market for PC operating systems A remedies decree in an antitrust case ''must seek to unfetter a market from anticompetitive conduct, to terminate the illegal monopoly, deny the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future.'' [9] Tile market over which Microsoft has unlawfully maintained its monopoly power is the market for PC operating systems. It is that market—the market for PC operating systems—that must be restored to competition, and in which Microsoft's power must be eliminated.

Indeed, the RPFJ does not even focus its principal remedies on the relevant market: the market for PC operating systems, Instead, it focuses its principal remedies on entirely different markets: the market for distribution of Microsoft operating systems and the market for middleware. In light of the record established and affirmed in this case, the Department's reliance on Microsoft's own distributors—entities whose commercial viability is dependent on and inextricably tied to Microsoft's success -to promote non-Microsoft middleware products capable of threatening Microsoft's monopoly position is misplaced at best, and foolhardy at worst.

1. The Department previously acknowledged that an effective remedy had to eliminate the applications barrier protecting Microsoft's monopoly

In recognition of the Department's obligations under the law and the extent of Microsoft's misconduct, the Department originally set its remedial objectives much higher than those proposed in the RPFJ. In fact, both the Department and the District Court concluded that a combination of structural relief and conduct remedies was necessary to lower the applications barrier to entry and to restore competition in the market for PC operating systems. [10] As the Department itself acknowledged, conduct remedies, by themselves, are likely to be insufficient in this case to remedy the past harm to competition:

[C]onduct remedies can do little to rectify the harm done to competition by Microsoft's illegal conduct in the past. For example, the evidence shows and the Court found that Microsoft's illegal conduct prevented Navigator and Java from eroding the applications barrier to entry ''for several years, and perhaps permanently'' because they could not facilitate entry unless they became almost ubiquitous and thus became attractive platforms for ISVs. A conduct remedy cannot undo the demise of Navigator and the concomitant rise of Internet Explorer, nor can it ensure that there will be other middleware threats comparable to Navigator in the future. [11]

According to the Department, ''[c]ompetition was injured in this case principally because Microsoft's illegal conduct raised entry barriers to the PC operating system market by destroying developments that would have made it more likely that competing operating systems would gain access to applications and other needed complements.'' [12] Thus, ''the key to a remedy in this case is to reduce Microsoft's

there exists no commercially viable alternative to which they could switch in response to a substantial and sustained price increase or its equivalent by Microsoft.'').

[9] Microsoft III, 253 F.3d at 103 (internal quotations and citations omitted). Although the Department acknowledges the required remedial objectives under the law, it fails to achieve them in practice. See Competitive Impact Statement (''CIS'') at 24 (''Appropriate injunctive relief in an antitrust case should: (1) end the unlawful conduct; (2) 'avoid a recurrence of the violation'' and others like it; and (3) undo its ant/competitive consequences.''). The RPFJ, however, fails to serve this fundamental objective. The first and most important flaw in the RPFJ lies in its failure to do anything to restore competition in the market for PC operating systems. But for Microsoft's anticompetitive conduct, the market would today provide consumers and software developers with the benefits of competitive choice among at least three alternative computing platforms for desktop computers: the Windows operating system, the Navigator browser, and the Java platform. As a direct result of Microsoft's anticompetitive conduct, consumers and developers today effectively enjoy no such choice. Rather than restore the market to the state it would have enjoyed but for Microsoft's illegal conduct, or even attempt to dissipate Microsoft's illegally maintained power over that market, the RPFJ accedes to and accepts Microsoft's monopoly over PC operating systems, and does nothing to directly and immediately restore that market to competition.

[10] United States v. Microsoft Corp., 97 F. Supp. 2d 59 (D,DC 2000), aff'd in part, rev'd in part, and remanded, 253 F.3d 34 (DC Cir. 2001).

[11] 11 4/28/00 Plaintiffs'' Memo. in Support of Proposed Final Judgment at 7–8 (citations omitted).

[12] Id. at 30.

ability to erect or maintain entry barriers.'' [13] To achieve this objective, the Department originally sought to divide Microsoft into an Applications Business and an Operating Systems Business in order to ''create incentives for Microsoft's Office and its other uniquely valuable applications to be made available to competing operating systems when that is efficient and profitable—in other words, in response to ordinary market forces—instead of being withheld strategically, at the sacrifice of profits and to the detriment of consumers—in order to protect the Windows operating system monopoly.'' [14]

But now that the Department has reversed its prior position and seeks to rely solely on conduct remedies, the remedies it has proposed are even leas likely to rectify the harm done to competition than the interim conduct remedies previously adopted by the District Court. The conduct remedies of the RPFJ are simply not tailored to rectify the continuing harm or lower the barriers to competition for competing operating system vendors. For example, the RPFJ does not even attempt to redress the competitive harm caused by Microsoft's interference and disruption of the distribution channels for the Navigator browser or the Java platform, even though Microsoft correctly perceived that widespread distribution of those platforms would lower the barriers to competition protecting its monopoly. Nor does the RPFJ take any direct steps to loosen Microsoft's chokehold on the PC operating system market and facilitate the development of applications from both Microsoft and others that could run on competing operating systems. If, as the Department previously contended, the ''key to a remedy'' in this case is to reduce or eliminate Microsoft's ability to create and maintain barriers to competition, the RPFJ does not attempt to serve, much less achieve, that remedial objective.

Although the Court of Appeals vacated and remanded the District Court's divestiture order, it affirmed the central liability findings against Microsoft. Rejecting Microsoft's numerous challenges, the Court of Appeals concluded that Microsoft had monopoly power over the PC operating system market, that Microsoft's monopoly was protected by an applications barrier to entry, and that Microsoft engaged in a panoply of illegal acts to maintain that monopoly in light of the competitive threat posed by the Navigator browser and the Java platform. [15] Furthermore, it set forth the legal standard against which any remedy for such violations should be measured. [16]

While the Department certainly had discretion to choose not to pursue a divestiture remedy on remand, the Court of Appeals'' affirmance of the core liability findings against Microsoft provided no excuse for seeking watered-down conduct remedies that are likely to be even less effective than the interim conduct remedies previously ordered by the Court. This is not a case where the Department entered into a settlement with a defendant in lieu of trial. Here, the District Court held, and the Court of Appeals affirmed, that Microsoft violated the antirust laws. By failing to remedy file effects of Microsoft's illegal acts, disgorge Microsoft's ill-gotten gains, and attack the barriers to competition protecting Microsoft's monopoly, the Department has shirked its duty under the law.

2. The RPFJ fails to address the effects of Microsoft's distribution power

Any remedy designed to restore competition in the PC operating system market mast account for the economic realities of software platform development. Distribution is the key to competitive viability in the market for PC platform software. [17] The applications barrier to entry which forms a ''positive feedback loop'' for Microsoft and a ''vicious cycle'' for Microsoft's competitors was a centerpiece of the Department's case: the number of installed units of a platform determines its commercial appeal to applications developers; the number and variety of applications available for a platform determines its commercial appeal to consumers; and the commercial appeal of the platform to consumers in turn drives its installed base and market share. [18] As the Court of Appeals concluded, ''[b]ecause the applications barrier to entry protects a dominant operating system irrespective of quality, it gives Microsoft power to stave off even superior new rivals.'' [19]In large measure, the Navigator browser and the Java platform threatened Microsoft's monopoly because they had achieved widespread distribution on both Windows and non-Windows platforms, thereby becoming a potentially more attractive platform for application development than Windows. If developers increasingly chose to develop their applications to the Navigator and Java platforms, rather than the Windows platform, consumers would have greater freedom to switch away from the Windows operating system because they would still be able to run the applications that they desire using competing operating systems.

To restore competition in the PC operating system market, an appropriate remedy should attempt to place the market back in the position it would have been ''but for Microsoft's illegal conduct. In other words, an appropriate remedy would ensure, to the extent possible, that alternative platforms achieve the distribution that they would have received ''but for'' Microsoft's illegal conduct. Moreover, an appropriate remedy also would seek to open up Microsoft's distribution channels to expand consumer choice by ensuring that alternative platforms could compete on the merits with Microsoft's products, rather than having Microsoft's illegally maintained distribution powers effectively foreclose such choices.

To evaluate the potential efficacy of the RPFJ, one must compare the competitive landscape before and after Microsoft's illegal acts. Prior to Microsoft's acts, the marketplace was undergoing dramatic changes as a result of the nearly simultaneous emergence of both the Navigator browser and the Java platform. By easily connecting consumers to resources across the Internet and providing a new platform for software development, these new, widely distributed platforms threatened Microsoft's monopoly power because they afforded consumers the ability to run applications on many different operating systems, not just Windows. Customers could chose between different browsers as well as different implementations of the Java platform. They were not reliant on a single vendor for their platform software. At this inflection point in the market, the barriers to competition protecting Microsoft's monopoly looked increasingly precarious. Microsoft's internal documents demonstrate how serious that threat really was. Despite its dominant market position, Microsoft believed it was necessary to engage in a campaign of illegal conduct to crush this competition. As a result of that conduct, consumers no longer have any real competitive choices for browsers for PCs, other than Microsoft's Internet Explorer. As a practical matter, PC consumers also have been denied access to the latest, compatible versions of the Java platform as a result of Microsoft's conduct. Instead, Microsoft first offered an incompatible version of the Java platform, and now seeks to roll-out their ''knock-off'' middleware runtime, the .NET Framework/Common Language Runtime, that copies many of the features of the Java platform with one critical difference—it rims only on Windows.

The question that should be asked regarding the RPFJ is whether it will disgorge from Microsoft the fruits of its illegal acts and restore a competitive marketplace where consumers will have the ability to choose their platform software from an array of competitive choices. A critical review of the P,.PFJ makes plain it does not.

3. The RPFJ does little more than attempt to enjoin Microsoft from continuing to engage in the conduct already found to be unlawful

Rather than attempting to undo the damage to competition resulting from Microsoft's actions and pry open the PC operating system market to competition, the RPFJ is purely forwardlooking, focusing primarily on the precise Microsoft conduct already found to be unlawful. Injunctive relief which simply ''forbid[s] a repetition oft he illegal conduct'' is insufficient under Section 2 because it would allow Microsoft to ''retain the full dividends of [its] monopolistic practices and profit from the unlawful restraint of trade which [it] had inflicted on competitors.'' [20] As the Supreme Court has made plain, an antitrust remedy ''does not end with enjoining continuance of the unlawful restraints'' but must also seek to undo the effects of the illegal acts and ensure that they do not reoccur. [21]

Most of the RPFJ is oriented towards prohibiting a narrow set of future illegal

[13] Id.

[14] Id.

[15] Microsoft III, 253 F.3d at 51, 60, 64, 71, 76–78.

[16] Id. at 103.

[17] See Microsoft III, 253 F.3d at 55–56, 60–61, 70–71; Findings of Facts, 84 F. Supp. 2d at §§ 36–52, 143–44.

[18] Findings of Fact, 84 F. Supp. 2d at §§ 39–40.

[19] Microsoft III, 253 F.3d at 55–56.

[20] Schine, 334 U.S. at 128.

[21] See United States v. Paramount Pictures, 334 U.S. 131, 171 (1948).

conduct by Microsoft. For example, the RPFJ contains provisions which would prohibit Microsoft from:

. retaliating against distributors of or developers for Non-Microsoft Operating Systems and Non-Microsoft Middleware (Sections III.A and III.F);

. entering into certain restrictive agreements relating to the distribution of or development for Non-Microsoft Operating Systems and Non-Microsoft Middleware (Sections III.C, III. F.2, III.G); or

. preventing end-users and OEMs from enabling non-Microsoft Middleware Products over Microsoft Middleware Products (Section III.H).

Although sucb provisions are certainly appropriate in light of Microsoft's past conduct, they merely enjoin Microsoft from continuing to break the law in the future, and do nothing to repair the damage to competition caused by Microsoft's past acts.

4. The RPFJ assumes that Microsoft's Windows distributors will promote competitive middleware products

Sun questions whether the Department's reliance upon Microsoft's primary distributors, PC manufacturers, to re-start competition in the PC operating system market is fundamentally misplaced. In its Competitive Impact Statement, the Department contends that the RPFJ will ''restore the competitive threat that middleware products posed prior to Microsoft's unlawful undertakings.'' [22] The Department's assumption seems to be that by giving PC manufacturers greater contractual freedom to distribute non-Microsoft Middleware Products, a rich market of competing middleware products will arise that could eventually give rise to alternative computing platforms capable of undermining Microsoft's application barrier to entry.

The RPFJ, however, does nothing to ensure that such alternative platforms are actually distributed to consumers. If PC manufacturers choose not to distribute such software, consumers will never have the choice that they had, prior to Microsoft's illegal acts, when alternative platforms like the Navigator browser or the Java platform were ubiquitously distributed. The key question then is whether PC manufacturers will aggressively distribute non-Microsoft platforms. Unfortunately, the Department's Competitive Impact Statement offers no explanation or empirical evidence to support this critical assumption.

Given the limited nature of the relief proposed in the RPFJ, Sun is not as sanguine as the Department about such prospects.

First, despite the retaliation restrictions contained in the RPFJ, because Microsoft's market power is left largely untouched and PC manufacturers remain dependent solely on Microsoft for a critical component for their products, it is very likely that, in practice, many PC manufacturers will remain reluctant to risk incurring Microsoft's wrath by supporting competing platforms. Microsoft simply retains too many formal and informal tactics to reward its ''friends,'' and punish its ''enemies.'' One need only look at PC manufacturers'' treatment of Microsoft's Internet Explorer for guidance on how the terms of the RPFJ are likely to be applied in practice. In July 2001, Microsoft: announced that PC manufacturers, for the first time, would be free to remove access to Internet Explorer. Since that time, not one PC manufacturer has removed the Internet Explorer icon from retail PCs.

Second, under the terms of the RPFJ, competing middleware vendors are at such a competitive disadvantage to Microsoft that it will remain extremely difficult to secure distribution of these competing products through PC manufacturers. Under the RPFJ, Microsoft's ability to bundle middleware products into its Windows operating system would remain essentially unfettered. PC manufacturers would have the legal fight to remove or disable certain Microsoft middleware products, but what commercial incentive will the PC manufacturers have to remove or disable the Microsoft products if they have already paid for such products in order to license the Windows operating system? Moreover, while Microsoft retains the ability to bundle its middleware product (e.g., a browser, media player, etc.) into every copy of Windows (absent an affirmative act by a PC manufacturer to exclude such product), a competitor would have to individually approach scores, if not hundreds, of different PC manufacturers around the world and negotiate a separate agreement with each to achieve a comparable degree of distribution. In addition, because the marginal cost to the PC manufacturer for the bundled Microsoft middleware product is effectively zero, PC manufacturers may be reluctant to pay non-Microsoft middleware vendors a sufficient price to recoup the costs such middleware vendors would incur to make and sell competing products.

Finally, since the vast majority of PC manufacturers are in the business of selling Windows PCs, some manufacturers might believe it is against their own commercial interests to support alternative middleware platforms. For example, if a middleware platform (e.g—, the Java platform) truly lowers barriers to entry and allows consumers to run applications on any operating system (e.g., Apple Mac operating system, etc.) that supports that middleware platform, consumers eventually might chose to purchase their computers from vendors other than Windows PC vendors. Thus, the RPFJ fails to account for the fact that many PC manufacturers may derive substantial benefit from maintaining the applications barrier to entry protecting Microsoft's Windows monopoly.

B. The RPFJ does not remedy the continuing competitive harm to web browsers

Prior to Microsoft's illegal campaign, Netscape's Navigator browser was the market leading web browser by a wide margin. [23] Today, Microsoft's Internet Explorer browser dominates the market, accounting for over 87% of all users. [24] To achieve this dramatic turn of events, the District Court found, and the Court of Appeals affirmed, that Microsoft engaged in a series of unlawful, anticompetitive acts:

. Exclusionary contracts with OEMs, [25] IAPs, [26] and ISVs; [27]

. Commingling of software code to make it technologically difficult to remove Internet Explorer from Windows. [28]

Anticompetitive deals with Apple Computer. [29]

Not only did Microsoft effectively destroy Navigator as a viable alternative platform, by seizing control over the web browser, Microsoft greatly expanded its market power. By dominating web browsers and effectively excluding all competitors, Microsoft secured the power to set and control the protocols and interfaces used for connecting with and communicating over the Internet.

Imagine, for example, that a single company monopolized the manufacture and supply of telephones, such that it supplied 95% of the world's telephones. If that company were permitted to change the dial tone on its phones, or the keypad, in ways that permitted only phones made by it to call and interact with its installed base of telephones, the telephones made and sold by its competitors would have very little or no value, since they could no longer interoperate effectively with 95% of all telephones. And if that company also altered the telephones it made so that they worked best—or indeed only—with the telephone switches and answering machines that the monopoly telephone company also made, then that company would quickly obtain a monopoly over the telephone switch and answering machine markets as well.

Microsoft's control over the browser and PC operating system provides Microsoft with just such unbridled power to dictate unilaterally the interfaces and protocols by which other devices and applications can interoperate with Microsoft's products and services over the Internet. The role played by the browser in communicating with devices, applications, and web services over the Internet is directly analogous to the role played by the consumer telephone in the telephone network.

As a result of Microsoft's illegal acts, Microsoft can now exclude competing products and services from being able to communicate over the Internet with Microsoft's browser, or Microsoft can mandate interfaces and protocols which favor its products over competitors'' products. Thus, by virtue of its anticompetitive conduct, Microsoft has secured the power to potentially appropriate a public asset of immeasurable value—the Internet—through use of proprietary interfaces and protocols.

Control of the browser also was essential to protecting Microsoft's PC operating system monopoly. By controlling this ''killer application,'' Microsoft can determine which competing operating systems, if any, will be able to run Internet Explorer. Without first-rate browser support capable of communicating with the content available

[22] CIS at 3.

[23] See Findings of Fact, 84 F. Supp. 2d at § 360.

[24] 2/21/01 StatMarket Report Regarding Global Browser Usage Share.

[25] See Microsoft III, 253 F.3d at 64.

[26] See id. at 71.

[27] See id. at 72.

[28] See id. at 67.

[29] See id. at 74.

across the Internet, competing PC operating systems simply will not be able to attract consumers away from Microsoft's monopoly operating system.

Finally, control of the browser was important in order for Microsoft to be able to control a key distribution channel for middleware that potentially threatened Microsoft's monopoly. Browsers have been a vital distribution channel for a variety of middleware products, including the Java platform, media players, instant messaging products, etc. If Microsoft did not control this distribution channel, competitors could have continued to use competing browsers as a vehicle for distributing non-Microsoft middleware.

Consequently, the continuing competitive harm flowing from Microsoft's unlawful conduct is substantial. The RPFJ, however, does nothing directly to address it. Instead, it leaves Microsoft to enjoy the spoils of its illegal conduct At best, the RPFJ attempts to make it easier for PC manufacturers to now distribute competing browsers. But given the dominant position that Internet Explorer has now achieved, who will develop and market a competing browser? Because Microsoft bundles Internet Explorer with its monopoly operating system, a competitor would have to compete against a product with a marginal cost to PC manufacturers and consumers of essentially zero, since Microsoft can recoup its costs from its monopoly products. Even if the competing browser were technically superior, Microsoft can regularly introduce new interfaces and protocols to interfere with the competing browser's ability to compete, forcing the competitor to chase each new proprietary standard Microsoft announces.

Unless Microsoft is first stripped of the fruits of its illegal conduct, real competition in the browser market is unlikely to occur. Absent such remedial relief, it is akin to holding a 100-yard dash in which Microsoft has an 87-yard lead after jumping the gun and intentionally tripping all of its competitors. Consumers are directly harmed as a result. Instead of a marketplace offering many different browser choices, consumers are increasingly faced with only one choice—Microsoft's browser.

C. The RPFJ does not remedy the substantial harm to competition caused by Microsoft's illegal acts against the Java platform

The District Court found, and the Court of Appeals affirmed, that Microsoft engaged in numerous anticompetitive acts directed against the Java platform:

Exclusionary ISV deals; [30]

Anticompetitive threats to Intel to stop Java platform development; [31]

Deceiving developers into using Microsoft's incompatible implementation of the Java platform; [32]

Blocking distribution of Netscape Navigator—a prime distribution channel for the Java platform to PCs. [33]

Prior to Microsoft's anticompetitive acts, Sun had secured two major distribution channels for delivering the Java platform to PCs—Netscape's Navigator browser and Microsoft's Internet Explorer browser and Windows operating system. By its illegal acts, Microsoft effectively blocked the distribution of compatible, upgraded versions of the Java platform through both channels, and substantially slowed the development of desktop applications written to the Java platform.

First, by blocking distribution of Netscape Navigator and dramatically reducing its market share, Microsoft effectively closed this alternative channel for distributing compatible versions of the Java platform to PCs. Second, by developing and distributing its own incompatible version of the Java platform which was tied to Windows, Microsoft fragmented the Java platform in order to re-create its applications barrier to entry, ensuring that PC consumers only had Microsoft's version of the Java platform. By refusing to distribute compatible upgrades of the Java platform, Microsoft effectively froze desktop development for the Java platform by continuing to distribute an ''old'' version of the technology, which did not have the richer set of functionality available in later versions. Finally, by means of exclusionary deals, threats, and incompatible developer tools, Microsoft attempted to either deceive or coerce developers away from developing compatible applications written to the Java platform that could run on operating systems other than Windows.

Since the trial, Microsoft has continued to attack the Java platform to the detriment of consumers. In its most recent version of Windows, Windows XP, Microsoft no longer included even the old version of the Java platform which it previously had been shipping as part of Windows in accordance with the terms of a settlement agreement with Sun. As a result, millions of consumers purchasing Windows XP will no longer be able to access web pages that contain applications written to the Java platform unless they engage in a time-consuming download of the entire Java platform.

In addition, Microsoft recently unveiled its own competing middleware runtime—the .NET Framework—as part of its .NET initiative. During the time that Microsoft effectively halted the development and distribution of the Java platform for the PC for several years, it simultaneously was busy developing its own middleware runtime that copied the design and architecture of the Java platform with one glaring difference—the .NET Framework runs only on Windows. Thus, not only did Microsoft's illegal conduct allow it to blunt the competitive threat which the Java platform posed to Microsoft's Windows monopoly, it also allowed Microsoft the time to try and catch up with many of the compelling features that, at the time, only the Java platform offered. The RPFJ, however, does not seek to remedy the continuing competitive harm caused by Microsoft's actions. For example, the RPFJ does nothing to attempt to put the marketplace in the position it would have been ''but for'' Microsoft's conduct—ubiquitous distribution of an upgraded, compatible Java platform on top of every Windows operating system as an available, alternative platform for software applications. Nor does it account for the time-to-market advantage that the Java platform lost as a result of Microsoft's conduct, particularly now that Microsoft will attempt to compete against the Java platform with its .NET Framework. Instead of attempting to undo this damage to competition, the RPFJ would allow Microsoft to bundle its competing .NET Framework with Windows, while forcing Sun and its licensees to try and m-create the distribution channels that Microsoft unlawfully destroyed. Absent real remedial relief, Microsoft will continue to reap the benefits of its unlawful conduct, and consumers will have no meaningful alternative computing platform available on PCs that is not controlled by Microsoft.

IV. Critical Terms In The RPFJ Are Undefined or Ambiguous

A. Significant ambiguities in the RPFJ must be cured to avoid further litigation The dispute between Microsoft and the Department regarding the prior consent decree demonstrates the need to carefully define technical terms to avoid future litigation and ensure the parties agree with respect to Microsoft's obligations. As the Department is well aware, the 1995 consent decree with Microsoft prevented Microsoft from requiring PC manufacturers to license other products as a condition of licensing the Windows operating system. [34] However, the consent decree specified that this obligation did not ''prohibit Microsoft from developing integrated products,'' though the term ''integrated products'' was left undefined. [35]

In 1997, the Department asked the District Court to find Microsoft in contempt for requiring PC manufacturers who licensed the Windows operating system to also license Internet Explorer. Although the District Court found that the Department's proposed definition was probably correct, the court declined to find Microsoft in contempt because Microsoft offered a ''plausible interpretation,'' and any ambiguities had to be resolved in Microsoft's favor. [36] Given that any ambiguities are likely to be resolved in Microsoft's favor in any future enforcement proceeding, Sun believes it is essential that any and all material ambiguities be clarified prior to the entry of the RPFJ.

Although the Department offers its own interpretation of some of the RPFJ's ambiguous terms in the Competitive Impact Statement, Microsoft has repeatedly refused to reveal whether it disagrees with those interpretations. For example, following recent testimony by Microsoft's counsel, Charles Rule, before the Senate Judiciary Committee, members of the Committee posed a series of questions to Mr. Rule regarding whether Microsoft agreed with the

[30] See id. at 76.

[31] See id. at 78.

[32] See id. at 77.

[33] See Findings of Fact, 84 F. Supp. 2d at § 397 (explaining how Microsoft used some of its ''surplus monopoly power'' to suppress distribution of Netscape Navigator and inflict further competitive damage on the distribution of the Java platform).

[34] See United States v. Microsoft Corp., 980 F. Supp. 537, 539 (D.DC 1997).

[35] Id. at 53940 (emphasis added).

[36] Id. at 541–42.

Department's interpretation of the RPFJ as set forth in the Competitive Impact Statement. Mr. Rule's responses were telling. When asked a series of questions directed to whether ''Microsoft disagree[d] with anything stated in the Department's Competitive Impact Statement concerning the meaning and scope of the proposed Final Judgment,'' Mr. Rule refused to answer the questions directly, instead repeatedly referring to the same ''non-answer'': Microsoft did not participate in the preparation of the Competitive Impact Statement. The language of the Revised Proposed Final Judgment was carefully negotiated and means what it says. The Department's Competitive Impact Statement has the same legal force and effect in this case as in any other. Beyond that I cannot go in light of the facts that the Tunney Act proceeding is currently under way before Judge Kollar-Kotelly and that the non-settling states are attempting to raise various issues concerning the Competitive Impact Statement as part of the ongoing ''remedies'' litigation also before Judge Kollar-Kotelly. Once that litigation is completed, I may be in a better position to discuss these issues with the Committee. [37]

Microsoft's clear strategy is to refuse to reveal anything about its interpretations of the RPFJ prior to the Court's entry of the judgment, lest it become clear to both the Department and the public that Microsoft's understanding of its potential obligations under the RPFJ is substantially different from the Department's. Then, when disputes with the Department about the scope of its obligations arise, as they inevitably will, Microsoft will be free to argue that the R.PFJ is ambiguous, and therefore must be construed, as a matter of law, in Microsoft's favor. [38]

While it certainly is in Microsoft's interest to pursue such a strategy, the Department should not risk being complicit in a scheme that would effectively mislead the Court and the public about the true nature and impact of the RPFJ. The Department should insist that Microsoft identify any and all disagreements that it has with the interpretations offered by the Department in the Competitive Impact Statement prior to entry of the RPFJ. Absent such an inquiry and a record of Microsoft's position, the District Court, Sun, and the public at large have no assurances that the terms of the RPFJ will actually be construed/n the manner proposed by the Department in its Competitive Impact Statement.

B. ''Interoperate'' and ''interoperating'' must be defined

The key disclosure provisions contained in the RPFJ rely on the terms ''intemperate'' and ''interoperating'' to define the scope of Microsoft's obligations, but these critical terms are not expressly defined.

Section III.D of the RPFJ would require Microsoft to disclose ''for the sole purpose of interoperate with a Windows Operating System Product ... the APIs and related Documentation that are used by Microsoft Middleware to interoperate with a Windows Operating System Product.'' (emphasis added).

Section III.E would require Microsoft to: make available for use by third parties, for the sole purpose of interoperating with a Windows Operating System Product, on reasonable and non-discriminatory terms..., any Communication Protocol that is ... (i) implemented in a Windows Operating System Product installed on a client computer, and (ii) used to interoperate natively (i.e., without the addition of software code to the client operating system product) with a Microsoft server operating system product. (emphasis added). [39]

Depending on the definition of these terms, the scope of Microsoft's obligations under these provisions could vary dramatically. Therefore, in order to avoid a reprise of the litigation surrounding the 1995 consent decree with Microsoft, the Department should clarify the meaning of these terms in the text of the RPFJ, particularly since any ambiguity is likely to be construed in Microsoft's favor in any enforcement action brought by the Department. An explicit definition of these terms is essential because Sun believes the Department and Microsoft likely attach very different meaning to these terms. For example, in the Competitive Impact Statement, the Department offers a number of broad characterizations regarding the scope of these interoperability disclosures: . ''[I]f a Windows Operating System Product is using all the Communications Protocols that it contains to communicate with two servers, one of which is a Microsoft server and one of which is a competing server that has licensed and fully implemented all the Communications Protocols, the Windows Operating System Product should behave identically in its interaction with both the Microsoft and non-Microsoft servers.''[40]

. ''Section III.E. will permit seamless interoperability between WindowsOperating System Products and non-Microsoft servers on a network. For example, the provision requires the licensing of all Communications Protocols necessary for non-Microsoft servers to interoperate with the Windows Operating System Products'' implementation of the Kerberos security standard in the same manner as do Microsoft servers, including the exchange of Privilege Access Certificates. Microsoft must license for use by non-Microsoft server operating system products the Communications Protocols that Windows Operating System Products use to enable network services through mechanisms such as Windows server message block protocol/ common Internet file system protocol communications, as well as Microsoft remote procedure calls between the client and server operating systems.''[41]

. ''Section III.D of the proposed Final Judgment requires Microsoft to disclose to ISVs, IHVs, IAPs, ICPs and OEMs all of the interfaces and related technical information that Microsoft Middleware uses to interoperate with any Windows Operating System Product .... Microsoft will not be able to hamper the development or operation of potentially threatening software by withholding interface information or permitting its own products to use hidden or undisclosed interfaces.''[42]

In light of these comments, the Department appears to be interpreting ''interoperate'' to mean the ability of two different products to access, utilize, and support the full features and functionality of one another. Under the Department's interpretation, the disclosures would be of sufficient detail to allow a non-Microsoft server operating system to implement the Microsoft Communication Protocols in a manner such that the non-Microsoft server operating system could be substituted for a Microsoft server operating system without any disruption, degradation, or impairment of all the features, functionality, and services of any Microsoft PC operating system connected to such non-Microsoft server operating system. By contrast, in proceedings before the European Commission, Microsoft has asserted a much narrower interpretation of ''interoperate'' than the Department's interpretation. In that forum, Microsoft has maintained it already discloses all information necessary to achieve interoperability between Microsoft's PC operating system and non-Microsoft server operating systems. Since Microsoft contends that they already disclose all of the information necessary to satisfy this narrow definition of ''interoperate,'' if this definition were to prevail, Microsoft will disclose nothing new. Its conduct will remain unchanged.

Under Microsoft's narrow definition, interoperability is a one-way street that is satisfied if all of the functionality of a non-Microsoft server operating system can be accessed from a Windows PC operating system. In contrast to the Department's position, Microsoft has repeatedly taken the position that interoperability does not require a disclosure sufficient to allow a Windows PC operating system to behave identically when connected to both Microsoft and non-Microsoft server operating systems. Moreover, Microsoft has previously claimed that ''interoperability'' relates only to those protocols and interfaces which Microsoft has chosen to document and make available to third parties, and should not include protocols and interfaces that Microsoft reserves for itself to use to connect its PC and server operating system products. Absent an explicit definition of this critical term in the RPFJ, Sun believes the disclosure provisions of the RPFJ are doomed to fail. To avoid future disputes over the meaning of this term and to ensure that the public actually receives a remedy that is consistent with the Department's representations in the

[37] Responses of Charles F. Rule to Judiciary Committee Questions at 13.

[38] See Microsoft, 980 F. Supp, at 541 (''The Court must resolve any ambiguities in the terms of the Final Judgment in favor of Microsoft, the party charged with contempt.''); see also Cause v. Nuclear Regulatory Corem'n, 674 F.2d 921,927–28 (DC Cir. 1982).

[39] See also Section III.H (providing that a Windows Operating System Product may invoke a Microsoft Middleware Product in any instance in which ''that Microsoft Middleware Product would be invoked solely for use in interoperating with a server maintained by Microsoft (outside the context of general Web browsing)'').

[40] CIS at 38.

[41] CIS at 38–39.

[42] CIS at 33.

Competitive Impact Statement, Sun proposes that the RPFJ should be amended to include the following definition: ''Interoperate'' or ''Interoperating'' means the ability of two different products to access, utilize and/or support the full features and functionality of one another in all of the ways they are intended to function. For example, a non-Microsoft operating system installed on a server computer ''Interoperates'' with a Windows Operating System Product installed on a Personal Computer if such non-Microsoft server operating system can (a) be substituted for a Microsoft operating system running on a server computer connected to a Personal Computer running a Windows Operating System Product, and Co) provide the user of the non-Microsoft server operating system the ability to access, utilize and/or support the full services, features and functionality of the Windows Operating System Product that are accessed, utilized and/or supported by such Microsoft server operating system without any disruption, degradation or impairment in such services, features and functions.

C. The scope of Microsoft's ''Communication Protocols'' disclosure should be clarified and exemplified

As a vendor of server operating systems that must connect and communicate with Microsoft's monopoly PC operating system, the disclosure and licensing provisions in Section III. E relating to Microsoft's Communications Protocols are especially important to Sun's business. Although the term Communications Protocols is expressly defined, the RPFJ lacks any explicit examples regarding which Microsoft technologies would currently be required to be disclosed or what the extent of such disclosure would be in practice. While the terms of the RPFJ must be written to anticipate Microsoft's future conduct, there is no excuse for misunderstandings regarding Microsoft's obligations with respect to known, existing interoperability barriers. Because the technical terms surrounding this provision are potentially subject to varying interpretations, the RPFJ would be substantially improved if it gave better guidance on how these provisions would actually be applied in practice.

For example, in its Competitive Impact Statement, the Department identifies some of the specific protocols it believes Microsoft will be required to disclose under Section III.E to the extent such protocols are implemented in Microsoft's PC operating system products, including: protocols relating to Microsoft's Internet Information Services (''IIS'') web server and Active Directory, Microsoft's implementation of the Kerberos security standard (including the exchange of Privilege Access Certificates), the Windows server message block protocol, the Windows common Internet file system protocol, Microsoft remote procedure calls between the client and server operating systems, and protocols that permit a runtime environment (e.g., the Common Language Runtime) to receive and execute code from a server. [43]

Microsoft, however, has refused to say whether it agrees with the Department's interpretation. To avoid future disputes and ensure that the parties agree on the kinds of protocols that will fall within the scope of the term ''Communications Protocols,'' the RPFJ should be amended to identify particular examples of protocols that Microsoft would be required to disclose. Furthermore, in advance of entry of the RPFJ, Microsoft should be required to fully detail what it will disclose with regard to existing Communications Protocols that pose a barrier to interoperability. At a minimum, the Department should require Microsoft to identify any disagreements Microsoft has with the Department's interpretation of this provision prior to entry of the RPFJ. Unless the Department and Microsoft go through the exercise of attempting to apply this provision in practice, the public cannot be assured that there truly has been a ''meeting of the minds'' regarding the scope and meaning of this important provision. Not only should the Department clarify the RPFJ with examples of particular protocols that Microsoft currently would be required to disclose, the Department also should clarify the kinds of information Microsoft will be required to disclose regarding its Communications Protocols. Although the term Communications Protocols appears to be defined broadly in Section VI.B of the RPFJ, in practice, the actual application of these provisions is likely to give rise to many potential questions and disputes. For example,

. Is everything that is shipped with Microsoft Windows server operating system products (e.g., Windows 2000 Server, Windows 2000 Advanced Server, etc.), including Microsoft's Active Directory or IIS, part of the ''server operating system,'' and therefore potentially the subject of disclosure to the extent it comprises a ''Communications Protocol''?

. Are Active Directory, Kerberos security protocol, COM+, Dfs, DLT, CIFS extensions, RPC, the Win 32 APIs, or Passport examples of ''Communications Protocols'' that must be disclosed and licensed pursuant to Section III.E of the RPFJ?

. Where Microsoft has extended an industry standard like Kerberos, will Microsoft be required to disclose both the standard portion of its implementation and its proprietary extensions?

. Will Microsoft be required to disclose the details regarding its proprietary implementation of the Kerberos security protocol in Windows 2000 and Windows XP Professional, including the information necessary for a non-Microsoft server to be able to generate, exchange, and process the authentication and authorization data in Privilege Access Certificates?

. What does ''make available for use by third parties'' mean in practice in the context of Section III.E? Will Microsoft be required to just disclose fields, formats, etc., or will it be required to disclose sufficient information to allow a competitor to create its own implementation of the Communications Protocol that will allow a competitor's server operating system to seamlessly interoperate with the Windows PC operating system in the same manner as a Microsoft server operating system? Unless such questions are resolved and clarified in advance of entry of the RPFJ, the disclosure and licensing obligations of Section III.E will not provide any meaningful relief.

D. The scope of the ''carve-out'' provisions of Section III.J should be clarified Particularly troubling to Sun is the possibility that the ''carve-out'' provisions of Section III.J might be broadly construed by Microsoft to exclude many of the kinds of disclosures that would otherwise fall within the scope of Sections III.D and III.E. Section III.J. 1 provides that no provision of the Final Judgment shall: [r]equire Microsoft to document, disclose or license to third parties: (a) portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of 'a particular installation or group of installations'' of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria .... (emphasis added).

In the Competitive Impact Statement, the Department characterizes this exception as a ''narrow one, limited to specific end-user implementations of security items such as actual keys, authorization tokens or enforcement criteria, the disclosure of which would compromise the security of 'a particular installation or group of installations'' of the listed security features''[44] But nowhere in the RPFJ is the term ''compromise the security of a particular installation or group of installations'' defined. What will this provision mean in practice? With respect to known interoperability problems relating to Active Directory, Microsoft's Kerberos security model, Windows Media Player, or the Passport authentication/authorization service, what portions of those protocols and interfaces can Microsoft refuse to disclose pursuant to this provision? If Microsoft refuses to disclose such information, will competitors be able to fully interoperate with all of the features and functionality of the Windows operating system, or will the value of the disclosure provisions be effectively eviscerated? What steps has the Department taken to ensure that, in practice, this exception will not swallow the intended effect of the disclosure provisions?

Again, unless such questions are clarified in advance of entry of the RPFJ, Microsoft is likely to use this purportedly narrow exception to eviscerate its disclosure and licensing obligations under the RPFJ.

E. The definition of ''Microsoft Middleware Product'' should be amended The definition of ''Microsoft Middleware Product''[45] in the

[43] CI8 at 37–39.

[44] CIS at 39.

[45] The RPFJ defines ''Microsoft Middleware Product'' as Follows:

1. the functionality provided by Internet Explorer, Microsoft's Java Virtual Machine, Windows Media Player, Windows Messenger, Outlook Express and their successors in a Windows Operating System Product, and.

2. for any functionality that is first licensed, distributed or sold by Microsoft after the entry of this Final Judgment and that is part of any Windows Operating System Product

RPFJ is fundamentally flawed because it grants Microsoft discretion to limit its obligations merely based on the way it chooses to trademark its products. For middleware functionality that is distributed after entry of the Final Judgment, except for a small, specified class of middleware applications (e.g., Internet browsers, email client software, etc.), Microsoft's obligations under the RPFJ are not triggered unless it chooses to distribute the middleware product under a trademark other than ''Microsoft??'' or ''Windows??''[46] In other words, after entry of the RPFJ, if Microsoft bundles its new middleware runtime alternative to the Java platform, the .NET Framework (also known as the Common Language Runtime) with Windows, it only would have to make disclosures about the APIs used by the .NET Framework or allow OEMs and consumers to remove access to it, if it chose to distribute the .NET Framework under the trademarked name ''.NET Framework.'' If it simply distributed the product under the name ''Microsoft??'' .NET Framework,'' its activities would appear to be unconstrained by the RPFJ. To allow Microsoft to evade its obligations under the RPFJ based on arbitrary trademarking practices is absurd.

To avoid this result, the definition of ''Microsoft Middleware Product'' should be amended as follows: the ''Trademarked'' requirement of Section VI.K.2.b.iii should be stricken; the terms ''.NET Framework'' and ''Common Language Runtime'' should be added to Section VI.K. 1; and the term ''middleware runtime environment'' should be added to Section VI.K.2.a.

V. Section III.I's Licensing Provisions Allow Microsoft to Profit from Its Unlawful Acts

A. Microsoft should not be allowed to demand royalties as a condition for making interoperability disclosures

The licensing provisions of the RPFJ are fundamentally flawed because they would require the public to pay royalties to Microsoft in order to interoperate with Microsoft's illegally maintained monopoly products. If Microsoft had not engaged in its pattern of illegal conduct, its monopoly would have begun to dissipate, and it would have been unable to collect this ''interoperability'' tax. As the Department itself previously recognized, ''[i]f Microsoft were in a competitive market, it would disclose its confidential interface information to other server software developers so that their complementary software would work optimally with, and thereby enhance the value of, Microsoft's PC operating systems.''[47] It is only because Microsoft has illegally maintained its PC operating system monopoly and wishes to expand its monopoly to server operating systems that Microsoft has an incentive to withhold information from competitors regarding complementary software. Thus, the RPFJ, in effect, authorizes Microsoft to collect a portion of its monopoly rents through this licensing regime.

Furthermore, not only is Microsoft authorized to collect royalties for the ''privilege'' of interoperating with its illegal monopoly, the RPFJ places no limits on how high a royalty Microsoft can demand, other than the royalty must be reasonable. However, since competitors'' products must be able to interoperate with Microsoft's monopoly PC operating systems, they may be constrained to essentially pay whatever Microsoft demands. To ensure Microsoft does not continue to enjoy the fruits of its illegal conduct, Section III.I of the RPFJ should be mended to require Microsoft to grant any licenses required under the RPFJ on a royalty-free basis.

B. Microsoft has too much discretion over licensing terms under the RPFJ Although Section III.I of the RPFJ places some limitations on the terms under which Microsoft must license its technology to facilitate the disclosure obligations of the RPFJ, Microsoft retains broad discretion, which it is likely to exploit. For example, Section III.I. 1 requires that all license terms be ''reasonable.'' A reasonableness standard, however, provides little practical guidance, and is a particularly poor choice in the case of a monopolist like Microsoft who has repeatedly broken the law to secure commercial advantages over its competitors. Similarly, the fact that licenses must be ''nondiscriminatory'' could actually be exploited by Microsoft to ensure that its strongest competitors are denied access to Microsoft's disclosures. For instance, a small start-up company with no revenues and no existing intellectual property rights might be willing to agree to terms that would be commercially unacceptable to significant Microsoft competitors like Sun, IBM, or Novell. The terms of the RPFJ also allow Microsoft the ability to substantially delay making any interoperability disclosures. Under Section III.E, Microsoft does not even need to make its Communications Protocols available until nine months after submission of the RPFJ. But since Microsoft can insist that third parties enter into a license agreement before they receive any disclosures, Microsoft can continue to delay making disclosures to key competitors by dragging out negotiations and insisting on commercially unacceptable terms. Does the Department intend to review ongoing negotiations to ensure Microsoft is taking reasonable positions in the negotiations? How will the Department ensure that Microsoft does not exploit the negotiating process to facilitate delay and disadvantage key competitors? Will Microsoft's competitors be forced to sign license agreements before they know the scope of information that Microsoft will or will not disclose? Does the Department expect that the proposed Technical Committee will be involved in resolving such disputes? If so, will Technical Committee members have the requisite licensing and legal experience to assess whether Microsoft is insisting upon commercially unreasonable terms? To ensure Microsoft cannot circumvent the intent of the RPFJ, Sire proposes that the R.PFJ be amended to include a publicly available template identifying the terms under which Microsoft will license its technology pursuant to the RPFJ. In principle, this approach is analogous to Section III.B which requires Microsoft to have uniform license agreements with OEMs in accordance with published, uniform royalty rates. Requiring Microsoft to identify this license template in advance would serve two important objectives. First, it would help limit Microsoft's ability to evade the intent of the RPFJ through negotiation tactics. Second, it would allow the public to understand the true costs and conditions of licensing under the RPFJ in advance of entry of the RPFJ. Unless the material licensing terms are specified in advance, neither the Department nor the public can accurately assess the actual commercial significance of the proposed disclosure obligations.

C. Microsoft should not be allowed to force third parties to forfeit their intellectual property claims against Microsoft

Section III.I.5 provides that third parties ''may be required to grant to Microsoft on reasonable and nondiscriminatory terms a license to any intellectual property rights it may have relating to the exercise of their options or alternatives provided by this Final Judgment.'' In other words, Microsoft would be free to infringe a third party's patents or copyrights, or steal its trade secrets, and then by virtue of its monopoly position, force such third party to grant Microsoft a license to do so as the price that third party must pay in order to interoperate with Microsoft's monopoly product. If Microsoft wished to obtain rights to practice or use a competitor's intellectual property, it could do so simply by incorporating that technology into Windows, then insisting on both a royalty and a grant-back license as the consideration that competitor must provide in order to enable its products to interoperate with Microsoft's monopolized PCs. Indeed, Microsoft's competitors would have to license Microsoft the right to whatever intellectual property Microsoft may have incorporated into Windows even before they know what intellectual property Microsoft has stolen or infringed. No other company has such power, let alone governmental blessing and endorsement, to extort such concessions. Sun therefore proposes that the RPFJ be mended to strike Section III. I.5 in its entirety.

VI. Conclusion

The RPFJ fails to remedy the continuing competitive harm resulting from Microsoft's actions, and instead improperly accedes to Microsoft's illegally maintained and

a. Internet browsers, email client software, networked audio/video client software, instant messaging software or

b. functionality provided by Microsoft software that—

i. is, or in the year preceding the commercial release of any new Windows Operating System Product was, distributed separately by Microsoft (or by an entity acquired by Microsoft) from a Windows Operating System Product;

ii. is similar to the functionality provided by a Non-Microsoft Middleware Product; and

iii. is Trademarked. Functionality that Microsoft describes or markets as being part of a Microsoft Middleware Product (such as a service pack, upgrade, or bug fix for Internet Explorer), or that is a version of a Microsoft Middleware Product (such as Internet Explorer 5.5), shall be considered to be part of that Microsoft Middleware Product.

[46] See RPFJ, Sections VI.K and VI.T.

[47] 4/28/00 Plaintiffs'' Memo. in Support of Proposed Final Judgment at 28.

expanded monopoly power. The Department should withdraw its support for the RPFJ, and instead pursue remedies that will restore competition to the PC operating system market, prevent Microsoft from expanding its monopoly in that market into adjacent and downstream markets, and redress the harm to competition caused by Microsoft's illegal acts. At a minimum, the Department should seek to remedy directly the specific harm to competition caused by Microsoft's illegal acts against the Navigator browser and the Java platform, which formed the very heart of the Department's case against Microsoft. Because critical terms in the RPFJ are undefined or ambiguous, the Department also should assure the public that Microsoft is bound by the interpretation of the RPFJ set forth in the Department's Competitive Impact Statement. Finally, the Department should delay seeking entry of the RPFJ until the completion of trial on the remedies sought by the Department's co-plaintiffs, the Litigating States. Sun believes that the evidentiary record from that trial is likely to demonstrate the substantial flaws and inadequacies of the RPFJ and cause the Department to seriously re-consider whether its support for the RPFJ is in the public interest.

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VIA E-MAIL AND MESSENGER
Renata B. Hesse
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Re: Microsoft Settlement: United States v. Microsoft Corp., No. 98–1232 Tunney Act proceedings

Dear Renata:

Enclosed please find the following comments on the settlement:

(1) Comments of Computer & Communications Industry Association on the Revised Proposed Final Judgment;

(2) Declaration of Joseph E. Stiglitz and Jason Furman; and

(3) Declaration of Edward Roeder.

Thank you for your assistance. Please feel free to call my Washington colleague, David Gossett (202–263–3384) or me if you have any questions.

Hope all is well with you. It's a long way from the ELQ days.

Sincerely,
Donald M. Falk
Enclosures

BEFORE THE UNITED STATES DEPARTMENT OF JUSTICE UNITED STATES OF AMERICA Plaintiff, V. MICROSOFT CORPORATION, Defendant. Civil Action No. 98–1232 (CKK) United States District Court for the District of Columbia STATE OF NEW YORK ex rel. Attorney General ELIOT SPITZER, et al., Plaintiffs, v. MICROSOFT CORPORATION, Defendant. Civil Action No. 98–1233 (CKK) United States District Court for the District of Columbia

COMMENTS OF COMPUTER & COMMUNICATIONS INDUSTRY ASSOCIATION ON THE REVISED PROPOSED FINAL JUDGMENT

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INTEREST OF THE COMMENTER

The Computer & Communications Industry Association (''CCIA'') is an association of computer, communications, Internet and technology companies that range from small entrepreneurial firms to some of the largest members of the industry. CCIA's members include equipment manufacturers, software developers, providers of electronic commerce, networking, telecommunications and on-line services, resellers, systems integrators, and third-party vendors. Its member companies employ nearly one million persons and generate annual revenues exceeding $300 billion. CCIA's mission is to further the interests of its members, their customers, and the industry at large by serving as the leading industry advocate in promoting open, barrier-free competition in the offering of computer and communications products and services worldwide. CCIA's motto is ''Open Markets, Open Systems, Open Networks, and Full, Fair and Open Competition,'' and its website is at www.ccianet.org. For nearly 30 years, CCIA has supported antitrust policy that ensures competition and a level playing field in the computer and communications industries. That involvement antedates the founding of Microsoft, much less its acquisition of its first monopoly and its refinement of anticompetitive techniques. CCIA supported the Tunney Act in the 1973 congressional hearings preceding the enactment of that legislation, and played active roles on the side of competition in other significant antitrust cases, including those against AT&T and IBM. Before participating as amicus curiae at the trial and appellate stages of the current Microsoft case, CCIA participated as a leading amicus curiae in the proceedings examining the last Microsoft consent decree in 19941995, both in the district court and in the court of appeals. As a consequence, CCIA and its members are intimately familiar with the shortcomings of that decree, and its failure to prevent or deter Microsoft from continuing on an anticompetitive course. Microsoft's conduct in the intervening years, including the period while this case has been litigated, has only sharpened CCIA's awareness of Microsoft's dedication to driving out competition from as many aspects of the computer-software and related industries as possible. Microsoft may repeat its attempts to mischaracterize CCIA as a mere voice for competitors, but that innuendo cannot withstand scrutingy in light of the diversity of CCIA's membership now and over the years, combined with CCIA's 30 years of vigorous commitment to supporting openness and competition in the computer technology and communications industries. In hopes that a meaningful remedy in this case will prevent Microsoft from further expanding the scope of its monopoly, and with the certainty that the current Revised Proposed Final Judgment (''RPFJ'') falls far short of that task, CCIA submits this analysis of the RPFJ in conjunction with the economic analysis of Nobel laureate Joseph Stiglitz and his colleague Jason Furman, and the Declaration of Edward Roeder.

INTRONUCTION

The Tunney Act was designed to constrain the Department of Justice (''DOJ'') from entering into settlements that provided DOJ with an exit from an antitrust case but did not provide the public with a remedy commensurate with the defendant's antitrust violations. The Revised Proposed Final Judgment (RPFJ) in this case does not provide adequate relief for the extensive and thoroughly proven antitrust violations it purports to remedy. Review of the RPFJ in this case should be especially searching because there can be no doubt about Microsoft's liability. For the first time in the history of the Tunney Act, the Court will review a proposed settlement reached after liability has been not only imposed, but unanimously affirmed on the government's most sweeping and economically significant theory. That clear-cut liability, and the voluminous Findings of Fact and trial record, place the Court in this case in a different position from courts reviewing pre-trial settlements. Because there is no litigation risk on liability, the Court is uniquely situated to evaluate any asserted litigation risk as to remedy. Established principles of antitrust relief provide the Court in this case with concrete, recognized standards to ensure that the settlement serves the public interest in a way that courts reviewing pre-trial settlements cannot. Magnifying the need for close measurement of the RPFJ by objective principles is Microsoft's silence, in its filing under 15 U.S.C. 16(g), about its effort to truncate this case by a lobbying campaign of unprecedented scope directed at the Executive and Legislative Branches alike—despite extensive public reports of that lobbying. Microsoft's effort to deny the obvious gives rise to an inference that it has something to hide.

The terms of the RPFJ provide the strongest reason for close scrutiny, because they cannot withstand analysis. The RPFJ would not provide a meaningful remedy for Microsoft's extensive campaign of exclusionary acts. That campaign suppressed the most serious threat to Microsoft's monopoly in the past decade, and not only prevented the erosion of the applications barrier to entry that insulates the monopoly, but increased the bar to new competition. The RPFJ ignores some of the most significant holdings of the court of appeals, however, including its separate imposition of liability for Microsoft's commingling of middleware code with the code for the Windows operating system.

More fundamentally, the RPFJ misses the point of Microsoft's illegal conduct, which was to prevent erosion of the applications barrier to entry by preventing middleware from attracting software developers to the middleware application programming interfaces (''APIs''). The RPFJ's basic premises, moreover, ignore the current economic and technical realities of the computer and software markets. In the seven years since Microsoft began the illegal conduct at issue in this case, Microsoft has strengthened its operating systems monopoly. The Internet browser, formerly a threat to that monopoly, has become an adjunct to it, with Microsoft's 91% share of that product adding further insulation to the operating systems monopoly. Microsoft's unadjudicated monopoly over personal productivity applications—a key to the applications barrier to entry in the operating systems market—likewise has grown in market share and market power. But the RPFJ does not try to deprive Microsoft of any of the benefits of its illegal activity directed at the browser and other middleware. DOJ's remedial theory rests entirely on unidentified future middleware threats. In fact, there are no technologies today presenting a threat as intense as that presented by the Netscape browser and Java, and the duration of the RPFJ is so short that it almost certainly will expire before any significant new threats materialize. Aside from some restrictions on commercial retaliation that at best might keep matters from getting worse, the RPFJ relies on two sets of putative obligations to achieve a more competitive market. But neither the provisions aimed at original equipment manufacturer (''OEM'') flexibility nor those addressing information disclosure requirements in fact require anything competitively meaningful. In large part, these provisions replicate Microsoft's current business practices respecting the disclosure of technical information and the configuration of end-user access to middleware products.

The OEM flexibility sections in RPFJ §§ III(C) and III(H) are literally superficial,

principally addressing desktop icons rather than the middleware code itself, which contains the APIs relied on by software applications developers. Even if successful, the flexibility provisions would not affect the applications barrier to entry. Moreover, these provisions largely restate current business practices or provide OEMs with flexibility that both Microsoft and DOJ understand from experience will never be exercised. OEMs have little or no incentive to exercise their options; if they decline to do so, then the flexibility provisions will have no competitive consequences for the industry. The RPFJ's information disclosure sections (Ill(D) and Ill(E)) are so transparently insubstantial as to cast doubt on the entire proposal. The purported disclosure requirements trace back to definitions that are committed to Microsoft's control, are circular, or simply do not exist. Neither DOJ nor any other objective observer could have any idea precisely which APIs or protocols must be disclosed. The RPFJ's provisions and definitions are so vague that only two practical results are possible. Either everyone will simply ignore the decree, which plainly would not be in the public interest for an antitrust remedy, or the Court will have to take primary responsibility for defining its terms during enforcement proceedings. DOJ's answer seems to be to let Microsoft set the terms of its obligations: the RPFJ gives the defendant ''sole discretion'' to define the decree's most important term, ''Windows Operating System Product,'' which appears 46 times to delimit the RPFJ's 10 substantive

Indeed, much of DOJ's Competitive Impact Statement (''CIS'') seems to reflect an understanding that the RPFJ is inadequate in several critical respects. The CIS defines terms not defined in the RPFJ, exaggerates the scope of certain RPFJ provisions, and redefines other terms in order to minimize the impact of some of the broad exemptions in the RPFJ. It is the RPFJ that the Court would have to enforce, however, as the CIS is not part of the contract between DOJ and Microsoft.

In sum, although the RPFJ's provisions superficially seem to restrict Microsoft's practices, there is no substance behind them. The provisions accomplish little beyond laying down criteria for Microsoft to follow in order to avoid any interference with its continuing campaign of illegal monopolization. The terms of the RPFJ, as much as the circumstances of the settlement, strongly suggest that Microsoft and the Department of Justice shared a desire to end this case, rather than to provide an effective remedy for Microsoft's substantial antitrust violations. The 1995 consent decree with Microsoft produced uninterrupted illegal monopolization, prompting the filing of this case in 1998. The Court can expect the same with this decree. The RPFJ, if approved, might temporarily end DOJ's involvement, but would not provide the type of remedy that the public interest and the Tunney Act demand. To the contrary, because the harm to the competitive process caused by Microsoft's adjudicated illegal conduct is certain, a remedy that masks but does not cure that harm affirmatively injures the public interest, and therefore should be rejected.

A. Liability Rests On Microsoft's Suppression Of Middleware Threats That Threatened To Erode The Applications Barrier To Entry This case is about Microsoft's devastatingly thorough suppression of threats to its Windows operating system (''OS'') monopoly by ''middleware.'' That monopoly was insulated from competition by the applications barrier to entry described by the court of appeals and the CIS. See United States v. Microsoft Corp., 253 F.3d 34, 55–56 (DC Cir. 2001) (''Microsoft III''); CIS 10–11, 66 Fed. Reg. 59,452, 59,462 (2001). See also Declaration of Joseph E. Stiglitz & Jason Furman 7–9 (''Stiglitz/Furman Dec.'') (attached). The middleware at issue in this case exposed APIs that could be used by software applications developers to write programs that did not rely on the underlying Windows operating system. As Microsoft recognized, if developers embraced non-Microsoft middleware APIs and designed their products to run on that middleware rather than directly on an operating system, ''middleware'' of this kind ''would erode the applications barrier to entry,'' as ''applications * * * could run on any operating system on which the middleware product was present with little, if any, porting.'' Microsoft III, 253 F.3d at 55. The threat that ''middleware could usurp the operating system's platform function,'' id. at 53, prompted Microsoft's anticompetitive conduct. But non-Microsoft middleware can become a competing platform only if developers write software that calls on the non-Microsoft middleware APIs. Most developers will create software only to run on platforms that are distributed widely enough for the developers to be reasonably certain that the APIs (on which their programs rely) will be present on most, if not all PCs. Likewise, if developers can be certain that Microsoft's middleware APIs are present on all PCs, this will strongly influence their initial decision as to whether it is worth the effort to write applications to alternative, non-Microsoft middleware APIs. The successful theory of the case—proved and accepted by two courts—is that Microsoft engaged in an ''extensive campaign of exclusionary acts'' that were designed ''to maintain its monopoly'' by suppressing middleware threats posed by the Netscape Navigator Internet browser and the cross-platform Java technologies. CIS 9, 66 Fed. Reg. 59,462; Microsoft III, 253 F.3d at 53–56, 60–62, 74–78. Microsoft's response to this threat guaranteed that developers would not use the APIs of competing middleware, destroying the platform threat. Because Microsoft has a monopoly over the OS, it can ensure that its own versions of a middleware product have universal distribution, so that Microsoft's middleware APIs will be present on all PCs. For example, because Windows is both an operating system and a distribution channel for Microsoft's technologies, Microsoft could and did ensure that the code for its Internet Explorer (''IE'') browser was distributed to every PC.

Ensuring that the code for Microsoft middleware was on every PC accomplished two related goals. First, it guaranteed instant and unassailable ubiquity for the Microsoft version of the middleware and the middleware APIs on which developers rely. Second, the forced ubiquity of Microsoft middleware prevents competing middleware from achieving ubiquity, or anything like it, because few distribution channels will incur the support and other costs of distributing two versions of the same functionality. A key theory of the case is that the applications barrier to entry could have been eroded only if developers chose and used alternative middleware platforms on which to write software. End-user access to middleware was significant only to the extent it influenced developers'' choices to write to the APIs of that middleware. Thus, ensuring that the code for the Microsoft version of middleware is on every PC destroys the competitive threat presented by the competing middleware's APIs, since few developers will use them in preference to Microsoft middleware APIs that are certain to be ubiquitous. This fact provides the essential context for any meaningful analysis of the information disclosure and OEM flexibility provisions of the RPFJ.

B. The RPFJ Does Not Prevent Microsoft From Abusing Its Position And Does Not Meet Basic Standards For An Antitrust Remedy

The DC Circuit set out a simple standard for measuring the legal sufficiency of any remedy selected in the Microsoft litigation: the remedy must ''seek to ''unfetter [the] market from anticompetitive conduct,'' * * * to ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future.'' Microsoft III, 253 F.3d at 103 (quoting Ford Motor Co. v. United States, 405 U.S. 562, 577 (1972), and United States v. United Shoe Machinery Corp., 391 U.S. 244, 250 (1968)). As the District Court recognized in beginning remedy proceedings on remand (9/28/01 Tr. 6–7), not one word in the DC Circuit's opinion suggests the slightest antipathy toward any conduct remedy related to the illegal monopolization that the Court of Appeals exhaustively condemned.[1] The District Court warned the plaintiffs to be ''cautiously attentive to the efficacy of every element of the proposed relief.'' 9/28/01 Tr. 8. That is, the plaintiffs must make sure that the proposed remedy works.

That admonition appears to have fallen on deaf ears. Because liability has been established and affirmed in great detail, the scope of the District Court's appropriate deference to DOJ is extremely limited because the range of permissible action by DOJ is closely confined. There is no litigation risk other than the risk that the District Court would not approve a particular remedy, or that the District Court's exercise of discretion in approving a remedy might be reversed on appeal. A remedy, even one imposed by agreement, must provide adequate relief for the violations that have been proved, however. DOJ is entitled to deference only for choices that fall within the range of adequate

[1] Indeed, in denying rehearing, the DC Circuit made crystal clear that ''[n]othing in the Court's opinion is intended to preclude the District Court's consideration of remedy issues.'' Order, at 1 (DC Cir. Aug. 2, 2001) (per curiam).

relief. The RPFJ misses the point of the central theory of liability. The RPFJ does not impose certain, enforceable, or competitively significant obligations on Microsoft to restore competition or to avoid suppressing future threats. The RPFJ allows Microsoft to keep every anticompetitive gain that resulted from its illegal conduct, simply requiring Microsoft to find new and slightly different ways to accomplish its anticompetitive goals. DOJ seems to recognize that the case focused on two specific products—Netscape Navigator and Java—that embodied the broader threat of middleware and the Internet to the stability and significance of Microsoft's monopoly. The RPFJ does nothing to restore the specific competitive threat posed by an independent Internet browser. It does nothing to restore the threat of cross-platform Java. And it does nothing to protect any other middleware threat—in the unlikely event that another such threat might arise within the short duration of the RPFJ—from much similar exclusionary conduct, or indeed from the identical commingling of code that sealed Netscape's fate. Rather, the RPFJ appears to assume that it is still 1995, and that the threat of the Internet browser can begin anew without confronting a more thoroughly entrenched Microsoft. The RPFJ does not take account of the impact on participants at different levels of the computer and software industries of an additional seven years of Microsoft's anticompetitive abuses. That view does not accord with reality, and the provisions intended to permit open competition in that counterfactual world cannot achieve their goal.

C. The Obligations That Supposedly Restore Competitive Conditions In Fact Make Microsoft Do Virtually Nothing Against Its Will

The RPFJ purports to give current and future middleware the ability to present the same threats to the Microsoft monopoly that Netscape and Java presented before the onset of Microsoft's illegal conduct. DOJ describes the obligations in the RPFJ as if they would have stopped Microsoft's suppression of Netscape, and as if they would allow rival middleware vendors to obtain the technical information that they need to ''emulate Microsoft's integrated functions'' (Testimony of Charles James before Senate Judiciary Committee 7 (Dec. 12, 2001)) and to step into the shoes of Microsoft middleware in relation to Windows and the Windows monopoly. The RPFJ does not achieve those goals. Most of the RPFJ reduces to two sets of obligations, along with some prohibitions on exclusive deals and on retaliation against those who take advantage of Microsoft's obligations. One set of obligations appears to restrain Microsoft from taking particular actions to interfere with OEMs'' placement of the icons of Non-Microsoft Middleware on their machines, or with end-users'' use of those products. These OEM flexibility provisions principally rely on the OEMs to provide a remedy for Microsoft's misconduct. The other set of obligations requires a certain degree of disclosure of APIs and Communications Protocols to allow competing software products can ''interoperate'' -an undefined term—with the monopoly OS. For the most part, the obligations placed on Microsoft by the RPFJ simply replicate current options voluntarily provided by Microsoft. For example, Microsoft must continue to disclose the APIs it currently discloses in the Microsoft Developers'' Network (MSDN), a program Microsoft developed to further its self-interest in making the Windows platform popular with software developers. And Microsoft must continue to allow end-users to delete icons from the desktop and start menu. Such provisions at most simply prohibit Microsoft from making matters worse than they are after Microsoft's years-long anticompetitive campaign. Indeed, the RPFJ in some instances specifically approves potential misuse of Microsoft's current voluntary implementations of the flexibility and disclosure provisions. To begin with the flexibility provisions, their chief flaw is their focus on icons rather than on middleware functionality. This is literally a superficial approach. Microsoft can include its own middleware and middleware APIs on every PC. Developers will know those APIs are there and consequently will write to them in preference to the APIs of a competing product that may or may not be on a particular machine. No provision of the RPFJ restricts Microsoft's insertion and commingling of middleware code into the ''Windows Operating System Product'' bundle that Microsoft receives the right to define for decree purposes ''in its sole discretion.'' RPFJ § VI(U). From the point of view of developers—and thus of the ability of middleware to erode the applications barrier to entry—these ''flexibility'' provisions are meaningless. Even to the extent that competing middleware vendors might obtain favorable placement for their products'' icons in preference to the icons for Microsoft products, that achievement would be both superficial and temporary. The functionality of the Microsoft product would remain on the machine, and Microsoft could insist on its invocation for a variety of functions. And, 14 days after a PC first boots up, Microsoft would be free to nag users to click a ''Clean Desktop Wizard'' which would organize icons in the way that suited Microsoft. There is nothing in the RPFJ to stop that ''Wizard'' from resetting default applications to coincide with Microsoft's preferences as well, or even from enhancing the product so that it becomes a Clean File Wizard to remove code of competing middleware with a single click. These provisions place responsibility for restoring competition on innocent OEMs and ISVs rather than on Microsoft. And many provisions give end-users what they have now: the ability to remove an icon from the desktop or a program menu by right-clicking it and selecting ''Delete,'' or by dragging it to the Recycle Bin. The provisions do change the status quo in one way. The ''Add/Remove'' function, which now removes some underlying code for applications, will only remove a few icons when the removed application is Microsoft middleware. The disclosure provisions are no better. The RPFJ requires Microsoft to disclose APIs between ''Microsoft Middleware'' and a ''Windows Operating System Product,'' but the definitions of those terms are so completely within Microsoft's control that it is impossible to tell whether Microsoft ever would have to disclose an API that might have competitive significance. As noted above, a ''Windows Operating System Product'' is whatever Microsoft says it is. ''Microsoft Middleware'' must be distributed separately from the OS (unlike, e.g., the current version of Windows Media Player). ''Microsoft Middleware'' must be ''Trademarked'' in a way that would exclude Windows Messenger, may exclude Windows Media Player, and certainly would exclude any products that followed Microsoft's practice of simply combining the Microsoft(r) or Windows(r) marks with a generic or descriptive term. Indeed, because ''Microsoft Middleware'' need not mean any more than the user interface of a middleware functionality that meets the other definitional requirements, see RPFJ § VI(J)(4), the only APIs that must be disclosed are those between the middleware user interface and ''Windows,'' which Microsoft in its discretion can define to include all of any given middleware functionality. See id. § VI(U). Microsoft need not disclose how the middleware actually invokes Windows to work, except for the way that the OS displays the middleware's shell. The disclosure provisions applying to Communications Protocols are similarly weakened by non-existent definitions. The disclosable Protocols are those required to ''interoperate''—whatever that may mean—with equally undefined ''Microsoft server operating products.'' RPFJ § III(E). In addition, the Communications Protocol disclosure provisions are limited by sweeping exceptions applying to security protocols that are intertwined with all significant computer-to-computer communication. See id. § III(J)(I). Microsoft can withhold parts of those Protocols (and, indeed, parts of APIs) on the basis that disclosure would compromise security of an installation. If this exemption were limited to the customer-specific data like encryption keys or authorization tokens, it would be necessary, not objectionable. But the exemption explicitly permits Microsoft to withhold portions of the Protocols and APIs themselves, which necessarily makes ''interoperation'' (as that term normally is used) incomplete. Interoperation, however, is an all-or-nothing state. Software that can use only parts of APIs and Communications Protocols simply cannot ''interoperate'' with the software on the other side of the API or Protocol. But that is not all. RPFJ § III(J)(2) permits Microsoft to refuse to disclose security-related Protocols or APIs to any company that does not meet Microsoft's standards of business viability or its standards for a business need. Again, little if anything is left of this disclosure requirement if Microsoft chooses to resist disclosure when that serves its anticompetitive goals. One thing is certain. Unless Microsoft and DOJ alike render the RPFJ irrelevant by simply ignoring it, the District Court will be faced again and again with the task of interpreting the RPFJ's indistinct provisions. Microsoft has demonstrated its incentive and ability to contest even the most seemingly obvious points of any court order.

D. The Public Interest Requires An Effective Remedy That The RPFJ Does Not Provide

Despite the belated efforts of DOJ to minimize the scope of this case, it remains the largest, most successful prosecution for monopolization liability since at least the Second World War. The DC Circuit affirmed ''the District Court's holding that Microsoft violated § 2 of the Sherman Act in a variety of ways.'' 253 F.3d at 59. The breadth of that holding is clear from the 20 Federal Reporter pages consumed by the court's detailed discussion of Microsoft's array of exclusionary behavior. The competitive significance of the conduct condemned by that holding is explained both in the opinion, in the Declaration of Joseph E. Stiglitz and Jason Furman (''Stiglitz/Furman Dec.'') 16–20, and in the Comment of Robert E. Litan, Roger G. Noll, and William D. Nordhaus (''Litan/Noll/Nordhaus Comment'') 12–31, among other submissions for this Tunney Act proceeding. The difficulties encountered by peripheral claims are irrelevant, particularly because all of the challenged conduct supported monopolization liability in addition to one or more of the since-abandoned theories. The supposed ''narrowing'' left a huge monopolization case with a stark judgment affirming the government's theory. The RPFJ does not provide a remedy commensurate with that liability.

The RPFJ is insufficient for another overarching reason. The passage of time has only exacerbated the problem of Microsoft's successful abuse of its operating systems monopoly to extend that monopoly to embrace other sectors of computing and to forestall threats to the monopoly from those sectors. Microsoft's monopoly over Internet browsing is complete, as its current 91% market share indicates. Julia Angwin, et al., AOL Sues Microsoft Over Netscape in Case That Could Seek Billions, WALL ST. J., Jan. 23, 2002, at B1. Even the RPFJ recognizes, albeit through toothless provisions, that Microsoft is using its desktop OS monopoly to force greater use of its server operating systems. And Microsoft's efforts to use the inclusion of its Passport authentication software on every Windows machine as a means of directing through a Microsoft server all authentication and identification transactions—gaining a literal chokehold over the communications aspect of Internet computing—is so significant that Microsoft sought and obtained an exemption in the RPFJ specifically designed to excuse that known monopolistic strategy. See RPFJ § III(H)(1)[second] [2]; see also id. § III(J).

Microsoft has made ample use of the seven years since the beginning of the conduct at issue in this case. The RPFJ is wholly inadequate even on its own terms, which assume that the world has returned to 1995. But the RPFJ does not begin to address what has happened since then. The public interest in a remedy that achieves what antitrust law says it must cannot be obscured by focusing either on the preference of the technology industry for standards, or on the never-litigated assumption that Microsoft obtained its original operating systems monopoly legally in the 1980s. The last premise, after all, still suggests that the last ten years or so of Microsoft's hegemony have resulted from the illegal acts that prompted two government antitrust lawsuits. If DOJ's enforcement history is to be credited, Microsoft has at least doubled the life of its monopoly through illegal conduct. In addition, even if the nature of software platforms generally, or computer operating systems in particular, results in transitory single-firm dominance, that does not mean that competition has no place, or that entrenched monopoly is somehow without social costs. See Stiglitz/Furman Dec. 13–16. Innovation results in the periodic replacement or ''leapfrogging'' of one standard by another. This is not some meaningless replacement of one monopoly with another, as some would have it. To the contrary, as economists—including those of the Chicago school—have recognized, ''competition * * * 'for the field''' provides consumers with substantial benefits. See Microsoft III, 253 F.3d at 49 and sources cited therein. But if competition in a market is limited in scope to serial competition for transitory dominance, predatory conduct is especially harmful. See generally Stiglitz/Furman Dec. 13–16. The monopolist may need to eliminate only a few incipient but significant threats in the course of a decade in order to transform transitory dominance into a durable, even impregnable monopoly. That is what happened here. Although Netscape Navigator had not developed into a competing applications platform when Microsoft cut off its revenue sources, Netscape contemplated just such a development—and Microsoft both contemplated and deeply feared it. The outcome of the competition that Microsoft thwarted is unknowable. But there will be no further competition—much less competitive outcomes—if Microsoft is allowed to repeat the course of conduct it undertook here. But the RPFJ permits Microsoft to continue to fortify and expand its monopoly. Indeed, the RPFJ provides an imprimatur for Microsoft to continue and expand a whole range of additional, related anticompetitive practices. As a consequence, the RPFJ is an instrument of monopolization, not a remedy for it. The Court should not add judicial endorsement to DOJ's agreement to give up the case. The ''public interest,'' within the meaning of the Tunney Act, 15 U.S.C. § 16(e), requires far more effective relief.

I. THE TUNNEY ACT REQUIRES CLOSE SCRUTINY UNDER THE PRESENT CIRCUMSTANCES

The Tunney Act exists ''to prevent 'judicial rubber stamping''' of proposed antitrust consent decrees. United States v. Microsoft Corp., 56 F.3d 1448, 1458 (DC Cir. 1995) (quoting H.R. Rep. No. 1463, 93d Cong. 2d sess. 8, reprinted in 1974 U.S.C.C.A.N. 6535, 6538) (''Microsoft''); United States v. BNS, Inc., 858 F.2d 456, 459 (9th Cir. 1988); In re IBM, 687 F.2d 591, 600 (2d Cir. 1982). Upon enactment it was immediately clear that ''Congress did not intend the court's'' review of a proposed settlement ''to be merely pro forma, or to be limited to what appears on the surface.'' United States v. Gillette Co., 406 F. Supp. 713,715 (D. Mass. 1975) (Aldrich, J.). The Tunney Act requires particularly close scrutiny of the RPFJ in this case. The government seeks to remedy a proven, well-defined, serious violation of the antitrust laws. Microsoft's heavy lobbying of the executive and legislative branches in order to bring political pressure for a lenient settlement heightens the need for scrutiny, and in addition makes necessary the Court's active investigation into Microsoft's failure to disclose the bulk of that lobbying despite the command of 15 U.S.C. § 16(g). The lenient terms of the RPFJ itself further underscore the need for close judicial scrutiny. Never in the history of the Tunney Act has a Court been confronted with this combination of an impregnable judgment of liability, pervasive lobbying, and apparent surrender by the federal government. The circumstances here indicate exactly the sort of ''failure of the government to discharge its duty''—whether or not actually ''corrupt''—that even DOJ concedes warrants close judicial scrutiny of a settlement. CIS 66, 66 Fed. Reg. 59,476 (quoting United States v. Mid-America Dairymen, Inc., 1997–1 Trade Cas. ¶61,508, at 71,980, 1977 WL 4352 at *8 (W.D. Mo. 1977)).

A. The Government's Victory On Liability Removes Litigation Risk And Therefore Limits Deference

The CIS suggests (at 65–68, 66 Fed. Reg. at 59,475–476) that the Court owes nearly absolute deference to DOJ's decision to retreat from its appellate victory. That is not true. The affirmance of liability on appeal removes any speculation that ''remedies which appear less than vigorous'' simply ''reflect an underlying weakness in the government's case.'' Microsoft I, 56 F.3d at 1461. There is no ''underlying weakness''; liability is a given, and provides a clear benchmark for measuring whether the proposed relief is sufficiently effective to come ''within the reaches of the public interest.'' Id. at 1460. Those ''reaches'' are narrower when liability is proved and affirmed than when it is merely alleged, as it was in Microsoft I.

1. The Imposition And Affirmance Of Liability Remove Any Constitutional Concerns About Searching Review And Require The Court To Perform Its Constitutional Duty

Most important, the current posture of this case places it beyond the scope of the prudential and constitutional concerns expressed by some courts (and dissenting Justices) about judicial scrutiny of DOJ's charging decisions, or of its settlement of unproven claims. It may be that when ''the government is challenged for not bringing as extensive an action as it might, a district judge must be careful not to exceed his or her constitutional role.'' Microsoft I, 56 F.3d at 1462. Such concerns did not persuade the majority of the Supreme Court, however, which over a dissent rejected similar arguments in summarily affirming the modifications imposed by the district court in the AT&T consent decree. See Maryland v. United States, 460 U.S. 1001 (1983). In any

[2] RPFJ § III(H) contains two subsections (1) and (2). We distinguish between the two sets of subsections with the bracketed terms ''first'' and ''second.''

event, when the action has been brought, tried, and won, and the only question is whether the proposed relief is adequate, the constitutional concerns dissipate. Because DOJ already made the discretionary decision to bring the case, and successfully proved liability to the satisfaction of two courts, the Court in reviewing this settlement runs no risk that by exercising its normal remedial discretion under established legal principles it somehow might be said ''to assume the role of Attorney General.'' Microsoft I, 56 F.3d at 1462. It was precisely the absence of a ''judicial finding of illegality'' that might impede the Tunney Act from ''supply[ing] a judicially manageable standard for review.'' Id. at 1459. Here, two courts have provided the ''findings that the defendant has actually engaged in illegal practices'' that were missing in both Microsoft I and AT&T (like other cases settled before trial). Id. at 1460–1461 (emphasis added). In addition, the appellate affirmance imposed monopolization liability for all of the significant conduct that had been alleged to support the additional, largely supererogatory legal theories that were rejected as ground for additional liability.

It is accordingly entirely appropriate, and indeed necessary, for the Court in this case ''to measure the remedies in the decree as if they were fashioned after trial,'' Microsoft I, 56 F.3d at 1461, because they were ''fashioned after trial'' and appellate affirmance. The Court need not ''assume that the allegations in the complaint have been formally made out'' (id.), but rather knows beyond doubt exactly which allegations were proved. There is a ''judicial finding of relevant markets, closed or otherwise, to be opened'' and ''of anticompetitive activity to be prevented.'' Maryland v. United States, 460 U.S. at 1004 (Rehnquist, J., dissenting). ''[T]hat there was an antitrust violation,'' and ''the scope and effects of the violation,'' were not assumed, as they must be in a pretrial settlement, but proved to the satisfaction of two courts. Id. Very limited prosecutorial discretion remains in this situation. The amorphous, policy-laden choices whether to bring a case and how much to allege, are behind us. The predictive judgment as to the chances of success on liability likewise is beyond serious dispute in light of the unanimous affirmance of monopolization liability by the en banc court of appeals. DOJ has some leeway in choosing a remedy, but its chosen remedy must be ''adequate to remedy the antitrust violations alleged in the complaint,'' United States v. Bechtel Corp., 648 F.2d 660, 665 (9th Cir. 1981), under the well-established legal standards for antitrust relief. See Microsoft III, 253 F.3d at 103. Those standards inform the ''public interest'' determination under the Tunney Act, and, by contrast with the ''public interest'' standing alone, are judicially manageable without a doubt. The DC Circuit has made crystal clear that a consent decree ''even entered as a pretrial settlement, is a judicial act,'' so that ''the district judge is not obliged to accept one that, on its face and even after government explanation, appears to make a mockery of judicial power.'' Microsoft I, 56 F.3d at 1462. Judicial approval of the settlement in this case is far more of a classic ''judicial act'' than the typical settlement without proof of liability. As in the context of post-conviction criminal sentencing, the Court must act as more than a passive recipient of arrangements made between the parties There is no serious question that a federal court may reject a plea bargain in its sound discretion, Fed. R. Crim. P. 11, Santobello v. New York, 454 U.S. 257, 262 (1971), for reasons that may include the ''court's belief that the defendant would receive too light a sentence under the circumstances.'' United States v. Adams, 634 F.2d 830, 835 (5th Cir. 1981).[3] Granted, plea bargains in the criminal context generally involve admissions of liability. But the case here, if anything, is stronger here, where liability has been, not admitted, but established after extensive litigation and affirmed by an en banc court of appeals over the vigorous objection of the defendant.

At this stage, ''the discrepancy between the remedy and undisputed facts of antitrust violations'' can ''be such as to render the decree 'a mockery of judicial power.'''' Massachusetts School of Law, Inc. v. United States, 118 F.3d 776, 782 (DC Cir. 1997) (quoting Microsoft I, 56 F.3d at 1462). By contrast with the concerns expressed in the pretrial settlement context about the intrusion of Tunney Act courts on functions that are constitutionally allocated to the executive branch, the situation after liability is established presents opposite concerns under our system of separated powers, and of checks and balances between the branches of government. Constitutional concerns in this case would arise only if the Court failed to apply the legal standards governing antitrust relief to the adjudicated liability here. DOJ asks the Court not only to abandon its traditional power over the relief to be imposed in an adjudicated case, but also to ignore the clear command of Congress to provide a check on the irresponsible exercise of power by a suddenly and inexplicably compliant prosecutor. The Court should refuse that suggestion.

2. The Extensive Record And Judicial Opinions Provide Clear, Manageable Standards For Substantive Review Of The RPFJ

None of the authorities on which DOJ relies involved a full trial in which liability was proved, much less one in which liability was affirmed on appeal. Indeed, the statements quoted in the CIS draw heavily on that fact—that in each case there had been no finding of liability, and that review of the settlement at issue necessarily involved second-guessing DOJ's prosecutorial discretion in making two rather standardless assessments: (1) whether to bring a case at all, and thus place the matter in a judicial forum, see Microsoft I, 56 F.3d at 1459–1460, and (2) the chances for success. See, e.g., Mid-America Dairymen, 1977 WL 4352, at *8 (Tunney Act ''did not give this Court authority to substitute its judgment about the advisability of settlement by consent judgment in lieu of trial'') (emphasis added).

Here, neither of these fundamentally discretionary prosecutorial judgments is at issue. The decision to bring the case was made years ago, and the case was litigated and won, establishing liability to a known extent. It is telling that in asking for broad deference DOJ places heavy reliance on language from the Ninth Circuit's decision in United States v. Bechtel Corp., 648 F.2d 660 (9th Cir. 1981). See CIS 66–67 & n.4; 66 Fed. Reg. 59,476. One could hardly find a setting more distant from this one. Not only did Bechtel not involve a finding of liability after full litigation and affirmance on appeal; and not only did the setting there—alleged complicity in the ''Arab boycott'' of Israel in the mid-1970s—implicate the foreign policy powers of the executive branch; but the issue before the court in Bechtel was the defendant's effort to avoid its own settlement by arguing that the settlement to which it had agreed was ''not in the public interest.'' Bechtel, 648 F.2d at 665.[4]

As it happens, however, the court of appeals in Bechtel enunciated the legal standard that should be applied here: ''whether the relief provided for in the proposed judgment was adequate to remedy the antitrust violations alleged in the complaint.'' Bechtel, 648 F.2d at 665 (emphasis added). That is precisely the standard that DOJ wishes to avoid. Where liability is a given, as it is here, the Court must ensure that the ''remedies negotiated between the parties and proposed by the Justice Department clearly and effectively address the anticompetitive harms'' that have been proved. United States v. Thomson Corp., 949 F. Supp. 907, 913 (D.DC 1996). When the ''anticompetitive harms'' and their illegality have been proved, the fit between those harms and the proposed remedies must be closer than when those harms merely have been ''initially identified,'' id., as is usually the case in Tunney Act proceedings. Even if there were no finding a liability, the Court would not be compelled ''unquestionably [to] accept a consent decree as long as it somehow, and, however inadequately, deals with the antitrust problems implicated in the lawsuit.'' United States v. Alcan Aluminum, Ltd., 605 F. Supp. 619, 622 (W.D. Ky. 1985) (citing United States v. AT&T, 552 F. Supp. 131,151 (D.DC 1982), aff'd sub nom. Maryland v. United States, 460 U.S. 1001 (1983). With liability in place, however, the Court need not proceed ''on the assumption that the government would have won.'' Gillette, 406 F. Supp. at 716 n.2. The government did win. The Court in this case need not ''speculate in regard to the probability of what facts may or may not have been established at trial.'' United States v. Mid-America Dairymen, Inc., 1977 WL 4352, at *1. Those facts are a matter of record. Whatever narrow deference may be afforded here amounts only to the tested rule

[3] See also, e.g., United States v. Robertson, 250 F.3d 500, 509 (6th Cir. 2001); United States v. Greener, 979 F.2d 517, 521 (7th Cir. 1992); United States v. McGovern, 822 F.2d 739, 742 n.4 (8th Cir. 1987); United States v. Randahl, 712 F.2d 1274, 1275 (8th Cir. 1983).

[4] Decided in an equally remote context was United States v. BNS, Inc., 858 F.2d 456 (9th Cir. 1988), in which the Ninth Circuit approved a preliminary injunction, entered over DOJ's objection, against a tender offer for an acquisition that a proposed consent decree would have permitted.

that ''[i]t is not the court's duty to determine whether this is the best possible settlement that could have been obtained.'' Gillette, 406 F. Supp. at 716 (emphasis added). Although the Court may not be able to insist on the ''best possible'' decree, the proof and affirmance of liability require the Court to ensure that the RPFJ is at least adequate on that record under well-established remedial principles. Bechtel, 648 F.2d at 665. The differences are real, but not dramatic, between the Court's role in deciding whether to accept this settlement in Track I, and in deciding in Track II what relief to impose at the request of those plaintiffs who have not abandoned the pursuit of a full and effective remedy in this case. In each track, the Court must measure proposed remedies against the legal standards set out by the DC Circuit and by the Supreme Court. In each track, the Court should not approve a remedy that is inadequate to meet those standards. In evaluating the RPFJ, the Court is not at liberty to substitute its view of equally effective, or marginally more effective relief, if the terms of the RPFJ are fully adequate to the task as the law defines it. That is, the DOJ's choices among adequate alternatives warrant deference, but its determination of what is adequate warrants none. In the other track, the Court does have the liberty, not merely to go beyond any decree that might be entered in this track, but also to insist that the final decree address the competitive issues in a way that satisfies the Court's view as to the best and most effective means of opening the operating systems market to competition, depriving Microsoft of the fruits of its illegal conduct, and preventing similar monopolistic abuses in the future. That is, while in this track of the proceeding the Court cannot insist on the ''best possible settlement,'' Gillette, 406 F. Supp. at 716, so long as the proposed relief meets the remedial standards anchored in antitrust law, in Track II the Court has not only the power but the duty to impose the ''best possible'' decree. B. Broad Deference Is Particularly Inappropriate Because The Circumstances Are Suspicious

1. Microsoft's Manifestly Inadequate Disclosure Under The Tunney Act's Sunshine Provisions Weighs Strongly Against Judicial Deference To The Terms Of The RPFJ

Section 2(g) of the Tunney Act requires Microsoft to file a ''true and complete description'' of ''any and all written or oral communications'' by it or on its behalf ''with any officer or employee of the United States concerning or relevant to'' the proposed settlement. 15 U.S.C. § 16(g) (emphasis added). The only exception from this requirement is for settlement negotiations between ''counsel of record alone'' and ''employees of the Department of Justice alone.'' Id. (emphasis added).

When Senator Tunney first introduced his bill, he focused on the significance of the disclosure provision. ''Sunlight is the best of disinfectants,'' he explained (quoting Justice Brandeis), and thus ''sunlight * * * is required in the case of lobbying activities attempting to influence the enforcement of the antitrust laws.'' 119 Cong. Rec. 3449, 3453 (1973). Minor amendments to Section 2(g) were designed ''to insure that no loopholes exist in the obligation to disclose all lobbying contacts made by defendants in antitrust cases culminating in a proposal for a consent decree.'' H.R. Rep. No. 1463, at 12 (emphasis added). The breadth of Microsoft's effort to use political pressure to curtail this case has no parallel in the history of the antitrust laws. The ITT episode that prompted the Tunney Act pales in comparison. It has been widely known that since 1998 Microsoft has comprehensively lobbied both the legislative and executive branches of the federal government in an effort to create political pressure to end this case.[5] But Microsoft did not disclose any of these contacts, much less all of them, as the Tunney Act requires.

Rather, Microsoft disclosed only meetings that occurred during the last round of settlement negotiations ordered by the Court. Microsoft's insupportable interpretation of its statutory disclosure duty effectively nullifies the sunshine provisions of the Act, which are crucial to the Act's protection of the public interest.

a. Contacts With All Branches Must Be Disclosed.

All contacts with ''any officer or employee of the United States'' must be disclosed. As Senator Tunney explained, Included under [section 16(g)] are contacts on behalf of a defendant by any of its officers, directors, employees, or agents or any other person acting on behalf of the defendant, with any Federal official or employee. Thus, * * * the provision would include contacts with Members of Congress or staff, Cabinet officials, staff members of executive departments and White House staff. 119 Cong. Rec. at 3453 (emphasis added). In other words, the disclosure applies equally to contact with any branch of Government, including the Congress. * * * [T]here is a great deal to be gained by having a corporate official who seeks to influence a pending antitrust case through congressional pressure, know that this activity is subject to public view. Id. Indeed, it is firmly established in other areas of the law that ''officer'' of the United States includes Members of Congress and their employees.[6]

But Microsoft did not disclose its extensive and heavily reported lobbying of Congress. Indeed, upon the remand to the District Court, Microsoft's lobbying of Congress produced a letter signed by more than 100 Members urging a swift settlement. But Microsoft did not disclose even that lobbying, aimed at pressuring a swift capitulation by the government despite its victory on appeal, directly before the last round of settlement negotiations.

b. The ''Counsel of Record'' Exception Is Very Narrow.

Section 16(g) provides a narrow exception from disclosure for contacts between ''counsel of record alone'' (emphasis added)—that is, without any other corporate officers or employees also involved—and ''the Attorney General or the employees of the Department of Justice alone.'' As Senator Tunney explained, this ''limited exception'' for attorneys of record ''is designed to avoid interference with legitimate settlement negotiations between attorneys representing a defendant and Justice Department attorneys handling the litigation. * * * [T]he provision is not intended as loophole for extensive lobbying activities by a horde of 'counsel of record.'" 119 Cong. Rec. at 3453. The House Report further clarifies that this ''limited exception'' distinguishes '''lawyering'' contacts of defendants from their 'lobbying contacts'.'' H.R. REP. No. 1463, supra, at 9. Microsoft did not disclose the well-publicized participation in the last round of settlement negotiations of its lobbyist-lawyer, Charles F. ''Rick'' Rule. It appears that the critical ''negotiations'' leading to the RPFJ took place, not in the offices of Microsoft's counsel of record, but ''in Justice's offices and those of Microsoft legal consultant Rick Rule.'' Paul Davidson, Some States Fear Microsoft Deal Has Big Loopholes, USA TODAY, Nov. 5, 2001. Rule has been a registered lobbyist for Microsoft for some years, but was not named as counsel of record until November 15, 2001, after the settlement negotiations were complete. See Notice of Appearance (D.DC filed Nov. 15, 2001). That designation—long after the settlement deal had been struck—cannot retroactively shield his extensive prior contacts with Mr. James or other executive or legislative officials from disclosure. Contacts by ''[a]ttorney not counsel of record'' must be disclosed. Id. Of course, Microsoft's many other lobbyists do not conceivably come within this exception. But Microsoft concealed all of those lobbying contacts.

c. All Communications Urging The Government To Abandon Or Settle The Case Were ''Relevant To'' The Proposed Settlement

Section 16(g) requires the disclosure of all contacts ''concerning or relevant to'' a proposed settlement. This statutory definition is intentionally broad. Microsoft's disclosure interprets the word ''concerning'' very narrowly, so that the provision covers only actual settlement discussions—and only the last round of them. In Microsoft's view, the Tunney Act would require disclosure only of the very meetings that must precede any settlement. Microsoft reads the words ''relevant to'' right out of the statute. That this statutory provision is broad is obvious by

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[5] See generally Declaration of Edward Roeder (attached). See also, e.g., Ian Hopper, Microsoft Lobbied Congress Over Case, SAN JOSE MERCURY NEWS, Jan. 11, 2002, at C3; Heather Fleming Phillips, Washington Politicians Chime In On Microsoft, SAN JOSE MERCURY NEWS, June 30, 2001, at Al; Rajiv Chandrasekaran & John Mintz, Microsoft's Window of Influence; Intensive Lobbying Aims to Neutralize Antitrust Efforts, WASH. POST, May 7, 1999, at Al; James Grimaldi & Jay Greene, Microsoft Hard At Work Outside Courtroom, SEATTLE TIMES, Feb. 17, 1999, at Al. See also Microsoft's Political Donation In Question; South Carolina COP Says Decision To Quit Lawsuit Coincidental, CHI. TRIB., Dec. 25, 1998, at 3.

[6] See, e.g., Williams v. Brooks, 945 F.2d 1322, 1325 n.2 (5th Cir. 1991) (''a congressman is an 'officer of the United States'' within the meaning of [28 U.S.C. § 1442(a)(1)]''); Nebraska v. Finch, 339 F. Supp. 528, 531 (D. Neb. 1972) (''It is * * * clear that a representative to the Congress of the United States is an officer of the United States, not an officer of the district in which he was elected.''); United States v. Meyers, 75 F. Supp. 486, 487 (D.DC 1948) (''Obviously, a Senator of the United States is an officer of the United States.'').

its very terms; in order for the phrase ''relevant to'' not to be mere surplusage, it must encompass contacts less directly focused on the settlement than those that ''concern[]'' that agreement. Senator Tunney gave an example: ''the provision would require disclosure * * * of a meeting between a corporate official and a Cabinet officer discussing ''antitrust policy'' during the pendency of antitrust litigation against that corporation.'' 119 Cong. Rec. at 3453. The Act borrows from evidentiary concepts, including the privilege for settlement discussions, which prompted the narrow exception for counsel of record. The evidentiary concept of relevance is very broad. See Fed. R. Evid. 401. ''Relevance of evidence is established by any showing, however slight, that the evidence'' makes a legally important factor ''more or less likely.'' United States v. Mora, 81 F.3d 781, 783 (8th Cir. 1996) (emphasis added) (citation omitted). Plainly ''relevant'' to the question whether a defendant's lobbying activities influenced the existence and terms of a consent decree are contacts with the administration, and with members of Congress, that touch on the desirability of the government's agreeing to end the case. It is startling, for example, that Microsoft would omit reference to its efforts to enlist support for congressional proposals that would have cut DOJ's funding for the pursuit of this case, and for antitrust enforcement in high technology industries in general.[7]

Disclosure under Section 2(g) is not usually burdensome; most defendants do not try to win their case politically rather than in the courtroom. Microsoft's massive and unprecedented effort to distort the judicial process through political pressure makes its compliance burdensome, but all the more necessary. It is exactly this sort of manipulation that the Tunney Act was designed to discourage by bringing it to light.

d. Microsoft's Flouting Of Its Statutory Duty Counsels Painstaking Judicial Scrutiny Of The RPFJ Microsoft's cunning ''interpretation'' of the statutory disclosure requirements -so that disclosures reach only the very settlement discussions that the Tunney Act was not concerned about—sheds considerable light on Microsoft's likely ''interpretations'' of any remedy imposed on it, especially one like the RPFJ of which it can claim to be an equal drafter, if not the principal author.

Microsoft's disclosure is so inadequate as to raise questions about Microsoft's good faith. The filing includes no disclosure of any lobbying contacts between Microsoft and the administration; it includes no disclosure of any contacts between Microsoft and members of Congress; it includes no disclosure of any contacts whatsoever before September 27, 2001, although it is well known that Microsoft and the government have tried to settle the government's antitrust action since before it was filed, and that Microsoft lobbied Congress to bring pressure on DOJ to settle or simply abandon the case.

Microsoft should face contempt sanctions for its certification ''that the requirements of [Section 16(g)] have been complied with and that such filing is a true and complete description of such communications known to the defendant or which the defendant reasonably should have known.'' DOJ should refuse to acquiesce in Microsoft's deception. Although DOJ cannot be expected to be aware of all of Microsoft's lobbying of Congress in an effort to create pressure for a favorable settlement, DOJ should reveal the end-product of that pressure in the form of communications from Members and their staffs. And there is no excuse for DOJ to be complicit with Microsoft when it comes to contacts with DOJ itself. In particular, DOJ certainly is aware of Mr. Rule's lobbying contacts with before he belatedly appeared as counsel after the settlement had been concluded. The proper resolution of this issue is the appointment of a special master with the ability to examine the relevant participants under oath. In view of its responsibility to enforce 15 U.S.C. 16(g) along with the rest of the antitrust laws, DOJ should request (and support) the implementation of such a procedure by the Court.

2. The RPFJ Represents A Swift And Significant Retreat By DOJ Another factor counseling against deference here is the DOJ's striking capitulation to Microsoft's view of an appropriate remedy, despite the unanimous affirmance of the core of DOJ's case. The insubstantial provisions of the RPFJ provide ample ''reason to infer a sell-out by the Department,'' Massachusetts School of Law, 118 F.3d at 784.

After prevailing on liability in the district court, DOJ sought and obtained not only structural relief—as is ''common'' in broad monopolization cases, see Microsoft III, 253 F.3d at 105—but also ''interim'' conduct restrictions that clearly could not stand alone as a monopolization remedy. DOJ earlier recognized that the interim conduct remedies were stopgaps to keep the competitive situation from continuing to decline in the year or so before divestiture jumpstarted competition. See Plaintiffs'' Memorandum in Support of Proposed Final Judgment 30–31 (corrected version) (filed May 2, 2000). On remand, DOJ abandoned the structural relief that it formerly found necessary, even though liability on the monopolization claim—which alone could support structural relief in the first place—was affirmed with minor modifications. DOJ stated that it would pursue relief ''modeled upon'' the interim ''conduct-related provisions,'' along ''with such additional provisions as Plaintiffs may conclude are necessary to ensure that the relief is effective, given their decision not to seek a structural reorganization of the company.'' Joint Status Report 2 (filed Sept. 20, 2001).

Instead of fortifying the proposed decree to compensate for the abandonment of structural relief, however, DOJ moved considerably backward from the interim remedies, narrowing Microsoft's duties and providing broad exceptions. Indeed, the RPFJ is weaker than the final proposal in the settlement negotiations that took place during Spring 2000, before any judgment of antitrust liability, much less appellate affirmance.[8] Then, there was litigation risk as to liability. Now there is none. Nonetheless, the definitions and obligations in the current RPFJ fall short of those in the pre-judgment offer.

3. The CIS Overstates The Terms Of The RPFJ, Reflecting The Indefensibility of the RPFJ Itself The CIS underscores the need for close scrutiny of the actual terms of the RPFJ and their effectiveness. The CIS seeks to convey an image of stringency by adding terms to provisions of the RPFJ that are absent from the RPFJ itself. But it is the RPFJ, not the CIS, that defines the enforceable bargain between the parties. As the Supreme Court has recognized, ''any command of a consent decree * * * must be found within its four comers, and not by reference to any purposes of the parties.'' United States v. ITT Continental Baking Co., 420 U.S. 223,233 (1975) (citations and internal quotation marks omitted). While the CIS may be useful in interpreting ambiguous terms in the RPFJ, the wording of the CIS is not independently enforceable. Only the RPFJ would be entered as a judgment, and ''[t]he government cannot unilaterally change the meaning of a judgment.'' Bechtel, 648 F.2d at 665. It would be different, of course, if the CIS or its relevant refinements were ''expressly incorporated in the decree.'' ITT Continental, 420 U.S. at 238.

In particular, the CIS goes beyond the text of the RPFJ to paint a far stricter picture of Microsoft's disclosure obligations than the RPFJ supports. It is no wonder that DOJ seeks to defend a document—the CIS—to which Microsoft would not be bound, rather than the far weaker RPFJ that alone would be judicially enforceable. The CIS cannot transform the RPFJ into a better deal for competition and consumers than it is.

II. THE RPFJ MUST MEET THE LEGAL STANDARDS NORMALLY APPLICABLE TO ANTITRUST REMEDIES

The ''public interest'' standard in the Tunney Act is not without content. Rather, those ''words take meaning from the purposes of the regulatory legislation,'' NAACP v. Federal Power Comm'n, 425 U.S. 662, 669 (1976). The well-developed jurisprudence of antitrust remedies provides sound guidance for the public interest determination.

Although a district court should not ''engage in an unrestricted evaluation of what relief would best serve the public,'' Microsoft I, 56 F.3d at 1458 (quoting Bechtel, 648 F.2d at 666) (emphasis added), principled restrictions for that evaluation in this case arise from the extensive, unvacated Findings of Fact, the comprehensive opinion affirming

[7] See Chandrasekaran & Mintz, supra, WASH. POST, May 7, 1999, at Al; Grimaldi & Greene, supra, SEATTLE TIMES, Feb. 17, 1999, at Al.

[8] That final proposal, known as Draft 18, was formerly posted on a now-defunct website, www.contentville.com, in connection with a review of a book that detailed the progress of this case. The text of Draft 18 may now be viewed at www.ccianet.org/legal/ms/draft18.php3. ''[T]he government's virtual abandonment of the relief originally requested'' is ''a sufficient showing that the public interest was not * * * adequately represented'' in the RPFJ. United States v. Associated Milk Producers, Inc., 534 F.2d 113, 117 (8th Cir. 1976). It is precisely when DOJ appears to have ''abruptly ''knuckled under,'' id. at 118, as here, that judicial scrutiny under the Tunney Act should be most substantive and searching.

monopolization liability on appeal, and the long-standing remedial principles of antitrust law, principles that the DC Circuit instructed the District Court to apply to any proposed relief on remand. See Microsoft III, 253 F.3d at 103. The ''appropriate'' inquiry (Bechtel, 648 F.2d at 666) is ''whether the relief provided for in the proposed judgment [i]s adequate to remedy the antitrust violations'' that were proved at trial and affirmed on appeal, ld. at 665.

The DC Circuit provided benchmarks rooted in Supreme Court jurisprudence to guide the evaluation whether a remedy is ''adequate.'' A remedy in this case must serve ''the objectives that the Supreme Court deems relevant,'' Microsoft III, 253 F.3d at 103. That is, a remedy must ''seek to * * * [1] ''terminate the illegal monopoly, [2] deny to the defendant the fruits of its statutory violation, and [3] ensure that there remain no practices likely to result in monopolization in the future.'' ld. at 103 (quoting Ford, 405 U.S. at 577, and United Shoe, 391 U.S. at 250).[9]

A. The Relief Should ''Terminate The Illegal Monopoly'' In a monopolization case, the problem to be remedied is the monopoly itself. Because the RPFJ would leave the illegally maintained monopoly in place without making the market structure more competitive, to satisfy this criterion relief must exclude the possibility that Microsoft again will prolong its monopoly power by abusing it. At a minimum, however, a monopolist should emerge from a remedy facing competitive threats of similar scope and significance to those it illegally stamped out. The DC Circuit recognized that the illegal conduct in this case was aimed at increasing and hardening the applications barrier to entry that insulates Microsoft's OS monopoly. See ld. at 55–56, 79. The CIS similarly recognized that ''[c]ompetition was injured in this case principally because Microsoft's illegal conduct maintained the applications barrier to entry * * * by thwarting the success of middleware.'' CIS 24, 66 Fed. Reg. 59,465. A remedy that does not literally terminate the monopoly accordingly must undermine the applications barrier to entry that was strengthened by the illegal conduct.

B. The Relief Should Prevent ''Practices Likely To Result In Monopolization In The Future'' To satisfy this criterion, any remedy must both (1) prevent the monopolist from engaging in the same sorts of conduct that underlie the current finding of liability, and (2) prevent other types of conduct that could preserve the monopoly. The ''monopolization in the future'' that must be prevented includes both the simple maintenance of the current monopoly and the expansion of that monopoly's scope. Relief should make it impossible for the monopolist to continue its pattern of using current market power to foreclose imminent or contemplated competitive threats. Because Microsoft has been ''caught violating the [Sherman] Act,'' it ''must expect some fencing in.'' Otter Tail Power Co. v. United States, 410 U.S. 366, 381 (1973).

A monopolist that has been litigating for years no doubt has developed anticompetitive techniques that achieve the same goals through slightly different means. Microsoft embarrassed DOJ by obtaining language in the 1995 consent decree that was tailored to exclude, at least arguably, the company's next planned anticompetitive initiative. Exemptions, provisos, and narrow definitions should be scrutinized on the assumption that Microsoft again has tried to ensure that the RPFJ will not impede currently planned anticompetitive acts.

C. The Relief Should ''Deny To The Defendant The Fruits Of Its Statutory Violation'' Relief in an antitrust case not only must prevent ''recurrence of the violation,'' but also must ''eliminate its consequences.'' National Society of Professional Engineers v. United States, 435 U.S. 679, 697 (1978). Thus, a remedy should prevent a monopolist from retaining the accrued competitive benefits of its illegal conduct. These advantages may permit a monopolist to maintain its monopoly without additional antitrust violations. Relief that allows a wrongdoer the full benefit of its illegal activity fails the most basic test of any remedy under any branch of the law.

In this case, the ''fruits'' of Microsoft's illegal conduct may be the most important target of a responsible remedy. One of the chief advantages that Microsoft gained by incorporating the Internet browser into the Windows monopoly was the ability to control not only the browser for its own sake, suppressing the possibility that the Internet browser would provide a source of alternate, OS-neutral APIs, but also the browser as the gateway to all Internet computing. As the Litan/Noll/Nordhaus Comment explains (at 5860), one of the most important fruits of monopolistic conduct is the suppressed development of competitive threats. That is why a forward-looking remedy must be rooted in current market conditions, and must seek to restore competition to where it likely would have been in the absence of the anticompetitive conduct. Litan/Noll/Nordhaus Comment 35–36, 40–42, 58–59.

D. Broader Principles Applicable To Injunctive Relief Also Should Inform The Analysis Of The RPFJ

The remedial analysis here resembles other remedial undertakings. Although civil antitrust relief is not punitive, effective antitrust relief shares with criminal sentencing the broad goals of incapacitation and deterrence. As much as possible, an illegal monopolist should be flatly prevented from engaging in the same or similar suppression of competition in the future. In addition, the remedy should be enforceable with sufficient speed and certainty to make stiff contempt sanctions likely if the monopolist nonetheless manages to engage in anticompetitive conduct again.

The point of antitrust relief after a finding of liability is to learn from history, not to permit the offender to repeat it. This consideration is particularly acute here, where the purposes of the expiring 1995 consent decree clearly have not been realized, but rather have been evaded or neutralized.

Because antitrust relief necessarily is forward-looking, a remedy's effectiveness should be judged with respect to where the market is going, not where it has been. Microsoft has directed its efforts to destroy the competitive threat of Internet computing. The more functionality that is performed on the Web, the less significant the operating system on a particular client device connected to the Web. Thus, Internet computing represents the maturation of the competitive threat posed by the Internet browser and squelched by Microsoft's illegal conduct. The current industry-wide focus on Web-based services reflects the realization that a competitive market still survives in this sector. The Court will have to consider whether the RPFJ in fact is ''all about the past, not the future battle in Internet services[, and] doesn't touch the company's ability to use Windows XP to extend its monopoly to these new areas.'' Walter Mossberg, For Microsoft, 2001 Was .4 Good Year, WALL ST. J., Dec. 27, 2001, at B1. See Stiglitz/Furman Dec. 38–39.

III THE RPFJ FALLS FAR SHORT OF PROVIDING A REMEDY FOR PROVEN OFFENSES UPHELD ON APPEAL

The RPFJ lights upon narrowly defined practices and prohibits narrowly defined versions of them, in ways that might have mitigated, but would not have ended, the very conduct at issue in this case. The RPFJ does not measure up to the sweeping monopolization violations found by two courts. The RPFJ's provisions do not address Microsoft's ability and incentives to strengthen the applications barrier to entry, which was the underlying issue at the core of the case, instead focusing on techniques of monopolization that have been defined so narrowly that Microsoft's actual behavior need not change. And when addressing a precise technique that directly implicated the reinforcement of the applications barrier to entry—Microsoft's ability to stop porting its Office productivity suite to the Apple Macintosh platform—the RPFJ permits Microsoft to retain the ability to repeat that threat in slightly altered contexts.

A. DOJ's Effort To Minimize The Scope Of The DC Circuit's Affirmance Cannot Obscure The Failure Of The RPFJ To Remediate Clear, Proven Violations

DOJ has tried to lower the bar for approval of its proposal by minimizing the most significant appellate imposition of monopolization liability in the past half-century, and adopting Microsoft's crabbed view of its own liability. In Senate testimony,

[9] It is telling that the CIS ignores the remedial standard that the DC Circuit set out. See CIS 24, 66 Fed. Reg. 59,465. The CIS submerges the need to craft relief that tends to ''terminate'' the illegally maintained monopoly, despite the court of appeals'' contrary instructions. See 253 F.3d at 103. Rather, the CIS endorses a watered-down standard in order to set a lower bar for the RPFJ to clear, in tacit recognition that the RPFJ cannot satisfy the DC Circuit's standard. The CIS would require relief only to ''[e]nd the unlawful conduct,'' to prevent recurrence of the violation ''and others like it,'' and to ''undo its anticompetitive effects.'' CIS 24, 66 Fed. Reg. 59,465. The RPFJ falls short even of these modified, more modest objectives, however, particularly when measured by its failure to prevent future violations that work slight variations on the conduct condemned by two courts, and its failure to ''undo'' any of the ''anticompetitive effects'' of Microsoft's sweeping, coordinated, and successful anticompetitive campaign.

Assistant Attorney General James made the remarkable assertion that the DC Circuit, despite affirming ''the District Court's holding that Microsoft violated 2 of the Sherman Act in a variety of ways,'' 253 F.3d at 59, somehow precluded any consideration, for remedial purposes of Microsoft's astonishing anticompetitive campaign as a whole. See James Testimony 5. To the contrary, the court of appeals never rejected the common-sense notion that ''Microsoft's specific practices could be viewed as parts of a broader, more general monopolistic scheme''; much less did the court of appeals insist (or even hint) that ''Microsoft's practices must be viewed individually'' for all purposes, ld. Rather, the court of appeals clearly considered some illegal acts in the context of others. Thus, the court held that Microsoft's exclusive contracts with ISVs, though affecting only ''a relatively small channel for browser distribution,'' had ''greater significance because * * * Microsoft had largely foreclosed the two primary channels to its rivals.'' 253 F.3d at 72.

The DC Circuit's examination of the divestiture remedy is telling. If the many separately illegal monopolistic acts could not be viewed as cumulatively contributing to the illegal maintenance of Microsoft's monopoly, divestiture would have been an unthinkable remedy, since no specific act held illegal on appeal changed the structure of the company or of the market. But the court of appeals recognized that divestiture could be justified if the many separate illegal acts, taken together, were shown to have had a sufficiently certain causal connection to justify using structural relief to undermine, if not end, the monopoly. See 253 F.3d at 80, 106–107.

The court of appeals did ''reverse [the] conclusion that Microsoft's course of conduct separately violates ''2 of the Sherman Act.'' 253 F.3d at 78 (emphasis added). But the reversal occurred because the district court purported to find that a series of acts that did not constitute separate, free-standing antitrust violations had a ''cumulative effect * * significant enough to form an independent basis for liability''—but never specified acts other than those that separately violated Section 2 that might be aggregated into such a violation, ld.

It is a remarkable leap from this unremarkable holding to the absurd notion that Microsoft's extraordinary series of separate adjudicated antitrust violations cannot be considered together for any purpose. Even the CIS recognizes that those violations are part of one coordinated and ''extensive pattern of conduct designed to eliminate the threat posed by middleware.'' CIS 11, 66 Fed. Reg. 59,462. They should be remedied as such.

B. The RPFJ Simply Restates The Antitrust Laws At Critical Points And Thus Forfeits The Clarity And Efficiency Of The Contempt Process

Another striking feature of the RPFJ is its repeated reliance on a reasonableness standard of conduct that simply imports full rule-of-reason analysis under the antitrust laws. Antitrust remedies, like other injunctive decrees, are supposed to be amenable to swift and sure enforcement, according to standards that give warning of what is forbidden and what is permitted both to the wrongdoer and to its potential victims. But the RPFJ would regularly require the decree Court to determine whether Microsoft's conduct was ''reasonable.'' For example, the Court would have to determine

* whether volume discounts were ''reasonable'' or exclusionary (RPFJ III(B)(2));

* whether technical requirements for the bootup sequence that Microsoft imposed on OEMs were ''reasonable'' (id. § III(C)(5));

* whether the terms on which Microsoft makes Communications Protocols available are ''reasonable'' (id. § III(E));

* whether exclusivity requirements imposed on ISVs were ''reasonable'' in ''scope and duration'' (id. § III(F)(2)); see also id. § (III(G)(2));

* whether technical requirements designed to force the invocation of Microsoft Middleware despite contrary consumer or OEM preferences are ''reasonable'' (id. III(H)(2)[second]);

* whether the licensing terms accompanying required disclosures, and terms of mandatory cross-licenses required for access to the disclosures, are ''reasonable'' (id. III(I)(1), III(I)(5));

* and whether Microsoft's bases for excluding ISVs from access to security-related protocols are ''reasonable'' (id. § III(J)(2)(b)-(c)).

It is telling that the RPFJ states so many of its provisions in terms that simply duplicate the antitrust rule of reason. Rule of reason disputes are notoriously difficult to litigate, see Arizona v. Maricopa County Medical Soc., 457 U.S. 332, 343 (1982) (noting ''extensive and complex litigation'' involving ''elaborate inquiry'' at ''significant costs''),—and difficult for plaintiffs to win. These provisions add nothing to the antitrust laws themselves, either in clarity of obligation or in efficiency of enforcement. That is no remedy at all.

C. The RPFJ Provides No Remedy For Microsoft's Suppression Of The Browser And Java. As noted above, perhaps the most glaring deficiency of the RPFJ is that it does nothing to restore the competitive threats to Windows posed by the Internet browser and cross-platform Java. That cannot be an oversight. The bulk of the evidence, and much of the opinion of the court of appeals affirming liability, focused on Microsoft's successful efforts to suppress these threats to the applications barrier to entry. See Microsoft III, 253 F.3d at 58–78. Even the CIS recognizes the primacy of these products in the case. See CIS 10–17, 66 Fed. Reg. 59,462–463. Yet the RPFJ does not change the competitive picture for either product in the least. The RPFJ does not deprive Microsoft of these ''fruits'' of its illegal conduct, but instead takes that illegal conduct, and the advantages derived from it, as a tacit baseline for future competition. The RPFJ leaves Microsoft with the full benefit not only of the years of insulation from the competitive threats posed by those products, but also of the expanded power it has accumulated by incorporating Internet Explorer into the Windows monopoly. Microsoft thus has more, and stronger, weapons to suppress any middleware threats that it identifies in the future, since its monopoly control over the browser—now labeled part of the Windows monopoly product—provides Microsoft with complete control over the universal client for Internet computing. The RPFJ's approach is like sentencing a bank robber to probation, but letting him keep his weapons and the loot.

But the RPFJ's failure to provide relief that restores the specific competitive threats that Microsoft illegally suppressed is worse than that. In a platform technology market like that for PC operating systems, single standards tend to prevail, so that only sweeping changes can dislodge the incumbent. Platform threats are very rare. It could easily be another five or ten years or more before a comparable threat arises again; certainly no threat of similar strength to the Internet browser or Java has surfaced in the nearly seven years since Microsoft began the course of illegal conduct condemned by the court of appeals. See Stiglitz/Furman Dec. 35–36. That is what makes anticompetitive conduct directed at them so potentially profitable. The RPFJ makes that conduct profitable beyond any rational actor's wildest dreams, and greatly increases the incentives for its repetition. Having been caught illegally suppressing two related platform threats, Microsoft retains all the benefits that it sought through its illegal acts.

By eliminating Navigator, Microsoft has not only eliminated consumer choice in browsers, but it also seized the power to control the interfaces and protocols through which an enormously valuable set of Internet applications—ranging from instant messaging and e-mail to streaming video and e-commerce—are delivered to desktop computers and other digital devices.

Microsoft's Internet Explorer is now the bottleneck through which all Internet-related middleware must pass. Instant messaging and media player technology are equally dependent on browser software. Microsoft has also seized the power to decide whether that browser functionality will be ported to any competing operating system, and, if so, to which ones. Finally, in destroying Navigator, Microsoft has also destroyed an important alternative distribution channel, one free of Microsoft's control or influence, through which Microsoft's competitors could formerly distribute middleware runtimes and products to desktop consumers and application developers.

Although Navigator has practically disappeared from the competitive scene, Java has not. But Java's importance has been limited to servers, where Microsoft has a leading share but not yet an operating systems monopoly. Microsoft's conduct appears to have assured that Java will not function as cross-platform middleware for client computers. Java thus poses no threat to the desktop OS monopoly. But the RPFJ lets Microsoft keep that anticompetitive benefit of its conduct.

IV. THE ICON-FOCUSED OEM FLEXIBILITY PROVISIONS ARE INEFFECTIVE

RPFJ §§ III(H)(1)-(2)[first] superficially allow OEMs and end users to rearrange icons

and menu entries relating to middleware.[10] These provisions are hollow, however. Section III(H)(1) duplicates only what Microsoft unilaterally agreed to permit OEMs to do back on July 11, 2001.

And the end-user provisions simply restate and preserve end-users'' longstanding options to delete icons and menu entries if they right-click and delete or drag the icon or menu entry to the Recycle bin. The default provisions in Section III(H)(2) are so limited, and so fully subject to Microsoft's architectural control, as to be competitively meaningless as well.

The icon provisions do not adequately address the competitive harms of Microsoft's adjudicated misconduct because Microsoft remains able to ensure that the Microsoft versions of middleware will appear, ready to be invoked by applications, on every PC. Even if the icon provisions had greater competitive significance in theory, they are unlikely to have any significance in fact, because few if any OEMs are likely to take advantage of the options provided. DOJ cannot claim to be unaware of this market reality. These provisions are mere window-dressing. See Stiglitz/Furman Dec. 35.

A. The PFJ Permits Microsoft's To Continue Illegally Commingling Middleware Code With The Code For The Monopoly Operating System

The RPFJ capitulates on DOJ's most hard-fought and significant substantive victory: the finding that Microsoft illegally preserved its monopoly by commingling the middleware code with the operating system, foreclosing the competitive threat to Windows while effectively expanding the scope of the monopoly to encompass middleware. DOJ's inability to enforce the 1995 consent decree against the binding of IE to Windows, see United States v. Microsoft, 147 F.3d 935 (DC Cir. 1998) (''Microsoft''), was widely viewed as prompting this action. The conduct itself was viewed as the most successful in furthering Microsoft's anticompetitive goals.

Rather than repeat and strengthen the prohibition in the 1995 decree that failed to achieve its goals, the RPFJ does not even impose the type of superficial prohibition applied to other conduct condemned at trial and on appeal. To the contrary, under the RPFJ, the operating system is whatever Microsoft says it is, and Microsoft can commingle any new product to the monopoly product—foreclosing competition for the OS and the new product alike. See Stiglitz/Furman Dec. 34–37. Not only does Microsoft preserve its anticompetitive gains, but it obtains a green light to repeat the same conduct to destroy any new middleware threats. In a market characterized by serial dominance, an incumbent monopolist may need only to suppress one threat every few years in order to make its monopoly virtually permanent. Cf. id. at 35–36. A continued ability to commingle middleware gives Microsoft limitless tenure over the OS market. If Microsoft emerges from this case free to bind middleware to the OS, this action will be an exercise in futility.

1. The DC Circuit Specifically Condemned Commingling Twice DOJ's victory on the commingling point was crystal clear, and repeatedly underscored by the court of appeals. The court of appeals recognized that ''Microsoft's executives believed'' that ''contractual restrictions placed on OEMs would not be sufficient in themselves'' and therefore ''set out to bind'' IE ''more tightly to Windows 95 as a technical matter.'' Microsoft III, 253 F.3d at 64 (quoting Findings, 84 F. Supp.2d at 50 (¶160)). In the CIS (and in Assistant Attorney General James'' Senate testimony), DOJ appears to assume that icon-based relief that subjects some Microsoft Middleware Products to the Add/Remove utility equates with relief for commingling code. Thus, the CIS blends the two offenses in stating that Microsoft violated Section 2 when it ''integrated Internet Explorer into Windows in a non-removable way while excluding rivals.'' CIS 7, 66 Fed. Reg. 59,461. In affirming liability for both courses of conduct, however, the court of appeals clearly distinguished between Microsoft's ''excluding IE from the ''Add/Remove Programs'' utility'' and its ''commingling code related to browsing and other code in the same files.'' 253 F.3d at 64–65, 67. The court of appeals found no justification for commingling code or, indeed, more broadly, for ''integrating the browser and the operating system.'' ld. at 66. One could hardly ask for a clearer statement. Microsoft argued bitterly against liability for commingling, and for a declaration that its product design decisions were beyond the reach of the antitrust laws. Instead, the DC Circuit pointedly rejected Microsoft's argument that it ''should vacate Finding of Fact 159 as it relates to the commingling of code.'' Microsoft III, 253 F.3d at 66; see Findings, 84 F. Supp.2d at 49–50 (¶159). And the court of appeals ''conclude[d] that such commingling has an anticompetitive effect,'' because it ''deters OEMs from pre-installing rival browsers, thereby reducing the rivals'' usage share and, hence, developers'' interest in rivals'' APIs as an alternative to the API set exposed by Microsoft's operating system.'' 253 F.3d at 66 (emphasis added). See generally id. at 64–67. That is, commingling helps reinforce the applications barrier to entry that shields the Windows monopoly.

The DC Circuit's holding reflected a principle of critical importance to the enforcement of the antitrust laws in the software industry, where the complementarity of different programs makes product design a potentially devastating weapon to foreclose competition: a ''monopolist's product design decisions'' can violate the antitrust laws just as any other economic conduct can.

253 F.3d at 65. Product design decisions may be grossly anticompetitive, particularly in the software industry where lines of code can be packaged (and marketed) in many different ways without affecting the operation of programs once they are installed. As Microsoft's James Allchin recently acknowledged, software ''code is malleable,'' so that ''[y]ou can make it do anything you want.'' Microsoft Net Profit Fell 13% in Recent Quarter, Wall St. J. Europe, Jan. 18, 2002, 2002 WL-WSJE 3352885 (quoting Allchin).

Lest there be any doubt on the matter, the court of appeals flatly rejected Microsoft's rehearing petition aimed squarely at the remedial issue. Microsoft specifically sought to preclude relief that addressed the commingling violation, and instead to treat the commingling and the lack of add/remove functionality as the same. Microsoft's reheating petition made clear that the ''ruling with regard to ''commingling'' of software code is important because it might be read to suggest that OEMs should be given the option of removing the software code in Windows 98 (if any) that is specific to Web browsing [as opposed to] removing end-user access to Internet Explorer.'' Appellant's Petition for Reheating, at 1–2 (July 18, 2001). Microsoft argued that affirmance only on the ground of the add/remove issue would ensure that the remedy was tightly confined, because the ''problem will be fully addressed by including Internet Explorer in the Add/Remove Programs utility, which Microsoft has already announced it will do in response to the Court's decision.'' ld. at 2. The court of appeals rejected this argument out of hand, adding this remarkable sentence in a terse per curiam order denying reheating: ''Nothing in the Court's opinion is intended to preclude the District Court's consideration of remedy issues.'' Order at 1 (DC Cir. Aug. 2, 2001) (per curiam). Nonetheless, the RPFJ would settle this case as if rehearing had been granted, requiring Microsoft only to allow OEMs and end users to ''add/remove'' the icons for middleware. This is insufficient to remedy technological binding—commingling [] since it does nothing to remove the underlying middleware code on which developers will continue to rely. If only the Internet Explorer icon is removed from the desktop, the IE middleware remains, and with it the same applications barrier issues that Microsoft preserved by stifling competition by Netscape and Java.

It is true that the interim conduct relief in the vacated Final Judgment required only that Microsoft offer an operating system where OEMs and end-users were permitted to remove end-user access to the middleware components, United States v. Microsoft Corp., 97 F. Supp.2d 59, 68 (D.DC 2000), vacated, 253 F.3d 34 (DC Cir. 2001), a provision similar to that in RPFJ § III(H)(1)[first]. That transitional provision of course assumed the existence of structural relief that would remove Microsoft's economic incentive to bind middleware to the OS unless the binding was independently justifiable. Without a structurally more competitive market, those modest provisions would be meaningless, and would permit Microsoft to follow much the same course that triggered the lawsuit.

There is no excuse for DOJ's failure to do anything about one of the principal, and most easily replicable, violations in the case. Even one of Microsoft's vocal, libertarian defenders, University of Chicago law professor Richard Epstein, recognized that the minimum plausible remedy after the DC Circuit decision would involve ''undoing a few product-design decisions.'' Richard Epstein, Phew/, Wall. St. J., June 29, 2001, at Al0. But DOJ did not even insist on that. Instead, the RPFJ's omission of any relief for this violation gives Microsoft something the DC Circuit twice refused: a victory on the

[10] 10 See n.2, supra.

hardest-fought legal issue in the case. Given the central importance of middleware to the theory of the case, failing to address the principal means by which Microsoft bundled browser middleware to Windows would be plainly inadequate.

2. The Failure To Limit Commingling Is Critical Because Ubiquity Trumps Technology In Platform Software Markets

The failure to prohibit commingling of middleware deprives the RPFJ of any significant procompetitive effect on the emergence and adoption of competing platform software. The critical competitive phenomenon in this case was not middleware in itself, but rather the potential, and deeply feared, development of particular middleware into a competing platform for software applications. Middleware can develop into a competing applications platform by attracting software developers to use its Application Programming Interfaces (APIs) in preference to, or at least in addition, to the APIs offered by Microsoft in Windows. Developers will write their applications to invoke particular APIs—i.e., to run on a particular platform—based on how widely available the APIs will be.

Although potential platform software not distributed by Microsoft must attract users in order to achieve the widespread availability of their APIs that will attract developers, it is the expected presence of the APIs that matters, not how much consumers directly use the application exposing the APIs. Non-Microsoft middleware depends on the availability of the application in order to gain the critical mass of users that, in turn, may attract developers.

The availability and prominence of the application's icon may be significant for the purpose of attracting end-users. In platform competition, however, the availability of the application is only a means to the desired end. Developers don't write to icons; they write to APIs. The inclusion of Microsoft Middleware functionality in every copy of Windows is determinative, regardless of how or whether the icons are featured, and regardless even of the presence of the user interface or shell.[11] If developers know that the plumbing for a Microsoft version of middleware will be on every PC because it is commingled with Windows, then developers will write to the Microsoft version's APIs. Because the RPFJ permits Microsoft to include the APIs accompanying the software functionality that mimics middleware that is a potential platform threat, Microsoft will be able to defeat any middleware threat in exactly the same way it destroyed the threat of Netscape and Java on the PC desktop. See Stiglitz/Furman Dec. 36.

Under the RPFJ, developers will continue to assume that Windows Media Player, for example, is present on every computer. This will be true regardless of whether ''end user access'' is removed, because the remedy does not require Microsoft to remove the middleware. The result is that software developers will write applications to, for example, the Windows Media Player APIs, rather than to the APIs supplied by rival platforms. That is an advantage that no competitor can overcome.

It is no answer to say that OEMs can offer rival middleware even if the code for a Microsoft version of the same product is commingled with Windows, so that the Microsoft version of middleware appears on every desktop PC. If Microsoft's version of a product is everywhere, few OEMs will go to the effort of providing another product that does largely the same thing. The district court and court of appeals alike recognized that OEMs faced strong disincentives to install two competing products with similar middleware functionality, disincentives arising largely from support costs and disk space. See 84 F.Supp.2d at 49–50, 60–61 (¶¶159, 210); 253 F.3d at 61. If the Microsoft Middleware is there, the OEM will have to support it, even if—perhaps especially if—the end-user does not know that it is there.

Thus, rival middleware cannot undermine Microsoft's monopoly unless (1) the rival middleware is ubiquitous, or (2) the Microsoft version is not ubiquitous. If developers do not feel compelled to write to the rival middleware as well as the Microsoft middleware, the rival middleware will not undermine the monopoly. And if Microsoft's version of particular middleware can be ubiquitous by virtue of its inclusion in the monopoly operating system, as the RPFJ plainly allows, there is virtually no likelihood that rival middleware will ever achieve the ubiquity needed to present a platform challenge. See Stiglitz/Furman Dec. 36–37; see generally Litan/Noll/Nordhaus Comment 44–47.

3. The RPFJ Retreats From The 1995 Consent Decree Microsoft uses Windows as an instant, universal distribution channel for Microsoft software that represents a response to a threat to the dominance of Windows as a program development platform. As a consequence, ''Windows'' has become whatever bundle Microsoft needs it to be to forestall competition. The 1995 Consent Decree contained a prohibition on contractual tying of applications to the operating system in order to prevent anticipated conduct that would maintain the operating systems monopoly by anticompetitive means. That the earlier provision failed in its purpose suggests that the provision should be broader, not that it should be abandoned, particularly since this case began as a way to stop conduct that had escaped summary condemnation under the earlier decree. It would be senseless as a matter of enforcement policy to bring and win an action prompted by an evasion (if not a violation) of a monopolization consent decree, win the case on the monopolization theory most closely related to the object of the earlier consent decree, and then reward the violator by removing the relevant restriction upon the expiration of the earlier decree rather than broadening it as proposed here. Microsoft's monopoly gives it the power to make all systems integration and software bundle decisions, a power that Microsoft is exercising more broadly, as the breadth of the Windows XP bundles clearly illustrates. The RPFJ should not step back from the 1995 Consent Decree.

4.The RPFJ Encourages Illegal Commingling By Placing The Critical Definition of Windows Under Microsoft's Exclusive Control.

But the RPFJ does step back from the 1995 Decree, and makes matters still worse. Not only does the RPFJ completely fail to prevent future illegal commingling, but it effectively approves that conduct by permitting Microsoft ''in its sole discretion'' to ''determine[]'' exactly which ''software code comprises [sic] a Windows Operating System Product.'' RPFJ VI(U). That provision permits Microsoft an unearned advantage in repelling any future challenges to illegal commingling of applications code with Windows. Were the Court to enter this provision as part of its judgment, Microsoft could point to DOJ's capitulation on this issue—and the Court's approval—as extraordinarily persuasive evidence that its monopoly product was as broad as it says it is, and that, despite the contrary holding of the DC Circuit, any commingling of an application with the operating system is per se legal.

The Court can and should disapprove provisions that appear to endorse practices of apparent anticompetitive effect and dubious legality. Thomson Corp., 949 F. Supp. at 927–930 (refusing to approve fee schedule for mandatory license for legally dubious copyright). The Court should not approve this provision, which defangs many of the other obligations in the RPFJ.

Rather than learning from the difficulties with the ''integration proviso'' in that Decree, DOJ has ceded the issue to Microsoft, permitting Microsoft to decide for purposes of the decree obligations where the OS stops and where middleware begins. Much of the RPFJ rests on the relationship between the Windows OS and middleware. But the RPFJ places Microsoft firmly in control of every technical aspect of the proposed decree by permitting Microsoft absolute control over the definition of ''Windows

Operating System Product.'' That subjects many of Microsoft's purported obligations to Microsoft's own discretion.

No term is more important in the RPFJ than ''Windows Operating System Product,'' which appears fully 46 times in the RPFJ: 26 times in the descriptions of substantive obligations, and 20 times in the definitions that circumscribe those obligations. The definition of Application Programming Interfaces (APIs) is the starkest example. ''Windows Operating System Product'' appears three times among the 41 words of the API definition. See RPFJ VI(A.). Thus, Microsoft can determine ''in its sole discretion'' what an API is, and thus what must be disclosed.

One would think that DOJ would do everything possible to ensure that a new decree did not contain an analogue to the ''integration proviso'' that nullified much of the anti-tying provision of the 1995 decree. See generally Microsoft II, 147 F.3d 935. Instead, Section VI(U) ensures that few, if any, of the technical provisions of the RPFJ will mean anything except what Microsoft wants them to mean, and that none can be enforced without lengthy litigation that will

[11] The user interface is especially insignificant because the browser window already can serve as the user interface for many products, and could easily be adapted to serve as the user interface for many more.

further shrink the tightly limited duration of the proposed relief.

B. Empirical Evidence Shows That The Icon Flexibility Provisions Will Not Be Used Not only do the icon flexibility provisions address the wrong problem, but the market already has tested their consequences. On July 11, 2001, Microsoft announced that OEMs and end users would be permitted to remove access to Microsoft's Internet Explorer browser, just as RPFJ III(H)(1) permits. As of this writing, not one OEM has availed itself of this new liberalized policy. Windows XP is shipping with Internet Explorer on every single personal computer shipped by every single OEM. This real-world experience speaks volumes about the practical significance of this relief.

C. The Icon Flexibility Provisions Require—And Accomplish—Little

1. The icon flexibility provisions do not permit OEMs to swap out Microsoft Middleware Products and replace them with other products. Rather, the OEMs at most can hide the Microsoft icon, but need to be prepared to support the underlying Microsoft software when another software application invokes it. That means that these provisions do not address the added ''product testing and support costs'' that discourage OEMs from including more than one version of particular functionality. Microsoft III, 253 F.3d at 66.

This is a step backward from DOJ's settlement posture before liability was established. At that time, DOJ insisted that OEMs be allowed to alter or modify Windows, and that Microsoft provide OS development tools for that purpose. See Draft 18, 4(1)(d), 4(g). The RPFJ provisions, by contrast, only permit OEMs to display icons, shortcuts, and menu entries for Non-Microsoft Middleware. The RPFJ does not require Microsoft to permit OEMs to remove any Microsoft Middleware Products, although even current Microsoft practice permits this. The RPFJ requires Microsoft only to allow the removal of ''icons, shortcuts, or menu entries.'' RPFJ III(H)(1)[first].

2. Section III(H)(2)[first] seems to permit OEMs and end-users to choose default middleware for particular functions. Microsoft's obligations are far less than they appear.

The provision applies only where a Microsoft Middleware Product would launch into a top-level display window (rather than operating within another interface) and would either display ''all of the user interface elements'' or the ''Trademark of the Microsoft Middleware Product.'' RPFJ III(H)(2)(i)-(ii) (emphasis added). Thus, the provision does not apply if Microsoft designs the slightest variation on the interface elements that launch from within another application, so long as the trademark also is not displayed in the top-level window. These do not present serious programming challenges. Microsoft's ability to preclude OEM installation of desktop shortcuts that ''impair the functionality of the [Windows] user interface'' (RPFJ III(C)(2)) provides another, largely unreviewable set of opportunities to impede the use of innovative shortcuts to innovative software. Microsoft asserted similar reasons to defend some of the conduct condemned by the DC Circuit. See Microsoft III, 253 F.3d at 63–64. The DC Circuit rejected Microsoft's approach, but the RPFJ adopts it.

3. As explained above, the code beneath the surface is critically important to the success of middleware in undermining the applications barrier to entry in the OS market. The RPFJ contains exceptions that ensure that, however icons may be displayed on the surface, Microsoft Middleware will be firmly (and unchallengeably) established in the plumbing of each PC. Sections III(H)(1)-(2)[second], undo what might be left of the obligations earlier in Section III(H). Section III(H)(1)[second] permits Microsoft to ensure that Microsoft Middleware Products are invoked whenever an end-user is prompted to use Microsoft Passport or the group of Microsoft web services now known as Hailstorm. Section III(H)(2)[second] ensures that Microsoft need only program in functions that invoke Active X or other similar Microsoft-proprietary implementations of common functions, in order to ensure that Microsoft Middleware Products constantly appear regardless of an end-user's stated preferences. And none of the provisions in Section III(H) would apply unless the corresponding Microsoft Middleware Products existed seven months before the last beta version of a new Windows release. As with other provisions, Microsoft would be constrained by these requirements only if it paid no attention to them when it decided when and how to release its products.

D. The 14-Day Sweep Provision Effectively Nullifies RPFJ § III(H) Even if these provisions otherwise might mean something, the RPFJ ensures that they will be competitively meaningless by permitting Microsoft to nag users to give permission for Microsoft to override any array of non-Microsoft icons and menu entries 14 days after the initial boot-up of a PC. See RPFJ III(H)(3). Thus, Microsoft only needs to prompt users with a dialog box inviting them to ''optimize the Windows user interface'' every time they boot up, or when they download the inevitable bug fixes and security patches among Windows updates, in order to undo any OEM's or end-user's customization of icons. Microsoft apparently provided DOJ with the name for this feature, which DOJ uses in the CIS: ''Clean Desktop Wizard.'' CIS 48, 66 Fed.

Reg. 59,471. What user would not agree to have a cleaner desktop? No ISV is likely to pay an OEM a fee sufficient to cover the trouble of rearranging icons, and supporting additional software, for the privilege of having non-Microsoft software icons displayed advantageously for as little as two weeks.

The CIS suggests that the ability of Microsoft to sweep away icons of competing middleware and other products 14 days after a computer first boots up (RPFJ III(H)(3)) applies only to ''unused icons'' (CIS 48, 66 Fed. Reg. 59,471), but the decree terms contain no such limitation. Once its ''Clean Desktop Wizard'' (id.) secures a click of user consent, Microsoft can hide any icons that offend it. Indeed, there is nothing in the RPFJ that would stop Microsoft from including similar ''wizards'' that would prompt users to reset middleware defaults, or even to remove Non-Microsoft Middleware,'' in order to ''optimize performance'' or to ''take full advantage of powerful new Windows features.''

E. By Placing The Burden To Restore Competition On OEMs, The PFJ Leads To No Remedy At All For Much Of The Misconduct At Issue

One of the most misguided elements of the RPFJ is its allocation to OEMs, ISVs and end-users of the primary responsibility for injecting competition into the OS market. The icon and default flexibility provisions of the RPFJ allocate to the OEMs almost all of the financial risk and responsibility for remediating Microsoft's antitrust violation, while the monopolist has no obligations except to allow others to make changes to hide (or add to) Microsoft's middleware.

That approach ignores the fact that OEMs are motivated by their own fiduciary and economic considerations, not by the drive to remedy a monopolization offense. OEMs are risk-averse, as they operate in a low-margin, highly competitive environment in what has become a commodity-product market. In that environment OEMs are highly dependent on the good graces of Microsoft, not only for favorable pricing on Microsoft's monopoly software products [] Office as well as Windows [] but also for timely technical assistance, and access to technical information.

The Stiglitz/Furman Declaration confirms (at 32–34) that the economics of the OEM industry—a commodity industry captive to a bottleneck monopolist—discourage expenditures of this kind. It is bizarre and counterproductive to place the burden to restore competition on the innocent, low-margin OEMs rather than the monopolist. The ''hapless makers of PCs'' still ''aren't in any position to defy Microsoft,'' Walter Mossberg, For Microsoft, 2001 Was A Good Year, But At Consumers'' Expense, Wall. St. J., Dec. 27, 2001, at B1, any more than they were when the illegal conduct in this case first occurred. See, e.g., Findings, 84 F. Supp.2d at 62 (¶214) (Hewlett-Packard observation to Microsoft that ''[I]f we had a choice of another supplier, * * * I assure you [that you] would not be our supplier of choice''). But if OEMs choose not to exercise their new ''flexibility'' under the middleware provision [] a choice that seems likely in view of the demonstrated lack of a response to Microsoft's offer of July 11, 2001 ?? the [12] government is left with no antitrust remedy for much of its case.

Nor can ISVs be expected to pay OEMs to take advantage of the limited flexibility provided by

RPFJ III(C) and III(H). The RPFJ gives ISVs very slight incentives to subsidize OEM

[12] Similarly, the RPFJ places no limits on Microsoft's conduct toward one of its largest current groups of licensees—direct corporate licensors of bulk Windows licenses. The corporate market has always been Microsoft's point of leverage, and those buyers now often buy direct. Microsoft has made clear its intention to make Windows and other software a renewable ''service.'' Microsoft can undo all of the provisions applying to OEMs upon the first license renewal with an end-user.

alterations of Microsoft's preferred desktop display, since the ISVs who sell middleware that competes against a Microsoft offering cannot buy exclusivity on the desktop of any computer. Rather, at best an ISV can obtain parity in the availability to developers of its middleware's code. No matter what ISVs and OEMs do, Microsoft Middleware will be ubiquitous. And ISVs could buy only 14 days of advantageous icon display before a Microsoft ''Clean Desktop Wizard'' (CIS 48, 66 Fed. Reg. 59,471) would begin prompting users to undo the OEM's arrangement of icons and reinstate the arrangement favored by Microsoft. No ISV would pay more than a pittance for such a shallow and short-lived advantage on the desktop. F. The RPFJ Permits Microsoft To Control Consumers'' Access To Innovation To Suit Its Monopolistic Aims The RPFJ allows Microsoft to exercise full control over the pace of innovation in middleware because Microsoft can ensure that consumers are denied access—or have only severely impeded access—to competitively threatening middleware products to which Microsoft has no analogue.

Section III(C)(3) allows Microsoft to prohibit OEMs from configuring PCs to launch non-Microsoft middleware from any point unless Microsoft already has a competing product that launches from that point. Microsoft can prohibit OEMs from configuring non-Microsoft middleware from launching automatically at the end of the boot sequence or upon the opening or closing of an Internet connection unless a Microsoft Middleware Product with similar functionality would launch automatically. RPFJ § III(C)(3).

Even after this catch-up provision serves its delaying purpose, Microsoft can control how competing middleware products reach and serve consumers, so that products launch only in the way that best suits Microsoft. This provision appears designed to protect Microsoft from competition, and to give the monopolist a clear imprimatur to control the pace of innovation. See Stiglitz/Furman Dec. 28.

V. THE API AND COMMUNICATIONS PROTOCOL DISCLOSURE PROVISIONS ARE INEFFECTIVE

The API Provisions Require Little, If Anything, Beyond Current Disclosure Practices In Microsoft's Self-Interest

The API and Communications Protocol disclosure provisions (§§ III(D)-(E)) contain little in the way of hard, fast, enforceable obligations, and do not appear to add anything significant to Microsoft's current disclosure practices. As the CIS recognizes:

Through its MSDN [Microsoft Developer's Network] service, Microsoft presently makes widely available on the Internet an extensive and detailed catalog of technical information that includes, among other things, information about most Windows APIs for use by developers to create various Windows applications. MSDN access is presently broadly available to developers and other interested third parties.

CIS 34,66 Fed. Reg. 59,468.

Microsoft already discloses literally thousands of APIs to software developers through MSDN for the good reason that it is in Microsoft's self-interest to promote the Microsoft Windows platform to software developers. The extent of information disclosure required by the RPFJ must be understood in the context of Microsoft's current information disclosure practices. A ''requirement'' that Microsoft disclose APIs for the most part simply ''requires'' that Microsoft do what it does voluntarily.

Microsoft has a business incentive not only to disseminate Windows APIs but to assist ISVs in understanding and implementing Windows APIs in their products. Microsoft and other platform software vendors compete to attract developers by disclosing technical information, creating easy-to-use development tools, and ''evangelizing'' their development platforms. Attracting developers helps Microsoft perpetuate the substantial network effects that produce the applications barrier to entry protecting the Windows monopoly. Because the strength of the Windows monopoly and the power of the applications barrier to entry are directly related to the number of developers writing applications for Windows, it is in Microsoft's interest to provide a robust information disclosure program.

By widely disclosing APIs, Microsoft ensures that applications will continue to be written for its platform software rather than for rival platforms. Properly understood, Section III(D) does not actually require Microsoft to provide any new disclosure of APIs and technical information to promote interoperability; Microsoft already engages in these disclosures. Rather, the incremental effect of the API disclosure provisions of the RPFJ is at most to prevent Microsoft from selectively withholding certain APIs from certain vendors. As explained below, however, the disclosure ''requirements'' in the RPFJ are too insubstantial and too easily manipulated to accomplish even that limited goal.

B. The RPFJ Does Not Require Disclosure of Windows APIs, But Rather Lets Microsoft Determine The Scope of Disclosure Through The Design and Labeling of Its Operating System And Middleware

To begin with, the API disclosure requirements aim at the wrong thing. The RPFJ defines APIs as the interfaces used by Microsoft Middleware to invoke resources from a Windows Operating System Product. RPFJ § VI(A). But innovative rival software vendors do not need APIs between Microsoft Middleware and Windows. The really threatening innovators are threatening precisely because their products perform functions that Microsoft's do not. In those cases, by definition, there will not be any fully analogous Microsoft middleware—just as Microsoft did not have an Internet browser when Netscape Navigator first appeared. Those developers need full access to Windows APIs—APIs for all functionalities enabled by the Windows platform, whether Microsoft calls them ''internal'' calls within Windows or external APIs that may be distributed to ISVs—not to the limited subset used by a Microsoft version of similar middleware.

That is what Netscape needed in 1995; there was no Internet Explorer to speak of at that time, and certainly Microsoft's rudimentary browser did not perform anywhere near the range of functions performed by Netscape Navigator. See Findings, 84 F. Supp.2d at 31–32 (¶¶82–84), 33–34 (¶¶91–92). The RPFJ provisions would not have helped Netscape then. See Letter from James L. Barksdale, former CEO of Netscape, to Chmn. Leahy & Sen. Hatch, Senate Comm. on the Judiciary, Attachment, Question 1 (Dec. 11, 2001)[13] And they will not help any software developer whose products exceed the functionality of existing Microsoft middleware. The API disclosure provisions in the RPFJ thus ensure that Microsoft can control the pace of middleware innovation, providing another level of assurance that non-Microsoft products will not gain the type of head start that might result in ubiquity before a similar Microsoft product can be included That limitation on API disclosure is severe enough. But it is just a beginning. The disclosure obligation is further limited by the definition of APIs at RPFJ § VI(A): in the bundle of products sold with every Windows operating system.

Setting aside the circularity, the malleability of the two principal defined terms renders this definition (and the corresponding obligations) a practical nullity. The API definition depends on the relationship between two ''products,'' each of which is defined solely by Microsoft. As noted above, Microsoft has ''sole discretion'' to identify software code as part of a ''Windows Operating System Product.'' RPFJ § VI(U). Many APIs can disappear from view simply as a result of Microsoft's unreviewable decision to relabel certain interfaces as internal to Windows. If Microsoft says that an operation takes place entirely within Windows, rather than requiring the interaction of a middleware and Windows, then there is no API to disclose.[14]

C. The Definition of ''Microsoft Middleware'' Gives Microsoft Further Leeway to Limit Its Disclosure Obligation

The only APIs that need be disclosed are those used by ''Microsoft Middleware.'' But ''Microsoft Middleware,'' too, is defined in a way that gives Microsoft tight control over the scope of its own obligations. Remarkably, Assistant Attorney General James testified that this definition would have been difficult for DOJ to achieve in a litigated proceeding. Statement of Charles James to Senate Judiciary Committee 8 (Dec. 12, 2001). But it is difficult to imagine what Microsoft would

[13] Mr. Barksdale's letter in lieu of hearing testimony is available at http://java.sun.com/features/2002.01.barksdale-letter.html, and the attachment is available at http://java.sun.com/features/2002.01.barksdale-attach.htm ''Application Programming Interfaces (APIs)'' means the interfaces, including any associated callback interfaces, that Microsoft Middleware running on a Windows Operating System Product uses to call upon that Windows Operating System Product in order to obtain any services from that Windows Operating System Product.

[14] Moreover, the term ''interfaces'' is not defined in the RPFJ. The CIS explains that '''[i]nterfaces'' includes, broadly, any interface, protocol or other method of information exchange between Microsoft Middleware and a Windows Operating System Product.'' CIS 33–34, 66 Fed. Reg. 59,468. But that definition would not be part of the judgment.

have contested. Just as in the dispute whether Internet Explorer is part of Windows, Microsoft can simply relabel software as part of one product rather than another. The label does not affect the commands and operations in the software.

1. The RPFJ Requires Microsoft To Disclose Only The APIs Used By The ''User Interface'' Or Shell Of Microsoft Middleware

The APIs that must be disclosed are those that ''Microsoft Middleware * * * uses to call upon [a] Windows Operating System Product.'' RPFJ § VI(A); see id. Ill(D). But Microsoft determines how much code performing a Microsoft Middleware function is part of the Middleware, and how much is part of the Windows Operating System Product, since the latter definition is within Microsoft's ''sole discretion.'' Id. § VI(U). The only code in Microsoft Middleware that Microsoft must consider separate for the purposes of API disclosure is the user interface, or shell, of the Middleware—or, rather, ''most'' of the shell. Id. § VI(J)(4). The only limit is that ''Microsoft Middleware'' must ''[i]nclude at least the software code that controls most or all of the user interface elements of that Microsoft Middleware.'' Id. Thus, the terms of the RPFJ permit Microsoft to provide only the APIs that go between 51% of the user interface elements of Microsoft Middleware and the rest of the Windows bundle of products. None of the APIs used by the Middleware's functionality—the APIs that permit the Middleware perform its functions while running on Windows—need be disclosed, so long as the shell APIs are disclosed. This definition appears to be designed to have nothing to do with developer preferences, or with the applications barrier to entry.

2. The RPFJ Requires Microsoft To Disclose APIs Only For ''Microsoft Middleware'' That Is Distributed Separately From Windows, Yet Is Distributed To Update Windows

To come within the disclosure obligation, Microsoft Middleware must be ''distributed separately from a Windows Operating System Product.'' That restriction alone is enough to take Windows Media Player 8 outside the definition, as that product is available only as part of the Windows XP bundle. But not all separate distributions prompt the API obligations; Microsoft must characterize the distribution as one that ''update[s] th[e] Windows Operating System Product.'' See RPFJ § VI(J)(1). Thus, the scope of the obligation depends entirely on the labeling of the product, which Microsoft can easily manipulate.

3. The Limitation Of Microsoft Middleware To ''Trademarked'' Products Further Eviscerates The API Disclosure Provision But that is not all. At least equally significant is the restriction of the Microsoft Middleware definition, and thus the API disclosure obligation, to Middleware that is ''Trademarked.'' RPFJ § VI(J)(2). The definition of ''Trademarked'' allows Microsoft to exclude current middleware from the API disclosure obligation, and to prevent future middleware from becoming subject to the API disclosure obligation, simply by manipulating its use of trademarks. a. Microsoft Easily Can Ensure That Middleware Is Not ''Trademarked'' By Using A Generic Or Descriptive Name Combined With Microsoft(r) or Windows(r) The definition of ''Trademarked'' does not include ''[a]ny product distributed under * * * a name compris[ing] the Microsoft(r) or Windows(r) trademarks together with descriptive or generic terms.'' Id. § VI(T). That is how Microsoft has chosen to name some of its newest and most important products: the combination of a monopoly brand with a simple descriptive mark that helps identify an entire software function with the Microsoft implementation of it. Windows(r) Messenger instant messaging software is one example. Moreover, by the terms of the RPFJ Microsoft disclaims any rights in the use of such combinations of the Microsoft(r) or Windows(r) marks with generic or descriptive terms, and abandons any rights that may be acquired in the future. RPFJ § VI(T). These provisions suggest that Microsoft can change the scope of the definition of Middleware, and thus of the API disclosure obligation, by abandoning some marks it has registered as combinations of Microsoft(r) or Windows(r) with generic or descriptive terms—if the RPFJ does not accomplish that in itself. Windows Media Player is an example. Although Microsoft has registered the combination of Windows(r) and the generic term ''Media'' as Windows Media(r), at bottom the name Windows Media Player is a combination of the Windows(r) mark with the generic term ''media player.'' Indeed, Microsoft could plausibly argue that the Windows Media(r) mark does not come within the ''Trademarked'' definition as it is, since even that mark consists of no more than the Windows(r) mark in combination with the generic term ''media.''15 RPFJ § VI(T) may therefore embody Microsoft's ''disclaim[er of] any trademark rights in such descriptive or generic terms apart from the Microsoft(r) or Windows(r) trademarks.'' But even if Section VI(T) does not go so far, Microsoft could easily get Windows Media(r) Player outside of the ''Trademarked'' definition —and thus outside the scope of the disclosure obligations that apply only to ''Microsoft Middleware''—simply by abandoning the registration mark and moving the registration symbol to the left. Thus, Microsoft can transform ''Windows Media(r) Player,'' which might be subject to API disclosure requirements, into ''Windows(r) Media Player,'' which clearly is exempt. 15. In this discussion we set aside the non-trivial question whether ''Windows'' itself is a generic, or at best descriptive, mark for the type of ''windowing'' graphical user interfaces invented at the Xerox Palo Alto Research Center in the 1970s, popularized by the Apple Lisa and Macintosh in the 1980s, and since used by Microsoft and many other software vendors. b. The ''Microsoft Middleware'' Definition Governing Disclosure Obligations Is Far Narrower Than The ''Microsoft Middleware Product'' Definition Governing OEM Flexibility That this highly restrictive definition is no accident is clear from comparison with the ''Microsoft Middleware Product'' definition which governs the icon-display obligations. To provisions paralleling the ''Microsoft Middleware'' definition, the ''Microsoft Middleware Product'' definition adds several named current products, including ''Internet Explorer, Microsoft's Java Virtual Machine, Windows Media Player, Windows Messenger, Outlook Express and their successors,'' RPFJ § VI(K)(1), although only to the extent that Microsoft ''in its sole discretion'' (id. § VI(U)) decides that those products are ''in a Windows Operating System Product.'' Id. § VI(K)(1). Thus, Microsoft's icon display/removal obligations for those named products would not change merely because of a strategic product renaming or abandonment of a trademark that combines the Microsoft(r) or Windows(r) name with generic or descriptive terms. But none of those current products is named in the ''Microsoft Middleware'' definition that governs the disclosure obligations. That enables Microsoft to manipulate whether those products, although surely middleware, also satisfy the four subparts of RPFJ § VI(J).

c. The CIS Broadens The ''Trademarked'' Definition Beyond Its Terms

The CIS overstates the breadth of the ''Trademarked'' definition, contending that it ''covers products distributed * * * under distinctive names or logos other than by the Microsoft?? or Windows?? names by themselves.'' CIS 22, 66 Fed. Reg. 59,465. The CIS further claims that the exception for products known by combinations of generic terms with Microsoft?? or Windows?? does not cover marks that ''are presented as a part of a distinctive logo or another stylized presentation because the mark itself would not be either generic or descriptive.'' CIS 23, 66 Fed. Reg. 59,465 (emphasis added). To the contrary, the terms of the RPFJ definition of ''Trademarked'' focus entirely on ''names,'' not ''logos'' or ''marks'' as a whole. RPFJ § VI(T). The distinction is striking: the word ''name'' appears five times in the definition, and ''descriptive or generic terms'' appears three times. Neither ''logo'' nor ''mark'' appears at all.

Microsoft clearly appreciates the distinction. Although Microsoft apparently has not yet formally abandoned the mark ''Internet Explorer'' (U.S. Trademark Reg. No. 2277122), it does not assert that mark when it lists its trademarks as a warning to the public. See http://www.microsoft.com/misc/info/cpyright.htm. Microsoft does list its trademark for the Microsoft Internet Explorer logo, however. Id.; see U.S. Trademark Reg. No. 2470273.

d. Microsoft Can Easily Manipulate Which Middleware Releases Are ''New Major Versions'' Indeed, even a ''Microsoft Middleware Product'' satisfying that four-part test may not be ''Microsoft Middleware'' subject to the disclosure obligation unless it is a ''new major version'' of the product, that is, if the release is ''identified by a whole number or by a number with just a single digit to the right of the decimal point.'' RPFJ § VI(J). That has two implications. First, Microsoft can simply adopt a different method of naming new releases. Second, even under current practice a version with two digits to the right of the decimal point may fix significant errors, so that disclosure only of the prior version of the APIs might leave developers without the ability to invoke some needed functionality with the disclosed APIs.

D. The Disclosure Provisions—Particularly Those concerning ''Communications Protocols''—Depend On An Undefined And Thus Unenforceable Concept of ''Interoperability''

Both the API and Communications Protocol disclosure provisions define the scope of the data to be disclosed as that necessary to permit non-Microsoft products to ''interoperate'' with the Windows client OS and to ''interoperate natively'' with Microsoft server operating system products. See RPRJ §§ III(D), (E). The disclosure obligations are limited to ''the sole purpose of interoperating with a Windows Operating system. Product.'' Id.

The obligations depend on the meaning of ''interoperate,'' but the RPFJ never defines that term, and there is no non-discrimination provision attached to this obligation. That is critical because interoperability is not something that can be achieved half way. Either two software products interoperate for all functions that they must perform together, or they do not. Any impediment in any aspect of the interoperation nullifies the interoperability. The CIS seems to equate ''inteoperate'' with ''fully take advantage of,'' see CIS 36, 66 Fed. Reg. 59,468, but there is no such language in the RPFJ itself.

The Communications Protocol disclosure provision (RPFJ § III(E)), outlines a seeming ''obligation'' that is entirely undefined. Section III(E) seems to require disclosure of Communications Protocols on Windows clients that are ''used to interoperate natively * * * with a Microsoft server operating system product.'' But just as ''interoperate'' is not defined, neither does the RPFJ define ''Microsoft server operating system product.''

One of the most important aspects of the Windows 2000 Server product bundle is Microsoft's web server, IIS. In the absence of a definition of ''Microsoft server operating system product,'' however, it is unclear whether the disclosure obligation encompasses protocols used to interoperate with this and other aspects of the current server product. Cf. RPFJ § VI(U) (defining ''Windows Operating System Product'' as all software code ''distributed commercially * * * as Windows 2000 Professional'' and other named products, and ''Personal Computer versions'' of their successors).

Again, the CIS attempts to provide assurances that go beyond the terms of the proposed judgment. The CIS states (at 37, 66 Fed. Reg. 59469):

The term ''server operating system product'' includes, but is not limited to, the entire Windows 2000 Server product families and any successors. All software code that is identified as being incorporated within a Microsoft server operating system and/or is distributed with the server operating system (whether or not its installation is optional or is subject to supplemental license agreements) is encompassed by the term. For example, a number of server software products and functionality, including Internet Information Services (a ''web server'') and Active Directory (a ''directory server''), are included in the commercial distribution of most versions of Windows 2000 Server and fall within the ambit of ''server operating system product.''

That definition would be appropriate. But no corresponding language—no enforceable definition—appears in the RPFJ. E. The Narrow Scope Of The Disclosure Provisions Contrasts Sharply With The Broader Definitions In DOJ's Earlier Remedy Proposals

Before liability had been confirmed on appeal, DOJ took a far broader view of what should be disclosed. The interim remedies in the vacated judgment required disclosure of APIs, Communications Interfaces, and ''technical information'' needed to enable competing products ''to interoperate effectively with Microsoft Platform Software.'' 97 F. Supp.2d at 67 (3(b)). That disclosure requirement was backed up by a requirement, absent from the RPFJ, that Microsoft create a secure facility so that developers could work with Windows source code to ensure that their applications worked properly on the Microsoft platform. See id

The definition of ''technical information,'' moreover, helped ensure that disclosure would be complete and not subject to many different methods of manipulative narrowing. The ''technical information'' definition encompassed the following items: all information regarding the identification and means of using APIs and Communications Interfaces that competent software developers require to make their products running on any computer interoperate effectively with Microsoft Platform Software running on a Personal Computer.

Technical information includes but is not limited to reference implementations, communications protocols, file formats, data formats, syntaxes and grammars, data structure definitions and layouts, error codes, memory allocation and deallocation conventions, threading and synchronization conventions, functional specifications and descriptions, algorithms for data translation or reformatting (including compression/decompression algorithms and encryption/decryption algorithms), registry settings, and field contents.

97 F. Supp.2d at 73 (§ 7(dd)).

Indeed, DOJ's position was stronger even before liability had been imposed at all. Draft 18 from the Posner mediation imposed a disclosure obligation using this definition of ''technical information'': all information, regarding the identification and means of using APIs (or communications interfaces), that competent software developers require to make their products running on a personal computer, server, or other device interoperate satisfactorily with Windows platform software running on a personal computer. Technical information includes reference implementations, communications protocols, file formats, data formats, data structure definitions and layouts, error codes, memory allocation and deallocation conversions, threading and synchronization conventions, algorithms for data translation or reformatting (including compression/decompression algorithms and encryption/decryption algorithms), registry settings, and field contents.

The RPFJ, by contrast, contains no analogue to these precise and inclusive definitions. Instead, the RPFJ relies solely on the circular (and completely manipulable) definition of API (RPFJ § VI(A)), a similarly narrow definition of ''Communications Protocol'' (id § VI(B)), and a definition of ''Documentation'' that is wholly dependent on the API definition (id. § VI(E)).

F. The ''Security'' Exceptions in Section Ill(J) Permit Microsoft To Avoid Its Disclosure Obligations RPFJ § III(J) provides Microsoft with two additional lines of defense in the event that any competitively sensitive APIs nonetheless fall within the malleable definition of API. Section III(J)(1) severely undercuts the disclosure requirements to the extent they apply in the modem world where security protocols are critical to any communication between networked computers, particularly over the Internet. And Section III(J)(2) provides Microsoft with seemingly unfettered discretion to decide who is worthy to receive technical information necessary to make middleware function on the Internet.

Microsoft can plausibly rely on Section III(J) to decline to comply with disclosure requests based on concerns with authentication and security that it will be able to assert with respect to any program that involves communication between a PC and a server on the Internet (or even within many private networks). Authentication, security, and similar protection mechanisms are and will continue to be integral parts of the functioning of those products. See, e.g., Comment, William A. Hodkowski, The Future of Internet Security.'' How New Technologies Will Shape the Internet and Affect the Law, 13 SANTA CLARA COMPUTER 8: HIGH TECH. L.J. 217 (1997). Indeed, security and rights-protection are particularly critical to Internet-based economic activity, which encompasses much of the computing on the Internet. As a consequence, the security mechanisms are critically important to any Internet-based middleware threat to the Windows OS monopoly.

For example, digital rights management (''DRM'') has become a principal part of Windows Media Player. Allowing Microsoft to withhold data needed to permit rivals to interoperate with the DRM specifications in Windows Media Player—specifications that Microsoft is making universal by including Windows Media Player on every PC -may well end effective competition for media players within the next upgrade cycle for Windows. Similarly, any distant remaining possibility of Internet browser (or even e-mail client) competition should be squelched by the RPFJ's approval for Microsoft to withhold parts of encryption-related protocols (again, as distinct from the customer-specific keys that make use of those protocols). For another example, Secure Socket Layer (SSL) is an open standard that has been critical to the open development of a relatively secure Internet. As Microsoft implements a proprietary version of SSL—one that others will have to follow given the ubiquity of the Microsoft browser as a result of the misconduct at issue in this case—it will be able to conceal critical layers of that altered protocol from rivals, essentially ending the possibility of competition for client software for Internet computing. And by giving Microsoft a basis to conceal authentication

protocols (not merely data), the RPFJ frees Microsoft Passport from scrutiny and permits Microsoft to bind a proprietary universal password and identity utility to its monopoly operating system without hope of interoperation.

By permitting Microsoft to withhold key parts of encryption, digital rights management, authentication, and other security protocols, the RPFJ effectively allocates Web-based computing to the monopolist of the desktop. A decree could hardly try to place a clearer stamp of approval on an expansion of the scope of an illegally maintained monopoly.

1. The Exclusions for Security-Related APIs and Protocols in RPFJ(J)(1) Permit Microsoft To Hobble Disclosures That Are Critical in Internet Computing

It is no coincidence that Bill Gates has now emphasized the centrality of security concerns in Microsoft's future software offerings. See, e.g., John Markoff, Stung by Security Flaws, Microsoft Makes Software Safety a Top Goal, N.Y. TIMES, Jan. 17, 2002, at C1. That is no more than an acknowledgment of market and technical realities that have been widely known throughout the industry for years as Internet computing has taken hold. That market reality should have been sufficient to make clear that an indistinct exception of the type in RPFJ § III(J)(1) would allow Microsoft to disclose ''crippled'' versions of APIs and Communications Protocols. Microsoft's sudden dedication to security leaves no doubt that it will inject security aspects into its proprietary APIs and its proprietary, extended implementations of Communication Protocols. Under the terms of Section III(J)(1), Microsoft can easily argue that disclosure of those aspects—necessary for one machine to communicate with another—will compromise the security from any installation or group of installations. See also Stiglitz/Furman Dec. 30.

The CIS maintains that Section III(J)(l) simply protects Microsoft and its customers from disclosure of customer-specific ''keys, authorization tokens, or enforcement criteria,'' and states that the exception ''does not permit [Microsoft] to withhold any capabilities that are inherent in the Kerberos and Secure Audio Path features as they are implemented in a Windows Operating System Product.'' CIS 52, 66 Fed. Reg. 59,472. But that reading does not square with the text of the exemption. The quoted examples are specifically presented ''without limitation.'' RPFJ § III(J)(1). The RPFJ language easily permits Microsoft to contend that any release of the way, its proprietary security protocols work ''would compromise the security of a particular installation.''

Most important, Section III(J)(1) clearly permits Microsoft to withhold portions of APIs or Communications Protocols, but the examples given of keys and authorization codes are not parts of APIs or Communications Protocols. They may be part of customer-specific Documentation, rather than the Documentation used by customers, consultants, and developers to create or identify and implement particular keys, tokens, or enforcement criteria.) The APIs and Communications Protocols for security-related applications are not customer-specific, nor does their disclosure compromise security. To the contrary, the most powerful encryption and other security-related software is openly disclosed, as is the Kerberos standard, or even open source, as is the federal government's new encryption standard. See, e.g., Watch your AES: A new encryption standard is emerging, Red Herring (Dec. 1, 1999) (open source government standard). Unless RPFJ § III(J)(1) refers to a null set, however, Microsoft will have a basis to withhold some parts of Communications Protocols and APIs. The CIS states that Communications Protocols ''must be made available for third parties to license at all layers of the communications stack,'' (CIS 36–37, 66 Fed. Reg. 59,468 (emphasis added)) but the RPFJ to which Microsoft agreed—and which alone is potentially enforceable -says no such thing. To the contrary, Section III(J)(1) explicitly relieves Microsoft from the obligation to license some ''portions or layers of Communications Protocols'' (and some ''[p]ortions of APIs'')—not just client-specific data. If part of a Communications Protocol is withheld, not ''all layers of the communications stack'' are ''available * * * to license.'' And if part of a Communications Protocol is unavailable, interoperation is impossible; at certain points, the interaction between two computers will break down.

Limited withholding of APIs or Communications Protocols (rather than merely withholding customer-specific data) will render middleware non-functional, since software cannot interoperate with other software partially. Carving off some aspects of interoperability means that there is no interoperability, thwarting the premise of the disclosure provisions altogether.

The CIS also describes other limits that do not exist in the text of the RPFJ. The CIS claims that the RPFJ requires disclosure of the Communications Protocols used for the Microsoft-proprietary implementation of the Kerberos security standard—a ''polluted'' Kerberos that is the strict analogue to the ''pollute[d]'' Java that figured prominently at trial. See Microsoft III, 253 F.3d at 76–77 (quoting 22 J.A. 14,514). But Section III(J) explicitly relieves Microsoft of the obligation to disclose ''portions'' of APIs or Communications Protocols that would ''compromise the security of a particular installation or group of installations of'' security software. That is an open invitation to withhold some part of the Microsoft-proprietary variation of Kerberos.

The type of customer-specific information that the CIS claims is all that can be withheld could and should be described much more accurately and specifically in the RPFJ, not as [p]ortions of APIs or * * * portions or layers of Communications Protocols,'' but rather as ''customer-specific or installation-specific data the disclosure of which would compromise the security of a particular installation or group of installations of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation keys, authorization tokens or enforcement criteria.'' But that is not the approach the RPFJ takes. Rather, the RPFJ makes clear that Microsoft is entitled to withhold, not merely customer- or installation- specific data, but some ''portions'' of APIs and some ''portions or layers'' of Communications Protocols. All communication of substance between desktops (or other client computers) and server computers over the Internet increasingly involves layers of security protocols, anti-virus routines, and the like. And one of Microsoft's principal current efforts is to foist its own version of digital rights management (DRM) upon providers of copyrighted content over the Internet.

When Microsoft asserts a right to withhold information, it will be difficult indeed for the Technical Committee, DO J, or the Court to exclude the possibility that particular ''portions or layers of Communications Protocols,'' or ''[p]ortions'' of the APIs that permit middleware programs to operate atop Microsoft operating systems, in fact ''compromise the security of a particular installation or group of installations.'' RPFJ § III(J)(1). Any such determination is likely to be time-consuming, and related enforcement therefore would be slow. It should be a simple matter for Microsoft to delay disclosures of this type long enough to disadvantage competitors.

2. RPFJ III(J)(2) Permits Microsoft To Refuse Effective Disclosure To A Range Of Potentially Effective Competitors

While RPFJ § III(J)(1) allows Microsoft to refuse to disclose portions of APIs, RPFJ § III(J)(2) permits Microsoft to withhold all of any ''API, Documentation, or Communications Protocol'' having to do with ''anti-piracy systems, anti-virus technologies, license enforcement mechanisms, authentication/authorization security, or third party intellectual property protection mechanisms of any Microsoft product.'' The RPFJ allows Microsoft to select to whom it will disclose this information by imposing several tests that may be based on standards apparently committed to Microsoft's sole discretion as much as is the definition of Windows Operating System Product.

Thus, RPFJ § III(J)(2)(b) permits Microsoft to evaluate whether a competitor has a ''reasonable business need'' for the desired information. What Microsoft is likely to consider a ''reasonable'' business need by a competitor may be narrow indeed. As the DC Circuit observed, Microsoft viewed its desire ''to preserve its'' monopoly ''power in the operating system market'' as a procompetitive justification for exclusionary conduct. Microsoft III, 253 F.3d at 71. No doubt Microsoft will view direct or indirect efforts to undermine its hammerlock on the OS market as unreasonable efforts to confuse consumers or impair the ''Windows experience.''

Even bona fide attempts by a monopolist to objectively evaluate a potential competitor's ''reasonable business need'' can scarcely be expected to produce consistent or foreseeable results.

Rather, that amorphous standard is likely to produce a flood of disputes—each of which will delay the competitor's receipt of technical information while Microsoft gains more time to respond (by legal or illegal means) to the competitive threat. Moreover, the ''reasonable business need'' must be for

a ''planned or shipping product.'' If the product is already ''shipping,'' it may be too late for disclosure to be helpful in the market. How fully ''planned'' a product must be raises further questions that Microsoft will be able to resolve to its own disadvantage.

In addition, Microsoft need not provide security-related APIs, protocols, or documentation to any vendor that does not ''meet[] reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business.'' RPFJ § III(J)(2)(c) (emphasis added).

That provides Microsoft with a basis for excluding almost all nascent competitors except for those associated with established, profitable companies. It would not be difficult to craft ''reasonable, objective standards'' for ''viability of [a] business'' that would exclude any Internet-focused startup, including Netscape in 1995. Indeed, the history of the software industry both before and after the dot-com bubble shows that very few software companies have had ''viable'' businesses. Certainly Section III(J)(2)(c) would give Microsoft at least a debatable basis for withholding the APIs and Communications Protocols needed to interoperate with Microsoft software over the Internet from all open source ISVs—who are more interested in constantly improving the quality of software than in obtaining licensing profits. Although open source software is widely recognized as a major threat to Microsoft's monopoly power, the business models even of the leading Linux providers might fail any number of ''reasonable, objective standards'' for ''viability.'' Indeed, Microsoft's CEO Steve Ballmer describes open source software as a ''cancer'' that threatens the viability of any software business. See Mark Boslet, Open Source: Microsoft Takes Heat, INDUSTRY STANDARD, July 30, 2001; Dave Newbart, Microsoft CEO Takes Launch Break with the Sun-Times, CHI. SUN-TIMES, June 1, 2001, at 57. For that matter, it is not entirely unreasonable to regard head-to-head competition with Microsoft in platform software as a less than viable business plan; certainly most venture capitalist and other investors hold that view. It would not be difficult for Microsoft to craft ''objective'' standards of business viability that would exclude Corel and Novell, to name two examples. Microsoft should be able to exclude many sources of potential cross-platform middleware threats through RPFJ § III(J)(2)(c) alone.

Yet RPFJ § III(J)(2) contains yet another method for screening competitors from access to technical information needed by Internet-centric middleware applications. Any ISV that clears the hurdles and receives the information nonetheless must submit its implementation of the APIs, Documentation or Communications Protocols for review by a Microsoft-approved third party (likely a captive commercial ally) ''to test for and ensure verification and compliance with Microsoft specifications for use of the API or interface, which specifications shall be related to proper operation and integrity of the systems and mechanisms identified in this paragraph.'' RPFJ § III(J)(2)(d). ''[P]roper'' no doubt will mean ''the way Microsoft does it,'' making this provision into yet another way in which Microsoft can control the pace of innovation to ensure that the market has no or limited access to products that improve upon Microsoft's offerings. This mechanism means that vendors who tried to adapt APIs to function as bridges to other platforms would have to give Microsoft the ammunition to defeat that function—if not simply disapprove it and await the slow operation, if any, of the RPFJ enforcement mechanism.

The CIS suggests that there are strict limits on Microsoft's discretionary ability to deny access to security-related aspects of Communications Protocols and APIs, CIS 53, 66 Fed. Reg. 59,473, but those limits are absent from the decree language. The CIS contends that these exceptions ''are limited to the narrowest scope of what is necessary and reasonable, and are focused on screening out individuals or firms that * * * have a history of engaging in unlawful conduct related to computer software * * *, do not have any legitimate basis for needing the information, or are using the information in a way that threatens the proper operation and integrity of the systems and mechanisms to which they relate.'' Id. Setting aside the opportunity for Microsoft to argue, as it has in other contexts, that the injection of competing software ''threatens the proper operation and integrity'' of its products, see Microsoft III, 253 F.3d at 63–64, the CIS simply does not address the broadest basis for withholding APIs and Communications Protocols under Section III(J)(2): Microsoft's ability to decide, based on criteria within its own discretion, that an ISV is not ''authentic[]'' and ''viab[le].'' RPFJ § III(J)(2). That provision could provide a basis for excluding all but a handful of other software companies.

G. RPFJ § III(1) Would Place A Judicial Imprimatur On Microsoft's Use Of Technical Information As A Lever To Extract Competitors'' Intellectual Property

The RPFJ would actually increase Microsoft's bargaining power by explicitly placing a judicial imprimatur on demands by Microsoft that recipients of APIs cross-license any intellectual property developed using the APIs. Section III(I) of the RPFJ permits Microsoft to use intellectual property licensing terms to impede whatever competitive benefits otherwise might have arisen from its disclosure obligations. Microsoft's licenses ''need be no broader than is necessary to ensure'' the licensee's ability to ''exercise the options or alternatives expressly provided'' by the RPFJ. RPFJ 111(I)(2). A welter of litigation over the breadth that is ''necessary''—and the collateral restrictions that are permissible—is certain to continue through the life of the decree.

Similarly, Microsoft should have no difficulty delaying the use of any option for which it is entitled to charge a royalty, simply by setting a ''reasonable'' royalty (RPFJ § (I)(1)) beyond what any OEM could afford to pay in that competitive, low-margin business. If OEMs have to pay Microsoft to exercise any of their icon-shuffling options—a state of affairs clearly envisioned in RPFJ § III(I)—the slim likelihood that any OEM will take advantage of those provisions will be lessened still further. Microsoft need not permit transfers or sublicenses of API rights, imposing yet another barrier to entry. Id. III(I)(3). And Microsoft could ensure, through licenses, that end-users could not make competitively significant alterations to the Microsoft-approved package.

Most important, however, the RPFJ specifically permits Microsoft to use its monopoly as a means to force access to others'' intellectual property. Microsoft can assert a right to license ''any intellectual property rights'' a competitor ''may have relating to the exercise of their options or alternatives provided by'' the RPFJ. RPFJ § III(J)(5). Thus, to take advantage of a competitive option, an ISV will need to license its product to Microsoft, and hope that Microsoft does not use that license as a means to produce a copycat program and bundle it into Windows. Many companies long since departed the software industry after entering into what they thought were limited exchanges of intellectual property with Microsoft. [16]

Although the CIS states that Microsoft could demand only any IP rights it would need to comply with its own disclosure obligations under the RPFJ, CIS 50–51, 66 Fed. Reg. 59,472, the broad ''relating to'' language does not compel that narrow reading, and may not support it at all. The vague limitations in Section III(I)(5) are unlikely to reassure ISVs that Microsoft will not use its license to analyze the ISV's IP rights well enough to design around it and bundle a copycat program into Windows or Office, as has happened many times before. This weapon should give Microsoft additional ability to prevent industry participants from taking advantage of the superficially appealing provisions of the RPFJ.

VI. BUILT-IN DELAYS EXACERBATE THE DECREE'S UNJUSTIFIABLY BRIEF DURATION

It is remarkable that the RPFJ would reward Microsoft for litigating and losing broadly on liability with a consent decree that is shorter than other such decrees, and may be the shortest ever. DOJ antitrust consent decrees now routinely last ten years.[17] Section V of the RPFJ provides for a term of only five years, however, less time even than Microsoft has engaged in the illegal conduct that was the subject of this litigation. The decree plainly should be longer than the period between the initiation of the misconduct and the imposition of relief, and at least as long as the typical

[16] See, e.g., Testimony of Mitchell Kertzman before the Sen. Jud. Comm., July 23, 1998 (detailing Sybase's difficulties in this regard); Statement of Michael Jeffress before the Sen. Jud. Comm., July 23, 1998 (after TVHost revealed its intellectual property to Microsoft in failed negotiations to sell the company, Microsoft imitated the product).

[17] As of 1998 it was the policy of the Antitrust Division that consent decrees last for at least 10 years. See ANTITRUST DIVISION MANUAL, at IV:54 (3d ed. Feb. 1998); see also V VON KALINOWSKI ET AL., ANTITRUST LAWS AND TRADE REGULATION 96.0112], at 96–4; 96.0211] at 96–10 (2d ed. 2000).

relief.[18] Microsoft has enjoyed the benefits of its misconduct for at least seven years. The RPFJ not only would allow Microsoft to retain those benefits, but would subject Microsoft to its light and uncertain obligations for no more than five years, and scarcely four and one-half years for the many obligations that are delayed.

The RPFJ further abbreviates its already brief duration, and undermines its already insubstantial requirements, by building in long delays before Microsoft must comply with its limited duties. Thus, Microsoft need not comply with the icon-related requirements until November 2002, see RPFJ § III(H)(1), although Microsoft needed only two weeks after the DC Circuit decision to offer OEMs roughly the same flexibility with icon display as the RPFJ requires, and needed no more than three additional months to implement that flexibility on Windows XP. See Microsoft Announces Greater OEM Flexibility for Windows (Microsoft press release July 11, 2001).

Similarly, Microsoft need not comply with its API disclosure requirements or the OEM flexibility provisions until November 2002, RPFJ §§ III(D), (H), and need not comply with the Communications Protocol disclosure requirements until August 2002. Id. § III(E). See also Stiglitz/Furman Dec. 30. These built-in delays cut far into the unusually brief term of the decree. The ''Timely Manner'' governing Microsoft's disclosure obligations in RPFJ §§ III(D)-(E)—after the initial delay—permits Microsoft to withhold that disclosure until a product version has been distributed to 150,000 beta testers. See RPFJ § VI(R). ''Beta testers'' in undefined. Until recently, Microsoft, like other vendors, distinguished between ''beta testers'' who agreed to provide substantial feedback to the software manufacturer, and ''beta copies'' of a program that might be distributed without such obligations or expectations. Few, if any, beta testing programs involved 150,000 beta testers under that usage. A return to the former terminology could postpone the ''Timely Manner'' until commercial release. And in any event, it should be a simple matter for Microsoft to delay distribution of any beta version to 150,000 testers, however defined.

Here again, the contrast with the interim remedies of the original decree is striking. The ''Timely Manner'' definition in that judgment required Microsoft to disclose ''APIs, Technical Information and Communications Interfaces * * * at the earliest of the time that'' those items were (1) disclosed to Microsoft's applications developers, (2) used by Microsoft's own Platform Software developers in software released by Microsoft in alpha, beta, release candidate, final or other form, (3) disclosed to any third party, or (4) within 90 days of a final release of a Windows Operating System Product, no less than 5 days after a material change is made between the most recent beta or release candidate version and the final release.

97 F. Supp.2d at 73–74 (§ 7(ff)) (emphasis added). While the vacated judgment made a strong effort to place outside developers on the same footing as Microsoft's applications developers throughout the development process, the RPFJ permits Microsoft to delay disclosure until the last minute, without any analogue to the requirement that Microsoft promptly update changes made in the final pre-release stage.

Another significant built-in delay results from the definition of ''Non-Microsoft Middleware Product'' to include only products that have one million users. RPFJ § VI(N) (ii). That definition governs the extent of the anti-retaliation provisions in RPFJ §§ III(A)(1), III(C), and III(H).

Moreover, the icon flexibility and information disclosure provisions apply only to Microsoft Middleware and Microsoft Middleware Products, each of which must have functionality similar to a Non-Microsoft Middleware Product. See RPFJ §§ VI(J)(3), VI(K)(2)(b)(ii). By restricting all of these protections to middleware products that have distributed more than one million copies, the RPFJ encourages Microsoft to crush new middleware threats at the earliest stages. That is, the RPFJ puts a premium—indeed, a judicial imprimatur—on the monopolistic exclusion of nascent threats before the innovations in those products reach a sizable mass of consumers. That flies in the face of the concerns behind the judgments of liability in this case. See Microsoft III, 253 F.3d at 54, 79.

VII. ADDITIONAL WEAKNESSES UNDERCUT THE RPFJ

A. The Anti-Retaliation Provisions Are Deeply Flawed

Although anti-retaliation provisions are clearly necessary, the provisions in the RPFJ proceed from a misguided premise that retaliation by the monopolist—abuse of monopoly power—is permitted unless squarely forbidden. The well-meaning restrictions in the RPFJ leave Microsoft with ample recourse to use its monopoly power to retaliate against those who aid competitive threats. See Stiglitz/Furman Dec. 31–32.

Most important, the anti-retaliation provisions permit Microsoft to withdraw the Windows license of any OEM (or other licensee) that does not serve Microsoft's anticompetitive bidding. The CIS (at 27, 66 Fed. Reg. 59,466) suggests that the provision of RPFJ § III(A) requiring notice and opportunity to cure a violation provides some kind of protection to OEMs. But the protection is evanescent, disappearing entirely after two notices within a license term. See RPFJ Ill(A). See also Stiglitz/Furman Dec. 31–32.

Such notices will become routine, quickly and completely nullifying this provision. In the rough-and-tumble of everyday business, parties frequently diverge in minor respects from the terms of their agreements. The CIS admits that ''Windows license royalties and terms are inherently complex.'' CIS 28, 66 Fed. Reg. 59,466. Given that complexity, it would be surprising if most OEMs did not transgress some term of their Windows licensing agreements every year or so, if not more often. Such transgressions would provide ample basis for Microsoft to retaliate without fear of interference from the RPFJ.

There is no limit on what Microsoft can invoke as a reason for termination, that is, there is no requirement that terminations be for cause, much less for a material breach of the license agreement. Indeed, the sudden termination that Microsoft may impose after two notices—even notices of purported violations that were promptly and completely cured—need not even be based on something the OEM could cure.

The anti-retaliation provisions for software and hardware vendors contain another weakness. Section III(F)(1)(a) forbids retaliation against hardware and software vendors who support software that competes with Microsoft Platform Software or that runs on other platforms. But that provision therefore permits Microsoft to use its Windows monopoly to crush middleware vendors if Microsoft does not yet have competing middleware (see RPFJ §§ VI(K)-(L)) and whose middleware applications are used on the Windows platform—where any middleware would have to start in order to be a practical bridge to another platform.

Moreover, when prohibiting a specific type of retaliation would also help undermine the applications barrier to entry, the RPFJ hews to a general approach rather than focusing on precise adjudicated conduct. For example, Microsoft threatened to discontinue its port of Microsoft Office for the Macintosh unless Apple ceased supporting Netscape Navigator. See Microsoft III, 253 F.3d at 73–74. Yet the RPFJ does not require Microsoft to continue to offer Mac Office (much less to keep the port current)—an expedient that would take away Microsoft's weapon rather than merely admonishing it to behave well, and would tend to undermine the applications barrier to entry as well.

B. Microsoft Can Evade The Price Discrimination Restrictions

The uniform pricing provisions in RPFJ § III(B) have too narrow a reach to provide significant limits on Microsoft's ability to engage in price discrimination in order to force OEMs to eschew non-Microsoft products that may threaten Microsoft's OS monopoly. Microsoft's well-known market position in other products permits easy evasion of these limits. For example, nothing prevents Microsoft from discriminating in the pricing of its monopoly suite of desktop productivity applications, Microsoft Office, to which every OEM of any size needs access. Moreover, the leading PC OEMs all build server computers using Intel-based hardware, and increasingly rely on revenue from servers to make up for the exceptionally low margins on desktop PCs. To continue in the Intel-based server business, PC OEMs must license Microsoft's server operating systems, which are dominant on the Intel-based platform. The RPFJ places no limits on Microsoft's pricing of server operating systems, providing another outlet for the nullification of RPFJ § III(B).

Even on their own terms, however, the RPFJ pricing provisions contain a substantial loophole. Microsoft can reward an OEM for an ''absolute level * * * of promotion'' of Microsoft products. RPFJ § III(A). That

[18] If Microsoft actually and convincingly lost its monopoly before the expiration of a decree of appropriate length, it could, of course, move for modification or termination of the decree under Rufo v. Inmates of Suffolk County Jail, 502 U.S. 367 (1992).

provides a means for Microsoft to distinguish between OEMs who make sure that Microsoft software dominates their offerings, and OEMs who either promote competing software or simply do not interfere with consumers'' choices.

C. Microsoft Can Enforce De Facto Exclusivity

Despite a superficial prohibition, Sections III(F)(2) and III(G) permit Microsoft to impose practical, effective exclusivity obligations on ISVs and others who need access to Windows to develop their products. Microsoft need do no more than recast its agreements with ISVs as contracts to ''use, distribute, or promote * * * Microsoft software'' or ''to develop software for, or in conjunction with, Microsoft,'' RPFJ § III(F)(2), or as a ''joint venture,'' joint development * * * arrangement'' or ''joint services arrangement.'' Id. § III(G). New ''joint development agreements'' or ''joint services arrangements'' likely will supersede the current licenses for use by ISVs of Microsoft software developments tools and perhaps also the current arrangements for preferential access under MSDN. At best, a decree court would have to undertake a full antitrust analysis of whether the joint venture was ''bona fide.'' Id. § III(G). To nullify RPFJ § III(F)(2), Microsoft could simply change its development tools agreements to require use of Microsoft software -which literally would be ''a bona fide contractual obligation * * * to use * * * Microsoft software.'' Since any ISV that wants its software to run on Windows almost certainly would need to use Microsoft's development tools, the anti-exclusivity provision, like so many others in the RPFJ, would have no practical effect.

DOJ has defended this provision as necessary to permit legitimate ''procompetitive collaborations.'' CIS 44, 66 Fed. Reg. 59,470. But the broad terms of the RPFJ itself provide little basis for hope that the objects of joint ventures permitting exclusivity will not include a variety of ''new'' products that amount to little more than routine alterations to Windows and other Microsoft products in conjunction with requests from other industry participants. It is not uncommon for an ISV to ask for a new API, or for an IHV to ask for some other specification in Windows. These exercises soon may become objects of ''joint ventures'' or ''joint development agreements'' under RPFJ § III(G).

RPFJ § III(G)(1) undercuts its superficial prohibition on contracts that would require participants at different levels of the market to install or promote Microsoft Platform Software to a ''fixed percentage'' of those participants'' own customers. Section III(G)(1) permits Microsoft to impose such contracts so long as it ''in good faith obtains a representation that it is commercially practicable for the entity to provide equal or greater distribution, promotion, use or support for software that competes with Microsoft Platform Software.'' Such representations should be easy to come by, so long as Microsoft pays enough. There is nothing to require a single party making such a representation actually to carry out the parallel distribution that it told Microsoft was ''commercially practicable.'' And it should be easy enough for Microsoft, through a wink and a nod, to ensure that any such representations were not accompanied by efforts to prove that commercial practicability to Microsoft's detriment.

VIII. THE RPFJ'S ENFORCEMENT MECHANISMS ARE FUNDAMENTALLY INADEQUATE.

As we have shown above, the RPFJ fails adequately to prevent Microsoft from engaging in illegal and anticompetitive practices, and allows it to continue the patterns of behavior that led to this litigation in the first place. The RPFJ suffers from an important secondary flaw, however: the enforcement mechanisms contained in Section IV are fundamentally inadequate. The RPFJ commits much of the practical enforcement responsibility to a ''Technical Committee,'' RPFJ IV(B), that would monitor ''enforcement of and compliance with'' the RPFJ. Id. IV(B)(1). The Technical Committee is likely to impede enforcement rather than aid it. First, Microsoft—the antitrust violator—could exert inappropriate control over the membership of the Technical Committee. Rather than creating a special master or an independent review committee to monitor compliance with the consent decree, the RPFJ allows Microsoft to have an equal voice with the plaintiffs in choosing the members of the Technical Committee; indeed, Microsoft may choose one of the three members outright. Id. IV(B)(3). Although appointing a special master with real (though reviewable) power might make sense as a matter of judicial administration, allowing Microsoft to choose its own monitor makes no sense at all. The composition of the Technical Committee suffers from a second defect. The RPFJ provides that ''[t]he Technical Committee members shall be experts in software design and programming.'' RPFJ IV(B)(2) (emphasis added). The interpretation of the RPFJ is largely a legal matter, however, dependent on adequate knowledge of the antitrust Section after section of the RPFJ is extraordinarily vague.[19] Experts in software design simply will not have any basis adequately to review complaints that Microsoft's behavior fails to comply with the RPFJ. However, that is the entire purpose of the Technical Committee.

Not only is the selection and composition of the Technical Committee problematic; the RPFJ's restrictions on how the Technical Committee can go about its business are equally inadequate. For example, it is likely that all third-party allegations of misconduct by Microsoft will be reviewed by the Technical Committee.[20] But the Technical Committee lacks any real power, and operates almost entirely in secrecy. Even if the Technical Committee finds Microsoft to be violating the RPFJ, its sole recourse is to ''advise Microsoft and the Plaintiffs of its conclusion and its proposal for cure.'' Id. IV(D)(4)(c). If DOJ or the settling State plaintiffs proceed with a complaint, none of the ''work product, findings or recommendations by the Technical Committee may be admitted in any enforcement proceeding before the Court for any purpose, and no member of the Technical Committee shall testify by deposition, in court or before any other tribunal regarding any matter related to [the RPFJ].'' Id. IV(D)(4)(d). Enforcement would have to start over from scratch.

In effect, the Technical Committee's investigation is simply a waste of time. Even were the plaintiffs to decide, based on a Technical Committee report, that Microsoft had violated the RPFJ, the plaintiffs would need independently to investigate that violation under Section IV(A)(2). Indeed, the Technical Committee's reports to the plaintiffs will be secret. See RPFJ IV(B)(8)(e), (9). Ultimately, the Technical Committee simply injects delay into the process. But delay is indisputably in Microsoft's interest; Microsoft's monopolies bring it $1 billion each month in free cash flow, see Rebecca Buckman, Microsoft Has the Cash, and Holders Suggest a Dividend, WALL ST. J., Jan 18, 2002, at A3. Microsoft not only can afford to contest enforcement vigorously, but would not have to postpone enforcement for long before the RPFJ expires.

Finally, the ''crown jewel'' provision in the RPFJ is grossly inadequate. If at any point the court were to find that Microsoft had ''engaged in a pattern of willful and systematic violations,'' RPFJ V(B) (emphasis added), the RPFJ provides only one remedy for plaintiffs or the court: to extend the inadequate, and already overly-short, consent decree by ''up to two years.'' But that is no deterrent. Willful and systematic violations should result in divestiture that terminates the illegally maintained monopoly once and for all. See Microsoft III, 253 F.3d at 103; United Shoe, 391 U.S. at 250. Slightly prolonging a failed decree makes no sense at all.

CONCLUSION

The Revised Proposed Final Judgment should be rejected as contrary to the public interest.

Respectfully submitted.

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[19] For example, as we discussed above the RPFJ relies heavily on a ''reasonableness'' standard of conduct that simply reproduces a full analysis under the antitrust laws. Antitrust remedies, like other injunctive decrees, are supposed to be amenable to swift and sure enforcement, according to standards that give warning of what is forbidden and what is permitted both to the wrongdoer and to its potential victims. But again and again, the RPFJ would require both the Technical Committee and eventually the decree court to determine whether Microsoft's conduct was ''reasonable.''

[20] While third parties have the right to raise complaints with the Internal Compliance Officer, see RPFJ IV(C)(3)(g), the RPFJ gives them no incentive to do so; such complaints would merely allow a proven antitrust violator itself to determine whether it has violated the RPFJ or again violated the antitrust laws. Although the RPFJ also allows third parties to submit complaints directly to the plaintiffs, see id. IV(D)(1), the plaintiffs can thereafter at their sole discretion refer any such complaints to the Technical Committee, id. IV(D)(4)(a), or to the Internal Compliance Officer, id. IV(D)(3)(a).

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MTC–00030611

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA, Plaintiff, v. Civil Action No. 98–1232 (CKK)
MICROSOFT CORPORATION, Defendant.

SIWTE OF NEW YORK, et al., Plaintiffs, v. Civil Action No. 98–1233 (CKK)
MICROSOFT CORPORATION, Defendant.

DECLARATION OF EDWARD ROEDER

Edward Roeder declares under penalty of perjury as follows:

I. INTRODUCTION

1. I am a Washington journalist, author, lecturer, and editor, expert on the U.S. Congress, elections and efforts to influence the U.S. government. My byline has appeared in most major U.S. newspapers, many top magazines, and on all major wires and networks. I have written, edited, produced and reported on money in politics, Congressional ethics and the American political economy for more than three decades. My experience includes work as a Senate subcommittee counsel, House select committee chief investigator, United Press International editor, publisher, White House speechwriter, government aide at level GS-15, freelance reporter and publisher.

I founded Sunshine Press Services, Inc., a Washington news service and publishing house specializing in ''Casting Light on Money and Politics.'' Sunshine has developed References to Use, Not Just Peruse TM, computer-based reference works on U.S. politics. As National Political/Finance Editor for United Press International, I produced the nation's first weekly state-by-state computer-generated reports on federal election financing.

In 1974, I became the first freelance correspondent fully accredited to U.S. House & Senate Press Galleries. As a freelance print and broadcast reporter, I specialized in covering elections and election financing. In Roeder v. FEC, I successfully sued Federal Election Commission under the federal Freedom of Information Act, forcing a reduction in fees for records and release of computerized data.

My experience includes lecturing about covering influences on government at the graduate schools of journalism at Columbia, Northwestern (Medill), American, Maryland and other universities, and at the Hastings Center, the Heritage Foundation, and many other forums, and testifying before U.S. House and Senate committees. I also taught a public affairs course, Shadow Government in the Sunshine State, for three terms at Florida State University. I have appeared on ABC's Nightline, the CBS Evening News, World News Tonight (ABC), NBC Nightly News, All Things Considered (NPR), John McLaughlin, and many other broadcast outlets. My reference publications include PACs Americana, the 1,150-page authoritative reference on political action committees and their interests, Congress On Disk TM, the pioneer diskette publication on politics, PAC-Track TM, covering all transactions by political action committees and party committees, FatCat-Track TM, covering ''soft money'' and all contributions of $200-and-up from individuals to any federal party, campaign or PAC, and Ready Money Reports TM, comparing relative financial standings of each federal campaign. A partial list of news clients is attached as Appendix B.

2. I was commissioned by the Computer & Communications Industry Association to conduct a review of publicly available documents, news reports, and commentary regarding Microsoft's lobbying and political contributions since the United States Department of Justice and 19 States filed suit against Microsoft in 1998.[1]

3. My review of the available documents has led me to conclude that over the past five years Microsoft has engaged in a ''pattern and practice'' of political influence peddling in many ways unprecedented in modem political history.[2] What makes Microsoft's lobbying efforts so unique is not necessarily the size (i.e. level of political contributions) but the scope of its efforts and the speed at which Microsoft went from having almost no political presence in Washington DC to having one of the largest and most sophisticated political operations in history.

4. By ''scope'' I am referring to the breadth of Microsoft's efforts. Microsoft has not merely established one of the largest Political Action Committees, or leapt to the top of the corporate contributor list in ''soft money,'' unregulated corporate contributions. Over the past five years Microsoft has also assembled a large lobbying office and retained dozens of high-powered consultants; Microsoft has created numerous ''front'' groups and has contributed heavily to a variety of think tanks and other organizations willing to espouse Microsoft's view of antitrust policy and this case; and Microsoft has created a variety of grassroots capabilities that appear to be directed at state-level government.

5. Two key factors indicate that Microsoft's lobbying efforts were designed and directed to try to minimize the impact of its lawsuit and try to achieve a result in the political process that it is apparent it could not achieve in the legal process. First, Microsoft's efforts are new. Their onset coincides with the time the government sued Microsoft and they have continued and escalated ever since. Second, Microsoft's efforts are completely out of proportion to the rest of the high-technology industry. There is not one other example of a software, computer hardware, or Internet firm that comes anywhere near Microsoft's level of campaign contributions.

6. I am not a lawyer, an expert on antitrust or an expert on the Tunney Act. My substantive views of of the Proposed Final Judgment are based primarily on the analysis of Nobel economist Joseph Stiglitz, whose declaration also supports the CCIA submission.

7. The Tunney Act was enacted after the ITT scandal during the Watergate affair. As

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[1] I am aware that Microsoft has undertaken an effort to use the Court discovery process to build a political case against its competitors. The relevancy of Microsoft's strategy will have to be determined by the Court since Microsoft—and not its competitors—have been found to be liable under the antitrust laws. I took input and advice from a broad range of sources in conducting this research, including CCIA and its members. This research is nonetheless based on the extraordinary public record of Microsoft's political activities during the timeframe of this case. I have also undertaken extensive original review of the records of the Federal Election Commission regarding election finance. These records covering all election cycles since 1970–80 have been available in computerized format since the court-ordered settlement of Roeder v. FEC, a Freedom of Information lawsuit I filed in this very courthouse two decades ago.

[2] ''Microsoft Targets Funding for Antitrust Office.'' Dan Morgan and Juliet Eilperin. Washington Post October 15, 1999. ''Pro-Microsoft lobbying to limit antitrust funding irks top lawmakers.'' The Wall Street Journal October 15, 1999. ''Microsoft Paid For Ads Against DoJ Case.'' Madeleine Acey. TechWeb September 20, 1999. ''Microsoft Paid For Ads Backing Its Trial Position.'' David Bank. The Wall Street Journal September 20, 1999. ''Microsoft Paid For Ads Backing It In Trial.'' Seattle Times September 19, 1999. ''Pro-Microsoft Ads Were Funded by Software Giant.'' Greg Miller. Los Angeles Times September 18, 1999. ''Microsoft Paid for Ads About Trial.'' Associated Press September 18, 1999. ''Microsoft Covered Cost of Ads Backing It in Antitrust Suit.'' Joel Brinkley. New York Times September 18, 1999. ''Rivals fear Microsoft will cut a deal.'' John Hendren. The Seattle Times June 21, 2001. ''Bush's Warning: Don't Assume Favors Are Due.'' Gerald F. Seib The Wall Street Journal January 17, 2001. ''Bounty Payments are offered for pro-Microsoft letters and calls.'' The Wall Street Journal October 20, 2000. ''Microsoft is Source of 'Soft Money'' Funds Behind Ads in Michigan's Senate Race.'' John R. Wilke. The Wall Street Journal October 16, 2000. ''Microsoft leans creatively on levers of political power as breakup decision looms, 'stealth'' lobbying efforts aim for survival.'' Jim Drinkard and Owen Ulmann. USA Today May 30, 2000. ''Microsoft's All-Out Counterattack.'' Dan Carney, Amy Borrus and Jay Greene. BusinessWeek May 15, 2000. ''Aggressiveness: It's Part of Their DNA.'' Jay Greene, Peter Burrows and Jim Kerstetter. BusinessWeek May 15, 2000. ''The Unseemly Campaign of Microsoft.'' Mike France. Business Week April 24, 2000. ''Microsoft's Lobbying Abuses.'' Editorial. New York Times November 1, 1999 ''Awaiting Verdict, Microsoft Starts Lobbying Campaign.'' Joel Brinkley. New York Times November 1, 1999. ''Microsoft Seeks Help Of Holders.'' John R. Wilke. The Wall Street Journal November 1, 1999. ''Microsoft's Bad Lobbying.'' Editorial. Washington Post October 24, 1999. ''Microsoft Attempt To Cut Justice Funding Draws Fire.'' David Lawsky. Reuters October 17, 1999. ''Microsoft Targets Funding for Antitrust Office.'' Dan Morgan and Juliet Eilperin. Washington Post October 15, 1999. ''Pro-Microsoft lobbying to limit antitrust funding irks top lawmakers.'' The Wall Street Journal October 15, 1999. ''Microsoft Paid For Ads Against DoJ Case.'' Madeleine Acey. TechWeb September 20, 1999. ''Microsoft Paid For Ads Backing Its Trial Position.'' David Bank. The Wall Street Journal September 20, 1999. ''Microsoft Paid For Ads Backing It In Trial.'' Seattle Times September 19, 1999. ''Pro-Microsoft Ads Were Funded by Software Giant.'' Greg Miller. Los Angeles Times September 18, 1999. ''Microsoft Paid for Ads About Trial.'' Associated Press September 18, 1999. ''Microsoft Covered Cost of Ads Backing It in Antitrust Suit.'' Joel Brinkley. New York Times September 18, 1999.

the court is aware, Watergate spurred a number of political reforms requiring ''sunshine'' on the political activities of special interests, in particular. But the Tunney Act was also enacted during a different political era, when political influence peddling was far less sophisticated than it has become after a quarter-century of efforts to circumvent the ''reforms'' of the 1970s. By necessity, political influence peddling is no longer necessarily marked by a single ''transaction'' or a single ''meeting,'' or even an overt ''quid pro quo.'' In fact, one of the effects of the modern reforms has been to legalize many activities—especially the transfer of funds from corporate to political coffers—that had long been illegal under laws in effect since 1907 or 1934. Lobbying today is marked by incrementalism, where there may not be any single meeting, or any single contribution, or any single agreement. Rather, over time, what may develop is an ''understanding'' of the respective parties'' interests, objectives, and desired outcomes. Instead of corruptly influencing politicians to buy a discreet government decision, the money exerts far broader influence over appointments, policy frameworks or positions, and ultimately, decisions. Much of it may be legal, but it's far more corrupting than simple bribery.

The simple matter of paying off a corrupt politician to obtain a favorable government decision is certainly offensive and unfair to the voters and those who are disadvantaged by the decision. Yet such petty or grand corruption, if isolated, does not seriously threaten the American system. What Microsoft has accomplished over the past half decade, however, presents a far darker prospect. By pouring money into America's institutions of political pluralism, rewarding those organizations and individuals that do its bidding and denying or limiting funding to its opponents, Microsoft has in some ways corrupted American political discourse itself.

Newspapers that have run an editorial or opinion article sympathetic to a Microsoft position, reporters who have interviewed a professor, politician, or pundit about this antitrust action, and anyone who has hosted or observed public discourse on the subject must now wonder: Were the views expressed independent and sincere, or were they purchased by an unseen hand, smothering the American marketplace of ideas?

As is detailed below, Microsoft's efforts to subvert democratic institutions such as political campaigns and debates, party organizations, news outlets, think tanks and government offices have been so vast as to be a new phenomenon, unenvisioned and unaddressed by existing political mechanisms intended to check the influence of special interests. Limited campaign contributions can serve the purpose of encouraging, facilitating, extending and opening political discussion. But political money in such vast amounts is a substitute for politics, not a means of undertaking political action. While the modem-day political pressure brought to bear by Microsoft in the last decade may not be precisely the same as that undertaken by ITT in the 70%, it is no less objectionable to the Court's charge of acting on behalf of the ''public interest.''

8. Based on my review of the public record and the declaration provided by Dr. Stiglitz, it is apparent that the Department of Justice undertook a major ''change in policy'' at a critical moment this past fall. My belief-again based largely on Dr. Stiglitz'' analysis and substantiated by a wide array of antitrust experts and scholars—is that the Proposed Final Judgment cannot be reconciled with the government's extensive court victory. The public record suggests a Microsoft strategy that appears to defeats in the legal process, but which focuses on winning an acceptable outcome through the political process. It appears to be working. Indeed, if it weren't working, such vast expenditures might give rise to a shareholder suit for breach of fiduciary duty. If Microsoft's money has had the desired effect of inducing the U.S. government to throw in the towel on the biggest antitrust suit in history, such a suit could be easily defended. But to argue that Microsoft had no such intent is tantamount to suggesting that its corporate spending it in the control of squandering fools.

9. I have also reviewed Microsoft's lobbying disclosures filed before the court as part of the Tunney Act. Again, while I am not a lawyer, my review of public documents, press reports and the plain language of the statute leads me to believe that disclosures made to the court can not possibly be reconciled with Microsoft's lobbying activities surrounding both this case and this settlement.

10. Various press reports indicate that Microsoft is trying to convince the court and the public that the litigating states have been ''put up to this'' (i.e. continuing to litigate through the remedy phase) by Microsoft's competitors, and therefore cannot be acting in the public interest. My review of public documents suggests this theory is backwards and should be particularly alarming to the Court. The far more likely scenario, into which the Court must inquire, is whether the Department of Justice has executed Administration policy in response to the unprecedented campaign to influence the new Administration's antitrust policy generally, and as antitrust policy applies to the high-technology sector and Microsoft, in particular.

11. In fact, with the benefit of hindsight, various Justice Department actions make perfect sense in the context of my research. The Department went to great lengths to create the appearance they were going to be ''tough'' with Microsoft, beginning with enlisting President Bush's renowned litigator, Phillip Beck. What actually occurred, however, is they systematically appear to have given away their hard-fought court victory. First, the Department unilaterally abandoned its pursuit of structural relief, and informed the court it would not seek a review of the Sherman Act Section 1 tying claim on remand. Then the Department suggested it would base its remedy on the interim conduct remedies ordered by Judge Jackson. Then the Department began speaking of the extensive litigation risk involved in pursuing a remedy based on the need for immediate relief. Finally, the Department—outside of public scrutiny—emerges with the Proposed Final Judgment, which based on Dr. Stiglitz'' analysis appears to be woefully inadequate.

12. I declare to the court that where ''there is smoke there is typically fire.'' Even if the ''fire'' in the context of modem day political influence peddling is very subtle, it nonetheless does not serve the public interest. My view is that Microsoft's political campaign has been so extensive the court should take immediate notice. In modem political influence-peddling and purchasing, Microsoft has set a new bar. South Korea's spreading cash throughout Washington in the 1970s Tongsun Park scandal paled in comparison.

13. During the course of my research I was struck by the similarities between Microsoft and the current scandal involving Enron Corporation. While Enron, of course, is in an entirely different business, it seems the core issue—from a public disclosure perspective—is its campaign contributions and its ability to influence the nation's energy policy. Microsoft's campaign contributions significantly surpassed those of Enron; Microsoft was a defendant in a major governmental lawsuit; and it appears Microsoft may have successfully influenced the Administration's antitrust policy, with major implications for legal antitrust precedent.

14. My recommendation to the court is to undertake an immediate review of Microsoft's lobbying activities surrounding this settlement, with particular attention to meetings with the Justice Department or the White House by Microsoft or its agents. Included in this review should also be contacts made on Microsoft's behalf to the Justice Department or the White House by Members of Congress, their official staff, and campaign staff. The court should also interview Department of Justice staff who do not operate within the sphere of political appointees. And the court should interview the political appointees of the Attorney General and their staff. Moreover, the court should review any contacts or communications between the Republican National Committee, the National Republican Senatorial Committee, the Republican Congressional Campaign Committee, and the White House or the Justice Department. Lastly, the court should review any contacts or communications between Microsoft and the settling states. Anything less would clearly not vindicate the public interest.

II. REVIEW OF PUBLIC RECORD

15. Since May 1998, Microsoft has fought strenuously in the courtroom to defend its ''freedom to innovate'' and to continue with business as usual. In fact, plugging in ''Microsoft + trial'' into the Google search engine produces more than 697,000 article hits. When ''Microsoft + politics'' is entered into the search engine, Google produced nearly 448,000 articles and links. But as hard as it fought inside the courtroom, Microsoft fought far harder—often secretly—outside the courtroom to influence the outcome of the trial. In a campaign unprecedented in its size, scope, and cost, Microsoft used campaign contributions, phony front groups, intensive lobbying, biased polling, and other creative, if not possibly unethical, pressure and public relations tactics to escape from the trial with its monopoly intact. According to media accounts, experts, and my own research,

Microsoft spent tens of millions of dollars to attempt to create an aura outside the courtroom of what it could not prove inside—innocence. According to Business Week Magazine: ''Even seasoned Washington hands say they have never seen anything quite as flamboyant as the Microsoft effort.'' [3]

16. In late 2001, when the Department of Justice and a group of state Attorneys General agreed to the currently proposed settlement, it appeared as if Microsoft's efforts were successful. Fortunately, two obstacles stand in the way of Microsoft and the continued monopolization of the software industry: the remaining state Attorneys General who are continuing to litigate for a more effective remedy and the Tunney Act, which—among other things—requires Microsoft to divulge all of its dealings with the Administration and Congress in conjunction with the antitrust trial.

A. Campaign Contributions

17. In 1995, before the United States Department of Justice and state Attorneys General from 19 states and the District of Columbia brought an antitrust case against it, Microsoft had virtually no presence in Washington, DC The company had only one lobbyist working out of a Chevy Chase, Maryland sales office and had contributed less than $50,000 in the previous election cycle.[4] Its lobbyist, Jack Krumholtz, had no secretary and its PAC was financed by only $16,000. In those days, the Microsoft lobbying operation was affectionately referred to in press reports as ''Jack and his Jeep.''

18. However, since the beginning of the antitrust case against Microsoft, the company has become a major political contributor and was the fifth largest during the 2000 election cycle,[5] alongside the giants of the tobacco, telecommunications, pharmaceuticals and insurance industries. Microsoft's political contributions to elected leaders in a position to help the software giant in this election cycle when the trial was at its peak, was greater than all previous, cumulative campaign contributions. In the history of American PACs, only three companies that have raised at least $50K in one election cycle have increased receipts by 500% in the next. In 1984–86, Drexel Burnham Lambert, the corrupt and now-defunct securities brokerage, increased its receipts from just under $67,000 to more than $446,000, a 567% jump. In that same cycle, AT&T, facing antitrust divestiture, increased its PAC receipts by 745%, from $215,000 to $1.8 million.

In the history of corporate PACs, only 68 have increased their spending by half in one election cycle after reaching a level of a quarter of a million dollars. Only 15 have doubled their spending in one election cycle after reaching that level. Only one—Microsoft—has approached tripling its spending after reaching that threshold. Microsoft increased its spending almost fivefold, from $267,000 to more than $1.2 million, between the 1997–98 and 1999–2000 election cycles. (Table 5.)

20. Every year, Microsoft tops itself. The company's political giving in the 2000 cycle—the time leading up to its day of judgment in federal court—was again more than it contributed in all previous cycles combined. Campaign money to candidates and political parties in just one state was greater than Microsoft's contributions from 1990 through 1996 to every state and federal candidate combined. (Note that the government first levied antitrust charges against Microsoft in 1995.)

Except for Microsoft, no corporate PAC sponsor in American history has increased its PAC receipts by an order of magnitude, starting from a base of $50,000 or more. Since 1986, the only such firm that has increased its PAC receipts by as much as 500% in one election cycle is Microsoft. Receipts for Microsoft's PAC rose a record-setting 903%, from $59,790 in 1995–96 to just under $600,000 in 1997–98. (Table 1.)

Microsoft followed this by another jump of 165% in 1999–2000, to $1.59 million. (Table 2.) In the history of corporate PACs, only 15 have had as much as a 300% rise in receipts after achieving a base of $50,000. (That requires rising from at least $50,000 to at least $200,000.) None has ever followed such a rise with another three-digit percentage increase in receipts, except Microsoft. (That would require a subsequent rise to at least $400,000.)

21. Between 1995 and 2000, Microsoft donated more than $3.5 million to federal candidates and to the national parties, about two-thirds of which was contributed during the 2000 election cycle alone.[6] Including company and employee donations to political parties, candidates and PACs in the 2000 election cycle, Microsoft's giving (that of the company, its PAC and its employees) amounted to more than $6.1 million, far more than has been previously reported.[7] Nearly $1 million came in the 40 days immediately before the November 7th election. As most political operatives know, these late contributions often are made by donors who don't want their participation known until after the election, when financial reports for the final days of a campaign are due, and public and news media attention are no longer focused upon the election. The effect of delaying contributions until very near the election is to thwart efforts by the news media and the political opposition to make disclosures meaningful to voters before they vote.

i. Federal Contributions

(a) ''Soft'' Money

22. Comprising the majority of Microsoft's campaign contributions was soft money.[8] Like their overall presence in Washington, Microsoft's soft money donations grew substantially since the beginning of the antitrust trial. In fact, in the seven days preceding Judge Thomas Penfield Jackson's ruling against Microsoft, the company donated more in soft money to the national political parties than it gave to federal candidates and political parties between 1989 and 1996.

23. During the 1999–2000 election cycle, Microsoft and its executives accounted for some $2,298,551 in ''soft money'' contributions, according to FEC records. For context, consider that this was two-thirds more than the $1,546,055 in soft money contributed by the now-bankrupt Enron and its executives during the same period.

As one business commentator put it: ''...there's something quite disturbing about watching the world's richest man trying to buy his way out of trouble with Uncle Sam... Gates's actions undermine the legal system itself.''[9]

(b) Political Action Committee (PAC) Money

24. Microsoft's PAC donations also grew substantially in the years since the beginning of the antitrust trial. In 1998, the company made a concerted effort to increase the size of its PAC. Within a matter of days, the company grew its PAC from $31,000 to $326,000.[10] Employees contributed $1.6 million to Microsoft's PAC for the 2000 election cycle which allowed the PAC to contribute more than $1.2 million.

The PAC began the 2002 election cycle with an impressive $772,000 cash-on-hand—more than any other American corporate PAC. Microsoft's unprecedented rise as a political player took its PAC from just under $60,000 in 199596 receipts to just under $1.6 million in 1999–2000. In the history of corporate PACs, only two have had a rise of more than 1,000% in receipts over four years (two election cycles), after attaining $50,000. Only one, Microsoft, has had an increase of more than 2,000%. From 1995–96 through 1999–2000, Microsoft's PAC increased in size by more than 2,500%. (Table 4.)

(c) Party Breakdown

25. While Microsoft has donated to both national political parties, the company has tended to favor Republicans, who have been more vocal in their defense of the company. Between 1995 and 1998, 72% of Microsoft's contributions went to Republicans, while the GOP received only 55% of the company's donations during the 2000 election cycle.[11] Republicans received a total of $3.2 million, about half of which—$1.69 million—went to the national Republican Party.

26. Yet, when analyzing Microsoft's campaign contributions by donating entity, some stark disparities emerge. Virtually all of the money donated by individual Microsoft employees ($222,750) benefited Democratic 527s, groups that raise and spend money independent of political campaigns During this same period Microsoft employees gave $15,000 to Republican affiliated 527s. Democratic PACs also benefited from Microsoft's employees largesse, receiving $222,100 compared to just $42,875 for Republican PACs.

27. But Republicans enjoyed an edge in every other category; the majority of

[3] BusinessWeek, May 15, 2000, Carney

[4] ''The Microsoft Playbook'' Common Cause

[5] San Francisco Chronicle, July 1,2001, Wildermuth

[6] Common Cause

[7] Independent analysis of giving to elective office candidates and political parties and PACs federally and in all 50 states.

[8] ''Soft'' money is the term generally applied to unregulated, unlimited corporate and individual contributions that can not go to candidates but typically goes to political parties in support of party ''efforts.''

[9] BusinessWeek, April 24, 2000, France

[10] ibid.

[11] ibid.

donations to leadership PACs, state parties and candidates went to the Republican Party. The following table illustrates the disparity.

	Republican	Democrat
Leadership PACs	$162,000	$41,500
State Parties	$255,025	$38,887
Candidates	$1,053,792	$818,951

(ii) State Contributions

28. Along with the Department of Justice, 19 states and the District of Columbia initially prosecuted Microsoft. Naturally, then, Microsoft concentrated a good deal of its campaign contributions on state races.

29. Candidates and political parties in all 50 states received contributions from Microsoft, but none more so than the company's home state of Washington, which received $830,478. Republicans received $359,000 while $458,000 went to Democrats. Nearly all of the $100,000 edge for the Democrats came from contributions to the State Democratic Party, which totaled $85,387.

30. One of the original states participating in the suit was South Carolina, whose attorney general, Charles Condon, was facing re-election in 1998. Shortly before the election, Microsoft contributed $25,000 to the South Carolina Republican Party. According to the Chairman of the South Carolina Republican Party this was the largest unsolicited donation ever received. Three weeks after he won,

Attorney General Condon withdrew from the antitrust case. Two years ago, Condon solicited and received a $3,500 donation from Microsoft.[12]

31. In California, a state represented by Attorney General Bill Lockyer, Microsoft contributed $25,000 to the 1998 election campaign for challenger Dave Stirling, a Republican; a contribution made nine days before election day. The company contributed an additional $10,000 to gubernatorial democratic candidate Gray Davis, whose opponent was among the original 19 state attorneys general to bring the antitrust suit against Microsoft.

32. Within weeks of the 2000 election, Microsoft CEO Steve Ballmer made late contributions of $50,000 each to two state Republican Parties, Michigan and Washington, where Microsoft found its defenders under fire. Then U.S. Senator Spencer Abraham, a Michigan Republican who is now Secretary of Energy, had been an outspoken supporter of Microsoft. Former U.S. Senator Slade Gorton, a Washington state Republican, who proudly called himself ''the Senator from Microsoft'' had even sought to cut the funding of the Justice Department's Antitrust Division while the court case was ongoing.

33. Microsoft used back channels to direct even more undisclosed soft money into the 2000 Michigan Senate race. According to The Wall Street Journal, Microsoft ''funneled'' soft money into the race by secretly making undisclosed contributions to the Michigan Chamber of Commerce to fund negative ads aimed at Abraham's opponent, now U.S. Senator Deborah Stabenow. Some close to the Chamber have estimated that the contributions, while legal and not requiring reporting, may have amounted to more than $250,000.[13] Such contributions are usually made to organizations to support the organization's activities, not political ads—which is why there is no disclosure requirement. Microsoft knew this and took advantage of the loophole in Michigan. Political operatives throughout the country reported similar occurrences in other political races considered ''top targets'' by both national parties, but efforts to gain access to contributor lists from some of the ''independent'' groups believed to be accepting the contributions have unsuccessful.

34. Significant contributions were also made in Missouri by Microsoft to help re-elect Senator John Ashcroft, the current U.S. Attorney General. Missouri was another state where independent groups without significant resources of their own suddenly were flush with money to run ads defending Ashcroft and attacking his opponent. Ashcroft, whose campaign benefited greatly from Microsoft's disclosed campaign contributions—$19,000 in reported donations—lost his election bid. He now runs the federal executive department responsible for proposing the settlement offer, and his office is now staffed with political operatives who played a role in raising the $19,000 from Microsoft, coordinating his campaign efforts with those of Microsoft in Missouri, and in one case, directing the entire Republican National Committee fundraising and political campaign operation in the 2000 election cycle.

35. Deborah Senn, the Democratic primary opponent of Washington State Senator Cantwell, received $15,000 more from Microsoft than did Cantwell who received $30,150. This total, however, dwarfs the money poured into now-former Senator Gorton's campaign—$131,160. Only Democratic Congressman Jay Inslee's total of $126,850 comes close to that of former Senator Gorton. Congressman Inslee represents Microsoft's home district, and defends the company vigorously in Washington, DC

36. In addition to those in Washington State, candidates or parties in three other states received contributions totaling six figures. California was second at $174,900 with virtually the entire amount going to Leadership PACs—Members'' PACs that contribute money to other allied candidates—and directly to Members of Congress. Texas was third at $107,250 although this amount does not include contributions to the Bush/Cheney campaign. This was an unusually large amount for the state when compared to previous giving patterns.

37. While Microsoft contributed $100,000 to the Bush/Cheney Inaugural Committee in January 2001, virtually all contributions to presidential campaigns were made prior to July 3 1st, with the exception of contributions to Libertarian Party candidate Harry Browne's campaign. (This is presumably because, to be eligible for federal matching funds for the primaries and federal funding for the general election, major party candidates receiving are not allowed to solicit or receive campaign contributions after they are nominated at their conventions.) Only four primary presidential candidates received contributions greater than $10,000: Bill Bradley, $33,400; George Bush, $57,300; A1 Gore, $28,000, John McCain $39,448.

Table 1. Candidates & Organizations Receiving $10,000 or more from Microsoft

Following is a breakdown of Microsoft's contributions of more than $10,000 to candidates and organizations during the 2000 election cycle.

Abraham for Senate $24,650.00
Kerrey for US Senate $10,000.00
Adam Smith for Congress $31,750.00
Leadership PAC 2000 (Oxley) $10,000.00
American Success PAC (Drier) $11,750.00
Majority Leader's Fund (Armey) $11,000.00
Ashcroft (combined) $19,250.00
McCain 2000 $39,448.00
Bill Bradley for President $33,400.00
Mcntosh for Governor $25,000.00
Brian Baird for Congress $38,400.00
Michigan Republican State Cite. $50,000.00
Bush for President $57,300.00
Montana Republican State Ctte. $10,000.00
Bush/Cheney Inaugural $100,000.00
NDN $38,750.00
California FriendsLatino PAC $10,000.00
New Majority Project $15,000.00
California Women Vote $10,000.00
New York Senate 2000 $40,000.00
Cantwell 2000 $30,150.00
NW Leadership PAC (Gorton) $17,000.00
Citizens for Rick Larsen $35,600.00
Republican Party $1,691,090.50
DASHPAC $10,000.00
Republican Campaign Committee of New Mexico $33,492.48
Democratic Party $1,300,892.00
Republican Majority Fund Don Nickles) $15,000.00
Democratic Party of Georgia $20,000.00
Republican Party of Virginia $12,000.00
Dooley for Congress $10,500.00
Republican Senate Council $15,000.00
EMILY's List $176,600.00
Santorum 2000 $11,000.00
Ensign for Senate $10,000.00
Senn 2000 $45,651.00
Feinstein 2000 $12,000.00
Snowe for Senate $10,000.00
Friends for Slade Gorton $131,160.00
TechNet $10,000.00
Friends of Conrad Bums $15,250.00
Utah Republican Party $29,383.00
Friends of Heidi $16,300.00
Washington State Democratic Central Committee $30,387.00
Friends of Jennifer Dunn $14,700.00
Washington State Republican Party $104,150.00
Gore for President $28,000.00
Washington Victory Committee 1999 $35,500.00
Inslee for Congress $126,850.00
Washington Victory Fund $55,000.00

[12] USA Today, 5–30–00, Ullman, Drinkard

[13] Wall Street Journal, Oct. 16, 2000, Wilke

Jim Davis for Congress $17,250.00
Washington Women Vote $11,000.00
Jon Kyl for Senate $11,000.00
Western Republican PAC $10,000.00
Kennedy for Senate $12,000.00
Women Vote 2000 $100,000.00

B. ''Strategic'' Philanthropy

38. Microsoft has also contributed money to the causes of politicians as yet another method to use donations, political in nature, to garner support and ultimately influence the outcome of the trial.

39. According to USA Today, Microsoft and the philanthropic arm of its founder and chairman, the Bill and Melinda Gates Foundation, ''donate millions of dollars to causes and projects that are dear to the hearts of government policymakers, such as a $50,000 gift to the Congressional Black Caucus Foundation.[14] Shortly after the donation to the CBC, according to Business Week, Microsoft gained an unlikely ally in the Caucus chairman, Representative James E. Clyburn (DSC), ''who represents one of the least technology-rich districts in the country.''[15] In addition, a timely $10 million gift to the U.S. Capitol Visitor's Center further endeared Microsoft to many Members of Congress.

40. Yet the strategic philanthropy began long before the 2000 election cycle. According to the Gates Foundation web site, there was a three-year hiatus in philanthropic giving between 1995 and 1998. Curiously, the last donation in 1995 occurred just prior to the signing of the 1995 consent decree and the first donation in 1998 occurred the day prior to the Department of Justice filing its antitrust suit against Microsoft.

c. Lobbying

41. In addition to the millions Microsoft spent on campaign contributions, the company spent millions more lobbying Congress, the Administration and state officials to influence the outcome of the antitrust trial. Much like its campaign contributions, the company's lobbying presence in Washington has grown significantly in the last few years, its growth accelerating rapidly at the outset of the antitrust trial. Once just Jack Krumholtz, the company's lobbying group now employs 40 people in Redmond and Washington. The company has hired a dozen lobbying firms and counts among its consultants and lobbyists some of the most prominent figures in politics. A company with 30,000 employees, Microsoft has more lobbyists on retainer than the handful of U.S. companies with more than 300,000 employees. According to USA Today, ''in 1996, the company spent $1.2 million on its Washington lobbying operations. [In 1999], that figure topped $4.6 million.'' According to Business Week in reference to the company's political spending, ''These days, Microsoft money flows like champagne at a wedding.''[16] Some of the biggest names in Washington going back 30 years represent Microsoft—many are former bosses of the people they lobby. There are more than a half-dozen former Members of Congress, four former White House Chief Counsels, countless dozens of former senior aides from the Congress, Justice Department and elsewhere throughout the highest levels of government.

i. Lobbying the Administration

42. Since the inauguration of George W. Bush in January 2001, Microsoft has made a concerted effort to strengthen its ties to the Administration. The Administration's decision to agree to a settlement widely accepted to be ineffective calls into question the nature of such ties.

43. Prior to the announcement of the settlement, for example, it has been reported there was an inappropriate, if not illegal, discussion between a senior aide to Attorney General John Ashcroft and a lobbyist for AOL-Time Warner.

44. According to the account in the New York Times, the senior aide to General Ashcroft is David Israelite. Israelite was the political director of the Republican National Committee which received more than a million dollars from Microsoft during the 2000 presidential campaign. In that role, Mr. Israelite directed fundraising operations and coordinated campaign activities between entities like Microsoft and the national party apparatus. Now General Ashcroft's deputy chief of staff in the Office of the Attorney General, Mr. Israelite recused himself from the case as a result of his ownership of 100 shares of Microsoft stock.

45. The Times wrote, ''According to the notes of a person briefed about the conversation on Oct. 9, the day it is said to have occurred, Mr. Israelite called [AOL lobbyist] Mr. [Wayne] Berman. ''Are you guys behind this business of the states hiring their own lawyers in the Microsoft case?'' Mr. Israelite asked Mr. Berman in the predawn conversation, according to the notes. 'Tell your clients we wouldn't be too happy about that.''

46. Israelite allegedly said on that call that the Supreme Court was soon to deny Microsoft's appeal, which would prompt the Department of Justice to seek a settlement. He was reported to have complained that AOL was ''radicalizing'' the states.[7] While the conversation was confirmed, the participants denied the content of the conversation. Still, it was enough to provoke angry responses from the technology industry and an accusation of ''inappropriate and possibly illegal'' conduct from a key House Democrat, Congressman John Conyers, Ranking Democratic Member of the House Judiciary Committee. In a letter to Attorney General Ashcroft, Rep. Conyers asked for more information about Israelite's alleged contacts with Berman, specifically asking for a list of contacts between Israelite and AOL officials. ''If the allegations reported by the media are true, such active involvement by a recused public official could violate federal conflict of interest laws,'' Conyers wrote.[18]

ii. Lobbying on the Campaign Trail

47. Mirroring its political giving strategy, Microsoft's lobbying strategy has focused mainly on Republicans, while hedging its bets and simultaneously courting Democrats to a slightly lesser extent.

48. During the campaign, Microsoft Chairman Bill Gates was asked if a Republican administration would be a positive development for the company. It would ''help,'' he said[19] After all, before Judge Jackson ruled against Microsoft, then Governor Bush was quoted as saying that he stood ''on the side of innovation, not litigation.''

49. In fact, according to Newsweek Magazine, Bill Gates's visit to then Governor Bush in Austin was ''part of a delicate political dance between the software giant and the Republican Party .... Dollar signs in their eyes, GOP leaders covet big political contributions from Microsoft's coffers. In turn, Microsoft executives, plagued by the Clinton Justice Department's lawsuit, hope that a Republican president and Congress might shut down the efforts to punish the company.''

50. A number of other Microsoft executives, lobbyists and other paid counsel lead back to the Bush camp. The company's Chief Operating Officer, Steve Ballmer, served then Governor Bush as a technology adviser. Tony Feather, former Bush political director, is a partner with a Republican consulting firm Microsoft hired to manage grassroots lobbying efforts. And Microsoft has paid lobbyist and former head of the Republican Party Haley Barbour hundreds of thousands of dollars to assist the company in Washington. The company has also hired Vin Weber, a former Republican Congressman, and Michael Deaver, the former White House chief of staff and trusted adviser credited with crafting President Ronald Reagan's image and campaign advertisements in the 1980s.

51. In addition, Microsoft retained the services of Ralph Reed's Century Strategies ''for the stated purpose of improving the company's public image.''[20] Reed's firm—a paid consultant to the Bush campaign—aimed itself at mobilizing Bush supporters to express to the candidate their dissatisfaction with the antitrust trial. Once it was reported in the New York Times, the firm issued an apology. The Wall Street Journal later reported more on Ralph Reed's lobbying efforts on Microsoft's behalf:

''BOUNTY PAYMENTS are offered for pro-Microsoft letters and calls.

Republican Ralph Reed's lobbying firm coordinates a network of public-relations and lobbying partners that generates grass-roots comments for cash. Payments are for letters, calls and visits to lawmakers and policy makers. An e-mail offers sample letters opposing a Microsoft breakup. A letter to a member of Congress from a mayor or local Republican Party official is worth $200, the guidelines say. A ''premier'' letter or visit by a fund-raiser known to the lawmaker or a family member can be worth up to $450 apiece. An op-ed piece in local papers fetches $500.''[21]

52. Microsoft was lobbying the Democratic side as well. Like its team of Republican all-

[14] USA Today, May 30, 2000, Drinkard, Ullman

[15] BusinessWeek, May 15, 2000, Carney, Borrus, Greene

[16] ibid.

[17] New York Times, Nov. 2, 2001

[18] The Kansas City Star, Nov. 8, 2000, Kraske

[19] Common Cause, ''The Microsoft Playbook''

[20] ibid.

[21] WSJ, Oct. 20, 2000

stars, Microsoft's team of Democrats had very close ties to its party as well. The team included ''super lobbyist'' Tommy Boggs, a top Washington insider with deep Democratic ties, Tom Downey, a former Democratic Congressman with close ties to former Vice President A1 Gore, and Craig Smith, former campaign manager for Gore and board member of the Microsoft front group, Americans for Technology Leadership. As a board member of the ATL, Smith wrote to the Democratic National Committee urging his fellow party members to abandon support for the antitrust case, citing that support ''would make us vulnerable to attack in the general election.'' [22]

53. The company also hired Ginny Terzano, former Gore press secretary, and tobacco industry ad man Carter Eskew, a former Gore adviser-cum-Microsoft image consultant who helped craft the company's 1999 advertising campaign aimed at bolstering its reputation as a ''good corporate citizen.'' Also retained by Microsoft was super-lobbyist Jack Quinn, former Chief of Staff to Vice President A1 Gore and White House Counsel.

iii. Lobbying Capitol Hill

54. But Microsoft did not focus solely on lobbying those who would soon be in control of the Department of Justice. Microsoft also waged a massive lobbying campaign aimed at Congress.

55. Alongside its Administration-oriented team, Microsoft recruited more lobbyists and consultants with ties to Members of Congress on both sides of the aisle. Republican hires included Allison McSlarrow, former deputy chief of staff to Senate Majority Leader Trent Lott, Ed Kutler, former assistant to then Speaker of the House Newt Gingrich, Mitch Bainwol, former chief of staff to the Senate Republican Caucus and the Republcian National Committee, Kerry Knott, former chief of staff to House Majority Leader Richard Armey, Ed Gillespie, former Armey and Republican National Committee communications director, and Mimi Simoneaux, former legislative director to House Commerce Committee Chairman Billy Tauzin, who was then-chairman of the House subcommittee with jurisdiction over the technology industry.

56. Among the Democrats lobbying on behalf of Microsoft were Jamie Houton, former associate director of the Senate Democratic Steering Committee, former Democratic Representative Vic Fazio, the third-highest ranking House Democrat, and his former top staffer Tom Jurkovich.

57. Despite Microsoft's assertion in its mere three-page Tunney Act disclosure filing, the company has incessantly used its tremendous resources to contact and influence Members of Congress. Over the course of a 16-month period beginning in 1999, Microsoft flew at least 130 Members of Congress or their staff to the company's headquarters in Redmond, Washington to lobby on a number of issues, including the antitrust case.

58. Perhaps the most egregious example of its heavy-handed largesse came in late 1999, when Microsoft lobbied Congress to cut $9 million from the budget for the Department of Justice's Antitrust Division, the very body that was leading the prosecution against Microsoft. Pilloried industries like the gun and tobacco had considered and rejected the strategy as overly bold.

59. According to the Washington Post, ''Nonprofit organizations that receive financial support from [Microsoft] have also urged key congressional appropriators to limit spending for the division .... The non profits made their request in a letter last month after an all-expenses-paid trip to Microsoft headquarters in Redmond, Washington, where they were entertained and briefed on an array of issues facing the company.'' Further discussion follows in the next section entitled ''Front Groups.''

60. After the previously secret letters from these non-profit groups were exposed, news of the attempts received widespread bipartisan criticism from media and politicians alike. House Judiciary Committee Chairman Henry Hyde (R–IL), called the division ''one of the best-run departments in the government.'' Senator Herb Kohl, a Democrat on the Senate Judiciary Committee's antitrust subcommittee, said ''it would set [a] terrible precedent to alter the division's budget based on one case alone.'' [23] ''It's like the Mafia trying to defund the FBI,'' said a prominent member of the Washington antitrust bar? According to Jan McDavid, a lawyer with the Washington firm of Hogan & Hartson and chairperson of the American Bar Association antitrust section, the section's policy states that it ''opposes the use of the congressional budget and appropriations process to intervene in or influence ongoing antitrust enforcement matters.'' [24]One congressional GOP staffer went as far as to say that Microsoft's lobbying had ''the odor of obstruction.'' [25]

61. Not surprisingly, Senator Slade Gorton, a Republican from Microsoft's home state of Washington, was adamantly supportive of the idea. Between 1997 and 1999, he received more than $50,000 from Microsoft and its employees. During the 2000 election cycle, Gorton's PAC received $17,000 while the Washington State Republican Party received more than $100,000. iv. Lobbying the States

62. Because 19 state attorneys general initiated the antitrust case alongside the Department of Justice, Microsoft initiated a state lobbying campaign aimed at influencing those attorneys general to back away from the case. Microsoft even hired former Iowa House Speaker Donald Avenson to lobby the state's Attorney General, who was leading the group of states prosecuting the company. While Microsoft has retained professional ''grassroots consultants'' and others in many states, according to published reports, it is their efforts in the 19 states with Attorneys General who brought suit against them where the real pressure has occurred. In those states they have retained former lawmakers, law partners of the Attorneys General, their predecessors in that same office, business associates, and their own trusted political consultants. Microsoft has also hired those on whom the AGs are often most politically dependent, such as union leaders and activists in states with Democratic Attorneys General, and fiscally conservative activists in state with Republican AGs.

63. Perhaps the company's most successful effort to influence the state attorneys general came in 1998, when, three days after a $25,000 contribution to the South Carolina Republican Party, the state's Attorney General, Charles Condon, announced that he would withdraw from the case.

64. Yet, a few of its grassroots efforts targeted at the states have done more harm than good. Because of the unprecedented size, scope and cost of Microsoft's campaign, a number of high profile gaffes have exhibited the true nature of Microsoft's ''public support'' and the depths to which the company will go to influence the outcome of the trial.

65. In August 2001, the Los Angeles Times reported that two letters received by the Utah Attorney General's office, one of the prosecuting states, were sent by dead men. The campaign was funded by Craig Smith's Americans for Technology Leadership. Despite its claims to represent ''thousands of small and mid-sized technology companies,'' news reports have repeatedly characterized ATL and its counterpart, the Association for Competitive Technology (ACT) as essentially wholly-owned subsidiaries of Microsoft Corp., whose funding launched and sustains both groups.[26] Other characteristics of the letter writing campaign to the Attorneys General included similar phrases popping up again and again, invalid return addresses, and even masses of identical letters with different signatories.

66. In one news story, Jim Prendergast, director of ATL, initially admitted only to providing letter writers with ''message points.'' ''We gave them a few bullet points, but that's about the extent of it,'' he said. When asked why identical phrases were popping up again and again, he confessed that sometimes ATL did indeed provide whole letters for the citizens to sign and send. ''We'd write the letter and then send it to them,'' he admitted.

67. According to the same article, other states, like Minnesota and Iowa, were subjected to Microsoft's full-press grassroots lobbying campaign. Both states are participants in the antitrust case. In the case of Iowa, Attorney General Tom Miller received more than 50 letters in a month's time calling on him to drop the case. While none of the letters were identical, several phrases were similar. In four of the letters, for example, the following sentence appeared: ''Strong competition and innovation have been the twin hallmarks of the technology industry.'' Three others contained this sentence: ''If the future is going to be as

[22] Common Cause, ''The Microsoft Playbook''

[23] Reuters, Oct. 17, 1999, Lawsky

[24] ibid.

[25] WSJ, Oct. 15, 1999

[26] ''Microsoft's All-Out Counterattack.'' Dan Carney, with Amy Borrus. BusinessWeek May 15, 2000; ''Microsoft's Lobbying Largess Pays Off; Back-Channel Effort Wins Support for Case.'' James V. Grimaldi. Washington Post May 17, 2000; ''Microsoft leans creatively on levers of political power as breakup decision looms, 'stealth'' lobbying efforts aim for survival.'' Jim Drinkard and Owen Ullmann. USA Today May 30, 2000

successful as the recent past, the technology sector must remain free from excess regulation.'' [27]

68. Minnesota Attorney General Michael Hatch, who received 300 identical letters, characterized the campaign as ''sleazy.'' Many of the letter writers were misled by Microsoft and one even wrote by hand to Attorney General Hatch to say so and to apologize for his previous letter. ''I sure was misled,'' he wrote. ''It's time for you to get out there and kick butt.'' [28]

vi. Tying Up the Lobbyists and Lawyers

69. A frequently employed tactic of Microsoft is to retain all major lobbying firms in key states so that its opposition cannot. Similarly, the company has hired many Washington, DC-based law firms with antitrust expertise to work on issues not related to the antitrust case. ''They've got the whole town conflicted out,'' said one attorney. ''They've sucked out all the oxygen.'' [29]

D. Front Groups

70. Supporting its political contributions and lobbying campaign, Microsoft undertook an aggressive public relations campaign aimed at ''creating the appearance of a groundswell of public support for the company.'' [30]

71. In April 1998, a reporter for the Los Angeles Times received a package of confidential materials created by Edelman Public Relations for its client, Microsoft. Among the documents was a media relations strategy for a ''multi-million dollar'' campaign aimed at stemming the rash of antitrust investigations being undertaken by a number of states in conjunction with the federal government's investigation. According to the reporters, Greg Miller and Leslie Helm, ''the elaborate plan ... hinges on a number of unusual—and some say unethical—tactics, including the planting of articles, letters to the editor and opinion pieces to be commissioned by Microsoft's top media handlers but presented by local firms as spontaneous testimonials.'' [31] While Microsoft contends that this strategy was never implemented, a number of the company's activities since the outset of the trial clearly indicate that most of the elements have been employed, at times repeatedly.

72. Throughout the antitrust trial, Microsoft relied heavily on many ''independent'' groups to support the company and to oppose the suit publicly. Some groups they created themselves out of whole cloth during the trial. Others sullied their long, distinguished backgrounds by trading hard cash for the use of their good names. Many denied any involvement with Microsoft, claiming that their passion came from concern for the economy or ''innovation''—only to later be unmasked by the news media when evidence of their financial dealings with Microsoft came to light. One account suggests Microsoft has harnessed at least 15 advocacy groups and think tanks that use Microsoft donations to spread the company's message through polls, news conferences, Web sites, letters to the editor, research papers, opinion pieces and letter-writing campaigns aimed at lawmakers. [32]

73. Groups with names like Americans for Technology Leadership and the Association for Competitive Technology had the veneer of genuine independence, but were actually founded by Microsoft, launched with Microsoft dollars, and work on few other issues than the defense of Microsoft in its antitrust trial.

74. Even well known Washington, DC organizations with strong ties to the Administration and to Congress were well funded by Microsoft—respected fiscally conservative groups like Grover Norquist's Americans for Tax Reform, former White House Counsel C. Boyden Grey's Citizens for a Sound Economy, the National Taxpayers Union and Citizens Against Government Waste. But upon closer scrutiny, the true ties of these groups to Microsoft became apparent. By paying for pro-Microsoft advertisements, by sponsoring publications, by donating money outright, Microsoft both ensured and devalued their support.

75. According to Business Week, Microsoft ''secretly funds those that do its public-relations work and pulls funding from those that dare question its positions.'' [33] On one such occasion, Microsoft pulled funding from the American Enterprise Institute once one of its fellows, Robert Bork, came out in favor of the antitrust trial even though the institute itself has no position on the trial and many of its technical and antitrust experts have expressed their opposition to the case. In another case, they quit a technology industry trade group, the Software and Information Industry Association, because a majority of its members supported the antitrust case.

i. Independent Institute

76. In one instance, Microsoft paid for the placement of newspaper advertisements by the California-based Independent Institute. Published in June 1999 in the New York Times and the Washington Post, the full-page ads featured a pro-Microsoft letter signed by 240 academics. Nothing in the ad's copy indicated to readers who—other than the Institute itself- was paying for the ads. Apparently, no one at the Independent Institute indicated to the letter's 240 signatories who was paying for the ad either. One signatory, Professor Simon Hakim of Temple University, stated that he would not have signed on to the advertisement had he known who was behind it.[34]

77. At a Washington, DC press conference unveiling the ads, Independent Institute president David Theroux answered a reporter's specific question about whether Microsoft had anything to do with the ads, including paying for them, with a resounding ''no.'' When questioned months later by the New York Times, Theroux again denied that Microsoft paid for the ads. He said, instead, that the ads ''were paid for out of our general funds.'' He also said the ''implication that Microsoft had any influence is ridiculous.'' [35] But, according to a front-page article later written in the New York Times, ''among the institute's internal documents is a bill from Mr. Theroux sent to John A. C. Kelly of Microsoft for the full costs of the ads, plus his travel expenses from San Francisco to Washington for the news conference, totaling $153,868.67. Included was a $5,966 bill for airline tickets for himself (Theroux) and a colleague. Unfortunately, he wrote Mr. Kelly, 'the airlines were heavily booked'' and 'we had to fly first class to DC and business class on the return.''' Furthermore, despite additional statements from its president that it ''adheres to the highest standards of independent scholarly inquiry,'' internal institute documents have shown that, having contributed more than $200,000, or 20% of the institute's total outside contributions, Microsoft ''secretly served as the institute's largest outside benefactor [in 1999].'' [36] It wasn't until September that the institute finally admitted the extent of Microsoft's support.

78. In these instances, as in others, Microsoft's behavior outside the courtroom had a direct impact on the proceedings inside the courtroom. According to the New York Times, the ads prompted not only more news stories but also courtroom discussion.[37] Microsoft also covered the costs of the publication of the institute's book, ''Winners, Losers and Microsoft: Competition and Antitrust in High Technology,'' which Microsoft's economic witness in the trial then used to support his own testimony.

ii. Biased Polling

79. According to Business Week, Microsoft has also commissioned polls to help foster an image of great public support for the company. At the outset of the 2000 presidential campaign, around the time of the Iowa caucus and the New Hampshire primary, Microsoft funded polls aimed at demonstrating the public's opposition to the antitrust case. Once the results were in, Microsoft distributed the results to the media in order to compel the candidates to incorporate their opposition to the case into their platform.

80. In addition, while the state Attorneys General were working through the spring on formulating a remedy, Microsoft front group Americans for Technology Leadership conducted and issued the results of a poll, which concluded that the public wanted the

[27] Los Angeles Times, August 23, 2001

[28] Los Angeles Times, August 23, 2001

[29] Business Week, May 15, 2000, Borrus, Carney, Greene

[30] ''Trust Us, We're Experts'' Sheldon Rampton and John Stauber, p. 8

[31] 31 ibid.

[32] USA TODAY, ''Microsoft leans creatively on levers of political power as breakup decision looms, 'stealth'' lobbying efforts aim for survival'' by Jim Drinkard and Owen Ullmann, May 30, 2000

[33] Business Week, May 15, 2000, Carney, Borrus, Greene

[34] I am aware there have been allegations that material relating to the Independent Institute was uncovered by Investigative Group International (IGI), allegedly retained by Oracle Corporation. My understanding of the circumstances indicates that employees of IGI's were terminated as a result of their actions. I have not reviewed those allegations specifically, since the subject of my review was defendant, Microsoft Corporation. Regardless, neither the Independent Institute nor Microsoft ever denied the validity of the claims after they were exposed.

[35] Associated Press, September 18, 1999

[36] New York Times, Sept. 19, 1999

[37] New York Times, Sept. 19, 1999

Attorneys General to focus their time and energy on other issues. In this case, Microsoft failed to disclose the nature of its relationship with ATL and the source of funding for the poll.

iii. Targeting the Antitrust Division of the Department of Justice

81. As stated above, one of Microsoft's most egregious attempts to use lobbying to influence the outcome of the antitrust trial came when the company lobbied to cut funding for the Antitrust Division of the Department of Justice. Microsoft funded a host of third parties to push forth its agenda.

82. In September 1999, the company flew representatives from about 15 major Washington, DC-based think tanks to Microsoft's Redmond, Washington headquarters ''for three days of briefings that included tickets to a Seattle Mariners game and dinner and entertainment at Seattle's Teatro ZinZani, according to an itinerary.'' [38] Among the groups were Citizens for a Sound Economy, the National Taxpayers Union and Americans for Tax Reform, whose president, Grover Norquist, received $40,000 in lobbying payments from Microsoft during the second half of 1998.

83. Two days after returning from the trip, those three groups and three others secretly sent a letter to House appropriators urging that the Antitrust Division receive the lowest amount of funding proposed. In a coordinated effort, on the same day one of Microsoft's own lobbyists, Kerry Knott, met with Rep. Dan Miller of Florida to urge him to grant the Antitrust Division the lower amount of funds. That meeting prompted Rep. Miller to write to the chairman of the House Appropriations Commerce, Justice, State and Judiciary Subcommittee that ''it would be a devastating blow to the high-tech industry and to our overall economy if the federal government succeeds in its efforts to regulate this industry through litigation.'' According to the Washington Post, ''Miller said that while he objects to the funding on fiscal grounds, he had not focused on it until Knott and Citizens for a Sound Economy spokeswoman Christin Tinsworth, a former Miller staffer, made their pitch just off the House floor.'' [39]

84. A Washington Post editorial summarized the propriety of the incident this way: ''[T]he fact that Microsoft has the right to lobby ... doesn't make the lobbying any less unseemly. If Microsoft has a gripe, it should make its complaint to the court hearing its case.'' [40]

III. CONCLUSIONS

85. The end result of Microsoft's unprecedented political campaign seems to have been rewarded by the weak settlement presented by the Department of Justice.

Respectfully Submitted,

Edward Roeder

January 28, 2002

APPENDIX A: Selected Tables

Table 1. Rapid Rises in Corporate PAC Fundraising, 1979–2002 (After Raising More than $50,000)

Microsoft Corporation Formed: 1987–88
Total Raised, 1995–96: $59,750
Total Raised, 1997–98: $599,568
Difference: $539,818 903 46% Rank: 1

American Telephone & Telegraph Co. Formed: 1983–84
Total Raised, 1983–84: $215,423
Total Raised, 1985–86: $1,820,621
Difference: $1,605,198 = 745 14% Rank: 2

Drexel Burnham Lambert Group, Inc. Formed: 1981–82
Total Raised, 1983–84: $66,844
Total Raised, 1985–86: $446,279
Difference: $379,435 = 567 64% Rank: 3

Safari Club International Formed: 1979–80
Total Raised, 1993=94: $94,149
Total Raised, 1995–96: $545,915
Difference: $451,766 = 479 84% Rank: 4

Fluor Corporation Formed: 1979–80
Total Raised, 1987–88: $87,236
Total Raised, 1989–90: $494,417
Difference: $407,181 = 466 76% Rank: 5

Dow Chemical, USA—HQ Formed: 1979–80
Total Raised, 1995–96: $60,290
Total Raised, 1997–98: $331,286
Difference: $270,996 = 449 49% Rank: 6

Lucent Technologies, Inc. Formed: 1995–96
Total Raised, 1995–96: $87,568
Total Raised, 1997–98: $464,592
Difference: $377,024 = 430 55% Rank: 7

Nat'l Star Route Mail Contractors Ass'n Formed: 1981–82
Total Raised, 1995–96: $63,512
Total Raised, 1983–84: $313,609
Difference: $250,097 = 393 78% Rank: 8

Eastern Airlines, Inc. Formed: 1979–80
Total Raised, 1985–86: $53,309
Total Raised, 1987–88: $243,529
Difference: $190,220 = 356 83% Rank: 9

Pacific Telesis Group Formed: 1979–80
Total Raised, 1981–82: $65,538
Total Raised, 1983–84: $280,183
Difference: $214,645 = 327 51% Rank: 10

Henley Group/Wheelabrator Technologies, Inc. Formed: 1979–80
Total Raised, 1985–86: $89,255
Total Raised, 1987–88: $380,102
Difference: $290,847 = 325 86% Rank: 11

Firstar (First Wisconsin) Corp. Formed: 1979–80
Total Raised, 1997–98: $113,743
Total Raised, 1999–00: $480,239
Difference: $366,496 = 322 21% Rank: 12

U.S. West, Inc. Formed: 1983–84
Total Raised, 1987–88: $123,767
Total Raised, 1989–90: $521,886
Difference: $398,119 = 321 67% Rank: 13

CSX Corp.—Jeffboat Formed: 1981–82
Total Raised, 1997–98: $74,125
Total Raised, 1999–00: $303,763
Difference: $229,638 = 309 80% Rank: 14

J. P. Morgan & Company, Inc. Formed: 1979–80
Total Raised, 1983–84: $68,569
Total Raised, 1985–86: $274,515
Difference: $205,946 = 300 35% Rank: 15

Source: Computer analysis by Sunshine Press Services of Federal Election Commission data, Jan. 1, 1979 through Dec. 31, 2000.

Table 2. Continued Rises in Corporate PAC Fundraising, 1979–2002 Following Rapid Rise of

More than 300% from a base of $50,000+(Ranked by Percentage Rise in Next Election Cycle)

Microsoft Corporation Formed: 1987–88
Total Raised, 1995–96: $59,750
Total Raised, 1997–98: $599,568
Difference: $539,818 = 903.46%
Next Cycle: 1999–88
Total Raised: $1,589,684
Difference: $990,116 = 165.14% Rank: 1

J. P. Morgan & Company, Inc. Formed: 1979–80
Total Raised, 1983–84: $68,569
Total Raised, 1985–86: $274,515
Difference: $205,946 = 300.35%
Next Cycle: 1987–88
Total Raised: $514,285
Difference: $239,770 = 87.34% Rank: 2

American Telephone & Telegraph Co. Formed: 1983–84
Total Raised, 1983–84: $215,423
Total Raised, 1985–86: $1,820,621
Difference: $1,605,198 = 745.14%
Next Cycle: 1987–88
Total Raised: $3,043,510
Difference: $1,222,889 = 67.17% Rank: 3

U.S. West, Inc. Formed: 1983–84
Total Raised, 1987–88: $123,767
Total Raised, 1989–90: $521,886
Difference: $398,119 = 321.67%
Next Cycle: 1991- 88
Total Raised: $734,130
Difference: $212,244 = 40.67% Rank: 4

Pacific Telesis Group Formed: 1979–80
Total Raised, 1981–82: $65,538
Total Raised, 1983–84: $280,183
Difference: $214,645 = 327.51%
Next Cycle: 1985–86
Total Raised: $364,113
Difference: $83,930 = 29.96% Rank: 5

Fluor Corporation Formed: 1979–80
Total Raised, 1987–88: $87,236
Total Raised, 1989–90: $494,417
Difference: $407,181 = 466.76%
Next Cycle: 1991–92
Total Raised: $610,142
Difference: $115,725 = 23.41% Rank: 6

Nat'l Star Route Mail Contractors Ass'n Formed: 1981–82
Total Raised, 1995–96: $63,512
Total Raised, 1983–84: $313,609
Difference: $250,097 = 393.78%
Next Cycle: 1985–86
Total Raised: $43,468
Difference: $2,269 = 5.51% Rank: 7

Firstar (First Wisconsin) Corp. Formed: 1979–80
Total Raised, 1997–98: $113,743
Total Raised, 1999–00: $480,239
Difference: $366,496 = 322.21%
Next Cycle: (data incomplete, cycle now in progress)

CSX Corp.—Jeffboat Formed: 1981–82
Total Raised, 1997–98: $74,125
Total Raised, 1999–00: $303,763
Difference: $229,638 = 309.80%
Next Cycle: (data incomplete, cycle now in progress)

Dow Chemical, USA—HQ Formed: 1979–80
Total Raised, 1995–96: $60,290
Total Raised, 1997–98: $331,286
Difference: $270,996 = 449.49%
Next Cycle: 1999–00
Total Raised: $279,618
Difference: $-51,668 = -15.60% Rank: 10

[38] The Washington Post, Oct. 15, 1999, Morgan, Eilperin

[39] ibid.

[40] Washington Post, Oct. 24, 1999

Lucent Technologies, Inc. Formed: 1995–96
Total Raised, 1995–96: $87,568
Total Raised, 1997–98: $464,592
Difference: $377,024 = 430.55%
Next Cycle: 1999–00
Total Raised: $343,462
Difference: $-121,130 = -26.07% Rank: 11
Drexel Burnham Lambert Group, Inc. Formed: 1981–82
Total Raised, 1983–84: $66,844
Total Raised, 1985–86: $446,279
Difference: $379,435 = 567.64%
Next Cycle: 1987–88
Total Raised: $310,188
Difference: $-136,091 = -30.49% Rank: 12
Safari Club International Formed: 1979–80
Total Raised, 1993=94: $94,149
Total Raised, 1995–96: $545,915
Difference: $451,766 = 479.84%
Next Cycle: 1997–98
Total Raised: $378,078
Difference: $-167,837 = -30.74% Rank: 13
Eastern Airlines, Inc. Formed: 1979–80
Total Raised, 1985–86: $53,309
Total Raised, 1987–88: $243,529
Difference: $190,220 = 356.83%
Next Cycle: 1989–90
Total Raised: $105,734
Difference: $-137,795 = -56.58% Rank: 14
Henley Group/Wheelabrator Technologies, Formed: 1979–80
Total Raised, 1985–86: $89,255
Total Raised, 1987–88: $380,102
Difference: $290,847 = 325.86%
Next Cycle: 1989–90
Total Raised: $141,072
Difference: $-239,030 = -62.89% Rank: 15
Source: Computer analysis by Sunshine Press Services of Federal Election Commission data, Jan. 1, 1979 through Dec. 31, 2000.

Table 3. Largest Cash Balances at end of 1999–2000 Election Cycle American Corporate PACs

Rank PAC Sponsor Cash on Hand
1 Microsoft Corporation $712,874
2 Southern Bell Telephone & Telegraph Co. $617,922
3 Crawford Group / Enterprise Leasing $611,442
4 Southwestern Bell Corporation $550,841
5 Chrysler / Gulfstream Aerospace Corp. $481,068
6 Federal Express Corporation $424,739
7 NationsBank $413,663
8 First Union Corporation $410,242
9 First Bank System, Inc. $405,187
10 Stone Container Corporation $368,973
11 General Electric Company $359,469
12 National Health Corporation $340,205
13 Exxon Corporation $328,559
14 Outback Steakhouse, Inc. $325,977
15 Columbia / HCA Healthcare $284,827
16 American Family Corporation $283,963
17 Cooper Industries, Inc. $281,054
18 Suntrust Banks, Inc. $275,779
19 Winn-Dixie Stores, Inc. $273,232
20 Jacobs Engineering Group, Inc. $272,982
21 Ford Motor Company $264,914
22 U.S. West, Inc. $261,289
23 Compass Bancshares, Inc. $253,625
Source: Computer analysis by Sunshine Press Services of Federal Election Commission data.

Table 4. Largest Percentage Increases in Receipts Over Two Election Cycles American Corporate PACs With More Than $50,000
Microsoft Corporation Formed:1987–88
Total Raised, 1995–96: $59,750
Total Raised, 1999–00: $1,589,684
Difference: $1,529,934 = 2,560 56% Rank: 1
American Telephone & Telegraph Co. Formed:1983–84
Total Raised, 1983–84: $215,423
Total Raised, 1987–88: $3,043,510
Difference: $2,828,087 = 1,312 81% Rank: 2
Firstar (First Wisconsin) Corp. Formed:1979–80
Total Raised, 1995–96: $59,437
Total Raised, 1999–00: $480,239
Difference: $420,802 = 707 98% Rank: 3
J. P. Morgan & Company, Inc. Formed:1979–80
Total Raised, 1983–84: $68,569
Total Raised, 1987–88: $514,285
Difference: $445,716 = 650 03% Rank: 4
U.S. West, Inc. Formed:1983–84
Total Raised, 1985–86: $69,588
Total Raised, 1989–90: $521,886
Difference: $452,298 = 649 97% Rank: 5
Bell Atlantic Corp. Formed:1983–84
Total Raised, 1993=94: $146,949
Total Raised, 1997–98: $1,046,617
Difference: $899,668 = 612 23% Rank: 6
Fluor Corporation Formed:1979–80
Total Raised, 1987–88: $87,236
Total Raised, 1991–92: $610,142
Difference: $522,906 = 599 42% Rank: 7
Dow Chemical, USA—HQ Formed:1979–80
Total Raised, 1993=94: $53,297
Total Raised, 1997–98: $331,286
Difference: $277,989 = 521 58% Rank: 8
GA Technologies, Inc. Formed:1987–88
Total Raised, 1987–88: $51,702
Total Raised, 1991–92: $320,081
Difference: $268,379 = 519 09% Rank: 9
U.S. West, Inc. Formed:1983–84
Total Raised, 1987–88: $123,767
Total Raised, 1991–92: $734,130
Difference: $610,363 = 493 15% Rank: 10
American Information Technologies Corp. Formed:1983–84
Total Raised, 1989–90: $233,266
Total Raised, 1993=94: $1,370,945
Difference: $1,137,679 = 487 72% Rank: 11
Allied-Signal, Inc. Formed:1979–80
Total Raised, 1981–82: $65,703
Total Raised, 1985–86: $384,530
Difference: $318,827 = 485 25% Rank: 12
Glaxo, Inc. Formed:1985–86
Total Raised, 1989–90: $106,192
Total Raised, 1993=94: $607,224
Difference: $501,032 = 471 82% Rank: 13
Nynex Corporation Formed:1983–84
Total Raised, 1991–92: $62,304
Total Raised, 1995–96: $346,809
Difference: $284,505 = 456 64% Rank: 14
Pacific Telesis Group Formed:1979–80
Total Raised, 1981–82: $65,538
Total Raised, 1985–86: $364,113
Difference: $298,575 = 455 58% Rank: 15
Philip Morris, Inc. Formed:1979–80
Total Raised, 1979–80: $93,291
Total Raised, 1983–84: $499,938
Difference: $406,647 = 435 89% Rank: 16
American Electric Power Company, Inc. Formed:1979–80
Total Raised, 1995–96: $106,155
Total Raised, 1999–00: $545,295
Difference: $439,140 = 413 68% Rank: 17
Waste Management, Inc. Formed:1979–80
Total Raised, 1981–82: $76,738
Total Raised, 1985–86: $391,637
Difference: $314,899 = 410 36% Rank: 18
Cigna Corporation Formed:1979–80
Total Raised, 1979–80: $56,174
Total Raised, 1985–86: $286,319
Difference: $230,145 = 409 70% Rank: 19
LDDS Communications, Inc. Formed:1987–88
Total Raised, 1993=94: $63,542
Total Raised, 1997–98: $323,680
Difference: $260,138 = 409 40% Rank: 20
Safari Club International Formed:1979–80
Total Raised, 1991–92: $107,314
Total Raised, 1995–96: $545,915
Difference: $438,601 = 408 71% Rank: 21
Michigan Bell Telephone Company Formed:1979–80
Total Raised, 1983–84: $53,326
Total Raised, 1987–88: $266,944
Difference: $213,618 = 400 59% Rank: 22
E1 Paso Company Formed:1979–80
Total Raised, 1995–96: $75,920
Total Raised, 1999–00: $379,370
Difference: $303,450 = 399 70% Rank: 23
Merrill Lynch & Company, Inc. Formed:1979–80
Total Raised, 1979–80: $56,895
Total Raised, 1983–84: $282,297
Difference: $225,402 = 396 17% Rank: 24
Federal Express Corporation Formed:1983–84
Total Raised, 1983–84: $230,478
Total Raised, 1987–88: $1,139,978
Difference: $909,500 = 394 61% Rank: 25
MBNA Corporation Formed:1991–92
Total Raised, 1991–92: $184,764
Total Raised, 1995–96: $903,599
Difference: $718,835 = 389 06% Rank: 26
MCI Telecommunications Corporation Formed:1983–84
Total Raised, 1993=94: $104,688
Total Raised, 1997–98: $510,195
Difference: $405,507 = 387 35% Rank: 27
Smith Barney & Company Formed:1979–80
Total Raised, 1995–96: $128,843
Total Raised, 1999–00: $627,332
Difference: $498,489 = 386 90% Rank: 28
Chrysler / Gulfstream Aerospace Corp. Formed:1979–80
Total Raised, 1981–82: $77,152
Total Raised, 1985–86: $373,792
Difference: $296,640 = 384 49% Rank: 29
American Information Technologies Corp. Formed:1983–84
Total Raised, 1987–88: $105,465
Total Raised, 1991–92: $501,210
Difference: $395,745 = 375 24% Rank: 30
Waste Management, Inc. Formed:1979–80
Total Raised, 1983–84: $138,076
Total Raised, 1987–88: $653,361
Difference: $515,285 = 373 19% Rank: 31
Texas Air Corp. Formed:1979–80
Total Raised, 1981–82: $53,560
Total Raised, 1985–86: $252,847
Difference: $199,287 = 372 08% Rank: 32
Federal Express Corporation Formed:1983–84
Total Raised, 1985–86: $334,334
Total Raised, 1989–90: $1,561,744
Difference: $1,227,410 = 367 12% Rank: 33
Drexel Burnham Lambert Group, Inc. Formed:1981–82

Total Raised, 1983–84: $66,844
Total Raised, 1987–88: $310,188
Difference: $243,344 = 364 05% Rank: 34
Dow Chemical, USA—HQ Formed:1979–80
Total Raised, 1995–96: $60,290
Total Raised, 1999–00: $279,618
Difference: $219,328 = 363 79% Rank: 35
General Telephone & Electronics Corp. Formed:1979–80
Total Raised, 1987–88: $169,871
Total Raised, 1991–92: $779,782
Difference: $609,911 = 359 04% Rank: 36
NationsBank Formed:1979–80
Total Raised, 1987–88: $238,405
Total Raised, 1991–92: $1,094,012
Difference: $855,607 = 358 89% Rank: 37
CSX Corp.—Jeffboat Formed:1981–82
Total Raised, 1995–96: $66,789
Total Raised, 1999–00: $303,763
Difference: $236,974 = 354 81% Rank: 38
Sears Roebuck & Co. (Allstate) Formed:1979–80
Total Raised, 1981–82: $50,277
Total Raised, 1985–86: $223,313
Difference: $173,036 = 344 17% Rank: 39
First Union Corporation Formed:1983–84
Total Raised, 1995–96: $119,980
Total Raised, 1999–00: $525,262
Difference: $405,282 = 337 79% Rank: 40
Brown & Williamson Tobacco Corp. Formed:1979–80
Total Raised, 1991–92: $117,271
Total Raised, 1995–96: $512,562
Difference: $395,291 = 337 07% Rank: 41
Coca-Cola Enterprises, Inc. Formed:1991–92
Total Raised, 1993=94: $54,312
Total Raised, 1997–98: $232,861
Difference: $178,549 = 328 75% Rank: 42
Mutual of Omaha Insurance Company Formed:1979–80
Total Raised, 1989–90: $74,612
Total Raised, 1993=94: $319,846
Difference: $245,234 = 328 68% Rank: 43
Chase Manhattan Bank Formed:1979–80
Total Raised, 1983–84: $64,813
Total Raised, 1987–88: $274,828
Difference: $210,015 = 324 03% Rank: 44
Raytheon Company Formed:1979–80
Total Raised, 1979–80: $54,158
Total Raised, 1983–84: $228,899
Difference: $174,741 = 322 65% Rank: 45
Manufacturers Hanover Corporation Formed:1979–80
Total Raised, 1979–80: $69,178
Total Raised, 1983–84: $291,068
Difference: $221,890 = 320 75% Rank: 46
Tenneco, Inc. Formed:1979–80
Total Raised, 1991–92: $208,019
Total Raised, 1995–96: $866,590
Difference: $658,571 = 316 59% Rank: 47
Loral Systems Group Formed:1985–86
Total Raised, 1989–90: $86,215
Total Raised, 1993=94: $358,895
Difference: $272,680 = 316 28% Rank: 48
Koch Industries, Inc. Formed:1989–90
Total Raised, 1993=94: $202,392
Total Raised, 1997–98: $831,184
Difference: $628,792 = 310 68% Rank: 49
Koch Industries, Inc. Formed:1989–90
Total Raised, 1991–92: $104,401
Total Raised, 1995–96: $428,074
Difference: $323,673 = 310 03% Rank: 50
Bellsouth Corporation Formed:1983–84
Total Raised, 1985–86: $70,383
Total Raised, 1989–90: $287,836
Difference: $217,453 = 308 96% Rank: 51
Rockwell International Corporation Formed:1979–80
Total Raised, 1979–80: $123,700
Total Raised, 1983–84: $497,473
Difference: $373,773 = 302 16% Rank: 52
Safari Club International Formed:1979–80
Total Raised, 1993=94: $94,149
Total Raised, 1997–98: $378,078
Difference: $283,929 = 301 57% Rank: 53
RJR Nabisco, Inc. Formed:1979–80
Total Raised, 1981–82: $64,199
Total Raised, 1985–86: $256,498
Difference: $192,299 = 299 54% Rank: 54
American Information Technologies Corp. Formed:1983–84
Total Raised, 1985–86: $58,487
Total Raised, 1989–90: $233,266
Difference: $174,779 = 298 83% Rank: 55
Southern Company Formed:1981–82
Total Raised, 1995–96: $125,656
Total Raised, 1999–00: $497,118
Difference: $371,462 = 295 62% Rank: 56
Lucent Technologies, Inc. Formed:1995–96
Total Raised, 1995–96: $87,568
Total Raised, 1999–00: $343,462
Difference: $255,894 = 292 22% Rank: 57
Fluor Corporation Formed:1979–80
Total Raised, 1985–86: $126,081
Total Raised, 1989–90: $494,417
Difference: $368,336 = 292 14% Rank: 58
Central & South West Services, Inc. Formed:1979–80
Total Raised, 1993=94: $57,841
Total Raised, 1997–98: $226,201
Difference: $168,360 = 291 07% Rank: 59
HSBC Americas / Marine Midland Banks Formed:1981–82
Total Raised, 1983–84: $52,071
Total Raised, 1987–88: $200,106
Difference: $148,035 = 284 29% Rank: 60
Jacobs Engineering Group, Inc. Formed:1981–82
Total Raised, 1995–96: $127,472
Total Raised, 1999–00: $488,875
Difference: $361,403 = 283 52% Rank: 6!
Banc One Corporation Formed:1979–80
Total Raised, 1989–90: $270,704
Total Raised, 1993=94: $1,037,361
Difference: $766,657 = 283 21% Rank: 62
Archer-Daniels-Midland Company Formed:1979–80
Total Raised, 1979–80: $50,369
Total Raised, 1983–84: $192,426
Difference: $142,057 = 282 03% Rank: 63
Aetna Life and Casualty Company Formed:1983–84
Total Raised, 1983–84: $88,329
Total Raised, 1987–88: $333,008
Difference: $244,679 = 277 01% Rank: 64
Outback Steakhouse, Inc. Formed:1991–92
Total Raised, 1993=94: $230,022
Total Raised, 1997–98: $865,042
Difference: $635,020 = 276 07% Rank: 65
Lockheed Corporation Formed:1979–80
Total Raised, 1979–80: $136,127
Total Raised, 1983–84: $511,131
Difference: $375,004 = 275 48% Rank: 66
Duke Power Company Formed:1979–80
Total Raised, 1995–96: $69,970
Total Raised, 1999–00: $261,562
Difference: $191,592 = 273 82% Rank: 67
TRW, Inc. Formed:1979–80
Total Raised, 1979–80: $69,121
Total Raised, 1983–84: $256,296
Difference: $187,175 = 270 79% Rank: 68
United Telecommunications, Inc. Formed:1979–80
Total Raised, 1983–84: $66,922
Total Raised, 1987–88: $247,495
Difference: $180,573 = 269 83% Rank: 69
Loral Systems Group Formed:1985–86
Total Raised, 1987–88: $55,311
Total Raised, 1991–92: $202,887
Difference: $147,576 = 266 81% Rank: 70
American General Corporation Formed:1979–80
Total Raised, 1995–96: $182,254
Total Raised, 1999–00: $668,062
Difference: $485,808 = 266 56% Rank: 71
Phillips Petroleum Company Formed:1979–80
Total Raised, 1983–84: $99,365
Total Raised, 1987–88: $364,141
Difference: $264,776 = 266 47% Rank: 72
Entergy Operations, Inc. Formed:1989–90
Total Raised, 1993=94: $64,650
Total Raised, 1997–98: $236,109
Difference: $171,459 = 265 21% Rank: 73
American Information Technologies Corporation Formed:1979–80
Total Raised, 1983–84: $68,916
Total Raised, 1987–88: $249,574
Difference: $180,658 = 262 14% Rank: 74
Sea-Land Corporation Formed:1979–80
Total Raised, 1987–88: $52,291
Total Raised, 1991–92: $189,284
Difference: $136,993 = 261 98% Rank: 75
First City Bancorporation of Texas, Inc. Formed:1979–80
Total Raised, 1979–80: $85,372
Total Raised, 1983–84: $307,649
Difference: $222,277 = 260 36% Rank: 76
Banc One Corporation Formed:1979–80
Total Raised, 1987–88: $173,949
Total Raised, 1991–92: $622,458
Difference: $448,509 = 257 84% Rank: 77
E1 Paso Company Formed:1979–80
Total Raised, 1993=94: $74,169
Total Raised, 1997–98: $264,338
Difference: $190,169 = 256 40% Rank: 78
Dow Chemical, USA Formed:1979–80
Total Raised, 1985–86: $77,017
Total Raised, 1989–90: $274,424
Difference: $197,407 = 256 32% Rank: 79
Timken Company Formed:1995–96
Total Raised, 1995–96: $79,717
Total Raised, 1999–00: $277,044
Difference: $197,327 = 247 53% Rank: 80
Southern Bell Telephone & Telegraph Co. Formed:1979–80
Total Raised, 1981–82: $54,650
Total Raised, 1985–86: $189,822
Difference: $135,172 = 247 34% Rank: 81
National City Corporation Formed:1981–82
Total Raised, 1983–84: $59,921
Total Raised, 1987–88: $207,361
Difference: $147,440 = 246 06% Rank: 82
Wal-Mart Stores, Inc. Formed:1979–80
Total Raised, 1989–90: $56,535
Total Raised, 1993=94: $195,579
Difference: $139,044 = 245 94% Rank: 83
Eastern Airlines, Inc. Formed:1979–80
Total Raised, 1983–84: $70,676
Total Raised, 1987–88: $243,529
Difference: $172,853 = 244 57% Rank: 84
Heublein, Inc. Formed:1979–80
Total Raised, 1985–86: $52,292
Total Raised, 1989–90: $178,944
Difference: $126,652 = 242 20% Rank: 85
Salomon Brothers, Inc. Formed:1981–82
Total Raised, 1981–82: $106,250

Total Raised, 1985–86: $363,500
Difference: $257,250 = 242 12% Rank: 86
First Bank System, Inc. Formed:1979–80
Total Raised, 1995–96: $85,349
Total Raised, 1999–00: $290,311
Difference: $204,962 = 240 15% Rank: 87
Goodyear Tire & Rubber Company Formed:1979–80
Total Raised, 1993=94: $54,504
Total Raised, 1997–98: $185,093
Difference: $130,589 = 239 60% Rank: 88
North Carolina National Bank Corp. Formed:1979–80
Total Raised, 1979–80: $79,627
Total Raised, 1983–84: $269,718
Difference: $190,091 = 238 73% Rank: 89
Caterpillar Tractor Company Formed:1981–82
Total Raised, 1985–86: $65,232
Total Raised, 1989–90: $219,844
Difference: $154,612 = 237 02% Rank: 90
Lehman Brothers Kuhn Loec, Inc. Formed:1979–80
Total Raised, 1979–80: $51,400
Total Raised, 1983–84: $171,973
Difference: $120,573 = 234 58% Rank: 91
Northrop Corporation Formed:1979–80
Total Raised, 1979–80: $86,250
Total Raised, 1983–84: $288,361
Difference: $202,111 = 234 33% Rank: 92
GMC Electronic Data Systems Corporation Formed:1979–80
Total Raised, 1987–88: $116,315
Total Raised, 1991–92: $388,257
Difference: $271,942 = 233 80% Rank: 93
Textron, Inc. Eormed:1979–80
Total Raised, 1981–82: $116,552
Total Raised, 1985–86: $388,852
Difference: $272,300 = 233 63% Rank: 94
Southern Bell Telephone & Telegraph Co. Formed:1979–80
Total Raised, 1987–88: $203,554
Total Raised, 1991–92: $678,024
Difference: $474,470 = 233 09% Rank: 95
United Parcel Service of America, Inc. Formed:1979–80
Total Raised, 1983–84: $272,659
Total Raised, 1987–88: $905,482
Difference: $632,823 = 232 09% Rank: 96
Gun Owners of America (gun control foes) Formed:1991–92
Total Raised, 1995–96: $93,086
Total Raised, 1999–00: $309,050
Difference: $215,964 = 232 00% Rank: 97
Dun & Bradstreet Corporation Formed:1979–80
Total Raised, 1981–82: $51,577
Total Raised, 1985–86: $169,954
Difference: $118,377 = 229.52% Rank: 98
J. C. Penney Company, Inc. Formed:1979–80
Total Raised, 1981–82: $91,484
Total Raised, 1985–86: $301,185
Difference: $209,701 = 229.22% Rank: 99
United Parcel Service of America, Inc. Formed:1979–80
Total Raised, 1985–86: $567,328
Total Raised, 1989–90: $1,865,785
Difference: $1,298,457 = 228.87% Rank: 100

Source: Computer analysis by Sunshine Press Services of Federal Election Commission data, Jan. 1, 1979 through Dec. 31, 2000.

Table 5. Rapid Rises in Corporate PAC Spending, 1979–2002 (After Spending More than $250,000) Microsoft Corporation Formed: 1987–88
Total Spent, 1997–98: $267,500
Total Spent, 1999–00: $1,221,730
Difference: $954,230 = 356 72% Rank: 1
Federal Express Corporation Formed: 1983–84
Total Spent, 1985–86: $392,441
Total Spent, 1987–88: $1,093,998
Difference: $701,557 = 178 77% Rank: 2
Compass Bancshares, Inc. Formed: 1983–84
Total Spent, 1991–92: $363,617
Total Spent, 1993=94: $974,893
Difference: $611,276 = 168 11% Rank: 3
Metropolitan Life Insurance Company Formed: 1979–80
Total Spent, 1997–98: $310,633
Total Spent, 1999–00: $815,624
Difference: $504,991 = 162 57% Rank: 4
Bell Atlantic Corp. Formed: 1983–84
Total Spent, 1995–96: $388,073
Total Spent, 1997–98: $1,006,783
Difference: $618,710 = 159 43% Rank: 5
Planned Parenthood Action Fund, Inc. Formed: 1995–96
Total Spent, 1997–98: $359,408
Total Spent, 1999–00: $914,501
Difference: $555,093 = 154 45% Rank: 6
RJR Nabisco, Inc. Formed: 1979–80
Total Spent, 1987–88: $348,897
Total Spent, 1989–90: $872,626
Difference: $523,729 = 150 11% Rank: 7
Southern Bell Telephone & Telegraph Co. Formed: 1979–80
Total Spent, 1989–90: $265,096
Total Spent, 1991–92: $650,905
Difference: $385,809 = 145 54% Rank: 8
American Information Technologies Corp. Formed: 1983–84
Total Spent, 1991–92: $518,442
Total Spent, 1993=94: $1,207,881
Difference: $689,439 = 132 98% Rank: 9
Tenneco, Inc. Formed: 1979–80
Total Spent, 1993=94: $380,688
Total Spent, 1995–96: $860,515
Difference: $479,827 = 126 04% Rank: 10
Banc One Corporation Formed: 1979–80
Total Spent, 1991–92: $421,467
Total Spent, 1993=94: $934,434
Difference: $512,967 = 121 71% Rank: 11
American General Corporation Formed: 1979–80
Total Spent, 1997–98: $291,488
Total Spent, 1999–00: $634,510
Difference: $343,022 = 117 68% Rank: 12
Boeing Company Formed: 1981–82
Total Spent, 1995–96: $370,105
Total Spent, 1997–98: $759,495
Difference: $389,390 = 105 21% Rank: 13
MBNA Corporation Formed: 1991–92
Total Spent, 1993=94: $403,796
Total Spent, 1995–96: $825,974
Difference: $422,178 = 104 55% Rank: 14
Compass Bancshares, Inc. Formed: 1983–84
Total Spent, 1995–96: $729,612
Total Spent, 1997–98: $1,468,094
Difference: $738,482 = 101 22% Rank: 15
Southtrust Corporation Formed: 1979–80
Total Spent, 1995–96: $266,593
Total Spent, 1997–98: $530,794
Difference: $264,201 = 99 10% Rank: 16
FirstEnergy Corp. (Ohio Edison) Formed: 1981–82
Total Spent, 1997–98: $253,675
Total Spent, 1999–00: $502,890
Difference: $249,215 = 98 24% Rank: 17
Koch Industries, Inc. Formed: 1989–90
Total Spent, 1995–96: $428,664
Total Spent, 1997–98: $807,318
Difference: $378,654 = 88 33% Rank: 18
Northrop Corporation Formed: 1979–80
Total Spent, 1993=94: $422,969
Total Spent, 1995–9G: $794,880
Difference: $371,911 = 87 93% Rank: 19
J. P. Morgan & Company, Inc. Formed: 1979–80
Total Spent, 1985–86: $262,250
Total Spent, 1987–88: $492,681
Difference: $230,431 = 87 87% Rank: 20
Philip Morris, Inc. Formed: 1979–80
Total Spent, 1983–84: $403,699
Total Spent, 1985–86: $754,949
Difference: $351,250 = 87 01% Rank: 21
Eli Lilly & Company Formed: 1979–80
Total Spent, 1995–96: $375,583
Total Spent, 1997–98: $700,580
Difference: $324,997 = 86 53% Rank: 22
Southwestern Bell Corporation Formed: 1979–80
Total Spent, 1993=94: $365,700
Total Spent, 1995–96: $674,857
Difference: $309,157 = 84 54% Rank: 23
Rockwell International Corporation Formed: 1979–80
Total Spent, 1981–82: $266,688
Total Spent, 1983–84: $490,541
Difference: $223,853 = 83 94% Rank: 24
United Parcel Service of America, Inc. Formed: 1979–80
Total Spent, 1991–92: $1,835,231
Total Spent, 1993=94: $3,350,884
Difference: $1,515,653 = 82 59% Rank: 25
General Telephone & Electronics Corp. Formed: 1979–80
Total Spent, 1989–90: $420,131
Total Spent, 1991–92: $765,805
Difference: $345,674 = 82 28% Rank: 26
United Parcel Service of America, Inc. Formed: 1979–80
Total Spent, 1985–86: $522,514
Total Spent, 1987–88: $943,815
Difference: $421,301 = 80 63% Rank: 27
Waste Management, Inc. Formed: 1979–80
Total Spent, 1985–86: $341,975
Total Spent, 1987–88: $615,059
Difference: $273,084 = 79 85% Rank: 28
Houston Industries, Inc. Formed: 1979–80
Total Spent, 1983–84: $256,353
Total Spent, 1985–86: $460,684
Difference: $204,331 = 79 71% Rank: 29
Cigna Corporation Formed: 1979–80
Total Spent, 1997–98: $352,512
Total Spent, 1999–00: $624,736
Difference: $272,224 = 77 22% Rank: 30
United Parcel Service of America, Inc. Formed: 1979–80
Total Spent, 1987–88: $943,815
Total Spent, 1989–90: $1,658,366
Difference: $714,551 = 75 71% Rank: 31
Black America's PAC Formed: 1995–96
Total Spent, 1995–96: $1,899,486
Total Spent, 1997–98: $3,337,602
Difference: $1,438,116 = 75 71% Rank: 32
Chase Manhattan Corporation Formed: 1979–80
Total Spent, 1989–90: $274,760
Total Spent, 1991–92: $481,894
Difference: $207,134 = 75 39% Rank: 33
Barnett Banks of Florida, Inc. Formed: 1979–80

Total Spent, 1985–86: $304,230
Total Spent, 1987–88: $532,509
Difference: $228,279 = 75 04% Rank: 34
Bankamerica Corporation Formed: 1981–82
Total Spent, 1993=94: $311,633
Total Spent, 1995–96: $535,516
Difference: $223,883 = 71 84% Rank: 35
NationsBank Formed: 1979–80
Total Spent, 1997–98: $607,578
Total Spent, 1999–00: $1,041,837
Difference: $434,259 = 71 47% Rank: 36
United Technologies Corporation Formed: 1979–80
Total Spent, 1993=94: $263,300
Total Spent, 1995–96: $450,078
Difference: $186,778 = 70 94% Rank: 37
Southwestern Bell Corporation Formed: 1979–80
Total Spent, 1997–98: $961,990
Total Spent, 1999–00: $1,642,657
Difference: $680,667 = 70 76% Rank: 38
Lockheed Corporation Formed: 1979–80
Total Spent, 1991–92: $422,512
Total Spent, 1993=94: $708,346
Difference: $285,834 = 67 65% Rank: 39
Union Pacific Corporation Formed: 1979–80
Total Spent, 1985–86: $296,938
Total Spent, 1987–88: $495,482
Difference: $198,544 = 66 86% Rank: 40
Household Finance Corporation Formed: 1979–80
Total Spent, 1989–90: $270,795
Total Spent, 1991–92: $444,889
Difference: $174,094 = 64 29% Rank: 41
Sierra Club (environmentalist) Formed: 1979–80
Total Spent, 1997–98: $441,208
Total Spent, 1999–00: $721,429
Difference: $280,221 = 63 51% Rank: 42
Westinghouse Electric Corp. Formed: 1979–80
Total Spent, 1987–88: $264,890
Total Spent, 1989–90: $431,697
Difference: $166,807 = 62 97% Rank: 43
American Telephone & Telegraph Co. Formed: 1983–84
Total Spent, 1985–86: $1,744,301
Total Spent, 1987–88: $2,841,464
Difference: $1,097,163 = 62 90% Rank: 44
General Motors Corporation Formed: 1979–80
Total Spent, 1993=94: $477,782
Total Spent, 1995–96: $777,521
Difference: $299,739 = 62 74% Rank: 45
Keycorp Formed: 1979–80
Total Spent, 1995–96: $376,200
Total Spent, 1997–98: $611,975
Difference: $235,775 = 62 67% Rank: 46
Union Pacific Corporation Formed: 1979–80
Total Spent, 1989–90: $731,974
Total Spent, 1991–92: $1,188,407
Difference: $456,433 = 62 36% Rank: 47
Sierra Club (environmentalist) Formed: 1979–80
Total Spent, 1987–88: $299,891
Total Spent, 1989–90: $486,795
Difference: $186,904 = 62 32% Rank: 48
Chrysler / Gulfstream Aerospace Corp. Formed: 1979–80
Total Spent, 1993=94: $417,015
Total Spent, 1995–96: $659,369
Difference: $242,354 = 58 12% Rank: 49
Pfizer, Inc. Formed: 1979–80
Total Spent, 1997–98: $536,471
Total Spent, 1999–00: $844,132
Difference: $307,661 = 57 35% Rank: 50
Chase Manhattan Bank Formed: 1979–80
Total Spent, 1989–90: $269,299
Total Spent, 1991–92: $423,632
Difference: $154,333 = 57 31% Rank: 51
Sierra Club (environmentalist) Formed: 1979–80
Total Spent, 1993=94: $431,725
Total Spent, 1995–96: $677,883
Difference: $246,158 = 57 02% Rank: 52
Banc One Corporation Formed: 1979–80
Total Spent, 1989–90: $269,833
Total Spent, 1991–92: $421,467
Difference: $151,634 = 56 20% Rank: 53
Raytheon Company Formed: 1979–80
Total Spent, 1995–96: $385,863
Total Spent, 1997–98: $601,994
Difference: $216,131 = 56 01% Rank: 54
Eli Lilly & Company Formed: 1979–80
Total Spent, 1997–98: $700,580
Total Spent, 1999–00: $1,089,599
Difference: $389,019 = 55 53% Rank: 55
Chrysler / Gulfstream Aerospace Corp. Formed: 1979–80
Total Spent, 1995–96: $659,369
Total Spent, 1997–98: $1,021,714
Difference: $362,345 = 54 95% Rank: 56
Amsouth Bancorporation Formed: 1983–84
Total Spent, 1997–98: $304,524
Total Spent, 1999–00: $470,782
Difference: $166,258 = 54 60% Rank: 57
Glaxo, Inc. Formed: 1985–86
Total Spent, 1997–98: $716,634
Total Spent, 1999–00: $1,104,801
Difference: $388,167 = 54 17% Rank: 58
Crawford Group / Enterprise Leasing Formed: 1987–88
Total Spent, 1993=94: $253,769
Total Spent, 1995–96: $391,094
Difference: $137,325 = 54 11% Rank: 59
Associates Corp. (Ford Motor Co.) Formed: 1989–90
Total Spent, 1995–96: $342,269
Total Spent, 1997–98: $526,937
Difference: $184,668 = 53 95% Rank: 60
Morgan Stanley & Company, Inc. Formed: 1979–80
Total Spent, 1985–86: $303,919
Total Spent, 1987–88: $465,992
Difference: $162,073 = 53 33% Rank: 61
Houston Industries, Inc. Formed: 1979–80
Total Spent, 1995–96: $470,646
Total Spent, 1997–98: $720,544
Difference: $249,898 = 53 10% Rank: 62
Outback Steakhouse, Inc. Formed: 1991–92
Total Spent, 1997–98: $636,741
Total Spent, 1999–00: $974,275
Difference: $337,534 = 53 01% Rank: 63
Household Finance Corporation Formed: 1979–80
Total Spent, 1997–98: $512,016
Total Spent, 1999–00: $782,819
Difference: $270,803 = 52 89% Rank: 64
General Motors Corp. / Hughes Aircraft Formed: 1979–80
Total Spent, 1985–86: $271,290
Total Spent, 1987–88: $412,181
Difference: $140,891 = 51 93% Rank: 65
American Airlines Formed: 1979–80
Total Spent, 1991–92: $282,647
Total Spent, 1993=94: $426,852
Difference: $144,205 = 51 02% Rank: 66
Cooper Industries, Inc. Formed: 1979–80
Total Spent, 1989–90: $264,213
Total Spent, 1991–92: $397,960
Difference: $133,747 = 50 62% Rank: 67
Flowers Industries, Inc. Formed: 1979–80
Total Spent, 1993=94: $254,819
Total Spent, 1995–96: $383,269
Difference: $128,450 = 50 41% Rank: 68
Source: Computer analysis by Sunshine Press Services of Federal Election Commission data,
Jan. l, 1979through Dec. 31, 2000.

APPENDIX B: Publication List

The news organizations listed below have published news reports or commentary by Edward Roeder

Daily Newspapers
Albuquerque Journal
Arizona Republic
Arkansas Gazette-Democrat
Atlanta Constitution *
Austin American-Statesman
Baltimore Sun *
Boston Globe *
Chicago Sun-Times *
Chicago Tribune *
Cleveland Plain Dealer
Dallas Morning News
Denver Post
Deseret News
Detroit Free Press*
Detroit News *
Florida Today
Fort Lauderdale News & Sun-Sentinel
Greensboro News & Record *
Kansas City Star
Los Angeles Times
Louisville Courier-Journal *
Miami Herald *
Nashville Tennessean
New Orleans Times-Picayune
New York Daily News
New York Newsday
New York Times *
Orlando Sentinel *
Philadelphia Inquirer *
Portland Oregonian
Providence Journal
Richmond Times-Dispatch
Sacramento Bee *
San Jose Mercury News
Seattle Post-Intelligencer
Seattle Times *
St. Louis Post-Dispatch *
St. Petersburg Times *
Tampa Tribune
USA Today
Washington Post *
Washington Times

Articles ran on page 1 or led Sunday section

Periodicals
American Banker *
Capital Style
Conservative Digest *
Free Inquiry *
Monthly Business Review *
Ms. *
New Republic *
New Times *
Newsweek
Playboy *
Politics Today *
Rolling Stone *
Saturday Review *
Sierra *
Space Business international *
The Nation *
Time

Village Voice *
Washington Monthly *
Washingtonian *
Bylined feature magazine articles
Broadcast
ABC News (TV) *
CBS News (TV) *
CNN *
Canadian Broadcast'g Co. (Radio) *
KABC–TV (Hollywood, CA) *
National Public Radio *
Nightline (ABC News-TV) *
NBC News (TV & Radio)
20–20 (ABC News—TV)
WBAL–TV (Baltimore, MD)
WDIV–TV (Detroit, Mich.) *
WJLA–TV (Washington, DC) *
WJXT–TV (Jacksonville, Fla.) *
WJZ–TV (Baltimore, MD)
WPLG–TV (Miami, Fla.) *
WRC–TV (Washington, DC)
WTVT–TV (Tampa, Fla.) *
WUSA–TV (Washington, DC) *
Paid on-air appearanc(s)

MTC–00030612

BEFORE THE UNITED STATES DEPARTMENT OF JUSTICE

UNITED STATES OF AMERICA, Plaintiff, V. Civil Action No. 98–1232 (CKK) MICROSOFT CORPORATION, Defendant.

STATE OF NEW YORK ex rel.

Attorney General Eliot Spitzer, et al., Plaintiffs, V. Civil Action No. 98–1233 (CKK) MICROSOFT CORPORATION, Defendant.

DECLARATION OF JOSEPH E. STIGLITZ AND JASON FURMAN

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I. QUALIFICATIONS

Our names are Joseph Stiglitz and Jason Furman. Dr. Stiglitz is a Professor at Columbia Business School, Columbia's Graduate School of Arts and Sciences (in the Department of Economics), and Columbia's School of International and Public Affairs. In 2001, Dr. Stiglitz was awarded the Nobel Prize in Economic Sciences. In addition, Dr. Stiglitz serves as a Senior Director and Chairman of the Advisory Committee at Sebago Associates, Inc., an economic and public policy consulting firm.

Dr. Stiglitz previously served as the World Bank's Chief Economist and Senior Vice President for Development Economics. Before joining the Bank, he was the Chairman of the President's Council of Economic Advisers. Dr. Stiglitz has also served as a professor of economics at Stanford, Princeton, Yale, and All Souls College, Oxford.

As an academic, Dr. Stiglitz helped create a new branch of economics—''The Economics of Information''—which has received widespread application throughout economics. In the late 1970s and early 1980s, Dr. Stiglitz helped revive interest in the economics of technical change and other factors that contribute to long-run increases in productivity and living standards. Dr. Stiglitz is also a leading scholar of competition policy.

In 1979, the American Economic Association awarded Dr. Stiglitz its biennial John Bates Clark Award, given to the economist under 40 who has made the most significant contributions to economics. His work has also been recognized through his election as a fellow to the National Academy of Sciences, the American Academy of Arts and Sciences, and the American Philosophical Society, as well as his election as a corresponding fellow of the British Academy. He has also been awarded several honorary doctorates.

Jason Furman is a Lecturer in economics at Yale University. In addition, Mr. Furman is a Director at Sebago Associates. Mr. Furman previously served as Special Assistant to the President for Economic Policy at the White House, where his responsibilities included tax policy, the Federal budget, Social Security, anti-poverty programs, and other economic policy issues.

II. PURPOSE

This Declaration was commissioned by the Computer & Communications Industry Association (CCIA) as an independent analysis of the competitive effects of the Proposed Final Judgment. The views and opinions expressed in this Declaration are solely those of the authors based on their own detailed study of the relevant economic theory and court documents; they do not necessarily reflect the views and opinions of CCIA. In addition, the views and opinion expressed in this Declaration should not be attributed to any of the organizations with which the authors are or have previously been associated.

III. INTRODUCTION

Competition is the defining characteristic of a market economy. It provides the incentive to produce new products that consumers want, to improve efficiency and lower the costs of production, and to pass on these innovations in the form of lower prices for consumers. In a competitive market, a firm that does not act in the best interests of consumers will be punished and, ultimately, will fail. But when competition is imperfect—or when it is nonexistent as in the limiting case of monopoly—the incentives to undertake these beneficial actions may be attenuated. In fact, a firm may even face incentives to behave in ways which do not serve the interests of consumers or the economy more generally. Monopoly power may lead a firm to underinvest in innovation, misdirect its investments, or undertake other activities in order to stifle competition rather than to improve products. Costs of production may be excessive because the monopolist has insufficient incentives for efficiency, has incentives to undertake costly measures to deter competition, or undertakes measures to raise rivals'' costs. And consumers will face higher prices and fewer choices in the short run; in the long run, the losses to consumers may be even more severe.

In a unanimous decision, the full Court of Appeals for the DC Circuit upheld the District Court finding that Microsoft was guilty of violating § 2 of the Sherman Act through its illegal maintenance of a monopoly in the market for Intel-compatible personal computer (PC) operating systems.[1] The Court of Appeals also affirmed numerous findings of fact concerning the consequences of this illegal monopolization for misdirecting innovation, raising rivals'' costs, and limiting consumer choice.

The desire to maintain this monopoly, even against potentially superior products, creates a powerful incentive for Microsoft to eliminate or weaken competition that could erode or even eliminate its monopoly. In the mid-1990s, the principal threat to Microsoft's Windows operating system came from the development of the Netscape browser and Java technologies,[2] which allowed

[1] United States v. Microsoft Corp., 253 F.3d 34 (DC Cir. 2001).

[2] ''The Java technologies include: (1) a programming language; (2) a set of programs written

programmers to write applications to Netscape and Java, meaning that such programs would then work on any operating system that would run Netscape or Java. By reducing or even eliminating the cost of producing applications for different operating systems, these technological rivals reduced the barriers to entry for a new operating system and threatened, over the longer run, to erode Microsoft's monopoly in Intel-compatible PC operating systems by allowing competitors to provide superior products at a lower cost.

Microsoft's conduct has effectively eliminated the threat posed by Netscape and Java. Given ongoing rapid technological progress, it is impossible to predict with certainty where the next challenge to Microsoft Windows will come from. The experience in this area, however, suggests that it is likely to come from rivalry at the borders of operating systems, in particular from ''middleware'' that makes it possible for programmers to write to the ''middleware'' rather than to the underlying operating system. One such example comes from the increasingly important area of multimedia: streaming media players. Whether the next challenge to Microsoft's operating systems monopoly comes from a multimedia package or another technology, Microsoft will continue to have the same incentives and ability to stifle competition as it displayed against Netscape and Java in the mid-1990s.

The principal goal of any remedy for Microsoft's illegal behavior in this case should be to foster competition and expand choices for consumers. The key to achieving this goal is changing Microsoft's incentives and taking steps to increase competition. A structural remedy, such as splitting up the company, would most directly alter incentives. Where such structural changes are not possible, the remedy should prohibit and regulate the conduct that Microsoft has used in the past and will have an incentive to use in the future to eliminate threats from ''middleware'' products that threaten to limit its monopoly power by usurping some, and perhaps eventually all, of the important functions of the Windows operating system.

The Revised Proposed Final Judgment (PFJ) of November 6, 2001 does not change Microsoft's incentives to undertake anticompetitive acts to stifle consumer choice by thwarting potentially superior products.[3] Furthermore, the PFJ provides few effective prohibitions against future anticompetitive conduct: It alternatively ratifies Microsoft's existing conduct, contains sufficient loopholes to allow Microsoft to circumvent the legislation, and suffers from toothless enforcement procedures that would allow Microsoft to reap the fruits of its monopoly for a significant, and potentially even indefinite, period. In our view, the PFJ would leave intact Microsoft's ability to maintain, and benefit from, its Windows operating system monopoly, while allowing it to continue to limit choices for consumers and stifle innovation.

The PFJ does not even accomplish the limited remedial goals articulated in the U.S. Department of Justice's Competitive Impact Statement (CIS).[4] Specifically, in addition to its loopholes and its inadequate enforcement mechanism, the PFJ is entirely silent on several key findings of the Court of Appeals, including the commingling of applications and operating systems code, the pollution of Java, and the applications barrier to entry more broadly.

The PFJ should be rejected and replaced with a remedy that changes Microsoft's incentives to unfetter the market for competition. At a minimum, a remedy in this case needs to restrain Microsoft's conduct, by restricting the means through which Microsoft can illegally maintain and benefit from its monopoly.

The goal of this Declaration is to analyze the PFJ. It does not propose a detailed alternative remedy. It is important to note, however, that the proposal by the litigating States, while imperfect, is clearly superior to the PFJ in all of these regards. We do not address more aggressive remedies—such as structural changes to break up Microsoft or impose more extensive limitations on its intellectual property rights—but we note that such broader measures may well be necessary and desirable in order to alter Microsoft's incentives for anti-competitive behavior.[5] We are convinced, however, that the PFJ fails to meet the minimum requirement of an acceptable remedy—that is, it is unlikely to substantially increase competition in the relevant market.

The remainder of this Declaration contains five sections. First, it presents a brief discussion of the modem theory of competition, focusing on its relation to innovation. Second, it summarizes the relevant facts and legal conclusions relating to Microsoft. Third, it outlines what an effective remedy in this case should entail. Fourth, it examines the PFJ and highlights its deficiencies in comparison to this effective remedy. Finally, the paper concludes with a brief discussion of practical measures that could provide a more effective remedy.

IV. THE MODERN ECONOMIC THEORY OF COMPETITION AND MONOPOLY

This section presents a brief overview of the modem economic theory of competition and monopoly. The theory of competition has evolved rapidly in the last few decades, due in part to the natural evolution of economic thought and in part to the issues raised by the ''new economy'' (such as the importance of network effects and rapid innovation). Given the vast literature on the topic, this discussion is necessarily selective and focuses on the most relevant issues for Microsoft's monopoly of the market for operating systems for Intel-compatible PCs. This theoretical background motivates the conclusions about the PFJ.

A. Acquisition of a monopoly

The traditional view of monopoly is that in specific industries, like public utilities, increasing returns to scale create a situation in which luck or initial success will eventually lead to one firm that can maintain its monopoly by controlling an entire market and thus benefiting from the lower average costs of production that result from the larger scale of production. This aspect of the traditional view is still salient in the software market. Producing a software program has high fixed costs in the form of investments in research and development but, once this investment has been made, virtually no marginal cost from producing additional units. As a result, the larger the scale of production, the lower the average cost. By itself, these increasing returns to scale will provide a powerful force for consolidation.

The modem view of monopoly has added an additional effect that can strengthen the advantages enjoyed by the lucky or initially successful firm: network effects.[6] Network effects arise when the desirability of a product depends not just on the characteristics of the product itself but also on how many other people are using it.

Network externalities may be direct: as a user of Microsoft Word, I benefit when many other people also use the program because it is easier to share Word files. Network externalities may also be indirect: I am more likely to purchase a computer and operating system if I know that more software choices are currently available (and will be available in the future) for this system. An operating system with a larger set of existing (and expected) compatible applications will be more desirable. This indirect network effect has been called the ''applications barrier to entry.''[7] The main reason that consumers demand a particular operating system is its ability to run the applications that they want. In developing applications, Independent Software Vendors (ISVs) incur substantial sunk costs and thus face increasing returns to scale. This motivates ISVs to first write to the operating system with the largest installed base. Because ''porting'' an application to a different operating system will result in substantial additional fixed costs, a firm will have less incentive to produce the application for operating systems with a smaller installed base, and may do so with a delay or forgo porting completely.

The applications barrier to entry can skew competition for an extended period of time and ensure that any monopoly power, once established, will tend to persist. In choosing

in that language, called the 'Java class libraries,'' which expose APIs; (3) a compiler, which translates code written by a developer into 'bytecode'; and (4) a Java Virtual Machine ('JVM'), which translates bytecode into instructions to the operating system.'' See 253 F.3d at 74, citing Findings of Fact ¶73, United States v. Microsoft Corp., 84 F. Supp. 2d 9, 29 (D.DC 1999).

[3] United States v. Microsoft Corp., Revised Proposed Final Judgment, in the U.S. District Court for D.C, November 6, 2001.

[4] U.S. Department of Justice (November 15, 2001), Competitive Impact Statement in United States vs. Microsoft Corp.

[5] Restrictions on intellectual property rights have been used as a remedy in past antitrust cases, for example IBM's 1956 tabulating machines case, in a manner that is both effective and largely without adverse effects.

[6] For an overall survey, see Michael Katz and Carl Shapiro (1994), ''Systems Competition and Network Effects.'' Journal of Economic Perspectives, 8:2, 93–115. For a specific application to Microsoft, see Timothy Bresnahan (2001), ''The Economics of the Microsoft Case.'' Mimeo available at http://www.stanford.edu/tbres/Microsoft/The Economics of The Microsoft Case.pdf.

[7] Franklin Fisher, ''Direct Testimony of Franklin Fisher'' in United States v. Microsoft Corp.

a PC and an operating system, consumers make a large fixed investment. In addition, because a considerable amount of learning is associated with the use of operating systems and associated applications, and because files created under one applications software program may not be easily or perfectly transferable to others, there are large costs associated with switching. As a result, consumers will evaluate, among other factors, the current existence of compatible applications and the likely number of future compatible applications.[8] The current number of compatible applications is likely to depend directly on the past and current market share of the operating system. A consumer's reasonable evaluation of the prospects for the continued support of his or her favorite applications and the development of new applications is also likely to be based on current market share. As a result, increased market share indirectly increases the desirability of an operating system.

Empirically, this applications barrier to entry is dramatic. At its peak in the mid-1990s, IBM's operating system, OS/2 Warp, had 10 percent of the market for operating systems for Intel-compatible PCs and ran approximately 2,500 applications. In contrast, Windows supported over 70,000 applications.[9] Establishing a new operating system that effectively competes head-to-head with Windows would require the hugely expensive task of attracting ISVs to port thousands or even tens of thousands of programs to the new operating system, a process with a substantial fixed cost and, in the absence of a large guaranteed market, little scope to benefit from economies of scale. Particularly important to the applications barrier to entry is the availability of applications providing key functionalities, such as office productivity. Microsoft's dominance in this area, and its choice about whether or not to port its Microsoft Office program to alternative operating systems, can add a new and even higher level to the applications barrier to entry.

With this barrier to entry, a monopoly once established may be hard to dislodge. Anticompetitive practices early in the competitive struggle can lead to a market dominance that can persist, even if the anticompetitive practices which gave rise to the monopoly position are subsequently prohibited. These hysteresis effects are reinforced by switching costs. Learning a language or a program interface may involve significant costs. Users must therefore be convinced that an alternative program is substantially superior if they are to be induced to incur the learning and other costs associated with switching to an alternative product. These ''lock in'' effects make it more difficult to dislodge a firm that has established a dominant position, even when it is technically inferior to rivals.

This perspective has two important policy implications. First, it is imperative to address anticompetitive practices as quickly as possible. Delay is not only costly, but it impedes the restoration of competition even in the longer run. Second, prohibiting the practices that gave rise to the monopoly may not suffice to restore competition. Stronger conduct, and possibly structural, remedies may be required.

B. Potential for competition

In the most simplistic view, a monopoly once attained is permanent. Increasing returns to scale and network externalities make the monopolist impregnable—any new entrant can be priced out of business by the monopolist—which can then go back to charging the monopoly price for the product.

In contrast to this simplistic static view, the economist Joseph Schumpeter presented a dynamic vision of technological change giving rise to a series of temporary monopolies. In his vision, the most successful firm in a winner-take-all contest would become a temporary monopolist, benefiting from the rents that this monopoly confers—a process necessary to justify incurring the sunk costs in research and development required to obtain the monopoly in the first place. But, in the Schumpeterian vision, this monopoly would eventually be toppled by entry as a newly innovative entrant displaced the monopolist with a superior product, thus reaping the benefits of increasing returns to scale and network externalities.[10]

The real world likely lies somewhere between these two views. A monopoly is not a fixed part of the economic landscape. But the downfall of a monopoly is not inevitable. In fact, more recent economic research strongly indicates that Schumpeter's conclusion was wrong; when restraints on anticompetitive conduct are absent, a monopoly can take steps to ensure that it is likely to be perpetuated.[11] These steps can suppress the overall level of innovation and have other high social costs.[12] Significant network effects combined with switching costs, as discussed above, represent one way in which a firm can perpetuate its market power.

Understanding this point is central to understanding what motivated the actions of Microsoft in promoting Internet Explorer and restraining Netscape and Java, and also to understanding the motivations of a conduct remedy to improve competition. Network externalities are not a ''fixed factor'' in the economic landscape. They depend, at least in part, on decisions by the monopolist. A monopolist has substantial resources at its disposal to strengthen barriers to entry and thus to maintain and strengthen its monopoly power. Exclusionary conduct by the monopoly can be used to prevent a reduction in the barriers to entry or even affirmatively to raise them even higher. Java and Netscape would have reduced the monopoly power of Windows by allowing a greater variety of programs to function on a greater variety of operating systems. The social benefits from such innovation were likely significant, but Microsoft would have experienced significant losses from the innovation through the erosion of its monopoly power.

Similarly, this same point can provide the rationale for structural or conduct remedies that can potentially reduce barriers to entry and thus increase competition in part, or all, of the market. The fundamental idea is that Microsoft acted as it did because it was afraid that Netscape and Java would reduce the applications barrier to entry and thus undermine its operating systems monopoly. By preventing this anticompetitive behavior, and indeed promoting competition, a conduct remedy could have precisely the opposite effect, creating the conditions for the dynamic, innovative Schumpeterian competition that would otherwise be absent in this market. In understanding the monopoly in the operating systems market, and how it fits into the overall PC platform, it is useful to introduce some issues specific to this area. Timothy Bresnahan, a Professor of Economics at Stanford University and a former Deputy Assistant Attorney General and Chief Economist at the U.S. Department of Justice Antitrust Division, formulated the concept of ''Divided Technical Leadership.''[13] The concept is that although each aspect of the platform is dominated by a single company, different companies dominate different ''layers'' of the platform: ''At one stage, all of IBM and Compaq (computer), Microsoft (OS), Intel (CPU), Netware (networking OS), WordPerfect and Lotus (near-universal applications) participated in technological leadership of the PC platform.''[14] In a situation of divided technical leadership, according to Bresnahan, competition comes from two sources: ''(1) firms in one layer encouraging entry and epochal change in another layer and (2) rivalry at layer boundaries.''[15] To the degree that divided technical leadership is absent, because for example Microsoft controls many of the layers (operating system, office applications, networking, browsers, etc.), competition will be restricted. Any measures to facilitate divided technical leadership, even if they leave the monopoly at any given layer intact, will facilitate competition and thereby benefit consumers in the form of greater innovation, more choices, and lower prices.

C. Consequences of monopoly

Traditional economic theory suggests that the principal consequence of a monopoly is to raise prices and restrict production. This combination has two consequences. First, higher prices allow the monopolist to capture some of the surplus previously enjoyed by

[8] Nicholas Economides (1996), ''The Economics of Networks.'' International Journal of Industrial Organization, 14:2.

[9] Findings of Fact, ¶40 and ¶46, 84 F. Supp. 2d at 20, 22.

[10] Joseph Schumpeter (1942 / 1984), Capitalism, Socialism and Democracy. Harper Collins, New York.

[11] See, among other references, Richard Gilbert and David Newbery (1980), ''Preemptive Patenting and the Persistence of Monopoly.'' American Economic Review 72(3), pp. 514–526 and Partha Dasgupta and Joseph Stiglitz (1980), ''Uncertainty, Market Structure and the Speed of R&D,'' Bell Journal of Economics, 11 (1), pp. 1–28.

[12] Joseph Stiglitz (1987). ''Technological Change, Sunk Costs, and Competition.'' Brookings Papers on Economic Activity, 3, pp. 883–937.

[13] Timothy Bresnahan and Shane Greenstein (1999), ''Technological Competition and the Structure of the Computer Industry.'' Journal of Industrial Economics, 47(1): pp. 1–40 and Bresnahan (2001).

[14] Bresnahan (2001), p. 5.

[15] Bresnahan (2001), p. 6.

consumers. Second, restricted production results in a deadweight loss for society, the so-called ''Harberger triangle,'' to the extent that the value placed on the forgone consumption by consumers exceeds its cost to producers.[16]

Over the last few decades, economists have substantially enhanced this traditional theory and explored other ways in which market power imposes social costs. The modem view is that when competition is imperfect, firms try to maintain and extend their market power by taking actions to restrict competition. In the world of perfect competition, the source of success for firms is producing innovations that benefit consumers and reduce prices. In the world of imperfect competition, an additional—and perhaps paramount—source of success is the effort to reap monopoly profits, capture rents, deter entry into the market, restrict competition, and raise rivals'' costs.[17]

Under the new view, the social costs of monopolies go well beyond the ''Harberger triangles'' that result from higher prices and restricted output. In fact, even if the monopolist is not currently restricting output, the steps taken to maintain the monopoly will result in substantial economic inefficiencies and costs to society. These costs may be far larger than the monopoly profits and far larger than the Harberger triangles. These social losses reflect higher costs of production (both for the firm and its rival), limited or distorted investment in innovation, a restricted set of potentially inferior choices for consumers, and, in the long run, higher prices.

D. Monopolies and innovation

The information technology industry is characterized by a rapid rate of technological change. As the modem theory of competition and monopoly underscores, it is important to focus not just on the static issues that affect consumers today, but also on how the mixture of monopoly, competition, and the intellectual property regime affects the pace and direction of innovation. Schumpeter emphasized that monopolies would provide both the incentives and the means for innovation. According to Schumpeter, the fear of losing monopoly rents would drive a monopolist to continue innovating and these monopoly rents—or the promise of further monopoly rents in the future—would provide the financing for these innovations. Schumpeter's vision contains elements of truth: the threat of competition may induce monopolists to invest more in innovation than it otherwise might. But the pace of innovation may be even higher if the incumbent's monopoly power were curtailed. Monopoly power could lower the pace of innovation for four reasons.

First, previous innovations are inputs into any subsequent innovation. Monopoly power can be thought of as increasing the cost of one of the central inputs into follow-on innovations. Standard economic theory predicts that as the cost of inputs into any activity increases, the level of that activity falls.

Second, with more substantial barriers to entry, the threat of Schumpeterian competition and therefore the incentives to innovate are diminished. In the extreme case, if a monopoly could ensure that there were no threat of competition, it would no longer have to innovate. A monopolist's anticompetitive actions to raise barriers to entry will reduce its future incentives to innovate; similarly measures that increase competition will increase the Schumpeterian incentive.

Third, innovation itself may be misdirected in order to secure a monopoly by deterring entry and raising rivals'' costs. In operating systems, for example, the development of alternative proprietary standards and the construction of non-interoperable middleware are examples of innovations that could potentially strengthen monopoly power.

Fourth, the incentives of a monopoly to innovate are limited.[18] Since a monopolist produces less than the socially optimal output, the savings from a reduction in the cost of production are less than in a competitive market. Also, a monopolist's incentives to undertake research will not lead it to the socially efficient level. Rather, its concern is only how fast it must innovate in order to stave off the competition—a level of innovation that may be markedly lower than socially optimal. Consider, for example, a simple patent race in which a monopoly incumbent can observe the position (at least partially) of potential rivals. The monopolist's incentive is to move out in front of the potential rivals by just enough to convince them that they cannot beat the monopolist. Given those beliefs, the rivals do not engage in research, and the monopolist can then slow down its research to a lower level (since it no longer faces a viable threat).

In short, monopolization not only harms consumers by raising prices and reducing output in the short run, but may reduce innovation in the long run. These long-run harms, which are especially important in innovative industries, may substantially exceed the short-run costs to consumers.

V. FACTS AND LEGAL CONCLUSIONS RELATING TO MICROSOFT

In its decision, the Court of Appeals affirmed the District Court's overall judgment, albeit on a narrowed factual and legal basis. The Court of Appeals concluded that ''Microsoft violated § 2 of the Sherman Act by employing anticompetitive means to maintain a monopoly in the operating system market.'' [19] In addition, the Court of Appeals overturned the lower court's judgment that Microsoft violated § 2 of the Sherman Act by attempting to monopolize the web browser market. The Court of Appeals remanded the decision on whether the tying of Internet Explorer to Windows violated § 1 of the Sherman Act and indicated that tying should be evaluated under the rule of reason, rather than under a per se rule; the U.S. Department of Justice chose not pursue this issue further. The Court of Appeals also vacated the District Court's Final Judgment, in part because of the narrowed scope of the judgment on the conclusions of law.

The current task in this case is to develop a remedy that addresses the central finding of the Court of Appeals: the monopolization of the operating systems market. This judgment was based on findings of fact and conclusions of law in three areas: Microsoft has monopoly power in the relevant market, Microsoft behaved anticompetitively, and Microsoft's anticompetitive behavior contributed to the maintenance of its monopoly. These are briefly discussed in turn.

A. Monopoly power

Monopoly power is the power to set prices without regard to competition. It can be inferred by the combination of market share in the relevant market and significant barriers to entry. The District Court found that Microsoft's share of the worldwide market for Intel-compatible PC operating systems exceeded 90 percent in every year of the 1990s and has risen to more than 95 percent in recent years. Microsoft did not dispute these facts, but instead argued that the relevant market was broader and should include all platform software (e.g., servers, handheld devices, Macintosh computers, etc.). The Court of Appeals, however, rejected Microsoft's attempt to broaden the definition of the market, agreeing with the District Court that these other platforms were not ''reasonably interchangeable by consumers for the same purposes.'' [20]

In addition, the Court of Appeals affirmed the finding that Microsoft's dominant market share was likely to persist. This conclusion was based on the substantial barriers to entry, including increasing returns to scale and the applications barrier to entry discussed above. As a result, according to the Court of Appeals, ''Because the applications barrier to entry protects a dominant operating system irrespective of quality, it gives Microsoft the power to stave off even superior new rivals. The barrier is thus a characteristic of the operating systems market, not of Microsoft's popularity.'' [21]

B. Anticompetitive behavior

The Court of Appeals found numerous instances where Microsoft behaved anticompetitively through exclusionary conduct that harmed consumers, had an anticompetitive effect, and had either no ''procompetitive justification'' or an insufficient ''procompetitive justification'' to outweigh the harm. These actions, according to the Court of Appeals, had the intention and effect of preserving or increasing the applications barrier to entry. The Court of Appeals upheld most of the general categories of anticompetitive behavior originally found by the District Court, but overturned some of the District Court's

[16] Arnold Harberger (1954), ''Monopoly and Resource Allocation,'' AEA Papers and Proceedings, 44: 77–87.

[17] Partha Dasgupta and Joseph Stiglitz (1998), ''Potential Competition, Actual Competition and Economic Welfare.'' European Economic Review, 32: 569–577. For an extended discussion and additional references see Joseph Stiglitz (1994), Whither Socialism, MIT Press, Cambridge.

[18] Kenneth Arrow (1962), ''Economic Welfare and the Allocation of Resources for Invention.'' In The Rate and Direction of Inventive Activity, Princeton University Press, Princeton: pp. 609–625.

[19] 253 F.3d at 46

[20] 253 F.3d at 52, quoting United States v. E.I. du Pont de Nemours & Co., 351 U.S. 377, 395 (1956).

[21] 253 F.3d at 56.

specific findings in these areas. The key instances of this anticompetitive behavior found by the Court of Appeals include:

. Restrictive Licenses to Original Equipment Manufacturers (OEMs).[22] Microsoft's Windows license placed restrictions on OEMs that limited their ability to change the look of the Windows desktop, the placement or removal of icons for browsers, or the initial boot sequence. The result was to increase the user share of Internet Explorer, not because of its merits, but because Microsoft limited the crucial OEM channel of distribution for Explorer's chief rival, Netscape.

. Integration of Internet Explorer into Windows.[23] Microsoft discouraged OEMs from installing other browsers and deterred consumers from using them by not including Internet Explorer in the Add/Remove programs list for Windows 98 and commingling the operating system and browser code.

. Agreements with Internet Access Providers (IAPs).[24] Microsoft engaged in exclusionary conduct to restrict the second main distribution channel for Netscape by offering IAPs, including America Online, the opportunity to be prominently featured in Windows in exchange for using the Internet Explorer browser exclusively.

. Dealings with ISVs and Apple.[25] Microsoft further restricted additional outlets for Netscape by providing ISVs with preferential access to information about forthcoming releases of Windows 98 in exchange for their writing to Internet Explorer rather than Netscape. In addition, Microsoft negotiated with Apple to restrict the ability of Macintosh consumers to use Netscape in exchange for continuing to develop and support Microsoft Office for the Macintosh operating system.

. Polluting Java. The Court of Appeals also found that much of Microsoft's behavior visa-vis Java was an attempt to limit a threat to its operating system monopoly rather than benefit consumers. These illegal actions included entering into contracts requiring ISVs to write exclusively to Microsoft's Java Virtual Machine, misleading ISVs into thinking that Microsoft's Java tools were cross-platform compatible, and forcing Intel to terminate its work with Sun Microsystems on Java.[26]

C. Effectiveness of anticompetitive behavior in maintaining the monopoly

Finally, the Court of Appeals found that Microsoft's anticompetitive efforts to increase usage of Internet Explorer and Microsoft's Java Virtual Machine at the expense of Netscape and Sun's Java had the effect of increasing the applications barrier to entry and thus helping to maintain Microsoft's monopoly of the market for operating systems for Intel-compatible PCs. This finding is the crucial link to the economics of the case; a monopoly is neither automatically permanent nor automatically transient. Rather, its persistence depends, in part, on the barriers to entry which, in turn, depend on the actions of the monopolist and the regulation of the government. This finding is also crucial to the development of proposed remedies.

Specifically, the Court of Appeals found that although neither Netscape nor Java posed an imminent threat of completely replacing all the functions of the operating system (and thus should be excluded from the definition of the relevant market for the test of monopoly power), they did pose a nascent threat to Microsoft's future dominance of the operating system market. Though not part of the ''operating systems market,'' they clearly affected the nature of competition in this market. Both Netscape and Java established Applications Programming Interfaces (APIs) that allowed developers to write some programs to Netscape and Java. These programs would then be able to run on any operating system that runs Netscape or Java. The result would be, at least in one segment of applications, a dramatic reduction in the applications barrier to entry. No longer would software developers have to incur additional costs to run on additional operating systems. As a result, Netscape and Java had the potential to act as a crucial level of ''middleware'' between the operating system and the programs, and eventually could ''commoditize the underlying operating system,'' to use the memorable words of then-Microsoft Chairman and CEO Bill Gates in an internal memo.[27]

The Court of Appeals wrote:

We may infer causation when exclusionary conduct is aimed at producers of nascent competitive technologies as well as when it is aimed at producers of established substitutes... the question in this case is not whether Java or Navigator would actually have developed into viable platform substitutes, but (1) whether as a general matter the exclusion of nascent threats is the type of conduct that is reasonably capable of contributing significantly to a defendant's continued monopoly power and (2) whether Java and Navigator reasonably constituted nascent threats at the time Microsoft engaged in the anticompetitive conduct at issue.'' [28]

The court answered in the affirmative on both issues.

VI. OUTLINE OF AN EFFECTIVE CONDUCT REMEDY

The Court of Appeals was clear that the District Court has ''broad discretion'' to fashion a remedy that is ''tailored to fit the wrong creating the occasion for the remedy.'' [29] In the CIS, the Department of Justice appears to take a minimal view of the goals of a remedy, writing that it should ''eliminate Microsoft's illegal practices, prevent recurrence of the same or similar practices, and restore the competitive threat that middleware products posed prior to Microsoft's unlawful undertakings.'' [30] We believe that the PFJ fails even within the narrow terms that the Department of Justice set for itself.

The Court of Appeals appears to provide guidance for a broader remedy, quoting the Supreme Court in saying that the role of a remedies decree in an antitrust case is to ''unfetter a market from anticompetitive conduct'' and ''terminate the illegal monopoly, deny the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future.'' [31]

One type of potential remedy, imposed by the District Court but vacated by the Court of Appeals, is structural. Such a structural remedy would involve breaking Microsoft into two or more companies with the goal of establishing a new set of incentives that foster competition. Although potentially disruptive in the short run, the goal of a structural remedy is to terminate the monopoly and create the structural conditions to prevent it from re-emerging, without requiring ongoing regulation or supervision by the court or the government. Such structural remedies are particularly suitable when there have been a wide variety of anticompetitive practices in the past and when changing market conditions (such as innovation) provide opportunities for new types of anticompetitive conduct in the future. Structural remedies have the further advantage of fundamentally altering incentives.

A second type of potential remedy relates to conduct or licensing, seeking to prevent anticompetitive conduct and foster competition. A conduct remedy has the advantage of avoiding the dramatic and potentially deleterious changes associated with a structural remedy, but suffers from the defect that it is necessarily complicated and requires at least some involvement of the court and the government in regulating private enterprise. Ideally, a conduct remedy would also be structured to affect incentives: in particular, such a remedy should raise the costs of acting in an exclusionary manner.

The remainder of this section discusses an outline of the elements of an effective conduct remedy that seeks to achieve three goals: creating more choices for consumers, reducing the applications barrier to entry, and preventing Microsoft from strengthening

[22] The Court of Appeals narrowed the scope of this anticompetitive behavior slightly, rejecting the District Court's finding that Microsoft's restrictions on alternative interfaces was anticompetitive, arguing that the ''marginal anticompetitive effect'' of Microsoft's license restrictions was outweighed by the alternative, the ''drastic alteration of Microsoft's copyrighted work.'' See 253 F.3d at 63.

[23] The Court of Appeals, however, overruled the District Court in one instance, finding a sufficient justification for the fact that in certain situations Internet Explorer will override user defaults and launch, for example when alternative browsers do not provide the functionality required by Windows Update. See 253 F.3d at 67.

[24] The Court of Appeals found that several inducements offered by Microsoft to encourage IAPs to use Internet Explorer were not anticompetitive. See 253 F.3d at 68.

[25] The Court of Appeals overturned the finding that Microsoft's deals with Internet Content Providers were anticompetitive. See 253 F.3d at 71.

[26] See 253 F.3d at 74–78. The Court of Appeals, however, found a sufficient procompetitive justification for Microsoft's development of its own version of a Java virtual machine. See id. at 74–75.

[27] United States v. Microsoft Corp., Government Exhibit 20.

[28] 253 F.3d at 79.

[29] 253 F.3d at 105, 107.

[30] CIS, p. 3.

[31] 253 F.3d at 103, quoting Ford Motor Co. v. United States, 405 U.S.562, 577 (1972).

its operating systems monopoly by bringing new products within its scope.

A. Creating more choices for consumers

A conduct remedy should empower rival computer companies to modify their own versions of the computer experience to appeal to consumers. Not only will consumers benefit from the greater product choice, but entry and competition may be enhanced as consumers learn how to interact with a variety of interfaces. At a minimum, empowering OEMs and possibly ISVs to create more choices for consumers would involve: (1) the right to modify the desktop, the start menu, or other fundamental aspects of the computer experience so that OEMs can market PCs with alternative overall ''looks'', different software packages (including supplementing, replacing, or removing Microsoft middleware), and to offer lower-priced options with reduced features; (2) adequate information and technical access to develop applications for, and even modifications to, functionalities included with Windows, which would allow ISVs to develop their own bundle of the Windows operating system plus applications (and/or minus Microsoft middleware) that could be marketed either to OEMs or directly to end users; (3) protection from retaliation by Microsoft for engaging in this conduct; and (4) financial incentives to make changes that benefit consumers.

B. Reducing the applications barrier to entry

The central goal of Microsoft's illegal conduct was to preserve and strengthen the applications barrier to entry so that the Windows operating system continued to be essential to desktop computing. An effective conduct remedy in this case should take steps to reduce the applications barrier to entry, by creating conditions conducive to more competition and by requiring Microsoft to undertake actions that would lower that barrier. Reducing the applications barrier to entry is consistent with the findings of the Court of Appeals and is central to an effective remedy in this case. Although the Court of Appeals rejected or remanded the District Court's findings of liability for tying and for monopolization of the browser market, both of these actions were central to the Court's finding of liability on the § 2 Sherman Act violation for monopolizing the market for operating systems. The Court found that Microsoft used commingling of code and other exclusionary measures to increase the market share for Internet Explorer and reduce the distribution of Netscape and Java in order to strengthen the Windows monopoly.

There are two specific aspects to reducing the applications barrier to entry: (1) encouraging competition in middleware in a manner that makes it easier for developers to write programs that run on a variety of operating systems, and (2) requiring Microsoft to port its dominant applications to alternative operating systems.

C. Preventing Microsoft from strengthening its operating system monopoly by bringing new products within its scope

Microsoft's ability to leverage its Windows monopoly to control other aspects of computing that then reinforce the Windows monopoly is a key part of its strategy of anticompetitive conduct that formed the foundation for the Court of Appeals ruling. To deal with the anticompetitive practices that are ''likely to result in monopolization in the future'' requires a remedy that addresses not just areas of past misconduct, but emerging areas as well.

The next section compares the actual agreement to these elements.

VII. ANALYSIS OF THE PROPOSED FINAL JUDGMENT

The PFJ fails to fulfill even the minimal goals set by the CIS. It does not address many of the proven illegal practices, including commingling, polluting Java, and strengthening the applications barrier to entry more broadly. Furthermore, in our judgment the PFJ would not ''restore the competitive threat that middleware products posed prior to Microsoft's unlawful undertakings.'' [32] Nothing in the PFJ would be likely to resuscitate the conditions of greater ''divided technical leadership'' that prevailed in the mid-1990s when Netscape and Java both presented a serious threat to Microsoft, which Microsoft suppressed through anticompetitive actions.

The PFJ also falls dramatically short of all three elements of the guidelines that appear to have been endorsed by the Court of Appeals for the DC Circuit: it allows Microsoft's illegal monopoly in operating systems to continue and perhaps even be strengthened, it allows Microsoft to keep the fruits of its statutory violation, and it leaves intact all of the incentives and many of the means—for Microsoft to maintain and extend its monopoly in the future, especially in the important emerging areas of web services, multimedia, and hand-held computing.

The main impact of the PFJ is to codify much of Microsoft's existing conduct. Where the agreement limits Microsoft's conduct, there are often sufficient exceptions, loopholes, or alternative actions that Microsoft could undertake to make the initial conduct limits meaningless.

Even where the limits are binding, Microsoft could still flout the conduct restrictions without fear of a timely enforcement mechanism. Because the Technical Committee [33] is essentially advisory and only has expertise in software design, not law and marketing, the only enforcement of the PFJ is through a full legal proceeding—which would provide enough time for Microsoft to inflict irreversible harm on competition. The time issues are especially important because in a market characterized by increasing returns to scale and network externalities, once a dominant position is established it will be hard to reverse, even if the original abusive practices are subsequently circumscribed.

The fundamental problem with the agreement is that it does not change the incentives that Microsoft faces. All of the illegal anticompetitive actions identified by the District Court and affirmed by the Court of Appeals were the result of rational decisions by Microsoft about how best to enhance its value by maintaining and expanding its monopoly. These same incentives will persist under the PFJ; given these incentives, it impossible to foresee—let alone effectively prohibit—the wide variety of potentially anticompetitive conduct that may result. Indeed, the reason that many economists have argued for the more drastic structural settlement (such splitting up Microsoft) is that such structural changes would alter incentives.[34] Though the Court of Appeals has determined that such a remedy might be too drastic, the imperative in evaluating any remedy is to ascertain its impact on incentives.

The following analyzes the details of the PFJ by comparing it to the principles outlined in the previous section. Our discussion does not aim to be comprehensive, but instead to focus on areas that illustrate or represent important economic aspects of the PFJ. Although the enforcement aspects of the PFJ, in particular the powers of the Technical Committee, are essential to understanding the limitations of the agreement, we only briefly discuss these issues.

A. Creating more choices for consumers

In developing a remedy, the court is well aware of its technical shortcomings in deciding exactly what should or should not be included as part of an operating system today—or in the future. Neither should these determinations be made solely by a monopolist. These choices should be made by consumers through the choices they have between different OEMs and ISVs. Stanford Law Professor Lawrence Lessig described this strategy as follows: ''To use the market to police Microsoft's monopoly... by assuring that computer manufacturers and software vendors remain free to bundle and support non-Microsoft software without fear of punishment by Microsoft.'' [35] We agree with Professor Lessig that this should be among the goals of a final judgment and that the current agreement is woefully inadequate in meeting this objective. In our view, this is in fact a minimal objective that mitigates some of the harms to consumers from Microsoft's monopoly position but, by itself, would do little to reduce the applications barrier to entry or facilitate competition in the operating systems market itself.

As noted above, a remedy that turns this overall strategy into a reality requires four

[32] CIS, p. 3.

[33] The Technical Committee consists of three experts in ''software design and programming''—one appointed by Microsoft, one by the plaintiffs, and the third by these previous two. The Committee would have broad access to internal Microsoft documents, source code, etc. It would be responsible for reporting any violations of the PFJ to the plaintiffs. They would not, however, be able to rely on the work of the Technical Committee in Court proceedings. See PFJ, Section IV.B.

[34] See, for example, Robert Litan, Roger Noll, and William Nordhaus (2002), ''Comment of Robert E. Litan, Roger D. Noll, and William D. Nordhaus on the Revised Proposed Final Judgment.'' United States v. Microsoft Corp., Before the Department of Justice. The point is simple: now strategy with respect both to applications and the operating system is designed to maximize total profits, including the monopoly profits. With structural separation, applications would be designed and marketed to maximize their own profits, with no regard to how this might affect the profitability of the operating system.

[35] Lawrence Lessig (December 12,2001). ''Testimony before the Senate Committee on the Judiciary.''

different elements: (1) ensuring that OEMs and potentially ISVs have the right to modify the desktop, the start menu, or other fundamental aspects of the computer experience in any way they choose; (2) ensuring that OEMs and ISVs have adequate information and technical access to develop applications for, and even modifications to, Windows; (3) ensuring that they are protected from retaliation by Microsoft for providing alternatives to consumers; and (4) ensuring that they have financial incentives to make changes that benefit consumers. The PFJ is deficient in all four.

1. Ensuring that OEMs and potentially ISVs have the right to modify fundamental aspects of the computer experience in any way they choose

The PFJ codifies several new rights for OEMs to modify the desktop or the computer experience, some of which were already voluntarily announced by Microsoft on July 11, 2001 and implemented with the release of Windows XP on October 25, 2001. Specifically, Section III.C of the PFJ prohibits Microsoft from restricting OEMs from ''Installing or displaying icons, shortcuts, or menu entries for, any Non-Microsoft Middleware... distributing or promoting NonMicrosoft Middleware by installing and displaying on the desktop shortcuts of any size or shape...'' among other actions.

This new required latitude, however, is unduly limited in several respects:

—New flexibility is quite narrow. OEMs can only modify the initial boot screen to market IAPs to users, but cannot modify it to uninstall Microsoft middleware or to market middleware that competes with Microsoft middleware (Section III.C.5). Nothing in the PFJ would allow ISVs to acquire licenses to create their own bundles of Windows plus applications to market to consumers or OEMs, a measure that could enhance competition by bringing additional participants with substantial experience in software development into the market. While the benefits to consumers and competition of allowing ISVs to acquire such licenses are evident, Microsoft would only be harmed to the extent that it reduces its monopoly power. There is no other convincing explanation for these restrictive trade practices.

—It contains several limitations that limit the overall look of Non-Microsoft Middleware and pace of innovation. For example, the PFJ requires that the user interface on automatically launched Non-Microsoft Middleware [36] must be ''of similar size and shape to the user interface displayed by the corresponding Microsoft Middleware Product'', can only be launched when a similar Microsoft product would have been launched, and Microsoft can impose non-discriminatory bans on icons (Section III.C.3). In addition to the fact that these limitation are frivolous, asymmetric, and would seem to serve no purpose other than restricting competitive threats—no such limitations apply to Microsoft—they could also have a severe impact in limiting competition. Specifically, it allows Microsoft to control the pace of innovation in the computer experience, letting Microsoft delay the effective launch of a new type of product until it is ready to compete in that area. Thus both competition and innovation may be impeded.

It is unnecessarily delayed. Specifically, Section III.H gives Microsoft up to 12 months or the release of Service Pack 1 for Windows XP, whichever is sooner, to provide end users and OEMs a straightforward mechanism to remove icons, shortcuts, or menu entries for Microsoft Middleware Products or to allow OEMs or end users to designate alternative Non-Microsoft Middleware Products [37] to be invoked by the Windows operating system in place of Microsoft Middleware Products.[38] There is certainly no economic or legal justification for this delay and our understanding is that it is technically feasible to carry out these changes in a few weeks time, as demonstrated by Microsoft's July 11, 2001 voluntary agreement to implement elements of this provision. As we have emphasized, there can be significant long-run consequences for competition from even short delays.

Microsoft could encourage users to undo changes after 14 days. The value of the new contractual freedoms is limited by Microsoft's ability to encourage the user to undo all OEM changes after 14 days by allowing a user-initiated ''alteration of the OEM's configuration... 14 days after the initial boot up of a new Personal Computer.'' (Section III.H.3) This provision, in effect, would allow Microsoft to present a message to end users (e.g., ''Press 'yes'' to optimize your computer for multimedia'') that could bias choices toward Microsoft products, regardless of what the OEM had chosen. This provision could therefore greatly reduce the scope and value of the changes that OEMs make.[39]

2. Ensuring that OEMs and ISVs have adequate information and technical access to develop applications for, or even modifications to, Windows

The right to make modifications to Windows will only work effectively if OEMs and ISVs have the knowledge to exercise this right. Microsoft currently releases an enormous quantity of information on the Windows operating system and its APIs, through the Microsoft Developer Network (MSDN) and other means. Indeed, the indirect network externalities supporting the Windows monopoly provide a strong incentive for Microsoft to ensure that as many applications as possible run well on its system. But Microsoft also has an incentive to bolster its operating system monopoly by selectively withholding timely information to impede or delay the development of products that threaten to reduce the applications barrier to entry.[40] In addition, Microsoft has also required anticompetitive actions in exchange for information, as in the ''first wave'' agreements found illegal by the Court of Appeals.[41]

The PFJ requires disclosure of ''the APIs and related Documentation that are used by Microsoft Middleware to interoperate with a Windows Operating System Product'' (Section III.D) and specified Communications Protocols (Section III.E).

These requirements, however, are deficient in several ways:

Windows APIs are not covered. In particular, the PFJ does not require the disclosure of the APIs used by Windows. Although Microsoft already has an incentive to disclose Windows APIs, there are circumstances where delay could be more profitable. The consequences of this omission are aggravated by the definition in Section VI.U: ''the software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion.'' Thus, as middleware gets blended in the operating system, the scope of disclosures could be narrowed.

Internet Explorer and other middleware APIs are not covered. Furthermore, the agreement does not require the disclosure of the APIs used by Internet Explorer. Although the government did not prove that Microsoft was guilty of monopolizing the browser market, dominating this market played a key role in shoring up its monopoly in the operating systems market. As a result, requiring disclosure of the APIs for Internet Explorer and other middleware could play a role both in denying the fruits of that monopoly and reducing this barrier to entry in its operating systems market.

Definitions could limit disclosure even further. The scope of APIs required to be disclosed under the agreement could be potentially limited even further by the control Microsoft has over what is ''Microsoft Middleware'' and what is the ''Windows Operating System Product.''

Additional loopholes further limit disclosure and ability of non-Microsoft middleware to fully interoperate with Windows. Section III.J. 1 provides a substantial loophole that exempts from the disclosure requirements anything that ''would compromise the security of a particular installation,... digital rights management, encryption or authorization systems...'' These are all very important technologies for Windows Media Player, Passport, the Internet Explorer browser, and any of the many programs that rely increasingly on security and encryption. In addition to giving Microsoft substantial discretion and blurring the disclosure

[36] As defined in Section VI.M.

[37] As defined in Section VI.N.

[38] As defined in Section VI.K.

[39] This provision would allow Microsoft to run the ''Desktop Cleanup Wizard'' that removes unused shortcuts from the desktop in a non-discriminatory manner. Nothing in our reading of the language of Section III.H.3, however, would limit the power of Microsoft to remove all user access to non-Microsoft middleware or restore access to Microsoft middleware.

[40] For example, the District Court found that Microsoft withheld the ''Remote Network Access'' API from Netscape for more than three crucial months in mid-1995. Findings of Fact, § 90–91, 84 F. Supp. 2d at 33.

[41] These agreements, which were entered into between the Fall of 1997 and Spring of 1998 between Microsoft and several ISVs, provided preferential early access to Windows 98 and Windows NT betas and other technical information in exchange for using Internet Explorer as the default browser. See See 253 F.3d at 71–72.

requirements further, these exceptions would make it impossible for competitors to design middleware that fully interoperated with the Windows operating system, leaving certain features only accessible to Microsoft middleware.

Disclosures are not timely. The disclosures are not very timely, allowing Microsoft enough time to ensure that its products—and products by favored OEMs and ISVs enjoy a substantial ''first to market'' benefit in taking advantage of the functionality of the operating system. Microsoft has up to 9–12 months to disclose the APIs and communications protocols. In the case of a new version of the Windows Operating System Product, the PFJ bases the timing of the disclosure on the number of beta testers, effectively giving Microsoft substantial discretion over the timing of the required disclosures through its definition of the term ''beta tester'' and its control over their number. (Sections III.D and VI.R)

Microsoft could cripple rival products. The PFJ does nothing to prevent Microsoft from deliberately making changes in Windows with the sole or primary purpose of disabling or crippling competitors'' software products.

3. Ensuring that OEMs and ISVs are protected from retaliation by Microsoft for providing alternatives to consumers

The right to make alterations to the Windows desktop will only be effective if companies are protected from retaliation for exercising it. The PFJ provides some protection against retaliation (Section III.A) and requirements for uniform licensing and pricing for Microsoft Windows (Section III.B). The protections, however, are only partial, in that they omit several important behaviors, still leave substantial scope for Microsoft to retaliate, and contain a very large loophole.

First, the prevention against retaliation only applies to a very specific set of actions that are specified in the PFJ, such as altering the icons on the desktop or promoting an IAP in the initial boot sequence. This rule does not apply to other actions by OEMs, such as the inclusion of third party software that does not fall under the definition of Non-Microsoft Middleware.

Second, there may still be some scope for discrimination and retaliation. Section III.B.3 of the PFJ explicitly gives Microsoft the right to use ''market development allowances,'' for example to provide a pre-license rebate to selected OEMs on the basis of potentially ambiguous joint ventures. Although these incentives would have to be offered uniformly, there still could be some scope for defining them in an exclusionary manner. Furthermore, the relationships between Microsoft and computer companies are very complex and multifaceted, leaving substantial scope for retaliation in aspects not covered by the PFJ, including potentially the pricing of Microsoft Office and the server business.

Finally, Section III.A allows Microsoft to terminate the relationship with an OEM without cause and within a brief span of time simply by delivering two notices of termination. With no ready substitutes for Windows available, this power would give Microsoft substantial leverage in its relationships with OEMs. Although the OEM would have the option of litigating Microsoft's denial of a Windows license, the text of Section III.A and the lack of ''bright line'' rules in the PFJ would make this litigation costly and uncertain—and thus an imperfect means of protection against this threat.

4. Ensuring that OEMs have financial incentives to make changes that benefit consumers Even if the three previous conditions were met, they would be economically irrelevant if OEMs did not have financial incentives to take advantage of the new licensing freedoms. The production of PCs is a highly competitive industry with very low profit margins.[42] PCs are virtually a commodity that can be priced based on a limited set of characteristics like processor speed and hard drive size. All of the steps allowed by the PFJ—including installing nonMicrosoft middleware or removing user access to Microsoft middleware—entail higher costs for the OEMs both in the costs associated with the initial configuration of the system and in the added costs of end user support.[43] In addition, OEMs may perceive that Microsoft would take additional steps to raise their costs through forms of retaliation either permitted by the PFJ or imperfectly banned. These costs may explain why, to our knowledge, no major computer manufacturer has yet taken Microsoft up on its July 11, 2001 offer to remove access to Microsoft middleware and replace it with non-Microsoft middleware.[44]

As a result, the key source of greater competition and consumer choice in the computer experience—OEMs—would have limited economic basis for promoting such choice. In part this is because the value of some of the new freedoms obtained by the OEMs in the PFJ are limited by loopholes. For example, by allowing Microsoft to bar OEMs from marketing non-Microsoft middleware in the initial boot sequence, the PFJ removes one source of revenue and choice. In addition, allowing Microsoft to encourage users to ''voluntarily'' revert to the Microsoft-preferred configuration of icons, the Desktop, and the Start Menu after 14 days may reduce substantially the value of this screen ''real estate.'' As a result, the PFJ precludes some of the principal means by which OEMs could be remunerated for providing additional or alternative functionality desirable to consumers.

The more fundamental problem is that OEMs continue to be required to license a version of Windows that includes middleware like Internet Explorer, Windows Media Player, and Windows Messenger. By not requiring Microsoft to sell a cheaper, stripped-down version of the operating system—excluding many of these added features—the PFJ in effect would require OEMs to pay twice—once for Microsoft's version of the product (as bundled into the price of Windows) and once for the alternative. Such bundling is a particularly invidious way of undermining competition. In effect, it implies that the marginal cost of any item in the bundle is zero, making competitive entry, even for a superior product, impossible. The fact that such entry has occurred is testimony to the superiority of the rival products—consumers are willing to pay substantial amounts for the alternatives. In addition, forced bundling can have adverse effects on consumers, because it uses up memory and storage space, and there is always the possibility that the commingled code will interfere with the performance of other applications.

In summary, under the PFJ, OEMs are not provided the rights, means, protections, or incentives to create alternative choices for consumers. As a result, the lynchpin of the PFJ's strategy for promoting competition would be greatly attenuated.

B. Reducing the applications barrier to entry

The applications barrier to entry was central to the Court of Appeals'' understanding of this case. It is the principal barrier to entry that protects Microsoft's overwhelming dominance of the market for operating systems for Intel-compatible PCs. Furthermore, the court found that Microsoft engaged in illegal acts to increase the applications barrier to entry, principally by suppressing Netscape and Java at the expense of Internet Explorer and Microsoft's version of Java. Thus, any remedy that is ''tailored to fit the wrong creating the occasion for the remedy'' must necessarily take affirmative steps to reduce the applications barrier to entry and also prevent Microsoft from engaging in anticompetitive actions to increase this barrier. Unfortunately, the PFJ barely addresses this central issue.

The following discusses two key aspects of the applications barrier to entry: the use of anticompetitive means to reduce the market share of rival middleware (and thus its potential to reduce the cost of porting applications to different operating systems) and the use of decisions about Microsoft Office to influence the prospects of rival operating systems.

1. Middleware and the applications barrier to entry

The CIS states that under the PFJ, ''OEMs have the contractual and economic freedom to make decisions about distributing and supporting non-Microsoft software products that have the potential to weaken Microsoft's personal computer operating system monopoly without fear of coercion or retaliation by Microsoft.''[45] Even if the PFJ did give OEMs this contractual and economic freedom without fear of retaliation, and the previous subsection expressed severe doubts on this point, it still would do little if anything to weaken Microsoft's operating system monopoly.

Enhancing competition by allowing OEMs and ISVs to provide consumers with a greater

[42] For example, the Washington Post recently noted that profit margins are in ''single digits.'' See Rob Pegoraro and Dina El Boghdady (January 20, 2002), ''Building Creativity Into the Box'' Washington Post.

[43] In the Microsoft trial numerous industry witnesses testified to the user confusion and added support costs associated with having alternative browsers pre-installed on a computer. See 253 F.3d at 71–72.

[44] Microsoft Press Release (July 11, 2001), ''Microsoft Announces Greater OEM Flexibility for Windows.''

[45] CIS, p. 25.

variety of choices, the subject of the previous subsection, is in some sense literally superficial. It involves the ability of firms in the computer industry to change the outer appearance of a computer and the way it is perceived and used by users, including the ability and ease of accessing programs that are included with the Windows operating system or added by the OEM or end user. The issues raised by the applications barrier to entry go deeper, to the underlying code in Windows. In particular, although the PFJ allows end users or OEMs to remove user access to Microsoft Middleware, it also allows Microsoft to leave in place all of the programming underlying this middleware. This code could still be accessed by other programs that write to the APIs exposed by the middleware.

The Court of Appeals explicitly rejected Microsoft's explanation for commmingling the code of Windows 98 and Internet Explorer, concluding that it deterred users from installing Netscape, had no substantive purpose, and thus that ''such commingling has an anticompetitive effect.'' [46] Despite this strong finding, no provision in the PFJ addresses this issue.[47]

Netscape and Java represented a very rare challenge to Windows—they offered the opportunity to develop middleware that would allow a wide range of applications to be costlessly transferred between different systems. It is difficult to imagine when, if ever, there will be a challenge of this magnitude again. Nonetheless, some existing middleware—and future middleware that we may not even be able to forecast today—will continue to present challenges to Windows. For example, there is still substantial competition in the market today for multimedia players, with Windows Media Player, RealNetworks RealOne player, and Apple's QuickTime, among others, all offering different versions of similar functionality.

The treatment of middleware is crucial because the market for middleware, like the market for operating systems, is subject to substantial network externalities. These externalities mean that the desirability of a middleware package increases as the installed user base increases. As with operating systems, such externalities arise for direct reasons (e.g., users can share files in a particular media format) and indirect reasons (writing a program to different middleware, so the dominant middleware will have the most programs associated with it). With regard to indirect network effects, the key point is that the installed base is not the number of computers with shortcuts to the given middleware, but the number of computers with the underlying code permitting the middleware to be invoked by a call from another program. A programmer that wanted to develop, for example, an interactive TV program could still use Windows Media Player regardless of whether or not an OEM or end user had removed the icons or shortcuts that allow easy user access to this program.

By providing no means for OEMs or end users to undo the commingling of code that ties Microsoft middleware to the operating system, the PFJ ensures that Microsoft middleware will have an installed base, in the relevant sense, of nearly the entire PC market. As a result, programmers will find it cheaper to write to Microsoft middleware rather than to rival programs. In this case, ubiquity could trump quality—because the size of a middleware's installed base could be more important than the quality of the middleware program. Microsoft middleware thus increases the applications barrier to entry in the same manner that promoting Internet Explorer and restricting the distribution of Netscape do. By allowing Microsoft to continue to commingle the code for middleware and its operating system, and preventing OEMs or end users from making real choices, the PFJ contributes to Microsoft's ability to restrict the market share of its rivals in neighboring ''layers'' to the operating system, reducing the main form of potential future competition at ''layer boundaries.''

2. Microsoft Office and the applications barrier to entry

As noted above, in the mid-1990s, Microsoft Windows was compatible with more than twenty times as many programs as IBM's OS/2 Warp. This offers a dramatic example of the applications barrier to entry. One crucial feature of Microsoft is that in addition to producing the Windows operating system, it is also a leader in many other applications. Network externalities work here to help create and maintain market dominance. Thus, for a rival operating system to succeed it would need not only to persuade ''neutral'' software companies to write to it, but also persuade Microsoft itself to port some of its leading applications to the operating system. To the degree that Microsoft produces leading or essential applications, they can use their refusal to port these applications to reinforce their Windows monopoly.

One application, in particular, is especially important to users: Microsoft Office and its associated programs, including Word (for word processing), Outlook (for e-mail and scheduling), Excel (for spreadsheets), and PowerPoint (for presentations). Indeed, Microsoft Office has about 95 percent of the market for business productivity suites.[48]

The Court of Appeals affirmed the District Court's finding that the desire by Apple to ensure that Microsoft continued to maintain and update Mac Office was central to its motivation to enter into an illegal, anticompetitive deal with Microsoft to suppress Netscape and promote Internet Explorer. In addition, Microsoft does not currently have a version of Office that operates on Linux, the primary alternative to Windows in the PC operating system market. Withholding or simply threatening to withhold Microsoft Office from other operating systems is a powerful way in which Microsoft can use anticompetitive means to reduce the desirability of rivals while also extracting concessions or exchanges that help support the Windows monopoly of PC operating systems.

The PFJ, however, does not address any issues relating to the pricing, distribution, or porting of Microsoft Office. This considerable loophole has been used by Microsoft in the past. In the future, Microsoft will have the same incentives to use this loophole again. In addition, it may be necessary to examine additional Microsoft applications that can be used to reinforce the Windows monopoly. Given the difficulty of undoing a monopoly of this sort, once established, it is particularly appropriate to reach beyond remedies that are narrowly circumscribed.

C. Preventing Microsoft from strengthening its operating system monopoly by extending it to encompass additional products

The Court is charged with fashioning a remedy that ''ensure[s] that there remain no practices likely to result in monopolization in the future.'' Some of the most important newly emerging areas are multimedia, networking, web services, and hand-held computing. Microsoft is already making substantial investments in these areas with its .NET strategy, Microsoft Passport, MSN, Windows Messenger, Windows Media Player, and the Pocket PC operating system. The recently released Windows XP is characterized by substantial integration between all of these features; indeed the seamless integration is one of Microsoft's chief selling points for Windows XP. Microsoft has marketed Windows XP (standing for ''experience'') on the basis of its seamless integration between the Internet, multimedia, and the computer. For example, on the day it was released, a Microsoft press release announced, ''Windows XP Home Edition is designed for individuals or families and includes experiences for digital photos, music and video, home networking, and communications.'' [49]

Like Internet Explorer, these new areas present new opportunities for Microsoft to leverage its monopoly in the operating system to dominate other markets. In addition, Microsoft could use its strong or dominant position in these new markets to erect new barriers to entry that prevent potential competitors from offering products and services with part or all of the functionality provided by Windows. For example, if Passport is successful then a rival operating system would not just need to persuade other developers to write for it, but would also need to develop its own version of Passport and convince numerous e-commerce sites to use it. If the rival operating system failed in any of these steps, its attempts to establish itself could be seriously curtailed. The PFJ, however, does not address any aspects of these important emerging barriers to entry.

VIII. STEPS TO IMPROVE THE PROPOSED FINAL JUDGMENT: THE LITIGATING STATES'' ALTERNATIVE

The goal of this Declaration is to explain why we believe that the PFJ is deficient and why the Court should exercise its discretion to fashion a remedy in this case that would promote competition and benefit consumers.

[46] See 253 F.3d at 66.

[47] The Court of Appeals rejected, per curiam, Microsoft's petition for a rehearing on this point. Order (DC Cir. Aug. 2,2001).

[48] Richard Poynder (October 1, 2001). ''The Open Source Movement.'' Information Today, 9:18.

[49] Microsoft Press Release, ''Windows XP is Here!'' 10/15/01.

We do not propose an alternative remedy or provide an exhaustive analysis of any other proposals. Our analysis of the shortcomings of the PFJ, however, can be illustrated and strengthened by a selective comparison of some of the provisions in the PFJ with the proposal transmitted to the court by the nine litigating States and the District of Columbia on December 7, 2001.[50]

Many of the issues in the ''Plaintiff Litigating States'' Remedial Proposals'' are technical and involve loopholes, some of which were discussed above including stronger anti-retaliation provisions and a broader definition of middleware that could not be manipulated by Microsoft. In addition, this proposed remedy makes an important change in enforcement: it proposes a Special Master, rather than requiring new legal proceedings to enforce the judgment. None of these important issues are discussed here. Instead, we focus on selected areas in which the litigating States'' proposal illustrates some of the principal economic points identified in the preceding analysis.

A. Fostering competition through OEMs and reducing the applications barrier to entry The litigating States proposal would require Microsoft to license a cheaper version of Windows that does not include commingled code from added middleware.[51] In addition, the proposal would require Microsoft to continue to license older versions of its operating system without raising its prices. This would have two effects. First, it would more effectively promote competition and consumer choice by allowing OEMs to ship computers with a wide range of alternative middleware, thereby allowing consumers to choose between different versions or different price-feature combinations. The lack of financial incentives for OEMs to take advantage of the more liberalized licensing rules is one of the principal deficiencies in the PFJ.

Moreover, such a provision would provide Microsoft with better incentives; only if it produced an operating system which performed substantially better would it be able to sell its new releases. It would at least attenuate its ability to use new releases as a way of extending its market power. Some have advocated even stronger measures to ensure Microsoft faces proconsumer, pro-competition incentives, including requiring Microsoft to release all of its Windows source code and requiring the free distribution of its operating system after 3 to 5 years. Second, this provision would directly address the Court of Appeals finding that Microsoft's commingling of code was anticompetitive. By disentangling the middleware from the operating system, this proposal would allow greater competition in middleware—and thus ultimately in operating systems—by reducing the network externalities that benefit Microsoft middleware at the expense of potentially superior products.

B. Internet Explorer browser open source and Java distribution

Two of the fruits of Microsoft's monopolization of the operating systems market are the dominance of the Internet Explorer browser and the destruction of Java as a viable competitor. The anticompetitive measures that helped achieve these goals protected a crucial ''chink in the armor'' of the Windows operating system. The PFJ does nothing to ''deny the defendant the fruits of its statutory violation.''[52] Furthermore, it does not enhance the ability of competitors to interoperate with Internet Explorer because it includes no disclosure requirement for the Internet Explorer APIs.

The litigating States propose to remedy these deficiencies by requiring Microsoft to publish the source code and APIs for Internet Explorer and freely license them to competitors. In addition, their proposal would require Microsoft to distribute a Sun-compatible version of Java Virtual Machine with all future operating systems. The result would be to decrease the applications barrier to entry and promote competition.

C. Cross-platform porting of Office

As discussed in the previous section, Microsoft Office is one of the most crucial applications for many users. The existence of this application for a particular operating system is one key factor in the demand for the operating system. The litigating States'' proposal would remove the ability of Microsoft to either threaten to withhold Office or actually withhold Office by requiring Microsoft to continue to port Office to Macintosh. In addition, the proposal would require Microsoft to auction off licenses to ISVs that would provide them with the entire source code and documentation for Office in order for them to port the product to alternative operating systems. Although we draw no conclusions about the particular rules proposed by the litigating States, this proposal would clearly reduce Microsoft's ability to deliberately raise the applications barrier to entry.

D. Mandatory disclosure to ensure interoperability

The PFJ requires some disclosure to ensure that Microsoft is not able to withhold certain information to illegally benefit Microsoft Middleware at the expense of Non-Microsoft Middleware. The disclosures are limited in scope and timing. The litigating States'' proposal is substantially broader.

Of particular importance, the litigating States'' proposal recognizes that ''nascent threats to Microsoft's monopoly operating system currently exist beyond the middleware platform resident on the same computer'' and thus the States'' proposal requires timely disclosure of technical information to facilitate ''interoperability with respect to other technologies that could provide a significant competitive platform, including network servers, web servers, and handheld devices.''[53] In doing this, the proposal would reduce the ability of Microsoft to use its dominant position in operating systems to eliminate emerging threats at the boundary of this ''layer'' of computing.

IX. Conclusion

The Revised Proposed Final Judgment agreed to by the U.S. Department of Justice, the Attorneys General of nine States, and Microsoft Corporation is critically deficient. The overall aims of the PFJ are laudable—to increase competition and reduce Microsoft's ability to maintain its monopoly at the expense of consumers. But the PFJ will not succeed in achieving these goals. It does not change any of the incentives faced by Microsoft to undertake anticompetitive actions. It restrains these anticompetitive actions only with highly specific and exception-ridden conduct requirements. And it has an insufficient enforcement mechanism.

The interest of consumers in a greater range of choices, lower prices, and greater innovation would be served by rejecting the PFJ and replacing it with a more effective conduct remedy. A remedy for this case should recognize that the monopoly power created by Microsoft's past anticompetitive, illegal practices is likely to persist, and that it will therefore be likely to continue to enjoy the fruits of its illegal behavior, unless there are far stronger remedies than those in the PFJ. The new remedy should change Microsoft's incentives. It should restrict Microsoft's ability to repeat its past, or develop new, anticompetitive practices. It should provide OEMs and ISVs with the means and incentives to stimulate genuine competition in the provision of platforms. And it should take whatever steps are possible to reduce the applications barrier to entry so that there is greater scope for genuine competition in the market for PC operating systems.

I, Joseph E. Stiglitz, declare under penalty of perjury that the foregoing declaration is true and correct. Executed on January 28, 2002.

Joseph E. Stiglitz

I, Jason Furman, declare under penalty of perjury that the foregoing declaration is true and correct. Executed on January 28, 2002.

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[50] United States v. Microsoft Corp., ''Plaintiff Litigating States'' Remedial Proposals,'' in the U.S. District Court for D.C, December 7, 2001.

[51] The Court of Appeals overturned the District Court, finding that Microsoft could not be held liable for the fact that in certain situations, like updating Windows or accessing help files, Internet Explorer overrides the user's default browser settings and opens automatically. This implies that the complete removal of HTML-reading software is impossible. But Windows could be shipped with, for example, a stripped-down browser that performs essential system functions. Most of the functionality of Internet Explorer, however, is not necessary for the examples Microsoft invoked. This is analogous to the way in which Windows is shipped with a stripped-down text editor, Notepad, but not with a full-fledged word processor.

[52] 253 F.3d at 103, quoting United States v. United Shoe Mach. Corp., 391 U.S. 244, 250 (1968).

[53] Litigating States, pp. 10–11.

MTC–00030613

Comments To The Revised Proposed Final Judgment In United States v. Microsoft Corporation, No. 98–1232

State of New York, et al. v. Microsoft Corporation, No. 98–1233

Submitted By Palm, Inc.

Pursuant To The Tunney Act, 15 U.S.C. § 16

January 28, 2002

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I.SUMMARY OF OBJECTIONS

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. ° 16(b)–(h), Palm, Inc. (''Palm'') hereby submits its comments and objections to the Revised Proposed Final Judgment (''RPFJ'') filed by Plaintiffs United States of America (''DOJ'') and the States of New York, Ohio, Illinois, Kentucky, Louisiana, Maryland, Michigan, North Carolina and Wisconsin, and Defendant Microsoft Corporation (''Microsoft'') on November 6, 2001.

Palm, a leader in mobile computing,[1] respectfully submits that the RPFJ will not ensure vigorous competition in this important industry. Microsoft is already engaging in actions designed to unfairly extend its personal computing operating system (''PC OS'') monopoly into the mobile computing market by eliminating competition and preventing free customer choice.[2] The RPFJ fails to address Microsoft's current actions, and will not constrain it from repeating in the mobile computing market the same tactics it used against Netscape and Java.

Mobile computing is an emerging threat to Microsoft's PC OS business. Handhelds are already displacing some notebook and desktop PCs for storing, accessing and managing information, including Interact information.[3] That competition will increase over time. If an open competitive environment exists, the convenience and simplicity of handheld devices will increasingly cause an evolution away from desktop and laptop PCs to handheld computers for accessing and managing information. The growth of handheld devices not based on Microsoft technology is a threat to Microsoft's PC OS monopoly, as were the competitive inroads being made by non-Microsoft Internet browsers.

Microsoft has the ability and incentive to take additional actions to forestall competition in the handheld industry. Palm's products—both the software products it manufactures as an independent software vendor (''ISV'') and the hardware products it manufactures as an independent hardware vendor (''IHV'')—must be compatible with PCs and the software that runs on them. Microsoft has a unique position as the PC OS monopolist and also the dominant vendor of related software products such as the Internet Explorer browser, the Office productivity suite, the Outlook e-mail and calendaring program, the Exchange server software and the Visual Studio developer tools. Palm's ability to offer innovative handheld solutions to consumers is, in significant part, reliant on full and timely interoperability with Microsoft's software products. Absent compatibility, consumers will be unable to obtain a fully functional handheld running anything other than Microsoft software.

As noted above, Microsoft is already taking actions to forestall competition in the mobile computing industry. In particular:

1. Microsoft has refused Palm access to information and software interfaces necessary to enable Palm to make its products interoperable with certain Microsoft products and technologies, including some elements of Microsoft's .NET software;

2. Microsoft has prevented Palm from working with Microsoft's software development tools (Microsoft Visual Studio);

3. Microsoft has refused to make Microsoft Internet Explorer operate on Palm OS handhelds; and

4. In exchange for addressing some of these issues, Microsoft has attempted to coerce Palm into deploying Microsoft .NET software on Palm handhelds under terms that would put the Palm OS business at a prohibitive disadvantage.

Microsoft has also already exhibited its intent to foreclose companies such as Palm by breaking interoperability with its products. Bill Gates himself directed his staff to alter Microsoft products to ensure that Microsoft's ''PDA will connect to Office in a better way than other PDAs even if that means changing how we do flexible schema in Outlook and how we tie some of our audio and video advanced work to only run on our PDAs.'' (Remedy Exhibit GX1 attached to this submission). As the DOJ argued previously:

... on July 11, 1999, less than thirty days after the conclusion of the trial in this action, Bill Gates wrote an e-mail directing that Microsoft redesign its software in order to harm competitors. This time, the products in question were the Personal Digital Appliances that Microsoft heralded at trial as one of the products that might someday undo its monopoly.

Plaintiffs' Memorandum In Support Of Proposed Final Judgment, filed April 28, 2000 (corrected as of May 2, 2000) (citing Remedy Exhibit GX1). Microsoft's anticompetitive incentive is obvious. Its anticompetitive conduct will enable it to monopolize the emerging handheld industry and, at the same time, eliminate the threat handhelds pose to its PC OS monopoly.

As delineated more fully below, it is Palm's belief that the RPFJ, if adopted, would fail to protect competition in the handheld industry for at least the following reasons:

1. It does not appear even to attempt to address handheld industry competition; 2. It enables Microsoft to withhold interface information that is critical to the competitiveness of Microsoft's rivals such as Palm;[4]

3. It enables Microsoft to continue to disadvantage ISVs and IHVs that work with companies other than Microsoft, especially given the network effects that pervade this industry;

4. It fails to ensure that Microsoft will not use distributed Internet-based (.NET) applications to eradicate the competitive threat of non-Microsoft platforms;

5. It either does not define or improperly defines key terms of the RPFJ, thereby enabling Microsoft to circumvent the RPFJ's intended boundaries;

6. It enables Microsoft to commingle or technologically bundle its OS with other dominant Microsoft software;

7. It enables Microsoft to use anticompetitive pricing tactics such as bundled pricing;

8. It fails to provide OEMs with the freedom to promote software products competing with Microsoft's products;

9. The enforcement mechanisms of the RPFJ are too weak to ensure Microsoft's compliance; and

10. It contains other deficiencies described below.

If the above RPFJ shortcomings are not addressed, Microsoft will be able to dictate customer decisions regarding computing models and standard technologies for the indefinite future, rather than having those decisions made by consumers on the competitive merits. Competition, and the

[1] Mobile computers are small computers designed to be carried by the user in a pocket or purse. They perform a wide variety of tasks. Mobile computers include handheld computers and the new, emerging category of smart phones (cell phones that have handheld computing functionality built into them). Mobile computers are also sometimes referred to as Personal Digital Assistants (''PDAs'').

[2] Microsoft, of course, also manufactures the Pocket PC operating system (''Pocket PC OS'') a rival OS to the Palm operating system (''Palm OS'').

[3] As Microsoft admitted in its filings before the Court: ''...[A] range of devices other than personal computers such as handheld computers, television set-top boxes and game machines are becoming increasingly capable, providing functionality that consumers used to obtain exclusively from personal computers.'' (Defendant Microsoft Corporation's Revised Proposed Findings of Fact, at 5 (submitted Sept. 10, 1999) (emphasis supplied)). See also id. at 227, 230 and 235.

[4] As discussed below, this ''information'' could come in the form of APIs, data formats, commands and protocols.

innovative solutions that emerge from that competition, will suffer. Any settlement with Microsoft must address these issues now, because, as the industry has learned from the Internet browser war, competition can be lost in the blink of an eye.

II. BACKGROUND ON PALM AND ITS INTEREST IN THIS MATTER

Palm develops and markets, among other products, a line of handheld computers that operates proprietary and non-proprietary applications using its Palm OS. Based on the Palm OS platform, Palm's handheld solutions allow consumers to store and access their most critical information and communications, including from the Internet. Palm handhelds address the needs of individuals, enterprises and educational institutions through thousands of application solutions that ISVs create. The Palm OS platform is also the foundation for products from Palm's licensees and strategic partners (also known as the Palm Economy), such as Acer, AlphaSmart, Franklin Covey, HandEra (formerly TRG), Garmin, Handspring, IBM, Kyocera, Samsung, Sony and Symbol Technologies, as well as a multitude of ISVs and IHVs.

Palm competes with numerous companies in its software and hardware businesses. Microsoft's Pocket PC OS is one of Palm's most direct competitors in operating systems designed for handheld devices. Microsoft licenses the Pocket PC OS to OEMs, including Compaq and Hewlett Packard, that install the OS in their handheld products. It markets these products as ''Windows Powered''—suggesting deceptively, Palm believes, that the Pocket PC product is a direct extension of its monopoly Windows PC OS product, and thereby leveraging the Windows monopoly to extend its market control into handhelds.

Plaintiff States that have opted not to join in the Microsoft settlement (''the Litigating States'') approached Palm in an effort to remedy through their own proposed relief Microsoft's potential anticompetitive conduct that, under the RPFJ, could eliminate the threat posed by the handheld industry. Palm has agreed to testify in Track 2 in support of the Litigating States'' proposed relief (''the Litigation States'' Remedies''). Palm respectfully submits that the Litigating States'' Remedies, unlike the RPFJ, protect competition in mobile computing industry as well as the competition that industry will provide to the PC OS monopoly.

III. THE RPFJ'S DEFICIENCIES

The RPFJ fails to create the market conditions necessary for competition to thrive. The structure and terms of the RPFJ are rooted in the computing industry as it existed in the mid-1990s, when the Internet was only beginning to gain widespread consumer use and software development was still focused on the PC.

To be effective, the remedy must take into account the industry as it exists today, and the new emerging threats against which Microsoft could (and, if left unchecked, will) repeat its pattern of anticompetitive behavior. The focus of competition in computing has shifted from the PC to the Internet, the server and to new devices such as handhelds. Microsoft's .NET initiative is an acknowledgement of this change, and the fact that it is being driven into virtually every Microsoft product highlights its significance. The RPFJ completely ignores this, and other, crucial dynamics.

A. Under The RPFJ, Microsoft Will Obstruct The Critical Interoperability Between Microsoft's Software Products And Non-Microsoft Products.

As products that manage users'' information, handhelds must interface with the OS and applications on a customer's PC. When that PC is part of a larger network (as it is in nearly every corporate or ''enterprise'' scenario), handhelds must also interface with the software on the network, typically resident on a server,[5]

In order to interoperate effectively with Microsoft products, handhelds must, at the very least, be able to:

(1) read and write data to and from the consumer's PC and/or server;

(2) interpret and format the data so it can be properly stored in the handheld, PC or server;

(3) run communication software, called conduits, that facilitate such interfaces with the PC and server; [6] and

(4) install the software drivers necessary to attach the cradle or other communication mechanism to the PC through which the handheld communicates with the PC and server.

In short, Palm and other handheld manufacturers must know the ''commands'' (to access the data) and the ''data formats'' (to understand the data) with respect to the target PC or server in order to develop the necessary conduits to interoperate with the target. In most cases (and nearly all business situations), in addition to interacting with the PC OS, the handheld device interoperates with Outlook or Exchange information (such as e-mails, contact information, and calendars), Word and Excel documents on the PC or other databases on the server. The RPFJ fails to ensure that anyone other than Microsoft will be able to interface with Outlook, Exchange, software on corporate servers, other PC applications such as Office, middleware for distributed or web-based applications or even the PC OS itself. Specifically, Sections III.D and III.E of the RPFJ do not address the potential threat (as articulated by Mr. Gates in his e-mail cited supra) that Microsoft can constrain or eliminate competition in and from the handheld industry by regulating the access to technical information necessary for interoperability.[7] In general, the RPFJ does not require any disclosure of technical information regarding the interface between Microsoft's PC or server products and handheld products. For example, the section neither requires disclosure of server APIs, nor information regarding the interfaces between PC OS or middleware and server applications.

Moreover, the RPFJ also permits Microsoft to foreclose access to critical interfaces that it migrates from the PC OS to the applications or ''distributed'' environment on a network (and in the case of .NET services, to the Internet) by limiting the disclosure requirements to the APIs between the PC OS and middleware, and the communication protocols between the PC OS and the server OS.[8] The RPFJ does not require disclosure of the commands and data formats necessary to interface with the critical applications on the PC, such as Outlook, Office or Internet Explorer. In addition, Microsoft can create proprietary .NET APIs that work only with the Pocket PC OS, bundle them with Microsoft's Visual Studio software development environment, discussed infra, and encourage the development of web services and applications that can be accessed only through Microsoft's OS products.[9]

At the core of .NET stands the .NET Framework (for PCs) and .NET Compact Framework (for handhelds). The Framework is Microsoft's answer to the Java runtime environment, with a key difference: It lacks the freedom from reliance on Microsoft's APIs. .NET is important because it extends Microsoft's program interface (that is, Microsoft's APIs) to provide the underpinnings necessary for web-based services and distributed applications that do not reside on the PC and/or handheld.

Finally, the RPFJ is silent regarding the interfaces between handhelds and software that resides on the servers. In a networked environment, such as corporate networks, handhelds need to exchange data particularly with software on servers.[10] For example, without access to data on Microsoft Exchange (the server application product that

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[5] As we discuss more fully below, this is particularly true where the software that has traditionally resided on the PC is increasingly being distributed, by design, to various locations over the networked environment.

[6] A conduit is a piece of software that interoperates with the handheld and the target PC or server, managing the communication between them.

[7] We note that the RPFJ requires even less disclosure than the parallel provision in the Interim Order, which was intended to serve as a remedial bridge pending the previously ordered divestiture. United States v. Microsoft. Final Judgment (D.DC 2000) (''Interim Order''). For instance, Section III(b)(iii) of the Court's Interim Order required Microsoft to disclose all APIs, Communications Interfaces and Technical Information (i.e., any and all possible technical dependencies) between (a) software installed on any device (including servers and handhelds) and (b) any Microsoft Operating System or Middleware installed on a PC.

[8] Microsoft defines .NET as its ''platform for XML web services.'' .NET Defined, available at http://www. Microsoft.corn/net/whatis.asp. The services that .NET offers are a combination of pre-designed applications, some of which come under the rubric .NET My Services or ''Hailstorm,'' and a set of tools designed to allow developers to create web applications which rely on the all-important APIs exposed by Microsoft programs (see discussion of ''VSIP'' infra).

[9] It is Palm's understanding that, absent being forced to by the Court, Microsoft will not make certain of these APIs available at all. Others will be available on terms that essentially force Palm to exit the OS business, thereby reducing it to a device manufacturer implementing Microsoft software.

[10] The interface between the handheld and server products can be designed to be ''through'' the cradle and the PC via the network connection between the PC and the server, or a wireless link directly with the server as in the case of Microsoft's Mobile Information Server (''MIS'') technology, to which Palm lacks unhindered access.

complements the client e-mail and calendar application Microsoft Outlook), non-Microsoft handhelds cannot offer features offered by Pocket PC products.

B. The RPFJ's Toothless Definitions Will Enable Microsoft To Break Interoperability Without Recourse.

The Definitions of ''Operating System,'' ''Windows Operating System Product'' And ''Personal Computer'' Are Fatally Flawed. The definition of ''operating system'' specifies code that executes on a PC. Microsoft can evade this definition simply by moving code off of the PC and onto a server or other device. Microsoft's .NET architecture even facilitates this scheme.

The definition of ''Windows Operating System Product'' determines the scope of Microsoft's disclosure obligation. The definition itself, however, leaves Microsoft free to determine in its sole discretion what software code comprises a ''Windows Operating System Product.'' In other words, Microsoft's disclosure obligation is subject entirely to its own discretion.

The RPFJ is also undermined by the interaction between the definitions of PC and OS. The definition of PC explicitly excludes almost every new category of device that may compete with PCs in the future, including set top boxes, handhelds, and servers. Because an OS is defined as software running on a PC, competing operating systems running on anything other than a PC appear to be excluded from the RPFJ's coverage.

The Definitions Of ''Non-Microsoft Middleware'' And ''Microsoft Middleware'' Are Too Narrow. To qualify as competing middleware protected by the RPFJ, software in question must run on the Windows PC OS and must be distributed in at least one million copies per year. The requirement that covered middleware run on the Windows PC OS leaves Microsoft free to retaliate against middleware software that runs on other devices, such as servers and handhelds. The million unit restriction allows Microsoft to target newly-developed middleware that does not yet sell a million units per year. In fact, Microsoft has an incentive to target such middleware before it can grow to a million units and enjoy the protections of the RPFJ. This restriction will stifle innovation by focusing Microsoft's competitive activity against smaller, younger companies—the companies least able to protect themselves against Microsoft's tactics. Furthermore, as more and more software becomes network-based, the whole concept of ''distributing copies of software'' becomes irrelevant. It is now possible for very popular software to exist only in a single copy.

For example, the Yahoo web service is intensely popular even though it is not copied onto any user's computer. As Microsoft's .NET initiative indicates, the industry is moving towards a web-based services model where consumers access software applications on the Internet. The RPFJ ignores this crucial change in the marketplace.

Moreover, to qualify as a middleware product, software must either provide the functionality contained in a short list of products (Explorer, Java, Media Player, Messenger, Outlook Express), or must first be sold separately, have a trademarked name and compete with qualifying non-Microsoft middleware. Missing from the list are a large number of Microsoft monopoly products which have already become ''platforms'' with which Microsoft competitors have to interoperate. These products include Microsoft Office, full Microsoft Outlook (as opposed to just the Express version), Microsoft Exchange, Microsoft Visual Studio, and Microsoft .NET.

Because the RPFJ excludes these products from the middleware definition, Microsoft is left free to manipulate its interfaces and APIs to exclude competitors. This gap alone is enough to render the RPFJ almost completely ineffective.

Under the RPFJ, Microsoft can avoid the provision regarding middleware simply by not trademarking the product name. According to this definition, many Microsoft products currently in the market would fail to qualify as middleware. Furthermore, to qualify as middleware software must include user interface code; Microsoft can avoid this by simply distributing the user interface code separately. Version numbers are also used to determine which software updates are covered; if the whole number or first decimal of the version number does not change, the software does not qualify. It appears that Microsoft could evade the middleware definition simply by changing its software numbering scheme (for example, moving to letters—version a, version b, etc.).

The RPFJ's Failure To Define ''Interoperate'' Creates A Significant Loophole. Neither Section III.E nor any other provision of the proposal defines ''interoperate.'' This omission invites Microsoft to enable non-Microsoft products to continue to function but in a much less robust way than Microsoft's handheld products, to the detriment of consumers.

The Definition Of ISV Is Too Narrow. The definition of ISV covers only companies creating software that runs on the Windows PC OS. Many current and future Microsoft competitors create software that needs to access information on PCs but does not run on the PC itself. As more and more software development becomes web-based, it will be the norm for competing software not to run on the PC. The RPFJ does not protect these emerging competitors.

The Definition Of APIs Is Too Narrow. Under Section III.D of the RPFJ, the disclosure is narrowly limited to ''APIs and related Documentation.'' Microsoft can circumvent this provision by hard-wiring links to its applications and through other anticompetitive coding schemes.

C. The RPFJ Does Not Stop Microsoft From Using Its Control Over Development Tools To Protect The Applications Barrier To Entry.

The RPFJ ignores Microsoft's control over application development tools, and how Microsoft can use that control to foreclose competition from third parties. The applications barrier to entry was the linchpin of this case and the RPFJ ignores how Microsoft can use development tools to perpetuate it.

For example, Microsoft's Visual Studio product has, as a result of Microsoft's PC OS monopoly, become the software development tools standard for most corporate and commercial application programmers, including prospective developers of software for mobile devices. As handheld technology increasingly displaces PC functionality, more and more PC OS developers have been seeking to create mobile software. Nevertheless, Microsoft has, up to this point, denied Palm access to the Visual Studio Integration Program,[11] despite Palm's significant position in the handheld space.[12]

Microsoft's exclusion of third parties such as Palm from Visual Studio has the following adverse effects. Exclusion makes it impossible for Visual Studio users (the vast majority of PC ISVs) to create Palm OS applications without changing the programming tools they use—an unlikely proposition. This, in turn, makes it more difficult for Palm to recruit software developers.

Exclusion also makes it very difficult to sell Palm OS handhelds to corporations, because Visual Studio is very often the standard for their in-house developers. Lastly, exclusion allows Microsoft to claim that Palm OS handhelds are incompatible with corporate standards. The net effect of these restrictions discourages PC ISVs from supporting non-Microsoft operating systems, and reduces the selection of software available to users of non-Microsoft OS handhelds.

Reduced to its essence, Microsoft's predatory developer tool strategy: (1) leverages its PC OS monopoly to create a software ''standard''; (2) prevents competitors from accessing that standard; (3) ''informs'' customers that the competitive products are incompatible with the very same products that Microsoft used to create the incompatibility; and thereby most importantly, (4) limits consumer choice and experience by foreclosing non-Microsoft products as competitive alternatives.

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[11] The Visual Studio Integration Program (''VSIP'') is a Microsoft licensing program which enables companies outside of Microsoft to ''host'' their software development within the Visual Studio tool. Many companies other than Palm have been given entry to the VSIP. If Palm is denied entry to the VSIP, Visual Studio users will find it much more difficult to create software for Palm OS handhelds.

[12] Microsoft first engaged in stall tactics by simply not responding to Palm's request for participation in the VSIP. Then, Microsoft told Palm that the Visual Studio team lacked the resources for Palm to participate (even as it added other companies to VSIP, Palm believes). Next, Microsoft told Palm that it could participate in the VSIP under the condition that Palm adopt Microsoft's proprietary .NET APIs under unacceptable terms that would have ''commoditized'' Palm's products. This would have extended the applications barrier to entry to the handheld industry by ensuring that applications developers designed their products not for the Palm platform but for Microsoft's. Ultimately, Microsoft's conduct would have eliminated Palm as a competitive platform. Only recently has Palm received an ''offer'' to join the Visual Studio without adopting .NET, which Palm believes is due to Microsoft teaming that Palm is testifying in the Track 2 proceedings, i.e., only when Microsoft concluded that its behavior would be subject to judicial scrutiny (and after 18 months of delay). Palm is currently evaluating the terms offered by Microsoft.

D. The RPFJ Does Not Prohibit Microsoft From Unlawfully Bundling Its Products Or Using Anticompetitive Pricing Schemes.

The RPFJ is notably deficient in its failure to address the potential for Microsoft to bundle or commingle its products with other dominant Microsoft software. The RPFJ also fails to prevent Microsoft from engaging in anticompetitive pricing to the ultimate detriment of the consumer (e.g., charging less for its Pocket PC OS only when it is licensed as part of a larger bundle). The royalty schedule restrictions in particular appear to be a major threat to legitimate competition.

For example, under the RPFJ Microsoft will be able to offer discounts on Windows to a PC OEM that also agrees to sell Pocket PC handhelds, so long as Microsoft offers this same subsidy to all OEMs. This gives Microsoft enormous coercive power to prevent any PC OEM from selling non-Microsoft based devices.

E. The RPFJ Does Not Remedy Microsoft's Ability To Use The Installation Of Drivers For Peripheral Hardware As A Chokehold.

The RPFJ does not address Microsoft's ability to obstruct the interoperability of a nonMicrosoft handheld by limiting the consumer's or OEM's ability to install drivers that must sit on top of the OS so that the handheld can communicate with the PC.

F. The RPFJ Does Not Remedy Microsoft's Ability To Use Internet Explorer As A Chokehold. Website developers specifically develop their products to be compatible with Internet Explorer because of Microsoft's monopolization of the browser market. Thus, Internet Explorer itself has become the ultimate test of Web compatibility for all computing devices, including handhelds. The RPFJ does not remedy Microsoft's ability to use this interoperability with Internet Explorer as a weapon. Microsoft has refused to even consider porting Internet Explorer to Palm OS, despite requests from Palm. Microsoft has, though, ported Internet Explorer to Pocket PC in the form of Pocket Internet Explorer.

G. The RPFJ's Disclosure Delays Render It Ineffective.

The disclosure requirements under the RPFJ do not become operative for up to twelve months in the case of interfaces relating to middleware and operating systems, and nine months in the case of interfaces between the PC OS and the server OS. In light of the speed with which the industry moves, these delays will continually undermine the competitive vitality of Microsoft's competitors, which will of course only result in further consumer harm.

The timing of the disclosure requirements under the RPFJ is also deficient. When Microsoft releases an OS, the disclosure requirements do not become effective until Microsoft releases a beta test version to 150,000 or more beta testers. Under this standard, Microsoft will not have to disclose the relevant technical information until very close to the public release date of the product, whereas Microsoft's in-house developers working on peripheral software (such as the Pocket PC OS) will have immediate access to the relevant information. Software development can take a year or longer, whereas the last beta cycle may be only a few weeks or months before release. If disclosure does not happen until the last beta cycle, non-Microsoft products will be at a substantial disadvantage relative to Microsoft products. Also, the definition of ''timely manner'' specifies a beta cycle of at least 150,000 people. Microsoft apparently could evade all OS pre-disclosure requirements by limiting its beta programs to 149,999 participants.

H. The RPFJ Does Not Restrict Knowing Interference With Performance.

The RPFJ contains no prohibition against Microsoft's intentional interference with the performance of non-Microsoft products by manipulating the interfaces with non-Microsoft products.

Without such a restriction, Microsoft can eliminate the effectiveness of the disclosure requirements by altering the interfaces or other information on which non-Microsoft products rely.

I. The RPFJ Fails To Provide OEMs And Consumers The Flexibility Necessary To Facilitate Competition.

Microsoft Retains Control of Desktop Innovation. Because of the RPFJ's restrictive definitions of middleware, Microsoft retains control of desktop innovation by being able to prohibit OEMs from installing or displaying icons or other shortcuts to non-Microsoft software, products and/or services, if Microsoft does not provide the same software, products and/or services. This undermines the OEMs'' ability to differentiate their products, and stifles the emergence of new competitors to Microsoft.

The RPFJ's Non-Retaliation Restrictions Are Ineffective. Section III.F attempts to prohibit retaliation against companies working with competing products, but the narrow definitions of ''operating system'' and ''personal computer'' make it unclear whether Microsoft is prohibited from retaliating against companies that work with competing handhelds, set-top boxes, servers or Internet software infrastructure. This ambiguity, plus Microsoft's ability to threaten retaliation even when it is prohibited from carrying out the threats, will make it extremely uncomfortable for any PC OEM to contemplate working with any non-Microsoft product.

Under Section III.A, Microsoft is free to ''threaten'' to retaliate in any form. Further, Microsoft is constrained only from the specified forms of actual retaliation, a remedy further weakened by the fact that the protected OEM activities are narrowly and specifically defined. Retaliation against an OEM for installing a non-Microsoft application that does not meet the middleware definition is not prohibited; nor is retaliation against an OEM for removing a Microsoft application that does not meet the middleware definition. As noted above, the definitions are so narrowly drawn that the protection of the RPFJ will not apply in most competitive situations Microsoft is likely to encounter in the future. Microsoft could, for example, retaliate against a PC OEM for selling handhelds based on the Palm OS.

Add/Remove Provisions Relate Only To Icons. Not The Middleware Itself. The add/remove provisions in the RPFJ only allow for removal of end user access to Microsoft middleware, not the middleware itself. If Microsoft's middleware remains on PCs, then applications developers will continue to write applications that run on that middleware, reinforcing the applications barrier to entry that is at the heart of this litigation.

Non-Microsoft Icons Should Not Be Subject To Add/Remove. The RPFJ allows Microsoft to demand inclusion of non-Microsoft icons in the add/remove utility, which does not make sense in the absence of any finding that the permanence of non-Microsoft middleware icons on the desktop is anticompetitive. Microsoft's competitors should not be treated as if they are equally guilty of Microsoft's anticompetitive behavior.

Desktop Most Favored Nation Requirements. Nothing in the RPFJ forbids Microsoft from requiring, especially where the product fails to meet the definition of middleware, most favored nation agreements from the OEMs. These agreements tax OEM efforts to promote Microsoft rivals by requiring that equal promotion or placement be given to Microsoft products, often without compensation.

Notification To Developers Only When They Ask. Microsoft can disable competing middleware that fails to meet its requirements without any notice to the middleware developer. The developer is expected to discover the disablement and then request an explanation. Microsoft should be required to disclose in advance any conditions that would cause a competing product to be disabled.

J. The RPFJ's Enforcement Provisions Are Insufficient.

Technical Committee And Compliance Officer. As stated above, a Technical Committee of three experts, one of whom will be selected by Microsoft, will monitor Microsoft's compliance with the RPFJ. The RPFJ also obligates Microsoft to have an internal Compliance Officer. However, the RPFJ fails to provide this Committee and the Compliance Officer with effective oversight power. For example, Microsoft employees do not have a confidential mechanism to report violations to the Committee, the Compliance Officer, the Court or the Plaintiffs. Nor does the RPFJ require Microsoft to retain documents regarding topics relating to the business issues in this case.

Sanctions. In light of Microsoft's violations so far and the potential for continued serious harm to competition, the RPFJ is deficient in not including a ''crown jewel'' provision requiring Microsoft to incur substantial liability or divestiture of certain assets in the event of future violations of the RPFJ.

IV. CONCLUSION

For the reasons articulated above, Palm submits that the Court should reject the RPFJ as insufficient to remedy Microsoft's past unlawful conduct and to ensure vigorous competition in the future. In the alternative, this Court should defer ruling on the RPFJ until after the Track 2 proceedings conclude.

ATTACHMENT

From: Bill Gates;
Sent: Sunday. July 11, 1999 5:46 PM
To: Harel Kodesh
CC: Bob Mugia (Exchange); Jim Allchin

(Exchange): Mats Wennberg; Thomas Koll; Greg
Faust;
Jonathan Kobetrs; Bill Mitchell
Subject: Nokia
While I was at the Allen and CO conference I met with Jurma Oillie CEO of Nokia.

I was totally confused by them licensing their WAP browser to Spyglass. It's a disaster for us to have an effort that is duplicative that we give away while the leaders in the industry move in their own direction.

I think the PDA group needs some better strategic think in this whole cheap browse area. How come we don't merge our effort with Nokia? Why do we let Spyglass undermine us IN so many areas? Who keeps paying money Spyglass?

I am also completely confused about why we aren't doing more due diligence on GPRS with Nokia and others. Jurma seemed very surprised when I told him our goal was to fund someone to roll out a nationwide wireless network using HDR or GPRS as quickly as possible to create something a based on Windows CE. He said his people need to explain to use how GPRS is a much better choice. They would love to help get involved in rolling this out with some partners. He rays HDR or another fraud from Qualcomm where exaggeration sways people who don't hear both sides of the story.

Jurma was asking about our strategy for voice recognition servers to make PDAs work a lot better. He sees all networked PDAs as needing. a voice recognition, server infrastructure (like phones) and that this changes the UI quite a bit I said I agreed with his view and that we had not factored that into our plans right now. We talked about how voice and screens will come together. l said there were a lot of key scenarios that we our PDA group was parenting around (I wish our activity level here was really as high as I suggested to him7.

Jurma also wanted to know what sort of strategy we had to bring Hotmail Contact lists/Schedules together with Exchange. They use Exchange internally but a lot of their people use Hotmail and don't understand what we are doing.,

Jurma told me their Fenix project is delayed because of a key chip so it won't ship until March 2000 so they don't want to announce at Telcom where I am going. He talked about how much money people spend on their booths at Telcom.

I am a bit confused about what we should be doing on witless data/pbx with various vendors. Why wouldn't we want to have a Windows PDA to work with each of their wirless PBX solutions?

Jurma talked about how he is thinking perhaps Cisco or Lucent may buy Ericsson if it doesn't get straightened out fairly soon. He also thinks someone will buy 3Corn. We talked about how we view Palm as a competitor. I was amazed at the number of Palm Pilots I saw at this conference. We really need to follow up with them on GPRS rapidly and get their best thinking given our goals.

We really need to demonstrate to people like Nokia why our PDA will connect to Office in a better way than other PDAs even if that means changing how we do flexible schema in Outlook and how we tie some of our audio and video advanced work to only run on our PDAs.
GOVERNMENT EXHIBIT
Remedy 1
MSCE 0097924 CONFIDENTIAL
From: Harel Kodesh
Sent: Sunday, July 11.1999 10:25 PM
To: Bill Gates
CC: Bob Muglia (Exchange); Jim Allchin (Exchange); Mats Wennberg; Thomas Koll; Greg
Faust;
Jonathan Roberts; Bill Mitchell
Subject: RE; Nokia

There is a lot of stuff here. I will try to answer line by line.

1. Our microbrowser needs a WAP stack. There are 3 Possible places we can like it from: Nokia is willing to SELL it to us, Ericsson is willing to give it to me wee, and MotoroLa is still undecided what they want to do. So right now we are working with Ericsson on getting the browser. It is a better deal than the Nokia one. We told Nokia that We do not need more than one stack, and the stack that Ericsson gives us is good. This is for V2 of the microbrowser and we do not plan to give that away. Our browser will be better in XML than the Nokia one.

2. HDR vs GPRS—we are going through the analysis now. I don't understand where the fraud is. As we and Sprint talk more about R we will do me analysis, Ericsson and Nokia in me past claimed that CDMA is a loser, but at the end 3G is CDMA based. I am not saying that the HDR is the winner and we will do more to understand GPRS—I will take the action item there.

3. the server based scenarios look very compelling, but we are missing some work items to make it really cool. Palm is the clearest threat right now and this is where we spent most of the efforts. I think the effors is bearing fruits: finally We got the sync technology to the point where it is much better man palm. Casio demonstrated the Video and Audio are huge sellers. (and with MSAudio we do have the tie back to our technology). Unfortunately we do not have enough inventory to reach parity and that will be the case until early 2000).

4. There are hotmail/exchange convergence issues here. as well as connectivity back to office. I think we are doing a good job in rapier time frame, but we will have problems with hardware availability and this is what we are trying to fix now. I will work with bobmu on these issues.
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From:. Harel Kodesh
Sent: Sunday. July 11, 1999 10:45 PM
To: Harel Kodesh; Bill Gates
CC: Bob Muglia (Exchange); Jim Allchin (Exchange); Mats Wennberg; Thomas Koll; Grog
Faust; Jonathan Roberts; Bill Mitchell
Subject: RE: Nokia

Forgot one thing: We absolutely need to go after other PBX manufacturers and develop

the market independently of what Nokia can or cannot do. I really would like to see us announcing an effort to provide, campus communication (ideally .with Nokia and others) even though they may fall behind in terms of schedule. The whole offering is not a consumer offering and we will need some lead time to sell it to the enterprise.
—Original Message—
From:Harel Kodesh
Sent: Sunday, July 11, 1999 10:25 PM
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Cc: Bob Muglia (Exchange); Jim Allchin (Exchange; Mats Wennberg; Thomas Koll; Grog
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MSCE 0097927
CONFIDENTIAL

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MSCE 0097928
CONFIDENTIAL

MTC–00030614

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

UN??) STATES OF AMERICA, Plaintiff,
Civil Action No. 98–121 CKK, ??FT CORPORATION, Defendant

STATE?? NEW YORK: et al., Plaintiffs,
Civil Action No. 98–123 ??KK, MICRDN??FT CORPORATION, Defendant

COMMENTS OF SOFTWARE & INFORMATION INDUSTRY ASSOCI?? ION ON PROPOSED FINAL JUDGMENT

Ken Wasch, President (Bar No. 93,4984) I
Software and Information
Industry Associa?? 1090
Vermont Avenue, N W
6th Floor
Washington, DC 20005
(202) 289–7442
Douglas L. Hilleboe (Bar No. 386091)
Steptoe & Johnson LLP
1330 Connecticut Avenue, NW
Washington, DC 20036
(202) 429–3000

Dated: January 28, 2002

COMMENTS OF SOFTWARE & INFORMATION INDUSTRY ASSO?? ON PROPOSED FINAL JUDGMENT

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act (the ''??nney Act'') 15 U.S.C. § 16(b)-(h) (2000), the Software & Information Industry Associati?? (''SIIA'') submits those comments on the Proposed Finn Judgmenet (''PFJ'') filed by the Unite ?? Department of Justice (''DOJ'') on November 6, 2001.

SHA is the principal trade association of the software code and information?? tent corp?? SHA provides global services in government relations, business development corporate education and intellectual property protection to more than 800 leading s ??are and ?? company. Our member develop and market software and electronic ??tent for business education, consumers, and the Internet. SIIA's membership is compiled ??arge and small ?? companies, e-business and information companies, as well as many traditional and electronic commerce complies of varying sizes.

Among SIIA's key public policy issues is the promotion of competition in th??ftware industry. SIIA has promoted these principles of competition in a variety of fora, inc??g the federal courts.

The PFJ proffered by DOJ represents a remarkable change of heart- or, per?? more accurately, a loss of heart. For whatever reason, DOJ proposes to end one of its m?? important and successful monopolization case a with a settlement that reflects neither its litiga?? ??position nor the decisions it won at trial and on appeal. A settlement as weak as this would ?? been disapp??, but perhaps understandable, at it had been reached before trail. In ?? is uncertain, and sometimes DOJ must take a bird in the hand. But in this ?? of the ??giation is past, and the new Administration arrivals are dot free to decide ?? the?? to this case. The law of this case is settled. The trial and appeals ?? have alre?? finding of fact and conclusions of law. These findings and conclusi?? proceeding whose raison ?? is protecting against an improperly ?? or expedient compromise of the public's interest in enforcement of the antitrust laws.

Appropriate relief in an antitrust case should end the unlawful conduct, ?? competition, avoid a recurrence of the violation and others like it, and ?? anticompetitive consequences. Unfortunately, SIIA submits that the PFI does

not a?? these ?? and ignores significant parts of the Court of Appeals's decision regarding ?? an?? and their consequences. Ever where it seems to address the ?? identified by the Court, the PFJ is so porous that it provides little or no protection a ?? a repetition of Microsoft's past anticompetitive acts.

Flaws in the PFJ's Remedies. The two most salient remedies imposed?? Microsoft under?? PFJ concern flexibility for OEMs to install competing middleware and A?? DOJ's Competitive Impact Statement (''CIS'') stresses the importance of preventing future??ses in these ?? The theme of the CIS and PFJ is that competition was injured in this?? prin?? because Microsoft's illegal conduct maintained the applications barrier?? personal computer operating system market by thwarting the success of middleware ?? would have ?? competing operating systems gain access to applications and other need?? complements. The PFJ is intended to restore competition. In fact, however, the PF?? so loosely written it is likely to have only the most modest effect on Microsoft's actions- ?? all on its ability to monopolize new sectors of the information technology market.

a. Middleware. Middleware was at the heart of the case. Impelled by enth??asm for the Intr??, PC users embraced Netscape's browser, and Netscape (particularly in c?? ??ination with JAVA) was able to provide developers with a new, non-Microsoft?? h to the des?? This is not simply an academic observation on the part of S??A and its ?? For ?? every one of our members, the rise of independent middleware opened ?? that were the objects of intense strategic focus. The reason for this ?? was that our ?? programs suddenly could use Netscape and JAVA as mediators to ?? launch and ?? the desktop. For the first time in year it seemed possible that independs?? software venders (ISVs) would have a way to reach the great majority of computer users ind??dent of Microsoft. Indeed, because they could run on other operating systems. JAVA and?? cape's browser suddenly offered these ISVs an even broader market than they could obtain developing for the Microsoft operating system.

The CIS describes how this competitive threat struck at the heart of Microso?? monopoly, and Microsoft's counterattack used every possible weapon, including?? ??lawful tactical?? ''leveraging'' its operating system monopoly. The PFJ seeks to prevent Mi?? soft from repeating these tactics by ensuring that future middleware vendors are not denied ac??to the desktop. But the measures chosen are unlikely to have that effect. As a matter of ?? they are family weak. Microsoft itself is expressly granted nearly complete control over ?? meaning of ''middleware'' under the PFJ.

Equally important, these measures are written for a world that no longer exis?? The market ?? has moved on. The PFJ grants to hardware makers the right to add middle wa??cons to their ?? but these companies simply lack the financial strength and the motivation??levelop new software that might threaten Microsoft. To take one example, OEMs have been ??ured by Microsoft for several monks that they may customize their desktops by uninstalling?? ??soft's Internet Explorer; not one has actually done so. Meanwhile, the PFJ does not give i?? endent software vendors who might challenge Microsoft the one thing that would tempt then?? a channel to users that is not subject to exclusionary practices by Microsoft. On the ?? trary, the PFJ pro??ects middleware only after Microsoft has launched a similar product, by w??time it is too late. Developers of applications will always develop first and most enthusiastical?? or the most w??dely deployed platform, because that platform offers them the largest marke ?? the most users Users, in turn, will typically choose the most widely deployed platform beca?? it offers ?? threatened Microsoft in 1995–98 because it could offer developers an even bigger m ''Microsoft plus'' market.

??u Microsoft cannot be seriously challenged in that way again because no n??enact to the middleware market can hope to equal the ubiquity of Microsoft in that market, l??:one achieve the ''Microsoft plus'' market that Netscape and JAVA offered in 1995–98.

b. APIs. The PFJ also requires that Microsoft disclose the APIs used by Mi?? soft middleware to interoperate with the Microsoft operating system. Here, too, the PFJ?? ??ers both from porous drafting, and #ore a curious blankness regarding the sources of Micros?? dom?? of the market.. The provision is replete with terms that are not defined (?????? is rimed or distributed (''Microsoft Middleware'') or, most remarkably. are left to be defined ?? Microsoft's ''sole discretion'' (''Windows Operating system Product'').

In any event, the PFJ does little more than throw Microsoft into a briar patch?? as long ??called to?? Microsoft's ?? application developers writing for its users. To write programs for Microsoft users, ?? developers must have access to Microsoft's APIs. The APIs are their air supply, an ?? who are too independent or too successful, it has every incentive to provide extensi?? inf?? about its APIs. And the PFJ leaves the valve firmly in Microsoft's?? allowing 'Microsoft to impose royalties and other restrictions on developers who on, access to the APIs. The PFJ thus requires little or nothing more than Microsoft would provid?? its own. Unless developers can be guaranteed an air supply that does not depend on Microso?? hey wi11 not ?? the company that can unilaterally cut them off.

2. Backward-Looking Remedies. In short, when all is said and done, this?? wagers everything on a series of measures that might have prevented Microsoft from unlaws?? y destroying Netscape in the browser wars. Even this is open to question, but the real ?? lem with the PFJ lies deeper, for there is not the slightest chance that these measures will ??ow a new competitor on the order of Netscape to emerge. The market has moved on. Focusin?? ??y on prever??ing a repetition of the unlawful actions Microsoft took in 1995–98 is like neg?? ling an end to World War II by letting the Germans keep Paris as long as they promise to rel?? d the Mag??st Line. Such a limited focus is not just improvident, it ignores the instructions of the ??art of ??? ''fruits'' of its unlawful conduct. This cannot be accomplished by relying on the emer??ce of some yet to-be-identified middleware challenger. To the contrary, Microsoft has alre?? solid find its unlawful victory into a browser monopoly, and it now bids fair to make?? entire Interne?? into a proprietary Microsoft environment. Any remedy that seeks to deny M??soft the fruits of its unlawful conduct must at a minimum prevent Microsoft from using the?? conduct to extend its control or services that rely on Internet Explorer.

For that reason, SIIA urges that the PFJ be expanded to address present and?? conditions, and not just the dead past. The PFJ must take steps to reduce the massiv?? tructural advantage that Microsoft has achieved by unlawfully leveraging is opiating systen?? into Internet-access These steps include opening the code of Inwrn?? restricting exclusionary uses of Windows XP and the tools that make up Mic?? .NET in tiative, preventing Microsoft from ''polluting'' standards by adding?? extensions, and inclusion of Microsoft's productivity applications in any relief.

3. Missing Principle. One further gap in the PFJ deserves mention. If the?? changes required by the PFJ are of very dubious force, the only provisions likely to ?? continuing value are those that spell out broad principles of conduct. Here too thee?? room for disappointment. The PFJ does not prohibit Microsoft from intentionally di??,ling or adver?? affecting the operation of competing products. No explanation is offered ??

4. Procedure. Finally, SIA wishes to address one procedural point. At the?? this proceeding are the decisions of the Court of Appeals and the District Court.?? about Microsoft's conduct and about the appropriate remedies are an essential?? interest analysis. But they are also at the heart of the case between the remaining liti?? and Microsoft. It may be difficult to reach a conclusion about this PFJ without Pref?? decision on the yew issues that the parties intend to litigate before the Court in the ?? To do so on the basis of a few Tunney Act filings rather than a full record might do a?? to the parties to that litigation. SIIA therefore respectfully requests that this Court ?? the PFJ and in terms under advisement until the conclusion of the litigation. In sum, the PFJ, as written, represents a failure of will and technological wis??m that canh?? approved by this court consistent with the unanimous liability decision o??3 Court of Appeals, traditional standards of antitrust remedy law, or the Tunney Act.

II. ARGUMENT

A. Standard of Review

Under the Tunney Act, this Court is required to review a proposed settlemen?? Deter??e whether it serves the ''public interest.'' In most instances Tunney Act pr?? occur prior or to trial and without any judicial findings of liability. The Act was pass?? stage if the proceedings to the sunlight of public scrutiny. In the unique?? this case, however, where the Court of Appeals issued an opinion on the merits prio?? inition?? ?? consistent with the Court of Appeals opinion. The Court of Appeals ruled, ''[t]he Su?? has expl??red that a remedies decree in an antitrust case must seek to ''unfetter a ??

conduct,'' Ford Motor Co., 405 U.S. at 577, to terminate the?? deny in the defendant the fruits of its statutory violation, and ensure that there remain?? practices likely to result in monopolization in the future. Thus, this Court must ??ider each of these factors in its public interest analysis.

Ordinarily, the Department of Justice is given prosecutorial discretion in de??ng whether to bring a civil antitrust action. As a result, courts generally require that a ??posed settlement only be ''within the reaches of the public interest','' which approval ''even if it falls short of the remedy the court would impose on its own.'' Thus, in?? Tunney Act cases, courts have permitted entry of consent decrees which were mere?? with the government's general theory of liability as manifested in its complaint'' ?? ''gran??] relief to which the government might not be strictly entitled'' under the ?? Ben??. 648 F.2d at 660.

In this case, after trial and with the benefit of an extensive factual record, the?? App?? held specifically that relief must seek to ''terminate'' Microsoft's operating. tem?? monopo?? ''unfetter'' barriers to competition to the OS market, and ''deny'' Microsc?? he ''fruit'' of its statutory violations. DOJ itself has emphasized to this Court that ''b?? the applical?? remedial legal standard and the liability determination of the Court of A??als are clear ?? Here, there is no question that the Court of Appeals is binding on this Co?? as well as the ??itigins. Consequently, the Court of Appeals'' mandate is the ''public interest as?? pressed in the ?? laws.'' ''[A] remedies decree in an antitrust case must seek to ''unfetter a market ?? antico?? e??itive conduct,'' to ''terminate the illegal monopoly, deny to the defendant t?? fruits of its sta??tory violation, and ensure that there remain no practices likely to result in me?? ??olization in the ??lure.'' Microsoft III, 253 F.3d at 103 (quoting Ford Motor Co. v. United S?? 405 U.S. 5??2 577 (1972), and citing United States v. United Shoe Mach. Corp., 391 U.S. ?? 4,250 (1968) (internal citations omitted)). No new legal standard for monopolization relief ?? is put forwar?? by the DC Circuit. On the contrary, the Court adopted the traditional test ??d on by the Supreme Court. Joint Status Report, United States v. Microsoft Corp., at 2g (D.DC filed S?? .20, 2001).

The CIS, however, articulates a different and considerably less rigorous stan??d for a reme??y in an antitrust case. According to the CIS, ''[a]ppropriate injunctive relief. ??hould: (1) end the ??lawful conduct; (2) 'avoid a recurrence of the violation'' and others like it??d (3) undo is anticompetitive consequences.'' Significantly, the formulation advocated DOJ does not re??re the remedy to 'terminate'' the illegal monopoly, or to 'deny the defendan??e fruits'' of its ?? awful conduct. Regardless of whether the DOJ formulation may have been ??propriate in pas??es, it is simply the wrong standard of review for the remedy in this case, where the Dist?? Court and Court of Appeals have clearly outlined how Microsoft violated th?? Her??an Act. The PFJ is deficient under either formulation. There are substantial disparities ??tween the CIS and the PFJ. And the DOJ has not even attempted to defend the PFJ under the ?? string??, and binding, Ford/United Shoe/Grinnell standard that this Court must see?? enforce. CIS at 2.4 (citations omitted).

?? SIIA's Remedy Proposals are Reasonable and Proportional to Microsoft's Unlawful Conduct ??UA's proposed modifications to the PFJ, described in detail below, are both ??umerous and substantial. Regrettably for consumers, Microsoft's already proven monopolist ??cts have so destroyed competition in the operating systems market that adoption of these pro??als is critical if the PFJ is to ''unfetter'' the market from Microsoft's anticompetitive cond?? ''terminate'' Microsoft's illegal monopoly, deny Microsoft the ''''fruits'' of its Sherma??ct violations, and prevent future monopolistic acts, in accordance with the Ford/United Shoe/Grinnell standard for remedies.

There are similarities between this case and the AT&T divestiture, the last ??ge mo??ization settlement under the Tunney Act. SIIA submits that in This case the PFJ is simila??y completely inadequate to remedy the serious antitrust violations in this ma??. In the former matter Judge Greene reviewed the evidence on all issues except remedy. Af?? evidentiary hearings, third-party submissions, and lengthy oral argument, Judge Gre?? declined to approve the consent decree as proposed because he concluded that it was inadequ?? in certain areas and precluded the Court from effective oversight and enforcement. Judge Gre?? required significant changes to the proposed decree before he would consent to enter the settlement under the Tun??ey Act's public interest standard, holding that ''[i]t does not follow... that ?? Court] must ?? ??uestioningly accept a [consent] decree as long as it somehow, and however ?? inad??tely, deals with the antitrust... problems implicated in the lawsuit.'' SIIA ?? respect??lly requests that this Court follow Judge Greene's prudent actions and send ?? parries bac?? to the negotiating table to formulate an appropriate PFJ. This Court should re?? ??e its con??s on on the PFJ until after the pending State case has been litigated.

C. The PFJ Fails to Address the Core Violations Affirmed by the D?? Circuit

1. The PFJ Does Not Eliminate Microsoft's Binding of its M??eware to its Operating System As the C??S indicates, the core manner in which Microsoft unlawfully mainta??d its Win?? Operating System (''OS'') monopoly was by bundling and tying platform ??dleware to the OS. Microsoft used this strategy to defeat the alternative platform threats pos?? by Nets?? and JAVA. The DC Circuit ruled that these actions constituted unlawful ??intenance of mo??poly under Section 2.

a. Failings of the PFJ

It is critical for this Court to understand that the business and economics that ??ive the software industry demonstrate conclusively that the ubiquity of a development platf?? will almost always beat technological superiority. The common interest of software dev??bers and cons?? in adopting the most uniform platform is the basis of the Microsoft mone??y. As a result, if Microsoft is allowed to continue to bind or bundle its middleware offerings th the Windows OS, the ubiquity of its middleware will be permanent, and active middiew?? comp?? will never emerge. Microsoft will enjoy a perpetual maintenance of its nopoly, codified and reinforced by to the PFJ, and consumers will suffer a significant retardi?? of innnov??tion that would have otherwise occurred. The negative consequences of this ??ome on innov??tion cannot be overstated. If there is no way to reach consumers except throu?? Microsoft's platform, and if Microsoft remains free to cut off the access of applicati?? that are ''too ??ssful,'' then there are few incentives for independent innovation in the fie?? that Microsoft occupies. Yet one of the principal comparative advantages currently enje?? by the Un??tates'' economy and its consumers is generally superior technological deve?? ??nent and innovation. Allowing Microsoft's monopoly to continue unfettered (as the PFJ doe?? would signi?? erode this advantage over a short time.

The CIS recognizes this central fact and claims to have addressed it. The CIS ??ays that the PFJ will ensure that OEMs (manufacturers of PCs) have the contractual and eco??nic freed?? to, distribute and support non-Microsoft middleware products without fear??oercion or retaliation by Microsoft. Further, the CIS claims the PFJ will ensure that OEMs have he freed ?? to configure the personal computers they sell to feature and promote non-Microsoft midd?? are, and will ensure that developers of these alternatives to Microsoft prod?? are able to fea?? those products on PCs. The CIS also claims the PFJ will ensure that OEM ??ave the freedom to offer non-Microsoft middleware, by requiring Microsoft to provide the OEMs with the ability to customize the middleware installed.

SIIA considers these goals to be laudable. But flaws in the PFJ as written m?? that it cann?? achieve these goals, or even reduce the monopoly Microsoft currently enjoys??

i. The ''Plumbing'' Problem

First, merely allowing OEMs and end-users (individuals and businesses) to ??veicons and shor?? cuts (so-called ''end user access'') does not solve the underlying problem. ?? PFJ leaves all of the browser middleware on the PC hard disk, which means that it is ava??le to Window, and all Windows applications. In other words, the PFJ does nothing to re??e or modi??y the code itself- the hidden ''plumbing': by which Microsoft has bound Intel Explorer (IE). Windows. As a result, third-party software developers can continue to rely Microsoft's middleware plumbing—as long as they write Windows applications. N??e of the incer??ves that bind developers to Microsoft will change under the PFJ because dev??ers will still b??sured that Microsoft's middleware will be installed on about 95 percent of??sktop PCs whether or not the ''end user access'' is removed. In short, Microsoft can still enjoy benefit it wres??ed from Netscape and JAVA when it forced their middleware out of the main??un. That bene??vas not a ubiquitous icon—it was ubiquitous plumbing.

The PFJ thus fails to address the network effect that drives the Microsoft mo??oly corrp??tiors will still lice the same

applications barrier to entry because Microsoft's development platform platform will still be ubiquitous. ISVs will therefore continue to write ??plications to the vi??osoft APIs, ignoring the more narrowly distributed—and therefore highest perunit?? ??lrematives. If anything, the PFJ helps to lock in this network effect by mere??iving OEM?? and end users the option to remove the icons and shortcuts rather than allow them to decide?? whether to add the Microsoft middleware in the first place. For this reason are the PFJ fails to meet even the requirements of antitrust remedies law and does not comport the DC Circuit opinion.

ii. Distribution of middleware

As is detailed throughout these comments, it is import-ant for this Court to un??stand that Microsoft currently enjoys a monopoly in the distribution channel—namely, the Win??ws oper?? system. The PFJ does nothing to alter this monopoly since Microsoft is ali??ed to contr?? integrating its middleware into its ubiquitous OS. The ''removal'' of the mi??eware in the s??peificial manner proposed by the PFJ permits Microsoft to commingle code for middleware with the OS, and does nothing to prevent Microsoft from protecting its w??ows monep??ly power through the same exclusionary means used against Netscape and ??A. Nothing is more persuasive than experience, and experience suggests that granting Ms the right?? uninstall'' IE is a meaningless remedy In fact, Microsoft has already revis?? Windows XP so that OEMs may'' ''uninstall'' end user access to IE. Nor one OEM to date has?? en adva??age of this option.

iii. Reliance on OEMs

SIIA also believes that the PFJ's reliance upon OEMs in this section of the is mis??d OEMs have historically been low-margin economic dependents of Micr??ft, and they have therefore been reluctant to challenge Redmond. Since 1995–98, this situa?? I has worseued. Currently, PC manufacturers face falling prices and demand. It is not ec??mieally rational in this market environment to expect OEMs to invest in the research and de??pment, and product design work, necessary to replace Microsoft's ''free'' middleware with ?? products of c??peting vendors. OEMs should have the option to ship Microsoft middleware hey choo?? do so by obtaining it from Microsoft, and not because they were forced to so by Microsoft's bundling or bolting of the middleware are to the OS.

iv. Lack of exclusivity

Another essential element of the PFJ's supposed remedy to Microsoft's mon??ly is to crea??e ''marketplace'' for competitive middleware on the PC desktop. This ''marke??ce,'' however is illusory. It will never occur under the current structure of the PFJ. Deve??ers canno??be offered the ''Microsoft plus'' market that Netscape and JAVA offered befo?? Microsoft's unlawful counterattack. Microsoft will still have to all PCs for fr?? by virtue of its ?? r??ution monopoly. Consequently, its competitors can only hope to be instia?? alongside Microsoft's middleware on some of the machines sold by OEMs. Instead ''Microsoft plus'' they will have to settle for ''Microsoft minus.'' Since software dev??pers write first ?? the most widely available middleware (the applications barrier to entry l9), c??eting middle are vendors will not pay much for the chance to run a distant second to Mir??oft in ubiquity. Nor does the PFJ allow independent middleware companies to purchase a ??icrosoft-free'' market; without the commingling remedy, alternative middleware vendors cart?? pay for exclusivity. The PFJ only permits competitive middleware vendors to pay for share ??ccess to some PCs. SIIA's proposed anti-bundling remedy, in contrast, would immediately ??ease the value and competitiveness of the ''marketplace'' by permitting PC manufacturers to y differn??late their products with competing middleware.

b. Remedies for the PFJ's failings

The appropriate remedies proposed by SIIA for this bundling problem are n??erous because the problem is so central:

Microsoft should be prohibited from incorporating any middleware it the OS (including for purposes of this section IE), and prohibited from making any Microsoft Middleware Product the default middleware, i?? order to prevent the continuation of the applications barrier to entry. Further, the definition of Middleware Product in the 2000 Decree s??ld be amended by:

The definition of ''Bind'' in Section 7.d of the 2000 Decree should be supplemented to add ''and all of its related files, including, without limitation, by commingling of code;'' IE, and other browsers (includ?? MSN Explorer) should be eliminated from the definition of'' Middle?? Product, but instead covered by the open source remedy described and Microsoft should be prohibited from ''altering or interfering with the choice of middleware by a user or OEM, including without limitation setting or changing MIME types to automatically launch a Microsoft Middleware Product, plug-in or other Microsoft software.'' Microsoft should be provided with a 90-day transition period in whi?? reconfigure Windows XP and any other existing OS products that currently bind Middleware Products with the OS. Three other remedial points bear discussion here. First, the current definition Microsoft Middleware or Microsoft Middleware Product allow Microsoft to unilate?? Dete??e the scope of its obligation simply by deciding whether to ship a product ??rately from Windows. The definition under the PFJ provides that if Microsoft has distribu?? middleware separately from the OS, it is a Middleware Product. In S??A's view the defin??on should provide that if anyone distributes middleware separately from the Middleware Product, and subject to the binding prohibition. Thus, if a competitor c?? middleware technology, Microsoft would therefore be precluded from introducing it versic?? integrated: with the OS, and thereby stifling the potential for the new middleware techn??logy to erode the applications barrier to entry. In other words, the proposed r?? definition would ensure that Microsoft cannot gate'' the development of middleware integ?? new innovations pioneered by third-parties into its OS, instead of distri?? Mi??ft ''clone'' as a separate retail product.

Second, the Office Suite of productivity applications and the Outlook email infor??tion management program should be added to the definition of Middleware order preclude Microsoft from evading the constraint of this section of the PFJ by b?? or O?? technology (each of which exposes APIs and can erode the applications entry ?? the OS. Third, Microsoft should be required to provide IE source code on an open s?? descr??bed below. This is necessary because IE, which once was a classic example ?? middleware, has now been so thoroughly integrated into the OS by Microsoft that P?? Mi??ft to bind middleware to IE would allow .Microsoft to circumvent the anti-b?? pro??on. Under a properly revised PFJ: IE would be treated as a Windows Operating System Product ''for purposes of this section.'' To the extent middleware is available in the retail channels from competitors, Microsoft would be barred from tying, binding, or bolti?? (either contractually or technologically) similar technology to the operating system. Microsoft would be prohibited from shipping Windows to OEMs wit Middleware or Middleware Product included. Both OEM and end users would, of course, be free to use Microsoft middleware received by download, or sold in retail stores. OEMs would also be free to procure Microsoft's middleware separat?? and include that software on their retail PC systems. Microsoft products that would fall under the middleware restrictions l include Media Player and Windows Messenger. The Court of Appeals'' decision in this matter supports the SIIA's proposed a?? reined?? While the Appellate Court reversed the District Court's conclusion that Mi?? exc??y conduct violated Section 1 as a per se unlawful tying arrangement, it ?? affirmed liability for monopoly maintenance under Section 2 for this same behavio?? ''[t]??ologically binding IE to Windows... both prevented OEMs from pre-insta?? bro??s and deterred consumers from using them.'' The Court specifically fo?? Mic??ft's commingling of software code for Windows and IE was unlawful and r??, that its remand of the Section 1 tying claim was wholly consistent with imposing S?? liabi??y for essentially the same conduct: ''The facts underlying the tying allegation overlap ??th those set forth.., in connection with the * 2 monopoly maintenance c?? Thus, this Court is not limited in an3'' fashion in altering the PFJ to restrict Microsof?? bund?? and bind other software with the OS.

The DC Circuit's express affirmance of liability for binding IE to Window signi?? because Microsoft sought to limit ;he Court's holding solely to the more on which the DC Circuit ''also affirmed, of excluding IE from the so-called ''add/re?? Micr??ft argued that its commingling of code was appropriate and that the Court s?? affi?? the ground that it had not allowed end users a means of deleting the IE i?? desk?? The Court of Appeals rejected Microsoft's argument out-of-hand.

2. The PFJ Does Not Prevent Microsoft from Using Window Features to Protect Its OS Monopoly

a. Failings of the PFJ

The current computing market is shifting away from client-side software, to??d an

envit??ent of Internet-based (''distributed'') applications and Web services. Eve??ng from spread sheets and music to air travel reservations and photo development can be off?? as a web service. Microsoft has made clear its desire to shift its entire business from a produ??icensing model to a model in which it derives revenue from a subscription of services. Microsoft has designed Windows XP to distribute key middleware components such as Passport, ??dows Messenger, and Windows Media Player, while at the same rime making them archit??urally necessary for the provision of many internet services, in addition, Microsoft has in??singly been ??ding Web-based services into its Windows operating system, thereby plac?? competitive and innovative services at a great disadvantage. This is an all-too-fami?? tactic. By bundling and tying its Web-based services and Internet middleware to Windows?? Microsoft further reinforces the applications barrier to entry achieved by locking us?? into its own Web-based services and proprietary Internet interfaces. The CIS stares that the PFJ is designed to prevent recurrence of the same or ??ilar prac?? that Microsoft employed to reach its current monopoly position. As disc??ed above, however, the PFJ does not achieve the goal stated by the CIS because it fails to proh?? Microsoft from continuing to bundle and tie middleware to its Windows operating s??m, despi??he Court of Appeals'' conclusion that these same acts were among Microsoft??ore Shern?? Act violations. The PFJ does nothing to impede Microsoft from repeating ?? pattern of exclusionary conduct because the PFJ is restricted to the software market and produ??hat existed in 995–98, and does not address today's Web-based marker in which service??nd multi??ia are replacing client-side software. The PFJ does not cover Web services?? Web-based applications, or Internet content, all of which Microsoft has integrated into Window??P. Therefore Microsoft is free simply to continue using its familiar repertoire of anti??petitive tacti??s (e.g., tying; technical restrictions on user choice, etc.) to protect its OS again??reats in the Web-based market through its Windows XP design. These inadequacies of the ??run completely counter to tile public interest and only compound the problems caused b?? Microsoft's unlawful conduct by enabling Microsoft to extend its unlawfully-won monopoly to next generator of technology.

b. Remedies for the PFJ's Failings

The PFJ should be modified to explicitly foreclose Microsoft's use of Windo??XP features to protect its Windows monopoly against Internet-based competition from ??er product?? and Web-based services. More specifically, with respect to the PFJ's OE??ovisions, SIIA proposes the following:

. the OEM provisions should be amended so that Microsoft may not re??ct (by contract or otherwise), or retaliate directly or indirectly against, a ?? OEM from modifying, adding or deleting icons, taskbars, toolbars, li?? and default pages, or other similar end user features, in Internet Exp?? and successor browser products whether or not such browsers are distributed together with or separately from a Windows Operating Sy??m Product;

. the OEM provisions should be expanded to cover the current configu?? on of Windows XP by permitting OEMs to remove, modify'' or substitute ?? ''My Photos,'' ''My Music'' and similar OS folders; and

. Section 3.a.iii.2 of the 2000 Decree should be clarified to require Microsoft to compensate an OEM for the placement of any icons of Microsoft products or services on the Windows desktop.

. With respect to tying of products and services, the prohibition on contractual tying in Section 3.f of the 2000 Decree, precluding Micro?? from ''conditioning'' a Windows Operating System Product license on 'OEM or other licensee'' agreeing ''to license, promote or distribute'' ??y other Microsoft software product, ''whether or not for a separate or positive price,'' should be reinstituted. In this regard, this provision ??uld be supplemented to include a prohibition on tying or bundling Web-??ed services, or access to Web-based services, with the Windows OS or ??Microsoft Internet browser.

Only with these modifications can the PFJ satisfy DOJ's own remedial goal?? the Court of Appeals'' requirement to prevent future monopolistic practices. The modification?? the OEM provisions are essential to enabling OEMs'' flexibility to differentiate their products OEMs must be free to eliminate or alter start menus and to integrate value-added technologies i??eir offerings. This ability must not be constrained by first having to remove or otherwi?? ??hange the Windows bundle. The key to an effective remedy is changing the ability of Microsoft to make all systems integration and software bundle decisions, and moving some of that dec??-making power down the supply chain either to the OEMs, or integrators, acting on their beh?? Moreover this ability should not be limited to fringe, applications, but should give OEMs the ability to focus on the core applications actually driving PC sales and demand at any??en point. This modification is designed to prevent the further reinforcement of the ap??tions barrier to entry by locking users into Microsoft's Web-based services. Microsoft's ??rol over interoperability interfaces is anticompetitive; it directly reinforces the applications b??er to entry reduces opportunities for ISVs and competing platform suppliers to cr??platform applications, and prevents emerging computing platforms (e.g., handheld devices, d??al telephones, etc.) from evolving into at least partial substitutes for desktop PCs.

Finally, it is critical to give OEMs the ability to customize and earn revenue??m desktop and browser configuration. Unfortunately, Microsoft's ability to impose its produc??acement and icons on the browser and the desktop for both products and services, without ''??ng'' for me placement, undercuts the ability of OEMs to earn revenue primarily because it e??inates the ability of the OEMs to provide exclusivity. This was most evident m Summer 2001??hen AOL's deal with a major OEM for placement of an AOL icon on the Windows des?? was thwarted by Microsoft's insistence that its corresponding icons also be included by??OEM, without compensation. Microsoft's action undercut the economic value of the AO??clusive arrangement and the OEM's ability to exercise its right to desktop flexibility.

The Court of Appeals's remedial standard in this case supports SIIA's prop??ban on con??al tying, which goes directly to Microsoft's ability to control the applicati?? barrier to entry. The District Court is specifically, obligated under the DC Circuit's standard ''ensure there ??ain no practices likely to result in monopolization in the future.'' This req??s a cont??al tying prohibition to include not just the markers in which tying was used??eviously to m??in Microsoft's OS monopoly, but also the markets, such as the Web-based ??vices and applications integrated in Windows XP, in which tying would likely result in new m??polies in the future. A prophylactic ban on contractual tying is necessary, taking into account?? Court of Appea??s remand of the Section 1 claim, because without it Microsoft could easily ??e a prohi?? on technical bundling middleware with Windows.

With respect to Web-based services, two additional points directly support th?? Contra??al remedy. First, ''Hailstorm''—now renamed NET MyServices—is a de??opment platform that industry experts agree is middleware under any definition. Second, un?? products, there has never been a claim that technological efficiency is achieved by ty?? Web-based services to the OS. Therefore, the Section 1 tying issues addressed by the C?? of Appe?? are immaterial to a tying ban on Web-based services. The Appellate Cou??ite clearly recognized that ''[t]he facts underlying the tying allegation substantially overlap wit??ose set forth in Section II.B in connection with the §2 monopoly maintenance claim.'' ??use OEM and ?? contractual tying was a central element of Microsoft s unlawful monopoly ??intenance, it should equally be a central component of any remedy.

In its discussion of relief, the Court of Appeals did not indicate that any part??lar form of exclusionary behavior was off-limits, but at most that there should be an ''indicat?? of significan causal connection'' between a remedy and maintenance of the Windows ??nopoly. Curiously Assistant Attorney'' General James has reportedly argued that elimination ?? tying relief from the PFJ was required because the DC Circuit ''excluded'' the tying clai?? In the con?? of the Court's actual decision, that is plainly incorrect. Regardless of the de?? on by DOJ and the State plaintiffs not to retry Section 1 liability, the Court of Appeals re??d was based solely on application of the particular clements of Section 1 tying law, indepe??nt of both Section 2 liability (which it affirmed) and remedy.

3. Microsoft Has Unfettered Ability. to Define Certain Term?? the PFJ

a. Failings of the PFJ

The PFJ does not adequately remedy Microsoft's monopolistic conduct beca?? it grants Microsoft complete freedom to decide what constitutes middleware and what qualifi??as a platform software product. Under the PFJ, Microsoft Middleware is limited to soft?? code that Microsoft (1) distributes separately from the OS, and (2) trademarks. A relat?? deficiency of the PFJ is

its provision that [t]he software code that comprises a Windows Oper??g System Product shall be determined by Microsoft in its sole discretion.''

This ability to categorize its own products gives Microsoft enormous flexibi?? to circu??ment the requirements of the PFJ, many of which hinge on product definition. ?? For exam?? merely by placing a product that would ordinarily be considered middlew ?? ''inside'' the OS, or by adding the trademark ''Windows'' to a generic designation. Microsoft ?? exclude the product from the PFJ's middleware definition, thereby avoiding the triggering o??e API disclosure provisions. According to the CIS, the PFJ will ensure that OEMs have the freedom to of?? non-Microsoft middleware by requiring Microsoft to provide the OEMs with the ability ??ustomize the middle ware installed. More specifically, the CIS asserts that ''[t]he limits in th?? definitions ensure that the provisions of the Proposed Final Judgment apply to products that ca??edibly be said to pose, alone or in combination with other products, nascent threats to the appl??tions barrier to entry.''

The PFJ cannot possibly achieve the stated goals of the CIS if it continues to ??ow Microsoft to determine for itself what middleware can be included in the OS, and th??ope of a Windows Operating System Product. By unilaterally exercising its powers under th?? FJ, Microsoft can target competing middleware providers and deny ISVs and others the?? PIs needed to interoperate with Windows. As a result, the PFJ permits competitive gaming of?? settlement in o?? maintain Microsoft's monopoly power, thus reducing innovation and ch??eling OEM flexibility into those areas chosen by Microsoft because they do not threaten Microsoft's market power. Microsoft's ability to manipulate these crucial product definitions w??d deprive consumers of whatever limited benefits that the PFJ does provide.

b. Remedies for the PFJ's Failings

To have any hope of achieving the C1S's goals, the PFJ must be modified to ??nove from Microsoft the power to unilaterally decide the scope of its provisions. The traderma??mitation in the Middleware definition, and the ''sole discretion'' proviso in the Windows Ope??ng System Product definition, should both be removed from the PFJ. The concept of ''redistributable'' should be eliminated as well from the: PFJ?? his would fore?? Microsoft's ability to keep key technologies outside the definition of Mid??vare by simply ??lining to make stand-alone versions available and thereby harming those ?? plat?? (such as the Apple Macintosh) to which it ports Middleware today. As di??ssed above, the CIS asserts that the PFJ's definitional limits will ensure the PFJ's applica?? only to comp??itively significant products. Contrary'' to this claim, however, there is no rati?? conn?? between trademark status or stand-alone distribution and the competitive ??nificance of ??leware. Indeed, in some respects these factors act at cross-purposes to the F?? because they encourage the same type of technical integration with new middleware that Microsoft used with ?? to eliminate the threat from Netscape and JAVA.

4. The API Disclosures Under the PFJ Act to Reinforce The?? Applications Barrier to Entry According to the CIS, the API disclosure provisions of the proposed decree?? ''creat[e] the opportunity for software developers and other computer industry participants to ??elop new middleware products that compete directly with Microsoft by requiring Microsoft t?? sclose all of the interfaces and related technical information that Microsoft's middleware uses ?? interoperate with the Windows operating system.'' While SHA concurs with the i?? of the CIS, a careful examination indicates that this statement cannot be reconciled with th??rms of the PFJ. The PHJ would not provide middleware competitors with the information ??ded to interoperate. If anything, it allows Microsoft itself (as it does now) to decide wheth?? when, and which AP's to release to potential competitors, and includes mitigating provisions ?? undermine any apparent disclosure and fortify the applications barrier to entry.

The information disclosure and interoperability sections of the PFJ are amo??s most complex. The core of the provisions are found in Section III.D, which addresses the ??ue of API disclosure, and Section III.E, which addresses the disclosure of communications pro??ols. These core provisions rely on numerous definitions which serve to undercut the effe??eness of these ??tions. SIIA describes below the impact of each definition. While Section III.J appears at the end of the PFJ, and III.D and III.E appear??ard the beginng of the PFJ, Section III.J is directly relevant to the scope of the disclosure??nd, in fact, relevant to no other provision of the PFJ). Section III.I.5 is also carefully exa??ed in S??A's analysis as it appears to grant Microsoft unique rights to insist on cross licer??to ''any'' intell?? property developed through the use of Microsoft's APIs.

a. Failings of the PFJ—Section III.D.—API Disclosu?? PFJ provision III.D requires Microsoft to disclose '':the APIs and related doc??entation that are used by Microsoft Middleware'' (defined in the PFJ) ''to interoperate'' (under??ed in the PFJ) ''with a Windows Operating System Product'' (defined in the PFJ). This pro??on simply restates Microsoft's current business practices.

Relevant to the question of whether any new information is actually require?? the definition of documentation'' within the context of API disclosure. ''Documentation ??is defined in Section VI.E of the PFJ as all information regarding the identification and means of using APIs that a person of ordinary skill in the art requires to make effective use of those APIs. Such information shall be of the sort and to the level of specificity, precision and detail that Microsoft customarily provides for APIs it documents in the Microsoft Developer Network.

It is therefore unclear whether any information disclosure is required under ??section of the PFJ that is not already part of Microsoft's information disclosure regime through ?? Microsoft Developers Network. The fact that the critical term ''interoperate'' is left ??efined suggest that the parties did not have a meeting of the minds regarding the kind of in??mation disclosure that is required under the PFJ. Likewise, the decree does not specify wha??meant by ''use'' of APIs. In fact, the phrase ''technical information'' does not even appear in th??roposed decre??. In contrast, the 2000 Decree's interim conduct remedies included a detail??efinition of ''Technical Information'' (Section 7.dd) that the Department and Microsoft have ??out expla?? eliminated from the proposed decree.

The utility of the information disclosure is also constrained by what Microsoft's permitted to define under the PFJ. As previously noted, Microsoft ''in its sole discr??'' shall determine the software code that comprises a Windows Operating System Product. ??crosoft, therefore, could redefine some or all of a particular ''middleware'' technology as par?? Window's and escape any of the disclosure requirements of Section III.D.

Similarly, the definition of ''Applications Programming Interfaces'' lacks cle??nd effective meaning. APIs are defined as ''interfaces, including any associated callba??terfaces, that Microsoft Middleware running on a Windows Operating System Product uses t??ll upon that Windows Operating System Product in order to obtain any services from that W??ows Operating System Product.'' This definition is inherently ambiguous because it de??ds on two terms, Windows Operating System Product and Microsoft Middleware, which are ?? defined by Microsoft alone.

It also remains unclear when there would be any information disclosure req??d by the PFJ. API disclosure for new ''Windows Operating System Products'' is required in ??mely ?? mann??r''

This term is defined as ''at the time Microsoft first releases a beta test ?? of a Windows Operating System Product to 150,000 or more beta testers.'' In the sof?? e industry, of ?? the ?? ''beta tester'' has a meaning distinct from ''beta copy.'' In the context ?? Microsoft products, even assuming that Microsoft has ever had 150,000 ''beta tester ?? it would be easy to circumvent the timeliness requirement of this provision by limiting distri?? on to under 100 000 beta testers—a number that is substantial.

The professed objective, as stated by the government, is to encourage ''midd?? are innovations.'' Yet, according to the specific terms of the PFJ, innovators are ?? those who are not entitled to APIs under the proposed decree. What innovators require is ?? the APIs that Microsoft middleware calls upon to perform its functions, but rather others, like ??indows APIs, that the next or broadened competing programs can call when executing their ??. By PFJ at 17. james.htm

b. Failings of the PFJ—Section III.E—Communicati?? Protocols

The CIS asserts that the provisions in Section III.E of the proposed decree w prevent Microsoft from incorporating into its Windows Operating System Products features functionality with which its own sender software can interoperate, and then refusing make avai?? information about those features that non-Microsoft servers need in order ??ave the same opportunities to interoperate with the Windows Operating

System Product.'' the dec?? API disclosure provisions, the specific obligations of Microsoft found in th?? FJ do not meet ?? Department's own test articulated in the CIS.

Section III.E of the decree does not require the disclosure of any APIs to co?? ??titors, only the release of ''Communications Protocols.'' Microsoft is free to refuse to disc ?? to comp??s any of the APIs that enable its server OS products to interoperate with ??ows, ?? Middleware.. or with Microsoft applications such as Office and Ou?? Thus. the ?? by Windows to interoperate with Microsoft s server OS, and vice-ve?? are simply ?? disclosable under the proposed decree. Nothing in the prevents Microsoft from building ''features and functionalities'' for server interoperability into Windows.

The definition of ''Communications Protocols'' itself is extraordinarily ambi??s. The dec?? defines Communications Protocol in Section VI.B as: the set of rules for information exchange to accomplish predefined tasks bet?? Windows Operating System Product and a server operating system produc?? via a network, including, but not limited to, a local area network, area network or the Internet. These rules govern The format, semantics, timin??cing, and error control of messages exchanged over a network. This ??tion does not prescribe what predefined tasks'' are encompassed, and the ??rase ''for?? semantics, sequencing, and error control of messages'' can just as easily be. d to apply only ?? physical means of sending information to or from a server (the rules for ?? smitting information packets over a network) rather then the content of such information (the ??es for structuring and interpreting information within such packets).. Indeed, although the descri?? Section III.E as providing support for ''features and functionalities,'' those ns do not appease ther in the substantive provision or the definition of Communications Proto Moreover, the key terms of Section III.E (like Section III.D, described above ??re undefined. Microsoft is allowed to define the term Windows Operating System Pr?? The co??nding prong of Section III.E is that Communications Protocols are disclosa?? when used ?? a Windows Operating System Product to interoperate with ''a Microsoft set operating system product.'' This important term, which provides the boundary'' for Microsoft'' ??ligation to disclose crucial information to rivals, is nowhere defined in the PFJ. Likewise,?? Section III.D, the failure of'' Section III.E to define ''interoperate'' reminds one of the stice ?? prior failure to define ''integrate'' in the 1995 consent decree.

The CIS asserts the term ''server operating system product'' includes, but is limited to, the ?? Windows 2000 Server product families and any successors. The PFJ, however, does not c??ain any of this language. Since consent decrees are interpreted as contracts, use of the ?? to supplement a decree in ways in which the parties did not agree is arguabl?? Unenforceable.

As with the definition of Windows Operating System Product, the scope of ??ndows server ??ating system product''—and thus Microsoft's Communications Protoco?? sclosure obligations—as a matter of law is subject Microsoft's sole discretion Therefore. ion III.E requ?? only the disclosure of the rules to accomplish predefined tasks'' (defined b?? Microsoft) by which a ''Windows Operating System Product'' (defined by Microsoft) interoper?? with a ''Microsoft sever operating system product'' (defined by Microsoft).

Section III.E does not cover protocols that are implemented in Internet ?? to support interoperability with Microsoft's server OS products. Many, if not most, ?? with servers occur via the Internet browser. Therefore, Microsoft can e y evade any ?? scope of this provision by incorporating proprietary interfaces and ?? cols into IE rather than Windows.

The obligations of Section III.E only apply to Communications Protocols th??re ''?? ... on or after the date this Final Judgment is submitted to the Court.'' ??onsequently all of the Communications Protocols built into Windows 2000 and Window ?? are expt?? disclosure because they were implemented before the proposed decree ??submitted. This ??ing proviso thus provides a ''safe harbor'' for all current Microsoft server pr ?? since under the anguage of Section III.E their means of interoperating with Windows nee ever be disclesed.

c. Section III.J. Carve Out.

Any disclosure provided by Sections III.D. and III.E. is mitigated by the car, ?? in ?? J, which permits Microsoft to refuse to disclose, in its discretion, protoc?? API's, and ?? information that are necessary for competition in the market and which Microsoft has ??. This Section of the PFJ is overbroad given the ''District Court finding ?? the Court of Appeals ruling. For example, this Section would arguably allow Microsoft ?? to disclose any APIs between the IE browser and the Windows OS, and the Communi?? ?? between IE and ISS, Microsoft's web server, because of the browser's rel??ce upon authe??cation and encryption technologies.

Section III.J.2 is even more troubling because it appears to give Microsoft th??ght to disclosure requests even where legitimate needs are shown to promote intero?? ability refuse For ??, based upon highly subjective criteria determined by Microsoft, it coul??fuse to ?? an API, Documentation or Communications Protocol if: i) Microsoft determ?? that there is not ?? ''reasonable business need'' for the information, or ii) if the entity fails to m?? ''reasonable objective standards established by Microsoft for certifying the authentic and viability of its business,'' or iii) if the entity does not agree ''to submit at its own ?? ?? program using such APIs, Documentation or Communication Protocols to ??rd-party verification approved by Microsoft.''

d. Section 11I.I.5—Mandatory Cross ''Licensing

The requirements of Section III.I.5. reinforce the monopoly position of Microsoft and are incon??sent with the abuses found by the Courts. This Section is sweeping in its bre?? by provi??ing Microsoft with the right to insist upon a cross license to ''any'' intellectual ??perty rights ?? to the exercise of a third-party's options under the PFJ, including ac ?? sing APIs ?? Communications Protocols granted under Sections III.D. and III.E. the ??sible safely provided by the last clause is entirely illusory due to the breadth of the cross??se.

e. Other Failings of the PFJ

The CIS claims that the PFJ will prevent Microsoft from hampering the dev, operation of ''potentially theatening software'' by withholding interface information permitting its own product to use hidden or undisclosed interfaces. The PFJ's trea?? Of APIs ?? to achieve the goal stated by the CIS for several reasons. API's are centra?? The barrier-Microsoft's control of Windows APIs reduces costs for Wind, developers and raises costs for rivals. As the Court of Appeals explained, because controls the APIs, ''porting existing Windows applications to the new version of ?? much less costly than porting them to the operating systems of other entrants who ?? freely include APIs from the incumbent Windows with their own.'' More fundam??lly, mere?? focusing upon Windows APIs used by Microsoft Middleware Products is no create conditions necessary for effective competition by alternative operating systen alternative Middleware. By requiring that APIs and similar information relate to ?? purpose of interoperating with a Windows Operating System Product'' the PFJ doe undermine, but instead reinforces, the applications barrier to entry. Disclosing Win?? it easier for ISVs to write more middleware applications for the Wind.

As described in Section II.C.1 above, by limiting the add/remove provisions ''access'' to middleware, the PFJ allows the code itself to remain on all Windows ?? which ?? incentives for ISVs to write to the APIs exposed by Microsoft mid instead of competitors. Thus, removing the obstacle of hidden or delayed APIs will non-Microsoft Middleware, since Microsoft Middleware code will continue to be ??

Additionally,. failing to require Microsoft to disclose APIs and similar interf?? (file formats data structures, code??s, and protocols) needed to interoperate with Microsoft?? Middleware and the Microsoft Office family allows Microsoft to repeat its anti-Net: of ?? cross-platform middleware that poses a competitive threat. The PFJ's require disclosure of Platform Interfaces similarly allows Microsoft to hamper ISVs competing platform developers in the competition for other platforms, such as non-I??desktops, handhelds and mobile phones.

f. Remedies for the PFJ's Failings

In order to create the appropriate market incentives necessary to reduce the a ?? SDA urges that any effective remedy must: expand API disclosure rights to include MS Office Middleware (Wo?? Excel, PowerPoint, Access, Outlook), include APIs and similar interfaces exposed by, or required to interop?? effectively with Microsoft Middleware, and expand the definition of Microsoft Middleware, and include Platform Interfaces. To be more specific, the following changes should be made to the PFJ: The API disclosure provisions of Section 3.b of the 2000 decree, inch their applicability to ''Communications Interfaces and Technical Information''- as well as the definitions thereof and of ''Timely Main—should be expanded to require Microsoft in addition to

make availa??to ISVs, IHVs, and OEMs, on the same terms as APIs: all ''file formats,'' ''data structures,'' ''compression/decompression algorithms ('co-de??s')'' ''protocols'' and related interfaces for its Applications products and Middleware, including but not limited to Office; and APIs, Communications Interfaces and Technical information allowing for interoperability of Microsoft Office with any Microsoft Platform Software, Windows Operating System Product, or Microsoft applications software product.

Microsoft should also be required to make available to all ISVs, IHV OEMs and third-party licensees all ''Platform Interfaces'' required to enable software installed on other computing devices (including but limited to servers, handheld devices, digital phones, etc.), whether Microsoft software, or that of any other company, to ''Interoperate Effectively'' with any Microsoft Platform Software, Windows Opera System Product or Microsoft applications software product. ''Platfor?? Interfaces'' and ''Interoperate Effectively'' should be defined as set f??in Appendix A.

S??A's proposal to expand the availability of API information to include Pla?? Inte??s (PIs), as well as Windows APIs, ensures that both ISVs and competing pl ?? soft?? vendors will have adequate technical information to develop applications ??ther OS platforms that can ''Interoperate Effectively'' with the Windows OS and other Micro ?? appli??nt??ons and middleware software. As a result, ISVs would face lower economi??bstacles in porting Windows applications to other OS platforms, and would have an incentive ?? tempt to develop cross-platform applications That would run equally well on any PC operatin?? ??stem, or other ?? device such as a desktop, handheld, or mobile device.

In considering this remedy it is important for the Court to understand that All isclosure ?? by which third-party software products run on the Windows OS, but ?? competing PC and non-PC platforms. Therefore, API disclosure alone has a counte??ductive ill ?? impact by reinforcing both the Windows platform, and the applications ?? to entry The communications protocols go to the broader question of allowing third ?? to ?? and add value to the operating system environment by better understand the way in which its different pieces communicate. By expressly including file formats and a structures for Microsoft applications (e.g. Office, Outlook, Exchange) in the inform, m that Microsoft is required to disclose to ISVs, the proposed remedy would reduce Micro ?? ability to expl??it its control of these critical interfaces (its ability to cut off the air supply o Vs) to reinforce the applications barrier and to disadvantage competing middleware and ?? software vendors.

S??A's proposed remedy would benefit consumers by providing a uniform b on which middleware and applications developers unaffiliated with Microsoft could design, ?? and ship competing software products that are interoperable with the Microsoft OS and ?? dominant applications and middleware products, thus eliminating exces?? and ?? stemming from software incompatibilities. Consumers would benefit ?? an expar?? choice of timely, interoperable software products, allowing them to make ??chasing decisio??s on the objective merits of product features and functions, rather than Micr?? unilateral power to control and offer interoperable software products.

As expanded, the remedy would also facilitate entry'' by independent platforn?? venders and act to diminish the applications barrier to entry protecting Microsoft's ?? First, by requiring the disclosure of file formats and related technical in?? for Office and Outlook—two Microsoft applications products that dominate their respe?? the proposal would support the competitive development of applications ??can read/write files created by these Microsoft products, thereby providing consumers w a choice of applications in these key product categories for non-Microsoft PC platforms.

Second, the inclusion of PIs and the extension of APIs to include technical ?? mation for Office/OS interoperability would provide a level playing field on which unaffilia?? platform softw?? vendors and middleware developers could write cross-platform software a??ompeting OS pro??uots. In the absence of the market incentives that would have been created?? dives??re, these informational parity provisions will ensure, if enforced effectively??at the Windo?? OS monopoly is not used by Microsoft to constrain the development of ??eting platf??s and applications through the control of PIs and related technical informat??

5. The PFJ Fails to Prevent a Repetition of Microsoft's Anti??apetitive Acts With Respect to NET

a. Failings of the PFJ

Microsoft has developed its .NET Framework (and has also designed Wind??XP) with the ??ion of protecting its underlying Windows franchise and leveraging its desk?? OS monopoly into the broader realm of internet-based applications, Web services, and ??dheld OS sofi??. Microsoft's efforts to develop proprietary APIs and interfaces for its NE'??amework, incl??g he Common Language Runtime (CLR) it has now substituted for Java, h??been disc??d in detail in a number of trade and general business publications. In short?? first exti??shing the cross-platform threat posed by JAVA technology, Microsoft deve??d a substitute executable runtime environment, limited to the Windows platform only??NET Frarm?? is the functional equivalent of JAVA, but is compatible only with the W??ows elie??d server OS products, and with Microsoft's COM software design structure?? Cons??tly, by maintaining the proprietary, and Windows-centric nature of this N?? Frar??, Microsoft has succeeded in locking Web server providers into use of ??indows serve??S products, and it has precluded other OS platform vendors from competing??the ''Crea?? today's networked PC users.

The impact on?? and on consumers competition resembles the effect in 1995–9?? Micro??'s campaign against Netscape and JAVA. Consumers are denied a choice??tintime en??s, the applications barrier to entry is strengthened against competition ??non-Micr??ft runtime environments, and Microsoft's Windows OS monopoly is protec?? against the ??r threat from server-based applications.

The CIS claims generally to prevent a repetition of Microsoft's past exclusi?? conduct and??e specifically, to protect the competitive significance of non-Microsoft Mi?? ware, networks which depends on content, data, and applications residing on servers and passing o?? such as the Internet. The PFJ neither accomplishes the stated goals of the CIS nor ??isfies the Court ?? Appeals standard of review.

The 2000 Decree included a broad API and ''Communications Interface'' pr?? ion thatreq?? disclosure of interface information for interoperability between non-Micro: OS platfor?? non-PC platforms (handhelds, phones, etc.) and Windows. The PFJ, howe?? takes a more ??ow approach, limiting API disclosure requirements to middleware alone a; ??ailing to addre?? interoperability with other platforms or applications. As a result, Microsoft ??rategy of ''Windo?? everywhere'' is essentially unaffected by the PFJ.

b. Remedies for the PFJ's Failings

In order to prevent further monopolistic practices by Microsoft in relation to NET initi?? SIIA proposes to include in the PFJ a remedy that maximizes the degree o ??terface info??ion disclosed by'' Microsoft, including with respect to its .NET framework f?? server interc??e ability, and requires that Microsoft port .NET to non-Windows client and s??r operating systems. Specifically, Microsoft should be required to disclose to OEMs, ISVs and all other parties covered by Sections 14 and II.C.9 of these Comments all APIs, Communications Interfaces, protocols and related technical interfaces required or useful for interoperability between the .NET Framework and a Windows Operating System Product, and ?? the .NET Framework and a Windows server operating system product or any Web-based server (including Web, applications, commerce and other Internet servers); and the .NET Framework, within six months of the effective date, Linux and the Top three non-Microsoft server OS platforms, and to Macintosh and the top three non-Microsoft client OS platforms (including the leading non-Microsoft handheld com puting OS).

As discussed in Section II.C.7 below, the appropriate remedy for Microsoft ??lawful cond??t specifically directed against JAVA, designed to restore a ''but for'' market is '''unf??ed''' by Microsoft's illegal activities, is to require the inclusion of JAVA ?? the Wir??S. The remedy proposed here with respect to .NET is similar. Since M: soft has substi?? its own, proprietary middleware for JAVA—seeking to use its ubiquito?? distri?? capability to extinguish rival technologies—it should be prevented fro??rofiting by its foreclosure of rival platforms. Indeed. the PFJ includes JAVA expressly in th?? ??finition of Mi?? eware, but has no provisions designed to restore the competitiveness of this ??hnology or c??ain Microsoft's present efforts to make a proprietary substitute for JAVA.

?? Microsoft III, 253 F.3d at 103 (citation omitted).

By opening the .NET Framework interfaces, thereby'' permitting competing s ??r vendo??s to interoperate with Windows

PCs running .NET, and by porting .NET to o?? PC plat??s, SIIA's proposed modification would help to prevent the end user lock-in ??forced by MET. Effective relief in this case must prevent Microsoft's further reinforceme??the app??s barrier to entry, which the Court of Appeals expressly found to be the ?? e most impo??t factor protecting Microsoft's Windows OS monopoly? This remedy is ??ssary both ??eve the stated goals of the CIS and, as required by the Court of Appeals ??deny Mi??ft the ''fruits'' of its exclusionary tactics directed to Java and favoring the ??'' Fra??ork.

6. The PFJ's Lack of a Remedy for Internet Explorer Allow ??icrosoft to Retain ''Fruits'' of Its Monopoly Maintenance

As the Court of Appeals affirmed, Microsoft's exclusionary practices illegal ??naintained its O??opoly against the threats posed by Netscape and JAVA?? Since the beg?? ng of Micr??ft's campaign against the middleware threat, Netscape's market share has d??ned from ore?? percent to less than 10 percent. Microsoft's product—IE—has swept the f??rew??ing Microsoft's anticompetitive conduct by eliminating the browser as a viab??distrobi??ion channel for non-Microsoft middleware and APIs. As a result, develope most impo??t distribution channel—other than Windows itself—is now subject to Mi?? sows mono??ly*;control. Moreover, IE provides Microsoft with the power to require the t??of Microsoft's proprietary. APIs, communications interfaces, and/or security protocols ?? interoperability with desktop PCs via the Internet. As Microsoft's recent exclusion?? AVA from, ??and Windows XP amply demonstrates, Microsoft has used its browser mon?? y to exc?? distribution of any non-Microsoft platform software. Unfortunately, un?? the PFJ it can ??e to do so.

a. Failings of the PFJ

The CIS claims that the PFJ will prevent recurrence of the same or similar p??ices employed by Microsoft to reach its current monopoly position, and restore the coral tire threat pos??iddleware prior to Microsoft's unlawful conduct? Further, under the r?? dial stan??mandated by the Court of Appeals in this case, the PFJ must deny Micros?? e ''fruits'' violations. The PFJ plainly fails to meet both the stated goals he CIS, of its ?? ??erman Act and the Court of Appeals standard. Despite Microsoft's dominance of the Web bro?? market, which ??tained as a direct result of its unlawful conduct, the PFJ does not provid?? y remedy'' for ??hether open source, licensing, source code access, or even API availability ??addition, with the PC interface migrating rapidly'' from the desktop to the Web browser, this s ??oming of the ?? will permit Microsoft to do with IE whatever the PFJ precludes it from d ?? with Wind??s desktop.

b. Remedies for the PFJ's Failings

It is therefore S11A's position that the PFJ should require Microsoft to licens ??e source code??E on an ''open source'' basis, thus removing from Microsoft the ability to u ??rowsers as a?? cations and Internet gateway that further preserves its OS monopoly. Sp??ically: Microsoft should be required to disclose and make available for lice?? an?? third-party—within 60 days of the PFJ's effective date, and thereafter at least 180 days prior to its commercial distribution of any?? browser product—all source code for IE and any successor Browse?? products.

Such license should grant a royalty-free, nonexclusive perpetual lic?? on a non-discriminatory basis to make, use, and distribute products implementing or derived from Microsoft's source code pursuant to t?? industry-standard GNU General Public License agreement. Microsoft should be permitted to assess an appropriate license fee in ?? to recover its administrative overhead and distribution costs associat?? with open source licensing of IE. The proposed open source approach is linked directly to the central charge ??onopoly maintenance affirmed by the DC Circuit. Not only is Microsoft's IE monopoly a?? it'' of its unlaw?? OS monopolization, but the browser represents one of the best API platfor ??on which ISVs ??develop cross-platform software applications that would help erode The ap ??ations bar?? entry. Moreover, an open source requirement would reinforce the standard ??elated provisions discussed in Section II.C.10 below by. eradicating Microsoft's ability to ?? propr?? IE browser standards to extend its desktop OS monopoly into Internet- a server- based app??ications. Because the browser has become the de facto standard interface—Internet aud??video, e-commerce and electronic mail applications, an open source remedy ??ents Mic??ft from biasing these crucial digital markets to Microsoft's own software an ??rmats by supp??g only proprietary interfaces in IE.

Finally, an open source requirement is the only mechanism that creates a ''b?? r'' mar??, restores the market to what it would have been but for Microsoft's suc??ful anti??etitive strategy of foreclosing Netscape from the market, and eliminating ?? hreat the browser to the applications barrier to entry. Thus, the open source bro ??r remedy posed by wo??dress the browser-specific unlawful conduct central to the monopoly main?? ??ceviola?? affirmed on appeal.

The proposed modification to the PFJ would eliminate Microsoft's ''fruits'' ?? foreclose the ??e protecting its OS market power. This would serve the interests of consi?? s by rest?? competition and innovation in browsers and precluding Microsoft from us?? IE as a vehic?? controlling the Internet standards, protocols and interfaces that lie at the ??rt of a netw??ed PC marketplace. In addition, it would: lower barriers to competition for desktop OS software and middlewa??y eroding Microsoft's power to dictate the APIs. communications inter ??es and security protocols by which PCs can interoperate with other devi?? and software platforms over the internet; redress Microsoft's monopolization of the distribution channels for desktop middleware runtimes; and foster (and perhaps restore) competition within the major distribution channels for desktop middleware.

As discussed above, the proposed IE remedy is necessary to satisfy the requi??ent that any ??f in this case remove from Microsoft the ''fruits'' of its monopoly maintenar ??violation.

The C??rt of Appeals opinion also supports the open source remedy in other respect?? n its reve??f the attempted monopolization claim, the Court chastised DOJ and the tri?? tort for not ??ifically defining Internet browsers as a relevant product market. It is clea?? ??wever, that li??e the Section 1 tying, claim, the attempted monopolization claim was simply ??ther legal theor??ising from the same set of operative facts. As the Court recognized, the p??iffs ''made the ?? argument under two different headings—monopoly maintenance and atte??ted mo??ation.'' As a form of unlawful monopoly maintenance, the Court had n?? fficulty hol??g that ''Microsoft's efforts to gain market share in one market (browsers) ser?? to meet the ??t 10 Microsoft's monopoly in another market (operating systems) by keepin ??val browsers from gaining the critical mass of users necessary to attract developer atten?? t away from ??ndows as the platform for software development.'' Thus, DOJ's failure to?? roduce aff??ve evidence defining a relevant market for Internet browsers cannot stand a barrier to fashi??g relief that restructures IE in order to eliminate its use as a vehicle for mai??ining Microsoft's desktop OS monopoly.

In sum, Microsoft's abuse of monopoly power through IE must be remedied pro??s directed specifically at IE, something the PFJ completely fails to address, ??is one of the ??ironies of the settlement proposed by DOJ that in a case centered around ?? either the API provisions nor any other section of the PFJ redresses Microsoft's acquisition of ??yet in Inte??wsers, and its concomitant effect of reinforcing Microsoft's Windows m?? poly pow?? ignoring the browser issue the PFJ ensures that there will never be a corn ??itive oppp?? ity to reinvigorate browser competition, or to provide middleware cornpetit?? in the range ?? Internet-based technologies controlled by the browser.

7. The PFJ Fails to Rectify Microsoft's Unlawful Conduct A ??nst JAVA

a. Failings of the PFJ

The CIS states that the PFJ is designed to restore the competitive threat that ??Idleware prod??, such as Sun Microsystems JAVA, posed prior to Microsoft's unlawful act ??s. The PFJ ??ever, fails entirely to address the fact that Microsoft s illegal tactics thwart JAVA tecj??gy, which would have significantly eroded the applications barrier to entry?? ??e Court of Appeals found that Microsoft violated Section 2 by entering into exclusive ISV d?? for distrib??ion of Microsoft's own, incompatible version of JAVA, and by deceiving developers into ??ing JAVA applications with Microsoft tools that produced only Windows-c ??patible code. Microsoft also unlawfully destroyed Netscape as a viable distribution cha?? or JAVA tecj??gy

b. Remedies for the PFJ's Failings

SIIA's proposed remedy therefore requires inclusion of the JAVA runtime e?? onment in Mi??scft's OS products, and prohibits Microsoft from distributing any JAVA de ??pment tools. S??ifically, for a period of seven years, Microsoft should be required to dish ??te free of charg?? binary form in all copies of its Platform Software (including upgrades and ??isions such as Service Packs) the latest version of the JAVA Middleware as delivered to M??soft, at least ?? days prior to

Microsoft's commercial release of any such Platform Software ?? addition Microsoft should be enjoined from distributing: any Platform Software in beta or final commercial form unless such Platform Software includes the latest version of the JAVA Middlewa??

Runtime as delivered to Microsoft in binary form by Sun Microsyste ??no later than 90 days prior to distribution by Microsoft of such Platform Software or any upgrade or revision thereto; any Microsoft Operating System Product that requires, favors or advantages the utilization or functionality of any Microsoft Middlew?? Runtime (including the .NET framework) relative to the utilization o corresponding functionality of any competing Middleware Runtime ?? application, including (without limitation) the JAVA Middleware Runtime; any Office product that favors or advantages the utilization or functionality of any Microsoft Middleware Runtime, including the ?? framework, relative to the ??tilization or corresponding functionality ?? ny competing Middleware Runtime or application, including (without limitation) the JAVA Middleware Runtime; and any developer tool or development environment for the JAVA lang?? (including any tool or development environment that uses or convert: JAVA source or class files to other formats). The DC Circuit explicitly upheld Microsoft's Section 2 liability for exclusi??y con??t di??ected specifically at JAVA. The Court affirmed Judge Jackson's conclus??that Mi??ook steps to ''''maximize the difficulty with which applications written i?? a could be p?? from Windows to other platforms, and vice versa.'''

To eliminate the threat posed by JAVA, Microsoft acted to destroy the value ??he tech??gy by polluting the industry standard set of JAVA interfaces and protocols, ??crosoft then ??ed its monopoly power by requiring its customers to adopt and distribute it ?? omc??ble, non-standard JAVA runtime and tools implementations. As the CIS ??n M??t fried to ''extinguish Java'' because ''a key to maintaining and reinforcing ??appli??tons barrier to entry has been preserving the difficulty of porting application?? ??om Win??s to other platforms, and vice versa,'' which JAVA was designed to elimina??

??A's proposed remedy would increase consumer choice by fostering corer- ion and innov?? in middleware. Similarly, it would foster competition and create innova?? among ope??g systems by promoting the competitive distribution of middleware, and ere?? Micr??ft's power to dictate The APIs, and related interfaces by which PCs interope?? with netw??ed devices. It would also redress Microsoft's specific acts ofmonopolizati?? irected at JA?? and thus deny Microsoft ''the fruits of its statutory violation.'''

8. The PFJ Fails to Mandate Porting Requirements

a. Failings of the PFJ??

Another significant shortcoming of the PFJ is its failure to mandate that Mic?? ft port its key ??uctivity (Office), browsing (IE), and other Microsoft Middleware Products ??on-Mic?? operating systems. In the current market, such operating systems (Apple, ??ax, etc.), as well as handhelds (Palm, etc.), set-top boxes (Liberate, etc.), phones (Nokia, etc.) ?? other Inter??er abled appliances will only be provided with a level playing field to comp?? if Microsoft provides porting of its now-dominant products.

Mi??rosoft's ability and willingness to exploit the porting issue to its advanta?? as been spec??lly demonstrated m this case. Both the District Court and the Court of App?? ??dged That Microsoft previously used its monopoly power over Office to im??e an unla?? e??clusiona?? deal on Apple for distribution of IE on the Macintosh? This ??e of mos??f monopoly power by Microsoft is not specifically prohibited by the PFJ. ?? t result, Mic??ft could continue to use its monopoly power over Office, -and the overwhelr?? do?? of IE, to constrain and eliminate competition from other OS platforms b?? fusing, or thre??g to refuse, to port Office or IE to those platforms. By ignoring this realit?? e PFJ egle??s a critical component of the Microsoft monopoly, and significantly compro?? s its abili?? effectively eliminate what the Court of Appeals identified as the single m?? reportant factor??cting Microsoft's Windows OS monopoly: the applications barrier.

b. Remedies for the PFJ's Failings

The CIS asserts that the PFJ will ensure that OEMs have contractual and eco??nic free?? make decisions about distributing and supporting Non-Microsoft Middle?? Prod?? without fear of retaliation or coercion by Microsoft. The foregoing will pu??rtedly be achi??s reply by prohibiting Microsoft from retaliating against an OEM that supp??or dist??s alternative middleware or operating systems. But OEMs will not be e??mically free ??rt or distribute alternative operating systems until control of the applica??s barrier is se?? from Microsoft. Since The porting of Office, IE and other Microsoft Midd??re

Pro?? is a crucial element in re-establishing competition in the market for opera?? systems, SIIA ??ses that Microsoft should be required: to port Office, within six months of entry of final judgment, to Linux the top three non-Microsoft PC platforms (including the leading non-Microsoft handheld computing OS) based on shipments in a year; to port future versions of Office, within six months from the date that ?? products become commercially available for use with a Windows Operating System Product, to Macintosh and the top three non-Micro: PC platforms (including the leading non-Microsoft handheld comput?? OS); to port IE and other Middleware Products that Microsoft ports to any non-Microsoft OS platform to Linux and the two most significant other non-Microsoft PC platforms; and to provide the same or similar functionality in such ported Office applications and Middleware as that available with the Windows Operating System Product version of the application. Without modifying the PFJ to include such specific language, the only way ??revent ''Po??g b??ackmail'' by Microsoft would be lengthy and expensive litigation attemp?? to show that a ??al, or threat to refuse, porting would constitute a change in Microsoft's ''??mercial rela??'' with an OEM. Requiring Microsoft to port its Office and IE Middleware ducts to non??soft operating systems is essential to overcoming the applications barrier ??d tjere??roviding OEMs with the contractual and economic freedom the CIS promi.??—for at leas??easons, described below. Without a remedy specifically'' addressing Offi?? the OE?? not be free of Microsoft's monopoly pressure. For example, Microsoil?? d be free ??dition pricing advantages for Office on an OEM's adoption of Microsoft ??dleware.

First, Microsoft's monopoly power over the Office business applications sui?? Word, Exce??werPoint, Access, Outlook—provides it with the ability to constrain and ?? inate?? comp??ion from other OS platforms by refusing (or as in the case of Apple, threate?? to refuse??t Office. The most important contributor to the applications barrier to en?? is MS Offi??ch currently holds a dominant share of over 95 percent of the business pr??ctivity so??applications market. Without the ability to run MS Office on a PC, users h?? little or no ?? except to select a Microsoft platform in order to maintain read/write intero?? ability with the most important applications product in today's software market.

Second, MS Office serves as the basis for Microsoft's current strategy of ex?? ting its desk t??O?? dominance into the broader realm of handheld and other non-PC comp?? systems. Thus the porting of Office would directly address the applications barrier to entry, ?? would pro??reased recentives?? investment in, and consumer purchase of, cornpetra?? soft?? for both PCs and other computing devices, such at handhelds. In addition, exposing its o?? of APIs, Office itself can represent a useful means of encouraging cross-?? form mid??are, but only if it is available on non-Microsoft platforms. Microsoft's refu?? to port MS ??e, except in return for Apple's agreement to make IE the default browser f?? ??e Ma??h, was thus manifestly anticompetitive and a major reason for Microsoft's ??ntenance of its ?? monopoly.

Third. ISVs and consumers today effectively have no choice in browser fun??ality Other ??n Microsoft's IE browser. As a consequence, Microsoft can now choose to ??antage its OS ?? any competing operating system either by refusing to port IE to the cor?? ng OS, by doing so significant]y later than for its OS products, or by porting only inferior ??ns of IE. Like??, ??icrosoft can use the dominance of its IE product to extend its desktop O ??onopol to that :o/non-PC devices, such as handheld computers. Unlike virtually every ISV?? Microsoft has re?? to port either its Office software or Internet Explorer to the Palm OS. A?? en sour??ion of IE, as proposed in Section II.C.6 above, can eliminate Microsoft's?? ity to prese?? as a proprietary interface to the Internet; however, it cannot alone rectify ?? porting problem d??e to the lack of browser competition. Because Microsoft has established browser as a ??enue product, there is no profit opportunity for any ISV or platform cor??itor to create ??ux. Palm (or other handheld, digital phone, set-top box, etc) or other ver?? t of Intera??/Explorer. Fourth, because Microsoft's anticompetitive conduct destroyed the Internet ??ser as an

econ??callyy significant market, it should be required to redress that harm by portin?? E to other plat??s. This flows directly from the recognition in the CIS that ''Microsoft's a?? succeeded in eliminating the threat that the Navigator browser posed to Microsoft's ??rating system?? .... The adverse business effects of these restrictions also deterre??etscape from ?? taking technical innovations in Navigator that might have attracted cons??rs and reven??'' Because porting the Navigator browser to all significant PC platforms ??an integr?? part of Netscape's competitive strategy until Microsoft began its unlawful c??aign, a remedy should restore the pro-competitive effect—a ubiquitously, available browse at exposes uniform APIs on all OS platforms—that has been lost as a result of Micro??'s violatio??s.

Arguments that porting is impossible or too costly are not legitimate. Micro?? ports versio??s of Office, Outlook, Media Player, IE and other middleware to the Macintos ??day, some of which are available free, and others for purchase. Furthermore. as the Coun?? Appeals explai??ed the important economic consideration in porting is usage, as opposed to a??lute volu?? Particularly as to software (like IE and Outlook) that exposes its own APIs, ??sage share, ?? the underlying operating system, is the primary determinant of the platfor?? ??allenge a [pr??] may pose.'' Thus, requiring That Microsoft port to other OS platforms ?? principal, ubiqu?? ?? middleware/applications it now controls merely replicates what would be easy decisi?? ?? a stand-alone company that, unlike Microsoft, did not have an economic disad??tage other OS platforms. Because a firm that did not have a Windows mon??ly would port both Office and IE, Microsoft should be required to port these crucial products.

Finally, creating a viable market for Linux would immediately introduce pri?? comp??tion to the Windows OS. Linux—which is currently free—would be a po??tially attractive alternative to Windows, even in the OEM channel, if Office, IE and Outlo?? were all available for that client platform.

9. The PFJ Places a Disproportionate Reliance on OEMs to ??rease Competition

a. Failings of the PFJ

As noted previously, the PFJ's overwhelming reliance on OEMs as the prin?? ?? means for in??ing competition into the OS market is unjustifiable. Rather than adopt a m?? ??faceted approa?? focusing on all of the contributors necessary to adequately reinvigorate co??ition in the OS marker, the PFJ mistakenly focuses merely on allowing OEMs greater ''flexil??y'' to custor?? Windows icons and non-Microsoft middleware. By doing so the PFJ tur?? blind eye to the economic realities of today's market. OEMs are currently under such ext?? ??dinary financial pressures today that, even if they had the business experience necessary to ??er the software business, they have no financial incentive to purchase and incorporate into ?? r PCs anything other than the full Microsoft software package. The failure of any OEM to on Microsoft's offer last summer to replace icons in the Windows XP desktop makes pl. this reality.

The PFJ is purportedly designed to restore the competitive threat that non-Mi??soft middl?? products posed prior to Microsoft's unlawful undertakings. As noted a??e, the CISc?? that the PFJ does this by giving OEMs ''the contractual and economic fr??m to make ??isions about distributing and supporting non-Microsoft software products t?? have the poten??a to weaken Microsoft's personal computer operating system monopoly with fear of coerci?? or retaliation by Microsoft.'' The PFJ only provides such freedom to OE?? in form, however, not in substance. Changes in OEM and retail PC market conditions—una?? ??owledged by the DO??—make it highly unlikely that contractually liberating the OEM distribut?? channel, without significantly more, can effectively serve as the prime vehicle for restoring C comp??tion. Such market changes include dramatically shrinking margins, price pr??ires, and slowing demand in the PC sector—trends that are the opposite of the high-flying e?? ??mic indici?? of the PC hardware market from 1995–98 when Microsoft's vertical restricti?? foreclosed OEM distribution to its middleware rivals.

In this current economic environment, provisions which merely give OEMs t?? ability to remove products or services, or that give OEMs the ability to make changes to the ??ting system ?? not succeed in achieving the stated goal of the CIS. The competitive la?? cape of the PC s??clor today is one of rapid commoditization with shrinking R&D budgets.

b. Remedies for the PFJ's Failings

Creating choice and differentiation in the PC sector is dependent upon two st?? first, the PP must fundamentally redefine the relationship between Microsoft and all OEM ?? affirmatively transferring some design and bundling decisions from Microsoft to the Ms (in the PC supply chain); second, the PFJ must create a regime in which OEMs have an??nomic ?? to choose alternative bundles of ??oducts and services for the Windows OS ??form from other vendors, thereby encouraging competition on the merits in the applicatio?? midd?? are and other non-OS markets.

In order to accomplish these objectives S??A proposes that Microsoft be req?? to license Windows to independent ISVs and software integrators (including platform ??are com??ors)who would be protected by the same API disclosures, desktop configu?? flexib??lity, and pricing nondiscrimination guarantees as provided to OEMs under the ?? J. More spec??cally, Microsoft should be required to license the base binary code of Window including new ??ions and upgrades of Windows at a reasonable time before shipping of that duct to OEM ?? all third parties so that the licensees may create and license competitive b?? ??es comprised of Windows and non-Microsoft applications, middleware, services and to??

((a)) licensed third parties should have all the rights to modify the OS and IE desk?? links and related interfaces as provided to OEMs in Sections III.E and III.H of the??;

((b)) licensed third parties should have all the rights of access to APIs and other re??ical information as provided to OEMs in Sections III.D and III.E of the PFJ.

((c)) licensees should be protected by the same OEM nondiscrimination safeguard??ovided ?? Sections III.A, III.B and III.F of the PFJ;

((d)) Microsoft should be required to provide complete transparency of its agreeme?? with ??EMs and others;

((e)) the licenses should be made available for a price equal to the lowest (per volu?? ??price that Microsoft charges for any current version of the Windows OS to OEMs o?? her end user licensees, including enterprise customers, add any volume discounts sho?? ??e ??ardized and published; and

((f)) Microsoft should be prohibited from taking actions to interfere with or degrad??e in??eroperability of third-party applications with Windows.

This licensing proposal would foster wholesale-level competition for combin?? ??S and application bundles, thereby making available critical systems integration services to ??Ms seeking ??o provide alternative software packages to retail customers. The SIIA prop?? recognizes the realistic limitations on OEMs in creating and defining alternative sof?? ??re bundles (including middleware) and therefore creates opportunities for systems inte??ors and others to ''stand in the shoes'' of the OEMs and exercise their same rights to modify ?? cust?? the Windows desktop and middleware selections. This remedy works in??em with the ?? on middleware bundling, the provisions regarding OEM restrictions, and the ??I and tech?? information disclosure. It would limit Microsoft's ability to choke off the ??elopment of new middleware and potential rival platforms by creating an alternative means fo?? ??aker of those so ??products and services to distribute them to OEMs and, potentially, co??mers. By producing potential rival, retail-level bundles of software applications and servic ??with the OS, the licensing proposal could offer an important means to foster the technologica?? development and consumer acceptance of non-Microsoft middleware and potential a native platforms.

Adoption of the licensing provision would result in at least three major benef?? to cons?? and competition. First, the provision would allow the market, rather than ??crosoft, to deter?? the applications on, and configuration ?? consumers'' PC desktops. The?? ??ense would ??Microsoft's ability ;o use its OS monopoly to favor its own products ove?? comp?? software. End users would be able to choose among competing, custon?? ??d bundles of applications that are as seamlessly integrated into the operating system as ??crosoft's products are?? today.

Second, in addition to to promoting consumer choice and creating competitio?? retail-level OS Application bundles, the licensing proposal would help preserve competitio ?? appli??, e-commerce, and other markets that Microsoft has targeted with its ille??actics. By given there applications/services and the investors, engineers, developers, and ??ers behind them—an alternative means to obtain access to consumers, the licensing pro?? ??alwould give ??petitors in these markets a new protection from Microsoft's anticompetiti?? cries. Con?? would benefit from the new

choices, new applications, and new services ?? would resu??t.

Third, with a variety of licensees potentially acting as systems integrators an?? sellers, this ?? would provide the OEMs an efficient way of procuring bundles of speci?? ??ed software to resell to consumers.

10. The PFJ Pails to Constrain Microsoft From Converting O?? Industry Standards Into Exclusive Microsoft Protocols

The CIS states that the PFJ is designed to prevent recurrence of the same or s?? far prac?? that Microsoft employed to reach its current monopoly position. Microsc?? mono?? over the PC operating system market gives it a unique ability to appropria?? or its sole use and benefit technology first developed by others. By embracing industry st??rd technology. Microsoft ensures that its products benefit from the innovations of other?? ??y adding proprietary extensions to industry standards, Microsoft can effectively approp?? re those stanca?? for its sole benefit and can also extinguish the threat to Microsoft's proprie ?? standards posed by voluntary, open industry standards.

The Court of Appeals affirmed that this is what Microsoft did to JAVA. It in?? ionally deceived ??AVA developers and entered into exclusive ISV deals for distribution of ??osoft's own, incompatible version of JAVA. The Court explained that Microsoft fragment, he

JAVA standard in order to ''thwart Java's threat to, Microsoft's monopoly in the ma?? for operating systems,'' and to ''[k]ill cross-platform Java by grow[ing] the polluted Jav??arket.'' SO

a. Failings of the PFJ

The PFJ, however, does not restrict Microsoft's ability to modify, alter, or re??e to supp?? computer industry standards, including JAVA, or to engage in campaigns to??eive developers of rival platform, middleware, or applications software. By choosing to??port only its own, proprietary implementation of open industry standards, Microsoft can conti??to exclu?? meaningful competition from alternative platform vendors. In addition, Mic??oft will be ins position to dictate the interfaces and protocols by which products other than I, such as servers. handhelds, or telephones, can interoperate with PCs running Microsoft's des??p OS, and the applications that run on those PCs.

b. Remedies for the PFJ's Failings

SIIA proposes as a remedy that the PFJ constrain Microsoft's ability to conve??pen industry standards into exclusive Microsoft protocols through ''extension'' or other un??teral condu?? Specifically, Microsoft should be enjoined from modifying, altering, sub-se??g or super-se??ing any industry-standard Communication Interface or Security Protocol, e??pt to the extent that such modified Communication Interface or Security Protocol is complian??th, and appr??ved by. an independent, internationally recognized industry standards organizat?? Security protocol should be defined as set forth in Appendix A.

This proposed remedy would protect consumer choice in platform software by ??suring that co??s??ers are not required to purchase only Microsoft applications and other sof??tre products??n order to interoperate with Windows. It would foster innovation by ensuri??hat

?? Id. at 76–77 (citation omitted).

Microsoft has a business incentive, reinforced by the PFJ, to extend industry standat?? for sound engineering reasons, rather than anticompetitive foreclosure. The PFJ would requir?? at Microsoft additions to open industry, standards be approved as compliant with a volt??y industry standard available for support by all competitors; importantly, however, it ??ld not otherwise restrict Microsoft from developing new technologies, interfaces, or standa?? in propr??t??ry format.

11. MS Office Should be Included in the PFJ

Microsoft Office, a hybrid of application and middleware is a significant con??nent of the current applications barrier to entry. The Court of Appeals relief standard in this??se, tracking United Shoe, requires that a remedy ''ensure that there remain no practices??ly to result in monopolization in the future.''[81] To foreclose prospective antitrust practice??t is settled law that a remedy is not limited merely to the proven violations, but should e??mapass untr??ed roads'' the monopolist could use into the future to protect its market pow?? ''when the purpose to restrain trade appears from a clear violation of the law, it is not necess?? that all, of the ?? traveled roads to that end be left open and that only the worn one be closed.

a. Failings of the PFJ

The CIS states that the PFJ is designed to prevent recurrence of the same or s??lar practices that Microsoft used to reach its current monopoly position.[83] The PFJ does ??: achieve these stated goals because the PFJ's API, pricing, exclusive dealing, and OEM flexib?? provisions are all limited to Windows platform software. Due to the dominant market?? are of ??

Microsoft III, 253 F.3d at 103 (citation omitted).

?? Int'l Sall Co. v. United States 332 U.S. 392, 400 (1947).

?? CIS at 3.

MS Office—around 95 percent of the business productivity suite market—Microsoft dange??sly positioned to evade any relief by repeating the stone exclusionary and i??al acts employing Office, instead of Windows OS, to the same devastating effect upon the ??sumer. More??ver, as previously described, Office exposes its own set of APIs and can there ?? essentially function as a middleware alternative to operating system software.

b. Remedies for the PFJ's Failings

A remedy must cover MS office in order to foreclose Microsoft's ability to e??e the PFJ's ??sions by engaging in the same conduct with Office that is prohibited with ??indows. Speci??i??lly MS Office, the largest component of the applications barrier to entry, should be included in a number of provisions in order to prevent evasion of the remedy. These ??lude:

. Disclosure of APIs supporting interoperability of Office and Window Microsoft 1Middleware (see Section II.C.4 above);

. Disclosure of proprietary file formats for Office (see Section II.C.4 above);

. Prohibiting binding of Office with the Windows OS (see Section II.C. above); and

. Requiring Microsoft to price its Windows and Office products offered enterprise customers (i.e., all non-OEM customers) on a stand-alone b?? without any volume or other discount arising from combining the sale such products with any other Microsoft software product. Legitimate volume discounts for either Windows or Office products are not other ??e affected by this provision.

As noted above, the existing scope of the API provisions is overly narrow sin??hey seem?? require transparency in the OS/middleware interface, but not correspondin??enness in the ??face between either applications or Office and the Windows OS. Under th??IA proposa?? Office, Outlook, and JAVA would be encompassed by the Middleware defi?? on in order to preclude Microsoft from evading the constraint of the remedy by binding Off Outlook o?? JAVA technology (each of which exposes APIs and can erode the applic??ons barrier to entry) to the OS. Similarly, the scope of ''multimedia viewing software'' s??ld be expanded from merely viewing digital content to encompass the entire spectrum of func??ion??ities provided by Real Player, Windows Media Player, and the like, in ord?? prevent Microsoft from evading the middleware bundling provisions by simply segmenting i?? multi??e?? middleware into different sub-products or applications.

12. The PFJ Fails to Stop Microsoft From Intentionally Disab?? Competitors'' Products

a. Failings of the PFJ

The PFJ lacks any general ''catch-all'' enforcement provision designed to sto??icrosoft from taking intentional action to disable or adversely affect the operation of competi?? middle ware or applications products. The CIS claims that the PFJ has the teeth need ??to ensure that ??soft cannot thwart the purposes or remedies of the PFJ, and that the PFJ ??prive Microsoft of the means with which to retaliate against, or hinder the development of ??peting products k4 Unlike the District Court's interim decree in 2000, however, the PFJ ine??cably fails ??o ??clude a general prohibition of such conduct, relying instead upon narrowly ??wn prohibitions limited to specific forms of conduct.

b. Remedies for the PFJ's Failings

?? order to remedy this glaring problem, SIIA proposes that the PFJ be altered that Section (.3 of the 2000 Decree is restored verbatim:

Microsoft shall not take any action that it knows will interfere with or degrade the performance of any non-Microsoft Middleware when interoperating with any Windows Operating System Product without notifying the supplier of'' such non-Microsoft Middleware in writing that Microsoft intends to take such action, Microsoft's reasons for taking the action, and any ways known to Microsoft for the supplier to avoid or reduce interference with, or the degrading ?? the performance of the supplier's Middleware.

In addition, Microsoft should be prohibited from promoting any standard as?? en'' unless it has standards-body approval.

As is discussed in detail above, the Court of Appeals found that Microsoft ha?? aff??

deceived JAVA developers and improperly entered into exclusive ?? ISVs for dis??ution of Microsoft's own incompatible version of JAVA. Moreover, the d??ct cou?? Findings of Fact are replete with findings, none of which were overturned on the eff?? that Microsoft intentionally made it more difficult for Netscape and JAVA tun on the Windows platform. For instance, Judge Jackson found that the purpose of Micro's techni?? integration of IE ''was to make it more difficult for anyone, including syste?? administrators and users, to remove Internet Explorer from Windows 95 and to simul??usly complicate the experience of using Navigator with Windows 95.''[85] ''Microsoft's re?? respect the user's choice of default browser fulfilled Brad Chase's 1995 promise to n?? the use of any ??wser other than Internet Explorer on Windows a?? experience.'' By i??rasing the lik??lihood that using Navigator on Windows 98 would have unpleasant conseque?? for users, ??ierosoft further diminished the inclination of OEMs to pre-install Navigator) Windows'' ??6 The obvious adverse impact on consumers of intentional interference with cor??ting middleware and applications is evident: consumers are denied choice of software and ?? market is ar??ally tipped toward Microsoft products on a basis other than the performance the products themselves. This is a classic way in which Microsoft's maintenance of its, monopoly harms both competition and consumers. In order to ensure that Microsoft ??not intentionally degrade the performance of competitors'' products, including middlewa?? such tactics should be specifically outlawed.

?? Findings of Fact at 79 ¶160.

?? Findings of Fact at 85 ¶172.

III. CONCLUSION

As noted previously, because it may be difficult for this Court to reach a con?? regarding the PFJ without prefiguring a decision on nearly identical ''live'' issues in ?? State case currently before this Court, SIIA respectfully requests that this Court take this n??er under advise?? until the State case has concluded. Alternatively. this Court should adop??A's propo?? remedy, as described in these comments.

Respectfully submitted,

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APPEND??X A DEFINITIONS OF ''PLATFORM INTERFACES,''

''INTEROPERATE EFFECTIVELY'' AND ''BROWSER''

Platform interfaces'' means all interfaces, methods, routines and protocols tl??enable any Mico??oft Operating System or Middleware Product installed on a Personal Con??ter to (a) execut?? fully and properly, applications designed to run in whole or in part on any M soft Platform Software installed on that or any other computing device (including without ??nitation ?? server??ligital telephones, handheld devices), (b) Interoperate Effectively with Micr??ft ?? Platform Software or applications installed on any other device, or (c) perform netw?? security I, ?? prot?? such as authentication, authorization? access control: or encryption.

''Interoperate Effectively'' means the ability of two different products to acce:??tilize and/or support the full features and functionality of one another. For example, non-??osoft Platf?? Software ''Interoperates Effectively'' with an application designed to run on ??crosoft Platfor?? Software if such non-Microsoft Platform Software can be substituted for the ??icrosoft Plafor?? Software on which such application was designed to run, and nonetheless e?? le the application user the ability to access, utilize and support the full features and function y of the ?? application without any disruption, degradation or impairment in the functionality or??ures of the application.

??Internet Browser'' means software that, in whole or in part, (i) makes hyperte?? ??ransfer protoccl?? (HTTP) requests in response to user input: (ii) converts or renders hypertext ??kup language HTML) and extensible markup language (XML) to any displayed form. or interme??linte representation with the intent to display it; (iii) displays or keeps in mere stores in any way ''cookies,'' which are named values sent from web servers to web br??sers?? with the expectation that the browser send back the named values back to the server??uture intera??ion; (iv) displays, keeps in memory or otherwise stores a collection of unifo??resource It locat?? URLs) representing a history of a use's interaction with web servers; (v) di??ys or?? keeps in??memory or otherwise stores ''bookmarks,'' which are named URLs configur??e by a user; c?? runs JavaScript programs or runs programs in any computer programmi??anguage which is broadly compatible with JavaScript. The standards and formats referenced his definition include all successors to those standards and formats that may arise during term of the Final Judgment. The technical elements identified in subsections (i) to (vi) inclu?? not only the for??n of these functionalities as They currently exist and have existed in the past, also as They come to exist in the future, even if they come to be known by different names.

IN THE UNITED STATES DISTRICT COURT FOR. THE DISTRICT OF COLUMBIA

UN?? STATES OF AMERICA, Plaintiff, Civil Action No. 98–12-CKK MICROSOFT CORPORATION, Defendant. Defendant.

STATE, OF NEW YORK: et al., Plaintiffs, Civil Action No. 98–123 ??KK, MIC??CFT CORPORATION, Defendant.

COMMENTS OF SOFTWARE & INFORMATION INDUSTRY ASSOCI??ION ON PROPOSED FINAL JUDGMENT

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COMMENTS OF SOFTWARE & INFORMATION INDUSTRY ASSOC??ION ON PROPOSED FINAL JUDGMENT

??uant to Section 2(b) of the Antitrust Procedures and Penalties Act (the ''i??ney Ac?'') 15 U.S.C. §16(b)-(h) (2000), the Software & Information Industry Associati?? (''SIIA'') ?? submits these comments on the Proposed Final Judgment (''PFJ'') filed by the Unite??tates Department of Justice (''DOJ'') on November 6, 2001.

SIIA is the principal trade association of the software code and information ??tent corporate education, and intellectual property protection to more than 800 leading st?? are and information companies. Our members develop and market software and electronic??tent for business education, consumers, and the Internet. SIIA's membership is comprised ??arge and small software companies, e-business and information companies, as well as many ??r traditional and electronic commerce companies of varying sizes. Among SIIA's key public policy issues is the promotion of competition in the ??ftware industry. SIIA has promoted these principles of competition in a variety of fora, in??ng the federal counts.

I. In??duction and Summary

The PFJ proffered by DOJ represents a remarkable change of heart-or, per?? more accu??tely a loss of heart. For whatever reason, DOJ proposes to end one of its m?? important and successful monopolization cases with a settlement that reflects neither its litigat?? position nor the decisions it won at trial and on appeal. A settlement as weak as this would, ?? been disappointing, but perhaps understandable, if it had been reached before trial, in su??t situation, ?? and sometimes DOJ must take a bird in the hand. But in this ??e, much of the litigation is past; and the new Administration arrivals are not free to decide w?? legal?? theories ?? apply to this case. The law'' of this case is settled. The trial and appeals cou?? have alreac??nade findings of fact and conclusions of law. These findings and conclusio?? ??annot be ??ignored in a proceeding whose raison d??tre is protecting against an improperly mot??ed or expedient compromise of the public's interest in enforcement of the, antitrust laws.

Appropriate relief in an antitrust case should end the unlawful conduct, pry o?? the market to competition, avoid a recurrence of the violation and others like it, and und?? antic??et??tive consequences. Unfortunately, SIIA submits that the PFJ does not ac??aplish these goals and ignores significant parts of the Court of Appeals's decision regarding ??icrosoft's ?? anti??olations and their consequences. Even where it seems to address the viola ?? is DOJ filed, its PFJ on November 6, 2001,. which, if approved by this Court, ??ld terminate United States action against Microsoft Corporation (''Microsoft'') in th??ase and prtovid??tain remedies for Microsoft's violations of the Sherman Act that were uph?? by the United

States Court of Appeals for the District of Columbia. See United Stares v. Mi?? Corp 25:3 F.3d 34 (DC Cir.) (''Microsoft III'') (en bane), cert. denied, 122 S. Ct. 35 2001). In addition to DOJ and Microsoft, nine State plaintiffs agreed to the terms of the PFJ. ??wever, nine State plaintiffs and the District of Columbia concluded that the relief provided b??e PFJ is woefully ??nadaquate and thereby continue to pursue a complete remedy through ?? identified by the Court, the PFJ is so porous that it provides little or no protection 1st a repetition of Microsoft's past anticompetitive acts. Flaws in the PFJ's Remedies. The two most salient remedies imposed Microsoft PFJ und?? concern flexibility for OEMs to install competing middleware and A?? DOJ's future Co?? Impact Statement (''CIS'') stresses the importance of preventing??ises in these areas. The theme of the CIS and PFJ is that competition was injured in this ?? prin??ly because Microsoft's illegal conduct maintained the applications barrier ??try in the perso?? computer operating system market by thwarting the success of middle ware ??it would have re??ed competing operating systems gain access to applications and other need compl??tents. The PFJ is intended to restore competition. In fact, however, the PFJ so loosely that it is likely to have only the most modest effect on Microsoft's actions—none at all o??s ability to monopolize new sectors of the information technology market.

a. Middleware. Middleware was at the heart of the case. Impelled by enth??asm for the Interne, PC users embraced Netscape's browser, and Netscape (particularly'' in c??pination led a Competitive Impact Statement (''CIS'')required I ?? under the ??tunney Act. 15 U.S.C. §16(b). The CIS provides an abbreviated history he legal?? proc?? in this case, describes Microsoft's monopolistic and anticompetitive pra??es that the District Court and the Court of Appeals held to be Sherman Act violations, and ??apts to expla??hy in DOJ's opinion, the PFJ remedies such violations and provides appro??e ?? bene?? lot consumers.

Middleware is ''platform software that runs on top of an operating system—uses opera?? system interfaces to take advantage of the operating system's code and fun??nalley—and si??u??taneously exposes its own APIs so that applications can run on the middle?? itself.

An application written to rely exclusively on a middleware program's APIs could run all operating systems on which that middleware runs. Because such middleware also run??n Windows, application developers would not be required to sacrifice Windows compa??lity if they chose to write applications for a middleware platform.'' CIS at 11. desk??ip This is not simply an academic observation on the part of SIIA and its m??ers. For practi??ally every one of our members, the rise of independent middleware opened r??opportu??ities that were the objects of intense strategic focus. The reason for this fo?? was that our members'' programs suddenly could use Netscape and JAVA as mediators to in launch, and run on the desktop. For the first time in years it seemed possible that independe?? software ??enders (ISVs) would have a way. to reach the great majority of computer users ind??ndent of Microsoft. Indeed, because they could run on other operating systems, JAVA and ??cape's browser suddenly offered these ISVs an even broader market than they could obtain ?? developing for the Microsoft operating system. The CIS describes how this competitive threat struck at the heart of Microsoft monopo??y, and Microsoft's counterattack used every possible weapon, including su?? unlawful tacti??a ''leveraging'' its operating system monopoly. The PFJ seeks to prevent Mi??soft from repeatto?? these tactics by ensuring that future middleware vendors are not denied ac??; to the desktop. But the measures chosen are unlikely to have that effect. As a matter of dr??ng, they are f??y weak. Microsoft itself is expressly granted nearly complete control over ?? meaning of m??dleware'' under the PFJ.

Equally important, these measures are written for a world that no longer exist ?? The h??ils moved on. The PFJ grants to hardware makers the fight to add middlewa??cons to their First but these companies simply lack the financial strength and the motivation ?? develop new. software that might threaten Microsoft. To take one example, OEMs have been ??ured by ??rosoft's Microsoft for several months that they may customize their desktops by uninstalling Internet Explorer; not one has actually done so. Meanwhile, the PFJ does not give in??endent software vendors who might challenge Microsoft the one thing that would tempt then ?? a channel to users that is not subject to exclusionary practices by Microsoft. On the ??trary, the PFJ pro??ects middleware only after Microsoft has launched a similar product, by wh?? time it is too late. Developers of applications will always develop first and most enthusiastical?? or the most ?? deployed platform, because that platform becal?? it offers them the largest marke?? the most users ??, in turn, will typically choose the most widely deployed platform becan?? it offers them ?? greatest choice of applications. This reinforcing circle—-a well established ??twork effect—in at the heart of Microsoft's dominance of the industry. Cross-platform mid?? ware threatened Microsoft in 1995–98 because it could offer developers an even bigger m?? et—a Microsoft plus'' market.

?? Microsoft cannot be seriously challenged in that way again because no n??entrant to the middle ware market can hope to equal the ubiquity of Microsoft in that market, le?? one achie??e the. ''Microsoft plus'' market that Netscape and JAVA offered in 1995–98.

b. APIs The PFJ also requires that Microsoft disclose the APIs used by Mi??soft middleware to interoperate with the Microsoft operating system. Here, too, the PFJ. ??ers both from ?? drafting, and from a curious blankness regarding the sources of Micros?? Dom??ce of the market. The provision is replete with terms that are not defined (''inter??perate''), are defined only. vaguely (''API''), are defined based on how a pro?? is named or distributed (''Microsoft Middleware'') or, most remarkably, are left to be defined ?? Microsoft's ''so1e discretion'' (''Windows Operating system Product'').

In any event, the PFJ does little more than throw Microsoft into a briar patch?? as long called ?? Microsoft's competitive dominance depends on having the largest stab??f application developers writing for its users. To write programs for Microsoft users, t?? deve??per must have access to Microsoft's APIs. The APIs are their air supply, an??licrosoft has every reason to give developers access to that air supply- within limits. As lon??s Microsoft can keep its hand on the valve, as long as it can cut off the air supply to d??lopers who are too independent or too successful, it has every incentive to provide extensi?? Info??ion about its APIs. And the PFJ leaves the valve firmly in Microsoft's hant??y allow?? Microsoft to impose royalties and other restrictions on developers who obt?? access to the APIs. The PFJ thus requires little or nothing more than Microsoft would provid?? its own. Unless developers can be guaranteed an air supply that does not depend on Microso??hey will not chal??erage the company that can unilaterally cut them off. 2. Backward-Looking Remedies. In short, when all is said and done, this ?? wagers everything on a series of measures that might have prevented Microsoft from unlaw??y dest??ng Netscape in the browser wars. Even this is open to question, but the real??blem with the PFJ lies deeper, for there is not the slightest chance that these measures will ??ow a new com??or on the order of Netscape to emerge. The market has moved on. Focusin??ly on preve??ing a repetition of the unlawful actions Microsoft took in 1995–98 is like negt??ting an end to World War II by letting the Germans keep Paris as long as they promise to re??d the ?? Mag??t Line.

Such a limited focus is not just improvident, it ignores the instructions of the ??rt of Appea?? that any relief ''terminate'' Microsoft's unlawful monopoly and ''deny'' the ??pany the ''fruits'' of its unlawful conduct. This cannot be accomplished by relying on the eme??ce of some yet to-be-identified middleware challenger. To the contrary, Microsoft has alr?? soli?? its unlawful victory, into a browser monopoly, and it now bids fair to make ?? entire Interne?? into a proprietary Microsoft environment. Any remedy that seeks to deny M??soft the fruits of its unlawful conduct must at a minimum prevent Microsoft from using the ??e conduct to extend its control of services that rely on Internet Explorer.

For that reason, SIIA urges that the PFJ be expanded to address present and??e ?? and not just the dead past. The PFJ must take steps to reduce the massiv??tructural advantage that Microsoft has achieved by unlawfully leveraging its operating systen??tonopoly into a??nternet-access monopoly. These steps include opening the code of Internet??plorer ?? (''IE'' restricting exclusionary uses of Windows XP and the tools that make up Mi??oft's ??NET in??tiative, preventing Microsoft from ''polluting'' standards by adding propriet?? exten??ons, and inclusion of Microsoft's productivity applications in any relief. ??

3. Missing Principle. One further gap in the PFJ deserves mention, If the ??sific changes required by the PFJ are of very dubious force, the only provisions likely to??e continuing value are those that spell out broad principles of conduct. Here too there??

??nuch room ?? disappointment. The PFJ does not prohibit Microsoft from intentionally di??ling or adve?? affecting the operation of competing products. No explanation is offered ?? this ?? omiss??on.

4. Procedure. Finally, SIIA wishes to address one procedural point. At the ??er of this pr??ceeding are the decisions of the Court of Appeals and the District Court. Wh??hey say about Microsoft's conduct and about the appropriate remedies are an essential part o??e public interest analysis. But they are also at the heart of the case between the remaining liti??ing States and Microsoft. It may be difficult to reach a conclusion about this PFJ without prefi??ng a decision on the very. issues that the parties intend to litigate before the Court in the ne??future. To do ??o on the basis of a few Tunney Act filings rather than a full record might do a?? justice to the p??ies to that litigation. S??A therefore respectfully requests that this Court ?? the PFJ and its terms under advisement until the conclusion of the litigation.

In sum, the PFJ, as written, represents a failure of will and technological wis??m that cannot be approved by this Court consistent with the unanimous liability decision o??e Court of Appeals, traditional standards of antitrust remedy law, or the Tunney. Act.

II. ARGUMENT

A. Standard of Review

Under the Tunney Act, this Court is required to review a proposed settlemen?? deter??e whether it serves the ''public interest.'' In most instances Tunney Act pr??edings occur prior or to trial and without any judicial findings of liability. The Act was passed ??open this stage of the proceedings to the sunlight of public scrutiny. In the unique procedura??ntext of this case however, where the Court of Appeals issued an opinion on the merits prio?? the ini?? of Tunney Act proceedings, the ''public interest'' standard must necessarily ?? applied consistent with the Court of Appeals opinion. The Court of Appeals ruled, ''[t]he Su?? me Court has expl??ed that a remedies decree in an antitrust case must seek to 'unfetter a mar,?? from antice??petitive conduct,'' Ford Motor Co., 405 U.S. at 577, to 'terminate the illegal??nopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remai??) practices likely to result in monopolization in the future.'' Thus, this Court must ??sider each of these factors in its public interest analysis.

Ordinarily, the Department of Justice is given prosecutorial discretion in de??ng whe?? bring a civil antitrust action. As a result, courts generally require that a ??posed settlement only be ''within the reaches of the public interest','' for which approval ?? warranted even if it falls short of the remedy the court would impose on its own.'' Thus, in ??ical Tunney Act cases, courts have permitted entry of consent decrees which were merel?? consistent wire the government's general theory of liability as manifested in its complaint'' a ??chat ''grani??[ed] relief to which the government might not be strictly entitled'' under the m?? rust laws, Bech??, 648 F.2d at 660. In this case, after trial and with the benefit of an extensive factual record, the ??tort of Appeals held specifically that relief must seek to ''terminate'' Microsoft's operating, ??tern mo??, ''unfetter'' barriers to competition to the OS market, and ''deny'' Micros??he

The CIS, however, articulates a different and considerably less rigorous start ??d for a rem?? ??n an antitrust case. According to the CIS. ''[a]ppropriate injunctive relief, ??hould: (1) end the ??lawful conduct; (2) 'avoid a recurrence of the violation and others like it: ??d (3) undo its anticompetitive consequences.'' Significantly, the formulation advocated DOJ does not re?? the remedy to 'terminate'' the illegal monopoly, or to 'deny the defendan??e fruits of its un??awful conduct. Regardless of whether the DOJ formulation may have been ??propriate in pas??cases, it is simply the wrong standard of review for the remedy in this case, v??re the District Court and Court of Appeals have clearly outlined how Microsoft violated th?? ??herman Act. The PFJ is deficient under either formulation. There are substantial disparities ??tween the CIS and the PFJ. And the DOJ has not even attempted to defend the PFJ under the r??e stringent, and binding, Ford/United Shoe/ Grinnell standard That this Court must seek ??enforce.

B. S??A's Remedy Proposals are Reasonable and Proportional to M??osoft's Unlawful Conduct??s proposed modifications to the PFJ, described in detail below, are boy ??amerous and substantial. Regrettably for consumers, Microsoft's already proven monopolist?? Lets have so de??ed competition in the operating systems market that adoption of these pro??als is critic?? if the PFJ is to ''unfetter'' the market from Microsoft's anticompetitive cond?? ''terminate'' Microsoft's illegal monopoly, deny Microsoft the ''fruits'' of its She?? violations, and prevent future monopolistic acts, in accordance with the ford/United?? Shoe/Grinnell standard for remedies.

There are similarities between tiffs case and the AT&T divestiture, the last ??ge monopolization settlement under the Tunney Act. S??A submits that in this case the ?? is similarly completely inadequate to remedy the serious antitrust violations in this ma?? In the former matter Judge Greene reviewed the evidence on all issues except remedy. Af?? evidentiary hearings, third-party submissions, and lengthy oral argument, Judge Gre?? declined to approve the consent decree as proposed because he concluded that it was inadequ?? in certain areas and precluded the Court from effective oversight and enforcement. Judge Gre?? required significant changes to the proposed decree before he would consent to enter the settl??ant under the ??ey Act's public interest standard, holding that ''[i]t does not follow, that [?? Court] must ??questioningly accept a [consent] decree as long as it somehow, and however?? inade??tely, deals with the antitrust... problems implicated in the lawsuit.'' SHA?? respectfully requests that this Court follow Judge Greene's prudent actions and send ?? parties back to the negotiating table to formulate an appropriate PFJ. This Court should re??e its cone??s on on the PFJ until after the pending State case has been litigated.

C. The PFJ Fails to Address the Core Violations Affirmed by the D?? Circuit

1. The PFJ Does Not Eliminate Microsoft's Binding of its M??lleware to its Operating System

As the CIS indicates, the core manner in which Microsoft unlawfully mainta??d its Winc??ws Operating System (''OS'') monopoly was by bundling and tying platform, ??Idleware to the OS. Microsoft used this strategy to defeat the alternative platform threats pos?? by Netse??pe and JAVA. The DC Circuit ruled that these actions constituted unlawful ??tintenance of mo??poly under Section 2.

a. Failings of the PFJ It is critical for this Court to understand That the business and economics that ??ire the software industry demonstrate conclusively that the ubiquity of a development platf??t will almost always beat technological superiority. The common interest of software der??bers and consumers in adopting the most uniform platform is the basis of the Microsoft mon??y. As a result, if Microsoft is allowed to continue to bind or bundle its middleware offerings ??th the Windows OS, the ubiquity of its middleware will be permanent, and active middlew?? comp??tition will never emerge. Microsoft will enjoy a perpetual maintenance of its??nopoly, codified and reinforced by to the PFJ, and consumers will suffer a significant retardi?? of innovation that would have otherwise occurred. The negative consequences of this ??ome on innovation cannot be overstated. If there is no way to reach consumers except throu?? Micro?? platform, and if Microsoft remains free to cut off the access of applicatio?? that are

MTC–00030615

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA UNITED STATES OF AMERICA Plaintiff, v. MICROSOFT CORPORATION, Defendant. Civil Action No. 98–1232 (CKK) STATE OF NEW YORK, et al., Plaintiffs, v. MICROSOFT CORPORATION, Defendant. Civil Action No. 98–1233 (CKK) COMMENTS OF AOL TIME WARNER ON THE PROPOSED FINAL JUDGMENT TABLE OF CONTENTS Page INTRODUCTION 1

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COMMENTS OF AOL TIME WARNER ON THE PROPOSED FINAL JUDGMENT

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. §16, AOL Time Warner respectfully submits the following comments on the Proposed Final Judgment (''PFJ'') in the above-referenced matter.

INTRODUCTION

The Proposed Final Judgment sets forth a decree that is too limited in its objectives and too flawed in its execution to meet the Tunney Act's ''public interest'' test. It allows Microsoft to continue to bind and bundle its middleware applications with its Windows Operating System (')—even though the Court of Appeals found Microsoft's actions in this regard to be illegal. And its patchwork of constraints on Microsoft's conduct is so loophole-ridden and exception-laden as to render its provisions ineffective. As a result, the PFJ is inadequate to promote competition and protect consumers, and the Court should refuse to find that its entry would be ''in the public interest.'' 15 U.S.C. §16(e).

The PFJ comes before the Court in an unprecedented posture for a Tunney Act proceeding. This proposed settlement was reached—not as the case was being flied, nor as it was being tried, nor even as it was being appealed—but rather, after the Court of Appeals for the District of Columbia Circuit unanimously affirmed a finding of illegal monopoly maintenance by Microsoft. Such circumstances surely require a more rigorous application of the ''public interest'' standard than when a case is settled before the first interrogatory is even served—the usual situation when a Tunney Act review is conducted. Helpfully, a readily available and judicially administrable measure of the ''public interest'' is available for use in this special circumstance: the four-part test for ''a remedies decree'' established by the DC Circuit in this very litigation. United States v. Microsoft, 253 F.3d 34, 103 (DC Cir. 2001). Applying this standard, we believe that the Court should find the PFJ to be in the ''public interest'' only if it (1) ''unfetter[s] a market from anticompetitive conduct''; (2) ''terminate[s] the illegal monopoly''; (3) ''den[ies] to the defendant the fruits of its statutory violation''; and (4) ''ensure[s] that there remain no practices likely to result in monopolization in the future.'' Id. (internal quotations omitted). We believe that there are at least three reasons why the Court should conclude that the PFJ does not meet this test. First, since July 11, 2001 (for the browser) and December 16, 2001 (for other middleware), Microsoft has been implementing many of the PFJ's remedial provisions. Thus, the Court need not speculate about the impact these provisions would have on the industry if they were put in place; rather, it can seek submissions and review evidence on whether these critical provisions are beginning to work as they .are being implemented by Microsoft. We believe that any such inquiry will reveal that the original equipment manufacturers (''OEMs'') are not exercising the flexibility that the PFJ ostensibly provides them, because the loophole-ridden PFJ gives too few rights to the OEMs and does too little to protect the OEMs in the exercise of those rights. As a result, there is little reason to believe that the PFJ will prove effective in restoring competition, terminating Microsoft's monopoly, or stripping Microsoft of the fruits of its illegal acts.

Second, the PFJ fails to prohibit Microsoft's signature anticompetitive conduct: the binding of its middleware applications to its monopoly operating system, and its bundling of these products to further entrench its OS monopoly. The factual questions that surround these legal issues are quite complex, but here again, the Court has a powerful tool to employ: the extensive factual findings entered by the District Court. These factual findings document Microsoft's purposeful commingling of middleware application code with the Windows OS to harm competition, as well as the contractual bundling of those applications with the OS, to force OEMs to distribute Microsoft's middleware, and to raise distribution hurdles for middleware rivals. Given the PFJ's failure to ban practices that the District Court and the Court of Appeals found to be at the center of Microsoft's illegal maintenance of its OS monopoly, the PFJ does not meet the ''public interest'' standard.

Third, even with regard to those limited objectives that the PFJ does attempt to achieve—i.e., the creation of ''OEM flexibility'' to promote desktop competition—the proposed decree is so ridden with loopholes, exceptions and carve-outs as to render it ineffective. These deficiencies are highlighted when the PFJ is compared to previous remedial plans considered in this case, including Judge Jackson's interim conduct remedies and the mediation proposal offered by Judge Richard Posner (which Microsoft apparently agreed to even before it had been found liable for antitrust violations).

Finally, we believe the Court will find the remedial proposal of the litigating state attorneys general (''Litigating States'' Remedial Proposal'' or ''LSRP'')—and the Court's consideration of that proposal—to be useful in its review of the PFJ. Most immediately, the LSRP provides a benchmark as to what one group of antitrust enforcers believes to be compelled by the ''public interest'' in order to achieve the case's remedial objectives. Moreover, the LSRP provides a helpful point of comparison for some specific aspects of the PFJ—i.e., a way to illustrate why particular PFJ provisions are ineffective, by comparison. And third, the Court's consideration of the LSRP will adduce testimony and other evidence that should be weighed in determining whether the PFJ should be approved. Taken as a whole, a comparison of the PFJ with the Litigating States'' Remedial Proposal shows why the latter, and not the former, faithfully meets the remedial objectives set forth by the DC Circuit and serves the ''public interest'' as expressed in the nation's antitrust laws.

I. THE COURT SHOULD USE THE REMEDIAL OBJECTIVES ESTABLISHED BY THE DC CIRCUIT IN THIS CASE AS THE STANDARD FOR ASSESSING WHETHER THE PFJ IS ''IN THE PUBLIC INTEREST.''

Passed by Congress in 1974, the Antitrust Procedures and Penalties Act, commonly known as the ''Tunney Act,'' provides that a proposed consent decree may be entered in an antitrust case only if the district court determines that such entry is ''in the public interest.'' See 15 U.S.C. §16(e). Given that the Court will receive numerous submissions on this point, we do not provide here a recitation of the Tunney Act's provisions, or an extensive analysis of the standard of review under the Act. Instead, we focus on just one, overriding ''procedural'' question: How should the Court measure ''the public interest'' in this unique case? For reasons we will explain below, we believe that the measure of the ''public interest'' to be applied in reviewing the PFJ can be found in the remedial objectives set forth by the DC Circuit in its consideration of this litigation. See Microsoft, 253 F.3d at 103.

First, while the Tunney Act itself does not define ''public interest,'' the case law makes

clear that the Court must begin its analysis ''by defining the public interest'' in accordance with the basic purpose of the antitrust laws, which is to'' 'preserv[e] free and unfettered competition as the rule of trade.''' United States v. American Tel. & Tel. Co., 552 F. Supp. 131,149 (D.DC 1982) (quoting Northern Pacific Ry. Co. v. United States, 356 U.S. 1 (1958)). As a general rule, a court has discretion to reject a proposed consent decree that is ineffective because it fails to address or resolve the core competitive problems identified in the Department of Justice's complaint. United States v. Microsoft Corp., 56 F.3d 1448, 1457–62 (DC Cir. 1995). As this Court stated in United States v. Thomson Corp., 949 F. Supp. 907, 913 (D.DC 1996), the court has a responsibility ''to compare the complaint filed by the government with the proposed consent decree and determine whether the remedies negotiated between the parties and proposed by the Justice Department clearly and effectively address the anticompetitive harms initially identified.'' A court should ''hesitate'' in the face of specific objections from directly affected third parties before concluding that a proposed final judgment is in the public interest. United States v. Microsoft, 56 F.3d at 1462. And it ''should pay 'special attention'' to the clarity of the proposed consent decree and to the adequacy of its compliance mechanisms in order to assure that the decree is sufficiently precise and the compliance mechanisms sufficiently effective to enable the court to manage the implementation of the consent decree and resolve any subsequent disputes.'' Thomson Corp., 949 F. Supp. at 914 (citing United States v. Microsoft, 56 F.3d at 1461–62).

In the context of this proceeding, tremendous guidance as to the content of the public interest test can come from the earlier decision of the Court of Appeals in this case. In that decision, the DC Circuit wrote:

[A] remedies decree in an antitrust case must seek to ''unfetter a market from anticompetitive conduct,'' to ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future.''

Microsoft, 253 F.3d at 103 (quoting Ford Motor Co. v. United States, 405 U.S. 562, 577 (1972) and United States v. United Shoe Mach. Corp., 391 U.S. 244, 250 (1968)). These words, in our view, form the essence of the public interest test to be applied by the Court in this Tunney Act proceeding.

First, on its face, this passage speaks of the object of a ''remedies decree in an antitrust case,'' without differentiating between a decree that is achieved through negotiation and one achieved through litigation. Thus, the Court of Appeals'' ruling would appear to be directly controlling here, insofar as it states the measure of adequacy for any remedial decree, however achieved. There is no apparent reason why the ''remedies decree'' negotiated by the Department of Justice with Microsoft should not have to meet the standard of adequacy generally set forth by the Court of Appeals in its decision. This is particularly true given that the passage merely ''defin[es] the public interest in accordance with the antitrust laws.'' Accord American Tel. & Tel. Co., 552 F. Supp. at 149.

How wide a ''gap'' between a hypothetical litigated result and the proposed settlement is permissible in these circumstances is a question that need not be answered here because the PFJ falls so very short of meeting any reasonable understanding of the ''public interest,'' given its failure to address many of Microsoft's illegal acts and its loophole-ridden provisions in the areas that it does purport to cover.

[I]t is not necessary that all of the untraveled roads to [anticompetitive conduct] be left open and that only the worn one be closed. The usual ways to the prohibited goals may be blocked against the proven transgressor.

Additionally, ''antitrust violations should be remedied 'with as little injury as possible to the interest of the general public'' and to relevant private interests.'' Id. (quoting United States v. American Tobacco Co., 221 U.S. 106, 185 (1911)).

Second, the four-part test established by the DC Circuit here would give the Court a clear and manageable standard on which to evaluate the proposed decree's adequacy. Use of the DC Circuit's formulation thus avoids one of the principal bases of controversy and difficulty in Tunney Act reviews -i.e., the lack of a judicially manageable standard for assessing the public interest and the consequent risk that judges will inappropriately use standardless judgment to review an exercise of prosecutorial discretion. Thus, unlike in other Tunney Act cases, where a court lacks an appropriate benchmark on which to measure the purported benefits of the settlement (and thus must be careful not to impose its judgment for that of the Justice Department), here, there is a clear benchmark for the Court to use: the standard set by the Court of Appeals with regard to a ''remedies decree.''

Moreover, to the extent that insisting that the PFJ meet the standard set by the Court of Appeals would result in a more exacting review than the review imposed in other Tunney Act proceedings, that would be appropriate in this circumstance. For while the overwhelming majority of decrees reviewed under the Tunney Act occur in a pre-trial context—where the court lacks a judicial finding of illegality against which to measure the efficacy of the proposed settlement—this proposed settlement was reached after an appellate affirmance of liability. Because the public has invested its resources and time, and taken the risk to win a judgment of liability and defend that judgment on appeal, it has a right to expect a more rigorous decree that meets a higher standard of review. Under these circumstances, the Court's review under the Tunney Act should not be deferential to the Justice Department; instead, the Court should apply the Court of Appeals'' four-part test and determine if the PFJ meets that test.

As explained in more detail below, the PFJ fails to meet the DC Circuit's four-part test, because contrary to the claims of the Department of Justice, it will neither ''provide a prompt, certain and effective remedy for consumers,'' nor ''restore competitive conditions to the market.'' (See CIS at 2.) Specifically, it does not ''unfetter [the] market from anticompetitive conduct,'' because it does not even try to stop Microsoft's illegal binding and bundling practices—or effectively limit Microsoft's ability to coerce OEM behavior to its liking. It does not ''terminate the illegal monopoly'' because it does not effectively promote rival middleware, and because its provisions are so laden with loopholes, exceptions and carve-outs. It does not ''deny to the defendant the fruits of its statutory violation,'' because it allows Microsoft to continue to leverage its OS monopoly to gain market share in other markets. And it does not ''ensure that there remain no practices likely to result in monopolization in the future,'' because it leaves Microsoft free to exploit the OS monopoly to gain dominance in critical new markets. Failing to address the core anticompetitive wrongs that were found at trial and upheld on appeal against Microsoft, and failing to meet the four-part remedial test established by the DC Circuit, the PFJ is manifestly contrary to the public interest and should be rejected.

II. AS MICROSOFT STARTS TO IMPLEMENT MOST OF THE DECREE'S PROVISIONS, THE COURT SHOULD CONSIDER HOW—IF AT ALL OEMS ARE RESPONDING.

As noted above, the question before the Court is whether the PFJ is ''in the public interest.'' 15 U.S.C. §16(e). In making that determination, the statute indicates that the Court may want to consider, inter alia: (1) ''the competitive impact'' of the PFJ, (2) whether it results in the ''termination of alleged violations,'' and (3) ''the impact of [the PFJ] upon the public generally and individuals alleging specific injury.'' Id.

Fortunately, contrary to most other courts conducting Tunney Act reviews, this Court need not struggle with evaluating the ''competitive impact'' of the PFJ in a factual vacuum because Microsoft has been, according to its own statements, implementing some provisions found in the PFJ since last July, and the bulk of its provisions since December. That means the Court need not base its ''public interest'' judgment on abstract legal and economic analyses only; instead, the Court's analysis can (at least in part) be shaped by a consideration of how Microsoft is beginning to implement parts of the PFJ, and how the PFJ's provisions are starting to work in practice. 7 We believe that such a practical review will demonstrate that the portions of the PFJ in question show little prospect—if any- that they will ''unfetter the market,'' ''terminate the monopoly,'' or ''deny'' to Microsoft ''the fruits of its violation.''

A. There Is No Indication That Microsoft's Implementation Of Major Aspects Of The PFJ Is Even Beginning To Promote Competition Or Helping To Loosen Microsoft's Control Over The Desktop.

In the joint stipulation filed with the Court on November 6, 2001, Microsoft stated that it would ''begin complying with the [PFJ] as [if] it was in full force and effect starting on December 16, 2001 .'' (Stipulation and Revised Proposed Final Judgment at 2 (November 6, 2001).) While provisions with specific timetables were exempted from this

pledge—resulting in an excessive delay for some of the PFJ's competitive protections many of the PFJ's remedial provisions were covered by it. Thus, with regard to many provisions of the PFJ, the proposed decree has been ''in effect'' since mid-December.

Microsoft's stipulation offers the Court a unique opportunity to learn, not just how the PFJ would serve the public interest once implemented, but instead, whether the PFJ provisions already in effect are showing signs that they are likely to serve the public interest. These provisions have now effectively been in place for 43 days—and by the time of a likely hearing or other proceeding to consider this question (presumably, in March or April), will have been in effect for three to four months.

Microsoft may protest that a three- to four-month period in which parts of the PFJ will have been applied is inadequate to test those remedies. And that is doubtlessly true with regard to some measures of the PFJ's effectiveness, such as whether Microsoft's share of the OS market has shrunk from near absolute to anything less. But there are other measures of the PFJ's effectiveness that should be readily discernible even in this relatively short time.

Among the questions we believe that the court could determine, by the time of a heating in March or April, would be:

.Have the OEMs exercised (or even attempted to exercise)—in any way beyond the prevailing industry practice prior to December 16th—the flexibilities to remove/replace icons, start menu entries, and default settings for Microsoft middleware products, that are purportedly provided in Section III.C.1 of the PFJ? If not, why not?

.Are non-Microsoft middleware products gaining new distribution via the OEMs as a result of the provisions of Sections III.A. and III.C.2 of the PFJ, as implemented? If not, why not?

.Are non-Microsoft middleware products, to a greater extent than before implementation of the PFJ, attaining the benefits of an ''automatic launch,'' pursuant to the provisions of Section III.C.3 of the PFJ? If not, why not?

.Is any OEM offering a dual-boot computer, as authorized by Sections III.A.2 and III.C.4 of the PFJ? If not, why not?

.Are there new IAP offerings being made at the conclusion of PC boot sequences, pursuant to Section III.C.5 of the PFJ? If not, why not?

. Has any ISV, IHV, IAP, ICP or OEM gained any additional Windows licensing tights that it did not have prior to the implementation of the PFJ, pursuant to Section III.I of the PFJ? If not, why not?

. Has Microsoft terminated any payments to OEMs that were anticompetitively advantaging Microsoft's products, and that are now forbidden, pursuant to Sections III.A and III.B of the PFJ? Based on our knowledge of industry developments, we believe that the answer to each of these questions is ''no,'' with perhaps some very rare and isolated exceptions. Thus, despite Microsoft's proclaimed implementation of large portions of the PFJ, there is scant evidence of OEMs even attempting, let alone succeeding, to offer consumers new choices with respect to middleware products. Even in a relatively short time frame of a few months, one would expect to find numerous OEMs reaching agreements to promote or carry multiple non-Microsoft products. But no such evidence exists. No doubt, that is why countless industry observers and analysts have concluded, after examining the PFJ, that ''[t]he changes we will see are minute. Microsoft can control its own destiny. It can do whatever it wants.''

Presumably, it cannot be in ''the public interest'' to settle a case after years and years of litigation - including a finding of liability for the government at trial, affirmed unanimously on appeal by the Court of Appeals (See Microsoft, 253 F.3d at 46)—for a remedial decree that effectuates only ''minute'' changes in the strategy the defendant was using to illegally maintain its monopoly. And yet, that is precisely what appears to be happening, as the effectiveness—or lack thereof- of parts of the PFJ are starting to be observed in application.

While we certainly agree with the Department of Justice that it will only be ''over time'' that any remedy could ''help lower the applications barrier to entry,'' (see CIS at 29), that objective will never be achieved if the PFJ does not lead OEMs to even begin to ''offer rival middleware to consumers and ... feature that middleware in ways that increase the likelihood that consumers will choose to use it.'' (Id.) That is: the pro-competitive journey of a thousand miles can never be completed if- as it appears to be the case—the PFJ does not create a market in which OEMs feel free to take that all-important first step. To the extent that much of the CIS suggests that the goal of the remedy is to create OEM flexibility for its own sake—i.e., to make sure that OEMs have the right to choose non-Microsoft products, whether or not they exercise that right—it misses the mark. The goal of this litigation is not to protect OEMs'' rights, but rather to protect consumers'' rights to enjoy a free and competitive market. In such a market, OEMs can be important surrogates for consumers, but only if they actually offer competitive choices. Likewise, to the extent that the other goal of the remedial proceeding is to reduce the applications barrier to entry, that objective is only achieved to the extent that the OEMs actually distribute and promote non-Microsoft middleware—it is not advanced by the unexercised presence of theoretical OEM choice.

Thus, the determination of whether the PFJ will be effective in promoting its purported ends—i.e., fostering OEMs in making those choices and creating opportunities for competition—need not be left for some subsequent proceeding or for antitrust scholars in future years. It can be ascertained now from the submissions that the Court is receiving, or, if those submissions are inadequate, it could be resolved by the Court in a proceeding where evidence is taken and testimony is heard. See Section V.B, infra. The manner in which Microsoft is already implementing portions of the PFJ is among the most probative considerations the Court can weigh in determining how—it at all—the proposed settlement will promote competition in the years to come.

B. The Provisions Of The PFJ Implemented By Microsoft Since July 11th Are Not Showing Signs That They Will Work To Restore Competition In The Browser Market.

In addition to the general applicability of the PFJ's provisions, several of its provisions have been in place—as they relate to the Internet browser—since Microsoft took steps to implement them after the Court of Appeals'' decision last June. As with the more general PFJ provisions discussed above, the Court should examine whether these browser-specific remedial provisions—which will have been in place for eight months by mid-March—have been effective to date. Again, we believe that the evidence to date shows that the provisions are showing no sign of effectuating change in the market; thus, the PFJ—which (with regard to browsers) does little more than codify these unilateral Microsoft actions does not meet the ''public interest'' standard.

On July 11, 2001, in response to the decision of the Court of Appeals, Microsoft announced a program of ''greater OEM flexibility for Windows.'' See Press Release, Microsoft Corporation, Microsoft Announces Greater OEM Flexibility For Windows, July 11, 2001. Specifically, Microsoft announced that it would amend its OEM license agreements to provide that: PC manufacturers will have the option to remove the Start menu entries and icons that provide end users with access to the Internet Explorer components of the operating system. Microsoft will include Internet Explorer in the Add/Remove programs feature in Windows XP. PC manufacturers will have the option to remove the Start menu entries and icons that provide end users with access to Internet Explorer from previous versions of Windows, including Windows 98, Windows 2000 and Windows Me ....

Consumers will be able to use the Add-Remove Programs feature in Windows XP to remove end-user access to the Internet Explorer components of the operating system .... Id. These provisions mirror the browser-related provisions found in Sections III.C.1 and III.H.1 of the PFJ. Indeed, they comprise almost the entirety of all browser-related remedial provisions found in the PFJ.

Thus, the question of whether the PFJ fulfills the Department of Justice's promise of an effective remedy for ''restor[ing] the competitive threat that middleware products posed prior to Microsoft's unlawful undertakings,'' can easily be assessed—at least with regard to the browser threat, which was such an extensive part of the Court of Appeals'' decision—by seeing how effective these unilateral Microsoft actions, taken in July of 2001, have been to date. And unlike the provisions discussed above, which were put in place only in December, it cannot be argued that these browser-related provisions have not yet been tested in the marketplace; rather, they were in place for the launch of Windows XP, which Bill Gates recently dubbed the ''best-selling release of Windows ever, and one that is creating great opportunities for PC manufacturers and our other partners in the industry.'' In the simplest terms, as we note above, these ''remedies'' will have been in place for eight months by mid-March of 2002.

We believe that the initial evidence shows that these provisions are completely ineffective. We are unaware of a single OEM that has used the ''flexibility'' provided to it by Microsoft to remove Internet Explorer from the Start menu, or from any of its multiple promotional placements on the PC desktop. Nor are we aware of any OEM that has elected to use any competitor to Internet Explorer as a default browser, or to promote alternative browsers to Internet Explorer in any way. Moreover, there is no indication—more than six months after Microsoft's July 11th announcement and four months after the first shipments of Windows XP—that Internet Explorer's commanding market share in the browser market has fallen in any measurable way. If the provisions of the PFJ are strong enough to ''restore'' competition to the marketplace, which DOJ claims they are (see CIS at 3 (''[t]he requirements and prohibitions [of the PFJ] will ... restore the competitive threat that middleware products posed prior to Microsoft's unlawful undertakings'')), one would expect to see that the market shares of Microsoft's browser competitors have increased during this time frame. There is simply no evidence of that. Not only is there a dearth of evidence suggesting that the PFJ's provisions are going to restore competition to the level enjoyed by Microsoft's rivals prior to its illegal conduct, but there is no evidence to suggest they are affecting the market at all.

A remedial provision that has no market impact cannot be said to be in the ''public interest,'' especially in a case like this where the damage from Microsoft's illegal campaign to eliminate rival middleware has already been done. In other words, because Microsoft has illegally driven down the market shares of its rival middleware developers, restoring competition to the marketplace requires much more than simply eliminating the illegal practices: only if the status quo ante is restored would OEM freedom of choice be meaningful. And yet, the evidence suggests that the PFJ provisions that relate to the browser will have no market impact, given the practical experience with highly similar proposals put in place by Microsoft last July. This is important evidence for the Court to consider when reviewing the PFJ.

III. THE PFJ IS NOT IN THE PUBLIC INTEREST BECAUSE IT DOES NOT EVEN ATTEMPT TO HALT MICROSOFT'S MOST INSIDIOUS PRACTICE: ITS ILLEGAL BINDING AND BUNDLING OF MIDDLEWARE APPLICATIONS WITH THE WINDOWS OS.

In this submission—and doubtlessly in the many others the Court will receive—we identify a number of specific deficiencies in the PFJ. See Section IV, infra and Attachment B. But one omission stands out above all others: the failure of the PFJ to limit Microsoft's ongoing and insidious efforts to maintain its monopoly—and leverage and entrench that monopoly—by tying its middleware applications to the Windows OS. This conduct—found illegal by the District Court and upheld as illegal by the Court of Appeals (see Microsoft, 253 F.3d at 67)—is left unchecked by the PFJ. By contrast, a remedy to address this practice appeared in the interim conduct remedies offered by the District Court, as well as the remedial proposal designed by Judge Richard Posner (''Posner Proposal''). The practice is also addressed extensively in the litigating states'' proposed remedy. By failing to remedy one of Microsoft's ''signature'' anticompetitive acts, the PFJ—even before reaching its many other defects—falls far short of the four-part remedial standard set by the Court of Appeals, and by the same token, fails to meet the public interest test established by the Tunney Act.

In explaining why it did not seek to limit Microsoft's tying of middleware applications to Windows in the PFJ, the Justice Department has suggested that there was no basis for such a remedy because of the Court of Appeals'' reversal of the District Court's finding of liability under Section 1 of the Sherman Act, and the appellate court's direction that the remedy here should ''focus[] on the specific practices that the court had ruled unlawful.'' This analysis fundamentally misapprehends the implications of the Court of Appeals'' ruling: contrary to DOJ's view, the Court of Appeals did not suggest that an anti-tying remedy was inappropriate or unnecessary here; indeed, much of the Court of Appeals'' decision is a strong declaration of how Microsoft's various forms of tying violated Section 2 of the Sherman Act. See, e.g., Microsoft 253 F.3d at 65–67. A remedy that truly ''focused on the specific practices that the court had ruled unlawful'' would have to address the tying practices that the Court of Appeals ''ruled unlawful''; the PFJ does not.

Because Microsoft's various forms of middleware applications tying are critical tactics that it uses to maintain its illegal monopoly, they must be ended if the remedy is to ''terminate the monopoly.'' (See Microsoft's Tying Strategies To Maintain Monopoly Power In Its Operating System (''Mathewson & Winter Report''), attached hereto as Attachment A.) Furthermore, the opportunity to gain market share as a result of such tying is one of the principal fruits of Microsoft's illegality, and should therefore be denied to it. As a result, the failure of the PFJ to address Microsoft's tying is a fundamental flaw that alone merits rejection of the proposed decree.

Importantly, we note that the legal and economic arguments presented below are reinforced by the empirical observations set forth in Section II, supra. That is, the legal and economic analysis below which suggests that a remedy without a ban on tying will be ineffective in theory, is supported by the fact that such a remedy—imposed in part since July, and more substantially since December—is proving to be ineffective in practice.

A. The Court Of Appeals Explicitly Held That Code Commingling—A Form Of Tying Unaddressed By The PFJ—Violates Section 2 Of The Sherman Act.

In affirming the District Court's findings of fact concerning Microsoft's practice of commingling the code for its own middleware products with the code for the Windows OS, the Court of Appeals made clear that such commingling was an unlawful act in violation of Section 2 of the Sherman Act. See Microsoft, 253 F.3d at 65–67. Specifically, the Court of Appeals concluded that Microsoft's ''commingling has an anticompetitive effect ... [and] constitute[s] exclusionary conduct, in violation of §2.'' Microsoft, 253 F.3d at 6667 (emphasis added). According to the appeals court, Microsoft's ''commingling deters OEMs from pre-installing rival browsers, thereby reducing the rivals'' usage share and, hence, developers'' interest in rivals'' APIs as an alternative to the API set exposed by Microsoft's operating system.'' Id. at 66. Moreover, the Court of Appeals affirmed the District Court's finding that such commingling was done, deliberately and intentionally, to advance Microsoft's anticompetitive aims. Id.

Notwithstanding these clear declarations by the Court of Appeals, this practice is not prohibited by the PFJ. Such a prohibition was omitted despite the finding that it is illegal—and despite the Justice Department's recognition that the first remedial objective in a decree should be to ''end the unlawful conduct.'' (See CIS at 24.) Thus, Microsoft remains free to bind its middleware applications, including the browser, to its Windows OS —making it impossible for an OEM, or a consumer, to remove that application from a PC without doing damage to that PC's operating system.

Microsoft's suggestion that competition is adequately served by allowing OEMs to pre-install rival middleware and to remove end-user access to Microsoft middleware—instead of banning commingling- is incorrect for several reasons. First, as the District Court found and the Court of Appeals affirmed, commingling of code strongly deters—and may even prevent—OEMs and consumers from using middleware products offered by Microsoft's competitors (because the Microsoft product is inextricably intertwined with the OS and is thus both easier to use and harder to remove). Why would an OEM include a competing middleware product that will cost money to install and use up valuable space on the hard drive when Microsoft's product is already there and has been so tightly knit with the OS that it cannot be removed without doing damage to the OS? As the Court of Appeals noted (citing the District Court's holding), Microsoft's commingling has both prevented OEMs from pre-installing other browsers and deterred consumers from using them. In particular, having the IE software code as an irremovable part of Windows meant that pre-installing a second browser would ''increase an OEM's product testing costs,'' because an OEM must test and train its support staff to answer calls related to every software product preinstalled on the machine; moreover, pre-installing a browser in addition to IE would to many OEMs be ''a questionable use of the scarce and valuable space on a PC's hard drive.''

Microsoft, 253 F.3d at 64 (citations omitted).

As long as commingling is permitted, OEMs and other third party licensees will have no incentive to take advantage of the limited freedom provided by the PFJ and will continue to use Microsoft's middleware products at the expense of its competitors. As a result, commingling reduces Microsoft's

distribution costs for its middleware applications to zero. It also raises the distribution costs of rival middleware application makers -who not only must pay for something that Microsoft gets for free (i.e., distribution via OEMs), but must also pay an added bounty to persuade OEMs to install their applications as the second such application on a PC. This, of course, assumes that such an added payment strategy for such middleware would even be plausible (which is highly doubtful, except in rare cases) and would not be defeated by Microsoft, a rival with roughly $39 billion in cash available to deter the prospect of being outbid by other middleware developers for PC access.

The other way in which code commingling illegally enhances the position of Microsoft middleware is by encouraging applications programmers to write their programs to Microsoft's products. (Mathewson & Winter Report at ¶¶14–16.) Third party developers decide how to write their applications based upon what APIs they believe will be available on the broadest number of computers and will enable their products to function most smoothly. See Microsoft, 253 F.3d at 55. Because the PFJ will allow Microsoft to continue commingling its middleware and OS code, it essentially guarantees that Microsoft's application programming interfaces (''APIs'') are universally available in all Windows environments (in other words, on virtually all PCs)—and that software developers who write their applications to Microsoft's APIs can write directly to the OS. This is true regardless of whether or not end-user access to the middleware product is visible. As a result, third party software developers (whose business interests are to develop successful applications, not to challenge Microsoft's monopoly) will almost always write their programs to Microsoft middleware.

Thus, in the end, as both the Court of Appeals and the District Court concluded here, commingling itself deters OEMs from installing rival middleware. See Microsoft, 253 F.3d at 66; Findings of Fact, 84 F. Supp. 2d at 49–50, ¶159. No doubt this is why every other remedial plan contemplated in this litigation—from the Posner Proposal, to Judge Jackson's interim remedial order, to the proposal set forth by the Litigating States—has prominently included a ban on code commingling (or, at the very least, a requirement that Microsoft make available a non-commingled version of Windows). Yet, despite that, despite the Court of Appeals'' holding, and despite the District Court's factual findings, the PFJ fails to prohibit or limit this practice in any manner whatsoever.

Microsoft has already demonstrated its willingness and ability to fend off threats from competing middleware products by illegally commingling code with the Windows OS. As currently drafted, the PFJ gives the company a green light to continue this anticompetitive and illegal practice. The public interest requires that Microsoft's practice of tying its middleware and operating system, via code commingling, be prohibited.

B. Microsoft Uses A Variety Of Other Tying Practices To Maintain Its Operating System Monopoly; If The Monopoly Is To Be ''Terminated,'' Such Contractual Tying Must Be Prohibited.

The Justice Department's insistence that the remedy in this case should not include a general tying prohibition because the government abandoned its Section 1 tying claim is logically flawed. Contrary to DOJ's assertions, as discussed at length above, the ultimate remedy in this case must ''terminate'' Microsoft's illegally maintained monopoly- and that can only happen if the remedy addresses those behaviors that anticompetitively maintain the Windows monopoly. The bundling, or contractual tying, of Microsoft's middleware products to its Windows OS is clearly such an anticompetitive behavior: it is the signature tactic used by Microsoft to maintain its monopoly and fend off competitive challenges, and it has been expressly found to be illegal by the Court of Appeals. See, e.g., Microsoft, 253 F.3d at 61 (the restriction in Microsoft's licensing agreements that prevents OEMs from removing or uninstalling IE ''protects Microsoft's monopoly from the competition that middleware might otherwise present. Therefore, we conclude that the license restriction at issue is anticompetitive.'') (emphasis added); see also Mathewson & Winter Report at ¶¶13–33. Put another way, various tying practices were found by the Court of Appeals to illegally reinforce Microsoft's OS monopoly and thus must be banned in order to realize the remedial mandate of the Court of Appeals and the public interest objectives of the Tunney Act.

The anticompetitive nature of tying is apparent on its face: it reduces competition and consumer choice, making it less likely for Windows consumers to acquire and use non-Microsoft middleware products for reasons unrelated to the merits of those products. See Microsoft, 253 F.3d at 60 (upholding District Court's conclusion that contractually restricting OEMs'' ability to remove IE ''prevented many OEMs from distributing browsers other than IE''); see also Mathewson & Winter Report at ¶23. Microsoft only makes Windows available for license to OEMs in a bundle that includes a number of its middleware applications (e.g., Internet Explorer, Windows Media Player, Windows Messenger, MSN). Microsoft also contractually prohibits OEMs from removing its applications from the bundled offering. As explained in the attached economic report from Professors Frank Mathewson and Ralph Winter, such tying is anticompetitive and should fall under the purview of these remedy proceedings for four principal reasons: (1) it reinforces Microsoft's monopoly by increasing the applications barrier to entry against OS competitors; (2) it reinforces Microsoft's monopoly by deterring direct challenges to the OS itself as the platform of choice for software developers; (3) it weakens the greatest current competitor to Windows—prior versions of Windows; and (4) Microsoft's more recent practice of tying the Windows Media Player to the OS creates a new variant of the applications barrier to entry problem for potential OS rivals: a content-encoding barrier to entry. (See Mathewson & Winter Report, passim.)

First, tying anticompetitively strengthens Microsoft's OS monopoly by reinforcing the applications barrier to entry against OS competitors. (Id. at ¶¶14–16.) The dominance of the Windows standard in a wide range of applications, including a few particularly important applications, hampers entry into the operating system market because an entrant has to offer both a new operating system and a full set of applications, or hope that applications will quickly develop once the new operating system becomes available. See Microsoft, 253 F.3d at 55 (applications barrier to entry stems, in part, from the fact that ''most developers prefer to write for operating systems that already have a substantial consumer base''). This is referred to as the applications barrier to entry, and the District Court found that it served to protect Microsoft against an OS challenge from IBM in the 1990s. Id. (upholding District Court's finding that ''IBM's difficulty in attracting a larger number of software developers to write for its platform seriously impeded OS/2's success'').

By engaging in tying to gain dominance in key applications markets, Microsoft can turn the already-daunting applications barrier to entry into a virtually insurmountable shield. As the Court of Appeals explained, ''Microsoft's efforts to gain market share in one market (browsers) served to meet the threat to Microsoft's monopoly in another market (operating systems) by keeping rival browsers from gaining the critical mass of users necessary to attract developer attention away from Windows as the platform for software development.'' Microsoft, 253 F.3d at 60. If Microsoft controls the key applications, it can unilaterally decide not to make those applications available for even the most-promising rival operating systems. Microsoft's tying thus anticompetitively advantages its position in the middleware applications market and sustains its OS monopoly as well. (See Mathewson & Winter Report at ¶66.)

Consider, for example, Microsoft Office. At one point, companies such as Corel and Lotus provided the most popular versions of these applications. At that time, to compete with Microsoft's Windows, rival operating systems needed to persuade Corel and Lotus to port their applications to those rival systems. Now that Microsoft has successfully leveraged Windows to obtain dominance in the Office suite of applications, however, rival OS providers would have to persuade Microsoft to port Office to rival systems.

If Microsoft can gain dominance with key middleware applications such as Office, MSN Messenger, and Windows Media Player, it can ensure that rival operating systems cannot meet customers'' demands for the most popular applications. That is, when Microsoft's browser, Microsoft's media player, and Microsoft's instant messenger are dominant in those applications markets, Microsoft may choose not to write its applications to interoperate with a potential rival OS—making it much more difficult for nascent operating systems to compete with Windows. Thus, Microsoft's tying, over time, takes today's very high ''applications barrier to entry,'' and raises it immeasurably higher. (See Mathewson & Winter Report at ¶66.)

Second, tying reinforces Microsoft's monopoly by deterring direct challenges to the OS itself as the platform of choice for software developers. (Id. at ¶¶17–19.) A clear incentive for Microsoft to tie its Internet Explorer browser with Windows was the threat that Netscape—on its own, or combined with Java software—would eliminate Microsoft's network advantages in the operating system by providing middleware that would offer a competing platform for software developers. As the District Court and Court of Appeals found, Netscape and Java were particular threats to Microsoft's dominance in operating systems because they potentially represented a platform/programming environment in which software applications could be developed without regard to the underlying operating system. See Microsoft, 253 F.3d at 74. With middleware, the success of a new operating system no longer depended on the development of new code by every application developer. (See Mathewson & Winter Report at ¶19.)

If rivals develop valuable, widely distributed middleware, software vendors could very well begin to write most of their applications directly to that middleware, and the applications barrier to entry would disappear. By using anticompetitive tying to dominate each promising field of middleware, Microsoft ensures that software developers face a unified field of proprietary Microsoft OS and middleware interfaces. (Id.) Thus, Microsoft's tying practices serve, in this way too, to reinforce and entrench its illegal OS monopoly.

Third, tying weakens the greatest current competitor to Windows—prior versions of Windows. (Id. at ¶¶27–30.) Existing versions of Windows provide competitive constraints on Microsoft for a simple reason: if new versions of Windows are insufficiently innovative or too expensive, consumers will choose to retain their older versions of the product. Through tying, however, Microsoft weakens this source of competition in two ways. First, new versions of Windows are marketed as much for new applications as for new OS features. Windows XP, for example, is being marketed in part for its inclusion of new applications, such as Windows Media Player 8.0—not just based on innovations and improvements to the OS itself. Second, middleware applications such as Internet Explorer, Windows Media Player (with the attendant Microsoft Digital Rights Management), and MSN allow Microsoft to track consumer usage. Microsoft's binding of these products to Windows thus creates a total product that lends itself to usage and leasing fees. By gradually reducing the price of Windows and increasing the usage fees on its tied applications, Microsoft can shift to a usage or leasing revenue model, rather than a revenue model based on sales. This eliminates the competitive threat from previous versions of Windows (in addition to providing Microsoft with the fruits of its illegal behavior, as discussed in Section III.C, below). (See id. at ¶28.)

One might argue that the durable-goods monopoly problem is eliminated by Microsoft's refusal to allow OEMs to install (without penalty) old versions of Windows. As explained in the attached Mathewson & Winter Report, this is incorrect for two reasons: ''(i) increases in the price of the new version of Windows will reduce overall demand for new PCs, as users invoke the option to keep existing PCs with the old version, and (ii) there is a retail market for new versions of Windows software for installation on existing PCs. Both (i) and (ii) provide channels through which the existing stock of Windows software provides some competition for a new version of Windows (i.e., it increases the elasticity of demand for the new version). If the price of a new version is increased, the demand for the new version is reduced because fewer consumers will purchase new PCs as the price increase for Windows raises the price of the overall package of the PC and the (mandated by Microsoft) new version of Windows, and because some consumers who would have purchased Windows to install on their old PCs will now refuse to do so.'' (See Mathewson & Winter Report at 12 n. 10.)

Fourth, in addition to these three general ways in which Microsoft's contractual tying reinforces the OS monopoly, Microsoft's more recent tying of its media player to the OS creates yet another special and highly significant reinforcement of the Windows monopoly. (See Mathewson & Winter Report at ¶36.) This problem results from the close connection between the media player and Microsoft's proprietary media encoding format, Windows Media Audio (''WMA''). Because Microsoft does not license the WMA format to some rival media players—including, most notably, the only other media player with substantial market presence, Real Player—Microsoft's media player is the only major player that can play content encoded in Microsoft's format. As Microsoft's format becomes more and more widespread—it is currently growing in use at a rate ten times that of its rivals—more and more content will become viewable and playable only via Microsoft's media player, which is only distributed via Microsoft's OS.

In such a market, then, a rival OS would have to overcome not only today's applications barrier to entry to compete with Windows—that is to say, it would have to persuade application writers to write their applications to interoperate with their OS—it would also have to overcome a new, even more daunting ''content encoding barrier to entry''—i.e., it would have to persuade owners of thousands (or perhaps even millions) of pieces of multi-media content to re-encode their content in formats that the media player used by the rival OS could read. (Id. at ¶¶37–38.) This barrier to entry applies not only to rival PC operating systems, but also to evolving operating systems for handheld and mobile communications devices, since consumers will want to access the best streaming content using those devices. Thus, the currently daunting applications barrier to entry is raised many times higher by virtue of the tying of the Windows Media Player (and its related proprietary formats) to the Windows OS.

All four of these anticompetitive effects are mutually reinforcing, because of the network effects operating between the applications sector and the operating system market. (Id. at ¶¶31–33.) Achieving dominance in applications (through tying) strengthens the dominance of the OS, because buyers in the OS market are more assured of available applications. The greater dominance in the OS market in turn feeds back into greater dominance in applications, since the tying strategies take the form of imposing an artificial advantage relative to applications of the dominant OS supplier. The greater Microsoft's share across all middleware applications markets, the greater the applications barrier to entry.

Thus, a remedy that does not forbid Microsoft's anticompetitive tying leaves in place one of Microsoft's most powerful tools to maintain its OS dominance—and as a result, does not ''unfetter'' the market or ''terminate'' the illegal monopoly. For this reason, the PFJ's failure to include a ban on bundling is not in the public interest.

C. By Allowing Microsoft To Continue To Tie Its Middleware Applications To Windows, Microsoft Retains One Of The Most Valuable ''Fruits'' Of Its Illegal Acts.

The Court of Appeals made clear that one necessary element of any remedy in this case was to ''deny to [Microsoft] the fruits of its violation.'' See Microsoft, 253 F.3d at 103 (quoting United Shoe Mach. Corp., 391 U.S. at 250). This is in accord with the prevailing doctrine in this area. See Grinnell Corp., 384 U.S. at 577; 2 P. Areeda & H. Hovenkamp, Antitrust Laws ¶325(c) (2d ed. 2000).

The Court of Appeals found that Microsoft illegally maintained its OS monopoly by engaging in anticompetitive practices. See Microsoft, 253 F.3d at 51, 66. Here, because of the nature of its monopoly, one of the most lucrative fruits of Microsoft's illegal behavior is the ability to bundle its other software products with the OS and reap gains in those markets as well. In this way, the PFJ's failure to ban such tying clearly renders it deficient, because without such a prohibition it will fail to prevent future violations of Section 2, as discussed above—and also fail to prevent Microsoft from reaping the benefits of the OS monopoly that it illegally maintained. Without such a prohibition, Microsoft will be able to continue profiting from its anticompetitive behavior and will have evaded any real punishment for breaking the law.

For these reasons, as with the ban on code commingling discussed above, every other remedial proposal considered in this litigation included a ban on Microsoft's contractual tying via bundling. A formulation of such a ban was found in Judge Jackson's interim conduct remedies, which—in addition to the ban on binding middleware products to the OS—would also have prohibited Microsoft from ''conditioning the granting of a Windows Operating System Product license ... on an OEM or other licensee agreeing to license, promote, or distribute any other Microsoft software product that Microsoft distributes separately from the Windows Operating System Product in the retail channel or through Internet access providers, Internet content providers, ISVs or OEMs.'' United States v. Microsoft, 97 F. Supp. 2d 59, 68 (D.DC 2000).

Judge Posner's proposal would have prohibited tying any middleware product

with the OS unless Microsoft offered a version of the OS without the middleware application, and did so at a reduced price. See Posner Proposal §3(9). The litigating states also have proposed a very similar remedial approach. (See LSRP at 4–6.) Thus, it is only the PFJ, among the various proposals, that has failed to take this essential step to terminate Microsoft's OS monopoly, and deny Microsoft the fruit of its illegal acts. A remedy without such a provision cannot be in the public interest.

IV. THE PROPOSED FINAL JUDGMENT FURTHER FAILS THE PUBLIC INTEREST TEST, BECAUSE IT DOES NOT ACHIEVE EVEN THE LIMITED OBJECTIVES THAT IT HOLDS OUT AS ITS AIMS.

As demonstrated above, the PFJ fails to address Microsoft's anticompetitive tying of middleware applications to the Windows OS, and consequently fails to fulfill the remedial mandate of the Court of Appeals. Yet, even for those anticompetitive acts that the PFJ does attempt to address, it does not provide an adequate remedy for Microsoft's illegal conduct. Indeed, the PFJ is so replete with carefully crafted carve-outs and exceptions that many of its provisions, though well intentioned, are rendered meaningless. The result is that the PFJ will do little, if anything, either to terminate Microsoft's monopoly or constrain its ability to fend off middleware threats in the future. And, as we argue above, the preliminary experience with these provisions—since the onset of their implementation by Microsoft provides little reason to believe that the PFJ will be effective in practice. See Section II, supra.

While any conduct remedy will, of course, have limitations and the potential for evasion, none of the major defects in the PFJ are inherent in the nature of this sort of remedy. The Litigating States'' Remedial Proposal provides a useful contrast on this point. Unlike the PFJ, the LSRP does not leave certain of Microsoft's anticompetitive acts unaddressed or leave Microsoft with the ability to perpetuate its operating system monopoly by illegally eliminating competitive threats from middleware developers. The Litigating States'' Remedial Proposal prevents Microsoft from continuing its anticompetitive practices, is designed to restore the competitive balance in the marketplace, and seeks to ensure that competitive threats may emerge in the future unhindered by Microsoft's anticompetitive conduct. As such, it fully comports with the Court of Appeals'' decision and provides this Court with a clear roadmap of what the public interest requires in this case.

To avoid undue length or repetition, we do not here provide a comprehensive list of all the numerous inconsistencies, loopholes, and shortcomings of the PFJ; we have included, in Attachment B, a more complete listing for the Court's benefit. (See A Detailed Critique of the Proposed Final Judgment in U.S. v. Microsoft, Attachment B.) In this Section, instead, we focus on six critical deficiencies in remedies that (unlike tying) are purportedly addressed in the PFJ: (1) the PFJ's failure to prevent Microsoft's discriminatory licensing practices; (2) its limited and slow-moving API disclosure provisions; (3) its inadequate protections for OEMs from retaliation; (4) its failure to promote distribution of Java; (5) its ''gerrymandered''finition of middleware; and (6) its complete lack of an effective enforcement mechanism. Where helpful, we contrast the relevant provision in the litigating states'' proposal for comparison's sake. By comparing the two proposals on a few central issues, it should be clear why the LSRP, and not the PFJ, addresses Microsoft illegal conduct in manner that both comports with the Court of Appeals'' decision and serves the ''public interest'' under prevailing antitrust law.

A. The PFJ Allows Microsoft To Continue Engaging In Discriminatory. And Restrictive Licensing Agreements To Curtail The Use Of Rival Middleware Products.

One of the ways in which the District Court found, and the Court of Appeals upheld, that Microsoft illegally protects its operating system monopoly from rival middleware is through discriminatory and restrictive licensing provisions. Specifically, the Court of Appeals found that Microsoft uses its licenses not only to reward OEMs that utilize and promote its products (and to discriminate against those OEMs that wish to promote non-Microsoft products), but also to restrict the manner in which OEMs can distribute rivals'' products. See Microsoft, 253 F.3d at 61–67.

Despite these findings, the PFJ permits Microsoft to continue to employ discriminatory and restrictive licensing agreements to curtail the use of its competitors'' products. As currently structured, the PFJ allows Microsoft to continue its use of discriminatory and restrictive licensing provisions to fend off nascent threats from middleware competitors in several ways. First, the PFJ explicitly allows Microsoft to provide market development allowances to favored OEMs; it likewise allows Microsoft to enter into ''joint ventures'' with OEMs, that, in practice, are little more than shells for arrangements by Microsoft to shower financial rewards on OEMs that are willing to refuse to deal with Microsoft's competitors. Given the intense competition and low margins in the OEM industry, these rewards would create a decisive competitive disadvantage for ''disfavored'' OEMs, forcing them to accede to Microsoft's restrictive terms.

The PFJ's mechanisms for enabling these anticompetitive tactics are surprisingly explicit. Under Section III.B.3 of the PFJ, Microsoft is allowed to pay OEMs ''market development allowances'' to promote Windows products. Thus, OEMs that promote Microsoft products apparently can receive de facto cash rebates on their Windows shipments, while OEMs that deal with Microsoft's rivals will pay full list price. This preferential behavior in the browser market was found illegal by both the District Court and the Court of Appeals. See Microsoft, 253 F.3d at 60–61. Microsoft should be allowed to engage in legitimate pricing decisions, but those decisions should be limited to volume-based discounts published in its price lists.

Second, under Section III.G.2 of the PFJ, Microsoft may use ''joint ventures'' to escape any restrictions the proposed settlement would place on its licensing practices. For example, Microsoft may join an OEM in a joint venture for any ''new product, technology or service'' or improvement to any existing ''product, technology or service,'' provided that the OEM contributes significant developer ''or other resources.'' (See PFJ at Section III.G.2.) In such an arrangement, Microsoft can seek, and obtain, a pledge that its partner be ''prohibit[ed] ... from competing with the object of the joint venture . . . for a reasonable period of time.'' (Id. at III.G.) Thus, Microsoft could enter into a ''joint development'' project for the ''new product'' of ''Windows X for Preferred OEM Y.'' The OEM's contribution could be entirely in marketing and distribution. Yet, under the language of the PFJ, it appears that Microsoft would have the ability to contractually prohibit OEMs in such joint ventures from offering products or services that compete with Microsoft. Given Microsoft's history of abusive and coercive behavior toward OEMs, it should not be allowed to enter into joint ventures with OEMs that result in exclusive agreements. Otherwise, in no time at all, Microsoft will use the opportunity to squelch competition.

Third, the PFJ purports to provide OEMs with the freedom and flexibility to configure the computers they sell in a way that does not discriminate against non-Microsoft products. Under Section III.C, the PFJ ostensibly prohibits Microsoft from entering into an agreement that would - among other things—restrict an OEM's ability to remove or install desktop icons, folders and Start menus, and modify the initial boot sequence for non-Microsoft middleware. However, the PFJ contains carve-out provisions that may render these prohibitions effectively meaningless. Under the express terms of Section III.C.1 of the PFJ, Microsoft may retain control of desktop configuration by being able to prohibit OEMs from installing or displaying icons or other shortcuts to a non-Microsoft product or service, if Microsoft does not provide the same product or service. Thus, for example, if Microsoft does not include a media player shortcut inside its ''My Music'' folder, it can forbid an OEM from doing the same. This turns innovation—and the premise that OEMs be permitted to differentiate their products—on its head: under the PFJ, rivals can ''compete'' with Microsoft, but they are never allowed a chance to bring a product to market first, to offer a functionality before Microsoft does, or to benefit from their innovations before Microsoft determines that it is ready to meet (and if history is a guide, extinguish) these competitive challenges.

Additionally, under the PFJ, Microsoft can control the extent to which non-Microsoft middleware is promoted on the desktop by virtue of a limitation that OEMs may promote such software at the conclusion of a boot sequence or an Internet hook-up only if they display no user interface or a user interface that is ''of similar size and shape to the user interface provided by the corresponding Microsoft middleware.'' (See PFJ at III.C.3.) And OEMs are allowed to offer Internet Access Provider (''IAP'') promotions at the end of a boot sequence, but only for their own IAP offerings (whatever that ambiguous

limitation means). (See id. at III.C.5.) Thus, under the PFJ, Microsoft maintains the ability to set the parameters for competition and user interface. In order to promote competition from rival middleware, Microsoft must be prohibited from entering into restrictive and discriminatory contractual agreements with its licensees. Although remedial proposals could have been crafted to address these anticompetitive practices, the PFJ falls short of this mark.

By contrast, the Litigating States'' Remedial Proposal would bring Microsoft's unlawful behavior to an end and thus provide competing middleware the opportunity to receive effective distribution through the important OEM channel. Under the LSRP, Microsoft would be required, at a minimum, to offer uniform and non-discriminatory license terms to OEMs and other third-party licensees. The LSRP would also require Microsoft to permit its licensees to customize Windows to include whatever Microsoft middleware or competing middleware the licensee wishes to sell to consumers. (See LSRP at 7–9.)

In addition, the LSRP specifically prohibits Microsoft from employing market development allowances, including special discounts based on joint development projects. It also gives OEMs and other third-party licensees the flexibility to feature non-Microsoft products in ways that increase the likelihood that consumers will use them, without providing broad exceptions that enable Microsoft to avoid its obligations. Thus, it is the LSRP—and not the PFJ—that meets the Tunney Act's ''public interest'' standard.

B. The PFJ Requires Microsoft To Disclose APIs Only In Certain, Narrow Circumstances.

Another key element of the government's case against Microsoft was the company's withholding of the operating system's API information from rivals, so as to illegally degrade the performance of rival applications. In any market where Microsoft is allowed to withhold APIs, rival software will perform imperfectly in the Windows environment, and Microsoft will illegally gain dominance. Accordingly, in order to promote competition from rival middleware developers, it is essential that Microsoft be required to provide timely access to all technical information required to permit non-Microsoft middleware to achieve interoperability with Microsoft software.

Section III.D of the PFJ imposes an obligation on Microsoft to disclose to Independent Software Vendors (''ISVs''), and others, the APIs that Microsoft middleware uses to interoperate with any Windows OS product. However, the PFJ's requirement for API disclosure is drawn much too narrowly to allow non-Microsoft middleware to compete fairly with Microsoft middleware. Here again, a comparison with the proposal of the litigating states is instructive.

First, the PFJ's disclosure requirement fails to prevent ''future monopolization,'' because it fails to apply to critical technologies that Microsoft is likely to use to maintain the power of its OS monopoly in the future. Because nascent threats to Microsoft's monopoly operating system currently exist beyond the middleware platform resident on the same computer, any effective API disclosure requirement must apply to all technologies that could provide a competitive platform challenge to Windows, including network servers, web servers, and hand-held devices. The PFJ does not; by contrast, the Litigating States'' Remedial Proposal expressly provides that Microsoft must disclose all APIs, technical information, and other communications interfaces so that Microsoft software installed on one computer (including personal computers, servers, handheld computing devices and set-top boxes) can interoperate with Microsoft platform software installed on another computer. (See LSRP at 11.)

Second, the PFJ creates an apparent exception for Microsoft's API disclosure requirement in the emerging areas of identity authentication and digital rights management (''DRM'')—critical applications that are also important to the prospects of Microsoft's ''future monopolization.'' Section III.J. 1 .(a) appears to exempt Microsoft from disclosing any API or interface protocol ''the disclosure of which would compromise the security of ... digital rights management ... or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria.'' This exception is written much more broadly than any of the limits on Microsoft behavior, and could easily be used to protect Microsoft's APIs relating to DRM and identity authentication applications. The implication of this is that any rival DRM or authentication software will not function as well as Microsoft's DRM, Passport, and .Net My Services (formerly known as Hailstorm). Thus, under the PFJ, Microsoft may be able to degrade the performance of any rivals to any of these services.

These markets, however, are just as important to the next stage of the industry's evolution as browsers were to the last stage. DRM solutions, for example, allow content vendors to sell audio and video content over the Internet on a ''pay for play'' basis. Since the most prevalent use of media players in the years ahead will be in playing content that is protected in this fashion, if non-Microsoft media players cannot interoperate with Windows'' DRM solution, those media players will be virtually useless except for ''freeware'' content. Thus, if DRM is exempt from API disclosures under the PFJ, Microsoft can destroy the competitive market for one of the most vital forms of middleware—media players.

The authentication exemption is potentially even more far-reaching. Most experts agree that the future of computing lies with server-based applications that consumers will access from a variety of devices. Indeed, Microsoft's ''.Net'' and ''.Net My Services'' (formerly known as Hailstorm) are evidence that Microsoft certainly holds this belief. These services, when linked with Microsoft's Passport, may allow Microsoft to participate in a substantial share of consumer e-commerce transactions over the Internet, irrespective of which device is used to access the Internet (cell phones, handheld computers, etc.). If Microsoft prevents competition with its Passport standard, it may be able to realize its stated goal of charging a fee for every single e-commerce transaction on the Internet.

Under the guise of security, Microsoft has obtained a loophole in the PFJ that undercuts a critical disclosure requirement. Microsoft's legitimate security concerns which, of course, are shared by all of its major business rivals—do not require this loophole. Section III.J.2 of the PFJ excludes from disclosure rights any company with a history of software counterfeiting or piracy or willful violation of intellectual property rights, or any company that does not demonstrate an authentic and viable business that requires the APIs. This means that Microsoft only has to disclose to bona fide software rivals whose interests in security and stability are as great as Microsoft's. As added protection, Section III.J. 1 .(b) of the PFJ allows Microsoft to refrain from any disclosure simply by persuading an impartial government body, on a case-by-case basis, that a specific disclosure would put system security at risk. Together, these provisions provide Microsoft with all the room it needs to take legitimate security precautions.

Once again, the litigating states'' proposal provides a useful contrast. It contains no disclosure ''carve out'' to exempt DRM and identity-authentication from the general disclosure obligation imposed on Microsoft. (See LSRP at 11.) Instead, it creates a regime of timely, complete, and comprehensive API disclosure that will allow competitors an opportunity to challenge Microsoft's efforts to entrench its OS monopoly in a market where distributed computing is the dominant model—an opportunity that was sadly missed as the browser became critical to Internet-related applications, due to Microsoft's anticompetitive refusals to share technical information. Thus, once again, it is the LSRP, not the PFJ, that would meet the Court of Appeals'' objectives and the public interest standard.

C. The PFJ Does Not Ban Many Forms Of Retaliation By Microsoft Against OEMs.

The District Court found, and the Court of Appeals upheld, that in order to create a competitive market structure in which non-Microsoft middleware products are able to compete effectively with Microsoft products, licensees, such as OEMs, must have the ability to distribute and promote non-Microsoft products without fear of coercion or interference from Microsoft. Recognizing the central role that OEMs play in the distribution and ultimate usage of non-Microsoft middleware products, the PFJ includes an anti-retaliation provision which is intended to protect those entities that support or promote non-Microsoft products. According to the Department of Justice, this anti-retaliation provision ''broadly prohibits any sort of Microsoft retaliation against an OEM based on the OEM's contemplated or actual decision to support non-Microsoft software.'' (See CIS at 25.)

Unfortunately, the PFJ does not provide the broad protection from Microsoft's retaliation that the government claims it does. Indeed, the PFJ's anti-retaliation provision is so narrow that it will do little, if anything, to protect OEMs that wish to distribute or promote non-Microsoft products.

The PFJ's anti-retaliation provision is deficient in numerous respects. First, it

appears to create only a narrow range of procompetitive activities that OEMs can engage in without being subject to Microsoft retaliation. For example, the PFJ prohibits retaliation for OEMs that promote rival middleware, but does not appear to prohibit retaliation against OEMs that promote any other type of rival software (which, under the PFJ's language, probably includes rivals to Passport, MS Money, Windows Movie Maker, and MSN Messenger, just to name a few). Even if this glitch were unintentional, the ambiguity might still be sufficient to allow Microsoft to coerce OEMs into avoiding Microsoft rivals.

Second, even within the scope of protected OEM activities, the PFJ appears to bar only certain types of Microsoft retaliation. The PFJ prohibits Microsoft from withholding ''newly introduced forms of non-monetary Consideration'' from OEMs, but is less clear about whether Microsoft may use already-existing forms of consideration to retaliate against OEMs. (See PFJ at III.A.) More importantly, while the PFJ prohibits Microsoft retaliation via an alteration of commercial agreements, it does not appear to prohibit any other form of Microsoft retaliation (e.g., product disparagement) that Microsoft can imagine.

In addition, under Section III.A of the PFJ, Microsoft may, sua sponte, terminate an OEM's Windows license after sending the OEM two notices stating that it believes the manufacturer is violating its license. There need not be any adjudication or determination by any independent tribunal that Microsoft's claims are correct. All that is required are two notices; after that, Microsoft may terminate an OEM's license. This provision means that the OEMs are, at any time, just two registered letters away from unannounced economic calamity; after all, given Microsoft's monopoly on the operating system, termination of an OEM's Windows license is a death sentence for an OEM's business.

Again, such inadequate safeguards are not inherent in an effective non-retaliation protection. For instance, the Litigating States'' Remedial Proposal prevents Microsoft from taking any action that directly or indirectly adversely affects OEMs or other third-party licensees that in any way develop, distribute, support or promote competing products, thereby providing the type of protection contemplated by the Court of Appeals. (See LSRP at 13–14.) Thus, the Litigating States'' Remedial Proposal clearly prohibits Microsoft retaliation for any procompetitive OEM behavior and prohibits all forms of Microsoft retaliation. Importantly, the LSRP also prohibits Microsoft from retaliating against any individual or entity for participating in any capacity in any phase of this litigation. Again, it is the LSRP that meets the Court of Appeals'' objectives for this case—not the PFJ.

D. The PFJ Does Nothing To Remedy Microsoft's Illegal Camoaion To Eliminate Java.

Yet another aspect of the trial court's decision that was upheld on appeal by the DC Circuit was the District Court's finding that Microsoft's actions in eliminating the threat posed by Sun Microsystems'' Java technology were unlawful under Section 2 of the Sherman Act. See Microsoft, 253 F.3d at 74–75. The PFJ, however, omits any remedy for this core abuse. Thus, unlike either the District Court's remedy or the remedy Judge Posner suggested, the PFJ does not protect those specific products, such as Java, that actually compete with Windows today and offer alternatives to Microsoft's dominance.

The Litigating States'' Remedial Proposal addresses this deficiency by requiring that Microsoft distribute Java with its platform software for a period of ten years. (See LSRP at 17–18.) The LSRP recognizes, as did the District Court and Judge Posner, that in order to ensure that rival products such as Java can compete with Microsoft, they must receive the widespread distribution that they could have obtained absent Microsoft's unlawful behavior.

The requirement that Microsoft distribute Java with its operating system and Internet Explorer browser takes on even greater importance in light of Microsoft's recent behavior. For example, although the Court of Appeals upheld the trial court's finding that Microsoft targeted and destroyed independent threats from the Java programming language, see Microsoft, 253 F.3d at 53–56, 60, Microsoft announced less than a month later that it was dropping any support for Java from Windows XP. As The Wall Street Journal reported at the time, ''This favors Microsoft's new technologies, and will inconvenience consumers.... [I]f you want your Web page accessible to the largest number of people, you may want to drop Java'' and switch to Microsoft's competing set of products, which is under development and is known as .NET.'' Thus, notwithstanding the Court of Appeals'' holding that Microsoft illegally maintained its monopoly by requiring major independent software vendors to promote Microsoft's JVM exclusively (i.e., by requiring developers, as a practical matter, to make Microsoft's JVM the default in the software they developed), Microsoft is again acting illegally to maintain—and further entrench—its operating system monopoly against Java's middleware threat.

To remedy the specific and extensive anticompetitive tactics aimed at Java, as found by the District Court and affirmed by the Court of Appeals, Microsoft should be ordered—as outlined in the Litigating States'' Remedial Proposal—to distribute with its platform software a current version of the Java middleware. This would ensure that Java receives widespread distribution, thus increasing the likelihood that it can serve as a viable competitive platform to Windows. Although rivals such as Java will likely remain small players compared to the dominant Windows OS, their existence on the competitive fringe is critical to provide some competitive discipline to Microsoft on pricing and coercion matters. Moreover, the existence of these rivals creates a base for future developments that might one day provide true alternatives to Windows.

E. The PFJ Includes A ''Gerrymandered'' Definition Of Middleware.

Though not readily apparent, the effectiveness, or lack thereof, of the PFJ's restrictions on Microsoft's behavior heavily depends on the proposed agreement's definition of ''middleware.'' Under the proposed settlement, OEMs are protected from retaliation and can promote competitive alternatives to Microsoft products only in the area of middleware. Thus, if rival software falls outside of the definition of middleware, Microsoft can essentially use its coercive might to prevent that software from being distributed via OEMs. Conversely, if a Microsoft product is not classified as middleware, Microsoft is permitted to use coercion to force its adoption and promotion.

The PFJ adopts a new, and greatly narrowed, definition of middleware, both in terms of ''Microsoft Middleware Products'' and ''non-Microsoft Middleware.'' The result is significant because under the newly created definition, Microsoft may be able to subvert many of the PFJ's restrictions. The Litigating States'' Remedial Proposal defines middleware in a manner consistent with the definition adopted by both the District Court and the Court of Appeals. It thus prevents Microsoft from using a definitional shell game to avoid changing its unlawful behavior.

The District Court and the Court of Appeals adopted the same definition of middleware: software products that expose their own APIs; are written to interoperate with a variety of applications; and are written for Windows as well as multiple operating systems. See Microsoft, 253 F.3d at 53; see also Findings of Fact, 84 F. Supp. 2d at 17–18, ¶¶28–29. Thus, while the DC Circuit discussed browsers and the Java technologies as leading examples of middleware, Microsoft, 253 F.3d at 59–78, it never adopted an exclusive list limited to specific products (as the PFJ does).

Importantly, the Court of Appeals also agreed with the District Court that the appropriate category of ''middleware'' applications that merit protection against Microsoft's anticompetitive conduct includes any application that could operate separately or together with other such applications to create even the ''nascent'' potential for alternative platforms that could compete with Microsoft's OS monopoly. Id. at 52–54, 59–60, 74.

These standard definitions of middleware were also endorsed in the Posner Proposal, which, as noted above, Microsoft was reportedly ready to accept last year. Section 2(3) of the Posner Proposal defined middleware broadly, to include any ''software that operates between two or more types of software ... and could, if ported to multiple operating systems, enable software products written for that middleware to be run on multiple operating systems.'' Moreover, the substantive portion of the Posner Proposal, in Section 3(8)(c), explicitly included not just enumerated products, but also any ''middleware distributed with such operating system installed on one personal computer to interoperate with any of the following software installed on a different personal computer or on a server: (i) Microsoft applications, (ii) Microsoft middleware, or (iii) Microsoft client or server operating systems.''

The PFJ departs significantly from these established definitions of middleware and

instead adopts wholly new definitions for both ''Microsoft Middleware Products,'' and ''non-Microsoft Middleware.'' These definitions include several flaws that Microsoft may be able to use to anticompetitively advantage its applications, continue to profit from the fruits of its illegally maintained monopoly, and evade the practical consequence of the PFJ for many product lines.

To start, the PFJ's definition of ''Microsoft Middleware Products'' appears to limit this category to five specifically-listed existing products and their direct successors. This makes no sense for two reasons. First, why define the most critical term in the proposed settlement narrowly when Microsoft has already demonstrated its skill at evading consent judgments? And second, why does the list include certain Microsoft products, but arguably not their virtually indistinguishable cousins: i.e., Outlook Express, but not Outlook; Windows Messenger, but not MSN Messenger; the Microsoft JVM, but not MSN RunTime; Internet Explorer, but not MSN Explorer. Likewise, Microsoft middleware applications such as the MSN client software and Passport appear to be excluded. The significance of these omissions cannot be overstated. For example, although Microsoft must allow OEMs, under the PFJ, to remove end-user access to Internet Explorer, the decree's language appears to allow Microsoft to ban any effort to replace MSN Explorer with a competitor. This is a step backwards from the status quo.

Additionally, Section III.H.2 of the PFJ explicitly limits OEM flexibility to set non-Microsoft Middleware as a default so that it can be automatically invoked: the PFJ appears to allow OEMs to do so only with competitors of ''Microsoft Middleware Products'' that (1) appear in separate Top-Level Windows, with (2) separate end-user interfaces or trademarks. Thus, Microsoft might be able to avoid the PFJ's provisions simply by embedding Microsoft middleware with other middleware, or not branding it with a trademark. That means Microsoft—not the OEMs, and certainly not the market—would determine the scope of desktop competition and the pace of desktop innovation.

Conversely, the definition of the rivals to Microsoft Middleware Products ''non Microsoft Middleware Product''—is also jury-rigged to advantage Microsoft. Under Section IV.N of the PFJ, protected middleware products are limited to those applications ''of which at least one million copies were distributed in the United States within the previous year.'' Thus, developers have no protection from Microsoft's well-honed predatory tactics until they can obtain substantial distribution. The PFJ's middleware definition also does not explicitly include web-based services, the most important future platform challenge to the Windows monopoly. These web-based services represent an important and growing type of middleware, and the PFJ's failure to explicitly cover them may allow Microsoft to recreate and extend its desktop monopoly to new platforms.

The newly created and narrowly crafted definitions of middleware in the PFJ pave the way for Microsoft to avoid many of the prohibitions on its conduct. The middleware definitions in the LSRP, on the other hand, are consistent with those endorsed by the District Court and Court of Appeals, and ensure that the protections from Microsoft's illegal conduct are extended to Microsoft's competitors in critical middleware markets.

F. The PFJ Lacks A Meaningful Enforcement Mechanism.

For any remedy against Microsoft to be effective, it must include a strong, timely, and meaningful enforcement mechanism. The PFJ creates an extraordinarily weak enforcement authority—one that likely will be overwhelmed and co-opted by Microsoft. More specifically, as currently drafted, there are two principal problems with the PFJ's enforcement mechanism.

First, the proposed decree leaves all enforcement to a single, three-person Technical Committee (''TC''). With no looming antitrust proceedings to put pressure on Microsoft to behave, Microsoft will have every incentive to hinder the efforts of the TC. Moreover, Microsoft will have substantial insights and influence over the TC—Microsoft will appoint at least one member of the TC (the first two members will appoint the third); the TC will be stationed full-time on Microsoft premises; and the TC will rely for many types of enforcement on a compliance officer hired and paid for by Microsoft. In light of all this, it would be easy to imagine a situation where the TC, during the entirety of its existence, never took a single action critical of or hostile to Microsoft, no matter what behaviors Microsoft engaged in.

Second, the enforcement authority has no power other than the authority to investigate. The TC cannot expedite claims, assess fines, or otherwise move quickly to redress Microsoft's illegal behavior. If the TC finds any abuse, its only recourse will be to the courts, through mini-retrials of United States v. Microsoft. Moreover, under Section W.D.4.(d) of the PFJ, the TC is prohibited from using any of its work product, findings, or recommendations in any court proceedings. Thus, even if the TC eventually refers a matter to the courts, the proceedings will have to start from scratch. The history of the 1994 consent decree shows the futility of this type of approach.

By contrast, the Litigating States'' Remedial Proposal recommends the creation of a Special Master who is empowered and equipped to investigate Microsoft's behavior in a manner that is prompt and resolute. The appointment of a Special Master with defined remedial powers is essential if Microsoft's unlawful behavior is to be curbed and competition restored to the marketplace. Thus, the creation of a Special Master provides for a mechanism that is much more effective in ensuring Microsoft's compliance with the settlement decree, and does not suffer from the defects identified above in the PFJ's TC proposal.

First, unlike the TC in the PFJ, a Special Master, as selected by the Court, would be independent. He or she would not be dependent on Microsoft for resources, appointment, or other needs. Second, under the Litigating States'' Remedial Proposal, the Special Master would have the authority to identify, investigate, and quickly resolve enforcement disputes. For example, under the States'' proposal, the Special Master would have the power and authority to take any and all acts necessary to ensure Microsoft's compliance. (See States'' Proposed Text ¶18(b).) The Special Master would have the benefit of both business and technical experts. (See id. ¶18(d).) Upon receipt of a complaint, it would be required to make an initial determination of whether an investigation is required within fourteen days. After notifying Microsoft and the complainant of its decision to investigate, Microsoft would then have fourteen days to respond. After Microsoft's response, the Special Master would be required to schedule a hearing within twenty-one days, and fifteen days after the hearing, would be required to file with the Court its factual findings and a proposed order. (See id.

Unlike the enforcement mechanism in the PFJ, the creation of a Special Master as outlined by the States would prevent disputes over Microsoft's compliance from becoming wars of attrition that would drain the system and guarantee Microsoft victory. The history of this case, and of antitrust regulation in general, suggest the need for an enforcement mechanism that can ensure the timely resolution of any disputes and minimize any demand on judicial resources. The enforcement provisions contained in the Litigating States'' Remedial Proposal accomplish these objectives.

V. THE CIRCUMSTANCES OF THIS CASE STRONGLY MILITATE IN FAVOR OF GATHERING EVIDENCE AND TESTIMONY—EITHER IN A HEARING, OR THROUGH THE USE OF THE RECORD FROM THE REMEDIAL PROCEEDING—TO DETERMINE IF THE PFJ MEETS THE PUBLIC INTEREST TEST.

We believe, for the reasons presented above, that the PFJ fails the Tunney Act's ''public interest'' test and should be rejected. At the very least, however, there is ample basis for the Court to conclude that a rigorous hearing is needed to air the objections to the PFJ and resolve the doubts that the Court hopefully has about the proposed decree. While it need not be a lengthy proceeding, the Court may also want to consider accepting evidence and taking testimony- or alternatively, making use of record evidence it will receive in the upcoming proceeding concerning the LSRP. The question of what can be learned about the PFJ's prospects for effectiveness, since its partial implementation began in July (and, in other respects, December), is especially critical, and would benefit from additional fact-finding by the Court.

A. The Complexity And Significance Of This Case—And The Inadequacy Of The CIS—All Militate In Favor Of A Hearing On The PFJ.

Of all the cases in which courts have reviewed proposed consent decrees to make a public interest determination under the Tunney Act, the case most similar to the present action is American Tel. & Tel. Co., 552 F. Supp. at 131, aff'd sub nom Maryland v. United States, 460 U.S. 1001 (1983), in which Judge Greene subjected the

government's proposed consent decree with AT&T to intense judicial review. In AT&T, the court recognized that the proposed settlement not only would dispose of ''what is the largest and most complex antitrust action brought since the enactment of the Tunney Act, but [] itself raises what may well be an unprecedented number of public interest questions of concern to a very large number of interested persons and organizations.'' American Tel. & Tel. Co., 552 F. Supp. at 145. In light of the size and the complexity of the case, as well as its ''unfortunate history'' and the interests of third parties, the court held an extensive hearing to address key issues raised by the consent decree and the comments of interested parties. Id. at 147, 152. The case for an extensive hearing on the PFJ in this proceeding is overwhelming for similar reasons.

First, this is an extremely complicated case, to say nothing of the profound consequences any settlement will ultimately have on the computer and Internet industries. The economic significance of the computer industry is unquestioned. In such an environment, expert economic analysis is critical to help the Court not only understand the incentives that will drive Microsoft's response to any proposed settlement, but also assess whether the PFJ will succeed in bringing the monopolist's unlawful behavior to an end and promoting competition in a market that has long been restricted. Given the complexity of this case, the Court should not approve the PFJ without an adequate hearing to consider the many—and often technical—objections to it that will doubtlessly be raised in the Tunney Act submissions.

Second, in terms of the impact that any proposed settlement in this case will have on the public, Judge Greene's depiction of the AT&T case is, once again, more than fitting here: ''[t]his is not an ordinary antitrust case.'' Id. at 151. Microsoft is one of our nation's largest corporations. It plays a central role in one of the country's most critical and important industries, and thus in our country's economy. Any settlement that addresses Microsoft's illegal conduct in a manner that is consistent with the Court of Appeals'' decision and prevailing antitrust law will have far-reaching consequences on numerous organizations, both public and private, as well as on Microsoft, its employees, shareholders, competitors, and most importantly, consumers. Thus, a hearing to consider the breadth and depth of these consequences is in order before the PFJ is approved.

Third, a hearing should be held to require the Justice Department to answer the many questions surrounding the PFJ—raised here, and doubtlessly elsewhere—that the Competitive Impact Statement ignores or fails to adequately address. Why was a new, ''gerrymandered'' definition of middleware used in the PFJ—instead of the definition used by both the trial and appellate courts, and in every other remedial proposal? Why was a Java-related remedy omitted, when that was such a key part of the case? Why were only some forms of retaliation, for only some procompetitive acts, prohibited? And most importantly, why does the PFJ not address all of the anticompetitive wrongs that were found at trial, and upheld on appeal—including, most especially, Microsoft's unlawful tying? These questions are not answered by the CIS, as the Tunney Act directs and the public interest demands, and as the Court would surely desire. A full review of these questions, and many others, is needed by the Court before it can approve the PFJ (if it is inclined to approve the PFJ).

Thus, in light of the specific objections from third parties revealing the PFJ's numerous deficiencies—and the oddity of the differing remedial proposals now before the Court—the Court should hear oral argument and, if necessary, take additional testimony. Giving the government an opportunity to explain the omissions in its proposed settlement, and third parties the opportunity to demonstrate the efficacy of the litigating states'' proposal, will afford the Court the necessary basis on which to make its public interest determination in this important and unprecedented case.

B. The Court Should Conduct A Proceeding—Taking Evidence And Hearing Testimony, If Necessary.—To Determine How The PFJ's Provisions Have Functioned Since Some Were Put In Place In 2001.

A second rationale for a hearing is to develop a factual record concerning the point we make in Section II, supra: namely, that the Court can assess the prospects for the likely effectiveness of the PFJ by seeing how those provisions that have been implemented are starting to work—or not-in practice.

Above, we have suggested that the empirical record developed in the PC industry since Microsoft's July 11, 2001 announcement of ''greater OEM flexibility for Windows,'' and since Microsoft began to implement many of the PFJ's remedial provisions on December 16, 2001, should be examined carefully by this Court as it determines whether the PFJ is in the ''public interest.'' We also express the view that these provisions have, in fact, been ineffectual in promoting competition and are showing no signs that they will yield change in the competitive position of non-Microsoft middleware—and as a result, cannot be said to be in the public interest.

At the same time—while we doubt it, seriously—we recognize it is theoretically possible that there may be reasons why these provisions have not yet shown signs of effectiveness, but would be effective over time. At least, that is what Microsoft and the Justice Department are likely to assert. If the Court is inclined to give these assertions any credence, that is all the more reason for the Court to conduct a proceeding—taking evidence and hearing testimony, if necessary—to make a determination on such claims based on empirical evidence, rather than relying upon hypothetical contentions or abstract theories. Such a proceeding is authorized by the Tunney Act, see 15 U.S.C. §16(f), and would be appropriate in this instance.

Evidence and testimony from the OEMs can make clear whether they are taking advantage of the ''new flexibility'' ostensibly being provided under the PFJ—and if not, why not. Given the OEMs'' likely fears of retaliation from testifying in such a proceeding—as reflected by their apparent (and understandable) reluctance to testify in the remedial proceeding—the Court may want to consider appointing a Special Master to take evidence from the OEMs confidentially. Likewise, evidence and testimony from non-Microsoft middleware companies can indicate how the provisions of the PFJ, after they have been in place for several months, are—or are not—enabling them to compete with Microsoft. The same can be said for OS rivals to Microsoft.

The point is that while we firmly believe that the publicly available information and reports all indicate that the PFJ's provisions, as implemented since December 16th (and the browser-related PFJ provisions, as implemented since July 11th), have done little or nothing to promote competition, the Court may wish to base such a conclusion upon a judicially developed record that would allow both proponents and opponents to offer explanations and evidence in support of their views. Such a proceeding could be of a more informal nature, i.e., the Court could solicit comments from the relevant parties and industry experts; or it could be conducted by a Special Master, as we suggest above; or it could be a more formal, trial-type undertaking. All of these approaches are authorized under the Tunney Act, which grants wide discretion to the court to adopt whatever form of proceeding it considers most effective. See 15 U.S.C. §16, passim. But on one point, the Act, or at least its legislative history, is rather firm: ''[T]he court must obtain the necessary information to make [a] determination that the proposed consent decree is in the public interest.'' 1974 U.S.C.C.A.N. 6535, 6538–39 (H.R. Rep. 93–1463, quoting S. Rep. 93–298, at 6–7 (1973)) (emphasis added). Some sort of proceeding to examine these questions is justified in these circumstances, and could be helpful to the Court in its consideration of the practical effects of the PFJ.

C. In Making Its ''Public Interest'' Determination, This Court Should Take Into Account The Evidence That Will Be Adduced In The Upcoming Remedial Proceeding.

Finally, the Court should take advantage of the Tunney Act's broad procedural flexibility to use the record evidence that will be amassed in the upcoming remedial proceeding as it make its ''public interest'' determination in this review. The Court's Tunney Act review of the PFJ in this proceeding can be substantially assisted by the record developed in the forthcoming proceeding on the LSRP. As we have argued, the Court's objectives in both proceedings are the same—namely, to terminate Microsoft's illegal conduct, prevent the recurrence of such conduct, and create a market structure in which competition does not simply exist in theory, but actually yields real alternatives to Microsoft's products. Moreover, the Court's analysis in both proceedings is guided by the same legal principles. See Section I, supra.

Many of the questions the Court must answer in the course of reviewing the PFJ—e.g., What sort of anti-retaliation provisions are needed to empower OEMs and foster real

competition? Must third parties be empowered to promote competition through offering alternatives to the ''Windows bundle'' for a remedy to be effective?—will be addressed, in whole or in part, in the remedial proceeding. To the extent that these questions can only be answered by hearing testimony from some of the same individuals and the same sources in the remedial proceeding, the Court's reliance on that evidence in this proceeding would result in a more comprehensively informed review, streamline the Court's resolution of the issues, and lead to a much more efficient use of judicial resources.

The Tunney Act itself grants the Court wide discretion to undertake any procedures it ''may deem appropriate'' in making its public interest determination. 15 U.S.C. §16(f)(5). This includes using evidence from another proceeding. See American Tel. & Tel. Co., 522 F. Supp. at 136. As the court noted in AT&T, ''[i]n a Tunney Act proceeding the Court is not limited by the rules of evidence but may take into account facts and other considerations from many different sources.'' Id. at 136 n. 7 (emphasis added). In that case, the court relied on a report by the Antitrust Subcommittee of the House Committee on the Judiciary, which had conducted an investigation of the matter, to fill in gaps left in the court record. Id. at 136. If a court can weigh an evidentiary record compiled by the Congress, it surely can weigh an evidentiary record of its own creation in a related proceeding.

The Court is currently overseeing a wide range of discovery, both written and oral, in the remedial proceeding. Testimony will presumably be taken from a host of witnesses that will establish, among other things: how Microsoft deals with OEMs, including how various Microsoft practices limit OEM flexibility in configuring the desktop; how Microsoft has used the commingling of code, and other forms of binding its middleware to the OS, to reinforce the applications barrier to entry; how Microsoft has used discriminatory and anticompetitive licensing agreements to limit the distribution and use of rival products; how Microsoft's illegal conduct has worked to destroy Java; how Microsoft's .Net initiative repeats the illegal monopoly leveraging tactics it successfully used to decimate Netscape; how Microsoft's concealment of APIs degrades the performance of non-Microsoft products and services; and how Microsoft has manipulated industry standards and developed proprietary standards and formats that limit the interoperability of competing products.

This evidence, which will be presented during the Court's remedial hearing later this Spring, will form the basis on which the Court crafts its remedy in the ongoing litigation. It is our view that this evidence will affirmatively demonstrate why the LSRP, and not the PFJ, fulfills the mandate of the Court of Appeals and comports with well settled antitrust law. By the same token, it will also demonstrate why the PFJ fails to redress Microsoft's illegal behavior in a manner consistent with the public interest.

Because many of the questions the Court faces in this proceeding mirror those in the remedial proceeding, the Court should take the record evidence from the remedial proceeding into account in conducting its Tunney Act review of the PFJ. Simply put, by utilizing this evidence, the Court will adduce the information it needs to make its ''public interest'' determination in a manner that encourages greater efficiency and avoids unnecessary delay or duplication.

CONCLUSION

The Court should refuse to find that entry of the PFJ is ''in the public interest.'' The PFJ does not unfetter the market from Microsoft's dominance; it does not terminate the illegal monopoly; it does not deny to Microsoft the fruits of its statutory violations; and it does not end Microsoft's practices that are likely to result in monopolization in the future.

More specifically, the PFJ does not even attempt to address, let alone end, Microsoft's illegal binding and bundling practices that have done so much to fortify its OS monopoly and to harm desktop competition. And its limited provisions are so filled with loopholes and exceptions that they are rendered ineffective.

At the very least, the Court should refuse to approve the PFJ until after it has concluded an extensive review, including an inquiry into whether the PFJ's provisions—as implemented by Microsoft since last year—are showing signs of effectively restoring competition to the marketplace. The Court could conduct an evidentiary hearing, appoint a Special Master, and/or rely upon the record that will be adduced in the trial on the Litigating States'' Remedial Proposal to meet its evidentiary needs.

In the end, it is the proposal of the litigating states—not the PFJ—that meets the public interest standard. The Court should reject the PFJ, and impose a strong, effective and forward-looking remedy that addresses Microsoft's proven anticompetitive conduct in a manner consistent with the mandate of the Court of Appeals and the nation's antitrust laws.

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ATTACHMENT A

Microsoft's Tying Strategies To Maintain Monopoly Power In Its Operating System

(Civil Actions No. 98–1232 and 98–1233 CKK)

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I INTRODUCTION

1. We have been engaged in this case as professional economists to assess the economic incentives and effects of Microsoft's tying practices. Our specific charge is to determine whether Microsoft is tying middleware applications to its operating system (''OS'') in a manner that protects and reinforces its monopoly power in the market for operating systems. Middleware is software that runs on the OS platform, i.e., that calls on the basic operating system through application programming interfaces (''APIs'') of the OS in order to invoke functions of the OS, but which in turn contains its own published APIs that allow higher-level applications to run on the middleware itself. To execute our mandate, we have reviewed the economic incentives at play in this market, conducted interviews with various software developers, and studied the key documents in this case, including the Proposed Final Judgment and the Competitive Impact Statement of the U.S. Department of Justice, the submissions made on behalf of Microsoft, and the Comments Of AOL Time Warner On The Proposed Final Judgment.

2. Based on our analysis, we conclude that Microsoft has tied its middleware applications to its Windows operating system in ways that preserve and reinforce its monopoly power in the market for operating systems on PCs, damaging competition and harming consumers. The anti-competitive use of tying strategies to maintain a monopoly in this manner is, in our understanding, a violation of Section 2 of the Sherman Act. We conclude that market forces alone do not discipline Microsoft to limit the integration of middleware code into its OS or the bundling of middleware products with its OS to efficiency-enhancing levels. Rather, Microsoft has the ability to tie in ways that lack pro-competitive justification, and in any event has incentives to use tying strategies to integrate applications into its OS more aggressively than justified by efficiency.

3. We begin in the next section with a brief description of the tying strategies at Microsoft's disposal. We then demonstrate through economic analysis that Microsoft has substantial incentives to tie its middleware products to its monopoly OS to reinforce and entrench that monopoly. Given these incentives, Microsoft's history, and the evidence in this case, we conclude that Microsoft has engaged, and is engaging, in anti-competitive tying, and is doing so in a way that maintains its OS monopoly, to the detriment of consumers and competition.

II. MICROSOFT HAS MANY TECHNIQUES AT ITS DISPOSAL FOR TYING MIDDLEWARE TO WINDOWS.

4. Microsoft has various means of binding its middleware products to the Windows operating system. Before describing these practices and the ways in which Microsoft uses them to reinforce its OS monopoly, we explain the general concept of middleware and why Microsoft's licensing of middleware with its OS in the Windows package constitutes tying.

5. Middleware is exemplified by products such as Internet browsers, including Microsoft's Internet Explorer (''IE'') and Netscape's Navigator, media players, instant messaging, and middleware applications platforms such as Java. By a strategy of tying middleware to the OS, we mean any constraint that Microsoft's operating system be bought with (or bound to) Microsoft middleware products, or any contractual or financial inducement to this end. Microsoft has argued that various middleware applications, especially IE and Windows Media Player (''WMP''), are essential components of an integrated operating system rather than distinct products, and that tying or bundling these products with the core operating system therefore does not constitute tying. Microsoft's argument is incorrect.

6. Middleware products, such as browsers and media players, are sold in separate markets. Users can obtain Navigator or RealPlayer without purchasing an operating system in the same transaction. Users can also obtain IE or MSN Messenger without obtaining Windows. Until Microsoft bundled WMP into Windows, users could obtain these two products in separate transactions. Moreover, these products are clearly sold by different suppliers. The Court cannot give serious weight to Microsoft's argument that once WMP, for example, is integrated into Windows, the media player ceases to be a separate product: If this argument were accepted, then the mere fact that Microsoft integrates application code into the operating system would itself be a defense for its actions. In other words, tying, as a means of reinforcing a monopoly position, would constitute its own defense. The law, we suggest, cannot intend this.

7. Tying involves contractual arrangements whereby Microsoft puts pressure on original equipment manufacturers (''OEMs'') or end-users to acquire Microsoft applications as a condition of acquiring Windows. It includes requirements that OEMs install Microsoft applications, rather than applications developed by Microsoft's rivals, and prohibitions on removing or uninstalling those applications. It also includes financial inducements to adopt Microsoft applications when Windows is purchased and installed. Each of these requirements is enforced through Microsoft's coercive power to harm non-adhering OEMs.

8. Tying also involves designing the OS so that Microsoft's applications are integrated into the OS code, leaving rival applications unnecessary or even dysfunctional. This type of tying includes: (a) basic integration of code; (b) efforts by Microsoft to hinder disintegration; and (c) efforts to hamper the interoperability of rival applications. Basic integration involves providing, as part of the OS, services previously offered as standalone applications. This could be done in a purely modular fashion without the commingling of application code into the kernel of the operating system. If done in this manner, the products can be easily removed and replaced with competing products in a ''plug and play'' fashion. Technological efforts that hinder disintegration, however, have stronger anti-competitive overtones. These include: commingling code in a manner that hampers, and perhaps even bars, the replacement of the products or default options; designing the OS so that Microsoft's applications are chosen as default applications; making it difficult for OEMs or users to replace the icons or launch sequences; and creating utilities to ''sweep'' the Windows desktop and replace non-Microsoft icons.

9. Note that some of these forms of tying, such as hampering rivals'' performance, entirely lack pro-efficiency rationales, while all of them can be used in inefficient, anticompetitive manners. The remainder of this paper demonstrates that Microsoft has strong incentives to engage in such anti-competitive, inefficient bundling, and that it is doing so in a manner detrimental to competition with the goal of maintaining its extant monopoly in operating systems.

III. ECONOMIC ANALYSIS SHOWS THAT MICROSOFT HAS SUBSTANTIAL INCENTIVES TO USE TYING TO SUSTAIN ITS OPERATING SYSTEM MONOPOLY, HARMING CONSUMERS AND COMPETITION.

10. Microsoft has maintained that its tying is efficient and that it should be allowed to determine the level of integration of applications into its operating system. Microsoft argues that it should be free to tic its products together in any fashion it sees fit, as this type of product integration is efficient and promotes innovation with eventual consumer benefits. These arguments generally claim to defend Microsoft's intellectual property, and are expressed in terms of the general advantages of product integration, rather than defining specific benefits to users from Microsoft's practice of tying particular middleware products, such as IE or WMP, into the Windows package.

11. Microsoft's claim amounts to the belief that market forces alone achieve the optimal degree of product integration and separation without any further regulatory or legal constraints. As a matter of economic theory, this argument fails to take note of Microsoft's position as a dominant producer in a market with substantial barriers to entry. For this general market-forces argument to be valid, Microsoft would need to demonstrate that competitive vigor in the market will discipline Microsoft to engage only in tying that enhances efficiency. But such complete reliance on market forces to achieve efficiency, in turn, requires open entry, while the evidence in this case has shown that there are significant barriers to entry in the OS market. This leaves Microsoft in a position to exploit any strategic and anti-competitive motives to integrate. As a matter of market reality, as we shall explain, the evidence demonstrates that Microsoft has engaged in tying to an excessive degree, with the sole purpose of achieving anti-competitive aims in general and OS monopoly-preserving aims in particular.

12. With respect to the practices of tying middleware, Microsoft's interests are not aligned with those of competition and consumers: Microsoft can benefit without improving its product by using tying strategies to reinforce and strengthen its existing OS dominance.

A. As a general matter, absent legal constraints, Microsoft possesses substantial economic incentives to integrate its products in a manner that reinforces its OS monopoly.

13. Below, we set forth four theories that explain why Microsoft's practice of integrating its applications with the Windows OS helps to maintain its OS monopoly, in a way that is detrimental to consumers and competition. First, tying helps to sustain the applications barrier to entry, and thus serves to enhance Microsoft's OS dominance. Second, tying deters direct challenges to Windows'' position as the dominant platform and thereby maintains or enhances Microsoft's OS dominance. Third, tying involves dynamic leveraging that permits Microsoft to achieve a monopoly in complementary applications as insurance against any possible erosion of the OS monopoly. Put another way, a monopolist, such as Microsoft which produces a pair of perfectly complementary products, aims to protect its full monopoly power by ensuring its future monopoly in at least one of the complementary products. Fourth, tying permits Microsoft to mitigate the competitive constraints on its operating system monopoly provided by previous releases of the OS. These four theories are not mutually exclusive; each of them contributes to a full understanding of Microsoft's anti-competitive conduct. And, to make matters worse, each of these anti-competitive results is mutually reinforcing because of the network effects operating between the applications sector and the operating system market.

(1) Microsoft ties its applications to its operating system as a way of sustaining the applications barrier to entry.

14. Microsoft has a general incentive to engage in anti-competitive tying to protect its dominance in operating systems against the possibility of competitive developments in applications markets. The first means by which it accomplishes this is through enhancing the applications barrier to entry. The dominance of the Windows standard in a wide range of applications, or in a few particularly important applications, makes entry into the operating system market more difficult because an entrant has to offer both a new operating system and a full set of applications, or somehow rely on the chance that applications will quickly develop once the new operating system becomes available. In this way, an entrant faces a ''chicken-and-egg'' problem because of the indirect network effects in the operating system: the entrant could not succeed without a set of applications available to purchasers of its operating system; yet, few software developers would invest in the development of new applications based on an operating system without a large market share. This is referred to as the applications barrier to entry. The dominance of Windows as a standard for applications leads to the applications barrier to entry and growth in the operating system market.

15. Microsoft is able to sustain this barrier by exploiting a collective action problem among buyers. When Microsoft ties by supplying the OS with an application such as IE or WMP, users must incur a series of costs to replace the application. These costs include purchasing or downloading the substitute browser or media player, installing the application, and incurring any uncertainty associated with the possible compromise in the functional integrity of the system. In an application market, buyers would collectively be. better off if each incurred the costs of purchasing from competing suppliers, because doing so would ensure greater competition in the future application market. However, Microsoft's tying practices preclude this result.

16. Buyers'' purchase decisions with respect to either the operating system or applications collectively affect the future market structure because Microsoft will achieve dominance if most buyers choose Microsoft products. Once Microsoft achieves dominance, network externalities sustain this dominance so that the market structure becomes a monopoly as a result of buyers'' previous purchase decisions. The impact of each buyer's purchase decision on the future market structure, however, is negligible. Moreover, buyers do not take into account the impact of their purchase decisions on other buyers. As a result, even a small disadvantage to purchasing a competing product in the operating system or applications markets is enough to make the individual buyer prefer Microsoft's product. The result is that buyers'' decisions make them collectively worse off. The future dominance of Microsoft and the higher prices faced by buyers are a result of their collective decision to purchase Microsoft's applications. Microsoft exploits this collective action problem and pursues dominance in the applications markets through its tying practices.

(2) Microsoft ties applications to its operating system as a way of deterring direct challenges to Windows ''position as the dominant platform for software developers.

17. Microsoft's incentives for anti-competitive tying are particularly strong in the case of applications that might allow for the development of direct substitutes to the monopolized operating system. A clear incentive for Microsoft to tie its IE browser with Windows has been the threat that Netscape, either individually or combined with Java software, could eliminate Microsoft's network advantages in the operating system, by providing middleware (which serves potentially as universal translation support between any application and any operating system) that would provide a competing platform for software developers. This was a particular threat to Microsoft's dominance in operating systems because it potentially represented a platform/programming environment in which software applications could be developed without regard to the underlying operating system. Middleware provides a layer of software between applications and the operating system and can accommodate a new operating system with a change in a single set of code. Without middleware, the success of a new operating system would depend on the development of new code by every application developer. This incentive also explains Microsoft's initiatives to develop a Microsoft version of Java in an attempt to undermine the universal-translator aspect of Java.

18. Some economists have argued that the backwards compatibility of Microsoft's version of Java, i.e., the ability of all general Java applications to run on Microsoft's version, rules out the hypothesis that Microsoft designed its version of Java for the purpose of stifling the potential threat to its dominance in operating systems. This argument is wrong in its static assumption about compatibility. Given the history of the industry, the fact that Microsoft's initial version of Java was universally compatible with Java applications does not lead one to believe that if Microsoft dominated not just browsers but also Java in the future, it would continue to assure both compatibility of applications and free distribution of the pair of middleware products. Were Microsoft to establish dominance in the potential browser-Java bypass of its operating system dominance, why would it allow the bypass to be freely and effectively available? The concerns expressed by Microsoft's executives about the risks of ''commoditization'' of the operating system are well known.

19. Middleware generally has the potential to act to varying degrees as a universal translator between an operating system and specific applications, because (as the name suggests) middleware intermediates between the operating system and applications: it invokes calls through an operating system's APIs and in turn issues its own APIs to applications. To accommodate a new operating system, instead of each application requiring re-coding for compatibility, only the ''bottom half'' of the middleware application must be reprogrammed. If twenty applications run on top of a particular middleware program, for example, compatibility with a new operating system could be achieved by reprogramming the middleware program instead of reprogramming each application. Middleware thus mitigates the indirect network effects of the operating system—and could potentially diminish the dominance of any operating system that these network effects support.

(3) Microsoft has incentives to tie to achieve a monopoly, in complementary applications as insurance against possible future erosion of its OS dominance.

20. A common response to the argument that monopolies can profit through leveraging into a second market is that monopoly profits can be collected only once: a tie into a complementary market with an increase in the price of the tied good by a dollar will reduce the demand price of the first good by a dollar. According to this response, there is no incentive to leverage. In the simplest, static world in which there are no industry dynamics, no uncertainty, and no variation in consumer demand, this ''one-monopoly theory'' is correct. This theory, however, fails when there is uncertainty about the preservation of monopoly. If the initial monopoly is at some risk, then an incentive for leverage arises as insurance against the loss of monopoly profits. In the event that the first monopoly fails and the second succeeds, the monopolist will have preserved a monopoly in at least one of the

markets. Consistent with the common response, having a monopoly in only one of the pair of markets is sufficient to collect the full monopoly profits. If either market's monopoly is uncertain, the monopolist has an incentive to create monopolies in both markets, and thus increase the likelihood of being able to obtain monopoly profits in at least one market.

21. If Microsoft fears for the longevity of its operating system monopoly, or believes that operating systems are in a mature market with limited prospects for growth, it will have strong incentives to make minor sacrifices to Windows functionality in order to obtain dominance in high-growth markets. This is particularly true if the sacrifices (such as damaging relationships with OEMs and consumers by forcing them to accept an inferior browser or media player) have negligible effects on demand for Windows.

22. The greater the threat to its OS dominance in the future, the more incentive Microsoft has to establish a dominant supplier position in an application market, such as the browser or media player market. To take a hypothetical future contingency, if the development of middleware means that the future OS market turns out to be more competitive than the current market, then Microsoft's actions to achieve dominance in the application market will leave it with dominance in one product of a pair of complementary products, rather than dominance in neither. Microsoft's incentive to establish dominance in key applications is thus strengthened by the fact that Microsoft's monopoly in the operating system market is not guaranteed to always be airtight

23. The gains from leveraging are especially strong where network effects are present in applications markets or these markets otherwise promise large potential growth in revenues for any firm that establishes early dominance. Network effects have three implications that make Microsoft's tying practices particularly effective in reinforcing its OS dominance. First, in the early stages of the market's development, purchasers will be on alert for signals of which standard will eventually become dominant, in order to reduce their exposure to later costs of converting to the dominant standard. Tying a new application with the dominant Windows operating system will send strong signals to purchasers that will help to ''tip'' the market toward Microsoft's favored products, particularly given Microsoft's history. Second, a feedback loop will cause both the tying and Microsoft's dominance to steadily accelerate. As Microsoft begins to gain a substantial share in an application market, it will be able to engage in more overt forms of tying, as customers grow to accept even inconvenient results from Microsoft's anticompetitive behaviors (such as poor interoperability with rivals) because of the reinforcing network effects.

This, in turn, will accelerate the tipping toward Microsoft dominance. Third, once Microsoft's dominance is established, proprietary standards and continued tying will lock in this dominance, not just on current production but on future applications in the same functional space. While all of these effects promote Microsoft's dominance in applications, it is the feedback effect of this control over applications to reinforce the OS dominance that is relevant for the matter at hand.

24. It may appear that any preservation-of-monopoly theory must be applied narrowly to Microsoft's monopoly power in operating systems. If this were the case, then the insurance theory of tying just described would not apply, since this theory explains why tying to establish dominance in a new market can be profitable because of the profits that can be captured in that new market, instead of why it is profitable to protect the monopoly in the operating systems market.

25. The standard ''one-monopoly'' theory, however, tells us that when there are two perfectly complementary products A and B, a monopoly over either, or a monopoly on both, allows the identical profits and results in the identical effects. (This theory holds in a static framework that sets aside the other three theories that we discuss.) With respect to an OS with a set of applications that are virtually universally adopted by all PC users, a monopoly over the OS alone is identical in its effect and in its incentives to a monopoly over the set of applications alone or a monopoly over both the OS and the set of applications. That is, there is only one monopoly: the economic role of tying under the monopoly-insurance theory is not creating a new monopoly, but rather preserving the monopoly (the monopoly being at least one monopoly position in the OS-applications pair). The monopoly-insurance theory thus explains the anti-competitive use of tying to preserve a monopoly in violation of Section 2 of the Sherman Act.

26. The monopoly-insurance theory of tying has the effect of reinforcing Microsoft's monopoly position even if the preservation-of-monopoly requirement of Section 2 of the Sherman Act is construed narrowly to apply only to Microsoft's existing monopoly on operating systems for PCs.

The reason (discussed below) is that all of Microsoft's incentives for tying applications to Windows are mutually reinforcing. Even if Microsoft's incentive for tying were primarily to insure a monopoly in the event that the Windows OS monopoly failed in the future (the insurance theory), one effect of the tying is to reduce the chance that the Windows OS monopoly actually does fail, because of the strengthening of the applications barrier to entry. The impact is preservation, though imperfect, of Microsoft's monopoly in the operating system market.

(4) Microsoft's operating system also has durable-goods qualities that create further anti-competitive incentives for tying.

27. Part of Microsoft's argument that it should be free to ''innovate'' rests on the notion that an important source of ''competition'' in selling new versions of Windows is the existing stock of old versions of Windows. While it is true that the durable-goods aspect of the OS market (i.e., the ability of consumers to retain their existing versions of the OS instead of buying a new version) disciplines Microsoft, it only does so in the sense that Microsoft earns fewer profits than it would in a hypothetical world in which it were to lease its OS. The claim that the OS market is, in fact, more competitive than this hypothetical market does not weaken the claim that Microsoft's position in the OS market is dominant and that its activities are illegal.

28. Moreover, this ''durable good monopolist'' feature of the market contains an incentive for Microsoft to engage in illegal bundling. The strategy of leasing as a means of escaping the durable monopolist's dilemma is well established and has been thoroughly analyzed by economists. Rather than selling the product into the market in each period, if the monopolist seller of a durable good can lease the product on a period-by-period basis, it can retain complete control over the supply of the good into the market in each period. This allows the monopolist to set monopoly prices in each period instead of being constrained by the consumers'' option to continue using the already-purchased stock (or version) of the product. The monopolist who leases for a period can lease both previous and current production together to achieve monopoly profits; doing so eliminates the competitive discipline that would otherwise occur as past sales re-enter current and future markets. If Microsoft could move to a business plan of leasing rather than selling software, it would completely eliminate competition from old versions of the software: as Microsoft leases new versions of software, it could retire leases on old versions.

This would serve to protect the monopoly power that Microsoft enjoys from its OS. Tying can allow Microsoft to implement this leasing strategy so as to avoid the durable good discipline. Specifically, tying the use of the OS to some complementary transaction that can be leased, or priced on a per-use basis—rather than sold—provides Microsoft with the opportunity to collect a revenue stream that is immune to the competitive discipline imposed by previous versions of the OS.

29. The escape from the durable monopolist's dilemma via leasing thus creates another incentive for tying. Tying allows Microsoft to move closer to the leasing outcome by facilitating the collection of transaction fees based on current usage. The set of middleware products that potentially puts Microsoft in the position of collecting a fee on Internet transactions serves this role. These products are IE, WMP, Microsoft's Digital Rights Management (''DRM'') software, as well as the .Net My Services initiative. The Digital Rights Management software, with WMP, will initially support a market for music and video products. The combination of these middleware applications, enabling the Microsoft e-commerce network, will then support the transition to Internet sales transactions of a broad variety of products. As Microsoft begins to shift its revenue structure from Windows sales to Internet transaction fees, it will seek to control the key Internet access choke points such as browsers, media players, and digital rights management. Tying facilitates this control. Moreover, Microsoft can directly charge usage fees for its media player software that it cannot

charge for the OS. While the durable-goods monopoly theory of Microsoft's tying incentives can be seen most directly as a theory of the incentive to dominate applications that facilitate a leasing business plan, one important impact of dominating these applications is to preserve Microsoft's dominance in the market for operating systems. The impact, in other words, is a preservation of Microsoft's OS monopoly.

30. As an empirical matter, versions of Windows are converging in their substitutability. This convergence of versions strengthens the durable-good monopolist incentive to tie in two ways. First, it increases Microsoft's incentive to escape the durable-good monopolist discipline on prices, since the easier it is to substitute the current version of Windows with existing versions, the stronger this discipline is. Second, there are, in principle, two ways of leasing to escape the durable-good monopoly discipline. Microsoft could rent the OS or tie it to an application and collect the corresponding stream of revenues each time the application is used. The converging substitutability of Windows'' versions renders the former more difficult, increasing the incentive to escape the durable-good discipline by tying applications. Thus, the increasing substitutability among sequential versions of Windows, even if later versions are superior, reinforces Microsoft's incentives to extend its monopoly to dimensions, such as Internet sales, in which it can charge a vig or rent the application.

(5) Microsoft's anti-competitive tying incentives are mutually reinforcing and are manifest in strategies that lack any competitive justification.

31. The incentives for anti-competitive tying that we discuss are mutually reinforcing because of the network effects operating between the applications sector and the operating system market. Achieving dominance in applications (through tying) strengthens the dominance of the OS, because buyers in the OS market are more assured of available applications; the greater dominance in the OS market in turn feeds back into greater dominance in applications, since the tying strategies take the form of imposing an artificial advantage relative to applications of the dominant OS supplier. The greater Microsoft's share across all applications markets, the greater the applications barrier to entry. Greater shares in applications markets create a feedback effect of even greater dominance in the OS market. The source of this feedback effect is an ''indirect network effect'': the greater the penetration of any operating system, the more applications will be written to it, and consequently, the more valuable the operating system will be to any user. Since the OS monopoly is not perfect, Microsoft will therefore take advantage of anti-competitive opportunities to generally strengthen the applications barrier to entry. As a general principle, therefore, any extension of Microsoft's monopoly to a set of important applications reinforces its monopoly in operating systems.

32. Microsoft has a clear incentive to engage in tying in the form of hampering rival applications and coding its own applications to be defaults to the detriment of consumer choice. This type of tying has a negligible negative effect on the demand for Windows, and by tipping high-growth markets, could provide Microsoft with long-term profits.

33. Given that the Windows source code is both complex and proprietary, Microsoft can engage in this type of tying surreptitiously. For example, Microsoft can alter the algorithms that set ''favorites'' in folders and task bars so that Microsoft-preferred applications and web sites are used more frequently. In addition, Microsoft can cause subtle performance problems for rival applications in Windows environments. This type of tying, however, is consistent only with anti-competitive behavior-no efficiency benefits result from harming rivals or setting Microsoft options as defaults.

B. Microsoft's anti-competitive incentives are particularly powerful in the markets for browsers and streaming media, as well as the adjacent markets for content-encoding, digital rights management, e-commerce, and convergence.

34. In markets with network effects and perceived similarity in product functions, directional changes in market shares can ''tip'' the market toward a dominant outcome because consumer expectations as to which format will dominate are self-realizing. In other words, the expectation on the part of consumers that a particular format will dominate leads each consumer to choose that format because of the rational concern that other formats will not be supported—accelerating the dominance and confirming the expectations of consumers. Consider the browser and the media player as examples.

35. In the browser market, Microsoft has achieved the dominance that it sought, and its monopoly power in the OS continues. These are related: browser dominance reinforces OS monopoly power. The connection is that browser dominance increases the applications barrier to entry and simultaneously removes the direct middleware threat posed by Netscape.

Both of these effects in turn serve to increase the demand for the Windows OS through network effects as buyers anticipate continued dominance of Microsoft formats in both the operating system and applications markets; the two effects thus reinforce the dominance of Windows OS.

36. Now that Microsoft has effectively achieved dominance in browsers, and through this reinforced its dominance in operating systems, the stage is set for applying the same tactics to markets for other applications. The media player market represents an important current market in which Microsoft's anti-competitive strategies are at play. In the media player market, Microsoft's first incentive for tying is to protect its dominance in the market for operating systems by deterring the development of new middleware platforms. Streaming media players will be essential for Internet browsing in the future because of their ability to enhance Internet content rendering under bandwidth constraints. If Microsoft achieves dominance in the media player market (and as noted above, the ''tipping point'' argument suggests that a trend to dominance can quickly translate into a highly dominant market share), any entrant into the operating system market would also have to provide a media player compatible with the WMP format.

37. For this reason, the applications barrier to entry incentive is especially powerful for streaming media players. Rival operating systems will be unable to provide a functional (i.e., Windows Media Audio-compatible) media player since the Windows Media Audio format is proprietary and Microsoft refuses to universally license it. Because compatibility with streaming media is vital to future operating systems, Microsoft's dominance over operating systems will be ensured. The observation that Microsoft licenses the software for playing downloaded media, but not the software for streaming media, suggests that Microsoft is strategically aware of the profit-enhancing power of retaining exclusive property rights on media streaming software.

38. To elaborate: with respect to other applications, an entrant into the OS market could—at least in theory—provide an OS plus a set of applications. However, even this potential entry strategy is not available in the case of the media player application, because the use of a media player by a user depends not just on products that could be provided by the new entrant, but on the proprietary formats chosen by Internet sites using media player software. In this sense, the provider selection of Microsoft's proprietary format creates a content-encoding barrier to entry for streaming media players. Again, this reinforces Microsoft's monopoly power over the OS market.

39. An additional anti-competitive incentive for dominating an application market is to secure a monopoly position in at least one product in the application/OS pair in order to achieve monopoly profits even in the event that the OS dominance is not sustained. This is discussed above in Section III.A.3. The possibility that the OS dominance is not sustained means that the joint monopolist could not necessarily collect the maximum profits through the OS price alone.

Dominance of the application market would secure, or at least increase the likelihood of, monopoly profits.

40. This incentive is particularly relevant to streaming media markets. For example, the OS dominance could be at risk as consumers move to handheld devices for computing and accessing the Internet that do not require Windows OS. Presumably, however, these customers will still wish to play music and see videos on such devices. To the extent that WMP and its accompanying format achieve dominance for streaming media, Microsoft will maintain monopoly power in the pair of products consisting of the OS plus the media player. (Recall that the essential measure of monopoly in the markets for a pair of complementary products is dominance in at least one of the products.) Thus, streaming media players and formats hold the potential for Microsoft to maintain its original monopoly.

41. Additionally, significant gain accrues to Microsoft if its DRM technology dominates the related market for audio and video files.

Using encryption technology, DRM technology permits only users with licenses to play the packaged file. The license has a key to unlock the encryption.

Should a user without a license attempt to play the file, the application initializes with an application that permits the user to acquire the license. Applications with DRM technology and Windows Media Device Manager enable the use of WMP on devices other than conventional desktop computers. Since market participants will tend to limit their investments to the likely dominant standard, Microsoft can easily become the sole provider of DRM solutions. Moreover, this will be a critical market for Microsoft, since users will require licenses for downloading, and content providers require certificates for encryption. The alternatives of mutual interoperability or even open standards are equally plausible conceptually, but not in Microsoft's interests.

Microsoft thus has incentives to use tying to ensure that its DRM solution remains proprietary and becomes dominant. Microsoft can ensure this outcome by making its media player format the format of choice for both users and content providers, and tying WMP to Windows ensures this choice. Once again, this creates a content-encoding barrier to entry that permits Microsoft to maintain its monopoly power in the pair: OS plus WMP as an application.

42. Because of the durable-goods nature of Microsoft's OS monopoly, as described in Section III.A.4 above, Microsoft has additional incentives to tie streaming media technologies to the OS. Indeed, the greatest value for locking in the dominant streaming media and DRM formats may be the vig that Microsoft hopes to collect from Internet transactions.

43. Dominating the media player format so as to collect a vig on transactions would position Microsoft to collect transactions revenue that may well exceed revenues available from Windows software licenses alone—even if Microsoft's dominance of the OS market is secure. As we discussed in Section III.A.4, monopolists of durable goods recognize that past sales constitute future competition (here, older versions of Windows compete with current and future versions of Windows). The monopolists face a competitive constraint against increasing prices even in the absence of any significant rivals. Such monopolies naturally seek ways to circumvent the constraint. In the case of Windows, the constraint is potentially circumvented by the collection of the vig on transactions.

44. What is the link between dominance in operating systems, streaming media, digital rights management, e-commerce, and convergence? Microsoft will attempt to use its dominance in any of these markets to increase the use of Microsoft-favored products in all of these markets. In contrast to the potential situation where different players are strong in each market, Microsoft will leverage its dominance in any market to strengthen its position in all of them. Microsoft's incentive to do this lies in the many revenue streams that it currently forgoes. For example, Microsoft does not currently charge web sites for the use of Windows media formats. If Microsoft establishes dominance in the media player market, as it translates to dominance in e-commerce hosting, Microsoft will no longer have any constraint on fully exploiting this revenue stream. Once again, this links back to the original dominance in Microsoft's OS. All of these applications are mutually reinforcing and serve to preserve the monopoly power that accrues from packaging Microsoft's OS with complementary applications.

C. The theorized benefits of product integration that may exist in some cases do not apply to the markets at issue in this case.

45. As a theoretical matter, of course, in many transactions, purchasers would prefer to buy bundles of products and services. Purchasers of glass prefer to have borates included, drivers prefer to have steering wheels with their cars, and purchasers of shoes typically prefer to have laces included. The relevant question here is whether computer applications are similar to those examples—i.e., whether browsers and other middleware such as streaming media players are ''mere inputs'' into the overall ''Windows experience.''

(1) The economics of software markets cast doubt on Microsoft's efficiency arguments for integration of its own browser and media player with the OS.

46. As discussed above, many forms of tying have no efficiency justification. Contractual provisions limiting the acceptance of rival technologies, or efforts to redesign code to harm rivals'' performance, create economic loss. As further discussed above, Microsoft has these forms of tying at its disposal, incentives to use them, and a historical record of using them.

47. Microsoft's claims regarding the efficiencies of its contractual tying- i.e., that it reduces consumer time costs and confusion to have a set of default options provided with a personal computer ''out of the box''—confuse the benefit to consumers of having a browser and its media player bundled along with the OS, with the benefit of having Microsoft's choice of applications bundled with the OS. The efficiencies that come with providing an integrated package of an OS and various applications are not specific to Microsoft's applications. In a market where OEMs were free to offer whichever packages of software consumers desired (e.g., Microsoft Windows with RealPlayer and IE, or Microsoft Windows with WMP and Netscape), the market would provide those varieties of packages preferred by consumers. The market would respond fully to the efficiencies associated with the purchase of a full package of hardware, OS, and software applications, and in addition, the market would be free to offer the variety that consumers demanded.

48. Our analysis supports the hypothesis that Microsoft's tying of IE and WMP and its efforts to gain DRM dominance are not driven by efficiency concerns. Although selection of some defaults is necessary on each PC, there appear to be no engineering efficiencies to the integration of the choice of default into the OS. To the contrary, choice and market competition (and consequently, efficiency) suffer when knowledgeable OEMs (who act as informed agents of consumers) face artificial barriers to playing that role, such as when Microsoft commingles code or makes Microsoft applications difficult to permanently remove as default settings. By designing system software to hamper the installation or operation of rival software suppliers, Microsoft reinforces the applications barrier to entry; the impact is a strategic reduction in competition and a reinforcement of Microsoft's OS monopoly.

49. Additionally, the usual arguments made to justify integration in other markets are largely inapplicable to software application markets. It is often argued that integration occurs (i) to reduce transaction, distribution or production costs, or (ii) to increase the value of the final product.

50. The argument that transaction and assembly costs justify integration does not apply to major software applications. For example, consumers want to purchase some integrated packages of complementary products such as functioning automobiles because separate purchases of steering wheels, engines, dashboards, seats, etc. would impose enormous transaction and assembly costs.

By contrast, software markets allow assembly at low cost even without integration, provided that monopolists are legally prohibited from impairing interoperability. With OEMs acting as purchasing and assembly agents for end-users, it is no more efficient for Microsoft to create OS-and-application bundles than for multiple OEMs (or third-parties who can then license such bundles to OEMs) to create those OS-and-application bundles desired by end-users.

51. Forced integration of particular software brands does not increase value. Instead, it causes an efficiency cost to the extent that end-users value the product variety entailed in the variety of inputs. The value of variety is lost with integration. Steering wheels in cars are typically undifferentiated commodities that comprise a trivial portion of the value of the final product.

Thus, even though a consumer could replace the steering wheel with limited effort, there is little reason to do so because a different steering wheel is unlikely to improve the performance of the overall product. By contrast, technological development in software applications markets means that different applications can differ substantially in what they deliver to consumers. Loss of product variety as a result of integration can be costly.

(2) Contrary to Microsoft's claims, issues of pricing and innovation provide further evidence that Microsoft's tying harms the marketplace and consumers.

52. Microsoft has argued that the extension of monopoly power across a set of complementary products may produce consumer benefits if the monopolist charges lower prices than would be charged if independent monopolists were to separately produce two or more complementary products. In the latter case, each independent monopolist would raise prices higher than the level that would maximize the combined profits of all the monopolists. Thus,

according to this theory, consumers benefit from Microsoft's monopoly leveraging through lower prices.

53. This theory imagines a static world in which innovation and entry are non-existent, and firms simply set prices to maximize profits, given unchanging demand and unchanging technology. The practical implications of the theory for the real world of rapidly changing technology and potential dynamic competition (as opposed to monopoly positions that are airtight) are minimal.

In an economic theory that incorporates industry dynamics, strategies taken by a dominant firm to eliminate a firm in a complementary market remove a potential rival or entrant in the primary market. In the reality of software markets, this anti-competitive effect clearly overwhelms any theoretical, static price effect: innovation and dynamic competition thus are, and should be, the focus of the Microsoft case. The driver of consumer benefit in these markets is innovation: over the past ten years, while prices of applications have fluctuated only moderately, the performance of applications has grown dramatically. New applications, such as browsers and media players, have become important sources of consumer benefit, while improvements in existing applications such as financial software have yielded strong consumer benefits. In any analysis on the impact of tying, the most important question is the impact on innovation, not price. Tying harms innovation by preserving Microsoft's monopoly position, protecting it against dynamic competition to the detriment of consumers.

54. Microsoft argues that a single monopolist over two products has greater incentives to innovate than two separate monopolists. If two complementary products are monopolized separately, the argument goes, each monopolist ignores the positive benefits that accrue to the other firm from an increase in its own pace of innovation. In the matter at hand, this theoretical efficiency would argue that if Microsoft had a monopoly in operating systems, while Novell had a monopoly in browsers, Novell would not innovate as much as possible because it would not take into consideration the positive effects of browser innovation on operating system demand.

This reasoning also suggests that innovation in the industry would be enhanced if Microsoft's OS dominance were to be extended further into still more applications markets. The key point missed in this theory is that any extension of Microsoft's OS monopoly power would dampen innovation into substitutes for Microsoft's OS. Enhancing the applications barriers only reduces the incentive for any firm to engage in OS or applications innovation. If an application could be open to competition—i.e., if it could be characterized by some rivalry or competition, as an alternative to Microsoft's integration—then unrestrained competition would strengthen rather than weaken innovation. While Microsoft's dominance in the browser market today may be a fait accompli, untying the OS and media player will lead to such greater competition in media player innovation.

55. Significantly for this case, untying would also increase competition in the operating system market. As discussed earlier in Section III.A, tying protects Microsoft's operating system dominance by maintaining the applications barrier to entry and weakening or deterring direct platform challenges. If there are separate monopolists in adjacent markets, each will have the incentive to enter or sponsor entry into the other's market, leading to competitive pressure in both markets.

A. Microsoft's options, incentives, and history, create a strong presumption that Microsoft's Wing harms OS competition and consumers.

56. The District Court's Findings of Fact confirm that it is Microsoft's ''corporate practice to pressure other firms to halt software development that either shows the potential to weaken Microsoft's applications barrier to entry or competes directly with Microsoft's most cherished software products.'' As a historical matter, Microsoft has clearly engaged in anti-competitive, inefficient tying with other applications. For example, Microsoft has forbidden OEMs from changing system defaults so as to make non-Microsoft products the ''default application'' in ''out of the box'' packages. While Microsoft allows the ''installation icons'' of competing applications to be installed on desktops ''out of the box,'' installation icons disappear if they are not invoked. In an even more subtle form of contractual tying, Microsoft requires applications that run with Windows to obtain a certification from Microsoft. This permits Microsoft to monitor and perhaps discipline its applications rivals. While some of these practices differ in form from strict tying (a certification requirement for software is not the same as a contractual requirement that OEMs use Microsoft products), the effect is similar in that Microsoft is signaling to all other market participants that applications may only run with Windows by Microsoft's permission.

57. Microsoft's profit incentives dictate that Microsoft would tie its products together much more aggressively than efficiency alone would suggest. With regard to the question of the nature of competition in the media player market, one of the current objects of Microsoft's tying, and, in particular its tying of WMP, is clear: as the District Court determined, the ''multimedia stream [represents] strategic grounds that Microsoft [needs] to capture.'' That—and not efficiency—is the driving force behind Microsoft's conduct.

B. The evidence indicates that Microsoft is anti-competitively Wing the browser and the media player with its operating system.

58. In the absence of tying, Microsoft would provide an operating system and applications such as the browser and media player that were developed and offered in a modular, plug-replaceable fashion. The applications codes for the browser and the media player would not be commingled with the OS code, but would instead communicate with the OS through a set of well defined APIs. Publishing the APIs and interface protocols in this non-tying world would enhance the value of Microsoft's operating system by encouraging competition in the innovation of the complementary good—the browser and the media player. Greater competition and functional value in the market for a complementary good always benefit a firm by increasing the demand for its product. In the absence of anti-competitive incentives to reinforce barriers to entry, this strategy would maximize the profits that Microsoft obtains from its operating system. The fact that Microsoft does not engage in such a business strategy demonstrates, in the absence of evidence that tying is efficient, that Microsoft is motivated by anti-competitive incentives.

59. Microsoft openly engages in contractual tying and basic technological integration. By developing and marketing Windows XP as an integrated package of operating system and popular applications, Microsoft directly ignored the findings of fact and law by U.S. courts.Microsoft's history makes it likely that Microsoft is also engaging in various forms of OEM coercion to raise rivals''distribution costs and encourage the distribution of its own middleware products. Consistent with our analysis, this tying generally serves the purpose of Microsoft profitability and reinforcement of its OS dominance, rather than consumer benefit. Microsoft directly engages in anti-competitive tying when it prevents OEMs and end-users from removing or uninstalling IE and WMP. Microsoft does this through code commingling between the media player and the operating system that renders substitution for WMP difficult, or even impossible.

60. Another example of anti-competitive tying is that Microsoft renders its own DRM technology software non-interoperable with other media players because of DRM's interaction with Window XP's own ''secure audio path'' software. While this is not tying in the sense of designing the operating system to be incompatible with rival applications, it does involve designing an application—DRM—that limits the compatibility of rival applications in a closely related market, the market for media players.

61. More generally, Microsoft anti-competitively undermines the functionality and utility of rival streaming media players and formats. For example, Microsoft denies a license for playing files streamed in Windows content encoding formats to its principal competitor, RealNetworks, thereby reducing the utility to consumers of RealNetworks'' products. Microsoft also disadvantages rival content-encoding formats by designing WMP to record only in Windows media formats. These actions have, in the past, served to reduce consumers'' perceptions of rivals'' performance—for example by deliberately making consumers'' use of Netscape ''a jolting experience'' or damaging MP3 quality and functionality.

62. In general, OEMs perform a screening function, as agents of consumers, by ensuring that the software products provided out of the box are compatible with each other and with the operating system. Consumers are aware that OEMs perform this function. Consumers are also aware that OEMs'' reputations are based partly on packaging

high-quality software products, so that OEMs have the incentive to choose the best software products for the price. Consumers are in general not aware of the contractual restrictions imposed in various contractual arrangements that might explain the choice of media player, including, for example, any threat not to license the Windows OS to the OEM unless all Windows applications are included as defaults. Nor are consumers aware of any financial incentives offered to OEMs by Microsoft to include only Microsoft applications as default options. Contractual tying alone will thus cause consumers to infer, for reasons unrelated to merit, that Microsoft's applications are the optimal products for them.

63. As suggested above, the interaction of all these effects, combined with rational expectations, can easily lead to the rapid foreclosure of competition. The force of self-realizing expectations is especially strong when one firm or one format is a natural focal point for consumer expectations. In markets where any number of formats could be sustained as dominant because of self-realizing expectations (economists term this ''the multiplicity of rational expectations equilibria''), a focal point property of any one equilibrium can be important in predicting which equilibrium will be sustained. There could hardly be a stronger focal point than the Microsoft/Windows format for predicting the likely dominant (and perhaps sole) format. The history of the PC software industry is one of the dominance of Microsoft standards. The prediction that the Microsoft standard will predominate in the media player market is natural, perhaps inescapable, for a consumer—uninformed about the media player market specifically—debating about which format to adopt. While it is arguable that strong network effects might yield dominance by a single firm in a good or service and its complements, it is uncertain whether a monopoly outcome is inevitable absent tying. In this context, tying assures OS dominance and is therefore anti-competitive.

64. Thus, Microsoft's coercion of OEMs to select WMP for the ''out-of-the-box'' experience, and to obscure the differences in capabilities between WMP and rival products, could weaken consumer awareness of the various functionalities available in the open market. This would increase expectations of a single dominant format, which in turn would accelerate that dominance. The dominance in the media player market, to emphasize the applications-OS interaction once more, reinforces Microsoft's dominance in operating systems.

V. CONCLUSION

65. We show in this report that Microsoft has substantial incentives to engage in anticompetitive tying of its middleware products with Windows. It has incentives to use contractual inducements to OEMs to bundle Windows with its own middleware instead of rival products; commingle applications code into the kernel of the operating system; and hamper the interoperability of rival applications. We also show that Microsoft's tying—in all of its forms—reinforces Microsoft's monopoly in operating systems.

66. Microsoft's incentives to anti-competitively bundle fall into four mutually reinforcing categories. First, by tying its middleware applications to the Windows operating system, Microsoft can strengthen the applications barrier to entry against its OS competitors. This reinforces Microsoft's OS monopoly. In order for entrants in the operating system market to succeed, they must have a wide variety of applications available for consumers to purchase. But software developers will invest in the creation of new applications only for operating systems that have widespread distribution. If Microsoft attains dominance with both the operating system and key middleware applications, it can ensure that its OS rivals will be unable to meet consumer demands for the most popular applications. With a dominant position in applications markets, Microsoft may choose not to write those applications to interoperate with rival operating systems, thus enhancing the already significant applications barrier to entry.

67. Second, tying reinforces Microsoft's OS monopoly by deterring direct challenges to the OS position as the platform of choice for software developers. Since programmers can write calls to middleware products, Microsoft's dominance in these products reduces the possibility that a universal translator (middleware) between operating systems and applications would threaten the Windows monopoly. Just as with the browser, Microsoft weakens this competitive threat to operating systems by integrating the potential substitutes directly into the OS.

68. Third, tying can provide a method of dynamic leveraging to ensure a future monopoly. This involves a direct counterargument to the familiar ''one-monopoly theory,'' which states that a monopolist cannot collect more profits through a monopoly on a pair of complementary products (an operating system and an application) than through a monopoly on either product alone. Where the future entry into each product is uncertain, establishing a monopoly on both products in the pair increases the chance that the monopolist will retain a monopoly on at least one product in the future and therefore is positioned to collect full monopoly profits. In our context, the fact that the Windows monopoly over operating systems is not airtight creates an incentive for Microsoft to leverage its dominance so as to increase the likelihood of future dominance in at least one class of products—the operating system or applications. Dominance in applications provides (partial) insurance against the loss of monopoly power in operating systems, but the key is the preservation of monopoly in at least one of the pair of products: the OS and one or more important middleware applications.

69. Finally, tying IE and WMP into the OS and locking in Microsoft's streaming media and DRM formats put Microsoft in a position to potentially collect a tax on e-commerce transactions. Tying thus facilitates the move by Microsoft to a business strategy of collecting revenues from per-transaction royalty of its software, rather than outright sale of its software. This business strategy lessens the competition that Microsoft, as a durable-good monopolist, faces from the sales of its own previous versions of Windows. In this sense, the strategy, and its facilitation through tying, reinforce Microsoft's dominance in operating systems.

70. Product integration can theoretically be beneficial in some markets. Purchasers prefer to purchase some bundles of inputs, such as steering wheels with cars or laces with shoes. These efficiencies do not apply to the bundling of middleware with Windows. Purchasing a personal computer with a full set of applications and default options ''out of the box'' is valuable for many consumers. But the efficiencies that come with an integrated package of an OS and various applications are not specific to Microsoft's applications. In a market where OEMs were free to offer whichever packages of software consumers desired, without integration of applications into the operating system, and without Microsoft's tying constraints or inducements, the market would provide the variety of packages preferred by consumers. Moreover, the engineering efficiencies claimed for the integration of middleware code into the operating system appear to be negligible, and are therefore more than offset by the anti-competitive effects of tying. In fact, a software design organized around modular programming of the operating system and middleware applications would achieve the efficiencies associated with modular programming and would allow for plug-and-play replacement of the software.

71. In the absence of tying, Microsoft would offer an operating system and middleware applications that were distinct in the sense of modular programming. For example, neither browser nor media player code would be commingled with OS code: instead, both would communicate with the OS only through a set of published APIs. Microsoft would enhance the value of its operating system by encouraging competition in the innovation of the complementary good—i.e., the browser and the media player. This strategy would maximize value to consumers and the profits that Microsoft obtains from its operating system. The fact that Microsoft does not engage in such a business strategy demonstrates, in the absence of evidence that its tying is efficient, that Microsoft is motivated by anti-competitive incentives that maintain its OS monopoly.

VI. APPENDIX: CURRICULUM VITAE OF FRANK MATHEWSON

G. FRANKLIN MATHEWSON—Professor of Economics, Director of the Institute for Poficy Analysis, University of Toronto

Ph.D. Stanford University

B. Com. University of Toronto

ACADEMIC POSITIONS

1996–present Director, Institute for Policy Analysis, University of Toronto.

1969–present Professor of Economics, Department of Economics, University of Toronto.

1969–present Research Associate, Institute for Policy Analysis, University of Toronto.

1995–1996 Acting Chair, Department of Economics, University of Toronto.

1985 Visiting Professor, Center for the Study of the Economy and the State, University of Chicago, Spring Quarter.

1984 Visiting Scholar, Graduate School of Business, University of Chicago, Spring Quarter.

1978–1983 Associate Chairman and Director of Graduate Studies, Department of Economics, University of Toronto.

1970–1982 Professor of Economics, Faculty of Management Studies, University of Toronto.

1978–1979 Senior Research Associate, Ontario Economic Council.

1976–1977 Visiting Research Fellow, Department of Political Economy, University College, University of London.

HONORS AND FELLOWSHIPS

—Social Science and Humanities Research Council Research Fellowship: 1994, 1991, 1989, 1987, 1986, 1985

—Social Science and Humanities Research Council Leave Fellowship: 1983–1984

—Canadian Council Leave Fellowship: 1976–1977

—Canada Council Doctoral Fellowship: 1966–1969

—Woodrow Wilson Fellowship: 1965

PROFESSIONAL AFFILIATIONS

—Editorial Board, Journal of Economics of Business, 1992-present.

—Editorial Board, Managerial and Decision Economics, 1994-present.

—Editorial Board, Economic Inquiry, 1987–1997.

—Editorial Board, Journal of Industrial Economics, 1990–1995.

—Associate Editor, International Journal of Industrial Organization, 1982–1988.

—Co-editor with M. Trebilcock and M. Walker. The Law and Economics of Competition Policy, Vancouver: The Fraser Institute, 1990.

—Co-editor with J. Stiglitz. New Developments in the Analysis of Market Structures, Cambridge: MIT Press, 1985.

—Program Committee, European Association for Research in Industrial Economics, 19831991.

—Program Committee, Conference on Industrial Organization, International Economics Association, 1982.

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''A Consumer Theory of Demand for the Media.'' Journal of Business 45:2, 212–224, April 1972.

VII. APPENDIX: CURRICULUM VITAE OF RALPH WINTER

RALPH A. WINTER—Professor of Economics and Finance, University of Toronto

Ph.D. Economics, University of California at Berkeley

M.A. Statistics, University of California at Berkeley

B.Sc. Mathematics and Economics (with honors), University of British Columbia

ACADEMIC POSITIONS

1988-present Professor of Economics and Finance, University of Toronto

1985–1988 Associate Professor, Department of Economics and Faculty of Management Studies, University of Toronto

1979–1985 Assistant Professor, Department of Economics and Faculty of Management Studies, University of Toronto

HONORS AND FELLOWSHIPS

—Olin Senior Research Fellowship, Yale Law School, 1988

—National Fellowship, Hoover Institution, Stanford University, 1986–1987

Harry Johnson Prize (with M. Peters), for best article in the Canadian Journal of Economics, 1983

Canada Council Doctoral Fellowship, 1975–1979

John H. Wheeler Scholarship, University of California at Berkeley, 1974–1975

Dean's Honors List, University of British Columbia, 1974

RESEARCH GRANTS

Social Sciences and Humanities Research Council Research Grant: 1983–1985, 1986–1987, 1988–1989, 1990, 1991–1993

Social Sciences and Humanities Research Council Post-Doctoral Research Fellowship: 1981–1982 and 1982–1983

PROFESSIONAL AFFILIATIONS

International Editorial Board, Assurances

Editorial Board, Journal of Industrial Economics

PROFESSIONAL APPEARANCES

British Columbia Utilities Commission, regarding capital structure and equity risk premium for Pacific Northern Gas, 1998

Canadian Radio-Television and Telecommunications Commission, regarding price cap regulation for telephone companies, 1996

Alberta Energy and Utilities Board, regarding fair rate of return for TransAlta Utilities Corporation and Alberta Power Limited, 1996

Expert witness, Nielsen case, before the Canadian Competition Tribunal, 1994

Ontario Energy Board (EBRO 483,484), regarding fair rate of return for Centra Gas, 1993 (written submission)

Ontario Energy Board (EBRO 4790), regarding fair rate of return for Consumers Gas, 1992

Expert witness, Chrysler case, before the Canadian Competition Tribunal, 1988

PUBLICATIONS

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ATTACHMENT B

A DETAILED CRITIQUE OF THE PROPOSED FINAL JUDGMENT IN U.S. v. MICROSOFT

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January 2002

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INTRODUCTION

This Court may approve the parties'' Proposed Final Judgment (''PFJ''), but only if it first determines that the proposed decree is ''in the public interest.'' In reviewing the PFJ, we acknowledge that there are some beneficial and important restrictions put on Microsoft's unlawful conduct. In too many instances, however, these restraints are inevitably swallowed up by broad exceptions and grants of power to Microsoft. The result is that the proposed settlement will do little, if anything, to eliminate Microsoft's illegal practices, prevent recurrence of those acts, and promote competition in the marketplace. The public interest requires more, and the Court should thus reject the proposed settlement.

The purpose of this document is to expose—on a point-by-point, provision-by-provision basis—the many loopholes, ''trap doors,'' and other critical deficiencies in the PFJ. We present the issues in an order that tracks the proposed decree itself so that they may be easily followed. We also provide ''real world'' examples where helpful.

In general, the PFJ suffers from several global, overarching flaws. First, in critical places, the language used in the PFJ to define the protections for competition are not broad enough to cover behavior the Court of Appeals held to be unlawful. Rather, only specific rights are granted, only specific competitive products are protected, and only specific anticompetitive practices are banned. In many cases, the rights and limitations are further clawed-back through carefully crafted carve-outs that benefit Microsoft.

Second, the proposed decree relies too heavily on the personal computer (''PC'') manufacturers (original equipment manufacturers or ''OEMs'') to implement design changes—particularly in the critical area of middleware—without sufficiently ensuring their independence from Microsoft's tight clasp. The PFJ also follows timelines that are too loose and too generous to a company with the engineering resources and product-update capabilities of Microsoft.

Third, in too many places, the constraints on Microsoft (once the exceptions are taken into account) devolve into a mandate that Microsoft act ''reasonably.'' Aside from the obvious concern about Microsoft's willingness to do so given its track record, this formulation is problematic for other reasons. It does little more than restate existing antitrust law (such provisions cannot be said to be ''remedial'' if they, in essence, are merely directives to refrain from future illegal acts).

And, in terms of enforcement, alleged violations of such ''be reasonable'' provisions can only be arrested through proceedings that will become, in essence, mini-retrials of U.S. v. Microsoft itself.

In sum, a consent decree that causes little or no change in the defendant's behavior cannot be found to advance the public interest, especially when the defendant's conduct has been found by both the district and appellate courts to be in violation of the law. As such, based on the numerous shortcomings outlined below, the Court should disapprove the PFJ.

SECTION-BY-SECTION CRITIQUE OF THE PFJ

Section Ill of the PFJ: Prohibited Conduct

A. Retaliation

?? The Scope Of The Protection Is Narrow: Section III.A of the PFJ appears to be directed at preventing Microsoft from retaliating against OEMs that attempt to compete with Microsoft products, but Microsoft is constrained only from specified forms of retaliation. If it retaliates against an OEM for any non-specified reason, that retaliation is not prohibited. This formulation is particularly problematic because the protected OEM activities are narrowly and specifically defined. Retaliation against an OEM for installing a non-Microsoft application that does not meet the middleware definition is not prohibited; nor is retaliation against an OEM for removing a Microsoft application that does not meet the middleware definition.

For example:

?? MSN and MSN Messenger do not appear to be middleware under the PFJ's highly specific definition of a ''Microsoft Middleware Product.'' Given this uncertainty, an OEM cannot know with confidence that it is protected from retaliation if it removes the icon and start menu promotion for MSN and/or MSN Messenger.

?? If client software to support Sun's Liberty Alliance (a competitor to Microsoft's Passport) were developed, it would probably not be middleware under the PFJ definition. Thus, Microsoft can retaliate if an OEM adds that software.

More generally, it is odd to have a formulation that de facto approves of Microsoft's retaliation against OEMs, except where that retaliation is forbidden. That is, given that competitors to Passport, .Net My Services (formerly known as Hailstorm), Windows Movie Maker, Microsoft Money, gaming programs, and Microsoft Digital Photography programs—even when shipped through the OEM channel—may not be included in the scope of protected competition, Microsoft would be free to retaliate against OEMs that promote those competitors.

Finally, the provision is substantially weakened in that only certain types of retaliation (i.e., retaliation by changing contractual relations and retaliation by changing promotional arrangements) are forbidden, as opposed to prohibiting any form of retaliation whatsoever. In order to

eliminate Microsoft's ability to unlawfully protect its OS monopoly, it is essential that Microsoft be prohibited from taking any action that directly or indirectly adversely affects OEMs or other licensees who in any way support or promote non-Microsoft products or services.

?? Non-Monetary Compensation Provision: Microsoft is free to retaliate against OEMs that promote competition by withholding any existing form of ''non-monetary Compensation''—only ''newly introduced forms of non-monetary Consideration'' may not be withheld.

?? OEM Termination Clause Will Intimidate OEMs: Microsoft can terminate, without notice, an OEM's Windows license, after sending the OEM two notices that it believes the licensee is violating its license. There need not be any adjudication or determination by any independent tribunal that Microsoft's two predicate claims are correct; after just two notices to any OEM of a putative violation, Microsoft may terminate without even giving notice. This provision means that the OEMs are, at any time, just two registered letters away from an unannounced economic calamity. Obviously, that danger will severely limit the willingness of the OEMs to promote products that compete with Microsoft.

?? Pricing Schemes Will Allow Microsoft to Avoid Effects of the Decree: Microsoft can price Windows at a high price, and then put economic pressure on the OEMs to use only Microsoft applications through the provision that Microsoft can provide unlimited consideration to OEMs for distributing or promoting Microsoft's services or products. The limitation that these payments must be ''commensurate with the absolute level or amount of'' OEM expenditures is hollow—given that it is not clear how an OEM's costs will be accounted for, for this purpose.

B. Pricing

?? Microsoft Can Use Rebates To Eviscerate Competition. Under Section III.B of the PFJ, Microsoft can provide unlimited ''market development allowances, programs, or other discounts in connection with Windows Operating System Products.'' This provision severely weakens the protection for OEM choice, functioning the same way as the rebate provision discussed above, but without any tether or limiting principle whatsoever. Arguably, Microsoft can charge $150 per copy of Windows, but then provide a $99 ''market development allowance'' for OEMs that install WMP.

Presumably, this is intended to be circumscribed by Section III.B.3.c, which provides that ''discounts or their award'' shall not be ''based on or impose any criterion or requirement that is otherwise inconsistent with.., this Final Judgment,'' but this circular and self-referential provision does not ensure that the practice identified above is prohibited. While Microsoft should be allowed to engage in legitimate pricing decisions, those decisions should be limited to volume-based discounts offered on a non-discriminatory basis.

C. OEM Licenses

?? Microsoft Retains Control Of Desktop Innovation: Under Section III.C of the PFJ, Microsoft would retain control of desktop innovation by being able to prohibit OEMs from installing or displaying icons or other shortcuts to non-Microsoft software/products/services, if Microsoft does not provide the same software/product/service. For example, if Microsoft does not include a media player shortcut inside its ''My Music'' folder, it can forbid the OEMs from doing the same.

This turns the premise that OEMs be given flexibility to differentiate their products on its head.

For example:

?? Sony—as a PC OEM and a major force in the music and photography industries—would be uniquely positioned to differentiate the ''My Music'' and ''My Photos'' folder. And yet, Sony's ability to do so turns solely on the extent to which Microsoft chooses to unleash competition in these areas.

?? Microsoft Retains Control Of Desktop Promotion.'' Microsoft also, very oddly, can control the extent to which non-Microsoft middleware is promoted on the desktop, by virtue of a limitation that OEMs can promote such software at the conclusion of a boot sequence or an Internet hook-up, via a user interface that is ''of similar size and shape to the user interface provided by the corresponding Microsoft middleware.'' Thus, Microsoft sets the parameters for competition and user interface.

?? Promotional Flexibility For IAPs Only, And Only For The OEM's ''Own ''IAP: OEMs are allowed to offer IAP promotions at the end of the boot sequence, but not promotions for other products. Also, OEMs are allowed to offer IAPs at the end of a boot sequence, but only their ''own'' IAP offers. Given that this phrase is ambiguous, Microsoft may attempt to read this provision as limiting an OEM's right to offer an IAP product to those IAPs marketed under the OEM's brand. Helpfully, the Competitive Impact Statement suggests otherwise, but whatever this phrase means, it is a needless restriction on an OEM's flexibility.

D. API Disclosure

?? APIs Defined Too Narrowly: Microsoft can evade the disclosure obligation provided under Section III.D of the PFJ by ''hard-wiring'' links to its applications, and through other predatory coding schemes. Additionally, the disclosure is limited to ''APIs and related Documentation.'' This is too narrow and can be evaded. Moreover, the provision for the disclosure of ''Technical Information'' found in Judge Jackson's interim conduct remedies has been eliminated. These disclosures are necessary to provide effective interoperability.

G. Anticompetitive Agreements

?? Joint Development Agreements Can Subvert Protections Of The Settlement. The protection against anticompetitive agreements is substantially undermined by the exception in Section III.G of the PFJ that allows Microsoft to launch ''joint development or joint services arrangements'' with OEMs and others. Under this provision, Microsoft can ''invite'' OEMs, ISVs, and other industry players to enter into ''joint development'' agreements and then resort to an array of exclusionary practices.

For example:

?? Microsoft invites OEM X to form a ''joint development'' project to create ''Windows for X,'' a ''new product'' to be installed on the OEM's PCs. As long as Microsoft's activities are cloaked under this rubric, it is exempt from the ban on requiring the OEM to ship a fixed percentage of its units loaded with Microsoft's applications, and other protections designed to promote competition.

H. Desktop Customization

?? Add/Remove Is For Icons Only, Not The Middleware Itself.'' The add/remove provisions in Section III.H in the PFJ only allow for removal of end-user access to Microsoft middleware—not removal of the middleware itself. This position is inconsistent with the language in the Court of Appeals'' opinion on commingling or the ''add/remove'' issue.

If Microsoft's middleware remains on PCs (even with the end-user access masked), then applications developers will continue to write applications that run on that middleware—reinforcing the applications barrier to entry that was at the heart of this case. Allowing Microsoft to forbid the OEMs from removing its middleware, and allowing Microsoft to configure Windows to make it impossible for end-users to do the same, allows Microsoft to reinforce the applications barrier to entry, irremediably.

As we have seen with the implementation of this approach (i.e., icon removal only) with regard to Internet Explorer in Windows XP, Microsoft can use the presentation of this option in the utility to make it less desirable to end-users.

Moreover, limiting the required ''add/remove'' provision to icons only is actually a step backward from the current state of affairs in Windows XP, where code is removable for several pieces of Microsoft middleware.

?? Why Are Non-MS Icons Subject To Add/Remove?: The PFJ gives Microsoft an added benefit: it can demand that OEMs include icons for non-MS middleware in the add/remove utility. Why this should be required, in the absence of any finding that assuring the permanence of non-Microsoft middleware on the desktop is anticompetitive, is bizarre. This essentially treats the victims of Microsoft's anticompetitive behavior as if they were equally guilty of wrongdoing.

?? Microsoft Can Embed Middleware And Evade Restrictions: Under Section III.H.2, end-users and OEMs are allowed to substitute the launch of a non-Microsoft Middleware product for the launch of Microsoft middleware only where that Microsoft middleware would be launched in a separate Top-Level Window and would display a complete end-user interface or a trademark. This, in essence, allows Microsoft to determine which middleware components will or will not be subject to effective competition. By embedding its middleware components in other middleware (and thereby not displaying it in a Top Level Window with all user interface elements), or by simply not branding the middleware with a trademark, Microsoft can essentially stop rivals from launching their products in lieu of the Microsoft products.

?? Harder For Consumers To Choose Non-Microsoft Products Than Microsoft Products: In the same provision (III.H.2), Microsoft may

require an end-user to confirm his/her choice of a non-Microsoft product, but there is no similar ''double consent'' requirement for Microsoft Middleware. There is no reason why it should be harder for users to select non-Microsoft products than Microsoft products.

?? Microsoft Can ''Sweep'' The Desktop, Eliminating Rival Icons: Additionally, the OEM flexibility provisions are substantially undermined by a provision that allows Microsoft to exploit its ''desktop sweeper'' to eliminate OEM-installed icons by asking an end-user if he/she wants the OEM-installed configuration wiped out after 14 days. Thus, the OEM flexibility provisions will only last on the desktop with certainty for 14 days, and after that period, persistent automated queries from Microsoft can reverse the effect of the OEM's installations. The effect of this provision is to severely devalue the ability of OEMs to offer premier desktop space to ISVs—and to undermine the ability of OEMs to differentiate their products and provide consumers with real choices.

?? Desktop ''MFN'' Requirements: Finally, nothing in the decree appears to forbid Microsoft from requiring—especially where non-middleware is concerned- so-called MFN agreements from the OEMs. These agreements tax OEM efforts to promote Microsoft rivals by requiring that equal promotion or placement be given to Microsoft products, often without compensation.

I. Licensing Provisions

?? Licenses Put In Hands Of OEMs Only—They May Not Be Able To Use Them Without Help:

The OEM licensing provision is limited in its effectiveness because the OEMs are prevented in Section 111.1.3 from ''assigning, transferring, or sublicensing'' their rights. This may severely limit their ability to partner with software companies to develop innovative software packages to be pre-installed on PCs. This provision is especially harmful when contrasted with the broad partnering opportunities afforded to Microsoft under Section III.G. In addition, the OEMs'' willingness to use these provisions—even if they have the financial and technical wherewithal to do so—may be limited by the weakness of the retaliation provisions discussed above.

?? Reciprocal License? ''Equal Treatment'' For Law Abiders And Law Breakers Is Not Equal:

Under Section III.I.5, the PFJ requires ISVs, OEMs, and other licensees to license back to Microsoft any intellectual property they develop in the course of exercising their rights under the settlement. But that simply rewards Microsoft for having created the circumstances (i.e., having acted illegally) that necessitated the settlement in the first place. Microsoft should not be able to obtain the intellectual property rights of others simply because those law abiding entities have been required to work with a lawbreaker.

In addition, this provision may inadvertently work as a ''poison pill'' to discourage 1SVs, et al., from taking advantage of the licensing rights ostensibly provided to them in Section III.I. The risk that an ISV would have to license its rights to Microsoft will be a substantial deterrent for that ISV from exercising its rights under Section III.I.

J. ''Security and Anti-Piracy'' Exception to API Disclosure

?? The Settlement Exempts The Software And Services That Are The Future Of Computing: One of the most seemingly innocuous provisions in the PFJ is, in fact, one of the biggest loopholes: the provision found in Section III.J.1 that allows Microsoft to withhold from API, documentation or communication protocol disclosure any information that would ''compromise the security of .... digital rights management, encryption or authentication systems.'' This provision raises several critical concerns:

?? Digital Rights Management Exception ''Swallows'' Media Player Rule.'' Since the most prevalent use of media players in the years ahead will be in playing content that is protected by digital rights management (''DRM'') (i.e., copyrighted content licensed to users on a ''pay-for-play'' basis), allowing Microsoft to render its DRM solution non-interoperable with non-Microsoft Media Players and DRM solutions essentially means that non-Microsoft media players will be virtually useless when loaded on Windows computers.

?? Authentication Exception Allows Microsoft To Control Internet Gateways, Server-Based Services: Most experts agree that the future of computing lies with server-based applications that consumers will access from a variety of devices. Indeed, Microsoft's ''.Net'' and ''.Net My Services'' (formerly known as Hailstorm) are evidence that Microsoft certainly holds this belief. These services, when linked with Microsoft's ''Passport,'' are Microsoft's self-declared effort to migrate its franchise from the desktop to the Internet.

By exempting authentication APIs and protocols from the PFJ's disclosure/licensure requirement, the settlement exempts the most important applications and services that will drive the computer industry over the next few years. If Microsoft can wall off Passport, .Net, and .Net My Services with impunity—and link these Internet/server-based applications and services to its desktop monopoly—then Microsoft will be in a commanding position to dominate the future of computing.

Additional Problems Raised By Numerous Provisions in Section III

?? No Ban On Commingling Of Code: Nothing in the agreement prohibits Microsoft from commingling code or binding its middleware to the OS. This was a major issue in the case; the Court of Appeals specifically found Microsoft's commingling of browser and OS code to be anticompetitive; it rejected a petition for reheating that centered on this issue. And yet, the PFJ would permit this activity to continue.

?? The danger of the absence of this provision is reinforced by what is found in the definition of the Windows Operating System Product (''Definition U''), which states that the software code that comprises the Windows Operating System Product ''shall be determined by Microsoft in its sole discretion.'' Thus, Microsoft can, over time, render all the protections for middleware meaningless, by binding and commingling code, and redefining the OS to include the bound/commingled applications.

?? Too Many Of The Provisions Require A Mini-Retrial To Be Enforced: In numerous places throughout Section III, the limitations on Microsoft's conduct are basically rephrased versions of the Rule of Reason. For example, in Section III.F.2, Microsoft may enter into restrictive agreements with ISVs as long as those agreements are ''reasonably necessary;'' likewise, the Joint Venture provisions found in Section III.G also employ a rule-of-reason test. As such, they simply restate textbook antitrust law, and alleged violations of these provisions could only be resolved through mini-trials.

Server Interoperability Issues (Found in Sections III.E, III.H and III.J)

?? Only Full Interoperability Can Reduce Microsoft's Barriers To Desktop Competition: The PFJ's proposed server remedy will fail to provide meaningful, competitive interoperability between Microsoft desktops and non-Microsoft servers because:

?? The applications barrier to entry is central to this case and to Microsoft's desktop monopoly. A remedy that provides true server interoperability can be a powerful tool to reduce the applications barrier to entry. The server has the same potential to provide an alternative platform as did the browser or Java. In that sense, it is directly analogous to middleware products.

?? Microsoft has plainly recognized the threat that non-Microsoft servers pose as an alternative applications platform and has acted to exclude those products from full interoperation with the desktop and to advantage its own server products. It is able to do so because it controls the means by which servers may interoperate with the functions and features of the Windows desktop. In order to succeed in establishing non-Microsoft servers as an effective alternative application platform, both consumers and application developers have to be convinced that such servers: (1) can overcome the interoperability barriers that Microsoft has erected, and (2) have become viable alternatives to Microsoft's own servers, insofar as they can fully interoperate with the desktop. An incomplete interoperability remedy fails to meet this test. Neither consumers (professional IT managers) nor server application developers will be attracted to non-Microsoft servers that lack any important interoperability functionality. If important interoperability barriers are left in place, IT managers simply will not buy the product and the remedy will fail to achieve its intended purpose. This is an important guiding principle.

The proposed decree allows Microsoft to continue to exploit dependencies between its desktop applications or its desktop middleware and its servers or handheld devices to exclude server and handheld competition.

?? Section III.I Excludes Competing Server Vendors From The Benefits Of Section III. E's

Disclosures: Section III.I limits Microsoft's obligation to license its desktop-server Communications Protocols to ISVs, IHVs, IAP, ICPs, and OEMs; thus, server

competitors are excluded from the group of companies that Microsoft must license information to under section III.E.

?? The Failure To Define ''Interoperate'' Is A Mistake: Neither Section III.E nor any other provision of the PFJ defines the meaning of ''interoperate.'' The failure to define ''interoperate'' is tantamount to the Department of Justice's (''DOJ'') prior failure to define ''integrate'' in the 1995 consent decree, and will form the basis for unending disputes over the scope of Microsoft's disclosure obligations.

?? ''Communications Protocol'' Is Defined Too Narrowly And Too Ambiguously: The definition of ''Communications Protocol,'' which determines the scope of server information to be disclosed by Microsoft, is highly ambiguous and potentially very narrow in scope:

?? It appears to be limited to the Windows 2000 server, and thus may exclude Microsoft's Advanced Windows 2000 server and Datacenter server.

?? It is unclear whether ''rules for information exchange'' that ''govern the format, semantics, timing sequencing, and error control of messages exchanged over a network'' mean the rules for transmitting information packets over a network, or the rules for formatting and interpreting information within such packets.

?? It appears to be limited to information exchanged via LANs and WANs, and therefore may exclude information exchanged over the Internet. In other words, having illegally seized dominance over browsers, Microsoft will be allowed to use that power to establish de facto proprietary protocols for Internet communication and keep them entirely to itself. Even in its broadest possible meaning, the term ''Communications Protocols'' is insufficiently broad or comprehensive to require disclosure of the information needed to permit interoperability between non-Microsoft servers and the full features and functions of Windows desktops.

?? Section III.J's Carve-Out Eliminates the Most Important Disclosures: What little Section III.E provides, Section III.J takes away by permitting Microsoft to refuse to disclose the very protocols and technical dependencies it is currently using to prevent non-Microsoft servers from interoperating with Microsoft desktops and servers.

Section IV Of The PFJ: Compliance and Enforcement

A. Enforcement Authority

?? Enforcement Authority Is Too Difficult To Employ: Clearly, what is missing from the agreement is a quick, meaningful, and empowered mechanism for preventing and rectifying Microsoft's inevitable violations of the agreement. Thus, while the provision allowing Microsoft to cure any violations of Sections III.C, D, E, and H before an enforcement action may be brought is not itself objectionable, it is but one of a number of provisions that make enforcing the agreement cumbersome, expensive and time-consuming.

B. Technical Committee / D. Voluntary Dispute Resolution

?? Source Code Access Is Not Enough: While it is helpful that the Technical Committee (''TC'') will have access to Microsoft's source code and can resolve disputes involving that issue, the TC is otherwise powerless to compel Microsoft's compliance with the agreement in any other respect. The prospects that Microsoft will accept the decisions of the TC in a voluntary dispute resolution process are near zero. And the entire mechanism seems designed to extend disputes indefinitely: no time limits or time-lines are specified for dispute resolution.

As it stands now, a party injured by Microsoft's violation of the decree can complain to the TC, which will then conduct an investigation:

?? Once the investigation is complete, the TC will presumably issue some decision; while the investigation is ongoing, the TC is supposed to consult with Microsoft's Compliance Officer, for an indefinite period;

?? If the TC concludes that Microsoft violated the agreement, and Microsoft does not agree to change its behavior or rectify the wrong, then the TC must decide whether to recommend the matter to the DOJ for further action;

?? Once recommended, the DOJ—after some review period—may decide to take action, and apply to the court for a remedy, or it may not;

?? And once the DOJ applies for action, the process in court to obtain relief or remedy may extend for an indefinite period.

This is obviously a lengthy and ineffective process for ensuring that Microsoft complies with its obligations under the decree. In an industry where time is of the essence and delays can be fatal, the built-in delays that allow Microsoft to drag its feet are wholly unacceptable.

?? Technical Committee's Investigation Has Only Limited Use: The work of the Technical Committee cannot ''be admitted in any enforcement proceeding before the Court for any purpose,'' and the members of the TC are forbidden to appear. Thus, under the terms of the decree, the substantial time, effort and expense that can go into a TC process may need to be duplicated in an enforcement action adding to the complexity and expense that the process will pose for victims of Microsoft violations.

Section V Of The PFJ: Termination

A. Five-Year Limit

?? Five-Year Coverage Is Inadequate: Given the scope of Microsoft's violations, the time period required to restore effective competition, and the pattern of willful lawbreaking on Microsoft's part, a five-year consent decree is inadequate.

B. Two-Year Extension

?? Penalty For Knowing Violations Is Too Lenient: Amazingly, the PFJ provides that no matter how many knowing and willful violations Microsoft engages in, the restrictions found in the settlement may be extended only for a single two-year period. Thus, if Microsoft is adjudged to have engaged in such a pattern of violations, it essentially has a ''free reign'' to repeat those violations with impunity.

Section VI Of The PFJ: Definitions

A. APIs

?? API Definition Too Narrow: This is discussed above.

I. ISV

?? Definition Is Not Forward-Looking: The definition of ISV is drafted too narrowly and should more clearly encompass developers of software products designed to run on new versions of the Windows operating system and next generation computing devices.

K. Microsoft Middleware Product

?? Definition Exempts Too Much Middleware: Much of the decree is based on this definition—the OEMs'' flexibility turns on what is included or excluded from this category of application. And yet the definition, which is different from the definition used by the District Court (affirmed and employed by the Court of Appeals) is fatally flawed.

?? First, there are only five existing products that can be known with certainty to be ''Microsoft Middleware Products.'' That means that highly similar items, such as MSN, MSN Messenger, MSN Explorer, Passport, Outlook, and Office may be excluded from the definition of middleware. Why Windows Messenger would be covered by the PFJ, but MSN Messenger would be exempt; or why Internet Explorer would be covered, while MSN Explorer would be exempt—if this is, in fact, how the provision operates—is a mystery. Why ambiguity would be accepted in such a critical area is an even greater mystery.

Given the uncertainty, Microsoft may attempt to retaliate against OEMs that remove even the icons for its applications; it may also attempt to prohibit end-users from removing these applications (or even their icons). This is a step backward from the status quo (even in Windows XP); the ambiguity is a gaping hole.

?? Second, the generic middleware definition, which applies only to new products, and therefore does not capture any product now in existence, allows Microsoft to define which products are included or not, by virtue of Microsoft's trademark and branding choices. Thus, as long as Microsoft buries these products inside other applications, they are not independently considered middleware.

?? Third, as suggested in the points above, the definition misses the future platform challenges to Microsoft's Windows monopoly: web-based services. These services should be specifically defined and included in the class of protected middleware.

N. Non-Microsoft Middleware Product

?? Only Developers With Substantial Resources Will Be Protected: The competitive offerings protected by the decree are narrowly limited to offerings that fall within the definition of ''Non-Microsoft Middleware Products.'' Again, as noted above, the guarantees of OEM flexibility, promotion, and end-user choice apply only to these specified products—not to any other software applications.

And yet, sadly, this narrow definition extends protection only to applications ''of which at least one million copies were distributed in the United States within the previous year.'' Thus, ''an innovator in his garage,'' creating a new form of middleware to revolutionize the computer industry, has no protection from Microsoft's rapacious

ways until he can achieve the distribution of 1 million copies of his software.

Also, as noted above, ''web-based services'' are not captured in this definition, notwithstanding their importance to future competition to the Windows OS.

R. Timely Manner

?? Netscape, All Over Again: Microsoft's obligation to disclose APIs and other materials needed to make applications interoperable with Windows in a ''timely manner'' is keyed off the definition of that term in Section R. But Microsoft retains complete control over this timeline because the definition provides that Microsoft is under no obligation to engage in these disclosures until it distributes a version of the Windows OS to 150,000 beta testers. Thus, as long as Microsoft restricts its beta testing program to 149,999 individuals until very late in the development process, it can effectively eviscerate the disclosure requirements. Our review of the available documentation shows, for example, that Microsoft had no more than 20,000 beta testers for Windows XP until very late in the release cycle; thus, had this provision been in place during the Windows XP release cycle, Microsoft would have been under no obligation to release APIs until the eve of product shipping.

Slow disclosure of APIs is precisely how Microsoft defeated Netscape's timely interoperability with Windows 95. Thus, in this way, not only is the decree inadequate to prevent future wrongdoing, it does not even redress proven illegal acts in the past.

U. Windows Operating System Product

The scope of Microsoft's disclosure obligations under the agreement are determined in large part by the meaning of ''Windows Operating System Product.'' The definition of Windows Operating System Product leaves Microsoft free to determine in ''its sole discretion'' what software code comprises a ''Windows Operating System Product.'' In other words, Microsoft's disclosure obligation is subject entirely to its discretion.

Added Definitions—Bind, Interoperate, Technical Information and Web-Based Service

?? Missing Definitions From Remedial Order: As discussed above, the PFJ omits the definitions for ''Bind,'' ''Interoperate'' and ''Technical Information,'' which are critical for ensuring that this agreement provides real constraints on Microsoft's illegal activities.

?? Exclusion Of Web-Based Services: In addition, the exclusion of web-based services from the category of protected competitive threats to the Windows OS is a grave omission. The definition of middleware should include a proviso that stipulates that web-based services be considered as if they were middleware (whether or not they technically fit in the category).

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IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA, Plaintiff, V. MICROSOFT CORPORATION,, Defendant.

Civil Action No. 98–1232 (CKK)

STATE OF NEW YORK ex. rel. Attorney General ELIOT SPITZER, et al., Plaintiffs, V. MICROSOFT CORPORATION, Defendant.

Civil Action No. 98–1233 (CKK)

COMMENTS OF RED HAT, INC. TO REVISED PROPOSED FINAL JUDGMENT AND COMPETITIVE IMPACT STATEMENT IN UNITED STATES V. MICROSOFT CORP., CIVIL NO. 98–1232, IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

I. INTRODUCTION

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16, Red Hat, Inc. (''Red Hat'') files comments to the revised Proposed Final Judgment, filed November 6, 2001, and the Competitive Impact Statement, filed November 15, 2001, in United States v. Microsoft Corp., Civil No. 98–1232, in the United States District Court for the District of Columbia. Red Hat files these comments because the Proposed Final Judgment will not remedy the anti-competitive effects of Microsoft's antitrust violations that were upheld by the United States Court of Appeals for the District of Columbia Circuit in its June 23, 2001 decision. As a result, the market for PC-compatible operating systems—in which Microsoft unlawfully maintained its monopoly—will not return to a competitive environment, and the mandate of the District of Columbia Court of Appeals will be thwarted.

The Litigating States have filed their own Proposed Final Judgment and, to the extent it contains additional modifications to DOJ's revised proposed Final Judgment. Red Hat supports those modifications.

II. BACKGROUND

It is no exaggeration to say that Linux is the operating system that provides the most serious and fastest growing competition to the Microsoft operating system. Linux is the PC-compatible open source operating system based on the kernel developed by Mr. Linus Torvalds in the early 1990s, and in the short amount of time that it has been in the marketplace, the Linux operating system has become a viable competitor to other operating systems. Red Hat, which began in 1994, offers the Red Hat version of the Linux operating system with support and software applications and is the largest distributor of open source Linux. In order for the Proposed Final Judgment to have an effect in restoring the competitive nature of the PC-compatible operating system market, Red Hat believes that each and every provision must be viewed with the overall perspective of whether the provision provides a level playing field for companies such as Red Hat, which offer direct competition in the injured market, or whether the provision directly or indirectly will enable Microsoft to perpetuate the monopoly it has been found to have maintained illegally. In order to provide a background for these comments to the Proposed Final Judgment, a brief overview of open source, and Red Hat Linux follows.

Open source and free software is distinct from traditional (proprietary) software in that it is produced by a generally voluntary, collaborative process, and accompanied by a license that pants users the right to:

1) have the source code,

2) freely copy the software,

3) modify and make derivative works of the software, and

4) transfer or distribute the software in its original form or as a derivative work, without paying copyright license fees.

Many open source and free software licenses also embody the concept known as copyleft. Simply put, this is the condition that all versions of the product, including derivative works, be distributed along with, and subject to, the conditions and rights in the license under which they were received. This concept is central to the ability of a licensor to ensure that its product remains open source or free software.

The underlying principle is that improvements to a product are given back to the open source and free software community. In this way, open source and free software is continually improved, with the modifications being made available to all. Without the ability to impose this condition on further distribution, a copy, or a derivative work made pursuant to the authorization granted in the license, could be distributed without the right to copy, modify, distribute or have the source code—in effect it would be transformed into a proprietary work. It would cease to be ''free.'' The benefits of open source and free software are numerous. In practical and commercial terms, open source and free software is stable, high quality software, which users are free to tailor to their own purposes. As the source code is available to all, a user is free to remedy any bugs it may find, maintain the software itself, or hire a third party to do so. The availability of the source code also allows the creation of complementary and interoperable programs by anyone and everyone, with no need to reverse engineer the product. As an element in the competitive environment, open source software provides an almost pure form of competition in the software (and, of course, operating system) competitive environment. Improvements are quickly available and users are able to make product-quality based choices, unfettered by many of the considerations that occur in other competitive markets. Moreover, because of the size of the community that participates in the open source arena, products are quickly debugged, refined and improved; greatly benefiting the ultimate end user.

From a company with only $482,000 in revenue in 1995, Red Hat has grown to over $100 million in revenue in 2001. The vast majority of Red Hat's revenues are derived from the services it offers around its well-known Linux distribution, not from license fees or royalties. Despite its rapid growth, however, until last year Red Hat Linux was not considered an effective competitor with either Sun Microsystems or Microsoft in the

server market. With increasing success, Red Hat has now penetrated that market, demonstrating that it can be an effective competitor where no illegal monopoly exists. The same cannot be said for the desktop operating system market, the subject of many of the claims and findings against Microsoft in this matter. Because of Microsoft's stranglehold on that market, with over a 94% marketshare—a stranglehold unlawfully maintained—Red Hat has elected not to attempt to compete until a level playing field can be established. Any efforts by Red Hat toward competing would be utterly fruitless and an unjustified use of corporate resources.

Microsoft has made no secret of the fact that it considers companies such as Red Hat to be potential competitive threats in the marketplace. According to Microsoft's own executives, Microsoft has contacted ''U.S. lawmakers'' in an effort to curtail the spread of the Linux operating system. Microsoft Executive says Linux Threatens Innovation, Feb. 14, 2001, Bloomberg News, at http://news.cnet.com/investor/news/newsitem/0–99001028–4825719-RHAT.html. (Ex. A attached hereto.) Microsoft's CEO, Steve Ballmer has described Linux as a ''cancer that attaches itself in an intellectual property sense to everything it touches.'' Microsoft CEO takes lunch break with the Sun-Times, Chicago Sun Times, June 1, 2001, at http://www.suntimes.com/output/tech/cst-fin-micro01.html (Ex. B attached hereto.); see also Joe Wilcox & Stephen Shankland, Why, Microsoft is wary of open source, CNET News.com, June 18,2001, at http://news.com.corn/21001001–268520.html (Ex. C attached hereto.); Stephen Shankland, Microsoft license spurns open source, CNET News.com, June 22, 2001, at http://news.com.com/2100–1001268889.html (Ex. D attached hereto.); Mike Ricciuti, Microsoft memo touts Linux, CNET News.com, Nov. 5, 1998, at http://news.com.com/2100–1001–217563.html (Ex. E attached hereto.); Joe Wilcox & David Becker, Microsoft sues Linux start-up over name, CNET News.com, Dec. 20, 200l, at http://news.com.com/2100–1001–277314.html (Ex. F attached hereto.). From these comments, it is clear, that, unless the Proposed Final Judgment protects the ability of non-Microsoft operating systems such as Red Hat Linux to gain access to, and compete for, software developers and users, and to compete, the remedies aspect of this lawsuit will be a failure. Therefore, in order for the Department of Justice to effect a remedy scheme that will address the findings of the Court of Appeals, the Department of Justice must ensure the ability of companies such as Red Hat to compete. A review of the Proposed Final Judgment, however, shows little to no attention paid to the very companies that directly compete in the market in which Microsoft unlawfully has maintained its monopoly. Unfortunately, this is despite the clear intent of the Competitive Impact Statement, in which the Department of Justice states:

Appropriate injunctive relief in an antitrust case should: (1) end the unlawful conduct; (2) ''avoid a recurrence of the violation'' and others like it; and (3) undo its anticompetitive consequences. See Nat'l Soc'y of Prof'l Eng'rs v. United States, 435 U.S. 679, 697 (1978); United States v. E.I du Pont de Nemours & Co., 366 U.S. 316, 326 (1961); Int'l Salt Co. v. United States, 332 U.S. 392,401 (1947); United States v/ Microsoft Corp., 253 F.3d 34, 103, 107 (DC Cir. 2001) Restoring competition is the ''key to the whole question of an antitrust remedy,'' du Pont, 366 U.S. at 326. Competition was injured in this case principally because Microsoft's illegal conduct maintained the applications barrier to entry into the personal computer operating system market by thwarting the success of middleware that would have assisted competing operating systems in gaining access to applications and other needed complements. Thus, the key to the proper remedy in this case is to end Microsoft's restrictions on potentially threatening middleware, prevent it from hampering similar nascent threats in the future and restore the competitive conditions created by similar middleware threats. The Proposed Final Judgment imposes a series of prohibitions on Microsoft's conduct that are designed to accomplish these critical goals of an antitrust remedy.

Competitive Impact Statement filed in U.S. v. Microsoft (D.DC Nov. 15, 2001) at 9. It is with consideration being given to the findings of the Court of Appeals and the realistic impact of the Proposed Final Judgment that Red Hat files these comments.

III. COMMENTS ON INTELLECTUAL PROPERTY ISSUES ASSOCIATED WITH THE FINAL JUDGMENT

A. The Proposed Final Judgment Would Neither Remedy Microsoft's Monopolization of, Nor Restore Competitive Conditions to, the Market for PC-Compatible Operating Systems, Because Microsoft Would Remain Free to Shut Down Competitive Operating Systems and Middleware Through Assertion of Microsoft's Intellectual Property Portfolio

For intellectual property reasons, the Proposed Final Judgment would fail to remedy Microsoft's monopolization of the operating systems market and fail to accomplish the goal to restore competitive conditions to the market. It would fail because it would permit Microsoft to block software and hardware developers, users, and vendors from developing, using, distributing, or promoting competitive operating systems by threatening or bringing suits for infringement of Microsoft's extensive intellectual property portfolio. To provide an effective remedy and accomplish that goal, the narrow scope of licenses to Microsoft's intellectual property fights required by the Proposed Final Judgment must, at a minimum, be expanded to allow those persons to engage in that competitive conduct without the threat of an infringement suit by Microsoft.

More specifically, the Proposed Final Judgment would prohibit Microsoft from retaliating against software and hardware developers, users, and vendors if they were to develop, use, distribute, or promote operating systems or middleware that competes with Microsoft's Windows operating system or middleware. But giving with its right hand and taking with its left, the Proposed Final Judgment would exempt from prohibited retaliation—and expressly allow—Microsoft to sue those persons for infringement of Microsoft's intellectual property fights if they engage in that conduct.

Two primary effects would flow from this exemption. First, Microsoft would remain free to assert its intellectual property fights to stop developers and vendors of competitive operating systems and middleware from developing, using, distributing, or promoting their software. In that event, the downstream software and hardware developers, users, and vendors who want to use and work with competitive operating systems and middleware would not have any competitive operating systems or middleware to use, distribute, or promote. Second, Microsoft would remain free to assert the same intellectual property rights to stop those downstream developers, users, and vendors from using, distributing, or promoting such competitive operating systems and middleware.

If no competitive operating systems and middleware were available or if the downstream developers, users, and vendors could not use, distribute, or promote competitive operating systems or middleware because Microsoft threatens or brings intellectual property infringement suits, the Proposed Final Judgment cannot accomplish its purpose: to remedy Microsoft's unlawfully maintenance of its monopoly and restore competitive conditions to the market Microsoft in which Microsoft's monopoly was unlawfully maintained.

The antitrust remedy should at least remove this exemption and define retaliation to include threatening or bringing suit for infringement of Microsoft's intellectual property portfolio. Such a remedy would be proper and consistent with both Supreme Court and Justice Department precedent.

1. Microsoft Illegally Maintained a Monopoly in the Market for Intel-Compatible Operating Systems

The district court held, and the court of appeals affirmed, that Microsoft had illegally ''maintained a monopoly in the market for Intel-compatible PC operating systems in violation of [Sherman Act] ''2.'' United States v. Microsoft Corp., 253 F.3d 34, 45, 50 (DC Cir. 2001). The remedy in this case should at the very least restore competition to that market, because that was the only district court holding that the court of appeals affirmed. See id. at 46. Unless the remedy restores competition within that market, the courts'' holdings, and the Justice Department's and States'' efforts in proving that antitrust violation, will be nullities.

2. The Purpose of an Antitrust Remedy Is to Terminate the Monopoly and Restore Competition to the Monopolized Market

Controlling case law and the Justice Department both recognize that the purpose of the remedy in a Section 2 case is to end the monopoly and restore competition to the market that the defendant monopolized. As the Supreme Court explained, and as the Court of Appeals recognized in Microsoft, in a monopolization case ''it is the duty of the court to prescribe relief which will terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future.''

United States v. United Shoe Mach. Corp., 391 U.S. 244, 250 (1968); see Microsoft, 346 F.3d at 103 (quoting United Shoe). Indeed, the goal of relief is to make sure that competition results, not just to end a lawsuit. As the Supreme Court instructed:

In an equity suit, the end to be served is not punishment of past transgression, nor is it merely to end specific illegal practices. A public interest served by such civil suits is that they effectively pry open to competition a market that has been closed by defendants'' illegal restraints. If this proposed Final Judgment accomplishes less than that, the Government has won a lawsuit and lost a cause.

International Salt Co. v. United States, 332 U.S. 392, 401 (1947).

In accordance, the Justice Department explained that its purpose in entering into the Proposed Final Judgment was to ''restore competitive conditions to the market.'' Competitive Impact Statement at 2. Likewise, the Justice Department told the public in its press release that the ''settlement will bring effective relief to the market and ensure that consumers will have more choices in meeting their computer needs.'' Press Release, U.S. Justice Department, Department of Justice and Microsoft Corporation Reach Effective Settlement on Antitrust Lawsuit, Nov. 2, 2001, at http://www.usdoj.gov/opa/pr/2001/November/01 at 569.htm (Ex. G attached hereto.). 3. Intellectual Property Restrictions Would Prevent the Proposed Final Judgment From Restoring Competitive Conditions to the Monopolized Market for Operating Systems

a. The Proposed Final Judgment Would Ban Microsoft from Retaliating Against Certain Groups if They Work with Operating Systems or Middleware that Compete with Microsoft's Windows or Middleware

The Proposed Final Judgment would protect certain groups of software or hardware developers, users, and vendors (OEMs, ISVs, and IHVs)[2] from undefined ''retaliation'' by Microsoft if the groups were to work with operating systems or middleware that compete with Microsoft's Windows or middleware. It would provide that Microsoft shall not ''retaliate'' against those groups if they engage in certain conduct with any ''software that competes with Microsoft Platform Software,'' which the Proposed Final Judgment defines to include Microsoft's Windows operating system ''and/or a Microsoft Middleware Product.''[3] For example, the Proposed Final Judgment would provide that Microsoft ''shall not retaliate'' against an:

2. Under the Proposed Final Judgment: OEM is an ''original equipment manufacturer of Personal Computers that is a licensee of a Windows Operating System Product''; ISV is an ''entity other than Microsoft that is engaged in the development or marketing of software products''; and IHV is an ''independent hardware vendor that develops hardware to be included in or used with a Personal Computer running a Windows Operating System Product.'' See Proposed Final Judgment, Sections VI.O, I, II.

3. ''Microsoft Platform Software'' is defined as including ''a Windows Operating System Product'' (either alone or with a middleware product), which in turn is defined as ''the software code.., distributed commercially by Microsoft for use with Personal Computers as Windows 2000 Professional .... ''Proposed Final Judgment, Section VI.L, U. An Operating System is defined as ''the software code that, inter alia, (i) controls the allocation and usage of hardware resources ... of a Personal Computer, (ii) provides a platform for developing applications by exposing functionality to ISVs through APIs, and (iii) supplies a user interface that enables users to access functionality of the operating system and in which they can run applications.'' Id., Section VI?

I. OEM for ''developing, distributing, promoting, using, selling, or licensing any software that competes with'' Microsoft's Windows operating system or middleware. Proposed Final Judgment Section III.A. 1.

II. ISV or IHV for ''developing, using, distributing, promoting or supporting any software that competes with'' Microsoft's Windows operating system or middleware. Proposed Final Judgment Section III.F. 1 .a.

b. The Ban on Retaliation Would Not Ban Infringement Suits

While the term ''retaliate'' is undefined, the Proposed Final Judgment contradictorily exempts from the scope of prohibited retaliation—and therefore expressly permits—suits for infringement of Microsoft's intellectual property rights. More specifically, the provisions banning retaliation against OEMs, ISVs, and IHVs are followed by an exemption:

Nothing in this provision shall prohibit Microsoft from enforcing.., any intellectual property right that is not inconsistent with this Final Judgment.

Proposed Final Judgment Section III.A; see Section III.F.3. While the term ''inconsistent'' also is undefined, it is clear from a later section that a suit to enforce intellectual property rights against conduct that is protected from Microsoft's retaliation nevertheless is ''not inconsistent with'' the Proposed Final Judgment.

The later section, Section III.I, provides that Microsoft must offer to license its intellectual property rights to the groups if those rights are required to exercise an option expressly provided under the Proposed Final Judgment. If it stopped there, the provision would be fine. But an exemption to that license provision emphasizes that the required license is very narrow, and that Microsoft could still bring infringement suits if the groups engage in the very conduct that is protected from Micros0ft's retaliation:

I. Microsoft shall offer to license to ISVs, IHVs,... and OEMs any intellectual property rights owned or licensable by Microsoft that are required to exercise any of the options or alternatives expressly provided to them under this Final Judgment, provided that

2. the scope of any such license (and the intellectual property rights licensed thereunder) need be no broader than is necessary to ensure that an ISV, IHV,... or OEM is able to exercise the options or alternatives expressly provided under this Final Judgment (e.g., an ISV's, IHV's ... and OEM's option to promote Non-Microsoft Middleware shall not confer any rights to any Microsoft intellectual property rights infringed by that Non-Microsoft Middleware);

Beyond the express terms of any license granted by Microsoft pursuant to this section, this Final Judgment does not, directly or by implication, estoppel or otherwise, confer any fights, licenses, covenants or immunities with regard to any Microsoft intellectual property to anyone. Proposed Final Judgment, Section III.I (emphasis added). In accordance, the Justice Department's November 15, 2001 Competitive Impact Statement explains that a purpose of this provision is to ''[permit] Microsoft to take legitimate steps to prevent unauthorized use of its intellectual property.'' Competitive Impact Statement at 49.

''Unauthorized use'' would include infringement. A patent, for example, provides the patent owner the exclusive fights to make, use, sell, and offer to sell the patented subject matter. 35 U.S.C. §271(a). Those exclusive fights cover developing, distributing, promoting, using, and selling. Thus, while earlier sections of the Proposed Final Judgment say Microsoft could not ''retaliate'' against that conduct (Proposed Final Judgment Sections III.A.1, III.F.1.a), this later section contradictorily provides that Microsoft could retaliate against the conduct—by lawsuits (Proposed Final Judgment Section III.1.2).

To illustrate the problem, apply the specific example quoted above, from Section III.I.2 of the Proposed Final Judgment, to an ISV that promotes an operating system that competes with Windows, and assume that Microsoft has patents that arguably cover that competitive operating system. Under the Proposed Final Judgment, Microsoft would be prohibited from ''retaliat[ing]'' if the ISV were ''promoting'' the competitive operating system, such as by offering it for sale. Proposed Final Judgment Section III.F.1.a. But the exemption provides that the option to promote the software without retaliation ''shall not confer any rights to any Microsoft intellectual property rights [e.g., patents] infringed by that'' competitive operating system. Proposed Final Judgment Section III.I.2. Thus, Microsoft could sue the ISV for infringing its patents by promoting the competitive software.

Consequently, the Proposed Final Judgment would prohibit Microsoft from ''retaliating'' against an ISV or IHV for ''developing, using, distributing, [or] promoting'' the competitive operating system—but Microsoft could sue the ISV or IHV for patent infringement for the same acts: making (developing), using, selling (distributing), or offering to sell (promoting) that system. Likewise, it would prohibit Microsoft from ''retaliating'' against an OEM for ''developing, distributing, promoting, using, or selling'' a competitive operating system—but Microsoft nonetheless could sue the OEM for patent infringement for that conduct.

Thus, while Microsoft could not ''retaliate,'' it could sue for infringement, thereby completely eviscerating the ban on retaliation.

B. Infringement Suits by Microsoft Based on Its Massive Intellectual Property Portfolio Could Stop Competitive Operating Systems or Middleware

These intellectual property exemptions could permit Microsoft to completely prevent any competition from other operating systems or middleware, both at the development level and downstream throughout the development and distribution chain. ISVs, i.e., non-Microsoft entities that develop or market software products, would include developers and vendors of competitive operating systems. See Proposed Final Judgment Section VI.I. 4 A patent suit against such a developer or vendor for infringement of Microsoft's patents covering competitive operating systems could result in an injunction against making, using, selling, or offering to sell the competitive system, as well as damages (which could be trebled) and attorney fees for any sales. See 35 U.S.C. §§283–285. If that occurred, downstream ISVs, IHVs, and OEMs would not have any competitive operating systems with which they could work.

4. See. also, discussion in Parts IV.B. and V, infra, concerning the definition of ISVs. ISVs also would include downstream developers and vendors of middleware or applications software. A patent suit against them for infringement of Microsoft's patents would prevent them from, e.g., using a competitive operating systems to develop their software. Downstream IHVs and OEMs would include developers and vendors of personal computers. A patent suit against them for infringement of those Microsoft patents would prevent them from, e.g., making or selling any computers using competitive operating systems.

The same would apply to competitive middleware. A patent suit against an ISV that develops competitive middleware would preclude the availability of competitive middleware. A patent suit against downstream developers or vendors of applications software would preclude them from using competitive middleware to develop their software. And a patent suit against downstream IHVs and OEMs would preclude them from making or selling computers using competitive middleware.

Microsoft has amassed a large portfolio of numerous patents and other intellectual property that potentially covers competitive operating systems and middleware. While any infringement analysis must be specific to a particular software, it is clear that Microsoft has numerous patents that potentially could be asserted against that competitive software. The chart attached as Exhibit H lists over 1400 patents owned by Microsoft in December 2001 that are in Patent and Trademark Office classes that include operating systems and middleware software. Additional Microsoft patents covering operating systems and middleware may be in other classes. If Microsoft were to bring suit on multiple patents, the accused infringer would have to win against every patent to avoid an injunction and damages. The odds of losing are so great that only the most well financed competitive operating system or middleware developer or vendor could consider fighting that battle. The result would be the same downstream. If the competitive operating system or middleware developer or vendor indemnified its downstream customers (ISVs, IHVs, OEMs, and ultimate consumers), it would face the same problem. If it did not indemnify the downstream customers, those customers would face the problem directly. As a result, a threat of suit by Microsoft could be enough to stop the making, using, selling, or offering to sell competitive operating systems and middleware at all levels in the development-distribution chain.

1. Microsoft Intends to Enforce Its Intellectual Property

Microsoft clearly declared its intent to enforce its intellectual property rights against competitors by including the exemption for infringement suits in Section III.I of the Proposed Final Judgment and by arguing that the non-settling states were seeking to confiscate its intellectual property. See, Defendant Microsoft Corporation's Remedial Proposal at 2. (Dec. 12, 2001) (''Microsoft Remedial Proposal''). Similarly, Craig Mundie, Microsoft's Senior Vice President of Advanced Strategies, reportedly told the audience at an Open Source convention last July:

Well, at the end of the day, if you have a patent, you enforce the patent if it's valuable to you. And so I think that Microsoft and other people who have patents will ultimately decide to enforce those patents.

Shared Source v. Open Source: Panel Discussion, O'Reilly Network, Aug. 9, 2001, at http://linux.oreillynet.com/pub/a/linux/2001/08/09/oscon panel.html (Ex. I attached hereto.). The threat of Microsoft's patent enforcement has caused concern among the open-source community, as reported last August. Galli, Peter, ''Microsoft Patents a Threat to Open Source,'' eWEEK, Aug. 28, 2001, at http://techupdate.zdnet.com/techupdate/stories/main/0,14179,2808548.00.html (''Members of the open-source community are becoming increasingly concerned by ongoing moves from Microsoft Corp. to acquire a range of software patents that the company can potentially use down the line to attack and try to restrict the development and distribution of open-source software.'') (Ex. J attached hereto.).

2. The Intellectual Property Problem Can Be Fixed by Defining Retaliation to Include Infringement Suits and Eliminating the Exemptions

The Proposed Final Judgment should define ''retaliate'' in Section VI of the Proposed Final Judgment. While the term should remain broad to bar any type of retaliation, it can specifically include bringing infringement suits:

''Retaliate'' means any type of retaliation and is intended to be construed broadly. It specifically includes threatening or bringing a suit for infringement of any intellectual property rights owned or licensable by Microsoft.

In addition, the exemption sections should be modified to prevent infringement suits against the protected groups for engaging in conduct that the Proposed Final Judgment would prohibit Microsoft from retaliating against:

For OEMs, Section III.A should be modified as follows—after the sentence ''Nothing in this provision shall prohibit Microsoft from enforcing any provision of any license with any OEM or any intellectual property right that is not inconsistent with this Final Judgment,'' add the following:

Acts that would be inconsistent with this Final Judgment include, but are not limited to, threatening or bringing suit for infringement of any intellectual property rights that would restrict the OEM from developing, distributing, promoting, using, selling, or licensing any software that competes with Microsoft Platform Software or any product or service that distributes or promotes any Non-Microsoft Middleware.

For ISVs and IHVs, Section III.F.3 should be modified as follows—after the sentence ''Nothing in this section shall prohibit Microsoft from enforcing any provision of any agreement with any ISV or IHV, or any intellectual property right, that is not inconsistent with this Final Judgment,'' add the following:

Acts that would be inconsistent with this Final Judgment include, but are not limited to, threatening or bringing suit for infringement of any intellectual property rights that would restrict the ISV or IHV from developing, using, distributing, promoting, or supporting any software that competes with Microsoft Platform Software or any software that runs on any software that competes with Microsoft Platform Software, or exercising any of the options or alternatives provided for under this Final Judgment.

Also, Section II1.1.2. should be deleted and replaced as follows—the scope of any such license (and the intellectual property rights licensed thereunder) need be no broader than is necessary to ensure that an ISV, IHV, IAP, ICP or OEM is able to exercise the options or alternatives expressly provided under this Final Judgment, and to engage in conduct against which this Final Judgment prohibits Microsoft from retaliating; To enable those third parties to obtain those licenses, Section VIII of the Proposed Final Judgment should be modified as follows:

Nothing in this Final Judgment is intended to confer upon any other persons any rights or remedies of any nature whatsoever hereunder or by reason of this Final Judgment, except as provided in Section III.I.

3. The Proposed Relief Requiring Licensing of Microsoft's Intellectual Property Is Proper and Consistent with Precedent

The proposed modifications would require Microsoft to license certain of its intellectual property: that which potentially covers competitive operating systems, middleware, or other software or hardware and is necessary to ensure that the protected groups are free to engage in the conduct against which the Proposed Final Judgment would prohibit Microsoft from retaliating. Compulsory licensing of intellectual property to remedy monopolization is consistent with Supreme Court and Justice Department precedent, including the Proposed Final Judgment as it now stands, even though abuse of intellectual property rights was not found to be predatory conduct.

To achieve the goal of restoring competitive conditions to the marketplace discussed above, the court has ''large discretion'' to fit the decree to the special needs of the individual case.'' Ford Motor Co. v. United States, 405 U.S. 562, 573 (1972)

(quoting International Salt Co. v. United States, 332 U.S. 392, 401 (1947)). That discretion includes prohibiting acts that may otherwise be valid, if necessary to correct the effects of the violation. ''Equity has power to eradicate the evils of a condemned scheme by prohibition of the use of admittedly valid parts of an invalid whole.'' United States v. Bausch & Lomb Optical Co., 321 U.S. 707, 814 (1944). As the Court similarly instructed in United States v. Paramount Pictures, Inc., 334 U.S. 131,148 (1948), to achieve effective relief a court can include restrictions on otherwise lawful conduct: ''[E]quity has the power to uproot all parts of an illegal scheme—the valid as well as the invalid—in order to rid the trade or commerce of all taint of the conspiracy.''

Compulsory licensing of patents was ordered to remedy monopolization in, for example, United States v. United Shoe Mach. Corp., 110 F. Supp. 295 (D. Mass. 1953), aff'd, 347 U.S. 521 (1954), even though enforcement of the patents was not an alleged predatory act. The court concluded that the defendant had not improperly asserted its patents, but they were a barrier to entry into the monopolized market. See 110 F. Supp. at 297,332–33. In determining the remedy, the court's goals were not only to eliminate specific predatory practices that had caused or would cause monopolization, but also ''to restore workable competition in the market.'' Id. at 346–47. The court explained that licensing of patents was proper as part of the remedy to reduce the effects of the defendant's monopolization caused by non-patent predatory business practices: Defendant is not being punished for abusive practices respecting patents, for it engaged in none .... It is being required to reduce the monopoly power it has, not as a result of patents, but as a result of business practices. And compulsory licensing, on a reasonable royalty basis, is in effect a partial dissolution, on a non-confiscatory basis. Id. at 351. Fifteen years later, the Supreme Court again concluded that the relief granted was within the proper scope of relief for an antitrust violation. United States v. United Shoe Mach. Corp., 391 U.S. 244, 251 (1968).

Similarly, the Justice Department has required compulsory licensing of intellectual property as part of the remedy in proposed final judgments in antitrust cases. One of the latest examples, and perhaps the most pertinent, is this Proposed Final Judgment's requirement that ''Microsoft shall offer to license to ISVs, IHVs .... and OEMs any intellectual property rights owned or licensable by Microsoft that are required to exercise any of the options or alternatives expressly provided to them under this Final Judgment .... ''(Proposed Final Judgment Section III.I.) Indeed, the Competitive Impact Statement provides that some of those provisions ''are designed specifically to prevent Microsoft from using its intellectual property rights to frustrate the intended effectiveness of the Proposed Final Judgment's disclosure provisions.'' Competitive Impact Statement at 49. The exemption from retaliation by infringement suits, however, allows that frustration. The issue, therefore, is not whether the remedy can properly include compulsory licensing of Microsoft's intellectual property. Instead, the issue is the scope of the licensing required. As shown above, the scope of the proposed modifications to the intellectual property provisions is reasonable and required to remedy the monopolization and restore competition to the market. The proposed modifications would not ''result in... wholesale confiscation of Microsoft's intellectual property,'' a criticism that Microsoft wrongly asserted against the non-settling states'' proposed remedy. Microsoft Remedial Proposal at 2. It would require only licensing that is necessary to prevent frustration of the anti-retaliation provisions. Moreover, the licenses could include royalties or other consideration on a reasonable and non-discriminatory basis, as provided in Section III.I. 1.

Nor would the proposed modifications be a significant disincentive to innovation by Microsoft. Since the Proposed Final Judgment would expire in five years (see Proposed Final Judgment, Section V), the obligation to license would exist only for that limited time period. Any future innovation by Microsoft also would be free of this obligation after those five years. Any arguable effect on Microsoft's incentives to innovate during those five years would be limited and only to the extent necessary to provide effective relief from Microsoft's monopolization.

In opposing the non-settling states'' proposed relief, Microsoft pointed to the Court of Appeals'' comment that the relief in this case '''should be tailored to fit the wrong creating the occasion for the remedy.''' Microsoft Remedial Proposal at 5 (quoting Microsoft, 253 F.3d at 107). Microsoft also relied upon this Court's statement that the ''scope of any proposed remedy must be carefully crafted so as to ensure that the enjoin[ed] conduct falls within the penumbra of behavior which was found to be anticompetitive.'' Microsoft Remedial Proposal at 6 (quoting Sept. 8, 2001 Tr. at 8). Removing the infringement suit exemption and defining retaliation to include threatening or bringing suit for infringement of Microsoft's intellectual property portfolio would fall well within that scope.

C. Conclusion Regarding Intellectual Property

The scope of the required intellectual property licensing under the Proposed Final Judgment is far too narrow to remedy the monopolization of, and restore competitive conditions to, the market the courts held Microsoft monopolized—Intel-compatible operating systems. The modifications to the scope proposed above would be no broader than that which is necessary to allow the groups protected under the Proposed Final Judgment to engage in the specific conduct that the Proposed Final Judgment allows them to engage in without fear of retaliation from Microsoft. As shown above, unless the scope of the licensing is expanded, and the exemptions for infringement suits removed, ''the Government has won a lawsuit and lost a cause.'' International Salt, 332 U.S. at 401.

IV. COMMENTS TO SECTION III—PROHIBITED CONDUCT

A focus of any final judgment in this litigation must be to put in place safeguards and protections against future actions by Microsoft that may not fit the known pattern, but that will obtain a familiar result—unlawful continuation of the Microsoft monopoly. An important aspect of this focus is to make sure that the participants in the marketplace are given a chance at viability in a competitive marketplace. As worded, Section III does not provide the safeguards and protections that are necessary. Prohibiting actual retaliatory conduct by Microsoft is simply insufficient to obtain the goals of the final judgment.

A. Section III.A

The Department of Justice set forth a clear intent for the impact of Section III.A. As stated in the Competitive Impact Statement, the perceived effect of Section III.A is to ''ensure[] that OEMs have the contractual and economic freedom to make decisions about distributing and supporting non-Microsoft software products that have the potential to weaken Microsoft's personal computer operating system monopoly without fear of coercion or retaliation by Microsoft.'' Competitive Impact Statement at 9.

Unfortunately, Section III.A fails to protect the ability of OEMs to make business choices in a non-coercive atmosphere, for reasons in addition to those discussed above concerning intellectual property.

The conduct that is prohibited in Section III.A is actual retaliatory action by Microsoft against OEMs for, inter alia, dual booting personal computers with other operating systems. More specifically, Section III.A provides that ''Microsoft shall not retaliate against an OEM by altering Microsoft's commercial relations with that OEM, or by withholding newly introduced forms of non-monetary Consideration (including but not limited to new versions of existing forms of non-monetary Consideration) from that OEM, because it is known to Microsoft that the OEM is or is contemplating .... ''Proposed Final Judgment, Section III.A. As worded, the only point at which injunctive relief is available is after an OEM can show actual retaliation.

The problem with prohibiting only action ''after the fact,'' is that it provides for enforcement only after Microsoft has taken negative action against an OEM. It is no secret that Microsoft is an important business partner to may OEMs and even the potential or implication of the change in an OEMs business relationship with an OEM can be sufficient to prevent action. Section III.A does not remove the business threat that will prevent OEMs from ''crossing'' Microsoft.

Therefore, the parameters of the prohibitions on Microsoft's conduct need to be extended so that enforcement is not triggered only after an OEM has been harmed. By then, it may be too late and an OEM may find itself competitively or financially crippled by an impairment in its relationship with Microsoft. Moreover, by the time the retaliation is remedied, the OEM may even be out of the market. Ideally, Microsoft must be prohibited from maintaining the intimidating business environment that it has created—an environment that inhibits OEMs from the free exercise of competitive decision making. The language of the Proposed Final Judgment

ignores what the Competitive Impact Statement and the Court of Appeals have acknowledged.

Thus, the actions prohibited under Section III.A must encompass a range of activities and not just after the fact retaliation in order to ensure that Microsoft does not continue to maintain unlawfully its monopoly. A possible modification of Section III.A is as follows: A. Microsoft shall not retaliate against an OEM by threatening to or altering Microsoft's commercial relations with that OEM, or by threatening to or withholding newly introduced forms of non-monetary Consideration (including but not limited to new versions of existing forms of non-monetary Consideration) from that OEM, because it is known to Microsoft that the OEM is or is contemplating: ....

B. Section III.D

An underlying premise of the Proposed Final Judgment is that if middleware software developers are able to develop and market middleware that can be used on either Microsoft or non-Microsoft operating systems or ''that would have assisted competing operating systems in gaining access to applications and other needed complements'' (Competitive Impact Statement at 9), then the competitive harm to the operating system market caused by Microsoft's unlawful maintenance of its monopoly will be remedied.

With respect to Section III.D, the Competitive Impact Statement indicates an intent by the Department of Justice to: ensure[ ] that developers of competing middleware—software that over time could begin to erode Microsoft's Operating System monopoly—will have full access to the same interfaces and related information as Microsoft Middleware has to interoperate with Windows Operating Products. Microsoft will not be able to hamper the development or operation of potentially threatening software by withholding interface information or permitting its own products to use hidden or undisclosed interfaces.

Competitive Impact Statement at 12.

The Proposed Final Judgment makes an effort to provide the interface and related technical information ''transparency'' to the entities that the Department of Justice believes will need access to Microsoft software in order to develop software compatible with Microsoft and non-Microsoft operating systems. While the named entities include ISVs, however, they do not specifically include entities that provide non-Microsoft Operating Systems. An argument can be made that the definition for ''ISVs'' appears to be broad enough to include providers of non-Microsoft operating systems because under the definition ''ISV'' means an entity other than Microsoft engaged in the development or marketing of software products.'' Proposed Final Judgment, Section VI.I. The question and possible loophole remains, however, that Microsoft might argue that the transparency extends only to entities that develop middleware, but not to entities such as Red Hat—entities that provide non-Microsoft operating systems. In order to ensure that the protections are as inclusive as possible, the definition of ''Independent Software Vendor'' can be supplemented to include specifically entities that compete in the operating system market. Thus, under the Section VI—Definitions—''ISV'' would be modified to mean an entity other than Microsoft that is engaged in the development, marketing or providing of software products or services, including Operating System Providers.

C. Section III.F

According to the Competitive Impact Statement, Section III.F ''redresses conduct by Microsoft specifically found unlawful by the District Court and the Court of Appeals.'' By addressing only actual retaliatory conduct, however, Section III.F suffers from the same infirmity as Section III.A, and may provide injunctive relief only after Microsoft has taken action that will harm a business entity. Microsoft must not be prohibited only from actual retaliation, but must also be prohibited from intimidating, threatening to withhold business from, coercing or retaliating against any ISV or IHV because of activities that will further competing middleware or operating systems. See comment on Section III.A, supra.

D. Section III.J

As worded, Section III.J provides exceptions to Microsoft's disclosure obligations that have a serious potential to defeat the intent of the Proposed Final Judgment. The Competitive Impact Statement makes it clear that the exception to Microsoft's disclosure obligations is meant to be a ''narrow exception limited to specific end-user implementations of security items such as actual keys, authorization tokens or enforcement criteria, the disclosure of which would compromise the security of a 'particular installation or group of installations'' of the listed security features.'' Competitive Impact Statement at 18. The nature of security, however, requires that Section III.J should be modified so that there is a detailed specification of what Microsoft must provide under the mandates of the Proposed Final Judgment, rather than what it is excluded from providing within the context of security. Because of the potentially wide-ranging negative impact of this Section, Red Hat believes some background on the nature of security is required.

All security experts agree that there is no such thing as perfect security, and indeed this pessimistic view extends to the field of computer security. In his book ''Secrets and Lies: Digital Security in a Networked World'', noted security expert Bruce Schneier explains ''modem systems have so many components and connections—some of them not even known by the systems'' designers, implementers, or users—that insecurities always remain. No system is perfect.'' If no computer system can be made perfectly secure, then any computer system can potentially suffer a security compromise. Moreover, it is not knowable whether the security compromise will be a result of people having access to information about a security weakness (which they can exploit) or people not having access to such information (which allows others to exploit something one might otherwise be able to defend against). Thus, on the one hand, one could argue that divulging any information whatsoever could lead to a security compromise, but on the other hand, that not divulging any information of any kind could also lead to a security compromise. Such is the nature of computer security (indeed, all security).

One of the main issues in the antitrust case against Microsoft is the fact that Microsoft has controlled information about and permission to use system APIs, Documentation, licenses, and Communications Protocols to discriminate against or retaliate against one or more parties (or classes of parties), and has done so strategically to protect, extend, and indeed abuse its monopoly powers. Certainly any valid remedy for this anti-trust case would enjoin Microsoft from such conduct in the future.

While the Proposed Final Judgment attempts to set guidelines under which Microsoft would be required to document, disclose, or license to third parties portions of APIs or Documentation or portions or layers of Communications Protocols, Section III.J(1) carves out a specific exemption: the case where the disclosure of such would compromise the security of anti-piracy, anti-virus, software licensing, digital fights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria. While this may sound like a fair and reasonable exemption, it is not because Microsoft could legitimately argue that any requirement to document, disclose, or license anything to third parties could, in theory, result in a security compromise of one or more of these systems. Such is the nature of computer security.

Thus, Section III.J(1) grants Microsoft legal protection for the very behavior that this Proposed Final Judgment was designed to remedy.

As noted, the Competitive Impact Statement interprets Section III.J(1) as being an extremely limited exemption, essentially only extending to specific keys and security tokens, not to technologies, interfaces or interoperability. This interpretation, however, is not carried over to the language of the Proposed Final Judgment, which gives almost blanket permission to Microsoft to invoke the exemption. An appropriate modification of Section III.J(1)—other than removing it entirely—is as follows:

No provision of this Final Judgment shall:

1. Require Microsoft to disclose to any specific end-user implementations of security items such as actual end-user keys, authorization tokens, or enforcement criteria, the disclosure of which would compromise the security of a particular installation or group of installations of the security item. Notwithstanding the foregoing, if any such implementation of a security item requires a specific end-user key, authorization token, enforcement criteria, or analogous information to fully and equitably interoperate with Microsoft Platform Software, Microsoft Middleware, APIs, Communication Protocols, Microsoft applications software, or Microsoft network services (such as e-commerce or internet services), then Microsoft must either (a) disclose such specific end-user key, authorization token, enforcement criteria, or

analogous information, (b) provide alternative end-user keys, authorization tokens, enforcement criteria, or analogous information that enable third parties to fully and equitably interoperate with those software, products, or services, or (c) disclose how to make such end-user keys, authorization tokens, enforcement criteria, or analogous information that will fully and equitably interoperate with such software, products, or services; Microsoft must disclose or provide such keys, authorization tokens, enforcement criteria, or analogous information to third parties upon request and in a nondiscriminatory manner. In no event, however, shall Microsoft reserve to itself any functionality for such keys, authorization tokens, enforcement criteria, or analogous information.

E. Section III.J(2)

Section III.J(2) presents another loophole that Microsoft can manipulate to avoid disclosure of necessary information. Under the provisions of Section III.J(2), Microsoft is permitted to require a certification of the ''authenticity and viability'' of any business seeking a license of ''any API, Documentation or Communications Protocol related to anti-piracy systems, anti-virus technologies, license enforcement mechanisms, authentication/authorization security, or third party intellectual property protection mechanisms of any Microsoft Product.'' Although the certification is required to be pursuant to ''reasonable and objective standards,'' those standards are established by Microsoft and there is no independent third party approval either of the development or of the implementation of those standards. The Competitive Impact Statements indicates that: the requirements of this subsection cannot be used as a pretext for denying disclosure or licensing, but instead are limited to the narrowest scope of what is necessary and reasonable, and are focused on screening out only individuals or firms that should not have access to or use of the specified security-related information either because they have a history of engaging in unlawful conduct related to computer software (e.g., they have been found to have engaged in a series of willful violations of intellectual property rights or of one more violations consisting of conduct such as counterfeiting), do not have any legitimate basis for needing the information, or are using the information in a way that threatens the proper operation and integrity of the systems and mechanisms to which they relate.

Competitive Impact Statement at 19. This will not be the case if there is no safeguard on the development or implementation of the standards. For example, Microsoft may decide to include financial or organizational requirements in order for a (1) an entity to be considered a ''business'' and (2) an entity to be considered an ''authentic and ''viable'' business. Microsoft may decide to require that, in order for an entity to be a ''business,'' it must operate in the market in a currently ''traditional'' manner, such as Microsoft operates, but not as many open source companies operate. Will a company need to undertake its own software development? Will a company need to own and license its software? Unless Microsoft is held to certain independent guidelines or policing, this provision may gut the intent of the Proposed Final Judgment.

The potential for abuse with this provision is particular Feat when considering the open source development community. Most open source software is not developed or owned by a for-profit business entity. It is the result of collaborative development, with software code contributed by its author for the benefit of all. The restrictive language of Section III.J(2) would expressly permit Microsoft to deny access to such open source development projects.

COMMENTS TO VI—DEFINITIONS

A fair reading of the Proposed Final Judgment supports that the protections extend to the direct participants in the market in which Microsoft was found to have unlawfully maintained its monopoly—the providers of competing operating systems. The Proposed Final Judgment, however, needs to ensure that the protections extend to all possible readings. It cannot be ignored that the clear finding Upheld by the Court of Appeals is that Microsoft unlawfully maintained its monopoly in the PC-compatible operating system market. Thus, if there is any possibility that Microsoft can find a loophole, that possible loophole should be closed. It is in this vein that we recommend that the definitions should be expanded to include providers of competing operating systems—the participants in the market in which Microsoft unlawfully has maintained its monopoly. Operating System Providers, then, should be specifically included within the ''ISV'' definition—as recommended, supra. Furthermore, a proposed definition for Operating System Providers follows:

''OSP'' means an operating system provider that provides a non-Microsoft software code that, inter alia, (i) controls the allocation and usage of hardware resources (such as the microprocessor and various peripheral devices) of a Personal Computer, (ii) provides a platform for developing applications by exposing functionality to ISVs through APIs, and (iii) supplies a user interface that enables users to access functionality of the operating system and in which they can run applications.

VI. COMMENTS TO SECTION IV—COMPLIANCE AND ENFORCEMENT PROCEDURES

A. Special Master

By not providing for the appointment of a Special Master to ensure enforcement of the Proposed Final Judgment, the Justice Department has left the injunctive relief toothless. There is absolutely nothing in the Proposed Final Judgment that provides a speedy vehicle for the resolution of complaints from an independent third party, such as Red Hat, that Microsoft has violated the Proposed Final Judgment. As suggested by the Litigating States in their proposed final judgment, the appointment of a Special Master could be made pursuant to Rule 53 of the Federal Rules of Civil Procedure.

B. Section IV.B—Appointment of a Technical Committee

The Technical Committee (''TC'') as constituted and mandated has no real authority or ability to address quickly and thoroughly third-party complaints regarding Microsoft's compliance with the Proposed Final Judgment. Moreover, it is structured as a committee of compromise and not enforcement. One of the members of the TC is to be selected by Microsoft, one of the members is selected by the plaintiffs and the third member is a joint selection. All of the members are to be ''experts in software design and programming.'' This narrowly restricts the scope of the TC to technical interpretations. It takes out of the realm of the TC's expertise issues relating to business practices and acts that may have a competitive impact on the market.

The TC should be supplemented with or assisted by a Special Master with the authority to order compliance with the Proposed Final Judgment. The Special Master will be able to address complaints relating to business practices as well as complaints relating to software disclosure or use.

C. Section IV.D—Voluntary Dispute Resolution

Section D sets forth the actual procedures for the Technical Committee to follow in the event that a third party makes a complaint regarding Microsoft's compliance with the Proposed Final Judgment. The procedures are general and the intent is to resolve complaints, not handle issues of enforcement. The Justice Department states that ''It]his dispute resolution function reflects the recognition that the market will benefit from rapid, consensual resolution of issues, where possible. It complements, but does not supplant, Plaintiffs'' other methods of enforcement. If the TC concludes that a complaint is meritorious, the TC will so advise Plaintiffs and Microsoft and propose a remedy.'' Competitive Impact Statement at 20. Despite this statement, the provision does nothing to ensure a resolution of issues. There is no requirement that Microsoft accept the remedy and no sanctions if Microsoft does not accept the remedy. In effect, there appears to be no ultimate control on Microsoft's conduct except for a separate action or convincing the Justice Department to seek an order to enforce the Proposed Final Judgment. This dispute resolution provision should be removed from the TC. The Special Master should administer the process for resolving third party complaints and have the authority to develop and administer a speedy process for resolving complaints and to order compliance if Microsoft is found to have violated the Proposed Final Judgment.

Respectfully submitted,

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Exhibit A

Microsoft Executive Says Linux Threatens Innovation (Update1)
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Source: Bloomberg News

Redmond, Washington, Feb. 14 (Bloomberg)—Microsoft Corp.'s Windows operating-system chief, Jim Allchin, says that freely distributed software code such as rival Linux could stifle innovation and that legislators need to understand the threat.

The result will be the demise of both intellectual property rights and the incentive to spend on research and development, he said yesterday, after the company previewed its latest version of Windows. Microsoft has told U.S. lawmakers of its concern while discussing protection of intellectual property rights.

Linux is developed in a so-called open-source environment in which the software code generally isn't owned by any one company. That, as well as programs such as music-sharing software from Napster Inc., means the world's largest software maker has to do a better job of talking to policymakers, he said.

''Open source is an intellectual-property destroyer,'' Allchin said. ''I can't imagine something that could be worse than this for the software business and the intellectual-property business.'' Microsoft distributes some of its programs without charge to customers, although it generally doesn't release its programming code, and it retains the ownership rights to that code. Linux is the most widely known open-source product, though other programs including the popular Apache system for Web server computers also are developed the same way.

$135 million investment in software maker Corel Corp. last October is being reviewed by the U.S. Justice Department. Corel said last month it willl drop efforts to develop the Linux operating system, though it will continue to make Linux applications. Corel said it hadn't consulted with Microsoft before making that decision.

Brian Behlendorf, founder of open-source company CollabNet Inc., said most companies that use the open-source development model do retain the rights to some of their intellectual property. ''I think Microsoft is trying to paint the open-source community as being fascist; that all software have has to be free, or none of it can be,'' said Behlendorf, whose company helps businesses run their own open-source projects.

Allchin said he's concerned that the open-source business model could stifle initiative in the computer industry.

Tin an American, I believe in the American Way,'' he said. ''I worry if the government encourages open source, and I don't think we've done enough education of policy makers to understand the threat.''

Linux Adoption

Some leading computer companies including International Business Machines Corp. and Hewlett-Packard Co. are selling Linux- based products and working on open-source projects, noted Jeremy Allison, a VA Linux Systems Inc. software developer. He's also a leader in a project develop an open-source file and printer server program. Microsoft only began significant lobbying efforts in the last few years. The Redmond, Washington-based company also talks to lawmakers about issues including the need for more visas for people with computer skills and computer privacy and security.

Linux is the fastest-growing operating system program for running server computers, according to research firm IDC. It accounted for 27 percent of unit shipments of server operating systems in 2000. Microsoft's Windows was the most popular on that basis, with 41 percent.

Despite Linux's success in some markets, Allchin says he isn't concerned about sales competition from the product. Microsoft provides support to change and develop products based on its operating system software that Linux companies don't, he said. Companies that use Linux in their products then must pay someone else for support, he said.

''We can build a better product than Linux,'' he said. ''There is always something enamoring about thinking you can get something for free.''

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Exhibit B

Microsoft CEO takes launch break with the Sun-Times

June 1, 2001

It's hard to find a computer that doesn't run a Microsoft product, particularly in Chicago. Microsoft's Chicago-based Midwest district office, which covers Illinois, Indiana and Wisconsin, is the tech giant's biggest moneymaker in the country, with more than 500 customers generating $500 million in revenue annually for Microsoft.

It should come as no surprise, then, that the Seattle-area company sent its No. 2 man, CEO Steve Ballmer, for the official launch of its new Office XP software Thursday at the United Center (yes, Bill Gates went to New York).

Between appointments in a whirlwind visit to Chicago—which included a lunch with 100 local companies and back-to-back-to-back media interviews-Ballmer sat down with Chicago Sun-Times reporter Dave Newbart to discuss the local tech economy, Microsoft's dominance in the market, the federal antitrust case, Microsoft's new licensing requirements and the open-source movement (in effect, free software on the Web, which he called a ''cancer'').

Q: Boeing recently moved to Chicago. Why doesn't Microsoft relocate here?

A: [laughs] We are quite comfortable with our headquarters in Seattle. Chicago is a great city. I'm from Detroit. I like it here. But we have 20,000 people comfortably ensconced in Seattle.

Q: More seriously, in Chicago we do seem to have an inferiority complex about our place in the tech world. Rankings frequently put us toward the bottom among major cities in terms of our tech presence. How do you view the state of our tech economy?

A: I think there is a lot of great stuff going on in Chicago. There are a lot of innovative users in the Chicago area, which is exciting. We have a lot of great partners. I'll be on stage with a company called Genesis [Consulting], which I'm very excited about. We have a local partner named Calypso [Systems].

We literally have dozens of partners doing very innovative work with customers here. I don't know what the national surveys say. Other than Silicon Valley, I think it's hard to point to any one place and say, ''That's where it's all happening.''

Q: Microsoft's market dominance and financial position are stronger than ever, despite the government's antitrust case and the weakening economy. Has the government's case had any impact on the way you do business?

A: There has been no legal ruling put into effect. We have and continue to innovate within the spirit and letter of the law. We continue to do what we have always done, because we think it's 100 percent correct. We add new capabilities to our product, we keep our prices low, we try to offer our customers better and better values. The laws were designed to encourage that and protect that behavior, because it's good for consumers.

Q: Microsoft has expanded to a number of markets, especially with the development of the Xbox and a smart phone. What's next, and is there any area that you don't see yourself entering?

A: We have a lot on our plate. We have a big dream about what XML (a markup language for documents containing structured information, such as words and graphics) can do for the world. The way software gets built will change over the years, which we are pursuing with our .Net platform. But we are hardly trying to do everything. I won't sit here and try to rule out that we might do other things in the future, but we have a few clear priorities.

Q: The new Windows XP software, I've seen a trial version, contains a number of free products—media player, a CD burner, an Internet firewall. Could that bundling hurt smaller competitors who make stand-alone software? Isn't this kind of bundling that you offered with Windows and Internet Explorer?

A: Just as with Internet Explorer, our job is to offer customers what they want. We are trying to provide more functionality at the same or better prices every day. [A]11 the new capabilities of Windows XP are open to software developers to add onto, to build value around. I think Windows XP ought to be a real boon to the kinds of innovations that come from smaller companies. The inclusion of Internet Explorer with Windows has been absolutely great ... for innovation in the software industry. Whether it was great for Netscape is a different question.

Q: Independent analyses of your new licensing policy indicate that unless a

company upgrades its software every two years, it could face costs from one-third to double what they are paying now to upgrade. What do you think of the criticism that says Microsoft is forcing companies to upgrade to Windows XP by October or face much higher costs later?

A: We are trying to simplify our licensing practices in many ways. We are clearly providing some incentive to upgrade more regularly. Your better customers get a better price. An analysis we've done, 80 percent of our customers are going to see the same or lesser prices, and 20 percent are going to see very small to somewhat larger increases.

Q: The new software also allows a user to install it only twice. You have recently cracked down on corporate piracy and large-scale pirating operations. Are home users next?

A: Intellectual property should be protected. That's the only way that a newspaper or a software company or record company or artist can get a fair return on their work. Our goal is to try to educate people on what it means to protect intellectual property and pay for it properly. We are trying to help customers understand when they are crossing the line by putting some bumps in the road so they can't do the wrong thing.

Q: Do you view Linux and the open-source movement as a threat to Microsoft?

A: Yeah. It's good competition. It will force us to be innovative. It will force us to justify the prices and value that we deliver. And that's only healthy. The only thing we have a problem with is when the government funds open-source work. Government funding should be for work that is available to everybody. Open source is not available to commercial companies. The way the license is written, if you use any open-source software, you have to make the rest of your software open source. If the government wants to put something in the public domain, it should. Linux is not in the public domain. Linux is a cancer that attaches itself in an intellectual property sense to everything it touches. That's the way that the license works.

Q: You've been on this job [as CEO] almost 18 months. What has it been like replacing Bill Gates?

A: [I]n a weird and strange way I probably feel more pressure now, no reason I should, but I feel a little more pressure, responsibility. The great thing is we get a chance to do two things. Bill gets a chance to put the highest possible percentage of time into our strategy. My particular capability and focus are really about building a management team, the business processes, etc. Bill and I are going to be around for a lot of years, but we are not going to be around forever. In some senses I'll put a little more time and energy into setting us up so the business is a business that doesn't depend on one guy, even a guy who is as talented as Bill Gates.

Exhibit C

Why Microsoft is wary of open source

By Joe Wilcox and Stephen Shankland

Staff Writers, CNET News.com

June 18, 2001, 11:00 AM PT

There's more to Microsoft's recent attacks on the open-source movement than mere rhetoric: Linux's popularity could hinder the software giant in its quest to gain control of a server market that's crucial to its long-term goals.

Recent public statements by Microsoft executives have cast Linux and the open-source philosophy that underlies it as, at the minimum, bad for competition, and, at worst, a ''cancer'' to everything it touches.

Behind the war of words, analysts say, is evidence that Microsoft is increasingly concerned about Linux and its growing popularity. The Unix-like operating system ''has clearly emerged as the spoiler that will prevent Microsoft from achieving a dominant position'' in the worldwide server operating-system market, IDC analyst AI Gillen concludes in a forthcoming report.

While Microsoft's overall operating-system market leadership is by no means in jeopardy, Linux's continued gains make it harder for Microsoft to further its core plan for the future, Microsoft. Net. The plan is a software-as-a-service initiative similar to plans from competitors including Hewlett-Packard, IBM and Sun Microsystems.

One of the cornerstones of .Net is HailStorm, which is built around the company's Passport authentication service.

Microsoft.Net and HailStorm make use of XML (Extensible Markup Language) to pass information between computers based on Windows and computers using other operating systems. However, many .Net components-such as Passport and server-based software including the company's SQL Server database software and BizTalk e-commerce server-only on Windows. ''The infrastructure to operate XML Web services relies on the Windows operating system and the .Net Enterprise Servers,'' Microsoft's marketing literature states.

Microsoft needs to control the server operating-system market if HailStorm and all the .Net services and subscriptions associated with it are to succeed, analysts say.

''HailStorm itself by definition needs Microsoft-provided or -partnered services, which means Microsoft's or its partners'' servers,'' said Gartner analyst David Smith. ''In that sense, Linux is a threat to .Net.''

Microsoft is expected to spend hundreds of millions of dollars marketing and developing .Net. Virtually every product from the company ties in to the plan at some point.

While Linux hasn't displaced Windows, it has made serious inroads. Linux accounted for 27 percent of new worldwide operating-system licenses in 2000, and Microsoft captured 41 percent of new licenses, according to IDC.

Overall, Gartner estimates Linux runs on nearly 9 percent of U.S. servers shipped in the third quarter of 2000, with worldwide projected Linux server sales of nearly $2.5 billion in 2001 and about $9 billion in 2005.

But Linux continues to gain credibility, particularly because of the massive support provided by IBM, which has pledged to spend $1 billion on Linux development.

In attacking Linux and open source, Microsoft finds itself competing ''not against another company, but against a grassroots movement,'' said Paul Dain, director of application development at Emeryville, Calif.-based Wirestone, a technology services company.

''My guess is that they are now under pressure to defend themselves against the criticism from the open-source and free-software communities—whether it's justified or not—as well as companies like IBM that are aggressively marketing Linux,'' Dain said. ''In order to combat that, they have to use strong language to get their point across.''

Increasing Linux use makes it more difficult to spread the .Net message. That, in turn, has led to a string of comments from Microsoft executives publicly denouncing Linux and open source. ''Linux is a cancer that attaches itself in an intellectual property sense to everything it touches,'' Chief Executive Steve Ballmer said in an interview with the Chicago Sun-Times.

Despite Microsoft's criticism, the company still uses open-source code in some products. Servers for the company's Hotmail e-mail service use FreeBSD for some DNS (domain name server) functions.

''This is a legacy issue that came from Hotmail when we originally got it,'' said Microsoft spokesman Rick Miller. ''We haven't gone out, purchased and put into place FreeBSD. It came when we purchased other companies. We didn't build any of our infrastructure on FreeBSD. We build it on Windows.''

In the mid 1980s, Microsoft licensed its TCP/IP (transmission control protocol/Internet protocol) networking stack from another company that used open-source code. ''You could say it had its genesis in FreeBSD, but it's now absolutely Windows,'' Miller said. The code first appeared in Windows NT and also was used in Windows 2000.

Critical of change

Microsoft has also criticized the General Public License (GPL) that governs the heart of Linux. Under this license, changes to the Linux core, or kernel, must also be governed by the GPL. The license means that if a company changes the kernel, it must publish the changes and can't keep them proprietary if it plans to distribute the code externally.

Other open-source projects, such as FreeBSD, allow changes that are kept proprietary. That provision was one reason FreeBSD proved appealing to Wind River Systems, the dominant seller of operating systems for non-PC ''embedded'' computing devices such as network routers. Microsoft's open-source attacks come at a time when the company has been putting the pricing squeeze on customers. In early May, Microsoft revamped software licensing, raising upgrades between 33 percent and 107 percent, according to Gartner. A large percentage of Microsoft business customers could in fact be compelled to upgrade to Office XP before Oct. 1 or pay a heftier purchase price later on.

The action ''will encourage—'force'' may be a more accurate term—customers to upgrade much sooner than they had otherwise planned,'' Gillen noted in the IDC report. ''Once the honeymoon period runs out in October 2001, the only way to 'upgrade'' from a product that is not considered to be current technology is to buy a brand-new full license.'''

This could make open-source Linux's GPL more attractive to some customers feeling

trapped by the price hike, Gillen said. ''Offering this form of ''upgrade protection'' may motivate some users to seriously consider alternatives to Microsoft technology.''

Ray Bailey, information services manager at The Bergquist Company, said a recent meeting with Microsoft changed the technology direction of his company, which manufactures electronic components and other goods.

''Our IS team agreed that, due to Microsoft's changing of the licensing rules and the manner in which they have given us less-than-adequate time to process those changes, we are seriously looking at other platforms,'' he said. ''Linux is a strong contender for our next server because of the low-cost nature of the licensing.''

Internally, Microsoft seems somewhat torn on how to approach the open-source movement. While the company denounces the move toward free software, it does recognize at least some of the value of open-source development.

''Microsoft views open source as a competitor, but it's hard to treat it as a competitor,'' Gartner's Smith said. ''So they have to attack basic tenets, mentality, way of life and thought processes.'' Since last year, Microsoft has made available to hundreds of its larger customers copies of its closely guarded Windows source code. The company hopes its best customers can help it improve Windows.

Microsoft has been touting plans to broaden Windows source-code access to business partners in an initiative it calls its ''shared-source philosophy.''

In particular, Microsoft wants to emulate the spirit of cooperation that has spawned groups of volunteer Linux programmers. ''Having a sense of community is a good thing. It's one thing we've watched with interest,'' Craig Mundie, senior vice president of advanced strategies at Microsoft, said in a recent interview. ''The more of that we can foster in our community, the better.''

Building a better community

Microsoft hopes to imbue its programmer network with some of this community spirit, Mundie said. ''The Microsoft Developer Network hasn't been one where there was a lot of dialogue between (developers) and with Microsoft developers.''

Though Microsoft will be expanding how it engages directly with those who see its source code, the company isn't going to extend the right granted to many members of the open-source community-the power to change the software. People may submit bug fixes, but ''customers aren't trying to buy the rights to produce derivatives,'' Mundie said. ''In general, we're going to control that reintegration. We worry a lot about uniformity and avoiding fragmentation.''

But how far Microsoft is willing to go with open source appears limited, said Smith, who noted that while attacking Linux, the company promises to support the Unix variant through .Net. It's ''a nice PR story for Microsoft to talk about the possibilities about .Net on Linux,'' he said. ''It is true that Linux can participate in those .Net services, but don't expect Microsoft to provide any incentive or anything else that would make that possible.''

Dain said Microsoft's attacks on Linux and open source may in the long run benefit technology buyers. ''Personally, I think the talk on both sides-Microsoft vs. open source—will end up benefiting consumers in the workplace and at home. There definitely is competition in the marketplace, and this battle simply proves the point.''

And while Microsoft may have the advantage in the consumer market with Windows, it's still the underdog in the large-scale business server market.

''To many people, including myself, implementing a Microsoft solution is a much more cost-effective way to go than a Sun or other high-end Unix/mainframe solution,'' Dain said.

Exhibit D

Microsoft license spurns open source

By Stephen Shankland

Staff Writer, CNET News.com

June 22, 2001, 12:05 PM PT

Microsoft lawyers have joined the company's campaign against open-source software, restricting how developers may use what it terms ''viral software'' in connection with Microsoft programming tools.

The license of the second beta version of Microsoft's Mobile Internet Toolkit—software used so programmers can create server software to connect with handheld computers over the Internet—prohibits customers from using the Microsoft software in conjunction with ''potentially viral software.'' (Read an excerpt here)

In describing this category of software, Microsoft includes the most common licenses used for publishing open-source software, such as the Linux operating system. Licenses specifically excluded by Microsoft include the General Public License, the Lesser General Public License, the Mozilla Public License and the Sun Industry Standards License.

While the provision in Microsoft's license isn't surprising, Fenwick & West intellectual property attorney Dana Hayter said the company could have picked a more neutral term, such as ''open software.''

''The choice of the term says more about Microsoft's view than the rest of it,'' Hayter said. ''I think it's a pejorative and misleading term. To suggest that open-source software is somehow ''vital'' is to confuse harm to your customers'' machines and data with harm to Microsoft's profits.'' Microsoft representatives weren't immediately available for comment.

The license provision, posted Thursday at Linux Today, is the latest step in an increasingly vocal campaign by Microsoft Chairman Bill Gates, Senior Vice President Craig Mundie and Chief Executive Steve Ballmer to disparage open-source software.

The campaign, in which the executives have compared open-source software to viruses and cancer, comes at a time when some observers believe Microsoft is worried that Linux—the best-known open-source project—will undermine the Microsoft. Net strategy for joining desktop computer users with sophisticated Internet services.

Some open-source fans weren't happy with Microsoft's view of the software world and its use of the term ''viral software.''

''The GPL is not a virus, it is a vaccine, an inoculation against later abuse of your code by having someone, such as Microsoft, take your hard work, incorporate it into a proprietary product which is then extended and kept closed, marginalizing your project in the process,'' said one comment at discussion site Slashdot.

The Microsoft license seeks to prevent the possibility that a program that links both to Microsoft and open-source software components could force Microsoft to expose the now-secret source code of its software, Hayter said.

''They're saying you cannot use (Microsoft) software in a way that would create in Microsoft any obligations to do anything with (Microsoft's) code, for example to make the source public,'' Hayter said.

One example of a forbidden move would be to create software that used prepackaged components called libraries from Microsoft as well as a library covered by the GPL, Hayter said. Under the terms of the GPL, software covered by it may be directly incorporated only into other GPL software.

But a legally grayer area is creating software that merely calls upon such libraries rather than incorporating the library code directly. The Free Software Foundation created the LGPL license for precisely such occasions; this license allows links to proprietary software.

One example is the use of a library called ''readline'' that lets people use arrow keys and perform some other tasks when typing information into a computer, said PostgreSQL database developer Bruce Momjian. Because PostgreSQL is released under a BSD-style license that has different terms than the GPL, GPL code may not be freely mixed within PostgreSQL.

''If we required the readline library, then the entire PostgreSQL software would have to be GPL'd,'' Momjian said, noting that programs such as the BSD-licensed libedit software offer an alternative. ''If you use (readline) in any application, your entire application is GPL.'' Regardless of the legalities involved, the provision in the license is significant, Hatyer said. ''This demonstrates they're taking open source seriously.''

Exhibit E

By Mike Ricciuti

Staff Writer, CNET News.com

November 5, 1998, 11:20 AM PT

Microsoft engineers see Linux as a ''best-of-breed'' Unix that outperforms the company's own Windows NT operating system and is a ''credible alternative'' to commercially developed servers, according to an internal memo posted to the Web this week.

The admission, contained in the second so-called Halloween memo posted to the Web this week by programmer Eric Raymond, is counter to the company's public statements downplaying the significance of Linux, and its suggestions that Fortune 1,000 companies have little interest in open source software (OSS).

The new memo also contains a single sentence suggesting that the company may investigate the use of patents and copyrights to combat Linux. Microsoft representatives were not immediately available to comment further on the statement.

In a preface to the memo, Raymond states that the document had been leaked to him by a former Microsoft employee. A Microsoft representative today said the document appears to be authentic, and said it is the second in ''what could be a series'' of similar memos posted to the Web. Yesterday, a Microsoft representative downplayed the significance of the initial memo.

According to the new memo, written by Microsoft engineer Vinod Valloppillil, Linux ''represents a best-of-breed Unix, that is trusted in mission critical applications, and—due to its open source code—has a long term credibility which exceeds many other competitive OS's.''

In what the memo's author considers the ''worst case'' scenario for Microsoft, Linux will ''provide a mechanism for server OEMs to provide integrated, task-specific products and completely bypass Microsoft revenues in this space.''

Another new revelation contained in the new memo is that Microsoft considers Linux to be a threat on both server and client systems. ''Long term, my simple experiments do indicate that Linux has a chance at the desktop market..,'' the memo states. The initial memo only cited the server market as a competitive battleground between Linux and Windows NT, now renamed Windows 2000.

The first memo, posted to the Web over the weekend, showed that Microsoft executives fear that the growing popularity of Linux and other open source software poses a direct threat to the company's revenue stream, and suggests the company could respond by modifying Internet protocols to become proprietary technologies that tie consumers and developers to Microsoft products.

In the new memo, some of the reasons for the company's fears are more clearly defined. The memo states:

. ''Most of the primary apps that people require when they move to Linux are already available for free. This includes Web servers, POP clients, mail servers, text editors, etc.''

. ''An advanced Win32 GUI user would have a short learning cycle to become productive [under Linux].''

. ''I previously had [Internet Explorer and Windows NT] on the same box and by comparison the combination of Linux /[Netscape Navigator] ran at least 30 to 40 percent faster when rendering simple HTML + graphics.''

. ''Linux's (real and perceived) virtues over Windows NT include: Customization. Availability/Reliability. Scalability/ Performance. Interoperability.'' The author of the memo also writes that he believes consumers ''love'' Linux.

Exhibit F

Microsoft sues Linux start-up over name

By Joe Wilcox and David Becker

Staff Writers, CNET News.com

December 20, 2001,3:50 PM PT

Microsoft asked a court on Thursday to stop a Linux start-up from using a name the software giant contends infringes on the Windows trademark.

The Redmond, Wash.-based software giant filed a motion with the U.S. Court for the Western District of Washington against Lindows, which is developing a version of the Linux operating system that will run popular applications written for Microsoft's Windows OS.

Microsoft contends the company, which plans to formally release its product next year, purposely is trying to confuse Lindows with Windows. The suit asks the court to order the start-up to stop using the Lindows name and also seeks unspecified monetary damages.

''We're not asking the court to stop the company from making their products,'' said Microsoft spokesman Jon Murchinson. ''What we're saying is they should not use a name that could confuse the public and infringe on our valuable trademark.''

Lindows is based on the Wine project, an open-source effort to mimic the commands that Windows programs use. The San Diego-based Lindows company was launched earlier this year by Michael Robertson, former CEO of digital music site MP3.com.

Robertson characterized the move as another attempt by Microsoft to thwart a viable threat to its Windows empire.

''If they're alleging that people are going to be confusing Microsoft Corp. with Lindows.com, I think there's zero potential of that happening,'' he said. ''If people are confused, just remember that we're not the convicted monopolist.''

Murchinson said Microsoft considered legal action a last resort.

''Clearly we prefer to work with them to resolve this problem voluntarily. Their product name infringes on our trademark,'' Murchinson said. ''We hope they will work with us to resolve this problem without the need for legal action.'' Robertson said he had heard from nobody at Microsoft regarding the name dispute. ''They

Microsoft has been involved in an increasingly fractious war of words with Linux supporters this year, with Microsoft executives castigating the open-source distribution model behind Linux as a sure road to commercial failure and on blight for software development. Emmett Stanton, an attorney at Palo Alto, Calif.-based Fenwick & West, said Microsoft has not been overzealous in the past about protecting its trademark, allowing spoof sites and others to go unchallenged.

''They're not the type to sue at the drop of a hat,'' he said, concluding that there appears to be solid ground for the Lindows complaint. ''Superficially, you would have to say there's some potential for confusion, and the defendant may be trying to trade on Microsoft's position in the marketplace.''

Robertson said he hoped to have a preview version of Lindows ready for download by next week, with a full version ready early next year. He said the company is targeting small and medium-sized business that might be interested in switching to a less expensive operating system but have invested in Windows applications such as Office. ''We're trying to give consumers a choice, where there's really no choice today,'' he said.

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DEPARTMENT OF JUSTICE AND MICROSOFT CORPORATION REACH EFFECTIVE SETTLEMENT ON ANTITRUST LAWSUIT

Settlement Provides Enforcement Measures To Stop Microsoft's Unlawful Conduct, Prevent Its Recurrence, And Restore Competition

WASHINGTON, DC—The Department of Justice reached a settlement today with Microsoft Corporation that imposes a broad range of restrictions that will stop Microsoft's unlawful conduct, prevent recurrence of similar conduct in the future and restore competition in the software market, achieving prompt, effective and certain relief for consumers and businesses. The settlement reached today accomplishes this by: creating the opportunity for independent software vendors to develop products that will be competitive with Microsoft's middleware products on a function-by-function basis; giving computer manufacturers the flexibility to contract with competing software developers and place their middleware products on Microsoft's operating system; preventing retaliation against computer manufacturers, software developers, and other industry participants who choose to develop or use competing middleware products; and ensuring full compliance with the proposed Final Judgment and providing for swift resolution of technical disputes.

''A vigorously competitive software industry is vital to our economy and effective antitrust enforcement is crucial to preserving competition in this constantly evolving high-tech arena,'' said Attorney General John Ashcroft. ''This historic settlement will bring effective relief to the market and ensure that consumers will have more choices in meeting their computer needs.'' The settlement, which will be filed today in U.S. District Court in the District of Columbia with Judge Colleen Kollar-Kotelly, if approved by the court, would resolve the lawsuit filed by the Department on May 18, 1998.

''This settlement will promote innovation, give consumers more choices, and provide the computer industry as a whole with more certainty in the marketplace,'' said Charles A. James, Assistant Attorney General for the Antitrust Division. ''The goals of the government were to obtain relief that stops Microsoft from engaging in unlawful conduct, prevent any recurrence of that conduct in the future, and restore competition in the software market-we have achieved those goals.''

Today's proposed settlement is modeled on the conduct provisions in the original Final Judgment entered by Judge Jackson, but includes key additions and modifications that take into account the and anticipated changes in the computer industry, including the launch of Microsoft's new Windows XP operating system, and the Court of Appeals decision revising some of the original liability findings.

The proposed Final Judgment includes the following key provisions:

Broad Scope of Middleware Products- The proposed Final Judgment applies a broad definition of middleware products which is wide ranging and will cover all the technologies that have the potential to be middleware threats to Microsoft's operating system monopoly. It includes browser, e-mail clients, media players, instant messaging

software, and future new middleware developments.

Disclosure of Middleware Interfaces- Microsoft will be required to provide software developers with the interfaces used by Microsoft's middleware to interoperate with the operating system.

This will allow developers to create competing products that will emulate Microsoft's integrated functions.

Disclosure of Server Protocols- The Final Judgment also ensures that other non-Microsoft server software can interoperate with Windows on a PC the same way that Microsoft servers do. This is important because it ensures that Microsoft cannot use its PC operating system monopoly to restrict competition among servers. Server support applications, like middleware, could threaten Microsoft's monopoly.

Freedom to Install Middleware Software—Computer manufacturers and consumers will be free to substitute competing middleware software on Microsoft's operating system.

Ban on Retaliation—Microsoft will be prohibited from retaliating against computer manufacturers or software developers for supporting or developing certain competing software. This provision will ensure that computer manufacturers and software developers are able to take full advantage of the options granted to them under the proposed Final Judgment without fear of reprisal. Uniform Licensing Terms- Microsoft will be required to license its operating system to key computer manufacturers on uniform terms for five years. This will further strengthen the ban on retaliation.

Ban on Exclusive Agreements- Microsoft will be prohibited from entering into agreements requiring the exclusive support or development of certain Microsoft software. This will allow software developers and computer manufacturers to contract with Microsoft and still support and develop rival middleware products.

The proposed Final Judgment also includes key additional provisions related to enforcement: Licensing of Intellectual Propert—Microsoft also will be required to license any intellectual property to computer manufacturers and software developers necessary for them to exercise their rights under the proposed Final Judgment, including for example, using the middleware protocols disclosed by Microsoft to interoperate with the operating system. This enforcement measure will ensure that intellectual property rights do not interfere with the rights and obligations under the proposed Final Judgment.

On-Site Enforcement Monitors- The proposed settlement also adds an important enforcement provision that provides for a panel of three independent, on-site, full-time computer experts to assist in enforcing the proposed Final Judgment. These experts will have full access to all of Microsoft's books, records, systems, and personnel, including source code, and will help resolve disputes about Microsoft's compliance with the disclosure provisions in the Final Judgment. The core allegation in the lawsuit, upheld by the Court of Appeals in June 2001, was that Microsoft had unlawfully maintained its monopoly in computer-based operating systems by excluding competing software products known as middleware that posed a nascent threat to the Windows operating system.

Specifically, the Court of Appeals found that Microsoft engaged in unlawful exclusionary conduct by using contractual provisions to prohibit computer manufacturers from supporting competing middleware products on Microsoft's operating system; prohibiting consumers and computer manufacturers from removing Microsoft's middleware products from the operating system; and reaching agreements with software developers and third parties to exclude or disadvantage competing middleware products.

The proposed Final Judgment will be published by the **Federal Register**, along with the Department's Competitive Impact Statement, as required by the Antitrust Procedures and Penalties Act. Any person may submit written comments concerning the proposed consent decree within 60 days of its publication to: Renata Hesse, Trial Attorney, 325 7th Street, NW, Suite 500, Washington, DC 20530, (202–6160944). At the conclusion of the 60-day comment period, the Court may enter the proposed consent decree upon a finding that it serves the public interest. The proposed Final Judgment will be in effect for a five year period and may be extended for an additional two-year period if the Court finds that Microsoft has engaged in multiple violations of the proposed Final Judgment.

6330670 Digital rights management operating system 11-Dec-01

6330589 System and method for using a client database to manage conversation threads generated from email or news messages 11-Dec-01

6330566 Apparatus and method for optimizing client-state data storage 11-Dec-01

6330563 Architecture for automated data analysis 11-Dec-01

6330003 Transformable graphical regions 11-Dec-01

6327705 Method for creating and maintaining user data 04-Dec-01

6327702 Generation a compiled language program for an interpretive runtime environment 04-Dec-01

6327699 Whole program path profiling 04-Dec-01

6327652 Loading and identifying a digital rights management operating system 04-Dec-01

6327617 Method and system for identifying and obtaining computer software fro a remote computer 04-Dec-01

6327608 Server administration tool using remote file browser 04-Dec-01

6327589 Method for searching a file having a format unsupported by a search engine 04-Dec-01

6326964 Method for sorting 3D object geometry among image chunks for rendering in a layered graphics rendering system 04-Dec-01

6326953 Method for converting text corresponding to one keyboard mode to text corresponding to another keyboard more 04-Dec-01

6326947 Ractile character input in computer-based devices 04-Dec-01

6324587 Method, computer program product, and data structure for publishing a data object over a store and forward transport 27-Nov-01

6324571 Floating single master operation 27-Nov-01

6324546 Automatic logging of application program launches 27-Nov-01

6324544 File object synchronization between a desktop computer and a mobile device 27-Nov-01

6324492 Server stress testing using multiple concurrent client simulation 27-Nov-01

6321334 Administering permissions associated with a security zone in a computer system security model 20-Nov-01

6321276 Recoverable methods and systems for processing input/output requests including virtual memory addresses 20-Nov-01

6321275 Interpreted remote procedure calls 20-Nov-01

6321274 Multiple procedure calls in a single request 20-Nov-01

6221243 Laying out a paragraph by defining all the characters as a single text run by substituting, and then positioning the glyphs 20-Nov-01

6321226 Flexible keyboard searching 20-Nov-01

6321225 Abstracting cooked variables from raw variables 20-Nov-01

6321219 Dynamic symbolic links for computer file systems 20-Nov-01

6320978 Stereo reconstruction employing a layered approach and layer refinement techniques 20-Nov-01

6317880 Patch source list management 13-Nov-01

6317818 Pre-fetching of pages prior to a hard page fault sequence 13-Nov-01

6317774 Providing predictable scheduling of programs using a repeating precomputed schedule 13-Nov-01

6317760 Extensible ordered information within a web page 13-Nov-01

6317748 Management information to object mapping and correlator 13-Nov-01

6314562 Method and system for anticipatory optimization of computer programs 06-Nov-01

6314533 System and method for forward custom marshaling event filters 06-Nov-01

6314417 Processing multiple database transactions in the same process to reduce process overhead and redundant retrieval from database servers 06-Nov-01

6313851 User friendly remote system interface 06-Nov-01

6311323 Computer programming language statement building and information tool 30-Oct-01

6311228 Method and architecture for simplified communications with HID devices 30-Oct-01

6311216 Method, computer program product, and system for client-side deterministic routing and URL lookup into a distributed cache of URLS 30-Oct-01

6311209 Methods for performing client-hosted application sessions in distributed processing systems 30-Oct-01

6308274 Least privilege via restricted tokens 23-Oct-01

6308273 Method and system of security location discrimination 23-Oct-01

6308266 System and method for enabling different grades of cryptography strength in a product 23-Oct-01

6308222 Transcoding of audio data 23-Oct-01

6308173 Methods and arrangements for contro??ing resource access in a networked computing environment 23-Oct-01

6307566 Methods and apparatus for performing image rendering and rasterization operations 23-Oct-01

6307547 Method and system for providing enhanced folder racks 23-Oct-01

6307538 EMC enhanced peripheral device 23-Oct-01

6305008 Automatic statement completion 16-Oct-01

6304928 Compressing/decompressing bitmap by performing exclusive- or operation setting differential encoding of first and previous row therewith outputting run-length encoding of row 16-Oct-01

6304918 Object interface control system 16-Oct-01

6304917 Negotiating optimum parameters in a system of interconnected components 16-Oct-01

6304914 Method and apparatus for pre-compression packaging 16-Oct-01

6304879 Dynamic data cache for object-oriented computing environments 16-Oct-01

6304878 Method and system for improved enumeration of tries 16-Oct-01

6304261 Operating system for handheld computing device having program icon auto hide 16-Oct-01

6304258 Method and system for adding application defined properties and application defined property sheet pages 16-Oct-01

6303924 Image sensing operator input device 16-Oct-01

6301616 Pledge-based resource allocation system 09-Oct-01

6301612 Establishing one computer as a replacement for another computer 09-Oct-01

6301601 Disabling and enabling transaction committal in transactional application components 09-Oct-01

6298440 Method and system for providing multiple entry point code resources 02-Oct-01

6298391 Remote procedure calling with marshaling and unmarshaling of arbitrary non-conformant pointer sizes 02-Oct-01

6298373 Local service provider for pull based intelligent caching system 20-Oct-01

6298342 Electronic database operations for perspective transformations on relational tables using pivot and unpivot columns 02-Oct-01

6298321 Trie compression using substates and utilizing pointers to replace or merge identical, reordered states 02-Oct-01

6297837 Method of maintaining characteristics information about a system component either modified by an application program or a user initiated change 02-Oct-01

6295608 Optimized allocation of data elements among cache lines 25-Oct-01

6295556 Method and system for configuring computers to connect to networks using network connection objects 25-Oct-01

6295529 Method and apparatus for indentifying clauses having predetermined characteristics indicative of usefulness in determining relationships between different texts 25-Oct-01

6292934 Method and system for improving the locality of memory references during execution of a computer program 18-Oct-01

6292857 Method and mechanism for coordinating input of asynchronous data 18-Oct-01

6292840 Voice/audio data communication with negotiated compression scheme and data header compressed in predetermined scheme 18-Oct-01

6292834 Dynamic bandwidth selection for efficient transmission of multimedia streams in a computer network 18-Sep-01

6292822 Dynamic load balancing among processors in a parallel computer 18-Sep-01

6292194 Image compression method to reduce pixel and texture memory requirements in graphics applications 18-Sep-01

6289464 Receiving wireless information on a mobile device with reduced power consumption 11-Sep-01

6289458 Perproperty access control mechanism 11-Sep-01

6289390 System and method for performing remote requests with an on-line service network 11-Sep-01

6288726 Method for rendering glyphs using a layout services library 11-Sep-01

6288720 Method and system for adding application defined properties and application defined property sheet pages 11-Sep-01

6286131 Debugging tool for linguistic applications 04-Sep-01

6286013 Method and system for providing a common name space for long and short file names in an operating system 04-Sep-01

6285998 System and method for generating reusable database queries 04-Sep-01

6285374 Blunt input device cursor 04-Sep-01

6285363 Method and system for sharing applications between computer systems 04-Sep-01

6282712 Automatic software installation on heterogeneous networked computer systems 28-Aug-01

6282621 Method and apparatus for reclaiming memory 28-Aug-01

6282561 Method and system for resource management with independent real-time applications on a common set of machines 28-Aug-01

6282327 Maintaining advance widths of existing characters that have been resolution enhanced 28-Aug-01

6282294 System for broadcasting to, and programming, a motor device in a protocol, device, and network independent fashion 28-Aug-01

6281881 System and method of adjusting display characteristics of a displayable data file using an ergonomic computer input device 28-Aug-01

6281879 Timing and velocity control for displaying graphical information 28-Aug-01

6279111 Security model using restricted tokens 21-Aug-01

6279032 Method and system for quorum resource arbitration in a server cluster 21-Aug-01

6279016 Standardized filtering control techniques 21-Aug-01

6279007 Architecture for managing query friendly hierarchical values 21-Aug-01

6278989 Histogram construction using adaptive random sampling with cross-validation for database systems 21-Aug-01

6278462 Flexible schemes for applying properties to information in a medium 21-Aug-01

6278450 System and method for customizing controls on a toolbar 21-Aug-01

6278448 Composite Web page built from any web content 21-Aug-01

6278434 Non-square scaling of image data to be mapped to pixel sub-components 21-Aug-01

6275957 Using query language for provider and subscriber registrations 14-Aug-01

6275938 Security enhancement for untrusted executable code 14-Aug-01

6275912 Method and system for storing data items to a storage device 14-Aug-01

6275868 Script Engine interface for multiple languages 14-Aug-01

6275857 System and method for freeing shared resources in a computer system 14-Aug-01

6275829 Representing a graphic image on a web page with a thumbnail-sized image 14-Aug-01

6275496 Content provider for pull based intelligent caching system 14-Aug-01

6272631 Protected storage of core data secrets 07-Aug-01

6272593 Dynamic network cache directories 07-Aug-01

6272581 System and method for encapsulating legacy data transport protocols for IEEE 1394 serial bus 07-Aug-01

6272545 System and method for interaction between one or more mobile devices 07-Aug-01

6271858 Incremental update for dynamic/animated textures on three-dimensional models 07-Aug-01

6271855 Interactive construction of 3D models from panoramic images employing hard and soft constraint characterization and decomposing techniques 07-Aug-01

6271847 Inverse texture mapping using weighted pyramid blending and view-dependent weight maps 07-Aug-01

6271839 Method and system for sharing applications between computer systems 07-Aug-01

6269477 Method and system for improving the layout of a program image using clustering 31-Jul-01

6269403 Browser and publisher for multimedia object storage, retrieval and transfer 31-Jul-01

6269382 Systems and methods for migration and recall of data from local and remote storage 31-Jul-01

6269377 System and method for managing locations of software components via a source list 31-Jul-01

6368855 Method and system for sharing applications between computer systems 31-Jul-01

6268852 System and method for facilitating generation and editing of event handlers 31-Jul-01

6266729 Computer for encapsulating legacy data transport protocol for IEEE 1394 serial bus 24-Jul-01

6266665 Indexing and searching across multiple sorted arrays 24-Jul-01

6266658 Index tuner for given workload 24-Jul-01

6266064 Coherent visibility sorting and occlusion cycle detection for dynamic aggregate geometry 24-Jul-01

6266059 User interface for switching between application modes 24-Jul-01

6266054 Automated removal of narrow, elongated distortions from a digital image 24-Jul-01

6266043 Apparatus and method for automatically positioning a cursor on a control 24-Jul-01

6263492 Run time object layout model with object type that differs from the derived object type in the class structure at design time and the ability to store the optimized run time object layout model 17-Jul-01

6263491 Heavyweight and lightweight instrumentation 17-Jul-01

6263379 Method and system for referring to and binding to objects using identifier objects 17-Jul-01

6263367 Server-determined client refresh periods for dynamic directory services 17-Jul-01

6263352 Automated web site creation using template driven generation of active server page applications 17-Jul-01

6263337 Scalable system for expectation maximization clustering of large detabases 17-Jul-01

6263334 Density-based indexing method for efficient execution of high dimensional nearest-neighbor queries on large databases 17-Jul-01

6262733 Method of storing and providing icons according to application program calls and user-prompted system metric changes 17-Jul-01

6262730 Intelligent user assistance facility 17-Jul-01

6262712 Handle sensor with fade-in 17-Jul-01

6260148 Methods and systems for message forwarding and property notifications using electronic subscriptions 10-Jul-01

6260043 Automatic file format converter 10-Jul-01

6256780 Method and system for assembling software components 03-Jul-01

6256668 Method for identifying and obtaining computer software from a network computer using a tag 03-Jul-01

6256650 Method and system for automatically causing editable text to substantially occupy a text frame 03-Jul-01

6256642 Method and system for file system management using a flash-erasable, programmable, read-only memory 03-Jul-01

6256634 Method and system for purging tombstones for deleted data items in a replicated database 03-Jul-01

6256623 Network search access construct for accessing web-based search services 03-Jul-01

6256069 Generation of progressive video from interlaced video 03-Jul-01

6256031 Integration of physical and virtual namespace 03-Jul-01

6256028 Dyanmic site browser 03-Jul-01

6256013 Computer pointing device 03-Jul-01

6256009 Method for automatically and intelligently scrolling handwritten input 03-Jul-01

6253374 Method for validating a signed program prior to execution time or an unsigned program at execution time 26-Jun-01

6253324 Server verification of requesting clients 26-Jun-01

6253255 System and method for batching data between transport and link layers in a protocol stack 26-Jun-01

6253241 Selecting a cost-effective bandwidth for transmitting information to an end user in a computer network 26-Jun-01

6253195 Optimized query tree 26-Jun-01

6253194 System and method for performing database queries using a stack machine 26-Jun-01

6252608 Method and system for improving shadowing in a graphics rendering system 26-Jun-01

6252593 Assisting controls in a windowing environment 26-Jun-01

6252589 Multilingual user interface for an operating system 26-Jun-01

6249908 System and method for representing graphical font data and for converting the font data to font instructions 19-Jun-01

6249866 Encrypting file system and method 19-Jun-01

6249826 System and method for media status notification 19-Jun-01

6249822 Remote procedure call method 19-Jun-01

6249792 On-line dynamic file shrink facility 19-Jun-01

6249284 Directional navigation system in layout managers 19-Jun-01

6249274 Computer input device with inclination sensors 19-Jun-01

6247061 Method and computer program product for scheduling network communication packets originating from different flows having unique service requirements 12-Jun-01

6247057 Network server supporting multiple instance of services to operate concurrently by having endpoint mapping subsystem for mapping virtual network names to virtual endpoint IDs 12-Jun-01

6247042 Method and system for restoring the state of physical memory as the focus changes among application programs in a computer 12-Jun-01

6246977 Information retrieval utilizing semantic representation of text and based on constrained expansion of query words 12-Jun-01

6246412 Interactive construction and refinement of 3D models from multiple panoramic images 12-Jun-01

6246409 Method and system for connecting to, browsing, and accessing computer network resources 12-Jun-01

6246404 Automatically generating code for integrating context-sensitive help functions into a computer software application 12-Jun-01

6243825 Method and system for transparently failing over a computer name in a server cluster 05-Jun-01

6243821 System and method for managing power consumption in a computer system 05-Jun-01

6243766 Method and system for updating software with smaller patch files

6243764 Method and system for aggregating objects 05-Jun-01

6243753 Method, system, and computer program product for creating a raw data channel form an integrating component to a series of kernel mode filters 05-Jun-01

6243721 Method and apparatus for providing automatic layout capabilities for computer forms 05-Jun-01

6243701 System and method for sorting character strings containing accented and unaccented characters 05-Jun-01

6243093 Methods, apparatus and data structures for providing a user interface, which exploits spatial memory in three-dimensions, to objects and which visually groups matching objects 05-Jun-01

6243070 Method and apparatus for detecting and reducing color artifacts in images 05-June-01

6240472 Method and system for sharing a communications port 29-May-01

6240465 Method and system for aggregating objects 29-May-01

6240456 System and method for collecting printer administration information 29-May-01

6239814 Method for indicating the existence of a control object 29-May-01

6239783 Weighted mapping of image data samples to pixel sub-components on a display device 29-May-01

6237144 Use of relational databases for software installation 22-May-01

6236390 Methods and apparatus for positioning displayed characters 22-May-01

6233731 Program-interface converter for multiple-platform computer systems 15-May-01

6233624 System and method for layering drivers 15-May-01

6233606 Automatic cache synchronization 15-May-01

6233570 Intelligent user assistance facility for a software program 15-May-01

6232976 Optimizing dynamic/animating textures for use in three-dimensional models 15-May-01

6232974 Decision-theoretic regulation for allocating computational resources among components of multimedia content to improve fidelity 15-May-01

6232972 Method for dynamically displaying controls in a toolbar display based on control usage 15-May-01

6232966 Method and system for generating comic panels 15-May-01

6232958 Input device with multiplexed switches 15-May-01

6232957 Technique for implementing an on-demand tool glass for use in a desktop user interface 15-May-01

6230318 Application programs constructed entirely from autonomous component objects 08-May-01

6230312 Automatic detection of per-unit location constraints 08-May-01

6230269 Distributed authentication system and method 08-May-01

6230212 Method and system for the link tracking of objects 08-May-01
6230173 Method for creating structured documents in a publishing system 08-May-01
6230172 Production of a video stream with synchronized annotations over a computer network 08-May-01
6230159 Method for creating object inheritance 08-May-01
6230156 Electronic mail interface for a network server 08-May-01
6229539 Method for merging items of containers of separate program modules 08-May-01
6229537 Hosting windowed objects in a non-windowing environment 08-May-01
6226747 Method for preventing software piracy during installation from a read only storage medium 01-May-01
6226742 ciphertext message through use of a message authentication code formed through cipher block chaining of the plaintext message 01-May-01
6226689 Method and mechanism for interprocess communication using client and server listening threads 01-May-01
6226665 Application execution environment for a small device with partial program loading by a resident operating system 01-May-01
6226635 Layered query management 01-May-01
6226628 Cross-file pattern-matching compression 01-May-01
6226407 Method and apparatus for analyzing computer screens 01-May-01
6226017 Methods and apparatus for improving read/modify/write operations 01-May-01
6225973 Mapping samples of foreground/background color image data to pixel sub-components 01-May-01
6223292 Authorization systems, methods, and computer program products 24-Apr-01
6223212 Method and system for sharing negotiating capabilities when sharing an application with multiple systems 24-Apr-01
6223207 Input/output completion port queue data structures and methods for using same 24-Apr-01
6223171 What-if index analysis utility for database systems 24-Apr-01
6222937 Method and system for tracking vantage points from which pictures of an object have been taken 24-Apr-01
6222182 Apparatus and method for sampling a phototransistor 24-Apr-01
6219782 Multiple user software debugging system 17-Apr-01
6219675 Distribution of a centralized database 17-Apr-01
6219025 Mapping image data samples to pixel sub-components on a striped display device 17-Apr-01
6216177 Method for transmitting text data for shared application between first and second computer asynchronously upon initiation of a session without solicitation from first computer 10-Apr-01
6216175 Method for upgrading copies of an original file with same update data after normalizing differences between copies created during respective original installations 10-Apr-01
6216154 Methods and apparatus for entering and evaluating time dependence hypotheses and for forecasting based on the time dependence hypotheses entered 10-Apr-01
6216141 System and method for integrating a document into a desktop window on a client computer 10-Apr-01
6216134 Method and System for visualization of clusters and classifications 10-Apr-01
6215503 Image generator and method for resolving non-binary cyclic occlusions with image composting operations 10-Apr-01
6215496 Sprites with depth 10-Apr-01
6212676 Event architecture for system management in an operating system 03-Apr-01
6212617 Parallel processing method and system using a lazy parallel data type to reduce inter-processor communication 03-Apr-01
6212574 User mode proxy of kernel mode operations in a computer operating system 03-Apr-01
6212553 Method for sending and receiving flags and associated data in e-mail transmissions 03-Apr-01
6212541 System and method for switching between software applications in multi-window operating system 03-Apr-01
6212526 Method for apparatus for efficient mining of classification models from databases 03-Apr-01
6212436 Dynamic inheritance of software object services 03-Apr-01
6209093 Technique for producing a privately authenticatable product copy indicia and for authenticating such an indicia 27-Mar-01
6209089 Correcting for changed client machine hardware using a server-based operating system 27-Mar-01
6209088 Computer hibernation implemented by a computer operating system 27-Mar-01
6209041 Method and computer program product for reducing inter-buffer data transfers between separate processing components 27-Mar-01
6209040 Method and system for interfacing to a type library 27-Mar-01
6209011 Handheld computing device with external notification system 27-Mar-01
6208996 Mobile device having notification database in which only those notifications that are to be presented in a limited predetermined time period 27-Mar-01
6208952 Method and system for delayed registration of protocols 27-Mar-01
6208337 Method and system for adding application defined properties and application defined property sheet pages 27-Mar-01
6205561 Tracking and managing failure-susceptible operations in a computer system 27-Mar-01
6205498 Method and system for message transfer session management 20-Mar-01
6205492 Method and computer program product for interconnecting software drivers in kernel mode 20-Mar-01
6202202 Pointer analysis by type inference for programs with structured memory objects nd potetially inconsistent memory object accesses 13-Mar-01
6202121 System and method for improved program launch time 13-Mar-01
6202089 Method for configuring at runtime, identifying and using a plurality of remote procedure call endpoints on a single server process 13-Mar-01
6202085 System and method for incremental change synchronization between multiple copies of data 13-Mar-01
6201549 System and method for drawing and painting with bitmap brushes 13-Mar-01
6201540 Graphical interface components for in-dasn automotive accessories 13-Mar-01
6199166 Method and system for managing data while sharing application programs 06-Mar-01
6199107 Partial file caching and read range resume system and method 06-Mar-01
6199082 Method for delivering separate design and content in a multimedia publishing system 06-Mar-01
6199081 Automatic tagging of documents and exclusion by content 06-Mar-01
6199061 Method and apparatus for providing dynamic help topic titles to a user 27-Mar-01
6198852 View synthesis from plural images using a trifocal tensor data structure in a multi-view parallax geometry 06-Feb-01
6195655 Automatically associating archived multimedia content with 27-Feb-01
6195622 Methods and apparatus for building attribute transition probability models for use in pre-fetching resources 27-Feb-01
6192487 Method and system for remapping physical memory 20-Feb-01
6192432 Caching uncompressed data on a compressed drive 20-Feb-01
6192360 Methods and apparatus for class fying text and for building a text classifier 20-Feb-01
6191790 Inheritable property shading system for three-dimensional rendering of user interface controls 20-Feb-01
6189146 System and method for software licensing 13-Feb-01
6189143 Method and system for reducing an intentional program tree represented by high-level computational constructs 13-Feb-01
6189100 Ensuring the integrity of remote boot client data 13-Feb-01
6189069 Optimized logging of data elements to a data storage device 13-Feb-01
6189019 Computer system and computer-implemented process for presenting document connectivity 13-Feb-01
6189016 Journaling ordered changes in a storage volume 13-Feb-01
6189000 System and method for accessing user properties from multiple storage mechanisms 13-Feb-01
6188405 Methods, apparatus and data structures for providing a user interface, which exploits spatial memory, to objects 13-Feb-01
6188401 Script-based user interface implementation defining components using a text markup language 13-Feb-01
6188387 Computer input peripheral 13-Feb-01
6188358 Method and apparatus for displaying images such as text 13-Feb-01
6185579 Method and system for expanding a buried stack frame 06-Feb-01
6185569 Linked data structure integrity verification system which verifies actual

node information with expected node information stored in a table 06-Feb-01

6185568 Classifying data packets processed by drivers included in a stack 06-Feb-01

6185564 Generation and validation of reference handles in a multithreading environment 06-Feb-01

6184891 Fog simulation for partially transparent objects 06-Feb-01

6182286 Dynamic versioning system for multiple users of multi-module software systems 30-Jan-01

6182160 Method and system for using editor objects to connect components 30-Jan-01

6182133 Method and apparatus for display of information prefetching and cache status having variable visual indication based on a period of time since prefetching 30-Jan-01

6182108 method and system for multi-threaded processing 30-Jan-01

6182029 Method and system for converting between structured language elements and objects embeddable in a document 30-Jan-01

6182086 Client-server computer system with application recovery of server applications and client applications 30-Jan-01

6181351 Synchronizing the moveable mouths of animated characters with recorded speech 30-Jan-01

6178529 Method and system for resource monitoring of disparate resources in a server cluster 23-Jan-01

6178423 System and method for recycling numerical values in a computer system 23-Jan-01

6177945 Advanced graphics controls 23-Jan-01

6175916 Common-thread inter-process function calls invoked by jumps to invalid addresses 16-Jan-01

6175900 Hierarchical bitmap-based memory manager 16-Jan-01

6175879 Method and system for migrating connections between receive-any and receive-direct threads 16-Jan-01

6175878 Integration of systems management services with an underlying system object model 16-Jan-01

6175863 Storage of sitemaps at server sites for holding information regarding content 16-Jan-01

6175834 Consistency checker for documents containing Japanese text 16-Jan-01

6175833 System and method for interactive live online voting with tallies for updating voting results 16-Jan-01

6173421 Centrally handling runtime errors 09-Jan-01

6173406 Authentication systems, methods, computer program products 09-Jan-01

6173404 Software object security mechanism 09-Jan-01

6173325 Method computer program product, and system for assessing the performance of a packet schedule 09-Jan-01

6173317 Streaming and displaying a video stream with synchronized annotations over a computer network 09-Jan-01

6172354 Operator input device 09-Jan-01

6169993 Method, data structure, and computer program product for object state storage 02-Jan-01

6169984 Global incremental type search navigation directly from printable keyboard character input 02-Jan-01

6169983 Index merging for database systems 02-Jan-01

6169546 Global viewer scrolling system 02-Jan-01

6167565 Method and system of custom marshaling of inter-language parameters 26-Dec-00

6167423 Concurrency control of state machines in a computer system using cliques 26-Dec-00

6166738 methods, apparatus and data structures for providing a user interface, which exploits spatial memory in three-dimensions, to objects 26-Dec-00

6166732 Distributed object oriented multi-user domain with multimedia presentations 26-Dec-00

6163855 method and system for replicated and consistent modifications in a server cluster 19-Dec-00

6163841 Technique for producing privately authenticatable cryptographic signatures and for authenticating such signatures 19-Dec-00

6163809 System and method for preserving delivery status notification when moving from a native network to a foreign network 19-Dec-00

616377 System and method for reducing location conflicts in a database 19-Dec-00

6163324 Median calculation using SIMD operations 19-Dec-00

6161176 System and method for storing configuration settings for transfer from a first system to a second system 12-Dec-00

6161130 Technique which utilizes a probabilistic classifier to detect ''junk'' e-mail by automatically updating a training and re-training the classifier based on the updated training set 12-Dec-00

6161084 Information retrieval utilizing semantic representation of text by identify hyponyms and indexing multiple tokenized semantic structures to a same passage of text 12-Dec-00

6160553 Methods, apparatus and data structures for providing a user interface, which exploits spatial memory in three-dimensions, to objects and in which object occlusion is avoided 12-Dec-00

6160550 Shell extensions for an operating system 12-Dec-00

6157942 Imprecise caching of directory download responses for dynamic directory services 05-Dec-00

6157905 Identifying language and character set of data representing text 05-Dec-00

6157747 3-dimensional image rotation method and apparatus for producing image mosaics 05-Dec-00

6157618 Distributed internet user experience monitoring system 05-Dec-00

6157383 Control polyhedra for a three-dimensional (3D) user interface 05-Dec-00

6154843 Secure remote access computing system 28-Nov-00

6154767 Methods and apparatus for using attribute transition probability models for pre-fetching resources 28-Nov-00

6154220 Rectilinear layout 28-Nov-00

6154219 System and method for optimally placing labels on a map 28-Nov-00

6154205 Navigating web-based content in a television-based system 28-Nov-00

6151708 Determining program update availability via set intersection over a sub-optical pathway 21-Nov-00

6151632 Method and apparatus for distributed transmission of real-time multimedia information 21-Nov-00

6151618 Safe general purpose virtual machine computing system 21-Nov-00

6151607 Database computer system with application recovery and dependency handling write cache 21-Nov-00

6151022 Method and apparatus for statically testing visual resources 21-Nov-00

6148325 Method and system for protecting shared code and data in a multitasking operating system 14-Nov-00

6148304 Navigating multimedia content using a graphical user interface with multiple display regions 14-Nov-00

6148296 Automatic generation of database queries 14-Nov-00

6147685 System and method for editing group information 14-Nov-00

6145003 Method of web crawling utilizing address'' mapping 07-Nov-00

6144964 Methods and apparatus for tuning a match between entities having attributes 07-Nov-00

6144378 Symbol entry system and methods 07-Nov-00

6144377 Providing access to user interface elements of legacy application programs 07-Nov-00

6141722 Method and apparatus for reclaiming memory 31-Oct-00

6141705 System for querying a peripheral device to determine its processing capabilities and then offloading specific processing tasks from a host to the peripheral device when needed 31-Oct-00

6141696 Secure decentralized object exporter 31-Oct-00

6141018 Method and system for displaying hypertext documents with visual effects 31-Oct-00

6141003 Channel bar user interface for an entertainment System 31-Oct-00

6138128 Sharing and organizing world wide web references using distinctive characters 24-Oct-00

6138112 Test generator for database management systems 24-Oct-00

6137492 Method and system for adaptive refinement of progressive meshes 24-Oct-00

6137491 Method and apparatus for reconstructing geometry using geometrically constrained structure from motion with points on planes 24-Oct-00

6134658 Multi-server location-independent authentication certificate management system 17-Oct-00

6134602 Application programming interface enabling application programs to group code and data to control allocation of physical memory in a virtual memory system 17-Oct-00

6134596 Continuous media file server system and method for scheduling network resources to play multiple files having different data transmission rates 17-Oct-00

6134594 Multi-user, multiple tier distributed application architecture with

single-user access control of middle tier objects 17-Oct-00

6134582 System and method for managing electronic mail messages using a client-based database 17-Oct-00

6134577 Method and apparatus for enabling address lines to access the high memory area 17-Oct-00

6134566 Method for controlling an electronic mail preview pane to avoid system disruption 17-Oct-00

6133925 Automated system and method for annotation using callouts 17-Oct-00

6133917 Tracking changes to a computer software application when creating context-sensitive help functions 17-Oct-00

6133915 System and method for customizing controls on a toolbar 17-Oct-00

6131192 Software installation 10-Oct-00

6131102 Method and system for cost computation of spelling suggestions and automatic replacement 10-Oct-00

6131051 Interface between a base module and a detachable faceplate in an in-dash automotive accessory 10-Oct-00

6128737 Method and apparatus for producing a message authentication code in a cipher block chaining operation by using linear combinations of an encryption key 10-Oct-00

6128713 Application programming interface enabling application programs to control allocation of physical memory in a virtual memory system 03-Oct-00

6128661 Integrated communications architecture on a mobile device 03-Oct-00

6128653 Method and apparatus for communication media commands and media data using the HTTP protocol 03-Oct-00

6128633 Method and system for manipulating page-breaks in an electronic document 03-Oct-00

6128629 Method and apparatus, for automatically updating data files in a slide presentation program 03Oct-O0

6128012 User interface for a portable data management device with limited size and processing capability 03-Oct-00

6125373 Identifying a driver that is an owner of an active mount point 26-Sep-00

6125369 Continuous object sychronization between object stores on different computers 26-Sep-00

6125366 Implicit session context system with object state cache 26-Sep-00

6125352 System and method for conducting commerce over a distributed network 26-Sep-00

6122658 Custom localized information in a networked server for display to art end user 19-Sep-00

6122649 Method and system for user defined and linked properties 19-Sep-00

6122644 System for halloween protection in a database system 19-Sep-00

6121981 Method and system for generating arbitrary-shaped animation in the user interface of a computer 19-Sep-00

6121968 Adaptive menus 19-Sep-00

6121964 Method and system for automatic persistence of controls in a windowing environment 19-Sep-00

6119153 Accessing content via installable data sources 12-Sep-00

6119131 Persistent volume mount points 12-Sep-00

6119120 Computer implemented methods for constructing a compressed data structure from a data string and for using the data structure to find data patterns in the data string 12-Sep-00

6119115 Method and computer program product for reducing lock contention in a multiple instruction execution stream processing environment 12-Sep-00

6115708 Method for refining the initial conditions for clustering with applications to small and large database clustering 05-Sep-00

6115705 Relational database system and method for query processing using early aggregation 05-Sep-00

6112216 Method and system for editing a table in a document 29-Aug-00

6112214 Method and system for the direct manipulation of cells in an electronic spreadsheet program or the like 29-Aug-00

6111574 Method and system for visually indicating a selection query 29-Aug-00

63111567 Seamless multimedia branching 29-Aug-00

6110227 systems and methods for pre-processing variable initializers 29-Aug-00

6108784 Encryption of applications to ensure authenticity 22-Aug-00

6108715 Method and system for invoking remote procedure calls 22-Aug-00

6108706 Transmission announcement system and method for announcing upcoming data transmissions over a broadcast network 22-Aug-00

6108661 system for instance customization 22-Aug-00

6108006 Method and system for view-dependent refinement of progressive meshes 22-Aug-00

6106575 Nested parallel language preprocessor for converting parallel language programs into sequential code 22-Aug-00

6105041 Using three-state references to manage garbage collection of referenced objects 15-Aug-00

6105039 Generation and validation of reference, handles 15-Aug-00

6105038 Hysteresis System and method for achieving a mean constant cost per action in a computer system 15-Aug-00

6105024 System for memory management during run formation for external sorting in database system 15-Aug-00

6104377 Method and system for displaying an image at a desired level of opacity 15-Aug-00

6104359 Allocating display information 15-Aug-00

6102967 Testing a help system of a computer software application without executing the computer software application 15-Aug-00

6101546 Method and system for providing data files that are partitioned by delivery time and data type 08-Aug-00

6101513 Method and apparatus for displaying database information according to a specified print layout and page for mat 08-Aug-00

6101510 Web browser control for incorporating web browser functionality into application programs 08-Aug-00

6101499 Method and computer program product for automatically generating an internet protocol (IP) address 08-Aug-00

6101325 Parameterized packaging system for programming languages 08-Aug-00

6098081 Hypermedia navigation using soft hyperlinks 01-Aug-00

6097888 Method and system for reducing an intentional program tree represented by high-level computational constructs 01-Aug-00

6097854 Image mosaic construction system and apparatus with patch-based alignment, global block adjustment and pair-wise motion-based local warping 01-Aug-00

6097392 Method and system of altering an attribute of a graphic, object in a pen environment 01-Aug-00

6097380 Continuous media stream control 01-Aug-00

6097371 System and method of adjusting display characteristics of a displayable data file using an ergonomic computer input device 01-Aug-00

6096095 Producing persistent representations of complex data structures 01-Aug-00

6094680 system and method for managing distributed resources networks 25-Jul-00

6094679 Distribution of software in a computer network environment 25-Jul-00

6092208 System and method for waking a computer having a plurality of power resources from a system state using a data structure 18-Jul-00

6092144 Method and system for interrupt-responsive execution of communications protocols 18-Jul-00

6092067 Desktop information manager for recording and viewing important events data structure 18-Jul-00

6091411 Dynamically updating themes for an operating system shell 18-Jul-00

6091409 Automatically activating a browser with internet shortcuts on the desktop 18-Jut-00

6088739 Method and system for dynamic, object clustering 11-Jul-00

6088718 Meth0ds and apparatus for using resource transition probability models for pre-fetching resources 11-Jul-00

6088711 Method and system for defining and applying a style to a paragraph 11-Jul-00

6088708 System and method for creating an online table from a layout of objects 11-Jul-00

6088511 Nested Parallel 2D Delaunay triangulation method 11-Jul-00

6088041 Method of dropout control for scan conversion of a glyph comprising a plurality of discrete segments 11-Jul-00

6086618 Method and computer program product for estimating total resource usage requirements of a server application in a hypothetical user configuration 11-Jul-00

6085247 Server operating system for supporting multiple client-server sessions and dynamic reconnection of users to previous sessions using different, computers 04-Jul-00

608522 Method and apparatus for utility-directed prefetching of web pages into local cache using continual computation and user models 04-Jul-00

6085206 Method and system for verifying accuracy of spelling and grammatical composition of a document 04-Jul-00

6084592 Interactive construction of 3D models from panoramic images 04-Jul-00

6084582 Method and apparatus for recording a voice narration to accompany a slide show 04-Jul-00

6083282 Cross-project namespace compiler and method 04-Jul-00

6081898 Unification of directory service with file system service 27-Jun-00

6081846 Method and computer program product for reducing intra-system data copying during network packet processing 27-Jul-00

6081816 Method for placing text around Polygons and other constraints 27-Jun-00

6081802 System and method for accessing compactly stored map element information from memory 27-Jun-00

6081775 Bootstrapping sense, characterizations of occurrences of polysemous words in dictionaries 27-Jun-00

6081598 Cryptographic system and method with fast decryption 27-Jun-00

6071264 optimal frame rate selection user interface 27-Jun-00

6078999 Recovering from a failure using a transaction table in connection with shadow copy transaction processing 20-Jun-00

6078942 Resource management for multimedia devices in a computer 20-Jun-00

6078746 Method and system for reducing an intentional program tree represented by high-level computational constructs 20-Jun-00

6077313 Type partitioned dataflow analyses 20-Jun-00

6076100 Server-side chat monitor 13-Jun-00 6976051 Information retrieval utilizing semantic representation of text 13-Jun-00

6075545 Methods and apparatus for storing, accessing and processing images through the use of row and column Pointers 13-JUn-00

6075540 Storage of appearance attributes in association with wedges in a mesh data model for computer graphics 13-Jun-00

6075532 Efficient redrawing of animated windows 13-Jun-00

6073226 system and method for minimizing page tattles in virtual memory systems 06-Jun-00

6073214 Method and system for identifying and obtaining, computer software from a remote computer 06-Jun-00

6073137 Method for updating and displaying the hierarchy of a data store 06-Jun-00

6072950 Pointer analysis by type inference combined with a non-pointer analysis 06-Jun-00

6072496 Method and system for capturing and representing 3D geometry, color and shading of facial expressions and other animated objects 06-Jun-00

6072486 System and method for creating and customizing a deskbar 06-Jun-00

6072485 Navigating with direction keys in an environment that permits navigating with tab keys 06-Jun-00

6072480 Method and apparatus for controlling composition and performance of soundtracks to accompany a slide show 06-Jun-00

6070007 Method and system for reducing an intentional program tree represented by high-level computational constructs 30-May-00

6069622 Method and system for generating comic panels 30-May-00

6067639 Method for integrating automated software testing with software development 23-May-00

6067578 Container independent control architecture 23-May-00

606756 Fast-forwarding and filtering of network packets in a computer system 23-May-00

6067565 Technique for prefetching a web page of potential future interest in lieu of continuing a current information download 23-May-00

6067559 Server architecture for segregation of dynamic content generation applications into separate process spaces 23-May-00

6067551 Computer implemented method for simultaneous multi-user editing of a document 23-May-00

6067550 Database computer system with application recovery and dependency handling, write cache 23-May-00

6067547 Hash table expansion and contraction for use with internal searching 23-May-00

6067541 Monitoring document changes in a file system of documents with the document change information stored in a persistent log 23-May-00

6067412 Automatic bottleneck detection by means of workload reconstruction from performance measurements 23-May-00

6067095 Method for generating mouth features of an animated or physical character 23-May-00

6067087 Method for building menus during idle times 23-May-00

6065035 Method and system for procedure boundary detection 16-May-00

6065020 Dynamic adjustment of garbage collection 16-May-00

6065012 System and method for displaying and manipulating user-relevant data 16-May-00

6065011 System and method for manipulating a categorized data set 16-May-00

6065008 System and method for secure font subset distribution 16-MAY-00

6065003 System and method for finding the closest match 0f a data entry 16-May-00

6064999 Method and system for efficiently performing database table aggregation using a bitmask-based index 16-May-00

6064406 Method and system for caching presentation data of a source object in a presentation cache 16-MAY-00

6064393 Method for measuring the fidelity of warped image layer approximations in a real-time graphics rendering pipeline 16-May-00

6064383 Method and system for selecting an emotional appearance and prosody for a graphical character 16-May-00

6061792 System and method for fair exchange of time-independent information goods over a network 09-May-00

6061695 Operating system shell having a windowing graphical user interface with a desktop displayed as a hypertext multimedia document 09-MAY-00

6061692 System and method for administering a meta database as an integral component of an information server 09-May-00

6061684 Method and system for controlling user access to a resource in a networked computing environment 09-May-00

6061677 Data base query system and method 09-May-00

6059838 Method and system for licensed design and use of software objects 09-May-00

6058263 Interface hardware design using internal and e external interfaces 02-May-00

6057841 System and method for processing electronic messages with rules representing a combination of conditions, actions or exceptions 02-May-00

6057837 On-screen indentification and manipulation of sources that an object depends upon 02-May-00

6057836 System and method for resizing and rearranging a composite toolbar by direct manipulation 02-May-00

6055548 Computerized spreadsheet with auto-calculator 25-Apr-00

6055314 system and method for secure purchase and very of video content-Programs 25-Apr-00

6054989 Methods, apparatus and data structures for providing a user interface, which exploits spatial memory in three-dimensions, to objects and which provides spatialized audio 25-Apr-00

6052735 Electronic mail object synchronization between a desktop computer and mobile device 18-Apr-00

6052710 System and method for making function calls over a distributed network 18-Apr-00

6052707 Preemptive multi-tasking with cooperative groups of tasks 18-Apr-00

6052698 Reorganization of collisions in a hash bucket of a hash table to improve system performance 18-Apr-00

6052697 Reorganization of collisions in a hash bucket of a hash table to improve system performance 18-Apr-00

6049869 Method and system detecting and identifying text or data encoding system 11-Apr-00

6049809 Replication optimization system and method 11-Apr-00

6049805 Dynamic event mechanism for objects with associational relationships 11-Apr-00

6049671 Method for identifying and obtaining computer software from a network computer 11-Apr-00

6049663 Method and facility for uninstalling a computer program package 11-Apr-00

6049636 Determining a rectangular box encompassing a digital picture within a digital image 11-Apr-00

6049341 Edge cycle collision detection in graphics environment 11-Apr-00

6047307 Providing application programs with unmediated access to a contested hardware resource 04-Apr-00

6047300 System and method for automatically correcting a misspelled word 04-Apr-00

6047297 Method and- system for editing actual work records 04-Apr-00

6046744 Selective refinement of progressive meshes 04-Apr-00

6044408 Multimedia device interface for retrieving and exploiting software and hardware capabilities 28-Mar-00
6044387 Single command editing of multiple files 28-Mar-00
6044366 Use of the UNPIVOT relational operator in the efficient gathering of sufficient statistics for data mining 28-Mar-00
6044181 Focal length estimation method and apparatus for Construction of panoramic mosaic images 28-Mar-00
6044155 Method and system for securely archiving core data secrets 28-Mar-00
6043826 Transferring outline fonts to devices requiring raster fonts 28-Mar-00
6043817 Method and apparatus for arranging displayed graphical representations on a computer interface 28-Mar-00
6041359 Data delivery system and method for delivering computer data over a broad, cast network 21-Mar-00
6041345 Active stream format for holding multiple media streams 21-Mar-00
6041333 Method and apparatus for automatically updating a data file from a network 21-Mar-00
6041311 Method and apparatus for item recommendation using automated collaborative filtering 21-Mar-00
6040841 Method and system for virtual cinematography 21-Mar-00
6038628 System and method for encapsulating legacy data transport Protocols for IEEE 1394 serial bus 14-Mar-00
6038610 Storage of sitemaps at server sites for holding information regarding content 14-Mar-00
6038567 Method and system for propagating object properties in a desktop publishing program 14-Mar-00
6038551 System and method for configuring and managing resources on a multi-purpose integrated circuit card using a personal computer 14-Mar-00
6037932 Method for sending computer network data as part of vertical blanking interval 14-Mar-00
6036495 interactive simulation including force feedback 14-Mar-00
6035379 Transaction processing for user data employing both togging and shadow copying 07-Mar-00
6035342 Method and computer program product for implementing object relationships 07-Mar-00
6035327 SMTP extension to preserve per-message and per-recipient properties 07-Mar-00
6035269 Method for detecting stylistic errors and generating replacement strings in a document containing Japanese text 07-Mar-00
6035119 Method and apparatus for automatic generation of text and computer-executable code 07-Mar-00
6032197 Data packet header compression for unidirectional transmission 29-Feb-00
6032188 Method and system for controlling data flow 29-Feb-00
6031989 Method of formatting and displaying nested documents 29-Feb-00
6031534 Operating system function for specifying a checked image representation and an unchecked image representation of a menu item 29-Feb-00
6031518 Ergonomic input device 29-Feb-00
6029200 Automatic protocol rollover in streaming multimedia data delivery system 22-Feb-00
6029147 Method and system for providing an interface for supporting multiple formats for on-line banking services 22-Feb-00
6028604 User friendly remote system interface providing previews of applications 22-Feb-00
6026417 Desktop publishing software for automatically changing the layout of content-filled documents 15-Feb-00
6026416 System and method for storing, viewing, editing, and processing ordered sections having different file formats 15-Feb-00
6026239 Run-time code compiler for data block transfer 15-Feb-00
6026238 Interface conversion modules based upon generalized templates for multiple platform computer systems 15-Feb-00
6026233 Method and apparatus for presenting and selecting options to modify a programming language statement 15-Feb-00
6025841 Method for managing simultaneous display of multiple windows in a graphical user interface 15-Feb-00
6023744 Method and mechanism for freeing disk space in a file system 08-Feb-00
6023714 Method and system for dynamically adapting the layout of a document to an output device 08-Feb-00
6023710 System and method for long-term administration of archival storage 08-Feb-00
6023523 Method and system for digital plenoptic imaging 08-Feb-00
6023275 System and method for resizing an input Position indicator for a user interface of a computer system 08-Feb-00
6023272 Continuously accessible computer system interface 08-Feb-00
6021412 Method and system for automatically adding graphics to a document to illustrate concepts referred to therein 01-Feb-00
6021262 System and method for detection of, notification of, and automated repair of problem conditions in a messaging system 01-Feb-00
6021203 Coercion resistant one-time-pad cryptosystem that facilitates transmission of messages having different levels of security 01-Feb-00
6018619 Method, system and apparatus for client-side usage tracking of information server systems 25-Jan-00
6018349 Patch-based alignment method and apparatus for construction of image mosaics 25-Jan-00
6018340 Robust display management in a multiple monitor environment 25-Jan-00
6016520 Method of viewing at a client viewing station a multiple media title stored at a server and containing a plurality of topics utilizing anticipatory caching 18-Jan-00
6016515 Method, computer program product, and data structure for validating creation of and routing messages to file object 18-Jan-00
6016508 Server-determined client refresh periods for dynamic directory services 18-Jan-00
6016497 Methods and system for storing and accessing embedded information in object-relational databases 18-Jan-00
6016492 Forward extensible property modifiers for formatting information in a program module 18-Jan-00
6016488 Method arid System for constructing queries 18-Jan-00
6016150 Sprite compositor and method for performing lighting and shading operations using a compositor to combine factored image layers 18-Jan-00
6016145 Method and system for transforming the geometrical shape of a display window for a computer system 18-Jan-00
6014744 State governing the performance of optional booting operations 11-Jan-00
6014733 and System for creating a perfect hash using an offset table 11-Jan-00
6014706 Methods and apparatus for implementing control functions in a streamed vide display system 11-Jan-00
6014701 Selecting a cost-effective bandwidth for transmitting information to an end user in a computer network 11-Jan-00
6014681 Method for saving a document using a background save thread 11-Jan-00
6014666 Declarative and programmatic access control of component-based server applications using roles 11-Jan-00
6014518 Terminating polymorphic type inference program analysis 11-Jan-00
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6009459 Intelligent automatic searching for resources in a distributed environment 28-Dec-99
6009462 Apparatus and methods for optimally using available computer resources for task execution during idle-time based on probabilistic assessment of future task instances 28-Dec-99
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6008806 Shell extensions for an, operating system 28-Dec-99
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6006239 Method and system for allowing multiple users to simultaneously edit a spreadsheet 21-Dec-99

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6005575 Foreground window determination through, process and thread initialization 21-Dec-99

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6003050 Method for integrating a virtual machine with input method editors 14-Dec-9

6002852 Method and system for confirming receipt of data opportunistically broadcast to client computer systems 14-Dec-99

5999996 Adapter for wirelessly interfacing a full-size stand alone keyboard with a handheld computing device 07-Dec-99

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5999896 Method and system for identifying and resolving commonly confused words in a natural language parser 07-Dec-99

5999711 Method and system for providing certificates holding authentication and authorization information for users/machines 07-Dec-99

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5991804 Continuous media file server for cold restriping following capacity change by repositioning data blocks in the multiple data servers 23-Nov-99

5991802 Method and system for invoking methods of objects over the internet 23-Nov-99

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5983274 Creation and use of control information associated with packetized network data by protocol drivers and device drivers 09-Nov-99

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5966719 Method for inserting capitalized Latin characters in a non-Latin document 12-Oct-99

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5958004 Disabling and enabling transaction committal in transactional application components 28-Sep-99

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5956721 Method and computer program product for classifying network communication packets processed in a network stack 21-Sep-99

5956715 Method and system for controlling user access to a resource in a networked computing environment 21-Sep-99

5956509 System and method for performing remote requests with an 0n-line service network 21-Sep-99

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5956033 Document control interface and method for graphical message document software 21-Sep-99

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5951694 Method of redirecting a client service session to a second application server without interrupting the session by forwarding service-specific it]formation to the second server 14-Sep-99

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5950193 Interactive records and groups of records in an address book database 07-Sep-99

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5949430 Peripheral lenses for simulating peripheral vision on a display device 07-Sep-99

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5945981 Wireless input device, for use with a computer, employing a movable light-emitting element and a stationary light-receiving element 3-Aug-99

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5938752 System and method for encapsulating legacy data transport protocols for IEEE 1394 serial bus 17-Aug-99

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5933822 Apparatus and methods for an information retrieval system that employs natural language processing of search results to improve overall precision 03-Aug-99

5933599 Apparatus for presenting the content of an interactive on-line network 03-Aug-99

5933535 Object-based video compression process employing arbitrarily-shaped features 03-Aug-99

5933145 Method and system for visually indicating a selection query 03-Aug-99

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5931935 File system primitive allowing reprocessing of I/O requests by multiple drivers in a layered driver I/O system 03-Aug-99

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5729745 Methods and apparatus for creating a base class for manipulating external data connections in a computer generated document 17-Mar-98

5729689 Network naming services proxy agent 17-Mar-98

5727178 System and method for reducing stack physical memory requirements in a multitasking operating system 10-Mar-98

5726687 Auto-scrolling with mouse speed computation during dragging 10-Mar-98

5724594 Method and system for automatically identifying morphological information from a machine-readable dictionary 03-Mar-91

5724588 Method and system for network marshaling of interface pointers for rem0te procedure Calls 03-Mar-98

5724558 System and method for dynamic data packet configuration 03-Mar-98

5724492 Systems and method for displaying control objects including a plurality of panels 03-Mar-98

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5724070 common digital representation of still images for data transfer with both slow and fast data transfer rates 03-Mar-98

5724068 Joystick with uniform center return force 03-Mar-98

5721919 Method and system for the link tracking of objects 24-Feb-98

5721916 Method and system for shadowing file system structures from multiple types, of networks 24-Feb-98

5721847 Method and system for liking controls with cells of a spread sheet 24-Feb-98

5721781 Authentication system and method for smart card transactions 24-Feb-98

5719941 Method for changing passwords on a remote computer 17-Feb-98

5717902 Method and system for selectively applying an appropriate object ownership model 10-Feb-98

5717845 Method and apparatus for transferring a brush pattern to a destination bitmap 10-Feb-98

5715441 Method and system for storing and accessing data in a compound document using object linking 03-Feb-99

5715415 Computer application with help pane integrated into workspace 03-Feb-98

5713020 Method and system for generating database queries containing multiple levels of aggregation 27-Jan-98

5713003 Method and system for caching data 27-Jan-98

5713002 Modified buddy system for managing storage space 27-Jan-98

5710941 System for substituting protected mode hard disk driver for real mode driver by trapping test transfers to verify matching geometric translation 20-Jan-98

5710928 Method and system for connecting objects in a computer system 20-Jan-98

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5709219 Method and apparatus to create a complex tactile sensation 20-Jan-9

5708814 Method and apparatus for reducing the rate of interrupts by generating a single interrupt for a group of events 13-Jan-98

5708812 Method and apparatus for Migrating from a source domain network controller to a target domain network controller 13-Jan-98

5706505 Method and system for binding data in a computer system 06-Jan-98

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5706483 Run-time code compiler for data block transfer 06-Jan-98

5706462 Self optimizing font width cache 06-Jan-98

5706458 Method and system for merging menus of application programs 06-Jan-98

5706450 Method and system for presenting alternatives for selection using adaptive learning 06-Jan-98

5706411 Printer status user interface and methods relating thereto 06-Jan-98

5701511 Redbook audio sequencing 23-Dec-97

5701499 Method and system for automatically entering a data series into contiguous cells of an electronic spreadsheet Program or the like 23-Dec-91

5701491 Method and system for transitioning the network mode of a workstation 23-Dec-97

5701469 Method and System for generating accurate search result using a content-index 23-Dec-97

5701462 Distributed file system providing a unified name space with efficient name resolution 23-Dec-97

5701461 Method and system for accessing a remote database using pass-through queries 23-Dec-97

5701460 Intelligent joining system for a relational database 23-Dec-97

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5699518 System for selectively setting a server node, evaluating to determine server node for executing server code, and downloading server code prior to executing if necessary??6??Dec-91

696946 Method and apparatus for efficient transfer of data to memory 09-Dec-97

5694610 Method and system for editing and formatting.data in a dialog window 02-Dec-97

5694606 Mechanism for using common code to handle hardware interrupts in multiple processor modes 02-Dec-97

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5692177 Method and system for data set storage by iteratively searching for perfect hashing functions 25-Nov-9

569217 Methodarid System for combining prefix and first character searching of a list 25-Nov-97

5692157 Method and system for transferring data between objects using registered data formats 25-N0v-97

5692??44 Method and System for depicting an object, springing back from a position 25-Now97

5691745 Low power pixel-based visual display device having dynamically changeable number of grayscale shades 25-Nov-97

5689709 Method and system for invoking methods of an object 18-Nov-97

5689703 Method and system for referring to and binding to objects using identifier objects 18-Nov-97

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5689664 Interface sharing between objects 18-Nov-97

5689663 Remote controller user interface and methods relating thereto 18-Nov-97

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5687392 System for allocating buffer to transfer data when user buffer is mapped to physical region that does not conform to physical addressing limitations of controller ??-Nov-97

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5685003 Method and system for automatically indexing data in a document using a fresh index table 04-Nov-97

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5684993 Segregation of thread-specific information from shared task information 04-Nov-97

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5675813 system and method for power control in a universal serial bus 07-Oct-97

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5659791 Encapsulation of extracted portions of documents into objects 19-Aug-97

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Part 1: The Debate
Tim:

Sounds like some of Michael's speech was maybe a treaty with the free software people. [laughter]

Anyway, there probably are divisions within Microsoft just as there are divisions within our community. It's kind of interesting, because the diversity of opinions often leads not to division but to strength, and I think we're going to demonstrate that strength as we hear from a number of people who are prominent in our community and are allied under the banner of the core principles of open source, but who do have different takes on how it works and what's important about it.

Anyway, I'd like to invite up the rest of our panel. Michael and Craig, you may want to come back up and sit down. I have here with us Brian Behlendorf, who's one of the cofounders of the Apache Project. [applause] I'll just start down at the far end, then.

Clay Shirky is a partner at an incubator called the Accelerator Group. He's also a well-known
Panelists:
Clay Shirky
Accelerator Group
Shirky.com
Michael Tiemann,
Multimedia
Networking
Programming
Security
Tools
Utilities
X Window System
commentator on coming technologies, and he's recently done some very interesting thinking about some of Microsoft's new technologies, in particular Hailstorm. That's why he's here to talk to us. [applause]

Dave Stutz is, I believe, now the program manager for the shared source implementation of the common language run time and so forth. Is that the appropriate designation?
Dave:
Sure. It'll work.
Tim:
Dave is—
Dave:
—Craig's Mini-Me.
Chief Technical Officer RedHat
David Stutz
Software architect
Microsoft
Mitchell Baker
Chief Lizard Wrangler
Mozilla.org
Ronald Johoston
Partner
Arnold & Porter
Craig Munclie,
Senior Vice President
Advanced Strategies
Microsoft
Brian Behlendort
Founder & CTO
ColtabNet
Tim O'Reilly
Founder & President
O'Reilly & Associates
Tim:

Yeah, I was going to say, I don't know, maybe something like, if you had the hat [reference to the red hats on heads all through the room], I would say, ''Mini-Me. Do not chew on your hat.'' [laughter]

Next in line is Mitchell Baker, who's known as the Chief Lizard Wrangler at Mozilla.org. Mitchell is also the person who wrote the Mozilla license, so she's done a lot of thinking about free software and open source licenses and the needs of corporations. [applause] We have with us Ron Johnson, who's an attorney at Arnold & Porter and the chair of the 22nd Annual Computer and Internet Law Institute.

And obviously you know Craig, and I already introduced Brian. So, Craig, I don't know if you wanted to respond at all to any of Michaers comments [laughter], or whether you want to hear from a few other people before we get there.

Craig:

I'll just offer one general thought, which is, you know, in some sense it's easy to poke fun or think you know what is the look-in from the outside and to be at Microsoft.

We're a company now of 50,000 people, and among any community of 50,000 people, particularly fairly smart people, you're going to have a lot of people who think carefully about a lot of issues, and feel passionately as you do about a lot of issues. So I don't think we're embarrassed at all to find that people would come forward at Microsoft and ask questions or ask whether we do the right thing or not.

What I can tell you is that there is a single-purpose focus in the management of the company. The leadership of the company is not uncertain about what we're doing. We welcome people asking questions in the company, but ultimately we recognize our job is to make decisions and provide consistent leadership. And so if people don't like what the company wants to do, there's no indentured servitude. You know, they're free to go do something else. But the company is clear about what it will do. And I can just tell you that as a member of a management committee of the company, and while listening to Michael's comments that many of the ways he characterizes what he thinks may go on inside the company in

terms of a civil war or anything, frankly [it] just doesn't exist. It may be fine to ruminate about what you think could exist or does exist. I can tell you quite specifically, there's no civil war at the management level and, to me, no observable civil war among the rank and file either. So that's one thought I'd leave with you today.

Tim:

So, Brian, you're obviously someone who has, you know, come up from the GPL side of the house but from the university style of'' license regime. Clearly you have done a lot of thinking about what licenses you would choose and why. Do you have any thoughts on that, or any things you'd like to talk to Craig about with regard to the BSD orientation .... [laughter]

Brian:

Sure. [more laughter] You don't want to call on anybody else, do you? [laughter] One of the slides in [Craig Mundie's] presentation was actually a very useful slide. It showed that there is a relationship—a set of relationships between the public research through universities, corporations, users, and government. I think what we've seen is that it's not one-directional like that. What we've seen is that it's actually bi-directional in all those things—in fact, bi-directional across universities and consumers and government and business and all those directions.

And so while Apache, for example, is under a BSD-style license, it was very important while we were building the Apache community that we not only have other corporations use it and adopt it into their commercial products, but also that we communicate to those companies the need to reinvest back, the need to build Apache itself as a strong force as they build up the momentum behind it. And to us, even though the obligation isn't there to share their code back, the companies that are participating in the Apache Software Foundation and even more broadly, within the BSD communities, understand the need to reinvest, to build it back up. And that's one thing that I think may be missing in some of this debate: the creation of licenses, the creation of regimes that really are bi-directional, that really put all the participants at an equal level.

I totally welcome Microsoft exploring shared source licenses. I think for proprietary software, I'd much rather have the code to it than not have the code to it. I think we're going to see a big difference in the amount of resources that people will put in to a shared source license regime versus one that is an open source license regime. So it's all a matter of experimentation. I'm all for experimenting with different licenses. I think history has shown that open source is a more efficient way to go in certain circumstances. At the same time, there are 10 million Microsoft developers out there who might have a different opinion. I think it's worth finding out.

Craig:

One thought on that. I agree with you that it is bi-directional, and in a way, when you look at all the different licensing regimes, you're correct to point out that there are many different ways to give back. In a sense, giving the code back is just one way. You know giving taxes to the government to give back is essentially another institutionalized way.

Tim:

So how much does Microsoft pay in taxes?

[laughter]

Craig:

It's a lot. I don't know the exact number this year, but it's billions. One of the things that we've been fascinated by, and I guess you could say it's some benchmark of this, [is that] this week, as I kind of predicted in May, we actually came out with this Windows CE source license. I guess we actually posted it three, maybe four days ago. And the first three days, ten thousand people downloaded the entire source tree. And we had had a kit that we had offered to people who just wanted to use it for commercial purposes and we had sold about four

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Post your comments hundred of those in the last year. I guess only time will tell whether people will decide that they really want to make an investment or whether they're just curious. But we were quite happy to see that when we offered it for noncommercial use—really targeting the academic environment, primarily -that ten thousand people in the first three days decided to take it and take a look at it.

So we're enthused with that kind of reaction, and it is, you know, some way of giving back. You know, we give back financially, we give back in the standards world, as Michael said, with XML and other things. I mean, well before XML, we've been a big participant in the process of standardization, and so I think we will continue to seek ways to share and give back.

Microsoft patents a threat to open source

By Peter Galli, eWEEK

August 28, 2001 10:55 AM PT

URL: http://techupdate.zdnet.com/techupdate/stories/main/0,14179,2808548,00.html

Members of the open-source community are becoming increasingly concerned by ongoing moves from Microsoft Corp. to acquire a range of software patents that the company can potentially use down the line to attack and try to restrict the development and distribution of open-source software.

And much of that concern is being directed toward open-source desktop company Ximian Inc.'s Mono Project, an open-source initiative to replace part of Microsoft's .Net product line, including a way to run C# programs and the .Net Common Language Infrastructure on Linux. Leading the charge is Bruce Perens, Hewlett-Packard Co.'s open-source and Linux strategist who helped to craft the Debian Social Contract, which later became the Open Source Definition. Perens told eWEEK in an interview on Monday in San Francisco ahead of the LinuxWorld conference that an increasing number of people in the open-source community are very concerned about the Mono Project and by Microsoft's initiative to buy software patents and to patent as much of its own technology as it can.

''If I were in Microsoft's position, I would be looking through all the patents I had been buying that are potentially being infringed by open-source software,'' Perens said. ''They are going to hold onto these patents until they see what happens with the antitrust case against them. Once that is resolved, they will then use them against the open-source industry.'' But Doug Miller, the director of competitive strategy for Microsoft's Windows division, told eWEEK he was unaware of any intended move by Microsoft to acquire software patents. ''Not to say it isn't happening, but I'm not aware of any such planned attack,'' Miller said.

''With that being said, we strive to protect our intellectual property, and holding patents is one of the ways we do that. But nothing has changed, we're certainly no more aggressive now about filing patents or other copyright protections than we have been over the past couple of decades,'' he said.

But Perens isn't buying this, saying that with regard to the Mono Project, Ximian needs to draw up an advance agreement with Microsoft that states the Redmond, Wash., company does not intend to assert its patents on this technology.

''If we don't get that agreement, I'll be happy to see Ximian implement this stuff, but I'm not sure I'll touch it,'' Perens said. ''I'm also not sure I want to let it touch the rest of GNOME [GNU Network Object Model Environment] very much because if GNOME becomes dependent on it, it would have a potential weakness there.''

Ximian is an active contributor to the GNOME Project, which has built a desktop environment for the user and a powerful application framework for the software developer. Ximian in fact this week launched two versions of the boxed Ximian Desktop, which includes the GNOME desktop interface.

No Linux app is safe

But Miguel de Icaza, the chief technical officer at Ximian, disagreed with Perens, saying that any application that runs on Linux could be infringing on some hidden and unknown patent owned by Microsoft.

''Microsoft has not historically used its patents in an aggressive way,'' he said. ''They've previously used it to defend themselves. While I suppose they might use it for attack purposes going forward, I don't think they'll go after Mono as we are only in the early stages and are sticking to developing technology from existing concepts. There's nothing new in .Net; it's just a combination of existing technologies.''

Nat Friedman, Ximian's vice president of product development, also stressed that Ximian is not co-operating with Microsoft on the Mono Project. ''They are not assisting us in any way,'' he said. ''We have talked to them twice—that's the extent of it.

''We believe this technology and infrastructure is too important to be

controlled and wholly owned by Microsoft. We believe there has to be a free implementation of it out there,'' he said. But while Perens acknowledged that Microsoft has largely not invoked its patent rights to date, he said, ''Past performance is not predictive of future behavior. Microsoft's [senior vice president] Craig Mundie has previously said the company intends to enforce all its patents.'' An example of a patent held by Microsoft that could be detrimental to open-source initiatives going forward was clearly demonstrated in the password change protocol found in Samba, he said. Microsoft had modified the password change technology and then patented the new protocol of the password change.

''This means you cannot make a compatible implementation without potentially infringing on a Microsoft patent,'' Perens said. ''We went ahead and did it anyway, and Microsoft hasn't enforced that patent, but it doesn't mean they never will. This is a telling case as they've taken what was an open protocol and deliberately put in a patent to close it and then introduced the patented feature in all new systems.''

Samba, which develops open-source software that lets a Linux machine share files or manage print jobs like a Windows file server or print server, has included this patented technology. ''In the climate of antitrust it would be nice to force them to overplay their hand, and Microsoft overplays their hand consistently, Perens said.

But while Jeremy Allison, a lead developer for Samba, confirmed that Microsoft holds the patent for the password change protocol, he believed this ''was done with no malicious intent at all. All big companies patent software for protection. I also think this is probably a defective patent anyway,'' he said.

Microsoft's Mundie said he wasn't familiar with the Samba example, ''but in any case where someone reverse-engineers technology—and there's certainly lots of this in the Linux world—there's always the risk they'll infringe on someone% patent. We highly value intellectual property and the laws created to protect this,'' he said.

But Samba's Allison said the Mono Project is ''a very bad idea—in fact, it's a terrible idea. By doing this they are helping .Net become a standard ..... Net will become important if a majority of the clients use it, but it will not be mandatory if only, say, 50 percent use it, as Web sites will then still have to do Java stuff,'' Allison said. ''By implementing an open-source version of this, they are making it easier for Microsoft to get to that magic monopoly figure.

''And when they've got that on the client, all the servers are in trouble. Look at the way they leveraged their client base to take over services like authentication, e-mail with Exchange, and DNS services by tying Active Directory to DNS. It's a continual case of taking their monopoly on a client system and tying servers to it,'' he said.

MTC–00030617

January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvenia Avenue, NW
Washington, DC 20630

Dear Mr. Ashcroft:

The intention of this letter ?? that I may express my feelings about the antitrust suit against Microsoft, and the settlement that was reached last November that ended that suit. The Department of Justice and Microsoft agreed to terms on a proposed settlement, and I support that proposition.

I do believe however, that Microsoft should have been left alone In the flint place. There are many other corporations that should have received the attention from the government that Microsoft did. There are terms in the settlement that go a little far, especially the ones that force Microsoft to turn over their Intellectual property to competitors. They will be documenting various interfaces and source code that Is Internal to the Windows'' operating system, and giving that to their competitors. This is a travesty of justice.

The antitrust suit against Microsoft was uncalled for, but I guess that the settlement Is the best thing that could have happened. It could have been much worse. I support the settlement because I do not wish to see any further legal action taken against Microsoft. This entire law suit was brought about because of sour grapes on the part of a few people, namely Sunmicro system's CEO. With his connections with a few Senators, namely Warren Hatch from Utah). He was able to get a senate hearing, and the rest is history.

Gosh darn it, the Federal Government can do us a great deal more good by going after such corporations as big oil. Look at what they are doing with the price of oil, at this very moment, with market control of prices almost varying by zip code. And they talk of Bill ??ging the public for his Windows programs and getting by with It due to e lack of competition—please, give me a break.

Sincerely,
Harry Riddle
P.O. Box 88
No. Lakewood, WA 98259

MTC–00030618

Subj: Microsoft Settlement
Date: Monday, January 28, 2002 9:39:34 PM
To: Renata B. Hesse, Antitrust Division, US Department of Justice Suite 1200 Washington DC

Ms: Renata B. Hesse

Just a short note asking for a swift settlement of the Microsoft lawsuit, this whole thing started with Pres. Clinton, and Janet Reno, since then the landslide has taken this country economic situation from stable to recession. Microsoft has worked hard for the consumer and its stockholder, and has agreed to settle this situation out of court and make some competitors happy because they did not have the foresight and dedication to make a great product, and now they want the same access and market share that Microsoft has developd. Its time to move on with progress and settle this situation and get the economy moving again.

Thank you for your time and consideration.

Gunther Hausmann
14311–206 St. SE
Snohomish Wash. 98296
425–481–0926

MTC–00030619

W. Thomas
3864 Quail Ridge Road
Lafayette, CA 94549–291Z
(925) 283–6569
Fax: (925) 284–7619
January 27, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

We five in a country that has been built upon the foundations of capitalism and free enterprise. The antitrust suit against Microsoft is a direct violation of these very ideals. When we attack free business we undermine the very foundation of this nation. I feel that the settlement that has been reached m this case must be accepted as soon as possible so that American business can continue to thrive.

According to this settlement Microsoft will license the internal code of its Windows operating system to twenty of its biggest competitors. This basically requires Microsoft to tell their competition how to make their product. While I believe that this term is a bit extreme I feel that the rest of the settlement will have a positive affect on the IT industry and thus the U.S. economy. The fact that this litigation will now be put to rest will, l believe, help mend some of the damage that has been done to the economy since this case was instigated three years ago. Please continue to support this settlement and American business in general. Thank you for your time and consideration of this case, your diligence is to be commended.

Sincerely,
W. Thomas

MTC–00030620

344 Hedgehope Dr.
Las Vegas, NV 89123–0004
January 28, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing to express my support of the settlement in the antitrust case between Microsoft and the Department of Justice. Although I am happy to see that Microsoft will not be broken up, I do think that litigation should have never occurred in the first place. As a Microsoft user, I do not feel that my rights as a consumer have been infringed upon. Microsoft created a product that is superior to its competitors and made navigating certain systems much easier. This has allowed many people who were computer illiterate to become competent on Microsoft Windows systems.

I regret that nine states feel the need to continue lawsuits. I hope the Attorney General will act to suppress this opposition because it is in the best interest of the American Public.

Sincerely,
Evan Emett
cc: Senator Harry Reid

MTC–00030621

Charles W. Guildnet
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am pleased that a settlement has been reached between Microsoft and the U.5. Department of Justice concerning the antitrust lawsuit. Though this is good news, I dare not fool myself into thinking that this matter has come to an end. The fact that there are still nine States who wish to pursue litigation against Microsoft is simply outrageous. What has Microsoft done to deserve such harsh treatment? From the very beginning Microsoft has proven itself to be a very strong company with timeless innovations. This company has done much to enhance the quality of the personal and professional lives of consumers all over the globe. Microsoft should not be punished for their competitors'' inability to keep with Microsoft very distinct strides to revolutionize the IT industry.

Despite the harsh terms of the proposed settlement, Microsoft has not only agreed to these terms, they have also agreed to terms that were not even at issue in the lawsuit. This is the perfect illustration of Microsoft's willingness to comply. As part of their compliance efforts, Microsoft has agreed to enhance competition to the computer industry by granting their competitors greater access to their protocols and intellectual property. Microsoft has proven beyond a shadow of a doubt that they will do every thing they possibly can to prevent future antitrust violations. After oil, no one wants to repeat any of the events of the last three years of litigation. I hope that you make sincere strides to really listen to the public and give Microsoft the chance to continue their innovative and creative service to the computer industry and to as many consumers that want to utilize their products!

Sincerely,

MTC–00030622

Helen B. Gamsey
6006 S River Road
Norfolk. VA 23505–4711
January 27, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Peansylvania Avenue, NW
Washington, DC 20530-O001

Dear Mr. Ashcroft:

I am writing you today to voice my opinion in regards to the Mierosoft settlement issue. I feel that this debate has gone on long enough and that it is time to end this litigation. After three years of litigation, it is time to focus on more pressing issues. The nation is under attack and may soon be involved in a major war. In my opinion, this lawsuit should never have occurred in file first place. R was orchestrated by Microsoft's competitors like Sun Microsystems, Oracle, AOL, IBM, and others. I have not been a shareholder for almost a year but I am still very concerned about what I feel is gross miscarriage of justice in tiffs case.

Microsoft should be rewarded for all the technological and economic advances their products allowed in the last decade, Instead their persecution, instigated by their competitors persists. I hoped the Appeals Court Judges would vacate Judge Jackson's findings. The Oral arguments certainly indicated this might happen, considering their horror upon discovering Judge Jackson's judicial misconduct, and the way they mocked the government's case. Even though their final decision admitted that ''All indications are that the District Judge violated each of these ethical precepts. The violations were deliberate, repeated, egregious, and flagrant.'' Section 455(a) of the Judicial Code requires judges to recuse themselves when their ''impartiality might reasonably be questioned.'' The Appeals Court basically did nothing to remedy Jackson's inexcusable conduct beyond giving him a verbal tongue lasting, and they failed to hate Jackson recused retroactively from the first time there was evidence of judicial misconduct.

Contrary to Mierosoft's competitors whinings,,,this settlement goes beyond that suggested by the Appeals Court. The AC court threw out all of Jackson's remedies which would have broken up the company. They rejected the remedies not only because Jackson erred by not allowing an evidentiary hearing on remedies: but because those remedies no longer applied to the violations they found; which were much less severe than those found by Jackson. They also said that a structural remedy is rarely indicated and only if there was actual proof that ''exclusionary her words, there was no evidence to show that Netsape and Java would

The Appeals Court judges threw out Judge Jackson entire remedy, partly because Jackson violated basic procedural rule m not allowing an evidentiary hearing on the remedy. In their words; ''It is a cardinal principle of our system of justice that factual disputes must be heard in open court and resolved through trial-like evidentiary proceedings. Any other course would be contrary ''to the spirit which imbues our judicial tribunals prohibiting decision without bearing.'' Yet the Appeals Court ignored their own advice, and failed to hold an evidentiary hearing to determine when these 'egregious ethical violations'' occurred. This allowed them to arbitrarily select a date, which conveniently was after Jackson issued his Findings of Fact and Conclusions of Law, even though evidence was presented that revealed the violations occurred before the Findings of Fact were issued.. The entire decision should at least have been vacated and the case remanded to a different judge or the case should have been thrown out in toto.

If this settlement is rejected, I only hope the Supreme Court does the fight thing and throws it out entirely. The respected mediator from the first trial, Judge Posner, is strongly opposed to the participation of the States Attorney Generals who are the mason this case was not settled during the first trial and are the reason why this settlement is being disputed now. Posner has recommended that future antitrust cases brought by the Federal government not allow the States Attorney Generals to participate. Unfortunately, he acknowledged that any change to the laws would occur too late to help this case be resolved.

Further, Posner acknowledges ''A complication is that it is difficult to find truly neutral competent experts to advise the lawyers judges and enforcement agencies on technical questions in the new economy. There aren't that many competent experts, and almost all of them are employed by or have financial pies to firms involved in or potentially affected by antitrust litigation in this sector. It is difficult to find a consultant in the new economy who is both competent and disinterested, or ''find neutral experts they could help the judge administer a consent decree.''

''The new economy presents unusually difficult questions of fact, such as where a plaintiff complains that the defendant has changed the interface to make it more difficult for the plaintiffs product to work with the network or a defendant contends that it disclosing a protocol would allow its competitors by reverse engineering to copy its trade secret, that cannot be protected by copyright or patent law. Both questions are very technical and difficult.'' ''Antitrust in the New Economy. Antitrust Law Jounal, 2001, 68, 920–940

There were no impartial neutral experts to help Judge Jackge nor to advise file appeals Court Judges. Unfortunately, the Appeals Court Judges relied on the expertise of antitrust experts who they thought were impartial. but were actually hired by Microsoft's competitors. Jackson admitted to being completely completely about technology and the economies behind any any, dies. There is little doubt he had much to do with the Findings of Fact or with the Conclusions of Law fudge Jackson admitted frequently he was not competent m technology issues nor in economic issues involved in any remedies. In other words, Jackson was ''technologically and economically, challenged. He admitted that his secretaries would explain certain issues to him. Jackson just rubber stamped the remedy submitted by the Government, who consulted heavily with Microsoft's competitors. The government in turn accepted what Microsoft's competitors gave them, they in turn got ProComp and SIIAA and CIIAA to do their work. Even the Appeals Court judges admitted their ignorance of basic technologicalological issues which were essential to the essence of this case.

THE COURT: I mean I have to say that I have only done downloading of these things with the help of much more skilled people. So I took seriously the proposition that that was a big harrier. But 60 million people just downloaded it? The Appeals Court judges in Microsoft's appeal were astonished to learn that 160 million copies of Netscape browsers were distributed overall, and that their user base doubled to 33 million 1998 when Microsoft's competitors were accusing Microsoft of foreclosing competion. The Appeals Court judges vacated Jackson's finding of attempted monopolization; they remanded the issue of tying to be decided under new standards, (even thouugh they categorically dismissed the charges of lying

during the Oral arguments. (They indicated they were told (by Microsoft's competitors, no doubt) that they used the wrong standards. The only finding they accepted, and not on all of the original counts was fixer of illegal monopoly maintenance. Curiously, this theory of monopoly maintenance was created by Susan Creighton in the original White Paper about Netscape in 19977 Susan Creighton has been a diehard foe and ''card-carrying anti-Microsoft agitator'' of Microsoft from the early ''90's. More curiously, Susan Creighton is now tile deputy director for the P-TC. I hope she has recused herself from any involvement in this case.

The judges unknowingly relied on at least one economist's novel theories—whose theories were apparently created just for fills case. Derails Carlton was an original participant in Project Sherman. ''The Truth, The Whole Truth, and Nothing But The Truth'' http://www.wired.com/wired/archive/811/microsoft.html

Mike Morris was counsel for Sun Micros)stems. ''Morris had been in contact with Joel Klein (in 1998) as part of a three-way effort to nudge the government toward a case against Microsoft'' ''for the past nine months.'' Wired 11/2000 Page 280. The other two parties were Netscape's Roberta Katz and Sabre's counsel, Andy Steinberg. Together they had founded ProComp, ''Now Morris was plotting a solo mission: to put together a sort of private blue-ribbon commission of nationally renowned antitrust lawyers and economists, have them draw up an outline of the kind of Sherman Act case that would make sense for the DOJ to file, including a discussion of possible remedies, and then present the whole firing to Klein and his people. ''According to the article, Joel Klein thought this would be useful. From Wired 1112000 Page 280.

''The political sensitivity of Project Sherman was, needless to say, extremely high, for here was one of Microsoft's most ardent competitors bankrolling a costly endeavor to influence the DOJ—an endeavor undertaken with the department's encouragement.'' ''So began a project that would span three months and consume $3 million of Sun's money: Project Sherman.'' ''Morris look care to select people with impeccable credentials;—mainstream credentials, establishment credentials; the kind of people who spoke Joel Klein's language; the kind who might appear reasonably objective despite the fact that Sun was paying them $600 to $700 an hour.'' (From Wired Magazine, 11/2000, p 280)

''The ''superstar'' cast included economists from the firm of Lexecon; an attorney from Arnold & Porter: a Strafford economist and a former FTC counsel who handles Surfs antitrust work m Washington. ''Members of Project Sherman met every two weeks for three months and then Morris got Gary Reback to assemble industry figures for a hush hush meeting, not knowing they had been paid by Sun. (From Wired Magazine, l 1/2000, p 280) ''Apart from MeNeatey, Morris informed almost no one at Sun, and the other participants were sworn to strict confidentiality.'' (page 280, Wired November 2000).

According to Heilemann, Reback and Creighton lobbied the FTC, the Senate Judiciary Committee, the European Commission, other Attorney Generals and anyone who would listen. A few others who helped out were Mike Hirshland, Republican Senate aid to Senator Orrin Hatch; Jim Clark and Jamcs Barksdate from Nescape, and Venture Capitalist John Doer. ''A few weeks later, Morris and his ''team'' flew to Washington to meet with the DOJ attorneys: Jocl Klein, Melamed, Rubinreid, Malone, Boise for many hours. ''Morris's team ''proceeded to outline the case they believed the DOJ should file.'' The charges were straight from the Netscape White Paper written by Susan Creighton ''illegal monopoly maintenance arid monopoly extension; a violation of Section 2 of the Sherman Act'' They addressed the question of so called ''harm to consumers;'' the so called ''damage to innovation'' and ''then the talk turned to remedies'' and a range of conduct remedies'' was presented as well as the ''case for a structural remedy'' (From Pages 282–283 of Wired Magazine, November 2000)

''In 1975 Microsoft had 3 employees and revenues of $16,000. Over the next 25 years they grew to 36,000 employees and revenues of $20 billion by obsessively figuring out what computer users needed and delivering it to them.'' ''Over the) years Gates and his colleagues made a lot of people mad, especially their competitors. Some of those competitors delivered a 222-page white paper in 1996 to loci Klein, head of the Justice Department's antitrust division, and urged him to do to Microsoft in court what they couldn't do in the marketplace. (Susan Creighton wrote that White Paper).

Another peculiarity of this case is the presence of U.C. Berkeley Haas Business School Professor Michael L. Katz as chief economist of the DOJ antitrust division Apart from his strong support for government regulation, Katz. wrote papers iii support of the DOJ case against Microsoft; including one co-written with Carl Shapiro, the economic counsel to the States Attorney Gencrals .... hmmmm...

Curiously, the Department of Justice worked closely with the competitors like Sire Microsystems for four years, often showing sentences or paragraphs in drafts of the department's plans and soliciting their approval. The politics of the case is a far cry from th?? Platonic ideal of rigorous economists devising the best possible antitrust rules and wise, disinterested judges carefully weighing the, evidence.'' Microsoft's competitors have used the Department of Justice to try to take not just their money but their intellectual pt, well. From ''The Theft of Microsoft'' by David Boaz. http://www.cato.org/dailvs/07–27–00.html

I cannot imagine that Project Sherman was a legal undertaking, and wonder if the Appeals Court judges were aware of Joel Kleins meeting with reporter John Heileman. I wonder if the DOJ would have brought the case if it was publicly acknowledged at the time that they were listening to testimony from hired experts paid handsomely by Microsoft's.

During these difficult times, it is vital to do all we can to boost our economy. Restricting Microsoft will not accomplish this. This country is at war with a world wide network of Islamic extremists intent on destroying us. The Department of Justice needs to focus on ''fixing'' the FBI and improving the security of our nation and protecting American citizens against more terrorist attacks. Has this short passage of time since September 11 dulled memories so quickly that we are back to the old games of using lawyers and politicians and the Department of Justice to squash competitors? Are things really back to normal? I don't think so...until the next terrorist attack. . .

Antitrust laws are not meant to protect competitors against their inability to compete in the marketplace due to their own incompetence...Look who is suing? AOL, Sun Microsystems, Oracle, IBM are multibillion corporations... not more and pop outfits threatened by a bully...The antitrust laws were meant to protect consumers and to allow fair competition. Consumers are not complaining. However antitrust laws are now being used to protect competitors, and to make trial lawyers even richer,,,at the expense of consumers and the economy, How many companies have been forced into bankruptcy now by trial lawyers over asbestos? 20? 30? 50?

AOL, Time Warner, IBM, Sun Microsystems, Oracle, etc have contributed heavily to politicians for years...long before Microsoft was forced to play tiffs game, as a result of their persistent efforts to prosecute and persecute Microsoft.

Should the DOJ continue to ''work'' on behalf of Attorney Generals who are receiving large contributions and specific instructions from Microsoft's competitors via ProComp and other such organizations? After all, it was Sun Microsystems'' who paid antitrust experts like Dennis Carlton to ''produce'' antitrust charges which would appear credible to the DOJ. Reputable antitrust experts like Carlson produced novel antitrust theories of harm from incomplete exclusionary conduct. Almost all of the violations upheld by the Appeals Court were based on Carlton's ''novel'' theories. Others were based on ''novel'' theories developed by Susan Creighton, an ardent Microsoft foe.

I would think that the Enron scandal would make politicians and regulators more wary of the dangers involved from large contributors... I was surprised to learn the extent of Euron's contributions. They gave $50,000 to Paul Krugmnan, from the New York Times, who writes about economic matters, and not too surprisingly, Krugman apparently wrote positive articles in the past about Enron ....

It was a complaint from Sum Microsystems that lead the European Union to launch an antitrust case against Microsoft by the EU. There is something about certain American companies that run to other countries to crush their competition .if they can't get the DO/or FTC to do it... It is telling that Sun Microsystems has 200 lawyers in their legal department, more than many large firms, even in Washington. I think their shareholders might prefer they spent more on improving their products and competing...as their stock contire, es to decline.

Microsoft was consistently been rated one of the top corporations to work for and one

of the most admired companies by Fortune until the trial lawyers and AG and MSFT's competitors started their hatchet jobs and made Microsoft into an ''unsympathetic target.'' http://www.tcchcentralstation.cont/1051/techwrapper.jsp?PLD=1051–250&CID=1051–012901A

Microsoft's competitors lobbied politicians for years before Microsoft was finally forced to join their game and forced to pay this ''protection money.'' ''For about 20 years Gates and his colleagues just sat out there in ''the other Washington'' creating and selling. As file company got bigger, Washington DC, politicians and journalists began sneering at Microsoft's political innocence. A congressional aide told the press, ''They don't want to play the 1). C. game, that's clear, and they've gotten away with it so far. The problem is, in the long run they won't be able to.'' Politicians told Bill Gates, ''Nice little company ya got there. Shame if anything happened to it.'' And Microsoft got the message'' If you want to produce something in America, you'd better play the game. In 1995, after relocated assaults by the Federal Trade Commission mid the Justice Department, Microsoft broke down and started playing the Washington game. It hired lobbyists and Washington PR firms. Its executives made political contributions. And every other high-tech company is getting the message, too, which is great news for lobbyists and fundraisers.'' (but not for consumers or innovators or successful companies..) From ''The Theft of Microsoft'' by David Boaz. http://www.cato.org/dailvs/07–27–00.html

''What lesson should they draw? The antitrust laws are fatally flawed. When our antitrust laws are used by competitors to harm success fid companies, when our most innovative companies are under assault from the federal government, when lawyers and politicians decide to restructure the software, credit, card and airline industries, it's time to repeal the antitrust laws and let firms compete in a free marketplace.

Microsoft's competitors and these phony front groups are using their influence over the media, and their power from contributions to politicians to give the appearance that they are concerned with consumers, when they are only advancing their own agenda, which is harmful to most of us. Microsoft's competitors claim to have the interest of consumers at heart, when in reality their own incompetence lead to their loss of market share. AOL 5 was such a terrible product that even computer experts could not deal with the changes it made to the computer. It changed your default settings and took over. Mossberg from the Wall Street Journal. who has never been a fan of Microsoft, acknowledged this at the tune and there were lawsuits over this which somehow failed to make the news. Anyone who has ever used AOL knows about their inferior products and their poor customer service.

Nonetheless, it is time to end this case that should have never been. and to stop being influenced by Microsoft's competitors who have been behind the case from the beginning of Microsoft's persecution by the Department of Justice, starting in the early ''90's. This settlement is the perfect means to end this dispute. Microsoft will remain together and continue designing and marketing their innovative software, while fostering competition and making it easier for other companies to compete. Microsoft has pledged to share more information about Windows operating system products and has agreed to be monitored for compliance.

I sincerely hope the Department of Justice accepts this settlement and puts an end to this mess and turns their attention to real threats to the Nation- the terrorists who want to destroy the West. Caving into Microsoft's major competitors who are behind the Attorney Generals hurt consumers and the economy further. Let them innovate like Microsoft does, rather than litigate.

Thank you for your attention.

Sincerely.

Helen B. Gamsey

Helen Gamsey

MTC–00030623

Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington DC 20530–0001

Dear Mr Ashcroft,

I am writing to you about the Microsoft settlement as is permitted under the Tunney Act. I am now retired following a 40 year career in banking. I followed the daily reporting of the hearing before Judge Thomas Penfield Jackson and read his entire opinion by downloading it from the internet. The press reporting during the trial led me to certain conclusions, One, the judge was biased against Microsoft during the trial. This was born out when the press characterized one of the expressions of this judge as a look of incredulity such as ''can you really believe this guy'' when David Boles was examining a Microsoft executive during the case. In my opinion this bias carried over and influenced his findings of fact and proposed remedies. Secondly, the judge erred in suggesting harm to the consumer by Microsoft pricing practices

But the purpose of this letter is not to rehash the origina; trial. The Federal Court of Appeals has ruled and remanded the case back for remedies The Department of Justice has a settlement now before the court. I believe that the Department of Justice's most recent decision to end the antitrust case is truly the right one Several states have agreed with thai decision. The remaining recalcitrant states, and that is my term, are defending not the consumer but vested interests of competitors of Microsoft

During the 1980's, various competitors of Microsoft (Sun, Oracle, DEC, iBM) formed a consodium to ostensibly create standards for Personal Computer Operating Systems. It was reported in all of the computer trade journals from the mid 1980's on. As 1 recall they had several meetings over a period of a couple of years, before it broke down. and IBM then proceeded to create their own OS/2 operating system

Dunng the 1950's IBM was the dominant force in large Main Frame Operating systems. This did not deter Burroughs, National Cash Register (NCR), Wang Systems, Digital Equipment and others from creating competing operating systems. Sun Computers had a high-priced engineering operating system in the 1980's and trade journals all reported that Scott McNeely desired to develop a competitor system to Microsoft for Personal Computers. There was only one problem. He could not develop a mass market, few priced system

This fact has been lost in the case against Microsoft It has saddened me to see our courts and some politicians being used as a referee to reward certain competitors, not in the market place of commerce and ideas, but in the courts P.B2

I am retired and do a bit of financial consulting on the side. l use computers quite regularly and would be hard-pressed to find a better set of software products than those created by Microsoft. My first personal computer in 1984 was a Macintosh and I enjoyed it very much, The only problem with it however was that most of the software created by others was buggy and would sometimes crash. I am reminded particulary of some Oracle software which was very buggy and was continually a problem. There was a spreadsheet program however, created by a little company that l had never heard of callled Microsoft, and if worked seamlessly on the Macintosh. I made the conversion to PC's in [he early 90's and would never look back, The affordability and stability of Microsoft products convinced me.

Please express my views to the judge. As a retired business person and a consumer of computer software, f would ask the court to affirm the Department of Justice settlement agreed to by nine states and reject the continued attempts by certain other states to reward the competitors of Microsoft.

Continued litigation will only threaten the Computer software and hardware industry and consequently, the entire economy. I ask that you please stop these lawsuits and let Microsoft concentrate on the business of business once again,

I would greatly appreciate your reflecting my views, or a summary of them to the judge.

Thank you for your time and thoughtful consideration of this matter.

Cordiaily.

Gerald G Lacey

cc: Senator Strom Thurmond

cc: Senator Fritz Hoilings

MTC–00030624

January 14, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing to let you know that I am in favor of the Department of Justice ending its antitrust case against Microsoft. I believe that Microsoft is operating under fair business practices, and that the terms of the settlement agreement reached in November are reasonable. Microsoft will now share information with its competitors about Windows, which will allow them to place their own programs on the operating system.

Ending the case against Microsoft will allow them to concentrate on developing new technologies and services, and their continued success is beneficial to the overall

economy. Their concessions in the settlement agreement will allow them to continue innovating the technology industry.

Please support finalizing the settlement under the current conditions.

Sincerely,

Jack Westbrooks 16590 Heim Road
Chelsea, MI 48118

Jack Westbrooks
Network Consultant
MCT, MCSE, CNE, CCNA

MTC–00030625

ATT: RENATA B. HESSE
ANTITRVST DIVISION
MICROSOFF SETTLENT
5645 Lord Cecil Street San Diego, CA 92122
January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The settlement of the antitrust case appears to me to be fair, workable, in the best interests of America. The new judge from the Federal District Court who was assigned to the case, and who assigned the mediator, should approve it.

The settlement will change Microsoft is many ways, even beyond the scope of the original litigation. The use of exclusive marketing agreements with companies that build computers will be banned. A uniform price list, with only discounts for large volume shipments, will be instituted with large computer makers, instead of individual negotiations. A committee of experienced software engineering experts will see that the agreement is enforced. This settlement seems like it will be in the best interests of the country, because the technology sector has been slumping. The end of the litigation will help. The increased flexibility and cooperation within the industry will also help.

Let's see this settlement approved as soon as legally possible. Let's see

America strong again.

Thank you for your help.

Sincerely,

Alvaro Munevar

MTC–00030626

Robert Sylvester . 135 Claridge Drive . Moon Twp, PA 15108
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I understand the Department of Justice is accepting and publishing public comments for the first time since the antitrust suit was brought against Microsoft more than three years ago. Here are some of my views on what I'd like to see happen.

Microsoft has been cooperative throughout this lawsuit. They have agreed that if a third party's exercise of any options provided for by the settlement would infringe any of Microsoft's intellectual property rights, Microsoft will provide the third party with a license to use the necessary intellectual property on reasonable and non-discriminatory terms. Microsoft has also agreed to the establishment of a technical committee that will monitor Microsoft's compliance with the settlement and assist in resolving disputes.

I urge you to do your part in ending this lawsuit. We've already reached an agreement. Let's move forward and deal with some of the more pressing issues, such as rebuilding the technology sector so that we can revive this economy.

WAYNE E. QUINTON
The Highlands
January 23, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing to tell you what I think of the Microsoft Case. This case is certainly not serving the public interest; it wasn't even brought on by the public. It was brought on because of their competitors'' influence and is now being paid for with tax money. This case is a ridiculous waste of tax money. People are suing Microsoft because they can't compete. I think there is something wrong when the law allows that.

Microsoft is passing on their technology secrets to their competitors and has even promised not to retaliate when competitors create products from that technology that would compete with Microsoft. If that's not fair, then 1 don't see what would be. Breaking up the company would be disastrous to our country's economy.

This settlement is long past due and needs to be accepted immediately. Accepting this settlement is the right way to end this mess. Thank you for your time.

Sincerely,

Wayn Quinton
The Highlands
Seattle, WA 98177

MTC–00030627

Date: Monday, January 28, 2002
To: Attorney General John Ashcroft
Company: U.S. Department of Justice, Washington, D.C
Fax Phone #: +1 (202) 307–1454
CC:
From: Lucille M. Mcculley
Subject: Microsoft Antitrust Settlement
Total # of Pages (including cover): 1

Memo: Dear Mr. Ashcroft:

I am writing to express support for the Microsoft antitrust settlement. It seems like a good plan and a fair way to resolve what has beeen a lengthy and unnecessary inuiry into Microsft's business dealings. The settlement's terms are very generous to Microsoft's competitors, and giving them access to Windows programming codes will enable them to make their programs more compatible with Microsoft's operating system.

Forgoing further exclusivity agreements with computer manufacturers will also diversify the market more than it already is. The settlement should give both the government and Microsoft what they want to ultimarly put the situation to rest. Please finalize the settlement without further delay.

Sincerely,

Lucille M. McCulley, 221 East 78th Street, NY NY 10021

If all pages were not received, please call back immediately:

Jacobo Kravec
21011 NE 34th Place
Miami, FL 33180–3585
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

The settlement that has been reached between the US Department of Justice and Microsoft is harsh to Microsoft, but should be implemented because it is in the best interests of the American public. Microsoft is one of our nation's strongest assets and we cannot afford to have them sitting on the sideline when there is a technological race for superiority in the Technology Industry. Microsoft's innovation has standardized the IT sector and has served as the leader in development for America's tech sector.

Yes, Microsoft's marketing tactics have been heavy-handed at times, but the terms of the settlement should serve to appease all competitors, as Microsoft will be disclosing for their use interfaces that are internal to Windows operating system products—a first in an antitrust case settlement. Microsoft will also be granting computer makers broad new rights to configure Windows so that nonMicrosoft products can be more easily promoted.

Please use your influence to finalize the settlement. It is in the best interests of the American public, IT sector, and our economy to end the dispute and allow Microsoft to focus on business, not politics.

Sincerely,

Jacobo Kravec

MTC–00030628

Carl Lochen
30010 Rancho California Road
Apartment 124
Temecula, CA 92591–2952
January 28, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

As an independent developer and supporter of Microsoft, I write you in regard to the recent Microsoft Settlement. After three years of negotiations, it seems strange that there may even be more delays in the implementation of this plan. The process was extremely well thought out and well monitored throughout. Because of this, the terms that were reached benefit all involved. As we go through these economically stressful times, it is crucial that we support our technology at all levels. By holding up this settlement, we take a backseat in the global market. Our entire technology industry needs to get back to business, and because of the agreement, we are ready to do so. Let us support our IT sector and allow the terms to speak for themselves, including anti-retribution and retaliation acts, and the sharing of selected intellectual property.

Splitting up Microsoft

Specifically the non-Windows platform community has attacked Microsoft for adding

to much functionality to its OS, and therefore stifling competition. They argue splitting up Microsoft, would make it easier to compete with Microsoft. This ignores the large amount of developers and companies that have made available more than 100 000 programs available on the Windows platform. Splitting up Microsoft, will for them mean disrupting the dynamics of developing cutting edge technology for Windows.

Windows Building blocks

Splitting up Microsoft into pieces, will create smaller companies developing solutions/libraries that will not be included in Windows and therefore be keeping secrets from other independent developers who will have to develop their own incompatible solutions. Splitting up Microsoft, destroys Windows's ability to offer solutions for connecting together building blocks with the latest technology. Solutions that are now incorporated in Windows and documented for everyone, will end up as proprietary solutions outside Windows. Making it less feasible for smaller developers to keep up with the latest in technology.

Microsoft is giving us pre-tested building blocks guaranteed to be interchangeable and compatible with each other. Developers using these building blocks for their own designs, know that their programs will be compatible with combinations of future designs trying to link up with or work together with their designs. Think of the many millions of errors windows is getting rid of for current and future developers of software...

Whenever building blocks are rewritten with new interfaces, previous interface(s) are still available to let older designs work as building blocks change. This is true of COM+ and any of the API's that come with Windows. It beats trying to design applications to hook up to zillions of applications not using support from the OS.

The Internet building blocks

Internet technology built into Windows, assists applications using various Windows technologies in communicating and sharing data with each other over the Internet. This degree of integration between applications/components is only possible by having these technologies built into the platform they are running on. Internet Explorer built into Windows facilitates in building web browsers. Any developer can build their own Web Browser with their own customized controls. In less than a day they can design their own Web Browser that is equal in power to Internet Explorer. Just download the MFCIE project from Microsoft Developer Network (has been available a couple of years). In less than a day you implement remaining Internet Explorer Functions through the OLE/COM+ interface. In a matter of days any organization can design their own Internet portals that access primarily sites of their own choosing.

Documentation for developing software

Microsoft develops the functionality and the building blocks needed for applications and distributed components to interact with each other on the Windows platform. Microsoft also provides Documentation and Developer information for all developers to take advantage of these features. Preventing Microsoft from freely expanding these features to provide the latest technologies, will damage the industry's ability to develop comprehensive integrated software solutions for the Windows platform. Instead you will end up with incompatible proprietary solutions and a less versatile Windows platform.

I urge you to support our economy at this time, and help this settlement go through as it stands. I thank you for your support.

Sincerely,

CJ

Carl Lochen

cc: Representative Darrell Essa

MTC–00030629

25010 42nd Avenue S Kent, WA 98032
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am of the opinion that the antitrust lawsuit against Microsoft is unnecessary. I do not believe that Microsoft was guilty of antitrust violations in the first place. As a computer user I want an operating system that is complete, and a system that does not include an Internet browser is incomplete. Microsoft wants to be able to provide the best, most complete, products on the market. The addition of Internet Explorer is the natural progression of the Windows operating system. The grounds of this suit are faulty, and in my opinion the best resolution to this case is the dismissal of the charges.

On the other hand I feel that this case needs to come to an end, and the quickest way to accomplish this is to accept the terms of the settlement that was reached in early November. I feel that this settlement is a bit harsh, however Microsoft has committed themselves to the terms and are willing to make the necessary sacrifices to get this litigation finished, and themselves back to business. The terms require that Microsoft disclose information pertaining to the internal interface of the Windows operating system so that other companies can create products that work within the system. This term of the settlement in particular is extreme. It requires Microsoft to reveal information that was formerly known and kept as a trade secret. Terms of this nature have never been included in an antitrust settlement before, and its inclusion in this one is not necessary, however Microsoft has agreed to the settlement and therefore it should stand.

Thank you for all of the work that you have done to bring this suit to a close. Please continue to support American business and free enterprise in the future.

sincerely,

Douglas Harper

MTC–00030630

www.microsoft.com/freadomtoinnovate/
www.usdoj.gov/atr/cases/ais-settie.htm
The letter follows:
January 28, 2002
Attorney General John. Ashcront
Department of Justice
950 Pennsylvania Avenue
Washington. DC 20530–0001

Dear Mr, Ashcroft:

My name is Ruth Burke, I am a resident of Fenton. Missount. My reason for writing is to let you know that I support the Justice Department's proposed settlement with Microsoft and that I appreciate your bringing this matter to at least a partial close.

I do not feel that this case should drag on when a fall agreement has been reached. I am sure that people will have gripes with particular provisions of the settlement, but the agreement, when taken as a whole, is beneficial to the all involved.

By agreeing to a more level playing held in the are as of pricing, distribution, and software combetition, Microsoft has opened the door to both increased competition and ch??e. As I understand it, that is the goal in any antitrust litigation. It is time for everyone involved to get out of Court and get back to work.

Sincerely,

MTC–00030631

01/29/02 TUE 0l:05 FAX 2024085200
STEVENS DAVIS
MILLER MOS 001
To :
From:
VIA FACSIMILE ONLY TO 202–307–1545
Renata B. Hesse, Esq.
U.S. Department of Justice
Antitrust Division
601 D Street, NW
Suite 1200
Washington, DC 20530
Telecopier: 202–307–1545/202–616–9937
Telephone: 202–514–8276
Peter Peckarsky, Esquire
1615 L Street, NW
Suite 850
Washington, DC 20036
Telecopier: 202–408–5200
Telephone: 202–785–0100
Re: U.S.v. Microsoft, Civil Action No. 98–1232
Date: January 28, 2002
No. of pages (including this sheet):
01/29/02 TUE 01:05 FAX 2024085200
STEVENS DAVIS
MILLER MOS
002
January 28, 2002
Renata Hesse, Esq.
Trial Attorney
Antitrust Division
U.S. Department of Justice
Suite 1200
601 D Street NW
Washington, DC 20530
Facsimile: 202–616–9937 or 202–307–1545
E-mail: microsoft.atr@usdoc.gov
The Honorable John Asbcroft
Attorney General of the United States
U.S. Department of Justice
Room 4400
950 Pennsylvania Avenue, NW
Washington, DC 20530 (without exhibits or attachments)
The Honorable Charles A. James
Assistant Attorney General
Antitrust Division
U.S. Department of Justice
901 Pennsylvania Avenue, NW
Washington, DC 20530 (without exhibits or attachments)

Mary Braden, Director
Departmental Ethics Office
U.S. Department of Justice
Room 6642
950 Pennsylvania Avenue, NW
Washington, DC 20530 (without exhibits or attachments)
Re:
Comments of Relpromax Antitrust Inc. with respect to the Revised Proposed Final Judgment dated November 6, 2001, and filed in U.S.v. Microsoft,
Civil Action No. 98–1232, United States District Court for the District of Columbia

Dear Ms. Hesse:

Defendant Microsoft has been found liable for multiple violations of Section 2 of the Sherman Act, 15 U.S.C. 2. A proposal for a consent judgment (in the form of a Revised Proosed Final Judgment (''RPFJ'') dated November 6, 200l, and signed for the United States by Charles A. James, Assistant Attorney General, Antitrust Division, United States Department of Justice) has been submitted in the captioned civil action. As will be made clear below and has beer made clear by others who have submitted comments, the RPFJ does not meet the requirement,, of law and makes a mockery of the judicial power.

Assistant Attorney General James freely concedes that one of the products at issue is one of the necessaries of modern life. As Mr. James recently wrote:

[The case] involves the signature product of the digital age, the Windows operating system, through which the vast majority of computer users worldwide interne; with what has become a basic appliance in human life.

The Act was named for Senator John Sherman (R.—Ohio). The following is what Senator Sherman told the Senate about concentrated economic power controlling the necessaries of life during the debate that led to the passage of the Sherman Act:

If the concentered [concentrated] powers of [a trust] are intrusted to a single man, it is a kingly prerogative, inconsistent with our fore1 of government, and should be subject to the strong resistance of the State and national authorities. If anything is wrong this is wrong. If we will not endure a king as a political power we should not endure a king over the production, transportation, and sale of any of the necessaries of life. If we would not submit to an emperor we should not submit to an autocrat of trade, with power to prevent competition and to fix the price of any commodity.

INTRODUCTION

I am the President of Relpromax Antitrust Inc. I am an economist by education and experience. I received a Ph.D. in economics from Princeton University and an A.B. in economics

See, among others, the Comment (dated January 17, 2002) of Robert E. Litan, Roger D. Noll, and William D. Nordhaus on the Revised Proposed Final Judgment: and the letter (dated January 24, 2002) on behalf of the American Antitrust Institute by Albert A. Foot, Robert H. Lande, Norman W. Hawker, and Oded Pincas.

Charles A. James. The Real ''Microsoft'' Case and Settlement, l6 Antitrust 58 (ABA Fall 2001) (a copy of the article is attached as Exhibit 12). Congressional Record, Senate, March 21, 1890, page 2457.

01/29/02 TUE 01:05 FAX 2024085200 STEVENS DAVIS MILLER MOS from the University of California at Davis. I taught economics at Cleveland State University, Central Michigan University, and Kansas State University. I was a post-doctoral research fellow at Wayne State University. At Kansas State University, I was a Visiting Assistant Professor and taught a course in industrial organization economics. I have worked as an economic analyst at the Illinois Commerce Commission which regulates public utilities.

EXECUTIVE SUMMARY

1. My analysis of the competitive impact of the RPFJ using a computerized model demonstrates that the law requires a structural remedy splitting Microsoft into at :least two (2) competing companies if the compensation for the executives of these companies is based on relative profit maximization (RPM). A re-structuring into at least three (3) competing companies if the compensation for the executives of these firms is based on absolute profit maximization (APM).

2. The conduct of the United States Department of Justice and Microsoft with respect to the RPFJ since about September, 200l, has demonstrated contempt for the Court and the statutory rights of all Americans.

3. The RPFJ affirmatively declares that it creates no rights for Original Equipment Manufacturers (OEMs), Covered OEMs, Interact Access Providers (IAPs), Internet Content Providers (ICPs), Independent Hardware Vendors (IHVs), or Independent Software Vendors (ISVs).

4. The RPFJ will not stop Microsoft's violations of the antitrust laws, prevent a recurrence, restore competition to the market, or deny Microsoft the fruits of its illegal conduct.

5. To avoid a conflict of interest or the appearance of impropriety, the Attorney General, the Assistant Attorney General in charge of the Antitrust Division, and all other political nominees or appointees of the current Administration should recuse themselves from any further involvement in matters related to Microsoft; the authority to continue to represent the United States should be delegated to a non-political career trial attorney of the Antitrust Division of the Justice Department pursuant to 28 U.S.C. 510 by a career employee of the Justice Department acting as the delegatee of the Attorney General.

DISCUSSION

A. The Violations of Law and What The Remedy Must Do By Law

The Antitrust Procedures and Penalties Act (Tunney Act) governs this court's consideration of the RPFJ.

The Tunney Act was signed on December 21, 1974, to remedy one of the remy abuses of power which led to the adoption of the second of three Articles of Impeachment of the President by the Committee on the Judiciary of the United States House of Representatives on July 27, 1974. and to the only Presidential resignation in the history of our nation on August 9, 1974. The Tunney Act is not merely some procedural nicety.

The Tunney Act was intended to protect all Americans against an abuse of the antitrust settlement power. See Exhibit 10 hereto, pages 13–22.

In a unanimous 7–0 decision, the United States Court of Appeals for .'.:he District of Columbia Circuit found Microsoft liable for multiple violations of 15 U.S.C. 2 due to unlawful maintenance of a monopoly. U.S.v. Microsoft, 253 F.3d 34 (DC Cir. 2001).

The violations of law related to anti-competitive restrictions on OEMs, the, integration of Internet Explorer with Windows, exclusionary agreements with IAPs, anti-competitive agreements with ISVs, dealings with Apple Computer, First Wave agreements with ISVs, the fraudulent deception of software developers using Java, and threats to Intel.

By law, the remedy must stop the violations, prevent a recurrence, restore competitive conditions in the market, and deny to Microsoft the fruits of its statutory violation.

171/29/02 TUE 01:06 FAX 2124085200 STEVENS DAVIS MILLER MOS 006

Given that the United States won a judgment sufficient to support these remedies, it is not in the public interest for this Court to rubber stamp its approval on a sweetheart dea?? to protect a campaign contributor to both the Attorney Genera/and the President who put the Attorney General and Assistant Attorney General in charge of the Antitrust Division in their current offices. See Exhibit 10 hereto, pages 16–18, 21, and 25, and Attachments I and 9–43 to the Dautch Declaration which is Exhibit A to Exhibit 10 of this letter.

The Court of Appeals suggests, U.S.v. Microsoft, 253 F.3d 34, 107 (DC Cir. 2001) that: If the Court on remand is unconvinced of the causal connection between Micro sort's exclusionary conduct and the company's position in the OS market, it may well conclude that divestiture is not an appropriate remedy.

It follows that if the Court is convinced of the causal connection, the Court may conclude that divestiture is an appropriate remedy.

Pursuant to 15 U.S.C. 16(e), this Court must make a determination that entry of the RPFJ is in the public interest. The statute provides, in pertinent part, that for the purpose of making a decision on whether entry of the RPFJ is in the public interest, the court may consider:

(1) the competitive impact of such judgment, including terrains*ion of alleged violations, provisions for enforcement and modification, duration or relief sought, anticipated effects of alternative remedies actually considered, and any other considerations bearing upon the adequacy of such judgment;

(2) the impact of entry of such judgment upon the public generally and individuals alleging specific injury from the violations set forth in the complaint including consideration of the public benefit, if any, to be derived from a determination of the issues at trial. limited to the The Court may consider other issues it deems relevant also

and is not considerations set forth in the statute. Some of these issues are discussed below.

1. The Model After the United States Failed to comply with its legal obligation sunder the Tunney Act to provide an analysis of the competitive impact of the RPFJ, 1 prepared a computerized model for the analysis of the competitive impact of the RPFJ. The model is described in derail in Exhibit A hereto.

This economic model considers and calculates the effects on competition of both conduct- only remedies and structural remedies. The model calculates, in dollar terms, the competitive impact of alternative remedies under various sets of assumptions. The model calculates the dollar value of such important economic quantities as consumer surplus, profits of Microsoft and competitors, and total surplus. The main conclusions arc 1) only a structural remedy fully repair the economic damage which Microsoft has caused, and 2) most structural remedies require additional measures to reduce or eliminate the ''fruits'' of Microsoft's unlawful ''victories.''

2. The Conduct of the United States and Microsoft Has Been Contumacious As discussed in Exhibits 10 and 11 hereto, both the United States and Microsoft have defied the court and denied the public the information they are stautorily entitled to have to assess the RPFJ.

3. Tile RPFJ Explicitly Denies Any Protection To Third Parties After purporting to create rights and protections for OEMs, ISVs, IHVs, ISPs, and ICPs, among others, the RPF] takes it oil away in the last section (section VIII) which states: Nothing in this Final Judgment is intended to confer upon any other persons any rights or remedies of any nature whatsoever hereunder or by reason of this Final Judgment. Entry of the RPFJ would make a mockery of the judicial power.

There are a host of other problems with the RPFJ, some of which are due to a lack of econoic analysis.

For example, paragraph 2 of the Revised Proposed Final Judgment says, ''IT]his Final MTC–OOO30631 OOO7

STEVENS DAVIS MILLER MOS

Judgment does not constitute any admission by any party regarding any issue of fact or law.'' This provision is not in the public interest, and is partial evidence that this consent agreement is a sweetheart deal. Microsoft has been duly convicted of serious antitrust violations, and many of these convictions were upheld by the Appeals Court. The Appeals Court for the District of Columbia is widely perceived to be more conservative on antitrust issues than the Supreme Court.

There is virtually no chance that the Supreme Court will overturn those cornvictions which the Appeals Court has upheld.

The failure to obtain an admission of guilt, under these circumstances, is really quite remarkable. It requires some explanation for why it is in the public interest to accept: an agreement with no admission of guilt. The Competitive Impact Statement provides no such explanation. Also no estoppel against Microsoft for private parties.

Another example is the proposed set-up is that the work of the TC is completely secret. Section IV.B.9. requires that the TC's work be kept secret. Section IV.B.10. prohibits the TC members from making public statements. Section [V.D.4.d. requires that everything the TC does must be kept secret, and that TC members may not testify about their work. Section:IV.B.8.g. does allow TC members to communicate to third parties ''how their complaints or inquiries might be resolved,'' but requires confidentiality of all information obtained from Microsoft. The work of the TC, whether good or bad, is not subject to any public check or verification. Such secrecy allows a corrupt DOJ to hide the fact that no enforcement actions against violations by Microsoft are being undertaken. All this secrecy gives no confidence to the public, or to potential complainants, that their complaints will be resolved fairly or expeditiously. This is especially so, giver the widespread perception among Microsoft's would-be competitors that this agreement is essentially a sweetheart deal.

01/29/02 TUE 01:07 FAX 20240.85200

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By way of further example of lack of economic analysis in the Competitive impact Statement, consider the following.

A thorough reading of both the Stipulation and the Competitive Impact Statement indicates that neither document contains any substantive economic analysis of any kind whatsoever. Nor is there any reference to may document which does contain any substantive economic analysis. This is a very serious omission, which is not permitted with respect to other types of proposed government regulation. This omission prevents both the Court and the public from having any genuine basis by which to declare this agreement to be in the public interest. Accordingly, for this reason alone, review of the proposed agreement should be postponed, at least until such time as the Department of Justice revises its Competitive Impact Statement to provide such analyses.

The very words, ''Competitive Impact Statement,'' suggest an attention to,the economic impacts of competition or lack of competition. The nature of these possible impacts is well knower.

There can be competitive impacts on prices, sales quantities, costs, quality of products or service, number of competitors, market shares of competitors, the number and variety of products, and other impacts of competition, imperfect competition, or no competition. There is a whole field of economics, ''industrial organization,'' which is specifically devoted to analyzing these impacts. Many of the economists who are employed by the Antitrust Division of the Department of Justice have studied industrial organization. The Department of Justice has access to numerous consulting economists. It is therefore quite surprising, indeed quite incongruous, that the D(c)J would issue a ''Competitive Impact Statement'' in the very major case before us, which is so completely devoid of any substantive economic analysis.

In accordance with well-established practice, the Court should require prier publication of a substantive economic analysis as part of the government's ''Competitive Impact: Statement'' and allow 60 days for public comments thereafter.

Certainly, there needs to be a quantitative assessment of the likely competitive impacts of the various remedy alternatives. Whether this quantitative assessment should be called cost-benefit analysis or something else is not the primary issue. The primary issue is whether the quantitative analysis of potential remedies illuminates the equity criteria enunciated by the Supreme Court for the resolution of antitrust cases. One important equity criterion is whether a proposed remedy eliminates the ''public injury'' from unlawful conduct. This requires a quantitative assessment of past and prospective injuries, and a quantitative assessment of how particular remedies reduce or eliminate that injury. Another important equity criterion is whether the monopolist has been deprived of the fruits of an unlawful victory. This requires a quantitative measure, of how large those ''fruits'' are and how effective each remedy would be in reducing or eliminating such fruits.

The government provides no economic analysis at all. There are no facts, figures. statements, tables, or economic models concerning Microsoft's costs, prices, revenues, or profits. There is no projection of costs, prices, revenues, profits, or consumer surplus under various alternative scenarios or remedies. Nor is there any economic analysis of any other competitive impacts, real or imagined, which might flow from this proposed remedy or alternative remedies. There is, in short, no genuinely substantive ''Competitive Impact Statement'' which the public may either approve or critique.

Without an economic analysis, there can be no substantive statement of competitive impacts. 15 U.S.C. 16@) requires filing a competitive impact statement. Clause (3) requires '' explanation of the proposal .... including..the anticipated effects on competition of such relief.''

There are areas (1) where an economic analysis would have been useful, but was not provided, and (2) where weakness in the agreement suggests that the whole agreement is, and was perhaps intended to be, essentially a sweetheart deal, For example, Microsoft's predatory acts were undertaken for the purpose of maintaining its highly profitable monopoly. Microsoft's profit from these acts may be counted in the billions of dollars. Only multi-billion dollar fines on Microsoft for failure to obey the terms of the consent agreement can fully deter rational disobedience. The Competitive Impact Statement provides no indication that the settling Plaintiffs contemplate fines of this magnitude, nor is there my economic analysis in the CIS which shows that fines of this size are not needed. If'' fines in the billions of dollars are contemplated, the DOJ ought to say so. We may presume that Microsoft will gladly pay its attorneys even as much as $100 million to avoid a multi-billion dollar fine. Continued litigation by Microsoft is virtually assured. If fines of this magnitude are not contemplated, how does the DOJ intend to enforce this agreement?

By way of further example, the only ''penalty'' specified in the consent agreement

for disobedience to the agreement is to extend the term of the agreement for an additional two years (Section V.B.). However, it would seem to be common-sense economics that if five years of an ineffective regime is insufficient to deter unlawful behavior, then an additional two years of the same ineffective regime is unlikely to deter the unlawful behavior. A more sensible ''penalty'' would be a five-year extension, renewable indefinitely, not just once. In addition, real penalties for disobedience should be instituted. For example, a fine equal to triple the value of expected profits from uncaught disobedience might be imposed. The proposed ''penalties'' of this agreement also constitute partial evidence that, in reality, this is a ''sweetheart'' agreement which the political leadership of the DOJ has no intention of seriously enforcing.

By way of yet further example, section III.B. requires Microsoft to post and publicize uniform licensing terms. This affirmative obligation is all well and good. However there are some puzzles here, which the Competitive Impact Statement does little to elucidate.

First, Section III.B.2. allows the schedule to ''specify reasonable volume discounts.'' However, neither the agreement nor the Competitive Impact Statement specifies what constitutes a ''reasonable'' volume discount. Can there exist any set of'' volume discounts which is ''unreasonable''? If the answer is yes, presumably the DOJ can provide examples of ''unreasonable'' volume discounts, and a methodology (presumably based on economics) for determining whether volume discounts are either ''reasonable'' or ''unreasonable.'' However, the Competitive Impact Statement (pages 27–29) provides neither examples nor methodology. If the answer is no, what is the purpose of this term ''reasonable''? This is one place where an economic analysis is indicated, if only to clarify the meaning of this agreement.

Second, Section III.B.3.a. makes a distraction between the top ten Covered OEMs, and the second ten Covered OEMs, and allows two different uniform schedules, Since the uniform schedules already permit ''reasonable volume discounts,'' what is the purpose of further distinguishing the size of the OEMs? This additional and unneeded flexibility simply gives Microsoft further opportunities for discrinination and retaliatron If Microsoft is especially interested in punishing one particular firm, Microsoft may punish ten firms, while falsely daiming to be nondiscriminatory. While this opportunity to discriminate may not be especially J valuable, why offer this opportunity in the first place? Uniform schedules for everyone is the better approach.

Third, Section III.B. only applies to 20 Covered OEMs. Section VI.D. define:; these Covered OEMs as those manufacturers of personal computers who had the largest purchases of Windows Operating System Products during the previous fiscal year. However, why are these uniform schedules applicable only to the top 20 OEMs? Why not simply apply the uniform schedules to anybody who wishes to purchase Windows Operating Systems, whether an OEM or not? Also, why should these uniform schedules apply only to OEMs who previously purchased Windows Products? It is the essence of non-discrimination that OEMs should not be penalized for using non-Microsoft products. Yet, if an OEM uses a competitor's product, it may find itself in the group of non- Covered OEMs. This does not aid the professed goal of preventing discrimination a, and retaliation.

Explanations for these various oddities are required. An economic analysis of these oddities would be even better. What is the past and projected market share of the top ten OFMs? What is the past and projected market share of the second ten OEMS? What is the past and projected market share of all remaining wholesale and retail purchasers of Windows products? What differences in competitive outcomes does the DOJ expect for the various possible rules concerning the uniform schedules? This economic analysis should have been provided as part of'' the Competitive Impact Statement.

Another example is as follows: Section III.D. requires Microsoft to disclose A PIs and related documentation to all its Windows Operating System Products and its Microsoft Middleware. This affirmative obligation is also well and good. Again, however, there are some puzzles, which the Competitive Impact Statement does little to elucidate.

First, there are the timing differences on when these disclosures must be made. In the case of Microsoft Middleware, it is the ''last major beta test release,'' which is not farther defined. Presumably, the last beta test release could be a mere few weeks before the commercial sale of the product, which is not much advance notice to developers and competitors. For a: new Windows Operating System Product, these disclosures must occur in a ''Timely Manner,'' which is further defined as the first beta test version that is distributed to 150,000 or more beta tester's. Is it possible that Microsoft might therefore choose to beta test future versions o fits operating systems with fewer that 150,000 beta testers? The Competitive Impact Statement (pages 33–35) provide's no explanation for these differences in timing. Nor does it provide any economic analysis concerting whether Microsoft will henceforth have an incentive to ''game'' these restrictions to avoid the intended competitive impact on its future behavior. Nor has the DOJ provided any economic analysis of how possible changes in the timing of API disclosures would affect the competitive impacts.

Second, there is the timing of disclosures for Windows X. This disclosure midst occur upon release of the first Service Pack, or within twelve months, whichever is earlier. It is not explained whether or why Microsoft needs twelve months to provide its disclosures. If this amount of time is not needed, a lesser time interval should have been provided. However, if several months time is needed, then this necessarily delays Microsoft's issuance of Service Pack 1.

Recent newspaper accounts indicate that Windows XP (and some prior products) has a very serious bug which can allow a malicious hacker to take control of thousands of computers running Windows XP. This circumstance would ordinarily imply that Microsoft is under very serious pressure to issue its first Service Pack on an emergency, expedited basis. However, if the required disclosures take too much time to prepare, then Section III.D. harms both Microsoft and the public. If a proper economic analysis had been performed, this oddity of the agreement likely would have been exposed and corrected before being submitted to the public. In any case, without a published economic analysis, it is difficult to decipher why the DOJ thought this provision made good sense.

Yet another example of missing information arises from section VI.J. which provides a confusing definition for ''Microsoft Middleware.'' In the consent agreement, the !four conditions within the definition are combined with the word ''and.'' However, the Competitive Impact Statement (pages 17–19) explains this term in a manner which suggests that these four conditions ought to be combined with the term ''or,'' not ''and.'' The Competitive Impact Statement (pages 18–19) discusses the situation where Microsoft might choose to divide up its redistributables in such manner that the fourth condition is not met, or even not provide a redistributable, yet the Competitive Impact Statement suggests that such non-qualifying software code is included under the definition. Either all four of the conditions must be present to qualify as ''Microsoft Middleware'' (an ''and'' requirement) or only some of the four conditions need be present (an ''or'' requirement). If the Competitive Impact Statement is correct, then the language of the Stipulation requires revision (or vice versa). Very, likely, if the Competitive Impact Statement is correct, then the language of the Stipulation needs to be more extensively revised than simply replacing ''and'' with ''or.''

Since this defined term ''triggers Microsoft's obligations'' (page 17 of the,. Competitive Impact Statement), it is important that the public and the Court be provided with a clear conception of what this term means, it is difficult for me, or any other member of the public, t comment on the suitability of an agreement which might mean one thing, or might mean another thing. In view of this apparent error regarding a key matter, I would suggest that the DOJ revise the Stipulation, revise the Competitive Impact Statement, or both, and resubmit to the public for further comment.

Section VI.T. provides a definition of ''Trademarked'' as used in the consent agreement. Pages 22–23 of the Competitive Impact Statement elucidate this definition further. The Competitive Impact Stateroom makes much of the supposition that Middleware is Trademarked, or if not Trademarked then it is not Middleware. Is this a distinction with a difference, or that will make a difference? Here is one place where an economic analysis would be useful, both to clarify whether this is a substantive part of the agreement, and if it is substantive, the likely competitive impacts of this provision of the agreement.

Obviously, there are many other provisions of this consent agreement for which an economic analysis of competitive impacts would have been useful. Such economic analysis, would have been useful, both to clarify the meaning of the agreement, and to help educate the Court and the public on the expected or intended competitive impacts of the agreement. In addition, such economic analyses would have provided a framework upon which the public, in its commentary on the alleged competitive impacts, might accept, modify, or reject. As it is, the public is left with many questions and no answers; the public is given the unfair burden of developing its own economic models for

4, The RPFJ Does Not Meet The Minimum Requirements Of Law

As many commentators have noted, the RPFJ does not accomplish the four goals of antitrust remedies.

Further, by not entering an admission of guilt, Microsoft is presumably free to. engage ha the same anti-competitive practices enjoined by the agreement, after the five (or sever:) year term is completed. This means that if Microsoft continues these anti-competitive practices, after the term of the agreement is finished, the antitrust authorities must prove anew that these: are unlawful practices. Since there is no assurance that a competitive market will be restored within five years, and no assurance that Microsoft will no longer be the dominant firm in these markets, renewal of these practices would be detrimental to the public. Also, the expectation that these practices may be renewed at the end of the five-year term puts a damper on competitors'' beliefs that Microsoft is truly enjoined from retaliation, since Microsoft can simply wait before retaliating. This consent agreement essentially throws away Microsoft's conviction.

The proposed five-year term is by no means long enough. A Final Judgment was entered in 1995 and expires on February 21, 2002. Exhibits 2, 3, and 4 hereto explain the problems with the prior FJ. From the Declaration of grain Dautch attached hereto as Exhibit 5, it appears that Microsoft may still be engaging in the banned per processor licensing. In any event: the prior FJ did not restore competition to the market for operating systems.

Microsoft has maintained its dominant monopoly position for a period of over ten years. There is no reason to suppose that Microsoft's dominant position will suddenly evaporate as a result of this consent agreement. So long as Microsoft remains the dominant firm, restrictions on its conduct will continue to be necessary. A far better approach for the conduct remedy is to institute a ten-year term, renewable indefinitely at ten-year intervals. If during the term of the conduct remedy Microsoft no longer has dominance in the industry (e.g., has less than 30% market share), Microsoft may petition the Court for relief from the conduct restrictions.

Further, even assuming that the notion of setting up a Technical Committee to investigate complaints is inherently justifiable, there are obvious problems with this particular proposed set-up. The first problem is that Microsoft is allowed to choose half the investigators (Section IV.B.3.). Microsoft's appointment of an internal Compliance Officer (Section 1V.C.), as well as its own regular attorneys, should be sufficient protection for Microsoft; Microsoft does not need to appoint half the investigators. I am unaware of any administrative agency for investigating, discrimination and retaliation complaints which is set up in such a manner that the accused discriminator or retaliator is allowed to choose half the investigators. This provision by itself constitutes partial evidence that this is a corrupt, sweetheart deal between DOJ and Microsoft. Microsoft should play no role in the selection of TC members,

Further, with regard to discrimination, the consent agreement appears deficient, because it does not overflow with objectively verifiable, affirmative obligations upon Microsoft. In the whole of Section Ill, ''Prohibited Conduct,'' only sub-sections III.B. and III..D. require any affirmative obligation by Microsoft. The remaining sub-sections of Section III either do not impose obligations (Sub-section J) or are suffused with anti-discrimination and anti-retaliatory language (Sub-sections A, C, E, F, G, I-t, and I). In the absence of considerable amounts of trust and goodwill by both Microsoft and its competitors, such provisions may prove either unenforceable or enforceable only after extensive litigation. The delays inherent in a) first having a TC investigation, and b) perhaps followed by litigation, provide cold comfort to any competitor or would-be competitor who may experience or fear discrimination or retaliation by Microsoft.

Labor economists have analyzed discrimination for decades. One economic proposition concerning discrimination is that its effects are likely to be worse in monopoly markets roan in competitive markets. If a monopolist discriminates, one must suffer the discrimination, because there is no one else to do business with. However, if one of many competitors discriminates, one may still attempt to do business with the others. Even if half of all employers discriminate, minorities may still find employment on favorable terms with the other half of the employers.

This simple economic proposition has a clear application in this case. If :toe's primary concern is to prevent discrimination and discriminatory retaliation by Microsoft, the best way to achieve this objective is through a structural remedy: Break up Microsoft into two or more firms. Eliminate the monopoly, and the threat of discrimination and retaliation loses its fearsome power, and also becomes mostly unprofitable. Not performing a structural remedy means that discrimination and retaliation is both profitable for Microsoft and fearsome to Microsoft's would-be competitors. This consent agreement fails to use the most efficacious means to achieve its primary objective. The most likely result of the consent agreement is continued fear, continued discrimination, continued retaliation, continued litigation, and continued monopoly.

Labor economists also know that under a wide variety of economic assumptions and circumstances, discrimination against minority workers is an unprofitable activity for employers. 4 In a competitive market, the result is segregation of minority workers into separate firms, but not lower wages, assuming equal skill by the minority workers.

The outlawing of unprofitable activities is easier to enforce than the outlawing of profitable activities. Even though the laws against discriminatory motives are inherently difficult to enforce, their enforcement is aided by the fact that employment discrimination is normally not profitable. This is not the circumstance for discriminatory acts by Microsoft.

5. Appearance Of A Conflict Of Interest

Microsoft has made an investment of about $23 million in politicians from 199:7 to 2001. See Exhibit A (Dautch Dec. and attachments) to Exhibit 10 hereto.

Given an estimated value of AOL's private antitrust suit against Microsoft in the neighborhood of $20 billion, Microsoft may be about to earn close to a 1000 to I on just the AOL suit.

The Attorney General and Assistant Attorney General along with the Other political nominees or appointees of the current Administration should consider recusing themselves and leaving further consideration of this matter to the career employees of the Antitrust Division.

LIMITED COPYRIGHT LICENSE

For the sole purpose of allowing the United States (including all three branches of the government) to analyze these comments, to publish these comments in the Federal Fegister and to file a copy of these comments with any courts it deems appropriate (including the: United States District Court for the District of Columbia), l hereby grant the United States a time-limited non-transferable royalty free non-exclusivc license without the right to sublicense and without the right to enforce limited to the purposes stated herein to make such copies of the copyrighted material as are necessary; 1) to publish the copyrighted computer programs submitted as part of these comments in the Federal Register; 2) to make such copies of the computer programs as are necessary to: file a copy of these comments with the United States District Court for the District of Columbia; and, 3) to run and modify only the inputs and source code to the computer programs for the purpose of preparing a response to these comments or for the purpose of analyzing these comments (no license to create a derivative work is granted by his license).

The limited copyright license granted hereby terminates one day after the last possible clay to file any appeal in any court from the entry of the RPFJ or termination of consideration of the RPFJ in U.S.v. Microsoft, Civil Action No. 98–1232, presently pending in the U.S. District Court for the District of Columbia.

B. The Public Interest The Public interest is in seeing that the laws are fairly and fully enforced by mpartial law enforces without regard to the political or other connections of the alleged violators of the law. Entry of the RPFJ is not in the public interest for many reasons as discussed above and by many of the other commentators on the RPFJ such as

Drs. Litan, Nell, and Nordhaus and the American Antitrust Institute. The RPFJ will not stop the antitrust violations. The RPFJ will not prevent a recurrence of the current violations or very similar violations. The RPFJ will not unfetter the market from predatory anti-competitive conduct. The RPFJ will not deny to Microsoft the flints of it illegal conduct.

The RPFJ, if entered, will make a mockery of the judicial power. The RPFJ may send a clear message to all Americans that if you violate the law and then contribute enough money to the party in power, you may be able to operate outside the law indefinitely and profitably. ''.[he RPFJ may undermine public confidence in the fairness and agility of the Department of Justice It is not in the public interest to achieve the ends set forth in this paragraph.

Entry of file RPFJ is not in the public interest. The court should refuse to approve or enter the RPFJ. in order to avoid a conflict of interest or the appearance of impropriety due t,) the massive amount of campaign contributions by Microsoft to the current Administration and its leaders, the Attorney General and the other nominees or appointees of the current President or Attorney General should recuse themselves from any further consideration of this matter and delegate further consideration to career lawyers in Antitrust Division all of whom should be protected by this Court in advance (in addition to any statutory rights they may have) against reprisals by the political nominees and appointees.

While many issues are raised by these comments, we hereby specifically request a response to questions and issues including, but not in any way limited to, the following:

1. Does Attorney General Ashcroft intend to recuse himself from any further involvement in matters involving Microsoft and, in particular, U.S.v. Microsoft, Civil Action No. 98–1232, presently pending before the U.S. District Court for the District of Columbia? If so, when? if not, why not?

2. Does Attorney General Ashcroft intend to recuse (or remove) any political appointees serving under him in the Department of Justice from any further involvoment in matters involving Microsoft and, in particular, U.S. v. Microsoft, Civil Action No. 98–1232, presently pending before the U.S. District Court for the District of Columbia? If so, which appointee or appointees? If so, when? If not, why not?

3. Does Assistant Attorney General James intend to recuse himself from any further involvement in matters involving Microsoft and, in particular, U.S.v. Microsoft, Civil Action No. 98–1232, presently pending before the U.S. District Court for tile District of Columbia? If so, when?

If not, why not?

4. lf he remains involved in U.S.v. Microsoft, does Assistant Attorney G moral James who has personal ''knowledge that a non-counsel of record (e.g. Charles f''. Rule, Esq.) engaged in undisclosed written and/or oral communications on behalf of Microsoft with officers and/or employees of the United States (specifically officers and/or employees of the Department of Justice) concerning or relevant to the RPFJ (including negotiations leading to agreement on the terms of, and the signing of, the RPFJ) intend to sign and file with the United States District Court for the District of Columbia a certification of compliance (as ordered by the Court on November 8, 2001) with the requirements of the Antitrust Procedures and Penalties Act (Turnkey Act).: 15 U.S.C. 16(b)-(h)? If he remains involved in U.S.v. Microsoft and Microsoft does not amend !he Microsoft Description and Assistant Attorney General James does not sign and file a certificate of compliance himself, does he intend to order or allow one of his subordinates to sign and file such a certificate of compliance? Why did Assistant Attorney General James sign the Stipulation and RPFJ (both dated) November 6, 2001, but not the CIS?

5. Does the United States intend to amend and publish in the **Federal Register** an amended Competitive Impact Statement (''CIS'')? If so, when? If not, what is the basis for the United States'' position that the current CIS complies with 15 U.S.C. 16(b)(3), (4), and (6!I?

PROTEST AND RESERVATION OF RIGHTS

This letter including the exhibits, attachments, and enclosures to and with this letter all of which are hereby incorporated fully by reference herein constitute the comments by Relpromax Antitrust Inc. (''Relproma'') pursuant to the notice published by the United States at Fed. Reg. 59452, Vol. 66, No. 229 (Nov. 28, 2001) and pursuant to 15 U.S.C. 16@) with respect to the Revised Proposed Final Judgment dated November 6, 2001, and filed in U.S.v. Microsoft, Civit Action No. 98–1232, presently pending before the United States District Court for the District of Columbia.

Relpromax has filed with the United States District Court for the District of Columbia two motions related to these comments, certain statutory deadlines, and a court Order related to these comments. The first motion seeks, among other things, an order to compel Microsoft to meet its disclosure obligations under 15 U.S.C. 16(g). A copy of the brief (including exhibits and attachments) in support of the first motion (''Memorandum Of Points And Authorities in Support Of The Motion Of Relpromax Antitrust Inc. For Limited Participation As An Amicus Curiae And For An Extension Of Time'') is attached hereto as Exhibit 10 and incorporated herein fully by reference. The second motion seeks, among other things, an order to compel the United States of America (''United States'') to meet its obligations with respect to a Competitive Impact Statement (''CIS'') under 15 U.S.C. 16@). A copy of the brief in support of the second motion (''Memorandum Of Points And Authorities In Support Of The Motion Of Relpromax Antitrust Inc. For Limited Participation As An Amicus Curiae And For An Extension Of Time On The Grounds That The United States Has Not Provided A Competitive Impact Statement In Compliance With The Requirements Of 15 U.S.C. 16(b) '') is attached hereto as Exhibit 11 and incorporated herein rally by reference.

The failures of the United States and Microsoft to comply fully with the requirements of the Antitrust Procedures and Penalties Act (''Tunney Act''), 15 U.S.C. 16(b)-(h), have kept Relpromax and the public generally from receiving all the information that is required by statute to be provided no less than sixty (60) days (in the case of the CIS) and fifty (50) days (in the case of Microsoft's disclosures) before the deadline for filing these comments. Accordingly, these comments are filed under protest, with a full reservation of all rights available to Relprornax, and must be viewed as preliminary and subject to amendment or expansion if and when additional public disclosures are made by the United States or Microsoft or by third parties making available information which should have been made available by either the United States or Microsoft.

We look forward to receiving the response of the United States to the foregoing and to the publication of all of these comments (including the exhibits and attachments submitted herewith all of which are again incorporated by reference) in the **Federal Register** and to the submission of these comments to the court by the United States.

Thank you very much for your attention to this matter.

Sincerely,

President

Relpromax Antitrust Inc.

Exhibit 1
Exhibit 2
Exhibit 3
Exhibit 4
Exhibit 5
Exhibit 6
Exhibit 7
Exhibit 8
Exhibit 9
Exhibit 10
Exhibit 11
Exhibit 12
Exhibit 13

EXHIBIT LIST

Discussion of computerized model, data inputs to model, and computer source code for model for analysis of competitive impact of the RPFJ consisting of:

a. Explanation, model inputs, and intermediate outputs used as inputs to final calculations: Attachments A-l, A-2, B-F, and R-S

b. Results: Attachments G-J

c. Source code for model: Attachments K-Q

d. Article by Carl Lundgren, Review of Industrial Organization, Volume 1 I, Number 4, August 1996, pp. 533–550: Attachment T

Proposed Final Judgment dated on or about July 15, 1994, in U.S. v.Microsoft, Civil Action No. 94–1564, U.S. District Court for the District of Columbia

Competitive impact Statement dated July 27, 1994 Memorandum Of Amici Curiae In Opposition To Proposed Final Judgment, signed by Gary L. Reback and dated January 10, 1995

Declaration of Brian Dautch dated January 27, 2002

Declaration of Paul M. Romer (Redacted Public Version) dated April .27, 2000

Declaration of Carl Shapiro dated April 28, 2000

Affidavit of former Senator John Tunney dated January 22, 2002

Letter dated August 9, 2001, from 88 Members of Congress to The Honorable John Ashcroft (Attorney General of the United States), Steven Ballmer (Chief Executive Officer of Microsoft), and The Honorable Tom Miller (Attorney General of Iowa) Memorandum Of Points And Authorities In Support Of The Motion 05 Relpromax Antitrust Inc. For Limited Participation As An Amicus Curiae And For An Extension Of Time Memorandum Of Points And Authorities In Support Of The Motion Of Relpromax Antitrust Inc. For Limited Participation As An Amicus Curiae And For An Extension Of Time On The Grounds That The United States Has Not Provided A Competitive Impact Statement In Compliance With The Requirements Of 15 U.S.C. 16(b)

Charles A. James, The Real ''Microsoft'' Case and Settlement,

16 Antitrust 58 (ABA Fall 2001)

Dan Eggen, Enron Executives Contributed to Ashcroft Campaign, The/Washington Post, January 11, 2002, p. A7

EXHIBIT 1 TO THE COMMENTS OF RELPROMAX ANTITRUST INC.

ATTACHMENT A- 1

ECONOMIC MODEL FOR ANALYSIS OF COMPETITIVE IMPACT OF THE RPFJ

A. THE MODELING PROBLEMS CAUSED BY THE SHORTCOMINGS OF THE COMPETITIVE IMPACT STATEMENT

As indicated above, the Competitive Impact Statement provides no economic analysis or economic modeling of any kind. The Competitive Impact Statement does not even provide raw economic data upon which an economic analysis might be made. It provides no information concerning revenues, costs, profits, quantities, or product qualities of Microsoft, its competitors, or potential competitors which might usefully be incorporated into an economic model. The CIS does not indicate the United States reviewed or considered any such items (i. e. revenues, costs, profits, quantities, or product qualities of Microsoft, its competitors, or potential competitors) in connection with the RPFJ or the CIS. The DOJ's ''Competitive Impact Statement'' may be a ''statement'' of sorts, but it is clearly not a statement of ''competitive impacts,'' about which the statement truly says nothing at all.

This places a heavy burden on the public. Members of the public who wish to critique the consent agreement, must not only devise their own economic models and collect their own economic data, they can only guess at what economic models and economic analysis the D0J is hiding from the public.

Accordingly, a member of the public who wishes to comment is forced to devise her own economic models and collect her own economic data. In the case of this model, the work has been performed by a professional economist. It would be preferable to use or critique the DOJ's own economic models of the software -industry. However, the DOJ has provided no such economic models and no analysis of the competitive impact of the Revised Proposed Final Judgment.

B. How an Economist Analyzes Competition

To an economist, an assessment of the competitive impacts of a remedy proposal requires an assessment of the factors impacting on competition. Competition can be measured or understood in a variety of ways. One paradigm that is often used by economists is the Structure-Conduct-Performance paradigm. The Structure of an industry concerns such matters as the number of firms in a market and the market shares of firms in a market. For example, if an industry has twenty business firms, and no firm has more than a twenty percent market share, the industry is probably competitive. If the industry has only two firms, and one of the firms has an eighty percent market share, the industry is probably not competitive.

The Conduct of an industry refers to the behavior of business firms within an industry. How do they conduct business? Are they actively colluding? Do they frequently share price information? Does one firm normally set prices, while the other firms simply set the same price in response? These are all behaviors which may indicate lack of competition. Some of these behaviors may also be a violation of the antitrust laws.

Finally, the Performance of an industry refers to how well the industry serves the interests of consumers (or society generally). For example, are prices high or low relative to the costs of production? Is the quality of goods and services high or low relative to the cost of producing quality, and relative to what consumers are willing to pay for quality? Is the variety of goods and services high or low relative to the value which variety and choice have for consumers, and relative to the extra costs (if any) associated with producing and selling that variety?

Economists typically measure the interests of consumers using a concept called ''consumer surplus'' (''CS''). Consumer surplus is a dollar measure of the value which consumers receive by being able to purchase goods at a low price rather than a high price, by being able to purchase goods they want, and by obtaining good quality from what they purchase. For example, if a consumer would have been willing to pay $200 for an operating system, but only paid $50, then that consumer receives a consumer surplus of $150. If a second consumer would have been willing to pay $75, but only pays $50, then the second consumer receives a consumer surplus of $25.

Economists also typically evaluate the performance of an industry using a related concept called ''total surplus'' (''TS''). Total surplus is simply the sum of ''consumer surplus'' and ''producer surplus'' (''PS''). Producer surplus is a dollar measure of the value which producers receive by being able to sell their land, labor, or capital at a higher price rather than a lower price. For example, if a worker would have been willing to sell his labor for $35,000 a year, but is paid $50,000 a year, that worker receives a producer surplus of $15,000 a year. If a capitalist is willing to lend or invest his money for a 10% return, but receives a 25% return, that capitalist receives a producer surplus of 15%.

When an industry is competitive, its performance in terms of ''total surplus'' will be at a maximum. Its performance for consumers will also be near a maximum. When an industry is competitive, the only way to improve consumer surplus is to lower prices still further, but this would cause producers to suffer losses. Hence, when an industry is competitive, consumer surplus is at a practical maximum, because there must either be government subsidies or unhappy producers, if consumer surplus is to be ..increased still further.

When an industry is not competitive, its performance in terms of total surplus is reduced. When an industry is not competitive, prices are higher and output is lower, than what would occur if the industry were competitive. Because prices are higher, consumer surplus is lower, but producer surplus is higher. However, the total surplus is reduced, because the producer surplus is increased by less than the amount by which consumer surplus falls, so the sum of the two surpluses is reduced. Hence, whether we measure industry performance by the metric of ''consumer surplus'' or by the metric of ''total surplus'', more competition is better than less competition.

C. How an Economic Analysis Impacts this Case

Industry performance can be poor, either because the industry structure is bad, because the industry conduct is bad, or because both structure and conduct are bad. A well-designed competition policy would attempt to remedy or prevent both bad structure and bad conduct.

However, the antitrust law as it is presently formulated is not a well-designed competition policy. The antitrust law attacks bad conduct, but does not attack bad structure per se. A monopoly is usually a bad industry structure, which frequently leads to bad competitive performance, but a monopoly as such is not illegal under the antitrust laws. A monopoly is only illegal if it is acquired or maintained through anti-competitive conduct. Hence, even though Microsoft is a monopoly, if Microsoft never does anything illegal, Microsoft is perfectly free to record its monopoly profits at the expense of consumers.

However, Microsoft did act unlawfully.

It is, of course, the primary aim of the antitrust laws to protect consumers and competition, not competitors as such. Naturally, competition requires competitors, and consumers are better off when competitors are protected from certain types of anti-competitive conduct. Nevertheless, the interests of consumers are paramount when fashioning a remedy. The interests of competitors are of secondary importance. A disinterested economic analysis will always keep this goal in mind when comparing remedies for the Court's consideration.

D. Preliminary Data for the Economic Model

In order to be useful, an economic model must have as close a relationship to reality as possible given the constraints inherent in any model. An economic model cannot mimic economic reality entirely, because economic reality is too complex to model in its entirety, many aspects of economic reality are not humanly known, and such an exacting economic model would be far too complex for either humans or computers to calculate in a reasonably timely fashion. Hence, all economic models (like all

scientific models) are a simplification of reality.

The first consideration is the basic economic data and assumptions. The primary data of interest are costs, revenues, profits, and market shares for each of Microsoft's three monopolies. These three monopolies are the Windows operating system monopoly, the Internet Explorer browser monopoly, and the Office (e.g., word processing, spreadsheet, and database) software monopoly. Each of these three monopolies is implicated in antitrust violations committed by Microsoft. The Windows operating system monopoly is especially implicated in these violations. There is the question of whether we should model all three monopolies, or only one monopoly, for purposes of corrective action. This problem is solved by running one version of the model for Platform revenues only and another version of the model for all types of product revenue.

Neither Microsoft nor the DOJ has provided data on costs, revenues, and profits for each of Microsoft's three monopolies, or for any of them. The DOJ has not provided such data as part of its Competitive Impact Statement, nor has Microsoft provided such data on its Investor Relations website. However, Microsoft does provide data for revenues for various business units since July 1997. These business units are ''Desktop Platforms'', ''Desktop Applications'', ''Enterprise Software and Services'', and a few other misce1Ianeous units. The ''Platforms'' unit corresponds most closely to Microsoft's operating system monopoly. The ''Applications'' unit corresponds most closely to its Office, and possibly its browser, monopoly. It is unclear at this time whether, and to what extent, the ''Enterprise Software'' unit corresponds to either competitive or monopoly markets, including operating systems for server markets, the browser market, or commercial services based on the Internet.

Hence, as initial data for the economic model, four sets of revenue figures for Microsoft's monopolies were used. The first set of revenue figures is based solely on Microsoft's Platform Revenues, which most closely conforms to a narrow vision of Microsoft's monopoly. The second set of revenue figures is a summation of Platforms & Enterprise Software. The third set of revenue figures is a summation of Platforms & Applications. The fourth set of revenue figures is a summation of Platforms, Applications & Enterprise Software. The revenue figures are arranged in increasing order of size, with the first set of figures being the smallest, and the fourth set of figures being the largest. This information is shown in Attachment A-2 which immediately follows this Attachment A-1.

As it turns out upon analyzing the results produced by the model, the qualitative conclusions of the economic model are basically unaffected by whether the model uses Platform revenues as a base or essentially all product revenues as a base. Quantitative results will change, of course, because the fourth set of figures roughly triples the calculated values compared with the first set of figures. Nevertheless, the qualitative conclusions remain the same. In order to p1ace these historical figures into useful format, the revenue figures are projected backwards in time through calendar year 1995. This is done by computing quarterly revenues for each business unit as a percentage of total revenues. A statistical regression on these percentages was used to determine if these percentages were growing or shrinking. These statistical tests indicated modest, but statistically significant, changes in these percentages over the time interval July 1997 through September 2001. Hence, similar percentage changes were used to determine the missing historical data for January 1995 through June 1997. These projected percentage changes for the three business units were multiplied by Microsoft's reported total quarterly revenues for the quarters of these prior years to obtain estimated values for the revenues of each of Microsoft's three main business units for each such quarter.

These data were converted from nominal dollars to real dollars. Nominal dollars are simply the actual reported dollars, without any adjustment for changes in purchasing power due to inflation. Real dollars are nominal dollars as of a given year, but adjusted for inflation for years other than the base year in which the real dollars are being reported. In order to convert the nominal dollars into real dollars, the U.S. Bureau of Labor Statistics'' (BLS) Consumer Price Index (CPI) for ''All Urban Consumers (Current Series)'' was used. This is the most commonly used inflation index. The nominal dollars were converted to real dollars using 2001 as the base year.

Next, the real quarterly revenues were projected into the future. For each of the three business units, the 1995–2001 historical growth rates were calculated using log-linear statistical regressions. Revenue growth rates were very high, 19.8% annual growth for Platforms, 18.5% annual growth for Applications, and 28.9% for Enterprise Software, all expressed in real dollars. However, revenues did falter a bit in the last year of data. Hence, I used the average of the last four quarters of the data available to me as the baseline to estimate the last quarter of revenue data for calendar year 2001.5 Upon this baseline estimate of revenue for the fourth quarter of 2001, I projected all future growth.

In order to project future growth, I assumed that software Downloaded December 5, 2001 from the BLS's CPI web page, available at http://stats.bls.gov/cpi/home.htm . The average CPI for 2001 was computed as the eight- month, mid-year average for 2001. Since the last two months of 2001 were not yet available, the first two months were dropped for symmetry.

Microsoft's accountants use a fiscal year which differs from the calendar year. I re-dated all Microsoft figures to their true calendar years. production would eventually become a ''mature'' industry. As a mature industry, real growth rates are unlikely to exceed some modest figure, such as 3% per year. However, computer software has not yet reached this stage of maturity. Software growth is very much driven by the phenomenal growth in computer hardware capabilities. The growth rate of computer hardware capacity is -unlikely to taper off anytime soon, even if we restrict our attention to foreseeable technological developments.

However, revenue growth rates for software are unlikely to be sustained indefinitely into the future at annual rates of 18%-30%, no matter how amazing these future developments in computer hardware may be. Accordingly, I project that the current rapid growth in monopoly revenues will gradually slow down to the more modest growth rate of 3% a year. In my projections, I allow the historically-observed, rapid growth rates to converge towards the slower ''mature industry'' growth at the convergence rate of 5% per quarter. That is, if the growth rate in quarter I is 20%, then the growth rate in quarter 2 is assumed to be (20% x 0.95) + (3% x .05) = 19.15%. Alternative projections for Microsoft's future monopoly revenues may also be reasonable. However, it is unlikely that alternative projections will fundamentally alter the qualitative conclusions.

These quarterly estimates and projections for Microsoft's revenues by business division were then summed into annual figures for each calendar year from 1995–2025. Attachment A-2 provides the real revenue figures and projections which were used in the computerized economic model.

The next main piece of data is data on costs. Data on costs were also obtained from Microsoft's Investor Relations website. Data on Microsoft's expenses are available for the company as a whole, but do not appear to be available by business division. Hence, the only option is to take an average across business divisions as being representative of Microsoft's three main business divisions.

Microsoft's spreadsheets available on the microsoft website list their expense items as a percentage of revenue for each microsoft Fiscal Year. The percentages from the last ten fiscal years were used to compute ten-year averages for each expense item as a percent of revenue. These 10-year averages are listed in Attachment B.

These expense items were then classified as either short-run costs or long-run costs. Microsoft's profit and loss sheet does not show capital expenses as such. However, it does show Research and Development (R&D) expense. It is assumed that R&D for its software products is Microsoft's main long-term cost. ''General and administrative'' expense is also classified as a long-term cost. The other expenses I classify as short-run costs. According to this classification, Microsoft spends 41.01% of its revenue on short-term costs, and 18.55% of its revenue on long-term costs. These percentages have held fairly steady over the years, with some variations.

To the extent that long-term costs take time to develop their respective revenues, and to the extent that Microsoft's revenues are growing, these long-term costs as a percent of revenue are probably overstated. For example, if Microsoft's revenue in Year I is $100, and its R&D expense in Year 1 is $20, that is 20% of revenue. However, suppose that it takes 4 years for Microsoft's R&D expenditure to pay off. Suppose that in the

same 4 years Microsoft's revenue has doubled to $200. Microsoft's $20 R&D expenditure in Year I has helped to create $200 of revenue in Year 5. This is a percent of revenue of only 10%, not 20%.

However, to the extent that investors require a positive return on their capital investments, these long-term costs as a percent of revenue may be understated. For example, if investors require a return of 50% on their capital over a 4-year period, then an investment of $20 in Year I will require repayment of $30 in year 5. If Microsoft's revenues had remained at $100 in Year 5, this would be a percent of revenue of 30%, not 20%. If Microsoft's revenues rose to $200 in Year 5, this would be a percent of revenue of 15%, and not 10%, 20%, or 30%.

For purposes of the computerized economic model, it is assumed that these two effects offset each other, and accordingly the model uses the raw percentage, 18.55%, as Microsoft's long-term cost of production. These two effects will exactly offset each other only if investors'' required return on capital exactly matches Microsoft's growth rate. This is unlikely to happen exactly. It is most likely that the investors'' required real rate of return on capital investment is less than Microsoft's phenomenally rapid growth rates in revenue. Hence, Microsoft's long-term cost of production is probably somewhat less than 18.55%.

Finally, we consider Microsoft's market share. In the Findings of Fact, Judge Jackson indicated that Microsoft's market share in operating systems was over 90% for over a decade.7 More recent market share data indicates that Microsoft has approached or Finding of Fact number 35. U.S. v. Microsoft, 84 F.Supp.2d 9, 19 (D.DC 1999) exceeded a 90% market share in all three of Microsoft's monopolies: Since the beginning of the trial, Microsoft's share of the web browser market has increased from less than %5% to more than B7%, its position in the desktop operating system market has risen to 92% (a 3% increase in the last year) and its market share for business productivity applications, such as word processing and e- mail, is now over 96%.

E. Equations for the Economic Model

An economic model must model both the demand side and the supply side of the markets in question. However, to keep the model simple and tractable, it is best to use equations that are fairly easily solved and calculated. For the demand side, I assume that the product being produced is ''homogenous''. This means that the product is essentially the same, in the eyes of the consumer, whether the product is produced by one firm or another firm.

Software products produced by different firms are probably not completely homogenous, either because a firm's reputation, or its product quality, or other product features may differ across firms. However, the assumption of product similarity across firms is often & true enough for modeling purposes. In addition, even though product quality may differ, a simple reinterpretation of the model can handle such situations. To the extent that people are willing to pay more for higher quality, we can interpret this situation as if the higher quality is equivalent to higher quantity.

Another simplifying assumption for the demand side is that the industry demand curve (graph of the price of a product vs. quantity of a product demanded at each price) is linear. A demand curve is unlikely to be linear (that is, it is unlikely to be a straight line). However, the only range of prices worth considering for the competitive analysis is the prices and outputs that lie between the monopoly price and output and the competitive price and output. Over a small range of prices and outputs, the demand curve is likely to be close to a straight line. Therefore, it is unlikely that assuming curvature or lack of curvature in the demand curve will play any significant qualitative role in the conclusions of such a competitive analysis.

Accordingly, the demand side assumes that products are homogenous and that demand curves are linear, according to the equation:

P = A—bQ (1)

Where P=Price (same for all firms), Q=Industry Output Quantity, and A and b are positive parameters (intercept and slope of the demand curve) .

We now turn to the supply side. Technically, only competitive firms have supply curves (graph of the price of a product vs. quantity of a product supplied at each price). Monopoly firms have only marginal cost curves. In this industry, we assume that firms are few in number, either one or a very few firms. Hence, the industry at all times is either a monopoly or an oligopoly. Standard textbook theory tells us how to analyze the production decisions of a monopoly firm. However, there is no single textbook model for how to analyze an oligopoly. This is because there are multiple ways in which an oligopoly industry might behave.

In order to analyze the production decisions of either a monopoly or an oligopoly, it is necessary to posit the nature of the cost curves which they face. It is assumed that different firms may have different costs of production. However, for simplification, it is assumed that each firm (subscripted i for each firm i, where i = 1, 2, 3 ....) has both a fixed cost (Fi) and a marginal cost (Ci). It is assumed the marginal cost is constant (but different) for each firm. Since the fixed cost has an effect only on entry decisions, exit decisions, and shut-down decisions, rather than pricing decisions, it is assumed that the fixed cost is the same for all firms (Fi=F for all i). These simplifying assumptions are unlikely to have a significant qualitative impact on the conclusions.

Hence, the total cost or cost curve for each firm is assumed to be:

TCi = Fi + QiCi (2)

Where TCi = Total Cost for firm i, Fi = Fixed Cost for firm i, Qi = Quantity of output for firm i, and Ci is the constant marginal cost for firm i. In addition, we assume that Fi = F for all firms which are producing and Fi = 0 for all firms which are not producing.

For a monopoly firm, it is sufficient to know the cost side and the demand side to obtain a prediction for the production decision. The monopolist's profit is:

Profiti = TRi—TCi
= PQi—(Fi + QiCi)
= PQi—QiCi—Fi (3)

Where TRi = Total Revenue for firm i = PQi, and TCi comes from equation (2).

Assuming that the fixed cost is not so high as to make production not profitable, the monopolist finds it most profitable to produce at the output level where marginal cost (MC) equals marginal revenue (MR). On a graph showing a plot (or curve) of dollars of profit per unit vs. the quantity of units produced, this output level (where MC = MR) is the highest point on the curve. The eye can determine this point at a glance.* To determine this output -level by computer, calculus is used and this output level is determined by obtaining the partial derivative of Profits with respect to the firm's choice of Qi and setting these derivatives equal to zero:

(d Profiti / d Qi) =
(d P / d Qi)Qi + P—Ci = 0
bQi + P—Ci = 0 (4)

Where we substitute (d P / d Qi) = b from the derivative of the demand curve in equation (1).

For an oligopoly firm, we must make a choice from many possible oligopoly models, a model which is reasonable for the situation at hand. A standard oligopoly model, first developed by a French economist named Cournot over 150 years ago, is still frequently used by economists today because it is fairly easy to compute. The Cournot model assumes that each oligopoly firm makes its output decision under the assumption that rival firms will not change their output in response to its own change in output. The Cournot model yields an oligopoly price and output which is intermediate between competition and monopoly. Also in the Cournot model (when firms have the same marginal cost), an increase in the number of firms causes prices to fall and output to rise. When there are a very large number of firms, the Cournot model predicts competitive pricing, which is what we would expect.

When all firms attempt to maximize their absolute level of profits, the profit-maximizing equations for each firm under the Cournot model are:

Profiti = PQi—QiCi—Fi (4)
(d Profiti / d Qi) =
(d P / d Qi)Qi + P—Ci = 0
bQi + P—Ci = 0 (5)

The Cournot model is reasonable for the circumstances of this industry. Given a fairly significant level of fixed costs for this industry, it is unlikely that more than two or three firms can survive as major players in this industry. Fixed costs for software production (i.e., for research and development) require that firms must have significant sales simply to break even. This limits the number of firms which can survive as major players in the industry.

Microsoft's long-run costs appear to be about 18.55% of revenues. If all of these costs are fixed costs, then no more than five firms can exist in the industry, because fixed costs for six firms would eat up 18.55% × 6=111.3% of the industry's total revenue. This is unviable. In addition, there are also the short- run costs that must be covered. Furthermore, when there are two or more firms in the industry, we expect prices to fall, which allows firms to sell more, but only at a lower profit margin.

Computer results from a preliminary economic model, which allowed up to five firms in the industry, indicated that if fixed costs are either 75% or 100% of the long-run costs, then only two firms can survive in this industry. If fixed costs are either 25% or 50% of the long-run costs, then only three firms can survive in this industry. If fixed costs are 0% of the long-run costs (i.e., all long-run costs are variable costs), then it is possible for four or five firms to survive in this industry. Accordingly, the computer model was revised to consider a maximum of three firms in the industry.

Given that only two or three firms can successfully survive, under Cournot assumptions, we may ask if the Cournot model is a reasonable description. Alternative oligopoly models do exist, and these may suggest either higher prices or lower prices than what the Cournot model would predict.

Under the circumstances of an industry structure with only two or three firms, it is more reasonable to assume that prices may be higher than the Cournot model would predict. This is so for two reasons. First, software products are likely to be somewhat differentiated, rather than homogenous, as the computer model assumes. If products are differentiated, then consumers see the products of different firms as being somewhat different from each other, albeit also similar to each other. For example, Corel WordPerfect and Microsoft Word have their differences, as well as their similarities. Within a small range of prices, each software product can act as a kind of ''mini-monopolist'' with respect to its own product price.

Second, when there are only two or three firms, tacit collusion which raises prices is easier to implement, and difficult to prove. Moreover, unlawful conspiracies to raise prices are less easily discovered. However, it is the general experience that oligopolies with very few firms rarely collude by means of unlawful conspiracies (which could net jail time), presumably because tacit collusion is so much easier.

For both these reasons, it is substantially more likely that oligopoly prices would be higher than what the simple Cournot model would predict, than that the oligopoly prices would be lower. If we assume that prices would be higher, this means that more firms can survive in the industry. For example, if the Cournot model would predict that only one firm can be profitable, it may be that two firms can be profitable. If the Cournot model predicts only two firms can survive, it may be that three firms can survive. And so forth.

Hence, the Cournot model is probably a bit cautious in its predictions about how many firms can actually compete and survive in this industry. This is probably a good thing. One of the issues in this case, at least implicitly, is whether or not Microsoft is a ''natural monopoly.'' If Microsoft is a natural monopoly, someone might argue, then Microsoft caused little or no harm by keeping out the competition, since the competitors could not have survived anyway. The computerized model does not in any way lend support to this type of argument. Hence, the Court should not be reluctant to consider structural remedies which divide Microsoft into two or more firms.

F. Equations For a Relative Profit Maximizing Firm

One of the options for a structural remedy is to change the incentives of the business managers of the successor firms to Microsoft when Microsoft is re-structured. The incentives of the business managers can be altered by changing the method of compensation for the officers of the business firm. A method of incentives for preventing collusion is further explained in a paper published in a refereed academic journal.

For purposes of this comment and the computer economic model, attention is restricted to the simplest possible methods for implementing this incentive system. More complex methods for implementing the incentive system are certainly possible, and some of these more complex implementations may even be better or more effective than the simple implementation discussed here. In its purest implementation, the incentive scheme sets up a zero-sum game for two or more firms in an industry. In the zero-sum game, there is no incentive for all firms in the industry to engage in any type of collusion. The method even prevents tacit collusion, which may be hard to detect, and difficult or impossible to prosecute. The method accomplishes this amazing feat simply by changing the financial incentives of business managers, not by passing strict new antitrust laws with draconian penalties.

The method sets up a set of incentives called Relative Profit Maximizing (RPM) incentives. Business firms whose managers are motivated by these incentives may be called Relative Profit Maximizing (RPM) firms. Each business manager is assumed to be motivated by at least some desire to increase his wealth. In a well-run business firm, managers are normally paid in a manner which motivates them to increase their wealth by increasing the profits of their firm. RPM incentives alter these common methods of financial compensation by additionally motivating the manager to maximize the firm's profits relative to competing firms' profits.

In its most general form, the goal of the RPM manager is to maximize his profits relative to the profits of rival firm(s). It is only be achieving this goal that the RPM manager can attain maximum financial satisfaction, because that is how the manager is being paid. In its simplest form, the goal functions for two rival RPM farms look as follows:

Goal1=Profit1—z(Profit2)

Goal2=Profit2—z(Profit1)

When z=1.0 in the above two goal functions, we set up the pure zero-sum game. In the zero-sum game there is no incentive to collude. If instead, z = 0.0 in the above two goal functions, then both firms are motivated by Absolute Profit Maximizing (APM) incentives. APM incentives are simply the incentives we normally expect to find in business firms. Absolute Profit Maximizing (APM) firms simply try to maximize their own level of profits, regardless of the level of other firms'' profits. APM firms-which are the most common type of business firm in a capitalist economy—do have an incentive to collude, if an opportunity arises.

In simple terms in a two firm industry using RPM incentives, if a manager increases his firm's annual profits by 10% which is equivalent to $1 billion he only gets a bonus (or salary in the case of absolute dependence on RPM) if the profits of the other firm in the industry increase by less than 10%. In a two firm industry using APM incentives, the manager would get a bonus for the extra $1 billion even if his firm's profits increased less than the other firm's profits in terms of annual percentage gain.

The parameter z in the above goal functions can also take on additional values. For example, if z is set less than zero, the two firms would have Joint Profit Maximizing (JPM) incentives. JPM incentives would likely create less vigorous competition between the two business firms than would otherwise occur with APM incentives.

If z in the above goal functions is between 0.0 and 1.0, this creates an impure system of relative profit maximizing incentives. For example, if z=0.3, this creates a mixture of two incentive schemes which might be described as ''30% RPM plus 70% APM.'' An impure RPM incentive scheme partially reduces the incentive for collusion, but does not completely eliminate the incentive for collusion. An RPM firm, even one with an impure RPM incentive, can normally be expected to compete more vigorously than an APM firm. For this reason, the Court should consider using RPM incentives as part of an overall structural remedy.

For purposes of illustration with the computerized economic model, only values of z between -0.3 and 0.9 are used. Generally, z is in the range of 0.0 to 0.9 in the model and no preferred solution has z less than 0.0. The value of 1.0 (pure RPM) is avoided, because with this simple illustrative model (with no mechanism for avoiding losses), pure RPM would practically guarantee that one or both firms will lose money. This is because if the industry has little or no product differentiation, pure RPM causes prices to be set to the average of marginal costs. If in addition, software firms have high fixed costs, pure RPM practically guarantees that at least one firm, and possibly both firms, will be unable to recover their fixed costs of production. Pure RPM may still be useful and beneficial, but only if additional mechanisms are instituted to avoid this outcome.

The goal-maximizing outputs for the goal functions listed in equations (6) and (7) are:

(d Goall / d Q1)

(d P / d Q1)Q1 + p—C1 + (d P / d Q1)Q2 = 0

bQ1 + p—C1 + bQ2 = 0 (8)

(d Goal2 / d Q2) =

(d P / d Q2)Q2 + p—C2 + (d P / d Q2)Q1 = 0

bQ2 + p—C2 + bQ1 = 0 (9)

G. Basics of Scenario Analysis

The purpose of a scenario analysis is to provide a projection of a range of possible futures. The basic parameters of an economic model are usually not known, although they can often be estimated (through empirical or theoretical analysis). These estimates may be arrived at with a greater or lesser degrees of confidence, accuracy, and reliability. Additionally, even if the basic parameters of

an economic model were known with certainty, most economic models allow for uncertainty in how those basic parameters will vary for particular firms or individuals. For example, even if it were known with certainty that the probability of bankruptcy for a particular firm in a particular industry was exactly 3% a year, this would not tell us whether that particular firm will be bankrupt in twenty years.

In a well-done scenario analysis, one should vary the parameters through a reasonable range of values, including both moderate values and extreme values. In addition, the fate of individual firms (given the assumed parameters for a particular scenario) is varied according to the laws of probability governing that particular scenario.

There are two basic ways of conducting a scenario analysis. One way is to compute all the possibilities (appropriately weighted by probabilities) for a limited number of parameters that are allowed to vary through a small number of reasonable values for each parameter, including both moderate and extreme values. The second method is called a ''Monte Carlo'' study. The Monte Carlo study allows a large number of parameters to be varied, randomly, through a large set of possible values. The Monte Carlo study necessarily uses random numbers, which are available in many computer packages. The first type of study might or might not use random numbers.

The computer model used for these comments employs the first method of scenario analysis. Probabilities for every scenario are exhaustively computed and assigned. No random numbers or random number generators were used in the analysis.

The computer model computes probabilities and outcomes for two distinct types of scenarios. One type is a static scenario. The static scenario occurs at a particular period of time, within a single transition period. These transition periods (for a change or transition from one short run cost level to another as is discussed further in section H below) are assumed to have a length of three, five, or eight years.

The other type is a dynamic scenario, which is a path that links two or more static scenarios occurring in two or more time periods. For each set of initial conditions and basic parameters, the computer starts with a single scenario in transition period zero. The computer then calculates the probability that various additional static scenarios will be reached in transition periods one through ten. The probability that one static scenario will turn into another static scenario depends on how similar or dissimilar are the two scenarios. The computer calculates the outcomes for every static scenario, and weights those outcomes by the probability that the static scenario will occur in each of the eleven transition periods (periods zero through ten).

H. Details of Static Scenarios

The static scenarios assume that firms differ only by level of cost. The computerized economic model assumes that there are three firms and five levels of short-run cost. These five levels of cost are level one (lowest cost), level two, level three, level four, and level five (highest cost). These five levels of cost are assumed, over the long run, to have differing probabilities of occurrence. In particular, the probability of cost level one (lowest cost, 10% chance) is assumed be lower than the probability of cost level five (highest cost, 30% chance). This reflects the plausible assumption that it is easier to be a high-cost firm than a low-cost firm.

All possible combinations of the five cost levels for three firms are computed. These possible combinations are organized into 35 static scenarios. Whenever a static scenario has the same cost level for two or more firms, the costs of each firm are adjusted slightly so that no two firms have the same level of cost. A list of the cost levels associated with each static scenario is shown in Attachment C. The weighted average of cost levels over all firms and scenarios is 3.5.

The basic parameters for static scenarios are varied along two dimensions. The first dimension is the cost spread for short- run costs. The cost spread is defined as the ratio of cost level one to cost level five. For example, if the lowest cost level is twice as efficient as the highest cost level, then the cost spread is 50%. Five different ratios for the cost spread were chosen for the analyses. These cost spread ratios were 25%, 33%, 40%, 50%, and 67%.

The second dimension for variation is the portion of long-run cost which is allocated to fixed cost. The portion of long-run cost which is actually a fixed cost is open to some question or interpretation. The mere fact that a software firm has spent $X billion on software development does not mean that the whole expenditure was necessary to develop the software in question. Five different values for the fixed-cost portion of long-run costs were computed. These percentages were 0%, 25%, 50%, 75%, and 100%. In all cases, the remainder of the long-run cost was classified as a variable cost.

Thus, twenty-five static variations on the basic parameters were computed. For each of these variations, the computer programs computed the prices, quantities, profits, and consumer surplus outcomes for each of the thirty-five static scenarios. These static numbers were applied to the probabilities computed for each static scenario for each of the eleven transition periods. The computer model uses the static figures and the associated probabilities for each transition period to compute the expected profit and consumer surplus outcomes for each transition period.

I. Details of Dynamic Transitions

The basic parameters for determining the probabilities of transition effectively vary along only one dimension: The speed with which transitions occur from one cost level to another. This speed variable is implemented in two different ways.

The first method is relatively straightforward. The length of time for the transition periods is allowed to vary. A three-year length for the transition period implies a fast transition speed. A five-year length implies moderate transition speed, and an eight- year length implies a slow transition speed.

The second method influences the speed of transition by determining the extent by which one static scenario may change into another static scenario, from one transition period to the next transition period. For all transition speeds, the model assumes that one static scenario is more likely to change to another static scenario, the more similar are the two scenarios. The measure of similarity or dissimilarity between two scenarios is determined by how similar or dissimilar the short-run costs are for each firm in the industry.

In the slow speed for transition, the second method presumes that a firm's short-run cost cannot change more than one level at a time. For example, a firm whose cost level is four, can change to cost levels five or three, and it can stay at cost level four, but it cannot move to cost levels one or two in only one period of transition. In the slow transition, the firm is more likely to stay at the same cost level, from one transition period to the next, than to move to the cost level above or below.

In the moderate speed for transition, the second method presumes that a firm's short-run cost cannot change more than two levels at a time. For example, a firm whose cost level is four, can change to cost levels two, three, or five, and it can stay at cost level four, but it cannot move to cost level one in only one period of transition. In the moderate speed transition, the firm is more likely to move only one cost level, rather than two cost levels, from one transition period to the next.

In the fast speed for transition, the second method presumes that a firm's short-run cost can change as many as four levels at a time. For example, a firm whose cost level is one, can change to cost levels two, three, four, or five, and it can also stay at cost level one. In the fast transition, a firm is more likely to move only one cost level than two cost levels, more likely to move two levels than three levels, and more likely to move three levels than four levels, from one transition period to the next.

The computer model also causes the exit of firms from the industry when their short-run costs become too high. If a firm's short-run costs reach the adjusted cost level of five or greater, the firm is presumed to exit the industry. This is because an experienced firm which cannot keep its costs down (or quality up) has no competitive advantage over potential competitors, and has presumably lost its ability to compete profitably. The model presumes that the exiting firm is replaced by a new firm which is equally high cost. The new firm then has the opportunity to reduce its cost in future transition periods. Hence, all new entrants to the industry are presumed to enter with high short-run costs.

The computer model starts transition period zero, either with Microsoft as a monopoly, or with Microsoft divided into two or three firms. If Microsoft starts as a monopoly, Microsoft is presumed to start at cost level three. Cost level three is midway between cost level one (lowest cost) and cost level five (highest cost). Cost level three is slightly more efficient than the long- term average cost level of three and a half. Although some may argue that Microsoft acquired its monopoly because it was so much more efficient than its competitors,

that monopoly acquisition happened at least ten years ago and was probably due to the arguably per processor licensing which was the subject of a prior consent judgment (attached as Exhibit 2 to this comment letter). There is no reason to suppose, today, that Microsoft has anything other than about average efficiency for an incumbent firm.

If Microsoft is split into two or three firms, we may suppose that there could be some cost-efficiency losses due to initial disorganization. To see this possibility in extremis, suppose that the Court ordered Microsoft divided into ten competing firms. We might consider ourselves lucky if three of the ten firms were equally efficient as Microsoft is today. However, we should not exaggerate the likely cost-inefficiency impacts of dividing a very large company into two or three very large companies. If Microsoft is split into two firms, the model assumes that one of the Microsoft successor firms starts at cost level three, while the other starts at cost level four. If Microsoft is split into three firms, the model assumes that one of the Microsoft successor firms starts at cost level three, while the other two successor firms start at cost level four.

The computerized economic model also treats the initial period (period zero) differently from the subsequent transition periods. In the initial period, potential competitors do not produce; only Microsoft or Microsoft's successors produce. In subsequent periods, both Microsoft and competitors can produce. This is because, at least initially, major competitors do not exist, because their entry has been blocked by anti-competitive acts. However, under the presumption that an effective conduct or structural remedy creates the opportunity for entry, competitors can produce in subsequent transition periods.

J. Construction and Computation of Remedy Alternatives

The computerized economic model developed for these comments is best suited for analyzing structural remedies. Nevertheless, the model can be applied to analyze conduct remedies, albeit with some caveats.

The model computes several alternative basic outcomes for the industry. The first basic alternative is ''no remedy''. If there is no remedy, it is assumed that Microsoft is a monopoly in all years from 1995 through 2025.

The second basic alternative is a 100% effective conduct remedy, starting in 2002. To calculate the results in terms of CS, TS, and the profits of Microsoft and its competitors in the case of a 100% effective conduct remedy, the model assumes all barriers to entry are removed and there is no anti-competitive conduct in the market. Under the assumption that there are no barriers to entry into the market, Microsoft starts as a monopoly in 2002, but is subject to entry from competitors thereafter. The choice of an early date for a conduct remedy is due to the timing of the negotiated conduct remedy, or alternatively the timing of the conduct remedy offered by the Litigating States. Hence, either conduct remedy can go into effect almost immediately.

In practice, no conduct remedy is likely to be 100% effective. The Litigating States'' strong conduct remedy may be perhaps 60% to 80% effective as a conduct remedy. The DOJ's weak conduct remedy may be about 20% effective. If we optimistically assume that the DOJ has hidden all the convincing and persuasive evidence which should have been in the Competitive Impact Statement, the DOJ might someday provide evidence to the public and the Court that the negotiated agreement with Microsoft may be 40% effective.

The model does not specifically compute the effects which any particular provision of a conduct remedy may have on future competition. Rather, it is up to the Court or the analyst to subjectively assess the overall effectiveness of a particular proposed conduct remedy, and to judge it accordingly. The computer model simply combines the two basic alternatives, ''no remedy'' and ''100% effective conduct remedy'' to compute estimated outcomes for conduct remedies with only partial effectiveness. For example, to compute a ''60% effective conduct remedy'' the program computes a weighted average of the two basic remedies, with a 60% weight on ''100% effective conduct remedy'' and a 40% weight on ''no remedy.''

The outcomes in the case of other partially effective remedies are calculated in a similar manner.

The third set of basic alternatives is a structural remedy in which Microsoft is divided into two or three competing firms. If we accept the DOJ's pessimistic appraisal, no structural remedy can reasonably go into effect before 2005. More optimistically, if the Court follows the road maps laid out by the Appeals Court and the Supreme Court, there is at least a 50% chance that a structural remedy could take effect in 2003, without such remedy being overturned or stayed.

In any case, the computer model pessimistically assumes that a structural remedy is not available before 2005. This time delay somewhat disadvantages the structural remedy, but the structural remedy is sufficiently superior to the conduct remedy, that it is not much of a disadvantage. Without the time delay, a structural remedy would always be superior to a conduct remedy.

The model computes several variations on a structural remedy. The first main variations are the division of Microsoft into two or three absolute profit maximizing (APM) firms. An APM firm is simply the conventional profit-maximizing firm that we see everyday in the business world. This type of division of Microsoft into two or more firms has been advocated by several economists, including four economists who filed an amicus brief before this Court.

The second main variations are the use of relative profit maximizing (RPM) incentives after Microsoft is split up into two firms. A primary advantage of the RPM incentives is that competition can be maintained even if there are only two RPM firms in the industry. RPM incentives can be applied to two firms, three firms, or even more firms, but this computer model only applies RPM incentives to two Microsoft successor firms. The RPM incentives are assumed to be An effect so long as both Microsoft successor firms are still in the industry. If either RPM firm exits the industry, the goal function of the remaining Microsoft successor firm returns to the usual APM incentives.

The computer model also prints out estimates for the two- monopolies remedy previously proposed by the Plaintiffs in this case. If Plaintiffs'' remedy worked as planned, it would be akin to a conduct remedy with enhanced effectiveness. In addition to removing the applications barrier to entry, the proposal would possibly introduce some measure of extra competition, because the two monopolists might decide to compete with each other. The computer model does not specifically analyze this remedy, but simply estimates its value as being a third of the distance between a ''100% effective conduct remedy'' and a 2-firm APM structural remedy. This is calculated as a weighted average of these two basic remedies, with a 2/3 weight on the ''100% effective conduct remedy'' and a 1/3 weight on the 2-firm APM structural remedy.

Finally, the model computes what might have happened along a ''Lawful Path.'' The lawful path assumes that Microsoft starts as a lawful monopoly in the year 1995, and commits no antitrust violations at any time. Although some private lawsuits allege antitrust violations which occurred before 1995, this case does not concern those allegations. This case concerns anti-competitive acts committed by Microsoft in the browser wars, which did not start until 1995. To simulate the lawful path, Microsoft starts as a monopoly in 1995, but is subject to potential competition in 1996 and later years.

The purpose of calculating the ''Lawful Path'' is to serve as an equity standard for evaluating alternative remedies. The Lawful Path tells us what Microsoft likely would have earned, if Microsoft committed no violations. To the extent that Microsoft's profits exceed those lawful earnings, we may refer to those excess earnings as the fruits of its unlawful actions. Likewise, to the extent that consumer surplus exceeds (or falls short) of what would occur along the Lawful Path, this is the extent to which consumers benefit (or remain harmed) as a result of a particular remedy. K. Weighting of Alternative Scenario Parameters

The computerized economic model computes and weights 225 sets of scenarios, which differ by the basic parameters assumed for each scenario. These differ along four dimensions. Not all scenarios are equally likely. Hence, in the reporting of results, they are weighted by their likelihood of occurring. Attachment D shows the four basic parameters, the sixteen parameter values, the point values of their weighting, and their implied probability of occurring.

The first dimension of parameter variation is the cost-spread for short-run cost. Five different ratios for the cost spread were used: 25%, 33%, 40%, 50%, and 67%. In Attachment D these are labeled ''Cost-Spread Ratio.''

Studies of production efficiency between firms suggest that some firms can be only half as efficient as other firms. So that cost-spread ratios of 50% and 67% are certainly within the realm of plausibility. In addition, the

short-run cost variable is doing double duty as a stand-in for possible differences in software quality between firms. If we assume similar ratios for differences in quality, then a 25% cost spread is certainly possible, though less likely. Such a cost spread implies that the inefficient firm has both double the costs and half the quality; it is an unlucky combination of extremes that is therefore less likely. Hence, I weight the 25% and 33% cost-spread ratios with a point value of 1, and weight the 40%, 50%, and 67% ratios with a point value of 2.

The second dimension of parameter variation is the portion of long-run cost which is allocated to fixed cost. Five different percentages for the fixed-cost portion were used: 0%, 25%, 50%, 75%, and 100%. In Attachment D these are labeled ''Fixed-Cost Portion of Long-Run Cost.'' At this point, there is no particular reason to suppose that one allocation of the fixed-cost portion is better than another. Hence, I assume a uniform distribution over the interval, 0% to 100%. This implies assigning point values of 1 to the two extremes (0% and 100%) and a point value of 2 to the in-between values (25%, 50%, and 75%).

The third and fourth dimensions for parameter variation are the speed of transition and the length of transition periods. In Attachment D ''Transition Speed'' takes on values of 1.5 (slow), 2.5 (moderate), and 4.5 (fast). In Attachment D, the length of transition periods is given by ''Transition Length'' of 3 years (short), 5 years (moderate), or 8 years (long). Extremes may either amplify each other (e.g., slow and long) or offset each other (e.g., slow, but short). Hence, even if we do not weight these values further, moderate combinations are more likely than genuinely extreme combinations. Hence, all transition speeds and transition length receive the same point value of 1.

Finally, for each of the 225 combinations of parameters, the points assigned to each parameter value are multiplied together. This yields a total of 576 points. Based on these point values, the computer model assigns each combination of parameter values an assumed probability of occurrence. These probabilities are used to weight the outcomes of the various calculations when reporting the final results, which we come to shortly.

L. Method of Computing Remedy Alternatives

For each remedy alternative, dollar values for costs, revenue, profits, and consumer surplus are calculated by the model in real dollars for each of the years, 1995–2025. These dollar values are calculated in real terms, in dollars of constant purchasing power, as of the year 2001.

It is generally standard practice to assume that money has at least some time value. That is, a dollar now is preferable to a dollar ten years from now, even if both dollars otherwise have the same purchasing power. One reason people prefer the dollar now is that money can be invested and earn interest. Another reason is that people are impatient.

In regulatory analysis of U.S. government regulations (e.g., under Executive Order 12886), it is standard practice to use a 7% real discount rate. This discount rate is somewhat akin to an interest rate. This means that future dollars will be discounted compared with present dollars, while past dollars will accumulate interest compared to present dollars.

Attachment E provides an example of how the 7% real discount rate can be applied to Microsoft's real monopoly revenues. In Attachment E it can be seen that Microsoft's revenues for its Windows monopoly were rather small, compared to what they will be if Microsoft operating systems continue to be a rapidly growing monopoly. In 1995 Microsoft's revenues for its Windows monopoly were only $3.0 billion in 2001 dollars. In 2002 they were estimated at $9.1 billion. In 2025 they are projected to be $34.1 billion in 2001 dollars.

When we apply the 7% discount factor, the picture changes somewhat. Revenues for 1995 ''earn interest'' of 50% when brought to 2001, while revenues from 2025 are discounted 80.3% from the value of equivalent purchasing power in of 2001. Discounted revenues for 1995 become larger ($4.5 billion) while discounted revenues for 2025 become smaller ($6.7 billion). The projected undiscounted revenues always grow, but the discounted revenues are projected to reach a peak in 2008, with $17.1 billion in undiscounted revenues and $10.65 billion in discounted revenues.

This illustrates an important cause of one of the more interesting results which emerge from the economic analysis: Because Microsoft's monopoly revenues are growing rapidly, we may anticipate worse damage to consumers in the future than what has already occurred in the past. Attachment F provides some comparisons for the Windows operating system monopoly which illustrate this result.

In Attachment F, the values for consumer surplus, competitors'' profits, Microsoft's profits, and for the sum of these, total surplus, are provided for the past (1995–2001), the future (2002- 2025), and in total (1995–2025). The top half of the Attachment shows the aggregated values of these quantities. The bottom half shows how these quantities compare with the same quantities along the Lawful Path. All quantities from the past earned interest at 7% per year, while all quantities from the future are discounted at the rate of 7% per year back to 2001 dollars.

Looking at the top half of Attachment F, we see both past and future values for ''No Remedy,'' a ''100% Effective Conduct Remedy,'' and a ''3-firm APM Structural Remedy.'' In all cases, the future values for consumer surplus, Microsoft profits, and Total Surplus are substantially larger in the future, than in the past. In all these cases, the future values are more than double the size of the past values, even though the future is discounted and the past is inflated.

In the middle of Attachment F, we see the aggregated values for Lawful Path. Again all the future values are at least double the past values. If Microsoft had always pursued the Lawful Path, its profits would be lower, both in the past and in the future. Even on the Lawful Path, Microsoft's future profits are more than double its lawful past profits. Again, this is true even though past profits are inflated and future profits are discounted.

In the bottom half of Attachment F, the various aggregates in the top half of the Attachment are compared with the Lawful Path. If we compare ''No Remedy'' with the Lawful Path, we see very interesting differences between past and future. These differences are on the order of 10 to 1. Consumers in the past lost $4.1 billion in consumer surplus, but are scheduled to lose $35.0 billion in the future. Competitors lost $2.6 billion profit in the past, but are scheduled to lose $31.5 billion profit in the future.

Microsoft, by contrast, does extremely well. Microsoft gained $6.7 in unlawful extra profit in the past, but is scheduled to receive $60.4 billion in unlawful extra profit in the future. These numbers should give the Department of Justice and the Court some pause before adopting any settlement which effectively endorses continued extraction of profits from consumers due to anti-competitive conduct by Microsoft.

We may compare these numbers with what may happen under two alternative remedies. In the past (which no remedy can change), consumers lost $4.1 billion. In the future, they will lose an additional $4.7 billion under a 100% effective conduct remedy, but only an additional $0.3 billion under a 3-firm structural split-up of Microsoft Corporation.

Under a 100% effective conduct remedy, competitors in the future will still lose $6.7 billion while Microsoft gains $9.1 billion, relative to the Lawful Path. By contrast, under the 3-firm structural remedy, competitors lose $26.4 billion in the future, while Microsoft gains $26.5 billion in the future, relative to the lawful path. In other words, competitors benefit more from a 100% effective conduct remedy, while both consumers and Microsoft gain more from a structural remedy. This is an amazing result, which has some startling implications for how best to resolve this case.

This result does not appear to be an artifact of making peculiar assumptions in the economic model. The result is most likely due to the limited space available in the market for more than two or three firms. If Microsoft remains intact, competitors have room to enter the market and earn profits. However, if Microsoft is split into two or three firms, there is less room in the market for competitors to enter. Accordingly, under a structural remedy, the Microsoft successor firms all presumably initially owned by current Microsoft shareholders earn much of the profits which competitors might otherwise be able to take away.

This does not mean, as a practical matter, that competitors are necessarily better off with a conduct remedy than with a structural remedy. In actual practice, a pure conduct remedy cannot be 100% effective. A weak conduct remedy might be worse for competitors, while a strong conduct remedy may be better for competitors, as compared with a structural remedy. Likewise, Microsoft is not necessarily worse off with a conduct remedy than with a structural remedy. In comparison with a structural remedy, Microsoft may fare better with a weak conduct remedy than with a with a strong conduct remedy

M. Analysis of Computed Remedy Alternatives

Attachments G, H, I, and J provide a summary of the computations for several remedy alternatives. These summaries provide estimates of consumer surplus, profits for both Microsoft and its competitors, and total surplus. Total surplus is simply the sum of consumer surplus and the profits of all firms in the industry. These figures are aggregated for all the years, 1995- 2025. They are expressed in real dollars, as of 2001. They are also appropriately discounted to the year 2001 at the standard 7% real discount rate which is commonly used in the analysis of United States government regulations.

The first page of each of these Attachments provides the total values for each of the quantities, Consumer Surplus, Competitors'' Profits, Microsoft's Profits, and Total Surplus. These figures are computed and summarized for each of the alternative circumstances. These circumstances are ''No Remedy,'' conduct remedies with various levels of effectiveness, thirteen structural remedies which split Microsoft into two or more firms, and the ''Lawful Path'' in which Microsoft never disobeyed the antitrust laws.

The second page of each of these attachments compares each of the alternative circumstances with the Lawful Path. These numbers are calculated by subtracting the total quantities under the Lawful Path from the total quantities available under each alternative circumstance.

For example, in Attachment G Consumer Surplus under the Lawful Path is $105.9 billion, but under ''No Remedy'' the Consumer Surplus is only $66.7 billion. On the second page of the Attachment these two numbers are subtracted, so that we can see that consumers were/will be deprived of $39.2 billion in consumer value, if there is no remedy. Likewise, Microsoft has obtained/will obtain $108.5 billion under ''No Remedy'', but would have obtained only $41.3 billion under Lawful Path. The difference of $67.2 billion in profit is shown on the second page of the Attachment. This figure is representative of the unjust gain (the fruits of Microsoft's unlawful conduct) that Microsoft has obtained or will obtain if there is no remedy.

Attachments G and I calculate the remedy alternatives under the assumption that the only monopoly of concern is the Operating System (''Desktop Platforms'') monopoly. Attachments H and J calculate the remedy alternatives under the assumption that all of Microsoft's monopolies (''Platforms'' + ''Applications'' + ''Enterprise Software'') are of concern. The figures in Attachments H and J are approximately three times as large as the figures in Attachments G and I.

Clearly, ''No Remedy'' is not an option for this Court. These attachments also provide bottom line information on various conduct and structural remedies which the Court is entitled to consider. The first eight remedies are conventional remedies of a conduct or structural variety. In all four attachments, it may be seen that ''APM, 3-firms'' is the best of the conventional (non-RPM) remedies in the sense that best means maximum CS or TS. The ''APM, 3-firms'' remedy is simply a split-up of Microsoft Corporation into three competing successor companies, of the ordinary absolute profit maximizing (APM) variety.

The three-firm split-up is similar to what other economists have advocated.

We may confirm this conclusion by reading the first nine entries in the columns for ''Consumer Surplus'' and in the columns for ''Total Surplus,'' on either the first or second page of each attachment. Of the first nine entries, the 3-firm APM remedy always has the largest consumer surplus, and also has the largest total surplus. It may also be noted that this 3-firm remedy restores most, but not all, of the consumer surplus and total surplus that would otherwise be wrongfully taken by Microsoft.

This may be seen by the negative numbers for this remedy on the second page of each attachment.

Also of note for the 3-firm structural remedy is that Microsoft profits considerably from its unlawful acts, relative to the Lawful Path. This may be seen from the large positive numbers for Microsoft's Profits for this remedy on the second page of each attachment. For Attachments G and I, Microsoft achieves an unlawful gain of $33.2 billion, even with the 3-firm split up. For Attachments H and J, Microsoft achieves an unlawful gain of $96.2 billion. Most of these remaining unlawful profits come from the pockets of competitors and would-be competitors (many of whom are not identifiable) who were excluded or deterred from competition by Microsoft's anti-competitive acts.

The consideration of structural remedies involving relative profit maximizing (RPM) incentives is as follows. In all cases, the RPM remedy is applied to only two Microsoft successor farms, after Microsoft is split into two competitors. These are shown in the attachments as ''RPM, z=0.000'' through ''RPM, z=0.900''. ''z'' is the value of the parameter z in the RPM firm's goal function. ''z'' tells us the extent to which a firm's business managers are financially motivated to maximize the relative profits of their business firm, rather than absolute profits. If z=0.0, there is no RPM incentive. If z=1.0, managers are solely motivated to maximize relative profits. For purposes of these comments, only the outcomes for values of z generally between 0.0 and 0.9 are illustrated. However, in the scenarios shown on Attachments I and J which allow a change in z (referred to as zbump=0.3) some percentage of all scenarios listed as having z values from 0.0 to 0.2 will have a z value of less than 0.0.

Attachments G and H assume that the value of z remains fixed, and that it does not respond to changing circumstances. In both attachments, consumer surplus is maximized when z=0.4 and total surplus is maximized when z=0.5. In Attachment G, the RPM solution can improve consumer surplus by $2.9 billion, and can improve total surplus by $4.6 billion over the 3-firm split up, which is the best conventional remedy. In Attachment H, the RPM solution can improve consumer surplus by $8.6 billion, and can improve total surplus by $13.5 billion over the 3-firm split up.

Attachments I and J assume that the value of z is more flexible, and can change in response to changing circumstances.

The circumstance to which z is allowed to respond is the circumstance where one (or both) RPM firms are experiencing losses.

These losses, of course, should not simply be short-term or even annual losses, but losses that are more chronic or long-term. In these computer runs, z is allowed to vary through a small range of values. In these attachments, z was allowed to range from the indicated value of z down to the smaller value of z which is 0.3 lower.

In Attachments I and J, consumer surplus is maximized when z=0.6, but this line includes some scenarios which can range down to z=0.3 due to the effect of a change in z as large as 0.3 (i.e., zbump = 0.3). Total surplus is maximized when z=0.8, but can range down to z=0.5 in the same manner due to a change in z as large as 0.3. In Attachment I, the RPM solution can improve consumer surplus by $9.3 billion, and can improve total surplus by $5.2 billion over the 3-firm split up, which is the best conventional remedy. In Attachment J, the RPM solution can improve consumer surplus by $27.2 billion, and can improve total surplus by $15.2 billion over the 3-firm split up.

In each of the Attachments, the 2-firm RPM remedy also reduces Microsoft's unlawfully acquired profits by a few billion dollars, relative to what Microsoft would obtain from the conventional 3- firm APM remedy. Hence, in all respects, whether measured in terms of increasing consumer surplus, increasing total surplus, or in the diminution of Microsoft's unjust fruits of its unlawful conduct, the RPM incentive system is capable of doing better than the best of the conventional economic remedies (APM).

N. Equity Analysis in Light of the Economic Analysis

The primary objectives of the antitrust laws, expressed in economic terms, is either to maximize consumer surplus or to maximize total surplus (or perhaps both, though it may not be possible to maximize both simultaneously). The Court should select a remedy according to whichever objective best fits the equity requirements of the antitrust law. According to the economic analysis just provided, a structural remedy combined with an RPM incentive, is better than any conventional structural or conduct remedy. Among the conventional remedies, the 3-firm split-up is better than any conceivable conduct remedy, including even a 100% effective conduct remedy. And, of course, among the conduct remedies, a strong conduct remedy (such as the Litigating States have proposed)is better than the weak conduct remedy which the DOJ has proposed.

A secondary objective is to assure that Microsoft does not gain extra profit in the future as a result of the future effect of its past (and continuing) unlawful behavior.

The computerized economic model (whose source code is attached as Attachments K-S) only models the price effects of Microsoft's anti-competitive acts. An additional harm caused by Microsoft in this case includes losses of innovation in the software industry.

Due to the failure of the United States to address this issue analytically in the CIS resource constraints precluded modeling these additional losses in consumer surplus and total surplus. It is possible that the dollar value of this damage to the consuming public (in the form of innovation which did not

occur) caused by Microsoft's unlawful conduct exceeds the unlawful profits calculated by the model. Thus, it is unlikely that consumers and the public will ever regain that to which they are entitled as a matter of equity.

ATTACHMENT A-2.—MICROSOFT CORPORATION, ANNUAL REVENUE BY BUSINESS DIVISION, REAL 2001 DOLLARS

[In billions] Platforms,

Calendar Year	Desktop Platforms	Platforms & Enterprise	Platforms & Applications	Platforms, Applications & Enterprise
1995	3.003532	4.207892	6.855180	8.059541
1996	3.727131	5.347350	8.460443	10.080662
1997	5.035883	7.458570	11.217205	13.639892
1998	6.454595	9.391382	14.204543	17.141330
1999	7.693463	12.210871	17.149630	21.667038
2000	8.186612	13.192271	17.729841	22.735500
2001	7.204304	11.348110	16.786433	20.930239
2002	9.142475	14.955194	19.792872	25.605591
2003	10.588836	17.711490	22.821122	29.943776
2004	12.001410	20.453823	25.771053	34.223466
2005	13.364562	23.136215	28.613009	38.384662
2006	14.670118	25.728773	31.332338	42.390993
2007	15.915669	28.215390	33.925832	46.225553
2008	17.102945	30.590792	36.398387	49.886235
2009	18.236419	32.857597	38.760186	53.381363
2010	19.322209	35.023736	41.024499	56.726025
2011	20.367255	37.100384	43.206070	59.939200
2012	21.378745	39.100399	45.319994	63.041648
2013	22.363742	41.037214	47.380985	66.054457
2014	23.328943	42.924094	49.402933	68.998085
2015	24.280557	44.773678	51.398672	71.891793
2016	25.224251	46.597717	53.379885	74.753351
2017	26.165138	48.406960	55.357103	77.598925
2018	27.107806	50.211128	57.339763	80.443086
2019	28.056353	52.018953	59.336296	83.298896
2020	29.014438	53.838247	61.354226	86.178035
2021	29.985331	55.675990	63.400283	89.090942
2022	30.971962	57.538426	65.480504	92.046967
2023	31.976974	59.431156	67.600333	95.054514
2024	33.002757	61.359227	69.764708	98.121178
2025	34.051497	63.327217	71.978146	101.253866

Source: Computed from spreadsheet data provided on Microsoft's Investor Relations website (downloaded December 5, 2001 from http://www.microsoft.com/msft/history.htm) and CPI indices from the BLS website (Downloaded December 5, 2001 from http://stats.bls.gov/cpi/home.htm).

ATTACHMENT B.—MICROSOFT CORPORATION, PROFIT & LOSS ITEMS, AS A PERCENT OF REVENUE, TEN-YEAR AVERAGE OF PERCENTAGES (MICROSOFT FISCAL YEARS 1992–2001) & CLASSIFICATION OF EXPENSE ITEMS INTO SHORT-RUN AND LONG-RUN COST

[FY 1992–2001 ten-year average]

Profit & Loss Item	As a Percent of Revenue	Categorized as
Revenue	100.00%	
Operating expenses:		
Cost of revenue	18.51%	Short-Run Cost
Research and development	14.73	Long-Run Cost
In-process R&D	0.19	Long-Run Cost
Sales and marketing	22.14	Short-Run Cost
General and administrative	3.63	Long-Run Cost
Other expenses	0.36	Short-Run Cost
Total operating expenses	59.59	
Total Short-Run Cost	41.01%	
Total Long-Run Cost	18.55%	
Operating income	40.41%	
Losses on equity investees and other	−0.55	
Investment income	6.04	
Noncontinuing items	−0.27	
Income before income taxes	45.97	
Provision for income taxes	15.67	
Net income	30.29	

Source: Computed from spreadsheet data provided on Microsoft's Investor Relations website (downloaded December 5, 2001 from http://www.microsoft.com/msft/history.htm).

ATTACHMENT C.—ADJUSTED AND UNADJUSTED COST LEVELS FOR FIRMS IN 35 STATIC SCENARIOS AND LONG-RUN PROBABILITY OF SCENARIO

Static Scenario	Long-Run Propability	Unadjusted Cost Levels Firm	Adjusted Cost Level			Firm 1	Firm 2
			Firm 1	Firm 2	Firm 3		
1	2.7000%	5	5	5	4.7500	5.0000	5.2500
2	6.7500%	4	5	5	4.0000	4.8333	5.1667
3	5.6250%	4	4	5	3.8333	4.1667	5.0000
4	1.5625%	4	4	4	3.7500	4.0000	4.2500
5	5.4000%	3	5	5	3.0000	4.8333	5.1667
6	9.0000%	3	4	5	3.0000	4.0000	5.0000
7	3.7500%	3	4	4	3.0000	3.8333	4.1667
8	3,6000%	3	3	5	2.8333	3.1667	5.0000
9	3.0000%	3	3	4	2.8333	3.1667	4.0000
10	0.8000%	3	3	3	2.7500	3.0000	3.2500
11	4.0500%	2	5	5	2.0000	4.8333	5.1667
12	6.7500%	2	4	5	2.0000	4.0000	5.0000
13	2.8125%	2	4	4	2.0000	3.8333	4.1667
14	5,4000%	2	3	5	2.0000	3.0000	5.0000
15	4.5000%	2	3	4	2.0000	3.0000	4.0000
16	1.8000%	2	3	3	2.0000	2.8333	3.1667
17	2.0250%	2	2	5	1.8333	2.1667	5.0000
18	1.6875%	2	2	4	1.8333	2.1667	4.0000
19	1.3500%	2	2	3	1.8333	2.1667	3.0000
20	0,3375%	2	2	2	1.7500	2.0000	2.2500
21	2,7000%	1	5	5	1.0000	4.8333	5.1667
22	4,5000%	1	4	5	1.0000	4.0000	5.0000
23	1,8750%	1	4	4	1.0000	3.8333	4.1667
24	3,6000%	1	3	5	1,0000	3.0000	5.0000
25	3,0000%	1	3	4	1.0000	3.0000	4.0000
26	1,2000%	1	3	3	1.0000	2.8333	3.1667
27	2.7000%	1	2	5	1.0000	2.0000	5.0000
28	2.2500%	1	2	4	1.0000	2.0000	4.0000
29	1,8000%	1	2	3	1.0000	2.0000	3.0000
30	0.6750%	1	2	2	1.0000	1.8333	2.1667
31	0,9000%	1	1	5	0.8333	1.1667	5.0000
32	0.7500%	1	1	4	0.8333	1.1667	4.0000
33	0.6000%	1	1	3	0.8333	1.1667	3.0000
34	0.4500%	1	1	2	0.8333	1.1667	2.0000
35	0.1000%	1	1	1	0.7500	1.0000	1.2500

Source: Adapted from file ''CostList.txt'' generated by the computer program ''MS1File.bas''.

ATTACHMENT D.—POINT VALUES AND EQUIVALENT PROBABILITIES FOR THE WEIGHTING OF ALTERNATIVE BASIC PARAMETERS FOR THE SCENARIO ANALYSES.

	Point Values	Equivalent Probability
Cost-Spread Ratio (Low Cost/High Cost):		
25.00%	1	12.5%
33.33%	1	12.5%
40.00%	2	25.0%
50.00%	2	25.0%
66.67%	2	25.0%
Fixed-Cost Portion Point Equivalent Of Long-Run Cost:		
0.00%	1	12.5%
25.00%	2	25.0%
50.00%	2	25.0%
75.00%	2	25.0%
100.00%	1	12.5%
Transition Speed (Allowed Cost Level Jumps):		
1.5	1	33.3%
2.5	1	33.3%
4.5	1	33.3%
Transition Length (Number of Years):		
3	1	33.3%
5	1	33.3%
8	1	33.3%

ATTACHMENT E.—MICROSOFT'S REAL MONOPOLY REVENUES BY YEAR DISCOUNTED AT 7% RATE PER YEAR, REAL 2001 DOLLARS

[In billions]

Year	Undiscounted Revenues	Discount Factor	Discounted Revenue
1995	3.003532	1.500731	4.507492
1996	3.727131	1.402552	5.227496
1997	5.035883	1.310796	6.601017
1998	6.454595	1.225043	7.907158
1999	7.693463	1.144900	8.808247
2000	8.186612	1.070000	8.759675
2001	7.204304	1.000000	7.204304
2002	9.142475	0.934579	8.544368
2003	10.588836	0.873439	9.248699
2004	12.001410	0.816298	9.796724
2005	13.364562	0.762895	10.195759
2006	14.670118	0.712986	10.459589
2007	15.915669	0.666342	10.605279
2008	17.102945	0.622750	10.650851
2009	18.236419	0.582009	10.613758
2010	19.322209	0.543934	10.509997
2011	20.367255	0.508349 1	0.353674
2012	21.378745	0.475093	10.156882
2013	22.363742	0.444012	9.929763
2014	23.328943	0.414964	9.680676
2015	24.280557	0.387817	9.416412
2016	25.224251	0.362446	9.142423
2017	26.165138	0.338734	8.863031
2018	27.107806	0.316574	8.581630
2019	28.056353	0.295864	8.300855
2020	29.014438	0.276508	8.022726
2021	29.985331	0.258419	7.748772
2022	30.971962	0.241513	7.480127
2023	31.976974	0.225713	7.217616
2024	33.002757	0.210947	6.961821
2025	34.051497	0.197146	6.713130

Source: Adapted from the ''Rev—Disc.txt'' file generated by the ''MS6Summ.bas'' program using RevStream=1 (Microsoft's Platform-only revenues) and the data in Attachment A.

ATTACHMENT F.—CONSUMER SURPLUS & PROFITS FOR PAST (1995–2001) & FUTURE (2002–2025) TIME INTERVALS, COMPARISONS FOR SELECTED REMEDIES AND LAWFUL PATH

Time Interval	Consumer Surplus	Competitor Profits	Microsoft Profits	Total Surplus
Aggregates for No Remedy Path				
Past	12.1839999	0.0000000	19.8218227	32.0058226
Future	54.4862867	0.0000000	88.6422783	143.1285650
Total	66.6702866	0.0000000	108.4641010	175.1343876
Aggregates for 100% Effective Conduct Remedy				
Past	12.1839999	0.0000000	19.8218227	32.0058226
Future	84.8797426	24.7805427	37.2686222	146.9289075
Total	97.0637425	24.7805427	57.0904448	178.9347301
Aggregates for 3-firm APM Structural Remedy				
Past	12.1839999	0.0000000	19.8218227	32.0058226
Future	89.2098711	5.1158769	54.7189826	149.0447306
Total	101.3938710	5.1158769	74.5408053	181.0505532
Aggregates for Lawful Path				
Past	16.3216726	2.6242527	13.0930073	32.0389326
Future	89.5353459	31.5087389	28.2007864	149.2448711
Total	105.8570185	34.1329915	41.2937937	181.2838037

ATTACHMENT F.—CONSUMER SURPLUS & PROFITS FOR PAST (1995–2001) & FUTURE (2002–2025) TIME INTERVALS, COMPARISONS FOR SELECTED REMEDIES AND LAWFUL PATH—Continued

Time Interval	Consumer Surplus	Competitor Profits	Microsoft Profits	Total Surplus
Comparing: No Remedy minus LawfulPath				
Past	−4.1376727	−2.6242527	6.7288153	−0.0331101
Future	−35.0490592	−31.5087389	60.4414920	−6.1163061
Total	−39.1867319	−34.1329915	67.1703073	−6.1494161
Comparing: 100% Effective Conduct Remedy minus LawfulPath				
Past	−4.1376727	−2.6242527	6.7288153	−0.0331101
Future	−4.6556032	−6.7281961	9.0678358	−2.3159636
Total	−8.7932759	−9.3524488	15.7966511	−2.3490736
Comparing: 3-firm APM Structural Remedy minus LawfulPath				
Past	−4.1376727	−2.6242527	6.7288153	−0.0331101
Future	−0.3254747	−26.3928620	26.5181963	−0.2001404
Total	−4.4631474	−29.0171147	33.2470116	−0.2332505

Source: Adapted from output file ''AGGRWTD8.txt'' from Lundgren's six computer programs, where revstream=1 in ''MS6Summ.bas''.

ATTACHMENT G.—SUMMARY OUTPUT OF ALTERNATIVE REMEDIES FOR MICROSOFT

[Total Aggregates for Alternative Remedies]

Remedy	Consumer Surplus	Competitor Profits M	icrosoft Profits	Total Surplus
No-Remedy:	66.6702866	0.0000000	108.4641010	175.1343876
20% Conduct:	72.7489789	4.9561086	98.1893712	175.8944587
40% Conduct:	78.8276711	9.9122172	87.9146414	176.6545298
60% Conduct:	84.9063629	14.8683262	77.6399093	177.4145984
80% Conduct:	90.9850527	19.8244345	67.3651770	178.1746642
100% Conduct:	97.0637425	24.7805427	57.0904448	178.9347301
2-Monopolies:	97.2443831	20.0995342	61.7667505	179.1106678
APM, 2-firms:	97.6056643	10.7375170	71.1193619	179.4625432
APM, 3-firms:	101.3938710	5.1158769	74.5408053	181.0505532
RPM, z=0.000:	97.6056643	10.7375170	71.1193619	179.4625432
RPM, z=0.100:	100.0494922	10.5198190	70.1711669	180.7404781
RPM, z=0.200:	101.7502572	10.2983154	70.2577918	182.3063644
RPM, z=0 300:	104.1852610	10.0963259	69.3834217	183.6650087
RPM, z=0 400:	104.3235767	9.9646972	70.6687936	184.9570675
RPM, z=0 500:	103.6437601	9.8490147	72.1858682	185.6786430
RPM, z=0 600:	100.2265622	9.7727729	75.5755929	185.5749280
RPM, z=0 700:	95.5628679	9.7447668	79.3962211	184.7038557
RPM, z=0 800:	89.8870594	9.7966324	83.5152687	183.1989605
RPM, z=0 900:	84.3841146	10.0564241	87.0578989	181.4984376
Lawful Path:	105.8570185	34.1329915	41.2937937	181.2838037

Revenue Stream = Platforms only.
The value of z in the RPM scenarios is fixed as indicated.
Figures are in billions of real 2001 dollars (7% discount rate).
Figures are aggregated for the years 1995–2025.
Figures are a weighted average of all computed scenarios.

ATTACHMENT G—COMPARING REMEDIES: EACH REMEDY MINUS LAWFUL PATH:

Remedy	Consumer Surplus	Competitor Profits M	icrosoft Profits	Total Surplus
No-Remedy: 39.1867319	−34.1329915	−67.1703073 D −6.1494161		
20% Conduct:	−33.1080412	−29.1768834	−6.8955769	−5.3893477
40% Conduct:	−27.0293505	−24.2207753	−46.6208465	−4.6292793
60% Conduct:	−20.9506588	−19.2646663	−36.3461144	−3.8692107
80% Conduct:	−14.8719674	−14.3085576	−26.0713827	−3.1091422
100% Conduct:	−8.7932759	−9.3524488	−15.7966511	−2.3490736
2-Monopolies:	−8.6126354	−14.0334574	−20.4729568	−2.1731359
APM, 2-firms:	−8.2513542	−23.3954745	−29.8255682	−1.8212605
APM, 3-firms:	−4.4631474	−29.0171147	−33.2470116	−0.2332505
RPM, z=0.000:	−8.2513542	−23.3954745	−9.8255682	−1.8212605
RPM, z=0.100:	−5.8075263	−23.6131726	−28.8773732	−0.5433256
RPM, z=0.200:	−4.1067613	−23.8346762	28.9639981	1.0225607

ATTACHMENT G—COMPARING REMEDIES: EACH REMEDY MINUS LAWFUL PATH:—Continued

Remedy	Consumer Surplus	Competitor Profits M	icrosoft Profits	Total Surplus
RPM, z=0.300:	−1.6717575	−24.0366656	−28.0896281	2.3812049
RPM, z=0.400:	−1.5334418	−24.1682943	−29.3749999	3.6732638
RPM, z=0.500:	−2.2132584	−24.2839768	−30.8920745	4.3948392
RPM, z=0.600:	−5.6304563	−24.3602186	34.2817992	4.2911243
RPM, z=0.700:	−i0.2941506	−24.3882248	38.1024274	3.4200520
RPM, z=0.800:	−15.9699591	−24.3363591	−42.2214750	1.9151568
RPM, z=0.900:	−21.4729039	−24.0765674	45.7641052	0.2146339

Source: Adapted from output file ''AGGCWTD8.txt'' from Lundgren's six computer programs, where zbump=0.0 in ''MS5TranR.bas'' and revstream=l in ''MS6Summ.bas''.

ATTACHMENT H.—SUMMARY OUTPUT OF ALTERNATIVE REMEDIES FOR MICROSOFT

[Total Aggregates for Alternative Remedies]

Remedy	Consumer Surplus	Competitor Profits	Microsoft Profits	Total Surplus
No-Remedy	193.2538881	0.0000000	314.3995669	507.6534549
20% Conduct	211.1377498	14.6052416	284.1619090	509.9049004
40% Conduct	229.0216116	29.2104832	253.9242510	512.1563459
60% Conduct	246.9054718	43.8157260	223.6865862	514.4077840
80% Conduct	264.7893265	58.4209665	193.4489212	516.6592142
100% Conduct	282.6731812	73.0262070	163.2112562	518.9106443
2–Monopolies	283.2511215	59.2815132	176.9034634	519.4360981
APM, 2-firms	284.4070022	31.7921257	204.2878778	520.4870056
APM, 3-firms	295.4965492	15.1737142	214.5194539	525.1897174
RPM, z=0.000	284.4070022	31.7921257	204.2878778	520.4870056
RPM, z=0.100	291.5721057	31.1496087	201 5156026	524.2373169
RPM, z=0.200	296.5683886	30.4958291	201 7670167	528.8312345
RPM, z=0.300	303.7018786	29.8995957	199 2199958	532.8214701
RPM, z=0.400	304.1242099	29.5110516	202 9787968	536.6140583
RPM, z=0.500	302.1262579	29.1695258	207 4368322	538.7326159
RPM, z=0.600	292.1012489	28.9444187	217 3834949	538.4291624
RPM, z=0.700	278.4197409	28.8617920	228 5928304	535.8743633
RPM, z=0.800	261.7511839	29.0150366	240 6874245	531.4536450
RPM, z=0.900	245.5925757	29.7822425	251.0843904	526.4592086
Lawful Path	307.5699061	99.8842184	118.3262301	525.7803546

Revenue Stream = Platforms+Applications+Enterprise.
The value of z in the RPM scenarios is fixed as indicated.
Figures are in billions of real 2001 dollars (7% discount rate).
Figures are aggregated for the years 1995–2025.
Figures are a weighted average of all computed scenarios.

ATTACHMENT H.—COMPARING REMEDIES EACH REMEDY MINUS LAWFUL PATH

Remedy	Consumer Surplus	Competitor Profits	Microsoft Profits	Total Surplus
No-Remedy	−114.3160180	−99.8842184	196.0733368	−18.1268996
20% Conduct	−96.4321609	−85.2789783	165 8356771	−15.8754620
40% Conduct	−78.5483037	−70.6737381	135 5980175	−13.6240244
60% Conduct	−60.6644435	−56.0684954	105 3603526	−11.3725863
80% Conduct	−42.7805842	−41.4632534	75 1226894	−9.1211483
100% Conduct	−24.8967249	−26.8580114	44 8850261	−6.8697102
2–Monopolies	−24.3187846	−40.6027052	58 5772333	−6.3442565
APM, 2-firms	−23.1629040	−68.0920927	85 9616478	−5.2933489
APM, 3-firms	−12.0733569	−84.7105042	96.1932238	−0.5906372
RPM, z=0.000	−23.1629040	−68.0920927	85.9616478	−5.2933489
RPM, z=0.100	−15.9978005	−68.7346098	83.1893726	−1.5430376
RPM, z=0.200	−11.0015175	−69.3883893	83.4407867	3.0508799
RPM, z=0.300	−3.8680276	−69.9846227	80.8937657	7.0411155
RPM, z=0.400	−3.4456962	−70.3731668	84.6525667	10.8337037
RPM, z=0.500	−5.4436482	−70.7146926	89.1106021	12.9522613
RPM, z=0.600	−15.4686572	−70.9397997	99.0572648	12.6488078
RPM, z=0.700	−29.1501652	−71.0224264	110.2666003	10.0940087
RPM, z=0.800	−45.8187223	−70.8691818	122.3611945	5.6732904
RPM, z=0.900	−61.9773304	−70.1019759	132.7581603	0.6788540

Source: Adapted from output file ''AGGCWTD8.txt'' from Lundgren's six computer programs, where zbump=0.0 in ''MS5TranR.bas'' and revstream=4 in ''MS6Summ.bas''.

ATTACHMENT I.—SUMMARY OUTPUT OF ALTERNATIVE REMEDIES FOR MICROSOFT

[Total Aggregates for Alternative Remedies:]

Remedy	Consumer Surplus	Competitor Profits	Microsoft Profits	Total Surplus
No-Remedy	66.6702866	0.0000000	108.4641010	175.1343876
20% Conduct	72.7489789	4.9561086	98.1893712	175.8944587
40% Conduct	78.8276711	9.9122172	87.9146414	176.6545298
60% Conduct	84.9063629	14.8683262	77.6399093	177.4145984
80% Conduct	90.9850527	19.8244345	67.3651770	178.1746642
100% Conduct	97.0637425	24.7805427	57.0904448	178.9347301
2–Monopolies	97.2443831	20.0995342	61.7667505	179.1106678
APM, 2-firms	97.6056643	10.7375170	71.1193619	179.4625432
APM, 3-firms	101.3938710	5.1158769	74.5408053	181.0505532
RPM, z=0.000	97.6178004	i0.7375170	71.0922687	179.4475861
RPM, z=0.100	100.0792119	10.5200355	70.1142454	180.7134929
RPM, z=0.200	102.4749421	10.3041911	69.0645211	181.8436543
RPM, z=0.300	105.5117884	10.1207266	67.4459993	183.0785144
RPM, z=0.400	107.9097123	10.0131838	66.0581453	183.9810414
RPM, z=0.500	109.3712929	9.9176811	65.7228881	185.0118620
RPM, z=0.600	110.6707337	9.8362632	65.0862391	185.5932361
RPM, z=0.700	109.3070756	9.7864170	67.0511494	186.1446421
RPM, z=0.800	106.7436886	9.7342133	69.7748845	186.2527864
RPM, z=0.900	101.4498564	9.7168714	74.5723925	185.7391203
Lawful Path	105.8570185	34.1329915	41.2937937	181.2838037

Revenue Stream = Platforms only.
The actual value of z in the RPM scenarios varies between the indicated z and z-0.3.
Figures are in billions of real 2001 dollars (7% discount rate).
Figures are aggregated for the years 1995–2025.
Figures are a weighted average of all computed scenarios.

ATTACHMENT I.—COMPARING REMEDIES: EACH REMEDY MINUS LAWFUL PATH

Remedy	Consumer Surplus	Competitor Profits	Microsoft Profits	Total Surplus
No-Remedy	−39.1867319	−34.1329915	67.1703073	−6.1494161
20% Conduct	−33.1080412	−29.1768834	56.8955769	−5.3893477
40% Conduct	−27.0293505	−24.2207753	46.6208465	−4.6292793
60% Conduct	−20.9506588	−19.2646663	36.3461144	−3.8692107
80% Conduct	−14.8719674	−14.3085576	26.0713827	−3.1091422
100% Conduct	−8.7932759	−9.3524488	15.7966511	−2.3490736
2–Monopolies	−8.6126354	−14.0334574	20.4729568	−2.1731359
APM, 2-firms	−8.2513542	−23.3954745	29.8255682	−1.8212605
APM, 3-firms	−4.4631474	−29.0171147	33.2470116	−0.2332505
RPM, z=0.000	−8.2392181	−23.3954745	29.7984750	−1.8362176
RPM, z=0.100	−5.7778066	−23.6129560	28.8204517	−0.5703108
RPM, z=0.200	−3.3820764	−23.8288004	27.7707274	0.5598506
RPM, z=0.300	−0.3452300	−24.0122649	26.1522056	1.7947106
RPM, z=0.400:	2.0526938	−24.1198077	24.7643516	2.6972377
RPM, z=0.500:	3.5142744	−24.2153105	24.4290944	3.7280583
RPM, z=0.600:	4.8137152	−24.2967283	23.7924455	4.3094323
RPM, z=0.700:	3.4500571	−24.3465745	25.7573557	4.8608383
RPM, z=0.800:	0.8866701	−24.3987783	28.4810908	4.9689827
RPM, z=0.900	−4.4071621	−24.4161201	33.2785988	4.4553166

Source: Adapted from output file ''AGGCWTD8.txt'' from Lundgren's six computer programs, where zbump=0.3 in ''MS5TranR.bas'' and revstream=l in ''MS6Summ.bas''.

ATTACHMENT J.—SUMMARY OUTPUT OF ALTERNATIVE REMEDIES FOR MICROSOFT

[Total Aggregates for Alternative Remedies]

Remedy	Consumer Surplus	Competitor Profits	Microsoft Profits	Total Surplus
No-Remedy	193.2538881	0.0000000	314.3995669	507 6534549
20% Conduct:	211.1377498	14.6052416	284.1619090	509 9049004
40% Conduct:	229.0216116	29.2104832	253.9242510	512 1563459
60% Conduct:	246.9054718	43.8157260	223.6865862	514 4077840
80% Conduct:	264.7893265	58.4209665	193.4489212	516 6592142
100% Conduct:	282.6731812	73.0262070	163.2112562	518 9106443
2-Monopolies:	283.2511215	59.2815132	176.9034634	519.4360981
APM, 2-firms:	284.4070022	31.7921257	204.2878778	520.4870056
APM, 3-firms:	295.4965492	15.1737142	214.5194539	525.1897174
RPM, z=0.000:	284.4427827	31.7921257	204.2079998	520.4429082

ATTACHMENT J.—SUMMARY OUTPUT OF ALTERNATIVE REMEDIES FOR MICROSOFT—Continued

[Total Aggregates for Alternative Remedies]

Remedy	Consumer Surplus	Competitor Profits	Microsoft Profits	Total Surplus
RPM, z=0.100:	291.6597578	31.1502485	201.3477301	524.1577365
RPM, z=0.200:	298.6895994	30.5131724	198.2740901	527.4768619
RPM, z=0.300:	307.5955291	29.9716086	193.5330233	531.1001609
RPM, z=0.400:	314.6358118	29.6541255	189.4628042	533.7527415
RPM, z=0.500:	318.9329183	29.3722039	188.4709348	536.7760570
RPM, z=0.600:	322.7383754	29.1318953	186.6145056	538.4847762
RPM, z=0.700:	318.7571699	28.9848037	192.3609534	540.1029270
RPM, z=0.800:	311.2289728	28.8306843	200.3597163	540.4193734
RPM, z=0.900:	295.6928896	28.7794391	214.4391657	538.9114945
Lawful Path:	307.5699061	99.8842184	118.3262301	525.7803546

Revenue Stream = Platforms+Applications+Enterprise.
The actual value of z in the RPM scenarios varies between the indicated z and z-0.3.
Figures are in billions of real 2001 dollars (7% discount rate).
Figures are aggregated for the years 1995–2025.
Figures are a weighted average of all computed scenarios.

ATTACHMENT J.—COMPARING REMEDIES: EACH REMEDY MINUS LAWFUL PATH

Remedy	Consumer Surplus	Competitor Profits	Microsoft Profits	Total Surplus
No-Remedy:	−114.3160180	−99.8842184	196.0733368	−18.1268996
20% Conduct:	−96.4321609	−85.2789783	165.8356771	−15.8754620
40% Conduct:	−78.5483037	−70.6737381	135.5980175	−13.6240244
60% Conduct:	−60.6644435	−56.0684954	105.3603526	−11.3725863
80% Conduct:	−42.7805842	,41.4632534	75.1226894	−9.1211483
100% Conduct:	−24.8967249	−26.8580114	44.8850261	−6.8697102
2-Monopolies:	−24.3187846	−40.6027052	58.5772333	−6.3442565
APM,2-firms:	−23.1629040	−68.0920927	85.9616478	−5.2933489
APM, 3-firms:	−12.0733569	−84.7105042	96.1932238	−0.5906372
RPM, z=0.000:	−23.1271235	−68.0920927	85.8817698	−5.3374464
RPM, z=0.100:	−15.9101483	−68.7339699	83.0215001	−1.6226181
RPM, z=0.200:	−8.8803067	−69.3710460	79.9478600	1.6965073
RPM, z=0.300:	0.0256230	−69.9126099	75.2067932	5.3198063
RPM, z=0.400:	7.0659057	−70.2300929	71.1365742	7.9723870
RPM, z=0.500:	11.3630122	−70.5120145	70.1447047	10.9957024
RPM, z=0.600:	15.1684692	−70.7523231	68.2882755	12.7044217
RPM, z=0.700:	11.1872638	−70.8994147	74.0347234	14.3225724
RPM, z=0.800:	3.6590666	−71.0535341	82.0334862	14.6390188
RPM, z=0.900:	−11.8770165	−71.1047793	96.1129357	13.1311399

Source: Adapted from output file ''AGGCWTD8.txt'' from Lundgren's six computer programs, where zbump=0.3 in ''MS5TranR.bas'' and revstream=4 in ''MS6Summ.bas''.

Documentation for BASIC Programs to Simulate Antitrust Remedies for Microsoft Case.

This document, ''MS—Sim—Doc.txt'', simply describes and documents six programs for the Microsoft antitrust remedy simulations.

These six programs are named:

MS1File.bas (0.2 seconds)
MS2ProbA.bas (10.3 minutes)
MS3ProbR.bas (18.1 minutes)
MS4TranA.bas (1.6 minutes)
MS5TranR.bas (24.9 minutes)
MS6Summ.bas (1.7 minutes)

The programs should be run in the order indicated, since files generated by one program are used by subsequent programs. The running times are approximate, based on the running times for a 1.6 GHz home computer. The programs were coded and run in Microsoft QuickBASIC. The programs may require some recoding, if it is desired to run them in other versions of the BASIC computer language.

Below is a summary description of what each program does. Each program has its own more detailed description.

Program MS1File.bas: This program generates files needed by subsequent programs. The program generates the ''COSTLIST.txt'' file, which details the assumed cost levels for each scenario. For 3 firms and 5 levels of cost, 35 cost scenarios are generated. The program also generates the ''Ordering.txt'' and ''OrderRPM.txt'' files.

These files generate the permutations by which the ranking of firms can be reordered. For 3 firms, there are 6 permutations. ''OrderRPM.txt'' allows the ''MS3ProbR.bas'' program to track the rankings of two Microsoft successor firms simultaneously.

Program MS2ProbA.bas:

This program computes the probabilites associated with each scenario, as the industry transitions from a particular starting point, and gradually converges towards a long-run stochastic equilibrium. This program assigns probabilities for equilibria consisting only of Absolute Profit Maximizing (''APM'') firms. The starting point varies by the number of Microsoft firms (msfirms) in period zero.

If msfirms=l, Microsoft starts as a monopoly.

If msfirms=2, Microsoft is split into two firms.

ATTACHMENT K

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If msfirms=3, Microsoft is split into three firms. The program uses three different speeds (speed=l,2,3) for the transition. Probability files are outputted for each msfirms=l,2,3 starting point, and each speed=l,2,3 for the transition speed.

Program MS3ProbR.bas:

This program is similar to ''MS2ProbA.bas'', since it computes probabilites associated with each scenario, as the industry transitions from a particular starting point, and gradually converges towards a long-run stochastic equilibrium. This program differs from ''MS2ProbA.bas'', because it assigns probabilities for equilibria consisting of two Relative Profit Maximizing (''RPM'') firms, along

with such APM firms as may be involved in the transitions. The equilibria automatically convert to APM equilibria if one or both RPM firms exits the industry.

The program uses three different speeds (speed=l,2,3) for the transition.

Probability files are outputted for the one starting point (msfirms=2), and each speed=l,2,3 for the transition speed. This program is more complex than ''MS2ProbA.bas'' because it must simultaneously track the rankings of two Microsoft-successor firms simultaneously. Program MS4TranA.bas:

This program uses the probability data computed by ''MS2ProbA.bas'' to compute Consumer Surplus and Profits for both Microsoft and Microsoft's competitors. These are determined for transition period zero (iter=0) under the assumption that Microsoft has no competitors in period zero. In transition periods one through ten, Microsoft is assumed to have (at least potentially) one or more competitors. This program only calculates APM equilibria.

The 225 outputted transition (TRAN .... txt) files are computed for three speeds of transition (speed=l,2,3), five cost ratios for short-run cost (cratio=l,2,3,4,5), five assumptions concerning the portion of long-run costs allocated to fixed costs (port=0,1,2,3,4), and three starting points (msfirms=l,2,3).

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Program MS5TranR.bas:

This program uses the probability data computed by ''MS3ProbR.bas'' to compute Consumer Surplus and Profits for both Microsoft and Microsoft's competitors. These are determined for transition period zero (iter=0) under the assumption that Microsoft has no competitors in period zero. In transition periods one through ten, Microsoft is assumed to have (at least potentially) one or more competitors. This program calculates both RPM and APM equilibria.

The 750 outputted transition (TRPM .... txt) files are computed for three speeds of transition (speed=l,2,3), five cost ratios for short-run cost (cratio=l,2,3,4,5), five assumptions concerning the portion of long-run costs allocated to fixed costs (port=0,1,2,3,4), and ten starting points (z = 0.0, 0.i, 0.2, 0.3, 0.4, 0.5, 0.6, 0.7, 0.8, 0.9).

The starting point always has Microsoft divided into two RPM firms, where the goal functions for the two firms are:

Goal1 = Profit1—z * Profit2

Goal2 = Profit2—z * Profit1

An additional feature of the program allows the value of z to change in response to circumstances. If zbump=0.0, then z is fixed, and does not change in response to circumstances. If zbump > 0, then z changes in response to circumstances. In the program, z responds to the circumstance that one of the RPM firms is not producing, because it is achieving negative absolute profit.

In this circumstance, the program automatically ''bumps down'' the value of z for both RPM firms by the amount of zbump. For example, if z=0.7 and zbump=0.4, then if one or both RPM firms would shut down, then the value of z is automatically bumped down to z=0.3.

In many circumstances, this allows both RPM firms to continue producing.

Program MS6Summ.bas:

This program computes and summarizes the data produced by prior programs, including both ''MS4TranA.bas'' and ''MS5TranR.bas'' The program produces data summarized for particular scenarios in files marked ''AGGC .... txt'', ''AGGR .... txt'', and ''YEAR .... txt''. The ''AGGC .... txt'' files (which are most user friendly) summarize all past and future data, appropriately discounted, into a single set of figures which may be compared across remedy proposals. The ''AGGR .... txt'' files categorize the aggregate data into past and future amounts of consumer surplus, profits, and total surplus for each remedy proposal, and how these amounts compare with the same amounts along the lawful path. The ''YEAR .... txt'' files (which are least user friendly) output the calculated amounts, by year, for each remedy proposal and the lawful path.

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Attachment L.

''BASIC Program ''MS1File.bas''.

''Program Number 1 in a series of six programs ''designed to simulate alternative antitrust ''remedies for the Microsoft software industry. ''Copyright, January 23, 2002, Carl Lundgren. ''This program, ''MS1File.bas'', generates files ''needed by the subsequent computer programs ''for the Microsoft antitrust remedy simulations. ''This program generates the ''COSTLIST.txt'' file, ''which details the assumed cost levels for each scenario. ''For 3 firms and 5 levels of cost, 35 cost scenarios are generated. ''This program also generates the ''Ordering.txt'' ''and ''OrderRPM.txt'' files. These files generate the ''permutations by which the ranking of firms can be reordered. ''For 3 firms, there are 6 permutations. ''The file ''OrderRPM.txt'' allows the ''MS3ProbR.bas'' program to track ''the rankings of two Microsoft successor firms simultaneously.

```
DEFDBL A-Z
DIM broadscen(1023), class(5), cost(5)
DIM weight(50), newclass1(50),
    newclass2(50), newclass3(50)
DIM newclass4(50) , newclass5(50)
DIM c1(50), c2 (50), c3 (50), c4(50) , c5(50)
DIM pv(50, 3), finprob(50)
DIM new(5), ORDER(6, 3), 0RDERRPM(6, 15)
timex = TIMER
CLS
GOSUB GENERATE:
GOSUB COLLAPSE:
GOSUB COSTIT:
GOSUB PVASSIGN:
GOSUB FINALPROB:
GOSUB PRINTCOST:
GOSUB ORDER:
GOSUB PRINTORDER:
GOSUB PRINTORDERRPM:
```

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```
PRINT TIMER—timex END GENERATE:
''Submodule to generate possible scenarios.
FOR scennum = 0 TO 215
broadscen(scennum) = 0
NEXT scennum FOR firm1 = 1 TO 5
FOR firm2 = 1 TO 5
FOR firm3 = 1 TO 5
GOSUB CLASSIFY:
NEXT firm3
NEXT firm2
NEXT firm1
RETURN
''*****END of Generate Submodule*****
CLASSIFY:
''Submodule of Generate submodule'' to
    classify the generated scenarios.
class (1) = 0
class (2) = 0
class(3) = 0
class (4) = 0
class (5) = 0
class(firm1) =
class(firm1) + 1
class(firm2) = class(firm2) + 1
class(firm3) = class(firm3) + 1
scennum = 256 * class(l) + 64 * class(2) + 16
    * class(3) + 4 *
class(4) + class(5)
broadscen(scennum) = broadscen (scennum)
    + 1
RETURN
''*****END of Classify Submodule*****
COLLAPSE:
''Submodule to collapse the number of
    scenarios'' to a more manageable
    number.
newnum = 0
FOR class1 = 0 TO 3
FOR class2 = 0 TO 3
```

ATTACHMENT L

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```
FOR class3 = 0 TO 3
FOR class4 = 0 TO 3
FOR class5 = 0 TO 3
scennum = 256 * class1 + 64 * class2 + 16
    * class3 + 4 *
class4 + class5
broadnum = broadscen(scennum)
IF broadnum > 0 THEN
newnum = newnum + 1 weight(newnum) =
    broadnum
newclass1(newnum) = class1
newclass2(newnum) = class2
newclass3(newnum) = class3
newclass4(newnum) = class4
newclass5(newnum) = class5
END IF
NEXT class5
NEXT class4
NEXT class3
NEXT class2
NEXT class1
newtot = newnum
RETURN
''*****END of Collapse Submodule*****
COSTIT:
''Submodule to assign cost levels to firms,''
    with lowest-cost firms ordered first.
FOR scen = 1 TO newtot
```

```
n1 = newclass1(scen)
n2 = newclass2(scen) + n1
n3 = newclass3(scen) + n2
n4 = newclass4(scen) + n3
FOR n = 1 TO n1
cost(n) = 1
NEXT n
FOR n = n1 + 1 TO n2
cost(n) = 2
NEXT n
FOR n = n2 + 1 TO n3
cost(n) = 3
NEXT n
FOR n = n3 + 1 TO n4
cost(n) = 4
```

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```
NEXT n
FOR n = n4 + 1 TO 3
cost(n) = 5
NEXT n
c1(scen) = cost(1)
c2(scen) = cost(2)
c3(scen) = cost(3)
NEXT scen
RETURN
''*****END of Costit Submodule*****
PVASSIGN:
''Submodule to assign point values for firm
    cost levels, with lowest-cost firms
    ordered first. The point values are 60
    times the cost level, with some
    adjustment in point values, when two or
    more firms share the same cost level.
FOR scen = 1 TO newtot
pv(scen, 1) = c1(scen) * 60
pv(scen, 2) = c2(scen) * 60
pv(scen, 3) = c3(scen) * 60
NEXT scen FOR scen = I TO newtot
n1 = newclass1(scen)
n2 = newclass2(scen) +
n1 n3 = newclass3(scen) + n2
n4 = newclass4(scen) + n3
''Assign point values to level one costs.
ns = 0
nc = newclass1(scen)
IF nc = 2 THEN
pv(scen, ns + 1) = pv(scen, ns + 1)—10
pv(scen, ns + 2) = pv(scen, ns + 2) + 10
END IF
IF nc = 3 THEN
pv(scen, ns + 1) = pv(scen, ns + 1) 15
pv(scen, ns + 3) = pv(scen, ns + 3) + 15
END IF
''Assign point values to level two costs.
us = ns + nc
nc = newclass2(scen)
IF nc = 2 THEN
pv(scen, ns + 1) = pv(scen, ns + 1) 10
```

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```
pv(scen, ns + 2) = pv(scen, ns + 2) + 10
END IF
IF nc = 3 THEN
pv(scen, ns + 1) = pv(scen, ns + 1)—15
pv(scen, ns + 3) = pv(scen, ns + 3) + 15
END IF
Assign point values to level three costs.
ns = ns + nc
nc = newclass3 (scen)
IF nc = 2 THEN
pv(scen, ns + 1) = pv(scen, ns + 1)—10
pv(scen, ns + 2) = pv(scen, ns + 2) + 10
END IF
IF nc = 3 THEN
pv(scen, ns + 1) = pv(scen, ns + 1)—15
pv(scen, ns + 3) = pv(scen, ns + 3) + 15
END IF
''Assign point values to level four costs.
ns = ns + nc
nc = newclass4(scen)
IF nc = 2 THEN
pv(scen, ns + 1) = pv(scen, ns + 1)—10
pv(scen, ns + 2) = pv(scen, ns + 2) + 10
END IF
IF nc = 3 THEN
pv(scen, ns + 1) = pv(scen, ns + 1)—15
pv(scen, ns + 3)—pv(scen, ns + 3) + 15
END IF
''Assign point values to level five costs.
ns = ns + nc
nc = newclass5(scen)
IF nc = 2 THEN
pv(scen, ns + 1) = pv(scen, ns + 1) 10
pv(scen, ns + 2) = pv(scen, ns + 2) + 10
END IF
IF nc = 3 THEN
pv(scen, ns + I) = pv(scen, ns + 1)—15
pv(scen, ns + 3)—pv(scen, ns + 3) + 15
END IF NEXT scen
RETURN
''*****END of PVassign Submodule*****
```

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```
FINALPROB:
''This submodule computes the final
    probability ''for each scenario—the
    probability toward which ''each scenario
    tends to converge over the long run.
''cost(s,f) = short-run marginal cost of firm f
    in scenario s.
''finprob(s) = final probability assumed for
    scenario s.
''weight(s) = number of permutations of
    scenario s.
''finprob is computed as weight(s) * assumed
    probabilities
for each cost level:
Prob(cost level one) = 10% (low cost)
Prob(cost level two) = 15% (low-middle cost)
Prob(cost level three) = 20% (middle cost)
Prob(cost level four) = 25% (middle-high
    cost)
Prob(cost level five) = 30% (high cost)
FOR scen = I TO newtot fprob = weight(scen)
L1 = newclass1(scen)
L2 = newclass2 (scen)
L3 = newclass3 (scen)
L4 = newclass4 (scen)
L5 = newclass5 (scen)
IF L1 > 0 THEN fprob = fprob * .1#
IF L1 > 1 THEN fprob = fprob * .1#
IF L1 * 2 THEN fprob = fprob * .1#
IF L2 * 0 THEN fprob = fprob * .15#
IF L2 * 1 THEN fprob = fprob * .15#
IF L2 * 2 THEN fprob = fprob * .15#
IF L3 * 0 THEN fprob = fprob * .2#
IF L3 > 1 THEN fprob = fprob * .2#
IF L3 > 2 THEN fprob = fprob * .2#
IF L4 > 0 THEN fprob = fprob * .25#
IF L4 * 1 THEN fprob = fprob * .25#
IF L4 > 2 THEN fprob = fprob * .25#
IF L5 > 0 THEN fprob = fprob * .3#
IF L5 > 1 THEN fprob = fprob * .3#
IF L5 > 2 THEN fprob = fprob * .3#
finprob (scen) = fprob
NEXT scen
RETURN
''***** END OF FinalProb SUBMODULE
    *****
PRINTCOST:
''Submodule to print out the collapsed
    scenarios
```

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```
''and the ordered cost assignments
''as part of file ''CostList.txt''.
costs = '':\basic\ms—sim\costlist.txt'' ''Output
    cost list
OPEN costs FOR OUTPUT AS #1
PRINT #1, ''Scen''; ''L1 L2 L3 L4 L5''; ''Wgt'';
    ''Fin-Prob'';
PRINT #1, ''C1 C2 C3''; ''PV1 PV2 PV3''
FOR scennum = 1 TO newtot
PRINT #1, USING ''##''; scennum;
PRINT #1, '''';
PRINT #1, USING ''###'';
    newclass1(scennum);
PRINT #1, USING ''###'';
    newclass2(scennum);
PRINT #1, USING ''###''; newclass3
    (scennum);
PRINT #1, USING ''###'';
    newclass4(scennum);
PRINT #1, USING ''###'';
    newclass5(scennum);
PRINT #1, USING ''#####'';
    weight(scennum);
PRINT #1, USING ''###.######'';
    finprob(scennum);
PRINT #1, '''';
PRINT #1, USING ''###''; c1(scennum);
PRINT #1, USING ''###''; c2(scennum);
PRINT #1, USING ''###''; c3(scennum);
PRINT #1, '''';
PRINT #1, USING ''####''; pv(scennum, 1);
PRINT #1, USING ''####''; pv(scennum, 2);
PRINT #1, USING ''####''; pv(scennum, 3);
PRINT #1, NEXT scennum
CLOSE #1
RETURN
''*****END of PrintCost Submodule*****
ORDER:
''Submodule to compute all possible
    orderings'' of three firms (six
    permutations total).
ordernum = 0
FOR o3 = 5 TO 1 STEP −1
FOR o2 = 5 TO 1 STEP −1
FOR o1 = 5 TO 1 STEP −1
GOSUB TESTORDER:
NEXT o1
NEXT o2
NEXT 03
ordertot = ordernum
RETURN
```

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```
''*****END of Order Submodule*****
TESTORDER:
''Submodule of Order submodule to test''
    whether proposed ordering is acceptable.
IF o1 + 02 + 03 <> 6 THEN RETURN
IF o1 * o2 * 03 <> 6 THEN RETURN
ordernum = ordernum + 1
ORDER(ordernum, 1) = o1
ORDER(ordernum, 2) = o2
ORDER(ordernum, 3) = o3
GOSUB ORDERRPM:
RETURN
''*****END of Order Submodule*****
```

```
ORDERRPM:
Submodule to provide ordering information
    to track location of two MS firms among
    five firms, for purpose of determining
    costs of such two firms for calculating
    RPM remedy.
There are six basic permutations of three
    firms, among which the rankings of two
    firms must be tracked simultaneously.
new(O) = 0
FOR old = 1 TO 3
new(old) = ORDER(ordernum, old)
NEXT old
FOR old1 = 0 TO 3
FOR old2 = 0 TO 3
oldnum = old1 * 4 + old2
new1 = new(old1)
new2 = new(old2)
newnum = new1 * 4 + new2
ORDERRPM(ordernum, oldnum) = newnum
NEXT old2
NEXT old1
RETURN
''*****END of OrderRPM Submodule*****
PRINTORDER:
''Submodule to print out the 6 permutations
```

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```
'' in which 3 firms can be ordered.
''Printing is to the file ,,Ordering.txt''.
ORDERS = ,,c:\basic\ms—sim\ordering.txt''
    ''Output ordering list
OPEN ORDERS FOR OUTPUT AS #1
PRINT #1, ,'Onum''; ''o1 o2 03''
FOR ordernum = 1 TO ordertot
PRINT #1, USING ''###''; ordernum;
PRINT #1, '''';
PRINT #1, USING ''###''; 0RDER(ordernum,
    1);
PRINT #1, USING ''###''; ORDER(ordernum,
    2);
PRINT #1, USING ''###''; ORDER(ordernum,
    3);
PRINT #1,
NEXT ordernum
CLOSE #1
RETURN
*****END of PrintOrder Submodule*****
PRINTORDERRPM:
''Submodule to print out the 6 permutations
    in which 3 firms can be ordered, with
    further information to track two firms
    simultaneously, for further use in later
    programs to calculate the effects of RPM
    firms.
Printing is to the file ,,OrderRPM.txt''
ORDERRPM$ = ''c: \basic\ms—
    sim\orderrpm.txt'' ''Output RPM
    ordering
list
PEN ORDERRPM$ FOR OUTPUT AS #1
  PRINT #1, ''Onum''; ''o00 o01 o02 o03'';
PRINT #1, ''o10 o11 o12 o13'';
PRINT #1, ''020 o21 022 023'';
PRINT #1, ''o30 o31 032 o33'';
PRINT #1,
FOR ordernum = 1 TO ordertot
PRINT #1, USING ''###''; ordernum;
PRINT #1, '''';
FOR oldnum = 0 TO 15
PRINT #1, USING ''####'';
    0RDERRPM(ordernum, oldnum);
NEXT oldnum
PRINT #1,
NEXT ordernum
CLOSE #1
RETURN
*END of PrintOrderRPM Submodule*
```

ATTACHMENT L

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END OF Program ''MS1File.bas''.

ATTACHMENT M

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```
Attachment M.
''BASIC Program ''MS2ProbA.bas''
''Program Number 2 in a series of six
    programs ''designed to simulate
    alternative antitrust ''remedies for the
    Microsoft software industry. ''Copyright,
    January 23, 2002, Car1 Lundgren.
  This program, ''MS2ProbA.bas'', computes
the probabilites associated with each
scenario, as the industry transitions from a
particular starting point, and gradually
converges towards a long-run stochastic
equilibrium.
  This program assigns probabilities for
equilibria consisting only of Absolute Profit
Maximizing (''APM'') firms. The starting
point varies by the number of
''Microsoft firms (msfirms) in period zero:
If msfirms=1, Microsoft starts as a monopoly.
If msfirms=2, Microsoft is split into two
    firms.
If msfirms=3, Microsoft is split into three
    firms.
''The program uses three different speeds
    (speed=l,2,3) for the transition.
''Probability files are outputted for each
    starting point (msfirms=l,2,3),
''and for each transition speed (speed=l,2,3).
  The parameters controlling the transition
speed (pvmax in submodule InitProb10) are
supplied by the user.
  The program reads in 35 possible cost
structures for the industry, each with 3 firms.
  The program assigns probabilities for each
scenario, and for whether a Microsoft firm
(either Microsoft or a successor to Microsoft
after divestiture) is ranked as firm 1, 2, or 3,
or is firm 0 (with zero market share).
DEFDBL A–Z
DIM pvtot0(35, 3), pvtot1(35, 3), pvtot2(35, 3)
DIM pvtot3 (35, 3)
DIM prob2 (35, 3)
DIM diff(3, 3)
DIM finprob (35)
```

ATTACHMENT M

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```
'' CONTROL MODULE
CLS
timex—TIMER
''This section calls the main module 3 times.
''This control module chooses speed for cost
    shifts:
''speed = 1 ''Slow speed for cost shifts.
''speed = 2 ''Moderate speed for cost shifts.
''speed = 3 ''High speed for cost shifts.
FOR speed = 1 TO 3
GOSUB MAINMODULE:
NEXT speed
PRINT TIMER—timex
END
MAINMODULE:
GOSUB FILENAMES: ''Assign file names to
    input/output files.
PRINT ''Computing transition weights
    (deviation):,,
GOSUB INITIALIZE0: ''Initialize transition
    weights.
endcomp = 0
FOR iter = 1 TO 100
GOSUB TRANSCOMP: ''Iterate transition
    weights.
IF endcomp = 1 THEN 99
NEXT iter
99 GOSUB PRINTPROBT: ''Print last
    computed transition weights.
CLOSE #2
PRINT ''Computing transitions from MS=1
    APM firm:''
msfirms = 1
iter = 0
GOSUB INITIALIZE1: ''Microsoft starts as
    monopoly.
iter = 1
GOSUB TRANSIT0:
GOSUB PRINTPROB:
FOR iter = 2 TO 10
GOSUB TRANSFERPROB:
GOSUB TRANSIT1:
GOSUB PRINTPROB:
NEXT iter
CLOSE #2
PRINT ''Computing transitions from MS=2
    APM firms:''
msfirms = 2
```

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```
iter = 0
GOSUB INITIALIZE2: ''Microsoft split into 2
    firms.
iter = 1
GOSUB TRANSIT0:
GOSUB PRINTPROB:
FOR iter = 2 TO 10
GOSUB TRANSFERPROB:
GOSUB TRANSIT1:
GOSUB PRINTPROB:
NEXT iter
CLOSE #2
PRINT ''Computing transitions from MS=3
    APM firms:''
msfirms = 3
iter = 0
GOSUB INITIALIZE3: ''Microsoft split into 3
    firms.
iter = 1
GOSUB TRANSIT0:
GOSUB PRINTPROB:
FOR iter = 2 TO 10
GOSUB TRANSFERPROB:
GOSUB TRANSIT1:
GOSUB PRINTPROB:
NEXT iter
CLOSE #2
CLOSE
RETURN
''***** END OF MAIN MODULE *****
FILENAMES:
costs = ''c:\basic\ms—sim\costlist.txt'' ''Input
    scenario costs
orders = ''c:\basic\ms—sim\ordering.txt''
    ''Input firm re-orderings
prob0$ = ''c:\basic\ms—sim\out\prob00.txt''
    ''Output iwgt
convergence
prob1$ = ''c:\basic\ms—sim\out\prob10.txt''
    ''Output 1-firm APM
transition probs
prob2$ = ''c:\basic\ms—sim\out\prob20.txt''
```

```
    ''Output 2-firm APM
transition probs
prob3$ = ''c:\basic\ms—sim\out\prob30.txt''
    ''Output 3-firm APM
transition probs
IF speed = 1 THEN sp$ = ''1''
IF speed = 2 THEN sp$ = ''2''
```

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```
IF speed = 3 THEN sp$ = ''3''
replaces = sp$
MID$(prob0$, 26, 1) = replaces
MID$(prob1$, 26, 1) = replaces
MID$(prob2$, 26, 1) = replaces
MID$(prob3$, 26, 1) = replaces
RETURN
''***** END OF FileNames SUBMODULE
    *****
INITIALIZE0:
''Submodule to find transition weights.
GOSUB SCENREAD: ''Read in scenario list.
GOSUB ORDERREAD: ''Read in ordering list.
GOSUB INITPROB10:
iter = 0
GOSUB TRANSCOMP: ''Computes transition
    weights to scenarios.
OPEN prob0$ FOR OUTPUT AS #2
RETURN
''***** END OF Initialize0 SUBMODULE
    *****
INITPROB10:
''This submodule sets the prob1 variables to
    zero,'' and then sets initial values for
    non-zero prob1.
DIM prob1(35, 3), cost(35, 3), herf(35)
DIM iwgt(35), iwgt0(35)
''****User supplies pvmax, which controls
    transition speed.****
IF speed = I THEN pvmax = 1.5 ''Slow speed
    for cost shifts.
IF speed = 2 THEN pvmax = 2.5 ''Moderate
    speed for cost shifts.
IF speed = 3 THEN pvmax = 4.5 ''High speed
    for cost shifts.
FOR scen1 = 0 TO 35
FOR firm1 = 0 TO 3
prob1(scen1, firm1) = 0
NEXT firm1
NEXT scen1
''This section sets initial values to reflect''
    distribution of final probabilites.
FOR scen1 = I TO 35
prob1(scen1, 0) = finprob(scen1)
iwgt(scen1) = finprob(scen1)
NEXT scen1
RETURN
''***** END OF InitProb10 SUBMODULE
    *****
```

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```
TRANSCOMP:
Submodule to compute transition weights.
Transitions are from any scenario (scen1)
to any same or different scenario (scen2).
Goal is to find transition weights (iwgt) such
    that if prob1 is set at final probabilities,
    then computed prob2 also reflects final
    probabilities. The transition weights are
    iteratively adjusted, until there is
    convergence. Such convergence means
    that the long-run distribution of
    scenarios will reflect the final
    probabilities selected.
GOSUB INITPROB2: ''Initialize prob2
    variables.
PRINT speed; iter; ''*'';
FOR scen1 = 1 TO 35
PRINT '''';
iprob0 = prob1(scen1, 0)
iprob1 = prob1(scen1, 1)
iprob2 = prob1(scen1, 2)
iprob3 = prob1(scen1, 3)
FOR scen2 = 1 TO 35
GOSUB PVADD:
NEXT scen2
GOSUB PVADJUST:
NEXT scen1
devtot = 0
itotal = 0
FOR scen = 1 TO 35
iwgt0(scen) = iwgt(scen)
iwgt(scen) = iwgt(scen) * prob1(scen, 0) /
    prob2(scen, 0)
itotal = itotal + iwgt(scen)
dev = prob1(scen, 0)—prob2(scen, 0)
devtot = devtot + ABS(dev)
NEXT scen
FOR scen = 1 TO 35
iwgt(scen) = iwgt(scen) / itotal
NEXT scen
IF devtot < .000001 THEN endcomp = 1
PRINT USING###''; devtot
RETURN
This submodule finds transition weights
    (iwgt) to each scenario,
that cause convergence to the assumed final
    probabilities
(FinProb)
attached to the various possible market
    outcomes
```

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```
'' in a very long-run stochastic equilibrium.
''***** END OF TransComp SUBMODULE
    *****
INITIALIZE1:
''Submodule to initialize Microsoft starts as
    monopoly.
GOSUB INITPROB11:
OPEN prob1$ FOR OUTPUT AS #2
GOSUB PRINTPROB0:
RETURN
''***** END OF Initializel SUBMODULE
    *****
INITPROB11:
''This submodule of Initialize1 sets the prob1
    variables to zero,
'' and then sets initial values for non-zero
    prob1.
FOR scen1 = 0 TO 35
FOR firm1 = 0 TO 3
prob1(scen1, firm1) = 0
NEXT firm1
NEXT scen1
''This section sets initial scenario to
'' Microsoft is a monopoly,
'' Scenario 5, Cost levels 3(MS), 5(comp),
    5(comp).
scen0 = 5
prob1(0, 1) = 1
FOR firm = 1 TO 3
cost(O, firm) = cost(scen0, firm)
NEXT firm
RETURN
''***** END OF InitProb11 SUBMODULE
    *****
INITIALIZE2:
''Submodule to initialize splitting Microsoft
    into two firms.
GOSUB INITPROB12:
OPEN prob2$ FOR OUTPUT AS #2
GOSUB PRINTPROB0:
RETURN
''***** END OF Initialize2 SUBMODULE
    *****
INITPROB12:
''This submodule sets the prob1 variables to
    zero,
```

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```
and then sets initial values for non-zero
    prob1.
FOR seen1 = 0 TO 35
FOR firm1 = 0 TO 3
prob1(scen1, firm1) = 0
NEXT firm1
NEXT scen1
This section sets initial scenario to
Microsoft is split into two equal-sized firms,
Scenario 6, Cost levels 3(MS-1), 4(MS-2),
    5(comp).
scen0—6
prob1(0, 1) = 1# / 2#
prob1(0, 2) = 1# / 2#
FOR firm = 1 TO 3
cost(0, firm) = cost(scen0, firm)
NEXT firm
RETURN
''***** END OF InitProb12 SUBMODULE
    *****
INITIALIZE3:
''Submodule to initialize splitting Microsoft
    into three firms.
GOSUB INITPROB13:
OPEN prob3$ FOR OUTPUT AS #2
GOSUB PRINTPROB0:
RETURN
''***** END OF Initialize3 SUBMODULE
    *****
INITPROB13:
''This submodule sets the prob1 variables to
    zero,
'' and then sets initial values for non-zero
    prob1.
FOR scen1 = 0 TO 35
FOR firm1 = 0 TO 3
prob1(scen1, firm1) = 0
NEXT firm1
NEXT scen1
''This section sets initial scenario to
'' Microsoft is split into three equal-sized
    firms,
'' Scenario 7, Cost levels 3(MS–l), 4(MS–2),
    4(MS–3).
scen0 = 7
prob1(0, 1) = 1# / 3#
prob1(0, 2) = 1# / 3#
prob1(0, 3) = 1# / 3#
FOR firm = I TO 3
MTC–00030631—0121
```

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```
cost(0, firm) = cost(scen0, firm)
NEXT firm
RETURN
''***** END OF InitProb13 SUBMODULE
    *****
SCENREAD:
''This submodule reads in the scenario costs
    list.
OPEN costs FOR INPUT AS #1
LINE INPUT #1, dummy$
''cost(s,f) = short-run marginal cost of firm f
```

```
    in scenario s.
''finprob(s) = final probability assumed for
    scenario s.
''wgt(scen) = number of permutations of
    scenario s.
FOR scen = 1 TO 35
INPUT #1, scen2, L1, L2, L3, L4, L5, wgt,
    finprob(scen)
IF scen <> scen2 THEN PRINT ''Scenario
    mismatch'', scen, scen2
INPUT #1, c1, c2, c3
FOR firm = 1 TO 3
INPUT #1, ctemp
cost(scen, firm) = ctemp / 60#
NEXT firm
NEXT scen
CLOSE #1
RETURN
''***** END OF ScenRead SUBMODULE
    *****
ORDERREAD:
''This Submodule reads in the ordering list,
'' which is a list of 6 permutations by which
    firms 1–3
'' may become firms 1–3 in the same or a
    different order.
OPEN orders FOR INPUT AS #1
LINE INPUT #1, dummy$
''ordnum = number of ordering.
''order(o,f) = ordering number o for firm f,
'' the firm number which firm f becomes in
    ordering o.
DIM order(6, 3)
FOR ordnum = 1 TO 6
INPUT #1, ordnum2
IF ordnum <> ordnum2 THEN PRINT ''Order
    Number mismatch'',
ordnum, ordnum2
FOR firm = 1 TO 3
INPUT #1, order(ordnum, firm)
NEXT firm
```

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```
NEXT ordnum
CLOSE #1
RETURN
''***** END OF OrderRead SUBMODULE
    *****
TRANSIT0:
''This submodule controls the initial
    transitions.
'' Transitions are from scenario zero (scen1)
'' to the other possible scenarios (scen2).
GOSUB INITPROB2: ''Initialize prob2
    variables.
PRINT speed; iter; ,,*,,;
scen1 = 0
PRINT -.-;
iprob0 = prob1(scen1, 0)
iprob1 = prob1(scen1, 1)
iprob2 = prob1(scen1, 2)
iprob3 = prob1(scen1, 3)
FOR scen2 = 1 TO 35
GOSUB PVADD:
NEXT scen2 GOSUB PVADJUST:
GOSUB MSEXITS:
PRINT
RETURN
''***** END OF Transit0 SUBMODULE
    *****
TRANSIT1:
''This submodule controls the subsequent
    transitions.
''Transitions are from any scenario (scen1)
'' to any same or different scenario (scen2).
GOSUB INITPROB2: ''Initialize prob2
    variables.
PRINT speed; iter; ''*',;
FOR scen1 = 1 TO 35
PRINT ''.,,;
iprob0 = prob1(scen1, 0)
iprob1 = prob1(scen1, 1)
iprob2 = prob1(scen!, 2)
iprob3 = prob1(scen1, 3)
IF iprob0 + iprob1 + iprob2 + iprob3 = 0
    THEN 10
FOR scen2 = 1 TO 35
GOSUB PVADD:
NEXT scen2
```

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```
GOSUB PVADJUST:
10 NEXT scen1
GOSUB MSEXITS:
PRINT
RETURN
''***** END OF Transit1 SUBMODULE
    *****
INITPROB2:
''This submodule of TRANSIT sets the prob2
    variables to zero.
FOR scen2 = 0 TO 35
FOR firm2 = 0 TO 3
prob2(scen2, firm2) = 0
NEXT firm2
NEXT scen2
RETURN
''***** END OF InitProb2 SUBMODULE
    *****
PVADD:
This submodule adds up point values (pv) for
    transition from a single scenario (scen1)
    to a single scenario (scen2).
pvtot0(s,f) = point value for probability of
    transition from scenario with
    Microsoft=firm 0 (zero market share), to
    scenario s and to Microsoft=firm f.
''pvtot1(s,f) = same, but from Microsoft=firm
    1.
''pvtot2(s,f) = same, but from Microsoft=firm
    2.
''pvtot3(s,f) = same, but from Microsoft=firm
    3.
FOR firm1 = 1 TO 3
FOR firm2 = 1 TO 3
diff(firm1, firm2) = ABS(cost(scen1, firm1)
    cost(scen2, firm2))
NEXT firm2
NEXT firm1
FOR firm2 = 0 TO 3
pvtot0(scen2, firm2) = 0
pvtot1(scen2, firm2) = 0
pvtot2(scen2, firm2) = 0
pvtot3(scen2, firm2) = 0
NEXT firm2
sprob = iwgt(scen2)
sprob3 = sprob / 6#
```

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```
GOSUB PVADD3:
RETURN
''***** END OF PVadd SUBMODULE *****
PVADD3:
''This submodule of PVADD adds up point
    values for transition from a single
    scenario (scen1) to a single scenario
    (scen2), where scen1 and scen2 both
    have 3 firms.
FOR o = 1 TO 6
o1 = order(o, 1)
o2 = order(o, 2)
o3 = order(o, 3)
pv = 1
pvtemp = pvmax—diff(1, o1)
IF pvtemp < 0 THEN pvtemp = 0
pv = pv * pvtemp
pvtemp = pvmax—diff(2, o2)
IF pvtemp < 0 THEN pvtemp = 0
pv = pv * pvtemp
pvtemp = pvmax—diff(3, o3)
IF pvtemp < 0 THEN pvtemp = 0
pv = pv * pvtemp
pvtot0(scen2, 0) = pvtot0(scen2, 0) + pv *
    iprob0 * sprob3
pvtot1(scen2, o1) = pvtot1(scen2, o1) + pv *
    iprob1 * sprob3
pvtot2(scen2, 02) = pvtot2(scen2, 02) + pv *
    iprob2 * sprob3
pvtot3(scen2, o3) = pvtot3(scen2, 03) + pv *
    iprob3 * sprob3
NEXT o
RETURN
''***** END OF PVadd3 SUBMODULE
    *****
PVADJUST:
''This module adjusts computed point values
    (pv)
'' to reflect true probability measures (prob2).
pvtota10 = 0
pvtotal1 = 0
pvtota12 = 0
pvtota13 = 0
FOR scen = 1 TO 35
FOR firm2 = 0 TO 3
pvtota10 = pvtota10 + pvtot0(scen, firm2)
pvtotal1 = pyrotal1 + pvtot1(scen, firm2)
```

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```
pvtota12 = pvtota12 + pvtot2(scen, firm2)
pvtota13 = pvtota13 + pvtot3(scen, firm2)
NEXT firm2
NEXT scen
ratio0 = 0
ratio1 = 0
ratio2 = 0
ratio3 = 0
20 IF pvtota10 = 0 THEN 21
ratio0 = prob1(scen1, 0) / pvtota10
21 IF pvtotal1 = 0 THEN 22
ratio1 = prob1(scen1, 1) / pyrotal1
22 IF pvtota12 = 0 THEN 23
ratio2 = prob1(scen1, 2) / pvtota12
23 IF pvtota13 = 0 THEN 24
ratio3 = prob1(scen1, 3) / pvtota13
24 REM
FOR scen = 1 TO 35
FOR firm2 = 0 TO 3
pvtemp = pvtot0(scen, firm2) * ratio0
pvtemp = pvtemp + pvtot1(scen, firm2) *
    ratio1
pvtemp = pvtemp + pvtot2(scen, firm2) *
    ratio2
pvtemp = pvtemp + pvtot3(scen, firm2) *
    ratio3
prob2(scen, firm2) = prob2(scen, firm2) +
    pvtemp
NEXT firm2
NEXT scen
RETURN
''***** END OF PVadjust SUBMODULE
    *****
MSEXITS:
''This submodule determines which
```

```
    prob2(s,f) and cost(s,f)
numbers imply zero market share for
    Microsoft.
Where this occurs for f>0 (MS still in
    market),
the probability values are transferred
to f=0 (Microsoft not in market).
The criterion for exit is that the firm in
    question
has very high short-run costs.
FOR scen = 1 TO 35
FOR firm = 1 TO 3
IF cost(scen, firm) > 4.999 THEN
```

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```
prob2(scen, 0) = prob2(scen, 0) + prob2(scen,
    firm)
prob2(scen, firm) = 0
END IF
NEXT firm
NEXT scen
RETURN
''***** END OF MSexits SUBMODULE
    *****
PRINTPROBT:
''This submodule prints the last iteration
    (presumed convergence)
'' computed for the the transition weights for
    each scenario.
PRINT #2, ''Iter ''; ''Scen '';
PRINT #2, ''Init-weight(0) ''; ''Prob1(target) '';
    ''Prob2(result)
''; ''Init-weight(1) ''
FOR scen= 1 TO 35
PRINT #2, USING ''#####''; iter; scen;
PRINT #2, USING ;###'' iwgt0(scen);
    prob1(scen, 0); prob2(scen, 0); iwgt(scen)
NEXT scen
RETURN
''***** END OF PrintProbT SUBMODULE
    *****
PRINTPROB0:
''This submodule prints the probabilities for
    scenario zero.
PRINT #2, ''Iter ''; ''Scen '';
PRINT #2, ''Prob(firm0) ''; ''Prob(firm1) '';
    ''Prob (firm2)
PRINT #2, ''Prob(firm3)
scen = 0
PRINT #2, USING ''#####''; iter; scen0;
FOR firm = 0 TO 3
PRINT #2, USING #''; prob1(scen, firm);
NEXT firm
PRINT #2,
RETURN
''***** END OF PrintProb0 SUBMODULE
    *****
PRINTPROB:
''This submodule prints the probabilities for
    each subsequent
'' scenario and MS firm number.
FOR scen= 1 TO 35
```

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```
PRINT #2, USING ''#####''; iter; scen;
FOR firm = 0 TO 3
PRINT #2, USING #####''; prob2(scen, firm);
NEXT firm
PRINT #2,
NEXT scen
RETURN
''***** END OF PrintProb SUBMODULE
    *****
TRANSFERPROB:
''This submodule transfers the prob2 values
    to prob1,
'' so that the next transition iteration can
    proceed.
FOR scen = 0 TO 35
FOR firm = 0 TO 3
prob1(scen, firm) = prob2(scen, firm)
NEXT firm
NEXT scen
RETURN
''***** END OF TransferProb SUBMODULE
    *****
''**********END OF Program
    ''MS2ProbA.bas'' .**********
```

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```
Attachment N.
''BASIC Program .MS3ProbR.bas''.
''Program Number 3 in a series of six
    programs
''designed to simulate alternative antitrust
''remedies for the Microsoft software
    industry.
''Copyright, January 23, 2002, Carl Lundgren.
'' This program, ''MS3ProbR.bas'', computes
    the probabilites
''associated with each scenario, as the
    industry transitions
''from a particular starting point, and
    gradually converges
''towards a long-run stochastic equilibrium.
''This program assigns probabilities for
    equilibria consisting
''of two Relative Profit Maximizing (''RPM'')
    firms, along with
''such Absolute Profit Maximizing ''APM''
    firms as may be involved
''in the transitions. The equilibria
    automatically convert to
''APM equilibria if one or both RPH firms
    exits the industry.
''The program uses three different speeds
    (speed=1,2,3) for the transition.
''Probability files are outputted for the one
    starting point
''(msfirms=2), and each transition speed
    (speed=1,2,3).
'' This program is similar to
    ''MS2ProbA.bas'',
''since it computes probabilites associated
    with each scenario,
''for a total of 11 transition periods.
''This program differs from ''MS2ProbA.bas'',
''because it assigns probabilities for equilibria
    consisting
''of both RPM and APM firms, rather than
    APM firms only.
''This program is more complex than
    ''MS2ProbA.bas''
''because it must simultaneously track the
    rankings
''of two Microsoft-successor firms
    simultaneously.
'' This program calculates transition
    probabilities
''where Microsoft starts as two firms, and
    simultaneously
''tracks the outcomes and rankings for both
    firms.
'' The parameters controlling the transition
    speed
''(pvmax in submodule InitProb10) are
    supplied by the user.
''The program reads in 35 possible cost
    structures
''for the industry, each with 3 firms.
''The program assigns probabilities for each
    scenario,
''and also tracks whether Microsoft #1 is
    ranked as
''firm 1, 2, or 3, or is firm 0 (with zero market
    share).
```

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```
''Likewise, the program tracks whether
    Microsoft #2 is
''ranked as firm 1, 2, or 3, or is firm 0.
DEFDBL A-Z
DIM pvtot(35, 15), prob1t(35, 15), prob2r(35,
    15)
DIM diff(3, 3), iwgt(35), cost(35, 3)
''CONTROL MODULE
CLS
timex = TIMER
''This section calls the main module 3 times.
''This control module chooses speed for cost
    shifts:
''speed = 1 ''Slow speed for cost shifts.
''speed = 2 ''Moderate speed for cost shifts.
''speed = 3 ''High speed for cost shifts.
FOR speed = 1 TO 3
GOSUB MAINMODULE:
NEXT speed
PRINT TIMER—timex
END
MAINMODULE:
IF speed = 1 THEN pvmax = 1.5 ''Slow speed
    for cost shifts.
IF speed = 2 THEN pvmax = 2.5 ''Moderate
    speed for cost shifts.
IF speed = 3 THEN pvmax = 4.5 ''High speed
    for cost shifts.
GOSUB FILENAMES: ''Assign file names to
    input/output files.
GOSUB SCENREAD: ''Read in scenario costs.
GOSUB ORDERREAD: ''Read in ordering list.
GOSUB ORDERRPMREAD: ''Read in
    orderRPM list.
GOSUB READIWGT: ''Read in values for
    transition weights.
PRINT ''Computing transitions from MS=2
    RPM firms:''
msfirms = 2
iter = 0
GOSUB INITIALIZER: ''Microsoft split into 2
    RPM firms.
iter = 1
GOSUB TRANSITOR:
GOSUB PRINTPROBR:
FOR iter = 2 TO 10
GOSUB TRANSFERPROBR:
GOSUB TRANSITIR:
GOSUB PRINTPROBR:
```

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```
NEXT iter
CLOSE #2, #3
CLOSE
RETURN
''***** END OF MAIN MODULE *****
FILENAMES:
costs = ''c:\basic\ms—sim\costlist.txt'' ''Input
    scenario costs
orders = ''c:\basic\ms—sim\ordering.txt''
    ''Input firm re-orderings
orderrpm$ = ''c:\basic\ms—sim\orderrpm.txt''
    ''Input RPM firm-pair
re-orderings
prob0$ = ''c:\basic\ms—sim\out\prob00.txt''
```

```
    ''Input 2 RPM firms I- weight probs
probr$ = ''c:\basic\ms—sim\out\probr0.txt''
    ''Output 2 RPM firms
transition probs
IF speed = 1 THEN sp$ = ''1''
IF speed = 2 THEN sp$ = ''2''
IF speed = 3 THEN sp$ = ''3''
replaces = sp$ MID$(prob0$, 26, 1) = replaces
MID$(probr$, 26, 1) = replaces
RETURN
''***** END OF FileNames SUBMODULE
    *****
READIWGT:
''This submodule reads in the transition
    weights (iwgt)
'' previously computed by the
    ''MS2ProbA.bas'' program.
OPEN prob0$ FOR INPUT AS #1
LINE INPUT #1, temps
FOR scen = 1 TO 35
INPUT #1, iter2, scen2, iwgt0, prob1scen,
    prob2scen,
iwgt(scen)
IF scen2 <> scen THEN PRINT ''Scenario
    mismatch:''; scen; scen2
NEXT scen
CLOSE #1
RETURN
''***** END OF ReadIwgt SUBMODULE
    *****
INITIALIZER:
''Submodule to initialize Microsoft split into
    2 RPM firms.
```

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```
GOSUB INITPROB1R:
OPEN probr$ FOR OUTPUT AS #2
GOSUB PRINTPROBOR:
RETURN
''***** END OF InitializeR SUBMODULE
    *****
INITPROB1R:
''This submodule sets the prob1r variables to
    zero,
'' and then sets initial values for non-zero
    prob1.
FOR scen1 = 0 TO 35
FOR pair1 = 0 TO 15
prob1r(scen1, pair1) = 0
NEXT pair1
NEXT scen1
''This section sets initial scenario to
''Microsoft is split into two RPM firms,
'' Scenario 6, Cost levels 3(MS-1), 4(MS-2),
    5(comp).
scen0 = 6
firm1 = 1
firm2 = 2
pair = firm1 * 4 + firm2
prob1r(0, pair) = 1
FOR firm = 1 TO 3
cost(0, firm) = cost(scen0, firm)
NEXT firm
RETURN
''***** END OF InitProb12 SUBMODULE
    *****
SCENREAD:
''This submodule reads in the scenario costs
    list.
OPEN costs FOR INPUT AS #1
LINE INPUT #1, dummy$
''cost(s,f) = marginal cost of firm f in scenario
    s.
''finprob = final probability assumed for
    scenario s.
''wgt = number of permutations of scenario
    s.
FOR scen= 1 TO 35
INPUT #1, scen2, L1, L2, L3, L4, L5, wgt,
    finprob
IF scen <> scen2 THEN PRINT ''Scenario
    mismatch'', scen, scen2
INPUT #1, c1, c2, c3
FOR firm = 1 TO 3
INPUT #1, ctemp
cost(scen, firm) = ctemp / 60#
```

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```
NEXT firm
NEXT scen
CLOSE #1
RETURN
''***** END OF SCENREAD SUBMODULE
    *****
ORDERREAD:
''This Submodule reads in the ordering list,
''which is a list of 6 permutations by which
    firms 1–3
'' may become firms 1–3 in the same or a
    different order.
OPEN orders FOR INPUT AS #1
LINE INPUT #1, dummy$
''ordnum = number of ordering.
''order(o,f) = ordering number o for firm f,
''the firm number which firm f becomes in
    ordering o.
DIM order(6, 3)
FOR ordnum = 1 TO 6
INPUT #1, ordnum2
IF ordnum <> ordnum2 THEN PRINT ''Order
    Number mismatch'',
ordnum, ordnum2
FOR firm = 1 TO 3
INPUT #1, order(ordnum, firm)
NEXT firm
NEXT ordnum
CLOSE #1
RETURN
''***** END OF OrderRead SUBMODULE
    *****
ORDERRPMREAD:
This Submodule reads in the orderRPM list,
    which is a list of 6 permutations by
    which firms 1–3 may become firms 1–3
    in the same or a different order.
The orderRPM list simultaneously tracks the
    cost rankings of two RPM firms.
OPEN orderrpm$ FOR INPUT AS #1
LINE INPUT #1, dummy$
ordnum = number of ordering.
orderrpm(o,f) = ordering number o for pair of
    firms p,
the firm-pair number to which the firm-pair
    p
becomes in ordering o.
p is firm-pair where p=4*firm1+firm2.
Firm1 and firm2 take on values (0, 1, 2, 3).
```

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```
DIM orderrpm(6, 15)
FOR ordnum = 1 TO 6
INPUT #1, ordnum2
IF ordnum <> ordnum2 THEN PRINT ''Order
    Number mismatch'',
ordnum, ordnum2
FOR pair—0 TO 15
INPUT #1, orderrpm(ordnum, pair)
NEXT pair
NEXT ordnum
CLOSE #1
RETURN
''***** END OF OrderRPMread
    SUBMODULE *****
TRANSITOR:
This submodule controls the initial
    transitions.
Transitions are from scenario zero (scen1)
to the other possible scenarios (scen2).
GOSUB INITPROB2R: ''Initialize prob2
    variables.
PRINT speed; iter; ''*'';
scen1 = 0
PRINT ''.'';
FOR pair1 = 0 TO 15
iprob = prob1r (ecen1, pair1)
IF iprob = 0 THEN 10
FOR scen2 = 1 TO 35
GOSUB PVADDR:
NEXT scen2
GOSUB PVADJUSTR:
10 NEXT pair1
GOSUB MSEXITSR:
PRINT
RETURN
***** END OF Transit0R SUBMODULE
    *****
TRANSIT1R:
This submodule controls the subsequent
    transitions.
Transitions are from any scenario (scen1)
to any same or different scenario (scen2).
GOSUB INITPROB2R: ''Initialize prob2
    variables.
PRINT speed; iter; ''*'';
FOR scen1 = 1 TO 35
PRINT ''.'';
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FOR pair1 = 0 TO 15
iprob = prob1r(scen1, pair1)
IF iprob = 0 THEN 11
FOR scen2 = 1 TO 35
GOSUB PVADDR:
NEXT scen2
GOSUB PVADJUSTR:
11 NEXT pair1
NEXT scen1
GOSUB MSEXITSR;
PRINT
RETURN
***** END OF Transit1R SUBMODULE
    *****
INITPROB2R:
This submodule of TRANSIT sets the prob2r
    variables to zero.
FOR scen2 = 0 TO 35
FOR pair2 = 0 TO 15
prob2r(scen2, pair2) = 0
NEXT pair2
NEXT scen2
RETURN
***** END OF InitProb2R SUBMODULE
    *****
PVADDR:
This submodule initializes the variables in
    preparation
for submodule PVADD3R,
which adds up point values (pv) for
    transition
from a single scenario (scen1) and firm pair
    (pair1)
to a single scenario (scen2) and multiple
```

```
    pairs (pair2).
pvtot(s,p) = point value for probability of
    transition
from current scenario and current MS firm
    pair
to scenario s and to MS firm pair p.
FOR firm1 = 1 TO 3
FOR firm2 = 1 TO 3
diff(firm1, firm2) = ABS(cost(scen1, firm1)—
    cost(scen2,
firm2) )
NEXT firm2
NEXT firm1
FOR pair2 = 0 TO 15
pvtot(scen2, pair2) = 0
```

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```
NEXT pair2
sprob = iwgt(scen2)
sprob3 = sprob / 6#
GOSUB PVADD3R:
RETURN
***** END OF PVaddR SUBMODULE *****
PVADD3 R:
This submodule of PVADDR adds up point
    values for transition from a single
    scenario (seen1) and firm pair (pair1) to
    a single scenario (scen2) and multiple
    firm pairs (pair2).
FOR o = 1 TO 6
o1 = order(o, 1)
o2 = order(o, 2)
o3 = order(o, 3)
pv = 1
pvtemp = pvmax—diff(1, o1)
IF pvtemp < 0 THEN pvtemp = 0
pv = pv * pvtemp
pvtemp = pvmax—diff(2, o2)
IF pvtemp < 0 THEN pvtemp = 0
pv = pv * pvtemp
pvtemp = pvmax—diff(3, o3)
IF pvtemp < 0 THEN pvtemp = 0
pv = pv * pvtemp
orpm = orderrpm(o, pair1)
pvtot(scen2, orpm) = pvtot(scen2, orpm) + pv
    * iprob * sprob3
NEXT o
RETURN
***** END OF PVadd3R SUBMODULE
    *****
PVADJUSTR:
This module adjusts computed point values
    (pv) to reflect true probability measures
    (prob2).
pvtotal = 0
FOR scen = 1 TO 35
FOR pair2 = 0 TO 15
pvtotal = pvtotal + pvtot(scen, pair2)
NEXT pair2
EXT scen
```

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```
ratio = 0
20 IF pvtotal = 0 THEN 21
ratio = prob1r(scen1, pair1) / pvtotal
21 REM
FOR scen= 1 TO 35
FOR pair2 = 0 TO 15
probtemp = pvtot(scen, pair2) * ratio
prob2r(scen, pair2) = prob2r(scen, pair2) +
    probtemp
NEXT pair2
NEXT scen
RETURN
***** END OF PVadjustR SUBMODULE
    *****
MSEXITSR:
This submodule determines which
    prob2r(s,f) and cost(s,f) numbers imply
    exiting the industry for Microsoft or a
    Microsoft successor.
Where this occurs for firm1>0 (MS #1 still in
    market) or for firm2>0 (MS #2 still in
    market), the probability values are
    transferred respectively to firm1=0
    (Microsoft #1 not in market) or to
    firm2=0 (Microsoft #2 not in market).
The criterion for exit is that the firm in
    question has very high short-run costs.
FOR scen = 1 TO 35
FOR firm1 = 1 TO 3
FOR firm2 = 0 TO 3
pair = firm1 * 4 + firm2
IF cost(scen, firm1) > 4.999 THEN
pair0 = firm2'firm1=0
prob2r(scen, pair0) = prob2r(scen, pair0) +
    prob2r(scen,
pair)
prob2r(scen, pair) = 0
END IF
NEXT firm2
NEXT firm1
FOR firm1 = 0 TO 3
FOR firm2 = 1 TO 3
pair = firm1 * 4 + firm2
IF cost(scen, firm2) > 4.999 THEN
pair0 = firm1 * 4 ''firm2=0
```

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```
prob2r(scen, pair0) = prob2r(scen, pair0) +
    prob2r(scen, pair)
prob2r(scen, pair) = 0
END IF
NEXT firm2
NEXT firm1
NEXT scen
RETURN
***** END OF MSexitsR SUBMODULE
    *****
PRINTPROB0R:
This submodule prints the probabilities for
    each firm-pair number for scenario zero.
PRINT #2, ''Iter ''; ''Scen ''; ''Firm '';
PRINT #2, ''Prob(firm0) ''; ''Prob(firm1) '';
    ''Prob(firm2) '';
PRINT #2, ''Prob(firm3) ''
seen = 0
FOR firm1 m 0 TO 3
PRINT #2, USING ''#####''; iter; scen0; firm1;
FOR firm2 = 0 TO 3
pair = 4 * firm1 + firm2
PRINT #2, USING
''##.############''; prob1r(scen, pair);
NEXT firm2
PRINT #2,
NEXT firm1
RETURN
***** END OF PrintProb0 SUBMODULE
    *****
PRINTPROBR:
This submodule prints the probabilities for
    each MS firm-pair number for each
    subsequent scenario.
FOR scen= 1 TO 35
FOR firm1 = 0 TO 3
PRINT #2, USING ''#####''; iter; scen; firm1;
FOR firm2 = 0 TO 3
pair = 4 * firm1 + firm2
PRINT #2, USING ###.############'';
    prob2r(scen, pair);
NEXT firm2
PRINT #2,
NEXT firm1
```

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```
NEXT scen
RETURN
***** END OF PrintProb SUBMODULE
    *****
TRANSFERPROBR:
This submodule transfers the prob2 values to
    prob1, so that the next transition
    iteration can proceed.
FOR scen = 0 TO 35
FOR pair = 0 TO 15
prob1r(scen, pair) = prob2r(scen, pair)
NEXT pair
NEXT scen
RETURN
***** END OF TransferProbR SUBMODULE
    *****
**********END OF Program
    ''MS3ProbR.bas''.**********
```

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```
Attachment O.
BASIC Program ''MS4TranA.bas''.
Program Number 4 in a series of six programs
    designed to simulate alternative antitrust
    remedies for the Microsoft software
    industry.
Copyright, January 23, 2002, Carl Lundgren.
This program, ''MS4TranA.bas'', uses the
    probability data computed by
    ''MS2ProbA.bas'' to compute Consumer
    Surplus and Profits for both Microsoft
    and Microsoft's competitors.
In transition period zero (iter=0), Microsoft
    (and its successor firms after divestiture)
    are assumed to have no competitors.
In subsequent transition periods (iter=1 to
    10), Microsoft has (potentially) one or
    more competitors.
This program only calculates Absolute Profit
    Maximizing (''APM'') equilibria.
The program uses the computed probabilities
    for each scenario that was previously
    outputted by the ''MS2ProbA.bas''
    program as various ''PROB....txt'' files.
This program outputs as ''TRAN....txt'' files
    the computed transition factors for
    several alternative timepaths for the
    software industry, under several
    alternative assumptions.
These transition factors are computed as a
    fraction of the revenues which Microsoft
    would earn if it remained a monopoly.
    The assumptions for the transitions are:
(Tran1) Strong conduct remedy & Lawful
    Path: Microsoft is not broken up, but
    competitive conditions start in transition
    period zero. A companion program,
    ''MS6Summ.bas'', uses the transition
    factors to compute the lawful path
    (starting in 1995) and a conduct remedy
    (starting in 2002).
Tran2-Tran3) APM Structural remedies:
    Microsoft is broken up into two or three
    competing APM firms, beginning in
    transition period zero. The companion
    program uses these transition factors to
    compute the effects of structural
    remedies starting in 2005.
```

The 225 outputted transition (TRAN....txt) files are computed for three speeds of transition (speed=1,2,3),

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five cost ratios for short-run cost (cratio=1,2,3,4,5), five assumptions concerning the portion of long-run costs allocated to fixed costs (port=0,1,2,3,4), and three starting points (msfirms=1,2,3).

```
DEFDBL A-Z
DIM proh1(35, 3), herf(35), mshare(35, 3), pnum(35)
DIM quant(35, 3), cost(35, 3), pv(35, 3), price(35)
DIM pims(35, 3), picomp(35, 3)
CONTROL MODULE
CLS
timex = TIMER
GOSUB SCENREAD:
```

This section calls the main module 225 times.

```
This control module chooses market tendency:
cratio=1 Ratio for low/high short-run cost is 0.2500 (1/4.0).
cratio=2 Ratio for low/high short-run cost is 0.3333 (1/3.0).
cratio=3 Ratio for low/high short-run cost is 0.4000 (1/2.5).
cratio=4 Ratio for low/high short-run cost is 0.5000 (1/2.0).
cratio=5 Ratio for low/high short-run cost is 0.6667 (1/1.5).
This control module chooses speed for market share shifts:
speed = 1 Slow speed for market share shifts.
speed = 2 Moderate speed for market share shifts.
speed = 3 High speed for market share shifts.
This control module chooses # of msfirms at iteration zero.
msfirms = 1 Microsoft starts as a monopoly.
msfirms = 2 Microsoft split into 2 APM firms.
msfirms = 3 Microsoft split into 3 APM firms.
This control module chooses proportion of long-run cost which is assumed to be a fixed cost.
port = 0 Fixed cost is 0% of long-run cost.
port = 1 Fixed cost is 25% of long-run cost.
port = 2 Fixed cost is 50% of long-run cost.
port = 3 Fixed cost is 75% of long-run cost.
port = 4 Fixed cost is 100% of long-run cost.
```

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```
FOR cratio = 1 TO 5
FOR speed = 1 TO 3
FOR port = 0 TO 4
FOR msfirms = 1 TO 3
GOSUB MAINMODULE:
NEXT msfirms
NEXT port
NEXT speed
NEXT cratio
PRINT TIMER—timex
END
MAINMODULE:
GOSUB FILENAMES: ''Assign file names to input/output files.
GOSUB INITIALIZE:
FOR iter = 1 TO 10
GOSUB PROBREAD:
GOSUB PRINTTRAN:
NEXT iter
CLOSE
RETURN
***** END OF MAIN MODULE *****
FILENAMES:
prob$ = ''c:\basic\ms—sim\out\prob00.txt'' ''Input transition probabilities
trans = ''c:\basic\ms—sim\out\tran0000.txt'' ''Output transition factors
IF cratio = 1 THEN crt$ = ''1''
IF cratio = 2 THEN crt$ = ''2''
IF cratio = 3 THEN crt$ = ''3''
IF cratio = 4 THEN crt$ = ''4''
IF cratio = 5 THEN crt$ = ''5''
IF speed = 1 THEN sp$ = ''1''
IF speed = 2 THEN sp$ = ''2''
IF speed = 3 THEN sp$ = ''3''
IF msfirms = 1 THEN msf$ = ''1''
IF msfirms = 2 THEN msf$ = ''2''
IF msfirms = 3 THEN msf$ = ''3''
IF port = 0 THEN prt$ = ''0''
IF port = 1 THEN prt$ = ''1''
```

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```
IF port = 2 THEN prt$ = ''2''
IF port = 3 THEN prt$ = ''3''
IF port = 4 THEN prt$ = ''4''
replacep$ = msf$ + sp$
replacet$ = msf$ +crt$ + sp$ + prt$
MID$(prob$, 25, 2) = replacep$
MID$(tran$, 25, 4) = replacet$
PRINT replacet$; '''';
RETURN
***** END OF FileNames SUBMODULE *****
INITIALIZE:
```

Submodule to perform various initialization tasks.

```
OPEN prob$ FOR INPUT AS #2
OPEN trans FOR OUTPUT AS #3
GOSUB ZEROPROB:
GOSUB PROBREAD0:
GOSUB SCENREAD: ''Read scenario list.
GOSUB COSTCOMPUTE: ''Compute costs.
GOSUB PQZERO: ''Iteration 0 prices, quantities, profits & Consumer Surplus.
GOSUB PQCOMPUTE: ''Compute prices, quantities, profits & Consumer Surplus.
GOSUB HHI: ''Compute HHI and market shares.
GOSUB PROFITS: ''Assign profits to MS and competitors.
GOSUB PRINTTRAN0: ''Print transition files.
RETURN
***** END OF Initialize SUBMODULE *****
ZEROPROB:
```

This submodule sets the prob1(0, .) and mshare(0, .) variable values to zero.

```
FOR firm1 = 0 TO 3
prob1(0, firm1) = 0
NEXT firm1
RETURN
***** END OF ZEROPROB SUBMODULE *****
SCENREAD:
```

This submodule reads in the scenario costs list.

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```
costs = ''c:\basic\ms—sim\costlist.txt'' ''Input scenario costs
OPEN costs FOR INPUT AS #1
LINE INPUT #1, dummy$
cost(s,f) = short-run marginal cost of firm f in scenario s.
finprob(s) = final probability assumed for scenario s.
wgt(scen) = number of permutations of scenario s.
FOR scen = 1 TO 35
INPUT #1, scen2, L1, L2, L3, L4, L5, wgt, finprob
IF scen <> scen2 THEN PRINT ''Scenario mismatch'', scen, scen2
INPUT #1, c1, c2, c3
FOR firm = 1 TO 3
INPUT #1, pv(scen, firm)
NEXT firm
NEXT scen
CLOSE #1
RETURN
***** END OF SCENREAD SUBMODULE *****
COSTCOMPUTE:
```

Submodule to compute short-run costs, long-run costs, and assumed elasticity of demand.

This section computes parameters for long-run costs under the assumption that each firm has the same long-run cost function.

Assume that one portion of Microsoft's long-run cost (LRC) is a long-run fixed cost (FC), while the other portion is a long-run variable cost (VC), which is proportional to output.

```
1rc = .1855 ''computed as MS long-run cost divided by MS monopoly revenue.
IF port = 0 THEN portion = 01!
IF port = 1 THEN portion = .25
IF port = 2 THEN portion = .5
IF port = 3 THEN portion = .75
IF port = 4 THEN portion = 1!
fc = 1rc * portion
vc = 1rc * (1—portion)
```

This section computes elasticity of demand (Elas) at monopoly profit maximum, as a function of marginal cost, which is composed of short-run marginal cost (SRC)

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```
plus long-run variable cost (VC).
src = .4101 ''computed as MS short-run cost divided by MS monopoly revenue.
mc= src + vc
elas = 1/(mc—1)
elasminus = elas—1
elasplus = elas + 1
A = elasminus / elas ''Intercept of linear demand curve with price axis.
b = -1/elas ''Slope of linear demand curve.
cbase = src ''Base level of short-run marginal cost (cost level 2).
logcbase = LOG(cbase / (A—vc—cbase)) ''Chase converted to log-ratios.
```

This section computes short-run costs and marginal costs for a given cost spread.

```
IF cratio = 1 THEN cspread = .950980935#
IF cratio = 2 THEN cspread = .748669813#
IF cratio = 3 THEN cspread = .622288438#
IF cratio = 4 THEN cspread = .469161475#
IF cratio = 5 THEN cspread = .273626703#
FOR scen = 1 TO 35
FOR firm = 1 TO 3
pvtemp = (pv(scen, firm)—180) / 120
logpv = logcbase + pvtemp * cspread
pvratio = EXP(logpv)
```

```
cost(scen, firm) = vc + (A—vc) * pvratio / (1
    + pvratio)
NEXT firm
NEXT scen
RETURN
***** END OF CostCompute SUBMODULE
    *****
PQZERO:
Submodule to compute prices, quantities,
    profits, and consumer surplus for
    selected scenarios, for iteration zero,
    where 1, 2, or 3 Microsoft APM firms are
    assumed initially to have no competitors.
Pi(s,f) is long-run profit for firm f within
    scenario s.
CS(s) is Consumer Surplus parameter for
    scenario s.
DIM cs(35), pi(35, 3)
num = msfirms
```

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```
costsum = 0
FOR firm = 1 TO num
cost(0, firm) = cost(scen0, firm)
costsum = costsum + cost(0, firm)
NEXT firm
price = (A + costsum) /(num + 1)
qtot = 0
FOR firm = 1 TO num
qtemp = (price—cost(0, firm)) / b
qtot = qtot + qtemp
quant(0, firm) = qtemp
pitemp = (price—cost(0, firm)) * qtemp
pitemp = pitemp—fc
pi(0, firm) = pitemp
NEXT firm
FOR firm = num + 1 TO 3
quant(0, firm) = 0
pi(0, firm) = 0
NEXT firm
cs(0) = qtot * (A—price) / 2
pdummy = 1 ''Is last firm producing?
IF quant(0, num)< 0 THEN pdummy = 0
IF pi(0, num) < 0 THEN pdummy = 0
IF pdummy = 0 THEN scen = 0
IF msfirms = 3 THEN GOSUB PQSUB2:
IF msfirms = 2 THEN GOSUB PQSUB1:
IF msfirms = 1 THEN GOSUB PQSUB0:
END IF
price(0) = price
pnum(0) = num
RETURN
***** END OF PQzero SUBMODULE *****
PQCOMPUTE:
Submodule to compute prices, quantities,
    profits, and consumer surplus for each
    scenario.
Pi(s,f) is long-run profit for firm f within
    scenario s.
CS(s) is Consumer Surplus parameter for
    scenario s.
FOR scen = 1 TO 35
num = 3
costsum = 0
```

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```
FOR firm = 1 TO num
costsum = costsum + cost(scen, firm)
NEXT firm
price = (A + costsum) /(num + 1)
qtot = 0
FOR firm = 1 TO num
qtemp = (price—cost(seen, firm)) / b
qtot = qtot + qtemp
quant(scen, firm) = qtemp
pitemp = (price—cost(scen, firm)) * qtemp
pitemp = pitemp—fc
pi(scen, firm) = pitemp
NEXT firm
cs(scen) = qtot * (A—price) / 2
pdummy = 1 ''Is last firm producing?
IF quant(scen, num) < 0 THEN pdummy = 0
IF pi(scen, num) < 0 THEN pdummy = 0
IF pdummy = 0 THEN GOSUB PQSUB2:
price(scen) = price
pnum(scen) = num
NEXT scen
RETURN
***** END OF PQcompute SUBMODULE
    *****
PQSUB2:
Submodule of PQcompute/PQsub4/PQsub3
    submodule, to compute prices and
    quantities when fewer than 3 firms are
    producing.
num = 2
quant(scen, num + 1) = 0
pi(scen, num + 1) = 0
costsum = 0
FOR firm = 1 TO num
costsum = costsum + cost(scen, firm)
NEXT firm
price = (A + costsum) /(num + 1)
qtot = 0
FOR firm = 1 TO num
qtemp = (price cost(scen, firm)) / b
qtot = qtot + qtemp
quant(scen, firm) = qtemp
pitemp = (price—cost(scen, firm)) * qtemp
```

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```
pitemp = pitemp—fc
pi(scen, firm) = pitemp
NEXT firm
cs(scen) = qtot * (A—price) / 2
pdummy = 1 ''Is last firm producing?
IF quant(scen, num) < 0 THEN pdummy = 0
IF pi (scen, num) < 0 THEN pdummy = 0
IF pdummy = 0 THEN GOSUB PQSUB1:
RETURN
.***** END OF PQsub2SUEMODULE *****
PQSUB1:
''Submodule of PQcompute/PQsub4/PQsub3/
    PQsub2 submodule, ''to compute prices
    and quantities '' when fewer than 2 firms
    are producing.
num = 1
quant(scen, hum + 1) = 0
pi(scen, hum + 1) = 0
costsum = 0
FOR firm = 1 TO num
costsum = costsum + cost(scen, firm)
NEXT firm
price = (A + costsum) / (hum + 1)
qtot = 0
FOR firm = 1 TO num
qtemp = (price- cost(scen, firm)) / b
qtot = qtot + qtemp
quant(scen, firm) = qtemp
pitemp = (price—cost(scen, firm) ) * qtemp
pitemp = pitemp fc
pi (scen, firm) = pitemp
NEXT firm
cs(scen) = qtot * (A—price) / 2
pdummy = I ''Is last firm producing?
IF quant(scen, num)< 0 THEN pdummy = 0
IF pi(scen, num)< 0 THEN pdummy = 0
IF pdummy = 0 THEN GOSUB PQSUB0:
RETURN
''***** END OF PQsub1 SUBMODULE
    *****
PQSUB0:
```

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```
''Submodule of PQcompute/PQsub4,3,2,1
    submodules, '' to compute prices and
    quantities '' when no firms are
    producing.
num = 0
quant(scen, hum + 1) = 0
pi(scen, hum + 1) = 0
price = A
cs (scen) = 0
RETURN
''***** END OF PQsub0 SUBMODULE
    *****
HHI:
''Submodule to compute Herfindahl-
    Herschmann Indices ''for each given cost
    spread.
FOR scen = 0 TO 35 qtot = 0
FOR firm = 1 TO 3
qtot = qtot + quant(scen, firm)
NEXT firm
IF qtot = 0 THEN
HHI = 10000
mshare(scen, 1) = 1
mshare(scen, 2) = 0
mshare(scen, 3) = 0
GOTO 333
END IF
HHI = 0
FOR firm = 1 TO 3
mtemp = quant(scen, firm) / qtot
mshare(scen, firm) = mtemp
HHI = HHI + mtemp * mtemp * 10000
NEXT firm
herf(scen) = HHI
333 NEXT scen
RETURN
''***** END OF HHI SUBMODULE *****
PROFITS:
''This submodule assigns the previously
    computed '' long-run business profits for
    each firm '' to Microsoft and Microsoft's
    competitors.
```

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```
''PiMS(s,f) = Microsoft's profit in scenario s,
    ''assuming that Microsoft is firm f.
''PiComp(s,f) = Competitors'' profits in
    scenario s, ''assuming that Microsoft is
    firm f.
''If f=0, Microsoft has zero market share.
FOR scen = 0 TO 35
pitot = 0
FOR firm = 1 TO 3
pitot = pitot + pi(scen, firm)
NEXT firm
pims(scen, 0) = 0
picomp(scen, 0) = pitot
FOR firm = 1 TO 3
pitemp = pi (scen, firm)
pitemp = pitemp * msfirms
pins(scen, firm) = pitemp
picomp(scen, firm) = pitot pitemp
NEXT firm
NEXT scen
''Microsoft profit (pitemp) is multiplied by
    the number of Microsoft firms.
''When MSfirms=1, all profit calculations are
    accurate. ''When MSfirms=2 or 3, pims
    is accurate, but picomp is not accurate
```

for ''particular scenario/firm #, because this APM program ''does not simultaneously track more than one Microsoft firm.
''However, probability-weighted averages over all firm #s ''for a given scenario are an accurate average for both pims and picomp.
RETURN
''***** END OF PROFITS SUBMODULE *****
PRINTTRAN0:
''This submodule prints the transition factors for iteration zero, including average consumer surplus, average profits for Microsoft and its competitors, average market share for Microsoft, the industry-wide Herfindahl-Hershman Index (HHI), and the average number of main firms in the industry.
''These transition factors must be multiplied by Microsoft's ''annual monopoly revenues to determine dollar values.
cstot = 0

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pimstot = 0
picomptot = 0
mktshare = 0
herfindahl = 0
firmnum = 0
scen = 0 ''Choose scen=scen0 to assume competitors in period 0.
FOR firm = 0 TO 3
tempprob = prob1 (0, firm)
cstot = cstot + cs(scen) * tempprob
pimstot = pimstot + pims(scen, firm) * tempprob
picomptot = picomptot + picomp(scen, firm) * tempprob
mktshare = mktshare + mshare(scen, firm) * tempprob
herfindahl = herfindahl + herf(scen) * tempprob
firmnum = firmnum + pnum(scen) * tempprob
NEXT firm
PRINT #3, ''Iter'';
PRINT #3, ''ConsumerSurpls '';
PRINT #3, ''Profit (MS) '';
PRINT #3, ''Profit(comp) '';
PRINT #3, ''MktShare(1-MS)'';
PRINT #3, ''MktShare (n-MS) '';
PRINT #3, ''Herfindahl '';
PRINT #3, ''# firms
PRINT #3, USING ''###''; 0;
PRINT #3, USING ''###.############,,; cstot; pimstot; picomptot;
PRINT #3, USING ''####.##########,,; mktshare * 100; msfirms *
mktshare * 100;
PRINT #3, USING ''######.########.; herfindahl;
PRINT #3, USING ''##.############.; firmnum
RETURN
''***** END OF PRINTTRAN0 SUBMODULE *****
PRINTTRAN:
This submodule prints the transition factors for each subsequent iteration, including average consumer surplus, average profits for Microsoft and its competitors, average market share for Microsoft, the industry-wide Herfindahl-Hershman Index (HHI), and the average number of main firms in the industry.
These transition factors must be multiplied by Microsoft's annual monopoly revenues to determine dollar values.
cstot = 0

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pimstot = 0
picomptot = 0
mktshare = 0
herfindahl = 0
firmnum = 0
FOR scen = 1 TO 35
FOR firm = 0 TO 3
tempprob = prob1(scen, firm)
cstot = cstot + cs(scen) * tempprob
pimstot = pimstot + pims(scen, firm) * tempprob
picomptot = picomptot + picomp(scen, firm) * tempprob
mktshare = mktshare + mshare(scen, firm) * tempprob
herfindahl = herfindahl + herf(scen) * tempprob
firmnum = firmnum + pnum(scen) * tempprob
NEXT firm
NEXT scen
PRINT #3, USING ''###,,; iter;
PRINT #3, USING ''###.############,,; cstot; pimstot; picomptot;
PRINT #3, USING ''####.##########,,; mktshare * 100; msfirms *
mktshare * 100;
PRINT #3, USING ''######.########,,; herfindahl;
PRINT #3, USING ,,##.############,,; firmnum
RETURN
''***** END OF PRINTTRAN SUBMODULE *****
PROBREAD0:
''Submodule to read iteration 0 transition probabilities.
LINE INPUT #2, temps
INPUT #2, iter2, scen0
IF 0 <> iter2 THEN PRINT ''Iteration 0 mismatch:,; 0, iter2
FOR firm = 0 TO 3
INPUT #2, prob1(0, firm)
NEXT firm
RETURN
''***** END OF PROBREAD0 SUBMODULE *****
PROBREAD:
''Submodule to read subsequent iteration transition probabilities
FOR scen = I TO 35
INPUT #2, iter2, scen2
IF iter <> iter2 THEN PRINT ''Iteration S mismatch:,,; iter,

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iter2
IF scen <> scen2 THEN PRINT ''Scenario S mismatch:,; scen;
scen2
FOR firm = 0 TO 3
INPUT #2, prob1(scen, firm)
NEXT firm
NEXT scen
RETURN
''***** END OF PROBREAD SUBMODULE *****
''**********END OF Program ''MS4TranA.bas,,.**********

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Attachment P.

''BASIC Program ''MS5TranR.bas''. ''Program Number 5 in a series of six programs ''designed to simulate alternative antitrust ''remedies for the Microsoft software industry.
''Copyright, January 23, 2002, Carl Lundgren.
'' This program, ''MS5TranR.bas'', uses the probability data ''computed by ''MS3ProbR.bas'' to compute Consumer Surplus and ''Profits for both Microsoft and Microsoft's competitors.
''In transition period zero (iter=0), Microsoft (and its ''successor firms after divestiture) are assumed to have no competitors.
''In subsequent transition periods (iter=1 to 10), ''Microsoft has (potentially) one or more competitors.
''This program calculates both Relative Profit Maximizing (''RPM'') ''and Absolute Profit Maximizing (''APM'') equilibria.
'' The program uses the computed probabilities for each ''scenario that was previously outputted by the ''''MS3ProbR.bas'' program as various ''PROB .... txt'' files.
'' This program outputs as ''TRPM .... txt'' files the ''computed transition factors for several alternative timepaths ''for the software industry, under several alternative assumptions.
''These transition factors are computed as a fraction ''of the revenues which Microsoft would earn if it remained ''a monopoly.
'' This program computes transition factors ''for alternative timepaths for the software industry, ''under the assumption that Microsoft is split into two firms, ''and these two firms adopt relative profit maximizing (RPM) ''incentives in either a pure or impure form.
''The goal functions for the two RPM firms are:
Goal1 = Profit1—z * Profit2
Goal2 = Profit2 z * Profit1
''All other (non-Microsoft, competitor) firms are assumed ''to have absolute profit maximizing (APM) incentives.
''The assumed values for z in the transitions are:
'' TRPM0) The value of z=0.0 ''Same as Absolute Profit

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Maximizing (APM).
TRPM1) The value of z=0.1 ''10% RPM, 90% APM.
TRPM2) The value of z=0.2 ''20% RPM, 80% APM.
TRPM3) The value of z=0.3 ''30% RPM, 70% APM.
TRPM4) The value of z=0.4 ''40% RPM, 60% APM.
TRPM5) The value of z=0.5 ''50% RPM, 50% APM.

```
TRPM6) The value of z=0.6 ''60% RPM, 40% APM.
TRPM7) The value of z=0.7 ''70% RPM, 30% APM.
TRPM8) The value of z=0.8 ''80% RPM, 20% APM.
TRPM9) The value of z=0.9 ''90% RPM, 10% APM.
This program differs from the MS4TranA.bas program in that it considers only two successor firms for Microsoft, and simultaneously tracks the rankings of both firms.
The 750 outputted transition (TRPM .... txt) files are computed for three speeds of transition (speed=l,2,3), five cost ratios for short-run cost (cratio=l,2,3,4,5), five assumptions concerning the portion of long-run costs allocated to fixed costs (port=0,1,2,3,4), ten different values of z
(z = 0.0, 0.1, 0.2, 0.3, 0.4, 0.5, 0.6, 0.7, 0.8, 0.9).
''The starting point for the transitions in this program ''always has Microsoft divided into two RPM firms (msfirms=2). ''An additional feature of the program allows the value of z to ''change in response to circumstances. If zbump=0.0, then z is fixed, ''and does not change in response to circumstances. If zbump > 0, ''then z changes in response to circumstances. In the program, ''z responds to the circumstance that one of the RPM firms ''is not producing, because it is achieving negative absolute profit.
''In this circumstance, the program automatically ''bumps down'' the value ''of z for both RPM firms by the amount of zbump. For example, ''if z=0.7 and zbump=0.3, then if one or both RPM firms would shut down, ''then the value of z is automatically bumped down to z=0.4.
''In many circumstances, this allows both RPM firms to continue producing.
''The user determines the value of zbump as part of the control module.
DEFDBL A-Z
```

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```
DIM problr(35, 15), herf(35, 15), sharems(35, 15), pnum(35, 15)
DIM qtotal(35, 15), cost(35, 3), pv(35, 3), price(35, 15)
DIM pims(35, 15), picomp(35, 15)
DIM cs(35, 15), pi(35, 15)
''CONTROL MODULE
CLS
timex = TIMER
''*****User Determines amount by which z should be bumped down, if RPM firm2 is not producing when z=zhold(zcount).*****
zbump = 0! ''*****User determines zbump.*****
''*****If zbump=0, then z is fixed and never changes.
''*****zbump >= 0. Recommended value is zbump=0.3.****
GOSUB PRINTZCOUNT:
GOSUB SCENREAD:
''This section calls the main module 750 times.
''This control module chooses market tendency:
''cratio=1 ''Ratio for low/high short-run cost is 0.2500 (1/4.0) .
''cratio=2 ''Ratio for low/high short-run cost is 0.3333 (1/3.0).
''cratio=3 ''Ratio for low/high short-run cost is 0.4000 (1/2.5) .
''cratio=4 ''Ratio for low/high short-run cost is 0.5000 (1/2.0).
''cratio=5 ''Ratio for low/high short-run cost is 0.6667 (1/1.5).
''This control module chooses speed for market share shifts:
''speed = 1 ''Slow speed for market share shifts.
''speed = 2 ''Moderate speed for market share shifts.
''speed = 3 ''High speed for market share shifts.
''In this program, # of msfirms at iteration zero is always two.
msfirms = 2
''This control module chooses z (weight on rival firm's profits).
zcount=0      ''z = 0.0
zcount=1      z = 0.1
zcount=2      z = 0.2
zcount=3      z = 0.3
zcount=4      z = 0.4
zcount=5      z = 0.5
zcount=6      z = 0.6
zcount=7      z = 0.7
zcount=8      z = 0.8
```

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```
''zcount=9      ''z = 0.9
''This control module chooses proportion of long-run cost '' which is assumed to be a fixed cost.
''port = 0   ''Fixed cost is 0% of long-run cost.
''port = I   ''Fixed cost is 25% of long-run cost.
''port = 2   ''Fixed cost is 50% of long-run cost.
''port = 3   ''Fixed cost is 75% of long-run cost.
''port = 4   ''Fixed cost is 100% of long-run cost.
FOR cratio = 1 TO 5
FOR speed = 1 TO 3
FOR port = 0 TO 4
FOR zcount = 0 TO 9
GOSUB MAINMODULE:
NEXT zcount
NEXT port
NEXT speed
NEXT cratio
PRINT TIMER—timex
END
PRINTZCOUNT:
''This submodule assigns values of z to each zcount, '' and prints these z values for transfer to '' the subsequent ''MS6Summ.bas'' program.
DIM zhold(9)
zcount$ = ''c:\basic\ms—sim\out\zcount.txt''  ''Output zcount data.
OPEN zcount$ FOR OUTPUT AS #1
PRINT #1, ''Zcount Z''
FOR zcount = 0 TO 9
IF zcount = 0 THEN z = 01
IF zcount = I THEN z = .1
IF zcount = 2 THEN z = .2
IF zcount = 3 THEN z = .3
IF zcount = 4 THEN z = .4
IF zcount = 5 THEN z = .5
IF zcount = 6 THEN z = .6
IF zcount = 7 THEN z = .7
IF zcount = 8 THEN z = .8
IF zcount = 9 THEN z = .9
zhold(zcount) = z
PRINT #1, USING ''######''; zcount;
PRINT #1, USING ''###.######''; z
```

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```
NEXT zcount
CLOSE #1
RETURN
''***** END OF PrintZcount SUBMODULE *****
MAINMODULE:
z = zhold(zcount)
GOSUB FILENAMES: ''Assign file names to input/output files.
GOSUB INITIALIZE:
FOR iter = I TO 10
GOSUB PROBREAD:
GOSUB PRINTTRAN:
NEXT iter
CLOSE
RETURN
''***** END OF MAIN MODULE *****
FILENAMES:
prob$ = ''c: \basic\ms—sim\out\probr0. txt''  ''Input RPM transition probabilities
tran$ = ''c:\basic\ms—sim\out\tRPM0000.txt''  ''Output RPM transition factors
IF cratio = I THEN crt$ = ''1''
IF cratio = 2 THEN crt$ = ''2''
IF cratio = 3 THEN crt$ = ''3''
IF cratio = 4 THEN crt$ = ''4''
IF cratio = 5 THEN crt$ = ''5''
IF speed = 1 THEN sp$ = ''1''
IF speed = 2 THEN sp$ = ''2''
IF speed = 3 THEN sp$ = ''3''
IF zcount = 0 THEN zc$ = ''0''
IF zcount = 1 THEN zc$ = ''1''
IF zcount = 2 THEN zc$ = ''2''
IF zcount = 3 THEN zc$ = ''3''
IF zcount—4 THEN zc$ = ''4''
IF zcount = 5 THEN zc$ = ''5''
IF zcount = 6 THEN zc$ = ''6''
IF zcount = 7 THEN zc$ = ''7''
IF zcount = 8 THEN zc$ = ''8''
IF zcount = 9 THEN zc$ = ''9''
IF port = 0 THEN prt$ = ''0''
IF port = 1 THEN prt$ = ''1''
```

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```
IF port = 2 THEN prt$ = ''2''
IF port = 3 THEN prt$ = ''3''
IF port = 4 THEN prt$ = ''4''
replacep$ = sp$
replacet$ = zc$ + crt$ + sp$ + prt$
MID$(prob$, 26, 1) = replacep$
MID$(tran$, 25, 4) = replacet$
PRINT replacet$; '''';
RETURN
''***** END OF FileNames SUBMODULE *****
INITIALIZE:
''Submodule to perform various initialization tasks.
OPEN prob$ FOR INPUT AS #2
OPEN tran$ FOR OUTPUT AS #3
GOSUB ZEROPROB:
GOSUB PROBREAD0:
GOSUB SCENREAD: ''Read scenario list.
```

```
GOSUB COSTCOMPUTE: ''Compute costs.
GOSUB PQZERO: ''Iteration 0 prices,
    quantities, profits a Consumer Surplus.
GOSUB PQCOMPUTE: ''Compute prices,
    quantities, profits & Consumer Surplus.
GOSUB PRINTTRAN0: ''Print transition files.
RETURN
''***** END OF Initialize SUBMODULE
    *****
ZEROPROB:
''This submodule sets the prob1r(0, .)
'' variable values to zero.
FOR pair = 0 TO 15
prob1r(0, pair) = 0
NEXT pair
RETURN
''***** END OF ZeroProb SUBMODULE
    *****
SCENREAD:
''This submodule reads in the scenario costs
    list.
cost$ = ''c:\basic\ms—sim\costlist.txt'' ''Input
    scenario costs
OPEN costs FOR INPUT AS #1
LINE INPUT #1, dummy$
```

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```
''cost(s,f) = short-run marginal cost of firm f
    in scenario s.
''finprob(s) = final probability assumed for
    scenario s.
''wgt(scen) = number of permutations of
    scenario s.
FOR scen = 1 TO 35
INPUT #1, scen2, L1, L2, L3, L4, L5, wgt,
    finprob
IF scen <> scen2 THEN PRINT ''Scenario
    mismatch'', scen, scen2
INPUT #1, c1, c2, c3
FOR firm = I TO 3
INPUT %1, pv(scen, firm)
NEXT firm
NEXT scen
CLOSE #1
RETURN
''***** END OF ScenRead SUBMODULE
    *****
COSTCOMPUTE:
''Submodule to compute short-run costs,
    long-run costs, '' and assumed elasticity
    of demand.
''This section computes parameters for long-
    run costs ''under the assumption that
    each firm has ''the same long-run cost
    function.
''Assume that one portion of Microsoft's
    long-run cost (LRC) is a long-run fixed
    cost (FC), while the other portion is a
    long-run variable cost (VC), which is
    proportional to output.
lrc = .1855 ''computed as MS long-run cost
    divided by MS monopoly revenue.
IF port = 0 THEN portion = 01
IF port = 1 THEN portion = .25
IF port = 2 THEN portion = .5
IF port = 3 THEN portion = .75
IF port = 4 THEN portion = 1!
fc = lrc * portion
vc = lrc * (1—portion)
''This section computes elasticity of demand
    (Elas) at monopoly profit maximum, as a
    function of marginal cost, which is
    composed of short-run marginal cost
    (SRC) plus long-run variable cost (VC).
src = .4101 ''computed as MS short-run cost
    divided by MS monopoly revenue.
mc = src + vc
```

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```
elas = 1 / (mc—1)
elasminus = elas 1
elasplus = elas + 1
A = elasminus / elas ''Intercept of linear
    demand curve with price axis.
b = -1 / elas ''Slope of linear demand curve.
cbase = src ''Base level of short-run marginal
    cost (cost level 2).
logcbase = LOG(cbase / (A—vc—cbase))
    ''Cbase converted to log- ratios.
''This section computes short-run costs and
    marginal costs ''for a given cost spread.
IF cratio = I THEN cspread = .950980935#
IF cratio = 2 THEN cspread = .748669813#
IF cratio = 3 THEN cspread = .622288438#
IF cratio = 4 THEN cspread = .469161475#
IF cratio = 5 THEN cspread = .273626703#
FOR scen = 1 TO 35
FOR firm = 1 TO 3
pvtemp = (pv(scen, firm)—180) / 120#
logpv = logcbase + pvtemp * cspread
pvratio = EXP(logpv)
cost(scen, firm) = vc + (A—vc) * pvratio / (1
    + pvratio)
NEXT firm
NEXT scen
RETURN
''***** END OF CostCompute SUBMODULE
    *****
PQZERO:
''Submodule to compute prices, quantities,
    profits, and consumer surplus for
    selected scenarios, for iteration zero,
    where two Microsoft RPM firms are
    assumed initially to have no competitors.
This program assumes that the two MS firms
    use relative profit maximizing (RPM)
    incentives, according to the goal
    functions for each firm:
Goal(firm1)=profit(firm1)-z*profit(firm2)
Goal(firm2)=profit(firm2)-z*profit(firm1)
scen = 0
firm1 = 1
firm2 = 2
pair1 = firm1 * 4 + firm2
```

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```
pair2 = firm2 * 4 + firm1
FOR firm = 1 TO 2
cost(0, firm) = cost(scen0, firm)
NEXT firm
FOR firm = 3 TO 3
qtemp(firm) = 0
pitemp(firm) = 0
cost(0, firm) = A
NEXT firm
bump = 0 ''Dummy variable to determine if
    z should be bumped down.
z = zhold(zcount)
GOSUB RPMSUB0:
IF bump = 1 THEN
z = z—zbump
GOSUB RPMSUB0:
END IF
GOSUB ASSIGN:
RETURN
''***** END OF PQzero SUBMODULE *****
PQCOMPUTE:
''Submodule to compute prices, quantities,
    profits, '' and consumer surplus for all
    scenarios and firm pairs.
FOR scen = 1 TO 35
FOR firm1 = 0 TO 3
firm2 = 0
pair1 = firm1 * 4 + firm2
pair2 = firm2 * 4 + firm1
delfirm = 0
bump = 0 ''Dummy variable to determine if
    z should be bumped
z = zhold(zcount)
GOSUB APMCOMPUTE:
GOSUB ASSIGN:
NEXT firm1
FOR firm1 = I TO 3
FOR firm2 = 1 TO 3
IF firm2 <= firm1 THEN 357
pair1 = firm1 * 4 + firm2
pair2 = firm2 * 4 + firm1
bump = 0 ''Dummy variable to determine if
    z should be bumped down.
z = zhold(zcount)
```

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```
GOSUB RPMCOMPUTE:
IF bump = I THEN
z = z—zbump
GOSUB RPMCOMPUTE:
END IF
GOSUB ASSIGN:
357 NEXT firm2
NEXT firm1
    NEXT scen
    RETURN
''***** END OF PQcompute SUBMODULE
    *****
ASSIGN:
''Submodule to assign computed numbers for
    each scenario '' and combination of
    firms.
qtotal(scen, pair1) = qtot
price(scen, pair1) = price
pnum(scen, pair1) = tnum
cs(scen, pair1) = cstemp
qtotal(scen, pair2) = qtot
price(scen, pair2) = price
pnum(scen, pair2) = tnum
cs(scen, pair2) = cstemp
IF qtot = 0 THEN
share (1) = 1
share(2) = 0
share(3) = 0
GOTO 333
END IF
FOR firm = 1 TO 3
share(firm) = qtemp(firm) / qtot
NEXT firm
333 pitot = 0
herf = 0
FOR firm = I TO 3
pitot = pitot + pitemp(firm)
herf = herf + share(firm) * share(firm)
NEXT firm
herf = herf * 10000
herf(scen, pair1) = herf
herf(scen, pair2) = herf
ms1share = share(firm1)
ms2share = share(firm2)
```

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```
msavgshare = (ms1share + ms2share) / 2
sharems(scen, pair1) = msavgshare
sharems(scen, pair2) = msavgshare
mspi1 = pitemp(firm1)
mspi2 = pitemp(firm2)
```

```
IF firm1 = 0 THEN mspi1 = 0
IF firm2 = 0 THEN mspi2 = 0
mspitot = mspi1 + mspi2
comppitot = pitot—mspitot
pims(scen, pair1) = mspitot
ims(scen, pair2) = mspitot
picomp(scen, pair1) = comppitot
picomp(scen, pair2) = comppitot
ms1goal = mspi1—z * mspi2 ''Firm 1's RPM
    goal function.
ms2goal = mspi2—z * mspi1 ''Firm 2's RPM
    goal function.
RETURN
''***** END OF Assign SUBMODULE *****
RPMCOMPUTE:
''Submodule to compute prices, quantities,
    profits, and consumer surplus for each
    RPM scenario. This submodule assumes
    that two RPM firms choose to produce.
anum = 1 ''anum = number of producing
    APM firms.
num = anum ''hum = last producing APM
    firm.
IF num = firm1 THEN num = hum + 1
IF num = firm2 THEN num = num + 1
IF num = firm1 THEN num = num + 1
tnum = anum + 2 ''tnum = total number of
    producing firms.
FOR firm = I TO 3
qtemp(firm) = 0
pitemp(firm) = 0
NEXT firm costsum = 0
FOR firm = I TO num
IF firm <> firm1 AND firm <> firm2 THEN
costsum = costsum + cost(scen, firm)
END IF
NEXT firm
costsum = (A + Costsum) * (1—z)
costsum = costsum + cost(scen, firm1) +
    cost(scen, firm2)
price = costsum / (3—anum* z + anum—z)
qtot = (A—price) / b
```

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```
qapm = 0
FOR firm = 1 TO num
IF firm <> firm1 AND firm <> firm2 THEN
qtemp(firm) = (price cost(scen, firm)) / b
qapm = qapm + qtemp (firm)
pitemp = (price cost(scen, firm)) *
    qtemp(firm)
pitemp(firm) = pitemp—fc
END IF
NEXT firm
qrpm = qtot—qapm
qgap = (cost(scen, firm2)—cost(scen, firm1))
    / b / (1 + z)
qtemp(firm1) = (qrpm + qgap) / 2
pitemp = (price cost(scen, firm1)) *
    qtemp(firm1)
pitemp(firm1) = pitemp—fc
qtemp(firm2) = (qrpm—qgap) / 2
pitemp = (price—cost(scen, firm2)) *
    qtemp(firm2)
pitemp(firm2) = pitemp—fc
cstemp = qtot * (A—price) / 2
    ''Must choose which firm (if any) to shut
    down,
'' based on quantities and profits.
    ''First, test for negative quantities.
    aq = 1 ''quantity dummy for APM firm.
IF qtemp(num) < 0 THEN aq = 0
rq = 1 ''quantity dummy for RPM firm.
IF qtemp(firm2) < 0 THEN rq = 0
    IF aq = 0 AND rq = I THEN
GOSUB RPMSUB0:
RETURN
END IF
IF aq = 1 AND rq = 0 THEN
IF bump = 0 THEN
bump = 1
RETURN
END IF
delfirm = firm2
GOSUB APMCOMPUTE:
RETURN
END IF
IF aq = 0 AND rq = 0 THEN
IF firm2 > hum THEN
IF bump = 0 THEN
bump = 1
RETURN
END IF
```

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```
delfirm = firm2
GOSUB APMCOMPUTE:
RETURN
END IF
IF firm2 < num THEN
GOSUB RPMSUB0:
RETURN
END IF
END IF
''Second, test for negative profits.
api = 1 ''profit dummy for APM firm.
IF pitemp(num) < 0 THEN api = 0
rpi = 1 ''profit dummy for RPM firm.
IF pitemp(firm2) < 0 THEN rpi = 0
IF api = 0 AND rpi = 1 THEN
GOSUB RPMSUB0:
RETURN
END IF
IF api = I AND rpi = 0 THEN
IF bump = 0 THEN
bump = 1
RETURN
END IF
delfirm = firm2
GOSUB APMCOMPUTE:
RETURN
END IF
IF api = 0 AND rpi = 0 THEN
IF pitemp(firm2) < pitemp(num) THEN
IF bump = 0 THEN
bump = 1
RETURN
END IF
delfirm = firm2
GOSUB APMCOMPUTE:
RETURN
ELSE
GOSUB RPMSUB0:
RETURN
END IF
END IF
''If program reaches here, then all firms are
    producing.
RETURN
''***** END OF RPMcompute SUBMODULE
    *****
```

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```
RPMSUB0:
Submodule of RPMcompute submodule, to
    compute prices and quantities when zero
    APM firms are producing.
num = 0
anum = hum ''anum = number of producing
    APM firms
tnum = anum + 2 ''tnum = total number of
    producing firms
FOR firm = 1 TO 3
qtemp(firm) = 0
pitemp(firm) = 0
NEXT firm
qtemp(num + 1) = 0
pitemp(num + 1) = 0
costsum = 0
costsum = (A + costsum) * (1—z)
costsum = costsum + cost(scen, firm1) +
    cost(scen, firm2)
price = costsum / (3—anum * z + anum—z)
qtot = (A—price) / b
qapm = 0
qrpm = qtot—qapm
qgap = (cost(scen, firm2)—cost(scen, firm1))
    / b / (1 + z)
qtemp(firm1) = (qrpm + qgap) / 2
pitemp = (price—cost(scen, firm1)) *
    qtemp(firm1)
pitemp(firm1) = pitemp—fc
qtemp(firm2) = (qrpm—qgap) / 2
pitemp = (price—cost(scen, firm2)) *
    qtemp(firm2)
pitemp(firm2) = pitemp fc
cstemp = qtot * (A—price) / 2
r2dummy = 1 ''Is RPM firm2 producing?
IF qtemp(firm2) < 0 THEN r2dummy = 0
IF pitemp(firm2) < 0 THEN r2dummy = 0
IF r2dummy = 0 THEN
IF firm1 = 1 THEN
IF bump = 0 THEN
bump = 1
RETURN
END IF
delfirm = 0
GOSUB APMSUB1:
RETURN
END IF
IF firm1 = 2 THEN
IF bump = 0 THEN
```

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```
bump = 1
RETURN
END IF
delfirm = 1
GOSUB APMSUB2:
RETURN
END IF
END IF
''If program reaches here, then both RPM
    firms are producing.
RETURN
''***** END OF RPMsub0 SUBMODULE
    *****
APMCOMPUTE :
'' Submodule to compute prices, quantities,
    profits, ''and consumer surplus for each
    APM scenario.
''The delfirm variable is used to determine
    whether to ''delete one of the firms from
    the APM scenario.
If delfirm=0, no firms are deleted from the
    computation.
If delfirm=1, then firm 1 is deleted from the
    computation.
If delfirm=2, then firm 2 is deleted from the
    computation.
'' If delfirm—3, then firm 3 is deleted from
    the computation. num = 3
IF delfirm s num THEN GOTO APMSUB2:
anum -num ,anum z number of producing
```

```
    APM firms.
IF delfirm > 0 THEN
IF delfirm <= num THEN anum =num—1
END IF
tnum—anum ''tnum = total number of
    producing firms
FOR firm = 1 TO 3
qtemp
(firm) = 0
pitemp (firm) = 0
NEXT firm costsum = 0
FOR firm = 1 TO hum
IF firm <> delfirm THEN
costsum—costsum + cost(scen, firm)
END IF
NEXT firm
price = (A + costsum) / (anum + 1)
qtot = 0
FOR firm = 1 TO num
IF firm <> delfirm THEN
qtemp(firm) = (price- cost(scen, firm)) / b
```

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```
qtot = qtot + qtemp (firm)
pitemp = (price- cost(scen, firm)) *
    qtemp(firm)
pitemp(firm) = pitemp—fc
END IF
IF firm = delfirm THEN
qtemp(firm) = 0
pitemp(firm) = 0
END IF
NEXT firm
cstemp = qtot * (A—price) / 2
pdummy = 1 ''Is last firm producing?
IF qtemp(num) < 0 THEN pdummy = 0
IF pitemp(num) < 0 THEN pdummy = 0
IF pdummy = 0 THEN GOSUB APMSUB2:
RETURN
''***** END OF APMcompute SUBMODULE
    *****
APMSUB2:
''Submodule of APMcompute submodule, ''
    to compute prices and quantities '' when
    fewer than 3 firms are producing.
num = 2
IF delfirm =num THEN GOTO APMSUB1:
anum =num ''anum = number of producing
    APM firms.
IF delfirm > 0 THEN
IF delfirm <5 num THEN anum = hum—1
END IF
tnum = anum ''tnum = total number of
    producing firms
FOR firm = 1 TO 3
qtemp(firm) = 0
pitemp (firm) = 0
NEXT firm costsum = 0
FOR firm = 1 TO num
IF firm <> delfirm THEN
costsum = costsum + cost(scen, firm)
END IF
NEXT firm
price = (A + costsum) / (anum + 1)
qtot = 0
FOR firm = 1 TO num
IF firm <> delfirm THEN
qtemp(firm) = (price—cost(scen, firm)) / b
```

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```
qtot = qtot + qtemp(firm)
pitemp—(price—cost(scen, firm)) *
    qtemp(firm)
pitemp(firm) = pitemp—fc
END IF
IF firm = delfirm THEN
qtemp(firm) = 0
pitemp(firm) = 0
END IF
NEXT firm
cstemp = qtot * (A—price) / 2
pdummy = 1 ''Is last firm producing?
IF qtemp(num) < 0 THEN pdummy = 0
IF pitemp(num) < 0 THEN pdummy = 0
IF pdummy = 0 THEN GOSUB APMSUB1:
RETURN
''***** END OF APMsub2SUBMODULE
    *****
*
*
APMSUB1:
''Submodule of APMcompute/APMsub2
    submodules, '' to compute prices and
    quantities '' when fewer than 2 firms are
    producing.
num = 1
IF delfirm -num THEN GOTO APMSUB0:
anum = hum ''anum = number of producing
    APM firms.
IF delfirm > 0 THEN
IF delfirm <= num THEN anum =num—1
END IF
tnum = anum ''tnum = total number of
    producing firms
FOR firm = 1 TO 3
qtemp(firm) = 0
pitemp(firm) = 0
NEXT firm costsum = 0
FOR firm = 1 TO hum
IF firm <> delfirm THEN
costsum = costsum + cost(scen, firm)
END IF
NEXT firm
price = (A + costsum) / (anum + 1)
qtot = 0
FOR firm = 1 TO num
IF firm <> delfirm THEN
qtemp(firm) = (price- cost(scen, firm)) / b
qtot = qtot + qtemp(firm)
pitemp = (price—cost(scen, firm)) *
    qtemp(firm)
pitemp(firm) = pitemp—fc
END IF
IF firm = delfirm THEN
qtemp(firm) = 0
pitemp(firm) = 0
END IF
NEXT firm
cstemp = qtot * (A—price) / 2
pdummy = 1 ''Is last firm producing?
IF qtemp(num) < 0 THEN pdummy = 0
IF pitemp(num) < 0 THEN pdummy = 0
IF pdummy—0 THEN GOSUB APMSUB0:
RETURN
''***** END OF APMsub1 SUBMODULE
    *****
APMSUB0:
''Submodule of APMcompute/APMsub2,1
    submodules, to compute prices and
    quantities when no firms are producing.
hum = 0
anum =num ''anum = number of producing
    APM firms.
tnum t anum ''tnum—total number of
    producing firms
FOR firm—1 TO 3
qtemp(firm)—0
pitemp(firm) = 0
NEXT firm
price = A
cstemp = 0
RETURN
''***** END OF APMsub0 SUBMODULE
    *****
PRINTTRAN0:
This submodule prints the transition factors
    for iteration zero, including average
    consumer surplus, average profits for
    Microsoft and its competitors, average
    market share for Microsoft, the industry-
    wide Herfindahl-Hershman Index (HHI),
    and the average number of main firms in
    the industry.
''These transition factors must be multiplied
    by Microsoft's ''annual monopoly
    revenues to determine dollar values.
```

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```
cstot = 0
pimstot = 0
picomptot = 0
mktshare = 0
herfindahl = 0
firmnum—0
scen = 0 .Choose scen=scen0 to assume
    competitors in period 0.
FOR firm1 = 0 TO 3
FOR firm2—0 TO 3
pair = 4 * firm1 + firm2
tempprob = problr(scen, pair)
cstot = cstot + cs(scen, pair) * tempprob
pimstot = pimstot + pims(scen, pair) *
    tempprob
picomptot = picomptot + picomp(scen, pair)
    * tempprob
mktshare s mktshare + sharems(scen, pair) *
    tempprob
herfindahl—herfindahl + herf(scen, pair) *
    tempprob
firmnum = firmnum + pnum(scen, pair) *
    tempprob
NEXT firm2
NEXT firm1
PRINT #3, ''Iter'';
PRINT #3, . ConsumerSurpls '';
PRINT #3, ''Profit(MS) '';
PRINT #3, ''Profit(comp) '';
PRINT #3, . MktShare(l-MS)'';
PRINT #3, . MktShare(n-MS)'';
PRINT #3, ''Herfindahl '';
PRINT #3, .. # firms ''
PRINT #3, USING ''###''; 0;
PRINT #3, USING
''###.############''; cstot; pimstot;
    picomptot;
PRINT #3, USING ''####.##########'';
    mktshare * I00; msfirms *
mktshare * I00;
PRINT #3, USING ''######.########'';
    herfindahl;
PRINT #3, USING ''##.############'';
    firmnum
RETURN
,***** END OF PrintTran0 SUBMODULE
    *****
PRINTTRAN:
''This submodule prints the transition factors
    for each subsequent iteration, including
    average consumer surplus, average
    profits for Microsoft and its competitors,
    average market share for Microsoft, the
    industry-wide Herfindahl-Hershman
    Index (HHI), and the average number of
    main firms in the industry.
```

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```
''These transition factors must be multiplied
     by Microsoft's '' annual monopoly
     revenues to determine true dollar values.
cstot = 0
pimstot—0
picomptot = 0
mktshare—0
herfindahl = 0
firmnum = 0
FOR seen = 1 TO 35
FOR firm1—0 TO 3
FOR firm2 = 0 TO 3
pair—4 * firm1 + firm2
tempprob = problr(scen, pair)
cstot = cstot + cs(scen, pair) * tempprob
pimstot = pimstot + pims (scen, pair) *
     tempprob
picomptot = picomptot + picomp(scen, pair)
     * tempprob
mktshare—mktshare + sharems (scen, pair) *
     tempprob
herfindahl—herfindahl + herf(scen, pair) *
     tempprob
firmnum = firmnum + pnum(scen, pair) *
     tempprob
NEXT firm2
NEXT firm1
NEXT scen
PRINT #3, USING ''###''; iter;
PRINT #3, USING
''###.############
m;#''; cstot; pimstot; picomptot;
PRINT #3, USING
''####.##########''; mktshare * i00; msfirms
     *
mktshare * 100t
PRINT #3, USING ''######.########'';
     herfindahl;
PRINT #3, USING ''##.############'';
     firmnum
RETURN
''***** END OF PrintTran0 SUBMODULE
     *****
PROBREAD0 :
LINE INPUT #2, temps
FOR firm1 = 0 TO 3
INPUT #2, iter2, scen0, firm
IF 0 <> iter2 THEN PRINT ''Iteration
     mismatch:''; 0; iter2
IF firm <> firm1 THEN PRINT ''Firm1
     mismatch:''; firm1; firm
FOR firm2 = 0 TO 3
pair = firm1 * 4 + firm2
INPUT #2, problr(0, pair)
NEXT firm2
NEXT firm1
RETURN
```

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```
''***** END OF ProbRead0 SUBMODULE
     *****
PROBREAD:
FOR scen- 1 TO 35
FOR firm1 = 0 TO 3
INPUT #2, iter2, scen2, firm
IF iter <> iter2 THEN PRINT ''Iteration
     mismatch:''; iter;
iter2
IF scen <> scen2 THEN PRINT ''Scenario
     mismatch:''; scen;
cen2
IF firm <> firm1 THEN PRINT ''Firm1
     mismatch:''; firm1; firm
''FOR firm2—0 TO 3
pair = firm1 * 4 + firm2
INPUT #2, problr(scen, pair)
NEXT firm2
NEXT firm1
NEXT scen
RETURN
,***** END OF ProbRead SUBMODULE
     *****
''**********END OF Program
     .MS5TranR.bas''.**********
```

ATTACHMENT Q

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Attachment Q.

''BASIC Program ''MS6Summ,bas''.
''Program Number 6 in a series of six programs ''designed to simulate alternative antitrust ''remedies for the Microsoft software industry.
''Copyright, January 23, 2002, Carl Lundgren.
'' This program, ,,MS6Summ.bas'', computes and summarizes the data ''produced by prior programs, including both ''MS4TranA.bas'' ''and ''MS5TranR.bas''.
'' This program summarizes in the form ''of aggregates and comparisons the economic meaning ''of the transitions data that were outputted by ''the ''MS4TranA.bas and ''MS5TranR.bas'' programs. ''This program reads in the various ''TRAN .... txt'' ''and ''TRPM .... txt'' files produced by the prior programs ''in order to create summary files for the aggregates:

(0) No remedy at all, continued monopoly by Microsoft.
(I) 100% effective conduct remedy starting in 2002.
(la) Intermediate conduct remedies, varying in effectiveness: 20%, 40%, 60%, 80%.
(1b) Structural two-monopolies remedy, computed as having outcomes equivalent to one-third value of 2-firm competitive APM structural remedy and two-thirds value of 1004 conduct remedy.
(2) Structural 2-firm APM remedy starting in 2005.
(3) Structural 3-firm APM remedy starting in 2005.

(4–15) Structural 2-firm RPM remedies for z=0.1 through z=0.9, starting in 2005.

(16) Lawful behavior since 1995. and for the comparisons:

(17) Aggregates for all the above alternatives, minus the aggregates for the lawful path.

The program uses the transition data to estimate consumer surplus and profits in each of the years 1995–2025. Transitions are assumed to take place over a period of 3, 5, or 8 years each. Years in between the transition years are linearly interpolated. These four time paths are aggregated and compared for three sums over three time periods: I) Sum of consumer surpluses.

(2) Sum of non-Microsoft profits.
(3) Sum of Microsoft profits.
(4) Sum of total surpluses.
(A) Time period 1995–2001.
(B) Time period 2002–2025.
(C) Time period 1995–2025.

The program reads in data for Microsoft's monopoly revenues by year, multiplies them by the relevant factor multipliers given by the Transition files (TRAN & TRPM), and computes interest or discounts at 7% real annual interest rate to billions of year 2002 real dollars.

The program produces data summarized for particular scenarios in files marked ''AGGC .... txt'', ''AGGR .... txt'', and ''YEAR .... txt''.

The ''AGGC .... txt'' files (which are most user friendly) summarize all past and future data, appropriately discounted, into a single set of figures which may be compared across remedy proposals.

The ''AGGR .... txt'' files categorize the aggregate data into past and future amounts of consumer surplus, profits, and total surplus for each remedy proposal, and how these amounts compare with the same amounts along the lawful path.

The ''YEAR .... txt'' files (which are least user friendly) output the calculated amounts, by year, for each remedy proposal and the lawful path.

```
   DEFDBL A-Z
DIM aggcs(16, 3), aggcomp(16, 3), aggms(16,
     3), aggts(16, 3)
Aggregates
DIM compcs(16, 3), compcomp(16, 3),
     compms(16, 3), compts(16, 3)
Comparisons
DIM aggcsmin(16, 3), aggcompmin(16, 3),
     aggmsmin(16, 3),
aggtsmin(16, 3) ,Minimums
DIM compcsmin(16, 3), compcompmin(16,
     3), compmsmin(16, 3),
comptsmin(16, 3) ''Minimums
DIM aggcsmax(16, 3), aggcompmax (16, 3),
     aggmsmax(16, 3),
aggtsmax(16, 3) ''Maximums
DIM compcsmax(16, 3), compcompmax(16,
     3), compmsmax(16, 3),
comptsmax(16, 3) ''Minimums
DIM aggcsavg(16, 3), aggcompavg(16, 3),
     aggmsavg(16, 3),
aggtsavg(16, 3) ,Averages
DIM compcsavg(16, 3), compcompavg(16, 3),
     compmsavg(16, 3),
IF port >= 0 THEN ''Always true; change to
     restrict statistics gathering.
pvtotal—pvtotal + pvtemp
avgtotal—avgtotal + 1
FOR p = 0 TO 14
FOR t = 1 TO 3
First put numbers into temporary variable
     slots.
   aggcstemp = aggcs (p, t)
   aggcomptemp—aggcomp(p, t)
   aggmstemp = aggms(p, t)
   aggtstemp = aggts(p, t)
   compcstemp—compcs (p, t)
   compcomptemp = compcomp(p, t)
   compmstemp = compms(p, t)
   comptstemp = compts(p, t)
Second compute minimum values
   IF aggcstemp < aggcsmin(p, t) THEN
      aggcsmin(p, t) = aggcstemp
   IF aggcomptemp < aggcompmin(p, t) THEN
      aggcompmin(p, t) aggcomptemp
   IF aggmstemp < aggmsmin(p, t) THEN
      aggmsmin(p, t) = aggmstemp
   IF aggtstemp < aggtsmin(p, t) THEN
      aggtsmin(p, t) = aggtstemp
   IF compcstemp < compcsmin(p, t) THEN
      compcsmin(p, t) compcstemp
```

```
   IF compcompttemp < compcompmin(p, t)
      THEN compcompmin(p, t) =
      compcompttemp
   IF compmstemp < compmsmin(p, t) THEN
      compmsmin(p, t) = compms temp
   IF comptstemp < comptsmin(p, t) THEN
      comptsmin(p, t) = comptstemp
Third compute maximum values
   IF aggcstemp * aggcsmax(p, t) THEN
      aggcsmax(p, t) s aggcstemp
   IF aggcomptemp * aggcompmax(p, t) THEN
      aggcompmax(p, t)— aggcomptemp
   IF aggmstemp * aggmsmax(p, t) THEN
      aggmsmax(p, t) -aggmstemp
   IF aggtstemp * aggtsmax(p, t) THEN
      aggtsmax(p, t) = aggtstemp
   IF compcstemp * compcsmax(p, t) THEN
      compcsmax(p, t) = compcstemp
   IF compcompttemp * compcompmax(p, t)
      THEN compcompmax(p, t) =
      compcompttemp
   IF compmstemp * compmsmax(p, t) THEN
      compmsmax(p, t)— compmstemp
   IF comptstemp > comptsmax(p, t) THEN
      comptsmax(p, t)— comptstemp
Fourth compute average values
comptsavg(16, 3), Averages
DIM aggcswtd(16, 3), aggcompwtd(16, 3),
      aggmswtd(16, 3), aggtswtd(16, 3)
      ''Weighted Averages
DIM compcswtd(16, 3), compcompwtd(16,
      3), compmswtd(16, 3), comptswtd(16, 3)
      ,Weighted Averages
CONTROL MODULE
CLS
timex = TIMER
   ystart = 1995 ''Start year for antitrust
      analysis.
   yend—2025 ''End year for antitrust
      analysis.
   cstart = 2002 ''Year to start conduct
      remedies.
   sstart = 2005 ''Year to start structural
      remedies.
GOSUB PVSETUP:
   revstream = 1 ,****User chooses revenue
      stream = 1,2,3,4.
GOSUB READREVENUES : ''Read in
      Microsoft'' s revenues by year.
GOSUB READZCOUNT:
This control module calls the main module
      75 times.
   FOR cratio—1 TO 5
   FOR speed = 1 TO 3
   FOR port—0 TO 4
GOSUB MAINMODULE :
NEXT port
NEXT speed
NEXT cratio
GOSUB PRINTSTATS: ''Print Macro
      Statistics
PRINT TIMER—timex
END
f
MAINMODULE:
GOSUB FILENAMES1: ''Assign file name to
      input & output files.
GOSUB TRANSREAD: ''Read in transitions
      data.
FOR length = 1 TO 3
   Tyears—Number of years between
      transitions.
   This program chooses Tyears=3, 5, or 8.
IF length—1 THEN tyears = 3
IF length = 2 THEN tyears = 5
IF length—3 THEN tyears z 8
GOSUB NOREMEDY: ,Compute outcomes for
      unlawful monopoly path.
GOSUB LAWFUL: ,Compute outcomes for
      lawful competitive path.
GOSUB CONDUCT: ''Compute outcomes for
      conduct remedy path.
GOSUB STRUCTURAL: ''Compute outcomes
      for structural remedy paths.
GOSUB PRINTYEARS: ,Compute and print
      year data into files.
GOSUB AGGREGATE: ''Aggregate years for
      each path.
GOSUB COMPARE: ,Compare aggregates
      between paths.
GOSUB MACROSTATS: ''Compute averages,
      weighted averages, minimums,
      maximums.
GOSUB PRINTAGGCOMP: ''Print individual
      aggregates and comparisons.
GOSUB PRINTAGGSHORT: ''Print one-page
      individual aggregates and comparisons.
GOSUB PRINTAGGSUMM: ''Print summary
      of all aggregates & comparisons
NEXT length
RETURN
***** END OF MAIN MODULE *****
PVSETUP:
Submodule to open file and set initial values
   for MACROSTATS submodule.
pvfile$ = ''c:/basic/ms __sim/PointVal.csv''
      Input Point Values for weighted
      averages.
OPEN pvfile$ FOR INPUT AS #21
LINE INPUT #21, temps
pvtotal = 0
avgtotal = 0
FOR p = 0 TO 14
FOR t =I TO 3
   Initialize minimum values at high number.
   aggcsmin(p, t) = 999999999999#
   aggcompmin(p, t)—999999999999#
   aggmsmin(p, t) = 999999999999#
   aggtsmin(p, t) = 999999999999#
   compcsmin(p, t) = 999999999999#
   compcompmin(p, t) = 999999999999#
   compmsmin(p, t) = 999999999999#
   comptsmin(p, t)—999999999999#
   Initialize maximum values at low number.
   aggcsmax(p, t) = -999999999999#
   aggcompmax(p, t) m-999999999999#
   aggmsmax(p, t) —999999999999#
   aggtsmax(p, t) = -999999999999#
   compcsmax(p, t) = -999999999999#
   compcompmax(p, t) = -999999999999#
   compmsmax(p, t) = -999999999999#
   comptsmax(p, t) —999999999999#
Initialize average values at zero.
   aggcsavg(p, t)—0
   aggcompavg(p, t) = 0
   aggmsavg(p, t) = 0
   aggtsavg(p, t) = 0
   compcsavg(p, t) , 0
   compcompavg(p, t) = 0
   compmsavg(p, t) = 0
   comptsavg(p, t) = 0
Initialize weighted average values at zero.
   aggcswtd(p, t) —0
   aggcompwtd(p, t) = 0
   aggmswtd(p, t) —0
   aggtswtd(p, t) -0
   compcswtd(p, t) = 0
   compcompwtd(p, t) = 0
   compmswtd(p, t) = 0
   comptswtd(p, t) -0
NEXT t
NEXT p
RETURN ,***** END OF PVsetup
      SUBMODULE ***** READREVENUES:
Read in Microsoft's revenues by year.
   Revenues should only pertain to the
      monopoly portions of Microsoft's
      revenues.
Revenues should be converted to real dollars
      (relative to general prices) prior to input.
      Future revenues are projections, under
      the assumption that Microsoft remains a
      monopoly. rev$ = .c:/basic/ms__sim/
      ms__rev.csv'' ''Input revenues data.
DIM rev(30), discount(30)
''First read in revenue data.
OPEN rev$ FOR INPUT AS #1
FOR n = 1 TO 5
   LINE INPUT #I, temp$
NEXT n
FOR year—ystart TO yend ysub = year—
      ystart
   INPUT #I, year2, rev1, rev2, rev3, rev4
   IF year2 <> year THEN PRINT ''Year
      mismatch for revenue data:'';
year; year2
IF revstream = 1 THEN rev(ysub) = rev1
IF revstream = 2 THEN rev(ysub) = rev2
IF revstream = 3 THEN rev(ysub) = rev3
IF revstream = 4 THEN rev(ysub) = rev4
NEXT year
CLOSE #I
''Second compute adjustments to revenue
      data for computing aggregates.
, adjustment uses 7% per annum real
      interest/discount rate,
, adjusted to 2002 (cstart) dollars.
adjust = 1
   ysub = (cstart—1)—ystart
   discount(ysub) = adjust
FOR year = cstart—2 TO ystart STEP -1
   ysub = year—ystart
   adjust—adjust * 1.07
   discount(ysub) = adjust
NEXT year
   adjust = 1
FOR year = cstart TO yend
   ysub = year—ystart
   adjust = adjust / 1.07
   discount(ysub) = adjust
   NEXT year
''Third (optional) output adjusted revenue
      data.
rev2$—,,c:/basic/ms__sim/out/
      disc__rev.txt''Output adjusted revenues
      data.
OPEN rev2$ FOR OUTPUT AS #I
FOR year—ystart TO yend ysub = year—
      ystart
   PRINT #1, USING ''####''; year;
   PRINT #1, USING ''#####.######'';
      rev(ysub);
   PRINT #1, USING ''#####.######'';
      discount(ysub);
   PRINT #1, USING ''#####.######'';
      rev(ysub) * discount(ysub)
NEXT year
CLOSE #I
RETURN
***** END OF ReadRevenues SUBMODULE
      *****
READZCOUNT:
Submodule to read in the relationship
      between
   zcount and z from previous program,
      ''MS5TranR.bas''.
   DIM zpath(14)
   zcount$ = ''c:/basic/ms sim/out/zcount.txt''
      ''Input zcount data.
```

```
OPEN zcount$ FOR INPUT AS #I
LINE INPUT #I, temps
FOR zcount = 0 TO 9
INPUT #1, zcount2, zpath(zcount + 4)
IF zcount2 <> zcount THEN PRINT
  ''Zcount mismatch''; zcount;
zcount2
NEXT zcount
CLOSE #I
RETURN
,***** END OF ReadZcount SUBMODULE
  *****
f
f
FILENAMES1:
tran1$ = ,,c:/basic/ms—sim/out/
  tranl000.txt'' ''Input 1-firm
transition summary
tran2$ = ,,c:/basic/ms—sim/out/
  tran2000.txt'' Input 2-firm
transition summary
tran3$ = ''c:/basic/ms—sim/out/
  tran3000.txt'' Input 3-firm
transition summary
tran4$ = ,,c:/basic/ms—sim/out/
  tran4000.txt'' Input 4-firm
transition summary
tran5$ = ,,c:/basic/ms—sim/out/
  tranS000.txt'' Input 5-firm
transition summary
trpm0$ = .c:/basic/ms—sim/out/
  trpm0000.txt'' Input z=0.0 RPM
transition summary
trpm1$ = ''c:/basic/ms—sim/out/
  trpml000.txt'' Input z=0.1 RPM
transition summary
trpm2$ = .c:/basic/ms—sim/out/
  trpm2000.txt'' Input z=0.2 RPM
transition summary
trpm3$ = .c:/basic/ms—sim/out/
  trpm3000.txt'' Input z=0.3 RPM
transition summary
trpm4$ = .c:/basic/ms—sim/out/
  trpm4000.txt'' Input z=0.4 RPM
transition summary
trpm5$ = ,,c:/basic/ms—sim/out/
  trpmS000.txt'' Input z=0.5 RPM
transition summary
trpm6$ = ,,c:/basic/ms—sim/out/
  trpm6000.txt'' Input z=0.6 RPM
transition summary
trpm7$ = .c:/basic/ms sim/out/
  trpmT000.txt'' Input z=0.7 RPM
transition summary
trpm8$ = .c:/basic/ms—sim/out/
  trpmS000.txt'' Input z=0.8 RPM
transition summary
trpm9$ = .c:/basic/ms—sim/out/
  trpmg000.txt'' ''Input z=0.9 RPM
```

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```
ATTACHMENT Q
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transition summary year3$ = ,,c:/basic/
  ms—sim/out/year0003.txt'' ''Output 3-
  year factors by year
year5$ = ''c:/basic/ms—sim/out/
  year0005.txt'' ''Output 5-year factors by
  year
year8$ = ,,c:/basic/ms—sim/out/
  year0008.txt'' ''Output 8-year factors by
  year
aggr3$ = ,,c:/basic/ms sim/out/
  aggr0003.txt'' ''Output aggregate 3- year
  factors
aggr5$ = .c:/basic/ms—sim/out/
  aggr0005.txt'' ''Output aggregate 5- year
  factors
aggr8$ = ,,c:/basic/ms—sim/out/
  aggr0008.txt'' ''Output aggregate 8- year
  factors
aggc3$ = ,,c:/basic/ms—sim/out/
  aggc0003.txt'' ''One-page aggregate 3-
  year factors
aggc5$—.c:/basic/ms—sim/out/
  aggc0005.txt'' ''One-page aggregate 5-
  year factors
aggc8$ = .c:/basic/ms sim/out/
  aggc0008.txt'' ''One-page aggregate 8-
  year factors
IF cratio = 1 THEN crt$ = ''1''
IF cratio = 2 THEN crt$ = ''2''
IF cratio = 3 THEN crt$ = ''3''
IF cratio—4 THEN crt$—''4''
IF cratio = 5 THEN crt$ = ''5''
IF speed = 1 THEN sp$ = ''1''
IF speed = 2 THEN sp$ = ''2''
IF speed = 3 THEN sp$ = ''3''
IF port = 0 THEN prt$ = ''0''
IF port = 1 THEN prt$ = ''I''
IF port = 2 THEN prt$ = ''2''
IF port = 3 THEN prt$ = ''3''
IF port = 4 THEN prt$ = ''4''
replaces =crt$ + sp$ + prt$
MID$(tran1$, 26, 3) = replace$
MID$(tran2$, 26, 3) = replace$
MID$(tran3$, 26, 3)—replace$
MID$(tran4$, 26, 3)—replace$
MID$(tran5$, 26, 3) = replace$
MID$(trpm0$, 26, 3) = replace$
MID$(trpm1$, 26, 3)—replace$
MID$(trpm2$, 26, 3)—replace$
MID$(trpm3$, 26, 3) = replace$
MID$(trpm4$, 26, 3) = replace$
MID$(trpm5$, 26, 3)—replace$
MID$(trpm6$, 26, 3) = replace$
MID$(trpm7$, 26, 3) = replace$
MID$(trpm8$, 26, 3)—replace$
MID$(trpm9$, 26, 3) = replace$
MID$(year3S, 25, 3) = replace$
MID$(year5$, 25, 3) = replace$
MID$(year8$, 25, 3) = replace$
MID$(aggr3$, 25, 3) = replace$
MID$(aggr5$, 25, 3)—replace$
MID$(aggr8$, 25, 3) = replace$
MID$(aggc3$, 25, 3) . replace$
MID$(aggc5$, 25, 3) = replace$
MID$(aggc8$, 25, 3) = replace$
PRINT replace$; '''';
RETURN
''***** END OF FileNames1 SUBMODULE
  *****
TRANSREAD:
,Submodule to read in transitions data for
  time paths:
'' 1) Microsoft starts as monopoly.
'' 2) Microsoft starts as two APM firms.
'' 3) Microsoft starts as three APM firms.
'' 4–13) Microsoft starts as two RPM firms (z
  varies).
FOR p = 1 TO 13
IF p = 1 THEN filein$—tran1$
IF p = 2 THEN filein$ = tran2$
IF p = 3 THEN filein$ = tran3$
IF p = 4 THEN filein$ = trpm0S
IF p = 5 THEN filein$ = trpm1$
IF p = 6 THEN filein$—trpm2$
IF p = 7 THEN filein$—trpm3$
IF p = 8 THEN filein$ = trpm4$
IF p—9 THEN filein$ = trpm5$
IF p = I0 THEN filein$—trpm6$
IF p = ii THEN filein$ = trpm7$
IF p = 12 THEN filein$—trpm8S
IF p = 13 THEN filein$ = trpm9$
OPEN filein$ FOR INPUT AS #30
LINE INPUT #30, temp$
DIM cstot(15, ii), pimstot(15, 11),
    picomptot(15, 11), herf(15, 11)
F0R iter = 0 TO I0
  INPUT #30, iter2, cstot(p, iter), pimstot(p,
    iter), picomptot(p, iter)
  INPUT #30, mktshare1, mktshare2, herf(p,
    iter), firmnum1
  IF iter <> iter2 THEN PRINT ''Iteration
    mismatch #'', p, iter, iter1
NEXT iter
CLOSE #30
cstot(p, ii) = 0
pimstot(p, ii) E 0
picomptot(p, 11) = 0
herf(p, 11) = 0
NEXT p
RETURN
***** END OF TransRead SUBMODULE
    *****
NOREMEDY:
Submodule to compute outcomes for
    unlawful monopoly path, where
    Microsoft begins as monopoly in 1995,
    and continues as a monopoly through
    2025. (Path p=0)
DIM csy(30, 14), pimsy(30, 14), picompy(30,
    14), hhi(30, 14)
FOR year—ystart TO yend
  ysub = year—ystart
  tsub = 0
  csy(ysub, 0) = cstot(l, tsub)
  pimsy(ysub, 0) -pimstot(l, tsub)
  picompy(ysub, 0) = picomptot(l, tsub)
  hhi(ysub, 0) = herf(l, tsub)
  NEXT year
  RETURN
  ***** END OF NoRemedy SUBMODULE
    *****
  LAWFUL:
  Submodule to compute outcomes for
    lawful competitive path, where
    Microsoft begins as monopoly in 1995,
    but competitive conditions exist
    whereby competitors are free to enter.
    (Path p=14)
  plaw = 14
FOR year—ystart TO yend
  ysub = year—ystart
  tsub—ysub / tyears
  tsub1 = INT(tsub)
  tsub2 = tsub1 + 1
  tfrac1 = tsub—tsub1
  tfrac2 = tsub2 tsub
  csy(ysub, plaw) = cstot(l, tsub1) * tfrac2 +
    cstot(l, tsub2) *
  tfrac1
  pimsy(ysub, plaw) = pimstot(l, tsub1) *
    tfrac2 + pimstot(1, tsub2) * tfrac1
  picompy(ysub, plaw) = picomptot(l, tsub1)
    * tfrac2 + picomptot(l, tsub2) * tfrac1
  hhi(ysub, plaw) = herf(1, tsub1) * tfrac2 +
    herf(l, tsub2) * tfrac1
NEXT year
RETURN
***** END OF Lawful SUBMODULE *****
CONDUCT:
Submodule to compute outcomes for conduct
    remedy path, where Microsoft exists as
    a monopoly in 1995–2001, but
    competitive conditions begin in 2002
    (cstart) whereby competitors are free to
```

```
    enter. (Path p=1)
FOR year = ystart TO cstart—1
  ysub = year—ystart
  tsub = 0
  csy(ysub, I) = cstot(l, tsub)
  pimsy(ysub, I) = pimstot(l, tsub)
  picompy(ysub, 1) = picomptot(1, tsub)
  hhi(ysub, 1) = herf(l, tsub)
NEXT year
  Cstart1—cstart—1
FOR year = cstart TO yend
  ysub = year—ystart
  tsub = (year—cstart1) / tyears
  tsub1 = INT(tsub)
  tsub2 = tsub1 + 1
  tfrac1= tsub—tsub1
  tfrac2 = tsub2—tsub
  csy(ysub, I) = cstot(l, tsub1) * tfrac2 +
    cstot(l, tsub2) * tfrac1
  pimsy(ysub, I) = pimstot(1, tsub1) * tfrac2
    + pimstot(1, tsub2) * tfrac1
  picompy(ysub, 1) = picomptot(1, tsub1) *
    tfrac2 + picomptot(l, tsub2) * tfrac1
  hhi(ysub, 1) = herf(l, tsub1) * tfrac2 +
    herf(l, tsub2) * tfrac1
NEXT year
```

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```
RETURN
***** END OF Conduct SUBMODULE *****
STRUCTURAL:
Submodule to compute outcomes for
    structural remedy paths, where Microsoft
    exists as a monopoly in 1995–2004, but
    Microsoft is divided into 2 or 3 firms in
    2005 and competitive conditions exist
    thereafter.
  Path p=2, Microsoft divided into 2 APM
    firms.
  Path p=3, Microsoft divided into 3 APM
    firms.
  Paths p=4 thru p=13, Microsoft divided
    into 2 RPM firms, where z is allowed to
    vary.
  FOR p = 2 TO 13
  FOR year = ystart TO sstart—1
  ysub = year—ystart
  tsub = 0
  csy(ysub, p) = cstot(l, tsub)
  pimsy(ysub, p) = pimstot(1, tsub)
  picompy(ysub, p) = picomptot(l, tsub)
  hhi (ysub, p) = herf (I, tsub)
  NEXT year
FOR year = sstart TO yend
  ysub = year—ystart
  tsub = (year—sstart) / tyears
  tsub1 = INT(tsub)
  tsub2 = tsub1 + 1
  tfrac1 = tsub—tsub1
  tfrac2 = tsub2—tsub
  csy(ysub, p) = cstot(p, tsub1) * tfrac2 +
    cstot(p, tsub2) * tfrac1
  pimsy(ysub, p) = pimstot(p, tsub1) * tfrac2
    + pimstot(p, tsub2) * tfrac1
  picompy(ysub, p) = picomptot(p, tsub1) *
    tfrac2 + picomptot(p, tsub2) * tfrac1
  hhi(ysub, p) = herf(p, tsub1) * tfrac2 +
    herf(p, tsub2) * tfrac1
NEXT year
NEXT p
RETURN
***** END OF Structural SUBMODULE
    *****
PRINTYEARS:
```

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```
  Submodule to compute and print the data
    by year into files.
  Computed data consists of consumer
    surplus (cs), profits for Microsoft (pims),
    profits for competitors (picomp), and
    Herfindahl-Hershman Index (HHI).
  Data is computed for several time paths:
No remedy (continued monopoly) path=0;
Perfect conduct remedy starting in 2002
    (path=l);
Structural remedies starting in 2005
    (paths=2–13);
Lawful path (competitive behavior) since
    1995 (path=f4).
First adjust year factors by multiplying with
    revenue data.
The computed year data is expressed in real
    terms, but is not adjusted for 7%
    interest/discount rate.
FOR year = ystart TO yend
  ysub = year—ystart
  FOR path = 0 TO 14
  csy(ysub, path) = csy(ysub, path) *
    rev(ysub)
  pimsy(ysub, path) = pimsy(ysub, path) *
    rev(ysub)
  picompy(ysub, path) = picompy(ysub,
    path) * rev(ysub)
  NEXT path
NEXT year
Second (optional) print the year data into
    files.
IF tyears = 3 THEN OPEN year3$ FOR
    OUTPUT AS #6
IF tyears = 5 THEN OPEN year5$ FOR
    OUTPUT AS #6
IF tyears = 8 THEN OPEN year8$ FOR
    OUTPUT AS #6
FOR year = ystart TO yend
  ysub = year—ystart
  PRINT #6, USING ''####''; year;
  FOR path = 0 TO 14
  PRINT #6, USING ''#####.#########'';
    csy(ysub, path);
  NEXT path
  PRINT#6,
NEXT year
  PRINT #6,
FOR year = ystart TO yend ysub = year—
    ystart
  PRINT #6, USING ''####''; year;
  FOR path = 0 TO 14
  PRINT #6, USING ''#####.#########'';
    pimsy(ysub, path);
  NEXT path
  PRINT #6,
NEXT year
  PRINT #6,
FOR year = ystart TO yend
  ysub = year—ystart
```

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```
PRINT #6, USING ''####''; year;
FOR path = 0 TO 14
  PRINT #6, USING ''#####.#########'';
    picompy(ysub, path);
NEXT path
PRINT #6,
NEXT year
PRINT #6,
FOR year = ystart TO yend ysub = year—
    ystart
PRINT #6, USING ''####''; year;
FOR path = 0 TO 14
  tstot = csy(ysub, path) + pimsy(ysub, path)
    + picompy(ysub, path)
PRINT #6, USING ''#####.#########''; tstot;
NEXT path
PRINT #6,
NEXT year
PRINT #6,
FOR year = ystart TO yend ysub = year—
    ystart
PRINT #6, USING ''####''; year;
FOR path = 0 TO 14
PRINT #6, USING ''######.########'';
    hhi(ysub, ;
NEXT path
PRINT #6,
NEXT year
CLOSE #6
RETURN
***** END OF PrintYears SUBMODULE
    *****
AGGREGATE:
  Submodule to aggregate years for each
    path.
  Agg.. (p,t) is the aggregate for path p, time
    period t.
  p=0, no remedy path;
  p=1, 1-firm conduct remedy path;
  p=2, 2-firm structural remedy path.
  p=3, 3-firm structural remedy path.
  p=4 to p=13, 2-firm RPM structural remedy
    path.
  p=14, lawful path;
  t=1, 1995–2001; t=2, 2002–2025; t=3,
    1995–2025.
  AggCS = Aggregate for consumer surplus.
  AggComp = Aggregate for non-Microsoft
    profits.
  AggMS = Aggregate for Microsoft's profits.
```

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```
  AggTS = Aggregate for total surplus.
  First adjust the year data for 7% discount/
    interest rate.
FOR year = ystart TO yend
  ysub = year—ystart
FOR path = 0 TO 14
  csy(ysub, path) = csy(ysub, path) *
    discount(ysub)
  pimsy(ysub, path) = pimsy(ysub, path) *
    discount(ysub)
  picompy(ysub, path) = picompy(ysub,
    path) * discount(ysub)
NEXT path
NEXT year
  Second aggregate the data for the three
    time periods.
FOR path = 0 TO 14
  cstemp = 0
  picomptemp = 0
  mstemp = 0
FOR year = ystart TO cstart—1
  ysub = year—ystart
  cstemp = cstemp + csy(ysub, path)
  picomptemp = picomptemp +
    picompy(ysub, path)
  mstemp = mstemp + pimsy(ysub, path)
NEXT year
  aggcs(path, 1) = cstemp
  aggcomp (path, 1) = picomptemp
  aggms (path, 1) = mstemp
  aggts(path, 1) = cstemp + picomptemp +
    mstemp
  cstemp = 0
  picomptemp = 0
  mstemp = 0
FOR year = cstart TO yend
  ysub = year ystart
  cstemp = cstemp + csy(ysub, path)
```

```
   picomptemp = picomptemp +
      picompy(ysub, path)
   mstemp = mstemp + pimsy(ysub, path)
NEXT year
   aggcs(path, 2) = cstemp
   aggcomp(path, 2) = picomptemp
   aggms(path, 2) = mstemp
   aggts(path, 2) = cstemp + picomptemp +
      mstemp
   aggcs(path, 3) = aggcs(path, I) + aggcs(path,
      2)
   aggcomp(path, 3) = aggcomp(path, 1) +
      aggcomp(path, 2)
   aggms(path, 3) = aggms(path, 1) +
      aggms(path, 2)
   aggts(path, 3) = aggts(path, I) + aggts(path,
      2)
NEXT path
RETURN
```

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```
END OF Aggregate SUBMODULE *****
COMPARE:
   Submodule to compare aggregates between
      different time paths.
   Comp.. (c,t) is comparison c for time period
      t.
   c=0, no remedy path minus lawful
      competitive path.
   c=1, 1-firm conduct remedy path minus
      lawful competitive path.
   c=2, 2-firm structural remedy path minus
      lawful competitive path.
   c=3, 3-firm structural remedy path minus
      lawful competitive path.
   c=4, 4-firm structural remedy path minus
      lawful competitive path.
   c=5, 5-firm structural remedy path minus
      lawful competitive path.
   t=1 1995–2001; t=2, 2002–2025; t=3, 1995–
      2025;
   CompCS = Comparison for consumer
      surplus.
   CompComp = Comparison non-Microsoft
      profits.
   CompMS = Comparison for Microsoft's
      profits.
   CompTS = Comparison for total surplus.
FOR c = 0 TO 13
FOR t = 1 TO 3
   compcs(c, t) = aggcs(c, t) -aggcs(plaw, t)
   compcomp(c, t) = aggcomp(c, t)
      aggcomp(plaw, t)
   compms(c, t) = aggms(c, t) -aggms(plaw, t)
   compts(c, t) = aggts(c, t)—aggts(plaw, t)
NEXT t
NEXT c
RETURN
***** END OF Compare SUBMODULE
      *****
MACROSTATS:
   Submodule to compute averages, weighted
      averages, minimums, maximums.
INPUT #21, cratio2, speed2, port2, tyears2,
      pvtemp
   IF cratio <> cratio2 THEN PRINT ''Cost-
      ratio mismatch:''; cratio; cratio2
   IF speed <> speed2 THEN PRINT ''Speed
      mismatch:''; speed; speed2
   IF tyears <> tyears2 THEN PRINT ''Tyears
      mismatch:''; tyears; tyears2
   IF port <> port2 THEN PRINT ''Portion
      mismatch:''; port; port2
```

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```
   IF port >= 0 THEN ''Always true; change
      to restrict statistics gathering.
   pvtotal = pvtotal + pvtemp
   avgtotal = avgtotal + 1
FOR p = 0 TO 14
FOR t = 1 TO 3
   First put numbers into temporary variable
      slots.
   aggcstemp = aggcs(p, t)
   aggcomptemp = aggcomp(p, t)
   aggmstemp = aggms(p, t)
   aggtstemp = aggts(p, t)
   compcstemp = compcs(p, t)
   compcomptemp = compcomp(p, t)
   compmstemp = compms(p, t)
   comptstemp = compts(p, t)
   Second compute minimum values
   IF aggcstemp < aggcsmin(p, t) THEN
      aggcsmin(p, t) = aggcstemp
   IF aggcomptemp < aggcompmin(p, t) THEN
      aggcompmin(p, t) = aggcomptemp
   IF aggmstemp < aggmsmin(p, t) THEN
      aggmsmin(p, t) = aggmstemp
   IF aggtstemp < aggtsmin(p, t) THEN
      aggtsmin(p, t) = aggtstemp
   IF compcstemp < compcsmin(p, t) THEN
      compcsmin(p, t)— compcstemp
   IF compcomptemp < compcompmin(p, t)
      THEN compcompmin(p, t) =
      compcomptemp
   IF compmstemp < compmsmin(p, t) THEN
      compmsmin(p, t) = compmstemp
   IF comptstemp < comptsmin(p, t) THEN
      comptsmin(p, t) = comptstemp
   Third compute maximum values
   IF aggcstemp > aggcsmax(p, t) THEN
      aggcsmax(p, t) = aggcstemp
   IF aggcomptemp > aggcompmax(p, t)
      THEN aggcompmax(p, t) = aggcomptemp
   IF aggmstemp > aggmsmax(p, t) THEN
      aggmsmax(p, t) = aggmstemp
   IF aggtstemp > aggtsmax(p, t) THEN
      aggtsmax(p, t) = aggtstemp
   IF compcstemp > compcsmax(p, t) THEN
      compcsmax(p, t) = compcstemp
   IF compcomptemp > compcompmax(p, t)
      THEN compcompmax(p, t) =
      compcomptemp
   IF compmstemp > compmsmax(p, t) THEN
      compmsmax(p, t) = compmstemp
   IF comptstemp > comptsmax(p, t) THEN
      comptsmax(p, t) = comptstemp
   Fourth compute average values
```

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```
   aggcsavg(p, t) = aggcsavg(p, t) + aggcstemp
   aggcompavg(p, t) = aggcompavg(p, t) +
      aggcomptemp
   aggmsavg(p, t) = aggmsavg(p, t) +
      aggmstemp
   aggtsavg(p, t) = aggtsavg(p, t) + aggtstemp
   compcsavg(p, t) = compcsavg(p, t) +
      compcstemp
   compcompavg(p, t) = compcompavg(p, t) +
      compcomptemp
   compmsavg(p, t) = compmsavg(p, t) +
      compmstemp
   comptsavg(p, t) = comptsavg(p, t) +
      comptstemp
   Fifth compute weighted average values
   aggcswtd(p, t) = aggcswtd(p, t) + aggcstemp
      * pvtemp
   aggcompwtd(p, t) = aggcompwtd(p, t) +
      aggcomptemp * pvtemp
   aggmswtd(p, t) = aggmswtd(p, t) +
      aggmstemp * pvtemp
   aggtswtd(p, t) = aggtswtd(p, t) + aggtstemp
      * pvtemp
   compcswtd(p, t) = compcswtd(p, t) +
      compcstemp * pvtemp
   compcompwtd(p, t) = compcompwtd(p, t)
      + compcomptemp * pvtemp
   compmswtd(p, t) = compmswtd(p, t) +
      compmstemp * pvtemp
   comptswtd(p, t) = comptswtd(p, t) +
      comptstemp * pvtemp
NEXT t
NEXT p
END IF
RETURN
''***** END OF MacroStats SUBMODULE
      *****
PRINTAGGCOMP :
''Submodule to print aggregates and
      comparisons.
IF tyears = 3 THEN OPEN aggr3$ FOR
      OUTPUT AS #7
IF tyears = 5 THEN OPEN aggr5$ FOR
      OUTPUT AS #7
IF tyears = 8 THEN OPEN aggr8$ FOR
      OUTPUT AS #7
''First print aggregates.
FOR path = 0 TO 14
   IF path = 0 THEN PRINT #7, ''Aggregates
      for
No Remedy Path: ''
   IF path = 1 THEN PRINT #7, ''Aggregates
      for
Conduct Remedy: ''
   IF path = 2 THEN PRINT #7, ''Aggregates
      for
APM, 2- firms Remedy : ''
   IF path = 3 THEN PRINT #7, ''Aggregates
      for
APM, 3 -firms Remedy: ''
   IF path >= 4 AND path <= 13 THEN
   PRINT #7, ''Aggregates for RPM, z='';
   PRINT #7, USING ''#.###''; zpath(path);
   PRINT #7, ''Remedy: ''
   END IF
```

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```
   IF path = 14 THEN PRINT #7, ''Aggregates
      for
   Lawful Path: ''
   PRINT #7, ''Time ''; ''CS ''; ''nonMSpi ,,;
      ,,
MSpi ''; ''TS ''
   FOR t = 1 TO 3
   IF t = 1 THEN PRINT #7, ''Past: '';
   IF t = 2 THEN PRINT #7, ''Future: '';
   IF t = 3 THEN PRINT #7, ''Total: -;
   PRINT #7, USING ''#####.#######,,;
      aggcs(path, t) ; aggcomp(path, t) ;
      aggms(path, t) ; aggts(path, t)
NEXT t
PRINT #7,
NEXT path
   ''Second print comparisons.
FOR c = 0 TO 13
   IF c = 0 THEN PRINT #7, ''Comparing No
      Remedy minus LawfulPath: ''
   IF c = 1 THEN PRINT #7, ''Comparing
      Conduct minus LawfulPath: ''
   IF c = 2 THEN PRINT #7, ''Comparing
      APM, 2-firms minus LawfulPath: ''
   IF c = 3 THEN PRINT #7, ''Comparing
      APM, 3-firms minus LawfulPath: ''
   IF c >= 4 AND c <= 13 THEN
   PRINT #7, ''Comparing RPM, z='' ;
   PRINT #7, USING ''#.###''; zpath(c);
PRINT #7, ''minus LawfulPath: ''
END IF
PRINT #7, ''Time ''; ''CS ''; ''nonMSpi ''; ,,
```

```
MSpi ''; ''TS ''
FOR t = 1 TO 3
  IF t = 1 THEN PRINT #7, ''Past: '',;
  IF t = 2 THEN PRINT #7, ''Future: '';
  IF t = 3 THEN PRINT #7, ''Total: '';
  PRINT #7, USING ''#####.#######.;
    compcs(c, t); compcomp(c, t); compms(c,
    t); compts(c, t)
NEXT t
PRINT #7,
NEXT c
CLOSE #7
RETURN
''***** END OF PrintAggComp
    SUBMODULE *****
```

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```
PRINTAGGSHORT:
  ''Submodule to print one-page summary of
  ''aggregates and comparisons.
IF tyears = 3 THEN OPEN aggc3$ FOR
    OUTPUT AS #7
IF tyears = 5 THEN OPEN aggc5$ FOR
    OUTPUT AS #7
IF tyears = 8 THEN OPEN aggc8$ FOR
    OUTPUT AS #7
''First print totals for alternative remedies.
PRINT #7, ''Total Aggregates Remedies:''
PRINT #7, ''Remedy ''; ''CS ''; ,,
MSpi ''; ''TS ''
FOR path = 0 TO 14
  IF path = 0 THEN PRINT #7, ''No-Remedy:
    '';
  IF path = 1 THEN GOSUB AGGSUB:
  IF path = 1 THEN path = 2
  IF path = 2 THEN PRINT #7, ''APM, 2-
    firms: ,;
  IF path = 3 THEN PRINT #7, ''APM, 3-
    firms: '';
  IF path >= 4 AND path <= 13 THEN
  PRINT #7, ''RPM, z='';
  PRINT #7, USING ''#.###''; zpath(path);
  PRINT #7, '': '';
END IF
IF path = 14 THEN PRINT #7, ''Lawful Path:
    '';
PRINT #7, USING ''#####.#######'';
    aggcs(path, 3); aggcomp(path, 3);
    aggms(path, 3); aggts(path, 3)
NEXT path
PRINT #7,
  ''Second print comparisons.
PRINT #7, ''Comparing Remedies minus
    Lawful Path:''
PRINT #7, ''Remedy ''; ''CS ''; ''nonMSpi ,,;
    ,,
  MSpi ''; ''TS ''
FOR c = 0 TO 13
  IF c = 0 THEN PRINT #7, ''No-Remedy: '';
  IF c = 1 THEN GOSUB COMPSUB:
  IF c = 1 THEN c = 2
  IF c = 2 THEN PRINT #7, ''APM, 2-firms:
    '';
  IF c = 3 THEN PRINT #7, ''APM, 3-firms:
    '';
  IF c >= 4 AND c <= 13 THEN
  PRINT #7, ''RPM, z='';
  PRINT #7, USING ''#.###''; zpath(c);
  PRINT #7, '': '';
  END IF
  PRINT #7, USING ''#####.#######'';
    compcs(c, 3); compcomp(c, 3);
  Alternative
nonMSpi ''; ''
```

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```
compms(c, 3); compts(c, 3)
NEXT c
CLOSE #7
RETURN
''***** END OF PrintAggShort SUBMODULE
    *****
AGGSUB:
  ''Submodule of PRINTAGGSHORT
    Submodule,
  '' to print out variations on conduct
    remedy.
  temp0cs = aggcs(0, 3)
  temp0comp = aggcomp(0, 3)
  temp0ms = aggms(0, 3)
  temp0ts = aggts(0, 3)
  temp1cs= aggcs(l, 3)
  temp1comp = aggcomp (1, 3)
  temp1ms = aggms(l, 3)
  temp1ts = aggts(l, 3)
  temp2cs = aggcs(2, 3)
  temp2comp = aggcomp(2, 3)
  temp2ms = aggms(2, 3)
  temp2ts = aggts(2, 3)
GOSUB PRINTSUB:
RETURN
''***** END OF AggSub SUBMODULE
    *****
COMPSUB:
''Submodule of PRINTAGGSHORT
    Submodule,
  '' to print out variations on conduct
    remedy.
  temp0cs = compcs(0, 3)
  temp0comp = compcomp(0, 3)
  temp0ms = compms(0, 3)
  temp0ts = compts(0, 3)
  temp1cs = compcs(1, 3)
  temp1comp = compcomp(l, 3)
  temp1ms = compms(1, 3)
  temp1ts = compts(l, 3)
  temp2cs = compcs(2, 3)
  temp2comp = compcomp(2, 3)
  temp2ms = compms(2, 3)
  temp2ts = compts(2, 3)
GOSUB PRINTSUB:
RETURN
```

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```
''***** END OF CompSub SUBMODULE
    *****
PRINTSUB:
''Submodule of two submodules of the
    PRINTAGGSHORT
  '' submodule, to print variations on
    conduct remedy.
''Compute and print 20% effective conduct
    remedy. PRINT #7, ''20% Conduct:'';
PRINT #7, USING ''#####.#######''; temp0cs
    * .8 + temp1cs * .2;
PRINT #7, USING ''#####.#######'';
    temp0comp * .8 + temp1comp * .2;
PRINT #7, USING ''#####.#######'';
    temp0ms * .8 + temp1ms * .2;
  PRINT #7, USING ''#####.#######'';
    temp0ts * .8 + temp1ts * .2
''Compute and print 40% effective conduct
    remedy. PRINT #7, ''40% Conduct:'';
PRINT #7, USING ''#####.#######''; temp0cs
    * .6 + temp1cs * .4;
PRINT #7, USING ''#####.#######'';
    temp0comp * .6 + temp1comp * .4;
PRINT #7, USING ''#####.#######'';
    temp0ms * .6 + temp1ms * .4;
  PRINT #7, USING ''#####.#######'';
    temp0ts * .6 + temp1ts * .4
''Compute and print 60% effective conduct
    remedy. PRINT #7, ''60% Conduct:'';
PRINT #7, USING ''#####.#######''; temp0cs
    * .4 + temp1cs * .6;
PRINT #7, USING ''#####.#######'';
    temp0comp * .4 + temp1comp * .6;
PRINT #7, USING ''#####.#######'';
    temp0ms * .4 + temp1ms * .6;
  PRINT #7, USING ''#####.#######'';
    temp0ts * .4 + temp1ts * .6
''Compute and print 80% effective conduct
    remedy. PRINT #7, ''80% Conduct:'';
PRINT #7, USING ''#####.#######''; temp0cs
    * .2 + temp1cs * .8;
PRINT #7, USING ''#####.#######'';
    temp0comp * .2 + temp1comp * .8;
PRINT #7, USING ''#####.#######'';
    temp0ms * .2 + temp1ms * .8;
  PRINT #7, USING ''#####.#######'';
    temp0ts * .2 + temp1ts * .8
''Compute and print 100% effective conduct
    remedy. PRINT #7, ''100% Conduct:'';
PRINT #7, USING ''#####.#######'';
    temp1cs;
PRINT #7, USING ''#####.#######'';
    temp1comp;
PRINT #7, USING ''#####.#######'';
    temp1ms;
PRINT #7, USING ''#####.#######''; temp1ts
''Compute and print the two-monopolies
    structural remedy. PRINT #7, ''2-
    Monopolies:'';
PRINT #7, USING ''#####.#######''; temp2cs
    / 3 + temp1cs * 2 / 3Q;
```

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```
PRINT #7, USING ''#####.#######-;
    temp2comp / 3 + temp1comp * 2 / 3;
PRINT #7, USING ''#####.#######'';
    temp2ms / 3 + temp1ms * 2 / 3;
PRINT #7, USING ''#####.#######''; temp2ts
    / 3 + temp1ts * 2 / 3
RETURN
''***** END OF PrintSub SUBMODULE
    ***** t
PRINTSTATS :
  ''Submodule to print averages, weighted
    averages, minimums, maximums.
CLOSE #21
''First print out minimums.
MID$(aggr8$, 25, 3) = ''MIN''
MID$(aggc8$, 25, 3) = ''MIN''
FOR p = 0 TO 14
FOR t = 1 TO 3
  aggcs(p, t) = aggcsmin(p, t)
  aggcomp(p, t) = aggcompmin(p, t)
  aggms (p, t) = aggmsmin (p, t)
  aggts(p, t) = aggtsmin(p, t)
  compcs(p, t) = compcsmin(p, t)
  compcomp(p, t) = compcompmin(p, t)
  compms(p, t) = compmsmin(p, t)
  compts(p, t) = comptsmin(p, t)
NEXT t
NEXT p
GOSUB PRINTAGGCOMP :
GOSUB PRINTAGGSHORT :
''Second print out maximums.
MID$(aggr8$, 25, 3)—''MAX''
MID$(aggc8$, 25, 3) = ''MAX''
FOR p = 0 TO 14
FOR t = 1 TO 3
  aggcs(p, t) = aggcsmax(p, t)
  aggcomp(p, t) = aggcompmax(p, t)
  aggms(p, t) = aggmsmax(p, t)
  aggts(p, t) = aggtsmax(p, t)
  compcs(p, t) = compcsmax(p, t)
  compcomp(p, t) = compcompmax(p, t)
  compms(p, t) = compmsmax(p, t)
```

compts(p, t) = comptsmax(p, t)
NEXT t

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NEXT p
GOSUB PRINTAGGCOMP :
GOSUB PRINTAGGSHORT:
MID$(aggr8$, 25, 3) = ''AVG''
MID$(aggc8$, 25, 3)—''AVG''
FOR p = 0 TO 14
FOR t = 1 TO 3
aggcs(p, t) = aggcsavg(p, t) / avgtotal
aggcomp(p, t) = aggcompavg(p, t) / avgtotal
aggms(p, t) = aggmsavg(p, t) / avgtotal
aggts(p, t) = aggtsavg(p, t) / avgtotal
compcs(p, t) = compcsavg(p, t) / avgtotal
compcomp(p, t) = compcompavg(p, t) / avgtotal
compms(p, t) = compmsavg(p, t) / avgtotal
compts(p, t) = comptsavg(p, t) / avgtotal
NEXT t
NEXT p
GOSUB PRINTAGGCOMP :
GOSUB PRINTAGGSHORT:
''Fourth print out weighted averages.
MID$(aggr8$, 25, 3) = ''WTD''
MID$(aggc8$, 25, 3) = ''WTD''
FOR p = 0 TO 14
FOR t = 1 TO 3
aggcs(p, t) = aggcswtd(p, t) / pvtotal
aggcomp(p, t) = aggcompwtd(p, t) / pvtotal
aggms(p, t) = aggmswtd(p, t) / pvtotal
aggts(p, t) = aggtswtd(p, t) / pvtotal
compcs(p, t) = compcswtd(p, t) / pvtotal
compcomp(p, t) = compcompwtd(p, t) / pvtotal
compms(p, t) = compmswtd(p, t) / pvtotal
compts(p, t) = comptswtd(p, t) / pvtotal
NEXT t
NEXT p
GOSUB PRINTAGGCOMP:
GOSUB PRINTAGGSHORT:
RETURN
,***** END OF PrintStats SUBMODULE *****
''**********END OF Program ..MS6Summ.bas''.**********
.**********LAST OF SERIES OF SIX PROGRAMS**********

MTC–000361—0199

Attachment R.

Contents of File ''MS—Rev.csv''.

The ''MS—Rev.csv'' file is a needed input file for the ''MS6Summ.bas'' computer program.

Microsoft Corporation,,,,

''Real Annual Revenue, 2001 dollars (billions).'' ....

,,,,''Platforms,''

Calendar,Desktop,Platforms &,Platforms &,Applications

Year,Platforms,Enterprise,Applications,& Enterprise

1995, 3.0035316, 4.207892342, 6.855180159, 8.059540901

1996, 3.727131393, 5.347349902, 8.460443423, 10.08066193

1997, 5.035883238, 7.458570139, 11.21720468, 13.63989158

1998, 6.454595209, 9.391381895, 14.2045433, 17.14132999

1999, 7.693463232, 12.21087139, 17.14963014, 21.6670383

2000, 8.186611784, 13.1922708, 17.72984147, 22.73550048

2001, 7.2043035, 11.34811009, 16.7864329, 20.93023949

2002, 9.14247463, 14.95519357, 19.79287211, 25.60559105

2003, 10.58883605, 17.7114904, 22.8211218, 29.94377615

2004, 12.00140966, 20.45382314, 25.77105291, 34.22346639

2005, 13.36456237, 23.13621511, 28.61300897, 38.38466171

2006, 14.67011841, 25.72877347, 31.33233776, 42.39099283

2007, 15.91566918, 28.21539046, 33.92583204, 46.22555332

2008, 17.10294472, 30.59079228, 36.39838725, 49.88623481

2009, 18.23641933, 32.85759662, 38.760186, 53.38136329

2010, 19.3222093, 35.02373565, 41.02449912, 56.72602548

2011, 20.36725465, 37.10038404, 43.20607024, 59.93919963

2012, 21.3787453, 39.10039929, 45.31999424, 63.04164823

2013, 22.36374177, 41.03721389, 47.38098491, 66.05445702

2014, 23.32894261, 42.92409405, 49.40293308, 68.99808453

2015, 24.28055711, 44.77367791, 51.39867211, 71.89179291

2016, 25.22425072, 46.59771715, 53.37988484, 74.75335127

2017, 26.1651381, 48.40695999, 55.35710303, 77.59892492

2018, 27.107806, 50.21112823, 57.33976344, 80.44308567

2019, 28.05635302, 52.01895334, 59.33629582, 83.29889613

2020, 29.01443792, 53.83824715, 61.35422596, 86.17803519

2021, 29.98533062, 55.6759901, 63.40028299, 89.09094247

2022, 30.97196248, 57.5384259, 65.48050406, 92.04696748

2023, 31.97697372, 59.43115563, 67.60033258, 95.05451449

2024, 33.002757, 61.35922702, 69.76470794, 98.12117797

2025, 34.0514965, 63.32721672, 71.97814598, 101.2538662

2026, 35.1252027, 65.3393044, 74.24481019, 104.4589119

2027, 36.22574276, 67.39933867, 76.56857413, 107.74217

2028, 37.35486715, 69.51089506, 78.95307569, 111.i091036

2029, 38.51423258, 71.67732649, 81.40176416, 114.5648581

2030, 39.70542191, 73.90180714, 83.91794075, 118.114326

MTC–00030631—0200

Attachment S.

Contents of File ''PointVal.csv''.

The ''PointVal.csv'' file is a needed input file for the ''MS6Summ.bas'' computer program.

Cost-ratio,Speed,Portion,T-years,Point Values

1,1,0,3,1
1,1,0,5,1
1,1,0,8,1
1,1,1,3,2
1,1,1,5,2
1,1,1,8,2
1,1,2,3,2
1,1,2,5,2
1,1,2,8,2
1,1,3,3,2
1,1,3,5,2
1,1,3,8,2
1,1,4,3,1
1,1,4,5,1
1,1,4,8,1
1,2,0,3,1
1,2,0,5,1
1,2,0,8,1
1,2,1,3,2
1,2,1,5,2
1,2,1,8,2
1,2,2,3,2
1,2,2,5,2
1,2,2,8,2
1,2,3,3,2
1,2,3,5,2
1,2,3,8,2
1,2,4,3,1
1,2,4,5,1
1,2,4,8,1
1,3,0,3,1
1,3,0,5,1
1,3,0,8,1
1,3,1,3,2
1,3,1,5,2
1,3,1,8,2
1,3,2,3,2
1,3,2,5,2
1,3,2,8,2
1,3,3,3,2
1,3,3,5,2
1,3,3,8,2
1,3,4,3,1
1,3,4,5,1
1,3,4,8,1

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2,1,0,3,1
2,1,0,5,1
2,1,0,8,1
2,1,1,3,2
2,1,1,5,2
2,1,1,8,2
2,1,2,3,2
2,1,2,5,2
2,1,2,8,2
2,1,3,3,2
2,1,3,5,2
2,1,3,8,2
2,1,4,3,1
2,1,4,5,1
2,1,4,8,1
2,2,0,3,1
2,2,0,5,1
2,2,0,8,1
2,2,1,3,2
2,2,1,5,2
2,2,1,8,2
2,2,2,3,2
2,2,2,5,2
2,2,2,8,2
2,2,3,3,2
2,2,3,5,2
2,2,3,8,2
2,2,4,3,1
2,2,4,5,1
2,2,4,8,1
2,3,0,3,1
2,3,0,5,1
2,3,0,8,1
2,3,1,3,2
2,3,1,5,2
2,3,1,8,2

2,3,2,3,2
2,3,2,5,2
2,3,2,8,2
2,3,3,3,2
2,3,3,5,2
2,3,3,8,2
2,3,4,3,1
2,3,4,5,1
2,3,4,8,1

MTC–0003061–0202

3,1,0,3,2
3,1,0,5,2
3,1,0,8,2
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3,1,1,8,4
3,1,2,3,4
3,1,2,5,4
3,1,2,8,4
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3,1,3,8,4
3,1,4,3,2
3,1,4,5,2
3,1,4,8,2
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3,2,0,5,2
3,2,0,8,2
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3,2,1,5,4
3,2,1,8,4
3,2,2,3,4
3,2,2,5,4
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3,2,3,8,4
3,2,4,3,2
3,2,4,5,2
3,2,4,8,2
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3,3,0,8,2
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3,3,1,5,4
3,3,1,8,4
3,3,2,3,4
3,3,2,5,4
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3,3,4,5,2
3,3,4,8,2

MTC–00030631—0203

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4,1,0,8,2
4,1,1,3,4
4,1,1,5,4
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4,1,2,5,4
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4,1,3,8,4
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4,1,4,8,2
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4,2,1,5,4
4,2,1,8,4
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4,2,2,5,4
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4,2,3,8,4
4,2,4,3,2
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4,2,4,8,2
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4,3,0,5,2
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4,3,1,5,4
4,3,1,8,4
4,3,2,3,4
4,3,2,5,4
4,3,2,8,4
4,3,3,3,4
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4,3,4,3,2
4,3,4,5,2
4,3,4,8,2

MTC–00030631–0204

5,1,0,3,2
5,1,0,5,2
5,1,0,8,2
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5,1,1,5,4
5,1,1,8,4
5,1,2,3,4
5,1,2,5,4
5,1,2,8,4
5,1,3,3,4
5,1,3,5,4
5,1,3,8,4
5,1,4,3,2
5,1,4,5,2
5,1,4,8,2
5,2,0,3,2
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5,2,0,8,2
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5,2,1,8,4
5,2,2,3,4
5,2,2,5,4
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5,2,3,8,4
5,2,4,3,2
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5,3,2,5,4
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5,3,3,3,4
5,3,3,5,4
5,3,3,8,4
5,3,4,3,2
5,3,4,5,2
5,3,4,8,2

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Using Relative Profit Incentives to Prevent Collusion

CARL LUNDGREN*

1212 W. Jefferson, Apt. A, Springfield, IL 62702, U.S.A. Abstract. This paper describes a new economic method for preventing oligopoly collusion. The method eliminates incentives for collusion by making managerial compensation depend on relative profits rather than absolute profits. This alteration of managerial incentives sets up a zero-sum game among the firms in an industry, yielding the result that firms no longer have incentive to collude, either actually or tacitly, with regard to prices or outputs. The method also ameliorates the imperfectly competitive outcomes which can result from even noncooperative oligopoly interactions.

Key words: Oligopoly, collusion, relative profits, zero-sum game, managerial incentives. Introduction The purpose of this paper is to present an alternative method for preventing collusion,[1] The method eliminates incentives for both actual and tacit collusion, and ameliorates the imperfectly competitive outcomes which can result from even noncooperative oligopoly interactions. The method prevents exploitation of oligopoly power, but is not a general cure for the market power problems of either strict monopoly or monopolistic competition.

Section I introduces and verbally describes the basic method of providing relative profit maximizing incentives for owners and managers of business firms. Section I/reviews some related literature. Section HI illustrates the method using a particular mathematical example. Section IV discusses some practical concerns related to implementing the method. Section V focuses on how firm owners can be prevented from making management stress absolute profits over relative profits. Section VI concludes. Three mathematical appendices derive: (A) the optimal weighting of rival firms'' profits under a relative profit incentive scheme; 03) short-run equilibrium; and ((2) Bertrand equilibrium for differentiated products.

ldquo;The author would like to thank numerous individuals for their comments on previous versions of this paper.

I. Basic Method

In an industry structure with only a few firms, collusion is a serious possibility, even when it is illegal. Tacit collusion, which does not require illegal communication among conspirators, can also occur.

The basic concept which underlies this proposed method is the perception that causing managers of firms to participate in a zero-sum game, or its equivalent or near-equivalent, will hinder or prevent cooperation or collusion among the managers

[1] NOTICE OF PATENT PENDING: This paper describes a method of economic regulation for preventing collusion upon which the author and inventor has applied for a patent. A patent on this invention, if such should be granted, would only restrict actual use of the described invention; it would not restrict in any way the verbal or written discussion, description, or criticism of that invention.

of different firms. In a zero-sum game it is possible for one firm's manager to gain only if another firm's manager loses, since there is only a fixed quantity of rewards to go around. In a nonzero-sum game it is frequently possible for everyone to gain through cooperation (collusion) as opposed to noncooperation, since cooperation may increase the total quantity of rewards available to go around.

A zero-sum game for industry may be instituted by forcing firms as a whole to participate in a zero-sum game and/or by arranging zero-sum compensation arrangements for the managers of different firms. When the goal of firms is maximizing profits, instituting a zero-sum game in profits means that firms are motivated to maximize relative profits rather than absolute profits. That is, firms attempt to maximize the difference of their own firm's absolute profits relative to an average of other firms'' absolute profits. Alternatively and equivalently, firms attempt to maximize the difference of their own firm's absolute profits relative to the average absolute profits era group of competing firms, of which group the firm is a member.

A good way to institute a zero-sum game among firms in an industry is by motivating managers to seek relative profits rather than absolute profits. The usual way to motivate managers to pursue a particular goal is to pay managers in accordance with success in achieving that goal. If the goal is to maximize absolute profits, managers should expect to receive more compensation, the higher profits turn out to be. By altering the rules for managerial compensation in the appropriate way, we can make sure that managers are motivated to maximize relative profits rather than absolute profits.

The key to understanding this method rests upon the seemingly trivial observation that successful collusion increases the absolute profits of firms, but does not increase the relative profits of firms. When firms collusively raise prices, the relative profits of each firm cannot increase on average. Only one of two things can happen: Either (1) absolute profits of each firm rise equally and relative profits of each firm stay the same, or (2) the absolute profits of each firm do not rise equally, in which case some firms gain relative profit and some firms lose relative profit. If the second case holds true, any firm which loses relative profit from the collusive agreement will want to cheat (assuming it seeks relative profit), since it gains relative profit in the short run by cheating and it gains relative profit in the long run by breaking up the collusive agreement. If the first case holds true, no firm gains relative profit by maintaining the collusive agreement in the 13ng run, and every farm gains relative profit by cheating in the short run. In a relative profit maximizing industry there is no incentive for all the firms to enter into or maintain any collusive agreement. Competitive behavior must result,

Setting up a zero-sum game in profits does not in any way require placing any cap or limitation on the amount of absolute or relative profit which any individual firm may earn. Rather, there is simply a definitional change in the type of profit which a firm or firm manager is expected to maximize. The main difference between absolute profit maximizing (APM) firms and relative profit maximizing (RPM) firms is that RPM firms are not motivated to collude. In the absence of collusion, absolute profit and relative profit are very similar. RPM firms are just as strongly motivated as APM firms to seek other sources of profit, such as reducing costs of production or improving product quality. RPM firms are not deliberately inefficient nor do they try to slow down technical progress. They merely refuse to collude, even tacitly.
.

Government is assumed able to observe costs and revenues ex post, but is not assumed able to observe either demand curves or cost functions. The proposed regulation is not heavy-handed. Price controls, profit controls, central command and the like are no part of the proposal. Under the relative profit scheme of regulation, firms are perfectly free to try to make as much profit as they can, set whatever prices they wish, sell whatever Products they wish, and to enter or exit industries and product lines as they please. Application of the RPM regulatory scheme need not extend beyond those firms which are most likely to collude (i.e., the ?? firms within an oligopoly industry). Competitive industries, of course, do not ?? to be included (though no harm would come if they were).

II. Review of Some Related Literature

Only in Donaldson and Neary (1984) does there first appear a suggestion that the principles of relative profit maximizing might be put to practical use by altering the incentives of firms or managers. Donaldson and Neary suggest that relative profit maximizing managers in a ''socialist industry'' composed wholly of govern?? owned firms can achieve efficient outcomes with a minimum of administrative supervision by a central planner. They also prove numerous game theory propositions in this connection. Although they indirectly allude to the anti-?? features of the incentive scheme, they never directly state this property outright. Consequently, they appear to have overlooked the possibility of extending the scheme to prevent collusion in Privately-owned or ''capitalist'' industries. Also, they appear to impose the unwarranted restriction that each manager must be paid dollar-for-dollar for each dollar of relative profit which a firm earns (p. 102).

Two basic propositions in the Donaldson and Neary (1984) paper are worth special mention. The first is that RPM firms producing multiple or joint products will tend to produce at minimum cost and price efficiently (pp. 104–5, 109–10). This means that the incentive scheme is capable of being applied, not only to single-product firms and industries, but also to multi-product firms and industries.

Secondly, RPM firms, unlike their APM counterparts, have little or no strategic incentive to increase their market shares in a cost-inefficient manner by installing excess capital (pp. 105, 107–9).

The theoretical suggestion that firms with absolute profit incentives might under certain (presumably rare) circumstances try to behave as if they desired to maximize relative profits appears to have been made as early as 1960. Bishop (1960), describing the alleged ''warfare'' of oligopolists in the absence of collusion, Shubik and Levitan (1980), describing ''beat-the-average'' games, and Jones (1980), describing the outcome era classroom game, each derive first-order conditions for a constant-sum game in relative profits. Jones also derives second-order conditions. Two reasons are suggested for such behavior: (I) Businessmen might be naturally rivalrous, caring more about relative position than absolute position, or (2) bus/- nessmen may be carrying out threats in order to elicit more favorable collusive agreements from their rivals in the future. These three works do not suggest any practical application for the mathematical principles of relative profit maximizing.

Although they do not anticipate the present subject matter, several other papers are worth mentioning. Holmstrom (1982) and Aron (1988) explore the use of relative performance evaluations for the quite distinct purpose of attempting more accurate evaluations of managerial performance. Gibbons mad Murphy (1990) ask whether, in fact, managers tend to be paid according to relative performance. Fouraker and Siegel (1963) and Vickers (I 985) consider relative profit goals and incentives of a different type, namely maximization of the difference between absolute profits of own firm and total absolute profits of rival firms, rather than average absolute profits of rival firms. Fershtman and Judd (1987) and Sklivas 0987) also consider alternative managerial incentives, but not relative profit incentives. Shleifer (1985) and Tam (1988) describe what may be the best currently known alternatives for regulating oligopoly markets, aside from antitrust enforcement or structural reform. Both of these alternatives require the regulation of prices, whereas the present method does not.

In summary, none of the previous literature suggests that relative performance incentives can be used as a general method for preventing collusion.

III. An Illustrative Example

Let G be some statistic which describes something about a firm. If the firm's managers arc rewarded for achieving higher levels of G, then maximizing G will be the firm's goal or objective.

For purposes of this example, assume that there are N (N —> 2) identical firms. Each firm produces a single, homogenous product at a constant marginal cost of C. The market demand is linear, with P = A—bQ, where Q = ??Qi and Qi is firm output. Assume that each firm pursues an identical goal function, which has a coefficient of unity in own firm profits and a coefficient of W in rival firm profits. The goal function for firm i and rival firm(s) j looks as follows:

Gi=??i+W????j
J??1
=??i+W(N-1)??
= (PQi-CQi)+ W(N-1)(PQj-CQj)

If W = 0, then the firm's goal is simply to maximize its own economic profit. This is the absolute profit maximizing (APM) goal. If W = 1, then the firm has a joint profit maximizing (JPM) goal. If all N firms have JPM goals, the industry will surely collude.

On the other hand, if W = -1/(N—1), then the firm has a relative profit maximizing (RPM) goal. The RPM goal is calculated by stetting with own firm profits and subtracting off a weighted average of the N—1 rival firm profits.

If we assume noncooperative behavior and Cournot conjectures, firm i maximizes its goal function by choosing Qi such that:
?Gi/??Qi = (P-C)+(??P/??Qi)[Qi+ w(N- 1)Qj =
0
= (A-bQi-b(N- 1)Qj-C)
-b(Qi + W(N—1)Qj) = 0
(2)

For a symmetric, noncooperative equilibrium, assume that Qn = Qi = Qj. Define WM = 1 + W(N—1). We can calculate the following quantities, price-cost margins, absolute profits, and goal fulfillments for each firm:
(A-C)/[b(N + WM)]
(A-C)W/(IV + Wm)]
(A-C)2W2M/[b(N + WM)2]
(l- C)'-W2m/[b(N + WM)2]
(3)

Now, assume instead that each firm pursues a collusive (''monopoly'') equilibrium, in which each firm attempts to maximize its goal function under the assumption that all firms cooperate by setting the same level of output (QM) and receiving the same level of profit (??M). The goal function takes the form: .
GM—[1 + W(N- 1)]??M = WM??M
= WM(PQM—CQM)
(4)

When W > -1/(N—1), WM > 0, so that joint goal fulfillment is equivalent to maximizing joint absolute profits. When W <—1 / (N—I), WM < 0, j cint goal fulfillment requires the minimization of joint absolute profits, or the maximization of joint losses. When W = -1/(N—1), WM = O, we have a zero-stun game in relative profits. When WM—O, collusion can in no way improve the sum of relative profits for all N firms, since these must always add to zero. When WM = 0, there is no incentive for all N firms to collude either to raise prices or m lower prices from the prices that would exist in a noncooperative equilibrium.

In what follows, assume that W >—. -1/(N—1), so that WM >— 0 and joint maximization of absolute profits is a (weakly) plausible goal of collusion. (When WM = 0, firms are collectively no better off, but neither are they collectively worse off, from collusion.) Then the collusive equilibrium has the following solution:
??GM/??QM = WM(P—C).+ (??P/
??QM)WMQM ''- 0
= WM(A—bNQM—C)- bNWMQM = 0
QM= (A—e)/[2bN]
PM-c = (A-c)/2
??M = (A—C)2/[4bN]
GM =(A—C)2WM/[4bN]
(5)

We now consider the one-period incentive for a firm to cheat on a collusive agreement. This can be calculated under the assumption that a single firm chooses its output to maximize its own goal function, taking as given that rival firms choose the agreed-upon collusive output level:

This has solution:
(6)
= (P—C) + (??P/??Qi)(Qi + W(N—1)QM) = 0
= (A-bQi-b(N-1)QM-C) b(Qi+W(N-1)QM)=O
Qc = (A- c)(N + 2- WM)/[4bN]
Pc—c = (A c)(N + WM)/[4N]
- C)2(N + 2- WM)(N + WM)I[16bN2
- C) 2(N + WM)//[8bN2]
-C)2(N +WM)21[16bN2]
??c = (A
??j = (A
Gc = (A
(7)
...
??
k.
L
*

The reward to a firm which colludes in a repeated game with its rivals is:
CO
R?? = GM + ?? GM/(1 + r)t = GM + GM/r (8)
t=l

The value of r depends not simply on the cost of capital and risk premia, but also includes the probability that collusion may break down, perhaps because of industry changes or government intervention. The length of the time period, t, depends on the time it takes for rivals to discover that cheating has occured, after which collusion breaks down. The shorter the time period needed to detect cheating, the lower the value of r. The reward to a firm which cheats in period t = 0 and sees the noncooperative equilibrium in subsequent periods is:
Rc = Gc + ?? Gn/(l + r)t = Gc +Gn/r (9)

RM > RC (so that collusion is sustainable) whenever the collusion/cheating ratio shown below exceeds r:
(GM—Gn)/(Gc—GM) = 4NWM/(N + WM)2 >
r (I0)

For a given N within the relevant range, this ratio reaches its maximum value of 1 when WM = N (JPM) and reaches its minimum value of 0 when WM = 0 (RPM). The ratio rises monotonically when WM increases from 0 to N. As aright be expected, when WM = 1 (APM), this ratio falls (i.e., collusion is harder to sustain) when the number of firms (N) increases.

To summarize, when firms are given RPM incentives and placed in a zero-sum game, the incentive to collude is eliminated, but the incentive to cheat on collusion is maintained. No collusive agreement can benefit all firms in a zero-sum game, and any such agreement would in any case be subject to overwhelming incentives for most or all firms to cheat. This was shown verbally in Section I and is illustrated in this section using a particular mathematical model. The details of a mathematical model can be varied endlessly, but the qualitative conclusion will always be the same, given the verbal proof in Section I.

IV. Practical Implementation

Economists traditionally present theory and presume (sometimes unrealistically) that the manner of its practice will be immediately apparent. With respect to many practical concerns which some economists and laymen have raised, some brief answers are indicated below.

1. Would government regulators need extensive and expensive data to enforce the proposed scheme? No. The only data needed are data on costs, revenues, profits, and managerial compensation. Since this data must be collected in any case, either by government for tax purposes, or by accountants as a prudent way for managers and stockholders to keep tabs on a firm's activities and cash flows, it follows that the method can be implemented at little or no extra cost.

This data is readily observable, so governmental omniscience is not required to implement the method. In particular, it is not assumed that government can observe either cost functions or demand curves, nor is it assumed that government can calculate optimal prices, profits, or output levels. Hence, the RPM method can be practiced, even if government is unable (because of information lira/tat ions) to set optimal prices or quantities directly.

2. Would the use of accounting data to measure costs, revenues, and profit's cause economic distortions? Perhaps, but a more relevant question might be, would such distortions be any greater under RPM than under APM? The purpose of the method is to prevent collusion, not to calculate true economic costs or profits. Even under current arrangements, inability to measure true economic cost prevents stockholders from motivating managers with proper incentives to maximize absolute profits. Whatever may be (for motivational purposes) the most accurate way to measure absolute profits can also be used as a good way to measure relative profits. Regardless of whether profits are calculated using accounting data or other imperfect data, collusion will be prevented, and there is unlikely to be any significant incremental effect in causing additional misallocation of resources.

3. How does one measure ''relative profit''? Aside from accounting measures, one way to estimate absolute profit is to look at changes in the value of a firm's total outstanding stock over a period of t/me and make adjustments at an appropriate interest rate for dividends paid or new stock shares issued over the same period of time. Since changes in both short-term and long-term profit potential affect the firm's value, this method of ascertaining profit gives managers the least incentive to manipulate accounting procedures, or to manipulate events in response to mistaken accounting rules. To calculate relative profits by this method, one simply looks at the change in value for one firm and subtracts off a ' weighted average of the change in value for rival firm(s).

alternative method for measuring relative profit makes use of a new forecasting method, described by Lundgren (1995). This method provides efficient incentives for unbiased human forecasts of any variable value, including the future absolute profits or relative profits of any firm or any subcomponent of a firm, and such forecasts can be made as free of accounting biases as stock values. An advantage of the forecasting method is that it can be used to separate out the industry-specific profits of a conglomerate operating in several industries.

4. How does one apply the relative profit concept to industries which contain multi-industry conglomerates? Most multi-industry conglomerates adopt the multi-division form of organization, in which each industry

division is operated essentially as a separate profit center, with separate accounting for each industry of operation. If the conglomerate operates/I1 unrelated industries, there is unlikely to be any economy of scale or scope that would be wasted if the conglomerate were required to break itself into single-industry parts. If a break-up is deemed undesirable because of economies of scale or scope, and if it is infeasible to issue separate securities for each industry subsidiary of the firm, then one can either use accounting techniques or use the forecasting technique described in Lundgren (1995). If a firm simply produces multiple (but closely related) products, the firm is best understood as producing in a single industry—a circumstance which requires no special treatment, as shown in Donaldson and Neary (1984, pp. 104–5, lO9–110).

5. How does one define the ''market'' or '''industry'' for purposes of imposing the zero-sum game? Since it is not the purpose of the scheme to determine legal culpability for monopolization, but simply to eliminate incentives for collusion, it is not necessary to answer the tricky question of how broadly or narrowly the market should be defined. It is generally preferable to define the industry/market rather narrowly, so that only a very few, very similar firms are placed in each zerosum game. That is, if there is a broadly defined industry with several firms, it is generally preferable to impose more than one zero-sum game on the several firms, by grouping the firms into more narrowly defined sub-industries, and imposing a zero-sum game on each of the smaller groups. Unlike under current antitrust law, it is not necessary to inquire whether more distantly related firms are actually part of the same ''market''.

6. How does one sustain incentives for innovation and technological progress ? Innovations may be either costless or costly, and may be either patentable or unpatentable. If innovations are costless, we may presume that relative profit maximizers will adopt them, since profit maximization implies cost minimization. If innovations are costly, but patentable, the patent law provides incentive for innovation. Since RPM incentives are designed to induce competition, they should not be applied to situations where monopoly, and hence absolute profit maximizing, is the preferred public policy. Fortunately, both absolute profit and relative profit are measured in compatible money units, so there is nothing to prevent the institution of APM incentives for patented activities and RPM incentives for unpatented activities, even with respect to the same manager in the same firm.[2]

If innovations are costly, but unpatentable, RPM firms still have an incentive to reduce costs, if gains from innovation can be captured for a period o t'' time until competitors follow suit. This incentive is proportional to firm output. The conventional Schumpeterian ''wisdom'' that a competitive industry is less innovative than an oligopolistic industry confounds the influence of firm size with the competitive/noncompetitive nature of firm interaction. It is mainly the size of firm output, not the size of a collusive price-cost margin, which determines the size of the incentive to reduce unit costs.

7. How does one prevent RPM industries from sustaining chronic losses? Chronic losses would occur only if marginal cost lies consistently below average cost for a particular industry. In such case, the industry can be made viable by offering an industry lump-sum subsidy in the exact amount of the industry's economic losses. Lump-sum subsidies may be distributed equally to all firms in a zero-sum group without affecting relative profits, and hence without inducing behavior to manipulate the size of the subsidy. Financing the subsidy through general revenues yields marginal cost pricing. Financing through a special industry tax yields average cost pricing.

8. How does one ensure that RPM firms do not sabotage rival firms ''operations? Since relative profits rise when rival firm profits fall, there is arguably an increased incentive to sabotage rival firm operations. An increased incentive to cause sabotage need not imply a significant increase in actual sabotage. A situation of mutual sabotage can only arise if legal penalties are very weak, since rival firms have incentive to investigate, report, and prosecute sabotage activities which reduce their levels of profit.

Nevertheless, even if we were to suppose that serious sabotage problems would arise from an unmodified RPM incentive scheme, it is possible to modify the incentive scheme slightly so as to eliminate the sabotaging incentives. This modification would require a deduction in managerial compensation which offsets (or further penalizes) any gain in managerial compensation resulting from any gain in relative profits due to sabotage occurring in rival firms, even if legal culpability for the sabotage cannot be established. In other words, one may convert the zero-sum game into a negative-sum game, if sabotage is observed. (One can apply the same reasoning to lawsuits.)

9. How does one ensure that corporate managers will not evade the regulation of salary policies? The regulation of managerial compensation has nothing to do with the total amount of the salary and bonuses, but only the methods)f their calculation. Even if we suppose that the value of relative profits is lower, on average, than the value of absolute profits, the noncontingent salary component of a manager's compensation can always be raised to compensate. No reduction in the average levels of managerial compensation is required. For the same level of risk and expected compensation, managers do not care whether bonuses are contingent on relative profit or absolute profit.

10. Does the scheme represent an unwarranted intrusion into managerial compensation policies which have heretofore been unregulated? The proposal does not actually require government to determine the managerial incentive schemes. It simply requires that the contingent part of any managerial incentive scheme must be based on relative firm performance, rather than absolute firm performance. In order to prevent the incentive for managerial collusion, it is not necessary that government determine the overall level of managerial compensation, nor is it necessary that government determine and implement any, particular method for measuring relative firm performance. The minor intrusion, if it be such, is justified by the important public purpose at stake: Preventing collusion.

11. How does one prevent collusion among managers to reduce managerial effort levels? Instituting a zero-sum game in managerial income does not mean instituting a zero-sum game in managerial effort levels, so collusion to reduce managerial efforts is at least conceivable. However, collusion to reduce effort levels is not a serious threat, since a) managers of firms typically work in separate locations, and b) the work of managers consists mainly of mental efforts. Therefore, since managerial effort is essentially unobservable, any agreement to reduce effort levels cannot be easily monitored or enforced by colluding managers.

However, Simply for argument's sake, suppose that managerial effort is actually (at least partly) observable. For example, suppose effort can be measured based on hours spent ''on the job''. In that case, one can pay managers based both on absolute effort and on relative performance. If the compensation rate for effort is made high enough, managers will no longer have incentive to collude to reduce effort levels, even if such collusion could be made perfectly enforceable.

12. How does one ensure that firm owners will not find ways of making man- agement stress absolute profits over relative profits? This is the subject of the next section.

V. Owners, Managers, and Incentives

There are at least two ways of instituting relative profit incentives for firms First, top management (including the board of directors) can be given long-tern< compensation contracts based on relative performance. Secondly, one can impose the zero-sum game in profits on whole firms (owners), and not just managers. Government may adopt only the first set of measures, only the second set, or both sets simultaneously.

The second method can be implemented by 100% taxing (subsidizing) the combined economic profits (losses) of an industry and allocating the tax (subsidy) equally to each firm. The tax (subsidy) would be on industry profits, not individual firm profits. As a result of the industry tax/subsidy scheme, after-tax profits to owner-shareholders are equivalent to pre-tax relative profits, which means owners will try to maximize relative profits rather than absolute profits. Although this method appears economically viable, it may not be politically palatable, given the potential for redistributions of income between stockholders and the government.

In firms or industries where owners and managers are one and the same these two methods are essentially equivalent. No choice is possible. However, most important oligopoly industries are probably composed of large corporatiotions which maintain a separation between ownership and direct managerial control. This well-known aspect

[2] There are various ways this can be done. For example, if firm A has a patent and firm B is a rival, any royalty payment from firm B to firm A would not be counted against either firm p. or firm B in the calculation of relative profits. A complete exposition would require a separate paper.

of the internal structure of the modern corporation presents an interesting avenue by which government can enforce antitrust policy. Rather than impose relative profit incentives directly upon owners through taxes end subsidies, government can influence firm behavior simply by altering the incentives of management.

However, if owners are not made the direct subjects of taxes and subsidies which impose relative profit incentives, this raises the issue of whether absolute wealth maximizing stockholders can somehow reimpose APM incentives on RPM managers. The current state of corporate affairs is that managers, not stockholders, basically control the large corporation. Managers effectively appoint the boards of directors, to whom they are ostensibly responsible. Indirectly, through their choice of board members, managers set their own salaries. Managers have no incertive to change this state of affairs.

Stockholders are numerous and dispersed. Individually, most stockholders do not have enough votes to unseat management. Obtaining collective action to unseat management requires significant expense, which most stockholders find too costly to undertake. Controlling management is a ''public good'' for all stockholders, which most stockholders find rational to ''free ride'' upon by not attempting to provide it. The only stockholders who might have an incentive to undo management policies are the largest or principal stockholders. The remaining stockholders are of no consequence, except as voters who might side with the principal stockholder in any fight against management.

Consider, therefore, an industry in which the top two, three, or four firm s have been placed into a zero-sum game in terms of managerial incentives. Each firm has a different principal owner. If the same person or entity is a principal owner in two or more of the top firms in an oligopoly industry, this should be regarded as an antitrust violation, just the same as interlocking directorates are so regarded. Hence, we assume different principal owners. Any conspiracy to undo the relative incentive scheme must involve the principal owners, since the managers themselves have no such incentive.

To be effective, the conspiracy must convert all or most managers from relative profit goals to absolute goals. To convert only one manager to absolute profit goals would not generate the kind of collusion among business firms which could substantially raise prices and profits, and thereby make the conspiracy (with its attendant risks) worthwhile from a private perspective. The conspiracy must therefore involve the principal owners of different firms acting in combination. The principal owners, being already wealthy, will not rationally risk jail time simply to increase their wealth still further. Suppose, nevertheless, that the principal owners attempt a conspiracy. What means would they use to influence management?

There are basically only two avenues by which the principal owners might try to influence management: compensation and employment. Either avenue may be pursued overtly or covertly.

First consider overt operations. The principal owner persuades stockholder voters to alter the conditions of employment or compensation. For example, the principal owner might use the annual stockholder meetings to directly hire or fire the manager, according to whether the manager pursued or failed to pursue collusive policies alongside other firms. Alternatively, the annual meetings might be used to raise or lower the base salary for future employment in a manner designed to undo the relative profit incentives paid in previous years.

Use of the annual stockholder meetings for either purpose would be an unusual or abnormal business practice. Use of the annual meetings for these purposes by an RPM firm would clearly be a suspect practice, prompting an antitrust investigation. More simply, use of a stockholder meeting to directly determine managerial employment or compensation might be made a per se antitrust violation, when performed by an RPM firm.

Thus, the following is recommended for instituting RPM incentives on management: Both the managers and the boards of directors are given long-term contracts containing relative performance incentives, which are not altered from year to year in a manner that might allow owner to undo the RPM incentives. Any part of the compensation (including stock holdings or stock options) which is contingent on the firm's performance must be based on relative performance, not absolute performance. All compensation and compensation arrangements of managers and directors of RPM firms are disclosed to the antitrust authorities. Managerial employment is determined by the board of directors (all of whom are paid according to RPM incentives), not by either stockholders or principal owners, unless the principal owners have been converted to RPM incentives. The directors have overlapping terms, and are not all elected at once.

In situations where a principal owner (or other stockholder) wishes to have an active role in management or on the board of directors of an RPM firm, such owner or stockholder must have his stockholdings convened into assets which provide RPM incentives. This can be accomplished either by shorting the stock of rival RPM firms, and/or by imposing a tax/subsidy on the stockholder which mirnicks the change in value of the stock in rival RPM firms. If the principal stockholder desires to be a passive investor, this change in incentive is not required.

Consider now possible covert operations. Assume that the principal owner has not acknowledged any active interest in the corporation, and has not been converted to RPM incentives. How can a principal owner with APM incentives undo the RPM incentives of firm managers? There are only two possibilities: threats and bribes. Threats are particularly likely to be reported to the antitrust authorities, could result m extra jail time, and will presumable not be resorted to. This leaves bribery

The rich stockholder may choose to bribe either the manager or the directors. The manager might be bribed to behave collusively. The directors might be bribed to hire and fire managers based on willingness to collude. Bribing the directors is likely to be cheaper, but also less effective and more likely to be reported. Even if successful, bribing the directors to fire a manager is particularly likely to be reported by the manager. This leaves only bribing the manager directly.

A conspiracy by principal owner(s) will not stop at trying to institute ??M incentives on RPM managers. Rather, the rational goal would be to attempt to institute joint-profit maximizing (JPM) incentives on the managers. Bribing the managers of all the important firms in the industry to institute JIM incentives is the only procedure that would guarantee collusion. Re-instituting APM incentives merely provides the opportunity for collusion, but does not guarantee its occurrence.

The possibility that principal owner(s) might bribe the manager(s) of APM firms to collude, or provide them with JPM incentives exists even today. Yet one rarely (or never?) hears of principal owner(s) attempting to bribe or covertly pay firm managers in this manner. If such behavior does not happen when firm managers are paid according to APM incentives, why should it happen if managers are paid according to RPM incentives?

In short, an illegal conspiracy of stockholders to re-impose absolute profit incentives onto firm managers is unlikely. The small stockholder has little influence and insufficient incentive to launch such a conspiracy. The large stockholder is too wealthy to want to risk jail time. Any such conspiracy would have to be explicit (and therefore detectable), not merely tacit.

VI. Conclusion

It has been shown that institution of a zero-sum game among a group of firms by means of relative profit maximizing incentives is capable of reducing or eliminating incentives for firms to collude, either actually or tacitly. This mild change in managerial incentives can be imposed at essentially zero public or private cost, yet it reaps potentially huge benefits.[3]

Appendix A. Optimal Weighting of Goal Functions

This appendix derives the conditions for goal functions needed to achieve a zero-sum game with desirable long-run properties. Suppose there are N (N ?? 2) firms in an industry. Let ??1, ??2,..., ??N be the profits earned by these firms; and let G1, G2, ..., GN be the goal functions for these firms. Let be the weight placed on firm j's profits infirm i's goal function, and let Ki be an arbitrary constant which adjusts firm i's goal satsifaction upwards or downwards (e.g., a fixed salary component in managerial pay). Goal functions which are linear in profits have the form:

N

j=l

for all i E [1, N], where all w's and K's are fixed constants.

[3] One famous estimate of the deadweight cost of monopoly power (including oligopoly) is between 1/2% and 2% of G.N.P. (Scherer and Ross, 1990, p. 667).

The zero-sum conditions require:

N
??, wi.i = 0, (A.2)
i=1

Suppose each firm sells a standardized product and that price depends solely on industry output: P = P(Q), where Q = ??Qi. Assume further (which is likely in the long run) that cost functions are identical for each firm: TCi = C(Q1). Hence,

??i = POi—C(Oi), so that we obtain:

N
Gi = ?? wij(PQj—c(Qj)) + Ki
j=1
(A.3)

Define aji = ??Qj/??Qi as any arbitrary conjecture which firm i entertains about the reaction function of firm j (aii= 1). Thus:

N N
(??Gi/??O,) = ?? ajiwij[P- c'(Qj)] + p(O)
??wijQj = o
j=1 j=1
(A.4)

Assuming that N firms in the industry is a given and that marginal cost is increasing, then the optimal industry outcome occurs only when firm outputs are identical (Qj = Q/N) and price equals marginal cost [P—C'(Qj) = 0] for each firm. These conditions are met only when the weights on profits meet the following conditions:

N
?? to0'' = 0 (A.5)
j=1

These N conditions for long-run industry optimality are in addition to 1tie N conditions in (A.2) on weights needed to insure the zero-sum nature of the game. Short-run effects [4] not analyzed here may perhaps place additional restrietions on the optimal values for weights in the goal functions of firms.

Appendix B. Short-run Cost Differences

This appendix employs a 2-firm game to model the consequences of short-run cost differences between firms. Let G1(Q1) and C2(Q2) be the cost functions of firms 1 and 2, and let a12 -'' ??Q1/??Q2 and o121—??Q2/0QI be any arbitrary conjectures which each farm entertains about the reaction functions of the other firm. The problem itself may be stated thus:

G1 = ??l—7o2 = p(Q)Q1- C1(Q1)- p(Q)Q2 + C2(Q2),
(B.1)
G'2 = r2—??1 = p(,Q)Q2—C2(Q2)—p(Q)Q1+ C1(Q1). 03.2)

The first=t order conditions are:

??G1/??Q1- p'(Q)(1 + a21)(Ql-Q2) + p(Q)(I-a21)
-C1(Q1) + a21C12(Q2) = o
03.3)
??G2/??Q2 = p'(Q)(1 + a12)(Q2—Q1) + p(Q)(1—a12)
-C(Q2) + al2c'1(Qt) = 0
03.4)

It can be shown that the only solution which satisfies Equations 03.3) at,d (B.4) has the form:

p(Q) = C1(Q??) + ?/Q,)
2
03.5)
(Q,—Q??) = ??Q??)—c(O2)
2f(Q) 03.6)

Equation 03.5) tells us that price will be set equal to the average of the marginal costs of the two firms. Equation (B.6) tells us that the more efficient firm will produce morn output than the less efficient firm, since f(Q) < 0.

Appendix C. Differentiated Products

This appendix models what happens when products are differentiated and firms compete in prices ('Bertrand conjectures). Let the demand structure for the two firms be defined in terms of quantities demanded as a function of two prices: Q I = Ql(Pl, P2) and Q2 = Q2(Pi, P2). It is reasonable to assume (??Qj/??Pj) < 0 and (??Qi/??Pi) > 0 for all i and j, j ?? i, The problem is stated thus:

G1 = ??1—??2 = Q1(P1, P2)P1—C1(Q1(PI, P2))
-Q2(P1, P2)P2 + C2(Q2(P1,P2))
G2 = ??c2—??1 = Q2(P1,P2)P2—C2(Q2(P1,P2))
-Q1(P1,P2)P1 + C1(Q1(P1,P2))

The first-order conditions are:

(C.2)
I,
(??G1/??P1) = Q1 + P1(??Q1/??P1)—C1(Q1)(??Q1/P1)
-P2(??Q2/??P1) + C2(Q2)(??Q2/??P1) = 0
(c.3)
(??G2/??P2) = Q2 + P2(??Q218P2)—C(Q2)(??Q2/??P2)
-P1(??Q1/??P2)+C1(Q1)(??Q1/??P2)=0 (c.4)

We may rearrange these conditions as expressing the determinants of ??.eost margins:

-Q1 + [/>2—C2(Q2)](??Q2/??P1) C.5)
P1- C1(Q1) = (t)Q,l??P1)
-Q2 + [P1—Ci(Q1)](aQ1/aP2) (c.6)
P2—C2(Q2) = (??Q2/??P2)

The corresponding conditions for APM firms with Bertrand conjectures are:

-Q1 (c.7)
P1—C1(Q1) = (??Q1/??P1)
-Q2 (c.8)
P2—C2(Q2) = COO21or,??)

Suppose we have a situation where two monopolistically competitive finns satisfy equations (12.7) and ((2.8) because both firms are maximizing absolute profits. Assume that both firms have positive price-cost margins. Now suppose that one (or both) of the firms is converted into being a relative profit maximizer. If firm one is so converted, its price-cost margin is reduced, because the difference between the fight-hand-side terms in equations ((2.5) and (C.7) is negative:

[P2 -C2(Q2)](??Q2/??P1) < 0 (C.9)
(??Qt/??P1)

Similarly, if firm 2 is convened m relative profit maximizing (assuming firm 1 maintains a positive price-cost margin), it too will wish m reduce its price-cost margin by expanding output and lowering price: Bertrand competition is absolutely the most competitive behavior which it is reasonable to postulate about APM firms, yet RPM firms compete even harder.

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EXHIBIT 2
TO THE COMMENTS
OF RELPROMAX ANTITRUST INC.
i
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA
UNITED STATES OF AMERICA,
Plaintiff,
V.
MICROSOFT CORPORATION,
Defendant.
CIVIL ACTION NO. 94–1564 (SS)
FINAL JUDGMENT

WHEREAS Plaintiff, United States of America, having filed its Complaint in this action on July 15, 1994, and Plaintiff and Defendant, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law; and without this Final Judgment constituting any evidence or admission by any party with respect to any issue of fact or law;

NOW, THEREFORE, before any testimony is taken, and without trial or adjudication of any issue of fact or law, and upon consent of the partial

[4] These short-ran effects include possible incentives for pair-wise or subset collusion, or possible concerns about distribution of output among firms, if short,run costs differ significantly among firms and there are three or more firms in the same zero-sum game.

ORDERED, ADJUDGED AND DECREED a:

I. JURISDICTION

This Court has jurisdiction of the subject matter of this action and of the person of the Defendant, Microsoft Corporation (''Microsoft''). The Complaint states a claim upon which relief may be granted against the Defendant under Sections 1 and 2 of the Sherman Act, 15 U.S.C. 1,2.

II. DEFINITIONS

(A) ''Covered Product(s)'' means the binary code of (1) MS-DOS 6.22, (2) Microsoft Windows 3.11, (3) Windows for Workgroups 3.11, (4) predecessor versions of the aforementioned products, (5) the product currently code-named ''Chicago,'' and (6) successor versions of or replacement products marketed as replacements for the aforementioned products, whether or not such successor versions or replacement products could also be characterized as successor versions or replacement products of other Microsoft Operating System Software products that are made available (a) as stand-alone products to OEMs pursuant to License Agreements, or (b) as unbundled products that perform Operating System Software functions now embodied in the products listed in subsections (1) through (5). The term ''Covered Products'' shall not include ''Customized'' versions of the aforementioned products developed by Microsoft; nor shall it apply to Windows NT Workstation and its successor versions, or Windows NT Advanced Server.

(B) ''Customized'' means the substantial modification of a product by Microsoft to meet the particular and specialized requirements of a final customer of a computer system. It does not include the adaptation of such a product in order to optimize its performance in connection with a Personal Computer System manufactured by an OEM.

(C) ''Duration'' means, with respect to a License Agreement, the period of time during which an OEM is authorized to license, sell or distribute any of the Covered Products.

(D) A ''License Agreement'' means any license, contract, agreement or understanding, or any amendment thereto, written or oral, express or implied, pursuant to which Microsoft authorizes an OEM to license, sell or distribute any Covered Product with its Personal Computer System(s).

(E) A ''Minimum Commitment'' means an obligation of an OEM to pay Microsoft a minimum amount under a License Agreement, regardless of actual sales.

(F) ''Lump Sum Pricing'' means any royalty payment for a Covered Product that does not vary with the number of copies of the Covered Product that are licensed, sold or distributed by the OEM or of Personal Computer Systems distributed by the OEM.

(G) ''New System'' means a system not included or designated in a Per System License.

(H) ''NDA'' means any non-disclosure agreement for any pre-commercial release of a Covered Product that imposes any restriction on the disclosure or use of any such pre- commercial release of any Covered Product or any information relating thereto.

(I) ''OEM'' means an original equipment manufacturer or assembler of Personal Computer Systems or Personal Computer System components (such as motherboards or sound cards) or peripherals (e.g., printers or mice) that is a party to a License Agreement. MTC–00030631 0227

(J) ''Per Copy License'' means any License Agreement pursuant to which the OEM's royalty payments are calculated by multiplying (1) the number of copies of each Covered Product licensed, sold or distributed during the term of the License Agreement, by (2) a per copy royalty rate agreed upon by the OEM and Microsoft, which rate may be determined as provided in Section IV (H).

(K) ''Per Processor License'' means a License Agreement under which Microsoft requires the OEM to pay Microsoft a royalty for all Personal Computer Systems that contain the particular microprocessor type(s) specified in the License Agreement.

(L) ''Per System License'' means a License Agreement under which Microsoft requires the OEM to pay Microsoft a royalty for all Personal Computer Systems which bear the particular model name(s) or number(s) which are included or designated in the License Agreement by the OEM to Microsoft, at the OEM's sole option and under the terms and conditions as set forth herein.

(M) ''Personal Computer System'' means a computer designed to use a video display and keyboard (whether or not the video display and keyboard are actually included) which contains an Intel x86, or Intel x86-compatible microprocessor.

(N) ''Operating System Software'' means any set of instructions, codes, and ancillary information that controls the operation of a Personal Computer System and manages the interaction between the computer's memory and attached devices such as keyboards, display screens, disk drives, and printers.

III. APPLICABILITY

This Final Judgment applies to Microsoft and to each of its officers, directors, agents, employees, subsidiaries, successors and assigns; and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise.

IV. PROHIBITED CONDUCT

Microsoft is enjoined and restrained as follows:

(A) Microsoft shall not enter into any License Agreement for any Covered Product that has a total Duration that exceeds one year (measured from the end of the calendar quarter in which the agreement is executed). Microsoft may include as a term in any such License Agreement that the OEM may, at its sole discretion, at any time between 90 and 120 days prior to the expiration of the original License Agreement, renew such License Agreement for up to one additional year on the same terms and conditions as those applicable in the original license period.

The License Agreement shall not impose a penalty or charge of any kind on an OEM for its election not to renew all or any portion of a License Agreement. In the event that an OEM does not exercise the option to renew a License Agreement as provided above, and a new License Agreement is entered between Microsoft and the OEM, the arm's length negotiation of different terms and conditions, specifically including a higher royalty rate(s), will not by itself constitute a penalty or other charge within the meaning of the foregoing sentence.

The Duration of any License Agreement with any OEM not domiciled in the United States or the European Economic Area that will not be effective prior to regulatory approval in the country of its domicile may be extended at the option of Microsoft or the OEM during the time required for any such regulatory approval.

License Agreement provisions that do not bear on the licensing or distribution of the Covered Products may survive expiration or termination of the License Agreement.

(B) Microsoft shall not enter into any License Agreement that by its terms prohibits or restricts the OEM's licensing, sale or distribution of any non-Microsoft Operating System Software product.

(C) Microsoft shall not enter into any Per Processor License.

(D) Except to the extent permitted by Section IV (G) below, Microsoft shall not enter into any License Agreement other than a Per Copy License.

(E) Microsoft shall not enter into any License Agreement in which the terms of that agreement are expressly or impliedly conditioned upon:

(1) the licensing of any other Covered Product, Operating System Software product or other product (provided, however, that this provision in and of itself shall not be construed to prohibit Microsoft from developing integrated products); or

(2) the OEM not licensing, purchasing, using or distributing any non-Microsoft product.

(F) Microsoft shall not enter into any License Agreement containing a Minimum Commitment. However, nothing contained herein shall prohibit Microsoft and any OEM from developing non-binding estimates of projected sales of Microsoft's Covered Products for use in calculating royalty payments.

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(G) Microsoft's revenue from a License Agreement for any Covered Product shall not be derived from other than Per Copy or Per System Licenses, as defined herein. In any Per System License:

(1) into any License Agreement, or for purposes of applying any volume discount, or otherwise, that any OEM include under its Per System License more than one of its Personal Computer Systems;

(2) Microsoft shall not charge or collect royalties for any Covered Product on any Personal Computer System unless the Personal Computer System is designated by the OEM in the License Agreement or in a written amendment. Microsoft shall not require an OEM which creates a New System to notify Microsoft of the existence of such a New System, or to take any particular actions regarding marketing or advertising of that New System, other than creation of a unique model name or model number that

the OEM shall use for internal and external identification purposes. The requirement of external identification may be satisfied by placement of the unique model name or model number on the machine and its container (if any), without more. The OEM and Microsoft may agree to amend the License Agreement to include any new model of Personal Computer System in a Per System License. Nothing in this clause shall be deemed to preclude Microsoft from seeking compensation from an OEM that makes or distributes copies of a Covered Product in breach of its License Agreement or in violation of copyright law;

(3) The License Agreement shall not impose a penalty or charge on account of an OEM's choosing at any time to create a New System. Addition of a New System to the OEM's License Agreement so that Covered Products are licensed for distribution with such New Microsoft shall not explicitly or implicitly require as a condition of entering System and royalties are payable with respect thereto shall not be deemed to constitute a penalty or other charge of any kind within the meaning of the foregoing sentence;

(4) All OEMs with existing Per System Licenses, or Per Processor Licenses treated by Microsoft under Section IV (J) as Per System Licenses, will be sent within 30 days following entry of this Final Judgment in a separately mailed notice printed in bold, boxed type which shall begin with the sentence ''You are operating under a Microsoft Per System License,'' and shall continue with the language contained in the first four quoted paragraphs below. All new or amended Per System Licenses executed after September 1, 1994 shall contain a provision that appears on the top half of the signature page in bold, boxed type shall begin with the sentence ''This is a Microsoft Per System License,'' and which shall continue with the language contained in the first four quoted paragraphs below. ''

As a Customer, you may create a Hew System'' at any time that does not require the payment of a royalty to Microsoft unless the Customer and Microsoft agree to add it to the License Agreement.''

''Any New System created may be identical in every respect to a system as to which the Customer pays a Per System royalty to Microsoft provided that the New System has a unique model number or model name for internal and external identification purposes which distinguishes it from any system the Customer sells that is included in a Per System License. The requirement of external identification may be satisfied by placement of the unique model name or model number on the machine and its container (if any), without more.''

''If the customer does not intend to include a Microsoft operating system product with a New System, the Customer does not need to notify Microsoft at any time of the creation, use or sale of any such New System, nor does it need to take any particular steps to market or advertise the New System.'' ''Under Microsoft's License Agreement, there is no charge or penalty if a Customer chooses at any time to create a New System incorporating a non- Microsoft operating system. If the Customer intends to include a Microsoft operating system product with the New System, the Customer must so notify Microsoft, after which the parties may enter into arm's length negotiation with respect to a license to apply to the New System.''

In the case of OEMs with Per Processor Licenses treated as Per System Licenses pursuant to Section IV (J), the notice shall include the following paragraph at the beginning of the notice:

''All models covered by your Per Processor License are now treated as subject to a Per System License. You may exclude any such model from being treated as subject to a Per System License by notifying Microsoft in writing. Such notice to Microsoft must include the model designation to be excluded from the Per System License. Such exclusion shall take effect on the first day of the calendar quarter next following Microsoft's receipt of such notice.''

(H) Microsoft may not use any form of Lump Sum Pricing in any License Agreement for Covered Product(s) executed after the date of this Final Judgment. It is not a violation of this Final Judgment for Microsoft to use royalty rates, including rates embodying volume discounts, agreed upon in advance with respect to each individual OEM, each specific version or language of a Covered Product, and each designated Personal Computer System model subject to the License Agreement.

(I) OEMs that currently have a License Agreement that is inconsistent with any provision of this Final Judgment may, without penalty, terminate the License Agreement or negotiate with Microsoft to amend the License Agreement to eliminate such inconsistent provisions. An OEM desiring to terminate or amend such a License Agreement shall give Microsoft ninety (90) days written notice at any time prior to January 1, 1995.

(J) If an OEM has a License Agreement that is inconsistent with any provision of this Final Judgment, Microsoft may enforce that License Agreement subject to the following:

(1) If the License Agreement is a Per Processor License, Microsoft shall treat it as a Per System License for all existing OEM models that contain the microprocessor type(s) specified in the License Agreement except those models that the OEM opts in writing to exclude and such exclusion shall take effect on the first day of the calendar quarter next following Microsoft's receipt of such notice; and

(2) Microsoft may not enforce prospectively any Minimum Commitment.

(K) Microsoft shall not enter into any NDA:

(1) whose duration extends beyond (a) commercial release of the product covered by the NDA, (b) an earlier public disclosure authorized by Microsoft of information covered by the NDA, or (c) one year from the date of disclosure of information covered by the NDA to a person subject to the NDA, whichever comes first; or

(2) that would restrict in any manner any person subject to the NDA from developing software products that will run on competing Operating System Software products, provided that such development efforts do not entail the disclosure or use of any Microsoft proprietary information during the term of the NDA; or

(3) that would restrict any activities of any person subject to the NDA to whom no information covered by the NDA has been disclosed.

(L) The form of standard NDAs will be approved by a Microsoft corporate officer and all non-standard language in NDAs that pertains to matters covered in Section (K) above will be approved by a Microsoft senior corporate attorney.

(M) Within thirty (30) days of the entry of this Final Judgment, Microsoft will provide a copy of this Final Judgment to all OEMs with whom it has License Agreements at that time except for those with licenses solely under the Small Volume Easy Distribution (SVED) program or the Delivery Service Partner (DSP) program. V.

connection with its monitoring or securing of compliance with any Undertaking by or Decision against Microsoft that relates to Microsoft's licensing of any Covered Product. In addition, Defendant shall not object to disclosure to Plaintiff by DG-IV of any other information provided by defendant to DG-IV, or to cooperation between DG-IV and Plaintiff in the enforcement of this Judgment, provided that Microsoft shall receive in advance a detailed description of the information to be provided and the Plaintiff will accord any Microsoft information received from DG-IV the maximum confidentiality protection available under applicable law. Specifically, Plaintiff will treat Microsoft information that it receives from DG-IV as ''confidential business information'' within the meaning of the Freedom of Information Act, 5 U.S.C. §552, with Microsoft deemed a ''submitter'' of the information under the statute. Plaintiff shall take precautions to ensure the security and confidentiality of Microsoft information provided in electronic form.

(E) If at the time information or documents are furnished by Defendant to Plaintiff, Defendant represents and identifies in writing the material in any such information or document to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and Defendant marks each pertinent page of such material ''Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure,'' then ten days notice shall be given by Plaintiff to Defendant prior to divulging such material in any legal proceeding (other than a grand jury proceeding) to which Defendant is not a party.

VI. FURTHER ELEMENTS OF JUDGMENT

(A) This Final Judgment shall expire on the seventy eighth month after its entry.

(B) Jurisdiction is retained by this Court over this action and the parties thereto for the purpose of enabling any of the parties thereto to apply to this Court at any time for further orders and directions as may be necessary or appropriate to carry out or construe this Final Judgment, to modify or terminate any of its provisions, to enforce compliance, and to punish violations of its provisions.

VII. PUBLIC INTEREST

Entry of this Final Judgment is in the public interest.

Entered:

UNITED STATES DISTRICT JUDGE
EXHIBIT 3
TO THE COMMENTS
OF RELPROMAX ANTITRUST INC.
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF THE DISTRICT OF COLUMBIA
UNITED STATES OF AMERICA,
Plaintiff,
V.
MICROSOFT CORPORATION,
Defendant.
COMPETITIVE IMPACT
Pursuant to Section 2(b) of the Antitrust ?? (h), the United States submits this Competitive Impact
Civil Action No. 94–1564 (SS)
Competitive Impact Statement
Judgment submitted for entry with the consent of defen
antitrust proceeding.
NATURE AND PURPOSE OF T

On July 15, 1994, the United States filed a civil antitrust Complaint to prevent and restrain Microsoft Corporation (''Microsoft'') from using exclusionary and anticompetitive contracts to market its personal computer operating system software, in violation of Sections 1 and 2 of the Sherman Act, 15 U.S.C.[1],[2]. As alleged in the Complaint, Microsoft has used these contracts to restrain trade and to monopolize the market for operating systems for personal computers using the x86 class of microprocessors, which comprise most of the world's personal computers. As used herein, ''PC'' refers to personal computers that use this class of microprocessor.

The Complaint alleges that Microsoft has used its monopoly power to induce PC manufacturers to enter into anticompetitive, long-term licenses under which they must pay Microsoft not only when they sell PCs containing Microsoft's operating systems, but also when they sell PCs containing non-Microsoft operating systems. These anticompetitive, long-term licenses have helped Microsoft to maintain its monopoly. By inhibiting competing operating systems'' access to PC manufacturers, Microsoft's exclusionary licenses slow innovation, raise prices, and deprive consumers of an effective choice among competing PC operating systems.

The Complaint also alleges that in connection with pre-release testing of a new Microsoft operating system code-named ''Chicago,'' Microsoft sought to impose unreasonably restrictive and anticompetitive non-disclosure agreements on a number of leading developers of applications software products. These non-disclosure agreements would have unreasonably restricted the ability of software developers to work with competing operating systems or to develop competitive products or technologies.

The Complaint seeks to prevent Microsoft from continuing or renewing any of the anticompetitive practices alleged to violate the Sherman Act, and thus to provide fair opportunities for other firms to compete in the market for PC operating systems.

The United States and Microsoft have agreed that the proposed Final Judgment may be entered after compliance with the Antitrust Procedures and Penalties Act.1 Entry of the Final DESCRIPTION OF THE PRACTICES INVOLVED IN THE ALLEGED VIOLATIONS

If this case were to proceed to trial, the United States would prove the following: Microsoft develops, licenses, sells, and supports several types of software products for personal computers, including operating systems and applications. An operating system is software that controls the basic operations of the personal computer. Applications software, such as word processing programs and spread sheets, runs ''on top of'' an operating system to enable the computer to perform a broad range of useful functions. Operating systems are designed to work with specific microprocessors, the integrated circuits that function as the ''brain'' of the computer. Most of the personal computers in the world today use the x86 class of microprocessors, originally designed by Intel, and now including microprocessors manufactured by other companies that use a substantially similar architecture and instruction set. Original equipment manufacturers (''OEMs'') that sell PCs and customers who buy such machines cannot use operating systems written for other microprocessors.

In 1981, Microsoft introduced a PC operating system called the Microsoft Disk Operating System (''MS-DOS''), the original version of which Microsoft licensed to IBM for use in IBM's PC. As IBM's PC experienced considerable commercial success, other OEMs also used MS- DOS in order better to emulate the IBM PC. In 1985, Microsoft introduced ''Windows,'' a more sophisticated PC operating system product designed for use in conjunction with MS-DOS. Windows allowed users to give instructions with a ''mouse'' or similar device and also to run more than one application at a time. Microsoft quickly gained a monopoly in the market for PC operating systems worldwide. For almost a decade, Microsoft's market share has consistently exceeded 70%.[2]

Development, testing, and marketing of a new PC operating system involves considerable time and expense. A new operating system faces additional barriers to entry, including the absence of a variety of high quality applications to run on the system; the small number of people trained on and using the system, which discourages customers from buying it and software companies from writing applications to run on it; and, since the overwhelming majority of PCs are sold with a pre-installed operating system, the difficulty of convincing OEMs to offer and promote the system.

Microsoft has used exclusionary and anticompetitive contract terms to maintain its monopoly. OEMs believe that a substantial portion of their customers will want a PC with MS- DOS and Windows, and therefore feel that they must be able to offer their customers MS-DOS and Windows. With thin profit margins, OEMs want to obtain these products at the lowest possible cost.

Beginning in 1988, and continuing until July 15, 1994, Microsoft induced many OEMs to execute anticompetitive ''per processor'' licenses. Under a per processor license, an OEM pays Microsoft a royalty for each computer it sells containing a particular microprocessor, whether the OEM sells the computer with a Microsoft operating system or a non-Microsoft operating system. In effect, the royalty payment to Microsoft when no Microsoft product is being used acts as a penalty, or tax, on the OEM's use of a competing PC operating system. Since 1988, Microsoft's use of per processor licenses has increased. In fiscal year 1993, per processor licenses accounted for an estimated 60% of MS-DOS sales to OEMs and 43% of Windows sales to OEMs.[3] Collectively, the OEMs who have such per processor contracts are critical to the success of competing operating system vendors, but those OEMs effectively are foreclosed to Microsoft's competitors.

Microsoft has further foreclosed the OEM channel through the use of long-term contracts with major OEMs, some expiring as long as five years from their original negotiation date. In some cases, these contracts have left OEMs with unused balances on their minimum commitments, which Microsoft can allow to be used if the contract is extended, but which would be forfeited if the OEM does not extend the contract. These practices have allowed Microsoft to extend the effective duration of its OEM contracts, further impeding the access of PC operating system competitors to the OEM channel.

In addition to using anticompetitive OEM licenses, Microsoft has also employed anticompetitive restrictions in certain of its non-disclosure agreements (''NDAs''). Microsoft

[1] The proposed Final Judgment that was filed with the Complaint on July 15, 1994 contained several omissions and inconsistencies in the numbering of paragraphs and sub-paragraphs. With the Defendant's consent, a corrected version of the Final Judgment is being filed with this Competitive Impact Statement. See Attachment. Paragraph and sub-paragraph numbers in this Competitive Impact Statement refer to the numbers used in the corrected version of the Final Judgment.

[2] Judgment will terminate this civil action, except that the Court will retain jurisdiction for further proceedings that may be required to interpret, enforce, or modify the Judgment, or to punish violations of any of its provisions.

[2] In 1993, Microsoft's MS-DOS operating system constituted approximately 79 % of the operating systems sold to PC manufacturers. PC-DOS accounted for approximately 13 % of such sales, OS/2 constituted approximately 4 %, DR-DOS constituted approximately 3 %, and Unix operating systems constituted approximately 1%. A chart showing these market shares is attached as Exh. 1.

[2] In 1993, Microsoft's MS-DOS operating system constituted approximately 79 % of the operating systems sold to PC manufacturers. PC-DOS accounted for approximately 13 % of such sales, OS/2 constituted approximately 4 %, DR-DOS constituted approximately 3 %, and Unix operating systems constituted approximately 1%. A chart showing these market shares is attached as Exh. 1.

[3] 3 Per processor licenses accounted for an increasing proportion of Microsoft's operating system sales in the 1988—1993 period. Twenty per cent of all units of MS-DOS that were sold to OEMs in FY 1989 were sold pursuant to per processor licenses. That percentage increased to 22 % in FY 1990; 27 % in FY 1991; 50 % in FY 1992; and to 60 % in FY 1993. A chart showing this increasing use of per-processor licenses is attached as Exh. 2.

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anticipates commercially releasing Chicago, the next version of Windows, in late 1994 or early 1995. In preparation for its release, Microsoft has allowed certain third parties, including independent software vendors (''ISVs'') who write applications, to have access to pre-release versions of Chicago, a process known in the software industry as ''beta testing.'' This permits Microsoft to receive feedback from the beta testers, and the ISVs to begin writing applications for Chicago prior to its release.

In connection with beta testing Chicago, Microsoft employed, as it has in prior beta tests, NDAs prohibiting disclosure of confidential information. In this instance, however, Microsoft sought to impose on certain leading software companies far more restrictive NDAs than it had previously used. These NDAs would have precluded developers from working on competitive products and technologies for an unreasonably long period of time.

Through these practices, Microsoft has excluded competitors by unreasonable and anticompetitive means, thereby lessening competition and maintaining a monopoly in the PC operating system market. Microsoft's licensing practices deter OEMs from entering into licensing agreements with operating system rivals and discourage OEMs who agree to sell non-Microsoft operating systems from promoting those systems. By depriving rivals of a significant number of sales that they might otherwise secure, Microsoft makes it more difficult for its rivals to convince ISVs to write applications for their systems, for OEMs to offer and promote their systems, and for users to believe that their systems will remain viable alternatives to MS-DOS and Windows.

Microsoft's exclusionary contracts harm consumers. OEMs that sign Microsoft's exclusionary licenses but offer consumers a choice of operating systems may charge a higher price, in order to cover the double royalty, for PCs using a non-Microsoft operating system. Even consumers who do not receive a Microsoft operating system still pay Microsoft indirectly. Thus, Microsoft's licensing practices have raised the cost of personal computers to consumers.

Microsoft's conduct also substantially lengthens the period of time required for competitors to recover their development costs and earn a profit, and thereby increases the risk that an entry attempt will fail. In combination, all these factors deter entry by competitors and thus harm competition. By deterring the development of competitive operating systems, Microsoft has deprived consumers of a choice of potentially superior products. Similarly, the slower growth of competing operating systems has retarded the development of applications for such systems.

EXPLANATION OF THE PROPOSED FINAL JUDGMENT

The proposed Final Judgment will end Microsoft's unlawful practices that restrain trade and perpetuate its monopoly power in the market for PC operating systems. In addition, the proposed Final Judgment contains provisions that are remedial in nature and designed to assure that Microsoft will not engage in the future in exclusionary practices designed to produce the same or similar effects as those set forth in the Complaint.

In particular, Sections IV (A), (C), and (F) prohibit Microsoft's use of the specific exclusionary practices alleged in the complaint—''per processor'' contracts, lengthy terms, and minimum commitments—that foreclose competing PC operating system vendors from much of the OEM channel. Sections IV (K)–(L) prohibit the use of anticompetitive non-disclosure agreements in conjunction with Microsoft's distribution of pre-commercial releases of operating system software products. Sections IV (B), (E), (G), and (H) impose prohibitions that go beyond the alleged exclusionary practices in order to ensure that Microsoft's future contracting practices—not challenged here because not yet used—do not unreasonably impede competition. Sections IV (J) and (M) are designed to bring existing contracts into immediate compliance with the proposed Final Judgment.

Scope of the Final Judgment

The injunctions in Section IV generally apply to ''covered products'' which are defined, in Section II (A), as the binary code of MS–DOS 6.22; Microsoft Windows 3.11; Windows for Workgroups 3.11; predecessor versions of those products; the product currently code-named ''Chicago'' (the planned successor to Microsoft Windows 3.11); and other successor versions of or products marketed as replacements for the aforementioned products. This definition includes all Microsoft's PC operating system products in which the defendant currently possess a substantial degree of market power. The definition does not encompass, and specifically excludes, Windows NT Workstation and Windows NT Advanced Server, neither of which has a significant share of a relevant market at this time.

The definition of ''covered product'' was drafted with the recognition that Microsoft will continue to modify its operating system products throughout the duration of the Final Judgment. The prohibitions in the decree will apply to the successor and replacement products of those existing operating system products that have substantial market power. The decree will govern the licensing of such products if they are made available as stand-alone products to OEMs pursuant to license agreements, or as unbundled products that perform operating system software functions now embodied in the specifically listed existing products. Moreover, the decree will govern the licensing of successor versions of or products marketed as replacements for MS-DOS 6.22, Microsoft Windows 3.11, Windows for Workgroups 3.11, and ''Chicago,'' even if such successor or replacement products could also be characterized as successors or replacements of operating system software products that are not covered, such as Windows NT Workstation or Windows NT Advanced Server.

Prohibition of the Licensing Violations

The three anticompetitive features of Microsoft's license agreements that are challenged in the complaint—the excessive duration of those agreements, the requirement of royalty payments on a ''per processor'' basis, and large minimum commitments—are addressed principally in Sections IV (A), IV (C) and IV (F) of the Final Judgment.

Duration: Section IV (A) limits the duration of Microsoft's license agreements with OEMs to one year, with OEMs having the option to renew a license for one additional one year term on the same terms and conditions as in the first year. This limitation on the duration of license agreements, along with the safeguards provided in Section IV (G), will ensure that vendors of competing operating systems will have regular and frequent opportunities to attempt to market their products to OEMs. Absent such opportunities, Microsoft's competitors might be unable to reach the level of market penetration needed for profitable operation in a reasonable period of time, even if they are offering products that are deemed superior by those customers who have an opportunity to buy them. Per Processor Licenses: Section IV (C) prohibits the use of per processor licenses.[4] Section II (K) defines per processor licenses as licenses that require the OEM to pay a royalty for all personal computer systems that contain specified microprocessors. As noted above, the requirement to pay a royalty to Microsoft on the sale of a PC that has a non-Microsoft operating system is comparable, in its economic effect, to the imposition of a ''tax'' on the competing operating system. Per processor licenses are also very similar to exclusive dealing or requirements contracts; the OEM in effect is obtaining the right to use Microsoft's operating system, and is paying an operating system royalty, for all of its operating system ''requirements'' for use on PCs using the designated microprocessors.

Minimum Commitments: Section IV (F) will bar Microsoft from entering into any license agreement containing a minimum commitment.[5] While minimum commitments are not in and of themselves illegal, they can be used to achieve a similar effect as that accomplished through per processor licenses or exclusive dealing contracts. If the minimum commitment is greater than the number of units of Microsoft software that the OEM expects or would otherwise desire to use at any time during the term of the contract, the minimum commitment creates a disincentive for an OEM to make incremental purchases of non-Microsoft operating systems. In that context, the minimum commitment also operates in effect to require a royalty payment to Microsoft, even for PCs that use a non-Microsoft operating system. This effect will be ended by Section IV (F).

Restoring Competition To The Market Through Prophylactic Additional Relief The proposed Final Judgment not only bans Microsoft's unlawful practices, but also

[4] Section IV (J) (1) converts all per processor licenses to per system licenses, except those models which an OEM excludes, which will thereafter be subject to the limitations imposed on Microsoft by Section IV (G).

[5] Section IV (J) (2) prohibits Microsoft from prospectively enforcing minimum commitments in existing license agreements.

contains additional provisions which are prophylactic in nature, and are intended to ensure that the anticompetitive effects of those practices are not replicated through use by Microsoft of other exclusionary practices.

Microsoft Prohibited From Limiting OEM Sales of Competing Operating System Products: Section IV (B) bars Microsoft from entering into license agreements that prohibit or restrict an OEM from licensing, selling, or distributing competing operating system products. In addition, Section IV (E) prohibits Microsoft from expressly or impliedly conditioning its licenses of operating systems on the licensing, purchase, use or distribution not only of other covered products, but also any other Microsoft product, or non-Microsoft product. Without these provisions Microsoft could force OEMs to purchase covered products and thus accomplish anticompetitive effects similar to those achieved through its unlawful licensing practices, or attempt to extend or protect its monopoly in any covered product by conditioning its licenses on the licensing, purchase or use of other products.

Microsoft Limited to Per Copy and Per System Licenses: Sections IV (D) and IV (G) require Microsoft to use either ''per copy'' or ''per system'' licenses. Per copy licenses, if used in conjunction with pro-competitive volume discounts, pose few competitive concerns. Per system licenses, if not carefully fenced in, could be used by Microsoft to accomplish anticompetitive ends similar to ''per processor'' licenses. However, if an OEM easily can designate models not subject to a per system license, it can use non-Microsoft operating systems on those models without incurring a royalty obligation to Microsoft. If an OEM need not pay a royalty to Microsoft for anything but the number of copies of the Microsoft operating system that it actually uses, that OEM will not be deterred from licensing, purchasing or using competing operating system products.

Restrictions on Per System Licenses: The Final Judgment also places restrictions on the use of per system licenses to ensure that they are not used in an exclusionary manner. In particular, Section IV (G) specifies that per system licenses must allow the licensee to create ''new systems'' that can be sold without incurring a royalty obligation to Microsoft if they do not utilize a Microsoft product. Under Section IV (G), an OEM need only designate a new model name or number to create a ''new system.'' Microsoft may not require the OEM even to notify Microsoft of the creation of a new system; nor may Microsoft impose requirements relating to the marketing or advertising of a new system, or penalize an OEM for creating a new system.

Section IV (G) (4) requires Microsoft to notify within 30 days following entry of this Final Judgment all existing OEM licensees under per system licenses and all OEM licensees with per processor licenses who choose to let them be converted to per system licenses (a provision discussed below) of their rights to create new systems that will not be subject to any existing per system license. This notice provision ensures that existing licensees promptly know of their rights to avoid royalty payments under per system contracts if they choose to create new systems.

Microsoft Prohibited From Using Lump Sum Pricing: Section IV (H) also serves a prophylactic function, prohibiting the use of lump sum pricing in license agreements for covered products. As defined in Section II (F), lump sum pricing is any royalty payment that does not vary with the number of copies of the covered product (under per copy licenses) or the number of personal computer systems (under per system licenses) that are licensed, sold, or distributed by the OEM. This restriction, like the prohibitions on minimum commitments and requirements contracts, restricts conduct that could be used by Microsoft to achieve effects comparable to the effects of the conduct challenged by the government, and for that reason is enjoined.[6]

Neither Section IV (H) nor any other provision of the proposed Final Judgment prohibits the use of royalty rates, including rates embodying volume discounts, agreed upon in advance with respect to each individual OEM, each specific version or language of a covered products, and each designated personal computer system model. Nothing in the Final Judgment, however, in any way sanctions Microsoft structuring any volume discount whose purpose or effect is to impose de facto requirements contracts or exclusive arrangements on the OEM. As discussed below in connection with alternatives to the proposed Final Judgment, given Microsoft's monopoly power in operating systems, such practices can violate the antitrust laws.

Transition Rules

In the Stipulation consenting to the entry of the proposed Final Judgment, Microsoft agreed to abide by the provisions of the proposed Final Judgment immediately upon the filing of the Complaint, i.e., as of July 15, 1994. Among other things, the transition provisions described herein will require Microsoft to abide by the foregoing limitations and prohibitions when entering into any license agreements with OEMs after July 15, 1994. Certain additional provisions of the proposed Final Judgment also apply to existing license agreements that are inconsistent with the proposed Final Judgment's requirements for new license agreements.

Under Section IV (I), existing OEM licensees may terminate or negotiate with Microsoft to amend their agreements to make them consistent with the requirements of the Final Judgment.

Section IV (J) provides that if an OEM chooses not to exercise either of these options, Microsoft must abide by the following rules. First, under Section IV (J) (1), a per processor license must be treated as a ''per system'' license; OEM models that contain the microprocessor(s) specified in such a per processor license will be considered to be covered by the ''per system'' license unless the OEM opts in writing to exclude such model from coverage. As already noted, OEMs may freely sell PCs with non-Microsoft operating systems, and avoid any obligation to pay royalties to Microsoft under a per system license, simply by designating such PCs as a new system with a separate model number or name. Second, under Section IV (J) (2), Microsoft may not enforce any minimum commitment in an existing license agreement.

These provisions further two consistent goals. Opportunities for competition in the PC operating system market are fostered by a rapid end to the unlawful practices embodied in existing licenses. At the same time, the transition rules avoid creating hardships for OEMs by not unnecessarily disrupting established commercial relationships with Microsoft. Indeed, OEMs are not required to terminate or amend their existing contracts with Microsoft; the choice to do so is theirs alone. Microsoft, however, may not enforce the per processor or minimum commitment features of any existing contract. Providing OEMs with this choice minimizes the costs of the transition from existing license agreements that are inconsistent with the decree to new license agreements, while ensuring that any unavoidable transition costs be borne largely by Microsoft.

To ensure that existing licensees learn of their rights under the proposed Final Judgment, Section IV (M) requires Microsoft to provide a copy of the Final Judgment to all OEMs with which it has license agreements, except for those who have licenses only under Microsoft's Small Volume Easy Distribution program or the Delivery Service Partner program.

Non-Disclosure Agreements

Finally, the proposed Final Judgment contains provisions that prevent Microsoft from imposing unlawfully restrictive NDAs on developers of applications software.

Sections IV (K) (1) limits the duration of any NDA to the earliest of (a) the commercial release of the product covered by the NDA, (b) an earlier public disclosure of the information covered by the NDA, or (c) one year after the information is disclosed to the person subject to the NDA. Section IV (K) (2) provides that NDAs may not restrict subject parties from developing software products that will run on competing operating systems, if such development does not entail the use or disclosure of Microsoft proprietary information during the term of the NDA.

In combination, these provisions recognize that whatever Microsoft's legitimate interest in protecting the confidentiality of proprietary information covered by the NDAs, the need for any such protection must be balanced against the competitive

[6] If a license agreement established a minimum commitment greater than the OEM's requirements for operating systems (an agreement that would be prohibited under this decree), the minimum commitment would constitute, in effect, a lump sum payment. Regardless of the number of copies distributed by the OEM, its royalty payment to Microsoft would not vary. A lump sum pricing arrangement imposed by a monopolist that allowed unlimited use of the licensed product for a single fee calibrated to the anticipated total operating system needs of a particular OEM would also produce a similar economic effect as a requirements contract or a per processor license: the OEM would owe the same royalty to Microsoft whether it chose to use a Microsoft operating system on all of the PCs it sold, or only on some of the PCs it sold, and would, in effect, ''pay twice'' if it chose to purchase a non-Microsoft operating system for some of its PCs.

consequences of any restriction imposed on others concerning disclosure and use of the information. The proposed Final Judgment ensures that any NDA imposed by Microsoft will not extend beyond the point that the requirements of the Antitrust Procedures and Penalties Act have been satisfied. The Court then must determine whether the proposed decree is in the public interest, pursuant to Section 5 (e) of the Clayton Act, 15 U.S.C. 16 (e).[7]

ALTERNATIVES TO THE PROPOSED FINAL JUDGMENT

In addition to the remedies provided in the proposed Final Judgment, the Department also considered whether to require limitations on the manner in which Microsoft could structure volume discount pricing arrangements for covered products. While the Department recognizes that volume discount pricing can be and normally is pro-competitive, volume discounts also can be structured by a seller with monopoly power (such as Microsoft) in such a way that buyers, who must purchase some substantial quantity from the monopolist, effectively are coerced by the structure of the discount schedule (as opposed to the level of the price) to buy all or substantially all of the supplies they need from the monopolist. Where such a result occurs, the Department believes that the volume discount structure would unlawfully foreclose competing suppliers from the marketplace—in this case, competing operating systems—and thus may be challenged.

The Department ultimately concluded that it would not require provisions in the Final Judgment to attempt to proscribe in advance the various means by which Microsoft could attempt to structure volume discounts as a means to thwart competition rather than as a means of promoting competition. The Department reached this conclusion because it does not have evidence that Microsoft has, to date, in fact structured its volume discounts to achieve anticompetitive ends. The Department did, however, communicate to Microsoft its concern and stated its intent to initiate an investigation and antitrust enforcement proceeding, if warranted, should Microsoft adopt anticompetitive volume discount structures in its future license agreements. Given the procompetitive impact of the provisions of the proposed Final Judgment, the normally procompetitive nature of volume discount pricing, and the absence of any evidence that Microsoft has used volume discounting in an anticompetitive manner to date, the Department believes that this resolution is appropriate on the record at this time.

Another alternative to the proposed Final Judgment would be a full trial of this case. The Department of Justice believes that such a trial would involve substantial cost to the United States and is not warranted since the proposed Final Judgment provides all of the relief that the United States seeks in its Complaint and includes substantial additional prophylactic measures as well.

Determinative Materials and Documents

No materials or documents of the type described in Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b), were considered in formulating the proposed Final Judgment.

Dated: July 27, 1994

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EXHIBIT 4
TO THE COMMENTS
OF RELPROMAX ANTITRUST INC.

MTC–00030631—0256

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IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA UNITED STATES

Plain vs. ?? No. 94–1564 (SS) MICROSOFT COR?? FILED Defend FEB 14 1995 Clerk U.S. District Court District of Columbia.

MEMORA?? The economic arguments in ?? were prepared m extensive consultation with the following economists. However, because of the shortness of time, counsel retained complete responsibility for the contents of this document.

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[7] In making this public interest determination, ''[t]he balancing of competing social and political interests affected by a proposed antitrust consent decree must be left, in the first instance, to the discretion of the Attorney General. The court's role in protecting the public interest is one of insuring that the government has not breached its duty to the public in consenting to the decree. The court is required to determine not whether a particular decree is the one that will best serve society, but whether the settlement is ''within the reaches of the public interest.''' United States v. Bechtel Corp., 648 F.2d 660,666 (9th Cir.), cert. denied, 454 U.S. 1083 (1981) (citations and internal omitted), Accord United States v. Western Electric Co., 993 F.2d 1572, 1576 (D.C. Cir. 1993); United States v. American Tel. and Tel. Co., 552 F. Supp. 131,151 (D.D.C. 1982), aff'd suc nom. Maryland v. United States, 460 U.S. 1001 (1983).

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The Department of Justice has determined that from 1988 through July 1994, a period during which the number of personal computers in the United States virtually exploded. Microsoft Corporation successfully used a variety of unlawful and ''anticompetitive'' practices to maintain its monopoly position in the market for ''operating systems'' for use with personal computers. As a result of these unlawful practices, Microsoft has been able to preclude any meaningful competition in the market while increasing the installed base of Microsoft operating systems from well under 20 million in 1988 to approximately 120 million in 1994.

This memorandum [1] will show that under established economic theory, this now-massive installed base will enable Microsoft, if unchecked, both to maintain its monopoly in the operating systems market, and to leverage its installed base to dominate and monopolize the markets for applications and other software products. This brief also will show that the Department's proposed decree completely fails to address the consequences of the huge increase in installed base that Microsoft has procured through illegal practices. Instead, the Department simply proposes to shut the barn door now that the horse has already gone.

Under established economic theory, it is clear that the proposed decree will neither

[1] This memorandum amici curiae is submitted by Wilson, Sonsini, Goodrich & sati on behalf of certain clients that prefer to retain their confidentiality. Hence, they are not identified in this submission.

result in an increase in competition in the operating systems market, nor prevent Microsoft from monopolizing the remainder of the software industry. These amici accordingly urge the Court to require further submissions from the Department, both by way of expert affidavits and the production of documents, to explain how permitting Microsoft to profit from its illegal conduct not just by continuing, but by expanding, its monopolization of the software industry can be argued to be in the ''public interest.''

Introduction and Summary

This Court has been asked to endorse the proposed Consent Decree between the Department of Justice and Microsoft without being provided with any of the information upon which a meaningful determination under the Tunney Act could be based. Thus, for example, the Department's investigation ostensibly inquired regarding ''alleged false product preannouncements'' by Microsoft. 59 Fed. Reg. 59,426, 59,427 (Nov. 17, 1994). At the September 29, 1994 hearing on this matter, the Court referred to this issue, noting that in the book Hard Drive,:[2] Microsoft was said ''time after time'' to predatorially preannounce products ''th the intent [to] freeze other people from coming out with their product.'' Tr. of Status Call, Sept. 29, 1994, at 16:21–22. The following colloquy then took place between Microsoft's counsel and the Court:

The Court: [H]ow do you answer those charges?

Mr. Urowsky: Those charges we believe are entirely false.

The Court: In other words, the vaporware charge is false?

Mr. Urowsky: That's correct.

Id. at 15:7–12, 16:18–17:1.

Microsoft's representations, however, are belied by Microsoft's own documents, produced to the Government during the course of its investigation. (Examples of such documents are attached hereto at Appendix Exs. 21 and 22.)[3] Thus, for example, a Microsoft manager was involved in spearheading two product preannouncements during one six-month period. In one instance, the manager wrote that in response to ''Borland's announce[ment of] TurboBASIC at the November Comdex,'' he simultaneously worked ''to develop a [Microsoft] spec[ification] that could beat TurboB,'' while also formulating a promotional campaign ''that could hold our position until [QB3, the Microsoft product] hit the market.''[4] He stated that he ''reviewed [this] promotion plan with Bill G. before implementation.'' Id. The Microsoft documents state that Steve Ballmer, one of Microsoft's top executives, favorably commented on this strategy, saying that the ''best way to stick it'' to Borland was such a ''QB3 preannounce to hold off Turbo buyers.''[5]

In the same document, the Microsoft manager wrote that Microsoft was ''not as far along on the response to [Borland's] Turbo C,'' a second product, because Microsoft was ''further from product announcement.'' According to the Microsoft document, the Microsoft manager: developed a rollout plan for [Microsoft's products] QuickC and CS that focused on minimizing Borland's first mover advantage by preannouncing with an aggressive communication campaign.[6]

The manager was given the highest possible rating on his performance review (a ''5-'') for his ''public relations'' handling of this ''C preannouncement.''[7]

Perhaps even more striking than the incongruence between Microsoft's representations and its own documents is the silence by the Department, both in its written submissions and in its oral presentation to the Court, regarding its findings on this and other matters. The Department has not taken the position (nor, presumably, could it, without some explanation of the documents that have been submitted to it) that Microsoft has not engaged in practices such as predatory, preannouncements, or the seeding of what are referred to as ''undocumented calls'' (secret elements in an operating system that make a competitor's applications program operate less well than a rival Microsoft program),[8] Instead, the Department simply has asserted that it had determined that ''no further action was warranted'' on these matters—presumably a conclusion that it asks this Court to take completely on faith, since it has provided the Court with literally no explanation for its decision.

Most remarkable of all, however, is the absence of any information in any of the Department's submissions regarding the adequacy of its proposed remedy for Microsoft's illegal monopolistic conduct. Based on the Department's own allegations, from 1988 to 1994 Microsoft used a variety of illegal tactics to maintain its monopolistic share in the rapidly growing operating systems market—and thus increased the size of its installed base through the use of illegal tactics from no more than 18 million[9] to approximately 120 million users.[10] Having acknowledged that Microsoft thus illegally acquired its massive installed base, the Department nonetheless has failed to proffer any basis for concluding that simply prohibiting these practices in the future will remedy the unassailable position that Microsoft has gained as a result of its unfair and illegal practices.

Certainly no one in the industry believes that the Department's proposed remedies will have the slightest effect in unseating Microsoft from the position that it now illegally occupies. As one competitor observed after the consent decree was announced, ''[t]he consent decree seems to have set [Microsoft] free .... Now, they are running rampant over everything.''[11] Microsoft entirely agrees. As Bill Gates observed in his response to the proposed decree:

None of the people who run [Microsoft's seven] divisions are going to change what they do or think or forecast. Nothing. There's one guy in charge of [hardware company] licenses. He'll read the agreement.—Elizabeth Corcoran, Microsoft Deal Came Down to a Phone Call, Washington Post, July 18. 1994, at Al (Ex. 42).

Nor have events since the decree was proposed provided the slightest basis for believing that the Department's proposed remedy will have any effect. In a nationally televised press conference on July 16, 1994, Attorney General Janet Reno predicted that the Department's settlement with Microsoft would have two results: it ''will save consumers money [and] enable them to have a choice when selecting operating systems.''[12] In fact, however, in the six months since the proposed settlement was announced, press reports indicate that Microsoft has literally doubled the price of its operating system to computer manufacturers.[13]

Moreover, far from the decree leading to an increase in competition in the operating

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[2] James Wallace & Jim Erickson, Hard Drive: Bill Gates and the Making of the Microsoft Empire (1992).

[3] Exhibit numbers refer to selected supporting documents which have been included in the Appendix to this Memorandum of Amici, filed herewith. For the Court's convenience, documents in the Appendix have been organized alphabetically by publication title.

[4] Microsoft Corp. Employee Performance Review, dated May 4, 1987, at 3 (Ex. 21). (Although this review has become a public document, these amici have redacted the review to safeguard the employee's privacy interests.)

[5] Microsoft Corp. Employee Performance Review, dated Nov. 2, 1987, at 8 (Ex. 21). (Although this review has become a public document, these amici have redacted the review to safeguard the employee's privacy interests,)

[6] Id. at 6.

[7] Microsoft Corp. Employee Performance Review, dated May 4, 1987, supra, at 3 (Ex. 21).

[8] Examples of such ''undocumented calls'' will be described in Section IV, infra.

[9] According to industry consultant Jerry Schneider, Microsoft's installed base in March 1988 was only nine to twelve million. Dump DOS? No Way, Not Yet, Computer Decisions, March 1988 at 50 (''between nine and twelve million DOS machines''). Indeed, according to Business Week, no more than twelve million PCs had been sold by April 1988. Will Sun Melt the Software Barrier, Business Week, April 18, 1988, at 72 (''Sun aims to coax a portion of the 12 million owners of PCs and clones into the UNIX camp.'') The more expansive measure taken by industry analysts at International Data Corp. indicated there were ''approximately 18 million IBM PCs and compatibles worldwide,'' in March 1988. Alan Radding, IBM PC Orphans Hang On To A Good Thing, Computerworld, March 7, 1988, at 81. Therefore, even under the assumption that Microsoft's operating system software had been installed in every IBM PC or compatible sold by 1988, Microsoft's installed base at that time was no larger than eighteen million. Cf. Christopher O'Malley, The New Operating Systems, Personal Computing, October 1986, at 181 (''better than 95 percent [of then-existing] PC's and compatibles use] Microsoft's disk operating system.'').

[10] Amy Cortese, Next Stop, Chicago, Business Week, Aug. 1, 1994, at 24 C120 million MS-DOS customers (including 55 million Windows users)''). See also OS Overview, Computer Reseller News, Aug. 22, 1994, at 223 (International Data Corporation table) (DOS and Windows installed base of 110.1 million).

[11] Amy Cortese, No Slack for Microsoft Rivals, Business Week, Dec. 19, 1994, at 35 (Ex. 5).

[12] Attorney General Janet Reno, Department of Justice Press Conference Transcript Microsoft Settlement (July 16, 1994) at 2 (Ex. 12).

[13] Amy Cortese, Business Week, Dec. 19, 1994, supra, at 35 (Ex. 5) (''Computer makers have been startled to learn that they will be asked to swallow a huge price hike for their use of Windows 95—to as much as $70 per PC, vs. roughly $35 today.'').

systems market, a key competitor in that market, the maker of DR DOS, has subsequently withdrawn from the market. The competitor observed in withdrawing from the market that ''the battle for the desktop is over and MS DOS and Windows have won.'' [14] The withdrawal of DR DOS from the market is of particular note since it was DR DOS that the authors of Hard Drive pointed to as providing the most likely source of meaningful competition to Microsoft in the operating systems market. See Hard Drive, supra, at 398.[15]

Having failed to explain how its proposal will remedy Microsoft's illegal acquisition of its massive installed base in the operating systems market, the Department's submission does not even touch on Microsoft's use of that illegally acquired installed base to leverage into—and acquire market power in—other software markets. In analyzing the strength of the Department's case against Microsoft, Hard Drive identified Microsoft's weakness in application programs as the principal reason (apart from the competition provided by products such as DR DOS) why Microsoft's dominant position arguably would not hurt consumers. With respect to application programs, the authors in 1992 argued that Microsoft does not come close to dominating the Big Three of applications—word processing, databases and spreadsheets. WordPerfect is far ahead of Microsoft Word, Lotus 1–2–3 is still ahead of Excel, and Microsoft has nothing to compete against Ashton-Tate's dBASE.

Larry Campbell, Novell to Introduce SuperNOS Strategy, South China Morning Post, Sept. 20, 1994, at 1 (Ex. 37) (quoting Robert Frankenburg speech to Networld + InterOp ''94 conference). See also Bob Lewis, Ten Troublesome Trends in Computing That Are Sure to Spook You, InfoWorld, Oct. 31, 1994, at 82 (''Let's all admit that NextStep and QNX should have all of the market if there was any justice,'' but Microsoft's ''Windows and DOS have more than 80 percent market share, so the wax is over! ''). Nor has the irony of this withdrawal been lost on the computer industry. As one observer noted: ''July [of 1994] saw Microsoft in full agreement with the Justice Department. Microsoft agreed to withdraw the ''per processor'' option that most PC suppliers found the cheapest way to buy DOS [in order to] encourage firms to offer alternatives to Microsoft's operating systems. Shortly afterward, Novell announced that it was stopping development of DR-DOS.'' Jack Schofield, Computing 94: Processor Wars and Rumors of Delays, Guardian, Dec. 29, 1994, at T14.

What a difference three years can make—at least when, like Microsoft, a company can leverage its installed base in operating systems, and finance early losses in applications with monopoly profits from operating systems. Under the headline ''MICROSOFT'S DOMINATION,'' Dataquest Inc. has reported the 1994 market revenue and share figures for the applications market:

''Lotus 1–2–3, WordPerfect, dBASE, Paradox and Harvard Graphics once dominated their respective categories,'' said Dataquest analyst Karl Wong. ''Today, Microsoft products have replaced each of these one-time product category leaders.'' Microsoft's Domination, San Jose Mercury News, December 21, 1994, at 1F (Ex. 35).

Microsoft did not achieve its dominant position in operating systems and applications through free and open competition on a level playing field. Rather, it used the illegal tactics challenged in the Government's complaint to create a huge installed base in operating systems. Then, it took unfair advantage of its installed base to give its own applications group a head start and its programs a performance advantage over applications competitors—precisely the concern voiced in Hard Drive [17] and echoed by this Court.[18]

Indeed, in 1990 Microsoft began to bundle its application products together into so-called ''suites.'' These mites are the fastest growing segment of the applications market, and Microsoft commands more than 85% of the suite market. See Personal Computing Software Worldwide, Dataquest, June 27, 1994, at 20 (selected pages at Ex. 11) (unit shipments of suites grew more than 350% in 1993); id. at 27 (Microsoft's 1993 market share for suites is 85.4%); Doug VanKirk, Integrated Office Suites, InfoWorld, Feb. 7, 1994, at 51 (''Microsoft owns a 90 percent share of the suite market .... '').

''Microsoft has never had a hit among its MS-DOS applications programs.'' [19] Yet, in the past few years, Microsoft has come from nowhere to provide the lion's share of business application programs.[20]

As explained in this brief, Microsoft achieved that result by the illegal tactics charged by the Government, and by illegal tying techniques, monopoly leveraging, and otherwise predatorially exploiting its monopoly position in one market to achieve market power in other markets. Because of the type of economic forces that prevail in these markets, rigorous economic analysis predicts that, unless restrained by Government action, Microsoft will succeed in using its dominance in operating systems to monopolize all other aspects of transaction software, from desktop applications to online systems. Microsoft's goal is to identify and control every ''strategic component,'' ''choke point'' or ''leverage point'' in the information economy.[21] And Microsoft is already close to achieving a complete lock-in in desktop applications.

This Memorandum of Amici argues that the Proposed Final Judgment is not in the public interest and should not be entered by this Court. Indee??conomically impossible to achieve the stated goals of greater choices and lower prices for operating systems without (1) addressing the increase in installed base that Microsoft has procured through illegal practices and (2) restraining Microsoft's use of that installed base to dominate the markets for applications and other software products.

This Memorandum of Amici is divided into seven sections. This first section provides a summary and overview of the brief. The second section addresses the scope of investigation and power of this Court under the Tunney Act. In particular, the second section argues that, under 15 U.S.C. 16(e), the Court not only can but should consider the effect of the proposed decree beyond the operating systems market. The section further argues that the Department's submission falls far short of providing the Court with an adequate record upon which to act, and provides no factual predicate for concluding that the decree's remedy is even arguably within the ''public interest'' under Section 16(e). The remainder of the brief explains that the Government cannot effectively restore and maintain competition—even in the operating systems market—without addressing both the consequences of the ''installed base'' that Microsoft increased through illegal means, and the use of Microsoft's resulting market power more broadly. Section III describes the markets and technologies in which Microsoft operates and lays a foundation for an understanding of Microsoft's conduct and strategic direction. The section begins by describing the interrelationships among complicated software technologies and demonstrates that the various markets in which Microsoft competes are parts of a large network that can be entered by a competitor's product through a few key gateways, the principal gateway being the desktop operating system. Using economic analysis, the section then argues that the economic characteristics of the technologies and markets at issue differ markedly from other, more conventional industries, in that these products (software products) and markets (networks) exhibit ''increasing returns,'' also sometimes called ''network effects.'' The section discusses the underlying characteristics of the technology that gave rise to these conditions and the likely consequences that these circumstances will produce.

Section IV of the brief explains Microsoft's strategy and evaluates Microsoft's prospects for complete domination of all of the interconnected software markets. The section begins by explaining that Microsoft increased its ''installed base'' in operating systems through the illegal practices charged in the Government's complaint. The section then explains and documents the fact that Microsoft pursues a strategy of leverage from ''gateway'' markets, like the desktop operating system in which it is dominant, to strategic markets in which its competitive position is weak (as was the case in applications). Microsoft targets such strategic markets, establishes marketing and technological links to those markets from established monopolies in gateway markets, and leverages its power to monopolize the target markets. In other words, it transfers the installed base of a gateway market it dominates to create an installed base in the strategic target market. The section focuses primarily on the desktop market, describing in some detail the method by which Microsoft (according to the Government's Tunney Act filing) used illegal activities to increase its installed base in operating systems and then leveraged its monopoly

[17] Hard Drive, supra, at 398–99.

[18] Tr. of Status Call, Sept. 29, 1994, at 25–28.

[19] Ron White, Microsoft Gives the New Word, PC Week, Oct. 20, 1987, at 95.

[20] See. Eg., Brent Schlender, Bill. Gates: What Doesn't He Want, Fortune, Jan. 16, 1995, at 36.

[21] Id. at 47.

over the operating system to dominate applications. In particular, the section describes Microsoft's tactics of bundling and unbundling functions into and out of its operating system to disadvantage its competitors in the applications market.

Section V of the Memorandum of Amici applies ''increasing returns'' economics to suggest that Microsoft likely will achieve a monopoly position for its products throughout the entire personal computer network unless restrained by Government action. The section rejects various arguments that could be put forward to justify such monopolization, including the arguments (1) that alternative networks created by alliances of competitors will provide competition, and (2) that the benefits derived from integration of a single product line are worth the cost in loss of free competition throughout the network. The section concludes by suggesting that absent meaningful governmental intervention, the American software industry will be monopolized by Microsoft, with the only competition coming from protected markets and competition abroad.

Section VI evaluates the possibilities and prospects for governmental intervention from the legal ''perspective. The section begins with an evaluation of the proposed Final Judgment, observing that the Government's Tunney Act filing concedes that Microsoft. through the use of illegal practices, has acquired an enormous installed base that constitutes an overwhelming barrier to entry. The only sanction proposed by the Government, requiring Microsoft to cease the behavior that permitted it to acquire this entrenched installed base, will have no effect in diminishing the installed base, easing barriers to entry, or otherwise precluding Microsoft from using the illegally acquired installed base to monopolize the operating system market or other markets. The section considers specific strategies for relief adopted by previous Administrations in comparable situations and analyzes legal precedents supporting such strategies. Finally, Section VII of the brief proposes procedures this Court may wish to adopt in order to exercise its appropriate role in Tunney Act proceedings. The section urges the Court to order the production of key Microsoft documents and to require the Government to produce detailed and predictive economic models of the type previously employed to support consent decrees adopted through Tunney Act procedures.

The Permissible Scope of This Court's Review

In 1974 Congress enacted the Antitrust Procedures and Penalties Act (''APPA''), also known as the ''Tunney Act.'' 15 U.S.C. §§ 16(b)-(h) (1994), out of concern with ''prior practice, which gave the [Justice] Department almost total control of the consent decree process, with only minimal judicial oversight.'' United States v. American Tel. & Tel., 552 F.Supp. 131. 148 (D.DC 1982) (''AT&T''), aff'd sub nom. Maryland v. United States, 460 U.S. I001 (1983). To remedy this practice, Congress sought to eliminate ''judicial rubber stamping'' of such consent decrees,[22] providing that ''[b]efore entering any consent judgment ... the court shall determine that the entry of such judgment is in the public interest.'' 15 U.S.C. 16(e). Circuit Judge Aldrich, sitting by designation in United States v. Gillette Co., 406 F.Supp. 713 (D. Mass. 1975) (cited by both the Department and Microsoft), observed upon reviewing the legislative history of the Act:

The legislative history shows clearly that Congress did not intend the court's action to be merely pro forma, or to be limited to what appears on the surface. Nor can one overlook the circumstances under which the act was passed, indicating Congress'' desire to impose a check not only on the government's expertise—or at the least, its exercise of it—but even on its good faith.——Id. at 715.[23]

Despite this clear statutory intent, the oral and written submissions in the present case have suggested that the Court's review should be circumscribed in ways not supported either by the statute or by existing case law. First, the submissions may be taken as suggesting that the Court should look only to the impact of the proposed decree on the operating system market in determining whether the decree is in the public interest. See, e.g., 59 Fed. Reg., at 59,429. The law, however, plainly is otherwise. For example, in United States v. BNS Inc., 858 F.2d 456 (9th Cir. 1988),—a case relied upon by the Department—the Court observed that ''the statute suggests that a court may, and perhaps should, look beyond the strict relationship between complaint and remedy in evaluating the public interest.'' 858 F.2d at 462 (quoting United States v. Bechtel Corp., 648 F.2d 660, 666 (9th Cir.), cert. denied, 454 U.S. 1083 (1981)). While the court's public interest determination may not be based on a different market from the one identified in the complaint, the Ninth Circuit emphasized that this did not mean that only effects on that market can or should be considered:

[T]he statute clearly indicates that the court may consider the impact of the consent judgment on the public interest, even though that effect may be on an unrelated sphere of economic activity. For example, the government's complaint might allege a substantial lessening of competition in the marketing of grain in a specified area. It would be permissible for the court to consider the resulting increase in the price of bread in related areas.—Id. at 463 (emphasis added).

Under the Department's own authority, therefore, the Court's inquiry is not limited to the effect of the proposed judgment on the operating system market. To the contrary, the Court can (and, it is submitted, should) determine the effect of the proposed judgment on other areas impacted by Microsoft's monopolistic conduct. As will be discussed in more detail in Section IV, infra, for example, Microsoft has used its illegally acquired market position to leverage into and acquire a monopoly in other related markets. The failure of the decree to ''break up or render impotent [this] monopoly power found to be in violation of the Act.'' AT&T, 552 F. Supp. at 150—indeed, its tacit decision to leave Microsoft free to profit from its unlawful market power by leveraging into other software markets—is something that the Court should consider in evaluating the public interest served (or disserved) by the proposed decree.

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A second limitation implied in the submissions to the Court also is without authority in the case law. namely, that the Court is limited to considering those matters that the Department has identified in its complaint. That is not the law. See, e.g., BNS, 858 F.2d at 462 (''a court may consider matters not discussed in the complaint''); Gillette, 406 F.Supp. at 715 (''Congress did not intend the court's action to be... limited to what appears on the surface''). Indeed, simply accepting at face value the Department's analysis—and even its good faith—amounts to precisely the kind of ''rubber stamping'' that the APPA expressly rejects. The Court is required, in evaluating the Department's proposed decree, to determine whether it ''meets the requirements for an antitrust remedy—that is, if it effectively opens the relevant markets to competition and prevents the recurrence of anticompetitive activity.'' AT&T, 552 F. Supp. at 153. If the Department has determined not to address a practice—for example, Microsoft's ''bundling'' of operating and applications programs, discussed in more detail in Section IV, infra—which forecloses any meaningful chance of competition in the operating systems market, that fact must be considered by the Court in assessing the adequacy of the decree as a remedy for the charged violations. That is so regardless of whether the Department has chosen to turn a blind eye to the consequences of such bundling on the effectiveness of its proposed decree.

Finally, prior submissions to the Court have emphasized that in assessing whether the decree is in the ''public interest'' under Section 16(e), the Court should not ''determine whether the resulting array of rights and liabilities is the one that will best serve society, but only to confirm that the resulting settlement is within the reaches of the public interest.'' United States v. Western Electric Co., 900 F.2d 283, 309 (DC Cir. 1990), cert. denied, 498 U.S. 911 (1990) (citations and quotations omitted; emphasis in original). This standard clearly is correct. but the parties'' further assertion—that the submissions already made by the Department are sufficient to satisfy this standard—equally clearly is not.

A comparison of the information provided in those cases relied upon by the Department,

[22] As the sponsor of the Act, Senator Tunney, declared: ''Specifically, our legislation will . . make our courts an independent force rather than a rubber stamp in reviewing consent decrees, and it will assure that the courtroom rather than the backroom becomes the final arbiter in antitrust enforcement.'' The Antitrust Procedures and Penalties Act: Hearings on S. 782 and S. 1088 before the Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary, 93rd Cong., 1st Sess. (1973).

[23] Accord AT&T, 552 F. Supp. at 148 (Congress had ''found that consent decrees often failed to provide appropriate relief, either because of miscalculations by the Justice Department or because of the ''great influence and economic power'' wielded by antitrust violators'').

with that provided here, highlights just how far short the Department has fallen in providing this Court with an adequate record upon which to act. For example, the Department relies heavily upon the Court of Appeals'' decision affirming a modification of the consent decree in United States v. Western Electric Co., Inc., 993 F.2d at 1572. See 59 Fed. Reg. at 59,429.[24] However, in finding that there was a sufficient ''factual foundation for the judgment call made by the Department of Justice and to make its conclusion reasonable,'' 993 F. 2d at 1582, the Court of Appeals in that case expressly pointed to the ''array of prominent economists (including two Nobel laureates, Stigler and Arrow),'' who had submitted affidavits in the record that supported the Department's position. These affidavits provided detailed support for the factual predicates underlying the Department's proposal, including the view that the Bell operating companies would not be able to discriminate or engage in cross-subsidization: that government oversight would be effective in regulating their behavior; and that the proposal would enhance competition in the relevant markets. See id. at 1578–82.

This Court, by contrast, has not been provided with the affidavit of any economist, or for that matter of anyone else, that would provide a factual predicate for any of the matters that it must decide in reviewing the adequacy of the proposed decree. The Department has provided no factual basis (other than its say-so) for believing that the remedies proposed in the decree would be sufficient to ''pry open to competition'' the operating systems market, AT&T, 552 F. Supp. at 150; that Microsoft's other anticompetitive practices (undocumented calls, predatory preannouncements, anticompetitive bundling and unbundling, early disclosure to Microsoft applications programmers) will not undermine the effectiveness of the decree; and so forth. Although this case involves an industry of unquestioned significance to the future of the American economy—one of comparable importance to AT&T itself — the Department has in fact given this Court nothing to go on other than the purest ipse dixit. Indeed, it is hard to imagine how the Department could claim that its request for approval of the decree amounts to anything but a request for a ''rubber stamp'' when it has so notably failed to say anything other than ''trust us.''

Nor does the Department's submission compare favorably with the information available to other courts in cases cited by the Department. In Gillette, for example, which first formulated the ''reaches of the public interest'' standard, see 406 F. Supp. at 716, Judge Aldrich concluded that he was able to make an independent determination regarding the adequacy of the proposed decree because ''the record [in the case] is both open and extensive.'' Id. at 715. Here, the record is neither. Indeed, the transcripts of the hearings on September 29, 1994 and November 2, 1994 are replete with inquiries by the Court regarding matters inextricably tied to the adequacy of the proposed remedy—inquiries that repeatedly failed to yield any information at all, or (even worse) information that is at odds with the record.

The example of preannouncements already has been discussed above: despite Microsoft's unequivocal denial, and the Department's silence, the documentary record shows that such predatory preannouncements in fact are used by Microsoft. Nor is this the only example highlighted by the transcript. Equally striking is the Court's effort to ascertain whether the Department had concluded that a ''Chinese Wall'' exists between Microsoft's operating system and applications divisions. Noting the discussion of this point in Hard Drive, the Court may have been left with the impression during the hearing that such a ''Chinese Wall'' in fact exists. See Tr. of Status Call, Sept. 29, 1994, at 27:11–28:1. Certainly that is the impression that Microsoft previously has sought to convey, dating all the way back to 1983.[25] Indeed, throughout the spring and summer of 1991, after the FTC announced its investigation of Microsoft in March 1991, Microsoft persisted in its claim that the company's applications and systems development groups were separated.[26]

Now, however, at the end of a long footnote in its written submission, Microsoft disavows that any such ''Chinese Wall'' exists—and, indeed, derides the idea as ''irrational.'' See Microsoft Mem. at 7 n. 12. The Department, again, has been silent. Was its determination that ''no further action [is] warranted'' on this issue, 59 Fed. Reg. at 59,427, based on Microsoft's earlier representation that a ''Chinese Wall'' in fact exists? Was it based on the conclusion that there is no ''Chinese.Wall,'' but it does not matter? If not, why not'.)

The answers to these and other questions may remain unanswered because no satisfactory answer is available. As shown in Sections III through VI, infra, the Government cannot effectively restore competition in the operating systems market without addressing the consequences of Microsoft's illegally-acquired ''installed base,'' and its broader use of its acquired market power. The Government's proposed consent decree, however, fails to do either.

The Economic Characteristics of the Software Industry

Section III is divided into two parts. Subsection A provides background by describing the structure of the software industry and how it has changed over time in response to Microsoft's prior conduct in the market. Subsection B describes the economic characteristics of the technologies and markets at issue here.

A. Market And Technology Background

The relevance of much of the material in this section, particularly the schematic diagrams, is fleshed out and explained to a great extent in the subsequent sections. If the Court is unfamiliar with these markets, the Court may find it useful at this point to read The Economist [27] article, and the Harvard Business Review [28] article, both found in the Appendix.

At the outset, two characteristics of these markets and technologies should be emphasized. First, the products at issue are software products, composed almost entirely of intellectual property content. Because of the nature of software, there can be greater flexibility in the formation of vertical relationships than often is present with respect to more conventional products. Unlike a pipeline, for example, many competitors can vertically link their software, through software compatibility, to products in the markets above and below them. So, for example, a number of different companies can make word processing application programs that work equally well with Microsoft's operating system so long as they all have the same technical information on a timely basis. It is not necessary for Microsoft to bundle—or literally tie together—its operating system and word processing program in order to ensure that the two programs work well together. With software, the efficiency benefits of vertical integration can be achieved without foreclosing access to competitors.

Second, the Stipulated Complaint and Final Judgment in this case focus on the Personal computer operating system and the applications that run on top of it. Together, the personal computer operating system and the applications that run on it are sometimes known as the ''business desktop.'' But the desktop is really only an interrelated component of a network that contains desktops (or ''clients'') and ''servers.'' These software networks bear many of the characteristics that economists have associated with networks in other industries, including ''increasing returns'' or ''network

[24] An initial difference between that case and the present one, of course, is that the initial decree in that case was entered after the District Court had already heard approximately 11 months of trial testimony from roughly 350 witnesses. See AT&T, 552 F. Supp. at 140.

[25] See, e.g., A Fierce Battle Brews Over the Simplest Software Yet, Business Week, November 21, 1983, at 114 (Ex. 2) (quoting Microsoft executive Steve Ballmer) (''There is a very clean separation between our operating system business and our applications business... It's like the separation of church and state'').

[26] See, e.g., Paul Andrews, Can Microsoft Just Do It?, Seattle Times, March 18, 1991, at B1 (Microsoft ''repeatedly'' asserted ''that a ''Chinese Wall'' exists between its applications and systems divisions''); Microsoft and IBM Under Investigation by FTC, Technical Computing, Apr. 1, 1991 (''Microsoft maintains that it does not take unfair advantage of advance knowledge of operating systems in designing its consumer products. It says there is a ''Chinese Wall'' between systems and applications''); Michael Stroud, ITC Widens Probe of Microsoft Dominence, Investor's Daily, Apr. 15, 1991, at 1 (''Microsoft maintains that it keeps a ''Chinese Wall'' between its operating system and applications divisions to prevent such an unfair advantage from occurring''); Sean Silverthorne, AMD Files $2 Billion Antitrust Suit Against Intel, Investor's Daily, August 30, 1991, at I (Microsoft responds to charges that its application developers receive ''inside knowledge'' about the company's operating systems by claiming that Microsoft ''has erected a ''Chinese Wall'' between the two operations. '').

[27] The Computer Industry Survey: Reboot System and Start Again, The Economist, Feb. 27-Mar. 5, 1993, at 3 (Ex. 14). 28 Charles R. Morris and Charles H. Ferguson, How Architecture Wins Technology Wars.

[28] Harv. Bus. Rev., Mar. 1993, at 86 (Ex. 16).

effects,'' as described in Subsection B. Indeed, software networks manifest increasing returns, or demand-side economies of scale, more strongly than networks in more conventional industries.

The network at issue here has four components, two on the ''business'' side and two on the ''home'' side. On both the home and business sides, there is a desktop, or ''client,'' component, and a ''server'' component that links the desktop into a broader network. The network as a whole can be diagramed as follows:

BOX 1
HOME CLIENT
Applications
Multiple Layers
Connected to Server
by Windows 95
Home-to-Business
(''On Line Services'')
Home-to-Business
Server
8 Layers
Connected to Home
Client and
Intrabusiness Server
by Windows NT
HOME-TO-BUSINESS
BOX 2
BOX 4
INTRABUSINESS CLIENT
Applications
5 Layers
Connected to Server by
Windows 95''
Intrabusiness
(Enterprise Server)
Intrabusiness Server
8 Layers
Connected to
Intrabusiness Client
and Home-to-
Business Server by
Windows NT
ENTERPRISE SERVER
BOX 3
Figure I

The following description attempts to provide some explanation for each of these boxes: the intrabusiness client, which runs on the ''desktop''; the enterprise ''server, '' meaning the hardware and software applications that run on a more centralized computer and that link the clients together; the home ''client;'' and the home-to-business server, that similarly links home personal computers (''PCs'') into a. larger network. This brief then discusses two particular technologies that play a critical role in understanding Microsoft's strategy: OLE and Windows.

1. The Business Desktop

The personal computer or ''PC'' was initially devised as a stand-alone device, but today it is usually used as part of a network. This is certainly the case in business, and will increasingly be the case in the home.[29] The PC, both stand-alone and as part of a network, is often referred to as ''the desktop.'' The FTC Investigation and the DOJ investigation of Microsoft have focussed on the desktop.

Prior to Microsoft Windows, the intrabusiness ''client side'' or desktop could have been thought of as having four layers.

Level	Name	Examples
4	Applications	Lotus 1–2–3, dBASE, WordPerfect. Harvard Graphics
3	Development Tools	Basic, Pascal, C
2	OS	Apple, CPM, MS DOS, DR DOS
1	Hardware	IBM, Apple, Kaypro

Today, the market looks more like Figure 3 below. It reflects two principal changes, each of which will be explained in Section IV, infra. First, Microsoft succeeded in forcing the market to migrate to a new operating system or ''OS'' (Windows), thereby inserting a new layer, the ''graphical user interface'' (GUI) layer (layer 3), between the operating system and the applications. Second, using its leverage in layers 2 and 3, it has become dominant as well in development tools (layer 4) and business applications (layer 5).[30]

Level	Name	Examples
5	Applications	(a) Desktop applications (e.g., Lotus 1–2–3, dBASE, MS Word, MS Excel, WordPerfect) The Microsoft Office is a bundle of these applications made exclusively by Microsoft. (b) Client applications as part of a network (e.g., Oracle Financials, SAP, Peoplesoft, D&B Software. etc.)
4	Development	Basic, Pascal, C, Borland C + +, Tools Powersoft
3	GUI and/or	MS Windows OS Services
2	Operating System	DOS, Apple, OS2/WARP, UNIX
1	Hardware	IBM, Apple, Compaq, Dell

Figure 3

The Justice Department investigation of Microsoft has focussed primarily on operating systems (Levels 2 and 3 in Figure 3),—but the Government's Tunney Act submission also considers the applications layers (Levels 4 and 5) insofar as they impact competition in operating systems. In order to evaluate the proposed Final Judgment, a slightly more detailed understanding of the operating system layer is necessary.

The Government's complaint defines the market as operating systems that run on the Intel chip set (known as ''X86'' chips). 59 Fed. Reg. at 42.847 (Complaint ''[13). There were formerly three principal operating system vendors for this market—Microsoft (MS DOS and Windows), Novell (DR DOS) and IBM (PC-DOS and OS/2). Novell, as indicated above, has withdrawn from this market, and Microsoft is unquestionably a monopolist, currently enjoying a greater than 90% market share.[31] Software written for the current version of Windows (v. 3.1) and prior versions will also run on the IBM OS/2 operating system. However, software written expressly for Microsoft's next release of Windows (Windows 95), due out in August of 1995, will not run on the IBM OS/2 operating system. Don Clark and Laurie Hays, Microsoft's New Marketing Tactics Draw Complaints, Wall St. J., Dec. 12, 1994, at B6 (Ex. 41).

There are a few other competing desktop operating systems that run on different chip sets. For example, Apple's Macintosh operating system runs on a Motorola chip set. And the UNIX operating system generally runs on a specially designed chip, such as the ''RISC'' (reduced instruction set) chip designed by Sun Microsystems. See also

[29] See, e.g., All Things Considered (NPR broadcast, Nov. 17, 1994) (''if there's a sub-theme to this whole [Comdex] conference, it's networking, and Microsoft is the company that wants to connect all those different boxes that are going to be in your house. ''); Elizabeth Corcoran, —Microsoft Heads Home: Software Giant Targets Huge Consumer Market With a Host of High-Tech Innovations, Washington Post, Nov. 13, 1994, at H1 (Ex. 44).

[30] 30 Layer 5 has been broken out into two parts to reflect the development of what are known in the industry as ''client-server'' applications: applications that run partially on the desktop, and partially on server hardware connected to the desktop by a computer network.

[31] PC Week, Feb. 21, 1994, at 39 (Paine Webber, Inc. Table) (excluding sales of Macintosh—which does not use X86 chips—Microsoft's 1994 market share was 92.4%).

Computerworld, Dec. 6, 1993, at 99 (International Data Corp. Table) (Microsoft 1992 market share is 92.5%).

Even including these other operating systems in the same market as those that run on the Intel chip, Microsoft has an overwhelming market share, with well over 85 %. As the Government's Complaint correctly points out, applications software written for an Intel chip operating system will not run on the Apple Macintosh or Sun RISC workstation without significant modification—known as ''porting.'' Frequently, porting application software to a new chip set and operating system entails a significant re-engineering of the software. Hence. the Government does not include operating systems for the different chip sets within the same antitrust market.

However, the Government fails to point out that the only companies in the market for developing business application software for the operating systems sold by Apple and Sun, for example, are also the business application vendors on the Windows platform—e.g., Novell/WordPerfect, Lotus, Borland, etc., and Microsoft, itself, of course. The significance of this fact is discussed in greater detail infra. The point here, however, is that if Microsoft were able to monopolize the market for business applications software, it would severely inhibit competition from vendors of operating systems that run on other chips but nevertheless compete with the Microsoft operating system (e.g., Apple and Sun).[32] Figure 4 shows what the intrabusiness client side probably will look like once Microsoft's strategy of vertical integration of markets within the client is completely executed.

It shows the completion of Microsoft's leverage from layers 2 and 3 to further its domination of all aspects of layers 4 and 5.

Level	Name	Examples
5	Applications	Desk-top Applications, e.g., Microsoft Word, Microsoft Excel, Microsoft Access, and Client Server Applications
4	Development Tools	MS Basic, MS C, MS C + +, Microsoft Visual Basic, Microsoft Visual C + +, OLE
3	Graphical User Interface	MS Windows
2	Operating System	MS DOS
1	Hardware	X86 PC Hardware and Other Hardware in Figure 3

Figure 4

2. The Intrabusiness Server

The ''server'' is the direct lineal descendant of the mainframe computer. Prior to the advent of the personal computer, companies operated using a mainframe, to which ''dumb'' terminals were connected. Personal computer technologies now allow many computing functions to be performed on the desktop by an individual worker, but workers within a business still need to share information with each other and access a body of data simultaneously. The ''server,'' a dedicated hardware platform with its own server operating system, allows this to happen. Indeed, increasingly, workers within a business will want simultaneous access to several bodies of data and several different application programs, so that, for example, textual documents containing spreadsheets can be prepared by a number of employees working at the same time.

There are two basic components of the server markets. The intrabusiness server is the backbone of business. Microsoft has projected that there will be 300 million servers in the business community, running everything from phone systems, to copying systems, to cash registers. J. William Semich, The Long View From Microsoft: Component DBMSs. Datamation, Aug. 1. 1994, at 40 (Ex. 10). If a Single company controls all business server markets and applications, that company has far greater market power in various sections of the economy than, say, mere control of the desktop would bestow. The second server component. home-to-business, will be described in a subsequent section.

Today, the ''server'' side of the intrabusiness environment has approximately eight layers. It would unnecessarily complicate this brief of amici to describe the intrabusiness server markets in great detail. There are, however, three important points about the intrabusiness server markets that are relevant for this Court's consideration. First, the most important layer in the server market is the operating system level. The two leading competitors in this market at present are Novell's ''Netware'' product and Microsoft's NT product.'' The operating system is important because the other products in the server market run on top of the server operating system in much the same way as desktop applications run on top of Windows. The operating system level is also important because it is the level through which the server is connected to the business desktop and (through on-line services) to the home client.

Second, as was the case on the desktop four years ago, competition is vigorous at all levels of the server market. At each of the eight levels, there are a number of competitors, each striving to make better products at cheaper prices. This condition represents a significant (and welcome) departure from the state of the computer industry prior to the advent of personal computer and server technology. In an earlier period, there were only a few vertically integrated companies in the computer industry, such as IBM, DEC and Wang. These companies attempted to supply all aspects of computer technology—from the underlying chips and operating systems, to applications, to distribution, and even including service and support of previously sold computers. Generally speaking, consumers have benefitted enormously by the fragmentation of the industry into horizontal layers characterized by vigorous competition. Consumers have been able to choose the technologically superior and most cost effective product at each level and combine those products into a system that addresses the consumers'' needs. The pro-competitive benefits of the industries'' current horizontal alignment is discussed in some detail in the Economist article (Ex. 14).[33]

Finally, Microsoft is pursuing a vertical integration strategy on the intrabusiness server side similar to that pursued on the business desktop side. This strategy is only briefly discussed elsewhere in this paper. The Court can get further information concerning Microsoft's strategy, goals and prospects for success from the following articles found in the Appendix: Stuart J. Johnston and Ed Scannell, Server Suite Could Squeeze Market, Computerworld, Oct. 10, 1994, at 4 (Ex. 7); How Microsoft's Server Strategy Will Change The Industry—Parts I & II, Report by Summit Strategies Inc.; J. William Semich, Datamation, Aug. 1, 1994, supra, at 40 (Ex. 10). Obviously, after complete execution of this strategy, Microsoft products would be dominant or exclusive on each of the server layers.

3. The Home-to-Business Server

The second aspect of server technology is the home-to-business server market, sometimes known as ''online services.'' Today, most online services run off mainframe computers the way LEXIS and NEXIS do. Businesses will increasingly need to sell directly into the home through online services in order to remain competitive. Control by a single company of the home-to-business server market would have significant economic ramifications.

[32] The situation with respect w UNIX is slightly more complex, but in the final analysis, the situation is the same. UNIX has a strong following among technical engineering (as opposed to business) users of computers. There are companies that have written technical engineering application programs (such as ''computer aided design'' programs) to run on UNIX. But, as with Apple, the business applications vendors for the UNIX platform are the same companies that write applications for Windows. Hence, by controlling business desktop application programs, Microsoft can keep UNIX from penetrating the business desktop market.

[33] 33 Laura DiDio, NetWare, NT Server to Divide Lion's Share, Dec. 26, 1994, at 77 (''The network operating system arena looks like a two-horse race in 1995, with Novell, Inc.'s NetWare 4.1 and Microsoft Corp. ''s Windows NT Server 3.5 locked in a battle for first place. '').

Although there is a vigorous online services market in place, the home-to-business server does not yet exist, except in Microsoft's plans. It can be readily assumed that the home-to-business server would look much like the intrabusiness server, with only Microsoft products being vertically integrated.

Level	Name	Examples
8	Vertical Applications	Home banking, home shopping, news, product support, portfolio management, plus other ''Marvel''
7	Horizontal Applications	(the Microsoft online service) applications
6	Development Tools	Same as Intrabusiness Server, plus Blackbird (OLE-based development tools; see InfoWorld 10/24/94)
5	Server Applications	Microsoft EMS E-mail; Microsoft Tiger Video Distribution
4	Database Services	Microsoft SQL Server (bundled with Marvel)
3	OS Services	Windows NT (bundling MS Services)
2	OS Networking	Windows NT (with Marvel Server Code)
1	Hardware	Intel or Alpha (DEC) chip

Figure 5

4. Home Computer Market

The home computer market is in its incipiency. The most important applications programs on the home client are ''home banking'' (also sometimes known as ''personal finance'') and tax preparation.[34] The most successful company in this market, Intuit, Inc., makes the largest selling home banking (''Quicken'') and tax preparation (''TurboTax'') programs. The only substantial competition to Intuit's products comes from Microsoft. Yet, despite a very. substantial commitment in marketing staff and resources, Microsoft has gained only a 10% share. Microsoft has therefore elected to take over the home finance market by purchasing the leading software developer, Intuit, rather than by making better products to compete against it. The Microsoft acquisition of Intuit was announced on October 13, 1994 and is still under review by the Department of Justice. It is the largest acquisition in the history of the industry with Microsoft paying twice as much for Intuit as that company was worth in the stock market.[35]

The Microsoft acquisition of Intuit is highly strategic. It is a key element in Microsoft's plans to dominate all of information processing and will be discussed in a subsequent section. If the Microsoft-Intuit deal is consummated, it is not difficult to project what the home client will look like given Microsoft's recent announcement concerning ''Marvel'' (described in a subsequent section).

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Level	Name	Examples
5	Applications	Microsoft Works, Quicken (Intuit), TurboTax, Encarta. etc.
4	Development Tools	For example, language features of Microsoft Excel
2–3	GUI/OS/Networking	Windows 95 with Marvel Client Code
1	Hardware	PC Hardware

Figure 6

In summary, in each of the four components of the software industry, Microsoft's overall business approach and strategy is based on the creation of technological linkages between layers within the same market (e.g., DOS to Windows on the desktop) and between layers in one market and corresponding layers in another market (e.g., Windows NT to the Microsoft Network to Windows 95 on the home client). To fully understand Microsoft's strategy and its economic implications, however, it is necessary to understand two additional strategic Microsoft technologies: OLE and Windows. This Memorandum of Amici will address each in turn.

5. OLE

OLE (object linking and embedding) is a strategic technology for Microsoft on both the client and server side. It is the Microsoft-imposed standard for sharing information both among applications, and between applications and the operating system. During the Justice Department investigation, desktop application companies complained that Microsoft seeded OLE to its own application developers before giving it to ISV's (independent software vendors), thereby giving its own applications a lengthy head start over the competition.[36] As set forth in a subsequent section, these charges are supported by ample evidence and constitute the clearest examples of Microsoft's use of operating system information and specifications to achieve an unfair head start in the application markets. This is precisely the issue raised by this Court.[37]

Even more striking is the fact that Microsoft continues to exercise the very same strategy on the server side. See, e.g., J. William Semich, Datamation, Aug. 1. 1994, supra, at 40, 41–44 (Ex. 10) (''If you think OLE is everywhere in the future, the answer is yes''). Microsoft has made it clear that OLE will be strategic technology for the home-to-business server market, but Microsoft has not provided sufficient specifications to independent database server providers to enable them to release equally well-behaved products on the same time schedule as Microsoft's own products.[38]

6. Windows

The business desktop connects to the server through the Windows operating system (''OS'') and the home-to-business server (''online services'') also connect to the home computer through the Windows operating system. Microsoft has several different Windows products that provide OS, GUI and networking capabilities. A brief (and superficial) description of these products is included at this point to avoid confusion.[39]

a. Desktop

Microsoft's first Windows products were targeted for the desktop and were built on top of Microsoft's dominant desktop operating system MS-DOS. Because of their DOS legacy, these products are unable to take full advantage of the capabilities of the 32-bit microprocessors they run on. Microsoft's

[34] See, e.g., Michelle Flores, Probe of Microsoft is Extended—Justice Dept. Asks For More Information, Seattle Times, Nov. 22, 1994, at B11 (electronic banking is the ''killer app. of the ''90s'').

[35] Prior to rumors of the acquisition, Intuit's stock traded at 40 3/4. John Eckhouse, Giant Microsoft Buys Intuit for $1.5 Billion, San Francisco Chronicle, Oct. 14, 1994, at A1, A19. Each Intuit share is to receive 1.336 Microsoft shares at the closing. Id. Based on Microsoft's January 3, 1995 closing price of 60 3/16, each Intuit share receives over $80.

[36] See Brian Livingston, Undocumented Windows Calls, InfoWorld, Nov. 16, 199≥2, at 98 (Ex. 19); Doug Barney and Ilan Greenberg, ISVs Dampen Microsoft Furor for OLE, InfoWorld, July 18, 1994, at 1.

[37] 37 Tr. of Status Call, Sept. 29, 1994, at 25–28.

[38] Microsoft has made numerous presentations around the country that specifically make this point and written documentation from these presentations has been provided to the Justice Department.

[39] For a more thorough discussion, see Miles B. Keyhoe, The Winds of Change, HP Professional, Aug. 1994, at 40 (Ex. 17). See also Microsoft Corporation, Microsoft Windows NT and Client-Server Computing, May 1993.

current product in this area is Windows 3.1, which. due in part to the illegal per-processor licensing challenged by the Government, is pre-installed on most desktop systems presently sold.

Microsoft plans to proliferate Windows 95 (also known in the press as ''Chicago'' or ''Windows 4.0'') widely next year as the successor to Windows 3.1. Windows 95 is a true 32-bit operating system, but it is being targeted to the mainstream personal computer market. It also includes advanced networking features.

Windows NT was Microsoft's first true operating system for 32-bit microprocessors. NT's principal use is in the server market (discussed below) but Microsoft has also targeted its NT marketing to power users running high-end personal computers or workstations.

b. Server

Windows NT can also be used as an operating system for a network server. Microsoft markets a version of NT with advanced server capabilities, called Windows NT Advanced Server, as an enterprise-wide computing solution. Microsoft offers a suite of applications for Advanced Server called ''BackOffice'' that includes database services, electronic mail, systems management, and connectivity to mainframe and minicomputers. Microsoft's vision for enterprise computing is being marketed through its plans for a replacement for Windows NT currently code-named ''Cairo.'' Cairo brings object-oriented technology into the file server and operating system. Microsoft already controls object standards through it OLE specification, discussed in the next subsection. See J. William Semich, Datamation, Aug. 1, 1994, supra., at 41–44 (Ex. 10).

B. Free Market Forces in lncreasing Return Industries

In some industries, companies generally compete on a ''level playing field.'' In such industries, diminishing returns to scale ensure that the forces of the free market will naturally gravitate toward an equilibrium point which maximizes the production of goods and services and results in the most efficient allocation of resources. Under such conditions, antitrust enforcers as well as business executives can count on the fact that superior products will necessarily prevail in free and open competition.[40]

Free market forces in other industries—including those at issue here—do not exhibit such qualities. Rather, they exhibit ''increasing returns.'' In such industries, there is more than one equilibrium point and there is no reason to expect the free market to reach equilibrium at a point that most efficiently allocates resources.[41] The markets in such industries can easily be manipulated by a company with a large ''installed base,''[42] with the result that superior products of competitors are not likely to prevail in the free market.[43] Indeed, in ''increasing returns'' industries, there is every reason to believe that consumers will get ''locked into'' the first product that appears on a new platform, even if the product is technologically inferior.[44] Similarly, a company with a large installed base in one market can give its inferior product in a second market an insurmountable advantage over competitors in the second market by integrating the products from the two markets together technologically.[45]

Some of the early economic research in the area focused on perceived anomalies — particular standards that became locked in, notwithstanding their obvious inferiority. Stanford economist Paul David identified several such examples, the most famous of which is the layout of the common typewriter keyboard, known as the ''QWERTY'' configuration because of the order of the keys in the second row of the keyboard.[46] Primitive typewriters were unreliable mechanical devices and the QWERTY keyboard, at least according to the folklore, was therefore deliberately designed to be dysfunctional so that typists would not strike the keys so rapidly that the device would jam. Obviously. modem software and computers can process keystrokes far more quickly, yet consumers are locked into the QWERTY standard. There are even allegations ''that the combination of constant repetitive motion and inefficient finger movements that QWERTY requires is the ticket to the most well-known [repetitive stress injury.] RSI. carpel tunnel syndrome.'' yet we go right on teaching it in elementary schools.[47] Superior keyboard layouts were developed years ago but were unsuccessful in dislodging the clearly inferior design that established itself as an early standard.[48]

By the late 1980's, economic analysis was finally able to explain such situations more clearly. Economists at Stanford and the University of California at Berkeley published '' leading articles demonstrating that market characteristics long viewed as anomalous were, in fact, widespread in high technology industries.[49] By the mid-1990's, increasing returns economics has become widely accepted as mainstream economic analysis.[50] There is now extensive theoretical literature with direct empirical application to many leading industries, including telecommunications, broadcasting, computers, and ATMs.[51]

Increasing returns are present in industries throughout the economy, but two high technology market situations, in particular, give rise to increasing returns. First, users of high technology products are frequently electronically connected in a network. Networks exhibit and produce certain important economic results. Because the purpose of a network is to enable communication with others, the value of the network increases with the total number of users who join the network.[52] Consequently, once a network such as a telephone network is in place. a competing network would have to enter the market with at least as large a number of nodes in order to displace (or even compete meaningfully with) the first network.[53]

A second factor that gives rise to increasing returns is referred to as ''compatibility'' in the economic literature. Unlike more conventional industries, the value of the technology to end users in increasing returns industries increases with the number of users who use compatible technology. While the ''network'' feature draws its force from physical interconnection, the ''compatibility''

[40] W. Brian Arthur, Positive Feedback in the Economy, Scientific American, Feb. 1990, at 92, 93 (Ex. 36).

[41] Id. at 92 (Ex. 36).

[42] ''Installed base'' in the economic literature ''means the number of owners of a good who may be dependent on the manufacturer of the good for the provision of complementary goods.'' Joseph Katten, Market Power in the Presence of an Installed Base, 62 Antitrust L.J. 1, 4 (1993).

[43] Joseph Farrell and Garth Saloner, Installed Base and Compatibility: Innovation, Product Pre-Announcements, and Predation, Amer. Econ. Rev., Dec. 1986, at 940; Janusz A. Ordover and Garth Saloner, Predation, Monopolization, and Antitrust, in Handbook of Industrial Organization 537, 565 (R. C. Schmalensee and R. Willis eds., 1989).

[44] W. Brian Arthur, Scientific American, Feb. 1990, supra, at 92–93 (Ex. 36).

[45] See, e.g., Garth Saloner, Economic Issues in Computer Interface Standardization, Econ. Innov. New Tech., 1990, at 140–142.

[46] See, e.g., Paul A. David, Clio and the Economics of QWERTY, Amer. Econ. Rev., May 1985, at 332; David A. Harvey, Ergonomic Issues Have Taken a Backseat to Performance, Resulting in a Growing Tide of Computer-Related Injuries. Change is Needed—Now!, Byte, Oct. 1, 1991, at 119.

[47] See David A. Harvey, Byte, Oct. 1, 1991, supra, at 120.

[48] Joseph Farrell & Garth Saloner, Amer. Econ. Rev., Dec. 1986, supra, at 942; Jean Tirole, The Theory of Industrial Organization at 405, n.40 (1988).

[49] W. Brian Arthur, Scientific American, Feb. 1990, supra, at 93.

[50] See W. Brian Arthur, Increasing Returns & Path Dependence in the Economy, 1994, at ix (forward Kenneth J. Arrow).

[51] For the theoretical literature see, for example, the recent Symposium on Network Externalities in the Journal of Economic Perspectives, Spring 1994, the Symposium on Compatibility, edited by Richard Gilbert in the Journal of Industrial Economics, March 1992, and the survey by Paul David and Shane Greenstein in the Economics of Innovation and New Technology, 1990. For an application to telecommunications, see Stanley Besen and Garth Saloner, The Economics of Telecommunications Standards, in Changing the Rules: Technological Change, International Competition, and Regulation in-Communications 177 (1989); for applications to broadcasting, see Stanley Besen and Leland Johnson, Compatibility Standards, Competition, and Innovation in the Broadcasting Industry (1986); for applications to ATMs, see Garth Saloner and Andrea Shepard, forthcoming in the Rand Journal of Economics, and Steven Salop, Deregulating Self-Regulated Shared ATM Networks, Econ. of Innov. and New Tech., 1990; and for computers, see Garth Saloner, Econ. Innov. New Tech., 1990, supra.

[52] This ''network effect'' has been described by numerous authors. In a recent Symposium in the Journal of Economic Perspectives, Michael Katz and Carl Shapiro write, ''Consequently, as has long been recognized, the demand for a network good is a function of both its price, and the expected size of the network.'' See also Jeffrey Rohlfs, A Theory of Interdependent Demand for a Communications Service, Bell J. of Econ., Spring 1974, for an early reference, as well as Michael Katz and Carl Shapiro, Network Externalities, Competition, and Compatibility, Amer. Econ. Rev., June 1985; Joseph Farrell and Garth Saloner, Amer. Econ. Rev., Dec. 1986, supra: and other papers cited in Michael If, am and Carl Shapiro, Systems Competition and Network Effects, J. of Econ. Perspectives, Spring 1994.

[53] See Julio J. Rotemberg and Garth Saloner, lnterfirm Competition and Collaboration, Strategic Options, 1991, for an example of the power of network size.

factor arises from a dependency of mutual use by consumers without regard to actual physical interconnection.[54] For example, although manual typewriters were not connected in a physical network, new users adopted the QWERTY keyboard because it was in wide use by others.[55]

Economic analysis demonstrates that superior products do not necessarily prevail in markets and technologies that exhibit increasing returns. Rather, these markets are easily susceptible to ''tipping''—once moved off of equilibrium by an event, the market tends quickly toward a single standard that dominates the market:

[N]etwork markets are ''tippy': the coexistence of incompatible products may be unstable, with a single winning standard dominating the market. The dominance of the VHS videocassette recorder technology and the virtual elimination of its Betamax rival is a classic case.

Creating a large installed base is the key to dominating such an increasing returns market.

Because of the compatibility and network benefits, all else equal, a new user prefers a vendor with a larger total installed base of users. Thus installed bases have a tendency to be self-perpetuating: they provide the incentive for the provision of products (software and hardware) that is compatible with the installed base which in turn attracts new users to the installed base further swelling its ranks ....

Garth Saloner, Econ. Innov. New Tech., 1990, supra, at 140. Indeed, ''de novo entry into a market occupied by vendors with large installed bases is exceedingly difficult.'' Id. at 140.

The self-perpetuating nature of an installed base in an increasing returns industry causes particular products to become ''locked-in.'' W. Brian Arthur, Scientific American, Feb. 1990, supra, at 99 (Ex. 36). The costs to a consumer of using or switching to a different system are so high that the vendor with the installed base has a substantial advantage over competitors and can, once the base is established, charge consumers supracompetitive prices.[56]

Because increasing returns markets are particularly susceptible to ''tipping,'' a company with a monopoly in one market that faces competition in a second market can use the locked-in installed base of the first market to wipe out competition in the second market by ''tipping'' the second market. The monopolist might achieve this result by releasing a ''predatory preannouncement'' with regard to a product in the second market. In markets that feature increasing returns, users will want to be on the same standard as other users, so expectations (what users believe will happen) dominate user choice in the second market—as opposed, for example, to the inherent technological quality of competing product offerings,[57]

[A] preannouncement can sometimes secure the success of a new technology that is socially not worth adopting, and that would not have been adopted absent the preannouncement.

Similarly, a monopolist that is cash rich from monopoly profits in the first market might also ''buy off'' early adopters to create a ''band wagon effect'' in favor of its product in the second competitive market.[58] This technique of predation is known in the economic literature as ''penetration pricing.''

An installed base advantage might also be achieved by ''penetration pricing,'' the technique of offering low prices to early customers so as to build up an installed base and influence the choice of later adopters. Penetration pricing seems a natural strategy in network industries, and appears prominently in the theory.

Finally, a monopolist with a large installed base in one market might ''tip'' a second competitive market in favor of his product in that market by technologically linking the two products, or by outright bundling of the functionality of the second product into the first product, thereby eliminating the need for the competitor's product in the second market. For example, by subtly altering the tying product so that rival products in the tied market become incompatible with the monopolist's ''standard,'' the monopolist can quickly dominate the second market.[59]

The Justice Department's complaint in this case recognizes the critical importance of an ''installed base.'' The complaint alleges that the ''lack of a sizable installed base of users'' constitutes a ''substantial barrier to entry'' for Microsoft's operating system competitors. 59 Fed Reg. at 42,847 (Complaint 15). The complaint also alleges that Microsoft used ''anticompetitive contracting practices'' including ''per processor licenses'' starting as early as 1988 to ''significantly increase the already high barriers to entry.'' Id. at 42,847, 42,848 (Complaint 18, 20, 26). The complaint appears to assume that Microsoft's monopoly was lawfully acquired. Id. at 42,847 (Complaint 19). But since Microsoft's installed base of operating system users has increased six-fold since 1988, it must follow that the ''anticompetitive licensing practices'' with which Microsoft is charged had the result of increasing its own installed base at the same time it impeded the development of competitors'' installed bases. As set forth in the next section, Microsoft has used its installed base both to preclude competitive entry into the operating system market, and to stifle competition in related markets.

Microsoft's Tactics and Prospects for Success

This section of the Memorandum of Amici will examine Microsoft's overall strategy, the tactics that Microsoft has used in pursuing that strategy, and the likelihood that Microsoft will accomplish its aims. Microsoft, by the admission of its own Chief Executive Officer, intends to dominate all of data and information processing. There's no level of performance or specific application of corporate information systems that we don't intend to go after... [and] there won't be anything we won't say to people to try and convince them that our way is the way to go. That's because this new, electronic world of the information highway will generate a higher volume of transactions than anything to date, and we're proposing that Windows be at the center, servicing those transactions. Brent Schlender, Fortune, Jan. 16, 1995, supra, at 40 (emphasis in original).

To accomplish these aims, Microsoft has pursued licensing practices that the Government has denominated as ''anticompetitive,'' and has engaged in classic predatory behavior by using its monopoly in one market to achieve monopolies in other markets. This section applies increasing returns economic analyses to Microsoft's behavior and concludes that, unless restrained by Governmental intervention, it is highly likely that Microsoft will achieve its goal of dominating the entire national information infrastructure.

A. Microsoft's Strategy

Even if Microsoft's initial monopoly was lawfully obtained, its enormous market power (and particularly the power to leverage into related markets) comes from its installed base in operating systems. That installed base, according to the Complaint, was procured as a result of anticompetitive practices. Indeed, Microsoft's installed base of operating system users has increased more than six-fold (from 18 to 120 million) since 1988, when the company began its anticompetitive practices. Microsoft has used its monopoly and its installed base in a classically predatory manner. It has used its monopoly revenues in one market to drive competitors out of other markets. It has also used its operating system installed base in a predatory manner to ''tip'' adjacent competitive markets in the direction of its own product in those markets, to the detriment of competitors.

Microsoft's strategy at any particular point on the network (for example, at the home client or at the business desktop) can only be understood and evaluated in the context of Microsoft's overall strategy. Microsoft pursues a strategy of leverage from product

[54] See Stanley M. Besen and Joseph Farrell, Choosing How to Compete, J. of Econ. Perspectives, Spring 1994, at 118; see also Michael Katz and Carl Shapiro, J. of Econ. Perspectives, Spring 1994, supra, at 106. Once a market is ''tipped'' in favor of a particular competitor, it would take truly massive forces to return the market to a state of equilibrium (i.e., competition). See, e.g., W. Brian Arthur, Increasing Returns and Path Dependence in the Economy, supra, at 2, I0–11.

[55] For early examples in the economics literature, see Joseph Farrell and Garth Saloner, Standardization, Compatibility, and Innovation, Rand J. of Economics, Spring 1985 and Michael Katz and Carl Shapiro, Amer. Econ. Rev., supra; Jean Tirole, supra, at 405. 55 Jean Tirole, supra, at 404–406.

[56] Garth Saloner, Econ. Innov. New Tech., 1990, supra, at 137–138; Joseph Farrell and Carl Shapiro, Dynamic Competition with Switching Costs, Rand J. of Econ., Spring 1988, at

[57] Joseph Farrell and Garth Saloner, Amer. Econ. Rev., Dec. 1986, supra, at 942.

[58] See Stanley M. Besen and Joseph Farrell, J. of Econ. Perspectives, Spring 1994, supra, at 122; see also Janusz A. Ordover and Garth Saloner, Predation, Monopolization, and Antitrust, supra.

Stanley M. Besen and Joseph Farrell, J. of Econ. Perspectives, Spring 1994, supra, at 118; Joseph Farrell and Garth Saloner, Amer. Econ. Rev., Dec. 1986, su0ra, at 946.

Joseph Farrell and Garth Saloner, Rand J. of Econ., Spring 1985, supra; Joseph Farrell and Garth Saloner, Amer. Econ. Rev., Dec. 1986, supra.

[59] See Garth Saloner, Econ. Innov. New Tech., 1990, supra, at 141–142.

markets in which it is dominant, to markets in which its competitive position is weak. It targets particular markets, establishes marketing and, in particular, technological links to those markets from established monopolies, and then leverages its power to monopolize the target markets.

As used in this brief, ''leverage'' means that Microsoft uses the installed base in a market it dominates (for example, the operating system) to create an installed base in a new market (for example, desktop applications). It uses predatory subsidization, and both marketing and technological linkages, to accomplish leverage, as explained in greater detail in the succeeding pages. For the sake of easy example, Microsoft's horizontal tie-ins within, a single layer represent the most trivial example of its marketing strategy. Thus, Microsoft has trundled for sale a number of desktop applications (under the name, the ''Microsoft Office''), putting companies like Lotus, WordPerfect and Borland at a competitive disadvantage. Carole Patton, Bundles Are Bad News, Computerworld, Nov. 14, 1994, at 57 (Ex. 8). Microsoft is executing the same tactic on the server side by bundling its ''BackOffice'' products to foreclose meaningful competition at the ''server applications'' layer. See Stuart J. Johnston and Ed Scannell, Computerworld, Oct. 10, 1994, supra, at 4 (Ex. 7). Microsoft also pursues other tactics. In particular, Microsoft derives leverage from its control of Windows products and logo; from its use of a consistent graphical user interface; and from its tight technical integration between interconnected machines through the control of standards such as OLE. After establishing market power on one level, Microsoft will target an adjacent layer, subsidize the creation and sale of products at that layer from the monopoly it derived on the first level, establish proprietary technological linkages to the target layer, and then leverage its market power to establish market power in the next layer. Two examples of this within the desk-top side are DOS to Windows, and Windows to desktop applications. In addition, Microsoft uses its market power from one side of the network (server or client) to leverage to the other side, again by establishing linkages. Microsoft is already attempting to leverage its control of the desktop into a control of servers. It will also use its market power in the PC-based financial and text software market, through the acquisition of Intuit, to leverage into the server.[60]

Obviously, control of certain layers in the various markets of the network create greater potential for leverage than control of other layers. In particular, there are a few ''gateway'' layers into the network. Control of these layers represents the most effective platform for leverage (i.e., moving the installed base). Generally speaking, the operating system layers in each box represent the most powerful platforms for both horizontal and vertical leverage.[61] For example, Microsoft has already leveraged control of operating systems to desktop applications. It can also leverage control of the desktop operating system (Windows 95) to the server operating system (Windows NT).

Control of the ''gateway'' layers provides greater possibilities for leverage because control of the architecture at those levels effectively controls all higher vertical levels, and also provides significant power at the horizontal interface between the client operating system and the server operating system. This brief uses the term ''architecture'' in the same way as that term is used in the Morris and Ferguson Harvard Business Review article—namely, the complex of standards and rules that define how programs and commands will work and how data will move around the system. Charles R. Morris and Charles H. Ferguson, Harv. Bus. Rev., Mar. 1993. supra, at 88 (Ex. 16).

By owning the installed base at a gateway, Microsoft can control not only the architecture at that level but also at all higher vertical levels. For example, by controlling the desktop operating system architecture, Microsoft can easily obsolete or render inoperable Lotus 1–2–3, merely by making a minor change to the architecture. Microsoft can pretextually or otherwise claim the change to be an ''upgrade'' or a ''bug fix,'' but it is the effect of the power to control architecture that is more important than Microsoft's subjective intent.

If Microsoft controls the architecture at a ''gateway,'' it can loudly proclaim its system to be ''open'' while in truth its architecture remains closed. Thus, for example, Microsoft can claim that its desktop operating system will continue to work with Lotus 1–2–3 or that its server operating system will continue to work with the database products offered by Microsoft competitors (and, to that extent, its system is ''open''). Because Microsoft can easily obtain competitive advantage over (or outright displacement of) vertically related competitors by upgrades to the architecture, however, its nominally ''open'' system does not provide for effective competition on higher vertically related levels.[62]

All companies try to use leverage to some extent,[63] but Microsoft has a powerful advantage over its competitors. It has used ''anticompetitive'' licensing practices to acquire a huge installed base and it uses the power of this installed base against competitors in adjacent markets. Microsoft employs multiple linkages and leverage from the different markets (and, in particular, from the gateways) it controls into a single target market, so as to completely outflank and overrun existing competitors in that market.

In the beginning (for our purposes), IBM had a monopoly in computers and the market for computer products was, generally speaking, vertically integrated. (This necessary background is explained in The Economist, supra, at 3–18 (Ex. 14).) How IBM got this monopoly was the subject of much conjecture and years of litigation, but is irrelevant for our purposes. What is relevant is the fact that IBM, in its rush to get out a personal computer, did not leverage its own power from mainframes. Rather, it procured chips from Intel and an operating system from Microsoft (''DOS''), thereby transferring its market power to them as the market for personal computers expanded to displace mainframes and IBM's imprimatur established a standard. In short, IBM empowered Microsoft and Intel to control the architecture for the next generation of computers, and has been playing catch-up ever since. See Charles R. Morris and Charles H. Ferguson, Harv. Bus. Rev., Mar. 1993, supra, at 86, 92 (Ex. 16). See. also Elizabeth Corcoran. Washington Post, Nov. 13, 1994, supra, at H6 (Ex. 44).

Bill Gates, the founder of Microsoft, secured control of the personal computer market by riding IBM's coattails. The success of the IBM PC opened a lucrative market for compatible computers, or ''clones.'' At the time, Microsoft was the sole source for a compatible operating system. Accordingly, Microsoft was able to license the operating system (''DOS'') to compatible makers at significantly higher rates than those charged to IBM. Hence, as the Government's Complaint (¶ 19) explains, ''Microsoft quickly dominated and gained a monopoly in the market for PC operating systems.'' 59 Fed. Peg. at 42,847. More precisely,

DOS would have been worth relatively little had Gates not retained the right to license its use to IBM's rivals. This arrangement—the source of Gates'' wealth and power—became clearer as IBM set the standard for the burgeoning PC market. By the mid 1980's every rival except Apple computer felt that the only way to compete against IBM was to sell a clone of IBM's PC. Making a clone required, among other things, licensing DOS from Microsoft. Over time DOS became a kind of annuity for Microsoft: buying DOS was the price of admission for entering the PC business.

See G. Pasquel Zachary, Showstopper: Breakneck Race To Create Windows NT and the Next Generation at Microsoft, 27 (1994).

As new technologies overcame the old mainframe market, the market for computer products formed into a number of horizontal markets that are vertically related to each

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[60] For a detailed review of Microsoft's server strategy, see How Microsoft's Server Strategy Will Change The Industry, supra, (Ex. 38).

[61] There was clearly the potential for at least some leverage from the chip or hardware level, when the OS level was more fragmented. This possibility is not treated in this brief for a number of reasons, including the widely publicized alliance between Microsoft and Intel that makes separate treatment of the hardware layer irrelevant.

[62] The operating system gateways are the most effective layers for leverage. But the system can also be leveraged from other access points as to which strong network externalities attach. For example, on the home client, Intuit has leverageable power from the strong network externalities that have attached to that product at the computer-human interface. (This is described in greater detail elsewhere in this brief.)

[63] In many respects Microsoft's strategy of targeting, linking and leverage is little different from that employed by MITI and Japanese keiretsus to target and capture American markets. Microsoft's leverage comes from technical ties in markets it dominates, while Japanese companies'' leverage comes from the installed base of buyers it creates in Japan. In both cases, the leverage can be applied by forward-pricing into the target market to damage competition in that market. Cf., L. D. Tyson, Who's Bashing Whom.? Trade Conflict in High-Technology Industries, at 55–57, 99–101 (1992).

other. Charles R. Morris and Charles H. Ferguson, Harv. Bus. Rev., Mar. 1993, supra, at 8 (Ex. 16). There are many competitors at each level that aggressively compete with each other to develop more powerful products at lower prices. Generally speaking, consumers have benefitted from the formation of horizontal markets. Consumers can put a system together using the best and most cost effective products at each level, even if the products are made by different manufacturers. But by using its installed base in operating systems to ''tip'' each of these markets in favor of its own products, Microsoft undermines the competitive process. From the initial monopoly bestowed on it by IBM and the huge installed base secured by anticompetitive practices, Microsoft has leveraged and linked a series of powerful monopolies with the intent of forming a new verticality on the market. After establishing several monopolies with enormous leverage potential, the positive feedback from the verticality imposed by Microsoft will in short order eliminate competition on all horizontal layers within the server and online markets, just as it is eliminating competition in the horizontal layers on the desktop.

1. The Business Desktop

The Justice Department's Tunney Act filing alleges that Microsoft has monopolized ''the market for PC operating systems worldwide'' for ''almost a decade.'' 59 Fed. Reg. at 42,850. As noted previously, in 1988 Microsoft had an installed base of approximately 18 million operating system users? In 1988, Novell (formerly Digital Research, Inc.) entered the X86 operating system market with a competitive product, DR DOS, and it was in response that Microsoft began the ''anticompetitive licensing practices'' identified by the Government. Microsoft continued these practices through mid-1994, and, as noted previously, it was during this period that Microsoft was able to increase its installed base by more than 100 million

See supra note 9.

users.[65]65 the preceding section explains, it is the size of Microsoft's installed base, rather than merely its market share, that determines the company's true market power. Accordingly. through practices that the Government has identified as ''anticompetitive,'' Microsoft has increased its market power many fold.

Having gained this market power, Microsoft has used it both to maintain its monopoly in operating systems (described in subsection (a) immediately below) and to obtain a monopoly in desktop applications (subsection (b)). The remainder of this section (subsections (c) through (f)) describe how Microsoft has used its market power to engage in other predatory, conduct in the desktop markets.

a. Effect of the Monopoly on Operating Systems

Microsoft's strategy, which was based at the outset on an installed base created in part through anticompetitive licensing practices, succeeded in monopolizing the desktop OS and threatening desktop applications. Once Microsoft had control of the operating system, which is the key architectural technology for desktop computing, it was able to maintain its share, even with an inferior product. The introduction of DR DOS from Novell showed that Microsoft had failed to keep MS DOS abreast of leading technology.[66] Yet Novell's compatible offering in the DOS market (DR DOS) stopped selling when Microsoft made it clear that Microsoft would create versions of Windows that were incompatible with DR DOS. It is common for ''better'' products to fail if a competitor controls the architecture in which the product operates. See Charles R. Morris and Charles H. Ferguson, Harv. Bus. Rev., Mar. 1993, supra, at 89–91 (Ex. 16).

Microsoft was also able to raise prices for its operating system, as its monopoly position continued to solidify and its installed base increased. In the early 1980's, Microsoft licensed MS DOS for $2—$5 per copy. By 1988, the price was up to $25 to $28. Once Microsoft drove DR DOS out of the operating system market, it was able to double the price it charged, with recent press reports indicating that it is demanding as much as $70 per copy of the forthcoming version of its operating system.[67]

Overall, Microsoft's strategy has been enormously successful in maintaining its monopoly in operating systems while expanding its installed base. Microsoft's share of all desktop operating systems is a staggering 85 %. See supra note 32. Microsoft's share of the operating system market that runs on X86 chips is even larger—more than 90%. See id.

b. Effect of the Monopoly on Applications

Having entrenched its operating systems monopoly, Microsoft has aggressively leveraged this monopoly to gain a monopoly in business applications. In 1991, Microsoft's senior vice-president Mike Maples expressly stated the company's intention to monopolize the software applications market:

If someone thinks we're not after Lotus, and after WordPerfect and after Borland, they're confused... My job is to get a fair share of the software applications market, and to me that's 100 percent.

See Jane Morrissey, Microsoft's Application Unit Seeks Market Dominance, PC Week, Nov. 18, 1991, at 1.

Microsoft used the monopoly revenues from licensing the operating system to fund the development of applications to run on DOS, in competition with software vendors which had no operating system control (for example, Lotus, Borland. and WordPerfect). But because of the relatively open nature of DOS, competitors like Novell could make ''compatible'' operating systems—operating systems that would run applications written for Microsoft's MS DOS without modification.

Therefore, Microsoft could not exercise sufficient control to give its own applications a strong competitive advantage over the application programs of competitors. The competitors'' products were the first developed on DOS and had therefore acquired significant installed bases, as to which powerful network externalities had attached. In order to displace these competitors, Microsoft needed to create a new operating system platform so that its own applications would reach the market on the new platform before its competitors'' products.

Microsoft ''solved'' this problem by (1) developing a new operating environment (Windows) that it totally controlled, (2) targeting a function performed in the application layer that it could either embed in the operating system (for example, the ''graphical user interface'' or ''GUI'' feature) or link with the operating system, and (3) using its power over DOS to migrate users to Windows. Microsoft thereby got more control over the OS, added value to the OS it controlled, and forced independent application publishers to rewrite all of their applications twice (once for Windows and a second time for OLE, as described below). The forced migration that Microsoft effected with the GUI and Windows may be depicted as follows:

DOS
BEFORE (See Figure 2)
GUI/Applications
GUI/Applications I
GUI/Applications
AFTER (See Figure 3)
DOS/Windows GUI
Applications

Figure 7

Microsoft, in effect, added a new layer to the architecture of the desktop, moving the industry, from Figure 2 to Figure 3 above. Controlling architectures is the key to dominating competition. See Charles R. Morris and Charles H. Ferguson, Harv. Bus. Rev., Mar. 1993, supra (Ex. 16).

Microsoft leveraged its control over the operating system to control desktop applications, following a carefully crafted plan that utilized the market power of its installed base. First, Microsoft emulated the application program of the market leader in that application (e. g., Lotus, WordPerfect or Borland), breaking the network externality of the installed base by providing file and keystroke compatibility. Microsoft funded the development, marketing, and below-market pricing of its applications from the profits it reaped on the six-fold increase in the installed base of its operating system. Microsoft's stronghold in operating system software . . . financed Microsoft's push into applications software.

Victor F. Zonana, $.l. 4-Million Deal Microsoft Buys Software Competitor, L.A. Times, July 31, 1987, at 4? For years, Microsoft funded ''many versions'' of applications programs before they ''were good enough to grab substantial market share. ,,[68]But [b]ecause Windows gives Microsoft a

[65] Amy Cortese, Next Stop, Chicago, Business Week, Aug. 1, 1994, at 24 C 120 million MS-DOS customers (including 55 million Windows users)''). See also OS Overview, Computer Reseller News, at 223 (DOS installed base of 110.1 million).

[66] See Start Miastkowski, Digital Research Creates a Better DOS, Byte, Nov. 1991, supra, at 68.

[67] See Amy Cortese, Business Week, Dec. 19, 1994, supra, at 35 (Ex. ——) (''Computer makers.., have been startled to learn that they will be asked to swallow a huge price hike for their use of Windows 95—to as much as $70 per PC vs. roughly $35 today.'').

[68] See also O. Casey Corr, IBM vs. Microsoft—Software Superbowl—IBM to Kick Off New Version

Continued

''pervasive presence on any desktop that matters, Microsoft can subsidize its loss leaders [in applications] and leverage its desktop heritage''.

Barbara Darrow, Developers Brace for Shakeout, Computer Reseller News, Feb. I, 1993 at 28 (quoting Don DePalma, senior industry analyst for Forrester Research). ACCESS, Microsoft's database program, is a case in point. It cost a staggering $60 million to develop .... By contrast, the [entire 1992 development] budget at Borland was $50 million. At Lotus, it was $35 million. That's not all. Microsoft also had the money to offer an introductory price of $99 for ACCESS—less than one-third the retail price for similar packages. Result: Microsoft sold 700,000 copies in just three months. The entire market in 1992 was only 1.2 million units.

Kathy Rebello, et al., Business Week, March 1, I993, supra, at 88.[69]

c. Unfair Early Access

Moreover, because of Microsoft's installed base in operating systems, it was able to provide an unfair advantage to its applications in a variety of other ways, as well. For example, Microsoft based its own application programs on components m the operating system that it had unique or early access to. Microsoft claimed it was ''open,'' but actually used hidden features and functions to gain a competitive advantage. Brian Livingston. InfoWorld, Nov. 16. 1992, supra, at 98 (Ex. 19). That is, Microsoft provided a proprietary architecture with a supposedly ''open'' system. See Charles R. Morris and Charles H. Ferguson, Harv. Bus. Rev.. Mar. 1993. supra. The most well-known such example involves Microsoft's ''OLE'' (object linking and embedding) standard.

Microsoft created interoperability among its own applications, and between its applications and its operating system, by creating a new standard, OLE, which copied functionality from Hewlett-Packard's product New Wave. Stuart J. Johnston, Dangerous Liasons, InfoWorld, April 8, 1991, at 44. With market power on both sides of the interface (i.e., in both the applications and the operating system), Microsoft easily displaced the existing standard in favor of OLE. It embedded OLE functionality into both its operating system and applications, and it heavily marketed this new functionality using profits from its market position in operating systems.[70]

During the very same time period that the Government contends Microsoft was using ''anticompetitive licensing tactics'' to harm OS competitors, applications competitors repeatedly complained that Microsoft was using its knowledge of new operating system features to give its own applications programs a head start and performance advantage over applications competitors. As stated in Section II of this memorandum, throughout the 1980's and early 1990's Microsoft responded to this criticism by asserting that it had erected a ''Chinese Wall'' between its operating system developers and applications developers. According to Steve Ballmer, the senior vice-president for Microsoft's system divisions:

[T]here is a very clean separation between our operating system business and our applications business .... It's like the separation of church and state.

Business Week, Nov. 21, 1983, supra, at 114 (Ex. 2).

In the face of mounting criticism, Microsoft executives adhered to the party line. For example, in 1989, Steve Ballmer again disputed ''the charge that his people gave their counterparts in applications previews of their upcoming systems products.''[71] Microsoft executives repeatedly told the press that a ''Chinese Wall'' was in place. See, e.g., Laurie Flynn and Rachel Parker, Infoworld, Aug. 7, 1989, supra, at 43. Indeed,

Gates insisted that Microsoft kept the playing field level by erecting an imaginary barrier between the company's operating systems group and its applications division.

Hard Drive, supra, at 308. Even into early 1991, Microsoft executives were claiming that the company had an ''ISV-independent program'' that treated Microsoft applications ''the same as any other ISV [independent software vendor].''[72] Although the FTC began investigating Microsoft in 1990, Microsoft continued to maintain that it had a ''Chinese Wall'' well into 1991.[73]

But Microsoft's head start in using OLE in 1991 to the detriment of applications competitors put the lie to such claims. Microsoft incorporated OLE into its Windows operating system and shipped its first completed application incorporating OLE, Excel 3.0, in February. of 1991. at the very same time it was releasing a ''beta version'' of OLE—not suitable for commercial distribution—to ISV's. Indeed, the February 1, 1991, issue of Byte Magazine reports the two events in the same issue.[74] Microsoft's applications competitors suffered delays of many months as they were forced to rewrite their own applications to make them perform under Windows as well as Microsoft's Excel, which had a head start in using OLE. It was not until many months later that the first third-party implementation of OLE appeared on the market.[75]

Microsoft's unfair advantage obtained from prior knowledge of operating system functionality created a significant head start for its own applications on the new Windows platform. As the prior economic analysis demonstrates, the advantage of being first to market in an ''increasing returns industry'' is enormous—it permits a competitor to begin to generate an installed base, reap the benefits of ''positive feedback,'' and otherwise drive its own products to ''lock in'' before competitors even reach the market. Microsoft used its operating systems information to secure these unfair benefits for its applications.

Confronted with their obvious untruths, Microsoft executives did an abrupt corporate-wide about-face at the end of 1991. Microsoft senior executive Mike Maples stated in December of 1991:

There is no Chinese Wall. We don't want there to be a Chinese Wall, and I don't think we've ever claimed that there is a Chinese Wall. Microsoft is a single company .... We don't try to pretend that there is a Chinese Wall ....

Stuart J. Johnston, ''No Chinese Wall'' at Microsoft, Infoworld, Dec. 30, 1991, at 107 (Ex. 18). And since early 1992, Microsoft has freely and openly given its applications developers an advantage over ISVs. In November of 1992:

at least half a dozen cases in which Microsoft allegedly withheld information on its DOS or Windows functions from outside developers, for periods ranging from six months to several years. During these periods, Microsoft's own developers appear to have used these functions in applications or utilities that competed with those eventually developed by independent software vendors, according to programmers who have examined the code.

[I]n each case, the lack of documentation of the functions may have given Microsoft applications a time-to-market lead of six months or more before similar features could be incorporated into competing developers'' applications ....

Brian Livingston, InfoWorld, Nov. 16, 1992, supra, at 98 (Ex. 19).

d. Predatory Bundling

Since dropping all pretense of a ''level playing field,'' Microsoft has increasingly used the power of its operating system installed base to gain advantages over applications competitors. It has attempted to monopolize the market for the development tools (also known as programming languages) used to create applications by predatorially preannouncing its products (as documented in the introduction to this brief) and by bundling versions of its own programming language products into its operating systems so that users will have a powerful disincentive to purchase a competitor's programming language separately.[76]

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of OS/2, but will Microsoft Make Winning Goal, Seattle Times, March 29, 1992, at C1 (system sales are ''the cash cow that has fueled Microsoft's aggressive entry into nearly every field of personal computing''); id. (''DOS, which comes installed on computers at the factory, has provided profits to finance Microsoft's development of applications such as the Excel spreadsheet and Word, a writing program.''); Laurie Flynn & Rachel Parker. Extending its Reach, InfoWorld, August 7, 1989, at 43 (''the Microsoft strategy has been to fund expensive applications development and marketing with its profits from the recurring DOS royalties it receives. '').

[69] Kathy Rebello, et al., Is Microsoft Too Powerful, Business Week, March 1, 1993 at 88 (Ex. 4).

[70] See Cara A. Cunningham, IBM and Microsoft Wage Open Doc vs. OLE Find, InfoWorld, Aug. 15, 1994, at 25 (Microsoft has an ''army of evangelists.., that goes out and sells the [OLE] technology and swarms over developers'').

[71] Richard Brandt, Microsoft Is Like an Elephant Rolling Around, Squashing Ants, Business Week, Oct. 30, 1989, at 148 (Ex. 3).

[72] Ray Weiss, Windows Stars at SD 91, Electronic Engineering Times, Feb. 18, 1991 (Ex. 15).

[73] 73 See supra note 27.

[74] Compare Andrew Reinhardt, First Impressions: New Extras for Excel, Byte, Feb. 1, 1991, at 136 with Microbytes, Byte, Feb. 1, 1991, at 20.

[75] See, e.g., Start Levine, Lotus Embraces ''Competition As It Aims for Identity, LAN Times, June 17, 1991.

[76] Ethan Winer, BASIC, Yes; Feeble, No, PC Magazine, Oct. 30, 1989, at 187 (Because ''the BASIC [programming language] interpreter [is] bundled with DOS... at no extra cost, [it] is known

Microsoft has also conducted a lengthy ''campaign'' to bundle business software applications into the operating system so that it can ''mop up competitors that sell stand-alone applications, resulting in more limited user choice down the road.'' [77] Microsoft has steadily increased the price of its operating system to cover its own loss of revenue from the diminished sales of free-standing applications that it bundles into the operating system. Although free-standing applications generally cost more than Microsoft's increases in operating system licensing fees, the unit sales of each application are far fewer than the number of users that upgrade to each new release of the OS—because of the huge installed base that Microsoft has procured by ''anticompetitive practices.'' Hence, even a modest increase in operating system fees more than offsets Microsoft's loss of revenue from diminished applications sales.

Applications competitors, of course, do not fare as well—when Microsoft bundles the functionality of their products into the operating system, they lose their only source of revenue. After the competitors go out of business, Microsoft is free to unbundle the applications from the operating system and charge, in the absence of competition, whatever price the market will bear. Microsoft initiated this strategy with the introduction of Windows, by bundling word processing, calculations, communications and ''paint'' business applications software directly into the operating system.[78]

Microsoft has even bundled technology into its operating system that it misappropriated from its competitors. When Microsoft wanted to add data compression capabilities to DOS, for example, it approached Stac Electronics, developer of the industry's leading data compression software. Microsoft demanded a worldwide license to use Stac's software as part of DOS, but ''steadfastly refused . . . to pay Stac any royalty for [its] patented data-compression technology.'' [79] When Stac refused Microsoft's demand, Microsoft simply incorporated Stac's intellectual property directly into DOS. Id. Stac brought suit and a federal jury found Microsoft guilty of infringing Stac's data compression patents and awarded Stac $120 million in damages.[80] Microsoft thereafter settled the case by acquiring a 15 % interest in Stac, and obtained a license to Stac's vital data compression technology for a fraction of the jury's verdict.[81] Because Microsoft's conduct in the Stac case ''underscore[s] the sort of allegations that have kept the [Government's antitrust investigation] alive for years,'' some observers have suggested that the timing of Microsoft's settlement with Stac m late June 1994 was calculated to ''remove [Stac president Gary] Clow as a hostile witness in the Justice investigation.''[82]

e. Predatory Unbundling

Microsoft has also unbundled technology from its operating system in order to render other companies'' products uncompetitive. For example, the DOS operating system contained, in version after version, a portion of code known as the ''debug kernel.'' Both Microsoft and competitors like Borland created development tools that used the functionality of the debug kernel in order to run.

With the introduction of Windows 3.1 in April, 1992, Microsoft removed the debug kernel from the operating system and bundled it with its own language application program. If a user wanted to run the competitive Borland program, it had to buy the debug kernel separately from Microsoft, at a price Microsoft set to make the Borland product less competitive. Microsoft even conspicuously advertised the fact that its own product was cheaper than the Borland product because the user had to buy the debug kernel separately from Microsoft. Byte, May 1992, at 159 (Ex. 6). Whatever pro-competitive benefits Microsoft might advance to justify its bundling of new functionality into the operating system, it is difficult to imagine any justification for unbundling operating system technology, other than harming competition.

f. Other Uses of Leverage

Microsoft further exploited its leverage, both vertically and horizontally. Horizontally, within the desktop applications layer, Microsoft introduced additional applications, touting and exploiting the benefits and advantages of its vertical linkage (to the operating system): for example, word processing (''Word''), database (''Fox Pro'' and ''Access''), and presentations (''Power Point''). Microsoft also employed horizontal leverage in the applications layer through its marketing practice of bundling a group of applications into a ''suite,'' which is sold at low price points. And, all the while, Microsoft used its profits from its monopoly position in OS for (1) massive marketing to promote the linkage features of the OS. and (2) sustaining a protracted battle with independent applications vendors in a new market that. without the profits from the leveraged market, could not be sustained.[83]

As noted in the introduction to this brief, Microsoft has been spectacularly successful in leveraging its installed base in the operating system market to dominate the business applications market. In four years, Microsoft ''went from an also ran in the business applications market to the industry leader.'' Inside Telecom, Sept. 26, 1994. Although Microsoft has not yet fulfilled Mike Maples'' goal of ''I00 percent'' market share, it is by far the leading supplier in each individual applications product category. Microsoft Domination, San Jose Mercury News, Dec. 21, 1994, supra, at 1F (Ex. 35). Moreover, suites are the fastest growing category of business applications software and Microsoft accounts for an astounding 85% of all suites sold. See supra note 16. Microsoft's success in monopolizing business applications is, absent effective Government intervention, only a taste of things to come. Having succeeded in dominating the desktop operating system and applications markets, Microsoft has begun to leverage its installed base to monopolize both the intrabusiness server and on-line systems, as set forth m subsequent sections.

2. The Intrabusiness Server

Microsoft intends to displace all of the competition on the enterprise server, just as it did on the desktop, by employing multiple linkages and leverage. Its leverage will come from the large installed base of the PC operating system monopoly. Using this base, Microsoft will employ three strategies: (a) vertical linkages similar to those that worked in the desktop markets, (b) horizontal linkages from desktop to intrabusiness server, and (c) horizontal linkages from home-to-business server to intrabusiness server.

Microsoft began the implementation of its strategy by creating a new server OS (''Windows NT'') that horizontally leverages from the monopoly position of DOS/Windows in the client market. Microsoft has increasingly placed server functionality into Windows and Windows applications (for example, with the Microsoft products, Access, Fox Pro, and Excel). With NT, Gates seeks to extend his software dominion from desktop software, which he monopolizes, to the network. In the 1980's, Microsoft's DOS and Windows systems software defined the way most people worked with computers. In the 1990's, the company aims to define the software that electronically ties together workers and businesses, customers and homes. Zachary, Showstopper, supra, at 3.

In addition, Microsoft is nakedly leveraging its market power in the desktop operating system market to the enterprise server by requiring software developers who want to use the logo for ''Windows 95,'' the forthcoming version of Microsoft's desktop operating system, to make their desktop application products also run on ''Windows NT'' (Microsoft's server operating system).

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and used by more people than any other programming language for personal computers.'').

[77] Michael Csenger & Adam Griffin, Microsoft Free At Last?, Ruling Still Lets Firm Incorporate Apps Into Its OS'es, Network World, July 25, 1994, at 4 (Ex. 23); see also John Markoff, Microsoft'', Future Barely Limited, N.Y. Times, July 18, 1994, at D1 (Ex. 24) (describing Microsoft's 14 year ''campaign[] to expand the definition of what computing functions belong inside the computer operating system.'').

[78] Paul Andrews, Windows Is No JFK, But Its Visual Appeal Is Outstanding, Seattle Times, May 22, 1990, at C2 (''Windows 3.0 comes with a suite of mini-applications including Write, Paintbrush, Clock, Recorder (a macro utility), and Terminal (telecommunications). '').

[79] O. Casey Corr, A Look Behind Stac Deal, Seattle Times, June 26, I994, at FI (quoting Stac's complaint).

[80] Id.; Charles McCoy, Microsoft to Pay Stac Judgment of $120 Million, Wall St. J., Feb. 24, 1994, at A4.

[81] Stuart J. Johnston, Microsoft Settles for Piece of Stac, Computerworld, June 27, 1994, at 30 (Microsoft paid $39.9 million for 155'o of Stac, and an additional $43 million over 43 months for a license to Stac's data compression technology); Doug Barney, Micros. oft, Stac Resolve Dispute; Microsoft Finally pays Up, InfoWorld, June 27, 1994, at 14.

[82] O. Casey Corr, A Look Behind Stac Deal, supra, at Fl.

[83] As explained in Section V.C., infra, the superficially irrational behavior of undermining the application vendors that produce programs that run on Microsoft's operating system is logical specifically because Microsoft has an independent economic incentive to monopolize the market for business application programs.

See William Brandel, Developing for Next Generation of Windows May Mean Running on NT, Computerworld, November 18, 1994, at 4. There is no technical reason to require an application to run on both Microsoft's desktop and server: indeed, a user would not even expect (nor perhaps even want) a ''Windows 95'' application program to run on the server. Microsoft's requirement is simply another way of leveraging:

The NT requirement seems like nothing more than an attempt to leverage Microsoft's control over the upcoming Windows 95 market to assist its lackluster Windows NT product.

Brian Livingston, Will ''Windows'' Compatible Really Mean What It Says?, InfoWorld, November 14, 1994, at 40 (Ex. 20) (quoting Andrew Schulman, Unauthorized Windows 95). Microsoft is using its operating system power to force independent application vendors to establish the linkage between the desktop and the server that Microsoft has been trying to establish through its own products. In affect, Microsoft is using independent software vendors to establish Microsoft's power in servers.

Microsoft also enhances its power in the server applications layer by horizontally bundling these products into a suite (the ''BackOffice'') in the same way Microsoft bundled desktop applications into a suite. Just as with the desktop applications, there is also vertical leverage to enforce the horizontal bundle by making all server applications OLE-enabled. See Stuart J. Johnston and Ed Scannell, Computerworld, supra, Oct. 10, 1994, at 4 (Ex. 7); J. William Semich, Datamation, Aug. 1, 1994, supra, at 4144 (Ex. 10).

3. The Home-to-Business Market (Server and Client) Increasingly, business will need to communicate with personal computers in homes in order to sell products or services and in order to provide information, for work or other purposes. Obviously, businesses that exploit this channel will have a strong advantage over competitors that do not, with the result that all businesses will seek entry. This market is currently known as ''online services.'' There are three principal competitors in this market— America Online, CompuServe and Prodigy.

Control of the home-to-business market by a single company would produce an enormous windfall. First, of course, the monopoly would be able to extract a toll for a large percentage of consumer financial and product transactions. More strategically, a company that controlled the home-to-business market could leverage that control back to the intrabusiness, or enterprise, server market. Control of both sides of the server market, intrabusiness (enterprise) and home-to-business, would place enormous power (financial services, information, education, etc.) in the hands of a single company. Microsoft has this power within its grasp. Microsoft is pursuing its policy of targeting, linking and leverage from the operating system installed base to seize control of the architecture of the home-to-business market, just as Microsoft gained domination of the desktop.

On November 14, 1994, Microsoft announced its own online service known as ''Marvel'' or the ''Microsoft Network.'' Microsoft will use Windows NT as the home-to-business server for the Network. Adam Gaffin & Peggy Watt, Microsoft, Lotus Baffle Shifting to On- Line Services, Network World, Nov. 21, 1994, at 1. More importantly, Microsoft will use the market power from its'' installed base in operating systems in a number of ways to displace existing on-line competitors and dominate the home-to-business market.

a. Predatory Bundling

First, Microsoft intends to leverage its installed base in operating systems to give its own on-line service an unfair advantage over existing competitors. Microsoft has already announced that the next upgrade of its PC operating system, Windows 95 (due out later this year), will have a connection to the Microsoft Network already bundled in. According to Bill Gates, ''We'll give you access to [the Microsoft Network] with Windows 95... If (the software notices you have a modem, it will ask you if you want to register.''[84]

This tactic will instantly displace existing on-line competition. Windows 95 will be pre-installed on virtually every PC sold in the United States in the coming year85 and approximately 20 million copies will be in use within a year of its release. Amy Bernstein. Microsoft Goes Online, U.S. News & World Report, Nov. 21, 1994, at 84. This ''potent plan for spreading Marvel'' will dwarf the competition. Id. America On-Line, by comparison, has an installed base of 1.25 million subscribers. Elizabeth Corcoran, Washington Post, Nov. 12, 1994, supra, at H6.

Industry analysts and commentators have repeatedly raised concerns that Microsoft's bundling of its own on-line service ''tilts the playing field in its direction,'' likening Microsoft's bundling practice to the utility company selling appliances or the local phone company automatically connecting the user up with AT&T's long distances[86]

In essence, OEMs will be forced to distribute MSN [The Microsoft Network] if they want to access Windows 95—even if that distribution is to the OEM's detriment.

s, Elizabeth Corcoran, Washington Post, Nov. 12, 1994, supra, at H6. Amy Cortese, Business Week, Dec. 19, 1994, supra, at 35 (HP, Compaq and other big U.S. PC makers plan to bundle Windows 95 into their machines).

Jesse Bent, Microsoft's On-Line Rivals Could End Up In 'Cyberia', PC Week, Dec. 12, 1994, at 120 (Ex. 30). Microsoft's conduct is a textbook example of an attempt to use market power in one market (operating systems) to ''tip'' a competitive adjacent market (online systems).

b. Unfair Use of Information

Microsoft is also using its power over the operating system installed base to dominate the content of the home market—CD ROMs—the same way it used leverage from the operating system installed base to dominate business applications. For example, as a condition to obtaining information about how to run on the multimedia portions of Microsoft's operating system, independent CD ROM developers were required to fill out a form, designated ''Microsoft Confidential.'' In other words, in order to obtain necessary operating system information, the form required Microsoft's CD ROM competitors to disclose to Microsoft confidential business information necessary to make successful CD ROM products. This form is a remarkably glaring example of the open exercise of market power. It required, inter alia, the following disclosures:

Please describe your company's important business relationships (distribution, venture capitalists, etc.) Provide proposed product areas.

Current key software products (in order of market share and importance to your company).

Who is the target audience for your products?

What is the price of your products?

What is your supply date for retail distribution?

What competition do you perceive for this product?

How will you differentiate this product from its competition?

How is this project funded? (The ''Microsoft Confidential'' form is found in the Appendix as Ex. 22.) Armed with all of this confidential information about its competitors plans and products, Microsoft has successfully entered the CD ROM business itself, and is ''churning out about one new CD ROM title per week.'' Washington Post, Nov. 13, 1994, supra, at H6 (Ex. 44).

c. Unfair Head Start

Microsoft will also ensure domination of the content of on-line services by using OLE-based tools as the standard for business developers and users to create object-oriented documents that can be transmitted over the Microsoft Network. Mary Jo Foley, Microsoft Lays Foundation For On-Line Network, PC week, Nov. 14, 1994, at 1; Doug Barney, Microsoft to Announce New On-Line Service at Comdex, InfoWorld, Oct. 24, 1994, at I, 140. According to a PC Week article, the Microsoft network employs OLE technology and uses the ''standard Microsoft Exchange E-mail client included with Windows 95....[87] ''In short, ''Microsoft Network's on-line services are well-integrated into the Windows 95 user interface.'' Eamonn Sullivan & Matt Kramer, Microsoft Marvel Beta Leverages WIN 95 Desktop, PC Week, Nov. 7, 1994, at 169 (Ex. 28).

And, as if Microsoft's use of leverage to dominate the home and on-line markets is not sufficient, Microsoft announced on October 13, 199487 its intention to buy Intuit. Inc., paying a 100% premium to market. See supra note 36. Intuit publishes the personal finance and tax planning software programs that dominate their respective markets. Intuit's product controls 80–85% of the personal finance markets.[88]

[86] See Lawrence J. Magid, Microsoft: Not So Marvelous, Bay Area Computer Currents, Dec. 1, 1994, at 98, 101 (Ex. 1); Carole Patton, Computerworld, Nov. 14, 1994, supra, at 57 (Ex. 8).

[87] Lee Gomes, Microsoft to Acquire Intuit, San Jose Mercury News, Oct. 14, 1994, at 1D.

[88] Don Clark, Microsoft to Buy Intuit In Stock Pact, Wall St. J., Oct. 14, 1994, at A3 (86% of retail store sales); Karen Epper, Software Deal Shakes Up

Personal financial software is generally regarded as the ''killer app[lication] of the 90's'' for the home computing market,[89] Personal financial software has broad consumer appeal in that everyone has a bank account. It requires the integration of several sources of data including bank accounts, brokerage accounts, and credit information. Because of Intuit's commercial success, there is a strong network externality (''lock in'') attached to a user's viewing his personal financial information through the Intuit user interface. Accordingly, Intuit provides tremendous leverage into the home banking market.

The Intuit acquisition is currently under Justice Department scrutiny. If the deal is consummated, Microsoft can be expected to leverage Intuit's installed base to further lock in its own products. For example, Microsoft will bundle Intuit's products with its next release of the operating system to increase the number of users who will upgrade to Windows 95.[90] Microsoft can also provide an enormous market edge to its own on-line service by making Intuit available exclusively (as among on-line services) on the Microsoft Network, See Michael J. Miller, The World According to Microsoft, PC Magazine, Jan. 24, 1995, at 80 (Ex. 25).

Domination of home banking and personal finance provides the optimum platform from which to dominate other on-line services, including, for example, shop-at-home. Businesses that want to provide financial information to Intuit users, or who want to provide other on-line services, will want to choose server software for interacting with the Microsoft Network. Microsoft will be able to use all of its vertical integration skills developed in the desktop and enterprise server marketplace to ensure that businesses choose Microsoft home-to- business server software.

Based on the leverage potential from its operating system installed base, Microsoft has been able to consummate deals that will ensure that Microsoft Network dominates the market. For example, on November 8, 1994, Microsoft and VISA (the credit card company) announced the provision of a standard and secure method ''for executing electronic bankcard transactions across global public and private networks.'' Visa News Release, Nov. 8, 1994 (Ex. 39). In the question and answer session following the press release, the VISA spokesperson said that the driving force in VISA's decision to do the deal with Microsoft was the fact that Microsoft had an installed base of 60 million copies of Windows. The significance of Visa's agreement with Microsoft is not lost on industry observers. See, e.g., Elizabeth Corcoran, Washington Post, Nov. 12, 1994, supra, at H6. Nor is it likely to be the last such agreement: the Post reported, for example, that ''four telecommunications companies are expected to announce on Monday [November 14, 1994] that they are working with Microsoft to make dialing into Marvel a local call for many subscribers.'' Id. And, on December 21, 1994, Microsoft announced that Tele-Communications, Inc. purchased a 20% stake in the Microsoft Network for $125 million. The deal implies a value of $625 million for an on-line service that doesn't exist yet .... ''Jim Carlton & G. Pascal Zachary, Microsoft Sells A 20% Interest In Planned Unit, Wall St. J., Dec. 22, 1994. Once again, Microsoft is controlling the architecture and using a nominally open standard.

If Microsoft is successful in establishing the standard for the home-to-business market, it will be able to leverage into the enterprise server market both from the desktop, which it already controls, and the home market. Once a business decides that it should use the Microsoft server to communicate with customers, there is no point in having a different. probably incompatible, server for intrabusiness needs. After all, the operating system for the server side of Microsoft's home-to-business server is Windows NT. Why have a different business server operating system? This connection between the home server and the business server is clearly in Microsoft's contemplation because Microsoft has already announced that Marvel (the Microsoft network) will connect directly to a company's server. Doug Barney, Microsoft to Announce New On-Line Service at Comdex, InfoWorld, Oct. 24, 1994, supra, at I.

The inevitable result of Microsoft's monopoly leverage will be to transform Microsoft into a ''middleman'' or rent collector for every transaction processed in an all- encompassing information economy. Whether writing a letter, placing an order, or paying a bill, every consumer and business connected to the information highway will pay Microsoft's toll. As noted in Fortune, ''[t]his isn't just a gleam in Bill Gates'' eye—[by purchasing Intuit, entering a joint venture with Visa, and bundling the Microsoft Network]—its already starting to come together, and in Microsoft's typically orchestrated fashion.[91]

MICROSOFT'S NETWORK-WIDE MONOPOLY

It is readily apparent that Microsoft's strategy of targeting, linking and leveraging from the desktop operating system has been successful in seizing control of the business desktop. It is also apparent that Microsoft is leveraging from the business desktop to the business server and is vertically integrating within the business server so as to seize control of the critical server operating system gateway. The Intuit acquisition is intended to control the gateway on the home computer and leverage toward the home-to-business market.

Application of ''increasing returns'' economic analysis would reasonably predict that, given the present situation, Microsoft will succeed in monopolizing the entire information infrastructure (just as it has monopolized the desktop) and that the monopoly will remain in place for a very long period of time.[92] Indeed, the monopoly on the enterprise and home-to-business server markets is likely to be so vast that Microsoft will be able to extract monopoly rents on not only financial transactions, but also the transmission of information and data.

Some fear that as the digital future of the information superhighway emerges, an unchallenged Microsoft and Intel will wind up in total, undisputed control of the technology upon which the country's citizens and economy will depend . . . ''Increasingly, I'm believing it's all over, and we're going to be locked into Microsoft and Intel forever,'' said Dataquest analyst Kimball Brown.

Rory J. O'Connor, Microsoft, Intel Set to Define Technology, San Jose Mercury News, Nov. 13, 1994, at 1-A. (Ex. 34).

Notwithstanding the Government's conclusion that Microsoft has increased its installed base in operating systems six-fold using ''anticompetitive practices,'' and ample evidence that Microsoft has leveraged that installed base to attempt to monopolize business applications (as well as other markets), the Government's Tunney Act filing does not require divestiture of any part of its operating system installed base, nor does it prevent Microsoft from using that installed base to monopolize other markets, including business applications. The Government has articulated no economic rationale to justify its failure to act in the face of such clear evidence of anti-competitive intent and effect. These Amici can identify four possible economic justifications for the Government's inaction, but none of the four is persuasive.

A. Leverage of the Installed Base by Competitors

Although the Government has not articulated an economic rationale for its position, the Justice Department may have concluded that a monopoly of the X86 operating system market by Microsoft is inevitable—either because MS DOS is already locked-in or because an ''increasing returns'' market will cohere around a standard in any case. Following this approach, the Government may have concluded that the best hope for competition in the operating system market is through an operating system program compatible with MS DOS, but made by a Microsoft competitor. Arguably, a vendor of such a program could tap into Microsoft's huge

Home Banking, Amer. Banker, Oct. 17, 1994, at 1, 25 (80–85%).

[89] Michelle Flores, Probe of Microsoft is Extended—Justice Dept. Asks For More Information, Seattle Times, Nov. 22, 1994, at B11; Michael Schrage, Microsoft Can Make Lots of Money; Can It Shape the Management of It?, Washington Post, Oct. 21, 1994, at B3; Brent Schlender, Fortune, Jan. 16, 1995, supra, at 36.

[90] Gina Smith, Merger Misgivings: Will Intuit Go ''Soft?, S.F. Chronicle, Dec. 4, 1994, at B5, B14.

[91] Brent Schendler, Fortune, Jan. 16, 1995, supra, at 4748; see also, Michael I. Miller, PC Magazine, Jan. 24, 1995, supra, at 80 (Ex. 25) (''Microsoft could require just a small service charge on each transaction. Or it could make money on the float—the interest in the few seconds it takes to move money from one place to another. Or both.'').

[92] For example, leading industry analyst Rick Sherlund of Goldman Sachs predicted that with the settlement, Microsoft ''should dominate the market for desktop software for the next 10 years.'' And another leading analyst, Richard Shaffer concluded that ''It]he operating system wars are over—Microsoft is the winner .... Microsoft is the Standard Oil of its day.'' Andrew Schulman, Microsoft's Grip On Software Tightened By Antitrust Deal, Dr. Dobb's Journal of Software Tools, Oct. 1994, at 143 (Ex. 13).

installed base and attempt to displace Microsoft by ''migrating'' users to subsequent versions of the competitor's operating system. If such was ever in the Government's contemplation, events since the announcement of the settlement between the Justice Department and Microsoft have shown that such a scenario is unrealistic. Novell has withdrawn its MS DOS compatible operating system from the market entirely. See, supra note 14. And Microsoft's market is so strong that IBM selected Microsoft's MS DOS program for pre-installation on a new line of IBM personal computers, instead of IBM's own PC-DOS (compatible) program—notwithstanding the fact that IBM's product is technologically superior to MS DOS and is less expensive.[93]

IBM's [93]technologically advanced OS/2 is faring no better. OS/2 is capable of executing both DOS and Windows 3.1 applications, and according to Microsoft executive Steve Ballmer, IBM is ''offering computer makers OS/2 for free and may be even paying some to take it.''[94] However, Microsoft's market power has resulted in IBM getting few if any takers, even on these terms. As one potential customer, a computer manufacturer, stated:

Microsoft can kill us ..... I worry more about my dealings with

Microsoft than I do about my competitors.[95]

B. Alliances

Alternatively, the Government may have concluded that other operating system competitors might combine with application developers in alliance-type combinations to prevent Microsoft from extracting monopoly rents from the business desktop. But alliances among companies rarely work in the best of circumstances—i.e., in more conventional markets. Here, the alliances would have to produce or blend complex software technologies in order to make a competitive offering equally useful and reliable to that marketed by a single vertically integrated competitor, which is better able to guarantee seamless integration.[96] Similarly, from the economic perspective, the possibilities of real competition from an alliance-based product line are highly remote, at best. Microsoft's installed base and share of the applications market is so large that its products are ''locked-in'' and true competition can be restored only through truly massive forces or structural relief. See, e.g., W. Brian Arthur, Increasing Returns and Path Dependence in the Economy 2, 10–11 (1994).

Most importantly, although there are companies that make operating systems that run on different chips, no Microsoft competitor or group of competitors controls the operating system gateway to the network in the way that Microsoft does. Control of the ''human interface'' gateway on the home computer through the acquisition of Intuit will only heighten Microsoft's control throughout the market. In short, the prospects of an alliance to compete effectively with Microsoft, in the current market where the gateways are controlled by Microsoft, are extremely remote. Competitors would have to produce a competing information infrastructure through a different paradigm (e.g., cable television), something that is years, if not decades, away. Microsoft is, moreover, already committing substantial resources—reportedly 500 employees by next June—in anticipation of this paradigm shift. See Elizabeth Corcoran, Washington Post, Nov. 13, 1994, supra, at H6 (Ex. 44). It therefore is clearly preparing now to be in a position to control this new paradigm as well.

C. ''Tiered'' Monopoly

Third, the Justice Department might have concluded that, although Microsoft has achieved a monopoly in the operating system market, there is no need for governmental intervention because Microsoft would prefer competition in business and home applications software. In other words, the Government might argue that Microsoft has no economic incentive to monopolize the applications market intentionally and has acquired its dominant position in the market only because of superior products. According to this approach, although Microsoft has a monopoly on X86 operating systems, it would actually prefer that the applications (and development tools) market be fully competitive in order to maximize monopoly profits from the operating system market. A schematic representative of the ''desktop,'' Figure 3, is reproduced below for reference:

Level	Name	Examples
5	Applications	(a) Desktop applications (e.g., Lotus 1–2–3, dBASE, MS Word, MS Excel, WordPerfect) The Microsoft Office is a bundle of these applications. (b) Client applications as part of a network (e.g., Oracle Financials, SAP, Peoplesoft, D&B Software, etc.)
4	Development Tools.	Basic, Pascal, C, Borland C + +, Powersoft
3	Gill and/or ...	MS Windows
.....	OS Services	
2	OS	Apple, DOS
1	Hardware	IBM, Apple, Compaq, Dell

Figure 8

This type of economic thinking would suggest that if Microsoft truly had a monopoly at the second level (operating systems), it would prefer competition at all higher levels so as to maximize its ability to extract monopoly profits through the operating system level. And, according to this economic argument, there would be no point in Microsoft expending the resources to monopolize applications (level 5), since it would derive the same benefit by monopolizing the operating system (level 2).

Indeed, according to this approach, because of the presence of demand side economies of scale, there would be a need for Microsoft to control the X86 operating system (level 2). There is a network externality that must be solved by a single firm with control of both level 2 and all of the levels above it (3–5). All other factors being equal, according to this argument, consumers would be better off with the greatest possible variety of level 5 competition and the greatest possible adoption of one operating system standard.[97] Hence, if Microsoft controls the operating system, it would have an incentive to price it low because it could extract the profits through the applications (level 5). (Or, alternatively, Microsoft might price the applications low and take the profits out through the operating system.) Indeed, Microsoft might be willing to price below cost.

On the other hand, according to this economic approach, if a Microsoft competitor gained control of applications, Microsoft and the competitor would fight over the division of profits. This would be wasteful, would lead to higher total costs for the system because of ''double marginalization'' and would not lead to as great adoption of the overall system. Given that Microsoft controls the X86 operating system, so the argument would go, its profits would be maximized if the market for applications were made as large as possible. Hence, it would follow that Microsoft would want to control applications to make this market as large as possible and would do this by pricing applications at a low level, and by making the interconnection between its applications and operating system as efficient as possible.

This economic approach is unpersuasive for three reasons. First, although Microsoft monopolizes the market for operating systems that run on the X86 chip, there are competitive operating systems that run on other chips—Apple and UNIX, for example. These competitive operating systems, like the Microsoft operating system, run business applications. Hence, so long as these competitive operating systems exist, Microsoft can extract ''monopoly rents'' by monopolizing a layer above operating systems—business applications.

Second, as the Government's complaint in this case points out, there must be ''a variety

[93] ???

[93] See John M. Goodman, The DOS Heavyweights Go Another Round, InfoWorld, Aug. 29, 1994, at 87 (rating PC-DOS version 6.3 above MS-DOS version 6.22) and Earle Robinson, DOS-version Madness? Integration Coping with DOS, Windows Sources, Oct. 1994, at 163 (''my choice would be the IBM . . . it's cheaper'') and Yael Li-Ron, PC DOS 6.3: DOS and DOS: Separated At Birth, PC-Computing, July 1994, at 94 (IBM's Ambra computers ship with MS-DOS).

[94] Don Clark & Laurie Hays, Microsoft's New Marketing Tactics Draw Complaints, Wall St. J., Dec. 12, 1994, at B6 (Ex. 41).

[95] Id.

[96] All of these problems are discussed in Rory O'Connor, San Jose Mercury News, Nov. 13, 1994, supra, at 1A, 28A (Ex. 34).

[97] See Michael Katz and Carl Shapiro, Systems Competition, supra.

of high quality applications'' that run on an operating system if that operating system is to be successful. 59 Fed. Peg. at 42,847 (Complaint 16–18). Accordingly, control of applications enables Microsoft to maintain and increase barriers to entry in the operating system market, thereby solidifying and maintaining Microsoft's operating system monopoly.

Finally, control of the application layer enables Microsoft to price discriminate more effectively, thereby maximizing its monopoly returns. For example, because Microsoft also monopolizes business applications, it has the ability to selectively bundle some word processing functionality into operating systems, while at the same time offering a higher priced, more fully functional word processing program to users who need greater functionality. This enables Microsoft to extract greater revenues than would be possible merely by uniform operating system prices—i.e., if Microsoft only monopolized operating systems, but not applications.

In short, Microsoft has ample economic incentive to monopolize business applications. To the extent Microsoft is concerned at all about actual or potential competition for operating systems, gaining control of applications will ensure overall control of the desktop. regardless of what might transpire in the future with respect to operating systems.

A complete comparison of consumer welfare in a world with uniform dominant-firm pricing in operating systems and competition in applications on the one hand, with monopoly price discrimination on the desktop (operating system and application together), on the other hand, is beyond the scope, of this Memorandum. However, economic theory would strongly suggest that with respect to pricing, competition in applications, coupled with imperfect competition in operating systems—or at least the presence of potential competition in operating systems—is preferable to monopoly of the entire desktop. Moreover, in terms of technology, it is considerably more likely that the best technology will emerge in applications if there is open competition for the technology, rather than if it is dominated by the firm that monopolizes operating systems. That is especially true if the reason that Microsoft is able to monopolize applications is because it can leverage its operating systems monopoly and not because of any superiority of its technology.

D. Efficiencies of Integration

Finally, the Government might justify its failure to act on the belief that the benefits Microsoft is providing by vertical and horizontal integration outweigh any anti-competitive effects. Microsoft will point out that it seamlessly integrates new technologies into new markets, and it will argue that unless it is permitted to link and leverage, these markets will not be opened in a way meaningful for consumers. It will further argue that if markets are opened by less efficient alliances, the services are bound to cost more because Microsoft competitors will not enjoy the efficiency benefits of integration. Indeed, according to this argument, allowing Microsoft to leverage Windows from one market to the other amortizes the research and development costs over a broader base of potential customers, with the result that Microsoft can charge less for the product in the first instance.

Furthermore, Microsoft presumably will argue that because these markets and technologies exhibit increasing returns, they will gravitate toward a standard (i.e., a monopoly) anyway. According to this argument, it would be economically wasteful to require two networks that do the same thing. And, if there is only going to be one standard, that standard should be chosen by the market, as opposed to by Government intervention.

There are two important responses to this argument. First, software is not similar to many conventional products in an important way. With software it is possible to achieve virtually all of the benefits of integration without excluding competitors. There is no reason why an application developed by an ISV cannot work just as well with the operating system as a Microsoft application, provided Microsoft provides necessary information to application competitors on a timely and complete basis.

Second, while there are benefits to vertical and horizontal integration that Microsoft will point out, there are also very substantial costs. The enterprise server market, for example, is currently organized into a number of horizontal layers, each of which is characterized by strong competition. Generally speaking, consumers prefer this horizontal competition. See, e.g., The Economist, Feb. 27-Mar, 5, 1993, supra, at 11 (Ex. 14). Microsoft is attempting to impose a verticality on the enterprise market so that it can extract monopoly rents. e''

Benefits of vertical integration, as opposed to horizontal competition at each layer. both on the desktop and the server, should be evaluated on the basis of product quality and incentive to innovate, as well as product cost. It is clear that vertical integration will allow Microsoft to displace even superior technologies. As PC Magazine recently observed:

Since Microsoft is in a position where its operating system is dominant . . . [i]n order to be successful, Microsoft Network doesn't even have to be the best on-line service; it just needs to be good enough and the most convenient.

Michael J. Miller, PC Magazine, Jan. 24, 1995, supra, at 79–80 (Ex. 25). Similarly, if Microsoft controls the operating system gateway layer, its vertical integration will permit the displacement of superior products at the applications (and development tools) layer merely because of the vertical integration. The displacement of superior products is clearly a cost that should be evaluated, offsetting Microsoft's claim that its products would be lower-priced to the consumer.[98]

Moreover, once Microsoft achieves dominance in a market, it has little incentive to innovate[99] So the negative effects of vertical integration include both the displacement of superior products, as well as the diminution of the incentive to advance technology that has become a standard. The latter cost should be evaluated as well. Nor is it altogether clear that vertical integration will necessarily produce efficiencies (that translate into lower prices) over, say, horizontal competition at each layer.

There is not yet empirical research on point, but there is certainly theoretical research suggesting that there are benefits to horizontal competition in the vertical layers.[100] Hence, while there is theoretical literature that documents the efficiency of the horizontal competition model, the real challenge is maintaining the horizontal model in the world. Increasing return economics indicates that there is no reason to believe that the market, as currently structured, will choose the ''best'' product at a particular level. Rather. there is every reason to believe that Microsoft. through leverage from control of the operating system, will be able to impose verticality, with its associated costs—notwithstanding the fact that users appear to desire the benefits of horizontal competition. See, e.g., The Economist, Feb. 27-Mar. 5, 1993, supra (Ex. 14). In short, Government intervention is necessary merely to provide a sufficiently level playing field for the horizontal model to have a reasonable chance of succeeding.

VI ANTITRUST ENFORCEMENT

This section of the brief identifies the deficiencies of the proposed Final Judgment and compares the relief sought by the Government in this case to the relief sought by the Government in comparable situations involving pharmaceutical, computer and telecommunications monopolies. Finally, the section analyzes the relevant case law that would support similar relief in this case, particularly a preclusion on the use of leverage from an installed base that was procured by ''anticompetitive practices.''

A. Deficiencies of the Proposed Judgment

Manifestly, the proposed judgment has failed to achieve its stated purposes. Instead of saving consumers money and providing them with greater operating system choices as the Attorney General promised, the settlement has permitted Microsoft to run yet another competitor out of the operating systems market (Novell) and raise its own prices to resellers. From an economic perspective, this was to be expected. The relief proposed by the Government will neither maintain nor restore competition in the operating systems market. More ominously. the settlement clears the way for Microsoft to use its unfairly acquired

[98] Joseph Farrell and Garth Saloner, Installed Base, supra; Paul David, Amer. Econ. Rev., May 1985, supra.

[99] Indeed, Microsoft's operating system ''lock-in'' has permitted it to bring demonstrably inferior products to market (products that did not enjoy any appreciable consumer acceptance) without negative consequences to the company. See Michael Morris, Microsoft Deal: Too Little, Too Late, S.F. Examiner, July 24, 1994, at C-5. (Ex. 33)

[100] Joseph Farrell, Hunter K. Monroe and Garth Saloner, The Vertical Organization Of Industry and Systems Competition Versus Component Competition, October 1994 (working paper).

installed base to run competitors out of other software and networking markets, as well.

According to the Government's complaint, Microsoft used anticompetitive licensing practices from at least 1988 to 1994. As noted earlier, during that period, Microsoft maintained its greater than 90 % share of the X86 operating system market.[101] thereby increasing its installed base six-fold.[102] Contrary to the assertions of the Assistant Attorney General, the relief proposed by the Government, a cessation of further anticompetitive practices, will not restore competition to the X86 operating system market because of the ''network effects'' present in the market.

Because Microsoft now has a huge installed base and an overwhelming market share of X86 chip operating systems, thousands of applications have been written for the Microsoft operating system. Microsoft products, in economic jargon, are ''locked in.'' New purchasers of computers with X86 chips have every incentive to demand Microsoft operating systems—and no incentive to demand the operating systems of its competitors. Given the huge installed base, OEM's will therefore preinstall the Microsoft operating system in order to meet consumer demand—whether Microsoft continues to pursue ''per processor'' licenses or not.

This conclusion is demonstrable from the economic literature cited in earlier sections. It is also obvious to the journalists, analysts and commentators who follow the computer industry. For example, following announcement of the settlement, PC Week wrote:

According to computer manufacturers, industry analysts and end users, the outlook is grim for Novell's DOS and IBM's PC-DOS and OS/2. They say there is not much motivation for PC manufacturers to pre-install a competing product, since Windows has millions of users and thousands of software applications.

See Jeff Bertolucci, Microsoft Settles: Business As Usual, PC World, Oct. 1994, at 72 (Ex. 31).[103] Furthermore, Microsoft has adopted new marketing incentives that violate the spirit if not the letter of the consent decree by rewarding OEMs for activities designed to prevent them from doing business with competing operating system vendors. Don Clark & Laurie Hays, Wall St. J., Dec. 12, 1994, supra, at B6. In short, Microsoft's new practices achieve substantially the same effect as those banned by the Judgment.

More importantly, Microsoft remains free to leverage its installed base— apparently with the Government's blessing—to put competition out of business in scores of new markets: business applications, entertainment software, personal finance software, on-line systems, server technologies, etc. This key issue is simply not mentioned in the Government's Tunney Act filings, but, as with ''lock-in,'' the significance of the issue is not lost on the industry:

The settlement did not specifically address what many competing companies consider the antitrust issue. Microsoft, they say, has used its control of DOS and Windows to extend its hold on the software sector.

See David Einstein, Microsoft Unscathed by Settlement, S.F. Chronicle, July 18, 1994, at A1 (Ex. 32).[104] As explained in Section V.C., supra, Microsoft's use of leverage against equipment manufacturer] pricing, but they don't need it anymore.'')

Indeed, even Microsoft's supporters concede that, ''[a] year from now, [the proposed decree] will be'' no more than ''a blip on the radar screen of computing history.'' William Casey, Let's Stop Beating On Microsoft, Washington Post, July 25, 1994, at F15. ''Issued five years ago, the ruling would have had an effect.., users were open to alternative environments, even if it meant migrating from [Microsoft's products].'' Id. ldquo;Those choices, and the years in which they could have been made freely, are ancient history .... It's a fact that [today] the operating environment of choice on Intel-based processors is DOS and Windows.'' Id. application competitors damages competition in the operating systems market, the very market the Government purports to address.

The pernicious use of leverage is well known to the Justice Department. Decrees sought by the Antitrust Division in comparable circumstances over the past forty years have prohibited leveraging of monopoly power to dominate related markets.

B. Comparable Consent Decrees

It is hardly aberrational for the Department of Justice to settle monopolization cases in high technology industries by securing consent judgments that prohibit the use of leverage from a monopolized market to a market in which competition is present. Some of the largest monopolization cases in history were settled on such a basis.

1. Parke, Davis Decree (Pharmaceuticals)

The decree entered in United States v. Parke, Davis and Co. and Eli Lilly and Co., 1951 Trade Cas. (CCH) <20> 62,914 (E.D. Mich. 1951), prevented Parke, Davis and Eli Lilly from using their market power in the primary market for pharmaceuticals to exert leverage into the secondary market for gelatin capsules (used to contain individual doses of particular drugs). The decree did not foreclose the defendants from competing in the capsule market, but it imposed severe restrictions designed to ensure competition:

No Acquisitions of Stock in Companies in the Secondary— Market:

Defendants were prohibited for ten years from acquiring any interest in any business engaging in the manufacture or sale of capsules, capsule manufacturing equipment, or capsule filling equipment unless they applied to the court and made an affirmative showing that such acquisition would not substantially reduce competition. (An equivalent Microsoft decree would prohibit Microsoft from acquiring any interest in any company making or selling application programs (e.g., Intuit).) Mandatory Licensing of Patents Pertaining to Secondary Market: Defendants were required to grant to ''any applicant'' (except the other defendant) royalty-free, unrestricted licenses under all Defendants'' existing capsule-related patents. Defendants also were required to grant licenses to all of their future capsule-related patents in return for a ''reasonable and non-discriminatory royalty.'' (An equivalent Microsoft decree would require, at minimum, that Microsoft grant royalty-free licenses on all its existing application and server software patents.)

Publication of Documentation to Enable Competition in Secondary Market: Defendants were required for five years to provide to all applicants ''a written manual.., describing the methods, processes, materials and equipment used by [Defendants]'' in the commercial manufacture of capsules. (A provision that would have the same effect in the Microsoft decree would require, at minimum, that Microsoft immediately provide all competitors or potential competitors all operating systems documentation and specifications necessary to create a well-behaved application program. Going forward, Microsoft would have to provide the information necessary to place each of its competitors in the applications program market on an equal footing with Microsoft itself.) This decree remained in

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[101] See, e.g., supra, note 32. (Microsoft presently holds greater than 90% of the X86 operating system market share); Christopher O'Malley, Personal Computing, October 1986, supra, at 181, 183 (''Microsoft's operating system'' has ''better than 95 percent'' share of the X86 systems.)

[102] Department of Justice Press Conference (July 16, 1994), at 3–11 (by Asst. Attorney General Anne Bingaman).

[103] See also Stuart J. Johnston, Decree: Deal or Dodge?, Computerworld, July 25, 1994 (''Interviews with PC hardware vendors last week indicated few are likely to switch to a competing system any time soon. ''Customers have already voted with their dollars in a very strong way for DOS and Windows. I don't see that changing,'' said Howard Elias, a vice president at AST Research, [a leading OEM].'') Jane Morrissey, DOJ Accord Fosters ''Too Little, Too Late'' Perception, PC Week, July 25, 1994, at 1 (''[O]bservers doubt the consent decree agreed on will have much effect on the company or its competitors,'' because it is ''too little, too late. ''); Jesse Berst, Behind The Smoke: Microsoft Wins Again, PC Week, July 25, 1994, at 106 (''Does the agreement really change anything? No .... If the decree had come five years ago, when there were viable MS-DOS clones, it might have had some immediate impact. Now, in a world where MS-DOS is on the way out and Windows has no real clones, it will have no short-term impact'') (Ex. 27); Andrew Schulman, Dr. Dobb's Journal of Software Tools, Oct. 1994, supra, at 143 (''the change from per-processor to per-copy licensing probably comes about four years too late''); Claudia Maclachlan, Software Makers Mull Over Microsoft Legal Challenge, National Law Journal, Aug. 1, 1994, at B1 (''They can't do [original

[104] See also John Markoff, N.Y. Times, July 18, 1994, supra, at D1 (Ex. 24) (''The agreement leaves untouched what many computer industry executives say is Microsoft's principal advantage—that it develops both the basic operating system software that makes personal computers run.., and applications software.., that performs specific tasks.''); id. (''The other important issue not specifically addressed in the consent decree is whether Microsoft has been able to leverage its virtual monopoly in operating systems into domination of applications software—a far bigger and more lucrative market''); Claudia Maclachlan, National Law Journal, Aug. 1, 1994, supra, at B1 (''As long as [Microsoft has] a dominant position in operating systems ... it allows them to leverage that into applications. This agreement does nothing to the sums quo.'') (internal quotation omitted).

effect until 1987. See United States v. Parke, Davis and Co. and Eli Lilly and Co., 1987–2 Trade Cas. (CCH) §thnsp;67,834 (E.D. Mich. 1987).

2. International Business Machines Corp. (Computers)

In 1956, the Justice Department settled its monopolization case against IBM with the entry of a comprehensive decree, United States v. International Business Machines Corp., 1956 Trade Cas. (CCH) §thnsp;68,245 (S.D.N.Y. 1956). That decree still remains in effect.

The IBM decree prevents IBM from utilizing its power in a primary market (the market for ''tabulating systems'' and ''electronic data processing systems'') to create a monopoly in secondary markets (the markets for service on IBM machines). Unlike the Microsoft settlement, however, the IBM decree makes a comprehensive effort to prevent leveraging of the primary market monopoly. Rather than prohibiting a small number of specific practices (e.g., per-processor licensing), the IBM decree fundamentally restructured IBM's method of operation in the primary market to eliminate leverage opportunities.

A similar decree against Microsoft would have included (at minimum) provisions requiring that Microsoft: (1) train its customers and competitors in the use and structure of Windows, (2) disclose to all developers, customers and competitors the same details about Windows that it discloses to its own employees and at the same time, (3) make public Microsoft technical documentation and tools used in Windows development, and (4) create a separate corporation for developing application programs, with a true ''Chinese Wall'' between the applications and operating system development personnel.

3. American Telephone and Telegraph (Telecommunications)

In January of 1982, the Department of Justice filed a Final Judgment breaking up the AT&T monopoly. In its response to comments on the proposed final judgment, the Government explained that it sought broad relief to prevent the type of leverage that Microsoft is currently employing:

The theory of both the Western Electric and AT&T cases was that, as a rate base/rate of return regulated monopolist, AT&T has had both the incentive and the ability, through cross-subsidization and discriminatory actions, to leverage the power it enjoys in its regulated monopoly markets to foreclose or impede competition in related, potentially competitive markets.

47 Fed. Reg. 23,320, 23,335 (1982). Microsoft is not a regulated monopolist, but its monopoly in operating systems is no less thorough and its use of leverage to dominate related markets no less pervasive. Yet according to newspaper interviews given by the Assistant Attorney General following announcement of the settlement with Microsoft, the Justice Department ''never considered'' breaking up Microsoft. Viveca Novak, Antitrust's Bingaman Talks Tough in Microsoft Case, Wall St. J., July 19, 1994, at B5.

C. Case Law

Had the Justice Department sought to prevent Microsoft from leveraging its installed base of ''locked-in'' operating system users, its position would have found support in the case law. Cases in which leveraging claims have been denied involve factual situations in which the plaintiff conceded that monopolization of the target market was impossible, even with the leveraging. See, e.g., Alaska Airlines, Inc. v. United Airlines, Inc., 94.8 F.2d 536, 54.6 (9th Cir. 1991), cert. denied, 112 S. Ct. 1603 (1992).

This is not such a case. Here, both Microsoft and the Government concede that Microsoft has a monopoly in the operating system market and that Microsoft used ''anticompetitive practices'' to increase its installed base in operating systems six-fold. Microsoft then clearly expressed its intention to monopolize the business application market and thereafter succeeded by leveraging. Now, Microsoft's executives have clearly expressed their intention to monopolize every ''specific application of corporate information systems.'' Brent Schendler, Fortune, Jan. 16, 1995, supra, at 40. Microsoft's tactics, coupled with the economics of the markets at issue, would lead inexorably to the conclusion that Microsoft will succeed.

A number of courts, including the Supreme Court, have evaluated conduct in one market based upon conditions in an adjacent, related market. Relevant decisions have reflected increasing returns-type analyses. For example, in Eastman Kodak Co. v. Image Technical Services, Inc., 112 S. Ct. 2072 (1992), the Supreme Court held that factual issues regarding consumer ''lock-in'' in the after-market for replacement parts constituted a proper basis on which to deny motions for summary judgment in a tie-in case. Similarly, a plaintiff's use of leverage in lock-in situations has frequently been cited in the lower courts as a principal basis for the denial of summary judgment motions in both tie-in and monopolization situations.[105]

One good example of such thinking is Grappone, Inc. v. Subaru of New England. Inc.. 858 F.2d 792 (1st Cir. 1988). There the First Circuit (Breyer, C. J.) provided what it referred to as a more ''refined analysis'' for tie-in situations. This analysis begins to consider the anti-competitive consequences of actions that require competitors to enter the market on two levels (rather than a single level) of business. Id. at 795–96.

VII PROPOSED PROCEDURES UNDER SECTION 16(f)

Reflecting its emphasis on the importance of court review of decrees agreed to by the Justice Department, Congress in 15 U.S.C. § 16(f) has expressly authorized a wide variety of procedures that the Court may use in making its determination regarding the public interest. These procedures include, inter alia, taking the testimony of Government officials or experts, or other expert witnesses (§ 16(f)(1)); appointing a special master or court expert (§ 16(f)(2)); examining documentary materials (§ 16(f)(3)); or ''taking such other action in the public interest as the court may deem appropriate'' (§ 16(f)(5)).

In this action, some information is relatively well-documented in the public record, and hence is less pressing significance to the Court's ability to engage in a meaningful public interest analysis. By way of comparison, in United States v. Yoder, 1989–2 Trade Cas. (CCH) § 68.723, at 61,797 (N.D. Ohio 1986), the Department provided the court with an affidavit identifying the number of competitors, distributors and customers in the industry, whom it had contacted about a proposed modification to a consent decree, and described the responses and concerns of those contacted. See id. at 61,797 n. 10. Here, the Department has simply asserted orally that ''by and large I think we got positive feedback'' from competitors and customers, then adding (in response to a comment by the Court) ''there were clearly some people who wished that we had done more.'' Tr. of Status Call, Sept. 29, 1994., at 13:16–22. These observations certainly do not give the Court the full flavor of industry concerns, but critical reports in the media amply document the true reaction in the industry to the proposed decree.[106] It is, therefore unnecessary to further burden the Court with affidavits or the testimony from those in the industry, regarding these concerns.

Similarly, the nature of the allegations regarding Microsoft's conduct are well-established. Media reports, publications such

[105] See, e.g., Digidyne Corp. v. Data General Corp., 734 F.2d 1336, 1340–43 (9th Cir. 1984), cert. denied, 473 U.S. 908 (1985); (software); Ortho Diagnostic Systems, Inc. v. Abbott Laboratories, Inc., 822 F. Supp. 145, 155–56 (S.D.N.Y. 1993) (blood screening technology); Viacom International, Inc. v. Time Inc.,, 785 F. Supp. 371,377 (S.D.N.Y 1992). See also Lee v. Life Ins. Co., 829 F. Supp. 529, 537–39 (D.R.I. 1993), aff'd, 23 F.3d 14 (1st Cir.), cert. denied, 1994 U.S. LEXIS 7596 (1994).

[106] See, e.g., David Einstein, S.F. Chronicle, July 18, 1994, supra, at A1 (Ex. 32) (Ernie Simpson, president of a software company which develops programs for use with Windows, called the decree ''a waste of time''); Quote of the Week, InformationWeek, Aug. 1, 1994, at 10 (Reacting to the proposed decree, Gordon Eubanks, CEO of software firm Symantec Corp., said simply, ''That's it?''); John Markoff, N.Y. Times, July 18, 1994, supra, at D1 (Ex. 24) (quoting Martin Goetz, cofounder of Applied Data Research, the nation's first software company, as saying of the decree, ''The Justice Department hasn't listened to the cries of the software companies''); Jane Morrissey, PC Week, July 25, 1994, supra, at 1 (Ex. 26) (quoting Mitchell Kertzman, chairman of Powersoft Corp., as saying the proposed decree will have ''close to zero impact,'' and that ''to the extent that Microsoft's behavior prevented other operating systems from succeeding, the war is over ... DOS is it and Windows is it''); Andrew Schulman, Dr. Dobb's Journal of Software Tools, Oct. 1994, supra, at 143 (Ex. 13) (quoting spokesman for Compaq as saying ''Windows is the standard—not much will change''). See also David Einstein, S.F. Chronicle, July 18, 1994, supra, at A1 (Ex, 32) (quoting a leading industry analyst as concluding that ''[t]he operating system wars are over—Microsoft is the winner ... Microsoft is the Standard Oil of its day''); Claudia Maclachlan, National Law Journal, Aug. 1, 1994, supra, at B1 (''As long as [Microsoft has] a dominant position in operating systems ... it allows them to leverage that into applications. This agreement does nothing to the status quo'') (internal quotations omitted).

as Hard Drive, this brief, and the Government's own submissions all document what the alleged illegal conduct is claimed to be: undocumented calls; early disclosure of operating systems information to Microsoft's own applications engineers; predatory preannouncements; predatory bundling and unbundling of operations and applications functionality; restrictive licensing practices; and the use of subsidized pricing to leverage into the applications market using monopoly profits from operating systems. See supra text at notes 69–70. It would therefore appear unnecessary to hold hearings in which various independent software vendors, OEM manufacturers, and other industry participants recount particular instances of such alleged conduct.

Instead, these amici submit that what is missing from the record before the Court are two categories of information, neither of which should require unduly protracted hearings. but which together should provide the Court with a sufficient record to make a determination under Section 16(e). First, in the course of its investigation, the Government has reviewed large quantities of documents from Microsoft, and these amici believe that a very. small group of these documents have been identified by the Government as ''key'' documents. These documents largely should answer questions regarding Microsoft's intent and use of various illegal practices. They should be turned over to the Court for its review.

Second, the Government should be required to submit affidavits from its economic experts that set forth in detail what those experts anticipate the operating systems and applications software markets will look like in five years, assuming that the present proposed decree were implemented. Such a submission should indicate whether, under the present decree, the Government's experts anticipate that competition will have been restored in the operating systems market by that time. If the Government's experts believe that competition is not likely to have returned to the market by that time, they should be required to indicate what effect different alternative proposals might have on restoring competition to the market. And, if they believe under ''increasing returns'' theory that it is simply too late to restore competition—that the operating systems market ''runs to scale,'' and having been permitted to establish dominance through its illegal practices, that Microsoft cannot now practically be unseated—the Government should be required to indicate what alternatives it has considered to minimize adverse consumer consequences resulting from this monopoly.

These amici submit that the affidavits from the Government's economists also should address the extent to which they anticipate that Microsoft will have been able to leverage

its operating systems monopoly into secondary software markets. Because Microsoft's installed base monopoly (and the resulting monopoly profits) were illegally acquired, the Government's economists should explain why it is unnecessary from an economic point of view to implement provisions such as those present in the IBM and Eli Lilly consent decrees. This analysis would include, for example, the effect of alternatives such as prohibiting Microsoft from acquiring stock in companies that make or sell application programs (Eli Lilly): spinning off its applications division into a separate subsidiary, and enjoining it from giving any benefit to the subsidiary, that is not also provided to third-party applications providers (IBM); and making public Windows technical documentation and tools used in Windows development (IBM). In the event that such alternatives were not viewed as sufficient to ensure a ''level playing field'' in the applications markets, given Microsoft's now-dominant installed base, the economists should address whether divestiture (such as in AT&T) is the appropriate remedy.

Based upon the information made available to the Court as a result of this analysis, these amici believe that the Court would be in a position to accept or reject the Government's current proposed decree, or to identify those modifications that would be necessary to bring the decree within the public interest standard. Cf. AT&T, 552 F. Supp. at 153 & n.95, 212–13. At a minimum, such submissions would provide a factual record which the Court's own economist expert could review in considering the economic issues raised by the proposed decree, or to which economists could respond on behalf of other interested parties.

Given the extreme importance of these proceedings to the future of the American software industry, and hence to the economy as a whole, the Government should be permitted to do no less. As documented in previous Sections, economic theory predicts that, even without resort to its ongoing (and unchecked) illegal practices, Microsoft would very likely be able to

leverage its unlawfully acquired installed base in operating systems to monopolize the entire business and home software network in the United States. The Government's decision to do nothing to restrain Microsoft's ability to engage in such monopoly leveraging, or even to curtail Microsoft's use of blatantly predatory and unlawful practices in furtherance of that end, requires explanation. Absent such explanation, these amici submit that the Court has no choice but to reject the proposed consent decree as plainly outside the bounds of the public interest.

Dated: January 10, 1995

Respectfully submitted,

WILSON, SONSINI, GOODRICH & ROSATI

By———————————————

Gary L. Reback

PROOF OF SERVICE BY OVERNIGHT COURIER

I. Sharon S. Kelly, declare:

I am employed in the City of Palo Alto, County of Santa Clara, State of California. I am over the age of 18 years and not a party to the within entitled cause. I am readily familiar with Wilson, Sonsini, Goodrich & Rosati's practice for collection and processing of correspondence for overnight delivery by courier. In the ordinary course of business, correspondence would be consigned to a messenger service on this date.

On January 9, 1995, I served the attached NOTICE OF MOTION, MOTION, AND MEMORANDUM IN SUPPORT OF MOTION TO FILE MEMORANDUM OF AMICI CURIAE IN OPPOSITION TO PROPOSED FINAL JUDGMENT and MEMORANDUM OF AMICI CURIAE IN OPPOSITION TO PROPOSED FINAL JUDGMENT as well as the APPENDIX TO MEMORANDUM OF AMICI CURIAE IN OPPOSITION TO PROPOSED FINAL JUDGMENT on the parties listed below by placing the documents described above in an envelope addressed as indicated below, which I sealed. I consigned the envelopes to an overnight courier service by placing it/them for collection and processing this day following ordinary business practices at Wilson, Sonsini, Goodrich & Rosati, 650 Page Mill Road, Palo Alto, California 94304–1050, to be personally served on the following:

Honorable Stanley Sporkin
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Third Street & Constitution Ave., NW
Washington, DC 20001
Anne K. Bingaman
U.S. Department of Justice
Civil Division
Tenth Street & Constitution Ave., NW
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Washington, DC 20530
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U.S. Department of Justice
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,
Plaintiff, vs. Civil Action No. 94–1564 (SS)
MICROSOFF CORPORATION, FILED
Defendant. FFB 14 1995
FILED
FEB 14 1995
Clerk, U.S. District Court
District of Columbia

APPENDIX TO MEMORANDUM OF AMICI CURIAE IN OPPOSITION TO PROPOSED FINAL JUDGMENT

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3. Richard Brandt, Microsoft Like An Elephant Rolling Around, Squashing Ants, Business Week, Oct. 30, 1989, at 148.

4. Kathy Rebello, et al., Is Microsoft Too Powerful, Business Week, Mar. 1, 1993, at 82.

5. Amy Cortese, et al., No Slack For Microsoft Rivals, Business Week, Dec. 19, 1994, at 35.

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TAB1

TO

APPENDIX TO MEMORANDUM OF AMICI CURIAE IN OPPOSITION TO PROPOSED FINAL JUDGMENT IN CIVIL ACTION NO. 94–1564 (SS) SIGNED BY GARY REBACK

PAGE 98 BAY AREA COMPUTER CURRENT5 DECEMBER 1— DECEMBER 12, 1994 USER OUTLOOK

Microsoft:

Not So Marvelous

BY LAWRENCE J. MAGID

Microsoft Chairman Bill Gates didn't get to be the richest person in America by being modest or by playing patsy with his competitors. So it came as no surprise to hear Gates belittle his competition and exaggerate the value of his offerings at the recent Comdex trade show.

Gates was introducing the Microsoft Network. Preliminary reports on this online service, code-named ''Marvel,'' have been circulating for months.

Like everything Gates announces, The Microsoft Network is purported to be the greatest thing since individually wrapped cheese slices. In introducing the service, Gates made some not-so- subtle digs at current online providers. ''There is an opportunity to bring innovation into this market,'' said Gates, adding that existing services ''take print material and move it over.'' GOOD, NOT REVOLUTIONARY

Due that's not entirely true, While the three big online services (CompuServe, Prodigy, and America Online) each offer online magazines, newspapers, and other print material, they also offer interactive forums, live chat rooms, shareware libraries, online technical support, and other information and interactive services that you can't get from your local newspaper. All three services are also experimenting with sound and graphics, and all plan to introduce animation and full motion video when communications technology (i.e., ISDN) lets them get around the limits of today's phone system. Bill Gates and his team of developers may be smart, but they have an exaggerated opinion of themselves when compared to the rest of the world.

Besides, what did Gates show when he demonstrated the service! An icon pointing to an online edition of USA Today. This is creative? To be fair, Gates also demonstrated some interesting new technology, including an online prototype of Microsoft Bookshelf, the company's multimedia reference guide. Most commercial online services offer online encyclopedias and other reference works, but none currently include graphics as a routine part of the deal.

Gates also showed how the Microsoft Network will be integrated with Windows 95, Users will be able to drag icons directly from the service to their Windows desktop. In theory at least, information that's online will be as easy to locate as information on your computer's hard disk. Of course, your modem will have to dial into the network to ??rieve the information, at least until we're all hard wired into cyberspace.

I was also impressed by the way the Microsoft Network will display complex graphics like color photos. When you enter an area that uses images, graphics will quickly reveal themselves in low-resolution form, then become sharper and more vivid as data streams over the modem. This gradual display of graphics is necessa because the Microsoft Network will initially suffer the same phone-line and modem limitations that other online services do.

As interesting as Microsoft's service may be, it's hardly revolutionary. Prodigy, CompuServe, America Online, and Interchange (Ziff-Davi??'s forthcoming service) are all capable of offering similar features. The Microsoft Network won't be available to the public for at least eight months; its See USER OUTLOOK, page 101

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USER OUTLOOK

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competitors will have plenty of time to catch up, if not move beyond Microsoft's plans.

Three basic issues affect the popularity of online services— interface, price, and content. Prodigy, CompuServe, and America Online can compete quite successfully on all three fronts. All three have plenty of time to tweak their interfaces, all can adjust their prices, and they all have a head start when it comes to content. Prodigy will announce a major interface overhaul in early 1995, and has had several years to build up its online content. CompuServe is reportedly working on easier-to-use software and, after nearly 15 years, is a leader in online databases, shareware, and more. America Online,

though lacking the content of its two major competitors, leads the way with online editorial offerings and is generally regarded as being easy and pleasant to use.

Ziff-Davis's Interchange is every bit as up-to-date as Microsoft's Network. The only advantage Microsoft has is its ability to build its online software into Windows 95. And therein lies my biggest concern.

A RIGGED PLAYING FIELD

By making its network part of the operating system, Microsoft tilts the playing field in its direction. Microsoft clearly has the right to enter the online business, but ?? question whether it's fair to the other players if the Microsoft Network—and only the Microsoft Network—is part of Windows 95.

Imagine that utility companies said appliances. You've just moved into an empty house and after turning on the power, the power person says she has a great refrigerator in the truck that she'd be happy to install for you. ''It's as cheap as any you'll get in town and you don't have to make any payments until after you've used it for a while. Besides, our refrigerator is optimized to work best with our electricity.'' That utility company would sell a lot of refrigerators—and every other appliance vendor would rightly cry foul. This would never happen in real life, because utilities are regulated monopolies. Microsoft, despite the Justice Department's recently rulings, is a virtual monopoly, controlling nearly 80 percent of the personal computer operating system business.

Gates claims that his bundling the Network with Windows 95 is no different than IBM's bundling Prodigy software with some of its machines. And IBM does own half of Prodigy. But IBM also offers America Online on some of its machines. More germane, IBM controls only a fraction of the personal computing market. Nobody, except Microsoft, has a grip on more than about 10 percent of the market.

Microsoft's bundling scheme has caused America Online president Steve Case to cry foul, accusing Microsoft of creating an ''unlevel playing field.'' Others in the online industry agree. Robert D. Mainor, vice president of Product Marketing for CompuServe, didn't go as far as Case in criticizing the Microsoft announcement, but he did say that ''Microsoft enjoys a distribution model that no one else has access to.'' He added that his service, in business for about 15 years, is in a good position to compete with Microsoft. If CompuServe's claim of 2.4 million members is accurate, it is currently the largest online service.

Prodigy's president, Ross Glatzer, said that Microsoft's entry will help expand the total online market.

However, he agrees that Microsoft has its thumb on the scale. Glatzer would welcome the opportunity to include Prodigy and other online service software with Windows 95 so that users would have free choice of services.

I think Microsoft is a great company. It produces some excellent programs and it improves America's trade imbalance. But it doesn't have the right to run roughshod over the entire computer industry. Microsoft's practices affect its competitors and, ultimately, its customers. The computer industry needs competition and a balance of power. Right now, that power is tilting toward Redmond, WA. It's time for the folks in the other Washington—the one between Maryland and Virginia—to wake up and start taking a hard look at Microsoft's anti-competitive behavior. * ?? 1994 Lawrence J. Magid. All rights reserve.

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TAB 2

TO

APPENDIX TO MEMORANDUM OF AMICI CURIAE

IN OPPOSITION TO PROPOSED FINAL JUDGMENT

IN CIVIL ACTION NO. 94–1564 (SS)

SIGNED BY GARY REBACK

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HRADLING: A FIERCE BATTLE BREWS OVER THE SIMPLEST SOFTWARE YET BODY:

The all-out fight for supremacy among the hardware makers—Apple, Digital Equipment, IBM, and 150 others—has been getting the headlines recently in the mushrooming personal computer market. But while it may never attract as much attention, an equally important battle is about to explode among the leading companies that write software for the small machines. Prompting this latest free-for-all is the emergence of an entirely new class of product called ''environment'' software Environment software has no specific application such as word processing or financial analysis. It is designed to make such jobs easier for users who are not technically trained—a group that is rapidly becoming the majority of personal computer users. The new generation of software, which was pioneered with such machines as Xerox Corp.'s Star and Apple Computer Inc.'s Lisa, splits the computer screen into sections, or ''windows.'' Users can run different applications software simultaneously in each window. Normally, a computer displays only one program at a time.

The new software more or less replicates tne desktop on the computer screen. In effect, a business executive or professional can put the equivalent of a letter, financial spreadsheet, or Rolodex file in the different windows on the computer display, or electronic desk.

The software battle pits three leading developers—Microsoft, Digital Research, and VisiCorp—against one another. Each wants its product to become the industry standard. The competition is especially fierce, because windowing programs are expected to be standard on every personal computer—a market potential of as many as 5 million units in 1984 alone. ''Environments used to feature, but now they have become a fundamental part of the [personal comter] system,'' says Esther Dyson, president of Rosen Research Inc.

In the fight to get their new software running on the largest variety of computer brands, the competitors are wooing the hardware makers for endorsements. The outcome will shape not only the future of the current $1.5 billion annual market for personal computer programs but also sales of the equipment itself, since the machines tnat run the most popular software will be among the best sellers. As a result, leading hardware makers—most notably Apple and International Business Machines Corp.—are being drawn into the fray.

The battle lines are forming rapidly. On Nov. 10, Microsoft Corp. was expected to announce that 23 computer makers—including Apple, Digital Equipment Honeywell, Tandy, and Texas Instruments—have signed up to muse its LEXIS??-NEXIS??LEXIS??-NEXIS??LEXIS-NEXIS??

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1983 McGraw-Hill, Inc., Business Week, November 21, 1983 version of the new software, which it says will be ready by April. Meanwhile, VisiCorp, the first software company to offer this next-generation product to the industry, is racing to get its VisiOn program out the door (page 115). Not to be left out, Digital Research Inc., which has not yet demonstrated its product, is leaking word that it will begin delivering its version of environment software to as many as 10 computer makers before the end of the year. ''It's a real battle of the software developers,'' says Steven A. Ballmer, a vice-president at Microsoft.

Competition will be fierce because there is not enough room in the personal computer marketplace to support several versions of environment software. Applications programs for specific tasks such as word processing and financial analysis will have to be rewritten to work with each environment package.

''The battle is to establish whose [environment software] is going to win, because software developers don't want to write programs for 18 different systems,'' says Rosen Research's Dyson. Adds Moize Adney, manager of internal software development at Texas Instruments Inc.: ''The pressure to standardize will be there.''

INDUSTRY STANDARD. Companies racing to market environment software are placed in something of a catch-22 situation. They must convince computer makers that many writers of applications software will develop useful programs to operate with their environment packages. But they must convince the software writers at the same time that their environment programs will be used on the largest number of machines.

Microsoft hopes to parlay the popularity of its MS/DOS operating system— the

housekeeping software that controls the basic functions of a computer— into a marketing edge. Its new environment program, Microsoft-Windows, is actually just an extension of its operating system. An impressive 40% of personal computers sold—including the best-selling IBM PC—are controlled by the Bellevue (Wash.) company's operating system software. This penetration, Microsoft maintains, provides a ready market for Windows. If every computer that runs Microsoft's operating system adds Windows, Microsoft is well on its way toward becoming an industry standard, says the company's Ballmer.

''CHURCH AND STATE.'' On the other hand VisiCorp is stressing its success in appli cations programs. The San Jose (Califcompany, which was made famous by the VisiCalc financial modeling and spreadsheet program, has developed a set of applications for its VisiOn environment package. ''What will make a windowing system successful is the quality of the applications under it,'' says Danie Fylstra, VisiCorp chairman.

While archrival Digital Research has not formally announced its environment package, the company is working hard to line up applications software companies to write programs for use with its new windowing software. Digital Re search says its environment package is the safest choice, because the company does not write applications software. ''We're not in the applications business like VisiCorp or Microsoft,'' says Digital Research President John R. Rowley. ''We do not present a threat.''

Rowley contends that competitors can use their own environment software to bring out applications packages before anyone else can. Microsoft, for one, denies that offering an environment program gives its own applications programs an advantage. ''We have shown in the past that there i8 a very clean separation LEXIS??-NEXIS??LEXIS??-NEXIS??LEXIS-NEXIS??

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between our operating system business and our applications software,'' says Ballmer. ''It's like the separation between church and state. Axed if you don't play it straight, you can't expect to get the business.'' Microsoft is expected to hit sales of $70 million this year, double its figure for 1982.

Some applications software writers are concerned, however, that Rowley may be right. ''VisiCorp is a competitor,'' says Fred M. Gibbons, president of Software Publishing Corp., which sells personal computer applications software. ''Why should I trust them?'' To cover their bets, some powerful independents could decide to go with more than one environment package. ''There are many valid reasons to support more than one environment and let the marketplace decide,'' says Mitchell D. Kapor, president of Lotus Development Corp., which for now has gone with Microsoft for 1–2–3, its popular integrated spreadsheet and graphics package.

One variation on the environment theme is Quarterdeck Office Systems, a small Santa Monica (Calif.) startup. By the end of the year, Quarterdeck will begin shipping a $399 environment package called DESQ. But instead of persuading software writers to modify their programs, the company has designed DESQ for use with several existing applications programs. ''With DESQ you just buy it and run it totally without having anything modified,'' says Therese E. Myers, president and founder.

PREEMINENT POSITION. As the battle begins to heat up, no company has produced the supporter that could carry the day: IBM. ''IBM has established such a preeminent position in the marketplace that the supplier that has its environment on IBM will have the greatest success,'' says John R. Keifer, senior analyst at InfoCorp. Since the IBM PC was introduced in 1981, the computer giant has won more than 26% of the market. As many as 75% of personal computers, industry observers agree, are expected to follow the IBM PC design by 1985 (BW—Oct. 3).

Few are willing to predict IBM's strategies in this key software market. ''I don't expect IBM to endorse one environment in the near term,'' says Rosen Research's Dyson. ''It will probably make them all available.'' But some observers say IBM will bring out its own environment software, and it is not clear where such a move would leave the independent software companies. IBM already has shown some of its own windowing software on an enhanced version of the PC, and there are reports of another IBM environment program, called Glass, that is being considered as a product. ''With IBM's announcement of its own windowing capability, it looks to us that the big guy is starting his own standard,'' says Dennis V. Vohs, executive vice-president of Management Science America Inc., which owns Peachtree Software Inc., a personal computer software company.

The victors in the battle over environment software may not be obvious for a year or more. Despite an impressive array of endorsements, Microsoft will not begin shipping Windows until April. At that time, VisiCorp and Digital Research will have had their products on the market for only a few months. ''There will be a lot of bandstanding and claiming victory,'' says Digital research's Row- ley. ''But you won't really know what will happen for at least 6 to 12 months.''

GRAPHIC: Picture, MICROSOFT'S BALLMER AND A DISPLAY DIVIDED INTO ''WINDOWS''

LANGUAGE: ENGLISH

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TAB 3

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IN CIVIL ACTION NO. 94–1564 (SS)

SIGNED BY GARY REBACK

Information Processing

SOFTWARE

''MICROSOFT IS LIKE AN ELEPHANT ROLLING AROUND, SQUASHING ANTS''

As the company's dominance grows, so have the complaints of other suppliers of software. There's no doubt about it. Microsoft Corp. wants to dominate the world—the personal computer software world, that is. And it isn't very far from doing so: It already supplies the core software for just about all of the world's 25 million-plus IBM PCs and their clones. It has done well, too, in many sectors of the huge market for PC applications programs—spreadsheets, word processors, and the like. All in all, it's the leader in total PC software sales—Wall Street expects revenues of $1.1 billion for the year ending next June, up 40% from the year before.

Now, Microsoft is beginning to suffer the slings and arrows that often come with such fortune. Other suppliers of PC software are downright angry over its dominance. The company, they say, is just too powerful and its products too pervasive. Its virtual monopoly-in PC operating systems—the software life-support systems that all other programs call upon for access to the PCs memory, disk drives, and display screen—means that Microsoft's even'' technical change, strategy shift, or mistake can adversely affect, producers of applications soft ware. They argue, moreover, that Micro soft is abusing its systems software edge to put them at a disadvantage— and win greater control of the market. INTIMATE TIES. This, critics say, will make it harder for Microsoft's small competitors to prosper. And that hints at less innovation in software, the one part of the world computer market in which U.S. companies still hold an unassailable edge. Says Fred M. Gibbons, president of $100 millionplus Software Publishing Corp.: ''Microsoft is like an elephant roll ing around, squashing ants.''

William H. Gates III, Microsoft's CEO, argues that such fears are misplaced. He contends that his company is so in fluential simply because it knows more than any other about how the pieces of a PC fit together, from chips to other com ?? to software. Microsoft's inti ??s with leading companies such as IBM, Compaq, and Intel bode well for the U.S. computer industry, he argues. By virtue of those relationships, Micro soft can establish coherent technical standards—in graphics, communications, or computer languages, for instance— that if followed by everyone would speed up the process of writing new pro grams. Those would help sell machines, fulfilling Gates's vision of a PC on every desk and in every home.

What worries other software makers is where they fit into this vision. While tightening its grip on the $1.4 billion sys tems software market, where its MS-DOS and OS/2 operating systems are king, Microsoft has pushed harder than ever into the $4.4 billion market for applica tions packages. Its Microsoft Word text processing program, Excel spreadsheet, and other such products now account for 47% of total revenues—almost equal to its systems business. And competitors say they're getting squeezed.

Recently, for example, Microsoft stopped providing them with lists of cus tomers that use Windows, its graphical extension to MS-DOS. Instead, it offered to place ads for their Windows-compatible software in a booklet shipped with each copy of Windrows. Competitors suspected that Microsoft's own applications group was still getting the lists. So they complained—and got the lists back.

VOCAL CRITIC. More unsettling are suspi cions that Microsoft doesn't keep its systerns and applications groups as sepa rate as it promises—that church and state tend to ming??. Competitors figure that if Microsoft's applications people'' get peeks at unanmounced systems software, they should, too. Otherwise, they're at a disadvantage. Microsoft'' fuels suspicions by sometimes-shifting workers between its groups. And it Agenda 90, a recent trade conference 148 BUSINESS WEEK/OCTOBER 30, 1989 INFORMATION PROCESSING

outsiders were angered to see an Excel specialist demonstrating new operating system features that they hadn't been briefed on. Apple Computer Inc. solved such conflicts in 1987 by spinning off its applications group into an independent company, called Claris Corp. Gates says that's not necessary at Microsoft.

Micrografx, a tiny graphics software company, might disagree. Recently, it approached Microsoft with a program it thought the larger company might want to use. But it showed it only to Microsoft's applications developers—not to its systems people, who it ??eared would copy its proprietary ideas. Micro ?? President J. Paul

Grayson says that one person who saw his program was soon transferred to Microsoft's systems division. Eventually, Gates placated Grayson with a crossli ??ensing deal, which Microsoft concedes was unusually generous. Still, Grayson says he was ''manipulated by Micro soft,'' which insists it did nothing wrong. ??NFUL P.S. Whatever the case, Microsoft's tactics have strained relations even with partners. This fall, John War ??ock, chief executive of Adobe Systems Inc., had an emotional, public falling out with Gates. Adobe's top product called Postscript, is a key program for desktop publishing. Earlier this year, Apple, Ado he's best customer, said it would replace Postscript in Apple computers. Microsoft continued to do business with Adobe.

Then, in September, Apple and Microsoft surprised Warnock by an nouncing at an industry conference that they would collaborate in competing with Adobe. Says Warnock: ''We used to be a strong ally of Micro soft.'' Now, ''it's easier to help their competitors.''

The biggest gripes have been with Micro soft's moves in operating systems. Like Microsoft, its competitors use those basic programs as ''platforms'' upon which to construct applications software. But if the platform is shaky, late to market, or just not selling well, writing software for it can be risky—as the tale of Win dows shows.

Starting in early 1983, Microsoft tried to supplement MS-DOS with Windows, a program that makes PCs act much like Apple's Macintosh. But outside develop- era were wary of writing programs for Windows, which was 16 months late to market, because of its many early technical problems. They say Microsoft also gave them mixed signals: It positioned Windows as a program mainly for low- end PCS, while it worked on a more ad vanced—but incompatible—operating system called OS/2 for more powerful computers. And IBM threw its weight be hind OS/2.

Much to the industry's surprise, how ever, OS/2 has caught on slowly. And Windows has taken off. Microsoft has shipped 2 million copies of it, compared with only 150,000 of OS/2. And next year, it will bring out a major revision of Windows that will be easier to program and more functional than the original— enough so, in fact, to do many of the same jobs that OS/2 was supposed to handle. Windows, says David G. Bayer, an analyst at Montgomery Securities, ''has become the platform of choice.'' DUPLICITOUS? Guess which company is poised to exploit that platform? While most competitors concentrated on writ ing for OS/2, Microsoft has been ready ing a slew of applications for Windows as well. They include a fancy new word processor, a project management program, and a long-rumored dam-base program called Omega. That's leading companies such as Lotus Development and Software Publishing to call Microsoft duplicitous. They charge that Microsoft enhanced Windows just to help its own applications group. And, they claim, the more powerful Windows will further hurt OS/2 ''It's irresponsible of Micro soft to do that,'' says Software Publish ing's Gibbons.

Even discounting the effect of a revived Windows, Microsoft has disappointed those counting on OS/2. Introduced in 1987, that program still can't do all it promised, such as use all the power of Intel Corp.'s popular 80386 chip Worse, perhaps, is that Microsoft still offers no aids for modifying Windows programs to work with OS/2. A recent poll shows that software executives don't expect OS/2 to really catch on until 1993—two years later than what they predicted last year. Gates's answer: Microsoft is devoting the maximum feasible engineering talent to OS/2 and Windows, favoring neither.

''SLIDEWAR'' On top of all this are wilder accusations—for instance, that Microsoft peddles nonexistent products to scare off competition. Michael J. Maples, the company's vice-president of applications software, shows slides at trade shows that list the software markets Microsoft intends to enter—programs for desktop presentations, for instance. One competitor calls that ''slideware. They have slides saying they're going to be involved in every conceivable area of innovation five years from now,'' he says. ''It slows the pace of innovation'' by intimidating smaller competitors.

Gates laughs off the idea of software companies quaking in their boots. ''So what are they doing instead, starting fast-food restaurants?'' he quips. ''I've never heard anyone say, ''we're chicken, we can't compete with you.'' WordPerfect Corp., for example, is beating Microsoft in word processing, with a 40% share of the market, up from 16% three years ago. And companies such as Micrografx and Atlanta-based Samna Corp. have drawn technical praise for their applications programs for Windows.

In fact, many of Microsoft's critics helped create their own problems when they ignored its pleas to develop applications for Windows. ''Even when Gates makes a mistake, people turn it into a Machiavellian plot,'' says Gordon E. Eubanks Jr., president of software house Symantec Corp. And Steven A. Ballmer, senior vice-president for Microsoft's systems division, disputes the charge that his people give their counterparts in applications previews of their upcoming systems products.

Since Microsoft earns more from systems than from applications programs, Ballmer says, he would be foolish to jeopardize his market just to boost applications sales. Indeed, he recounts an occasion when Microsoft's developers of Excel accosted him in the company cafeteria for revealing their work to Lotus, which confers often with Microsoft on FORMATION PROCESSING BUSINESS WEEK/OCTOBER 30, 1989 149

Information Processing changes in its operating systems. ''Telling me is as good as telling Lotus,'' he says, as if to prove his independence.

So, qthe tension mounts. But what can Microsoft's rivals do? Their dependence on its PC operating systems puts them at a disadvantage. But no company—not even ISM—has been able to avoid that. They might try to subvert Microsoft's efforts to win control over every critical software standard in the PC market. ''If people are feeling mishandled, they're going to look for other [partners],'' warns Lotus CEO Jim P. Manzi. A likely one would be the group of suppliers backing American Telephone & Tele graph Co.'s Unix operating system, which rivals OS/2 in scope and function.

But Unix'' base of existing customers is minuscule compared with MS-DOS's. And Microsoft already has the best-sell ing version of Unix for personal comput ers, called Xenix. Perhaps, for competi tots, there's just one choice: Learn to dance with the elephant.

By Richard Brandt in San Francisco WHAT NOT DOING WINDOWS COSTS LOTUS

It's enough to drive Lotus Development Corp. to whining. Lotus spent three frustrating years and millions of dollars to bring out two versions of its 1–2–3 spreadsheet program that Can work with Microsoft Corp.'s OS/2 Presentation Manager, the basic software, or operating system, that was supposed to turn every PC into a Macintosh. But OS/2 isn't selling well. And Microsoft, unexpectedly, is selling loads of an alternative called Windows, an earlier program that has lots of Presentation Manager's easy-to-use graphics.

Microsoft wins no matter which program takes off. Its own spreadsheet, called Excel, works with both. But Lotus isn't so lucky. Its advanced new 1–2–3, called Release 3.0, won't work with Windows. As Excel makes inroads, ''Lotus has found that there's this large installed base of Windows users that it decided to ignore,'' says analyst David Readerman at Shearson Lehman Hutton Inc. LATEST WOE. That has led to some public griping. For software companies, ''choosing an operating system'' to write programs for ''should not be equivalent to betting on a horse race,'' Lotus CEO Jim P. Manzi told some of his peers in a recent speech. ''Windows is like a horse that was about to be put to pasture but was then revitalized.''

Indeed, corporate buyers such as Eastman Kodak Co. and BankAmerica Corp., which want to upgrade pro ?? like 1–2–3 and use Windows us we??used. Less powerful ver sions of 1–2–3 work with Windows, but they

can't take advantage of many of its graphical features. Lotus probably will solve that problem: ''We're not naive,'' says Frank A. Ingari, vice-president of its PC spreadsheet division. But analysts say the revised program could take a year to produce.

The Windows flap is just the latest woe for seven-year-old Lotus. True, customers are buying more of 1–2–3 than competing products, giving Lotus 65% of the $600 million world market for PC spreadsheets. But so far, Re lease 3.0 may not be doing as well as its other new version, called Release 2.2, which runs on less powerful PCs. Some customers even are sticking with Release 2.01, now more than three years old. At Soft sel Inc., a software distributor, Release 2.2 is outselling 3.0 by 3 to 2. Corporate Software Inc. says its ratio is more than 2 to 1. Lotus disputes such numbers, claiming that 2.2 and 3.0 are selling about the same.

The split means a lot to Lotus, which gets two-thirds of its profits from spreadsheets. Next year, it will lift 3.0's list price to $595, some $100 higher than other versions. That might add $20 million or more to Lotus'' overall revenues in 1990. But it might not: ''The question is, does Lotus see a fall-off after this initial upgrade bubble?'' says Richard G. Sherlund, an analyst at Goldman Sachs & Co.

Profits dipped while Lotus struggled to get 3.0 out the door. But it now expects to finish this year with strong earnings. Its spreadsheet sales have returned to historical levels of about 110,000 units a month. And sales of 2.2 and 3.0 will boost revenues by $30 million this year. Now, all Lotus needs is one more product—so it can bet on two Microsoft horses at once.

By Keith H. Hammonds in Boston
COMPUTERS A HEAVYWEIGHT LIGHTWEIGHT

Compaq's new laptop may win big Rod Canion keeps his word—eventually. For years, the president Compaq Computer Corp. promised that his company would build a laptop computer as soon as it could do so without compromises such as eliminating floppy disks. Lately, with Zenith Data Systems Corp. and Japanese rivals selling laptops with all the customary PC features, Canion's pledge began sounding hollow. Even Compaq's first battery-powered PC, although a runaway success, had drawbacks: At a time when the Japanese were pushing down the size weight, and price of laptops, the Compaq machine came in at a hulking 14 pounds—and with a $5,400 base price.

Now, Canion has kept his promise with a pair of laptops that weigh only 6 pounds, fit in a briefcase, and don't cost a lot more than competing PCs. These are the first ''notebook'' models (8 1/2 by 11 by 1 7/8 inches) to incorporate a full size floppy disk. An optional hard disk, storing 20 million or 40 million characters of data, boosts the weight to only 6.7 pounds. Starting at $2,400, the basic LTE is aimed at NEC Corp.'s Ultralite and Zenith's Minisport, the leading notebook PCs. The competing models don't have a standard floppy disk drive and can't accommodate a built-in hard disk. A second Compaq LTE model, based on the faster Intel 80286 microprocessor, starts at $3,899. ''These are breakthrough systems,'' says Peter J. Tiege, an analyst at market researcher InfoCorp. ??. Some breakthroughs came from Japan s Citizen Watch Co., which will build LTEs for the European market. Citizen also worked on manufacturing problems. ''We benefited from their miniaturization experience,'' says Canion.

On Wall Street, the laptops were an instant hit. Rumors of their debut sent Compaq's stock to a record 107 on Oct. 10. The Oct. 16 announcement pushed the stock back to 103 3/4 on Oct. 17, up from 98 after the market dove on Friday the 13th. Predicting that Compaq can sell 190,000 LTES by the end of next year, Prudential-Bache Securities Inc. analyst Kimball H. Brown has boosted 1990 earnings estimates by 20??, to $9.80 per share. That should make Compaq's lightweight laptops worth the wait.

By Geoff Lewis in New York 152
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INFORMATION PROCESSING
TAB4
TO
APPENDIX TO MEMORANDUM OF AMICI CURIAE
IN OPPOSITION TO PROPOSED FINAL JUDGMENT
IN CIVIL ACTION NO. 94–1564 (SS)
SIGNED BY GARY REBACK
Special Report
IS MICROSOFT ??

It's a chilly November night in Las Vegas, but 10,000 technoids are in full fever pitch. They're in town for 1992's Fall Comdex, the computer world's biggest convention cure celebration. Tonight is the annual Chili Cook Off, a charity event for the National Center for Missing & Exploited Children. Each year, the crowd pours in for kegs of beer, vats of chili, and live music. For one night, archrivals in the industry are expected to put aside their bitter feuds and just goof off.

But not this year. The Grayson brothers, Paul and George, founders of software house Micrografx Inc. and organizers of the event, are thanking companies that ponied up money. Each gets a round of applause. That is, until one of the hosts offers ''a special thanks to Bill Gates and Microsoft,'' donors of $30,000. The crowd's reaction: scattered cheers, drowned out by a round of boos. BIG GREEN. The fear and loathing on display in Las Vegas—as well as envy and a grudging respect—are the natural responses to Microsoft Corp. these days. Long a power in personal computer software, Microsoft has now emerged as clearly the most important single force in the entire computer industry. Where Microsoft leads, computer makers and customers follow. Where it stakes a claim, rivals steer clear. And as it springboards from its dominance in operating systems into a commanding position in applications programs, Microsoft leaves less and less territory for its software rivals. Many venture capitalists these days troy they won't consider funding a software startup that looks like it might wind up competing on Microsoft's expanding turf.

Such a concentration of clout and power has not been seen in the computer industry, since the glory days of IBM. Even Intel Corp., whose microprocessors are as pervasive as Microsoft's software. does not have the leverage of Microsoft, in part because Intel now must respond to chip clones (page 86). Some software executives refer to Microsoft, headquartered amid the evergreen trees of Redmond, Wash., as ''Big Green.'' Says Ala?? K. McAdams, the chief economist in the Justice Dept.'s fruitless antitrust suit against IBM in the 1970s: It sure sounds familiar. Microsoft: is using its power in ways that are just like IBM's.''

But does that mean Micros?? powerful: Does its dominance ?? WHY ALL THE FUSS? THE POINTS OF CONTENTI?? EARLY PRODUCT ANNOUNCEMENTS CHARGE To preempt competing products, rivals say, Microsoft sometimes announces products years before they actually exist. Even if a rival's product already has the features'' that Microsoft promises, many customers are reluctant to buy it, preferring instead to wait for the ''safe choice''—Microsoft RESPONSE Microsoft says it is important to let outside software developers know Microsoft's directions in system software so they can develop application programs. In fact, software developers demand it. And. Microsoft says. it is important to let customers know where it's headed so they can plan accordingly

INSIDE KNOWLEDGE ??RGE Makers of applications programs allege that Microsoft's applications programmers have advance details of its operating system software, and the company is slow to share vital information. They say Microsoft uses this edge to bring out better applications sooner. This, rivals complain, is a big reason Microsoft has more than 60% of the market for programs that work with Windows RESPONSE Microsoft says it freely shares its knowledge with the industry and enjoys no substantial advantage in developing applications that work with its operating systems. The company says its software sells well because it's good

THE DOS TAX

CHANGE Rivals say that the way?? crosoft licenses MS-DOS and W?? dows to major PC manufacture?? makes it nearly impossible for ?? to compete. Under some Micros?? censing contracts, PC makers pa?? fee to Microsoft for every PC th?? ship, even if they don't install th?? crosoft software on each mach?? Because of this. PC makers are ?? likely to substitute a competing ?? ating system RESPONSE Microsoft says PC ?? can. and do. choose several diff?? ways to license MS-DOS. The co?? versial ''per processor'' licensing rangement offers a lower price ?? higher volume

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POWERFUL? HOW THE INDUSTRY'S LEADER IS WIELDING ITS CLOUT

hibit competition in the software market, and does it hamper advancement of the computer industry, itself?. And, perhaps most worrisome, will it ultimately lead to fewer competitors and less innovation in an industry founded on the latest, the greatest, and never-before-thought-of? Those questions are critical because computer software has be come one of the driving forces in the economy. Not only is the software industry, a key area for job creation, but it also pro

duces the tools other industries need to boost productivity. Is such a vital industry best served by having a single dominant company?

FTC PRO??E. Microsoft's competitors answer no. Software rivals insist that Microsoft's hyperaggressiveness—its use of every trick at its disposal to gain an edge, enter a new segment, or eke out one more iota of market share—has started to edge out innovation itself as the force that determines the shape of the industry. Microsoft Chairman William H. Gates III says such charges are ridiculous. ''Our success is based on only one thing: good products. It's not very BETWEEN MICROSOFT AND COMPETITORS PRICING

CHARGE Microsoft can offer low-ball prices in two ways: by including extra programs with its operating systems and by using profits from operating system sales to support low pricing of applications programs. For instance, because it has not made much headway so far. against Novel?? in sales of networking software, Microsoft is now building networking into Win dows and MS–DOS

RESPONSE Microsoft says it is an in dustrywide trend that. as operating system software is improved, more features, such as networking, communications and graphics, are included to make computing more seamless for customers

THE F.U.D. FACTOR

CHARGE As the dominant force in PC software, Microsoft uses its unique position to spread ''fear. uncertainty, and doubt'' about its rivals to stop customers from buying rival products. Microsoft, competitors say, warns buyers that if they buy IBM's OS/2 or Novell's DR-DOS— both of which claim advantages over Microsoft's operating systems—-they will be throwing away their money be cause those products may wind up in compatible with Windows or may not be around in a few years

RESPONSE Microsoft says customers ask for advice on many products, and, when it comments it is just respond ing to questions

BRAIN-PICKING

CHARGE Several companies charge that Microsoft has, in effect, stolen their ideas in the course of exploring collaborative agreements. Go Corp., for example, says that Microsoft expressed interest in writing applications for Go's operating system for pen-based computers. After Microsoft programmers examined Go's technology, however, Microsoft said it was no longer interested, Go says. Then, Microsoft announced plans for a competing system, developed, in part. by those who visited Go RESPONSE Microsoft says it is upsetting that companies accuse it or imply it stole from them. Microsoft says it always honors nondisclosure pacts ?? BUSINESS WEEK/ MARCH 1, 1993 83

Complicated.'' he says. ''We're not pow erful enough to cause products that are not excellent to sell well.'' Still. com plaints from other software makers helped spur a 2 and 1/2-year investigation by the Federal Trade Commission into Microsoft's tactics. FTC sources say the nonpublic probe was completed at the close of 1992 and focused on allegedly unfair tactics used to squelch competi tion (table). According to a confidential outline obtained by BUSINESS WEEK, the FTC investigated practices ranging from the way Microsoft prices software to the way it allegedly uses tying arrange ments to force customers who want one Microsoft product to also buy others. Sources close to the investigation say that FTC staffers recommended a number of actions, including a preliminary. court injunction, ordering Microsoft to cease the offending practices immediate ly, pending the outcome of the case.

NECESSARY EVIL? That they would even contemplate such an injunction—rather than wait for the outcome of a commis sion proceeding—is an indication of how serious the situation appears to the FTC staff, says Terry Calvani, a former FTC commissioner. ''The reason the staff went into this uncharted area was the concern that there are companies in business today that may no longer be'' by the time the FTC could finish trying a case against Microsoft, he says. But an injunction was only one staff recommen dation among many and, so far. the FTC commissioners have not acted. On Feb. 5, they considered the recommendations and split 2–2 on what action, if any, to take. They are expected to meet again in a few weeks, but Calvani says the tie does not bode well for competitors who were hoping to see dramatic action.

Even if the FTC does nothing, the dom inance of Microsoft will remain a maelstrom of controversy. Interviews with more than 60 industry executives and customers and a review of still secret FTC documents point'' to one overriding concern: Microsoft's methods and its growing control over the computer in dustry could choke the life out of any company that stands in its way. Steven P. Jobs, chairman of NeXT Computer Inc. and an outspoken critic of Microsoft. has publicly called for the breakup of Microsoft into two companies: one for operating systems and one for applications pro grams. That move—considered, then rejected by the FTC staff—would keep

Microsoft from using its operating-sys tems business to give its applications business an extra edge, as now alleged.

For the most part, customers can't see what all the fuss is about: Most seem happy with what they're getting and with what they're paying for it. And even if computer makers grouse about how much influence Microsoft now exerts over their business plans, they concede that the standards Microsoft sets are helping to keep their industry vi brant. Says an executive with a top-tier PC maker: ''Microsoft is not just a neces sary evil at this point. It's necessary for the industry to proceed.''

For many customers. Big Green has already taken on the role that had been Big Blue's. The saying among computer managers used to be: ''Nobody ever got fired for buying IBM.'' Now. says the information-technology manager of a major French manufacturer. ''If you put all your marbles in the Microsoft hat, you're safe—like the old IBM.''

Even Gates, who pooh-poohs comparisons with the mighty IBM of the 1970s, agrees that his company has partially taken on the leadership role Big Blue has lost. ''Who's there to fill that vacuum? Microsoft, more than anyone else,'' he says. Adds Roger McName??, a partner in technology investors Integral Capital Partners: ''Microsoft has been anointed the industry tsar. When that happens, people make it very, very rich.'' WINDOWS AND ORPHANS. Rich indeed. Microsoft's MS-DOS operating system is used by 81% of the 22 million IBM-compatible PCs built every year, according to Sanford C. Bernstein & Co. Microsoft Windows, which gives MS-DOS a graphical ''look and feel,'' is selling an the rate of 1 million copies a month. Anal because it has been first to market with top-notch applications packages for Windows, Microsoft is now the king of that white-hot growth segment. Lot??s Development Corp., the king of spreadsheets in the MS-DOS world, has just 20% of the $756 million Windows spreadsheet market, while Microsoft's Excel now claims 73%, says market researcher Dataquest Inc. In word processing, the MS-DOS leader, Wordperfect, has 31% of the Win

BIG BLUE MEETS

BIG GREEN

As IBM ruled the 1970s with its mainframe hardware, Microsoft dominates today with its operating system software Microsoft used IBM's own tactic against it: By ''preannouncing'' Windows NT, it stalled sales of Big Blue's OS/2, Version 2 84 BUSINESS WEEK/MARCH 1, 1993 S??CIAL REPORT

Special Report ly, he adds: ''I hope they don't kill us.'' Novell can afford to joke. For now, it still holds 70% of its market. But the rest of the industry, isn't laughing. Rival software companies give Microsoft credit for building good products and marketing them cleverly. But many software executives also are fuming about what they say are Microsoft's unnecessarily tough, sometimes downright mean-spirited tactics. Says the CEO of a rival software company: ''If you were in my shoes, you would probably want to go and shoot them. It's not a level playing field. IBM was the most opportunistic and ruthless in the 1970s. And that's exactly what Microsoft is today.'' VAPOR TIGERS. Indeed, industry veterans say there's a striking parallel between how Big Blue behaved back then and how Microsoft acts now. Computer executives say that just like the IBM of yore, Big Green bullies partners, withholds vital information, disparages competitors, and stalls the market by announcing products long before they're ready. Microsoft denies such charges. While such tactics are in the playbooks of many competitors, in the hands of the richest and most powerful player, they can be lethal.

Take IBM's classic move of announcing a product long before it was ready to ship—a tactic known as ''preannouncing.'' In software, such products are called ''vaporware'' and no one pays much attention—unless the company promoting vapor holds a dominant position. In that case, tire market freezes. Facing upstart Control Data Corp. in the 1960s, IBM paralyzed the market for scientific mainframes by announcing it was working on machines that would be far faster than CDC's.

These paper tigers, as they came to be known in a subsequent antitrust trial, prevented CDC from winning a single order in 18 months.

Microsoft preannouncements now have a similar effect. Take the case of Adobe Systems Inc.. maker of software that controls how computer printers produce typefaces. In September, 1989, Microsoft and Apple Computer Inc. said they would jointly develop a rival product. Adobe's stock fell 20% in one day, and for the next nine months the company spent 90% of its time answering customer's questions and ''fighting vaporware,'' says Chairman John E. Warnock. As it turned out. Apple backed off and Microsoft did not ship its competing product, TrueImage, for two years.

Microsoft has turned this Big Blue weapon on IBM itself. Just as IBM was getting OS/2 Version 2.0 off the ground in mid-1991. Microsoft announced plans for Windows NT. Like the IBM product, NT would be a 32-bit operating system, meaning that it would tap all the powers of Intel's fastest chips. Customers could buy the 32-bit system from IBM then or wait at least 18 months for NT. POWER PITCH. Guess what? Most of the market is waiting for the leader. An executive at a top PC company tells of one customer that felt the squeeze after committing to buy 36,000 copies of OS/2. The way the exec tells it, Microsoft came and pitched NT, and the buyer put the OS/2 order on hold. ''It used to be IBM could put orders on hold,'' says the executive. ''Now it happens with Microsoft.''

And NT? It's the toast of the tech world even though it's still not ready.

After a six-month delay, it's now scheduled for shipment by June—two years after it was announced. It could be a big FOR INTEL, ONE GOOD FRIEND ISN'T ENOUGH Microsoft isn't the only standard-bearer in the computer business. Software alone does not a computer make, and when it comes to standard PC hardware, the world looks to Intel Corp. Its microprocessors are at the heart of most IBM-Compatible personal computers.

But Intel's power isn't rock-solid. For starters, unlike Microsoft, it has lost share in its core business. Clonemakers Advanced Micro Devices Inc. and Cyrix Corp. have already snagged 62% of the market for Intel's aging 386 chips and are getting ready to sell clones of the 486 as well. Their presence has forced Intel to adjust its marketing plans in the past two years, accelerating the shift from 386 to 486 chips. ''SIMPLICITY.'' Intel could be in for more adjustments as Microsoft, its partner since the dawn of the ISM PC in 1981, spreads out. Windows NT, scheduled to appear this June, will be the first Microsoft operating system to run on chips other than those that are Intel-compati-Microsoft's Gates and Intel's Grove: Intel needs Microsoft, but the reverse is becoming less and less true ble. For starters, NT will also run on the Alpha AXP chip from Digital Equipment Corp. and the R4000 line from MIPS Computer Systems Inc., now owned by Silicon Graphics Inc. These are RISC (for reduced instruction-set computing) chips, the type of speedy design that since 1985 has been challenging Intel's dominance.

Microsoft says the RISC deals are to satisfy, customer requests and don't indicate a change in the relationship with Intel. ''Our cooperation with Intel is far more advanced than it is elsewhere,'' 86 BUSINESS WEEK/ MARCH 1 1993 SPECIAL PEPORT MTC–00030631—0385 dows market, compared with 539 for Microsoft Word.

In short. Microsoft is cleaning up big time—at the expense of its smaller rivals. While other software makers were announcing shrinking market share, losses, or lay-offs in 1992. Microsoft tacked on $975 million in calendar-year revenues—more than 90% of all the revenue growth in the PC software industry, according to preliminary Data-quest figures. Microsoft's share of the world desktop PC software industry reached 44% last year. Dataquest figures. And if. as analysts project, Microsoft sales rise 36%, to $3.75 billion, in the fiscal year ending June 30, Micro-soft will have more revenues than its seven closest publicly held rivals combined. And at nearly $1 billion, it will have more than twice their net income (chart).

All that money, rivals fear, will soon translate into even greater power for Microsoft. Without healthy profits, other software makers may find it impossible to fund new development or finance up-grades of complex programs such as data bases, which comprise millions of lines of code. Borland International Inc. Chairman Philippe Kahn blamed pressure from Microsoft's foray into Borland's data-base turf when he laid off 150 of his 2,200 workers in December. Borland then reported a $61.3 million loss for the quarter and put on the back burner a word processing project that had been two years in development. Gates says Borland suffered mainly because its products were late to market. Lotus, once No. 1 in PC applications programs, had its first-ever layoffs in 1992. Now, it's concentrating its resources where Microsoft isn't—yet: Programs such as Notes, which helps groups of workers collaborate. ''TOTAL UNDERDOG.'' Such a sharp contrast between one have and many have-nots worries industry executives. They fear there will be few major players, more consolidation, and less money for everybody except Microsoft. They also warn of a chill on software startups. John M. Grillos, who manages technology investing for Robertson Stephens'' venture-capital arm, says that there are still new Opportunities for startups and scores are on the drawing boards—in promising new areas such as multimedia. But he has a long list of phone numbers at Microsoft and checks the behemoth's plans before going ahead with an investment. Does he call very often? ''You bet,'' he says. ''I'm not crazy.'' 'Microsoft is extremely aggressive in using everything they can to their advantage''

PIERLUIGI
ZAPPACOSTA
Logitech

Gates, the billionaire mastermind of the Microsoft empire, says such worries are nonsense. Is Microsoft too powerful? ''The answer is simply no,'' he says. He points out that Microsoft still lags in some important markets. ''Take networking. We're the total underdog.'' And. he asserts, in markets such as spreadsheets and word processing, Microsoft's presence has prodded the competition to im prove their wares.

Gates also points out that his commanding position does not guarantee him success in the next generation of software: operating systems that will let networks of personal computers take on the big computing jobs now done by mainframes, minicomputers, and workstations. Microsoft's entry, Windows NT, will square off with Novell's UnixWare, Sun Microsystems'' Solaris, IBM's OS/2, and NeXT's NextStep.

Still. none of those competitors has the momentum that Microsoft gets from Windows. That should help Gates reach his stated goal of selling 1 million copies of NT the first year. But he insists that doesn't mean NT is already the winner. ''This is a hypercompetitive market,'' Gates says. ''Scale is not all positive in this business. Cleverness is the positive in this business.''

To be sure, competitors such as Lotus and Borland have contributed to the myth of Microsoft's invincibility through their own less than clever moves. Equally true, there are examples of software companies that have kept well ahead of Microsoft. Many, such as Intuit Inc., a maker of personal finance software, are masters of lucrative niches (page 88).

The biggest player to successfully fend off Microsoft so far has been Novell Inc., the $933 million Provo (Utah) maker of networking software. But Microsoft is aiming for this key software market by building some features similar to Novell's NetWare into Windows NT. Says Kanwal S. Rekhi, a Novell executive vice-president: ''Microsoft will keep us on our toes.'' Then, half-joking-hit. Even Borland is developing software for it. Says CEO Kahn: ''There's no choice. The issue is not whether NT is good or bad. The issue is NT is being pushed by Microsoft.''

And Microsoft is already talking about an operating system beyond NT. It's called Cairo. and it's due by 1995. The company says that package will match features of Novell's most advanced networking programs and the object-oriented programming features of NextStep and Pink, the operating system due by 1995 from Taligent. the joint venture between IBM and Apple. F.U.D. MISSILES. Gates says Microsoft preannounces systems software because customers and outside developers need details to plan ahead. And once Microsoft tells developers, word spreads fast. ''We tell 100 developers,'' Gates says. ''And believe me. that is out in the press the next day.''

Whatever the legitimate purpose, preannouncing is part of a larger strategy computer makers say IBM used effectively for years. It's called F. U. D.—for fear'' uncertainty, and doubt—and it really works only for the big guy. It's essentially a whispering campaign suggesting it would be terribly unsafe to bet on a competitor. Gates snorts at the notion Microsoft uses F.U.D. as a weapon. ''We have a whole department in charge of F. U. D.,'' he jokes. Seriously, he adds that Microsoft simply gives its opinions and expects customers to judge for themselves. ''We're giving our honest view of how wise it is to buy these products.'' he says.

Where any discussion of Microsoft's power gets dead serious is when rivals-and the

FTC—consider the power stemming from Microsoft's dominance in operating software. Like IBM, whose aggressive tactics for preserving its dominance in mainframes led to the Justice Dept.'s 1969 antitrust suit, Microsoft seems most bareknuckled when perpetuating its position in operating sytems.

Microsoft's most controversial tactic IS a ''per-processor'' discount plan for MSDOS, which it offers to the highest-volume PC makers. On average, PC makers pay $13 to $14 per copy. For the steepest discounts, the PC maker must agree to pay for a copy of MS-DOS for each PC it ships, whether or not the software is actually installed. That makes it ''undesirable for a manufacturer to ship anything but MS. DOS,'' says a PC executive. Microsoft hays that PC makers are offered a number of ways to buy MS-DOS. But with other plans the discounts are smaller, and PC makers locked in a bloody price war can ill afford to pass up the steepest discounts. DOS & DON'TS. When, pricing isn't inducement enough, Microsoft allegedly uses other means. One PC maker says it told Microsoft that it planned to ship DR.DOS, Novell's clone of MS-DOS, on about 10% of its machines. By shipping MS-DOS on 90% of its PCs, the company figured it would still get the best discount. Microsoft's response: It doubled that customer's price on MS-DOS, which quickly forced the PC maker to drop the idea of offering a choice to customers. Says a company executive: ''In my opinion, any monopoly situation is not good for the customer.'' A senior Microsoft executive says he wasn't aware of this charge but says it would not be common practice.

Such alleged tactics may seem a tad over the top, but maintaining dominance in PC operating systems is critical. Like IBM's dominance in mainframes, it gives Microsoft an extremely reliable, enormously profitable revenue stream. ''Microsoft's mainframe is its operating system,'' says one software executive.

Analysts estimate that between 1989 and 1992, MS-DOS and Windows generated revenues of $2.3 billion, with $998 million of that in 1992 alone. Net profits on those sales last year were $278 million, according to Sanford C. Bernstein & Co. Such profits have helped fund forays into almost every major software market. Microsoft's new data-base program, Access, cost. a staggering $60 million to develop—and it was just one of a dozen products Microsoft brought to market last year. By contrast, last year's entire R&D budget at Borland was $50 million. At Lotus, it was $85 million.

That's not all. Microsoft also had the money to offer an introductory price of $99 for Access—less than one-third the retail price for similar packages. Result: Microsoft sold 700,000 copies in just three months. The entire market in 1992 was only 1.2 million units.

Gates shrugs off the notion that operating systems are his cash cow. ''That's the biggest joke I ever heard.'' he snaps and points out that products such as ??vs Carl Stork, the Microsoft manager ??works with hardware makers. For ??anee, Microsoft still designs its operting system fastest on Intel chips.

For his part, Chief Executive Officer ??ndrew S. Grove points out that Intel is ?? completely dependent on Microsoft ??oftware, either. OS/2 and Unix are al??eady available on Intel chips and NeXT ?? Inc.'s NextStep and Sun's So?? soon will be. And, says Ronald J. ??hittier, vice-president and general manager of Intel's software technology group, most customers aren't likely to switch to RISC hardware for NT because that would require buying all-new applications programs instead of keeping existing programs as owners of Intel-based NT systems will be able to do. ''The thing Corporate America wants is simplicity,'' he says.

??. Where Intel could be vulnerable, however, is in the market for network servers, a key objective for Windows Nr. These machines, which feed centralized information to personal computers over a network, are replacing minicomputers and mainframes in corporations. And that means they're replacing large computer software, not desktop software. In that market, Intel has no advantage, and buyers can look for the best performance. That means RISC chips, which generally run about 50% faster than Pentium, Intel's most powerful chip yet, due out this March. ''Would we look at other platforms in the future? Sure,'' says Edward F. Driscoll, an assistant vice-president at CIGNA Systems, which buys computers for the insurer. ''The key is what happens at the server end.''

If the RISC chips start to invade Intel's turf on servers running Windows NT, they could soon move toward desktops. And that could shake Intel's hold on the computer market. Microsoft, on the other hand, would still be selling software for all those machines.

By Richard Brandt in San Francisco

Word and Excel are his most profitable. Yet in the next sentence, as he elaborates on the returns from operating systems. he says: ''If you just took the cash cow business and did not factor in [the development costs of] NT and Cairo, yes, you'd get a huge profitability.''

Gates is accurate when he points out that his applications business now generates more profits—about 50% of net income—than operating software. But it took years to reach that point—years during which Microsoft funded many versions of Word before it was good enough to grab substantial market share. Only when the Windows 3.0 version appeared, in 1990, did it take off.

The operating system business does more than spin'' profits. Competitors charge that because Microsoft writes operating systems, it also has an unfair edge in writing the applications programs that work with them. They say Microsoft's applications developers get a pe??k at the inner workings of new operating systems early so they can write programs to take advantage of new features first. In the FTC document, investigators referred to this as Microsoft's ''fake Chinese Wall'' and listed a dozen ''MICROSOFT IS GOOD, BUT IT'S NOT GOD'' Scott Cook was stunned by a phone call in late 1990. It was a senior Microsoft Corp. executive telling Cook, the co-founder and chief executive of tiny Intuit Inc., that the software goliath was about to enter Intuit's market—programs for check writing and household budgeting. Because the two companies had once talked about collaborating on a finance program for Windows, the executive said he felt obliged to let Cook know.

Small consolation. After their talks had broken off, Cook shelved plans for a Windows package, and he thought that Microsoft had abandoned its efforts. Now, Cook had little choice: He had to have a Windows version of Quicken in a hurry. In just 10 months, the Menlo Park (Calif.) company was done, just three weeks after Microsoft launched Money. ''The advantage we were counting on was lost,'' says Bruce Jacobsen, general manager of the Microsoft unit that sells Money.

Then, the real battle began. Both products got good reviews, and both carried a list price of $70. Cook cut wholesale prices so dealers could undercut Microsoft's $45 retail price. He also began advertising on TV. All told, Intuit managed to hold on to its 60% market share. Jacobsen concedes that Microsoft was caught off guard.

The episode illustrates that Microsoft is not invincible. And although Microsoft loses only rarely, its performance with Money is not an isolated case. Says Robertson, Stephens & Co. analyst Peter J. Rogers: ''Microsoft is good, but it's not God.''

Some software makers have even taken back markets that Microsoft dominated. Until a year ago, Microsoft's Works program had close to 90% of the $50 million market for integrated software for Macintosh computers. Such packages combine basic word processing, spreadsheet, communications, and data-base functions. But Claris Corp., Apple's software subsidiary, figured it could build a better product. Its ClarisWorks arrived in late 1991 and within a year had 77% of the market, leaving Microsoft with 20%.

Sometimes, Microsoft's aggressiveness backfires. When it comes to creating multimedia CD-ROM disks, for instance, Microsoft often insists on buying rights to the content of the disks. That can scare off book publishers who worry about losing control in the new medium. Comptons NewMedia, a San Diego-based unit of Encyclopaedia Britannica Inc., on the other hand, helps publishers create and distribute new works for CD-ROM without buying content rights. Result: Comptons now distributes more than 40% of all retail CD-ROM titles in the U.S., while Microsoft only has five titles on the market. Says Link Resources Inc. Cook pulled out the stops to market a Windows version of Quicken in time to spoil Microsoft's picnic analyst Steve Reynolds: ''The Comptons approach will be more prevalent.'' FOLLOWED HOME. If Microsoft has a consistent weakness, it may be in consumer products. Microsoft dominates the corporate market for PC software, which requires building relationships with computer managers and giving volume discounts. The home market, on the other hand, is based on catchy in-store promotions, direct marketing, and meticulous attention to making software easy to use.

That's where Intuit has excelled. A former Procter & Gamble Co. manager, Cook has built his company from about $6 million in 1988 to $84 million in 1992 by studying how ordinary people manage their finances. He

has even had product developers follow customers from the store to their homes to see what difficulties they encounter when loading and using Quicken.

Of course, Microsoft isn't throwing in the towel. To finally win some mar ket share from Intuit, Microsoft now has dealers selling Money for $15, com pared to Quicken's typical retail price of $35. ''Microsoft is relentless,'' says Cook. ''It never gives up.''

By Evan L Schwartz in New York other ways Microsoft allegedly abuses its position. Microsoft denies any unfair crossover or inside knowledge.

Software developers also complain that Microsoft is slow or even reluctant to deliver needed information about operating systems. Perhaps the most ironic such charge comes from Claris Corp., Apple's software subsidiary, Executives there say they tried for a year to get information for writing Windows applications from Microsoft, to no avail. Claris says Microsoft was worried there were cracks in the Chinese Wall between Claris and Apple's operating system team—just what rivals say occurs at Microsoft. But after executive meetings and assurances of no cracks, the situation was resolved. Microsoft's head of developer relations says he wasn't aware of the Claris problem but does ''Microsoft is the IBM of the ''90s and uses exactly the same marketing toctics IBM used to'' PHILIPPE KAHN Borland International concede a general ''concern about giving information to our operating system competitors.'' Microsoft says it's doing its best to get information out to thousands of companies and that it doesn't withhold information to favor itself. Says Pat Bellamah, a manager in Microsoft's developer group: ''It's ironic to us that people feel they're having a hard time getting information when that's all we're putting out there.'' Gates estimates Microsoft spends $80 million a year dissemihating information to developers.

One reason Microsoft draws so much criticism is simply that wherever it com petes, it seems to play a particularly hard-core game of hardball. Take its dealings with Logitech Inc. Until last June, Logitech had a license to buy Microsoft Windows 3.0 at a discount, then sell it together with Logitech's mice. But Microsoft abruptly canceled the deal, saying that it was losing money on such ''bundles'' involving inexpensive hardware. according to Logitech President Pierluig?? Zappacosta. Only Microsoft still continued to sell Windows bundled with its own mice—for about $10 more than Logitech had been charging.

After Zappacosta publicized his situation in September, Microsoft relented. But there was a catch: The new license fee would be 30% higher. Zappacosta says that priced him out of the market, depriving his company of about $20 million annually. Microsoft continues to sell its Windows-and-mouse bundle. Says Zappacosta: ''Microsoft is extremely aggressive in using everything it can to its advantage.'' Microsoft denies that it forced Logitech out of the market but declines to discuss its pricing. STAC ATTACK. Occasionally, Microsoft's hardball tactics have resulted in civil suits. The latest was filed in January by Stsc Electronics, a maker of data-compression software. In its suit, Stsc claims that Microsoft violated its patent by including Stac's technology in test versions of MS-DOS 6.0 without permission. Stsc says it was negotiating with Microsoft to license the technology, but talks broke down when Microsoft did not offer a sufficient royalty. The suit claims that Microsoft executives then showed Stsc a spreadsheet, detailing the ''adverse impact on sales of Stacker'' if Microsoft opted for another company's technology. Microsoft denies the claim. saying it bargained in good faith and offered ''real money'' for a license.

As the stories multiply, it also becomes clear that Microsoft long ago became everybody's favorite whipping boy.

There's certainly resentment on the part of bright young software entrepreneurs who may never see millions, much less Gates's billions. And for all the companies that grouse about their dealings with the industry giant, there are dozens that are ardent admirers. Says Morton H. Rosenthal, CEO of software distributor Corporate Software: ''We all live in a Microsoft-centric world. Working with Microsoft is like skiing behind the Queen Mary. It's a good ride. But getting up is a little rocky.''

Indeed, with Big Blue's waning influence, there's a genuine need for a leader. Customers want good software and good prices. They also want a relationship with a software maker that's going to be around for the long run. They want a new IBM. ''If I were a software company, I'd be complaining about Microsoft, too,'' says Greg Chetel, director of systems planning and research at Gillette Co. ''But I don't care who wins. I just want quality products.''

In the end, that may be the key to assessing whether Microsoft does indeed have too much power. Software makers are right to cry foul when they think Microsoft's practices have been anticompetitive. They have done so. and the FTC has listened. But as long as Microsoft's dominance stems from keeping customers like Gillette satisfied, it is hard to argue that its power, per se, is harmful.

The danger is that Microsoft will start to use the power of its position, rather than the appeal of its products and services, to stay on top. ''If Microsoft runs out of bandwidth,'' says McNamee of Integral Partners, ''then there will be a problem.'' That's when there will be reason to fear that competition will be stifled mad innovation squelched.

If the history of Big Blue is a guide, Microsoft's dominance will be in danger of waning long before it can distort the market with nefarious practices. When the Justice Dept. began its antitrust suit in I969, IBM's hold on the mainframe market made it seem invincible. By the time federal prosecutors withdrew their suit in 1982, however, the market had taken care of the problem: New technologies such as minicomputers and PCs had made IBM'S near-monopoly in mainframes largely irrelevant.

History could repeat itself: Says Joe Guglielmi, a former IBM executive, now CEO of Taligent: ''Today, everyone is in fear of Microsoft.'' ''But in the end, everyone will compete. There are thousands of Bill Gateses out there who will find pieces of this market and win them.'' Just the way Microsoft won its place in the sun.

By Kathy Rebello in Redmond, Wash., with Evan I. Schwartz and John W. Verity in New York, Mark Lewyn in Washington, Jonathan Levine in Paris, and bureau?? reports

TAB 5

SPECIAL REPORT TO APPENDIX TO MEMORANDUM OF AMICI CURIAE IN OPPOSITION TO PROPOSED FINAL JUDGMENT IN CIVIL ACTION NO. 94–1564 (SS) SIGNED BY GARY REBACK

SOFTWARE NO SLACK FOR MICROSOFTS RIVALS

They complain it hasn't been reined in at all by Justice When Microsoft Corp. signed a consent decree in July with U.S. Justice Dept. trustbusters, it emerged virtually unscathed from the feds'' five-year probe. Still, the investigation was a protracted—and expensive—headache for Chairman William H. Gates III. And the settlement banned some of Microsoft's most aggressive licensing practices. The experience, rival executives figured, surely would leave Microsoft chastened. No such luck. ''The consent decree seems to have set [Microsoft] free,'' gripes Robert J. Frankents it hasn't strayed from the bounds of normal licensing practices There is little doubt that Microsoft is competing aggressively: Even while the software giant presses its market-share advantages in operating systems and applications programs, it is bolting into new consumer markets with its own on-line service and a plan to buy Intuit Inc., the top maker of personal-finance software. The $1.5 billion deal requires approval of Justice, and rivals once again are regaling Justice staffers with tales of Microsoft's alleged anticompetitive behavior. WINDOWS PAIN. What really stirs fresh fear and loathing in the computer business, however, is Windows 95. Microsoft plans to begin shipping the up-grade of Windows by mid-1995, and the industry already is complaining about the software giant's pricing and marketing plans for the software. Computer makers, for example, have been startled to learn that they will be asked to swallow a huge price hike for their use of Windows 95—to as much as $70 per PC, vs. roughly $35 today. At the same time, Microsoft has established more rigorous technical requirements for hardware and software makers who want to claim their products are compatible with Windows. ''Prices are going up and terms are becoming more restrictive,'' says John B. Landry, senior vice-president at Lotus Development Corp.

There are ways PC makers can lower their costs—if they agree to shipment goals and marketing tactics designed to give Windows 95 an early boost. Indeed. a new ''Market Development Agreement'' that Microsoft has distributed to PC makers spells out a dozen ways to cut the Windows 95 license fee. For example, a company can save $3 per system by preloading Windows 95 on at least 50% of its personal computers in the first month Windows 95 is available. In a business with evershrinking margins, that's a deal many PC makers can't afford to pass up, ensuring Microsoft lots of promotional help.

In Europe, where Windows'' grip on the market isn't as firm as it ms in the U.S., Microsoft's pricing has prompted a minirebellion. Vobis Microcomputer, the No. 1 PC maker in Germany, announced in late

November that it plans to bundle IBM's 0S/2 operating system, rather than Windows, with its machines starting Jan. 1. Says Theo Lieven, Vobis'' CEO: ''Every penny counts.''

CONTINENTAL DRIFT. Lieven contends his rebellion already is working. He says sales have jumped since mid-November, when Vobis began effering 0S/2 in addition to Windows, and ''we think OS/2 helped'' contribute to the increase. Other European computer makers, including Peacock computer. have also quietly begun shipping 0S/2 on their machines.

U.S. PC makers aren't likely to follow the Vobis lead—partly because the American market is less receptive to OS/2. But that doesn't mean they're all happy about the Windows 95 pricing. Hewlett-Packard Co. executives, for example, say they are comcerned that the higher cost of Windows 95 may cause a pricing differential between Windows PCs and those equipped with 0S/2. Still, says a spokesman, HP expects to bundile Windows 95—and not OS/2—into its machines. And other big U.S. PC makers also remain loyal. ''We plan to move to Windows 95 as quickly as we can.'' says Lorie L. Strong, a vice-president at Compaq Computer Corp.

Still, with Microsoft on thin offensive again, some rival software companies believe the Justice Dept. should use the Intuit inquiry to look once again at broad questions about Microsoft's dominance of the soft ware market. Indeed, rivals say Justice has been asking them probing questions about Microsoft's potential dominance of new distribution channels much as on-line services. But others call another move from Justice wishfull thinking. ''We're just going to need to slug it out in the marketplace,'' says a resigned Frankenberg at Novell. The way things are going, that's just going to get tougher and tougher.

By Amy Cortese in New York, with Richard Brandt in San Francisco. Gail Edmundson in Pa??, and bureau reports

TAB 6

TO APPENDIX TO MEMORANDUM OF AMICI CURIAE IN OPPOSITION TO PROPOSED FINAL JUDGMENT IN CIVIL ACTION NO. 94–1564 (SS) SIGNED BY GARY REBACK

BYTE May 1992 Volume 17, Number Introducing Microsoft C/C + +.

Microsoft Borland*

Windows Class Libraries C/C++7.0 BC++3.0

Covers entire Windows API Y N

Menu support Y N

GDI support Y N

OLE 1.0 support Y N

Exception handling Y N

Diagnostiucs support Y N

Code Generation: DES

Encryption Test C/C++7.0 BC++3.0

EXE size 5K 7.3K

Execution time 820 sec 1500 sec

BYTE Build Test C/C++7.0 BC++3.0

Using fast compile 300 sec 420 sec

pre-compiled headers

Optimized EXE size 162.4K 202.6K

Compiler Features C/C++7.0 BC++3.0

Code in pre-compiled headers Y N

Inline any C/C++ code Y N

Auto-inclining Y N

P-code Y N

Windows Tools C/C++7.0 BC/++3.0

Windows resource Y Y

editors tolls

Profiler for Windows Y Y

& MS-DOS

Windows setup builder Y N

Total documentation 5408pp 4038 pp

Windows 3.1 Y $199

debug hernel extra

Total Price* $495 $948+

By almost any measure, new Microsoft C/C++ Version 7.0 development system for Windows'' is the best way to create all your applications for the Windows and MS-DOS operating systems.

With better code generation and precompiled headers, you'll have all the tools you need to write better code, faster.

And because the Microsoft Foundation Classes have the most complete framework for Windows, you'll use the same building blocks for your products that we use for ours.

C/C++ 7.0 also includes the Windows 3.1 debugging kernel which can help you find the bugs. Plus, all the tools you'll ever need to edit your resources, compile the help fries and even build your very own graphical setup programs for Windows.

Judge for yourself. Try new Microsoft C/C++ 7.0 and, as a Microsoft, Borland or Zortech customer, you'll be able to upgrade for just $139'- and for a limited time, you'll get a free copy of Qualitas'' 386MAX?? in the box!

So call your local reseller now, or call Microsoft at (800) 541–1261, Department Z71. Get your tools from the people who make Windows, because we've been building Windows tools longer. ??

The best C/C++ tools for Windows are from the company that makes Windows.

TAB 7

TO APPENDIX TO MEMORANDUM OF AMICI CURIAE IN OPPOSITION TO PROPOSED FINAL JUDGMENT IN CIVIL ACTION NO. 94–1564 (SS)

SIGNED BY GARY REBACK

The Newspaper of information Systems Management October 10, 1994, Vol. 28. No. 41. 168 Pages. $.??opy, $48/Year

COMPUTERWORLD

News

Server suite could squeeze market Microsoft product linking plans point to another bid for dominance

By Sluarl J. Johnsion and Fal Seannett

Microsoft Corp.'s recently announced BackOffice server sidle is the first step in an evolution designed to ac complish much tighter integration during the next few years between the company's enterprise building blocks of servers and its operating systems.

lit fact. by the time Microsoft's Cairo version of Windews NT arrives in late 1995, the fit may be so tight that a competitor's knife blade will not fit between the blocks.

Problems could arise for competitors if Microsoft shares information only with its own developers on how to tightly integrate with the object-oriented Cairo file system, suggested Warren Smith, a certified public at??tant and certified information systems auditor in Pac??e Bell's auditing department.

If Microsoft puts shortents into Cairo that turn out to be better than the industry standard implementation of Cairo, Smith said the situation could be a return to the .days when other third-party vendors complained about Microsoft using application programming interfaces ''that no one else knew about in some of their applications.''

At least one other observer agreed.

''All of this is an inevitability,'' predicted Jerry Sehneider. president of Sehneider Associates, Inc., a consul taney in Burke, Va., and former president of the Capitol PO User Group. ''The [operating system] is always go ing to be getting more, and more aggressive. No one is sate anymore.''

The very thought may further unhinge competitors, some of which are still smarting from the recent ,Justice Department antitrust settlement with Microsoft. However, many large users do not appear concerned. In fact, sonic said they welcome a model along the lines of the old IBM that positions Microsoft as the new empire builder.

''Where Microsoft is at right now reminds me of where IBM was in the t970s and 1980s, [and] if it continues to do things right, the users will benefit,'' said Scott Piper, a network analyst at Public Service Co. of Colorado in Denyet.

''Generally, I don't find Microsoft's proprietary elements to be an impediment, [and] by]; taking life simpler, it's going to be positive,'' said Colin Carpi, president and founder of Churtwell Advisory Services, Inc. ill Penn Valley, Pa., which is developing a large on-line financial services system.

''Big is usually good [for users] because if you're gotug to have things work, their you [must] have standards, and that lakes one [dominant] company,'' said Briscoe Stephens, coordinator for splice ?? in the Advanced Scientific information Systems Group at NASA in Huntsville, Ala.

Enhancing that vision of dominance are recent acknowledgments by Microsoft officials that over time, the line between server applications and systems software will begin to blur. The first step will be to provide tighter integration among tile components in Microsoft's recently announced BackOffice server suite.

A major jumping-off point will come. however, when Microsoft ships tile next major release of Windows NT, code-named Cairo, which will include a new file system that will store information as objects instead of files.

Total control

Cairo's Object File System well provide many core fun??tions that users currently think of as database fun?? lions—functions that can become part of a standard computing architecture that Microsoft controls from top to bottom Cairo Is scheduled to ship late next year, but many analysts and industry observers said they do not believe it will be out until 1990, at the earliest.

By the time the entire strategy unfolds, users may depend on Microsoft for virtually all their computing needs, which Amy Wohl, editor of the ''TrendsLetter'' industry newsletter in Narberth, Pa., suggests may not be a good thing.

''Microsoft is becoming[like] IBM, land I tit,, downside for users is the more they do that, the less open they're going to be [so that] it becomes harder to swap in your favorite database,'' Wohl said.

Microsoft officials deny their plans will make their systems more closed. Many timers agree, arguing that competitors will always he able to come up with innova tive products to help keep the systems open.

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TO APPENDIX TO MEMORANDUM OF AMICI CURIAE IN OPPOSITION TO PROPOSED FINAL JUDGMENT

IN CIVIL ACTION NO. 94–1564 (SS)

SIGNED BY GARY REBACK

Desktop Computing Carole Patton Bundles are bad news Windows 95 is not just in operating system. When it arrives next spring, this tour de force from Microsoft will replace nit those (formerly) separate utilities you probably have on your PC right now. such as fax software. E-mail and communications capabilities. Especially neat here is that all these built-in Windows applications will be ?? integrated into a single common interface and even a central database of names and addresses.

In fact, Windows 95. the next generation of Windows. is such a complete operating environment that you may never have to purchase another Windows utility again. Nice for you. Not so nice for software developers such as Lotus. Delrina or Symlmtec, whose Windown products are about to become ''buggy whips'' in the name of progress. Microsoft is even including a somewhat feature-limited version of its best-selling suite. Microsoft's Office. in Windows 95.

This strut??y is a prescription for destroying the Windows service appications market and damaging (if not terminating) the market for core business software. For example, what if you buy a laptop preloaded with Windows 95 and Microsoft's Office. Will you then go out and buy SmartSuite from Lotus or PerfectOffice from Novell? Probably not. Consumers aren't interested In replacing ''good enough'' with ''great.'' Most new car buyers keep the standard radio their car came with. Only a handful are willing to shop around and pay a prem??um for better audio quality. Bundle bandwagon Microsoft is not alone in pursuing a bundling strategy. IBM's OS/2 Wurp Verston 3.0 ships with a Bonus Pak that includes a word processor and a spreadsheet (IBM Works), plus a host of third-party software.

These ''free'' goodies help sell the product and un?? those vendors whose software is bundled—''It's in there: it must be good.'' users think. But such a strategy also leaves out in h cold any vendor whose software was overlooked. While bundling is arguably anticomp??ive, the issue has expanded with Windows 95. IBM's Warp cannot claim the same high le??t of integration of Microsoft's standards. such as the internal communitarians process embodied in Object Linking and Embedding (CLE). Tuke, for instance. Lotus'' SmartSuite 3.0 for Windows. released in September. For all intents and purposes SmartSuite is an office in a box. You get a word processor (Ami Pros. Lotus famed 1–2–3 spreadsheet. a database (Approach). a calendar program called Organizer and Freelance Graphics presentation software. Lotus'' SmartCenter tool for switching among these applications is nifty.) However. Lotus SmartSuite programmers were able to provide support for only part of the OLE 2.0 specification: the drag-and-drop among 1–2–3. Approach and SmartCenter. Microsoft's Office. on the other hand, supports OLE 2.0 across the board. (It is Microsoft's standard. after all.) It is so ??ghtly integrated with Windows 95 that removing it to make room for SmartSuite may not be practical.

I've long thought that by selling both systems and applications. Microsoft would gain advantages that could eventually terminate competition among Windows vendors. This is especially evident now. With hardware prices dropping so fast. Windows (and Windows applications) could become ''disposable'' thanks to Windows 95. You won't ever have to replace or upgrade programs. Just buy a new PC that comes complete with all the software anyone is ever likely to need. Seen their side I can't blame Microsoft or IBM for trying to create a complete operating environment. We are ??ing the era when users cured about software and took the time to learn a variety of different packages and understand the differences. Most computers today are being bought by novice PC users. and these newcomers requires software that is easy to use. They want Windows point-and-click software, not arcane commands.

But I believe competition is, for all practical purposes. ''locked out'' when operating systems developers can m??grate their own applications and so much ''free'' third-party software in a single, seamie?? package. If this doesn't raise a red flag in the offices of the U.S. Justice Department, then our regulators are asleep at the switch.

Here's the bottom one: Will you be better off five years from now without Lotus'' SmartSuite Windows? Without PerfectOffice? Without WinFax? Without any choice?

Patton is chief analyst at the ?? Technology Group at Mend?? N.J. and publisher of ''Windows Letter.'' a ?? better for corporate decision-maters Her book. US/? Gold??, will be available ?? Van Nostrand Heihold in March. Contact ??

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TO APPENDIX TO MEMORANDUM OF AMICI CURIAE IN OPPOSITION TO PROPOSED FINAL JUDGMENT

IN CIVIL ACTION NO. 94–1564 (SS)

SIGNED BY GARY REBACK

Developing for next generation or Windows may mean running on NT ??

TAB 10

TO APPENDIX TO MEMORANDUM OF AMICI CURIAE IN OPPOSITION TO PROPOSED FINAL JUDGMENT

IN CIVIL ACTION NO. 94–1564 (SS)

SIGNED BY GARY REBACK

Can Microsoft get SQL Server on everything from big iron to steam irons? If you think OLE everywhere is the future, the answer is yes.

By J. William Semich

The LONG VIEW from Microsoft: Component DBMSs THEY JUST DON'T GET IT. Informix, Oracle, Sybase- all the top database-system companies. They watch in a dither for a year while Microsoft messes up their space with its dirt-cheap SQL Server For NT database technologies, and they think that Microsoft is being random (as Bill Gates might put it) with pricing that just doesn't make sense. Dangerously random. But the UNIX database oligopoly is only haft right. They got the danger part right. Because it turns out Microsoft has a plan. When the company announced its future SQL Server 95 last June. the SQL Server crew had its three-year strategy all mapped out. 'Course, they didn't show that map at the announcement—only Micros offs top management had seen and approved it. But we got an in-depth look after hours, and we'd like to share it with you.

Microsoft is taking a three-pronged strategy with its SQL Server technology. For symmetry's sake. We'll label the prongs ''Three Hundred Million Servers.'' ''Three Hundred Processors,'' and ''Three Hundred Objects.'' If Microsoft succeeds ma all three fronts, the face of computing will change, and so will the trajectories of the high-flying database vendors.

THREE HUNDRED MILLION SERVERS

First. there's the Three Hundred Million Servers strategy. That's basically a price strategy. Microsoft thinks it can push the price of the powerful database server software central to enterprisewide distributed computing so low that all your future computing systems will be based on database servers running on super powerful, cheap boxes. This is no: a ''servers attack the mainframe'' strategy, though, cautions Microsoft's director of enterprise computing. David Vaskevitch. It's more of a ''servers run the business: approach.

''There are 11 million places of business in the U.S. alone. They're ''all doing things right now that servers could help them do better.'' Vaskevitch explains. ''And there are other things they never dreamed of being able to do; servers can make those things happen, too.'' That blue-sky approach means, for example, that SQL servers could run your phone system, copying system, cash registers, all that stuff. Not hard to get to 300 million that way, eh?

This won't happen overnight, adds Vaskevitch. but he sees it as inevitable over the long term.

THREE HUNDRED PROCESSORS

Second. there's Microsoft's high-end corporate-computing strategy. By this time next year. when Microsoft ships the next upgrade of SQL Server For NT (code-named SQL Server 95, now officially named Microsoft SQL Server),'' its data-base server will be able to run on the most powerful mainframe-class multiprocessor computers and virtually match the power. Features. and functions of the latest multiprocessor and parallel-processing products From the UNIX vendors.

You could call this the Three Hundred Processors Strategy and you'd not be half wrong. Well. maybe not 300 processors-at least not right away.

The Three Hundred Processors Strategy. is actually one way Microsoft plans to become a major player in large-scale, mission-critical computing technologies. Microsoft recently restructured itself to better Focus resources on making it happen.

Last year. prior to restructuring, Microsoft sold just under S5 billion worth of PC

software in a market that totals barely S10 billion. With its high-end corporate strategy, Microsoft intends to move into the S?0 billion+ market for business software, so it can grow lickety split to something like $20 billion.

''We'll need to be selling into a $100 billion software market to Bet to that S20 million.'' says Richard Tong, marketing director for Microsoft's new IS-focused Business Systems Division.

Of course, sitting squarely in the middle of that enterprise computing market are the likes of Computer Associates. Oracle. Sybase-you know the names. They won't let on that they're really concerned about the competition From Microsoft. They say Microsoft's big talk is just smoke. So how does Microsoft intend to prove them wrong?

Early prowess toward the long-term Three Hundred Million Servers kraal will help Microsoft achieve its aggressive revenue growth forecast, but performance improvements will help more.

By 1996. when Microsoft ships its even more advanced SQL Server For Cairo. it expects it to actually outperform Informix-Online Dynamic Server 6.0. Oracle7.1. and Sybase System l0 (see ''MS-SQL,

MS—-$QL Server: Good Today, Better Tomorrow Think you'll ever seriously consider swapping your mission-critical DB2-based financial management system, or oracle 7-based airline reservation system, or even your Sybase SQL Server 10-based loan approval system for a realty complex Excel spreadsheet with a SQL Server engine? Hah!

But Bill Gates is betting the company that you will. Not exactly an Excel spreadsheet, of course—but a whole new kind of mission-critical, high-availability, heavy-duty, object-oriented, component-based enterprise system that includes the next generations of Microsoft's Windows NT operating system (dubbed Calro), the new SQL Server 95 (and the w??announced SQL Server For Calro), and its coming distributed OLE technology. All this will happen in the next year or two, a not-so-distant future that Microsoft internally refers to as ''the Calro timeframe.'' At right is the techno-time line Microsoft hopes will turn into reality:

Server: Good Today, Better Tomorrow'').

THREE HUNDRED OBJECTS

Third, there's the Three Hundred Objects prong of Microsoft's strategy, the component-software-system pieces. In order to build enterprise-computing systems From reusable mix-and-match software components, you need more than the object-oriented operating system Cairo, distributed OLE, and the Visual Basic enterprise development tool technologies. You need a technology that turns desktops and servers into peers when it comes to storing, sharing, and finding objects.

To help make this happen. Microsoft is moving SQL Server technology down- The Metamorphosis of Microsoft SQL Server 1994

SQL Server 4.21s ?? 1996 scale, onto the desktop.

The plan is to use pieces of MS-SQL Server technology to rebuild desktop apps like Microsoft Access and Excel so desktops and server components can talk to each other. ''There's this huge mismatch, in terms of semantics, between the big server-based database systems and the tools that run on the desktop.'' saves Gary Voth. ?? The SQL Server NT Decision: One Insider's Advice

By an anonymous lilac resort technology partner You'd be crazy not to start looking seriously at Microsoft s SQL Server 95 technology. But you'd also be crazy-OK, not crazy, just adventuresome—to commit your company today to Microsoft's component enterprise-computing plan lock, stock, and betel.

Even so, rye looked at SQL Server 95 and 96 up close and undressed, sort of, and it is something really slick. Microsoft recently demonstrated an early, early version to my company In the hopes that we would port our apps to SQL Server For NT. I can't tell you my company's name, but it's one of the leading midrange manufacturing packaged software application vendors.

First off, I was surprised and impressed at the level of the technology they're showing in SQL 95 and SQL 96. Microsoft looks like it's paying attention to the issues that are Important to making SQL Server an enterprise-quality database management system.

They seem to be building In a scalabilary capability for symmetric multiprocessors, and they're leveraging the multithreaded capability of the NT operating system. That gives them leg up on the other database products, which rely on different versions of UNIX. Some versions of UNIX don't support multi-threading, so everything goes through a single queue. Microsoft isn't constrained by that.

SQL Server 95's new system administration toolsets [Starfighter] are very impressive. Microsoft is plying a lot of attention to things like ease of use and the kinds of data replication issues that are necessary to manage performance and backup, and necessary for bet-back-up capabilities, parlor. mange monitoring, and job scheduling. The SQL 95 job scheduler is integrated into NT. That technology alone shows that Microsoft is trying to listen to enterprisewide needs. I don't see SQL 96 as a scaled-down version of Sybase System 10 at all. It appears to have the same robust capability that Sybase has.

That said, I still chose Sybase System 20 for the next version of my company's packaged software. Why? Because my customers can buy it today, and I know it works and works well. And if I were a CI0 or CTO at a large enterprise, I would do the same thing.

SQL Server 96 is an ''NT only'' solution—whatever advanced functionality Microsoft's building into it now is predicated on the success of fir. That's still an open question.

Besides, Microsoft's track record on delivering both functional and technical quality products out of the box isn't what I'd like it to be for k kinds of solutions I'm trying to still. I'm net soiling spreadsheets and wad processors. Plus, Microsoft has no track record celling enterprise systems ?? applications. It's a gamble.

My recommendation ?? don't bet your job or your company on Microsoft SQL Server and NT Server to. Let Microsoft's existing dedicated INT users do that instead.

Software systems across geographically dispersed servers with stuff like drag-and-drop replication, automated restore and restart. The tools, which Microsoft previously code-named Starfighter but has officially named Enterprise Administration Tools For SQL Server 95. are ''all OLE objects. Starfighter lets users build their own database management scripts using a new 32-bit version of Visual Basic. SQL Server 95 itself is. in effect. an OLE automation server for these OLE tools and scripts.

In other words. Microsoft is rebuilding SQL Server so that it can contain and manage software components. When SQL Server For Cairo is shipping, Microsoft's world of computing will become a world of OLE objects-components that a developer can link together using OLE's APIs into an application. Then SQL Server won't just store data-it will contain components.

Explains Casey Kiernan. Microsoft's program manager for SQL Server tools: ?? ''All of our server apps-SQL Server. Systems Management Server. Information Exchange Server, and SNA Server—will have this single integrated model in Cairo,'' he explains. n

The company is serious about this, too, Vaskevitch says. No matter how long it takes, or h6w much work has to be done to make the technology compelling to commercial users, the company is committed to making its NT-based SQL Server the enterprise launching pad for its Cairo component-computing system.

''We've already invested three years in the planning process for SQL Server. and it doesn't bother us if it takes five. even eight years to Let to where we want to be—we don't give up.'' says Vaskevitch. It probably doesn't hurt to have deep pockets. either.

THE FUTURE Of TECHNOLOGY & PRICING

So there it is-the future of enterprise computing according to Microsoft. the world's richest software company. And where will ''all the UNIX database companies be, come Cairo time? Today, at least, they still act like they don't have a due.

They still think they can advance the technology by making their database systems into bigger, better, faster (and pricier) versions of what they've been selling for the past decade and a half-with, of course, the magic sobriquet ''open'' pasted onto it ''all

They may think that. But according to Microsoft's plan, all these big. distributed UNIX megaliths will soon seem just as rigid, overpriced, oversized, and outdated

TAB 11

TO APPENDIX TO MEMORANDUM OF AMICI CURIAE IN OPPOSITION TO PROPOSED FINAL JUDGMENTIN OPPOSITION TO PROPOSED FINAL JUDGMENT

IN CIVIL ACTION NO. 94–1564 (SS)

SIGNED BY GARY REBACK

Preface

The year 1993 was one of dramatic change in the PC software industry. This report will highlight the major events of 1993 in personal computing software. We analyze the positioning and directions of the top 10 vendors, dissect our data, and then analyze applications by category., operating system,

and region. We conclude with our forecast of future trends in the industry.

Data included in this report is listed as needed for our discussion. For a comprehensive list of our historical data and forecasts, refer to the Persona/ Computing Software Worldwide Market Statistics, a series of three reports published in June 1994 (product codes: PCSW–WW–MS–9401, –9402, and –9403).

Dataquest's PC Software service tracks all major PC software business productivity applications running on the DOS, Windows, Macintosh, OS/2, and Windows NT operating systems and environments. Other services concentrate on other areas of the software market our Multi-media service tracks entertainment and education .software; our Client/Server service tracks development tools and server databases; and our Digital Documents and Operating Systems services complete the offerings.

In Appendix A, we define our market coverage boundaries. In Appendix B, we discuss the methodology used to arrive at our decisions. We hope that you find this information useful Please contact us if you have any questions regarding the data or analysis.

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Clerk, U.S. District Court

District of Columbim

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Personal Computing Software Worldwide

Figure 4–2

1993 Unit Shipments Growth by Category

Analysis of Each Category

This section will analyze the 1993 results for each category. Future trends for each category will be discussed in Chapter 7. For a definition of each category, see Appendix C.

Accounting

Intuit, a new entry in the accounting market in 1992, jumped to the top spot in revenue in 1993 (see Table 4–1). Realworld, Peachtree, and Great Plains all ship products that have a higher ASP than Intuit; however, revenue for all four companies is very closely matched in the U.S.$20 million range. A slow transition to thin Windows platform contributed to the revenue decline in I993.

Communication

The communication market exploded in 1993. Bundling arrangements with modem OEMs contributed significantly to the 167 percent growth in unit shipments (see Table 4–2)). Revenue increased by an impressive 47 percent. Delrina's WinFax: Pro and Datastorm's Procomm Plus led the charge. The growth of the laptop market also spurred unit sales. There is still room for growth in this [market, but 1993 will be remembered as the year this market really took off.

PCSW-WW—MT-9401 (c)1994 Dataquest Incorporated June 27, 1994

TABLE 4–12.—TOP VENDORS IN THE SPREADSHEET MARKET

[Revenue in Millions of U.S. Dollars]

	1993 Revenue	1992 Revenue	1993 Market Share (%)	Revenue Change (%)
Lotus	445.9	502.2	46.1	−11.2
Microsoft	357.0	484.4	36.9	−26.3
Borland	69.5	121.4	7.2	−42.8
Total Spreadsheet—Market	968.0	1,262.3	100.0	−23.3

Source: Dataquest (May 1994)

TABLE 4–13.—TOP VENDORS IN THE SUITES MARKET

[Revenue in Millions of U.S. Dollars]

	1993 Revenue	1992 Revenue	1993 Market Share (%)	Revenue Change (%)
Microsoft	821.2	213.0	85.4	285.5
Lotus 114.8	16.1	11.9	612.7	
Borland 17.7	0	1.8	NA	
Total Suite Market 961.5	229.1	100.0	319.7	

NA* Not applicable
Source: Dataquest (May 1994)

Utilities/Application

WordPerfect's Grammatik for both DOS and Windows were the two leading applications in 1993. WordPerfect garnered a 36 percent market share based on revenue in 1993 (see Table 4–14). This is a small market that involves small companies able to find a niche market. This is not a market where we will likely see one or two vendors dominate.

TABLE 4–14.—TOP VENDORS IN THE APPLICATION UTILITIES MARKET

[Revenue in Millions of U.S. Dollars]

	1993 Revenue	1992 Revenue	1993 Market Share (%)	Revenue Change (%) (1992–1993)
WordPerfect	24.1	0	36.2	NA
Wordstar	5.8	9.2	8.8	−36.5
Adobe	4.9	5.7	7.3	−14.0
T/Maker	4.0	3.7	6.0	8.8
Total Application—Utilities Market	66.6	69.8	100.0	−4.6

NA = Not applicable
Source: Dataquest (May 1994)

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June 27. 1994
TAB 12
TO APPENDIX TO MEMORANDUM OF AMICI CURIAE IN OPPOSITION TO PROPOSED FINAL JUDGMENT
IN CIVIL ACTION NO. 94–1564 (SS)
SIGNED BY GARY REBACK
FILED FOR IMMEDIATE RELEASE
SATURDAY, JULY 16, 1994
Clerk, U.S. District Court
District of Columbia AT
(202) 616–2771
TDD (202) 514–1888
MICROSOFT AGREES TO END UNFAIR MONOPOLISTIC PRACTICES

WASHINGTON, DC—Microsoft, the world's largest and dominant computer software company, agreed to end its illegal monopolistic practices after the Department of Justice charged that the company used unfair contracts that choked off competition and preserved its monopoly position.

The company agreed to settle the charges with a consent decree that will prohibit Microsoft from engaging in these monopolistic practices in the future.

Microsoft, which makes the MS-DOS and Windows operating systems used in more than 120 million personal computers, was accused of building a barricade of exclusionary and unreasonably restrictive licensing agreements to deny others an opportunity to develop and market competing products.

Attorney General Janet Reno said, ''Microsoft's unfair contracting practices have denied other U.S. companies a fair chance to compete, deprived consumers of an effective choice among competing PC operating systems, and slowed innovation.

(MORE)

Today's settlement levels the playing field and opens the door for competition.''

''Microsoft is an American success story but there is no excuse for any company to try to cement its success through unlawful means, as Microsoft has done with its contracting practices,'' said Anne K. Bingaman, Assistant Attorney General in charge of the Antitrust Division.

The settlement is the result of close coordination between the Department of Justice and the competition enforcement authorities of the European Commission, which has been investigating Microsoft since mid-1993, and which also initiated an undertaking containing essentially the same terms. This complaint and settlement marks the first coordinated effort of the two enforcement bodies in initiating and settling an antitrust enforcement action.

Bingaman, praised the Commission, noting that, ''This unprecedented, historic cooperative action sends a powerful message to firms around the world that the antitrust authorities of the United States and the European Commission are prepared to move decisively and promptly to pool resources to attack conduct by multinational firms that violate the antitrust laws of the two Jurisdictions.''

The civil complaint and consent decree were filed last night, July 15, in U.S. District Court in Washington, DC The consent decree, if approved by the court, would settle the suit.

Until approved, Microsoft has agreed in a stipulation filed with the court to abide by the terms of the decree.

The Department alleged that Microsoft used the following unfair practices:

Exclusionary Per Processor Licenses—Microsoft makes its MS-DOS and Windows technology available on a ''per processor'' basis, which requires PC manufacturers to pay a fee to Microsoft for each computer shipped, whether or not the computer contains Microsoft operating system software. The complaint alleges that this arrangement gives Microsoft an unfair advantage by causing a manufacturer selling a non-Microsoft operating system to pay at least two royalties—one to Microsoft and one to its competitor— thereby making a non-Microsoft unit more expensive.

Microsoft has used its monopoly power, in effect, to levy a ''tax'' on PC manufacturers who would otherwise like to offer an alternative system,'' said Bingaman. ''As a result, the ability of rival operating systems to compete has been impeded, innovation has been slowed and consumer choices have been limited.'' She noted that Microsoft has maintained the price of its operating systems while the price of other components has fallen dramatically. Since 1988, Microsoft's share of the market has never dropped below 70 percent.

Unreasonably Lonq Licenses—The Department further alleged that Microsoft's contracts are unreasonably long. By binding manufacturers to the purchase of Microsoft products for an excessive period of time, beyond the lifetime of most operating system products, the agreements foreclose new entrants from gaining a sufficient toe-hold in the market.

Restrictive Non-Disclosure Agreements—The Department also charged that Microsoft introduced overly restrictive non- disclosure agreements to unreasonably restrict the ability of independent software companies to work with developers of non- Microsoft operating systems. Microsoft sought the agreements from companies participating in trial testing of the new version of Windows, to be released later this year. The terms of these agreements preclude applications developers from working with Microsoft's competitors for an unreasonable amount of time.

The settlement ends these practices and will help to rectify the effects of Microsoft's past unlawful conduct. In particular, the settlement prohibits Microsoft from:

—Entering into per processor licenses.

—Obligating licensees (manufacturers of personal computers) to purchase any minimum number of Microsoft's operating systems;

—Entering into any licenses with terms longer than one year (although licensees may renew for another year on the same terms).

—Requiring licensees to pay Microsoft on a ''lump sum'' basis.

—Requiring licensees to purchase any other Microsoft product as a condition for licensing a particular Microsoft operating system.

—Requiring developers of applications software to sign unlawfully restrictive non-disclosure agreements.

The settlement is effective immediately and will be in effect for six and a half years.

Bingaman said ''this settlement resolves the competitive problems created by Microsoft's unlawful conduct quickly and effectively.''

Microsoft's main corporate office is in Redmond, Washington.

94–387
ORIGINAL
DEPARTMENT OF JUSTICE PRESS CONFERENCE
With Attorney General Janet Reno and Assistant Attorney General Anne Bingaman
Regarding the Microsoft Settlement
Saturday, July 16, 1994
(Transcribed from a provided audiotape.)
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1111 FOURTEENTH STREET, NW SUITE 400 / WASHINGTON, DC 20005
P R O C E E D I N G S

ATTORNEY GENERAL RENO: Good afternoon.

The Justice Department has charged Microsoft, the world's largest software company, with using unfair marketing and contracting practices to choke off competition to preserve its monopoly position. Microsoft has agreed, yesterday, to settle the charges with a consent decree that will prohibit the company from continuing to engage in monopolistic practices in the future.

While the company fairly and lawfully climbed to the top of the industry ladder, it used unfair and illegal practices to maintain its dominant position, and kept honest competition from other U.S. companies.

The Justice Department has taken an action that is critical to the personal computer industry and the efforts to make it competitive. This settlement will save consumers money, enable them to have a choice when selecting PC operating systems, and it will stimulate innovation in this critical market.

Today's settlement is the result of close coordination between the Department of Justice and the Competition Enforcement Authorities of the European Commission, which, today, also has indicated an undertaking containing essentially the same terms.

This complaint and settlement marks the first coordinated effort of the two enforcement bodies in initiating and settling an antitrust enforcement action.

I want to thank and to recognize Anne Bingaman and the fine staff of the Antitrust Division, who have worked through long hours of negotiations to resolve quickly this significant case, and achieve the best results for the consumers of America.

And now I would like to ask Anne——

MS. BINGAMAN: Thank you.

We are proud of the achievement that the settlement filed in Federal District Court in Washington, the District of Columbia, at 9:30 last night represents. It is a significant—in fact, historic—breakthrough for the software industry, for innovation, for the competitiveness of the American economy.

Let me describe for you briefly what the case we filed is about and what the settlement achieves, because they are significant.

Number one, the settlement will open the playing field; it will level the playing field for Microsoft's competitors in the operating system software market, to enter this important market, to bring down prices to consumers, to innovate, to produce better products.

Microsoft, for years, and has today, monopoly Dower in the software—operating system software market AS this chart shows, Microsoft has 79-plus percent of that market. Its competitors are other American companies who have been struggling for years to enter this market to provide better, cheaper products to American consumers, and Microsoft's contracting practices, which are challenged in this lawsuit and which are ended by the settlement we achieved, have prevented those competitors from entering the market. They have deprived consumers of choice. And they have stopped innovation—slowed innovation in this important market.

Let me describe to you the four major things that Microsoft did and which this settlement ends. Number one, the per-processor license, I'll describe in a moment.

Number two, contracts of extraordinarily long duration which blocks the market. Number three, huge, 100 percent minimum commitments for years, which amounted to take-or-pay contracts, which blocked the market.

And, four, restrictive non-disclosure agreements for software writers which prevented them from writing for other software companies in some cases. Let me turn first to the per-processor license, what that is and what this settlement does to stop it. Number one, the settlement bans it outright. That is first. What the per-processor license has done until last night at 9:30 was to lock up 60 percent of this market in the United States in per-processor contracts which Microsoft began using in 1988. Per-processor contracts are contracts which Microsoft imposed by virtue of its dominant monopoly position on computer manufacturers, such as Dell, Compaq, Gateway, you name it, the OEM's they are called in the business, the computer makers, who have to license from Microsoft because it has had this monopoly position and the products are demanded in the marketplace.

Nothing wrong with that, but rather than simply sell those products fair and square on the merits and on price, in 1988, Microsoft invented a form of contracting called the per-processor license, under which it required the computer manufacturers—induced them with extremely low prices to pay for every processor they shipped of a certain type not just to Microsoft, but to the competitors. So it worked this way: Under a per-processor license, which 60 percent of the industry has had until last night, Microsoft got paid for every processor shipped by a computer maker, whether or not that processor had a Microsoft operating system loaded on it.

Now, if you are a competitor of Microsoft and you wanted to sell your competing product to a consumer, you do that through these computer manufacturers. But they had to pay Microsoft.

NOW, if Microsoft—take this hypothetical— operating system was $15, and you came in with a better operating system or cheaper, it worked just as well, hypothetically $10—these numbers are lower than average, but for ease—under the per-processor license, the computer manufacturer pays Microsoft 15 and the competitor 10 for a total of $25 on what really is a $10 item.

The result, computer manufacturer were reluctant 10—extremely reluctant—to buy from competitors. And that was the purpose and the effect of the per-processor license. It's obvious what it does. It drives prices up to consumers. It raises prices. It locks out competitors. And it slows innovation.

So, this settlement stops the per-processor license.

Two, Microsoft used contracts of three to five years in an industry that was rapidly turning over. These extraordinarily long contracts made it very difficult for competitors to get in. The settlement we achieved today reduces contract lengths to one year, with one, one-year extension on the same terms and conditions which the computer manufacturer, in its sole option, can elect.

So, we have 9one to one-year contracts, banning of per-processor.

The third important feature of this settlement is abolishing minimum commitments. Microsoft's third way to lock up this market was to say to the computer makers who had to deal with it, We will give you a lower price if you estimate a large volume.

Nothing inherently wrong with that volume discounting. The problem is Microsoft quoted these low prices in conjunction with 100 percent minimum commitments —i.e., you get that price only if you sign on the dotted line to pay us every cent regardless of whether you actually ship our product or not—a take-or-pay contract. You pay no matter what.

Well, what does that mean? Over a long-term contract, what that means is if the computer manufacturer's business has not gone quite as well as it thought, it is locked into Microsoft no matter what because it owes them this minimum commitment, even if it has not sold any machines. So, minimum commitments was a third way that Microsoft locked up this market, locked out competitors, and minimum commitments are abolished. They are zero in the settlement we achieved yesterday. Finally, NDA's, non-disclosure agreements, were restrictive agreements which Microsoft, this winter, imposed in a manner that had never been done before in the software industry on certain applications writers. It would have—the NDA's challenged in this lawsuit and which Microsoft in the consent decree agrees to stop would have prevented applications writers from discussing Microsoft's operating systems for as long as three years after public disclosure of the operating system.

The effect could take those application writers, the software writers, forever out of business, in effect, except for Microsoft. It is another way to, in effect, lock up the market—this time by locking up the important software applications writers.

Microsoft itself has said these NDA's were a mistake. It has agreed in this consent decree to never engage in such practices while this consent decree is in effect. And that also is a significant achievement of this settlement.

The last thing the settlement does is prohibit the use of lump-sum contracts, which would have been another way that Microsoft could have locked up this market. They had not needed to use them in the past because they had these other methods, but looking forward, our concern was that they might. And so the settlement also bans lump-sum contracts.

This settlement is everything we could have hoped for in a fully litigated case and possibly more. It is an historic achievement. I tell you, the charts we have prepared today were prepared for the lawsuit we planned to file yesterday. The lawsuit was not filed because of the settlement. We filed instead a complaint with a settlement. We are extremely proud of this result.

And the last point that the Attorney General noted, I think, deserves mention. This is the first time in history that the Competition Authorities of the European Commission and the Department of Justice have cooperated closely in investigating a major worldwide company, whose anti-competitive practices affected important markets both in Europe and the United States.

we took this under a letter—the EC and I and the Department of Justice asked Microsoft last October to waive any confidentiality restrictions under our respective statutes so that we could work together and think about the case we were jointly—not jointly to them—but that we had each initiated. Microsoft agreed to that in writing. We worked with the EC throughout the winter. We shared documents. We worked closely with them. We settled this together on terms that are substantially identical. We negotiated in Brussels the week of July 4th with Microsoft. We negotiated this week at the Department of Justice with EC officials here. And this also is a truly historic aspect of this settlement.

So, we are extremely proud of this. We are gratified that it concluded with a consent decree which achieves the really 100 percent results that any lawsuit could have achieved, and possibly more. And I want to especially note that this was the ultimate team effort. We had a group of lawyers, led by Sam Miller, who is here today, and Don Russell, who is on his way back from Brussels —he has been in Brussels all week coordinating this hour by hour with the EC over there—we have had extraordinary people on this case. We had a team of lawyers I would put against anybody, and I would feel for the other side.

And I want to simply state the names on the complaint we filed last night, because I am so proud to have been part of this group. The complaint was signed by Sam Miller, Don Russell, Joyce Bartu, Bob Zastrow, Dick Irvin, Peter Gray, Justin Dempsey, Gil O'Hana, and Larry Frankel. And there were more, and we had a paralegals. And this was an effort of a remarkable, extraordinary, incredible group of lawyers that I am so proud to have been part of. And I am proud of our partnership with the EC.

So, with that, what can I tell you about any questions you have?

QUESTION: What kind of room does this give Microsoft's competitors—(inaudible)—civil actions?

MS. BINGAMAN: That is up to the competitors. I do not actually believe this case changes the legal status of any competitor's suit, because, by settling, Microsoft has admitted to no facts. It has consented to entry of the decree that was filed with our complaint. But facts are not established of record by a settlement, the way they are by a litigated case to conclusion, with a jury trial. So, my own horseback impression is that the action, as such, does not change the legal status. But, as far as private suits by competitors, it has enormous impact for competitors in opening the market. This is exactly what has been needed for years and years in the software industry. And I think, in the market-opening respects and for innovation, prices to consumers, it will have tremendous impact.

QUESTION: Why has this taken so long, and why is there no monetary penalty? And I notice it says that—you say in the press release that it bans these practices in the future, but then says it only lasts six-and-a-half years.

MS. BINGAMAN: Okay. You have got several questions there. Number one, we have had this case for a little less than one year. The FTC had it for, I think, two-and-a-half or three years before that. As everyone knows, or a lot of people, the FTC deadlocked two to two. We took the case acting as a fifth commissioner. We have looked carefully at this case because it is an important case, and we wanted to understand it fully ourselves.

So, I have no concerns whatsoever about a one-year action by the Justice Department that ends these practices.

There are no monetary penalties because they are not provided by any law and never have been. When the Justice Department settles a civil case, the Antitrust Division—the antitrust laws do not provide for civil penalties, period.

We obtain adjunctive reliefs to open the market. Under the American legal system, private actions obtain any monetary damages, and that is just the way it is in all of our cases. They are no different. You had a third aspect.

QUESTION: The length of time, you say—

MS. BINGAMAN: Oh, the six-and-a-half years. Our decrees normally last 10 years. We negotiated long and hard with Microsoft over the length of the decree. The EC's decrees last four-and-a-half years. We obtained immediate effect of this decree. That was a crucial aspect of the decree. And we believe we added, in effect, three to three-and-a-half years on the front end of the decree because the contract duration stops right now. The per-processor stops as of last night.

The illegal practices that had locked up the market are ended. And they do not have to wait for contracts now in effect to run out.

And it was our belief that based on all of those facts, plus the EC's practice of four-and-a-half year decrees, that this was a fair balance under the circumstances.

Let me mention something. I neglected to thank—and it was a major oversight on my part and I want to correct it—Henry Kawati is sitting here, who worked long and hard on this case, he is an economist with our Economic Section; Rich Gilbert, who is head of that section, was in Brussels with me; and Mark Schecter, who killed himself on the case, along with Bob Lighten, but I want to thank Henry Kawati and Ken Hire and Rich Gilbert, because the economics aspect of this case, as you can imagine, was critical. We had outstanding outside economists who Henry worked with tirelessly for many, many months. And he was a critical part of it, as was Rich Gilbert and Ken. So, I wanted to say that.

QUESTION: Can you estimate how much these practices may have cost consumers over the years?

MS. BINGAMAN: We have not. Because we do not bring damage actions, we do not put efforts into trying to figure out monetary total impact. But I can, to illustrate, tell you this. If you were a consumer and wanted to buy a competing operating system, and despite Microsoft's practices, there have been, in fact, four major competitors in this market to Microsoft, who have clawed and grabbed and have managed to obtain some market share, if you bought one of those competing companies, and 20 percent of the American public does, and you were under a per-processor license, and many of these licenses, as we saw, are per-processor, you paid not just Microsoft anywhere from $15 to $50 for its operating system, you paid the competing price on top of that.

And so Microsoft, in effect, taxed every consumer who bought a competing operating system and bought it from a maker who had one of these per-processor contracts, or a similar one. And so it's not insignificant. We have not, as I said, made any effort to quantify it, but it is— there are millions and tens of millions of PC's shipped every year, and it is a major amount of money. We can try to come up with some numbers after the press conference. But with all the other things we have done, that has not—our focus has been opening the market, truly, and obtaining the relief we needed.

QUESTION: To follow that up, do you have any estimate of how many computers were shipped under these agreements that would have been effected?

MS. BINGAMAN: I can come up with numbers on that. We have not tried to. It is in the tens of millions. There are 120 million total computers with Microsoft operating systems on them. Many, many were shipped with this—under these kinds of practices. And it has been a major market problem for competitors, and has restricted choice for consumers.

Let me tell you why else this is so important to the American economy. We are about innovation and competition in this economy. That is what we are for. And Microsoft has its shot at the market. No problem. All we are saying is others should have their shot at the market, fair and square, a level playing field. That is the American way.

And they may have a better mousetrap. They may not. But what we are saying is people should get a chance to judge it fairly on quality and price and the other factors. And that is what this case is about. It levels the playing field, opens the door.

And if a competitor has a better product that can run computers faster, run them better, support better applications, build a base, cut into Microsoft's market share so that applications writers will write for it, that could have profound consequences for the American economy. What we are about is precisely that—promoting competition, innovation, better products at cheaper prices, and letting the market take care of whatever happens. We are not about driving the market; we are about letting the market operate freely.

QUESTION: Had this settlement not been reached, what broader or further action could Microsoft have been subjected to? And, a second question is, had there been any serious consideration about splitting Microsoft into two?

MS. BINGAMAN: I cannot discuss our internal considerations as such. I can tell you that we looked at every possible legal theory and at all the facts throughout the course of a long, tough winter, that the legal team I mentioned went through. And it was our conclusion at the end of that that the case to be filed was the case we did file. We did not bargain off any case in exchange for a settlement. This was the case that was there after thousands of hours of work. And it needed to be brought, and it was brought.

And that is really as much as I think confidentiality permits me to talk about specifics.

QUESTION: Potentially, had this gone into litigation, what could we have seen perhaps in terms of time and cost?

MS. BINGAMAN: Had this been litigated, we hoped to conclude it within a year. We planned to file it in a district in which the dockets are not crowded and we could have obtained a quick resolution, because the markets need to be open. This needed to get done. But it would have been a minimum of a year at the very best. It undoubtedly would have been appealed. And the key point is, after all that, two to two-and-a-half years at best through appeal, we could not have achieved one thing more than we got in this settlement.

And, frankly, I am not sure we would have gotten as much. I do not know, because I do not know what a judge would have done. But this settlement is 100 percent of what we would have gotten with a lawsuit.

QUESTION: Can you tell us more about the EC cooperation, how and when was that initiated? And wasn't there a British investigation as well?

MS. BINGAMAN: No, there was no British investigation. It was the European Commission. It was a result, actually—last September, I went to Europe for consultations, which are annual consultations with the EC that we have done for years, the Antitrust Division—it's a mutual cooperative thing—and Klaus Ailerman, the head of the Competition Directorate said to me, What are you doing about Microsoft, because we have a Microsoft case, too, you know, and I am very interested to talk to you about it?

And I looked at him and I said, Klaus, I do not think I can say a word to you about Microsoft. Everything I know is under confidential documents. I am forbidden from talking about it. I can't speak to you.

And he said, Well, what a great pity, because we've got, as far as I can tell from press reports, the same case.

And I said, Well, it is a great pity. And I came back to the United States—that was the end of September—and 10 days or two weeks later, it just hit me out of the blue one day, we should ask Microsoft to waive confidentiality so that we could cooperate and decide whether in fact there is a case and coordinate remedies.

And the coordination of remedies is really crucial for a company in Microsoft's position, which operates worldwide, literally, in—I do not know—tens of countries in the world. They need, for their own business reasons, to have the same contracting practices. It would be terribly disruptive—and I called the EC. We asked Microsoft. Microsoft, for its own reasons, said that would actually—they didn't have a problem. They waived confidentiality. And that is how it began last October, and it has continued since then.

QUESTION: How is the Justice Department going to monitor the new agreements, the new contracts that Microsoft will sign with its OEM's? And what guarantees are there that Microsoft isn't going to turn around and say, you know, if we cannot do the kinds of volume deals that we have done in the past, we are going to charge 5, 10, 15 percent for the operating system than we have in the past?

MS. BINGAMAN: If they charge more for their operating system, the competitors are there, without question, with comparable products. And the market should take care of that. That is the whole idea of this settlement. The market should take care of it. We are allowed, in the monitoring provisions of this decree, which you should have, to request documents from Microsoft, to inspect their contracts, to talk to their people. We are further—the decree specifically provides we can cooperate with the EC in this monitoring, so we will continue our cooperation and close work with them. And we are watching. We are very much on the case.

QUESTION: A question about the per-processor issue. From your presentation it wasn't entirely clear to me, but it sounds as though Microsoft main pressure on computer companies was that they got—they would offer huge, huge discounts to the companies that would accept a per-processor kind of agreement. That being the case, it seems to me that, on one level, the sin is that Microsoft is simply charging too little for the operating system. And, to follow up on that, to follow up on that, it seems to me that the marketplace situation may not be a whole lot different, because Microsoft can continue, it seems to me, to charge that same low, low price.

MS. BINGAMAN: Ed, you been talking to Microsoft? That is their line. They are not telling you right. If that was so easy, why did they have per-processor licenses? They are the only company in the industry that did. Why did they have three- to five-year contracts? They are the only company that in the industry that did. Why did they have 100 percent minimum commitments? They are the only company in the industry that enforced that.

If this was so simple, why were they locking up the market with practices which every computer manufacturer despised and which the competitors despised and which Microsoft hung tough through four years of Government investigation to hang on to? Do you think that is because it did not matter to them? That is the story they are putting out.

You are darned right they are trying to spin it their way. That is not right. And let me tell you. Volume discounts, of course they can volume discount. No question. There is nothing wrong with volume discounting. It is done in all kinds of industries, in all kinds of situations. And the decree does not address volume discounts as such. The problem with Microsoft's practices is that they were using volume discounts to lock up the market with per-processor contracts and 100 percent minimum commitments, which then were like iron. You could not get out of. You could not escape.

To get those low prices, you had to sell your soul and never leave Microsoft. And that is what this decree changes.

Microsoft can compete on the basis of low price. We have no problem with that. That is good. We want that. What we do not want is competing on the basis of low price and then using that to impose contract terms which exclude every other competitor.

And, Ed, the reason they were able to do that is because of their monopoly position in this market. I mean, this is an important question you are asking, because they are going to try to claim that this decree changes nothing. That is wrong. That is a lie. And people need to understand that.

Because volume discounting, in and of itself, is not a problem. There are ways volume discounting can be abused. I have discussed those ways with Microsoft and Bill Gates. We are watching. We are watching closely what they do with volume discounts. They know it. I know it. And we are going to see what happens here.

But volume discounting, in and of itself, is not a problem. There can be problems in how you structure them, whether you force—it's a technical discussion. But, in any event, believe me, they did not hang tough on this for so long, right to the brink of a joint lawsuit by the U.S. and the EC yesterday because these practices'' were so harmless and meaningless and so forth. But I can see why they say it.

(Laughter.)

QUESTION: Is there going to be an immediate effect that we will notice for consumers?

MS. BINGAMAN: I hope consumers, within a short period of time, will have more choice of operating systems, genuine choice, more innovation in computers. Certainly, the prices will lower for consumers who already buy competing operating systems. Any of these companies in the market right now can now sell just for their price, not for this double tax that Microsoft has gotten.

So, I think prices will immediately lower, and I think, over the medium to long range, this will, I hope and believe, have profound market opening impacts. It will help innovation, help the competition give us better products. You may be using a different operating system three years from now because of this—maybe. And if you are, great. If you still want whatever, great. But the point is you should have a choice. Everyone should have a choice. And the companies that compete with Microsoft should be able to offer you that choice fairly and evenly.

VOICE: Thank you.

QUESTION: Microsoft's competitors in applications have complained about the access that they have had to all kinds of information about the operating system code. Did the Justice Department not find that Microsoft had unfairly restricted applications developers to various aspects of the software?

MS. BINGAMAN: The nondisclosure agreement, the so-called NDA part of the case, focused on nondisclosure agreements required—are you talking about something else?

QUESTION: I mean, certainly the NDA has been part of it, but other companies—

MS. BINGAMAN: The so-called interoperability?

QUESTION: Yes, yes, hidden calls and all of the charges that have been raised over the past few—

MS. BINGAMAN: I can tell you we have looked closely at all aspects of this case. We have examined it closely. And I think all that I can say, because of the strictures of confidentiality and the law, is that we have looked at it and this is the case we chose to bring because this is the case that is there and needed to be brought. And I think that is all I should say. VOICE: Okay. Thank you.

VOICE: Thank you.

MS. BINGAMAN: Okay. Thank you.

VOICE: Thank you very much.

(End of proceedings.)

TAB 13

TO APPENDIX TO MEMORANDUM OF AMICI CURIAE IN OPPOSITION TO PROPOSED FINAL JUDGMENT

IN CIVIL ACTION NO. 94–1564 (SS)

SIGNED BY GARY REBACK

Microsoft's Grip on Software Tightened by Antitrust Deal

94–1564

Clerk, U.S. District Court District of Columbia

Andrew Schulman

On Friday, July 15. Microsoft signed a consent decree with the Antitrust Division of the U.S. Department of Justice (DoJ), ending a four-year investigation by U.S. antimonopoly agencies-first the Federal Trade Commission (FTC) and later the DoJ—into Microsoft's trade practices. At the same time, Microsoft signed a nearly identical settlement with the Directorate-General for Competition of the European Commission. The judgment lasts for six and a half years in the U.S., four and a half in Europe.

Microsoft agreed to immediately abandon several arrangements for licensing the MS-DOS and Windows operating systems to PC hardware vendors. It also agreed to halt some ''unnecessarily restrictive'' clauses in its nondisclosure agreements (NDAs) for the forthcoming ''Chicago'' version of Windows. The consent decree explicitly excludes Windows NT.

The consent decree is still subject to a 60-day public review. The full text of the DoJ's July 15 complaint against Microsoft for violations of sections 1 and 2 of the Sherman antitrust act. the U.S. District Court final judgment in U.S. v. Microsoft, and the

''Stipulation'' signed by the DoJ and Microsoft consenting to the final judgment. are available via Internet Gopher from the DoJ's Gopher server. Who Won?

The consent decree was first viewed as a victory for the DoJ and Microsoft's competitors. The New York Trines (July 17) cartied the front-page headline. ''Microsoft's Grip on Software Loosened by Antitrust Deal,'' and crowed that ''the pact could reshape the world of computing .... The accord could undermine Microsoft's near total control of tile market for operating systems.'' The Boston Globe's headline was equally enthusiastic: ''Microsoft Accord to Greate Competition in US. Europe.''

Indeed. the consent decree sounds at first as if it should cramp Microsoft's style, and lead to more competition in PC software. For years. Microsoft tins provided PC hardware manufacturers (original equipment manufacturers, or OEMs) with per-processor licenses to MS-DOS and Windows. in which the vendor pays Microsoft based on the number of machines it think it will ship, rather than the number of copies of DOS or Windows it actually uses. In 1993, such per-processor agreements accounted for about 60 percent of MS-DOS OEM sales, and 43 percent of Windows OEM sales. According to the DoJ, ''Microsoft's per processor contracts penalize OEMs. during the Life of the contract, for installing a nonMicrosoft operating system. OEMs that have signed per processor contracts with Microsoft are deterred from using competitive alternatives to Microsoft operating systems.''

The consent decree put an immediate stop to this practice, leading to the hope that non-Microsoft operating systems would now have a shot at the desktop.

But the morning after, nearly everyone realized that. in fact, U.S. v. Microsoft is a victory, for Microsoft. Directly contradicting the previous day's headline, a New York Times (July 18) news analysis by John Markoff spoke of ''Microsoft's Barely Limited Future'': ''Rather than reining in the Microsoft Corporation, the consent decree... frees the company to define compurer industry's ground rules through the rest of the decade.'' The Wall Street Journal had a similar take: ''A Winning Deal: Microsoft Will Remain Dominant Despite Pact In Antitrust Dispute.'' According to the Journal Gates -has just won big again, this time by letting the Justice Department rake in a small pot while his company retains the power to dominate the nation's desktops.

In the Fast day of trading after the settlement. Wall Street made its statement on the consent decree: Microsoft stock rose $1.87, to $50,50. Rick Sherlund, an analyst for Goldman Sachs, stated that with the settlement. Microsoft ''should dominate the market for desktop software for the next 10 years.'' Another frequently quoted analyst. Richard Shaffer, announced that -The operating system wars are over—Microsoft is the winner .... Microsoft is the Standard Oil of its day.'' But how could a ban on an important Microsoft trade practice be viewed as cementing Microsoft's hold on the industry? First. to achieve the DoJ's goals, the change from per-processor to per-copy licensing probably comes about four years too late. Despite some brave words from IBM and Novell after the consent decree. it seems unlikely that the change will lead to a larger presence for OS/2 or Novell DOS. As a spokesman for Compaq (which already offers OS/2 to its customers) noted, ''Windows is the standard—not much will change.''

Nor does the consent decree address the key questions about Microsoft's role in the PC software industry. Companies such as Lotus and Borland that compete with Microsoft in application areas such as word processors and spreadsheets have long asserted that Microsoft ''leverages'' its control of the operating system to benefit its applications—particularly the Microsoft Office ''suite,'' which bundles together Microsoft Word. Excel, Access, Mail, and PowerPoint—at the expense of applications and suites from other vendors. Grabbing the Whole Pie More and more. Microsoft's applications seem like part of the operating system. Many PCs today come. not only with MS- DOS and Windows preinstalled on the hard disk, but also with Microsoft Office. The forthcoming ''Chicago'' release of Windows will include numerous features once considered the province of dried-party applications developers. Microsoft not only has a near-monopoly on the operating system. but is constantly expanding the definition of what belongs in the operating system.

Some commentators see these increasing ties, and the DoJ's apparent refusal to touch them, as a good thing. For example, Steward Alsop was quoted in the New York Times (July 18) as saying, ''If you really care about improving the personal computer, you want Microsoft to take over all the pieces of the pie.''

There is a certain logic in this. For example, one reason the Apple Macintosh was for so long far easier to use than a PC was that Apple had a closed architecture and completely dominated the market, guaranteeing that almost everything carne from a single vendor. Monopoly has some clear benefits. In certain situations. such as public utilities, monopoly may he the only viable industry structure, leading to a so-called ''natural monopoly.''

Dr Dobb's Journal, October 1994

Interestingly. the superb biography Gates, by Stephen Manes and Paul Andrews Doubleday, 1993), quotes a 1981 statement by Microsoft chairman Bill Gates where he noted that volume and standards in PC software can lead to a ''natural monopoly'' But companies in such a favored position usually are forced to make an Important trade-off: so-called natural monopolies are generally regulated, are prevented from expanding their monopoly into new areas, and so on. Microsoft continues to deny that it monopolizes the PC software industry Microsoft already has MS-DOS installed on about 120 million PCs in the and Windows on about 50 million. With the DoJ consent decree, Microsoft can move even more rapidly toward its goal of becoming an unregulated, nonpublic utility providing total, one-stop shopping for all your software needs.

Exposing Microsoft's Monopoly Microsoft continues to deny that it monopolizes the PC software industry. Nor has it admitted to any guilt by consenting to the court's final judgment. The consent is explicitly ''without trial or adjudication of any issue of fact or law: and without this Final Judgment constituting any evidence or admission by any party with respect to any issue of fact or law.''

Nonetheless. the PC software industry has been treated to some puzzling denunciations of Microsoft trade practices from high government officials. After the signing of the consent decree. U.S. Attorney General Janet Reno said. ''Microsoft's unfair contracting practices have denied other U.S. companies a fair chance to compete, deprived consumers of an effective choice among competing PC operating systems, and slowed innovation.''

The Assistant Attorney General for Antitrust. Anne Bingaman, noted that 'Microsoft is an American success story but there is no excuse for any company to try to cement its success through unlawful means, as Microsoft has done with its contracting practices.''

'Microsoft has used its monopoly power, in effect, to levy a 'tax'' on PC manufacturers who would otherwise like to offer an alternative system.'' said Binga??an. ''As a result, the ability of rival operating systems to compete has been impeded. innovation has been slowed and consumer choices have been limited.'' According to a DoJ press release. Bingaman noted that Microsoft has maintained the price of its operating systems even while the price of other components has fallen dramatically, and that. since 1988. Microsoft's share of the market has never dropped below 10 percent.

The Road Not Taken

No matter what else it says, the fact remares that the consent decree addresses only a narrow issue: OEM sales represent less than 25 percent of Microsoft revenue. The complaint notes that ''At least 50,000 applications now run on MS-DOS and over 5000 have been written to run on Windows. Microsoft sells a variety of its own very successful and profitable applications.'' But that is all it has to say about applications!

The complaint also notes that ''All versions of Windows released to date require the presence of an underlying operating system, either MS-DOS or a close substitute.'' but says nothing about alleged tying arrangements between Windows and MSDOS (see ''Examining the Windows AARD Detection Code'' DDJ. September 1993).

Similarly, the complaint mentions 'critical information about the interfaces in the operating system that connect with applications—information which the ISVs need to write applications that run on the operating system''—yet doesn't address the issue of whether or not Microsoft unfairly withholds some critical information. trying to give its developers exclusive use of undocumented interfaces.

Likewise, the DoJ was well aware of. and quite interested in. the Issues surrounding Microsoft's ownership of the vastly Important DOS and Windows standard, Yet none of this is addressed in the consent decree, which ends up looking quite similar to what Microsoft probably could have got from the

FTC a year ago. Even Bill Gates, who was apparently in the habit of denouncing even the mildest FTC and DoJ questions as ''communistic'' and ''socialistic.'' had to admit that the final settlement was no big deal saying, after years of investigation, that ''this us what they came up with'' (Wall Street Journal, July 18).

Why So Little?

Why did the DoJ settle for so little? How could they seemingly ignore the entreaties of so many PC software vendors? One theory is that the Clinton administration views Microsoft as a ''national treasure.'' and put pressure on DoJ to leave Microsoft alone. The press made much of a May 25 meeting between Bill Gates anti Clinton's chief economic advisor. Robert Rubin. The date is significant because j?? one week later. Gates testified under a

Dr. Dobbs Journal. October too.

(continued from page 144)

before the DoJ. According to one anonymous source. Gates pointed out to Rubin that Microsoft is responsible for a substantial portion of U.S. software exports (Information Week. June 27).

Frankly. I don't buy Clinton administration pressure as an explanation for the DoJ's limited settlement. Microsoft may be highly visible, but it simply isn't that important to the U.S. economy, at least when compared to companies such as IBM or GM that make tangible goods. Microsoft, remember, produces software. While software is a crucial part of the modern world economy, consider that even ''giant'' Microsoft has only about 15,000 employees and that its quarterly'' sales are about $1.25 billion, compared to $13.3 billion for IBM. or even $2.5 billion for Apple.

What makes Microsoft different is its incredibly low costs. This is very nice for Microsoft, but it's hard to see what it does for the U.S. economy, especially when 45 of Microsoft's stock is owned by insiders. Had it wanted, the DoJ could have made a moderately plausible case to the American public that Microsoft. far from being a 'national treasure,'' is simply a grossly profitable monopolist, with few employees and few stockholders, that gives back little to the public.

Another explanation is that DoJ feared a repeat of U.S. v. IBM, which dragged on for 13 years, only to be dropped as ''without foundation.'' While you could easily imagine lawyers for the DoJ not wanting to stake their careers on a losing battle, you have to wonder whether U.S. v. IBM was such a complete washout, after all. Even though the case was eventually dropped, for years it had a serious effect on IBM. You could even argue that it was this supposedly unsuccessful case that caused IBM to unbundle software from hardware, thereby opening the way to an independent software market, making room for software upstarts, including a company called Microsoft. In many cases, Microsoft was a beneficiary of U.S. v. IBM, and ''the next Microsoft'' could have been a beneficiary of a U.S. v. Microsoft case.

Ultimately, I think that the DoJ didn't push for more against Microsoft for the very simple reason that they felt they couldn't win anything else. Responding to widespread criticism of the settlement as a DoJ sell-out, Anne Bingaman protests, ''folks, we looked at every aspect of this. We brought the case that was there to bring.'' According to the DoJ, the Microsoft settlement was ''everything we could have hoped for in a fully litigated case. and possibly more.'' This is probably true. Law like politics. is an ''art of the possible.'' While the settlement gives the Microsoft steamroller the green light, at the same time it's hard to see what the DoJ could have done differently. The DoJ's job is to enforce the antitrust laws. not to make industries more competitive—and the two are not the same.

Market Share (Perc??nt)

OPERATING SYSTEMS. WORD PROCESSORS SPREADAHEETS

Microsoft	66	47	52
Novell/WordPertect	14	35	—
Lotus	—	3	37
IBM	17	—	—
Apple	2	—	—
Borland	—	—	6

What all this means is that those Microsoft practices studied by the DoJ, but not covered in the settlement, are either not illegal, or would be too difficult to prove illegal.

Where To Now?

While there might be some private antitrust action from Novell, Lotus, or Borland. and while the terms of the settlement are subject to public review, Microsoft must be feeling emboldened by the limited scope of the consent de cree. Microsoft should be able to go fullsteam ahead with its plans to greatly expand the operating systems dimensions in Chicago. Microsoft Office will increasingly seem like an essential part of Windows. With policies such as its new. heavy, requirements for using the ''Windows Compatible'' logo (see ''How to Adapt an App for Chicago: Requirements for the New Windows Logo.'' Microsoft Developer Network News, July 1994). Microsoft is raising the Windows developmerit bar ever higher.

The PC-software industry is rapidly headed in the same direction as many other technology-based industries before it: rapid consolidation to a handful of vendors. There once were hundreds of U.S. car manufacturers: now there are just a few. With Novell's ?? of WordPertect and parts or the Bor??and product line, with Symante??s acquisition of Central Point, and Microsoft's purchasing a minority share in Stac Electronics, we are already seeing the same (,probably inevitable) process occurring in software. As Table I shows, market More and more, Microsoft's applications seem like pan of the operating system shares reflect an already highly concentrated industry.

On most scales. Microsoft is about twice the size of its two nearest competitors combined. Lotus had 4450 employees and Novell also had 4450; Microsoft has 14,450. In 1993, Lotus sales were $981 million and Novell sales were $1.123 billion; Microsoft sales were $3.753 billion.

Given that the DoJ could apparently do very little about this increasing concentration in the software industry, what are software developers and vendors to do?

It is probably stating the obvious, but there is Little point in trying to compete with Microsoft over productivity apps and office suites. These are rapidly becoming a quasi part of Windows itself, and even Novell and Lotus probably have little chance in this area. Microsoft Office is everywhere and everything. Perhaps there is still some room in databases. desktop publishing, and personal-finance software.

As always, another interesting area is plugging holes in Microsoft's own offerings: add-ins to Microsoft Office, remedying the inevitable temporary problems in Chicago, and so on.

The best bet is to find areas where Microsoft doesn't have a product, and where there is a chance of a several-year window of opportunity before it does have a product. On the other hand, the only market I've ever heard of that Microsoft didn't want to get into was pornographic screen savers and related multimedia titles. As one company employee told me, ''We looked carefully at adult software. and decided to leave that money on the table.''

TAB 14

TO APPENDIX TO MEMORANDUM OF AMICI CURIAE IN OPPOSITION TO PROPOSED FINAL JUDGMENT

IN CIVIL ACTION NO. 94–1564 (SS)

SIGNED BY GARY REBACK

The Economist

A survey of the computer industry

Trade's new diplomats

FILED FEB 14 1995

Clerk, U.S. District Court

District of Columbia

94–1564 SS

THE COMPUTER INDUSTRY

FOR three decades the computer industry seemed to epitomise the marriage of technological wizardry and business acumen. Led by IBM. the industry masterfully exploited a pace of technological change that would have left managers m most other industries gasping. It grew through boom and bust, and revolutionised the way nearly all other businesses worked. Best of all, it consistently made enormous profits.

Computer executives saw themselves as both innovators and adventurers. Some pioneered new ways to manage armies of highly educated, independently minded employees. A few left the security and prestige of a corporate career, or went straight from the university classroom, to start corn-Dames from scratch. Naturally some computer firms failed. But the industry, as a whole was largely immune to the travails that periodically beset more mundane businesses. For many people, computers were the quintessential industry of tomorrow. Tomorrow has arrived and it is not a pretty sight. For the past two years the computer industry has been in turmoil: plummeting profits, flat sales, tens of thousands of jobs lost, vicious price wan. The industry's reversal of fortune has been so abrupt that it has left many of its leading comparues floundering. IBM, the biggest computer maker and long one of the most successful companies in the world, lost $4.9 billion in 1992, one of the biggest corporate losses in

history. In January John Akers. Its boss, resigned. Last year the company shed 40,000 of its 340,000 employees in an effort to control costs (which still look hopelessly bloated). Its stockmarket value is now about the same as Microsoft, a firm which employs only 12,000 people. And the once-mighty Big Blue is not alone, DEC, the world's second-biggest computer firm, ousted its founder and chairman in 1992 and lost a whopping $2.8 billion. Olivetti, Siemens-Nixdorf. Groupe Bull, Fujitsu, Hitachi and NEC have all seen profits collapse over the past two years. Wang, a high flier until the early 1980s, ended up in a bankruptcy court.

Clearly computers are no longer recession-proof. But global recession is not the only, or even the primary, cause for the industry's recent tribulations. Recession has simply accelerated changes that have been reshaping the industry anyway. Un?? the mid-1980s the computer business was dominated by a handful of large firms—foremost among them IBM—whose marketing and technological prowess let them educate, reassure and control the corporate customers who bought most computers. Smaller compantes often introduced the latest technology to the market; but usually their innovations were not widely accepted until they, got the im?? of Big Blue. These smaller firms seldom posed much of a threat.

The invention of the personal computer (PC) in the late 1970s brought in a motley collection of brash, new firms. At first the growing popularity or PCs had little effect on me fortunes of the inqustry's leading firms. Indeed. IBM itself became the world's biggest manuracturer of PCS, and its marketing clout helped their sales to soar. For 20 wars IBM had skilfully coped with technological advances that appeared to be far more radical, or disruptive, than the personal computer. Few people inside or outside the company thought that mere relatively any and rather simple machines were much of a threat to IBM's hegemony or to the stability of the industry as a whole.

Getting personal

They, were spectacularly wrong, in the past few years, personal computers and the microprocessor chips on which they, are based have upturned the economics of the business. This has happened so quickly that many computer executives are bewildered. Their industry has become one of con fusing extremes. In any large industry the fortunes of different firms will vary. But in today's computer industry the differences are stark.

While many computer firms sacked thousands of workers and last huge amounts of money last year, others thrived despite price wars and recession. On the day in August 1992 that Wang filed for chapter-11 bankruptcy, Dell, a personal-computer maker, reported quarterly sales up 129% and net profits up 77%. In 1992 some companies, such as Apple and Compaq, which looked doomed because of the price wars ravaging the PC market, staged stunning comebacks (though they too had to cut)obs and other costs). Price-cutting spread from hardware to software. And yet profits at Microsoft, the world's biggest personal-computer software company, leapt 53%. The computer business still boasts many of the world's fastest-growing and mast profitable firms. But it now has some of the change is sweeping away the established computer industry. Firms are scrambling to find their place in the new industry that will replace the old. But even for those that survive, the turmoil will continue. David Manasian reports Disappearing profits Return on sates* world's biggest loss-makers too. Today's industry offers other remarkable contrasts. Despite the fact that its overall profitability has fallen so sharp??y (see chart 1). hordes of new competitors continue to enter almost every part of it. And far from slowing the pace of innovation, as might be expected, hard times seem to have quickened it. An unprecedented number of new products came to market last year. This stream is about to become a flood. With chip technology improving faster than ever, a plethora of new products will reach the market over the next few years: pen-based PCs, hand-held computing and communication devices, ever more powerful versions of today's desktop and notebook computers, sophisticated network and database software. cheaper and fancier supercomputers.

Moreover, a growing part of the computer market shows many of the classic characteristics of a commodity business: there are few discernible differences between products except price, low bamers to entry and razor-thin profit margins. This is a novelty for such a high-tech, inventive business. The large amount of intellectual property contained in computer products, and their complexity, ought to make it easy for companies to keep out new ovals, differentiate their products and command fat matins. Instead, even in many esoteric niches of the industry, growing competition is eroding margins.

Equally remarkable is the web of collaborative deals that spans the industry. As competition has become fiercer, the number of joint ventures, alliances and mahatma agreements has multiplied rapidly, although this has done nothing to soothe the growing ferocity of competition. Nearly every firm, whether small or large, now has a vanity of ties with dozens of others. Confusingly, many alliances seem designed to compete with other alliances containing some of the same firms, as companies place multiple bets on new technologies or market wends. Although these agreements are often between companies with complementary products, many are between once-bitter rivals, such as Apple and IBM, who stress that their collaboration does not rule out tough competition between them now or in the future.

Perhaps one of the most puzzling things about the computer industry is that, for all its vitality, its glory days of high growth and gushing profits are probably over. In a recent report on the industry. McKinsey, a management-consulting firm, predicts that the industry's sales will grow by 6% or less 3 year—scarcely more than me nominal growth rate for me world economy as a Whine. ''Just surviving will be a struggle and even many of today's healthy companies could become extinct,'' says Michael Nevens, one of the report's authors. Others agree with this gloomy assessment. IBM predicts that software and services will grow at some 11–13% a year between now and 1997; but sales of hardware will lag well behind economic growth.

Evangelical fervor One reason is that the cost of computing power continues to drop by 30% or more a year, became of advances in chip technology that show no signs of slowing. This inexorable improvement has now begun to outstrip the demand for more computing power from customers. Another reason for stow growth is that, with more than $300 billion in sales, the computer industry is now so large that it probably cannot expect to capture a much bigger chunk of corporate or consumer spending. Most businesses, laboratories and classrooms already have some type of computer, Many are crammed with them. Because of the rocketing popularity of notebook and laptop computers, so are many, briefcases.

A barrage of new products will be needed just to keep spending at current levels. In fact, the amount spent on computers per white-collar worker (the biggest users of computers) has been flat in America since 1983, and has recently levelled off in Europe and Asia as well (see chart 2). The total stock of hardware and software in developed economies is also set to level off in the next few years, according to many forecasters.

Even if the industry must learn to live with humdrum growth, there will be nothing dull about the computer business itself. This survey will spend little time on the myriad ways computers are used or how they are changing lives. Instead it will try to examine the peculiar economics of computers, and to make sense of the blizzard of news the industry generates every day. Why does it present in many conundrums? And why has no shakeout yet ended what, compared with most other large industries, looks like intolerable instability?

The growing number of competitors and the pace of technological change are raising the level of uncertainty, for both computer firms and that customers. As a result, the bosses of most computer companies are no longer the smug technologists or buttoned-down managers of a decade ago. They are preachers fervently trying to sway customers, suppliers, investors, employees—and often themselves—with their vision of the future. One of the industry's favorite verbs is to ''evangelicise.'' This is an odd choice for sober-suited managers carefully investing billions of dollars. But it is all too appropriate to the opportunists or true believers now best equipped to survive in the computer business.

THE COMPUTER INDUSTRY SURVEY'S

Personal best

TO UNDERSTAND how drastically those little personal computers have changed the industry, and why they have suddenly left it in such a fragmented state, a little history is needed. Until the late 1970s, nearly all computers were large machines used to grind through mind-numbing calculations and routine book-keeping chores. Computers were especially useful in making the administration of large organizations more efficient. Outside laboratories, they were bought in the greatest numbers by large companies, which could afford to pay their

hefty prices and to employ the professional programmers and technicians needed to keep the temperamental machines from breaking down.

Machines came in various sizes, the two broadest categories being mainframes and minicomputers. Both types could have several users at once, who sat at terminals to put data into the machines or to take it out. Mainframes soon stood at the heart of most of the world's biggest companies. Smaller and less expensive (though still quite pricey; minicomputers were often used by the divisions of the same firms, or by medium-sized firms which could not justify spending enough to buy a mainframe.

IBM bestrode the industry, accounting in 1980 for 38% of the industry's revenues and 60% of its profits. Even if IBM had not become such a dominant firm, a small group of large firms would probably have controlled the industry in any case. There are two reasons for believing this. First, computers were the most complicated machines ever made, in Pact, they were so complicated that even individual machines were called ''systems''. And second, though the Industry was large in revenue terms, relatively few machines were sold each year. As recently as 1980, fewer than 10,000 mainframes and 105,000 minicomputers were sold worldwide each year. Such volumes are significant for suppliers of capital equipment, but they are minuscule compared with those of the car or other consumer industries. Customers were reluctant to buy these cranky machines from anyone but large, established suppliers. So newcomers had a hard time breaking into the lousiness.

The complexity of computers produced another crucial characteristic of the industry; it virtually ensured that computer makers would opt for vertical integration—that is, to make most of the parts of the machines themselves, with the software to run them, rather than buying parts from outside suppliers, and to do most of their own marketing, distribution, sales and service as well. A few of the smaller firms could not manage this. They, either specialized in supplying pieces of equipment, such as terminals, tape drives or printers, which were attached to computers, or they, bout hr what they could from outside suppliers. This put them at a huge disadvantage, for the simple reason that there were so few independent suppliers for the many components needed to build a computer. So the bit computer firms built their own machines from the ground up.

The resulting structure of the industry looked something like the diagram above. Customers cared little about the various layers identified in this diagram, because they almost always bought all the layers in a stogie package from one supplier. It is useful to pause here to define these terms, because they will loom large later on.

Basic circuitry refers to the thousands of wires, transistors and other electronic bits which were mall computers. In the 1970s and 1980s most of these bits and bobs were gradually replaced with integrated circuits printed onto small pieces of silicon—ie, microchips. This allowed some specialized chip firms, such as Intel. Motorola and Texas instruments, to become parts suppliers to computer makers. But many of the biggest computer makers, most notably IBM and Japan's Fujitsu, NEC and Hitachi, made their own chips.

Computer platforms refers to the assembled machines. These were useless without operating system software, the programs needed to make the machines do anything but hum. Once the operating system enabled the machine to respond to vanous commands, application software told the machine what to do: compile the payroll, store data, solve abstruse equations, perform word-processing or whatever. Several applications usually ran on the same computer. As the diagram shows, firms did most of their own distribution, although some machines were sold through computer-leasing firms or ''systems integrators''.

One more point must be made: all computer makers used ''proprietary'' standards both to build their hardware and write their software. Except for a few firms which tried to mimic IBM's standards, no firm's software worked with any other firm's software, or ran on any other firm's machine. This locked customers into a single computer supplier.

As a customer's investment in computers grew, the more dependent on his supplier he became, The cost of scrapping all of a firm's existing hardware or application software (which big firms sometimes wrote themselves) to switch to another supplier became prohibitive. Occasionally a customer became restless, especially if a supplier was charging too much, fell too far behind the rest of the industry technologically or failed to service hrs machines properly. A few small, specialized firms sprang up to engineer so-called ''gateways'', bits of hardware Days of yore, when IBM was king and software that would allow machines from different companies to work together.

For the most part, though, customers had to commit the bulk of their spending on computers to a stogie supplier. The safest thing to do for anyone who had to make this purchasing decision—in big companies usually the data-processing manager— was to buy from the biggest supplier, no matter what the cost And that, by a long way, was IBM.

Chips with everything From its inception, the personal-computer market assumed a different pattern from the established industry. PCs became possible only because chip manufacturers had managed to cram a simple version of a computer's central processing unit, the circutes that did most of the actual computing, on to a single chip. Appropriately, this was called a micro-processor. Around a stogie microprocessor, a small, cheap machine could be assembled from readily available parts used to supply the consumer-electronics industry. So most personal-computer makers were never vertically integrated. Separate groups of firms supplied pare, fully assembled machines (platforms), operating-system software and application software.

Personal computers were primitive compared with mainframes and minicomputers. But they, could perform simple tasks such as word processing, keeping mailing lists or playing games, and they proved surprisingly popular. To grab some of the revenue from this small but burgeoning market, IBM launched its own PC in 1981. Because it wanted to do this quickly, it assembled its machine from off-the-shelf components made by firms which were also supplying other Pc: makers. It arranged to buy the two most important parts of the machine—the microprocessor and the operating-system soft ware—from (respectively) Intel and a small Seattle-based company called Microsoft.

With IBM's backing, personae-computer sales skyrocketed. At first this was great news for IBM. which had the ?? share of sales and considered Pc revenues simply a welcome supplement to its mainstream computer business. Thousands of small software companies ocean writing application programs for IBM's machines, boosting demand for mere still further.

Still, from several points of view IBM had badly miscalculated. Buying the key parts of its machines from Intel and Microsoft, without demanding any kind of exclusive deal, effectively left control of the technical standards in these companies'' hands. Scores of other firms, many of them new ones such as Compaq, quickly learnt to ''clone'' copies of IBM'S machines using Intel chips and Microsoft's MS-Dos operating system. Their machines also ran all the software written for IBM's machines. To the user, therefore, there was no real difference between them. Users began buying the machines primarily on the basis of price. As demand for the machines took off (see chart 3), hundreds of small, low-cost producers jumped into the market. Prices began to collapse, even while the growing power of microprocessors rapidly boosted the capabilities of PCS.

Until the mid-1980s, many PCs were sold customers—individuals, schools, small businesses, professional firms—who would never have been reached by tram or other established computer makers. But when big corporate customers began tying the mast powerful PCs together into networks as alternatives to minicomputers and mainframes, IBM became alarmed. In 1987 it belatedly tried to gain control of the personal-computer market with new models containing a patented technology called Microchannel, which rivals could not copy and which made IBM's machines incompatible with everyone else's. Competitors aptly dubbed these machines ''clone killers''. But by then it too late. The PC market had slipped beyond IBM's grasp and the Microchannel machines flopped. Big Blue, like any other manufacturer, had to make its machines fit the industry's standards. Three were now set by millions of personal-computes users and owned by. Intel and Microsoft.

In only a few wars, before IBM or the other established computer makers had realized what was happening, an entirely new computer industry had grown up next to the old one.

Harsh new world

The companies which made a comfortable living for so long in the old computer industry face a challenge rather like switching from making battleships to rowing-

boats in just a few years. Almost every defining feature of the old industry, has been reversed in the new one. Instead of selling thousands of expensive machines to an easily identifiable set of corporate and institutional customers, the new industry, sells tens of millions of cheap machines each war to individuals, businesses of any size and sham, and every type of organization imaginable. Unlike mainframes or minicomputers, personal computers need little maintenance. And most of their software can be bought off-the-shelf, like a can of beans, rather than custom-designed for each user by teams of expert programmers. As a result, even in large corporations the computer-purchasing decisions are now made by hundreds of people with little technical knowledge, instead of just one or two computer nerds. Instead of the proprietary hardware and operating-system software of the old industry, ''open'' standards now prevail. These permit the products of a growing number of computer firms to work together, which has opened the door to thousands of new firms that now compete at every link of the ''value chain'', from chips to distribution. Peter Shavoir. IBM's chief business strategist, estimates that 2,500 firms took some pan in the computer industry of 1965, but that 50,000 jostle for business now. Most of the new ones entered the industry, m the 19805 along with the personal computer.

Despite this upheaval, the old computer industry will survive for some time yet. And mainframes, in particular, may never entirely disappear. Lame organizations will need to process huge mountains of data quickly and store it securely in a single, central machine for a long time to come. ''Some customers will always require robust, bullet-proof, bet-your-business kind of applications. These really do belong on a mainframe,'' argues Nick Dono??io, head of IBM's mainframe unit.

However, sales of such big machines are shrinking. Networking, the fastest-growing segment of the new computer industry, strikes at the heart of the old. At first PCs were strung together in networks to allow the users of individual machines to send information to one another. In the industry's jargon this is known as ''peer-to-peer'' computing. Some peer-to-met users no longer needed to be connected to a larger computer to communicate.

More ominously for the makers of big machines, the honest trend in the industry is now the much more sophisticated ''client-serve'' network. In this type of network, a large number of personal computers (''clients'') are connected to a central personal computer (''the server'') which, at a fraction of the cost, does many of the things a minicomputer or mainframe once did, such as storing data, managing the flow of information between users and enabling them to work on the same documents. Many of these networks are built around a powerful type of personal computer called a work-station, based on a microprocessor called a RISC chip. Pioneered by Sun Microsystems, work, stations were first used by, engineers. Now they are being used by, businesses for a variety, of tasks and have become one of the fastest growing, and most fiercely contested, pans of the computer market.

The rapid growth of client-server networks is eliminating the need for big computers in many organizations. Companies like IBM and DEC, which sell big machines, reply that in many cases big machines themselves will function as the server for a host of ''client'' PCS. Nevertheless, with spending on hardware unlikely to grow, some class of machine must suffer, and higher-cost mainframes and minicomputers seem the most likely losers.

Even if demand for bill machines holds up longer than expected, the creation of the new computer industry, has wreaked havoc with the economics of the old. Spoilt by the convenience, choice and ever-falling paces offered by personal computers, buyers have demanded the same low mature, nance, open standards and price reductions from large machines. The growing use of microprocessors in mainframes and minicomputers has enabled the old-style computer makers to provide some of what their customers want. But this has also left them adrift with armies of surplus salesmen, service staff and factory workers, which accounts for the thousands of layoffs in the past year. Today all firms need a niche

SURVEY THE COMPUTER INDUSTRY

Less is more

?? or PC computing power views If microprocessor technology continues to advance as rapidly as it has clone in the past (see chart 41— and everyone in the industry expects, it to do so-by me end of the 1990s even mainframes could be the size of PCs. They might be just as cheap too.

Well before mat happens. It is likely that the new industry will have swallowed the old one. Because it represents the future, and is airea?? where most of the action takes place, the rest of this survey will concentrate on the new computer industry and refer to the old only in passing.

Horizontal desires

Discerning a clear structure in the new industry is hard, but the diagram below is one attempt to do it. Like any such diagram. It is a simplification: technology and competition could soon change it. And yet it is a useful guide to the industry today, so will be used as the map for the rest of this survey. Begin by comparing it with the much simpler diagram on page 9 of the old computer industry. The most stoking thing is that the new industry Is a series of horizontal layers, each containing many companies, rather than the vertical, single-company towers of the old industry. Each layer represents a distinct market. The barriers to entry, for new firms vary from layer to layer: but in no layer are they as high as they were for the old computer industry as a whole, in which any new firm hoping to challenge the established computer companies head-on had to build an entire vertical tower of its own. As a result, competition in every layer of the new industry is much fiercer than it ever was in the old. This explains why profits for the entire industry have dropped since 198&

The diagram is borrowed from Andy Grove, the boss of a successful American chip maker, Intel. It is easy to see why he is fond of it.'' For us. who deal in the fundamental technology, it's wonderful.'' he says. Intel's dominance of the microprocessor level (layer 1) is matched only by Microsoft's hegemony in the client/stand-alone operating-system software level (layer 3) two steps above. Barriers to entry in both these layers are relatively high, because Intel and Microsoft have established de facto industry standards with their products. Supplanting them would be hard but (more on this shortly) neither Intel nor Microsoft is unassailable.

Layer 2, computer platforms, includes assembled personal computers of every size and shape— desktops, workstations, laptops and notebooks. Largely because Intel's dominance of microprocessors has established an industry standard in this layer, barriers to entry are minimal. Any technician who can buy intel, or intel-standard, chips land intel sells to anyone Jean ??oit together a respectable desktop PC from readily available components. So. predictably, this layer is where competition is fiercest. The continual newspaper and television advertising of computers which most people see, and the brutal price war which has captured so much attention in the business press over the past two years, come from firms competing in this layer.

The next layer, operating-system software, is divided between the basic software needed to operate the central server of a network and the software needed to run diem machines in the same network or stand-alone PCs. The top half of the layer is much bigger than the bottom half—some 90m machines run these operating systems compared with just a few million functioning as servers. But the bottom layer is growing fast and is highly profitable. For the purposes of this diagram, their relative sizes are not relevant and so they are shown as equivalent.

Layer 4. applications software, is the arena in which Microsoft, Lotus, WordPerfect, and Borland battle for marker share. This layer projects into a third dimension because a few of the biggest application categories—spreadsheets, word processing, database management and graphics—are distinct markets in themselves, although all fit into the layer. Barriers to entry for any new firm hoping to grab business in one of these categories are somewhat higher than to computer platforms, became writing such complicated programs is time-consuming and expensive. The need for a strong brand name, and the ability to market and distribute such general, purpose software packages also act as barriers to newcomers. But tens of thousands of small firms compete in the application layer outside these areas with specialized software packages.

The layer above that is probably the most competitive of all, as firms scramble to find the most efficient way to reach customers with machines and software. In recent years, some of the industry's biggest winners and losers have been here. Dell grew from nothing in 1984 to just over $2 billion in sales in 1992 because It invented a new, lower-cost way to distribute personal computers: mad order sales backed by telephone hot-lines offering technical advice. The barriers to entry, in this layer are low. Dell already has a host of imitators snapping at its heels, though this has yet to slow the firm.

Parts of the industry are left out of this map. They include memory chips, which work with microprocessors, and other components such as disk drives: peripherals such as printers and modems, and services, a fast-growing part of the industry. Services come in various forms: ''outsourcing'' (performing all the data-processing chores for a corporate or institutional customer); consulting (advising customers on how to reorganize their businesses to take advantage of computers): and systems integration (making a customer's computers work together).

One reason why such services are growing so quickly is that big corporate customers are confused by all the products being offered by the new computer industry. Every lame company from the old computer industry—IBM. DEC. Bull, Unisys and others—is now hoping to win much of the service business by exploiting the large marketing and service operations which they built to support the sale of their large machines.

Although memories, peripherals and services are sizable and growing segments of the computer industry, they are supplements to its core, represented in the diagram, where most of the strategic choices must be made and the technology is moving fastest. This is where me industry's crucial competitive Battles are being fought, and where firms will emerge as either victors or victims.

Do it my way

THE noisiest of those competitive battles wall be bout standards. The eyes of mast sane people tend to glaze over at the very mention of technical standards. But in the computer industry, new standards can be the source of enormous wealth, or the death of corporate empires. With so much at stake. standards arouse violent passions. Much of the propaganda pumped out by individual firms is aimed at convincing customers and other firms that their product has become a ''standard''.

It is for the customer's sake that standards matter. All industries need them, simply because so many things made by different companies must fit together to be of any use. Standards can either be a set of specifications and practices, or they can be embodied in a single product, without some standards or other, no new industry can get off the ground. In its first two decades, the car industry Fought fiercely over standards for everything from the size of nuts and bolts to whether vehicles would have steering wheels or boat-like tillers. Eventually, car makers managed to establish standards for enough key features and components to reach a mass market. But even in today's cat industry, not everything is standardized, as anyone who has fumbled with the controls of an unfamiliar rental car will know.

The world is full of standards that are entirely neutral, belong to nobody and simply make life easier (sliced bread fits mast toasters). But standards, and who owns them, have always been a critical competitive issue in the computer industry. In the old industry, standards were mealy set, and owned, by, vertically integrated manufacturers and used to lack in customers and lack out competitors. By contrast, the new computer industry has rejected, at least rhetorically, such proprietary standards in favour of ''open'' standards to which all firms have access. Customers like open standards so much that they have resisted the old computer industry adopt them as well. Mainframe and mini-computer makers now declare themselves keen advocates of openness, although mast of their products still do not connect easily to those of rivals.

Once established, open standards offer what economists call ''network economies'', which can entrench standards even when they are not the best available or abreast of the latest technology. In the case of personal computers, such network economies were enormous. Customers had strong reasons to buy machines built to the standard because they felt confident that large amounts of software would be available to run on them, and that most other machines would be compatible. Conversely, even tiny software firms suddenly had what promised to be a huge market at which to aim. Firms like Lotus, WordPerfect and Borland racked up hundreds of millions of dollars-worth of sales from a stogie hit product. A ''virtuous cycle'' had been created. As mote software was written for IBM-compatible personal computers, more people wanted these machines. AS more machines were sold, demand for software increased.

And yet open standards represent a trade-off for both computer firms and that customers. If the standard is embodied in a component that contains much of the value of the finished product—as it was in Intel's microprocessor—firms which use that component can find it difficult to differentiate their products without violating the standard. The result in personal computers has been brutal price competition. And any standard, open or not, eventually becomes an obstacle to technological progress. With both microprocessor and software technology changing so rapidly, this conflict is especially acute in the computer industry. As a result, even agreed standards tend to be undermined by new technologies within a few years, compelling companies to pay the high costs of abandoning the old standard, and sparking a struggle among firms to establish a new one.

Open standards have become the religion of the new computer industry, to which everyone pays obeisance, so perhaps it is not surprising that schismatic wars have broken out over the meaning of the term. All firms now claim that their products are open, but that those of their competitors are not.

''The eskimos have 21 words for snow. These guys need 21 words for 'open'.'' says Tim Bresnahan, an economist at Stanford University. Generally there are two ways to set open standards: through negotiations by several firms or by the adoption of a standard established by a single firm.

There have been repeated efforts to establish multi-firm standards, especially for operating-system software. Most of these have been based around an operating system first developed by AT&T called Unix. different versions of which can run on every size of machine from mainframes to personal computers. AT&T pledged to license the basic programming code of Unix to any other company at minimal cost. But most multi-firm efforts have failed for the simple reason that the participating firms cannot trust each other. There are now many rival versions of Unix sponsored by various firms from IBM to Sun Microsystems, all of which are, to a significant degree, incompatible with one another, although all are promoted as open.

Standard-bearers

In fact, widespread adoption of a single firm's product is the only way truly open standards have been established in the new computer industry. ''The irony of open standards is that they have to be based on a monopoly, which then earns enormous amounts of money for whatever firm owns it, observes Todd Hixon, a technology analyst with the Boston Consulting Group. The most famous—some industry executives would say infamous-example ?? Microsoft's MS–DOS operating-system software, which now runs on 80m PCs.

Any firm in Microsoft's position has to make some difficult decisions. Owning a standard product is like possessing any monopoly; it is worthless unless a firm can derive income from it. But if a firm charges too much, other firms will rebel, and either try to copy the product or pay the cost of switching to another as a standard. Microsoft has played this delicate game with consummate skill. It has charged too little for MS–DOS to spark much rebellion, while assiduously encouraging other software firms to write application programmes which run on it. As the power of microprocessors grew, the company was also careful to develop new versions which took advantage of the new chips, but which were compatible with all earlier versions, so that users never had to scrap all their old software when they bought a new personal computer. Today nearly all PCs, except workstations and Apple's machines (which use Apple's proprietary operating system), come with MS–DOS already installed. Nevertheless, even MS–DOS's days are numbered, because of technological advances.

Every firm in the computer industry, no matter what layer it competes in, now dreams of repeating Microsoft's triumph. ''Even as late as 1988 no one in the industry really understood how lucrative owning a standard could be,'' says David Yoffie, a professor at Harvard Business School and a board member at Intel. ''Now everyone sees it. As a result no one is willing to let another company establish it. That is what makes the prospects for profitability so problematic in this industry.''

A huge battle is shaping up in operating-system software. Microsoft has a big lead with a product called Windows, which runs on MS–DOS machines and mimics the easy point-and-click icons of Apple's computers. It has already sold more than 20m copies. But IBM is heavily promoting OS/2, its rival to Windows. In network operating-systems, which run on the machines at the centre of client-server networks, Novell has scored a success similar to Microsoft's. Its netware has become the standard. Netware's dominance is unlikely to last a decade, as Microsoft's MS–DOS has done. By the middle of next year. Microsoft has promised to launch a product called Windows NT (for ''new technology'') to compete with Netware.

Meanwhile Taligent, a joint venture established by Apple and IBM, is also working on an operating system that will run both on networks and on stand-alone machines. And many people in the industry believe that some version of Unix will ultimately prevail. In December Novell bought Unix Systems Laboratories from AT&T and 11 minority shareholders, with the obvious intent of making Unix an alternative standard to whatever is offered by Microsoft. The battle over operating systems will produce the most spectacular fireworks over the next few years. Nonetheless, scores of similar struggles to establish and control ''open'' standards are occurring in every cornet of the computer industry.

Decisions, decisions

MANAGING any business, from a fruit stall to an oil company, is a complicated task. Demand and price go up and down, competitors disrupt the most carefully laid plans, interest rates fluctuate, laws change, employees blunder. The list of possible calamities is long, that of opportunities lamentably short. And yet for most businesses the rules of the game, and so tile types of calamities or opportunities to be faced, stay much the same for years, or even decades, at a time.

For computer companies, the rules of the game itself keep changing, which multiplies all the normal complexities and risks of running any firm. There are a number of reasons for this. First, the basic technologies of the computer business—micro-processors, memory chips, screens and software—continue to change quickly, creating new products and altering both the capabilities and pricing of existing products in every layer of the industry, which has knock-on effects in all the other layers.

Second, these technologies are so widely dispersed that predicting which firms will succeed with a new technology, or suddenly spring up as a new competitor, is far more difficult than in most other industries. A vast corps of electronics engineers and programmers have been trained over the past two decades. Their job mobility and willingness to take risks are legendary. Firms have little difficulty recruiting talent, and lots of new companies are formed every year. Even in microprocessors—a capital-intensive, specialized business—intel now faces competition from a small, Texas-based firm called Cyrix, started by two engineers in 1988, in the late 1980s Toshiba, a distant also-ran in personal computers, shocked the industry when its laptop models, not those of the industry's established leaders, became a hit everywhere. Toshiba, in its turn, was shocked when its early lead was eroded by a wave of imitators, most of them American.

Third, far more often than most companies, computer firms are not selling their products to an established market, but trying to create demand for an entirely new product. This involves a lot of sheer guesswork. In 1991 many firms expected pen computers to take the industry by storm (these allow people to enter information by writing with a stylus on an electronic notepad rather than using a keyboard). Since then, sales have been disappointing. Pen computers are now seen as a niche product with limited potential.

Technological change is not unique to the computer industry. But its pace, and the fact that it is happening in so many areas at once, may be. So to succeed, or even to survive, computer firms now have to put an inordinate amount of effort into doing three things:

Collaborating. The multi-layered structure of the new computer industry and the large number of firms it now contains, mean that any single firm. no matter how powerful, must work closely with many others. Often this is in order to Detain access to technology or manufacturing expertise. A web of thousands of joint ventures, cross-equity holdings and marketing pacts now entangles every, firm in the industry. Even firms with a revolutionary product need to create a ''community'' of other firms to exploit it, argues James More, of Geo Partners, a computer-industry consultant. ''A firm has to attract help from all others in the value chain and deny it to competing communities of firms.''

Successful alliances are notoriously tricky to achieve in any business. An added complication in most computer-industry deals is that few alliances are exclusive. Firms usually retain the right to do business, or strike a similar alliance, with other firms. And alliances are often between firms that compete fiercely in other areas. Apple and IBM are jointly developing new chips, operating systems and multi-media products, all critical to both firms'' future. But Apple, like much of the rest of the new computer industry, also remains determined to steal business from IBM's corporate customers.

Given so many uncertainties, many of the grandest computer alliances predictably fail. The most spectacular break-up has been between Microsoft and IBM. The two spent wars and hundreds of millions of dollars jointly developing OS/2, an operating system to replace MS–DOS. When an early version of OS/2 sold poorly in 1990, Microsoft threw most of its marketing efforts behind its own Windows operating system. IBM felt betrayed. It has since signed marketing pacts with Microsoft's rivals. Novell and Lotus.

Watching other firms. Firms must keep a close eye on the actions of others, even those with whom they have no formal alliance or do not compete. Most firms depend on those In other layers of the industry, to succeed. If a firm stumbles in one layer, it can deal a mortal blow to firms in other layers. In the 1980s Compaq owed much of its extraordinary success in the market for assembled PCs to Intel's willingness to provide it with early supplies of its latest microprocessor. But when new RISC micro-processors designed by Run and others looked as if they would leave Intel's chips Par behind. Compaq had no choice but to join Microsoft, and 19 other firms whose products depended on Intel's chips, a consortium tailed ACE assembled to search For an alternative. Alarmed. Intel accelerated plans to bring out a new generation of microprocessors and eventually persuaded ACE's members that it could keep up with RISC technology. In late 1992 ACE was disbanded. Similarly. Lotus bet that IBM would succeed with OS/2 after its split with Microsoft. When sales of Windows took off and those of OS/2 sputtered. Lotus was not prepared with a Windows version of 1–2–3, its popular spreadsheet program. As a result, Lotus lest market share to the Windows version of Excel. Microsoft's own spreadsheet. Lotus is still scrambling to catch up.

Monitoring technology. Like any type of company, computer firms must track their direct competitors to avoid being caught off guard by a technological breakthrough. However, technology is changing so fast in the computer Industry that just watching competitors is not enough. Our map of the industry on page 18 will probably be completely redrawn in a few years. New technologies promise to blur the boundaries between today's layers, pitting supplier against customer and turning firms which now happily co-operate into competitors. Chip makers are learning to put more and mote of the electronic bits in complete machines on to a single piece of silicon along with the microprocessor. This is a direct threat to assemblers of personal computers, who are already struggling to find ways to add value to machines and so earn profits.

In the next few years, microprocessors themselves will become so powerful that they will incorporate many of the functions of current operating-system software, or run ''emulations'' which allow them to operate with software written for other types of microprocessors. There is disagreement about whether such emulations will be efficient enough to be invisible to the user, or whether they, will slow computers down. If they prove efficient and invisible, the implications for the microprocessor and software markets are difficult to fathom.

It could prove a blow to Microsoft, Novell and others which sell operating systems. Or it could liberate them from specific chip makers. Microsoft has said that Windows NT will run on a venery of RISC microprocessors, as well as on Inters chips. If all operating systems can run on all microprocessors. then the latter could become a commodity, like memory chips, sold primarily on price. On the other hand. emulation may also allow operating systems to mimic each other. Which would mean that software written for MS–DOS or Windows could run easily on Unix. Apples operating system, and any others may come along. This, in turn could make operating systems indistinguishable commodities.

Microsoft's boss, Bill Gates, dismisses any such idea as really, rea?? wrong. It ignores the idea that there is incredibly innovative work going on in operating systems.'' That is just the problem, complain many application-software firms. They worry that Microsoft will incorporate so many functions into its new operating systems that there MR be hitie Opportunity for them to Innovate and acid value. Though Microsoft is a big application-software firm itself, it is wary of alienating other application firms because it does not want them to devote their best efforts to writing software for rival operating systems. On the other hand, the intensely competitive Mr Gates finds it difficult not to seize an opportunity, sitting right under his nose.

Meanwhile Lotus is attempting to appropriate some of the functions, and value,

of the layer below the application-software layer where it normally competes with a product called Notes, which allows users on large networks of personal computers to communicate easily and share databases. Though ostensibly an applications program—it runs on various operating systems—Notes is also something of an operating system itself. Lotus is encouraging other firms to wine applications which, in rum. exploit the capabilities of Notes. Already industry pundits are calling Notes ''middleware''. an entirely new industry layer between operating systems and applications. Microsoft plans to incorporate many of the same features offered by Notes into its new server operating-system. Windows NT. when it appears this year, which might promptly squeeze middleware out of existence.

Given all these risks, one question companies must continually ask themselves is whether or not they should be operating in the layer above or below their main business—in other words, how vertically integrated should they be? There is no single answer to this: and, because of technological changes, whatever answer looks right today may be wrong tomorrow. Apple and Sun Microsystems claim that being in both hardware and software is an advantage for making both work together, though they are now devoting the bulk of their R&D efforts to software. Mr Gates says being in both hardware and software is too risky, though he sees an advantage in being in both operating systems and application software. IBM, which is in every layer and every, market, is floundering.

MOST of the computer companies mentioned in this survey art American. That is no oversight. The industry's direction has been set in America, which is also where most of the innovation occurs. Although large, the European and Japanese computer industries are rooted in their home markets. During the past two difficult veal. European companies have lost market share even at home to American rivals. Japanese companies have fared better. Their lead in memory-chip production and their skills at low-cost manufacturing have brought them modest gains in the share of world hardware sales. But at home they are facing an onslaught from American and other companies in the personal-computer market. And they have yet to make much of a dent in software.

Japanese firms could play a bigger role, especially if mobile, hand-held computers become as big a nit as many people predict. Until that nappens, however, strategic choices made by American firms will determine the direction of the industry This article examines the strategies of four or tile most significant American firms.

As the leader of the old computer industry. IBM faces enormous challenges finding its place in the new industry. Its efforts to do so will be one of the great dramas in modern corporate history. For IBM. 1992 was a disastrous year. Even worse, it capped a precipitous slide in the company's fortunes. Since 1985 its share of the total computer market, including hardware, software and services. has slid from 30% to less than 19%. Its market capitalisation has dropped like a stone, from a peak of $106 billion to 1987 to $27 billion.

IBM has already, made wrenching changes, cutting its workforce by a quarter to 300,000 and reducing manufacturing capacity by 40% since 1986. This year it is cuing another 25.000 people. It has also reorganised its business five times over the same period. In December 1991 it announced the most drastic reorganisation of all. the division of the company into 13 autonomous businesses, each with its own balance sheet, profit and loss account and financial targets. These businesses are supposed to establish an internal marks, with prices equivalent to those offered by outsiders, which should expose hidden subsidies and obvious laggards. Whether it will make ISM as a whole more competitive is debatable. ''Markets and companies are very different things,'' says David Teece, a professor at Haas School of Business at the University of California's Berkeley campus. ''ISM may not get the full benefits of either.''

Despite its troubles, IBM remains huge. Its sales are more than three times the computer sales of Fujitsu, the world's second-biggest computer company. And amid the carnage of the past few years, it has scored some remarkable successes. Its mintcomputers and workstations, two markets which it entered years too late. have said well.

Today technology is coming out of IBM'S vast R&D establishment much more quickly, producing a wave of new products in 1992. It has also launched a range of low-cast personal computers and copied the direct marketing and telephone technical support pioneered by Dell. The inadvertent creator of the new computer industry, IBM has now had to adopt the new industry's ethos, pledging to make all its products connect easily to those of other companies. It has collaborative deals with thousands of firms, including many of those whose success has done so much to destroy its hegemony. Lotus, Novell. Apple and others are all too happy to let IBM's huge salesforce flog their products to large corporate customers. Whether Big Blue gets much out of this is Itself difficult to say. The company's top managers say they are now determined to give customers whatever they want, even if that means selling someone else's product, or helping a customer scrap an expensive ISM mainframe in fayour of a cheaper network of workstations and personal computers.

If it is to remain a single entity. IBM has no choice but to adopt this strategy of being all things to all customers. But IBM IS competing against thousands of specialised firms aiming at every cor''or of its market and every lover of its value-added chain. Even if its mainframe patrimony, still its piggest business, survives longer than sceptics suggest. IBM may not be able to remain either so vertically integrated or so ubiquitous in an industry which is fragmenting quickly. IBM executives seem at a loss about what to do next. A new boss at the company may break it up.

Cool operator

Microsoft has replaced IBM as the industry's most feared and admired company. Its financial performance has been spectacular, largely because of its near-monopoly in PC operating systems, which account for 40% of its sales. Other firms in the industry. are gunning for Microsoft. Complaints by rivals of anti-competitive behaviour have sparked an investigation of the firm by America s Federal Trade Commission. which could cause Microsoft big headaches m the future. IBM's alliances with Apple. Novell and Lotus are clearly designed to deny Microsoft dominance of the next generation of operating systems, whether on stand-alone machines or the servers at the heart of client-server networks. Sun Microsystems aims to do the same thing. Mr Gates shrugs off criticisms from other firms. ''Custamers don't care much about whaler other companies in the industry are comfortable with us,'' he says. ''Who gives a damn? He rubbishes rival products. IBM'S OS/2 operating system, he states flatly, will be dead in two years.

Behind the outward taunting, Mr Gates has dis. played great skill and determination in building Microsoft into a powerhouse. Ironically, in the 1980s the firm's application programs for its own

TAB 15

TO

APPENDIX TO MEMORANDUM OF AMICI CURIAE IN OPPOSITION TO PROPOSED FINAL JUDGMENT

IN CIVIL ACTION NO. 94–1564 (SS)

SIGNED BY GARY REBACK

Electronic Engineering

TIMES

February 18, 1991

Windows stars at SD91

BY RAY WEISS

Santa Clara. Calif.—The tenor of last week's System Development Conference was clear evidence that Microsoft Corp.'s Win. dows is well on its way to becoming the dominant operating-software platform for personal computers. SD91. here. was essentially a Windows show: More than one-third of the vendors in attendance had Windows-related products. Developers flocked to see Windows products, while software vendors launched the second wave of Windows 3.0 development software.

A typical reaction was that of Craig A. Snow. manager, software engineering, at Sophia Systems Inc. (Palo Alto. Calif.): ''Everybody is going to Windows. It's inevitable. Everybody is looking for the right tool or vehicle to build Windows products.''

Microsoft's dominance of Windows development tools was cha??lenged by a number of tool vendors. Archrival Borland International debuted its next- generation Borland C + + product for Windows. which can build Windows programs without the heretofore required Microsoft System Development Kit (SDK). Jenson & Partners Inc. (JPI) announced its integrated set of Top-speed compiler/tools for Windows and DOS. JPI's tools, too. are complete Windows tool kits.

But Microsoft (Redmond. Wash.) is fighting back by preparing a new set of tools for reiease this year. To hold the fort in the meantime. Microsoft integrated its SDK and C6.0 C compiler, and dropped the combined price by 25 percent.

Breakthrough product Borland's C + + is considered by many Windows programmers

to be a breakthrough product—easier and faster to use than the older Microsoft C6.0 and SDK tools.

''This is the tool I've been looking for.'' said B.J. Safdie. a technology analyst with Sony Corp.

(Woodcliff. N.J.).

Borland C + + has a fully integrated development environme, nt. including the Turbo Debugger, which can run in a DOS window in Windows'' standard protect mode. The package includes the interactive WhiteWater Group Resource Toolkit. with which to build Windows applications resources (bitmaps, fonts, dialog boxes, etc.)— a job normally handled by the Microsoft SDK resource editors. Many developers welcome Borland's offering.

The new C + + package supports Windows code. Users can build Windows programs, including DLLs (dynamic linked libraries). Additionally, Borland C + + minimizes compilation time by precompiling program header (.h) files. This saves tune. for some .h files, like Windows??h ??used in all Windows programs), have more than 20.000 lines of code.

Interestingly. as Borland Challenges Microsoft. Borland itself is being challenged by Jensen & Partners. a sp??off of Borland International. Its CEO. Niels Jensen, was one of the cofounders of Borland.

JPI's Topspeed Professional Techkit targets Borland's traditional strength: Turbo Pascal. ''Unlike our competitors.'' said Jensen. ''our Pascal compilers are ISO compatible, as is our C compiler.'' Microsoft is fighting back by preparing a new set of tools for release.

The new compilers announced by JPI at SD91 brought a new tack to PC software tools. JPI debuted four compilers for Windows development: C. C + +. Modula-2 and ISO Pascal. Unlike any other PC compilers, all of these run in a single environment (as DLLs) and share a common code generator Users can buy and add as many compilers as they want. Addition. ally. they can compile mixed code concurrently, and the libraries are shared, i.e.. C or Pascal programs can access Pascal or C library procedures/functions.

What's more. the JPI compilers feature some technical break. throughs, including virtual pointers (typed pointers, which, when de-referenced, cause a function to be called) and DOS-based dynamic linking with DLLs (an overlay manager that uses the Windows DLL format). Also included with the languages is a pre-emptive. multitasking kernel that runs on top of DOS.

'We'll be there'' Microsoft is busily working on its own advanced tool sets. ''You can bet that we will be there with nextgeneration tools.'' said Fred Gray. Languages general manager at Microsoft. The company is working at both better Windows development tools and a C + + compiler. Additionally, the company already has a 32-bit compiler as part of the new SDK for OS/2.

Many analysts expect Microsoft to field that 32-bit compiler for Win. dows, undercutting Borland and JPI. whose compilers are still 16-bit architectures, despite the fact that many developers are now running on 32-bit 386 and 496 machines.

Microsoft actually helped Borland in getting its Windows product out. ''We have a tool-independent program,'' said Gray, ''that treats our own languages group the same as any other ISV (independent software vendor). Microsoft is out to get Windows accepted and will help compeutors like Borland. In fact. we get Windows and other operating system releases the same tune as do the ISVs.''

Other vendors at SD91 presented products that support the emerging Windows development market. These include 32-bit cornpilers from Zortech (C + +) and Warcom (C). as well as Windows GUI (graphical user interface) builders, such as Professional WindowsMaker from Blue Sky Software Corp. (Las Vegas. Nev.) and VZ Programmer for Windows.

Additionally, two key Windows products bowed that fill critical needs for Windows developers: Pcsteam, a hardware ICE for Windows that monitors 386 systems out to 33 MHz with a fully compliant Code View debugger, and Distinct, the first TCP/IP package for Windows—it includes Berkeley Sockets. RPC/X.DR and NFS, Linking Windows applications to the Unix networking world.

Getting attention

Windows is attracting a lot of attention. ''Windows provides a full graphics environment,'' said Isadore Sobkowski, principal. Knowledge Associates Ltd. (Riverdale. N.Y.). ''It's a perfect base for our new generalized expert system. ACE.''

Another company. Expert-Ease Systems Inc., is moving its process-control software to Windows. ''People want Windows—it's a nstrig market.'' said Dave Kuhlman. senior software engineer. ExpertEase (Belmont. Calif.). ''But I will continue to develop using OS.2— you can just do a lot more with 0S,2 than with Windows.''

Many programmers accept Windows as inevitable. ''Windows has the market attention.'' said Sony's Safdie. ''But it's a lot like those kits people used to buy and put on a Volkswagen. making it look like a Maserati or some luxury car. Under the hood is still a Volkswagen.''

Ronald Surratt, principal, C Carp Designs (Laytonville, Calif.), plans to use Windows as a user-interface for software tools. ''Windows is here and accepted. It Lakes care of the graphical user interface as well.'' Surratt will combine Windows with Small for development. ''You can do an awful lot with a small amount of Smalltalk code: with Windows it minimizes development time,'' he said.

But there are others that cannot live with Windows internals. ''Win. dows is not deterministic.'' said Christopher Bajorek, president of Telephone Response Technologies Inc. ''We do real-time voice systerns and have built a pre-emptive multitasking operating system on top of DOS for our needs.'' Bruce Wallace. a development engineer at Quantum Institute, at the University of California at Santa Barbara, uses OS/2 for real-time controt of a free electron laser.

TAB 16

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IN CIVIL ACTION NO. 94–1564 (SS)

SIGNED BY GARY REBACK

Inventing-and reinventing the proprietary architectures for open How Architecture Wins Tech??

by Charles R. Morris and Charles H. Ferguson

The global computer industry is undergoing radical transformation. IBM, the industry's flagship, is reeling from unaccustomed losses and is reducing staff by the tens of thousands. The very survival of DEC, the industry's number two company, is open to question. A roll call of the larger computer corn. panies—Data General, Unisys, Bull, Olivetti, Siemens, Prime-reads like a waiting list in the emergency room.

What's more, the usual explanations for the industry's turmoil are at best inadequate. It is true, for example, that centralized computing is being replaced by desktop technology. But how to explain the recent troubles at Compaq, the desktop standard setter through much of the 1980s? Or the battering suffered by IBM's PC business and most of the rest of the desktop clone makers, Asian and Western alike?

And the Japanese, for once, are unconvincing as a culprit. The fear that Japanese manufacturing prowess would sweep away the Western computer industry has not materialized. True, Japanese corn. panies dominate many commodity markets, but they have been losing share, even in products they were expected to control, like laptop computers. Earnings at their leading electronics and computer companies have been as inglorious as those of Western companies.

Explanations that look to the continuing shift in value added from hardware to software, while containing an important truth, are still too limited. Lotus has one of the largest installed customer bases in the industry. Nevertheless, the company has been suffering through some very rough times. Meanwhile, Borland continues to pile up losses.

Nor are innovation and design skills a surefire recipe for success. LSI Logic and Cypress Semiconductor are among the most innovative and wellmanaged companies in the industry, yet they still lose money. Design-based ''fabless,'' ''computer. less'' companies such as MIPS have fared very hadly too. MIPS was saved from bankruptcy only by a friendly takeover. And Chips and Technologies is m dire straits.

Government protection and subsidies are no panacea either. The European computer industry is the most heavily subsidized in the world but still has no serious players m global computer markets. Charles R. Morns is a partner in Devonshire Partners. a Cambridge. Massachusetts technology consulting and financial advisory firm. Charles H. Ferguson. an MIT Ph.D. and former MIT researcher, is an independent consultant, also in Cambridge, This article is based on their book Computer Wars: How the West Can Min in ??ost IBM World which was lust published by Fimes Books.

Scale, friendly government policies, world-class manufacturing prowess, a strong position in desktop markets, excellent software, top design and innovative skills-

none of these, it seems, is sufficient, either by itself or in combination with each other, to ensure competitive success in this field.

A new paradigm is required to explain patterns of competitive success and failure in information technology. Simply stated, competitive success flows to the company that manages to establish proprietary architectural control over a broad, fastmoving, competitive space.

Architectural strategies have become of paramount importance in information technology because of the astonishing rate of improvement in microprocessors and other semiconductor components. The performance/price ratio of cheap processors is roughly doubling every eighteen months or so, sweeping greater and greater expanses of the information industry within the reach of ever-smaller and less expensive machines. Since no single vendor can keep pace with the deluge of cheap, powerful, mass-produced components, customers insist on stitching together their own local system solutions. Architectures impose order on the system and make the interconnections possible.

An architectural controller is a company that controls one or more of the standards by which the HARVARD BUSINESS REVIEW March-April 1993 entire information package is assembled. Much current conventional wisdom argues that, in an ''open-systems'' era, proprietary architectural control is no longer possible, or even desirable. In fact, the exact opposite is true. In an open-systems era, architectural coherence becomes even more necessary. While any single product is apt to become quickly outdated, a well-designed and open-ended architecture can evolve along with critical tech. nologies, providing a fixed point of stability for customers and serving as the platform for a radiating and long-lived product family.

Proprietary architectures in open systems are not only possible but also indispensable to competitive success—and are also in the best interest of the consumer. They will become increasingly critical as the worlds of computers, telecommunication, and consumer electronics continue to converge.

Architectures in Open Systems

In order to understand architecture as a tool for competitive success in information technology, consider first the many components that make up a typical information system and the types of companies that supply those components.

Take the computer configuration in a typical Wall Street trading or brokerage operation. Pow??ul workstations with 50 MIPS millions of instructions per second)—comparable to the power of standard mainframes-sit on every desk. The workstations are connected in a network so they can communicate with each other or with several others at a time. Teams of workstations can be harnessed together to crunch away on a truly big problem. Powerful computers called servers support the network and manage the huge databases-bond pricing histories, for instance—from which the workstations draw.

Such a modern network will be almost entirely open, or externally accessible by other vendors; critical elements, from perhaps as many as a hundred vendors, plug interchangeably into the network. The workstations themselves are from companies like Sun Microsystems, Hewlett-Packard, and IBM, or they may be powerful personal computers from Apple or any of a number of IBM-compatible PC manufacturers. IBM and Hewlett-Packard make their own workstation microprocessors; most workstation or personal computer makers buy microprocessors from companies like Intel, Motorola, Texas Instruments. LSI Logic, AMD, and Cyrix. Almost all the display screens are made in Japan by Sony, NEC, and many other companies; the disk drives come from American companies like Seagate or Conner Peripherals. The memory chips are made in Japan or Korea. The network printers will typically have laser printing engines from Japan or, if they are high-performance printers, from Xerox or IBM; the powerful processors needed to control modern printers will come from AMD, Motorola, or Intel. The rest of the standardized hardware components on the network, like modems, accelerator boards, coprocessors, network interface boards, and the like, will be made by a wide variety of Asian and American companies.

The network will have many layers of software, most of it ''shrink-wrapped'' from American companies. The operating system-the software that controls the basic interaction of a computer's corn. ponents-may be a version of AT&T's UNIX, specially tailored by the workstation vendor, as with Sun and IBM, or it may come from a third party, like Microsoft. Many vendors, like Lotus and Borland will supply applications software. The complex software required to manage the interaction of the servers and workstations on the network will, in most cases, be supplied by Novell The software that converts digital data into instructions for printer engines is sold by Hewlett-Packard. Adobe. or one of their many clones. Each smaller element in the system, like a modem or video accelerator, will have its own specialized software, often supplied by a vendor other than the manufacturer.

It is possible to construct open systems of this kind because for each layer of the network there are published standards and interface protocols that allow hardware and software products from many vendors to blend seamlessly into the network. The standards define how programs and commands will work and how data will move around the system the communication protocols and formats that hardware components must adhere to, the rules for exchanging signals between applications software and the operating system, the processor's command structure, the allowable font descriptions for a printer, and so forth. We call this complex of standards and rules an ''architecture.''

A small handful of the companies supplying components to the network will define and control the system's critical architectures, each for a specific layer of the system. The architectural standard setters typically include the microprocessor designer (such as Sun or Intel); operating system vendors (possibly Sun or Microsoft); the network system (usually Novell); the printer page-description system (Adobe or Hewlett-Packard); and a small number of others, depending on the nature of the network. Each of these is a proprietary architecture; although the rules for transmitting signals to an Intel processor, for example, are published openly for all vendors, the underlying design of the processor is owned by Intel, just as the design of Sun's operating system is owned by Sun, and so on for Microsoft's Windows/DOS, Novell's Netware, or Adobe's PostScript.

Companies that control proprietary architectural standards have an advantage over other vendors. Since they control the architecture, they are usually better positioned to develop products that maximize its capabilities; by modifying the architecture. they can discipline competing product vendors. In an open-systems era, the most consistently successful information technology companies wall be the ones who manage to establish a proprietary architectural standard over a substantial competitive space and defend it against the assaults of both clones and rival architectural sponsors.

It has been conventional wisdom to argue that users, and the cause of technological progress, are better served by nonproprietary systems architectures. This is emphatically untrue. There are many examples of nonproprietary architectures, like the CCITT fax standard or the NTSC television standard, most of them established by government bodies or industry groups. Because they are set by committees, they usually settle on lowest-common-denominator, compromise solutions. And they are hard to change. The NTSC has been upgraded only once (for color) in a half-century; committees have been squabbling over an improved fax standard for years. Proprietary architectures, by contrast, because they are such extremely valuable franchises, are under constant competitive attack and must be vigorously defended. It is this dynamic that compels a very rapid pace of technological improvement.

Architectural Competitions

The computer industry has been competing on architecture for years. Take the example of the product that established IBM's dominance in the mainframe computer business-the IBM System/360. The 360 was arguably the first pervasive, partially open, information technology architecture. In the late 1960s, once the System/360 became the dominant mainframe solution, IBM began to unbundle component pricing and selectively open the system, in part because of government pressure. Published standards permitted competitors and component suppliers to produce a wide range of IBM-compatible products and programs that were interchangeable with, and sometimes superior to, IBM's own. By licensing its MVS operating system to Amdahl, for example, IBM made it possible for Fujitsu, Amdahl's partner, to produce clones of the IBM mainframe. Much of what was not licensed away voluntarily was acquired anyway by the Japanese through massive intellectual property theft.

Hundreds of new companies selling IBM-compatible mainframe products and software

placed in HARVARD BUSINESS REVIEW March-April 1993 tense competitive pressure on IBM. But they also assured that the IBM standard would always be pervasive throughout the mainframe computing world. As a result, even today IBM controls some two-thirds of the IBM-compatible mainframe market and an even higher share of its profits, not only for central processing units but also for disk drives, systems software, and aftermarket products like expanded memory. Because they have no choice but to maintain compatibility with the IBM standard, competitors must wait to reverse-engineer IBM products after they are introduced. Typically, by the time competitive products are on the market, IBM is well down the learning curve or already moving on to the next generation. And as the owner of the dominant architecture, IBM can subtly and precisely raise the hurdles whenever a particular competitor begins to pose a threat. For over 20 years, in generation after generation, IBM has played this game brilliantly and won every time.

Ironically, IBM badly fumbled an equivalent opportunity in desktop computing, handing over the two most critical PC architectural control points-the systems software and the microprocessor-to Microsoft and Intel. Since any clone maker could acquire the operating system software from Microsoft and the microprocessor from Intel, making PCs became a brutal commodity business. As a high-cost manufacturer, IBM now holds only about l 5 % of the market it created.

In a related error, Compaq made the mistake of assuming that IBM would always control the PC architectural standard. On that premise, the company geared its cost structure and pricing policy to IBM's, only to find itself almost fatally vulnerable when the savage PC price wars of the early 1990s exposed the commoditized character of PC manufacturing. Tellingly, while IBM and Compaq struggle to eke out profits from their PC businesses, Microsoft and Intel are enjoying after-tax margins of about 20%, on sales of more than $4 billion and $6 billion respectively, and together they have more cash than IBM.

For a similar example, consider the case of Lotus. Lotus got its start in a market-spreadsheet software—where products are complex and featurerich, hardly commodities. And over the years, the

3. Successful architectures are proprietary, but open. Closed architectures do not win broad tranchises. Choosing the right degree or openness is one or the most subtle and difficult decisions in architectural contests. IBM opened its PC architecture too broadly—it should have, and could have, retamed control of either or both the operating system and microprocessor standard. Apple made the opposite mistake of bundling the Mac operating system too closely to its own hardware. Sun, in contrast to Apple, opened its SPARC RISC architecture very early, both to software developers and processor cloners; it has the lead position in workstations, and its broad base of third-party software support has helped maintain customer loyalty though a series of technical stumbles. Autodesk's computer-aided design (CAD) software for builders is open to add-on third-party packages, like kitchen design tools, and its broad base of supporting software has given it control of a small but very profitable franchise.

4. General-purpose architectures absorb special-purpose solutions. Architectures that cannot evolve to occupy an ever-broader competitive space are dead ends. Wang's lucrative word processor franchise was absorbed by general-purpose PCs. Special-purpose CAD workstations from Daisy, Applicon, and others were absorbed by more general-purpose desktop machines. Special-purpose game machines will, in all likelihood, be absorbed by more general-purpose consumer systems.

5. Low-end systems swallow high-end systems. Minicomputers poached away huge chunks of mainframe territory and were assaulted in turn by workstations and networks. Workstations are under pressure by increasingly high performance PCs. Traditional supercomputers and very high-end mainframes are vulnerable to parallel arrays of inexpensive microprocessors. High-end data-storage systems are similarly under attack from arrays of inexpensive, redundant disks. Although IBM helped create the personal computer revolution, it steadfastly refused to recognize its implications. Until relatively recently, it even called its desktop products division ''Entry Systems,'' ignoring the fact that today's microprocessor-based machines are a replacement for traditional computers, not an entry point or way station to them.

However, managers must keep in mind that even those companies that best follow these principles are not necessarily guaranteed continued success in the marketplace Architectural contests typically move through a number of different phases and only those companies that successfully Architectures that cannot evoke to occupy an everbroader competitive space are dead ends.

navigate them all, maintaining their pace and direction in the fluid environment of rapidly evolving technologies, emerge as winners over the long term. It's a delicate balancing act, and one that requires ever-increasing flexibility as the technologies mature.

There are five principal phases to architectural competition:

Commitment. Architectural challenges usually emerge from the early-stage chaos of competing point products. Before the IBM PC, personal computers were rigid, closed systems that tended to bundle their own operating systems and applications software. Compaq had the insight that by purchasing a Microsoft operating system identical to that of the PC, it could ride the wave of the PC's success. Microsoft then insisted that all subsequent clone makers buy the same operating system and so seized the critical PC software architectural standard. Microsoft's insight was to realize that it was in an architectural contest and to take the appropriate steps, including steadily expanding the generality and scope of its systems to come out the winner.

Diffusion. Large proms come from broad franchises. Open architectures are successful because they can be broadly diffused. Xerox's Interpress page-description software, which converts digital data into printer instructions, is excellent but can be purchased only with Xerox high-end printers. Adobe, by contrast, has widely licensed its PostScript language and has become the industry standard setter. Intel widely licensed the early versions of its xx86 processors, then sharply restricted licensing of its 386 chip after the Intel standard had become firmly entrenched. IBM, on the other hand. has long resisted diffusing its mainframe and minicomputer software. Of course, diffusion decisions are not without risk. Once again, balance and timing are essential. For example, Philips licensed its cornpact disc technology to Sony to increase market penetration. But Sony outperformed Philips and Took, half the market. Philips's standard was a static one that it never developed further.

Lock-to. A company has a ''lock'' on an architecture when competitors are trained to wait until the architectural leader introduces each new product generation. Intel and Microsoft, at least temporarily, seem to have achieved this position in PC markets. Sun was on the verge of a locked in franchise in workstations but may have fallen short; the performance of its SPARC RISC processor design has been lagging behind the competition, and the company neglected to solidify its franchise by moving rapidly down to lower end platforms.

But lock-in is sustainable only when a company aggressively and continuously cannibalizes its own product line and continually and compatibly extends the architecture itself. This is a strategic choice that many companies find difficult to make. Often, managers become overprotective of the products that brought them their original success. IBM, for example, has frittered away a powerful lock on back-office transaction processing and operating systems. In a misguided effort to protect hardware sales, It has refused to release products, long since developed internally, that would adapt Its best-selling AS400 minicomputer software to the RS6000 workstation. Such reflexive self-protecnon simply hands over a valuable franchise to the Microsofts and other vendors storming up from the low end.

Harvest. Of course, the ultimate objective of architectural competition is to win a market leader's share of the profits, lust to give one dramatic example, profit margins on Intel's xx86 family of chips are m the 40% to 50% range and account for well over 100% of the company's earnings. But no locked-in position is ever completely safe, and companies must be careful when they harvest not to rest on their previous successes. Indeed, Intel may have harvested too aggressively, drawing out spirited recent attacks by clone makers such as AMD and Cyrix.

Obsolescence and Regeneration. lust as products must be cannibal??zed, so must architectures themselves. The better the architecture. the longer its lifespan: but sooner or later every architecture, no matter how well designed becomes obsolete. And before it does, the market leader must be prepared to move ahead, to do away with the old and introduce the new. Industry, leaders often fall to cannibalize their old

architectures, but although nothing IS more painful, to do so is absolutely necessary. Otherwise, competitors quickly move to create and introduce rival franchises, and these eventually dominate the industry. IBM's failure to cannibalize Its mainframe and minicomputer franchises provides a stark example of the catastrophic effects of waiting too long.

DEC provides another example. The company developed outstanding RISC products very early. But DEC declined to cannibalize its profitable VAX-VMS architecture because its VMS operating system, the source of its franchise, was tightly integrated with its aging VAX hardware. Predictably, DEC was beaten out by vendors such as Sun Microsystems and Microsoft, which didn't hesitate to move in with their newer, more powerful alternatives. (The main developer of DEC's advanced systems, Dave Cutler, IS now In charge of developing NT for Microsoft.)

There are three lessons here. First, with better architecture DEC could have kept VMS alive longer. If VMS had been ''portable,'' that is, not restricted to VAX hardware, DEC could have ported VMS to other vendors'' hardware, making VMS an industry standard. Indeed, the company could have used RISC technology itself without losing its VMS franchise. Second, DEC would have been better off cannibalizing itself, rather than waiting to be cannibalized by others.

The third lesson, though, is the most important. As DEC's experiences with VMS and IBM's mistakes with the mainframe and minicomputer franchises show, the cultural and organizational structures useful for managing traditional, closed, integrated businesses will not work for companies that intend to compete with architectural strategy. In fact, we believe that architectural competition is stimulating the development of a new form of business organization.

This new structure, which we call the Silicon Valley Model, has major implications both for information technology and for many other indusfeedback, at levels ranging from individuals to business units. At Microsoft, team members rate each other periodically In peer reviews. Outstanding performers are rewarded; laggards are warned, then fired. Technical expertise is required for a large fracnon or senior management, and communication occurs directly between the relevant parties, unbuffered by hierarchy.

By contrast, performance ratings in traditional bureaucracies are determined by managers at higher levels, and compensation is rarely based on longterm corporate performance. The process is often heavily politicized; dissent is suppressed, and incompetence goes unpunished.

Architectural competition also exposes Silicon Valley Model firms to another form of peer review— product competition. To succeed as industry standard setters, firms must license their architectures to competitors, while also developing critical products themselves. As a result, each layer of the firm land of the architecturel is exposed to direct competition and market feedback. Hence although Microsoft controls Windows, application groups still compete individually: Excel against Lotus and QuattroPro, Word against WordPerfect and AmiPro, and so forth. Architectural leadership provides an advantage, but prevents a cover-up. Silicon Valley Model firms are structured so that excellence is the only defense.

3. Clean boundaries, both internal and external. In architected corporate structures, organizations can create and dissolve alliances rapidly, both internally and externally. Organizations are very flat, and development groups have simple, clean interfaces to each other determined by architectural boundaries. Architecture and point products can be Silicon Valley Model firms take an additional step: the structure of the firm itself mirrors the technical architectures it uses.

kept apart. Moreover, products can invisibly incorporate architected ''engines'' developed by other organizations, including competitors. For example, a start-up called InfoNow has organized alliances involving itself, Microsoft, publishers, computer vendors, and other software companies. InfoNow packages software products, together with reviews and samples of them, which are preloaded for free on computers, the software products, however, are enHARVARD BUSINESS REVIEW March-April 1993 crypted. Users can sample them. read reviews, and then purchase them by telephone, which triggers electronic decryption. Adding new software packages is trivial.

4. Internal proprietary control of architecture and critical implementations, externalized commodities and niches. Silicon Valley Model firms seek to externalize the maximum possible fraction of their total system, while carefully controlling those at. eas required to establish and hold an architectural franchise. Thus core development of the general purpose architecture is always internally controlled. So usually are critical product implementations, which cover the broadest markets and are required either for early diffusion or later harvesting.

Broad, cost-sensitive markets are the strategic high ground, if covered by proprietary architectures. Silicon Valley firms also carefully manage their dependencies, so as not to become unilaterally deigndent on architectural competitors.

On balance, however, Silicon Valley Model firms are much less autarkic than traditional large firms. Niche products, commodity components, and at. chitectures controlled by others are outsourced, and/or relegated to licensees. In fact, Silicon Valley firms actively seek to commoitize regions not under their control.

This yields several benefits. For one, companies can focus on what they do best and on the efforts critical to architectural success. For another, broad outsourcing and licensing create competition among suppliers and licensees, which broadens the market and benefits the architectural leader. PC pricee wars delight Intel, Microsoft, and Novell; IBM and Compaq take the heat.

Interestingly, this contradicts the 1980s conventional wisdom that firms should avoid broad, costsensitive markets in favor of high-price niches. In fact, the broad market is the strategic high ground, if it is covered by a proprietary architecture. Niche product vendors can make profits, but they will remain minor players.

5. Migration and evolution over time. Just as architectures evolve and eventually become obsolete, so too with organizations. Thus the firm's internal structure and external alliances evolve along with its architecture and market position. As new layers are added to an existing architectural position (Windows on top of DOS, then NT underneath Windows), new organizations are created: a similar situation occurs when an architecture must be cannibalized. Some Silicon Valley Model firms will soon face cannibalization; it will be interesting to see how they do.

Broader Implications of the Silicon Valley Model

The Silicon Valley Model is very much a product of a few companies in the computer sector, just as mass production was invented by Ford and just-intime production by Toyota. And as in those cases, we believe that the Silicon Valley Model will diffuse throughout the broader information technology sector as the computer, telecommunications, information services, and consumer electronics industries merge.

In addition, however, as industrial competition in all industries becomes more complex and technological change accelerates, the model may have important effects upon many other fields. We think that it provides a framework that allows proprietary leaders in general to have the greatest span of control and profitability with the least complexity and smallest size. In fact, we think that the model is appropriate for small and large companies alike; it does, however, penalize unnecessary size. (Microsoft, with fewer than 15,000 employees, has a market capitalization equal to IBM's.) We will therefore close with an example of how architectural strategy and the Silicon Valley Model could have been used more than a decade ago, by Xerox.

Xerox became a large, global company through a single proprietary technology-xerography. Xerographic ''marking engines'' are the core of photocopiers, printers, and facsimile machines, all or which Xerox invented. But Xerox chose to exploit its control of xerography using the traditonal strategy of integrated companies.

Where Xerox felt it could not develop products profitably itself, it simply left the market vacant. As a result, when the company's patent position eroded, Japanese competitors took the bulk of the blossoming low-end markets for personal copiers, laser printers, and fax machines. Xerox's market share declined from nearly 100% to about 30%.

Instead, Xerox could have developed an architecture for a broad family of machines and control systems, including interfaces for scanners, document handlers, and ''finishers'' for collating, stapling, and binding. It could have licensed its technology to other firms, and/or sold them xerographic engines. It could have developed products for core markets, leaving others to niche companies.

Every few years, the company could have changed or enhanced its architectures to improve its products and competitive position. The result could have been a Microsoft-like position, with Xerox holding the lion's share of the profits in a highly competitive, dynamic market-yet one under its own effective control. We think that similar strate- gies are available to companies in other complex industries-aerospace and machine tools, among others. If so, the information sector's strategic and organizational innovations might prove as interest- ing as its technology.

TAB 17

TO APPENDIX TO MEMORANDUM OF AMICI CURIAE IN OPPOSITION TO PROPOSED FINAL JUDGMENT

IN CIVIL ACTION NO. 94–1564 (SS)

SIGNED BY GARY REBACK

Corn0uter Select, October 1994

HP Professional

HP Professional August 1994 v8 n8 040(2)

The winds of change.

(Microsoft readying three 32–13it operating systems) (PC Tips)

Author

Keyhoe, Miles B.

bstract

Microsoft is readying three new 32-bit operating systems, each of which includes powerful new features and backward compatibility with prior operating systems. Windows NT 3.5, code-named Daytona, features powerful, flexible networking capabilities that will enable Win NT systems to fit anywhere in an organization. Version 3.5 is Windows-based, although MS-DOS can be used if necessary. Windows 4.0, code-named Chicago, will provide the desktop with full 32-bit computing. Version 4.0 does not depend on MS-DOS and the eight-character limit for file names has been eliminated. Files will be referred to as objects. Some of the ''power user'' features, such as the Windows Recorder, will be missing in the first version of Chicago. Microsoft is also developing the replacement for Windows NT, code-named Cairo, but it is not expected to be available until 1996.

Full Text

Change looms on the horizon. By this time next year, most of us will have first-hand experience with at least two of three new major Microsoft operating system releases. Representing a bold leap in technology, all three releases—code named Daytona, Chicago and Cairo—feature full 32-bit implementation, backward compatibility and some powerful new enhancements.

WINDOWS NT COMES OF AGE

Windows NT, the first 32-bit operating environment from Microsoft, has been shipping for almost a year. Although it brings a powerful platform to the enterprise, it is severely limited because it relies on MS-DOS as its foundation. Consequently, it has inherited all of the limitations we've been frustrated with for years: eight character file names, relatively slow and inefficient file systems, and a 16-bit architecture.

The next release of Windows NT (version 3.5), aka Daytona, marks what I believe is Microsoft's first ''professional quality'' release of NT. It features powerful and flexible networking capabilities that let Win NT systems fit anywhere in a corporation. And, with its Advanced Server edition it's primed to serve as an engine for enterprise computing.

Like its predecessor, Daytona can use MS-DOS as its foundation; but unlike earlier versions, Daytona doesn't require MS-DOS—it is finally a Windows operating system. However, giving up MS-DOS doesn't mean giving up MS-DOS compatibility. An important feature of Daytona is its ability to emulate MS-DOS to execute existing applications.

While Microsoft continues to position Daytona as shared resource or file server for networked Windows systems, it offers a great opportunity for power users and programmers to begin experimenting with 32-bit

or multithreaded applications right away.

NEW YEARS IN CHICAGO

After spending a New Year's holiday in Chicago, t know I'd rather be anyplace but on the Lake Michigan shoreline in winter. But by December the direction of the computer winds will be turned toward Chicago. Not the city, of course, but the new Windows client software. Although some people have called the Chicago release ''Windows 4,'' I've heard rumors that the product will be marketed as ''Windows 95.''

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94–1554

Clerk, U.S. District Court

District of Columbia

Computer Select. October 1994

No matter what it's called, Chicago will finally bring full 32-bit computing to the desktop. Unlike Daytona and other Windows NT releases, Chicago is intended to replace Windows 3.1 and Windows for Workgroups 3.11 on everyone's desk. Those of you who have used New Wave will feel right at home with Chicago.

In fact, the first time I saw Chicago working, it had the same dark green desktop that I've known in New Wave for years. Documents and applications are represented by icons. You can drag-and-drop documents onto applications or just double-click the document icons.

Because Chicago does not depend on MS-DOS, file names are no longer limited to eight characters. However, using a scheme similar to New Wave, Chicago maps long file names into unique eight character file names when you use existing Windows and MS-DOS applications.

Speaking of file names, you're likely to hear what we now call files referred to as objects in Chicago— more shades of New Wave. However, Chicago will store file extensions, or file types, along with the visible document name and the operating system will use a scheme much like the existing Registration Database to map applications to document types.

In the first release of Chicago, Microsoft will be giving up some of the traditional ''power user'' features. The Windows Recorder is likely to be missing, as well as a variety of other applications. Help will be much improved, with hypertext links between the help screen and the system utilities. For example, help on setting the system time will include a link to the Date and Time module of the Control Panel to change the time directly. This should make things easier for novices as well as for those of us who support them.

LOOKING FORWARD

Even further away from Chicago is Cairo, the eventual replacement for Windows NT. Don't expect to see this release until 1996. Cairo is to Windows NT what Chicago is to Windows. Like Chicago, it will feature a brand new user interface (probably one like Chicago). But like Windows NT, it will be the workgroup. system that most individuals don't use at their desks. Because its release is so distant, it's hard to know just what will be included. But one thing is for certain—we'll probably wonder how we got by with plain old Windows 3.1.

Type

Column

Company

Microsoft Corp.

Product

Microsoft Windows 95 (Operating system)

Microsoft Windows NT (Operating system)

Topic

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TO APPENDIX TO MEMORANDUM OF AMICI CURIAE IN OPPOSITION TO PROPOSED FINAL JUDGMENT IN CIVIL ACTION NO. 94–1564

SIGNED BY GARY REBACK

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HEADLINE: Maples: No ''Chinese Wall'' at Microsoft

Clerk, U.S. District Court

BODY: District of Columbia

After spending nearly 20 years at IBM, Mike Maples several years ago became head of the applications division at Microsoft Corp. Then-Microsoft-president Jon Shirley said hiring the guy from Big Blue was the riskiest move of his Microsoft career. Well, the risk eventually paid off, because Maples is still guiding Microsoft's applications strategy and even had extra time recently to joust with InfoWorld Seattle bureau chief Stuart J. Johnston.

Johnston: How will modular applications work in the future using 0LE?

Maples: First let me explain that our applications were just getting too big. Word 1.0 had about 37,000 lines of code, while Word for Windows 1.0 had 408,000 lines of code. I didn't want to be here when they built a 4-million-line word processor, so I talked to a number of people at universities about moving to object-oriented programming. ''First fire all your programmers,'' they said. ''Then throw away all your programs, because however you got started isn't good

for object-oriented programming.'' That wasn't exactly what I had in mind.

So we came up with a way to break applications down into shared components. We developed an architecture, which we call OLE, that allowed these objects to be arbitrarily linked together. Then we took the drawing code from PowerPoint and the charting code from Excel out of the products and built these larger objects. That lets you use a charting function from one development effort across multiple products. It's good for the user because it allows them to have absolute consistency.

Johnston: I understand that the OLE spec is actually being driven by the systems side of the house, but a lot of the coding is done by applications.

Maples: The original code wad done only for apps as an internal development. Then we decided it was a generic thing that was valuable to give other vendors. We could have kept it proprietary but didn't. So we gave the responsibility for managing that to systems, which works with ISVs.

Johnston: But wasn't 0LE codeveloped with Lotus, Aldus, and WordPerfect?

Maples: The No. 1 participant was Aldus. Aldus had another specification, so we decided to resolve a single spec. But that was just two app companies trying to make their lives easier.

Johnston: Other companies are saying privately, ''These are systems issues but they are coming from the apps division, so there really isn't a Chinese Wall over there, and that's what scares us in competing with Microsoft.''

Maples: There is no Chinese Wall. We don't want there to be a Chinese Wall, and I don't think we've ever claimed that there is a Chinese Wall. Microsoft is a single company. We have a single management executive in Bill. We don't try to pretend that there is a Chinese Wall, any more than there is at IBM or Apple or any other company.

Johnston: Yet I recall Steve Ballmer using the term Chinese Wall. He said the apps division got the information about beta code and new systems designs at the same time as the people outside and that they were, in fact, two separate companies.

Maples: I never heard that. I wouldn't argue that somebody said that, but I can tell you that I've never said that.

The bigger issue would be, if we were using secrets or undocumented things, and we very consciously avoid that. A long time ago, when Windows was barely being strapped together, there were cases where things were added to make [the applications division's] life easier, but they were added for other apps developers too. But right now, to my knowledge, there isn't a single undocumented thing in Windows that is used by a Microsoft application.

Johnston: Yet this issue was evidently in the Federal Trade Commission's mind after they did the first round of interviews with third parties then expanded their probe of Microsoft.

Maples: The only things that I've ever seen reported was that the FTC got a number of complaints that they were investigating. People can make up complaints about anything. I don't see that we are doing anything illegal, immoral or irrational, and it is certainly in our interest to have a lot of Windows ISVs. As soon as the ISVs believe the playing field's not level they'll pick another platform.

Johnston: At the Applications Horizon meeting last month there was a lot of hoopla attributed to you by The Wall Street Journal about how Microsoft, despite the FTC investigation, is trying to conquer the entire market. Maples: That was very much out of context. The question was about market share on the Mac and how happy would you be if you had that share of Windows? It's fair to say that we want to compete vigorously, but we're doing that based on good products and good service. Every vendor would like world domincation and to have 100 percent market share, but to translate that as a goal is a real stretch of the imagination. Windows is on probably 30 to 40 percent of the machines being sold today. If you took the number of Windows sold as a percentage of the installed base, it's probably 8 percent, 10 percent. To dominate the market, Windows would have to triple its sales rate and you'd have to get every Windows app sale.

Johnston: But at that same conference, Steve Ballmer—or maybe it was Bill Gates—said by two years from now they expect most of the installed base to have migrated to Windows.

Maples: I listened to every speech and I didn't hear that. To believe that Windows in the next year or two could penetrate the installed base would be a very difficult situation.

Mike Maples
Senior V.P. of Applications
Microsoft Corp.
Redmond, Washington
Age: 49
GRAPHIC: Picture, no caption
LANGUAGE: ENGLISH
TO APPENDIX TO MEMORANDUM OF AMICI CURIAE IN OPPOSITION TO PROPOSED FINAL JUDGMENT IN CIVIL ACTION NO. 94–1564
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We may never know the true status of the Federal Trade Commission's investigation of Microsoft Corp. units the agency decides to go public with its case. But based on accounts by davelapel3, a composite of the FTC's potential casa against Microsoft Can be drawn.

Research and interviews by InfoWorld have revealed at least half a dozen cases in which Microsoft allegedly withheld information on its DOS or Windows functions from outside developers, for periods ranging from six months to several years. During these periods. Microsoft's own developers appear to have used these functions in applications or utilities that competed with those eventually developed by Independent software vendors, according to programmers who have examined the code,

In only one case (involving a version Of Microsoft Excel) do the undocumented functions appear to have saver a Microsoft application a performance advantage. But. in each case, the lack of documentation Of the functions may have given Microsoft applications & Lime-to-market lead of six months or more before similar features Could be incorporated into competing developers'' Undocumented Windows calls

Deciphering the charges leveled at Microsoft By B?? ??

Applications, say cri?? of the Redmond, Wash. firm.

?? litVigilS1110& The FTC refers to comment on pending cases (or even confirm that Microsoft is the subject of an investigation). Lacking hard facts, observers have assumed that the FTC is interested in possible anticompetitive be?? that Microsoft may have angagged to when marketing MS-DOS. OS/2. and Windows.

The tone of recent interviews sponsored by the FTC. however, suggests that the inve??tion has moved into a ?? different area: enforcing federal laws against unfair competion.

Microsoft enjoys at lent a near, ?? in W market for its two main products: DOS and Windows, market analysts indicate that Microsoft controls more than 60 percent of the market worldwide for DOS-compa??ble operat]all systems, with most of the rest accounted for by Novell Inc.'s DR DOS (mainly in Europe and Asia). Microsoft's shipments of Windows amount to 100 heroine of the market for Window 3.l-compatible operating systems. Whether this market dominance has been taken advantage of by Microsoft is hotly disputed between Microsoft and its critics in the software Industry.

Federal antitrust laws do not ?? one company from ''benignly achieving an overwhelming share of a market,'' according to Gerry Elman, CEO of Elman & Will a Philadelphia law firm that represents software companies. The Federal Trade Commission Act. however. does prohibit ''unfair methods of competition.'' This includes improper activities by companies that have a monopoly on a particular market, says Elena, who worked for six years m the ?? division of the U.S. Department of Justice.

Because the relevant act is broad, the U.S. Supreme Court m 1972 clarified the definition of unfair competition. The Court upheld an FTC policy against practices that are: 1. prohibited by ''common law, statutory, or other established ?? of unfairness''; ''. ''immoral, unethical, oppressive, or ??'': or 3. cause ''substantial injury to consumers (or competitors or other businessmen).''

This definition Is still quite broad
NOVEMBER 16. 1992

''The court interpreted congressional intent as granting the FTC wide discre ??on in identifying unfair behavior m the marketplace.'' Elman says.

OPERATING SYSTEM DEFINMON. Soft ware developers do not complain about

Microsoft reserving functions of its oper ating systems solely for the internal use of those systems. An operating system must. m fact. keep a certain number o?? functions to itself. Otherwise. applications using these functions could mike the system unstable, It is only when Microsoft's utilities and applications use those ''undocumented'' functions that combating vendors complain.

Software vendors often make substantial amounts of revenue by selling utilities that supplement Microsoft's. Prod ucts such ns the Norton Utilities. Mace Utilities. and PC Tools have been tremendous financial successes. Vendors use these revenues to fund the development of other applications, which may compete with Microsoft more directly. If Microsoft uses undocumented functions, which outside vendors cannot easily obtain, it would cut off a vital flow of cash for software development.

Consider MS-DOS The DOS operating system consists of two hidden files that are installed on a PC's hard disk. In DOS 5.0. these files are called ??.SYS and MSDOS.SYS. These files provide the core services needed for Disk Operating System functionality.

Microsoft also sells utilities, such as COMMAND.COM, which act as ''shells'' for DOS but are not the operating system itself. COMMAND.COM is replaceable and competes with 4DOS, by J.P. Soft ware: NDOS. a part of the Norton Utilities (which is based on 4DOS): and several other DOS shells.

Similarly. other Microsoft utilities. such as FORMAT.COM. are not the operating system, but use services of the 0peraline system. These ''external'' utilities compete with Novell's DR DOS and other vendors trying to sell operating systems compatible with MS-DOS.

Windows, which Microsoft markets as an operating system, also has operating. system components and utilities. The operating system consists of three components: USER.EXE. GDI.EXE, and KRN L,X86.EXE. Shells, such as Program Manager and File Manager. are not part of the Windows operating system. These shells can be replaced by other shells, which are run by Windows'' three essen. tial components. Program Manager and File Manager compete with Norton Desktop for Windows, WinTools, and numerous other products.

The distinction between the kernel of an operating system and utilities that are bundled with that operating system is often unclear, even within Microsoft. ''What are the areas that third patties can and should market?'' asks Cameron Myhrvold, product manager for the Windows Software Development Kit (SDK). ''The shell is not something we have encouraged a lot of people to replace, because of the importance of a consistent interface.''

But DOS and Windows. like most computer operating systems, are clearly made up of an essential OS kernel and simple but useful utilities that use the functions of that kernel. ''Every operating system works that way,'' says Steve Gibson. the developer of SpinRite and other utilities. ''You have a core operating system, and utilities that can't function without that core.'' ENTERPRISE COMPUTING

On top of its two operating systems. and the utilities bundled with them. Microsoft develops and sells applies. irons. These applications usually compete with those of other vendors, who would like to make money selling similar or superior products.

If Microsoft withholds information about important features of its operating systems, then uses these features in applications or utilities that compete with other vendors, is it practicing unfair competition or merely managing its business well?

Developers themselves are of different minds. ''My attitude toward the undocumented functions is it's a sort of a witch hunt.'' says Paul Yap. who leads Power Programming workshops for International Systems Design of Bellevue. Wash. ''Yes, there are undocumented calls. At the end of one chapter of my book [Chapter 5 of Peter Norton's Windows .t. 0 Power Programming Techniques, by Peter Notion and Paul Yap. Bantam. 1990], there is a statement not to use these calls.'' Yao believes developers who use these functions run the risk of their applications not working under a later version of the operating system.

With all these legal and technical issues, what is the FTC looking for in its investigation of Microsoft? The following details could influence a possible FTC challenge to Microsoft. according'' to statements from Microsoft competitors. DID MICROSFT USE UNDOCUMENTED DOS PEATURES? To understand the roots of the current controversy, it is necessary to go back to the release of DOS 2.0.

To a programmer, the behavior of DOS 2.0's PRINT.COM utility was unusual. A user was able to type a command, such as ''Print Bigfile.txt.'' and almost immediately return to the DOS prompt . Users could start and run another program. such as Lotus 1–2–3 or WordStar. while DOS sent Bigfile.txt to the printer in the background. PRINT.COM knew how to terminate, vet stay resident m DOS—it was the first TSR program.

The function calls that allowed PRINT COM to multitask were not described m Microsoft's reference books on DOS. In fact. many other function calls were not documented either.

Since it is a highly desirable feature for a program to be able to work m the background, programmers outside Microsoft began to puzzle out how this marc was accomplished. One result was a TSR called SideKick, released m 1984 by a troy company now known as Borland International Inc.

SideKick. a personal information manager, was a remarkable success and was soon imitated by other programmers. Unfortunately. Because Microsoft had not documented several functions necessary to write a reliable terminateand-stay-resident program, many of these TSRs left out important safeguards. They crashed when more than one was loaded, or worse, they inter. fared with normal, foreground applications.

Under fire from Borland and other companies. Microsoft representatives m 1986 began to discuss publicly some of the secret functions. But the effort was too late. Swamped with mysterious problems, many PC managers adopted policies forbidding the use of TSR programs, Other than SideKick. no TSR became a best-seller.

Yet Microsoft released its own utilities that depended on undocumented TSR function calls. For example. Microsoft's CD ROM Extension program. MSCDEX. EXE. released in,.1987, allows files on a compact disc to appear in the standard DOS file system Microsoft ?? live To?? Rizzo said in The ?? 1987 Microsoft Systems Jour?? ?? grammers magazine currentl?? pu?? by M&T Publishing of Sar Mate Calif. that Ms??d?? used something called the DOS ''network redirect??- But this capab?? remained un?? mented and unavailable to developer of competing file??system pro?? (Technically speaking. Ms?? used undocumented Function 1; of DOS Interrupt 2F.)

Undocumented functions were also used In Microsoft ?? including Debug and CodeView. These debugger, call Interrupt 21. Function 4B. Sun- function 01. Microsoft ?? documentation for DOS listed only Subfunctions 00 and 03 until recent?? Knowing the missing sub??unction is a requirement for any company trying to write a competing debugging environment for programmers DID MICROSOFT USE UNDOCUMENTED FEATURES IN EXCEL? Today. Microsoft Excel is by far the No. 1 selling graph??- cal spreadsheet. Lotus 1–2–3 ??or Windows did not appear on the market until 18 months after Windows 3.0. and Quattro Pro for Windows shipped just last month.

With its now dominant place in the market. it's easy to forget that Excel originally did have stiff competition Under Windows 2.x. Excel had to face well-financed spreadsheet rivals such as Wingz by Wingz Software. and Full Impact from Ashton-Tate.

The failure of these products was widely attributed to their slower performance compared with Excel. Numerous published reviews from that era show Wingz and Full Impact lagging behind Excel

Tim Paterson. the author of DOS 1.0 Critics of Microsoft accuse the company of using undocumented features of DOS and Windows in applications and utilities like the ones that independent software vendors also want to sell. The following are some examples of the controversy:

Function Use by Microsoft Discussion

Microsoft CD-ROM Extensions Undocumented DOS ''network redirector''

Debug and CodeView

Microsoft Excel

Quick C for Windows

Windows 3.0 SDK compiler (1989)

INT 2F Funtrim1 11

INT 21 Function 48 01 '' Define??e Table

GetTaskQueue and Directed Yield

.InitApp, InitTask,, WaitEvent

. OLE 1.0 ?? PowerPoint

Drag-and-Drop File Manager 3.1

Server API

<. NT DLL functions Pview function also used for drive remapping

Undocumented but required to write debugging environments for compilers

Windows 2.x function, undocumented until made obsolete by Winnows 3.0 Windows 3.0 functions; DirectedYield was documented in Windows 3.1 SDK, but not GetTaskQueue, which Microsoft descnbes as useless Functions necessary to compile Windows applications, released to independent compiler vendors in April 1991.

Critics charge PowerPoint was released with OLE support six months before 0LE specs were released to competing vendors Not available to outside developers until after Windows 3.1 shipped.

Win32 developers claim Microsoft's processor-view utility uses functions they cannot access for their own utilities revealed an important reason for this difference in a two-pan article, ''Managing Multiple Data Segment Under Microsoft Windows.'' published in the February and March 1990 issues of Dr. Dobb's Journal (M&T Publishing). Paterson and fellow programmer Steve F??enniken described undocumented function calls in Windows 2.x that allowed Excel to access large amounts of extended memory rapidly.

Specifically, Excel used undocumented functions of Windows 2.x named Define Handle Table. Without these functions, Paterson and Flenniken wrote, an application's data was limited to ''not more than 300K under the best conditions.'' However, they wrote. ''Micro- sows own Windows applications use all of the techniques discussed here ... to build Windows applications with virtually unlimited data capacity.''

The Define Handle Table functions in Windows 2.x were documented by Microsoft in the Windows 3.0 SDK. But developers charge that this was too late, as the functions are no longer needed m Windows 3.0's protected mode.

DID MIC??OSOFT USE UNDOCUMENTED FEATURES IN QUICk C7 On August 31, 1992. Microsoft released an eight-pale statement and a In-page white paper on 16 undocumented Windows 3.0 functions used by Microsoft applications.

These functions were raveled earlier that month in Undocumented Windows (Addison-Wesley, Reading, Mass.), a book by Andrew. Schulman (a former software engineer at Phar Lap Systems), David Maxey (a former Lotus developer), and Matt Pietrek (a California developer).

In its statement, Microsoft says. ''Microsoft applications derive no unfair advantage from the few undocumented APIs that they call.'' Additionally, ''Microsoft has also provided at least 26 ISVs [independent software vendors] with the information on undocumented calls in Windows.''

Regarding some of the undocumented functions used by Microsoft applications, the white paper describes four of these functions as ''documented m the Windows Software Development Kit (SDK), Version 3.1.'' six as obso??eted by Windows 3.1. and six more as undocumented but ''with documented equivalents'' or ''entirely useless.''

For example, the white paper describes the Windows 3.0 function GetTaskQueue as ''undocumented,'' with ''no equivalent, but useless.'' Another Windows 3.0 function call, DirectedYield. is described as being documented m the Windows 3.1 SDK.

Undocumented Windows coauthor Schulman charges, ''It's disbonest for Microsoft to tag as ''Documented in SDK'' functions that have only recently been documented in the 3.1 SDK, but that Microsoft [and others] were using long before .3.1. Timing is everything in this industry.''

Schulman says that the GetTaskQueue and DirectedYield functions are essential to the working of Microsoft's Quick C for Windows and are, in fact, ''crucial to writinc an integrated development environ. ment or debugger for Windows.''

By disasembling OCWIN.EXE, the main executable file m Quick C for Windows, Schulman says he found at least three m-stances of the following code:

if (GetTaskQ??) ?? Directed??

The first line of code determines whether a C apple, application running in Quick C's development environment Juts set up a =task queue'' for massages.

If so, the second line posts a message to that queue. Finally, Quick C yields control to the application so it can process the message. This routine is necessary because sending a me. hate to an appli. cation before it's ready can cause strange system crashes.

''We needed five undocumented to write debugging devices for Windows 3.0.'' says one developer for a major software firm, who spoke to Info World only on condition of anonymity. ''Meanwhile, Microsoft came out with these devices. and it wasn't until sue months after the release of their [Microsoft's] debuggers that Microsoft provided the information.''

?? ??

SAUCE''? According to Undocumented Windows, several undocumented cells known among developers as the secret sauce were used to compile Windows programs using Microsoft's own Windows 3.0 SDK, which Microsoft began selling m 1989. Competitors such as Borland. Zortech/ Symantec, and other C language vendors] could not create their own stand-alone Windows compilers, which did not require Microsoft's SDK. without conducting project to disassemble Windows and discover these se. crets.

After much criticism by competitors, several of these crucial, undocumented functions—including InitApp, InitTask, and WaitEvent—were finally unveiled by Microsoft. Most Of information came out April 9. 1991. in Microsoft's ''Open Tools'' binder, as weft as being documented in the Windows 3.1 SDK later that year.

Unfortunately for Microsoft's cornpetitors in the heated C-language mar. ketplace, Microsoft bad already shipped more than 48,000 copies of its SDK compiler by the tune the Open Tools release took place. Critics of Microsoft argue that this lave the Redmond company a tremendous lead with corporate and commercial programmers, who were actively purchasing tools to create Windows applications.

Microsoft's Cameron Myhrvold argues that, fat from giving Microsoft an advantage, the extra effort that Zortech find Borland put into their compilers increase their market share, at Microsoft's expanse. ''Zortech C was the first [stand-alone] compiler to ship for Windows in August of 1990, then Borland,'' says Myhrvold. ''The first Microsoft C compiler that didn't need the SDK didn't ship until around Windows 3.1.'' As result, Myhrvold says, Borland and Zortech now outsell Microsoft in C language compilers.

??

??A hot new feature of Windows 3.1 is Object Linking and Embedding (OLE), feature that allows users to place text or graphic from one application into another and have it dynamically updated. Microsoft's documentation of the OLE 1.0 specification was released to developers m December 1990.

But Microsoft PowerPoint 2.0, which was shipping to paying customers six months earlier, already had support for OLE between its graphing and display modules, developers point out. PowerPoint had OLE hard-coded into it. rather than relying on external OLE libraries, as became possible later. ''I don't know how to call that one.'' Myhrvold says. ''PowerPoint [developers] went ahead and shipped something before it was final, probably Version 0.8 or something like that.'' He explained that Microsoft is trying to work more closely with independent software vendors on the upcoming OLE 2.0 specification, beta copies of which were shipped to several dozen vendors two weeks ago.

DID MIC??OSOFT ?? OF ?? Windows 3.1 allows users to drag file names from the File Manager window and ''drop'' them onto other applications. The applications then automatically open or print the dropped documents.

Microsoft documented how a ''client'' application should respond to a file being dropped on it. But, despite repeated requests from ISVs, Microsoft pointedly refused to distribute any information about how the Windows 3.1 File Manager acts as a ''server'' for file names dragged out of its window, preventing developers of competing file managers from releasing upgrades with the release of Windows 3.1 on April 6, 1992.

The information needed for competing vendors to develop ,her own drag-and-drop servers remained undockmented until an article by Jeffrey Richter— the author of Windows 3.1: A Developer's Guide (M&T Publishing. 1991)—appeared m the May-June 1992 issue of the Microsoft Systems Journal. Even then, the information appeared only after attempts by Microsoft officials to suppress the article and after another publication threatened to run it.

''The Microsoft Systems Journal article by Jeffrey Richter was star[led by Microsoft for months because of resistance in the company to publishing this article,'' says Undocumented Windows coauthor Schulman. Richter confirmed this saying. ''It was held up by Windows 3.1 product manager,'' whom he declined to identify.

''There were number of vendors who figured out drag-and-drop.'' Myhrvold says. ''With certain issues, we aren't going to sue Norton [Desktop] or stop them. but we're not going to assist them in doing a shell'' Server drag-and-drop ''wasn't implemented robustly in Windows 3.1, and we wanted to improve it [in later version]. It's important for consistency for the user.''

??Outside developers have found parts of Windows NT that ate undocumented but are

being used in Microsoft utilities that compete with utilities they would like to sell. Although NT is still in beta tearing. several vendors are already selling NT development toolkits to numerous commercial and corporate sites.

Microsoft's Win32 Software Develop ment Kit (required [or developing NT applications) includes a utility calie??

Pview. This tool lets developers look. a: the tasks assigned to one of more processors. The utility uses functions such as NtQuerySystemlnformation.

QueryPerformanceCounter, and NT. QueryInformationThread, according to Schulman. These functions, although contained in?? (which will be included in the shipping version of NT). are all undocumented.

''If NT is to be successful.'' Schulman says, ''won't it need the same rind of active third party-utilities market that DOS and .Windows have? So won't developers need to be able to write their own utilities, such as Pview?''

Microsoft ?? to provide this information to developers. Myhrvold says. ''We're going to document the NT API. Some of it is in the NT DDK [Device Driver Kit].'' which shipped to developera last week. ''We're also looking at producing technical reference, or putting it m the MSDN [Microsoft Developer Network CD ROM]. That will be forthcoming near or just alter NT ships.''

?? of undocumented functions m applications and utilities that compete with independent software vendors something that developers (or the FTC) should complain about? Or is it ?? good business?

For whatever reasons, Microsoft has become by far the world's largest software company. In the last four quarters (ending September 30). it had sales of S3.0 billion add net income of $773 million.

Microsoft's sales represent 7 percent of all sales made by U.S. companies in the =computer software and data proceasing'' category, according to Media General Financial Services, a market analysts firm. But Microsoft's net, income represents 25 percent of all profits made by those same firms— fact that causes resentment among other developers.

Whether its share of the operating systoms market has given Microsoft an unfair advantage in marketing DOS and Windows applications is open to dispute. What is certain is that Microsoft is now selling more than 60 percent of all Windows applications, according to Jesse Berst, editor of the Windows Watcher newsletter m Redmond, Wash.. which tracks software sales.

Because of this dominance, some vendors argue that Microsoft should be broken into separate companies responsible for systems, languages, and applications. These ''Baby Bills,'' like the ''Baby Bell'' telecommunications companies that resulted from the 1984 breakup of AT&T, would presumably improve competition.

Only history will tell d this is whet the FTC seeks. Since the present FTC investigation of Microsoft will wind slowly through the courts— if the agency takes any action at all—it may be years before anyone knows the final outcome. Brian Livingston is a contributing editor at Infoworld and the author of Windows 3.1 Secrets ??DG Books).

Jeanette Borzo, Jim Hammett, Doug Barney, David Cours??y, and Stuart Johnston contributed to this report.

In bus new book. unauth??- ?? Windows 95 (IDG Books. (800) 762–2974 ?? [415] 312–06500. Schulman lists these new requirements

Aside from the tea??res an appl?? cation ar??uably needs to qualif?? as ''Windows 95 compatible''—it must be a 32-but application. It must handle filenames longer than eight characters, and so on— there are several requirements that have nothing to do with Windows 95 companbility Quoting from Microsoft Developer network News, July 1994 issue:

?? It must run on Windows NT 3.5

?? It must have OLE 2.0 contamer and/or object and OLE 2.0 drag-and-drop support

?? It must include a Send or Send Ma?? command on the File menu land support the Common Messaging Call API). Although Microsoft allows some exceptions to the last two rules for applications that don't deal with files (such as games), all three of these new requirements have raised eyebrows with developers.

???

???

SOFTWARE

WINDOW MANAGER.BRIAN LIVINGSTON

Will 'Windows compatible'' really mean what it says?

ADEVELOPER WITH WIDE -RANDING

experience in Windows programming will announce a new book on Nov. 15 that will reveal many of the undocumented features Microsoft's Windows 95 shell takes advantage of.

Along the way, Andrew Schulman (coauthor of Undocumented DOS and Undocumented Windows. Addision-Wesley. (800√ 822-6339 or √6√7√ 944–3700) shows who will benefit from the release of Windows 95 and who will be hurt. In particular. Schulman points to those developers who will be handicapped by some of the new requirements that Microsoft Corp, has tacked onto its ''Windows-compatible'' logo, which it licenses to vendors of shrink-wrap software.

???

???

In his forthcoming book. Schu??man w??

''Microsoft is simply raising the cost of developing Windows applications, and not necessarily in ways that will benem end-users.''

As examples, he c??es the requirements to support NT and OLE. ''The NT requirement seems like nothing more than an attempt to leverage Microsoft's control over the upcoming Windows95 market to assist its lackluster Windows NT product. The OLE 2.0 requirement is odd, given that Microsoft itself hasn't used OLE for the Windows 95 shell.''

That new shell is an application called EXPLORER.EXE. In recent betas o Windows 95, the line SHELL+EXPLORER.EXE appears in the SYSTEM.INI file, rather than SHELL= PROGMAN.EXE as in Windows 3.x.

In Unauthorized Windows 95. Schulman reveals that this shell application uses several as-yet-undocumented features of the new operating system. These calls include such intriguing-sounding func?? as Register-ShellHook. FSNotif?? ??, and SHFindFiles. These ?? (and how they work) might be of no signincance, except th?? many developers have expressed interest in selling improved shells to Windows 95 users.

It's easy to switch shells. Simply change the SHELL=line in SYSTEM.INI for in the new Registry database, which will likely be the repository of this kind of information by the time Windows 95 is released??. But developers will need to get or create documentation on these functions in order for their products to emulate Microsoft's own shell.

The NT requirement particularly bothered several developers 1 spoke with. As it turns out. NT differs from Windows enough that supporting both environments can be a fulltime job. Some API tunctions use different parameters, some th?? that work in one environment don't work in the other, and so on. I'd say the ''Windows 95'' logo is going to be meaningless in determinine the real com?? ibility of new programs. I'll have more on this next week.

Brtan Livingston is the author of Windows ?? Secrets and More Windows Secrets and co-author of Windows ?? Books). Send ups to ?? infowori??.com. or tax: (206) 282–1248

FEB 14 1995

Clerk, U.S. District Court

District of Columbia

MICROSOFT CORPORATION PERFORMANCE REVIEW FORM FOR EXEMPT EMPLO.YEES

NAME:

GROUP: Languages Marketing.

EDACTED

POSITION TITLE: Group Protract Marketing Mann.,

REVIEW PERIOD: April 87—Sept 87

Instructions to the Manager:

1. Give the review form to the employee for their evaluation of work performed since the review.

2. Once completed, determine your own evaluation and ratings of the employee's performs Discuss these with the employee.

3. Finally, f√11 out the final overall rating below and jointly establish objectives and pertir performance factors for the next review period.

Instructions to the Employees:

1. In one or two sentences, describe the overall function or purpose of your position.

2. Complete both sections entitled: Major Activity/Objectives and Performance Factors evalua your performance since the last review.

3. Return the review form to your manager for his/her rating, and once completed, dis??ss ratings and pertinent performance factors for you and your position, and future objectives.

RATING DEFINITIONS: Ratings should be given in 0.5 increments. For example, 3.5 is a valid rating, but 3.7 is not.

(5) EXCEPTIONAL PERFORMANCE; Consistently exceeds all position requirement; v consistently exceeds quantity, quality, cost,, and time standards. Consistently meets big standards of excellence.

(4) EXCEEDS PERFORMANCE STANDARDS: Consistently exceeds most position requirements expectations. Work exceeds most standards often; meets high standards of excellence.

(3) MEETS PERFORMANCE STANDARDS: Consistently meets requirements and job standards; require assistance with complex or new assignments. Work regularly meets standards of competent performance.

(2) NEEDS IMPROVEMENT: Does not meet standards of the job consistently; may need additi?? time-in-job, further training of more than normal supervision; may meet some posi?? requirements but possess one or more Performance deficiencies in critical job areas.

(I) UNSATISFACTORY: Falls short of minimum requirements in critical aspect of job.

FINAL.OVERALL NUMERICAL RATING (to be completed by manager):.

This retting should be a composite of the Major Activity/Objective and Performance Factor sections.

Remember that 5 is high and I is low.
FILED ??TED

(Your signature does not?? mean that you agree, but affirms that this review has been liscussed in detail with you.)

MANAGER: EDACT?? Of Columbia DATE:

APPROVING MANAGER: DATE: 15 6 4

MICROSOFT CORPORATION

PERFORMANCE REVIEW FORM FOR EXEMPT EMPLOYEES

REDACTED

NAME:

CROUP: Languages

CON??

POSITION TITLE.: Group Product Manager

REVIEW PERIOD: 11/86—5/87

Instructions to the Manager:

Give the review Form to the cmployee for their evaluation of work performed since the last review.

Once. completed, determine your own evaluation and ratings of the employee's performance

Discuss these with the employee.

Finally, fill out the final overall rating below and jointly establish objectives and 0erriaea performance factors for the next review period.

RATING DEFINITIONS:

Ratings should be given in 0.5 increments. For example, 5.5 is a valid rating, but 3.7 is not.

(??)

EXCEPTIONAL PERFORMANCE: Consistently exceeds all position requirements; wor?? consistently exceeds quantity, quality, cost, and time standards. Consistently meets highe?? standards of excellence.

EXCEEDS PERFORMANCE STANDARDS: Consistently exceeds most position requirements an expectations. Work exceeds moor standards often; meets high standards of excellence.

MEETS PERFORMANGE STANDARDS: Consistently meets requirements and job standards: m: require assistance with complex or new assignments. Work regularly me=is standards of rule competent performance.

NEEDS IMPROVEMENT: Does not meet standards of the job consistently; may need addition time-in-job, Further :raining or more than normal supervision; may meet some positi?? requirements but possess one or more performance deficiencies in critical job areas.

UNSATISFACTORY: Falls short of minimum requirements in critical aspects of job.

FINAL OVERALL NUMERICAL RATING (to be completed by manager):

This rating should be a composite of the Major Activity/Objective and Performance Factor sections.

Remember that 5 is high. and I is low.

REDACTED

EMPLOYEE:

agree, but affirms that this review has been not nee?? mean that you

??

MANAGER REDACTED

APPROVING MANAGER: DATE:

?? ACTIVITY/OBJECTIVE: Compete with Borland y most important activity is to be sure that Microsoft competes effectively with Borland. This includes

??ecting intelligence about Borland activities and products. making sure that our products are competitive.

// building awareness among end users and gateskeepers about how we compare with Borland products.

MPLOYEE EVALUATION:

??all/ I did a very good job in the BASIC market and my work in C has been fair but not outstanding.

Then Borland announced TurboBASIC at the November Comdex. I collected information about his product and moved quickly to formulate a response strategy. My strategy involved a rapid product response to ?? that could hold out position until QB4 (then called QB3) hit the market.

?? QB3 instend of QB2.5 in order to make the release sound more significant. I worked with LenO and TomC ?? develop a QB3 spec that could bent TurboB. In addition to mobilizing development. I flew to Dallas to attend a region manager's meeting where we formulated a retail promotion strategy intended to fill the channels with QB before TurboB shipped. I reviewed he promotion plan with BillG before implementation began. I also flew to L?? to meet with KDP about the QB3 ad. In that meeting we decided that to compete ?? Borland's inside-front-cover advertising, we would need to use a big media unit with heavy paper. I also ??tioned QB against TurboB for the ad. Rayka and I-met-with CorpCom and came up with the idea of QB ??ters. I have also been working with the press to be sure that comparisons are not made against QB2 (see press objective section). My rapid response strategy was correct: we would be in a very poor position today ?? QB3 were not available (the Byte article bears that out). I was able to mobilize development. retail, and ?? media unit and my positioning of QB3 are sound. The results of the spiff promotion have been spotty, ??ew distributors have had success with it.

We are not as far along on the response to TurboC because we are further from product announcement. I developed a rollout plan for QuickC and CS that focused on minimizing Borland's first mover advantage by preannouncing with an aggressive communication campaign. I determined that we should preannounce in ??ty June because that is when editorial should be light and it is when BillG speaks at BCS. At SteveSn's suggestion. I worked with KathrynH to make the BCS announcement a rent extravaganza. I also proposed a new early beta program for QuickC that would help us to get press coverage sooner after shipment. I chaired a meeting with BillG. JonS. and steveB to run through the plan. While we were well prepared to discuss QuickC they were more interested in discussing how we would protect our high end product.

This meeting would have gone better if I had met with Bill first to determine an appropriate agenda. We still need to figure out how to protect the high end product from price cutters. We should be prepared to offer a stripped town high-end conipiler (i.e., no CodeView, and no QuickC) at a lawer price point if TurboC begins to cannibalize the high end.

MANAGER'S EVALUATION AND RATING: 44

did a very good job shaping our product direction in response to the Turbo Basic product announcement. Alternative strategies were formulated, evaluated, and a decision was reached swiftly. role in this was highly analytical; in the future, should strive to play a more active role in driving the decision process.

The marketing response to Turbo Basic was mixed. did a good job working with the press— although, the final results remain to be seen. Also, she User Group program appears to be going well.

Never, other promotional programs were haphazard at best—and our educational thrust is virtually ?? existant. More creativity is needing in developing marketing programs, and better follow-through is required to implement.

played an important role in Turbo C product response, although the contribution was not as significant as Quick Basic. We all missed the boat on the key marketing issue—a preliminary discussion with Jons would have prevented this. Again, needs to be more pro-active in driving

?? ACTIVITY/OBJECTIVE: Public relations is my responsibility to get coverage for our language products, and to be sure that the coverage is fair and curate. My activities include press planning, tours. issueing press releases with followup, and working with ??iewers.

MPLOYEE EVALUATION:

have made some strides with the press in terms of getting them to use our benchmarks. I am working th PcMag to help them develop a set o] benchmarks for testing BASIC and C compilers. They also ??cted Its before printing their QB benchmarks. We identified problems in their tests and worked with em to correct the problems before the article was run.

press trips for FORTRAN got us news coverage in InfoWorld. and PC Week. We will also see feature ticles in Computer Languages. PC Tech. Dr. Dobbs. and probably Byte. For this trip put together a esentation and materials that emphasised the connection between FORTRAN and C. and defined our longer ?? strategy for

optimization. That approach was very well received by the press because C is hot and cause of the long term strategic implications of tile optimization work.

have been working with PC Tech. PcMag. and Computer Languages on QB3. They have held off on their ??parison articles until version three, but they have all said they would not wait for version four.

??

?? to release a QB3 has proven to be correct. also formulated the PR strategy with Waggener for FORTRAN. QB3. QB4. and the C preannouncement.

hese plans have all been approves and I think have some exciting elements.

I think that our relationships with the press have been very good with the notable exception of Byte.

: is my goal over the next six months to turn that relationship around.

IANAGER'S EVALUATION AND RATING: 5-

Agreed. The only thing I would add is to continue to improve your listening skills during visits with

TO APPENDIX TO MEMORANDUM OF AMICI CURIAE IN OPPOSITION TO PROPOSED FINAL JUDGMENT IN CIVIL ACTION NO. 94–1564

SIGNED BY GARY REBACK
94–1564
Multimedia Systems
Development Partner Program
FILED FEB 14 1995
Clerk, U.S. Cio?? Court
District of Columbia
Program Application
Please return signed copy to: Submitted by:
Cornelius Willis

_____

Microsoft Corporation Company
Multimedia Systems Group.
One Microsoft Way
Redmond. WA 98052–6399

_____

Signature

_____

Name

_____

Title (CEO . President or Key Manager with overall responsibility for this project)

Microsoft Confidential

The Multimedia Systems Development Partner program exists to provide developers with necessary and appropriate resources, education, and support to ensure the successful and timely implementation of their projects.

Microsoft views Development Partners as essential parts of ou?? multimedia business plan. This application will help us understand your company's ideas and qualifications. It will also help us to assess your product's development and introduction schedule so that Microsoft may determine your level of interest and commitment.

Qualifying for this development program may later entitle you to participate in a marketing support program. Please fill it out as completely as possible and return it, along with all requested materials, to the address indicated on the cover. Microsoft looks forward to your participation in what we expect to be an extremely successful multimedia marketplace.

Developer

_____

Information Company Name

_____

Address

_____

City State Zip

_____

Telephone FAX Telex

_____

Development Contact Title Phone

_____

Marketing Contact Title Phone.

Please describe your company's important business relationships (distributors, venture capitalists, etc.) on a separate sheet.

_____

Company
Background Type of company:

_____

Publicly held If publicly hem please

_____

Privately held include annual report

_____

Subsidiary

_____

Name of parent (if subsidiary)

_____

Number of employees

_____

Primary business activities:
———— business software
———— consumer information
———— productivity software
———— business information
———— education software
———— CD-ROM publisher
———— entertainment software
———— on-line information provider
———— productivity software
———— other electronic info publisher
———— development tools
———— magazine, newspaper publisher
———— other software publisher
———— broadcast media producer

Product Proposed product areas (check all that apply):
Information
Applications: Toots:
———— adult
education ———— animation editing
———— business productivity
———— authoring/scripting tools
———— business information
———— image processing
———— consumer information
———— music editing
———— entertainment/games
———— programming tools
———— home business
———— search / retrieval engines
———— home management
———— sound processing
———— K-I2 education
———— storyboarding/prototyping
———— music
———— other data preparation
———— on-line services

_____

———— personal creativity
———— personal development
———— other programming tools
———— publishing

_____

———— reference
———— other applications
———— other tools Current Current key software products (in order of market share and importance to your com- Products pany):

_____

Product name Description Supported Platforms

_____

_____

Product name Description Supported Platforms

_____

_____

Product name Description Supported Platforms

_____

Product name Description Supported Platforms

Please include any appropriate product descriptions or brochures with this application.

Developer What is the extent and nature of your group's relevant technical experience, particularly

Qualifications in the areas of multimedia production, Microsoft Windows or other windowing systems programming, or new technology implementation in general?

_____

Microsoft Confidential

??cept Please provide a short conceptual description of your product(s). Description How will you enrich your application so that it is compelling, make: use of this machine, and helps to define multimedia personal computing?

(Please respond to the following questions on experience?

Describe a typical user session with this product. What will a user separate sheets).

List a ''table of contents'' for this product. If it consists of only one thing (such as ''?? game'') then list its components as appropriate.

Is this product bated on an exiting application? If so:

On which product is it based ?

What is the history of this product?

_____

Market Who is the target audience for your product?

Analysis Explain why you think this is an important product for the machine introduction.

What is the proposed price of your product?

What competition do you perceive for this product? How will you differentiate this product from its competition?

_____

Product What is your expected shipping date for retail distribution?

_____

Development When do you project that you will reach these project milestones?

_____

Software Design Complete Date

_____

Alpha Level Code Date

_____

Beta Level Code Date

_____

_____

Final product available for shipment Date

Do you perceive any other critical milestones in your development schedule?

_____

If any of the above milestones are contingent on external events, please indicate below:

_____

How it this project funded ? (Please answer on a separate sheet).

Microsoft

August 1990

Multimedia Windows Pre-Release Program

This paper will give you important information about Microsoft's plans for the Multimedia

Windows Pre- Release Program and information on how to use it most efficiently.

Multimedia Windows Pre-Release Program Objectives

1. Distribute pre-release software and documentation to qualified developers.

2. Relay information and schedules to multimedia developers in a timely, efficient manner.

3. Educate hardware and software developers on the capabilities of Multimedia Windows.

4. Obtain valuable feedback about Multimedia Windows that will continue to enhance and improve it

The success of Multimedia Windows system software and its applications depend upon effective communication between Microsoft and the hardware and software communities. Microsoft is committed to this mutually beneficial relationship.

Requirements for Participation

To participate in the Multimedia Windows Pre-Release Program, your company must meet all of the following requirements:

1. Sign the enclosed Pre-Release Program Non-Disclosure Agreements

Enclosed you will find a non-disclosure agreement for the Multimedia Windows Pre-Release Program. By signing this agreement, you agree to participate in the program under confidential restraints, meaning that you will not discuss any information that you receive from Microsoft about this Windows product, with anyone outside of your company. This requirement will be in place until Multimedia Windows is publicly announced. Enclosed you will also find a master Non-Disclosure Agreement A completed copy of this Agreement must be on file at Microsoft and covets additional confidential information you may receive as a participant in the Multimedia Windows Pre-Release Program.

2. Submit a program application to participate in future support programs and to include your company in the Multimedia Windows Hardware and Software Directory database.

By submitting the program application, you become eligible to participate in future technical seminars or marketing programs that Microsoft may offer to Multimedia Developers. Furthermore, this application allows our staff to build an accurate database of active developers and vendors involved in this program so that we can beater track your interests and your needs. This tracking system will become even more important as the program grows.

When Microsoft announces its plans for Multimedia Windows, we may publish a directory of company names and product summaries derived from this database. Until that time, the list will only be available to developers in the Pre-Release program.

3. Include a check or P.O. for $495 to Microsoft

This fee enrolls you in the Pre-release program and covers the cost of technical support until product release. A majority of the support for the Pre-Release program will be conducted via Microsoft OnLine, our electronic technical support service. Microsoft will use this communication service to inform participants of plans, changes, and updates. We may also provide incremental software release, via OnLine, which you can download at your convenience. Any feedback or problems you encounter with the product must be reported through Microsoft OnLine.

This special OnLine account will allow your development staff to ask questions about Windows 3.0, the Windows 3.0 SDK, Multimedia Windows MDK and DDK, and the Microsoft languages and tools that support multimedia software development under Windows 3.0. It will also provide them access to all Microsoft product information in the OnLine Knowledge Base.

4. Sign the signature block at the end of this letter, and return the entire package.

By signing this letter, you indicate that you have read and understand this letter and ague to abide by the Pre-Release Program objectives and intentions.

What you can Expect from the Multimedia Windows Pre-Release Program

If you meet all of the above requirements, you will become an on-going member of the Multimedia Windows Pre-Release Program. After Microsoft receives the signed agreements, and application, your Microsoft OnLine account will be activated or modified and your company and product summary entered in the Multimedia Windows database.

Microsoft Online Account

When you return your signed OnLine Agreement, you will receive a Microsoft OnLine access ID number that can be used to access Multimedia Windows we-release information. OnLine documentation and software will also be sent to all new subscribers.

If you already have an active OnLine Account, a special Multimedia Windows-specific OnLine account will be set up for you. The Multimedia Windows Pre-Release access number for Microsoft OnLine will be dissolved at the termination of the Pre-Release program. You may continue to use the existing account until your Microsoft OnLine subscription terminates. Renewal of your OnLine account will be at the standard price of $795.00.

If you would like to change the billing name and address for that account please fill out the information below:

_____

Yea, please change billing name/address for Windows Pre-Release OnLine access ID number

_____

Billing contact name

_____

Billing company name

_____

Billing address

_____

City State/Country Postal Code

International Developers:

International developers are not required to obtain a Microsoft OnLine account Instead, please contact your local Microsoft Subsidiary for information on their support programs.

check here if you will be obtaining support from a Microsoft Subsidiary

2. Review/Sign/Copy/Return the enclosed Non-Disclosure Agreement As stated earlier, them agreements allow us to disclose confidential information about our product development plans without compromising marketing plans that we have. If you have any questions about the agreement, please state them in a letter and send to Multimedia Windows Product Marketing address listed below. Since there is no signature block for Microsoft. your copy of each agreement is all that is needed for your records.

If there is a business reason for you to communicate information to another company, please outline your needs/reason and the contact information for that company and return this letter to the Multimedia Windows Product Marketing address given at the end of this letter. You will be notified of the outcome of your request.

3. Complete and return the enclosed Development Program Application

If you are currently working on a Multimedia Windows product but would prefer not to be listed in the distributed directory, your information will be kept confidential until you notify us otherwise. Please mark your preference on the application.

If your company is considered a Corporate Account and are using Multimedia Windows as an end-user product only, it is not necessary to complete this step.

Federal Register

5–3–02 Friday
Vol. 67 No. 86 May 3, 2002

Book 11 of 12 Books
Pages 29275–29794

Part II—Continued

Department of Justice

Antitrust Division

United States v. Microsoft Corporation; Public Comments; Notice

TO APPENDIX TO MEMORANDUM OF AMICI CURIAE IN OPPOSITION TO PROPOSED FINAL JUDGMENT IN CIVIL ACTION NO. 94–1564

SIGNED BY GARY REBACK

2ND STORY of Level I printed in FULL format. Copyright 1994 Network World, Inc. Network World July 25, 1994 94–1564

FILED FEB 14 1995

SECTION: TOP NEWS; Pg. 4

LENGTH: 724 words

HEADLINE: Microsoft free at last?;

Ruling still lets firm incorporate apps in its OSes.

Clerk, U.S. District Court

District of Columbia

BYLINE: Michael Csenger and adam Gaffin

BODY:

Washington, DC

The antitrust settlement Microsoft Corp. reached with the Justice Department skirted an issue central to network users, paving the way for the software giant to continue integrating applications with its desktop and network operating systems.

The consent decree, announced July 16, focused almost entirely on the way Microsoft sold operating systems to hardware vendors. But it does not prevent the company from integrating applications into the operating system itself.

Competing software vendors such as Lotus Development Corp. had long alleged that Microsoft's applications division received unfair information from its operating systems division that gave the company a leg up on the competition.

Some analysts and users said the decree, which also poses stricter controls on the royalties Microsoft can collect from personal computer vendors, leaves the path clear for Microsoft to mop up competitors that sell stand-alone applications, resulting in more limited user choice down the road.

SKEPTICISM

But others said Microsoft has yet to prove to the market that it has operating systems and networked applications worth betting a business on. ''A lot of its networking products are either futures or first-generation products,'' said Jamie Lewis, president of The Burton Group, a Salt Lake City consulting firm. The company faces entrenched and growing user bases for both Novell, Inc.'s NetWare operating systems and Lotus'' Notes groupware applications, he said. Users also expressed skepticism.

''Microsoft promises Chicago and Cairo and a whole lot of networking, but the question is, will it work before they run out of cities to name these things after?'' quipped a network manager whose major brokerage house network runs on Unix.

windows NT is not a truly open environment, he said, ''Because if Gates doesn't have it then neither do you, and I'd rather not put myself in his hands. That's why we've standardized on Unix for our trading floor.''

Frank Caro, technology transition team leader for Otis Elevator Co. in Farmington, Conn., cited interoperability problems with Microsoft's current Windows implementation of Transmission Control Protocol/Internet Protocol as an example of the company's network shortcomings.

''We've been trying to get into the networking capability of Microsoft's products and find there's one con, non theme: NETBIOS,'' Caro said. Microsoft does not yet support native TCP/IP, but uses NETBIOS or NETBEUI encapsulated within TCP/IP, he said.

''we're totally uninterested in any approach like this; it can't handle a network of more than 50 users and is terrible over the wide area,'' Caro said.

And Windows NT has proved unable to handle the applications that Otis wants to take off its mainframe system, because Windows NT is not a multiuser environment.

But Caro respects Microsoft's ability to change course as necessary and awaits the promised native TCP/IP support in Chicago.

''That one feature alone is going to cause dramatic change in network connectivity,'' said Nick Lippis, principal at Strategic Networks Consulting, Inc. in Rockland, Mass., referring to Windows'' TCP/IP.

Native TCP/IP support for Chicago could help Microsoft cut into Novell's installed NetWare client base by providing an alternative to Novell's Internetwork Packet Exchange (IPX) protocol. If the desktop operating systems supported TCP/IP directly, ''why continue with IPX?'' Lippis asked.

NOVELL NOT WORRIED

''I laugh when I hear people say it's all over for Novell now, we should pack up and go home,'' said David Bradford, vice president and general counsel for Novell.

''Microsoft has come against Novell [several] now with their networking products, and we've beat them every time,'' Bradford said.

Bradford also noted that this consent decree does not close Microsoft's books forever. ''They will be monitored, perhaps even more so than before,'' he said. ''The industry and consumers have an ally in the Justice Department.''

Frank Dzubeck, president of Communications Network Architects, Inc., in Washington, DC, agrees that the case may not yet be closed.

''If Microsoft gets very aggressive and starts burying things in their operating systems, then this whole issue will be revisited, he said. But it will require that another company first go bankrupt.''

LANGUAGE: ENGLISH

LOAD-DATE-MDC: July 27, 1994

TO APPENDIX TO MEMORANDUM OF AMICI CURIAE IN OPPOSITION TO PROPOSED FINAL JUDGMENT IN CIVIL ACTION NO. 94–1564

SIGNED BY GARY REBACK

Business Day

M??

The New Work Times

Microsoft's Barely Limited Future

By JOHN MARKOFF

??

SAN FRANCISCO, June 17—Rath?? than reining in the Microsoft Corporation, the consent deeree that the Justice Department announced over the weekend with Microsoft. the world's largest software publisher, frees the company to define the computer mudstry's ground ?? through the rest of the decade.

The agreement leaves ??intouched what many computer in??justry executives say is Microsoft's ?? advantage—that it devel??ps both the basic operating-system ??oftware that makes personal com??ters run, known as MS-DOS. and ??pphactons software, like word-pro??essing programs or spreadsheets, ??nat perform spec?? ??

''Microsoft s whole empire is based in the interlocking nature of their ??perating-system and application oftware.'' said William Joy, a ??ounder of Sun Microsystems, and the ??uthor of one version of the Unix Perating system.

??Vol a Central Issue Microsoft officials said Saturday ??nal issues related to the relationship ?? their operating software and their ??ppicaons programs had not been ??ocus of their ?? nego??anons with us??ce Department officials.

MS-DOS and the Windows proram, which makes DOS easier to ?? are installed in millions of com. ?? worldwide White the Jusuce ??epartiment has decided that Micro?? does have a monopoly in opera?? ?? systems, it ?? that the ?? changes the c??unsent decree spells ??ut provide a remedy.

Yet many Microsoft compet??nors ??ce a broader problem, as well: the ??ne between where the operating system ends and the applications pro??las start is increasingly being ??lurred by advances in technology. ??Smaller compe??tors with innovave ideas in businesses as diverse as ?? man. ?? compression,

?? creates more storage space on disk, and screen savers, which pre?? ent damage to mounors, are finding ?? their business is evaporating because Microsoft keeps adding such programs to ?? operating system as ?? periodically brings out an updated version.

A Microsoft's operating system scheduled for release next year, called Chicago, will acceler?? the process The program will mer??e DOS and Windows and will include electronic mail, remote access, filesearching functions and screen savers. Since introducing MS-DOS in 1981.

Microsoft has continually campaigned to expand the ?? of what computing functions belong inside the computer operating system.

The early vers?? of DOS were small programs that did ?? more than control the storage and ?? of data and start and stop applications programs. But in the 14 years that followed, Microsoft's ??rating systems have greatly expanded the servtees they provide to users and programmers The other important issue not specifically addressed in the consent decree is whether Microsoft has been able to leverage us virtual monopoly ?? operating systems into domination of applications software—a far bigger and more lucrative market This matter is of great concern to companies like Lotus Development.

Boarland International and Novell, and its recently acquired Wordperfect—which specialize in applications software. About half of the 50 million computers that run Windows, for example use Microsoft's word processor, called Word, and its spreadsheet, Excel.

It was for that reason that lawyers at the Federal Trade commission toyed two years ago with the idea of breaking Microsoft into two companies, More recently, Justice Department investigators are believed to have

studied ways of creating some sort of ''Chinese wall'' that might limit the information traveling between the two sides of the business. Anne K. Bingaman, Assistant Attorney General in charge of annt??rust matters, refused to comment on the issue. But in response to a question whether, the department had considered trying to split Microsoft, she said Sa??day that her lawyers, bad looked at ''every possible legal th?? ory ?? Linkage Is Seft-Pedaled??

In an interview today, Ms. Bingsman: acknowledged that the decre?? was silent about any linkage ?? ?? Microsoft's power in operating systems and its, growth, in applications software. But she also said the Justice Department had decided against pursuing a ''second range of issues'' that had been raised by the F.T.C.'s earlier investigation.

''All I can tell you is we filed the complaint based on what we decided were the problems that needed to be corrected,'' she said.

What the consent decree announced on Saturday did achieve was this: Microsoft agreed to change the way it deals with the companies that make the hardware for personal computers, freeing them to offer customrs a choice of operating systems.

Microsoft will also alter its softwarelicensing policies and the way it gives information to software developers.

The expectation is that personal computer makers like Compaq. Dell and others will now be more receptive to the operating systems made by Novell, international Business Machines and Sun Microsystems.

Software companies will be able to develop versions of their programs for Microsoft's operating systems without making exclusive commitments to Microsoft, leaving them free to create applications for operating systems that other companies have designed.

Yet while the consensus is that Microsoft's influence will continue to increase, computer industry executives are divided over whether its power and influence will be good or bad for consumers.

''Microsoft has become the I.B.M. of the 1990's'' said J. Paul Gravson chairman and chief executive of Mr. crogra??, a software publisher it Richardson. Tex ''There are issues for anyone who wants to participa?? in this market because of their size and scope. Anything the Government does to slow them down would be welcome.''

Believes Bigger Is Better But others in the industry believe that Microsoft's strategy is benefiting consumers.

''If you really care about improving the personal computer, you wan Microsoft to take over all the pieces of the pre,'' said Stewart Alsop, edito?? of Infoworld, a weekly computer-in dustry newspaper.

Competitors like Novell, which were otherwise pleased by the agreement obtained by the Justice Department, said they were disappointed that the Government had not forced Microsoft to disclose ??formation about new versions of its operating systems in ways that would level the playing field for developers who are competing with Microsoft applications.

The company's competitors have argued that Microsoft has gained a special advantage for its applications programs by using hidden operating-system features and providing earlier access to technical information for its programmers.

Microsoft officials said the Government had found no evidence that such a special advantage existed. ''We don't think this is market power in the traditional an??trust sense.'' Said William h. Neukom, the company's vice president for law and corporate affairs. ''Anyone can come in and upset you with better technology. We think it's a ferociously competitive business.''

While the agreement may aid some companies like Novell, which makes a Microsoft-compatible operating system, it will not affect Microsoft's power with respect to smaller software developers.

''Microsoft will continue to be very powerful,'' said Martin Goetz, a cofounder of Applied Data Research, the nation's first software company ''The Justice Department hasn't ?? to the cries of the software companies.''

Michael J. Miller

The World According to Microsoft FILED

If you think Microsoft is too dominant in today's computer industry, a quick look at where the Bill Gates juggernaut is headed may prove disheartening. Already the leading provider of operating systems and office productivity applications, Microsoft wants to carry its success over to other areas, ranging from interactive television to financial services. With its recent announcements, acquisitions, and introductions. Microsoft is making its goal clear: It aims to become a ubiquitous part of tomorrow's information infrastructure.

THE RIGHT TOOLS

While Intel seems to face more competition than ever, Microsoft's position in the operating-system market has gotten stronger. The reason for this continued success is twofold. Confusion and a lack of focus from OS competitors—such as IBM and Apple—certainly helped, but Microsoft also gave itself quite a boost by developing tools like Visual Basic and Visual C++.

Not too long ago, Borland surpassed Microsoft in the quality of its tools. But more and more, the big firms I talk to are moving to Microsoft tools. This kind of support gives Microsoft the ability to decide which technologies to push and which platforms to support, as well as which technologies to license and which to keep for itself. For instance, Microsoft was first on the market with products that really supported OLE 2.0. Now that it wants OLE 2.0 to be widely supported, it has done a very nice job of making OLE support easier by providing Wizards in its Visual C++ package.

Microsoft wants OLE to be the object standard, and wants to establish it before OpenDoc or Taligent gets off the ground. Microsoft even wants to control object standards on other platforms, hence its introduction of tools that make it easier for developers to take Windows applications and move them to other platforms, such as Macintosh, with built-in support for OLE. Not only does this I by Mans Bishofs kind of accommodation push Microsoft's APIs. it also makes it easy for vendors to use Windows as their primary development platform, regardless of what their target system might be. This will, of course, lead to code that is optimized for Windows. (Okay. Microsoft is a bit confused here. This is because part of the company wants to protect the rights of its Word and Excel teams by insisting on special terms for using the cross-platform code for people who write word processors or spreadsheets.)

TIE RIGHT NETWORK

The dominance in tools, applications, and operating systems may be just the beginning. Consider Microsoft's recent announcements, such as Microsoft Network, a new on-line service that will be bundled with Windows 95.

Microsoft Network, once code-named Marvel, may well be the first thing users see when they start the new operating system and it may be the best way to get Microsoft support. If users choose to subscribe to Microsoft Network, the company could wind up getting a steady stream of $4 to $5 a month from everyone on its operating system, and that could mean several hundred million dollars a year.

Microsoft isn't the only one with this idea. IBM is doing the same thing with OS/2 Warp by bundling in Internet access through its Advantis service, which then sets up a continuing monthly fee. In fact, you can almost view these two operating systems as loss leaders for their suppliers'' on-line services. Since Microsoft is in a position where its operating system is dominant, however, users will be more likely to try its network service first. In order to be successful. Microsoft Network doesn't even have to be the best on-line service; it just needs to be good enough and the most convenient. And including Microsoft Network with windows 95 will certainly help.

Now take Microsoft's recent plans to acquire Intuit with its Quicken personal finance program (which links to a check-paying system), and add that to the likelihood of Microsoft Network's success. Because of its size. Microsoft is in a better position to work out relationships with large banks and other financial players. Imagine how Microsoft could extend electronic banking onto an online service such as Microsoft Network.

Microsoft could require just a small service charge on each transaction. Or it could make money on the float—the interest in the few seconds it takes to move money from one place to another, or both.

Microsoft's success in one area helps it extend its success in other areas. Because Windows is so successful, developers must develop for it. If Microsoft Network becomes successful, more developers and content publishers will support it. The same reasoning will apply to Microsoft's Tiger system for delivering video and other content to set-top boxes, or even to the far-off plan of developing wallet PCs with access to financial information.

UNCHARTED WATERS

All this may sound inevidtable, but it isn't. First of all, no one—not even Bill gates—is successful with every product he introduces. Just think about Microsoft Money. And does anyone out there remember the first Microsoft Access, the abortive Crosstalk

competitor? Not too many folks, obviously, or Microsoft couldn't have recycled the name for use on its database.

Microsoft still has a lot of strong competitors who envision a different future. Novell, for instance, is still the clear leader in network operating systems and has recently announced plans with General instruments, the leader in cable set-top boxes.

To date, Microsoft's track record in communications products is less than stellar, Lotus's cc: Mail and Notes have a larger marcompetitor in the world to come. Micro?? is getting into areas where it will face ?? competition, in addition to its ?? software competitors, from banks to tel?? sion and cable companies. in many ca?? these firms have unique relationships ?? customers or content that Microsoft ca?? easily duplicate.

This more Microsoft focuses on pushi?? its existing platforms and operating system?? the more likely it is that there will be so?? outside force, some new technology, th?? Microsoft either won't see or won't comm?? to quickly enough. This would leave roo?? for new competitors. Remember, it was?? too long ago that IBM. Digital Equipme?? Corp., and Wang were the dominant infor?? mation companies, and look what happene?? when the technology changed.

Still, if you're worried about Micros ?? dominance today, you have good reason. ?? may foreshadow a future where Microsoft has a hand in every area of your life—from communications to entertainment to pay?? ing your bills. the road to this future woo?? be easy, but Microsoft is very determined and is certainly in a better position tha?? inevitable storms.

There are 3,462 chances to make a mistake in this document.

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If the ?? office is here. how come people keep handling you pieces of ?? paper, ?? faxes. photo-cop?? and newspaper ?? for you to ?? in your report? Even ?? to type if out in is a mistake. But it's got to be done one way or ??.

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PCWEEK

THE NEWSPAPER OF CORPORATE COMPUTING ?? JULY 25, 1984 VOLUME 11

NUMBER 29 S3.05

DOJ accord fosters ''too little, too late'' perception

NEWS ANALYSIS ''Chinese wall'' sidestepped, but some see new opportunities

BY JANE MORRISSEY

The justice Department and the European Commission won ?? concessions from Microsoft Corp., but ?? doubt the consent decree ?? agreed on will ?? much effect on the company or ?? competitors. The ?? got Microsoft to ?? up per-processor ?? and other business ?? ?? and will ?? us compliance for ?? and a half years, bus left ?? its ability to ?? share opera?? ??lern ?? with its application ??.

The consent decree will be open for public comment within the ?? 60 day, after which a federal judge will offer a final ruling. Legal experts expect the court to uphold the decree.

Although the government could take further action and Microsoft could face lawsuits from competitors, mo?? observer?? said both are unlikely because of the time and expense involved. Microsoft com?? ma?? ?? to live with the outcome, ?? mans are not ??.

''Anyone who said this decision went far enough isn't in touch with the industry.'' said Ed Zander, president of SunSoft Inc., Sun Microsystems Inc, software unit. ''Of the three or four issues [the DOJ] could have worked on. they picked the least contentions. The 'Chinese wall'' is more subtantive.''

But Microsoft officials, citing legal precedents to back them up. said ?? were able to convince the government that such exclusionary sharing ?? ?? is managers take sides; desplts?? the agreement, the government's Anne Bingaman and Microsoft's Will??am Neukom still don't sea eye-to-eye; Microsoft financ??als, meanwhile, are strong. in their rights. ''We encourage our systems people to talk with the apps people about potential new operating-systems fea??'' said Chairman Bill Gates

Operating-system makers such as IBM. Novell Inc.. Taligent inc.. (?? and Sun Soil said they were were encouraged that Justice took the actions it did on per-processor licensing practices,

''We're going to jump all over Otis,'' said Lee Reiswing president of IBM's Personal Sof??are Prod?? division, in Austin. Texas. ''It means a level playing field for us for the first time. We have the op?? to hit the OEMs.

''It will help us in the future in not disadvantaging us with a pricing mechanism,'' said .Joseph (??. chairman anti CEO of Taligent, in Santa Clara, Calif.

But some said it is too little, too lair''. ''To the extent [Microsoft's behavior] prevented other operating systems from succeeding. that war is over,'' said Mitchell ??, chairman of Powersoft Corp., in Concord, Mass. ''DOS is it and Windows is it: The ?? has close to zero impact

Novell. one of the insugaors of tile government ??. the decree is a good first step m addressing its concerns. The Provo. Utah. firm will discuss at an upcoming board meeting whether to submit objections or ?? litigation.

''Sure. I am somewhat disappointed.'' said Novell (?? Counsel David Bradford. ''Nevertheless. I understand how the justice Department and the EC got to where they did .... They did all in their power, wen the political and legal environment.''

Bradford expects the decree to help Novell fight the nextgeneration operating-system battle. ''The 32-bit OS market has not been won by anybody.'' he argued. ''This decree will al. low for freer competition.''

A major disincentive, to bringing its own charges against Microsoft is Novell's recent desire to forge a better relationship with Microsoft. Novell CEO Bob Frankenberg met earlier this month with (ales to re-establish ties that had broken off under Novell Chairman Ray Noorda.

''Noorda called us Nazis and. so far. Frankenberg hasn't engaged in that type of thing.'' (axes said. declining to ?? rate on any new accords. ''We're not going to conduct this phase in a fishbowl.''

Additional reporting ?? Mary Jo Fol??. Norvin Leach. and Sam W?? OEM licensing practices

?? no per-processor licensing deals

?? no minimum volume commitments required from OEMs

?? no contracts longer than one year: no penalty for non-renewal

?? no restrictions on OEM's licensing or sale of non-Microsoft operating systems

?? no requirement mat OEMs license DOS to gain a license for Windows

Non-disclosure agreements

?? duration not to exceed the products release, public disclosure by Microsoft, . or one year, whichever comes first

?? cannot restrict third parties from developing software that runs on competing operating systems.

THE CONSENT DECREE DOES NOT ADDRESS:

?? Microsoft benefiting from operating-system knowledge to develop applications, such as Microsoft applications group getting advance notice on operating-system advancements, and the use of undocumented APIs

?? Microsoft acquiring technology from third Datives under guise of making a deal

BUSINESS

Jesse Berst

Berst

Mode

Behind the smoke, Microsoft wins again

I know you've all heard about the settlement between Microsoft and the justice Department. But I thought I'd tell ?? some made information that hasn't made it into the press releases and official statements.

?? ?? MICROSOFT REALLY DECIDE TO SETTLE? Because the Justice Department and the European Commission both said they would ??ue unless Microsoft agreed by July 11.

W?? DID THE JUSTICE DEPARTMENT REALLY DECIDE TO SET- TI.E.? Because it got to wave the flag and talk in its most grown-up voice about protecting consumers without the risk of lengthy litigation—litigation it probably would have lost.

DOES THE AGREEMENT REALLY CHANGE ANYTHING? No, Microsoft has always let hardware manufacturers make other kinds of deals. But the price for those deals was so much higher that no one could afford to use them. Everybody ended up

making per- processor arrangements whereby they ultimately paid Microsoft rovalues for every machine shipped. There were always escape clauses. It's just that nobody could afford to take them. Now those escape clauses have been codified into the agreement. Because of the economics, however, few will use them, at least not in the short term. As for non-disclosure agreements. Microsoft was in the middle of creating a new standard agreement an??.

How pathetic to see Janet Reno prattling on about ''lower prices immediately.''

WILL CONSUMERS REALLY SEE LOWER PRICES? How pathetic to see At- Torne?? General Janet Reno prauling on about lower prices m??ed??cly. If the decree had come five years ago, when there were viable MS-DOS clones, it might have had some immediate impact. Now, in a world where MS-DOS is on the way out and Windows has no real clones, it will have no short-term effect.

WHAT CHANGES WILL REALLY COME ABOUT BECAUSE OF THE SETTLEMENT?

Very few. It will be slightly easier for computer firms to sell Net- Ware-rea?? s??ers without incurring financial penalties from Microsoft. In the long term, it may be slightly easier for a firm to introduce a new operating system.

WHO'S THE REAL WINNER? Microsoft. It gets two governmental bodies off its back. And it does so without admitting that it was wrong, without being forced to divest or break up, and without paving a cent in fines or restitution.

Best of all, it has the opportunity to restore us mage just when it needs it most. Microsoft wants to be a dommant plaver in the c??terpri??e market. To do that, it must convince global corporations that it is a trustworthy long-term partner. That job would have been much harder it governments on two contments were filing lawsuits. The company might as well have changed its slogan to ''Microsoft—the most antitrusted name in the business.''

HOW DO MICROSOFT'S COMPETITORS REALLY FEFL ABOUT THE SETTLEMENT? They feel like schoolboys who complained about a bully stealing their lunch money and the teacher let the bully keep taking money for four more years while ''investigating''—and then ?? him off with a token promise to be a good boy from now on. And the even got to keep the money he had collected.

Still, I think the announcement will ??mately benefit the rest of the m??ustry. It frees them from their silly fantasy that the government was going to come riding to their rescue. Now they can get back to competing on the basis of better products and features, not better lawyers and lobbvis??s. ??

?? ??SSF BEFST IS DIRECTOR OF THE WINDOWS SOLUTIONS CONFER-

?? EXPOST??. IF YOU WANT ?? TO YOUR ?? CREES. CONTACT ?? (JBERST?? OR ??

PC WEEK JULY 25, 1994

NOVEMBER 7, 1994 PC WEEK NEWS ??

Microsoft's Marvel beta leverages Win 95 desktop ?? ?? ?? AND ?? ??

The Microsoft Network. Microsoft Corp.'s new on4ine service. is taking the first steps toward ??ing the ranks of more established services such as CompuServe and America Online by tv- ??g itself into Windows 95's navi- ??tional tools.

Also known by the code name Marvel. Microsoft Network will reach beta testers in large numbers as part of the sec- and major beta version or Windows 95. due this week PC Week L??bs took a look at the on-line service on a late-release candidate of the second beta.

Microsoft Network's on-line services are well-integrated into the Windows 95 user interface. The content is very sparse at this ??ge. but once populated with ??rmation service providers.

Microsoft Network may prove to be a valuable information source for Windows 95 users. The information that is available is well-organized into a hierarchy of folders and icons.

Navigating discussion groups and chat areas was similar to navigating local titles and folders. Windows front ends to America Online and CompuServe, in contrast. are separate applications. With Microsoft Network, we were able to create a link (called a Shortcut) to a discussion group and place the link on the Windows 95 desktop, where it appeared like any other folder. When we double-clicked on the discussion group. Windows 95 automatically re-established our connection before opening the icon.

Shortcut icons can be embedded as Object Linking and Embedding 2.0 objects, allowing usors to distribute them.

Messaging services are just as well-integrated. We could use the standard Microsoft Exchange E-mail client included with Windows 95 to compose and send messages. ??

PCWEEK

THE NATIONAL NEWSPAPER OF CORPORATE COMPUTING * NOVEMBER 21, 1994

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PC vendors allege undue pressure from Microsoft

?? IBM, OEMs contend strong-arm tactics

BY MANY JO FOLSY AND LISA DICARLO

LAS VEGAS—IBM and other major hardware OEMs are complaining that Microsoft Corp. is unfairly pressuring PC vendors to refrain from bundling OS/2 and PC-DOS with their PCs.

Also last week. Microsoft disclosed to hardware OEMs at Comdex here the Windows 95 MDA (Market Development Agreement), outlining proposed licensing fees, incentives, and compliance criteria.

Concerning OS/2, the hardware makers claimed that Microsoft officials threatened to delav, if not withhold entirely, delivery of Windows 95 code: reduce market-development funds: and withhold sales and support training for vendors that offer IBM's OS/2 or PC-DOS preloaded on their systems, sources said.

Sources said IBM and the hardware vendors have held periodic discussions with the Department of Justice about the alleged unfair Microsoft practices. IBM, the Justice Department, and the vendors declined official comment.

''The [Justice Department] has turned into a Better Business Bureau for anvone who wants to shoot off a complaint against Microsoft.'' said David Williams, group manager of Microsoft's Personal Operating Systems Division, in Redmond, Wash. ''We've got some salespeople who sometimes can go too far.'' Williams said he was unaware of any new filings regarding Microsoft with the Jusuce Department.

''The playing field is not level.

SEE BUNDLJNC, PAGE 138

Bundling from page ??

and we have a problem with that.'' said an executive with a hardware maker, who requested anonvmity. Other hardware vendors, fearful of reprisals from Microsoft, also requested an?? nymity.

One Microsoft customer said further complaints to the Justice Department against the company would not affect any business dealings. ''We've been through this DOJ stuff with the ?? IBM?? said Pete Bavoso, vice president of information systems with The Darby Group Co., a medical supplier and PC Week Corporate Partner in Westbury, N.Y.

As for the MDA, several hardware makers complained about the high rovalties that could hike PC prices as well as the stiff provisions for preloading.

However, they also said the licensing figure is a mere trial balloon floated by Microsoft, with Windows 95 not scheduled to ship until mid-1995.

Also at Comdex, several PC vendors claimed to have been discouraged by Microsoft from demonstrating IBM's OS/2 Warp at the show. Hewlett-Packard Co. and Packard Bell were among the companies that decided at the last minute against showing OS/2 as a result of implied and suggested retaliation from Microsoft, according to several sources close to the companies.

Officials with HP, of Palo Alto, Calif., and with Packard Bell, in Chatsworth. Calif., declined to comment. Dell Computer Corp. and Toshiba America Information Systems Inc. showed OS/2 Warp in their booths.

''Microsoft has been very aggressive about staving off the IBM assault,'' said another OEM source. ''There were indications that the smoothness and flexibility of bundling Windows 95 would have been jeopardized'' if the vendor showed systems running Os/2 Warp, said the source.

''There's about 15 things in there where you get $3, $2, or $1 off if you do things like put the Win 95 logo in national advertising,'' said another OEM.

''There are strong merchandising incentives [in the MDA],'' said Steve Lair. Toshiba vice president of marketing, adding that he didn't see anything in the agreement that overtly demanded exclusivity to Microsoft's products.

In the weeks leading up to Comdex. Microsoft made it clear to OEMs that it could make the transition to Windows 95 a costly and bumpy move, according to one of the sources.

Hardware and operating-system vendors complained privately that despite the proposed justice Department consent decree—which required Microsoft to alter its OEM licensing and non-disclosure agreement practices—Microsoft has done little to modify its behavior.

With the MDA, ''we are not doing per-system incentives for OEMs. That would be in violation of the consent decree,'' said

Microsoft's Williams. ''Instead, we're offering incentives for OEMs who go that extra mile in marketing Windows 95,'' he said, specifying financial, training, and joint promotional incentives. ??

Additional reporting by Neal Boud??. Dan Farber, and John Dodge

BUSINESS

Jesse Berst

Berst

Mode

Microsoft's on-line rivals could end up in 'cyberia'' Microsoft has promised to bundle an on-line service called The Microsoft Network ?? Windows ?? next summer on tall. If that occu??s, I pre?? that competing on-line services will be sentenced to a long, cold w?? of discontent. Microsoft's service will have an ??beatable edge over Comp??Serve. Prod?? America Online, and other rivals.

I'm no an export ?? an?? law, so I don't know whether this ?? ??. But I do know it feels unfair. It feels like Microsoft is ??ing a monopoly in one area to gain a monopoly in another, Microsoft may change its terms and conditions before the final tele??. But as I understand it right now. OEMs will be ?? to include MSN What's more ?? will not be informed they have a??

Let's ?? XYZ Co. makes a deal to ?? ??pecial Pro?? package w?? ?? computer. It even goes to the trouble of ??ing for a Pro?? sign-on screen to appear the first time the ?? book up.

When XYZ ships its Win 95 PCs, it will have to include The Microsoft Network sign-on XYZ may not ?? to ?? MSN. It may have given money ?? consideration to Pro?? in ?? not the bundle. Yet, as far as I know, XYZ won the able to turn off the built-in MSN screen.

In essence. OEMs will be forced to distribute MSN if they want to access Windows 95—even it that distribution is to the OEM's detriment.

I also worry that consumers won't real??e they have options. It's as if your local phone company were to automatically sign you up for AT&T's long-distance service without letting you know that you have other choices. And I worry that Microsoft will use the MSN ''registration'' procedure to read information about customers computer configurations and send that information to a Microsoft da??base. At least one other compa??s (Delrina) has used on-line registration to scan and store configuration info.

Now, that would be a competitive advantage—if Microsoft knew the names of millions of Windows users and knew exactly what hardware and software they owned

GULAG ??IBROGLIO. I have no evidence that Microsoft intends to secretly capture and store contiguration info. But the fact that I worry about it points up how Microsoft creates problems for itself.

These fears are feeding the mounting opposition to Microsoft's Int?? purchase and to The Microsoft Network. The Justice Department is being press??ed to open another investigation—pressured by the same competitors that Microsoft cavalierly dismisses is ''wh??ers'' ?? quote a Microsoft exec). Luck??ly for Microsoft, it has no much money in can alford to waste millions in legal fees. It looks like it will get a chance to do just that very soon.

RESPONSE OF THE WEEK: From system Anal??st Jim Ga??nor of Columbus. O??io:

''The likelihood of a Big Crash on the Internet decreases ??ail??. Links between one portion of the net and another may tempora??y go down, but the Internet is genes??s was in a Department of Delense project to create a data network capable of withstanding a ??clear attack. Truly crashing the Internet for an extended period would require a bankrolled effort on the level of the most professional modern terrorism. However, I agree that the tourists will start leaving. While Mosa?? may be pretty, interaction requires both action and thought, foreign concepts to the pas??ve?? entertained masses.'' ??

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Top of the News

Microsoft Settles: Business as Usual

Now that Microsoft's licensing agreements for MS-DOS and Windows have been deemed ''unfair'' and ''monopolistic'' by the Department of Justice, will other operating systems have a fighting chance on the desktop?

According to computer manufacturers. industry analysts, and end users, the outtook is grim for Novell's DOS and IBM's PC-DOS and OS/2. They say there's not much motivation for PC manufacturers to preinstall a competing product, since Windows has millions of users and thousands of software applications. And since Microsoft's upcoming version of Windows Code-named Chicago) won't require DOS, the demand for all flavors of DOS is likely to plummet.

Has the train for Chicago already left the station? ''I think the world of OS/2.'' says Jerry Williams. vice president of data operations for Eglin Federal Credit Union in Fort Walton Beach. Florida. ''It's a good operating system. However, I think the momentum has swung in Windows favor. If you go with OS/2. you're kind of stepping off the ladder.''

''DOS is starting to go away and Windows is taking over everything.'' says Gary Shurman, president of the New Orleans Personal Computer Club. ''Unless somebody comes up with something earthshattering. I don't think there's a serious challenger to Microsoft.''

Despite the skepticism. Microsoft's competitors may have their best chance in years to challenge Bill Gates's desktop domination. After a lengthy investigation by the U.S. Department of Justice and the European Commission (the executive body that governs the European Community), Justice Department officials announced in July that Microsoft had agreed to end its ''illegal monopolistic practices'' and stop using ''unfair contracts that choked off competition and preserved its monopoly'' in the PC operating system market.

Terms of the Decree

Under the terms of the consent decree, Microsoft must change its licensing contracts with PC manufacturers (called OEMs). It can no longer make ''per processor'' agreements that require OEMs to pay a royalty to Microsoft for each PC shipped—regardless of whether the preinstalled operating system is from Microsoft or a competitor. The company also can't require OEMs to purchase a minimum number of Microsoft operating systems or sign a license with terms longer than one year (although the OEM can renew the license for an additional year).

Perhaps most optimistic about the Justice Department ruling is IBM. Which little success in convin??ing OEMs to preinstall its OS/2 operating system. ''This has really opened the door. We've ??ut proactively, contacting, hundreds of PC manufacturers already.'' says John ?? detector of IBM's Personal Software Products division in Austin. Texas. While So??ing expects some ''major North American manufacturers'' to pre??stall OS/2?? so far Big Blue's ??tories have been in Europe. Soyring says that

German PC makers Vobis and Escom already preinstall OS/2—and Escom expects to ship 440.000 ??tems with OS/2 over the next 12 months.

Despite the ruling from Justice, Micro soft's influence over PC manufacturers remains immense. Most of the leading OEMs contacted for this article had little or no comment on the Justice Department ruling, other than to say that their relationship with Microsoft would stay the same (in other words, they'd still preinstall Windows). And many industry pundits sec the consent decree as a weak slap on Microsoft's wrist. ''I think Microsoft is thrilled with the settlement.'' says Tim Bajarin. president of Creative Strategies in San Jose, California. Of course, if Microsoft is too aggressive, it is likely to find itself in the sights of regulators once again. That's a position even Bill Gates wants to avoid.

Jeff Bertolucci

Jan ??rancisco ??ronicle

THE ?? DAILY CIRCULATION IN HO??THE?? CA??FORMIA

MONDAY, JULY 18, 1994

Microsoft Unscathed By Settlement

Antitrust pact a slap on wrist for software giant

By Da??id E??ste??

Ch?? Staff Writer

Although the government claimed victory in its antitrust battle against Microsoft, it appears as if the world's largest software maker suffered little damage and in fact should continue to steamroller the rest of the industry.

By agreeing to halt some supposedly monopolistic practices, Bill Gates'' giant company has left the door open ever so &lightly for competitors to grab some piece of the market for operating systems that run moat of today's personal computers. It is a market Microsoft dominates with its MS-DOS and Windows programs, currently installed on more than 120 million computers worldwide.

But sometime late this year of early next. Microsoft intends to brush away its rivals once again when it introduces Chicago, the next generation of Windows. If PC users flock to Chicago as expected.

Gates actually could increase hit hold on the industry he helped create in the early 1990s.

There had been speculation that the Justice Department, which took over the Investigation from the Federal Trade Commission last year, might have gone so far as to break up Microsoft Just as AT&T was split up In 1984.

But ns the government closed the case late Friday, however, it was with a mere slap on the wrist. Microsoft admitted no guilt over allegations of monopolistic practices, and faces no fines or financial penalties. Its revenues, now over $4 billion a year, probably will not suffer.

No wonder Microsoft officials were happy with the terms of the settlement. ''It preserves our ability to do business In a way that IS effective,'' said Bill Neukom, vice president of law and corporate affairs.

But Attorney General Janet Reno professed satisfaction with the outcome of the first major antitrust case of the Clinton administration, saying the settlement ''levels the playing field and opens the door for competition'' by curbing Microsoft's ''monopollstic practices.''

Reno talked tough, adding that ''while the company fairly and lawfully climbed to the top of the industry ladder, It used unfair and illegal practices to maintain its dominant position.''

But the settlement did not address what many competing companics consider the real antitrust issue. Microsoft, they say, has used its control of DOS and Windows to extend lb hold on the software sector.

In fact. during the nearly four years the government Investigated Microsoft, the Redmond, Washbased behemoth managed to be the major player In the market not only for operating systems, but also for major applications such as word processing and spreadsheet software. And even as the consent decree goes Into effect, Microsoft is trying to tighten the screws on its major competitors by asking smaller software developers to adopt a standard that would make their programs dovetail with Microsoft's best-selling ''Office'' suite of applications. U??

Friday's consent decree, which steers the company and the government clear of the courts, includes an agreement to change the way Microsoft licenses its operating system. That Issue the government felt was its best chance to beat Microsoft had the antitrust case gone to court.

Microsoft no longer will offer PC makers steep discounts on volume purchases of DOS and Windows In return for royalities from every PC said—whether or not the Microsoft system was actually Installed on them. That ''per-processor'' licensing strategy had discouraged manufacturers from buying rival products such a Novell's version of DOS or IBM's OS/2 operating system, since they already were paying for Microsoft's version.

Novell's general counsel, David Bradford, saw the consent decree as a clear victory. ''This has been a long effort by many companies for many years.'' he said, ''and this decision will provide consumers with Increased choices and more innovative products.''

But the euphoria may wear off quickly. Microsoft's Chicago program reportedly will not require an underlying operating system, leading Industry experts to predict the irrelevancy or death of DOS once Chicago catches on. Industry Standard P??ts

Competitors may benefit more from Microsoft's agreement to'' loosen restrictions on its nondisclosure agreements—Industry. standard pacts that software companics must sign to get advance copies of new products such as Chicago. Microsoft In the past has forced companies to agree not to work with other operating systems in return for access to lb programs.

That may help large companies like Novell, which is updating its popular WordPerfect and Quattro Pro programs. But smaller companies still may find themselves ti??t- ing at windmills in trying to take on Microsoft.

Ernie Simpson. president of The Wizard Co. in Denton, Texas, called the settlement ''a waste of time.''

''Microsoft will continue to do as they have been doing, only they'll word their contracts a little differently.'' said Simpson, whose company develops software for some major Windows programs. ''Microsoft Is the de facto industry standard for operating systems, and they will continue to control the industry to the advantage of Microsoft and the detriment of everyone else.''

Microsoft had Insisted It would never settle antitrust charges out of court. Gates was positively adamant about it, complaining that the Justice Department was hounding him unreasonably, in the end, however, with antitrust charges looking more and more possible, the company decided to cut a deal. Judging from the first reviews, Gates appears to have done quite well by It.

Chronicle wiry ser??c?? to this report.

Sunday, July 24, 1994 C–5

San Francisco Examiner

COMPUTERS & TECHNOLOGY

Microsoft deal: too little, too late

A few days after the Department of Justice announced the settlement of its antitrust investigation of Microsoft, Bill Gates told the Wall Street Journal, ''I intend to defy gravity.''

Thanks to the nature of that settlement, it is likely that he will.

The Justice Department press release announcing the settlement quoted Attorney General Reno as saying, ''Microsoft's unfair contracting policies have denied other U.S. companies a fair chance to compete, deprived cop- ??mers of an effective choice ??ong competing PC operating systems, and alowed innovation.'' True enough.

She went on to state, ''Today's settlement levels the playing field and opens the door for competition.''

Unfortunately, it is unlikely to do either.

It is telling that in describing the harm caused to competition and innovation by Microsoft's practices, the attorney general used the past tense. The particular practices the settlement addressed were unquestionably key factors in Microsoft's rise to dominance in the 1980s.

Among other things, Microsoft required PC manufacturers to pay a license fee for its MS-DOS and Windows operating system software on every PC shipped with an Intel microprocessor under long-term agreements—whether or not those PCs actually contained that software—and unreasonably restricted independent software companies from working with Microsoft compatitors. In so doing, Microsoft managed to insinuate its technology into the heart and soul of 85 percent of the world's PCs.

By 1985, these practices had already had their intended effect: making Microsoft's operating system the de fact?? PC standard. The present source of Microsoft's domination in the PC world derives from the status as the standard-holders, not the practices the Justice Department condemned and which will now be prohibited under the settlement.

Microsoft, understands this perfectly well, which, of course, is why Bill Gates let the settlement happen. Nothing in the proposed settlement is likely to have anything other than the most marginal effect on Microsoft's future.

Inherent in the nature of software technology is the concept of dependence.

Operating systems are useless without application programs and vice versa. Neither has discrete, stand-alone value.

But of the two, operating systems software must come first and clearly provides the most potential for leverage. To its credit, Microsoft understood this earlier than everyone else and exploited its insight relentlessly. So technically dependent in the PC industry on Microsoft operating system software, that Microsoft could afford the luxury of a five-year period in which to perfect. Windows after its initial introduction in 1986.

When Apple introduced the Macintosh ''graphical user interface,'' which replaced ob??cure and hard-to-remember keyboard commands with easy-to-learn and easy-to-use screen icons and a mouse, it marked a watershed in the development of consumer-friendly computing. In response, Microsoft introduced Windows, which was supposed to provide Macintosh-like ease-of-use.

[See VIEWPOINT, C–6]

??VIEWPOINT from C–1

Too little, too late

But the first several versions of Windows were so poorly designed that very few people wanted them, preferring even the archaic DOS with its incredibly difficult keyboard commands. It wasn't until 1990, five years after its introduction, that Microsoft finally produced a version of Windows that was ready for prime.

Now, one would think that if genuine competition existed in PC operating systems, this five-year gap would have been exploited by one or more competitors of Microsoft. Indeed, it's hard to conceive that any company could have taken as long as Microsoft did to get a basic technology right and still survive.

Yet, Microsoft not only survived during this period, it prospered. The reason is that it was virtually impossible to shake free of MS–DOS, even when clearly better alternatives were available. The consumer investment in application programs that could only run on the Microsoft system was too large and the cost of switching to an alternative technology—even a clearly better one—too great.

While this was obvious to everyone by 1985 or 1986, Bill Gates understood it in 1980.

Almost 10 years later, PC manufacturers, consumers and software developers are even more tightly bound to Microsoft operatins system technologies. The ties that bind are not contractual, they are technical, which is why the Jus- rice Department settlement will be ineffective.

And while controlling this standard, Microsoft is free to compete on applications based on the standard. Companies that develop competing spreadsheet, word processing and other such programs have complained for years that Microsoft programmers have the unfair advantage of knowing changes to the operating system specifications well before anyone else.

The fact is Microsoft owns— and closely guards—the de facto standard for desktop computers, a critical part of our information infrastructure. And at least three steps could be taken to ensure fair competition. Microsoft could be required to:

??Publicly disclose its operating system interface specifications so that designers of competing operating systems could have assurance that application programs written for MS-DOS or Windows would run efficiently with their operating systems. Microsoft should update its specifications in a periodic and timely manner.

San Jose Mercury News

Se??ng Northern Cal?? Since 1851

?? NOVEMBER 13, 1994

Microsoft, Intel set to define technology

?? Duopoly: Apple, IBM, Motorola mounting last-ditch attempt to make PC alternative. BY RORY J. O'CONNOR

Merr??ry News Staff Writer

Tomorrow, when Silicon Valley's brain trust arrives in Las Vegas as part of a 200,000-strong crowd at the computer industry's largest trade snow, conversation will almost certainly center on one topic: Can anything stop Microsoft and Intel from controlling everything?

Some fear that as the digital future of the information superhighway emerges, an unchallenged Microsoft and Intel will wind up in total, undisputed control of the technology upon which the country's citizens and economy will depend. And few believe that a recently announced alliance between Apple and IBM will prove an effective roadblock.

Who will control COMPUTING'S FUTURE? First in an occasional series.

Today, Microsoft Corp. makes the world's most popular software for personal computers, operating systems that control 85 percent of the machines in use. Intel Corp.'s microprocessor chips are the brains in 75 percent of all the computers made.

But the personal computer is rapidly becoming a home appliance, and the PC is poised to expand from word processing and spreadsheets to controlling a myriad of other jobs in our everyday work and personal lives. The companies that control personal-computer technology are in a position soon to dominate much, much more.

From video telephones to intelligent fax machines, from office to home, from providing digital information and entertainment to managing credit-card and other financial transactions, Microsoft and Intel are already extending their reach far beyond traditional personal computing.

Both companies have deep pockets to back the technology— and their unofficial partnership is an effective duopoly that could let the companies dictate the price of technology, minimize consumer choices and slow the pace of technical progress.

In short, many believe, little stands between the two comparoes and technical control of the future.

''Increasingly, I'm believing it's all over, and we're going to be locked into Microsoft and Intel forever.'' said Dataquest analyst Kimball Brown.

In the 13 years since IBM transformed the PC from hobbyist toy to business tool. control of the industry has shifted from IBM and Apple to their once-tiny corn- petitors. Now, Apple and IBM, despite their combined annual revenues of nearly $75 billion, are the underdogs.

Except for Apple, whose research and development spending remains large despite a $100 million cutback in the past year, few PC companies invest significant sums in new technology research. The bulk of such money is spent by Intel to develop chips and Microsoft to further its lead in software.

Many people in the industry decry this state of affairs, but lack the money, the marketing or the technology to force meaningful competition. Even the federal government has declined to step in, punishing Microsoft with a slap on the wrist after a four-year investigation into what Attorney General Janet Reno called ''illegal, monopolistic'' practices.

Perhaps the only force large enough to change anything is an infant agreement announced last week by Apple, IBM and Motorola to build a new kind of personal computer, one that would neither use Intel microprocessors nor fea ture Microsoft operating systems.

The timing of their agreement, one week before the largest annual gathering of technology power brokers in the world, is no accident.

Even though the alliance will not produce a product until 1996, IBM and Apple need every ounce of momentum they can muster for what is probably the last- ditch attempt to topple Intel and Microsoft t or even to hope to play a role in defining the technical future.

But most analysts insist that Apple and IBM are waging the wrong war. ''The desktop operating system war is over,'' said venture capitalist Ann Winblad, whose Emeryville firm specializes in software companies. ''Microsoft has won.''

Instead. Apple and IBM should be looking to the information superhighway for opportunities to sell new technology, expand their business and regain the power to force technical competition, said Richard Shaffer, publisher of the Technologic Letter in New York.

That's because there is a potentially more lucrative market in the future, one that uses both the personal computer and its technology.

It goes by the catch-all term of information superhighway, but it encompasses a host of major changes in the role of personal computers at work and at home.

Some of the latest home, computers are already touted as being able to replace nearly everything in a small office except the coffee pot.

Phones and fax machines are becoming smarter, thanks to more-powerful computer brains. And when people are away from their home or office in the future, they may well carry portable devices that combine today's cellular phone with ready information access, offering yet another umbilical cord to the PC.

Over the next decade, even television is poised to become interactive, offering far more choices, two-way video and fountains of information on demand—activities that require heavy use of computer chips and sophisticated operating systems and other software. Computers will manage nearly all financial transactions, and will even be a citizen's primary conduit to the government.

Some experts envision a single intelligent box in the home, one that would use the

functions of a personal computer to connect the home to information and communications lines through phone-company wires or cable-television hookups.

There's little doubt that each of these areas will be the site of intense competition. In almost every case, Microsoft and Intel's dominance of the PC business would give them a crucial advantage.

If they succeed in controlling key technology in any or all of these areas, they will be able to determine much of how the devices work, and could even control how people receive information or make purchases. And the closer the digital world moves to merging control into just one or two boxes connected to monolithic networks, the better the chance Intel and Microsoft have to dominate them as they have PCs.

But Apple insists it is not blind to the digital future, despite initial failure in one new market— that for personal digital assisrants—and a very slow start for its E-World on-line service.

''Clearly, there's a feeling at Apple that these other technologies are very exciting areas,'' said Rick LeFaivre, the head of the company's Advanced Technology-Group. ''But at the same time we're making sure not to take our eye off the PC and say it's dead. ... The PC side of our business will be by far the dominant side for a long, long time.''

At the same time, Apple's partner is struggling to regain power it has lost in nearly every area of its business. Internally, it is replacing top managers, revamping its structure, changing key technology, laying off workers and trying to figure out how it fits into a world it once controlled. Externally, critics say they can't fathom the company's strategy, especially in personal computing, where it is unclear what software and hardware technology IBM considers strategic—and, there, fore, safe for customers to buy.

The problem for Apple and IBM, according to analysts, is that they probably have little'' hope of competing effectively in the digital future unless they can quickly establish their new computer as a viable mauve.

But to become a PC alternative. the companies must overcome a host of difficulties, from wrenching changes in their corporate cultures to damaged balance sheets to the improbability of the partnership they began with Motorola more than three years ago.

''The whole plan in 1991 was daring, kind of like chemotherapy,'' stud Shaffer. ''The therapy might kill the patient, but the al ternative is certain death.''

Few believe that Apple, IBM and Motorola can thrive against the Microsoft-Intel duopoly short of a move even more unlikely than the original IBM-Apple partnership.

''Without the merger of Apple and IBM into one corporate entity, they are executing separate strategies, no matter what they say,'' Winblad said. ''So while some people have called this the David and Goliath story, with Microsoft as Goliath, there is no David—perhaps a Tom, Dick and Harry.''

Not everyone believes that a world where two companies control most of the technology is a cause for alarm, however. ''What's wrong with there being just one operating system? It's supposed to be transparent to the user,'' said analyst Doug Kass of the Viewpoint Group in Aptos. ''I don't think that will lead to huge increases in price. It's not competition among vendors, but what the market will bear in terms of price. Consumers look for what works, not the cutting edge. If some new (software) is priced beyond the glass ceiling of what consumers are comfortable paying, it won't sell.''

Not surprisingly, Microsoft officials share that view

''Things are very competitive now,'' said Brad Chase, general manager of Microsoft's personal operating systems division. ''Apple is certainly not an uncompetirive company. IBM is a very aggressive company. And the thing about technology is you can't rest on your laurels. If you don't keep aggressive, your leadership will melt like butter.''

Tomorrow in Business Monday: How far can Microsoft go?

San ''Jose Mercury News,'' Wednesday, December 21, 1994

MICROSOFT'S DOMINATION

Microsoft's revenues in the world market for personal computer business grew more in 1994 than revenues in the market as a whole, according to preliminary estimates by Dataquest Inc. Total revenues grow by more than $550 million, while Microsoft's related revenue grew by more than$650 million. ''Lotus 1–2–3. WordPerfect. dBase.

Paradox and Harvard

Graphics once dominated their respective categories.'' said Dataquest analyst Karl Wong. ''Today, Microsoft products have replaced each of these one-time product category leaders.'' (Figures are in millions.)

''94 1993 ''93-'94 ''94 ''94 market

Rink Company Revenue % chg. ,Revenue, share (%)

1 Microsoft $2.221 +29.4 $2.873

34.7 District of Columbia.

2 Lotus 986—1.8 968 1

I. 7 3 Novell 698 -11.6 617

7.5 4 Adobe 197 +28.1 253 3.1 5 Symantec 207 +15.2 238

2,9 6 Clans 160 -t-9.3 175

2.1 7 Borland 360 -52.8 170

2.1 8 Intuit 104 +56.9 163

2.0 9 Corel 105 +41.6 148

t.8 I0 Delrina 65 +43.1 94

1.1 Others 2.617 -1.7 2.573

31.0 Total 7.720 +7.2 8.272

100.0

Source: Dataquest Inc

MERCURY NEWS

Positive Feedbacks in the Economy

A new economic theory elucidates mechanisms whereby small chance events early in the history of an industry or technology can tilt the competitive balance Conventional economic theory is built on the assumption of diminishing returns. Economic actions engender a negative feedback that leads to a predictable equilibrium for prices and market shares. Such feedback tends to stabilize the economy because any major changes will be offset by the very reactions they generate. The high oil prices of the 1970's encouraged energy conservation and Increased off exploration, precipitating a predictable drop In prices by the early 1980's. According to conventional theory, the equilibrium marks the ''best'' outcome possible under the circumstances: the most efficient use and allocation of resources.

Such an agreeable picture often does violence to reality. In many parts of the economy, stabilizing forces appear not to operate. Instead postitive feedback magnifies the effects of small economic shifts; the economic models that describe such effects differ vastly from the conventional ones. Diminishing returns imply a single equilibrium point for the economy, but positive feedback—increasing rerums—makes for many possible equilibrium points. There is no guarantee that the particular economic outcome selected from among the many alter-

W. BRIAN ARTHUR is Morrison Professor of Population Studies and Economics at Stanford University. He obtained his Ph.D ??om the University of California. Berkeley, In 1973 and holds graduate degrees In operations research, economics and mathematics. Until recently Arthur was on leave at the Santa Fe Institute, a research institute dedicated to the study of complex systems. There he directed a team of economists, physicists, biologists and others investigating behavior of the economy as an evolving. complex system. by W. Brian Arthur natives will be the ''best'' one. Furthermore. once random economic events select a particular path, the choice may become locked-in regardless of the advantages of the alternatives. If one product or nation in a competitive marketplace gets ahead by ''chance.'' it tends to stay ahead and even Increase its lead. Predictable, shared markets are no longer guaranteed.

During the past few years I and other economic theorists at Stanford University, the Santa Fe Institute in New Mexico and elsewhere have been developing a view of the economy based on positive feedback. Increasing-returns economics has roots that go back 70 years or mote. but Its application to the economy as a whole is largely new. The theory has strong parallels with modem nonlinear physics (instead of the pre-20th-century physical models that underlie conventional economics), it recluses new and challenging mathematical techniques and it appears to be the appropriate theory for understanding modem high-technology economies.

The history of the videocassette recorder furnishes a simple example of positive feedback. The VCR market started out with two competing formats selling at about the same price: VHS and Beta. Each format could realize Increasing returns as its market share Increased: large numbers of VHS recorders would encourage video outlets to stock more prerecorded tapes in VIIS format, thereby enhancing the value of owning a VIIS recorder and leading mote people to buy one. (The same would, of course, be true for Beta-format players.) In this way, a small gain in market share would Improve the competitive position of one system and help it further increase its lead.

Such a market is initially unstable. Both systems were introduced at about the same time and so began with roughly equal market

shares; those shares fluctuated early on because of external circumstance, ''luck'' and corporate maneuvering. Increasing returns on early gains eventually tilted the competition toward VHS: It accumulated enough of an advantage to take virtually the entire VCR market.

Yet it would have been Impossible at the outset of the competition to say which system would win, which of the two possible'' equilibria would be seleered. Furthermore, if the claim that Beta was technically superior Is true, then the market's choice did not represent the best economic outcome.

Conventional economic theory offers a different view of competition between two technologies or products performing the same function. An example is the competition between water and coal to generate electricity. As hydroelectric plants take more of the market, engineers must exploit more costly dam sites, thereby increasing the chance that a coal-fired plant will be cheaper. As coal plants take more of the market. they bid up the price of coal (or trigger the imposition of costly pollution controls) and so tip the balance toward hydropower. The two technologies end up sharing the market in a predictable proportion that best exploits the potentials of each, in contrast to what happened to the two video-recorder systems.

The evolution of the VCR market would not have surprised the great Victorian economist Alfred Marshall one of the founders of today's conventional economics. In his 1890 Principles of Economics, he noted that if firms'' production costs fall as their market shares Increase, a rum that simply by good fortune gained a high proportion of the market early on would be able to best its rivals; ''what. ever firm first gets a good start'' would corner the market. Marshall did not follow up this observation, however. and theore??cal economics has until recently largely ignored it.

Marshall did not believe that mcreasing returns applied everywhere; agriculture and mining—the marestays of the economies of his time— were subject to diminishing returns caused by limited amounts of fer??le land or high-quality ore deposits. Manufacturing, on the other hand. enjoyed increasing returns because large plants allowed improved organization. Modern economists do not see economies of scale as a reliable source of increasing returns. Sometimes large plants have proved more economical; often they have not.

I would update Marshall's insight by observing that the parts of the economy that are resource-based (agriculture. bulk-goods production, mining) are still for the most part subject to diminishing returns. Here conventional economics rightly holds sway. The parts of the economy that are knowledge-based, on the other hand. are largely subject to increasing returns. Products such as computers, pharmaceuticals, missiles, aircraft, automobiles. software, telecommunications equipment or fiber optics are complicated to design and to manufacture. They require large initial investments in research, development and tooling. but once sales begin, incremental production is relatively cheap. A new airframe or aircraft engine, for example. typically costs between $2 and $3 billion to design, develop, certify and put into production. Each copy thereafter costs perhaps $50 to $100 million. As more units are built, unit costs continue to fall and profits increase.

Increased production brings additional benefits: producing more units means gaming more experience in the manufacturing process and achieving greater understanding of how to produce additional units even more cheaply. Moreover. expenence gained with one product or technology can make it easier to produce new products incorporating similar or related technologies. Japan-for example, leveraged an initial investment in building precision instruments into a capacity for building consumer electronics products and then the integrated circuits that went into them.

Not only do the costs of producing high-technology products fall as a company makes more of them. but the benefits of using them increase.

Many items such as computers or telecommunications equipment work m networks that require compatibility; when one brand gains a significant market share, people have a strong incentive to buy more of the same product so as to be able to exchange information with those using it already.

If increasing returns are important. why were they largely Ignored until recently? Some would say that complicated products-high technology-for which increasing returns are so Important. are themselves a recent phenomenon. This is true but is only part of the answer. After all, in the 1940's and 1950's. economists such as Gunnar K. Myrdal and Nicholas Kaldor identified positive-feedback mechanisms that did not revolve technology. Orthodox economists avoided increasing returns for deeper reasons.

Some economists found the existence of more than one solution to the same problem distasteful—unscientific. ''Multiple equilibria.'' wrote Joseph A. 5chumpeter in 1954, ''are not necessarily useless, but from the standpoint of any exact science the existence of a uniquely determined equilibrium is, of course, of the utmost Importance. even if proof has to be purchased at the price of very restrictive assumptions; without any possibility of proving the existence or [a] uniquely determined equilibrium— or at all events, of a small number of possible equilibria—at however high a level of abstraction, a field of phenomena is really a chaos that is not under analytical control.''

Other economists could see that

ALL A

RANDOM WALK on a convex surface illustrates increasing-returns competition between two technologies. Chance determines early patterns of adoption and so influences how fast each competitor improves. As one technology gains mort adherents (corresponding to motion downhill toward either edge of the surface), further adoption is increasingly likely.

SCIENTIFIC AMERICAN February 1990 93

FLORENCE CATHEDRAL CLOCK has hands that move ''counterclockwise'' around its 24.hour dial When Paolo Uccello designed the clock in 1443. a convention for clockfaces had not emerged. Competing designs were subject to increasing returns: the more clockfaces of one kind were built, the more people became used to reading them. Hence. it was more likely that future clockfaces would be of the same kind. After 1530. ''clockwise'' designs displaying only 12 hours had crowded out other designs. The author argues that chance events coupled with positive feedback. rather than technological superiority, will often determine economic developments. theories incorporating increasing returns would destroy theft familiar world of unique, predictable equilibria and the notion that the market's choice was always best. Moreover, if one or a few firms came to dominate a market, the assumption that no firm is large enough to affect market prices on its own (which makes economic problems easy to analyze) would also collapse. When John R. Hicks surveyed these possibilities in 1939 he drew back in alarm. ''The threatened wreck. age.'' he wrote. ''is that of the greater part of economic theory.'' Economists restricted themselves to diminishing returns, which presented no anomalies and could be analyzed completely.

Still others were perplexed by the question of how a market could select one among several possible solutions. In Marshall's example, the firm that is the largest at the outset has the lowest production costs and must inevitably win in the market. In that case. why would smaller firms compete at all? On the other hand. if by some chance a market started with several identical firms, their market shares would remain poised in an unstable equilibrium forever.

Studying such problems in 1979, I believed I could see a way out of many of these difficulties. In the real world, if several similar-size firms entered a market at the same time, small fortuitous events—unexpected orders, chance meetings with buyers, managerial whims—would help determine which ones achieved early sales and, over time, which firm dominated. Economic activity is quantized by individual transactions that are too small to observe, and these small ''random'' events can accumulate and become magnified by positive feedbacks so as to determine the eventual outcome. These facts suggested that situations dominated by increasing returns should be modeled not as static, deterministic problems 94 SCIENTIFIC AMERICAN February 1990 as dynamic processes based on ??ndom events and natural positive feedbacks, or nonlinear??ties

With this strategy an increasingreturns market could be re-created in a theoretical model and watched as its corresponding process unfolded again and again. Sometimes one solution would emerge, sometimes (under identical conditions) another. It would be impossible to know in advance which of the many solutions would emerge in any given run. Still, it would be possible to record the particular set of random events leading to each solution and to study the probability that a particular solution would emerge under a certain set of initial conditions. The idea was simple, and it may

well have occurred to economists m the past. But making it work called for nonlinear random-process theory that cud not exist in their day.

Every increasing-returns problem need not be studied in isolation; many rum out to fit a general nonlinear probability schema. It can be pictured by imagining a table to which balls are added one at a time; they can be of several possible colors—white, red, green or blue. The color of the ball to be added next is unknown, but the probability of a given color depends on the current proportions of colors on the table. If an increasing proportion of balls of a given color increases the probability of adding another ball of the same color, the system can demonstrate positive feedback. The question is. Given the function that maps current proportions to probabilities, what will be the proportions of each color on the table after many balls have been added?

In 1931 the mathematician George Polya solved a very particular version of this problem in which the probability of adding a color always equaled its current proportion. Three U.S. probability theorists, Bruce M. Hill of the University of Michigan at Ann Arbor and David A. Lane and William D. Sudderth of the University of Minnesota at Minneapolis. solved a more general nonlinear version in]980. In 1983 two Soviet probability theorists. Yuri M. Ermoliev and Yuri M. Kaniovski, both of the Glushkov Institute of Cybernetics in Kiev, and I found the solution to a very general version. As balls continue to be added, we proved, the proportions of each color must settle down to a ''fixed point'' of the probability function—a set of values where the probability of adding each color is equal to the proportion of that color on the table. Increasing returns allow several such sets of fixed points.

This means that we can detern the possible patterns or soluti?? of an increasing-returns problem by solving the much easier challenge of finding the sets of fixed points of its probability function. With such tools economists can now define increasing-returns problems precisely, identify their possible solutions and study the process by which a solution is reached. Increasing returns are no longer ''a chaos that is not under arialytical control.''

In the real world, the balls might be represented by companies and their colors by the regions where they decide to settle. Suppose that firms enter an industry one by one and choose their locations so as to maximize profit. The geographic preference of each firm (the intrinsic benefits it gains from being in a particular region) vanes; chance determines the preference of the next firm to enter the industry. Also suppose, however, that firms'' profits increase if they are near other firms (their suppliers or customers). The first firm to enter the industry picks a location based purely on geographic preference. The second firm decides based on preference modified by the benefits gained by locating near the first firm. The third firm is influenced by the positions of the first two firms, and so on. If some location by good fortune attracts more firms than the others in the early stages of this evolution, the probability that it will attract more firms increases. Industrial concentration becomes self-reinforcing.

The random historical sequence of firms entering the industry deter. mines which pattern of regional setdement results, but the theory shows that not all patterns ate possible. If the attractiveness exerted by the presence of other firms always rises as more firms are added, some region will always dominate and shut out all others.

If the attractiveness levels off, other solutions, in which regions share the industry, become possible. Out new tools tell us which types of solutions can occur under which conditions.

Do some regions in fact amass a large proportion of an industry because of historical chance rather than geographic superiority? Santa Clara County in California (Silicon Valley) is a Likely example. In the 1940's and early 1950's certain key people m the U.S. electronics industry—the Varian brothers, William Hewlett and David Packard. William Shockley-set up shop near Stanford University; the local availability of engineers, supplies and components that these early firms helped to create made Santa Clara County extremely attractive to the or so firms that followed. If these eatly entrepreneurs had preferred other places, the densest concentration of electronics in the country might well be somewhere else.

On a grander scale, if small events m history had been different, would the location of cities themselves be different? 1 believe the answer]s yes. To the degree that certain locations are natural harbors or junction points on rivers or lakes, the pattern of Ones today reflects not chance but geography. To the degree that industry and people are attracted to places where such resources are already gathered, small early chance concentrations may have been the seeds of today's configuration of urban centers. ''Chance and necessity,'' to use Jacques Monod's phras??ract. Both have played crucial ro?? the development of urban centers ?? the U.S. and elsewhere.

Self-reinforcing mechanisms other than these regional ones work in international high-tech man. ufacturing and trade. Countries that gain high volume and experience in a high-technology industry can reap advantages of lower cost and higher quality that may make it possible for them to shut out other countries.

For example, in the early 1970's, Japanese automobile makers began to sell significant numbers of small cats in the U.S. As Japan gained market vol. tune without much opposition from Detroit. its engineers and production workers gained experience, its costs fell and its products improved. These factors, together with improved sales networks, allowed Japan to increase FERROMAGNETS AND REGIONAL RAIL GAUGES become ordered in much the way. As a disordered magnetic material is cooled (left% the atomic dipoles inside it exert tortes on one another, causing neighboring dipoles to align. Eventually all the dipoles in a sample line up, but the direction they all take (up or down) cannot be predicted beforehand. Similarly, as Douglas Puffert of Swarthmore College has shown, neighboring private railroads (right) ha the past century adopted the same gauge to extend their range mole easily. Eventually all (or most) railroads used the Same gauge. Similar equations describe the behavior of these two system.5. SCIENTIFIC AMERICAN February 1990 95 its share of the U.S. ?? as a resuit. workers gained ?? expert. ence, costs fell further and quality improved again. Before Detroit responded seriously, this posture-feedback loop had helped Japanese companies to make serious inroads into the U.S. market for small cars. Similar sequences of events have taken place m the markets for television sets. rotegrated circuits and other products.

How should countries respond to a world economy where such rules apply? Conventional recommendations for trade policy based on constant or diminishing returns tend toward lowprofile approaches. They rely on the open market, discourage monopolies and leave issues such as R&D spending to companies. Their underlying assumption is that there is a fixed world price at which producers load goods onto the market, and so interference with local costs and prices means of subsidies or tariffs is unp?? ductive. These policies are appropriate for the diminishing-returns parts of the economy, not for the technology-based parts where increasing rerums dominate.

Policies that are appropriate to success in high-tech production and international trade would encourage industries to be aggressive in seeking out product and process improvements. They would strengthen the national research base on which hightech advantages are built. They would encourage rums in a single industry to pool their resources in joint ventures that share up-front costs, marketing networks, technical knowledge and standards. They might even foster strategic affiances, enabling comparues in several countries to enter a complex industry that none could NONLINEAR PROBABILITY THEORY can predict the behavior of systems subject to Increasing terns, in this model, balls of different colors are added to a table; the probability that the next ball will have specific color depends on the current proportions of colors (top). increasing term-ns occur in A (the graph shows the two-color case: arrows indicate likely directions of motion): a red ball is mote likely to be added when there is already a hi fib proportion of'' red halls. This case has two equilibrium points: one at which almost all balls are red; the other at which very few are red. Diminishing terns occur in B: a higher proportion or red balls lowers the probability of adding another. There is a single equilibrium point. A corn. bination of increasing and diminishing returns (C) yields many equilibrium points. 98 SCIENTIFIC AMERICAN February 1990 tackle alone. Increasing-returns theory also points to the Importance of timing when undertaking research initiatives in new industries. There is little sense in entering a market that is already close to being locked-in or that otherwise offers Little chance of success. Such policies are slowly being advocated and adopted in the U.S.

The value of other policies, such as subsidizing and protecting new industries—bioengineering, for example-to capture

foreign markets, Is debatable. Dubious feedback benefits have sometimes been cited to justify goveminent-sponsored white elephants. Furthermore, as Paul R. Krugman of the Massachusetts Institute of Technology and several other economists have pointed out, if one country pursues such policies, others will retaliate by subsidizing their own high-technology industries. Nobody gains The question of optimal industrial and trade policy based on increasing returns is currently being studied In. tensely. The policies countries choose will determine not only the shape of the global economy in the 1990's but also its winners and its losers. Increasing-returns mechanisms do not merely tilt competitive balances among nations; they can also cause economies-even such successful ones as those of the U.S. and Japan-to become locked into inferior paths of development. A technology that improves slowly at first but has enormous long-term potential could easily be shut out, locking an economy if. to a path that is both inferior and difficult to escape.

Technologies typically improve u more people adopt them and firms gain experience that guides further development. This link is a positive-feedback loop: the more people adopt a technology, the mote it improves and the more attractive it is for further adoption. When two or more technologies (like two or more products) compete, positive feedbacks make the market for them unstable. If one pulls ahead in the market, perhaps by chance, its development may accelerate enough for it to comet the market. A technology that improves more rap. idly as mote people adopt it stands a better chance of surviving—it has a ''selectional advantage.'' Early superiority, however, is no guarantee of long-term fitness.

In 1956, for example., when the U.S. embarked on its nuclear, power program. a number of designs were proposed: reactors cooled by gas, light water, heavy water, even liquid sodi

COMPANIES CHOOSE LOCATIONS to maximize profits, which are determined by intrinsic geographic preference (shown by color) and by the presence of other companies, in this computer-generated example, mast of the first few companies set. de in the green region, and so all new companies eventually settle there. Such clustering might appear to imply that the green region is somehow superior. In other runs of the program, however, the red and blue regions dominate instead. urn. Robin Cowan of New York University has shown that a series of trivial circumstances locked virtually the en??e U.S. nuclear industry into light water. Light-water reactors were originally adapted from highly compact units designed to propel nuclear submarines. The role of the U.S. Navy in early reactor-construction contracts, efforts by the National Security Council to get a reactor—any reactor— working on land in the wake of the 1957 Sputnik launch as well as the predilections of some key officials all acted to favor the early development of Light-water reactors. Construction experience led to improved light-water designs and. by the mid-1960's, fixed the industry's path. Whether other designs would, in fact, have been superior in the long run is open to question, but much of the engineering literature suggests that high-temperature, gas-cooled reactors would have been better.

Technological conventions or standards, as well as particular technologies, tend to become locked-in by positive feedback, as my colleague Paul A. David of Stanford has documented in several historical instances. Although a standard itself may not improve with time, widespread adoption makes it advantageous for newcomers to a field—who must exchange information or products with those already working there—to fall in with the standard, be it the English language, a high-definition television system, a screw thread or a typewriter keyboard. Standards that ate established early (such as the 1950's-vintage computer language FORTRAN) can be hard for later ones to dislodge, no matter how superior would-be successors may be.

Until recently conventional economics texts have tended to portray the economy as someflung akin to a large Newtonian system, with a unique equilibrium solution preordained by patterns of amoral resources, geography, population, consumer tastes and technological possibilities. In this view, perturbations or temporary shifts—such as the oil shock of 1973 or the stock, market crash of 1987—are quickly negated by the opposing forces they elicit. Given future technological possibilities, one should in theory be able to forecast accurately the path of the economy as a smoothly shifting solution to the analytical equations governing prices and quantities of goods. History, in this view, is not terribly important; It merely delivers the economy to its inevitable equilibrium.

Positive-feedback economics, on the other hand, finds its parallels in modern nonlinear physics. Ferromagnetic materials, spin glasses, solid-state lasers and other physical systems that consist of mutua?? elements show the same properties as the economic examples I have given.

They #phase lock'' into one of many possible configurations; small perturbations at critical tunes influence which outcome is selected, and the chosen outcome may have higher enerr/(that Is, be less favorable) than other possible end states.

This kind of economics also finds parallels in the evolutionary theory of punctuated equilibrium. Small events the mutations of history) are often averaged away, but once in a while they become all-important in tilting parts of the economy into new structures and patterns that ate then proserved and built on in a fresh layer of development.

In this new view, initially identical economies with significant increasing. returns sectors do not necessarily select the same paths. Instead they eventually diverge. To the extent that small events determining the overall path always remain beneath the resolution of the economist's lens, accurate forecasting of an economy's future may be theoretically, not just practically, impossible. Steering an economy with positive feedbacks into the best of its many possible equilibrium states requires good fortune and good timing—a feel for the moments when beneficial change from one pattern to an. other is most possible. Theory can help identify these states and times, and it can guide policymakers in applying the right amount of effort (not too little but not too much) to dislodge locked-in structures.

The English philosopher of science Jacob Bronows??d once remarked that economics has long suffered from a fatally simple structure imposed on it in the 18th century. I find it exciting that this is now changing. With the acceptance of positive feedbacks, economists'' theories are beginning to portray the economy not as simple but as complex, not as deterministic, predictable and mechanistic but as process-dependent, organic and always evolving.

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SCIENTIFIC AMERICAN February 1990 99

BYLINE: From LARRY CAMPBELL in Atlanta District of Colum??ia

BODY:

NETWORK computing industry leader Novell is bailing out of a number of its existing markets and terminating several product lines—including Novell DOS 7 to concentrate on new ''technology initiatives'' and usher in an era of ''pervasive computing''

Novell is initially pulling out of the personal computer operating system business by stopping production of Novell DOS 7, a product it acquired as part of its take-over of Digital Research.

''The battle for the office desktop is over and MS-DOS and Windows have won,'' Novell chairman and chief executive Robert Frankenberg said at last week's Networld+Interop ''94 conference in Atlanta, Georgia, in the United States.

''We will support Novell DOS, but we will not enhance it.''

''Novell has as much DOS marketshare as Microsoft has network marketshare,'' said Novell executive vice-president John Edwards.

''we are focusing on strong areas.''

Novell used Networld+Interop ''94 to introduce these strong areas, which are part of its vision of the future of computing.

Novell sees networking as it is today evolving to encompass a much wider, global concept. It envisages everyone now owning a computer will use networking technology—through the global information superhighway, among other things.

It also expects a growing number of people using computers for the first time in future will also need to connect to information hubs to share and exchange information.

''Our goal is to take people one step at a time,'' Mr Edwards said.

''The future is pervasive computing: connecting people to allow them to work anytime they want—any way.''

The term ''Pervasive computing'' is one Novell has chosen to define its

South China Morning Post, September 20, 195 vision for the future. To usher it in, the company is turning its attention to a range of new products—encompassing operating systems and user interfaces—and services.

Top of the list is SuperNOS, a planned killer operating system that will see the best of Novell's existing NetWare network operating system being combined with the best of UnixWare—its UNIX counterpart.

There are an estimated 40 million NetWare users on four million local area networks (LANs) worldwide—more than double the number of users of all other network operating systems combined.

In addition, there are about 30 million users of UNIX applications around the world.

It is this formidable market that Novell aims to capture with SuperNOS, according to Mr Frankenberg.

''The time has come for NetWare NOS to provide all the services of an operating system,'' he said.

''This is why we are evolving a SuperNOS with NetWare and UNIXWare on a common Novell microkernel.

''We have left the world of the mainframe. Organisations have many servers. By ensuring that NetWare and UNIXWare work perfectly together, we allow our customers to chose which technology they need on which servers.''

Novell planned to make both products run on a single set of hardware, or ''as a single system image on multiple hardware sets'' on a network.

''You get the best of both and a progressive, evolutionary path from today's specialised, robust backend,'' he said.

''All applications, trained programmers, tools, interoperability, support, and network services continue on without change. Perhaps best of all, we build on success, adding functionality rather than simply re-writing the old.'' SuperNOS is still a ''concept'', according to Mr Edwards.

''(It is a) codename for a technology initiative to bring the best of UNIX and NetWare together in a common system''

When complete, the system would be open to licensing and would be provided on a wide range of platforms, he said.

In addition to its focus on the network operating system market, Novell is also looking at the client side of the business.

Last week Mr Frankenberg unveiled plans for an ''advanced Novell client interface that will make it compelling to be connected networks''

Featuring a graphical three-dimensional user interface with a ''world metaphor'', the system would make network navigation simple for the first time, he said.

South China Morning Post, September 20, 199.,

However, it would not be a new operating system in its own right, Mr Edwards said.

Instead, it would be built on existing systems such as Windows 95.

''We will see over four to six months of demonstrating and customer testing of this system (before it is brought to market),'' he said.

''It will browse the Internet, NetWare and NCS networks and live in MS Windows, Chicago, UNIXWare and other desktop operating systems,'' Mr Frankenberg said.

''It will bring not only these end user services, but also compelling consistent NAPIs (network application programmer interfaces) for Windows, UNIX and other developers to unlock the power of the network from client applications.''

These new areas of focus do not just see Novell pulling out of the desktop operating system market—which was itself a move the market ''welcomed'', Mr Frankenberg said.

In addition, Novell is pulling out of the database business, up to a point. Having sold off Btrieve, its database product, the company is now only working with partners in the database area.

It will steer clear of creating vertical applications and, while working with information service providers as part of its networking technology initiative, it will not become an information service provider itself, or attempt to provide communications infrastructure.

''This frees up a considerable number of people who are now making the network fulfil our vision,'' Mr Frankenberg said.

Hardware would also be an area that Novell would abstain from dabbling in, he said.

''(Former Novell chairman and chief executive) Ray Noorda got us off hardware in the ''80s. I will keep us on the wagon in the ''90s,'' he said.

Microsoft's Operating System and Application Strategy for Servers Fine-Tuning Microsoft's Server Strategy

Microsoft competitors have taken great pleasure in the slow acceptance of the much hyped NT. Some of this gloating is certainly well deserved. After a long period of anticipatory eulogies for competitive operating systems, NT barely shipped 400,000 units in its first full year of availability. This is one-sixth the number of OS/2 shipments and only marginally higher than Solaris'' 1993 shipments (see Figure I). Moreover. the majority of NT shipments axe either free copies or axe being used for development or evaluation.

2.400

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Figure 1: Licenses of 32-Bit Operating Systems Shipped in 1993 (thousands of units)

Are competitive OS vendors beginning their celebrations too soon? After all, consider how much solace Apple took in the slow acceptance of Windows. Just as importantly, many NT cynics are finding their evidence in the wrong places. They axe looking at the small number of total NT units, the minimal acceptance on the desktop and the technical deficiencies of the operating system. Many of those competitors who view NT as a server operating system are focusing on comparisons with and difficulties in displacing NetWare.

Those who want to objectively assess the prospects for NT should instead examine the positioning, capabilities and increasingly high-profile endorsements of NT as an application server operating system. While NT's acceptance as a desktop and file server OS has been slow. a growing number of large, leading-edge corporate customers see tremendous potential for NT as an application server in department-sized environments. More importantly, Microsoft has optimized NT's server capabilities by segmenting its development focus between desktop and server versions and by introducing a broad range of complementary server offerings.

Meanwhile, most of the leading server application vendors—including those introducing client/server versions of applications that had been available only on minicomputers and mainframes— have selected NT as one of their first server operating systems, and the one offering the largest market potential. What are NT's real prospects as a server operating system': How can one capitalize on its potential without making their company's future too dependent on Microsoft and ,'OT?

Windows NT: The Rumors of its Death Are Premature

Make no mistake. Windows NT and its successors are Microsoft's strategic operating system. As Microsoft Executive Vice President Mike Maples states. ''by the end of the 1990s there will be one Microsoft operating system—NT— but there will be three of them: NT Advanced Server, NT Advanced Workstation and Windows NT'' (see Figure 2) Microsoft views the slow initial acceptance of NT as only a relatively minor delay in its quest for global software domination.

As discussed in Summit Strategies'' report, Profiting from the Transition from Personal Desktops to Enterprise Desktops, initial NT desktop acceptance will Figure 2: Future of the Windows Architecture be limited primarily to engineering, publishing, software development, trader workstation and a few other specialized applications with particular performance. security and reliability requirements. This will begin to change as developers write applications to Win32. Most of these applications will be optimized for Chicago. but they also will provide hative performance on NT Workstation and. then, on Cairo.

The story is very different for NT Server. NT Server is Microsoft's future. It is THE FOUNDATION of all of Microsoft's target growth markets— workgroup, department, enterprise. advanced consumer and information highway. Microsoft, however, has little or no experience or credibility in those markets. It must develop them essentially from scratch.

Microsoft recognizes these limitations and is dedicating extensive commitment and resources to its efforts to establish NT as a standard server operating system. It has carefully studied the factors that made other enterprise and server operating systems successful and has developed a strategy that combines some of the most important of

these factors with Microsoft's own unique twists. NT Server as the Foundation for Microsoft's Solution Platform Microsoft's most obvious work on NT is in the form of Daytona. which will be more formally known as Windows ,NT 3.5. Daytona will deliver higher performance with smaller memory and will provide better reliability, robustness. SMP support and connectivity than version 3.1.

It will be divided into two optimized versions—one for advanced desktop users (NT Workstation) and one for servers (NT Server). This division will mark the beginning of separate, but still binary compatible code bases that are targeted at separate markets. Daytona also will provide a migration path to Cairo I NT version 4.0), the scaleable, object-oriented OS that Microsoft plans to release by the end of 1995.

However. as important as all of these operating system enhancements may be. they are only the foundation of a much broader Microsoft server strategy. This strategy is based on a broad range of server applications that Microsoft is developing to run on top of NT Server and which will tailor the OS for use in specific functions.

Microsoft plans to ship five server applications that will run on top of NT Server. some of which are already shipping: SQL Server. SNA Server. Systems Management Server. Exchange Server. and ''Tiger'' Video Server.

These server applications will likely be joined by others, including a search and navigation engine, server versions of many of its client-based Microsoft Ofrice applications and. possibly, some ''diagonal'' server-based business applications, such as accounting, human resources management and sale, automation. Microsoft is also developing an online service t code-named Marve?? that ,a ill generally compete with Prodigy and America Online.

Although these server applications are very different from each other, all share at least two important factors: They are designed as general, extensible frameworks on which partners are encouraged to write their own specialized applications: and each is available on and optimized for use with NT Server and is designed to work seamlessly with all other Solution Platform tools and applications.

The combination of these factors will make NT Server a unique, very formidable server operating environment. Creating a Consistent, Universal Server Environment Each Microsoft server applications competes with some third-party offerings. SQL Server. for example. competes with Oracle7 and Sybase System 10. Exchange competes with Lotus Notes and Novell GroupWise.

,Microsoft. however, is positioning each of these applications as generalized. extensible platforms on top of which smaller, more specialized and verticallyfocused applications can be when.

Like Oracle and Sybase. Microsoft is attracting third-party developers to write specialized applications on top of its own generalized platforms. Unlike Oracle and Sybase, however, Microsoft will not develop these applications itself. It will leave this add-on market exclusively to third-party partners and has developed a number of large, well-funded cooperative technical, marketing, distribution and consulting programs to help these partners enter and expand their markets. .Microsoft has already attracted more than 600 partners to write applications on top of SQL Server. more than 25 to write for Systems Management Server. and 70 partnets to write for Exchange Server. SQL Server applications, for example, range from diagonal accounting and document management through vertical applications for insurance and health care.

This base of third-party applications will help make the generalized Microsoft Server Platform a viable foundation for a broad range of highly specialized applications. In and of itself, however, this is not different from what is provided by competitive OSs (i.e., NetWare and Unix), databases (such as Oracle7) and groupware environments (such as Notes). Microsoft. though, takes a giant step beyond these competitive environments by:

Optimizing its applications for, and integrating them closely into its OS to provide fast performance, permit the application to take full advantage of all operating system capabilities (without duplicating them) and provide the basis for integrating important application capabilities directly into future versions of the OS.

Providing a common set of development tools and integration protocols that allow third-party applications to be easily integrated into and take full advantage of the operating system and all Microsoft server applications and to integrate closely with Microsoft desktop OSs and applications.

This integration is critical to Microsoft's entire server strategy, it provides developers with a single set or'' APIs and communications protocols with which they can develop to all Microsoft desktop and server OSs and integrate with all compliant Microsoft and third-party applications. It provides customers with a modular, comprehensive. ''easy-toown'' server environment.

Microsoft also is laying out a road map under to make this integration closer and deeper. As a result, data semantics and query technology will be common across both desktop and server components and communications will be facilitated between them.

More importantly, the OLE object model—already supported by all Microsoft and a small, but growing number of third-party applications—will form the foundation of Microsoft's next-generaLion Cairo operating system. In addition. many new Microsoft products are based on a technology that will be used in Cairo. This will simplify the upgrade path to Cairo and will allow the new OS to take over many of the capabilities of previously distinct applications.

Since Cairo will be a pure object-based OS, it will be highly modular. Components will be easily added, deleted or replaced, making it relatively easy for resellers or customers to customize the operating system and incorporate traditionally distinct functions into it. In fact, since all Microsoft server applications will fit into a single, integrated Cairo model, it will be almost impossible to distinguish between the operating system and the applications.

Redefining Server Industry Rules to Match Microsoft Strengths Microsoft's approach promises to make NT Server a much more comprehensive. integrated server environment than is available from any other client/server operating system, relational database or messaging backbone vendor. In fact. NT Server will approach the level of integration that previously had been available only in proprietary mainframe and minicomputer environments.

In and of itself, this integration will be attractive to large numbers of customers. application developers. OEMs and resellers, but Microsoft plans to go even further. It will offer these capabilities in a new way that no other competitor can directly match. It will combine capabilities that had traditionally been available only as high-priced, customdeveloped solutions on expensive platforms with price levels and distribution channels that were available only for basic PC-level solutions. In other words. Microsoft plans to redefine the rules of competition in the server operating system and applications market.

It will rewrite these rules in a way that builds on its existing business model and makes it difficult, if not impossible, for other vendors to follow.

Summit Strategies believes that Microsoft will execute this strategy gradually and in a way that permits the incremental extension of its traditional low-overhead, product-oriented, virtual company business model.

It will establish this presence in a niche in which there is very little entrenched competition—department-level, decision support application servers (see Figure 4). It will position the NT server environment as a more functional, scalable application platform than NetWare and a less expensive, easier-to-own alternative to Unix. While Microsoft plans to ultimately replace NetWare and Unix, initially it will coexist with them by emphasizing connectivity with Unix and its use as an application server within existing NetWare file server environments.

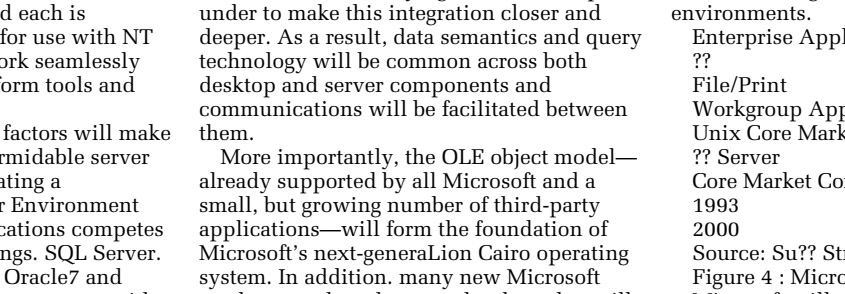

Figure 4 : Microsoft's Trojan Horse Strategy

Microsoft will use this market as a beachhead from which to expand gradually into complementary segments, such as department-level and branch transaction servers, workgroup application servers. file and print servers and eventually, into some division-level environments. Summit Strategies expects this strategy to allow Microsoft to grow NT's position in the network server operating system market from about 2.5 percent in 1993, to almost 15 percent by 1997. It will play much larger roles in the application server market and. especially, in the lowend to midrange of that

market. Obstacles to Microsoft's Dominating the Application Server—

Part I

Microsoft is certainly well-positioned to establish a strong position in the application server market. Its success, however, is far from assured. The company still faces a number of strong competitors and must overcome a number of self-imposed obstacles. These obstacles fall into two primary categories: some are product-based while the others are a result of the company's business model. Microsoft's productbased obstacles are:

The perceived unreliability of

Microsoft server solutions Everybody recognizes the limitations inherent in the Windows desktop environment. Most customers are willing to put up with these Limitations in return for the benefits of low cost, application availability and standardization. Customers, however, are much less willing to accept such limitations in application server environments, particularly when they are using the servers to run business-critical applications that had previously been entrusted only to mainframes and mini-computers.

On one ban''. NT is relatively robust for a Version 1.0 operating system. However. it is still immature, unproven and lacks many of the complementary tools that will be required for acceptance in business-critical environments. Microsoft does promise more robust upgrades to its operating system. RDBMS and communications software, new versions of needed system management and messaging software, and improved fault tolerance and recoverability. However. its continual missed shipment deadlines do not instill great confidence.

The limited openness and scalability of the Microsoft solution

Although Microsoft operating systems may be standards, they are not open. This creates a risk, since customers who adopt them will have a difficult time migrating to another operating systems, should the need arise. This problem will be particularly acute for customers who buy into Microsoft's server applications. since these applications will be available exclusively on NT Server and will be integrally linked to it.

This lock-in could be particularly dangerous for customers who require that their applications be highly scaleable, up through enterprise environments. Microsoft solutions currently support symmetric multiprocessing and will support clustering and be portable to all major processors. However, NT Server is currently tuned for single and dual processing. Its next implementation is only likely to scale to four processors. which is far below the 16- to 30-CPU tuning of a number of versions of Unix. There are, however, mitigating factors for each of these concerns. Consider robustness. While Microsoft has missed deadlines in shipping virtually all of its key products, once they do ship. they are reasonably stable and deliver on most of the company's promises. When push comes to shove, most customers would prefer to receive a stable product late. than a buggy product on time. But. regardless of when Microsoft ships. computing environments with overwhelming needs for proven, reliable server environments are unlikely to select Microsoft products, at least for the next several years.

As for openness and portability, it is largely a question of target markets and tradeoffs. Generally speaking, large corporate MIS departments are most likely to demand that their server environments be open, flexible and scalable. Most of these MIS groups have the capabilities or the resources required to configure. develop for and administer these solutions. In contrast, many small businesses and department-level customers will be willing to trade off such benefits in return for solutions that are easier and less expensive to buy, configure and manage, and for which off-the-shelf applications are generally available.

The percentage of the market that will fall into each camp is certainly debatable. While everyone says that they want open, scalable and robust solutions, when it comes time to make a final decision. Summit Strategies believes that many more customers will choose easy, cheap and standard.

Obstacles to Microsoft's

Dominating the Application

Server—Part II

The other, and more difficult obstacles to Microsoft's success in the server market are more dependent on the company's business model and style of operation, than on its technology. Summit Strategies sees three primary. obstacles in this category.

Microsoft's penchant for making enemies

Microsoft has always had a way of making enemies due to such factors as its sheer market power, position as industry upstart, cockiness, and the ruthless way in which it often deals with competitors and partners alike. On one hand. vendors have no choice but to cooperate with a company that is dominant in the market in which they wish to participate (as Microsoft is on the desktop). On the other hand. vendors can avoid, or actively help to defeat those companies which do not yet have market dominance.

Microsoft's lack of an enterprise marketing and support organization Microsoft developed its business model around a product-focused, low-overhead. indirect sales and support model. This model was well-suited to the company's initial goal of selling high volumes of low-cost, non-mission-critical products into low levels of business organizations.

However, Microsoft is now targeting with its server products towards the business solutions market, which developed around a totally different business model. Its customers, therefore, have very different requirements. Microsoft does not have or plan to develop the type of direct sales. Implementation consulting or 7124, heterogeneous, on-site support capabilities that many business customers expect from their key system software vendors. While Microsoft is enhancing its direct marketing, consulting and support capabilities, it will rely on third-party partners to provide most of these capabilities. There is no evidence to suggest that its new target market is ready for this type of ''virtual company'' model.

Microsoft's confusing market messages

Microsoft doesn't seem to know what it wants to be when it grows up. On one hand, it insists that it is preparing to become an enterprise solutions vendor.

It claims that NT Server and its accompanying applications will provide the robustness, scaleability, reliability, capabilities and features of traditional enterprise solutions. On the other hand, its product releases, actions and distri bution and support programs suggest that Microsoft is really targeting department- level markets. These mixed messages are extremely confusing to customers and partners, and damages Microsoft's credibility as a business systems provider. Summit Strategies believes that Microsoft will ultimately recognize that its most natural and responsive customer base, its partner franchise, and its largest potential, most strategic market lies in department-level and branch environments. It will focus its product development, its marketing resources and its partnership programs at this segment.

Once it captures a dominant and sustainable position in this core market, it will expand in both directions—downward into file server and workgroup markets and upward into enterprise-level markets.

Microsoft, however, must address a number of other issues before it can nope to effectively address even these department-level and branch application server markets. It must build the type of in-house infrastructure required to establish credibility in these markets and attract the type of application, distribution, integration and support partners that can address these customers'' real needs.

As fully discussed in the next report m this series, Microsoft's Market. Channel and Partner Development Strategy for Servers. Microsoft recognizes many of these requirements and is making more progress in addressing them than is generally recognized.

In summary, Microsoft will certainly be a force to be reckoned with in the application server market. Anyone who hopes to play in this market must understand where Microsoft is going and how the company will change the rules of competition to its own advantage. Only by understanding these critical factors can a company decide whether they will partner or compete with Microsoft and what they must do to survive this competition or premiership.

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How Microsoft's Server Strategy Will Change the Industry Part II: Microsoft's Market, Channel and Partner Development Strategy for Servers

Microsoft's goal is to establish NT Server as the AS/400 of the client/server world. It is developing a seamless, optimized, easy-to-use and administer environment that will provide access to a broad range of packaged, business-critical applications.

The server platform will be sold to the same types of customers who have bought

IBM's AS/400-based business solutions— a combination of small and midsized businesses and departments of larger corporations.

Similar to the AS/400 which comes standard with its own specially tuned and optimized operating system, database and management tools, Microsoft is developing a complete suite of base-level server applications that axe available exclusively on and optimized for bit Server. Microsoft, however, cannot provide the type of bundled solution that IBM is offering. NT Server must run on multiple off-the-shelf servers and must accommodate databases. communications, management and other tools from a large number of competitive vendors.

Novell is another network operating system vendor who has successfully sold into small and midsized business and departments of larger corporations. As with Microsoft, Novell relied on partners and third-party partners for distribution and support and had to integrate NetWare into heterogeneous environments. However, Microsoft will face more difficult challenges than Novell did since NetWare is primarily a file server operating system. In general, file server LANs are easier to configure and manage and do not require the level of integration, earring or solutions- oriented sales capabilities that client/server networks do.

Although Microsoft must provide the value of supporting a broad range of platforms and accessory software, it recognizes that too many options lead to the same type of confusion that has restrained the growth of Unix. Microsoft. therefore, is taking something of a middle path by providing customers with the choice to purchase its server operating system and applications either as:

Separate, standalone products that can be integrated with any other vendors'' NT Server products or as

A single, integrated bundle (called Back Office), which includes the server operating system and Microsoft server applications as a preconfigured, integrated set of tools designed to work together. Pricing for this package is 40 percent less than if all packages were bought separately. As discussed in the first report of this series, Microsoft's Operating System and Application Strategy for Servers, all Microsoft server products share a number of important factors. Each is:

Available exclusively on, and optimized for use with NT Server,

Designed for use with a common set of Microsoft development tools and integration protocols;

Designed to work seamlessly with all other Solution Platform tools and applications:

Positioned as a generalized, extensible framework on which partners are encouraged to write their own specialized applications.

This commonality and integration is critical to Microsoft's server strategy. The goal is to attract large numbers of developers, resellers and administrators to the broad Microsoft environment, facilitate the availability, of hundreds of specialized, packaged server applications and to provide customers with a modular, comprehensive, easy-to-own server environment. Microsoft plans to offer capabilities that have traditionally been available only as high-priced, custom- developed solutions on expensive platforms, at price points and through channels that were previously associated with PCs. The company also will provide migration paths from PCs.

Thus, Microsoft will redefine the rules of competition in the server operating system and applications market. If it succeeds, many of Microsoft's competitors will find it difficult—if not impossible—to compete.

Building a Business-Critical Solutions Infrastructure Microsoft faces a number of challenges in its bid to enter these new markets. Its corporate infrastructure was well-suited to the marketing and support needs and the economic mandates of the PC industry. It had a small direct marketing organization to promote desktop productivity, products to storefront computer dealers and a small telephone-based support staff to answer questions. It did not have, however, a large customer direct sales force, a consulting or integration group, or comprehensive support capabilities to which MIS managers and CIOs are accustomed. It could not hope to compete with vendors such as IBM, Hewlett-Packard and Oracle in selling bet-your-business server products to large corporations. Microsoft, therefore, has begun to build new marketing, integration and support infrastructures that are intended to improve its credibility and more effectively address the needs of new customers. The company built a:

3,000-person direct marketing organization, 40 percent of whom are dedicated to addressing the needs of large corporate customers:

500-person consulting and systems integration group to help large corporate customers plan, design and implement sophisticated client/server business solutions around Microsoft products:

3,000-person, around-the-clock support group, 400 of whom are trained specifically on the complexities of server operating systems and heterogeneous networking, Premier customers get access to higher-level support people, an accelerated escalation procedure, a dedicated manager who will help them with proactive planning and, in, some instances, access to on-site support capabilities.

Microsoft also formed a new marketing group, the Organization Customer Unit, that is responsible for developing and managing ongoing relationships with business organizations. This unit is divided into two primary groups: one to manage large corporate customers, the other to build sales into small and midsized companies. The Organizations Unit is responsible for: Managing the company's Select volume licensing program, which is intended to make it easier for large corporations to buy from Microsoft and to build ongoing relationships with them;

Recruiting and managing relationships with client/server application developers and systems integrators who will be most important to Microsoft's efforts to sell client/server solutions into large corporate accounts;

Responsibility for the Microsoft's value-added Solution Providers programs. It recruits and manages resellers who will be capable of selling Microsoft server products and client/ server solutions and other partners who are specially qualified to train customers on and support these new implementations.

The Organization Customer Unit also owns Microsoft's Industry Marketing group which targets vertical markets that can potentially generate large sales of Microsoft-based client/server solutions.

Defining a New Client/Server Business Model

Microsoft's direct work with corporate accounts, through its newly enlarged direct sales force, consulting services and support arm, is somewhat similar to that provided by traditional enterprise system and software vendors. But there are two major differences between Microsoft's approach and those of enterprise vendors. Under the Microsoft program:

Third parties handle all product delivery and much of the implementation and actual support requirements. All Microsoft product sales, even those under the Select program, are fulfilled by third parties. Microsoft's consulting and support groups will typically refer customers to third-party partners or bring these partners into a project themselves, with the goal of having the partner handle the implementation and most of the follow-up work.

The primary goal in working directly with customers is to transfer Microsoft's knowledge to its customers, not to actually do the work themselves. For example, the company generally confines consulting work to fast-in/fast-out projects where it defines architectural requirements, plans transitions and trains or supervises customer employees and third parties to provide the actual implementation work and to fully handle future projects themselves.

Virtually all aspects of these services have the ultimate goal of helping third-party partners address the needs of corporate customers without direct involvement by Microsoft. While all product fulfillment is handled exclusively through third parties. Microsoft is trying to involve appropriate partners directly in the demand creation process.

Microsoft's consulting and support organizations have even more formal structures for training and for bringing partners into accounts. MCS consultants. for example, dedicate approximately ten percent of their total billable hours to helping Microsoft Solution Providers (SP) and count on partners for providing more than half of all their billable hours in some of its practices.

This cooperation with SP partners also carries through Microsoft's support and training organizations. For example, Microsoft Education Services no longer deliver training directly to end users. The company has two new channels, Authorized Training Centers and Technical Education Centers, that it established specifically to deliver courses on Microsoft products and to certify partners who have completed specialized training.

The company's support group, meanwhile, provides only very limited support for

Microsoft products'' connections into heterogeneous environments. One class of partners, Authorized Service Centers, have been authorized to provide such capabilities. Furthermore, the company provides very little on-site work and will not even go on-site without a Solution Provider. If the customer does not have an SP, Microsoft will help it select one and then bring the Solutions Provider up-to-speed on the customer's environment.

Developing Partnerships to Enable Microsoft's Virtual Company Model: Phase One

Every vendor, irrespective of the degree of its horizontal integration, relies on partners to help sell its products.

Microsoft's virtual company model will require much closer partnerships with many more types of partners than most other companies'' models.

Various partners will play different roles in the Microsoft server business model, but these roles will change significantly as the market for client/server solutions matures. During the earliest stages of the market, Microsoft must work most closely with solutions-oriented systems vendors, systems integrators and software developers. After all:

Systems vendor partners such AT&T GIS and Digital Equipment and systems integrators such as Andersen and Business Systems Group work directly with large corporate customers to help define the need for, develop, implement and support custom solutions;

Infrastructure software developers will provide the capabilities required for more demanding and sophisticated applications such as enterprise transaction processing;

Application vendors develop the solutions that will be required to attract customers who cannot or do not want to develop their own applications. Microsoft has already gained commitments from vendors of leading client/server accounting, MRP, groupware, document management, and customer management applications;

Relational database vendors will play particularly important roles in the early stages of this market. RDBMSs are critical client/server infrastructure technologies and most of the vendors have their own solution-based sales, consulting, application development and support capabilities. Moreover, once an RDBMS is ported to an operating system, it is relatively easy for all of the applications written to these RDBMSs to be ported.

Microsoft will always want to play a role in the type of large, corporate, custom implementations that are handled by large system vendors SI. RDBMS and application partners. Therefore, it will have a continuing need to work with these first- generation client/server partners. However, Microsoft will be ready to shift its primary emphasis to a new group of partners once client/server computing (especially Microsoft's approach to it) becomes more widely understood and accepted and a critical mass of applications become available for NT Server.

Developing Partnerships to Enable Microsoft's Virtual Company Model: Phase Two

Microsoft's primary strength is in selling large quantities of standard products to smaller companies and individual customers through large numbers of third-party channels. It will attempt to apply this same business model to its server business.

A number of Microsoft partners are already established in and committed to this type of business.

Microsoft is encouraging current server vendor partners (everyone from AST through Tricord) to bundle NT Server and the Back Office application suite with some of their servers. Some partners such as Compaq and Informix will play critical roles as ''bridge vendor'' partners, helping to ''repackage'' the capabilities developed and lessons learned from direct sales of client/server solutions into third-party channel programs. (Summit Strategies'' report, The New Age of Client/Server Applications, contains a full examination of the roles of bridge venders.)

Microsoft already has signed up almost 6,000 third-party Solution Provider resellers, and plans to grow this number to about 15,000 resellers by rind- 1995. The company is focusing SP recruiting efforts primarily at established, successful resellers of products including the AS/400.

Novell NetWare. Sun workstations, Unix RDBMSs and vertical and diagonal applications. It is targeting resellers who are best situated to address Microsoft's targeted verticals in geographies that lack adequate coverage. Microsoft also is devoting extensive efforts to training and generating business for these partners. For example, it is:

Establishing large, formal programs (e.g., DevCast, BusCast, TechNet and Microsoft Partner Network) to educate and train these channels:

Passing large numbers of leads to these channels, and is developing vehicles (e.g., trade shows, road shows and seminars) to generate demand;

Using Microsoft consultants and support engineers to train partners to perform functions currently provided by Microsoft personnel, and to actively bring these partners into accounts; Actively helping high-end, traditionally direct sales system vendors (e.g., AT&T GIS and Digital), database vendors (e.g., Oracle and Sybase) and application vendors (e.g., SAP and D&B Software) to develop and offer their own products through third-party channels;

Encouraging distributors and aggregators to provide built-to-order, custom-configured server bundles (that combine Back Office back-end, Vertical Office front-end, and specialized third-party applications) to their resellers.

Microsoft plans to use its market position, vendor partnerships and aggressive channel development programs to build a broad, third-party, client/server distribution and support channel well before its competitors. It will then try, to lock these channels into Microsoft solutions by ensuring that they are familiar and comfortable with Microsoft products. Microsoft will do this by providing the best technical and marketing support, by using its marketing muscle to generate more sales than competitors (with less effort and resources from SPs), and by promising never to directly compete with its partners (as proprietary and Unix vendors often do).

Microsoft's Prospects for Success in the Client/Server Server Market

Unix vendors will most likely offer client/server server solutions that are more open, robust, flexible and scalable than those offered by Microsoft IBM will most likely offer AS/400 solutions that are more turnkey and easier to manage. Novell will most likely offer solutions that are lower priced. Microsoft, however, will combine some of the best of all of these capabilities with a number of its own unique advantages. For example, it will offer:

The largest base of binary compatible servers and off-the-shelf applications of any server environment;

Access through the broadest range of distribution channels in the industry;

Probably, the lowest cost, best price/performance application servers in the industry (due to a combination of Microsoft's aggressive software pricing, availability on all hardware platforms and broad distribution);

A turnkey solution (based on Back Office and Vertical Office) in which all of the components will integrate seamlessly with each other and support the same APIs (e.g., OLE, ODBC and MAPI);

A strong development platform to which custom and packaged application developers can write using a broad range of Microsoft and third-party tools:

Strong scalability ranging from uniprocessor 486-based PC servers to 30 CPU Sequent servers and a broad range of uni- and multiprocessor RISC servers; and

Systems and software that provide reliability, availability, manageability, security and robustness that will be suitable for all but the most demanding applications and environments.

Given the strategic importance of the server market to Microsoft's future, the company can be expected to compete ferociously, and offer the largest, best- funded partner recruitment, training, advertising and marketing programs in the industry. However, as discussed in the first report of this series on Microsoft's NT Server strategy. Microsoft's Operating System and Application Strategy for Servers, the company will still be hampered by factors such as:

Novell's strong established position in the channel and in the file server and low-end database server markets;

Unix's perceived (and in many instances, real) advantages in areas such as reliability, scalability and openness;

Microsoft's reputation for ruthlessness and for competing with its software partners in a segment of the market in which partnerships are critical; and

Whether the market or channel is prepared for the virtual company model on which Microsoft is staking its future. Summit Strategies views this last issue as the single most important, most open question in assessing Microsoft's prospects for success in this new market. Will customers who are accustomed to a single vendor solution really accept such a diffuse, nontraditional chain of responsibility for support of mission-critical, line-of- business solutions?-Will Microsoft's partners be able to address the demands that this model will place on them?

As discussed in a number of our previous reports. Summit Strategies believes that this

model will work and that Microsoft is building the type of infrastructure that is required to support it. But even if the virtual company model works, there is still a question as to when it will work.

While the virtual company model will almost certainly succeed when client/ server technologies and markets become more mature, how suitable is it during the early stages of the market? After all, few people currently understand how to design, develop or maintain client/server solutions, the tools are immature and most configurations are still custom developed.

Microsoft's initial reliance on the virtual company model has the potential of effectively locking the company out of the market before its business model has a chance to prove itself. This, however, is not likely to occur. After all, Phase One partners such as AT&T GIS, Digital Equipment Sequent, Andersen, EDS and SAP typically assume full responsibility, for their solutions.

Ultimately, customers anti partners must rely on Microsoft rather than on system vendors for the stability of the operating system and the foundation server applications. However, this should not be much of a problem since no systems integrator or vendor (including IBM) assumes full responsibility for every component of a solution. Although it may cause some consternation, everybody uses some type of third-party products. While the risk may still be greater for a Microsoft- based solution than for a vendor-specific Unix system, the level of risk will decline as Microsoft's server products mature (as with bit Server 3.5) and as implementations of leading reference accounts become proven.

Overall. Summit Strategies is quite optimistic about the prospects for NT Server. As fully discussed in the first report Of this series, we expect NT Server to account for a rapidly growing share of the network operating system market, growing from about 2.4 percent in 1993 to 14 percent in 1997.

More important than the raw numbers, are the segments in which NT Server will experience its greatest acceptance.

Penetration will be relatively low in file server and enterprise application server markets, yet NT Server is likely to dominate the large, highly strategic midrange (large workgroups, departments and branch office) application server markets. As shown in Figure 1, this entry, will provide a perfect vehicle by which Microsoft will be able to extend its penetration downward into the file server and workgroup application server markets, and gradually upward into the division and enterprise application server markets.

Opportunities and Threats for- Microsoft Partners and Competitors

Microsoft's likely success in the application server market presents some significant opportunities for partners. Each phase of the market will offer significant revenue and profit opportunities, but the opportunities will vary greatly by type of partner and over time.

During Phase One, turnkey solutions partners who can define, develop, implement and support custom applications will have a great advantage. In Phase Two, as NT Server and applications become more es- tablished in the market, and as client/server solutions become poised to enter broader markets and channels, Microsoft will shift its attentions to ''bridge vendors'' who can help translate the capabilities and lessons of Phase One-implementations into the type of ''cookbook'' approaches and solutions that will spur broad market, third-party sales. When the market enters Phase Three, the lowest cost producers with access to the broadest, most effective distribution channels will be best situated.

Divisional Application Server Unix Core Market

Enterprise Application Server

Source: Summit Strategies, Inc.

Figure 1: Microsoft's Server Market and Expansion Strategy

By this time. Phase One partners will have to either:

Evolve their business models to play by Phase Three rules:

Adapt their value-add to ever more specialized, demanding, and narrower segments of the market such as distributed, object-based transaction processing environments;

Find another market such as global, enterprise Unix solutions; or

Go out of business.

All types of partners—hardware vendors, software vendors and resellers—will be susceptible to this type of shake-out.

Microsoft is using its unique product line and market position to change the rules of competition in these markets. It is optimizing its applications for its NT Server operating system, providing the type of bundling incentives and using the type of pricing approaches that few, if any, competitors will be able to follow.

Even though Microsoft currently is competing only with vendors of the broadest server foundation applications, all partners need to beware. As the client/server market grows, previously specialized applications will become increasingly mainstream. As discussed in previous reports such as Developing and Leveraging Client/Server into Broad Markets and Channels. Summit Strategies believes that diagonal applications such as accounting and sales automation will become just as broad and strategic in the client/server age as data-base and presentation graphics were in the personal computer age. If Microsoft decides to enter these markets, some server application vendors may face the same types of options in competing with Microsoft that server operating system vendors will face over the next several years,

If Microsoft does succeed in changing the rules of competition, few will be able to go head-to-bead with Microsoft products.

They will be faced with a choice of one of two primary strategies: either focus their product and market development efforts on segments of the market m which they have a clear advantage and can establish a reasonably defensible position; or introduce highly focused products that are optimized for a market niche that is too narrow to attract the direct (or at least focused) attention of Microsoft.

In summary,, partnering with Microsoft may be as dangerous as competing with it. Partners can protect themselves by continually adapting their value-add to provide capabilities that Microsoft will require during different stages of its server products'' life cycle.

Vendors still have about a three-year window of opportunity before Microsoft establishes the level of market power that will make it difficult or impossible to compete head-to-head in its core market.

Even after Microsoft attains this level of power, competitors will have many opportunities to ''hit Microsoft where it isn't'' by targeting segments where Microsoft and its solutions are weak or by focusing on niches that are too small or specialized to draw Microsoft's focus (future Summit Strategies'' reports will address this and related issues in greater detail).

Although partners and competitors will always have plenty of opportunities. every vendor and reseller in the server mar- ket will have to learn to play by new rules.

These rules will be generally defined by Microsoft, around the vendor's own capabilities, channel strengths and business model. For better or worse, the rules of the application server market will come to look increasingly like those that currently shape the personal computer market.

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NEWS RELEASE

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MICROSOFT AND VISA TO PROVIDE SECURE TRANSACTION TECHNOLOGY FOR ELECTRONIC COMMERCE

Secure Transactions Across Networks Mean Lower Costs, Expanded Markets

PARIS, France, November 8, 1994—Microsoft Corporation and Visa International today announced that the have signed a letter of intent to jointly provide a standard, convenient and secure method for executing electronic bankcard transactions across global public and private networks. Their secure solution will held expand the market for electronic commerce by providing new opportunities for consumers, merchants and Visa member financial institutions.

The secure transaction technology will consist of software that supports both the cardholder and merchant sides of a transaction and works with the visaNet payment system to authenticate buyers and sellers and to secure transactions for clearing and settlement. Microsoft and visa wil1 publish specifications that make secure transaction technology available to other software vendors and card systems to implement themselves or license from Microsoft.

The technology will be developed initially for the Microsoft?? Windows TM operating system family and is scheduled to be available in 1995. It will include extensive encryption capabilities based on technology from RSA(r) Data Security, Inc.

''The technological leadership of Microsoft, along with the global financial reach of visa, allows :he consumer to make payments over networks worldwide as easily and safely as payments made in person.'' said William L. Chenevich, group vice president. Visa International. ''Our relationship with Microsoft will held to accelerate the growth of commerce over electronic networks and will open up new opportunities for our member institutions, merchants and cardholders worldwide. As the information highway becomes defined, we must look at a variety of alliances and a variety of ways to protect :he financial relationships of our members and their cardholders.'' Chenevich also indicated that the two companies welcomed the interest and support of other parties.

''Right now, we're all street people on the information highway; we can't protect our privacy and information: we can't prove who we are; we can't buy anything,'' said Nathan Myrhvold, senior vice president of Advanced Technology at Microsoft. The Microsoft-Visa technology solves these problems by using public- key technology Co assure safety and privacy, and easy-to-use client software which allows consumers to use their existing bankcards co pay for goods and services across multiple applications and merchants.''

Will F. Nicholson, Jr., chairman of the board of directors of Visa U.S.A. and president and CEO of Colorado National Bankshares, Inc., added that U.S. financial institutions were facing new challenges in a changing payments environment to provide their customers with service and support, ''with Microsoft, we have an opportunity to bring together :ethnology and banking, as consumers explore alternative methods of purchasing at new points of transactions.'' he said.

Founded in 1975, Microsoft is the worldwide leader in software for personal computers. The company offers a wide range of products and services for business and personal use, each designed with the mission of making it easier and more enjoyable for people co cake advantage of the full power of personal computing every day. Microsoft is headquartered in Redmond, Washington, U.S.A.

Visa, the world's largest consumer payment system, has more than I1 million acceptance locations. Visa member financial institutions have issued more than 357 million cards worldwide including more than 185 million in the U.S. Visa also has the leading global ATM network. Visa, headquarters in the U.S., has offices An London (Europe region), Tokyo (Asia Pacific region), Toronto, (Canada region) and Miami (Latin America region). Microsoft is a registered trademark and windows is a trademark of Microsoft Corporation.

RSA is a registered trademark of RSA Data Security, Inc.

. . . THE WALL STRRET JOURNAL MONDAY. DECEMBER 5. 1994,

Trade Group's Board Cancels Hearing On Microdot's Plan to Acquire Intuit

BY VIVECA NOVAK

And DON CLARK

Staff Reporters of THE WALL STREET JOURNAL

WASHINGTON-An unusual trade-group hearing on Microsoft Corp.'s pending acquisition of Intuit Inc., scheduled to take place today, was canceled after Microsoft successfully'' pressed for an eleventh-hour meeting of the group's board.

Mike Maples, a Microsoft executive vice president, said the Information Tech- nology Association of America board voted overwhelmingly Friday to cancel the hearing, after he invoked his right as a director to call a board meeting. ''It wasn't a Microsoft-driven decision,'' he said.

But he complained in an interview that scheduled speakers at the hearing were all opponents of the Intuit deal who are believed to be talking to the Justice Department's antitrust division. That division is reviewing the transaction.

News of the cancellation reverberated. ''It's pretty apparent that Microsoft squelched it,'' said Dan Schley, former lead of a tax software firm who was ??cheduled to give his views at the session. The Industry is clearly up in arms about this.'' ITAA's 325 members include such giants as International Business Machines Corp. and General Motors Corp.'s Electronic Data Systems Corp., as well as Microsoft.

''I'm very disappointed,'' said Bernard Goldstein, a former chairman of ITAA, ''It was very obvious Microsoft was unhappy with this process, but this really is, for the industry, a very large issue. It's worthy of venting. . .''

ITAA chairman Jim Mann, who formed the committee last month, said he believed the group's diverse membership would make for a range of opinions.

Instead of holding today's hearing, the committee will broaden its inquiry to evaluate Microsoft's overall impact on the information technology industry.

Rick Crandall, an ITAA board member and chairman of Comshare, a software company in Ann Arbor, Mich., said a larger look is needed. ''The question is, where does the industry stand with regard to Microsoft, what are its competitive ''tactics, and are they illegal or unhealthy for the industry?''

The latest developments add to the intensity surrounding the review. Justice Department staff are being inundated with The views-mostly negative-of companies and individuals about the impact of the deal beyond the ?? software market that it most directly affects.

Stephen Case, chief executive of America Online, was to speak at the ITAA event today. Two on-line service pro- viders—Compuserve Inc., a unit of H & R Block Co.; and Prodigy Services Co., a joint venture of International Business Machines Corp. and Sears, Roebuck & Co.—have talked to the antitrust division about the Microsoft deal.

Mr. Schley has been a key source of information about the personal financial software industry for antitrust division staff. He said that in a conference call with seven lawyers and eight economists from the division a couple of weeks ago, he told the staff that he didn't believe that Microsoft's plan to sell its personal finance package, Money, to rival Novell Inc., will lead to real competition for Intuit's much more popular Quicken program. Microsoft hopes the divestiture will allay govern- ment concerns about any anticompetitive effects of its Intuit acquisition.

B6 THE WALL STREET JOURNAL MONDAY. DECEMBER 12. 1994

Microsoft's New Marketing Tactios Complaints

Hard Push to Get Commitments to Windows 95 May Hurt''

By DON CLARK And LAURIC HAYS

Staff Reporters of TICZ WALL ?? JOURNAL

Five months after a controversial settlement with the Justice Department. Microsoft Corp. is using aggressive new marketing tactics that have angered some key customers.

The software powerhouse is seeking more money and more marketing support from personal-computer companies for Windows 95. a fundamental rewrite of the operating system used on more than 100 million personal computers. Microsoft's proposed licensing terms have caused a eborus of complaints from PC maters, who are under severe pressure to lower their own prices.

Microsoft's terms include an extensive list of marketing incentives to get PC makers to quickly commit to the new program . which could bring more than 81 billion in sales in its first 12 months.

Windows 95 also could help Microsoft further undermine International Business 1Fdichines Corp.'s 0S/2 program, which has about 5% of the market compared with Microsoft's 80%.

Some computer makers contend the new terms raise an unfair barrier to their offering 0S/2 and may violate the spirit of Microsoft's consent decree with the Justice Department. Vobis Microcomputer AG. Germany's biggest personal-computer maker, also has publicly com. plained about Microsoft's proposed licensing terms for its previous operating systems and announced plans to start loading machines with 0S/2.

Microsoft insists it is operating strictly within the guidelines of the settlement. Several large computer makers, including Compaq Computer Corp. and Packard lieu Electronics Inc, also said they see no unfair anticompetitive bias m the market. ing incentives.

Still. the harsth response to its biggest. ever selling job suggests that even mighty Microsoft has to tread carefully in prod- cling the industry toward a major modernization effort. A serious misstep could wind up boosting 0S/2, which IBM is promoting heavily to take advantage of delays in shipping Windows 95. There are signs that Microsoft already has begun backing away from a major price increase for the product.

''Now is not a sane time to be unreasonable,'' said Steven Ballmer. Microsoft's executive vice president of sales and support. ''IBM has never been thumping the drum harder for OS/2 than they are :. now ....I don't think they're going to be successful, but you don't gamble the company on it.''

Microsoft doesn't disclose its terms for PC maters. Several PC maters said Microsoft representatives mentioned possible prices from $55 to S75 before discounts for Windows 95. an increase that could be more than 100% over the estimated average for the combination of its existing DOS and Windows programs.

But Michael Culver. senior director of product management at Acer Inc.'s PC unit in San Jose. Calif., said Microsoft more recently dropped the proposed price sharply and reduced the size and number of marketing discounts offered.

''The ultimate goal is to have a similar price as what we are paying for DOS and windows now,'' Mr. Culver said. ''In the end, whether they've been forced to be more accommodating, or it's just negotiating strategy, I think in the end. it's going to work.''

After the haggling, some analysts believe Microsoft will wind up settling for a 'Microsoft can kill us,'' the chairman of one PC maker said. ''I worry more about my dealings with Microsoft than I do about my competitors.'' rice increase of 15% to 2% over earlier operating systems. Rick Sherlund. an analyst at Goldman. Sachs & Co. estimated that computer makers would wind up paying about $43 a machine for windows 95.

The flap is just the latest reverberation from the advent of Windows 95. which replaces both DOS and Windows and is scheduled to be shipped in the second quarter of next year.

The stakes are equally high for IBM. which is batting to build acceptance for its latest version of OS/2, called Warp. IBM's operating system is based on DOS and Windows. and runs application programs written for them. But Warp won't run rams tailored for windows 95 unless IBM makes some major changes to the program, a process that Microsoft expects could take years. The new software gap could remove a prop keeping IBM's softwere on the market Microsoft believes.

Mr. Ballmer asserted that IBM is offering computer makers 0S/2 for free and may be even paying some to take it. An IBM .spokeswoman denied both contentions: she wouldn't disclose exact pricing, but conceded that IBM is ''going for market share.'' IBM said it has sold 500.000 copies of Warp in five weeks, and the spokeswoman added that the company viewed the recent friction between Microsoft and computer maters as ''an opportunity.''

Complaints about Microsoft's latest tactics come as the Justice Department prepares for a final appearance before a federal judge on the consent decree this week. Robert Litan. deputy assistant attorhey general in the department's antitrust division, declined to comment on specific allegations against the company but said he has continued to talk to rivals about Microsoft's actions.

The consent decree, signed in July, ended Microsoft's practice of ''per-processor'' licenses, which Justice contended excluded competitors by forcing computer makers to pay for every PC: they shipped that contained particular microprocessor chips. It also prohibited ''minimum commitments,'' under which computer makers were compelled to pay for a set number of copies of Microsoft's programs, regardless of whether they sold the estimated number of computers or not.

Mr. Ballmer said Microsoft's new marketing incentives for Windows 95 were designed to take the place of minimum commitments while accelerating the move to the new product. According to a draft of one of the ''market development agree menus.'' PC maters can choose among a series of ''milestone'' steps that can reduce theft royalty payments as much as S20 a machine.

For example. PC makers can get a L3 discount a system if they agree to install Windows 95 on at least 50% of their desktop systems within 30 days of the time it appears on the market. They can earn another $2 if they sign a license agreement by March 1, another S3 by completing a certification program to earn a Windows 95 logo by next April 1. plus $2 more for putting that logo on PC cases and keyboards.

But some PC maters contend they have little choice but to sign the agreements. Executives at these companies, who requested anonymity because of potential retaliation from Microsoft, said they could face prices for Windows 95 that will put them at a disadvantage against competitors if they don't sign up.

''Microsoft can kill us.'' the chairman of one company added. ''I worry more about my dealings with Microsoft than I do about my competitors.*''

Some exectives said promoting Windows 95 and designing systems to win certification for its logo program reduces the money they have to spend promoting other operating systems. An executive at one PC mater said it already has cut back on his 0S/2 Warp support after agreeing to tile Microsoft marketing steps. He said his understanding with Microsoft prohibits him from exhibiting Warp at a trade show booth alongside Windows, although that restriction isn't explicitly stated in the contract.

''We have to sit there and swallow it. What else do we do?'* said the computer executive. He added in a reference to activities permitted under the consent decree, ''Microsoft ham just found a new way to skin the cat.''

Microsoft's Mr. Ballmer rejected such assertions, stating that the incentives are entirely voluntary and don't discrete against other operating systems. 'The amount of work isn't a strenuous set of activities.'' he said. ''If there isn't a payback. you lust don't do them.''

Vobis, the German PC maker, claims that Microsoft insisted on computing discounts for its existing'' operating systems based on Vobis's total PC shipments. In August. just after the consent decree was signed. Microsoft proposed a contract to Vobis that estimated its annual ship-merits of 88 models at around 475.000 and quoted a Windows price of 528 a copy based on that total.

Theo Lieven. chairman of Vobis, said he wanted a discount based on lower estimated sales, so that he could accommodate customers that may ask for 0S/2. But Microsoft Wouldn't quote him a price based on a smaller number of computer shipments, he said. Instead. in oral negotiations. Microsoft said Vobis would have to pay S63 for each machine under a so-cailed per-copy license, a more costly licensing scheme that doesn't use estimated sales.

The consent decree permits volume discounts and says they may be based on estimates of future sales. Microsoft's Mr. Ballmer said Mr. Lieven wasn't being required to put windows on every machine he shipped in order to receive the S28 price. Vobis would pay that price only on copies it used; if the number wound up to be less than 475,000, the royalty rate would be renegotiated next year. he said.

But Mr. Lieven insisted that once he agreed to a price based on total shipments. he would be forced to use Windows on that many machines, regardless of what customers ended up wanting. Microsoft ''is doing exactly the same u before'' the consent decree, Mr. Lieven charged.

''I have everyday negotiations with Microsoft, but it's difficult for them to understand that this decade of monopolism has ended. We want a choice of operating systems,'' he said.

4TH STORY of Focus printed in FULL format.

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July 18, 1994, Monday, Final Edition
SECTION: FIRST SECTION; PAGE A1
LENGTH: 1472 words

HEADLINE: Microsoft Deal Came Down to a Phone Call; With Bill Gates on the Line, Justice Dept. Ends a Lengthy Probe

SERIES: Occasional

BYLINE: Elizabeth Corcoran, Washington Post Staff Writer

BODY: By last Friday afternoon, the dozen lawyers gathered in a conference room at the Justice Department were exhausted. They had spent the past day and a half wrangling over the terms of a settlement that—if signed—would close the most extensive antitrust investigation of a software company in history.

''Get Bill Gates on the phone,'' demanded Anne K. Bingaman, the department's assistant attorney general for antitrust.

After almost five years of investigation, the Justice Department was on the verge of settling its charges of monopolistic practices with software giant Microsoft Corp. But not near enough to sign an agreement. Two previous negotiating sessions had broken off each time in a stalemate.

Bingaman believed she had to talk to the man at the top, Gates, the 38-year-old co-founder and chairman of Microsoft. Over the course of 19 years Gates had turned a simple software program into a company with $ 4.5 billion in annual sales. For much of the industry, he didn't just run the company, he was the company.

Soon Gates came on the line. Bingaman recalled that after an hour's back-and-forth over details of Microsoft's licensing practices, Gates said the words she wanted to hear: ''I can live with this.''

Meeting with reporters on Saturday, Bingaman said the settlement would end a virtual monopoly by Microsoft with its MS-DOS and Windows ''operating system'' software, which controls the basic functions of personal computers. It would mean lower prices and greater choice for consumers, she said.

Microsoft, at its own press conference here an hour later, offered a different assessment: ''I'm going to invite your attention back to the facts and cut the rhetoric,'' Microsoft general counsel William Neukom said. The company had settled a costly, bothersome suit; Microsoft's business would not be affected by the changes.

The following reconstruction was based on interviews with Bingaman, Gates and others involved in the negotiations.

After a long winter of studying evidence, Bingaman was convinced that Microsoft's licensing practices for its operating system were unfair. In mid-June, she informed her boss, Attorney General Janet Reno, that she thought there was enough evidence to sue. As as a matter of course, Bingaman's office then contacted the company.

Bingaman asked Microsoft if it was interested in settling. Neukom said the company was willing to listen. Microsoft was fed up with the investigation, which had begun in 1989 with an inconclusive Federal Trade Commission inquiry. The Justice Department picked up the case last August.

Although Microsoft had provided what Gates described as ''millions of documents and every piece of e-mail,'' or electronic mail, for more than four years, it never knew precisely what the government was trying to prove, he said. News reports floated ideas such as breaking up the company.

''In some ways, a lawsuit would have been a more just environment,'' Gates said yesterday, because Microsoft could have publicaly aired its side of the case. ''Things were just so random.''

Gates had once been proud about having virtually nothing to do with Washington politics. But in the past year he had become a more frequent visitor to the nation's capital, hiring a local public relations firm and calling on journalists and administration officials to discuss the software industry, the information highway, foreign trade—and the investigation.

When Bingaman and Neukom finally met in late June, the assistant attorney general laid out a narrower case than many of the press reports had suggested.

The Justice Department wanted Microsoft to change licensing practices that the department contended unfairly discouraged computer makers from buying operating systems from Microsoft's competitors. She broached terms for a possible settlement.

A day or so later Neukom responded. Microsoft was willing to negotiate. He requested, however, that the European Commission, which was investigating similar charges against Microsoft in Europe, be part of the negotiations. According to Neukom, Microsoft did not want to finish one battle in the United States, only to face another overseas.

Bingaman and the European Commission agreed to negotiate jointly with Microsoft in Brussels.

Bingaman had a vacation coming up, the week of July 4, which she traditionally spent in Silver City, N.M, the hometown of her husband, Sen. Jeff Bingaman (D-N.M). But this year, she would miss it. She told only a handful of key staff members she and a team were heading across the Atlantic.

For a week, nine people—three each from the Justice Department, Microsoft and the commission—spent hours at a time discussing licensing minutia in conference rooms at the commission's headquarters in Brussels. ''I'd say the discussions were very civilized,'' said Neukom, who headed the Microsoft team.

''There was a lot of information to be exchanged.''

For a week the negotiators met several times a day, often picking up again late in the evening so they could cover new information or terms that had been faxed from Microsoft headquarters in Redmond, Wash., which was nine hours behind Brussels. By Friday, they had reached an impasse—the Americans flew home. In interviews, neither side would say what had caused the breakdown.

They had agreed to a telephone conference on July 11, but Bingaman was not betting on a happy ending. ''I had to play out the hand,'' she said. ''I figured, if it works, great; and if not, we gave it our best try.''

In the conference call, the parties agreed to return to the bargaining table. This time the date was set by the Europeans, who could not arrive in the United States until late the next day. They agreed to convene again last Thursday morning. Although the European delegation was down to two, a few more Justice Department lawyers had joined the talks.

Bingaman had not officially threatened a suit, she said, but she was ready to file. On Thursday a Justice Department attorney had flown to a district where Bingaman wanted to file, a place, she later said, ''where the dockets are thin—'' If the negotiations fell irreparably apart, all Bingaman needed was a final okay from her boss, Reno.

Neukom was uncertain if Bingaman would take Microsoft to court. ''People negotiate in lots of different ways,'' he said. ''But we were confident of our position and felt the courts would agree with us.''

By about 4 a.m. Friday the talks had stalled. Bingaman suggested that a call to Gates to try to resolve some of the disputed terms. The conversation was brief—and futile. The lawyers quit the offices, convinced that their differences were widespread.

Yet one more phone call from the Justice Department to the Microsoft people drew the negotiators back to the table later on Friday. By early afternoon, with only a few points unresolved, Bingaman again asked to speak to Gates. ''He's the ultimate decision maker,'' she said. ''I just wanted to get this settled with him.''

For the next hour or so, Gates talked via speakerphone with Bingaman and a small team of Justice lawyers, along with representatives from the European Community and Microsoft. They gathered near the speakerphone in Bingaman's office, occasionally leaving in small groups to debate a point in private.

''I sat on the phone for a long time,'' Gates recalled. ''People seemed to be coming in and out of the room'' where Bingaman was talking.

Then came the breakthrough, according to Bingaman. ''Bill finally said, ''I can live with this,'' and I said the same thing.'' The representative from the European Commission also agreed.

''She asked me if Neukom had the authority to sign for me and I said, 'Yeah,' '' Gates added.

The lawyers scrambled to turn dog-eared pages with scribbles in the margins into a single document. They finished the set for the European Commission first, so the representatives could make the last flight back to Brussels, which left at just before a p.m. Friday.

By 9:30 p.m. the signed settlement was filed in the U.S. District Court in the District of Columbia, which must now decide whether it will be implemented.

''I just went home,'' Bingaman said. ''It was a weird feeling. Even after 4 o'clock [and the discussion with Gates] I wasn't clear it was going to happen.''

Gates said: ''It's over. I like to work on products. This could have been a distraction, we've settled it in a way that doesn't affect our business.''

Gates pointed out that the company has seven divisions that work on a variety of products. ''None of the people who run those divisions are going to change what they do or think or forecast. Nothing. There's one guy in charge of [hardware company] licenses. He'll read the agreement.''

And when Microsoft signs future licensing agreements with hardware makers, Bingaman promised, ''we'll be watching.''

TAB 43

TO APPENDIX TO MEMORANDUM OF AMICI CURIAE IN OPPOSITION TO PROPOSED FINAL JUDGMENT

IN CIVIL ACTION NO. 94–1564 (SS)

SIGNED BY GARY REBACK

SECTION: FINANCIAL; PAGE C1

94–1564

FILED

LENGTH: 663 words

HEADLINE: Microsoft's Plan To Buy Intuit Raises Concern; Trade Group Calls 2 Hearings To Get Industry Opinion on Deal

SERIES: Occasional

BYLINE: Elizabeth Corcoran, Washington Post Staff Writer

BODY: The reach of software giant Microsoft Corp. has so vexed some in the computer industry that a major trade association is convening two meetings to talk about it.

Yesterday, the Arlington-based Information Technology Association of America (ITAA) said it was asking companies throughout the industry to voice their opinions on Microsoft's latest proposed conquest—Intuit Inc., the leading maker of personal finance software. Microsoft announced on Oct. 13 that it planned to buy Intuit for stock worth $ 1.5 billion.

''This is a dramatic acquisition by a very elite and powerful company,'' said Bernard Goldstein, who will chair a special ITAA committee to solicit industry comments on the deal. ''We want to understand why many firms in the information technology industry are agitated by this proposed transaction.''

The ITAA, which represents 325 software and hardware companies, plans to turn over relevant comments to the Justice Department, which is reviewing whether the proposed deal might squash competition. The agency

must give approval before the deal can be consummated.

To gather comments, the ITAA plans to host two industry hearings, one in Washington and another in San Francisco, in early December. The ITAA also will accept written comments submitted by Dec. 2.

In hopes of skirting criticism that the deal might inhibit competition, Microsoft plans to transfer its own personal finance software package, called Microsoft Money, to Novell Inc. of Provo, Utah. As payment, Novell would give Microsoft royalties on every copy of Money it sells for a fixed period.

Microsoft is clearly trading up. Intuit's software, called Quicken, is estimated to have 6 million customers while Microsoft Money has only about 700,000. Among other points, observers suggest that the Justice Department will weigh the market strength that Money would have in Novell's hands and whether it would continue to offer real competition to Quicken.

Sources said that about 10 days ago, Justice Department representatives met with Microsoft to request additional details on the proposed deal. Once the department receives that information, law requires that it spend only a few weeks finishing its analysis.

In the course of its review, the Justice Department would be likely to interview industry representatives. But some industry players have suggested that few are willing to criticize the software giant publicly because so many must work with Microsoft to ensure that their software applications will run smoothly on top of Microsoft's DOS or Windows operating systems, software that is used in most personal computers.

By offering to accept written comments and promising to keep some names confidential, the ITAA hopes to loosen a few tongues. ''I guess we'll find out how inhibiting a factor that [concern] is,'' said Jim Mann, who chairs the ITAA. If no one offers criticism of the Microsoft-Intuit deal, he suggested, ''it would be responsible to conclude that would be due to business relationships with Microsoft. We know there's concern.''

Other software associations have chosen not to get involved in the issue. But the ITAA has not shirked such issues in the past. The association offered comments during the government's investigation of the business practices of International Business Machines Corp. during the 1970s. Within the past year, the association also voiced concerns about whether IBM was still honoring the conditions of a consent decree it had signed with the government. Both IBM— and Microsoft—belong to the ITAA.

In July Microsoft tentatively settled another Justice Department inquiry by agreeing to end certain licensing practices that the Justice Department alleged were anti-competitive. Last week, the department released the public comments it had received on the proposed settlement, along with its response. The department received only five letters, including one arguing that the government should leave the company alone.

TAB 44

TO APPENDIX TO MEMORANDUM OF AMICI CURIAE IN OPPOSITION TO PROPOSED FINAL JUDGMENT

IN CIVIL ACTION NO. 94–1564 (SS)
SIGNED BY GARY REBACK
The Washington Post
Sections
No 343
SUNDAY, NOVEMBER 13, 1994
Microsoft Heads Home

Software Giant Targets Huge Consumer Market With a Host of High-Tech Innorations

REDMOND, Wash.

Behind tall. wooden doors, in a modest building on the grounds of software giant Microsoft Crop., visitors can take a peek at the company's vision of the future. The doors swing open to a suite of subtly elegant rooms—a model home-of-the-future—dubbed ''the Taj'' by those at Micro-soft. The Taj is filled with familiar icons of modern, upper-middle-class life: plush chairs in the living room, crayon drawings on the refrigerator, grungy sneakers kicked under a table.

Yet technology has seeped into every corner. In the living room, just to the left of the hearth, is a huge video screen. Another screen is above the kitchen counter. A children's corner has its own computer. The screen in the dining room glows with what could be modern art. The home office is ready for a video conference. Lights, temperature and music are controlled by central nervous system. Microsoft—whose software lions of offices—wants to. Not just to the homes of a few, but to as many of the nation's million homes as possible. It wants to ofter as a of images and information that will fly across screens in every room. And it wants to build the invisible software web that will make such systems work.

Microsoft Seeks Pump Streams of Information Into Homes

''Tomorrow in Las Vegas, at the intrade show known as Microsoft will offer a of one part of this new con-on-line service. rode-named ''Marvel.'' As with existing on-line services such as America Online or CompuServe. Marvel customers will use their computers and modems to tap into a range o[discussion groups, as well as products and services from Microsoft and others. But Microsoft promises its service will be a show-stopper. To woo customers, Micro-soft plans to include access to Marvel in every copy of its next operating system, Windows 95.

Gates's Vision

The new world according to Microsoft will be sketched tomorrow morning, when the company's chairman, Bill Gates, delivers a state-of-cyberspace keynote address at Comdex. tie will describe life in a world where people work in ''virtual offices,'' collaborating with colleagues around the world via portable computing and communications devices. They will use on-line services to get medical advice anywhere at anytime. tour the world's art galleries without leaving their sofas, and pay for goods and services with ''electronic currency.''

Yet when Gates describes the future. Ins images do not have the scientific fuzziness that eventually grounded that other high-flying visionary, former Apple Computer Inc. chairman John Sculley. The difference is that Gates's audience knows—sometimes from hitter experience—that he can turn it into a Winning business.

''I'm taking a 10-year horizon, hut everything will be within use [in] live years,'' Gates said m a telephone interview on Friday. ''We want to be one of the companies that's going to make that happen.''

Gates's hard-nosed pragmatism scares his competitors.]'hey snipe that even though Microsoft now employs some of the country brightest software engineers. ,Is work lacks the originality and wh??sy of Apple. Such comments irritate Gates. But he can lake comfort m the belief that runs through the core of Microsoft: Business isn't about formenting cultural revolutions, it's about selling products.

With the thoroughness of an engineering corps, Gates and his team of executives have mapped out a strategy that they hope will make Micro-soil products as familiar to consumers .is Ivory soap.

This is no tentative effort. Gates has said lie i.-, willing to invest more than a billion dollars over I0 years to develop consumer products, lie has committed $100 million to an advertising campaign to bolster Micro-soft's brand name so that consumers will remember its products. And Gates has just hired a chief operating officer—Richard J. Herbold, a former Procter & Gamble Co. senior vice president, who is credited with revising P&G's pricing strategy to keep it competitive. Tapping the Market

For Microsoft, the consumer market is tantalizingly large. Microsoft is already the biggest computer soft-ware company in the world, with revenue of $46 billion in fiscal 1994. But that looks puny measured against such consumer products giants as Procter & Ga??ble. which had more than $30 billion in sales last year, or even video game maker Nintendo Co.. whose estimated worldwide revenue will total about $9 billion ties year.

To get into the consumer market, Microsoft is applying the lessons it learned in the computer software business. Gates got his start by honing the layer of software called the ''operating system,'' which controls the basic functions of the machine and also shapes the look of the ''applications,'' or programs such as spreadsheets and word processors, that run on top of it.

When International Business Machines Corp. decided to use Gates's disk operating system, or DOS, on its personal computers, his software became essential to millions of consumers. Over time, Microsoft tightened its hold on the market with the ''Windows'' operating system, which gave DOS a face that was easier to use.

Microsoft has used tills base to vault into the lucrative business o[building applications, such as Microsoft Word [or word processing and Excel for spreadsheets. These and other applications now generate a big share of the company's revenue.

Microsoft's market lead bothers others. ''it's like a greyhound race, and the CEOs are all greyhounds.'' said Scott McNealy, chairman of Sun Microsystems Inc., in Mountain View. Calif. ''This guy [Gates] caught the bunny. He's driving the damn bunny cart.... No one's supposed to be driving that cart.''

Microsoft executives shrug off such criticisms. ''There are competitors of ours who don't like us. who are envious of our success, said Nathan Myrhvold, a senior vice president. ''And they've gone to great lengths

trying to claim that our success is not due to something fair.''

But. he said, ''In every forum that's been raised, it's been formally decided that no. that isn't the case.''

He pointed to the Justice Department's decision m July to close its investigation of Microsoft's business

Microsoft Seeks to Pump Streams of Information Into Homes No Slowing Down

Even the tussle with the Justice Department hasn't slowed Micro-soft's plans lot growth. ''We said. a computer on every desk sad m every home.'' (;ales said. And indeed. the company seems poised to make that slogan a reality.

Michael Maples. executive vice president for products, reels off a strategy (or the company's future. Continue the current businesses and grow two other divisions, namely, the ''consumer'' division (which is now churning out about one new CD-ROM title per week) and the ''business systems division.'' which is building software for corporate computers. When those businesses are maturing lout or bye years from now, Maples predicted. Microsoft's investments in future consumer products will begin to ''hit their stride.''

The company's forthcoming online service. Marvel. will he a key part of the strategy. What will be different about Marvel.) ''We think you have to create an economic model where it's worth creating content.'' Gales said.

To do so, Microsoft plans to offer content providers, such as newspapers, the tools to build all[active displays [or their on-line products and then, effectively price their wares as they please. Subscribing to Marvel The software giant is developing a wide range consumer products and services with many partners. Among the initiatives:

NON-LNE SERVICE: Code-named ''Marvel,'' details of Microsoft's plan to take on Prodigy, CompuServe and America Online are to be announced tomorrow Four telecommunications companies me expected !o be partners, along with ''content providers'' such as newspaper publishers.

MICROSOFT'S WORLD

FINANCIAL SERVICES: Proposed acquisition of ?? Inc . maker of Quicken personal finance software, would enable on-line banking

CREDIT CARD SERVICES: Deal announced with Visa International seeks to refine the technology for ensuring the privacy of financial information transmitted over networks.

BOOK$ ON-LINE: Microsoft's consumer division is generating about one new CD-ROM book per week. Hall of these are done with partners Many are aimed at children, such as ''Free Artist'' and ''Creative Writer'' Plans are m the works to put some of these on-line

BROADBAND SERVICES: To create the Technologies lot ''broadband'' interactive television and computer networking Microsoft would write the software Partners would provide the computer hardware lot sending the information, consumer devices for receiving and skills to make it work together Tele-Communications Inc and General Instruments are major partners.

UNLITY SERVICES: Plans to develop technologies, with partners such as Pacific Gas & Electric, that would respond automatically to consumers'' energy and other needs.

Microsoft Chairman Bill Gates Microsoft Seeks to Pump Streams of Information Into Homes Phone charges may also be low, as four telecommunications companies are expected to say on Monday that they are working with Microsoft to make dialing into Marvel a local call for many subscribers.

When subscribers peruse on-line magazines, they will be charged by those journals. Like the owner of a mall, Microsoft will exact a percentage front what content providers earn via the network. Microsoft is not yet saying who those content providers might be.

The company also has a potent plan for spreading Marvel. ''We'll give you access to it with Windows 95.'' Gates said. ''If [the software] notices you have a modern, it will ask you if you want to register electronically.''

Rick Sherlund, an analyst at Goldman Sachs & Co. in New York, estimates that as many as 14 million people may upgrade their software to Windows 95 in the first year it ships them. In contrast. America On-line Inc. was boasting last month that it had 1.25 million subscribers. Even if Microsoft includes other on-line services in Windows 95, the Microsoft brand name could lure customers to Marvel.

A Wary Word

Steve Case, president of America Online in Vienna, is wary of Gates's plans. Computer operating systems are becoming the ''dial tone of the computer age.'' he said. Just as the government regulates telecommunications, be suggested, the country may need new policies to ensure that consumers can easily reach any company's products or services through the dominant operating system.

''Ultimately, customers will prefer broad range of content, with an engaging presentation and offered at an affordable price,'' Case said. ''There's not yet evidence that Microsoft will offer consumers something that they'll want.'' he added.

Meanwhile, Microsoft is fitting other elements of its on-line strategy into place. Last week, Microsoft and Visa International said they were working on ways to protect on-line information, such as credit card numbers. That security will prove handy as people begin to use Marvel to buy products on-line.

Microsoft has other plans for helping people check their bank accounts or pay bills remotely. In mid-October. Microsoft made a bid to buy Intu?? Inc., the biggest maker of personal finance software, for $1.5 billion in stock. Microsoft's homegrown package, called Microsoft Money, has only won about 700,000 users since it went on sale three years ago. About 6 million people use Intuit's Quicken.

'''Money'' is really quite a good product.'' Maples said. But he explained that Quicken's broader customer base would acce??te Micro-soft's entry into electronic commerce. One hurdle Microsoft must clear, though, is a Justice Department investigation into the possible anticompetitive effects of the merger.

Microsoft has other products it would like to see go live as well. Its 660-person consumer division, for example, hopes to deliver CD-ROMs via communications networks at some point. But to pump information-rich video into consumers'' home will take faster and more powerful networks than those Mar vel will use.

Getting Organized

Microsoft is working to develop these superhighway-size, broad-band networks, through its Advanced Consumer Technology group, headed by Vice President Craig Mundie. By next June, the group will employ more than 500 people, working on the technologies that will turn Gate's Comdex address into reality: everything from interactive television and utilities that ''know'' when a house is too hot or cold, to personal gadgets such as a ''wallet PC,'' which could automatically update a bank account, or show a video of the kids. For two days in late October,

Mundie's group covened about 65 companies from around the world for an information ''summit.'' In effect, this was a meeting of construc tion crews. Behind closed doors. Microsoft executives laid out their plans for pumping streams of information into consumers'' homes by way of their personal computers, in late 1996 or early 1997, and eventually through their television sets. More than a dozen companies have pledged to work with Microsoft to develop—and commercialize— the technology. They include Alcatel Alsthom SA, Anderson Consulting, Deutsche Bundespost Telekom, General Instruments Corp., Hewlett-Packard Co., Nippon Telegraph & Telephone Corp. and US West Inc.

According to Mundie, the ''rollout'' of advanced networks will begin in the Seattle area late next year. By the end of 1996 or early 1997, Mundie hopes the technology will be ready to be ''cloned'' throughout the country. Ultimately, if consumers like what they see, every room in a home could have a connection to the information highway, much like Microsoft's Taj, he believes. ''Our view is that in the long run this is a very risky but potentially very rewarding business activity.'' Myrhvold said. He recalls that it look about five years before Microsoft's current operating system. Windows, became a hit. ''I assert it was a good idea to have done Windows.'' he said. ''Today, that is a no-brainer.''

EXHIBIT 5

TO THE COMMENTS OF RELPROMAX ANTITRUST INC.

) CIVIL ACTION NO. 98–1232 (CKK)

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA UNITED STATES OF AMERICA) Plaintiff,)) v.)) MICROSOFT CORPORATION,)) Defendant.)

) CIVIL ACTION NO. 98–1233 (CKK)

STATE OF NEW YORK ex rel.) Attorney General ELIOT SPITZER, et al.,) Plaintiffs,) v.)) MICROSOFT CORPORATION,)) Defendant.)

DECLARATION OF BRIAN DAUTCH

My name is Brian Dautch. I am a law clerk for Peter Peckarsky, Esq. I have personal knowledge of the facts testified to below and

if called as a witness could testify to those facts. I am over the age of twenty-one (21) years old.

2. On January 25, 2002, I placed a telephone call to 800–915–3355 to contact the Dell Computer Corporation (''Dell''). I spoke with Ray at extension 61468. Ray refused to state his last name. I asked what the price was for a Dell Dimension Model 8200 desktop personal computer. Ray said the price was $1,577. I asked what operating system was on the machine at that price. Ray said the operating systems was a Microsoft Windows XP operating system and advised that I could have the Home or Professional versions of the operating system. I asked whether I could buy the same desktop computer from Dell with any other operating system. Ray said that Dell would sell its desktop personal computers only with a version of the Microsoft Windows XP operating system (Home or Professional). Ray said that Dell would not sell a desktop personal computer without an operating system. If Dell were willing to sell me a desktop personal computer without an operating system I would be able to endeavor to arrange to use an operating system made by a software vendor other than Microsoft on the Dell desktop personal computer.

3. On January 27, 2002, I placed a telephone call to 800–915–3355 to contact Dell again. I spoke with Jack at extension 58680. Jack refused to state his last name. I asked what the price was for a Dell Inspiron Model 8100 laptop personal computer. Jack said the price was $1,379. I asked what operating system was on the machine at that price. Jack said the operating system would be my choice of either a Microsoft Windows XP operating system (Home or Professional version) or a Microsoft Windows 2000 operating system. I asked whether I could buy the same laptop computer hardware from Dell with any other operating systems. Jack said that Dell would sell its laptop personal computers only with a version of the Microsoft Windows XP operating system (Home or Professional) or Windows 2000. Jack said that Dell would not sell a laptop personal computer without an operating system. If Dell were willing to sell me a laptop personal computer without an operating system I would be able to endeavor to arrange to use an operating system made by a software vendor other than Microsoft on the Dell laptop personal computer.

4. On January 25, 2002, I placed a telephone call to 800–888–0220 to contact the Compaq Computer Corporation (''Compaq''). I spoke with Bob at extension 21679. Bob refused to state his last name. I asked what the price was for a Compaq Presario Model 8000 desktop personal computer. Bob said the price was $1,510. I asked what operating system was on the machine at that price. Bob said the operating systems was a Microsoft Windows XP operating system and advised that I could have the Home or Professional versions of the operating system. I asked whether I could buy the same desktop computer from Compaq with any other operating system. Bob said that Compaq would sell its desktop personal computers only with a version of the Microsoft Windows XP operating system (Home or Professional). Bob said that Compaq would not sell a desktop personal computer without an operating system. If Compaq were willing to sell me a desktop personal computer without an operating system I would be able to endeavor to arrange to use an operating system made by a software vendor other than Microsoft on the Compaq desktop personal computer.

5. On January 27, 2002, I placed a telephone call to 800–888–0220 to contact Compaq again. I spoke with Tim at extension 5249. Tim refused to state his last name. I asked what the price was for a Compaq Presario Model 2700 laptop personal computer. Tim said the price was $1,299. I asked what operating system was on the machine at that price. Tim said the operating system would be my choice of either a Microsoft Windows XP operating system (Home or Professional version) or a Microsoft Windows 2000 operating system. I asked whether I could buy the same laptop computer hardware from Compaq with any other operating systems. Tim said that Compaq would sell its laptop personal computers only with a version of the Microsoft Windows XP operating system (Home or Professional) or Windows 2000. Tim said that Compaq would not sell a laptop personal computer without an operating system. If Compaq were willing to sell me a laptop personal computer without an operating system I would be able to endeavor to arrange to use an operating system made by a software vendor other than Microsoft on the Compaq laptop personal computer.

6. On January 25, 2002, I placed a telephone call to 888–999–4747 to contact the Hewlett-Packard Company (''HP''). I spoke with Ann at extension 3721. Ann refused to state her last name. I asked what the price was for an HP Pavilion Model 7966 desktop personal computer. Ann said the price was S 1,999.99. I asked what operating system was on the machine at that price. Ann said the operating systems was a Microsoft Windows XP operating system and advised that I could have the Home or Professional versions of the operating system. I asked whether I could buy the same computer hardware from HP with any other operating system. Ann said that HP would sell its desktop personal computers only with a version of the Microsoft Windows XP operating system (Home or Professional). Ann said that Dell would not sell a desktop personal computer without an operating system. If HP were willing to sell me a desktop personal computer without an operating system I would be able to endeavor to arrange to use an operating system made by a software vendor other than Microsoft on the HP desktop personal computer.

7. On January 27, 2002, I placed a telephone call to 888–999–4747 to contact HP again. I spoke with Jackie at extension 3707. Jackie refused to state her last name. I asked what the price was for an HP Pavilion Notebook Model N53 10 laptop personal computer. Jackie said the price was S 1,349. I asked what operating system was on the machine at that price. Jackie said the operating systems was a Microsoft Windows XP operating system (either Home or Professional version or Microsoft Windows Millenium or Microsoft Windows 2000 or Microsoft Windows 98. I asked whether I could buy the same computer hardware from HP with any other operating system. Jackie said that HP would sell its desktop personal computers only with a version of the Microsoft Windows XP or Microsoft Windows Millenium or Microsoft Windows 2000 or Microsoft Windows 98 operating systems. Jackie said that HP would not sell a laptop personal computer without an operating system. If HP were willing to sell me a laptop personal computer without an operating system I would be able to endeavor to arrange to use an operating system made by a software vendor other than Microsoft on the HP laptop personal computer.

8. On January 25, 2002, I placed a telephone call to 888–746–7426 to contact International Business Machine (''IBM''). I spoke with Andy at extension 37229. Andy refused to state his last name. I asked what the price was for an IBM Model M67922EU desktop personal computer. Andy said the price was $1,289. I asked what operating system was on the machine at that price. Andy said the operating systems was a Microsoft Windows XP operating system and advised that I could have the Home or Professional versions of the operating system. I asked whether I could buy the same computer hardware from IBM with any other operating system. Andy said that IBM would sell its desktop personal computers only with a version of the Microsoft Windows XP operating system (Home or Professional). Andy said that IBM would not sell a desktop personal computer without an operating system. If IBM were willing to sell me a desktop personal computer without an operating system I would be able to endeavor to arrange to use an operating system made by a software vendor other than Microsoft on the IBM desktop personal computer.

9. On January 27, 2002, I placed a telephone call to 888–746–7426 to contact International Business Machine (''IBM''). I spoke with Jim at extension 37289. Jim refused to state his last name. I asked what the price was for an IBM Thinkpad Model 265620U laptop personal computer. Jim said the price was $1,099. I asked what operating system was on the machine at that price. Jim said the operating system was a Microsoft Windows XP operating system (Home or Professional versions) or Windows 2000. I asked whether I could buy the same laptop computer from IBM with any other operating system. Jim said that IBM would sell its laptop personal computers only with a version of the Microsoft Windows XP operating system (Home or Professional) or Windows 2000 operating system. Jim said that IBM would not sell a laptop personal computer without an operating system. If IBM were willing to sell me a laptop personal computer without an operating system I would be able to endeavor to arrange to use an operating system made by a software vendor other than Microsoft on the IBM laptop personal computer.

I declare under penalty of perjury that the foregoing is true and correct, executed in Washington, DC, on January 27, 2002.

Brian Dautch

MTC–00030631 0255

EXHIBIT 6

TO THE COMMENTS OF RELPROMAX ANTITRUST INC.

HTC-00030631 0594

HTC-00030631 0595 Civil Action No. 98–1232 (TPJ)

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA UNITED STATES OF AMERICA, Plaintiff, v. MICROSOFT CORPORATION, Defendant. STATE OF NEW YORK, ex rel. Attorney General ELIOT SPITZER, et al.,

Plaintiffs and Counterclaim-Defendants, V. MICROSOFT CORPORATION, Defendant and Counterclaim-Plaintiff. Declaration of Paul M. Romer

I, Paul Michael Romer, declare as follows:

I. Qualifications and Scope of Testimony

1. I am the STANCO 25 Professor of Economics at the Graduate School of Business, the Dean Witter Senior Research Fellow at the Hoover Institution, and the Ralph Landau Fellow in the Stanford Institute for Economic Policy Research, all at Stanford University. I have also held the position of Assistant Professor in the Economics Department at the University of Rochester and Professor in the Economics Departments of the University of Chicago and the University of California at Berkeley. I received my B.S. degree in Physics in 1977 and my Ph.D. degree in Economics in 1983, both from the University of Chicago. I am a Fellow of the Econometric Society, a Research Associate at the National Bureau of Economic Research and a former member of the Executive Committee of the American Economics Association.

2. My 1983 Ph.D. thesis and my subsequent papers revitalized the study of economic growth and were the foundation for a body of work known as ''new growth theory.'' My contribution was to formalize a theory in which the rate of technological change is determined by incentives created in the marketplace. This kind of theory lets one trace the effects that social institutions in general, and legal institutions in particular, have on incentives, and thereby on the rate of technological change. Over time, small changes in this rate cumulate into large differences in standards of living. As a result, decisions about the law, and especially about antitrust law as it applies to high technology industries, can be among the most important economic policy decisions that a society makes.

3. The Court's decision in this case will profoundly affect the information industry, the most technologically dynamic sector in our economy. Because technological change has been the central concern in my work, the Department of Justice has asked me to evaluate the economic effects of its proposed remedy.

II. Summary of the Analysis

4. In its Findings of Fact, the Court found that Microsoft has a monopoly in the market for PC operating systems that is protected by the applications barrier to entry. By exposing to applications developers APIs which were independent of the Windows operating system and thereby eroding the applications barrier to entry, Netscape's browser and Sun's implementation of Java posed a direct threat to this monopoly. In response to this threat, Microsoft engaged in a series of anticompetitive acts designed to stifle the technological progress and market success of Netscape and Sun. These acts directly harmed consumers by, among other things, denying them the choice of a browserless operating system, foreclosing opportunities by OEMs to make PCs more user friendly, making it more difficult for consumers to obtain competing browsers, and by preventing some software innovations (Intel's platform-level NSP software) from reaching the market. FOF 410.

5. Most importantly, these acts have interfered with the process of innovation in three distinct ways. First, consumers did not get the innovative products that the technology being developed by Netscape and Sun might have delivered. Second, Microsoft's predatory acts had a chilling effect on innovative efforts by all people who might have developed other software technologies that Microsoft found threatening.

Third, Microsoft harmed the innovative process because it limited competition, and competitive markets are, on balance, the best mechanism for guiding technology down a path that benefits consumers.

6. The government's proposed remedy will prevent these harms from recurring. The most important element of the remedy is a reorganization that creates independent applications and operating systems companies. It will deprive the operating systems company of some of the tools that Microsoft used to limit competition. It will also create an applications company with the incentive and the ability to lower the applications barrier to entry in the operating system market. The applications company can do this by porting its key applications to competing operating systems and by providing new middleware that other applications developers can use. This could further increase the number of applications available on the competing operating systems and thereby lower the applications barrier to entry. By lowering the barriers to entry, the creation of a separate applications company increases the likelihood of entry in the PC operating system market. Even if actual competition in the market for PC operating systems does not emerge, the increased potential for entry will limit the strategic options available to the operating system monopolist. Furthermore, the presence of this powerful applications company will lead to larger expected payoffs for other innovators in the software industry by providing two independent distribution channels. The presence of these two independent distribution channels will also increase the likelihood that users can choose among alternative technologies on the merits. For all these reasons, a reorganization that introduces a significant competitor will dramatically reduce the likelihood that the harmful acts identified in this case will recur.

7. This reorganization returns the software industry part way toward the competitive environment that prevailed before Microsoft took its illegal actions. There is no way to revive the threat posed by the specific technologies that Netscape and Sun were developing, nor to recover the innovative efforts that were deterred by Microsoft over the last five years. The market has moved on. Consumers and applications developers have made investment decisions that are irreversible. This remedy does, however, return us to a point where an important software firm outside of the control of the operating system monopolist has an incentive to lower the applications barrier to entry and to develop new middleware technologies with cross-platform capabilities. This was the state of the software industry in the mid 1990s with the entry and early successes of Netscape.

8. In support of the basic strategy of creating independent companies, the remedy prohibits specific acts that could frustrate the creation of the separate companies or undermine their independence. It also prohibits acts that Microsoft has used and that the new operating systems company could use to exclude potential competitors. Until the reorganization is completed and the applications company has had a chance to change the structure of the operating systems market, the operating systems monopoly will persist. The company that controls this monopoly could limit the access to final users by the new applications company or any other software developer. These prohibitions apply only for a limited period of time. Ultimately, the remedy relies on the market forces created by the reorganization to curb anticompetitive behavior.

9. When I evaluate the potential costs and benefits of this remedy, my overriding concern is the effect that it will have on the rate of innovation. Information processing is a pervasive activity in our economy. Even small changes in the rate of innovation in this area can, over time, lead to large productivity gains and big improvements in the standard of living. Because of the rapid progress in microprocessors, memory chips, data storage systems, and communications networks, the hardware infrastructure for information processing is vastly more powerful than it was just ten years ago. It takes innovative software products like the browser to harness this power and put it to use throughout the economy. By creating conditions that encourage increased competition in the operating system market, this remedy will increase the rate of innovation in the software industry and thereby increase the rate of growth for the economy as a whole. The lasting stream of benefits that can be expected to follow from this remedy will substantially outweigh any temporary costs that it might involve.

10. My detailed analysis of the remedy is divided into four sections. The next section, Section III, expands on the harm to innovation caused by Microsoft's actions. Section IV looks in detail at the effects that the reorganization will have on the incentives and behavior of the successor companies and on competing firms. Section V shows how the conduct provisions of this remedy support the independence of the two successor companies and prevent specific anticompetitive acts identified in this case from recurring. Section VI examines the benefits and costs of the remedy both for society as a whole and for Microsoft's

shareholders. Section VII presents my conclusion.

III. How Microsoft Has Undermined Innovation

11. The Court identified a reduction in the rate of innovation as the most serious harm that flowed from Microsoft's illegal acts. FOF 411–412. This reduction can take several forms. The first type of harm arises because consumers were deprived of new types of software or received them only with a lag. Innovative efforts at Netscape and Sun were directly impeded by Microsoft's actions. As a result, applications developers who could have written programs that were complements with the Netscape browser or Java also faced substantially reduced incentives to do so. It is impossible to know with certainty the types of applications that might have developed had innovation continued with full force on both fronts. We do know, however, that some types of applications forecast by the advocates of the browser and the Java virtual machine are finally emerging. For example, companies are only now bringing to market server-based applications accessed via a browser that substitute for traditional desktop productivity applications. In the absence of Microsoft's actions, it is likely that this class of applications would be farther down its development path.

12. The second type of harm springs from the message Microsoft sent to developers of potentially competitive software. In the browser wars, Microsoft showed that it had the power to reduce the return Netscape and Sun earned on their investments in innovative technologies and that it was willing to use this power. This reduces the expected profits that outside innovators can expect to earn from developing technologies that threaten to create additional competition for Microsoft's operating system monopoly.

13. Historically, people working outside of the dominant firms in the software industry have been responsible for the development and commercialization of many of its most important innovations. Notable examples include email, the electronic spreadsheet, the word processor, the window based-graphical user interface, the web browser, user friendly handwriting recognition on a handheld device, and instant messaging. This pattern is not unique to software. In many industries, new entrants are a critical source for the innovations that take technology in fundamentally new directions. Although they may not innovate themselves, dominant firms sometimes learn how to exploit the new innovations that do arise.1 Because outsiders are such an important source of innovative energy, Microsoft's threatening message reduced the rate of innovation in the software industry as a whole.

14. The third and final type of harm is the most familiar and fundamental. Microsoft has harmed the innovative process because it has limited competition, and competitive markets are, on balance, the best mechanism for guiding technology down a path that benefits consumers. No system of comprehensive central planning, neither one controlled by a government, nor one controlled by the managers of a single firm, can hope to be as robust and reliable a mechanism as competition among many actual and potential firms for purchases by final users. Before the breakup of AT&T, engineers described the advantages of having a single firm that produced all the telephone desksets that connected to the telephone network. Since the breakup, consumers have benefited from the wider range of choice and more rapid innovation in the handsets that competition made possible.

1 According to one Microsoft insider, this has been the pattern at the company: ''and let's face facts, innovation has never been microsoft's strong suite, we're much better at ripping off our competitors. For example, we did not invent either ASP [active server pages] or IE, we bought them!'' RX8

IV. Analysis of the Reorganization

A. General Characteristics of the Proposed Reorganization

15. The proposed remedy creates two companies that sell different types of software (operating systems and applications) with minimal overlap in the product lines that each company would offer immediately after the reorganization takes effect. Over time, however, each company would be free to develop any new type of software product, including the types of software products supplied by the other company.

16. The internet browser is the most important product in the initial overlap in the product lines. To handle this case, the government's proposal gives the applications company the intellectual property associated with Internet Explorer and the developers who worked on it. However, because Microsoft has placed code that supports browsing in operating system files that contain code that supports non-browsing features of the operating system, the operating system company will receive a license to use and distribute the parts of the code for Internet Explorer that are shipped with the Windows operating system product. FOF 164.

17. The reorganization creates two powerful software companies with roughly similar strategic assets. They will each have annual revenue of more than $8 billion and annual profits of more than $3 billion. 2 This is much larger than the revenues and profits for 2 To be specific, according to Microsoft's 1999 10K filing, the Windows Platforms division, which corresponds roughly to the proposed operating systems company, had revenue of $8.5 billion. The Productivity Applications and Developer division and the Consumer, Commerce and Other division together had revenue of $11.2 billion. Total profit for the entire company was $7.8 billion. Microsoft does not publish profit figures by division, but as a very rough guide, we can assume that profits are proportional to revenue. This would imply profits of $3.4 billion for the Windows Platforms division and $4.4 billion for the remaining units. other companies that specialize in selling software for the PC. For comparison, Novell, Adobe, Intuit, Symantec, Rational Software, Corel, and Macromedia together had total revenue of $3.8 billion and total profit of $0.9 billion in the most recent year. As the Court has found, the Windows operating system has a market share that has been increasing over time and that has reached the level of 95% in recent years. FOF 35. They also have a comparable presence among users. According to one market analyst, Microsoft's Office suite captures 95% of the revenue in the office productivity suite business. RX37. Microsoft's CEO Steve Ballmer recently claimed that about 80% of all the electronic information in most companies is stored in Microsoft Office documents. RX14.

18. After the reorganization is fully implemented, the operating systems company will control the Windows user interface. The applications company would control the user interfaces presented by the Office applications. Hence, each company has a powerful means of presenting final users with choices about new software products. For example, if they were promoting alternative browsers, the operating system company could put an icon that starts its browser on the desktop. The applications company could put a choice on its View menu that lets a user view a document using its browser.

19. Each company will have products that present applications programming interfaces that can be used by ISVs. The operating systems company can continue to offer all of the APIs presented by its desktop and server operating systems. On the desktop, the applications company will control the APIs supported by Internet Explorer and by Office. These APIs are already widely used. Declaration of E. Felten, 36. For example, Microsoft claims that there are 2.5 million developers who use Office as a platform for building applications. RX38. On the server, the programs controlled by the applications company expose APIs and communications interfaces that let them be linked together as building blocks in large server side applications. For example, a corporate developer building an e-commerce application can have the application company's web server application, IIS, capture data from a customer and then transfer it to its database application, SQL Server.

B. The Emergence of Competition in the Operating System Market

20. By freeing the applications company, this remedy will reduce the barrier to entry faced by a new operating system company. As separate entities, the applications and operating systems companies will each have an incentive to compete with the other, or at least to encourage other firms to do so. The applications company will perceive both the opportunity to take revenue away from the operating system company and the threat that the operating system company will take revenue away from it. This opportunity and threat will create incentives for the applications company to write versions of its applications that run on other operating systems. By itself, this will lower the applications barrier to entry protecting the Windows operating system. The opportunity and the threat will also create incentives for the applications company to develop its products into full- featured, cross-platform middleware products that other applications developers can use to develop programs that run on multiple operating systems. This will further reduce the barrier to entry.

21. This reorganization places the operating system monopolist in a competitive

situation comparable to that which prevailed in the mid 1990s. At that time, Netscape had access to a large fraction of desktops and had an incentive to develop its browser into a critical piece of middleware on the PC. The reorganization recreates this situation with the applications company in the role played by Netscape.

22. To see why incentives drive these two companies toward this outcome, even though they start from positions where they are not direct competitors, it is useful to look in more detail at the threats and opportunities that each company will perceive when they are separate.

23. The best outcome for the operating systems company would be one in which it maintains a dominant position in the operating systems market and also captures some (or all) of the profits from the sales of applications. If the operating systems company cannot achieve this goal, the next best outcome would be to retain its dominance of the operating systems market and to induce enough competition in the Windows applications business to increase innovation in applications. This will increase demand for the operating system because, as the Court found, applications are critical complements to the operating system. FOF 37. To complete this three-way classification, the worst possible outcome for the operating systems company would be one in which it faces direct competition from companies offering alternative operating systems and in which the applications company maintains a dominant position as an applications vendor for the various operating system platforms.

24. The ranking of outcomes for the applications company is exactly the reverse. It understands that the operating system company has an interest in driving down prices for Windows applications and trying to capture some of the revenue from the applications business. The applications company will therefore recognize that it would be a risky strategy for it to continue to write applications only for the Windows operating system.

25. One of the key advantages protecting the application company's $10 or $11 billion stream of revenue are the switching costs that users would face if they tried to adopt a competing set of applications. These users would have to learn the new interfaces presented by any new applications. They would also have to convert the large amounts of data that are stored on desktops and on servers in Microsoft Office file formats. See Declaration of E. von Simson, 4a. Right now, any user who wanted to switch operating systems would have to incur the large costs of switching applications. If, however, the new operating system runs the applications that the user currently uses, the costs of switching to the new operating system will be relatively low compared to the costs of switching applications. Hence, the applications company will have an incentive to write versions of its applications that run on an alternative operating system. It will also want the providers of complementary applications to support the alternative operating system. To reduce the porting costs for ISVs, the applications company will have an incentive to develop its applications into middleware that ISVs can use and to sell tools that programmers can use to write cross-platform software.

26. The applications company's defensive strategy of porting its applications and developing them into full-featured middleware products can be converted into an offensive strategy that takes revenue from the Windows operating system company. Just as the operating systems company can gain by encouraging innovation in applications, the applications company can gain by encouraging innovation in a critical complement that it does not own, the operating system. It can do this by offering its own operating system or by supporting an open source operating system such as Linux.

27. Among all existing or potential applications vendors, the newly created applications company would be uniquely positioned to implement the kind of strategy outlined above. From a defensive point of view, it has a much stronger incentive to take acts that protect its current revenue stream. In principle, the newly created applications company should be willing to spend up to the present discounted value of this stream, a sum that could be worth anywhere from $40 to $100 billion dollars, if doing so would successfully protect this income stream from attack. In addition, the existing applications already possess much of the functionality that would be required for these applications to serve as middleware that offers a complete set of APIs to developers. No other applications vendor has such a powerful combination of assets—an incentive to protect its existing revenue stream, wide availability on user desktops, and existing middleware functionality—for bringing competition to PC software.

C. Advantages of a Second Company Even in the Absence of Operating System Competition

28. Even if the inherent rivalry between the operating systems company and the applications company does not lead to actual competition in the operating system market, the threat that each company poses to the other will profoundly change the dynamics in the software industry. To illustrate this point, it is useful to consider how events might have turned out if the separation into an operating system company and an applications company had taken place just before Netscape commercialized the web browser. Imagine that neither company had yet taken any steps to threaten the other. In particular, the applications company had not yet written versions of its products for other operating systems; the applications barrier to entry into the operating system market had not been reduced; no competition in this market had materialized.

29. Imagine that in this hypothetical scenario, Netscape is initially able to distribute its browser freely and achieves wide market penetration. Then, both the operating system and the applications company perceive the threat presented by the Internet and the browser. The key difference in this scenario is that this new threat is superimposed on top of the underlying threats and opportunities that the applications and the operating system companies present to each other.

30. In this situation, it is likely that one company would work with the new entrant in an attempt to gain an advantage over the other. Either company could consider forming an alliance with Netscape, giving it an important distribution channel that reaches many final users. This strategy might be well worth adopting if it increased the likelihood that one incumbent would be able to displace the other. The applications company could use the Netscape browser as part of its strategy for developing full-featured cross platform middleware.3 The operating system company could use the Netscape browser as a way to 3 There is evidence that Office developers were required to support IE preferentially over competing browsers. In a January 1997 email, Bill Gates made clear his priorities: ''In one piece of email people were suggesting that Office had to work equally well with all browsers and that we shouldn't force Office users to use our browser. This is wrong and I wanted to correct this.'' GX351 Later, in July 1997, Paul Maritz noted in an email to Gates and other executives that the Office group (consistent with Gates'' comment in January 1997) was going to target certain features of Office for IE, but ''this was hard decision for them (based on IE's current market share).'' GX514. move quickly to a position where it is the dominant vendor of a new type of applications suite that relies on more server-side computing or a user interface based on the browser.

31. Looking ahead from today, rivalry between the two companies will be particularly important when transforming new technologies like the browser arise. In coming years, portable devices, wireless communications and voice recognition may obsolete many deeply embedded assumptions about when, where, and how users access digital information. At the same time, improvements in the bandwidth of fiber optic data communications networks and the extension of these networks ever closer to the desktop may narrow the gap between the capacity of the pipe that connects two different computers and the pipe that connects components located inside the case of a single computer. Either one of these developments, and especially the two of them together, could lay the foundation for new software innovations as powerful as the browser and the Web.

32. Take for example, the Palm operating system, the first operating system that could recognize handwriting and run for an acceptable period of time on a small battery powered handheld device that fit comfortably in a shirt pocket. This new product, which was not developed by any of the leading players in the computer industry, has already brought very significant benefits to consumers. As it evolves wireless links with the Internet and tighter links with mobile phones, an entirely new window of opportunity opens up. As voice recognition software becomes more powerful, the window opens up into an entirely new world of unexplored possibilities.

33. As an integrated company that controls both the Windows operating system and the Office productivity suite, Microsoft has a powerful set of tools that it is using to

influence the path of competition in this new space. It is developing a substitute operating system, Windows CE, that competes with the Palm operating system. It has further indicated a willingness to change the details of its Office applications to favor devices that run Windows operating systems, even if doing so disadvantages its customers who now rely on the Palm Pilot. ''

REDACTED

''RX1 (Bill Gates to senior Microsoft executives, July 11, 1999).

34. If the companies were separate, the applications company would try to meet consumer demand rather than support the strategic goals of the operating system company. It might form an alliance with providers of handheld computing devices rather than aid the operating systems company in its effort to handicap and defeat them. For example, it could develop a client application that runs on the Palm Pilot and that communicates efficiently with Exchange, the server program that stores email, calendaring, and task scheduling information. Because of the popularity of the Palm handheld, these features would further solidify the position of Office and Exchange. Doing so would also offer larger potential rewards to the developers of the Palm platform, and would thereby encourage other new entrants to strive to develop equally innovative new products.

35. The separation might also change the dynamics of the competition that is taking place in the server market. Right now, Microsoft is using security protocols that discourage the use of non-Microsoft servers in enterprises that install Windows 2000 on the desktop. See Declaration of R. Henderson, 49, 119–120; Declaration of E. Felten, 78–79. If the applications company is successful in creating a viable alternative on the desktop—a competing operating system, a version of Office that runs on it, and a complementary set of applications—these enterprises will have the choice of switching away from the Windows desktop operating system instead of switching to the Windows server operating system.

36. In fact, the discriminatory security features would increase the chances that the competing operating system succeeds. When the operating systems company makes Windows 2000 less attractive to enterprises with non-Microsoft server operating systems, it increases the demand for an alternative desktop operating system. The applications company would therefore see a larger payoff from porting its applications to the alternative. Other applications developers might then try to get an early seat on the new bandwagon. The resulting increase in available applications would further encourage the adoption of the new operating system.

37. Working back, we see that if a separate applications company existed, the operating system company might refrain from introducing these discriminatory security features in the first place. In a world where there is no separate applications company, the discrimination features increase sales of Windows server operating systems without decreasing sales of desktop operating systems. In a world with a separate applications company, this strategy could lead to significantly decreased sales of desktop systems.

38. This counterfactual scenario about the development of the browser and the forward looking hypothetical scenarios about handheld computing and security protocols between the desktop and the server suggest several general points. First, the separation of the applications and operating systems developers into different organizations could increase the rate of innovation that emerges from just these developers alone. The threat that the incumbents pose to the other could induce technological races that spur the rate of innovation achieved on both sides, just as the race with Netscape spurred innovation within Microsoft. FOF 135.

39. Second, the separation would also increase the expected returns to outside innovators. It would create two distinct paths or channels that a technologically successful new entrant could use to reach and maintain contact with final users. Competition between these two organizations would give a new entrant like Netscape or Palm much more bargaining power than it has when it faces a single, monolithic organization. By playing one of the incumbents against the other, the new entrant could therefore expect to extract a much higher return from its innovative effort and early market successes.

40. Finally, even an increased possibility of competition in the market for operating systems could deter an existing monopolist from engaging in some anticompetitive tactics. This benefit arises from the mere creation of the independent applications company. To the extent that the competition becomes real competition instead of potential competition, the monopolist will face even stronger incentives not to engage in socially harmful anticompetitive practices.

V. Effects of the Conduct Provisions

41. In addition to the reorganization, the proposed remedy puts in place a number of prohibitions directed at specific types of conduct. These prohibitions can be separated into two categories—provisions that support the reorganization and provisions that keep the company that controls the operating systems monopoly from engaging once again in the specific types of illegal behavior that Microsoft used before, and that the successor company might use again, to limit entry, restrict competition, depress the rate of innovation, and distort the operation of the market.

A. Provisions Designed to Make the Separation Effective

42. The proposed remedy includes several specific provisions that are designed either to maintain the feasibility of a separation or to ensure that this separation is a true separation into organizations with independent economic interests.

43. Because its most important assets are software and people, Microsoft could take steps that would frustrate the ability of the Court to implement a division of these assets. Microsoft has already demonstrated to the Court its willingness to impose technical linkages on its software code without technical justification in order to achieve certain strategic goals (e.g. binding the browser to the operating system). FOF 175–77. Between now and the time when the reorganization is implemented, Microsoft could use these kinds of tactics to present the court with a fait accompli that makes it technically impossible to separate existing applications from the operating system. Thus, Provision 1 d of the proposed remedy requires Microsoft to maintain the separation between the operating system business and the applications business that exists on the date of entry of the Final Judgment. It further provides that Microsoft should take no action that makes the separation more difficult.

44. Once the companies exist as legally separate entities, it is important that their managers operate them as economically independent entities. Trivially, this requires that one company be prohibited from buying the other (Provision 2b). The covered shareholder provision has the same intent. It ensures that a dominant shareholder cannot force the managers of one company to support the financial interests of the other (Provision 2a). For the two companies to be economically independent, they must not be able to enter into any legal agreement that would require or facilitate collusion between them. The proposed remedy therefore requires that the operating systems company and the applications company file any agreements between them with the Department of Justice (Provision 2c). It also specifically prohibits the two companies from entering into special agreements concerning distribution, discriminatory disclosure of technical information, or discriminatory terms for one to license the other's products (Provision 2b). The Court has found that Microsoft has used these specific acts to limit competition by other firms or to induce other firms to participate in its schemes to limit competition by other firms. FOF 79, 83–89, 95–103.

B. Provisions Designed to Prevent Continued Exploitation of Monopoly Power in the Market for Operating Systems

45. The reorganization that is proposed here will create conditions that make it possible for operating system competition to emerge, but it does not guarantee that this will happen. For some period of time that extends beyond the implementation of the reorganization, the operating systems company will continue to be a monopolist in the market for Intel-based desktop operating systems. The proposed remedy therefore includes specific provisions designed to prevent the operating systems company from engaging in the same anticompetitive acts that it used against Netscape's browser and the Java technology to undermine their competitive potential.

1. Provisions relating to OEMs

46. The Court found that Microsoft used its monopoly control of the operating system market to induce OEMs to participate in its attempts at limiting competition. Among the specific illegal measures taken by Microsoft were:

. making access to technical support or information about new programs contingent on an OEM's support in Microsoft's attempts at limiting competition (FOF 128- 129);

. offering reductions in the royalty price for Windows 95 in exchange for this kind of support. (FOF 64, 139, 230–241);

. threatening withdrawal of its Windows license to OEMs if it failed to offer this kind of support. (FOF 203–208);

. refusing to allow OEMs to reconfigure the start-up sequence or the PC in ways that give competitors access to final users. (FOF 209–227);

. binding Internet Explorer to the operating system in order to make it impossible for an OEM that wanted to support a single browser to select a product other than IE. (FOF 175–77, 191,192).

47. Because OEMs will be a critical distribution channel for the separate applications company in the early years of its existence, the operating systems company will be tempted to use the same kinds of tactics to limit potential competitors, the most important of which will be the newly formed applications company. If the operating systems company could succeed in these efforts, it would undermine the reorganization that is at the heart of this remedy.

48. For this reason, the remedy prohibits, for a limited period of time, specific types of conduct by Microsoft and the successor operating system company. All of these provisions are designed to protect the freedom of an OEM to choose the applications and middleware that it ships with a Windows operating system in response to consumer demand. The first provisions prohibit financial threats and inducements. Provision 3aii (Uniform Terms for Windows Operating System Products Licensed to Covered OEMs) keeps the operating systems company from using changes in the price for an operating system license as a means of punishing an OEM that distributes a product supplied by another firm or from rewarding the OEM for refraining from distributing such a product. Provision 3ai (Ban on Adverse Actions for Supporting Competing Products) keeps the operating systems company from using marketing programs or technical support to achieve the same end.

49. The next set of provisions frees OEMs to configure the PCs that they sell. Provision 3f (Ban on Contractual Tying) prevents the operating systems company from writing licenses for the operating system that require OEMs to distribute any other software products. Provision 3aiii (OEM Flexibility in Product Configuration) lets the OEMs undo choices about such things as the boot sequence, location of icons, and menu choices that the operating system company might use to force the OEM to feature, and therefore to support, applications or middleware supplied by the operating systems company. Provision 3g (Restriction on Binding Middleware Products to Operating Systems) requires that OEMs and end users have the ability to remove end user access to any middleware that the operating system company has included with its operating system software. Provision 3i (Continued Licensing of Predecessor Version) gives the OEMs an alternative way to configure its PCs. It lets them license older versions of the Windows operating system and add new features by adopting software from independent vendors.

2. Provision regarding other distribution partners

50. Microsoft also used its monopoly power to interfere with distribution channels other than OEMs. Among the actions taken by Microsoft were:

. giving valuable consideration (e.g. placement on the Windows desktop, free licenses to software for customizing IE) at no charge to Internet Access Providers (IAPs) who agreed to distribute and promote IE and restrict distribution and promotion of competing browsers (FOF 242–310);

. giving Windows promotion to Internet Content Providers (ICPs) such as Intuit who agreed to restrict distribution of Navigator and payments to Netscape (FOF 311–335);

. threatening to withhold MacOffice from Apple unless Apple distributed IE as the default browser on Macintosh PCs (FOF 341–356).

51. Provision 3e (Ban on Exclusive Dealing), which applies to any contracts with third parties, is intended to prohibit these and similar acts. In particular, it prohibits any agreement that limits the distribution of competing middleware or operating system products.

3. Provisions regarding developers and competitors

52. The Court also found that Microsoft used its monopoly power to undermine competing middleware products such as Sun's Java technology and Intel's platform level NSP software. Actions taken against Java include efforts to create incompatibility between its implementation of the Java virtual machine and the Sun implementation (FOF 387–394), inducements to ISVs to refrain from using use or distributing non-Microsoft Java technologies (FOF 395–402), and impeding expansion of Java class libraries (FOF 404–406). Microsoft also threatened to withhold support for Intel's next generation of microprocessors unless Intel agreed to stop developing platform-level interfaces like NSP that might draw support away from interfaces exposed by Windows. FOF 94–103.

53. The Court's findings demonstrate how varied Microsoft's anticompetitive behavior has been in the past. Since the trial, new and unexpected acts such as the discriminatory security protocol built into Windows 2000 (described earlier in paragraph 35) have already come to light. This reaffirms how many possible anticompetitive tactics are available and how difficult it will be to anticipate the precise form of future tactics. Therefore, the proposed remedy includes two provisions that prohibit anticompetitive behavior in general terms. Provision 3f (Ban on Contractual Tying) lays down a blanket prohibition against contracts that are designed to limit competition. Provision 3c (Knowing Interference with Performance) prohibits actions that are designed to degrade the performance of competing middleware on the Windows platform.

54. The remedy also contains a provision that makes it possible for ISVs, OEMs, and independent hardware vendors (IHVs), to uncover and ameliorate a wide range of illegal acts. Provision 3(b) (Disclosure of APIs, Interfaces and Technical Information) requires that Microsoft disclose to these third parties all interfaces they need to make their products interoperate effectively with the Windows operating system.

55. Finally, if the operating system company could use these kinds of agreements with third parties to discriminate against hardware and software vendors who support the middleware strategy of the new applications company or any other middleware vendor, it could impede the development of operating system competition. Provision 3d (Developer Relations) prohibits them from doing so.

4. General comments

56. Under the proposed remedy, all of these conduct provisions apply only for a limited period of time. Specifically, they are in force until three years after the reorganization becomes effective, roughly the time it would take for one of the successor companies to complete one product cycle. This limitation is appropriate because the most reliable and most effective mechanism for preventing anticompetitive acts is market competition that erodes, or at least threatens to erode, the monopoly power that lies at the heart of the problems identified in this case. The conduct provisions support the reorganization in its vulnerable early years of life. They raise the probability that the reorganization will introduce competition into the market for operating systems. This means that the conduct provisions will have a social value that is much higher if they are used in combination with the reorganization than if they are used alone.

VI. Costs and Benefits of the Proposed Remedy

A. Benefits of the Remedy

1. More innovation

57. As the discussion has already suggested, the most important benefit for society that will be created by this remedy will come from faster innovation. Some of the benefit will arise because constraints will be lifted from the creative developers working in the applications group. They will no longer be under the control of an operating system monopolist whose highest priority is to maintain this monopoly. See above footnote 3. The reorganization will free them to respond to consumers and adopt new technologies even if they encourage competition for the desktop operating system.

58. Some of the additional innovation will arise because of the race that threatens to breakout between the applications and operating systems companies. Much of this innovation may be of an incremental form, but it can still be very valuable to consumers. This kind of race will spur the developers in both the successor companies, just as the threat from Netscape spurred innovation at Microsoft as a whole. FOF 135.

59. Finally, this remedy will significantly increase the returns that outside innovators, the potential new entrants, can hope to earn if they develop and commercialize a powerful new technology like the browser. Because outsiders have been a critical source of innovative energy for the software industry, this change in expected returns has the potential to generate large benefits for society. One of the key lessons from the economics of technological change is the recognition that even in an undistorted market, innovators earn a private return on their efforts that is lower than the social

return. As a result, too little innovation takes place. This problem becomes much worse when a powerful player like Microsoft further depresses the return to outside innovators through the tactics that it uses to maintain its monopoly.

2. Price changes

60. If competition emerges in the market for operating systems, this should have the usual effect of reducing the price for the operating system. Symmetrically, more competition for office productivity applications, which could emerge, should also lead to reductions in prices for these products.

61. These price changes will reduce the extent to which consumers are exploited by Microsoft. If so, they will lead to a large gain for consumers and to a corresponding reduction in the profits Microsoft derives from its exploitation. One of the purposes of the antitrust laws is to prevent sellers from using monopoly power to achieve this kind of transfer of wealth from producers to consumers.

62. We also know that monopoly pricing leads to reductions in social welfare to the extent that it causes some people who might be willing to pay more for a good than it costs to produce it are deterred from making a purchase. In a market where a monopolist can charge different consumers different prices, few such buyers may be deterred. In practice, we know that Microsoft currently charges different prices for academic institutions, small and large businesses, people who do and do not buy the Access database program as part of the Office suite, who do or do not buy the operating system as part of a package from an OEM, who do or do not buy the program as an update to a competitive program, who use the Office productivity suite instead of the less complete Microsoft Works package, and who do or do not buy a Microsoft provided technical support contract, to name just a few examples. As a result, there is reason to believe that the reduction in output resulting from Microsoft's monopoly pricing may, on net, be relatively small. Moreover, current changes in technology mean that in the future, software vendors will be better able to use fine-tuned pricing mechanisms such as software rental or purchases of specific services from an application service provider. In competitive markets these mechanisms could bring important benefits to consumers. In markets that are under monopoly control, they may further reduce the number of willing buyers who are deterred but increase the exploitation of consumers.

B. Costs of the Remedy

63. There are several potential types of cost associated with this remedy. The costs that concern us most are costs to society. However, to assess whether the remedy is disproportionately punitive, one must also look at the costs from the point of view of Microsoft shareholders.

1. Corporate reorganization

64. There are real costs such as legal fees, moving expenses, marketing and promotional expenses that are associated with a corporate reorganization that creates independent business units. In the ordinary course of business, firms voluntarily incur such costs. Any reasonable calculation of these one-time costs will show that these are very small compared to the value to society of the increased innovation that can reasonably be expected to follow from the reorganization.

65. This reorganization does means that people who used to work for the same legal entity now work for different legal entities. However, any communication that could take place between two people when they worked for the same firm can still take place when they work for different firms. If, for example, close communication between operating systems developers and applications developers is critical to the success of each, both the operating systems company and all of the applications companies, not just the new one created by this reorganization, will have an incentive to make sure that this communication still takes place. Whether this takes direct phone or email contact, or face-to-face meeting in one person's workplace, or even in offsite retreats, the companies involved will have a large incentive to make sure that these lines of communications remain in place. The only change, and this presumably is a change that will benefit society as a whole, is that the information flows back and forth to applications developers will now treat all developers symmetrically and will remove any preferential treatment that Microsoft applications developers may now receive.

2. Conduct provisions

66. With two major exceptions, the conduct provisions do not force Microsoft to undertake any act. These exceptions aside, the conduct provisions prohibit Microsoft and the successor companies from breaking the law, from taking actions that made it easier for it to break the law in the past, or from taking actions that could be used to conceal illegal acts in the future. Assuming that Microsoft and the successor companies intend to comply with the law, these prohibitions should not impose undue costs on their legitimate business activities.

67. The first exception is the mandate that Microsoft continue to license, on the original terms, the previous operating system product after the release of a major new operating system product. See Provision 3i. The direct cost to society from this provision is virtually zero because the code already exists. If there are additional costs associated with technical support for users of the old operating system, Microsoft is free to charge for any technical support that it, rather than the OEM, provides.

68. The second exception is the requirement that Microsoft disclose all the information about APIs and interfaces that other developers need to be able to interoperate with its operating systems. Microsoft has extensive experience with the process of designing interfaces to its operating system in ways that make them useful and easy to understand for outside developers but that still protect any intellectual property associated with the internal workings of the operating system. Based on this experience, it should, at reasonable cost, be able to provide this information about all the interfaces that it uses.

3. Costs imposed on Microsoft shareholders

69. A reasonable benchmark for estimating the costs of this remedy to Microsoft shareholders is to compare what their wealth will be after the remedy has been imposed to the wealth that they would have possessed if the company had never engaged in any illegal acts. By this standard, this remedy may not impose any costs at all on the shareholders. In the mid 1990s, the Netscape browser and the Java virtual machine posed a very serious threat that the stream of monopoly profits that Microsoft collected from its operating system business would be lost. Because it did break the law, it was able to preserve and increase these profits up until the present. If it had obeyed the law, some of this profit might have been lost to operating system competition. The company could therefore be worth less than the combined companies will be worth after the reorganization. Said another way, even if the top executives at Microsoft had known that the course of action that they were about to undertake would lead, with certainty but also with a delay of between five and eight years, to the imposition of the remedy outlined here, they may still have elected to follow their anticompetitive course of action. The gains from defeating the immediate threat and from postponing the emergence of operating system competition by five or more years would have exceeded the low costs to shareholders associated with the eventual imposition of this remedy.

70. Of course, the position of the Microsoft shareholders would be better still if the company were able to violate the antitrust laws. However this additional gain to shareholders imposes large costs on society as a whole. It is precisely these social costs that antitrust law is intended to prevent.

VII. Conclusion

71. In any assessment of the net costs and benefits associated with this proposed remedy, one simple fact stands out. Because it will raise the rate of innovation for the economy as a whole, the remedy creates a stream of benefits that will persist and grow far into the future. There is genuine uncertainty about the exact magnitudes of the benefits and any costs. But any reasonable calculation shows that the expected benefits overwhelm the costs.

72. Because it will encourage competition and innovation in the vitally important software industry, it is my opinion that this remedy will have a profoundly beneficial effect on our economy.

I declare under penalty of perjury that the foregoing is true and correct. on April 27, 2000 in Washington, DC

Executed

Paul M. Romer

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Paul M. Romer

TO THE COMMENTS OF RELPROMAX ANTITRUST INC. UNITED STATES

DISTRICT COURT FOR THE DISTRICT OF COLUMBIA, UNITED STATES OF AMERICA, Plaintiff, V. MICROSOFT CORPORATION, Defendant.

STATE OF NEW YORK, ex rel. Attorney General ELIOT SPITZER, et al., Plaintiffs and Counterclaim-Defendants, V. MICROSOFT CORPORATION, Defendant and Counterclaim-Plaintiff.

Declaration of Carl Shapiro
April 28, 2000

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I. Qualifications and Scope of Testimony

I am Carl Shapiro, the Transamerica Professor of Business Strategy at the Haas School of Business at the University of California at Berkeley where I have taught for ten years. I also am Director of the Institute of Business and Economic Research at U.C. Berkeley. I have served as the Editor of the Journal of Economic Perspectives, a leading economics journal published by the American Economic Association. I am also a Senior Consultant with Charles River Associates, an economics consulting firm.

I am an economist who has been studying antitrust, innovation, and network industries for roughly twenty years. My recent book with Hal R. Varian, Information Rules.'' A Strategic Guide to the Network Economy, discusses competitive strategy in the information economy, emphasizing the pricing of information, the creation of multiple versions of information products such as software, the switching costs and lock-in associated with information technology, and network economics.

I have considerable experience in the application of economics for the purposes of enforcing the antitrust laws. I served during 1995 and 1996 as the Deputy Assistant Attorney General for Economics in the Antitrust Division of the Department of Justice. I have served on several occasions as an expert witness or consultant to the Antitrust Division or the Federal Trade Commission. Over the years I have also consulted or served as an expert witness on numerous antitrust matters for private companies in a range of industries, including several companies in the hardware and software business. My curriculum vitae is attached to this Declaration. In this proceeding I have been asked by the Plaintiffs to offer an economic analysis of the likely effects of the Plaintiffs'' proposed remedy on competition, innovation, and ultimately consumers.

II. General Approach to Remedy and Ultimate Goals

A. The Court's Findings and Remedy Objectives

The Court has found that Microsoft engaged in illegal and anti-competitive conduct to maintain its monopoly in the market for Intel-compatible PC operating systems (''operating systems'').

(Conclusions of Law at 9, 21) The Court also has found that Microsoft attempted to monopolize the market for browsers. (Conclusions of Law at 24) Consistent with these findings, the three primary measures by which I am evaluating the proposed remedy are: (1) creating conditions conducive to entry into the market for operating systems (or expansion by small firms already in that market); (2) preventing Microsoft from using its monopoly over operating systems to gain control over adjacent markets, as it has attempted to do in browsers; (3) restoring competition in browsers. I also consider whether the proposed remedy is likely to create inefficiencies that might diminish the benefits it generates to competition and innovation.

Objective (1) is directly driven by the finding that Microsoft illegally maintained its monopoly and raised barriers to entry into the market for operating systems. Objective (2) flows from the fact that entry into the market for operating systems is more difficult if Microsoft, the monopolist in that market, also controls products complementary to its Windows monopoly, especially complementary products such as the browser that it views as strategic threats to its Windows monopoly. Objective (2) also follows from the finding that Microsoft used its operating systems monopoly to distort competition in browsers. Objective (3) follows from the finding that Microsoft has attempted to monopolize the browser market and has attained its current position in that market using anticompetitive means. [1]

Remedy is directed towards future competition and innovation, so all of my analysis is done on a forward-looking basis, even as it is informed by historical experience drawn from this and other markets. Microsoft has emphasized repeatedly that the computer industry is very fast moving and subject to ongoing technological change. I quite agree, and for

[1] As of April 2000, Microsoft's Internet Explorer had achieved a browser market share of at least 69%. See RX23 and the Declaration of Rebecca Henderson.

just this reason I urge the Court to embrace a remedy that puts in place a market structure conducive to competition and innovation, so that consumers can rely as much as possible on market forces rather than court orders to serve their interests. Likewise, in this fast-moving industry any conduct provisions imposed by the Court should be broad enough to prevent Microsoft from engaging in a number of categories of anticompetitive tactics in the future, precisely because the specific tactics that Microsoft might employ in the future are hard to predict today in the face of changing products and technology. So, for example, several of the provisions of the proposed remedy apply to the category of ''middleware,'' not just to the specific types of middleware that were featured in this case, such as the browser or the Java Virtual Machine. Finally, I take as a working principle that the remedy should operate in a dual manner: first, to prevent a recurrence in the future of conduct by Microsoft akin to its past anti-competitive behavior, and second to affirmatively bolster competition, which Microsoft has stifled.

B. Enabling Competition to Windows

Given the goal of enabling, but not compelling, competition to Windows in the market for operating systems, it is important to identify, as best we can, the likely sources of such competition in the foreseeable future, both to make sure that Microsoft cannot blockade operating systems rivals, and to inform any remedial provisions designed positively to foster operating system competition.

Following the traditional steps used by antitrust economists, I consider first the current competitors in operating systems, and then inquire into barriers to entry and the most likely sources of entry into the operating systems market. As the Court found, current competition in operating systems is virtually non-existent. In addition to Apple, the most promising alternative to Windows today is the Linux operating system. Linux, while increasingly popular as a server operating system, has limited popularity on the desktop for two primary reasons: (1) Linux still is regarded as overly difficult to use for many consumers, and (2) many of the most popular applications on Windows, including especially Microsoft Office, are not available on the Linux platform. [2] In other words, Linux suffers from the applications barrier to entry emphasized by the Court in its Findings. And the ability of Linux to challenge Windows is limited by the fact that Microsoft controls Office, making the barrier to entry even higher than it would be if Office were owned separately from Windows.

Moving from actual to potential competitors, and looking farther into the future, challenges to the Windows monopoly may come from various directions, some of which we surely cannot anticipate today. But we can illustrate the principle of ''enabling entry'' by looking at two examples of possible challenges that can currently be seen on the horizon. [3] One promising entry path into the market for operating systems is via cross-platform middleware. If such middleware becomes widely used, more and more applications may be written to that middleware, making it far easier for new operating systems to run many popular applications. I do not believe it is possible to identify today with any confidence the specific middleware that will play this role in the next several years. Therefore, the remedy chosen by the Court should broadly prevent Microsoft from blocking the emergence or widespread distribution of middleware. Establishing an entity with strong middleware assets and broad distribution that is independent of Windows will clearly help support this mode of entry. Another promising route by which entry could occur into operating systems, especially in the corporate setting (as opposed to residential users), is through the increased use of ''thin clients'' or ''network computers'' working in conjunction with servers. Microsoft has pointed to such client/server architectures as a potential threat to Windows. (Direct Testimony of Richard Schmalensee at 151–153.) Under this approach, network computers running non-Microsoft operating systems would be linked to servers, many of which run versions of the UNIX operating system. Although the network computer has failed to live up to its promise so far, network computers could displace at least some PCs if they ran the applications desired by businesses. And such applications could run in whole or in part on servers, placing less burden on the client computer. All of this suggests that entry into operating systems will be encouraged if applications are made available to run both on servers and on the thin clients themselves. [4] Another way in which entry into the market for operating systems may occur is that operating systems for handheld devices could be modified to become substitutes for desktop operating systems. Microsoft also has noted this source of potential competition in the desktop operating systems market. (Direct Testimony of Richard Schmalensee at 154–156.) Again, this type of entry will be promoted if key applications are made available to run on these ''thin'' operating systems outside Microsoft's control.

Consistent with the Court's findings regarding barriers to entry into the market for operating systems, the key to success for all of these possible entrants is their ability to run many popular applications currently available on desktop machines running Windows. As I discuss below, splitting off Microsoft's Applications Business from its Operating Systems Business will create incentives for the resulting Applications Company to make important applications such as Office available to run on rival operating systems, thereby significantly lowering barriers to entry.

C. Lessons about Entry from Other Markets with Network Effects

We can learn a great deal about entry barriers in network markets, and how they are overcome, from historical experience in other markets with network effects in which dominant firms have been successfully challenged. Consider the following examples: Nintendo vs. Atari in Video Games: Atari was the dominant firm in video games during the early 1980s. Nintendo displaced Atari as the dominant firm by the late 1980s. Nintendo based its challenge on its strengths in two complementary products: games designed originally for arcades (rather than home machines) and the provision of video game systems in Japan. [5]

Microsoft Word vs. WordPerfect in Word Processing Software: WordPerfect was the leading supplier of word processing software for personal computers during the provision of programming tools and leadership in object-oriented programming. [9]

The common lesson from these and other such episodes is this: While network monopolies can be very strong, they are most vulnerable to attack by firms with a strong position in the provision of a widely-used complementary product. In the current case involving Microsoft, this principle implies that the strongest threat to Windows is likely to come from a company with a strong position in widely-used applications software for PCs, middleware that runs on Windows, hardware for PCs, and/or operating systems for devices other than PCs. Indeed, the liability phase of this case focused on the threat posed to the Windows monopoly by one extremely popular complementary middleware product running on Windows, namely the Netscape browser. What distinguishes the Windows story of ongoing monopoly from the examples above of successful entry is that Microsoft engaged in anti-competitive conduct to fend off the threat posed by Netscape, the dominant browser company circa 1995–96. Microsoft is keenly aware of the principle that companies providing these complementary products tend to pose the most immediate threat to their Windows monopoly. Indeed, Microsoft has long recognized that the best way to avoid or defuse challenges to its desktop dominance is by controlling more and more functionality surrounding its desktop operating system and to limit the development and popularity of non-Microsoft middleware. [10]

[2] Microsoft has stated that ''Linux as a desktop operating system makes no sense. A user would end up with a system that has fewer applications, is more complex to use and manage, and is less intuitive.'' See ''Linux Makes No Sense at the Desktop,'' p. 4 of ''Linux Myths,'' available at www.microsoft.com/NTServer/nts/news/msnw/LinuxMyths.asp.

[3] The fact that we cannot confidently predict today the most significant modes of entry in the future supports the structural relief proposed by the plaintiffs, which will serve to create a strong new entity (the Applications Company) with the economic incentives to promote or support entry into the market for operating systems, from whatever source such entry arises.

[4] See the Declaration of Rebecca Henderson for a further discussion of how the availability of applications on servers would promote entry in to the market for operating systems.

[5] Some years ago I studied competition in the video game market during the 1980s as part of my work on behalf of Atari Corporation in its antitrust case against Nintendo.

[9] I studied competition in the market for database software as part of my work in the early 1990s on behalf of Borland in connection with its acquisition of Ashton-Tate.

[10] Findings 68 (''Microsoft was apprehensive that the APIs exposed by middleware technologies

It follows that the Court can greatly facilitate entry and competition in operating systems by creating an independent company with a strong set of widely-used Windows applications, middleware, and other complements to Windows. The Applications Company will be most impressive in these respects, with its unmatched complex of Windows applications. Put differently, the Applications Company will possess assets sufficient to threaten the Windows monopoly, the earlier threat from Netscape and Sun having been eliminated through anti- competitive means. In addition, the Court can enable entry into operating systems by preventing Microsoft from using its Windows monopoly to gain control of other complementary products, especially server operating systems, ''thin'' operating systems, and middleware for the Windows operating system.

D. Evaluation of the Economic Effects of Plaintiffs'' Proposed Remedy

With these economic principles in mind, I turn now to an evaluation of the likely economic effects of the Plaintiffs'' proposed remedy. I emphasize the role played by the various provisions of the proposed remedy in lowering the barriers to entry into the market for operating systems. I also consider whether the proposed remedy will inhibit pro-competitive conduct or integration. demolish Microsoft's coveted monopoly power. Alerted to the threat, Microsoft strove over a period of approximately four years to prevent middleware technologies from fostering the development of enough full-featured, cross-platform applications to erode the applications barrier. In pursuit of this goal, Microsoft sought to convince developers to concentrate on Windows-specific APIs and ignore interfaces exposed by the two incarnations of middleware that posed the greatest threat, namely, Netscape's Navigator Web browser and Sun's implementation of the Java technology. Microsofts campaign succeeded in preventing—for several years, and perhaps permanently—Navigator and Java from fulfilling their potential to open the market for Intel-compatible PC operating systems to competition on the merits.'') Findings 409 (''Microsoft also engaged in a concerted series of actions designed to protect the applications barrier to entry, and hence its monopoly power, from a variety of middleware threats, including Netscape's Web browser and Sun's implementation of Java. Many of these actions have harmed consumers in ways that are immediate and easily discernible. They have also caused less direct, but nevertheless serious and far-reaching, consumer harm by distorting competition.'') See also Findings 411 (''It is clear, however, that Microsoft has retarded, and perhaps altogether extinguished, the process by which these two middleware technologies [Netscape's Navigator and Sun's Java] could have facilitated the introduction of competition into

Although the proposed remedy must be evaluated as a package, for the purposes of exposition I first discuss the reorganization and then the conduct provisions.

HI. Proposed Reorganization—1, 2

The proposed remedy (1, 2) calls for a reorganization of Microsoft into two separate companies, an Applications Company containing the Applications Business and an Operating Systems Company containing the Operating Systems Business. The key economic features of the proposed reorganization are that each company be operated independently of the other, and that the two companies continue to develop, distribute, license and sell their products independently.

My analysis of the proposed reorganization focuses on how the economic incentives of these two companies will differ from the economic incentives facing a combined company controlling both applications and operating systems. Based on these altered incentives, and on the limitations under which the two companies will operate (2(b)), we can use economic principles to make some general predictions about how the proposed reorganization will affect competition and innovation. I also consider legitimate ways in which the two companies may need to cooperate to offer improved products at lower prices, and whether the limitations imposed upon them in 2(b) of the proposed remedy will prevent them from achieving such pro-competitive ends.

A. Lower Entry Barriers into Operating Systems

The overarching economic effect of the reorganization is to create a strong company, the Applications Company, that will have the ability and incentive to make its offerings more ''cross- platform.'' For example, the Applications Company will have a greater incentive to make Microsoft Office available to run on non-Windows platforms, and to enhance the value of Microsoft's Visual Studio suite of developer tools for ISVs seeking to develop programs for non-Windows operating systems. The improved availability of the Application Company's products as complements to rival platforms will thus help those actual and potential rivals to Windows to overcome the applications barrier to entry that currently protects the Windows monopoly.

The Applications Company unquestionably will have greater incentives to facilitate entry and expansion by rivals to Windows by virtue of its independence from the Operating Systems Company. Currently, Microsoft considers the loss of revenues and profits from its Windows monopoly when considering whether its Applications Business should cooperate in various ways with actual and potential rivals to Windows. After the reorganization, the Applications Company will no longer have any incentive to protect the monopoly profits associated with Windows. Therefore, to the extent that the Applications Business can facilitate or frustrate entry into the operating systems market, such entry will be easier and more likely as a result of the reorganization,

Indeed, after the reorganization, the Applications Company will positively benefit from the improved quality and lower price of operating systems that can be expected to result from lower entry barriers into the market for operating systems. This follows from a well-known economic principle: the supplier of one product (here, Office) benefits if a complementary product (here, Windows) is improved or made less expensive as a result of enhanced competition for the complementary product.

As a tangible example of the pro-competitive effects of the reorganization, I expect that an independent Applications Company today would have an incentive to port at least some aspects of Office to Linux. Corel has already ported its Perfect Office suite to Linux. There is already a sizeable installed base of Linux users. The Applications Company could begin by porting over those aspects of Office that are easiest to port and/or have the greatest demand on Linux, e.g., Excel and Word. And the Applications Company could offer Linux users file compatibility between Office on Linux and Office for Windows, a very valuable feature indeed given the size of the installed base of Office users. [11]

Another example of how the Applications Company will have incentives to facilitate entry by rivals to Windows relates to Microsoft's popular Visual Studio suite of programming tools, which includes Microsoft's Java development tools, Visual J++. My understanding is that these tools are familiar to, and widely used by, developers writing to the Windows platform. An independent Applications Company will have a greater incentive than does Microsoft today to make these tools more valuable for developers writing to rival platforms or to cross-platform middleware.

As a final example of how entry barriers will be lowered by the reorganization (and one that is especially fitting given Microsoft's antitrust violations found by the Court), the Applications Company will have a greater incentive than does Microsoft today to make its browser work well with operating systems other than Windows. So, the reorganization will help promote the original promise first offered by Netscape Navigator, namely cross-platform browsing functionality offered by a

would attract so much developer interest, and would become so numerous and varied, that there would arise a substantial and growing number of full-featured applications that relied largely, or even wholly, on middleware APIs. The applications relying largely on middleware APIs would potentially be relatively easy to port from one operating system to another. The applications relying exclusively on middleware APIs would run, as written, on any operating system hosting the requisite middleware. So the more popular middleware became and the more APIs it exposed, the more the positive feedback loop that sustains the applications barrier to entry would dissipate. Microsoft was concerned with middleware as a category of software; each type of middleware contributed to the threat posed by the entire category.'') Conclusions at 9 (''In this case, Microsoft early on recognized middleware as the Trojan horse that, once having, in effect, infiltrated the applications barrier, could enable rival operating systems to enter the market for Intel-compatible PC operating systems unimpeded.

[11] GX 514 gives one example of how Office has been used by Microsoft to protect the Windows monopoly by favoring Internet Explorer in Microsoft's battle with Netscape. This 1997 e-mail by Paul Maritz explains that he told the Office group ''that they will target their XL and Access publishing features only at IE4, this was hard decision for them (based on IE's current market share)'' but was done to promote the major goal of getting browser share up to 50% or more.

firm that is financially independent of Windows.

B. Lessons from the Relationship Between Intel and Microsoft

I believe we can learn a great deal from the relationship between Intel and Microsoft about how competition is engendered through the healthy tension that exists between two companies that are dominant in their respective complementary products, [12] One can think of the reorganization as creating a relationship between the Applications Company (with Office) and the Operating Systems Company (with Windows) comparable to that which has existed for a number of years between Microsoft (with Windows) and Intel (with its microprocessors such as the Pentium). Therefore, lessons from the Intel/Microsoft relationship should be very valuable in understanding how the proposed reorganization will affect competition.

The key point is that Intel has repeatedly taken actions to strengthen operating systems that hold out the promise of one day becoming an alternative to Windows. The most significant example is Intel's strong support for Linux. More specifically, Intel Capital, the group within Intel that

I am invests in technology complementary to Intel's microprocessor products, has made significant investments in Red Hat Software, Inc., TurboLinux, Inc, and VA Linux Systems, Inc. [13] All of these companies market versions of the Linux operating system. Following the mission statement for Intel Capital, these investments were made to ''create and expand new markets for [14] In addition to investing in Linux companies, Intel also writes software drivers for Linux. [15] Beyond Linux, Intel is supporting a broad array of operating systems on its new 64-bit family of microprocessors, known as IA-64 chips. Intel is working with: HP to enable HP-UX as an operating system on IA-64 chips; a number of companies through the Trillian Project to ensure that Linux is available on IA–64 chips; Novell to assist in the writing of a new operating system (Modesto) on IA-64 chips; IBM and Santa Cruz Operation to create an enterprise-class UNIX operating system on IA-64 chips; and Microsoft for the Windows 2000 operating system on IA–64 chips. [16] In other words, Intel is following its own self interest in working with multiple operating systems. In similar fashion, the Applications Company will have incentives to be ''platform neutral'' following the reorganization, rather than favoring the Windows platform. We see the same tendency on Microsoft's part to do an ''end run'' around Intel, i.e., to cooperate with Intel's rivals and thus encourage competition in microprocessors and reduce Microsoft's not currently doing any work on behalf of Intel, and am not relying in this Declaration on any confidential Intel information reliance on Intel chips. More specifically, Microsoft has repeatedly provided support for technologies competitive to the Intel Architecture. For example, Windows NT was written to run on Digital's Alpha processor soon after the release of Windows NT Advanced Server 3.1. [17] Microsoft expressed its continued support for the Alpha architecture in 1998, with its Alliance for Enterprise Computing with Digital. This support included concurrent releases of Microsoft server-based products for Alpha and Intel systems, as well as the development of a complete set of Microsoft C++, Visual Basic, and Visual Studio tools on Alpha-based systems. [18] Microsoft also has provided support for AMD microprocessors. For example, in designing its DirectX 6.0 software development kit, Microsoft ''optimized implementations of the geometry and lighting pipeline for Pentium II, MMX instructions, and the new AMD 3Dnow! Instruction set.''[19] In fact, Microsoft recognized that it had an incentive to support AMD's new instruction set even though this would likely be adverse to Intel's interests. [20]

A final key lesson from the Intel/Microsoft relationship is that Intel, based on its strong market position and technical skills, can play a special leadership role in promoting new technologies that can at least potentially threaten Microsoft. In network markets, where consumer confidence can be self-fulfilling and endorsements by industry leaders are so valuable, credible leaders can play a critical role in breaking down entry barriers. I am very hopeful that the Applications Company will, like Intel, be strong enough to play such a leadership role and help overcome the chicken and egg problem faced by potential entrants into the market for operating systems. In fact, Intel and the Applications Company may choose to team up in various ways to help promote Linux, or some other partial or complete substitute for Windows.

C. Added Competition in Browsers

The proposed reorganization also will lead to somewhat greater competition in the browser market, by creating two companies immediately capable of offering browsing functionality. The Operating Systems Company can continue to offer the browsing functionality already included in Windows (so long as it does not violate the anti-binding provision, 3(g)), and is free to develop its own browsing software in the future. The Applications Company will own Internet Explorer itself, and will have incentives to improve Internet Explorer and to support cross-platform capabilities so that Internet Explorer will work well on multiple operating systems.

D. Costs of Reorganization

The benefits from the reorganization to competition in operating systems and in browsers can in principle be weighed against the costs of reorganization, which come in two general forms: (1) one-time costs associated with implementing the reorganization, and (2) possible ongoing costs resulting from the separation of Microsoft into two business entities.

I focus here on any ongoing costs, especially costs that might cause a reduction in the rate of innovation or an increase in the cost of developing software. [21] In classic economic terms, we can ask whether there are significant and genuine efficiencies associated with the integration of the Operating Systems Business and the Applications Business within a single company. For the reasons described immediately below, there are good reasons to believe that the collaboration necessary between those developing operating systems and those developing applications to achieve pro-competitive ends can take place across corporate boundaries, so the reorganization will not significantly impede the development of either applications or operating systems. First, one can ask whether development of applications at the Applications Company will be impeded by separating applications development from the development of operating systems. This does not appear to be a major issue, since Microsoft has indicated repeatedly that the Windows platform is ''open'' and that Microsoft provides the information necessary for ISVs to develop innovative applications on the Windows platform. [22] Conversely, one

[12] I consulted and testified for Intel during 1998 and 1999 in the antitrust case brought by the Federal Trade Commission against Intel regarding Intel's intellectual property practices.

[13] See Intel Capital Investments as of April 1, 2000 as listed on http://www.intel.com/capital/portfolio/cspt.htm (downloaded 26 April 2000). Intel's investments include owning 5% of Red Hat Software at the time Red Hat went public (See Form S- 1 for Red Hat Software filed June 4, 1999), owning 10.4% of VA Linux Systems, Inc. at the time VA Linux went public (See Form S–1 for VA Linux Systems filed October 8, 1999), and an undisclosed investment in the private company TurboLinux.

[14] See http://wwwintel.com/capital/about/goals.htm downloaded 26 April 2000.

[15] For example, see Intel Press release ''Intel announces new Linux driver for its family of 10/100 megabit-per-second network adapters and LAN on motherboard products'' dated March 15, 2000, available at http://wwwintel.com/network/tech bulletins/lin pro 100.htm

[16] See ''The Intel IA-64 Processor Family: A Multi-Operating System Architecture'' for a description of these projects, available at http://developer.intel.com/software/idap/media/pdf/esp/IA-64 OSWP Rev2.pdf

[17] See ''A Brief History of the Windows NT Operating System'' available at http://www.microsoft.com/PressPass/features/1998/winntfs.htm

[18] See Microsoft Press Release ''Digital and Microsoft Announce Expanded Alliance to Accelerate Adoption of Windows NT Across the Enterprise'' dated January 28, 1998, available at http://www.microsoft.com/PressPass/press/1998/ian98/digallpr.asp.

[19] See ''A Look at DirectX 6.0, Fahrenheit, and the Future of Microsoft's Multimedia API's'' released September 4, 1998, available at http://msdn.microsoft.com/library/Welcome/dsmsdn/msdn torborg.htm

[20] See GX 290, in which Jim Alchin says he would like to support AMD's new instruction set for its K6 processor even while noting that Intel will be opposed to such support.

[21] I would expect the one-time reorganization costs to be modest in comparison with the market value of Microsoft or the magnitude of commerce involved in the operating systems market.

[22] Bill Gates has written that ''Windows is a piece of intellectual property whose ''facilities'' are totally open to partners and competitors alike. Windows programming interfaces are published free of charge, so millions of independent software developers can make use of its built-in facilities (e.g., the user interface) in the applications they design.'' See ''Compete, Don't Delete,'' The Economist, June 13, 1998, p. 19.

can ask whether the development of operating systems will be impeded by the separation of operating systems and applications. Again, Microsoft has stated that its operating systems development teams are fully capable of incorporating suggestions from ISVs into their development process for Windows. [23] This gives me some assurance that the most important

Microsoft also states: ''Microsoft does not simply disclose Windows APIs to third party software developers. Rather, it actively ''evangelizes'' the Windows APIs to software developers. In fact, Microsoft devotes about $100 million per year and 2,000 employees (nearly 10% of the Microsoft workforce) to developer support. No other computer company provides anything like this level of support to the developer community. As part of this developer support, Microsoft offers a free, dedicated Web Site where developers can access information, technical support and Software Development Kits. These tools and support all help developers create software that can run on the Windows platform. Microsoft takes the extra step to have dedicated staff designated to help developers quickly absorb and utilize new technologies, and other resources such as seminars, training sessions and speakers to communicate the information needed to develop the most innovative software.'' See ''Competition in the Software Industry,'' January 1998, p. 10, available at www.microsoft.com/PressPass/doj/1–98whitepaper.htm

Microsoft also states that: ''Microsoft runs an elaborate program—far and away the most extensive in the industry—to solicit input from the computer industry about the development of Windows APIs. (Traditionally, third party software developers played little role in the development of operating systems; their contribution essentially being limited to testing for bugs.) Microsoft solicits input and feedback from other software developers from the earliest stages of the development process. The Win32 APIs, which are the basis for Windows 95 and Windows NT, provide a good example. Windows NT, the first operating system to implement the Win32 APIs, was released in 1993. But Microsoft had provided initial specifications for the Win32 APIs to 25 third party software developers three years earlier, in November 1990, and obtained valuable feedback from them in a series of meetings that followed. During 1991 input from applications developers to those writing new versions of operating systems or fixing bugs in operating systems can take place across corporate boundaries. Moving from product development to pricing, there is a theoretical concern that Microsoft today has an incentive to set a lower price for Windows and Office together than will the Operating Systems Company and the Applications Company setting those prices independently immediately following the reorganization. [24] For the reasons articulated above, as a theoretical matter this concern is very likely outweighed by the lowering of entry barriers into operating systems that the reorganization will cause, especially when one considers non-price as well as price considerations, specifically the innovation that will be stimulated by the reorganization. [25] In any event, companies selling complementary products commonly find ways to solve the ''complementary monopolies'' problem when necessary, and I expect as well the Operating Systems Company and the Applications Company would be able to overcome this problem if it proved to be commercially significant.

IV. Interim Conduct Remedies— 3

The proposed conduct remedies will lower entry barriers into the market for operating systems until the reorganization of Microsoft has been accomplished and the Applications Business has Microsoft provided updates to the Win32 APIs to more than 300 third party software developers. By January 1992, the Win32 APIs were posted on CompuServe, America Online and the Internet, and in March 1992 the Win32 APIs were published by Microsoft Press. By the time Windows NT was commercially released in 1993, the Win32 APIs were the most thoroughly reviewed set of APIs in history, ensuring quality and increasing the likelihood that the APIs would be widely used. Updates of the APIs continued through the release of Windows 95 and to date.'' See ''Competition in the Software Industry,'' January 1998, p. 9, available at www.microsoft.com/PressPass/doj/1–98whitepaper.htm. had some time, namely three years, to help enable competitors to Windows. These interim conduct remedies thus serve two related purposes: (1) to force Microsoft to halt anti-competitive conduct of the type that the Court has already found until the reorganization takes place; and (2) to expressly prohibit the Operations System Company from resuming such activity during the delicate period following the reorganization when it is especially vital that there be no artificial entry barriers into the market for operating systems.

For all of these reasons, I am confident that any costs to consumers associated with the proposed reorganization plan will easily be outweighed by its pro-competitive benefits.

A. No Exclusionary Contracts—3(a), 3(d), 3(e), 3(h)

Microsoft has employed a wide range of contracts that to a varying degree are ''exclusive,'' in the sense that they prohibit companies dealing with Microsoft from also dealing with Microsoft's rivals, or provide financial disincentives to doing so. As the Court has found, these contracts have had a significant exclusionary impact. [26] As the trial record shows, exclusivity has taken many forms, and Microsoft has applied pressure to a wide range of companies, including OEMs, ISVs, IAPs, and ICPs, as well as Apple and Intel. Examples of the behavior that the Court found include: (1) Exclusionary agreements with the most important distribution channels for browsers; [27] (2) Conditioning ISV access to key

10. (''The core of this strategy was ensuring that the firms comprising the most effective channels for the generation of browser usage would devote their distributional and promotional efforts to Internet Explorer rather than Navigator. Recognizing that pre-installation by OEMs and technical information on exclusive use of Microsoft technology through ''First Wave'' agreements; [28] (3) Exclusive agreements with ICPs in exchange for coveted placement on the ''Channel Bar;''[29] and (4) Conditioning

[23] Microsoft's economics expert, Richard Schmalensee, has testified that Microsoft ''talks to [independent] developers about what features they would like in view [new] versions.'' (Trial Testimony of Richard Schmalensee, June 22, 1999, p.m. Session at 59) Michael Devlin, the President of Rational Software Corporation, a Windows ISV, testified at trial (Direct Testimony of Michael T. Devlin, at 17) that ''Microsoft often seeks input from ISVs and other sectors of the software and computer industry when it develops new APIs.''

[24] This theoretical possibility is known as the ''complementary monopolies'' problem, or as the problem of ''double marginalization.''

[25] So, for example, consumers stand to benefit as a cheaper operating system, namely Linux, becomes more attractive.

[26] Findings 410 (''...by enticing firms into exclusivity arrangements with valuable inducements that only Microsoft could offer and that the firms reasonably believed they could not do without, Microsoft forced those consumers who otherwise would have elected Navigator as their browser to either pay a substantial price (in the forms of downloading, installation, confusion, degraded system performance, and diminished memory capacity) or content themselves with Internet Explorer.'') See also Findings 296 (concluding that the ''marked increase'' in the proportion of AOL subscribers using AOL software that included Internet Explorer (from 34% to 92%) ''resulted in no small part from AOL's efforts to convert its existing subscribers to the newest version of its client software'' following agreements entered into between AOL and Microsoft), and Findings 309 (stating that Internet Explorer's weighted average share of shipments of browsing software by ISPs who agreed to make Internet Explorer their default browser was 94% by the end of 1997, compared to 14% share for ISPs who made no such agreement).

[27] Findings 230–38 and Conclusions at 11 (''Microsoft used incentives and threats to induce especially important OEMs to design their distributional, promotional and technical efforts to favor Internet Explorer to the exclusion of Navigator.'') and Findings 143 and Conclusions at

[28] Findings at 401–02 and Conclusions at 19 (''...Microsoft impelled ISVs, which are dependent upon Microsoft for technical information and certifications relating to Windows, to use and distribute Microsoft's version of the Windows JVM rather than any Sun-compliant version.'') and Findings 339–40 (stating that Microsoft promised ''preferential support, in the form of early Windows 98 and Windows NT betas, other technical information, and the right to use certain Microsoft seals of approval, to important ISVs that agree to certain conditions. One of these conditions is that the ISVs use Internet Explorer as the default browsing software for any software they develop with a hypertext-based user interface. Another condition is that the ISVs use Microsoft's ''HTML Help,'' which is accessible only with Internet Explorer, to implement their applications'' help systems. By exchanging its vital support for the agreement of leading ISVs to make Internet Explorer the default browsing software on which their products rely, Microsoft has ensured that many of the most popular Web-centric applications will rely on browsing technologies found only in Windows and has increased the likelihood that the millions of consumers using these products will use Internet Explorer rather than Navigator.'')

[29] Findings 311–36.

continued development of the Mac Office Suite on Apple's making Internet Explorer the default browser in Mac OS software releases. [30] Exclusivity in network industries can be especially pernicious, given the importance of complements and the self-fulfilling aspects of expectations: consumers can easily lose confidence in a new product that is denied access to critical complements, and this loss of confidence can then become self-fulfilling, creating a vicious cycle of decline or disrupting a virtuous cycle of increasing adoptions. [31] Netscape's browser faced this threat as a consequence bundling with the proprietary software of IAPs led more directly and efficiently to browser usage than any other practices in the industry, Microsoft devoted major efforts to usurping those two channels.'')

The specific provisions in the proposed order relating to exclusive dealing all serve to insure that complements are indeed available to those offering Platform Software that is competitive with Windows. These complements include distribution through OEMs, preserved by preventing Microsoft from striking exclusive relationships with OEMs, as well as applications software, preserved by preventing Microsoft from striking exclusive relationships with ISVs. Nothing in the proposed order prevents Microsoft from competing on the merits to make it attractive for OEMs, ISVs, IHVs, IAPs, or other companies doing business with Microsoft to support, use, or promote Microsoft software, or to develop complements to Microsoft software. Nor is Microsoft enjoined from making investments in ISVs in order to provide them with the resources to develop software that works well with Microsoft's software. The purpose of these provisions is simply to prevent Microsoft from denying rival Platform Software access to complements.

1. OEMs— 3(a)

With respect to OEM relations, 3(a)(i) prevents Microsoft from providing financial incentives that discourage any OEM's action to ''use, distribute, promote, license, develop, produce or sell any product or service that competes with any Microsoft product or service.'' Clearly, this provision is closely linked to the anti-competitive conduct in which Microsoft has already engaged. Microsoft has proven that it can apply enormous pressure to OEMs, including IBM, a very large and strong OEM, to prevent OEMs from supporting rival software. Industries,'' Antitrust Division, U.S. Department of Justice, March 1996, available at usdoj.gov/atr/public/speeches/shapir.mar.

The requirement of 3(a)(ii) that Microsoft offer uniform terms for Windows to the top 20 OEMs, i.e., the requirement of ''transparent pricing,'' prevents Microsoft from punishing a large OEM for supporting rival software. This provision should improve the enforcement of the ''no retaliation'' rule embodied directly in 3(a).

2. ISVs and IHVs—3(d), 3(h)

Section 3(d) of the proposed remedy prohibits Microsoft from providing financial incentives that discourage an ISV from developing or supporting software that either is competitive to Microsoft software or works with non-Microsoft platform software. This provision will prevent Microsoft from making promising software or hardware unavailable to work with rival Platform Software, and thus will prevent Microsoft from continuing to raise entry barriers into the market for operating systems.

Section 3(h) of the proposed remedy prohibits Microsoft from inducing any actual or potential Platform Software competitor to refrain from offering software competitive with Microsoft platform software. This provision operates together with Section 3(d) to prevent Microsoft from using its significant resources to pay a potential competitor to refrain from challenging Microsoft's Platform Software.

The proposed order permits Microsoft to offer financial incentives for ISVs or IHVs to develop software or hardware that works with Microsoft's Platform Software, e.g., by helping to fund independent development efforts or by taking minority ownership stakes in software or hardware development houses. Such investments can easily be pro-competitive, so long as the ISV or IHV retains the right to make products that work with non-Microsoft Platform Software.

3. General Prohibition on Exclusive Dealing—3(e)

Microsoft has employed exclusionary contracts with a range of companies besides OEMs and ISVs, including IAPs, ICPs, and Apple. Section 3(e) of the proposed remedy, which is a general ban on exclusive dealing, will prevent Microsoft from interfering with the availability of complements for non-Microsoft Platform Software. Since Microsoft has dealings with a wide range of companies, and since it is difficult to predict precisely which trading partners Microsoft might otherwise seek to tie up under exclusive arrangemems in the next several years, a general ban on exclusionary contracts will serve to lower entry barriers more effectively than would more limited provisions directed at specific categories of trading partners.

B. Disclosure of Interface Information—3(b)

Interfaces typically play a critical role in industries subject to network effects. Challengers often seek to interconnect with the dominant network to achieve compatibility as a way of overcoming barriers to entry based on network effects. For example, interconnection has long been important to the survival of smaller firms in transportation and communications networks, from railroads to telephones to the Internet. In the software industry, Borland sought to make its Quattro Pro spreadsheet software compatible with the then-dominant Lotus 1–2–3 spreadsheet software during the 1980s, and Microsoft made it as easy as possible for WordPerfect users to transfer their WordPerfect files and training to Microsoft Word when Microsoft was attacking WordPerfect's strong position in the market for word processing software. [32] Interface information about Windows [33] is extremely valuable to a wide range of ISVs, IHVs, and OEMs. As a result, Microsoft can exert a great deal of influence over the success or failure of products that are complementary to Windows by virtue of its control over such interface information. Indeed, the Court has found that Microsoft strategically withheld interface information to stave off competition from platform software that Microsoft regarded as a threat to Windows. [34]

To prevent Microsoft from disadvantaging rival platform software, the proposed remedy requires Microsoft to disclose to ISVs, IHVs, and OEMs the information they need to interoperate effectively with Windows. The operative principle is equality of disclosure between Microsoft's own developers of middleware and applications, on the one hand, and outside companies seeking that information on the other hand.

This disclosure requirement directly addresses the Court's core concern about barriers to entry by non-Microsoft Platform Software in two ways, which I now discuss in turn.

1. Enabling Non-Microsoft Software to Work Efficiently with Windows Mandatory disclosure of interface information will prevent Microsoft from disadvantaging rival software by denying it the ability to interoperate as effectively with Windows as

[30] Findings 351, quoting Apple's Technology Agreement with Microsoft (''While Apple may bundle browsers other than Internet Explorer with such Mac OS system software releases, Apple will make Internet Explorer for Macintosh the default selection in the choice of all included internet browsers (i.e., when the user invokes the ''Browse the Internet'' or equivalent icon, the Mac OS will launch Internet Explorer for Macintosh).'')

[31] For a further discussion of how exclusive agreements can raise entry barriers in network industries, see Carl Shapiro, ''Exclusivity in Network Industries,'' 7 George Mason Law Review 673; David A. Balto, ''Networks and Exclusivity'' Antitrust Analysis to Promote Network Competition,'' 7 George Mason Law Review 523, and Carl Shapiro, ''Antitrust in Network of Microsoft's strategy to deny Navigator access to OEMs and IAPs. The economic implication is that an effective remedy should assure new entrants into the market for operating systems of access to complements (OEMs, ISVs, IAPs, and IHVs) by including a broad ban on exclusive dealing by Microsoft. The need for a ban on exclusionary contracts is accentuated because Microsoft has already established a pattern of employing exclusionary tactics to blockade rival software that threatens its Windows monopoly.

[32] For an extended discussion of compatibility, interconnection, and interfaces in network markets, see Chapters 7, 8, and 9 in Information Rules.

[33] See the proposed order for a more precise definition of''APIs,'' ''Communications Interfaces,'' and ''Technical Information.'' From an economic (rather than technical) perspective, interface information encompasses all information used by Microsoft's own applications and middleware to interoperate with Windows. The operative economic principle is that ISVs, IHVs, and OEMs should be placed on equal footing to Microsoft's own developers for the purposes of developing, licensing, and supporting products that interoperate with Windows.

[34] Microsoft delayed release of the ''Remote Network Access'' API in Windows 95 to Netscape for three months while trying to convince Netscape to limit the APIs exposed to software developers. Findings 91 (''Despite Netscape's persistence, Microsoft did not release the API to Netscape until late October, i.e., as Allard had warned, more than three months later. The delay in turn forced Netscape to postpone the release of its Windows 95 browser until substantially after the release of Windows 95 (and Internet Explorer) in August 1995. As a result, Netscape was excluded from most of the holiday selling season.'')

does Microsoft software. As noted above, delay or denial of interface information is one method Microsoft has employed to discourage the widespread adoption of non-Microsoft middleware, and thus raise entry barriers into the market for operating systems.

2. Preventing Microsoft from Anti-Competitively Controlling Complements

Mandatory disclosure of interface information also will prevent Microsoft from using its Windows monopoly power to gain control of complementary applications and middleware. Such anti-competitive conduct not only raises entry barriers, but denies consumers choice of complementary products and stifles innovation surrounding the Windows platform. Two especially important software products today that are complementary to the Windows operating system on personal computers are operating systems on handheld devices and operating systems on servers. As many observers have noted, and as Microsoft has pointed out, ongoing hardware improvements, along with the increased networking of computers, combined with the increased use of wireless technologies, are greatly expanding the possibilities for both handheld devices and client-server architectures. Thus, PCs running Windows are increasingly communicating with servers and handheld devices.

As a result of these shifts in the technology of computing and communications, Microsoft can greatly advantage its own operating systems for servers (Windows 2000 Server) and for handheld devices (Windows CE) by introducing proprietary links between Windows on the desktop and Windows for servers or Windows for handheld devices. [35] In this context, and looking forward to competition over the next several years, the disclosure by Microsoft of interface information called for specifically in 3(b)(iii) of the proposed remedy is vital to prevent Microsoft from using the power associated with its Windows monopoly on the PC to gain control over two critical adjacent software products: operating systems for servers and/or operating systems for handheld devices. Indeed, a good case can be made that the most significant threat to Windows in the next several years will come from client/server architectures. Making sure that Microsoft cannot subvert this threat using undisclosed proprietary interfaces is thus central to an effective remedy in this case. Provision 3(b)(iii) in particular will operate to prevent such anti-competitive conduct by Microsoft.

3. Feasibility and Enforcement of Mandatory Disclosure

As I noted above, Microsoft has clearly stated that its APIs are ''open,'' i.e., disclosed to ISVs, and Microsoft has well-established procedures for the release of APIs and the provision of associated technical support to ISVs. Therefore, Microsoft will not need to construct a new business regime to implement API disclosure, and mandatory disclosure of APIs should not impose any significant burden on Microsoft. Having said this, I do not expect a regime of mandatory disclosure of interface information to be free of disputes and difficulties, especially since timeliness and completeness of Microsoft's disclosures are very important to ISVs. There is a very real and practical danger that Microsoft will strategically delay disclosure, or disclose only part of the information needed by ISVs. For just this reason, I regard the secure facility provided for in 3(b) of the proposed remedy as very helpful for the purposes of insuring the Microsoft meets its disclosure obligations.

C. OEM Flexibility in Product Configuration—3(a)(iii)

Microsoft has used its monopoly power to control the boot sequence and the user interface offered by OEMs. These restrictions have made it more difficult for rival middleware to gain presence on the desktop and thus compete more effectively with Microsoft middleware. The Court has found that these restrictions go beyond the protections afforded to Microsoft as a result of its Windows copyright. [36]

By insuring that OEMs have much greater flexibility to configure their products than Microsoft has permitted them in the past, 3(a)(iii) of the proposed remedy will stop Microsoft from blocking or impeding the OEM distribution channel for non-Microsoft software. The result will surely be greater choice for consumers in terms of the look and feel of their computers, and greater opportunity for innovative software to reach consumers and thus face a market test undistorted by the exercise of Microsoft's monopoly power.

D. No Performance Degradation for Rival Middleware—3(c)

Microsoft has demonstrated its ability and incentive to hinder the adoption of rival middleware through a variety of exclusionary tactics such as it employed against Netscape's browser. Once Microsoft is enjoined from employing the tactics it has already used, Microsoft will have an incentive to switch to new, substitute tactics having the same effect. One such tactic is to intentionally degrade the performance of rival middleware interoperating with Windows)7 Section 3(c) of the proposed remedy will make it more difficult for Microsoft to evade the proposed remedy by degrading the performance of rival middleware. Given the danger that Microsoft might repeat this conduct, but recognizing that some such degradation may be difficult Professor Henderson, are an excellent example of how Microsoft is able to use Windows proprietary interfaces strategically.

E. Contractual Tying and Binding—3(]), 3(g)

1. Ban on Contractual Tying—3(f)

Microsoft has anti-competitively tied middleware to Windows by contract, both to defend its Windows monopoly and in an attempt to monopolize the market for browsers. (Findings of Fact § 158–60) Section 3(f) of the proposed remedy prohibits such tying, and thus forces Microsoft's products to compete directly on the merits with rival software products. This provision should enhance OEM and consumer choice of software, and encourage innovation in software categories complementary to Windows.

2. Restrictions on Binding Middleware to Operating Systems—3(g)

There has been a great deal of talk about ''technological tying'' in this case. Microsoft has argued strenuously that its right to improve its operating system should not be compromised. Holding aside the specifics of how Microsoft added browser functionality to Windows, I accept the proposition that innovation often takes place in the computer industry through the integration of various capabilities or functions into a single piece of hardware or software. However, if such integrated capabilities are indeed beneficial to consumers, there is no need to force users to adopt all of the functions offered in an bundled product.

I believe that 3(g) strikes an excellent balance between the consumer benefits that can arise when Microsoft adds functionality to its operating system and the benefits that consumers enjoy when new and improved software is developed independently of Microsoft, especially if that software may serve a role in eroding Microsoft's monopoly position. By allowing OEMs to choose whether to make Microsoft's Middleware Products or rival software directly available to end users, OEMs will have the incentive to experiment to best serve consumers'' interests. If a particular piece of Microsoft software is superior to rival offerings, OEMs will simply load on their machines a version of Windows that includes End-User Access to that software. If some consumers prefer the Microsoft software and others do not, OEMs can configure their machines to suit the tastes of their customers, or allow customers to configure their own machines using add-remove utilities. And if the non-Microsoft software is clearly superior, OEMs will presumably insist that Microsoft provide them a version of Windows in which End-User Access to the Microsoft software can be removed, and offer End-User Access to the superior, non-Microsoft product. This is competition at work.

I understand that requiring Microsoft to offer a version of Windows in which all means of End-User access to middleware can be readily removed by OEMs and by end users will not impose any significant costs on Microsoft or prevent Microsoft from adding new capabilities to its Operating System Products.[38]

In my opinion, 3(g) will clearly promote innovation. It should be evident that this provision will increase the incentives of ISVs to develop middleware, knowing that OEMs will have an incentive to adopt their middleware if it offers superior performance to Microsoft's competitive Middleware Product. At the same time, Microsoft will have an even stronger incentive to innovate

[35] For more information on Microsoft's incentives to use its Windows monopoly to prevent threats emerging from software running on servers and handheld devices, see the Declaration of Rebecca Henderson. Microsoft's recent tactics regarding Kerberos, which are described by

[36] Conclusions at 13 (''Microsoft has presented no evidence that the contractual (or the technological) restrictions it placed on OEMs'' ability to alter Windows derive from any of the enumerated rights explicitly granted to a copyright holder under the Copyright Act.'')

[38] See the Declaration of Edward W. Felten.

if it is forced to compete to provide new functionality to users. Plus, Microsoft is not prohibited from making improvements by integrating more capabilities into the operating system if that integration serves consumer interests. Ultimately, Microsoft will be pushed to make better software because it will be forced to compete to win consumer adoptions of its Middleware Products. Provision 3(g) is pro-competition and pro-innovation.

F. Licensing of Legacy Code—4(0

Microsoft has asserted that it must continue to innovate to compete effectively against its own installed base. (Direct Testimony of Richard Schmalensee, (60) To date, competition between Microsoft and its own installed base of Windows has been modest at best since most Microsoft Windows sales are for new machines.[39] Clearly, buyers of a new PC require an operating system for that machine, and Windows licenses do not permit the user to transfer the O/S from a previous machine.[40] We also observe that Microsoft raises the price and/or reduces the availability of previous versions of Windows when a new version is released.[41]Through this pricing and distribution strategy, Microsoft can be assured that the functions it offers in its latest release of Windows are widely used and distributed, whether or not consumers prefer the newest version of Windows with those features to a prior version of Windows, perhaps used in conjunction with rival middleware that Microsoft is attempting to displace. Section 3(i) of the proposed remedy requires Microsoft to continue licensing the predecessor version of Windows (without raising the royalty rate) when a major new version is released. This provision will give OEMs, and thus consumers, the choice of using the predecessor version, perhaps in conjunction with rival middleware, or the newest Microsoft operating system. This provision will encourage innovation in two ways.

First, 3(i) will encourage software developers to create middleware that is complementary to Windows: the return to such development activities is increased by the assurance that the current version of Windows will continue to be available for OEMs and consumers to load onto new PCs for at least three years, and even after Microsoft introduces a major new operating system release that incorporates some of the functionality offered by the software developer. As a bonus, these

An OEM typically installs a copy of Windows onto one of its PCs before selling the package to a consumer under a single price.'') See Direct Testimony of Frederick R. Warren-Boulton at n. 7, citing Appendix B to Microsoft's Responses to Interrogatories, March 23, 1998 (''In 1997, 87.6% of all copies of the Microsoft's [sic] Windows 95 operating system product were installed by OEMs, while 7.3% were sold through retail channels as upgrades. Windows 95 is available at retail only as an upgrade from a Microsoft licensed operating system.'')

Second, 3(i) also will encourage innovation by Microsoft, since Microsoft will have to add valuable new functionality to support an increase in the price of Windows: unless the new release of Windows offers new functions that consumer truly value, consumers will simply pick the predecessor version of Windows at the prevailing price. Effectively, Microsoft has enhanced incentives to improve its Windows product to compete against its own predecessor version. Finally, this legacy code provision should make it more difficult for Microsoft to use its Windows monopoly power to gain control over adjacent markets: if a new version of Windows favors Microsoft's complementary products, OEMs and consumers will at least have the choice to use the predecessor version, perhaps in conjunction with non-Microsoft complementary products.[42]part, by increasing the price to OEMs of older versions of Windows when the newer versions are released.'')

V. Conclusions

The remedy entered by the Court in this matter will have a major influence on the nature of competition and the path of innovation in the information technology sector of the economy. In my opinion, the primary objective of the remedy should be to lower entry barriers into the market for PC operating systems and thus start to remedy the harm to competition caused by Microsofl's anti-competitive conduct. As explained above, there are strong reasons to believe— based on economic principles and based on the experience of this and other industries—that the proposed reorganization of Microsoft into separate applications and operating systems businesses will lower entry barriers, encourage competition and promote innovation.

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 28, 2000 in Washington, DC

V. Conclusions

The remedy entered by the Court in this matter will have a major influence on the nature of competition and the path of innovation in the information technology sector of the economy. In my opinion, the primary objective of the remedy should be to lower entry barriers into the market for PC operating systems and thus start to remedy the harm to competition caused by Microsoft's anti-competitive conduct. As explained above, there are strong reasons to believe— based on economic principles and based on the experience of this and other industries—that the proposed reorganization of Microsoft into separate applications and operating systems businesses will lower entry barriers, encourage competition and promote innovation.

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 28, 2000 in Washington, DC

EXHIBIT 8

TO THE COMMENTS OF RELPROMAX ANTITRUST INC.

AFFIDAVIT OF JOHN V. TUNNEY

STATE OF CALIFORNIA)) SS:

COUNTY OF LOS ANGELES)

JOHN V. TUNNEY, being first duly sworn upon his oath, deposes and says:

1. The following facts are known to me of my own personal knowledge and, if called as a witness, I could and would competently testify thereto.

2. From 197I to 1977, I represented the State of California as a United States Senator in Congress.

3. While serving as a member of the 3udiciary Committee of the United States Senate during the 93rd Congress, I authored that certain bill described below, and acted as the Floor Manager of the legislation during its consideration by the full Senate. That legislation was passed by Congress and signed into law by the President of the United States. That portion of the law to which I refer below is codified as Section 2(g) of the Antitrust Procedures and Penalty Act, 15 U.S.C. 16(g), arid is a subsection of the law now commonly referred to as the ''Tunney Act.'' This legislation was signed into law December 21, 1974.

4. I authored the following language, which was included in the final version of the legislation:

Not later than 10 days following the date of the filing of any proposal for a consent judgment under subsection (b), each defendant shall file with the district court a description of any and all written or oral communications by or on behalf of such defendant, including any and all written or oral communications on behalf of such defendant, or other person, with any officer or employee of the United States concerning or relevant to such proposal, except that any such communications made by counsel of record alone with the Attorney General or the employees of the Department of Justice alone shall be excluded from the requirements of this subsection. Prior to the entry of any consent judgment pursuant to the antitrust laws, each defendant shall certify to the district court that the requirements of this subsection have been complied with and that such filing is a true and complete description of such communications known to the defendant or which the defendant reasonably should have known.

5. Recently, I was asked to review the Tunney Act and certain public documents on

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[39] Findings 10 (''The largest part of its MS–DOS and Windows sales, however, consists of licensing the products to manufacturers of PCs (known as ''original equipment manufacturers'' or ''OEMs'), such as the IBM PC Company and the Compaq Computer Corporation ('Compaq').

[40] Findings at 57 (''The license for one of Microsoft's operating system products prohibits the user from transferring the operating system to another machine, so there is no legal secondary market in Microsoft operating systems.'')

[41] Findings at 62 (''...Microsoft raised the price that it charged OEMs for Windows 95, with trivial exceptions, to the same level as the price it charged for Windows 98 just prior to releasing the newer product.'') and Findings at 57 (''Microsoft takes pains to ensure that the versions of its operating system that OEMs pre-install on new PC systems are the most current. It does this, in enhanced incentives to develop middleware will tend to lower the entry barriers into the market for operating systems and make it more likely that successful cross-platform middleware will emerge in the years ahead.

[42] For example, consumer choice would be enhanced, and Microsoft's opportunities for using its desktop monopoly power to gain control over server operating systems using Windows 2000. would be diminished, if Microsoft were required to continue to license Windows NT 4.0 for three years after the release of Windows 2000.

file in the ease of the United States vs. Microsoft Corporation, Civil Action No. 98–1232 (CKK), in the United States District Court for the District of Columbia. Among the documents I reviewed was one filed by Microsoft Corporation entitled, ''Defendant Microsoft Corporation's Description of Written or Oral Communications Concerning The Revised Proposed Final Judgment and Certification of Compliance Under 15 U.S.C. See. 16(g),'' purportedly to comply with the provision set forth in paragraph 4, above.

6. With respect to this provision of the Antitrust Procedures and Penalties Act, it is clear that Congress intended that there should be full disclosure of all communications by a defendant or on behalf of a defendant with any officer or employee of the United States, except for communications made by counsel of record alone with the Attorney General or the employees of the Department of Justice. It is equally clear that by ''government official,'' Congress meant ''members of the Executive, Legislative, and Judicial branches of government''. Congress specifically intended to cover communications by officers of a defendant corporation, lawyers of such corporation, lobbyists of such corporation, or anyone else acting on behalf of such corporate defendant. If I had not been satisfied this was the plain meaning of the statute, I, as the principal author of the legislation, would not have pressed the legislation through to final passage. I am satisfied that the clear language of the statute ensures disclosures of the type described in this paragraph. The legislative history and intent of its author buttress these conclusions.

7. In my opinion, it is essential that all discussions between the defendant corporation and the government (with the specific exception noted in paragraph 6, above) in an antitrust case that might have led to a proposed settlement decree be disclosed. If a defendant corporation did not have to disclose any contacts or communications with the government until such-time as there is an actual decree, the very purpose of the disclosure would be defeated. The Tunney Act was never intended to allow for a situation where, in theory, prolific lobbying could be conducted by the defendant prior to the time the presiding judge has ordered settlement negotiations, without public disclosure. If allowed, the Tunney Act would not have reformed the practices utilized in settlement of the ITT case, which in significant fashion demonstrated the need for the legislation in the first instance. The disclosure provisions were designed to help ensure that no defendant can ever achieve through political activities what it cannot obtain through the legal process. Failure to comply with these provisions raises an inference or, at a minimum, an appearance of impropriety.

8. Contrary to some press reports, the Tunney Act was not intended in any way to prevent the Department of Justice from entering into settlements in antitrust suits, especially before trial where litigation risk is generally present. The Act in fact recognized the propriety of such settlements, and merely proscribed procedures to ensure that such settlements were reached on the merits.

9. The legislative history and plain language make clear that Congress intended that a judge make an independent assessment of whether any such settlements are in the public interest, precisely because the policy objective was to ensure that lobbying contacts did not influence the law enforcement function of the Antitrust Division of the Department of Justice. I remain convinced that the policy objective was correct.

10. The language of the Act was clearly drawn and was intended to be inclusive and not exclusive. In my opinion, the filing of ''Written or Oral Communications'' by Microsoft Corporation, referred to in paragraph, 5, above, is inadequate to satisfy the clear language and intent of the Tunney Act.

FURTHER, AFFLANT SAYETH NAUGHT.
SUBSCRIBED AND SWORN to before this day of .2002.

NOTARY PUBLIC in and for said County and State ELEANOR McKENNA Natary Public, State of New York; No. 31–4973011 Qualified in New York County. Commission Expires October 40459139.1

EXHIBIT 9

TO THE COMMENTS OF RELPROMAX ANTITRUST INC.

Congress of the United States
Washington, DC 20515
August 9, 2001
The Honorable John Ashcroft
U.S. Attorney General
Department of Justice
Tenth Street and Constitution Avenue, NW
Washington, DC 20530
Mr. Steve Hallmer
Chief Executive Officer
Microsoft Corporation
ONe Microsoft Way
Redmond, WA 98052
The Honorable Tom Miller
Iowa Attorney General
Department of Justice
1305 E. Walnut Street
Des Mones, IA 50319
Dear Sirs:

Following the recent Court of Appeals decision, we are pleased that all sides in the Microsoft antitrust litigation have begun settlement discussions. Today we write to encourage these discussions with the hope that a settlement can be reached at the earliest possible date and on reasonable terms that support competition and innovation. Antitrust enforcement should be about protecting the American consumers, not deciding ?? and loacers among wealthy competitors. Now is the time for all parties to the litigation to address the remaining issues and provide some finality that protects consumers and allows the American high-tech industry to innovate an prospect. This industry offers extraordinary promise to ?? exciting new technologies to the American consumer and the global marketplace, and the resolution of this protracted litigation will greatly serve to further that goal.

While not expressing a view on the merits, we respectfully urge all parties to reach a just and speedy conclusions to this case.

Best Regards,

Signatories Of Letter In Favor Of Settlement

Jennifer Dunn -R
Jay Inslee -D
Dick Armey—R
Henery Hyde -R
Anna Eshoo -D
Stophen Horn—R
Charles Taylor—R
Charles Norwood—R
Thomas Petri—R
Sonny Callahan—R
Timothy Johnson—R
Deborah Pryce—R
Mark Green- R
Ernle Fletcher—R
Pat Toomey—R
Anne Northup—R
Phil English—R
George Nethercult Jr.-R
Greg Walden- R
Eric Cantor -R
J.C. Watts-R
Rick Keller-R
Ron Kind -R
Tim Holden- D
Maurice Hichey-D
Barney Frank—D
Louis Gtierrez-D
Cal Dooly—D
Mike Ross-D
Lane Evans—D
Henry Waxman—D
Robert Matsui—D
Michael McNulty- D
Gene Green—D
Bud Kramer—D
Norman Dicks—D
Baron Hill—D
Wm Lacy Clay- D
Virgil Goods- I
Joel Hefley—R
Richard Porabo—R
Mark Foley—R
Melissa Hart—R
Kay Granger- R
Jim Gibbons—R
Dave Hobson—R
Jim Greenwood—R
John Shadegg—R
Henry Bonilla—R
Alicee Hastings—D
John Doolittle—R
Bob Goodlatte- R
Steve Buyer—R
Charlie Bass—R
Sam Farr—D
J. Randy Forbes—R
Shelley Moore Capito -R
Roy Blunt—R
Steve Chabot—R
Chip Pickering -R
C.L. Otter—R
Earl Blumenauer-D
Ted Strickland-D
Eddie Bernice Johnson- D
Gary Ackerman- D
David Phelps-D
John Sprati- D
Mike Mclntyre -D
Jim Moran—D
Tammy Baldwin-D
Allen Boyd-D
Steny Hoyer- D
John Lewis -D
Jim Matheson-D
Jim McDermott-D
Rick Larsen-D

Gregory Mecks-D
Elijah Cummings-D
James Harcia-D
John Oliver-D
Nancy Pelosi-D
Bill Detahunt -D
Patrick Kennedy-D
Martin Frost-D
Tom Sawyer-D
EXHIBIT 10

TO THE COMMENTS OF RELPROMAX ANTITRUST INC., IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA UNITED STATES OF AMERICA) Plaintiff,) v.) MICROSOFT CORPORATION,) Defendant.) Filed: January 24, 2002

CIVIL ACTION NO. 98–1232 (CKK)

STATE OF NEW YORK ex rel. Attorney General ELIOT SPITZER, et al., Plaintiffs, V. MICROSOFT CORPORATION, Defendant.

CIVIL ACTION NO. 98–1233 (CKK)

Next Court Deadline: March 4, 2002) Pre-hearing Conference

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF THE MOTION OF RELPROMAX ANTITRUST INC. FOR LIMITED PARTICIPATION AS AN AMICUS CURIAE AND FOR AN EXTENSION OF TIME

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IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA UNITED STATES OF AMERICA) Plaintiff, v. MICROSOFT CORPORATION,) Defendant.

CIVIL ACTION NO. 98–1232 (CKK) Filed: January 24, 2002

STATE OF NEW YORK ex rel. Attorney General ELIOT SPITZER, et al.,) Plaintiffs, MICROSOFT CORPORATION,) Defendant.

CIVIL ACTION NO. 98–1233 (CKK)

Next Court Deadline:

March 4, 2002

Pre-hearing Conference

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF THE MOTION OF RELPROMAX ANTITRUST INC. FOR LIMITED PARTICIPATION AS AN AMICUS CURIAE AND FOR AN EXTENSION OF TIME

I. INTRODUCTION

The Antitrust Procedures and Penalties Act (Tunney Act) was signed on December 21, 1974, to remedy one of the many abuses of power which led to the adoption of the second of three Articles of Impeachment of the President by the Committee on the Judiciary of the United States House of Representatives on July 27, 1974, and to the only Presidential resignation in the history of our nation on August 9, 1974. The Tunney Act is not merely some procedural nicety. The Tunney Act is discussed in greater detail below (see section III.B., pp. 18–22, The Tunney Act Was
Intended To Prevent An Abuse Of Power In The Current Situation'').

Defendant Microsoft Corporation (''Microsoft'') has not complied with the disclosure requirements of the Tunney Act, specifically 15 U.S.C. § 16(g), or this Court's Order dated November 8,2001. Pursuant to 15 U.S.C. § 16(b) and (g), anyone has the statutory right to comment on the Revised Proposed Final Judgment (''RPFJ'') in captioned Civil Action 98–1232 for fifty (50) days after Microsoft complies with 15 U.S.C. § 16(g). Relpromax Antitrust Inc. (''Relpromax'') hereby asserts its statutory right, which is also the statutory right of all Americans, to consider for fifty (50) days a true and complete disclosure by Microsoft pursuant to 15 U.S.C. § 16(g) and then to file with the United States such written comments as it deems appropriate with respect to the RPFJ in light of the information disclosed pursuant to 15 U.S.C. § 16(g).

Accordingly, Relpromax seeks an order:

1) granting Relpromax status as an amicus curiae with the right of limited participation in proceedings so it can assist, if necessary, in obtaining, inter alia, the statutorily required (and Court ordered) disclosure;

2) compelling Microsoft to comply with the statute and the November 8, 2001, order; and,

3) extending the time for comments to provide Relpromax and all interested parties with their statutory rights.

II. FACTUAL AND PROCEDURAL BACKGROUND

From 1993 through 1996, Microsoft contributed a total of about $366,000 to federal parties and candidates) Declaration of Brian Dautch (''Dautch Dec.''), 2- 3 and Attachments 1 and 2. (A copy of the Dautch Declaration is attached hereto as Exhibit A.)

The total includes contributions directly to candidates or political action committees reported as made by individuals who listed Microsoft as an employer.

On May 18, 1998, these civil actions were filed.

From 1997 through July 31, 2001, Microsoft contributed a total of over $6.8 million to federal parties and candidates. Dautch Dec., 2, and Attachment 1.

From 1997 through June 30, 2001, in addition to about $6.8 million in contributions Microsoft spent an additional $17.6 million on lobbyists who contacted many federal agencies and Members of the House and Senate seeking support for Microsoft's antitrust policies. Dautch Dec., 2, and 8–42 and Attachments 1, and 9–43. Given that Microsoft contributed to the campaigns of 38 U.S. Senators and 124 U.S. Representatives in 2001 alone (a non-election year), it is even possible that some of the federal legislators contacted by Microsoft about its antitrust problems had received, and/or may have been seeking, Microsoft campaign contributions. Dautch Dec., 2 and Attachment 1.

On July 6, 1998, Charles F. Rule, Esq., became a registered lobbyist for Microsoft. From approximately 1986 to 1989, Mr. Rule was the Assistant Attorney General in charge of the Antitrust Division of the United States Department of Justice. Dautch Dec., 4, and Attachment 7. In 1998, Mr. Rule was a partner with the lobbying firm 2 of Covington & Burling of Washington, DC On July 6, 1998, Covington &Burling filed a Lobbying Registration, pursuant to 2 U.S.C. § 1603(a)(2), indicating that Mr. Rule was among the firm's ''employees'' who had acted or expected to act as lobbyists for Microsoft Corporation.3 On page 2 of the Lobbying Registration, Covington & Burling reported that the lobbyists expected to lobby on issues including [c]ompetition matters affecting See 2 U.S.C. § 1602(9).

3. The Lobbying Registration (dated June 29, 1998) is known as Form LD-1 which is required to be filed by 2 U.S.C. § 1603 (Section 4 of the Lobbying Disclosure Act of 1995). The Lobbying Registration was filed with the Office of the Clerk of the U.S. House of Representatives. A copy of this Lobbying Registration is Attachment 4 to the Dautch Dec.

computer industry software.''

On August 12, 1999, Covington & Burling filed a mid-year 1999 Lobbying Report (Form LD-2) indicating that for the period from January 1, 1999, through June 30, 1999, the firm received $40,000 from Microsoft for lobbying. On page 6 of the form, Covington & Burling reported that Charles F. Rule lobbied the U.S. House of Representatives and the U.S. Senate for Microsoft on ''[c]ompetition issues affecting computer software industry.''

On September 28, 2001, this Court docketed an order requiring the parties to engage in intensive settlement negotiations until November 2, 2001. A copy of the order is attached hereto as Exhibit B.

From on or about October 1, 2001, to November 6, 2001, according to written unsworn testimony by lobbyist Rule, he was one of the principal representatives for Microsoft in the negotiations with respect to the RPFJ. Dautch Dec., 4 and Attachment 3.

On November 6, 2001, the United States and Microsoft filed a Stipulation and attached form of Revised Proposed Final Judgment. The Stipulation was signed on behalf of the United States by Charles A. James, Assistant Attorney General in charge of the Antitrust Division of the United States

Department of Justice. (A copy of the Stipulation is attached hereto as Exhibit C.) In the Stipulation, Microsoft agreed to make the disclosure required by 15 U.S.C. § 16(g). Stipulation, 3.

The Lobbying Report (dated August 10, 1999) is on a form known as Form LD-2 which form is required to be filed by 2 U.S.C. § 1604 (Section 5 of the Lobbying Disclosure Act of 1995). The Lobbying Report was filed with the Secretary of the United States Senate. The Lobbying Report is Attachment 23 to the Dautch Dec.

The Stipulation was also signed on behalf of certain plaintiffs in the companion Civil Action No. 98–1233 (i.e., the States of Illinois, Kentucky, Louisiana, Maryland, Michigan, New York, ,North Carolina, Ohio, and Wisconsin) (hereinafter referred to as ''Settling States'').

On November 8, 2001, this Court ordered Microsoft to make the disclosure required by 15 U.S.C. § 16(g) ''within ten days of the publication of the proposed Final Judgment in the Federal Register.'' (A copy of the Court's Order dated November 8, 2001, is attached hereto as Exhibit D.)

On November 15,2001, lobbyist Charles F. Rule, Esq., apparently attempted to become a counsel of record for Microsoft in Civil Action No. 98–1232 pending before this Court. On November 15,2001, a document titled ''Notice Of Entry Of Appearance'' for Charles F. Rule was filed with this Court and is recorded as electronic docket entry number 29 in Civil Action No. 98–1232. (A copy of the Notice Of Entry Of Appearance is attached hereto as Exhibit E.) According to the court docket for Civil Action No. 98–1232, the Notice Of Entry Of Appearance for Mr. Rule was signed and filed by Bradley Smith and not by Mr. Rule. According to the official docket, no document filed on behalf of Microsoft in this civil action (or Civil Action No. 98–1233) from November 15, 2001, through January 18, 2002, has been signed by Mr. Rule on behalf of Microsoft.

On November 16, 2001, an item appeared on the front page of The Wall Street Journal which item stated in full:

LEGAL LOOPHOLE: Microsoft tries to shield its top Washington lawyer, Charles F. Rule, from having to reveal some contacts with the administration before the negotiated the company's controversial antitrust settlement. He was formally named a counsel of record yesterday, exempting him from disclosures otherwise demanded under a 1974 law requiring court review of antitrust deals.

There is no indication in the electronic docket, which is the only docket available for this stage of Civil Action No. 98–1232, that Mr. Rule has signed any pleading described in Rule 7(a), F.R.Civ.P., in ink and then caused the document to be filed electronically by someone else with the Court.

(A copy of the item from The Wall Street Journal, November 16, 2001, page 1, is Attachment 5 to the Dautch Dec.)

On November 28, 2001, the RPFJ was published in the **Federal Register** along with a copy of a document titled ''Competitive Impact Statement which was filed with this Court on November 15, 2001.

On December 10, 2001, Microsoft filed Defendant Microsoft Corporation's Description Of Written Or Oral Communications Concerning The Revised Proposed Final Judgment And Certification Of Compliance Under 15 U.S.C. § 16(g) (''Microsoft's Description''). (A copy of Microsoft's Description is attached hereto as Exhibit F.) The Description purported to reveal ''any and all written or oral communications by or on behalf of'' Microsoft ''with any officer or employee of the United States concerning or relevant to'' the RPFJ with the exception only of ''communications made by counsel of record alone with the Attorney General or the employees of the Department of Justice alone [emphasis added].'' Microsoft Description, pp. 1–2. Microsoft's Description reveals only: 1) that unnamed ''counsel for Microsoft'' (n.b. as opposed to ''counsel of record for Microsoft'') met with plaintiffs'' representatives and mediators from September 27, 2001, through November 6, 2001, and that a Mr. William Poole of Microsoft participated in some of the meetings from October 29, 2001, through November 2, 2001; and, 2) that at an October 5,2001, meeting, technical questions were discussed by Ms. Linda Averett, and Messrs. Michael Wallent, Robert Short, and Chad Knowlton (all of Microsoft) with plaintiffs'' representatives and plaintiffs'' technical expert Professor Edward Felten. Microsoft certified that with the submission of the Microsoft Description, Microsoft ''has complied with the requirements of 15 U.S.C. § 16(g) and that this submission is a true and complete description of such communications known to Microsoft.''

Microsoft's Description was electronically signed by John Warden, Esq., of the law firm of Sullivan & Cromwell. The name of Charles F. Rule appears on the document apparently as Counsel for Microsoft. There is no signature line on the document for Mr. Rule's signature. Other than the appearance of Mr. Rule's name well below and to the left of Mr. Warden's name, there is no mention of Mr. Rule by name in the Microsoft Description or of any communications Mr. Rule had on behalf of Microsoft with any officer of employee of the United States concerning or relevant to the RPFJ (for example, oral or written communications or promises during the course of the intensive month-long negotiations which led to the RPFJ or drafts of proposed language for the RPFJ).

On December 12,2001, Mr. Rule appeared (along with Assistant Attorney General Charles

A. James and others) and submitted written testimony (not under oath) on behalf of Microsoft concerning the RPFJ before the Committee on the Judiciary of the United States Senate. Dautch Dec., 4, Attachment 3. In this testimony concerning the captioned civil actions, Mr. Rule (referring to the RPFJ as ''PFJ'') stated (p. 1, sentences 3–4):

''As this committee is aware, I am counsel to Microsoft in the case [n.b. Civil Action Nos. 98–1232 and 98–1233] and was one of the principal representatives for the company in the negotiations that led to the proposed consent decree. The PFJ was signed on November 6th after more than a month of intense, around-the-clock negotiations with the Department and representatives of all the plaintiff states.''

III. ARGUMENT

A. THE TUNNEY ACT REQUIRES FULL DISCLOSURE BY MICROSOFT

The relevant portions of the Tunney Act are now codified as Title 15 U.S.C. § 16(b)-(h).

The Tunney Act applies to the current proposal for a consent judgment (RPFJ) by the United States in captioned Civil Action No. 98–1232 which was brought by the United States under the antitrust laws. 15 U.S.C. § 16(b). To cast sunlight on any potential abuse of power, to provide the public with information necessary both to understanding the full context of the RPFJ and to providing as insightful comments as possible (as allowed by 15 U.S.C. § 16(d)), and to provide the Court with information the Court must have prior to determining whether entry of the RPFJ is in the public interest (as required by 15 U.S.C. § 16(e)), Microsoft must make the disclosures required by 15 U.S.C. § 16(g) which provides in full that [emphasis added below]:

''Not later than 10 days following the date of any proposal for a consent judgment under subsection (b) of this section, each defendant shall file with the district court a description of any and all written or oral communications by or on behalf of such defendant, including any and all written or oral communications on behalf of such defendant, or other person, with any officer or employee of the United States concerning or relevant to such proposal, except that any such communications made by counsel of record alone with the Attorney General or the employees of the Department of Justice alone shall be excluded from the requirements of this subsection. Prior to the entry of any consent judgment pursuant to the antitrust laws, each defendant shall certify to the district court that the requirements of this subsection have been complied with and that such filing is a true and complete description of such communications known to the defendant or which the defendant reasonably should have known.''

Both the Tunney Act and this Court's November 8, 2001, Order setting forth the schedule to be followed to comply with the Tunney Act in this case clearly grant the public fifty (50) days to prepare and file comments on the RPFJ after defendant's true and complete disclosure of all communications specified by 15 U.S.C. § 16(g).

As is shown below, the Microsoft Description of December 10, 2001, did not meet the requirements of 15 U.S.C. § 16(g).

There are at least five broad categories of communications which should have been disclosed: 1) oral or written communications by or on behalf of Mr. Rule acting in any capacity for Microsoft; 2) oral or written communications in Mr. Rule's presence (these communications were not made by counsel of record alone); 3) oral or written communications which may have induced the Deputy Chief of Staff to the Attorney General of the United States (David Israelite, who recused himself from any involvement

with Microsoft matters due to a conflict of interest) to place a predawn telephone call on October 9, 2001, to a lobbyist for a Microsoft competitor complaining about the competitor's support for the retention of independent private counsel by the States suing Microsoft in Civil Action No. 98–1233; 4) oral or written communications or promises by Microsoft lobbyists (other than Mr. Rule) or Microsoft personnel to officers or employees of the United States; and, 5) communications made at Microsoft's request or suggestion to officers or employees of the United States (e.g., communications by Members or employees of either House of Congress to officers or employees of the Executive Branch).

1. Mr. Rule's Undisclosed Conversations Prior to November 15, 2001 Are Not Exempted from Disclosure

a. Mr. Rule Was Not Counsel Of Record For Microsoft Prior to November 15, 2001

The statute, 15 U.S.C. § 16(g), exempts from disclosure only two types of oral or written communications with any officer or employee of the United States. First, the statute exempts communications between counsel of record and the Attorney General alone (i.e., outside the presence of Microsoft personnel and other Justice Department officers or employees). Second, the statute exempts communications between counsel of record and employees of the Department of Justice alone (i.e., outside the presence of Microsoft personnel and non-employees of the Justice Department). The statute does not provide for a lobbyist (or other person who is not counsel of record) to conduct negotiations with the Attorney General and/or Justice Department employees and then, after reaching agreement on a consent judgment, convert from a lobbyist into a counsel of record in order to shield from disclosure communications and negotiations conducted when he was not counsel of record.

At a minimum, the term ''officer or employee'' in 15 U.S.C. § 16(g) should include any officer or employee of the Executive Branch. It is clear that offices and employees of the Executive Branch are within the scope of the statute because the two classes of exclusions are of officers or employees of the Executive Branch (i.e., the Attorney General and employees of the Department of Justice). Arguably, the term ''officer or employee'' in 15 U.S.C. § 16(g) could also include any ''officer or employee'' of the Legislative Branch. The precise scope of the term ''officers and employees'' within the meaning of 15 U.S.C. § 16(g) appears to be a matter of first impression in this Court. Given the control of the Justice Department budget by the Congress, the importance of disclosing communications by Microsoft with Members of Congress or their staff concerning or relating to the RPFJ is manifest. In any event, the statute makes clear that any communication concerning or relating to the RPFJ made on behalf of Microsoft (whether by Microsoft, a Senator, or anyone else) to an Executive Branch officer or employee must be disclosed under 15 U.S.C. § 16(g).

Mr. Rule was not a counsel of record prior to November 15,2001. Accordingly, any oral or written communications made by him, or on his behalf, concerning or relevant to the RPFJ to any officer or employee of the United States must be disclosed. Clearly, communications made in the negotiations which resulted in the RPFJ both concern the RPFJ and are relevant to the RPFJ.

Mr. Rule was the Assistant Attorney General in charge of the Antitrust Division long after the Tunney Act became the law. While the disclosure requirements of 15 U.S.C. § 16(g) would apply to Mr. Rule's client even if Mr. Rule were totally unfamiliar with antitrust law, the disclosure requirements should be applied strictly given that Mr. Rule was the principal law enforcement officer of the United States charged with enforcing this precise statute for about three (3) years.

If Mr. Rule's testimony to the effect that he was a principal negotiator on behalf of Microsoft of the RPFJ is accurate, then there are clearly undisclosed communications made by Mr. Rule or in his presence.

Typically, a principal representative in negotiations would have made oral comments to the negotiators for the United States. Further, the principal negotiator would have submitted written drafts of language (whether in electronic, magnetic, or paper form) to be used in the RPFJ.

Also, there is the matter of Lobbyist Rule's contacts with the Administration which contacts were reported by The Wall Street Journal. What precisely does Microsoft want to conceal? Why does Microsoft want to conceal these communications? Discovery (or a true and complete disclosure under 15 U.S.C. § 16(g)) is needed to provide the American people and this Court with the answer to these questions.

b. Mr. Rule Was Not Counsel Of Record For Microsoft Even After November 15, 2001

If Microsoft's position is that Mr. Rule's communications prior to and during settlement negotiations did not have to be disclosed because on the date the Microsoft Description was filed Mr. Rule was a counsel of record, that position is both untenable and, as discussed above, contrary to the plain language of the statute.

Local Civil Rule 83.6(a) governs the process by which an attorney becomes a counsel of record and provides in full that:

''An attorney eligible to appear may enter an appearance in a civil action by signing any pleading described in Rule 7(a), Federal Rules of Civil Procedure, or by filing a written notice of the entry of an appearance listing the attorney's correct address, telephone number and bar identification number.''

As mentioned above, as of the date of this Memorandum, Mr. Rule has not in connection with the captioned civil actions signed any pleading described in Rule 7(a) of the Federal Rules of Civil Procedure (i.e., basically, various types of complaints and answers).

The typical written notice of entry of an appearance is signed by the attorney entering the appearance. For example, when appearances were entered by Douglas Davis, Esq., Steven Kuney, Esq., and Brendan Sullivan, Esq., each of these attorneys signed and flied a written notice of appearance containing the necessary information. (Copies of the notices of appearance for Messrs. Douglas, Kuney, and Sullivan are attached hereto as Exhibits G, H, and I, respectively.) Mr. Rule did not sign or file what purports to be his written notice of entry of appearance. The written notice attempting to enter an appearance for Mr. Rule was signed and filed by Bradley Smith, Esq., of Sullivan & Cromwell.

As noted above, Mr. Rule has not, in connection with the captioned Civil Actions, signed any pleading described in Federal Rule of Civil Procedure 7(a).

Thus, arguably Mr. Rule was not a counsel of record even when the Microsoft Description was filed on December 10, 2001. Accordingly, any oral or written communications Mr. Rule had with officers or employees of the United States concerning or relating to the RPFJ must be disclosed.

2. The Undisclosed Conversations of Microsoft's other Lobbyists With Executive Or Legislative Branch Officials Or Employees Are Not Exempted From Disclosure

Even if Mr. Rule's testimony to the effect that he was a principal negotiator on behalf of Microsoft of the RPFJ were inaccurate and even if Mr. Rule had absolutely no oral or written communications at any time of any type, kind, or description with any officer or employee of the United States (whether in the Executive or Legislative Branch), it is still likely that there were other undisclosed oral or written communications made by or on behalf of Microsoft concerning or relevant to the RPFJ.

In addition to Mr. Rule, Microsoft has a substantial number of other inside and outside federal lobbyists who were paid on the order of $17,645,000 from 1997 through June 30, 2001.

A partial list of some known lobbying expenditures and contacts includes the following:

1. From January 1, 1999, through June 30,2001, according to the official reports required by Section 5 of the Lobbying Disclosure Act of 1995, 2 U.S.C. 1604, the lobbying firm of Barbour Griffith & Rogers, Washington, DC, reported receiving $1,380,000 from Microsoft for lobbying the House and Senate concerning issues including ''the Justice Department's Antitrust inquiry.'' Dautch Dec., ¶¶ 8–12 and Attachments 9–13.

2. The official reports show that from July 1, 1997 to June 30, 2001, the lobbying firm of Clark & Weinstock, New York, New York, received $1,480,000 from Microsoft for lobbying the House and Senate concerning issues including Microsoft's position on the Department of Justice antitrust suit against Microsoft. Dautch Dec., ¶¶ 13–19 and Attachments 14–20.

3. The official reports show that from January I, 1998 to June 30, 1999, the lobbying firm of Covington & Burling received $140,000 from Microsoft for lobbying the House and Senate concerning, inter alia, competition issues affecting the computer software industry. Dautch Dec., ¶¶ 20–22 and Attachments 21–23.

4. The official reports show that from July 1, 1997, to June 30, 2001, the lobbying firm of Downey Chandler, Inc. (at times known as

Downey McGrath Group), received $560,000 from Microsoft for lobbying the Office of the Vice President, the Departments of Justice, State, and Commerce, and the House and Senate concerning issues including the Department of Justice's antitrust suit against Microsoft. Dautch Dec., ¶¶ 23–30 and Attachments 24–31.

5. From July 1, 1999 to June 30, 2001, the official reports show that McSlarrow & Associates, at times known as McSlarrow Consulting, L.L.C., received $200,000 from Microsoft for lobbying the House and Senate concerning issues including competition in the software industry. Dautch Dec., ¶¶ 32–35 and Attachments 33–36.

6. From January 1, 2000 to June 30, 2000, the official report shows that Microsoft itself spent $3,340,000 on lobbying the National Security Agency, Federal Bureau of Investigation, Senate, House, the Departments of Justice, Commerce, and Defense concerning issues including competition in the software industry.7 Dautch Dec., ¶¶ 36 and Attachment 37.

7. From July 1, 1997 to June 30, 2001, the official reports show that Preston Gates Ellis & Rouvelas Meeds received $1,380,000 from Microsoft for lobbying the White House, the Vice President, the National Security Agency, the Central Intelligence Agency, the National

7 On November 5, 1999, this Court entered Findings of Fact adverse to Microsoft. U.S. v. Microsoft, 84 F.Supp.2d 9 (D.DC 1999). On April 3, 2000, this Court entered Conclusions of Law holding Microsoft to be in violation of the antitrust laws. U.S. v. Microsoft, 87 F.Supp.2d 30 (D.DC 2000). On June 7, 2000, this Court entered an order requiring Microsoft to devise a plan to split itself into an operating systems business and an applications business. U.S. v. Microsoft, 97 F.Supp.2d 59 (D.DC 2000).

Security Council, the Office of Science and Technology Policy, the Federal Bureau of Investigation, the U.S. Trade Representative, the National Economic Council, the Office of Management and Budget, the Departments of Justice arid Commerce, and the House and Senate concerning issues including competition in the software market. Dautch Dec., ¶¶ 37–42 and Attachments 38–43.

The massive amount of money spent on lobbying raises a number of issues relevant to the Tunney Act disclosure Microsoft should have made including, but not limited to, those mentioned below.

First, given that Microsoft was ably represented by accomplished in-house counsel and the distinguished law firm of Sullivan & Cromwell upon whom all opposing parties were required to serve all documents pursuant to Federal Rule of Civil Procedure 5, why was it necessary to spend over $1.3 million for Barbour Griffith & Rogers to monitor the same civil action? Where did the money really go? What did the money really buy? Did Barbour Griffith & Rogers discuss the Microsoft antitrust litigation with any officer or employee of the United States while the RPFJ was being negotiated?

Second, as of June 30, 2001, Microsoft, its employees, and its outside lobbyists had spent upwards of $20,000,000 over several years lobbying, and where possible making campaign contributions, to many officers and employees of the United States. It is difficult to believe that when negotiations intensified and were conducted around-the-clocks in October, 2001 not one of the legions of Microsoft lobbyists in whom the company invested millions made a single call to any officer or employee of the United States concerning or relevant to the RPFJ. In particular, it is difficult to imagine that no United States Representative and no United States Senator was asked

8 Statement of Charles F. Rule to the Committee on the Judiciary, US. Senate, December 12, 2001 (Dautch Dec., Attachment 3, ¶¶ 2).

to contact the Executive Branch in support of Microsoft.

3. Additional Undisclosed Conversations May Have Caused A PredawnTelephone Call From A Senior Aide To The Attorney General To A Lobbyist

The New York Times of November 2, 2001, reported (''States Biding for Time to Study Microsoft Settlement Plan'' by Stephen Labaton, pp. C1 and C4) that:

''Some of Microsoft's largest competitors voiced bitter disappointment about the terms of the proposed deal and asserted that the company had used its political influence with a Republican administration to try to quickly put an end to the case.''

''The rivals said that during court hearings that will be required on the proposed settlement, they intended to provide evidence of what they say was an improper discussion between a senior aide to Attorney General John Ashcroft who had been a top official in the Republican Party and a Republican lobbyist for AOL—Time Warner that demonstrated Microsoft's political muscle. In a statement issued today, Representative John Conyers Jr., Democrat of Michigan, also indicated that he would be examining that incident, word of which has been circulating widely in recent days among lawyers, lobbyists and executives following the case?''

''The aide to Mr. Ashcroft, David Israelite, had been the political director of the Republican National Committee, which received hundreds of thousands of dollars from Microsoft during the 2000 presidential campaign. Mr. Israelite, now Mr. Ashcroft's deputy chief of staff, has recused himself from any involvement in the Microsoft antitrust case because he owns 100 shares of Microsoft stock.''

''The lobbyist involved in the discussion was said to be Wayne Berman, who is also a top Republican fundraiser.''

''According to the notes of a person briefed about the conversation on Oct.

9, the day it is said to have occurred, Mr. Israelite called Mr. Berman.''

''Are you guys behind this business of the states hiring their own lawyers in the Microsoft case?'' Mr. Israelite asked Mr. Berman in the predawn conversation, according to the notes. ''Tell your clients we wouldn't be too happy about that.''

''. . .According to people who were later briefed on the conversation by an AOL executive, Mr. Israelite then complained that AOL, a leading Microsoft rival, had been trying to ''radicalize'' the states to oppose a settlement.'' (A copy of the article from The New York Times of November 2, 2001, is Attachment 8 to the Dautch Declaration.)9

Given the impact of the RPFJ on an important sector of the economy and the over-riding importance of maintaining public confidence in the integrity of both public officials and the judicial process, it would be reasonable to inquire of both Messrs. Israelite and Berman either at a hearing before the Court or at a deposition whether any conversation such as that set forth in the article published on November 2, 2001, by The New York Times ever occurred. The conversation, if it occurred, was not privileged. Because Mr. Israelite is recused from taking official action with respect to Microsoft, the inquiry would also not require any intrusion into the reasons for any of his authorized official actions. If the conversation occurred at the request of Microsoft, this Court and

9 In addition to the Microsoft stonewall, the Justice Department is apparently stonewalling the ranking minority member of the House Judiciary Committee, Rep. John Conyers, Jr., concerning the reported Israelite-Berman predawn conversation. On Nov. 6, 2001, Rep. Conyers wrote a letter to the Attorney General inquiring about the alleged conversation. (A copy of a press release containing the text of the letter from Rep. Conyers is Attachment 44 to the Dautch Dec.) As far as can be determined, no response had been received by Rep. Conyers from the Attorney General as of January 22, 2002.

the public have a statutory right to know that fact. B. THE TUNNEY ACT WAS INTENDED TO PREVENT AN ABUSE OF POWER IN THE CURRENT SITUATION

1. The Lawful $200,000 ITT Pledge Related To One Of The Impeachable Abuses Of Power In The Early 1970's Was Equivalent To About $650,000 In 2001 Dollars Which Amount Is Vastly Exceeded By Over $23 Million Microsoft Has Lawfully Spent On Federal Campaign Contributions and Lobbying Since 1997

a. The ITT Litigation and the Kleindienst Nomination

In 1969, the United States filed three civil antitrust actions against the International Telephone and Telegraph Corporation (''ITT'') challenging the acquisition by ITT of three corporations (Canteen Corporation, Hartford Fire Insurance Company, and Grinnell Corporation).

Statement Of Information, Hearings Before The Committee On The Judiciary House Of Representatives, Ninety-Third Congress, Second Session, Pursuant To H. Res. 803, Book V, Part I, Department Of Justice ITT Litigation—Richard Kleindienst Nomination Hearings (''Statement Of Information'' or ''OI''), pages 3–4. (A copy of the basic statement of facts in the Statement Of Information is attached as Attachment 45 to the Dautch Declaration.)

Attorney General John Mitchell was recused because his former law firm had represented an ITT subsidiary; Deputy Attorney General Richard Kleindienst acted as Attorney General in connection with the litigation and sought and received approval from Counsel to the President John

Ehrlichman before filing the first civil action. SO1, p. 3.

On December 31, 1970, ITT won a judgment in the Grinnell case after a trial. SOI, p. 13.

From April to June, 1971, a substantial amount of political pressure was applied by the President and his assistants to Deputy Attorney General Kleindienst and Assistant Attorney General in charge of the Antitrust Division Richard McLaren to convince them to forego an appeal and settle the ITT cases. SOI, pp. 17–31.

On July 21, 1971, ITT-Sheraton pledged up to $200,000 to bring the 1972 Republican National Convention to San Diego, California. SOI, p. 32. There is no suggestion that this contribution by itself was illegal.

On July 31, 1971, a settlement of the ITT litigation was announced. SOI, p. 34.

On February 15, 1972, the President nominated Richard Kleindienst to be Attorney General. SOI, p. 36.

On February 29, March 1 and March 3, 1972, three columns by columnist Jack Anderson were published alleging a connection between the ITT-Sheraton pledge and the ITT antitrust settlement and alleging the involvement of Messrs. Mitchell and Kleindienst. SOI, p. 39. (Copies of the Anderson columns and a memorandum allegedly written by an ITT lobbyist, Ms. Dita Beard, all of which were included in the evidentiary material supporting the Statement Of Information are attached as Attachment 46 to the Dautch Declaration.) As a result of publication of the first two Anderson columns, Mr. Kleindienst asked that his confirmation hearings be re-opened. SOI, p. 39.

At the hearings in 1972 on his nomination to be Attorney General, Mr. Kleindienst denied talking to all the President's men other than casually about the ITT matter and also denied receiving any suggestions from them about the action the Justice Department should take in the ITT cases. SOI, p. 42.

On June 12, 1972, Richard Kleindienst became Attorney General. SOI, p. 61.

On May 16, 1974, Richard Kleindienst pleaded guilty to one count of refusing or failing fully to respond to questions propounded to him by the Senate Committee on the Judiciary during the hearings in 1972 on his nomination to be Attorney General. SOI, p. 66.

On August 9, 1974, the President resigned.

b. The Impeachment Resolution

The second Article of Impeachment (adopted by a vote of 28–10 in the House Judiciary Committee on July 27, 1974) charged the President with using the powers of his office in violation of his constitutional oath, disregarding his constitutional duty to take care that the laws be faithfully executed, and repeatedly engaging in five (5) types of conduct violating the constitutional rights of citizens, impairing the due and proper administration of justice and the conduct of lawful inquiries, or contravening the laws governing agencies of the executive branch and the purpose of those agencies.

The specification of the fourth type of allegedly improper conduct stated in full with respect to the President that (emphasis added):

''He has failed to take care that the laws were faithfully executed by failing to act when he knew or had reason to know that his close subordinates endeavoured to impede and frustrate lawful inquiries by duly constituted executive, judicial and legislative entities concerning the unlawful entry into the headquarters of the Democratic National Committee, and the cover-up thereof, and concerning other unlawful activities including those relating to the confirmation of Richard Kleindienst as Attorney General of the United States, the electronic surveillance of private citizens, the break-in into the offices of Dr. Lewis Fielding, and the campaign financing practices of the Committee to Re-elect the President.''

House Report 93–1305, August 20, 1974, pp. 139–183.

(the Tunney Act), Senator Tunney said:

''The genesis of this legislation came during the hearings held by the Senate Judiciary Committee on the nomination of Richard Kleindienst, the hearings which quickly became known as the ITT hearings, because the major issue involved allegations that a massive behind-closed-doors campaign resulted in halting the Justice Department's prosecution of the ITT case and its hasty settlement favorable to the company. During these hearings, I became concerned with the apparent weaknesses of the consent decree process, which could allow this kind of corporate pressures to be exercised.'' Cong. Rec. Senate, December 9, 1974, page 38585.

c. Since 1997 Microsoft Has Spent Over $23 Million On Federal

Lobbying And Campaign Contributions

As mentioned above, since 1997, Microsoft has spent in excess of $23,000,000 on federal campaign contributions and lobbying with substantial effort devoted to lobbying concerning the captioned civil actions. The ITT pledge of $200,000 in 1971 is the equivalent of about $650,000 in 2001 dollars. Dautch Dec., ¶ 43.

There is no suggestion that any of Microsoft's expenditures by themselves are illegal.

In the instant matter, the Justice Department won at trial and on appeal. The Department has agreed to what some have characterized as a ''sweetheart'' settlement negotiated behind closed doors by a lobbyist for Microsoft which, so far, has not revealed information the Tunney Act (and this Court's order) require it to reveal.

2. The Tunney Act Was Intended To Protect The Consuming Public From The Type Of Forces At Work Today In Connection With The RPFJ

The point is not that an unfortunate chapter in our nation's history has repeated itself or might repeat itself precisely but rather that the same type of economic forces at work in connection with the ITT litigation are at work today. In the United States, the presence of strong economic forces tends to bring about the involvement of political forces.

In 2001 dollars, the amount ITT pledged to buy influence and access in 1971 is greatly exceeded by the amount spent by Microsoft in the last few years on lobbying and campaign contributions. The impact ITT had on the 1971 economy while substantial pales in comparison to the impact Microsoft and its products have on the 2002 economy. The forces at work today may be stronger than those in play thirty years ago.

The problem was aptly summarized in the following quotations (by Senator Tunney during Senate debate) from testimony before the Senate Judiciary Committee by United States Circuit Judge J. Skelly Wright, Chief Judge of the United States Court of Appeals for the District of Columbia Circuit:

''By definition, antitrust violators wield great influence and economic power. They often bring significant pressure to bear on government, and even on the courts, in connection with the handling of consent decrees. The public is properly concerned whether such pressure results in settlements which might shortchange the public interest . . . Because of the powerful influence of antitrust defendants and the complexity and importance of antitrust litigation, the public reasonably asks in many instances whether in reaching a settlement, the government gave up more than it need have or should have. Some response to this public concern is desirable, in my opinion, not only to ensure that the compromise struck by the Justice Department is fair from the public's point of view, but also to alleviate fears which, even if unfounded, are unhealthy in and of themselves.''

Cong. Rec. Senate, July 18, 1973, pp. 24597–24598.

C. ON THE PRESENT RECORD THE UNITED STATES WILL NOT BE ABLE TO COMPLY WITH THE COURT ORDER OF NOVEMBER 8, 2001, REQUIRING CERTIFICATION BY THE UNITED STATES OF COMPLIANCE WITH TUNNEY ACT PROCEDURES

On November 8, 2001, this Court ordered the United States to file, when appropriate, a certification of compliance with the Antitrust Procedures and Penalties Act (Tunney Act). Given the apparent failure of Microsoft to comply with the Tunney Act and the United States'' knowledge of this apparent compliance failure, it would appear to be difficult, if not impossible, for the United States to provide the required certification in good faith. This difficulty provides another reason for the Court to order compliance by Microsoft with the terms of 15 U.S.C. § 16(g).

D. THE COURT SHOULD AGAIN ORDER FULL DISCLOSURE, ALLOW FULL DISCOVERY OF THE NECESSARY FACTS, AND EXTEND THE TIME FOR COMMENTS OR TERMINATE CONSIDERATION OF THE RPFJ

Even if Microsoft chooses to amend the Microsoft Description in an attempt to comply with a second court order (after defying the first court order) with respect to 15 U.S.C. § 16(g), the Court should consider allowing limited discovery by Relpromax Antitrust Inc., as an amicus curiae, into the communications revealed and into the issue of whether all communications were in fact revealed in order to avoid the prospect that Microsoft's initial reticence infects a disclosure which purports to be in accord with the terms of a second disclosure order.

Alternatively, in the interests of judicial economy, the Court may terminate all

consideration of the RPFJ at this time and deny entry of the RPFJ on the grounds that the Court has not been provided with the information the statute requires the defendant to provide as a condition precedent to approval of a consent judgment in these circumstances.

E. IF THE COURT DOES NOT ORDER FULL DISCLOSURE NOW, ENTRY OF THE RPFJ COULD BE REVERSED ON APPEAL FOR THAT REASON ALONE; HOWEVER, IF THE COURT ORDERS ADDITIONAL DISCLOSURE AND THEN ENTERS THE RPFJ, THERE WOULD BE A LOWER POSSIBILITY OF REVERSAL DUE TO DEFENDANT'S FAILURE TO COMPLY WITH THE DISCLOSURE PROVISIONS OF THE TUNNEY ACT

Given the procedural history of this case (i.e., Judges Sporkin and Jackson were removed from this case or its predecessors by the Court of Appeals), it would indeed be unfortunate if the Court were to allow Microsoft to withhold information to which the public has a statutory right, determine that entry of the RPFJ is in the public interest, and then be reversed on appeal due to the failure of Microsoft to comply with 15 U.S.C. § 16(g) (necessitating re-commencement of the Tunney Act procedures with respect to the current RPFJ several years from now). Alternatively, if the Court were to order full compliance with the Tunney Act now, the delay would be minimal (on the order of sixty (60) days) and (assuming Microsoft made a true and complete disclosure) any decision to enter the RPFJ could not be reversed due to Microsoft's failure to comply with its disclosure obligations under the Tunney Act.

F. RELPROMAX AS THE ONLY PARTY OR PROPOSED AMICUS CURIAE WITH AN EXPRESSED INTEREST IN OBTAINING A FULL DISCLOSURE FROM MICROSOFT SHOULD BE GRANTED THE RIGHT TO LIMITED PARTICIPATION AS AN AMICUS CURIAE IN THE TUNNEY ACT PROCEEDINGS

Clearly, Microsoft, the United States, and the Settling States have little or no interest in inquiring into the communications Microsoft should have disclosed pursuant to 15 U.S.C. § 16(g) or into the adequacy of the Microsoft Description. Their only interest (explicitly expressed so far) is in obtaining Court approval of the RPFJ as fast as possible. In particular, the United States Department of Justice presumably already has knowledge, at a minimum, of certain undisclosed communications made to the Justice Department by Microsoft lobbyist Charles F. Rule from on or before October 1,2001, through November 6, 2001.

The Litigating States10 (the governments which did not settle in Civil Action No. 98–1233) are not parties to Civil Action No. 98–1232. While they and their citizens of course have Tunney Act rights, the Litigating States have, so far, expressed little interest on the record of Civil Action No. 98–1232 in obtaining for their citizens'' consideration during the comment period the information from Microsoft to which the public is entitled under the Tunney Act.

Given his responsibility for the Antitrust Division and his signature on the Stipulation filed with the RPFJ on November 6, 2001, the Assistant Attorney General in charge of the Antitrust Division knew, or in the exercise of reasonable care should have known, that lobbyist Rule was one of Microsoft's principal representatives during the negotiations which led to the RPFJ and was not, at the time, counsel of record for Microsoft. As far as can be determined from the public court record of this case, the United States has not exerted itself in any way to obtain a proper disclosure from Microsoft or to encourage Microsoft to amend the Microsoft Description.

The attitude of the Justice Department has changed under the leadership of Attorney General John Ashcroft.[11] The Department's attitude toward this civil action was perhaps best expressed by Assistant Attorney General James at the December 12,2001, Senate Judiciary Committee hearing.

Due to a roll call vote, Mr. James was given just a few moments for his opening remarks of the day.

The Litigating States are the District of Columbia, California, Connecticut, Florida, Iowa, Kansas, Massachusetts, Minnesota, Utah, and West Virginia.

The first point he chose to make was ''some argue that the case never should have been filed.'' [12]

Another reason for the statutory requirement of fifty (50) days to consider the defendant's communications is that the significance of any individual communication in light of the RPFJ may only be apparent to one person or a few persons. The consideration time allows interested persons either to consult with others or experts or to conduct additional informal or (with the Court's approval) formal inquiries into the facts in order to be able to advise both the United States and the Court of the full implications of the disclosures in light of the RPFJ. Given the carefully crafted statutory arrangement, the Congress realized that the Court on its own can not be expected either to uncover or understand all the implications of Microsoft's communications for the RPFJ without the assistance of persons at least interested enough in the RPFJ, the nule of law, and/or the avoidance of another impeachment inquiry due to, inter alia, an abuse of the antitrust settlement power to devote their time to the public interest in this matter.

Given that Relpromax is an interested person and, in particular, interested in obtaining the information to which it has a statutory right pursuant to 15 U.S.C. § 16(g), it would be appropriate and in the public interest for the Court to enter an order, pursuant to 15 U.S.C. § 16(f)(3), in the form submitted herewith authorizing limited participation by Relpromax in proceedings before the court.

The Court has extended itself to make all of Microsoft's communications available to the entire nation by instituting electronic filing for the captioned civil actions. This means that anyone anywhere with Internet access and a PACER (''Public Access to Court Electronic Records'') account is able to read Microsoft's Description of its communications concerning and relevant to the RPFJ without having to travel all the way from one end of the country to the courthouse.

The full preliminary transcript is attached as Attachment 49 to the Dautch Dec. The remarks referred to appear on page 10.

It is now time for Microsoft to comply with the statute.

In Senate debate which preceded adoption of the Tunney Act, Sen. John Tunney quoted the words of Supreme Court Justice Louis Brandeis to sum up the meaning and purpose of the Act: ''Sunlight is the best disinfectant.'' [13]

REQUEST FOR ORAL HEARING

The Court may order an oral hearing on this motion pursuant to 15 U.S.C. § 16(0(5) which provides in full that:

''In making its determination under subsection (e) of this section, the court may— . . (5) take such other action in the public interest as the court may deem appropriate.'' It is in the public interest that the proper statutorily required disclosure be made. It is further in the public interest that the public be allowed their statutory right to consider the full ramifications of the RPFJ for fifty (50) days after a true and complete disclosure by Microsoft of all non-exempt communications with officers or employees of the United States concerning or relevant to the RPFJ.

Accordingly, pursuant to 15 USC sec. 16(f)(5), movant requests an oral hearing on this motion at the Court's earliest convenience.

Respectfully submitted

January 24, 2002

Peter Peckarsky (DC Bar No. 266171)
1615 L Street, NW, Suite 850
Washington, DC 20036
Telephone: (202) 785–0100
Telecopier: (202) 408–5200
Attorney for Relpromax Antitrust Inc.

13 Cong. Rec. Senate, July 18, 1973, p. 24599.

EXHIBIT LIST

Exhibit A Declaration of Brian Dautch dated January 23, 2002

Exhibit B Order docketed September 28, 2001

Exhibit C Stipulation dated November 6, 2001

Exhibit D Order dated November 8, 2001

Exhibit E Notice Of Entry Of Appearance for Charles F. Rule dated November 15, 2001

Exhibit F Defendant Microsoft Corporation's Description Of Written Or Oral Communications Concerning The Revised Proposed Final Judgment And Certification Of Compliance Under 15 U.S.C. ¶ 16(g) dated December 10, 2001

Exhibit G Appearance of Douglas Lee Davis dated December 12, 2001

Exhibit H Appearance of Steven R. Kuney dated November 1,2001

[11] David Israelite, Mr. Ashcroft's Deputy Chief of Staff, reportedly owns 100 shares of Microsoft stock worth about $6,610 at the close of trading on January 18, 2002. Dautch Dec., 44 and Attachment 8. David Israelite recused himself from any involvement in the antitrust suit against Microsoft. The President's campaign, his Inaugural fund, Attorney General Ashcroft, and his various campaign committees received about $180,000 in contributions from Microsoft and its employees in 1999 and 2000. Dautch Dec., ¶ 2 and Attachment 1. Mr. Ashcroft has not recused himself from any involvement in the antitrust suit against Microsoft.

Exhibit I Appearance of Brendan V. Sullivan, Jr. dated November 1, 2001

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

CIVIL ACTION NO. 98–1232 (CKK)

Plaintiff, V. MICROSOFT CORPORATION, Defendant.

STATE OF NEW YORK ex rel.

Attorney General ELIOT SPITZER, et al.,

Plaintiffs, v. MICROSOFT CORPORATION, Defendant.

CIVIL ACTION NO. 98–1233 (CKK)

Next Court Deadline:

March 4, 2002

Pre-hearing Conference

DECLARATION OF BRIAN DAUTCH

1. My name is Brian Dautch. I am a law clerk for Peter Peckarsky, Esq. I have personal knowledge of the facts testified to below and if called as a witness could testify to those facts.

2. Attached hereto as Attachment 1 is a copy of an article dated September 6, 2001 and titled ''Microsoft Antitrust Case: An Update on the Company's Lobbying and Campaign Contributions'' and related information which was downloaded from the website (www.opensecrets.org) of The Center For Responsive Politics (''CRP''). The chart on page 2 of Attachment 1 shows that Microsoft an its employees contributed about $6.8 million to national political parties and federal candidates from 1997 through July 31,2001. The chart on page 3 of Attachment 1 shows that Microsoft spent about $17.1 million on federal lobbying from 1997 through December 31, 2000. The CRP reported it had found $161,250 in contributions from Microsoft or its employees to the Bush campaign or the Bush-Cheney Inaugural Fund. The CRP also reported it had found $19,250 in contributions in 1999 and 2000 to the campaign of Attorney General Ashcroft and to the Ashcroft Victory Committee. The listings and dates for $19,000 of these contributions are shown in Attachment 1 hereto.

3. Attached hereto as Attachment 2 is a copy of a copy of the mission statement of the Center For Responsive Politics which was downloaded from the website (www.opensecrets.org) of The Center For Responsive Politics.

4. Attached hereto as Attachment 3 is a copy of the unsworn Statement of Charles F. (Rick) Rule, presented on December 12,2001, to the Senate Judiciary Committee. Attached hereto as Attachment 4 is a copy of a Lobbying Registration for registrant Covington & Burling dated June 29, 1998. Attached hereto as Attachment 7 is a copy of Charles F. ''Rick'' Rule's resume, which I obtained from the website of Fried, Frank, Harris, Shriver, and Jacobson (www.friedfrank.com).

5. Attached hereto as Attachment 5 is a copy of an item from the front page of the A section of The Wall Street Journal, dated November 16, 2001.

6. Attached hereto as Attachment 6 is a copy of the preliminary transcript of the December 12,2001 Senate Judiciary Committee hearing concerning the proposed settlement of the Microsoft antitrust case.

7. Attached hereto as Attachment 8 is a copy of an article titled ''States Biding for Time to Study Microsoft Settlement Plan'' by Stephen Labaton which appeared in The New York Times, November 2, 2001, on pages C1 and C4.

8. Attached hereto as Attachment 9 is a copy of Form LD–2 dated August 5, 1999, in which Barbour, Griffith, and Rogers (''BGR'') reported that during the first half of 1999, it received $300,000 from Microsoft for lobbying.

9. Attached hereto as Attachment 10 is a copy of Form LD–2 dated February 13, 2000, in which BGR reported that during the last half of 1999, it received $320,000 from Microsoft for lobbying.

10. Attached hereto as Attachment 11 is a copy of Form LD–2 dated August 12, 2000, in which BGR reported that during the first half of 2000, it received $300,000 from Microsoft for lobbying.

11. Attached hereto as Attachment 12 is a copy of Form LD–2 dated February 14, 200 I, in which BGR reported that during the last half of 2000, it received $240,000 from Microsoft for lobbying.

12. Attached hereto as Attachment 13 is a copy of Form LD–2 dated August 14, 2001, in which BGR reported that during the first half of 2001, it received $220,000 from Microsoft for lobbying.

13. Attached hereto as Attachment 14 is a copy of Form LD–2 dated February 6, 1998, in which Clark and Weinstock (''CW'') reported that during the last half of 1997, it received $80,000 from Microsoft for lobbying.

14. Attached hereto as Attachment 15 is a copy of Form LD–2 dated August 4, 1998, in which CW reported that during the first half of 1998, it received $160,000 from Microsoft for lobbying.

15. Attached hereto as Attachment 16 is a copy of Form LD–2 dated February 11, 1999, in which CW reported that during the last half of 1998, it received $220,000 from Microsoft for lobbying.

16. Attached hereto as Attachment 17 is a copy of Form LD–2 dated August 9, 1999, in which CW reported that during the first half of 1999, it received $220,000 from Microsoft for lobbying.

17. Attached hereto as Attachment 18 is a copy of Form LD–2 dated August 11, 2000, in which CW reported that during the first half of 2000, it received $280,000 from Microsoft for lobbying.

18. Attached hereto as Attachment 19 is a copy of Form LD-2 dated February 9, 2001, in which CW reported that during the last half of 2000, it received $280,000 from Microsoft for lobbying.

19. Attached hereto as Attachment 20 is a copy of Form LD-2 dated August 9, 2001, in which CW reported that during the first half of 2001, it received $240,000 from Microsoft for lobbying.

20. Attached hereto as Attachment 21 is a copy of Form LD-2 dated August 4, 1998, in which Covington & Burling (''CB'') reported that during the first half of 1998, it received $40,000 from Microsoft for lobbying.

21. Attached hereto as Attachment 22 is a copy of Form LD-2 dated February 4, 1999, in which CB reported that during the last half of 1998, it received $60,000 from Microsoft for lobbying.

22. Attached hereto as Attachment 23 is a copy of Form LD-2 dated August 10, 1999, in which CB reported that during the first half of 1999, it received $40,000 from Microsoft for lobbying.

23. Attached hereto as Attachment 24 is a copy of Form LD-2 dated February 13, 1998, in which Downey Chandler, Inc. (''DCI'') reported that during the last half of 1997, it received $60,000 from Microsoft for lobbying.

24. Attached hereto as Attachment 25 is a copy of Form LD-2 dated August 7, 1998, in which DCI reported that during the first half Of 1998, it received $80,000 from Microsoft for lobbying.

25. Attached hereto as Attachment 26 is a copy of Form LD-2 dated February 16, 1999, in which DCI reported that during the last half of 1998, it received $60,000 from Microsoft for lobbying.

26. Attached hereto as Attachment 27 is a copy of Form LD-2 dated July 30, 1999, in which DCI reported that during the first half of 1999, it received $80,000 from Microsoft for lobbying.

27. Attached hereto as Attachment 28 is a copy of Form LD-2 dated February 14, 2000, in which DCI (now called Downey McGrath Group, Inc., or ''DMG''), reported that during the last half of 1999, it received $100,000 from Microsoft for lobbying.''

28. Attached hereto as Attachment 29 is a copy of Form LD-2 dated August 11, 2000, in which DMG reported that during the first half of 2000, it received $80,000 from Microsoft for lobbying.

29. Attached hereto as Attachment 30 is a copy of Form LD-2 dated February 14, 2001, in which DMG reported that during the last half of 2000, it received $40,000 from Microsoft for lobbying.

30. Attached hereto as Attachment 31 is a copy of Form LD-2 dated August 14, 2001, in which DMG reported that during the first half of 2001, it received $60,000 from Microsoft for lobbying.

31. Attached hereto as Attachment 32 is a copy of Form LD-2 dated August 14, 2000, in which Lackman & Associates, L.L.C., (''L&A'') reported that up to June 30, 2000, it received $17,500 from Microsoft for lobbying.

32. Attached hereto as Attachment 33 is a copy of Form LD-2 dated January 21, 2000, in which McSlarrow & Associates, L.L.C. (''MA'') reported that during the last half of 1999, it received $40,000 from Microsoft for lobbying.

33. Attached hereto as Attachment 34 is a copy of Form LD-2 dated August 10, 2000, in which MA (now known as McSlarrow Consulting, L.L.C., or ''MC'') reported that during the first half of 2000, it received $40,000 from Microsoft for lobbying.

34. Attached hereto as Attachment 35 is a copy of Form LD-2 dated February 2, 2001, in which MC reported that during the last half of 2000, it received $60,000 from Microsoft for lobbying.

35. Attached hereto as Attachment 36 is a copy of Form LD-2 dated August 12, 2001, in which MC reported that during the first half of 2001, it received $60,000 from Microsoft for lobbying.

36. Attached hereto as Attachment 37 is a copy of Form LD-2 dated August 11, 2000, in which Microsoft reported that during the first half of 2000, it spent $3,340,000 for lobbying.

37. Attached hereto as Attachment 38 is a copy of Form LD-2 dated February 17, 1998, in which Preston, Gates, Ellis, & Rouvelas Meeds, L.L.P. (''PGERM'') reported that during the last half of 1997, it received $220,000 from Microsoft for lobbying.

38. Attached hereto as Attachment 39 is a copy of Form LD-2 dated August 14, 1998, in which PGERM reported that during the first half of 1998, it received $360,000 from Microsoft for lobbying.

39. Attached hereto as Attachment 40 is a copy of Form LD-2 dated February 14, 2000, in which PGERM reported that during the last half of 1999, it received $200,000 from Microsoft for lobbying.

40. Attached hereto as Attachment 41 is a copy of Form LD-2 dated August 14, 2000 in which PGERM reported that during the first half of 2000, it received $220,000 from Microsoft for lobbying.

41. Attached hereto as Attachment 42 is a copy of Form LD-2 dated February 14,2001, in which PGERM reported that during the last half of 2000, it received $260,000 from Microsoft for lobbying.

42. Attached hereto as Attachment 43 is a copy of Form LD-2 dated August 14, 2001, in which PGERM reported that during the first half of 2001, it received $120,000 from Microsoft for lobbying.

43. On January 14, 2001, I called the Bureau of Labor Statistics to inquire about changes in the Consumer Price Index. The BLS advised me that a Consumer Price Index of 100 on January 1, 1972 would equate to a CPI of 326 on January 1, 2001.

44. According to the Wall Street Journal of January 21,2002, p. C8, the closing price of Microsoft common stock on January 18, 2002 was $66.10 per share.

45. Attached hereto as Attachment 44 is a copy of a press release dated November 6, 2001, from Congressman John Conyers, Jr., which appears to contain the text of a letter dated November 6, 2001, from Rep. Conyers to The Honorable John Ashcroft, Attorney General of the United States.

46. Attached hereto as Attachment 45 is a copy of the basic statement of facts in the Statement Of Information, Hearings Before The Committee On The Judiciary House Of Representatives, Ninety-Third Congress, Second Session, Pursuant To H. Res. 803, Book V, Part I, Department Of Justice ITT Litigation—Richard Kleindienst Nomination Hearings.

47. Attached hereto as Attachment 46 are copies of pages 614–615, 634–636 from the Supporting Evidence in Statement Of Information, Hearings Before The Committee On The Judiciary House Of Representatives, Ninety-Third Congress, Second Session, Pursuant To H. Res. 803, Book V, Part II, Department Of Justice ITT Litigation—Richard

Nomination Hearings. A two (2) page memorandum dated June 25, 1971, from D. D. Beard to W. R. Merriam is on pages 614–615. Columns by Jack Anderson dated February 29, 1972, March 1, 1972, and March 3, 1972, appear on pages 634–636, respectively.

I declare under'' penalty of perjury that the foregoing is true and correct, executed in Washington, DC, on January 23, 2002.

Brian Dautch

ATTACHMENT 1

TO THE

DECLARATION OF BRIAN DAUTCH

News Alert 9/6/01: Microsoft

The Who's Who's Get News and NOME √ DONATE

Basics Giving Getting Local! Issues SEARCH

Tracking the Payback √ Issue Profiles

Alerts √ Press Releases

Newsletter √ Publications

Online I

Publications for Sale MONEY I POLITICS A; Sept. 6, 20 Vol. 6, No.

Alerts: Current Congress, Alert List Signup, Alerts: 106th Congress, Alerts: 105th Congress Alerts: 104th Congress Holly Bail 202–857-202–857

Microsoft Antitrust Case: An Update on the Company's Lobbying and Campaign Contributions After more than three years of investigations, litigation and intensive lobbying, the Justice Department today announced it Prepared would no longer seek a break-up of the computer giant Microsoft, ending one aspect of a landmark case that sent the company's campaign contributions soaring and formally introduced the computer industry to Washington politics.

FORMAT TO PRINT

E-MAIL TO A FRIEND

The decision by the Bush administration to vacate the lawsuit that was first initiated in 1998 by the Clinton Justice Department is considered a major victory for Microsoft, which nearly tripled its campaign contributions and more than doubled its lobbying expenditures during its fight against the antitrust case.

THE CENTER FOR RESPONSIVE POLITICS

During the 1999–2000 election cycle, Microsoft contributed more than $4.7 million in soft money, PAC and individual contributions to federal candidates and parties—almost three times what the company contributed during the previous three election cycles combined. More than half that money went to Republicans.

The Bush campaign reported $61,250 in contributions from Microsoft employees during 1999–2000. Attorney General John Ashcroft, a former U.S. Senator from Missouri, reported just $9,250 in contributions from Microsoft during the last elections, though the company did contribute $10,000 to the Ashcroft Victory Committee, a soft money account run jointly by the Ashcroft campaign and the National Republican Senatorial Committee.

But that's not all the money that Microsoft has thrown around Washington in recent years. During the calendar year 2000 alone, Microsoft spent almost $6.4 million to lobby Congress and the Clinton administration, according to reports filed with the U.S. Senate. That's a significant increase over the $4.9 million in lobbying expenditures the company reported in 1999. And Microsoft also was a major contributor to the Bush-Cheney Inaugural Fund, donating $100,000 to the gala last January.

Just months into the 2001–02 election cycle, Microsoft already ranks as a significant contributor, giving just over $700,000 to federal parties and candidates, split almost evenly between the two major parties. (This includes contributions reported to the FEC through the end of July.)

However, the lawsuit's most significant impact on campaign finance extends beyond Microsoft itself. The antitrust lawsuit proved to be a major turning point in the tech industry's involvement in Washington politics.

News Alert 9/6/01: Microsoft Page 2 of 2

Shortly after the Justice Department launched its lawsuit, Microsoft became one of the first computer companies to open lobbying offices in Washington and was one of the first to contribute major soft money dollars to the political parties. By the year 2000, computers and Internet companies ranked No. 7 on the list of the biggest industry givers on the federal level, contributing more than $39.7 million. Since 1997, Microsoft has been the industry's biggest contributor.

Click here for a look at Microsoft's contributions to:

Members of the House in 1999–2000
Members of the House in 2001
Members of the Senate in 1995–00
Members of the Senate in 2001

And click here for the company's lobbying expenditures dating back to 1997.

Microsoft Soft Money, PAC & Individual Contributions to Federal Parties and Candidates, 1993–2001* ??

*Based on FEC data downloaded 9/1/01. The totals for the 2002 election cycle ''including fund-raising numbers reported to the FEC through July 31,2001.

Microsoft Antitrust Case

MICROSOFT LOBBYING EXPENDITURES, 1997–00*

Calendar year	Lobby total
1997 $2,120,000.	
1998 $3,740,000.	
1999 $4,860,000.	
2000 $6,360,000.	

*Based on filings with the US Senate.

CONTRIBUTIONS TO THE SENATE, 2001*

Name	Total
Wayne Allard (R-Colo)	$1,500
Max Baucus (D-Mont)	1,000
Evan Bayh (D-Ind)	2,000
Robert F. Bennett (R-Utah)	1,000
Joseph R. Biden Jr (D-Del)	1,000
Maria Cantwell (D-Wash)	35,250
Jean Carnahan (D-Mo)	1,000
Max Cleland (D-Ga)	1,000
Hillary Rodham Clinton (D-NY)	1,000
Thad Cochran (R-Miss)	3,000
Susan Collins (R-Me)	2,000
Larry E. Craig (R-Idaho)	2,000
Pete V. Doreen c (R-NM)	2,000
Byron L. Dorgan (D-ND)	1.000
Richard J. Durbin (D-Ill)	1,000

CONTRIBUTIONS TO THE SENATE, 2001*—Continued

Name	Total
Michael B. Enzi (R-Wyo)	1,000
Phil Gramm (R-Texas)	1,000
Charles E. Grassley (R-Iowa)	1,000
Chuck Hagel (R-Neb)	2,000
Tom Harkin (D-Iowa)	1,000
Tim Hutchinson (R-Ark)	4,000
James M. Inhofe (R-Okla)	1,000
Daniel K. Inouye (D-Hawaii)	500
Tim Johnson (D-SD)	2,000
Mary L. Landrieu (D-La)	3,500
Patrick J. Leahy (D-Vt)	250
Carl Levin (D-Mich)	3,000
Blanche Lambert Lincoln (D-Ark)	1,000
Mitch McConnell (R-Ky)	9,750
Patty Murray (D-Wash) (	3,000)
Jack Reed (D-Rl)	1,000
Pat Roberts (R-Kan)	1,000
John D. Rockefeller IV (D-WVa)	1,000
Jeff Sessions (R-Ala)	3,000
Gordon Smith (R-Ore)	4,000
Robert C. Smith (R-NH)	1,000
Deborah Ann Stabenow (D-Mic??)	1,000
Ted Stevens (R-Alaska)	6,000

*Based on FEC data downloaded 9/1/01.

CONTRIBUTIONS TO THE SENATE, 1995–00.

Name	Total
Patty Murray (D-Wash) $48,236.	
John McCain (R-Ariz)	47,449
Maria Cantwell (D-Wash)	25,350
Conrad Burns (R-Mont)	20,250
Edward M. Kennedy (D-Mass)	15,000
Bill Frist (R-Tenn)	12,500
Dianne Feinstein (D-Calif)	12,000
Jon L. Kyl (R-Ariz)	2,000
Jeff Bingaman (D-NM)	12,000
Rick Santorum (R-Pa)	11,000
Joseph I. Lieberman (D-Corm□	10,500
John Ensign (R-Nev)	10,000
Mike OeWine (R-Ohio)	10,000
Max Baucus (O-Mont)	10,000
Olympia J. Snowe (R-Maine)	10,000
Deborah Ann Stabenow (D-Mich)	8,250
Patrick J. Leahy (D-Vt)	7,150
Ron Wyden (D-Ore)	6,000
Ernest F. Hollings (D-SC)	6,000
Trent Lott (R-Miss)	6,000
George Allen (R-Va)	5,500
Kent Conrad (D-ND)	5,500
Max Cleland (D-Ga)	5,250
Mary L. Landrieu (D-La)	5,000
Ben Nelson (D-Neb)	5,000
Hillary Rodham Clinton (D-NY)	5,000
Charles E. Schumer (D-NY)	5,000
Tom Daschle (D-SD)	5,000
Robert C. Smith (R-NH)	4,500
Christopher J. Dodd (D-Conn)	4,000
Kay Bailey Hutchison (R-Texas)	4,000
Phil Gramm (R-Texas)	3,800
Jack Reed (D-R??)	3,500
Michael D. Crapo (R-Idaho)	3,500
James M. Jeffords (R-Vt)	3,250
Sam Brownback (R-Kan)	3.000
Zell Miller (D-GA)	3,000
Mitch McConnell (R-KY)	3,000
Richard G. Lugar (R-Ind)	3,000

CONTRIBUTIONS TO THE SENATE, 1995–00.—Continued

Name	Total
Lincoln D. Chafee (R-R??)	3,000
Byron L. Dorgan (D-ND)	2,500
Daniel K. Akaka (D-Hawaii)	2,500
Gordon Smith (R-Ore)	2,500
Arlen Specter (R-Pa)	2,500
Tim Hutchinson (R-Ark)	2,000
Barbara Boxer (D-Calif)	2,000
Evan Bayh (D-Ind)	2,000
Chuck Hagel (R-Neb)	2,000
Ted Stevens (R-Alaska)	2,000
Richard J. Durbin (D-Ill)	2,000
Pete V. Domenici (R-NM)	2,000
John D. Rockefeller IV (D-WVa)	2,000
Jeff Sessions (R-Ala)	2,000
Charles E. Grassley (R-Iowa)	2,000
Robert F . Bennett (R-Utah)	2,000
Jim Bunning (R-Ky)	1,500
George V. Voinovich (R-Ohio)	1,500
Robert C, Byrd (D-WVa)	1,500
Blanche Lambert Lincoln (D-Ark)	1,500
Thomas R. Carper (D-Del)	1,500
John Kerry (D-Mass)	1,250
Carl Levin (D-Mich)	1,250
Bill Nelson (D-Fla)	1,000
Christopher S. Bond (R-Mo)	1,000
Fred Thompson (R-Tenn)	1.000
John B. Breaux (D-La)	1,000
Bob Graham (D-Fla)	1,000
Strom Thurmond (R-SC)	1,000
Larry E, Craig (R-Idaho)	1,000
Paul S. Sarbanes (D-Md)	1,000
Don Nickles (R-Okla)	1,000
Peter G. Fitzgerald (R-Ill)	1,000
Robert G. Torricelli (D-N))	1,000
Frank H. Murkowski (R-Alaska)	1,000
Tim Johnson (D-SD)	1,000
Wayne Allard (R-Colo)	1,000
Judd Gregg (R-NH)	1,000
Craig Thomas (R-Wyo)	1,000
Ben Nighthorse Campbell (R-Colo)	1,000

*Based on FEC data downloaded 9/1/01.

CONTRIBUTIONS TO THE HOUSE, 2001*

Name	Total*
Dick Armey (R-Texas)	$2.500
Spencer Bachus (R-Ala)	1,000
Joe L. Barton (R-Texas)	1,500
Xavier Becerra (D-Calif)	500
Ken Bentsen (D-Texas)	1,000
Howard L. Berman (D-Calif)	1,000
Michael Bilirakis (R-FIB)	1,000
Henry Bonilla (R-Texas)	1,000
Mary Bono (R-Calif)	1,000
Rick Boucher (D-Va)	1,500
Kevin Brady (R-Texas)	500
Sherrod Brown (D-Ohio)	500
Ed Bryant (R-Tenn)	1,000
Richard M. Burr (R-NC)	1.500
Steve Buyer (R-Ind)	2,500
Lois Capps (D-Calif)	1,000
Steve Chabot (R-Ohio)	1,500
Barbara Cubin (R-Wyo)	2,000
Randy ''Duke'' Cunningham (R-Calif)	1,500
Jim Davis (D-FIB)	500
Thomas M. Davis III (R-Va)	500
Diana Degette (D-Colo)	1,000

CONTRIBUTIONS TO THE HOUSE, 2001*—Continued

Name	Total*
Peter Deutsch (D-FIB)	1,000
Norm Dicks (D-Wash)	4.000
John D. Dingell (D-Mich)	1,000
Cal Dooley (D-Calif)	4,500
Jennifer Dunn (R-Wash)	2,000
Chet Edwards (D-Texas)	1,000
Robert L. Ehrlich Jr (R-Md)	1,000
Jo Ann Emerson (R-Mo)	500
Anna G. Eshoo (D-Calif)	2,000
Bob Etheridge (D-NC)	1,000
Sam Farr (D-Calif)	1,000
Mike Ferguson (R-NJ)	500
Mark Foley (R-FIB)	1,000
J. Randy Forbes (R-Va)	1,000
Harold E. Ford Jr (D-Tenn)	52,000
Vito J. Fossella (R-NY)	1,000
Martin Frost (D-Texas)	1,000
Elton Gallegly (R-Calif)	1,000
George W. Gekas (R-Pa)	500
Richard A. Gephardt (D-Mo)	5,000
Jim Gibbons (R-Nev)	500
Benjamin A. Gilman (R-NY)	1,000
Robert W. Goodlatte (R-Va)	1,000
Bart Gordon (D-Tenn)	1,000
Lindsey Graham (R-SC)	4,500
Sam Graves (R-Mo)	2,000
Mark Green (R-Wis)	1,500
Jane Harman (D-Calif)	500
Melissa A. Hart (R-Pa)	1,500
Dennis Hastert (R-Ill)	1,000
David L. Hobson (R-Ohio)	1,000
Rush D. Holt (D-NJ)	1,500
Mike Honda (D-Calif)	1,000
Arno Houghton (R-NY)	2,000
Steny H. Hoyer (D-Md)	1,000
Kenny Hulshof (R-Mo)	1,000
Jay Inslee (D-Wash)	28,500
John H. Isakson (R-Ga)	500
Sheila Jackson Lee (D-Texas)	1,000
William J. Jefferson (D-La)	1,000
Nancy L. Johnson (R-Conn)	2,000
Sam Johnson (R-Texas)	1,000
Ric Keller (R-Fla)	1,000
Mark Kennedy (R-Minn)	500
Patrick J. Kennedy (D-RI)	1,000
Jim Kolbe (R-Ariz)	1,500
Rick Larsen (D-Wash)	15,500
John B. Larson (D-Conn)	500
Sander M. Levin (D-Mich)	3,000
berry Lewis (R-Calif)	1,000
Zoe Lofgren (D-Calif)	1,000
William P. ''Bill'' Luther (D-Minn)	500
Robert T. Matsui (D-Calif)	2,000
Jim McDermott (D-Wash)	2,000
Scott Mc??nnis (R-Colo)	1,000
Gregory W. Meeks (D-NY)	1,000
George Miller (D-Calif)	1,000
Dennis Moore (D-Kan)	1,000
James P. Moran (D-Va)	1,000
Sue Myrick (R-NC)	1,000
George Nethercutt (R-Wash)	2,000
Bob Ney (R-Ohio)	2.000
Jim Nussle (R-Iowa)	1,000
Douglas A. Ose (R-Calif)	1,000
C. L. ''Butch'' Otter (R-Idaho)	1,000
Michael G. Oxley (R-Ohio)	1,500
Nancy Pelosi (D-Calif)	1,000
Charles W. ''Chip'' Pickering Jr (R-Miss)	
Earl Pomeroy (D-NO)	1,000
David E. Price (D-NC)	1,000

CONTRIBUTIONS TO THE HOUSE, 2001*—Continued

Name	Total*
Deborah Pryce (R-Ohio)	1,000
Jim Ramstad (R-Minn)	500
Denny Rehberg (R-Mont)	500
Harold Rogers (R-Ky)	1,000
Mike Rogers (R-Mich)	500
Ed Royce (R-Calif)	300
Paul D. Ryan (R-Wis)	3,000
Max Sandlin (D-Texas)	500
Tom Sawyer (D-Ohio)	2,000
F. James Sensenbrenner Jr (R-Wis)	1,000
John Shadegg (R-Ariz)	1,000
John M. Shimkus (R-Ill)	1,000
Adam Smith (D-Wash)	10,500
Lamar Smith (R-Texas)	1,000
Cliff Stearns (R-Fla)	1,000
Charles W. Stenholm (D-Texas)	1,000
John E. Sununu (R-NH)	3,500
John Tanner (D-Tenn)	500
Ellen O. Tauscher (D-Calif)	2,000
W. J. ''Billy'' Tauzin (R-La)	2,500
Todd Tiahrt (R-Kan)	500
Edolphus Towns (D-NY)	2,000
Fred Upton (R-Mich)	2,000
Greg Walden (R-Ore)	1,500
J. C. Watts Jr (R-Okla)	1,000
Henry A. Waxman (D-Calif)	1,000
Anthony Weiner (D-NY)	500
Jerry Weller (R-Ill)	1,000
Edward Whitfield (R-Ky)	1,000
Heather A. Wilson (R-NM)	1,000
Frank R. Wolf (R-Va)	1,000
Don Young (R-Alaska)	1,000

*Based on FEC data downloaded 9/1/01.

CONTRIBUTIONS TO THE HOUSE, 1999–00*

Name	Total*
Jay Inslee (D-Wash)	$131,600
Brian Baird (D-Wash)	$39,900
Rick Larsen (D-Wash)	$35,600
Adam Smith (D-Wash)	$31,750
Jennifer Dunn (R-Wash)	$15,450
Cal Dooley (D-Calif)	$12,500
Robert W. Goodlatte (R-Va)	$11,750
George Nethercutt (R-Wash)	$10,000
Richard ''Doc'' Hastings (R-Wash)	$9,500
Norm Dicks (D-Wash)	$7,500
Ellen O. Tauscher (D-Calif)	$7,500
Anna G. Eshoo (D-Calif)	$7,000
Roy Blunt (R-Mo)	$7,000
Charles B. Rangel (D-NY)	$7,000
Barbara Cubin (R-Wyo)	$6,500
Robert T. Matsui (D-Calif)	$6,500
James P. Moran (D-Va)	$6,500
Steve Chabot (R-Ohio)	$6,000
Martin Frost (D-Texas)	$6,000
Dick Armey (R-Texas)	$5,000
John T. Doolittle (R-Calif)	$5,000
Tom DeLay (R-Texas)	$5,000
Richard A. Gephardt (D-Mo)	$5,000
Bart Gordon (D-Tenn)	$5,000
John Conyers Jr (D-Mich)	$5,000
Carolyn McCarthy (D-NY)	$5,000
Zoe Lofgren (D-Calif)	$5,000
Ed Bryant (R-Term)	$5,000
Thomas M. Davis Ill (R-Va)	$4,500
John D. Dingell (D-Mich)	$4,500

CONTRIBUTIONS TO THE HOUSE, 1999–00*—Continued

Name	Total*
Jim Kolbe (R-Ariz)	$4,500
Henry J. Hyde (R-Ill)	$4,000
George W. Gekas (R-Pa)	$4,000
Tim Roamer (D-Ind)	$4,000
Charies W, ''Chip'' Pickering Jr (R-Miss)	$4,000
Heather A. Wilson (R-NM)	$4,000
Bob Etheridge (D-NC)	$4,000
James E. Clyburn (D-SC)	$4,000
Howard Coble (R-NC)	$4,000
David Vitter (R-La)	$4,000
Christopher R. Cannon (R-Utah)	$3,500
Lois Capps (D-Calif)	$3,500
Harold E. Ford Jr (D-Tenn)	$3,500
Paul D. Ryan (R-Wis)	$3,500
Adam Putnam (R-Fla)	$3,500
Ed Schrock (R-VB)	$3,500
Jim McDermott (D-Wash)	$3,500
Nancy L. Johnson (R-Corm)	$3,500
Anne Northup (R-Ky)	$3,500
Jim McCrery (R-La)	$3,000
Rick Boucher (D-Va)	$3,000
Martin T. Meehan (D-Mass)	$3,000
Howard L. Berman (D-Calif)	$3,000
Ken Bentsen (D-Texas)	$3,000
William P. ''Bill'' Luther (D-Minn)	$3,000
Spencer Bachus (R-Ala)	$3,000
Mary Bono (R-Calif)	$3,000
Richard M. Burr (R-NC)	$3,000
Steve Buyer (R-ind) S3,000.	
Chris John (D-La)	$3,000
Ralph M. Hall (D-Texas)	$3,000
Mark Green (R-Wis)	$3,000
Bud Cramer (D-Ala)	$3,000
Philip M. Crane (R-Ill)	$3,000
Jim Gibbons (R-Nev)	$3,000
Randy ''Duke'' Cunningham (R-Calif)	$3.000
Diana Degette (D-Colo)	$3,000
Elton Gallegly (R-Calif)	$3,000
Vito J. Fossella (R-NY)	$3,000
Ron Kind (D-Wis)	$3,000
John Shadegg (R-Ariz)	$3,000
Edward Whitfield (R-Ky)	$3,000
Edolphus Towns (D-NY)	$3,000
Bennie Thompson (D-Miss)	$3.000
Bill Thomas (R-Calif)	$3,000
W. J. ''Billy'' Tauzin (R-La)	$3,000
John Tanner (D-Tenn)	$3,000
E. Clay Shaw Jr (R-Fla)	$3,000
Lindsey Graham (R-SC)	$2,750
F. James Sensenbrenner Jr (R-Wis)	$2,749
Xavier Becerra (D-Calif)	$2.500
Harold Rogers (R-Ky)	$2,500
Melvin Watt (D-NC)	$2.500
Jim Davis (D-Fla)	$2,500
Cliff Stearns (R-Fla)	$2,500
Darrell Issa (R-Calif)	$2,500
Mike Honda (D-Calif)	$2,500
Kenny Hulshof (R-Mo)	$2,500
Tom Sawyer (D-Oh(o)	$2,500
Porter J. Goss (R-Fla)	$2,500
Sam Farr (D-Calif)	$2,500
Melissa A. Hart (R-Pa)	$2,500
Constance A, Morella (R-Md)	$2,500
Dennis Hastert (R-Ill)	$2,500
C. W. Bill Young (R-Fla)	$2,500
Gene Green (D-Texas)	$2,000
Ric Keller (R-Fla)	$2,000
Robert Adernolt (R-Ala)	$2,000

CONTRIBUTIONS TO THE HOUSE, 1999–00*—Continued

Name	Total*
Thomas Gerard Tancredo (R-Colo)	$2,000
William J. Jefferson (D-La)	$2,000
Sheila Jackson Lee (D-Texas)	$2,000
Eddie Bernice Johnson (D-Texas)	$2,000
Felix J. Grucci Jr (R-NY)	$2,000
Mark Kennedy (R-Minn)	$2,000
Charles W. Stenholm (D-Texas)	$2,000
Steny H. Hoyer (D-Md)	$2,000
Darlene Hooley (D-Ore)	$2,000
Chet Edwards (D-Texas)	$2,000
Jane Harman (D-Calif)	$2,000
Jeff Flake (R-Ariz)	$2,000
Robin Hayes (R-NC)	$2,000
Mark Foley (R-Fla)	$2,000
Bobby L. Rush (D-Ill)	$2,000
Henry A. Waxman (D-Calif)	$2,000
Tammy Baldwin (D-Wis)	$2,000
Joe L. Barton (R-Texas)	$2,000
Dennis Moore (D-Kan)	$2,000
Gary G. Miller (R-Calif)	$2,000
Dan Miller (R-Fla)	$2,000
Richard W. P0mbo (R-Calif)	$2,000
Earl Pomeroy (D-ND)	$2,000
Michael Bilirakis (R-Fla)	$2,000
David E. Bonior (D-Mich)	$2,000
Adam Schiff (D-Calif)	$2,000
Patrick J. Kennedy (D-RI)	$2,000
J. C. Watts Jr (R-Okla)	$2,000
Ron Lewis (R-Ky)	$2,000
H. James Saxton (R-NJ)	$2,000
Bob Clement (D-Tenn)	$2,000
Sander M. Levin (D-Mich)	$2,000
Fred Upton (R-Mich)	$2,000
Steve Largent (R-Okla)	$2,000
Jim Langevin (D-R??)	$2,000
Christopher Cox (R-Calif)	$2,000
Don Young (R-Alaska)	$2,000
Douglas A. Ose (R-Calif)	$2,000
Richard E. Neal (D-Mass)	$2,000
Donald L. Sherwood (R-Pa)	$1,500
Pete Sessions (R-Texas)	$1,500
Greg Ganske (R-Iowa)	$1,500
Robert L. Ehrlich Jr (R-Md)	$1,500
Vernon J. Ehlers (R-Mich)	$1,500
John E. Sununu (R-NH)	$1,500
Jo Ann Davis (R-Va)	$1,500
Barney Frank (D-Mass)	$1.500
Ander Crenshaw (R-Fla)	$1,500
C. L. ''Butch'' Otter (R-Idaho)	$1,500
Greg Walden (R-Ore)	$1,500
Henry Brown (R-SC) 51,500.	
Michael G. Oxley (R-Ohio)	$1,SO0
Charles Bass (R-NH)	$1,500
Charlie Norwood (R-Ga)	$1,500
Rush D. Holt (D-NJ)	$1,500
Jim Ryun (R-Kan)	51.500
Amo Houghton (R-NY)	$1.500
Scott Mc??nnis (R-Colo)	$500
J. D. Hayworth (R-Ariz)	$1.500
Loretta Sanchez (D-Calif)	51,500
iron Paul (R-Texas)	51,250
Saxby Chambliss (R-Ga)	51,000
Edward J. Markey (D-Mass)	$1.000
Dan Burton (R-Ind)	$1,000
Jim Ramstad (R-Minn)	$1.000
Ken Lucas (D-Ky)	$1,000
Eric Cantor (R-Va)	$1.000
Maxine Waters (D-Calif)	$1,000
Deborah Pryce (R-Ohio)	$1,000
John Lewis (D-Ga)	$1,000

CONTRIBUTIONS TO THE HOUSE, 1999–00*—Continued

Name	Total*
Todd Akin (R-Mo)	51,000
William ''Lacy'' Clay (D-Mo)	$1,000
Jerry Lewis (R-Calif)	51,000
Iledna Ros-Lehtinen (R-Fla)	$1,000
Mark Udall (D-Colo)	$1.000
Jim Turner (D-Texas)	$1.000
Brad Carson (D-Okla)	$1,000
Roger Wicker (R-Miss)	$1,000
Thomas M. Barrett (D-Wis)	$1,000
John P. Murtha (D-Pa)	$1,000
Albert R. Wynn (D-Md)	$1,000
Mike Pence (R-Ind)	$1,000
Frank R. Wolf (R-Va)	$1,000
Jack Quinn (R-NY)	$1,000
David E. Price (D-NC)	$1,000
Leonard L. Boswell (D-Iowa)	$1,000
Henry Bonilla (R-Texas)	$1,000
Karen McCarthy (D-Mo)	$1,000
Mike Ross (D-Ark)	$1,000
Sue Myrick (R-NC)	$1,000
Bob Ney (R-Ohio)	$1,000
James A. Barcia (D-Mich)	$1,000
Marion Berry (D-Ark)	$1,000
Bill Jenkins (R-Term)	$1,000
Lamar Smith (R-Texas)	$1,000
Vic Snyder (D-Ark)	$1,000
Jo Ann Emerson (R-Mo)	$1,000
Baron P. Hill (D-Ind)	$1,000
David L. Hobson (R-Ohio)	$1,000
John M. Spratt Jr (D-SC)	$1.000
Gary A. Condit (D-Calif)	$1.000
Jack Kingston (R-Ga)	$1.000
Mike Ferguson (R-NJ)	51.000
Lincoin Diaz-Balart (R-Fla)	$1.000
Lane Evans (D-Ill)	$1,000
John M. Shimkus (R-Ill)	$1,000
Bart Stupak (D-Mich)	51,000
Nancy Pelosi (D-Calif)	$1,000
John Thune (R-SD)	51.000
Frank Pallone Jr (D-NJ)	$1,000
:Charlie Gonzalez (D-Texas)	51,000
Marge Roukema (R-NJ)	51,000
Peter Deutsch (D-Fla)	51,000
John Culberson (R-Texas)	$1,000
Lucille Roybal-Allard (D-Calif)	$1,000
David R. Obey (D-Wis)	$1,000
Brian D. Kerns (R-Ind)	$1.000
Sam Johnson (R-Texas)	$1.000
Jim Nussle (R-Iowa)	$1.000
Nathan Deal (R-GB)	$1,000
John L. Mica (R-FIB)	$500
Paul E. Gillmor (R-Ohio)	$500''
Lynn Woolsey (D-Calif)	$500
Max Sandlin (D-Texas)	$500
Wally Herger (R-Calif)	$500
Sanford D. Bishop Jr (D-Ga)	$500
Robert Wexler (D-FIB)	$500
Anthony Weiner (D-NY)	$500
John H. Isakson (R-Ga)	5500
Dave Camp (R-Mich)	5500
Benjamin L. Cardin (D-Md)	$500
Eva Clayton (D-NC)	$500
Joseph Crowley (D-NY)	$500
Brad Sherman (D-Calif)	$500
Peter T. King (R-NY)	5500
Lloyd Doggett (D-Texas)	500
David Wu (D-Ore)	5250

*Based on FEC data downloaded 9/1/01.

Results: Presidential Donors Search
75 records found in .0g seconds.

SEARCH
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Donor name: (all contributors)
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Donor employer/occupation: Microsoft
Election cycle(s): 2000 Sort by Amount
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Records I—49:
Contributor Occupation Date Amount Recipient Bush, George

EISLER, CRAIG, REDMOND, WA 98053, MICROSOFT, 7/14/1999 $2,000 W

MATHEWS, MICHELLE J, MICROSOFT CORP 7/22/1999 $2,000 Bush, George, BELLEVUE, WA 98004

PETERS, G CHRISTOPHER, MICROSOFT CORPORATION, 7/14/1999, $2,000 Bush, George W MEDINA, WA 98039

FERNANDEZ, ROLAND L MR, WOODINVILLE, WA, 98072, MICROSOFT CORPORATION/ ENGINEER, 2/29/2000, 52,000 Bush, George W.

BRESEMANN, JOHN K MR, MICROSOFT/ SOFTWARE ENGINEER, 10/12/2000, $2,000 Bush, George W, REDMOND, WA 98053

NIELSEN, TOD MR, MICROSOFT/VICE PRESIDENT, 12/27/1999, $2,000 George W. Bush, REDMOND, WA 98053

SIMONYI, CHARLES DR, MICROSOFT, 8/ 17/1999, $1,000 Bush, George W. BELLEVUE, WA 98009

SHAW, GREGORY M, MICROSOFT, 7/14/ 1999 51,000 Bush, George W. BELLEVUE, WA 98004, I

SAMPLE, WILLIAM J, MICROSOFT, 7/14/ 1999, $1,000 Bush, George, REDMOND, WA 98053

MICROSOFT DAVID, MICROSOFT, 7/14/ 1999 $1,000 Bushs' George, SEATTLE, WA 98112

KOSS, MICHAEL C, MICROSOFT, 7/14/ 1999, $1,000 W, BOTHELL, WA 98052

EMANUELS, BRIAN D, Bush, George, MERCER ISLAND, WA 98040, MICROSOFT, 8/17/1999, $1,000

BRUNTON, DEBORAH, MICROSOFT, 7/21/ 1999, 51,000 Bush, George, KIRKLAND, WA 98033

HURLBUT, CLARK K, MICROSOFT, 6/24/ 1999, 51,000 Bush, George, RENO, NV 89511

FLAAT, CHRISTOPHER, MICROSOFT, 3/31/ 1999, 51,000 W-s George, BELLEVUE. WA 98007

SPENCER, WILLIAM A, MICROSOFT/ MARKETING MANAGER, 11/8/1999 $1,000 Bush, George REDMOND, WA 98052

MR BRYAN WILLMAN, MICROSOFT/ PROGRAMMER, 3/7/2000 $1,000 W, KIRKLAND, WA 98034

MR WOODRUFF, BRYAN A, MICROSOFT/ SOFTWARE DESIGN ENGINEER, 2/29/ 2000, $1,000 Bush, George W, REDMOND, WA 98053

WORLEY, TERENCE MR, PLEASANTON, CA 94566, MICROSOFT/SOFTWARE, ENGINEER, 5/17/2000, $1,000 Bush, George W

BARON WERNER MR, MICROSOFT, Bush, George, REDMOND, WA 98052, CORPORATION/MARKETING, 2/28/ 2000, $800

MASTERS, JERRY R, Bush, George, WOODINVILLE, WA, MICROSOFT, 8/4/ 1999, $500, W, I, 98072

Bush, George,

JORGENSEN, ERIK M, MICROSOFT, 7/16/ 1999, $500 W; SEATTLE, WA 98101, Bush George

HERBOLD, ROBERTJ, MICROSOFT CORP, 7/ 14/1999, $500 W; BELLEVUE, WA 98015

WOODINVILLE, WA, MICROSOFT CORP, 7/ 27/1999, $500 Bush George, 98072

BERENSON, HAROLD & BUSH GEORGE, MR MICROSOFT CORP./ENGINEER, 1/20/ 2000, $500 W, WOODINVILLE, WA, 98072, I

HERBOLD, ROBERT J, MICROSOFT CORP./ EXECUTIVE VP & I Bush, George MR CO0, 1/12/2000, $5O0, I, w

BELLEVUE, WA 98015, SHAUGHNESSY, Bush, George MICROSOFT CORP./ PRODUCT & 7/14/2000, $500 W

WILLIAM T MR, BUSINESS, REDMOND, WA 98052, Bush, George, SHAUGHNESSY, MICROSOFT CORP./ PRODUCT & 2/29/2000, $500 W

WILLIAM T, MR BUSINESS, REDMOND, WA 98052

KESTER, CHARLES G, MR MICROSOFT CORP./TEAM MANAGER, 3/8/2000, $500 Bush, George, LAKE FOREST PARK, W, WA 98155

MCEACHRON, BRIAN L MICROSOFT CORPORATION, 7/14/1999, $500 ! Bush, George, REDWOOD, WA 98052, W

Nest set of records 2000 cycle data downloaded from FEC on November 1, 2001. Date of request: January 2, 2002

WORLEY, TERENCE, PLEASANTON, CA, MICROSOFT, 6/30/1999, $1,000 Bush, George W, 94566, Bush, George

SPIX, GEORGE A, MICROSOFT CORP, 7/14/ 1999, $1,000 W, REDMOND, WA 98052

SANDERSON, JEFFREY, P, MICROSOFT CORP, 8/12/1999, $1,000, Bush, George W, BELLEVUE. WA 98004

PIMENTEL, ALBERT, Bush, George, MONTE SERENO, CA, MICROSOFT CORP, 7/8/ 1999, $1,000, W, 95030

MURPHY, R BARRY, MICROSOFT CORP, 7/ 13/1999, $1,000 Bush, George, REDMOND, WA 98052 W

HARTNECK, RALF, MICROSOFT CORP, 8/ 11/1999, $1,000 Bush, George, SEATTLE, WA 98144 W

FIRMAN, THOMAS R, MICROSOFT CORP, 7/14/1999, $1,000 Bush, George, BELLEVUE, WA 98005, W

ASHMUN, D STUART, MICROSOFT CORP 8/10/1999, $1,000 W, SEATTLE, WA 98177

BERENSON, HAROLD, Bush, George, MR MICROSOFT CORP./ENGINEER, 6/15/ 2000, $1,000 W, WOODINVILLE, WA 98072

HARTENECK, RALF MR, MICROSOFT CORP./VICE PRESIDENT, 5/11/2000, $1,000 Bush, George, SEATTLE, WA 98144 W

BOYLE, MICHAEL P, MICROSOFT CORPORATION, 7/21/1999, $1,000 Bush, George, BELLEVUE, WA 98005, W

DERMODY, CHARLES W, MR MICROSOFT CORPORATION/ENGINEER, 6/26/2000, I, $1.000 Bush, George, w, REDMOND, WA 98052

PIMENTEL, ALBERT, MR MICROSOFT, MONTE SERENO, CA, 7/31/2000, $1,000 Bush, George, CORPORATION/ EXECUTIVE, W, !95030
SHERWOOD, DAVID E, Bush, George, WOODINVILLE, WA, MICROSOFT/ ATTORNEY, 6/8/2000, $1,000 W, ! 98072
BLANKENBURG, ERIC P, Bush, George, MR MICROSOFT/CONSULTANT, 2/24/ 2000, $1,000, W, ! CARNATION, WA 98014
HERBOLD, ROBERT J, MR MICROSOFT/ COO, 11/22/1999 $1,000, Bush. George W, BELLEVUE, WA 98005
MASTERS, JERRY R MR, Bush, George, WOODINVILLE, WA, MICROSOFT/ FINANCE, 7/31/2000, $1,000,
W, 98072
SANDERSON. JEFFREY, Bush, George, P, MR, MICROSOFT/MARKETING, 5/17/ 2000, $1,000, W, 'BELLEVUE, WA, 98004,
MATHEWS, MICHELLE, Bush, George, !MRS, MICROSOFT/MARKETING, 5/17/ 2000, $1,000, W, BELLEVUE, WA, 98004
DOUGLAS, DEDO, MR' MICROSOFT/ MARKETING, MANAGER, 3/30/2000, $1,000, Bush, George, REDMOND, WA, 98053, W,
SEARCH, CRITERIA:
Donor name: (all contributors)
Donor zip, code: (any zip)
Donor employer/occupation: Microsoft
Election cycle(s): 2000
BRIAN, MCEACHRON, I Bush, MICROSOFT, CORPORATION, 4/14/1999, $500, George, W, J!REDWOOD', WA 198052,
PEASE, MATTHEW, Bush, M MICROSOFT INC, 9/30/1999, $500, George, W, WALNUT, CREEK, CA 94595
KELLY, JOHN, MR, Bush, KIRKLAND, WA, MICROSOFT/ATTORNEY, 2/29/2000, $500, 98033, George, W
NIELSEN, TOD, MR, Bush, REDMOND, WA, MICROSOFT/DEVELOPING/ MARKETING, 12/23/1999, 5500, George, W .98_53o,
RAVANI, ANTHONY, Bush, MR MICROSOFT/EXECUTIVE, 2/29/2000, $500, George, W
NIXON, TOBY, L, MR, KIRKLAND, WA, MICROSOFT/MANAGER, 2/29/2000, S500, Bush, George, W, 98034
YANG, LIANMR, WOODINVILLE, WA, MICROSOFT/SOFTWARE, DESIGN ENGINEER, 112412000, $500, Bush, George, W, 98072
JAKSTADT, ERIC, MR, Bush, WOODINVlLLE, WA, MICROSOFT/ SOFTWARE DEVELOPER, 3/7/2000, $500, George, W, 98072 ....., I, I
JAKSTADT, ERIC J, MR MICROSOFT/ SOFTWARE DEVELOPER, I, 1/31/2000, $500, Bush, WOODINVILLE, WA, George W, 98072
GREGG, DIANNE L, 'Bush, SUDBURY, MA, MICROSOFT INC, 9/14/1999, $400, George, W, 01776
HOKE, STEVE J, :Bush, tKIRKLAND, WA, MICROSOFT, 6/30/1999, $300, George W, 98034 I
!HARRISON, Bush, ARTHUR, B, MR MICROSOFT/SOFTWARE ENGINEER, t, 2/29/2000, $300 I, George W, CHARLOTTE, NC 28277, MICROSOFT CORP/ENGINEER, Bush
LINDELL, STEVE MR, 10/11/2000, $250, BELLEVUE, WA, George W j98008
WARD, I MR JAMES I, CHARLOTTE, NC, MICROSOFT CORPORATION/ TECHNICAL MAN, 3/8/2000, $250 Bush, 28270, George W
REMALA, RAO V, Bush, WOODINVILLE, WA, MICROSOFT INC, 9/30/1999, $250 !98072, George W
WURDEN, $250 Bush, FREDERICK L MR, MICROSOFT/MANAGER, 2/29/2000, REDMOND, WA, jGeorge W, J98053, I
NIXON, TOBY L MR, KIRKLAND, WA, MICROSOFT/MANAGER, 4/13/2000, $200 J Bush, 98034, J George W
MASTERS, JERRY R, MR MICROSOFT/ FINANCE, 9/18/2000, −$500 Bush, WOODINVILLE, WA :George W, 198072
EISLER, CRAIG,
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MATHEWS, MICHELLE J, MICROSOFT CORP, 8/12/1999, −$1,000, Bush, BELLEVUE, WA, George W, 98004
BERENSON, HAROLD MR Bush, MICROSOFT CORP., 8/1/2000, −$1,000, WOODINVlLLE, WA, George W, 98072
PETERS, G CHRISTOPHER Bush, MICROSOFT CORPORATION, 8/18/ 1999, −$1,000 MEDINA, WA, George W, 98039
FERNANDEZ, ROLANDLMR, Bush, MICROSOFT CORPORATION/ ENGINEER, 4/21/2000, −$1,000, WOODINVILLE, WA,George W, 98072
BRESEMANN, JOHN,] Bush, REDMOND, MR WA MICROSOFT/SOFTWARE ENGINEER, 11/6/2000, −$1,000, George W 98053
NIELSEN, TOD MR J, REDMOND, WA, MICROSOFT/VICEPRESIDENT, :2/2/ 2000, −$1,000, Bush, t George W, 98053
2000 cycle data downloaded from FEC on November 1, 2001. Date of request: January 2, 2002
Opensecrets.org—PAC Contributions to John Ashcroft (R)

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John Ashcroft (R) 1999–2000 PAC Contributions: $2,025,323
Based on data released by the FEC on Thursday, November 01, 2001.
Agribusiness $154,937
Communic/Electronics $204,899
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Printing & Publishing $27,000
1–V/Movies/Music $47,499
Telephone Utilities $60,450
Telecom Services & Equipment $26,450
Electronics Mfg & Services $6,000
Computer Equipment & Services $37,500
3 Corn Corp $1,000
Amazon.com $1,000
AmericaOnline $5,000
Cable & Wireless USA $1,000
Ceridian Corp $2,00C
Compaq Computer $1,000
Computer Sciences Corp $2,00,(2
EDS Corp $1,00c
Gateway Inc $4,50C
Intel Corp $3,00C
Microsoft Corp $9,00C
3/2/1999 $1,00C
6/16/1999 $1,00C
6/28/1999 $1,0,0C
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5/12/2000 $1,000
6/20/2000 $1,00C
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Oracle Corp $1,000
Storage Technology Corp $1,000
Sun Microsystems $2,000
Technology Network
Federal PAC
Construction
Defense
Energy/NatResource
Finance/Insur/RealEst
Health
Lawyers 8, Lobbyists
Transportation
Misc Business
Labor
Ideology/Single-Issue
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Contributor, Occupation, Date, Amount, Recipient

MICROSOFT

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MICROSOFT CORP

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http://www.opensecrets.org/indivs/cgi-win/indivs.exe

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I NRCC/Non-Federal, 3/27/2000, $15,000 I Account, WASHINGTON, DC 20036
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2000 cycle data downloaded from FEC on November 1, 2001.

2002 cycle data downloaded from FEC on January 1, 2002. Date of request: January 21, 2002

1/16/2001, $10,000, NRCC/Non-Federal Account, WASHINGTON, DC 20005
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6/18/2001, $10,000, DCCC/Non-Federal, Account 1, REDMOND, WA 98052

MICROSOFT CORPORATION PAC

PAC 5/11/2001, $1,000 New Democrat Network ARLINGTON, VA

MICROSOFT EXCEL

NRCC/Non-Federal, FAIRVIEW, NC 28730 7/ 27/1999, $500, Account

2000 cycle data downloaded from FEC on November 1, 2001.

2002 cycle data downloaded from FEC on January 1, 2002. Date of request: January 21, 2002

ATTACHMENT 2

The Center for Responsive Politics
1101 14th St., NW * Suite 1030
Washington, DC 20005–5635
(202) 857–0044 * fax (202) 857–7809
info@crp.org webmaster@crp.org
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Media Contact: Steven Weiss
sweiss@crp.org

The Center for Responsive Politics is a non-partisan, non-profit research group based

in Washington, DC that tracks money in politics, and its effect on elections and public policy. The Center conducts computer-based research on campaign finance issues for the news media, academics, activists, and the public at large. The Center's work is aimed at creating a more educated voter, an involved citizenry, and a more responsive government.

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ATTACHMENT 3 TO THE DECLARATION OF BRIAN DAUTCH

MTC–00030631 0753

Statement of Charles F. (Rick) Rule
Fried Frank Harris Shriver & Jacobson
Counsel for Microsoft Corporation
Before the Committee on the Judiciary.
United States Senate
December 12, 2001

Mr. Chairman and members of the Committee, good morning. It is a pleasure to appear before you today on behalf of Microsoft Corporation to discuss the proposed consent decree or Revised Proposed Final Judgment (the ''PFJ'') to which the U.S. Department of Justice and nine of the plaintiff states have agreed. As this committee is aware, I am counsel to Microsoft in the case and was one of the principal representatives for the company in the negotiations that led to the proposed consent decree.

The PFJ was signed on November 6th after more than a month of intense, around-the-clock negotiations with the Department and representatives of all the plaintiff states. The decree is currently subject to a public interest review by Judge Kollar-Kotelly under the Tunney Act. Because we are currently in the midst of that review and because nine states and the District of Columbia have chosen to continue the litigation, t must be somewhat circumspect in my remarks. However, what I can — indeed, must—stress is that, in light of the Court of Appeals'' decision last summer to ''drastically'' reduce the scope of Microsoft's liability and in light of the legal standards for imposing injunctive relief, the Department and the settling states were very effective in negotiating for broad, strong relief. As the chart in the appendix depicts, ever since the Department and the plaintiff states first filed their complaints in May 1998, the case has been shrinking. What began with five claims, was whittled down to a single monopoly maintenance claim by a unanimous Court of Appeals. Even with respect to that surviving claim, the appellate court affirmed Judge Jackson's findings on only about a third (12 of 35) of the specific acts which the district court had found support that claim.

Given that history and the law, there is no reasonable argument that the PFJ is too narrow or that it fails to achieve all the relief to which the Department was entitled. In fact. as these remarks explain. the opposite is true—faced with rough, determined negotiators on the other side of the table, Microsoft agreed to a decree that goes substantially beyond what the plaintiffs were likely to achieve through litigation. Quite frankly, the PFJ is the strongest, most regulatory conduct decree ever obtained (through litigation or settlement) by the Department. Why then, one might ask, would Microsoft consent to such a decree? There are two reasons.

First. the company felt strongly that it was important to put this matter behind it and to move forward constructively with its customers, its business partners, and the government. For four years, the litigation has consumed enormous resources and been a serious distraction. The constant media drumbeat has obscured the fact that the company puts a premium on adhering to its legal obligations and on developing and maintaining excellent relationships with its partners and customers. Litigation is never a pleasant experience, and given the magnitude of this case and the media attention it attracted, it is hard to imagine any more costly, unpleasant civil litigation.

Second. while the Department pushed Microsoft to make substantial, even excessive concessions to get a settlement, there were limits to how far the company was willing or able to go (limits, by the way, which the Department and the settling states managed to reach). Microsoft was fighting for an important principle—the ability to innovate and improve its products and services for the benefit of MTC–00030631—0754 consumers. To that end, Microsoft insisted that the decree be written in a way to allow the company to engage in legitimate competition on the merits. Despite the substantial burdens the decree will impose on Microsoft and the numerous ways in which Microsoft will be forced to alter its conduct, the decree does preserve Microsoft's ability to innovate, to improve its products, and to engage in procompetitive business conduct that is necessary for the company to survive.

In short, at the end of the negotiations, Microsoft concluded that the very real costs that the decree imposes on the company are outweighed by the benefits, not just to Microsoft but to the PC industry and consumers generally.

The Court of Appeals'' ''Road Map'' for Relief In order to evaluate the decree, one must first appreciate the h/story of this case and how drastically the scope of Microsoft's liability, was narrowed at the appellate level. When this case began with the filing of separate complaints by the Department and the plaintiff states in May of 1998, it was focused on Microsoft's integration of browsing functionality, called Internet Explorer or lie into Windows 98, which the plaintiffs alleged to be an illegal tying arrangement.

The complaints of the Department and the states included five separate claims: (1) a claim under section 1 of the Sherman Act that the tie-in was per se illegal; (2) another claim under section 1 that certain promotion and distribution agreements with Internet service providers (ISPs), Internet content providers (ICPs), and on-line service providers (OSPs) constituted illegal exclusive dealing; (3) a claim under section 2 of the Sherman Act that Microsoft had attempted to monopolize Web browsing software; (4) a catch-all claim under section 2 that the alleged conduct that underlay the first three claims amounted to illegal maintenance of Microsoft's monopoly in PC operating systems; and (5) a claim by the plaintiff states (but not part of the Department's complaint) under section 2 that Microsoft illegally ''leveraged'' its monopoly in PC operating systems. As discovery got underway, the case dramatically expanded as the plaintiffs indiscriminately began identifying all manner of Microsoft conduct as examples of the company's illegal efforts to maintain its monopoly. But then, the case began to shrink.

''In response to Microsoft's motion for summary judgment, the district court dismissed the states'' Monopoly leveraging claim (claim 5). ''After trial, Judge Jackson held that the plaintiffs failed to prove that Microsoft's arrangements with ISPs, ICPs, and OSPs violated section 1 (claim 2). ''Judge Jackson did, however, conclude that the plaintiffs had sustained their claims that Microsoft illegally tied IE to Windows (claim 1), illegally attempted to monopolize the browser market (claim 3), and illegally maintained its monopoly (claim 4), basing his decision on 35 different actions engaged in by Microsoft.

''In a unanimous decision of the Court of Appeals sitting en banc. the court reversed the trial court on the attempted monopolization claim (claim 3) and remanded with instructions that judgment be entered on that claim in favor of Microsoft. ''The unanimous court also reversed Judge Jackson's decision with respect to the tie-in claim (claim 1). The appellate court held that. in light of the prospect of consumer benefit from integrating new functionality into platform software such as Windows. Microsoft's integration of IE into Windows had to be judged under the rule of reason rather than the per se approach taken by Judge Jackson.

The Court of Appeals refused to apply the per se approach because of ''our qualms about redefining the boundaries of a defendant's product and the possibility of consumer gains from simplifying the work of applications developers [by ensuring the ubiquitous dissemination of compatible APIs].'' The court's decision did allow the plaintiffs on remand to pursue the tie-in claim on a rule of reason theory; however, shortly after the remand, the plaintiffs announced they were dropping the tie-in claim.

''With respect to the only remaining claim (monopoly maintenance—claim 4), the Court of Appeals affirmed in part and reversed in part the lower court and substantially shrank Microsoft's liability. After articulating a four-step burden-shifting test that is highly fact intensive, the appellate court reviewed the 35 different factual bases for liability and rejected nearly two-thirds of them. e In the case of seven of those 35 findings (concerning such conduct as Microsoft's refusal to allow OEMs to replace the Windows desktop, Microsoft's design of Windows to ''override the user's choice of a default browser,'' and Microsoft's development of a Java virtual machine (JVM)

that was incompatible with Sun's JVM), the appellate court specifically reversed Judge Jackson's decision. c The Court of Appeals dismissed sixteen of the remaining findings by reversing Judge Jackson's holding that Microsoft had engaged in a general ''course of conduct'' that amounted to illegal monopoly maintenance—the so-called ''monopoly broth'' theory.

* With respect to the remaining twelve findings (concerning such things as Microsoft's refusal to allow PC manufacturers (OEMs) to remove end-user access to IE, Microsoft's exclusive arrangements with ISPs, and its ''commingling'' of software code to frustrate OEMs ability, to hide access to IE), the court did affirm Judge Jackson's findings as not being ''clearly erroneous.'' And even as to those twelve, a number were practices—for example, the arrangements with ISPs— that Microsoft had already ceased.

As a result, when the case was remanded to the district court and reassigned to Judge Kollar-Kotelly, four-fifths of the original claims were all but gone. With respect to the sole surviving claim, nearly two-thirds of the supporting findings had been rejected by the Court of Appeals. In the words of the Court of Appeals, its decision ''drastically altered the scope of Microsoft's liability.''

The Relevance of the Drastic Narrowing of Liability

The Court of Appeals'' decision makes clear the critical significance of the drastic reduction in the scope of Microsoft's liability in terms of the relief to which the plaintiffs are entitled. As the court noted in instructing the lower court on how the remand for remedy should be handled. ''A court.., must base its relief on some clear ''indication of a significant causal connection between the conduct enjoined or mandated and the violation found directed toward the remedial goal intended.'' 3 PHILLIP E. AREEDA & HERBERT HOVENKAMP, ANTITRUST LAW 653(b), at 91- .92 (1996). In a case such as the one before us where sweeping equitable relief is employed to remedy multiple violations, and some—indeed most—of the findings of remedial violations do not withstand appellate scrutiny, it is necessary to vacate the remedy decree since the implicit findings of causal connection no longer exist to warrant our deferential affirmance .... In particular, the [district] court should consider which of the decree's conduct restrictions remain viable in light of our modification of the original liability decision.''

At the time Judge Kollar-Kotelly ordered the parties into intensive negotiations, she clearly recognized the importance of the drastic alteration to the scope of Microsoft's liability. The judge informed the government that its ''first and most obvious task is going to be to determine which portions of the former judgment remain appropriate in light of the appellate court's ruling and which portions are unsupported following the appellate court's narrowing of liability.'' The judge went on to note that ''the scope of any proposed remedy must be carefully crafted so as to ensure that the enjoining conduct falls within the [penumbra] of behavior which was found to be anticompetitive.'' The judge also stated that ''Microsoft argues that some of the terms of the former judgment are no longer appropriate, and that is correct. I think there are certain portions where the liability has been narrowed.''

Before discussing the negotiations and the decree itself, I would like to make three other points about the crafting of antitrust remedies that also are relevant to considering the relief to which the plaintiffs were entitled. First, the critics of the PFJ routinely ignore the fact that the Department has long acknowledged that Microsoft lawfully acquired its monopoly position in PC operating systems. Indeed, the Department retained a Nobel laureate in the first Microsoft case in 1994 to submit an affidavit to the district court opining that Microsoft had reached its position in PC operating systems through luck, skill, and foresight. It is tree of course that Microsoft has now been found liable for engaging in conduct that amounted to illegal efforts to maintain that position: however, there is precious little in the record establishing any causal link between the twelve illegal acts of ''monopoly maintenance'' and Microsoft's current position in the market for PC operating systems. Thus, contrary. to the critics'' overheated rhetoric, there is no basis for relief designed to terminate an ''illegal monopoly.''

Second, decrees in civil antitrust cases are designed to remedy, not to punish. All too often, the critics of this decree speak as though Microsoft was convicted of a crime. It was not. This is a civil case, subject to the rules of civil rather than criminal procedure. To the extent the plaintiffs tried to get relief that could be deemed punitive, that relief would have been rejected.

Third, a decree must serve the purposes of the antitrust laws, which is a ''consumer welfare prescription.'' I realize we are in the ''season of giving,'' but an antitrust decree is not a Christmas tree to fulfill the wishes of competitors, particularly where that fulfillment comes at the expense of consumer welfare. Calls for royalty-free licensing of Microsoft's intellectual property, or for imposing obligations on Microsoft to distribute third party, software at no charge, or for Microsoft to facilitate the distribution of an infinite variety of bastardized versions of Windows (and make sure they all run perfectly) are great for a small group of competitors who know that such provisions will quickly destroy Microsoft's incentives and ability to compete (not to mention violate the Constitution's proscription against ''takings''). Such calls, however, are anathema to consumers'' interests in a dynamic, innovative computer industry. Twenty. years ago, my old boss and antitrust icon, Bill Baxter, warned about the anticompetitive consequences of antitrust decrees designed simply to ''add sand to the saddlebags'' of a particularly fleet competitor like Microsoft. it's a warning the courts would certainly heed today.

To their credit, the negotiators for the Department and the settling states understood these three fundamental antitrust principles. While we may have had to remind the other side of these principles from time to time. we did not have to negotiate for their adherence to them. Taxpayers and consumers can be proud that their interests were represented by honorable men and women with the utmost respect for the rule of law. For others to insinuate that. by agreeing to a decree that honors these three fundamental principles, the Department and the settling states ''caved'' or settled for inadequate relief is as offensive as it is laudable.

The Negotiations

It is against the background I have sketched that. on September 27th, Judge Kollar-Kotelly ordered the parties into intensive, ''around the clock'' negotiations. Microsoft had already indicated publicly its strong desire to try to settle the case, and so it welcomed the judge's order. As has been widely reported, all the parties in the case took the court's order very seriously. Microsoft assembled in Washington, DC, a core team of in-house and outside lawyers who have been living with this case for years, and who spent virtually all of the next five weeks camped out in my offices down the street.

Microsoft's top legal officer was in town during much of the period directing the negotiations. Back in Redmond, the company's most senior executives devoted a great deal of time and energy to the process, and we were all supported by a large group of dedicated lawyers, businesspeople, and staff.

From my vantage point, the Department and the states (at least those that settled) made an equivalent effort. As the mediator v, Tote after the process ended, ''No part'' was left out of the negotiations .... Throughout most of the mediation the 19 states (through their executive committee representatives) and the federal government (through the staff of the antitrust division) worked as a combined ''plaintiffs'' team.'' Jay Himes from the office of the New York Attorney General Eliot Spitzer and Beth Finnerty from the office of the Ohio Attorney General Betty Montgomery, represented the states throughout the negotiations, putting in the same long hours as the rest of us. At various points Mr. Himes and Ms. Finnerty were joined by representatives from other states, including Kevin O'Connor from the office of Wisconsin Attorney General James Doyle.

The negotiations began on September 28th and continued virtually non-stop until November 6th. During the first two weeks, we negotiated without the benefit of a mediator. As the□'' say in diplomatic circles, the discussions were ''full and frank.'' The Department lawyers and the state representatives in the negotiation were extremely knowledgeable, diligent, and formidable.

Microsoft certainly hoped to be able to reach a settlement quickly and before a mediator was designated. However, the views on all sides were sufficiently strong and the need to pay attention to every sentence, phrase, and punctuation mark so overwhelming that reaching agreement proved impossible in those first two weeks. Eric Green. a prominent mediation specialist, was appointed by the court and with the help of Jonathan Marks spent the next three weeks helping the parties find common ground. As Professor Green and Mr. Marks wrote after

the mediation ended, ''Successful mediations are ones in which mediators and parties work to identity and overcome barriers to reaching agreement. Successful mediations are ones in which all the parties engage in reasoned discussions of issues that divide them, of options for settlement, and of the risks. opportunities, and costs that each part), faces if a settlement isn't reached. Successful mediations are ones in which, settle or not. senior representatives of each party have made informed and intelligent decisions. The Microsoft mediation was successful.''

Working day and night virtually until the original .November 2 deadline set by the judge. Microsoft and the Department agreed to and signed a decree early on November 2. The representatives of the states also tentatively agreed, subject to an opportunity from November 2 until November 6 to comer with the other states that were more removed from the case and negotiations. During that period, the states requested several clarifying modifications to which Microsoft (and the Departmet) agreed. From press reports, it appears that during this period the plaintiff states also were being subjected to intense lobbying by a few of Microsoft's competitors who were desperate either to get a decree that. would severely cripple if not eventually destroy Microsoft or at least to keep the litigation (and the attendant costs imposed on Microsoft) going. Notwithstanding that pressure, New York, Wisconsin, and Ohio—the states that had made the largest investment in litigating against Microsoft and in negotiating a settlement—along with six other plaintiff states represented by a bipartisan group of state attorneys general signed onto the Revised PFJ on November 6.

The Proposed Final Judgment

Throughout the negotiations, Microsoft was confronted by a determined and tough group of negotiators for the Department and the states. They made clear that there would be no settlement unless Microsoft went well beyond the relief to which, Microsoft believes, the Court of Appeals opinion and the law entitles the plaintiffs. Once that became clear, Microsoft relented in significant ways, subject only to narrow language that preserved Microsoft's ability to innovate and engage in normal, clearly procompetitive activities. Professor Green, the one neutral observer of this drama has noted the broad scope of the prohibitions and obligations imposed on Microsoft by the PFJ, stating during the status conference with Judge Kollar-Kotelly that ''the parties have not stopped at the outer limits of the Court of Appeals'' decision, but in some important respects the proposed final judgment goes beyond the issues affirmed by the Court of Appeals to deal with issues important to the parties in this rapidly-changing technology.''

I do not intend today to provide a detailed description of each provision of the PFJ; the provisions speak for themselves. It may come as something of a surprise in light of some of the uninformed criticism hurled at the decree, but one of Microsoft's principal objectives during the negotiations was to develop proscriptions and obligations that were sufficiently clear, precise and certain to ensure that the company and its employees would be able to understand and comply with the decree without constantly engendering disputes with the Department. This is an area of complex technology and the decree terms on which the Department insisted entailed a degree of technical sophistication that is unprecedented in an antitrust decree. Drafting to these specifications was not easy, but the resulting PFJ is infinitely clearer and easier to administer than the conduct provisions of the decree that Judge Jackson imposed in June 2000.

If, as one might suspect would be the outcome in a case such as this, the PFJ were written to proscribe only the twelve practices affirmed by the Court of Appeals, the decree would be much shorter and simpler. The Department and settling states, however, insisted that the decree go beyond just focused prohibitions to create much more general protections for a potentially large category of software, which the PFJ calls ''middleware.'' But even these expansive provisions to foster middleware competition were not sufficient to induce the Department and the states to settle; rather, the?'' insisted that Microsoft also agree to additional obligations that bear virtually no relationship to any of the issues addressed by the district court and the Court of Appeals. And lastly they insisted on unprecedented enforcement provisions. I will briefly describe each of these three sets of provisions.

1. Protections for ''Middleware''

The case :hat the plaintiffs tried and the narrowed liability, that survived appellate review all hinged on claims that Microsoft took certain actions to exclude Netscape's Navigator browser and Sun's Java technology from the market in order to protect the Windows operating system monopoly. The plaintiffs successfully argued that Microsoft feared that Navigator and Java, either alone or together. might eventually include and expose a broad set of general purpose APIs to which software developers could write as an alternative to the Windows APIs. Since Navigator and Java can run on multiple operating systems, if they developed into general purpose platforms, Navigator and Java would provide a means of overcoming the ''applications barrier'' to end, and threaten the position of the Windows operating system as platform software.

A person might expect that a decree designed to address such a monopoly maintenance claim would provide relief with respect to Web-browsing software and Java or, at most, to other general purpose platform software that exposes a broad set of APIs and is ported to run on multiple operating systems. The PFJ goes much further. The Department insisted that obligations imposed on Microsoft by the decree extend to a range of software that has little in common with Navigator and Java. The decree applies to ''middleware'' broadly defined to include, in addition to Web-browsing software and Java. instant messaging software, media players, and even email clients—software that, Microsoft believes, has virtually no chance of developing into broad, general purpose platforms that might threaten to displace the Windows platform. In addition, there is a broad catch-all definition of middleware that in the future is likely to sweep other similar software into the decree. This sweeping definition of middleware is significant because of the substantial obligations it imposes on Microsoft. Those obligations—a number of which lack any correspondence to the monopoly maintenance findings that survived appellate review—are intended to create protections for all the vendors of software that fits within the middleware definition. Taken together, the decree provisions provide the following protections and opportunities: ''Relations with Computer Makers. Microsoft has agreed not to retaliate against computer makers who ship software that competes with anything in its Windows operating system. ''Computer Maker Flexibility. Microsoft has agreed to grant computer makers broad new rights to configure Windows so as to promote non-Microsoft software programs that compete with features of Windows. Computer makers will now be free to remove the means by which consumers access important features of Windows, such as Internet Explorer, Windows Media Player, and Windows Messenger. Notwithstanding the billions of dollars Microsoft invests developing such cool new features, computer makers will now be able to'' replace access to them in order to give prominence to non-Microsoft software such as programs from AOL Time Warner or RealNerworks. (Additionally. as is the case today, computer makers can provide consumers with a choice —that is to say access to Windows features as well as to non-Microsoft software programs.)

''Windows Design Obligations. Microsoft has agreed to design furore versions of Windows, beginning with an interim release of Windows XP, to provide a mechanism to make it easy for computer makers, consumers and software developers to promote non-Microsoft software within Windows. The mechanism will make it easy to add or remove access to features built in to Windows or to non-Microsoft software. Consumers will have the freedom to choose to change their configuration at any time.

''Internal Interface Disclosure. Even though there is no suggestion in the Court of Appeals'' decision that Microsoft fails to disclose APIs today and even though the Court of Appeals'' holding on monopoly power is predicated on the idea that there are tens of thousands of applications written to call upon those APIs. Microsoft has agreed to document and disclose for use by its competitors various interfaces that are internal to Windows operating system products.

''Relations with Software Developers. Microsoft has agreed not to retaliate against software or hardware developers who develop or promote software that competes with Windows or that runs on software that competes with Windows. ''Contractual Restrictions. Microsoft has agreed not to enter into any agreements obligating any third part?, to distribute or promote any Windows technology exclusively or in a fixed percentage, subject to certain narrow exceptions that apply to agreements raising no competitive concern. Microsoft has also agreed not to enter into agreements relating to Windows that obligate any software developer to refrain from developing or

promoting software that competes with Windows.

These obligations go far beyond the twelve practices that the Court of Appeals found to constitute monopoly maintenance. One of the starkest examples of the extent to which these provisions go beyond the Court of Appeals decision relates to Microsoft's obligations to design Windows in such a way as to give third parties the ability, to designate non-Microsoft middleware as the ''default'' choice in certain circumstances in which Windows might otherwise be designed to utilize functionality. integrated into Windows. As support for his monopoly maintenance conclusion, Judge Jackson had relied on several circumstances in which Windows was designed to override the end users'' choice of Navigator as their default browser and instead to invoke IE. The Court of Appeals, however, reviewed those circumstances and reversed Judge Jackson's conclusion on the ground that Microsoft had ''valid technical reasons'' for designing Windows as it did. Notwithstanding this clear victory, Microsoft acceded to the Department's demands that it design future versions of Windows to ensure certain default opportunities for non-Microsoft middleware.

2. Uniform Prices and Server Interoperability

Nevertheless, agreeing to this ,side range of prohibitions and obligations designed to encourage the development of middleware broadly defined was not enough to get the plaintiffs to settle. Instead, the?'' insisted on two additional substantive provisions that have absolutely no correspondence to the findings of monopoly maintenance liability that survived appeal. ''Uniform Price List. Microsoft has agreed to license its Windows operating system products to the 20 largest computer makers (who collectively account for the great majority, of PC sales) on identical terms and conditions, including price (subject to reasonable volume discounts for computer makers who ship large volumes of Windows).

''Client/Server Interoperability. Microsoft has agreed to make available to its competitors, on reasonable and non-discriminatory terms, any protocols implemented in Windows desktop operating systems that are used to interoperate natively with any Microsoft server operating system. In the case of the sweeping definition of middleware and the range of prohibitions and obligations imposed on Microsoft, there is at least a patina of credibility to the argument that the penumbra of the twelve monopoly maintenance practices affirmed by the Court of Appeals can be stretched to justify those provisions, at least as ''fencing in'' provisions. There is no sensible reading of the Court of Appeals decision that would provide an□'' basis for requiring Microsoft to charge PC manufacturers uniform prices or to make available the proprietary protocols used by Windows desktop operating systems and Windows server operating systems to communicate with each other. Nevertheless. because the plaintiffs insisted that they would not settle without those two provisions. Microsoft also agreed to them.

Before mining to the enforcement provisions of the PFJ, I want to say a word about the few provisos included in the decree that provide narrow exceptions to the various prohibitions and obligations imposed on Microsoft. Those exceptions were critical to Microsoft's willingness to agree to the sweeping provisions on which the plaintiffs insisted. Without these narrowly tailored exceptions, Microsoft could not innovate or engage in normal procompetitive commercial activities. The public can rest assured that the settling plaintiffs insisted on language to ensure that the exceptions only apply when they promote consumer welfare. For example, some companies that compete with Microsoft for the sale of server operating systems apparently have complained about the so-called ''security carve-out'' to Microsoft's obligation to disclose internal interfaces and protocols. That exception is very narrow and only allows Microsoft to withhold encryption ''keys'' and the similar mechanisms that must be kept secret if the security, of computer networks and the privacy of user information is to be ensured. In light of all the concern over computer privacy and security, these days, it is surprising that there is any controversy, over such a narrow exception.

3. Compliance and Enforcement

The broad substantive provisions of the PFJ are complemented by an unusually strong set of compliance and enforcement provisions. Those provisions are unprecedented in a civil antitrust decree. The PFJ creates an independent three-person technical committee, resident on the Microsoft campus, with extraordinary powers and full access to Microsoft facilities, records, employees and proprietary technical data, including Windows source code, which is the equivalent of the ''secret formula'' for Coke. The technical committee provides a level of technical oversight that is far more substantial than any provision of any other antitrust decree of which I am aware. At the insistence of the plaintiffs, the technical committee does not have independent enforcement authority; rather, reports to the plaintiffs and, through them, to the court. The investigative and oversight authority of the technical committee in no way limits or reduces the enforcement powers of the DOJ and states: rather, the technical committee supplements and enhances those powers. Each of the settling states and DOJ have the power to enforce the decree and have the ability to monitor compliance and seek a broad range of remedies in the event of a violation.

Microsoft also agreed to develop and implement an internal antitrust compliance program, to distribute the decree and educate its management and employees as to the various restrictions and obligations. In recent years, Microsoft has assembled in-house one of the largest, most talented groups of antitrust lawyers in corporate America. They are already engaged in substantial antitrust compliance counseling and monitoring. The decree formalizes those efforts, and quite frankly adds vet?'' substantially to the in-house lawyers'' work. As we speak, that group, together with key officials from throughout the Microsoft organization, are working to implement the decree and to ensure the company's compliance with it.

As with the substantive provisions, Microsoft agreed to these unprecedented compliance and enforcement provisions because of the adamance of the plaintiffs and because of the highly technical nature of the decree. Microsoft, the Department, and the settling states recognized that it was appropriate to include mechanisms—principally, the technical committee—that will facilitate the prompt and expert resolution of any technical disputes that might be raised by third parties, without in any way derogating from the government's full enforcement powers under the decree. Although the enforcement provisions are unprecedented in their stringency and scope, they are not necessitated or justified by any valid claim that Microsoft has failed to comply with its decree obligations in the past. In fact. Microsoft has an exemplar?.'' record of complying with the consent decree to which the company and the Department a agreed in 1994. In 1997, the Department did question whether Microsoft's integration of IE into Windows 95 violated a ''fencing in'' provision that prohibited contractual tie-ins, but Microsoft was ultimately vindicated by the Court of Appeals. Microsoft has committed itself to that same level of dedication in ensuring the company's compliance with the PFJ.

Conclusion

The PFJ strikes an appropriate balance in this complicated case, providing opportunities and protections for firms seeking to compete while allowing Microsoft to continue to innovate and bring new technologies to market. The decree is faithful to the fact that the antitrust laws are a ''consumer protection prescription,'' and it ensures an economic environment in which all parts of the PC- ecosystem can thrive.

Make no mistake, however, the PFJ is tough. It will impose substantial new obligations on the company, and it will require significant changes in the way Microsoft does business. It imposes heavy costs on the company and entails a degree of oversight that is unprecedented in a civil antitrust case.

For some competitors of Microsoft, however, apparently nothing short of the destruction of Microsoft — or at least the ongoing distraction of litigation—will be sufficient. But if the objective is to protect the interests of consumers and the competitive process, then this decree more than achieves that goal.

Finally, for all those who are worried about the furore and what unforeseen developments may not be covered by this case and the decree, remember that the Court of Appeals decision now provides guideposts, which previously did not exist, for judging Microsoft's behavior, and that of other high technology companies, going forward. Those guidelines, it is true, are not always easy to apply ex ante to conduct; however, now that the Court of Appeals has spoken, we all have a much better idea of the way in which section 2 of the Sherman Act applies to the software industry. In short, what antitrust law'' requires of Microsoft is today much clearer than it was when this case began. We have all learned a lot over the last four years, and Microsoft has every

incentive to ensure that history does not repeat itself.

ATTACHMENT 4

Secretary of the Senate
Clerk of the House of Representatives
LOBBYING REGISTRATION
Lobbying Disclosure Act of 1995 (Section 4)
Check if this is an amended registration []
For Official Use

REGISTRANT

1. Name of Registrant Covington & Burling Address 1201 Pennsylvania Avenue, NW City Washington, State DC, Zip 20004
2 Principal place of business (if different from line 1) City Same State/Zip (or Country)
3. Telephone number and contact name (202) 662–6000 Contact Stuart Stock
4. General description of registrant's business or activities Law Firm CLIENT A lobbying firm is required to file a separate registration for each client An organization employing in-house lobbyists will indicate ''Self'' on line 5 and proceed to line 8.
5. Name of Client Microsoft Corporation Address One Microsoft Way
City Redmond State WA Zip 98052
6. Principal place of business (if different from line 5)
City Same State/Zip (or Country)
7. General description of client's business or activities Computer software company

REGISTRANT EMPLOYEES

8. Name and title of each employee of the registrant who has acted or is expected to act as a lobbyist for the client identified on line 5. Indicate any employee who served as a ''covered executive branch official'' or ''covered legislative branch official'' within 2 years before the date that the employee first acted or will act as a lobbyist for the client, and state the executive or legislative branch position(s) in which the employee served. Attach Lobbying Registration Addendum if necessary.

E. Jason Albert, Associate
Victoria A. Carter, Associate
Charles F. Rule, Partner
Laurie C. Self, Of Counsel

Form LD-1 (1/96)

LOBBYING ISSUES

9. General lobbying issue areas (select applicable codes, listed in instructions and on reverse side of Form 1.D-l, page])
CPI CPT TRD
10. Specific lobbying issues (current and anticipated)

* Protection of intellectual property rights, including copyrights,
* Electronic commerce matters.
* Competition matters affecting computer software industry.

AFFILIATED ORGANIZATIONS

11. Name, address, and principal p□ace of business of any entity other than the'' client that contributes more than $10,000 to the lobbying activities covered by this registration in a semiannual period, and in whole or in part plans, supervises, or controls the registrant's lobbying activities. If none, so state.
Name
Address
Principal place of business
(city and state or country)
None

FOREIGN ENTITLES

12. Name, address, principal place of business, amount of ,'my contribution of more than $10,000, and approximate percentage of equitable ownership in the client of any foreign entity that:
a)
b)
c)
holds at least 20% equitable ownership in the client or in any organization identified on line 11 ; or directly or indirectly, in whole or in major part, plans, supervises, controls, directs, finances or subsidizes the activities of the client or any organization identified on line 11; or is an affiliate of the client or any organization identified on line 11 and has a direct interest in the outcome of the lobbying activity. If none, so state.
Name
Address Principal place of business
Amount of contribution
Ownership
(city and state or country)
for lobbying activities
percentage
in client
None
Signature
Date 6/29/98
Printed Name and Title Stuart C. Stock, Partner

ATTACHMENT 5

WALL STREET JOURNAL.
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FRIDAY, NOVEMBER 16, 2001

The Northern Alliance battled 31,000 Taliban and allied fighters encircled in the northern Afghan city of Kunduz, while Pashtun fighters fought to control Kandahar in the south. Mullah Omar, the Taliban leader, spoke by satellite phone with the BBC and vowed to fight to the death and seek America's ''extinction.'' The British marines are to secure Bagram airport for an expected growing deployment of foreign troops. Tim U.S. also prepared to insert more soldiers to aid in the hunt for Osama bin Laden. New in- telligence on his possible whereabouts, as well as chilling data on the weapons he was hoping to develop, came to light. (Articles in Column 1 and on Pages A3, A8, A9 and A10)

The Northern Alliance wants credit for securing the release of eight foreign aid workers, including two Americans, the Taliban was holding. So does Libya. An airport-security deal was sealed as Bush blessed an accord reached by House and Senate negotiators on the issue of federalizing screening workers. Alter a one-year transition, the government is to take over that job. Meanwhile, airlines braced for the first Thanksgiving under tightened secu- rity procedures. (Articles on Pages A3 and B1)

?? investigators are looking into the ??libility that Flight 587 pilots may A Haggler's Christinas From small boutiques to Saks, a surprising number of stores are letting some customers name their price. How to get in on the holiday deals. When Every Show's a Survivor This fall, bad ratings aren't enough to sink new shows. Why ''Emeril'' is still cooking.

'Harry Potter'' Arrives

Will the Wizard of Hoywarts fly on the big screen? Joe Morgenstern's review.

Nations Supporting Jihads of Yesteryear Now Close Borders Yemen, for One, Won't Let Men Bent on Joining the Fight Go Off to Wage a ''Holy War'' By YAROSLAV TROFIMOV Staff Reporter of ''rife WALL STREET JOURN?? SANA, Yemen-Asked what he th?? about the war in Afghanistan, Abdu??

Washington Wire
A Special Weekly Report From
The Wall Street Journal's
Capital Bureau

DIRECTOR DANIELS gets GOP votes for ''worst ever'' relations with Congress. Sen. Stevens, the Senate Appropria- tions Committee's top Republican, says so publicly of Bush's budget chief; others complain privately to the White House that they can't deal with Daniels. They charge he is trying to score political points at Con- gress's expense, to aid a run for the Senate from Indiana later.

Ire erupts after Interviews in which Daniels belittles Congress. Cheney goes to the Capitol to rescue a $40 billion emer- gency-spending bill-and soothe House Ap- propriations Chairman Young. Danieis's office says it asked Cheney to go; Republi- cans say that is because Daniels wasn't welcome. With deputy Scan O'Keefe mov- ing to head NASA, long)free GOP budget staffer Bill'' Hoagland rejects overtures about the job.

With Congress still in town, in speeches Daniels quotes the song, ''How can I miss you ii you won't go away?'' PENTAGON PLANS for big Increases, but hasn't enlisted the budget office.

The services are told to build increases of about $15 billion annually into their plans for the budgets of the next two years. Such rises, inconceivable before Sept. 11, would drive overall military spending to $360 billion by 2004. On the ish list: intelligence-gathering sensors and spy drones-in high demand in Af- ghanistan but low supply.

Last Call?
Under Rising Pressure;
AT&T's CEO Tries
To Hold On to an leon
Loaded Down With Debt,
Hit by Competition, Firm
* May Be Sold Off in Pieces
A Losing Battle With the Bells
. By DEBORAII SOLOMON
,Staff Reporter of THE WALL STREET JOURNAL NEW YORK-C. Michael Armstrong has spent four years of furious deal making in a bid to push AT&T Corp. beyond its long-distance roots and back on top of the telecommunications landscape.

Now, the chief executive and his top lieutenants are working frantically just to keep control of the company's destiny. Publicly, they insist that AT&T is better off than most of its peers struggling to survive the telecom meltdown. But privately, amid 16-hour days crisscrossing the nation in corporate jets, even they acknowledge that the end of an independent AT&T may well be in sight. Paced with a massive debt load

and a deteriorating cash position, AT&T is on the verge of selling parts or all of the business icon. That could Include the two cable companies Mr. Armstrong spent $100 billion ??ulre in hopes of building an altern cy spending. (Articles on Pages A2 and A14)

Weaknesses remain in the health system's preparations for terrorist attacks, administration officials told Congress. Meanwhile, lawmakers unveiled a $3.2 billion plan to fight bioterrorism. A top FBI official said recent Pennsylvania raids are unlikely to aid the anthrax inquiry. (Article on Page A6) * * * .

Ararat called for Israeli withdrawal from the West Bank, Gaza Strip and east Jerusalem in a speech on the 13th anniversary of his declaration of Palestinian independence. Israeli raids left a Palestinian dead as Arafat's police freed two militants detained after the assassination of all Israeli cabinet minister.

Serb police guarded government buildregs after a mutinous secret-police unit, angry at Belgrade's dealings with the Hague, refused to accept civilian control. Separately, Kosovo votes tomorrow in a first, ii symbolic, step toward independence from Serbia.

Macedonia's parliament approved constitutional reforms underpinning a peace deal. The vote came after a long period of pressure by Western envoys to codify new rights for ethnic Albanians after rebels disbanded.

A federal judge dismissed all remaining charges against two former Utah Olympic officials accused of buying votes to win the 2002 Winter Games for Salt Lake City. The judge had thrown out four key counts in July. * * *

Cancer researchers have developed a method of encapsulating single atoms of radioactive material in injectable molecules that can find and destroy tumor cells. Human trials may begin soon. (Article on Page B3)

Two freight trains collided head-on about 25 miles northwest of Detroit, killing two crewmen, injuring two others and forcing nearby evacuations. Investigators focused on a switching malfunction or bad weather. * * *

Peace Corps workers were recalled from Zimbabwe after the government refused to issue permits for new volunteers. Harare 0.77; 2.2179 has been reducing the presence of international agencies ahead of elections next year.

might end up in Afghanistan. Pakistan, once a welcoming gateway for Arab mujahedeen, has also closed Afghan frontier crossings in recent weeks and carefully screens all Arab visa applicants, submitting their names to local security agencies.

Across the Middle East, hundreds of presumed jihad organizers, who openly worked out of mosques and even government offices to send fighters to Afghanistan in the 1980s and Bosnia-Herzegovina in the 1990s, have been rounded up since the Sept. 11 killings in New York and Washington. ''Back in the past; going to jihad in Afghanistan was a big thing, something to be celebrated by everybody,'' explains Jareal Khashoggi, a Saudi newspaper editor who frequently met Mr. bin Laden in Afghanistan while covering the war in the 1980s. ''Now, if you're a Saudi and you're going to fight there for the Taliban, you're joining the enemy.''

In part, that's because few Arab governments want to upset the U.S. and end up a target in the Bush administration's war on terrorism. More important, the Afghan jihad campaign against the Soviets badly boomeranged on its Middle Eastern sponsors. Returning Afghan veterans such as Mr. bin Laden have helped destabilize much of the Arab world, fueling terrorist groups such as Egypt's Islamic Jihad, Algeria's GIA and the Aden Abyan Islamic Army in Yemen.

FIRST LADY Laura Bush will sub for her husband in tomorrow's national radio address, to kick off a campaign highlighting the Afghan Tallban's abuse of women. Also involved: Jay Leno's wife, Mavis, and Britain's Cherie Blair. Yesterday, at the Bush ranch, Russia's President Putin agreed the women need help, but the ''end result'' must not be that ''a lady would turn into a man.''

TERRORISTS'' FUNDS are Treasury Secretary O'Neilrs target in Ottawa today, as he presses the G-20 group of nations to form money-laundering surveillance units. The units would join the global Egmont Group intelligence exchange; among G-20 nations that don't belong are Saudi Arabia, China, Germany, Indonesia and India. Countries meeting in Canada have agreed to an antiterrorism agenda but not to specific actions.

JOB REFERENCE: The White House as early as today may grant Senate Majority Leader Daschle's wish and name his aide, Jonathan Adelstein, to one of two Democratic seats on the Federal Communications Commission. The vacancy has left the FCC with a 3–1 GOP edge.

LEGAL LOOPHOLE: Microsoft tries to shield Ill; top Washington lawyer, Charles F. Rule, from having to reveal some contacts with the administration before he negotiated the company's controversial antitrust settlement. He was formally named a counsel of record yesterday, exempting him from disclosures otherwise demanded under a 1974 law requiring court review of antitrust deals.

GOP'S GILMORE is safe through 2002, White House advisers say.

. The party chairman will stay on through the critical midterm elections, they are telling Republicans; many are unhappy about the GOP's loss last week of the governorships in New Jersey and

Gilmore's Virginia.

Democrats gloat they have won ''the main event'' in redistricting after a federal court panel approves a plan favorable to Texas's majority-Democratic House delegation. GOP Leader Delay of Texas had predicted gains of as many as eight seats; the party still says it can add two.

Republicans urge ex-Rep. Lazio, who lost a Senate race to Hillary Clinton. to seek his old House seat back phone companies enter the long-distance market at a rapid clip, AT&T faces the prospect of heavy new competition.

The situation AT&T now finds itself in ''is a little bit like Gen. Cornwallis surrendering to Revolutionary forces,'' says Tom Evslin, chief executive of Internet telephony firm ITXC Corp. and a former AT&T executive. The Parts or the Whole?

While many have speculated whether Mr. Armstrong would ultimately be removed from the helm of AT&T, ii appears instead that AT&T is slowly being taken away from him. The company's directors, and Mr. Armstrong himself, had reluctantly come to the realization that AT&T is worth more in pieces than as a struggling whole when they announced a plan to break it into four pieces a year ago. Now, it appears the company will not be able to hold on to those different parts. ''Times have changed,'' says a person close to Mr. Armstrong. Now, the thinking is, ''If you're going to break up, why not just sell the pieces and get some long-term value for shareholders?''

With several trips to Washington a month, Mr. Armstrong, the 63-year-old former head of General Motors Curp.'s Hughes Electronics, is pleading with regulatots to order relief. Taking an even more visible role is the company's chief financial ofricer, Charles Noski, who is trying to juggle the various credit-rating agencies, the equity and debt markets, AT&T's board and Wall Street as well as heading negotiations for the company's cable-TV unit.

Mr. Armstrong argues AT&T is better off today than it was when he took over, pointing to the building of wireless and cable franchises. ''In 1997 we didn't know if AT&T had a future. But today we've got the assets, we've got the businesses, we've got the management team. We've got a future,'' says Mr. Armstrong. Hopes of Keeping It Together

He and other AT&T officials hold out the possibility of keeping the empire together, But he acknowledges that AT&T may not stay intact: ''If it's In a form of stand-alone companies or in the form of further industry consolidation, those assets and those people and those customers will still be AT&T/''

Some of AT&T's woes reflect those across the telecommunications industry, which Is imploding in the wake of a massive glut of capacity and retrenchment of once-abundant investment dollars. But AT&T's plight was aggravated b?? s of deals struck by Mr. Armstron. I-

ATTACHMENT 6

COMMITTEE: SENATE JUDICIARY COMMITTEE

HEADLINE: U.S. SENATOR PATRICK LEAHY (D-VT) HOLDS HEARING ON ''THE MICROSOFT SETTLEMENT: A LOOK TO THE FUTURE.''

SPEAKER: U.S. SENATOR PATRICK LEAHY (D-VT), CHAIRMAN

LOCATION: WASHINGTON, DC

WITNESSES: CHARLES JAMES, ASSISTANT ATTORNEY GENERAL, ANTITRUST DIVISION, U.S. DEPARTMENT OF JUSTICE JAY HIMES, ANTITRUST BUREAU CHIEF, OFFICE OF THE ATTORNEY GENERAL CHARLES RULE, COUNSEL, MICROSOFT CORPORATION LAWRENCE LESSIG, PROFESSOR, STANFORD LAW SCHOOL MARK COOPER, DIRECTOR OF RESEARCH, CONSUMER FEDERATION OF AMERICA JONATHAN ZUCK, PRESIDENT, ASSOCIATION OF COMPETITIVE TECHNOLOGY MATTHEW SZULIK, PRESIDENT AND CEO, RED HAT, INC. MITCHELL KERTZMAN, PRESIDENT AND CEO, LIBERATE TECHNOLOGIES

BODY:

U.S. SENATE JUDICIARY COMMITTEE HOLDS A HEARING ON THE MICROSOFT SETTLEMENT

SPEAKERS:

U.S. SENATOR PATRICK J. LEAHY (D–V–F) CHAIRMAN

U.S. SENATOR EDWARD M. KENNEDY (D–MA)

U.S. SENATOR JOSEPH R. BIDEN JR. (D–DE)

U.S. SENATOR HERBERT KOHL (D–WI)

U.S. SENATOR DIANNE FEINSTEIN (D–CA)

U.S. SENATOR RUSSELL D. FEINGOLD (D–WI)

U.S. SENATOR CHARLES E. SCHUMER (D–NY)

U.S. SENATOR RICHARD DURBIN (D–IL)

U.S. SENATOR MARIA CANTWELL (D–WA)

U.S. SENATOR JOHN EDWARDS (D–NC)

U.S. SENATOR ORRIN G. HATCH (R–UT) RANKING MEMBER

U.S. SENATOR STROM THURMOND (R–SC)

U.S. SENATOR CHARLES E. GRASSLEY (R–IA)

U.S. SENATOR ARLEN SPECTER (R–PA)

U.S. SENATOR JON KYL (R–AZ)

U.S. SENATOR MIKE DEWINE (R–OH)

U.S. SENATOR JEFF SESSIONS (R–AL)

U.S. SENATOR SAM BROWNBACK (R–KS)

U.S. SENATOR MITCH MCCONNELL (R–KY)

LEAHY: I just want to do a little housekeeping here. I want to make sure the chairman and ranking member of the Antitrust Subcommittee are here—Senator Kohl and Senator DeWine — both of whom have done a superb job for years in handling antitrust matters.

I told Senator DeWine earlier—now this would probably cause a recall petition for the Republican Party in Ohio, but what a terrific job he did as chairman and what a terrific job Senator Kohl has done as chairman on antitrust matters in pointing out that they're issues of great complexity, very important to everybody here in the Senate. I've look at the proposed settlement the Department of Justice and nine states have transmitted to the District Court. The reason that they planned for the conclusion of what has really been a landmark antitrust litigation. But now, it's going to pass the legal test set out in the Tunney Act if it's going to gain court approval. That test is both simple and broad, and requires an evaluation of whether the proposed settlement is in the public interest.

There is significant difference of opinion over how well the proposed settlement passes this legal test. In fact, the states participating in the litigation against Microsoft are evenly split— - nine states joined in the proposed settlement and nine non-settling states presented the court with an alternative remedy.

As the courts wrangle with the technical and complex legal issues at stake in the case, this committee is conducting hearings to educate ourselves and to educate the public about what this proposed settlement really means for our high-tech industry and for all of us who use computers at work, at school, and at home.

Scrutiny of the proposed settlement by this committee during the course of the Tunney Act proceeding is particularly important. The focus of our hearing today is to examine whether the proposed settlement is good public policy and not to go into the legal technicalities. The questions raised here and views expressed may help inform the court. I plan with Senator Hatch to forward to the court the record of this hearing for consideration as the court goes about the difficult task of completing the Tunney Act proceedings and the remedy solved by the non-settling states.

I am especially concerned that the District Court takes the opportunity seriously to consider the remedy proposal of the nonsettling states but to consider them before she makes her final determination on the other parties'' proposed settlement.

The insights of the other participants in this complicated and hard-fought case are going to be valuable additions to the comments received in the Tunney Act proceeding. I would hope that it would help inform the evaluation whether the settlement is in the public interest, a matter of which for many people is still an open question.

The effects of this case extend beyond simply the choices available in the software marketplace. The United States has long been the world leader in bringing innovative solutions to software problems, in creating new tools and applications for use on computers and the web, and in driving forward the flow of capital into these new and rapidly growing sectors of the economy.

This creativity is not limited just to Silicon Valley. My own home area, Burlington, Vermont, ranks seventh in the nation in terms of patent filings. Burlington has 38,000 people. It's in a county of about 130,000 people. It is not per capita. This is actual filings—seven in the nation.

So, whether the settlement proposal will help or hinder this process, and whether the high tech industries will play the important role that they should in our nation's economy, is a larger issue behind the immediate effects of this proposal. So, with that in mind, I intend to ask the representatives of the settling parties how their resolution of this conflict will serve the ends that the antitrust laws require.

Our courts have developed a test for determining the effectiveness of a remedy in a Sherman Act case: The remedy must end the anti-competitive practices, it must deprive the wrongdoer of the fruits of the wrongdoing and it must ensure that the illegality never recurs.

The Tunney Act also requires that any settlement of such a case serve the public interest. These are all high standards, but they are reasonable ones and people have dealt with them for years. In this case, the DC Circuit, sitting en banc and writing unanimously, found that Microsoft had engaged in serious exclusionary practices, to the detriment of their competitors and, thus, to all consumers. So, we have to satisfy ourselves that these matters have been addressed and redressed, or if they have not, why not. I have noted my concern that the procedural posture of this cas

e not jeopardize the opportunity of the non-settling states to have their day in court and not deprive the District Court of the value of their views on appropriate remedies in a timely fashion. In addition, I have two basic areas of concern about the proposed settlement.

First, I find many of the terms of the settlement to be either confusingly vague, subject to manipulation, or worse, both. Mr. Rule raised an important and memorable point when he last testified before this committee in 1997 during the important series of hearings that were convened by Senator Hatch on competition in the digital age, hearings that have shaped a lot of thinking in the Senate.

Testifying about the first Microsoft-Justice Department consent decree, Mr. Rule said, quote: ''Ambiguities in decrees are typically resolved against the government. In addition, the government's case must rise or fall on the language of the decree; the government cannot fall back on some purported ''spirit'' or ''purpose'' of the decree to justify an interpretation not clearly supported by the language.''

LEAHY: So, we take seriously such counsel, and would worry if ambiguity in the proposed settlement would jeopardize its enforcement.

Secondly, I am concerned that the enforcement mechanism described in the proposed decree lacks the power and the timeliness necessary to inspire confidence in its effectiveness. Particularly .in light of the absence of any requirement that the decree be read in broad remedial terms, it is especially important that we inquire into the likely operation of the proposed enforcement scheme and its effectiveness.

Any lawyer Who has litigated cases, and Mr. James, I would certainly include you, any business person knows how distracting litigation of this magnitude can be and appreciates the value that reaching an appropriate settlement can have not only for the parties but also for consumers, who are harmed by anti-competitive conduct, and the economy. I'm the first one to say that we'd like some finality, so everybody involved, all companies, can know what the standards are and all consumers can know what they are.

Because of that, I do not come to this hearing prejudging the merits of this proposed settlement but instead as one who is ready to embrace a good settlement that puts an end to the merry-go-round of Microsoft litigation over consent decrees.

But the serious questions that have been raised about the scope, enforceability and effectiveness of this proposed settlement leave me concerned that, if it's approved in its current form, it may simply be an invitation for the next chapter of litigation. I want an end to this thing. I think everybody wants at end to it, but we want an end to it where we know what the rules are going to be. If we don't know what the rules are going to be, as sure as the sun rising in the East, we're going to face these issues again.

On this point, I share the concern of Judge Robert Bork, who warns, in his written submission, that the proposed settlement ''contains so many ambiguities and loopholes as to make it unenforceable, and likely to guarantee years of additional litigation''.

I look forward to hearing from the Department of Justice and the other witnesses

here. I will put into the record a series of letters, one, a letter to myself and Senator Hatch from James Barksdale, another letter to Assistant Attorney General James and Senator Hatch and a letter to Senator Hatch from Assistant Attorney General James, letters to myself and Senator Hatch and Robert Bork, a letter to myself and Ralph Nader with two enclosures, written testimony of the Computing Technology Industry Association; written testimony of Catfish Software, Inc.; and written testimony of Mark Havicek (ph) of Digital Data Resources, Inc.

I yield to Senator Hatch who has been such a support of hearings on this issue earlier.

HATCH:

Thank you,

Mr. Chairman.

As you know, we conducted a series of hearings, as you've mentioned, in this committee in 1997 and 1998 to examine the policy implications of the competitive landscape of the then burgeoning hightech economy and industry, which was about to explode with the advent of the Internet.

Those hearings focused on competition in the industry, in general, and, more specifically, complaints that Microsoft had been engaged in anti-competitive behavior that threatened competition and innovation to the detriment of consumers. Our goal was, and I believe today is, to determine how best to preserve competition and foster innovation in the hightechnology industry.

Although the committee, and I, as its chairman—then chairman, was criticized by some, I strongly believed then, and continue to believe now, that in a robust economy involving new technologies, effective antitrust enforcement today would prevent the need for heavy-handed government regulations of business tomorrow.

My interest in the competitive marketplace in the high-technology industry was animated by my strong opposition to regulations of the industry, whether by government, or by one or few companies.

As we may remember, the hearings before the Judiciary Committee developed an extensive record of Microsoft's conduct, and evidenced various efforts by the company to maintain and extend its operating system monopoly.

These findings, I would note, were reaffirmed by a unanimous, and ideologically diverse Court of Appeals. The Microsoft case—and its ultimate resolution—present one of the most important developments in antitrust law in recent history, certainly in my memory. As I have emphasized before, having a monopoly is not illegal under our laws. In fact, in a successful capitalist system, striving to be one should be encouraged, as a matter of fact. However, anti-competitive conduct intended to maintain or extend this monopoly would harm competition and could possibly be violative of our laws. I believe no one would disagree that the DC Circuit Court's decision reaffirmed the fundamental principle that a monopolist— even a monopolist in a high-tech industry like software—must compete on the merits to maintain its monopoly, which brings us to today's hearing. We are here to examine the policy implications of the proposed settlement in the government's antitrust litigation against Microsoft.

Mr. Chairman, rather than closing the book on the Microsoft inquiry, the proposed settlement appears to be only the end of the latest chapter.

The settling parties are currently in the middle of the so-called Tunney Act process before the court. And, the non-settling parties have chosen to further litigate this matter and last week filed their own proposed settlement.

This has been a complex case with significant consequences for Microsoft, high-tech entrepreneurs and the American public as well. The proposed settlement between Microsoft and the Justice Department and nine of the plaintiff state attorneys general is highly technical.

We have all been studying it, and its impact, with great interest. Each of us has heard from some, including some of our witnesses here today, that the agreement contains much that is very good. Not surprisingly, we have also heard and read much criticism of the settlement. These are complex issues, and I would hope today's hearing will illuminate the many questions that we have.

I should note that about two weeks ago, I sent a set of detailed and extensive questions about the scope, interpretation, and intended effects of the proposed settlement to the Justice Department, naturally seeking further information on my part.

First, I want to commend the department for getting the responses to these questions to me promptly. We received them yesterday. ! think the questions, which were made public, and the Department's responses, could be helpful to each member in forming an independent and fair analysis of the proposed settlement.

To that end, and for the benefit of the committee, Mr. Chairman, I would like to make both the questions and the department's answers part of the record for this hearing, so I would ask unanimous consent that they be made part of the record.

As I noted in my November 29 letter to the department, I have kept an open mind regarding this settlement, and continue to do so. I have had questions regarding the practical enforceability of the proposed settlement and whether it will effectively remedy the unlawful practices identified by the DC Circuit, and restore competition in the software marketplace. I am also cognizant of both the limitation of the claims contained in the original Justice Department complaint by the DC Circuit, as well as the standards for enforcement under settled antitrust law.

I believe that further information regarding precisely how the proposed settlement will be interpreted, given DC Circuit case law, is necessary to any full and objective analysis of the remedies proposed therein. I hope that this hearing will result in the development of such information that would supplement the questions that I put forth to the Department.

Mr. Chairman, one important and critical policy issue that I would hope we can address today, and that I would like all of our witness to consider as they wait to be empaneled so that they can discuss, is the difficult issue of the temporal relation of antitrust enforcement in new high-technology markets.

It cannot be overemphasized that timing is a critical issue in examining conduct in the socalled ''new economy''. Indeed, the most significant lesson the Microsoft case has taught us is this fact. The DC Circuit found this issue noteworthy enough to discuss in the first few pages of its opinion. And I will quote from the unanimous court:

''What is somewhat problematic is that just over six years have passed since Microsoft engaged in the first conduct plaintiffs alleged to be anti-competitive. As the record in this case indicates, six years seems like an eternity in the computer industry. By the time the court can assess liability, firms, products, and the marketplace are likely to have changed dramatically. This, in turn, threatens enormous practical difficulties for courts considering the appropriate measure of relief in equitable enforcement actions.'' The Court goes on to say that ''Innovation to a large degree has already rendered the anti-competitive conduct obsolete, although by no means harmless'' unquote.

This issue is one that is relevant for this committee to consider as a larger policy matter, as well as how it relates to this case and the proposed settlement we are examining today. Let me just say that one of things that worries me is what are the enforcement capabilities of this settlement agreement? It was only a few years before these matters arose that Microsoft had agreed to a consent decree—to a conduct decree that many feel that they did not live up to.

I think it's a legitimate issue to raise as to how well the agreement that the Justice Department has worked out with Microsoft and nine of the plaintiffs, how will it be enforced if anticompetitive conduct continues.

In that regard, let me just raise Mr. Barksdale's letter which I believe you put into the record.

LEAHY: I did, I did.

HATCH: Let me raise it, because he does make some interesting comments in his letter and if I can read them, I think they might be—at least part of opening up the questions in this matter. I'll just quote a few paragraphs.

He says: ''These developments have stiffened my resolve to do all I can to ensure that competition and consumer choice are reintroduced to the industry. It is vitally important that no company can do to a future Netscape that Microsoft did to Netscape from 1995 to 1999. It is universally recognized that the 1995 consent decree was ineffective. I respectfully submit that the proposed final judgment, PFJ, is the subject of the hearing would be even less effective, if possible, than the 1995 decree in restoring competition and stopping anticompetitive behavior. Accordingly, Senator Leahy, I'm going to follow your suggestion that I help the committee answer one of the central questions. If the PFJ had been in effect all along, how would it have affected Netscape? More important, how will it affect future Netscapes?''

He describes the impact on future Netscapes as follows and let me just read a couple of paragraphs in this regard: ''As

discussed in the attached document, the unambiguous conclusion is that the PFJ agreed upon last month by Microsoft and the Department of Justice had been in existence in 1994, Netscape would have never been able to obtain the necessary venture capital financing. In fact, the company would have not come into being in the first place. The work of Mark Andresson's team at the University of Illinois in developing the Mosaic browser would likely have remained an academic exercise. An innovative, independent browser company simply could not survive under the PFJ and such would be the effect on any company developing the future technologies as innovative as the browser was in the mid-1990s.''

He goes on to characterize whether or not Microsoft could have developed itself, but let me just read the last two paragraphs of this letter: ''If the PFJ's provisions are allowed to go into effect, it is unrealistic to think that anybody would ever secure venture capital financing to compete against Microsoft. This would be a tragedy for our nation. It makes a mockery of the notion that the PFJ is, quote, ''good for the economy'', unquote. If the PFJ goes into effect, it will subject an entire industry to dominance by an unconstrained monopolist, thus snuffing out competition, consumer choice and innovation in perhaps our nation's most important industry. And worse, it will allow them to extend their dominance to more traditional businesses, such as financial services, entertainment, telecommunications and perhaps many others.

Four years ago, I appeared before committee and was able to demonstrate, with the help of the audience, that Microsoft undoubtedly had a monopoly. Now it has been proven in the course that Microsoft not only having a monopoly, but they have illegally maintained that monopoly through a series of abusive and predatory actions. I submit to the committee that Microsoft is infinitely stronger in each of their core businesses than they were four years ago, despite the fact that their principal arguments have been repudiated eight to zero by the federal courts. Now, if you'll keep these thoughts in mind during your hearing, let me send a more detailed analysis of my views as followed''.

Well, the importance of that letter is basically, Barksdale was one of the original complainants against Microsoft and was one of the very important witnesses before this committee in those years when we were trying to figure out what we're doing here. And I don't think you can ignore that, so these questions have to be answered that he raises, plus the questions that I had given as well.

So, that's the—you put that letter in the record?

LEAHY: I have and also I understood you wanted those letters (inaudible).

HATCH: I appreciate it.

Let me just say, Mr. Chairman, I'm grateful that you're continuing the committee's important role in high technology policy matters, and I as I would expect you to do, because I know that you take a great interest in these matters, as do, I think, every individual person on this committee and as does every individual person on the committee.

HATCH: I certainly look forward to hearing our witnesses today and I'm going to keep an open mind on where we're going here and hopefully they can resolve these matters in a way that is beneficial to everybody, including those who are against Microsoft and Microsoft itself.

Thank you,

Mr. Chairman.

LEAHY: Thank you.

Senator Kohl?

KOHL: Mr. Chairman, we thank you for holding this hearing here today. This is a crucial time for competition in the high tech sector of our economy. After spending more than three years pursuing its groundbreaking antitrust case against Microsoft, the government has announced a settlement.

But the critical question remains, will this settlement break Microsoft's stranglehold over the computer software industry and restore competition in this vital sector of our economy. I have serious doubts that it will.

An independent federal court, both a trial court and a court of appeals found that Microsoft broke the law and that its violation should be fixed. This antitrust case was as big as they come.

Microsoft crushed a competitor, illegally tried to maintain its monopoly and stifled innovation in this market. Now, after all these years of litigation, of charges and countercharges, this settlement leaves us wondering, ''Did we really accomplish anything?'' Or, in the words of the old song, ''Is that all there is?''

Does this settlement debate a Supreme Court mandate that it must deny the antitrust violator the fruits of its illegal conduct? It seems to me and to many, including nine of the states that joined the federal government in suing Microsoft, that this settlement agreement is not strong enough to do the job to restore competition to the computer software industry, It contains so many loopholes; qualifications and exceptions that many worry that Microsoft will easily be able to evade its provisions.

Today, for the vast majority of computer users, the first thing they see when they turn on their machine is the now familiar Microsoft logo placed on the Microsoft start menu. And all of their computer operations take place through the filter of Microsoft's Windows operating system.

Microsoft's control over the market is so strong that today, more than 95 percent of all personal computers run under Windows operating system, a market share high enough to constitute a monopoly under antitrust law.

Its share of the Internet browsing market is now over 85 percent and reported a profit margin of 25 percent in the most recent quarter, a very high number in challenging economic times. Microsoft has the power to dictate terms to manufacturers who wish to gain access to the Windows operating system and the ability to leverage its dominance into other forms of computer software. Microsoft has never been shy about using its market power.

Are we here today really confident that in five years, this settlement will have had any appreciable impact on these facts of life in the computer industry? I am not.

We stand today on the threshold of writing the rules of competition in the digital age. We have two options. One option involves one dominate company controlling the computer desktop facing minor restraints that expire in five years, but acting as a gatekeeper to 95 percent of all personal computer users.

The other mile is the flowering of innovation and new products that resulted from the breakup from the AT&T telephone monopoly nearly 20 years ago. From cell phones to faxes, from long distance price wars to the development of the Internet itself, the end of the telephone monopoly brought an explosion of new technologies and services that benefit millions of consumers every day. We should insist or nothing less in this case.

In sum, any settlement in this case should make the market for computer software as competitive as the market for computer hardware is today. While there is nothing wrong with setting, of course, we should insist on a settlement that has an immediate, substantial and permanent impact on restoring competition in this industry.

I thank our witnesses for testifying today and we look forward to hearing your views.

LEAHY: Thank you.

Senator DeWine? DEWINE: Mr. Chairman, thank you very much for holding this very important hearing concerning the Department of Justice's proposed final judgment in its case against Microsoft.

Mr. Chairman, as we examine this judgment and attempt to imagine what it will mean for the future of competition in this market, we must keep in mind the serious nature of this case. According to the DC Circuit Court, Microsoft did, in fact, violate our antitrust laws. Their behavior hurt the competitive marketplace. This is something that we must keep in mind as we examine the proposed final judgment.

This hearing is particularly important at this time, because federal law does require the District Court to examine the proposed settlement and determine if it is, in fact, in the public interest.

Federal law clearly allows the public to be heard on such matters. I believe that this forum today will further that process of public discussion.

The Court of Appeals in this case, relying on established Supreme Court case law, explained when appropriate remedy in antitrust case, such as this one, must seek to accomplish. It should unfetter the market and anti-competitive conduct, terminate the illegal monopoly and deny the defendant the fruits of its violations.

It's important, Mr. Chairman, that we examine where the proposed decree would, in fact, accomplish these goals. There seems to be a great deal of disagreement about what the competitive impact of the decree will be. While the proposed settlement, correctly, I believe, focuses primarily on the market for middleware, there has been a great deal of concern raised about the mechanism for enforcing such a settlement. Specifically, I think we need to discuss further whether the public interest would be better served with a so-called special master or some sort of administrative mechanism or whether the Justice Department can be more effective in enforcing the decree on its own.

In addition to the Department of Justice's proposed final judgment, we also have the benefit of another remedy's proposal which has been submitted to the court by nine states that did not join with the antitrust division's proposal. I would like to hear from our witnesses about the role they believe this alternative proposal should play in the ongoing Tunney Act proceedings.

As I mentioned early, Mr. Chairman, the Court of Appeals directed that any remedies should seek to deny Microsoft the fruits of its illegal activities. One clear benefit Microsoft derives from its violations was the effective destruction of Netscape as a serious competitor and a decrease in Java's market presence.

It's obviously impossible to go back in time and resurrect the exact market structure that existed, but it is important to discuss how the proposed settlement deals with this problem. I'd also like to note for the record that Microsoft will be represented today by one of their outside counsel, Rick Rule, rather than an actual employee of the company. Mr. Rule is an outstanding antitrust lawyer. He is well qualified to testify on this issue and we certainly look forward to hearing his testimony today.

However, Mr. Chairman, I must say that I am disappointed that Microsoft chose not to send an actual officer of the company because it does not appear to represent, frankly, the fresh start that I think we're all hoping to begin today.

Finally, I would like to thank you, Mr. Chairman, Ranking Member Hatch and Antitrust Subcommittee Chairman Kohl for all of your hard work in putting this hearing together and all of your work on this issue generally, over the last year.

I look forward to the testimony of our witnesses today and the committee's continuing oversight of this very important issue.

LEAHY: Mr. James, there's a vote on the floor. I think there's about two or three minutes left in the roll call vote. We're going to suspend while we go to vote, but I think...

JAMES: I have a really brief statement. Could I make that before you adjourn?

LEAHY: You can.

JAMES: Let me just say that at this hearing and the accompanying media spectacle indicate that Microsoft case is a subject of significant public interest and debate. Some argue that the case itself never should have been filed to begin with. Now, after nearly four years of litigation, Microsoft, the Department of Justice and nine states, have reached a settlement. I just want to commend the parties for their tireless effort and countless hours in reaching the compromise. Settlement is nearly always preferable to litigation and regulation by the market is nearly always better than regulation by litigation or the government, for that matter.

As far as what the public thinks, just this week a nationwide survey indicated U.S. government and Microsoft agreed to settle the antitrust case, however, nine state AGs argued that the antitrust case against Microsoft should continue. Which statement do you agree with?

U.S. economy and consumers would be better off id the issue where we settle as soon as possible, 70 percent; the court should continue to investigate whether Microsoft should be punished for its business activities, 24 percent. Not that the public is always determinative, but I thought that would be an interesting observation to add.

Thank you very much, Mr. Chairman.

LEAHY: I think, Mr. James, I think you'd know from the comments that we're across the board here. Everybody, or the majority of the people favor a settlement, but I must say that I don't think the majority of the people favor any settlement. They favor a good settlement and that's what the questions will be directed at and that's why nine attorneys general have expressed concern. Nine agreed with the settlement, nine disagreed with the settlement.

These are all very good, very talented people.

So, in your testimony when we come back, you've heard a number of the questions that have been raised and we look forward to you responding to them.

We'll stand in recess while we vote.

(RECESS)

LEAHY: Sorry for that.

LEAHY: Mr. James, I should put on for the record, Mr. James has served as the assistant attorney general for the antitrust division since June 2001. He previously served as deputy assistant attorney general for the Antitrust Division for the first Bush administration from 1989 to ''92. He served as acting assistant attorney general for several months in ''92. He was then the head of the antitrust practice of Jones Day Reavis & Pogue in Washington. Not knowing what the Senate schedule might be, Mr. James, we'll put your whole statement in the record, of course. I wonder if you might summarize it, but also with some reference to the charge made in the letter to Senator Hatch and myself by Mr. Barksdale, who said. had this been the ground rules—we never would have been able to get Netscape off the ground had it been the ground rules at the time they began Netscape, they would have never been able to create Netscape. If that is accurate, of course, we've got a real problem,

So, Mr. ,lames, it's all yours.

JAMES:

Thank you,

Senator Leahy and good morning to you and members of the committee. I'm pleased to appear before you today to discuss the proposed settlement of our still pending case against Microsoft Corporation.

With me today are Deborah Majoris (ph), my deputy, and Phil Malone (ph), who has been the lead staff lawyer on the Microsoft case from the very beginning. I note their presence here because they were the ones who responded to the judge's order that we negotiate around the clock and I think they've recovered now.

As you know, on November 2, the department and nine states entered into the proposed settlement. We're in the midst of the Tunney Act period, as you know, and that will end at the end of January at which point the District Court will determine whether the settlement is in the public interest. We think that it is.

I'm somewhat limited in what I can say about the case because of the pendency of the Tunney Act proceeding, but of course, I'm happy to discuss this with the committee for the purpose of public explication.

When thinking about the Microsoft case, from my perspective, it's always important to distinguish between Microsoft, the public spectacle and Microsoft, the actual legal dispute. We look, in particular, to what the department alleged in its complaint and how the court ruled on those allegations.

The antitrust division complaint had four counts: attempted monopolization of browser market in violation of Section II; individual and competitive acts; and a course of conduct to maintain the operating system monopoly in violation of Section II of the Sherman Act; tying it's own browser to the operating system in violation of Section I; and exclusive dealing in violation of Section I.

I would note that a separate monopoly leveraging claim brought by the states was thrown out prior to trial and that the states at one time had alleged in their complaint monopolization of Microsoft Office market and that was eliminated by the states through an amendment.

There was, of course, a trial before Judge Jackson, at the conclusion of which Judge Jackson found for the government on everything but exclusive dealing and ordered Microsoft to be split into a separate operating system and applications businesses after a one year transitional period under interim conduct remedies.

On appeal, however, only the monopoly maintenance claims survived unscathed. The attempt at monopoly claim was dismissed. The time claim was reversed and remanded for further proceedings under a much more rigorous standard and the remedy was vacated with the court ordering remedial hearings before a new judge to address the fact that liability findings had been, in their words, drastically curtailed.

Even the monopoly maintenance claim was cut back in the Court of Appeals decision. The Court of Appeals found for Microsoft on some of the specific practice and rules against the government on the so-called ''course of conduct theory'' of liability.

I recount all of this history to make two basic points that I think are important as we discuss the settlement.

First, the case, even as initially framed by the Department of Justice, was a fairly narrow challenge. It was never a direct assault on the acquisition of the operating system monopoly itself.

Second, and perhaps much more important, the case that emerged from the Court of Appeals was much narrower, still focusing exclusively on the middleware threat to the operating system monopoly and specific practices, not a course of conduct found to be any competitor. The Court of Appeals decision determines the reality of the case as we found it in the department when I first arrived there in June as you noted. The conduct found to be unlawful by the court was the sole basis of relief.

It's probably worth talking just briefly about the monopoly maintenance claim. The claim alleges that Microsoft engages in various anti-competitive practices, the NT, the development of rival web browsers and lava. These products came to be known as

middleware and was thought to pose a threat to the operating system monopoly because they had the potential to become platforms for other software applications.

The court noted that the middleware threat was nascent, that is to say that no one could predict when, if ever, enough applications would be written to middleware for it to significantly displace the operating system monopoly.

A few comments about the settlement itself. In general terms, our settlement has several important points that we think fully and demonstrably remedy the middleware issues that were at the heart of the monopoly maintenance claims,

In particular, are our decree contains a very broad definition of middleware that specifically includes a forms of platform software that have been identified as potential operating system threats today and likely to emerge as operating system threats in the future, in the broadest terms types of contractual restrictions and exclusionary arrangements the Court of Appeals found to be unlawful.

The defense is in those prohibitions where the appropriate nondiscrimination and non-retaliation provisions and it creates an environment which middleware developers can create programs that compete with Microsoft on a function—like function basis to a regime of mandatory API documentation and disclosure.

The most simple terms we believe our remedy will permit is the development and deployment of middleware products without fear of retaliation or economic disadvantage. That is what we believe and what the court found that consumers actually lost through Microsoft's unlawful conduct and that is what we think the consumers will gain through our remedy. With specific reference to what Mr. Barksdale said, if I may. I've not reviewed Mr. Barksdale's letter. I know that in this particular situation with so much at stake in this particular settlement that I've seen lots of hyperbolic statements. I certainly wouldn't necessarily characterize his in that vein without having read it in some detail.

I would note, however...

LEAHY: Mr. James, we're going to give you an opportunity to do that, because I want you to look at it. You can feel free to call it hyperbolic or however, but I would ask that you and your staff look at his letter, which does raise some serious questions and I would like to see what response you have for the record.

JAMES: I will be happy to do so.

And with that, I'd be happy to answer your questions.

LEAHY: Did you have more you wanted to say on the letter before you...

JAMES: No, sir. I'm happy to respond to what you folks want to talk about.

LEAHY: The Department of Justice has been involved in litigation against Microsoft for more than 11 years. I am one of those who had hoped throughout that that the parties might come to some conclusion. I think that it's in the best interest if you can have a fair conclusion; it's the best interests of the consumers, the government, Microsoft, competitors and everybody else.

I have no problem with that, but that presupposes the right kind of settlement. Over the course of those 11 years, the parties entered into one consent decree and that just ended up with a whole lot more litigation over the terms of that consent decree.

I mention that because you take this settlement and its already being criticized by some for the vagueness of its terms and its loopholes. Judge Robert Bork warned that it's and I think I'm quoting him correctly, ''likely to guarantee years of additional litigation''.

Now, what kind of assurances can you give or what kind of predictions can you give that if this settlement is agreed to by the courts, that we're going to see an end to this litigation, we're going to have to stop this kind of merry go round of Microsoft litigation concerning compliance or even the meanings of the consent decrees. I notice a lot of people in this room on both sides of issue. I have a feeling they are here solely because of their interest in government and not because and not because the meter is running.

A lot of us would like to see this thing end, but why do you feel that this decree, this settlement is so good that it's going to end?

JAMES: Well, Senator, that's certainly a legitimate question and I understand the spirit in which it was asked. One, I think, the facts of life is that one of the reasons we have so many antitrust lawyers and perhaps why there are so many of them in this room, is that firms with substantial market positions very often are the subject of appropriate antitrust scrutiny and so it is with Microsoft and so it should be.

Our settlement here is a settlement that resolves a fairly complex piece of litigation. It, by it's terms, is going to be a complex settlement in as much as it does cover a broad range of activities and has to look into the future prospectively in a manner that benefits consumers. Some of that consumer benefit certainly will come from the development of competing products. Some of that consumer benefit, however, will come from competition from Microsoft as it moves into other middleware products, et cetera.

We think that the terms of the decree are certainly enforceable. I think so much of what has been called a loophole are things that are carve-outs necessary to facilitate pro-competitive behavior and we certainly think that the enforcement power embodied in this decree, I would say an unprecedented level of enforcement power, three tiers of enforcement power, are sufficient to let the Department of Justice...

LEAHY: But keep in mind that usually these kinds of decrees, if it's not specifically laid out, the courts tend to decide the vague questions against the government, not for. Fortune Magazine called it and said even the loopholes have loopholes, a pretty strong statement from a very pro-business magazine.

The settlement limits the types of retaliation Microsoft can take against PC manufacturers that want to carry or promote non-Microsoft software, but some would say that gives a green light to other types of retaliation.

Now, I don't know why doesn't the settlement ban all types of retaliation. It has no—the Court of Appeals, it said twice you commingle the browser and operating system code you violate Section II of the Sherman Act. The proposed settlement contains no prohibit on commingling code. There is no provision barring the commingling of browser code with the operating code.

So, you've got areas where they can retaliate. You don't have the barring of this commingling of code. I mean, are these—Fortune Magazine, Judge Bork and others justified in thinking there are too many loopholes here, notwithstanding the levels of enforcement.

JAMES: Let me take your points in order—first on the subject of retaliation.

Retaliation is a defined term in this decree. It's a term that we are using to define a sort of conduct that Microsoft can engage in when it engages in ordinary commercial transactions. I don't think that there is any scope in the bounds of this case to prohibit Microsoft from engaging in any form of collaborative conduct with anyone in the computer industry. Certainly, the types of collaborative conduct that are permitted, the so-called ''loopholes'', are the type of conduct that is permitted under standard Supreme Court law embodied in decisions like broadcast music and NCAA, also embodied in the Federal Trade Commission-Department of Justice joint venture guidelines that sanction forms of conduct, so that we think that antitrust lawyers certainly can understand these types of issues and that we think the courts can understand these types of issues.

JAMES: Secondly, with regard to your more particular point about commingling code—it's certainly the case that the Court of Appeals following upon the District Court decision found that Microsoft had engaged in an act of monopolization in that it commingled code for the purpose of preventing the Microsoft browser from being removed from the desktop. That's certainly the finding of the Court of Appeals.

Now, in the process of going through my preparations for this hearing, I went back and looked at the Department of Justice position with regards to this throughout the course of the case and even in the contempt proceeding involving the former (inaudible), it has always and consistently been the Department of Justice's contention that it did not want to force Microsoft to remove code from the operating system. They said that over and over again in every brief that's been filed in this case.

What the Department of Justice wanted was an appropriate as a remove functionality that would give consumers the choice between middleware functionalities. That is exactly the remedy we have here and we think it's an effective remedy.

We've gone beyond that particular aspect of this by including into our decree a specific provision that deals with the question of defaults, in other words, the extent to which a Microsoft middleware—a non-Microsoft middleware product can take over and be (inaudible) both automatically in place of a Microsoft middleware product. That's something that was not in the earlier decree. It's a step beyond what was included in Judge Jackson's order.

We think that we have addressed the product integration aspects of the Microsoft monopoly made in this claim in exactly the terms that the department has always

pursued with regard to that particular issue and we're completely satisfied with that aspect of the relief.

LEAHY: Well, I will have a follow up on—as you probably expect that my time is up and I want to yield to Senator DeWine. Actually, I have a follow up on the retaliation also, but I do appreciate your answer.

Senator DeWine?

DEWINE: Thank you, Mr. Chairman.

This case has certainly been very controversial and inspired a great deal of discussion regarding the effectiveness of the antitrust laws, especially within the high tech industry. Netscape, for example, vocally opposed Microsoft during this litigation and many of Netscape's complaints really were validated by the courts. And yet, Netscape ended up losing battle.

This sort of result has led some to question whether our antitrust laws can be effective in this particular industry and I personally believe the antitrust laws are essential to promoting competition within the industry and throughout the country.

But I would like to hear what your views are on this subject. What lessons do you think this case teaches us in regards to that and what do we say to people like Netscape?

JAMES: Well, it's certainly the case that our judicial system very often can provide a crude tool for redressing particular issues quickly. I would note that this particular case was litigated on a very fast track and the people at the Department of Justice ought to be really commended for pushing this case along at even the speed that it's taken, considering the comparable speed of other cases.

I think, however, that the case stands for an important proposition and that is that the Department of Justice is up to meeting the challenge, that it has the tools at its disposal to investigate unlawful conduct, to understand and appreciate the implications of what complex technical matters involve, to bring the resources to bear in order to litigate these cases to a successful conclusion and, where appropriate, to reach a settlement that's in the public interest.

One of the things that I think is an important issue to note here is that there is certainly a time difference between litigating a matter of individual liability and litigating a matter involving compliance with a term of a decree.

We think that the enforcement powers that are involved here are appropriate ones. We think that enforcement by the Department of Justice is the appropriate way to proceed in these matters and we're confident that this provides the sort of best mechanism for dealing with a complex matter in complex circumstances.

DEWINE: One provision of the proposed final judgment requires Microsoft to allow consumers or computer manufacturers to enable access to competing products. However, to qualify for these protections, it must have had a million copies distributed in the United States within the previous year.

This would seem to me to run contrary to traditional antitrust philosophy promoting new competition. Why are these protections limited to larger competitors?

JAMES: I'm actually glad you asked that question, Senator, because that's one of the prevailing, I think, misconceptions of the decree.

The provisions of the decree that require Microsoft to allow a OEM placed middleware product on the desktop apply without regard to whether or not that product has been distributed to I million people. That is an absolute requirement.

The million-copy distribution provision relates solely to the question of when Microsoft must undertake these affirmative obligations to create defaults, for example, for a middleware product, to provide other types of assistance to someone who has developed that product. The fact of the matter is that this is something that requires a great deal of work, particularly these complex matters of setting defaults, which is very important to the competitive circumstances here. It would be very difficult to impose upon Microsoft the responsibility for making these alterations to the operating system and making them for every subsequent release of the operating system to be automatic in the case of any software company that shows up and says, ''I have a product that competes''.

But I want to be very clear here, Senator. Every qualifying middleware product without regard to how many copies its distributed, an OEM can place that product on the desktop immediately without regard to this I million threshold. And quite frankly, in today's world, 1 million copies distributed is not a substantial matter. I think in the last year I might have gotten 1 million copies of AOL 5.0 in the mail.

So, I don't think that that's really a very large impediment.

DEWINE: Can I ask one last question?

You've mentioned in a number of provisions the settlement will (inaudible) beyond the four corners of a case. But Microsoft agreed to these conditions anyway. What are they and what is the goal of these provisions?

JAMES: Well, I think one of the most important one is the default provision. As of the time of our original case, these middleware products were fairly simple, operating in a fairly simple way. You went—you clicked onto that product, you evoked that product and then you used it in whatever way was appropriate.

In today's world, software has changed. We see what they call a more ''seamless user interface user experience'', and it's necessary for people to operate deeply within the operating system on an integrated basis.

There were allegations that Microsoft overrode consumer choice in these default mechanisms in the case. With regard to each and every one of those instances alleged by the Justice Department, the Justice Department lost. The court found that count for Microsoft. Notwithstanding that as a matter of fencing in and improving the nature of this decree, we have included into this issue the subject of defaults.

Another important area, I think, is a question of server interoperability and that's a very, very important issue as we see going forward. If you go back and read the complaint in this case, you will find the word ''server'' almost virtually never appears. There's no sort of very specific allegations that go to this.

We thought that this was an important alternative platform issue. We thought it was important to stretch for relief in this area and we did so and got, I think, relief that is very effective in preserving this as people go into an environment of more distributive web processing.

So, we think that that's a very powerful thing and I think these are two issues that the Department of Justice would have had a very, very difficult time sustaining in court to the extent that the court was inclined to limit us to the proof that we put forward, so I think these are very positive manifestations of the settlement.

DEWINE: Thank you, Mr. Chairman.

LEAHY: We're checking one—and I mentioned this to Senator Kohl and Senator Sessions and Senator Cantwell (inaudible) been here to answer questions. We're finding out from the floor (inaudible) there may have been a (inaudible). Any senator has a right under Senate rules to object to committees meeting more than two hours after the Senate goes in session. We're on the farm bill and a number of appropriations and other central matters so that I've been told that a senator has objected, as every senator has a right to do, to its continuance. And as a result, the good senator said they want us to, contrary to what is going on in the Senate floor, we have to respect the rules of the Senate. I do, and we're going to have to recess this hearing at this time. I'm going to put into the record the statements of all those who have come here to testify.

Senator Hatch and I will try and find a time we might reconvene this hearing because both Senator Hatch and I feel this is a very important hearing. Statements will be placed in the record. The record will be open for questions that might be submitted.

I apologize to everybody. We did not anticipate this. With 100 senators, every so often somebody exercises that rule. I emphasize, senators have the right to exercise that rule, especially when we're in the last three weeks of the session. I think we're going to break for Christmas Day, but we're in the last three weeks of this session and I think senator (inaudible) wants to make sure senators pay attention to (inaudible).

HATCH: Mr. Chairman?

LEAHY: Senator Hatch, we really technically out of time.

HATCH: Mr. Chairman, we are out of time. Any Senator can invoke a two-hour rule and a senator has done that. Fortunately, I think it was against the finance committee markup today, but we reported out to bill anyway right within the time constraint. That's where I went.

But both Senator Leahy and I apologize to the witnesses who put such an effort in being here today, because this is an important hearing. These are important matters for both sides, to all sides, I should say. There are not just two sides here, and these matters have a great bearing on just how positively impactful the United States is going to be in these areas. So, I hope that we can reconvene within a relatively short period of time and continue this hearing, because it is a very, very important hearing and we apologize to you that this happened.

LEAHY: It's out of our hands, but I would normally recess until tomorrow, but

tomorrow we have this time for an executive committee meeting of the Judiciary Committee to do as we've done many times already, to vote out a large number of judges.

So, with that, we stand recessed.

(UNKNOWN): Mr. Chairman, just a matter of procedure. I am troubled by what I understand to be a decision to send this transcript to the court as an official document from Congress in the middle of a litigation that's ongoing. I would think that anybody's statement that they gave could be sent to the court. Any senator can write a letter to the court.

LEAHY: I appreciate—we need to be...

(UNKNOWN): I haven't studied it fully, but as a (inaudible) it troubles me to have a...

LEAHY: That record is open to anybody who wants to send anything in. Senator Hatch and I have made that decision and that will be the decision of the committee.

We stand in recess.

(UNKNOWN): I will be recorded as objecting. END NOTES:

????—Indicates Speaker Unknown

——Indicates could not make out what was being said. off mike—Indicates could not make out what was being said.

PERSON: PATRICK J LEAHY (94%); EDWARD M KENNEDY (72%); JOSEPH R BIDEN (57%); DIANNE FEINSTEIN (56%); RICHARD J DURBIN (55%); HIKE DEWINE (55%); ORRIN G HATCH (54%); STROH THURMOND (54%); JOHN EDWARDS (54%); ARLEN SPECTER (53%); JON L KYL (53%); JEFF SESSIONS (52%); HITCH MCCONNELL (51%); HERB KOHL (50%); RICHARD MICHAEL DEWINE (50%);

ATTACHMENT 7

FRIED FRANK HARRIS SI??RIVER & JACO??SON

Alphabetical Attorney Listing

Attorney D??

Charles F. (Rick) Rule is a partner resident in Fried Frank's Washington, DC and New York offices and head of the firm's antitrust practice. He joined the firm in 2001.

Mr. Rule's practice focuses on providing U.S. and international antitrust advice to a variety, of high-profile corporations. counseling, structuring joint ventures (including business-to- business exchanges) and representing major corporations in connection with investigations by the U.S. Department of Justice, the Federal Trade Commission and the European Commission. Mr. Rule has represented clients such as Eli Lilly & Company, Microsoft Corporation, US Airways Inc., WorldCom, Inc., the National Basketball Association, Goodyear Tire and Rubber Co., and Air Products and Chemicals, Inc. He has also been involved in the antitrust clearance of some of the highest-profile mergers in recent years, including advising NYNEX in its merger with Bell Atlantic (now known as Verizon Communications) and serving as Exxon's lead counsel in its successful merger with Mobil Oil Corporation (now known as ExxonMobil Corporation).

Mr. Rule served as William Baxter's special assistant, in 1982, in the Antitrust Division of the Department of Justice. He served as acting head of the Division for almost half of 1985 and was appointed to the job permanently in late 1986, becoming the youngest person ever to be confirmed to the position of Assistant Attorney General in charge of the Antitrust Division. Mr. Rule continued as the Assistant Attorney General through the remainder of the Reagan Administration and for the first several months of the George Bush, Sr. Administration. He received the Edmund J. Randolph Award from the Department of Justice in 1988. Following his departure from the Justice Department in 1989, Mr. Rule was a partner and head of the antitrust practice at the Washington, DC law firm of Covington & Burling.

Mr. Rule has served as a distinguished adjunct professor of law at American University's Washington College of Law. He was the inaugural chair of the Corporations, Securities and Antitrust Practice Group of the Federalist Society, and, from 1989–91, was chair of the Economics Committee of the ABA Antitrust Section. He is currently a member of the Advisory Board of BNA's Antitrust & Trade Regulation Report and also a member of the advisory boards of the Washington Legal Foundation and the Landmark Legal Foundation.

Mr. Rule is included among the world's leading antitrust lawyers in the Chambers Global 2000–2001 listing. His biography appears in Who's Who in America. Who's Who in the East. Who's Who in American Law and similar publications.

Mr. Rule has written extensively and is a frequent lecturer on a variety, of antitrust and regulatory topics, and he contributes a regular column on antitrust issues to the Daily Deal. (See attached publications list.)

Mr. Rule received his JD in 1981 from the University of Chicago Law School and his BA, summa cure laude, in 1978 from Vanderbilt University. He served as a law clerk for Chief Judge Daniel M. Friedman of the old United States Court of Claims (now the Court of Appeals for the Federal Circuit). He is on the Visiting Committee for the University of Chicago Law School. He is admitted to the bar in the District of Columbia.

ATTACHMENT 8

The New York Times

FRIDAY, NOVEMBER 2, 2001

By STEPHEN LABATON

WASHINGTON, Nov. 1—The 18 states involved in tile government's landmark antitrust lawsuit against Microsoft rebuffed repeated request,'' today by Microsoft and the Justice Department to join the tentative settlement they reached a day earlier.

Concluding a series of meetings in Washington and cross-country telephone calls, the slate prosecutors instead agreed among themselves to ask the federal judge overseeing tile case for time to examine the details of the proposed deal.

The judge, Colleen Kollar-Kotelly of Federal District Court for the District of Columbia, has ordered the lawyers In the case to appear before her on Friday morning to report progress in the mediation proceedings that she set up five weeks ago.

Today Microsoft and senior Justice Department officials engaged with a mediator in shuttle diplomacy, vigorously pressing the states to adopt the agreement, people involved in the case said.

Under that pressure, leaders of the group struggled to hold together a fragile alliance that was being led from Washington by Tom Miller, the attorney general of Iowa, and Richard Blumenthal, the attorney general of Connecticut. Working from the headquarters here of the National Association of Attorneys General, the two were Joined by lower-level lawyers from * other states, including New York and California.

After a conference call this afternoon, the states agreed to have their newly hired lawyer, Brendan Sullivan, ask the judge for more time to consider tile request. The decision was described as unanimous. Pressing hardest for the delay were representatives from California, Connecticut, Massachusetts, Ohio and Wisconsin, according to one lawyer Involved in the case.

Participants described the state officials as wary of accepting a deal before scrutinizing the text of any proposed consent decree, particularly in light of the history of the case. ''The last time I saw a public policy issue as important and difficult as Microsoft decided under impossible time constraints and without a chance for adequate public review was when California passed its electricity deregulation bill,'' said Bill Lockyer, the California attorney general. ''I'm not about to stand by and see that happen again.''

It was an inartfully drawn consent decree in 1994 that became the center of the initial lawsuit filed by the Justice Department against Microsoft. In that case, Microsoft was accused of violating the terms of the decree by integrating its Internet Explorer browser software into its Windows operating system. The company replied that it had done nothing improper because the decree did not explicitly constrain it from such integration.

The state prosecutors today faced a difficult legal calculation. Several of them were described as being skeptical of the proposed deal but also uncertain whether they would be able to proceed as a group at odds with the federal government.

A break between the states and the Justice Department would throw the cas?? uncharted and .possibly ?? legal waters. No agreement ca?? effect without the approval of a??ral judge, and it is impossible to predict how Judge Kollar-Kotelly might react to the concerns of the states.

Nor is it certain whether her approval of a settlement would prevent the states from proceeding with their own antitrust lawsuit against Microsoft To approve the proposed deal struck with the Justice Department, Judge Kollar-Kotelly would have to find that it was in the public interest.

Today's developments capped a remarkable week of behind-the scenes negotiations in Washington. For Microsoft, the main negotiator has been Charles F. Rule of Fried, Frank, Harris, Shriver & Jacobson, a former assistant attorney general in charge of antitrust during the Reagan administration, where he got to know a young colleague working on antitrust issues at the Federal Trade Commission named Charles'' A. James. Mr. James, the current head of the antitrust division, is leading the federal government's effort to settle the case.

News of the proposed settlement between Microsoft and the Justice Department

propelled the company's stock and contributed to a broader rally in the markets. Microsoft shares rose 6.4 percent, or $3.69, to $61.84.

Some of Microsoft's largest competitors voiced bitter disappointment about the terms of the proposed deal and asserted that the company had used its political influence with a Republican administration to try to quickly put an end to the case.

The rivals said that during court hearings that will be ''required on the proposed settlement, they intended to provide evidence of what they say was an improper discussion between a senior aide to Attorney General John Ashcroft who had been a top official in the Republican Party and a Republican lobbyist for AOL-Time Warner that demonstrated Microsofts political muscle. In a statement issued today, Representative John Conyers Jr., Democrat of Michigan, also indicated he would be examining that incident, word of which has been circulating widely in recent days among lawyers, lobbyists and executives following the case.

The aide to Mr. Ashcroft, David Israelite, had been the political director of the Republican National Committee, which received hundreds of thousands of dollars from Microsoft during the 2000 presidential campaign. Mr. Israelite, now Mr. Ashcroft's deputy chief of staff, has recused himself from any involvement in the Microsoft antitrust case because he owns 100 shares of Microsoft stock.

The 1obbyist involved in the discussion was said to be Wayne Berman, who is also a top Republican fundraiser.

According to the notes of a person briefed about the conversation on Oct. 9, the day it is said. to have occurred, Mr. Israelite called Mr. Berman.

''Are you guys behind this business of the states hiring their own lawyers in the Microsoft case?'' Mr. Israelite asked Mr. Berman in the predawn conversation, according to the notes. ''Tell your clients we wouldn't be too happy about that.''

Mr. Israelite purportedly told the AOL lobbyist that the Supreme Court would probably deny a Microsoft appeal later in the day, as the court in fact did, clearing the way for the Justice Department to push hard for a settlement with the company. According to people who were later briefed on the conversation by an AOL executive, Mr. Israelite then complained that AOL, a leading Microsoft rival, had been trying to ''radicalize'' the states to oppose a settlement.

In recent interviews, both Mr. Israelite and Mr. Berman denied that they had had any conversations about the Microsoft case or that they had talked at all that day.

''I find it offensive if someone has suggested that I violated the terms of my recusal, because I take that very seriously,'' Mr. Israelite said.

But an AOL executive said he was notified by Mr. Berman about his conversation with Mr. Israelite on Oct. 9, the day it was said to have occurred. Nevertheless, this executive and others at AOL said that upon re-examination of Mr. Berman's initial description of the conversation with Mr. Israelite, the company concluded that the account of the conversation might not have been reliable enough to justify filing an ethics complaint.

But other industry executives and lobbyists said they thought the conversation had occurred and would ask Judge Kollar-Kotelly to order an inquiry. Today Edward J. Black, president of the Computer and Communications Industry Association, a trade group whose members include many of Microsoft's corporate adversaries, said he and other groups would be raising the incident as part of a court proceeding to consider the merits of the settlement.

''Something is very rotten here,'' Mr. Black stud. ''Israelite is a recused official. He holds Microsoft stock. He raised a lot of money from Microsoft. He steered money into critical states that helped win the election. And then he takes action to help facilitate getting Microsoft out of trouble in an enforcement action.''

Alter more than three years of litigation, repeated courtroom setbacks and failed settle- ly on whether an appeals court ruling m June was interpreted broadly or narrowly.

Some Legal scholars pointed to the precedents establishing the standard that monopoly remedies should eliminate the monopoly, deny with innovation.''

The tentative settlement would prohibit Microsoft from entering into pricing deals and contracts with personal computer makers that effectively force them to favor Microsoft prod-

ATTACHMENT 9

Clerk of the House of Representative
Secretary of the Senate
Legislative* Resource Center
Office of Public Records
B–106 Cannon Building
232 HartBuilding
Washington, DC 20515
Washington, DC 20510
RECEIVED
99 AUG–9 PM 2:38
OFFICE OF THE CLERK
U.S. HOUSE OF REPRESENTATIVES
LOBBYING REPORT
Lobbying Disclosure Act of 1995 (Section 5)—All Filers Are Required to Complete This Page
1. Registrant Name Barbour Griffith & Rogers
2. Registrant Address
Check if different than previously reported Address
1275 Pennsylvania Avenue, NW Tenth Floor
City Washington State/Zip (or Cottony) DC 20004
3. Principal Place of Business (if different from line 2)
City State/Zip (or Country)
4. Contact Name Will Milligan
Telephone (202)–661–6320
E-mail (optional) wmilligan@bgrdc.com
5. Senate ID # 5357–416
6. House ID # 31564040
7. Client Name Self Microsoft Corporation
TYPE OF REPORT
8. Year 1999 Midyear (January 1-June 30) ?? OR Year End (July I-December 31) ??
9. Check if this filing amends a previously filed version of this report ??
10. Check if this is a Termination Report
Termination Date
11. No Lobbying Activity ??
INCOME OR EXPENSES—Complete Either Line 12 OR Line 13
12. Lobbying Firms
INCOME relating to lobbying activities for this reporting period was: Less than $10,000 $10,000 or more $300,000.00
Income nearest $20,000)

Provide a good faith estimate, rounded to the nearest $20,000 of all lobbying related income from the client (including all payments to the registrant by any other entity for lobbying activities on behalf of the client).

13. Organizations
EXPENSES relating to lobbying activities for this reporting period were: Less than $10,000
Expenses (nearest $20,000)
14. REPORTING METHOD. Check box to indicate expense accounting method. See instructions for description of options.
Method A. Reporting amounts using LDA definitions only
Method B. Reporting amounts under section 6033C0)(8) of the Internal Revenue Code
Method C. Reporting amounts under section 162(e) of the Internal Revenue Code signature
Date 8/5/99
Printed Name and Title G.O. Griffith, Jr. Managing
Page 1 of 2
Registrant Name: Barbour Griffith & Rogers Client Name: Microsoft Corporation LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
* 15. General issue area code CPI (one per page)
16. Specific Lobbying issues
H.R. 775, Y2K Act,
S.314, Small Business Year 2000 Readiness Act,
In connection with the Justice Department's Antitrust inquiry. 17. House(s) of Congress and Federal agencies contacted ID Check if None
House of Representatives
Senate
18. Name of each individual who acted as a lobbyist in this issue area

Name	Covered Official Position (if applicable)
New	
Barbour, Haley	No
Griffith, Jr., G.O.	No
Monroe, Loren	No
Rogers, Ed	No
Thompson, Brent	No

19. Interest of each foreign entity in the specific issues listed on line 16 above
Check if None
Printed Name and Title G.O. Griffith, Jr. Managing Partner
Date 8/5/99

ATTACHMENT 10

Clerk of the House of Representatives
Legislative Resource Center
B–106 Cannon Building

Washington, DC 20515
Secretary of the Senate
Office of Public Records
232 Hart Building
Washington, DC 20510
LOBBYING REPORT
Lobbying Disclosure Act of I995 (Section 5)—All Filers Are Required to Complete This Page
1. Registrant Name Barbour Griffith & Rogers
2. Registrant Address
Check if different than previously reported Address
1275 Pennsylvania Avenue, NW Tenth Floor
City Washington state/zip (or Country) DC 20004
3. Principal Place of Business (if different from line 2)
City State/Zip (or Country)
4. Contact Name Evan Rikhye
Telephone 202–333–4936
E-mail (optional)
5. Senate ID # 5357–416
7. Clint Name Self Microsoft Corporation 31564040
TYPE OF REPORT
8. Year 1999 Midyear (January 1–June 30)
9. Check if this filing amends a previously filed version of this report
10. Check if this is a Termination Report Termination Date
OR
Year End (July 1–December 3 I)
11. No Lobbying Activity
INCOME OR EXPENSES—Complete Either Line 12 OR Line 13
12. Lobbying Firms
INCOME relating to lobbying activities for this reporting period was:
Less than $10,000
$10,000 or more $
$320,000.00
Income (nearest 520,000)

Provide a good faith estimate, rounded to the nearest $20,000 of all lobbying related income from the client (including all payments to the registrant by any other entity for lobbying activities on behalf of the client).

Signature
Printed Name and Title G.O. Griffith, Jr.—Managing Partner
13. Organizations
EXPENSES relating to lobbying activities for this reporting period were:
Less than $10,000
$10,000 or more $
Expenses (nearest $20,000)
14. REPORTING METHOD. Check box to indicate expense accounting method. See instructions for description of options.
Method A. Reporting amounts using LDA definitions only
Method B. Reporting amounts under section 6033(bX8) of
the Internal Revenue Code
Method C. Reporting amounts under section 162(e) of the
Internal Revenue Code
Date 01/13/2000
Registrant Name: Barbour Griffith & Rogers
Client Name: Microsoft Corporation
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. General issue area code LAW (one per page)
16. Specific Lobbying issues
H.R. 775, Y2K Act,
S.314, Small Business Year 2000 Readiness Act,
In connection with the Justice Department's Antitrust inquiry.
17, House(s) of Congress and Federal agencies contacted
Check if None
18. Name of each individual who acted as a lobbyist in this issue area

Name	Covered Official Position (if applicable)
New	

19. Interest of each foreign entity in the specific issues listed on line 16 above
Check if None
Signature
Printed Name and Title G.O. Griffith, Jo.—Managing Partner
Date 01/13/2000

ATTACHMENT 11

Clerk of the 11ouse of Representatives
Secretary of the* Senate
Legislative Resource Center
Office of Public Records
B–106 Cannon Building
232 Hart Building
Washington, 20515
Washington. DC 20510
LOBBYING REPORT
Lobbying Disclosure Act of 1995 (Section 5)—All Filers Are Required to Complet??
1. Registrant Name Barbour Griffith & Rogers, Inc.
2. Address
Check if different than previously reported 1275 Pennsylvania Avenuc, NW, Tenth Floor, Washington DC 20004
3. Principal Place of Business (if different form line 2)
/Zip (or Country)
4. Contact Name Evan Rikhye
Telephone 202–333–4936
E-mail (optional)
Client Name Self Microsoft Corporation
5. Senate ID# 5357416
6. House ID #. 31564040
TYPE OF REPORT
8. Year 2000 . Midyear (January 1–June 30) OR Year End (July 1–December 31)
9. Check if this filing amends a previously filed version of this report
10. Check if this is a Termination Report ?? ?? Termination Date
11. No Lobbying Aetivity
INCOME OR EXPENSES—Complete Either Line 12 OR Line 13
12. Lobbying Firms
INCOME; relating to lobbying activities for this reporting period was:
Less than $10,000
$10,000 or more $300,000.00
Income (nearest $20,000)

Provide a good faith estimate, rounded to the nearest $20,000 of all lobbying related income from the client (including all payment to the registrant by any other emily for lobbying activities on behalf of the client).

13. Organizations
EXPENSES relating to lobbying activities for this reporting period were:
Less than $ 10,000
$10,000 or more $
Expenses (nearest $20,000)
14. REPORTING METHOD. Check box to indicate expanse accounting method. Sec instructions for description of options.
Method A. Reporting amounts using LDA definitions only
Method B Reporting amounts under section 6033(b)(81 of the Internal Revenue Code
Method C. Reporting amounts under section 162(c)of the Internal Revenue Code
Signature—
Primed Name and Title G.O. Griffith, Jr.—Chief Operating Officer
Dale 8/12/20(10
Registrant Name: Barbour Graffity & Rogers, Inc.
Client Name: Microsoft Corporation
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. Gelleral issue area code IMM (one per page)
16. Specific Lobbying issues
H.R. 3767, Visa Waiver Permancent Program Act,
17. House(s) of Congress and Federal agencies contacted
Check if None
IIouse of Representatives
Senate
18. Name cfr each individual who acted a lobbyist in this issue area
Griffith, Jr., G.O.
Rogers, Ed.
Barbour, Ilnley
Monroc, Loren
Thompson, Brent
Covered Official Position (if applicable)
19. Interest of each foreign entity in the specific issues issue on line.. 16 above ??
Check if None
Signature
Printed Name and Title —G.O. Griffith, Jr..-Chief Operating Officer
Date 8/12/2000
Registrant Name: Barbour Griffith & Rogers, Inc.
Client. Name: Microsoft Corporation
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. General issue area code LAW (one per page)
16. Specific Lobbying issues Monitor The Justice Department's Antitrust inquiry.
17. House(s) of Congress and Federal agencies contacted
Check if None
House of Representatives

Senate
18. Name of each individual who acted as a lobbyist in this issue area

Name	Covered official Position (if applicable)
New	
Griffith, Jr., G.O.	No
Rogers, Ed	No
Barbour, Haley	No
Monroc, Loren	No
Thompson, Brent	No

19. Interest of each foreign entity in the specific issues listed on line 16 above ??
Check if None
Signature
Printed Name and Title G.O. Griffith, Jr.—Chief Operating Officer
Date 8/12/2000
Registrant Name: Barbour Griffith & Rogers, Inc.
Client Name: Microsoft Corporation —.
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. General issue area code TRD (one per page)
16. Specific Lobbying issues
H.R. 4444, US. China Trade Relations Act of 2000,
17. House(s) of Congress and Federal agencies contacted
Check if None
House of Representatives
Senate
18. Name of each individual who acted as a lobbyist in Otis issue area

Name	Covered Official Position (if applicable)
Griffith, Jr. G.O.	No
Rogers, Ed	No
* Barbour, Haley	No
Thompson, Brent	No

19. Interest of each foreign entity in the specific issues listed on line 16 above ??
Check if None
Signature
Printed Name and Title G.O. Griffith, Jr.—Chief Operating Officer
Date 8/12/2000

ATTACHMENT 12

Clerk of the House of Representatives
Secretary of the Senate
Legislative Resource Center Office of Public Records
B–106 Cannon Building Washington, DC 20515
232 Hart Building Washington, DC 205 10
LOBBYING REPORT
Lobbying Disclosure Act of 1995 (Section 5)—All Filers Are Required to Complete This Page
1. Registrant Name Barbour Griffith & Rogers, Inc.
Address 1275 Pennsylvania Avenue, NW, Tenth Floor Washington DC 20004
Check if different than previously reported
Principal Place of Business (if different from line 2)
City State/Zip (or Country)
4. Contact Name Evan Rikhye
Telephone 202–333–4936
E-mail (optional)
5. Senate ID # 5357–416 6. House ID # 31564040
7. Client Name Self Microsoft Corporation
TYPE OF REPORT
8. Year 2000 Midyear(January 1–June30) Year End(July 1–December31)
OR
9. Check if this filing amends a previously flied version of this report
10. Check if this is a Termination Report Termination Date
11. No Lobbying Activity
INCOME OR EXPENSES—Complete Either Line 12 OR Line 13
12. Lobbying Firms
INCOME relating to lobbying activities for this reporting period was:
Less than $10,000
$10,000 or more $ $240,004).00
Income (heart $20.000)
Provide a good faith estimate, rounded to the nearest $20,000 of all lobbying related income from the client (including all payments to the registrant by any other entity for lobbying activities on behalf of the client).
13. Organizations
EXPENSES relating to lobbying activities for this reporting period were:
Less than $10,000
$10,000 or more $
Expenses (nearest $20,000)
14. REPORTING METHOD. Check box to indicate expense accounting method. See instructions for description of options.
Method A. Reporting amounts using LDA definitions only
Method B. Reporting amounts under section 6033(b)(8) of the Internal Revenue Code
Method C. Reporting amounts under section 162(e) of the Internal Revenue Code
Signature
Date 2/14/2001
Printed Name and Title G.O. Griffith, Jr.—Chief Operating Officer
Registrant Name: Barbour Griffith & Rogers, Inc.
Client Name: Microsoft Corporation
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. General issue area code LAW (one per page)
16. Specific Lobbying issues Monitor the Justice Department's Antitrust inquiry.
17. House(s) of Congress and Federal agencies contacted
Check if None
House of Representatives
Senate
18. Name of each individual who acted as a lobbyist in this issue area

Name	Covered Official Position (if applicable)
Griffith, Jr. G.O.	No
Rogers, Ed	No
Barbour, Haley	No
Monroe, Loren	No
Thompson, Brent	No

19. Interest of each foreign entity in the specific issues listed on line 16 above
Check if None
Signature
Printed Name and Title G.O. Griffith, Jr.—Chief Operating Officer
Date 2/14/2001
Registrant Name: Barbour Griffith & Rogers, Inc.
Client Name: Microsoft Corporation
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in Which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. General issue area code TRD (one per page)
16. Specific Lobbying issues
H.R. 4444., US-China Trade Relations Act of 2000,
17. House(s) of Congress and Federal agencies contacted
Check if None
House of Representatives
Senate
18. Name of each individual who acted as a lobbyist in this issue area

Name	Covered Official Position (if applicable)
New	
Griffith: Jr., G.O.	No
Rogers, Ed	No
Barbour, Haley	No
Thompson, Brent	No

19. Interest of each foreign entity in the specific issues listed on line 16 above
Check None
Signature
Printed Name and Title G.O. Griffith, Jr. -Chief Operating Officer
Date 2/14/2001
Registrant Name: Barbour Griffith & Rogers, Inc.
Client Name: Microsoft Corporation
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. General issue area code TRD (one per page)
16. Specific Lobbying issues
H.R. 4444, US-China Trade Relations Act of 2000,
17. House(s) of Congress and Federal/ agencies contacted
Check if None
House of Representatives

Senate
18. Name of each individual who acted as a lobbyist in this issue area

Name	Covered Official Position (if applicable)
New	
Griffith: Jr., G.O.	No
Rogers, Ed	No
Barbour, Haley	No
Thompson, Brent	No

19. Interest of each foreign entity in the specific issues listed on line 16 above
Check if None
Signature
Printed Name and Title G.O. Griffith, Jr.—Chief Operating Officer
Date 2/14/2001

ATTACHMENT 13

Clerk of the House of Representatives
Legislative Resource Center
B–106 Cannon Building
Washington, DC 20515
Secretary of the Senate
Office of Public Records
232 Hart Building
Washington, DC 20510
LOBBYING REPORT
Lobbying Disclosure Act of 1995 (Section 5)—All Filers Are Required to Complete This Page
1. Registrant Name Barbour Griffith & Rogers, Inc.
2. Registrant Address
Cheek if different than previously reported Address 1275 Pennsylvania Avenue, NW, Tenth Floor
City Washington State/Zip (or Country) DC 20004
3. Principal Place of Business (if different from line 2)
City State/Zip (or Country)
4. Contact Name Evan Rikbye
Telephone 202–333–4936
E-mail (optional)
5. Senate ID # 5357–416
6. HOUSE ID # 31564040
7. Client Name Self Microsoft Corporation
TYPE OF REPORT
8. Year 2001 Midyear (January 1-June 30) OR Year End (July 1–December 31)
9. Check if this filing amends a previously filed version of this report
10. Check if this is a Termination Report Termination Date No Lobbying Activity
INCOME OR EXPENSES—Complete Either Line 12 Or Line 13
12. Lobbying Firms
13. Organizations INCOME relating to lobbying activities for this reporting
EXPENSES relating to lobbying activities for this reporting

period was:	period were:
Less than $10,000	Less than $10,000
$10,000 or more $ $220,000.99.	$10,000 or more $

Income (nearest $20,000)
Expenses (nearest $20,000)
Provide a good faith estimate, rounded to the nearest METHOD. Check box to indicate expense $20,000 of all lobbying related income from the client Sec instructions for description of options. (including all payments to the registrant by any other entity Reporting amounts using LDA definitions only for lobbying activities on behalf of the client). amounts under section 6033(b)(8) of
14. REPORTING accounting method. Method A. Method B. Reporting the Internal Revenue Code Method C. Reporting amounts under section 162(c) of the Internal Revenue Code
Signature
Date 8/14/2001
Printed Name and Title G.O. Griffith, Jr.—Chief Operating Officer

ATTACHMENT 14

Registrant Name: Barbour Griffith & Rogers, Inc.
Client Name: Microsoft Corporation
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
5. General issue area code LAW (one per page)
16. Specific Lobbying issues
Monitor the Justice Department's Antitrust inquiry.
17. House(s) of Congress and Federal agencies contacted Check if None
House of Representatives
Senate
18. Name of each individual who acted as a lobbyist in this issue area
Name
Barbour, Haley
Griffith, Jr.,
Monroe, Loren
Rogers, Ed
Thompson, Brent
Covered Official Position (if applicable)
New
No
N0
Yes
No
No
19. Interest of each foreign entity in the specific issues listed on line 16 above
Check if None
Signature
Printed Name and Title G.O. Griffith, Jr.—Chief Operating Officer
Date. 8/14/2001
SECRETARY OF THE SENATE
CLERK OF THE HOUSE OF REPRESENTATIVES
LOBBYING REPORT
Lobbying Disclosure Act (Section 5)
1. Year 1997
2. Report type (check all that apply) Midyear(January 1–June 30)
Year End(July 1–December 31)
Amended report
Termination report
No activity (registration to remain In effect) ??
REGISTRANT
3. Name of Registrant Clark & Weinstock
4. Telephone number and contact name (212) 953–2550 Contact Anthony Ewing
CLIENT Lobbying firms file separate reports for each client. An organization employing in-house lobbyists indicates ''Self.''
5. Name of Client Microsoft Corporation
INCOME OR EXPENSES Answer line 6 or line 7 as applicable.
6. LOBBYING FIRMS. Income from the client during the reporting period other than income unrelated to lobbying activities, was:
Less than S10,000
$10,000 or more ??
If $10,000 or more, provide a good faith estimate, rounded to the nearest $20,000, of all income from the client during this reporting period. Include any payments by any other entity for lobbying activities on behalf of the client. Exclude income unrelated to lobbying activities.
Income $, 80,000
Total for year (if Year End report) $ 80, 000
7. ORGANIZATIONS EMPLOYING IN-HOUSE LOBBYISTS. Expenses incurred in connection with lobbying activities during the reporting period were:
Less than $10.000
$10.000 or more
If S 10,000 or more, provide a good faith estimate, rounded to the nearest $20,000, of the total amount of all lobbying expenses incurred by the registrant and its employees during this reporting period.
Expenses $
Total for year (if Year End report) $
Optional Expense Reporting Methods
A. Registrants that report lobbying expenses under section 6033COX8) of the Internal Revenue C may provide a good faith estimate of the applicable amounts that would be required to be disclosed under section 6033COX8) for the semiannual reporting period, and may consider as lobbying activities only those defined under section 4911(d) of the Internal Revenue Code If selecting this method, check box and (i) enter estimated amounts on the ''Expenses'' line above; or (ii) attach a copy of the IRS Form 990 that includes this reporting period. ??
B. Registrants subject to section 162(e) of the Internal Revenue Code may make* a good faith estimate of all applicable amounts that would not be deductible under section 162(e) for the semiannual reporting period, and may consider as lobbying activities only those activities the costs of which arc not deductible pursuant to section 162(e). If selecting this method, check box and enter estimated amounts on the ''Expenses'' line above. ??
Clark & Weinstock
Registrant Name
Client Name Microsoft Corporation
LOBBYING ISSUES. On line 8 below, enter me code for one general lobbying issue area In which registrant engaged in lobbying activities for the client during this reporting period (select applicable code from list in the instructions and on the reverse side offers LD-2, page I). For that general issue area only, complete lines 9 through 12. If the registrant engaged in lobbying activities for the client in more than One general issue area use one Lobbying Report Addendum page for each additional general issue

s. General lobbying issue area code (enter one) CPI

9. Specific lobbying issues (include bill numbers and specific executive branch actions) Support for Microsoft's position across a wide range of issues, including intellectual property rights,., taxes, encryption, and other matters * affecting the computer-software industry.

10. Houses of Congress and Federal agencies coasted

U.S. House of Representatives
U.S. Senate

11. Name and title of each employee who acted as a lobbyist
Via Weber, Partner ''
Andrew Goldman, Managing Director
Deirdre Stach, Director
Ed Kutler, Managing Director
Kent Knutson, Director

12. For registrants identifying foreign entities in the Lobbying Registration (Form LD-1 line 12) or any updates: Interest of each such foreign entity in the specific lobbying issues listed on line 9 above
This report includes Addendum pages.
Printed Name and Title Harry W. Clark III, Managing Partner

ATTACHMENT 15

MTC–00030631—0817
SECRETARY OF THE SENATE
CLERK OF THE HOUSE OF REPRESENTATIVE LOBBYING REPORT
Lobbying Disclosure Act (Section 5)
1. Year 1998
2. Report type (check all that apply) Midyear (January 1–June 30) Year End (July 1–December 31)
Amended report ??
Termination report
No activity (registration to remain in effect) ??
REGISTRANT
3. Name of Registrant Clark & Weinstock Inc.
4. Telephone number and contact name
(212)953–2550
Contact Anthony Ewing
CLIENT Lobbying firms file separate reports for each client. An organization employing in-house 1obbyists indicates ''Self.''
5. Name of Client Microsoft Corporation
INCOME OR EXPENSES Answer line 6 or line 7 as applicable.
6. LOBBYING FIRMS. Income from the client during the reporting period, other than income unrelated to lobbying activities, was:
Less than $10,000
$10,000 or more

If $10,000 or more, provide a good faith estimate, rounded to the nearest $20,000, of all income from the client during this reporting period. Include any payments by any other entity for lobbying activities on behalf of the cheat Exclude income unrelated to lobbying activities.
Income $ 160. 000
Total for year (if Year End report) $
7. ORGANIZATIONS EMPLOYING IN-HOUSE LOBBYISTS. Expenses incurred in connection with lobbying activities during the reporting period were:
Less than $10,000 ??
$10,000 or more ??

If $10,000 or more, provide a good faith estimate, rounded to the nearest $20,000, of the total amount of all lobbying expenses incurred by the registrant and its employees during this reporting period.
Expenses S
Total for year (if Year End report) $.
Optional Expense Reporting Methods

A. Registrants that report lobbying expenses under section 6033(bX8) of the Internal Revenue Code may provide a good faith esti of the applicable amounts that would be required to be disclosed under section 60330oX8) for the semiannual reporting period, may consider as lobbying activities only those defined under section 491 l(d) of the Internal Revenue Code. If selecting this method, check box and (i) enter estimated amounts on the ''Expenses'' line above; or (ii) attach a copy of the IRS Form 990 that includes this reporting period. ??

B. Registrants subject to section 162(e) of the Internal Revenue Code may make a good faith estimate of all applicable amounts that would not be deductible under section 162(o) for the semiannual reporting Period, mad may consider as lobbying activities only those activities the costs of which are not deductible pursuant to section 162(e). If selecting this method, check box and e?? estimated amounts on the ''Expenses'' line above. ??

MTC–00030631—0818
Registrant Name Clark & Weinstock Inc.
Client Name Microsoft Corporation
LOBBYING ISSUES. On line 8 below, eater the coat for one general lobbying area in which the registrant engaged in lobbying activities for the client during this reporting period (select applicable code from list in the instructions and on the reverse side of Form LD-2, page 1.). For that general issue area only, complete lines 9-through 12. If the registrant engaged ha lobbying activities for the client in more than one general issue area, use one Lobbying Report Addendum page for each additional general issue area—
8. General lobbying issue area coda (enter one) , CPI
9. Specific lobbying issues (include bill numbers and specific executive branch actions)

Support of Microsoft's position across a wide range of issues, including intellectual property rights, taxes, encryption, and. other matters affecting the computer software industry;.''
(HR3736, S.1723, S.2107)
(HR2368, HR2372,'HR2991)

10. Houses of Congress and Federal agencies contacted
U.S. House of Representatives
U.S. Senate

11. Name and fide of each employee who acted as a lobbyist
Vin Weber, Partner
Andrew Goldman, Managing Director
Ed Kutler, Managing Director
Deirdre Stach, Director
Kent Knutson, Director
Mimi Simoneaux, Director

12. For registrant identifying foreign entities in the Lobbying Registration (Form LD-I, line 12) or any updates: Interest of each foreign entity in the specific lobbying issues listed on line 9 above
This report includes Addendum pages.
Signture
Printed Name and Title Harry W. Clark, Managing Partner
MTC–00030631—0819
ATTACHMENT 16
MTC–00030631—0820
Clerk or the House of Representatives
Secretary of the Senate ??
Legislative Resource Center
Office of Public Records
B-t06 Cannon Building
232 Hart Building ??
Washington, DC 20515
Washington, DC 20510
LOBBYING REPORT //
Lobbying Disclosure Act of 1995 (Section 5)—All Filers Are Required To Complete This Page
1. Registrant Name
Clark & Wainstock Inc.
2. Address Check if different than previously reported
1775 I Street, NW, Washington, DC 20006
3. Place of Business (if different from line 2)
City: New York
State/Zip (or Country) NY
4. Contact Name
Tel(plume
E-mail (optional)
5. Senate ID
Anthony Ewing
(212) 953–2550
9443–381
6. House ID #
7. Client Name Self
Microsoft Corporation
31698027
TYPE OF REPORT
8. Year 1998 Midyear (January l-June 30) [] OR Year End (July l-December 31)
9. Chk if this filing amends a previously filed version of this report XX
10. Check if this is a Termination Report Termination Date
11. No Lobbying Activity
INCOME OR EXPENSES—Complete Either Line 12 OR Line 13
12. Lobbying Firms
13. Organizations
INCOME relating to lobbying activities for this reporting
EXPENSES relating to lobbying activities for this reporting period was: period were:
Less than $10,000
$10,000 or more
Less than $ 10,000
$10,000 or more $ 220,000
Expenses
(nearest ??20.000)
Income (nearest S20.000□
14. REPORTING METHOD. Check box to indicate expense accounting method. See instructions for description of options. of all lobbying related income from the client (including all

Provide a good faith estimate, rounded to the nearest $20.000,

Method A. Reporting amounts using LDA definitions only payments to the registrant by any other entity for lobbying activities on behalf of the client).
Method B. Reporting amounts under section

6033(b)(S)of the Internal Revenue Code
Method C. Reporting amounts under section 162(e) of the Internal Revenue Code
Signature
Printed Name and Title
MTC–00030631—0821
Registrant Name Clark & Wainstock Inc.
Client Name Microsoft Corporation
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. General issue area code CPI (one per page)
16. Specific lobbying issues
Support of Microsoft's position across a wide range of issues, including intellectual property rights, taxes, encryption, fast track trade authority, normal trade relations, internet tax freedom, and other matters affecting the computer software industry. (HR. 3736, 2368, 2372, 2991, 695, 947, 1689; S. 2067, 405, 1260, 507, 1723; House/Senate Treasury Appropriations Act of 1999; Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1999; Department of Commerce, Justice and State, The Judiciary and Related Agencies Appropriations for FY 1999)
17 House(s) of Congress and Federal agencies contacted
[] Check if None
Senate
House of Representatives
18. Name of each individual who acted as a lobbyist in this issue area

Name	Covered Official Position (if applicable)
Ed Kutler	8/95—8/97, Assistant to the Speaker of the House Of Representatives, Rep. Newt Gingrich(R-GA)
Mimi Simoneaux	1/96–1/97, Legislative Asst. for Rep. Billy Tauzin(R-LA) for Rep.
Andrew Goldman	1/97–2/98

Deirdre Stach
Vin Weber
19 Interest of each foreign entity in the specific issues listed on line 16 above ??
Check if None
Signature
Date
Printed Name and Title
MTC–00030631_0822
Registrant Name Clerk f Weinstock Inc.
Client Name Microsoft Corporation
Information Update Page. Complete ONLY where registration information has changed.
20. Client new address
21. Clienit new prinicipal of business (if different from line 20)
City
State/Zip (or Country)
22. New general description of client's business or activitis
LOBBYIST UPDATE
23. Name of each previously reported individual who is no longer expected to act as alobbyist for the client
Kent Knutson
ISSUE UPDATE
24. General lobbying issues previously reported that no longer pertain
AFFLIATED ORGANIZATIONS
25. Add the following affiliated organization(s)
Name
Address
Pricipal Place of Business
(city and state or country)
26. Name of each previously reported organization that is no longer affiliated with the registrant or client
FOREIGN ENTITIES
27 Add the following foreign entities
Name
Address
Principal place of business
Amount of contribute Ownership
(city and since or country)
for lobbying activities
percentage in
client
28. Name of each previously reported foreign entity that no longer owns, or controls, or is affiliated with the restraint, client e:
affiliated organization
Name and Title Harry W. Clark III, Managing Partner
MTC–00030631—0823
Registrant Name Clark & Weinstock Inc.
Client Name Microsoft Corporation
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested, Attach additional page(s) as needed.
15. General issue area code IMM (one per page)
16. Specific lobbying issues
Support of Microsoft's position across a wide range of issues, including intellectual property rights, taxes, encryption, fast tract trade authority, normal trade relations, internet tax freedom, and other matters affecting the computer software industry. (HR. 3736, 2368, 2372, 2991, 695, 947, 1689; S. 2067, 405, 1260, 507, 1723; House/Senate Treasury Appropriations Act of 1999; Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1999; Department of Commerce, Justice and State, The Judiciary and Related Agencies Appropriations for FY 1999).
17. House(s) of Congress and Federal agencies contacted
Check if None
Senate
House of Representatives
18. Name of each individual who acted as lobbyist in this issue are

Name	Covered Official Position (if applicable)
Ed Kutler	8/95—8/97 Assistant to the Speaker of the House of Representatives, Rep. Newt Gingrich (R–GA)
Mimi Simoneaux	1/96—1/97 Legislative Asst. for Rep. Billy Tauzin (R–LA)
Andrew Goldman Deirdre Stach. Vin Weber.	1/97–2/98

19 Interest of each foreign entity in the specific listed on line 16 above
Check if None
Signature
Date
Printed Name and Title
Registrant Name Clark & Weinstock Inc.
Client Name Microsoft Corporation
Information Update Page—Complete ONLY where registration information has changed.
20 Client new address
21. Client new principal place of business (if different from line 20)
City State/Zip (or Country)
22. New general description of client's business or activities
LOBBYIST UPDATE
23. Name of each previously reported individual who is no longer expected to act as a lobbyist for the client
Kent Knutson
ISSUE UPDATE
24. General lobbying issues previously reported that no longer pertain
AFFILIATED ORGANIZATIONS
25. Add the following affiliated organization(s)
Name
Address
Principal Place of
Business
(city end state or country)
26 Name of each previously reported organization that is no longer affiliated with the registrant or client
FOREIGN ENTITIES
27 Add the following foreign entities
Name
Address
Principal place of business
Amount of contribution Ownership
for lobbying activities
percentage
(city and state or country)
client
28 Name of each previously reported foreign entity that no longer owns, or controls, or is affiliated with the register, client e: affiliated organization
Name and Title: Harry Clark III, Managing Partner
Registrant Name Clark & Weinstock Inc.
Client Name Microsoft Corporation

LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. General issue area code TAX (one per page)
16. Specific lobbying issues

Support of Microsoft's position across a wide range of issues, including intellectual property rights, taxes, encryption, fast track trade authority, normal trade relations, internet tax freedom, and other matters affecting the computer software industry. (HR. 3736, 2368, 2372, 2991, 695, 947, 1689; S. 2067, 405, 1260, 507, 1723; House/Senate Treasury Appropriations Act of 1999; Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1999; Department of Commerce, Justice and State, The Judiciary and Related Agencies Appropriations for FY 1999).
17. House(s) of Congress and Federal agencies contacted
Check if None
Senate
House of Representatives
18. Name of each individual who acted as a lobbyist in this issue area

Name	Covered Official Position (if applicable
Ed Kutler	8/95–8/97 Assistant to the Speaker of the House Of Representative, Rep. Newt Gingrich (R–GA)
Mimi Simoneaux	1/96–1/97 Legislative Asst. for Rep. Billy Tauzin (R–LA)
Andrew Goldman	1/97–2/98 Legislative Dir. for Rep. Billy tauzin (R–LA)
Deirdre Stach	
.... Vin Weber	

19. Interest of each foreign entity in the specific issues listed on line 16 above
Check if
None
Signature
Date
Printed Name and Title
Registrant Name Clark & Weinstock Inc.
Client Name Microsoft Corporation
Information Update Page—Complete ONLY where registration Information has changed.
20 Client new address
21. Client new principal place of business (if different from line 20)
State/Zip (or Country)
22. New general description of client's business or activities
LOBBYIST UPDATE
23. Name of each previously reported individual who is no longer expected to act as a lobbyist for [,he client
Kent Knutson
ISSUE UPDATE
24. General lobbying issues previously reported that no longer pertain
AFFILIATED ORGANIZATIONS
25. Add the following affiliated organization(s)
Name
Address
Principal Place of Business
(city and state or country)
26 Name of each previously reported organization that is no longer affiliated with the registrant
or client
FOREIGN ENTITIES
27. Add the following foreign entities
Name
Address
Principal place of business
Amount of contributio
Ownership
(city and share or country)
for lobbying activities
percentage is
client
28. Name of each previously reported foreign entity that no longer owns, or controls, or is affiliated with the registrant, client o: affiliated organization
Name and Title harry
aging: Partner
Registrant Name. Clark & Weinstock Inc.
Client Name Microsoft Corporation
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. General issue area code
TRD .. (one per page)
16. Specific lobbying issues
Support of Microsoft's position across a Wide range of issues, including intellectual property rights, taxes, encryption, fast track trade authority, normal trade relations, internet tax freedom, and other matters affecting the computer software industry. (HR. 3736, 2368, 2372, 2991, 695, 947, 1689; S. 2067, 405, 1260, 507, 1723; House/Senate Treasury Appropriations act of 1999; Foreign Operations, Exporting Financing, and Related Programs Appropriation Act of 1999; Department of Commerce, Justice and State, The Judiciary and Related Agencies Appropriations for FY 1999).
17. House(s) of Congress and Federal agencies contacted
[2] Check if None
Senate
House of Representatives
18. Name of each individual who acted as a lobbyist in this issue area

Name	Covered Official Position (if applicable
Ed Kutler	8/95–8/97 Assistant to the Speaker of the House Of Representative, Rep. Newt Gingrich (R–GA)
Mimi Simoneaux	1/96–1/97 Legislative Asst. for Rep. Billy Tauzin (R–LA)
Tauzin (R–LA)	1/97–2/98 Legislative Dir. for Rep. Billy
Andrew Goldman	
Deirdre Stach	
Vin Weber	

19. Interest of each foreign entity in the specific issues listed on line 16 above
Check if None
Signature
Date
Printed Name and Title
Registrant Name Clark & Weinstock Inc.
Client Name Microsoft Corporation
Information Update Page—Complete ONLY where registration information has changed.
20. Client new address
21. Client new principal place of business (if different from line 20)
City
State /Zip (or Country)
22. New general description of client's business or activities
LOBBYIST UPDATE
23. Name of each previously reported individual who is no longer expected to act as a lobbyist for the client
Kent Knutson
ISSUE UPDATE
24. General lobbying issues previously reported that no longer pertain
AFFILIATED ORGANIZATIONS
25. Add the following affiliated organization(s)
Name
Address
Principal Place of Business
(city and state or country)
26. Name of each previously reported organization that is no longer affiliated with the registrant or client
FOREIGN ENTITIES
27. Add the following foreign entities
Name

Address
Principal place of business
Amount of contribute: Ownership
(city and since or country)
for lobbying activities
percentage in
client
28. Name of each previously reported foreign entity that no longer owns, or controls, or is affiliated with the registrant, client e:
affiliated organization
gnature..
Date
dd Name and Title
Clark III, Managing Partner
..??-2 (Rev. 6/98)

Registrant Name Clark & Weinstock Inc.
Client Name Microsoft Corporation
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested, Attach additional page(s) as needed.
15. General issue area code BUD (.one per page)
16. Specific lobbying issues
Support of Microsoft's position across a wide range of issues, including intellectual property rights, taxes, encryption, fast track trade authority, normal trade relations, internet tax freedom, and other matters affecting the computer software industry. (HR. 3736, 2368, 2372, 2991, 695, 947, 1689; S. 2067, 405, 1260, 507, 1723; House/Senate Treasury Appropriations Act of 1999; Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1999; Department of Commerce, Justice and State, The Judiciary and Related Agencies Appropriations for FY 1999).
17. House(s) of Congress and Federal agencies contacted
?? Check if None
Senate
House of Representatives
18. Name of each individual who acted as a lobbyist in this issue area

Name	Covered Official Position (if applicable)
Ed Kutler	8/95—8/97
Mimi Simoneaux	1/96—1/97 Legislative Asst. for Rep. Billy Tauzin(R–LA
Andrew Goldman	1/97—2/98 Legislative Dir. for Rep. Billy Tauzin (R–LA)
Deirdre Stach	
Vin Weber	

19. Interest of each foreign entity in the specific issues listed on line 16 above
Check if None
Signature
Date
Printed Name and Title
MTC–00030631 0830
Registrant Name Clark & Weinstock Inc.
Client Naméo Microsoft Corporation
Information Update Page—Complete ONLY where registration information has changed.
20. Client new address
21. Client new principal place o[business (if different from Line 20)
City
State/Zip (or Country)
22. New general description of client's business or activities
LOBBYIST UPDATE
23. Name of each previously reported individual who is no longer expected to act as a lobbyist for the client
Kent Knutson
ISSUE UPDATE
24. General lobbying issues previously reported that no longer pertain
AFFILIATED ORGANIZATIONS
25. Add the following affiliated organization(s)
Name
Address
Principal Place of Business
(city end state or country)
26. Name of each previously reported organization that is no longer affiliated with the registrant or client
FOREIGN ENTITIES
27 Add the following foreign entities
Name
Address
Principal place of business
Amount of contributio?? Ownership
(city and state or country) for lobbying activities percentage i??
client
28. Name of each previously reported foreign entity that no longer owns, or controls, or is affiliated with the register, client e:
affiliated organization
ed Name and Title Harry
Clark III, Managing Partner
0–2 (Rev. 6/98)

ATTACHMENT 17

MTC–00030631 0832
RECEIVED
??ATIVE.??
99 AUG 11 AM 10:51
Clerk of the House of Representatives
Secretary of the Senate Legislative Resource Center
Office of Public Records, B-106 Cannon Building, 232 Hart Building, Washington. DC 20515 Washington. DC 20510
LOBBYING REPORT
Lobbying Disclosure Act of 1995 (Section 5)—All Filers Are Required To Complete This Page
1. Registrant Name
Clark & Weinstock
2. Address Check if different than previously reported
1775 I Street, NW Suite 700, Washington, DC 20006
3. Principal Place of Business (if different from line 2)
City: New York
State/Zip (or Country) NY 10017
4. Contact Name
Telephone
E-mail (optional)
5. Senate D #
Cheryl Faunce (202) 261–4005
cfaunce@cwd.com 9443—381
7. Client Name Microsoft Corp ''316–98027
TYPE OF REPORT
8. Year 1999 Midyear (January 1–June 30) ??
OR Year End (July I-December 3l)
9. Check if this filing amends a previously filed version of this report
Check if this is a Termination Report ?? ??
Termination Date.
11. No
Lobbying Activity ??
INCOME OR EXPENSES—Complete Either Line 12 OR Line 13
12. Lobbying Firms
13. Organizations
INCOME relating to lobbying activities for this reporting
EXPENSES relating to lobbying activities for this reporting period was: period were: Less than $10,000 [] Less than $10,000
$10,000 or more ?? ?? $
$10,000 or more ?? ?? $ 220,000.00 Expenses (nearest $20,000)
Income (nearest $20,000)
14. REPORTING METHOD. Check box to indicate expense
Provide a good faith estimate, rounded to the nearest $20,000, accounting method. See instructions for description of options.
of all lobbying related income from the client (including all
Method A. Reporting amounts using LDA definitions only payments to the registrant by any other entity for lobbying activities on behalf of the client).
Method B. Reporting amounts under section 6033(b)(8)of the Internal Revenue Code
Method C. Reporting amounts under section 162(e) of the Internal Revenue Code
Signature
Printed Name and Title Vic Fazio—Partner
??-2 (REV, 6/98)
MTC–00030631 0833
Registrant Name Clark &—Weinstock
Client Name Microsoft Corp.
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code. provide information as requested. Attach additional page(s) as needed.
15. General issue area code BUD (one per page)
16. Specific lobbying issues
H.R. 2490, Treasury and General Government Appropriations Act, 2000, H.R 2606, Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000,

H.R. 850, Security And Freedom through Encryption (SAFE) Act,
S. 1217, Departments of Commerce, State, and Justice, the Judiciary and Related Agencies Appropriations Act, 2000.
S. 1234, Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000,
S. 1282, Treasury and General Government Appropriations Act, 2000,
Support of Microsoft's position across a wide range of issues, including intellectual property rights, taxes, encryption, fast track trade authority, normal trade relations, Internet tax freedom, and other matters affecting the computer software Industry.
17. House(z) of Congress and Federal agencies contacted
Check if None
House of Representatives
Senate
White House
18. Name of each individual who acted as a lobbyist in this issue area

Name	Covered Official Position (if applicable) New
Bainwol Mitch	Ch of Staff, Sen. Mack
Goldman, Andrew	Ch of Staff, Sen. Rep. Conf
Kutler, Ed	Asst. to the Speaker, U.S. House
Simoneaux	Dir of Rep. Tauzin
Stach, Deirdre	
Stuart, Sandi	Asst. Sec. of Defense (DOD)
Weber, Vin	
Fazio, Vic (Exec. Branch Only).	Member, U.S. House of Reps.

19. Interest of each foreign entity in the specific issues listed on fine 16 above
Check if None
Signature
Date 8/9/99
Printed Name and Title for vic Fazio—partner
MTC–00030631—0834
Registrant Name Clark & Weinstock
Client Name Microsoft Corp.
LOBBYING ACTIVITY. Select as many code as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code. provide information as requested. Attach additional page(z) as needed.
15. General issue area code CPI (one per page)
16. Specific lobbying issues
H.R. 2490, Treasury and General Government Appropriations Act—2000,
H.R. 2606, Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000,
H.R. S50, Security And Freedom through Encryption (SAFE) Act,
S. 1217, Departments of Commerce, State, and Justice, the Judiciary and Related Agencies Appropriations Act, 2000,
S. 1234, Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000,
S. 1282, Treasury and General Government Appropriations Act, 2000,
Support of Microsoft's position across a wide range of issues, including intellectual property rights, taxes, encryption, fast track trade authority, normal trade relations, internet tax freedom, and other matters affecting the computer software industry;
17. House(s) of Congress and Federal agencies contacted House of Representatives
?? Check if None
Senate
White House
18. Name of each individual who acted as a lobbyist in this issue area

Name	Covered Official Position (if applicable) New
Bainwol, Mitch	Ch of Staff, Sen. Mack
Goldman, Andrew	Ch of Staff, Sen. Rep. Conf
Kutler, Ed	Asst. to the Speaker, U.S. House
Simoneaux Mimi	Leg Dir for Rep. Tauzin
Stach, Deirdre	
Stuart, Saudi	Asst. Sec. of Defense (DOD)
Weber, Vin	
Fazio, Vic (Exec. Branch Only).	Member, U.S. House of Reps

19. Interest of each foreign entity in the specific issues listed on line 16 above
?? Check if None
Signature
Date 8/9/99
Printed Name and Title Vic Fazio—partner
MTC–00030631 0835
Registrant Name Clark g Weinstock
Client Name Microsoft CORP.
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. General issue area code TAX (one per page)
16. Specific lobbying issues
H.R. 2490, Treasury and General Government Appropriations Act, 2000,
H.R. 2606, Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000,
H.R. 850, Security And Freedom through Encryption (SAFE) Act,
S. 1217, Departments of Commerce, State, and Justice, the Judiciary and Related Agencies Appropriations Act, 2000,
S. 1234, Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000,
S. 1282, Treasury and General Government Appropriations Act, 2000,
Support of Microsoft's position across a wide range of issues, including intellectual property rights, taxes, encryption, fast track trade authority, normal trade relations, Internet tax freedom, and other matters affecting the computer software Industry.
17. House(s) of Congress and Federal agencies contacted
Check if None
House of Representatives
Senate
White House
18. Name of each individual who acted as a lobbyist in this issue area

Name	Covered Official Position (if applicable) New
Bainwol Mitch	Ch of Staff, Sen. Mack
Goldman, Andrew	Ch of Staff, Sen. Rep. Conf

Name	Covered Official Position (if applicable) New
Kutler, Ed	Asst. to the Speaker, U.S. House of Reps.
Simoneaux, Mimi	Dir for Rep Tauzin
Stach, Deirdre	
Stuart, Sandi	Asst. Sec. of Defense (DOD)
Weber, Vin	
Fazio, Vic (Exec. Branch Only).	Member, U.S. House of Reps.

19. Interest of each foreign entity in the specific issues listed on fine 16 above
Check if None
Signature
Date 8/9/99
Printed Name and Title Vic Fazio—Partner
Registrant Name Clark & Weinstock
Client Name Microsoft Corp.
LOBBYING ACTIVITY. Select as many code as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code. provide information as requested. Attach additional page(z) as needed.
15. General issue area code CPI (one per page)
16. Specific lobbying issues
H.R. 2490, Treasury and General Government Appropriations Act, 2000,
H.R. 2606, Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000,
H.R.S50, Security And Freedom through Encryption (SAFE) Act,
S. 1217, Departments of Commerce, State, and Justice, the Judiciary and Related Agencies Appropriations Act, 2000,
S. 1234, Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000,
S. 1282, Treasury and General Government Appropriations Act, 2000,
Support of Microsoft's position across a wide range of issues, including intellectual property rights, taxes, encryption, fast track trade authority, normal trade relations, internet tax freedom, and other matters affecting the computer software industry:
17. House(s) of Congress and Federal agencies contacted
Check if None
House of Representatives
Senate
White House
18. Name of each individual who acted as a lobbyist in this issue area

Name	Covered Official Position (if applicable) New
Bainwol, Mitch	Ch of Staff, Sen. Mack
Goldman, Andrew	Ch of Staff, Sen. Rep. Conf
Kutler, Ed	Asst. to the Speaker, U.S. House of Reps,
Simoneaux, Mimi	Leg Dir for Rep Tauzin
Stach, Deirdre	
Stuart, Saudi	Asst. Sec. of Defense (DOD)
Weber, Vin	
Fazio, Vic (Exec. Branch Only).	Member, U.S. House of Reps

19. Interest of each foreign entity in the specific issues listed on line 16 above
Check if None
Signature
Date 8/9/99
Printed Name and Title Vic Fazio—Partner
Registrant Name Clark g Weinstock Client Name Microsoft CORP.
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. General issue area code TAX (one per page)
16. Specific lobbying issues
H.R. 2490, Treasury and General Government Appropriations Act, 2000,
H.R. 2606, Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000,
H.R. 850, Security And Freedom through Encryption (SAFE) Act,
S. 1217, Departments of Commerce, State, and Justice, the Judiciary and Related Agencies Appropriations Act, 2000,
S. 1234, Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000,
S. 1282, Treasury and General Government Appropriations Act, 2000, Support of Microsoft's position across a wide range of issues, including intellectual property rights, taxes, encryption, fast track trade authority, normal trade relations, interact tax freedom, and other matters affecting the computer software Industry.
17. House(s) of Congress and Federal agencies contacted
Check if None
House of Representatives
Senate
White House
18. Name of each individual who acted as a lobbyist in this issue area

Name	Covered Official Position (if applicable) New
Bainwol, Mitch	Ch of Staff, Sen. Mack
Goldman, Andrew	Ch of Staff, Sen. Rep. Conf
Kutler, Ed	Asst. to the Speaker, U.S. House of Reps.,
Simoneaux, Mimi	Leg Dir for Rep Tauzin
Stach, Deirdre	
Stuart, Sandi	Asst. Sec. of Defense (DOD)
Weber, Vin	
Weber, Vin	
Fazio, Vic (Exec. Branch Only).	Member, U.S. House of Reps.

19. Interest of each foreign entity in the specific issues listed on line 16 above Check if None

Signature
Date 8/9/99
Printed Name and Title Vic Fazio—Partner
Registrant Name Clark & Weinstock Client Name Microsoft Corp,
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. General issue area code TMM (one per page)
16. Specific lobbying issues
H.R. 2490, Treasury and General Government Appropriations Act, 2000,
H.R. 2606, Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000,
H.R. 850, Security And Freedom through Encryption (SAFE) Act,
S. 1217, Departments of Commerce, State, and Justice, the Judiciary and Related Agencies Appropriations Act, 2000,
S. 1234, Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000,
S. 1282, Treasury and General Government Appropriations Act, 2000, Support of Microsoft's position across a wide range of issues, including intellectual properly rights, taxes, encryption, fast track trade authority, normal trade relations, internet tax freedom, and other matters affecting the computer software industry.
17. House(s) of Congress and Federal agencies contacted ?? Check if None
House of Representatives
Senate
White House
18. Name of each individual who acted as a lobbyist in this issue area

Name	Covered Official Position (if applicable) New
Bainwol, Mitch	Ch of Staff, Sen. Mack
Goldman, Andrew	Ch of Staff, Sen. Rep. Conf
Kutler, Ed	Asst. to the Speaker, U.S. House of Reps
Simoneaux, Mimi	Leg Dir for Rep Tauzin
Stach, Deirdre	
Stuart, Sandi	Asst. Sec. of Defense (DOD)
Weber Vin	
Weber, Vin	
Fazio, Vic (Exec. Branch Only).	Member, U.S. House of Reps.

19. Interest of each foreign entity in the specific issues listed on line 16 above
Check if None
Signature Date 8/9/99
Printed Name and Title Vic Fazio—Partner
ATTACHMENT 18
Legislative Re-source Center
Office of Public Records
B-106 Cannon Building 232 Hart Building
Washington. DC 20515 Washington, DC 20510
LOBBYING REPORT
Lobbying Disclosure Act of 1995 (Section 5)—All Filers Are Required to Complete This Page??
1. Registrant Name Clark & Weinstock
2. Address ?? Check if different than previously reported
1775 1 Street NW, Ste 700 Washington, DC 20006
3. Principal Place of Business (if different from line 2)
City of New York, State/Zip (or Country)
City of New, State/Zip (or Country) NY 10017
4. Contact Name Lisa Simpson Microsoft Corp
Telephone 202–261–4025 316–98027
E-mail (optional) lisa@cwdc.com
5. Senate ID # 9443.381
''YPE OF REPORT 8. Year 2000 Midyear(January l-June30) ?? OR Year End(July l-December31) ??
Check if this filing amends a previously flied version of this report ??
10. Check if this is a Termination Report ?? >> Termination Date 11. No Lobbying Activity
INCOME OR EXPENSES—Complete Either Line 12 OR Line 13
12. Lobbying Firms 13, Organizations
INCOME relating to lobbying activities for this reporting
EXPENSES relating to lobbying activities for this reporting period was: Less than $10,000 ?? period were: Less than $10,000 ??
$10,000 or more ?? >>$
$280,000.00
$10,000 or more 7'1 >>$
Income (nearest S20.000)
Expenses (nearest S20,000)
REPORTING METHOD. Check box to indicate expense
Provide a good faith estimate, rounded to the nearest accounting method. See instructions for description of options.
$20,000 of all lobbying related income from the client (including all payments to the registrant by any other entity
?? Method A. Reporting mounts using LDA definitions only for lobbying activities on behalf of the client).
?? Method B. Reporting amounts under section 6033(b)(8) of the Internal Revenue Code
?? Method C. Reporting amounts under section 162(e) of the Internal Revenue Code
Signature
Date 8/11/2000
Dated Name and Title Vin Weber-Partner
MTC–00030631—0840
Registrant Name: Clark & Weinstock
Client Name: Microsoft Corp
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying On behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. General issue area code CPI (one per page)
16. Specific Lobbying issues See attached page.
17. House(s) of Congress and Federal agencies contacted
Check if None
House of Representatives
Senate
18. Name of each individual who acted as a lobbyist in this issue area

Name	Covered Official Position (if applicable)	New
Kutler, Ed	No.	
Simoneaux, Mimi	No.	
Stach, Deirdre		No
Weber, Vin		No
Fazio, Vic Member,	U.S. House of Representatives	No
Stuart, Sandi	Asst. Sec. of Defense, Legislative Branch Only	No

19. Interest of each foreign entity in the specific issues listed on line 16 above
Check if None
Signature
Date 8/11/2000
Printed Name and Title Vin Weber- Partner

Page 2 of 7
MTC–00030631—0841
Registrant Name: Clark & Weinstock
Client Name: Microsoft Corp
Description Data
16 Lobbying Issues
Lobbied the following legislation dealing with digital signatures:
* H.R. 1572, To require the adoption and utilization of digital signatures by Federal agencies and to encourage the use of digital signatures in private sector electronic transactions.
* H.R. 1685, To provide for the recognition of electronic signatures for the conduct of interstate and foreign commerce, to restrict the transmission of certain electronic mail advertisements, to authorize the Federal Trade Commission to prescribe rules to protect the privacy of users of commercial Internet websites, to promote the rapid deployment of broadband Internet services, and for other purposes.
* H.R. 1714, To facilitate the use of electronic records and signatures in interstate or foreign commerce.
Educated members of Congress regarding Microsoft's position on instant messaging.
Educated members of Congress regarding various Internet privacy issues, Lobbied the following legislation dealing with clarifying hyperlinks to the Internet:
* S. 247, A bill to amend title 17, United States Code, to reform the copyright law with respect to satellite retransmissions of broadcast signals, and for other purposes.
* H.R. 768, To amend title 17, United States Code, to reform the copyright law with respect to satellite retransmissions of broadcast signals, and for other purposes.
* H.R. 1027, To provide for the carriage by satellite carriers of local broadcast station signals, and for other purposes.
* H.R. 1554, To amend the provisions of title 17, United States Code, and the Communications Act of I934, relating to copyright licensing and carriage of broadcast signals by satellite. Page 3 of 7
MTC–00030631—0842
Registrant Name: Clark & Weinstock
Client Name: Microsoft Corp
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant ??ngaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. General issue area code GOV (one per page)
16. Specific Lobbying issues Informed members of Congress regarding Microsoft's position on the Department of Justice's antitrust suit.
17. House(s) of Congress and Federal agencies contacted ?? Check if None House of Representatives Senate
8. Name of each individual who acted as a lobbyist in this issue area

Name	Covered Official Position (if applicable)	New
Kutler, Ed		No
Simoneaux, Mimi		No
Stach, Deirdre		No
Weber, Vin		No
Fazio, Vic	Member, U.S. House of Representatives	No
Stuart,	Sandi Asst. Sec. of Defense, Legislative Branch Only	No

19. Interest of each foreign entity in the specific issues listed on line 16 above
?? Check if None ??ignature Date 8/11/2000
??tinted Name and Title Vin Weber-Partner
MTC–00030631—0843
Registrant Name: Clark & Weinstock
Client Name: Microsoft Corp
??OBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant ??gaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. General issue area code IMM (one per page)
16. Specific Lobbying issues Lobbied the following legislation dealing with H1-B visas:
* S. 1563, A bill to establish the Immigration Affairs Agency within the Department of Justice, and for other purposes.
* H.R. 2687, To amend the Immigration and Nationality Act to establish a 5-year pilot program under which certain aliens completing a postsecondary degree in mathematics, science, engineering, or computer science are permitted to change nonimmigrant classification in order to remain in the United States for a 5.year period for the purpose of working in one of those fields.
* H.R. 3983, To amend the Immigration and Nationality Act to promote a fairer and more efficient means for using highly skilled workers, to improve the collection and use of H-1B nonimmingrant fees, and for other purposes.
17.
House(s) of Congress and Federal agencies Contacted
?? Check if None
House of Representatives
Senate
Name of each individual who acted as a lobbyist in this issue area

Name	Covered Official Position (if applicable)	New
Kutler, Ed		No
Simoneaux, Mimi		No
Stach, Deirdre		No
Weber, Vin		No
Fazio, Vic	Member, U.S. House of Representatives	No
Stuart,	Sandi Asst. Sec. of Defense, Legislative Branch Only	No

19. Interest of each foreign entity in the specific issues listed on line 16 above
?? Check if None
??gnature
Date 8/11/2000
??rated Name and Title Vin Weber- Partner
Page 5 of 7
MTC–00030631—0844
Registrant Name: Clark & Weinstock
Client Name: Microsoft Corp
??OBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant ??gaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. General issue area code TRD (one per page)
16. Specific Lobbying issues

Lobbied the following legislation dealing with Permanent Normal Trade Relations (PNTR) with China:
* H.J. Res. 57, Disapproving the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of the People's Republic of China.
* S. 2115, A bill to ensure adequate monitoring of the commitments made by the People's Republic of China in its accession to the World Trade Organization and to create

new procedures to ensure compliance with those commitments.
17. House(s) of Congress and Federal agencies contacted
?? Check if None
House of Representatives
Senate
Name of each individual who acted as a lobbyist in this issue area

Name	Covered Official Position (if applicable)	New
Kutler, Ed		No
Simoneaux, Mimi		No
Stach, Deirdre		No
Weber, Vin		No
Fazio, Vic	Member, U.S. House of Representatives	No
Stuart,	Sandi Asst. Sec. of Defense, Legislative Branch Only	No

??Interest of each foreign entity in the specific issues listed on line 16 above
?? Check if None ??nature
Date 8/11/2000
??nted Name and Title Vin Weber- Partner
Page 6 of 7
Registrant Name: Clark & Weinstock
Client Name: Microsoft Corp
??formation Update Page , Complete ONLY where registration information has changed.
20. Client new address
21. Client new principal place of business (if different from line 20)
City State/Zip (or Country)
22. New general description of client's business or activities
LOBBYIST UPDATE
23. Name of each previously reported individual who is no longer expected to act as a lobbyist for the client
Bainwol, Mitch
ISSUE UPDATE
24. General lobbying issues previously reported that no longer pertain
AFFILIATED ORGANIZATIONS
25. Add the following affiliated organization(s)
Principal Place of Business
Name
Address (city and state or country)
26. Name of each previously reported organization that is no longer affiliated with the registrant or client
FOREIGN ENTITIES
27. Add the following foreign entities
Principal Place of Business
Amount of contribution for lobbying activities
Ownership % in client
Name
Address (city and state or country)
28. Name of each previously reported foreign entity that no longer owns, or controls, or is affiliated with the registrant, client, or affiliated organization
??gnature
Date 8/11/2000
??nted Name and Title Vin Weber- Partner
Page 7 of 7

ATTACHMENT 19

01 Fed-9 PM 2:46
Clerk of the House of Representatives, Legislative Resource Center, B-106 Cannon Building, Washington, DC 20515
Secretary of the Senate??, Office of Public Records?? 232 Hart Building?? Washington, DC 20510
LOBBYING REPORT
Lobbying Disclosure Act of 1995 (Section 5)—All Filers Are
Required to Complete This Page
1. Registrant Name
Clark & Weinstock 2. Registrant Address
?? Check if different than previously reported
Address 1775 I Street NW, Ste 700
city Washington, Staler/Zip (or Country) DC 20006
3. Principal Place of Business (if different from line 2) City New York, State/Zip (or Country) NY 10017
4. Contact Name Telephone E-mail (optional) 5. Senate ID #
Lisa Simpson 202–261–4025 lisa@cwdc.com 9443–381
7. Client Name ?? Self
Microsoft Corp316–98027
TYPE OF REPORT 8. year 2000 Midyear (January 1-June 30) ?? OR Year End (July 1-December 31)
Check if this filing amends a previously filed version of this report ??
?? Check if this is a Termination Report ?? >> Termination Date 11. No Lobbying Activity 71
INCOME OR EXPENSES-Complete Either Line 12 OR Line 13
12. Lobbying Firms
13. Organizations
INCOME relating to lobbying activities for this reporting
EXPENSES relating to lobbying activities for this reporting period was: period were:
Less than $10,000 ?? Less than $10,000 ??
S10,000 or more ?? >> $
$280,000.00
$10,000 or more ?? >> $
Income (nearest S20,000) Expenses (nearest $20,000)
14. REPORTING METHOD. Check box to indicate expense Provide a good faith estimate, rounded to the nearest accounting method. See instructions for description of options. $20,000 of all lobbying related income from the client (including all payments to the registrant by any other entity
?? Method A. Reporting amounts using LDA definitions only for lobbying activities on behalf of the client). ?? Method B. Reporting amounts under section 6033(b)(8) of the Internal Revenue Code
?? Method C. Reporting amounts under section 162(e) of the Internal Revenue Code
Signature
Date 2/9/01
??Name and Title Vin Weber-Partner Page 1 of 7
Registrant Name: Clark & Weinstock
Client Name: Microsoft Corp
??OBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant ??gaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide iformation as requested. Attach additional page(s) as needed.
15. General issue area code CPI (one per page)
16. Specific Lobbying issues See attached page.
17. House(s) of Congress and Federal agencies contacted ?? Check if None
House of Representatives Senate
18. Name of each individual who acted as a lobbyist in this issue area

Name	Covered Official Position (if applicable)	New
Fazio, Vic	Members, U.S. House of Represenatives	No
Kutler, Ed		No
Simoneaux, Mimi		No
Stach, Deirdre		No
Stuart, Sandi	Asst. Sec. of Defense, Legislative Branch	No
Urban, Anne	Legislative Director, Sen. Robert Kerry	Yes
Weber, Vin		No

19. Interest of each foreign entity in the specific issues listed on line 16 above ??
Check if None
Signature Date 2/9/01
Printed Name and Title Vin Weber- Partner
Page 2 of 7

Registrant Name: Clark & Weinstock
Client Name: Microsoft Corp
Item Description Data
Lobbying Issues Lobbied the following legislation dealing with digital signatures:

* H.R. 1572, To require the adoption and utilization of digital signatures by Federal agencies and to encourage the use of digital signatures in private sector electronic transactions.

* H.R. 1685, To provide for the recognition of electronic signatures for the conduct of interstate and foreign commerce, to restrict the t miss on of certain electronic mail advertisements, to authorize the Federal Trade Commission to prescribe rules to protect the privacy of users of commercial Internet websites, to promote the rapid deployment of broadband Internet services, and for other purposes.

* H.R. I714, To facilitate the use of electronic records and signatures in interstate or foreign commerce.

Educated members of Congress regarding Microsoft's position on instant messaging.
Educated members of Congress regarding various Internet privacy issues.
Lobbied the following legislation dealing with clarifying hyperlinks to the Internet:

* S. 247, A bill to amend title 17, United States Code, to reform the copyright law with respect to satellite retransmissions of broadcast signals, and for other purposes.

* H.R. 768, To amend title 17, United States Code, to reform the copyright law with respect to satellite retransmissions of broadcast signals, and for other purposes.

* H.R. 1027, To provide for the carriage by satellite carriers of local broadcast station signals, and for other purposes.

* HR. 1554, To amend the provisions of title 17, United States Code, and the Communications Act of 1934, relating to copyright licensing and carriage of broadcast signals by satellite.

Educated members of Congress on the competition In the software market. Page 3 of 7
Registrant Name: Clark & Weinstock Client Name: Microsoft Corp
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed. 15. General issue area code GOV (one per page)
16. Specific Lobbying issues
Informed members of Congress regarding Microsoft's position on the Department of Justice's antitrust suit.
17. House(s) of Congress and Federal agencies contacted ?? Check if None House of Representatives Senate
18. Name of each individual who acted as a lobbyist in this issue area

Name	Covered Official Position (if applicable)	New
Fazio, Vic Member,	U.S. House of Representatives	No
Kutler, Ed		No
Simoneaux, Mimi		No
Stach, Deirdre		No
Stuart, Sandi	Asst. Sec. of Defense, Legislative Branch Only	No
Urban, Anne	Legislative Director, Sen. Robert Kerrey	Yes
Weber, Vin		No

9. Interest of each foreign entity in the specific issues listed on line 16 above ?? Check if
None
Signature
Date 2/9/01
Printed Name and Title Vin Weber—Partner
Page 4 of 7
Registrant Name: Clark & Weinstock
Client Name: Microsoft Corp
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant ??engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide iformation as requested. Attach additional page(s) as needed.
15. General issue area code IMM (one per page)
16. Specific Lobbying issues
Lobbied the following legislation dealing with H1-B visas:

* S. 1563, A bill to establish the Immigration Affairs Agency within the Department of Justice, and for other purposes.

* H.R. 2687, To amend the Immigration and Nationality Act to establish a 5-year pilot program under which certain aliens completing a postsecondary degree in mathematics, science, engineering, or computer science are permitted to change nonimmigrant classification in order to remain in the United States for a 5-year period for the
purpose of working in one of those fields.

* H.R. 3983, To amend the Immigration and Nationality Act to promote a fairer and more efficient means for using highly skilled workers, to improve the collection and use of H-1B nonimmigrant fees, and for other purposes.
17. House(s) of Congress and Federal agencies contacted
?? Check if None House of Representatives Senate
18. Name of each individual who acted as a lobbyist in this issue area

Name	Covered Official Position (if applicable)	New
Fazio, Vic Member,	U.S. House of Representatives	No
Kutler,		Ed No
Simoneaux, Mimi		No
Stach, Deirdre		No
Stuart, Sandi	Asst. Sec. of Defense, Legislative Branch Only	No
Urban, Anne	Legislative Director, Sen. Robert Kerrey	Yes
Weber, Vin		No

19. Interest of each foreign entity in the specific issues listed on line 16 above ?? Check if None
Signature Date 2/9/01
Printed Name and Title Vin Weber- Partner
Page 5 of 7
Registrant Name: Clark & Weinstock
Client Name: Microsoft Corp
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant ngaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide formation as requested. Attach additional page(s) as needed.
15. General issue area code TRD (one per page)
16. Specific Lobbying issues
Lobbied the following legislation dealing with Permanent Normal Trade Relations (PNTR) with China:

* H.J. Res. 57, Disapproving the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of the People's Republic of China.

* S. 2115, A bill to ensure adequate monitoring of the commitments made by the People's Republic of China in its accession to the World Trade Organization and to create new procedures to ensure compliance with those commitments.
17. House(s) of Congress and Federal agencies contacted ?? Check if None
House of Representatives
Senate
18. Name of each individual who acted as a lobbyist in this issue area

Name	Covered Official Position (if applicable)	New
Fazio, Vic Member,	U.S. House of Representatives	No
Kutler, Ed		No
Simoneaux, Mimi		No
Simpson, Lisa		No
Stach, Deirdre		No
Urban, Anne	Legislative Director, Sen. Robert Kerrey	Yes
Weber, Vin		No

19. Interest of each foreign entity in the specific issues listed on line 16 above ?? Check if
None
Signature Date 2/9/01
??inted Name and Title Vin Weber—Partner
Registrant Name: Clark & Weinstock
Client Name: Microsoft Corp
Information Update Page—Complete ONLY where registration information has changed.
20. Client new address
21. Client new principal place of business (if different from line 20) City State/Zip (or Country)
22. New general description of client's business or activities
LOBBYIST UPDATE
23. Name of each previously reported individual who is no longer expected to act as a lobbyist for the client
Simoneaux, Mimi
ISSUE UPDATE
24. General lobbying issues previously reported that no longer pertain
AFFILIATED ORGANIZATIONS
25. Add the following affiliated organization(s) Principal Place of Business Name Address (city and state or country)
26. Name of each previously reported organization that is no longer affiliated with the registrant or client
FOREIGN ENTITIES
27. Add the following foreign entities
Principal Place of Business (city and state or country)
Amount of contribution for lobbying activities
Ownership% Name Address in client
28. Name of each previously reported foreign entity that no longer owns, or controls, or is affiliated with the registrant, client, or affiliated organization
Signature
Date 2/9/01
Printed Name and Title Vin Weber—Partner

ATTACHMENT 20

Clerk of the House of Representatives Legislative Resource Center, B-106 Cannon Building, CENTER, Washington, DC 20515
Secretary of the Senate, Office of Public Records, 232 Hart Building LEGISLATIVE-RESOURCE Washington, DC 20510
??2001 AUG 13 AM 11:48
LOBBYING REPORT ??
Lobbying Disclosure Act of 1995 (Section 5)—All Filers Are Required to Complete This Page
1. Registrant Name
Clark & Weinstock
2. Registrant Address
Check if different than previously reported
Address 1775 I Street NW, Ste 700
City Washington, Sate/Zip (or Country) DC 20006
3. Principal Place of Business (if different from line 2)
City New York, State/Zip (or Count) NY 10017
Contact Name Lisa Simpson Telephone 202–261–4025 E-mail (optional) lisa@cwdc.com 5. Senate ID # 9443–381
7. Client Name Microsoft Corp ?? ?? Self 6 House ID #
TYPE OF REPORT 8. Year 2001
Midyear (January 1-June 30) ?? OR Year End (July 1-December 31) ??
9. Check if this filing amends a previously filed version Of this report ??
10. Check if this is a Termination Report ?? >> Termination Date 11. No Lobbying Activity ??
INCOME OR EXPENSES—Complete Either Line 12 OR Line 13
12. Lobbying Firms
113. Organizations
INCOME relating to lobbying activities for this reporting
EXPENSES relating to lobbying activities for this reporting period was: period were: Less than $10,000 ?? Less than $10,000 ??
$10,000 or more ?? >>$ $240,000.00 $10,000 or more ?? >>$
Income (nearest $20.000)
Expenses (nearest $20.000)
14. REPORTING METHOD. Check box to indicate expense
Provide a good faith estimate, rounded to the nearest accounting method. See instructions for description of options.
$20,000 of all lobbying related income from the client (including all payments to the registrant by any other entity
?? Method A. Reporting amounts using LDA definitions only for lobbying activities on behalf of the client).
?? Method B. Reporting amounts under section 6033(b)(8) of the Internal Revenue Code
?? Method C. Reporting amounts under section 162(e) of the Internal Revenue Code
Signature Date 8/9/01
Printed Name and Title Vin Weber—Partner
Page 1 of 9
Registrant Name: Clark & Weinstock
Client Name: Microsoft Corp
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. General issue area code CPI (one per page)
16. Specific Lobbying issues
See attached page.
17. House(s) of Congress and Federal agencies contacted ?? Check if None
Department of Commerce
Department of Treasury
Executive Office of the President
House of Representatives
Office of the Vice President
Senate
18. Name of each individual who acted as a lobbyist in this issue area Name Covered Official Position (if applicable)

Name	Covered Official Position (if applicable)	New
Bieron, Brian	Policy Director, House Rules Committee	Yes
Fazio, Vic		No
Gribben, Dave		Yes
Kutler, Ed		No
Matthews, Jim		Yes
Morrison, Timonthy	Associate Director, Presidential Personnel	Yes
Stach, Deirdre		No

19. Interest of each foreign entity in the specific issues listed on line 16 above ?? Check if None

Signature
Date 8/9/01
Printed Name and Title Vin Weber—Partner

Registrant Name: Clark & Weinstock
Client Name: Microsoft Corp

Item	Description	Data
16	Lobbying Issues	Help develop strategy and company policies on privacy law, including matters related to Windows XP and .NET and instant messaging through the following legislation: H.R. 1017, Anti-spamming Act of 2001, to prohibit unsolicited e-mail know as spam S. 2606, Consumer Privacy Protection Act S. 197, Spyware Control Privacy Protection Act, to provide for the disclosure of the collection of information through computer software and for other purposes Intellectual Properties issues—providing cyber and intellectual property enformement: Senate Report 107–42 S. 1215, Departments of Commerce, Justice, State, Judiciary and related Agencies Approprations Act 2002 H.R. 2500, Departments of Commerce, Justice, State, Judiciary and related Agencies Approprations Act 2002 H. AMDT. 192 Walters Amendment, to provide that none of the funds designated for the Office of the U.S. Trade Representative may be used to initiate a proceeding in the WTO challenging any law or policy of a developing country that promotes access to HIV/AIDS, pharmaceuticals or medical technologies to the population of the country H. AMDT. 194 Walters Amendment 2, to prohibit use of funds to initiate a proceeding in the WTO challenging any law of a country that is not a member of the OECD H. AMDT. 193 Kucinich Amendment, prohibits the use of funds in the bill to initiate a proceeding in the WTO challenging any law of a country that is not a member of the OECD relating to HIV/AIDS pharmaceuticals.

Registrant Name: Clark & Weinstock Client Name: Microsoft Corp

Item	Description Data	
18a	Lobbyist Name	Stuart, Sand??
18b	Covered Official Position	
18c	New Lobbyist	No
18a	Lobbyist Name	Urban, Anne
18b	Covered Official Position	Legislative Director, Sen. Robert Kerrey
18c	New Lobbyist	No
18a	Lobbyist Name	Weber, Vin
18b	Covered Official Position	
18c	New Lobbyist	No

Registrant Name: Clark & Weinstock
Client Name: Microsoft Corp

LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.

15. General issue area code GOV (one per page)
16. Specific Lobbying issues Informed members of Congress regarding Microsoft's position on the Department of Justice's antitrust suit.
17. House(s) of Congress and Federal agencies contacted ?? Check if None
House of Representatives
Senate
18. Name of each individual who acted as a lobbyist in this issue area

Name	Covered Official Position (if applicable)	New
Bieron, Brian	Policy Director, House Rules Committee	Yes
Fazio, Vic	.....	No
Gribbin, Dave	.....	Yes
Kutler, Ed	.....	No
Mathews, Jim	.....	Yes
Morrison, Timothy	Associate Director, Presidential Personnel	Yes
Stach, Deirdre	.....	No

19. Interest of each foreign entity in the specific issues listed on line 16 above ?? Check if None

Signature
Date 8/9/01
Printed Name and Title Vin Weber- Partner

Page 5 of 9
Registrant Name: Clark & Weinstock
Client Name: Microsoft Corp

Item	Description	Data
18a	Lobbyist Name	Stuart, Sandi

Item	Description	Data
18b	Covered Official Position	
18c	New Lobbyist	No
18a	Lobbyist Name	Urban, Anne
18b	Covered Official Position	Legislative Director, Sen. Robert Kerrey
18c	New Lobbyist	No
18a	Lobbyist Name	Weber, Via
18b	Covered Official Position	
18c	New Lobbyist	No

Registrant Name: Clark & Weinstock
Client Name: Microsoft Corp.
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. General issue area code TRD (one per page)
16. Specific Lobbying issues
Lobbied the following legislation dealing with Trade Promotion Authority Act of 2001
* H.R. 2149, To extend trade authorities procedures with respect to reciprocal trade agreements
17. House(s) of Congress and Federal agencies contacted ?? Check if None House of Representatives Senate
18. Name of each individual who acted as a lobbyist in this issue area

Name	Covered Official Position (if applicable)	New
Bieron, Brian	Policy Director, House Rules Committee	Yes
Fazio, Vie		No
Gribbin, Dave		Yes
Kutler, Ed		No
Mathews, Jim		Yes
Morrison, Timothy	Associate Director, Presidential Personnel	Yes
Stach, Deirdre		No

19. interest of each foreign entity in the specific issues listed on line 16 above ?? Check if None
Signature
Date 8/9/01
Printed Name and Title Vin Weber- Partner
Page 7 of 9
Registrant Name: Clark & Weinstock
Client Name: Microsoft Corp

Item	Description	Data
18a	Lobbyist Name	Urban, Anne
18b	Covered Official Position	Legislative Director, Sen. Robert Kerrey
18c	New Lobbyist	No
18a	Lobbyist Name	Weber, Vin
18b	Covered Official Position	
18c	New Lobbyist	No

Registrant Name: Clark & Weinstock
Client Name: Microsoft Corp
Information Update Page . Complete ONLY where registration information has changed.
20. Client new address
21. Client new principal place of business (if different from line 20) City State/Zip (or Country)
22. New general description of client's business or activities
LOBBYIST UPDATE
23. Name of each previously reported individual who is no longer expected to act as a lobbyist for the client
ISSUE UPDATE
24. General lobbying issues previously reported that no longer pertain
IMM
AFFILIATED ORGANIZATIONS
25. Add the following affiliated organization(s)
Principal Place of Business
Name
Address (city and state or country)
26. Name of each previously reported organization that is no longer affiliated with the registrant or client
FOREIGN ENTITIES
27. Add the following foreign entities
Principal Place of Business (city and state or country)
Amount of contribution
Ownership % in client
Name for lobbying activities
Address
28. Name of each previously reported foreign entity that no longer owns, or controls, or is affiliated with the registrant, client, or affiliated organization
Signature
Date 8/9/01
Printed Name and Title Vin Weber—Partner
Page 9 of 9
MTC–00030631—0864

ATTACHMENT 21

RECEIVED
Clerk of the House of Representatives
B-106 Cannon Building 232 Hart Building
98 AUG -7 am 9:51
Legistive Resource Center, B-106 Cannon Building, CL?? Washington, DC 20515
Office of Public Records, 232 Hart Building, Washington, DC 20510
LOBBYING REPORT
Disclosure Act of 1995 (Section 5)—All Filers Are Required To Complete This Page
Lobbying
1. Registrant Name
Covington & Burling
2. Address ?? Check if different than previously reported
1201 Pennsylvania Avenue, NW
3. Principal Place of Business (if different from line 2)
City: Washington
State/Zip (or Country) DC 20004
4. Contact Name Stuart C. Stock
Telephone 202–662–5384
E-mail (optional)
5. Senate ID # 11195–672
7. Client Name ?? Self ??
31827064
Microsoft Corporation
TYPE OF REPORT 8. Year 1998 Midyear (January 1-June 30) ?? OR Year End (July 1-December 31) ??
9. Check if this filing attends a previously filed version of this report ??
10. Check if this is a Termination Report ?? ?? Termination Date
11. No Lobbying Activity ??
INCOME OR EXPENSES—Complete Either

Line 12 OR Line 13
12. lobbying Firms
13. Organizations
INCOME relating to lobbying activities for this reporting lobbying activities for this reporting period was: Less than $10,000 ??
EXPENSES relating to period were: Less than $10,000 ??
$10,000 or more ?? ??
$10,000 or more ?? ?? $ 40,000
Expenses (nearest $20, 000)
Income (nearest $20,000)
14. REPORTING METHOD. Check box to indicate expense accounting method. See instructions for description of options.
Provide a good faith estimate, rounded to the nearest $20,000, of all lobbying related income from the client (including all
?? Method A. Reporting amounts using LDA definitions only payments to the registrant by any other entity for lobbying activities on behalf of the client).
?? Method B. Reporting amounts under section 6033(b)(8)of the Internal Revenue Code
?? Method C. Reporting amounts under section 162(e) of the Internal Revenue Code
Signature
Printed Name and Title Stuart C. Stock, Partner
LD-2 (REV. 6/98)
Registrant Name Covington & Burling
Client Name Microsoft Corporation
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant ??ngaged hi lobbying on behalf of the client during tile reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. General issue area code CPI (one per page)
16. Specific lobbying issues
Competition issues affecting computer software industry.
17. Houses) of Congress and Federal agencies contacted
?? Check if None Senate
18. Name of each individual who acted as a lobbyist in this issue area

Name Covered	Official Position (if applicable)	New
Charles F. Rule		

19. Interest of each foreign entity in the specific issues listed on line 16 above
?? Check if
None
Signature Date August 4, 1998
Printed Name and Title Stuart C. Stock, Partner
Form LD-2 (Rev.6/98) Page 2 of 4
Registrant Name Covington & Burling
Client Name Microsoft Corporation
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. General issue area code TRD (one per page)
16. Specific lobbying issues
Electronic commerce matters relating to international electronic signature proposals.
17. House(s) of Congress and Federal agencies contacted
?? Check if None
Department of Commerce
18. Name of each individual who acted as a lobbyist in this issue area
19. Interest of each foreign entity in the specific issues listed on line 16 above ??
Check if None Signature Date August 4, 1998
Printed Name and Title Stuart C. Stock, Partner
Form LD-2 (Rev.6/98)
MTC–00030631—0868
Registrant Name Covington & Burling
Client Name Microsoft Corporation
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide ??formation as requested. Attach additional page(s) as needed.
15. General issue area code CPT (one per page)
16. Specific lobbing issues
—Protection of intellectual property through proposed federal action.
—Protection of intellectual property in World Bank lending programs.
17. Houses) of Congress and Federal agencies contacted
?? Check if None Senate
House of Representatives
Department of Commerce
Department of Treasury
Office of Management and Budget
18. Name of each individual who acted as a lobbyist in this issue area

Name	Covered Official Position (if applicable)	New
E. Jason Albert Laurie C. Self		

19. Interest of each foreign entity in the specific issues listed on line 16 above ??
Check if None
Signature
Date August 4. 1998
??rinted Name and Title Stuart C. Stock, Partner
Form LD-2 (Rev.6/98)
MTC–00030631—0869

ATTACHMENT 22

MTC–00030631—0870
(Clerk of the House of Representatives, Legislative Resource Center,
Secretary of the Senate, Office of Public Records, 232 Hart Building, Washington, DU 20510 10 M 9:07 B-106 Canon Building, Washington, DU 20515
LOBBYING REPORT
Lobbying Disclosure Act of 1995 (Section 5)—All Filers Are Required To Complete This Page.
1. Registrant Name
Covington & Burling
2. Address ?? Check if different than previously reported.
1201 Pennsylvania Avenue, NW
3. Principal Place of Business (if different from line 2)
City: Washington
State/Zip (or Country) DC 20004
4. Contact Name Stuart C. Stock
Telephone 202–662–5384
Email (optional)
5. Senate ID # 11195–672
7. Client Name ?? Self
6. House ID # 31827064
Microsoft Corporation
..... 318
TYPE OF REPORT 8. Year 1998 Midyear (January 1–June 30) ?? OR Year End ??
9. Check if this filing amends a previously filed version of this report ??
10. Check if this is a Termination Report ?? ?? Termination Date 11. No Lobbying Activity ??
INCOME OR EXPENSES—Complete Either Line 12 OR Line 13
12. Lobbying Firms
13. Organizations
INCOME relating to lobbying activities for this reporting period was: Less than $10,000
EXPENSES relating to lobbying activities for this reporting period were: Less than $10,000
$10,000 or more $60,000
$10,000 or more $
Income (nearest $20,000)
Expenses (nearest $20.000)
Provide a good faith estimate, rounded to the nearest $20,000, of all lobbying related income for the client (including all payments to the registrant by any other entity for lobbying activities on behalf of the client.)
14. REPORTING METHOD. Check box to indicate expense accounting method. See

instructions for description of options.
Method A. Reporting amounts using LDA definitions only
Method B. Reporting amounts under section 6033(bX8) of the Internal Revenue Code
Method C. Reporting amounts under 162(e) of the Internal Revenue Code
Signature
Date
Printed Name and Title Stuart C. Stock, Partner
MTC–00030631—0871
Registrant Name Covington & Burling
Client Name Microsoft Corporation
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested, Attach additional page(s) as needed.
15. General issue area code CPI (one per page)
16. Specific lobbying issues
Competition issues affecting computer software industry.
17. House(s) of Congress and Federal agencies contacted
Check if None
House of Representatives
Senate
18. Name of each individual who acted as a lobbyist in this issue area

Name	Covered official Position (if applicable)	New
Charles F. Rule		

19. Interest of each foreign entity in the specific issues listed on line 16 above
Check if None
Signature
Date
Printed Name and Title Stuart C. Stock, Partner
MTC–00030631—0872
Registrant Name Covington & Burling
Client Name Microsoft Corporation
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. General issue area code ———TRD (one per page)
16. Specific lobbying issues
Electronic Commerce matters relating to international electronic signature proposals.
17. House(s) of Congress and Federal agencies contacted
Check if None
Department of Commerce
18. Name of each individual who acted as a lobbyist in this issue area

Name	Covered official Position (if applicable)	New
E. Jason Albert		

19. Interest of each foreign entity in the specific issues listed on line 16 above
Check if None
Signature
Date
Printed Name and Title Stuart C. Stock, Partner
MTC–00030631—0873
Registrant Name Covington & Burling
Client Name Microsoft Corporation
LOBBYING ACTIVITY, Select as many codes as necessary to reflect tile general issue areas in which the registrant engaged in lobbying on behalf the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. General issue area code ———CPT (one per page)
16. Specific lobbying issues
- Protection of intellectual property through proposed federal action and implementation of Computer Software Piracy Executive Order.
- Protection of intellectual property in World Bank lending programs.
17. House(s) of Congress and Federal agencies contacted
Check if None
Department of Commerce
Department of Treasury
Office of Management and Budget
18. Name of each individual who acted as a lobbyist in this issue area

Name	Covered official Position (if applicable)	New
E. Jason Albert Stuart C. Stock Laurie C. Self		

19. Interest of each foreign entity in the specific issues listed on line 16 above
Check if None
Signature
Date
Printed Name and Title Stuart C, Stock, Partner
MTC–00030631—0874
Registrant Name Covington & Burling
Client Name Microsoft Corporation
Information Update Page—Complete ONLY where registration information has changed.
20. Client new address
21. Client new principal place of business (if different from line 20)
City
State/Zip (or Country)
22. New general description of client's business or activities
LOBBYIST UPDATE
23. Name of each previously reported individual who is no longer expected to act as a lobbyist for the client
Victoria A. Carter
ISSUE UPDATE
24. General lobbying issues previously reported that no longer pertain
AFFILIATED ORGANIZATIONS
25. Add the following affiliated organization(s)
Name
Address
Principal Place of Business (city and state or country)
26. Name of each previously reported organization that is no longer affiliated with the registrant or client
FOREIGN ENTITIES
27. Add the following foreign entities
Name
Address
Principal place of business (city and state or country)
Amount of contribution for lobbying activities
Ownership percentage in client
28. Name of each previously reported foreign entity that no longer owns, or controls, or is affiliated with the registrant, client or affiliated organization
Signature
Date
Printed Name and Title Stuart C. Stock, Partner

ATTACHMENT 23

Back
LOBBYING REPORT
Signature
Date August 10, 1999

Printed Name and Title Stuart C. Stock, Partner
Back
Signature
Date August 10, 1999
Printed Name and Title Stuart C. Stock, Partner
Back
Signature
Date August 10, 1999
Printed Name and Title Stuart C. Stock, Partner
Back
Signature
Date August 10, 1999
Printed Name and Title Stuart C. Stock, Partner

ATTACHMENT 24

Secretary of the Senate
Clerk of the House of Representatives
LOBBYING REPORT
Lobbying Disclosure Act of 1995 (Section 5)
1. Year 1997
For Official Use
2. Report type (check all that apply) Midyear (January 1-June 30)—Year End (July 1-December 31)
Amended report
Termination Report
No Activity (registration to remain in effect)
REGISTRANT
3. Name of Registrant DOWNEY CHANDLER, INC.
4. Telephone number and contact name
202 789 1110
Contact Kathleen Tynan McLaughlin
5. Name of Client Microsoft Corporation
31805008
INCOME OR EXPENSES Answer line 6 or line 7 as applicable
6. LOBBYING FIRMS. Income from the client during the reporting period, other than income unrelated to lobbying activities, was:
Less than $10,000
$10,000 or more
If $10,000 or more, provide a good faith estimate, rounded to the nearest $20,000, of all income from the client during this reporting period. Include any payments by any other entity for lobbying activities on behalf of the client. Exclude income unrelated to lobbying activities.
Income $ $60,000
Total for year (if Year End r epor0 $ 140,000
7. ORGANIZATIONS EMPLOYING IN-HOUSE LOBBYISTS. Expenses incurred in connection with lobbying activities during the reporting period were:
Less than $10,000
$10,000 or more
If $10,000 or more, provide a good faith estimate, rounded to the nearest $20,000, of the total amount of all lobbying expenses incurred by the registrant and its employees during this reporting period.
Expense $
Total for year (if Year End report) $

A. Registrants that report lobbying expenses under section 6033(b)(8) of the Internal Revenue Code may provide a good faith estimate of the applicable amounts that would be required to be disclosed under section 6033(b)(8) for the semiannual reporting period, and may consider as lobbying activities only those defined under section 4911(d) of the Internal Revenue Code. If selecting this method, check box and (i) enter estimated amounts on the ''Expenses'' line above; or (ii) attach a copy of the IRS Form 990 that includes this reporting period.

B. Registrants subject to section 162(e) of the Internal Revenue Code may make a good faith estimate &all amounts that would not be deductible under section 162(e) for the semiannual reporting period, and may consider as lobbying activities only those activities the costs of which are not deductible pursuant to section 162(e). If selecting this method, check box and enter estimated amounts on the ''Expenses'' line above.

Form LD–2 (1/96) Page
Registrant Name DOWNEY CHANDLER, INC.
Client Name Microsoft Corporation 31805008
LOBBYING ISSUES. On line 8 below, eater the code for one general lobbying issue area in which the registrant engaged in lobbying activities for the client during this reporting period (select applicable code from list in the instructions and on the reverse side of Form LD-2, page 1). For that general issue area only, complete lines 9 through 12. If the registrant engaged in lobbying activities for the client in more than one general issue area, use one Lobbying Report Addendum page for each additional general issue area.
8. General lobbying issue area code (enter one) CPT
9. Specify lobbying issues (include bill numbers and specific executive branch actions)
Intellectual Property Rights
Patent Reform
Internet issues
Encryption
Immigration
Anti-trust issues
10. Houses of Congress and Federal agencies contacted
U.S. House of Representatives
U.S. Senate
Office of the Vice President
Department of Justice
11. Name and title of each employee who acted as a lobbyist
Thomas J. Downey, Chairman
Rod Chandler, President
Daniel T. Bross, Vice President
Margaret M. McCloud, Director
12. For registrants identifying foreign entities in the Lobbying Registration (Form LD–1, line 12) or are/updates: Interest of each such foreign entity in the specific lobbying issues listed on line 9 above
NA
This report includes 0 Addendum pages.
Signature
Printed Name and Title Thomas J. Downey Chairman
Form LD–2 (1/96)

ATTACHMENT 25

Clerk of the House of Representatives
Secretary of the Senate Legislative Resource Center, Office of Public Records, B–106 Cannon Building, 232 Hart Building, Washington, DC 20515, Washington, DC 20510
LOBBYING REPORT
Lobbying Disclosure Act of 1995 (Section 5)—All Filers Are Required To Complete This Page
1. Registrant Name
2. Address
?? Check if different than previously reported
3. Principal Place of Business (if different from line 2)
4. Contact Name
Telephone
E-mail (optional) 5. Senate ID #
6. House ID #
7. Client Name ?? Self
TYPE OF REPORT 8. Year 1998 Midyear (January 1-June 30) ?? OR Year End (July 1-Decembe 31) ??
9. Cheek if this filing amends a previously filed version of this report
10. Check if this is a Termination Report—Termination Date
11. No
Lobbying Activity
INCOME OR EXPENSES—Complete Either Line 12 OR line 13
12. Lobbying Firms
13. Organizations
INCOME relating to lobbying activities for this reporting activities for this reporting period was Less than $10,000
EXPENSES relating to lobbying period were: Less than $10,000
$10,000 or more
10,000 or more
(Income (nearest $20,000)
Expenses (nearest $20,000)
14. REPORTING METHOD. Check box to indicate expense

Provide a good faith estimate, rounded to the nearest $20,000, accounting method. See instructions for description of options of all lobbying related income from the client (including all ??

Method A.Reporting amounts using LDA definitions only payments to the registrant by any other entity for lobbying activities on behalf of the client).

Method B. Reporting amounts under section 6033(b)(8) of the Internal Revenue Code

Method C. Reporting amounts under section 162(e) of the Internal Revenue Code

Signature
LD–2 (REV. 6/98)
Registrant Name
Client Name
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. General issue area code_(one per page)
16. Specific lobbying issues
17. House(s) of Congress and Federal agencies contacted
Check if None
18. Name of each individual who acted as a lobbyist in this issue area
Name
Covered Official Position (if applicable)
New
19. Interest of each foreign entity in the specific issues listed on line 16 above

Check if None
Signature Dale
Printed Name and Tide
Form LD–2 (Rev.6/98)
Registrant Name
Client Name
LOBBYING ACTIVITY, Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
5. General issue area code— (one per page)
6. Specific lobbying issues
I7. House(s) of Congress and Federal agencies contacted
Check if None
18. Name of each individual who acted as a lobbyist in this issue area
Name
Covered Official Position (if applicable)
New
19. Interest of each foreign entity in the specific issues listed on line 16 above
Check if None
Signature
Date
Printed Name and Title
Form LD–2 (Rev. 6/98)
Registrant Name
Client Name
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. General issue area code_(one per page)
16. Specific lobbying issues
17. House(s) of Congress and Federal agencies contacted
Check if None
18. Name of each individual who acted as a lobbyist in this issue area
Name
Covered Official Position (if applicable)
New
19. Interest of each foreign entity in the specific issues listed on line 16 above
Check if None
Signature
Date

ATTACHMENT 26

Clerk of the House of Representatives, Legislative Resource Center, B–106 Cannon Building, Washington, DC 20515
Secretary of the Senate, Office of Public Records, 232 Hart Building, Washington, DC 20510
LOBBYING REPORT
Lobbying Disclosure Act of 1995 (Section 5)—All Filers Are Required To Complete This Page
1, Registrant Name
2. Address
Check if different than previously reported
3. Principal Place of Business (if different from line 2)
City:
State/Zip (or Country)
4. Contact Name
Telephone
E-mail (optional)
5. Senate ID #
6. House ID #
7. Client Name Self
TYPE OF REPORT
8. Year_Midyear (January 1-June 30)—OR Year End (July 1-December 31)
9. Check if this filing amends a previously filed version of this report
10. Check if this is a Termination Report—Termination Date
11. No Lobbying Activity
INCOME OR EXPENSES—Complete Either Line 12 OR Line 13
12. Lobbying Firms
13. Organizations
INCOME relating to lobbying activities for this reporting activities for this reporting period was: period were: Less than $10,000
EXPENSES relating to lobbying Less than $10,000
$10,000 or more
$10,000 or more
Income (nearest $20,000) (Expenses (nearest $20,000)
14. REPORTING METHOD. Check box to indicate expense accounting method. See instructions for description of options.
Provide a good faith estimate, rounded to the nearest $20,000, of all lobbying related income from the client (including all using LDA definitions only payments to the registrant by any other entity for lobbying activities on behalf of the client).
Method A. Reporting amounts
Method B. Reporting amounts under section 6033(b)(8) of the Internal Revenue Code
Method C. Reporting amounts under section 162(e) of the Internal Revenue Code
Signature Date
Printed Name and Title
Form LD-2 (Rev. 6/98)
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. General issue area code ———— (one per page)
16. Specific lobbying issues
17. House(s) of Congress and Federal agencies contacted
Check if None
18. Name of each individual who acted as a lobbyist in this issue area
Name
Covered Official Position (if applicable)
New
19. Interest of each foreign entity in the specific issues listed on line 16 above
Check if None
Signature
Date
Printed Name and Title
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. General issue area code ———— (one per page)
Specific lobbying issues
17. House(s) of Congress and Federal agencies contacted
Check if None
18. Name of each individual who acted as a lobbyist in this issue area
Name
Covered official Position (if applicable)
New
19. Interest of each foreign entity in the specific issues, listed on line 16 above
Check if None
Signature
Date
Printed Name and Title
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. General issue area code [MM (one per page)
Specific lobbying issues
17. House(s) of Congress and Federal agencies contacted
Check if None
18. Name of each individual who acted as a lobbyist in this issue area
19. Interest of each foreign entity in the specific issues listed on line 16 above
Check if None
21. Client new principal place of business (if different from line 20)
City
State/Zip (or County)
Z. New leaera4 description of client's business or activities
LOBBYIST UPDATE
23. Name of each previously reported individual who is no longer expected to act as a lobbyist for the client
ISSUE UPDATE
24. General lobbying issues previously reported that no longer pertain
AFFILIATED ORGANIZATIONS
25. Add the following affiliated organization(s)
Name
Address
Principal Place of Business (city and state or country)
26. Name of each previously reported organization that is no longer affiliated with the registrant or client
FOREIGN ENTITLES
27. Add the following foreign entities
Name for lobbying activities
Address (city and state or country)
Principal place of business
Amount of contribution Ownership percentage in client
28. Name of each previously reported foreign entity that no longer owns, or controls, or is affiliated with the registrant, client or affiliated organization
Date 2–16–99
Printed Name and Title
Form LD-2 (Rev. 6/98)

ATTACHMENT 27

RECEIVED
Clerk of the House

Legislative Resource Center, B-106Cannon Building, Washington, DC 20515
Office of Public Records, 232 Hart Building, Washington, DC 20510
99 JUL 30 PH 4:28
OFFICE OF TIE CLERK
U.S. HOUSE OF REPRESENTATIVES
LOBBYING REPORT??
bying Disclosure Act Of 1995 (Section 5)—All Filers Are Required To Complete This Page
Registrant Name
DOWNEY CHANDLER, INC
2. Address
Check if different than previously reported
1225 I STREET NW SUITE 350
3. Principal Place of Business (if different from line 2)
cid: Washington
State/Zip (or Country) DC 20005
4. Contact Name
Telephone
E-mail (optional)
5.
Senate ID #
Kathleen Tynan McLaughlin
202 789 1110
12573–253
7. Client Name
Self 6.
House ID ID # 31805
Microsoft Corporation
TYPE OF REPORT 8. Year 1999 Midyear (January I -June 30) ?? OR Year End (July I -December 31) ??
9. Check if this filing amends a previously filed version of this report
10. Check if this is a Termination Report 1–11 * Termination Date
11 I. No
Lobbying Activity %62
I
INCOME OR EXPENSES—Complete Either Line 12 OR Line 13
12. Lobbying Firms
13. Organizations
INCOME relating to lobbying activities for this reporting activities for this reporting period was: Less than S10,000 ??
EXPENSES relating to lobbying period were: Less than $10,000 ??
$10,000 or more ?? = $
$10,000 or more ??—$80,000
Expenses (nearest $20,000)
Income (nearest $20,000)
14. REPORTING METHOD. Check box to indicate expense
Provide a good faith estimate, rounded to the nearest $20,000, accounting method. See instructions for description of options.. of all lobbying related income from the client (including all ?? Method A. Reporting amounts using LDA definitions only payments to the registrant by any other entity for lobbying activities on behalf of the client).
Method B. Reporting amounts under section 6033(b)(g)of the Internal Revenue Code
Method C. Reporting amounts under section 162(e) of the Internal Revenue Code
Signature
Printed Name and Tide
Registrant Name DOWNEY CHANDLER, INC
Client Name Microsoft Corporation
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying 6n behalf of the client during the reporting period. Using a separate page for each code, provide ??nation as requested. Attach additional page(s) as needed.
1??neral issue area code TEC (one per page)
16. Specific lobbying issues
Broadband
Information Technology
17. House(s) of Congress and Federal agencies contacted
Check if None
U.S. Senate
U.S. House of Representatives
18. Name of each individual who acted as a lobbyist in this issue area

Name	Covered Official Position (if applicable)	New
Emerick Tom Downey Rod Chandler Thomas P. Scott		

19. Interest of each foreign entity in the specific issues listed on line 16 above
Check if None
Signature
Date
Printed Name and Title
Registrant Name DOWNEY CHANDLER, INC
Client Name Microsoft Corporation
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
General issue area code CPI (one per page)
16. Specific lobbying issues
antitrust
education technology
communications issues
patent reform
Microsoft trial
intellectual property
encryption
R & D tax credit
17. House(s) of Congress and Federal agencies contacted
Check if None
U.S. Senate
U.S. House of Representatives
Office of the Vice President
18. Name of each individual who acted as a lobbyist in this issue area

Name	Covered Official Position (if applicable)	New
Emerick Tom Downey Rod Chandler Thomas P. Scott		

19. Interest of each foreign entity in the specific issues listed on line 16 above
Check if None
Signature
Date
Printed Name and Title
LD-2(Rev. 6/98)
Registrant Name??
Information Update Page—Complete ONLY where registration information has changed,
20. Client new address
Client new principal place of business (if different from line 20)
State/Zip (or Country)
22. New general description of client's business or activities
LOBBYIST UPDATE
23. Name of each previously reported individual who is no longer expected to act as a lobbyist for the client
Rod Chandler
ISSUE UPDATE
24. General lobbying issues previously reported that no longer pertain
AFFILIATED ORGANIZATIONS
25. Add the following affiliated organization(s)
Name
Address
Principal Place of Business (city and state or country)
26. Name of each previously reported organization that is no longer affiliated with the registrant or client
FOREIGN ENTITIES
27. Add the following foreign entities
Name
Address

Principal place of business (city and state or country) for lobbying activities
Amount of contribution
Ownership percentage in client
28. Name of each previously reported foreign entity that no longer owns, or controls, or is affiliated with the registrant, client or affiliated organization

ATTACHMENT 28

RECEIVED
Clerk of the House of Representatives,
Secretary of the Senate,
Legislative Resource Center, B-106 Cannon Building, Washington, DC 20515
Office of Public Records, 232 Hart Building, Washington, DC 20510
LOBBYING REPORT
Lobbying Disclosure Act of 1995 (Section 5)—All Filers Are Required To Complete This Page
V
I. Registrant Name
DOWNEY McGRATH GROUP, INC.
2. Address ?? Check if different than previously reported
1225 ISTREET NW SUITE350
3. Principal Place of Business (if different from line 2)
City: Washington
State/Zip (or Country) DC 20005
4 Contact Name Kathleen Tynan McLaughlin
Telephone 202 789 1110
E-mail (optional)
5. Senate ID 12573–253
7. Client Name ?? Self
6. Microsoft
House ID # 31805008
TYPE OF REPORT s. Year 1999 Midyear (January 1 -June 30) ?? OR Year End (July 1 -December 31)
9. Check if this filing amends a previously filed version of this report ??
0. Check if this is a Termination Report ?? * Termination Date
11. No Lobbying Activity ??
INCOME OR. EXPENSES—Complete Either Line 12 OR Line 13
12. Lobbying Firms
13. Organizations
INCOME relating to lobbying activities for this reporting activities for this reporting period was: Less than $10,000 ??
EXPENSES relating to lobbying period were: Less than$10,000 ??
$10,000ormore ?? * $
$10,000 or more ?? * $100,000
Expenses (nearest S20,000)
Income (nearest $20,000)
14. REPORTING METHOD. Check box to indicate expense
Provide a good faith estimate, rounded to the nearest $20,000, accounting method. See instructions for description of options of all lobbying related income from the client (including all
Method A. Reporting amounts using LDA definitions only payments to the registrant by any other entity for lobbying activities on behalf of the client).
Method B. Reporting amounts under section 6033(b)(g)of the Internal Revenue Code
Method C. Reporting amounts under section 162(e) of the internal Revenue Code
Signature
Printed Name and Tide
LD-2 (REV 6/98)
Registrant Name DOWNEY McGRATH GROUP, INC.
Client Name Microsoft
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant ??aged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide ??rmation as requested. Attach additional page(s) as needed.
General issue area code TEC (one per page)
16. Specific lobbying issues
Broadband
Information Technology
business issues
Satellite Home Viewer Act
17. House(s) of Congress and Federal agencies contacted
Check if None
U.S. Senate
U.S. House of Representatives
Small Business Administration
18. Name of each individual who acted as a lobbyist in this issue area

Name	Covered Official Position (if applicable)	New
Kelli Emerick Tom Downey Ray McGrath Thomas P. Scott		

19. Interest of each foreign entity in the specific issues listed on line 16 above
Check if None
Signature
Date
Printed Name and Title
??m LD-2 (Rev. 6/98)
Registrant Name DOWNEY McGRATH GROUP, INC.
Client Name Microsoft
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant ??gaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide ??rmation as requested. Attach additional page(s) as needed.
General issue area code CPI (one per page)
16. Specific lobbying issues
antitrust
Digital signatures
education technology
Technology changes
communications issues
Digital Divide
Microsoft trial
intellectual property
encryption
R & D tax credit
17. House(s) of Congress and Federal agencies contacted
Check if None
U.S. Senate
U.S. House of Representatives
18. Name of each individual who acted as a lobbyist in this issue area

Name	Covered Official Position (if applicable)	New
??m Downey Ray McGrath Kelli Emerick Thomas P. Scott		

19. Interest of each foreign entity in the specific issues listed on line 16 above
Check if None
Signature
Date
Printed Name and Title
??-2 (Rev.6/98)
MTC–00030631_0907
Registrant Name DOWNEY McGRATH GROUP, INC. Client Name Microsoft
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant ??gaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide formation as requested. Attach additional page(s) as needed.
General issue area code LBR (one per page)
16. Specific lobbying issues
Digital Divide
17. House(s) of Congress and Federal agencies contacted
??Check if None
U.S. Senate
U.S. House of Representatives
18. Name of each individual who acted as a

lobbyist in this issue area

Name	Covered Official Position (if applicable)	New
?? am Scott		

19. Interest of each foreign entity in the specific issues listed on line 16 above ?? Check if None
Signature ??
??nted Name and Title Thomas J. Downey, Chairman
??LD–2 (Rev 6/98)

ATTACHMENT 29

Clerk of the House or Representatives, Secretary of the Senate, Legislative Resource Center, Office of Public Records, B–106 Cannon Building, 232 Hart Building, Washington, DC 20515, Washington, DC 20510
HAND DELIVERED
LOBBYING REPORT
Lobbying Disclosure Act of 1995 (Section 5)—All Filers Are Required To Complete This Page
I. Registrant Name
DOWNEY McGRATH GROUP, INC.
2. Address
Check if different than previously reported
1225 I STREET NW SUITE 350
3. Principal Place of Business (if different from line 2)
City. Washington State/Zip (or Country,) DC 20005
4. Contac! Name Telephone E-mail (optional)
5. Senate ID #
7 Client Name ?? Self
Microsoft (31805008)
TYPE OF REPORT 8. Year 2000 Midyear (January 1—June 30) ?? OR Year End (July I—December 31) ??
9. Check if this filing amends a previously filed version of(his report
10. Check if this is a Termination Report ?? * Termination Date I 1. No Lobbying Activity ??
INCOME OR EXPENSES—Complete Either Line 12 OR Line 13
12. Lobbying Firms
13. Organizations
INCOME relating to lobbying activities for this reporting period was: Less than $10,000
EXPENSES relating to lobbying activities for this reporting period were: Less than $10,000
$10,000 or more * $
$10,000 or more ?? * S 80,000
Expenses (nearest S20,000)
Income (nearest $20.000)
14. REPORTING METHOD. Check box to indicate expense

Provide a good faith estimate, rounded to the nearest $20,000, accounting method. See instructions for description of options.. of all lobbying related income from the client (including all ?? Method A. Reporting amounts using LDA definitions only payments to the registrant by any other entity for lobbying activities on behalf of the client).
[?? Method B. Reporting amounts under section 6033(b)(8)of the Internal Revenue Code
?? Method C. Reporting amounts under section 162(c) of(he Internal Revenue Code
Signature
Printed Name and Tide
LD–2 (REV. 6/98)
Registrant Name DOWNEY McGRATH GROUP, INC.
Client Name Microsoft
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
5. General issue area code CPI (one per page)
16. Specific lobbying issues
antitrust
communications issues
intellectual property
encryption
R&D tax credit
digital signatures
digital divide
privacy
17. ??louse(s) of Congress and Federal agencies contacted
!'-I Check if None
U.S. Senate
U.S. House of Representatives
Office of the Vice President
18. Name of each individual who acted as a lobbyist in this issue area

Name	Covered Official Position (if applicable)	New
K??lli Emerick m Downey Ray McGrath Thomas P. Scott E??aine Acevedo		

19. Interest of each foreign entity in the specific issues listed on line 16 above
?? Check if None
Signature
Date
Printed Name and Title
Form LD–2 (Rev. 6/98)
Registrant Name DOWNEY McGRATH GROUP, INC.
Client Name Microsoft
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
5. General issue area code IMM (one per page)
16. Specific lobbying issues
II–IB Visas
17. l louse(s) of Congress and Federal agencies contacted
I''1 Check if None
U.S. House of Representatives
18. Name of each individual who acted as a lobbyist in this issue area

Name	Covered Official Position (if applicable)	New
Kelli Emerick homas P. Scott		

19. Interest of each foreign entity in the specific issues listed on line 16 above
Check if
None
Signature
Date
Printed Name and Title
Form LD–2 (Rev.6/98)
Registrant Name DOWNEY McGRATH GROUP, IN
Chent Name Information Update Page—Complete ONLY where registration information has changed.
20. Client new address
Client new principal place of business (if different from line 20)
State/Zip (or Country)
22. New general description of client's

business or activities
LOBBYIST UPDATE
23. Name of each previously reported individual who is no longer expected to act as a lobbyist for the client Kelli Emerick
ISSUE UPDATE
24. General lobbying issues previously reported that no longer pertain
AFFILIATED ORGANIZATIONS
25. Add the following affiliated organization(s)
Name
Address
Principal Place of Business (city and state or country)
26. Name of each previously reported organization that is no longer affiliated with the registrant or client t!
FOREIGN ENTITLES
27. Add the following foreign entities
Name
Address
Principal place of business (city and state or country) for lobbying activities
Amount of contribution
Ownership percentage in client
28. Name of each previously reported foreign entity that no longer owns, or controls, or is affiliated with the registrant, client or affiliated organization

ATTACHMENT 30

Clerk of the House of Representatives, Legislative Resource Center, B–106 Cannon Building, Washington, DC 20515
Secretary of the Senate, Office of Public Records, 232 Fart Building, Washington, DC 20510
ATIVE RESOURCE
CENTER
2001 FEB 14 AM 2:23
LOB B YIN
Lobbying Disclosure Act Of 1995 (Sections 5)—All Filers Are Required To Complete This Page
I. Registrant Name DOWNEY McGRATH GROUP, INC.
2. Address
Check if different than previously reported
1225 I STREET NW SUITE 350
3. Principal Place of Business (if different from line 2)
City: Washington
State/Zip (or Count) DC 20005
4. Contact Name
Telephone 202–789–1110
E-mail (optional)
5. Senate ID # 12573–253
Kathleen Tynan McLaughlin
7. Client Name Self
Microsoft
TYPE OF REPORT s. Year 2000 Midyear (January 1–June 30) OR Year End (July 1–December 31)
9. Check if this filing amends a previously filed version of this report
10. Check if this is a Termination Report, Termination Date
11. No Lobbying Activity
INCOME OR EXPENSES—Complete Either Line 12 OR Line 13
12. Lobbying Firms
13. Organizations
INCOME relating to lobbying activities for this reporting activities for this reporting period was: Less than $10,000
EXPENSES relating to lobbying period were:
Less than S10,000
$1 0,000 or more
$10,000 or more $40,000
Expenses (nearest $20,000)
income (nearest $20,000)
14. REPORTING METHOD. Check box to indicate expense

Provide a good faith estimate, rounded to the nearest $20,000, accounting method. See instructions for description of options of all lobbying related income from the client (including all Method A. Reporting amounts using LDA definitions only payments to the registrant by any other entity for lobbying activities on behalf of the client),
Method B. Reporting amounts under section 6033(b)(8)of the Internal Revenue Code
Method C. Reporting amounts under section 162(e) of the Internal Revenue Code
Signature
Printed Name and Tide
LD–2 (REV. 6/98)
Registrant Name DOWNEY McGRATH GROUP, INC.
Client Name Microsoft
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.

General issue area code CPI (one per page)
16. Specific lobbying issues
antitrust
17. House(s) of Congress and Federal agencies contacted
Check if None
U.S. Senate
U.S. House of Representatives
18. Name of each individual who acted as a lobbyist in this issue area

Name Covered Official Position (if applicable)	New
Thomas P. Scott Tom Downey	

19. Interest of each foreign entity in the specific issues listed on line 16 above
Check if None
Signature
Date
Printed Name and Title
LD–2 (Rev.6/98)
Registrant Name DOWNEY McGRATH GROUP, INC. Client Name Microsoft
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
General issue area code TRD (one per page)
16. Specific lobbying issues
Permanent Normal Trade Relations with China
17. House(s) of Congress and Federal agencies contacted
F1 Check if None
U.S. Senate
U.S. House of Representatives
18. Name of each individual who acted as a lobbyist in this issue area

Name Covered Official Position (if applicable)	New
Scott	

19. Interest of each foreign entity in the specific issues listed on line 16 above Check if
None
Signature
Date
Printed Name and
Title
LD–2 (Rev.6/98)
Registrant Name DOWNEY McGRATH GROUP, INC
Client Name Microson Corporation
Information Update Page- Complete ONLY where registration information has changed.
20. Client new address
21. Client new principal place of business (if different from line 20)
City
State/Zip (or Country)
22. New general description of client's business or activities
LOBBYIST UPDATE
23. Name of each previously reported

individual who is no longer expected to act as a lobbyist for the client
Thomas P. Scott
Ray McGrath
Elaine Acevedo
ISSUE UPDATE
24. General lobbying issues previously reported that no longer pertain
AFFILIATED ORGANIZATIONS
25. Add the following affiliated organization(s)
Name
Address
Principal Place of Business (city and state or country)
26. Name of each previously reported organization that is no longer affiliated with the registrant or client
FOREIGN ENTITIES
27. Add the following, foreign entities
Name
Address
Principal place of business (city and state or country)
Amount of contribution for lobbying activities
Ownership percentage in client
28. Name of each previously reported foreign entity that no longer owns, or controls, or is affiliated with the registrant, client or affiliated organization
Signature
Date February 14, 2001
Printed Name and Title Thomas J. Downey, Chairman
Form LD–2 (Rev. 6198)

ATTACHMENT 31

01 AUG 1 0 AH 10:00
Clerk of the House of Representatives, Legislative Resource Center, B–106 Cannon Building, Washington. DC 205 IS
Secretary of the Senate, Office of Public Records, 232 Hart Building, Washington. De 20510
LOBBYING REPORT
Lobbying Disclosure Act of 1 995 (Section 5)—All Filers Are Required To Complete This Page
1. Registrant Name
DOWNEY McGRATH GROUP, INC.
2. Address
Check if different than previously reported
1225 I STREET NW SUITE 350
3. Principal Place of Business (if different from line 2)
City: Washington
State/Zip (or Country) DC 20005
4. Contact Name Senate ID #
Telephone 202–789–1110
E-mail (optional) 5.
Kathleen Tynan McLaughlin
12573–253
Client Name Self
6 House ID # d 31805008'2
7. Microsoft
TYPE OF REPORT s. Year 2001 Midyear (January 1–June 30) OR Year End (July 1–December 31)
9. Check if this filing amends a previously filed version of this report
10. Check if this is a Termination Report, Termination Date
11. No Lobbying Activity
INCOME OR EXPENSES—Complete Either Line 12 OR Line 13
12. Lobbying Firms
13. Organizations
INCOME relating to lobbying activities for this reporting activities for this reporting period was: Less than S10,000
EXPENSES relating to lobbying period were: Less than $10,000 El
$10,000 or more
$10,000 or more $60,000
Expenses (nearest S20.000)
Income (nearest $20.000)
14. REPORTING METHOD. Check box to indicate expense
Provide a good faith estimate, rounded to the nearest S20,000, accounting method. See instructions for description of options of all lobbying related income from the client (including all Method A. Reporting amounts using LDA definitions only payments to the registrant by any other entity for lobbying activities on behalf of the client). 6033(b)(8)of the Internal Revenue Code
Method B. Reporting amounts under section
Method C. Reporting amounts under section 162(e) of the Internal Revenue Code
Signature
Printed Name and Tide LD–2 (REV. 6/98)
Registrant Name DOWNEY McGRATH GROUP, INC.
Client Name Microsoft
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide formation as requested. Attach additional page(s) as needed.
General issue area code CPI (one per page)
16. Specific lobbying issues
Internet privacy
intellectual property issues
Microsoft case—Department of Justice antitrust suit
R & D tax credit
17. House(s) of Congress and Federal agencies contacted
Check if None
U.S. Senate
U.S. House of Representatives
18. Name of each individual who acted as a lobbyist in this issue area

Name	Covered Official Position (if applicable)	New
hn Olinget Tom Downey		

19. Interest of each foreign entity in the specific issues listed on line 16 above
Check if None
Printed Name and Title Thomas J. Downey, Chairman
Form LD–2(Rev.6/98)

ATTACHMENT 32

Clerk of the House of Representatives Washington, DC 20515
Secretary of the Sea
THE SENATE
00 AUG 14 PH 27
LOBBYING REPORT
Lobbying Disclosure Act of 1995 (Section 5)—All Filers Are Required To Complete This Page
Registrant
7. Client Name Self
6. H ID
TYPE OF REPORT 8. Year 2000 Midyear (January 1–June 30) OR Year End (July1–December
9. Check if this filing a previously filled version of this report
10. Check if this is a Termination Report, Termination Date
11. No Lobbying Acti
INCOME OR EXPENSES—Complete Either Line 12 OR 13
12. Lobbying Firms
INCOME relating to lobbying activities for this reporting period was:
Less than $10,000
$10,000 or more
Provide a good faith estimate, rounded to the nearest $20.000 of all lobbying related income from the client (including all payments to the registrant by any other entity for lobbying activities on behalf of the client).
13. Organizations
EXPENSES relating to lobbying activities for this reporting period were:
Less than $10,000
$10,000 or more
14. REPORTING METHOD. Check box to indicate expense accounting method. See instructions for description of options.
Method A Reporting amounts using LDA definitions only
Method B. Reporting amounts under section 6033(b)
Method C. Reporting amounts under section 162(c) of
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the regist engaged in lobbying on behalf of the client during the reporting period. Using a separate page far each code, pro information as requested. Attach additional page(s) as needed.
15. General issue area code———— (one per page)
16. Specific lobbying issues
17. House(s) of Congress and Federal agencies contacted
?? Check if None
18. Name of each individual who acted as a 1obbyist in this issue area
19. Interest of each foreign entity in the specific issues listed on line 16 above
?? Check if None
Printed Name and Title

ATTACHMENT 33

Clerk of the House of Representatives
Secretary of the Senate Legislative Resource Center, Office of Public Records, B-106 Cannon Building 232, Hen Building, Washington, DC 20515 Washington, DC 20510
LOBBYING REPORT
Lobbying Disclosure Act of 1995 (Section 5)—All Filers Are Required To Complete This Page
1. Registrant Name
McSlarrow & Associates, L.L.C.
2. Address ?? Check if different than previously reported
14842 North 18th Place, Phoenix, Arizona 85022
3. Principal Place of Business (if different from line 2)
City:
State/Zip (or Country)
4. Contact Name Alison H. McSlarrow
Telephone (602) 482–3150
E-mail (optional)
5. Senate ID # 48703–12
Microsoft Corporation
34541 002 /
TYPE OF REPORT 8. Year 1999
Midyear(January l-June30) ?? OR Year End(July t-December31)
9. Check if this filing amends a previously filed version of this report
10. Check if this is a Termination Report
Termination Date
11. No Lobbying Activity
INCOME OR EXPENSES—Complete Either Line 12 OR Line 13
12. Lobbying Firms
13. Organizations
INCOME relating to lobbying activities for this reporting period was: Less than $10,000 ??
EXPENSES relating to lobbying activities for this reporting period were: Less than $10,000 ??
$10,000 or more ?? ?? $
S10,000 or more ?? ?? $ 40,000
Expenses (nearest $20,000)
Income (??rest $20,00)
14. REPORTING METHOD. Check box to indicate expense of all lobbying related income from the client (including all payrolls to the registrant by any other entity for lobbying activities on behalf of the client).
Method A. Reporting amounts using LDA definitions only
Provide a good faith estimate, rounded to the nearest $20,000, accounting method. See instructions for description of options.
Method B. Reporting amounts under section 60330o)(8)of the Internal Revenue Code
Method C. Reporting amounts under section 162(e) of the Internal Revenue Code
Signature
Printed Name and Title
LD.2 (REV. ??98) PAGE t or 4
Registrant Name McSlarrow & Assoc.
Client Name Microsoft Corporation
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. General issue area code COM (one per page)
16. Specific lobbying issues
S. 247, Satellite Home Viewers Improvements Act, provisions relating to video streaming
H.R. 1554, Satellite Copyright, Competition, and Consumer Protection Act, provisions relating to video streaming
17. House(s) of Congress and Federal agencies contacted
Check if None
U.S. Senate
U.S. House of Representatives
18. Name of each individual who acted as a lobbyist in this issue area

Name	Covered Official Position (if applicable	New
Majority Leader Trent Lott		

19. Interest of each foreign entity in the specific issues listed on line 16 above
Check if, None
January 21 2000
Signature
Date
Printed Name and Title
Alison H. McSlarrow, President
Form LD-2 (Rev.??/98)
Registrant Name McSlarrow & Assoc.
Client Name Microsoft Corporation
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. General issue area code CPI (one per gage)
16. Specific lobbying issues
Competition in the software industry
17. House(s) of Congress and Federal agencies contacted
Check if None
U.S. Senate
U.S. House of Representatives
18. Name of each individual who acted as a lobbyist in this issue area

Name	Covered Official Position (if applicable	New
Alison H. McSlarrow	Deputy Chief of Staff to Senate	Majority Leader Trent Lott

19. Interest of each foreign entity in the specific issues listed on line 16 above
Check if None
Signature
Date
Printed Name and Title
Form LD-2 (Rev.??98)
Registrant Name McSlarrow & Assoc.
Clint Name Microsoft Corporation
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. Genera[issue area code CSP (one per page)
16. Specific lobbying issues
S. 761, Millenium Digital Signature Commerce Act, all provisions
H.R. 1774, Electronic Signatures in Global and National Commerce Act, all provisions
H.R. 775/S. 96 (P.L. 106–37), Year 2000 Readiness and Responsibility Act, all provisions
17. House(s) of Congress and Federal agencies contacted ?? Check if None
U.S. Senate
U.S. House of Representatives
18. Name of each individual who acted as a lobbyist in this issue area
Name
Covered Official
Position (if applicable)
New
Alison H. McSlarrow, Deputy Chief of Staff to Senate
Majority Leader Trent Lott
__ _____
__ _____
__ _____
19. Interest of each foreign entity in the specific issues listed on line 16 above ??
Check if None
Signature ??
Printed Name and Title __—Alison H. McSlarrow, President
Form LD–2 (Rev ??/98)
ATTACHMENT 34
TO THE
DECLARATION OF BRIAN DAUTCH
Clerk of the House of Representatives
Secretary of the Senate
Legislative Resource Center Office of Public Records
B–106 Cannon Building 232 Hart Building, Washington, DC 20515 Washington, DC 20S 10

LOBBYING REPORT
Lobbying Disclosure Act of 1995 (Section 5)—All Filers Are Required To Complete This Page
1. Registrant Name
Mcglarrow Consulting L.L.C. (formerly McSlarrow & Associates L.L.C.)
__6551 Kristina Ursula Court, Falls Church, Virginia 22044 _____
__ _____
__ _____
3. Principal Place of Business (if different from line 2)
City: State/Zip (or Country)
__ _____
__ _____
4. Contact Name
Telephone
E-mail (optional)
5. Senate
ID #
Alison H. McSlarrow (703) 658–0138 48703–12
6. House ID #
7. Client Name ?? Self
Microsoft Corporation??34541002??
TYPE OF REPORT
8. Year 2000 Midyear(January 1-June30)?? OR Year end (July 1 December 31)??
9. Check if this filing amends a previously filed version of this report ??
10. Check if this is a Termination Report ?? ?? Termination Date
11. No
Lobbying Activity ??
INCOME OR EXPENSES—Complete Either Line 12 OR Line 13
12. Lobbying Firms
13. Organizations
INCOME relating: to lobbying activities for this reporting
EXPENSES relating to lobbying activities for this reporting
period was:
period were:
Less than $10,000 [2:]
Less than S10,000 ??
$10,000 or more ?? ?? $
S10,000 or more ?? ?? $40.000
Expenses (nearest $20,000)
Income (nearest $20.000)
14. REPORTING METHOD. Check box to indicate expense
Provide a good faith estimate, rounded to the nearest $20,000, accounting method. See instructions for description of options. of all lobbying related income from the client (including all ?? Method A. Reporting amounts using LDA definitions only payments to the registrant by any other entity for lobbying activities on behalf of the client)
Method B Reporting amounts under section 6033(b)(8)of the Internal Revenue Code
Method C. Reporting amounts under section 162(e) of the Internal Revenue Code
Signature.
Printed Name and Title
I.D.2 ??
Registrant Name McSlarrow Consulting Client Name Microsoft Corporation
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. General issue area code CPI (one per page)
16. Specific lobbying issues Competition in the software industry
17. House(s) of Congress and Federal agencies contacted
Check if None
U.S. Senate
U.S. House of Representatives
18. Name of each individual who acted as a lobbyist in this issue area
Name
Covered Official Position (if applicable)
New]
Alison H. McSlarrow
Deputy Chief of Staff to __ * Senate Majority
Leader Trent Lott
__ _____
__ _____
__ _____
__ _____
__ _____
__ _____
__ _____
__ _____
19. Interest of each foreign entity in the specific issues listed on line 16 above ??
Check if None
Signature
Date
Printed Name and Title
form LD-2 (Rev.6/98)
McSlarrow Consulting
Microsoft Corporation
Registrant Name
Client Name
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. General issue area code CSP (one per page)
16. Specific lobbying issues
S. 761, Millenium Digital Signature Commerce Act, all provisions
H.R. 1714, Electronic Signatures in Global and National Commerce Act, all provisions
17. House(s) of Congress and Federal agencies contacted
Check if None
U.S. Senate
U.S. House of Representatives
18. Name of each individual who acted as a lobbyist in this issue area
Name
Covered Official Position (if applicable)
New /
Alison H. McSlarrow; Deputy Chief of Staff to __ Senate Majority Leader Trent Lott
__ _____
__ _____
__ _____
__ _____
__ _____
__ _____
__ _____
__ _____
__ _____
__ _____
__ _____
19. Interest of each foreign entity in the specific issues listed on line 16 above ??
Check if None
Signature
Date
Printed Name and Title
LD-2 (Rev.??/98)
Registrant Name McSlarrow Consulting Client Name Microsoft Corporation
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. General issue area code IMM (one per page)
16. Specific lobbying issues
S. 2045, American Competitiveness in the 21st Century Act, all provisions
H.R. 3983, Helping Improve Technology Education and Achievement Act, all provisions
H.R. 4227, Technology Worker Temporary Relief act, all provisions
17. House(s) of Congress and Federal agencies contacted ?? Check if None
U.S. Senate
18. Name of each individual who acted as a lobbyist in this issue area
__ _____
__ _____
Senate Majority Leader Trent Lott
__ _____
__ _____
__ _____
__ _____
__ _____
__ _____
__ _____
19. Interest of each foreign entity in the specific issues listed on line 16 above ??
Check if None
Signature
Date
Printed Name and Title
Form LD-2 (Rev ??/98) Page 4 of 5
Registrant Name McSlarrow Consulting Client Name Microsoft Corporation
Information Update Page- Complete ONLY where registration information has changed.
20. Client new address
21. Client new principal place of business (if different from line 20)
City
State/Zip (or Country)
22. New general description of client's business or activities
LOBBYIST UPDATE
23. Name of each previously reported individual who is no longer expected to act as a lobbyist for the client
ISSUE UPDATE
24. General lobbying issues previously reported that no longer pertain
COM
AFFILIATED ORGANIZATIONS
25. Add the following affiliated organization(s)
Name
Address
Principal Place of Business
(city and state or country)

26. Name of each previously reported organization that is no longer affiliated with the registrant or client
FOREIGN ENTITLES
27. Add the following foreign entities
Name
Address
Principal place of business
Amount of contribution Ownership
(city and state or country)
for lobbying activities percentage in
client
28. Name of each previously reported foreign entity that no longer owns, or controls, or is affiliated with the registrant, client or affiliated organization
Signature
Date August 10, 2000
Printed Name and Tile Alison H. McSlarrow, President
Form LD-2 (??ev. 6/98)
ATTACHMENT 35 TO THE DECLARATION OF BRIAN DAUTCH
LEGISLATIVE RESOURCE CENTER
I 2001 FEB 15 PM 3:26
Clerk of the House of Representatives Secretary of the Senate; OFFICE OF THE CLERK
Legislative Resource Center; Office of Public Records; U.S. ?? REPRESEHTATIVES; B-106 Cannon Building Washington, De20515
232 Hart Building Washington, DO20510
FEB 12 2001
LOBBYING REPORT
Lobbying Disclosure Act of 1995 (Section 5)—All Filers Are Required To Complete This
Page
1. Registrant Name
McSlarrow Consulting L.L.C.
2. Address ?? Check if 4liferent than previously reported
6551 Kristina Ursula Court, Falls Church, Virginia 22044
3. Principal Place of Business (if different from line 2)
City:
State/Zip (or Country)
4. Contact Name
Telephone
E-mail (optional)
5. Senate ID #
Alison McSlarrow 703–658–0138
48703–12
Microsoft Corporation (
34541002 2
TYPE OF REPORT
8. Year 2000 Midyear(January l-Seine30) ?? OR Year End(July 1-December31)
9. Check if this filing amends a previously filed version of this report O
10. Check if this a Termination Report ?? ?? Termination Date 11 No Lobbying Activity [-'1
INCOME OR EXPENSES—Complete Either Line 12 OR Line 13
12. Lobbying Firms
13. Organizations
INCOME relating to lobbying activities for this reporting EXPENSES relating to lobbying activities for this reporting
period was:
period were:
Less than $10,000 ??
Less than $10,000 ??
$10,000 or more ?? ?? $
$10,000 or mor3 ?? ??
$60,000
Expenses (nearest $20,000)
Income (nearest $20,000)
14. REPORTING METHOD, Check box to indicate expense
Provide a good faith estimate, rounded to the nearest $20,000, accounting method. See instructions for description of options.. of all lobbying related income from the client (including all ?? Method A. Reporting amounts using LDA definitions only payments to the registrant by any other entity for lobbying activities on behalf of the client).
Method B. Reporting amounts under section 6033(b)(8)of the Internal Revenue Code
Method C. Reporting amounts under section 162(e) of the Internal Revenue Code
Signature
Printed Name and Title
LD-2 (REV. 6/981
Registrant Name McSlarrow Consulting Client Name Microsoft Corporation
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. General issue area code CPI (one per page)
16. Specific lobbying issues
Competition in the software industry 17. House(s) of Congress and Federal agencies contacted ?? Check if None U.S. Senate U.S. House of Representatives 18. Name of each individual who acted as a lobbyist in this issue area Name Covered Official Position (if applicable) Alison McSlarrow Deputy Chief of Staff to ?? Senate Majority Leader Trent Lott 19. Interest of each foreign entity in the specific issues listed on line [6 above ?? Check if None Signature Date February 2, 2001 Printed Name and Title Alison H. McSlarrow, President Form LD-2 (Rev.O/q8) Page 2 of 4
Registrant Name McSlarrow Consulting Client Name Microsoft Corporation LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed. 15. General issue area code IMM (one per page)
16. Specific lobbying issues
S. 2045, American Competitiveness in the 21st Century Act, all provisions
H.R. 3983, Helping Improve Technology Education and Achievement Act, all provisions H.R. 4227, Technology worker Temporary Relief Act, all provisions
17. House(s) of Congress and Federal agencies contacted ?? Check if None U.S. Senate
18. Name of each individual who acted as a lobbyist in this issue area
Name Covered official Position (if applicable) New [?/ Alison H. McSlarrow Deputy Chief of Staff to Senate Majority Leader Trent Lott
19. Interest of each foreign entity in the specific issues listed on line 16 above ??
Check if None
Signature Date P
rinted Name and Title
Form I.D-2 (Rev.6/98)
Page 3 of 4 7'' ‘‘’’
Registrant Name McSlarrow Consulting Client Name Microsoft Corporation LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. General issue area code TEC (one per page)
16. Specific lobbying issues
Interoperability of instant messaging
17. House(s) of Congress and Federal agencies contacted ?? Check if None U.S. Senate
18. Name of each individual who acted as a lobbyist in this issue area Name Covered Official Position (if applicable) New Alison H. McSlarrow Deputy Chief of Staff to Senate Majority Leader Trent Lott
19. Interest of each foreign entity in the specific issues listed on line 16 above ??
Check if None
Signature Date February 2, 2001
Printed Name and Title Alison H. McSlarrow, President
Form LD-2 (Rev. 6/98)
Page 4 of 4
ATTACHMENT 36 TO THE DECLARATION OF BRIAN DAUTCH
AUG 14 2001
Clerk of the House of Representatives Secretary of the Senate
LEGISLATIVE RESOURCE CENTER
Legislative Resource Center Office of Public Records B-106 Cannon Building 232 Hart Building 2001 AUG 15 PM 12:58 Washington, DC 20515 Washington, DC 20510 ??
U.S. ??REPRESENTATIVES LOBBYING REPORT —''
Lobbying Disclosure Act of 1995 (Section 5)—All Filers Are Required To Complete This Page 6
1 Registrant Name
McSlarrow Consulting L.L.C.
2. Address ?? Check if different than previously reported
6551 Kristina Ursula Court, Falls Church, Virginia 22044
3. Principal Place of Business (if different from line 2)
City: Stale/Zip (or Country)
4. Contact Name Telephone E-mail (optional)
5. Senate ID #
Alison McSlarrow 703–658–01 38 48703–12
7. Client Name ?? Self 6.
House ID #— Microsoft Corporation 34541 002??
TYPE O17 REPORT 8. Year 2001 Midyear (January [-June 30) ?? OR Year End (July 1-December 31) ??
9 Check if this fling amends a previously filed version of this report ?? t0. Check if this is a Termination Report ?? Termination Date 11. No Lobbying Activity ??
INCOME OR EXPENSES- Complete Either Line 12 OR Line I3

12. Lobbying Firms 13. Organizations
INCOME relating to lobbying activities for this reporting EXPENSES relating to lobbying activities for this reporting period was: period were: Less than $10,000 ?? Less than $10,000 ?? $10,000ormore ?? ?? $ $10.000 or more ?? ?? $ 60,000 Expenses (nearest $20,000) Income (nearest S20.000) 14. REPORTING METHOD. Check box to indicate expense Provide a good faith estimate, rounded to the nearest $20,000, accounting method. See instructions for description of options. of all lobbying related income from the client (including all ?? Method A. Reporting amounts using LDA definitions only payments to the registrant by any other entity for lobbying activities on behalf of the client). ?? Method B. Reporting amounts under section 6033(b)(8) of the Internal Revenue Code ?? Method C Reporting amounts under section 162(e) of the Internal Revenue Code Signature Printed Name and Tide LD-2 (REV. 6/98) PAGE 1 of 5

McSlarrow Consulting Client Name Microsoft Corporation Registrant Name

LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.

15. General issue area code CPI (one per page)

16. Specific lobbying issues Competition in the software industry

17. House(s) of Congress and Federal agencies contacted ?? Check if None

U.S. Senate

U.S. House of Representatives

18. Name of each individual who acted as a lobbyist in this issue area

Name Covered Official Position (if applicable) New Alison.—.. McSlarrow ??

19. Interest of each foreign entity in the specific issues listed on line 16 above ?? Check if None Signature Date Printed Name and Title Form LD.2 (Rev.6/98) Page 2 of

17. House(s) of Congress and Federal agencies contacted ?? Check if None

U.S. Senate

U.S. House of Representatives

18. Name of each individual who acted as a lobbyist in this issue area

Name

Covered Official Position (if applicable)

Alison McSlarrow; Deputy Chief of Staff to

Senate Majority Leader Trent Lott

19. Interest of each foreign entity in the specific issues listed on line [6 above

Check if None

Signature

Date February 2, 2001

Printed Name and Title Alison H. McSlarrow, President

Form LD-2 (Rev.O/q8)

Registrant Name McSlarrow Consulting Client Name Microsoft Corporation

LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.

15. General issue area code IMM (one per page)

16. Specific lobbying issues

S. 2045, American Competitiveness in the 21st Century Act, all provisions

H.R. 3983, Helping Improve Technology Education and Achievement Act, all provisions

H.R. 4227, Technology worker Temporary Relief Act, all provisions

17. House(s) of Congress and Federal agencies contacted ?? Check if None

U.S. Senate

18. Name of each individual who acted as a lobbyist in this issue area

Name

Covered official Position (if applicable)

New

Alison H. McSlarrow; Deputy Chief of Staff to

Senate Majority Leader Trent Lott

19. Interest of each foreign entity in the specific issues listed on line 16 above

Check if None

Signature

Date

Printed Name and Title

Form I.D-2 (Rev.6/98)

Registrant Name McSlarrow Consulting Client Name Microsoft Corporation

LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.

15. General issue area code TEC (one per page)

16. Specific lobbying issues Interoperability of instant messaging

17. House(s) of Congress and Federal agencies contacted ?? Check if None

U.S. Senate

18. Name of each individual who acted as a lobbyist in this issue area

Name

Covered

Official Position (if applicable)

New

Alison H. McSlarrow; Deputy Chief of Staff to

Senate Majority Leader Trent Lott

19. Interest of each foreign entity in the specific issues listed on line 16 above ??

Check if None

Signature

Date February 2, 2001

Printed Name and Title Alison H. McSlarrow, President

Form LD-2 (Rev. 6/98)

ATTACHMENT 36

TO THE DECLARATION OF BRIAN DAUTCH

AUG 14 2001

Clerk of the House of Representatives Secretary of the Senate

LEGISLATIVE RESOURCE CENTER

Legislative Resource Center, B-106 Cannon Building, Washington, DC 20515

Office of Public Records, 232 Hart Building, Washington, DC 20510

2001 AUG 15 PM; 12:58

U.S. ??REPRESENTATIVES

LOBBYING REPORT —''

Lobbying Disclosure Act of 1995 (Section 5)—All Filers Are Required To Complete This

1 Registrant Name

McSlarrow Consulting L.L.C.

2. Address 6551 Kristina Ursula Court, Falls Church, Virginia 22044

Check if different than previously reported

3. Principal Place of Business (if different from line 2)

City:

Stale/Zip (or Country)

4. Contact Name

Telephone

E-mail (optional)

5. Senate ID #

Alison McSlarrow 703–658–01 38

48703–12

7. Client Name ?? Self 6.

House ID #__

Microsoft Corporation

34541 002??

TYPE O17 REPORT 8. Year 2001 Midyear (January [-June 30) ?? OR Year End (July 1-December 31) ??

9. Check if this fling amends a previously filed version of this report ??

10. Check if this is a Termination Report ?? Termination Date

11. No

Lobbying Activity ??

INCOME OR EXPENSES- Complete Either Line 12 OR Line I3

12. Lobbying Firms

13. Organizations

INCOME relating to lobbying activities for this reporting

period was: period were:

EXPENSES relating to lobbying activities for this reporting

Less than $10,000 ??

Less than $10,000 ??

$10,000ormore ?? ?? $

$10.000 or more ?? ??

$60,000 Expenses (nearest $20,000) Income (nearest S20.000)

14. REPORTING METHOD. Check box to indicate expense

Provide a good faith estimate, rounded to the nearest $20,000, accounting method. See instructions for description of options. of all lobbying related income from the client (including all

Method A. Reporting amounts using LDA definitions only payments to the registrant by any other entity for lobbying activities on behalf of the client).

Method B. Reporting amounts under section 6033(b)(8) of the Internal Revenue Code

Method C Reporting amounts under section 162(e) of the Internal Revenue Code

Signature

Printed Name and Tide

LD-2 (REV. 6/98)

McSlarrow Consulting Client Name Microsoft Corporation

Registrant Name

LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.

15. General issue area code CPI (one per page)

16. Specific lobbying issues
Competition in the software industry
17. House(s) of Congress and Federal agencies contacted
Check if None
U.S. Senate
U.S. House of Representatives
18. Name of each individual who acted as a lobbyist in this issue area
Name
Covered Official Position (if applicable)
New
Alison.__.. McSlarrow
19. Interest of each foreign entity in the specific issues listed on line 16 above ??
Check if None
Signature
Date
Printed Name and Title
Form LD.2 (Rev.6/98) Page 2 of
Registrant Name McSlarrow Consulting Client Name Microsoft Corporation
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. General issue area code CPT (one per page)
16. Specific lobbying issues Software piracy, counterfeiting, and protection of intellectual property rights
17. House(s) of Congress and Federal agencies contacted ?? Check if None
U.S. Senate
U.S. House of Representatives
18. Name of each individual who acted as a lobbyist in this issue area
Name
Covered Official Position (if applicable)
New
Alison H. McSlarrow
19. Interest of each foreign entity in the specific issues listed on line 16 above ??
Check if None
Signature
Date
Printed Name and Title
Form LD-2 (Rev. 6/98)
Registrant Name McSlarrow Consulting client Name Microsoft Corporation
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period, Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. General issue area code CSP (one per page)
16. Specific lobbying issues
Internet privacy
S. 803, E-government Act of 2001, all provisions
17. House(s) of Congress and Federal agencies contacted
Check if None
U.S. Senate
U.S. House of Representatives
18. Name of each individual who acted as a lobbyist in this issue area
Name
Covered
Official Position (if applicable)
New
Alison H. McSlarrow
19. Interest of each foreign entity in the specific issues listed on line 16 above ??
Check if None
Signature
Date
Printed Name and Title
Form LD-2 (Rev.6/98)
Registrant Name McSlarrow Consulting Client Name Microsoft Corporation
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. General issue area code TAX (one per page)
16. Specific lobbying issues
S. 532, Internet Tax Moratorium and Equity Act, all provisions
S. 589, A bill to make permanent the moratorium on the imposition of taxes on the Internet, all provisions
S. 664, New Economy Tax Fairness Act, all provisions
S. 41, To amend the Internal Revenue Code of 1986 to permanently extend the research credit, all provisions
H.R. 1836, Economic Growth and Tax Relief Reconciliation Act of 2001, research and development tax credit provisions
17 House(s) of Congress and Federal agencies contacted
Check if None
U.S. Senate
18. Name of each individual who acted as a lobbyist in this issue area
Name
Covered Official Position (if applicable)
New
Alison H. McSlarrow
19. Interest of each foreign entity in the specific issues listed on line 16 above
Check if None
Signature
Date August 12, 2001
Printed Name and Title Alison H. McSlarrow, President
Form LD-2 Rev.6/98)
ATTACHMENT 37
TO THE DECLARATION OF BRIAN DAUTCH
B.106 C?? B??, Washington, DC 20?? 15 ?? H?? Building, Washington, DC 20510
AUG
LOBBYING REPORT
Lobbying Disclosure Act of 1995 (Section 5)—All Filers Are Required To Complete This Page
Microsoft Corporation
2.1 D??nt Circle, NW, 5th Floor, Washington, DC 20036
City: Redmond
state/Zip ?? WA 98052
Jack ??rumholtz
202–263–5900 25204–12
7. Ciieat Name ?? Se??
6. House ID # 31174000
TYPE OF REPORT 3. Year 2000 Midyear (January 1-June 30) ?? OR Year End (July 1-December
9. Check it this filing amends a previously filed version of ibis report
10. Check if this is a Term??ation Report ?? ?? Ter??nation Date
I l, No Lobbying A??
INCOME OR EXPENSES-Complete Either Line 12 OR Line 13
12. Lobbying Fie?? 13.
Organizations
INCOME relating to lobbying activities for this reporting
EXPENSES relating to lobbying activities for this reporting
period was:
period were:
Less than $10.000 ??
Less than $10,000 ??
$10.000 or more ?? ?? $3,340,000
I??come ?? $20,000
14. REPORTING
??IETHOD, Check box to indicate expen??
Provide a good ??ith estimate, rounded to the nearest $20,000. accounting method. See instructions for description of options of all lobbying related income from the client (including all
Method A. Reporting amounts using LDA definitions o?? payments to the registrant by any other en??y for ??obbying activities on behalf of the client??.
Method B. Reporting amounts under section 6033(b)(8)C Internal Reve??oe Code
Method C. Reporting amounts under section 162(e) of th Internal Revenue Cod???
Signature
Printed Name and Title Jack Krumholtz, Director of Federal Government Affairs,
Registrant Name Microsoft Corporation Client Name Se??
LOBBYING ACTIVITY''. ?? as many codes as necessary to reflect, the general issue areas in which the Regis?? engaged in lobbying on behalf of the client during the reposing period. Using a separate page for each code prov?? information as requested. Attach additional page(s) as needed,
General issue area code IMM (one per page)
16. Specific l??bbying issues
H.R. 3983, Helping Co Improve Technology Education and Achievement Act of 2000
H.R. 4227, T??chnology Worker Temporary Relief Act
S. 2045, American Competitiveness in the Twenty-first Century Act of
17. House(s) of Congress and Federal agencies contacted
Check if None
Senate
House of Representatives
Department of Commerce
National Economic Council
Office of the President
18. Name of each individual who acted as a lobbyist in this issue area
Jack Krumholtz
Eric Koenig
Chief of Staff
Kent Knutson, Deputy Asset. Sec. for Intergovernme??
Tom Jurkovich, Affairs(. US Dept. of Commerce
John Sampson, Associate Director, Senate Democrat
James Houton, Steering, and Coordination Committe??
Ira Rubinstein
Julie Inman

19. Interest of each foreign entity in (he specific issues listed on line 16 above
Check if None
Printed Name and Title Jack, Associate General Counsel
Regis?? Name Microsoft Corporation Client Name Self
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the regist?? engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code. ?? information as requested. Attach additional page(s) as needed.
15. General issue code CPT (one per pace□
16, Specific lobbying issues
H.R. 354, Collections of Information Antipiracy Act
H.R. 4690, Departments of. Commerce, Justice and State, the Judiciary, and Related Agencies Appropriations Act, 2001, relating to copyright and patent issues
House Amendment 889 to H.R. 4690, Amendment to increase funding for US Patent and Trademar?? offices ''
Software Piracy, Counterfeiting and Copyright Protection
17. House(s) of Congress and Federal agencies con??acted
Cheek if None
Senate
House of Representatives
Nabions1 Economic Council
Office of the Vice President
Department of Commerce
Department'' of State
United States Trade Representative
??Department ??
18. Name of each individual who acted as a lobbyist in this issue area
Covered Official Position (if applicable)
Jack Krumholtz
Eric Koenig
Chief of Staff
Kerry Knott
House Majority Leader Richard Ar??
Kent Knutson
Tom Jurkovich, Affairs,. US Dept. off Commerce ,.
-John Sampson Associate Director, senate Democrat
19. ?? of each foreign entity in the specific issues listed on line 16 above ??
Check if None
Printed Name and Title Jack ''??
Director of Federal Government Affairs, Associate General Counsel.
Registrant Name Microsoft Corporation Cli?? Name Self
LOBBYING ACTIVITY- Select as many codes as necessary to reflect the general issue ar?? in which the re?? engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code. prov?? Information as requested. Attach additional page(s) as needed.
15. ??
Filing Images
Microsoft Corporation
General Issue Area: TAX :
Foreign Sales Corpora=ion Dispute Pending at %/TO
Name of each individual who acted as a lobbyist in this issue ar??
Marc Berejka
Julie Inman
Bill Sample
http://sopr.senate.gov/cgi-win/opr—gifviewer.exe?
Filing Images
Associate General. Counsel
http://sopr.senate.gov/cgi-win/oprgifviewer.exe?
Filing Images
?? Name Microsoft Corporation ?? Name Self
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the regist?? engaged in lobbying on behalf of the client ?? the reporting period. Using a separate page for each code, prov information as requested. A?? additional page(s) as needed.
15. General issue area code CPI (one per page)
16. Specific lobbying issues
H.R. 4246, Cyber Security Information Act
S. 2448, Internet Integrity and Critical Infrastructure Protection Act of 2000
competition in the Software Industry
Promoting Protection of Critical Infrastructures
7. House(s) of Congress and Federal agencies contacted ??
Check if None
S??nate
House of Represe??tatives
Department of Justice
National Security Agency
Federal Bureau of Investigation
Department of Commerce:
Department of Defense
18. Name of each individual who acted as a lobbyist in this issue area
C?? Official Pos?? (if ??)
Jack Krumho??
Eric Koenig
Chief of Staff Kerry Knott House Majority Leader Richard Arm
Kent Knutson
Deputy Asst. sec. for Intergovernme??
Tom Jurkovich, Affairs, US Dept. of Commerce:
John Sampson
Associate Director, Senate Democrat
James Houton
??
19. Interest of each foreign entity in the specific issues listed on line 16 above ??
Check if None
Printed Name and Title J?? Director of Fe?? fairs,
Associate General
Counsel
http://sopr.senate.gov/cgi-win/opr—gifviewer.exe?
Filing Images
Microsoft Corporation
General Issue Area: CPI
Name of each individual who acted as a lobbyist in this issue are;
Marc Berejka
Bill Guidera
Ira Rubinstein
Mike Egan
John Kelly
Ed Tobin
Filing Images ??
?? Name Microsoft Corporation Client Name Se?? LOBBY??G ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the regist?? engaged in lobbying on behalf of the client during the reporting period. ??sing a separate page for each code, prov?? information as requested, Attach additional page(s) as needed.
15. General issue area code CSP (one per page)
16. Specific lobbying issues
H.R, 1714, ELectronic Signatures in Global and National Commerce Act.
S. 761, Millennium Digital Commerce Act (Digital Signatures)
S. 2063:; Secure Online Communication enforcement. Act of 2000
S. 854, Electronic Rights for the 21st ?? Century Act
S. 2448, Internet Integrity and Critical Infrastructures Protection Act. of 2000
S. 2606, Consumer Privacy Protection Act:.
H.R. 4049, Privacy Commission Act
H.R. 1685, Internet Growth and Development Act
17. House(s) of Congress and Federal agencies contacted ?? Check if None
Senate??
House of Representatives
White House
Department of Commerce
Federal Communications Commission
Federal Trade Commission
Department of state
18. Name of each individual who acted as a lobbyis?? in this issue area ??
Jack Krumholtz
Eric Koenig
Chief of Staff
Kerry Knot t, House Majority Leader Richard Arm??
Kent Kn??tson Deputy Asst. Sec. for Intergovernme??
Tom Jurlovich Affairs, US Dept. of Commerce
John Sampson, Associate Director, Senate Democrat
James Houton Steering and Coordination Committes
19. Interest of each foreign ??ity in the Specific issues listed on line 16 above
?? Check if None
Signature Date
Printed Name and Title Jack ??umholtz, Director of Federal Government Affairs,
Associate General Counsel
http://sopr.senate.gov/cgi-win/opr—gifviewer.exe?
Filing Images ??
Microsoft Corporation
General Issue Area: CSP
Specific lobbying issues
International Online Consumer Protection, Privacy and
Jurisdictional Issues
Name of each individual who acted as a lobbyist in this issue are
Marc Berejka
Bill Guidera
http://sopr.senate.gov/cgi-win/opr—gifviewer.exe?
Filing image ??
Registrant Name Microsoft Corporation Client Name Se??
LOBBYING ACTIVITY. Select as many codes as necessary co reflect the general issue arena in which the regist?? engaged in lobbying on behalf of the client during the reporting period. Using a separate page for

each tacit, prov?? information as requested. Attach additional page(s) as needed.

15. General issue area code LBR (one per page)

16. Specific lobbying issues

H.R, 3462, Wealth through the Workplace :Act of 1999

H.R. 1102, Comprehensive Retirement Security and Pension Reform Act

17. House(s) of Congress and Federal agencies contacted

?? Check if None

Senate

House of Representatives

Department of Labor

18. Name of each individual who acted as a lobbyist in this issue area

Jack Krumholtz

Eric Koenig

-Kerry Knott Chief of Staff

Kent Knutson

Deputy Asst. Sec. for Intergovernme??

Tom Jurkovich Affairs,. US Dept. of Commerce

John Sampson

Associate Director, Senate Democrat

James Houton Steering and Coordination Committe??

Julie Inman

Bill Sample

19. I?? of each foreign entity in the specific issues listed on fine [6 above ?? Check if None

Associate General Counsel

http://sopr.senate.gov/cgi-win/opr—gifviewer.exe?

ATTACHMENT 38

TO THE DECLARATION OF BRIAN DAUTCH SECRETARY OF THE SENATE CLERK OF THE HOUSE OF REPRESENTATIVES

LOBBYING REPORT 31355019

Lobbying Disclosure Act (Section 5)

For Official Use

1. Year 1997

2. Report Type (check all that apply)

Midyear(January l-June30) ?? Year End (July 1-December 31)

Amended report ?? Termination report ??

No activity (registration to remain in effect) ??

REGISTRANT

3. Name of Registrant PRESTON GATES ELLIS & ROUVELAS MEEDS LLP [

4. Telephone number and contact name

(202) 6282–1700 Contact Rosanne Phillips

CLIENT Lobbying firms file separate reports for each client. An organization employing in-house lobbyists indicates ''Self.''

5. Name of Client MICROSOFT CORPORATION

INCOME OR EXPENSES Answer line 6 or line 7 as applicable.

6. LOBBYING FIRMS. Income from the client during the reporting period, other than income unrelated to lobbying activities, was:

Less than $10,000 ?? S10,000 or more ??

IFS10,000 or more, provide a good faith estimate, rounded to the nearest $20,000, of all income from the client during this reporting period. Include any payments by any other entity for lobbying activities on behalf of the client. Exclude income unrelated to lobbying activities.

Incomes 220.000.00 Total for year (if Year End report) $ 380.000.00

7. ORGANIZATIONS EMPLOYING IN-HOUSE LOBBYISTS. Expenses incurred in connection with lobbying activities during tile reporting

period were:

Less than $10,000 ?? $10,000 or more ??

If $10,000 or more, provide a good faith estimate, rounded to the nearest $20,000, of the total amount of all lobbying expenses incurred by the registrant and its employees during this reporting period.

Expenses $

Total for year (if Year End report) $

Optional Expense Reporting Methods

A. Registrants that report lobbying expenses under section 6033(bX8) of the Internal Revenue Code may provide a good faith estimate of the applicable amounts that would be required to be disclosed under section 6033(b)(8) for the semiannual reporting period, and may consider as lobbying activities only those defined under section 491l(d) of the Internal Revenue Code. If selecting this method, check box and (i) enter estimated amounts on the ''Expenses'' line above; or (ii) attach a copy of the IRS Form 990 that includes this reporting period. ??

B. Registrants subject to section 162(e) of the Internal Revenue Code may make a good faith estimate of all applicable amounts that would not be deductible under section 162(e) for the semiannual reporting period, and may consider as lobbying activities only those activities the costs of which are not deductible pursuant to section 162(e). If selecting this method, check box and enter estimated amounts on the ''Expenses'' line above. ??

Form LD-2 (1/96)

Registrant Name PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name MICROSOFT CORPORATION

LOBBYING ISSUES. On line 8 below, enter the code for one general lobbying issue area in which the registrant engaged in lobbying activities for the client during this reporting period (select applicable code from list in the instructions and on the reverse side of Form LD-2, page 1). For that general issue area only, complete lines 9 through 12. If the registrant engaged in lobbying activities for the client in more that one general issue area, use one Lobbying Report Addendum page for each additional general issue area.

8. General lobbying issue area code (enter one) CPI

9. Specific lobbying issues (include bill numbers and specific executive branch actions)

Bills:

H.R.695; Security and Freedom Through Encryption (SAFE) Act;

S.377; Promotion of Commerce On-Line in the Digital Era (Pro-CODE) Act of 1997;

S.909; Secure Public Networks Act;

Congressional Issues: Competition in the Software Market

10. Houses of Congress and Federal agencies contacted

House of Representatives

Senate

11. Name and title of each employee who acted as a lobbyist

HELM, BRUCE—ATTORNEY

BRANDT, WERNER—GOVT. AFFAIRS COUNSELOR

CARLSON, AMY—ATTORNEY

STEPHENS, DENNIS—GOVT. AFFAIRS ANALYST

GARVIE, PAMELA—ATTORNEY

MOSHER, SOL—SR ADV. FOR FED. AFFAIRS

BERGER, AMY—Attorney

12. For registrants identifying foreign entities in the Lobbying Registration (Form LD-I, line 12) or any updates: interest of each such foreign entity in the specific lobbying issues listed on line 9 above

NONE

Printed Name and Title TIM PECKINPAUGH—ATTORNEY

Date 2117/98

Form LD-2 (1/96)

ATTACHMENT 39

TO THE DECLARATION OF BRIAN DAUTCH ??

Clerk of the House of Representatives, Legislative Resource Center, I3–106 Cannon Building, Washington, DC 20515

Secretary of the Senate, Office of Public Records, 232 Hart Building, Washington, DC 20510

96 AUG 14 PM 3:33

LOBBYING REPORT

Lobbying Disclosure Act of 1995 (Section 5)—All Filers Are Required to Complete This Page

1. Registrant Name

PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

2. Address ??Check if different than previously reported 1735 NEW YORK AVENUE, SUITE 500, NW WASHINGTON DC 20006–5209

3. Principal Place of Business (if different from line 2)

City

State/Zip (or Country)

4. Contact Name

Telephone

E-mail (optional) 5.

Senate ID #

ROSANNE PHILLIPS 202–628–1700 313355019

7. Client Name ?? Self

MICROSOFT CORPORATION

TYPE OF REPORT 8. Year 1998 Midyear(January l-June 30) ?? OR Year End (July

l-December 31) ??

9. Check if this filing amends a previously filed version of this report ??

10. Check if this is a Termination Report ?? >> Termination Date 11. No

Lobbying Activity??

INCOME OR EXPENSES—Complete Either Line 12 OR Line 13

12. Lobbying Firms

13. Organizations

INCOME relating to lobbying activities for this reporting

EXPENSES relating to lobbying activities for this reporting

period was:

period were:

Less than $10,000 ??

Less than $10,000 ??

$10,000 or more ?? >> $ $360,000.00

$10,000 or more ??>> $

Income (nearest $20,000

Expenses (nearest $20.000)

14. REPORTING METHOD. Check box W indicate expense

Provide a good faith estimate, rounded to the nearest accounting method. See instructions for description of options.

$20,000 of all lobbying related income from the client (including all payments to the registrant by any other entity ??

Method A. Reporting amounts using LDA definitions only for lobbying activities on behalf of the client). ??

Method B. Reporting amounts under section 6033(b)(8) of the Internal Revenue Code ??

Method C, Reporting amounts under section 162(e) of the Internal Revenue Code

Signature

Date 8/14/98

Printed Name and Title EMANUEL ROUVELAS—ATTORNEY

Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name: MICROSOFT CORPORATION

LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide ??nformation as requested. Attach additional page(s) as needed.

15. General issue area code CPI (one per page)

16. Specific Lobbying issues

H.R.695, Security and Freedom Through Encryption (SAFE) Act, all sections

S.2067, Encryption Protects the Rights of Individuals from Violation and Abuse in Cyberspace

(F-PRIVACY) Act, all sections

S.376, Encrypted Communications Privacy Act of 1997, all sections

S.377, Promotion of Commerce On-Line in the Digital Era (Pro=CODE) Act of 1997, all sections

S.909, Secure Public Networks Act, all sections Senate Judiciary Committee Hearings on Competition in the Software Market.

17. House(s) of Congress and Federal agencies contacted ??

Check if None

House of Representatives

OSTP NSC USTR DOJ FBI NEC DOC CIA OMB NSA

Senate

Vice President

White House

18. Name of each individual who acted as a lobbyist in this issue area

Name

Coveted Official Position (if applicable)

New

O'NEIL, MICHAEL,

Gen. Counsel, CIA -Chief of Staff-CIA

No

SLOMOWITZ, ALAN

Adm. Asst. -Rep. Robert Borski

Yes

WALKER, FRANKLIN

Yes

MILDER, BENJAMIN, Leg. Corres.—Sen. Hatfield

Yes

HEIMAN, BRUCE

No

BRANDT, WERNER

No

CARLSON, AMY

No

19. Interest of each foreign entity in the specific issues listed on line

16 above ??

Check if

None

Signature Date 8/14/98

Printed Name and Title EMANUEL ROUVELAS—ATTORNEY Page 2

Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LIP

Client Name: MICROSOFT CORPORATION

Item	Description	Data
18a Lobbyist Name.	STEPHENS, DENNIS..	
18b	Covered Official Position.	xl
18c	New Lobbyist ...	No.
18a	Lobbyist Name	MOSHER, SOL.
18b	Covered Official Position.	xl
18c	New Lobbyist ...	No.
18n	Lobbyist Name	BERGER, AMY.
18b	Covered Official Position.	xl
18c	New Lobbyist ...	No.
18a	Lobbyist Name	ABRAMOFF, JACK.
18b	Covered Official Position.	xl
18c	New Lobbyist ...	No.
181	Lobbyist Name	MASHBURN, JOHN.
lab	Covered Official Position.	LEG. DIR. SEN. JOHN ASHCROFT.
18c	New Lobbyist ...	No.
18a	Lobbyist Name	PIZZELLA, PATRICK.
18b	Covered Official Position.	xl
18c	New Lobbyist ...	No.
18a	Lobbyist Name	PECKINPAUGH, TIM.
18b	Covered Official Position.	xl
18c	New Lobbyist ...	No.
18a	Lobbyist Name	JARRELL, WILLIAM.
18b	Covered Official Position.	Deputy Chief of Staff- Pep. Tom DeLay.
18c	New Lobbyist ...	No.
18a	Lobbyist Name	ROUVELAS, EMANUEL.
18b	Coveted Official Position.	xl
I8c	New Lobbyist ...	No.

Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name: MICROSOFT CORPORATION

LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.

15. General issue area code CPT (one per page)

16. Specific Lobbying issues

H.R. 2281, WIPO Copyright Treaties Implementation Act, all provisions

S.2037, Digital Millennium Copyright Act of 1998, all provisions

17. House(s) of Congress and Federal agencies contacted ?? Check if None

House of Representatives

Senate

18. Name of each individual who acted as a lobbyist in this issue area

Name Coveted Official Position (if applicable)

New

WALKER, FRANKLIN

Yes

MILDER, BENJAMIN Leg. Corres.—Sen. Hatfield

Yes

HEIMAN, BRUCE

No

MASHBURN, JOHN LEG. DIR. SEN. JOHN ASHCROFT

No

PIZZELLA, PATRICK

No

CARLSON, AMY

No

ROUVELAS, EMANUEL

No

19. Interest of each foreign entity in the specific issues listed on line I6 above ?? Check if

None

Signature

Date 8/14/98

Printed Name and Title EMANUEL ROUVELAS—ATTORNEY

Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name: MICROSOFT CORPORATION

Item	Description	Data
18a	Lobbyist Name	BRANDT, WERNER
18b Covered Official Position.	.	
I8c	New Lobbyist ...	No
18a	Lobbyist Name	STEPHENS, DENNIS
18b	Covered Official Position.	
18c	New Lobbyist ...	No
18a	Lobbyist Name	JARRELL, WILLIAM
18b	Covered Official Position.	Deputy Chief of Staff- Rep. Tom DeLay
18c	New Lobbyist ...	No

Page 5

Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name: MICROSOFT CORPORATION

LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue

areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.

15. General issue area code IMM (one per page)

16. Specific Lobbying issues

H.R.3736, Workforce Improvement and Protection Act of 1998, all provisions relating to the

H1-B visa program.

S.1723, American Competitiveness Act, all provisions rebating to the H1-B visa program.

17. House(s) of Congress and Federal agencies contacted ?? Check if None

House of Representatives

Senate

IS. Name of each individual who acted as a lobbyist in this issue area

Name

Covered Official Position (if applicable)

New

HEIMAN, BRUCE

No

CARLSON, AMY

No

BRANDT, WERNER

No

ROUVELAS, EMANUEL

No

O'NEIL, MICHAEL Gen. Counsel, CIA -Chief of Staff-CIA

Yes

STEPHENS, DENNIS

No

JARRELL, WILLIAM Deputy Chief of Staff-Rep. Tom DeLay

No

19. Interest of each foreign entity in the specific issues listed on line 16 above ?? Check if

None

Signature

Date 8/14/98

Printed Name and Title EMANUEL ROUVELAS—ATTORNEY

Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name: MICROSOFT CORPORATION

Item	Description	Data
18a	Lobbyist Name	MASHBURN, JOHN.
18b	Covered Official Position.	LEG. DIR. SEN. JOHN ASHCROFT.
18c	New Lobbyist ...	No.
18a	Lobbyist Name	SLOMOWITZ, ALAN.
18b	Covered Official Position.	Adm. Asst. -Rep. Robert Borsk??
18c	New Lobbyist ...	Yes.
18a	Lobbyist Name	PECKINP AUGH, TIM
18b	Covered Official Position.	xl
18c	New Lobbyist ...	Yes
18a	Lobbyist Name	PIZZELLA, PATRICK
18b	Covered Official Position.	xl
18c	New Lobbyist ...	No
18a	Lobbyist Name	WALKER, FRANKLIN
18b	Covered Official Position.	xl
18c	New Lobbyist ...	No
18a	Lobbyist Name	MILDER, BEN-JAMIN
18b	Covered Official Position.	Leg. Corres.-Sen. Hatfield
18c	New Lobbyist ...	Yes

Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name: MICROSOFT CORPORATION

LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.

15. General issue area code TAX (one per page)

16. Specific Lobbying issues

H.R.1054, Internet Tax Freedom Act, all provisions

H.R.4105, Internet Tax Freedom Act, all provisions

S.442, Internet Tax Freedom Act, all provisions

17. House(s) of Congress and Federal agencies contacted ?? Check if None

House of Representatives

Senate

18. Name of each individual who acted as a lobbyist in this issue area

Name Covered Official Position Of applicable)

New

MASHBURN, JOHN LEG. DIR. SEN. JOHN ASHCROFT

No

PIZZELLA, PATRICK

No

WALKER, FRANKLIN

yes

BRANDT, WERNER

No

CARLSON, AMY

No

STEPHENS, DENNIS

No

19. Interest of each foreign entity in the specific issues listed on line 16 above ?? Check if

None

Signature Date 8/14/98

Printed Name and Title EMANUEL ROUVELAS- ATTORNEY

Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name: MICROSOFT CORPORATION

LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.

15. General issue area code TEC (one per page)

16. Specific Lobbying issues

17. House(s) of Congress and Federal agencies contacted ?? Check if

None

House of Representatives

Senate

18. Name of each individual who acted as a lobbyist in this issue area

Name Covered Official Position (if applicable) New

BRANDT, WERNER

No

CARISON, AMY

No

HEIMAN, BRUCE

No

STEPHENS, DENNIS No

JARRELL, WILLAM, Deputy .Chief of Staff-Rep. Tom

DeLay

No

MASHBURN, JOHN, LEG. DIR. SEN. JOHN ASHCROFT

No

SLOMOWITZ, ALAN, Adm. Asst. -Rep. Robert Borski

Yes

19. Interest of each foreign entity in the specific issues listed on line 16 above ??

Check if None

Signature

Date 8/14/98

Printed Name and Title EMANUEL ROUVELAS—ATTORNEY

Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name: MICROSOFT CORPORATION

Item	Description	Data
18a	Lobbyist Name	PIZZELLA, PATRICK.
18b	Covered Official Position.	xl
18c	New Lobbyist ...	No.
18a	Lobbyist Name	PECKINPAUG-H, TIM.
18b	Covered Official Position.	xl
184	New Lobbyist No.	xl
18a	Lobbyist Name	ROUVELAS, EMA??.
18b	Covered Official Position.	xl
1Be	New Lobbyist No.	xl
18a	Lobbyist Name	BERGER, AMY.
18b	Covered Official Position.	xl
18c	New Lobbyist ...	No.
18a	Lobbyist Name	WALKER, FRANKLIN.
18b	Covered Official Position.	xl
18c	New Lobbyist ...	No.
18a	Lobbyist Name	MILDER, BEN-JAMIN.
18b	Covered Official Position Leg. Corres.—Sen. Hatfield.	
18c	New Lobbyist ...	Yes.
16	Lobbying Issues.	

Carriage of the Transmission of Digital Television Broadcast Stations, FCC Dkt, 98–120
Access to Telecommunications Services and Equipment for Persons with Disabilities, FCC Dkt 96–198
Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP
Client Name: MICROSOFT CORPORATION
Information Update Page—Complete ONLY where registration information has changed.
20. Client new address
21. Client new principal place of business (if different from line 20) State/Zip (or Count)
22. New general description of client's business or activities
LOBBYIST UPDATE
23. Name of each previously reported individual who is no longer expected to act as a lobbyist for the client
MEEDS, LLOYD
ISSUE UPDATE
24. General lobbying issues previously reported that no longer pertain
SCT
AFFILIATED ORGANIZATIONS
25. Add the following affiliated organization(s)
Principal Place of Business
Name
Address (city and state or country)
26. Name of each previously reported organization that is no longer affiliated with the registrant or client
FOREIGN ENTITIES
27. Add the following foreign entities
Principal Place of Business Amount of contribution Ownership %
Name
Address (city and state or country) for lobbying activities In client
28. Name of each previously reported foreign entity that no longer owns, or controls, or is affiliated with the registrant, client, or affiliated organization
Signature
Date 8/14/98
Printed Name and Title EMANUEL ROUVELAS—ATTORNEY
ATTACHMENT 40
TO THE DECLARATION OF BRIAN DAUTCH ??
Clerk of the House of Representatives, Legislative Resource Center, 13–106 Cannon Building, Washington, DC 20515
Secretary of the Senate, Office of Public Records, 232 Hart Building, Washington, DC 20510
LOBBYING REPORT
Lobbying Disclosure Act of 1995 (Section 5)—All Filers Are Required to Complete This Page
I. Registrant Name
PRESTON GATES ELLIS & ROUVELAS MEEDS LLP
2. Registrant Address ?? Check if different than previously reported
Address 1735 NEW YORK AVENUE, NW SUITE 500 City WASHINGTON State/Zip (or Country) DC 20006–5209
3. Principal Place of Business (if different from line 2)
City
Slate/Zip (or Country)
4. Contact Name
Telephone
E-mail (optional)
5. Senate It) #
ROSANNE PHILLIPS, 202–628–1700, 32098–366
7. Client Name ?? Self
6. House
ID #
MICROSOFT CORPORATION
31355Oi9 %
TYPE OF REPORT
s. Year 1999 Midyear(January 1-June 30) ?? OR Year End (July I-December 31)
9. Check if this filing amends a previously filed version of this report ??
10. Check if this is a Termination Report ?? >> Termination Date ..... 11. No Lobbying Activity??
INCOME OR EXPENSES—Complete Either Line 12 OR Line 13
12. Lobbying Firms
13. Organizations
INCOME relating to lobbying activities for this reporting EXPENSES relating to lobbying activities for this reporting period was:
period were:
Less than $10,000 ??
Less than $10,000 ??
$10,000 or more
?? >> $
$200,000.00
$10,000 or more El >> $
Income (newest $20,000)
Expenses (nearest $20,000)
14. REPORTING METHOD. Check box to indicate expense
Provide a good faith estimate, rounded to the nearest
accounting method. See instructions for description of options. $20,000 of all lobbying related income from the client (including all payments to the registrant by any other entity
?? Method A. Reporting amounts using LDA definitions only for lobbying activities on behalf of the client). F1 Method B. Reporting amounts under section 6033(b)(8) of the Internal Revenue Code
?? Method C. Reporting amounts under section 162(e)of the Internal Revenue Code
Signature ??
Date 02/14/2000
Printed Name and Title JONATHAN BLANK- PARTNER
Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP
Client Name: MICROSOFT CORPORATION
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. General issue area code CPI (one per page)
16. Specific Lobbying issues
H.R.3194, Consolidated Omnibus Appropriations Act, relatig to patend and copyright issues.
H.R.775, Year 2000 Readiness & Responsibility Act,
H.R.850, Security And Freedom through Encryption (SAFE) Act,
S.314, Small Business Year 2000 Readiness Act,
S.6998, Y2K Act,
S.798, Promote Reliable On-Line Transactions to Encourage Commerce and Trade (PROTECT) Act of 1999, competition in software industry
17. House(s) of Congress and Federal agencies contacted ?? Check if None
House of Representatives
Senate
White House
18. Name of each individual who acted as a lobbyist in this issue area
Name
Covered Official Position (if applicable)
New
BERGER, AMY
Yes .....
BRANDT, WERNER
No
FUNDERBURK, DAVID
CONGRESSMAN
Yes
PIZZELLA, PATRICK
No
ROUVELAS, EMANUEL
No
VALENTINE, STEVEN Leg. Dir & Gen. Counsel Sen. Bob
Smith
Yes
WALKER, FRANKLIN
No
19. Interest of each foreign entity in the specific issues listed on line 16 above ??
Check if None
Signature ??
Date 02/14/2000
Printed Name and Title JONATHAN BLANK- PARTNER
Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP
Client Name: MICROSOFT CORPORATION
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. General issue area code —CPT—— (one per page)
16. Specific Lobbying issues
H.R.1761, Copyright Damages improvement Act of 1999,
H.R.1858, Consumer and Inventors Access to Information Act of 1999,
H.R.1907, American Inventors Protection Act of 1999, (engrossed).
H.R.2654, American Inventors Protection Act of 1999,
H.R.354, Collection of Information Antipiracy Act,
S. 1257, Digital Theft Deterrence and Copyright Damages Improvement Act of 1999,
Software piracy and count??rfiting.
17. House(s) &Congress and Federal agencies contacted ?? Check if None
House of Representatives
Senate
18. Name of each individual who acted as a lobbyist in this issue area Name—Covered Official Position (if applicable) New
BRANDT, WERNER
No

* HEIMAN, BRUCE
No
PIZZELLA, PATRICK
No
ROUVELAS, EMANUEL
No
WALKER, FRANKLIN
No
19. Interest of each foreign entity in the specific issues listed on line 16 above ??
Check if None
Printed Name and Title JONATHAN BLANK- PARTNER
Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP
Client Name: MICROSOFT CORPORATION
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. General issue area code CSP (one per page)
16. Specific Lobbying issues
1t.R.1714, Electronic Signatures in Global and National Commerce Act,
S.761, Third Millennium Digital Commerce Act,
S.809, Online Privacy Protection Act of 1999,
17. House(s) of Congress and Federal agencies contacted ?? Check if None
House of Representatives
Senate
18. Name of each individual who acted as a lobbyist in this issue area
Name
Covered Official Position (if applicable)
New
BRANDT, WERNER
No
PIZZELLA, PATRICK No
WALKER, FRANKLIN
No
19. Interest of each foreign entity in the specific issues listed on line 16 above ??
Check if None
Signature Date ??
Printed Name and Title JONATHAN BLANK- PARTNER
Registrant Name: PRESTON CATES ELLIS & ROUVELAS MEEDS LLP
Client Name: MICROSOFT CORPORATION
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. General issue area code IMM (one per page)
16. Specific Lobbying issues
H.R.2687, Bringing Resources of Academia to Industry Act,
H.R.2968, S.1440, New Workers for Economic Growth Act,
S.1645, Helping Improved Technology Education (HITECH),
S. 180, 21st Century Technology Resources and Commercial Leadership Act,
17. House(s) of Congress and Federal agencies contacted ??
Check if None
House of Representatives
Senate
18. Name of each individual who acted as a lobbyist in this issue area
Name Covered Official Position (if applicable)
New
BRANDT, WERNER .
No
HEIMAN, BRUCE
No
PIZZELLA, PATRICK ——
No
ROUVELAS, EMANUEL
No
WALKER, FRANKLIN
No
19. Interest of each foreign entity in the specific issues listed on line 16 above
?? Check if None
Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP
Client Name: MICROSOFT CORPORATION
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. General issue area code TAX (one per page)
16. Specific Lobbying issues
H.R. 2488, S. 1429, Taxpayer Refund Act of 1999,
H.R. 3194, Consolidated Omnibus Appropriations Act,
H.R. 835, To amend the Internal Revenue Code of 1986 to permanently extend the research credit and to adjust the alternative incremental credit rates,
S.542, New Millennium Classrooms Act,
S.680, To amend the Internal Revenue Code of 1986 to permanently extend the research credit, and for other purposes,
17. House(s) of Congress and Federal agencies contacted ?? Check if None
House of Representatives
Senate
18. Name of each individual who acted as a lobbyist in this issue area
Name
Covered Official Position (if applicable)
New
BRANDT, WERNER
No
HEIMAN, BRUCE
Yes
WALKER, FRANKLIN ....
19. Interest preach foreign entity in the specific issues listed on line 16 above ??
Check if None
Signature ...??
Date—02/14/2000
Printed Name and Title JONATHAN BLANK- PARTNER
Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP
Client Name: MICROSOFT CORPORATION
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. General issue area code TEC (one per page)
16. Specific Lobbying issues
H.R. 1554, Satellite Copyright Competition Protection Act of 1999,
H.R. 1685, Internet Growth and Development Act of 1999,
H.R. 1686, Internet Freedom Act,
H.R.2420, Internet Freedom and Broadband Development Act of 1999,
S.877, Broadband Internet Regulator)'' Relief Act,
17. House(s) of Congress and Federal agencies contacted
?? Check if None
House of Representatives
Senate
18. Name of each individual who acted as a lobbyist in this issue area
Name
Covered Official Position (if applicable)
New
BRANDT, WERNER
HEIMAN, BRUCE
No
PIZZELLA, PATRICK
No
ROUVELAS, EMANUEL
No
WALKER, FRANKLIN —.——
No
19. Interest of each foreign entity in the specific issues listed on line 16 above
?? Check if None
Signature—
Date—
02/1—4/2——.—000 .....
Primed Name and Title JONATHAN BLANK- PARTNER
Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP
Client Name: MICROSOFT CORPORATION
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. General issue area code TRD —— (one per page)
16. Specific Lobbying issues
Normal Trade Relations with China WTO provisions of The Agreement on Trade-Related 1PR (TRIPs) Seattle WTO Ministerial Meeting (1999) and related issues.
17. l louse(s) of Congress and Federal agencies contacted
Check if None
House of Representatives
Senate
18. Name of each individual who acted as a lobbyist in this issue area
BRANDT, WERNER
No
HEIMAN, BURCE
PIZZELLA, PATRICK
19. Interest of each foreign entity in the specific issues listed on line 16 above
Check if None
Signature
Date. 02/14/2000

Printed Name and Title JONATHAN BLANK- PARTNER
Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP
Client Name: MICROSOFT CORPORATION
Information Update Page—Complete ONLY where registration information has changed.
20. Client new address
21. Client new principal place of business (if different from line 20)
City
State??.ip (or Country)
22. New general description of client's business or activities
LOBBYIST UPDATE
23. Name of each previously reported individual who is no longer expected to act as a lobbyist for the client
JARRELL, WILLIAM
STEPHENS, DENNIS
O'NEIL, MICHAEL
WALKER, FRANKLIN
ISSUE UPDATE
24. General lobbying issues previously reported that no longer pertain BUD, SCI
AFFILIATED ORGANIZATIONS
25. Add the following affiliated organization(s)
Principal Place of Business
Name
Address
(city and state or country)
26. Name of each previously reported organization that is no longer affiliated with the registrant or client
FOREIGN ENTITIES
27. Add the following foreign entities
Principal
Place of Business Amount of contribution Ownership %
Name
Address (city and state or country□ for lobbying activities in client
28. Name of each previously reported foreign entity that no longer owns, or controls, or is affiliated with the registrant, client, or affiliated organization
Signature
Date 02/14/2000
Printed Name and ?? JONATHAN BLANK—PARTNER ....
ATTACHMENT 41
TO THE DECLARATION OF BRIAN DAUTCH
Clerk of the House of Representatives
Secretary of the Senate, Legislative Resource Center, Office of Public Records, B–106 Cannon Building Washington DC 20515, 232 Hart Building, Washington, DC 20510
HAND DELIVERED
LOBBYING REPORT
Lobbying Disclosure Act of 1995 (Section 5)—All Filers Are Required to Complete This Page
1. Registrant Name
PRESTON GATES ELLIS & ROUVELAS MEEDS LLP
2. Address
Check if different than previously reported 1735 NEW YORK AVE, NW, SUITE 509, WASHINGTON DC 20006
Principal Place of Business (if different from line 2)
City
State/Zip (or Country)
4. Contact Name
Telephone
E-mail (optional)
5. Senate ID #
ROSANNE PHILLIPS 202–628–1700 32098–366
7. Client Name ?? Self
6. House ID #
MICROSOFT CORPORATION
TYPE OF REPORT
Year 2000
Midyear(January 1-June 30) ?? OR Year End (July 1-December 3l) ??
9. Check if this filing amends a previously filed version of this report ??
19. Check if this is a Termination Report ?? >> Termination Date
11. No Lobbying Activity??
INCOME OR EXPENSES—Complete Either Line 12 OR Line 13
12. Lobbying Firms
13. Organizations
INCOME relating to lobbying activities for this reporting
EXPENSES relating to lobbying activities for this reporting
period was:
period were:
Less than $10,009 ??
Less than $10,000 ??
$10,090 or more
?? >> $ $229,000.00
$19,900 or more ?? >> $
Income (nearest $20,000)
Expenses (nearest S20,000)
14. REPORTING METHOD. Check box to indicate expense
Provide a good faith estimate, rounded to the nearest accounting method. See instructions for description of options.
$20,000 &all lobbying related income from the client (including all payments to the registrant by any other entity
??Method A. Reporting amounts using LDA definitions only for lobbying activities on behalf of the client□. ?? Method B. Reporting amounts under section 6033(b)(8) of the Internal Revenue Code
?? Method C. Reporting amounts under section 162(e) of the Internal Revenue Code
Signature
Date 08114/2900
Printed Name and Title STEVEN VALENTINE-OF COUNSEL
Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP
Client Name: MICROSOFT CORPORATION
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. General issue area code CPI (one per page)
16. Specific Lobbying issues
S. 2448, Internet Integrity and Critical Infrastructure Protection Act of 2000,
H.R. 4246, Cyber Security Information Act, Competition in the software industry.
17. House(s) of Congress and Federal agencies contacted ??
Cheek if None
House of Representatives
Senate
18. Name of each individual who acted as a lobbyist in this issue area
Name
Covered Official Position (if applicable)
New
BRANDT, WERNER
No
PIZZELLA, PATRICK
No
ROUVELAS, EMANUEL
No
VALENTINE, STEVEN Leg. Dir & Gen. Counsel Sen. Bob Smith
No
BERGER, AMY
No
19. Interest of each foreign entity in the specific issues listed on line 16 above
?? Check if None
Signature
Date 08/14/2000
Printed Name and Title STEVEN VALENTINE-OF COUNSEL Page
Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP
Client Name: MICROSOFT CORPORATION
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. General issue area code CPT (one per page)
16. Specific Lobbying issues
H.R. 354, Collection of Information Antiprivacy Act,
H.R. 4690, Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001, relating to copyright and patent issues. House Amendment 889 to H.R. 4690, to increase funding for the U.S. Patent and Trademark Offices.
17. House(s) of Congress and Federal agencies contacted E3
Check if None
House of Representatives
Senate
18. Name of each individual who acted as a lobbyist in this issue area
Name
Covered Official Position (if applicable)
New
PIZZELLA, PATRICK
No
BRANDT, WERNER
No
VALENTINE, STEVEN Leg. Dir & Gen. Counsel Sen. Bob Smith
Yes
HEIMAN, BRUCE
No
ROUVELAS, EMANUEL
No
19. Interest of each foreign entity in the specific issues listed on line 16 above
?? Check if None
Signature ??
Date
Printed Name and Title STEVEN VALENTINE—OF COUNSEL
Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name: MICROSOFT CORPORATION
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. General issue area code CSP (one per page)
16. Specific Lobbying issues
S. 854, Electronic Rights for the 21st Century Act,
S. 2448, Internet Integrity and Critical Infrastructures Protection Act of 2000,
S. 2063, Secure Online Communication Enforcement Act of 2000,
S. 761, Third Millennium Digital Commerce Act,
H.R. 1714, Electronic Signatures in Global and National Commerce Act,
17. House(s) &Congress and Federal agencies contacted ?? Check if None
House of Representatives
Senate
18. Name of each individual who acted as a lobbyist in this issue area
Name
Covered Official Position (if applicable)
New
BRANDT, WERNER
No
PIZZELLA, PATRICK
No
VALENTINE, STEVEN, Leg. Dir & Gen. Counsel Sen. Bob Smith
Yes
19. Interest of each foreign entity in the specific issues listed on line 16 above ??
Check if None
Signature
Date 08/14/2000
Printed Name and Title STEVEN VALENTINE—OF COUNSEL
Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP
Client Name: MICROSOFT CORPORATION
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the-client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. General issue area code IMM —— (one per page)
16. Specific Lobbying issues
S. 2045, American Competitiveness in the Twenty-first Century Act of 2000,
H.R. 4227, Technology Worker Temporary Relief Act,
H.R. 3983, Helping to Improve Technology Education and Achievement Act of 2000,
17. House(s) of Congress and Federal agencies contacted
?? Check if None
House of Representatives
Senate
18. Name of each individual who acted as a lobbyist in this issue area
Name
Covered Official Position (if applicable)
New
BRANDT, WERNER
No
PIZZELLA, PATRICK
No
SLOMOWITZ, ALAN
No
VALENTINE, STEVEN, Leg. Dir & Gen. Counsel Sen. Bob Smith
Yes
HEIMAN, BRUCE
No
ROUVELAS, EMANUEL
No
19. Interest of each foreign entity in the specific issues listed on line 16 above
?? Check if None
Signature Date 08/14/2000
Printed Name and Title STEVEN VALENTINE—OF COUNSEL
Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP
Client Name: MICROSOFT CORPORATION
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. General issue area code LBR (one per page)
16. Specific Lobbying issues
H.R. 3462, Wealth Through the Workplace Act of 1999,
17. House(s) of Congress and Federal agencies contacted ??
Check if None
House of Representatives
Senate
18. Name of each individual who acted as a lobbyist in this issue area
Name
Covered Official Position (if applicable)
New
BRANDT, WERNER
Yes
PIZZELLA, PATRICK
Yes
VALENTINE, STEVEN Leg. Dir & Gen. Counsel Sen. Bob Smith
Yes
19. Interest of each foreign entity in the specific issues listed on line I6 above
?? Check if None
Signature
Date 08/14/2000
Printed Name and Title STEVEN VALENTINE—OF COUNSEL
Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP
Client Name: MICROSOFT CORPORATION
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. General issue area code TAX (one per page)
I6. Specific Lobbying issues
S. 2775, Internet Tax Moratorium and Equity Act,
S. 2401, New Economy Tax Simplification Act (NETSA),
H.R. 4462, Fair and Equitable Interstate Tax Compact Simplification Act of 2000,
H.R. 4460, Internet Tax Simplification Act of 2000,
H.R. 4267, Internet Tax Reform and Reduction Act of 2000,
H.R. 3709, Internet Nondiscrimination Act of 2000,
17. House(s) of Congress and Federal agencies contacted
?? Check if None
House of Representatives
Senate
18. Name of each individual who acted as a lobbyist in this issue area
Name
Covered Official Position (it applicable)
New
PIZZELLA, PATRICK
No
BRANDT, WERNER
No
VALENTINE, STEVEN, Leg. Dir & Gen. Counsel Sen. Bob Smith
Yes
HEIMAN, BRUCE
No
19. Interest of each foreign entity in the specific issues listed on line 16 above
?? Check if None
Signature ??
Date 08/14/2000
Printed Name and Title STEVEN VALENTINE—OF COUNSEL
Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP
Client Name: MICROSOFT CORPORATION
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. General issue area code TEC (one per page)
16. Specific Lobbying issues
H.R. 1686, Interact Freedom Act,
H.R. 1685, Internet Growth and Development Act of 1999,
FCC Dkt. No. 99–168, Service Rules for the 746–765 and 776–794 MH Bands and Revisions to Part 27 of the Commission's Rules.
17. House(s) of Congress and Federal agencies contacted ??
Check if None
House of Representatives
Senate
18. Name of each individual who acted as a lobbyist in this issue area
Name
Covered
Official Position (if applicable)
New
BRANDT, WERNER
No
PIZZELLA, PATRICK
No
VALENTINE, STEVEN, Leg. Dir & Gen. Counsel Sen. Bob Smith
Yes
19. Interest of each foreign entity in the specific issues listed on line 16 above
?? Check if None

Signature
Date 0811412000
Printed Name and Title STEVEN VALENTINE- OF COUNSEL
Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP
Client Name: MICROSOFT CORPORATION
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. General issue area code TRD (one per page)
16. Specific Lobbying issues
S. 2277, To terminate the application of title IV of the Trade Act of ! 974 with respect to the People's Republic of China,
S. 2645, China Nonproliferation Act,
H.R. 4444, To authorize extension of nondiscriminatory treatment (normal trade relations treatmen0 to the People's Republic of China, World Trade Organization (a) Agreement on Trade-Related Intellectual Property Rights (b) Post-Seattle WTO Ministerial Meeting related commerce and trade issues.
17. House(s) of Congress and Federal agencies contacted
Check if None
House of Representatives
Senate
18. Name of each individual who acted as a lobbyist in this issue area
Name
Covered Official Position (if applicable)
New
BRANDT, WERNER
No
PIZZELLA, PATRICK
No
SLOMOWITZ, ALAN
Yes
VALENTINE, STEVEN, Leg. Dir & Gen. Counsel Sen. Bob Smith
Yes
19. Interest of each foreign entity in the specific issues listed on line 16 above ??
Check if None
Signature
Date 08/14/2000 Printed Name and Title STEVEN VALENTINE- OF COUNSEL
ATTACHMENT 42
TO THE DECLARATION OF BRIAN DAUTCH
Clerk of the House of Representatives, Secretary of the Senate, Legislative Resource Center, Office of Public Records, B–106 Cannon Building, Washington, DC 20515 232 Hart Building, Washington, DC 20510
LOBBYING REPORT
Lobbying Disclosure Act of 1995 (Section 5)—All Filers Are Required to Complete. This Page
1. Registrant Name PRESTON GATES ELLIS & ROUVELAS MEEDS LLP
2. Registrant Address ?? Check if different than previously reported Address 1735 NEW YORK AVE, NW, SUITE 500, City WASHINGTON State/Zip (or Country) DC 20006
3. Principal Place of Business (if different from line 2)
City State/Zip (or Country)
4. Contact Name
Telephone
E-mail (optional)
5. Senate ID #
ROSANNE PHILLIPS, 202–628–1700, 32098–366
7. Client Name ?? Self
6. House ID # 31355019
MICROSOFT CORPORATION
TYPE OF REPORT 8. Year 2000 Midyear (January l-June 30) ?? OR Year End (July l-December 31)
9. Check if this filing amends a previously filed version of this report ??
10. Check if this is a Termination Report ?? >> Termination Date
11. No Lobbying Activity ??
INCOME OR EXPENSES—Complete Either Line 12 OR Line 13
12. Lobbying Firms
INCOME relating to lobbying activities for this reporting period was:
Less than $10,000 ??
$10,000 or more ?? >> $ $260,000.00
Income (nearest $20,000)
Provide a good faith estimate, rounded to the nearest $20,000 of all lobbying related income from the client (including all payments to the registrant by any other entity for lobbying activities on behalf of the client).
13. Organizations
EXPENSES relating to lobbying activities for this reporting period were:
Less than $10,000 ??
$10,000 or more ?? >> $
Expenses (nearest $20,000)
14. REPORTING METHOD. Check box to indicate expense accounting method. See instructions for description of options.
?? Method A. Reporting amounts using LDA definitions only
?? Method B. Reporting amounts under section 6033COX8) of the Internal Revenue Code
?? Method C. Reporting amounts under section 162(e) of the Internal Revenue Code
Signature
Printed Name and Title
STEVEN VALENTINE—OF COUNSEL
Date 02/14/2001
Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP
Client Name: MICROSOFT CORPORATION
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. General issue area code CPI (one per page)
16. Specific Lobbying issues
H.R.4246, Cyber Security Information Act,
H.R. 5024, Federal Information Policy Act of 2000,
H.R.5658, Treasury and General Government Appropriations Act, 2001,
S.2448, Internet Integrity and Critical Infrastructure Protection Act of 2000, Competition in the software industry.
17. House(s) of Congress and Federal agencies contacted ?? Check if None
House of Representatives
Senate
18. Name of each individual who acted as a lobbyist in this issue area
Name
Covered Official Position (if applicable)
New
BERGER, AMY
No
BRANDT, WERNER
No
IVEY, GLENN
Yes
PIZZELLA, PATRICK
No
ROUVELAS, EMANUEL
No
STEPHENS, DENNIS
Yes
VALENTINE, STEVEN, Leg. Dir & Gen. Counsel Sen. Bob Smith
No
19. Interest of each foreign entity in the specific issues listed on line 16 above
?? Check if None
Signature
Date 02/14/2001
Printed Name and Title STEVEN VALENTINE—OF COUNSEL
Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP
Client Name: MICROSOFT CORPORATION
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. General issue area code CPT (one per page)
16. Specific Lobbying issues
H.R.354, Collection of Information Antiprivacy Act,
H.R.4690, Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001, relating to copyright and patent issues. House Amendment 889 to H.R. 4690, to increase funding for the U.S. Patent and Trademark Offices.
17. House(s) of Congress and Federal agencies contacted
?? Check if None
House of Representatives
Senate
18. Name of each individual who acted as a lobbyist in this issue area
Name
Covered Official Position (if applicable)
New
BRANDT, WERNER
No
HEIMAN, BRUCE
No
P1ZZELLA, PATRICK
No
ROUVELAS, EMANUEL
No
VALENTINE, STEVEN, Leg. Dir & Gen. Counsel Sen. Bob Smith
No
19. interest of each foreign entity in the specific issues listed on line 16 above
?? Check if None
Signature

Date 02/14/2001
Printed Name and Title STEVEN VALENTINE—OF COUNSEL
Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP
Client Name: MICROSOFT CORPORATION
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. General issue area code CSP (one per page)
16. Specific Lobbying issues
H.R. 1685, Internet Growth and Development Act of 1999,
H.R.4049, Privacy Commission Act,
S.2063, Secure Online Communication Enforcement Act of 2000,
S.2448, Internet Integrity and Critical Infrastructures Protection Act of 2000,
S.2606, Consumer Privacy Protection Act,
S.2928, Consumer Internet Privacy Enhancement Act,
17, House(s) of Congress and Federal agencies contacted
?? Check if None
House of Representatives
Senate
18. Name of each individual who acted as a lobbyist in this issue area
Name
Covered Official Position (if applicable)
New
BRANDT, WERNER
No
PIZZELLA, PATRICK
No
VALENTINE, STEVEN, Leg. Dir & Gen. Counsel Sen. Bob Smith
No
19. Interest of each foreign entity in the specific issues listed on line 16 above
?? Check if None
Signature
Date 02/14/2001
Printed Name and Title STEVEN VALENTINE—OF COUNSEL
Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP
Client Name: MICROSOFT CORPORATION
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. General issue area code IMM (one per page)
16. Specific Lobbying issues
H.R.3983, Helping to Improve Technology Education and Achievement Act of 2000,
H.R.4227, Technology Worker Temporary Relief Act,
S.2045, American Competitiveness in the Twenty-first Century Act of 2000,
17. House(s) of Congress and Federal agencies contacted
?? Check if None
House of Representatives
Senate
18. Name of each individual who acted as a lobbyist in this issue area
Name
Covered Official Position (if applicable)
New
BRANDT, WERNER
No
HEIMAN, BRUCE
No
PIZZELLA, PATRICK
No
ROUVELAS, EMANUEL
No
SLOMOWITZ, ALAN
No
VALENTINE, STEVEN, Leg. Dir & Gen. Counsel Sen. Bob Smith
Yes
19. Interest of each foreign entity in the specific issues listed on line 16 above
?? Check if None
Signature
Date 02/14/200I
Printed Name and Title STEVEN VALENTINE—OF COUNSEL
Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP
Client Name: MICROSOFT CORPORATION
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. General issue area code LBR (one per page)
16. Specific Lobbying issues
H.R.1102, Comprehensive Retirement Security and Pension Reform Act,
H.R.3462, Wealth Through the Workplace Act of 1999,
17. House(s) of Congress and Federal agencies contacted
[13 Check if None
House of Representatives
Senate
18. Name of each individual who acted as a lobbyist in this issue area
Name
Covered Official Position (if applicable)
New
BRANDT, WERNER
No
PIZZELLA, PATRICK
No
VALENTINE, STEVEN, Leg. Dir & Gen. Counsel Sen. Bob Smith
No
19. Interest of each foreign entity in the specific issues listed on line 16 above
?? Check if None
Signature
Date 02/14/2001
Printed Name and Title STEVEN VALENTINE—OF COUNSEL
Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP
Client Name: MICROSOFT CORPORATION
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. General issue area code TAX (one per page)
16. Specific Lobbying issues
H.R.3709, Internet Nondiscrimination Act of 2000,
H.R.4267, Internet Tax Reform and Reduction Act of 2000,
H.R.4460, Internet Tax Simplification Act of 2000,
H.R.4462, Fair and Equitable Interstate Tax Compact Simplification Act of 2000,
S.2401, New Economy Tax Simplification Act (NETSA),
S.2775, Internet Tax Moratorium and Equity Act,
17. House(s) of Congress and Federal agencies contacted
I-1 Check if None
House of Representatives
Senate
18. Name of each individual who acted as a lobbyist in this issue area
Name
Covered Official Position (if applicable)
New
BRANDT, WERNER
No
HEIMAN, BRUCE
No
P1ZZELLA, PATRICK
No
VALENTINE, STEVEN, Leg. Dir & Gen. Counsel Sen. Bob Smith
No
19. interest of each foreign entity in the specific issues listed on line 16 above
?? Check if None
Signature
Date 02/14/2001
Printed Name and Title STEVEN VALENTINE—OF COUNSEL
Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP
Client Name: MICROSOFT CORPORATION
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.
15. Genera
Position (if applicable)
New
IVEY, GLENN
Yes
STEPHENS, DENNIS
Yes
VALENTINE, STEVEN, Leg. Dir & Gen. Counsel Sen. Bob Smith
No
19. Interest of each foreign entity in the specific issues listed on line 16 above
?? Check if None
Signature
Date 08/14/2001
Printed Name and Title STEVEN VALENTINE—OF COUNSEL
Regisitrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP
Client Name: MICROSOFT CORPORATION
LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue

areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide ??nformation as requested. Attach additional page(s) as needed.

15. General issue area code CSP (one per page)

16. Specific Lobbying issues

H.R.2458 and S.803, E-Government Act of 2001, relating to Internet privacy.

17. House(s) of Congress and Federal agencies contacted

?? Check if None

Department of Justice

House of Representatives

Senate

18. Name of each individual who acted as a lobbyist in this issue area

Name

Covered Official Position (if applicable)

New

IVEY, GLENN

Yes

STEPHENS, DENNIS

Yes VALENTINE, STEVEN, Leg. Dir & Gen. Counsel Sen. Bob Smith

No

19. Interest of each foreign entity in the specific issues listed on line 16 above

?? Check if None

Signature

Date 08/14/2001

Printed Name and Title STEVEN VALENTINE—OF COUNSEL

Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name: MICROSOF F CORPORATION

LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.

15. General issue area code TAX (one per page)

16. Specific Lobbying issues

H.R. 2526, Internet Tax Fairness Act of 2001,

H.R. 1410 and S.512, Internet Tax Moratorium and Equity Act,

H.R. 1552 and S.288, Internet Tax Nondiscrimination Act,

H.R.2421, Jurisdictional Certainty Over Digital Commerce Act,

S.245, A bill to make permanent the moratorium on the Federal imposition of taxes on the Internet.,

S.246, A bill to extend the moratorium on the imposition of taxes on the Internet for an additional 5 years.,

S. 41, A bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit and to increase the rates of the alternative incremental credit,

S.89, A bill to make permanent the moratorium on the imposition of taxes on the Internet.,

S.664, NET FAIR Act,

17. House(s) of Congress and Federal agencies contacted

?? Check if None

House of Representatives

Senate

18. Name of each individual who acted as a lobbyist in this issue area

Name

Covered Official Position (if applicable)

New

IVEY, GLENN

Yes

STEPHENS, DENNIS

Yes

VALENTLNE, STEVEN, Leg. Dir & Gen. Counsel Sen. Bob Smith

No

19. Interest of each foreign entity in the specific issues listed on line 16 above

?? Check if None

Signature

Date 08/14/2001

Printed Name and Title STEVEN VALENTINE—OF COUNSEL

Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name: MICROSOFT CORPORATION

Item	Description	Data
	Lobbying Issues	S.777, Internet Tax Non-discrimination Act

Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name: MICROSOFT CORPORATION

LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.

15. General issue area code TEC (one per page)

16. Specific Lobbying issues

FCC Dkt. No. 99–168, Service Rules for the 746–765 and 776–794 MH Bands and Revisions to Part 27 of the Commission's Rules.

17. House(s) of Congress and Federal agencies contacted

?? Check if None

House of Representatives

Senate

18. Name of each individual who acted as a lobbyist in this issue area

Name

Covered Official Position (if applicable)

New

IVEY, GLENN

Yes

STEPHENS, DENNIS

Yes

VALENTINE, STEVEN, Leg. Dir & Gen. Counsel Sen. Bob Smith

No

19. Interest of each foreign entity in the specific issues listed on line 16 above

?? Check if None

Signature

Date 08/14/2001

Printed Name and Title STEVEN VALENTINE—OF COUNSEL

Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name: MICROSOFT CORPORATION

LOBBYING ACTIVITY. Select as many codes as necessary to reflect the general issue areas in which the registrant engaged in lobbying on behalf of the client during the reporting period. Using a separate page for each code, provide information as requested. Attach additional page(s) as needed.

15. General issue area code TRD (one per page)

16. Specific Lobbying issues

H.R.2149 and S.$99, Trade Promotion Authority Act of 2001, Permanent Normal Trade Relations (PNTR) of China.

17. House(s) of Congress and Federal agencies contacted

?? Check if None

House of Representatives

Senate

18. Name of each individual who acted as a lobbyist in this issue area

Name

Covered Official Position (if applicable)

Now

IVEY, GLENN

Yes STEPHENS, DENNIS

Yes

VALENTINE, STEVEN, Leg. Dir & Gen. Counsel Sen. Bob Smith

No

19. Interest of each foreign entity in the specific issues listed on line 16 above

?? Check if None

Signature

Date 08/14/2001

Printed Name and Title STEVEN VALENTINE—OF COUNSEL

Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name: MICROSOFT CORPORATION

Information Update Page—Complete ONLY where registration information has changed.

20. Client new address

21. Client new principal place of business (if different from line 20)

State/Zip (or Country)

22. New general description of client's business or activities

LOBBYIST UPDATE

23. Name of each previously reported individual who is no longer expected to act as a lobbyist for the client

PIZZELLA, PATRICK

ABRAMOFF, JACK

BRANDT, WERNER

SLOMOWITZ, ALAN

ISSUE UPDATE

24. General lobbying issues previously reported that no longer pertain

AFFILIATED ORGANIZATIONS

25. Add the following affiliated organization(s)

Name

Address

Principal Place of Business

(city and state or country)

26. Name of each previously reported organization that is no longer affiliated with the registrant or client

FOREIGN ENTITIES

27. Add the following foreign entities

Principal Place of Business Amount of contribution Ownership % Name Address

(city and state or country) for lobbying activities in client

28. Name of each previously reported foreign entity that no longer owns, or controls, or is affiliated with the registrant, client, or affiliated organization ??inted Name and Title STEVEN VALENTINE—OF COUNSEL 08/14/2001 Page 9 of 10

Registrant Name: PRESTON GATES ELLIS & ROUVELAS MEEDS LLP

Client Name: MICROSOFT CORPORATION

Item Description Data

Lobbyist Update

BERGER, AMY

Page I0 of 10

ATTACHMENT 44 TO THE DECLARATION OF BRIAN DAUTCH

PRESS RELEASE

Congressman John Conyers, Jr.

Fourteenth District, Michigan

Ranking Member, Committee on the Judiciary

Dean, Congressional Black Caucus

FOR IMMEDIATE RELEASE: CONTACT: November 6, 2001 Dena Graziano: (202) 226–6888

CONYERS OBJECTS TO REPORTS OF INFLUENCE AND IMPROPRIETY IN THE PROPOSED MICROSOFT SETTLEMENT, SEEKS INFORMATION FROM ASHCROFT

Today, Congressman John Conyers, Jr., Ranking Member of the House Judiciary Committee sent a letter to Attorney General, John Ashcroft complaining of reports of political influence and impropriety by Justice Department employees in the proposed settlement of the U.S. v. Microsoft case. A copy of the letter follows.

November 6, 2001

The Honorable John Ashcroft

Attorney General of the United States

U.S. Department of Justice

10th Street and Constitution Avenue, NW

Washington, DC 20530

Dear Mr. Attorney General:

I am writing to express my very se?? concerns regarding reports of po?? inflnence and impropriety by Justice Department employees in the proposed ?? of the U.S. v. Microsoft case. I am also deeply troubled by your office'' s ?? to respond to my earlier requests for ??on set forth in my September 6, 2001 letter to you.

As I am sure you are aware, a number of reservations have been raised with the proposed settlement by consumer groups, trade associations, ?? attorneys general, and antitrust experts. I too am very concerned the proposed agreement represents a weakling in our go??ment's resolve to protect competi??, preserve consumer welfare, and foster continued ??on, particularly given the res??ng and clear cut Legal ??s achieved by your predecessor in office. Wherever one comes out on the merits or demerits of the proposed settlement, I do not believe the Department is at all served by continuing to stonewall inquiries into legitimate and credible allegations of political impropriety raised by the press and the public. I would therefore encourage your office to respond to my ealier letter and the additional questions raised in this correspondence by no later than November 23, 2001.

At the outset, let me note that my earlier expressed concerns about inappropriate political influence have only been heightened by recent media reports fiat your own Deputy Chief of Staff David L??, cone cared with outside 1obbyists in an effort to convince them to alter their clients'' views regarding the role of the states in the case. This inappropriate and possibly illegal contact is reported to have occurred after Mr. Israelite had recused himself from the case because of co?? of interest concerns. AS a result, I would like to receive an itemization of any and all contacts between Mr. Israelite and any representatives of any outside party (including representatives of AOL/Time W??) having any interest in the Microsoft case, as well as a detailing of any b?? or other ''communications'' (meant to include all notes, e-mails, documents, memoranda, phone records and any other types of ??, audio, or ??ions) involving the Microsoft case which are in any way associated with, w??en to or sent from Ms. Israelite. If the allegations reported by the media are true, such active ?? by a focused public official could violate federal conflict of interest laws ?? Executive Branch employees.

Among other things, Mr. Israelite would be ?? from taking any significant action if the matter will have a ''direct and predictable'' effect on his interest In a similar r??, I am troubled by the po?? that additional staff who have ?? recused from the Microsoft case have been and will continue to be called onto offer services and judg?? which implicate the case.

For example, it has been reported that Mr. W??asky, who has previously written, amicus curiae legal briefs supporting Microsoft's legal position and opposing the Department has been appointed to be Deputy Attorney General for International A?? Given that one of his principal responsibilities will be d?? with the European Union, which is itself in the midst of a ?? antitrust ?? Microsoft, it would seem difficult, if not ?? for him to discharge Iris ?? without in some way taking an action impacting Microsoft. ?? we eau only consider and scrutinize these conflicts if we learn of the persons in the Department who have ??eroselves, This is why I am so troubled ?? Four office has refused to turn over a list of political ??ees at the Dep??t who have re?? the M?? case.

??, the press has also reported that many career attorneys and staff at the Depa??t were either cut out of the final negotiations or raised objections to it that were over??. As a ?? I would also like to receive copies of any and all ''communications'' (as denned above), by any Department employees or consultants regarding a possible settlement or proposing any suggestions or differing terms than those you agreed to. I am also concerned that political appointees within the Department may have threatened career employees far failing to ''toe the company line'' in this mallet and support the settlement As a result, I would also like to receive copes afar ''co??s'' between any political appointees and career staff regarding file Microsoft case which could in any way be seen as th??g or inti??. Given the thousand upon thousands of hours devoted by career staff at the Department, I believe it is counterproductive to totally subordinate their considerable efforts and input at this critical stage in the pro??g. Surely, public disclosure of these matters will contr??e w the public's knowledge and understanding of this matter. Thank you for your time and attention to this matter.

Sincerely,

cc: lion. F. James Sensenbrenner, Jr.

Mr. Daniel Bryant

John Conyers, Jr.

Ranking Member 107–97

See 18 U.S.C. § 208(a); 5 C.F.R 2635.401–403. See also, Ethical Rules for U.S. Attorneys, Sections 3–2.170–171, 3–2.220.

ATTACHMENT 45 TO THE DECLARATION OF BRIAN DAUTCH

By Hon. Peter W. Rodino, Jr., Chairman, Committee on the Judiciary

On February 6, 1974, the House of Representatives adopted by a vote of 410–4 the following House Resolution 803:

RESOLVED, That the ?? on the Judiciary acting as a whole or by any aub??tee thereof appointed by the Chairman for the purposes hereof and in accordance with the Rules of the Co??ttee, is authorized and directed to investigate fully and completely whether sufficient grounds exist for the House of Represe?? to exercise its constitutional power to impeach Richard M. Nixon, President of the United States of America. The co??ttee shall report to the House of Representatives such resolutions, articles of i??peach??, or other reco?? it deems proper.

Beginning in November 1973, ?? under resolutions referred to the Co??ittee by the Speaker of the House and with a special appropriation, I had be??n to organize a special staff to inv??e set, otto charges ?? the President of the United States.

On Kay 9, 1974, as Che??n of the Co??ittee on the Judiciary, I convened the Con. tree for hearings to re?? the results of the Iup?? ??ry staffs i??ation. The staff began its initial presentation the ?? day, in executive session, pursuant to the Com??ee's I??chent Inquiry Procedures adopted on May 2, 1974.

By Ju?? 21, the Inquiry staff had concluded its initial presentar. ion.

On J?? 25, the Co??ittee voted to eke public the initial presentation ?? substantially all of the supporting ??

(III)

presented at the hearings. The Co??ittee also voted to make public the President's response, which was presented to the Committee on June 27 and June 28 in the same form and manner u the Inquiry staff's initial pre??.

Statements of information and supporting evidentiary material were compiled by the Inquiry staff in 36 notebooks and furnished in this form to each Member of the Co??ittee. The notebooks presented material on several subjects of the Inquiry: the Watergate break-in and its after??h, III, dairy price supports, domestic ??e, abuse of the IRS, and the activities of the Special Prosecutors. In each notebook a statement of information relating co a par?? phase of the investigation was I??diately followed by supporting evidentiary ??, which included copies of documents and testiBony (much already on public record), transcripts of ?? conversations and affidavits.

The staff also presented to the C??tee written reports on President N?? intern tins, Presidential inpoun??nt of funds

appropriated by Congress, and the bombing of C??n.

Book V, presented to the Commitee under the general heading of ''??,'' dealt with two areas of the Inquiry. First, material van presented ??h respect to the possible relation ??een the 1971 settlement of three antitrust cases filed against III and IIIs pledge of financial assistance to the San Dingo Convention and Tourist Bureau for expenses related Co the 1972 Repub?? ??onal Convention. Second, material no presented rich respect to the testimony of

Every effort was lade to preclude inferences in the presentation of this ??. A de??e and scrupulous abstention from conclusions, even by ??, was observed.

With respect to the Presidential recorded conversations, the ?? ?? Co hear the recorded conversations in their entirety. The Presidential recorded conversations were neither paraphrased nor ?? by the Inquiry staff. Thus, no inferences, or conclusions Were drawn for the Cou??ee. During the course of the hearings, Members of the Co??ttee heard each recurding and s??aneously followed transcripts prepared by the Inquiry staff. Each of these transcripts is reprinted under the appropriate Statement of Infor??ion.

During the course of the hearings, the Co??ttee found it necessary to issue a ?? to President Richard ??on requiring Cape recordings of 19 Presidential conversations related Co the ITT ??atters before the C??ttee. The Committee also subpoenaed the President's copies of daily news statuaries which were co??iled by ??e House staff ??bers, from February 22, 1972 through June 9, 1972. The President has not yet responded co this subpoena.

Prior to the Co??ttee's, issuance of the subpoena on June 24, 1974, the President furnished to the Co??ttee an edited transcript: of a meeting he held rich H. R. Halde??n and John Mitchell on April 4, 1972 at: which the Kleindienst no??nation bearings were discussed.

(v)

In few instances, ?? Me??ber Mr. Hutchinson and I determined, pursuant to authority granted us by the Co??ttee, to defer the release of evidentiary ??ater?? or to delete it for one of the following reasons:

l) Because the public interest in making the material public was out??hed by the potential prejudice to the rights of defendants under ??g trill.

2) Because the infor??tion was classified or otherwise required confidential treatment,

3) Because the ??aterial was only ??rginally pertinent and was considered to be def??tory, degrading or e??barr??ing, or,

4) Because the ?? ns not pertinent to Presidential respoas??y ??u the outer ??iits of an i??peachable offense within. the meaning of the Constitution.

The Co??ttee on the Judiciary is working to follow faithfully itc mandate ''to investingate fully and completely'' whether OF not sufficient grounds exist to reco??end chat the House exercise its constitutional power of ??.

I believe Chat the readers of Chase volumes will see chat the Co??ittee's effort in carrying out its ??ndate has been to obtain an objective, impartial presentation which will enable each Me??ber of the ?? to make an infor??ed Judgment in fulfilling his or her con??titutional responsibility.

(VI)

also believe that the publication of the record of these hear- ?? ?? provide readers with a clear idea of the particulars of the inves??ion and that the prox?? of the evidence will assure them that no s?? of information is offered without supporting evidentiary ??terial. July 1974

(vii)

1. By ?? urn dated April 23, 1969 from Deputy Attorney Genera ?? Kleindienst, acting as Attorney General*, mid A??tant Attorney General Richard ??aren, head of the Antitrust Division, to John Ehrlich??, Counsel Co the President, Kleindienst and McLaren urged approval of the co?? of an antitrust action against the International Telephone and Telegraph Corporation (ITT) challenging its acquisition of Canteen Corporation. Co??ent of the stoic no approved and on April 28, 1969 the suit was begun in the United States District Court for the Northern District of Illinois.

*Because Attorney General John Mitchell's former law firm had represented an ITT subsidiary, Mitchell recused hi??elf and Deputy Attorney General Kleindienst acted u Attorney General in connection ?? the litigation.

N??rand?? from ?? and Richard NeL??u Co John ??, April 23, 1969 with attached draft complaint (received from White Home) ..... Page 7O

1.2 ?? from Richard McLaren to Richard Kleindisuse, April 25, 1969, 3 Kleindienst Confirmation Hearings (KCH) 1237 88

1.3 United States v. International Telephone and Talegraph Corporation, Civ. No. 69c-924, Docket, 1–2 89

1.4 ??hard Kleindienst testimony, 2 KCH 96. 91

1.5 John Mitchell testit??y, 2 KCH. 539–40 92

(s)

2. On August 1, 1969 two ??t suits s?? to the Canteen suit were ?? in the United States D??ct Court for the ??ct of Connecticut challenging ITT's acquisition of the Hartford Fire Insurance Company and Grinnell Corporation..

2.1 Page.

United States v. International Telephone end Tele?? Co oration and Grinnell Co??, Civ. No. 13319, Docket, 1–2 102

2.2

United States v. International Telephone and Telegraph Corporation and Hartford Fire Insurance ?? Civ. No. 13320, Docket, 1–2 104

2.3

?? from Richard McLaren for the Attorney General, June 20, 1969 (received from Department of Justice) 106

2.&

??orandum from Richard McLaren for the Deputy Attorney General, approved July 25, 1969 (received from Department of Justice), ... 120

3. During 1969, 1970 and 1971, Harold S. Geneen, President of ITT, ?? on numerous occasions with White House staff members, other Administration officials and members of both houses of Congress to discuss various hatters, including international monetary policy, the Office of Foreign Direct Investment policy, antitrust policy, balance of payments, revenue sharing and expropriation by foreign governments. During the sunsnet of 1969 Geneen sought a personal meeting with the President to discuss the ITT antitrust cases. His request was denied because the President's advisers thought that such a meeting was inappropriate..

3.1 Harold Geneen testimony, 2 KCH 776–80 132

3.2 Memorandum from Hugh Sloan to John Ehrlichman, June 30, 1969 (received from White House) 137

3.3 Me??orandum from Dwight Chapin to Peter Flanigan, July 16, 1969 (received from White House) 138

3.4 White House ''White Paper,'' The ITT Anti-Trust Decision, January 8, 1974, 1, 3 139,

(5)

During September 1969 Colonel J??s Hughes, Military Assistant to the President, spoke with Dita Beard, an ITT lobbyist, about the pending antitrust suit. Hughes reported on the conversation in a memo- randum to Ehrlich??n dated September 19, 1969. ..... 4.1

?? from James Hughes to John Ehrlichman, September 19, 1969 (received from White House) 142
(6)

In August 1970 officials and representatives of ITT held five with Administration officials, including Vice President Spiro Secretary of Commerce Maurice Scans, Assistant Attorney General and White House counsel John Ehrlichman and Charles Colson to cuss antitrust matters in general and the ITT antitrust litigation particular. In another meeting, Geneen and Attorney General Mitchell to discuss overall antitrust policy with respect to conglomerates. these meetings and in subsequent letters and memoranda ITT officials bought to persuade Administration officials that McLaren's antitrust views, as reflected in his conduct of the ITT litigation, were ill-advised and inconsistent with the Ad??ration's antitrust policy. ....
5.1 Memorandum from Tod Hullin to John Ehrlichman, August 4, 1970 (received from White House) 145
5.2 Letter from Richard McLaren to Tod Hullin, July 30, 1970, with attached memorandum from Richard McLaren to John Ehrilchman (received from White House) 147
5.3 Memorandum from Richard McLaran to Tod Bullin, August 3, 1970, with attachment] (received from White House) 153
5.4 Letter from ''Ned'' [Edvard Gerrity] to Vice President Spiro Agnew, August 7, 1970, with attached memorandum (received from House Interstate and Foreign Commerce Committee) 163
5.5 Memorandum from John Poole to Files, August 7, 1970 (received from Department of Justice) 166
5.6 M??randum from Tod Hullin to Richard McLaren, August 10, 1970 (received from White House) 168
(8) ....
5.7 Letter from Thorns Casey to Charles Colson, August 7, 1970, with attach??nt (received from White House) ....
5.8 M??orandum from Charles Colson to John Ehrlichman, August 10, 1970 (received from White House) 177
5,9 ?? from Ted Hullin to John Mitchell, August 11, 1970 (received from White House) 178
5.10 John ?? testimony, 2 KCH 540, 542–43, 546, 549–50 179
5.11 ??orandum from Edward Gerrity to John Ryan, August 10, 1970 (received from ??el Mitchell).. ..... , ... 185!
5.12 ??dum from John Ryan to William Merr??, Aug?? 24, 1970, House Interstate and Foreign Commerce ??, Special Subco??tee on Investigations, Hearings on Legislative Overoish?? of SEC: Inquiry into Withholding and Transfer of Agency Files Pertaining to ITT, 154–56 186
(8)

6. On September 15, 1970 the trial in ITT-Grinnell began. In ??oranda dated September 17, 1970 from ?? to Attorney General Mitchell and October l, 1970 from Colson to Ehrlichman, the ITT litigation was discussed. Ehrlichman and Colson stated their concern that McLaren's conduct of the ITT cases constituted an attack on ''bigness per se'' contrary to the Administration's expressed antitrust policy. ....
6.1 United States v. International Telephone and Telesraph Corporation and Grinnell Corporation, Civ. No. 13319, Docket, 5 190
6.2 Memorandum from John Ehrlicman to John Mitchell, September 17, 1970 (received from White House) 192
6.3 Memorandum from Charles Colson to John Ehrlichman, October 1, 1970, with attachment (received from White House) 193
(9)

7. The trial of ITT-Grinnell was completed on October 30, 1970 and the case was taken under advisement. A Judgment for ITT on the merits was rendered on December 31, 1970. A notice of appeal was filed on March 1, 1971. ....
7.1 United States v. International Telephone and Telegraph Corporation and Grinnell Corporation, Civ. No. 13319, Docket, 1,6–7 214
7.2 United States v. International Telephone and Telegraph Corporation, Opinion, December 31, 1970, 324 F. Supp. 19 217
8. On March 3, 1971 at ITT's request Geneen and Willis Merriam, ITT Vice President and Director of Washington Relations, met with Ehrlichman to discuss antitrust matters. 8.1 John Ehrlichman log, March 3, 1971 (received from SSC) 256
8.2 Letter from William Nerriam to John Ehrlichman, March 4, 1971 (received from White House) 257
8.3 William Merriam testimony, 3 KCH 951 258
9.0 On March 20, 1971, on the motion of Solicitor General Erwin Gziswold, the time for the government to perfect ice appeal in ITT-Grinnell by filing its Jurisdictional statement was extended from March 31, 1971 to April 20, 1971. 9.1 United States v. International Telephone and ??h to ration, Application for Extension of Time and Order of the Supreme Court, March 20,'' 1971, and letter from the —Deputy Clerk of the Supreme Court to Solicitor General Erwin Griswold (received from Department of Justice) 260
9.2 On March 30, 1971 Merriam sad Thom Casey, ITT Director of 9.3 Planning, met with Peter Peterson, Assistant to the President 10. ??ational Economic Affairs, to discuss a wide range of subjects ?? antitrust matters. ....
10.1 Peter Peterson affidavit, April 29, 1974. .... 268.
10.2 Letter from William Merriam to Peter Peterson, April 7, 1971 (received from Peter Peterson) 271
11. It the request of Ehrlichman who said he spoke for the President, Peterson met with Geneen end Merriam on Friday, April 16, 1971. They discussed various subjects relating to economic policy, including overall antitrust policy related to bigness. At the end of the meeting, Geneen and Merriam discussed ITT's specific antitrust problems, including the fact that the deadline for the government to perfect the ITT-Grinnell appeal was the following Tuesday, April 20. After the meeting Peterson telephoned Ehrlichman and reported on the meeting including the discussion of the ITT-Grinnell appeal. Ehrlichman indicated to Peterson that action was under way to postpone the appeal. The following week Peterson reported to the President on the meeting and his subsequent telephone call to Ehrlichman. ....
11.1 Peter Peterson affidavit, April 29, 1974 278
11.2 Memorandum from Peter Peterson to the President, April 23, 1971 (received from. White House) 281
12 Also on April 16, 1971 Lawrence Walsh, a member of a law firm had lens represented ITT, telephoned Deputy Accorue7 General Klein- ....
11.4 Pursuant to that telephone conversation Walsh caused to be ....
11.5 to Kleindienst a letter and memorandum urging that before the of Justice decided to pursue the ITT-Grinnell appeal to the Court it should undertake a review by all interested federal of the economic consequences of a Supreme Court decision favor??ble to the government. Copies of the rajah letter and memorandum were later that day to Peterson and Ehrlichman. ....
12.1 Richard Kleindienst testimony, 2 KCH 250 284
12.2 Lawrence Walsh testimony, 3 KCH 1038–39 285

12.3 Letter from Lawrence Walsh to Richard Kleindienst, April 16, 1971 rich attached ??orandum of (received from white House; reprinted at 2 KCH 26S-.68... 287
12.4 Memorandum from William Merriam to Peter Peterson, April 16, 1971 rich attached letter (received from Peter Peterson) 304
Letter from William Merriam to John Ehrlichman, April 16, 1971 rich attached letter and memorandum of Law (received from White House) 305

13. On Monday morning, April 19, 1971 Kleindienst told Walsh by telephone that Kleindienst did not think the ITT-Grinnell appeal would be delayed, In a memorandum dazed April 19, 1971 to Kleindienst, McLaren disputed the position taken by Walsh in his letter and memorandum of April 16 and urged that the ITT-Grinnell appeal not be delayed..
13.1 Lawrence Walsh testimony, 3 KCH 1039 308
13.2 Memorandum from Richard McLaren to Richard Kleindienst, April 19, 1971 (received from Department of Justice) 309
14. Beginning at 3:03 p.m. on the afternoon of April 19, 1971 the President met with Ehrlichman and George Shultz, Director of the Office of Management and Budget. The antitrust actions against ITT were among the subjects discussed. Ehrlichman said that the deadline for the ITT-Grinnell appeal was the following day and he reported that, despite his attempts to give the Justice Department ''signals,'' the appeal was being pursued. The President then telephoned Kleindienst and ordered him to drop the appeal. After the telephone conversation the President expressed his concern that McLaren's actions with respect to conglomerates were contrary to the Administration's antitrust policy..
14.1 Tape recording of conversation among the President, John Ehrlichman and George Shultz, April 19, 1971, 3:03—3:3& p.m., and House Judiciary Committee transcript thereof 312
14.2 Tape recording of telephone conversation between the President and Richard Kleindienst, April 19, 1971, 3:04—3:09 p.m., and House Judiciary Com- mittee transcript thereof 346
15. After the President's telephone call Kleindienst met with McLaren and Solicitor General Erwin Griswold and directed that the Solicitor General apply to the Supreme Court for another extension of time. At 4:30 p.m. Kleindienst telephoned Walsh and informed him that the Solicitor General was arranging for an extension of time for the government to perfect its appeal..
15.1 Richard Kleindienst testimony, 2 KCH 250 350
15.2 Richard McLaren testimony, 2 KCH 252 351
15.3 Ervin Griswold statement, 2 KCH 242–43 352
15.4 Erwin Griswold testimony, 2 KCH 373, 378–80 354
15.5 Lawrence Walsh testimony, 3 KCH 103g 358
16. on Tuesday, April 20, 1971, on the motion of Solicitor General Griswold the time for the government to perfect its appeal in ITT–Grinnell by filling its Jurisdictional statement was extended from April 20, 1971 to May 20, 1971..
16.1 United States v. International Telephone and Telegraph Corporation Application for Extension of Time filed by the Solicitor General and Order of the United States Supreme Court, April 20, 1971, with letter from the Deputy Clerk of the Supreme Court to Solicitor General Ervin Griswold (received from Department of Justice) 360
16.2 United States v. International Telephone and Telegraph Corporation, Supreme Court Docket Apr/1 19 20 1971 365
17. Also on April 20, 1971 Felix Rohatyn, an investment banker who was a director of ITT, met with Kleindienst to discuss the economic and financial fabrications of divestiture of the Hartford Fire Insurance Company by ITT. At the meeting Rohatyn asked to present these arguments to McLaren, and such a presentation was later arranged for April 29. 17.1 Richard Kleindienst testimony, 2 KCH 96–97 368
17.2 Felix Rohatyn testimony, 2 CKCH 114 370
18, On April 21, 1971 the President met with Attorney General Mitchell and discussed, among ocher things, the ITT-Grinnell appeal. The President said that he did not care about the aeries of the case but that the business community believed that the Administration was being even rougher on it in antitrust matters than had previous admin- istrations. Mitchell argued that it was a political mistake to inter- fete with the appeal. The President agreed to heed Mitchell's advice to permit the appeal to be perfected..
18.1 Tape recording of the end of a meeting between the President and John Mitchell, April 21, 1971, 4:18—6:13 p.m., and House Judiciary Committee transcript thereof 372
19. During the 1eat ten days of April 1971 Geneen and Merriam of ITT wrote four letters to Administration officials —- one to Secretary of the Treasury John Connally and three to Peter Peterson—containing references to antitrust matters. Two of the letters commented favorably on the ITT-Grinnell appeal delay..
19.1 Memorandum from William Merriam to Peter Peterson, April 22, 1971, with attached letter from Harold G??neen to Peter Peterson, April 22, 1971 (received from Peter Peterson) 378
19.2 Letter from William Neff/am to 3ohu Connally, April 22, 1971 (received from white House) 386
19.3 Memorandum from Peter Peterson to John Ehrlichman Dick [sic] Krogh, April 27, 1971, with attached letter from William Merriam to Peter Peterson, April 26, 1971 (received from White House) 388
19.4 Memorandum from Peter Peterson to John Ehrlich??an sad Dick [sic] Krogh, May 3, 1971, with attached letter from William Merriam to Peter Peterson, April 30, 1971 (received from White House 391
20. On April 28, 1971 Ehrlichman wrote a memorandum to the President criticizing McLaren for failure to follow the Administration's antitrust policy, then under study by a Domestic Council Task Force, and recom- mending action to be taken. The President approved Ehrlichman's recon- ??dations..
20.1 Memorandum from John Ehrlichman to the President, April 28, 1971 (received from White House) 20.2
Memorandum from John Ehrlichman to Members of the Domestic Council, February 19, 1971 (received from Department of Justice) 20.3
Memorandum from Egil Krogh to Richard McLaren, Apr11 30, 1971 (received from White House) 20.4
Memorandum fro.- John Ehrlichman to John Connally, John Mitchell, George Shultz, Paul McCracken, Peter Peterson, and Peter Flanigan, September 14, 1971 (received from Department of Justice) ..... 21.
On April 29, 1971 Rohatyn accompanied by four ITT representatives ??et with Kleindienst, McLaren and Antitrust Division and Treasury Depart- ment staff members. The ITT representatives presented ITT's position that there would be adverse economic and financial consequences if the divestiture of Hartford were required. Following the meeting McLaren caused these arguments to be submitted to the Treasury .Department and to Richard Ramsden, an independent financial consultant who had previously rendered advice to the Antitrust Division..
21.1 Richard Kleindienst testimony, 2 KCH 98 404

21.2 Richard McLaren test , 2 KCH 102–03, ... 405
21.3 Felix Rohatyn testimony, 2 KCH 114–16 407
21.4 Richard Kleindienst notes of Apr11 29, 1971 meeting (received from Department of Justice) 410
21.5 Letter from Felix Rohatyn to Richard McLaren, Nay 3, 1971 (received from Department of Justice) 419
22. Beginning in April 1971 Mitche11, Haldeman, Lawrence Higby, Gordon Strschan, William Timmons, Jeb Magruder and Robert Odle participated in the initial planning of the 1972 Republican National Convention and began to consider San Diego as a possible site. A memorandum from Higby to Strachan dated April 29, 1971 states that Haldeman discussed the pos- sibility of a San Diego convention with California's Lt. Governor. Ed Reinecke. The memorandum states that Reinecke would, as a result of his discussion with Haldeman, cause a proposal for San Diego to be the con- vention size to be made to the Republican National Committee..
22.1 Memorandum from William Timmons to H. R. Haldeman, April 20, 1971 (received from White House) 425
22.2 Memorandum from Lawrence Higby to H. g. Haldeman, April 20, 1971 (received from White House) 426
22.3 Memorandum from Gordon Strachan to H. R. Haldeman, April 21, 1971 (received from White House) 427
22.4 Memorandum from Gordon Strachan to H. ''R. Haldeman, April 23, 1971 (received from White House) 428
22.5 Memorandum from Lawrence Higby to Cordon Strachan, April 29, 1971 (received from White House) 429
22.6 Memorandum from Gordon Strachan to H. R. Haldemam, Nay 11, 1971 with attached memorandum from William Tim??ons to H. R. Haldeman, Hay 6, 1971, and attached report (received from White House) 430
22.7 Memorandum from Robert Odle to Jet) Magruder, Hay 19, 1971 (received from White House) 448
22.8 Memorandum from Robert Odle to William Timmons, May 20, 1971 (received from White House) 454
22.9 Letter from Ed Reinecke to Will/me Timmons June 2, 1971 (received from White House) 455
22.10 Memorandum from Robert Odle to Jab Magruder, June 15, 1971 (received from White House) 456
22.11 Memorandum from Gordon Strachan to H. R. Haldeman, June 23, 1971 with attached memorandum from Robert Odle to Jab Hagruder, June 22, 1971, and attached memorandum from William Timmons to H. R. Haldeman, June 21, 1971 (received from White House) 458
22.12 Memorandum from Cordon Strachan to H. It. Haldeman, June 25, 1971 (received from White House) 464
22.13 Memorandum from Cordon Strachan to H. R. Haldeman, June 29, 1971, with attached memorandum from Jeb Magruder and William Timmons to John Mitchell and H. R. Haldeman, June 26, 1971, and attachments (received from White House) 465
23. In a memorandum dated Hay 5, 1971 Ehrlichman informed Mitchell that he desired to meet with McLaren about the ITT cases to achieve the agreed-upon ends discussed by the President and Mitchell. 23.1 Memorandum from John Ehrlichman to John Mitchell, Hay 5, 1971 (received from White House) 526
24. On May 12, 1971 ITT President Geneen discussed rich Congressman Bob Wilson, whose district included part of San Diego, the possibility of ITT financial support for a San Diego convention bid. 24.1 Harold Geneen testimony, 2 KCH 647–48 528
24.2 Bob Wilson testimony, 3 KCH 866–67 530
25. On May 17, 1971 the government's appeal in ITT–Grinnell was perfected by the filing of a Jurisdictional statement..
25.1 United States v. International Telephone and Telegraph Corporation, Notice of Docketing of Appeal, United States Supreme Court, Hay 17, 1971 (received from Department of Justice) 534
26. By report dated Nay 17, 1971 Richard Ra??sden reported his findings on the ITT position with respect to the financial ramifications of divesti- ture of Hartford..
26.1 Ramsden Report, International Telephone and Telegraph Corporation, May 17, 1971, 2 KCH 103–10 538
26.2 Richard McLaren testimony, 2 KCH 103, 110 546
27. On June 17, 1971 McLaren recommended to Kleindienst that the ITT suits be settled. His proposed settlement included the requirement that 1TT divest itself of Grinnell, Canteen, and certain other ITT subsidiaries, but per??tted ITT to retain Hartford Fire Insurance Company, The basic terms of the settlement offer were put to ITT on a take it or leave it basis and were accepted. Details of the settlement Were then negotiated among ITT and Antitrust Division lawyers,.
27.1 Memorandum from Richard McLaren to Richard Kleindienst, June 17, 1971 (received fro,, Department of Justice) 550
27.2 Richard McLaren testimony, 2 KCH 110–13 553
27.3 Felix Rohatyn testimony, 2 KCH ll5 557
27.4 Richard Kleindienst testimony, 2 KCH 98–99 558
28. San Diego's convention bid was authorized by the San Diego City Council on June 29, 1971. On July 21, 1971 ITT-Sheraton's President, Howard James, confirmed by telegram his company's commitment to the San Diego Convention and Tourist Bureau of $100,000 for convention- related expenses plus an additional $100,000 if and when $200,000 was raised by the Bureau from other non-public sources. The pledge was subject to the condition that the Sheraton Harbor Island Hotel, then under construction, be used as Presidential convention headquarters. The decision for San Diego to be the convention site was made within the Administration and transmitted to the Republican National Committee. On July 23, 1971 the Republican National Committee selected San Diego as the 1972 convention site..
28.1 San Diego City Council resolution, June 29, 1971 (received from San Diego City Council) 563
28.2 Memorandum from Jeb Magruder to John Mitchell, June 30, 1971 (received from White House) 568
28.3 Memorandum from Herbert Klein to H. R. Haldeman, June 30, 1971 (received from White House) 569
28.4 Memorandum from William Timmons to Jeb Magruder, July 3, 1971 (received from White House) 574
28.5 Memorandum from Herbert Klein to the President, July 19, 1971 (received from White House) 575
28.6 Memorandum from William Timmons to the President, July 19, 1971 (received from White House) 576
28.7 Memorandum from Jo Good to Robert Dole, July 19, 1971 (received from White House) 578
28.8 Memorandum from Jeb Magruder Co 3ohm Mitchell, July 28, 1971 with attached memorandum from Robert Odle to Jeb Magruder, ,July 27, 1971 (received from White House) 582

28.9 Telegram from Howard James to Bob Wilson, July 21, 1971, 2 KCH 678–79 588
28.10 Harold Geneen testimony, 2 KCH 648–49 590
28.11 Resolution on Selection of the Site for the 1972 Republican National Convention, July 23, 1971 592
29. On July 31, 1971, after riff and Antitrust Division lawyers had negotiated details of the settlement of the ITT litigation, the settlement no announced..
29.1 Richard NcLaren testimony, 2 KCH 110–14 596
29.2 Pelix Rohatyn testimony, 2 KCH 115 601

29.3 Richard Kleindienst testimony, 2 KCH 99 602
30. A Sheraton Harbor Island Corporation check for $100,000 dated August: 5, 1971 and representing the non-contingent portion of ITT's pledge yes delivered to r. he San Diego Convention and Tourist Bureau..
30.1 Photograph of check from Sheraton Harbor Island Corporation to the San Diego Convention and Tourist Bureau printed in Washington Post. March 16. 1972..
A13 604
31. On February 15, 1972 the President no??inated Richard G. Kleindienst to be Attorney General Co succeed John Mitchell who yes leaving the Department of Justice and who later became Campaign Director of the Committee for the Reelection of the President. The Senate Committee on the Judiciary held hearings on the nomination and reco??endation on February 24, 1972 that the nomination be confirmed,.
31.1 Announcement of President's Intention Co Nominate Richard Kleindienst to be Attorney General, 8 Presidential Documents 440, 448 606,
31.2 Letter from President Nixon Co John Mitchell, February 15, 1972, 8 Presidential Documents 439 608
31.3 S. Exec. Rept. 92–19, Nomination of Richard Kleindienst, 92d Cong., 2d Sess. (1972) 609
31.4 Chicago Tribune, February 25, 1972, Section 2A, l 612
32. On February 22, 1972 columnist Jack Anderson obtained from an ITT source a memorandum dated June 25, 1971 purportedly written by ITT lobbyist Dita Beard addressed to ITT Vice President Merriam regarding the ITT-Sheraton convention pledge and settlement of the ITT antitrust cases. Anderson's investigative reporters contacted first Dita Beard Co discuss and confirm the memorandum's validity sad then ITT and Administration officials co discuss and attempt to confirm the events reported in the memorandum. On February 24, 1972 ITT personnel destroyed documents in the Washington office files..
32.1.
32.2.
32.3.
32.&.
32.5.
32.6.
Purported memorandum from Dita Beard to William Merriam, June 25, 1971, (received. from White House) reprinted in 2 KCH 447–48 614
Jack Anderson Testimony, 2 KCH 449 618
Brit Hume testimony, 2 KCH 408–14 619
Felix Rohatyn testimony, 2 KCH 115–16 626
Washington Post, March 3, 1972, D15 628
Howard Aibel testimony, 2 KCH 704–05 629
33. In a February 28, 1972 Department of Justice press release Mitchell said he had met Dita Beard only once, at a party given by Governor Louis Nunn of Kentucky in May 1971, Mitchell denied allegations that he had discussed the ITT antitrust cases with her. He also denied in the press release that he had discussed the ITT matter with the President..
33.1 John Mitchell statement, Department of Justice press release, February 28, 1972 (received from Department of Justice) 632
On February 29, March 1 and March 3, 1972 there were published three columns by Jack Anderson based in part on the Beard memorandum. The articles alleged a connection between the ITT-Sheraton pledge and the ITT antitrust settlement and purported Co involve both Mitchell and Kleindienst. As a result of the publication of the first two articles Kleindienst asked that his confirmation hearings be reopened..
34.1 Washington Pose, February 29, March 1, March 3, 1972 634
34.2 Washington Post, March 1, 1972, Al 637
35. General, Mitchell again denied talking to the President about ITT or any other antitrust case, On March 1, X972 during his final press conference as Attorney.
35.1 John Mitchell press conference, Hatch 1, 1972, 1–2 (received from SSC) ..... 6&0
On or about March 1, 1972 a member of the staff of the SEC that ITT produce documents in the files of ITT's Washington, D.C. office. The SEC staff member contended that production of the documents was called for by subpoenas previously issued In connection With SEC proceedings. Attorneys for ITT collected documents believed to be included in the SEC demand..
36.1 Michael Mitchell affidavit submitted to House Judiciary Committee, Hay l, 197&, with attachments 646
37. On Thursday 14arch 2, 1972 pursuant to Kleindienst's request the confirmation hearings resumed and Kleindienst, testifying under oath, denied talking other than casually to the White House and White House staff about the ITT matter. He denied receiving any suggestions from the White House as to the action that the Justice Department should take in the ITT cases..
37.1 Richard Kleindienst testimony, 2 KCH 95–96, 157 678
On the same day an ITT attorney delivered copies of one or more of the documents collected by ITT attorneys from ITT's Washington office files to White House aide Wallace H. Johnson. The document or documents were the conveyed by Johnson to John Mitchell. During the following week copies of other documents taken from the ITT Washington office which mentioned the ITT antitrust suits and contacts between ITT and administration officials were delivered by ITT attorneys to Johnson..
38.1 Michael Mitchell affidavit, submitted co House Judiciary Committee, May 1, 1974, with attach-mats, ... 682
38.2 Wallace Johnson affidavit, April 25, 1974, ... 713
38.3 John Mitchell log, March 2, 1972 (received from SSC) 717
39. On the evening of Hatch 2, 1972 Dita Beard, having spent two days at the ITT offices in New York City, left Washington by airplane for Denver, Colorado en route to West Yellowstone, Montana. During the flight she became ill and on the evening of Hatch 3, 1972 she was admitted to a Denver hospital..
39.1 Dita Beard statement, 2 KCH 741–42 720
39.2 Edward Gerrity testimony, 3 KCH 1167 722
39.3 United Air Lines passenger ticket, issued to D. Beard for Flight 175, Hatch 2, 1972 (received from United Air Lines) 723
39.4 Stewardess report on passenger illness of Mrs. Beard, occuring on Flight 175, March 2, 1972 (received from United Air Lines) .. 72&
39.5 Letter from J. Edgar Hoover to Chairman James o. Eastland, March 5, 1972, 2 FCH 213 725
39.6 Medical Report by Dr. Joseph Snyder, Hatch 13, 1972, 2 KCH 637–39 726

On Friday, March 3, 1972 Kleindienst, in his testimony before Senate Committee on the Judiciary, denied consulting with, reporting or getting directions from anybody at the White House about the ITT trust cases, He also testified that he did not recall why on April1971 the Department of Justice requested a delay in the appeal of the ITT-Grinnell case Co the Supreme Court. 40.1 Richard Kleindienst testimony, 2 KCH 95, 181, 191, 203–04 D 0.

On the afternoon of Sunday, March 5, 1972, the President and Haldeman returned to Washington, DC from Kay Biscayne. On Monday, March 6, 1972 the President had conversations with Haldeman, Ehrlichman and Colson. At about 1:30 p.m., shortly after leaving the President's office, Ehrlich?? met with SEC Chairman Casey..

41.1 John Ehrlichman log, March 6, 1972 (received from SSC) 736

41.2 Meetings and conversations between the President and John Ehrlichman, March 6, 1972 (received from White House) 737

41.3 Meetings and conversations between the President and H. R. Haldeman, March 1, March $ and March 6, 1972 (received from White House) 739

41.4 Meetings and conversations between the President and Charles Colson, March 6, 1972 (received from White House) 741

41.5 John Ehrlichman log, March 21, 1972 (received from SSC) 742

41.6 William Casey testimony, House Interstate and Foreign Commerce Committee, Special. subcommittee on Investigations, Hearings on Legislative Oversight of SEC: Agency Independence and the ITT Case, Jun 27, 1973, 261–64, 309–30 ..... 7&3

41.7 William Casey calendar, March 6, 1972 (received from U.S. Attorney, Southern District of New York) 749

42. On Tuesday, March 7, 1972 in a prepared statement given under oath before the Senate Committee on the Judiciary, Kleindienst described the circumstances surrounding the request for an extension of time to appeal ITT-Grinnell. He omitted mention of the President's order to drop the case made during their telephone conversation o April 19, 1971..

42.1 Richard Kleindienst testimony, 2 KCH 95, 249–50 752

43. On March 8, 1972 Kleindienst testified before the Senate Committee an the Judiciary and denied again that he was interfered with, pressured, importuned or directed by anybody at the white House in connection rich the discharge of his responsibilities in the ITT cases,.

43.1 Richard Kleindienst testimony, 2 KCH 95, 323, 353 756

In early March 1972 a White House cask force, consisting of Khrlichman, Colson, Moore, Dean, Fielding, Johnson, Assistant Attorney General Robert C. Mardian and others, was established Co follow the Kleindienst hearings; its activities continued throughout the month. was given the responsibility of reviewing White House files and collecting all documents relating to ITT, which he proceeded to do..

44.1 Charles Colson testimony, House Interstate and Foreign Commerce Committee, Special Subcommittee on Investigations, Hearings on Legislative Oversight of SEC: Agency Independence and the ITT Case, 218 ..... 760''

44.2 Richard Moore testimony, 5 SSC 1947–48 761

44.3 Wallace Johnson affidavit, April 25, 197& 763

44.4 Robert Mardian testimony, 6 SSC 2348 767

44.5 John Dean testimony, House Interstate end Foreign Commerce Committee, Special Subcommittee on Investigations, Hearings on Legislative Oversight of SEC: Agency Independence and the ITT Case, 66, 6& 768

On March 14, 1972 John Mitchell appeared before the Senate Committee on the Judiciary and trice denied under oath that he talked to the President about the ITT antitrust litigation or any antitrust litigation. On the evening of March 14, 1972 the President and Mitchell had a telephone conversation which, according to Mitchell's logs, was their only telephone conversation during the month..

45.1 John Mitchell testimony, 2 KCR 539, 552, 571 772

45.2 John Mitchell log, March 14, 1972 (received from SSC).

On March 15, 1972 E. Howard Hunt met rich Colson. Johnson and It was determined that Hunt should interview Hoe. Beard the authenticity of the purported Beard memorandum. Hunt flew to Denver and interviewed Mrs. Beard in her hospital room. On March 17, after his return Co Washington, he ?? a detailed e??ary of the interview..

46.! Charles Colson calendar, March 15, 1972 (received from SSC) 778

46.2 ??. Howard Hunt testimony, 9 SSC 3734–35, 3752–53 780

46.3 Charles Colson testimony, House Interstate and Foreign Commerce Committee, Special Subco??ee on Investigations, Hearings on Legislative Oversight of SEC: Agency Independence and the ITT Case, 201–03 784

46.4 Memorandum regarding Dita B?? March 17, 1972 (received from White House) ..... 787'

47. ''ITT'' is written on Colson's calendar for the morning of March 18, 1972. Colson had three telephone conversations with ??he during the morning. That afternoon the Pre??ent and Colson met for more than two hours..

47.1 Charles Colson calendar, Hatch 18, 1972 (received from SSC) 796

47.2 John Mitchell log, March 18, 1972 (received from SSC) 797

47.3 Meetings and conversations between the President and Charles Colson, Hatch 18, 1972 (received from White House) 798

8. On March 24, 1972 the President held his only news conference during the period of the ??eindienst nomination hearings. He stated that nothing had happened in the Senate hearings that shook his confidence in Kleindienst as an able, honest wan fully qualified to be Attorney General. He also praised the actions of Richard McLaren, and the ??, in having moved effectively to stop the growth of ITT..

48.1 President Nixon news conference, March 24, 1972, 8 Presidential Documents 673 75 * 800

49. On the morning of Hatch 30, 1972 Colson, Haldeman and NacGregor met. That afternoon Colson sent a memorandum to Haldeman stating that certain factors should be taken into account in determining whether to continue co support, or to withdraw, Kleindienst's nomination, including the possibility that documents would be revealed tending to show that the President yes involved in the ITT situation in 1971 and contradicting statements made by Mitchell under oath during the hearings. Haldeman and Colson each had several conversations with the President on that day..

49.1 Memorandum from Charles Colson to H. R. Haldeman, Hatch 30, 1972, 55C Exhibit No. 121, 8 S5C 3372–76 805

&9.2 Letter from William Merriam to John Connally, April 22, 1971 (received from White House) 810

49.3 Letter from William Merriam to Peter Peterson, April 30, 1971 (received from White House) 812

49.4 Letter from ''Ned'' [Edward Gerrity] to Vice President Spiro Agnew, August 7, 1970, with attached memorandum (received from House Interstate and Foreign Commerce Committee) 813

49.5 Memorandum from John Ryan to William Merriam, August 24, 1970, House Interstate and Foreign Commerce Committee, Special Subcommittee on Investigations, Legislative Oversight of SEC: Agency Independence and the IT? Case, 154–56, and partial handwritten copy of memorandum (received from White House) 816

49.6 Memorandum from Herbert Klein to H. R. Haldeman, June 30, 1971 (received from White House) 820

49.7 Memorandum from Richard Kleindienst and Richard McLaren to John Ehrlichman, April 23, 1969 (received from White Home) 821

49.8 Memorandum free Ted Hullin to Richard McLaren, August 10, 1970 (received from 9hire Home) 827
49.9 Memorandum from ??ohn Ehrlichman to John Mitchell, September 17, 1970 (received from White Home) 828

49.10 14urnrandom from John Ehrlichman to John Mitchell, May 5, 1971 (received from White House) 829
&9.11 Memoranda ''from John Ehrlichman to the President, April 28, 1971 and Nay 3, 1971 (received from White House) 830
49.12 a. R. Haldeman testimony, 8 SSC 3216, 3218–19 834
49.13 H. R. Haldeman calendar, March 30, 1972 (received from SSC) 837
49.14 Meetings and conversations between the President and H. R. Haldeman, March 30, 1972 (received from White House) 838
49.15 Meetings and conversations between the President and Charles Colson, March 30, 1972 (received from White House) 839
50. On April 4, 1972 Mitchell returned co his office after about two weeks in Florida. That afternoon he met with the President and Haldeman at the White House. According to Haldeman's testimony before the Senate Select Committee on Presidential Campaign Activities, notes Oaken during the meeting indicate that the Kleindienst hearings were discussed..
$0.1 John Mitchell log, March 21—April 4, 1972 (received from SSC) 842
50.2 Meetings and conversations between the President and H. R. Haldeman, April 4, 1972 (received from White House) 845
50.3 H. R. Haldeman testimony, 7 SSC 2866, 2881 846
On April 27, 1972, the final day of the Kleindienst confirmation, Kleindienst, referring co his earlier testimony about commin-with persons at the White House, testified that if someone had him to instruct him on the handling of the ITT case, he would such a call. Kleindienst said that no such conversation.
51.1 Richard Kleindienst testimony, 2 KCH 95, 3 KCH 1673. 1682 850
51.2 Richard Kleindienst statement, October 31, 1973, reprinted in New York Times, November 1, 1973, 33 853
$2. The press provided extensive news coverage and frequent editorial commentary on the Kleindienst confirmation hearings. John Mitchell's denials that he discussed the ITT cases with President Nixon were reported. Richard Kleindienst's descriptions of his role in the ITT-Grinnell appeal and settlement were also reported; these descriptions omitted reference to the President's order that the appeal be dropped..
52.1 Newspaper articles from The New York Times and The Washington Poet, February 25—June 28, 1972, regarding hearings on the Nomination of Richard Kleindienst to be Attorney General 856
52.2 The Washington Post, March 10, 1972, A–l, A–12 857
52.3 The New York Times, March 15, 1972, 1, 34 858
52.4 The Washington Post, April 27, 1972, A–l, A–7 859
52.5 The Washington Post, April 28, 1972, A–l, A–6 860
By letter dated April 25, 1972 from Senator Eastland, Chairman the Senate Committee on the Judiciary, co SEC Chairman William Casey, Eastland requested access co ITT documents in the possession of SEC. This request was denied by Chairman Casey. If* Chairman Casey complied with the Senate Judiciary Committee's request the SEC would the Committee with, along ocher things, the following not obtained by the Comic tee during the course of the Kleindienst hearings:.
1. Letter dated April 22, 1971 from Harold Geneed Co Peter Peterson concerning their April 16, 1971 nesting rich memorandum on antitrust policy attached..
2. Letter dated April 22, 1971 from William Merriam co John Connally relenting to the ITT antitrust litigation..
3. Letter dated April 26, 1971 from William Merriam ??o Peter Petersou referring to planned antitrust legislation..
&. Letter dated April 30, 1971 from William Merriam to Peter Peterson referring to Solicitor General Griswold's request for am extension of time Co perfect the ITT-Grinnell appeal. Letter dated August 7, 1970 from Thomas Casey of ITT co Charles Colson discussing the pending ITT antitrust litigation..
6. Letter dated August 7, 1970 from ''Ned'' [Edward Gerrity] Co Vice President Spiro Agnew with memorandum about ITT antitrust ??gat/on attached..
7. ITT Later-corporate memorandum dated August 10, 1970 from Edward Gerrity co John Ryan discussing, among ocher things, Richard McLaren and the Admini-aeration's merger policy..
8. ITT inter-corporate memorandum dated August 24, 1970 from William Merriam to John Ryan discussing, among other things, the ITT antitrust litigation, Richard McLaren and contacts with the Administration..
53.1 Letter from Senators Kennedy, Bayh, Hart, Burdick and Tunney to Chairman James Eastland, April 19, 1972, 3 KCH 1664 865
53.2 Letter from William Casey to Chairman James Eastland, April 26, 1972, 3 KCH 1664 866
53.3 Letter from Edward Kennedy to Chairman Harley Staggers, December 13, 1972, House Interstate and Foreign Commerce Committee, Special Sub-committee on Investigations, Hearings on Legislative Oversight of SEC: Inquiry into Withholding and Transfer of Agency Files Pertaining to ITT,.
28–29 867
53.4 Michael Mitchell affidavit, submitted to House Judiciary Committee, May 1, 1974, with attachmute 869
On June 8, 1972 the Senate confirmed Kleindienst's nomination. On June 12, 1972 he became Attorney General. 154.1.
54.2.
Congressional Record, June 8, 1972, S9114–15 902
President Hixon remarks at swearing-in ceremonies for Richard Kleindienst as Attorney General, June 12, 1972, 8 Presidential Documents 1024 904
(61).
55. On three occasions in September 1972 Congressman Harley Staggers, Chairman of the House Interstate and Foreign Commerce Committee, Special Subcommittee on Investigations, requested from SEC Chairman William Casey access to material received from ITT by the SEC in connection with the SEC's investigation of ITT. Chairman Casey discussed Chairman Staggers'' request with Mitchell, Dean and Colson. By letters to Chairman Staggers, Chairman Casey refused the requests. The ITT material was transferred by the SEC to the Department of Justice on October 6, 1972. In addition, an envelope containing other documents obtained from ITT which reflected contacts in 1970 and 1971 between representatives of ITT and Administration officials was delivered separately by the SEC to the office of Deputy Attorney General Erickson..
55.1 Letter from Chairman Harley Staggers to William Casey, September 21, 1972, House Interstate and Foreign Commerce Committee, Special Subcommittee on Investigations, Hearings on Legislative Oversight of SEC: Inquiry into Withholding and Transfer of Agency Files Pertaining to ITT, 5 907
55.2 Chairman Harley Staggers statement, House Interstate and Foreign Coerce Committee, Special Subcommittee on Investigations, Hearings on Legislative Oversight of SEC: Inquiry into Withholding and Transfer of Agency Files Pertaining to ITT, 23 908

55.3 Letter from Chairman Harley Staggers to William Casey, September 28, 1972, House Interstate and Foreign Commerce Committee, Special Subcommittee on Investigations, Hearings on Legislative Oversight of SEC: Inquiry into Withholding and Transfer of Agency Files Pertaining to ITT, 6–8 909
55.4 William Casey testimony, House Interstate and Foreign Commerce Committee, Special Subcommittee on Investigations, Hearings on Legislative Oversight of SEC: Agency Independence and the ITT Case, 230, 235, 241, 250–51, 260–62 922
(62).
55.5 Letter from William Casey to Chairman Harley Staggers, September 26, 1973, House Interstate and Foreign Commerce Committee, Special Subcommittee on Investigations, Hearings on Legislative Oversight of SEC: Inquiry into Withholding and Transfer of Agency Files Pertaining to ITT,.
5–6 920
55.6 Letter from William Casey to Chairman Harley Staggers, October 6, 1972, House Interstate and Foreign Commerce Committee, Special Subcommittee on Investigations, Hearings on Legislative Oversight of SEC: Inquiry into Withholding and Transfer of Agency Files Pertaining to ITT,.
8–9 922
55.7 Letter from William Casey to Ralph Erickson, October 5, 1972, House Interstate and Foreign Commerce Committee, Special Subcommittee on Investigations, Hearings on Legislative Oversight of SEC: Inquiry into Withholding and Transfer of Agency Files Pertaining to ITT,.
135–36 924
55.8 Charles Mallory testimony, House Interstate and Foreign Commerce Committee, Special Subcommittee on Investigations, Hearings on Legislative Oversight of SEC: Inquiry into Withholding and Transfer of Agency Files Pertaining to ITT,.
86–89 928
55.9 Ralph Erickson testimony, House Interstate and Foreign Commerce Committee, Special Subcommittee on Investigations, Hearings on Legislative Oversight of SEC: Agency Independence and the ITT Case, 128–30, 149–64 930
In 8 letter dated October 17, 1972 Chairman Staggers requested from Deputy Attorney General Erickson access to the ITT materials referred to the Department of Justice by the SEC. Erickson denied the request on the grounds that disclosure might prejudice any future criminal proceedings..
56.1 Letter from Chairman Harley Staggers to Ralph Erickson, October 17, 1972, House Interstate and Foreign Commerce Committee, Special Subcommittee on Investigations, Hearings on Lagislative Oversight of SEC: Inquiry Into With holding and Transfer of Agency Files Pertaining to ITT, 9–10 950
56.2 Letter from Ralph Erickson to Chairman Harley Staggers, October 26, 1972, House Interstate and Foreign Commerce Committee, Special Subcommittee on Investigations, Hearings on Legislative Oversight of SEC: Inquiry Into Withholding and Transfer of Agency Files Pertaining to ITT, 10–11 952
57. On January 8, 1974 the Office of the White House Press Secre-issued a ''White Paper'' entitled, ''The ITT Anti-Trust Decision,'' describing the President's role in the ITT antitrust cases and their settlement..

57.1 White House ''White Paper'', The ITT Anti-Trust Decision. January 8, 1974 956
58. On May 16, 1974, Richard Kleindienst pleaded guilty to one count of refusing or failing fully to respond to questions propounded to him by the Senate Committee on the Judiciary on March 2, 3, 7, and 8 and April 27, 1972.
58.1 United States v. Kleindienst information, May 16, 1974, with attached Watergate Special Prosecution Force press release 966
58.2 Letter from Leon Javorski to Herbert J. Miller, May 10, 1974 (received from Watergate Special Prosecution Force) 969

PURPORTED DITA BEARD MEMORANDUM, JUNE 25, 1971,
PERSONAL AND CONFIDENTIAL
Washington Office
1707 L Street, NW
Washington, DC 20036
Tel. (202) 296–6000
To: W.R. Merriam
Date: June 25, 1971
From: D.D. Beard
Subject: .San Diego Convention

I just had a long talk with EJG. I'm so sorry that we got that call from the White House. I thought you and I had agreed very thoroughly that under no circumstances would anyone in this office discuss with anyone bur participation in the Convention, including me. Other than permitting John Mitchell, Ed Reinecke, Bob Haldeman and Nixon (besides Wilson, of course) no one has known from whom that 400 thousand committment had come. You can't imagine how many queries I've had from ''friends'' about this situation and I have in each and every case denied knowledge of any kind. It would be wise for all of us here to continue to do that, regardless of from whom any questions come; White House or whoever. John Mitchell has certainly kept it on the higher level only, we should be able to do the same.

I was afraid the discussion about the three hundred/four hundred thousand committment would come up soon. If you remember, I sug- geared that we all stay out of that. other than the fact that I told you I had heard Hal up the original amount.

* Now I understand from Ned that both he and you are upset about- the decision to make it four hundred in services. Believe me, this is not what Hal said. Just after I talked with Ned, Wilson called me, to report oh his meeting with Hal. Hal at no time told Wilson that our donation would be in services ONLY. In fact, quite the contrary, There would be very little cash involved, but certainly some. I am convinced, because of several conversations with Louie re Mitchell, that our noble committment has gone a long way toward our negotia- tions on the mergers eventually coming out as Hal wants them. Cer- tainly the President has told Mitchell to see that things are worked out. fairly. It is still only McLaren's mickey-mouse we are suffering.

We all know Hal and his big mouth.* But this is one time he cannot tell you and Ned one thing and Wilson (and me) another! I hope dear Bill. that all of this can be reconciled—between Hal and Wilson—if all of us in this office remain totally ignorant of any committment ITT has made to anyone. If it gets too much publicity. you can believe our negotiations with Justice will wind up sho?? down. Mitchell is definitely helping us, but cannot let it be known. Please destroy this, huh??

EXHIBIT B
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA
UNITED STATES OF AMERICA, Plaintiff,
Civil Action No. 98–1232 (CKK)
V.
MICROSOFT CORPORATION, Defendant.
Civil Action No. 98–1233 (CKK)
STATE OF NEW YORK, et al., Plaintiffs V.
MICROSOFT CORPORATION, Defendant.
ORDER

In light of the recent tragic events affecting our Nation, this Court regards the benefit which will be derived from a quick resolution of these cases as increasingly significant. Accordingly, to avoid the expenditure of the parties'' financial resources on litigation costs which will surely be incurred if these cases continue to be litigated, the Court will order the parties into settlement for a fixed period of time, commencing as of the date of this Order and expiring on November 2, 2001. The Court expects that during this time the parties and counsel will fully expend and concentrate all of their resources upon resolving these cases through a fair settlement for all parties. If the cases have not been fully resolved through settlement by November 2, 2001, then the Court will proceed with the scheduling order

to be addressed at the September 28, 2001, scheduling conference and entered immediately thereafter.

The parties have indicated that if the cases are to be settled they can best resolve these cases without the assistance from a mediator. It has been three months since the appellate court rendered its decision with no resolution reached by the parties. The Court will give the parties until October 12, 2001, to settle the cases on their own. However, if at the end of that time, they have not been fully successful, the parties shall submit to Chambers, on October 12, 2001, the name of an agreed-upon individual to act as facilitator/mediator to assist the parties in their efforts. If the parties cannot agree upon an individual, then the Court will appoint such an individual to act as their facilitator/mediator. Any payment due the facilitator/mediator shall be borne equally among the three parties. At ten-day intervals, without disclosing or discussing the contents of the settlement discussion, the parties Shall participate in a conference call to apprize the Court of their progress in settling the cases. The Court will not entertain any requests for extensions of the deadlines.

The Court cannot emphasize too strongly the importance of making these efforts to settle the cases and resolve the parties'' differences in this time of rapid national change. The claims by Plaintiffs of anticompetitive conduct by Microsoft arose over six years ago, and these cases have been litigated in the trial and appellate court for over four years. As the Court of Appeals has noted, the relevant time frame for this dispute spans ''an eternity in the computer industry.'' The Court expects that the parties will act in good faith and will engage in an all-out effort to settle these cases, meeting seven days a week and around the clock, acting reasonably to reach a fair resolution.

Based on the foregoing, it is this day of September, 2001, hereby

ORDERED that all proceedings in the above captioned cases are stayed until November 2, 2001; and it is further

ORDERED that during this time, counsel shall focus all of their attention on the settlement of these cases; and it is further

ORDERED that the parties shall be permitted to proceed without a facilitator/mediator until October 12, 2001, and thereafter until a facilitator/mediator is appointed; and it is further

ORDERED that if no resolution is reached by October 12, 2001, on that date, the parties shall submit to Chambers the name of an agreed-upon individual to serve as a facilitator/mediator;

if the parties axe unable to agree upon such an individual, the Court will appoint such an individual to serve as a facilitator/mediator; and it is further

ORDERED that the parties shall participate in a conference call to Chambers on October 12, 200 I, and on October 22, 2001, wherein the parties shall report the status of their negotiations to the Court.

SO ORDERED.

COLLEEN KOLLAK-KOTELLY

United States District Judge EXHIBIT C

IN THE UNITED STATES DISTRICT COURT

FOK THE DISTRICT OF COLUMBIA

Civil Action No. 98–1232 (CKK)

UNITED STATES OF AMERICA, Plaintiff, vs.

MICROSOFT CORPORATION, Defendant.

STATE OF NEW YORK ex rel.

Filed: 6, 2001

Civil Action No. 98–1233 (CKK)

Attorney General ELIOT SPTTZER, et al., Plaintiffs, vs.

MICROSOFT CORPORATION, Defendant.

Next Court Deadline: November 6, 2001 Status Conference

STIPULATION

Ptaintiffs United States of America (''1.Trilled Stales'') and the Slates of New York, Ohio, Illinois, Kentucky, Louisiana, Maryland, Michigan, North Carolina and Wisconsin and Defendant Microsoft Corporation (''Microsoft''), by and through their respective attorneys, having agreed to the entry of this Stipulation, it [.s hereby stipulated and agreed that:

A Final Judgment in the form attached hereto may be filed and entered by the Court. upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act. 15 U.S.C. * 16, and without further notice to any party or other proceedings, provided that the United States has not withdrawn its consent, which it may do at any time before the entry of the revised proposed Final Judgment by serving notice thereof on Microsoft and by filing that notice with the Court.

2. Unless otherwise provided in the revised proposed Final Judgment, Microsoft shall begin complying with the revised proposed Final Judgment as it was in full force and effect starting on December 16, 2001. Subject to the foregoing, Microsoft agrees to be bound by the provisions of the revised proposed Final Judgment pending its entry by the Court. If the United States withdraws its consent, or if (a) ''the revised proposed Final Judgment is not entered pursuant to the terms of the Stipulation, (b) the time has expired, for all appeals of any Court ruling declining to enter the revised proposed Final Judgment, and (c) the Court has not: otherwise ordered continued compliance with the terms and provisions of the revised proposed Final Judgment, then all of the parties shall be released from all further obligations under this Stipulation, and the making of this Stipulation shall be without prejudice to any parry in this or any other proceeding. 3. Pursuant to 15 U.S.C. § 16(g), within ten (10) days of the submission of the revised proposed Final Judgment, Microsoft will file with the Court a description of any and all written or oral communications by or on behalf of Microsoft, or other person, with any officer or employee of the United States concerning or relevant to the revised proposed Final Judgment, except that any such communications made by counsel of record alone with the Attorney General or the employees of the United States Department of Justice alone shall be excluded from this requirement.

4. Pursuant to 15 U.S.C. § 16(b), on or before November 16, 2001, the United States will file with the Court a Competitive Impact Statement explaining the terms of the revised proposed Final Judgment. The United States will publish the revised proposed Final Judgment and Competitive Impact Statement in the **Federal Register**.

5. The United States will publish a notice informing the public of the revised proposed Final Judgment and public comment period in the Washington Post and the San Jose Mercury News, for seven days over a period of two weeks commencing no later than November 15, 2001.

6. Members of the public may submit written comments about the revised proposed Final Judgment to a designated official oft he Antitrust Division of the United States Department of Justice for a period of 60 days after publication of the revised proposed Final Judgment and Competitive Impact Statement in the **Federal Register**.

7. Within 30 clays after the close of the 60-day public comment period, the United States will file with the Court and publish in the **Federal Register** any comments it receives and its response to those comments.

8. Once the aforementioned procedures have been compiled with, the United States viii file with the Court a certification of compliance with the requirements of 15 U.S.C. § 16, and a Motion for Entry of Revised Proposed Final Judgment, unless it withdraws its consent to entry of the revised proposed Final Judgment pursuant to paragraph 2, above. At any time thereafter, and at the conclusion of any further proceedings ordinal by the court pursuant to 15 U.S.C. § 16(f), the Court may then enter the revised proposed Final Judgment, provided that the Court determines that entry of the revised proposed Final Judgment will serve the public interest.

DATED this 6th day of November, 2001

FOR PLAINTIFF THE UNITED STATES OF AMERICA:

Antitrust Division

United Slates Department of Justice

901 Pennsylvania Avenue, NW

Washington DC 20530

(202) 514—2,401

FOR PLAINTIFFS THE STATES OF NEW YORK, OHIO, ILLINOLS, KENTUCKY, LOUISIANA. MARYLAND, MICHIGAN, NORTH CAROLNA AND WISCONSIN:

Eliot Spitzer.

Attorney General of New York

120 Broadway

New York, New Yolk 10271

(212) 416–8282

FOR. DEFENDANT MICROSOFT CORPORATION: ??

?? & Cromwell

123 Broad Street

New York. NEW York 10004

(212) 558–4000

EXHIBIT D

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLUMBIA

Civil Action No. 98–1232 (CKK)

UNITED STATES OF AMERICA, Plaintiff, V.

MICROSOFT CORPORATION, Defendant.

Civil Action No. 98–1233 (CKK)

STATE OF NEW YORK, et al., Plaintiffs V.

MICROSOFT CORPORATION, Defendant.

ORDER

Pursuant to the status hearing held on November 6, 2001, it is this eighth day of November, 2001, hereby

ORDERED that the above-captioned cases shall proceed on two independent tracks:

''Track I'' is the label the Court shall use to refer to the Court's review, pursuant to the Antitrust Procedures and Penalties Act (Tunney Act), 15 U.S.C. 16(b)-(h), of the proposed Final Judgment which reflects a settlement of Civil Action No. 98–1232 in its entirety and a partial settlement of Civil Action No. 98–1233.

''Track II'' is the label the Court shall use to refer to the remaining litigation between the States proceeding to litigation and Microsoft concerning an appropriate remedy in Civil Action No. 98–1233.

Accordingly, with regard-to Track I, it is hereby

ORDERED that the States choosing to join the settlement shall inform the Court not late than November 9, 2001, of the identity of the individual(s) who will serve as their representative(s) in future proceedings before the Court; [1] and it is further

ORDERED that the United States shall inform the Court of the anticipated date of publication of the proposed Final Judgment and Competitive Impact Statement in the Federal Register as soon as such date is available; and it is further

ORDERED that, pursuant to 15 U.S.C. 16(b), the proposed Final Judgment, in its final form, and Competitive Impact Statement shall be filed with the Court not later than November 15 2001; and it is further

ORDERED that, pursuant to 15 U.S.C. 16(g), within ten days of the publication of the proposed Final Judgment in the **Federal Register**, Microsoft shall file with the Court a description of any and all written or oral communications by or on behalf of Microsoft, or other person, with any officer or employee of the United States concerning or relevant to the proposed Final Judgment, except that any such communications made by counsel of record alone with either the Attorney General or the employees of the United States Department of Justice shall be excluded from this requirement; and it is further

ORDERED that, pursuant to 15 U.S.C. 16(c), the United States shall publish in the Washington Post, the San Jose Mercury News, and the New York Times a notice containing a

summary of the terms of the proposed Final Judgment, a summary of the Competitive Impact Statement, and a list of materials and documents which the United States shall make available for purposes of meaningful public comment and the place where such materials and documents are available for public inspection. Such publication shall continue for seven days over a period of two weeks, commencing not later than November 15, 2001; and it is further

ORDERED that members of the public may submit written comments concerning the proposed Final Judgment to a designated official of the Antitrust Division of the United States Department of Justice for a period of 60 days following publication of the proposed Final Judgment and Competitive Impact Statement in the **Federal Register**; and it is further

ORDERED that, within thirty days after the close of the 60-day public comment period, the United States shall file with the Court and publish in the **Federal Register** its responses to any comments received; and it is further

ORDERED that, simultaneous with the filing of its response to the comments of the public, the United States shall file any appropriate legal briefing with the Court; and it is further

ORDERED that upon completion of the above procedures, the United States shall file with the Court a certification of compliance with the requirements of the Antitrust Procedures and Penalties Act (Tunney Act), 15 U.S.C. 16(b)-(h).

As discussed at the November, 6, 2001, hearing, following the close of the 60-day public. comment period, the Court will hold a status conference wherein the parties shall address the nature and need for a hearing concerning the proposed final judgment.

With regard to Track II, it is hereby

ORDERED that any and all motions in limine shall be filed not later than February 22, 2002; and it is further

ORDERED that a Pre-heating Conference shall be held on March 4, 2002, at 9 a.m.

SO ORDERED.

As discussed at the hearing on November 6, 2001, following the filing of the parties'' proposals for remedial relief in early December, the Court will require the parties proceeding along Track II to file a Joint Status Report which addresses any remaining issues concerning the nature of the remedy hearing. Thereafter, the Court will set a date for a status conference.

COLLEEN KOLLAR-KOTELLY United States District Judge

EXHIBIT E

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLUMBIA

Civil Action No. 98–1232 (CKK)

UNITED STATES OF AMERICA, Plaintiff, vs.

MICROSOFT CORPORATION, Defendant.

Civil Action No. 98–1233 (CKK)

STATE OF NEW YORK ex. rel.

Attorney General ELIOT SPITZER, et al., Plaintiffs, vs.

Next Court Deadline: March 4, 2002 Status Conference

MICROSOFT CORPORATION, Defendant.

NOTICE OF ENTRY OF APPEARANCE

Please enter the appearance of Charles F. Rule (Bar No. 370818) as counsel for defendant Microsoft Corporation.

Respectfully submitted,

Charles F. Rule (DC Bar #370818)

Fried, Frank, Harris, Shriver & Jacobson

1001 Pennsylvania Avenue, NW Suite 800

Washington, DC 20004–2505

Telephone No. 202–639–7300

Dated: November 15, 2001

Attorney for Defendant

Microsoft Corporation

EXHIBIT F

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLUMBIA

Civil Action No. 98–1232 (CKK)

UNITED STATES OF AMERICA,

Plaintiff,

V,

MICROSOFT CORPORATION, Defendant.

STATE OF NEW YORK ex. rel. Attorney General ELIOT SPITZER, et al., Plaintiffs,

Civil Action NO. 98–1233 (CKK)

V.

Next Court Deadline: March 4, 2002 Status Conference

MICROSOFT CORPORATION, Defendant.

DEFENDANT MICROSOFT CORPORATION'S DESCRIPTION OF WRITTEN OR ORAL COMMUNICATIONS CONCERNING THE REVISED PROPOSED FINAL JUDGMENT AND CERTIFICATION OF COMPLIANCE UNDER 15 U.S.C. 16(g)

In conformance with Section 2(g) of the Antitrust Procedures and Penalties Act (''APPA''), 15 U.S.C. 16(g), defendant Microsoft Corporation (''Microsoft'') respectfully submits the following description of ''any and all written or oral communications by or on behalf of'' Microsoft ''with any officer or employee of the United States concerning or relevant to'' the Revised Proposed Final Judgment filed in these actions on November 6, 2001. In accordance with the requirements of the APP& this description excludes only ''communications made by counsel of record alone with the Attorney General or the employees of the Department of Justice alone.''

Following the Court's Order dated September 27, 2001, and continuing through November 6, 2001, counsel for Microsoft met on a virtually daily basis with counsel for the United States and the plaintiff States in Washington, DC After the Court appointed Professor Eric Green of Boston University School of Law as mediator on October 12, 2001, Professor Green and his colleague Jonathan Marks participated in many of those meetings. From October 29, 2001 through November 2, 2001, Will Poole, a Microsoft vice president, also participated in some of the meetings.

On October 5,2001, counsel for Microsoft met with representatives of the United States and the plaintiff States in Washington, DC to answer a variety of technical questions. Linda Averett, Michael Wallent, Robert

Short and Chad Knowlton of Microsoft attended this meeting, as did Professor Edward Felten of Princeton University, one of plaintiffs'' technical experts.

Microsoft certifies that, with this submission, it has complied With the require- ments of 15 U.S.C. § 16(g) and that this submission is a true and complete description of such communications known to Microsoft.

Dated: Washington, DC

December 10, 2001

Respectfully submitted,

William H. Neukom

Thomas W. Butt

David A. Heiner, Jr.

Diane D'Arcangelo

Christopher J. Meyers

[1] While the Court is aware that the requirements of the Antitrust Procedures and Penalties Act (Tunney Act) apply only to proposals for ''consent judgment[s] submitted by the United States,'' 15 U.S.C. 16(b), the Court presumes that the States which have chosen to enter into a settlement agreement with Microsoft will play an active role in advocating the entry of the consent judgment proposed in this case.

MICROSOFT CORPORATION
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Redmond, Washington 98052
(425) 936–8080
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WINSTON & STRAWN
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(312) 558–5600
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Washington, DC 20006
(202) 956–7500
Counsel for Defendant
Microsoft Corporation
EXHIBIT G
AO 458 (Rev. 8/98 DC) .APPEARANCE
United State District Court for the Distri??t of Columbia
CASE NUMBER: 98–1233 (CKK)
STATE OF NEW YORK ex rel. Attorney General ELIOT SPITZER, et al., Plaintiffs,
V.
MICROSOFT CORPORATION, Defendant.
APPEARANCE
To the Clerk of this court and all parties of record:
Enter my appearance as counsel in this case for
The State of West Virginia
by Attorney General Darrell V. McGraw, Jr.
W. Va. 5502 Douglas Lee Davis
BAR IDENTIFICATION NO. Print Name
P.O. Box 1789
Address
Charleston, WV 25326
City Sate Zip Code
(304) 558–8986
Phone Number
US DISTRICT COURT FOR THE DISTRICT OF COLUMBIA
RENEWAL APPLICATION
(PLEAS PRINT OR TYPE)
Name
Last * Davis First Douglas
Middle Lee Generation (Jr., Sr., etc.)
DC/Federal Bar Identification Number Social Security Number 286–56–8106
(If Federal. Bar, please state name of court): Address
Firm Office of the West Virginia Attorney General
Building & Suite P. O. Box 1789
Street 812 Quarrier St., 4th Floor
City Charleston State WV
Zip 25326 Phone (304) 558–8986
Unit (within firm or agency) Consumer Protection and Antitrust
Status
Criminal Justice Act Attorney (Yes) (No)
* U.S. District Court Admission Date Sept. 25, 1990, S.D.W.Va.
Employed by the United States Government (Yes) (Not X
GOVERNMENT ATTORNEYS who practice and file pleadings before the US District Court should complete this form. Renewal Fees may be waived.
CHANGE OF ADDRESS:
This form may serve as written notification to the Clerk's office of address change under the requirements of Local Rule 706(c). However, this notification fulfill the PRAECIPE requirement of the Ride. 706(c) requires that, ''(t)he attorney shall also within 10 days file a praecipe reffecting such change in each case which the attorney has pending before this Court serving a copy upon each of the attorneys in these cases.''
FAILURE TO RENEW
An attorney who fails to file the??and pay the renewal fee will be provisionally removed from the list of members in good standing, The name of the attorney will be restored to the list of members in good standing: upon the filing of the required certificate and payment of the delinquent fee within five years after the done date. At the end of the five years from the dues date, the attorney's name will be permanently removed from the roll, without prejudice to an application for admission as a new member [??Rule.701.1(c)].
CERTIFICATE OF SERVICE
I hereby certify that on this 12th day of December, 2001, copies of my Notice of Appearance was served upon the following by first-class mail. postage prepaid, to:
Brendan V. Sullivan, Ir., Esquire
Williams & Connolly, LLP
725 Twelfth Street, N.W.
Washington, D. C. 20005
John L. Warden, Esquire
Sullivan & Cromwell
125 Broad Street, 31st Floor
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Bradley P. Smith, Esquire
Sullivan & Cromwell
1701 Pennsylvania Avenue, N.W., 7th Floor
Washington, D.C. 20006–5805
William H. Neukom, Esquire
Law and Corporate Affairs
Microsoft Corporation, Building 8
One Microsoft Way
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Fried, Frank, Harris, Shriver & Jacobson
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Antitrust Division
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120 Broadway, Suite 260I
New York, NY 10271
Kevin J. O'Connor, Esquire
Office of the Attorney General of the State of Wisconsin
P. O. Box 7857
123 West Washington Avenue
Madison, WI 53703–7857
Beth Finnerty, Esquire
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140 East Town Street, I2th Floor
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100 West Randolph Street, 12th Floor
Chicago, IL 60601
Douglas L. Davis
Assistant Attorney General
State of West Virginia
EXHIBIT H
AO 458 (Rev. 6/98 DC)—APPEARANCE
United States District Court for the District of Columbia
CASE NUMBER: 98–1233 (CKK)
STATE OF NEW YORK, et al., Plaintiffs,
V.
MICROSOFT CORPORATION, Defendant.
APPEARANCE
To the Clerk of this court and all parties of record:
Enter my appearance as counsel in this case for
Plaintiff States New York, California, Connecticut, F1orida, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, North Carolina, Ohio, Utah, Wisconsin and the District of Columbia
November 1, 2001
253286 Steven R. Kimey,
BAR IDENTIFICATION NO. Print Name
Williams & Connolly LLP.
725 Twelfth Street, NW
Washington, DC 20005
202–43&—5000
CERTIFICATE OF SERVICE
I hereby certify that on this 1st day of November, 2001, copies of Notices of Appearance for Brendan V. Sullivan, Steven R. Kuney and John E. Schmidtlein were served by facsimile and first-class marl, postage prepaid, to:
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Bradley P. Smith, Esq.
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William H. Neukom, Esq.
Executive Vice President
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Miscrosoft Corporation
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Counsel for Defendant Microsoft

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United States Department of Justice
Antitrust Division
601 D Street, NW
Suite 1200
Washington, D.C. 20530
Counsel for Plaintiffs
John E. Schmidtlein
EXHIBIT 1
United States District Court
for the District of Columbia
CASE NUMBER: 98–1233 (CKK)
STATE OF NEW YORK, et al., Plaintiffs,
v.
MICROSOFT CORPORATION, Defendant.
APPEARANCE

To the Clerk of this court and all parties of record:

Enter my appearance as counsel in this case for Plaintiff States New York, California, Connecticut, Florida, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, North Carol, Ohio, Utah, Wisonsin and the District of Columbia

November 1, 2001
12757 Brendan V. Sullivan, Jr.
Williams & Connolly LLP
725 Twelfth Street, NW
Washington, D.C. 20005
202–434–5000
CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of November, 2001; copies of Notices of Appearance for Brendan V. Sullivan, Steven R. Kuney and John E. Schmidtlein were served by facsimile and first-class mail, postage prepaid, to:

John L. Warden, Esq.
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United States Department of Justice
Antitrust Division
601 D Street, NW
Suite 1200
Washington, D.C. 20530
Counsel for Plaintiffs
John E. Schmidtlein
EXHIBIT 11
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA
UNITED STATES OF AMERICA Plaintiff,
V.
MICROSOFT CORPORATION, Defendant.
STATE OF NEW YORK ex rel.)
Attorney General ELIOT SPITZER, et al., Plaintiffs,)
v.
MICROSOFT CORPORATION, Defendant.
CIVIL ACTION NO. 98–1232 (CKK)
Filed: January 28, 2002
CIVIL ACTION NO. 98–1233 (CKK)
Next Court Deadline: March 4, 2002 Pre-hearing Conference
MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION OF RELPROMAX ANTITRUST INC. FOR LIMITED PARTICIPATION AS AN AMICUS CURIAE AND FOR AN EXTENSION OF TIME ON THE GROUNDS THAT THE UNITED STATES HAS NOT PROVIDED A COMPETITIVE IMPACT STATEMENT IN COMPLIANCE WITH THE REQUIREMENTS OF 15 U.S.C. 16(b)

Plaintiff, the United States of America, has not complied with the disclosure requirements of the Tunney Act, specifically 15 U.S.C. 16(b), or this Court's Order dated November 8,2001.

Pursuant to 15 U.S.C. 16(b), anyone has the statutory right to comment on the Revised

Proposed Final Judgment (''RPFJ'') in captioned Civil Action 98–1232 for sixty (60) days after the United States complies with the requirement for a Competitive Impact Statement (''CIS'') set forth in 15 U.S.C. 16(b). Relpromax Antitrust Inc. (''Relpromax'') hereby asserts its statutory right, which is also the statutory right of all Americans, to consider for sixty (60) days a CIS which meets the requirements of 15 U.S.C. 16(b) and then to file with the United States such written comments as it deems appropriate with respect to the RPFJ in light of the information disclosed in the CIS pursuant to 15 U.S.C. 16(b).

Accordingly, Relpromax seeks an order:

1) granting Relpromax status as an amicus curiae with the right of limited participation in proceedings so it can assist, if necessary, in obtaining, inter alia, the statutorily required (and Court ordered) CIS;

2) compelling the United States to comply with the statute and the November 8, 2001, order; and,

3) extending the time for comments to provide Relpromax and all interested parties with their statutory rights.

II. FACTUAL AND PROCEDURAL BACKGROUND

On November 15, 2001, the United States filed a CIS.

On November 28,2001, the CIS was published in the **Federal Register**.

III. ARGUMENT

The Tunney Act, 15 U.S.C. 16(b)(3), (4), and (6) requires in pertinent part a CIS which provides:

''(3) an explanation of the proposal for a consent judgment, including an explanation of any unusual circumstances giving rise to such proposal or any provision contained therein, relief to be obtained thereby, and the anticipated effects on competition of such relief;

(4) the remedies available to potential private plaintiffs damaged by the alleged violation in the event that such proposal for the consent judgment is entered in such proceeding; and

(6) a description and evaluation of alternatives to such proposal actually considered by the United States.''

In violation of 15 U.S.C. 16(b)(3), the CIS does not contain anything approaching an analysis of the effects of the RPFJ on competition.

In violation of 15 U.S.C. 16(b)(4), the CIS does not analyze or explain the effect of the RPFJ on private litigants.

In violation of 15 U.S.C. 16(b)(6), the CIS does not contain a full evaluation of all alternatives to the RPFJ actually considered by the United States. The CIS mentions, but does not evaluate, numerous other alternatives.

Further, no documents considered determinative in formulating the RPFJ throughout the negotiation process were disclosed as required by 15 U.S.C. 16(b).

Accordingly, entry of an order in the form submitted herewith is respectfully requested.

REQUEST FOR ORAL HEARING

An oral hearing on this motion is requested pursuant to 15 U.S.C. 16(0(5).

Respectfully submitted,
January 28, 2002
Peter Peckarsky
1615 L Street, NW, Suite 850
Washington, DC 20036
Telephone: (202) 785–0100
Telecopier: (202) 408–5200
Attorney for Relpromax Antitrust Inc.
EXHIBIT 12
TO THE COMMENTS OF RELPROMAX ANTITRUST INC. ARTICLES AND FEATURES
The Real Microsoft Case and Settlement
BY CHARLES A. JAMES

United States v. Microsoft, the first major monopolization case of the 21st century, has transformed antitrust from an [1] legal discipline into a broad public dialogue about the role of competition in our society and our national tolerance for economic power. The case has all of the trappings of a media event. It involves the signature product of the digital age, the Windows operating system, through which the vast majority of computer users worldwide interact with what has become a basic appliance in burnan life. It pits the power of the U.S. government against one of the country's most successful corporations, led by one of its wealthiest and most visible citizens. It became a contest between one of the nation's most skilled and flamboyant trial lawyers and a company with the resources to purchase all the legal talent money could buy. Additionally, the case became a contest between Microsoft and the other lions of the information technology industry. Never before in the history of the Antitrust Division have competitors of a firm under prosecution invested so heavily in the outcome of one of our cases. By virtue of its control over the operating system, Microsoft

[1] United States v. Microsoft Corp., 253 F.3d 3.4 (DC Cir. 2001).

enjoys distinct advantages in competition for adjacent markets. With huge amounts of money on the line, Microsoft's competitors hired scores of lawyers and lobbyists to press their views of the case and to insist that the remedy be crafted so as to advance their interests.

Finally, Microsoft was the first major antitrust case to be tried in the age of 24-hour news and, as such, came to be covered like the Super Bowl, complete with play-by-play reporting, color commentary, player interviews, and endless expert analysis. Antitrust lawyers and academicians suddenly became television personalities, providing blow-by-blow commentary on every development in the litigation, A nine-hour court of appeals arguments was broadcast live over the Internet, and, miraculously enough, ordinary people listened to lawyers debating the finer points of technology trying and market definition. The general public actually formed opinions about the appropriate outcome of an antitrust case.

Under the circumstances, it was very easy for the antitrust case itself to become mere substext—i.e., to become completely submerged beneath the show business, pontification, and self-interested advocacy. Antitrust, after all, is about the application of technical legal principles to highly complex economic circumstances. The types of issues that actually matter in antitrust analysis are far less glamorous and intriguing than the issues usually discussed in connection with the Microsoft case. One bedrock principle of antitrust law—that a firm might lawfully obtain a monopoly and exercise the power it affords—is almost counter-intuitive to the American psyche and presents difficult line-drawing exercises even for the antitrust cognoscenti. Thus, care must be taken to distinguish between ''Microsoft, the antitrust case'' and ''Microsoft, the public spectacle.'' The two have developed quite differently.

In this article, I address what I consider to be the real Microsoft case—the antitrust dispute fought out in the courts. In particular, I wish to refocus attention on the legal allegations charged in the complaint, how those allegations were resolved in the courts, and the remedies in the proposed Final Judgment presently undergoing Tunney Act review (the ''proposed decreed''). That the Microsoft litigation that emerged from the court of appeals was a far narrower antitrust case than was originally brought seems to have gone largely unnoticed. Viewed purely as an antitrust matter, we believe the remedy presently under consideration by the district court fully and demonstrably resolves the monopoly maintenance finding that the court of appeals sustained. Underlying the monopoly manintance claim was proof that Microsoft took actions, among other things, to discourage the development and deployment of rival Web browsers and Java technologies, in an effort to prevent them from becoming middleware threats to the operating system monopoly. The settlement extends the product definition to all manner of present and future middleware products, prohibits in the broadest terms the practices found to be unlawful, deprives Microsoft of the means of disciplining firms that might develop or deploy competing middleware products, and requires disclosure of proprietary interfaces and protocols so that rival firms may create middleware that can compete on a function-by-function basis with Microsoft's integrated products. The prescribed relief is supported by an unprecedented level of enforcement power, including a full-time, on-site, independent compliance team and the power to extend the decree in the event of serious violations. In strict antitrust terms, by any serious reading of the court of appeals ruling, the settlement represents a big win for the government.

Charles A. James is the Assistant Attorney General in charge of the Antitrust Division of the U.S. Department of Justice. The Antitrust Division commenced its case against Microsoft on May 18, 1998. A coalition of 19 states and the District of Columbia, with New York as the lead plaintiff ?? their lawsuit on the same day, and the two cases were consolidated and prosecuted jointly. Nice estates, including New York, have joined with the United States in propesing a settlement. The views expressed herein are the author's and relate to the Antitrust Division's case and settlement and do not purport to represent the views of any state plaintiff.

The Real Microsoft Case

A dose of reality is in order. Microsoft occupies a critical place in the the worldwide computer industry. Its proprietary Windows operating system exists as the de facto standard for the entire realm of IBM-compatible peronal computers. In rough terms, operating systems perform certain basic computing functions—drawing a box, opening a file, executing print commands, etc. These functions are accessed by software running on the operating system through application programming interfaces (APIs). The operating system is said to ''expose'' APIs. To facilitate the development of programs that run on the Windows operating systems, Microsoft discloses some, but not all, of those APIs to the software development community. Tens of thousands of software programs are written to the Windows operating system, a fact that has become a seemingly self-perpetuating basis for Microsoft's monopoly over the operating system market. Because computer users want their operating system to be a stable platform for present and future applications programs, new operating systems, whatever their technological merits, have difficulty gaining patronage. This is a ''applications badrrier to entry.''

The Microsoft operating system monopoly, fortified by the applications barrier to entry, is very durable, and gives Microsoft distinct advantages in competing in downstream markets for applications software, hardware, and Internet services. These has never been any serious contention, however, that Microsoft obtained its operating system monopoly through unlawful means, but rather that it unlawfully maintained it. Thus, under our antitrust laws, the existence of the operating system monopoly is not subject to direct attack and was not challenged in this case.[2]

In 1998, the Antitrust Division, nineteen states, and the District of Columbia commenced their respective antitrust cases against Microsoft.[3] The complaints alleged: (1) that Microsoft engaged in a series of anticompetitive acts to maintain its monopoly position in the market for operating systems designed to run on Intel-compatible personal computers, in violation of Section 2 of the Sherman Act; (2) that Microsoft attempted to monopolize the Web browser market, also in violation of Section 2; (3) that Microsoft illegally tied its Web browser, Internet Explorer (IE), to its operating system, in violation of Section 1; and (4) that Microsoft entered into exclusive dealing arrangements that also violated Section 1. After a full trial on the merits, the district court sustained all claims save for exclusive dealing.[4] The court of appeals, however, narrowed the liability findings, sustaining only the monopoly maintenance claim, but with fewer anti-competitive actions than the district court had found.[5] The court of appeals reversed with respect to eight of the twenty anticompetitive acts the district court had sustained as elements of the monopoly maintenance claim. The court of appeals reversed the attempted monopolization and tying conclusions, remanding the latter claim for further proceedings under the more rigorous rule of reason standards.[6]

And, of course, the court of appeals vacated the Final Judgment that had set forth the break-up remedy and interim conduct remedies.[7]In its own words, the court of appeals ''drastically altered the District Court's conclusions on liability.''[8]

The surviving portion of the case focused primarily on the so-called ''browser war'' and allegations that Microsoft engaged in various anticompetitive pratices to maintain its operating system monopoly. For all of its claimed technological prowess and industry foresight, Microsoft had fallen behind in the race to commercialize Web browser technology. An upstart company called Netscape had beaten the mighty Microsoft to the punch and quickly gained a respectable market share as the preferred technology for navigating the then-burgeoning Internet. More importantly, Netscape proponents were touting the prospect of a new world of Internet computing that would make operating systems less relevant, if not virtually irrelevant. Netscape touted its Web browser as a new category of software that came to be known as ''middleware,'' a form

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[2] Even the structural remedy proposed by the government and ordered by Judge Jackson would have permitted Microsoft to retain its operating system monopoly.

[3] 3 United States v. Microsoft Corp., Civil Action No. 98–1232 (D.DC ?? May 18, 1998); State of New York v. Microsoft Corp., Civil Action No. 98–1233 (D.DC ?? May 18, 1998).

[4] (United States v. Microsoft Corp., 87 F. Supp.2d 30, 56–57 (D.DC 2000).

[5] Microsoft, 253 F.3d at 50–80.

[6] Id. at 96. The Court also held that although if it pursued the tying claim the tying government had the burden to show an anticompetitive effect in the browser market, it was precluded from arguing any theory of harm that depends on a precise definition of browsers or barriers to entry ....? Id. at 95.

[7] Id. at 119.

[8] Id. at 105.

of software that, itself, exposed a broad range of APIs to which software developers could write applications. Assuming that Netscape Navigator could become fairly ubiquitous, that large numbers of developers wrote programs to it, and that Netscape, itself, ran on multiple operating systems, operating systems other than Windows could become viable. In this sense, the browser was a ''nascent'' threat to the operating system monopoly.

Microsoft took this middleware threat seriously. The trial record disclosed a corporate preoccupation with thwarting Netscape and displacing the Netscape Navigator with IE as the prevailing Web browser in the industry. This campaign featured a host of strong-arm tactics aimed at various computer manufacturers, Internet access providers, and independent software developers. Even the decision to integrate its own browser into the operating system—in effect, giving it away for free—had an element of impeding the growth of Netscape and once was described as taking away Netscape's oxygen. Microsoft went so far as to make it more difficult to remove its browser from Windows in the apparent recognition that computer manufacturers would fear that the presence of two Web browsers on the desktop would cause consumer confusion and prompt expensive service calls.

The government's case against Microsoft focused heavily on the browser war—and a relatively narrow aspect of that war—the consumer's experience the very first time he or she boots up a brand new computer. a consumer with some basic level of computer knowledge and a small amount of effort, could elect to use the Netscape browser. Just like any form of computer software, alternate browsers were available through download and other forms of retail distribution. The underlying assumption of the browser war, however, was that most consumers become wedded to the first products to which they are exposed and those the computer manufacturer makes it easiest to deploy. Thus, desktop placement and other forms of ''first-sighting'' were important market movers.

The district court based its monopoly maintenance liability finding on the government's proof that Microsoft had engaged in a series of exclusionary acts. Those acts involved, in sum, the integration of IE into Windows, while closing off access for Netscape; various dealing with original equipment manufacturers, independent software providers, Internet access providers, and Internet hardware providers; effort to thwart Java technologies; and a course of conduct as a whole.[9] While Judge Jackson had sustained the government on most of the claims, the court of appeals was a bit more selective. It ruled that certain of Microsoft's practices—for example, Microsoft's practice of preventing computer manufacturers from substitution their own user interfaces for the Windows interface supplied by Microsoft—were justified and thus lawful.[10] The court of appeals also explicitly rejected the course of conduct theory.[11] Under that theory, we, in effect, argued that the whole was greater than the sum of the parts—that Microsoft's individual practices, rather than being judged on their individual merits, should be evaluated as part of a grander scheme of monopolization, providing an independent basis for monopolization liability.

Thus, we found ourselves victorious on the monopoly maintenance claim, albeit with less underlying conduct to remedy. The attempted monopolization count was gone and, based on the court of appeals'' decision and the need to move to the remedy phase as quickly as possible, we dropped the tying claim. Those two claims had been a direct assault on Microsoft's ability to compete outside of the operating system—in particular, its ability to integrate new functions into Windows. But the court of appeals had made it clear that, albeit with some limits, Microsoft could lawfully integrate new functions into the operating system and use the advantages flowing from its knowledge and design of the operating system to compete in downstream markets. What was left in the case was a series of individual practices directed against competing browser developers and others, which the court of appeals found to be unlawful because of their potential to protect the operating system monopoly. That was the conduct to be remedied; not the existence of the Microsoft operating system monopoly itself and not the prospect that Microsoft might come to dominate other downstream markets for reasons unrelated to its conduct protecting the operating system franchise.

Dropping the Structural Remedy. Having taken the helm of the Antitrust Division just weeks before the court of appeals decision, for me the prior history of the case had to be just that history. The court of appeals decision was the new reality. It set forth the rules of the game. Judge Jackson's order to separate Microsoft's operating system business from the appliations business had received a chilly reception, at best, in the court of appeals decision.[12] By admonishing that a structural remedy would only be appropriate if the government proved a more direct causal connection between Microsoft's exclusionary practices and maintenance of the operating system monopoly (a connection that Judge Jackson said he could not find), it was clear that a structural remedy was not favored.[13] Moreover, even in the absence of the court of appeals'' cautionary language about a structural remedy, its adverse conclusions on the tying and attempted monopolization claims undercut any real basis for separating the operating system and applications businesses. After all, the court of appeals declined to hold that Microsoft could not lawfully integrate appliations functions into the operating system. Given what was left in the case—essentially a series of heavy-handed contracting practices with computer manufacturers and software developer, unlawful when undertaken to protect the operating system monopoly—a conduct remedy seemed all that could be secured, let alone justified.

Eliminating structure from the remedial picture was also an important tactical issue as we moved into a remedy hearing before a new judge. The new judge obviously would take into account the court of appeals not-so-subtle message regarding structural relief, and likely would have little patience for some quixotic effort to press for that remedy, even as a mere bargaining chip. Moreover, the question of structural relief would have greatly complicated the remedy phase of the case. Microsoft would have been entitled to raise a raft of issues regarding the impact of such relief. This would have substantially protracted the discovery phase of the remedy proceeding, eliminating any prospect for a quick resolution, either in the district court or otherwise. Even if we had persuaded the trial court to impose structural relief, we would have found ourselves right back before the court of appeals, which already had said that it would review structural relief with considerable skepticism and under stringent legal k standards. Finally, from my own personal perspective, the structural remedy that Judge Jackson had ordered, i.e., a break-up into two companies without ongoing line-of-business restrictions—might have been a hollow, short-lived solution. Without the types of continuing line-of-business restrictions found to be hopelessly complicated and regulatory in the AT&T decree, Microsoft easily could have kept its operating system monopoly and reasonabled its appliations businesses through acquistion and internal development in a matter of years, if not months. Presenting the case for line-of0business restrictions would have been yet another complication. Taking structural relief off the table at the outset of the remedy proceeding before the new judge enabled us to get favorable procedural rulings that were essential to moving quickly to a prompt resolution.

The Conduct Remedy

An antitrust remedy for a Section 2 violation must stop the offending conduct, prevent its recurrence, and restore competition. While prohibiting the exact conduct found to be unlawful in the court of appeals decision would be relatively simple work, addressing the broader questionof monopoly maintenance was more difficult. Preventing recurrence must involve proactivesteps to address conduct of a similar nature. Restoration requires prospective relief to create lostcompetition and may involve actions to disadvantage the antitrust offender and/or favor its rivals. The relief, however, must have its foundation in the offending conduct. The monopoly maintenance finding, as sustained by the court of appeals, was not a mandate to range broadly across the computer industry purporting to solve unproven problems unrelated to the middleware threat to the operating system. Indeed, Judge Kollar-Kotelly stated in open court that she expected the government's proposed remedy to reflect the fact that portions of the government's case had not been sustained.

At the outset of the remedies proceedings, we stated that our proposed relief would be modeled upon the interim conduct

[9] Id. at 58.

[10] Id. at 50–80.

[11] Id. at 78.

[12] See id. at 105–06

[13] Id.

provisions of Judge Jackson's (now-vacated) Final Judgment. Those provisions were ''interim'' because they were intended to remain in place only during the year in which Microsoft was preparing to be broken into two companies. the government itself had proposed those interim remedies, and thus they provided a base from which to develop appropriate remedies. We were cognizant, however, that those remedies provided relief based on Judge Jackson's liability findings, including the attempted monopolization and tying claims and portions of the monopoly maintenance claim that were not upheld by the appellate court. In addition, because those remedies had never been subjected to the rigors of an adversarial proceedings, and had been prepared without any meaningful consultation with Microsoft, certain practical issues had never been fully vetted. This was a real danger, because the remedies had to be fully capable of being put into practice, anything else would be an enforcement nightmare.The interim remedies had also been based upon a trial record developed largely in 1998 and 1999. The industry had changed significantly since then. Among other things, by most accounts, Microsoft had essentially won the browser war, relief to revive Netscape Navigator as a middleware threat may have too little, too late. In addition, the character of potential middleware platforms had largely changed. It is unclear whether another general middleware threat like the browser will ever again emerge. The middleware war of today appears to focus on more specialized types of software, such as instant messaging systems and media players-systems that might be platforms for families of related functions, but whose potential to be a platform for a broad range of application remains to be seen. Today, one would not necessarily predict that a software developer would write a financial services program, for example, to run on either a messaging system or a media player. Finally, and perhaps most importantly, the operating system world has changed. At the time the case was filed, the browser was designed to sit on top of the operating system like any other application that had to be ''opened'' manually. In the ensuingyears, the technology evolved so that browser functions increasingly were integrated into the operating system and invoked automatically to create a more seamless user experience. This made middleware products easier for consumers to use, but placed greater demands on competitors to create products that could function as seamlessly as Microsoft's.

Enjoining the Unlawful Conduct. There was no question that any proposed Final Judgment had to include prohibitions to enjoin the offending conduct that the district court had found and the court of appeals had sustained. I must note, however, that the affirmative prohibitions contained in the proposed decree go considerably beyond the literal findings of the court of appeals. The decree broadly bans exclusive dealing, gives computer manufacturers extensive control of the desktop and initial boot sequence, and prohibits a broad range of retalitory conduct. There can be no question that Microsoft must fundamentally change the way in which it deals with computer manufacturers, Internet access providers, software developers, and others under the proposed decree.

The middleware definition was a very complex issue and would have been fought hard in a litigated remedy proceeding. The team has no accepted industry or technical meaning, and one might reasonably distinguish between products that might function as middleware (i.e., an intermediate software program between an operating system and an application) and products that actually might threaten the operating system monopoly. At the time of trial, the term middleware was used to describe software programs that exposed APIs. In today's world, by virtue of the extensive degree to which software programs interact with each other, a very broad range of programs—large and small, simple and complex—expose APIs. Obviously, all software that exposed APIs could not qualify as middleware for purposes of the case.

As middleware is defined in the proposed decree, it captures, in today's market, Internet browsers, e-mail client software, networked audio/video client software, and instant messaging software. On a going forward basis, it also provides guidelines for what types of software will be considered middlewares for purposes of the decree. These guidelines are critical because, while it is important that future middleware products be captured by the proposed decree, those products will not necessarily be readily identified as such.

Preventing Recurrence. Having addressed the basic prohibitions, the more formidable tasks of addressing recurrence, restoration, and enforcement confronted us. Because of the critical role Microsoft's Windows operating system plays within the computer industry, the company has at its disposal a broad array of potential means of projecting its will upon manufacturers anddevelopers. Many in the computer industry believe that Microsoft can influence product development and deployment decisions by other firms through a variety of carrots and sticks, and there was evidence in the trial record that Microsoft had used a number of such tactics to impede the emergence of competing Web browsers. By the same rocken, not all forms of collaborationbetween Microsoft and other industry participants are anticompetitive, and some actually benefit competition and consumers. To cover the broad range of potential strategies Microsoft might deploy, we sought to address the recurrence issue through the broad concepts of non-discrimination and non-retaliation, rather than by simply enumerating a list of specific prohibitions that we can identify today.

Restoring Lost Competition. With regard to restoration, we had to begin from the premise that the middleware threat to the operating system monopoly was a nascent one. It is said that some 70,000 applications currently run on Windows, making the applications barrier to entry quite formidable. At the very peak of our advocacy in the case, unfortunately not even we could hypothesize a point at which so many applications would be written to middleware APIs that there would be a meaningful threat to the Windows operating system, and the fact was noted in the court of appeals decision. Thus, the task in the restoration aspect of the decreed was to restore the potentiality of middleware. As had been the case in the mediation before Judge Posner and in Judge Jackson's order, our preferred approach was to ensure that middleware developers had access to the technical information necessary to create middleware programs that could compete with Microsoft in a meaningful way. This would have been a difficult undertaking in the earliest phases of the case, and it became even more difficult with the evolution of operating systems toward more integrated and seamless functionality.

API disclosure apparently had been a very difficult obsta??e to resolution of the case at every stage. Press reports of the mediation before Judge Posner indicated that the scope of API disclosure was the sticking point that doomed earlier efforts to settle. There had never been any allegation in the case that Windows was an essential facility, the proprietary technology for which had to be openly shared in the industry. Further, failure to disclose APIs sufficient to create interoperable software was not a critical underpinning of the case; after all, we argued successfully that the 70,000 applications written to Windows contributed so the strength of the monopoly. That is not to say that disclosure had not been used selectively by Microsoft, the government showed that Microsoft had sought agreements with middleware developers to refrain from developing competing products in exchange for preferential access to proprietary technical information. Such agreements, however, would have been facially unlawful, without regards to Microsoft having some inherent legal obligation to disclose APIs. Technical support, in that sense, was merely consideration for an otherwise unlawful agreement. There is a duality in Microsoft's position on API disclosure. The company frequently argues thatit has strong incentives to make broad disclosures of APIs and other technical information because it wants developers to write applications programs to its operating system. Nonetheless, the company is forced to acknowledge that many important Windows functions rely upon undisclosed APIs. Moreover, it seemed fairly clear that Microsoft's reluctance to disclose those APIs was based upon more than a concern about the burden of administering the disclosure regiment. The simple fact is that certain of the undisclosed APIs relate to cutting-edge functions and applications, many of them integrated deeply into the operating system, that could be meaningful points of differentiation between Windows middleware products and those offered by third parties. Thus, we believed that we were on strong legal ground in seeking to require Microsoft to disclose its undisclosed APIs as a means of restoring competition in the middleware industry.

The decree's provisions for API disclosure will be critical in enabling independent developers to match Windows'' functionality in their middleware products. Simply stated, if Microsoft middleware products rely on an API, that API must be disclosed. API

disclosure of this type has become all the more critical as the operating system has evolved to include more deeply integrated functions that are invoked automatically in connection with other applications. But for detailed API disclosure, many middleware functions offered in third-party software would be more difficult to implement than Microsoft's integrated functions. Independent middleware vendors also will be aided by the decree's provisions that require Microsoft to create and preserve''default'' settings, such that certain of Microsoft's integrated middleware functions will not be able to over-ride the selection of a third-party middleware product. This is yet another respect in which changes in the technology required us to go beyond the relief contemplated in Judge Jackson's order. By giving middleware developers the means of creating fully competitiveproducts, requiring the creating of add/delete functionality that will make it easier for computer manufacturers and users to replace Microsoft middleware functionality with independently developed middleware, and making it absolutely clear that computer manufacturers can, in fact, replace Microsoft middleware, the decree will do as much as possible to restore the nascent threat to the operating system monopoly that browsers once represented.

The disclosure of communications protocols for servers was another matter entirely. Very clearly this was a by-product of the negotiated resolution of the case that would have been highly contentious and by no means a certainty had the remedy been fully litigated. In recent years, Microsoft has moved aggressively into the network server market, competing with firms, such as IBM, Novell, and other. Servers tend to communicate through fairly standard communications protocols. Nonetheless, all server manufacturers have implemented their own proprietary communications technologies, working in tandem with the standard protocols, that each server line employs to differentiate itself from other brands ad models in terms of features and performance. In network computing, these proprietary technologies are implemented through software code residing at both ends of the communications link, i.e., on the desktop operating system or ''client'' and on the server itself. Anyone who has ever worked in a network computing environment it familiar with the process of the network administrator loading new software in the form of annoying updates, downloads and overnight system changes. While other server manufacturers must load all of their client software independently, Microsoft ships some of its client-server interoperability technology on Windows itself.

Competing server manufacturers complain that Microsoft has an inherent advantage in server competition in that it has a superior knowledge of the operating system and possesses the ability to embed within the operating system secret technology that gives its servers more features and better performance than servers offered by other. Although these claims have never been fully discovered or litigated, it seems intuitively correct that Microsoft would behave in this manner. Yet there is a clear body of case law that a vertically integrated firm, even one that is a monopolist, might rationally and lawfully gain a competitive advantage in one market from its strength or monopoly power in another. In other words, there is no legal rule of antitrust law requiring distinct businesses within a single firm to act as though they are complete strangers to each other. The connection between the ''secret sauce'' argument in the server market and the monopoly maintenance claim in this case may not be obvious. To establish the connection on even the theoretical level, one must hypothesize a number of circumstances concerning the future economic course of the server market. To use the Berkeley School ''econo-phrase,'' Microsoft's practices of embedding secret technology in the Windows operating system would have to cause the server market to ''tip'' in its favor, such that competing servers would no longer provide a platform threat to the desktop operating system.

Further, this issue developed primarily since the trial—it was barely raised and never litigated in the proceedings before the district court. Indeed, the word, ''server'' never appeared in the complain and was mentioned only a handful of times in the findings of fact—in those instances mostly in the context of discussing the browser as a component in network computing. In fact, the most cogent statement of the server theory appears in a series of proposed findings of fact we submitted that actually were not adopted by Judge Jackson. 15 Undoubtedly, Microsoft would have argued strenuously in the remedy proceeding that server issues had never been litigated in the case and provided no basis for relief.

Notwithstanding any difficulties the government might have faced in pursuing server relief in the remedies proceeding, the potential competitive consequences in this area are substantial. If it is true, as many seem to believe, that serverbased applications might be the next important threat to the operating system monopoly, this would be an area in which it is important to stretch for relief, whether or not the issue was fully fleshed-out in the liability phase of the case. The proposed decree, therefore, requires Microsoft to disclose communications protocols embedded in the operating system, but preserves for the company the ability to deploy proprietarycommunications technology provided separately. Though this does not fully negate Microsoft's inherent advantages as the designer of the operating system, it requires Microsoft to compete as other server manufacturers do by separately providing client-side communications technology. Enforcement. It has been suggested that no ''conduct'' remedy could be effective because Microsoft is a defiant company that cannot be trusted to comply with an antitrust decree. Our practice with regard to enforcement, however, is never influenced by the extent to which we ''trust'' a defendant. Rather, the decree must stand on its own as an enforcement vehicle. Thesettlement in this case contains some of the most stringent enforcement provisions ever contained in any modern consent decree. In addition to the ordinary prosecutorial access powers, backed up by civil and criminal contempt authority, this decree has two more aggressive features. First, it requires an independent, full-time, on-site compliance team—complete with its own staff and the power to hire consultants—that will monitor compliance with the decree, report violations to the Department, and attempt to resolve technical disputes under the disclosure provisions. The compliance team will have complete access to Microsoft's source code, records, facilities, andpersonnel. Its dispute resolution responsibilities reflect the recognition that the market will benefit from rapid, consensual resolution of issues, more so than litigation under the Department's contempt powers. The dispute resolution process complements, but does not supplant, ordinary methods of enforcement. Complainants may bring their inquiries directly to the Department if they choose.

The decree also contains a provision under which the team may be extended by up to two years in the event that the court finds serious, systematic violations. Assuming that Microsoft will want to get our from under the decree's affirmative obligations and restrictions as soon as possible, the prospect that it might face an extension of the decree should deter violations and provide an extra incentive to comply. We opted for this three-part compliance regime, not because of the assumption that Microsoft would act in bad faith, but rather because of the inherent complexity of the decree, which seeks to address Microsoft's interactions with firms throughout the computer industry. Under the circumstances, ongoing supervision backed up by tough penalties was in order.

Reaction to the Settlement. In our view, the proposed decree fully remedies the violations upheld in the court of appeals decision. No conceivable remedy could guarantee that middleware products will emerge as a palpable threat to the operating system monopoly. However, the decree, if entered, creates an environment in which Microsoft will have to compete on the merits and will be prevented from using anticompetitive means to impede the emergence of competing middleware products. In the short term, computer manufacturers will be able to offer consumers choices with respect to popular middleware programs free of interference from Microsoft. To the extent that the decree prevents Microsoft from unduly influencing the natural propagation of middleware technologies, it will have accomplished an important purpose, whether or nor any particular middleware product ultimately grows into a meaningful threat to the operating system. Not surprisingly, the settlement has its critics. Some of the criticism, however, heartfelt and passionate, can be dismissed as failing to reflect a real appreciation for the underlying law.

Generalized claims that Microsoft's operating system monopoly should have been taken away as ''punishment,'' or that the government should have obtained monetary relief, will not be seriously debated in antitrust circles. The remaining critics tend to fall into two categories. The loudest and most vocal critics, understandably, are Microsoft's competitors—some of which

hoped the case would bring about a wholesale emasculation of Microsoft, while providing their own companies specific strategic, technological, and financial advantages. A second group, which again includes competitors, raises questions as to whether a remedy of this scope and complexity reasonably can be expected to correct the unlawful conduct in which Microsoft has been found to have engaged. Questions of that nature are entirely appropriate and we hope will be raised and addressed in the Tunney Act process.

The Microsoft case is unique in the level at which competitors have sought to assist in andinfluence the government's liability and remedial determinations. From the very outset of thelitigation, virtually every significant player in the computer industry, directly or through coalitions, hired a team of antitrust lawyers (and sometimes lobbyists) to advance their views ofthe case. Support from competitors was extremely helpful to us during the liability phase, in thatit gave the government ready access to discovery materials, technical expertise and otherassistance. This support also was helpful in conceptualizing the remedy and testing the likely competitive effects of various remedial approaches.

Nonetheless, the government still had to make judgments based upon its own assessment of the marketplace, rather than solely or even predominantly from the perspective of competitors. Onceliability had been established, a sense of entitlement set in among some firms that had rendered assistance. Firms in the industry became very aggressive in pressing for all manner of relief,whether or not it had anything to do with the antitrust liability that had been established.[16] The Specter of the Microsoft operating system monopoly overhangs every level of the information technology industry and very clearly imposes serious challenges upon firms seeking to compete in adjacent markets. One can easily hypothesize any number of governmental actions constraining Microsoft or bestowing advantages upon its rivals that might be said to ''level the playing field'' upon which Microsoft must compete with other firms. The Antitrust Division,however, has no mandate to ''regulate'' competition divorced from remedying specific antitrust violations. Thus, from a law enforcement perspective, the relief had to be tailored to proven violations; it could not be a laundry list of unrelated requirements competitors might find useful.In this regards, it is useful to consider some of the principal concerns expressed publicly by competitors and others, in light of both the court of appeals decision and the proposed decree.Probably the single most widely, publicly expressed criticism relates to the questions of product bundling and commingling of software code. Firms in adjacent markets very clearly wanted the decree to restrict, if not prohibit, Microsoft from competing outside of the operating system market. That is one of the reasons that the structural remedy was so popular among competitors.Rules prohibiting Microsoft from integrating products into the operating system would benefit competitors. The court of appeals, however, refused to establish a rule of antitrust law that outlaws Microsoft's integration of new functions or products into the operating system. We had to accept that we had lost on that issue in the context of four separate claims; the contempt proceeding under the 1995 decree, and in the monopoly leveraging, tying, and attempted monopolization claims of this case. Given the manner in which the courts have treated this issue,it is surprising that there has been any suggestion that the settlement is deficient because it does not restrict bundling.

Equally surprising is the public criticism that the proposed decree should have required Microsoft to sell a la carte versions of Windows with the middle ware priced separately. As an initial matter,this would have been a remedy most appropriate for the tying claim, rather than for monopoly maintenance. Even more fundamentally, where is the consumer benefit in this relief proposal?Computer manufacturer tout the fact that their products include the Windows operating system,and consumers reasonably expect that a Windows operating system will include the Windows features. The proposed decree provides the computer manufacturer the option of featuring alternative middleware products, which consumers might accept or reject as they see fit. We saw no public benefit in depriving consumers of that choice.

Similar issues have been raised with regard to the commingling of code. At trial, the government challenged Microsoft's actions to prevent removal of its browser—in particular, eliminating the browser from the list of programs that could be removed by the computer manufacturer or end user with the add/remove function, and making it impossible to remove the Microsoft browser without removing related operating system code and thereby losing necessary operating system function. Our proposed decree addresses both issues by requiring that Microsoft redesign windows to include an effective add/remove function for all Microsoft middleware products and to permit competing middleware to take on a default status that will override middleware functions Microsoft has integrated into the operating system. In tandem, these provisions provide an unimpeded choice to select an alternative middleware product. We have never read the court of appeals decision with regard to commingling to be an attempt by the court to articulate an affirmative rule of software design under which all commingling would have been prohibited.This aspect of the court's opinion very clearly addressed the subject of consumer choice, which has been fully addressed in the proposed decree. Those seeking a broad ban on commingling appear to be seeking to reduce consumer choice, not increase it.

Public critics also express concern that the proposed decree does not address Microsoft's incursions into new markets and services, such as e-commerce, Internet services, or content.They contend that, left unabated, Microsoft will unfairly gain control over those markets from its base in operating systems. Given Microsoft's market power in operating systems, its movement into adjacent markets will almost always merit careful antitrust scrutiny. That said, the rulings in this case provided no basis for attempted monopolization or monopoly leveraging remedies that would proscribe Microsoft actions that do not have the purpose and effect of protecting the operating system monopoly. Once again, with the monopoly maintenance claim as the only surviving basis for relief, the remedy has to focus on middleware or middleware-type treats to the operating system, nor the prospect that Microsoft might come to dominate other markets.It has been reported that critics also claim that the proposed decree is riddled with ''loopholes,''particularly with respect to carve-outs from the exclusive dealing and non-retaliation provisions.Those carve-outs, which are stated in phraseology borrowed from well-established Supreme Court joint venture law, afford Microsoft a limited ability to engage in collaborative conduct that would be plainly lawful under the established precedents. We can understand why some would prefer that Microsoft be prevented from engaging in any collaborative conduct. Among other things, such relief would constrain Microsoft in its ability to more into new technologies,products, and markets, isolating the company into a world of internal product development. But we never alleged that all of the scores of types of agreements into which Microsoft routinely enters contributed to illegal maintenance of the operating system monopoly. Indeed, many developers actually benefit from their collaborations with Microsoft and the prospect that their products might be commercialized through, or with, Microsoft. Consumers benefit to the extent that such collaborations bring such new products and services to the market. A flat prohibition would have prevented such collaborations without regard to their potential procompetitive benefits. It might also have prevented Microsoft, for example, from offering a promotional allowance in connection with a new product to one developer unless it provided the allowance to all. Requiring Microsoft to provide those allowances to firms that did not even sell the product would have been nonsensical. For these reasons, an absolute ban on collaborative activity would have been overkill under the circumstances of this case.

Many competitors and others in the industry strongly favored a remedy that required Microsoft to disclose its source code in its entirety. There is within the computer science community,particularly among devotees of other platforms, a generalized notion that Microsoft unfairly foists inferior software upon the public by maintaining the protected proprietary quality of its operating system. Proponents of that view believe that innovation would accelerate, and Microsoft itself would be forced to compete on the merits, if Windows could be transformed into an open source code platform.[17]

[17] For ??, in a recent Washington Post article, Sun Microsystems is reported to have argued that all of Microsoft's formats and all of its communications protocols should be ''turned into open, published standards,'' U.S. Settlement Leaves Microsoft More??, WASH.Post. Nov. 9, 2001, at E1.

While competitor demands for access to source code are often stated in terms of interoperability,there is no question that such access would benefit competitors in other ways, as well. Access to the source code would provide competitors free access to Microsoft's programming approaches and innovations, allowing firms to imitate, copy, or clone products and services Microsoft offers.The proposed decree assures disclosure without providing an easy way for competitors or even hackers to misappropriate intellectual property and trade secrets for themselves. To the extent that the secure facility provided in Judge Jackson's order was to ensure adequate disclosure and documentation under the decree, we elected the effective but less intrusive approach of providing the compliance team, a group of computer science experts, with access to the source code. If a developer believes that there has been a failure of the disclosure regime, the compliance team will be able to determine quickly whether Microsoft has met its obligations under the decree. If it has failed, it may either cure the problem or risk contempt sanctions. There being no basis under the court of appeals decision to order Microsoft to disclose its intellectual property to undermine the operating system monopoly, it would have been a significant stretch to require open access simply to police a restorative provision. Our proposed decree provides an effective mechanism for developers to receive source code assistance, consistent with our remedial goals, without the danger of misappropriation of Microsoft's intellectual property.

With regard to compulsory licensing to computer manufacturers, again, the court of appeals ruling is a constraining factor. Judge Jackson ordered this disclosure upon the assumption that the tying and attempted monopolization decisions had been sustained, providing a basis for separating middleware products from the operating system. Those findings, of course, were reversed by the court of appeals, calling into question whether computer manufacturers could lawfully reconfigure Windows by stripping out Microsoft middleware products in their entirety.Moreover, one would have to question the practicality of having computer manufacturers redesigning Windows for their own purposes. As it is, the proposed decree provides the computer manufacturer considerable control over the Windows desktop at initial boot-up and beyond.Requiring Microsoft to design effective add/delete and default functions into new versions of windows would seem far superior to inviting computer manufacturers to create do-it-yourself versions. Last, a compulsory licensing regime would have raised many of the same security concerns as the secure facility.

In sum, it is understandable why competitors would want Microsoft to unbundle its integrated products, refrain from all collaborative activity, and widely disseminate its proprietary intellectual property. Those requirements, however, are largely beyond the scope of the court of appeals decision or otherwise do not advance public goals. The antitrust laws protect competition, not competitors. We believe that the relief we have negotiated fully addresses the legitimate public goals of prohibiting Microsoft's unlawful conduct and restoring competition.

EXHIBIT 13

TO THE COMMENTS OF RELPROMAX ANTITURST INC., THE WASHINGTON POST

Enron Executives contributed to Ashcroft Campaigns

By Dan EGGEN

Washington Post Staff Writer

One week before John D. Ashcroft suffered he biggest defeat of his political career, a $25,000donation arrived at the Ashcroft Victory Committee, one of the Missouri senator's fundraising committees for the 2000 race.

The donor was Kenneth L. Lay, head of a rapidly growing Houston energy company called EnronCorp., whose executives contributed more than $50,000 to Ashcroft's Senate campaign in 1999and 2000.

The contributions prompted Ashcroft to recuse himself yesterday from a criminal investigation into Enron's collapse by the Justice Department, which he heads s attorney general.Ashcroft's decision was based on ''the totality of the circumstances of the relationship between Enron and the attorney general,'' and Ashcroft ''has not been involved in any aspect of initiating or conducting any investigation involving Enron,'' the Justice Department said in a statement.Chief of Staff David Ayres, who ran Ashcroft's failed reelection bid, also will divorce himself from the Enron probe, officials said. In Houston, U.S. Attorney Michael Shelby said his entire office has removed itself from any matter involving Enron because he and other prosecutors have relatives affected by the company's collapse. The Justice Department had named Houston on Wednesday as one of three U.S. attorney's offices that would participate in the investigation.Ashcroft and his aides have determined that no other top Justice officials in Washington,including several who have played prominent roles in Republican politics, had direct involvement with Enron, officials said.

Deputy Chief of Staff David Israelite and new Communications Director Barbara Comstock came to Justice after working at the Republican National Committee, which received more than$700,000 from Enron and its executives in 1999 and 2000, records show.

''It was determined that all the people [from] RNC, including David and Barbara, had no involvement with Enron,'' an official said.

The Ashcroft campaign received $57,499 in 1999 and 2000 from Enron and its executives,according to records compiled by the Center for Responsive Politics, a campaign finance watchdog group.

Rep. Henry A. Waxman (DCalif.), in a letter to Ashcroft yesterday, complained that Lay's$25,000 gift ''was many times greater than the maximum allowable contribution by individuals to federal candidates'' and said the gift may have ''thwarted the intent of election laws.''The Ashcroft Victory Committee, like many similar committee formed by parties and candidates in the last election, was structured to avoid rules that limit individual contributions to $20,000and bar corporate donations.

The Enron probe will be overseen by Deputy Attorney General Larry Thompson and the Justice Department's criminal division chief, Michael Chertoff, officials said.

MTC–00030632

Sent By: zambeel; 510 9790314; Dec-19–01 10:36AM; Page l/l Peter van der Linden 185 West Portola Avenue, Los Altos, CA 94022 Dec 19, 2001 Dear Madam,

I have worked in the computer industry for 25 years, and I have seen first hand the adverse effects on the industry and consumers of Microsoft's monopoly on desktop operating systems. For example, for at least six years, it has not been possible to get venture capital funding for any technoloqy ideas in areas that Microsoft considers its own ''turf''. Microsoft meets regularly with venture capital companies to tell them areas that it considers it ''owns''.

Microsoft has been found guilty of serious antitrust violations stretchinq over several years, and the finding has been upheld by a Federal appeals court. The proposed settlement does nothing to remove Microsoft's ''ill-gotten gains''. It does nothing to redress competitors like Netscape, Sun Microsystems, Apple Computer, and Intel who were hurt by Microsoft. The settlement does practically nothing to prevent future abuses by Microsoft, such as their recent attempt to lock out the competitive Opera browser from its web site.

Any remedy must as a starting point do the following:

1. Ship the Java language from Sun with every Microsoft desktop OS.

2. Make public the specifications of the present and future file formats of all Microsoft products.

3. Make public, and subject to IETF approval, all Microsoft network protocols. IETF is an independent public interest network industry technical body.

As Microsoft has said, the national interest is involved here. That interest demands that a single company within a critical industry not be allowed to dominate and restrict available products by continuing to abuse its monopoly.

Yours faithfully,

Peter van der Linden

To: Renata Hesse, Trial Attorney, Suite 1200, Antitrust Division, Department of Justice, 601 D Street NW, Washington, DC 20530; (by fax 202–616–9937)

MTC–00030633

Dec 17 01 03:04p Richard S. Vann 336–722–2895 p.1 Rhoades Contracting, Inc Fax Cover Sheet

To: Renata Hesse

Trial Attorney

Antitrust Division

Department of Justice

From: Dewitt Rhoades

Rhoades Contracting

Subject: Microsoft Settlement

Dec 17 01 03:04p Richard S. Vann 336–722–2895 p.2 From the Desk of Dewitt

Rhoades Renata Hesse Trial Attorney Antitrust Divisions Department of Justice 601 D Street NW, Suite 1200 Washington, DC 20530

Dear Ms. Hesse,

I am writing today to urge Judge Kollar Kotelly to approve the settlement, which has been struck between the U.S. Department of Justice and Microsoft in their anti-trust case. I am pleased that the attorney general of my home state of North Carolina has signed the settlement agreement and will subject the taxpayers of our state to no further pain. I am hoping that the judge will do the same on the national level.

As a member of the board of trustees of Forsythia Technical Community College for 17 years, I am familiar with legal cases involving government entities and the private individuals or companies, From my experience, it is always best when litigation is settled and parties may get on with the business they do best whether it is government, private companies or educational institutions. Even though my experience with the federal government is limited to serving on the National Advisory of the Small Business Administration, I am convinced it is in the best interest of all concerned on the federal level when parties settled. That is because litigation in federal courts, particularly when the federal government is involved, tends to go on endlessly, sometimes for years. That is definitely in no one's best interest.

I know that in any settlement that both sides get a bit of what they want and some of what they do not want. That is why from what I have read that this settlement is fair both to Microsoft and to the U.S. Department of Justice as well as to the attorneys general who signed it. It is unfortunate that certain of Microsoft's competitors continue in the media to be critical of this settlement. Their purpose, I believe, is to gain through government fiat what they have not been able to achieve in the marketplace. Please do not be misled by such attempted misdirection.

Thank you for your kind consideration of my remarks.

Sincerely,

ss

Dewitt Rhoades

4587 Old Winston Road, Kemersville, NC 27284

MTC–00030634

From: Prigan by arrangement
To: Trial Attorney, Renata Hesse
Date: 12/17/01 Time: 2:04:56 PM Page 1 of 1 5649 Great Woods Blvd. Columbus, OH 43231–3173 Tel-D 523–2120 prigan@core.com December 17, 2001 Renata Hesse, Trial Attorney Suite 1200—Antitrust Division Department of Justice 601 D Street NW Washington, DC 20530 RE: NO!!! to Microsoft Settlement Proposal

I am writing to strenuously oppose the proposed settlement with the Microsoft Corporation. I think that it is extremely unwise, after a judgement that Microsoft has indeed abused its monopoly power, to then turn around and reward Microsoft by giving them a way out of responsibility which furthers their penetration of the academic market.

This generosity to Microsoft is ludicrous. It would be much more just were Microsoft to be required to establish an enormous trust fund from which schools could draw funds to purchase hardware, services, and software of their own choosing. Further, allowing Microsoft to ''give'' in-kind contributions of their own software allows Microsoft to arbitrarily determine the ''value'' of what they give out undoubtedly at a factor of many times their actual expense, so that the ''value'' of the settlement can be inflated for public relations purposes.

At this time there are many more cost-effective (and democratic) possibilities for software in academic settings. Linux and the BSDs are better operating systems, created in a collaborative manner that is more in tune with ideal academic and democratic principles. The choices presented by these alternatives are needed to stimulate the creativity of the next generation of cyber scholars and programmers. The manner in which they are developed models the community-minded creativity we want from young citizens. Should we really just surrender to the Microsoft monopoly? More may be at stake here than just ''where do you want to go today!''

In the long struggle between the Department of Justice (representing the American people!) and Microsoft, Microsoft has relied on the rapid nature of change in technology to outrun their responsibility for abuse of their monopoly power, employing delaying tactics and legal shenanigans coupled with well-funded misinformation. Many superior software products have been destroyed, sometimes even in very subtle ways such as by changing underlying code in ways that causes the competitor's programs to crash or suffer display problems. Two of my favorites, Netscape, and Word Perfect are superior software that is now headed for oblivion. (Although ironically Netscape may rise from the dead in the free Mozilla project!) Quicken, Palm and Java are on MS's hit list. MS seeks as well to leverage their OS monopoly to control the internet through such devices as NET and C#. And now that MS has determined open source to be a threat one encounters in the press almost daily misinformation concerning open source alternatives to MS.

It is time to call Microsoft to be responsible, not through corporate welfare by way of giving them assistance in taking over the schools market; but through going back to the good fight to achieve a fair judgement or settlement that will help our nation, and not just reward Microsoft's arrogance at the expense of the future competitiveness of American technology. It is important to keep in minds that Microsoft has actually invented very little, dating back to their fist DOS. They have generally squeezed out and overtaken the competition. A corporation employing these kinds of tactics is definitely not who we want to be in charge of our nation's agenda for computing innovation.

Sincerely,

Rev. R. Scott Prigan

MTC–00030635

DEC-17–01 14:36 FROM:KINKOS LACUNA NIGUEL ID:9493621957 PAGE l/2 DECEMBER 17,2001 FAX TO: UNITED STATES ASSISTANT ATTORNEY GENERAL CHARLES JAMES

202 307–1454 202 616–9937 202–616–2645 FAX FROM: NATHANNA GODFREE P.0. BOX 2584 MISSION VIEJO, CALIFORNIA 92690

DEAR ASSISTANT ATTORNEY GENERAL JAMES

I AM (E PLURIBUS UNUM) OF MR. & MRS. UNITED STATES OF AMERlCA AND AS SUCH I AM PERSUADED THAT WE THE PEOPLE BY THESE TRUTHS WHICH ARE SELF EVIDENT THAT OUR UNITED STATES FEDERAL GOVERNMENT IS OF THE PEOPLE, FOR THE PEOPLE, BY THE PEOPLE.

OUR UNITED STATES DEPARTMENT OF JUSTICE AND ALL OTHER GOVERNMENT DEPARTMENTS WHO SPEAKS FOR AND ON BEHALF OF ALL THE PEOPLE, REPRESENTING ALL UNITED STATES PEOPLES AND COUNTRYMEN HAS SPENT A TREMENDOUS AMOUNT OF DEDICATED TIME, ENERGY AND MONEY—TAXPAYER MONEY REPRESENTING US ALL TO (THE LETTER OF THE LAW) HAS ALREADY RESOLVED AND SETTLED THE MICROSOFT CORPORATION ANTlTRUST CASE.

ANY AND ALL OTHER ADDITIONAL PENALTIES ARE PURELY POLIITICAL BUREAUCRACY, PERSONAL AND DRIVEN BY CORPORATE PERSONAL ENDEAVOURS AND OPINIONS. OUR UNITED STATES FEDERAL GOVERNMENT SETTLEMENT OF THE MICROSOFT ANTITRUST CASE IS (NOT) A ''CONFUSINGLY VAGUE, SUBJECT TO MANIPULATION OR BOTH'' AS CHAIRMAN SENATOR PATRICK LEAHY PERSONALLY OPINIONATED IN THE USA TODAY NEWSPAPER THURSDAY DECEMBER 13,200l ON PAGE 2B. HIS WORDS IN ESSENCE PUTS IN QUESTION THE STATE OF MIND,

DEC-17–01 14:36 FROM:KINKOS LACUNA NIGUEL ID:9493621957 PAGE 2/2 THE INTEGRITY, PROFESSIONALISM AND CHARACTER OF YOU OUR GOVERNMENT OFFICIALS. CONTINUE: DECEMBER 17,200I FAX TO: UNITED STATES DEPARTMENT OF JUSTICE ASSISTANT ATTORNEY GENERAL FOR ANTITRUST CHARLES JAMES 202 307–1454 202 616–9937

CONTINUE FROM PAGE 1:

IF ANYONE SHOULD TAKE HIS WORDS FOR TRUTH THEY WOULD ALSO QUESTION: IF THE SETTLEMENT IS INDEED CONFUSINGLY VAGUE, SUBJECT TO MANIPULATION OR BOTH, IT WOULD STAND TO REASON THE GOVERNMENT IS ALSO CONFUSINGLY VAGUE, SUBJECT TO MANIPULATION OR BOTH.

ALL UNITED STATES FEDERAL GOVERNMENT EMPLOYEES PERSONNEL ARE DEDICATED PROFESSIONALS FROM THE LEAST TO THE GREATEST, FROM THE SUPREME COURT TO THE JANITORS. IT IS WITH THIS CONFIDENCE THAT OUR UNITED STATES GOVERNMENT, ELECTED OFFICIALS, DULY SWORN WARDS OF OUR COURTS AND JUDICIAL SYSTEM THEY WILL ON BEHALF OF THE PEOPLE FOR THE PEOPLE AND BY THE PEOPLE, LET THE MICROSOFT ANTITRUST SETTLEMENT STAND (AS IS) WHAT IS

ALREADY RESOLVED AND SETTLED. PLEASE REMEMBER THIS CASE IS ALREADY PAID FOR BY THE TAXPAYERS AND THOSE NINE OTHER STATES TAXPAYERS ARE PAYING TWICE (FOR WHO'S BENEFIT ?)

THANK YOU,
NATHANNA GODFREE
NG

MTC–00030636

DEC–14–2001 14:48
CHASE IT DEPT 216 479 2573 P.01 FAX
TRANSMITTAL SHEET TO FAX NUMBER:
202–616–9937
TO: Renata Hesse, Trial Attorney
PHONE NUMBER:
LOCATION: Antitrust Division, Dept. of Justice
REMARKS: Please consider this Public comment on the US vs. Microsoft Anti-trust case.
FROM: Cvetan Pavloski
FAX NUMBER: 216–479–2573
DATE: 12/14/01
PHONE NUMBER: 216–479–2500 x5016
TOTAL NUMBER OF PAGES 3 INCLUDING THIS PAGE. IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL BACK AS SOON AS POSSIBLE AT THE ABOVE LISTED NUMBER.

THANK YOU. DEC-14–2001 14:48 CHASE IT DEPT 216 479 2573 P.02

I've been reading some rather disturbing articles centered on the great US vs. Microsoft debate. While I agree with the decision of overturning their breakup, I do believe that stiffer penalties than the current settlement need to be considered. As much as a necessity to today's economy as Microsoft is, I believe they are a threat to many of the values that we as American's stand for.

Part of being an American is the freedom to choose. With Microsoft in control of the software there is no freedom to choose what operates your computer anymore (at least on the PC side). Microsoft has gained some of this monopoly through some innovation, but has gained far more through things that the general public never sees. Its new operating system represents a great step toward the future of computing, but also harbors many unseen pieces that force customers to register their computer configurations with Microsoft, and apply for a ''passport'' (Microsoft's idea for a one login for everything system). The storing of computer configurations is used for Microsoft's new product activation feature. While it will curb piracy, it doesn't seem like Microsoft explored all of the options for curbing said piracy. Intel made similar claims with its processor serial number they release in early Pentium III chips, but the general public rebuked Intel and what was perceived as a way to track average individuals. I could go on for a long time about the things that Microsoft does to keep it's position as a monopoly, but that's not the main reason I'm writing.

A recent development stems from an article I read yesterday on www.news.com. It involves Microsoft having its Windows Media Technology put into the chips of several major manufacturers to drive windows media from DVD disks and regular compact discs. This move alone needs to looked at closely especially from an anti-trust point of view. I can't see how this will benefit a consumer at all, as current DVD players already play regular CDs and DVDs legally. Windows media on a DVD player can only be another way that Microsoft makes inroads to the home. We have computers which are run by Microsoft, now a Gaming console from Microsoft (Xbox), a Digital Video Recorder (Ultimate TV), and now they will be invading DVD players, too?

I would ask you to consider these facts. Windows Media is behind in use compared to the MP3 standard, which is an open standard that supports Fair Use. If Microsoft were able to allow their Windows Media into home DVD players, most companies may not choose to include MP3 support in the future in favor of the Windows Media. The reason for that is that Windows XP now only encodes windows media at the highest quality. MP3 recording in Windows XP only records at half the quality needed for good recordings. Once again Microsoft is leveraging their position in the market to get people to switch to their supported technology. People didn't choose Microsoft Internet Explorer over Netscape because it was better; they chose it because Microsoft made it convenient. That is not a bad thing for a consumer, but now businesses need to buy Microsoft's server software to take full advantage of Internet Explorer. Now the average consumer will think that Windows Media is better than MP3 because of the way that Microsoft cripples the format in Windows XP. This is unfair and dirty politics. This fact would cause manufacturers to choose the proprietary Windows Media for DVD players instead of MP3, the fair and open standard, A move that would cause Microsoft to have more control of another piece of hardware in your living room. A motive that they have stated publicly for some time now. They want control over your entire home, from the TV to the microwave.

It is in Microsoft's best interest to do this, as that is what they want, and of course they make more money from their licensing schemes. Please don't let Microsoft get away with something like this. The penalties need to occur now in order to stop them from going so far out of control that we may never be able to reign them in.

Thank you,
Cvetan Pavloski
5686 Broadview Rd. #2617
Parma, OH 44134

MTC–00030637

12/14/01 FRI 00:57 FAX 3103016032 BIGFISH 001
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December 14, 200l
Renata Hesse Trial Attorney
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Antitrust Division
Department of Justice
601 D Street NW
Washington, DC 20530
(facsimile) 202–616–9937
(telephone) 202–307–1545
(email) microsoft.atr@usdoj.gov

Dear Ms. Hesse.

As a professional in the computer industry, who began writing code for Internet applications in 1984, and the founder and Chief Scientist of an Internet Security Service company, I have followed the Microsoft case very closely over the last several years. Microsoft's antics during the original anti-trust trial were comical to those of us who understand the truth behind their technology and competition claims, But I was encouraged by the government's ability to sort through the majority of these games and, to prevail in the original judgment.

But I have been quite upset by the current governments seeming lack of interest in imposing any meaningful remedies in this case. The proposed settlement leaves loopholes big enough for even the most amateurish company to drive a truck through, and we all know that Microsoft is far from an amateur when it comes to exploiting these sorts of situations.

Microsoft's proposal to quell the class-action lawsuits by donating hardware and software to schools makes me shudder. Education is one of the last arenas where Microsoft's monopoly is less secure. Providing Microsoft software to these schools will, in effect, lock them into this platform. California Attorney General Bill Lockyer was right when he said ''It's a little like Big Tobacco being found guilty of selling cigarettes to minors, and the remedy is for them to agree to give them free cigarettes.'' The proposed settlement is very weak, and will do little to reduce the control that Microsoft holds over this industry. I join Matthew Szulik, the CEO of RedHat, Inc., in my astonishment that a firm with a 96% market share, who has a terrifying track record for destroying competitors, and whose guilt has already been established is being offered the improved terms of this proposed settlement.

I believe that any settlement that hopes to remedy the issue before us must at minimum:

1. Provide a guarantee that all Microsoft networking and client/server protocols be published in a full and complete manner, and verified by an independent third party, and further, be provided to the public at the time it is provided to their own internal programmers and application developers.

2. Microsoft should not be able to offer incentives or threaten punishment to computer manufacturers or resellers that results in Microsoft software being included by default in all system purchases, In the past, I have purchased equipment that was bundled with MS software—a request to unbundled the software resulted in absolutely no price difference, or at most a few dollars. This must stop to encourage competition. 12/14/01 FRI 00:58 FAX 3103016032 BIGFISH December 14.2001

3. All Microsoft document file formats (present and future) must be public and complete, to allow other operating systems and software to read and write files in these formats.

4. Microsoft must not the party that is allowed to determine what software is part of the Windows operating system.

5. Microsoft must provide all information and specifications, not just to commercial entities, but to the public at large, to enable the creation of compatible or competitive software and systems by open-source proponents, and non-profit corporations or organizations, as well as individual programmers working on their own. For example, the requirement that to qualify as a middleware product under the terms of the settlement, the competitor must have distributed at least 1 million copies of the software in the previous year. This allows Microsoft to annihilate start-up companies and individual developers at will.

6. The settlements provision that Microsoft need not ''disclose or license to third parties: (a) portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria'', provides them with another one of those truck-sized loopholes.

It is well known and accepted in the academic and open-source world that peer review of code and protocols results in more secure systems. This is a blatant attempt by Microsoft to create a loophole that will allow them to stifle competition.

7. The definition that an ISV is ''is engaged in the development or marketing of software products designed to run on a Windows Operating System Product'' allows Microsoft to deny rights to those of us who develop systems for other operating systems such as Linux, which require access to the APIs and code that should be made public.

In summary, I have to believe that a settlement that is truly good for the industry and good for America would place a real remedy above expediency.

Sincerely,

Thomas A. Johnson

MTC–00030638

Dec 14 1 04:09p Richard S. Vann 336–722–2895 P. 1
OEM Sales Corporation
336–924–0090
Fax Cover Sheet
To: Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
Washington, DC
Fax No: 202–616–9937
From: William Miller, Owner
OEM Sales Corporation
Dec 14, 01 04:lOp Richard S. Vann
336–722–2895 P–2
OEM Sales Corporation
Renata Hesse
Trial Attorney
Antitrust Divisions
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

As a small businessman many of whose clients are in the business of making computers, I want to commend to Judge Kollar Kotelly the settlement which has been reached in the Microsoft case.

First of all, it is my believe that there has never been any consumer harm by any action taken by Microsoft and that so many of that company's innovations have led to big benefits both to users at home and in businesses. During the prosecution of the case, it was very clear that Microsoft's competitors played a major hand in trying to work against Microsoft's position with members of Congress, the media and tried to move the verdict against Microsoft. That battle actually cost taxpayers $30 million which is far too much. Because the economy is in the shape it is in, the last thing that we need is more litigation, expensive court fights and endless funds wasted on attorneys. Both the industry and the government attorneys need to focus on other matters, in my opinion. As chairman of the Republican Party of Forsyth County, the fourth largest in the state, I tend to hold those views strongly.

As I view the elements of the settlement, I believe it to be fair to both side with Microsoft guaranteeing certain provisions and the government getting enforcement provisions never before seen in an anti-trust settlement. I hope that Judge Kollar Kotelly approves this settlement.

William P. Miller
President
5640 Clinedale Court, Pfafftown, NC 27040

MTC–00030639

To:
From:
Subject:
Date:
Pages:
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Fax: 202–307–1545
Charles Jenkins
112 Nasson LN
Oak Ridge, TN 37830
Fax; 865–675–1241
Comments on the Remedy Phase of the Microsoft Antitrust Trial
December 14, 2001

I'm submitting this letter to you for inclusion in the public comments, as provided for by the Tunney Act, on the proposed settlement of the United States of America vs. Microsoft, I sent a copy of these comments via postal mail before I learned that fax or email comments are preferred; I'm now sending this copy via fax in order to comply with the request that appeared in the **Federal Register**. I have also corrected some omissions, so if you would, please accept this version of my letter instead of the one sent through the Postal Service.

The point of illegal, monopolistic behavior is to frustrate consumer choice. Competitors suffer as a side-effect. I believe that the goal of an antitrust remedy should be to restore consumer choice. If the settlement focuses on punishing Microsoft or giving some kind of boost to its competitors, the long-term effect will be negligible and the anti-competitive situation will remain.

The fundamental flaw in the remedy proposed by the Department of Justice is that it puts mild restrictions on Microsoft's behavior, with plenty of loopholes to allow Microsoft to escape the few provisions—like revealing Windows Application Program Interfaces (API's) to competitors—that could make some difference. This is especially egregious because the biggest threat facing Microsoft comes from open-source and free software, and Microsoft has been allowed to negotiate a remedy that defines its competitors in terms of sales revenue—thus allowing it to escape disclosing Windows API's to the real competitors who have the best chance of providing alternatives to Microsoft's monopoly. Basically, it seems to me that the overwhelming majority of companies that could meet this remedy's definition of a competitor are Microsoft's corporate partners!

Since Microsoft has been found guilty of illegally maintaining its monopoly in the market for computer operating systems, a verdict reaffirmed on appeal, I believe that now is the time to go forth cautiously, carefully crafting a remedy with the overt goal of restoring consumer choice,

The lynchpin of Microsoft's operating system dominance is the link between Microsoft Office and Windows. New personal computers come preloaded with Windows, and Office is usually included ''free'' or for a small, fee. I was formerly the network administrator at my company, and I have seen first-hand the deleterious effect of this situation.

Microsoft Office programs use proprietary file formats that change with each new version of Office, I believe Microsoft makes changes to these formats for three reasons: To add new features; to frustrate competition by preventing competitors'' efforts to develop up-to-date ''import filters'' that will allow their software interpret Office files and thus exchange data gracefully with users of Microsoft Office; and to make it difficult for an individual company to standardize on an older version of Office which cannot read new versions of the files. This wouldn't be such a problem, except that businesses automatically become ''infected'' with new versions of Office as computers are upgraded. A Corporate Information Systems (IS) department simply must to learn to support new versions of Office, because there is no way to keep them out.

Microsoft Office takes over, because companies are faced with the choice of getting Office ''free'' or paying for competing products. Even if competing products are extremely low-cost or free themselves, IS has to support Office because they can't keep it out of the door. In this environment, how can a company justify spending money supporting and retraining for a second office suite to be used in parallel? In the end, only companies with anti-Microsoft zealots in powerful positions can avoid becoming dependent upon Office, and therefore upon Widows.

Restoring Choice

Microsoft Office and Windows are linked in two ways: By technical links and by artificial links.

The technical links exist because Office is written to run on Windows, This is reasonable and appropriate.

The artificial links traditionally have included discounts, benefits, and even punishments offered to personal computer manufacturers to encourage them to bundle Office on new computers. They also include things like Microsoft licensing and support agreements that lump operating system software and business software together for the companies who purchase those agreements.

It is these artificial links that stifle consumer choice and software competition, and therefore, the remedy for Microsoft's illegal behavior should be to sever these artificial links as thoroughly and permanently as possible.

In a nutshell, whether sold separately or together as Microsoft Office (or by any other name), Microsoft's business software should be sold to every end user for the same price, whether purchased in conjunction with a computer or not. (And any ''home'' or ''personal'' version of business software should be treated the same way.) CompUSA should pay the same per-copy price; for the Microsoft business software that they stock on their shelves as Dell pays to pre-load it on new PC's, Also, Microsoft should not be able to offer/threaten any discount, benefit, or punishment to computer sellers in order to encourage them to purchase or pre-load Microsoft business software, Microsoft should not be allowed to ''integrate'' business software into the operating system and sell it as one product.

Support and upgrade/licensing agreements for the Microsoft operating system and business software product lines should be kept entirely separate, with no discounts or incentives for customers who purchase agreements for multiple product lines. These restrictions should either be in effect permanently, or until a healthy level of competition is achieved in both the business and operating systems software markets. Consumers should not become dependent upon Microsoft Office because it comes with the monopoly operating system, and they should not be forced to use Microsoft Windows because they need it to run the monopoly office suite.

This will force the Microsoft business software applications, whether sold together or separately, to compete based on price and performance.

How will this restore choice? On the face of it, these restrictions appear to do no more than add to the end user's cost, but the fact is, if everyone has to pay the same price for Office, we are likely to see that price drop dramatically, as Microsoft will suddenly have to face real competition. The corporate Chief Information Officer will have to justify expenditures on Microsoft Office, weighing real costs and benefits against competing software, instead of simply facing the inevitability of supporting Office.

Companies and individuals who purchase computers will no longer receive Office by default; if they want it preloaded on a new PC, it will be an add-on option that costs the same as going down to Wal-Mart and buying Office separately. This gives the consumer the option to perform a cost-benefit analysis, If Office is no longer ''free,'' is it worth what we pay? Are there other products that might serve us better? This will restore competition for business software, and also restore competition to the operating system market as well: Companies and individuals who choose not to use Office are likely to find that they are no longer locked in to Windows, either.

At the same time, this solution would not put an undue burden on Microsoft, There are indeed many customers who are happy with things pretty much the way they are now, and who don't realize how the ordinary consumer is injured by Microsoft's monopoly. If they had to pay a retail price for Office instead of receiving it ''free'' on new computers, they would choose to do just that in order to continue using a familiar product whose shortcomings they've learned to accept. This situation is fine; in fact, it is desirable. If it turns out that Windows and Office can compete well against other platforms in an environment of real consumer choice, then they deserve all the market share they can get. I and a great many others would like to see the result of that experiment; We would like to exist in an environment with real consumer choice.

In Conclusion

On December 12, forgetting that Brer Rabbit is supposed to say ''please don't throw me into that briar patch,'' Microsoft filed a motion vigorously supporting the remedy being considered by the court. I know that the law is a complex matter, and that this case is especially difficult, but I think it is a telling point that the defendant company, having been found guilty of illegal acts, now loudly and enthusiastically supports a remedy that they (Microsoft) are happy with, a remedy that they helped to create.

I respectfully ask the court to implement a remedy that will go much farther toward restoring consumer choice than does the one currently under consideration, and I ask that the final remedy be written without loopholes that would allow Microsoft to escape its provisions-especially in regard to open-source software systems that need to interoperate gracefully with Microsoft operating systems and business software in order to become viable alternatives.

Sincerely

Charles Jenkins

MTC–00030640

Renata Hesse, Trail Attorney
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Antitrust Division Department of Justice
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Anthony J. Kocurko
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Dear Ms. Hesse:

As a U.S. citizen living in Newfoundland and employed as a systems manager in a research department of a university, I have a keen interest in the Microsoft antitrust case. To be succinct. I believe that the complete details of the formats, including syntax and lexical interpretation, of both the data files and the network communications protocols of Microsoft products should be made public. That is the short of it.

Here is the long of it, although not very long. It is not uncommon for me to be asked by researchers. who do not happen to be using Microsoft operating systems, to help in deciphering e-mail attachments sent to them from colleagues or institutions using Microsoft products. (In fact. amazingly, there have been instances of researchers, who do use Microsoft operating systems. receiving c-mail text attachments and being unable to read them because they do not have the same Microsoft program that produced them.) Most often, we end up asking the sender to recreate the attachment in an open format such as Rich Test Format, for example, for which there are available readers for non-Microsoft computer systems. On the networking side, if it were not for the existence of the Samba software (http://www.samba.org). we would have a very hard time sharing our research data among our Microsoft and non-Microsoft systems. My fear, as a systems manager of a heterogeneous facility, is that Microsoft will use the proposed terms of the settlement to make it impossible for third parties to produce open source software that will allow the fluent interchange of data between Microsoft and non-Microsoft products.

In thinking about this issue, I usually return to several situations to which almost anyone could relate. At the moment. I can pick up my phone and talk to a person anywhere in the world, regardless of the manufactures of the phones and regardless of any fancy extensions that either phone may have. Similarly, I will be able to FAX this note to you without wondering whether the company that made your facsimile machine has so arranged things that only a FAX machine by the same company can send to yours. Again, I can make a recording on my VHS VCR and not have to concern myself with the VHS system on which it is re-played. Now, one may argue that no company would be so foolish as to create a phone that only phones of the same manufacturer can call, but, if that phone manufacturer controlled 90% of the phone market, it could well be tempted to do just such a thing.

It is my opinion that what goes on within the strict confines of a computer is up to that computer's operating system, but when the produce of that software leaves the computer, either as e-mail or a data file or a network transmission, then it has entered the public airways, so to speak, and its format should be readable by anyone on that airway. To put it in an almost ridiculously simple form, it is one thing to write a program that adds two numbers, but it is quite another to write such a program with an interface that requires that the two numbers be supplied to the program in some secret proprietary language.

Sincerely Yours,

MTC–00030641

To: Renata Hesse
From: Kevin Walsh
Fax: 202–616–9937 Pages: 1
Phone:
Date: 12/14/2001
Re: Mircrosoft Settlement CC:

I believe that the proposed Microsoft settlement is a travesty of justice. The settlement does not address any of the pertinent issues such as: The specifications of Microsoft's present and future document file formats Microsoft's networking protocols Microsoft's operating system monopoly

I propose that at least the following recommendations be taken into account

• Any remedy seeking to prevent an extension of Microsoft's monopoly must place Microsoft products as extra options in the purchase of new computers, so that the user who does not wish to purchase them is not forced to do so. This means that for the price differential between a new computer with Microsoft software and one without a computer seller must offer the software without the computer (which would prevent computer makers from saying that the difference in price is only a few dollars). Only then could competition come to exist in a meaningful way.

• The specifications of Microsoft's present and future document file formats must be made public, so that documents created in Microsoft applications may be read by programs from other makers, on Microsoft's or other operating systems. This is in addition to opening the Windows application program interface (API, the set of ''hooks'' that allow other parties to write applications for Windows operating systems), which is already part of the proposed settlement

• Any Microsoft networking protocols must be published in full and approved by an independent network protocol body. This would prevent Microsoft from seizing de facto control of the Internet I then point out that if the national interest is at issue, as I believe it is and as the judge has suggested it is, it is crucial that Microsoft's operating system monopoly not be extended, and in this I quote the study released a year ago by the highly respected Center for Strategic and International Studies, which pointed out that the use of Microsoft software actually poses a national security risk. In closing, I say that all are surely in agreement that the resolution of this case is of great importance, not just now but for many years to come. This suggests a careful and deliberate penalty is far more important to the health of the nation than is a hasty one.

Thank you,

Kevin C. Walsh

MTC–00030642

DEVELOPERS CHOICE
''Southeastern Michigan's Internet Provider''
December 14, 2001
Renata B. Hesse
Aintitrust Division
US.Derpartment of Justice
601 D Street NW
Suite 1200
Washington, DC 2O530–0001
Via Fax (202) 616–9937
Renata B. Hesse Esq.

First of all I would like to offer my support for the candidacy of Steve Satchell for the Microsoft Anti-Trust Compliance Committee. Mr. Satchell seems to, have all of the requisite experience and, knowledge to do the job along with intestinal fortitude to take on Microsoft if need be, I don't believe there is a better choice!.

Secondly I would like to voice my objections, to the proposed settlement offer. This offer is a basically a capitulation to Microsoft. There is no effective barrier in the agreement to Microsoft continuing their current practices. Let me explain.

Microsoft argues that they must be allowed to continue to integrate their applications into their operating system. What will the ultimate result of this be? Microsoft's complete domination of the software business both, operating systems and applications. This will be accomplished by incorporating all of the Microsoft applications into the operating system. Since most non-technical users have little idea how to eliminate programs from their computers the mere ability is not enough—the user should have the options presented to them in a forthright and direct manner forcing the customer to make choices—either Microsoft or someone else. I am currently forced to use Microsoft to be compatible with the rest of the world—I would rather use something else as I dearly hate the way the program works. Alas, I can't as Microsoft has become the default word-processor of the world with the notable exception of banks and law firms it would seem. How did this happen—whenever you bought a new computer a few years ago Microsoft Office was nearly offered as a no or low-cost option—nearly everyone took it . The result is that Microsoft no longer has any effective competition in the ''productivity'' software arena and Office is no longer free—in fact it is quite expensive. Do you think they will back off from this type of business tactic—not as long as the sun shines and the birds chirp!

Another issue I have with the proposed settlement is the restrictions that are placed on the entities, with which Microsoft must share their API's. In the explanations I have seen of the proposed settlement these entities are restricted ''commercial'' ventures, implying for—profit status. This is simply wrong and way too restrictive, I believe that to be truly effective the parties with whom Microsoft should share their API's and the like should broadly defined, maybe something like ''any party or entity that could potentially benefit from such information''. In other words this information should essentially be in the public damain.

I could go on and on, about the questionable and underhanded tactics Microsoft has used, over the years to further their monopoly but I think you see my point. This a company that will stop at nothing to completely dominate the software industry—and now they have their sights set on my industry—the Internet. It would indeed be a shame if this opportunity to rein in this out-of-control behemoth were squandered. The Justice Department fought a good fight until the proposed settlement—please don't make the same mistake that former President Bush made in Iraq and stop the war before its objective has been reached. March on Redmond and don't stop until the scoundrels are cornered and say uncle! Then you need to keep a close eye on them to make sure that they mind their p's and q's.

Yours truly,

David DeFord, C.P.A.

Chief Financial Officer

Gateway Online

MTC–00030643

Sent By: TRACEANALYSIS;
14 Dec'Ol 12:46; Job 628;Page 1/2
Trace Analysis, Inc.
6701 Aberdeen Avenue, Suite H Lubbock, Texas 79424 800 378 1296 806 794 1296 FAX 806 794 1296
4725 Ripley Avenue, Suite A El Paso, Texas 79977 800 588 3443 915 585 3443 FAX 915 585 3443
E-Mail:lao@traceanalysis.com
TRACE ANALYSIS,INC
A Laboratory For Advanced Environmenal Research and Analysis
FAX COVER SHEET
TO: Renata Hesse
COMPANY: Dept, of Justice
DATE: 12–14–2001
FAX NO: 202–616–9937
202–307–1545
NO OF PAGES FOLLOWING: 1
FROM: Steve Rudeseal
MESSAGE: Comments on Microsoft Antitrust Settlement

Important: This message is intended for the use of the individual or entity to which it is addressed and may contain information that is privileged. confidential and exempt from disclosure under applicable law. If the reader of this message is not the recipient or the employee, or an agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address via regular postal service.

Thank you.

Environmental Research and Analysis

Sent By: TRACEANALYSIS; 7941298; 14 Dec'01 12:47; Job 628;Page 2/2

Requiring that Microsoft donate software to schools does nothing to remedy their illeqal business practices. What it does in fact, is allow Microsoft an unfair advantage in a market in where Apple is competing successfuly. The proposed final judgement does nothing to address the fact that Microsoft is guilty of attempting to maintain its monopoly.

Microsoft has become a de facto standard throuqh both legal and illeqal means. Therefore, they bear the burden of ensuring interoperability with other systems. Microsoft's competitors consist of both businesses and communities of individuals. Companies like Apple, Sun, Netscape and Red Hat compete directly with Microsoft in the buisness arena. But, there is also the open source and free software communities which are not related directly to any given company. Open source projects like the Apache server and Samba file server have been very successful in competing with Microsoft. The proposed remedy does nothing to ensure that these Open Source competitors will be able to compete in the future.

To ensure that both companies and open source communities are able to compete fairly with Microsoft, two measures must be

taken. First off, Microsoft must not be allowed to pre-install and bundle its software onto new systems. The consumer should be allowed to choose what software they want on their system. Microsoft would still be able to offer volume pricing to vendors, but would not be allowed to attach restrictions on how the software is used by the vendor. Secondly, to ensure that there is other software available, Microsoft should be compelled to release the documentation on their protocols, APIs and file formats. Doing so would allow other competitors, both companies and communities, to compete on a level playinq field. This solution would not require Microsoft to open up its source code, but it would ensure interoperability with competitors products.

Steve Rudestal, Programmer, Administrator.

Justin Shepherd, System Administrator.

MTC–00030644

11 Dez 01 22:lO lain Brodie
+49 89 4358 9382 s. 1
To/An: Antitrust Division
US Department of Justice
Washington, DC 20530–0001
FAX COVER SHEET
From/Von:
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Germany Email: iain@who.net
Date/Datum: 11. Dec. 2001
Ref./Betr.: Microsoft Settlement
No. of Pages (incl. cover sheet) 1
/Anzahl der Seiten (inkl. Deckblatt):

Dear Sirs:

I am afraid that the ''penalties'' currently proposed will not prevent Microsoft enacting future misdemeanors.

Yours faithfully,

Iain Brodie

MTC–00030645

NOV-14–2001 12:14
VIA FAX 202 616–2645
DOJ/ANTITRUST DIV.
202 514 0306 P.01/01
Thomas C. Willcox Post it
Attorney-At-Law Fax Note R7673
601 Indiana Avenue, NW To Renata Hesse
Suite 500 Fax# 7–1454
Washington, DC 20004 From Dave Wates
Office: (202) 638–7541 Phone# 5–3055
Fax: (202) 628–2881
Member, District of Columbia
Pennsylvania Bars
November 13, 2001
VIA FAX 202 616–2645
United States Department of Justice
Antitrust Division
950 Pennsylvania Avenue, N. W.
Washington, DC 20530
Re: Microsoft Settlement

Dear Sirs/Madams:

I submit this letter pursuant to the Tunney Act as a comment on the Microsoft settlement.Based on the comments discussed in more detail below that I heard Antitrust Chief CharlesJamesoffer in mid-October, in my opinion, the court should not approve the settlement.

I am an antitrust lawyer and solo practitioner in the District of Columbia. On October 16 ofthis year, in the late afternoon, I lunched at a table outside the Manhattan Deli, just north of theNavyMemorial on Pennsylvania Avenue. As I sat, I noticed Antitrust Chief James in conversationwithanother gentleman, about fifteen feet away from me. I heard Mr. James express some frustrationabout the Microsoft case, although I did not hear his exact words on that topic.

Then, I heard him say ''It is going to take years to undo the damage done by Klein andPitofsky.'' I was stunned by this comment Antitrust Chief James seemed to be saying his plans for theAntitrust Division include not just relaxing antitrust enforcement, but subvertingaccomplishmentssuch as last summer's ruling by the District of Columbia Circuit Court of Appeals that Microsofthadabused its monopoly power. Such a philosophy clearly contradicts the testimony offered by ChiefJames during his confirmation hearings.

Two Fridays ago, less than a month later, Antitrust Chief James announced a settlement ofthe Microsoft case. In my view, given the attitude towards antitrust enforcement I heardexpressedlast month, he should recuse himself from the case, and career Justice lawyers should determineitsfuture.

Sincerely yours

Thomas C. Willcox

MTC–00030646

PO1
Australian Union of Students
P.O. Box 123
Roma Street
BRISBANE Qld. 4003
Telephone: (07) 3321 3069
facsimille: (07) 3311 2090
Email: Info@sfudents.org.eu
November 17. 2001
Renata Hesse
Trial Attorney
601 D Street, NW, Suite 1200
Washington, DC 20530

Dear Sir/Madam,

I refer to the case against Microsoft Corporation in the UnitedStates District Court for the District of Columbia, referenceCivil Action No. 98–1232 and No. 98–1233. In accordance withthe Antitrust Procedures and Penalties Act, the United StatesGovernment is required to consider submissions from members ofthe public about its proposed settlement with MicrosoftCorporation. Please take into consideration the accompanyingsubmission of our association, which we are making on behalfof our members who are United States citizens.

Cordially,

Geoff Bird

National President

SUBMISSION IN RESPONSE TOTHE PROPOSED SETTLEMENT OF THE ANTITRUST CASEAGAINST MICROSOFT CORPORATIONAUSTRALIAN UNION OF STUDENTSNOVEMBER 2001

EXECUTIVE SUMMARY

1.The proposed settlement will not end litigation against Microsoft, as it neglects to punishMicrosoft for unlawful conduct and compensate those affected.

2.If the proposed settlement goes ahead, it will deprive the United States Government ofinfluence over the settlement that Microsoft will ultimately reach with the EuropeanUnion.

3.Accordingly, our association, on behalf of our members who are American citizens,wishes to propose an alternative settlement.

4.Microsoft should be required to publish the source code for its operating systems.

5.Microsoft should be required, by way of a punishment, to set up a venture capitalcorporation, and to transfer a proportion of its assets to this corporation,

6.The assets which Microsoft should be required to transfer should be equal to thestockholders'' equity in Microsoft, less the stockholders'' equity that Microsoft would haveif it had complied with the law.

7.The venture capital company should be required to invest in business start-ups in acountry in proportion to the amount that residents of the country have spent onMicrosoft products.

8.Stockholders in Microsoft should be issued with stock in the venture capital company inproportion to their holding in Microsoft.

9.The United States Government should be required to use its best efforts to persuadeforeign governments to enact legislation excusing Microsoft for any illegal actioncommitted prior to 2002.

l0.If a government of a foreign country does not enact the legislation, the venture capitalcorporation should not be required to invest in the country.

SUBMISSION

The United States Government has brought an anti-trust action against MicrosoftCorporation. Following the election of President Bush with the assistance of donationsfrom Microsoft, the Justice Department has reached a settlement with Microsoft.According to the Antitrust Procedures and Penalties Act, the details of the settlement haveto be published in the ''**Federal Register**''. Members of the public have sixty days to makewritten submissions on the proposed settlement. This submission is being made inaccordance with the statute.

Our association, the Australian Union of Students, has standing to make a submission onthe following basis. We have a number of United States citizens as members. Under theconstitution of our association, we have the power to make representations togovernments on behalf of our members, without necessarily consulting the membersbeforehand. Accordingly, this submission should be treated as though it was made byAmerican citizens. We could, if necessary, provide to the United States Government, inconfidence, the names and addresses of the members concerned.

We are against the proposed settlement. It is not that we are unsympathetic to Microsoft.The management of Microsoft are very much respected in Australia, and are held out by our association as examples who young people in Australia should copy. Nevertheless,the proposed settlement will be of limited usefulness to Microsoft, and will

not settle existing litigation by American states, and proposed litigation by European Union countries. This litigation will go ahead, and there will in time be settlements or judgments,which may not be beneficial to Microsoft or the United States.

From the point of view of the United States Government, Microsoft has been held to have broken the law, and to have gained substantial financial benefits as a result. The Justice Department is of the view that it would be undesirable to break up Microsoft into smaller corporations, or to require that Microsoft pay fines. We agree with this. At the same time,Microsoft should have to make up for its illegal actions in some way, so as to discourage other corporations from breaking the law.

The advantage of an out-of-court settlement is that Microsoft can be made to do things that it otherwise cannot be made to do. A court is limited in what it can order. But an out-of-court settlement can contain anything within reason. As an example, an out-of-court settlement could contain a requirement that Microsoft executives must wash their hair each day. An out-of-court settlement should be a ''wish list'' of things that Microsoft should. The Justice Department has not been imaginative enough in formulating its ''wish list''.The Justice Department's ''wish list'' must meet two requirements. First, it must end the illegal conduct by Microsoft. Secondly, it must compensate the people adversely affected by Microsoft's actions. The Justice Department should be asking the question, 'What can Microsoft do that would be most beneficial to users of its operating systems?'' This should not necessarily be limited to things that Microsoft can do in its capacity as a supplier of operating systems, but should include anything that Microsoft can do.

For example, an out-of-court settlement could include Microsoft making donations to charities. No distinction should be made between a donation made by Microsoft and a donation made by its stockholders. Past charitable donations certainly go some way to making up for Microsoft's actions, and should be taken into account in deciding whether to accept an out-of-court settlement.

To end the illegal conduct by Microsoft, we propose that Microsoft should publish the source code written by its programmers, that is used to compile its operating systems,from DOS up to and including Windows XT. This should include comments by programmers put in to explain what the code does. But it should not include code for functions that are for national security purposes.

The publication of the source code would not make piracy of Microsoft operating systems any easier, The software can already be copied illegally. Anyone compiling the operating system from the source code, and using the software without paying a royalty could still be prosecuted.

The advantage of publishing the source code would be that software developers could produce operating systems that are functionally equivalent to Microsoft operating systems.If Microsoft refused to allow its distributors to bundle software with its Windows operating systems, Microsoft would run the risk that a distributor would use an equivalent operating system from some other software developer.Microsoft operating systems have a similar status to human DNA. The information is essential for everyday life. It is surely unsatisfactory that information that is essential for everyday live should be controlled by Microsoft. Certainly Microsoft developed the information, at great expense, so is entitled to a royalty. But they should not be able to prevent further development and improvement of the information.

In formulating its out-of-court settlement, the Justice Department appears to have thought that Microsoft can best compensate consumers for its illegal actions by continuing to develop operating systems. We disagree. We think Microsoft's talent can be used to greater effect in the field of Venture Capital. Of course, if Microsoft was complying with the law, it would be up to them how they use their resources. But since they have broken the law, it is up to the government. The terms of an out-of-court settlement are up to the government.

We propose that Microsoft should be required by a settlement to set up a venture capital corporation. This corporation would invest in and provide advice to business start-ups.Microsoft would be required to transfer a large part of its assets to this corporation. Its Stockholders would be issued with stock in the new corporation, in proportion to their holding in Microsoft. The corporation would be required by its charter to invest an amount in each country that is proportional to the amount that has been spent in that country on Microsoft products. This would be advantageous to the European Union, and so they would be likely to agree to such a settlement.

To make sure they do, the United States Government should lobby the European Union and other countries on Microsoft's behalf for legislation to excuse Microsoft from any illegal action committed prior to 2002. It should be included in the out-of-court settlement that the government must use its best efforts to secure such legislation. Such legislation should be a pre-requisite for the venture capital corporation being required to spend any money in a country.

The amount that Microsoft should have to invest in the venture capital corporation would be set so as to compel Microsoft to down size to the size they would have reached if they had complied with the anti-trust statute. In other words, their stockholders'' equity should be reduced to a level that it would be if they had complied with the statute. Microsoft will as a result have to scale down the extent of its activities and lay off staff. These people will be able to set up businesses in areas of Information Technology that Microsoft was previously involved in. Hence there will be greater competition.

We are suggesting that the Justice Department try to compel Microsoft to transfer its capital into the Venture Capital Industry. This is based on a number of considerations.Microsoft has expertise in taking an industry which is disorganized, and organizing it. The Information Technology Industry was disorganized in 1975, but after Microsoft released its Windows 98 operating system, it became organized on a comparable basis with other industries. In our view, it is a waste of resources for Microsoft to continue being exclusively involved in this area. Cars made in 2001 are not much better than cars made in 1971, and Windows XP is not much better than Windows 98.

There are a number of industries which are disorganized compared to other industries.The Venture Capital Industry is disorganized in most countries, and is organized only on the West Coast of the United States. Other industries that are particularly disorganised are the Entertainment Industry, the Property Development Industry, and the Genetic Engineering Industry. By getting involved in Venture Capital, Microsoft can bring its organizational ability to bear on helping set up businesses in Information Technology,Entertainment, Property Development, and Genetic Engineering. This will be of incalculable benefit to consumers. Microsoft already acts as a venture capital corporation,so it has staff who can be transferred to the proposed corporation.

The Justice Department's proposed solution certainly prevents future breaches of the anti-trust statute by Microsoft. But it is not as imaginative and beneficial as our proposed solution. Of course, the staff of the Department of Justice work under great pressure, in circumstances that are not conducive to imagination. That is why the United States Congress made provision for the Department of Justice to consider public submissions, in order to arrive at a more imaginative solution. We hope our submission is of some assistance.

Our telephone number including country code is +61 7 3321 3059, and our facsimile number is +61 7 3311 2090, while our e-mail address is info@students.org.au, and our postal address is Australian Union of Students, P.O. Box 123, Roma Street, Brisbane4003, Queensland, Australia.

MTC–00030647

Sent By: Century 21 Three Rivers;
559 561 3169;
Nov-25–01 18:ll;
Page 1/2
November 25, 200l
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Fax 202–307–1454 or 202 616–9937
Microsoft Settlement

Dear Renata B. Hesse:

Attached please find a comment to the proposed settlement. If there are any questions, please contact me at 559 284–2704 or e-mail me at pvg1@hotmaiI.com.

Thank you,
Pete van Gilluwe
43275 Kaweah River Drive
Three Rivers, CA 93271
Sent By: Century 21 Three Rivers;

Comments on the Proposed Settlement
between the United States and Microsoft

I have read the details of the proposed settlement and note that only 14%of students

in schools receive any benefit from this proposed settlement.As an technology coordinator in a small K-8 school in Central California, it is my opinion that all students, whether disadvantaged or not, have the same opportunities to learn and succeed once they enter a public school.In reality, they shed their socio-economic status at the school gate and are treated like all other students.

There are currently many federal (and state) programs that give assistance to 'disadvantaged'' schools, including Title l/2/4/6 funds, free and reduced rate breakfasts and lunches, EIA funds, SIP funds, as well as the E-Rate program and others. Many private foundations, such as the Bill and Melinda Gates Foundation and the Packard Foundation give funds to'disadvantaged'' schools and programs.

Many schools, both disadvantaged and non-disadvantaged have technology needs that are not met by any federal or local grant, particularly in the software area. Schools that have small numbers or no students in the'disadvantaged'' category do not receive any special funding that puts them ahead of other schools, and in fact, many 'non-disadvantaged'' schools are falling behind in the technology area due to programs like E-Rate.My recommendation regarding this settlement is to request that the Microsoft Company institute an ongoing program to give operating systems, educational and productivity software and use licenses to all K-12schools, thus giving all students the tools needed to progress and succeed in the world of technology. This is a win-win answer for students, schools and the marketplace.

Pete van Gilluwe

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559 561–3168

pvgl@hotmail.com

MTC–00030648

Mathemaesthetics Inc. 3034400504
1140 Linden Ave.
Boulder CO 80304
November 27th, 2001
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
By Fax: 1–202–307–1454 or l-202–616–9937
Number of Pages: 1

Re: Microsoft Anti-trust Comments

The recent proposed Microsoft settlement is ridiculous in its lack of accountability for Microsoft,in its advantageousness to their court-declared monopoly and in the minimal nature of the penalty for their illegal behavior. Their ''punishment'' of giving their software to schools is nothing but a standard marketing expenditure that fortifies their monopoly position.

The entire proposal flies in the face of the very point of the trial, which they were held to be a monopoly for illegal tactics that were specifically meant to increase their market share, for bundling to increase market share, and for illegally blocking others'' products in order to maintain or increase Microsoft's market share. But now, a good portion of settlement specifically increases their market shares of both the OS and their bundled products.

Where in this settlement is there any incentive for Microsoft to change its behavior in the future?The proposed settlement directly harms competition in the computer industry, which competition of course is what the anti-trust laws and the and the various Attorney Generals whose jobs are to enforce those laws, are there to protect in the first place.

The current settlement proposal does not serve justice. I believe Microsoft's settlement offer should be declined.

Sincerely,

Douglas M. McKenna

MTC–00030649

11/28/2001 13:56 8183660370 Postal Plus Page 01
PostalPlus
Fax Cover Page
Date: 11–28–01
To: Judge Renata B. Hesse—Antitrust Div.
US Dept. of Justice
601 ''D'' St. NW. Ste 1200
Washington, DC 20530–0001
From: Sheila Small
Fax Number: (202) 616–9937 or (202) 307–1454

Message: Dear Judge Hesse:

I am writing to you to request that you do not destroy Microsoft. As an ''end user'' of Microsoft as well as a student, and as a member of the public, I want you to know that I use their products because they are the only ones that are up to a usable standard. If I had any complaint, I would change, or complain, etc. The fact that Microsoft has grown from nothing to the largest on earth is caused from the superiority of their products as well as the useless and amateur products being produced by its competitors. (The plaintiffs in this case have to use an attack on Microsoft to gain market share because they have nothing else to depend on.

They are a bunch of greedy no-talent frauds that are hoping they can intimidate and fool you into thinking they are telling the truth.

I have read the trial transcript and attempted to use the plaintiffs'' products and I am confident that what I am saying is true. Microsoft has done nothing to the business world except make the best product in its field. These people are responsible for their own failure and I hope you will keep that in mind. I am praying with all my heart that my tools won't be hurt by your decision.

Sincerely,

Sheila Small

Granada Hills, CA

MTC–00030650

11/29/01 09:55 FAX 01
cc: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Fax: l-202–307–1454 or l-202–616–9937
E-Mail: microsoft.atr@usdoj.gov
cc: U.S. District Judge Colleen Kollar-Kotelly
Tel: (202) 354–3340
November 28, 2001
Tunney Act—Submission of Public Opinion
Civil Action Nos. 98–1232 and 98–1233

Please file these comments in the Federal Registry as pursuant to the Tunney Act.After thoroughly reading the Microsoft vs. Department of Justice settlement, I find it to be a political settlement that is not at all in the public's interest. As the US Department of Justice takes the side of Microsoft, and not the side of the American entrepreneur it is publicly endorsing Microsoft's unethical, predatory,illegal and monopolistic behavior. Microsoft has already been found to be guilty of these things in a US Court of Appeals, and the Department of Justice completely overlooks this.

The US Department of Justice's settlement will make things worse for competitors of Microsoft, like myself, because it says, ''Microsoft's behavior does not warrant serious action and does not matter.'' The Department of Justice is painting a model of acceptable business ethics in the outline of Microsoft's behavior and it is accepting, endorsing, and condoning such behavior.

According to the DoJ's Competitive Impact Statement, the DoJ settlement aids in:Creating the opportunity for software developers and other computer industry participants to develop new middleware products that compete directly with Microsoft by requiring Microsoft to disclose all of the interfaces and related technical information that Microsoft's middlewareuses to interoperate with the Windows operating system.

I am a software developer competing directly with a Microsoft product (Microsoft Operations Manager'', and I am unsure what ''software developers'' the DoJ is referring to, because it certainly isn't me.

Microsoft's fundamental powers reside in the following principals:

1. Microsoft's core business model is the ''embracing and extending'' of third party or publicly originated standards, ideas, designs, and technologies.

2. Through court described ''monopoly maintenance,'' Microsoft has been able to create and maintain several monopolies in software markets including operating system software and office suite software.

3. Microsoft can sit around and wait for new things to happen. They wait for others to do the hard work of inventing, proving, and designing a concept.Microsoft then copies and integrates these features into one of its monopoly products. A typical entrepreneur has to spend 3 years or more proving anew product before it can get to even 10% market share. By virtue of it's existing monopoly, Microsoft can copy someone else's work, and have a monopoly in that new market within 6 months. It is this case that the Sherman Act was created, and it is this problem that a US Court of Appeals Found Microsoft guilty on all major counts.

Microsoft most certainly does not innovate, develop, or create original concepts or ideas. Not one of Microsoft's successful products was invented or created by the company. Consider the word processor, spreadsheet, presentation software,command prompt, operating system, publisher, e-mail client scheduler, webbrowser, mouse, window, GUI, database, SQL Server, or any of the other Microsoft tools you may use. Microsoft didn't invent even a single one of these.They copied the ideas from other companies. The patent system is supposed to protect

entrepreneurs from this kind of thing, but it is failing miserably in this case.

The reality is, most entrepreneurs in the software industry have a mutual respect for each other and their work. They want their work to be appreciated and respected and they sometimes copy each other ideas, but never to the breadth,depth, and scale that Microsoft does.

After agreeing to the settlement with the Department of Justice, Microsoft's Chairman, Bill Gates, went on camera and promised to ''act more responsibly''with partners and competitors.

I wish to illustrate the problems with Microsoft a software entrepreneur has by focusing on an existing fact, and an existing problem we are having with the company. For the benefit of the judge and the public I will try to make this example issue as simple and clear as possible. First, a description of the problem:In Windows NT 3.5, Microsoft allowed networking software to have up to 100network connections waiting on ''backlog''. The number of backlog connections is critical in determining how well a given piece of networking software can work.

With the release of Windows NT, 2000, and XP, Microsoft made the number of allowed connections on Workstation (Desktop) versions of its software 5. And Server versions of the software can have up to 200 backlogged connections. The following picture shows this:

Microsoft product	Number backlog connections
Windows NT 3.5	100
Windows 95x	5
Windows NT 4.0 Workstation.	5
Windows NT 4.0 Server	200
Windows 2000 Professional	5
Windows 2000 Server	200

This in and of itself is actually quite harmless. It seems like a perfectly fine way to try and differentiate your products. Buy the more expensive server products and you get better backlog connections and you can create better network software,right?

First let me explain that there is no difference in programming an operating system that supports 5 or 200 backlog connections. It is simply a number that you change and it may use a little bit more memory but there is no technical or labor related issue to change this number.

The troubling part becomes visible when you ask yourself, how does Microsoft networking software on Workstation, 95x, and other operating systems create these kinds of connections? These products, when running on workstation/desktop versions must be subject to the same limits, correct? We setup, as a trial case, IISon Windows 2000 Professional (Workstation version with a backlog limit of 5)and we hammered it with parallel requests. We could take bring the IIS down, but it was far beyond the limit of 5 backlogged connections. Our product, which uses the connection backlog, in its most simple test case, can barely handle a single user session before starting to drop connections (kind of like when you visit a website that is down□.

So the troubling question is, if our software is limited to 5 connections on Workstation versions of Microsoft software, why isn't Microsoft's competing software limited to the same?

I am an open-minded person and wanted to give Bill Gates the benefit of the doubt. So the week of November 20, 200l several weeks after his ''we will work better with everyone'' public statement, I contacted Microsoft. In fact I contacted Microsoft Premium Support Services and opened a paid, premium incident based on my troubling example issue. Maybe it is just our software I kept thinking?Microsoft wouldn't intentionally block our software from running well, while allowing Microsoft software to work well would they?

I told premium support services that if they find a solution, I would happily pay the price to provide me with it. Most software companies would be thrilled to be treated as well as I was treating Microsoft. This is an absolutely real case. The support incident was assigned SRXO11114602 in Microsoft Windows 2000Premium Support Services. After spending three quarters of a day on hold,working through 14 people in Microsoft support I did eventually reach peoples killed enough to at least understand the problem. Once I reached these people, the''Technical Router'' (the person responsible for the incident) said that more senior people had agreed to take up the incident, and they won't be charging me for it.He marked it closed, even though I was being very clear that it wasn't.Microsoft's Premium Support Service response was the following:They acknowledge the limit, and that my software was subject to it.They don't know how their web server is able to avoid the backlog limit on Workstation software, and if they did know, they wouldn't tell me.They said the API I was using was the lowest level API that Microsoft was willing to provide me with.

I followed up the next day and got an arrogant response from the Technical Router ''I can't give you contact information to the person helping you.''The person that was providing information said they would get back to me on it. It's more than a week later now, and not a peep.

The net effect is that Microsoft can sell networking software that runs on Workstation versions of their platform that cost $200, but my networking software, by virtue of the enforced backlog limit, and the limited API they are providing, requires a Server version of Windows, costing $1000 or more. By virtue of its monopoly and by virtue of blocking the APIs from us Microsoft has added $800 to the cost of my product and I am forced to compete with Microsoft with this monopoly created, anti-competitive, and unavoidable cost disadvantage.

This is one specific example of many problems we have with Microsoft, on an on-going basis. We have many ways around this, and are working with our customers to make special concessions in order to insure the cost of a Server license doesn't impact them. Some of them have been absolutely wonderful and offered to purchase Server versions outright, and I thank them and solute them. There is a wonderful team spirit in the world outside of Microsoft that works to handle and deal with the problems and issues it creates.

I submit that the Department of Justice's settlement does not even remotely address these issues in an effective manner. We have many other such problems with Microsoft. Microsoft does not understand what it means to be an ethical,effective, and responsible member of the business community. It doesn't understand how to be an asset to society. These are very basic values that my engineering professors taught me at the University of Florida. It is a shame Bill Gates didn't finish college, as I am sure his professors at Harvard would have taught him the same.Because his education in working ethically and in fairness with people fell short, it is up to the government to correct the problems he has created.Some of the possible solutions to the Microsoft monopoly:

1. A complete, unrestricted release of the Windows source code to any competing third party ISV that requests it, including the right to create derivative works from the source (but not necessarily to create a new operating system, just to make our applications work better), or

2. A break-up of the company into two companies, and Application company and an Operating System company, or

3. The creation of a new intellectual property mechanism that can protect entrepreneurs in the software market while their software comes to life, they win investment, and they develop the market. This mechanism should allow start-ups to compete amongst themselves, but companies with monopolies like Microsoft should not be allowed to develop for or enter these markets for an extended amount of time (I recommend a period of 7 years).

In solution 1, this would solve the problems without a structural remedy. There is a rumor that Windows may include unlicensed or ambiguously obtained source code, such as source code from projects created at universities (without obtaining permission from the university), and source code licensed under the GPL. This is a totally unsubstantiated claim, and I would be surprised if it is true, but I have heard it talked about. True or not, it does represent one plausible explanation as to why Microsoft is so protective of it's source and why it is unwilling to make it easier for third parties to create great applications on their platform.Solution 2 would also actually help level the playing field as application developers would no longer have to be in bed working with their biggest ally at the same time as divulging everything to their biggest competitor.

Solution 3 is what I favor, because all of us entrepreneurs are smart, we just need a little shelter in the open market for a time before Microsoft can come in and steal our ideas from us. We need a fighting chance to get to the up phase of start-up.The one solution we can't have is the Bush Administration's political settlement.The Swiss cheese like settlement the Bush

administration made with Microsoft will make things worse. I feel it is also important to disclose that I have heard rumors that George Bush owns a great deal of Microsoft stock. This raises interesting questions. But more importantly it means the Bush Administration's settlement is colored and born of a huge conflict of interest.

I would like to take this opportunity to thank the many state attorney generals and members of the Department of Justice that did not sign on to the settlement. I want you to know that we appreciate the hard work and time spent trying to truly solve this very real problem. I am sorry the Bush administration has turned it's back on America's software entrepreneurs, I won't be voting for them again.

I am not seeing the America I grew up as a kid in Bar Harbor, Maine believing in.the America I know is a country of fairness, free enterprise, and the reasonable availability of opportunity. We need to restore competition, free enterprise, and the reasonable availability of opportunity in the software market if we wish America's high tech industry to continue to be great.

If we don't, we will become an America, without an American Dream.

Kyle Lussier, lussier@autonoc.com
President, AutoNOC
Tel 770 222–0991 x15 Fax 770 222–0998
htttp://www.AutoNOC.com

MTC–00030652

November 29, 200 1
U.S. Department of Justice
Antitrust Division
Washington, DC
Re: Microsoft Settlement
Comments under the Tunney Act

We believe that the U. S. Department of Justice and the Attorneys General of the various states, in particular, California and Connecticut, have abused their power by misleading the American public. Under the guise of ''protecting the American consumer''from the monopolistic practices of Microsoft, their real aim has been to protect Microsoft's competitors, particularly Sun Microsystems, Oracle Corporation and AOLTime Warner. It is appalling that the U.S. government has wasted its resources and taxpayer dollars trying to destroy a successful American company. The above competitors through their lobbying efforts, have successfully used the government for their own gains. The government should be more forthright and declare their real purpose in pursuing Microsoft.

We wholeheartedly support the recent November, 2001 settlement with the U.S.Department of Justice. The economy and the entire technology sector, including Microsoft's competitors, large and small, will be aided by Microsoft's strength in the marketplace. A rising tide lifts all boats, and as we have seen, a falling tide has done just the opposite, hurting innovation in the entire tech sector, including small, upstart tech firms, many of which have gone out of business.

The American people have been harmed more by the drop in the stock price of Microsoft Corporation and, as an indirect result, the subsequent drop in the prices of various technology companies'' stock over the last 20 months, than by any possible overcharge by Microsoft. Many Americans would have preferred to spend an extra amount of money on a Microsoft product, than lose thousands and millions of dollars in their portfolios and 401 K plans. Microsoft is a premier American company and the leader of American technology companies. The drop in its stock price has affected many others on the NASDAQ. It is core holding of many institutional funds and a core holding in many American's 401 K plans and personal portfolios.

Average Americans have lost trillions of dollars of wealth in the last 20 months,much of it in technology stocks. Some of this loss can be in part attributed to the Government's relentless pursuit of Microsoft, and the subsequent precipitous drop in the stock prices of many other technology companies. Also, Fed Chairman Greenspan's desire to quell the ''irrational exuberance'' of stock market investors by raising rates in2000, even as the market had already started to fall on its own, did additional damage to the financial markets. The government is not doing the consumer ''any favors'' by interrupting the natural free flow of the capital markets. (The government did not help Microsoft in its fledgling existence in an Albuquerque strip mall from the vagaries of IBM corporation, did it? Microsoft managed to become a great American company on its own.

Most importantly, the government's actions actually impeded innovation and competition in technology by hurting the stock prices of technology companies nationwide. Many of these new companies'' stock has fallen 90, 95, even 99%. Even the prices of established technology companies have fallen to prices of 3–5 years ago, before the recent ''tech bubble''. Many small innovative companies have gone bankrupt, or if they are still in business, cannot raise the capital necessary to continue as going concerns.The market capitalization of these companies have fallen so precipitously that not only they cannot raise capital, but many American citizens are having liquidity problems. In summary, the government should be more concerned about the severe impact of the lack of capital spending by businesses, which precipitated the severe drop in stock prices. This abrupt halt in capital spending by businesses and the inability of companies to raise capital have resulted in layoffs of millions of American workers. The stock portfolios of American citizens have fallen 50—90% and more. Americans are having nervous breakdowns, are losing or selling or mortgaging their homes to raise cash necessitated by the severe losses suffered in the stock market and loss of jobs. Formerly wealthy individuals cannot afford to spend and provide jobs to lower income individuals,which, in turn, hurts their families. Americans have been more harmed by these issues than by Microsoft possibly overcharging.

Some of the State Attorney Generals are holding out on the settlement, preferring to go to court, and wasting still more taxpayer dollars. Why not put this to a vote of every American citizen? Let each and every American decide, instead of letting their elected officials pursue their own interests under the guise of ''protecting'' the American consumer.

Carol H. and Dennis F. Buss
3 19 Ravine Park Drive
Lake Forest, Illinois 60045
(847) 234-l 119

MTC–00030653

CASTLEBERRY FOOD CO
PAGE 01
'Subj: Lets go On !!
Date: 11/30/2001 IO:41:49 AM Pacific Standard Time
From: Clamguy300
To: microsoft.atr@usdj.gov

Haven't you spent enough of your taxpayers money on this case, lets get off Microsoft and get on a positive horse that will benefit the economy. This has gone way too far and hasn't produced one positive since this case began.Let me decide what I want, IF I MONT WANT A MICROSOFT PRODUCT I WONT BUY IT!Please let the consumer decide! ! Not your court

Mike Wieltschnig
Issaquah,Wac.
Friday, November 30, 200l America Online: Clamguy300

MTC-00030654

Phone Tools
I
Phone: 206 529–9336
Fax: 206 529–9336
Message :
re: Microsoft Proposed Settlement

Please accept these reasoned views under consideration in drafting a revised settlement offer.The security of the United States can be tied to settlement in which relief is provided by opening the source code to the public,an action which will result in effective competition whereby the consumer will benefit by increased customization, far more value than a $10 rebate to every Californian or a copy of Linux to every school wastebasket. Not responding publically to these suggestions, and others, has exposed the Justice Department to deserved criticism, unintended no doubt, but criticism that should be addressed.

Thank you,
Karel Lambert, MS MT(ASCP)
CTO, Chimerex Inc
From: Chimerex.com
To: Department of Justice
Karel J Lambert MS MT(ASCP) Antitrust Counsel

MTC–00030656

Dec-01–01 12:23P Dick Marble
425–453–5029
RICHARD A. MARBLE
9937 LAKE WASHINGTON BLVD. NE
BELIVUE, WA 98001
Ms. Renata Hesse
Antitrust Division
US Department of Justice
601 D Street Suite 1200
Washington, DC
Fax 202–616–9937
Fax 202–302–1454

Comments re Microsoft Anti Trust Case

I would like to comment on the DoJ/ Microsoft settlement of the Microsoft

AntiTrust Case As a consumer of Microsoft product I strongly endorse the agreement This case has been manuvered from the start by Microsoft's competitors in a very sophisticated manner, staring with Joel Klein's visit lo Pallo Alto at the invitation of Scott McNealy and other competitors of Microsoft in that area to plan an attack on Microsoft. Very little has ever been said from the consumers standpoint. They have expressed their support by buying the Microsoft products which have set today's standard of computer usage. I am attaching letters sent to Business Week Magazine of December 10th in response to an article Business week had run on Scott McNealy and his vendetta against Microsoft I have included all of these consumer letters and they all support Microsoft.

The States' cases against Microsoft are a crass money grab based on the amazing change that their citizens have been charged too much for their computer products. It IS hard to imagine someone fairly establishing what Microsoft should have charged. The consumer.again has had alternative choices lot most of his needs and has supported Microsoft by his purchases of their products.

The opportunity to comment on this case and it's ramifications is appreciated. I would urge the court to accept your settlement plan and remove this distraction from the industry.

DECEMBER 10, 2001

What Mankind Needs: Less Whining from Scott McNealy

Sun Microsystems CEO Scott G. McNealy thinks mankind needs a break from MicrosoftCorp. (''Face-off,'' Cover Stony, Nov. 19). What mankind really needs is a break from McNealy'sincessant whining,. Many people and businesses complain about Microsoft's monopoly None has bothered to offer a superior product Instead,they have used the government as a strategic weapon to cover their inability to develop something better. Microsoft may have a monopoly with Windows and Office, but it hasn't come close to the same level of domination on the Web. lf it had, America Online Inc. wouldn't still be around.

Technology writers from many publications have pointed out many flaws,weak areas, poor designs, and glitches in Microsoft products. What does it say about the rest of the software industry that Microsoft was able to achieve a monopoly with such imperfect products'? Innovation won't happen just because the government suppresses Microsoft

William A. Kirsten

Gaylord, Mich.

We have been reading Scott McNealy's ''trash talk'' for years. I would suggest he start concentrating on his own company's failings.

W. Donald Sally

Lake Forest, III.

If McNealy could just hold on for a few years, perhaps he could find another Administration like that of Bill Clinton. He could again donate heavily to the Democratic Party and again get them to shackle his competition.

What Mankind Needs Less Whining from Scott McNealyto work full-time. We in the industry hope that McNealy got the message

Jonathan Zuck

Association for

Competitive Technology

Washington

What if that softie [antitrust chief] Charles James limited what Business Week could charge at the newsstand?

Patrick M. Code

Alpena, Mich.

What Mankind Needs: Less Whining from Scott McNealy

Come on McNealy. Suck it up, and compete like a big boy!

Joe R Donathan

Centennial, Colo.

Scott McNealy's outlandish attacks on Bill Gates and Microsoft, and his 'sophomoric humor, make one wonder why Sun Microsystems stockholders put up with this overgrown child

Write the Right Laws to Rein in Software Makers

Animals that prey on others are usually successful only against the old and the lame That is all that Microsoft has done (''Settlement or sellouts?''Cover Story, Nov. 19) WordPerfect failed to innovate, so Word won Lotus failed to innovate, so Excel won. Netscape never stood a chance as a stand-alone, so lnternet Explorer won Microsoft had nothing with which to compete when it took these entities on, so it beat them fair and square.

Microsoft has nor beaten Real Audio, Adobe Systems, Intuit, Norton, and many others, because those companies innovated and improved their products. We the consumers and users have only stood to gain by letting the better innovator vanquish the lesser. Microsoft should use everything in its arsenal to compete. That is inherent in our economic system

Richard S. Mimick

Highland Park. N.J

It'lawmakers had made software developers accountable for the operation of their wares, the Microsoft debacle could have been avoided Microsoft would have had to recall products that crashed. It would have been less tempted to develop ''bloat ware'' and bundle others'' products into its own,lest it cause crashes. Taxpayers would have saved a. lot of money.

Tony Payne

Hong Kong

''Slapping Microsoft's wrist'' (Editorials, Nov. 19) relies heavily on Scott McNealy's constant mischaracterizations of the Microsoft settlement. The piece recites the vague and sometimes blatantly inaccurate complaints about the settlement that are often cited by Microsoft's largest rivals Coming after three years of litigation, the settlement between the Justice Dept. and Microsoft should finally allow the software industry to get back http://www.businessweek.com/magazine/content/01_5O/c3761023.htm

MTC–00030658

Dec 04 01 01:43p
Ben and Virginia Riva 1-425–454–5188
FAX COVER SHEET
Microsoft Settlement

SEND TO:

Company name:

I— mm I

U.S. Dept. of Justice

Attention: R.B. Hesse, Antitrust Division

Office location: Washington, DC

Fax number: l–202–307–1454 Virginia Riva

Date: 12/4/01 location: Bellevue, WA

Phone number: 425–454–5180

December 4, 200l

As a 'Consumer'' in the United States vs. Microsoft action, I feel compelled to comment on the proposed settlement, an opportunity provided by the Tunney Act. I am a Consumer because my husband and I purchased a Hewitt-Packard computer with Windows 95 software, a monitor, printer, etc. in 1997. We did not feel that we paid too much at that time, nor have we felt that we were overcharged since. In fact, we have been very happy with Windows and all of our Microsoft products. In fact, we are now considering upgrading with XP.

However, we feel that we hove been severely damaged, not by Microsoft, but by the Justice Department's suit against Microsoft in general and by Judge Thomas Penfield Jackson's very clearly biased rulings in particular. You see, we are retired. We are both in our 70s and are both very active, both mentally and physically, for which we are very grateful. We have raised a large family and have worked hard all of our lives, looking forward to the ''Golden Years'' of retirement. Well, the Justice Department (under Janet Reno) and Judge Jackson managed to tarnish these years for us in a big way. You guessed it—our IRAs and retirement finds containing our ''nest egg'' were heavily weighted with tech stocks, especially Microsoft. Joel Klein and Judge Jackson managed to destroy our financial security that was supposedly sufficient to see us through another 15—20 years, God willing, without ''damage to consumers'' by Microsoft ever having been proven as nearly as we or any of our tech-savvy acquaintances can find.

What kind of JUSTICE is that? The Appeals Court apparently upheld Judge Jackson's finding that Microsoft is a monopoly. But it is our understanding that it is not illegal to be a monopoly. We are now admittedly in a recession and are also a nation at war. The lives of all Americans have changed in the last few months. The settlement proposed now by the Justice Department (under Attorney General Ashcroft) appears to be a very adequate punishment for whatever Microsoft's misdeeds have been. Isn't it now time to GET OVER IT and GET IT OVER WITH and move ahead with matters of far greater importance to the country at this time? Those States still dragging their heels and withholding approval appear only to be trying to hang onto a ''Cash Cow'' and, possibly, make some more trial lawyers even richer, at our expense. We owned and operated our small business for over 25 years and we had to Compete to make good We did not, and could not, rely on the government to make us successful. In fact, the government made it more difficult for us to compete with affirmative action laws in effect at that time. Our biggest competitor's owner was classified as a Minority and, as such, was entitled to contracts that we could not even bid on or be awarded. The fact that

he was retired from the NFL and was also benefitting from a very sizeable NFL pension was irrelevant. But we did manage to compete by providing good work and good service. Microsoft's competitors should be encouraged to succeed in that same way. Let's hear it for ''INNOVATION over LITIGATION'', accept the proposed settlement, and let all of us get on with our lives and, hopefully, put a little life back into the retirement funds of ordinary hard-working citizens. And for all the computer users out there, you'll find that the options and choices are already endless—- no need to struggle through further class action suits to be rewarded in the end by a payoff of an estimated $5.00 per person.

Respectfully Submitted,

MTC–00030659

CREATIVE BEGINNINGS
December 5,2001
Attorney Renata Hesse
Division of Antitrust
US Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Submitted bu Fax,

Dear Attorney Hesse:

I believe the proposed attachment in the case U.S.v Microsoft is a good idea and hope it will be approved. This company's technical advances have led to great efficiences in the workplace and at home. Given that the antitrust laws were passed to protect consumers, it is obvious that the government is persuading a company whose actions have only benefited consumers. I urge you to approve this settlement as quickly as possible. Thank you for your attention in this important matter.

Sincerely,
MJ Marcucci
President

MTC–00030660

MYOR ROSEN
Myor Rosen
12800 Oak Knoll Drive
Palm Beach Gardens, FL 33418
5 December 2001
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I am writing to voice my support for the November 2, 2001 settlement in the antitrust case between Microsoft and the Justice Department. The time for litigation is over, and I feel the settlement should be completed and no further action should be promoted.

Under the settlement, Microsoft is not getting preferential treatment. The company Will share more information with competitors; furthermore, it will open up space on its operating system software that allows competitors to place their components on the system. Never before has a software company been forced to give so much information and access to its competition. I hope your office will end this case with the November 2, 2001 settlement and allow the information technology industry to focus on business and not litigation.

I appreciate your efforts this year concerning this case. Please work hard to make sure this suit finally ends so that the American technology sector can get back to what it does best: being number one in the world.

Sincerely,
Myor Rosen

MTC–00030661

PENCOM SYSTEMS
TEL: 212 227 1854
40 Fulcon Street, 19th Floor
New York, NY 10038
Phone: 212.513.7160
Fax: 212.513.7001
TO: Attorney General Ashcroft
From: Joe Sabrin
Fan: (202) 307–1454
Phone:
Date: 12/6/2001
RI: Microsoft Settlement cc;
Urgent For Review Please Comment Please Reply Please Recycle Comments:
40 Fulcon Street, 19th Floor
New York,NY 10038
Tel: 212.513.7160
Fax 212.513.7001
December 5, 200l
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I am writing to comment briefly on the settlement that was reached between the Justice Department and Microsoft in the antitrust case. It is in America's best economic interest, and it will help get Microsoft's focus back where it belongs—on technology.

This case has kept Microsoft tied up with litigation for three years. It does not make economic sense to do this to someone who is guilty only of offering the best, most innovative product to the marketplace. The settlement has been carefully negotiated, and addresses the concerns of competitors who felt that they were unfairly shut out of the market.

it is time for the country to get back on track economically. Lawsuits and litigation are not the way to achieve this goal.

MTC–00030662

James M Cox
516–399–8166
44 Carlin Drive
Mastic, NY 11950
December 6, 2001
Attorney General John Ashcroft
United States Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I am writing to express my sentiments regarding the Microsoft settlement. I feel that your office has reached a fair settlement that will finally provide certainty about the new rules imposed on the IT sector. I do not see any benefit in pursuing further litigation at the federal level; I am happy to see that your office will be free to pursue the more urgent matters affecting our nation.

I feel that this lawsuit has had a direct impact on both the federal and states' budgets. These budgets are presently challenged, and it doesn't make sense to spend scarce resources on a battle that has already been won. In short, it is time to move on. We must ensure that the technology industry returns its focus to innovation rather than litigation. The longer this battle lasts, the better the chance that we may lose our competitive advantage in the world technology market.

The settlement will benefit all sectors of the economy. Resumption of competition will stimulate our economy and give consumers more choices. As far as the competition is concerned, Microsoft will change the way it develops, licenses, and markets its software in order to accommodate independent vendors. We don't need more federal litigation to keep Microsoft in check. Under the settlement, competitors can sue Microsoft if they don't think the company is complying with the terms of the agreement. The complaints that brought about the lawsuit have been addressed, and your office has set up protocol on how to handle future problems. The Justice Department has done its job. Now it is time to let businesses compete in the marketplace, not special interests in the Senate. I want to let you know that I approve of your settlement, and I appreciate your taking the time to hear my opinions on the matter.

Sincerely,

MTC–00030663

2477 Fairgrove Court
Cincinnati, OH 45244
December 6,200l
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to thank you and all those with whom you worked for your successful efforts at settling the lawsuit against Microsoft. I realize that there are some who disagree with your decision for bringing this lawsuit to a close, but there are also many of us who appreciate the simpler, more integrated way that software works in the Windows environment.

There are some who laugh at the Microsoft ''freedom to innovate'' slogan. However, I remember the days of the text only ''green screen'' when IBM was the provider of PC operating systems. Microsoft did indeed ''bet the company'' on development and marketing of its Windows operating system. The company is truly a ''&lsquo’David defeats Goliath'' story. You can only do this if you provide a quality product at a reasonable price and you are a very strong competitor. Perhaps, Microsoft became an overzealous competitor, but if we had yielded to some of the punishments requested by the Microsoft competitors then we would have set legal precedents that could extinguish the innovate entrepreneurial spirit that brought us the Windows OS and the Internet.

I hate to think of the potential ramifications had this suit ultimately broken Microsoft into smaller pieces. The software market that depends on Microsoft established standards would have been in chaos, and many typical computer users, such as myself, would have suffered.

Because of your foresight, however, this eventuality will not happen. For this I am thankful.

Sincere1y

Lewis Stepp

MTC–00030664

TO:
FROM : ALBERT & RHU KIGHT
FAX: 913–851–8521
TEL: 913–897–9709
COMMENT:
ALBERT & RHU KIGHT
12613 Flint Street Overland
Parka KS 66213
December 6, 200l
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing you this letter today to express my support for the Microsoft anti-trust settlement. After three long years of tedious court battles it is time to move on. This settlement is fair and reasonable it will change the way that Microsoft does business by giving other companies greater opportunities in the IT field, but at the same time Microsoft will be allowed to continue providing quality products to American consumers.

The U.S. economy is on shaky ground, and I feel that this settlement will help give it a much-needed boost. We need to focus our time and resources on matters of greater necessity. I feel that the decision of some of the states to continue this litigation was imprudent especially when you consider the deficits that have been projected in many of these states.

I would like to applaud the foresight that you have demonstrated in your decision to settle this case on the federal level. Thank you for all the hard work and diligent deliberation that you have put into this case.

Sincerely,

Albert Kight

MTC–00030665

TO: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
FROM: Robert J. Berger UltraDevices, Inc.
257 Castro Street, Suite 223 Mt. View CA. 94041
Email: rberger@ultradevices.com http://www.ultradevices.com
Voice: 650–237–0334 Fax: 408–490–2868

SUBJECT: Comments on Microsoft Settlement (Don't be like Brer FOX) It is critical that the current wording in the settlement that wording in the settlement that requires Microsoft to only deal with commercial companies for some of the remedies needs to be opened up to non-commercial, open source and governmental entities as well. For instance, Microsoft's greatest single threat on the operating system front comes from Linux—a non-commercial product—and it faces a growing threat on the applications front from Open Source and freeware applications.

Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...''

Section III(D) takes this disturbing trend even further. It deals with disclosure of information regarding the APIs for incorporating non-Microsoft ''middleware.'' In this section, Microsoft discloses to Independent Software Vendors (ISVs), Independent Hardware Vendors (IHVs), Internet Access Providers (IAPs), Internet Content Providers (ICPs), and Original Equipment Manufacturers (OEMs) the information needed to inter-operate with Windows at this level. Yet, when we look in the footnotes at the legal definitions for these outfits, we find the definitions specify commercial concerns only.

With this wording, the government is shut out, too. NASA, the national laboratories, the military, the National Institute of Standards and Technology—even the Department of Justice itself—have no rights. SO YOU can see that the current wording actually helps to reinforce Microsofts Monopoly. Please don't let Microsoft use the ''Brer Rabbit Briar Patch'' trick (http://www.otmfan.com/html/brertar.htm if you are not already familiar with it) to get exactly what they want. —

MTC–00030666

Microsoft Antitrust Settlement

As a consumer I would like to think that there exists adequate protection from both State and Federal government to ensure that we are not subject to the whims and abuse of the marketplace bully.

In today's transportation highway a virtual monopoly exists in the oil industry. We have seen no alternative that has succeeded in the marketplace dominated by such friendly competitors. Choice is a sad joke in this area.

We cannot afford to allow the same mistake to happen on the information highway. We have seen Microsoft market defective products and charge us for patches to correct them . We have seen them bully their way and intimidate potential innovators to either sellout or enter niches that tag on to their monopoly.

Apple's existence is at Microsoft's pleasure. It serves them to have the lame dog still in the dog race. We need remedies in place to ensure that real competition and choice develops. One would think that the taunting and ridiculous self-serving proposals that Microsoft has offered would be sufficient to convince the DOJ that any handcuffs or self -monitoring. punishments are nothing but a joke to Microsoft. They feel that the laws were not written for them and so far they have been right.

What is needed are forceful punishments such as forfiture of sales, not profits, obtained through non-compliance plus a fine sufficient enough to jar the share price. This is the only action that Microsoft understands. Anything less is like trying to placate a carnivore with tofu.

We have spent a great deal of PUBLIC money to arrive at a finding that Microsoft engages in monopolistic activities. The public deserves a significant return on its investment. Anything less is making a mockery of the process and will fuel the further disconnect of the people from their government.

I believe that Microsoft is well able to compete in a leveled playing field and I will continue to buy their products as I have in the past. My only fear is that without forceful government oversight and expensive damages for abusive behavior my interest in their products will move from a decision of minuscule choice to a decision of no-choice.

I urge you to fight this battle, figuratively speaking, till your last breath for the benefit of all of us.

Respectfully,

Jack G. Simke

MTC–00030667

From :
Phone : (925) 933–6569
Robert F. Andrews
Fax : (925) 933–8991
To : UD DOJ Antitrust Division Phone
Renata B Hesse Fax : 1–202–307—1454
Date : 12/08/2001
Time : 15: 15

Attached are my comment regarding the proposed settlement of the Microsoft Lawsuit

Bob Andrews
1864 Castle Oaks Court
94595 Walnut Creek
Robert F. Andrews
1864 Castle Oaks CT.
Walnut Creek, CA 94595
925–933–6569
December 8, 200l
Ms. Renata B. Hesse
Antitrust Division
US Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Comments regarding the Microsoft Settlement

I support the current settlement with Microsoft by the Department of Justice and half of the states involved in this lawsuit.

I do not think any more severe penalties are warranted. Microsoft probably deserved a little hand slapping because of the way they dealt with the computer manufacturers. But the issue surrounding the operating system improvements and add on's is frivolous. The Internet Explorer was a needed part of the operating system and add on's such as these should be allowed. It was also very easy for others to use Netscape if they wanted to. Bottom line is that Internet Explorer wound up being the best browser. I believe that a large part of the fuss on this issue is being made by Microsoft's competitors who have wound up second and third best and have tried to compensate for their under performance by supporting the antitrust law suit against Microsoft. I believe that a major motivating force for the hold out states is purely political as it relates to companies in their area and political contributions. As a consumer, I believe that Microsoft has been good to us. They have provided outstanding products at reasonable and decreasing prices.

Some states would prefer that consumers buy all of the add on's and that could be big down the road. Where Microsoft has been dominate in a particular software application, prices have fallen. I also believe that Microsoft has contributed mightly to the US economy. They have probably been the biggest contributor in the last 10 years. They should not be punished for being good to consumers and the economy. I might also add that Microsoft is a good corporate citizen.

It is time to settle this suit as the Department of Justice and Microsoft have proposed. The more harsh remedies that are being proposed by the non agreeing states should be rejected.

Sincerely

Robert F. Andrews

MTC–00030668

From My Plumber
Sun Dec 9 04:51:37 2001
FACSIMILE TRANSMISSION
Please deliver this facsimile to:
US DEPT. OF JUSTICE
Page 1 of 2
From: bakewad@space.com
From MyPlumber
Sun Dec 9 04:51:37 2001

The Microsoft settlement does NOT go far enough. Microsoft should be divided into at least 2 separate companies—operating system and applications, or 3 companies—1angua ges, operating system, applications.

I was a programmer/system designer. Given this settlement, there will soon be no way to survive as an independent software producer (if indeed there is a way now—especia lly not-for-profit organizations like the U.S. GOVERNMENT which Microsoft can deny ac cess to the APIS)

Steve Satchell, a pioneer from the Arpanet days, should be appointed to the 3 person oversight committee, even if the above remedies are not implemented.

John D. Gleason
Livonia MI
309–416–5842

MTC–00030669

12/9/2001 11:27 FM FROM: Fax TO: l-202–307–1454 PAGE: 001 OF 001
Commerce & Administration Students'' Association
L'Association des etudiants et etudiantes en commerce et en administration
DATE: December 9, 2001
TO: U.S. Department of Justice Antitrust Division (fax:1–202–307–1454)
FROM: Nicolai Michel, CASA computer lab manager
SUBJECT: Microsoft Settlement

Like many others in the IT industry, I think Microsoft got off far too easily in this case. Why have they not been punished for violating previous agreements? Why is the settlement full of loopholes?

Rather than repeating what has already been said, I refer you to more informed and eloquent critics, such as Ralph Nader, Robert X. Cringely, and eWeek Magazine. To me, this outcome is typical of what happens in Washington, where lobby groups and big business have far too much influence. The only beneficiary of this weak ruling is Microsoft. Who is standing up for everyone else, including those of us outside the US? Concordia

MTC–00030670

17817350581 2001–12–10 05:33:38 (GMT), page 1
FAX COVER SHEET
TO
COMPANY
FAX NUMBER
FROM
1–202–307–1454
markus diersbock
DATE 2001–12–09
RE Microsoft Settlement
COVER MESSAGE
Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Greetings,

Microsoft is like the greedy kid at the birthday party who sits at the table and grabs all the other kid's cake. He doesn't grab all the pieces because he's hungry, he just doesn't want anyone else to eat. So birthday party after birthday party Billy kid steals the cake while the others kids stare.

Some people will say, ''But who cares that little Billy steals everyone's cake, he gives a couple of pieces to the poor.''

Well what about the other kids at the table? This analogy has played on throughout the life of Microsoft. With a stranglehold on PC manufactures to sign exclusionary OS contracts they lockout their competition, not only in the OS market, but any other market that can be reduced to an icon sitting on the consumer's desktop.

So the OEMs are forced to bundle unrelated products together to sell to the consumer. The padded price is then funneled to Redmond. Those don't comply get ''punished'' through jacked-up pricing or non-renewal of their contracts.

''Protection fee''—isn't this what the mob does?

I'm a programmer and have used computers since the Apple][+. And I REALLY LOVE Microsoft development tools, but here's the rub.

Microsoft told the development community in the late 80's ''Come write for Microsoft Windows, look at all the great things you can do, blah, blah, blah.'' The reason being that more applications you have for an OS the more people want the OS and thus greater adoption of Windows over other OS's.

But Microsoft didn't want ONLY their OS PIECE of Cake they wanted the WHOLE cake. After Windows was pretty well-entrenched Microsoft turned around and started writing their own competing applications using secret hooks (Undocumented APIs) that gave their applications better power then the 3rd party developers they had been courting years earlier.

They ran company after company out of business going after one market then the next. They were pretty successful in crushing everyone except AOL in online and Intuit in personal finance software. Basically giving the birthday party, inviting everyone in, and when the presents arrived, booted everyone out with no cake.

So there those same people are again, ''Well Microsoft gives money to the Poor, blah, blah, blah.'' Well what about the employee's families of the companies that Microsoft ran out of business?

Microsoft has NO friends. They screw everyone. The developers, their partners, even the customers. How many in the tech community came to their aid during these court proceedings? Probably just as many who came to the aid of Standard Oil. So here we are again, years later. Billy has cake frosting all over his face, he didn't get a spanking for his past misdeeds and he's on his way to the next birthday party. Hmmm, wonder if he'll be better behaved THIS time?

Markus Diersbock
Contract Programmer
http://www.crowdshare.com/profile.asp

MTC–00030671

10 December 2001
Plaza Mikado Bldg. 303
2–14–5 Akasaka
Tokyo, Japan 107–0052
Renata B. Hesse
Antitrust Division
US. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Attorney Hesse:

We are three American citizens writing to express our dissatisfaction with the Proposed Final Judgment of the Microsoft anti-trust case. The current wording allows Microsoft to exclude Open Source and Free Software projects and organizations from the list of groups to whom they must disclose the information needed for interoperability. Like many small software companies, we depend on Open Source and Free Software to leverage our development resources against larger competitors.

Specifically, Section III(J)(2) says that Microsoft need not describe nor-license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business.

Section III(D) says that Microsoft must disclose to several types of organizations the information needed to inter-operate with Windows. However, the legal definitions for these organizations specify commercial concerns only.

We urge you to correct this oversight.

Sincerely,
D, Silver Egg Technology
Leif'Mortenson, Chief Architect
Silver Egg Technology
Silver Egg Technology

MTC–00030672

December 10, 2001
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
re: Microsoft Settlement

The proposed Microsoft settlement Is a ghastly piece of work that:

Does not serve the public good, Does not punish Microsoft for its past transgressions (for which it was found guilty), Does not provide adequate remedies to prevent future illegal and/or monopoly activities

• Actually has the potential to increase Microsoft's dominance of the marketplace. I urge you to discard the current proposed settlement and start over with something that more properly addresses the court's concerns, creates opportunities for other companies to compete against Microsoft, and provides better protection for non-profit Open Source

Sincerely,
Andrew Michael Cohill, Ph.D.
Director

MTC–00030673

To: Justice Department of U.S.
Subject: Microsoft Settlement
From: Earl Sapp, 2010 Glennridge Drive, Tallahassee, FI. 32308
Fax # 850477–7484 Telephone #850–877–5581

I protest what several states have done to try to block the Microsoft settlement with the Justice Department. Their demands are unreasonable and not in the best interests of consumers. It is obvious that what they call for is the opposite to the intention and whole purpose of anti-trust laws. What the States want seems to destroy and devastate the competitive spirit of the great company that built the platform for the Internet. This is overkill! This is a shot that aims at the central theme of the whole American free enterprise system, fair competition. Antitrust laws should try to protect not to disrupt fair and reasonable competition. WHAT THE STATES WANT SEEMS TO BE TO PROTECT MICROSOFT 'S COMPETITORS FROM THE RESPONSlBlLlTY OF INVENTING BETTER TECHNOLOGY TO BETTER COMPETE. I notice that the location of the states that won't sign off on the settlement seems significant.

The Justice Department settlement was a recognition that this case has dragged on too long. This has already hurt the American economy and non-settlement will continue to harm the already weakened economy. Ultimately if it hurts the economy, it will weaken the ''War on Terrorism.''

I have never been convinced of the accusation that Microsoft has ever charged too much for its products. I have never heard any consumer accuse Microsoft of this; only competitors have accused them. I am confident that the new Judge who presides over this case will recognize this as well. It appears to me that competitors are trying to become guilty of the very same error for which they blame Microsoft, seeking an unfair advantage.

I strongly urge the Justice Department to stand FIRMLY and STEADFASTLY on the adequate agreement already hammered out by the two parties in the present settlement. If you do this, the Justice Department, the free enterprise system and the American consumer will be the winners.

MTC–00030674

Dec 12 01 09:11am David Updegraff 218 529 9475
P. 1
From: Dave Updegraff, 5130 Washburn Rd, Duluth, MN 55803, [dave@toimi.com 1
Re. : Microsoft Settlement, Public Comment.
To: 202–616–9937 / 202–307–1545
Renata Hesse, Trial Attorney
suite 1200,
Antitrust Division
Department of Justice
601 D Street NW
Washington, DC 20530

Greetings.

Please register my strong objection to the current (as of Dec. 2001) settlement reached with Microsoft regarding its anti-competitive behavior(s).

My objections are :

1. That when purchasing new consumer grade computers the presumption of a need for a Microsoft operating system remains so entrenched that no opportunity exists to permit real competition nor even to make the consumer aware that any options exist. In my view it is very important that the licensing fees for these operating systems be both optional and also appear as explicit line items such that the consumer is aware of what they are buying.

2. That the extent of the Microsoft monopoly not be effectively extended and legitimized by the very terms of the settlement: i.e. by Microsoft being given a special channel to supply public schools with the software of its choice. Public schools—more than any other place— should be places where we learn of many options, thence to make our own choices more intelligently.

Microsoft operating systems—as I'm sure you can guess from this note— are not my own choice for computing tools. I believe that Microsoft's aggressive anti-competitive behavior warrants that any settlement at least TRY to make consumers more aware of the choices they are making: that those choices exist at all! The argument for not doing so can only be that consumers ''needn't worry their pretty little heads..'' or that they may actually avail themselves of other choices.

Please craft a settlement that really boils down to simple truth in labeling. Consumers do actually read. Make sure consumers know what they are buying, what it is costing, and—most Importantly for an educated choice—what alternatives may exist.

Thanks for your time.

MTC–00030675

12/12/2001 14:27 FAX 678 375 3436
CHECKFREE CORPORATION
Engineering
4411 East Jones Bridge Road
Norcross, Georgia 30092
(678) 375.3000 Corporate Direct
(678) 375.3436 Fax
wwv.checkfree.com
CHECKFREE CORPORATION
12 December 2001
Renata Hesse
Antitrust Division
Department of Justice
Washington DC

Ms. Hesse:

I write to you as a computer professional of twenty-five years experience to comment on the proposed settlement in the Microsoft case per the Tunney Act provisions.

After being found guilty of anti-competitive behavior, the settlement as described does not seem to impose any onerous penalties on the company, nor noticeably restrict their ability to leverage their position to dominate other markets. In fact, on this date the computer trade press is trumpeting a deal between Microsoft and numerous manufacturers of DVD players to have those units support Microsoft's streaming media format in future models. I'm sure Real Networks and Apple's Quicktime division are less than thrilled with this, but they lack Microsoft's clout.

Microsoft has traditionally used 'hidden'' programming features in Windows to give their own applications, such as Office, an edge over competitors'' products. In fact, the original plan to split Microsoft would have broken this information pipeline between system and application programmers. Developers of third-party software packages must reverse-engineer the interfaces to and from Windows to provide compatible packages for other environments, such as the Macintosh or the increasingly popular Linux system.

Along the same line, Microsoft has used their dominant position in the office software market to pull consumers into a unending cycle of upgrades. A new version of Office emerges, with subtle differences in the format of documents created. One user at a company upgrades, which drives colleagues to follow along to be able to exchange files with one another, This has been referred to in the trade press as 'viral upgrading'. It also forces competitors in the office software market to lose time chasing the latest updates since, because of its monopoly position, any competing products must maintain Microsoft compatibility.

The proposed settlement makes some effort to open up Microsoft's protocols to the public, but loopholes in the provisions make its impact questionable. For example, the SAMBA project is an open-source, volunteer-staffed software package to provide file-and-print services to Windows desktops, using servers running on the open-source Linux operating system. To do this, they had to reverse-engineer the protocols for logging into Windows servers, remote disk mounts, etc. It would appear at first glance that the DoJ settlement would ease this problem. However, in an open letter to the development community, the Samba team leaders made these comments:

The Samba Team would welcome Microsoft documenting its proprietary server protocols. Unfortunately this isn't what the settlement stipulates. The settlement states:

''E. Starting nine months after the submission of this proposed Final Judgment to the Court, Microsoft shall make available for use by third parties, for the sole purpose of interoperating with a Windows Operating System Product, on reasonable and non-discriminatory terms (consistent with Section II.I), any Communications Protocol that is, on or after the date this Final Judgment is submitted to the Court, (i) implemented in a Windows Operating System Product installed on a client computer, and (ii) used to

interoperate natively (i.e., without the addition of software code to the client or server operating system products) with Windows 2000 Server or products marketed as its successors installed on a server computer.''

Sounds good for Samba, doesn't it. However, in the ''Definition of terms'' section it states :

''Communications Protocol'' means the set of rules for information exchange to accomplish predefined tasks between a Windows Operating System Product on a client computer and Windows 2000 Server or products marketed as its successors running on a server computer and connected via a local area network or a wide area network. These rules govern the format, semantics, timing, sequencing, and error control of messages exchanged over a network. Communications Protocol shall not include protocols used to remotely administer Windows 2000 Server and products marketed as its successors. ''

If Microsoft is allowed to be the interpreter of this document, then it could be interpreted in a very broad sense to explicitly exclude the SMB/CIFS protocol and all of the Microsoft RPC calls needed by any SMB/CIFS server to adequately interoperate with Windows 2000. They would claim that these protocols are used by Windows 2000 server for remote administration and as such would not be required to be disclosed. In that case, this settlement would not help interoperability with Microsoft file serving one bit, as it would be explicitly excluded.

This hardly seems to fit the intent of the settlement. The alternative settlement proposed by the dissenting state attorneys general would appear to offer more stringent provisions to assure inter-operability between Windows and competing products. I would suggest the following provisions to keep Microsoft from squeezing out their competitors:

(a) The alternative settlement proposes that Microsoft license the source code for Office to allow its adaptation (''porting'') to other operating platforms. This simply spreads the problem noted above of ''viral upgrades'' to these other platforms, What would make more sense is to compel Microsoft to document, FULLY, all file formats used in Office, and to require a reasonable (3–6 months?) notice of changes to allow competitors time to update their products accordingly.

(b) Addressing the issue above of communications protocols, Microsoft should be compelled to disclose ALL programming interfaces and protocols used between Windows desktops and servers. This would, again, allow competitors to build compatible products for alternate platforms without the need to 'chase'' changes by Microsoft. Given the current spate of security issues that have arisen with Microsoft products, this disclosure could in fact assist in ''hardening'' their products by allowing a wider audience to examine the interfaces for security gaps. In the current climate, this is definitely called for.

These provisions should be enforced by requiring Microsoft to release the source code for any product they fail to fully document. This documentation must exist in Microsoft's facilities for their own staff to use in development. It should be straightforward enough to make this documentation available for others to scrutinize. The plethora of ''Windows Secrets'' books available on the market suggest that the public and internal documentation of Windows interfaces have some differences. Given their confirmed monopoly status, it seems reasonable they should demonstrate a higher level of transparency in their business dealings.

Thank you for the opportunity to comment on these proceedings, I remain,

Robert K Halloran III
892 Trinidad Rd
Jacksonville FL 32216 004
Phone 904–723–5520
e-mail rkh@mediaone.net

MTC–00030676

December 12, 2001
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

Let me begin by saying that the period of public comment is a wonderful nay to let everyday people express their opinions on topics usually handled by career politicians. Three years of Microsoft antitrust dispute has been long enough. It is time to let Microsoft return their focus to innovation, rather than litigation. Your office has produced a just settlement that has positive implications for software publishers, consumers, and the rest of the IT industry. I am grateful for this.

Our economy has suffered from this lawsuit, and I hope that no more federal funding is allocated to this inane case. State budgets are also hurting, and yet proceedings continue in some states. We must allow the IT industry to resume its former pace. The longer this lawsuit drags on, the more likely it is that our country may lose its lead in the world technology market.

The Justice Department's settlement is the best solution. Competitors are protected under your agreement, and consumers will find better software compatibility. Further pursuit of litigation benefits no one.

Our country and our economy need stability. Settling this case now is just one step in achieving that. I would like to thank your office for the comprehensiveness of the agreement, and to thank you for considering my thoughts on the subject.

Sincerely,

Adelaide W. Revnyak
27398 Cottonwood Trail
North Olmsted, OH 44070

MTC–00030677

2001/12/12 21:49 John D. Hardin (+1 360 668 5342) —) 1–202–307–1454 p. 1/2
17014 Broadway ave.
Snohomish, WA 98296–8031
(360) 668–5342
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Fax: 1–202–307–1454/1–202–616–9937
Email: microsoft.atr@usdoj.gov

Ms. Hesse:

I am writing you to register my comments on the proposed settlement in the Antitrust case of U.S. v. Microsoft. I hope they will be considered. First off, I want to gently remind you that Microsoft has been found guilty in a court of law of committing crimes, in that they repeatedly violated the Antitrust laws and engaged in many acts of illegal anticompetitive behavior. Please do not lose sight of this fact when considering the settlement.

Microsoft has violated the law, and as such, they must be punished. Punishment involves causing the criminal SO much discomfort and pain that they regret having committed their crimes, and do not wish to repeat them. Otherwise it is not punishment. Any settlement where Microsoft does not squeal loudly and publicly about how unfair it is, is not punishment. Thus I find it disheartening that the Justice Department is even talking to Microsoft about what form the punishment shall take: ''Will this hurt too much? Oh, sorry. Okay, how about this. 7''—would this be done with any other criminal?

Where is the justice for the public in this? Please don't forget you are on my side, defending my rights, not Microsoft's The terms of the current settlement do little or nothing to punish Microsoft. In effect, Microsoft is being given an opportunity to spend a small portion of their enormous cash reserves to gain a powerful entry into and lock on a new market (that of disadvantaged schools), and is in the process being given protections against the competitors that do the most to threaten their business. How does this punish them?

Any solution to the problem of Microsoft's anti-competitive behavior must strike at the roots of that anticompetitive behavior: their constant and recurring exclusionary practices. These most often take the form of dictating OEM behavior and engaging in gratuitous blocking of software interoperability. The current proposed settlement does not effectively address these practices. Charles James'' comment that the proposed settlement will fully and demonstrably resolve'' all problems is the worst kind of wishful thinking, and shows that he is not acting in the public's best interest.

(1) Microsoft must not be permitted to dictate what software OEMs may or may not install on the computers they build and sell, including most importantly Operating Systems. OEMs must be able to build and ship so-called ''Boot'' systems without incurring any penalties or punishment from Microsoft. OEMs must also be able to ship computers without any Microsoft operating system at all without incurring any penalties or punishment from Microsoft.

(2) Microsoft must be required to publicly, freely and completely document the Application Programming Interfaces (APIs), communications protocols and data storage formats (file formats) used by all products they offer (for example, Microsoft Word and Microsoft Windows itself). In this manner, competing products, including those created by non-commercial sources, will be able to interoperate with Microsoft products. This documentation must be published well

before the release of any new product or upgrade, and must be freely available without fee or registration or restriction on use.

It is vitally important that there be no restrictions on the use of this documentation, for if there are any restrictions at all, Microsoft will find a way to use those restrictions to their advantage to stifle fair competition. See Section III(J)(2) and Section III(D) for their current attempt to do this; these sections would have the effect of allowing Microsoft to determine who they deign to provide interoperability information to. Remember, your goal is to punish Microsoft. Let them compete based on the quality of their products, not the obscurity of their APIs, communications protocols and file formats. Microsoft's ubiquity and ability to produce de-facto ''standards'' demands that their software interfaces be fully, publicly and freely documented. This is the price of their having a monopoly.

(3) Microsoft's products must be held to their documented interfaces. If a Microsoft product is found to use an undocumented extension to an API, communications protocol or file format, then the extension must immediately be documented under the above terms, and Microsoft must be fined and the offending product removed from sale until the documentation has been updated or the use of the extension removed. The same punishment should apply if a product is found to use a wholly undocumented interface.

In conclusion, The current proposed settlement is a very light slap on the wrist to Microsoft, and if it is enacted then in five years we will be right back where we are now all over again, just as we are now going through yet another penalty phase of yet another anticompetitive practices trial today because of the weak Consent Decree imposed in the mid-1990s.

The only difference is in five years Microsoft will be yet larger, more arrogant, and harder to effectively punish. I hope that the Justice Department will inflict meaningful punishment upon Microsoft. I hope that the currently proposed settlement is not enacted; it seems to me to be nothing more than Public Relations window dressing intended to hide the fact that the Justice Department cannot effectively enforce the law upon a wealthy company.

Please don't prove yet again that Money Talks, and that Microsoft is above the law.

Thank you for your time and attention.

Sincerely,

John Hardin

jhardin@impsec.org

CC: mail, email, fax

Renata Hesse, Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

Microsoft is being amply reprimanded and reigned in with the settlement reached. It is our understanding that under the Tunney Act, the public has 60 days to provide input for consideration by the parties involved regarding this settlement.

While we appreciate the idea of the government looking after the best interest of its citizens, nearly four years, $35 million dollars and the terms of the settlement are enough. It is more than time for this issue to be put to rest.

We strongly urge you to support the settlement. Please take the actions necessary to keep the process rolling to get the settlement through all the channels and put in place.

Sincerely,

Lou Gomez, Executive Director
Kern County Hispanic Chamber of Commerce
1401 19th Street, Suite 110
Bakersfield, CA 93301
661–633–5495
Mailing Address: P.O. Box 1121.
Bakersfield, CA 93302–1121
FAX 661–633–5499

MTC–00030679

DEC-12–01 13:56 FROM:KINKOS LAGUNA NIGUEL ID:9493621957
PAGE 1/7
FAX TO: EXECUTIVE: RENATA B. HESSE: ACCEPTING PUBLIC RESPONCES OF MICROSOFTANTITRUST CASE RESOLVED
202, 307–1454
202, 616–9937
UNITED STATES DEPARTMENT OF JUSTICE (ANT/TRUST DIVISION)
FAX FROM: NATHANNA GODFREE
P.0. BOX 2584
MISSION VIEJO, CALIFORNIA 92690

DEAR EXECUTIVE HESSE & ANTITRUST DEPARTMENT

I AM (E PLURIBUS UNUM) OF MR. & MRS. GENERAL PUBLIC AND AS SUCH I HUMBLY WANT YOU TO KNOW THE QUESTIONS OF MY THOUGHTS.

ON NOVEMBER 6, 200l ON TELEVISION NEWS AS I UNDERSTOOD IT TO BE THAT MY HOMELAND THE GREAT AND SWEET STATE OF CALIFORNIA WOULD BE PERSUING A CASE AGAINST THE MICROSOFT CORPORATION EVEN THOUGH THE UNITED STATES FEDERAL GOVERNMENT CASE IS ALREADY BEEN RESOLVED. FOR OUR OWN UNITED STATES FEDERAL GOVERNMENT ON THE BEHALF OF ALL UNITED STATES RESIDENCE AND PEOPLE HAS VIGOROUSLY SPENT A TREMENDOUS AMOUNT OF DEDICATED TIME, ENERGY AND MONEY—TAXPAYER MONEY RESPRESENTING ALL AND HAS RESOLVED THIS CASE.

I FAXED AND CERTIFIED A LETTER TO MY GREAT GOVERNOR GRAY DAVIS AND MY UNITED STATES SENATOR DIANNE FEINSTEIN WITH THESE QUESTIONS; THAT OUR GREAT STATE IS YET IN PROCESS OF RECOVERING FROM ELECTRICITY SHORTAGES AND BLACK-OUTS WHILE RECCESSION IS PROGRESSING AND OUR COUNTRY IN THE STATE OF WAR; MY QUESTION IS IT PRUDENT TO AND IN THE BEST INTEREST OF CALIFORNIANS TO PERSUE SUCH WHICH IS ALREADY RESOLVED. MY QUESTION TO YOU—

DEC—12–0

1 13:57 FROM:KINKOS LACUNA NIGUEL ID:9493621957

PAGE 2/7
(PAGE2)
FAX TO: EXECUTIVE: RENATA B. HESSE
UNITED STATES DEPARTMENT OF JUSTICE
ACCEPTING PUBLIC RESPONCES OF THE MICROSOFT
CORPORATION ANTITRUST CASE.
202, 307–1454
202, 616–9937 FAX FROM: NATHANNA GODFREE P.O. BOX 2584 MISSION VIEJO, CALIFORNIA 92690 CONTINUE.

TO YOU UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVES, IS IT PRUDENT AND IN THE BEST INTREST OF THE UNITED STATES PEOPLES THAT WE THE TAXPAYERS PAY IN EFFECT TWICE. EACH STATE WHO IS DISSATISFIED WITH THE RESOLVEMENT OF THE MICROSOFT CASE IS PUTTING THE LUXURY OF ITS TAXPAYERS TO FOOT THE BILL OF THESE PROCEEDURES HOW EVER LONG THEY MAY BE WHICH HAS ALREADY BEEN PAID FOR BY THE PEOPLE FOR THE PEOPLE.

IT IS WITH THIS CONFIDENCE IN YOU OUR GREAT GOVERNMENT AND ELECTED LEADERS THAT YOU WILL AGREE TO LET STAND WHICH IS ALREADY RESOLVED WITHOUTANYMORE HESITATION AND SAVE TAXPAYER DOLLARS. I AM FAXING WITH THIS LETTER A COPY OF THE FAX TO MY GOVERNOR GRAY DAVIS AND HIS RESPONSE ALSO A COPY OF MY LETTER TO MY UNITED STATES SENATOR DIANNE FElNSTEIN AND POSTAL CONFIRMATION.

NATHANNA GODFREE

NG

MERRY CHRISTMAS & HAPPY NEW YEAR DEC–12–01 13:57 FROM:KINKOS LAGUNA NIGUEL ID:9493621957 PAGE 3/7 FAX TO: GOVERNOR GRAY DAVIS 916, 445–4633 STATE CAPITOL FAX TO: UNITED STATES DEPT. OF JUSTICE SACRAMENTO, CALIFORNIA 95814 ANTITRUST DIVISION EXECUTIVES RENATA B. HESSE FAX FROM: NATHANNA GODFREE 949,362–1957 202 307–1454 202 616–9937

DEAR GOVENOR DAVIS

MAY I FIRST SAY THANK YOU FOR YOUR GREAT DILIGENCE AND HARD WORK IN CONTINUING SOLVING OUR GREAT STATE 'S 'ELECTRICITY SHORTAGE CRISIS AS TO MY UNDERSTANDING OF IT.

I FEEL IT IS TRUE THAT WE THE GENERAL PUBLIC DOES NOT THANK OUR ELECTED OFFICIALS HARDLY ENOUGH, BUT I AND MY SON, WE THANK YOU. WITH THIS IN MIND AND OTHER CONCERNS OF WHICH ON TELEVISION NEWS YESTERDAY—THEY ARE SAYING AS I UNDERSTAND IT, THAT OUR STATE WILL BE SPENDING TAX PAYER DOLLARS TO PURSUE AN SEPARATE CASE AGAINST THE MICROSOFT CORPORATION AFTER THE UNITED STATES GOVERNMENT CASE HAS ALREADY BEEN RESOLVED. IN OVER STATE'S CURRENT, YET STILL IN PROGRESS RECOVERING OF ELECTRICITY SHORTAGES AND THE RECESSIONARY INDICATORS LOOMING ECONOMIC RECESSION,—MY QUESTION IS—IS IT

PRUDENT AND IN THE BEST INTEREST OF CALIFORNIANS AND OUR GREAT STATE TO PURSUE AND BE IN SUCH A POSITION AS THAT ? AND WHAT IS THE GREATER PROFIT OF SUCH FOR ALL CALIFORNIANS (DOLLAR FOR DOLLAR) ? AND WHAT CALIFORNIANS WILL AGREE TO SUCH A MEASURE FOR TAXPAYER DOLLARS TO BE SPENT WITH NO CLEAR GAIN ? IT IS WITH THIS CONFIDENCE IN YOU OUR GOVERNOR AND OUR ELECTED LEADERS, AS GREAT SOLVERS OF GREAT ISSUES THAT YOU ALL WILL LOOK PRUDENTLY AT THIS EXPENSE AND AGREE TO SAVE OUR TAXPAYER DOLLARS.

THANK YOU,

NATHANNA GODFREE

NG

MAILING ADDRESS: P.O. BOX 2584, MISSION VIEJO, CALIFORNIA 92690 DEC-12–01 13:57 FROM:KINKOS LAGUNA NIGUEL ID:9493621957 PAGE 4/7 OFFICE OF THE GOVERNOR December 4, 2OOl FAX TO: THE UNITED STATES DEPARTMENT OF JUSTICE—ANTITRUST DIVISION EXECUTIVES: RENATA B. HESSE 202 307–1454 202 616–9937 Ms. Nathanna Godfree Post Office Box 2584 Mission Viejo, California 92690

Dear Ms. Godfree:

Thank you for sharing your views.

Please be assured that your opinions will be taken into consideration. As Governor, my job is made easier when citizens take the time to share any thoughts regarding issues of importance to them.

Again, thank you for writing. Government works best when people remain active and express their views to elected officials.

Sincerely,

GOVERNOR GRAY DAVIS SACRAMENTO, CALIFORNIA 95814—(916) 445–2841 CALIFORNIA FAX TO: UNITED STATES SENATOR UNITED STATES DEPT. OF JUSTICE ANTITRUST DIVISION EXECUTIVES DIANNE FEINSTEIN RENATA B. HESSE 202 307–1454 202 616–9937 DISTRICT OFFICE IIII SANTA MONICA BLVD., SUITE 915 LOS ANGELES, CALIFORNIA 90025

DEAR SENATOR FEINSTEIN

ON TUESDAY NOVEMBER 6, 200l ON TELEVlSlON BUSINESS NEWS TO MY UNDERSTANDING, IS THAT OUR STATE WILL BE SPENDING TAX PAYER DOLLARS TO PURSUE AN SEPARATE CASE AGAINST THE MICROSOFT CORPORATION AFTER THE UNITED STATES GOVERNMENT CASE HAS ALREADY BEEN RESOLVED.

IN THE WAKE OF THAT WE CALIFORNIANS HAVE A SERIOUS ELECTRICITY SHORTAGE IN PROGRESS AND IS STILL IN THE PROCESS OF RECOVERING AS SUCH. THIS BEING SAID, MY QUESTION IS—IS IT PRUDENT AND IN THE BEST INTEREST OF CALIFORNIANS AND OUR GREAT STATE TO PURSUE AND BE IN SUCH A POSITION AS THAT? AND WHAT IS THE GREATER PROFIT OF SUCH FOR ALL CALIFORNIANS (DOLLAR FOR DOLLAR) ? AND WHAT CALIFORNIANS WILL AGREE TO SUCH A MEASURE FOR TAX PAYER DOLLARS TO BE SPENT WITH NO CLEAR GAIN WITH RECESSIONARY INDICATORS LOOMING ECONOMIC RECESSION ?

IT IS WITH THIS CONFIDENCE IN OUR GOVERNOR AND YOU OUR SENATOR AND ELECTED LEADERS AS GREAT SOLVERS OF GREAT ISSUES THAT YOU WILL LOOK PRUDENTLY AT THIS EXPENSE AND AGREE TO SAVE OUR TAX PAYERS DOLLARS.

THANK YOU.

NATHANNA GODFREE

NG

MAILING ADDRESS: P.O. BOX 2584, MISSION VIEJO, CALIFORNIA 92690

TEM. TEL: 949,347–8520, ext. 313

WITHOUT SOUNDING TOO ''CORNNY'' I HAVE GOT TO SAY, YOU INSPIRE ALL CALIFORNIA WOMEN GREATLY. ''THANKS'' MTC-00030680 12–12–2001 3:11PM FROM WSFO BIRMINGHAM AL 205 664 7821 P.1 Facsimile Transmission from NATIONAL WEATHER SERVICE 465 Weathervane Road, Calera, AL 35040 (205) 664–3010 FAX: (205) 664–7821

Date:

To: Dept of Justice Location: Microsoft anti-trust Fax Number: 202 616 9937

From:

To whom it may concern,

I am an IT Officer with NOAA. We use open source software a lot and feel the DOJ/Microsoft settlement has loopholes that Microsoft can use to eradicate its only real competition right now...the Open Source Software Movement.

FIRST:

There are certain file and document saving protocols Microsoft uses to save documents. These documents are deciphered into human readable text by Microsoft products. These document formats should be published and open so anyone can write an application to read them and display and manipulate them. By closing the document format Microsoft has a lock on the sole application that can read them. This is bad and perpetuates Microsoft's natural monopoly. By opening these document formats, competitors whether open source or commercial vendors, can all write software to read these document files. Some examples of Microsoft applications that create closed format document files are: Microsoft Office, Microsoft Word and Power Point and there are others such as spread sheets etc. The main issue here is the software can remain closed and protected and can compete based on its usability, functionality and security aspects... but NOT on its file format... which should not be a legally patentable entity in a competitive environment.

ACTION: Force Microsoft and any future companies writing proprietary closed software to publish file and document formats, for current and future applications, to the extent that ANY software developer whether for profit or non-profit could write an application to view and modify that document and resave it in the same format.

BENEFITS: This prevents natural monopolies from forming in the first place. Forces microsoft to write better and more secure software; because, if the does not (since the doc formats are opened up) someone else will. Competition and choice is open up and playing field is level. Other software writers can have access to the file formats and can focus more on writing good software instead of trying to figure out how Microsoft document files are saved. This will naturally eliminate Microsoft's monopoly in the Office applications environment and will stop or significantly reduce what are surely national security risks in Microsoft Outlook email software by bringing real competition to this now proprietary (Microsoft) product.

SECOND:

We often buy computers and put ''non-Windows'' operating systems on them. This is a very technical office and expertise in UNIX and computing in general. Finding a supplier that sells an OEM computer with a ''non-Windows Operating System'' or ''no operating system'' as you could do in the early and mid 90's... is impossible today. Microsoft essentially demands OEM's to include Windows on every machine they ship out the door. This also perpetuates Microsoft's natural monopoly. We as an organization need a choice when we buy an OEM computer. I would like to see a scenario much like the early and middle 90s'' where you purchased the computer and Operating System separately. This eliminates all the back rubbing and hidden costs that go into today's OEM computers from Dell, Compaq and others.

ACTION: Make it illegal for an Operating System developer to bundle or require any OEM computer supplier to bundle their operating system with any OEM computer. Leave it only to retailers or consumers to install the operating system of choice. OEM's shall not be involved in operating system installation. This is a conflict of interest and a road block to competition in the market place. Much like you choose which cell phone you choose to use with your provider, or which TV you choose to watch your cable service with.

BENEFITS: Again brings competition back to the computer operating system market. The operating system will have to stand on its own merits based on consumer perceptions of reliability, usability for a specific purpose, security and costs. This also allows upstarts to get a foothold in the marketplace by dis-allowing Microsoft the ability to ''force'' OEMS to install Windows on all computers. 12–12–2001 3:12PM FROM WSFO BIRMINGHAM AL 205 664 7821 P.4

THIRD:

Networking protocols!!! This is a biggie. This is the future of not just the internet but e-commerce of the future. No company and I mean NO COMPANY should be able to patent or close any networking protocol to block out other competitive Operating Systems. Networking protocol should be approved by and independent body and be published so that any computer operating system can communicate with any other computer operating system at the most fundamental level. Right now microsoft has their own internal networking protocol that is closed. This is to prevent rival operating systems from communicating with the Windows operating system. This locks corporations, organizations and businesses into the Microsoft platform. There is a project called SAMBA which is a not for profit organization that has tirelessly and painfully

tried to figure out how Microsoft's networking protocol works so that other computer operating systems like HP-Unix and Linux can communicate and exchange information with Windows and NT servers and desktops. The DOJ solution does not insure that Microsoft will publish these networking protocols and will essentially give Microsoft LEGAL means to kill the SAMBA project which our organization depends on to function. We also need Apache the free web server used by most of the Internet Service Providers. The lack of strong working in the DOJ solution give Microsoft new LEGAL grounds to shut down apache servers and put into their place... Microsoft products. This certainly does not halt the Microsoft monopoly but instead perpetuates it!

ACTIONS: Force Microsoft and any rival operating system they create to release networking protocol for review by an official body of experts and publish this protocol so any software developer whether commercial or not for profit can use this information to write networking software that is more secure and more functional that Microsoft's that will fully communicate with Microsoft products and services and allow them to work with rival operating systems. BENEFITS: Opens up competition in the server and networking environment. Allows all software vendors access to the operating systems core communication network protocol so more secure and stable server and networking software can be written.

I hope these additions can be added to the DOJ solution to the Microsoft trial. I feel at

the present rate of expansion of Microsoft products and, the severe lack of competition, is leading to national security nightmare. Microsoft is not being held accountable for huge security loop holes simply because there is no competition. This lack of competition allows Microsoft to slack off on refinement of essential networking and software issues that are so central to security. By incorporating these changes into the settlement, we can have real competition in the Operating System market place and will again see progress made in the computer market. The days of closed formats is over. Protecting the software with patents is fine... writing and re-writing core networking, communication and file format protocol and patenting that to lock out competition is wrong and is against all the principles this country was founded on. Microsoft will continue to change its file formats and networking protocol and will force users to upgrade to lock out competitors unless these issues are addressed. Please consider them.

Gregory Machala

Information Technology Officer,

National Oceanic Atmospheric Administration

404 Savannah Cove Calera, AL 35050

MTC–00030681

12–12–2001 04:lOpm
From-WESTMINSTER THEOLOGICAL SEMINARY
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Dec. 12,2001
fax: 202–6 16–9937
Renata Hesse, Trial Attorney
Suite 1200 Antitrust Division,
Department of Justice
601 D Street NW
Washington, DC 20530

Dear Attorneys:

I am responding to the invitation for public response in the Microsoft antitrust case. As an experienced user of Microsoft Windows, Microsofti Office, and Internet Explorer, and one with some acquaintance both with Microsoft practices and with other operating systems, I must say that I am greatly disappointed with the terms being offered in the proposed settlement. The court has pronounced Microsoft guilty of practices involving maintaining monopoly position.

Yet the proposed penalties have virtually no teeth. All computer desktop users could benefit from more open competition yet the proposed settlement allows Microsoft to go its own way at crucial points.

At a minimum, the settlement should stipulate the following: Microsoft must publish in full the API for the Windows operating system, making it available for free to all, not just available to those who meet its own criteria

Microsoft must publish full descriptions of its file formats (e.g., for Word, Excel, PowerPoint). It is well known that the secrecy of these formats helps Microsoft preserve monopolist control of the Office market. Microsoft must publish full descriptions of network interfaces. Without these, Microsoft uses it current dominant position to make incompatibilities that push firms into using nothing but Microsoft operating systems on every computer in the network. Microsoft must have sales arrangements with computer wholesalers and retailers that allow them to sell their computers without a windows operating system as well as with it. And the price differential must be the same as what it would cost to obtain the windows operating system without the hardware. This alone assures a level playing field, in which Microsoft does not use its market dominance to bully computer companies into offering no other options than Windows.

Ongoing compliance must be monitored by an independent group not containing Microsoft employees.

These moves are fair penalties that specifically target monopolistic practices. They would, moreover, strengthen the U.S. computing market by allowing genuine competition. And they would in the long run encourage Microsoft itself to do better by making better products rather than using its resources and ingenuity to produce more unfair practices.

Vern S. Poythress, Ph.D.

510 Twickenham Rd.

Glenside, PA 19038–2033

MTC–00030682

Dec-12–01 09:06P
Debora Millson
770–414–8206
To: Renata Hesse, Trial Attorney, DOJ
From Michael G. Millson
Dec-12–01 09:07P Debora Millson
Phone: 770–414–8206
AableTech Solutions, Inc.
December 12, 2001
Renata Hesse
Trial Attorney
Suite 1200
Antitrust Division
Department of Justice
601 D Street NW
Washington, DC 20530
REF: U.S. v. Microsoft Corporation Proposed Settlement

To the Department of Justice;

As the CEO of AableTech Solutions, Inc. and a Web Systems Engineer with 7 years of Internet experience and 20 years of programming experience, I am very familiar with the technologies and issues at hand in the Microsoft antitrust case. I have witnessed firsthand the negative impact that Microsoft's monopoly has had on our industry, and the proposed settlement is not an adequate response to the antitrust violations that Microsoft has committed.

Microsoft has already been found guilty of maintaining an illegal operating system monopoly, and now should be the time to enforce a penalty that accounts for Microsoft's past illegal activities and prevents further monopolistic behavior. However, I find the proposed settlement contains no substantial penalties and will only serve to advance Microsoft's operating system monopoly.

I believe a just penalty would contain the following remedies:

Microsoft's operating system should not be allowed to be coupled with computer hardware. Instead, the operating system should be an additional charge. Consumers should be able to purchase a computer without an operating system at a lower price than a computer with an operating system, and they should be allowed to choose the operating system that is installed.

Microsoft should not be allowed to bundle non-operating system related software such as Web browsers, e-mail programs, and media players with the operating system. These products should be offered as stand-alone products at a cost above and beyond the operating system to prevent Microsoft from continuing to use its operating system monopoly to take over new markets.

Microsoft should be forced to FULLY publish all its networking protocols and file formats in addition to publishing its operating system APls to allow competitors to build products that will interrupt with Microsoft's software and prevent Microsoft from seizing control of the Internet.

Microsoft should have to pay monetary damages to the companies such as Netscape, IBM, and countless others that have suffered or been driven out of business as a result of illegal activity. Microsoft has unjustly filled its coffers, and a percentage of this money should be distributed to the companies and individuals who have been wronged.

I do not believe the current state of the tech economy should be interpreted as a signal to enforce a light penalty on Microsoft, In fact, it is crucial to the national interest that Microsoft's operating system monopoly not be extended. In the report entitled ''Cyber Threats and Information Security: Meeting the 21st Century Challenge,'' the Center for Strategic and International Studies concluded that use of Microsoft software actually poses a national security risk.

Microsoft's activities over the last 10 years have substantially stunted the growth of the computer industry. Without any real competition, the software that Microsoft has produced has been riddled with security holes and productivity sapping bugs, and many truly innovative companies have been driven out of the marketplace. Consumers have been left with no other choice but a blase fare of sustaining, yet hardly remarkable products from Microsoft.

I support and commend the 9 states that have refused to agree to the proposed settlement. In order to breath new life into the technology sector and safeguard the future of the United States and the computer industry, stricter penalties and restrictions must be placed on Microsoft.

Sincerely, Michael G. Millson CEO Web Systems Engineer AableTech Solutions Inc. http://www.atsga.com/ 3658 WINDY CT . TUCKER. GA 30084 PHONE (770) 414–8834 FAX (770) 414–8206

MTC–00030683

the Kompany.com
Renata Hesse, Trial Attorney
Suite 12001
Antitrust Division Department of Justice,
601 D Street NW
Washington. DC 20530
(facsimile) 202–616–9937 or 202–307-I 545

Dear Renata Hesse:

I'm writing you to submit my comments with regard IO the Microsoft penalty currently under consideration. Let me provide you some brief background to establish my credentials for commiting. I have been developing software for 23 years now. my experience with Microsoft goes back to the very early I. days. I had an experience as a beta tester of Windows 3.1 using DR DOS instead of MS DOS. this worked tine during the beta. but in the final release wouldn't work at all, turned out that Microsoft had put code in specifically to disable it working with DR DOS. Microsoft recently paid out a settlement of about $ 150 Million to Caldera to satisfy this claim. I'm sure you've heard the old stories that use to go around Microsoft that ''DOS isn't done till Lotus won't run''. I can assure you that this was indeed the case.

For the last several years I've been running a software company whose primary business is on the Linux peraring system. We also support MS Windows and Mac OS. but the MS environment is so inherently unstable and full of security holes. we prefer to not we that environment if at all possible. Now the recently proposed penalty is in fact nothing of the sort, there is no penalty here that causes any fundamental change. As a Limux software enthusiast I am forced to build computer systems because it is almost impossible to buy a PC that doesn't have Windows on it. and I don't want to pay For Windows as I'm not going to use it. The only equitable way to deal with this is have hardware manufactures, offer hardware at a reduced price without Windows. This price should be the same price that I can buy Windows from them for. So if they are going to discount only SI0 to remove Windows. then I should be able lo go back and buy Windows from them for S10.

Microsoft needs to open up their file formats and API to Windows so that everyone has a fair chance to compete. As someone that has to develop import filters for Microsoft tile formats, I can tell you that the constantly changing versions and forced march to purchase upgrades is simply an expensive and manipulative nightmare.

To sum up. I don't believe that Microsoft should be broken up, but they have an unhealthy stranglehold on the computing industry that is causing enormous problems now (look at all the worms and viruses over the last few years,) and it will only get worse and more dangerous if this is allowed to continue.

MTC–00030684

Chester A. Barr
11722 31st Dr. S.E.
Everett, WA. 98208–6117
Nov 20, 2001
Reneta Hesse, Trial Attorney
Antitrust Division
U. S. Department of Justice
601 D. St., Suite 1200
Washington, DC 20530

Dear Honorable Hesse,

I am an ordinary American citizen whose use of the computer is for home use and a treasurer for a church. I have been watching with much interest the unfolding of the Antitrust Case with Microsoft from the newspaper reporting. I am greatful for the privilege to add my feeling over what I see as a sell out of the American people to Microsoft by our Justice Department.

In family life when you have a child bent on doing wrong, even crime, parents have a responsibility to do all possible to correct that wayward child If the child continues in his wayward crimes, he usually becomes a case for public correction, and at the cost to the public. This is the way I see Microsoft. To this day Microsoft do no accept that they have exercised monopoly power over their competitors to the harm and denial to those of us who use computers desiring to see more innovative software and more control over their own computers.

I respectfully disagree with the U.S. Department of Justice's settlement with Microsoft. First, because in the name of ''U.S. economy'' and pressure from the Bush Administration is not reason to pat Microsoft's hands and turn them loose again to continue their monopoly practices. They have been found guilty of exercising monopoly power, so how can our government and our Justice Department, for the sake of money, to improve the economy, justify to turn them loose with only a tap of the hand. If our government and Justice Department, who are charged to meat out justice, act for reasons not fitting the crime, how then can the American public feel they have representation?

I have observed Microsoft officials using their money power to buy their way with legislators and with those holding high office, meeting with them, dining with them, contributing to their political interest. I ask the question, how can the consumers in this industry compete for hearing, seeing such money flowing, and our politicians reaching for the grab.

Eighteen of our State Attorney Generals have come forth representing Microsoft competitors. Believe nine of them have agreed to accept the Justice Department's deal with Microsoft. Some of them have given in to avoid time and expense that their respective state I governments deem they cannot afford. I praise the other nine State Attorneys who have stayed the course for justice and for more realistic restrictions on Microsoft.

I note Bob Lade, an antitrust expert at the University of Baltimore allegedly said, ''it's odd that the Justice Department—at the end of the filing—outlined stricter remedies that it had considered without explaining why those remedies were not pursued'' and continued by saying, ''This is, of course, the case of the generation so I would have expected more''.

I do not believe for a moment that the settlement the Justice Department has arrived at with Microsoft will remedy the monopoly power. As earlier stated Microsoft have not recognized that they have been a monopoly or acted with monopoly power over their competition so why would they change course.

In closing if fair and competitive opportunities are going to be available, the deal that has been cut will not do it, and I urge stricter remedies, that will give equal opportunities for all and customers have a choice what is on their computers.

Respectfully submitted,

MTC–00030686

10/28/2001 05:02 3157881018
ROBERT DELL PAGE
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Renata Hesse, Trial Attorney
Suite 1200
Antitrust Division
Department of Justice
601 D Street NW
Washington, DC 20530
December 13,200l

As an individual with over twenty years experience in the personal computer industry, I would ask you to consider my comments on the case U.S. v. Microsoft. The proposed settlement does not remedy the antitrust violations of which Microsoft has been found guilty, and in fact could extend their monopoly.

A proper settlement would create competition in the operating system market and impose a real penalty on the defendant without, however, forcing significant disclosure of intellectual property. Microsoft's domination of the operating system market began with their Windows 3.1 product. With the release of Windows 95 and then with Windows 98, their monopoly was secure.

Microsoft no longer ships or supports Windows 3.1 and Windows 95. Their present products, Windows 2000 and Windows XP, use what they call 'New Technology'' and are a significant departure from the earlier products Microsoft has recouped all development costs for Windows 3.1 and

Windows 95, and has, as a result of their monopoly, made very significant profits from these products.

A settlement that would mandate a transfer to the public domain all source code for Windows 3.1 and Windows 95 would allow competition in the operating system market and penalize Microsoft.

Although the defendant may argue that the loss of this intellectual property will significantly impair the present and future viability of the products they develop, such a statement cannot be considered with any credence.

Any settlement must address both competition in the operating system market, and a penalty Shipping free goods that increases the future dependence on the monopolist IS NOT a penalty. Allowing limited access to some source code. so that more products may be developed that can only be used with the monopolists products, is not a penalty I beg the court to consider that the key to a just and equitable settlement is increasing competition in the operating system market. The people are being held hostage by Microsoft and are suffering for it

Sincerely yours,

MTC–00030687

DEC-14–01 FRI 12:06 AM
RKFD PROCESS CONTROL FAX NO, 8159662026 P. 01
Attorney Renata Hesse
Suite 1200
Antitrust Division
Department of Justice
601 D Street NW Washinqton, DC 20530

Ms. Hesse;

I would like to submit some comments regarding the issue of the proposed settlement of the U.S. v. Microsoft antitrust case.

I am an Information Systems professional and I have very grave concerns about the proposed settlement. The Microsoft Corporation has been found guilty of violating certain parts of the Sherman Act, yet the settlement proposed does almost nothing to curb future violations by this illegal monopoly and nothing at all to punish them for their past illegal actions. In fact it is a commonly considered opinion among those in my profession that the proposed settlement gives Microsoft license to continue their monopoly with impunity. As I see it, the Microsoft Corporation will continue to unfairly control and extend their monopoly if tho terms of this settlement are accepted. I would like to propose the following modifications to the settlement:

* The sale of Microsoft products must be placed on a level playing field with their competitors. Forbidding Microsoft from requiring exclusive contracts from new computer manufacturers and resellers is a start. But to be truly Competitive, Microsoft products must be offered as extra cost items just ,as any other competitive software or hardware product in a new computer sale. Not only should consumers have a choice of software products installed on new computers,they must also be presented with the true cost of their selection.

* Microsoft has: a monopolistic lock on the use of desktop office applications. This lock is extended by the use of proprietary file formats that prohibit documents created with their products from being effectively read or modified by competitive products. Until this strangle hold is stopped there can be no effective competition in the area of desktop office applications. Forcing Mircosoft to open the APIs (Application Program Interfaces) more fully is a start, but the proposed settlement seems to allow Mircosoft the choice of who gets the benefit from this. Microsoft should be forced to fully release the specifications for all of their current. and future proprietary file formats used in desktop office applications.

* The method that Microsoft employed to establish their proprietary formats in the area of desktop office applications is also being used to create proprietary network protocols. Already the use of proprietary extensions to network protocols by Microsoft is threatening to extinguish the open standards that the Internet was built upon and substitute proprietary standards useable only by Microsoft products. In fact Microsoft has already admitted this as a strategy to eliminate competition (www.opensource.org/ /halloween/halloween1.html). If this continues, Microsoft will have wrested control of the Internet and established their products as the de facto standard. To prevent Microsoft from leveraging their monopoly in this way they must be required to submit all proposed networking protocols to an independent network protocol body for approval, complete with details that will allow competitors to use those protocols effectively.

I have read comments from various sources that indicate that the proposed settlement should be accepted as a matter of national interest. Though this is a legitimate reason to settle the case, it is not a legitimate reason to accept this settlement. The Microsoft Corporation has shown that it will settle for nothing less than complete domination of the software industry and all that it entails. Further, they have demostrated that they are willing to use illegal means to achieve that end. It is in the national interest that no single entity be allowed to control something so important as our nation's information systems infrastructure. The capitalistic model that our country's economic system is built upon requires competition and the proposed settlement does little to encourage future competition with the current monopolist. Though it may be tempting to accept the proposed settlement in these economic times, the long range effect will benefit Microsoft's interests above those of the nation.

Respectfully submitted,
CLaude Horsman
616 E. Jackson St.
Belvidere, IL. 61008
December 13, 2001

MTC–00030688

12/13/01 THUR 11:O7 FAX 858 452 4410
COMPUTER ASSOCIATES
DOJ
Michael Bergknoff
Computer Architect
3655 Caminito Carmel I Landing
San Diego. CA 92130
December 13. 2001
Judge Colleen Kollar-Kotelly
United States District Court for the District of Columbia
333 Constitution Avenue. NW
Washington DC 2OOl

Dear Judge Kollar-Kotelly.

I wish to add my voice co many others in disagreement with the proposed settlement. Rather than repeating the arguments you have assuredly read many times I will just point to one of the first commentaries I read that. I was in agreement with. It was written by Ralph Nader and James Love on November 5, 2001. It is available at the web address http://www.cptech.org/at/ms/doj12kollar/kotelly/nov5.html

In addition Nader's commentary I have a few additional items that I feel strongly about.

Any remedy seeking to prevent an extention of Microsoft's monopoly must place Microsoft products as extra-cost options in the purchase of new computers. so that the user who does not wish to purchase them is not forced to do so. This means that for the price differential between a new computer with Microsoft software and one without. a computer seller I must offer the software without the computer (which would prevent computer makers from saying that the difference in price is only a few dollars). Only then could competition come to exist in a meaningful way.

The specifications of Microsoft's present and future document file formats must be made public so that documents created in Microsoft applications may be read by programs from other makers on Microsoft's or other operating systems. This is in additton to opening the Windows application program interface (API. the set of ''hooks'' that. allow other parties to write applications for Windows operating system), which is already part of the proposed settlement.

Any Microsoft networking protocol must be published in full and approved by an independent network protocol body. This would prevent Microsoft from seizing de facto control of the internet. Microsoft should not be allowed to dictate which parties have access to the specifications.

Sincerely.

MTC–00030689

12/ 14/ 01 09:54
FAX 9133108348
JOHN DEERE IT
December 14, 2001
Renata Hesse
Trial Attorney
Suite 1200
Antitrust Division
Department of Justice
601 D Street NW
Washington, DC 20530

Dear Department of Justice,

I wish to make some comments on U.S. v. Microsoft. I work in the computing industry as a progammer. I have been a programmer for 22 years. I don't -think the settlement as proposed adequately remedies the antitrust violations of which Microsoft has been found guilty. I would propose the following additional features to the settlement.

1. Make all Microsoft products as extra-cost options in the purchase of new computers.

Publicize that users are not forced to buy Microsoft products. The price difference between a computer with Microsoft products and without Microsoft products must be the same as the extra-cost options above.

2. Microsoft must make public all document file formats both now and in the future. A prime element of Microsoft maintaining their monopoly has been the secret nature of their file formats. By publicizing these formats in a clear, easy-to-read manner, it would allow other companies and individuals to develop competing software.

3. Any Microsoft networking protocols must be published in full. Also, these protocols should be reviewed and approved by an independent network protocol body. This will prevent Microsoft from controlling the Internet with proprietary protocols. In addition, it will allow competing software to be written to replace Microsoft's software seamlessly on individual's computers. I believe these recommendations that I have outlined would help to contain Microsoft's illegal anticompetitive behavior both now and in the future.

Donald W. Price
12114 Bluejacket
Overland Park, KS 66213

MTC–00030690

12/14/2001 10:34
ADVICEFRAMEWORKS
12826169937PP2418 NO. 35701
December 14, 2001
Renata Hesse, Trial Attorney
Antitrust Division,
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
VIA FAX: (202) 616–9937
RE: Public Comment AGAINST Microsoft Proposed Settlement

I am writing this comment to express my voice AGAINST the proposed Microsoft settlement. I am a Microsoft Certified Solution Developer, one of the first 500 certified under their new track, one of the fit 5000 Microsoft Certified Professionals, and one of the first 300 Microsoft Certified Professionals + Site Building. Because of my background as a software developer using Microsoft technologies, I am uniquely qualified to express an insiders point of view on the efforts Microsoft takes in preventing competition. It is from that experience that I URGE THE COURT TO DISAPPROVE fhe proposed settlement.

Although Microsoft's domination of the desktop operating system market was earned, they continue to USC this monopoly to channel upon consumers sub-standard, insecure applications. IF A CONSUMER PRODUCT GAlNS A NEAR MONOPOLY MARKET POSITION, IT MUST. BE EARNED, NOT lNHERITED. As a software developer focused on integrating data from multiple platforms and multiple companies, I am constantly frustrated by the bottlenecks that Microsoft has put in place deliberately to enhance their position at the expense of other products that are superior to theirs.

This cut-rent proposed settlement relies upon Microsoft's integrity as it deals with the Court. When has Microsoft ever demonstrated integrity with the Court? Take for example (one of many) the case in which they were ordered by the Court to ship me Java Native Interface with Internet Explorer and they deliberately disobeyed it with the excuse that it made download time longer. Hence, THE COURT CANNOT TRUST MICROSOFT to honor its obligations. IT MUST BE FORCED as was proposed in the solution that broke apart Microsoft's operating systems groups from the applications groups.

Microsoft has become an expert at maintaining their tyranny through manipulation of our legal system. It is time to bring this institutional evil to an end. Hence, THE COURT MUST DISAPPROVE the proposed settlement and pursue one that correctly separates their operating system monopoly from their applications domain.

n Charles Walker, MCSD, MCP+SB, MCP
6614 Ronda Ave
Charlotte NC 28211
(704) 367–9341

MTC–00030691

To Whom It May Concern:

I would like to express my concern over the latest settlement proposed by the Department of Justice in the Microsoft Antitrust case. As introduction, I am a software developer who builds applications primarily for the Windows platform.

One of my primary concerns with the proposed settlement is that it ignores the damages done by Microsoft's anti-competitive behavior to rival technologies. While I am pleased that Microsoft's future actions are to be regulated by the settlement, I feel that much of the damage has already been done. Simply enforcing certain prohibitions on Microsoft's business practices will not repair many of the companies that have suffered because of Microsoft's predatory activities. Granted, it would be a difficult task to quantify all the damages done by Microsoft to every company, but the fact that so many companies have been affected suggests that the current settlement is not appropriate. While I will not propose specific alternative settlements, I do suggest measures that will impose damages on Microsoft tantamount to those it imposed on its competitors.

I take greatest exception to the idea that a quick settlement will be in the interest of the people. Its monopoly in the Operating System market has allowed Microsoft to expand to new areas such as Internet retailing, broadcasting, and entertainment. Given that the current settlement amounts to a slap on the wrist, Microsoft will have no impediment to extending its stranglehold to these new domains.

Thank you for your attention.
good@ pare.xerox.com
589 Oak Street
Mountain View, CA 94041

MTC–00030692

Russell Cage
1615 Morton
Ann Arbor Ml 48104
14 December 2001
Renata Hesse, 'Trial Attorney
Suite 1200, Antitrust Division
Department of Justice
601 D Street NW
Washington, DC 20530
202–616–9937 FAX
microsoft.atr@usdoj.gov

It is my understanding that the Department of Justice has reached a proposed settlement with Microsoft in the matter of the recent anti-trust suit. Despite the established guilt of Microsoft, this settlement calls for only a token cash outlay, no fines, few conduct penalties and great freedom on the part of Microsoft to continue doing business as it wishes.

In my humble opinion, such a settlement is unconscionable. Not only does it fail to remedy the effects of past monopolistic behavior or prevent the same or worse in the future, it leaves the victims of the monopoly without a remedy. Worst of all, it may present a threat to national security.

Certain terms of the proposed settlement, such as the provision of $900 million in Microsoft software to schools, do nothing to ameliorate the damage done by previous monopolistic behavior. It has been argued that this would only extend the monopoly into an area where Microsoft is currently weak. This should not be allowed. By all means allow Microsoft to make up some of the damage the company has done to schools with its marketing practices, but make them do it in cash. The disposition of the cash should be overseen by people charged with getting the most benefit to the schools; benefit to Microsoft should not be a consideration. For this reason stock is inferior to cash; the value of the stock can be affected by the purchasing decisions of the schools, and Microsoft's welfare should not be a factor in the decision.

Other terms leave much to be desired. Microsoft has been proven to ignore conduct restrictions imposed on it by consent agreements. What is to prevent Microsoft from doing what it pleases regardless of the terms of this settlement? For this reason, I believe that the court was premature in ruling out a structural remedy.

But the most important issue may be national security. Microsoft's dominance in desktop operating systems means that most businesses run it on most or all of their computers. The vulnerability of Windows and other utilities such as the Outlook mail agent to viruses, worms and Trojan horse software has made both the global Internet and company intranets subject to being swamped with traffic and even crashed.

Even crude viruses such as the Love Bug required eradication efforts amounting to billions of dollars world-wide. This vulnerability is almost entirely due to Microsoft's ''integration'' of unwanted functionality into Windows and its related utilities. Once such functionality is ''integrated'', users and companies alike have few ways to remove or disable it if it becomes a liability. If an intelligent and determined enemy were to exploit many such liabilities, the cost to the USA could be far greater than the September 11 disaster.

For this reason, any settlement must stop Microsoft from ''integrating'' utilities and ''middleware'' with the operating system. Microsoft should be required to package, sell,

install and remove software functionality in distinct, related units. If functionality such as an insecure web browser can he removed and replaced, the damage from an attack on that utility's vulnerability 'is limited. The effect on competitors to Microsoft may be one of the smaller issues; if such functionality cannot be removed and replaced because it is ''integrated'' by Microsoft, the entire Internet can potentially be shut down by a single security flaw.

Thank you for your attention to this pressing matter.

MTC–00030693

STERLING GILLILAND
(408) 377–6374
Fax to: (202) 616–9937
Renate Hess
Trial Attorney: Antitrust Division
U.S. Department of Justice
601 D. St. NW Suite 1200
Washington, DC 20530
Subject: Microsoft Penalty

Gentlemen I am a 'home' computer user that uses Microsoft's Windows 98 for eMail, snail mail correspondence, and occasional web browsing. I am not an accomplished high-tech user. However, I was pleasantly surprised by the recently published recommendations of the various dissenting states, for solution of the Microsoft case. The particular part that interests me, and I would imagine would interest others, is the following:

'Have Microsoft offer a lower-cost, striped-down version of the Windows Operating system without Microsoft's multi-media software, Internet Explorer Browser or email program.'

I choose to use other sources for these parts of my computing, but am interfered with by the Windows parallel programs. I am not qualified to comment on other recommendations of the dissenting states.

I would also hope that Judge Colleen Kollar-Kotelly applies some stringent restraints to Microsoft to eliminate the scorn that Microsoft's management has shown for U.S. antitrust laws.

743 Briar-wood Way
Campbell, CA 95008–5527
408–369–9487
Fax 408–377–6374

MTC–00030694

December 15, 2001 II:11 AM
From: Software Marketing
Fax #: 614–459–1790
Software Marketing Center, LLC
4149 Winfield Road
Columbus, OH 43220
December 15, 2001
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I believe that it was a tremendously important and beneficial decision for the Department of Justice to have settled the case against Microsoft. Having spent the past twenty years in the software business, I can attest to the positive impact that Microsoft and other innovative companies have had in contributing to the remarkable productivity gains which helped to generate a robust national economy for many years. Without this leadership and technological advantage, our country would be far less able to succeed in an increasingly competitive global marketplace.

I think that the current settlement is fair to both sides. I was happy to learn that The State of Ohio is ready to settle the case. Further litigation and congressional hearings would benefit no one but Microsoft's competitors.

Sincerely,
Donald Bogart
President
Software Marketing Center, LLC

MTC–00030695

December 6, 2001
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

As a user of Microsoft, I fully support the current settlement in the Microsoft Antitrust case, Microsoft has endured three long years of legal action, and it is time that legal action against Microsoft is stopped.

I am following the economic recession, and am concerned that continued legal action against Microsoft would only foster the current economic climate. We need Microsoft to get back to business and out of the courts.

Stopping this legal action is best for the economy, the consumer and the software industry, Thank you.

Sincerely,

MTC–00030697

Dec 18 01 10:25a
Richard S. Vann
336–722–2895
Fred F. Steen III
Town of Landis, NC
December 18, 2001
Fax Cover Sheet
To: Renata Hesse
Trial Attorney
Department of Justice
From: Fred Steen
Mayor of Landis, NC
Fred F. Steen, IX, Mayor
Town of Landis, NC
Rennet Hess
Trial Attorney
Antitrust Divison Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse

I would like to urge that Judge Kollar-Kotelly approve the settlement that the U.S. Department of Justice has worked out with Microsoft as well as nine other attorneys general including our attorney general in North Carolina As an elected official, I have always been wary of government lawsuits against private business and I was an opponent of this particular lawsuit from the start. But now that the parties have come to an agreement, I think it is important for everyone to move on particularly considering the state of our economy.

There can be nothing gained by continuing on with a trial against one of the finest companies in America, which makes the products that, just about every computer user in the country benefits from. I cannot see where there has ever been any consumer harm because of Microsoft since their prices have not gone up greatly and on some products and the price has actually gone down. I am saddened that nine states will continue to press their case even though I believe in the end that Microsoft will prevail

MTC–00030698

November II, 2001
Renata Hesse, Trial Attorney
325 7th Street, NW
Suite 500
Washington, DC 20530

Dear Renata,

I would like to express my concern over the proposed settlement in the DOJ—Microsoft case. I understand I may not be getting the whole story, but from what I understand, there are no provisions for anti-competitive pricing on the part of Microsoft. No matter how 'open'' the market is to other middleware developers, if Microsoft can just bundle their middleware in with the operating system, how likely is it that a consumer will have the know-how or inclination to remove a bundled piece of software such as instant messaging or a web browser, and then have to shop around and purchase a competing product. It is a well-known fact that com- puter users get comfortable with products and don't change them often unless they are causing some kind of problem: If competing products are only on-par or even just a little better, there is no real incentive for some- one to spend money on a competing product.

The only way I can see this deal working is that Microsoft cannot be allowed to give away products that com- peting companies have to charge for. If Microsoft software is as good as they say it is, consumers will have no problem paying for it. Each piece of software Microsoft makes should be able to stand on its own. If the only reason, people: are-using it, is because it was free and 'not that bad'' in comparison to the competition, then this whole lawsuit was. for nothing except to waste taxpayer money.

I am also concerned that people are talking about the technology market sector as being a factor in settling this case. The law is the law, and money is money The idea behind having laws is to protect the public good. If Microsoft broke the law then they should be punished and no amount of money should be able to change that, including the stability of the stock market. The market goes up and down as the economy does. No matter how large Microsoft is, they are not the sole factor in the stock market's health. The only thing that should be of concern is. if justice is being served.: the law is supposed to be the great equalizer, where everybody is the same. If the law treats this case differently because of financial concerns, then Justice is not being served.

Citizen and avid computer user

MTC–00030699

Trevor Carlson
132 North Valley bad
Naselle, WA 98638

I have personally felt the heavy oppression of Microsoft's monopoly, forced to buy

Windows, unable to get a program that can perfectly interpret Word files, and unable to remove Internet Explorer; and therefore I followed with interest the Microsoft Anti-Trust case. I am disappointed with the proposed settlement however, and was glad to learn I could give suggestions.

In order to allow competition to flourish, three features must be included in the antitrust agreement. Each is meant to address the Microsoft monopoly in one area.

I. Windows must be included as an extra-cost option in all computers.

People who do not want to purchase Microsoft Windows are still forced to do so because of agreements between Microsoft and computer manufacturers. As it stands now, the perceived cost of Windows to consumers buying a computer is exactly nothing, giving an incredible burden to anyone who dares to compete with Microsoft in the area of Operating Systems. In order, to restore competition in this area, computers will need to be offered without Windows.

That means that Microsoft cannot sign exclusive deals with computer manufacturers, the cost of the operating system must be visibly included with computers, and the operating system must be available at that price without having to buy a computer.

2. Windows file formats must be available for people to copy.

There are people who are forced to buy Microsoft Word, not because it is the best software for the job, but because everyone else has it. They do not want to loose business just because they cannot understand a file that was sent to them by a customer. While almost every Word replacement includes a converter to get information from Word files, they do not work all that well because Microsoft has not revealed how Word files are stored, forcing them to use guesswork to determine the format. Of course, if people have to buy Word anyway, they have no need to buy a product that does the same thing as Word.

Forcing Microsoft to reveal the file format used in their products would let their products compete on merits, not on market share

3. The third and final features is not meant to address a current monopoly, but one that may develop in the future and must be prevented.

If Microsoft were to change networking protocols, (the language used to communicate between computers) they could force everyone on the Internet to choose a side; between Microsoft and their protocol and everybody else. This would almost certainly force everybody to bow to Microsoft in order to communicate to anybody else, allowing 'Microsoft to seize complete and utter control over the Internet.

The solution to this is to force Microsoft to reveal networking prtocols, and to keep them from changing unless approved by au independent network protocol governing body. These three features will destroy Microsoft's grip on the computing world if implemented. Although they may seem radical, they must be the only moves that will stop Microsoft.

MTC–00030700

American Homeowners
Grassroots Alliance
December 18, 200l
Renata Hesse
Trial Attorney
Antitrust Division
U.S. Department of Justice
601 D Street, NW., #1200
Washington, DC 20530
By fax and Email: microsoft.atr@usdoj.gov

Dear Ms. Hesse:

We are writing to comment on issues in the settlement of the Microsoft antitrust case. We also wish to commend the Department of Justice for negotiating a fair and reasonable Revised Proposed Final Judgment in the case, and to urge the Department to resist efforts of Microsoft competitors to undermine the proposed settlement of the case.

The American Homeowners Grassroots Alliance is the national advocacy organization representing, along with its sister foundation, the nation's 70 million homeowners since 1983. Our interest in this case comes from the fact that nearly 60% of homes have one or more computers. Those tools are increasingly important to homeowners who depend on them as tools for personal and business communications, financial management and planning, adult and children's education, and also to manage the rapidly growing number of home-based businesses. In the early history of the personal computer industry there were many choices for operating systems, much as there are in cellular telephones in the U.S. today. The utility of personal computers was undermined by the inability of software written for one operating system to work on a different operating system, just as the incompatibility of today's cellular telephone operating systems is a limiting factor in their value to consumers. Over time the development of many types of software for the Windows operating system lead more and more consumers to select the Windows operating system. Consumer preference for a wide variety of software applications, convenience, and ease of use also lead to a consumer preference for the integration of software applications into the Windows operating system,

The evolution of the Windows operating system into an industry standard through consumer choice is the most valuable consumer benefit of Windows. Actions taken to address Microsoft behavior should, in no case, undermine the current right of consumers to select Microsoft operating systems and popular arrays of integrated software applications. We believe the revised proposed final judgment strikes the right balance in effectively addressing Microsoft's unacceptable practices and also preserves consumer choice. The agreement calls for uniform pricing and allows computer makers flexibility to configure Windows and promote non-Microsoft programs. Both interfaces and protocols necessary for other software to work with Windows must disclosed, and both retaliation and exclusive agreements are prohibited. An independently appointed permanent technical committee will monitor compliance and assist with dispute resolution. The U.S. or any of the states have a right to inspect all Microsoft documents and all source code for any Microsoft program, interview any Microsoft employee, and order Microsoft to prepare any report under oath regarding any issues relating to the final judgment. Any person may complain regarding noncompliance to the Justice Department, the states and/or the technical committee and the plaintiffs can immediately initiate proceedings to hold Microsoft in contempt. We see no loopholes in this remedy.

Our members have not urged us to support more stringent sanctions against. Microsoft. In fact we believe there is little or no consumer opposition to the revised proposed final judgment. We oppose many of the suggestions of Microsoft competitors, directly or through their influence of federal legislators, state attorney generals, or third party organizations, for settlement provisions designed to increase their market share. These companies do not represent consumers, and consumers have made their preference for the Windows operating system known by their actions in the marketplace.

We thank you for the opportunity to present our views on this case.

Sincerely,
Beth Hahn
President

MTC–00030701

Dec 19 01 04:26p Richard S. Vann 336–722–2895 p.1
Vernon Robinson
South Ward Alderman
Winston-Salem, North Carolina
Fax Cover Sheet
To: Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
Microsoft Case Comment for Federal Register
Dec 19 01 04:27p Richard S. Vann 336–722–2895 p.2
Vernon Robinson
South Ward Alderman
Winston-Salem, North Carolina
Renata Hesse
Trial Attorney
Antitrust Divisions
Department of Justice
601 D Street NW., Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

As an elected official who represents taxpayers, I am pleased that Judge Kollar Kotelly has before her a settlement agreement, which has been reached between Microsoft and the U.S. Department of Justice. I hope that this agreement will be signed off on soon.

As one who has urged fiscal restraint in all matters and less government involvement in people's lives and businesses where possible, I have been displeased with what I believe to have been the unwarranted pursuit of Microsoft, not to mention the $30 million in taxpayers money used to prosecute this case which was so quickly overturned by the Court of Appeals.

However, since the U.S. Department of Justice and Microsoft plus several attorneys general have sought to end this sad affair, I would certainly endorse this settlement

rather than pushing on year after year and devouring even more taxpayer dollars. I know that in any settlement, both sides will get what they think are victories but not get everything they want. That is also true of compromises which come up at the city level upon which I must vote each month.

As an alderman, there is one thing I have learned about endless litigation. It is not good for anyone. When our city is sued, it takes time and resources that should definitely be spent on other matters. It often means hiring of outside counsel which is expensive. Eventually, if the city is plagued with too many lawsuits, it begins to affect our budget and brings about increased need for higher taxes.

I encourage approval of settlement in this case for the sake of the taxpayers.

Sincerely yours,
Vernon Robinson
South Ward Alderman
2713 Edinburg Drive, Winston-Salem, NC 27103

MTC–00030702

19/19/01 15:04
FAX 330–678–1007
KINKO'S KENT OH 002
1026 H Allerton St.
Kent, OH 44240
December 19, 200l
Renata B. Hesse, Trial Attorney
Antitrust Division
U.S. Department of Justice
601 D Street NW., suite 1200
Washington, DC 20530

Dear Mr. Hesse,

The American ideal is to have products thrive in an open market where competition fosters improvements and new technologies. Microsoft has been found guilty of violating this ideal by illegally maintaining a monopoly on its Windows operating system. To remedy this situation I feel that Microsoft should be compelled to do the following:

• Microsoft should be required to make Microsoft 0ffice available on at least five other non-Microsoft operating systems without price differences between the Microsoft and non-Microsoft versions.

• Microsoft's present and future document file formats must be made public so that documents made in Microsoft applications can be read by other applications on other operating systems.

• The Microsoft networking protocols and Windows application program interface (API) should be made publicly available.

• Microsoft should not be allowed to retaliate against computer manufacturers that sell personal computers with a non-Microsoft operating system. Microsoft has been found guilty of illegally maintaining its monopoly and the current phase in the lawsuit is to determine Microsoft's penalty. Any settlement must be punitive and insure Microsoft's cooperation in the American ideal.

Sincerely,
Dennis Jarecke

MTC–00030703

Sent By: NORDIC SERVICES INC: 2065249014: Dec-19–01 9:51AM: Pane ½

CD CHUCK BATIS, PC
December 17, 2001
Reneata Hesse, Trial Attorney, Suite 1200
Antitrust Division, Department of Justice
601 D Street NW.,
Washington, DC 20530
Re: Microsoft vs. Public

To Whom It May Concern:

I am writing to express my frustrations which again today have been piqued by the United States Government

I would like to suggest three parts of of what I think should be included in my effective remedy: (1) Enjoin the U.S. Government and governmental agencies from requiring us to use Microsoft products to conduct business in the Unites States;

(2) Prohibit maufacturers from preloading any operating system on these products;

(3) Include ALL offenders in the remedy.

As for part one. We are required by the Congress to file taxes with the IRS electronically. The only viable provision the IRS has made to accomplish this feat requires us to use Windows. Additionally, today I received notice from the U.S. Postal Service that they will no longer publish the national zip code directory in hardcopy but we can order an electronic version—of course the electronic version (of which all businesses will require at least one copy) only works on Windows.

This amounts to a direct U.S. Government subsidy of Microsoft and requires all business to ''invest'' in Microsoft crapware—supporting that monopolistic empire. The court should put a stop to this nonsense by requiring U.S. and said governmental agencies to release all software in form that is free of dependence upon the presence of the Windows API-software that can run on a variety computing platform. If the Government wants to use Microsoft products that is up to the people the Government has to make those decisions. But government employees should not be allowed to require those of us in business to use Microsoft products if we citizens choose to use other computing environments. No use of the Windows API should be allowed in governmental software release. Please require the government to release all future applications for multiple platforms and retrofit all current applications within a period of two years to eliminate calls so the Windows API.

Part two: I manufacturers were required to ship their product ''naked'' a whole new economic boom would. Third parties would spring up to in still the customer's choice of operating system and software applications. There is certainly for this in the IBM anti-trust settlement of past decades. This would mean all software application developers would have an equal opportunity to market share through value added resellers. Furthermore, I can think of no other single section which would give an much improved usability of both hardware and software components. If either hardwre or software were difficult to use resellers would choose to install alternative components other providers. This would stimulate competition in the marketplace like no other option than I have heard suggested. Microsoft would have to compete on an even playing field with all other providers.

Finally, the manufacturers were the other side of the equation! IBM, Compaq, Gateway, Dell and Micron (and all the others) all knew the licensee were illegal but chose to sign anyway. They were complicit in the illegal activities of Microsoft and should share in the pain. They should be at least required to refund, to any customers who requests that retail value of the Windows licenses they forced unwilling customers to purchase in order to other hardware products. This action would put businesses (a legal position expense and promoted by Congress at every session).

Please include in the settlement whatever it takes to allow business to be conducted in the United States with both federal and state governmental agencies the Microsoft -free environment. The government should not be allowed to require businesses Microsoft products in order to conduct business in the United States. Currently the U.S. Government is schricopherenic—one segment ones Microsoft for monopolies tactics while the rest of the government requires us to purchase Microsoft products. Only the Government can possibly be that disoriented!

Thank you for any relief you choose to provide U.S. based businesses.

Very truly yours,
Chuck Davis, CPA

MTC–00030704

Attn Charles A. Jones

this letter pertains to the ownership and lawsuit with microsoft. I own microsoft. I have no understanding how you can file lawsuit against the co. without me representing the co. or making sure the co is properly reprresented. I don't understand how you can file lawsuit against this co. Did you investigate any to know who owns microsoft. I've called you people and told you this more than once. I would like a reply.

Kevin Olland W6763 Co. Rd A
Spooner, Wi. 54801
715–635–8837 10pm-2pm
Mon-Fri

MTC–00030705

12/20/01 THU 10:20 FAX 001
December 19, 200l
Renatta Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street, NW., Suite 1200
Washington, DC 20530

Dear Ms. Hesse;

I am writing this letter to you in support of the Consent Decree proposed by the Department of Justice in the case of US v. Microsoft and pursuant to the Tunney Act, which allows public comment on such matters. I believe the settlement proposed by the Department of Justice is fair and should be accepted by the court.

I work in the technology industry and have watched this case very closely since it first began some three years ago. Though I didn't agree with all of the assertions made by Microsoft's competition, there was some validity to their position. It was important to have the issue heard in a court of law and allow the facts to come out. But when Judge Jackson pushed for breaking up Microsoft

and the hi-tech industry started a rapid decline, I felt the case had gotten out of hand. It is now time to resolve the matter and move forward.

The settlement proposed by the Department of Justice should be accepted because it is fair. The remedies proposed in the settlement will address future issues and are adept at fixing any challenges which may arise from rapid technological innovation. It ensures competition by forcing Microsoft to disclose information on the operating system. They can no longer enter into agreements of exclusivity and they cannot retaliate against manufacturers for helping to develop competing software.

The current agreement proposed by the Department of Justice will remedy past violations by Microsoft while ensuring the technology industry remains innovative and competitive. Solutions being suggested by Microsoft's competitors will not make the industry more competitive.

Though I realize closure is not the issue for the courts, I do hope they will take into account what settling the case against Microsoft will mean to the technology industry. As this case drags on, so does the insecurity of the hi-tech industry. I currently work for a dot-com company. Since the day Judge Jackson ordered a break up, things have not been the same. Because many in our industry are nervous about the impact to Microsoft, our ability to plan for the future is difficult. If US v. Microsoft is settled, we will get back some sense of security in our industry. It is the sort of boost we desperately need right now.

As I mentioned before, the case against Microsoft may have been justified in the beginning. But Judge Jackson, the break up, and the extreme politicizing practiced by competitors has caused the issue to get completely out of hand. The settlement is a fair and prudent one, I hope the courts will accept it and the case so we in the hi-tech. industry can restart the expansion where it left off.

Brenda J. Zamzow
Senior Vice President
Internet Directories USA, Inc.
2461 Santa Monica Boulevard, Suite 408
Santa Monica, CA 90404
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www.idusa.com

MTC–00030706

DEC 20 ''01 18:24 FR BROADCOM
949 450 0244 TO 12023071454
P. 01/03

To DOJ,

I'm writing to express my anger over Microsoft and the current state of Microsoft anti-trust lawsuit. The US government is too easy on Microsoft. Microsoft must be much more severely punished to bring a more competitive marketplace into the software industry. There are more examples than I can write to demonstrate the harms Microsoft have done to the software industry and consumers. I will only list a few here:

1. Before Microsoft Outlook email software, it is SIMPLY IMPOSSIBLE to spread virus through emails. There have been at least two serious virus spread (Melissa, etc.) through Microsoft Outlook software. Due to the extremely unthoughtful construct of their email software and operating system, a third party software that is attached in the email can easily gain control of the desktop systems. To my personal knowledge, no other email software/platform can spread and get virus except Microsoft Outlook.

2. Microsoft has repeatedly demonstrated their incompetence in writing secure and bug-free software. The latest release of Window XP has such a serious security flaw that a hacker can gain the control of the personal computer as soon as the personal computer gets onto internet (http://dailynews.yahoo.com/h/nf/20011220/tc/15458 l.html. Unfortunately this is not the first serious problem, nor probably won't be the last. The number of patches to their different versions of operating systems have been just endless. Without bringing in a more fair competition into the operating system marketplace, and software in generally, we would wait in eternity for Microsoft to improve on their quality of product.

3. The stronghold on operating system by Microsoft has enabled this shameless company to expand into one software market after another. In the last few years, I have personally witnessed the disappearance of other great software company one after another. By withholding critical documentation and information on their operating system, Microsoft was able to produce much better products than its competitors. Since all other software must interface with the operating systems to do anything with the computer screen or keyboard or mouse or any devices, in general it is close to impossible to write software without sufficient documentation on a certain operating system. Throughout the years, I have seen the dwindling or disappearance of WordPerfect (word processor), Borland (software compilers), Lotus 1-2–3 (spreadsheets) companies. In every case, I have witnessed that these companies were not able to provide a fancier graphics on the screen or easier controls at the same time as Microsoft put their products out. It is simply an outrage when Microsoft compilers won over Borland compilers with inferior constructs, but better graphics. I will not elaborate on the technical details, but to simply state that Microsoft initial compiler products on C++ language is close to a joke.

This Microsoft company created such a laughable product that basically shows their ignorance on C++ language.

Even after so many generations (Win 2.0, Win 3.0, Win 3.1 Window 3.2, Win 95, Win 98, Win ME, Win XP) of their operating systems, their operating systems still hang without notice. I don't know when it would be the time that I don't need to unplug my notebook battery to be able to reset my notebook simply because my Win 98 hangs. The lost time and wages to maintain faulty systems of Microsoft is just unimaginable. Now that Microsoft wants to settle this lawsuit by donating 1 billion dollar of their faulty product (which will cost them only 140 million according to their latest financial report), and plus that they probably get a tax write-off of 1 billion dollar. At their -30% tax bracket, it would translate into 300 million tax saving. And would they end up with 160 million dollars gain after settlement? Even if the tax write-off is calculated using 140 million, their out-of-pocket expense would only be 60% of the 140 million which is 84 million. So is US government telling their citizens that Microsoft will be punished with a paltry 84 million dollars or even 160 million gain in another calculation, after all of these? With this donation, Microsoft would obviously be making a lot of inroads so swiftly into the education market which was/is entrenched by Apple company, and that the schools will probably end up paying so much more for Microsoft monopoly.

Till this day, the price of every single component inside a PC has gone down by probably more than 80%, except Microsoft operating system and its software. Microsoft is the only company that still enjoy a gross margin of more than 80%. Only when there are meaningful competitions, we can start to see any price erosions. And the worst of the worst about the Microsoft monopoly is that we the consumers will pick up their faulty products without any choice and suffer all the inconveniences.

Sincerely yours,
Sean Lee
seanlee@broadcom.com
** TOTAL PAGE.03 **

MTC–00030707

12/21/01 01:31 714 368 6610
UNIT 1 OPERS A72
001/001
December 21, 2001
Renata Hesse
Trial Attorney, Suite 1200
Antitrust Division

I have a few comments I would like to express regarding the proposed final settlement of the U.S. vs. Microsoft Corp. case.

Microsoft Corp. has been found guilty of ''illegally maintaining an operating system (OS) monopoly.'' The function of the court is to now determine the penalty for the crime. The current proposed settlement does nothing to prohibit Microsoft from continuing their campaign of monopolizing the computer software market.

I was amazed to see the Microsoft proposal that they be ''punished'' by giving away their software to schools. As Mac/Apple has long been the OS of choice in US schools, this punishment is nothing more than a Microsoft attempt to gain a larger share of school exposure. This and they will be able to write off the cost of this ''punishment'' to further their monopoly. I find it laughable that the guilty party is allowed to ''suggest'' their punishment. Any true punishment to Microsoft must limit their ability to continue their monopoly. In order to do this I propose the following as a just and reasonable penalty;

Microsoft products must be made an extra-cost option in the purchase of new computers, so that the user who does not wish to purchase them is not forced to do so. There are several viable OS's now on the market. The industry (Microsoft) should no longer be allowed to choose which OS is installed for you. In order to make the

playing field even, allow the end user to decide which OS they desire. Allow market conditions (price/value) of the OS dictate which one an end user purchases.

Installing Microsoft Internet Explore must be made optional. Not pre installed in any sense of the word. Remove all links which attempt to make this the Browser of choice (default) after loading it. Allow equal access to other Internet Browsers without favor.

I realize this is a very complex issue and you are not treating it lightly. However, this decision will impact the future of the entire computer industry. Microsoft has created many valuable innovations in the industry. That does not give them to right to dictate history. That is the role of the court.

Thank you for taking the time to understand my point of view.

Doug Lahann
26633 Guadiana
Mission Viejo, CA.
92691–5904

MTC–00030708

Dec-24–2001 02: 58pm From-
T-557 P.001/002 F-482
Trial Attorney Renata Hesse
Suite 1200
Anti-Trust Division
Department of Justice
601 D Street NW.,
Washington, DC 20530
Jens Gecius
53 Sherwood Drive
Larchmont. NY 10538
FAX 202–307–1454—two pages

Dear Trial Attorney Renata Hesse:

I am writing you today in response to the invitation of public comment on the proposed Settlement of the Mircrosoft Anti-Trust case.

I am an amateur systems application developer and enthusiastic computer user, familiar with many aspects of programming and administering a computer system as well as following the development of the computer Industry.

I have also been following the Microsoft Anti-Trust case and like to take the opportunity to comment on the case. I cannot see that the proposed settlement is a remedial action for the illegal maintenance of a monopoly Microsoft has been found guilty of. I do not see any penalties in the proposed settlement for Microsoft, actually, even enhancing the current monopoly Microsoft has been found guilty of maintaining Monopolies have never proved to benefit the public and national interest.

As a minimum of a remedial action, I would see four penalties:

1. Full disclosure of all Windows Application Program Interfaces (API) and other specification documents for Microsoft products to the public using a license to enable everybody to write applications, system-drivers, and API and such, to enable third parties to develop any such program, driver, or API being compatible with Microsoft's current, former and future products. Such a license has to be free of royalties and discrimination of any kind. Microsoft must be prohibited to extend any such API or other specification without proper publication.

2. Necessity to show the Microsoft operating system as an extra-cost option for buyers of a new computer. This would facilitate buyers of a new computer to choose an operating system themselves, or buy a computer without an operating system, using an existing license or another operating system. Futhermore, it would enable buyers of a new computer system to make an informed decision about which operating system to buy or use, using all information available in regard of stability, security and compatibility.

3. Networking protocols and protocols for new applications of Microsoft must be published to the public and approved by an independent protocol body. This would prevent Microsoft to extend its existing monopoly by seizing other areas and enable users of other operating systems to use such enhancements.

4. Forcing Microsoft to open all current and future patents involved in the operating system business to the public and to grant a public license free of royalties and discrimination on such patents. Nowadays in the computer business, patents are the perfect tools to monopolize any future developments in that industry, preventing enhancements by other developers. This would prevent Microsoft to extend its current monopoly into areas of future computer industry development, be it Hardware or Software.

Finally. I would like to point out that this Anti-Trust case is in the national interest, and that I believe that it is crucial that Microsoft's monopoly will not be extended. Even the highly respected Center for Strategic and International Studies recently pointed out that the use of Microsoft software actually poses a national security risk. The latest serious security flaw in Windows XP shows once again how ruthlessly Microsoft acts. It is outright declining to send a simple email reminder to its customers, hence putting at risk computers of their own customers as well as other computers world-wide due to ''hijacked'' computers running this again insecure version of Windows.

Microsoft would be more diligent to get all affected computers fixed if it would not be a monopoly In conclusion, everybody agrees that the resolution of this case is of great importance, not only for now but also for many years to come. Therefor, I suggest a careful and deliberate decision is worth far more for the national interest than a hasty one.

Thank you for considering my comment.

Yours sincerely,
Jens Gecius
53 Sherwood Drive
Larchmont, NY 10538

MTC–00030709

insario 14354 Morht Frank Lloyd
Wright Blvd
Suite 21
Scottsdale, AZ 85280
480–281–1582
December 21, 2001
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW.,
Washington, DC 20530

Dear Mr. Ashcroft:

Like many other people. I have often felt that Microsoft's anti-competitive stance may have been a little restrictive, but I am not sure that it has really ever risen to the level of a lawsuit. The computer technology business is largely comprised of people who would rather see a freer exchange of information. Microsoft plays a little closer to the vest and this annoys some. However, I have always believed that a lawsuit like this will end up just as harmful for the entire technology market as it ever would for any one company.

This is why I believe that the settlement between the Department of Justice end Microsoft is a good one and should be sustained throughout this public comment and review period.

I am hoping that we can all get through this review period without initiating any further action. Any such action will most certainly hurt the entire computer technology market even more than it has already been hurt. Our country is only now beginning a slow recovery back to relative normalcy. I would hope that our national and state leaders would do nothing untoward to dampen this recovery.

Josh Kewley
VicePresident

MTC–00030710

Claude David Baldwin
1212 Haig Circle
Virginia Beach, VA 23456–1613
December 19,2001
Renata Hesse, Trial Attorney
Suite 1200
Antitrust Division
Department of Justice
601 D Street NW.,
Washington, DC 20530

Dear Renata Hesse:

I am writing to express my opinions on the proposed settlement between the Department of Justice and Microsoft Corporation.

Microsoft Corporation was found guilty at trial of having maintained an illegal operating system monopoly and of having illegally tied its Internet Explorer to its monopoly operating system. When Microsoft appealed the appellate court threw out the guilty verdict as pertains to the browser but said yes, Microsoft did in fact illegally maintain an operating system monopoly. In light of the appelllate court finding I feel the proposed settlement between the Department of Justice and Microsoft Corporation is lacking in several key areas.

If the purpose of the sertlement is to remove barriers illegally maintianed by Microsoft to competition then I feel the following changes need to be made to the proposed settlement:

1. Any remedy seeking to prevent an extension of Microsoft's monopoly must place Microsoft products as extra cost options in the purchase of new computers, so that the user who does not wish to purchase them is not forced to do so. This means that for the price differential between a new computer with Microsocft software and one without, a computer seller must offer the software without the computer (which would prevent computer makers from saying that

the difference in price is only a few dollars). Only then could competition come to exist in a meaningful way. In my career I have purchased many computers each of which came supplied with Microsoft products although I do not and have not for some time use Microsoft products I was given no option to purchase the computer hardware without the Microsoft products installed. Thus I paid Microsoft for products I had no intention of using. A ''hidden'' tax that went directly to Microsoft.

2. The specifications of Microsoft's present and future document file formats must be made public so that documents created in Microsoft applications may be read by programs from other makers on Micorsoft's or other operating systems. By keeping these file formats secret and changing them frequently, Microsoft stifles competing programs.

3. Opening the Windows application program interface (called the API, the set of ''books'' that allow other parties to write applications for Windows operating systems), which is already part of the proposed settlement. Microsoft has in the past only provided this information to its internal staff and close development partners thereby putting all other software developers at a disadvantage. Only by opening this interface will true competition be possible.

4. All Microsoft networking protocols must be published in full and approved by an independent and inter-national network protocol body. Bodies such as the Internet Engineering Task Force (IETF), ECMA, or the World Wide Web Consortium(W3W) are examples of such bodies. This would prevent Microsoft from seizing de facto control of the Internet.

In addition to these comments I would like to add that Microsoft has, in the past, agreed to certain restraints on its behavior and failed to do so. In any settlement there must be immediate and severe enforcement remedies to insure compliance with the terms of agreement.

Thank you for the opportunity to comment on the proposed settlement between the Department of Justice and Microsoft. I hope you will take my comments into consideration. A level playing field is the only way this country can contribute to innovate in the computer software industry and insure continued economic and national success.

Sincerely

Claude David Baldwin

PS: In light of the events of September 11, 2001 and the subsequent anthrax attacks via the United State Post Office I am also sending this letter by email to insure that you will receive it prior to the end of the comment period. I will send the email with my PGP signature. You may verify my signature a any of the public PGP keyservers, e.g. http://certserver.pgp.com/

MTC–00030711

12/25/01 TUE 18:05 FAX 617–258–8321 WHITEHEAD INST. 4TH FL
Jonathan Singer
19 Wyatt St
Somerville. MA 02143
Renata Hesse,
Trial Attorney
Suite 1200, Antitrust Division, Department of Justice,
601 D Street NW., W
Washington, DC 20530
202–616–9937

Dear MS Hesse,

I am writing in reference to the proposed Department of Justice settlement with Microsoft. While I am not hostile to Microsoft (I am writing this in Microsoft Word), I am concern that the proposed settlement is far too weak. Despite the fact that the company has been found to have abused a monopoly position, it is effectively being let off with no punishment and minimal oversight to avoid future violations. This is all the more troubling since a previous deal was struck several years ago, and Microsoft brazenly flouted it.

I am not in favor of the proposed breakup of the company's software operations. I do support policies along the following lines:

* Microsoft networking protocols must be published in full and approved by an international standards body.

* Past and future Microsoft document formats must be published in full.

* Microsoft Internet content and service properties should be broken into a separate business.

Finally, it must be made clear that any portion of the settlement that requires information to be made available requires that it be made available to all requesters. That includes independent software developers and hobbyists, not only corporate entities.

Thank you,

Jonathan Singer

MTC–00030712

25736 Yucca Valley Rd.
Valencia, CA 91355
21 December 2001
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
FAX: 202–307–1454 or 202–616–9937

To the Public Servants of the Department of Justice:

I wish to share with you a prediction of Microsoft's plan for the Internet. I wish you to ask yourselves if the settlement to the United States v. Microsoft anti-trust case could prevent such a scenario.

As you may be aware, in the mid- 1990s Apple Computer was in a difficult financial position. Microsoft aided Apple Computer with a large purchase of non-voting stock. In exchange for this stock purchase, Apple Computer was required to make Microsoft's Internet Explorer the default Macintosh browser application.

You are also aware that Microsoft's illegal anti-competitive behavior captured dominance in the network browser application market from Netscape Navigator.

I predict that Microsoft will eliminate Sun Microsystems'' Java through the use of its monopoly strength and browser application. Because a network browser is the primary interface between Java and the computer, this is feasible. I believe they will do this through the deployment of the C# (C Sharp) programming language, which has elements to replace Java.

Microsoft has used their monopoly strength to establish their network browser as the default for both Windows and Macintosh computers. There is strong evidence that Microsoft designs elements into their operating system and applications to disadvantage users of non-Microsoft products.

I predict that Microsoft will use its Internet Explorer browser application to disadvantage users of Java. Microsoft will then subsequently offer its C# language to users who are frustrated with Java's problems under Internet Explorer.

Do you believe that the settlement of the United States v. Microsoft anti-trust case can prevent such a scenario? If not, the settlement stands in need of revision.

Sincerely,

Mark Wilkinson

cc: Michael H. Morris, General Counsel, Sun Microsystems, Inc.

MTC–00030713

MIS-On-Call, Inc.
P.O. Box 5746 Santa Clara, CA 95056–5746
December 21, 2001
Attorney General John Ashcroft
US Department of Justice
950 Pennylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Since 1982 I have used computer software regularly for work, school, and personal reasons. During this time I witnessed most major changes in software products by Microsoft, IBM, Lotus, and Corel. In an effort to address my needs for the best product over a period of ten years, I had switched back and forth from one company's product to another company's product. Around 1992 I had settled in with most of Microsoft's product lines and have used them continuously ever since. My reason for choosing Microsoft's product is truly because Microsoft's products offer what I need and in most cases more than what I could ever use. With this in mind I know Microsoft has invested and added value in their products beyond what consumers could have received from Microsoft's competitors.

I have very quickly concluded that this lawsuit against Microsoft by our government has been a great injustice. Since the great industrial revolution period there were various other such antitrust actions that have occurred throughout the years, and this is a prime example of creating a public crisis out of good. I know our nation must balance economic concerns with social concerns and I believe Microsoft understands these concerns and know their value as well.

I am relieved to see that the government and Microsoft have agreed to a settlement of this suit. The settlement appears fair, I suppose, from the government's standpoint. I am hoping that this period of public comment will sustain the settlement so that we can put this entire unfortunate business behind us.

Throughout this entire process, I am at least appreciative of the current leadership at the Department of Justice that has seen fit to settle this thing. I am certainly hopeful that no further federal action will be taken.

Sincerely,

Joseph Hanlon, CPA, CIS, MCP, A+
President and Chief Executive Officer.

MTC–00030714

Dec 21 01 03:12p p.1
Michael Green
811 Chicago Ave. #5O8
Evanston IL 60202
December 14,200l
Renata Hesse, Trial Attorney
Suite 1200, Antitrust Division
Department of Justice
601 D Street NW
Washington, DC 20530;
(facsimile) 202–616–9937

Dear Sir or Madam:

I am a computer programmer and consider myself knowledgeable of the computer industry. I am writing concerning the proposed Microsoft settlement with the Department of Justice. Since Microsoft has already been found guilty, I consider the existing settlement to be severely lacking in several areas.

As it is currently written, the settlement will not prevent Microsoft from continuing their anti-competitive behavior. Also, it provides no penalty for Microsoft's past behavior. A meaningful settlement needs, at a minimum, the following:

•Both the Windows API and Microsoft document formats (MS Word, MS Excel, etc) must be made freely available to anyone who wants them.

•Microsoft networking protocols must be standardized by a standards body. This will prevent Microsoft from using their private, proprietary protocols to seize control of new applications used on the Internet.

•Microsoft products should be provided only as extra-cost options on personal computers,

The software should also be available for the same price as the difference between a computer loaded with Microsoft products, and one without any Microsoft products. This will prevent Microsoft from ''bundling'' an entire kitchen sink of applications with Windows, increasing the price of Windows (either directly or indirectly), and preventing competition.

Sincerely,
Michael J. Green
Concerned, Informed Citizen

MTC–00030715

12/21/2001 18:02 2023314212
AGRI WASHINGTON
PAGE 01
Ms. Renata Hesse, Esq.
Antitrust Division
U.S. Department of Justice
601 D Street NW (Room 1200)
Washington, DC 20530
10732 Hampton Road
Fairfax Station, VA 22039
20 December 2001
F : 202–616–9937

Dear Ms. Renata:

As I express views following, please do not misconstrue them as personal but directed toward larger issues of government's role in national affairs. I am not a particular admirer of Microsoft and find fault with many of their practices. But it was a sad day for America when Department of Justice intruded into the private sector with intent to coerce Microsoft into an inferior position. Federal penchant for control and intervention has cost our country dearly.

Harassment by Justice shook Microsoft so that public investors lost money in that protracted process, Great public expense is accrued as Justice continues the process of ''negotiating a settlement'', an exercise that keeps federal lawyers employed at taxpayers'' expense. This DOJ exercise is especially egregious because it does not add to national wealth or benefit and is a net decrement because federal employees do not pay taxes, only recycle taxes revenues originated solely by the private, profit-making sector.

Most federal employees do not know how the private sector works but insist on policies to inject government into private affairs causing harm to the US economy and offense to taxpayers, most of whom are not dependent on government. My view of you and the Antitrust Division is similar to my urgings to former President Clinton and his retinue; GO AWAY ! Stop doing harm to my country and taxpayers who are coerced to support frivolous federal behavior.

Sincerely
R. Barry Ashby

MTC–00030716

December 21,2001
Renata Hesse
Department of Justice
Fax (202) 616–9937
Rc: US v. Microsoft Settlemcnt

To Ms. Hesse:

The settlement in the case of US v. Microsoft should be accepted by the courts and I am writing to express my support.

My letter comes to you as a professional female executive, mother, and (most importantly) civic activist. I have been extremely involved in the Orange County, California community. First, as the regional representative for Governor Pete Wilson and now, as the President of a company specializing in local community relations. My business serves the needs of numerous ethnic communities including Hispanic, Chinese, and Vietnamese.

Over the last five years, I have seen the financial stability of many in these ethnic communities rise to levels unimaginable before the technology boom. New jobs were created, wages increased, and quality of life dramatically improved. Many in the second and third generations of these communities are now training for jobs in the technology industry. But, in the last six months, their financial stability has begun to erode. The technology companies in Orange County have stopped hiring. Wages are beginning to go down. Many members of the different ethnic communities are concerned and beginning to look for financial assistance they didn't need just one year ago, Why am I saying all this in a letter about the case against Microsoft? Because settling the case against Microsoft, in my opinion, is going to give a shot of adrenaline back into the economy. It will also free up some resources for the assistance needed by many of the people I work with.

In my discussions with some corporate clients, I have learned that many of the technology companies are waiting for a settlement before making new investment decisions. Computer training centers across Orange County are turning out hundreds of Microsoft certified technicians who won't find work until the case is settled. The examples of the economic impact of this case are endless.

As you are also aware, California is facing a budget deficit. I don't think it is fair that the schools attended by many in these ethnic communities may go without books, yet the government is considering spending millions more on the case against Microsoft.

I support settling the case against Microsoft from two differing perspectives. As an executive, I believe the case is damaging to our economy. More importantly, as a civic activist working with ethnic communities, I know this case is having a negative impact. I hope the case will be settled.

Sincerely,
Suzanna Tashiro-Choi

MTC–00030717

12/26/01 WED 15:46 FAX 7O4 541 0259
FAX 001
Thomas Paul Weldon, PhD, P.E.
9026 Roseton Lane
Charlotte, NC 28277
December 26, 200l
Renata Hesse, Trial Attorney,
Suite 1200, Antitrust Division,
Department of Justice,
601 D Street NW,
Washington, DC 20530;
Fax 202–616–9937 or 202–307–1545;
e-mail microsoft.atr@usdoj.qov

I must vigorously oppose the Department of Justice settlement in the Microsoft antitrust case, since I feel that the remedies are woefully insufficient.

I ask that the Department of Justice and Judge consider the long history of abuse of Microsoft's monopoly, even though this long history may not have been included as part of the trial. The long list of innovative companies and products that have been eliminated, primarily due to Microsoft's monopoly on their operating system include word processing (Word-Perfect), spreadsheets (Lotus 123), web browsers (Netscape), etc. It is somewhat ridiculous that Microsoft presents itself as an innovator, when the initial commercial success of these product areas was driven by the aforementioned companies. It is now clear that the demise of these companies was primarily accomplished through monopolistic power in the operating system, and not by any superior innovation at Microsoft.

In light of the unfortunate history of Microsoft in abusing its monopoly, it is imperative that the department of justice seek real remedies that subdivide microsoft into separate units and that provide forced supervision of internal practices, with legal power and sanctions to prevent and penalize future abuses. Too much of the current settlement is vague, leaves much to interpretation, and allows Microsoft to determine its own level of compliance.

The situation is all the more critical as Microsoft enters the internet arena. We cannot afford to have the same monopolistic abuses stifle competition on the internet,

since the internet will play a very important role in the economic future of our nation.

It seems to me that the settlement will also encourage future monopolies to abuse their power, when they see that Microsoft got less than a slap on the wrist. Finally, the government has seemed to be influenced by the financial institutions and investors with great sums of money invested in Microsoft. Unfortunately, the government is not considering the great many investors whose investments were lost due to Microsoft monopolistic practices. What about the people who lost their investments in Lotus 123, Word-Perfect, Netscape, etc? Who will speak for those who were unfairly deprived of their investment and those who were unfairly deprived of their entrepreneurial opportunity? The department of Justice MUST speak for them, loudly. Thomas

Paul Weldon, PhD, PE
NC Licensed Professional Engineer 023548
North Carolina
Professional Engineer
Thomas Paul Weldon Seal
Q23648

MTC–00030718

12/27/01 THU 12:27 FAX 617 258 6321
WHITEHEAD INST. 4TH FL 001
Jonathan Singer
19 Wyatt St Somerville,
MA 02143
Renata Hesse,
Trial Attorney
Suite 1200, Antitrust Division, Department of Justice,
601 D Street NW, W
Washington, DC 20530 202–616–9937

Dear Ms Hesse,

I am writing in reference to the proposed Department of Justice settlement with Microsoft. While I am not hostile to Microsoft (I am writing this in Microsoft Word). I am concerned that the proposed settlement is far too weak. Despite the fact that the company has been found to have abused a monopoly position, it is effectively being let off with no punishment and minimal oversight to avoid future violations. This is all the more troubling since a previous deal was struck several years ago, and Microsoft brazenly flouted it.

I am not in favor of the proposed breakup of the company's software operations. I do support policies along the following lines:

• Microsoft networking protocols must be published in full and approved by an international standards body.

• Past and future Microsoft document formats must be published in full.

• Microsoft Internet content and service properties should be broken into a separate business.

Finally, it must be made clear that any portion of the settlement that requires information to be made available requires that it be made available to all requesters. That includes independent software developers and hobbyists, not only corporate entities.

Thank you,
Jonathan Singer

MTC–00030719

FROM : CASH FAX NO. : 434 384 6614 Dec. 27 2001 12:55PM Pl
December 27,200l
Ms. Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC. 20530

Dear Ms. Hesse:

I understand that public comments on the Microsoft settlement are to be brought to your attention. I offer the foliowing:

For Microsoft, for consumers, and for thousands of information technology businesses that rely upon the Windows platform, this settlement offers the chance to get back to work. It's regrettable that this settlement goes beyond the issues upheld on appeal. In addition, we may all regret having a committee and the Court supervise the future of software design. Nevertheless, this settlement would bring to an end the most disruptive competitor-driven antitrust campaign in our nation's history, and that, more than anything else, is something for everyone to celebrate.

Let me close by saying that given that the economy is now in recession, the last thing we need is more litigation and regulation of the high-tech industry.

Sincerely yours,
Mary-Margaret P. Cash
201 Colonial Court
Lynchburg, VA. 24503

MTC–00030721

12–28–2001 9:36AM FROM 000000000000
CREDIT CAR AMERICA 001
12–28–2001 8:48AM FROM 000000000000
CREDIT CAR AMERICA December 27, 2001
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I am writing to offer comments on the Microsoft case settlement. As I understand it, under the proposed settlement, all new Microsoft operating systems, including Windows XP, would have to include a mechanism that readily allows end users to remove or re-enable Microsoft's middleware products. Those include the Internet browser, instant messaging tools, media player, and email utilities. While end users can already remove Microsoft middleware from Windows XP, this settlement would make it easier for users to switch end compare among competing middleware products. As an end user. I fee1 that this provision guarantees me flexibility.

May I also add that settlement of this case is in everyone's best interests—the technology industry, the economy and consumers.

Sincerely yours,
John E. Mohrman
7300 Brook Road
Richmond, Virginia 23227

MTC–00030722

12–28–2001 9:21AM FROM 000000000000
December 27,200l
Ms. Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

Regarding the Microsoft settlement, Microsoft's largest rivals were disappointed when the Appeals Court took breakup off the table. However, you may be assured that they will find ways to use this settlement to inhibit Microsoft from competing in markets they dominate today, (like Internet access, high-end servers, and instant messaging.) The enforcement provisions of this settlement agreement would make it effortless to slow innovation and delay product launches by filing multiple complaints, much like these competitors attempted to do with Window XP. For AOL Time Warner, Oracle, and Sun, opportunities abound to hinder Microsoft by abusing the settlement agreement. There has been no consumer harm as a result of any actions taken by Microsoft. In fact, Microsoft's innovation has led to tremendous benefits for consumers, such as better products and lower prices. Antitrust law is supposed to be about consumer harm, and on that key issue, the government has failed to show any harm whatsoever.

Yours truly,
Goy Martin

MTC–00030723

12/28/01 07:23 714 368 6610
UNIT 1 OPERS A72
001/001
December 27,2001
Renata Hesse
Trial Attorney, Suite 1200
Antitrust Division

I have a few comments I would Like to express regarding the proposed final settlement of the

U.S. vs. Microsoft Corp. case. Microsoft Corp. has been found guilty of ''illegally maintaining an operating system (OS) monopoly.'' The function of the court is to now determine the penalty for the crime. The current proposed settlement does nothing to prohibit Microsoft from continuing their campaign of monopolizing the computer software market.

I was amazed to see the Microsoft proposal that they be ''punished'' by giving away their software to schools. As Mac/Apple has long been the OS of choice in US schools, this punishment is nothing more than a Microsoft attempt to gain a larger share of school exposure. This and they will be able to write off the cost of this ''punishment'' to further their monopoly. I find it laughable that the guilty party is allowed to ''suggest'' their punishment.

Any true punishment to Microsoft must limit their ability to continue their monopoly. In order to do this I propose the following as a just and reasonable penalty:

Microsoft products must be made an extra-cost option in the purchase of new computers, so that the user who does not wish to purchase them is not forced to do so. There are several viable OS's now on the market. The industry (Microsoft) should no longer be allowed to choose which OS is installed for you. In order to make the

playing field even, allow the end user to decide which OS they desire. Allow market conditions (price/value) of the OS to dictate that choice.

Installing Microsoft Internet Explore must be made optional. Not pre installed in any sense of the word. Remove all links which attempt to make this the Browser of choice (default) after loading it.

Allow equal access to other Internet Browsers without favor.

I realize this is a very complex issue and you are not treating it lightly. However, this decision will impact the future of the entire computer industry. Microsoft has created many valuable innovations in the industry. That does not give them to right to dictate history. That is the role of the court.

Thank you for taking the time to understand my point of view.

Doug Lahann
26633 Guadiana
Mission Viejo, CA.
92691–5904
douglah@yahoo.com

MTC–00030724

DEC-28–2001 11:43 OVERFELT 573 636 6846 P. 01/01
Post Office Box 1336
Missouri Retailers Association
(573) 636–5128
Jefferson City, MO 65102
The Voice of Retailing
Fax (573) 636–6846
E-mail: moretailer@aol.com
December 28,2001
Renata Hesse
Trial Attorney-Anti Trust Division
Department of Justice
601 D Street Northwest, Suite 1200
Washington DC, 20530

Dear Ms. Hesse:

I am writing in support of the recently reached settlement between Microsoft and the United States Department of Justice.

The agreement is pro-consumer helping the technology sector of our economy contribute new and better jobs at this time of economic uncertainty This settlement brings to an end the most disruptive competitor-driven antitrust campaign in our nation's history. This is something all consumers can celebrate.

Dave S. Overfelt
President
TOTAL P.01

MTC–00030725

12/28/01 10:56 FAX
KINKOS GOLDEN
00l
501 Golden Circle #103
Golden, CO 80401
December 23, 2001
Renata Hesse, Trial Attorney
Suite 1200
Antitrust Division
Department of Justice
601 D Street NW
Washington, DC 20530

To Renata Hesse,

As a US citizen, and in accordance with the invitation posted in the **Federal Register** (Vol. 66, No. 229, p. 59452), I wish to have my comments concerning the proposed final judgment in the United States v. Microsoft Corporation case added to the **Federal Register**.

First, I think it is important to re-state the gist of the of case: Microsoft Corporationhas been found guilty of illegally maintaining a software (operating systems) monopoly inviolation of section 2 of the Sherman Act. This judgment has be reaffirmed upon appealand now stands.

Given this judgment, I think any reasonable individual would find the terms of the pro-posed settlement wholly inadequate. The proposed restrictions (including opening of APIs,formation of an independent review board, and some requirements for licensing) do little ornothing to address the underlying problem-that Microsoft continues to illegally maintainand extend their monopoly position.

In the trial, the term ''barrier to entry'' was often used to describe this effect and the detailsbear further discussion. Microsoft continues to trap both users and software developersthrough a ''web of software dependencies'' that is, for many, nearly impossible to escape.The ''web of software dependencies'' that I refer to is the combined effect of:

1. secretive, restrictive, and anti-competitive licensing policies;

2. intentionally undisclosed, incompatible, and ever-changing specifications for file formats, network protocols, and APIs; and

3. destructive ''embrace and extend'' strategies designed to corrupt existing formats andprotocols.

Once users and developers employ Microsoft products, they generally find that their data,time, and effort becomes locked within, for example, file formats which they cannot effec-tively access through non-Microsoft software or on non-Microsoft platforms.

These dependency problems are pandemic. As the trial demonstrated; the vast majority ofpersonal computer users in the United States (both companies and individuals) are alreadyensnared. And even as the court considers options to remedy the situation, Microsoft hascontinued their practices and released new operating systems (the ''Windows XP'' family)that seek to further extend their exclusionary control. One of the most brazen of theseactions is Microsoft's current attempt (called ''.NET My Services'') to become the solegateway for authentication and payment systems for all on-Line transactions.In summary, the proposed settlement does little or nothing to fix the illegal and damagingbehavior that has been clearly and repeatedly outlined during the case. What is needed isa court-ordered remedy that truly solves the problem. Here, I propose three requirementsthat any final remedy must include. These restrictions would immediately and directlybenefit the US citizens and intuitions that have been victimized by the defendant's illegalactions. They are as follows:

1. Any remedy seeking to prevent an extension of Microsoft's monopoly must place Mi- crosoft products as extra-cost options in the purchase of new computers. Thus, a buyer who does not wish to purchase Microsoft products with new computer hard-ware is not forced to do so. This requirement will have the effect of ending some of Microsoft's restrictive and anticompetitive licensing policies for new computer sales. And it has the added benefit of clearly itemizing the cost of the Microsoft products for consumers which would prevent Microsoft or computer sellers from claiming that any differences in price are insignificant. The ending of anti-competitive Licensing terms for new computer sales is a critical and illegal choke-hold on the market that must be broken if competition is to flourish.

2. The specfications of Microsoft's present and future document file formats must be made public so that documents created in Microsoft applications may be read by programs from other makers, on Microsoft's or other operating systems. This is in addition to opening the Windows application program interface (API, the set of ''hooks'' that allow other parties to write applications for Windows operating systems), which is already part of the proposed settlement. This would help put an end to the trap of intentional incompatibilities and forced upgrades that Microsoft currently perpetrates.

3. All networking protocols used by current and future Microsoft products must be pub- lished in full and approved by an independent network protocol body. This is both a reasonable and workable requirement. The Internet was built and has famously flour- ished upon free and open standards and protocols. This requirement would prevent Microsoft from further extending its software monopoly by seizing de facto control of the Internet through proprietary protocols and through corruption (eg. incompatibleextensions) of existing open protocols and standards.

The effect of these restrictions would be the commoditization of many kinds of software. Likeother mature markets which support healthy competition, Microsoft and any competitorswould be driven to produce compatible products. Strategies would turn from the currentwasteful processes of intentional incompatibility and proprietary lock-in towards competitionbased primarily upon the quality, price, and timeliness of the competitors'' implementations.All parties wronged by the current lopsided monopoly situation would benefit as competitionflourishes.

In view of the ever-increasing dependence of our country upon software for commerce, health,communication, transportation, and security, I urge the court to take a firm stance. Mi-crosoft continues to demonstrate that it cannot be trusted to obey the law. Their continuedgrowth into new markets creates an unhealthy software mono-culture which, as demon-strated by recent events, poses a significant risk to national security. Therefore, the courtshould take this opportunity to prevent future problems by reigning in Microsoft's monopolyand enforcing the antitrust laws that are in the best interest of this country.I wish to thank the court for consideration of these recommendations.

Sincerely,
Edward H. Hill III, Ph.D.

MTC–00030726

DIRECTORS
Edmundo Alire
TDW Construction
Armando Solis
Solis Chiropractic
Julio Correa
Vision Latino Magazine
Mike Martin
RMC Enterprises
December 28, 2001
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Dear Ms. Hesse,

Microsoft is being amply reprimanded and reined in with the settlement reached. It is ourunderstanding that under the Tunney Act, the public has 60 days to provide input forconsideration by the parties involved regarding this settlement.

While we appreciate the idea of the government looking after the best interest of itscitizens, nearly four years, 35 million dollars and the terms of the settlement are enough.It is more than time for this issue to be put to rest.

The Hispanic Chamber of Commerce of Contra Costa County, California, strongly urgesyou to support the settlement. Please take the actions necessary to keep the process rollingto get the settlement through all the channels and put in place.

Sincerely.
Pedro E. Babiak
Vice-President
Web Page: www.h5c.org
E-Mail: info@h5c.org

MTC–00030727

FROM:
FAX NO. :
Jun. 26 2001 03:25AM P1
December 17,2001
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Fax: 202–616–9937
Dear Ms. Hesse:

I write to register my hope that the government will work in a productivefashion with Microsoft and other technology interests in crafting a positiveworking relationship. I felt as though the federal government's positionagainst Microsoft was excessive and anti-business.

After all, without Microsoft, what would the American workplace look like?How would it function without their useful products? Things would be lessfunctional, and less efficient.

Microsoft is the market leader, and other companies sought to gain bypromoting additional legal action against Microsoft. Lawyers and lobbyistsfrom other companies ought not determine the shape of the tech industry,consumers should.

The provisions of the settlement make it easy for other companies to havemarket access. Every new Microsoft operating system will have to include amechanism that readily allows end users to remove or re-enable Microsoft'smiddleware products.

While end users can already remove Microsoft middleware from Windows XP,this settlement would make it easier for users to switch and compare amongcompeting middleware products,

I sincerely hope that Judge Kollar Kotelly approves the settlement.

Regards,
Mark Fleming
Executive Director
Wake Forest
Chamber of Commerce

MTC–00030728

FROM :
FAX NO. :
Jun. 26 2001 03:27AM P1
Harnett Tractor Company
1500 South Clinton Avenue
Dunn, NC 28335
December 17, 2001
Renata Hesse
Trial Attorney
Antitrust Division,
Department of Justice
601 D St. NW, Suite 1200
Washington, DC 20530
Fax: 202–616–9937
Dear Ms. Hesse:

Many of us don't realize how many people benefit from Microsoft's products since so manypeople use them at home and at work. Therefore, when the government comes down hard on acompany that is so important to everyone, it has a substantial effect on the economy.

In Fact, announcement of the first judgement against Microsoft and the sudden decline in thatstock traces almost exactly to the large declines in the NASDAQ as a whole, according toeconomistsand brokers.

There has not been any consumer harm as a result of Microsoft's business practices. In fact,Microsoft's innovationhas led to tremendous benefits for consumers, as a better product andlower prices. Antitrust law is supposed to be about consumer harm, and on that key issue, the government has failed to show any harm whatsoever.

The last thing the technology industry needs are government lawyers, bureaucrats and judgeswatching over the industry, attempting to micromanage it—which is exactly what Microsoft'srivalslobby for on a regular basis.

I realize that tech is ''the new frontier'' of American business, but that shouldn't givecompanies license to ''muddy the waters'' regarding Microsoft's impact of consumers on aperpetualbasis. I hope that Judge Kollar Kotelly will approve the settlement, and that all tech firms canworkon developing new products to make businesses operate more efficiently in the twenty-firstcentury.

Thank you,
David R. Leewis, CEO

MTC–00030729

TECH5 CORPORATION
MARK HILTON, PARTNER
Renata Hesse
Trial Attorney
Antitrust Divisions
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Fax: 202–616–9937
Ms. Hesse:

As a tech professional, I am pleased that the United States Justice Department is settling with Microsoft. We use Microsoft products everyday to enhance our business services, and I am relieved to know that wewill be able to continue to purchase these products at a fair price.The tech industry ought to be operated by highly creative techprofessionals, not government bureaucrats. With over $30 million intaxpayer funds having been spent on the case, I sincerely hope we'veseen the last of this issue.

I serve in the North Carolina Legislature, and believe that North Carolinians would be better off if this federal tax money came back to the states.

At least consumers and IT businesses that rely upon the Windowsplatform can get back to work. It's regrettable that this settlement goesbeyond the issues upheld on appeal.

I have no question that Microsoft's competitors have lobbied to cause Microsoft much grief throughout this unfortunate process.

I hope Judge Kollar Kotelly approves the settlement.

Regards,
Mark Hilton
Representative Mark Hilton

MTC–00030730

FROM :
FAX NO. :
Jun. 26 2001 11:15AM P2
Mason Properties Company
December 17,200l
Renata Hesse
Trial Attorney
Antitrust Divisions
Department of Justice
601 D street NW, Suite 1200
Washington, DC 20530
Fax: 202–616–9937
Dear Ms. Hesse,

I am pleased with the settlement of the Microsoft case because I believe that the terms ofthe agreement will benefit the United States tremendously.It seems to me that Anti-trust laws were intended to protect consumers, not to protectcompanies from legitimate market competition. It's high time that tech companies otherthan Microsoft work on building their products up, rather than tearing down Microsoft'squality products.

AOL Time Warner, Oracle and other companies will have many opportunities to hinderMicrosoft by abusing the settlement agreement. These competitors were disappointedwhen the Appeals Court took breakup off the table, but they'll find ways to use thissettlement to inhibit Microsoft from competing in markets they dominate today, likeInternet access, high-end servers, and instant messaging.

The enforcement provisions of this settlement agreement could enable these companies toslow innovation and delay product launches by filing multiple complaints. Enough already!

With the economy in bad shape, now is not the time for more litigation over this issue. I request that Judge Kollar Kotelly approve the proposed settlement, and I hope thatMicrosoft's competitors will act in good faith under its terms.

Sincerely,
Ronald Earl Mason
Former State Representative

MTC–00030731

MARVIN V. ANDERSEN, M.D.
7 Perth Drive
Wilmington, DE 19803
Phone: (302) 478–3115 Fax: (302) 478–5528
e-mail: mva@del.net
December 29,200l
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue NW,
Washington, DC 20530.

Dear Mr. Ashcroft:

I am in awe every time I think of how our society has been transformed bycomputers. Truly, the world is a completely different place than it was from eventen years ago because of computers. This great innovation has been led by a greatAmerican company, Microsoft. Thanks to them, computers have become anaccessible technology for many millions of people. The efforts and innovation ofMicrosoft should be applauded rather than punished.

The antitrust lawsuit has plagued the technology industry and disturbed furtherinnovation in technology. Like many computer users, I believe that the motivationfor the lawsuit has been greed and jealously on the part of Microsoft's competitorsand the government. The proposed settlement is fair, it penalizes Microsoft forthe times that they have crossed the line, and it will provide more competition inthe long run.

That is why I would like to see an end to the lawsuit as soon as possible. The economy cannot afford to have one of its biggest players not participating at fullstrength. As soon as the suit is finally settled, the technology industry can returnto normal and life can move on. Please accept the settlement and let us move on tomore important issues facing our great country.

Sincerely,
Marvin V. Andersen MD.

MTC–00030732

Dec.31 2001 11:12AM ATRA DATA No.2030 P. I
DENNIS MICHAELREE
P.O.Box 1720
Lake Ozark, MO. 65049
December 31,2001
Ms. Renta Hesse
Trial Attorney
Anti-Trust Division
Department of Justice
601 D Street Northwest, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I am writing to you to voice my support for the recent settlement between Microsoft andthe United States Department of Justice.

I believe it is time to stop the litigation against Microsoft and proceed with what appearsto be a fair compromise.

The many innovations that have been made over the years by Microsoft have been ofgreat benefit to consumers. Let's bring this matter to a close by proceeding with thesettlement between the Justice Department and Microsoft and end the court proceedings.

Sincerely,
Dennis Michaelree

MTC–00030734

Dec 31 01 01:20p Edward Zimmerman 937–878–9622 p.1
EDWARD ZIMMERMAN
1448 POPLAR DRIVE o FAIRBORN o OHIO o 45324
December 29,200l
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

As a voting constituent, I have great concern about the Microsoftantitrust case. I feel that after three long years of court battles, it is time toallow the company to get back to software innovation. The settlement is fair,and it should be finalized.

Our economy is in a recession. It is companies like Microsoft that fuelthe success of our nation's economy. Pursuing further government action, atthe federal level, against Microsoft will only foster the economic downturn. Microsoft's willingness to agree to terms that extend beyond termsinitially in question, in conjunction with the physical during of this suit, is morethan enough reason to settle at this point. Please continue to work to convince others about the appropriateness of this settlement.

Sincerely,
Edward Zimmerman

MTC–00030735

AtFreeWeb.com AtFreeWeb.com
801 Calle Mar Vista
Oxnard, CA 93030
Tel: 805 278 9548
Fax: 805 278 9554
http://www.atfreeweb.com
December 31, 2001
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
CC: Representative Elton Gallegly

Dear Mr. Ashcroft,

I write this letter in accordance with the Tunney Act expressing my support of the settlementbetween Microsoft and the Justice Department. I believe that this settlement will be beneficial tobothe IT industry and the consumer, but continuing on with more court nuisance is a fleecing of theAmerican taxpaying citizen. To prevent this from continuing any further, the D.O.J. shouldfinalize thesettlement as soon as the Tunney Act comment period is over.

This settlement is fair and reasonable. If anything, Microsoft was treated a little spitefully. Afew terms of the agreement follow, which should underscore the severity of this settlement: theDOJ willestablish an Independent technical committee, monitoring Microsoft's compliance with thesettlement;Microsoft also cannot retaliate against computer makers that may ship software that wouldcompetewith the Windows operating system; and Microsoft will open up their vault of secrets concerningsystemInteroperability to competition.

Even though the settlement prevents laissez-faire economics, the right thing to do is to settlethe suit now and work to ensure that the industry and the economy can move forward again.Microsoftmust be allowed to return to innovation, rather than litigation.

Sincerely,
Alex H. Qu
President

MTC–00030736

DEPT OF JUSTICE 1/6
LEAVE MICROSOFT ALONE. LET FREE ENTERPRISE WORK AND BE ENCOURAGE
Joseph Bona
117 52 9597
BCSS Owner
407 925–3508 Cell
767–7472 Hm
JoeBona@EARTHLINK.NET

MTC–00030737

From MyPlumber
Sun Dec 30 21:27:51 2001

I think that, in the settlement of the U.S. vs Microsoft federalcase, the example of the settlement criteria proposed by another suitbrought by 7 states in a class action action against Microsoft should befollowed. This would be more like what a settlement should be, with amore significant penalty for violations Microsoft has been found guiltyof.

In addition, since the software is free, Microsoft softwaredevelopers should be required to work closely with developers of Linux.Especially the Linux developers working on WINE, the Windows emulator forLinux. More of the economically disadvantaged would get a better break ifLinux could run Windows programs.

Frank Starr
13014 N. Dale Mabry
#204
Tampa, Florida 33618

MTC–00030738January 2, 2002

Bryan Carey
11700 Fairgrove Industrial Blvd.
Maryland Heights, MO. 63043
Ms. Renta Hesse
Trial Attorney
Anti-Trust Division
Department of Justice
601 D Street Northwest, Suite 1200
Washington, D. C. 20530

Dear Ms. Hesse:

As President of a St. Louis area company, I am in full support of the settlement that hasbeen reached between the Justice Department and Microsoft.

Microsoft is a very important part of the technology sector of our economy and we mustdo everything possible to strengthen all parts of the American economy. Further litigation will accomplish nothing to stimulate the economic growth that we need. Competition has helped to create an American economy that is the envy of the world. We must seek to increase competition

in our economy because that is the key toincreased demand for our products and services. Continued legal action against Microsoft will not increase competition.

Further litigation against Microsoft should cease.

Very truly yours,
Bryan Carey

MTC–00030739

613 Andover Road
Wilmington, DE 19803
December 29, 200l
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC, 20530

Dear Mr. Ashcroft,

This Microsoft lawsuit has dragged on long enough. I understand thatwe are now in the public comment period of this lawsuit and, hopefully, oncethat is done, this ill-advised lawsuit will be as well.

I have heard that there are various Microsoft detractors that want thislawsuit continued on the federal level and so will try to find some way to derailthe settlement. I am respectfully asking that you resist these efforts, stay thecourse for the Justice Department, and continue to guide this settlement to asuccessful end.

Microsoft has no doubt done many things that have rankled theircompetitors, but these are not enough to have brought about the wrath of theentire federal judicial system. Now that this settlement has been reached, weshould accept it and move on. There simply are too many other moreimportant issues that need our attention than this. Thank you.

Sincerely,
John Allabashi

MTC–00030740

HEALTH CARE
January 2, 2002
Renata Hesse
Trial Attorney—Anti-Trust Division
Department of Justice
601 D Street Northwest, Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

I am writing in support of the recently reached settlement between Microsoft and the United States Department of Justice.

The agreement is pro-consumer helping the technology sector of our economy contribute new and better jobs at this time of economic uncertainty.This settlement brings to an end the most disruptive competitor-driven antitrust campaign in our nation's history. This is something all consumers can celebrate.

Sincerely,
Stephen B. Hoven
Vice President
Public Affairs
SH/jmm
SSM Health Care Missouri Quality Award
477 N. Lindbergh Blvd.
St. Louis, MO 63141–7832
www.ssmhc.com
(314) 994 7800 phone
(314) 994 7900 fax

MTC–00030741

Representative Kitty Rhoades
30th Assembly District
Phone: (608) 266–1526 * Toll Free: 1–888–529–0030 * Fax: (608)282–3630 * E-mail: Rep.Rhoades@legis.state.wi.us
Fax Cover Sheet
To: Renata Hesse
From: Rep. Kitty Rhoades
Fax: 202–616–9937 Pages: 2 (including Cover Sheet)
Phone:
Date: January 2, 2002
Re: CC:
Urgent For Review Please Comment Please Reply Please Recycle
Comments
Dear Ms. Hesse:
Please contact my office (608–266–1526) should you have any questions.
Kitty Rhoades
1–2–02 : 10:16AM : Wisconsin Assembly : 608 266 2133 #2 2
State Representative 30th Assembly District
Kitty Rhoades
State Representative
January 2, 2002
Renata Hesse
Trial Attorney
Antitrust Division
DOJ
601 D Street NW, Suite 1200
Washington, DC.

Dear Ms. Hesse:

I am writing to voice my support of the recent Microsoft settlement, and encourage you to approve the settlement as soon as possible.

Under the terms of the settlement, Microsoft will provide over one billion dollars in computer related assistance, which will open numerous doors and opportunities for all American students. This is an unprecedented opportunity for both our country as well as our education system, and should be approved as soon as possible.

Furthermore, I believe that it is time to put this legal wrestling to a close. With our nations economy struggling, making sure that companies based in the technological sector are free to develop and advance new products, in the overall hopes of bringing new life, to an economy that has been tarnished by the terrorist acts of September 11th.

Thank you in advance for your time and thoughtful consideration on this very important issue.

Sincerely,
Kitty Rhoades
State Representative
30th Assembly District
P.O. Box 8953 * Madison, Wisconsin 53708–8953 * (608)266–1526 * Toll-Free: (888) 529–0030
* Rep.Rhoades@egrs.state.wi.us
Home: 708 4th Street o Hudson, Wisconsin 54016 o (715) 386–0660

MTC–00030742

Brandon Galbraith
380 South Hickory Avenue
Bartlett IL 60103
December 14, 200l
Reneta B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington DC 20530–0001

Dear Madam:

This letter is to the proposed Microsoft settlement. In reading through the settlement, I noticed that provisions are made to help commercial competitors of Microsoft get the information they need to write applications for the WindowsTM operating system. Whil this is a step in the right direction, specific language needs to be added to the settlement agreement to allow not-for-profit competitors of Microsoft the same access to Microsoft intellectual property as commercial competitors. The reason for this is that some of the fiercest competition to Microsoft software comes from open source software being developed by not-for-profit organizations. One example of this is the Apache web server. The Apache web server, which is an open source software package, dominates the Internet server market. It is also a direct competitor of Microsoft's IIS or Internet Information server (which is also a web server).

For there to be a level playing field between Microsoft and its competitors, not-for-profit groups who develop open source software that competes with Microsoft products should be given the same access to Microsoft's intellectual property as commercial competitors of Microsoft. Without this provision in the Microsoft settlement, not-for-profit groups would be effectively cut out of the picture, which would be a devastating loss.

Sincerely,
Brandon Galbraith
System Administrator

MTC–00030743

FROM : AMERICAN FINANCIAL ADVISORS
PHONE NO. : 530 223 2230
Jan. 02 2002
10:23AM P1
To: The Department of Justice
From: Dorothy Palfini
Date: January 2, 2002
RE: Microsoft Settlement

The Department of Justice should settle the case of Microsoft ASAP. The government should not penalize a company that is successful and has helped the economy roar. If government does not interfere, the market place will decide what company offers the best and most efficient product. Competitors will compete and eventually find a way to excel in the business.

The lingering litigation has caused havoc with the US economy and the effects have been felt overseas as well. We need to get the economy going fast, so let's get on with business at hand.

Sincerely,
Dorothy Palfini
3011 Victor Avenue
Redding, CA 96001
530–223–2195

MTC–00030744

PRESERVATION WORCESTER
Preserving Neighborhoods For People
December 31, 2001
Renata Hesse
Trial Attorney

Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
VIA FACSIMILE

Dear Attorney Hesse:

I would like to comment on the impending settlement in the Microsoft suit. It is imperative that the government reaches a settlement in this case as soon as possible. Our economy is in tough shape and we don't need this lingering case to drag us down further.

I believe that the settlement will be beneficial to small non-profit community organizations such as the one I head. The potential donation of computers and software will be invaluable. The money we save with this potential donation will free us to spend more in our community.

I urge the Justice Department to settle this matter as soon as practical.

Sincerely your,
James W. Igoe
Executive Director
10 Cedar Street * Worcester, Massachusetts 01609 * (508)754–8760 Fax
(508)798–0693

MTC–00030745

DESIGN DEVELOPMENT
Innovative Green Architecture
DATE 01/02/02
PROJECT
CONTACT Narendra Patel, A. I. A.
69–730 Highway 111, Suite 118
Rancho Mirage, CA 92270–2873
Ph #: 760–328–8221 Fx #: 760–328–8887
WebSite: www.patelarchitect. com
FACSIMILE TRANSMISSION
DEPARTMENT OF JUSTICE
ATTENTION TUNNEY ACT
MICROSOFT.ATR@USDOJ.GOV
PHONE#
DESTINATION FAX # 1–202–307–1454
PAGES TO FOLLOW 1–202–616–9937
SUBJECT MICROSOFT SETTLEMENT
PURPOSE PLEASE REVIEW
—PLEASE REVIEW AND CALL BACK—AS REQUESTED—FOR YOUR RECORD—URGENT
COMMENTS Dear Justice Department, Please call if you have any questions.

We fully support Micorsoft's position in this issue of Tunney Act. Department of Justice needs to stop all allegation and release MICROSOFT from alleged charges
SUBMITTED BY
69–730 Highway 111, Suite 118, Rancho Mirage, CA 92270–2873
TEL. 760–328–8221 FAX. 760–328–8887
www.patelarchitect.com
DESIGN DEVELOPMENT
Innovative Green Architecture
Subj: USDOJ Comments
Date: 10/9/01 1:21:17 PM Pacific Daylight Time
From: PatelARCH
To: AskDOJ@usdoj.gov
CC: secretary@state.gov

Dear Justice Department,

Can some one please think logical and get off the Microsoft's case and get after the real terrorists in our country. I simply do not understand why our justice department is wasting so much time on punishing a great company like microsoft who has contributed immensely to the growth of US economy as well as raising standards of human life to a much higher level. There are thousands of Bin Ladin's followers in this country to go after and punishing them. This does not take a PHD to figure out.

We are very upset with the way Justice department is going after Microsoft and the effect it has on the stock market. This needs to stop immediately. Our country has suffered enough as result of neglecting the real threat from the terrorists since they first attacked WTC in 1993.

Narendra Patel
Proud US citizen
69–730 Highway 11 1, Suite 118, Rancho Mirage, CA 92270–2873
TEL. 760–328–8221 f A X. 760–328–8887
www.patelarchltect.com
JAN–01–2002 12:20 P.03 DESIGN DEVELOPMENT
Innovative Green Architecture
Subj: Jutice Department
Date: 10/10/01 7:14:09 AM Pacific Daylight Time
From: PatelARCH
To: president@whitehouse.gov

Dear Mr. President,

Can you please have some one in your department stop our Justice Department from punishing Microsoft. As you well know, It will take all of the staff from Justice Department and more to track down terrorists in our own country. We do not have a luxury to stabb our own company like Microsoft in times like this or for ever.

They should be rewarded for all the contribution they have done to bring our country to a cutting edge in technology.

Narendra Patel. Proud US citizen
780 328 8221
Forwarded Message:
Subj: USDOJ Comments
Date: 10/19/01 1:21:17 PM Pacific Daylight Time
From: PatelARCH
To: AskDOJ@usdoj.gov
CC: secretary@state.gov

Dear Justice Department,

Can some one please think logical and get off the Microsoft's case and get after the real terrorists in our country. I simply do not understand why our justice department is wasting so much time on punishing a great company like microsoft who has contributed immensely to the growth of US economy as well as raising standards of human life to a much higher level. There are thousands of Bin Ladin's followers in this country to go after and punishing them. This does not take a PHD to figure out.

We are very upset with the way Justice department is going after Microsoft and the effect it has on the stock market. This needs to stop immediately. Our country has suffered enough as result of neglecting the real threat from the terrorists since they first attacked WTC in 1993.

Narendra Patel
Proud US citizen
69–730 Highway 111, Suite 118, Rancho Mirage, CA 92270–2873
TEL. 760–328–8221 FAX. 760–328–8887
www.patelarchitect.com
TOTAL P.03

MTC–00030746

Lewis Stepp
From: Lewis Stepp [lstepp@cinci.rr.com]
Sent: Wednesday, January 02, 2002 3:30 PM
To: Microsoft.atr@usdoj.gov''
cc:senator—dewine@dewine.senate.gov''
Subject: Microsoft Settlement
2477 Fairgrove Court
Cincinnati, OH 45244
January 2, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse:

I am writing you to submit comments about the antitrust settlement against Microsoft (United States v. Microsoft Corp., Civil No. 98–1232) pursuant to the Tunney Act. I am a retired US citizen and a software user whose only links with Microsoft are 400 shares of stock in my IRA retirement account. Before retirement, I was an information technology consultant for Computer Sciences Corporation and Spherion Corporation.

I appreciate the excellent operating system and office software that Microsoft has created and how their products have contribution to jobs in the information technology sector and to increased efficiency throughout the business sector. Microsoft was not known as a monopolist when they introduced the Windows operating system. Indeed, they had some formidable competitors and they ''bet the company'' on development and marketing of an innovative new operating system and other office software. They won the market because they offered ''world class'' software at an affordable price with consumer benefits and features that no one else matched. For several years, I was a subscriber to the Microsoft Developer Network (MSDN) which, as a systems consultant, provided me with lower cost software and better training than was available from any other software vendor.

Microsoft customers and stockholders have been the beneficiaries of Microsoft's success. Microsoft competitors and some of their customers may have suffered, but that is the nature of our enterprise system. It is not something for which Microsoft should now be punished. Indeed, Microsoft is deserving of public respect for developing and providing a low cost ''standard'' operating system that has enabled large numbers of software developers to bring significant networking and productivity improvements to our lives and to our economy.

In a recent meeting of the Senate Judicial Committee, the court rulings were interpreted to say that Microsoft ''did in fact violate anti-trust laws and did hurt the market place''. It may be true that Microsoft was an ''overzealous competitor'' who, in a very competitive situation, did harm its competitors to an extent that violated some laws, but it is obvious to most software users that they did not hurt the software market place. Indeed, Microsoft's development of an advanced and broadly accepted PC operating system brought swift changes to the software market and grew the market. The improvements that they brought to PC

operating systems are remarkable compared to the much less friendly and text oriented PC operating systems previously introduced by IBM and others. As a result, almost everyone today is able to be a computer and software user.

Based on a misguided interpretation of the court rulings, a member of the Senate Judicial Committee stated that Microsoft actions resulted in the effective destruction of Netscape and Java, Yet Netscape was sold to AOL for billions of dollars and Java is still a popular programming language supported by many major vendors such as Borland and Sun. A version of the Netscape browser was always available for free. In its formation years, Netscape developed many competitors who also offered their products for free. Every operating system eventually included a free browser. It is reasonable for the court and public to question if there ever was a true browser market. The district judge in the Microsoft case said that there was no evidence that Java would be successful as an alternative ''platform'' to the Windows operating system, Indeed, time may prove that Java was a flawed concept. The prophecy of competitors should not be considered fact.

The Judicial Committee questioned if the settlement was in the public interest. Certainly the public wants to see this case settled. The current district judge asked the parties to work night and day to reach a settlement. Mr. James, from the Justice department, has indicated that the settlement goes beyond the court rulings to include other restraints on Microsoft that would not prevail in a court decision since they were not considered in the trial. These include restraints on server operating systems for which Microsoft does not possess monopoly power. Only Microsoft competitors, not the public, want more.

The Justice Department and Microsoft have reached a fair settlement in this case. Microsoft needs to move forward and to continue serving its customers and stockholders. There is no justification for the courts to continue to investigate and punish Microsoft when there are other companies and market place problems that need greater attention in our legal system, such as the Enron debacle.

The court made a wise decision not to dismantle Microsoft. According to a recent Wall Street Journal article, the US Postal Service revenues are more than those of Microsoft, McDonald's and Coca Cola combined. No one wants to dismantle the US Postal Service simply because it operates as a monopoly or protects its monopoly. We need a universal standard operating system for our computers in much the same way that we need a universal standard mail service for our homes and business. I hope that this case can conclude without destruction of one of the most innovative and successful American companies. We only wish that the US Postal Service was equally innovative and efficient.

Sincerely,

Lewis Stepp

MTC–00030747

Farm
Family
Glenmont, NY

David S. Wyman
Senior Agent
117 Highbridge St
Fayetteville, NY 13066
Bus: (315) 637–0284
Fax: (315)637–0822
Claim: (800) 871–3326
Res: (316)682–3540
January 2, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Division
601 D Street NW, Suite 1200
Washington, DC 20530
Re: U.S. v. Microsoft

Dear Ms. Hesse,

I am in support of the settlement of the above captioned case and for the following reasons; I hope you will be as well.

The antitrust laws of this country were put in place to protect consumers, not other corporations who do not like the way Microsoft does business. The fact that my business and industry are more efficient and competitive in the marketplace can be directly linked to computer innovation and products like Microsoft sells. In addition, no direct consumer harm can be linked to Microsoft. In my twelve years in business, I have personally seen computer technology in every sense of the word, become less expensive while doing more for my bottom line. Microsoft certainly deserves as much credit as any other business for that. In conclusion, I would hope that the agreed upon settlement would be left in place. Further litigation will only cost the taxpayers more money and likely provide no better solution.

Thank you for your time and consideration.

Sincerely,

David S. Wyman

MTC–00030748

Eugene J. Michael
1327 West 28th Street
Lorain,OH 44052–4504
PH: (440) 282–8377
FAX (440) 960–5976
January 2, 2002
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft,

I am writing to urge you to continue supporting the settlement that was reached on November 2, 200l between Microsoft and the Justice Department. I believe this settlement is fair and that no further legal action should be taken on the federal level. The settlement has teeth and requires Microsoft to make significant concessions. For example, computer manufacturers were granted new rights to configure systems with access to various Windows features. And to ensure compliance, the government created an ongoing technical oversight committee to test Microsoft on whether they are meeting the agreement's requirements.

This settlement is good for our economy, consumers, and the computer industry. After three years of litigation, it is time to move forward and support the settlement. On a personal note, I'd also like to say I think you're doing a superior job as Attorney General and I strongly support your point of view and value system. Keep up the good work and God Bless.

Sincerely,

Eugene Michael
1327 W 28th Street
Lorain, OH 44052

MTC–00030749

Renata Hesse, Trial Attorney
325 7th Street NW, Suite 500
Washington, DC 20530

Dear Renata Hesse,

I am pleased that an agreement has been finally made with Microsoft Corporation. For disclosure purposes, I am not a shareholder of Microsoft, nor have I ever been. However, I find in the agreement that was posted at http://www.usdoj.gov/opa/pr/2001/November/01 at 569.htm on November 2, 200l did not carry enough teeth at the end of the agreement. I have cut and pasted the portion I do not agree with and believe that if this agreement remains intact the way it was written you will have accomplished nothing to deter Microsoft.

''The proposed Final Judgment will be in effect for a five year period and may be extended for an additional two-year period if the Court finds that Microsoft has engaged in multiple violations of the proposed Final Judgment.''

The portion that I strongly disagree with is in the last part of this sentence. ''... if the Court finds that Microsoft has engaged in multiple violations of the proposed Final Judgment.'' This portion should read, and I might add, would put some teeth into the agreement, ''if the Court finds that Microsoft has engaged in any violations of the proposed Final Judgment.'' The word that precedes this statement MAY still may remain as MAY [...and may be extended....] which give you the out to pursue or not. However, and finally, with out the changing of this word from multiple to any allows Microsoft ''the ability'' to continue to violate antitrust laws with the vague assurance that nothing will happen if they do.

This is my 2 cents worth.

Sincerely,

Stephen A. Frlekin
28608 Montereina Drive
Rancho Palos Verdes, CA 90275

MTC–00030750

01/02/2002 01:57
From: Robert J Sobon
FAX
189 Old Ashley Loop
Pawleys Island, SC 29585
January 2, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

As a resident of South Carolina, I am concerned about further Capitol Hill involvement in the Microsoft antitrust case. It is clear that Microsoft has agreed to a fair and reasonable settlement; the settlement should be final, and further federal action against the company represents nothing short of anti-business posturing by the government.

As you know, the economy is in a recession. Microsoft is a major contributor to the nation's economy, and it is imperative that the company is allowed to innovate in the software industry. Any further action would be negative for the consumer and the IT industry.

I appreciate your support in ending this legal action, and putting this case behind us.

Sincerely,

Robert Sobon

cc: Senator Strom Thurmond

MTC–00030751

FROM : HOWARD A WILCOX JP
PHONE NO. : 9127570907
Jan. 02 2002 09:48AM p1
Subj: Settlement
Date: 1/2/02 2:50:18 PM Eastern Standard Time
From: Popedo711
To: Microsoft.atr@usdoj.gov

It is hoped that those people in official capacity positions realize that our economy started slipping around the time President Clinton's jealous liberal Government paid team members first attacked Microsoft. Damage is felt by every voter and tax payer in our United States.

Let the current settlement stand and get back to free enterprise practices that built our great nation in the first place.

Thank you in advance for listening to one little self employed renovation contractor in Macon, Georgia USA.

Howard A Wilcox, Jr. Voter, tax payer, Christian, husband, parent, step parent, grandparent.

MTC–00030752

WAINWRGHT INDUSTRIES
WAINWRIGHT INDUSTRIES, INC.
17 Cermak Boulevard St.
Peters, Missouri 63376
636–278–5850 Fax:636–278–8806
www.wainwrightindustries.com
January 2, 2002
Renata Hesse
Trial Attorney—Anti-trust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC, 20530
Dear Ms. Hesse:

Enough is enough when it comes to all the hoops Microsoft has had to jump through even in the wake of the recent settlement reached through extensive negotiations with the Department of Justice. The high-tech industry must get back to normal in order to help small businesses utilize technology to open new markets and to better serve their customers—many of which are the largest job creators across the nation.

I ask your help in ending this prolonged regulatory debate that is denying workers the technology necessary to do their jobs in the best way possible.

Microsoft and their competitors should go toe-to-toe in the marketplace—not in the courtroom. A thriving high-tech sector of our economy is a key to future business development and the key to a stronger economy and better jobs.

I support the reached settlement between the DOJ and Microsoft.

Very truly yours,

Arthur D. Wainwright
Chairman/CEO

MTC–00030753

Date: 1/2/02 12:56:07 PM Central Standard Time
From: MAILER-DAEMON@usdoj.gov (ShellUser MAILER-DAEMON)
To: LEEMES@aol.com -
Date: Wed, 2 Jan 2002 13:55:34 EST
Subject: Microsoft Settlement
To: microsoft.atn@usdoj.gov

From all that I have read concerning the Microsoft Settlement, the judgment rendered by the various courts are in my opinion, more than fair. Because of a few unhappy competitors who want to upset the settlement without legitimate reason, other than greed. seems to me to be most unfair. Microsoft is one of the finest and best run companies in the USA, known world wide for it's innovation and useful output and whose foreign as well as domestic sales add millions to the GNP. Now some less efficient and less innovative companies want Microsoft penalized further, so they can take advantage of the very market created by Microsoft. And the States that want more money need to stop their own inefficiencies and not try to balance an out of kilter budget be getting a freebie from some other entity, while they fritter away on boondoggles, the taxes they receive.

Sheldon L. Mesirow
leemes@aol.com
I tried it!!
So Here It is

MTC–00030755

Herbert Maar
801 Augusta Road
Wilmington, DE 19807
December 29, 2001
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I have been extremely concerned over the regrettable lawsuit against Microsoft; I believe that Microsoft has been—and still is—one of the most instrumental American businesses to drive and sustain the longest running and strongest economic expansion in recent memory. I also believe that unless there is some real threat to the American free enterprise system, the government should always refrain from interfering in business. There seem to be two diametrically opposed guiding principles at work: On the one hand, the government seems to do its best to provide free (tax-supported) services to any it can find, while the American business ethic demands quality and efficiency. Mixing the two—as was done with this lawsuit—only results in havoc and confusion.

More specifically, where the American consumer is greatly aided in Microsoft's efforts to integrate its software with its operating system, the government—no doubt spurred on by less successful Microsoft competitors—sees a phantom threat of ''monopolization.'' For those of us that actually spend our hard-earned money on the necessary hardware and software needed to be even a little productive in this computer age, you had better believe that we look for integration rather than confusion.

I am writing this letter as a citizen invoking the Tunney Act, and I would like to respectfully request that you continue to do everything that is possible to protect the terms of this settlement. Do not let those parties, looking for excuses to derail it, succeed. We as consumers deserve better than that. Thank you.

Sincerely,

Herbert Maar

MTC–00030756

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Douglas B. Schaper
3 10 East 44th Street; #1509
NYC, NY 10017
Judge Colleen Kollar-Kotelly
C/O Attorney General Richard Blumenthal
MacKenzie Hall
110 Sherman Street
Hartford, CT 06105–2294

Dear Judge Kollar-Kotelly,

My introduction to computer software came in the winter of 1973 when I narrated a media presentation for BASIC computer language.

Since that time I have used many softwares for many purposes personal and professional, some commercial some proprietary.

I am writing you this letter to decry the recent agreement between the DOJ and Microsoft, and in support of the actions of the nine states before you.

President Kennedy, in 1961, proposed that we land on the moon with our science. Eight years later We achieved that goal.

By way of comparison Microsoft went public in 1986—fifteen years ago, and software is still in the dark ages. Every single day that I use Microsoft product I curse its inefficiencies. I recently asked a computer salesman at J&R Computers in NYC about an alternative to Microsoft product. He looked at me like I was sprouting wings and new heads on the moment.

I worked in venture capital for a company in New York City—there are no funds for competition to Microsoft product. This says a lot about a tax regulatory environment reinforcing competition to Microsoft product—a situation these nine states are attempting to address. It also says a lot—particularly in light of our moon exploration—about Microsoft's pursuit of ''quality'' product.

Microsoft has not pursued quality product-at least not from the standpoint of the consumer. Quality to Microsoft has meant quality of its control over the marketplace, which until this opportunity to open it up has been absolute-all because of one sale to IBM and the company's ensuing

determination, successful until now (we hope), To maintain control over that marketplace. Look around you. What alternative to Microsoft is there? Standardizing product, in light of 110 volt electricity for the home, 220 for heavy machinery, 12 volts the car, 3/8 inch pipe for plumbing, #2 pencils, size 8s for women and so many other examples in manufacturing, design and service, comes out of pressure from the consumer and the marketplace—not from one company exercising control over that marketplace and any competition.

Microsoft product is an abomination in terms of its quality for the consumer and since there is no real alternative to it there can be no argument about that fact or the control-from somewhere-of both the product and the market. You must know that if we had a competitive marketplace arena for software, Microsoft product would be much better and there would be alternatives to it The company's primary focus has been not on quality—but on control. And in this, and in this alone, it has been successful.

I deeply. nay—more than deeply, hope you will help everyone—including Microsoft—by ruling in favor of these nine states. I am desperate for better software—we ALL are.

DBS

MTC–00030757

QSE—Quality Software Engineering, Inc.
Quality Software Engineering, Inc.
10820 Sunset Office Drive
Suite 302
St. Louis, Missouri 63127
(314) 965–7800
December 31,2001
Attorney General John Ashcroft
The Justice Department
950 Pennsylvania Avenue
Washington, DC 20530

Dear Mr. Ashcroft:

After three strange years of court, Microsoft andthe Department of Justice have reached a settlement. Both the IT industry and the consumer will benefit from it, and as such, it's best if we work to put this issue behin us, and consider the future instead.

Even though the settlement steps a bit outside of the notion of free enterprise, settling the case now is the right thing to do to help the industry and the economy move ahead. This agreement is pragmatic and reasonable even employing a mediator at the end to negotiate the final details.

The abuse of the American tax-dollars has gone on long enough. To prevent this from continuing any further, all action that is taking place at the federal level must be stopped at the end of the comment period. It is time to let Microsoft go back to innovation, rather than litigation.

Sincerely,

Donald R. Kossman

President

cc: Representative Dick Gephardt

10820 Sunset Office Drive Phone: (314) 965–7800

Suite 302 FAX: (314) 965–7802

St. Louis, MO 63127–1037 e-mail qse@qse.com

MTC–00030758

From: Patrick Settle
Note: DOJ—202–616–9937
Jan–02–02 14:13 From-WORLDWATCH INSTITUTE
+2022967365
T–846 P.O2/03 F–566
Patrick Settle
5221 42nd Street NW Apt. B
Washington, DC 20015
Friday, December 28, 2001
Renata Hesse
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Greetings,

As an Information Technology professional, and user of Microsoft products, with over six years of professional experience in the computer industry, I have seen the negative impacts to the computer industry brought upon it by Microsoft. Their unethical business practices which allowed them to evolve into a monopoly, and their current attempts to maintain that monopoly has stifled a great deal of technology innovations, along with damaging business opportunities for other companies.

I cannot see how the settlement that is proposed even pretends to remedy the antitrust violations for which Microsoft has been found culpable. Microsoft has already been found in violation, and this is the penalty phase of the case, but the settlement contains no penalties and actually advances Microsoft's operating system monopoly.

A just penalty, would at barest minimum include three additional features:

* Any remedy seeking to prevent an extension of Microsoft's monopoly must place Microsft products as extra-cost options in the purchase of new computers, so that the user who does not wish to purchase them is not forced to do so. This means that for the price differential between a new computer with Microsoft software and one without, a computer seller must offer the software without the computer (which would prevent computer makers from saying that the difference in price is only a few dollars). Only then could competition come to exist in a meaningful way.

* The specifications of Microsoft's present and future document file formats must be made public, so that documents created in Microsoft applications may be read by programs from other makers, on Microsoft's or other operating systems. This is in addition to opening the Windows application program interface (API, the set of ''hooks'' that allow other parties to write applications for Windows operating systems), which is already part of the proposed settlement.

* Any Microsoft networking protocols must be published in full and approved by an independent network protocol body. This would prevent Microsoft from seizing de facto control of the Internet.

As the judge has suggested the national interest is at issue here, therefore it is crucial that Microsoft's operating system monopoly not be extended. Allowing Microsoft's Monopoly to stand weakens our national security by the creation of an information monoculture. As Paul A Strassmann states, ''Info-terrorists and criminals will continue to take advantage of the ever-growing proliferation of flaws in the gigantic Microsoft system, consisting of hundreds of millions of lines of failure-prone code.'' In closing, the outcome of this case will affect us not only to day but the future of information technology, and the nation. A thorough and though out penalty is far more important to the health of the nation than is a hasty one.

Thank you for your time,

Patrick Settle

5221 42nd Street NW Apt.B

Washington, DC 20015

202–321–7370

hyrcan@sneakeasy.net

MTC–00030759

To: U.S. Department of Justice
Company: United States Government
City: Washington, DC
Fax Number: 202–307–1454
Phone Number
From Virginia C. Sullivan
Direct Dial Phone 312–558–5337
Client/Matter Number 7325378–00043
Document Description

Message

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Virginia C. Sullivan

88 W. Schiller St., Apt. 2503 Chicago, IL 60610

January 2, 2002

United States Department of Justice

1Oth Street and Constitution Avenue NW

Washington, DC 20530

Re: Microsoft Settlement

Dear Honorable Justices:

I believe it is in the public interest to settle the Microsoft case with the settlement that is being proposed now and upon which the Department of Justice is requesting public comment between now and January 28, 2002.

I am a legal secretary who has been working for 40 years. I started out with an IBM electric typewriter. I have used over the years six different word processing systems—none of them Windows-based, all of them difficult. In all my 40 years of working one thing stands out above all else and that is the great contribution Microsoft has made to the workplace. I have the greatest respect for Microsoft. I love to use their products, e.g., Word 97, Excel 2000, and PowerPoint. I am sure millions of other people feel the same. The product that they have developed in the Microsoft Office Suite is of the highest merit and has had a positive impact on the life of millions over the years, making their work easier and even pleasurable. As far as Windows is concerned, I want to use the Windows operating system for the rest of my life. To me, it is one of the greatest inventions of all time. I believe that if Microsoft will provide for other companies, e.g., Netscape Navigator, to be an option in regard to

internet browsers they will have come a long way toward equal opportunity for intermet navigation.

I just wanted you to know that I will always have the deepest gratitude and highest regard for the Microsoft company. Please help to make sure that no more money is wasted on litigating this matter. Microsoft deserves our thanks, not our condemnation. Thank you very much.

Respectfully yours,
Virginia C. Sullivan

MTC–00030760

ARCHIVES/MUSEUM
Fax: 1–617–825–3613
Jan 2 2002 15:36
The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth Archives Facility
FAX TRANSMITTAL
Date: 1–2–02
To: Dept. of Justice
FROM:
PHONE NUMBER: 617–727–9150
FAX NUMBER: 617–825–3613
TIME:
Message: Re: Microsoft
THIS FAX CONTAINS 2 PAGES INCLUDING COVER SHEET.
220 Morrissey Boulevard, Boston. Massachusetts 02125. (617) 727–9150
ARCHIVES/MUSEUM
Fax: 1–617–825–3613
Jan 2 2002 15:36 P.02
The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth Archives Facility
January 2, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
VIA FACSIMILE

Dear Attorney Hesse:

I would like to urge the Justice Department to expeditiously reach an equitable settlement in the Microsoft lawsuit.

According to what have read about this case, over $30 million in taxpayer money has already been spent on this case. This has caused more harm to American taxpayers than anything Microsoft may have done. It is time to end this folly.

Let's allow Mcrosoft to do what it does best-create jobs and move the hi-tech industry and the American economy forward. With the economy so fragile, now is not the time to selectively pursue American business.

I urge the Court and the Justice Department to support the settlement in this case.

Yours truly,
Richard M. Sundstrom
Director, Massachusetts State Archives
220 Morrissey Boulevard, Boston, Massachusetts 02125—(617) 727–9150

MTC–00030761

Kelly Jones
1008 Telegraph Station Lane
Glen Allen, Virginia 23060
December 28, 2001
Ms. Renata Hesse
Antitrust Division
Department of Justice
601 D Street NW. Suite 1200
Washington. DC 20530

Dear Ms. Hesse:

I wish to give you some comments on the Microsoft settlement, In terms of Microsoft's compliance with the settlement. the agreement provides adequate resources, access, and authority to quickly respond to camplaints about Microsoft's compliance. In addition, it creates an independent Technical Committee with the power to hire unlimited staff, on-site at Microsoft's campus and entirely at Microsoft's expense. While the agreement positions the U.S. Justice Department us the sole enforcement authority, the state Attorneys General may insist on being able to escalate complaints to the Court. Therefore. for those who doubt Microsoft would comply with the settlement agreement, they need only look at the unprecedented enforcement) mechanism.

It is a shame. however, that rather than competing in the marketplace, Microsoft's rivals felt compelled to use their lawyers and lobbyists to petition the government to intervene and regulate the high-tech industry. Thank you for the opportunity to present my views.

Sincerly,
Kelly Jones

MTC–00030762

JAN–02–2002 16:08 ROSS
312 527 4166 P. 01/01
Real Estate
154 West Hubbard
Suite #2OO
Chicago, IL 60610
312–527–4747
312–527–4166 Fax
17–18 Old Bond St.
London WlX 3DA
01–493–1613
Telex: 28407
*FACSIMILE TRANSMlTTAL FORM *
DATE: 1/2/02
ADDRESSEE: Microsoft@USdoj.gov
COMPANY:
FAX NUMBER: 202–307–1454
SENDER: Frederick B. Rolison
TITLE: Executive Vice President
NUMBER OF PAGES BEING TRANSMITTED: 1

Operator:

Please deliver this document IMMEDIATELY to addressee. If there is any problems with this transmission, please notify the sender at (312) 527–4747. Thank you.

Comments: I believe the Microsoft Settlement is fair and just. For all parties concerned.

Thank you,
Fred Rolison

MTC–00030763

FROM : SUZANNA TASHIRO CHOI AND ASSOC PHONE NO. : 9496535713 Jan. 01
2002 01:42PM P1
Vietnamese—American Political Action Committee
PO. BOX 836 . GARDEN GROVE. CALIFORNIA 92642—0836
TELEPHONE : (714) 286–7710
REC ID # 00028198—STATE ID # 923472
KY NGO , CHAIRMAN
January 2, 2002
Department of Justice, Antitrust Division
Attn: Renata Heese
601 D Street, NW Ste. 1200
Washington, DC 20530
Fax (202) 616–9937
The Justice Department vs. Microsoft
Dear Ms. Hesse and Whom It May Concern:

I have been following the antitrust case against Microsoft for a number of years and understand we are close to a settlement. It has been brought to my attention we are within the Tunney Act's 60-day deadline to submit public comments and I'd like to extend my support of the proposed consent decree.

Yes, it is true the courts have ruled Microsoft engaged in violation of the Sherman Act. But it is also true The Justice Department vs. Microsoft can't go on forever, as some of Microsoft's competitors may wish.

Our nation is now officially in a recession. The significance of accepting this decree can't be emphasized enough. Millions of dollars and time have already been spent on this case. A proposed consent decree has been submitted. It is now in our national interest to accept this settlement and move forward.

For the Vietnamese community in particular, this issue is of great concern. Many are employed in everything from programming to distribution. Over the years of this case, we have seen thousands of jobs lost and distribution numbers drastically reduced. While the outcome of this case remains pending, so does our economy and livelihood. In addition, the success of the hi-tech industry has a ripple effect which opens the door for other good people from Vietnam to come to the United States. Many in our community believe settling this case and allowing the technology industry to continue its growth will be extremely positive for all of us (here or abroad).

It is my opinion the settlement is fair and benefits consumers. I encourage you to accept this settlement.

Sincerely,
Ky Ngo

MTC–00030764

FROM: DICK ELDER CPA PHONE NO.: 425 653 0840 Jan. 02 2002 02:13PM P1
MEMO FROM DICK ELDER R.H. ELDER, CPA—Small Business Consultant 5372 Highland
Dr. S.E. Bellevue, WA 98006 Voice (425) 643 8522 FAX: (425) 653.0840 Wireless (425) 442.0376 Email: ELDERDICK@AOL.COM
To: Dept of Justice Date Jan 2, 2002 Time: Telecom#: 202/307–1454
US GOVT. MICROSOFT SETTLEMENT

I believe the best interests of the American People and the economics of Free Enterprise, and Capitalism, which we have chosen, is best served by ending the litigation with Microsoft quickly. The settlement reached is fair and further litigation and stalling tactics by competitor corporations is unfair. Please have the District Court confirm the settlement agreement.

Richard H. Elder

MTC–00030765

TIM A.VANCE
838 GREEN DRIVE
COSHOCTON, OHIO 43812
(740) 622–5883
(740) 622–8311—OFFICE
TIM A. VANCE
January 2, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft.

I am writing to encourage your continued support for the settlement recently reached between Microsoft and the Department of Justice. It would seem in the best interest of Microsoft users, the Department of Justice, and Microsoft to discontinue any further legal action against the company.

Microsoft is an innovative leader in the computer software industry and as such the company has brought many benefits to computer users. I believe Microsoft, if given the opportunity, will continue to accrue benefits for every computer user and others in the computer and software industries. I do not believe further litigation against this company will be of any benefit to the American taxpayers. Please let the free enterprise system work without undue government intervention.

As a taxpayer and user of Microsoft products, I think everyone would be better served if the settlement reached between Microsoft and the Department of Justice is supported. Thank you for all the work you do on behalf of the citizens of the United States.

Sincerely,
Tim A Vance

MTC–00030766

330 376 7886
12846 Troyer Ave.
Uniontown, OH 44685
December 29, 2001
Atty. Gen. John Ashcroft
US DoJ
950 Penna. Ave, NW
Washington, DC 20530

Dear Mr. Ashcroft:

After three long years of court battles Microsoft and Department of Justice have reached an agreement regarding the antitrust suit. This settlement will be beneficial to both the IT industry and the consumers alike. It is necessary that those who are involved in the suit put aside their differences and work to put this issue behind them. This settlement will help strengthen the economy during this difficult time and ensure that the industry continues to deliver advanced technology to the market. Your office has thus done well in offering a reasonable settlement, and I think you should see it through to the end. I appreciate the hard work you have done on this case.

It is time for you to stop all action taking place at the federal level regarding this case.

Let Microsoft get back to innovating and stop wasting its time litigating. Your settlement offer is fair and balanced, please don't back out on it now.

Sincerely,
Jerry Parker

MTC–00030767

January 2, 2002
Deptment of Justice
Washington, DC

I'm very disappointed at the prolong case against Microsoft and that 9 states are still fighting the case even though I thought an agreement had been reached. The only winners here are the lawyers as they have won in so many cases at the expense of the consumer. Not only are they paid endorsement fees, but the CONSUMER made up the LOSER! Eventually all cost of defending the cases are passed on to the CONSUMER!

From what I can determine with the information available the settlement is FAIR!!!!

Please let's not have another IBM fiasco, where alot-of-money was spent and the case was dismissed. Let's move on with this case and force the states to accepted the agreement so that business can go on.

Sincerely,
Gene Pizzato
6007 E. Harvard Street
Scottsdale, Az 85257

MTC–00030768

Microsoft Corporation
One Microsoft Way
Redmond, WA 98052–0677
UNITED STATES OF AMERICA
Phone: (425) 882–8080
Fax: (425) 93MSFAX (936–7329)
Internet: http://www.microsoft.com
MSFACSIMILE
TRANSMITTAL FORM
To:
From: Don Holtzinger
Fax Number:
Company: Dept Of Justice
Phone Number:
Date: Wednesday, January 02, 2002
Time: 11:25:43 PM
Pages: 1
Subject: Microsoft Settlement
Note:

Dear Department Of Justice.

I'm very proud of the way you and Microsoft have worked to find a solution to the Anti-Trust case, and I think the solution promotes competition while letting the industry move forward with standards that will ensure another 20 years of continued technology growth. This settlement is tough, but I believe it's reasonable and fair to all parties involved.

Please don't let this lawsuit get sidetracked by special interest groups or Attorney's Generals who are trying to keep their names in the public spotlight.

Thank you
Sincerely,
Don Holtzinger
17605 NE 101st Court
Redmond, WA 98052

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MTC–00030769

Wednesday, January 02, 2002 7:55 PM
CHARLES E. KESSLER 206 725 3279 P.01
Attention:
Date: l/2/02
Company: DEPARTMENT OF JUSTICE
Number of Pages: 2
Fax Number: 1–202–307–1454
Voice Number:
From: CHARLES E. KESSLER
Company:
Fax Number: 2067253279
Voice Number: 2067253279
Subject:
Comments:
Wednesday, January 02, 2002 7:55 PM
CHARLES E. KESSLER 206 725 3279
FAX
January 2, 2002
Department of Justice
FAX 1–202–307–1454
Subject: Microsoft Settlement

Gentlemen,

My family or I have never worked for or had any connection to the Microsoft Co. and I do not own any Microsoft stock. My only connection is that I have a personal computer that uses Microsoft software.

It has always been my opinion that to penalize Microsoft for improving its software for the benefit of its customers is crazy. The freedom to innovate and provide better software should be rewarded not penalized.

The only reason for these lawsuits is to benefit the attorneys and the politicians who support Microsoft's competitors.

Sincerely,
Charles E. Kessler
3000 S Graham St.
Seattle, WA 98108
206–725–3279

MTC–00030770

WED, JAN–02–02 9:24PM SHIRLEY KRATZER 6109656132 P.01
3324 Berger Street
Allentown, PA 18103
January 2, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
cc: Senator Rick Santorum

Dear Mr. Ashcroft:

After three long years of legal battles, Microsoft and the Department of Justice thankfully reached a settlement in their antitrust dispute. This settlement is going to be very good for both American industry and American consumers. It offers something for everybody, and fosters the kind of competition that creates jobs and better products that cost less. Therefore, it is necessary that all those involved in the suit work to enact this historic settlement.

This settlement is fair. At the end of the negotiations, a mediator worked to finalize

the details at the government's behest. But not only is this settlement fair; it will also help strengthen the economy, and ensure that the industry continues to deliver advanced technology to the market.

The flagrant abuse of American taxes needs to be ended. All action that is taking place at the federal level must be stopped. It is time that Microsoft went back to focusing on innovation, rather than litigation. Thank you for your work in bringing this settlement about. Now we can finally get our economy back on target.

Sincerely,

Shirley Kratzer

MTC–00030771

January 2, 2002

To Whom It May Concern:

RE: The Microsoft Anti-trust settlement

I am an independent computer consultant in the Chicago area. My client base includes several small to medium-size companies that have the need for a computer consultant, however, do not have the need to hire a full time staff member dedicated for their IT solutions. I have over 14 years experience working with computers (mainframes, servers, workstations, and desktop computers) with a variety of operating systems.

Working with small to medium-size companies, I receive the entire spectrum of requests for computer support: building computer systems, installing operating systems, installing application software, networking computers together for local and wide area, making software recommendations, designing and writing custom built software applications. From my clients'' direction, the two most required features of an operating system for a computer solution is price and reliability. Price is obvious: the lower the cost, the better for the client. The more reliable a computer system is, the less maintenance time the client will have (which directly lowers the total cost of the computer solution).

For my clients, I have purchased and installed open source software for the operating system and file/print services (i.e., Linux and Samba). Though many of my customers use Microsoft Windows based desktop on the client side, Linux and Samba comprise the server side. With regards to the small to medium-size company, below are my grievances with the proposed Microsoft Anti-trust settlement.

1. Microsoft application developers will still be able to practice unfair competition. Windows Application Programming Interface (API) allows Microsoft applications to integrate seamlessly with Microsoft operating systems. Competitive products do not integrate well with a new release of Microsoft operating systems. Rather competitive products must go through an upgrade to work with a new Microsoft operating system. The root cause is that Microsoft application developers have access Windows APIs (both documented and undocumented). To remedy this problem, Microsoft should be split into three companies: application software, operating system software and network services (i.e. MSN). All Windows APIs must be revealed to the competition, as well as Microsoft application developers. Only at the time of a new operating system release will application developers (Microsoft application developers and the competition) get access to the new/updated Windows API details.

2. Network protocol interfaces must be completely released and the ability for non-Microsoft entities to integrate their network protocols into the same Windows API as Microsoft network protocols. By revealing the network protocols, Microsoft Windows desktops can be easily integrated into non-Microsoft servers (i.e., Linux and Samba). By providing the ability for non-Microsoft entities to integrate their network protocols into Microsoft operating systems, competition for better network communication protocols will benefit Microsoft operating system desktop users.

3. File formats of all Microsoft application software need to be disclosed and changes to the file format released at their product release. Interoperability of Microsoft software and competitive software needs to be maintained, such that, when Microsoft releases a new version of their software, competition's software has the ability to read Microsoft file formats. Without file formats being detailed, the competition's software may not access files created by Microsoft applications, thus, requiring Microsoft applications to also be installed to access the information contained within (and again, eliminating the competition).

4. Recent deployment of Windows XP and the resulting security breach clearly identifies that Microsoft cannot be an operating system company, an application company and a network services company. A convicted monopoly must insure that the security and efficacy of their operating system does not jeopardize the network computing community. If security is breached when a new Microsoft operating system is released, then Microsoft should pay a fine. The message to Microsoft is simple: Pay for your research and development up front or pay for it in the back as a fine. Consumers are not your test bed for under developed operating systems.

5. With the release of Windows XP, Microsoft is still up to its monopolistic practices of integrating similar competitive applications into its operating system releases to eliminate competition. Two products that have been added to the latest Windows operating system are: remote administration ability and CD-RW ability (burn CDs). Both of these products were available from the competition, however, by bundling these features into the operating system Microsoft again eliminates its competition, similar to what Microsoft did when it bundled its Internet Explorer browser into its operating systems. The Anti-trust settlement does not go far enough to stop the predatory practice.

6. The actual cost of the bundled software when purchasing a computer system must be listed on the computer invoice, and must be permitted to purchase the same computer without the software (unbundled). Currently, when a computer consumer goes to purchase a new computer, only Microsoft operating systems are bundled with the computer. A special order computer must be made to purchase a computer without a Microsoft operating system.

7. Microsoft should pay, in the form of a fine, for the time to register and activate its new operating system and application software releases. Why should users pay the bill to register and activate an operating system feature that users never requested? I realize Microsoft is trying to reduce or eliminate software piracy, however that should not encroach on the user's time or expense to provide this service to Microsoft without being compensated. When trying to activate operating systems or application software on 25, 50 or over 100 desktops, this cost becomes large. Microsoft, the initiator of the act, should be burdened for the time and expense.

8. In October of 2001, Microsoft owned and operated web sites would only work with Internet Explorer. The Anti-trust settlement does nothing to insure that non-Microsoft browsers will be locked out of Microsoft owned web sites. Again, another predatory tactic of Microsoft to insure their monopoly by eliminating any non-Microsoft browser from connecting to their web sites.

9. Developing web sites that put Microsoft in a negative light is not allowed in the license agreement the user must acknowledge when using Front Page 2001, a Microsoft web site development tool. If this type of licensing is permitted (and enforceable), then the government is acting as a subsidiary of Microsoft Corporation, and allowing violation of the Freedom of Speech by a convicted monopoly. The Anti-trust settlement does not address this issue.

10. Microsoft's direction to annually tax for the use of their operating system and its application software means user's work developed today may not be accessible in the future, if the Microsoft annual fee is not paid. This amounts to extortion. The Anti-trust settlement does not curtail this Microsoft practice. If this practice is allowed, then it must clearly be labeled before a user purchases a Microsoft product to decide whether or not the terms are acceptable. If the terms of the agreement are not disclosed before opening the software box, after opening the software, often the user is not allowed to return the software.

11. I chose the words entities and competition throughout this list of grievances, because I advocate that competition does not solely come from for-profit companies. However, competition does also appear in the form of open source solutions as well (i.e., Linux and Samba). The current Anti-trust settlement favors Microsoft by eliminating the requirement to share its Windows API, networking protocols, file formats, and any information detailed in the settlement with open source groups or non-profit organizations.

12. Historically, the government has split monopolies up to insure competition and protect the people from abuse of the monopoly. I strongly think Microsoft should be split into three companies: applications software, operating system software, and network services. Since Microsoft is convicted of being and acting as a monopoly, yet the government does not want to split Microsoft up, I think a new remedy must be

imposed on Microsoft. That remedy is Microsoft must list the words ''A Monopoly'' with all their Microsoft brandings of their products, services, web sites, etc. Anywhere Microsoft lists the words Microsoft Corporation, the clause ''A Monopoly'' must also be listed.

In my humble opinion,

Kenneth Cobler 9943 Drury Lane
Westchester, IL 60154

MTC–00030772

FROM: STENGEL BROS INC
FAX NO.: 6104331793
Jan. 03 2002 09:50AM Pl
213 Shelf Street # B12
Lower Paxton, PA 17109
January 2, 2002
Attorney General John Ashcroft
The U.S. Department of Justice
950 Pennsylvania Ave.
Washington, DC, USA 20530

Dear Attorney General Ashcroft,

I am writing to express my thoughts on the Microsoft antitrust case. The settlement was hammered out after negotiating with a court-appointed mediator, and was apparently good enough for nine states to approve. Microsoft is currently working with the remaining states to reach a resolution to the lawsuit. I support the settlement, and I encourage you to continue working to enact it.

The settlement allows competitors to sue Microsoft if they feel that it is not complying with the terms of the agreement, and the government created a technical oversight committee to review Microsoft's codes and books. The federal budget is tight, and it is a bad idea to spend scarce resources on a problem that has already been solved. In short, three years has been long enough I ask that you work to allow the settlement the time to prove itself.

Sincerely,

John Stengel

cc: Senator Rick Santorum
Representative George W. Gekas

MTC–00030773

ELITE PERSONNEL AGENCY 202 353 8856 No. 955 P.01
FAX COVER SHEET
ELITE PERSONNEL AGENCY
940 The Terminal Tower Phone-(216)771–7810
50 Public Square Fax.(216)348–7086
Cleveland, Ohio 44113
e-mall: elltepa@aol.com
Check us out on the Web/: www.elltepersonnelinc.com
0 Urgent 0 Reply ASAP 0 Please comment O Please review 0 For your information
Comments:
Re: Tunney Act

Please accept the following letter as my opinion regarding the Microsoft case

Sincerely

Valeri Stephens-Ellis
1444 West 10th Street Apartment 401 Cleveland, Ohio 44113
December 20, 2001
Sen. Mike DeWine
United States Senate
Washington, DC 20510

Dear Senator DeWine:

As a resident of Ohio, I am writing to express my relief that the government has finally settled its case against Microsoft. I am sorry that the case was ever brought against them in the first place but now that it has been resolved, I hope that it will not be long before they will able to get back to business.

I have supported Microsoft from the beginning because of the influence it has on our economy. As a major player in the stock market, any boon to Microsoft will be a good windfall for the rest of the market and the IT industry as a whole.

I hope that you will listen to the opinions of your constituents on this matter and support Microsoft and the Department of Justice's decision. Thank you for your time and I look forward to hearing back from you on this matter.

Sincerely,

Valeri Stephens-Ellis

MTC–00030774

JAN. 3. 2002 8:04AM HIVNET STATS CENTER NO. 1451 P. 1
Renata Hesse, Trial Attorney,
Suite 1200, Antitrust Division,
3 Department of Justice,
601 D Street NW,
Washington, DC 20530
re: United States of American v. Microsoft Corporation, Civil Action No. 98–1232
To whom it may concern:

I am writing as a private citizen to express my concerns about the revised proposed Final Judgment, Stipulation and Competitive Impact Statement which has been filed with the United States District Court for the District of Columbia in United States of America v. Microsoft Corporation, Civil Action No. 98–1232.

It is my opinion that nothing in the above referenced proposal addresses the unfair advantage Microsoft has gained by being the creator of both operating systems and application software. In 1990, Lotus 1–2–3 was a dominant spreadsheet package and Word Perfect a widely used Word Processor. dBASE was a widely used database and Novell was beginning its rise as a way to network individual PCs. None of these companies has been able to complete with Microsoft. Why? They had to wait for Microsoft to release an new operating system before they could adapt to it. By the time they had adapted to Windows 3.1, Microsoft was getting ready to release Windows 95 and by the time Microsoft got to Windows 98, they were dead or dying. Users had little interest in software that was a step behind the cutting edge.

About the time Apple released the Macintosh operating system, it also released Word Processing and database software. Few others even tried to complete. The market was small and anyone could see the significance of Apple's advantage in it. By contrast, Microsoft never tied to sell application software of any sort until MS–DOS was well-established in the marketplace, and its initial entries were not well-received. Other companies had already done a good job of creating software for a character-based interface. But, when Microsoft began to pair its applications with a graphical user interface, both the operating system and the application software quickly overwhelmed all competition.

There is no way any maker of application software will ever compete successfully with a company that also makes both applications and operating systems. As long as Microsoft is allowed to sell both operating systems and application software, it will continue to enjoy monopoly power no matter what other remedies the court might impose.

I ask the court to give serious consideration to a remedy which separates Microsoft's operating system and applications development, such as that proposed by California, Connecticut, Florida, Iowa, Kansas, Massachusetts, Minnesota, Utah, West Virginia and the District of Columbia. Nothing less will give any other maker of operating systems or applications a chance to erode Microsoft's 90% plus share of the software marketplace.

Sincerely,

Phillip L. Kirsch
20421 SE 157th Street
Renton, WA 98059–9041

MTC–00030775

Admiral Integration
8564270600
01/03/02 11:39A P.OO1
Admiral Integratian, Inc.
1950 Old Cuthbert Rd.
Suite L
Cherry Hill,NJ 08034
Phone (856) 429–6700 Fax (856) 427–0600
December 31, 2001
Attorney General John Ashcroft
US Department of Justice; 950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Now that this regrettable suit against Microsoft has been settled, I am hoping that the public comment portion will indeed sustain the wisdom of the settlement. I do not believe that any further federal action would do anything more than to further fragment our nation's business community and further erode any economic progress now under way.

There are times where it is a good thing to have our government possess the power to radically alter a large, monopolistic company so that it becomes more responsive to the American consumer. But this case against Microsoft was not one of those times. Microsoft has been extremely responsive to customers, and that is exactly why it has been successful. Microsoft is not an ossified giant. While Microsoft may well have exhibited tendencies toward safeguarding its technology, this is and of itself did not, in my opinion, approach the level of federal intervention.

With so many other more important issues facing our country today, this sort of thing ought to be the last on our growing list of priorities.

Sincerely,

Mike McEntee
General Manager
mike@dmint.com

MTC–00030776

CARPET & INTERIORS UNLIMITED

602 SLATER STREET
KINGS MOUNTAIN,NC 28086
704/739/7234
FAX COVER SHEET
TO: DOJ
FAX#: 1–202–307–1454
FROM: Carpet + Interior
DATE: 1/3/01
TOTAL PAGES (INCLUDING COVER SHEET): 2
MESSAGE:
CARPET & INTERIORS UNLIMITED
602 SLATER STREET
KINGS MOUNTAIN,NC 28086
(704)739–7234

I think all states should settle with Microsoft ASAP—Will be good for folks

HA

MTC–00030777

FROM : JERRY R MODRE
PHONE NO. : 205 822 2960
Jan. 03 2002 11:32AM P1/1
Jerry R. Moore
513 Lansdowne Place
Vestavia Hills, AL 35226
(205) 822–2960
January 2, 2002
Attorney General John Ashcroft
The Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Cc: Representative Spencer Bachus

Dear Mr. Ashcroft:

As a big fan of Microsoft, I write you in reference to the recent settlement between Microsoft and the Department of Justice. I am pleased to see that a settlement has been reached; I encourage any action by the government that would put this issue behind us.

Being an ''old dog'' trying to learn new tricks, I found Microsoft very helpful in making me comfortable with using a computer. Thanks to their ''point and click'' instructions, I felt right at home, as were many of my friends. It is technology such as this that we need to support. During these times of financial troubles, our country has to support the competitive process, and let our technology industry continue to grow.

Since this settlement is beneficial to consumers, the IT sector and our economy as a whole, it seems foolish to waste scarce resources in reexamining a settled case. Let us support the growth of our technology Industry, and put a stop to any further hearings against the Microsoft settlement.

Thank you for taking the time to hear my positive outlook: on the settlement.

Sincerely,
Jerry R. Moore

MTC–00030778

Date: January 3, 2002
From: Henry Balboni
1329 Doylin Dr.
Cary, NC 2751l-5844
To: U. S. Department of Justice
Washington, DC
Re: Microsoft Settlement

It is time to end this case and allow one of the nation's finest companies to get back to business. I am retired now but worked for a competitor of Microsoft. It was common knowledge in my company—and others in the computer industry—that Microsoft got to where they were because they had the vision to see the future, its potential, and the talent to get them there.

The government is certainly in no position to tell anyone how to run a business. And if you look at the damage that DOJ has caused to some of our major industries over the last 70 years it raises serious questions about the value of DOJ to the United States. For example: The U.S. had one of the world's best shoe industries in the early 1900's. The USMC (United Shoe Machinery Corporation) was the reason for it. Complaints from other countries—who found it difficult to compete in the U.S. against the USMC caused the DOJ to bring a ''Monopoly'' suit against them, which, among other things, forbid them to lease their equipment. This put most of our shoe manufacturers out of business, and, eventually, drove the great USMC out of existence. We no longer have a shoe industry or a shoe machinery industry.

The ill-conceived suit against IBM (because they were too good at creating and building THEIR OWN industry) cut the company's value and stopped their growth cold. They nearly went out of business. It forced them to do things no other competitor had to do—announce their new products 6 months in advance, give competitors DRAWINGS and hookup information 6 months in advance, prevented bundling of services and products, etc. No one else had to play by these rules. I don't know how they survived.

The breakup of AT&T is another example. This is the company founded by Alexander Graham Bell—the INVENTOR of the telephone. If the FCC did their job they could have directed lower rates to consumers (like they need to do now to the cable companies) and the 'reason' for the breakup would have disappeared. Of course, that would be too quick and too efficient—words not known to the Federal Government.

Yours truly,
Henry A. Balboni

MTC–00030779

Max Sperry
52 Sunset Drive
Ottsville, PA 18942
January 2, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing you to encourage our government to agree to the proposed settlement of the Microsoft case. The current settlement was reached after much deliberation and effort. It calls for changes in Microsoft's business practices, creating new rules that allow for more competition in the IT sector. I see no need for federal hearings and lawsuits when the states have already had their say. Big-Brother government should keep its nose out of business and concentrate on fighting our wars.

I have had extensive experience in dealing with Microsoft, working for years in the broadband communications industry, I am currently retired but do some engineering consulting, whereby all of the software I use is integrated with Microsoft's internal systems (e,g. MS office tools, etc). I agree that some of their practices are designed to keep their business rolling, but what business isn't looking out for their future interests? If people or businesses do not like their practices or products, they can simply choose not to buy or use them. It is not the government's job to determine individuals' preferences or best interests. Our country's economy is based on capitalism, and should continue in the same fashion by leaving Microsoft alone. Again, I ask that you please continue the Justice Department's present course of action and enact the settlement. Thank you.

Sincerely,
Max Sperry
CC: Senator Rick Santorum

MTC–00030780

M & T PROPERTIES
602 SLATER STREET
KINGS MOUNTAIN, NC 28086
(704) 739–2756
FACSIMILE TRANSMITTAL
NAME: DOJ
FAX#: 1–202–307–1454
FROM: M&T Properties
DATE:
NUMBER OF PAGE BE FAXED: 2
MESSAGE:
M & T PROPERTIES
602 SLATER STREET
KINGS MOUNTAIN, NC 28086
(704)739–2756

I Think All States Should Settle With Microsoft it Fair An Good For Folk

DR

MTC–00030781

J. Frederick Laucius M.D.
1025 Arboretum Road
Wynote, PA 19095–21O9
Department of Justice
Dear Sir or Madam:
January 3, 2002
RE Microsoft Settlement

I believe the settlement negotiated by the United States Department of Justice is fair. Further litigation is a waste of the country's resources to benefit only a few. The current products provided by Microsoft have proved productive in my practice of medicine. I believe that the distraction thus far has been disruptive. I hope this information is helpful to you in your decision.

Sincerely yours,
J. Fredcrick Laucius M.D.

MTC–00030782

WISCONSIN EDUCATION ASSOCIATION COUNCIL
January 3. 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D. Street NW
Suite 1200
Washington, DC 20530–0001
VIA FACSIMILE: 1–202–307–1454

Dear Ms. Hesse:

The Wisconsin Education Association Council represents the public policy, labor and professional interests of its 92,000 members. WEAC is a strong voice, advocating for Great Schools for its members and for the 800,000 children in Wisconsin public

schools. Every child deserves to attend schools that are wired and equipped with technology and to have teachers trained to effectively use technology in the classroom. WEAC supports the goals set forth in the proposed Microsoft class action settlement agreement to establish an independent foundation comprised of educators that will distribute technology funds, computers and software to the country's poorest schools and provide for teacher training.

These funds will be critical to Wisconsin, especially schools in our poor, small rural districts and some of our larger urban areas. Overall, Wisconsin falls below the national average in the categories of the percentage of fourth-grade and eighth-grade students in schools that make computers available in all classrooms and hours of training for teachers, according to ''Technology Counts 99'', a report issues by Education Week. In addition, a 1999 survey of our members showed that only about half believe they receive sufficient training to run the computers and software in their districts and only 40 percent get sufficient help from their district to integrate the new technology into curriculum.

The proposed settlement will address both needs—to get computers into the classrooms and to train teachers on how to integrate them into the curriculum. WC encourage the Department of Justice to accept the proposed settlement. Every child deserves a Great School, a school that is wired for the future.

Sincerely,

Stan Johnson President

Wisconsin Education Association Council

Stan Johnson, President

Michael A. Butera, Executive Director

33 Nob Hill Drive PO BOX 8003 Madison, WI 53708–8003 [608] 276–7711 [800] 362–8034

MTC–00030784

William McDonough
384 Waltham Street
West Newton, MA 02465
January 3, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Dear Attorney Hesse,

It is my understanding that you are accepting public comment with regard to the MICROSOFT ANTITRUST case, and the settlement proposal now before Judge Colleen Kollar Kotelly. I would like to express my hope that the Settlement is accepted and that this case can end. I do not know the intricacies of antitrust law, but I can infer from what I read that much of this is subjective in nature: more gray area than black and white. As such, I believe the settlement process is an appropriate way to settle the case and get this out of the counts.

If I might be somewhat optimistic at this point, I think much good can come of this. consider the Justice Department achieves a means to regulate and monitor Microsoft's activity; microsoft be allowed to continue the business model that has worked so well for them; the other companies bringing complaint receive some measures of remedy; the public, especially investors and those in related industries, get some much-needed certainty in the settlement; and ideally the national economy will take the settlement as something of a spark to get us out of the recession.

Perhaps I am too hopeful, but I would guess not. This settlement proposal is evidence that disagreeing parties in the corporate and legal worlds can reach accommodation at times. And that in itself is good news. I hope the settlement is approved, and with dispatch.

Thank you for taking the time to consider my opinion on this matter.

Very truly yours,

William McDonough

MTC–00030785

Hydratecs Injection Equipment Inc.
430 Morgan Avenue
Akron, Ohio 44311 USA INTERNET
www.rubberworld.com/hic
Phone (330) 773–049 I
Fax No. (330) 773–3800
January 3, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

This letter is to express support for the settlement to the antitrust dispute negotiated by Microsoft and the Justice Department. I think it is in the best interest of everyone involved if the District Court Judge accepts the agreement, and this case is brought to closure.

The settlement is sensible, just, and addresses many of the problems that people had with Microsoft to begin with. Important steps will be taken to ensure that others have reasonable access to the market. At the same time, it recognizes the contributions that Microsoft has made to the computer industry and the U.S. economy. For example, Microsoft will still be able to sell licenses to computer makers, but only at a set standard price, meaning that Microsoft can't play favorites or retaliate if another company's software is also being put on a computer. The settlement also allows Microsoft to continue to use the integrated technology that has made it a world leader. Other firms will also be able to access this technology, so computers will become even more integrated, and consumers will end up with even more creative choices.

Thank you for allowing me to comment on this. I hope that the settlement will be final.

Sincerely,

Carl Chiofolo

President

MTC–00030786

526 Doral Drive
Bethany Beach, Delaware 19930
January 3, 2OO2
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Thanks for settling the antitrust case against Microsoft. The settlement is fair for all parties involved. We are all fortunate to have this case behind us. In my opinion Microsoft conceded more than they initially intended, but the state of our Nation's economy was more important to Microsoft than the stipulations agreed upon, The new rules now require that Microsoft turn over information to their competitors about how they, Microsoft, design their Windows operating systems. In essence, Microsoft has agreed to give-up its intellectual property to competitors who are neither as smart nor technologically advanced.

Hopefully we can now move on to issues that are vitally important to the safety and security of our nation—as opposed to those issues directed at undermining America's business competitiveness. Again, thanks for your prudence in settling this matter.

Sincerely,

Charles Hatch

MTC–00030787

724–746–7012 Sherwood Valley Pools
672 P01
1943 Route 980
Canonsbura, Pennsylvania 15317
January 2, 200l
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I feel that the settlement between Microsoft and the Justice Department is fair and should be accepted by all eighteen of the original suing states. It is my opinion that the government should leave well enough alone, and let Microsoft get back to business. I do not feel that this is, or ever has been, a government issue. It is matter of business, and since we are a society built upon the ideals of free enterprise and hard work, business should be the last of the government's worries.

Microsoft owns the rights to some of this country's greatest technologies, and now other companies are jealous. Instead of creating products that can compete with Microsoft's, these other companies have aligned themselves with outside interest groups. I have four PC's at home and use Microsoft products daily. I am free to use whatever software I choose, and Microsoft simply provides me with the most consistent quality.

Microsoft is one of this nation's largest employers, and it is truly one of America's greatest corporate assets. As such, it should be allowed to continue doing business the way business was intended to be in America, free of government control and interference.

Thank you for settling this case; I appreciate your belief in free enterprise.

cc: Senator Rick Santorum

Sincerely,

Darlene Barni

MTC–00030788

CINCINNATI INSURANCE
65 Twin Lakes Drive
Fairfield, OH 45014
January 3, 2002
Attorney General John Ashcroft
U.S. Justice Department
950 Pennsylvania Avenue
Washington, DC 20530–0001

Dear Mr. Ashcroft,

It recently came to my attention that the Justice Department is accepting public comment on the Microsoft antitrust case for a 60-day period. The settlement reached between Microsoft and the Department of Justice makes a lot of sense, and it should be implemented as soon as the formality of the comment period is over.

It appears to me that the problems that brought about the lawsuits in the first place have been addressed, and that guides are in place to protect smaller companies from future injustices. There is no need for more wasted time on the federal level. Personally, I think the issues in question were non-issues to begin with.

In short, it is time to move on our country has more serious matters to deal with then the practices of Microsoft. Although new government guidelines w-ill be placed on the IT sector, this settlement will provide certainty about the new rules and bring stability to the industry, This will ensure that our country can continue to introduce advanced American technology to the world market. I thank you for taking the time to consider my thoughts, and I wish you luck with the other matters your office is handling.

Sincerely,

Tom Lupinetti

MTC–00030789

ANDOVER STRATEGIC ALLIAN 978 470 4800
Unit 2 Cromac Wood
Ormeau Road
BELFAST
Tel: 028 9051 2000
Fax:028 9051 2080
January 2,2002

Please accept these comments in support of the settlement proposal in the Microsoft antitrust case. I support the arrangement agreed to by the government attorneys and Microsoft to end the litigation, and impose certain sanctions and competitive protections. I do not support any further intrusion into the private marketplace as is sought by Microsoft's competitors. The agreement serves the public interest: the increased (illegible) only serve special interests.

Millions of us in private industry, as well as consumers at home, use and appreciate Microsoft product. We are also not unaware of the competitive nature of the information technology business. Microsoft no doubt play:; rough, but so do its many competitors. It does not seem to me that any monopolistic force is at work in that very volatile market. The free-market system appears alive and well.

The antitrust laws are an important protection for American consumers and the economy as a whole. It is good that the Justice Department acts when it perceives a violation. And it is even better when they recognize it is time to compromise and settle.

That time is now.

Sincerely,

Patricia (illegible)

Canal Street, Lawrence, Massachusetts 01843

Tel: (978) 686–2907

MTC–00030790

Arthur J. McCabe & Associates, P.C.
Attorneys and Counselors at Law
January 2, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Attorney Hesse,

Under the provisions of the Tunney Act, I offer my comment in support of the settlement agreement reached in the case United States v. Microsoft. As an attorney and small businessperson involved in economic development projects, I believe this to be a fair and reasonable settlement of the complaints brought forward in federal court. To the extent that Microsoft violated law, this seems to be an equitable settlement for consumer and competitor alike. And in the interests of the business community as a whole, a decisive resolution is a very welcome prospect.

Microsoft and the information technology sector as a whole have contributed a great deal to daily life, and to the growth of the national economy. A resolution of this case as detailed in the settlement agreement will allow that beneficial growth and development to continue.

I appreciate your time in considering my opinion in this matter.

Sincerely,

Arthur J. McCabe

One Elm Square, P.O. Box 990, Andover, MA 01810 tel978–470–0200—fax 978–470

MTC–00030791

William J. Cunningham
January 2, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Attorney Hesse,

I would like to go on record in support of the settlement negotiated between the Justice Department and Microsoft to settle their ongoing antitrust case. Too much time, energy and money have been expended in pursuit of this case already, and it is clearly time to end things now. Whatever perceived public interest there might have been in litigating this case certainly is achieved in the terms of the settlement, Microsoft is punished for its apparent wrongdoings, and the high-tech sector of the economy is now to be more closely monitored.

It is hard to imagine what further public good would be achieved by more stringent measures than those outlined in the agreement, but sadly that is what Microsoft's competitors are seeking. I believe it would be a dangerous precedent for the government to assume a role of daily arbiter in the workings of an industry that by its nature needs freedom to innovate. The Justice Department should hold its ground and seek to end this case: it is not the purpose of antitrust litigation to reward competitors in an industry.

Please accept my thanks for your work in resolving this case, and for considering my input. I hope Judge Kollar Kotelly will act with dispatch and see the wisdom in this settlement.

Sincerely,

William Cunningham

P.O. Box 1992—Andover, MA 01810—Telephone 978–475–3444—Fax 978–948–5135 wcunningham@capital-partners.com

MTC–00030792

PAUL GLAVEY
LITTLETON SELECTMAN
January 3, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Attorney Hesse,

As a local official serving a community with many high-tech employees, I would like to take this opportunity during the public comment period to offer my thoughts on the proposed Microsoft settlement. The region where I am from is home to many high-tech companies, both established and start-ups, and so I am able to see the ramifications of the two-plus year case against Microsoft as it is manifest in the local economy. The litigation is certainly not the only factor, but it is decidedly a big factor in the evident slow down in the information and related technology sectors.

I support the settlement because I believe the case was misguided, because I think it was bad for the economy, and because I think it is a sensible time to end all this with a compromise. I believe it was wrong to prosecute Microsoft for antitrust violations because everything my own experiences tell me say that the information tech industry is nothing if not volatile, and that the end product of that volatility has been inexpensive and efficient products. I think the case has been bad for the economy because the nature of the industry is that freedom to evolve is essential, and the litigation portends a more restricted marketplace for ideas and technology. And I think it is best to settle now because a settlement has been reached between two opposing forces (Microsoft, and the DOJ) at a time when the economy could use some good news.

All this suggests to me that the calls for a more stringent set of conditions are unwise and fraught with risk. I urge the Department of Justice attorneys to stick to your position and urge the Judge to accept the proposed settlement. Thank you.

Sincerely,

Paul J. Glavey

MTC–00030793

VALLERIS
Phone: 310–473–2858
Fax: 310–388–1240
www.valleris.com
Technology Solutions for Business
January 2,2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing this letter per Tunney Act criteria expressing my support of the Department of Justice settlement reached against Microsoft. I also hold the view that this being a free country, everyone has the right to free enterprise, and that government involvement should be as minimal as possible in such cases as the antitrust suit. The settlement that was reached will be beneficial to the entire IT industry, not to mention end users of Microsoft's—and other IT companies''—products,

There need not be any more restrictions imposed upon Microsoft. The settlement is far and reasonable, and, more than anything else, it is comprehensive. The establishment of a ''Technical Committee,'' which will monitor compliance to the settlement, will also arrange enforcement of the settlement. Microsoft cannot retaliate against any computer-makers that may ship software that would compete with the programs that compete with Microsoft products. In light of this extremely punitive settlement, the company deserves a break from spending more time in the courtroom.

Even though settlement seems to curb free enterprise, it is necessary to settle the case now to help strengthen the economy and end this tax-funded witch-hunt. This has been a real misuse of American taxes and a federal settlement will demonstrate what it means to do the right thing. Thank you for your effort in bringing about the settlement, and please continue to see it through to fruition.

Microsoft CERTIFIED Partner
Sincerely,
Shahin Kohan
CTO
11040 santa monica boulevard, los angeles, ca 90025

MTC–00030794

Systems Integration
Network Synergy
126 Monroe Turnpike, Trumbull CT 06611
Phone (203) 261–2201 Fax (203) 261–2935
31 December 2001
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530
Dear Mr. Ashcroft,

Like many others in the high technology business, I have sometimes found Microsoft's business dealings a bit protective and overzealous. However, I am not sure that this attitude should have ever warranted the strong-arm government intervention of the kind that we have seen over this federal lawsuit against Microsoft. Of course, one of the greatest fears in the IT community has been a back-of-the-mind fear that if the government's case against Microsoft had succeeded with the enthusiasm once considered, that other companies within the IT community would soon find themselves subsequent targets, as well.

Now that a reasonable settlement has been reached, it is my hope that it will be upheld through the review process, and that we can all get on with the obviously more important issues facing the nation this new year.

I am writing this letter to voice my support for the settlement. I hope that others will follow. Thank you.

Sincerely,
Dana Gargano
President

MTC–00030795

Joseph and Ann Rosenthal
4712 Meadowview Boulevard
Sarasota, Florida 34233
January 3,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I am writing to express my support for the settlement that was reached between Microsoft and the Department of Justice last November. I am glad to see that this case is finally coming to a close.

Microsoft has agreed to grant its competitors new rights that will allow computer makers to configure the Windows operating system so that non-Microsoft software can be promoted within Windows. The company has also stated that it will not retaliate against any hardware or software developer that develops products that compete with Windows. Microsoft has even agreed to let a three person technical committee oversee its business operations to ensure that the company complies with all terms of the current settlement. These tenets all combine to guarantee a fair and workable settlement that will address the concerns of all involved parties.

I support the settlement between Microsoft and the United States Department of Justice. It is a reasonable solution to a legal battle that has been draining resources for too long.

Sincerely,
Joseph Rosenthal 1/3/02

MTC–00030796

Folks:
Re: Microsoft Inc.

Get Off Their Backs- Get our economy on track— If not for Microsoft, MEL Many more people would not find it easy to use a computer !! They are the Best ! Stop Holding Them Back With

New Ideas !!
Thank You
P.S.
Winners Admire Other Winners—
Losers Resent Winners !!
Marvin Epstein
234 Uxbridge
Cherry Hill, NJ 08034

MTC–00030797

RENET CONSULTING, INC
10175 SW Barbur Blvd.
Suite 201B
Portland, OR 97219
Phone: 503–517–0472
Fax: 503–517–0474
Email: support@renetusa.com
We Help You Find a Way In a Labyrinth of Technology
Microsoft CERTIFIED Partner
January 3, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft,

I am writing to express my support for the recently negotiated settlement between the Department of Justice and Microsoft. I am of the opinion that this lawsuit had been generated more because of Microsoft's direct competitors, rather than from any sense of altruistic justice that the government was hoping to achieve. In fact, when the courts erroneously suggested that carving Microsoft up into littler, more manageable pieces was a good idea, any concept of justice had long since departed the discussion.

At long last, there is a fair and equitable settlement in sight. It obliges Microsoft to program successive versions of Windows with a mechanism to promote non-Windows products on Windows, and gives hardware companies flexibility with what software they want to ship on their computers to dealers and purchasers. The settlement will force improved interoperability between Windows and non-Microsoft programs as well, so the settlement includes and affects every company in the IT community. It is my hope that this settlement will ultimately prevail, and that all of us can turn our collective attention back upon the task of re-strengthening our faltering economy.

Sincerely,
Alexander Altotsky
President

MTC–00030798

FROM : Respondus, Inc.
FAX NO.: 425–861–3839 Jan. 03 2002 O5:20PM P1
Respondus
17127 NE 83rd Ct., Redmond, WA 98052
Phone: 425–497–0389—Fax: 435–881–3329
Email: info@respondus.com—www.respondus.com
January 3, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I wanted to let you know that my colleagues and I were pleased with the settlement that was reached between Microsoft Corporation, the Department of Justice, and several States. I believe that the settlement addresses the key issues that are of concern to consumers and most software development companies. Moreover, I think it is in the best interest of the software development industry, if not the nation, to put this matter behind us. The entire technology community has lacked direction and has had to deal with a great amount of uncertainty for the past two years. I think this settlement is the best way to end this lawsuit and to put the technology industry back on track.

Sincerely,
David J. Smetters
President
Testing, Assessment, and Survey Applications for the e-Learning Market

MTC–00030799

CHANGE
NEW YORK
TELEPHONE: (518) 383–2696
FAX: (518) 383–2841
FAX TRANSMISSION

TO: Renata Hesse
Antitrust Division, U.S. Dept. of Justice
FAX #: 202–616–9937
FROM: Bennard T. Brooks
TOTAL NUMBER OF PAGES (including this cover sheet): 2
COMMENTS:
NOTE: If you experience any problem with this transmission,
please call the CHANGE NY office at (518) 383–2696 immediately.
Thank you
P.O. Box 720, Clifton Park, New York 12065
CHANGE
NEW YORK
January 3, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
SENT VIA FAX:202–616–9937

Dear Ms. Hesse,

As New York State's largest taxpayer organization, CHANGE-NY encourages Judge Kollar Kotelly to adopt the settlement as proposed in the case of the United States v. Microsoft. We believe that such a settlement now would benefit New York, one of the states that was a party to the original lawsuit.

Taxpayers have been forced to foot the bill for the case against Microsoft while surveys of New Yorkers show that 64 percent support a settlement or dropping the case altogether.

Thank you.

Sincerely,

Bernard J. Brooks

Statewide Coordinator

P.O. Box 720—Clifton Park, New York 12065—618–383–2696

MTC–00030800

Sent By: Ultra Inc;
502 241 2535;
Jan-4–02 11:09AM;
FAX TRANSMISSION COVER SHEET
Date: January 4, 2002
To: Mr. John Ashcroft, Attorney General
Fax #: 1–202–307–1454
From: John Swinney
Number of pages (including this form): 2
If you have not received all of the pages, or if transmission has been faulty, please call (502) 241–2530.
Message: Regarding the Microsoft settlement
Sent By: Ultra Inc;
Jan-4–02 11:lOAM;
John Swinney
6813 W Highway 22—Crestwood, KY 40014
January 3,2002
Mr. John Ashcroft, Attorney General
The Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft,

I wanted to express my appreciation for your support toward Microsoft in the antitrust suit battle between the Department of Justice and Microsoft.

The three year long battle has finally ended, only to find out that those parties who are still trying to hold up the process. It is obvious many of Microsoft's competitors are trying to utilize the legal system to gain some sort of competitive edge. I am opposed to these tactics.

Since there are many more important issues currently facing our country it is important to enact the settlement and support our technology industry by letting the process move forward and by allowing the competitive process to take hold. The people being harmed by this delay include not only those in the IT sector, but also consumers and our economy as a whole.

I urge you to continue your support of the settlement, and help make sure that no more action is taken against this agreement. Let us move forward and allow the American consumer to fully benefit from the high-end technology that we can surely provide, with a settlement that improves business practices as well as design improvements in Windows and other Microsoft programs.

Sincerely,

John Swinney

MTC–00030801

Jan 04 02 09:58a
FrankVan Overstraeten 864 944 7146 p.1
22 Cardinal Point
Salem, SC 29676
January 3, 2002
Attorney General John Ashcroft, US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

It has come to my attention that the Department of Justice (DOJ) has finally settled its antitrust lawsuit against Microsoft with a strong and binding agreement that will permanently change the software industry. I applaud the decision to end this lengthy lawsuit, because our economy needs a break, and Microsoft is a big part of the economy.

This settlement is a common-sense compromise, and court-appointed mediators worked with the DOJ and Microsoft around the clock to make this settlement work, It grants all sorts of privileges to Microsoft competition concerning business dealings and trade-secret protection. In my opinion, it would be a waste of America's tax dollars to pursue this case in court beyond this agreement.

The settlement grants computer makers broad new privileges to configure Windows so as to promote non-Microsoft software programs that compete with programs included within Windows. Computer makers will now be free to remove the means by which consumers access various features of Windows. They can also replace access to those features with access to non- Microsoft software.

On top of that, Microsoft has also agreed to design future versions of Windows XP to make it easy for computer makers, consumers and software developers to do these non-Microsoft promotions within Windows, The new Windows version will make it easy to add or remove access to features built in to Windows or non-Microsoft software. Consumers will have the freedom to choose to change their configuration at any time.

What else could Microsoft's competitors want? Enough is enough. My hope is that the DOJ will not get involved in any more lawsuits against Microsoft after this agreement. I hope the DOJ will work on the obviously more pertinent issues it faces in this world.

Sincerely,

Frank Van Overstracten

cc: Senator Strom Thurmond
Representative Lindsey Graham

MTC–00030802

TO. Administrator
COMPANY: Department of Justice
FAX NUMBER: 202–307-1454
Or 202–616–9937
FROM: James W. Bushee
DATE: 01/04/02
NUMBER OF PAGES 1
SENDER'S FAX NUMBER: 703–281–2931
RE: Microsoft Settlement YOUR REFERENCE NUMBER:
x URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE
Notes/Comments:

Gentlemen;

I was pleased that a settlement with Microsoft was worked out by your Department. While the terms weren't as permissive as Microsoft would have chosen, they obviously weren't as onerous as Microsoft's competitors would have chosen. I fully support the settlement and hope we, as a Nation, can get on to more productive (than making lawyers rich by litigating) issues.

Jim Bushee
315 EAST STREET, NORTHEAST
VIENNA, VlRGINIA 22180–3619
E-MAIL: JBUSHEE@ATTGLOBAL.NET

MTC–00030803

249 Beverly Road
Chestnut Hill, MA 02467
January 4, 2002
Re: Microsoft Settlement

Sirs:

My personal feelings about the Microsoft case are: The case is drawn out too long. We need the economy to move in positive directions as all indicators are now leaning to. MSFT has done much for the American economy. Put the issue to bed The settlement is more than fair. Lets move the American economy forward to benefit all Americans and all people.

Yours truly,

Elaine Ross

MTC–00030804

GOLIATH NETWORKS
THINK BIG
January 4th, 2002
Attorney General John Ashcroft, US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing this letter to lend my support to the settlement reached between Microsoft and the Department of Justice. This lawsuit is just a way for competitors of Microsoft to feel good about their lack of success and block any further achievements of Microsoft. Even though I believe this suit should not have been brought about, it is better to resolve this issue and move ahead, rather than spending another three years in court.

Microsoft has earned its success along the way. It has provided its consumers with quality care and service, which has tremendously helped in its worldwide

accomplishments. Microsoft opponents have suggested terms that appear to stifle trade, such as uniform licensing price agreements. Even so, Microsoft has acknowledged the terms so that it can move on.

This waste of American tax dollars is pointless. To stop this from continuing any further, all action that is taking place at the federal level be brought to an end.

Sincerely,
Tareq Saddiq
Senior Network Architect
Goliath Networks Inc.
cc: Representative Tammy Baldwin
goliath.com
1966 South Stoughton Rd
Madison, WI 53716
tel: 608.278.7866
fax: 608.224.0788
1110 N. Old World Third St
Milwaukee, WI 53203
tel: 414.272.0265
fax: 414.278.6019
207lD Lawrence Dr
DePere, WI 54115
tel: 920.964.640
fax: 920.964.1046

MTC–00030805

JAN-04–02
FRI 12:15
CURT LONG
RICHARD ZAHNER
10101 Howe Street
Leawood, KS 66206
January 4, 2002
Ms. Renta Hesse
Trial Attorney—Anti-Trust Division
Department of Justice
601 ''D'' Street Northwest
Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I have been involved in the management of various aspects of the construction industry for many years in the Kansas City Area. Technology is playing a very significant role in our industry today.

We must do everything possible to promote the continued growth of technology. I believe we must end the litigation against Microsoft and proceed with the terms of the recent agreement between the Department of Justice and Microsoft. This agreement will promote fair competition and serve the best interests of consumers throughout our country.

Sincerely,
Richard Zahner

MTC–00030806

WATNE'S
EMELTZER'S
BIKE SUPERSTORE
2714 Erie Blvd. E. Syracuse, NY 13224
www.waynesbikes.com
P (315) 446–6816 F (315) 446–1156
January 4, 2002
Ms. Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, D.C 20530

Dear Ms. Hesse:

I am the owner of one of the largest bicycle stores in Syracuse, NY. My business has been family-owned for more than thirty years, and has been able to thrive because of our reliance upon affordable and up-to-date technology.

Currently, Wayne's and Mellzer's Bike Superstore operates solely on Micrsoft software. We depend on our software capabilities to handle everything from billing to inventory control. Many of our vendors such as Trek, Schwinn, Raleigh and Giant require us to do business with them using the latest technology.

The antitrust laws meant to protect consumers, not for powerful companies to protect themselves from market competition. ProComp, AOL, Time Warner, Sun and Oracle should stop encouraging the government to fight their battles for them in court and fight in the marketplace. where this battle belongs.

Our national economy is currently in a State of recession and the last thing business owners need is to have the price of technology and software skyrocket due to litigation and regulation of the high-tech industry.

Sincerely,
Daniel W. Venditti
Owner

MTC–00030807

JAN-05–2002 12:33 AM
RAY. RICHARD&ASSOCIATES
954 435 8629 P.01
Helen L. Richard
17415 NW 10th St
Pembroke Pines, Fl. 33029
04 January, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Ave, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my opinion regarding the settlement reached in the Microsoft antitrust case in early November. I believe the government should focus its attention on more important matters rather than filing claims against Microsoft and prolonging unnecessary litigation. Contrary to popular belief the terms of this settlement were more than reasonable. The company agreed to terms that go beyond the products and procedures at hand as well as several product developments that were not found to be unlawful by the Court of Appeals. This demonstrated the willingness of Microsoft to comply with the standards set forth in order to prevent future antitrust violations.

As in the AT&T case, I sincerely believe that the government has wasted time and money on litigation. We have not had a decent, understandable phone system since the breakup of AT&T. Therefore, I urge that the government devote itself to ridding the United States of terrorists and threats of terrorist attacks.

Thank you for your time and willingness to hear comments from the public.

Sincerely,
Helen L. Richard

MTC–00030808

01/04/2002 12:47 6165383444
PARIS MOTORS INC.
PAGE 01
PARIS MOTORS INC.
Honest Value Since 1960
James Niewiek
4112 S. Division
Grand Rapids, MI 49548
January 3, 2002
Attorney General John Ashcroft,
Dept of Justice
950 Pennsylvania Avenue,
Washington, DC 20530

Dear Attorney General Ashcroft,

As a small business owner, I write you in support of the recent Microscft settlement. After more than three years of court battles, I am happy to hear that the Department of Justice and Microsoft have finally reached an agreement. Microsoft agreed to terms that extend way beyond the products and procedures that were actually an issue in the suit in the first place. Under the terms of the agreement, Microsoft has agreed to subject itself to constant review by the government, and will license out protocols, codes, and interfaces for Windows and other software so that other software companies can compete more effectively. I fail to see how anyone could purloin anything else from Microsoft.

Owning my own business makes me very aware of the recession our nation is going through. The IT industry needs to move on and get the competitive process rolling. It is time for our economy to prosper, by getting back to business as usual.

Sincerely,
James Niewiek
4112 South Division Grand Rapids, MI 49548 Phone (616) 538–9220 Fax (616) 538–9444

MTC–00030809

FACSTORE TM
354 North Avenue
East Cranford, NJ 07016
Tel .: (908) 653–4500
Fax (908) 653–4511
E-Mail: drjws@cybernex.net
31 December 2001
Attorney General John Ashcroft
US Dept. of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Democracy functions best when our elected representatives are responsive to the perceived majority demand from our nation, rather than the well-financed voice of those who are special interest groups. We have seen a bit of a breakdown of this principle regarding the Microsoft lawsuit instituted by the Department of Justice. Here, we experienced a handful of Microsoft's most ardent competitors and critics attempting to use the power of the federal government to scale back the effectiveness of one of our country's most successful and innovative companies. I

agree that oftentimes it appears as if Microsoft takes an extreme anti- competitive position regarding their closest-held trade secrets, but this is only prudent and certainly has never risen to the level of federal lawsuit status. At long last, this regrettable suit has been settled. I am hopeful that this will bring to an end one of the saddest chapters in American business, with no further federal action contemplated. Now is the time to look

to our nation's leaders to strengthen our country's businesses, rather than listening to the special interest groups'' desire to tear them apart. Thank you for you attention to this matter.

Sincerely,

Jeffrey Schram

President Jan-04–02 02:08P FACSTORE, INC 906534511 P.01

MTC–00030810

JAN. 4. 2002 12:21PM
NO. 4637 P.1/2
January 4, 2002
FACSIMILE TRANSMISSION
To: Renata Hesse
Fax Number: 202.616.9937
From: Kim Lambert
user: 3035
Code: 999100–0100
xxx.xxxxxx.xA
JAN. 4.2002 12:21PM NO. 4637 P. 2/2
KIM M. LAMBERT
5311 Forest Lawn Circle
McFarland, WI 53558
January 4,2002
Renata Hesse
Trial Attorney
Department of Justice-Antitrust Division
601 D Street, NW, #1200
Washington, DC 20530

Dear Attorney Hesse:

I am writing to express my full support of the Microsoft Settlement recently reached with the Department of Justice.

There has been no consumer harm as a result of any actions taken by Microsoft. Consumers have enjoyed tremendous benefits due to Microsoft's innovation. The government has failed to show any ham to consumers.

I believe this case has continued far too long. With over $30 million already spent by our taxpayers, it is time to stop the litigation. Thank you for you attention to this urgent matter.

Sincerely,

Kim M. Lambert 003.336576.1

MTC–00030811

JAN. 4.2002 12:21PM
NO.4638 P. 1/2
January 4, 2002
FACSIMILE TRANSMISSION
To: Renata Hesse
Fax Number: 202.616.9937
From: John Matthews
User: 3035
Code: 999100–0100
XXX.XXXXXX.XA
JAN. 4.2002 12:21PM NO.4638 P.2/2
JOHN W. MATTHEWS
4238 Savannah Court
Middleton, Wisconsin 53562
January 4,2002
Renata Hesse
Trial Attorney
Department of Justice-Antitrust Division
601 D Street, NW, #1200
Washington, DC 20530

Dear Attorney Hesse:

1 am writing to express my full support of the Microsoft Settlement recently reached with the Department of Justice.

The settlement is appropriate in scope because it addresses only those items upheld by the courts. It is now in the best interest of the technology industry, our fragile economy and our consumers to finally resolve this case, which has cost our taxpayers over $30 million.

Thank you for your concern in this important matter.

Sincerely,

John W. Matthews 003.334570.1

MTC–00030812

JAN-04–2002 15:57
VERIZON PA PRESIDENTS OFC
215 466 8515 P.01/01
January 2,2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Finally, after three protracted years of legal battles, Microsoft and the Department of Justice settled their increasingly tedious antitrust dispute. The settlement reached will benefit the IT industry as well as the American consumer, not to mention the stability it will bring to our tenuous economy. This case has been a gross misuse of American tax dollars, and I hope that this settlement will bring this nonsense to a close after the public comment period.

This legal battle has seriously damaged the IT industry as well as the U.S. economy in general. The settlement will help strengthen the economy, and ensure that the IT sector will continue to deliver cutting-edge technology to the market. This settlement is fair, and should appease all parties involved in the dispute. Only those companies who feel that they cannot succeed without the help of the government would still be pursuing this case in the face of this settlement.

I am ardently opposed to any further legal action against Microsoft. Microsoft needs to focus on delivering innovative products to the market. As for the government, I am sure that there are other issues to focus on. Thank you for the work that you have done to ensure that this case is brought to a swift end. I look forward seeing it completely resolved.

Sincerely,

Daniel J. Whelan 247 S. 7th Street
Philadelphia, PA 19106
cc Senator Rick Santorum
TOTAL P.O1

MTC–00030813

Syracuse Fitness
2716 Erie Boulevard East
Syracuse, NY 13214
P (315) 446–4136
F (315) 446–1156
www.syracusefitness.com
January 4, 2002
Ms. Renata Hesse, Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC. 20530

Dear Ms. Hesse:

I am writing to you in regards to U.S. vs. Microsoft. I'd like to take a moment your time to tell you why I am in favor of the settlement of this case. The national economic recession we are currently dealing with will not be helped with continuing litigation against Microsoft, as well as regulation of the high technology industry Our economy needs the high-tech sector to be strong and prosperous in order to aid in economic recovery.

I firmly believe that there has been no harm done to consumers as a result of any action, taken by Microsoft. Being a sole proprietor, I can safely say that in my experience Microsoft's innovation has led to tremendous benefits for consumers, such as improved products with lower price tags.

I urge Judge Kollar Kotelly to be an advocate of business and economic recovery by supporting the settlement of this case.

Thank you.

Respectfully yours,

Andrew Venditti

Owner

Syracuse Fitness 3154465611 16:16 01/04/2002 01/04/2002 16:16 3154465611 PAGE01

MTC–00030814

02/19/1995 01:39 3156877564
LBD ENTERPRISES PAGE 01
1174 Fylor Rd.
Kirkville, NY 13082
LBD Enterprises
January 4, 2000
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington DC 20530
Re: U.S. vs. Microsoft

Dear Ms. Hesse,

As an entrepreneur who has grown his business exponentially throughout the past ten years, I can say that my business would not have been able to thrive if I had not had affordable access to Microsoft software. As the founder and President of a successful waste management business and the owner of 4 farms throughout upstate New York, I can personally say that operating a successful business during a time of economic recession can be challenging. Continuing further litigation against Microsoft will only hurt business owners by adversely affecting the economy and driving up the price of software that is essential to the operations of numerous companies.

Over $30 million dollars in taxpayer trends have been spent on U.S. vs. Microsoft Agreeing to the settlement of this case is in the best interest of the technology industry, the economy, and consumers.

Thank you.

Sincerely,

Louis B. DeMario

President

MTC–00030815

01/84/2002 14: 14:18 3156824992
OLEARY LAW PAGE 01/01
Robert P. O'Leary, P.C.
ATTORNEY AT LAW
104 Pleasant Street—Post Office Box 57
Manlius, New York 13104
Telephone: 315–682–9131
Fax: 315–682–4992
Admitted to practice law in New York and Florida
January 4, 2002

Renata Hesse, Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Re: U.S. vs. Microsoft

Dear Renata:

In light of recent developments I thought it beneficial to write you in regard to the referenced matter.

I believe settlement of this case is in everyone's best interest. The settlement being reviewed by Judge Kollar Kotelly while entirely satisfying to none, includes something for everyone. Given that the economy is now running at a much slower pace the last thing we need is more litigation and regulation of the high-tech industry.

I believe that the break-up of America's most successful company is not in the best interest of consumers, the economy or the future of technology development. Microsoft's innovation has led to tremendous benefits for the public, such as better products and lower prices. Antitrust law is supposed to be about consumer harm, in my opinion the government has failed to show any harm at all.

Thank you for your time and interest.

Very truly yours,

Robert P. O'Leary

MTC–00030816

JAN-04–02 FRI 13:20
CURT LONG
314 636 6919 P. 01

RICHARD ZAHNER
4200 Gardner
Kansas City, MO. 64120
January 4, 2002
Ms. Renta Hesse
Trial Attorney—Anti-Trust Division
Department of Justice
601 ''D'' Street Northwest
Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I have been involved in the management of various aspects of the construction industry for many years in the Kansas City Area. Technology is playing a very significant role in our industry today.

We must do everything possible to promote the continued growth of technology. I believe we must end the litigation against Microsoft and proceed with the terms of the recent agreement between the Department of Justice and Microsoft. This agreement will promote fair competition and serve the best interests of consumers throughout our country.

Sincerely,

Richard Zahner

MTC–00030817

JAN-04–2002 13:28
COLORADO TECH SF
1 605 361 5954 P.01/03
FAX TRANSMITTAL FORM
Date: 1/4/02
Company Name: Dept of Justice
Fax Number: 202–616–9937
Please Deliver
To: Renata Hesse
Number of Pages (including cover sheet): 3
Sender: Clark Cutler
Colorado Technical University—Sioux Falls
3901 W. 59th Street
Sioux Falls, SD 57108
(605) 361–0200
Fax (605) 361–5954
www.colotechu.edu
JAN-04–2002 13:28
COLORADO TECH SF
1 605 361 5954 P.02/03
Joni M. Clark Cutler, Attorney at Law
3901 W. 59th Street
Sioux Falls, SD 57108
605–361–0200 x114
Fax 605–361–3954
January 2, 2002
Renata Hesse, Trial Attorney
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

This letter is to address the proposed settlement agreement in U.S. v. Microsoft, and to express my support for it as an advocate for children and families, and as an educator and attorney in South Dakota. Microsoft has been a responsible partner for strengthening our nation's economy, as well as for the development of information technologies in our state's effort to wire its public schools and buildings for high-speed internet access. One of the Bill and Melinda Gates Foundation's many contributions to children and education was a $670,000 matching grant to our state to foster IT education in our state's school systems. The Microsoft Corporation, I believe, has been a responsive company by delivering software products which make access to information technologies affordable and easier to use for consumers, and that has had a tremendous affect on our nation's economy. If an anti-trust case is designed to protect consumers, I think it's important to note that there has been no consumer harm proven in this case which involved any of Microsoft Corporation's actions.

Microsoft has been a creative and aggressive company in exploring and developing new and better software technologies to empower the American consumer, breaking down the barriers of cost and function for users. As a result, the company is a major factor in our nation's economic strength because it has been so successful meeting and anticipating the needs of American consumers and consumers throughout the world. I believe the anti-trust case has fully run its course and continuation of it seems to serve no useful purpose to consumers nor to fairness to the IT industry as a whole. I believe the settlement, which has been sought by the Justice Department and nine of the states.
JAN-04–2002 13:28
COLORADO TECH SF
1 605 361 5954 P.03/03
Joni M. Clark Cutler
Attorney at Law
3901 W. 59th Street
Sioux Falls, SD 57108
605–361–0200 x114
Fax 605–361–3954

involved in the anti-trust suit is fair and highly beneficial to our nation, to the cause of better education and to our children's futures. Most importantly, the settlement does address the issues, which have been upheld by the courts as being valid. It is time this case is declared finished. A sensible agreement is at hand which is fair and highly beneficial to everyone, despite the nagging wishes of Microsoft's corporate enemies who want to achieve an unearned advantage by keeping this case active.

Our nation's economy needs to move ahead, and Microsoft and the rest of the technology industry need to move forward and help our nation's economy rebuild. Thank you for your consideration of my views on this case.

Sincerely,

Joni Clark-Cutler

MTC–00030818

P. 1
December 31, 2001
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

There are a great many important issues that we as Americans and our nation ''s leadership are dealing with today that are virtually unprecedented As time moves on toward the new year, we are all struggling with issues of our national economy, our national security, and our ability to emerge from a slight economic downturn.

With all of these critically important tasks, I am hoping that we do not unnecessarily slow ourselves down with the playthings of yesterday, such as this ill- advised lawsuit against Microsoft. There is, I believe, an excellent settlement at hand, and it would benefit us all for this settlement to be accepted, with no further action against Microsoft.

Microsoft did employ aggressive tactics at protecting both its position as a technology leader, as well as its proprietary Windows coding, but this only makes good business sense, despite the fact that Microsoft's competitors may have sobbedfor their relative lack of similar innovative leadership. Blaming Microsoft for these shortcomings is a bit excessive; convincing the federal government to institute a federal lawsuit is just plain vengeful. Let's be done with this, Let's move on. Let's accept the settlement and hope that we can all play better together.

Sincerely,

Eric Speer

President 917–576–1537

MTC–00030819

Sanford Krasnoff
417 South Broad Street
New Orleans, Louisiana 70119
504.822.4877
Office 504.822.3407-Fax
FAX COVER SHEET
To: Renata Hesse
From: Sanford Krasnoff
Date: 1–4–2002 Pages Including Cover: 2
Phone: Fax:
Message:.
CONFIDENTIALITY NOTICE

This facsimile transmission (and/or the documents accompanying it) may contain confidential information belonging to the sender. The information is intended only for

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Jan. 4 2002 3:57 PM No. 0820 P.1
Jan 04 02 02:56p
SANFORD KRASNOFF
OFFICES OF SANFORD KRASNOFF
417 SOUTH BROAD STREET
NEW ORLEANS, LA 70119
Telephone: (604) 822–4877
Fax #: (604) 821–4853
January 2, 2002
VIA FAX: (202) 616–9937
Renata Hesse, Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
RE: Settlement of U.S. v. Microsoft
Dear Ms, Hesse:

It is time we settle this case once and for all, Over thirty million tax dollars have been spent and it is time that we move on to closing this case and letting the technology industry compete openly again.

Microsoft is a great American success story and its competitors need to fight with them in the marketplace and not in the courtroom. Our economy could use some help and ending this drawn out and expensive case would sent the right signal. Protect consumers and keep the market place open by approving the settlement.

Sincerely,

SANFORD KRASNOFF SK/blb Jan. 4, 2002 3:57PM No. 0820 P.2

MTC–00030820

212–1238 Seymour St.
Vancouver, BC, V6B 3N9 Canada
January 4, 2002
Renata Hesse, Trial Attorney
Suite 1200
Antitrust Division, Department Of Justice
601 D Street NW,
Washington, DC 20530
Dear Renata Hesse, Trial Attorney

As a self-employed PC user, many aspects of my livelihood depend on the smooth functioning of my home computer and my freedom to choose the appropriate software to meet the needs of my business. Microsoft's actions have caused undue frustrations and increased workload on my part in its efforts to illegally maintain monopoly power in the PC operating system market. For example, by binding its Internet Explorer Web Browser with its Windows operating system, Microsoft has forced me, the consumer, to take extraneous measures to exercise my right to choose the appropriate browser software for my needs. The Court has found that Microsoft has not acted in this way to benefit the consumer, or even to competitively increase revenues, but to illegally maintain its monopoly power. in effect, Microsoft has illegally victimized consumers for its own preponderance. I find this infuriating and in direct contradiction to the laws and basic principles of the competitive free market that has made the United States of America what it is today.

As an international consumer of products originating in the United Stats, I feel I speak for my peers in expressing deep concen that the lenient sentence passed on to Microsoft will allow Microsoft to continue to rob consumers of their right to choose and to illegally propogate its monopoly as it has freely done so. Moreover, a monopoly of this kind will, as it has in the past, result in retardation of technological advancement and economic turmoil due to inflated prices and unhealthy market conditions. The consumer is the lowest common demoninator in the entire economic system, as we know it today. If this lenient sentence is ratified, it will sacrifice the rights of consumers worldwide; and that is a trajedy that will have grave consequencs for years and years to come.

I urgently plead for a much more stern, much more responsible and appropriate sentence in the case of the United States of America v. Microsoft Corporation.

Sincerely,

Yee Jee Tso 014/04/2002 14:11 6046826668 INTERNET COFFEE PAGE 01

MTC–00030821

01/04/02 17:3 0
FAX 7854840191
THE SOURCE 01 THE Source maximum creativity
FAX TRANSMITTAL #PAGES: 2 (including cover)
TO: Renata Hesse
COMPANY: USDOJ
FAX#: 202–307–1454
FROM: K. Van Meteron
DATE: 1/4/02
MESSAGE: See Attached Letter
PO BOX 2034
TOPEKA, KS 66601
PH.905.484.0192
FAX.785.464.0194
01/04/02 17:30 FAX 7854840194 THE SOURCE 02
SOURCE
January 3, 200l
Judge Kollar Kotelly
Attn: Renata Hesse
U.S. Department of Justice Antitrust Division
601 D Street, NW, Suite 1200
Washington, DC 20530
Dear Judge Kollar Kotelly:

The time has come to bring closure to the Microsoft case. Thankfully, President Bush's Department of Justice has come to an agreement with the Microsoft Corporation that settles this case and addresses the concerns of the complaint.

The costs of this case to the American taxpayers have been astronomical. To date the federal government has, spent in excess of $35 million dollars chasing Microsoft and this figure does not include the millions that the states have invested in this lawsuit. Taxpayer dollars were spent needlessly on a case in which the government has yet to prove consumer harm. Rather than be harmed, Americans have benefited in their use of the world's most advanced and affordable software. At this moment in history, our nation is faced with serious economic concerns on both the national and state levels. It is crucial that all taxpayer dollars are spent in the most responsible manner. The continued prosecution of this case is not, in my opinion, an example of responsible use of government revenues.

Based on reports that I have read, the proposed settlement offers an evenhanded resolution to this case. This, combined with today's economic realities, argues strongly for your approval of this settlement. As an independent businessman and taxpayer, I encourage you to accept this settlement.

Sincerely,

Kristen D. Van Meteron, General Partner
POST OFFICE Box 2034 TOPEKA KANSAS 66601–2034 PHONE 785.484.0192 FAX.785.484.0194
INFO@MAXIMUMCREATIVITY.COM
www.MAXIMUMCREATlVITY.COM

MTC–00030822

01/02/2002 16:21
COVER PAGE
TO:
FAX: 12023071454
FROM: SUMMIT GROUP INC
FAX: 5044862317
TEL: 5044862317
COMMENT :
0l/02/2002 16:21 5044862317 SUMMIT GROUP INC PAGE 01
Summit Consulting Group Inc.
614 N St. Patrick Street
New Orleans, LA 70119
January 2, 2002
Attorney General John Ashcroft POST-IT FAX NOTE:7671 DATE:1/4/02 # of Pages 1–1
US Department of Justice TO: ATTORNEY GENERAL FROM: Ben Claassen
950 Pennsylvania Avenue, NW CO/DEPT: CO: SCG1
Washington, DC 20530 PHONE#: PHONE# FAX#: 202 307 1454 FAX#: 504 486–2317
Dear Mr. Ashcroft:

I write you to make you aware of my support for the recent settlement regarding Microsoft and the Department of Justice. I was happy to hear that the case had been settled. We need to let this settlement move forward and let our technology industry continue to provide us with the high quality products that help small businesses to compete.

Furthermore, this settlement seems to be quite reasonable. The terms not only allow other software manufacturers to have access to various Windows interfaces, but allow other companies to access new licensing and marketing terms. All of this will promote the use of non-Microsoft programs within the Windows operating system.

As a small business owner involved in electric utility consulting, I strongly value Microsoft's place in our economy. Since I am pro-competition, I see Microsoft actions inviting more competition to the IT industry. This was the original goal in the anti-trust suit, and now we that we have achieved this goal we should forward,

Sincerely,

Ben Claassen

MTC–00030823

FROM : FAX NO. : 8037763093 Jan. 06 2002 01:52PM Pl

104 Emerald Lake Road
Columbia, SC 29209–4243
January 5, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing to express my happiness upon hearing the DOJ has ended its three- year antitrust lawsuit against Microsoft with a strong settlement. I support Microsoft and am anxious to see this agreement between Microsoft and the government finalized. I believe this settlement is more than fair to both Microsoft and its competition, and I really do hope that there will be no further action taken against Microsoft at the federal level.

This settlement has been reached after extensive negotiations. This settlement allows Microsoft to continue designing and marketing its innovative software, while benefiting the technology industry as a whole. Among other regulations, under the settlement Microsoft will be unable to take retaliatory measures against hardware companies for putting Microsoft software on a computer that also has non-Microsoft programming on it. This way, hardware makers can be more responsive to their clientele.

Microsoft has pledged to carry out all provisions of this agreement, and the government has created a technical oversight committee to test Microsoft compliance.

I believe that this settlement will benefit the economy, the computer industry, and consumers. I believe that it will be most productive to allow Microsoft to devote its resources to innovation, rather than litigation. Please see to it that the settlement is finalized and enacted as soon as possible.

Sincerely,
Wilbur Goodwin
cc: Senator Thurmond

MTC–00030824

12/29/2001 03:55 0015832224 Haskell Prochnow PAGE 01
7108 Killyons Canyon Lane
Salt Lake Citv, Utah 84108
January 4, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am in support of the settlement that has been reached between Microsoft and the Department of Justice and want to take this opportunity to comment on this issue. It is time for this suit to come to an end. From an economic standpoint, the suit is costing taxpayers money at a time when we should promote our economy. Under the terms of the agreement Microsoft will drastically change the way they do business, they have agreed to disclose information about the internal interfaces of their Windows operating system, and they have agreed to make Windows compatible with non-Microsoft software.

If there is any fear that Microsoft will infringe on antitrust laws, or that they will not comply with the terms of the settlement, the appointed government oversight committee will certainly take care of it. We need to move on.. There are issues of greater importance that we should concentrate our efforts on such as economic stimulus. Thank you in advance for your decision to settle this case as more litigation would, at this point, be imprudent. I appreciate your time and hard work in Washington.

Sincerely,
Janet Haskell

MTC–00030825

From: Duncan McGregor
To: Attorney Genera Ashcroft
Date: l/6/2002 Time: 9:58:36 AM Page 1 of 1
Duncan D. McGregor—ddml@shtc.net
313 Curtis Road—Chesterfield, SC 29709—1043—USA—Phones: Home & Office: (843) 623–2597 Fax: (843) 623–3123
January 6, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I wish to express my happiness upon hearing about the Department of Justice (DOJ) decision to end its antitrust lawsuit against Microsoft. This decision will be a boost to Microsoft which will benefit our economy at a time that when it's greatly needed.

The DOJ and Microsoft have been involved in this case for more than three years now. After much consideration, the parties agreed to settle. The settlement has many heavy sanctions against Microsoft, but is simply not enough for those that wish to harm Microsoft for more than just antitrust reasons.

The settlement requires Microsoft to document and disclose, for use by its competitors, various interfaces that are internal to Windows' operating system products—a first in an antitrust settlement. It also forces Microsoft to make available to its competitors any protocols in Windows'' operating system products that are used to interoperate natively with any Microsoft server operating system. These will make other companies'' products run more efficiently on Windows, increasing competition.

Now that all of this is finally over, the government should let this agreement fall in to place. In my opinion, the federal government needs not take any more action against Microsoft beyond this settlement.

Sincerely,
Duncan D. McGregor
cc: Senator Strom Thurmond

MTC–00030826

Jan 06 02 12:43a Sandi Wiemers 1–785–632–6240
721 Franklin
Clay Center, KS 67432
January 5, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Ashcroft,

I find the possibility that the Department of Justice could revive its case against Microsoft to be ridiculous. Millions of dollars have been spent on this case and a reasonable settlement has been crafted; pushing this case on would be rather excessive.

There is no reason to extend this expensive and time-consuming case.

Once again I ask that you please support the Microsoft settlement agreed to on November 2,2001. Your restraint and good judgment in this case is appreciated.

Sincerely,
Sandra Wiemers

MTC–00030827

Jan 05 02 06:48p Arthur W. Miller 425 316–0306 P.1
3309 97th Place SE
Everett, WA 98208–4371
January 5, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

I wanted to let you know that I am in favor of the settlement that Microsoft and the Justice Department agreed to recently.

Government should not be getting involved in business disputes in private enterprise. This was simply a nuisance suit that should never have been brought in the first place. It frankly reminds me of the tobacco suits where some states were able to extort money from private enterprise.

Continued litigation is bad for business and bad for investors. Microsoft needs to be able to innovate. This is what has made them the flagship of the U.S. computer industry, which is second to none in the world. The settlement is reasonable, and it will allow independent companies to promote their software within the Windows operating system. Because there will be a three-person technical committee to oversee Microsoft and restrict the company from any further behavior that hinders competition, it is my opinion that this case has been won by the government and should not be pursued past this point.

Thank you for letting me explain my position, and I look forward to a hasty end to this matter.

Sincerely,
Arthur W. Miller

MTC–00030828

Jan 05 02 06:46p Arthur W Miller 425 316–0306 P.1
Arthur Miller
3309 97th Place SE
Everett, WA 98208
December 10, 2001
Senator Maria Cantwell
United States Senate
Washington, DC 20510

Dear Senator Cantwell:

I wanted to let you know that I am opposed to the Senate Judiciary Committee holding hearings on the fairness of the Microsoft antitrust settlement. It is my hope that you will be able to have these hearings canceled. The Government should not become involved in a business dispute, especially when the suit should never have been brought forth in the first place.

This is primarily a nuisance suit reminiscent of the tobacco suits, where

several states were out to extort as much money as they could by filing frivolous law suits against the tobacco companies. This type of law suit stifles creativity which not only hurts the industry but drives up cost to consumers. Continuing this antitrust litigation is bad for all American businesses, for Microsoft, for the consumer and for the country. Microsoft must be allowed to innovate. This is what has made them the flagship of the U.S. computer industry, which is second to none in the world.

Thank you for letting me voice my opposition to these hearings.

Sincerely,

Arthur Miller

MTC–00030829

@A
From: ROLAND OLAF PETERSON
To: Attorney General John Ashcroft
Date: 2002/01/05
Time: 8:13:22 PM Page 1 of 1
22 Ravenswood Road
Waltham, Massachusetts 02453
2002 January 5
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Ashcroft:

I am writing you today to express my feelings on the settlement that was reached on 2001 November 2, between Microsoft and the Department of Justice. I believe that this settlement is fair and reasonable, and I am anxious to see this dispute resolved.

This settlement allows Microsoft to devote its resources to designing and marketing its innovative software, rather than litigation. At the same time, Microsoft has pledged to engage in activities that will benefit competing companies, such as: sharing more information and giving consumers more choices. An oversight committee will be assigned by the federal government to monitor Microsoft's compliance with the settlement, and competitors have the option to sue Microsoft if they feel Microsoft is not complying with the settlement.

After three long years of litigation, I believe it is time to allow Microsoft to devote its resources to creating advances in technology, rather than litigation. Thank you for your support.

Sincerely,

Roland Peterson

MTC–00030831

10/17/2001 07:43 9419230154 SCOTT GOLDBERG PAGE 01
Sharon Doyle
4021 Las Palmas way
Sarasota, Florida 34238
January 5, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft: I am writing to express my support for the settlement that was concluded in November between Microsoft and the Justice Department. This settlement represents the best opportunity to move forward. The settlement will require 'Microsoft to make significant changes in they way they operate. In a first for an antitrust settlement, Microsoft has agreed to disclose for use by its competitors various interfaces that are internal to Windows' operating system products.

To assure its compliance with the settlement, Microsoft has agreed to be monitored by a Technical Committee. The Technical Committee will be comprised of three experts in software engineering. Thereafter, if any third party believes Microsoft is not complying with the settlement's terms, that party can lodge a complaint with the committee. Most importantlv, the speed with which the new cultures of technologica1 development, entrepreneurship and global competition are progressing mav require new governance however this is a larger legislative issue and not Microsoft specific. The damage done to Microsoft and its investors should have been avoided. The competitive delay caused by this suit was damaging to our overall economy in mv opinion.

In summary, this settlement is the right choice for the federal government at this time. It is also in the best interest of citizens and consumers like myself. I hope you will continue supporting this settlement and commend your office for the efforts so far to bring this case to a close.

Sincerely,

Sharon Doyle

000TT@AOL.com

MTC–00030832

FROM: VELCO ENGINEERING INC PHONE NO. : 281 398 3741 P01 VELCO ENGINEERING INC.
FAX TRANSMITTAL COVER SHEET
To: U.S. Department of Justice FAX No. 1–202–307–1454
From: M. A. Vela PE No. of Pages incl. cover 2

Comments:

As a personal and business user of Microsoft products for about twenty years I agree completely with the editorial page article in the Jan 4 Houston Chronicle article attached. Microsoft: products are generally low priced consumer products aimed at the home user. Competitors such as Oracle, Sun and others are higher priced producers targeting large corporations. I shudder to think what prices would be like if Microsoft had not been around and the absence of standards would further compound the users problems.

I have been a practicing Consulting Chemical Engineer for about 25 years.

M.A. Vela
VELCO Engineering, Inc.
64 Kelliwood Courts
Circle Katy, Texas 77450
FROM : VELCO ENGINEERING INC. PHONE NO. : 281 398 3741 P02

Competition is best way to regulate Microsoft DESPITE the settlement between Microsoft and the Justice Department, nine states continue to seek stronger restrictions and penalties. We advise the states'' attorneys general to settle and not waste more public money on further legal efforts. Their fight for additional legal regulations outlooks the extensive evidence that Microsoft must continue to innovate or it will lose its leading position.

The case against Microsoft is based on the belief that market leaders are entrenched, self-serving monopolies that stymie superior products of smaller rivals. This belief is supported by elaborate augments but scant empirical evidence.

In contrast, our decade-long research of 66 markets refutes the prevailing logic about the entrenched position of market leaders.

Consider how often market leadership has changed in just a few categories. In video games, market leadership changed from Magnavox to Atari to Nintendo to Sega and now to Sony.

Similarily, in personal computers, market leadership changed from Apple to Tandy to IBM to Compaq and now to Dell. In on-line service providers, market leadership switched from CompuServe to Prodigy to America Online.

Some of these changes came quickly. Their frequency indicates that a market leader cannot easily hold its position. What triggers these changes? In most cases, it is the superior quality or the substantially lower price offered by innovative companies.

Many people attribute the success of Microsoft's software applications to the domi nance of its Windows operating system. However, the the facts support an alternative explanation.

Word, Excel and PowerPoint were all unsuccessful when first released, even though they were tied to Microsoft proprietary operating system. They became successful only through relentless innovation to produce better versions.

Even the Internet browser market, which triggered the case against Microsoft, demonstrated the same pattern. Before Netscape, Mosaic was the dominant browser. However, Netscape's superior speed and features enabled it to quickly overtake Mosaic.

Microsoft's initial release of Internet Explorer did not succeed because of its poor performance. Persistent improvements in features won the endorsement of reviewers and led to its market leadership. In our research, we did not find a single market where a non-innovative leader was able to maintain its dominance.

Many people assume that market Pioneers or first movers will be enduring market leaders. Instead, we found that such companies lead in only six of the 66 markets studied, and innovation is essential to their sustained leadership and prof itability.

For example, Intel and Sony maintain their leadership in microprocessors and CD players by regularly introducing inno vative products, even when they cannibalize still-successful older prpducts. Coca-Cola Sustains its lead in the cola market by seizing new distribution channels and continually updating its advertisings. In the other 60 markets, innovation toppled established leaders.

In 1959, Kodak and 3M led the copier market. Analysts believed Xerox (then the Haloid Corp.) had almost no chance to succeed. Yet its revolutionary copier was an immense success and propelled Xerox to market dominance.

Even in the mundane category of disposable diapers, Johnson & Johnson's

Chux brand was overtaken by the superior features and lower price of Procter & Gamble's Pampers. Then Kimberly Clark's further im improvements enabled Huggies to wrest market leadership from Pampers. In all of these markets, costly and distracting antitrust actions were unnecessary. Innovative competitors discovered better ways to serve customers with improved products and lower prices. The results were unequivocal, they cost the public nothing and they were more exacting than legal remedies.

So it will continue to be for Microsoft and ocher market leaders. They too will begin their own demise the day they cease to innovate. Nimble, innovative rivals at the gate, ready to administer the law of the market far more effectively than the Justice Department or states can prosecute antitrust cases.

MTC–00030833

Sent By: FULCRUM PROPERTIES; 111 1111; Jan–5–02 3:00PM;
Page 1/1
145 Scottsdale Square
Winter Park, Florida 32792
January 5, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
BY FAX 202–307–1454

Dear Mr. Ashcroft:

I want to say that I don't feel that the settlement is as fair toward Microsoft as it should have been. Microsoft has had to make many concessions that I think are unreasonable in this whole matter. It will have to be reviewed by a technical committee, and share critical software code information with its competitors, for example. Nevertheless, I am pleased to see that the Justice Department has finally resolved this case.

While the case should never have come against Microsoft in the first place, I'm glad to see that after three years, the government has finally come to it's senses. I hope that it will think twice before pursuing hard working, American companies simply for being successful in the future.

I appreciate you hearing my opinion on this matter and I hope that you will take it into account before finalizing the terms of the settlement.

Sincerely,
Patricia Andrews
cc: Representative Ric Keller
BY FAX 202–225–0999

MTC–00030834

Jan 05 02 11:36a
Michael H. Brannon 864–281–1360
Michael H. Brannon, M.D.
7 Foxglove Court
Greenville, SC 29615–5505
January 5, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I want to express how happy I am to hear that the Department of Justice has ended its antitrust lawsuit against Microsoft with a strong agreement. Microsoft has been a leader in technology and innovation for at least the past decade, and I see no reason for the federal government to punish them for that. America's economy was founded upon the competitive free enterprise system. Government involvement in the day-to-day workings of a company completely undermines this country's economic foundation. The agreement calls for Microsoft to document and disclose for use by its competitors various interfaces that are internal to Windows' operating system products—a first in an antitrust settlement. Microsoft has also agreed to design future versions of Windows to provide a mechanism to make it easy for computer makers, consumers and software developers to promote non-Microsoft software within Windows. The mechanism will make it easy to add or remove access to features built in to Windows or to non-Microsoft software. Consumers will have the freedom to choose to change their configuration at any time.

Enough is enough What more could Microsoft's competitors want? My hope is that the federal government takes no further action against Microsoft beyond this agreement, so that it can work to tackle the truly pressing-issues of the day.

Sincerely,
Michael H. Brannon, M.D.
cc: Senator Strom Thurmond

MTC–00030835

10/18/2001 09:01 802–896–9766 JERRY CAILOR PAGE 01
P.O. Box 162
West Wardsboro, Vermont 05360
January 4, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to give my utmost support to Bill Gates and Microsoft. My husband and I live in Wardsboro, Vermont, a town with a total of 500 registered voters. If you blink, you miss our town. WC had a goal of making our town library into something special. The library was bequeathed a house by a resident, so we had the space, but we had no computer capabilities. We applied to the Gates Foundation, figuring all we could lose from doing so would be a piece of paper and the cost of postage. To our surprise, Mr. Gates gave us a grant; a complete software on-line integration package, printer connectivity, and on-site software training for our librarian. People are now lined up to use our computers.

Bill Gates did not have to do this. He did not have to establish his foundation, Yes, he makes millions of dollars, but he gives away millions of dollars to those who desperately need funds to provide computer capability to their small towns. Everyone lauds small towns, but very few are there when those small towns need financial help. Bill Gates stepped in when no one else would, We are now on our way to having a viable, working library, making it an integral part of the community, and giving our children a place to go and learn.

Microsoft is taking a big hit with this lawsuit, but it is willing to accept a lot of restrictions in order to settle. How many businesses would be willing to share their sensitive information with their competitors like Microsoft is doing with the internal interfaces of Windows under this settlement? Microsoft and Bill gates were there for Wardsboro. Now I support Microsoft by supporting the antitrust settlement.

Sincerely,
Joyce Cailor

MTC–00030836

Jan 04 02 07:00p Gunnar Sevelius 650–366–4115 P.1
58 Austin Avenue
Atherton, California 94027
January 2, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am very pleased that the Justice Department has reached an agreement with Microsoft and has finally settled it's three year long antitrust dispute with the company. It is my strong personal belief that the suit against Microsoft should never have been brought against them in the first place. I feel the finalization of this settlement will provide a boost to the struggling national and global economies. The settlement is both fair and reasonable, and it is in the best interest of the American public.

I appreciate your attention to this matter and I hope you do will continue to make decisions that will benefit the United States of America. Thank you for your time and consideration.

Sincerely,
Gunnar Sevelius

MTC–00030837

3280 Sportsman Club Road
Bourbonnais, Illinois 60914
January 5, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania: Avenue, NW
Washington, DC 20530

Dear Attorney General Ashcroft:

I would like to take some time to express my opinion about the settlement that was reached between, the Department of Justice and Microsoft last November. The settlement brought an end to the three-year antitrust dispute, and was fair and just. I also hope that there will be no further legal action against the Microsoft Corporation.

I simply do not understand why American taxpayer dollars have been misused in the pursuit of litigation against Microsoft. Now more than ever, America needs to spend its money more carefully. The economy is still suffering from the beginning of this whole dispute, and the stock market is in disrepair. Microsoft has done so much for the economy, providing jobs, and has completely changed the face of the computing and technology industries. They need to be allowed to continue with innovation and bringing new and useful products to the marketplace. Even with restrictions like having to share its software information and allowing being

reviewed by a government committee, Microsoft can still be a powerful economic force.

I appreciate your time and consideration with this issue. I am happy with the settlement that was reached in the beginning of November. I believe this settlement will benefit all of us.

Sincerely,

Donald Burlison

01/07/2002 08:27 FAX SHORT MILLING 001/001

MTC–00030838

01/05/2002 16:17 FAX 513 421 0244 STUDIO ART SVCS p.1
613 Main Street Cincinnati, Ohio 45202 (513) 421–8040 FAX (513) 421–0244
Friday, January 4, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

We are writing to express our feelings in regards to the Microsoft settlement issue. We support Microsoft in this dispute. We have seen the great positive impactful benefit that Microsoft has had on American Business with our own eyes... by adding to business productivity.

We are writing you today to urge you to do your part to stop further action against Microsoft at the federal level.

Specifically, Microsoft has agreed to be monitored by a technical committee to ensure its compliance with the settlement. In our opinion, this is the most important term of the agreement. Additionally, Microsoft will share information and parts of its software coding with competitors to increase compatibility with its Windows operating system, and revamp its marketing and licensing practices to increase competition. We sincerely hope that there will be no further action against Microsoft at the federal level. Please support the Microsoft settlement. Thank you for your attention to this matter.

We wish you and yours a prosperous New Year.

Respectfully,

Philip Holt

Jillian Chamberlain Holt

cc: Representative Steve Chabot

MTC–00030839

JAN–5–02 11:10 AM 1 510 794 8797 P.01
Waste Watcher Inc
P.O. Box 3535
Premont, California 94539
Alameda Phone (510) 794–8797
Fax (510) 894–0486
Email rgahern@aol.com
Member Northern California Coalition for Limited Government
January 5, 2002
Ms. Renata Hesse
Trial Attorney-Antitrust Division
Department of Justice

Ms. Hesse:

This letter is to indicate the support. of my organization for the settlement of US v, Microsoft. I understand the settlement being proposed by the Department of Justice is waiting for public. comment and I would like this letter to be included with 1 those comments. Our organization, WASTE WATCHERS INC. is a grou of citizens from Northern California working to ensure our government is NOT wasting taxpayer money, Because of our location and proximity to the Silicon Valley, our membership is very familiar with the technology industry and details surrounding the Microsoft case. It is our firm belief that the United States government have spent far too much time and money on the case against Microsoft case. It is estimated that the states and federal government have spent at least $37 million on this issue. With a settlement on the table, the country finally has an opportunity to end this extremely costly endeavor. $37 million is really only a fraction of what US v. Microsoft has cost the American people. Since the day the case began, we have seen the technology industry plummet. The domino effect of the tech crash went from the Nasdaq to the New York Stock exchange and almost brought our entire economy to a grinding halt. For our organization, the greatest reason for concern is the budget deficits now being faced by most states. In California, we are going to be billions of dollars short of reaching the budget for the next year. That shortfall, when combined with competing political needs, wil inevitably result in tax increases. We already pay among the highest taxes in the country, and the Fiasco of the Davis Adminstration in our state embelishes the whole mess. It is important also realize that housing prices have not come down and thousands of our neighbors are losing their jobs because of the tech crash.

Tax Action Network Affiliate of Council of Citzens Against Government Waste 1301 Connecticut Ave, NW Suite 400 Washington, DC 20036 1–800–BE–ANGRY—http://www.cagw.org JAN–05–02 11:10 AM 1 510 794 8797 P.02

Ms. Renata Hesse

All of this does not add up to strong financial conditions, We are not arguing that settling the Microsoft case will end our economic woes and fill Californis'a coffers up again. That will require a fically ''sane'' administration and legislature in Sacramento. But we are saying that it is time for our Country to begin taking steps which help the economy grow and expand. Settling the Microsoft case is one step closer to the sort of economic environment we need to create. And may we also add that we think it about time, yes long overdue, for the Government to stop their crusade of ''punishing'' the successful and damning innovation and hard work, It is organizations such as Microsoft that provide the jobs and the work places for earning power of we—the citizens, who ultimately pay the taxes that fund this government in the final analysis.

The settlement proposed in US v. Microsoft is good. More importantly, it is time to stop wasting millions of dollars to continue this case. Our economy is no longer strong enough to withstand litigation over innovation.

The facade being used by many politicians to paint organizations such as Microsoft as the ''bad'' guys must come to an end. As said before, these ''bad'' guys PROVIDE millions of jobs and millions of pay checks to purchase homes, groceries, cars and etc. These things do not come from ''government.'' The ''government needs to get out of the way and let us get on with the business of providing all the things mentioned above for millions of ''citizens''!

Sincerely,

Kenneth D. Steadman, President

Richard Ahern, Vice President

MTC–00030840

01/04/2002 06:27 +000000000 PAGE 01
JAN–03–2002 09:25AM Carrie McKinley 916 441 6857 P.02
Carrie McKinley
Fundraising and Event Planning
821 (illegible) Street Suite D
Sacremento, CA 09814
Phone (916) 441–0865
Fax (916) 441–6857

Renata Hesse
December 29, 2001
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

The last things that our economy and the technology industry needs right now are government lawyers, bureaucrats and judges watching over the industry and attempting to micromanage it. The federal government and Microsoft have reached a fair agreement that addresses the majority of the antitrust charges and complaints.

Now that a fair settlement has been reached, it is time for the federal government to focus its attention and its limited resources on other issues. I urge you to join me in supporting the settlement.

Yours truly,

Carne McKinley

MTC–00030841

01/04/2002 06:25 +000000000 PAGE 01
MSI Mailing Systems Inc
THE DIRECT MAIL EXPERTS
P.0. Box 429 o Rancho Cordova, California 95741
o Phone (916) 631–7400
o Fax (916) 916–7488
o e-mail: si@msimail.net—website:www.msimail.net
January, 2 2002
Renata. Hesse
Trial Attorney Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I am writing to express my opinion regarding the antitrust case with Microsoft. I believe that this case should be settled and that the remedies proposed are in the public good.

Seeing that the economy is currently in recession, a strong technology sector led by Microsoft could lead us back to the prosperity we recently experienced. The last thing we need is for this case to drag on and lead to more regulation of our high tech industry. In short, I feel the settlement proposed is good for the country.

Sincerely,

Doug Muraki
CFO

MTC–00030842

01/04/2002 06:22 +000000000 PAGE 01
FROM: FAX NO: JAN.03 2002 07:34PM P1
Tracy Pillows
December 29, 2001
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
605 D Street NW, Suite 1200
Washington, DC 20530
Dear Ms. Hesse:

I can't believe this anti-trust case is still going on. The government has spent over $30 million dollars of the taxpayers' money on this case. I can think of many important programs that could be funded with that money, especially during this time of economic uncertainty since the country is currently facing a recession and a huge budget deficit.

I am glad to see that the federal government has finally agreed to a settlement. Settling this case is in the best interest of all involved, the technology industry, the economy and most importantly, the consumers.

I urge you to please approve the settlement so that all of the parties involved can move on.

Cordially,
Tracy Pillows
8006 Pocket Road, Apt. 226
Sacramento, CA 95831
916/424–5652

MTC–00030843

ALLIED PRINTING CO.
Renata Hesse, Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Dear Ms. Hesse,

This letter is in following the Tunney Act and the opportunity for the public to offer an opinion on the settlement reached between the government and Microsoft. These lawsuits have gone on for so long and become so mired down in political agendas that it is a difficult and arduous task for the public to follow, It bothers me that the general public, for whose protection this whole lawsuit was started has been squeezed out of the process. I feel strongly enough to write this letter.

Microsoft is a successful company. They didn't utilize fair business practices to attain that success and will pay the consequences for that and be monitored for years to come to make sure that from here on out, they do 'play fair'.

Now the only hold up is getting the settlement through the channels. Please take this letter and the sentiments behind it into consideration and support the settlement on the table.

Thank you for your time on this matter.

Respectfully,
Matt Zellmer
1912 '0' Street Sacramento, CA 95814
Ph.(916) 442–1373 FAX 442–7655 email
4allied@cwo.com
Ph. (9l6) 442–1373
FAX 442–7655

MTC–00030844

01/04/2002 06:19 +000000000 PAGE 01
Leading Edge
Data Services
P.O. BOX 6008 o Stockton. CA 95206
Renata Hesse
Trial Attorney, Antitrust Division
Department of Justice
601 D Street, NW, Suite 1200
Washington, DC 20530
Dear Ms. Hesse:

Why is the federal government still spending our tax dollars trying to break up Microsoft? Please accept the settlement that has been reached between all of the parties and stop wasting tax payer's money.

With everything going on overseas and with our own economy in a recession, isn't there something more important that we could be spending our tax dollars on?

I support ending the class action lawsuits against Microsoft and urge you and the Department of Justice to do the same.

Sincerely,
Jess Cervantes
(800) 390–3233 o (209) 948–6232—Fax (209) 466–9260

MTC–00030845

Wyman Design Graphics
2830 Audubon Circle
Davis, California 95616
Renata Hesse
Trial Attorney, Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington. DC 20530
Dear MS. Hesse,

The Microsoft lawsuit and the money and time pouted into it have served their purpose. The government sought to protect the consumer from unfair business practices by Microsoft. The settlement reached by the federal government, nine of the states and Microsoft is an acceptable compromise to all parties. It's time now to turn our attention to more pressing priorities. The recession, the war, problems with our education system (especially in California) call for both immediate and focused efforts.

Please support the settlement between the government and Microsoft. Thank you for your time on this important matter.

Cordially,

MTC–00030846 01/04/2002 18:56 6053328722 DAKOTA NETWORKS PAGE 01

Patsy Henry Butler, M.Ed., NCC
School Counselor, Patrick Henry Middle School
316 E, 32nd Street, Sioux Falls, SD 57105
January 2, 2002
Trial Attorney Renata Hesse
Antitrust Division
U.S. Department of Justice
Washington, DC 20530
Dear Ms. Hesse:

I have served as a counselor for many years at Patrick Henry Middle School in Sioux Falls, South Dakota, where the neighborhood is financially well-to-do and where internet access at home is fairly common. As an educator and counselor, I am concerned with students in other parts of Sioux Falls and in South Dakota where incomes are low and children are disadvantaged when it comes to internet access, particularly outside of the school systems. For that reason, I am very pleased with the provisions in the Microsoft antitrust settlement which will target these kids and their schools for software and hardware support and enable them to compete with school systems all over the nation.

Microsoft Corporation has been a helpful partner in the development of information technologies in South Dakota's public schools. The state a few years ago began a program to make the state the ''most wired state'' per capita than any other state in the nation. Governor Janklow's ''wiring the schools'' program linked schools of all sizes and income types to the internet. Microsoft pitched in with a large grant to help the education portion of the comprehensive project. As a result, the settlement will be an additional advancement for the students whose schools have been wired for high-speed access.

My knowledge of the antitrust case is from the news media. What I have learned about the issues involved in the case seem to have been resolved in the settlement agreement, What is most important, I believe, is the fact that the issue of consumer harm was never established in this case, which makes me wonder why an antitrust issue was pursued so vigorously and for so long. It seems appropriate after all of this time and the taxes spent on this case that it has reached a settlement. I hope that the settlement is allowed to go through, and that schools and students will soon appreciate the benefits.

Thank you very much for your attention.

Sincerely,
Patsy Henry Butler

MTC–00030847

TO:
FROM : DAKOTA NETWORKS
FAX: 6053328722
TEL: 6053316937
COMMENT :

MTC–00030848 01/04/02 17:28 FAX 7854840194 THE SOURCE 01

Post Office Box 626
Topeka, Kansas 66601–0626
(785) 484–0195
(785) 484–0194 fax
hq@ks-ra.org
WWW.ks-ra.org
January 4, 2001
Judge Kollar Kotelly
Antitrust Division
U.S. Department of Justice
601 D Street NW Ste 1200
Washington, DC 20530
Dear Judge Kollar Kotelly:

I understand that you are currently considering the merit of the United States Department of Justice's proposed settlement of its antitrust case against Microsoft. I am aware chat federal law allows for a period of public comment before you make your final ruling and appreciate the opportunity to share my thoughts on this important issue. I recently wrote an opinion editorial in my home state of Kansas in which I outlined several reasons why I am opposed to the

continuation of this case by either state or federal entities. I clearly state in this editorial my disappointment that Kansas Attorney General Stovall has nor chosen to settle this case.

I have no doubt that this settlement is in the best interest of all involved. Even Microsoft opponents have to admit that this agreement finds remedies for the complaints of the lawsuit. For example, Microsoft will be required to share technical information and requires absolute flexibility of all new Microsoft operating systems. This settlement even creates an enforcement mechanism that Microsoft must answer to if a complaint is filed stating that the company is not following the provisions of the settlement.

There appears to be no reason that this settlement should not be approved particularly in light of our current economic condition. With the current state of our national economy we do not need the threat of more unreasonable government regulations and litigation hanging over the high tech sector which, as you know, has become such an important part of our economy.

Please carefully consider my comments when you are making your decision about this important settlement.

Sincerely,

James W. Mullins, President

Kansas Republican Assembly

MTC–00030849

Jim & Joan Harvey

PO Box 461 Isle of Palms, SC 29451

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Back to Message

P.O. Box 461

Isle of Palms, SC 29451 ''

January 5, 2002

Attorney General John Ashcroft, Department of Justice

950 Pennsylvania Avenue NW

Washington, DC 20530–0001

Dear Mr. Ashcroft:

I wanted to drop a quick letter to you congratulating you on the settlement that was reached between Microsoft and the Department of Justice. It was more than fair, and I do not want or need to see any more action against Microsoft at the federal level. Please move forward with the terms that have been agreed to in the settlement. The agreement calls for Microsoft to document for its competitors various interoperability protocols inherent in the Windows'' operating system. That incredible amount of disclosure alone should revitalize the competitive energies of many companies, since it could theoretically make all products work equally well on any computer with Windows. America is in the middle of a recession, and hampering Microsoft's abilities, as well as other firms'' abilities, to bring innovative products to the marketplace is not the way to save our economy.

This whole mess started when the suit was brought against Microsoft three years ago, and now we have passed the point of return. Allowing Microsoft to get back to business as usual, while abiding by the terms of the settlement, is the best way to rescue America's economy. The legal actions by the government have affected more people than was anticipated, and it is time to right that wrong. Thank you for your time and consideration, and please allow the terms of the settlement that was reached between Microsoft and the DOJ to fall in to place. It will prove wise in the long run.

FROM : RV CONSULTING INC

1 W\IU! IV\Ul\l

FAX NO. :

Jan. 06 2002 05:52PM P2

James Harvey

cc: Senator Strom Thurmond

MTC–00030850

01/(06/02 SUN 19:03 FAX 5323785 Perry L. Staley 001

Perry L. Staley

411 Orchard Street

Ironton, OH 45638

January 5, 2002

Attorney General John Ashcroft

U.S. Department of Justice

950 Pennsylvania Avenue, NW

Washington DC 20530

Dear Mr. Ashcroft,

It is unfortunate that there had to be this lawsuit between our government and Microsoft. I am sure that Microsoft had been aggressive in their business practices, but I am not so sure that the line was crossed so as to have made them a target of a suit like the antitrust case. In any case, after plenty of wrangling and even more posturing there is finally a settlement that will end this case. I am writing to ask that you keep sustaining your support for settlement.

The suit will profoundly restrict Microsoft's business practices. Microsoft cannot demand exclusivity of Microsoft products from computer manufacturers installing software before shipping the computers to dealers or customers. They cannot seek retribution from software companies that develop software designed to compete with Microsoft, which should be a cornerstone of a successful business.

Enough damage to our economy has been accomplished by all this court action and time-consuming legal work. After an ample amount of expense and worrying, both sides are finally ready. I hope you will see that the settlement reached in early November 2001 is brought to completion by your office. I sincerely thank you for your time and effort in seeing this through to its end.

Respectfully yours,

Perry Staley

MTC–00030851

@A

From: ROLAND OLAF PEIERSON

To: John Ashcroft

Date: 2002/01/06 Time:

6:57:30 PM PAGE 1 of 1

22 Ravenswood Road

Waltham, Massachusetts 02453

2002 January 6

Attorney General John Ashcroft

US Department of Justice

950 Pennsylvania Avenue, NW

Washington, DC 20530

Dear Attorney General Ashcroft: I am writing you today to express my feelings on the absurdity of continuing the war against certain drugs. A free America will never be a drug-free America, as any reasonably intelligent person knows. America is becoming a terrorist nation because of the property forfeiture laws and other laws associated with the drug war. I know you know this. The time is ripe for a change of policy.

Sincerely,

Roland Peterson

MTC–00030852

01/06/02 sun 18:50 FAX 5323782 Perry L. Staley 001

January 6, 2002

Attorney General John Ashcroft

U.S. Department of Justice

950 Pennsylvania Avenue, NW

Washington, DC 20530

Dear Mr. Ashcroft

It is unfortunate that the Enron melt down took place at this time, when the news of 911 obscures the facts .

I feel that you should put this on the front burner of all your investigations. For a few insiders to take as much money as they did is criminal and to not investigate at once is in my opinion an abuse of your powers, I am writing to ask that you use the power of your office to see that justice is done in a swift and final manner.

I sincerely thank you for your time and effort in seeing this through to its— end.

Respectfully yours,

Perry L. Staley

411 Orchard Street

Ironton, Ohio 45638- 1166

MTC–00030853

Jan-07–02 10:37A Tatum Bros Lumber Co 904 782–1448 P.01

Tatum Bros. Lumber Co., Inc.

P.O. Drawer A Lawtey, Florida 32058–0701

(904) 782–3690 Fax (904) 782–1448

January 7, 2002

Attorney General John Ashcroft, Department of Justice

950 Pennsylvania Avenue, NW

Washington, DC 20530–0001

Dear Mr. Ashcroft:

The lawsuit that was filed against Microsoft was, quite frankly, crazy. It never should have happened in the first place, and I am so glad that it was finally resolved just last November. The Justice Department does not need to waste time and resources, which the taxpayers have to foot the bill for, any further on this pursuit. There is a resolution and it is a resolution that addresses all of the key issues and even ones not mentioned in the original lawsuit.

This agreement stipulates that Microsoft cannot retaliate against any computer company that promotes or distributes non-Microsoft software, which helps to increase competition. It also provies a uniform pricing list for companies that would enter into licensing contracts with Microsoft, which provides economic protection from smaller computer manufacturers. The Microsoft settlement even goes so far as to require Microsoft to provide interface data to its competitors, which is a first in antitrust settlements. This is a settlement that addresses all of the issues at stake here and more.

Therefore, it is time that the litigation is stopped. As I said, this entire lawsuit was crazy to start with. Well, it's time the craziness ended. I urge you to make no further changes. Microsoft has been penalized. I hope you will do what is good for the economy. The buck stops with you.

Sincerely,

Linda Tatum

MTC–00030854

Stanley Kneppar
8IO9 Hibiscus Circle
Tamarac, FL 33321
January 7, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

This letter is to express my support for the settlement in the Microsoft case.

This is a balanced agreement, painstakingly negotiated with a court appointed mediator. Microsoft will have to make some critical concessions, while being allowed to use the technology that has made it the gold standard for computer innovation.

I am convinced that Microsoft's success comes from the simplicity and superiority of its product, I briefly used the Netscape Navigator before switching to the Microsoft Internet Explorer, and I found the latter to be very preferable. The company does not deserve to be punished with litigation just for being a success. I anticipate that as Microsoft is forced to open up its codes for Windows to improve interoperability, we will see the competition and Microsoft improve such soft ware as browsers and media players. In turn, that is good for consumers.

I sincerely hope the District Court Judge deems the settlement to be in the public's best interest.

Sincerely,

Stanley Kneppar

cc: Representative Robert Wexler

MTC–00030855

P. 0. Box 23093
Anchorage, KY 40223
January 5, 2OO2
Attorney General John Ashcroft
Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft,

In accordance with the Tunney Act, I am writing in regards to the DOJ settlement with Microsoft. I am sorry that there was a case to begin, with but I'm happy that there's finally a settlement in this whole matter. It's a good settlement ''tough but fair'' nature. The penalties for not abiding by the terms are strong; contempt of court is a very serious charge, and there are many different ways that the suit might be broken. Every facet of Microsoft's operation, from licensing to marketing to software design is affected by the settlement in some way.

I am happy to see that Microsoft will finally be able to get back ho business and help out our economy in this recess ion.— They are an example of a good American company and have unfortunately been persecuted for outdoinq their competitors with a better product.

I hope that you consider my opinion as well as those of other people who write in to you supporting Microsoft and please pass on our opinions as well as the terms of your settlement to the nine states and the DC government, who still refuse to settle their case against Microsoft.

Sincerely,

Stanley Kimmel

MTC–00030857

SENT BY: 1–5–02; 9:32 PM. JERRY MARTIN ASSOC. 202 353 8856; # 1
21 Edgewater Alley
Isle of Palms, South Carolina 29451
January 5 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I am writing to voice my opinion concerning the Microsoft antitrust case that was recently settled with a strong and binding settlement I urge you to please stop any further Federal government intervention beyond this settlement There have already been settlements reached between various states and Microsoft, all of which involved mediators and a great deal of negotiation. The settlement forces Microsoft to document and disclose for use by its competitors various interfaces that are internal to Windows'' operating system products—a first in an antitrust settlement. Microsoft has agreed not to retaliate against software or hardware developers who develop or promote software that competes with Windows or that runs on software that competes with Windows.

I am retired, but have previously been involved in ''big business.'' I see the hardships Microsoft is facing on the side of a businessman and an everyday computer user. It seems to me that this drawn-out lawsuit has become a victim of politics and money lust Microsoft has contributed much to this country, creating jobs, bringing technology and donating a great deal of products to schools and other charities.

Don't allow our economy to drift further into recession. Please allow Microsoft to get back on their feet again.

Sincerely,

Jerry Martin

MTC–00030858

JAN–06–2002 08:20 PM BERT MCLACHLAN 800 213 4181 P.01 Bert McLachlan
3524 West 97th Place
Leawood, Kansas 66206
1–800–213–4181 bertmclachlan@msn.com
January 7, 2002
Department of Justice
Re: Microsoft Settlement
Fax: 1–202–307–1454 (Four pages total)

Beyond a doubt, it is time to settle the Microsoft case and get it over with, not letting it be dragged on and on just because of a few obstinate state attorneys general. Don't let the tail (the state AGs) wag ''the dog'' (this case). As one lawyer said, ''the issues in this case have been beaten to death by people who are worn out.'' There is no case, so be done with it.

This was a political case from the beginning: Senator Orrin Hatch and his buddy, Joel Klein, helping Novell and other software companies (from Hatch's state) try to accomplish through the courts what they couldn't accomplish in the marketplace with their products. It is a case against one of the most customer-beneficial business successes ever. The case would never have been brought by a Bush Administration, and the Bush Administration does not want it pursued. Neither does the worldwide public, which is the very happy beneficiary of everything that Microsoft has done for our lives and our economies. Judge Jackson made the case a ridiculous circus. It has cost people billions already. Settle this misguided suit. Get it over with. Move on to something relevant. The two accompanying fax pages, (1) a Wall Street Journal editorial of March 1, 2001, ''The Microsoft Appeal'', and (2) a September 7, 2001 article, ''Justice Bows to Reason'', both express my views on this. Particularly in the latter, please note that ''the (DC Circuit's) opinion includes important admonitory language about the grave problems of pursuing antitrust claims in quickly evolving industries, such as software and other high-tech industries, which neither the prosecutors nor the courts know much about.''

JAN–06–2002 08:20 PM BERT MCLACHLAN 800 213 4181
The market takes care of these things. Learn a little something from the federal government's decade or more of earlier similar misguided efforts with IBM.
A Consumer,
Bert McLachlan
JAN–06–2002 08:21 PM BERT MCLACHLAN 800 213 4181 P.02
THE WALL STREET JOURNAL THURSDAY, MARCH 1, 2001
The Microsoft Appeal

For a while you couldn't sit down with a Japanese or German or British CEO without them wanting to shake their heads over the spectacle of the U.S. government seeking to destroy one of America's most successful and important companies. The further you got from American political culture. The weirder the Microsoft lawsuit seemed.

Most Of the local Washington press bought it, thought, because Joel Kleln was a shrewd judge of the reach of his Permission slip in beat up the world's richest man. His hireling David Bojes has gone on to represent Napster; Mr. Klein has joined Bertelsmann, the German media and music giant that struck a deal with Napster. And their Mi. crosoft case this week basically collapsed.

Lawyers for both sides left the appeals Court knowing there would be no breakup, andl probably not much of a case once the appeals bench gets done throwing out everything that was unproved. counterfactual or lacking in coherence. The telling remark was Chief Judge Harry Edwards's comment about ''sleights of hand'' over whether Microsoft was accused of trying to create a browser monopoly (for a product it was giving away free? Or seeking to protect its Windows monopoly (how does making a better browser and distributing it free protect Windows?).

Let us confess some sympathy for Judge Jackson. Who was knocked around by the appeals panel for his apparent bias as trial

judge. With every action since the start he seemed to betray reservation about whether the matter really belonged in court. Why this came to be projected into resentment of Microsoft and Bill Gates is a question for his memoirs. He called Mr. Gates ''Napoleonic.'' which might be accurate if he meant someone who had achieved a great deal at a young age. And what a group of DC drug peddlers. The Newton Street Crew, did to merit comparison to Microsoft we'll never know. But Microsoft's real offense was clear: It declined to cop a plea so everyone could go home and brag about the big trophy for the rest of their lives. Instead, the company kept insisting it had done nothing wrong. By the time he got around to offering the most drastic remedy imaginable for Microsoft's alleged wrongs, dismemberment of the company, Judge Jackson was hilariously agnostic on whether the end result would he good or bad, saying the question wasn't even worth taking testimony on: I'm outta here. Then he blabbed to the press. Surely these actions served their purpose: Whatever the appeals bench decides. U.S. v. Microsoft most likely won't be coming back to Judge Jackson's courtroom.

The puck now has been slapped to a new Administration. NYU economist Lawrence J. White, a former chief economist of Justice's antitrust division, proposed in a New York Times oped that the Bushies ''save face'' by letting Microsoft go with a $10 billlion fine. Huh? Mr. Bush has no need to save face. He didn't bring this misguided lawsuit. This was Clintonera handiwork, a vestige of a weird time when the White House and senior Justice officials had unhealthy stakes in each other. Mr. Klein had been Mr. Cliton's deputy White House counsel. His boss. Janet Reno, didn't have much to look forward to beyond her job as attorney General. Mr. Clinton was keen not to be investigated for campaign finance scandals. They found a modus vivendi, and Microsoft was collateral damage.

Events this week seal the case for withdrawing whatever is left or the original lawsuit when the appeals court gets done with it. The best way for the government to ''save face'' is to pronounce this sorry adventure a mistake to begin with.

JAN–06–2002 08:21 PM BERT MCLACHLAN 800 213 4181 P.04

THE WALL STREET JOURNAL FRODAY SEPTEMBER 7, 2001 JUSTICE BOWS to REASON

By George L. Priest

The Justice Department has decided to drop its further prosecution of Microsoft and this will come as no surprise to those who examined with care the opinion of the U.S. Court of Appeals in June. After all, thr DC Circuit's unanimous ruling provided a virtual road map to thw lower court to find that Microsoft's tying of its browser to Windows was unobjectionable, and that a breakup of the company could not be justified.

So, put bluntly, the Justice Department yesterday dropped the tying claim, as well as the breakup remedy, because it faced a zero chance of success. Thus, what has been widley dubbed as the greatest antitrust case of the last 50 years ends with a whimper.

Antitrust Jurisprudence Quoting the Supreme Court, the DC Circuit had stated that ''it is far too late in the history of our antitrust jurisprudence to question the proposition that certain tying arrangements pose an unacceptable risk of shifting competition.'' But in the next sentence, the appeals court added, ''But there are strong reasons to doubt that the integration of additional software functionality into an OS [operating system] falls among those arrangements.'' Still later, the court instructed that ''because of the prevasively innovative character of platform software markets, tying in such markets may produce efficiencies that courts have not previously encountered.''

The D.C. Circuit was equally clear about the inappropriateness of the breakup remedy. It cautioned the lower court that a break up was generally an effective remedy only for monopolies that had been created by the merger of former competitors, and not for the unitary companies like Microsoft. In addition, the court severely questioned whether there was any casual connection between Microsoft's exclusionary conduct and its monopoly market share, adding that ''If the casual connection between Microsoft's exclusionary conduct and the company's position in the OS market, it may well conclude that divestiture is not an appropriate remedy.''

Where does this leave the case? In its press release yesterday, announcing that it was dropping the tying anf breakup charges, the Justice Department stated that it would seek an order ''modeled after the interim conductrelated provisions'' of U.S. District Court Judge Thomas Penfield Jackson's Final Judgement. Some of these rememdies, through less damaging than a breakup, were nonetheless draconian. Among other remedies, Judge Jackson would have required Microsoft to disclose portions of its source code, to provide price discounts to Original Equipment Manufacturers (or OEMs) according to how many of Windows'' features they deleted, and to generally treat all vendors and customers equally, regardless of their actions.

But there is no basis in the Court of Appeal's opinion for conduct remedies of this nature, and the lower court is not likely to approve them. According to the Court of Appeals, the only justifiable conduct remedies are an injunction prohibiting Microsoft from entering various exclusive dealing contracts and compelling it to redesign Windows to allow a customer to delete the browser if there are any customers who would want such a thing. Remedies of this nature will not affect Microsoft's operations in any significant way, and, indeed, were largely accepted by Microsoft prior to trial.

The Justice Department also hinted that it wanted discovery to determine whether there are any violations associated with the forthcoming introduction of Windows XP. The statement was only a hint, but it may prove troublesome if either the Justice Department or any of the state attorneys general still in the case choose to take the matter seriously. According to the DC Circuit's analysis of tying, the full integration in Windows XP of features such as Media Player or Instant Messaging should be perfedctly permissable. The court's opinion, however, contains one cryptic conclusion regarding ''code commingling'' that may make the outcome unclear. Though it may take some time, if the lower court carefully works through the DC Circuit's basic analysis, there are unlikely to be any serious obstacles to Windows XP.

Does this mean that the entire Microsoft prosecution was a waste? Surely, it has caused substantial harm. Many have pointed out that the collapse of the dotcom industry dated almost exactly from the release of Judge Jackson's, ''Findings of Fact,'' most have which have been vacated. Microsoft's decline, in market capitalization was accelerated by Jude Jackson's ''Conclusions of Law,'' among all of which have been vacated. There have been millions of hours of hours of academic analysis, with a cast volume of litigation still in the wings. The claim of waste is hard to reject.

Important Analysis But some rays of light have resulted. The DC Circuit's opinion, through unsupported and weakly defended on exclusive dealing, contains an important analysis of tying arrangements and bundling that substantially advances the laew beyond the current jurispreudence of the Supreme Court. In addition, the opinion includes important admonitary language about the grave problems of pursing antitrust claims in quickly evolving industries, such as software and other hightech industries, which neither the prosecuters not the courts know much about. The Justice Department's action yesterday acknowledges the truth and significance of these warnings.

Finally, the Court of Appeals opinion and the Justice Department's retreat should serve as a cautionary guide to actions against Microsoft threatened by the European Commission ____ to may ____ who may ____ stubborn on ____ These are small benefits and are hardly worth the accumulated social cost ———— as wasteful ____ been, if ____ still can be ____ if prosecutors learn ____ not to bring such ____ in the future.

Mr. Priest teaches law and economics at Yale Law School and has served as a consultant for Microsoft.

MTC–00030859

January 7, 2002

United States Department of Justice

Re: Microsoft Settlement

Isn't it about time Washington caught up with the rest of America? Perhaps those within the Beltway haven't heard President Bush. We are at War. Accordingly, let's put to bed this case against Microsoft. All have had their opportunity to spend their ''day in court.'' As we see it, no one won. Politics being what it is, those who have never worked to meet a payroll, would like this ease to drag out for the benefit of their own private agendas. If the green envious competitors of Microsoft have better to offer, let us hear form them. The silence has been deafening.

It appears that some attorneys at the State level think they will benefit from delaying closure on this matter. You know what Shakespeare said about the legal profession!

Henry and Eleanor Langworthy

CC: Microsoft

01/07/2002 12:40 718–667–7135
Langworthy Investor PAGE 01

MTC–00030860

01/06/2002 00:25 5152431028 DDR PAGE 01/ 01
MARK ALAN HAVLICEK
1513 Sixty Sixth Street + Windsor Heights, lowa 5031I United States of America
Phone 515–243–3622; Fax 515–243–l282 + Home Phone 515–274–3582 + Email ScanMan@ddrinfo.com
Hon. Judge Ko1ar Kottely
Antitrust Division
U.S. Department of Justice
601 D Street, NW, Suite 1200
Washington, DC 20530
Attention: Renata Hesse

Dear Hon. Judge Kolar Kottely:

I am the President of Digital Data Resources in Des Moines, Iowa. I have been involved in the technology industry for several years, and it is my hope that the Microsoft case, will be settled. The fiscal outlook for 2002 is grim. From coast to coast, revenue growth has slowed, spending is exceeding budgeted Ievels, and many states are looking at large budget cuts. After September 11, we saw a plunge in the technology sector. Instead of being tied up in court, technology entrepreneurs should at work developing products and charting new territory with never before imagined products and services.

Giants like Apple, IBM, and Microsoft provide the stable atmosphere for the myriad small firms to create, develop, and release new cutting-edge technologies. The small companies work in concert, and competition at times, with these giants. This mutually dependent relationship is the lifeblood of the industry.

Over the past 20 years, we have seen computers go from the size of a refrigerator to the size of a deck of cards. And in tandem with those leaps forward, we have seen declining prices, better and faster technology, and increasingly more efficient methods of delivery to consumers. It takes a competitive spirit to survive in this exceptionally aggressive industry of ours, especially in the case of small or emerging businesses. We spend our days watching competitors, finding markets, and keeping a watchful eye on the economy. And it seemed the storm has passed, both figuratively and in the eyes of the stock market, when a settlement was announced last year.

But the states which remain involved have argued for tougher enforcement provisions, including a court-appointed ''specia1 master'' to oversee Microsoft's compliance. And we have found through experience that there is no remedy discrete to Microsoft when it's the nucleus of a tech sector that operates as its own economy.

The states, including my own state of Iowa, are not right to push ahead for further prosecution of Microsoft. The proposed settlement goes the distance in addressing the concerns of business people like me who are in the technology industry. The time to take a hard line is over. The hold-our states are holding out to the detriment of their state economies and out national economy at a time when actions like this are not at all useful. It is a frightening prospect to see another dollar of precious development resources diverted to paying attorneys'' fees instead of rippling through our industry. Money that could have launched a new product or created new opportunities for a small business on the brink in has disappeared into the abyss of this lawsuit. The settlement is a positive step in putting it all behind us and opening a new chapter in the life of the technology industry.

I applaud Assistant Attorney General Charles James for his role in bringing the case this far. The settlement agreement is a strong one. It will have an enormous impact on the future of the entire software industry.

Sincerely,
Mark Havlicek
President
DIGITAL DATA RESOURCES, INC.
Des Moines, Iowa

MTC–00030861

Jan–07–2002 12:50pm From: HMH PHARMACY + 2707061768 T–299 P OOl/OOl
F–719
HMH
Hardin Memorial Hospital
A Regional HealthCare Center
January 7,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to comment on the settlement with Microsoft. While I am sorry that any suit was brought against Microsoft in the first place, I am happy that this situation is resolved.

I hope that the rest of the states will fall in line and get behind your settlement. It's fair and reasonable and should solve everyone's problems with Microsoft. Microsoft will share information regarding the internal workings of Windows, and computer makers will be able to use this information to more easily install their own software on Windows based operating systems. I hope that they really are in it not just to make money off of Microsoft's hard work.

Thank you for taking the time to listen to me concerning this matter. I appreciate your settling this matter and for hearing the public's opinion on this case, especially considering the huge impact Microsoft has on the average American.

Sincerely,
John Sandusky
913 N. Dixie Avenue o Elizabethtown, KY 42701–2599 o Phone: 502–737–1212

MTC–00030862

7–22–1995 3:56 AM FROM P. 1
To: The Department of Justice January 7, 2002
From James D. Murphy
7725 La Cosa Dr.
Dallas TX 75248
ofc 972 774 1603
fax 972 774 9975
email texmur01@interserv.com
Regarding Microsoft Settlement
Summation of My View

The settlement should be left as is and not changed as being sought by 9 states.

Comments

I have been a stockholder of IBM, Oracle, Computer Associates and Microsoft over the past 15 to 20 years. I invested in this area of technology because I believed that U.S. industry could compete in software, but would find it almost impossible in hardware due to countries like Japan and China and Korea having significant advantages in the hardware arena. (I have done well, and as it turns out, I may also have done well in U.S. hardware, but software was my plan, and I stayed with it.) My view of the software baffle is that IBM lost, my view I repeat is Microsoft did not win. IBM lost—

The reasons IBM lost were of IBM'S doing . . . can you believe a monster monopolist manufacturer who bought LOTUS in order to defeat Microsoft—and they lost, and then figured out the only way to get back in was the Government. In my view those involved in the software wars of that past time period continue to view IBM's mistakes as unbelievable and those mistakes resulted in Microsoft becoming, I guess, what the court has decided is a monopoly. But not a monopoly created illegally, and in my view not a monopoly created by Microsoft.

Nobody liked Microsoft then anymore then than they do today, but it turned out that we valued IBM's product even less,

Does anybody remember who IBM put in charge of LOTUS.

As we proceed on from those past days to the more current events surrounding the vast worldwide communications arena, I am at a complete loss as to how Microsoft can be judged to be acting illegally because it is a monopoly but that it would not be so judged if it were not a monopoly. What other country in the world, past or present, would view such a performing asset as a monopoly, if it were their own, and try to inhibit its growth and aggressiveness.

And I suggest that the court somehow make all aware that just making a finding yesterday that Microsoft was a monopoly last year does not make it so this year or even yesterday. And so in that legal tangle, I suggest that if one can become a ''monopoly'' without prior legal notice then the opposite must also be true and, so since in my view today Microsoft is not a monopoly, it should now conduct it's business in that manner, no, it must conduct it's business in that manner.

In the overall world of business, my charts show Microsoft ranks 125th in Revenue, and in it's competitive world it is not even a third of IBM, and less than half of AT&T. It is not a fourth of GE. It seems to mush around the likes of Brit Telecom, Dell Computer, Compaq, France Telecom, Telecom Italia, Telefonica, and is a third of Siemens, Verizon, and half of SBC, and maybe some 70% of Nokia and AOL.

Is there some belief that these corporations are not competitive—it seems to me Microsoft is the little guy in the schoolyard being punished because he does his homework, Aha, someone says, the gauge should not be Revenue, it should be EBITDA. Well I suggest the court make all aware of the gang ahead of Microsoft in that category. Number one is NTT, proud owner of

DoCoMo, some five times Msoft size and good old GE three times, and even struggling IBM a third larger. All larger and with competitive WEB intent are VERIZON, ATT, SBC and close by are BELL SOUTH, TELEFONICA, and the French and Italians.

I believe these bigger guys are trying to push Microsoft on down the communications pile and intend to hold themselves on top, and since it is unlikely that the prior court decision will be reversed let us end it now, and let little old Microsoft continue to compete in the world marketplace.

Repectfully

James D. Murphy

MTC–00030863

File No. 869 01/07 ''02 14:19 ID: FAX: PAGE 1
Date: 1–7 02
To: John Ashcroft Fax: 1–202–307–1454
Company:
From: Diana Kilgure Phone:
Re: Microsoft Settlement
Total Pages (including cover page): 2 O Urgent O For Review O Please Reply
Comments:
File No.869 01/07/02 14:19 ID: FAX: PAGE 2
MAIL BOXES ETC.
19885 Detroit Road, Rocky River, OH 44116
PH: 440.333.4810 FX: 440.333.4812
21011 Maplewood Avenue
Rocky River, OH 44116
January 3,2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing to express my support for the settlement that was reached in the Microsoft antitrust case, which I consider to be very reasonable. Microsoft must now make significant changes in its business model, such as uniform prices for hardware dealers, and provide more information to competitors. Further litigation at this point is a waste of money and serves only to hobble a company that some consider too successful.

As part of the settlement, Microsoft will have to share information making it easier for competitors to use non-Microsoft software with the Windows program. This includes disclosure of various interfaces internal to the Windows operating system. The settlement will result in more options for consumers as well as more access for competitors.

I hope you will see tit to approve the settlement and allow everyone involved to get back to the computer business.

Sincerely,

Diana Kilgore

MTC–00030864

Jan 07 02 12:25p Gary Pearce 9197878031 P. 1
8282522437 McGuire Wood 875 P02 JAN 02 ''02 12:10
McGUIRE, WOOD & BISSETTE, P.A.
ATTORNEYS AND COUNSELLORS AT LAW
DRUMOR BUILDING
48 PATTON AVENUE 20001
RICHARD A. WOOD, JR. POST OFFICE BOX 2180 RICHARD A.
W. LOUIS BISSETTE, JR. ASHEVILLE, NORTH CAROLINA 28802–3180, FREDERICK S. HARBOUR, DOUGLAS O THIGDEN, JOHN N. FLEMING & GAI JOSEPH P. McGUIRE INC & GAI HARBOUR, DORIS PHILLIPS LOOMIS, TELEPHONE: (828) 284–8800, SARAH SPARBOE THORNBURG &
M. CHARLES CLONINGER, FACSIMILE. (828) 252–2438, HEATHER WHITAKER GOLDSTEIN
THOMAS C., e-mail, DOUGLAS JAMES TATE, T. DOUGLAS WILSON, JR INC & CAI WEB SITE WWW.MWBAVI.COM, MARY E. FULER INC & ALI
JANUARY 2, 2002
Via Facsimile—(202) 616–9937
Ms. Renata Hesse
Trial Attorney, Antitrust Division
Departrncnt of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
microsoftatr@usdoc.gov

Dear Ms. Hesse:

As an attorney and a former three-term member of the Asheville City Council, I have had an invaluable opportunity to see both the good and the bad that can result from government action. As a result, I have been concerned for some time about the impact of the antitrust suit that the federal government and a number of states were pursuing against Microsoft I am glad to see now that a settlement has been tentatively reached. I was also heartened by the decision of North Carolina's Attorney General, Roy Cooper, to remove our state from the suit. He looked long and hard at the issue, and he obviously concluded that the settlement deals adequately with Microsoft's misdeeds and provides sufficient remedies to prevent future misdeeds.

According to reports I have seen on the proposed settlement agreement, Microsoft could not penalize computer manufacturers that distribute competing software. and the manufacturers would be free to install or promote non-Microsoft products and services. This seems to me to protect against anti-competitive behavior and make the settlement extremely fair and reasonable. At a time when our nation is at was with terrorism and our economy is in recession, it would be wise to reach a settlement in this matter. Both the public and private sectors must get about the business of rebuilding a vital. growing economy. I sincerely hope that the federal courts will approve this settlement and put this matter behind us

Jan 07 02 12:25p Gary Pearce 9197878031 P.2
82522437 MCGUIRE WOOD 875 P03 JAN 02 '02 12:l0
MCGUIRE WOOD & BISSETTE, P.A.
Ms. Renata Hesse
January 2, 2002
Page 2
Thank you for your attention.
Sincerely,
M. Charles Cloninger
MCC:es

MTC–00030865

P.O. Box 670, 6881 COURT STREET ROAD
SYRACUSE, NY 13206
TEL: 315–463–0062 FAX: 315–463–3352
www.countrybest.com
January 7,2002
Ms. Renata Hesse
Trial Attorney
Antitrust Division
Department f Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

As the Plant Manager for County Best, located in Syracuse, NY, I am writing to YOU in regards to U.S. vs. Microsoft, I'd like to take a moment of your time to tell you why I am in favor of the settlement of this case. Currently, the technical operation of Country Best depends on the latest technology, much of which has been deve!oped by Microsoft. We depend on the software we useb to handle the critical coordination of produce shipments from all areas of the nation, in and out of our facility. Not only are Microsoft's products vital to our business, but the continued innovation of these products is essential to our company, as well.

I encourage Judge Kollar Kotelly to consider the national economic climate of the United States and the negative impact that allowing further litigation against Microsoft will have. The settlement of this case will by far be in the best interest of all businesses throughout New York State.

Thank you for your time,

Sincerely,

James Giuffre

Plant Manager

Country Best

JAN–07–2002 12:03 PM COUNTRY BEST 315 463 4432 P.01

MTC–00030866

FROM: FAX NO.: Jan. 07 2002 11: 16AM P1
KEHOE-FRANCE
SCHOOL-CAMP-CHILDREN CENTER
DEO-PATRIAE-DISCIPLINE
720 ELISE AVENUEoMETAIRIE, LA 70003 (504) 733–0472oFAX (504) 783–3446
January 7, 2002
Renata Heese
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington DC 20530
FAX: 202–616–9937
RE: U.S. v. Microsoft

It is my understanding that Judge Kelly will be reviewing comments on the proposed Microsoft settlement. Please know that my feeling is that this settlement is in the best interest of the economy and consumers. The technology sector needs a boost and so does our economy. This case has gone on long enough and plenty of our dollars have been spent on it. We need to encourage competition but we don't need the courts so involved in an industry that it discourages growth and innovation.

Let's settle this and encourage more companies to get out there and compete. It is Microsoft's rivals that want to see this go on and on. As for consumers we like our choices.

Sincerely,

KYLE M. FRANCE

KMF:rl

''Now in our second generation.''

MTC–00030867

01/06/2002 00:24 5152431028 DDR PAGE 01/01
Mark Alan Havlicek
1513 Sixty Sixth Street +Windsor Heights. Iowa 50311 + United States of America
Phone 515–243–3822 + Fax 5l5–243–1262 + Home Phone 515+274–3582 + Email scanMan@ddrinfo.com
Hon. Judge Kolar Kottely
Antitrust Division
U.S. Department of Justice
601 D Street, NW., Suite 1200
Washington, DC. 20530
Attention: Renata Hesse

Dear Hon. Judge Kolar Kottely:

I am the Pesident of Digital Data Resources in Des Moines, Iowa. I have been involved, in the technology industry for several years, and it is my hope that the Microsoft case will be settled. The fiscal outlook for 2002 is grim. From coast to coast, revenue growth has slowed, spending is exceeding budgeted levels, and many states are looking at large budget cuts. After September 11, we saw a plunge in the technology sector. Instead of being tied up in court, technology entrepreneurs should at work developing products and charting new territory with never before imagined products and services.

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The states, including my own state of Iowa, are not right to push ahead for further prosecution of Microsoft. The proposed settlement goes the distance in addressing the concerns of business people like me who are in the technology industry.

The time to take a hard line is over. The hold-out states are holding out to the detriment of their state economies and our national economy at a time when actions like this are not at all useful. It is a frightening prospect to see another dollar of precious development resources diverted to paying attorneys'' fees instead of rippling through our industry. Money that could have launched a new product or created new opportunities for a small business on the brink instead has disappeared into the abyss of this lawsuit. The settlement is a positive step in putting it all behind us and opening a new chapter in the life of the technology industry.

I applaud Assistant Attorney General Charles James for his role in bringing the case this far. The settlement agreement is a strong one. It will have an enormous impact on the future of the entire software industry.

Sincerely,
Mark Havlicek
President
DIGITAL DATA RESOURCES, INC.
Des Moines, Iowa

MTC–00030869

Jan 07 02 12:28p Gary Pearce 9197878031 p.1
12/27/2001 13:48 919–676–1536 BRACHMAN ASSOCIATES PAGE 01
BRACHMAN ASSOCIATES
8605 Devishire Drive
Raleigh NC 27615
(919) 870–1982 (919) 676–7536 fax
December 27, 2001
Renata Hesse
Trial Attorney
Antitrust Division, Department of Justice
601 D Street NW, Suite 1200 Washington, DC 20530
Fax 202–616–9937
microsoft.atr@usdoc.gov
Subject: Support for Microsoft Settlement

Dear Ms. Hesse:

For the last 30 years as a senior management consultant to such companies as IBM, Kodak, Xerox, Burger King, Glaxo,

Federal Express and others I have had the opportunity to work side by side with our corporate leaders to build a stronger US economy. In the last 10 years, I have seen that economic base erode due to our government's priority focusing on international trade, free enterprise, and deregulation. The result has been a significant decline or near collapse in the US in our transportation industry, our steel industry, our textile industry, our utilities industry, and others. The most successful and greatest era of growth in the last 10 years has been in the information and communications industry that has provided the foundation for increased productivity, consumer and business knowledge, military intelligence and millions of new jobs in almost every industry from finance to healthcare. The one company that has contributed the most to the US leadership in the world through its establishment of technology standards and integration of functionality has been Microsoft Corporation.

Now our Government leaders at both the Federal and State leaders are ready to undermine the one company who has provided this country that global leadership position through lawsuits and constraints that will undoubtedly allow foreign companies once again to gain a competitive advantage in our own country. I see Asian-based companies building a foundation that will dominate the hardware sector of our information industry. I see European companies doing the same in telecommunications. Microsoft Corporation's continuing expansion of its integrated technologies and application platforms allow companies of all sizes from the smallest to the largest to benefit from that leadership role and strategy. I know because those companies are my clients in the pharmaceutical, biotechnology, and other sectors of our business economy.

Please reflect on what our government has done in the past 10 years and do what you can to make the next decade one in which our government leaders support those companies like Microsoft Corporation who is doing its best to maintain a global leadership position for the good of our nation and its people. Do not let the lobbyists, the politically motivated, and the Microsoft competitors drive our government legislators and attorney generals to prosecute and persecute the one company that is still the brightest star in our economic arsenal fighting to maintain our economic survival in the ever growing world of foreign-based terrorism and protectionism.

The proposed settlement agreement that is now before the federal courts will provide adequate protections to all involved in this industry—Microsoft itself, its competitors, computer manufacturers, information technology providers and, most important of all, the consumer and end-user. It is time to accept this agreement, as the State of North Carolina has wisely done, and move forward.

Fred Brachman
President, Brachman Associates, Inc.

MTC–00030870

Jan 07 02 12:29p Gary Pearce 9197878031 p.1
12/20/01 FRI 14:40 FAX 704347408080 AON CONSULTING 002
AON CONSULTING
EMPLOYEE BENEFITS
CONSULTING GROUP
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Fax 202–61 6–9937
microsoft.atr@usdoc gov

Dear Ms. Hesse:

One of the fantastic things about being an American is the ability to take a venture you started in your garage, a creation you built in your backyard or an idea you formalized your apartment and transform it into the largest, most profitable business in the world. It is this promise of fortune that led most of our ancestors to this great country in the first place. This reward of innovation has inspired and driven our most successful entrepreneurs to craft inventions that have revolutionized our world and make our lives better.

This very ideal of freedom and innovation has been under attack in the federal government's lawsuit against Microsoft. At one point, Microsoft was the whimsical dream of an ordinary American. But through keen strategy, tireless effort and enormous risk, it blossomed into the most successful software company in history. As we see with our financial markets daily, with risk comes reward, and Microsoft reaped the benefits. But the federal government has been trying

to step in and limit that growth. This intervention not only has been needless, but also a waste of taxpayers'' money. Aren't there more important issues to address, such as combating global terrorism, providing quality education to our children and taking care of our senior citizens?

I am writing to urge you our government to end its lawsuit and its efforts to regulate Microsoft's software products. Neither the already weakend economy nor the innovative spirit of America needs to be stifled by a continuation of this litigation. I have seen an analysis of the proposed consent decree, an analysis prepared by the Association for Competitive Technology. It appears that the settlement guarantees flexibility for computer manufacturers, guarantees to information technology providers access to technical specifications, guarantees flexibility to users and guarantees everyone involved the chance to get out of the courtroom and back to work It is time to do JUSt that.

Sincerely,
Brook Seaford
AON CONSULTING, INC.
101 South Tryon Street Suite 2550
Charlotte, North Carolina 28280 tel (704) 347–4080 fax (704) 347–2375

MTC–00030871

Jan 07 02 01:59p Gary Pearce 9197878031 p.1
Lisa Pace
319 Yadkin Drive
Raleigh, NC 27609
December 31, 2001
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Fax 202–6 16–993 7
microsoft.atr@usdoc.gov

Dear Ms. Hesse:

For many months, I have carefully followed the progress of the U.S. government's lawsuit against Microsoft Corporation. As a business consultant and active community volunteer, I work with a broad range of businesses and organizations that depend heavily on computer hardware and software, I have seen first-hand the importance of affordable and usable technology.

Microsoft, clearly has been an aggressive competitor in the marketplace. But Microsoft's products and services have made an invaluable contribution to the growth and success of many small businesses and organizations. It appears that the proposed consent decree in this matter strikes the proper balance between punishing Microsoft and providing remedies for computer manufacturers, Microsoft's competitors, IT providers and—most important of all—business and residential end-users.

It does not help Microsoft, its customers or our economy to continue this costly and time-consuming legislation. Our nation faces a security crisis and an economic crisis, and it is time to put all of our efforts to meeting these two challenges. A settlement in this matter now would be a blessing to all concerned. I am pleased that North Carolina's Attorney General, Roy Cooper, saw fit to agree to the settlement that had been negotiated. He is a leader of rare intelligence and integrity, and I have great confidence in his judgment, I hope that the presiding judge in this matter will bring it to a quick close. Thank you for your consideration.

Sincerely,
Lisa Pace

MTC–00030872

Jan 07 02 02:03p Gary Pearce 9197878031 p. 1
FROM : FAX NO. : Dec. 26 2001 01:01PM P2
Jane Lentz
344 Tyler Lane
Boone, NC 28607
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Attorney Hesse:

I am writing in support of the proposed settlement agreement in U.S. v. Microsoft. The proposal presents a good compromise between Microsoft and its competitors. While it does not provide remedies that are completely satisfactory, it does allow flexibility and some middle ground for each side.

Microsoft's competitors will be allowed access to have technical information so that software developers, service providers and hardware vendors are not penalized In developing or selling products that. compete with the Windows operating system.

The other remedies provided in the suit will allow the technology industry to focus on developing innovative products thus getting the economy back on track. Consumers will benefit from the renewed competition.

Sincerely,
Jane Lentz

MTC–00030873

Jan 07 02 02:2lp Gary Pearce 9197878031 p.1
Sent by: CORPOHATE MEDIA SVC 7043772905 12/17/01 12:43 Job 726 Page 1/ 1
CMS
December 17 2001
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Attorney Hesse

I am writing to comment on the settlement of the Microsoft case. As a small business owner I believe the settlement will start rebuilding our economy and at the same time allow a significant investment in educating children. Microsoft has benefited consumers and business owners by providing an integrated software system that is easy to use. Our economy depends on competition and ongoing innovation that is not discouraged by litigation and regulation. A settlement will allow Microsoft and other companies to again focus their efforts on developing technology that will provide new opportunities for consumers and the technology industry. The settlement will also provide much needed training and software for our schools.

Sincerely,
Bob Summers
President
Corporate Media Services
632 West Summit Avenue,
Charlotte, NC 28203
Phone (704) 377–1601 FAX (704) 377–2905, email info@corporatemedia.com
Visit our website at www.corporatemedia.com

MTC–00030874

1–07–2002 3:09PM FROM 000000000000 P.1 :98486007 #2/2
Norma J. Smith
9367 Brighter Tower Court, #1304
Glen Allen, Virginia 23060
January 3, 2002
Ms. Renata Hesse
Antitrust Division
Department of Justice
601 D Street NW, Suite
1200 Washington, DC 20530

Dear Ms. Hesse:

Whenever there is a settlement agreement to a court case, the question arises how the terms of the agreement will be enforced. With the Microsoft case there should be no doubt on this question. An independent Technical Committee is being created that has the power to hire unlimited staff. They will be on-site at Microsoft Corporation their expenses will be paid for by Microsoft. The agreement specifies the U.S. Justice Department as the sole enforcement authority, In short, the settlement agreement provides resources, access, and authority to quickly respond to complaints about Microsoft's compliance. This is an enforcement mechanism with teeth. It should put to rest any doubts about compliance.

I am glad that this case looks like it is well on the road to being settled, Our economy is now in a recession and the high-tech industry can hopefully lead us on the road to recovery.

Sincerely yours,
Norma J. Smith

MTC–00030875

JAN-07–2002 13:40 BIXBY TELEPHONE CO. 918 366 6610 P.01/01
ED GUSTAFSON
P.O. Box 98
BIXBY, OK 74008
January 3, 2002
Attorney General John Ashcroft
The Department of Justice,
950 Pennsylvania Av, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

I am writing this letter in accordance to the Tunney Act to express my opinion in support of the settlement reached between Microsoft and Department of Justice regarding the antitrust suit. This settlement will finally bring a close to the more than three years of dubious court actions. It pleases me to see the Justice Department settle this case, and I hope the settlement is enacted promptly after the comment period.

This settlement was arrived at after extensive negotiations with a court-appointed mediator present. Microsoft is not getting the sweet-deal settlement that its competitors say it is getting. It is being

scrutinized at all times by an independent committee to guarantee adherence to the settlement, and any time a competitor believes that Microsoft has overstepped its bounds, they can sue.

Even though I have reservations about the settlement's anti-entrepreneur bias, it is far preferable to breaking the company up. The decision to finalize the settlement and put this suit behind us is agreeable to me. Microsoft needs to be allowed to return to innovation.

Sincerely,
Ed Gust&on
cc: Senator Don Nickles
TOTAL P.01

MTC–00030876

January 4. 2002
Ms. Renata Hesse
Trail Attorney
Department of Justice
Antitrust Division
601 D Street N W, Suite 1200
Washingron, DC 20530
Dear Ms. Hesse:

As a business executive who represents 103 small business owners in the Dallas, Texas area, I'm writing this letter to illustrate my support of the proposed Microsoft settlement. I could write a letter with all the ''fancy words and phrases'' that would describe how unfortunate this entire situation with Microsoft and its competitors has come about and precisely why US government should end its pursuit of Microsoft However, I chose to simply state what I believe is reality in this case:

I believe our government...and Microsoft's competitors who apparently can't compete for whatever reason..have forgotten about the ''rights of American business'' to pursue and operate their business in the spirit of a free enterprise system. That's the bottom-line on this whole affair,.. Let's end this pursuit of Microsoft Ms. Hesse. Our government has spent more than enough of the taxpayer's dollar in its quest to satisfy competitors who lack the knowledge to understand customer needs in the marketplace, Rule 1 in Marketing 101.

Thank you.
Sincerely,
W.J. Thomas

MTC–00030877

The Rockford Group
718 Brentwood Lane Richardson TX 75080
Phone: 214–478–1028 Fax: 972–669–1017
December 27, 2OOl
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Dear Ms. Hesse:

Over the course of the next 30 days, you will receive comments from both aides of the Microsoft settlement issue. Many will ask that you continue efforts to dismantle or seriously disrupt Microsoft Corporation's advantage in the marketplace, I think that would be a mistake. I have read an analysis of the settlement and find that it seems to answer most if not all of the questions raised by the lawsuit. Though the settlement does not completely satisfy Microsoft's competitors, it does appear to be crafted in a way that will let the market continue to produce innovative products with minimal government regulation. And, perhaps most important of all, the consumer will benefit the most. As a concerned citizen and consumer of high tech products, I ask that you accept the terms of this settlement and put an end to lengthy and wasteful, pursuit of Microsoft Corporation.

Sincerely,
Tom Parris

MTC–00030878

ABC Coin
8524 Fifth St,
Frisco, TX 75034
800–752–7277 972–377–7100 FAX 972–335–3960
WWW.ABCCOIN.COM
ABCCOIN@AlRMAIL.NET
December 27, 2001
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Dear Ms. Hesse:

With the announcement by the United States Department of Justice that it will not continue to pursue antitrust litigation against Microsoft, it is time for government lawyers and state attorneys general to put this entire episode behind us. A recent poll by Americans for Technology leadership shows that the overwhelming majority of the American people want this case to come to an end Nearly 75% believe the case should be resolved quickly.

I am writing because I believe that a settlement is the most efficient remedy for this case. Further litigation or regulation would result in fewer choices and higher prices. Small and minority business would be unable to afford new innovative products thus leaving them at a great disadvantage in the market place. individuals and home pc users would shift their already declining resources elsewhere, American industry would no longer be the preeminent leader in globe1 technology. This is not the vision I have of America's technology future. I. am disturbed by the misguided attempt to interfere with the advancement of American technology. That is why I am writing in support of the settlement negotiated between Microsoft and the Department of Justice. I think that the voices of American consumers should be heeded.

Sincerely,
Sharon Fox

MTC–00030879

Jan-04–02 03:31P cc I Ik-cc I Jk 972 503 2545 P.01
CCLIK-Computer Certification Learning Institute of Knowledge
972–934–2545 FAX
972–503–2545 www.ccik.com
3961 Beltline Road Addison, Texas 75001–4306 OPPORTUNITY DOESN'T KNOCK IT CCLIK'S A+, MCSE, CNE, CCNA
December 27, 2001
Renanta Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D street NW, Suite 1200
Washington DC 20530
Dear Ms. Hesse:

I applaud the recent decision by the Department of Justice to drop the monopoly and tying lawsuit against Microsoft. Now, it is time to settle the remaining issues and move on. The harm done to the technology industry by ever expanding litigation and that threat of government regulation will soon be felt by every consumer or high-tech products. Microsoft has invested tremendous resources to develop products like the new XP operating system. It is unfortunate that some competitors think it is more valuable to lobby the government in an attempt to gain market advantage rather than focus on developing innovations, such as xp.

For the sake of the American consumer and our preeminence in the global marketplace. I am writing in support of the settlement negotiated by the Department of Justice. It is time to settle all remaining issues and let healthy competition return to the high-tech industry.

Sincerely,
H.N. Symonds
CEO

MTC–00030880

COMPLETE TECHNICAL REPRESENTATION, Inc.
CTR INC.
January 4, 2002
Ms. Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Dear Ms. Hesse.

I have been an executive in the aerospace business for the past 37 years and I do not see that a continuation of the Microsoft lawsuit will do any more than spend many additional dollars of the taxpayer's money. The settlement, as it now stands, may not completely satisfy, all parties involved, but it appears that the most logical and certainly the most cost savings to the taxpayer would be accomplished if the present settlement were accepted. There comes a time when the continuation of a lawsuit destroys the foundation of the United States business approach in that it does away with compensation to the innovative individual or company that designs, produces and markets their product. I propose that you accept the terms of the Microsoft settlement thus saving future unnecessary taxpayer's dollars.

Sincerely,
H. N. Symonds
CEO
8304 Esters Blvd., Suite 880 o Irving, TX 75063 o Metro (972) 621–1111 . Fax (972) 621-1616
o E-mail: ssymo 12312@aol.com

MTC–00030881

Pintail Technologies, Inc.
January 7, 2002
Renata Hesse

Trail Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

The case against Microsoft has gone on too long, cost taxpayers too much money and inflicted too much harm on the economy It is time for this entire case to come to an end accepting the recently negotiated settlement.

The last thing country needs is government run high-tech. I am. writing to ask that the Department of Justice and the courts let the market continue to produce low-cost, high quality innovative produces. No one is forced to buy a contain brand. there are plenty of choices. Let the consumer be the best judge of high-tech products—not the government

Sincerely,
Jeff Bibbee
CEO—President
3700 GRANITE PKWY—SUITE 320
PLANO, TX 75024 EMAIL:
INFO@PINTAILTECHNOLOGIES.COM
EMAIL:
SALES@PINTAILTECHNOLOGIES.COM
PHONE: (972) 464–5830 FAX: (972)-464–5835

MTC–00030882

14645 Woodland Road
Athens, AL 35613
To: Mr. John Ashcroft Fax: l-202–307–1454
From: Mrs. Adair McCook
Date: 01/03/02
Re: Microsoft Settlement Page: 1 plus cover
cc:
Urgent For Review Please Comment Please Reply Please Recycle
Confidential
FROM: FAX NO.: 2562337505 Jan.07 2002 04:10 PM P1
14645 Woodland Road
Athens, Alabama 35613
January 2, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The purpose of this letter is to show my support for the settlement that was reached between Microsoft and the Department of Justice in November. The agreement has teeth, It requires Microsoft to design future versions of Windows to make it easier to install non-Microsoft software and to disclose information about certain internal interfaces in Windows. It also requires significant changes in the way Microsoft develops licenses and markets its software, as well as new ways of working with independent software vendors. This agreement changes the software industry permanently. The government's settlement is more than fair. A technical oversight will monitor Microsoft to ensure that it adheres to the settlement's terms. For these reasons, I support the settlement.

Sincerely,
Adair McCook
FROM: FAX NO.: 2562337505 Jan. 07 2002 04:10 PM P2

MTC–00030883

JAN-07–2002 04:36 IVS COMPUTER TECHNOLOGY 6618358619 P.01
3839 Stockdale Highway
Phone (661) 831–3900
Fax: (661) 835–8819
IVS COMPUTER TECHNOLOGY
To: Attorney General John Ashcroft
From: Pamela Quattlebaum
Fax: l-202–307–1454 or Pages: 2
Phone.
Date: 0l/07/2002
Re: Proposed Microsoft Settlement cc:
Urgent For Review Please Comment Please Reply Please Recycle
o Comments
JAN-07–2002 04:36 I IVS COMPUTER TECHNOLOGY
6618358619 P.02
3839 Stockdale Highway
Bakersfield, California 93309
(661) 588–2904 Fax: (661) 835–8639
IVS Computer Technology
Partnerships That Provide Solutions
January 7, 2002
Attorney General John Ashcroft
U.S. Justice Department
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

One of my greatest concerns over this Microsoft lawsuit is that we—and all Microsoft customers and partners—will lose a degree of technical support if this antitrust case is pursued. In our business, support is very important. We serve the educational community and deal with people who invariably do not have the computer proficiency that any number of software engineers would have. In our 10 years in the industry we have realized the value of strong companies that over time have a successful track record in innovative products and services.

It is therefore important for me—and my clients—to rely on the expertise of technical support among all our software solutions providers. I am hoping that the recently negotiated settlement will be sufficient and will be supported throughout this review process. After all, the settlement is realistic, and will benefit the software companies that we work with. They will be able to develop more effective programs, since Microsoft has agreed to redesign Windows, and disclose its internal interfaces, which will help software companies come up with creative programs that offer more options and function better on the Windows OS.

I am appreciative of having this opportunity to voice my support of this settlement, and further hope that no further federal action will be required. Thank you.

Sincerely,
Pamela Quattlebaum
Vice President Marketing and Business
TOTAL P. 02

MTC–00030884

Sent By: ccc; 408 776 3451 Jan-7–02 5:47 PM; PAGE 1/2
Coyote Creek
Consulting
50 Airport Parkway. San Jose CA 95110
Office:408–451–8410 Fax 408–351–9525
To: John Ashcroft
From: Michael R. Faster
Fax 202–307–1454 Pages: 2 including cover sheet
Phone: Date 1/7/2002
Re: Microsoft cc:
Urgent For Review Please Comment Please Reply Please Recycle
Comments:

Dear Mr. Ashcroft,

Please see the attached letter regarding the Microsoft Settlement.

Thanks,
Michael R. Faster
President
Sent By: ccc; 408 776 3451; Jan-7–02 5:47PM; Page 2/2
Coyote Creek
Consulting
January 7, 2002
Attorney General John Ashcroft, U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washlngton, DC 20530–0001

Dear Mr. Ashcroft,

It is a better alternative to have this Microsoft lawsuit settled than having it drag on in the federal courts. Ultimately, I believe that any anticipated break-up of Microsoft anticipated by the federal prosecutors would have had serious repercussions on the Information Technology business at large. At the very least, most would have to retool the way they had done business with Microsoft. This would have distracted businesses from concentrating on servicing their client bases and expanding their businesses. In the IT business, this distraction can have serious consequences.

Ultimately, I am no sure what benefit the terms of the settlement will have on most IT businesses. The hardware manufacturers and the software publishers may benefit by virtue of the fact that the terms of the settlement are centered around either freeing up more of the Windows code. or creating greater flexibility among the various OEMs as to pre-installing the Microsoft OS.

In start the settlement is basically a good thing and hopefully will be sustained throughout this review process. Thank you.

Sincerely,
Michael Faster
President
CC: Representative Zoe Lofgren
50 Airport Parkway San Jose, CA 95110
Voice (408) 451–8410 Fax (408) 351–9525
Microsoft
GOLD CERTIFIED
Partner

MTC–00030885

From: Robert Elmore
To: Attorney General John Ashcroft
Date: 1/7/2002 Time: 10:21:12 PM
FACSIMILE COVER PAGE
To: Attorney General John Ashcroft
From: Robert Elmore
Sent: l/7/2002 at 10:21:10 PM Pages: 2 (including Cover)
Subject: Microsoft Settlement
From: Robert Elmore
To: Attorney General John Ashcroft
Date: 1/7/2002 Time: 1O:21:12 PM
5604 West Pages Lane
Louisville, Kentucky 40258
January 7, 2002
Attorney General John Ashcroft
US Department of Justice

950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I write to you in support of your settlement with Microsoft in the ongoing antitrust case. I am happy to see that you have all agreed on a resolution after three long years and I hope that the other states can be brought into line as soon as possible.

Microsoft has done a lot for our economy and for the IT industry as a whole. I hope now that it will be able to continue to do the same after this settlement and I wish Microsoft well. The settlement thankfully did not require it to break up, but it will, I think, be enough to convince Microsoft's competitors that it did not get off easy.

Thank you for hearing me out and taking my opinion into consideration. I support the settlement and hope to see it finalized soon.

Sincerely,

Robert Elmore

MTC–00030886

JAN 08 2002 08:51 FR ENGINEERING/OSB 321 867 2167 TO 82026169937 P. 01/01
January 7, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

In November, the long-fought battle between Microsoft and the Justice Department finally saw a resolution. It was a resolution that was long overdue. Vast time and resources were spent to reach this resolution, and I see no need to continue further litigation.

The provisions in the resolution were extensive and included items that were not even a factor in the original lawsuit. The settlement also has some terms that are unprecedented for this type of lawsuit. For example, the Microsoft settlement requires Microsoft to provide to its competitors interface information about its own software. To enhance market competition, there are terms in this settlement that restrict Microsoft from entering into any agreements with computer manufacturers that would stifle competition. This will mean that hardware makers can install other products, keeping Microsoft responsive to the market for more efficient products.

The November settlement is plenty good enough, and I see no need to spend more taxpayer money further litigating this suit. I urge you to leave the suit as is. The economy would benefit the most if this issue was finally resolved. I thank you for your time and am sure that you will do what is best for all parties involved.

Sincerely,

Michael Payne
3402 Caraway Street
Cocoa, FL 32926

MTC–00030887

l-07–2002 7:36PM FROM 000000000000 P. 1
DIANE DODD-McCUE, D.B.A.
January 2, 2OOl
Ms. Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I am writing you about the Microsoft settlement.

I find that the Microsoft settlement goes beyond the issues upheld on appeal, which may result in questionable future outcomes to individual users, companies, and industry. I find it hard to comprehend having a committee and the Court supervise the future of software design. The software industry, like many in our nation's long history of business successes, has-soared because of the free market system, entrepreneurial spirit, and innovation, ''Supervised'' development could likely hinder this spirit and innovation in the future. Consumers have not been harmed by Microsoft's actions. To the contrary, innovations by Microsoft have given us better products and lower prices.

With 2002 comes reason for optimism as a nation, after the horrors of September, and optimism for the economy. The Microsoft settlement, while limited by the previously mentioned factors, still may serve as an impetus to move forward as opposed to remain bogged down in lengthy court actions. We all need to get back to work.

Yours truly,

Diane Dodd-McCue

8107 University Drive Richmond, VA 23229 (804) 673–9723 E-Mail HADDODD@hsc.vcu.edu

MTC–00030889

Jan-08–02 04:20A U. S. Postal Service—P1 706 562 1786 P.01 4521 Hedingham Lane Columbus, GA 31907
January 8, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft,

I am disappointed at the delays arising from more talk and less action about the Microsoft settlement. I cannot understand how a few special interest can manage to clog up the process indefinitely. To me, the settlement is demonstratively fair, and if anything, it is unfairly casligatory is Microsoft.

Microsoft is already abiding by the terms, and has been since November 16th, so I'm sure that we'll get to see the influence of the settlement soon. This means that the even though the settlement hasn't been enacted, even while Microsoft's competitors benefit from such measures as interest services and licensing changes, they can still actively work to destroy Microsoft altogether in fits of jealousy.

It is (illegible) that this charade has gone on long enough. The government must stop action at the federal level. Now what the proverbial cat is out of the bag, and Microsoft is directly giving up its intellectual property, the company should be allowed to return to business.

Sincerely,

Jeffrey Gittings

MTC–00030890

01/08/2002 01:12 2158226040 WETHERBEE PAGE 01
Charles D. Wetherbee
19 Farber Drive
Chalfont, PA 18914–1472
January 7, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

As a concerned American citizen, I am writing to voice my displeasure regarding the antitrust case between the Justice Department and Microsoft Corporation. I believe that Microsoft should not have had to endure three years of litigation for alleged antitrust violations. I support the products that Microsoft has developed and will continue to develop.

Their products are of high quality and are user friendly. It is in the best interests of the Justice Department to settle with Microsoft, and not continue with litigation against them. This case has been ongoing for there years. It is time for all parties to move onto other matters.

Furthermore, the settlement is both fair and reasonable to all parties. Microsoft will be making specific changes in response to the settlement. These changes include the following: computer makers can replace access to Windows Media Player, Windows Messenger, and Internet Explorer with access to non- Microsoft software.

Sincerely,

Charles D. Wetherbee

cc: Senator Rick Santorum
Senator Arlen Specter
Rep. James Greenwood

MTC–00030891

Jan 07 02 08:04p Larry Goldrstein 215 4894046 p.1
Goldstein Educational Technologies
Mathematics and Technology in Higher Education
January 7, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

As a father of a Microsoft employee and an avid supporter of Microsoft products and services, I am writing to express my support of the recent settlement in the antitrust case between Microsoft and the US Department of Justice. I had disagreed with the government's interference and am glad that it will finally be over. From my knowledge of the concessions Microsoft has agreed to make, I see that they will be disclosing Interfaces to competitors, licensing its windows operating system products, increasing computer maker flexibility, and easing retaliations against computer makers.

These actions reflect a more than adequate compromise and should be seen by Microsoft's opponents as indications of Microsoft's desire to do whatever is necessary to facilitate technology growth and aid a faltering American economy and injured technology sector.

I look forward to Microsoft's growth in the future and feel confident its presence will remain a powerful force for our economy and a positive example for others to follow.

Sincerely,
Dr. Larry Joel Goldstein
President
Goldstein Educational Technologies
cc: Senator Rick Santorum
4 Bittersweet Dr. Doylestown, PA 18901
Phone (215)-489–4045
FAX (215)-489–4046 e-mail
lgolt@erols.com

MTC–00030892

Jan 07 02 06:07p JW 3602634403 p.1
31103 NW 18th Avenue
Ridgefield, Washington 98642
January 3, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

The settlement pending in the Microsoft antitrust case currently represents the best available solution to this case. It is time to stop wasting resources on a battle that has already been resolved.

Under the settlement, Microsoft has agreed to be watched closely by an oversight committee that will make sure it complies with all of the terms of the agreement. Some of these terms include Microsoft designing future versions of Windows to provide a mechanism to make it easy for computer makers and software developers to promote non-Microsoft software within Windows, disclosing information about how Windows works, and not retaliating against its competitors'' lawsuit. This will provide more choices for consumers, and stronger competition within the industry. The result will be beneficial to the IT industry.

I support this settlement and hope it is finalized in the very near future.

Sincerely,
Joseph Walker

MTC–00030893

From Edward S. Barba to l-202–307–1454 at l/7/2002 6:07 PM Pg 00l/0
304 Franklin Avenue
Phoenixville, Pennsylvania 19460
January 7, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I am writing to support the antitrust settlement between Microsoft and the US Department of Justice. The settlement was reached after many long hours of negotiation, and represents the best viable solution to the antitrust dispute. I think it is a waste of resources and time for any states to oppose such a settlement and hope that Microsoft is allowed to focus on making a positive contribution to the technology sector as soon as possible without being harassed further by politicians and lawmakers.

Some may say that the settlement goes too easy on Microsoft. This is simply not the case. Microsoft will have to share information about internal interfaces within Windows, allowing the companies to tinker with Windows and install their own software on the operating system. Additionally, Microsoft will be prevented from retaliating against companies that distribute or promote products made by Microsoft's competitors. It is for all these reasons and more that I support the settlement and hope to see it implemented soon.

Sincerely,
Edward S. Barba
cc: Senator Rick Santorum

MTC–00030894

FROM : STARCOM FAX NO. :214 821–7137 Jan 05 2002 04:24PM P4
Dallas
LNESC
National Educational
Service Centers, Inc.
1527 W. Colorado Blvd. Dallas, TX 78208
fax: (214)821–7137
Renat Hcsse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Dear Ms. Hesse:

The U.S. Department of Justice and nine state attorneys general decided to settle the Microsoft antitrust case. A recent survey done by Americans for Technology Leadership, a broad-based coalition of technol- ogy professionals, found that 70 percent of American consumers agreed with that decision. Yet the pursuit of Microsoft continues. It seems that a handful of Microsoft's competitors have pre- vailed upon the remaining nine state attorneys general to reject any settlement—be it reasonable or not—and continue to chip away at Microsoft. Their eventual goal seems to be leveling the playing field by bringing Microsoft down to their level.

If Microsoft's competitors think this will result in consumers rushing to buy their products. maybe they should examine some additional results from this survey. Of the 1001 individuals contacted in early November, 82 percent said that Microsofts competitors should compete by creating new products rather than lobbying for the government to stop Microsoft's new products. American leads the world in technological innovation thanks in large part to Microsoft. Let's not lose that advantage because we're afraid to let one corporation get too far ahead in the market place. I say, settle this case quickly and let's get back to what made America great—competition.

Sincerely,
Renato De Los Santos Director

MTC–00030895

l-07–2002 5:49PM FROM 000000000000 P.1
JAN-02–2002 09:25 NANCY MILES MAUPIN 804 353 4496 P.01
NANCY MILES MAUPIN
1514 PARK AVENUE
RICHMOND, VIRGINIA 23220
December 31, 2001
Ms. Renata Hesse
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Dear Ms. Hesse:

It is my understanding that the public is allowed to comment on the Microsoft settlement. What follows are my comments on this proposed agreement.

I understand that the agreement specifies that Microsoft would have to promptly disclose technical information that enables any Windows operating system to communicate with Microsoft servers and with all Microsoft middleware products. To encourage more non-Microsoft middleware, the settlement forces Microsoft to license any intellectual property rights that others might need to compete with Microsoft. And as with computer manufacturers, Microsoft could not penalize any software developer, service provider, or hardware vender that develops or sells products that compete with Windows and Microsoft middleware. The net result is that all information technology providers, including Microsoft's competitors, are guaranteed access to technical specifications.

I would add that the antitrust laws were meant to protect consumers, not for certain powerful companies to protect themselves from market competition. ProComp, AOL Time Warner, Sun and Oracle should stop encouraging the government to fight their battles for them in court and tight in the marketplace, where this battle belongs.

Yours truly,
Nancy M. Maupin
TOTAL P.O1

MTC–00030896

FROM : STARCOM
FAX NO: :214 821–7137
Jan. 05 2002 03:44PM P2
Starcom Consultants, Inc.
Communications—Marketing—Government Relations
January 4, 2002
Renata Hesse Trail Attorney
Antitrust Division
Department of Justice
601 D. Street NW, Suite 1200
Dear Ms. Hesse,

Despite all the hoopla over the announcement that the Microsoft case had been settled, it is my understanding that it still has to be approved by a judge. I am writing as an avid user of Microsoft products and a supporter of the settlement. I oppose the efforts of the nine state attorneys general who want no part of the settlement preferring instead the complete dismantling of Microsoft. To his credit, Texas Attorney General John Cronyn wisely'' declined to drag our state into this technological boondoggle. In hindsight, Cornyn's decision could benefit Texas.

A quick look at the proposed settlement should make Texans anxious to move forward. The settlement avoids long g costly litigation. It will restore healthy competition to the technology industry which is growing rapidly in Texas. Terms of the settlement will allow computer manufacturers flexibility with desktop configurations, an unprecedented concession on proprietary materials. But perhaps most important of all, the consumer will have access to Microsoft's innovative products with the option to switch easily to other products.

What more can you possibly ask for? This settlement appears to be in everyone's best interest. It is time to accept it and move on.

Sincerely,

Jake Fuller
President
4314 North Central Expwy—Dallas, TX 75206
(214) 821–7002—fax (214) 821–7137—email: starcomc@swhell.net

MTC–00030897

FROM : STARCOM FAX NO. : 214 821–7137 Jan. 05 2002 04:23PM P2
LEAGUE OF UNITED LATIN AMERICAN CITIZEN Councilivo . Dallas, Texas
January 4, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Dear Ms. Hesse:

Four years ago, the U.S. Department of Justice and 18 state Attorneys General brought suit against Microsoft claiming their preeminence in the software market created an unfair advan tage over their competitors. Now, after millions of wasted taxpayer dollars and countless attempts to halt the technological advances of Microsoft, the Department of Justice and 9 attorneys general have agreed to settle the case. So whats the hold up?

Could it be that Microsoft ''s competitors are shaking in their corporate boots because they have not kept up with the rapidly moving technology market and are doing everything they can to bring Microsoft down to their level by thwarting a settlement? It is ironic that Microsoft's competitors are leveling charges of unfair market practices when it is they who are practicing the worst kind of anti-competitive tactics. Instead of using their money to create new innovative products for the American consumer, they are throwing millions of dollars into lobbying efforts to bring innovation to a halt until they have time to ''catch-up''.

As a high-tech consumer, I find it disgusting that corporations who regularly oppose any type of government regulation by hiding behind the ''free market'' banner are suddenly calling for more government intervention I have a simple solution. Stop your whining. Get back to work producing new and innovative products that consumers want to purchase. That's what Microsoft has done. It seems to work for them.

Sincerely,
Joe R. Campos
President
4314 N. Central Expressway—Dallas, TX 75206—fax(214) 821–7137—email: lulacl00@yahoo.com.com
Members
Joe Alcantaz
Patricia Asip
Michelle Bahadillo
Adelfa Callejo
Bill Callejo
Joe Campos
Roseanna Costillo
Gil Chavez
Frank Cortes
Del Cruz
Mary Devile
Ken Fleischer
Steve Fleischer
Hector Flores
Jake Fuller
Alex Garcia
Guillermo Golindo
Gilbert May
Gil Herrera
Alex Jimenez
Tom Lazo
Lena Lavario
Rene Martinez
Michael Manoya
Brenda Reyes
Dr. Jim Rodriguez
Jim Salinas
Richard Saminano
Gloria Torres

MTC–00030898

JAN-08–2002 10:09 P. 01/01
1101 East First Street
Sanford, Florida 32771
January 5, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I want to take a moment to write that I support the settlement that was reached between Microsoft and the Justice Department. I believe ending this litigation is in the best interest of consumers and the consumer industry. Although I did not support commencing this litigation in the first place, it is time to move forward. The agreement incorporates many of the changes Microsoft's competitors desired. This includes granting computer makers broad new rights to configure Windows so as to promote non-Microsoft software that compete with programs included within Windows.

I have been in the computer industry for forty years and understand the importance of Microsoft and their products. The industry would still be extremely inefficient if not for the leadership of Microsoft. Freeing Microsoft to concentrate on bringing the latest technology to the market will continue making the computer industry a powerful engine to our economy.

Hopefully this settlement will be one of the last steps in bringing this entire affair to a conclusion. Thank you for the opportunity to have my voice heard.

Sincerely,
Bill Allen
IT Administrator
Seminole County Tax Collector
TOTAL P. 01

MTC–00030899

Jan-08–02 09:02A
Lewis Larsen 312–861–0831 p.01
Lewis G. Larsen
I75 North Harbor Drive, Suite #3205
Chicago, IL 60601–7346
Tel: (312) 861–0115 Fax: (312) 861–0831
E-mail: lewisglarsen@cs.com
January 8, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Via Facsimile to 202–307–1454
Dear Mr. Ashcroft:

After years of litigation, I was pleased to hear that the government has made the wise decision to settle with Microsoft in regards to the antitrust lawsuit. I hope that no further litigation will be pursued in the future. I feel that this settlement is fair and reasonable, considering it was arrived at after extensive negotiations with a court appointed mediator. While new government regulation will be imposed on the IT sector, this settlement will provide greater certainty about the new rules and thereby ensure that our industry can continue delivering advanced technology to the marketplace. Microsoft will, for example, be required to share information about the internal workings of Windows with its competitors so they can more easily place their own software on Windows-based systems.

With other pressing national priorities, it does not make any sense to spend scarce DOJ resources and taxpayer dollars on further litigation with Microsoft. As a participant in the software industry, I am well aware of Microsoft's hyper-competitive, hard-nosed business tactics. If anything, Microsoft has been guilty of being a super-competitor; its market dominance is a direct result of strong management talent, incredibly focused business tenacity, and an enormous willingness to keep pouring money into its products until it ''gets them right'' for its customers. By contrast, a predatory super-monopolist attempts to minimize capital spending and uses its market dominance to maintain or raise the prices of its products.

Microsoft's behavior has never met the definition of a monopolist —- adjusted for inflation and major increases in useful features that are embedded in Windows, the price of Microsoft operating system software has never been lower than it is right now! Furthermore, Microsoft's software has made immeasurable contributions to the growth of the U.S. economy over the past 15 years and made our country the undisputed world leader in computer technology. Punish Microsoft for that? You have to be kidding me. It makes no sense. Thanks to you and your DOJ team for making the choice to settle—-in doing that you are truly protecting the interests of our country's consumers and citizens.

Sincerely,
Lewis G. Larsen

MTC–00030900

01/08/2002 09:55 18173550882 GATTEN PAGE 01
1108 El Camino Real Apt. 233
Euless, Texas 76040
January 7,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

Last November finally saw the resolution of the three-year long antitrust lawsuit filed against Microsoft. Much time and many resources were spent to get to this final resolution, and I believe that no more needs to be spent. The resolution that was reached in November is just fine the way it is. It includes provisions to protect the smaller software companies trying to compete with the much larger Microsoft. It has provisions within it to keep the competition strong and

healthy in the information technology market. Some of these beneficial provisions are as follows. Microsoft will now issue unified pricing lists so that companies entering into licensing contracts with Microsoft will all receive the same treatment. Microsoft has agreed to not include in any new contractual restrictions that would limit competitors'' ability to promote software. This settlement even has a provision that would require Microsoft to disclose any interface information to a software company that would require such interfaces to work with Windows. These extensive provisions are quite enough.

As I said, enough time has already been spent resolving this issue. Therefore, I urge you to leave the current settlement in place with no substantial changes. I thank you for your time.

Sincerely,

Jerry Gatten

MTC–00030901

LEKTRONIK DEVICES CO.
1712 Poinciana Ln.
Plano, Tx 75075
972–423–2028
Fax: 972–423–6088
January 8, 2002
Renata Hesse
Trial Attorney
Antitrust Division
department of Justice
601 D Street NW, suite 1200
Washington, DC 205030

Dear Ms. Hesse:

Please do all that you can to get the responsible court to accept the Microsoft agreement to settle the lawsuit brought by the Department of Justice. Our high-tech industry has suffered greatly, partly due to the millions of dollars spent on legal wrangling over this suit that, in my opinion should not have occurred. The suit was brought in part by HP and Sun Microsystems who had developed systems using software that was not user friendly; even engineers found it difficult to use. The simplicity of the Microsoft software propelled their products to the top of the market.

The proposed settlement, as I understand it, would require Microsoft to disclose technical information to its competitors, guarantee flexibility to computer manufacturers for desktop configuration, and make it easier for consumers to switch to non -Microsoft software. This seems to me to be more than fair for any competitor who believes success lies in the power of his/her ideas rather than through litigation.

Let's bring this wasteful pursuit of Microsoft to an end, so that the money can be spent on innovation rather than litigation. Innovation helps our nation; litigation helps only a few trial lawyers to the detriment of our nation. END IT NOW!

Yours truly,

Bruce Leake

MTC–00030902

JAN-07 02 15:28 FROM:MAREK R MOLDAWSY 4198910315
TO: 202 353 8856
PAGE: 01
662 Centerfield Drive
Maumee, OH 43537
January 8, 2002
Attorney General John Ashcroft
The Justice Department
950 Pennsylvania Avenue
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing in support of the settlement reached with Microsoft two months ago. This settlement is fair and reasonable. I am relieved that this three- year- long dispute is resolved.

I am an instructor at a community college, and am very familiar with Microsoft products. Microsoft has provided simplicity and standardization to America's computer industry, and the company is the primary reason that we set the standard in this field. The settlement will allow for even more standardization. It will obligate Microsoft to disclose interoperability protocols to their competitors, so that non- Microsoft software will be more effective on a Windows platform, and hardware makers can install non-Microsoft programs onto their computers before shipping them to dealers and customers without fear of retaliation from Microsoft.

This settlement will strengthen our economy by allowing Microsoft to devote its resources to creating its innovative software. Thank you for settling with Microsoft; keep up the good work as Attorney General.

Sincerely,

Marek Moldawsky

MTC–00030903

Jan 08 02 04:25p AMS-JWS/NAPLES 941–593–1646
JACK W. SUMLIN
2289 Arbour Walk Circle, Apt. 322
Naples, FL 34109
January 8, 2002
US DOJ, Attorney General John Ashcroft
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing to show my support for ending the litigation, and enacting the Microsoft antitrust settlement, Having been a very avid supporter of AT&T in the past, I strongly oppose further interference from the government in this case. Like AT&T, Microsoft was an excellent company with an even more impressive product. In AT&T's case, Americans paid dearly for it, so it is important that we don't allow Microsoft and its customers to end up the same way. The government has interfered in the software industry long enough, and it is time for Microsoft to be done with this settlement so that they can move forward with developing new products.

Given the terms of the settlement, I am positive that these constraints and commitments will be sufficient to foster the software market back to fair competition. Microsoft has included in this agreement grants to makers to configure Windows as to promote non-Microsoft software programs that compete with programs included within Windows. Microsoft has also agreed to share protocols native to the Windows'' operating system in order to promote compatibility.

In addition, I hope the government and any disagreeing parties will be comforted by the agreement to establish the Three-Person Technical Committee that will monitor Microsoft's compliance with the settlement and will be expected to lodge a complaint should any part of the agreement be violated. Microsoft has clearly been checked in all facets of this lawsuit, and thus further litigation would be a waste of time and money. The only beneficial solution for the public is the end of this settlement.

Thank you for your time and consideration on this lengthy matter.

Sincerely,

Jack Sumlin

MTC–00030904

01–08–2002 03:51PM FROM SAEED FALLAH 203–431–3413 TO12023071454 P.01
32 Banks Hill Place
Ridgefield, Connecticut 06877
January 8, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Under the Tunney Act, the DOJ is required to accept comments on antitrust settlements for a period of 60 days, and I am submitting my opinion. I support the settlement that was reached last November between Microsoft and the Department of Justice.

The federal government should have never gotten involved with Microsoft in the first place, and I am glad to see that the issue is coming to an end. Microsoft actually had to concede more than they would have liked, but with the best interests of the economy in mind, they settled as soon as possible. Now the company will share information about the internal workings of Windows, and will let its competitors install their own software on Windows-based system. Let's not forget that the whole economic downturn began when the antitrust suit against Microsoft was launched.

I appreciate your time, and again, am going on record that I support the Microsoft antitrust settlement.

Sincerely,

Saeed Fallah

TOTAL P.01

MTC–00030905

01/08/2002 14:34 513332655529 CINCINNATI PAGE 01/02
ICX CORPORATION
11260 Chester Road Suite 305
Chester Road
Cincinnati, OH 45246
513.326.5520—Voice
513.326.5529—Fax
Fax
To: Atty Gen. John Ashcroft From: Gary Gross
Fax: 20/307–1454
Phone:
Re:
Pages: 2
Date:
Cc:

Urgent For Review
Please Comment
Please Reply
Please Recycle

See attached letter.
01/08/2002 14:34 513332655529
CINCINNATI
PAGE 02/02 8290
Farwick Court
Cincinnati, OH 45249
January 3, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

As the stipulations of the Tunney Act mandate, I am writing to express my unwavering backing for the antitrust settlement against Microsoft. The settlement is eminently fair, and there should not be any reason as to why the government should pursue any further action against Microsoft. I am therefore going on record as supporting the settlement.

The proposed agreement requires significant changes in the way Microsoft develops and licenses its software. The settlement requires the uniform allocation of licensing agreements to the top twenty computer manufacturers, and is charged with redesigning Microsoft Windows XP to be more accommodating to non-Microsoft products. While new government regulation will be imposed on the IT sector, this settlement will provide certainty about the new rules and thereby ensure that our industry can continue delivering advanced technology to the marketplace.

I fully support the settlement that was reached between Microsoft and the Department of Justice. Thank you for your time, and I appreciate this comment opportunity.

Sincerely,
Gary Gross

MTC–00030906

an 08 02 12:58p (817□ 927 1605 p.1
David B. McReynolds, M.D.
1500 S. Main Street, Fort Worth, Texas 76104
(817) 927–1171
Fax
TO: Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
FAX: (202) 616–9937
FROM: David B. McReynolds, M.D.
PHONE: (817) 927–1171
an 08 02 12:58p (817) 927 1605 p.2
David B. McReynolds, M.D.
1500 S. Main Street, Fort Worth, Texas 76104
(817) 927–1171
December 27,200l
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Dear Ms. Hesse:

I am writing to express my concern that the government is trying to take too big a role in the technology industry. For the past several years, the Department of Justice and some state Attorneys General have tried to prove that Microsoft was a monopoly. In the process, they have cast a pall over the entire industry with the specter of government regulation.

It would appear to me that the best approach is to settle all remaining issues and quickly remove the government from interfering with the market. If this is not done expeditiously, I fear the consumer will soon pay the price for higher cost software, less efficient operating systems and increased incompatibility among competitors. True competition in the market will allow continued innovation which in turn will mean increased efficiency and lower costs. After reviewing terms of the Microsoft settlement, I have come to the position that it is in the best interest of our nation's technology industry and consumer s to accept the negotiated terms and get on with business of real competition.

Sincerely,
David B. McReynolds, M.D.

MTC–00030907

Jan 08 02 12:53p 00000000 p.1
AMISTAD TEXAS LLC
Fax
To: Renata Hesse
From: Reinaldo Rosas
Fax: (202)616–9937 Pages: 2
Re: Microsoft Settlement Cc:
204 W. Central Av. o Fort Worth TX 76106
o 817.705.1018 o
rrosas@amistadtexas.com
Jan 08 02 12:53p 00000000 p.2
AMISTAD TEXAS LLC
January 4, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Dear Ms. Hesse: Microsoft just released its new XP operating system. If some competitors had their way, this new innovative product would have been tied up in federal court and never released. It is really unfortunate that the United States government, and one or two envious competitors, are plotting to stifle innovation within the high-tech industry. When new products are placed on the market, consumers will be the ultimate beneficiaries as they gain greater access to new and emerging technology. Consumers always win when they are given innovative products that give them more choices and more control of their computing experience. Settling the Microsoft case will force technology companies to get back to work and create new and innovative products that will compete for a share of the market. If the negotiated terms of the settlement are not accepted, the result will be millions of industry and taxpayer dollars being directed toward litigation instead of innovation. This will only serve to diminish the superior quality of American technology.

It is time to settle all remaining issues before any more harm is done to the industry.

Sincerely,
Reinaldo Rosas,
President 204 W. Central Av. * Fort Worth TX 76106 * 817.706.1018 * rrosas@amistadtexas.com

MTC–00030908

01/08/2002 TUE 13:59 FAX 3217295605
SYSTEMS 001
INTERSIL
intersil
KARL McCALLEY
Vice President
Phone:(321)729–5709
Fax: (321)729–5605
(321)729–1104
Date: January 7,2002
To: Attorney General John Ashcroft
Fax: (202)307–1454
From: Karl McCalley
Phone: (321)724–7386
Number of pages to be sent including cover page Two (2) Comments:
01/08/2002 TUE 14:00 FAX 3217295605
SYSTEMS 002
intersil Karl McCalley
Vice President, IT
2401 Palm Bay Road
MS-53–225
Palm Bay, FL 32905
January 5,2002
Attorney General, John Ashcroft
US Department of Justice 950
Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr, Ashcroft:

Like most consumers of technology products, I was happy to learn that Microsoft and the Department of Justice have finally come to a settlement agreement that can forever end the antitrust lawsuit at the federal level. The premise that Microsoft exercised monopoly power was flawed from the start. In a monopoly environment, the consumer is hurt. In the IT industry, the consumer only benefited from Microsoft's size and large market share. Microsoft's competitors, not their consumers, were hurt. In any other industry, what Microsoft did would be called savvy business practices, not a monopoly.

In the end, the government's involvement in the affairs of Microsoft will hurt consumers of technology products. Microsoft has already been hurt enough by having to share information about the internal interfaces in Windows and not being able to react when a company promotes non-Microsoft products. I support the settlement that is currently on the table. The IT industry and the American people deserve an end to this lawsuit.

Sincerely,
Karl McCalley
Vice President
lntersil Corp.

MTC–00030909

From: Richard Rubin
To: Renata B. Hesse Date: 18/2002 Time: 10:03:50 AM Page 1/2
FACSIMILE COVER PAGE
To: Renata B. Hesse
Sent: 1/8/2002 at 10:03:48 AM
From : Richard Rubin
Pages : 2 (including Cover)
Subject : Microsoft penalty: one users experiences
From: Richard Rubin To: Renata B. Hesse Date: 1/8/2002 Time: 10:03:50 AM Page 2 of 2

One captive users comments re:Microsoft (Sent to Microsoft)

ONCE AGAIN I must purchase the OVERPRICED Full Install of a Microsoft

Windows product (XP) because my previous OEM install of Windows (Me, with ''free upgrade to Xp'' offered by Compaq, but never received) has DEGRADED, despite my cautious grooming and care, to become a WORLD OF MALFUNCTIONS and CRASHES.

To ''Upgrade'', even ''for free'' would be to import your broken soft-machinery from the past. And the corporate claim is, once again that Xp is more stable than YOUR OWN OLD PRODUCT, which therefore, I infer, had a stability problem? And you have strong-armed your Compaq OEM contract to provide no relief on your DEFECTIVE PRODUCT. Little-Me will let my thoughts be known to appropriate ears in the penalty decisions pending for your creative, but overaggressive and undergenerous corporation.

Richard Rubin
10407 McClemont Ave
Tujunga, CA 91042
818–951–0255
ri.rubin@verizon.net

MTC–00030910

The Computer Department, Inc.
510 East Allen Street Phone: (217) 788–8234
Springfield, IL 62703 Fax: (227) 788–8121
tcdinfo@computer-dept .com
http://www.computer-dept.com
fax
facsimile
To: 'Mr. John Ashcroft'
Company:
Fax Number: +1 (202) 616–9937
Business Phone:
From: Ed Russell
Fax Number: +1 (217) 788–8121
Business Phone:
Home Phone:
Pages: 2
Date/Time: 1/8/02 11:23:34 AM
Subject:
CONFIDENTIALITY NOTICE

The documents accompanying this telecopy transmission contain CONFIDENTIAL information belonging to the sender. This information is intended only for the use of the individual or entity named below. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of action in reliance upon the documents of this telecopied information is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone to arrange for the return of the original documents to us.

The Computer Department, Inc.
Programming Networks Systems Consulting Internet Help
January 7,2002
John Ashcroft, Attorney General, U.S. Department of Justice
950 Pennsylvania Avenue NW, Washington, DC 20530–0001

Dear Mr. Ashcroft:

There is no real, clear consensus among those in the IT industry as to what impact would there have been had this lawsuit against Microsoft proceeded to the end. It would have taken years for the full effect of the lawsuit ''remedies'' to have been felt, but this much is immediately clear: As soon as any breakup of Microsoft would have taken effect, there would most certainly have been wide-ranging disruption in both services and support. Additionally, even before any breakup, there would have been a serious depression in software and services sold as most people would have adopted a ''wait-and-see'' attitude.

All this, however, is both speculative and unnecessary, now that this settlement has been reached. The settlement will benefit consumers with its many provisions concerning Microsoft's relinquishing of intellectual property to competitors and the government. It will mean that hardware makers will be able to install non-Microsoft software more conveniently on computers with a Windows OS, and furthemore, they can do so with impunity, knowing that Microsoft is forbidden to coerce them to do otherwise.

I am hoping that this settlement prevails through the review process. As it is now, the entire IT business, along with the rest of the country's economy, is experiencing slower growth. I would expect that, at least insofar as the IT industry is concerned, once this settlement is affirmed, these doubts will be banished and hopefully the IT business community will recover to once again lead our country's economy out of this recession.

I am appreciative of this opportunity to express my opinion in this way. Thank you.

Sincerely,
Ed Russell
President
610 East Allen—Springfield, IL 67763—P# 217–788-TCDI (8234)—Fx 217–788–8121—www.computer-dept.com

MTC–00030911

Sent By: DICOM Financial, 972 562 9931 Jan-8–02 10:08AM; Page 1/1

DiCom
Providing Solutions Since 1969
Renata Hesse, Trial Attorney Antitrust Div
Deparment of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Re: Microsoft Settlement

Ms.Hesse

Our company uses Microsoft software products on all of our computing systems. These systems allow our small business to serve our customers with the same high quality and efficiency offered by much larger competitors in our marketplace. Microsoft products enable our employees to do their tasks with inexpensive and highly reliable tools, once only available at tremendous costs through specialized programming experts.

I wholeheartedly believe In the old saying ''build a better mousetrap and the world will beat a path to your door''. (Microsoft has done just, that and should not be penalized by the government, but judged In the free narktplace where they will succeed or fail on their merit and practices—supported or not by their customers. Antitrust laws are designed to protect consumers, yet at no time has the government shown that any consumer were hurt by Microsoft's size or marketing. It is time to put an end to this costly and competitor-driven lawsuit. I cannot imagine what the effect on American technology would be if the federal government micromanages this market, but I can envision having my high-tech needs serviced by the same attitude that serves me at the driver license bureau! Please consider the small businessperson's position as you go forward. Our survival hinges on our ability to serve our customers effectively. Micorsoft has pionerred the products and tools that allow us to provide the highest quality service today and I believe in the future.

Sincerely,
Paul K. Haubrich
President
PKHl/ict
DiCom Financial Corporation .
2204 St. Andrews Court.
McKinney, Texas 75070
Phone: 972 578 0118.
Fax 972 562 9931.
E-mail: DiComFinancial.com

MTC–00030912

Toon & Associates
1727 Carllsie
Irving, TX 75052
January 7, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Madam:

I am writing this letter in support of the Microsoft settlement. It is my opinion that to continue the vast resources of Microsoft will benefit no one except a handful of envious competitors. Ending the case will benefit the American consumer. Doesn't it make more sense to put the vast resources of Microsoft to productive use rather than mete out punishment that will at best force the company to offer rebates to software purchasers?

I for one would rather see Texas high tech industry continue to have access to innovative products produced by corporations like Microsoft than to have innovation quashed by greedy competitors and taxpayer funded lawsuits. They act like we have limited resources in this country. I implore you to convince the Court to accept the terms of the settlement and let Microsoft begin implementing the full terms of this historic agreement.

Sincerely,
David Douglas Toon, Esquire

MTC–00030913

Jan 07 02 (illegible) Sterling Commerce BSD 972 716 3201 P.01
William W. Hymes
President
January 7, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

Let's finalize the Microsoft settlement as proposed. I am opposed to the government ''pursuing extensive remedies'' after finally agreeing to a settlement. The government should find other things to do besides trying to destroy Microsoft.

Sincerely,
William W. Hymes
President, Banking Systems Division
Sterling Commerce (Northern America), Inc.
15301 Dallas Parkway, Suite 400, Addison, Texas 75001–4687

MTC–00030914

JAN–08–02 TUE 12:05 P–01
8024 SE Double Tree Drive
Hobe Sound, Florida 33455
January 7, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I am writing you today to voice my opinion in regards to the settlement that was reached in November between Microsoft and the federal government. I feel this settlement is fair and reasonable, and I am relieved that this issue has been resolved.

Microsoft has contributed an enormous amount to the technology sector and the economy. At the present time when our economy is struggling, it would be in the best interest of the public to end this case permanently and stop restricting Microsoft. The settlement punishes Microsoft enough, requiring the company to share key information about how Windows works and forcing it to agree to non-retaliation clauses against companies that promote non-Microsoft products. These restrictions are more than enough.

This settlement will benefit the economy and consumers. This settlement needs to be finalized. I wholeheartedly support it.

Sincerely,
Samuel H. Hochman

MTC–00030915

January 4, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Dear Ms. Hesse:

I have just become aware of the terms of the proposed Microsoft settlement. It is clear to me that most, if not all, competitor complaints have been addressed and resolved. Microsoft is willing to give up proprietary information on their operating system, allow computer manufactures discretion over desktop configuration, and make it easier for consumers to remove or switch Microsoft products for competitor software. These are tremendous concessions to their competitors and valuable offers to the general consumer! Why would anyone balk at this sort of proposal from one of our nation's premier high-tech companies?

A recent news story cited a plantiffs'' attorney as saying that if the settlement is rejected and the lawsuit if pushed forward, the most anyone will benefit from the judgment would be $10. Who in their right mind would trade these unprecedented offers for ten bucks? Doesn't it make more sense to make Microsoft's money work for us rather than offer a token rebate to the estimated 65 million Microsoft software purchasers? I ask the Court to dismiss the remaining lawsuits and clear the way for the full acceptance of the proposed settlement. It is time to move on.

Sincerely,
Personnel
Decisions
International
Ann Johnston
Client Relations Representative
Suite 1700, LB 142
600 East Las Celinas Boulevard
Irving, Texas 73639
Direct 972 407 8130
Phone 972 407 3190
Fax 972 407 3193
www.personnelvisions.com

MTC–00030916

01/08/2002 02:46 8647180602 KATHLEEN KOJIS PAGE 01
January 7, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530–0001
Dear Mr. Ashcroft,

While I am not happy that the federal government took three years to sue Microsoft in court, I am happy to see that the Attorney General has put an end to the case with a strong and binding agreement. I wholeheartedly applaud this decision.

Since a settlement was finally reached after three years of protracted and extremely costly court battles, it should be accepted and finalized as soon as possible. The agreement requires Microsoft to make its protocols and access mechanisms available to competitors; these are the protocols used in Windows' operating system products, and the mechanisms are used to encourage non-Microsoft products. The company also agreed not to retaliate against software or hardware developers who develop or promote software that competes with Windows or that runs on software that competes with Windows.

Microsoft's tremendous contribution to the United States' economy, and that of the entire world for that matter, goes without saying and requires no elaboration. Not only will the settlement help our economy escape from its current slump, but it will also give Microsoft's competition a hand up. This is why the federal government should not pursue any litigation beyond this agreement. The company should now be left alone once and for all.

Sincerely,
Fred Kojis
35 Lighthouse Way
Salem, SC 29676
cc: Senator Strom Thurmond
Representative Lindsey Graham

MTC–00030917

January 8, 2002
10:55 PM
From: Bill Schoenherr
Fax #: (330) 425–9223 Page 1 of 1
January 8, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Ave, NW
Washington, DC 20530
Dear Mr. Ashcroft,

I am writing you to explain my defene of the Microsoft settlement. It is more than adequate, and I wish to be on record as believing such. Years of litigation and millions of dollars in court-related costs have sufficiently chastised the corporation and the proposed settlement agreement will more than adequately right the supposed wrongs of Mr. Gates and company. The settlement will force Microsoft to open itself and its systems up to access by its competiton. It establish, as you know, an oversight committee to assure the company does not foreswear its obligations It will no doubt open up the industry to more marketplace competition to the benefit of consumer and the entire industry. Why then would anybody not support it?

With a declining economy, thousands of industry jobs lost and more in jeopardy, the country does not need to further constrain a vital corporation like Microsoft. I fully support the settlement. Thank you for you time and hard work on this isuue.

Sincerely,
Bill Schoenherr

MTC–00030919

FROM : GPR FLORIDA PHONE NO. : 305 936 1401 Jan. 08 2002 1l:l5AM P1
Gerald Rosenberg
3530 Mystic Pointe Drive, # 2115
Aventura, FL 33180–4541
January 7, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

I am writing you to voice my opinion in regards to the Microsoft settlement issue. I support the settlement that was reached on November 6th. I feel that this settlement is fair and reasonable, and I am relieved that this issue is resolved.

Due to this settlement, Microsoft has pledged to share more information with other information tech companies, Microsoft will follow procedures to make it easier to install non-Microsoft software and will disclose information about software codes in order to do this, and a Technical Committee (TC) will enforce the provisions at Microsoft's expense.

This settlement will make it easier to compete with Microsoft. I have been a user of Windows since the inception. From a personal standpoint, I want to say that no supplier of software to the computer gives better support to their customers. If you read the on line responses from users around the country you would see that the vast majority of negative comment about Microsoft only comes from their competition. Any one that offers a better program will capture the market. Let me enjoy my computer in peace and let Microsoft be there for me and others..

Sincerely,

MTC–00030920

JAN–08–02 11:29 PM Waters Office 610 469 0699 P.01
Alice H. Waters and S. Collar Waters
1320 Warwick Furnace Road
Pottstown, PA 19465
January 5, 2002

Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my dismay over the government's crackdown on Microsoft and state my relief in the settlement that was reached in November.

At a time when a substantial amount of commerce and industry has been lost lo overseas venues, Microsoft is a hugely successful US company in which the country should take pride, not attempt to crush it.

In particular, it occurs to me that Microsoft has achleved this success in a competitive, but honorable manner. Unlike certain other highly profitable US firms, Microsoft has not made its profit on the backs of underpaid and marginally legal labor nor has it poisoned the environment or gouged the sick and elderly to make its profit.

Isn't it about time that we, as a county, reward this US success story instead of those who would manipulate the legal system to generate windfall profits for themselves and state governments.

The US should be proud of Microsoft and support its growth, I look forward to the continued success of Microsoft both as a user and fan of US technological growth.

Very truly yours,
Alice Waters
CC: Senator Rick Santorum

MTC–00030921

2100 Indian Creek Blvd East, Apt. A–119
Vero Beach, Florida 32966
January 7, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

We are now in a new year, one that, I know, all of us wish to be one of peace and forward progress. We are progressing in our quest to end terrorism but now, I think, we need to re-establish our economic footing. Microsoft and the Department of Justice recently ended the three-year long antitrust case brought by the Department of Justice. My sentiments on the correctness of this suit are not relevant; suffice it to say, I am glad it is over. I believe the settlement, while not easy for Microsoft, was fair. Microsoft acquiesced to demands that were not even at issue in the suit. It is time to move on.

Which is why I am writing to you now. I am urging you, as an American anxious to get this country going again, to let stand the settlement reached by Microsoft and the Department of Justice. To nitpick every little thing in this settlement is very counter-productive. There has already been established a ''Technical Committee'' that will monitor Microsoft's compliance. Additionally, any third party may lodge a complaint with an Internal Compliance Officer at Microsoft, or the Department of Justice, if they believe Microsoft is not complying with any provision of the settlement.

What more can be asked? Are to cave in to every demand by those whose only desire is to cripple Microsoft, not by any innate desire for justice? Bill Gates has carried the technological explosion on his shoulders for far too long. Those questioning this decision wish only to drag him and Microsoft down. Do not give in to such pettiness. I urge you to finalize this settlement.

Sincerely,
Gertrude Gross

MTC–00030922

Jan 08 02 1l:l5a Computer Zone 712–362–5532 p.1
COMPUTER ZONE
January 7, 2002
Attorney Gerneral John Ashcroft
The U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

It is my opinion that it is monumentally absurd for our government to try itsits dead level best to shut down one of our country's most successfuI companies. Everyone seems to have an opinion as to whether they think that Microsoft is too big, or too bureaucratic, or too unresponsive. But these are all complaints that would have probably ironed thcmselves out as Microsoft. found that its marketlplace was becoming more competitive. What this really boils down to is that a handful of Microsoft's fiercest competitors convinced an unsympathetic government to punish Microsoft for its successes, utilizing arcane laws and overzealous government lawyers to attempt what amounts to a government takeover of an independent, private business. Thankfully, this folly has been ended by a proposed settlement, which appears more than fair for Microsoft's competitors. They should take it and be grateful. The settlement gives computer makers and vendors the opportunity to preinstall non-microsoft software on Windows without fear of reprisal from Microsoft, and the company will redesign Windows so that non-microsoft products can be installed easier well. I am hoping that this settlement marks the end of hostilities between our government and the American business community.

Sincerely,
Tom Lynch
President/owner
622 Central Avenue—
Estherville, Iowa 613342241
712–362–7808 o 888–527–1106.
FAX: 712–362–5532
1609 18th Street—
Spirit Lake, Iowa 51360–1023
712–336–3030 o 888–891–3359 o
FAX: 712–336–3131

MTC–00030923

01/08/2002 14:28 FAX
001 4177 Eastway Road, Cleveland, OH 44121
January 8, 2002
John Ashcroft, Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

I am extremely disturbed when I see all of the time and money that has been spent in gratuitous pursuits like the Microsoft antitrust lawsuit. This suit has been injurious to both the American economy and the technology industry. The settlement that has been reached in this case must be upheld, and I am writing to go on record as supporting the settlement.

Frankly, this case is mind-boggling; I do not understand the rationale behind this suit. In my option, Microsoft has never done anything to harm its consumers. Microsoft's competitors have brought this case, not consumers. Indeed, all of the consumers that I have spoken with love what Microsoft stands for, it is honorable in its business endeavors, and has an incredible outreach program in the community. This company is being penalized for being successful, and this suit flies in the face of everything that we believe as Americans. The settlement will give the government oversight of Microsoft's business dealings, and ensure that Microsoft avoids unfair retaliatory measures against companies that engage in competition against Microsoft.

I think that the government should be spending the taxpayers'' money helping Americans rather than wasting it in the unwarranted pursuit of this case. I support this settlement.

Sincerely,
Victor Bendersky

MTC–00030924

Jan 08 02 12:56p 0107020 p.1
Fernando Garcia, M.D., P.A.
December 27, 200l
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Sent via fax to (202) 616–9937

Dear Ms. Hesse:

Please accept this letter as my comment in support of the proposed Microsoft settlement. The government recently came out and said that they plan to pursue extensive remedies against Microsoft for its illegal ''monopoly maintenance'' activities. In my opinion, this could only mean that the consumer will be asked to pay higher prices, accept poorer quality and be deprived of innovations.

It is time to drop the government's quest to destroy Microsoft. The Department of Justice recently said they could find no harm done to the consumer by Microsoft's practices. Now, there is talk of pursuing ''extensive remedies'' which could only mean more government regulation of the high-tech sector.

Consumers are hungry for new technology. The last thing we need to do is bring more action against companies that are developing cutting-edge products. This whole thing smacks of competitor envy. These industry complainers need to begin determining what the consumer wants, not preventing the consumer from getting what they need.

Sincerely,
Fernando Garcia. M.D., PA P.O.
Box 2373 Fort Worth, TX 76133 (817) 927 0003

MTC–00030925

FROM :
FAX NO. :

Jan. 08 2002 01:10PM Pl
24 Cambridge Road
Freehold, New Jersey 07728
January 7, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing this letter today so that I may be able to go on record and give my support to the settlement that was reached between Microsoft and the Department of Justice. It had been a long time coming, but both sides finally agreed to terms, which would end the three-year antitrust lawsuit. I can remember the days before Microsoft came out with the Windows operating system, and computing was a debacle. Now, computers all over the globe can communicate with one another, and Microsoft is responsible. If it hadn't been for Microsoft, there is a great chance that I would not be able to send this letter out as easily as I have.

I fully support the settlement between Microsoft and the Department of Justice, and hope to see it finalized and implemented soon.

Sincerely,
Cosmo Lamacchia

MTC–00030926

HP
To: U.S. Department of Justice
Fax: 202.616.9937
Attention: Attorney General John ashcroft
From: Michael Levy
Date: January 8, 2002
Re: Microsoft Settlement
Pages: 2
fax memo
Michael Levy
Vice President
Healer Products, Inc.
120 South Columbus Avenue
Mt. Vernon, NY 10553
Phone: 800.223.5795
Fax: 888.289.5162
E-Mail: mievy@healerprod.com
January 8, 2002
HP
Healer Products, Inc.
120 South Columbus Avenue
Mount Vernon, NY 10553
Voice:
800.2235765
Fax:
888.289.5162
Email:
custserv@healerprod.com
Internet:
http://www.healerprod.com
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Ave, NW
Washington, DC 20530

Dear Attorney General Ashcroft,

As a concerned businessman, I am writing to express my opinion towards the recent Microsoft settlement. I have supported this settlement in the past, and it concerns me to see that its execution is being further delayed.

As I have followed the progress of this settlement, it seems that all parties involve benefit from its terms. Because Microsoft has agreed to disclose information about certain internal interfaces in Windows, and to design future versions of Windows for easier installation of non-Microsoft software, this settlement ensures that the technology Industry—including other software companies—can move forward.

During this time of recession, we cannot afford any delays in economic advancement. At the same time, we cannot allow our scarce resources to be spent on delaying a case that has already been settled, It is time to let things move forward and let the years of extensive negotiations speak for themselves. This country's technology industry has been delayed long enough and is ready to advance as a team. I strongly urge that we do not allow for any more delays.

Sincerely,
Michael Levy
Vice President

MTC–00030927

JAN–08–02
TUE 05:29 PM
R0LAC C0NTRACTING INC
FAX NO. 7018396581 P. 01/01
Ronald R. LaCount
P.O. Box 1872
Minot, North Dakota 587O2
January 7, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I want to go on record to express my satisfaction with the settlement that ends the antitrust lawsuit between the Department of Justice and the Microsoft Corporation. I feel that the settlement goes a little further in placing restrictions on Microsoft than it should have, but all in all, I am happy with the results.

Microsoft did not get off easy. The settlement was arrived at after extensive negotiations with a court-appointed mediator. Microsoft agreed to terms that extend well beyond the products and procedures that were actually at issue in the suit, sharing software information and accepting government oversight, for example. This was done just to get all or the litigation over with, and now allows Micorsoft to divert all of their resources to producing innovative products and improving the economy.

The settlement is good for all parties involved. Thank you.

Sincerely
Ronald Lacount
cc: Senator Byron Dorgan

MTC–00030928

01/08/2002 15:53 9416246954
AMERICAN EXPRESS PAGE 01
Heather M. Forte
812 Tamiami Trail #3
Port Charlotte, Florida 33953
January 8, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my support of the recent settlement between the federal government and Microsoft. I genuinely hope that no further action is being considered at the federal level. Taking into account the terms of the agreement, Microsoft has agreed to document and disclose for use by its competitors various interfaces that are internal to Windows'' operating system products. This is a first in an antitrust settlement. Microsoft has also agreed to make available to its competitors, on reasonable and non-discriminatory terms, any protocols used by Windows'' operating system products when they interact with programs of non-Microsoft origin. With the many terms of the agreement, I feel that pursuing any further litigation would be a waste of time and money.

Sincerely,
Heather M. Forte

MTC–00030929

01/08/2002 28:18 7176567794 JP PAGE 01
To: Department of Justice
Reference: Tunney Act Comments—
Microsoft Settlement
January 8, 2002

With respect to the Microsoft antitrust settlement, I believe that the idea that the consumer has suffered is a false premise. I consider myself a consumer having used a computer at work and at home.

I purchased my first IBM computer at home and used the IBM computers at work. My initial computer had two floppies drives with limited data storage, no memory manager, no graphics, no modem and poor software uniformity.

I used several software programs at work such as MultiMate, Display Writer, Word Perfect and Lotus 1 2 3. Each of our company plants had their own favorite software and communication and exchange of data and reports were difficult.

Our company was purchased by a foreign company and the new owner had a policy of using Microsoft software programs within the company. The hodgepodge of software programs and poor communications ended.

Standardization made our company more efficient and more profitable. For this improvement the DOJ must punish Microsoft for making our company successful.

I have retired and I find that my pension plan is under attack by the DOJ and several states seeking additional punishment of Microsoft. The decline of the value of Microsoft stock and the computer related industries can be traced to the DOJ finding that Microsoft is a monopoly. To this date my pension plan has not recovered because of the continuing legal cloud over Microsoft and the threat of the government controls over the computer industry.

In the meantime there are many monopolies in the United States that are more harmful to consumers when compared to Microsoft.

The postal service, ground transportation at airports, teacher unions and civil servant are harmful to consumers because of poor service end costs. These monopolies do not promote efficiency, reduce costs or compete globally.

Microsoft made standardization efficient, profitable and created the Internet.

I read in the paper that the DOJ cost for pursuing the Microsoft litigation is over 30 million dollars. I have no idea how much money was used by the states. All the dollars used were from taxpayers. Are not the taxpayers in the real world consumers?

Please reach a settlement that will allow our computer industries do their work without interference from Silicon Valley lobbyists, Congress and ambitious state politicians for the good of our nation.

Joseph J. Piascinski
305 Pleasant Valley Drive
Leola, PA 17540

MTC–00030930

Hiteq
Computer Systems
Jan-08–02 04:46P M.K. ''GAZ'' GAZIANI
January 7, 2002.
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 2053

Dear Ms. Hesse:

As the owner of small technology business, I am writing to express my concern about the government's ongoing pursuit of Microsoft. In my opinion, the case should be settled as soon as possible. I am encouraged by the recent announcement that the monopoly and tying aspects of the lawsuit have been dropped and proposed settlement has been worked out between Microsoft and the U.S. Department of Justice. Now it is time to bring this episode to an end and ratify a11 the terms of the settlement.

A settlement would be in the best interest of all concerned-not just small businesses but the individual consumer as well. Let's also not regulate ourselves out of the competitive edge we now have in the global market.

Please add my voice to those who want to continue the innovative advances made by the companies like 'Microsoft over the past decade.

Sincerely,
M.R., ''GAZ'' GAZIANI
Vice President, Sales & Marketing
Hiteq Computer Systems
13440 T.I. Blvd.,
Suite 4
Dallas, Texas 75243–1500*Ph
972.437.0637F
AX 972.437.3836

MTC–00030931

January 8, 2002
Renata Hesse
Trial Attorney
Department of Justice Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms Hesse:

This letter is to urge settlement of the Microsoft case as soon as possible.

I am the president and sole stockholder of this company; I founded this business 24 years go and have been somewhat successful. However, the; Microsoft/DOJ battle battle has hurt my business. I'm not taking sides but I can assure you that prompt settlement will allow that portion of our business to Improve. The event of Sept 11 has further deteriorated business; I am convinced that putting the Microsoft case behind us will allow full attention to be devoted to the business at hand.

My business has prospered under technical leadership and unification of standards provided by Microsoft. Let us get on with business by settling now.

Sincerely,
Charlott A. Ladd, President
Clone Computer Corporation
14839 Inwood Road
Addison, Texas.75001–3721
Sales: 972–934–2200
TollFree: 800–388–6636
Service: 972–934–2219
Fax: 972–991–2003
e-mail: ccc@clonecomputer.com

MTC–00030932 Page 1 of 2

From: Morriss Davis To: John Ashcroft
Date: l/8/O2 Time: 10:28:40 PM
DCS Davis Computer Services
P.O. Box 527
Iola, Texas 77861
936–394–6102 Fax 936–394–1738
January 8, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Like most people in Texas who follow the IT industry, I was pleased to hear that a settlement has been reached between the Department of Justice and Microsoft. I believe that the PC as we know it can be largely attributed to Microsoft and its products. The great success experienced by Microsoft is well deserved and has become the envy of the IT industry. Because of Microsoft's unprecedented success, it has been an easy target for their many competitors and the federal government.

The settlement shows that Microsoft has been unfairly treated as a business. The federal government should never be party to punishing an American business for being successful, yet, that has been the case from the start in this lawsuit.

I support Microsoft's position in the suit and hope that the proposed settlement becomes a reality as soon as is legally possible. The Department of Justice owes Microsoft and the American people a quick resolution to this lawsuit, and that resolution can come by formalizing the settlement agreement.

Sincerely,
Morris Davis
President

MTC–00030933

01/08/02 23:36
BUSINESS DEVELOPEMENT 2025149082
NO.301 P001
15508 Fairfield
Livonia, MI 48154
Ph: 248–624–5200 x 1971 (day)
Fax: 248–669;5018

To: Renata Hesse
From: David P. Hudyma Jr.
Fax: 202–307–1454
Pages: 2
Phone:
Date: 01/08/02
Re: Microsoft Settlement Comment CC:
Urgent For Review Please Comment Please
Reply Please Recycle . Comments:

The attached letter expresses my opposition to the currently proposed DOJ settlement in the Microsoft anti-trust case.
01/08/02 23:36
BUSINESS DEVELOPEMENT 2025149082
NO. 301 P002
David P. Hudyma Jr.
15508 Fairfield
Livonia, MI 48154
dhudyma@williams-int.com
January 8, 2002
Renata Hesse, Trial Attorney
Suite 1200
Antitrust Division
Department of Justice
601 D Street NW
Washington, DC 20530

I am writing to comment on the proposed settlement in the U.S. vs. Microsoft anti-trust case.

After reading the proposal and the opinions of those with a more complete understanding of the legal issues involved, I can do nothing but oppose the settlement. It amounts to a token punishment without any real enforcement and worse it may serve as tools for Microsoft expand their monopolies through creative interpretation of the clauses as they did with the original DoJ agreement.

Any remedy to Microsoft's anti-competitive behavior must disable the ability to leverage their monopolies in desktop operating systems and office software. The most attention needs to be given to the areas of application programming interfaces (API's), communications protocols and file formats. In addition, the chosen remedies must be strictly enforced and include full public disclosure. First, Microsoft must publicly disclose all Windows and related API's; Changes to the API's need to be released six months before the software and should be administered by an independent standards body. This will prevent Microsoft from disabling competing software through careful manipulation and changes to the Windows API's; It is critical that all of this information be released publicly to ensure that anyone; from corporations to individuals, can write fully compatible Windows software.

Second, the use of proprietary communications protocols by Microsoft must be prevented. This is something they have done often in the past. They are doing it again by creating proprietary XML, and Kerberos formats in support of their .NET initiative. This potentially puts control of the flow of information online into the hands of a single corporation already convicted of illegal practices. Therefore, Microsoft should only be allowed to use industry standard communications and authentication protocols as established by an independent standards body.

Finally, due to the nearly universal adoption of MS Office products by home and business users these products have resulted in their own standard communications format embodied by the .doc, .xIs and .ppt files generated by the applications. To communicate effectively by computer in business and even at home one is required

to own the latest copy of Office. Therefore, the details of the file format used by Word, Excel and PowerPoint must be released to the public domain and be monitored by an independent standards body. This allows the development of competing, 100% compatible office products and offers the best chance of restoring competition to a market stifled by Microsoft.

Sincerely,
David P. Hudyma Jr.
15508 Fairfield
Livonia, Ml 48154
dhudyma@williams-int.com

MTC–00030934

JAN–9–02
WED 7:56 AM
TZANGAS, PLAKAS &
MANNOS FAX NO. 330 455 2108 P.1
3914 Willowdell Drive, NE
Canton, OH 44714
January 8, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

As a supporter of Microsoft, I write you regarding the recent settlement. I feel that the settlement between Microsoft and the Department of Justice is the best thing that could have happened under the circumstances.

The terms of this agreement are not only fair, but truly benefit all parties involved. By agreeing to these terms, stipulating such orders as avoiding its alleged practice of retaliation against hardware firms that wanted to include non-Microsoft programs on a Windows platform, Microsoft is helping to open up the competitive market. This practice helps our technology industry to continue to grow. It is time to let these terms speak for themselves, and allow the IT sector to move forward and help our economy grow.

The settlement has obviously been well thought out, and can only benefit consumers, the IT sector and our country's economy as a whole I support this settlement.

Sincerely,
Chung Lee

MTC–00030935

JAN–9–02 WED 7:57 AM
TZANGAS, PLAKAS & MANNOS FAX NO> 3304552108
Tzangas,Plakas,
Mannos&Recupero
Attorneys and Counselors at Law
George I. Tzangas January 7, 2002
Lee. L. Makas
James G. Mannons
James R. Recupeto
Elizabeth A. Rajes
James M. McHugh
Gary A. Conolo
David L. Dungwell
Christopher M. Huryn
DeNise K. Houston
Cheryl S. Lee
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

Canton Office
454 Stark Country Building
110 Central Plaza South
Canton, Ohio 44702
350–455–5466
Akron Office
2500 First National Tower
106 South Main Street
330–784–5466
Akron, Ohio 44306
FAX 330–455–2108
www.lawlion.com
e-mail lawlion@rage.com

As an attorney and a supporter of Microsoft, I write to you to give my support to the recent Microsoft settlement. Using both Professional XP, and Home XP, I can only praise the work that Microsoft has done to make the technology industry so accessible. Not only has Microsoft been beneficial to both consumers and the IT sector alike, but it has also been beneficial to our economy as a whole. I would truly welcome any support towards the recent agreement, in hopes that we can allow our technology industry to move on.

After three long years of court battles, it seems that It is time to let this well thought out settlement move forward. The terms of the agreement are fair and benefit all parties involved. Since Microsoft and the Department of Justice have agreed upon terms that will open up the competitive market, I think it is time to let the terms, information sharing, non-retaliation agreements, government oversight, etc, speak for themselves.

I fully support the settlement between Microsoft and the Department of Justice, and hope to see it implemented soon. Thank you.

Sincerely,
Cheryl S Lee

MTC–00030936

01/08/2002 19:52 2038748093 COMPASS PAGE 01
167 Cherry Street # 404
Milford, CT 06460
January 8, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my opinion that the US Government should never have gotten involved with taking legal action against Microsoft.Nevertheless, I am happy to see that the settlement in the antitrust case has occurred and I hope that the concessions Microsoft will be making will turn out to be in the best interest of the American public.Microsoft has been the leading innovator of technology for over a decade now and has set the standards for product and service development in the industry. They should not be penalized, but rather praised for their efforts and vision.

I sincerely hope that no further litigation comes against them and that Microsoft is able to focus on business, and not forced to spend time on legal strategy.

Sincerely,
Wally Hauck

MTC–00030937

Sent By:;
801 76O 8753;
Jan-9–02 12:30AM;
Page l/l
Michael J. Nelson
11861 Abercorn Court
Reston, Virginia 20191
mtnelson95@a01.com
January 8, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue. NW
Washington, DC 20530

Dear General Ashcroft:

I write to express my opinion in regards to the settlement that was reached between Microsoft and the United States. This case has gone on long enough, anti embrace this long overdue settlement.

This agreement not only allows Microsoft to remain together and continue designing innovative software, but it also will benefit other companies andentrepreneuurs that yearn to compete. Microsoft must disclose never-before-seen technical information other companies and must be monitored by a government committee for compliance. It also must change its licensing methods vis-&-visother companies.

Microsoft should not be penalized for doing its job well and bring successful. Thank you.

Sincerely,
Michael S. Nelson

MTC–00030939

01/08/2002 21:28 9413833574
PATRICK
PAGE 01
350 Gulf of Mexico Drive, Apt. 223
Longboat Key, Florida 34228
January 8, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

It has recently come to my attention that the Department of Justice and Microsoft have reached a settlement in the antitrust case. Microsoft is making a good faith effort to reach an end to this suit, and the terms of the settlement are more than just a slap on the wrist.

Under this settlement Microsoft has agreed to disclose internal interfaces, which were formerly top secret for Microsoft. By doing this, Microsoft will allow competitors to create better software and more openness in the IT industry. An IT company has never agreed to such a drastic disclosure. Sadly, opposition to the settlement exists, and they believe that this new openness by Microsoft is not enough. The opposition to the settlement consists mainly of those with an anti-Microsoft bias. But more than three years in court have damaged Microsoft touch already, it is time for this antitrust case to end.

Thank you for taking the time to consider my views on these matters. Once again,I support this settlement, and look forward to seeing it implemented soon.

Sincerely,
Stephanie Patrick

MTC–00030940

JAN 9, 2002 9:04AM CHESTNUTT,

CLEMMONS & THOMAS PA
NO. 7574 p.1
FACSMILE TRANSMISSION
TO: US Dept. of Justice/Antitrust Div.
ATTN: Ms. Renata B. Hesse
FAX: 202–307–1454
DATE: 1–9–02 TIME: 9:14
FROM: Senator Scott Thomas
CLIENT: N/A
RE: Microsoft Settlement
NO. PAGES, INCLUDING COVER SHEET: 2
MESSAGE:
ORIGINAL TO FOLLOW? X YES NOin mail today

This facsimile is intended ONLY for the person whose name appears above. If you have received this transmission in error, please contact us at the phone number below immediately.

CHESTNUTT, CLEMMONS & THOMAS, P.A.
P.O. BOX 12530
225–C BROAD STREET
NEW BERN, N.C. 28561
TELEPHONE: 919–633–6868
FAX: 919–637–2460
JAN. 9.2002 9:04AM CHESTNUTT, CLEMONS & THOMAS PA NO. 7574 P. 2
North Carolina General Assembly
Senate Chamber
SENATOR SCOTT E. THOMAS
3RD DISTRICT
RALEIGH: 622 LEGISLATIVE OFFICE BUILDING
RALEIGH, NC 27601–2808
(919) 733–6275
(919) 838–0209 FAX
E-MAIL: SCOTTT@NCLEG.NET
DISTRICT: PO BOX 12530
NEW BERN. NC 28961
(252) 633–6868
≤(252) 637–2450 FAX
COMMITTEES:
JUDICIARY II (VICE CHAIR)
APPROPRIATIONS
JUSTICE & PUBLIC SAFETY SUBCOMMITTEE
AGRICULTURE ENVIRONMENTAL/ NATURAL RESOURCES
EDUCATION/HIGHER EDUCATION
INSURANCE & CONSUMER PROTECTION
REDISTRICTING
RURAL DEVELOPMENT
TRANSPORTATION
January 9, 2002
Ms. Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Via facsimile: (202) 307–l454
Re: Support for Microsoft Settlement

Dear Ms. Hesse:

I am writing to express my support for the settlement that the Department of Justice and several states, including north Carolina, have reached with Microsoft.

I will be pleased to see this matter resolved because it will be a boost for the technology sector, a larger force in the North Carolina economy. I believe that the certainty of the settlement will promote new investment in technology and will enhance competition in all aspects of the technology industry which will benefit consumers.

With this litigation settled, the technology industry can continue its recovery and growth.The settlement represents a reasonable compromise that has earned bipartisan support. I urge the department of justice and the court to approve this settlement.

Sincerely,
Senator Scott Thomas
ST/cbj

MTC–00030941

01/09/2002 18:20 7033231582 FOREMAN AND ASSOC PAGE 01
Rhythm & Cheer Studios
8350 Alban Road, Suite 500 Springfield, Virginia 22150 703.866.2318
Renata Hesse
Trial Attorney
Antitrust Division
U.S. Department of Justice
601 D Street, NW, Suite 1200
Washington DC 20530

Dear Ms. Hesse

I am a strong supporter of the Microsoft and Government settlement.

Like many, I have followed the case the federal government has pursued against Microsoft for quite some time. For years now, the government and the state attorney generals have filed legal action after legal action to penalize this high tech leader and their efforts have caused great harm to the high tech industry.

Instead the state attorney generals have only succeeded in ushering in a downturn in our economy, which is heavily reliant lately on a strong technology sector. It's time to bring an end to this case and this sort of litigation.

Sincerely
Sheryl Olecheck

MTC–00030942

JAN–9–02 WED 18:53 P.01
7426 Granny Valley Road
Gloucester, VA 23061
January 8, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing you to express my opinion on the Microsoft settlement issue. I feel that this settlement is long overdue. This settlement is both fair and reasonable, and keeping Microsoft together will serve in the best public interest.

Under this agreement, Microsoft must share more information with other companies and give consumers more choices. Microsoft must disclose information about certain internal interfaces in Windows, as well as software books and codes. Microsoft must also design future versions of Windows to make it easier to install non- Microsoft software. This will make it easier for companies to compete.

Most importantly, I feel this settlement is beneficial, because it ends three years of litigation. Microsoft's precious resources should go towards more fruitful activities. Thank you for settling with Microsoft.

Sincerely,
Harvey Herring

MTC–00030943

Jan-09–2002 07:28am From-NCR +8584852032
T–549 P. 001/001 F–700
Teradata A division of NCR
Teradata Test Engineering
17095 Via del Campo
San Diego, CA 92127–1711
January 8, 2002
Attorney General John Ashcroft, The Justice Department
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

There has been much discussion and controversy generated over this Microsoft lawsuit. What I find amazing is that the idea that Microsoft's success has so offended a few of its competitors in the IT community that these competitors actually successfully prevailed upon our government to file this suit to begin with. It is a good thing that this settlement has been reached. Our legal system and our country will be spared the inevitable embarrassment of picking apart one of our country's most successful companies.

I am writing to voice my support for this settlement. Whatever might bethought of Microsoft's attitude, it cannot be said that their products are being forced upon anyone who does not want them. What's more, the settlement ensures that there is no way for Microsoft use its Windows OS to unfairly get an advantage for its programs. It is important for us as a country to refocus our priorities upon more important issues than this.Let's put an end to this lawsuit by accepting the settlement. Let's move on.

Sincerely,
Steven L Smith
Software Engineer

MTC–00030944

01/09/2002 11:18 2033342610 JOE MANCINI PAGE 01
487 Stratfield Road
Fairfield, CT 06432
January 8,2002
Attorney General John Ashcroft
Department of Justice
950 Pennsylvania Ave.
Washington, DC 20530

Dear Mr. Ashcroft,

When I heard that I had the opportunity to express my opinion about the Microsoft antitrust case resolution, I was quite excited. The resolution that was reached was a fair and equitable one that I think is beneficial to all parties involved, and I would like to that resolution become the final result of the three year long litigation.

Many things within this settlement make it beneficial. First, it provides equal terms, conditions, and prices to all hardware companies dealing with Microsoft. It Also prevents Microsoft from taking retaliatory measures against any company that promotes software other than Microsoft software. This settlement even requires that Microsoft provide interface information to companies in order that the technology playing field may be more level. No more guidelines could possibly be levied without becoming unhealthy.

Therefore, I urge you to leave the resolution as is, change it no further. The Current settlement will provide all the

protection needed to the smaller companies while still preserving competition to the utmost.

Sincerely,

Joseph Mancini

MTC–00030945

JAN 09 02 11:34AM UMD ASTRONOMY P.1/5
University of Maryland at College Park
Department of Astronomy
Fax Transmission from 301–314–9067
To: Renata B. Hesse
Fax No: 1–202–307–1454
Date: 9 January 2002
From: Nicholas L. Chapman

Number of Pages (including cover sheet): 5

Message/Note: Public Comment on the proposed settlement of the Antitrust Lawsuit against Microsoft Corporation.

JAN 09—02 11:34AM UMD ASTRONOMY P. 2/5
4508 Fordham Lane, APT 6
College Park, MD 20740
January 9, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
To Whom It May Concern:

I am deeply disappointed by the proposed settlement of the antitrust lawsuit against Microsoft Corporation. It has been proven and upheld on appeal that Microsoft holds a monopoly in operating systems and that it has illegally maintained that monopoly in flagrant violation of the Sherman Antitrust Act. Despite this, the proposed settlement with Microsoft is a farce. It is weak, ineffectual, and does not address the best interests of consumers.Any settlement that would be truly just and beneficial to consumers should accomplish two things:

1. Microsoft should be denied the benefits of their lawbreaking.

2. Competition in the marketplace must be restored for the present and for the future.

The current settlement does nothing to punish Microsoft for its actions. This is not about revenge, merely common sense. Without punishment, Microsoft has no incentive to obey the law in the future. If Microsoft actually benefits from its lawlessness, what is to prevent them, or other corporations, from doing the same thing again?

The settlement needs to address this problem by: 1) requiring an admission of guilt from Microsoft, 2) imposing monetary fines on Microsoft, and 3) im-posing other non-monetary punishments. Without these sorts of sanctions,Microsoft will surely continue is lawless behavior. Massachusetts Attorney

JAN 09 02 11:35AM UMD ASTRONOMY P. 3/5

General Thomas F. Reilly commented on this settlement saying, ''Five minutes after any agreement is signed with Microsoft, they'll be thinking of how to violate the agreement. They're predators. They crush their competition.They crush new ideas. They stifle innovation. That's what they do≥l. I have no doubt in my mind this is exactly what Microsoft will do if they are not punished.

For years, Microsoft has used its monopoly to block or inhibit middle ware products that could potentially threaten the Windows monopoly. The cur-rent settlement agreement is an attempt to curtail many of these abusive tactics. However, the proposed remedies are full of loopholes meaning little,if any, real change will occur. Senator Patrick Leahy voiced his concern for the proposed settlement: ''I find that many of the terms of the settlement are either confusingly vague, subject to manipulation or both. Second, I am concerned that the enforcement mechanism described in the proposed decree lacks the power and timeliness necessary to inspire confidence in its effectiveness'' 2. Some of the dubious remedies that concern me are:

The settlement attempts to give OEM's3 control of the middleware included on the computers they sell. However, several loopholes prevent real competition from resulting.

—Microsoft is prohibited from non-monetary retaliation against OEM's who include non-Microsoft middle ware. Monetary rewards for using Microsoft middleware, however, are allowed. With Microsoft's huge cash reserves, they could easily outspend their competitors,preventing them from gaining a significant hold on the desktop market.

—The settlement only protects middle ware made by third parties that competes with an existing Microsoft product. If you create a new product before Microsoft does, they can still exclude you from the desktop since Microsoft does not yet compete with you.

—Additionally, middleware is only protected if the company distributed one million copies in the last year. This means that small, independent software developers (who are most in need of protection) do not get any.

1 Speech given by Matthew Szulik before the U. S. Senate, 12 December 2001

2 The New York Times, 12 December 2001

3 0riginal Equipment Manufacturer of personal computers

Jan 09 ''02 11:35am UMD Astronomy P.4/5

—Under the settlement, OEM'S may change the default middleware application launched when a Microsoft alternative would normally run. However, if a particular requirement is not met by the alternative, the Microsoft middleware will still be launched. I can imagine Microsoft adding new features that require Microsoft's middleware to run properly. Sounds farfetched? Recently, Microsoft blocked many browsers made by third parties from accessing msn.com claiming these browsers could not provide the fulluser experience.

—Under the settlement Microsoft must disclose its API's4 to developers-provided developers have a reasonable need for them. Who gets to determine what is reasonable need? Microsoft. Even worse, if a developer actually uses Microsoft's API's, they must submit the program for approval by Microsoft. In effect, Microsoft gets free reign to use any innovation created by a third party developer.

—Microsoft does not have to release its own API's until the last beta stage on a product is reached. This gives Microsoft's developers a hugehead start over third party developers, resulting in significant time-to-market advantages.

—Microsoft chooses, in part, the Technical Committee set up by the settlement. to police Microsoft. As a result, the overall effectiveness of this committee is doubtful.

Competition is the cornerstone of the free market system. This competition drives innovation and productivity, while reducing costs to consumers.The goal of any settlement should be to restore competition in the software industry. The proposed settlement does not meet this goal. In 1994, the justice Department entered into an agreement with Microsoft. It was the violation of this agreement that lead to the current antitrust litigation in1998. History tells us that Microsoft will violate this new decree, leading to future litigation. Senator Leahy worries about the same thing. '''The serious questions that have been raised about the scope, enforceability and effectiveness of this proposed settlement leave me concerned that, if approved in its4 Application Programming Interfarescurrent form, it may simply be an invitation for the next chapter of litigation'' 5. The government won the case. Microsoft used its monopoly power to crush competition and harm consumers. The government should press for a true settlement, not this ineffectual decree.

Sincerely,

Nicholas L. Chapman

5 The New York Times, 12 December 2001

JAN 09 02 11:36AM UMD ASTRONOMYP.5/5

MTC–00030946

01/09/02 WED 10:38 FAX 806 371 5370 001 AMARILLO COLLEGE ADMIN
67l3 Admiral Ct.
Amarillo, Texas 79124
January 8, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to you in support of Microsoft and the settlement you have reached. I think that the settlement is reasonable to both parties and answers many of the problems that Microsoft's competitors had with outputting too much of a strain on Microsoft. Microsoft will, for example, not adhere to a uniform price list when licensing Windows out to the 20 largest computer makers in the United States.

I'm glad to see this since Microsoft is such an important part of our economy and most American's daily lives. Many people and small businesses depend on their products for various aspects of their lives and it's nice to see that they can continue to do so.

I would like to thank you for taking the time to hear my option on this matter and I hope that you will take it into account, along with others who feel the same, regarding the settlement.

Sincerely,

Brant Hatler

MTC–00030947

Anna M. Hudock
540 N Franklin Street
Wilkes Barre, Pennsylvania 18702
January 8, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to you today to express my strong opinions in regards to the Microsoft antitrust issue. I support Microsoft in this dispute, and I also am in favor of the settlement that was reached on November 6, 2001. This settlement ends a dispute that I feel has drawn on for long enough.

This settlement contains provisions that not only will allow Microsoft to get back to the business of innovative software design, but it will also make it easier for competing companies to conduct business. Microsoft must design future versions of Windows to make it easier to install non-Microsoft software and must disclose more information about certain internal interfaces in Windows.

This settlement comes at a time when we are having economic difficulties. We must do all we can to boost our lagging economy. I support the Microsoft settlement and hope to se it finalized soon.

Sincerely,
Anna M. Hudock
cc: Senator Rick Santorum

MTC–00030948

Jan 08 02 05:37P Strategic Software Technologies Inc. p.1
1414 E. Young
Temple, TX 76501
254/791–5191
FAX 254/791–5192
January 8, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Dept. of Justice
601 D St.NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

I am writing in regards to the Microsoft settlement. I know I am only one voice out of many but I do have an opinion that I wish to express. Being a software developer, Microsoft products are part of my arsenal of tools, as are IBM products, that I must use and rely on everyday when trying to develop business solutions for my clients. Although I am sure that Microsoft leveraged its strength in every way possible and probably exceeded some ethical boundaries, I do not believe the punishment should be a breakup of the company or even a disruption of business. You may not remember in the late 80's and early 90's how terribly convoluted the software industry was. Nothing worked together and many vendors were involved when trying to create a suite of tools to work with. I applaud Microsoft for FINALLY getting most of that behind us. And as a developer, I know that in order to accomplish it successfully, many of those pieces had to be closely tied to the operating system. I also know that if you want to install another product in place of a Microsoft product you can. Anyway, to be brief, I would recommend acceptance of the-negotiated settlement, and let things get rolling again.

Sincerely,
Bill Lewis
President

MTC–00030949

TEXAS EAGLE FORUM
January 9, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D. Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

The government should cease its open-ended pursuit of the high-tech industry.

The previous administration was misguided in its attempt to break up Microsoft Corporation. Even though the lawsuit was dropped, an even more ominous threat would be for the government to regulate the entire industry.

This attempt is misguided because Microsoft was and still is competitor driven. No consumer or end user of Microsoft products is a party to this attempt to quash innovation and interfere with market-driven competition.

It is past time to settle all remaining issues between Microsoft and the government and let the technology industry get back to the business of providing high quality products to the American consumer in a FREE MARKET, SMALL GOVERNMENT way.

Thank you for considering my request.

Sincerely,
Cathie Adams, President
P.O. Box 795354
Dallas, TX 75379
Phone 972–250–0734
Fax 972–380–2853
email
TORCH@texaseagle.org
web page
texaseagle.org

MTC–00030950

01/09/2002 12:00 5024951409 FRANK ARKFELD PAGE 01
Frank Arkfeld
2612 Carterton Way
Flower Mound, TX 75022
972–355–7283 (Voice)
972–355–2683 (Fax)
To: Attorney General Ashcroft Fax: 1–202–616–9937
From: Frank Arkfeld
Date: 1/9/2001
Re: Microsoft Settlement
Pages: 2
CC:
Richard Armey
Fax: 202–226–2028
01/09/2002 12:00 5024951409
FRANK ARKFELD
PAGE 02
Voice: (972) 355–7283
2612 Carterton Way
Fax: (972) 355–2683
Flower Mound, TX 75022 (972)
E-mail: farkfeld@attbi.com
January 9, 2002
Attorney General John Ashcroft
The DOJ
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

It has recently come to my attention that there has been a settlement reached in the case against Microsoft by the Justice Department. I agree with this settlement wholeheartedly, and I ask you to finalize it at the end of the comment period.

This case has been ongoing for the past three years. The Justice Department should end its persecution of Microsoft based on its worldwide success. It serves no useful purpose to continue on with the case, since doing so would waste a vast amount of time, tax dollars, and human resources, all of which can be better spent on the current needs of the country. The settlement is fair, and changes many of Microsoft's business practices, especially those found unsavory by competitors and consumers alike, such as retribution against companies that tack non-Microsoft software onto Windows before shipping a computer to the customer. I ask that the government resolve to put an end to this lawsuit by deciding to take no further action against Microsoft.

Sincerely,
Frank Arkfeld
cc: Representative Richard Armey

MTC–00030951

Jan 09 02 01:06p Irlando
(817) 535 6656 p.1
GIANINA M. IRLANDO
4218 Kenwood Court
Fort Worth, TX 76103
817.535.4593 Fax 817.535.6656
To: RenataHesse
From: Gianina Irlando
Fax: (202) 616–9937
Pages: 2
Phone:
Date:
1/9/2002
Re: Microsoft Settlement
CC:
Jan 09 02 01:06p Irlando
(817) 535 6656
P.2
GIANINA M. IRLANDO
4218 Kenwood Court
Fort Worth, TX 76103
817.535.4593 Fax 817.535.6656
January 8, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

It is my understanding that the federal antitrust settlement agreed upon between Microsoft Corporation and the US Department of Justice is currently under review by the U.S. Court of Appeals. I am writing this in order to register my support for the settlement and ask the Court to rule accordingly.

For three years, this case has been disputed without any reasonable legal remedies. The proposed settlement effectively eliminates the need for further litigation-which would be at tremendous expense to taxpayers-and offers a fair and reasonable compromise.

Microsoft is a leading innovator of high tech products. Their products have made business computing simple, effective and productive. It is because of their continued pursuit of excellence in the market and ongoing quest for consumer satisfaction, that they have become such a giant in the industry. It would be a shame to sanction them for their cutting-edge innovations.

My quick review of the settlement terms persuaded me to write. Microsoft has shown good faith in this agreement. In fact, I would say they have gone beyond what should be required of any business operating in our so-called ''free market''. It is time to accept the settlement and move on.

Sincerely,
Gianina lrlando

MTC–00030952

JAN–09–2002 17:38 TRIBUTE INC 3306563464 P. 01/01
Tribute Software for Successful Distributors
January 9, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

I am writing to express my support for the Microsoft the settlement. I feel strongly that any American business ought to have the right to release to its competitors as much or as little of its proprietary trade secrets as it feels appropriate, rather than to have our government dictate disclosure through the courts.

I certainly feel that Microsoft should have done a better job with both industry and government relations regarding such disclosures. Indeed, failure to release ''source code'' appropriately would be a strategic mistake for Microsoft. Our industry has grown on cooperation and sharing of innovations. However, our industry's health also depends on the safeguarding of intellectual property. As such, the final decision regarding release of ''source code'' to competitors should have Microsoft's, and not that of a federal judge.

I realize that this is only one of many issues in this case, but this issue is the one that has me most concerned because of the potential impact on the efficacy of intellectual property rights. I am therefore pleased that this settlement has been reached, and that Microsoft was not forced into any involuntary disclosure.

Sincerely,
Timothy Reynolds
President
TOTAL P.01

MTC–00030953

FROM: Parts & Fasteners FAX No.: Jan. 09 2002 03:48PM P1
3956 La Hacienda Drive
San Bernardino, CA 92404–2041
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington DC 20530

For more than three years now Microsoft and the Department of Justice have engaged in an expensive, time consuming, and drawn out antitrust case. Thankfully a settlement has been reached. I am writing to state my support for the settlement and opposition to any continuation of this case.

The Government and Microsoft have spent millions of dollars and thousands of hours on this case. The settlement that has been reached will allow both entities to get back to important matters that this case has distracted them from. This settlement places some rather severe restrictions on Microsoft, but nevertheless Microsoft supports the settlement because it would like to return to get back to business.

Your support of the settlement in the Microsoft antitrust case is greatly appreciated. Allow our technology industry to once again have as its main concern technological development and not expensive court conflict.

Sincerely,
Mary Lou Hays

MTC–00030954

6545 Lansdowne Avenue
Philadelphia. PA 19151–3317
Phone 215.477.0384 Fax 215.477.3246
E-mail latesta@gis.net
www.iaestaimports.com
Iatesta Imports
January 7, 2002
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC. 20530–0001
Dear Mr. Ashcroft:

As a concerned United States citizen, I would like to voice my thoughts on the settlement between the Justice Department and Microsoft Corp. I believe that Microsoft was treated unfairly by having to defend itself in court for alleged antitrust violations, when it was simply putting out a good product. However, I,do believe that the settlement is in the best interests of all parties involved, including the American public. This case has been in litigation for three, years now. It should be brought to a close so everyone involved can attend to the more'immediate needs that are affecting our great nation currently. The terms of this settlement are reasonable, and require a number of specific changes from Microsoft. For example, computer makers will have the option to remove the means by which the consumer can have access to features of Windows such as Internet Explorer, Windows Media Player, and Windows Messenger. They will then be able to replace them with access to products like Netscape's browser, or AOL IM. Furthermore, a ''Technical Committee'' will monitor Microsoft's compliance with the settlement. These changes should be sufficient to end any future litigation from the federal government and individual states.

Sincerely,
Anthony Iatesta
CC: Senator Rick Santorum

MTC–00030955

01/09/2002 14:28 FAX 7023621675 RICHARD C HANSEEN 001
C H RICHARD C. HANSEEN, CPA
Management & Financial Solutions
Businesses & Individuals
January 9, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

As a Microsoft user and shareholder, I am writing to express my opinion of the recent antitrust case settlement between Microsoft and the U.S. Department of Justice. I have felt all along that the government should keep out of this matter and let free enterprise take its course.

Microsoft has been instrumental in creating a powerful business that has been innovative and vision-oriented. Microsoft's work has set standards for the industry and has proved that the tech sector is a formidable force that is here to stay. Unfortunately, Microsoft has been hindered in the past three years by litigation, which in many cases is unjustified. The settlement corrects the alleged wrongs from the alleged lawsuit, and enables companies to sue Microsoft if they feel that it is taking liberties with the settlement. Moreover, the government-run Technical Committee will also help to ensure that Microsoft refrains from retaliatory or predatory actions that would undermine the settlement.

I hope that no further litigation is brought to suit and that the best interests of the American public are served by the government's future action against Microsoft.

Sincerely,
Richard C. Hanseen, CPA, PFS
cc: Senator Harry Reid
2820 W. Charleston Blvd., Ste. 28 o Las Vegas, Nevada 89102 o 702.362.3123 o Fax 702.362.1675
rch@hanseen-cpa.com www.hanseen-cpa.com

MTC–00030956

01/09/2002 13:04 9496614830 JUNE PLACE PAGE01
33751 Windlass Drive
Monarch Beach, CA 92629
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

It is nice see that the trust and loyalty I have placed in this government for many years have been merited. Thank you for coming to a formal agreement with Microsoft. It does not make sense to revisit this issue.

It is necessary for us to work more efficiently during a very difficult period in the country. It is wise to allocate our funds to improve morale and boost the private and public sector. We only need to turn on the nightly news to see that the unemployment rate is at an all time high. There is no need to drag this issue out any further. Microsoft is willing to compromise to reach a good settlement.

I support the settlement, and look forward to seeing it in place soon.

Sincerely,
June Place

MTC–00030957

1–9–02; 3:45PM; Raw Materials ;6106942063 #1/1
1721 Millard Street

Bethlehem, Pennsylvania 18017
January 8, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I believe the government has no business interfering with Microsoft in its pursuit of success. The concessions Microsoft is making are too harsh and unjustified.

Microsoft worked hard to create new technology and ideas. They have brought new products and services to market that outshone all their competitors. They should not be penalized for their superior performance, but instead praised. Instead, Microsoft is forced to share information about critical interfaces with Windows with its competitors, crippling its ability to compete, and will be made subject to a government oversight committee, putting the company's every action under intense scrutiny.

I hope that no further litigation is brought against Microsoft and I look forward to the IT sector making a comeback which can only happen if Microsoft is allowed to pursue business interests, not politics.

Sincerely,
Patricia Felix
cc: Senator Rick Santorum

MTC–00030958

Doherty
TEL:1–215–736–8959 Jan 09'' 02 15:26 No. 001 P.01
707 Ardsley Court
Yardley, PA 19067
January 9, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I am writing this letter to you today so that my opinion may become public record.

I am very happy that a settlement was finally reached in regards to the Microsoft antitrust lawsuit. Three long years of litigation have finally produced a settlement that I believe is going to be very advantageous to all parties, 2002 involved. For the smaller computer manufacturing companies there are guarantees that Microsoft will not take any kind of retaliatory measures against them for promoting software from Microsoft's competitors. There is also a provision that restricts Microsoft from entering into any kind of contractual agreement that would retard the development of competitors'' software or the competitors'' ability to compete with Microsoft. There is even a provision in this settlement that requires Microsoft to disclose Windows interface information to other software developers if requested. This provision is a first for a settlement of its kind. Truly, this settlement is uniquely tailored to this situation.

No further changes to the settlement need be made. If Microsoft and the Justice Department are both happy with this settlement, and it is my understanding that they are, then we should leave it as is. I support the settlement, and hope to see it finalized soon.

Sincerely,
Leonard Doherty
cc: Senator Rick Santorum

MTC–00030959

Minority Educational Resource Center Inc. (M.E.R.C.L)
Telephone/FAX (972) 874–3996 E-mail: ehudspith@yahoo.com
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Dear Ms. Hesse:

I am writing this letter to express my support for the recently negotiated settlement of the Microsoft case. For the past several months, I have watched as the Department of Justice and several state Attorneys General have relentlessly pursued a frivolous antitrust lawsuit against Microsoft. As a user of Microsoft products, I think it is time to bring this issue to a conclusion.

The threat of government regulation has caused tremendous harm to the industry, consumers and the entire economy, At a time when the economy is heading into difficult times, the last thing the technology industry needs is more litigation and government regulalion.

Further litigation will not improve quality or increase innovation. On the contrary, attempts to place limits on any part of the tech sector-not just Microsoft—will inhibit innovation, increase costs, and place America's technology at a disadvantage in the global market.

I think it is time to settle this matter and let the industry, and Microsoft, continue to develop affordable, innovative products.

Sincerely,
J. Edwin Hudspith

MTC–00030960

JAN–09–2002 WED 03:52 PM
FAX NO.
P.01
Robert D. Corsaro
Home (301) 705–7586
5921 Walleye Court,
Office (202) 767–3537
Waldorf, MD 20603
Rcorsaro@RADIX.net
Corsaro@NRL.Navy.mil
January 9, 2OO2
Renata Hesse, Trial Attorney,
Suite 1200, Antitrust Division,
Department of Justice,
601 D Street NW, Washington, DC 20530;
(facsimile) 202–616–9937.

As a personal computer user for over 30 years, both at home and work, I have witnessed or experienced adverse effects of Microsoft's antitrust violations. In my opinion the settlement that is proposed will nether remedy nor discourage future antitrust violations of the type for which Microsoft has been found culpable.

The company has repeatedly and blatantly operated as a monopoly using unfair practices to eliminate competitors. It has already been found in violation. Yet I am dismayed to find that the ''penalty'' proposed actually enables Microsoft to advance its operating system monopoly. I am particularly concerned with the level of intrusion and personal data-gathering afforded by the close coupling of Microsoft's operating system and its Web dominance. If appropriate action is not taken at this time, I am convinced that the public interest and privacy will suffer for many years to come. The most appropriate remedy is to fully separate the ''system'' and ''software'' operations into separate and independent companies, where networking software is assigned to the latter. Even then, rigorous oversight would be required to ensure that there is no collusion. While this would be severe. I feel that Microsoft has not earned the very basic level of public trust that any other solution would require.

Sincerely

MTC–00030961

01/09/2002 01:56 9722220013 GLORIANA JOHNSON PAGE 01
Gloriana Johnson
Shannon Road
Mesquite, Texas 75181
January 8, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I am writing you today to inform you of my opinion in regards to the Microsoft settlement that was reached on November 6. I feel this settlement is fair and reasonable, and I am a strong Microsoft supporter.

I believe Microsoft has accomplished a great deal in the last decade. Microsoft offers quality products to consumers at reasonable prices. Microsoft will now allow itself to be monitored by a technical oversight committee created by the settlement in order to ensure that Microsoft doesn't engage in any anti-competitive behavior. The technological boom we have experience is due to Microsoft for the most part. This company should not be punished for being successful at what they do.

I support the settlement and hope to see it in place soon. Thank you for your time and consideration.

Sincerely,
Gloriana Johnson

MTC–00030962

Jan. 09 2002 2:46PM Foundation for Economic E 9896879088 P.1
James E. Kostrzewa
2698 North Peterson Drive
Sanford, Michigan 48657
(989) 687–9555
FAX Cover Sheet
To: United States Department of Justice
Fax number: 202–307–1454
Pages to follow: 0
Date: January 9, 2002
Subject: Settlement of Microsoft Case
Dear Department of Justice,

Please settle the Microsoft case! Every day I hear jokes about the fact that the U.S. Government is spending exponentially more on useless programs like trying to control American businesses than it spends on real threats like terrorism. But it is no joke—you are! Please stop.

Please listen to our founding fathers like Thomas Jefferson who said, ''The government

that governs least governs best.'' I, like our founding fathers, am a ''Classical Liberal.'' I believe in self-reliance, limited government, respect for private property and individual liberty, and the rule of law. I urge you to take a lesson from the state of Michigan from 1851 when the Michigan state legislators amended the state constitution to ''get out of the business of business.'' This public policy change is what lead to businesses flocking to the cold climate of Michigan to make it one of the manufacturing Mecca's of the world, Please leave business to the free market and we will all be infinitely more prosperous—including you.

Respectfully,

MTC–00030963

01/09/02 WED 15:1? Fax 1 954 771 2223 HORNER EQUIPMENT ADMIN. 001
Tandy Garay—IT Director
Horner Equipment of Florida, Inc.
5755 Powerline Road
Fort Lauderdale, Florida 33309
January 7, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing you today to express my feelings on the Microsoft settlement that was reached in November. I believe this agreement will have long-term beneficial effects on our lagging economy. For this reason, I feel this agreement will be in the best interest of the public.

This agreement contains provisions that will foster competition.

Microsoft has pledged to share more information with other companies about Microsoft software codes and books. Microsoft must also make it easier to install non-Microsoft software. These steps will give third party vendors more opportunity for growth and allow consumers a greater choice in applications. This is a win-win situation all around.

These provisions and many others will have a positive impact on the technology industry and is a great victory for consumers as well. Thank you for settling this suit with Microsoft.

Sincerely,
Tandy Garay

MTC–00030964

P–01
Jose Navarro
1814 Brookside Avenue
Oxnard, CA 93035–3319
2 January 2002
Attorney General John Ashcroft
U.S. Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I appreciate the opportunity granted by the Tunney Act to express my opinion about the recent Microsoft settlement. I am fully in support of the settlement. It is realistic and reasonable, and it allows increased monitoring to ensure fair competition.

In this current state of economic downturn, it is absolutely critical that the government stops litigation against Microsoft. Microsoft adds productivity and innovation to the economy and should be allowed to participate in a free market. Stopping litigation against Microsoft is best for the economy and consumers.

Thank you for orchestrating this settlement; it is truly the best thing for the America of today, and the America of tomorrow.

incerely,
Jose Navarro
cc: Representative Elton Gallegly

MTC–00030965

Jan 09 02 01:00p
YesterTec Design Company 610–838–1937 p.1
David W. Beer
1490 Spring Valley Road
Bethlehem, Pennsylvania 18015
January 9,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I have been following litigation for the last three years against Microsoft and am happy to see that the matter was settled in November in the antitrust case. I am happy to see that Microsoft is not being broken up, and that true innovation can continue. This business simply cannot be regulated in any way that discourages innovation, especially since the business models change so frequently.

Microsoft has been a huge asset to my business and particularly to our country through product and service development, employment, education, and philanthropy. It is our opinion that Microsoft has done much more good for our nation's economy than bad.

Because of their contributions they should be rewarded, and they have been monetarily rewarded in the past, but I hope the penalties address only the practice of business and not the practice of innovation. In this context, penalties should be enforced for malicious law breakers, and not for aggressive but law abiding business practices.

I am particularly annoyed with Sun Microsystems. We all have competitors, and they have, in the long run, benefited from the competition. I hope the nine states in opposition to settlement will end their quarrels and let private enterprises return to focusing on business, innovation, and not politics.

Sincerely,
David Beer

MTC–00030966

Jan–09–02 11:47A Dick Ross 16102507809 P.01
Richard Ross
1607A Briarwood Lane
Bethlehem, Pa. 18017
January 9,2002
Attorney General John Ashcroft, U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC, 20530

Dear Mr. Ashcroft:

After three years of litigation in federal court, a settlement agreement that can end the Department of Justice's lawsuit against Microsoft is more than welcome. After three years, all the issues surrounding the case have been considered and all the involved parties have been able to express their points of view on the matter. After three years, the settlement is more than fair to the Microsoft's competitors and to the federal government. It gives the red-carpet treatment to software developers that wish to create software that works in a Windows operating system.

Considering all the points of the settlement, such as allowing hardware makers to reconfigure parts of Windows, it is obvious that Microsoft will lose some of its market share when the settlement is formalized. The issue at stake now is whether the consumer will benefit from the proposed settlement or not.

The enormous cost that the suit has been on Microsoft and on the entire IT industry will inevitably be absorbed by the consumer in the form of artificially higher prices for years to come. If the suit is not settled now, the cost to the IT industry and Microsoft can only increase, which means that the cost to consumers in the end can only increase. This is most certainly not in the public interest.

Now is the time to end the suit and allow the IT industry and Microsoft to return to their functions as innovators and service providers to the millions consumers of technology products. For the good of all involved parties, I urge you to see that the proposed settlement become formal as soon as possible. Sincerely,

MTC–00030967

01/09/02 12:28 404 952 1558 MICROSOFT CORP. 01
Eric Cobaugh
6909 Rainwater Road
Raleigh, NC 27615
January 3, 2002
Attorney General John Ashcroft
The U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

I respcct the leadership in this country. Especially now, when challenges our facing this nation as never before, those in national leadership should set an example of cooperation and high-minded action.

I believe the recently reached settlement between Microsoft and the Department of Justice embodies this ideal of high-minded cooperation. The settlement is fair, and it would be tragic to allow the government to continue its ill-advised campaign to fragment and effectively render irrelevant one of our nation's greatest and most productive companies.

The settlement affects the health of the entire information technology industry. Manufacturers and designers of hardware and software must be able to rely on Microsoft and it's competitors to incorporate technology innovations into their products as rapidly as commercially viable. This is best accomplished through unfettered competition NOT by government committees choosing winners and losers.

I am hopeful that the Department of Justice will endorse the terms of the settlement to the other branches of government and will stem any further pursuance of this matter.

Sincerely,
Erie Cobaugh

MTC–00030968

1–09–2002 3:12PM
FROM 000000000000 P.1
10:24 GARDNER GROUP
804 741 3344 P.01/01
THE GARDNER GROUP
January 9, 2001
Ms. Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms Hesse:

As a small businesswoman and a Microsoft investor, I was most pleased to learn, that a proposed settlement is under consideration. I have been advocate for an end to this litigation for a number of months, so I was pleased to hear that the end may be near and all concerned can expend their energies elsewhere.

I have absolutely no doubts that this suit has negatively impacted my investment in the Company. From the news reports I have read on this issue, the case seemed to be driven by some of Microsoft's competitors. The economy has been backsliding for months now, and the September 11 and subsequent events have weakened it furhter. We need to take every action possible to spur the economy, not the opposite. As President Bush has said, we all need to spend money and travel. When it comes to the technology sector, people will spend money on new and innovative products. Costly lawsuits, take up a company's time and energy—time and energy that could be spent on more productive endeavors. The proposed settlement should put concerns of competitors to rest. I understand that future versions of Windows will have a simple way for computer and software makers to promote non-Microsoft software within Windows. I don't know how much more fair you can get.

Thank you for the opportunity to bring my views to your attention. Sincerely yours,

Kay Gardner

Meeting Management form Concept to Conclusion

152 W. Square Place, Richmond , Virginia 29233

(804) 784–5111

MTC–00030969

JAN–09–02 02:13 PM P.01
Rebecca G. Waugh
P.O.BOX 402
New Ipswich, NH 03071
FLOWERSANTIQUES
(603)878–4279
January 8,2002
Renata Hesse
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washlngton DC, 20530

Dear Attorney Hesse,

I would like to contribute my opinion during the public comment period for the draft settlement in the Microsoft antitrust case. I support the settlement as a much-needed end to this drawn out court case. Microsoft has hurt neither its competitors nor the consumers with its actions, In fact their products, which continually Improve at affordable prices, are a great benefit to small businesses such as my own.

The Justice Department must have more important things to do in this day and age, and I'm sure the millions spent on prosecution can be better spent elsewhere. There is a recession going on in this country, and we need companies like Microsoft to be focused on creating jobs and wealth in order to bounce back.

I hope the Judge sees the wisdom in the settlement offer, and that this opportunity to get things back on the right track is not missed.

Thank you for entertaining my opinion on this case.

Very truly yours,

Rebecca Waugh

MTC–00030970

Jan 09 02 01:09p
817 428 6599 p.1
MAIEVE GALLUP
5792 FALL CREEK DRIVE, FORT WORTH, TX 76137 (817) 428–6590
January 9,2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Sent via fax to (202) 616–9937

Dear Ms. Hesse:

Last November, Microsoft Corporation and the Department of Justice reached an historic settlement of what has been a protracted and expensive lawsuit. It is now time for the Court to dismiss all remaining complaints against Microsoft and let the consumer be the final judge as to whether Microsoft has harmed them.

The choice seems to be clear. Either the Court accepts the settlement and competitors continue to innovate, or the Court orders the continuation of the lawsuits and competitors continue to litigate. If the latter course is taken, Microsoft will not be the big loser-it will be the consumer. What is the motivation to continue the lawsuit? Is it driven by competitors who haven't been as innovative as Microsoft and are afraid of losing their share of the market? Shouldn't the legal eye of the Court and the remaining 9 state attorneys general be trained at the market tactics of Microsoft's competitors? Surely, you will find some unsavory market practices in their portfolios, if nothing else, they most certainly appear guilty of ''obstructing'' the advancement of technology in America's marketplace.

I encourage the Court to stop this costly charade by Microsoft's competitors and let them all get back to true competition where it counts most-in the marketplace.

Sincerely,

Maieve Gallup

MTC–00030971

JAN–09–2002 WED 14:01 ID:KINKOS TEL: 972 964 0412 P:01
Fax Cover Sheet kinko's
2301 Preston Rd., Ste. B
Plano, Texas 75093
Tel: (972) 964–0801
Fax: (972) 964–0412
Comments:
Date: 9 Jan 02
To: Attorney Gernal Ascroft
Company: Gox
Fax: 202 307 1454
From: Ed O'Donnell
Company:
Tel: 972 407–1076
Number of pages including this one:
Jan–09–2002 WED 14:01 ID:KlNKOS
TEL:972 964 0412 P:02
1413 Mockingbird Drive
Plano, Texas 75093
January 8, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express to you my support of the settlement that was agreed upon between Microsoft and the federal government. I sincerely hope that this is the end of any more litigation on the federal level.

Taking into account the terms of the agreement, Microsoft certainly did not get off with just a warning. In fact, Microsoft is now left to make several significant changes in the way that they handle their business. For example, Microsoft has agreed to make available to its competitors any protocols implemented in Windows'' operating system products that are used to interoperate natively with any Microsoft server operating system. Microsoft has also agreed to disclose and document for use by its competitors various interfaces that are internal to Windows'' operating system products. That alone is a first in an antitrust settlement.

With the many terms of the agreement, there should be no reason for the government to consider pursing further litigation on any level.

Sincerely,

Ed O'Donnell

MTC–00030972

01/10/2002 09:43 5703562366 ABRACZINSKAS NURSERY PAGE 01
Susan
ABRACZINSKAS
346 NUMID IA DRIVE,
CATAWISSA PA 17820
HONE(570)356–2323
FAX(570)356–2366
TO: Attorney General FROM:
COMPANY
DATE:
FAX NUMBER:
TOTAL NO. OF PAGES INCLUDING COVER:
RE:
URGENT
FOR REVIEW
PLEASE COMMENT PLEASE REPLY
PLEASE RECYCLE
01/10/2002 09:43 5703562366 ABRACZINSKAS NURSERY
PAGE 02
Susan Taddeo Abraczinskas
739 Mifflinville Mainville Road
Nescopeck, PA 18635
January 9,2002

Attorney General John Ashcroft, USDOJ
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

My father died last July. He came from Italy when he was young; he worked hard every day all his years to make a better life for himself and his family. His was the quintessential American success story. To make sure his grandchildren had a base for their lives, he invested in Microsoft. My children lost thousands of dollars that would have been used for their education. I put the blame for this at the feet of former President Clinton. He evidently believes that anyone who works hard and makes a success of his life should be punished. Government should not exist to stifle success.

The lawsuit against Microsoft was unfathomably groundless. It should be over. Microsoft has made numerous concessions to computer manufacturers, such as changing the ways Microsoft licenses its software and its software's configurations. There is even a technical committee that will oversee Microsoft's adherence to the settlement. I wonder if the other firms would do as much. But they are not as successfu1 as Microsoft and hence, immune from such demands.

What I ask of you is to leave the decision reached between Microsoft and the Department of Justice stand. Are we to cater to everyone and anyone who does not like a particular judicial decision? We need to concentrate on our economy now, and letting Microsoft get back to business is one way to do this.

Thank you.

Sincerely,

Susan Taddeo Abraczinskas

Cc: Sen. Rick Santorum

MTC–00030973

1–10–2002 9:19AM
FROM 000000000000
ARTHRITIS FOUNDATION
PAGE 01
January 9, 2001
Ms. Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

With regards to the Microsoft proposed settlement: The technology industry is extremely competitive. Some of the very best minds in the country are involved in the technology sector. Some of those minds work for Microsoft. I believe that the ability that allowed this company to become a leader in its industry will also help them comply with the terms of this agreement. They will have to be more flexible and more open to the needs of other firms. But moving beyond this lawsuit will allow the company to continue to provide innovative products like they have in the past. The settlement seems to be very equitable. For example, the provision that the 20 largest computer makers will be able to obtain Windows under the same terms conditions and price is a very fair provision. The time has come to settle this case. I look forward to hearing that good news in the near future.

Yours truly,

Lydia E. Grammer
3131 Hanover Ave. #12
Richmond, VA 23221

MTC–00030974

JAN.10.2002 8:50AM
GUY CARPENTER OF PA. 215 864 3798 NO. 243 P. 1/1
≤GUY CARPENTER
Guy Carpenter & Company of Pennsylvania
Two Logan square Telephone (215) 864–3600
Philadelphia, Pennsylvania 19103 Facsimile (215) 636–9929
January 10,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing concerning the settlement negotiated between Microsoft and the Justice Department.

After three long years of litigation, this settlement represents an opportunity to move forward.

The entire IT sector is ready to move on and get back to business, but it seems that there are those who still want to hold up the process.

This settlement is very strong and requires Microsoft to make many changes. For example,

Microsoft will be required to disclose information concerning certain internal interfaces in Windows.Microsoft's competitors will also be free to sue Microsoft if they feel the company is not complying with the agreement. Beyond that, Microsoft has agreed to be monitored throughout the entire process to ensure that they are following proper procedure.

The concessions that Microsoft has made speak volumes to the fact that they want to help the IT sector get back to business. Let us help support the agreement by letting the terms speak for themselves.

Let us help not only our technology industry, but all industries which utilize technology such as insurance and finance, move forward and help get our economy back on track.

Sincerely,

Kenneth Sherman, CPCU, ARe
Senior Vice President
cc: Senator Rick Santorum

MTC–00030975

01/09/2002 21:48 HOUSE SPEAKER- JIM BLACK 82023071454 NO.210 01
NORTH CAROLINA GENERAL ASSEMBLY
SPEAKER OF THE HOUSE
JAMES B. BLACK
RALEIGH 27601–1096
Ms. Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Via facsimile: (202) 307–1454
Re: Support for Microsoft Settlement

Dear Ms. Hesse,

I am writing to express my support for the settlement that the Department of Justice and several states, including North Carolina, have reached with Microsoft. The settlement is reasonable and has bipartisan support. I believe that Microsoft has agreed to make many significant changes in their business practices and that the company is committed to becoming a more responsible industry leader.

The technology industry is a vital force in our North Carolina economy. Settling this lawsuit will allow the industry to continue to rebound and expand. I urge the Department of Justice and the court to approve this settlement.

Sincerely,

James B. Black, Speaker
North Carolina House of Representatives
JBB/jg
0086360.01
LIB:
STATE LEGISLATIVE BUILDING o RALEIGH, NORTH CAROLINA .27601–1096 o TEL
(919) 733–3451 o FAX (919) 715–0772

MTC–00030977

JAN 10 ''02 02:14 D.L. CURTIS CO.
17023232885
TO:
202 353 8856 PO1
Dennis Curtis
185 Brooktrail Drive
Reno, NV 89509–2180
January 7,2002
Attorney General John Ashcroft, USDOJ
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to articulate my support in regards to the antitrust settlement between Microsoft and the US Department of Justice. As a conservative Republican, I know free enterprise should be given more freedom to operate and innovate, instead of being pulled under the reign of the federal government, as has happened with the antitrust case. At any rate, I am happy to see that the issue is being settled and I really hope that no further action is brought against Microsoft, particularly as the settlement opens the door for increased competition. The settlement will make non-Microsoft software more efficient on a Windows platform as programmers become more familiar with the aspects of the Windows operating system that were a secret up until now.

I also look forward to future product growth and development from Microsoft as well as its competitors. I believe this settlement will facilitate that end. Thank you for your time, and the work you have done to bring this about. This administration is like a breath of fresh air and I believe you are doing a great job. Thanks!

Sincerely,

Dennis L. Curtis
cc: Senator John Ensign
cc: Senator Larry Reid

MTC–00030978

FROM :
FAX NO. :
Jan. 09 2002 10:43PM P1
105 Zernich Drive
Aliquippa, Pennsylvania 15001
January 9,2002
Attorney General John Ashcroft

US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft

I am writing you today to express my feelings in regard to the recent settlement between Microsoft and the Department of Justice. I am a staunch supporter of Microsoft, and I feel this settlement is fair and reasonable. After three years of court battles, I would truly like to see this dispute resolved.

This settlement contains provisions that are beneficial to the entire technology industry. Under this agreement, Microsoft must design future versions of Windows to make it easier to install non- Microsoft software.Microsoft must also disclose information about certain internal inter faces in Windows. With all of this, Microsoft has even agreed to be monitored during this entire process to make sure that they are following procedure.In my opinion, Microsoft and Bill Gates have contributed positively to our economy and country. During these difficult times, one of our highest priorities should be to improve our lagging economy. Allowing Microsoft to devote its resources to innovation, rather than litigation, will help our economy a great deal. Thank you for your support.

Sincerely,

MTC–00030979

JAN-9–2002 10:35P FROM:E J ALPIN CO 215 943 2336
TO:12023071454
P:l/l
E.J. ALPIN & ASSOCIATES
January 9,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing this letter to take advantage of the Tunney Act, and have my opinion go on record. I was not in favor of any litigation against the Microsoft Corporation in the first place, but since a settlement has finally been reached, we need to move on. The settlement is as fair as it could be, and I wish to see no further legal action taken against Microsoft.

There are still nine states that are continuing with litigation against the Microsoft Corporation, and they are just wasting their budgets and angering their citizens. I was relieved to see that the Department of Justice and Microsoft could agree to terms, but wish it never had to come to that in the first place. The settlement was actually reached after extensive negotiations with a court-appointed mediator, and Microsoft agreed to terms that extend way beyond what was at issue in the lawsuit.

A settlement has been reached and it is time to put this behind us.

Sincerely,
Gene Alpin
cc: Senator Rick Santorum
16 Limewood Road, Levittown, PA 19056
215/547–5678 FAX: 215/943–2336

MTC–00030980

01/09/2002 19:05 480–513–4638 GORSKI PAGE 01/01
16420 N. Thompson Peak Parkway Unit 2141
Scottsdale, Arizona 85260
January 9,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my support for the recent settlement between Microsoft, the Department of Justice and nine of the participating states. While I did not agree with the original litigation against Microsoft, deeming it frivolous and an unnecessary persecution of a successful company, this settlement has the interest of competition and fair business practices at heart. The terms of the settlement are broad, and go beyond the scope of what the original grievances filed by the government.

This settlement contains a series of provisions that do nothing but increase the sharing of information with the expected result of increasing knowledge, innovation and industry advancement. One of these terms require Microsoft to license intellectual property instead of vigorously protecting it, doing this in order to ensure that Microsoft does not monopolize key technology. Additionally, Microsoft has now agreed to a uniform pricing standard for computer manufactures, and to allow software distributors to enhance, change or remove Microsoft products from the software without the threat of retaliatory business practices. Perhaps most importantly is Microsoft's willingness to submit to a government appointed technical oversight committee that will work to ensure that the company is complying with all of the above terms of the settlement.

For these reasons, I support the settlement and hope to see it implemented soon.

Sincerely,
Mike Gorski

MTC–00030981

JAN–10–2002 14:06508 799 1015 P.O1
Facsimile Cover Sheet
To: Renata Hesse
Company Department of Justice
Phone
Fax: 202–616–9937
From: Andrea Glass
Office of the City Council
City:Hall-Room 112
455 Main Street
Worcester, MA 01608
Phone: 508–799–l049
Fax: 508–799–1015
Date: 1/3/02
Pages including this cover page: 2
Letter from Councillor-at-Large Dennis Irish.

The Information contained in this facsimile message is privileged or confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination,distribution or copying of this communication is neither a11owed nor intended. If you have received this communication in error, please immediately notify us by telephone at the above number, and return the original message to us at the above address via the U.S.Postal Service or Federal Express, at our cost. Thank You**
JAN–10–2002 14:06 508 799 1015 P.02
CITY OF Worcester
MASSACHUSETTS
DENNIS L. IRISH
COUNCILLOR-AT-LARGE
36 Server Street
Worcester, MA 01609
Telephone
Home: (508) 798–5729
Office: (508) 799–1049
Fax: (508) 799–1015
E-mail:council@ci.worcester.ma.us
January 10,2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
VIA FACSIMILE 202–616–9937

Dear Attorney Hesse:

I would like to comment regarding the proposed settlement in the Microsoft lawsuit.As a City Council, I represent an older city, which is the second largest city in Massachusetts.I would like to add my voice to the proposed settlement in the Microsoft lawsuit. I fully support the Agreement's approach of directing part of the settlement towards public schools. Scores of children attend schools with scant resources, which undermine the educational process.

We have all heard about the digital divide that exists along socio-economic lines. This divide has an adverse effect on public education. Recent research claims that 82% of classrooms in higher income communities have Internet access while classrooms in poorer communities have a 60% connection rate.

I support the aims of the Settlement Agreement that has been proposed, for these reasons.This agreement will provide some of our poorer students with access to technology. The Jagreement, which calls for Microsoft to provide 200,000 computers to eligible schools at almost no cost, will be a great resource to older school districts.

I urge the Court to approve the proposed Agreement.

Sincerely yours,
Dennis L. Irish
Councillor-at-Large
DLI/alg TOTAL P 02

MTC–00030982

Sent By: Town of Littleton;
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington DC, 20530
978 952 2718; Jan-10–02 13:59;
OFFICE OF THE
BOARD OF SELECTMEN
January 8.2002
Page 1

Dear Attorney Hesse,

I would like to take this opportunity under the federal Tunney Act review provisions to voice my opinion regarding the pending Microsoft antitrust case. It is my

understanding that Judge Colleen Kollar Kotelly is presently considering the merits of a settlement agreement to end the case that has been reached between Microsoft and the government lawyers. It is also my understanding that this settlement is opposed by Microsoft's industry competitors. Let me state my support for the proposed agreement,and my hope that it is adopted.

My perspective is twofold in that I work in the finance department of a small software company, and I also serve on the Finance Committee of my hometown, a community whose economy is very much effected by the information technology sector.From both these vantage points, I am able to see the negative impact of the case, or more importantly the potential positive impact of its conclusion. The industry at present is tentative in many ways, high tech companies having suffered disproportionately the effects of the current recession. The promise of an even greater government presence in the market does not help, even if it is Microsoft who is being targeted.

The prospect of a settlement however could have a very positive impact on the psyche of the high-tech world: not only would Microsoft, and her competitors be free to get back to business, but the threat of more regulation would be abated, encouraging more entrepreneurship. I believe the outcome would be profoundly beneficial to the industry and to the economy as a whole.

It is for these reasons that I ask that the Justice Department recommit itself to settling the case.

Sincerely,

William Ingham

MTC–00030983

Sent By: Town of Littleton;
978 952 2718;
Jan–10–02 13:57;
Page 1/1
John S. Adams
31 Snow Drive
Littleton, Massachusetts
01460
Trial Attorney Renata Hesse
Dept. of Justice / Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Attorney Hesse,

I am a senior citizen, and an investor who is upset with the actions of our government in the Microsoft case. I know what antitrust law is there for, and I don't believe harassing one of our most important companies at the behest of their competitors is the reason.

I hope that judge Colleen Kollar Kotelly sees the wisdom in ending the case. The proposed agreement is a great chance to stop this errant mission, and give the economy a chance to recover. I support the settlement, and I ask those of you in the decision-making process to consider the needs of retirees such as myself who have invested in America, and are depending on pensions and stocks to get by.

I am grateful for the opportunity to have my opinion heard in this debate.

Regards,

John Adams

MTC–00030984

Sent By: Town of Littleton;
978 952 2718;
Jan–10–02 13:56;
Page 1¹FP-2≤J & P CONSTRUCTION COMPANY
JOEL PRUITT, President P.O. BOX 293, SUDBURY, MA 01776
TELEPHONE: (508) 443–0260, (617) 243–7530
January l0,2002
Attorney Renata Hesse
Antitrust Division
Department of Justice
610 D Street NW, Suite 1200
Washington DC 20530
Re: Microsoft antitrust case

Dear Attorney Hesse,

It is my understanding that the Justice Department is now taking publiccomments regarding the Microsoft antitrust case, and the settlement agreement that has been worked out. Let me say that I am in full support of the settlement agreement, and am opposed to continuing the case any further.

My small business like many others uses products made by Microsoft and other companies, I have always found that the industry is competitive and innovative. There is never any shortage of options or new ideas, and the competition is evident in the increased efficiency that has come along with attractive prices. It doesn't seem clear where the monopoly is; I think it looks like a lot of other companies trying to get the government to do their bidding.

What this country needs is not a bigger role for the government in picking sides in the software industry. What it needs is for Microsoft and everyone else to get back to making products, and growing the economy. Believe it or not, it really effects small construction outfits like mine.

I hope the Justice Department will stick to their proposal, and urge the judge to accept the deal to end the court battle.

Sincerely,

Joel Pruitt

MTC–00030985

JAN–10–02 12:33 PM DAMICO 5087999819 P. 01—
Gerard D'Amico
358 Salisbury Street
Worcester, MA 01609
January 10,2002
Renate Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
VIA FACSlMlLE 202–616–9937

Dear Attorney Hesse:

I would like to add my comments to the record regarding the impending settlement in the Microsoft lawsuit.

As a Former State Senator, who was chairman of the Senate Education Committee and Director of the Massachusetts Literacy Campaign, I saw the effects of the digital divide first hand. Scores of children attend schools with scant resources, which undermine the educational process. Unfortunately, the digital divide also effects working class parents as well.

I would like to ad my voice to the proposed settlement in the Microsoft lawsuit. I fully support the Agreement's approach of directing part of the settlement towards public schools. We have all heard about the digital divide that exists along socio-economic lines. This divide has an adverse effect on public education. Research States that 82% of classrooms in higher income communities have Internet access while only 60% of classrooms in poorer communities are connected.

This inequity is creating two classes of people, those with computer skills and those without. In this day and age we cannot afford to have students or workers whose computer skills are lacking.For this reason, I support the aims of the Settlement Agreement that has been proposed. This agreement will provide students with access to technology. The agreement calls for Microsoft to provide200,000computers to eligible schools at almost no cost.

I urge the Court to approve the proposed Agreement.Sincerely yours,Gerard D'Amico

MTC–00030986

FROM : HILL TAX
PHONE NO.: 715 834 7383
Jan. 09 2002 01:10PM P1
January 10. 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing you today to express my feelings in regards to the Microsoft settlement issue. I feel that this settlement is fair and reasonable, and I am anxious to see this dispute resolved. I believe it will be in the public interest to stop litigation against Microsoft.

As an IRS Enrolled Agent, I have been using Microsoft products since the early 80's. Have been very satisfied with the quality of Microsoft software. Interference from the government on this issue will result in lesser benefits to myself as a consumer. This settlement will allow Microsoft to devote its precious resources to designing innovative software, rather than paying court fees. Microsoft has offered to grant its competitors access to information on Windows, and it will not retaliate if other independent companies promote their software within Windows. There will be an oversight committee that will ensure Microsoft complies with all of the agreed upon terms of the current settlement. This will benefit the economy, the technology industry, and consumers.

I support this settlement and hope the federal government will discontinue litigation against Microsoft at the federal level. Please do your part to look out for consumers,Thank you for your support.

Sincerely

MTC–00030988

9206 Tiverton Way
Louisville, Kentucky 40242
January 7,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I want you to know that I support Microsoft and think that it's high time that you all leave that company alone. I hope that the Justice Department sticks to their settlement and can do whatever it can to get the rest of the states to agree to it as well. Microsoft will help its competitors use Windows with non-Microsoft software, and will be subject to the review of a governmental oversight committee, and that's enough for any company.It's good that Microsoft can use its time and resources on more important matters, like improving their current products. And since they have such a direct impact on our economy, it will be nice to have them back to help in this recession.

Thank you for taking time to hear the public's opinion in this matter. I think that more people should hear what the average person has to say about issues like this and not just their legislators.

Sincerely,

Jon Borie

01/10/2002 13:34 FAX 502 933 7490 P&P SOUTHWEST 001

MTC–00030989

Joshua Virkler
1431 Bullis Rd.
Elma, NY 14059–6956
January l0,2002
Attorney General
John Ashcroft
950 Pennsylvania Ave NW
Washington, DC 20530

Attorney General Ashcroft:

I am writing to let you know that I support the settlement being considered in the MicrosoftAntitrust case.It is my understanding that you are taking comments from consumers on how this will affectthem, since this case is theoretically being brought on behalf of us. I have been opposed to the case against Microsoft from beginning, and now I feel strongly that it is in the best interest of everyone to make this whole thing go away as soon as possible.

Consumers have been harmed far more by the prosecution of this antitrust case than anything]Microsoft could have done to harm them. The only true monopoly in this country is the Federal Government. It is the only entity that can enforce it's will with force. Every business in this nation must provide a product or service that people want, at abetter price than anyone else,in order to have any influence upon anything. The same cannot be said about government.

Thank you for your time and consideration. Also, thank you very much for the way you have conducted yourself in office so far. You have been a model of integrity, and have very closely mirrored my views on issues that you have faced. Keep up the good work!

Sincerely,

Joshua Virkler

MTC–00030990

JAN–10–2002 01:03PM PATRICIA A ARNOLD
212 862 1306
P. 01
P.O. Box 8064
New York, NY 10116–8064
January 10, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Attorney General Ashcroft:

Your stellar decision to finally end the Clinton Administration's antitrust lawsuit against Microsoft is much appreciated. In my opinion, no more action should be taken at the federal level.

The settlement makes quite a difference. Under the agreement,computer manufacturers are granted new rights to configure systems with access to various Windows features. Also, Microsoft is required to design future versions of Windows to make it easier to install non-Microsoft software and to disclose information about certain internal interfaces in Windows.

Your leadership is exemplary. Your decision is correct, After all,competitors can also sue Microsoft if they don't think the company is complying with the agreement. Taxpayers'' money should be spent for better causes.

Sincerely yours,

MTC–00030991

Jan 10 02 10:50a BUSY BEE PRINTERS 5206251022
p.1
Bob & Vi Greene
108 E. El Viento
Green Valley AZ 85614
(520)393–0635
bobnvi@aol.com
January 10,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am happy to hear that a settlement has been reached between Microsoft and the Department of Justice. This settlement was reached after three years of litigation and with the assistance of a court appointed mediator and should be allowed to pass through public review.Microsoft, in my view, has agreed to more than enough, and has compromised more than any other company has ever been asked to. Microsoft has agreed to share even more information about their software design. In addition,Microsoft has agreed to be under the constant monitoring of a government created technology committee, which will review Microsoft's software codes and books. This committee will ensure that Microsoft abides by the agreement.Our federal government and Microsoft have been in battle for three years.Allowing Microsoft to create and innovate, not litigate, would be a huge step in that direction. Beyond the good of Microsoft, this settlement is in the public interest, allows the fostering of competition across the entire industry and sets a positive benchmark for future similar issues.

Sincerely,

Robert Greene

MTC–00030992

01/10/2002 13:27 5704769235 GEORGE ANDREWS
PAGE 01
*P.O. Box 8A*East Stroudsburg*Pennsylvania*18301*
January 9,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I have been asked so submit my opinion regarding the Microsoft litigation.I thoroughly believe that litigation against Microsoft in the antitrust case was unjustified and not in the best interest of the American public. I am happy to see that Microsoft will not be broken up which could have lead to another Ma Belldebacle. However, it still makes concessions to its opponents to bring an end to the suit.

Microsoft should have not to document and disclose various interfaces that arc internal to its Windows'' operating system with out receiving a fee from the prospect wanting to run on Microsoft's platform. Microsoft worked long and hard to create this technology and owns the rights to it. Microsoft should not be aloud to prevent manufactures from promoting competitive products nor should Microsoft be bared from negotiating agreements that are exclusive to them. It is not the government's place to force a business to not take part in promotions that will compete for market share. This would be to tie the hands of a companies sales and marketing efforts.

These are concessions that seem to go against many of the principles on which the free enterprise system was founded. As restrictive as the concessions may be if Microsoft supports the settlement, then I guess I can too. However I believe it sets a bad precedent

Sincerely,

George Andrews

cc: Senator Rick Santorum

MTC–00030993

01/10/2002 12:22 7327872166 GWSCLACEY
PAGE 01
91 Beacon Boulevard
Keansburg, NJ 07734
January 7, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I would like to go on record as being a supporter of the settlement that was reached last November between Microsoft and the Justice Department, which brought an end to the antitrust lawsuit.

For three long years the Department of Justice and Microsoft engaged in costly litigation, and finally a settlement was reached. Although the restrictions that have been placed on Microsoft are harsh and undeserving, I am just glad to see this come to an end. I hope that the settlement will encourage the states that have yet to settle to change their minds.

I appreciate your time, and again, I support the settlement between Microsoft and the Justice Department.

Sincerely,

Suzanne Lacey

MTC–00030994

FROM : Panasonic FAX SYSTEM
PHONE NO. : 650 588 9176
Jan. 10 2002 10:45AM P1
150 Minorca Way
Millbrae, California 94030
January 8, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

As a supporter of Microsoft, I write to you with appreciation of the settlement that has been reached in the antitrust battle between this company, and the Department of Justice. After three years of negotiating, it seems that all voices have been heard, and the agreement is beneficial to all involved.

During this time of strained economy, it is evident that we need to support our industry, and let business get back to business. The stage has been set for the competitive process to take hold, and it is time to let the IT sector get back to work. Our Technology Industry needs our support so that it may continue to hold its position in the world marketplace. By further reviewing the terms of the agreement we delay the process even longer.

Why should we use our precious resources on an issue that is been over-discussed? Thank you for letting us support our technology industry, and our economy as a whole, by making sure that no more legal action is taken against Microsoft.

Sincerely,
Russell Beardsley

MTC–00030995

FROM : Panasonic FAX SYSTEM
PHONE NO. : 650 588 9176 Jan. 10 2002 10:46AM P2
150 Minorca Way
Millbrae, California 94030
January 8, 2002
Dear Mr. Ashcroft:
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW Washington, DC 20530

I wanted to write to thank you for the work that you have done in the Microsoft antitrust dispute, and for the role that you played in reaching the long overdue settlement that finally came to fruition.

Since the anti-trust suite has been settled in the interest of all parties I hope there will be no further legal action taken against Microsoft. After all, the terms of the settlement Were well thought-out and are very reasonable, including increased government- oversight of Microsoft's business practices and uniform rules for licensing Windows to computer makers.

Our economy has suffered a great deal, and it is time to support it by letting our technology industry get back to business. This agreement will benefit both consumers as well as the IT sector as a whole. I support this settlement, and hope to see it implemented soon.

Sincerely,
Helen Beardsley

MTC–00030996

TO JAN-10–2002 12:54
FROM WAYTEK INC
Waytek, Inc.
January 10, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington. DC 20530–0001

Dear Mr. Ashcroft,

It must be agreed by all that Microsoft has always maintained an attitude of arrogance with respect to its OEMs and to software developers. but this attitude should never, in my opinion, have facilitated an actual lawsuit against them by our government. Certainly, as the IT community matures, there will be enough competitive pressure brought to Microsoft to have forced them into a position of greater cooperation.

It is my belief that these kinds of issues do not fall under the purview of our government.

This lawsuit has created a tremendous amount of anxiety and uncertainty within the IT community that it has been responsible, in part, for the recession that is with us even today.

This settlement, however. signals the end of the government's hostility towards Microsoft and will aid the entire IT community by dispelling the uncertainty. It will improve licensing and contractual agreements, so that they cannot be used as leverage against other companies.

Moreover, the settlement will be enforced by a Special Technical Committee, whose sole purpose is to watch Microsoft. I am hopeful that this review process will vindicate the settlement.

Sinerely,
Daniel Safeer
P.O. Box 10,
West Berlin, NJ 08091
(856) 346–9310
Fax (856) 346–0557

MTC–00030997

MASTECK
Corporate Office
1340 Reynolds Avenue
Suite 105
Irvine, CA 92614.5502
949.851.2279
800.248.6279
Fax 949.851.1779
www.MastechInc.com
Houston Branch
12602 Pine Bough Ln
Cypress,TX 77429–2241
281.373.5759
Fax281.373.9501
January 9,2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

Much has been said about this lawsuit between the Department of Justice and Microsoft. Now that it has reached a settlement stage, it is my hope that we can put this entire unfortunate episode behind us.

There is a public perception that Microsoft may we11 have been a bit too protective of both its software and its use by its OEM customers. This may be true, but the terms of the settlement adequately address this. OEMs are well-protected by this settlement, since the settlement requires Microsoft to design Windows so that OEMs can easily reconfigure Windows to add access features to non-Microsoft software. They are also protected by the new licensing arrangement.

It is time to turn our attentions to more relevant and important issues facing us today. It's time to put this behind us.

Sincerely,
Greg Marone
IT Director
Jan. 10. 2002 12:25PM
MASTECH9498511779 No.2341 P. 1

MTC–00030998

FORM : Panasonic FAX SYSTEM
PHONE N0. : 7042589930
Jan. 10 2002 03:55PM P1
556 Crowfields Lane
Asheville, North Carolina 28803
January 10, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing you to thank you for allowing Microsoft to get back to work.

The settlement plan for Microsoft's antitrust case is more than an adequate remedy to the complaints of Microsoft's competitors and critics. Microsoft will share information with its competitors about Windows, and this will allow them to more easily install their own software on the operating system. Ultimately this will benefit all of the technology industry.

At a time of a weakening economy I think it is only sensible to end this controversy. Further sanctions for or restrictions on Microsoft will prove to be counterproductive. This country needs this company to continue to thrive and to lead the Information Technology Industry into this new and dangerous century.

I thank you for supporting this company and for reaching a fair and just settlement.

Sincerely,
Gerd Smith

MTC–00030999

FROM : HILL TAX
PHONE NO. : 715 834 7383
Jan. 10 2002 08:59AM P1
Randal J Hill
811 Garden St
Eau Claire WI. 54703
715 834 7379
January 10, 2002

I am writing you today to express my feelings in regards to the Microsoft settlement issue. I feel that this settlement is fair and reasonable, and I am anxious to see this dispute resolved. I believe it will be in the public interest to stop litigation against Microsoft.

As an IRS Enrolled Agent, I have been using Microsoft products since the early 80's. I have been very satisfied with the quality of Microsoft software. Interference from the government on this issue will result in lesser benefits to myself as a consumer. This

settlement will allow Microsoft to devote its precious resources to designing innovative software, rather than paying court fees. Microsoft has offered to grant its competitors access to information on Windows, and it will not retaliate if other independent companies promote their software within Windows. There will be an oversight committee that will ensure Microsoft complies with all of the agreed upon terms of the current settlement. This will benefit the economy, the technology industry, and consumers.

I support this settlement and hope the federal government will discontinue litigation against Microsoft at the federal level. Please do your part to look out for consumers.

Thank you for your support.

Sincerely,

Randall Hill

MTC–00031001

JAN-11–2002 09:13 AM
REP. VINCENT A. PEDONE
508 791 7400 P.01
VINCENT A. PEDONE
STATE REPRESENTATIVE
ROOM 540
TEL: (617)722–2080
The Commonwealth of Massachusetts
House of Representatives
State House, Boston 02133–1020
Committees:
Ways and Means
Energy
Housing and Urban Development
January 11, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
VIA FACSlMILE

Dear Attorney Hesse:

I would like to add my comments to the record and add my voice to those in support of the proposed settlement in the ongoing Microsoft lawsuit.

As a State Representative from Worcester, Massachusetts who represents an older urban district, including some of the poorest areas of the city, I felt it is important for me to offer some thoughts regarding the proposed settlement.

The Commonwealth of Massachusetts has made educating our children the top priority. Over the past seven years, the Massachusetts legislature has redoubled its efforts relative to funding of the public education system in the state.

This was in response to a commitment by the legislature to bring the Massachusetts Public School System into the 21st'' century.

With this in mind, we have also made available capital funds and grants to upgrade our schools computer systems and school technology. However, because of new and innovative advances in computer systems software and internet connections, systems that were purchased just five years ago are obsolete. Staying ahead of the technology curve is attainable, but very costly.

Although I am not familiar with the intricacies of the agreement, I do know that there is one component of the agreement that will help scores of school children in the city of Worcester: Microsoft will provide 200,000 computers to eligible schools at almost no cost. I applaud the Agreement's approach of directing part of the settlement towards public schools.

We have all heard about the digital divide that exists along socio-economic lines. This divide has an adverse effect on public education. Research states that 82% of classrooms in higher income communities have Internet access while only 60% of classrooms in poorer communities are connected.

For this reason, I support the aims of the Settlement Agreement that has been proposed. This agreement will provide students in my district, as well as throughout the Commonwealth, with access to technology that has been to costly for communities to purchase.

Thank you for your time and consideration on this manner.

Sincerely yours,

Vincent Pedone

State Representative

MTC–00031003

Jan.1O. 2002 11:13AM 7144450201 EMS No.3169 P. l/l
7026 Via Ostiones
Carlsbad, CA 92009–6614
January 11, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft

The antitrust lawsuit leveled against Microsoft by the Federal Government was completely unfounded and totally unjustified. However, since a settlement was reached between the parties, it should be accepted and finalized by the courts as soon as the public comment period ends. I personally feel the main tenets of the settlement go too far, are not fair to Microsoft and hurt the ideals of free enterprise and capitalism. Microsoft could easily go on fighting this thing out in the courts for years. However, Microsoft has very nobly agreed to accept and abide by the terms of the settlement instead of wasting millions of taxpayer dollars in round after round of court battle with the Federal Government.

For all intents and purposes the Federal Government won this case and should be very pleased with the outcome. The fact that Microsoft will now be forced to grant computer makers broad new rights to configure Windows so as to promote non-Microsoft software programs that compete with programs included in Windows is proof that the Federal Government has met its objective. Additionally, Microsoft will be forced to document and disclose its various interfaces that are internal to Windows'' operating system products—a first in an antitrust settlement. Furthermore, Microsoft must make available to its competitors any protocols implemented in Windows'' operating system products that are used to interoperate natively with any Microsoft server operating system. Finally, Microsoft has agreed to a three-person Technical Committee that will monitor Microsoft's compliance with the settlement and assist with dispute resolution. The government did the same thing to Bell Telephone Company back in the late 1970's. The results were tragic and I fear that the government did not take into account the future impact and this too will have a tragic effect on technology and the entire world. It appears that the Federal Government, at taxpayer's expense, won't stand for progress and will do everything it can to penalize or destroy the guy ''out front,'' such is the case with Microsoft. Microsoft has transformed the face of the planet for the better and should be left alone once and for all. Please finalize this settlement as soon as possible. Thank you.

Sincerely,

Steven Golden

MTC–00031004

Jan 11 02 10:08a p.1
FAX COVER SHEET
LINDA AND JERRY LEADS
722 POMELO DRIVE
VISTA, CA 92083
(760) 724–3433
fax (760) 724–7749
SEND TO
Company name ATTORNEY GENERAL
From
JERRY LEADS
Attention
MR. JOHN ASHCROFT
Date
1/11/02
Office location
WASHINGTON DC
Office location
VISTA, CALIFORNIA
Fax number
1202–3071454
Phone number
760 724–3433
Urgent Reply ASAP Please comment X Please review For your information
Total pages, including cover: 2
COMMENTS

I strongly URGE you to cease all Federal action against Microsoft now that a settlement has been reached. Thank you for your help in this matter

Sincerely

Jerry Leads

Jan 11 02 10:09a
P.2
LEADS
Linda and Jerry Leads
722 Pomelo Drive
Vista, California 92083
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
January 10, 2002

Dear Mr. Ashcroft;

As a user of Microsoft's software and component product, and as a supporter of their mission and phi-losophy, I strongly urge you to oppose any additional federal action against Microsoft now that a settlement has been reached. After three+ years of dealing with frivolous litigation, Microsoft and the department of Jus- tice have come to an agreement that is fair, judicious, and reasonable, and should be

allowed to stand on its own merits. I passionately disagree with any attempt by any government official to delay the implementation of this settlement agreement or to enter into any further litigation with Microsoft. While Microsoft continues to innovate the premier operating system and office productivity software in the industry, this settlement an- swer many, if not all, of the government's concerns with Microsoft's business practices. the agreement pro- vides for a government technical oversight committee, which will be responsible for monitoring the company's business, marketing and licensing practices.

Additionally, the settlement's terms require Microsoft to allow computer manufacturers to configure their systems individually and forces Microsoft to design future software versions so that non-Microsoft soft- ware can be easily added to the computers. Perhaps most importantly, this settlement allows Microsoft's competitors, including Apple, SUN Microsystems and IBM to sue Microsoft if they believe that the company is not abiding by the terms of the settlement.

This antitrust settlement provides the ability for Microsoft to continue to innovate and to lead the in- dustry, while at the same time correcting some of the perceived wrongs committed in the past.

During this time of shaky economies, and an unstable international environment, I am glad that you and your colleagues will now be concentrating on greater national priorities besides the legal dealings of a successful corporation.

Thank you for not supporting any federal intervention into this settlement.

Sincerely
Jerry Leads
Phone: (760) 724–3433
Fax:(760)724–7749

MTC–00031005

01/11/11/2002 13:03 7274460170 DATA MANAGEMENT
PAGE 01/01
DATA MANAGEMENT
SYSTEMS INC.
Solutions You Can Depend Upon
1051 Cephas Drive o Clearwater, FL 33765
Tel. 727.443.4700 o Fax. 727.446.0170
www.dmsus.com
e-mail: lnfo @dmsus.com
January 10, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I believe that Microsoft has done much to advance and yet simplify the information age, not for just this country, but worldwide. It is a shame to see the government interfere with Microsoft's freedom to innovate and Microsoft's ability to continue to improve its products Moreover, The Justice Department is causing harm to the entire Information Technology industry by trying to break up a ''world class'' company that has done so much to make this country the dominant technological leader of the world. Fortunately, Microsoft has reached a settlement with the Department of Justice regarding the antitrust suit.

This settlement will tackle the issues involved in the original suit as well as others that arose over the past three years. The settlement states that Microsoft must not enter any contracts that may prevent software developers from developing or promoting software that competes with Microsoft, For hardware makers, Microsoft has agreed to provide rights to its Windows operating system to the 20 largest at equal terms and conditions, including the price.

It is necessary that those who are involved, in the suit put aside their differences and work to resolve this issue swiftly. The government has intervened in this case for too long; it is time to stop all action at the federal level and get back to the business of innovation.

Sincerely,
Gerald Riddle Ph.D.
Vice President

MTC–00031006

From Michael H. Ohl 610.837–3157 To John Ashcroft
Date l/11/02—Time 10:49:56AM
Page 1 of 1
Vectors & Layers
Tel. (610) 837–7409
Fax (610) 837–7409
508 HILLDALE DRIVE, BATH, PA 18014–9143
January 10,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing in response to the outcome of the antitrust suit between Microsoft and the Department of Justice. As both a home and workplace user of Microsoft products I am anxious to see a final resolution to the antitrust case. I understand that although a settlement has been reached it is still up for debate as to whether or not it will be permanent. I am in agreement with the current settlement, and do not wish to see any further action taken against Microsoft.

As a user of both Microsoft and their competitors'' products I have on the whole been greatly satisfied with the quality and flexibility of Microsoft products over others. In fact, my business is having problems with other companies Windows peripherals, such as Netscape Communicator not being able to read HTML content sent through Outlook Express.

Legal action against Microsoft affects a lot of people outside Microsoft itself. Right now more than ever we need a strong economic backbone in the IT industry. That is why I fully support the current antitrust settlement.

Sincerely,
Michael H. Ohl
Owner, Vectors & Layers
cc: Senator Rick Santorum
508 HILLDALE DRIVE o BATH, PA o 18014–9143
PHONE: (610) 837–7409 o FAX: (610) 837–3157

MTC–00031007

Jan 11 02 10:43a
John M. Gorman
732 922 0636
p. 1
John M. Gorman
14 Red Fox Court
Tinton Falls, New Jersey 07753
January 7, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I was recently informed that there might be even further action against the Microsoft settlement. Three years of well thought out negotiations should prove themselves. Microsoft has bent over backwards to accommodate other software companies, and is still being dragged through the mud. It is time to let the system move forward. Let the terms of the agreement speak for themselves.

During this time of economic strain, we must work together to focus on our economy. Companies have to work together to keep our place in the global market. Let's not tear our IT sector apart, by encouraging war between these companies. Let us support our technology industry in its time of need. Please help support this settlement and encourage our technology industry to work together. We need to make sure that no further action is taken against this agreement. I am counting on your support.

Sincerely,
John Gorman

MTC–00031008

01/11/02 FRI 11:34 FAX 440 895 1568 NEITZEL LUKE ASSOC. 001
MARK NEITZEL
3790 E Surrey Court
Rocky River, OH 44116
January l0, 2002
Attorney General John Ashcroft, U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

I feel very strongly that the government has unduly and unfairly prosecuted Microsoft for supposed antitrust violations. This ordeal has gone on long enough and I am writing to give my support and endorsement to the settlement that was proposed between Microsoft and the Justice Department.

The states that do not support the federal settlement should not be allowed to undermine it, nor should Microsoft's business adversaries. The settlement is fair and reasonable, even making Microsoft give up trade secrets concerning its interfaces and protocols to the competition, and forcing Microsoft to be straitjacketed into a stringent licensing agreement. If the competitors have problems, they can file more lawsuits, which I understand they intend to do. Therefore, the states that settled should be allowed to move forward with it. It is their right to do so and should not be hindered by politics.

It goes without saying that settlement is preferable to litigation and that this lawsuit has had a very negative impact on the country's economy as well as the technology sector. This is a fact. It is also very ironic because the government's presumed objective of breaking up Microsoft in order to help the ''little guy'' who couldn't compete successfully against Microsoft has had the

opposite effect, and everyone is now suffering.

I support the settlement that was reached. It is good for the economy, the IT industry, and consumers.

Sincerely,
Mark Neitzel

MTC–00031009

FROM : eHIRE
FAX NO. : 2126790704
Jan. 11 2002 10:38AM P1
eHire
40 Fulton Street 19th Floor
New York, NY 10038
Tel. 212.513.7160
Fax: 212.513.7001
January l0, 2002
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, N. W.
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I am writing to comment briefly on the settlement that was reached between the Justice Department and Microsoft in the antitrust case. It is in America's best economic interest, and the public interest to execute this settlement and move on. This case has kept Microsoft tied up with litigation for three years. It does not make economic sense to do this to someone who is guilty only of offering the best, most innovative product in the marketplace. The settlement has been carefully negotiated by court appointed moderator, and goes beyond addressing the concerns of competitors and the government who felt unfairly shut out of the market.

It is time for everyone in the computer industry to stop spending their resources on litigation, to accept this settlement as nine good states have, and get back to the business of innovation for American leadership.

Sincerely,
Joe Sabrin

MTC–00031010

01/11/2002 11:23 6144519599 LORMS AND BELFRAGE PAGE 01/01
Morris
Real Estate Service
1900 Crown Park Court
Columbus, Ohio 43235 P 614.536.2628 F 614.451.9599 E
info@morriscompany.com
January 11, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing this letter to express my satisfaction of the fact that the Justice Department finally settled the antitrust suit with Microsoft. The dispute lasted much too long, and in that time, the economy went from thriving to stagnant and stuck in a recession. I would like to go on record as supporting this long overdue settlement.

I have worked in the Real Estate business for 35 years, and run my own commercial agency. Microsoft has been invaluable to my employees and me by simplifying and standardizing computing. Windows is an outstanding operating system offered at a very reasonable price that any small business can easily afford. If Microsoft's competitors are not capable of or unwilling to produce a comparable system that is competitively priced why should consumers like me be penalized? It seems to me this is why they have spent more money and time on lobbying legislators than on research and development. This has obviously worked since one of the terms in the settlement is that Microsoft is going to have to turn over source code and information about the design of Windows.

I appreciate the fact that my opinion can go on record, and again, I fully support the Microsoft settlement.

Sincerely,
Tom Morris

MTC–00031011

01/11/2002 11:23 7046678312 G
PAGE 01
002
Dee Ann Henderson
21 Fairfield Drive
Candler, North Carolina 28715
January 10, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I was pleased to hear that the Department of Justice had settled its antitrust case against Microsoft. The case had gone on for far too long, and the nation had suffered for it. There is no need to waste taxpayer dollars on this topic anymore, especially when there are many other important issuer at hand. I fully support the settlement that has been reached.

Some of Microsoft's critics may say the settlement isn't hard enough on Microsoft, but they would be incorrect. Under the settlement, Microsoft will share information with its competitors, which will allow them to more easily place their own software on Microsoft's operating system. This measure alone would greatly immense competition in the technology market, but Microsoft has agreed to even more. Microsoft will also agree to adhere to a uniform pricing list when licensing Windows out to the twenty largest computer manufacturers in the country, forgoing standard market pricing mechanisms. Additionally, Microsoft will be monitored full time by a technical review committee to ensure that it follows the dictates of the settlement.

For these reasons, I am in full support of the settlement, and I look forward to seeing an end to this lawsuit.

Sincerely,
Dee Ann Henderson

MTC–00031012

95 Ordale Boulevard
Pittsburgh, PA 15228–1523
412) 343–1572 e-mail dzubay2@adelphia.com
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
January 8, 2002

Dear Mr. Ashcroft:

I am writing you today to express my feelings about the recent antitrust settlement between Microsoft and the US Department of Justice. I feel that this settlement is fair and is in the best interest of the public. I strongly support the end of this litigation.

Under this agreement, Microsoft must share more information with other companies to make it easier to compete. Microsoft must also be monitored closely for compliance to this agreement. This settlement also allows Microsoft to devote its resources and time to designing innovative software, rather than litigation which will benefit all of us.

During these difficult times, one of our highest priorities should be improving our slowing economy. Restricting Microsoft will not achieve this but also waste valuable time and resources. Thank you for settling with Microsoft. cc: Senator Rick Santorum

Sincerely,
Egon Dezubay Sc. D., P.E.

MTC–00031013

01/11/2002 13:59 7245377806
CLAUDE G MYERS
PAGE 01/01
Horace Mann
Insuring America's Educational Community
Retirement Annulzies and
Life, Auto, Homeowners and Group Insurance
The Horace Mann Companies
721 Spring St.
Latrobe, PA 15650–2023
Bus./Fax (724) 637–7806
Claude G. Myers, Representative
January 10, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing you today to express my feelings in regards to the settlement that was reached on November 6, 2001, between Microsoft and the Department of Justice. I believe this settlement is fair and reasonable, and I am anxious to see this dispute resolved. I sincerely hope that there will be no further action against Microsoft at the Federal level.

This settlement contains provisions that foster competition and are beneficial for the technology industry. Microsoft has pledged to share more information with other companies, create more opportunities for other companies, and give consumers more choices. Under this agreement, Microsoft must design future versions of Windows to make it easier to install non- Microsoft software and must disclose information about certain internal interfaces in Windows.

During these difficult times, one of our highest priorities should be boosting our lagging economy. Restricting Microsoft will not achieve this end. Please do not punish Microsoft for pursuing the American dream. Thank you for your support.

Sincerely,
Claude Myers
Representative
cc: Senator Rick Santorum
www.horacemann.com

MTC–00031014

JAN 11 2002 (FRI) 02:31

EXEC OFFICE 724 656 4171 PAGE l/l
Robert Wushinske
Rural Route 2
New Wilmington, Pennsylvania 16142
January 10, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

The purpose of this is to address the Department of Justice and Microsoft settlement. This was settled after a long, litigious battle costing both parties time and money. I do not believe Microsoft was culpable of any antitrust practices. The lawsuit is more a product of envious competitors than actual misdeeds. Microsoft did acquiesce to demands by the Department of Justice, opening up their source codes to computer manufacturers and competitors, giving more flexibility to computer makers to install non-Microsoft programs, expanding Windows'' operating system products, and even allowing a technical committee to monitor Microsoft adherence to the settlement. This is far more than any other firm would have done.

But the history behind the case is no longer relevant. A decision has been reached and I do not want to second-guess decisions reached by both parties. Microsoft had very good counsel; an equitable agreement was reached. It is now time to move on. We should not get into the habit of criticizing judicial decisions simply because they do not please everybody. It sets a bad precedent and undermines any future decisions.

Sincerely,
Robert Wushinske
cc: Senator Rick Santorum

MTC–00031015

FROM : CHUCK PHONE No. : 12086228700
Jan. 11 2002 10:17Am P1
P.O. Box 212
Sun Valley, Idaho 83353
January 11, 2002
Attorney General John Ashcroft
Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft,

This letter is to add my support to the Department of Justice and Microsoft settlement. I applaud the ending of what, to me, was a great injustice done to Mr. Gates. Mr. Gates is a very successful man, who created a very successful company. He has made a great deal of money, but he has given a great deal of money away. Mr. Gates is someone who this country should be very proud of; unfortunately, the petty jealousy of his competitors have accomplished what they could not do on their own—that of damaging both his company and him in an antitrust suit. The suit was settled, with Microsoft giving away far too much. What company would allow computer makers to configure their product to promote another product? This is what Microsoft has done, allowing computer makers to promote non-Microsoft software programs within Windows and even agreeing to design future software programs in a way as to make it easier for computer makers and programmers to promote non-Microsoft software. I wonder if any other firm in another industry would so willingly give away its secrets. Yet, Microsoft agreed to this in order to end the lawsuit, wanting to get on with business. I admire Microsoft for dealing with a very bad situation and trying to go forward, putting this case behind them. Which is why I am writing to ask that you do also.

Microsoft is but one of the thousands of companies that have made this country. He has merely succeeded too well. But I wonder what effect this lawsuit will have on future entrepreneurs, people who have a dream or vision of their own, but are afraid to pursue for fear of having the government breathing down their necks if they become too successful. It would be such a shame if we clip our children's wings even before they are given a chance to fly.

Support the agreement reached between the Department of Justice and Microsoft. Thank you.

Sincerely,
Karen Bohlke
Charles R. Bohlke
cc: Senator Larry Craig

MTC–00031016

Jan. 11. 2002 11:12AM No. 7089 P. l/l
January 11, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
VIA FAX
Dear Attorney Hesse:

I would like to add my comments, regarding the proposed settlement in the Microsoft lawsuit.

Presently, it appears that our economy is either in a recession or quickly heading in that direction. Consumer spending and consumer confidence is down. The one thing we should not be doing right now is putting roadblocks in the way of American industry. Microsoft and America's Hi-tech industry have been able to prosper and create much-needed jobs, because they are innovative and competitive. What they don't need right now is government interference, over-regulation and being forced to spend money on lawsuits. That money could be better spent creating new products.

These new products would benefit American consumers in a couple of ways. First, they would make our jobs easier and improve productivity. Secondly, they would create new jobs in the technology sector of our economy.

Let's put a quick end to the lawsuits. Let's get America back to work. Yours truly,

Bernard Whitmore
Worcester, Massachusetts

MTC–00031017

JAN-11–2882 10:46 PM P.01
Linda Tomlinson
December 20, 2001
Renata Hesse, Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Subject: United States v. Microsoft Corporation
Dear Attorney Hesse:

According to the American Electronics Association, New Hampshire has the highest concentration of high-tech workers in the nation. We also have a tradition of placing the uppermost priority on limited government involvement in the market place. Also, Money Magazine cites many of our cities as the ''best places to live'' in the nation.

It is for these reasons that I feel passionately about the Microsoft case and believe that acceptance of the proposed settlement is in everyone's best interest. My state is a shining example of how limited government, combined with high technology, can create an extraordinary environment for consumers to live, work and raise a family.

High technology is forever changing and evolving. For the federal government to attempt to analyze its operations and punish the company because of its success is just not reality. Unfortunately, the federal government gave too much credence in the first place to Microsoft's competitors -who prefer to use lobbyists and bureaucrat intervention to make up for their inability to compete in the marketplace.

Over $30 million in taxpayer funds have already been used on this case alone! It's time to settle and remove the federal government from the equation. It is only then that the marketplace can thrive and adequately fulfill consumer needs.

Sincerely,
Linda Tomlinson
209 Lower Straw Road Hopkinton New Hampshire 03229

MTC–00031018

From 336–922–1214 to 1/11/2002 10:15 AM 001/001
Russell L. Smith, Jr.
4216 Thorn Ridge Road
Winston Salem,North Carolina 27106
336–922–1214 jdrsmith@aol.com
January 10, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I am writing to express to you my views regarding the antitrust lawsuit against Microsoft. After years of legal battles, I'm happy to see a settlement was finally agreed upon. Spending any more time and effort on this issue is not only a waste of taxpayers money, but a waste of time that should be spent moving forward in the future of technology.

Prior to my retirement, I worked in the IT sector of the manufacturing industry and saw the advances that Microsoft has been able to create with its innovative technology. It is unfortunate that Microsoft was punished for its capabilities.

The settlements terms, sharing code, changing licensing practices, allowing oversight, etc., are definitely fair and reasonable. I support your decision to settle, as well as the agreed upon terms and sincerely hope that no further action will be taken at any level against Microsoft related to this lawsuit.

Sincerely,
Russell Smith

MTC–00031019

JAN-11–2002 08:53 PM P.01
Andrew M. Hoffman, DVM
74 Mount Vernon St.
Boston, MA
01208
December 28, 200l
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Attorney Hesse,

It has come to my attention that the government is now accepting public comment in the case of U.S. v Microsoft. I'm writing to express my support for this settlement. Millions of dollars have now been spent to arrive at this settlement. Although it was beneficial to the American people to investigate the business practices of such a large company, no harm to consumers was elucidated. It is now time to stop spending taxpayers'' money and let the decision be final.

Over the past several months Americans have suffered great losses. These losses have been both emotional and financial. Although the government cannot help us with much of what has been lost, it can help us to get the economy back on track. Punishing Microsoft for contributing to the American economy and tying up the courts'' time is not the way to accomplish this.

Allowing Microsoft to continue to be a leader in innovative technological products will help immensely in getting this country back on it's feet. Recession is a difficult time for all of us. Microsoft's contribution to the economy should not be seen as antagonistic to each of our financial goals but rather as complementary and beneficial.

Sincerely,
Andrew M. Hoffman

MTC–00031020

JAN–11–2002 08:50 PM P.02
Elizabeth T. Marcucci
December 27, 200l
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Attorney Hesse,

I support the settlement proposed in the case of U.S. v. Microsoft. As a consumer, I feel it is time for the government to stand back and allow the Microsoft settlement to stand as is. Much time, effort and money has been spent reaching this settlement. Further money and time can be better spent elsewhere, especially in these difficult times. It is now necessary for the government to allow Microsoft to expend its energies producing first quality and innovative products. Microsoft's business is technology, not harming consumers. Microsoft should not be continually subject to antitrust legislation. With the current economic situation in mind, the government should support American business.

It should work towards helping the American people and economy become strong once again. This necessitates supporting large companies such as Microsoft and allowing them to help consumers and contribute substantially to the economy.

Sincerely,
Elizabeth T. Marcucci
One Winthrop Street Hamilton, Massachusetts 01982–1325

MTC–00031021

JAN–11–2002 08:50 PM P.01
December 28, 200l
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
VIA FACSIMILE

Dear Attorney Hesse,

I am writing in support of the Microsoft settlement. At this time the country needs to support large and small businesses alike. Penalizing Microsoft and spending more time and money in the court system is not helping the economy or individual consumers. Microsoft's contribution to the economy and technology is enormous and should not be thwarted because of a perceived harm to the American people. This is not the purpose of antitrust laws, As an American consumer of Microsoft and other computer products, I appreciate Microsoft's contribution to the computer and technology industries. Microsoft has supplied us with excellent products and service. It is not logical to use inferior technology at higher prices merely for the sake of compliance with well-meaning but misguided legislation.

Please stop spending American dollars needlessly and allow the Microsoft settlement to stand. Our tax dollars are too valuable to be spent in this manner especially considering the events of the last few months.

Sincerely,
Seth Ross
30 Spruce St.
Acton, MA 01720

MTC–00031022

JAN–11–2002 8:07AM RAID INC NO.146 P.l/l
RAID
INCORPORATED
January 2, 2002
Renate Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington DC 20530

Dear Attorny Hesse:

I would like to take this opportunity under the public comment period of the Tunney Act provisions to offer my support for the settlement of the Microsoft anti-trust case presently before the court.

This case should never have been pursued in the first place, as the basic conditions of anti-trust violation were never met. The information technology industry that Microsoft supposedly monopolized continues to thrive, with new companies and technologies emerging nearly every day. And the consumer, on whose behalf the case was theoretically brought, has benefited enormously from Microsoft and only stands to lose if the company is regulated to death.

I am a small businessman who understands the great advances Microsoft has brought not only to the national economy, but also to the abilities of thousands of small businesses to prosper independently. I am not sure that those who seek Microsoft's demise appreciate the harm it would do to small businesses like mine. We depend on the affordable, universally-integrated, and innovative products that Microsoft delivers. I have little sympathy for her complaining competitors, who are every bit as aggressive in the marketplace, and less successul.

Please use this time period to reiterate the Justice Departments call for settlement, and urge Judge Kollar Kotelly to accept the agreement reached in November. I thank you for the opportunity to voice my opinion in this matter.

Very truly yours,
/mjd/
Marc DiZoglio

MTC–00031023

1681 NE 10th Avenue
Oak Harbor, WA 98277–4805
January 10, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing you today to express my feelings in regards to the settlement that was reached early last November between Microsoft and the Department of Justice. I feel this settlement is fair and reasonable, and I would like to go on record as supporting the settlement.

Under this agreement, Microsoft has agreed to share more information with other companies, create more opportunities for them, and give consumers more choices. Microsoft must disclose information about certain internal interfaces in Microsoft and must share software codes and books with a technical oversight committee created by the government for review.

During these difficult times, one of our highest priorities should be to boost our lagging economy. Restricting Microsoft will not achieve this. I fully support the settlement between Microsoft and the Department of Justice.

Sincerely,
Bill Meche
From: NORTHWEST BOARD PHONE No.: 360 675 3753 Jan.10 2002 10:46PM P01

MTC–00031024

JAN–10–02 THU 08:30 PM DALOIA 913 437 3723 P.01
Trackside
John D'Aloia, Jr.
311 West Alma Street o St. Marys, KS 66536 o Phone/Fax 785–437–3723
January 10,2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice

601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse:

Settling the Microsoft anti-trust case is of great importance to our economy and the principles of justice. The Clinton Administration decided to sue Microsoft for anti-trust violations.

I always assumed that a necessary element for such a suit is evidence of consumer harm. So far, there has been no evidence that Microsoft's business practices have caused consumer harm, rather, the case has become an example of excessive government interference in the market place.

I suspect that this is one of the reasons the Department of Justice settled with Microsoft, I was very disappointed when Kansas Attorney General Carla Stovall refused to sign on with the proposed settlement. Stovall's unwillingness to agree to this settlement is purely political, a tax-payer funded publicity play to keep her name in the press while she runs for governor. She and the others who are continuing to pursue this case are apparently more interested in making headlines at the expense of the taxpayer then doing what is right for their constituents and for the vitality of the economy. I have written Attorney General Stovall to let her know that I was adamantly opposed to her wasting taxpayer dollars while gaining for Kansas an anti-business reputation.

It would appear that the business climate is getting better and the economy shows signs of shaking off the recession. I urge the Department of Justice to accept the settlement and so recommend to Judge C. Kollar-Kotelly.

Sincerely,

MTC–00031025

01/11/2002 08:34 8647180602 KATHLEEN KOJIS PAGE 01
January 10, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

While I am not happy that the federal government took three years to sue Microsoft in court, I am happy to see that the Attorney General has put an end to the case with a strong and binding agreement. I wholeheartedly applaud this decision.

Since a settlement was finally reached after three years of protracted and extremely costly court battles, it should be accepted and finalized as soon as possible. The agreement requires Microsoft to make its protocols and access mechanisms available to competitors; these are the protocols used in Windows'' operating system products, and the mechanisms are used to encourage non-Microsoft products. The company also agreed not to retaliate against software or hardware developers who develop or promote software that competes with Windows or that runs on software that competes with Windows.

Microsoft's tremendous contribution to the United States'' economy, and that of the entire world for that matter, goes without saying and requires no elaboration. Not only will the settlement help our economy escape from its current slump, but it will also give Microsoft's competition a hand up. This is why the federal government should not pursue any litigation beyond this agreement. The company should now be left alone once and for all.

Sincerely,
Kathleen Kojis
35 Lighthouse Way
Salem, SC 29676
cc: Senator Strom Thurmond
Representative Lindsey Graham

MTC–00031026

01/11/2002 10:13 616–659–8824 RGB NETWORK SERVICES PAGE 01/01
RGB
Network Services, Inc.
903 North Clay, Suite E
Sturgis, MI 49091
Phone: 616.651.9037
Fax: 616.659.8824
January 10, 2002
Attorney General John Ashcroft, Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

It is a shame that the government has attacked Bill Gates for following his vision and the American Dream. If you recall, he basically started Microsoft in a garage on nothing more than a wish and a promise. And because he worked very hard to develop, produce and market an outstanding operating system his company grew to become the standard and leading technology innovator in the world.

I am totally opposed to the governments'' actions against Microsoft, for they were unjust, misguided and politically motivated. However, the fact that a settlement was ultimately reached is a very positive development because settlement is preferable to years of continued litigation, especially in this matter.

One aspect of the settlement that strikes me as profound is Microsoft's agreement to disclose for use by its competitors various interfaces that are internal to Windows'' operating system products. I understand this is unprecedented in an antitrust settlement.

This alone should end all claims that Microsoft monopolizes the industry. If that weren't enough, Microsoft has also agreed to make available to its competitors, additional codes implemented in Windows. Anyone who thinks Microsoft escaped any serious measure of punitive retribution is remiss.

Continued litigation will only serve to further distract the technology industry from innovating. Please finalize this settlement as soon as possible.

If you want to go after an industry that is corrupt than investigate the large oil companies.

Sincerely,
Gary Black Owner, President

MTC–00031027

FROM: UPT Consulting PHONE NO.: 281 480 2414 P01
Richard and Beverly Stroud
14515 Wisteria Hollow Lane
Houston, TX 77062
January 9, 2002
Attorney General John Ashcroft
Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

It is high time we wrap up this lawsuit between Microsoft and the Justice Department. It has dragged on for three years now and it is time that we saw its resolution. A settlement is now on the table and only needs to be agreed upon by all parties. I see no reason that this settlement should be changed.

There are several very good provisions within this settlement. One of the most beneficial provisions included within the settlement is one that prevents Microsoft from taking any kind of retaliatory measures against a company that would promote software not developed by Microsoft. This greatly enhances competition in the market and also helps the smaller software companies compete. Furthermore, there are provisions that prevent Microsoft from entering into any contracts that would restrict or hinder competition in the market by forcing a computer manufacturer from only promoting Microsoft software with their product. These are provisions that will benefit the information technology market.

I worry that any more restrictions will begin to hinder the market and the ability of companies to operate freely. In addition, the next step in restrictions could very well be the break up of the Microsoft Corporation, which is no way a good thing. Therefore, I urge you to leave the settlement in its current form. There is no reason to alter it. It does what needs to be done and nothing more. I thank you for your time and I am sure you will do what is best for this country.

Sincerely,
Richard and Beverly Stroud

MTC–00031028

01/11/02 FRI 08:08 FAX 215 822 0813 GIS Environmental 001
35 Douglass Road
Lansdale, Pennsylvania 19446
January 9, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

After three long years of legal battles, Microsoft and the Department of Justice have come to a settlement regarding the antitrust suit. I believe this settlement will be beneficial to both the IT industry and our economy as a whole. The only thing this suit has done is cause the misuse of American tax-dollars, and it has severely affected Microsoft stockholders and brought down the value of the stock market itself.

Microsoft's products are by far more innovative than any competitors—comparing Windows to Linux is like comparing the 21st century to the dark ages—there is no comparison for the average consumer or small businesses. The various suits have been distracting to consumers and Microsoft alike. As shareholders (small and large) we have been punished enough. The continuation of these suits is not good for business, consumers or Microsoft.

This settlement is fair and reasonable, and was reached after extensive negotiations with a court-appointed mediator. Even though the agreement goes further than what Microsoft would have liked, it believes that settling the case now would be the right thing to do to help the industry and economy move forward. By delaying the practice of this settlement, we only harm our place in the global market.

All action that is being taken at the federal level needs to stop. It is about time Microsoft went back to innovating rather than litigating.

Sincerely,
Ron Graves
cc: Senator Rick Santorum

MTC–00031029

Jan–11–02 08:llam From- T–266 P.Ol/Ol F–187
Michele Meyers
6090 Shepherd Hills Avenue
Allentown, Pennsylvania 18106
January l0, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Subject: Microsoft Settlement

Dear Mr. Ashcroft:

I was happy to learn that the Justice Department has decided to settle its antitrust case against Microsoft. The legal battle has drained the country's resources for more than three years now, and it is time to get our national focus back on more important issues.

The settlement is eminently fair, and should address the concerns of all involved parties. Any criticism of the settlement coming from Microsoft's competitors stems purely from their own self-interest. Microsoft has given more than what was asked by the Department of Justice. First, Microsoft has agreed to increase competition in the marketplace by granting their competitors access to information about the internal workings of Windows. With this information, the competitors will be able to install their own programs on the Windows operating system, enabling them to compete with Microsoft on Microsoft's ''own turf.'' Additionally, Microsoft will agree not to take any action against any company that sells, uses, or promotes products made by non-Microsoft companies. I wonder if any of Microsoft's competitors would be as generous.

This settlement gives us a viable opportunity to get past this messy legal conflict and move on to more pressing issues. I support it, and hope it is implemented soon.

Sincerely,
Michele Meyers
cc: Senator Rick Santorum

MTC–00031030

01/10/2002 22:23
TO:
FROM : PHILIP W ICE
FAX: 8085236089
TEL: 8085236089
COMMENT :
01/10/2002 22:23 8085236689 PHILIP W ICE PAGE 01
Philip Ice
1325 Wilder Avenue, #13 Makai
Honolulu, HI 96822
January 10, 2002
Attorney General John Ashcroft
c/o The U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Mr. Ashcroft:

From the beginning of US vs. Microsoft three years ago, I have thought the suit against Microsoft has been an embarrassment to American business. Punishing Microsoft for alleged monopoly power was a rediculous, unfair, and unequal act. In the United States, there are other companies and industries that have practiced for years, truly predatory pricing and market power. The airlines are a classic and glaring example. For years it has been common knowledge, that they have actively lowered prices in areas where smaller airlines are operating to crush competition, then raise their own prices after their competition is eliminated. By ignoring these and other examples, it is quite evident to me that the Department of Justice chose to pick on Microsoft for reasons other than actions that could be be construed as predatory, or because of restraint of trade. I can see no equality of treatment or justice for all in this action.

The proposed settlement is a way for the IT industry and Microsoft to recover from three years of unnecessary government attack. For starters, it will prevent Microsoft retaliation if a computer manufacturer decides to install a competing company's software before shipment, and will allow the computer companies to configure the Windows operating system to promote non-Microsoft software products.

I hope that the Department of Justice sees the damage it has done to the IT industry and the economy by pursuing Microsoft. If the Department of Justice is honest with itself and its actions, it will see that a speedy end to the lawsuit is needed. I urge the Department of Justice to formalize the settlement and move onto more pressing matters.

Sincerely,
Philip Ice

MTC–00031031

FILE No.553 01/10 '02 21:23
ID: FUHER AND ASSOCIATES FAX:
PAGE 1
Powering the (Insurance) Industry
XDimensional Technologies, Inc.
January 10,2002
Attorney General John Ashcroft
USDOJ, 950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

I am the CEO of a firm that works with Microsoft to develop software that is used in the insurance industry. I believe that continuing litigation because of the antitrust suit against Microsoft may be detrimental not only to my firm but also to several companies across the nation. The settlement reached between Microsoft and the Department of Justice is a well-designed accord that will be beneficial to both the IT industry of which we are a part, and consumers alike.

The past three years spent in court battles have encouraged the government to reach into taxpayers'' pockets. The suit has harmed an already staggering economy, and rendered an entire industry dormant. The settlement obligates Microsoft to make all future versions of Windows to be able to easily have computer makers, and consumers integrate non-Microsoft software into Windows. Microsoft has also agreed not to return fire on software and hardware developers that may ship products that compete with the Windows operating system.

I suggest that you work to conclude this settlement, so that our business and the IT industry can begin to rebound and create jobs to help revive the economy. Microsoft has made the technological progress for our country possible and has been a key to our success as a small business for the past seven years. It is time to get back to business as usual; no more time and money should be wasted.

Sincerely,
Craig W. Fuher
Chairman & CEO
XDimensional Technologies, Inc.
145 S State College Blvd. Suite 160 Brea, CA 92821 (800) 789–2567 Fax (714) 672–8908
www.xdti.com

MTC–00031032

Jan–10–02 05:42p Benard Riechers 724–941–1196 p.1
130 Scenery Circle
Canonsburg, PA 15317
January 8, 2002
Attorney General John Ashcroft
U.S. Justice Department
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

As an avid supporter of Microsoft products and services and a proponent of free market enterprise, Microsoft should be exonerated of all wrongdoing. I am happy to see that Microsoft will not be broken up, but I do believe the concessions they are making are too harsh. It is unfair that Microsoft is obligated to disclose intellectual property, such as interfaces and protocols to just to serve another software company. However, if Microsoft can tolerate the settlement, I support them.

Over the last decade, Microsoft has been the leading innovator in technology products and services. They have forced their own people and competitors to grow at unprecedented rates. Even in a faltering American economy, Microsoft has proven that it can maintain its vision.

I look forward to no further litigation against Microsoft and hope that the IT sector will be allowed to focus on business, which is in the best interest of the American public.

Sincerely,
Bernard Riechers
Cc: Senator Rick Santorum

MTC–00031033

Jan 10 02 05:25p p.1
FRONTIERS OF FREEDOM INSTITUTE
12011 LEE JACKSON MEM. HWY. 3rd FLOOR
FAIRFAX, VIRGINIA 22033

Phone(703)246–0110 * (888)8–RIGHTS
Fax(703)246–0129 * www.ff.org
US. Senator Malcolm Wallop (ret.)
Chairman
January 10, 2002

To whom it may concern:

There is real and credible evidence that the Congress and our representative democracy are under attack—not from anthrax or some other terrorist plot. This is a different kind of enemy—one that is aimed at destroying our cherished democratic institutions. This plot is not carried out by terrorists or bombs, but by greedy and power hungry lawyers who seek to essentially over throw our representative democracy and the rule of law and install in their place a system governance by litigation—with lawyers and unelected judges as our rulers. Under their plan, litigation is used to effectively enact legislation, promulgate regulations, and impose new taxes. This has been the trend since the tobacco litigation. Now we see the same modus operandi in the Microsoft litigation. The nine states and the District of Columbia who insist that the Justice Departments settlement with Microsoft isn't tough enough, continue to base all of their expectations and all of their arguments on the trial judge's rulings, which were resoundingly overturned on appeal.

The fact is the settlement is like virtually every other settlement. Each party got something it wanted and each party had to give-in to things that it did not want. So why do they continue to claim they cannot support the settlement? Why do they continue to misstate the law and the facts? Why do they continue to pretend to be protecting consumers? Its all about money. Justice has nothing to do with it.

Americans are already taxed to the hilt so new taxes are not popular. Thus when politicians go on pork spending sprees, they are often afraid to raise taxes any higher to pay for their excesses. Therefore, free spending states often opt for an alternative revenue source—shaking down deep-pocketed industries or companies through litigation. Hence, taxation through litigation.

Taxation through litigation is a favorite way for states to cover large budget deficits. It is no coincidence that the states that persist in suing Microsoft all have large projected budget deficits—totaling more than $11 billion. Despite the fact that the vast majority of states either settled their claims along with the federal government or opted not to get involved in the first place, a few states spend taxpayer money pursuing continued litigation in hopes that Microsoft, like the tobacco industry, will become their next cash cow. Its all about money! We are slowly surrendering our constitutional representative democracy to a cancerous system of lawyer-run governance. Our forefathers pledged their lives, fortunes, and sacred honor to obtain freedom and throw off the shackles and unjust burdens of an unelected, life-tenured king. Did General Washington and his army make those sacrifices merely to have trial lawyers and unelected, life tenured judges take the king's place, sack the rule of law, and turn our representative democracy into governance by litigation? I think not.

Sincerely,
George C. Landrith,
President,
Frontiers of Freedom Institute

MTC–00031034

From: Thomas Klinect
To: Attorney General John Ashcroft
Date: 1/10/2002 Time: 2:05:48 PM Page 1 of 2
TPI Inc.
2650 Jamacha Rd. #147–13
El Cajon, CA. 92019
Tel: 619–303–3292
Fax: 619–670–6157
FACSIMILE COVER PAGE
To: Attorney General John Ashcroft
From: Thomas Klinect
Fax#: 1–202–307–1454
Fax #: 619–670–6157
Tel #: 619–303–3292
Company: United States
Subject: Microsoft Settlement
sent: 1/10/2002 at 2:05:46 PM
Pages: 2 (including cover)
MESSAGE:

Sir,

The following letter discusses TPI's views, in general, on the remidies for the Microsoft settelment. Please take some time to review and take a small business mans point of view into your final decision on this matter. v/r

Thomas J. Klinect
TPI Inc.
619–303–3292
tklinect@tpi-inc.com

This fax is strictly confidential and intended solely for the addressee. It may contain information which is covered by legal, professional, or other privilege. If you are not the intended addressee you must not use, disclose, or copy this transmission.

From: Thomas Klinect
To: Attorney General John Ashcroft
Date: 1/10/2002
Time: 2:05:48 PM Page 2 of 2
TPI, Incorporated
2650 Jamacha Road #147, PMB 13
EL Cajon, CA 92019
FAX: 619–670–6157
January 7, 2002
Attorney Gerneral John Ashcroft, US Department of Justice
950 Pennsylvania Avenue
Washington, DC 20530
Dear Mr. Ashcroft,

I am writing to express my concerns regarding the Justice Department lawsuit against Microsoft. If this lawsuit had succeeded to the extent envisioned by government lawyers, Microsoft's competitors, and some on the federal bench, the real penalty would have devolved to the entire IT industry, and thus to the American economy and people. Just because Microsoft's competitors have been unable to develop products that are comparable with Microsoft's products in value to the consumer, it does not follow that the government should step in and, in effect, ''dumb down'' Microsoft in an effort to make those less innovative companies more competitive with Microsoft. We have seen this principle tried with regard to our national educational policies, and it simply does not work.

It is good for a company like Microsoft to stand on a principle of unapologetic excellence. If its products and innovations are better than anyone else's then that is its reward for it's work ethic, perserverance, and technical excellence. No laws are violated when a company develops superior products. Similarly, if Microsoft's products and innovations slip into second, or third place, then that is where Microsoft deserves to be. That is the essence of the competitive marketplace. To have the government attempt to subvert the role of these competitive forces can serve only to upset the natural dynamic of the marketplace.

The settlement now in place, one in which Microsoft has agreed to an equal pricing stucture for licensing preinstalled software to hardware makers, provides a reasonable basis for closure of this matter, and I urge the Department of Justice to seek acceptance by all parties. I believe that this will best serve the interests of the American people.

Sincerely,
Thomas Klinect
Chief Executive Officer
PMB 13 2650 Jamacha Rd. #147 El Cajon, CA 92019–4319
phone 619.303.3292 fax 619.670.6157
www.tpi-inc.com

MTC–00031035

01/10/2002 17:24 9089640304 STEPHEN J. LA MONT PAGE 01
O1/10/02 THU 16:38 FAX 800 641 2255
January 10, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–000l

I must say that I am not surprised to learn that the settlement between Microsoft and the Department of Justice is being delayed even further. Not only was the suit ridiculous to begin with, but now that a settlement has been reached, there are those who still want to hold up the process. I think it is time we let things move forward, and let the agreement speak for itself.

During these times of economic strain, it seems foolish to waste valuable resources on fighting another court battle, particularly one that has been settled. Microsoft has not only agreed to rework licensing and marketing agreements, but has agreed to design future versions of Windows for even easier installation of non-Microsoft software. At this point, Microsoft has made many concessions to open up the competitive market, but the process is being delayed. Let us help get the technology industry back on track, by having this agreement move forward.

I urge you to support this settlement as it is, and help stop any further action against it. Let us help the IT sector get back to business, by letting the terms of this agreement speak for themselves.

Sincerely,
Stephen Lamont
Stephen Lamont
988 Stuyvesant Avenue
Union, NJ 07083–6906

MTC–00031036

1–10–2002 4:07PM
FROM EHD 717 291 1154 P.1

TO: Attorney General John Ashcroft
TOTAL # OF PAGES INCLUDING COVER 2
FROM: Engle Hambright & Davies Realtors
2122 Marietta Avenue, Lancaster, PA 17603
Phone: 717–291–1041
Fax No: 717–291–1154
As you requested
X For your information
Please complete
Please return
Please handle
J. Scott Ulrich
Name
1/10/02
Date
COMMENTS:
1–10–2002 4:07PM FROM EHD 717 291 1154 P. 2
J. Scott Ulrich
2122 Marietta Avenue
Lancaster, Pennsylvania 17603
January 10, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

As a concerned citizen of this great nation, I would like to inform you about my thoughts regarding the settlement between the Justice Department and Microsoft. I support the settlement that has been reached by all of the parties involved.

From what I have read in the newspapers, the settlement seems to be both reasonable and fair. It should be able to bring the three-year case against Microsoft to a close this year. Microsoft's critics would try and lead you to believe that Microsoft is getting off easy with this settlement. I do not believe this to be the case. Microsoft will be making changes in their business practices and its product development.

For example, Microsoft has agreed to document and disclose for use by its competitors various interfaces that are internal to Windows operating system products. Also, a three person technical committee will be established to monitor Microsoft's compliance with the settlement. I urge that no more legal action take place by the federal government against Microsoft.

Thank you for your consideration in this matter.

Sincerely,
J. Scott Ulrich
cc: Senator Rick Santorum

MTC–00031037

Jan 11 02 02: 59p (502) 243–9035 p.1
K
January 10, 2002
Attorney General John Ashcroft
The Justice Department
950 Pennsylvania Avenue
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I have always had a great deal of respect for those who have undertaken the heavy burdens of serving in public office, particularly at the federal level. Naturally, there are times when those so situated in government make decisions with which I simply do not agree. Our government's decision to bring this shortsighted lawsuit against Microsoft was one of those times.

It is true that the larger and more successful that Microsoft got, the less responsive and consumer-oriented they became. While this attitude may have been regrettable, it certainly did not warrant action—especially by our government. The Justice Department never let market forces get even half a chance to act.

There seems to be a happy ending here. The recently negotiated settlement is fair and reasonable. It is my hope that it will survive the public comment part of the lawsuit, and that no further federal action will be brought against Microsoft. I think that they have learned their lesson. After all, the settlement already forces Microsoft to be more accountable to the government and the competition by virtue of a new ''Technical Committee'' designed to make sure that Microsoft maintains its licensing agreements with hardware makers, and, more importantly, its design obligations. These obligations open up Windows codes for the competition so that competitors'' products will run faster and more efficiently on the Windows platform.

Thank you for your continuing defense of the settlement.

Sincerely,
Kevin Landgrave
Chairman/Chief Executive Officer
KOINONIA COMPUTING
10001 Linn Station Road, Suite 205 o LouisvilIe, KY 40223
Phone: (502) 243–9227 o FAX: (502) 243–9035
www.koincompute.com o e-mail: solutions@koincompute.com
Microsoft
CERTIFIED
Partner
CITRIX
GREAT PLAINS PARTNER

MTC–00031038

01–10 02 15:53 DIETRICH T:6102967217 P:01
David Dietrich
2070 Saint Andrews Dr.
Berwyn, PA 19312–1972
David Dietrich
2070 Saint Andrews Dr.
Berwyn PA 19312–1972
January 10, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

It pleased me to hear last November that a settlement was reached between Microsoft and the Department of Justice in its antitrust case. I am writing you today to express my sincere opinion that this settlement be implemented, any further litigation dropped, and most importantly, that this whole matter be resolved quickly and without further delay.

It seems to me that, although Microsoft certainly did not get off easy, it is fair and reasonable, and seems more than adequate to accomplish the stated goals of the antitrust case: namely to increase competition within the IT Industry. The broad series of restrictions and obligations that Microsoft has agreed to under the settlement will definitely reduce anti-competitive behavior and allow its competitors to more easily market software that competes with Windows operating systems. All this will be verified and by a technical committee.

Therefore it seems to me that this settlement is sufficient, and any further litigation will counter-productive. In today's slowing economy, progress and innovation within the IT industry will be vital. I believe that we should allow Microsoft to get back to work, and that the whole issue be resolved forgotten. Please approve the November settlement and do not waste America's time and money with unnecessary federal action.

Sincerely,
David Dietrich
cc: Senator Rick Santorum

MTC–00031039

01/10/2002 15: 45 319–435–2157 HARVEY W FASCHER PAGE 01/01
1/10/2002 1:43 PM
FROM: fax TO: 13194352157,,,,,131.
PAGE: 003 OF 003
5680 N Highway 13
Coggon, Iowa 52218
January 10, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing you today to express my opinion in regards to the Microsoft anti-trust issue. I believe the settlement that was reached on November 2, 2001, is fair and reasonable. I support Microsoft and am pleased to see this dispute resolved. In the past months our economy has taken quite a hit, and I think that this settlement will really jump-start the technology industry, which would in turn help the entire economy. The concessions that Microsoft has made, information sharing, non-retaliation agreements and the like, are certainly sufficient for a settlement, and I hope that this case has really come to an end.

Continuing on with this case is a waste of the government's momey and Microsoft's money, and I think funds would be better spent on other issues. Thank you for ending this three-year-long dispute

Sincerely,
Bonnie Fascher

MTC–00031040

Jan 10 02 03:OOp Gary Pearce 9197878031 p.2
Mary L. Kurek
Personal Coach
P.O. Box 1962
Atlantic Beach, NC. 28512
252–726–7648
January 2, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Fax 202–616–9937
microsoft.atr@usdoc.gov

Dear Ms. Hesse:

I write to support the proposed settlement of the Microsoft antitrust case and to urge the

judge in this matter to approve it. The agreement not only provides guarantees for computer manufacturers and information technology providers who want to use products that compete with Microsoft, but also establishes an unprecedented enforcement mechanism to deal with any complaints that Microsoft is engaging in anticompetitive behavior. I doubt any corporation in our nation's history has been subject to such strict competitive constraints.

Over $30 million in taxpayers'' money has been spent on this case, and no harm to the consumer has ever been proven. It is clear that the lawsuit was filed at the instigation of Microsoft's competitors, and I believe it has been not only a waste of money, but also a dangerous distraction to our nation and a hindrance to our economy, Given all that is happening in the world and in our nation in this time of crisis and recession today, it is vitally important that our government focus on building for the future, not settling scores for business competitors. I am certain that AOL Time Warner, Sun, Oracle and the other companies that have lobbied so hard to continue this litigation will make themselves heard, but I hope that our government will listen just as closely to the taxpayers and consumers who believe it is time to end this proceeding and get on with business.

Thank you for your consideration.

Sincerely,

MTC–00031041

Jan 10 02 03:OOp Gary Pearce 9197878031 p.1
FROM: FAX NO.: Dec. 14 2001 04:17PM P2
Coaching Perspective, Inc.
7913 Fairlake Drive
Wake Forest, NC 27587
December 14, 2001
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Attorney Hesse:

I am writing to comment on the settlement of the Microsoft case. As a small business owner I believe the settlement will start rebuilding our economy and at the same time allow a significant investment in educating children. Microsoft has benefited consumers and business owners by providing an integrated software system that is easy to use. Our economy depends on competition and ongoing innovation that is not discouraged by litigation and regulation.

A settlement will allow Microsoft and other companies to again focus their efforts on developing technology that will provide new opportunities for consumers and the technology industry.

Sincerely,

JoAnn Feligno

MTC–00031042

FROM : FAX NO. : 7537804 Jan. 10 2002 11:54AM P1
Joseph M. Capone
592 Franklin Street
Worcester, Massachusetts 01604
January 10, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
VIA FAX

Dear Attorney Hesse

It is my understanding that the Justice Department is seeking input, regarding the proposed settlement in the Microsoft lawsuit.

As a small businessman, I understand competition. Competition is healthy for the American economy. I use Microsoft products in my business and they have been a great help to me. They have allowed me to better serve our clients and to manage our business.

I believe that the settlement in this case is in everyone's best interest. It would certainly help consumers. But, it is also my understanding, that Microsoft is being generous in the settlement and will make computers available to public school students throughout the country. Our business is in an older industrial city. This donation will be a great benefit to our inner city schools.

I urge a quick settlement in this case.

Sincerely yours,

Joseph M. Capone

MTC–00031043

01/10/2002 10:45 FAX 804 7866310 VA HOUSE OF DELEGATES 001
Virginia House of Delegates
VIRGINIA HOUSE OF DELEGATES
FAX COVER SHEET
To: Ms. Reneta Hesse
Organization: Department of Justice
FAX Number: (202) 616–9937 Phone Number: ( )
Local
Long Distance
Number of Pages including this cover sheet: 2
From: Delegate Albo
Room Number: 527 Telephone Number: (804) 698 1042
Comments:
If you have any problems with this transmission, please call the House Fax Center at: (804) 698–1558
Our Fax Number is (804) 786–6310
01/10/2002 10:45 FAX 804 7866310 VA HOUSE OF DELEGATES 002
Reneta Hesse
Trial Attorney
Antitrust Division
U.S. Department of Justice
601 D Street, NW Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

I am strongly supportive of the settlement the federal government and Microsoft reached and I feel it was a step in the right direction for continuing growth and prosperity in the high technology sector of the United States. Consumers will benefit greatly from the provisions in the settlement that allows only Microsoft and not the government to decide which products and features to provide to the public and how to price them. It would be unjust for the government to interfere with Microsoft's business because of their success over other competitors. The high tech industry will receive a boost from the release of the Windows XP operating system, which should increase computer sales in the next year. In addition to providing a boost in the technology sector, there will be a felt improvement in the economy.

I strongly feel that the Microsoft Antitrust case was unnecessary. It is not Microsoft's fault that they make a bettor product than other smaller business and have prospered and grown because of the products. It is just easier to use the Microsoft applications than other applications. As a user of the programs, I hope that the various states cease their suits against Microsoft so they can better serve the public. I appreciate you for the opportunity to present my views on this case.

Delegate Dave Albo

MTC–00031044

01/10/2002 11:06 5084863455 GLAVEY AND GLAVEY PAGE 04
FAX NO. P. 02
GOODMAN INDUSTRIAL EQUITIES MANAGEMENT GROUP, L.L.C.
Real Estate Management & Development
January 9, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington DC 20530

Dear Attorney Hesse,

I would like to add my voice to those who have called for an end to the federal government's case against Microsoft. The case has gone too far and too long. I support the settlement agreement reached as a means to end this regrettable action as soon as possible.

Many small business people such as myself feel that Microsoft and its products have brought great benefit to individual businesses and to the economy as a whole. And as one who must outperform competitors daily, I have little sympathy for the ''aggrieved'' competition. They have every opportunity to succeed if they sell quality products.

Although I am no expert in antirust law, I can't believe it was written to allow government regulatory agencies to pick one company over another in a competitive market, or to stymie the forces of freedom.

Let's get businesses back to business, and settle the case. We will all be better for it.

Sincerely,

Steve Goodman

133 Pearl Street Suite 400 Boston MA 02110 (617) 292 0101 tel (617) 202 0130 fax

MTC–00031045

01/10/2002 11:06 5084863455 GLAVEY AND GLAVEY PAGE 03
Liz Chase Marino
109 Savin Street
Malden, MA 02148
January 2, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington DC 29530

Dear Attorney Hesse,

I am respectfully submitting my opinions regarding the Microsoft antitrust case in

accordance with the Tunney Act public comment period. I support the settlement agreement that has been reached between Microsoft and the government, and urge the Judge in the case to accept the Justice Department recommendation. As both a consumer and a businesspeson, I can attest to the great efficiencies and freedoms that Microsoft and its products have created. I for one do not see the great injustice that supposedly has been visited upon the consuming public. All I see are falling prices new products, a variety of vendors, and a heathy competition. Perhaps a reconsideration of how the antitrust statutes are prosecuted is in order. In any event I trust the American public will use this opportunity to speal out and let the court know what it feels. My feelings are strong and unambiguous: the nation would be best served if the settlement is accepted and the case is ended.

I truly appreciate this chance to express my opinion on this matter.

Very truly yours,

Liz Chase Marino

MTC–00031046

01/10/2002 11:06 5084863455 GLAVEY AND GLAVEY PAGE 01
Marie P. Sweeney
51 Fiske Street
Tewksbury MA 01876
January 2, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

I would like to offer my opinion during the public comment period for the Microsoft antitrust case. I wholeheartedly support the settlement agreement that has been negotiated between the Justice Department and Microsoft and encourage Judge Kollar Kotelly to accept the proposal. I have been an active citizen, both in the private sector and in public life. I fully support the use of antitrust statutes by the DOJ to protect public interests I also recognize that industries which rely on innovation need the freedom to act more or less unhindered. Microsoft must play by the rules of commerce the same as any other company, but they shouldn't be subjected to conditions set by their rivals. The agreement reached works in this spirit; the more stringent terms sought by the competitors does not.

I'm sure I am like a lot of Americans when I say that I think enough is enough. The case has gone on too long, and cost too much. Now we need to put it behind us, and move forward. The economy and the country in general both need to have the case settled, so that everyone involved can get back to business, I appreciate your consideration of my thoughts on the issue.

Respectfully,

Marie P. Sweeney

MTC–00031047

JAN.–10 ''02 (THU) 11:O1 LEGG MASON—LANC. TEL: 717 560 0100 P.001
206 Granite Run Drive, Suite 150
Lancaster, PA 17601–6805
Ph # 717–560–6800 or 1–800–873–0990
Fax # 717–560–0100
LEGG MASON
FAX
To: Attorney General John Ashcroft
From: Doug Trower
Fax: 202–307–1454 Pages: 2
Phone:
Date: Re: CC:

Urgent For Review Please Comment Please Reply Please Recycle

Comments:

JAN.–10'02(THU) 11:01 LEGG MASON—LANC. TEL:717 560 0100 P.002
1934 Northbrook Drive
Lancaster, Pennsylvania 17601
January 8, 2000
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I want you to know that I back Microsoft's position in the antitrust matter. Why they are being persecuted for being successful, I really don't know, but I hope that this case will finally be ended with this settlement. I would ask you to stress the terms of the settlement to the states who still haven't settled their cases yet and get them to join in, I feel that they are in it simply trying to get a buck out of Microsoft, which I don't agree with at all. Since most people depend on Microsoft, they would agree with the decision you have reached. The compromises made by Microsoft in the settlement, information sharing regarding Windows and uniform price listing when licensing software, are more than enough for me to lend my support to this settlement.

Sincerely,

Douglas Trower

cc: Senator Rick Santorum

MTC–00031048

JAN–10–2002 10:55 FROM: IMPERIUM SOLUTIONS 2032211330 TO:202 353 8856 P.001
IMPERIUM
January 10, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
VIA FACSIMILE

Dear Mr. Ashcroft;

It is in the best interest of the country, the economy and the IT sector generally for the settlement between Microsoft and the government to be accepted and finalized by the court as soon as possible. Continued litigation will only serve to further harm all of the aforementioned.

Settlement is a far better alternative to continued litigation and the goal of some who are pushing very hard to have Microsoft broken up by the government. The settlement should make even Microsoft's biggest adversaries concur because it includes many things that go well beyond the scope of the original lawsuit. On a more basic level it systematically addresses and resolves all of the major grievances of Microsoft's adversaries. For example the settlement insures that Microsoft will grant computer makers extensive new rights to reconfigure Windows so as to promote non-Microsoft software programs. This should make Microsoft's competitors ecstatic. I will refrain from going through each section of the settlement, as I am confident you are aware of its terms. However, please know that most people believe it is fair and equitable.

The sooner the settlement is finalized, the sooner technological innovation can get back on track and the U.S. economy can begin to recover. Thank you

Sincerely,

Marshall C. Harrison

Chairman, CEO

164 Kings Highay North Westport,CT 06880 Tel 203.221.1500 Fax 203.221.1330

MTC–00031049

FROM : KOHN PIRRI JR
PHONE NO. : 864 379 2454
JAN. 10 2002 10:35AM Pl
Dr. John Pirri, Jr.
1204 Greenville Church Road—Donalds, South Carolina 29638
Tel/Fax 864–379–2454
January 10, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue. NW
Washington, DC 20539

Dear Mr. Ashcroft:

The Department of Justice has already worked out an antitrust lawsuit agreement with Microsoft. The company is still trying to work out an acceptable agreement with many of the states. I think it's high time that the federal government allows this agreement to fall into place and let Microsoft get back to business.

Microsoft is being punished for pursuing the American Dream. Bill Gates has worked hard and deserves what he has. Microsoft has a direct impact on many small businesses that make up a large part of this country's economy. By continuing to distract Microsoft, you are only driving this country deeper into recession.

The settlement has enough stipulations to remedy any qualms by competitors and is fair to both the government and Microsoft. It requires Microsoft not to retaliate against computer makers who ship software that competes with anything in its Windows operating system. It also forces Microsoft to design future versions of Windows to provide a mechanism to make it easy for computer makers, consumers and software developers to promote non-Microsoft software within Windows. Additionally, the company had to make numerous other compromises.

As a good loyal Republican please work to finalize the Department of Justice's settlement and let Microsoft get back to business.

Sincerely,

Dr. and Mrs. John Pirri, Jr.

cc: Senator Strom Thurmond

Congressman Lindsay Graham

MTC–00031050

Danny Young/FLO/NA/ESAB@ESAB
12/17/00 10:07 PM
To: Danny Young/FLONAESAB@ESAB
cc:
Subject: Data posted to form 1 of http://www.esab.com/html/drequest.html

Full Name: Steve sandstrom
Company: sandstrom services inc.
Street: 90 lexington st
City: bristol
State: ct
Zip:
Phone: 860 584 9920
Fax: 860 589 3218
Reply To: smsandstrom@snet.net
Country:
Date: 12/17/00
Time: 10:07:43 PM
Remote Name: 64.252.5.219
Remote User:
HTTP User Agent: Mozilla/4.75 [en] (Win98; U)
FROM: TIMMONSVILLE POST OFFICE 29161 FAX NO.: 8433467581 Jan. 10 2002
09:21AM P1
Letter illegible
FROM: TIMMONSVILLE POST OFFICE 29161 FAX NO. : 8433467581 Jan. 10 2002
09:21AM P2

MTC–00031051

TBA
ENTERTAINMENT CORPORATION
NASHVILLE/LONDON/LOS ANGELES/NEW YORK/DALLAS
CHICAGO/PHOENIX/SAN DIEGO/SALT LAKE CITY/ATLANTA
INDIANAPOLIS/OMAHA/SEATTLE
a business unit of TBA Entertainment Corporation (AMEX: TBA)
1100 JORIE BLVD., STE. 300/OAK BROOK, IL 60523
TEL (630) 890–2500/FAX (630) 990–0594
TO
COMPANY Attorney General John Ashcroft
PHONE #
FAX# 202–307–1454
SENT BY Robert Sheridan
EMAIL rsheridan@tbaent.com
TIME 3:17 PM
DATE January 11, 2002
NUMBER OF PAGES INCLUDING COVER SHEET 2
01/11/2002 16:15 6309900457
TBA CHICAGO PAGE 01/02
Robert M. Sheridan
3909 Rugen Road
Glenview, IL 60025
January 11, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to you today to voice my opinion in regards to the Microsoft settlement case. I feel the settlement that was reached in November is a complete and thorough agreement. After three years of litigation, it is time we move on and face other pressing issues.

This settlement not only allows Microsoft to remain together, but it also contains provisions that will foster competitive activity. Microsoft has pledged to carry out all provisions of this agreement, including: sharing more information with other companies and being monitored by a technical oversight committee. Microsoft has in good faith agreed to terms that go beyond the original issues of the lawsuit, for the sake of resolution.

Again I support this settlement and sincerely hope this issue will be permanently resolved. Thank you for your support.

Sincerely,
Robert M. Sheridan
01/11/2002 16:15 6309900457
TBA CHICAGO PAGE 02/02

MTC–00031052

01/11/02 FRI 15:14 FAX 801 227 9016
GENEVA FINANCE 001
GENEVA STEEL
P.O. BOX 25OO, PROVO, UTAH 84603
PH. (801) 227–9166
FAX.(801)227–9016
To: ATTORNEY GENERAL JOHN ASHCROFT
DATE: 1/11/O2
FAX: (202) 307–1454
RE:
SENDER: JOSEPH A. CANNON
GENEVA STEEL COMPANY
YOU SHOULD RECEIVE 2 PAGE(S), INCLUDING THIS COVER SHEET.
IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL LORI PETERS @ (801) 227–9054
PLEASE DELIVER IMMEDIATELY
Confidentiality and Privilege Notice. This facsimile (including attachments) (1) contains confidential informaiton, (2) may be protected by the attorney-client privilege or other privileges, and (3) constitutes non-public information intended to be conveyed only to the designated recipient(s).

If you are not an intended recipient, please delete this facsimile, including attachments, and notify me by return mail, facsimile or by phone (801) 227–9054. The unauthorized use, dissemination, distribution or reproduction of this facsimile, including attachments, is prohibited and may be unlawful.

Geneva Steel Company
10 South Geneva Road
Vineyard, UT 84058
Telephone: (801) 227–9054
Facsimile (801) 227–9016
Email: lpeters@geneva.com
01/11/02 FRI 15:15 FAX 801 227 9016
GENEVA FINANCE 002
GENEVA STEEL
P.O. BOX 2500
TELEPHONE: (801) 227–9000
PROVO, UTAH 84603
FAX: [801] 227–9090
January 10, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

Congratulations on successfully completing the negotiations between your department and the Microsoft Corporation. Finding the balance and fairness for both the Microsoft Company and their competitors was difficult and technical. It seems that if Microsoft can accept the parameters your have given them, the industry will be ready to move ahead with innovations and new products.

Everyone knows that the future is information, and information needs aggressive technology. Our economy and businesses rely on technology for communication and data management systems to manage their products. It is good timing to settle the issue and define the acceptable marketing practices for not only Microsoft but also other potential leaders in the technology industries.

Again, I support your department and their efforts to settle this lawsuit. Thank you for bringing the issue to closure.

Sincerely,
Joseph A. Cannon
Chairman
Geneva Steel Company
JC:lp
\Faxgate \ Users \LPeters \USER \Managers\General John Ashcroft Ltr-Joe Cannon.doc
EQUAL OPPORTUNITY—AFFIRMATIVE ACTION EMPLOYER

MTC–00031053

JAN.–11'02 (FRI) 16:39
LEGG MASON
TEL:412 833 9106 P.001
2589 Washington Road
Suite 420
Pittsburgh, PA 15241–2566
January 10, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I want to use this short letter to express my support for the settlement reached between Microsoft and the Department of Justice. I believe the settlement is a good decision and will be a good development for consumers.

The agreement requires significant changes in the way Microsoft conducts its business. The changes include agreeing that if a third party's exercise of any options provided for by the settlement would infringe any Microsoft intellectual property right, Microsoft will provide the third party with a license to the necessary intellectual property on reasonable and non-discriminatory terms. Like many of the other terms in this agreement, this is a significant concession. The government should view this as a good agreement for Americans.

The settlement will also be good for the American economy. It will provide some certainty to the computer industry and give consumers more freedom in choosing the products they desire. So I believe this agreement is good for the public and should have continued support at the federal level.

Sincerely,
Dean Mack in
cc: Senator Rick Santorum

MTC–00031054

01/11/2002 16:44 502–561–5154
TARC IT DEPT PAGE 01/01
1918 Palatka Road
Louisville, KY 40214
January 8, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

As a computer programmer and Microsoft user, I am writing to express my opinion of

the recent antitrust case settlement between Microsoft and the US Department of Justice. Although I am happy to see that Microsoft will not be broken up, I do think the settlement as it stands is too harsh.

Microsoft has been the leading innovator of technology in the tech industry over the last decade, They have created and refined systems that have benefited the whole industry. While I do think that Microsoft should maintain better relations with computer makers and software developers, they should not have to disclose the secrets of their technology.

I am happy to know that this matter is being settled and I hope that no further litigation will be brought against Microsoft.

Sincerely,

Wanda Doherty

MTC–00031055

Jan 11 02 03:09p Don Read
610–970–5567 p.1
Evergreen Consignment Company, Inc
810 Spruce Street
Pottstown, PA 19464–4218
610–970–9925
January 11, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

It is in the best interest of the American public for the Department of Justice to finalize settlement with Microsoft in the antitrust case and for your office to urge the none states in opposition to settle as soon as possible.

A number of the concessions violate Microsoft's rights in a free market. For instance, to restrict Microsoft from entering into third party agreements for exclusive or fixed percentage distribution inhibits their ability to compete. Service companies such as Pepsi and Coca-Cola rely on these third party agreements to gain market share.

I also believe that Microsoft should be rewarded for its innovation in the tech sector. Much time and money has been spent on redeveloping Microsoft's superior products and services and to have to disclose that information violates their intellectual property rights. Microsoft is also one of the few companies who constantly updates and improves it software. I have a whole shelf of software from other companies that they are either impossible to get a hold of or was just interested in selling you the initial program. I know my Microsoft products are going to be usable and upgradeable for a while.

Our nation's government should be focusing on ways to ensure security for our people and help us lift out of recession. Hindering our industrial powerhouses will only hurt our economic recovery. I urge your office to do the right thing and suppress opposition and finalize the settlement.

I also want to thank you for your services to this Country during these unprecedented times and Americans fully support your efforts.

Sincerely,

Don Read President

cc: Senator Rick Santorum

MTC–00031056

Jan 11 02 01:14p Richard Woodrow 970–945 7114 p.1
January 11, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Fax 1–202–307–1454

Dear Mr Attorney General:

It seems like only yesterday you were in the United States Senate and we both lived on Justice Court across from the Hart Senate Building. I was a staffer then for Senator Stevens of Alaska. Unable to chat going and coming from work now, I am writing this letter instead.

I am one of the many Americans who believe that the antitrust case against Microsoft should have never been initiated or brought to trial. However, now that Microsoft has accepted the settlement in this case, I trust you will continue to support the settlement and end this case.

In my view the settlement creates more openness and competition in the IT industry by giving competitors greater access to Microsoft designs and codes. Microsoft's disclosures to competitors under this settlement are unprecedented. Nevertheless, anti-Microsoft forces may try to derail the settlement and have the base brought back to trial. Considering the expense and unfairness of this case from beginning, I hope you won't allow this to happen and will see the settlement completed.

Again, I ask that you do your best to end the federal case against Microsoft.

With best wishes and congratulations for the fine job you are doing with the President.

Shirley Woodrow
401 W Yale Circle
Glenwood Springs, Co
81601–2851

MTC–00031057

01/11/2002 13:23 6304430047
NOVIX NET SPEC INC PAGE 01
NOVIX
NETWORK SPECIALISTS INC.
January 11, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing you today to voice my opinion in regards to the Microsoft settlement issue. I am happy to see your office reach a settlement after such little time given the preceding administrations actions.

Microsoft has generated standards where there were none. The United States would not be the dominant player that it is in this arena without the de facto standards created by Microsoft.

Although the remedies in the settlement may not be perfect, breaking this company up would is the wrong answer. Uniform pricing requirements (please!) and non-retaliation agreements beat dissolution any day. I believe we should let this company move forward and focus on business. Let the cry babies work instead of relying on an inherently inefficient system to help them compete.

I feel it will serve in the best public interest to end litigation against Microsoft. Thank you for your support.

Sincerely,

Erich Schoen

cc: Representative J. Dennis Hastert

P. 0. Row 149. Geneva, IL 60134 Phone (630) 443–0036

FAX: (630) 443–0047

MTC–00031058

01/11/02 FRI 11:21
FAX 801 994 7991
UPP 001/001
Rob Bishop
January 10, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

This letter comes to you in support of the settlement proposal for the Microsoft anti-trust lawsuit. Good Republican principles allow businesses to seek their own markets and compete fairly. The settlement appears to address concerns from AOL, Sun Microsystems, Oracle, IBM, and Apple. These companies should be pleased with the work you have done.

Your office is doing a great job in behalf of America's citizens.

Thank you,

Rob Bishop
Former Utah Republican Party Chair
74 North 300 East
Brigham City, Utah 84302

MTC–00031059

01/11/02 FRI 15:02
FAX 801 994 7991
COMMUNICATIONS 001/001 W
January 10, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I want to take this opportunity during the open public comment period to forward my support for the settlement the department negotiated with the Microsoft company on the anti-trust lawsuit. Intervention by the federal government into the information technology industry has slowed the American economy and unfortunately caused financial losses to major investors. Bringing the case to closure will be greatly appreciated in the financial community. The points of agreement have given fairness to the industry and have defined how information technology companies can market their products. We live in an information age and transferring and using this information is reliant on the superior computer technology products we enjoy.

Ending this lawsuit will allow product developers and marketers to move into the future with a new understanding of the laws that govern their industry.

Again, I urge your support for the settlement.

Sincerely,

Jeff Wright
President
W Communications

MTC–00031060

Sent by: Ron and Dee Stephens
757–523–7003
1/11/2002 5:04 PM
Page 1 of 1
January 11, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

In regards to the settlement that was reached in November between Microsoft and the government, I feel this settlement is fair and reasonable, and I believe it is time to finally end this dispute. It will benefit the technology industry and consumers.

Microsoft is a company that has impacted our society and lives in the last fifteen years. Thanks to innovative design and persistence, Microsoft has gone from a fledgling company to a giant enterprise. Microsoft should not be penalized for this. To end this litigation, Microsoft has agreed to provisions that go way beyond the original issues of the lawsuit.

It is time to allow Microsoft to focus its energies on more productive activities than litigation. Please do your part to ensure there will be no further action against Microsoft at the federal level.

Sincerely,
Ron Stephens
641 E Fox Grove Court
Virginia Beach, VA 23464

MTC–00031061

JAN–11–2002 02:45 P.01
BLANKENSHIP CONSTRUCTION, INC.
POST OFFICE BOX 460—BUTTE, MONTANA 59703
Telephone (406) 494–3450 Fax (406) 494–3960
January 11, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing you today to voice my opinion in regards to the settlement that was reached with Microsoft on November 2, 2001. I believe this settlement is fair and complete, and I am happy to see this dispute come to an end.

I do not feel that Microsoft got off easy on this settlement. In fact, Microsoft agreed to terms that extend well beyond the products and procedures that were actually at issue in the suit, for the sake of wrapping up this suit and being allowed to get back to business as usual.

This settlement will benefit the technology industry, the economy, and consumers. After three long years of litigation, it will be refreshing to see Microsoft's resources and time go to innovation, rather than litigation. Thank you for your support.

Sincerely,
Bernice Blankenship
P.O. Box 460
Butte, MT 59703
TOTAL P.01

MTC–00031062

Jan 11 02 04:35 p
TIMS INC 4404605424 p.1
T. I. M. S.
digITal business works
301 Alpha Park
Highland Hts. OH 44143
phone: 440–461–8467
fax: 440–460–5424
www.timsol.com
January 11, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

I am writing because I am concerned about the status of the settlement reached between Microsoft and the federal government. I understand nine states and DC were party to the lawsuit, but refuse to join the settlement, and that they and Microsoft's business adversaries are trying to scuttle it in order to continue suing Microsoft. To allow this to happen would be a miscarriage of justice as well as cause a potentially devastating impact on the technology industry.

The government went too far -when it filed charges against Microsoft and the lawsuit should have never taken place. However, the settlement is a much better alternative to continued, protracted, and costly litigation at the taxpayers' expense. Settling this matter will also allow Microsoft to re-focus its attention.

Interestingly enough, the issues at hand are out of date because Microsoft had already taken steps to improve its relationships with its vendors and OEM's. In spite of this, Microsoft's adversaries proceeded with the lawsuit. Their intentions were not pure and consequently led to a three-year-long court battle that negatively impacted the technology industry with respect to innovation.

The settlement is totally fair and should be accepted by all of the parties involved. It addresses and resolves all of the complaints against Microsoft. In fact, it goes above and beyond the scope of the original complaints. I urge you, as a member of the IT Industry, to move forward with finalizing the settlement.

Sincerely,
Jeffrey Kirk
Project Manager
100 OUTSTANDING GROWTH COMPANY
North Coast ORACLE Resource Service
Microsoft CERTIFIED Partner Cleveland Chicago

MTC–00031063

01/14/2002 19:32
9133419697
WARSHAWSKY PAGE 01
Susan M. Warshawsky
8101 Nail Avenue
Prairie Village, KS 66208 4946
January 14, 2002
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I am concerned that the antitrust settlement reached between Microsoft and the Department of Justice is not yet concrete. Nine states now, including Kansas, are actively seeking to overturn the terms of agreement and bring further litigation against the Microsoft Corporation. Our American IT industry has come to a standstill while this decision has been drawn out.

Sir, as you are well aware, Microsoft and the Department of Justice came to this agreement after a long process of negotiation overseen by a court-appointed mediator. The terms of this settlement are equitable, both from the standpoint of Microsoft and its competitors. Microsoft has agreed to a broad range of terms, including, but not limited to, the disclosure of various integral line code, protocols, and interfaces within the Windows operating system, as well as reasonable, non-discriminatory licensing of applicable intellectual property rights.

I do not believe it is necessary to keep the case open any longer. I am satisfied that justice has been done. For the good of the American economy and the American IT industry, I urge you to let the settlement be approved.

Sincerely,
Susan Warshawsky

MTC–00031064

01/11/2002 17:53 2152421475
FORDE G AND J PAGE 01
George S. Forde, Jr.
[215] 242–1475 (facsimile)
[215] 242–8332 (voice)
georgeforde@home.com
PA Atty. ID # 02820
Fax
To: Department of Justice
Office of the Attorney General
Fax: 202–307–1454 Pages 3 (including cover sheet)
Phone
Date: Friday, 11 January, 2002
Re: Microsoft Settlement
cc: Hon. Rick Santorum
MS Freedom to Innovate Network
—Urgent—for Review
—Please Comment
—Please Reply
—Please Recycle
Comments:
See Attached
01/11/2002 17:53 2152421475
FORDE G AND J PAGE 02
8401 Seminole Street PHILADELPHIA, PA 19118–3725
[215] 242–8332 (voice)
[215] 242–1475 (facsimile)
[215] 284–1739 (cellular)
georgeforde@HOME.COM
PA Atty. ID # 02820
FACSIMILIE & E-Mail 1
Friday, 11 January, 2002
Honorable John Ashcroft
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear General Ashcroft,

Public opinion regarding the settlement of the antitrust case between Microsoft and the US Department of Justice has been solicited. I offer this opinion as one who has been an interested user of computers for personal and business purposes since 1978 (before there was a Microsoft). This has made me a bit of a student of industry and, eventually, an investor in technology. So, I must admit to

significant [for me] holding in MSFT—as well as in companies that might be considered to be its antagonists in this matter. Still, I am not an apologist for Microsoft and believe that, on balance, I must agree with the presentation of this settlement made to the Judiciary Committee by Mr. James of your office on 12 December,

Microsoft is a monopoly. Paradoxically, I believe it got there, in part, with the help of competitors like Apple, 2 IBM 3 and others who just failed to properly market sometimes superior product. Contrary to its claims, 4 the company is not particularly innovative, and its first offerings of its [E.g., MultiPlan, DOS, Windows, Excel, Explorer, and so on] have been acquired and, at first, poorly implemented compared to others [Such as VisiCalc, Lotus, or Resolve; CP/M and MacOS; Netscape...].

However, Microsoft rather than being anti-competitive is hyper-competitive. It learns from its mistakes and is increasingly better at execution of the ideas, whatever the source, and it continually improves on them. It delivers what the consumer demands [eventually] at a [hopefully] reasonable cost. For it own good, Microsoft cannot afford to have the rivals all go away, though many have. Neither the Department nor the defendant got all the marbles at end of

* Note: Due to the Excite@Home bankruptcy, this address will be inoperative after 2/28/02, from 3/l/02 forward (possibly earlier), please use georgeforde@Comcast.NET.

1 Signed original available on request

2 Which bundled the MS spreadsheet ''MultiPlan'' with the first Macs.

3 Which opened the PCJr to DOS

4 But do really like Mr. Gates, based on a couple of brief encounters at a local users' group and more distant observation over the years. He and Microsoft have done a great deal for all computer users.

01/11/2002 17:53 2152421475

FORDE G And J PAGE 03 this case. That's the nature of a legal settlement. What has been crafted seems, to me, to serve the best interests of the public and the industry.

One thing to remember is that, while the focus of the case has been the ''Wintel World,'' and allegations of maintenance of the OS monopoly; however, the market is much larger than that. For example, while I use both Widows and MacOS, I very much prefer the latter, but I use the same Microsoft applications [I.E. and Office] on both platforms.

I am concerned, therefore, that a separate settlement by the non-joining states—if it follows the path offered to them by Microsoft—would actually weaken the effect of this settlement by making those states accomplices in plan to cannibalize the Apple [and other] share of the education market. No need to spell out the obvious here, but, if the states want compensation, it should be paid outright or in the form of grants to technological projects and spending not defined by the defendant. If possible, those states should not be allowed to make a separate peace that would undermine this one.

Sincerely,

George S. Forde, Jr.

cc: Senator Rick Santorum (facsimile only)
Microsoft's Freedom to Innovate Network (facsimile only)

MTC–00031065

1/11/2002 2:48 PM FROM: Fax TO: +1 (202) 307–1454 PAGE: 001 OF 001
JRE CONSULTING, INC.
Computer & Software Sales—Small Business Specialists
216 N. Tillamook St., Portland, OR 97227
(503) 28I-3291
FAX (503) 288–3087
Email jre@jre.com
WomanBusiness Enterprise, SBA Hubzone
January 11, 2002
John Ashcroft, Attorney General
US Justice Department
Washington, DC 20530

Dear Mr. Ashcroft,

I understand how many could assume that Microsoft has been a bit overprotective regarding its software, and this may have led to the perception that Microsoft was trying to monopolize the market. However, much that has been said regarding their so-called ''monopolistic'' tendencies is simply rhetoric. What Microsoft has done to protect its proprietary products is both prudent and reasonable.

I therefore believe that the origins of this lawsuit are more because of Microsoft's competitors' efforts at using our legal system to force Microsoft to give up part of its own product code, rather than from any actual unfair monopoly. This is but one area that the recent settlement addresses.

While I have not had the time nor the motivation to pore over every detail of this settlement, at first blush it appears to cover all the points of the lawsuit—and then some. If anything, the settlement may have gone too far, but since both parties have agreed to it, then it is better to get on with it. I am therefore writing this letter to urge its final acceptance.

Sincerely,

Joseph Engel—President

MTC–00031066

From Charles W Harris to 1–202–307–1454 at 01/11/2002 6:26 PM Pg 002/002
2303 Chatam Avenue Southwest
Decatur, AL 35603–1815
January 11, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I write you regarding the recent Microsoft settlement. Just when I thought that it was settled, I find out that the settlement is being further investigated. It seems that after three years of court battles, that the fairness of this settlement is still being questioned. This seems to simply be delaying the process.

Since the settlement requires Microsoft to disclose information about Windows interfaces, as well as restructure both licensing and marketing campaigns, it seems that it can only be beneficial to all involved. By allowing this settlement to stand, as is, our technology industry can continue to grow, and help get our economy back to normal.

It seems foolish to spend scarce resources on delaying the enactment of this, well thought out, settlement. As we continue to delay the competitive process, we continue to delay the growth of our IT sector. Let us support the technological growth of our country by allowing the market to move on. Let us make sure that no more action be taken against the settlement so that we can allow our technology industry to focus on business today. Thank you.

Sincerely,

Charles Harris

MTC–00031067

GREGORY BEDNAR TEL NO. 330–493–4843 Jan 11.02 20:15 P.01
3728 Edgehill Circle NW
Canton, Ohio 44709–2232 U.S.A.
Voice/Fax 330–493–4843
E-mail: gbednar@neo.rr.com
January 11, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue. NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

I support the settlement of the antitrust litigation against Microsoft. Continuation of this suit does not serve the best interests of consumers or the economy. I would appreciate your consideration of the following items.

I am a retired police lieutenant. As I am retired, I spend a great deal of time on the computer, and on the internet. I have used Microsoft software since the early days of DOS. Microsoft has continually produced quality, user-friendly products. As a result of Microsoft's innovations, consumers have had available to them the very best technology. Over the years, other companies, such as IBM and Linux, have produced software, which simply cannot compete with Microsoft's products. Microsoft's success has resulted in the government's needless meddling in our free market. The problem is not that Microsoft has engaged in predatory business practices. Rather, this suit was brought as a result of the failure of other companies to compete at the same level as Microsoft.

The antitrust case should not have been brought against Microsoft in the first place, I believe political factors, more than merit, played an integral role in the initial decision to file this suit. During this time of economic recession and the threat of terrorism, the government's resources should be allocated to pursuits other than needless litigation. Similarly, Microsoft's should be free to engage in what it does best—innovation of new and better products for its consumers. When this happens, the economy will surely benefit.

Thank you for considering these comments.

Sincerely,

Gregory Bednar

MTC–00031068

01–11–02 18:22 From—FINANCIAL PACIFIC 9166303889 T–300 P.O1/O1 F–914
FINANCIAL PACIFIC
Direct Dial Direct Facsimile
(916) 386–3833 (916) 386–3889

January 8, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

Even though the effects of this Microsoft lawsuit would not have had any immediate effect upon my company, eventually public confidence in the entire computer industry could have eroded to the point where most software developers would have been distracted from their core business of new software development and forced to concentrate on marketing and sales concerns.

As such, the settlement is an important decision. I ask you to continue to support it through the comment period, and preserve the spirit of free enterprise and the pragmatism of consumer confidence. The settlement clarifies what constitutes unfair behavior in the marketplace, and Microsoft has agreed to end its retaliatory actions toward software companies that write programs that compete with Microsoft's, and toward hardware companies that load non-Microsoft software onto their computers before shipping.

The IT industry has led our national economy through one of the longest running periods of economic expansion in our country. I am looking forward to the settlement as a signal that once again, our economy can recover with the IT industry leading the way. I support this settlement, and I hope that no further federal action will be contemplated against Microsoft.

Sincerely,
Timothy N. Blaede
Vice President, Information Services
FINANCIAL PACIFIC INSURANCE COMPANY
P.O. Box 292220
Sacramento, California 95829–2220

MTC–00031069

JAN 11, 2002 5:48 PM SUMC
STRUCTURAL BIO NO. 8502 P.1
STANFORD
SCHOOL OF MEDICINE
Stanford University Medical Center
DEPARTMENT OF STRUCTURAL BIOLOGY
10 January 2002

To whom it may concern:

The following is a comment on the proposed settlement in the United States vs. Microsoft case.

The intent of our statement is to bolster the comments of the alternative software camps, such as the Open Source Movement, the Free Software Foundation, Linux, the Samba group, et. al. We wish to support the issues and suggestions that these groups will present to this court.

We are scientists who use computers to investigate fundamental questions of molecular biology. In our work we use a wide range of computers and operating systems. However, the overwhelming majority of our experiments are done on UNIX operating systems, such as Linux, IBM's AIX, Compaq's Tru64 and SGI's Irix. Linux clusters are the workhorses of our research. Using Microsoft products to crunch genetic codes would not be a question of cost, it would simply be impossible. Microsoft and Microsoft products severely restrict the users' ability to access low-level system functions necessary to develop large-scale scientific applications. These restrictions are completely understandable from a business perspective, and we are not expecting the situation to change, Microsoft Windows and Microsoft products are targeted to businesses and consumers, and not to a relatively narrow but important community of scientists who crunch numbers and run molecular and genetic simulations. Our needs are met very well by the proprietary Unix variants, as well as by a vast collection of programs copyrighted under the Gnu Public License and its related variants.

We are worried, however, that in its quest for dominance in new and emerging markets, Microsoft will severely endanger the very survival of the solutions mentioned in the preceding paragraph. If our tools are forced out of existence through increasing isolation and propriatorization of standards. We will have no replacement, and science will be greatly harmed as a result. Our case quite different from, say, Microsoft Word displacing Word Perfect as the dominant word processor with help of superior programming or better business marketing. The issue that Open Source software should be protected by the First Amendment (although an important one) is not entirely on point to this litigation. In this comment we would like to point out that some of Microsoft's business practices can and will degrade the ability of alternate software solutions to communicate with each other and with the vast majority of the worlds computers running Microsoft Windows. We are especially concerned with the continuing ability for different computer systems to coexist and share resources, such as file systems, Internet protocols, printing, programming languages, data formats.

Sherman French Building
Stanford CA 94895–5128
659 723 6791
800 723 9124
http://structuralbiology/stanford.edu

JAN 11, 2002 5:48 PM SUMC
STRUCTURAL BIO NO. 8502 P.2
STANFORD SCHOOL OF MEDICINE
Stanford University Medical Center
DEPARTMENT OF STRUCTURAL BIOLOGY

We do not know which of the possible outcomes of this lawsuit will serve the scientific community best. We simply want to remind the court to consider our interests in any remedy that it shall prescribe.

This statement is not intended to list the exact technical issues that would threaten the software solutions that are important to our research. Rather, we request that the court listen to suggestions from the following groups on the settlement:

Free Software Foundation http://www.fsf.orq Samba Group http://www.samba.org.

IBM Corporation http://www.ibm.com SGI (Silicon Graphics) http://www.sgi.com Red Hat Corp. http://www.redhat.com

SuSE http://www.suse.com

Sincerely,
Boris Fain PhD bfain@stanford.edu
Michael Levitt michael.levitt@stanford.edu
David Saunders dsslaw@earthlink.net
Patrice Koehl PhD koehl@lcsb.stanford.edu
Chris Summa csumma@stanford.edu
Nizar Batada nbatada@Stanford.edu
Computational Structural Biology group, Stanford University http://csb.stanford.edu
Sherman French Building Stanford CA 94895–5128
659 723 6791 800 723 9124 http://structuralbiology/stanford.edu

MTC–00031070

01/15/1995 19:31 216400 CAROL WHITE
Page 01
1–11–02

Justice department should leave Microsoft alone. A good settlement for this company is in the best interest for America. This Company provides good jobs & is run by good people. It's time to do the right & good things for our country.

Carol L. White
Everett, Wa. 98203

MTC–00031071

Friday, January 11, 2002 8.24 PM John O'Flaherty 360 825 0302 p.01
FAX
ATTN. Mr. John Ashcroft
Fax Number 12023071454
Phone Number
FROM John O'Flaherty
Fax Number 360 825 0302
Phone Number 360 825 2977
Number of Pages 2
Date 1/11/2002
MESSAGE:
Friday, January 11, 2002 8.24 PM John O'Flaherty 360 825 0302 p.02
DOROTHY O'FLAHERTY
42822 257th PLACE SE
ENUMCLAW, WA 98022
January 11, 2002
Attorney General John Ashcroft
United States Justice Department
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

I am writing to you today to express my support of the settlement reached last November. Three years have past in which Microsoft has been subjected to legal harassment at both the state and federal level. I believe that the settlement is beneficiary in that it will allow Microsoft to focus on business.

The lifting of contractual restrictions under the terms of this settlement will have a major impact on the technology industry. Microsoft has agreed not to enter into any contracts with vendors or manufacturers that would favor Windows technology exclusively or at a fixed percentage. In addition, Microsoft will not enter into contracts that would obligate software developers to develop only Microsoft software.

These agreements should appease Microsoft competitors. I am just happy to see an end to this nonsense.

Sincerely,
Dorothy O'Flaherty

MTC–00031072

From PETER HOLDEN to 1–202–307–1454 at 1/11/02 10:45 PM Pg 001/001
19312 East Eldorado Drive
Aurora, Colorado 80013

January 11, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Microsoft and the Justice Department have come to an agreement in the antitrust case. This agreement has led to a settlement that could finally put this case to rest. It is my hope that you will strongly support the settlement and ensure it is put into put into place so this case can end at the federal level.

I have worked in the software industry since the early 1980's and saw the popularity of Microsoft products raise not because of monopolistic practices but because of their ease of use. Because of Microsoft millions of average persons are able to use computers, and not just hobbyists and professionals. The settlement is on the table will help to alleviate any concerns about competitiveness in the IT industry. What is most beneficial about the settlement is that it will end this case and allow the IT industry to start focusing on software and not court cases.

I support this settlement, and look forward to seeing the case resolved.

Sincerely,
Peter Holden

MTC–00031073

JAN–1–12–02 12:00 AM 728 32746 510 429 0968 P. 02
FAX MESSAGE
To To ATTNY General John Ashcroft From From Pat Faria
Tel. 510–429–0968
Fax. 510–489–3214

Number of pages (including coversheet 2
Date Jan. 11, 2002 Time 10:30 Am

Message box

Attached is letter re: Microsoft
Please read

This fax was generated and transmitted by computer using software from Trio Information Systems

MTC–00031074

FROM: the Parks FAX NO.: +1–650–369–3291 Jan. 11 2002 11:34PM P1
3149 Page Street
Redwood City, California 94063
10 January 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW., Suite 1200
Washington, DC 20530–0001
Re: Microsoft Settlement

Dear Ms. Hesse,

As a home and office computer user, I'm writing to express several concerns with the proposed settlement. The ''PLAINTIFF LITIGATING STATES'' RE-MEDIAL PROPOSALS'' dated December 7, 2001, are excellent; I would focus on a few points.

My first concern is in article III (Prohibited Conduct) section B, paragraph 3: ''market development agreements''. Did not such market development agreements provide the means by which Microsoft illegally leveraged its operating systems monopoly into other areas?

A second concern is in III,J,l, where Microsoft is excused from disclosing anything that might compromise ''security''. This is far too broad an exemption! You may be aware that Microsoft altered the Kerberos security protocol in undocumented ways. Does not this clause allow them to keep those modifications hidden in the name of security? In fact, this exemption would allow them to continue excluding non-Microsoft servers.

Indeed, as CNET News analyst John Borland says, Despite those restrictions, the agreement would not force Microsoft to change its own software-a critical omission that critics say makes the deal relatively toothless. The provision would allow the new XP operating system to remain as is, and it would allow Microsoft to continue to add new features that compete with independent companies'' products, such as audio and video players, instant messaging, or voice telephony features. That means Microsoft would retain its platform for putting virtually any software function only a mouse-click away from consumers.

Finally, having read through Judge Jackson's Findings of Fact, and the order from the Court of Appeals, I find it offensive in the extreme that ''this Final Judgment does not constitute any admission by any party regarding any issue of fact or law'' (preamble of Proposed Final Judgment). The Appellate court upheld Judge Jackson's findings of fact, and they also agreed unanimously that Microsoft illegally leveraged their monopoly power in Operating Systems into other areas.

Thank you for your attention.

Very truly yours
Collin Park
Reply fax
360–351–0021

MTC–00031075

JAN-12–02 12:00 AM 728 32746 510 429 0968 P. 01
372 Tropicana Way
Union City, CA 94587–4122
January 10, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW.,
Washington, DC 20530–000l

Dear Mr. Ashcroft:

After three long years of court battles, Microsoft and the government have settled an antitrust lawsuit that has profound implications for all software publishers, the rest of the Information Technology industry and consumers. The settlement they came up with is more than fair and reasonable, and was arrived at after extensive negotiations with a court-appointed mediator.

Under the agreement, computer manufacturers were granted new rights to configure system with access to various Windows features. Microsoft must design future versions of Windows to make it easier to install non- Microsoft software and to disclose information about certain internal interfaces in Windows. The government created an onqoing technical oversight committee to review Microsoft software codes and books, and to test Microsoft compliance to ensure that Microsoft abides by the agreement.

Microsoft made many more compromises that will significantly benefit its rivals. Further federal litigation against Microsoft would be considered by many as nothing more than harassment. It's time for the government to let the settlement fall into place.

Sincerely,
Pat Farin

MTC–00031076

01/12/02 10:16 516 360 2176 ROGER TEURFS P. 01
Roger Teurfs
7 Partridge Lane
P.O. Box 477
Saint James, New York 11780
January 12, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW.,
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing you today to express my opinion in regards to the Microsoft settlement that was reached in November. I feel this settlement is adequate to address the issues of this anti-trust dispute. It is time to let drop this issue and move on to more pressing concerns facing us today.

The settlement was reached after extensive negotiations and is complete. Microsoft has agreed to carry out all provisions in this document, including: disclosing more information to competing companies, being closely monitored for compliance with the terms of the settlement, using uniform pricing when licensing Windows, and non-retaliation agreements with vendors.

This settlement will benefit the economy and do a lot of good. I sincerely hope there will be no further action against Microsoft at the federal level. Thank you for your attention to this matter.

Sincerely,
Roger Teurfs

MTC–00031077

01/12/2002 09:31 217–536–5250 JAMES R BOND PAGE 01
P.O. Box 954
Effingham, Illinois 62401
January 10, 2002
Attorney General John Ashcroft
US Department of Justlce
950 Pennsylvania Avenue, NW.,
Washington, DC 20530

Dear Attorney General Ashcroft:

I wanted to let you Know what I thought of the case against Microsoft, This case was totally unnecessary, and I am writing you today to express my opinion on the Microsoft settlement issue. I feel the settlement that was reached on November 2. 2001, is fair and reasonable. I am glad this three-year-long dispute is finally resolved.

Microsoft is a company that has done much for our economy and has made many contributions to the technology industry This company should not be punished for being successful and creating quality products. Microsoft should be able to devote its time and resources to creating and marketing its innovative software, rather than litigation.

I am very pleased with your decision to settle with Microsoft This decision is a step in the right direction towards an improved economy Thank you for your support

Sincerely,
James Bond

MTC–00031078

FROM : Fred Marklund FAX NO. : 0000000000 Jan. 12 2002 07:18 AM P1
Fred Marklund
263 North Shore Rd
Lake Oswego, OR 97034–3807
January 12, 2002
RENATA B. HESSE
ANTITRUST DIVISION
US DEPT. OF JUSTICE
601 D STREET, NW., #1200
WASHINGTON DC 20530
Re: Microsoft

To Whom It May Concern:

The federal government won the case and then just ''pissed'' it away in the last couple of months.

Microsoft is a true monopoly. The company is a reflection of its corporate officers. There ore no morals, ethics, integrity, or sense of fair play. Those boys and girls reflect the motto, ''He who dies with the most toys wins.''

Windows'' source code needs to be in the public arena. Microsoft is entitled to payment for the source code each time it is used, but their products cannot have secret ''hooks'' into Windows that no other company has. It needs to run Java, too.

Management of Microsoft has nothing but contempt for the rule of law. They have abused the first court case a number of years ago. You can be darn certain they will abuse this decision.

I think Windows, NT, and Internet Explorer need to be broken off into a separate entity with a strong master overseeing every move they make. Again the leadership of Microsoft is totally and irrefutably unscrupulous. They are the Mafia of the software industry. Would you trust the Mafia?

Sincerely,
Fred Marklund
CC: Bob Williams at EFF

MTC–00031079

01/12/02 SAT 11:17 FAX 800 641 2255 001
To: Renata B. Heese
202–307–1454
Microsoft Antitrust Settlement
0l/l2/02 SAT 11:17 FAX 800 641 2255 002
3705 Purks Court
Alexandria, Virginia 22309
January 11, 2002
Attorney General John A&croft
US Department of Justice
950 Pennsylvania Avenue, NW.,
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing this letter so that I may go on record as supporting the settlement that was reached between Microsoft and the Department of Justice. Although I am not happy with all of the details in the settlement, I am glad to see that the antitrust suit has been terminated. Microsoft should have never have had to go to court and defend itself against ridiculous charges of antitrust violations. Apparently three years back, the Department of Justice had nothing better to do than to chase after Bill Gates and his successful corporation. Microsoft has been extremely beneficial to America. They helped give us the most successful economy in history, only to have it derailed by the DOJ. Remember, the economy started to slide when the lawsuit was announced, and now we are in a recession. Now that there is a new administration, please correct the wrongs that were committed against us by the Clinton years and approve the settlement as soon as possible.

Microsoft has been incredibly beneficial to America, and this settlement will help them get back to where they used to be. A healthy Microsoft equals a healthy economy, which equals a healthy America.

Sincerely,
Adrian Sobie

MTC–00031080

Douglas P. Fields
100 Midwood Road
Greenwich, CT 06830
TEL: (203)661–2978
FAX: (203)661–2996
DPFEagle@msn.com
By Fax: 1 202 307 1454 or 1 202 616 9937
By Email: microsoft.atr@usdoj.gov
January 12, 2002
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW.,
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I believe that the antitrust case against Microsoft was inappropriate from its very inception and that the government should not have interfered with one of our country's most successful and innovative private businesses on the basis represented by the antitrust suit. I am pleased that the Justice Department has finally decided to reach a settlement in this case. It has been three long years.

Microsoft has given up a lot in this settlement. It has agreed to make future versions of Windows easier to use non-Microsoft software, and it has agreed to disclose a lot of information on the internal operating system, which is a first as far as I know.

I am certainly happy that government has decided to limit its involvement in Microsoft's business affairs, at least for now. I hope that continues to be so. Thank you for taking the time to read my opinion on this matter.

Sincerely,
Douglas P. Fields
JAN–12–2002 11:14 PSC/TDA
GREENWICH OFFICE 2036612996 P.01/01

MTC–00031081

The McClure Company, Inc.
January 11, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing you today to express my opinion in regards to the Microsoft settlement reached in November. This settlement is fair and reasonable, and I for one am tired of this on-going debate. It is time to end this litigation and deal with more pressing concerns.

I am a believer in free enterprise, and I do not believe Microsoft should be punished for doing its job successfully. This settlement was reached after extensive negotiations. Microsoft has agreed to all terms of the agreement; terms that extend well beyond the issues of the original lawsuit, all for the sake of moving on from this continued litigation. Microsoft will, for example, share information with its competitors regarding the nature of Windows, which will all them to place their own programs on the operating system.

We are facing economic difficulties at the present time, and it would not be productive to waste our time on this issue. We must do all we can to boost our economy. Restricting Microsoft will not accomplish this. This fight should have never been started. But now that it has, let's end it and go forward.

Thank you,
George McClure
P.O. Box 1231
Woodstock, GA 30188
(770) 591–1808
FAX (770) 924–6246

MTC–00031082

Jan 12 02 11:07a James M Cox 516–399–8166 p.1
James M Cox
44 Carlin Drive
Mastic, NY 11950
January 11, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW.,
Washington, DC 20530

Dear Attorney General Ashcroft:

I am writing to express my sentiments regarding the Microsoft settlement. I feel that your office has reached a fair and reasonable agreement that will provide certainty about the new rules imposed on the IT sector. I do not see any benefit in pursuing further litigation at the Federal level, and am happy to see that your office will be free to pursue more urgent matters affecting our nation.

The settlement will benefit all software publishers, the IT industry as a whole, and consumers. The resumption of competition will stimulate our economy, while giving the consumers more choices. As far as the competition is concerned.

Microsoft will change the way it develops, licenses, and markets its software in order to accommodate independent vendors. Furthermore, Microsoft is required to make available its technology to a competitor, should that competitor infringe on its intellectual property.

We don't need more federal litigation to keep Microsoft in check. Under your settlement, competitors can sue Microsoft if they don't think the company is complying with the terms of the agreement. I think that the complaints that brought about the lawsuit have been addressed, and that your office has set up protocol on how to handle future problems. Your office has done its job, and now it is time to let businesses compete. I want to let you know that I approve of your settlement agreement, and I appreciate your taking the time to hear my opinions on the matter.

Sincerely,

James Cox

MTC–00031083

Jan 12 02 12:09p milt ackerman 954–763–1244 p.1
Richard Ackerman
140 Elm Drive, Roslyn, New York 11576
January l0, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW.,
Washington, DC 20530

Dear Mr. Ashcroft:

As a business owner, I am quite familiar with how nonproductive expenses can hurt your business and, in turn, your customers. The amount of money that has been wasted on the Microsoft vs. US suit escapes reason. Both the federal government and Microsoft have spent millions of dollars on the suit; money that could have been better spent, in the case of the Department of Justice pursuing true criminals and in Microsoft's case, creating better technology products for the consumer. The problem that the federal government has created in the economy and in the IT industry with this lawsuit will take years to repair.

Like many residents of New York, I am relieved that the lawsuit may have finally found a resolution at the federal level. The end to this entire matter cannot come soon enough. The suit has become a burdensome ordeal for all the involved parties. For Microsoft, the task of having to defend itself as a business before the federal government for working in the same way any other business might is an embarrassment to the American way of doing business. It is time that the Department of Justice ends this suit once and for all. The terms of this settlement allow for the public interest to be represented. Please move on and end this judicial debacle.

Sincerely,
Richard Ackerman

MTC–00031085

1/10/02 THU 15.44 FAX 800 641 2255 002
January 10, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW.,
Washington. DC 20530

Dear Mr. Ashcroft:

I was very glad to see that after three long years of legal battles, Microsoft and the Department of Justice came to a settlement on the anti- trust suit. The current agreement requires Microsoft to compromise on many issues while still allowing for a competitive market. While Microsoft may be giving up a great deal, it believes that to settle the suit now would be beneficial to the IT industry.

Those that continue to seek further litigation are only spending tax dollars on a battle that has already been won. This settlement is fair and reasonable to Microsoft competitors and consumers alike. Microsoft will allow its competitors access to sensitive coding and software information. This access will make it easier for computer manufacturers to remove Microsoft programs from Windows and replace them with other companies'' products. The settlement will create an oversight board that will ensure Microsoft complies with the settlement.

It is apparent that Microsoft isn't gettlng off easy with this settlement. I support the agreement, and hope it is implemented as quickly as possible so that Microsoft can reclaim its leadership role in the information technology sector.

Sincerely,
John Harland
6850 Old US Highway 45 S
Paducah, KY 42003

MTC–00031086

Jan 12 02 03:19p Carl Associates 860–763–2110 p.1
Harry R. Plander II
24 Still Meadow Lane
Somers, CT 06071
January 8, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW.,
Washington, DC 20530–0001

Dear Mr. Ashcroft,

I am extremely happy to see that there has finally been a settlement between the U.S. Department of Justice and Microsoft in regards to the antitrust case. The government had no right to file suit in first place, and I only hope that the concessions Microsoft will be making will ultimately turn out to be in the best interest of the public.

The settlement certainly forces Microsoft to make ample concessions. Microsoft will need to redesign XP—and other versions of Windows—to be more accommodating to non-Microsoft products. Even end users will find it easier to configure and reconfigure their desktops, as their circumstances change. Microsoft will also have to make concessions to hardware manufacturers; regardless of what programs are put on the Windows platform, there will only be one regulated price for licensing for all hardware manufacturers.

I support Microsoft in many ways and believe that their products and services have greatly influenced al of our lives in positive ways. I sincerely hope no further legislation is brought against Microsoft and that they are allowed to focus on business—instead of politics—in the near future.

Sincerely,
Harry Plander
''Let's Roll America''

MTC–00031087

JAN-12–02 TUE 02:37 PM MARK COLLINS 504 277 0221 P. 01
3220 Corinne Drive
Chalmette, LA 70043–3841
January 10, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW.,
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing to you today to express my support of the settlement reached between Microsoft and the Department of Justice. As a Microsoft supporter, I have followed the litigation process closely. I believe that Microsoft has made many concessions during this process. I am glad to finally see the end, so that Microsoft can return to focusing on what it does best-information technology.

Again, Microsoft has made several concessions under this settlement. Most striking of which is Microsoft's agreement to have a technical oversight committee regulate their compliance with settlement policies. This inclusion of a third party watchdog agency assures Microsoft's commitment to the settlement.

Microsoft has done more for the American economy than any other corporation in our nation's history to date It is time we allow Microsoft to return to business.

Sincerely,
Mark Collins

MTC–00031088

JAN-12–2002 12:49 PM DIGITAL INTELLIGENCE 520 579 3448 P.01
8301 N. Westcliff Drive
Tucson, AZ 85743
January 12, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW.,
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my strong approval of the recent settlement in the three-year antitrust dispute between Microsoft and the federal government. After three long years of litigation and three intensive months of negotiation with a court appointed moderator, this settlement offers the country the chance to end this messy affair.

The terms of the settlement were fair and reasonable. The new government regulations being imposed will hinder Microsoft, but the settlement will allow Microsoft to get back to innovation and the development of technology for the future. These new regulations include forcing Microsoft to submit to a three person, government appointed technical oversight committee, whose role it is to ensure Microsoft's compliance with this settlement agreement. Furthermore, the agreement requires Microsoft to grant computer makers broad new rights to configure Windows so as to promote non-Microsoft software programs that compete with programs included within Windows. This provision will allow consumers to have the freedom to choose to change their software configuration at any time.

As a computer professional with 22 years of experience in the computer field, and with Bachelor's and Master's degrees in computer science, I am very aware of the technical and business issues involved in the case and the settlement. I firmly believe that continuing to protract this case will have an adverse effect on the PC industry and other segments that depend on it. I also feel it would be a waste of time and taxpayer money to do anything at this point other than to implement the terms of the settlement and move forward.

With the current state of our economy, we don't need to be hamstringing one of the strongest companies in the nation. This settlement will allow Microsoft to focus on business, rather than legal strategy, and for that reason, I support it.

Sincerely,
Kenneth S. Gregg

MTC–00031089

01/12/2002 15:35 3014241545 ALPHA SIDING INC PAGE 01

11501 Alcinda Lane
North Potomac, MD 20878–2400
January 12, 2002
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW.,
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

This letter is to address the issue of the settlement between the Department of Justice and Microsoft. I want to give my support to this agreement.

I also understand that Microsoft has not gotten off very easy. I do not believe the initial lawsuit was justified, but Microsoft has conceded to the Department of Justice's demands, agreeing to, among other things, to design future versions of Windows to make it easier for computer makers, computer programmers and others to promote non-Microsoft software within Windows. Further, Microsoft has agreed to disclose—for use by their competitors—various source codes that are internal to Windows'' operating system products. This could be a first in antitrust settlements. Microsoft has gone far beyond what was demanded in the initial suit.

I urge you to approve this settlement and allow us go forward.

Thank you.

Sincerely,

Clio Koutzoumis

MTC–00031090

64209 E Greenbelt Lane
Tucson, AZ 85739–1205
January l0, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW.,
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I write you in reference to the recent Microsoft settlement, and to express my concern with its delay. This is a settlement that is the result of three months of intense negotiations, mediated by a court appointed moderator. The settlement contains provisions that extend beyond the government's original grievance list. In fact, this settlement agreement forces Microsoft to submit to a government appointed, three-person, technical oversight committee whose responsibility it is to ensure Microsoft's compliance. Additionally, Microsoft is forced to document and disclose the various interfaces of Windows'' operating system to its competitors, a requirement that is a fit in anti-trust litigation. This settlement appeases ail parties.

The settlement that has been reached, speaks to the restoration of a competitive market and continued growth in our technology industry. The IT sector has been ready to move on, while the government has been delaying the process. Not only does our technology Industry benefit from this settlement, but our economy as a whole. Just when our country needs support, we are holding it back from further development.

Let us not waste our resources in further delaying a settlement that has already been agreed on. Help support this settlement and our economy by making sure that no further action is taken.

Sincerely,

Ernie Levy

MTC–00031091

Fred C. Buhler
8095 Fernwood Dr.
Augusta, Michigan 49012
Attorney General John Ashcroft
U.S. Justice Department
Washington, DC

Dear Mr. Ashcroft,

My purpose in writing is to address the antitrust settlement reached between Microsoft and the Justice Department, I am in agreement with the current settlement and I wish to see Microsoft freed of further legal wrangling. Bringing a swift end to the antitrust case is of the utmost importance given our current economic situation. We have already poured a great deal of resources into these proceedings and now is the time to move forward, not continue rehashing a three-year-old issue.

The terms of the settlement with the Department of Justice seem both punitive and reasonable. Microsoft will have to open relevant portions of its Windows code to software suppliers and competitors, permit computer makers to configure Windows with other software and give competitive browsers a more equal footing. I believe that future computer users are being awarded protections from the violations that were raised as issues in this proceeding.

I have been opposed to this proceeding from the start. It troubles me to see companies like Microsoft have their competitive edge dulled by interminable antitrust intrusion. Nevertheless, I now sense that the settlement is a correct course of action. We need to put this unfortunate episode behind us and hope that Microsoft can get back to the challenge of creating new and better products rather than languishing in court.

Sincerely,

Fred C. Buhler

MTC–00031092

01/12/02 SAT 17:54 FAX 800 641 2255 001
FAX COVER SHEET
DATE: 1/12/02
TO: Renata Hesse
FAX: 1–202–307-l454
FROM: Todd Benjamin
PHONE: 703–243–4002
Number of pages including cover sheet: 2
Comments: Microsoft Settlement
1/12/02 SAT 17:54 FAX 800 641 2255 002
Todd Benjamin
844 North Frederick Street
Arlington, Virginia 22205
January 12, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW.,
Washington, DC 20530

Dear Attorney General Ashcroft:

I support the settlement between Microsoft and the Department of Justice. The antitrust case has gone on for too long, and it has drained significant resources on each side. The settlement offers an opportunity to put this mess behind us, and we need to take that opportunity.

Critics of Microsoft say that the settlement is too weak, but that is not the case. The settlement, unlike many antitrust settlements before it, has real enforcement power. Under the settlement, Microsoft will be forced to share code with its competitors. Armed with the knowledge of how Microsoft operates, other companies will be able to place their programs on the operating system, and compete with Microsoft on its on ''turf.'' Additionally, the tenets of the settlement will be enforced by a technical review committee. This committee will monitor Microsoft full time, making sure that the company's business practices do not stray come anywhere close to being anti-competitive.

The settlement strikes me as being overly big-brotherish, but if Microsoft is willing to accept these terms, then I am as well. I support the settlement, and look forward to the day when this lawsuit is no longer an issue.

Sincerely,

Todd Benjamin

MTC–00031093

FROM : ED AND Z KIRDAR
PHONE NO. : 602 838 1953
Edib Kirdar Associates
EK ASSOCIATES
1725 E. La Jolla Dr.
Tempe, AZ 85282–5780, USA
E-Mail: EKIRDAR97@aol.com
Telephone. (480) 838—l953
Facsimile: (480) 775–2539
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW.,
Washington, DC 20530–0001
January l0, 2002

Dear Mr. Ashcroft:

I am writing this letter in support of the November 2, 200l settlement reached by the US Department of Justice and Microsoft. However, I would like to state that I continue to be opposed to the antitrust case itself. I feel that Microsoft's operations didn't warrant the lawsuit. But, I am very pleased that a settlement has finally been reached.

Microsoft has provided a new vision for the technology industry. In addition, Microsoft has given a new and greater understanding of computers to the public. I can't begin to imagine what the government found wrong with the way Microsoft conducts its business. I feel the government was wrong to target Microsoft and also for trying to break apart this company. Our government should spend its time and resources, which are funded by taxpayers like myself. on matters that directly affect the public. Making Microsoft share its programming information with competitors by disclosing their internal interface codes, and being under the constant eye of the Federal government with a three-person monitoring committee is totally unnecessary.

In our great country, we shouldn't penalize individuals or companies that make strides above the rest. In fact, our government should do the exact opposite, and encourage more growth and innovation from private businesses, This will only strengthen our weakened economy. Microsoft has the ability to provide our country with endless innovation.

Please allow them to do so

cc: Representative Jeff Flake

Sincerely,
Edib Kirdar

MTC–00031094

Beryl Lerner
23 Stone Pine Court
Pikesville, Maryland 21208
January 12, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am in support of the settlement reached between Microsoft and the federal government. Microsoft went beyond what was required or initially sought by the government in this settlement.

For example, Microsoft will provide third parties with a license to the necessary intellectual property should said third party want to design a program that will interact with Windows. Its decision not to enter into any agreements obligating any third party to distribute or promote any Windows exclusively and not to retaliate against computer makers who ship software that competes with programs in its Windows operating system show that Microsoft is willing to compromise.

In closing, this settlement provides consumers with additional safeguards, while helping Microsoft's competitors in the process. I hope this is the last chapter in the government's playbook, and that Microsoft can get back to business. I support the settlement, and look forward to the end of this case.

Sincerely,
Beryl Lerner

MTC–00031096

Mary Douglass Brown
641 North Woodlawn, #55
Wichita, Kansas 67208
January 10, 2002
Judge Kollar-Kotelly
c/o Renata Hesse
U.S. Department of Justice
601 ''D'' St., NW
Suite 1200
Washington, DC 20530

Dear Judge Kollar-Kotelly,

Over the last several years I have watched with interest as the federal government and others have sued the Microsoft Corporation for various reasons. I greatly appreciate that your court has opened the door for comment on the proposed settlement of the Microsoft anti-trust case.

In December I wrote a letter to your colleague in Maryland, Judge Motz encouraging him to approve a settlement reached by Microsoft and the Product Pricing Class Action suit. I am encouraging you to accept the settlement of this anti-trust case for many of the same reasons I outlined in my letter to Judge Motz.

This agreement brings to an end an anti-trust case that is already over four years old and if it is not settled soon threatens many more years of unnecessary litigation. This would be a continued drain our already overloaded court system. From what I have read the Bush Department of Justice, the nine states that approved the settlement and Microsoft all consider this settlement to be a fair one. I understand that it addresses those items of the lawsuit which have been upheld other courts.

As one who was surprised by the federal and state government decision to go after Microsoft in the first place and I am further surprised that some are not satisfied with this settlement. If this settlement is approved Microsoft will be required to share its intellectual and technological property. Additionally, a committee will be in charge of making sure that Microsoft is complying with all aspects of this settlement.

The settlement of this case is long overdue and it appears that the agreement on the table is the best for all involved. I urge you to support this settlement.

Sincerely,
Mary Douglass Brown, Former Member
Kansas Sate Board of Education

MTC–00031097

Link Logic Craft 2002–01–13 02:56:18 (GMT), page
5719 Narcissus Avenu
Baltimore, MD 21215–3551
Fax 410–510–1212
January 12, 2002
Attorney General John Ashcroft
United States Department of Justice
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I am in favor of the current settlement between Microsoft and the government. There are some rare instances in which the government needs to step in and level the playing field when one of the players of our free market economy both becomes exaggeratedly strong and uses its strength abusively to destroy its competition. Even in cases in which the government needs to level the playing field, the government must be careful not to make companies afraid to come out with the best products and services at the best prices.

My concern is that Microsoft, like IBM and other companies that experienced government intervention will not be as innovative as they can due to fear of being declared monopolistic. When I did some software contract work inside IBM, I saw for myself how law-suit phobic IBM became. Today, IBM never has the best laptop or best desktop computer. Their computers always lag the market late and are a little slower and have slightly less memory, etc., than competing brands. I am sure that IBM does this deliberately. This is a result of their corporate experience with IBM competitors using the government to suppress IBM.

I've read that in the current settlement, Microsoft agrees not to enter into any agreements obligating any third party to distribute or promote any Windows technology exclusively or in a fixed percentage; not to retaliate against computer makers who ship software that competes with anything in its Windows operating system; or against software of hardware developers who develop or promote software that competes with Windows or that runs on software that competes with Windows.

Mr. Ashcroft, when I buy Windows and other Microsoft products, no one is holding a gun to my head to force me to buy Microsoft. I keep looking for alternative products. These days, Microsoft simply has the best products.

The government should do only enough to make sure companies compete based on products, services, and price, and that companies do not eliminate competitors by abuse of strength. I think the current settlement is enough. Requiring more would go overboard.

I think your approving this settlement will level the playing field without Microsoft becoming afraid to be the best. I urge you to accept it after the public comment period is concluded.

Sincerely,
Ron Lewis

MTC–00031098

JAN–12–02 07:19 PM COLLETT 714 8320869 P.01
6353 W Hill Lane
Glendale, Arizona 85310
January 9, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to support the current proposed settlement between Microsoft and the Department of Justice, in hopes of expressing the views of the general public. While I have never supported the federal government's attempts to bring litigation against Microsoft, this proposed settlement goes above and beyond what Microsoft needed to do. It provides for increased competition and accountability where none had existed before and should be allowed to be executed at the federal level. As a result of several months of intense court mandated negotiations; the settlement that was reached is fair, judicious and reasonable.

The terms of this settlement include a system of accountablity and competition fostering provIsions that go beyond the scope of the government's original grievances. The key parts of this settlement include: Microsoft's licensing of its intellectual property instead of allowing Microsoft to pursue intellectual property protection Additionally. the settlement requires Microsoft to change its relationships with computer and software manufacturers in order to allow these companies to install non-Microsoft products and change the Windows operating system without Microsoft enacting discriminatory or retaliatory clauses in a contract. Perhaps most importantly, this settlement creates a three-person technical oversight committee to ensure that Microsoft is complying with all parts of the settlement

After several years of litigation and three months of negotiations, this settlement represents the best chance for an end to this judicial debacle This agreement represents the public interest and that no further federal action should be taken.

Sincerely,
Horace Pereira

MTC–00031099

FROM: THE MAC'S FAX NO. : 2636323 Jan. 12 2002 07:43PM P2
131 Popoia Road

Kailua, HI 96734–3166
January 12, 2002
Attorney General John Ashcroft
U.S. Department of Justice
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

From the start of the U.S. vs. Microsoft lawsuit, three long years ago, I have been confused as to why our federal government would choose to pursue and punish one of the most beneficial companies in America today. Microsoft has done more for the world of computing than any other single entity in the world. Without their products, the enormous marketplace for IT products that exists today would simply not be around—not at all

Included in the proposed settlement are many points that are punitive towards Microsoft. One point requires Microsoft to open its proprietary software interfaces to other software manufacturers. This is an amazing affront to Microsoft and its lifetime investment in its own product, and a first in an antitrust lawsuit. Yet, Microsoft is willing to renounce this and many others of its fair business practices to see an end to this unfortunate lawsuit.

For the millions of Microsoft stockholder and consumers of Microsoft products, an end to the suit cannot come soon enough. For many, the government's prolonging the suit has already hurt financially. In the end, I wonder who will benefit from all of this wrangling. The Department of Justice owes all involved parties an end to this suit. Thank you.

Sincerely,
Anne Marie

MTC–00031100

JAN 13 2002 8:12AM HP LASERJET 3200 p.1
Art Blumenthal
11 Stoneybrook Lane
Malvern, PA 19355
January 9, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

I am writing to express my opinion in the tentative antitrust case settlement between Microsoft and the U.S. Department of Justice. Although I believe the government has gone a little too far in bringing litigation against Microsoft, I am happy to see that some concessions will be made to keep Microsoft in check.

Microsoft should not be broken up by any means, but its lack of relations with software developers and computer makers does inhibit the industry from growing at a rate that it is capable of. That is why I believe in some of the pressure being put on Microsoft to keep them under check. This is what this settlement intends to and will do by making licensing rates equal and giving guarantees to software companies that Microsoft will not take any drastic action against them for designing products intended to compete with Microsoft products.

At any rate, I think the American Government must look out for the best interests of the public; at this time it is necessary to settle this thing quickly and efficiently and to allow Microsoft and other IT industry leaders to go back to focusing on business instead of political quarrels. Thank you for your time.

Sincerely,
Art Blumenthal
cc: Senator Rick Santorum

MTC–00031101

01/13/2002 23:05 630–548–9497 ROSEMARY ZURAW PAGE 01
1448 Heatherton Drive
Naperville, IL 60563–2251
January 12, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing this letter because I would like to go on record, per the Tunney Act, as being in favor of the Microsoft settlement. Last November, the Justice Department and Microsoft finally agreed to a settlement that would end the three-year antitrust lawsuit. This settlement stands to benefit the technology industry and the economy.

Competition in the IT industry will foster, resulting in an improved economy because of this settlement. Microsoft has agreed to grant computer makers broad new rights to configure Windows so as to promote non-Microsoft software programs that compete with programs included within Windows. Computer makers will now be free to remove the means by which consumers access various features of Windows. This will encourage competition in the IT industry and bolster the economy. What more could anyone ask for? The settlement that was reached last November between Microsoft and the Department of Justice is fair and reasonable, and I support it 100%.

With sincere regard for justice,
William Zuraw

MTC–00031102

Jan 13 02 12:14p Robert Wentzel 6104390926 p.1
1650 Honeysuckle Lane
Allentown, Pennsylvania 18103
January 12, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

This lettcr is to address the recent settlement between Microsoft and the Department of Justice. I applaud this decision. I believe the decision was fair and equitable. Microsoft has broadened its accessibility, allowing computer makers to add or subtract Microsoft software, allowing competing software to be installed, and giving consumers a wide choice of software from which to choose. Microsoft has even agreed to disclose its source code for Windows'' operating system products. Microsoft has more than compensated for any alleged unfair businccss practices.

I hope this settlement stands. We do not need to revisit the decision, nor do we need to split up Microsoft. We split up AT&T and our phone system has been a mess ever since. The consumer is pretty much left to his or her own devices to figure out just what cxactly they want. People today pretty much have to be a mini-expert in every field today. Bill Gates explained computers. He made software easy to understand. You did not have to be a computer programmer to install a Microsoft software package. Which was nice.

Sincerely,
Robert Wentzel
cc: Senator Rick Santorum

MTC–00031103

Dec 14 01 12:55p Mrs. Debra J. Seretean 561–883–2592 p.1
Debra J. Seretean
8724 Via Ancho Rd.
Boca Raton, Fl. 33433
561–852–1650
fax: 561–883–2592
email: seretean@aol.com
January 13, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington DC 20530

Dear Mr. Ashcroft:

I was very disappointed when the Justice Department brought Microsoft to court three years ago in the antitrust case. I do not believe that Microsoft is a monopoly; it is simply a company that has made superior products.

Nevertheless I was pleased to hear a settlement has been reached in this case that will finally bring this litigation to an end. I fear that groups that stand against Microsoft may try to interfere with the settlement process. The settlement will create many changes in IT, despite their contentions that the settlement is flawed. This settlement stipulates that Microsoft will disclose its internal interfaces to competitors that is something never been done before. With this disclosure and many other major disclosures, competitors will have the ability to compete with Microsoft on an equal basis. Most importantly this settlement will end this case and get the legal system off Microsoft's back.

Please show definitive backing of this settlement and conclude this case.

Sincerely,

Debra Seretean cc: Representative Robert Wexler

MTC–00031104

01/13/2002 13:42 14073022170 PAGE 01
Jack L. Sperry y
Loretta M. Sperry
1575 Stone Trail
Enterprise, FL 32725
January 13, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr Ashcroft:

I have to say that I'm relieved that his whole antitrust case is almost at and end. I can'tunderstand why the government ever felt it was their responsibility to go after Microsoftfor being successful. I just hope that they never try it again with other businesses.Microsoft did not get away easy, as most people think, Though they didn't have to splitup, they still had to open up a

great deal of their products for use by their competitors, inorder to increase the level of Windows compatibility in many programs.

I hope that more people are made aware of the terms of this settlement so they can seejust how much Microsoft gave up. I know that many people will be happy to see the casefinally over.

Sincerely,
Jack & Loretta Sperry
Phone: 407–324–4056
Fax: 407–302–3170
E-mail: jlsperry@worldnet.att.net

MTC–00031105

Sadler's Cove Farm
Jose and Patricia Martin
9160 Quail Run road, Saint Michaels, Maryland 21663
Main house: 410 745 6049 (Voice) 410 745 3799 (Fax)
jvmartin@friendly.net
Property Caretakers: Al & Marjorie Henckle 410 763 8558
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

In reference to the legal actions that have transpired against Microsoft, I am afirm believer that Microsoft should never have gone to Court. Although Microsoft'ssuccess has been accompanied by a notable amount of wealth, I find it necessaryto mention the generous donations to public schools. The Gates foundation hasdone a lot for the education of our children and it is disconcerting that Microsoftshould be punished for its contribution to the community as well as the advancedtechnologies it has introduced to our society.

lt is for these reasons that I support Microsoft's antitrust settlement bedone as soon as possible.

The terms reached in the settlement are more than fair and reasonable asthey encompass a large range of issues both related to the case as well as issuesthat were not found unlawful by the Court. Microsoft has agreed to change anumber of business methods that include making it easier to reconfigure Windowsfor all users. In this way, Microsoft will enable the competitor to be promoted withinthe software program.

Included in the settlement are also terms that address future anticompetitivebehavior. These terms require to a promise not to retaliate against competitors aswell as the establishment of a Technical committee that will make sure thatMicrosoft does not stray from the settlement's terms.

Sincerely,

Jose and Patricia MartinFROM: JOSE FAX NO. :4107453799 Jan. 13 2002 02:04 PM P1

MTC–00031106

Jan-13–02 11:32A DON TRANDUM 206–746–1049 P.01
17413 NE 10th. Street
Bellevue, WA 98008–3811
January 13, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I am writing to express my opinion that I support for the recentantitrust settlement between Microsoft and the US Department of Justice.Not only has the case dragged on too long, but also, millions of taxpayerdollars have been wasted on these lawsuits.

The terms of the settlement are harsh and so should be more thanenough to satisfy lawmakers and politicians. Microsoft is offering uptechnology on internal interfaces and server interoperability that will allowcompetitors to create products that are compatible with Microsoft. Theyare also forming three-person team to monitor compliance with thesettlement. These terms show Microsoft's willingness to compromise andare more than necessary concessions to an already flawed lawsuit.

Ever since litigation began, the American IT sector and the economystarted turning sour. I am not saying there is a direct correlation, but it isapparent to me that before Microsoft and the IT sector see the growth theydid over 3 years ago, all litigation must end. These lawsuits have sloweddown the industry, so it is in the best interest of the American public andthe economy for the settlement to be finalized.

Sincerely,
Don Trandum

MTC–00031107

Margaret Kuhnemund
P.O. Box 181
Ligonier, PA 15658
January 12, 2002
Attorney General John Ashcroft, U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I believe the litigation against Microsoft should have ended long ago.Microsoft is a victim of political interest groups that have little bearing on oureconomy, and these special interests put their agenda above the public good. I amglad to see under the terms of the settlement that Microsoft will not be broken up, butI do think most of the penalties imposed are extremely unwarranted.

Microsoft spent a huge amount of money and time to develop the technologythey did. They should be rewarded for the innovation they brought to thetechnology industry instead of punished. Bill Gates lived the American Dream andonly worked by the rules our free market economy set for him. The fact thatMicrosoft must disclose internal interfaces to their competitors and create a uniformprice list with computer makers is absurd.

I want to see this settlement, although flawed, become a reality as soon aspossible so that our IT sector and economy can return to normal. Thank you foryour time.

Sincerely,
Margaret Kuhnemund
cc: Senator Rick Santorum

P.S. Bill Gatesrepresents whatAmerica offers tothose with a goodmind. How darewe try to punishhim, his company,and our country for hisbeing bright enough to besuccessful?

From Ed Grenzig
Fax: +1(631)366–5215
To AGO John Ashcroff Fax (202)307–1454
Page 2 of 2 Sunday, January 13, 2002 2.49 PM
15 Michael Place
Nesconset, NY 11767–1039
January 11, 2002
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I would like to tell you how I feel about the Microsoft antitrust case. I am veryglad to see that a settlement has finally been reached in this seemingly endless andmoney-wasting lawsuit. However, given that there were court-appointed mediatorsinvolved in the settlements, I don't see how there is even an issue that the settlementdoes not serve the public interest. I think Microsoft has served the public interest fromthe very beginning. 99 percent of America's computer users use Microsoft products andare happy with them. With the settlement, people who are not happy with Microsoftproducts will have more freedom to use other products. If that is not serving the publicinterest, I don't know what is.

Granted, Microsoft did dominate the market, but that happened because theirproducts were better than any others'' available. Under the settlement, competitors willreceive the internal interfaces to Microsoft's Windows operating system, and be able tomodify Windows to promote non-Microsoft products. The way the settlement is now,Microsoft is already handing over too much to their undeserving competitors in order to''serve the public interest''.

I am retired and extensively use computers at home. I use Microsoft software innearly all of my computer activities. However, I am glad to see that the settlement willmake it easier for people to use non-Microsoft products if they so desire. This lawsuithas been going on for too long a time and this settlement is a good end. Pleasemaintain the settlement and allow our economy and the IT industry to move forward.Enough is enough already.

Sincerely,
Edward W. Grenzig

MTC–00031109

Jan 13 02 01:2lp Don/Tina Leahy
777–882–6057 p.1
120 Lotus Circle
Carson City, Nevada 89703
January 7, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Microsoft and the DOJ have finally reached a settlement in the three-year oldantitrust case. I am pleased to see that you have accepted the settlement andare prepared to end this costly and time-consuming case.

Regrettably some special interests would like this case to be continued, and theywould like this settlement to be thrown out. Despite the misgivings of specialinterests this is a good settlement. This agreement will require Microsoft todisclose its top-secret internal

interfaces to competitors. Competitors will createbetter software do better in the marketplace with this provision. Also, thesettlement will create a technical oversight committee to make sure thatMicrosoft complies with the terms of the settlement.

Your steadfast support of the settlement is key to ending this case. I thank youfor considering my views on this issue.

cc: Senator Harry Reid

Sincerely,

Don Leahy

MTC–00031110

Jan-13–02 03:42P David Sargent520–544–5616P01
January 2, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Although I opposed the antitrust lawsuit filed by the US Department of Justiceagainst Microsoft, I would like to state that I am in favor of the proposedsettlement and against further litigation against Microsoft. I strongly feel that toomuch time and too much money, from taxpayers, went into this lawsuit. In myopinion Microsoft didn't break any laws and jealous competitors are targeting itfor persecution.

Three years and millions of taxpayers'' dollars have been wasted on this antitrust case against Microsoft. The very last action our struggling economy needs is for more time, money and resources spent on its downfall. Our government needs to listen to the people and take actions that will lead our country to a secure a prosperous future. Hindering one of the largest innovating companies in the U.S. simply will not help this cause.

Reopening an unfair lawsuit that will use more tax dollars just can't be allowed to happen. I urge you to allow Microsoft to get out of the courtroom. I support the settlement and hope it is quickly adopted.

Sincerely,

David Sargent

DAVID F. SARGENT
7501 N. Calle Sin Desengano
TUCSON, AZ 85718

MTC–00031111

RICHARD E DAVIS
105 763 3360
385 Nascar Drive
Lincoln, Alabama 35096
January 13, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my support for Microsoft in light of recent litigation against them. I strongly believe that the Government's interventions have done much to damage the stability of the technology industry and I trust that such interventions will soon cease so that Microsoft may continue to manufacture quality products.

Microsoft's varied initiatives to honor the terms of the agreement have not gone unnoticed. These initiatives have included cooperation with competitors, new software programs that encourage competition, and the formation of a technical committee to handle dispute resolution.

I appreciate the avenue to voice my opinion that the Tunney act has afforded me. I am looking forward to the prompt resolution of this matter.

Sincerely,

Richard Davis

MTC–00031112

JAN 13 2002 16:01 FR MICROSOFT RECEP # 30 425 936 7329 TO 912023071454 p.01/01
605 175th Place NE
Bellevue, WA 98008
(425) 830–3961
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Fax l-202–307–1454 or l-202–616–9937

Dear Mr. Ashcroft:

I am writing to you today to express my support for the settlement reached between Microsoft and the Department of Justice last November. I believe the settlement is in the best interests of consumers, taxpayers, and the IT industry.

The settlement is fair in that it will benefit consumers and contains provisions that will preclude anticompetitive behavior. The settlement includes concessions that are unprecedented in antitrust litigation. Microsoft has agreed to disclose the application programming interfaces that are internal to the Windows'' operating system. This information will now be available to Microsoft competitors.

Throughout this process, Microsoft has gone to great lengths to resolve this situation. I believe it is time that the issue is finally laid to rest.

Sincerely,

George Taniwaki

P.S. As a disclosure, I have been a long-time shareholder of Microsoft. I recently became an employee of the company as well.

MTC–00031113

Jan. 13 2001 03:51PM P2
Donald E. Dennis
32727 30th Avenue Southwest
Federal Way, WA 98023–2763
January 13, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I'm writing to express my opinion that the antitrust case against Microsoft has been flawed from the start. Microsoft has not infringed upon any rights of American people and has just operated within the confines by which we set up our free market economy. I have yet to hear complaints from consumers about Microsoft's prices or practices. In fact I feel that their prices permitted me to have a PC at home with software that I could afford and most people I know feel the same way. It seems the only complaints are from their competitors because they can't keep up.

Under the terms of the settlement Microsoft will be forced to not enter into any third party agreements for exclusive distribution rights. That is ridiculous. This is the same as telling Pepsi they cannot sign an exclusive agreement with Wendy's. Also, creating a uniform price list with the 20 largest computer makers is essentially setting up the framework for a monopoly. In fact many of the concessions create situations that do violate antitrust laws instead of appeasing them.

It's in the best interest of the American public to end this litigation now. Microsoft is a leading innovator of technology and we need their growth and leadership to lift the IT sector out of its current state. Microsoft has done what other competitors could not do, but now it's time to let them play it out in a free market, which is what our society, is based upon, not the government intervention that has occurred in this case. I urge your office to make the settlement a reality.

Thank you.

Donald E. Dennis
Home & Fax (253) 838–0155
Ce11(253)569–8979
donaldedennis@attbi.com

MTC–00031114

Jan 13 02 11:42p COURTNEY PHILLIPS [732] 297–3390 p.1
61 Lynn Court
North Brunswick, NJ 08902
January 14, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Early in last November, the Department of Justice and the Microsoft Corporation came to an agreement in the three-year-old antitrust lawsuit. I believe that the terms of the settlement are reasonable, and I am therefore lending my support to the agreement that puts an end to this lengthy and extremely costly litigation.

Microsoft did not get just a slap on the wrist, as evidenced by the fact, that the company has been forced to turn over substantial portions of its intellectual property to its competitors. Microsoft will share with its competitors, information about how Windows interacts with other programs and will not retaliate against vendors who sell or use non-Microsoft products. Furthermore, as part of the settlement, Microsoft will be supervised by a technical committee, consisting of three software engineers who will test Microsoft's compliance with certain aspects of the agreement.

I understand also, that other terms were agreed upon that were never even an issue in the antitrust lawsuit. Microsoft, however, accepted those terms based on the view that the United States economy is far more important than pursuing arguments over less significant details.

I completely support the settlement, and would like to go on record as doing so.

Sincerely,

Courtney G. Phillips

MTC–00031115

Jan 14 02 07:24a FORESTLAND P.1
15 Partridge Lane
Burlington, CT 06013–2400
January 13, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

I appreciate the Justice Department finally coming to terms on the Microsoft antitrust case. I feel that the settlement, which has taken at least three years to hash out, should pretty much be acceptable to everyone. So hopefully, both Microsoft and the government can move on to more important matters.

Considering that now Microsoft can't retaliate against the companies that don't make Windows software or work on other operating systems, and that they are required to be reviewed by a federal panel to make sure they are complying with the settlement, I feel that along with the other terms of the settlement, most people should be happy with it.

I think that this whole matter should be put behind us and that we should move on. I appreciate you considering my thoughts on this matter and I hope that you take it into account.

I have also communicated my opinions to Attorney General of Connecticut, Richard Blumenthal, as I did several years ago when the original anti-trust action began.

Sincerely,
James Gillespie

MTC–00031116

01/13/O2 19:55 FAX 8472947194 ANI ATCT 001
1970 Birchwood Avenue
Des Plaines, IL 60018
facsimile transmittal
To: Mr. John Ashcroft
Fax: 202–307–1454
From: Sam Wong
Date: 01/14/02
Re: Microsoft Settlement
cc: Henry Hyde

Attached is a letter of my opinion of Microsoft settlememnt. We should finalized the settlement and move forward.

01/13/02 19:55 FAX 8472947194
ANI ATCT 002
Sam Wong
1970 Birchwood Avenue
Des Plaines, Illinois 60018
January 14, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I am writing to express my opinion of the recent antitrust settlement between Microsoft and the US Department of Justice. I think the settlement is fair and should be finalized as soon as possible.

A number of terms in the settlement are particularly effective in reducing Microsoft's ability to strong-arm its opponents. First, agreeing to design future Windows versions so that computer makers and software developers can promote their own products is a very fair concession. Also, the fact that Microsoft has agreed to form a three-person team that will monitor accordance with settlement shows Microsoft's willingness to appease all parties. And finally, Microsoft's disclosure of internal interfaces will allow competitors to have the ability to create products compatible with Windows and therefore eliminate Microsoft's ability to keep out the competition.

I think it is in best interest of the states to settle now too as soon as possible especially since our economy is ailing and our IT sector's growth has slowed to turtle's crawl. I urge your office to take a proactive stand on this and let Microsoft be on it way.

Sincerely,
Sam Wong
cc: Representative Henry Hyde

MTC–00031117

01/14/02 04 : 53
ARTBA-> 001
From the Desk of: Christopher J. Akins
January 12, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington. DC 20530
Dear Mr. Ashcroft:

I'm writing to voice my strong support for the Microsoft settlement. Microsoft has agreed to terms that are not only unfair to Microsoft, but I feel, could quite possibly have negative consequences for Microsoft, a company that has revolutionized the software industry and provides thousands of jobs. Any further legal action by the states or the federal government is only frivolous and punitive.

In the settlement, Microsoft has already agreed to grant rights to computer-makers so that they may configure Windows to remove Microsoft products so the computer manufacturer can install its own competitive programs or programs from other software makers, such as RealNetworks or AOL's Instant Messenger.

Microsoft has also agreed to make it easier for computer manufacturers, consumers, and software developers to promote non-Microsoft products within Windows. Microsoft has further agreed to not retaliate against any software or hardware developers who develop software that directly competes with Windows or other Microsoft products. In a move that limits its own competitiveness. Microsoft will give the necessary license for its own intellectual property rights to a third party when that third party exercises options within the settlement that infringe on Microsoft intellectual property rights.

For these reasons, I support this flawed settlement in hopes the federal government and many states will not pursue any further punitive and frivolous legal action that will only result in the destruction of intellectual property and the demise of a business that has built the existing computer and software industry.

Sincerely,
Chris Akins
7507 Woodside Lane, Apt. #24
Lorton, VA 22079–2013
Phone/FAX: 703–339–7244
Cell Phone: 202–425–4837
E-mail: akinschristopher@netscape.net

MTC–00031118

3457 Marbella Court
Bonita Springs, Florida 34134
January 13,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I was happy to hear a settlement has been reached in the Microsoft antitrust lawsuit. Bringing this case to a close will benefit consumers and our economy alike.

The terms of the settlement agreement appear to be fair. Mechanisms to ensure Microsoft does not engage in anticompetitive acts will be implemented. If the settlement is approved, Microsoft will no longer enter into agreements obligating computer manufacturers or distributors to promote Windows exclusively. This will promote competition in the industry, and will result in more choices for the consumer. Microsoft has also agreed to make it easier for computer manufacturers to remove features of Windows from their computers so they will be able to use the competitions'' software if they so choose. I believe these concessions are fair and reasonable.

Wrapping up this case has been long overdue. I appreciate your efforts to ensure the rapid resolution of this matter.

Dena Sklaroff

MTC–00031119

FROM: DDSI Phone No.: 724 745–0902 Jan. 14 2002 09:23M P1
209 Roth Street
Houston, PA 15342–1147
January 11, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

The recent antitrust case settlement has been dragged out way too long. I am glad to see that Microsoft will not be broken up, because that would be detrimental to the country's tech sector. I think many of the concessions Microsoft will be making violate other laws.

Prohibiting Microsoft from entering into exclusive third party agreements will inhibit their ability to gain market share. All companies try to force distributors into exclusive agreements whereby they promote one product or another. That is how Pepsi and Coca- Cola operate.

The best interests of the American public will be served when the government stops messing with the private sector and allows Microsoft to focus on innovation of new technology instead of political warfare. I urge your office to take corrective steps in this matter.

Sincerely,
Norman Nardo
cc: Senator Rick Santorum

MTC–00031120

From: Penny Temeles
FAX NO. : l-412–4342
Jan. 14 2002 09:28AM P1

Emporium Group Inc.
Sales Marketing Consulting
100 Oxford Drive #302
Monroewille, Pennsylvania 15146
Ph/Fax: (412)373.4342
email:ptemeles@aol.com
January 9, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The purpose of this letter is so that I may go on record as being a supporter of the settlement that was reached between Microsoft and the Department of Justice last November. The two sides had been battling in court for more than three years, and I am glad to see that this issue has finally been put to rest at the federal level.

Microsoft did not get off easy, but I feel that the settlement is fair enough. They have agreed not to retaliate against software or hardware developers who develop or promote software that competes with Windows or that runs on software that competes with Windows. They have also agreed not to retaliate against computer makers who ship software that competes with anything in its Windows operating system.

The settlement is fair, and the time has come to move on to much more important issues. I support the settlement, and look forward to the conclusion of this case.

Sincerely,
Penny Temeles
cc: Senator Rick Santorum

MTC–00031121

JAN-14–2002 10:16 MERRILL LYNCH 248 647 2503 P.01/01
24130 Broadview Street
Farmington. Michigan 48336
January 12, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am very happy about the recent settlement between the DOJ and Microsoft. Though the opponents of Microsoft have made varied efforts to make it appear as though Microsoft has gotten off easy. I completely disagree. In fact, Microsoft has agreed to honor obligations that extend to products and technologies that were not even at issue in the lawsuits. Though these areas were not initially at issue, Microsoft has agreed to comply to these broad terms in order to bring the case to a conclusion and to allow the Company to move forward with the development of new products.

In addition to Microsoft compliance with the broaden terms of the settlement, they have also agreed to document and disclose various interfaces that are internal to Windows'' operating system products. If I may add, this is a first in an antitrust settlement. This is just a small indication of the strides that Microsoft has taken to satisfy the requirements of this settlement.

The Tunney Act has provided a very solid avenue to voice my opinion on this issue and I am very pleased to know that my opinion on this issue matters to you. I support the settlement and look forward to the conclusion of this case.

Sincerely.
Carol Markey

MTC–00031122

01/14/02 06:46 2087730884
POST FALLS MIDDL
405 East 19th Avenue
Post Falls, Idaho 83854
January l0, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

After three long years the Department of Justice has finally concluded its antitrust suit against Microsoft. A charge, I believe, that was wrong in the first place. I am the computer expert in our family and I use Microsoft, but I didn't always. I started out with AOL, and then switched to Microsoft. I had Windows '95, '98, and now '2000. At no time was I coerced to use Microsoft. I had complete freedom of choice; therefore, I do not understand the charges against Microsoft for monopolizing the market.

I do not know why a suit was brought against a company for providing a good product. Would we be suing Henry Ford for dominating the auto industry, or Macintosh for being the best in computer graphics programs? I think there should be recognition of what Microsoft has accomplished. Microsoft has provided enormous technical expertise to this country, not to mention, income. Bill Gates invented the computer revolution and made the global village possible. Globalization is heralded, yet no one seems to recognize just how and why this happened. Think back before Microsoft.

The settlement between the Department of Justice and Microsoft is now done. It was hard. Even the judge lost patience, ordering round-the-clock negotiations to bring about closure. Perhaps, she knew when enough is enough. Which is what I am saying. It is time to move on, Give your support to this agreement.

Sincerely,
Cheri Mitton cc: Senator Larry Craig

MTC–00031123

01/14/2002 09:31 PIFER OFFICE SUPPLY -> 12023071454 NO.598 0001
Germaine Frame Gallery
UNIQUE FRAMING
120 W. GERMAIN STREET
WINCHESTER, VIRGlNlA 22601
PHONE 682–5846
January 11, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing you today to voice my opinion in regards to the Microsoft settlement issue. I feel the Microsoft settlement is a complete and thorough agreement that will benefit the technology industry and the economy. This agreement was reached after extensive negotiations. Microsoft has fully agreed to carry out all provisions of this agreement and will be monitored by a technical oversight committee for compliance. Competing companies can sue Microsoft if they feel this company is not complying. I am a believer of free enterprise, and I oppose restrictions placed on Microsoft. Please end this litigation. Thank you for your support.

Sincerely,
Wallace Wiener

MTC–00031124

01/14/2002 11:12 3192329363
SCOTTS ELECTRIC INC. PAGE 02/02
Steve Jordan
581 Sheridan Road
Waterloo, Iowa 50301
January 10, 2002
Judge Kollar-Kotelly
Renata Hesse, Trial Attorney
Antitrust Division
U.S. Department of Justice
601 D Street, NW, Suite 1200
Washington, DC 20530

Dear Judge Kollar-Kotelly:

I am writing to share my support for the proposed settlement reached by Microsoft with the Justice Department.

The great thing about our free market system is that it allows all participants to play on a level playing field at the mercy of consumers. The consumers can choose the products and services they prefer. Like it or not, Microsoft has clearly won this battle. One of the reasons the Microsoft's critics have never been able to demonstrate consumer harm is because American consumer use and like Microsoft products. Plus the successes of Microsoft have resulted in more accessible and cheaper technology for Americans.

Bringing a conclusion to this case is long overdue. The impact this case has had on the technology industry has been devastating. We have found that when the government attacks an industry leader the ripples are felt far and wide. Computer and software sales across the board have been hurt throughout the prosecution of this case. Please approve the settlement reached by the Justice Department and Microsoft.

Sincerely,
Steve Jordan

MTC–00031125

Dixie L. Holtz
ATTORNEY AT LAW
13547 VENTURA BOULEVARD
SHERMAN OAKS. CA 91413
AREA CODE (818)981–1383
January 14,2002
Attorncy General John Ashcroft
US Department of Justice
Washington, DC 20530–0001

Dear Mr. Ashcroft:

In writing to you today I wish to express my concern regarding the Microsoft settlement. The Department of Justice is now reviewing the settlement. I deeply hope that at the end of this review, the decision is made that this settlement is in the best interest of the nation. I believe this settlement is extensive. Microsoft has made many concessions that will inhibit future anticompetitive behavior. Foremost among these concessions is the term that guarantees the creation of a third-party technical review

board. The job of this board is to ensure that Microsoft complies with the terms of this settlement.

As I believe this settlement to be equitable. I ask that the Department of Justice implement the settlement quickly. Thank you.

Sincerely,
Dixie Holtz

MTC–00031126

SENT BY: HEWLETT-PACKARD;
480 315 9239;
JAN-14–02 8:25AM; PAGE l/1
7525 The Greens # 179
Scottsdale, Arizona 85258
January 11, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my support for Microsoft's settlement of its antitrust issue with the federal government. Its unfortunate that they had to be put through this process, but this settlement looks more than reasonable.

I am especially thrilled to see Microsoft take the lead and really go above and beyond the products and procedures that were actually at issue in the suit. I understand that they have agreed to not retaliate against computer makers who ship software that competes with anything in its Windows operating system, or against software or hardware developers who develop or promote software that competes with Windows or that runs on software that competes with Windows, and has agreed not to enter into any agreements obligating any third party to distribute or promote any Windows technology exclusively or in a fixed percentage.

I can only say in closing Mr. Ashcroft that we can agree that no other company Microsoft's size would have been so generous in a settlement. This is a fair and reasonable settlement and should be approved.

Sincerely,
Yvonne Cahill

MTC–00031127

OFFICE OF COMPLIANCE REVIEW
Mary Lou Smith, Director
Jackson County Courthouse
415 E. 12th Street, 2nd Floor
Kansas City, Missouri 64106
COUNTY LEGISLATURE
JACKSON COUNTY, MISSOURI
(816) 881–3302
FAX (816) 881–3340
January 11, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, D. C. 20530–0001
Faxed to 1–202–307–1454

Dear Justice Hesse:

For the last two days I have attended a business seminar in the state of Kansas aimed at getting minorities and women into business and keeping them afloat once they have set up. With the today's economy this is a major task and extremely hard for minorities and women.

I am writing to you today to convey my support for the Microsoft settlement. The United States as well as Kansas is currently going through some hard economic times and it is twice as bad for small business owners that are minorities or women. Numerous businesses and companies are losing money and having to lay-off employees. On today's news it was announced that as many as 1.6 would be unemployed at the end of 2002. An important factor in bringing about a recovery is to allow new and innovative products to stimulate growth.

The Microsoft Corporation is a leading pioneer in technology. Microsoft is currently spending billions on new, inventive technology and is working to stay competitive. These innovations spread economic growth throughout the entire nation. Direct results of technological advances have been market expansion, job creation, and the production of wealth and capital. These are not easy times for our nation; our government should do everything in its power to encourage growth and economic expansion. That is why I am sending you my support for the recent settlement of the Microsoft case, I understand that Microsoft agrees to share its intellectual property and creates new relations with hardware and software developers. It was the right thing to do and Americans from all walks of life will be better off.

Thank you for taking the time to read this letter.

Sincerely, Mary Lou Smith
Director
JACKSON COUNTY LEGIS

MTC–00031128

Ol/l4/2001 10:40 3522719742 PAGE 01
CompTIA CIW Authorized Training Provider
New Horizons Computer Learning Centers
Microsoft Certified Partner Authorized
PROMETRIC Testing Group
January 10,2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

The suit against Microsoft has dragged for the last three years. The suit has brought a drop in the stock market, an ambiguity in the industry, and challenged governmental budgets at the state and federal levels. All of this has been paid for by either the consumer on Microsoft's side, or the taxpayer on the government's side. In many cases, people end up paying twice! The suit was brought about to benefit American consumers and give them more choices; in reality, the suit has been a burden.

I support the settlement reached between Microsoft and the Department of Justice. It addresses the issures very clearly. Microsoft has agreed to disclose information regarding the setup of Microsoft products, and the company must change its licensing agreements with individual computer-makers—even if one of them ships software that would compete with the Windows operating system. There have been enough financial resources spent on this case. It is vital that this is prevented and the settlement is finalized. The quicker the settlement is confirmed, the faster the industry can get back to focusing on innovation. Sincerely,

Tim Broom President PO Box 357685
Gainsville, FL 32635 main (352) 376–8007
fax (352) 371–9964
www.nhgainsville.com

MTC–00031129

FROM: NWTILLERS
FAX NO.: 15092483818
Jan. 14 2002 08:41AM PI
Northwest Tillers, Inc.
P.O. Box 10932
Yakima. WA 98909
(509)575–1950
1–800–204–3122
Fax (509) 452–1588
www.nwtillers.com
January 12, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing in support of the settlement in the Microsoft antitrust suit. I would like to see this case concluded as soon as possible. As a small business owner, I am concerned by the fact this case was brought against Microsoft at all. Microsoft has been an innovative, competitive company. Companies, especially those engaged in high-tech endeavors, must remain competitive to remain in business. I do not agree with punishing Microsoft for its ability to remain competitive.

I do, however, believe the case should be settled as rapidly as possible. To achieve this end, Microsoft has made a variety of concessions that go above and beyond the scope of the lawsuit. I do not necessarily agree with the concessions made, as they appear to be overly restrictive. For example, the creation of a technical oversight committee, which will monitor Microsoft's business practices, seems overly intrusive to Microsoft.

Despite my belief that Microsoft is doing more than should be required, I support its decision to make such concessions so this case will settle. I appreciate your review of my comments, and hope to see this case settle as quickly as possible.

Sincerely,
Ted Marquis
President / CEO

MTC–00031130

FROM: MAGNET COM
FAX NO. : Oct. 25 2001 01:12PM P1
Jeffrey R. Hoener
P.O. Box 210334
Montgomery, AL 36121–0334
January 13, 2002
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I am writing today to express my support of the Microsoft settlement. The settlement that was reached is equitable. I believe that Microsoft has been more than generous in the interest of resolving this issue.

Microsoft's generosity is evident in the new design of future versions of the Windows system. The new design that will appear in the interim release of Windows XP has a new mechanism. This mechanism will enable users to remove and add different aspects of the system at their discretion. Users will now be able to remove Media Player from their system if they so choose. This is a first for consumers and represents Microsoft's generosity.

The settlement is fair. The Justice Department should enact the settlement as quick as possible. Thank you.

Sincerely,

Jeffrey R. Hoener

MTC–00031131

Jan-14–02 09:22A P.01
Karen and Dave Polen
4460 E. Cortez St.
Phoenix, AZ 85028–2319
January 12, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

I am writing to express my support and encouragement for the recent settlement agreement between Microsoft and the Department of Justice. This was a settlement that was reached after three months of intense negotiation, following three years of what I viewed as an unnecessary lawsuit. These negotiations were mediated by court appointed individual who allowed both sides to come to a reasonable conclusion. This statement should stand on its own merits and I believe has the public interest in mind.

The settlement contains several provisions designed to increase competition in the marketplace as well as to keep Microsoft accountable to the federal government. This agreement contains a provision that requires Microsoft to not retaliate against computer makers who ship software that competes with anything in its Windows operating system. There is a similar provision relating to software developers, where Microsoft may not retaliate against developers who develop or promote software that competes with Windows or that runs on software that competes with Windows. Perhaps most importantly, however, is that Microsoft has agreed that if a third party's exercise of any options provided for by the settlement, would infringe on any Microsoft intellectual property right, Microsoft will provide the third party with a license to the necessary intellectual property on reasonable, and non-discriminatory terms. This is important because it shows that Microsoft is completely willing to increase competition.

This is a settlement that goes beyond the original government interests, and shows Microsoft's commitment to diversity in the industry. I strongly urge your office to move on this settlement and to take no further federal action.

Sincerely,

Karen Polen

MTC–00031132

1/14/2002 3:53 PM FROM: Fax UpdateThis.com
To: l-202–337–1454 PAGE: 002 OF 002
William McCahey
155 W 20th Street Apt. 6K
New York, NY 10011
January 11, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington. DC 20530

Dear Mr. Ashcroft:

It is in the best interest of the American Public to end the Microsoft lawsuits as soon as possible. Our economy is in recession and our IT sector has never returned to normal since lawsuits began. We need our government to focus their energy, time, and money elsewhere on issues that they can have positive affect on

The terms of the settlement are more than fair and I do not understand why nine states want to continue litigation. Microsoft has agreed to disclose interfaces, form three-person team to monitor compliance with settlement, improve relations with computer makers and software developers, and design future Windows versions so that competitors can market their products on its operating systems.

In my judgment the settlement will be good for IT sector and the American economy. I urge your office to finalize it as soon as possible and I thank you for your time.

Sincerely,

Bill McCahey

cc: Representative Jerrold Nadler

MTC–00031133 Jan 14 02 03:42p

Daniel & Jackie Hsieh 261 8034 p.1
138—32 68th Drive, Apt. 1C
Flushing, NY 11367
Jan 14, 2002
The Honorable Charles E. Schumer
United States Senate
Washington, DC 20510

Dear Senator Schumer

As a voting constituent, I would like to express my opinion about the Microsoft antitrust case. I have followed this story in the New York Times and feel that after three long years of court battles, it is time to stop legal action against the company. I think that the settlement is fair and should be final.

I am concerned about the economic recession we are experiencing as a nation as well. The IT industry has been one of the sectors of the economy that has been the hardest hit in the past several months. It is important that we allow Microsoft to get back to business and lead the IT industry once again

Your strong support on this matter is greatly appreciated I urge you to put this case behind us.

Thank you,

Ching Hsieh

MTC–00031134

Jan-14–2002 03:26 PM don senften 755 4339 P.01
January 13, 2002
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, District of Columbia 20530–0001

Dear Attorney General Aschroft:

I am writing to support the settlement with Microsoft. Enough is enough. It is time to allow the IT industry to get back to business. The settlement is fair and reasonable, and will protect us from future anticompetitive behavior.

The settlement imposes many restrictions on Microsoft. One example is that Microsoft has agreed to grant computer makers broad new rights to set up Windows so that software by other developers can be introduced to any computer. Also, Microsoft has agreed to license its Windows operating system producst to the 20 largest computer makers on identical terms, including price. Plus, Microsoft has also agreed to the ''Technical Committee'' that will monitor Microsoft's compliance with the settlement. Clearly, these, along with the other restrictions will maintain a fair competitive balance.

It is important to let technology sector move forward with developing new products as soon as possible. This settlement is in the best interest of both the public and the economy. Thank you for reading my letter.

Sincerely,

Donald Senften P.O. Box 20895,
Bradenton, FL 34294–0005

MTC–00031135

Jan-14–2002 03:26 PM
don senften
755 4339 P.01
January 13, 2002
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, District of Columbia 20530–0001

Dear Attorney General Aschroft:

I am writing to support the settlement with Microsoft. Enough is enough. It is time to allow the IT industry to get back to business. The settlement is fair and reasonable, and will protect us from future anticompetitive behavior.

The settlement imposes many restrictions on Microsoft. One example is that Microsoft has agreed to grant computer makers broad new rights to set up Windows so that software by other developers can be introduced to any computer. Also, Microsoft has agreed to license its Windows operating system products to the 20 largest computer makers on identical terms, including price. Plus, Microsoft has also agreed to the ''Technical Committee'' that will monitor Microsoft's compliance with the settlement. Clearly, these, along with the other restrictions will maintain a fair competitive balance.

It is important to let the technology sector move forward with developing new products as soon as possible. This settlement is in the best interest of both the public and the economy. Thank you for reading my letter.

Sincerely,

Virginia Senften
P.O. Box 20895,
Bradenton, FL 34294–0005

MTC–00031136

Jan-14–02 03:53 P.01
4201 Tanglewood Drive
Allison Park, Pa. 15101
January 14, 2002
Attorney General John Ashcroft

US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

Today, I am writing you to express my support of the recent settlement reached between Microsoft and the Department of Justice. I am a long time supporter of the Microsoft Corporation. Thus, I would be happy to see the litigation against Microsoft come to an end. As a republican I believe in free enterprise and can't imagine an administration for which I voted choosing to damage a company that has added so much to the economy and growth of our country.

As a senior citizen, Microsoft has personally impacted my life. A few years ago, I was what they call ''computer illiterate'' as I did not grow up learning how to ''surf the web'' or send electronic mail. I do not think that I would have bothered to learn how to use a computer, it is weren't for the Microsoft Corporation. Microsoft's products are so user-friendly that I was able to master computer applications and thus enjoy the age of technology.

It is these innovations that have enabled Microsoft to rise to the top of the technology industry and is my belief that Microsoft has earned its position as a leader in its field. It is ridiculous for the federal government to punish Microsoft for producing high quality products. Please let the settlement stand as it is written. (An educational bill was just passed and yet you want Microsoft not to supply technology to students who most need assistance to participate in todays world. That sounds like leaving 'a child behind'. Microsoft must be allowed to focus on creating innovative software to assist our country continue to lead the world in technology.

Very truly yours,
Mary M. Hembrock
cc Rick Santorium

MTC–00031137

01/14/02 15:54 8149428694 CR CASHMAN 001
149 Elm Street
Hollidaysburg, PA 16648–2930
(814)695–9398
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
January 8, 2002

Dear Mr. Ashcroft:

I don't feel that the government has been fair to Microsoft from the start. I think the government should keep its nose out of the affairs of business and leave Tree enterprise alone. In my opinion there are many more important issues for the govcrnmcnt to spend their time and taxpayer money on.

Microsoft does a lot for this country, giving charity, and providing jobs. The government should reward companies that do so well, not attack them for simply making a better product. I hope that the settlement of this case will discourage government from doing things like this from now on. Nonetheless, the terms of the settlement are fair especially considering Microsoft is conceding much more than necessary in my opinion. They should not have to disclose internal interfaces and give away other technological information as they have agreed to do.

I appreciate you taking the time to read this and it's nice to know that my opinion will be counted, along with the many others that support Microsoft and want to see the government stay out of business affairs.

cc: Senator Rick Santorum
Sincerely
Clifford Cashman

MTC–00031138

Albert W. Veit
32 Dogwood Lane
Grove City, PA 16127
Phone: (724) 458–4096
fax: (724) 458–4096
e-mail: dogwood@telerama.com
Jan. 14 2002 02:46PM P1
January 14, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I urge your office to suppress all opposition to the recent settlement between the Department of Justice and Microsoft. This case never should have been brought to court.

The settlement, though as it is, is in the best interests of the IT industry and the economy. Microsoft did not get off easy, but the settlement is fair and reasonable, and it will clearly benefit consumers and preclude future anticompetitive behavior. To increase competition, Microsoft has agreed to allow competitors to place their programs on Microsoft's Windows operating systern. This will be achieved by Microsoft making available to other companies information regarding the internal interfaces of Windows. The recession has had a devastating effect on state budgets and the federal budget, and it is important that the technology industry be allowed to concentrate on business now.

I sincerely hope no further legislation is brought against Microsoft and look forward to a revival of out IT sector.

Sincerely,
Albert Veit
cc: Senator Rick Santorum

MTC–00031139

Sent by: Jan-14–02 03:50pm From 61052628869202 353 8856 page 1/1
Pamela J. Dvorak
612 Woodleave Road
Bryn Mawr, PA 19010–2921
610–526–2216 / fax 610–526–2886 /pjdl90@hotmail.com
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington DC 20530–0001
January 14, 2002

Dear Mr. Ashcroft

I am pleased that the Microsoft Antitrust case has finally nearing completion. After three years of litigation. it is time Microsoft can once again focus on what it does best-product development driving a successful business

The broad range of the settlement [restrictions and obligations on Microsoft that extend products and technologies not even at issue in the original lawsuit] represents Microsoft's willingness to bend backward to see this case rectified and settled With Windows XP, Microsoft has already carried out modifications listed within the agreement, making it easier for computer makers software developers and consumers to reconfigure their Windows setup at any time. In addition to that Microsoft has also agreed to supply to the competition its protocols used to operate Microsoft's server operating system, allowing opposing software companies to make their products compatible should they choose to do so

Microsoft's compliance will be monitored carefully thus precluding future violations. This may be preaching to the choir'', but I never felt that the company should have been punished for being competitive- and doing well. The American way is for the market to judge the value of the product Not everyone can be on top. From my view this Operating System made this technology user-friendly and accessible to a great segment of the population.

Thank you in advance for your support of this [dare I hope] final settlement

Sincerely,
Pamela J. Dvorak
cc: Senator Rick Santorum; Senator Arlen Specter

MTC–00031140

Bruce Wynn 9728852507 01/14/02 01:25P P.001
8371 Christie
Frisco, TX 75034–3708
January 11,2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–000 1

Dear Mr. Ashcroft:

I am writing to inform you of my thoughts regarding the recent settlement between the Justice Department and Microsoft. I support the settlement 100%.

It is in the best interests of all parties involved to have this case settled so that Microsoft can continue to develop products, and the government can focus on the more pressing needs of our country. I believe that Microsoft is getting a raw deal in this case. Microsoft has agreed to divulge its hard earned intellectual property in its Windows operating system internal interfaces, grant third parties flexibility to modify its well-crafted Windows program to promote non-Microsoft programs, and license its intellectual property on an open, non-discriminatory basis.

The terms of the settlement are more then fair and reasonable for the government to accept. Please leave Microsoft alone, and not pursue any further action against them.

Sincerely,
Joyce Wynn
cc: Representative Richard Armey

MTC–00031141

JAN-14–2002 03:19P FROM:
TO:12023071454
ANDERSON COLUMBIA CO., INC.
P.O. Drawer 38—Old Town, FL 32680
(352) 542–7942—Fax # (352) 542–3417
January 12,2002

Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

It has come to my attention that both the Justice Department, and Microsoft have reached a settlement in the three-year antitrust case. I am happy to hear about the settlement, and I support it 100%.

This settlement will allow computer makers the means to remove access to various features of Windows, such as Microsoft's Internet Explorer web browser, windows Media Player, and Windows Messenger. Also, Microsoft has agreed not to retaliate against computer makers who ship software that competes with anything in its Windows operating system.

In fact, Microsoft has even agreed not to retaliate against software developers who develop or promote software that competes with Windows. I would like to see this case settled as quickly as possible, since further delay would end up hurting the American economy. Do not prosecute Microsoft any further!

Thank you.

Truly American,

Cynthia T. anderson

MTC–00031142

01/14/02 MON 15:08 FAX 7176240432
CLIFFORD G ROSBOROUGH
80 Matthew Drive
New Oxford, Pennsylvania 17350
January 9,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my opinion of the recent antitrust settlement between Microsoft and the US Department of Justice. I am happy to see that the case is being settled because I believe it has dragged out long enough, to the detriment of the IT sector and the American Economy.

Bill Gates created an innovative and vision-oriented giant that has done wonders for our nation. Microsoft should not be punished for being successful. It is my opinion that there is a direct correlation between the economies woes of the nation and the litigation between the government and Microsoft. Under this settlement, Microsoft will share information about the internal workings of Windows with its competitors, and will allow them to place their own software and programs on the Windows operating system. The settlement represents the best available solution to this seemingly interminable lawsuit. Therefore, I support the settlement, and look forward to a day when this case is a distant memory.

Sincerely,

Clifford Rosborough

cc: Senator Rick Santorum

MTC–00031143

Jan-14–02 10:15A P01
103 Harmony Lane
Port Angeles, WA 98362–8141
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am happy to hear the government has decided to settle the Microsoft case. I don't believe Microsoft should have been sued in the first place. However, I think it is in everyone's best interest that this case settle, so that Microsoft may continue doing what it does best—and that is producing quality products. The settlement agrcement appears to be fair, and well thought out. I am particularly in favor of the creation of the technical oversight committee. The existence of an oversight committee should be able allay Microsoft's competitors'' fears that Microsoft will not abide by the settlement once it is finalized. Additionally, the settlement will allow computer manufacturers more flexibility to run software that competes with Windows. Microsoft has really agreed to terms beyond what is required of them.

I strongly support all parties'' efforts to resolve this case and resent the nine states that maintain opposition. Thank you for your efforts in this regard.

Sincerely,

Agnes Anderson

MTC–00031144

JAN-14–2002 01:41 PM IRWIN EAGLE 410 363 7640 P.01
201 Berry Vie Drive
Owings Mills, MD 21117
January 14, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20503

Dear Mr. Ashcroft:

I am a retired businessman I had my own successful interior decorating firm for over thirty five years. It was done by working hard and staying ahead of the competition. One such company is Microsoft that succeeded in this manner and because of its success was targeted by the Department of Justice for an antitrust lawsuit. The lawsuit has now settled and I am writing to you to ask that you give your approval to this settlement. I was against the suit from the start and never have never been able to understand the reasoning behind it. To me, Microsoft is a shining example for this great country. Here is a man who had a good idea, worked hard and succeeded. He is to be commend for his innovation and the way he does business, he keeps jobs and people working in this country not go overseas for cheap labor. His competitors could not keep up and cried foul, succeeding in clipping his wings to some extent, since they could not keep up on an even playing field. No one took Henry Ford to court for being to smart.

Do not let small mind prevail in this matter. Give your support to the Microsoft settlement and let's get back to business. Thank you.

Sincerely,

Irwin Eagle

MTC–00031145

Sent By: JESKELL INC.
408 744 0603;
Jan-14–02 10:24;
Page 1 /1
TrainSoft
6559 Old Meadow Court, San Jose, CA 95135 (408) 223–6034 hasanzr@msn.com
January 12,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

I readily admit that Microsoft could have handled itself better regarding concessions to allow competitive browsers on its Windows OS a lot sooner with a lot less fuss. However, the response by our government to this and other complaints about Microsoft were far too severe, especially when breaking up Microsoft was under serious consideration. Fortunately, the threat of this eventuality has been dissipated by this settlement. I am pleased by your efforts to bring it about, and I would urge you to go further and work with Attorney General Lockyer to have this unpleasant situation in California settled as well, since the settlement remedies the question of bundling Internet Explorer with Windows, as well as addressing many other concerns, such as interoperability.

While this settlement forces Microsoft into certain concessions not envisioned by the original lawsuit, it does have the distinct advantage of ending the suit. This is a welcome end, in that we can all put this behind us and work towards rebuilding our nation's economy through the IT business community itself without fear that this lawsuit could yet to more damage.

I am therefore writing to suggest my support of this settlement, as well as share my hope that this sort of thing will not happen again.

Sincerely,

Hasan Z. Rahim

President

cc: Representative Zoe Lofgren

MTC–00031146

Jan 14 02 12:32p
FOWLER AGENCY CORP
616 452–1333 p.1
DAVID E. FOWLER
3120 MADISON SE.
GRAND RAPIDS, MICHIGAN 49348
January 12,2002
Attorney General John Ashcroft
U.S. Department of Justice
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

As an avid Microsoft supporter, I write to express my support for the Microsoft settlement. I have written previously to express my gratitude that the issue was finally reached in November. I write again to express my support during this period of public comment. I trust that at the end of this sixty-day period, the Justice Department will conclude that this settlement is in the best interests of the economy and the technology industry.

Without doubt, the technology has suffered during this litigation. IT industry supporters also know the lengths to which Microsoft has gone to appease their competitors. Microsoft has agreed to design Windows applications so that computer producers have increased rights when designing computers. The

configurers can now install competing programs within Windows. Computer makers will now be able to remove the means by which consumers access various features of the Microsoft programs. Thus, producers can eliminate aspects such as Explorer or Media Player from the system. This is evidence of the generosity of the Microsoft Company.

In all, I hope that this period of public comment ends with the enactment of this settlement into practice.

Sincerely,

MTC–00031147

JAN-15–2002 12:17 AM KELLEY CONSULTS 334 885 6111 P.01
January 13,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I truly believe that the litigation against Microsoft is in total opposition to the concept of free enterprise. I also think that it is unfair to penalize Microsoft for its successful attempts at surpassing the innovation of its competitors. I am therefore writing to ask that the Department of Justice seriously consider putting this whole matter to rest right away. I think that this lawsuit has done much more harm than good.

A close look at Microsoft's handling of the settlement thus far will reveal nothing but compliance. Microsoft has been true to the terms of the settlement in every sense of the word. Microsoft has done much recently to enable its competitor's access to Windows. They have also agreed to document and disclose various interfaces that are internal to Window's operating system products.

Let's stop the litigation and reinvest in technology. I do hope that my views and opinions will be helpful in establishing closure in this matter.

Sincerely,
Leonard Kelley
65561 Highway 22
Roanoke, AL 36274
(334) 885–6111

MTC–00031148

01/14/2002 12:21 718–634–3208 GENE SACHSENMAIER PAGE 01
The Business Automation Group
www.tmsgroup.com
HOME OFFICE
404 Bayslde
Breezy Point, NY 11697
Tel: (866) 592–2100
Fax: (718) 634–3208
e-mail: productivity@tmsgroup.com
MIDWEST OPERATIONS
21535 West 179th Street
Olethe, Kansas 66062
Tel: (913) 582–2100
Fax:(913) 592–3509
e-mail: productivity@tmsgroup.com
January 12, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I would like to take this opportunity to let you know that I strongly urge you to support the recent settlement in the Microsoft antitrust case. This case has been going on for years and it is high time that we stop wasting taxpayers money. Letting Microsoft get back to business would help get this country back on track.

I am a software consultant and I use Microsoft's and other companies'' products. Microsoft's ''monopolistic'' influence certainly didn't stop me from using other companies'' software. I chose to simultaneously use both products, due mainly to Microsoft's ease of integration. I see free enterprise as a valued ideal in our society.

This settlement contains provisions and requirements that go well beyond the government's original grievances and work to ensure fair, honest and responsible competition. This agreement between Microsoft and the federal government require Microsoft to submit to a three person, government appointed, technical oversight committee. Furthermore, this settlement forces Microsoft to give up its intellectual property to its competitors and partners in exchange for a fair and reasonable license fee. This provision alone will advance technology vastly and improve competition tremendously. This settlement is the result of intense negotiations over a three-month period, helped along by a government appointed moderator. I support the settlement, and look forward to seeing the end of this case.

Sincerley,
Gene Sachsenmaier
cc: Representative Anthony David Weiner

MTC–00031150

Jan-14–02 ll:54 Tim Rauscher P01
Carol Rauscher
5132 NW 74th Court
Coconut Creek, FL 33073
January 7,2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Ave, NW
Washington, DC 20530

Dear Mr. Ashcroft,

I am a computer user. I believe the ''technological revolution'' has allowed greater creativity and innovation than ever previously thought, and the one person most responsible for this revolution is Bill Gates. Through his hard work and own personal vision, he has allowed this country to move faster and farther than any previous ''industrial'' revolution. And, unfortunately, he is being punished for it. I am talking of the antitrust suit brought against Bill Gates by the Department of Justice. My feelings with regard to this action is that it was brought by those who were not, and are not, as smart or innovative as Bill Gates, and only through such an action as an antitrust filing were they able to hinder Microsoft's progress. I think it is very tragic that we, in this country, allow so readily the destruction of a successful company. But the suit has ended. An agreement was reached. Microsoft has allowed, among other things, computer makers to install whichever software they wish. I now have a choice. Of course, I had a choice before, also. I was able to choose whatever software I wanted. I just had to go to ten different programs to get what I could get with one Microsoft package. Bill Gates, through Microsoft, made software and computers affordable. He kept prices down. Software and computers do not cost near what they did ten, fifteen years ago. Bill Gates brought the ''computer revolution'' into the living room of the average person, myself included.

That is why I am writing to urge you to give your support to the Microsoft settlement. It has been reached after three long, hard years. It is really time to move on. Do not give in to the demands of those who still are not satisfied, and will not be. We have moved forward from the tragedies of 2001, help us move forward in our economy as well. Thank you.

Sincerely,
Carol Rauscher
Cc: Representative Robert Wexler

MTC–00031151

JAN 14 2002 12: 09 FR DREYFUS 516 338 3330 TO 912023071454
Dreyfus Service Corporation
35 Seacoast Terrace—Apartment 9W
Brooklyn, New York 11235
January 11,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I support the settlement of the government's antitrust lawsuit against Microsoft. I am a computer programmer for Dreyfus, a mutual funds company. I am also a participant in the stock market. As an investor, I have observed the devastating impact of the antitrust suit on our economy. The stock market has plummeted, and as a result the technology industry as a whole has suffered.

This case should settle for economic reasons, but I also believe the terms of the agreement itself are fair and will promote better competition among IT companies. I am especially in support of Microsoft's agreement to not retaliate against computer manufacturers who use or promote software other than Microsoft's. I also support the establishment of a technical oversight committee to monitor Microsoft's compliance with antitrust laws. In fact, I believe the guidelines Microsoft will be subject to should be applied not only to Microsoft, but also across the board to Microsoft's competitors.

This lawsuit has hurt our economy. Ending the litigation will benefit consumers, and will strengthen the technology industry as a whole. I ask your support in ensuring a swift conclusion to this case.

Sincerely,
Grigory Libo
cc: Representative Anthony David Weiner

MTC–00031152

FROM : ST Sanford Computer FAX NO.: 6312247183 Jan. 14 2002 04:29PM P1
TEKNOWLOGY, Inc.
Phone: (631) 224–9450 X. 111
FAX: (631)224–7183
http://www.teknowology.com
January 14,2002
Attorney General John Ashcroft

U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr, Ashcroft,

I suppose an argument can successfully be advanced that throughout the years Microsoft has become a bit proud and defensive regarding its software products. These traits, while not laudable, are not reason enough to drag a company like Microsoft into federal court. Threatening a company like Microsoft with breaking it up does not fill any but the most ardent of Microsoft's critics with any measure of confidence.

Ultimately, it is far better that this suit has ended with a settlement. While I leave it to others to decipher the specifics of the settlement's terms on such things as software licensing and Microsoft's relationships with other IT companies, any settlement that is reasonably acceptable to both sides is far better than dragging this case through the courts.

For this reason, I am writing in support of the settlement. I am also expressing my desire to see this entire episode concluded so that we can all put this behind us. Thank you.

Sincerely,
Scott Sanford
President

MTC–00031153

01/14/2002 02:17 +000000000 PAGE 01
January 14, 2002
Renate Hesse
Trial Attorney, Antitrust Division
Department of Justice
601 D Street, NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I am writing to urge you to support the proposed settlement of the antitrust lawsuit against Microsoft. While I believe that many of the allegations raised by the lawsuit against Microsoft may have merit, it is time to shift the focus of the Department of Justice and our tax dollars to other priorities.

While the proposed settlement is not a home run for any of the interested parties, it does have a little bit of something in it for everybody while maintaining its overall balance. One way that you can tell that the settlement is balances is the fact that nobody is very happy with the proposed settlement.

Please contact me if you have any questions, or if you would like more information.

Thank you,
J. J. Eglin JJ/sem
4100 Atlas Ct.,
Bakerfield, CA 93308
(616)327–1918
www.bclabs.com

MTC–00031155

1—15–2002 4:26AM
FROM J P ROUTHIER 978 7725528 P.1
Routhier + Sons, Inc.
January 8, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Attorney Hesse:

Please support the settlement agreement reached between Microsoft and the Justice Department lawyers. This case has gone on too long, and wasted too much of the taxpayers money. With a recession and international crises going on, it should be obvious that our government has better things to do that harass a company that has created thousands of jobs and billions of dollars in wealth.

My company is decidedly low-tech but we use the products of Microsoft and its competitors on a daily basis. I cannot for the life of me see how anyone can see antitrust activity anywhere in that industry. No sector of the economy could be more fluid, changing and open to new ideas and businesses. I understand why the Justice Department must regulate the business world to prevent abuses, but they need to do so with a little more common sense. This settlement proposal provides a very convenient opportunity to end this case, once and for all, so that those in the high-tech industry and us in the low-tech industries can get back to the business of creating jobs and growing the economy.

Thank you for your consideration.

Sincerely,
Paul Routhier
J.P. Routhier & Sons, Inc
256 Ayer Road,
Littleton, MA 01460–1010
Recycling (978) 772–4251
Transportation (978) 772–0141
FAX (978) 772–5528

MTC–00031156

BODE, CALL & STROUPE,L.L.P.
ATTORNEY AT LAW
3105 GLENWOOD AVENUE, SUITE 300
RALEIGH, NORTH CAROLINA
(919)882–0338
TELECOPIER (919)881–9543
JOHN T. BODE
W. DAVIDSON CALL
ROBERT V. BODE
OTIS L. STROUPE, JR
V. LANE WEARTON, JR
S. TODD KEMPHILL
DEANA EVANS RICKETTS
JAMES N. JOSGREEN
CHRISTIE M. POPELAND
JOHN V. HUNTER III
OF COUNSEL
DAVID F. GREEN
(1945–1985)
MAILING ADDRESS
POST OFFICE BOX 6338
RALEIGH, NORTH CAROLINA 27628–6338
Post Office Box 6331
Raleigh, North Carolina 27612–6334
January l0, 2002
Via Facsimile (202)616–9937
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street, NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I appreciate the chance to share my thoughts on the Microsoft matter as part of the Department of Justice's comment process. I don't represent Microsoft or its affiliates and I am not a Microsoft shareholder, so the views expressed are simply those of an interested American.

I didn't agree with the Justice Department when it began this process. DOJ's market analysis appeared to be static when the product, product mix and alleged anticompetitive behavior were all evolving on a dynamic matrix. From a consumer protection standpoint, which is the basis for antitrust action, the result of those behaviors provided reduced costs to consumers from a product that became user-friendly efficient. No evil consequences—only good results.

But the results of the government's actions against Microsoft have not been good. The DOJ has been unable to show that the action will improve software, decrease costs or expand services. In fact,the government's heavy-handed action has had a chilling effect on investment and on innovation.

The settlement that has been proposed provides wide-ranging protections against anticompetitive behavior by Microsoft—protections that probably go much further than needed. Wisely, the State of North Carolina is no longer a party to this proceeding, a recognition of the effectiveness of the settlement provision.

Given the economic uncertainty threatening our nation today, there is no better time and no better way to bring this over-long and over-expensive proceeding to a close. I sincerely hope the court will do so.

Thank you
Best Wishes.
Sincerely,
John T. Bode

MTC–00031157

Bruce Wynn 9723352507 01/14/02 0l:12P P. 001
8371 Christie
Frisco, TX 75034
January 11, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

As a concerned citizen of this country, I am writing to voice my opinions on the recent settlement between Microsoft and the Justice Department. I support the settlement that has been reached by both parties. It is in the best interest of the government to accept this settlement so they can move onto the more pressing needs on the country. Furthermore, continued pursuit of this case would only be a waste of tax dollars, time, and human resources.

Microsoft is not getting off easy in this case. They are making specific changes to their product development, and with their business practices as well. For example, Microsoft has agreed to allow computer makers to reconfigure Windows so as to promote Non-Microsoft software programs. Also, let me remind you that there will be an establishment of a three-person technical committee to monitor Microsoft's compliance with the settlement.

I urge that the government accept the settlement, and not pursue any further action on the federal level.

Sincerely,

Bruce Wynn

MTC–00031158

FROM : H&S HOSE&
SUPPLY FAX NO. :6613274683
Jan. 14 2002 12:09 P1
H & S HOSE SUPPLY
January 14, 2002
Renate Hesse
Trial Attorney, Antitrust Division
Department of Justice
601 D Street, NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I am writing to urge you to support the proposed settlement of the antitrust lawsuit against Microsoft. While I believe that many of the allegations raised by the lawsuit against Microsoft may have merit, it is time to shift the focus of the Department of Justice and our tax dollars to other priorities.

While the proposed settlement is not a home for any of the interested parties, it does have a little bit of something in it for everybody while maintaining its overall balance. One way that you can tell that the settlement is balances is the fact that nobody is very happy with the proposed settlement.

Please contact me if you have any questions, or if you would like more information.

Thank you,
P.O. Box 40308
5959 Rosedale Highway
Bakersfield, California 93384
(661) 327–HOSE (4673)
Fax (661) 327–4683 —

MTC–00031159

Sent By: JESKELL INC; 408 744 0603;
Jan-14–02 10:27;
Page 1/1
TrainSoft
6559 Old Meadow Court
San Jose, CA 95135
(408) 223–6034
hasanzr@msn.com
January 12, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

I readily admit that Microsoft could have handled itself better regarding concessions to allow competitive browsers on its Windows OS a lot sooner with a lot less fuss. However, the response by our government to this and other complaints about Microsoft were far too severe, especially when breaking up Microsoft was under serious consideration. Fortunately, the threat of this eventuality has been dissipated by this settlement. I am pleased by your efforts to bring it about, and I would urge you to go further and work with Attorney General Lockyer to have this unpleasant situation in California settled as well, since the settlement remedies the question of bundling Internet Explorer with Windows, as well as addressing many other concerns, such as interoperability.

While this settlement forces Microsoft into certain concessions not envisioned by the original lawsuit, it does have the distinct advantage of ending the suit. This is a welcome end, in that we can all put this behind us and work towards rebuilding our nation's economy through the IT business community itself without fear that this lawsuit could yet to more damage.

I am therefore writing to suggest my support of this settlement, as well as share my hope that this sort of thing will not happen again.

Sincerely,
Hasan Rahim
President
cc: Representative Zoe Lofgren

MTC–00031160

Jan-14–02 10:30 JIM SCHAAF & ASSOC. 913 663 2146 P.01
JIM SCHAAF
January 11, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Attorney General:

I am writing to you as a concerned citizen regarding the recent Microsoft settlement. How can this three year long negotiation still be on hold? This well thought out, well-monitored process yielded a fair and reasonable settlement for all parties involved. It is time to let the terms of this agreement speak for themselves. Under the agreement, Microsoft has agreed to:

1. Turn over its internal interfaces for its Windows operating system to its competitors,

2. License its intellectual property to its competitors,

3. Make it easier for non-Microsoft products to be added to Windows by its competitors, and

4. Have a technical committee grade it for compliance and accepting complaints, even by their competitors.

What more could Microsoft's competitors reasonably expect from a fair settlement? As we sit and spend more of our Country's precious resources on more litigation the global market continues to produce outstanding results. Our innovative industry should be able to concentrate on the same without worrying about further legal battles. Let us allow our technology industry to move forward and work together to maintain our place in the global market.

Please help us to stop any further litigation against this settlement. Let us move forward and allow our technology industry to prosper. I thank you of your support.

Sincerely,
James M. Schaaf

MTC–00031161

01/14/2002 11:18 FAX 4078592305
REDS MARKET
001
FRESHPOINT
January 14, 2002
Renata Hesse
Antitrust Division
Department of Justice
Fax: 202–616–9937
Fax: 202–307–1454

Dear Ms. Hesse:

Being informed and involved in the issues of our community has always been a priority for me. Business leaders need to ensure the stability and growth of their businesses, as well as that of the local community and nation.

In this time of economic uncertainty, we need to be creating jobs and improving the education our children. Our efforts need to be focused on issues and activities that will strengthen our economy and position us for growth in the global market. I believe that the government's settlement with Microsoft is needed in order to facilitate this type of productive activity.

From what I've read, I believe the recent settlement is encouraging and fair to non-Microsoft software programs. Companies that make computers will have the freedom to remove Microsoft features with no consequences against them. Moreover, Microsoft will not retaliate against companies that develop or promote software that competes with Windows.

This settlement is just and fair. It's a fitting end to this legal drama that has played itself out for over two years now,

Thank you for your attention to my thoughts.

Sincerely,
Kent Shoemaker
Executive Vice President
Eastern Region
FreshPoint, Inc.
8801 Exchange Drive
Orlando, FL 32809
Telephone 407 858–0020
Fax 407 888–9179

MTC–00031162

FROM : SHOOK
FAX NO. : 3525435623
Jan. 14 2002 11:13AM P1
1655 Heron Lane
Ceda Key, Florida 32625
January 8, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

As much as is possible, American companies should not have to face extended litigation on a permanent basis. That is why I was pleased to hear that you have agreed to settle with Microsoft in the anti-trust case. Making sure the settlement is completed will be even better news for our economy and American business.

Regrettably certain interest groups, many with anti-Microsoft bias, may attempt to derail this settlement. They argue that the settlement is not harsh enough against Microsoft. This however is not the case. This settlement ends any contractual restrictions Microsoft could place on competitors, and opens up Microsoft's formerly confidential code to competitors; an action never before taken by a software firm. Without a doubt this settlement is sufficient. Detractors simply have an anti- Microsoft prejudice and should be more open-minded.

Maintaining strong support for the settlement is critical to ending this case.

Sincerely,
Joseph Shock

MTC–00031163

01/14/02 04:53 ARTBA-> 001
From the Desk of:

hristopher J. Atkins
January 12, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I'm writing to voice my strong support for the Microsoft settlement. Microsoft has agreed to terms that are not only unfair to Microsoft, but I feel, could quite possible have negative consequences for Microsoft, a company that has revolutionized the software industry and provides thousands of jobs. Any further legal action by states or the federal government is only frivolous and punative.

In the settlement, Microsoft has already agreed to grant rights to computer-makers so that they may configure Windows to remove Microsoft products so the computer manufacturer can install its own competitive programs or programs from other software makers, such as RealNetworks or AOL's Instant Messenger.

Microsoft has also agreed to make it easier for computer manufacturers, consumers, and software developers to promote non-Microsoft products within Windows. Microsoft has further agreed to not retaliate against any software or hardware developers who develop software that directly competes with Windows or other Microsoft products. In a move that limits its own competitiveness, Microsoft will give the necessary license for its intellectual property rights. For these reasons. I support this flawed settlement in hopes the federal government and many states will not pursue any further frivolous legal action that will only result in the destruction of intellectual property and the demise that has built the existing computer and software industry.

Sincerely,
Chris Atkins
7507 Woodside Lane, Apt. #24
Lorton, VA 22079–2013
Phone/FAX: 703–339–7244
Cell Phone: 202–425–4837
E-mail: akinschristopher@netscape.net

MTC–00031164

JAN–13–2002 07:46 PM
DAVERUSH 9413661670
FROM : David L. Rush
2705 Bruce Lane
Sarasota, Florida 34237
Telephone: 941,366–4781
FAX: 941, 366–1670
January 12, 2002
Attorney General John Ashcroft
United States Department of Justice
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I am a partner in a telecommunications company. I use Windows in my business, and believe Microsoft has consistently created superior products. I would be unable to conduct my business in today's world without Microsoft's innovations. As a businessman, I am obviously interested in having the most advanced technology available to me, at the lowest cost. The Microsoft antitrust lawsuit clearly gets in the way of both of these goals.

I have been totally against this lawsuit from the get-go. If a corporation lies, cheats, or steals, the government should become involved in that corporation's affairs, and perhaps a lawsuit should ensue. On the other hand, a corporation, such as Microsoft, should not be subjected to antitrust litigation merely because it develops superior products through hard work and innovation of its research and development team.

I strongly believe the terms of the settlement agreement go too far. Specifically, I am not in favor of the provision of creating a technical oversight committee. I am oppossed to watchdog groups in a free enterprise system. However, I do support Microsoft making this concession in the interest of getting the case settled. I am also concerned about some of the other concessions Microsoft is making. For example, Microsoft has agreed to make it easier for computer manufacturers to remove features of Windows from computers so that competing software programs may be installed. However, I do support Microsoft's agreement to these terms if it will prevent setting a precedent for disgruntled Microsoft competitors to challenge Microsoft at will whenever they believe Microsoft has created a better product. Clearly, Microsoft has gone far beyond what should be expected of it in the interest of bringing this matter to a close.

I stongly support approval of the settlement to the end to this needless litigation. Thank you for your consideration of my comments.

Sincerely,
David L. Rush

MTC–00031165

JAN–11–2002 12:27
CHARLES STINSON 9637833
P. 01/01
Charles B. Stinson
Lighthouse Road P.O. Box 62
Prospect Harbor, Maine 04669–0062
Tel 207/963–2677
Email ckelp@acadia. net
January 14, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am in support of the current settlement between Microsoft and the Department of Justice at the federal level. Microsoft has produced some of the best products for the computer, which accounts for their vast success and status as an industry leader. There have been some instances in the past where making a choice in peripheral Windows components was overly difficult, which is one of the reasons I am in favor of the current settlement. I understand that from this time forward Microsoft products will be much more accommodating to the use and integration of competitors software peripherals. This is definitely a step forward, because I believe above all else the consumer should have the right to choose, to mix and match software as they see fit.

Another important reason for ending the antitrust proceedings swiftly is the strain, which our economy is currently under. The information technology industry is one of the biggest in the United States, and the antitrust suit has hurt this industry. Not only Microsoft has felt the burden of these proceedings, commercial retailers who sell MS products, employees of said retailers, Microsoft affiliated companies, stock holders, and the American tax payers have all been impacted by the antitrust suit. Given the current down turn in our nations economy, now is not the time to be wasting our resources in the court room when they could be better utilized elsewhere. Therefore I support the antitrust settlement, and urge you to do the same.

Sincerely,
Charles Stinson

MTC–00031166

Douglas P, Fields
100 Midwood Road
Greenwich, CT 06830
TEL. (203) 661–2978
FAX: (203) 661–2996
DPFEagle@msn.com
By Fax: 1 202 307 1454 or 1 202 616 9937
By Email: microsoft.atr@usdoj.gov
January 12, 2002
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft: I believe that the antitrust case against Microsoft was inappropriate from its very inception and that the government should not have interfered with one of our country's most successful and innovative private businesses on the basis represented by the antitrust suit. I am pleased that the Justice Department has finally decided to reach a settlement in this case. It has been three long years.

Microsoft has given up a lot in this settlement. It has agreed to make future versions of Windows easier to use non-Microsoft software, and it has agreed to disclose a lot of information on the internal operating system, which is a first as far as I know.

I am certainly happy that government has decided to limit its involvement in Microsoft's business affairs, at least for now. I hope that continues to be so. Thank you for taking the time to read my opinion on this matter.

Sincerely,
Douglas P. Fields

MTC–00031167

01/12/2002 08:31 5413440403
JOHN KNUTSON
PAGE 01
2105 Stonecrest Drive
Eugene, Oregon 97401
January 11, 2002
Attorney General John Ashcroft
US Department. of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my support of the recent settlement between Microsoft and the federal government. I sincerely hope that no further action is being taken at the federal level.

Taking into consideration the terms of the agreement, Microsoft did not get off at all. In fact, Microsoft is left to make some significant changes to the way that they

handle business. For example Microsoft has agreed to not to retaliate against software or hardware developers who develop or promote software that competes with Windows or that runs on software that competes with Windows.

With all of the terms of the agreement, I see no reason to pursue further litigation on any level. I support the settlement, and hope to see it enacted soon.

Sincerely,
John Knutson.

MTC–00031168

Jan 11 02 06:40p
De Byerly 641–421–1100
1725 So. DELAWARE AVE
MASON CITY, IA 50401
JANUARY 10, 2002
Judge Kollar Kotelly
c/o Renata Hesse
Trial Attorney
Antitrust Division
U.S. Department of Justice
601 D Street, NW, Suite 1200
Washington, DC 20530

Dear Judge Kollar Kotelly,

In November of last year it was announced that a settlement had been reached in antitrust case brought by the United States against the Microsoft Corporation. I am writing today to ask you to support this proposed settlement.

After over two long years of litigation the Department of Justice and nine State Attorney Generals have found a reasonable way to settle this case. Despite what critics may say this settlement is equitable because it only addresses the complaints of the case that have been upheld by the courts.

It is also important to note that this agreement also created a mechanism by which Microsoft will be scrutinized to ensure it is following the agreement to the letter. Under this settlement, a completely independent commission will serve as watchdog. The facts seem simple enough. This settlement represents a workable solution to a tough situation. additionally, it removes the specter of unnecessary government interference out from over the technology industry. If the high tech industry is allowed to grow and flourish there is no doubt the benefit will flow into all American's pocketbooks eventually.

Sincerely,
De Byerly

MTC–00031169

1–11–2002 5:53PM
FROM000000000000 001
January 5, 2002
Ms. Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

As a mother of three school-aged children, I appreciate the opportunity to comment on the proposed settlement with the Microsoft Corporation. Quite frankly, I think it is past time to settle this case. With our economy in recession and State government sadly lacking in enough revenue to fund budgetary needs, the last thing we need to be spending taxpayer dollars on is law suits. I understand that more than $30 million dollars have been spent on this case. That money would have been well-spent on education.

Sincerely yours,
Jerinda F. Mohrmann
18280 Beaverdam Road
Beaverdam, Virginia 23015

MTC–00031170

JAN–12–2002 05:31AM P.01/03
State of New Hampshire
House of Representatives
Concord
January 11, 2002
Renata Hesse
Trial Attorney
Anti trust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Via Fax

Dear Attorney Hesse:

I understand that public comment is now being accepted in the case of U.S. v Microsoft and I want to express my support

The government and this company have been tied up in litigation for years now. Millions and millions of taxpayer dollars have already been spent over this long time period and a good agreement has been designed and agreed upon by both parties. Aren't we long overdue to settle this case and move on?

As a state representative, I truly believe that government should only intervene in the affairs of the marketplace on a very limited basis. The government's treatment of Microsoft has gone on too long and needs to come to an end. This company has made significant gains and should be rewarded, rather than punished, for their innovation and creativity. Too much of the taxpayer time and money has already been spent on this case.

Please approve this settlement as quickly as possible.

Sincerely
Saghir Tahir
State Representative, Hillsborough 38

MTC–00031171

FROM: THE ESTERLINGS
Fax NO.: 541 745 4422
Jan. 11 2002 02: 29PM P1
Robert E. Esterling
Esterling Vineyards
6826 NE Elliott Circle
Corvallis, OR 97330–9407
January 11, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

For those who follow technology and business news, the two have been unfortunately linked through the US vs. Microsoft suit. The decline of the NASDAQ and the teetering technology market both have the instability of Microsoft in this suit as their source.

The longer that the suit continues, the more damage will be done to the economy and to the world of technology. Special interests have kept this suit alive for much longer than needed. It is time now for the Department of Justice to put the needs of the consumer first by ending this suit. Microsoft has agreed to more than any company should be asked to do, such as opening up its intellectual property rights to the internal interface of its Windows operating system to its competitors, and agreeing to be monitored by a Technical Committee to which any third party may file a complaint against Microsoft.

This period of public comment is a great opportunity for the Department of Justice to know that many people in America support Microsoft and want to see it succeed for the good of the economy and for the good of American business. The Department of Justice owes the American people an end to this suit and an end to its meddling into American business. I urge you to see that the proposed settlement be formalized as soon as is legally possible.

Sincerely,
Robert E. Esterling

MTC–00031172

Jan–11–02 05:02P P.01
OTL Consulting
January 10, 2002
Judge Kolar Kottely
c/o Renata Hesse, Trial Attorney
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Judge Kottely,

As an independent business owner, I want to say that settling the Microsoft case is just the right thing to do! I understand that Microsoft agreed to new computer-maker flexibility and new Windows design obligations. Microsoft has been a remarkable American success story; its innovations have literally changed the way we live. Microsoft has created opportunities that make our lives easier and more efficient. Our government should not punish innovation by attacking companies for being successful! AOL has spent millions to influence the government's action from which they alone stand to benefit. Innovators should be rewarded for their hard work and the risks they take in creating growth. That growth means new jobs for our communities! Let's send America a strong message and settle these suits. By doing so, I believe we are supporting fair play and free enterprise.

Thank you for your valuable time!
Sincerely,
Michael T. St.Clair
1406 NW Greenwood St.
Anleny IA 50021
515 975 2155
mstclair@quxret.net

MTC–00031173

JAN–12–2002 03:49 AM
Granite State Enterprise
January 10, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Attorney Hesse,

The government has done its job. Years ago, complaints were brought against Microsoft which turned into one of our country's biggest, most ominous, and wide-ranging anti-trust lawsuits. The Justice Department and state attorneys general saw the case through the gauntlet and now Judge Colleen Kollar-Kotelly has worked with both sides to negotiate a settlement proposal.

The fiscal outlook for this year is grim. Unemployment is up. Wages are falling. Sales are down across the board. Americans have battened down the hatches. One of the most significant pieces of housekeeping we can take care of is the U.S. versus Microsoft case.

The continued success of the technology industry is one of the best things we've got going here in America. It employs thousands of people and every day new innovations are brought to fruition. The long-term health of the tech sector is one of the most important components of our economy, with more than one-third of America's economic growth between ''95 and ''00 coming from IT alone.

Instead of trying to knock Microsoft to its knees so that its competitors get a leg up, why not let everyone flourish in a competitive marketplace? Microsoft has been tried. Now is the time to close this case and move on. I hope the settlement agreement will be adopted. Thank you.

Sincerely,
Timothy P. Buckley
Executive Director
287 Canal Street, Suite One
Manchester, NH 03101
603–668–5772

MTC–00031174

01/11/2002 03:01 8046981803 HOUSE APPROPRIATIONS PAGE
COMMONWEALTH OF VIRGINIA
HOUSE OF DELEGATES
RICHMOND
VINCEMT F. CALLAHAN JR
BANKING
6220 NELWAY DRIVE
P.O. DRAWER 1173
MCLEAN, VIRGINIA 22101
THIRTY–FOURTH DISTRICT
COMMITTEE ASSIGNMENTS:
APPROPRIATIONS (CO–CHAIRMAN)
PRIVILEGES AND ELECTIONS
CORPORATIONS INSURANCE AND RULES
January 11, 2002
Renata Hesse, Trial Attorney
Antitrust Division
U.S. Department of Justice
601 D Street, NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I am a strong supporter of the settlement the government and Microsoft reached and hope you will resist the efforts of the competitors to try to continue their efforts to destroy this great company.

Microsoft's crime is that they have been successful and apparently a few Attorney Generals and competitors want to curtail this success.

The centerpiece of Virginia's economy is the Northern Virginia regions high-tech industry. A sad message is being sent to them that they had better watch out and don't become too successful or their own enterprise is in peril.

One would be naive to think all of the business practices of Microsoft are without blemish. It is just as incomprehensible to think that a foxed attempt to destroy one of the most successful companies on this planet would be anything less than criminal in and of itself.

I believe the settlement is a fair and reasonable compromise. Furthermore, settlement is good for the consumers, for high-tech industry and for our economy overall, If you have any questions, please do not hesitate to contact me.

Sincerely,
Vincent F. Callahan, Jr.
DISTRICT: (703) 356.1925
FAX (703) 356–9614
RICHMOND (804) 698–1034

MTC–00031175

AGAPE
In Home Care, Inc.
Quality Christian Assisted Living
January 14, 2002
Renata Hesse
Trial Attorney, Antitrust Division
Department of Justice
601 D Street, NW,
Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I am writing to urge you to support the proposed settlement of the antitrust lawsuit against Microsoft. While I believe that many of the allegations raised by the lawsuit against Microsoft may have merit, it is time to shift the focus of the Department of Justice and our tax dollars to other priorities.

While the proposed settlement is not a home run for any of the interested parties, it does have a little bit of something in it for everybody while maintaining its overall balance. One way that you can tell that the settlement is balanced is the fact that nobody is very happy with the proposed settlement.

Please contact me if you have any questions, or if you would like more information.

Thank you,
Sandra Oxford
Founder, Agape In Home Care, Inc
4800 District Blvd., Suite A,
Bakersfield, CA 93313
(661) 835–0364
FAX (661) 835–1561

MTC–00031176

Jan 14 02 07:00p
337 234 5535
SENATE
State of Louisiana
P.O. Box 86372
Lafayette, LA 70598–0872
Telephone (337)262–1332
Fax. (337) 233–4610
Vice-Chairman-Commerce
Judiciary A
Natural Resources
Mike Michot
District 23
January 14, 2002
Renata Hesse
Trial Attorney—Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
FAX: 202–616–9937
RE: Settlement of U.S. v. Microsoft

Dear Ms.Hesse:

It's my opinion that the technology of our economy had a greater impact in the past two decades than any other sector. The competition and innovation resulted in great strides in health care, business, government and many other important areas.

After a slight dip, our economy seems to be on the move again. A settlement in this ongoing case would be another step in that important recovery. The settlement is appropriate as it addresses those items upheld by the courts and provides for fair and equitable remedies. We do not need governements lawyers, bureaucrats and judges watching and micro managing the technology industry. We should encourage Microsoft and its competitors to take the fight to the consumers and let them decide.

I appreciate your consideration of my views on this matter.

Sincerely,
Michael J.Michot Louisiana State Senate—District 23

MTC–00031177

JAN–14–2002 16:53 SENATOR FOSTER 573 526 1384 P.01/01
MISSOURI SENATE
JEFFERSON CITY
BILL FOSTER
SENATE POST OFFICE
1328 County RD 442
POPULAR BLUFF, MO 63901
STATE CAPITOL, ROOM 328
JEFFERSON Cl–W. MISSOURI 65101
TELEPHONE (573) 751–3859
FAX (573) 526–1384
TDD (573) 751–3969
TOLL FREE (877) 291–5584
E-MAIL: bill_foster@senat.state.mo.us
January 15, 2002
1328 County Rd 442
POPLAR BLUFF, MO 63901
≤Renata Hesse
Trial Attorney—Anti-Trust Division
Department of Justice
601 D Street Northwest, Suite 1200
Washington DC, 20530

Dear Ms. Hesse:

I am writing in support of the recently reached settlement between Microsoft and the United States Department of Justice, The agreement is pro-consumer helping the technology sector of our economy contribute new and better jobs at this time of economic uncertainty. This settlement brings to an end the most disruptive competitor-driven antitrust campaign in our nation's history. This is something all consumers can celebrate.

Sincerely,
Senator Bill Foster

MTC–00031178

01/14/02 16:45
FAX 8476472225 DDI INC 01
1721 Mission Hills Road
Northbrook, Illinois 60062
January 12, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

As a supporter of Microsoft, I write you concerning the recent developments in the antitrust suit settlement. I am thoroughly aggravated to find that, after three years of negotiations, the agreement is still being delayed. Not only was the negotiation process well thought out, but was extremely well monitored. The results are fair and reasonable and should be used as the guideline for moving our technology industry forward.

Not only has Microsoft agreed to rework licensing and marketing agreements, but also it has agreed to design future versions of Windows that will better accommodate non-Microsoft software. In fact, the terms of this agreement do a great deal to promote non-Microsoft software. This is certainly proof that Microsoft is acting in the interest of the entire technology industry.

Adopting this settlement, in its current form can only be beneficial to the consumer, the IT sector, and the economy as a whole. I urge you to help stop any further litigation against this agreement.

Sincerely,

John M. Mack

MTC–00031179

Jan-14–02 04:59P Rep. Maurice Lawson 573 522 5025 P.01
CAPITOL ADDRESS
State Capitol
201 West Capitol Avenue
Jefferson City. MO 65101–6806
Tele: 573–751–9460
FAX: 573–522–5O75
mlawson@services.state.mo.us
HOME ADDRESS
3109 Christie Lane
St. Joseph, M0 64504
COMMITTEES
Chairman: Environment and Energy
Member: Appropriations-Transportation; Conservation State Parks and Mining; Fiscal Review and Government Reform; Tourism Recreation & Cultural Affairs
MISSOURI HOUSE OF REPRESENTATIVES
MAURICE LAWSON
State Representative
District 29
Disrict Contacts:
Helen Weigman
Adminstrative Assistant
Tele/Fax: 816–640–5337
Craig Carver
Legislative Liaison
816–640–5757
14 January 2002
Ms. Renata Hesse
Trial Attorney, Anti-Trust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Dear Ms. Hesse:

As a member of the Missouri Legislature, I want to express my support for the Microsoft settlement.

I have continued to monitor this case from the beginning and have been fairly critica1 of the case against Microsoft. Based upon my personal opposition, I believe this agreement is a reasonable and fair compromise for both Microsoft and Department of Justice. Microsoft has been extremely innovative and productive in addressing consumer needs, which have spurred billions in economic growth over the last decade. Given the current downturn in the U.S. economy, we should be encouraging companies like Microsoft to set new goals and achievements. For this reason, I hope you will agree to this reasonable settlement.

Sincerely,
Maurice Lawson
State Representative
District 29

MTC–00031180

Jan-14–02 04:58P
Rep. Maurice Lawson 573 522 5025 P.01
CAPITOL ADDRESS
State Capitol
201 West Capitol Avenue
Jefferson City, MO 65101–8806
Tele: 573–751–9460
FAX: 573–527–5025
E-Mail: mlawson@services.state.mo.us
HOME ADDRESS
3709 Christie Lane
St. Joseph. MO 64504
COMMITEES
Chairman: Environment and Energy
Member: Appropriations—Transportation; Conservation, State Parks and Mining; Fiscal Review and Government Reform; Tourism, Recreation & Cultural Affairs.
MISSOURI HOUSE OF REPRESENTATIVES
MAURICE LAWSON
State Representative
District 29
District Contacts:
Helen Weigman
Administrative Assistant
Tele/Fax: 816–640–5337
Craig Carver
Legislative Liaison
816–640–5757
14 January 2002
Ms. Renata Hesse
Trial Attorney, Anti-Trust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Dear Ms. Hesse:

As a member of the Missouri Legislative, I want to express my support for the Microsoft settlement. I have continued to monitor this case from the beginning and have been fairly critical of the case against Microsoft. Based upon my personal opposition, I believe this agreement is a reasonable and fair compromise for both Microsoft and Department of justice. Microsoft has been extremely innovative and productive in addressing consumer needs, which have spurred billions in economic growth over the last decade. Given the current downturn in the US. economy, we should be encouraging companies like Microsoft to set new goals and achievements. For this reason, I hope you will agree to this reasonable settlement.

Sincerely,
Maurice Lawson
State Representative
District 29

MTC–00031181

Kern County Hispanic Chamber of Commerce
Renata Hersse, Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

Microsoft is being amply reprimanded and reigned in with the settlement reached. It is our understanding that under the Tunney Act, the public has sixty days to provide input for consideration by the parties involved regarding this settlement.

While we appreciate the idea of the government looking after the best interests of its citizens, nearly four years, $35 million dollars and the terms of the settlement are enough. It is more than time for this issue to be put to rest.

We strongly urge you to support the settlement. Please take the actions neccessary to keep the process rolling to get the settlement through all the channels and put in place.

Sincerely,
Lou Gomez, Executive Director
Kern County Hispanic Chamber of Commerce
1401 19th St., Suite 110
Bakerfield, CA 93301
661–633–5495

MTC–00031182

CHAMBER
October 25, 2001
The Honorable Barbara Boxer
United States Senate
1700 Montgomery Street Suite 240
San Francisco, CA 94111

Dear Senator Boxer:

The Greater Bakersfield Chamber of Commerce, an organization that represents 1,500 businesses and over 53,000 employees in the Bakersfield area would like to express our concerns with the on-going litigation against Microsoft Corporation. Microsoft has revolutionized the way America, and the world does business.

In particular view of the current downturn in the economy at a national level it seems reasonable to assume that the Federal Government would be supportive of a company that is contributing so significantly in terms of economic stability. Punative measures now being directed towards Microsoft can only deplete their resources and ability to produce and compete in the global market.

The business community has always cooperated with and worked in conjunction with government to serve the best interests of this nation. We ask that you take our concerns into consideration when negotiating terms that ultimately could be detrimental to not only Microsoft, but also the entire business community at large.

Sincerely,
Chris Frank
President/CEO
Greater Bakersfield Chamber of Commerce
We are members of the Chamber, but disagree w/their position.
1725 Eye Street
P.O. Box 1947,
Bakersfield, CA 93303
Tel 661.327.4421

Fax 661.227.8751
http://www.bakersfield.org/chamber – send email

MTC–00031183

I beleive you should keep prosectuing MICROSOFT. Stop Spending Our Tax Dollars! Antitrust law shouldn't be abused! The pursuit of Microsoft through antitrust and class action Iawsuits is no way fragile economy.

The federal government has spent $35 million tax dollars with their lawsuit against Microsoft. During these turbulent times, we should focus our attention on other priorities.

Keep it up.

Join your chamber & others around the state. Copy the attached letter on your letterhead and send your letter to:

Renata Hesse, Trial Attorney
Antitrust Divison, Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Fax: 202–616–9937

Fax my thoughts to her

Please fax a copy to PG Communications/ ATL at (916) 737–1809

Phil Gaskill
GASKILL CUSTOM HOMES

MTC–00031184

FROM: LIBERTY CONSTRUCTION
FAX NO. : 3253135
Jan. 14 2002 03:55PM P1
734400 Mamalahoa Hwy.
Kailua Kona, HI 96740–9191
January 12, 2002
Attorney General John Ashcroft
US Department of Justice
Washington, DC 20530–0001

Dear Mr. Ashcroft:

For three years, I have been absolutely befuddled as to why the federal government is so interested in attacking American free enterprise. Microsoft is a company that makes a product that benefits the lives of practically every person in America, and every person on the Earth. Their great contribution tothe world of computers knows no rival, and they have been duly rewarded for their market and technical genius.

The case against Microsoft never should have come to trial. It has been an embarrassment to both the American judicial system and to American business for three long years. People everywhere are getting wise to the fact that the case against Microsoft was motivated by greed and jealously and envy and sloth more than anything remotely substantial.

Forcing Microsoft to do all the tedious parts of the proposed settlement i.e. making retaliation against competitors impossible will only serve to slow progress in the IT industry. Microsoft and its competitors must all be on a level playing field as a result of this suit. Unfortunately, that won't be the case. The government is stripping Microsoft of rights needed for business survival, including competing.

The Department of Justice must close this case before any further damage can be done to Microsoft, and ultimately, the economy. American business deserves a speedy end to these three years of painful litigation. Thank you.

Sincerely,
Julie Hayward

MTC–00031185

Jan 15 02 10:33a 9416430207 p.1
181 West Street
Naples, FL 34108–2907
January 14, 2002
Attorney General John Ashcroft
US Department of Justice
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

Why should litigation still be pursued against the Microsoft Corporation despite the fact that a settlement has been reached? There is no good reason.

Microsoft has been neither too harshly nor too lightly punished. Tithe complaints of its competitors have been addressed and dealt with. Microsoft, for example, has agreed to reformat future versions of Windows so that its competitors will be able to introduce non-Microsoft software into the Windows operating system. In addition, Microsoft has agreed to make available to its competitors any protocols used in the Windows operating system and its related products to interoperate natively with any Microsoft server. I believe this is a fair settlement. Microsoft does not need to be examined any further in regards to antitrust violations. I believe that the Department of Justice has done its duty in the Microsoft antitrust case and that no additional measures need be taken on the federal level. Nine states are actively seeking to overturn the agreement once the review is over. I do not believe such a course of action is necessary.

Thank you.

Sincerely,
Zorina Wrenn

MTC–00031186

TROUTMAN SANDERS MAYS & VALENTINE LLP—ATTORNEYS AT LAW,
A LIMITED LIABILITY PARTNERSHIP
1111 EAST MAIN STREET
RICHMOND. VIRGINIA 23219
www.troutmansanders.com
TELEPHONE: 804–697–1200
FACSIMILE: 804–697–1339
MAILING ADDRESS
P.O. BOX 1122
RICHMOND. VIRGINIA 23216–1122
Mark L. Earley
mark.earley@troutmansanders.com
Direct Dial: 804–697–1212
January 7,2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D. Street NW—Suite 1200
Washington, DC 20530–0001
Re: Comments on the Microsoft Proposed Settlement Agreement

Dear Ms. Hesse:

Having served as Attorney General of the Commonwealth of Virginia from January of 1997 until June of 2001, I watched the Government's case with Microsoft unfold and progress through the court system. I write to let you know that I believe that the current settlement pending is in the best interest of the nation, the best interest of the industry, and the best interest of consumers. The settlement strikes a balance between placing sanctions on Microsoft while preserving the company and its ability to innovate and market its products. The sanctions chosen will protect consumers and give them greater choice when they purchase and enhance their computers yet at the same time foster greater competition within the software industry. I believe it is a just and fair resolution to all parties concerned.

I write to express my support of the Department of Justice and the Attorneys General for their efforts to finally put an end to this case and agree to a settlement that is in our nation's best interest.

Sincerely yours,
Mark L. Earley
1263/451/1020628

MTC–00031187

LAWRENCE G. TOWNSEND, Attorney at Law
Intellectual Property and Unfair Competition Law
455 MARKET STREET, 19TH FLOOR
SAN FRANCISCO, CALIFORNIA 94105
(415) 882–3288
Fax (415) 882–3299
email lgt@lgt-law.com
December 14, 200l
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Re: Microsoft Settlement: United States v. Microsoft

Dear Ms. Hesse:

Taking up the public's right to comment on the Microsoft Settlement (as required by the Tunney Act), I write in three capacities: (1) an intellectual property attorney, (2) a consumer of software products, and (3) a novelist. As to the latter, I've written a novel entitled Secrets of the Wholly Grill (publication February 2002, Carroll & Graf) [1] on the subject of a software monopolist's behavior and the consequences if that behavior is not adequately checked. Based on my experience, a review of the Proposed Final Judgment and having given considerable thought to the behavior of a software monopolist,[2] I believe that a License Committee, similar in nature to the Technical Committee, should be created and implemented, all as is more fully explained below.

In the novel-which in hindsight can stand in as an amicus brief-a hypothetical company by the name of ThinkSoft monopolizes the market for operating systems and software for artificial intelligence called ''reason ware'' that is used by everyone for all manner of decision-making. It then leverages its market power to expand into a new market-outdoor

[1] Subtitled A Novel About Cravings, Barbecue, and Software; additional information, including excerpts, may be found at www.whollygrill.com (January 2002).

[2] The value of novelists in assisting the legal system in gauging justice, especially where human behavior is at issue, cannot be underestimated. Examples abound. When our nation and lawmakers adopted the Thirteenth Amendment, no amount of data or reports from slave trade analysts came close to the distilled accuracy of Uncle Tom's Cabin.

cooking information systems (whose predecessor market was backyard barbecue grills). In so doing, ThinkSoft engages in a wide range of anti-competitive,high-handed and sharp practices that harm consumers financially, physically and emotionally.

There are many illuminating parallels between Microsoft and ThinkSoft. By way of example, the following events in the story should be self-explanatory. In entering the new market, ThinkSoft bundles its trade secret-protected barbecue sauce with the hardware, and consumers are forbidden under the strict end user license agreement from using any other sauce. Competitors don't stand a chance. When an end user bastes with another sauce or attempts to use the proprietary sauce on a competitive grill, not just a crash occurs; rather, physical violence, among other harms, is visited upon the end user.

In moving aggressively into new and unanticipated markets-the latter being a hallmark of the software industry-ThinkSoft proves to be a mindless market-eating machine. Thus, in expanding into the outdoor cooking market, ThinkSoft metes out punishment to its competitors and abuses ever-hungry consumers, all with the design and effect of capturing, maintaining and exploiting its ill-gotten dominance in that market.

The centerpiece of ThinkSoft's abusive conduct is its licensing practices. The Wholly Grill End User License Agreement is attached to the amicus brief as Exhibit A,pages 335 to 336. Here follows a telling excerpt:

1. The Company grants you a non-exclusive worldwide perpetual license, unless sooner terminated as provided herein, to use and operate the Information System, but only as delimited by this License Agreement.

2. You will only use the Information System when connected by the Information System modem to the proprietary outdoor cooking information and control server hosted by the Company, namely, the Wholly WAN(Wide Area Network) Optimization of Research and Development (''the Wholly WORD''). In no event shall the Company be responsible for your inability to connect with the Wholly WORD or any interruption of service you may experience, including loss or spoliation of meats, fish anther perishables.

3. You agree to use Wholly Grill Outdoor Cooking Information System Barbecue Sauce with Smoke Crystals(''the Information Sauce'') and only the Information Sauce in connection with your operation of the Information System and no other sauce or marinade,whether purchased or homemade. Use of any sauce other than the Information Sauce, or use of the Information Sauce on any system other than the Information System, could result in injury or death for which the Company cannot be held responsible.

ThinkSoft requires its end users to obtain grill control server services from ThinkSoft's proprietary Wholly WORD; the latter (analogous to a Microsoft Middleware Product as defined in the Judgment albeit a service, not a product) switches on and calibrates the cooking process. The end user is not permitted to obtain those services from any other provider. Is the Wholly WORD an integral part of a seamless outdoor cooking information system, or is it part of an illegal tying arrangement? And what about the bundling of the sauce with the system? Such questions require a great deal of factual analysis and are no doubt subject to numerous claims and defenses, especially in a technologically dynamic market (as all agree exists in the Microsoft case). But what, if anything, in the Final Judgment gives plaintiffs the teeth to prevent currently unforeseen but abusive licensing practices of the type intended to be controlled by the Judgment?

The point is that at least one major component of Microsoft's licensing scheme-its end user license agreement-is entirely omitted from regulation by the Final Judgment. The only licenses affected by the proposed settlement are those with OEMs,IAPs, ICPs, ISVs and IHVs as those businesses are defined in the Final Judgment.

The settling parties would claim that unlawful tying has not been determined, and that the issue of whether Microsoft unlawfully tied Internet Explorer with Windows was remanded to the trial court for further trial proceedings. Except for the limited controls placed on Microsoft's dealings with those listed above, Microsoft has virtually unfettered discretion, by and through its end user agreements, to require contractual terms such as those found in the ThinkSoft license-terms that are exclusionary and that may serve to artificially maintain its operating system monopoly while allowing it to unfairly leverage into new markets. Microsoft has been and will continue to be endlessly inventive in the way it advantageously and unfairly licenses its products and services.

Hence, in addition to the Technical Committee described in the Final Judgment, I propose a License Committee to be formed much like the Technical Committee and that would have oversight of any licenses or license terms inconsistent with both the letter and the spirit of the Final Judgment. The License Committee would investigate complaints from competitors, industry and consumers, consider Microsoft's permissible business objectives, and then proceed in a manner analogous to the Technical Committee. It would help prevent Microsoft from accomplishing indirectly through its end user agreements (or any other licenses) that which it is expressly forbidden from doing with the licensees specified in the Judgment. The License Committee could never interfere with any activity Microsoft characterizes as innovation. Creative licensing that effects an end-around the Final Judgment isn't innovation; it's legal weaseling.

Another reason to form a License Committee is to at least have the semblance of punishment for the pernicious conduct found to have occurred. Microsoft is a predator, an impermissible monopolist in the software market, yet the Final Judgment proposes no punishment. If Microsoft perceives this as punishment, then all the better; it is far less and avoids the complexities of a structural remedy. Oversight from a License Committee is not much punishment, but Microsoft has demonstrated that on the unlevel playing field it alone unlawfully created, a ''playground supervisor'' is needed. Otherwise, make-nice behavioral controls, promulgated by well-meaning Microsofties, will once again prove to be bootless. Stated differently, a remedy that includes no punishment is no remedy at all;its remedial effect is a fiction that, if written into a novel, would be dismissed as implausibly lenient.

Respectfully submitted,

Lawrence G. Townsend

cc: Thomas W. Burt; John Warden, Esq.; State Attorneys General of New York, California, Connecticut, DC, Florida, Illinois, Iowa,Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, New Mexico,North Carolina, Ohio, South Carolina, Utah, Virginia and Wisconsin

MTC–00031188

3803 Drexel Court
Louisville, KY 40241
December 9, 2001
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Person:

I oppose the proposed Microsoft antitrust settlement for the following reasons.

(1) Microsoft is guilty of monopolistic practices, yet the settlement encourages the extension of that monopoly into schools-one of the few areas where Microsoft still has non-trivial competition.

(2) The settlement is not punitive. The cost of providing software is negligible to Microsoft and,in the end, they will probably profit by eventually charging the schools upgrade fees for their ''free''software.This is a variation on the scheme they used to corner the spreadsheet, word processing and browser markets.

(3) The settlement does nothing to correct the wrong created by Microsoft's criminal actions, and does little to keep them from doing the same things in the future.

Sincerely,

Lee Larson

MTC–00031189

North Pathology Associates, PLLP
North Mem la, Medical Center
3300 Oakdale Avenue North
Robbinsdale, MN 55422–2900
768–520–5525
Pathologists:
Virginia Dale, M.D.
Peter J. Benson, M.D.
Sue Schlafmann. M.D.
Laura Schmitz M.D.
Brad Brown M.D.
Betty Olivares-Pakzad M.D.
Eric Kehrberg M.D.
November 21, 2001
Re: the proposed Microsoft antitrust settlement

Dear Sirs,

I am taking the time to write to express my deepest concern regarding the proposed settlement between the Justice Department and Microsoft Corporation. To get right to the point, the settlement which has been

proposed is a conduct remedy (and a backward-looking, weak one at that) which is inappropriate and wholly inadequate for a company which has only shown contempt and disregard for similar conduct restrictions in the past.I need not remind you that Microsoft signed a consent decree in 1995 that prohibited them from tying application software to their monopoly operating system software, which they promptly and completely disregarded in their efforts to drive a smaller and genuinely innovative competitor (Netscape)out of business.They did so knowingly and unrepentantly, and despite being found in violation of antitrust law by both the district and appellate courts for this, they now astoundingly face no penalty of any sort for their actions.——

With this history, why on earth would anyone expect Microsoft to abide by the new conduct restrictions in the proposed settlement? What reason has the Department of Justice given Microsoft to fear disregarding these new restrictions in the very same way they ignored the previous ones? Indeed, they have already pressed forward,trying even more of their own proprietary application software into WindowsXP than ever before, while excluding popular formats (such as MP3) and middleware (such as Java).

The argument that this is somehow the best that the Department of Justice can hope for given it's limited resources is either disingenuous or deeply disturbing. The Court of Appeals did not say that the remedy of splitting Microsoft into two companies was inappropriate, only that it needed to be reexamined by the district court in light of apparent prejudice by Judge Jackson. Such a remedy has been amply demonstrated in earlier cases(such as Standard Oil and AT+T) to be remarkably effective in curbing monopolistic practices while allowing competition as well as the divided monopolist to flourish. If the Department of Justice,representing the very people of the United States, truly cannot persevere through one more stage of this case for financial or political or any other reasons, then the rule of law itself is at risk.

Let me make clear that I have no financial interest in the outcome of this case; I am not a disappointed competitor of Microsoft, nor has this letter been drafted by some PR firm for me to sign. I am simply a citizen who knows and enjoys computers and who appreciates true innovation and fair competition, both of which I feel will be greatly imperiled in the future under the conditions of this wholly insufficient proposed settlement.

If you would like to contact me for any reason, please feel free to do so at the telephone number or address above.

Sincerely yours,
Peter Benson MD

MTC–00031190

JAN 15 2002 12:21PM HILTON, INC. 850–230–4092 p.1
Paradise Found
RESORTS HOTELS
11127 Front Beach Road * Panama City Beach, FL 32407
Office (850) 233–4824 * FAX (850) 235–0888
January 14, 2001
Ms. Renata Hesse
Antitrust Division
Department of Justice
Fax: 202–616–9937
Fax: 202–307–1454

Dear Ms. Hesse:

As a business owner, suffering through a serious recession, I am writing to let you know that I support the Microsoft settlement. The business community I operate in has been suffering due to a weak economy. Too many jobs have been lost and scores of business owners have had to close down. A significant reason among others this is taking place is due to the troubled tech sector.

When the technology industry fell on difficult times, it passed on to other sectors and affected many people. Microsoft, a company that was in the forefront during the great economic expansion, also suffered because of this decline, and the lawsuit against them did not help at all. The settlement that has been reported in the news seems to be even and balanced; it builds new relations with software developers and creates a new, uniform price list.

I strongly believe that the troubled tech sector as well as our economy will better rebound because of this agreement.Thank you for taking the time to read my letter.

Sincerely,
Julie K. Hilton

MTC–00031192

JAN-15–2002 12:10 GUILD OF ST. AGNES 508 754 2026 P.01
Administrative Offices
133 Granite Street * Worcester, MA 01604
(508) 755–2238 fax: (508) 754–2026
www.guildofstagnes.org
GUILD OF ST. AGNES
CHILD CARE PROGRAMS
Since 1913
January 15, 2002
Renata Hesse
Trial Attorney
Anti-Trust Division
Department of Justice
601 D. Street NW, Suite 1200
Washington, DC 20530

Dear Attorney Hesse,

I would like to comment on the proposed settlement in the Microsoft caseAs the Executive Director of a non-profit childcare agency, I use Microsoft products daily and they have been of great help to me and my staff. They have allowed my staff to become more self-sufficient.

The fact is that the proposed settlement will benefit groups like mine who would qualify to receive Microsoft products if the settlement survives in its present state.In my opinion I have not been harmed by any actions taken by Microsoft. In fact,Microsoft's innovations have helped many small agencies such as mine.

I hope that we end this lawsuit and approve the settlement.

Sincerely Yours,
Edward P. Madaus
Executive Director

Center Locations: Ayer * Bellingham * Gardner * Granite Street, Worcester * Grove Street,Worcester * Lincoln Street, Worcester

Family Child Care Location: Devens * Spencer * Whitinsville * Worcester

MTC–00031193

1–15–2002 12:12PM FROM 000000000000 P. 1 NO.067 P001/001
POWER GOVERNMENT AFFAIRS —> 000000000000
Christopher B. Rivers
2100 Stuart Avenue
Richmond, VA 23220
Ms. Renata Hesse
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I have read through the list of settlement provisions with regard to the Microsoft case, and find several of them quite compelling. For Example;

—The agreement to license Windows to the 20 largest computer manufacturers at the same terms, conditions and price;
—The agreement that consumers will have the freedom to choose to change their Windows configuration at any time and will be ableto add non-Microsoft software if they wish; and
—The agreement that to monitor compliance, a three-personTechnical Committee will be established.

I find these provisions to be good examples of why this settlement will be one that works.

Sincerely yours
Christopher Rivers

MTC–00031194

JAN-15–2002 10:21 M B I WORCESTER 508 799 4039 P.01/01
MBI (MASSACHUSETTS BIOMEDICAL INITIATIVES)
January 14, 2002
Atty. Reneta Hesse
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Re: Microsoft Case
Via Fax: 202–616–9937

Dear Attorney Hesse:

I am writing to express my support for the goal set forth in the proposed settlement of theMicrosoft antitrust case,

As part of that settlement, Microsoft is proposing the donation of approximately 200,000computers to public school students throughout the country. Recent research suggeststhat the digital divide that exists along economic lines have an adverse impact onstudents, schools and educational opportunity. Currently, 82% of schools in affluentcommunities are connected to the Internet. That number drops to 60% of the classroomsin poorer communities.

The New York Times recently reported that 88% of households whose income is $75,000or higher had a computer. This number drops dramatically for households with incomebelow $25,000. The need is documented and in my opinion can be partially remediedwithin this particular case settlement. Thus, my support of the specific goal of thesettlement which will provide students and teachers within these lower income areasaccess to both technology and computers.

Our Biomedical industry is fueled by brainpower along with the technology ''know

how''to create life science products. This particular settlement agreement I believe goes a longway in helping us continue to accomplish this goal. Thank you for your careful reviewand hopeful consideration.

Sincerely,
Kevin O'Sullivan
Vice President Development
25 Winthrop Street.
Worcester, MA 01604
Tel: 508–797–4200
Fax: 508–799–4039

MTC–00031195

JAN 15'02 10;45AM CATALINA SPA P.l
KEITH D. & SUZANNE S. DODGE
125 RAINBOW DRIVE, #2507
LIVINGSTON, TEXAS 77399–1025
January 8, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20330

Dear Mr. Ashcroft

Like many people in Texas, I am happy that a settlement agreement has beenreached between the Department of Justice and Microsoft. The suit has taken atoll on the IT industry and on consumers of technology products.

The settlement agreement is fair to all the parties in the case and is the result ofyears of expensive litigation. Information sharing and non-retaliation agreementsshould be enough to satisfy even Microsoft's harshest critics. Unfortunately,opponents of Microsoft would like to see the lawsuit continue and even bereopened for further action. Three years of litigation have already disturbed the ITindustry and the economy too much. Reopening the suit and continuing litigationwill only serve to harm the IT industry and the economy.

Now is the time to end the suit and move on. Surely, the Department of Justicehas more important issues to deal with and Microsoft needs to move on as well. Ihope that the settlement is finalized as soon as possible.

Sincerely,
Suzanne Dodge

MTC–00031196

From : FULL CIRCLE BUILDING SERVICES
FAX NO. : 812–945–2637
Jan. 15 2002 02:33PM Pl
Full Circle
Building Services
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing because I would like to see your officesettle its ongoing antitrust case against Microsoft. Thematter has dragged on too long, and the current settlementagreement seems fair to all involved parties.

Rather than bowing down to pressures by competitorswho are acting like crybabies, the Justice Departmentshould recognize that the settlement promotes healthycompetition and will allow Microsoft to focus on itsbusiness again, which is especially important given thecurrently depressed economy. The case continues to costAmerican taxpayers a lot of money with little result, andit is time to move on to more important problems.

The settlement really holds Microsoft's feet to the fire.Microsoft, in a first for any antitrust settlement, willrelease the internal interfaces to its Windows operatingsystem. Microsoft will make available to competitors anyprotocols for native interoperation with any Windows serveroperating systems. These are the keys to the kingdom,Attorney General Ashcroft. In order to get this casebehind it, and get on, Microsoft agreed to these generousterms.

I am in favor of settling your office's suit againstMicrosoft. It will let everyone get back to business assoon as possible.

Sincerely,
Thomas Barbercheck
1687 Terry Lane
New Alabny, Indiana
(812) 945–2637

MTC–00031197

MONTGOMERY COLLEGE
Germantown Campus
Student Development/Counseling Center
20200 Observation Drive
Germantown, MD 20876
30l-353–7734
Phone: 202 307–1454
Fax phone: 301–353–1985
REMARKS: Urgent For your review Reply ASAP Please comment
RICHARD L. BERGLUND
129 Lynnmoor Drive
Silver Spring, MD 2O90l-1516
Telephone 301–681–8153
Rberglund@aol.com
January 15, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

After considerable time and money, the Department of Justice and Microsoft havereached an agreement ending the three-year-long antitrust case against Microsoft. Iwant to give my support to this agreement and ask that you do also.

Personally, I do not think the case against Microsoft was warranted. The suit in myopinion, was the only way left for Microsoft's competitors to ''clip'' Microsoft's wings,having failed to compete successfully with the Microsoft in the open market. I useMicrosoft, but when I walk into a store and make a choice, I do so freely. I can chooseother software packages, but choose Microsoft because it works.

Anyone who is in the computer industry today has to be very quick and very smart.Bill Gates was simply smarter and quicker. Technology today changes so quickly; aprogram is obsolete by the time it gets on the shelf. What will the competitors ofMicrosoft do if some other firm out-performs them. Will every successful company befaced with a lawsuit from their competitors as a way to keep them in line? If this is so,I would image the Department of Justice will be kept pretty busy.

The agreement reached did not let Microsoft off easy. Microsoft has to configure theirWindows'' software programs as to permit the insertion of non-Microsoft programs;Microsoft has also agreed to disclose source codes for their Windows'' operating systemproducts. Microsoft has even agreed to a technical committee to monitor futureactions.

Frankly if I were Bill Gates I would move the entire Microsoft operation to BritishColumbia. Perhaps he would then have a governmental/ legal system that realizes thebenefit to the national economy of Bill Gates and Microsoft.

Do not punish success. Give your support to this agreement. Thank you.

Sincerely,
Richard L. Berglund

MTC–00031198

FROM : KAY LOPATA FAX NO. : Jan. 15 2002 02:22PM P1
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
January 12, 2002

Dear Mr. Ashcroft

As a supporter of Microsoft, I am writing you with concern over therecent settlement between Microsoft and the Department of Justice. I wassurprised to find out that, after three years of negotiations. there may be evenmore delays in the process. After such a well thought out, well monitorednegotiation process, one would think that it is time to move on. Let us getour technology industry back to business and allow the government to focuson more important issues.

As our economy suffers, our technology industry takes a back seat inthis highly competitive global market. Awaiting more scrutiny of thissettlement, only delays our IT sector in getting back to business with theany concessions that Microsoft has made, all parties of the IT sector areready to move forward, but there are those who are still trying to hold upthe process. Let us not step on our own toes. Let us support the settlementthat we have been trying to make happen for so long.

I urge you to not hold up this process any longer. Help us support thisagreement as it is, so we can move on and get back to business.

Sincerely,
Kay Lopata
P.O. Box 233
Wycombe, PA 18980
cc: Senator Rick Santorum

MTC–00031199

12023071454 p.01
RELCOMInc.
2221 Yew Street
Forest Grove, OR
FROM: Mr. Maris Graube
97116 USA
TO: Attorney General John Ashcroft
COMPANY: Department of Justice
Tel: 503–357–5607 x102
Fax: 503–357–0491
maris.graube@relcominc.com
DATE: 15-Jan-02
FAX: 202–307–1454
No. of pages 1

Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am in favor of the Microsoft antitrust case settlement. From my perspective, the sooner thelitigation isconcluded, the better. I work in the technology industry. In my business, we benefit daily fromproductinnovations made by Microsoft and the standards they set in how we communicate via ourcomputer software. Iwould like to see this matter resolved so Microsoft is able to continue developing superiorproducts as they haveconsistently done in the past. It makes little sense to continue to burden the court system andMicrosoft with thislitigation. It appears to me that the parties have participated in extensive negotiations, and havearrived at asettlement agreement that is fair.

The agreement calls for many concessions on Microsoft's part. Microsoft will not retaliate againstthose whopromote or distribute Microsoft's competitors'' software. They have also agreed not to enforcetheir intellectualproperty rights. Additionally, a three person technical committee will monitor Microsoft'scompliance with theterms of the agreement. The agreement goes well beyond what is necessary to address thecomplaints made byMicrosoft's wanna-be competitors. No further delay in the settlement process is warranted orjustified.

I believe Microsoft has been a force for public good. Where else can you buy millions of lines ofcomputer codefor as little as they charge? Who else has the ability to effectively set computer standards?Without Microsoft,we would still be in the dark ages when it was not possible to exchange computer documents orvarious datawithout employing a legion of programmers.

Sincerely,
Maris Graube
President
2221 Yew Street
Forest Grove, OR 97116

MTC–00031200

01/15/02 12:48 FAX 908 771 1985 BOC MURRAY HILL EDI SVCS 001
39 Mayflower Drive
Basking Ridge, New Jersey 07920
January 12, 2002
Attorney General John Ashcroft, US. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

The settlement reached between Microsoft and the DepartmentJustice is welcome, in that it allows Microsoft to return to business theway it should be. After three years of litigation, the technologyindustry and the economy have felt the impact of this litigation. Withthe current recession, it is of apparent and great importance that thisissue be resolved with great haste.

The settlement contains many concessions on behalf ofMicrosoft. Microsoft has agreed to disclose to its competitors theinternal interfaces of its operating system. Further, Microsoft hasagreed to grant computer makers rights to configure Windows as topromote non-Microsoft programs that compete with programsincluded within Windows.

Obviously, Microsoft has gone to great lengths to settle thisissue. It is time that this issue is finally laid to rest.

Sincerely,
Kathleen West

MTC–00031201

Jan 15 02 12:llp LANSOURCE INC 9725781061 P. 1
SOURCE
704 East Central Parkway, Suite 1218
Plano, Texas 75074
Tel (972) 612-l690
Fax: (972) 578-l061
January 15, 2002
Attorney General. John Ashcroft, USDOJ
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

After three years of litigation, The Justice Department has attempted to close thelong, drawn-out saga of the antitrust suit against Microsoft. Microsoft reached asettlement regarding the suit that is more than fair. To carry on any further litigation willonly slow the delivery of advanced technology to the market. The reality of thetechnology sector right now is that it needs to be motivated so we all can get back tobusiness.

It is necessary to settle this suit to gain back consumer confidence. Thesettlement instructs Microsoft to provide some concessions for its competitors. Microsofthas agreed to the establishment of a three-person ''Technical Committee'' that willmonitor its observance of the settlement. Microsoft must also provide information aboutthe development of its products.

It is necessary to realize that this country is based on a free market and capitalism,and by settling this suit we can get back to this. The technology industry has alreadybeen delayed for to long from moving ahead. Stop all action at the federal level and workto finalize this agreement.

Sincerely,
Clifford M. Ward
President

MTC–00031202

DDI INC
DDI, Inc.
6201 W. Howard Street
Niles, Illinois 60714
January 13, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

As a supporter of Microsoft, I write you concerning the recent developments inthe antitrust suit settlement I am thoroughly aggravated to find that, after three years ofnegotiations, the agreement is still being delayed. Not only was the negotiation processwell thought out, but was extremely well monitored. The results are fair and reasonableand should be used as the guideline for moving our technology industry forward.

Not only has Microsoft agreed to rework licensing and marketing agreements, butalso it has agreed to design future versions of Windows that will better accommodatenon-Microsoft software. In fact, the terms of this agreement do a great deal to promotenon-Microsoft software. This is certainly proof that Microsoft is acting in the interest ofthe entire technology industry.

Adopting this settlement, in its current form, can only be beneficial to theconsumer, the IT sector, and the economy as a whole. I urge you to help stop anyfurther litigation against this agreement.

As a software developer, Microsoft products have certainly helped us to expandour own offerings and should not be penalized for being successful for what they do.The computer industry would be lightyears behind without user friendly products such asthe Windows operating system.

Sincerely
Judith A Mack
President

MTC–00031203

Melody Prichard
5806 Stonecrest Midland Texas 79707
January 14, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

I write today to express my opinion regarding the Microsoft antitrust case.As a Microsoft supporter, I support the settlement reached in November. Years of litigation served to cripple the technology industry. I believe that a resolution will be beneficial in rebuilding confidence in the industry.

As a Microsoft supporter, I understand the cost of the terms Microsoft agreed to. Microsoft decided to give up many of its personal information regarding Windows. Microsoft will now disclose the internal interfaces of the system to developers. In addition, Microsoft is creating a new version of Windows that will allow users to delete or add different programs into the Windows system. Microsoft has given up this information in an attempt to resolve the antitrust suit once and for all.

I believe it is time we do just that. Enact the settlement at the end of January.

Sincerely,
Melody Richard

MTC–00031204

12024 211th Place SE
Snohomish, WA 98296–3944
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

January 10, 2002

As a member of the IT industry, I feel that it is extremelyimportant that the current Anti-Trust case against Microsoft be resolved as soon as possible. Though I have not agreed with the suit from the beginning, it is my opinion that now is the best opportunity to reach this goal. The settlement reached in November of last year seems satisfactory for all involved. In today's economy we must allow the tech industry and its leading

innovator to get back to work. Continuing this fiasco with more legal wrangling will only prove counterproductive.

The settlement reached last November should satisfy the government as well as Microsoft's main competitors.Microsoft did not get off easy. In fact, they have agreed to terms that extend well beyond the original scope of the suit, for the sake of wrapping it up as soon as possible.Under these terms, Microsoft must relinquish source codes and interfaces that are internal to Windows'' operating system products. Additionally, Microsoft has agreed to design future versions of Windows to make it easier for consumers, computer makers, and software developers to promote non-Microsoft applications. These and many more restrictions and obligations will be monitored for compliance by a Technical committee. It seems to me that this settlement is more than fair, and thus should be implemented without further delay.

Now is the time for this country to move past this issue and concentrate on more important matters. I ask that you concentrate your efforts towards realizing the current settlement and ignoring any requests for more litigation.

Thanks for your time and consideration.

Sincerely,

Bonnie Carpenter

MTC–00031205

Jan 15 02 11:48a Tk and Judi 316–733–6058 P. 1
January 15, 2002
Subject: Microsoft Settlement

To whom it may concern:

Our government needs to protect our economy, and not to be derailed by attempts to benefit certain companies'' interest. It is unfortunate that the remaining states that rejected the agreement have strong support from Microsoft's competitors, in which they reside. Those state representatives have no choice but to support their prime resident companies, and their counter proposal is only to benefit those resident companies.

The focus of this case should be based on whether Microsoft has indeed hurt the consumers and our economy. If Microsoft has not taken a lead in consolidating computer operating systems, and offer compatible/integrated software, we would have induced significant inefficiencies throughout the country, and the world.

I highly encourage our government to move forward and bring this case to a closure that would benefit our crippled economy. There are other major elements that we all need to focus on, instead of continuing to deplete our valuable resources on this case.

Microsoft is now fully aware of its boundaries, in terms of ''anti-competitive behaviors,'' and shall continue to offer more useful software tools that ultimately benefit us all.

Sincerely yours,

Takaaki Hayashi
839 Bramerton
Andover, KS 67002

MTC–00031206

MITCHELL OIL CO
Bill Mitchell
PO Box 680599
Fort Payne, AL 35968
Jan. 14, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Ave. NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am concerned with the length of time that the Microsoft settlement is taking. This has drug on for too long already, and enough money has been wasted in legal fees to pay the settlement. In the interest not only of Microsoft, but of business and technology both in the U.S. and the global market, it is time to move on or else be left behind.

I would appreciate your working to end any further litigation and end the waste,foot-dragging, and criticism of Microsoft. Thank you for your time.

Sincerely,

Bill Mitchell

MTC–00031207

JAN 15 2002 11:54AM SALEM HEIGHTS CLC 7249351351
Irene M. Wheeler
436 Elizabeth Avenue
MC Kees Rocks, PA 15136–2156
(412) 331–8876
January 8, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing to express my interest and support for the settlement of the Microsoft Antitrust case. First and foremost, I am pleased to hear about the recent proposed settlement that was reached in early November of last year. The terms of the settlement were reached after much discussion and are reasonable to all that are involved. Microsoft has agreed to a number of terms that encompass a wide range of issues addressed in the case as well as those aspects of Microsoft's business that were not found unlawful by the Court. Microsoft has agreed to these terms in attempt to end the case so that the company may move forward with the development of new technologies.

Included in the settlement are a number of requirements that Microsoft has agreed to in order to resolve the infringements on the antitrust laws. Microsoft has agreed to permit computer makers the right to remove consumer access to features of Windows such as Microsoft Internet Explorer web browser, Media Player, and Messenger. These features can be replaced with access to the Microsoft competitive software products. This is demonstrated in the interim release of Windows XP that will make it easy for consumers to change their configuration at any time.

Microsoft has also agreed to terms that ensure Microsoft's adherence to the guidelines in the settlement. A technical committee will be established, and will consist of three experts in software engineering. Any third party who believes Microsoft is not complying with the agreement will be encouraged to file a complaint.

This settlement was reached as a result of much loss to Microsoft as an advancing software company. Without Microsoft, we would be without much of the technologies we have today, and it is important that we finalize this settlement and allow this company to move onto new product development and growth.

Irene M. Wheeler

cc: Senator Rick Santorum

MTC–00031208

FROM: FAX NO.: Feb. 15 2001 07:31AM P1
Lucretia Whitehurst
P.O. Box 308
Bridgeton, NC 28519
January 14, 2002
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

A three-year-old antitrust case against Microsoft by the Justice Department has finally reached a settlement. Sadly, there are those that are still opposed to this settlement and are seeking to revive this case. I write to you to ask that you support the settlement and a quick end to this case.

The Department of Justice has decided to settle, and Microsoft has agreed to the settlement as well. This should be the end of the story but it is not. Unspecified interests are seeking to have the settlement withdrawn and Microsoft forced back into court. This is unfortunate because the settlement would end any anticompetitive behavior. In fact, the settlement has very tough sanctions against Microsoft, such as are worked licensing agreement, and includes full time supervision of Microsoft under the creation of a third-party technical review committee.

Your consideration of my views is appreciated. I would like to repeat my request that you enact this settlement at the end of January.

Sincerely,

Lucretia Whitehurst

MTC–00031209

TOTAL PAGE.01
Gerald Hodgins
133 North Main Street
Boonton, New Jersey 07005
January 15, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I was recently surprised to hear that the settlement between Microsoft and the Department of Justice might be even further delayed. After three years of negotiations, it is hard to believe that there are some groups that still want to delay the execution of this well thought out agreement. The settlement is not only fair and reasonable, but is in the interest of all parties involved.

Let's help to support this settlement by stopping any further actions against the agreement. The terms of the agreement focus on promoting non-Microsoft software and, in fact, take a bold step toward a more unified technology industry.By working as a team, the IT sector can focus on maintaining our place in the global market. By maintaining our place in the global market, and

continuing to focus on innovation, we help to strengthen our economy as a whole.

Let us not be the ones to thwart the exact process that we initiated. Let's stop any further litigation and allow our IT sector to get back to business.

Sincerely,

Gerald Hodgins

Jan 15 02 11:14 FR PAINEWEBBER 1 201 902 6861 TO 912023071454 P.01/01

MTC–00031210

FROM : JOHN CORCORAN FAX: 507–553–5226 Jan. 15 2002 11:01AM P1

56784 108th Street
Wells, Minnesota 56097
January 13, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue. NW
Washington. DC 20530

Dear Mr. Ashcroft:

After three long years of litigation, I am pleased to be notified that a settlement was finally reached in the Microsoft Antitrust case. Microsoft did not go unpunished as many people may think The details of this settlement were finalized after three years of scrutiny and dispute and thus have been considered for an extended amount of time. In the best interest of both the government and Microsoft, this settlement should be the end of the antitrust case, as further litigation won't benefit anyone except for the lawyers.

Microsoft's antitrust settlement requires that computer makers will now be free to remove certain Windows features and replace them with the competitor's software programs. Additionally, Microsoft will provide competitors with necessary interfaces that are internal to Windows'' operating system products. This part of the agreement has already been implemented in the release of Windows XP. Included within the software is a mechanism that enables the consumer the software makers and computer makers to change the configuration at any time they wish to do so. To ensure that Microsoft complies with the terms of this settlement, a thee-person Technical committee will be expected to monitor Microsoft's business practices. In addition to that, Microsoft also had to agree not to retaliate against its competitors.

Clearly this settlement covers many concerns of the government the industry as well as the public. To my best knowledge, I feel that this settlement offers reasonable solutions to all of the parties involved.

Sincerely,

John Corcoran

MTC–00031211

01/15/2002 11:38 19414376299 MACKINAC GROUP PAGE 01

RALPHLOCKE
12765 YACHT CLUB CIRCLE
FORT MYERS, FL 33919
January 14, 2002
Attorney General John Ashcroft
US Department of Justice
Washington, DC 20530

Dear Mr. Ashcroft,

The lawsuits against Microsoft at the state and federal levels have gone on too long and reflect the government's desire to showcase their political agendas against the best interests of the public. Our economy needs help, and for our government to persist with jealousy battles against our industry's leaders shows their ineptitude about what will help our economy.

While I think the settlement is to harsh and violates many of the rules in a free market economy, I want the settlement to come to fruition, because that is better for our country than for litigation to carry on. Under terms of settlement, Microsoft has agreed to many hard concessions, such as disclosure of internal interfaces and protocols, as well as agreeing to not enter into third party distribution agreements that would guarantee that Microsoft products represent a certain cut of the total.

Let's settle this matter as soon as possible and make sure that these types of lawsuits do not occur in the future. Free enterprise can for the most part run effectively without constant intervention from government officials who are not proponents of a capitalist society in the first place.

Sincerely,

Ralph Locke

MTC–00031212

04/06/1997 13:22 8032723634

11 Chapin Circle
Myrtle Beach, SC 29572–4404
January 14, 2002
Attorney General John Ashcroft
US Department of Justice
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I would like to see the Microsoft case finalized as soon as possible. The American public interest will be best served when the judge approves the settlement agreement.

I support the efforts of the Department of Justice, Microsoft, and the nine states that have agreed to settle the case. The terms of the settlement agreement are fair, and even go beyond what should be required of Microsoft. The agreement will result in greater flexibility for computer manufacturers who will be able to add or remove programs from Windows, without fear of retaliation. Microsoft will release its intellectual property on non-discriminatory, reasonable terms. Microsoft will also release the internal interfaces to Windows and server protocols. Which will help safeguard against the violation of any antitrust laws.

Thank you for working toward a resolution of this lawsuit.

Sincerely yours,

Robert. B. Hurley

cc: Senator Strom Thurmond

MTC–00031213

Jan. 15. 2002 11:19AM FOMBORO TREASURY No. 8292 P.1

January 16, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I want to express my fullest support for the settlement reached between Microsoft and the Department of Justice in November. This case has gone on for too long and a settlement is the best option at this point.Although I felt this case was unwarranted from the beginning, I understand Microsoft's desire to wrap this suit up. That explains the company's decision to accept many terms that extend well beyond the products and procedures that were actually at issue in the suit. That includes agreeing to disclose to competitors various interfaces that are internal to Windows''operating system products. Indeed, this is a first for an antitrust settlement.

As someone who has worked in the high tech world for many years, I honestly believe that Microsoft and their products has helped raise the standard of living for people across all socioeconomic levels. So there is no doubt in my mind that the settlement is in the public interest and no further action should be taken on the federal level.

Sincerely,

Mary Kinsella

33 Commercial Street, B52–2J

Foxboro, MA 02035

Invensys Intellectual Property Department

33 Commercial Street B52–1J Foxboro MA 02035 USA

Telephone +l 508 549 6853 Facsimile +l 508 549 6295 www.invensys.com

MTC–00031214

UNITED SOLUTIONS
PHONE: 770/506/1100
FAX: 770/506/1188
DATE: 1/15/02
FROM: KEN WADDELL
E MAIL: KDWADDELL@MSN.COM
FAX: 1–202–307–1454
01/15/2002 10:48 7705061188 UNITED SOLUTIONS GRP PAGE 01
January 14, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I am writing to you today to express my support of the recent settlement reached between the Department of Justice and Microsoft. The settlement comes at a time of decision for our nation. Given the recent recession, the end of this litigation will untie necessary funds to be allocated to more pressing issues. This settlement is in the best interests of our American economy.

The settlement includes many concessions on behalf of Microsoft. Microsoft has agreed to the creation of a third party technical review committee. This committee will review Microsoft's actions to ensure that the terms of the settlement are followed.

Obviously Microsoft is willing to resolve this issue, I hope that the JusticeDepartment is of the same position.

Thank you for your strength and wisdom.

With sincerest regards,

Ken Waddell

200 Andrew Dr.

Stockbridge, GA 30281

01/15/2002 10:48 7705061188 UNITED SOLUTIONS GRP

MTC–00031215

FROM : MULTI COMPUTER PRODUCTS PHONE NO. : 931 526 9097 Jan. 15 2002 09:25AM P1

Multipro Computers
Address: http.//www.multipro.com
January 11, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington. DC 20530

Dear Mr. Ashcroft,

It has been a bit disturbing to me that our government can be so quick to file a lawsuit against one of this country's most innovative and successful companies as it did with this suit against Microsoft. I would agree that there have been certain things that Microsoft may have done to estrange its competitors, but this should never have gone so far as court.

I am pleased that this suit was stopped from going any further because of the recently achieved settlement, but even the settlement reflects some rather unfair terms to Microsoft. I am specifically referring to that portion of the settlement that deals with the release of some of Microsoft's source code. This is something that has resulted from years of development and hundreds of millions of dollars in investment capital. Source code to a software company is as sacred to them as the patented formula for a medication is to a pharmaceutical company.

Nevertheless, as long as both Microsoft and the Department of Justice are in agreement over the terms of this settlement, than this review process should endorse it. I hope that it will be so that this can finally reach its conclusion.

Sincerely,
Marsha Farley
Service Operations Manager
Multipro Computers
127 N. Oak Ave.
Cookeville, TN 38501
931.528–7777
1–800–467–8584
www.multipro.com

MTC–00031216

Jan-14–02 09:33P P.01
3920 Reiniger Road
Hatboro, Pennsylvania 19040
January 13, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

This letter is intended to express my concern over the delay in the settlement of the Microsoft case. This federal antitrust action is nearly four years old and the object of near continuous litigation and negotiation. The present settlement proposal, reached through mediation, has been accepted by the main parties and all but the most virulent of Microsoft's adversaries. I think it's high time to lay this matter to rest.

The present plan calls for Microsoft to open up its Windows systems to more ready use by non-Microsoft software and computer manufacturers. Microsoft will have to license its Windows systems products to the major computer manufacturers at uniform terms. Microsoft has also agreed to share some of its technology with competitors. And Microsoft has agreed to submit its future activities to review by a new government oversight committee. In short. Microsoft is willing to substantially change its operating philosophy. In return, Microsoft will remain one corporate entity.

We need Microsoft in one piece, on its feet and fighting to reinvigorate our economy and lead the crucial IT industry. Please support this agreement.PS: Remember where Microsoft started, in a garage in The United States of America. Does not matter how much Bill gates made; he also made the computer easy to use. Which not only employs a lot of people at Microsoft, but how about every one in the industry that sell computers & work on them? Bill Gates should be given. a medal instead of a slap in the face! This crap about Microsoft is all about jealousy, as an American as a X-Serviceman USN ,and a retired Police Officer I back up Microsoft

Sincerely,
Rudolph Muller

MTC–00031217

Jan-15–2002 08:35AM WASHBURNE 273 0660 P.01
15 January, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing because I fear that further litigious action against Microsoft is a mistake. The technology industry has suffered because the suit has dragged out, and I believe the Justice Department has been tied up unnecessarily for too long. Microsoft and the Department of Justice have reached a satisfactory agreement, and I do not see the need for further litigation.

The settlement satisfies the requirements of antitrust laws without being too harsh on Microsoft or taking the complaints of its competitors too lightly. Microsoft will essentially facilitate the efforts of its technological competitors in gaining a more secure foothold in the market by allowing them access to protocols, interfaces, and line code integral to the Windows operating system, and also by reformatting later versions of Windows to support non-Microsoft software.

I do not believe that further litigation will accomplish anything.In fact, it may be detrimental to the economy, the consumer, and the IT industry. I support the settlement, and urge you and your office not to bring further suit against Microsoft.

Sincerely,
W. K. Washburne
1580 Harbour Club Drive
Ponte Vedra Beach, FL 32082

MTC–00031218

10176 Baltimore National Pike
Suite 207A
Ellicott City, Maryland 21042
Office 410–203–9900 * Fax 410–203–9966
January 13, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am the owner of my own realty and contracting firm. When I was first starting out and needed to set up an accounting system for payroll and accounts payable,I looked into a software system to handle my needs. I was quoted $11,000. I couldn't afford that. With Microsoft, I could get a software package doing the same thing for $1500. Bill Gates, through Microsoft, has revolutionized the computer software industry, making software programs easier to understand and more affordable. No other firms did this. For his reward, Bill Gates was hauled into court. I was, and still am, opposed to the antitrust lawsuit brought against Microsoft. Bill Gates took risks and succeeded. This country is where it is today because there were people who took risks and succeeded. What is different today, is that we punish success. We allow success, but only so much.If it goes beyond what government thinks ''proper'' the company is hauled into court.

Microsoft is very important to this country. It is the engine that drives technological innovation. Microsoft provides thousands of jobs directly, and thousands more with the spin-off of their technological expertise. I support this settlement, and look forward to the end of this persecution of Microsoft.

Sincerely,
Christopher Carlyle

MTC–00031219

01/15/02 TUE 09:43 TEL 6104550871 Holox 001
MHB
305 Addison Place
West Chester, PA 19382–7249
(610) 399–3027
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
January 15, 2002
Via Fax (202–307–1454)

Dear Attorney General Ashcroft:

I would first like to express my opposition to the anti-trust lawsuit filed by the Department of Justice against Microsoft three years ago. There was no justification for this attack. I am a firm believer that government shouldn't involve itself with the private business sector unless public safety or the environment is in jeopardy. In the antitrust case filed against Microsoft, neither of these issues was in question. So why did our government, at both the state and federal levels, find it necessary to sue Microsoft?

Microsoft has agreed to make many changes in the way that it will conduct business. This fact,coupled with constant monitoring of Microsoft by a government created committee, should be enough to ensure that Microsoft will continue to operate in a fair manner. I feel Microsoft has been more than generous in appeasing the demands of the Department of Justice. Microsoft is even still vulnerable to future lawsuits by its competitors if they feel Microsoft isn't fully complying with all the points of the proposed settlement.Our country and our economy need this lawsuit settled. This country has been through some difficult times. The absolutely last action we need is to see our Federal government continue this pursuit of Microsoft: it is an absolute waste of tax dollars. Our nation knows that our economy is ailing.Yet we go

after and persecute the one company that has been a pivotal force in our country's economic growth.

Please let's put an end to this, and allow Microsoft to continue its innovation and help to revitalize our economy.

Sincerely,

Mark H. Bodenstab

cc: Senator Rick Santorum (Fax: 202–224–1229)

MTC–00031220

Deborah J. Swartz.
643 Potts Hill Road
Lewisberry, PA 17339–9594
January 14, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington DC 20530–0001

Dear Mr. Ashcroft:

The Microsoft case has been going on for some time now. I sincerely hope that this settlement will be respected and the case can truly be ended. America is a free country. Successful companies like Microsoft should not be punished for running a profitable business. It seems their competitors have used their status as underdogs to claim that Microsoft has an unfair advantage. But fair or not, Microsoft came up with the technology and changed our lives and the entire computer industry. The public is FREE to choose Microsoft or a competitor for computer technology so I ask, should a company being aggressive in marketing and technology PAY for success?

The proposed settlement adequately addresses the issues that Microsoft was having problems with. They've pledged to change their aggressive marketing strategies and share their technology information and server protocols with their competitors. This settlement is quite reasonable and will restore competition to our American computer industry.Please make sure that the settlement is upheld. Our economy cannot withstand further damage. Thank you.

Sincerely,

Deborah Swartz

djswartz@mindspring.com

cc: Senator Rick Santorum

MTC–00031221
01/15/2002 07:55 FAX 419 423 6583 DOW CHEMICAL ZETABON FND 001
January 14 ,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I want to use this opportunity to convey my support for the settlement reached between Microsoft and the Department of Justice last year. This settlement is definitely in the public's interest and should continued to be backed by the federal government.

The settlement is far-reaching and requires many changes by Microsoft.Microsoft will design future versions of Windows to provide a mechanism to make it easy for computer makers, consumers and software developers to promote non-Microsoft software within Windows. Under this provision,consumers will have the freedom to choose to change their computer's configuration at any time. And to assure compliance, Microsoft will be monitored by a Technical Committee comprised of three experts in software engineering.Moving forward and concluding this case will give both sides the opportunity to shift resources to other needs. Microsoft can focus on new software development while the government can focus on national security and fighting the recession. I commend your office's efforts to this point in settling this case and hope your support of the settlement continues.

Sincerely,

Ramiro Villarreal

1209 Van Buren Street

Fostoria, OH 44830

MTC–00031222

Jan 14 02 10:21p John Berthoud 703–841–9528
National Taxpayers Union & National Taxpayers Union Foundation
John Berthoud, President
108 North Alfred Street
Alexandria, Virginia 22314
Phone: 703–683–5700
Fax: 703–683–5722
Email: jberthoud@aol.com
www.ntu.orgJan 14 02 10:21p John Berthoud 703–841–9528 p.2
NATIONAL TAXPAYERS UNION
www.ntu.org
January 14, 2002
Ms. Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
VIA FAX # 202–307–1454

Dear Ms. Hesse:

On behalf of the 335,000 members of the National Taxpayers Union, I am writing to comment on the Proposed Final Judgment in United States v. Microsoft.

As you may know, it is our position that this case was brought to protect Microsoft's competitors—not competition itself. Furthermore, we remain concerned that many state Attorneys General continue to push the suit forward for ideological and political reasons.

We are, however, pleased to see that after four years the parties are prepared to settle a case that has produced many unfortunate results. Taxpayers have been forced to underwrite the litigation to the tune of at least $35 million. Microsoft was compelled to shift considerable resources into the legal battle that would normally have been spent on product innovation, and also faces a tangle of private antitrust-spawned litigation. And as BTU Foundation research has shown, the government litigation has imposed billions of dollars worth of stock market losses on millions of American investors.

The Proposed Final Judgment contains many references to ''consumers.'' Indeed, theantitrust authorities have insisted from the beginning that this case was about consumer welfare.Yet the original purpose of the suit against Microsoft was to enjoin the company from including Internet Explorer as part of its Windows operating system, which the plaintiffs deemed to be a grievous threat to Netscape (later purchased for $5 billion by Internet giant AOL, a Microsoft competitor). In a suit supposedly brought on behalf of consumers, we remain puzzled as to how it would have helped consumers to make them pay for an Internet browser they could otherwise get for free.

Consumers place a high value on the ability to use a standardized, integrated operating system. In fact, public opinion polls taken throughout the Microsoft antitrust trial showed that sizable majorities of the public viewed Microsoft and its products favorably.

The Proposed Final Judgment's emphasis on ''network effects'' as a ''barrier to entry'' for Microsoft competitors in many senses disregards consumers'' demonstrated preference for standardized software. The government's suit was premised upon a fundamental misunderstanding of the way in which consumer markets operate: Microsoft did not build up its large market share through anti-competitive practices; instead Microsoft became the nation's largest software company by providing consumers with the products they prefer.

Several state Attorneys General are refusing to sign the Proposed Final Judgment on the grounds that it is not strong enough. However, the agreement appears to provide the plaintiffs with exactly the type of relief they were seeking.

The settlement gives each of the settling states and the Department of Justice the power to enforce the decree and to seek a broad range of remedies in the event of a violation. An Independent Technical Committee that reports to the plaintiffs would be afforded full access to Microsoft's facilities, employees, records, and even the Windows source code. And the settlement binds Microsoft to provide information to its competitors so that their programs will be Windows-compatible. Based on the strength of these remedies and the fast pace at which the software industry is evolving, we believe that the five-year duration of the decree—as opposed to the customary ten-year period—is appropriate.

The antitrust laws do not exist to preserve specific products or specific competitors.They exist to preserve competition itself, and we believe that consumers freely chose Microsoft's products—which provided a standardized, integrated operating system that revolutionized personal computer use. The results included a huge jump in desktop computer usage, much-improved efficiency, and robust growth in the software industry throughout the 1990s. Thus, we believe that this case constituted unnecessary, and harmful, government interference with the private sector. Rather than a victory for competition, we believe the Microsoft case represents a defeat for taxpayers, consumers, and investors.

With the economy in recession, Americans simply cannot keep paying the high price of governmental attempts to dictate winners and losers in the marketplace. We welcome settlement of this regrettable case.

Sincerely,

John Berthoud

President

MTC–00031223

FROM: BENNETT APPRAISAL GROUP Jan.

14 2002 10:26PM P1
RANDY BENNETT
5012 Wood Valley Drive
Raleigh
North Carolina 27613
January 14, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

I believe in free enterprise. Economics has taught us that markets work efficiently when they are open. Therefore, I disagree with government involvement in business. The Justice Department's persecution of Microsoft is unmerited.

Nonetheless, I am pleased that the issue is finally resolved.Microsoft has agreed to many terms under the settlement in the interests of getting back to business. Microsoft has agreed to the formation of a technical review board. This board will review Microsoft's actions and determine if there are any violations of the settlement, This board will also ensure that the terms of the settlement are carried out. Microsoft has also agreed to changes in its licensing methods and design of Windows, as well as refraining from what might be characterized as hostile action toward other companies, so the settlement is clearly comprehensive.

This settlement should be enacted at the end of January. lt is in the best interest of our economy.

Sincerely,
Randy Bennett

MTC–00031224

JAN-14–2002 09:27 PM 444466333999 201 8020408 P. 01
Date: January 14,2002
Attention To: Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Fax: l-202–307–1454 / l-202–616–9937
From: Ay-Vin Akiner
140 Rose Ave, Woodcliff Lake, NJ 07677
Fax: 201–802–0408 E-mail: avakiner@cs.com
Re: Microsoft Settlement

Dear Attorney General Ashcroft:

Microsoft and the Department of Justice have reached a settlement, which serves the government interest, the American technology industry, and most importantly, the American public interest. This agreement, reached after negotiations with a court appointed moderator, is fair, reasonable and judicious. I strongly urge you to continue your support for this matter. One of the key provisions of this agreement is the requirement that Microsoft submit its books, and software products to a technical oversight committee. This committee is made up three government appointed officials and will work to ensure compliance with the agreement.

The above-mentioned provisions, and the rest of the settlement, will encourage innovation and foster competition. I hope you continue to support it and take no further federal action.

Let us show the world once again what the American technology industry can do! Thank you.

Sincerely,
Ay-Vin Akiner

MTC–00031225

Jan 14 02 09:39p Randall K. Wright 5703681091 P.1
Randall K. Wright
698 Walnut Street
Montoursville, PA 17754
January l0, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing you today to express my opinion that the settlement reached last November between Microsoft and the Department of Justice be implemented without further delay. Though, I think that the federal government's actions against Microsoft during the last three years were unnecessary. I nevertheless think that the best course of action at this point is simply to impose this settlement. The IT community has been struggling enough and needs no further government medalling.

Microsoft has not gotten off easy in this settlement. The settlement imposes a broad series of restrictions and obligations on Microsoft, which are focused on reducing anti-competitive behaviors. I believe it is adequate to accomplish this task. Furthermore, a Technical Committee is slated to oversee Microsoft's compliance to these measures. Thus, the federal government has accomplished what it intended to do with its case three years ago. There is no need to waste time and money with tedious and wasteful litigation on this matter will prove harmful to everyone, including the consumer.

It is time that the government allow Microsoft, and the rest of industry get back to work, try to make a profit and get the stock market back where it belongs.

If you really want to prosecute someone, go after Enron and their accountants.

cc: Congressman Don Sherwood; Senator Rick Santorum
Phone/Fax: (570) 368–1091
Cell (570) 772–0662
E-Mail rkw@uplink.net

MTC–00031226

JAN 14. 2002 9:40PM NO.1109 P.1
FROM: Frank A. Wright
PHONE NUMBER: 703–641–3323 FAX NUMBER: 703–645–2209
NOTES/COMMENTS: Microsoft Settlement
3170 FAIRVIEW PARK DRIVE
MAIL CODE 345
FALLS CHURCH, VIRGINIA 22042
6526 Hidden Beach Circle
Orlando, Florida 32819
January 7, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft: I am writing you today to express my opinion in regards to the settlement that was reached on November 6, 2001 between Microsoft and the government. I feel that this issue has drawn on long enough, and I was extremely relieved to see this case finally settled. I feel this settlement will serve in the best interest of the public.

Under this agreement, Microsoft must share more information with other companies and make it easier for them to install non- Microsoft software. Microsoft has agreed to share intellectual capital with competing corporation. I can assure you that some of the Corporation backing this litigation against Microsoft would not agree to these terms. Not only will this settlement make it easier to compete with Microsoft, but it also allows Microsoft the ability to once again fully devote its resources and time to designing innovative software, rather than litigation. In addition, a lot of corporations will have access to intellectual capital that Microsoft spent millions of dollars on for free.

I feel this settlement will be beneficial to all. Thank you for your support.

Sincerely,
Frank A. Wright

MTC–00031227

FROM: David/Linda Hoyle
PHONE NO).: 704 922 1561
Jan. 14, 2002 08:57PM P1
Linda Summey Hoyle
604 Queens Dr.
P.O. Box 533
Dallas, North Carolina 28034
January 14, 2002
Attorney General John Ashcroft
U S Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Re: Microsoft Settlement

Dear Attorney General Ashcroft:

The purpose of my letter is to voice my opinion regarding the Microsoft settlement. I believe this settlement is fair and this dispute should be resolved with no further litigation against Microsoft.

As a businessperson and former manager of a small family owned business, I strongly believe in free enterprise. I don't believe in punishing Microsoft for being innovative and successful. I cut my teeth with the user-friendly Apple computers but gave up on them years ago because they were not compatible with the rest of the computer world. They made their choice and in my opinion it worked against them. No one should be penalized if they have played by the rules.

In my opinion Microsoft has been good to all of us. Apparently those pushing for litigation are competing companies that are trying to do the same thing that Microsoft is doing, be successful. They could probably do just that if they would get on with ''their'' business.

I understand that Microsoft has agreed to all terms of the settlement and has pledged to share more information with other companies to create more opportunities for them. It is my understanding that Microsoft has also agreed to not retaliate against software or hardware developers who develop or promote software that competes or runs on software that competes with windows. This settlement will benefit all of us. Lets move forward and help to get our economy on the road to recovery. Thank you for your time and consideration of this settlement.

Sincerely,
Linda Summey Hoyle

MTC–00031228

Jan 14 02 07:2lp Linda Buchanan 3368416822 P.1
665 Merry Hills Drive
High Point, NC 27262–8368
January 14, 2002
Attorney General John Ashcroft
US department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

I am writing to express my support in the recent settlement between the federal government and Microsoft. I strongly urge that no further action be taken on the federal level in pursuance of this case. This settlement is fair and reasonable to all sides involved. Microsoft has made significant concessions in this settlement, including changes in the way they license its software. To assure the settlement's terms are met, Microsoft also agreed to be reviewed by a technical oversight committee. It is time for the federal government to move forward. The American government's resources which I believe, as a matter of personal political philosophy are the American people's resources, can be put to better uses than continuing this litigation. I hope you will agree. Thank you.

Sincerely,
Jerry Buchanan
cc: Representative Howard Coble

Jan 14 02 07:2lp Linda Buchanan 3368416822 P.2
665 Merry Hills Drive
High Point, NC 21262–8368
January 14, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft,

I am writing to express my support in the recent settlement between the federal government and Microsoft. I strongly urge that no further action be taken on the federal level in pursuance of this case.

This setttlement is fair and reasonable to all sides involved. Microsoft has made significant concessions in this settlement, including changes in the way they license its software. To assure the settlement's terms are met, Microsoft also agreed to be reviewed by a technical oversight committee.

It is time for the federal government to move forward. The American government's resources, which I believe, as a matter of personal political philosophy are the American people's resources, can he put to better uses than continuing this litigation. I hope you will agree. Thank you.

Sincerely,
Jerry Buchanan
cc: Representative Howard Coble

MTC–00031229

Jan 14 02 06:llp Patricia Ann Kazmar (610)777–5583 P.1
Patricia Ann Kazmar
3070 Welsh Road
Mohnton, PA 19540–8850
(610)777–5583
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
January 11, 2002
Dear Mr. Ashcroft:

In addressing the U.S. vs. Microsoft case, I am confident that the recent settlement reached in November of last year serves the interests of the state, the IT industry, and the economy. Microsoft has played a large role in the well being of our economy and the resurgence of Microsoft back into the economy can only make things better. The Department of Justice will be free to focus on more pressing matters, Microsoft will concentrate on product development, and the public can be rest assured that their best interest is being taken into consideration.

Included in the agreement are restrictions that extend to several issues addressed in the case as well as those that were not found unlawful in the Court of Appeals, These restrictions were reached after a great deal of effort over the course of three years, and thus each detail of the settlement is fair and reasonable. Microsoft has granted to computer makers the right to replace features of Windows with non- Microsoft software programs. Microsoft has already begun changes in their business practices as demonstrated by the release of Windows XP: a new version of Windows that promotes the competition.

Furthermore, Microsoft will be monitored by a Three-person Technical committee that will ensure that Microsoft follow the restrictions and obligations stated in the settlement.

Clearly, this settlement proves to contain reasonable and fair solutions. I hope that my opinion has helped to finalize the last course of action in this case. Thank you.

Sincerely,
Patricia Ann Kazmar
CC: Senator Rick Santorum

MTC–00031230

JAN-14–2002 06:01 PM GARY DAVIS 215 412 7183 P. 01
Gary Davis
224 Red Haven Drive
North Wales, PA 19454- 1439
January 14, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Attorney General Ashcroft:

The litigation between Microsoft and the Department of Justice has gone on for far too long. Over the last three years, the only positive we have seen from all of this is Microsoft's willingness to cooperate with the demands of the settlement. In my estimation, Microsoft's resilience was tried and proven true during this very taxing time. They are stronger and more determined as a result.

Microsoft has also agreed to take measures that will increase competitors'' access to Windows. Such measures include allowing computer makers to remove the means by which consumers access various features within the Windows environment. These features include Microsoft Internet Explorer web browser, Windows Media Player and Windows Messenger. This is done by allowing computer makers to replace access to those features with access to non-Microsoft software such as programs from AOL or RealNetworks.

Please do your part in putting Microsoft back in high production mode as quickly as possible. Microsoft has done a lot for our economy and for the productivity of people in our workforce. Let us not do anything that will further hinder Microsoft's innovation. Let's get this thing behind us once and for all. Thank you for your time.

Sincerely,
Gary Davis
cc: Senator Rick Santorum

MTC–00031231

FROM: FAX NO: 504 7990619
Jan.14 2002 07:52PM P1
4500 Woodland Avenue
Metairie, Louisiana 70002
January 13, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft

I am writing to you today to express my support of the Settlement reached last November between the Department of Justice and the Microsoft Corporation Although I believe the litigation was unwarranted to begin with, I believe that this settlement is in the best interests of the technological industry and our economy.

Microsoft deserves it place at the forefront of the technology industry. Microsoft has earned this position through its constant production of innovative products. In return, these products have afforded, to economies around the word, increased productivity in the technological realm.

Microsoft will give up much under this settlement. For example, it will use a uniform price list when licensing Windows out to computer makers. Microsoft is willing to accept this and other stipulations, however harsh they may be, in order to end this lawsuit. Thus, I am support the settlement, as it allows Microsoft to concentrate on business.

Sincerely,
Leslie Perschal

MTC–00031233

01/14/2002 17:31 13415940724 PAGE 01
5219 Hawkesbury Way
Naples, Florida 34119
January 12, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I can't understand why the government would want to punish Microsoft in the first place. Microsoft makes not only a huge contribution to our economy, but also to many charities as well. I know that this settlement will mean that no further action will take place at the federal level.

Considering how well the settlement answers many of the problems that its competitors had, I know that many people will accept it and choose to move on. With

elements that increase interoperability between programs and let computers manufacturers choose what they want to put in, many consumers and people who depend on Microsoft products daily will be pleased.

Microsoft's competitors certainly should be; they will now be better able to place their own software on Windows-based operating systems. Microsoft has worked hard to end this case and I hope the Department of Justice works equally hard to keep it that way. I support the settlement, and look forward to seeing this case come to an end.

Sincerely,

Linda Yeagley

MTC–00031234

01/14/2002 15:57 FAX 410 5614905 001/001
CIGNAL CORP
Joseph V. Maranto
8 Graveswood Court
Baltimore, MD 21234–1451
January 14, 2002
BY FAX l-202–307–1454
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft

I am writing to ask that you give your immediate approval to the agreement reached between Microsoft and the Department of Justice. I believe this settlement is fair and equitable for the country and for business alike. Microsoft has done as much for the computer trade and its users as Goodyear has done for auto production. Microsoft is the wheels and fuel that make computers work.

With all due respect, I believe the antitrust suit brought against Microsoft was unnecessary and unfounded. Personally, I use Microsoft Windows out of choice because Microsoft's soft-ware programs are the best on the market. It is my understanding that Microsoft has agreed in tie settlement to assist the computer industry by opening up its intellectual property rights to its Windows internal interfaces, and license its property on a nondiscriminatory basis. This is bound to stimulate the economy and do great things for the entire industry.

In conclusion, I am asking you to allow Microsoft to get back to business without this cloud and legal case as a major distraction to its daily business of developing the best software in the world.

Respectfully yours

Joseph V. Maranto

VP Cignal Mortgage Corp

MTC–00031235

Jan 14 02 03:55p Daniel & Jackie Hsieh
261 8034 p. 1
138—32 68th Drive
Apt.1C
Flushing, NY 11367-
(718)261–8034
January 14, 2002
Attorney General John Ashcroft US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

I am penning this letter to express my support for the settlement that was reached between Microsoft and the Department of Justice. I have followed this story in the New York Times and feel that after three Long years of court battles, it is time to stop legal action against the company. I think that the settlement is fair and should be finalized as soon as possible. I am concerned about the economic recession we are experiencing as a nation.

The IT industry has been one of the sectors of the economy that has been the hardest hit in the past several months. It is important that we allow Microsoft to get back to business and lead the IT industry once again. The terms of the settlement are fair and just and seem to offer competitors the ability to promote their own products and services within Windows operating systems.

I was ecstatic to see that a settlement has been reached; and I hope it is approved as soon as possible because I emphatically believe that it is in the best interest of the American public.

Sincerely,

Ching Hsieh

MTC–00031237

01/15/2002 14:44 FAX 4213984 Daniel R Benolt 01
DANIEL R BENOIT & ASSOCIATES ARCHITECTURE URBAN DESIGN
January 14, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
VIA FAX: 202–616–9937

Dear Attorney Hesse:

It is my understanding that the Justice Department is seeking input, regarding the proposed settlement in the Microsoft lawsuit.

Given the state of our economy right now, we should do everything possible to spur growth, not hinder it.

As a small businessman, I understand competition. Competition is healthy for the American economy. I use Microsoft products in my business and they have been a great help to me. They have allowed me to better serve my clients and to manage my business. As far as I can tell there has been no consumer harm as a result of any actions taken by Microsoft. Microsoft's innovations have, in fact, helped many small businesses, such as mine grow.

An additional benefit in the settlement, is the proposed donation of over 200,000 computers to our nation's public schools. I whole-heartedly endorse this provision, which will help erase the digital divide.

I urge a swift settlement.

Sincerely yours,

PH0NE 5 0 8 4 2 1 3 9 0 0 FAX 5 0 8 4 2 1 3 9 8 4

287 PARK AVENUE WORCESTER MA 01609

MTC–00031238

JAN. 15'02(TUE) 11:06 P. 00l/001
Sacramento Office
STATE CAPITOL ROOM 2187
SACRAMENTO, CA 95814
TEL (916) 445–9781
FAX (916) 447–9008
DISTRICT OFFICE
6800 INDIANA AVENUE
SUITE 130
RIVERSIDE. CA 92506–4280
TEL (909) 782–4lIl
FAX (909) 276–4483
SENATOR HAYNES@SEN.CA.GOV
California State Senate
SENATOR RAYMOND N. HAYNES THIRTY-SIXTH SENATORIAL DISTRICT REPUBLICAN WHIP
CHAIR CONSTITUTIONAL AMENDMENTS
VICE-CHAIR JUDICIARY HEALTH & HUMAN SERVICES
PUBLIC EMPLOYMENT & RETIREMENT COMMITTEES
BUDGET AND FISCAL REVIEW EDUCATION
JOINT LEGISLATIVE AUDIT COMMITTEE
3000 NATIONAL CHAIRMAN AMERICAN LEGISLATIVE EXCHANGE COUNCIL
January 11, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse:

I understand that the pending settlement in the case of US v. Microsoft is currently going through a Tunney Act review and you are collecting public comment. Please accept this letter as an expression of support for the settlement being proposed by the Department of Justice.

As a State Senator from California, I am very concerned about the amount of money Attorney General Bill Lockyer has wasted on this case. Our state has a budget deficit of over $6 billion. To even consider spending millions more on the case against Microsoft is unconscionable. How can we continue using taxpayer dollars on this issue when we are trying to find ways to cut spending everywhere else?

The remedies being proposed in the settlement are more than adequate. The national economy has been damaged enough. It is time that we, as leaders, take the steps necessary to ensure this country is given an opportunity to rebound from recession, Refusing the settle the case against Microsoft and wasting even more money on the issue is irresponsible.

Once again, I hope the settlement in the case against Microsoft is accepted and the case is brought to a close.

Sincerely,

RAYMOND N. HAYNES

California State Senator

MTC–00031239

Jan 15 02 10:08a 425–427–5665 P.1
TOWER EQUlPMENT COMPANY
385 Front St. North,Suite 201
Issaquah, WA. 98027
Fax: : 425–427–5665
Ph: 425–427–1996
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue. NW
Washington. DC 20530–0001
January 11, 2002

Dear Mr. Ashcroft:

I support the Microsoft antitrust settlement agreement. I applaud the efforts made toward settling the lawsuit. I am disappointed,

however, that some of the states have unreasonably decided to continue the litigation.

I am a strong supporter of Microsoft. As a small business owner and a participant in the stock market. I have directly observed the impact Microsoft has had on our economy. Microsoft's innovation resulted in the creation of jobs, a healthy stock market, and the production of superior quality products. The lawsuit has been detrimental to our economy, and should be concluded as soon as possible.

It is in the best interest of our economy, as well as everyone involved, that this case be resolved. The terms of the settlement are fair, and even go beyond what was even at issue in the lawsuit. For example. Microsoft has made such concessions as agreeing to not retaliate against computer manufacturers who produce computers containing software that competes with the Windows operating system. Microsoft has agreed to alter its business practices to better comply with the antitrust laws. Continuing the litigation in light of these changes simply does not make sense.

Thank you for your efforts in ensuring the prompt resolution of this unnecessary litigation.

Sincerely,

Tri-Cities,Wa. (509) 545–9309 . Oregon (503) 241–3765

MTC–00031240

DLL Solutions, Inc. 603 537 2099
DLL
DLL Solutions, Inc.
Custom Applications for Process lndustries
01/15/02 01:54P P.001
Dennis K. Kilgore, President
January 14, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

As you are aware, the lawsuit between Microsoft, the federal government and certain states caused much nervousness throughout the entire technology industry and had the undesired affect of suppressing innovation and investment within the industry.

I am sure this was not the government's intention and am glad to know that many of the parties to the suit agreed to settle the matter out of court. Your leadership on reaching a settlement is to be commended, as I am sure the political aspects of this matter are burdensome.

The settlement is fair and will allow Microsoft and everyone else in the technology field to get back to business—including its opponents—as unhappy as they are about the fact that Microsoft was not broken up by the courts. The settlement requires Microsoft to divulge its internal code for the Windows operating system to its competitors.

While Microsoft has good reason to be unhappy about this, it should make its competitors very happy. And since Microsoft fully accepts this term among many others, everyone else should too.

Sincerely.

DLL Solutions Inc.
Dennis Kilgore
President
Microsoft
CERTIFIED Partner
816 Elm Street, #4l7
Manchester, NH 03101
Phone: (603) 637–2088
FAX (603) 537–2098
Email: dennis@dllsolutlons.com

MTC–00031241

01/15/2002 12:57 FAX 8132533280
610 S. BOULEVARD
001
Robert Watkins Company Certified Public Accountants
January 15, 2002
Ms. Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street, NW, Suite 1200
Washington, DC 20530
Via Fax #202–307–1454

Dear MS Renata:

As a concerned mother and business professional, I would like to lend my support to the Microsoft settlement. We as a country are in an economic downturn. Because of the legal problems and many legal battles fought by Microsoft in the past several years. Microsoft was taken it on the chin as far as its public image is concerned. I am of the opinion that if Microsoft is guilty of anything it has been of helping the citizens of the United States recover from the September 11th attacks.

Microsoft is responsible for The Red Cross Family Registration Web site, which has not only helped locate more than 1,100 people who were lost because of the September 11th attacks but has united hundred of families who would have otherwise not known how to get in touch with their loved ones. This was the first time in history that people were able to register online and let friends and family know they were okay. Microsoft's New York district even set up a command center on the 18th floor of its building to help authorities create a DNA database to identify victims as well as offering various other areas of technical expertise. Microsoft has united with the American people and transformed itself into a disaster relief center where they have worked with several non-profit organizations to offer their services wherever they were needed.

As a practicing CPA whose client base lies in small business, I can attest to the extraordinary impact Microsoft has had on the economic development of our country. I believe there is a direct correlation between the development and promotion of technology based on the innovations of Microsoft and the unprecedented economic boom this country has seen since the founding of this company. Small business is the very foundation of our recent prosperous era and would never have achieved the efficiency it has without Microsoft innovation. Further, only after the ill conceived and baseless attack on Microsoft by our Justice Department has this economy faltered. I believe there is a direct correlation between these two events and hold the Justice Department at least partly accountable for the economic times I, my clients and the entire country find themselves in today.

01/15/2002 12:58 FAX 8132533280
610 S. BOULEVARD, Suite 100—Tampa, Florida 33606—813–254–3369
Ms. Renata B. Hesse
U.S. Justice Department
January 15, 2002
Page 2

As both a professional and a mother, I commend Microsoft for their business expertise and their profound compassion. Thank you for your time and I look forward to helping out in any way that I can to conclude this case.

Sincerely,

Nancy H. Watkins, C.P.A.

MTC–00031242

30 Norway Hill
Hancock, NH 03449
Phone: 603.525.3820
Fax: 603.525.3819
New Hampshire Homeowner/Main Street Alliance
Fax
To: Renata Hesse
From: Laureen Carney
Fax: 202/616–9937 Date: 1/15/01
Phone: Pages:
Re: Microsoft Settlement CC:
Urgent For Review Please Comment Please Reply Please Recycle
*Comments:
Tuesday,January 15, 2002 1:55PM Philip A.Gehman 2156437646 p.01
815 Montgomery Avenue
Fort Washington, Pennsylvania 19034
January 10, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my support for the Department of 'Justice and Microsoft settlement. This agreement, I believe, was reasonable and fair. Microsoft was reprimanded for what was considered unfair trade practices and Bill Gates has opened up his company far more than I, personally, would have done. However, an agreement was reached, ending a three-year litigation case coating both parties time and money.

I believe it is time to move on and ask that you give your support to the decision.

I know there will probably be those who wish to exact more of a punishment, expressing their thought that Microsoft ''got off easy'', but there will always be those who are never satisfied. In truth, the settlement is very hard on Microsoft.

The company will have to share coding with its competitors, allowing them to place their own software packages on Windows. Additionally, Microsoft will agree not to retaliate against companies that use or sell non-Microsoft products. We need to get our economy moving, not look back to something that has already been decided. Microsoft has helped transform our planet into the ''global village''. Support the agreement reached. Thank you.

Sincerely,

Philip Gehman

cc: Senator Rick Santorum

MTC–00031243

JAN-15–02 TUE 01:34 PM DAVID GUIDOS

803 444 4087
P.01
2824 Key Largo Circle South
Myrtle Beach, South Carolina 29577
January 5, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I would like to express my opinion that there should be no further government action against Microsoft. The company has agreed to a fair and reasonable settlement, and it should be finalized.

Given the current state of the economy, it is important that Microsoft is able to use its capital for software innovation instead of legal expenditures. Your decision to stop legal action against the company is best for the consumer, the Information Technology industry and the economy in general.

The agreement grants new rights to computer makers to configure Windows to better promote non-Microsoft software programs within Windows. They will now be free to remove the means by which consumers access various features of Windows. They can replace access to those features with access to non-Microsoft software.

My hope is that the federal government will now let the settlement fall in to place. In my opinion, the government need not taken any more action against Microsoft.

Sincerely,
David Guidos
cc: Senator Strom Thurmond

MTC–00031244

Jan 15 02 01:58p Interactive Payer Network 4407200702 P. 1
Interactive Payer Network
Interactive Payer Network
Landerbrook Corporate Center II
5910 Landerbrook Drive
Suite
110 Cleveland, OH 44124
Phone: 440–720–0700
888–292–1009
Fax: 440–720–0702
January 14, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft,

I decided to take time out of my schedule today to write to you concerning the importance of the recent U.S. vs. Microsoft settlement. The settlement will benefit consumers and the public interest, and therefore no further action should be taken against Microsoft.

Although there are some terms in the settlement which I feel go too far and would not accept, I understand Microsoft's desire to wrap this suit up and move forward. The settlement itself is strong, requiring, for example, Microsoft to possibly disclose intellectual property rights. This could arise if a third party wants to exercise its settlement options. If it is determined that doing so would infringe on a Microsoft intellectual property right, Microsoft will provide the third party with a license to the necessary intellectual property. The settlement actually supercedes Microsoft's property rights. Further, compliance with these terms will enforced in part by a Technical Committee to be created under the settlement. T

his agreement gives Microsoft the freedom to focus exclusively on what they do best, that is, developing new and advanced technology that consumers like myself have come to expect, whether it is at home or work.

Sincerely,
Nicholas Rosenstein, Ph.D.
President

MTC–00031245

01/16/02 04 : 58 : 17 NC GENERAL ASSEMBLY->
202 353 8856 Renata Hesse
Page 001
THE GENERAL ASSEMBLY OF NORTH CAROLINA
FACSIMILE TRANSMITTAL SHEET
DATE: 01/15/02 15:27:33
TO:
Renata Hesse
Department of Justice
FROM: Rep. Russell Tucker
RE:
microsoft settlement
NUMBER OF PAGES SENT: 2
(includes transmittal sheet)
COMMENTS:
FAX: 82023071454
FAX: (919)715–7586
IF THERE HAVE BEEN PROBLEMS WITH THIS TRANSMISSION, PLEASE CALL (919)733–6834.
01/16/02 04:58:30 NC GENERAL ASSEMBLY-> 202 353 8856 Renata Hesse
Page 002
THE GENERAL ASSEMBLY OF NORTH CAROLINA
FACSIMILE TRANSMITTAL SHEET
DATE: 01/15/02 10:54:18
TO:
Renata B. Hesse
US Department of Justice
FROM: Rep. Russell Tucker
RE:
Microsoft settlement support
NUMBER OF PAGES SENT: 2
(includes transmittal sheet)
COMMENTS:
FAX: 82023071454
FAX: (919)715–7586
IF THERE HAVE BEEN PROBLEMS WITH THIS TRANSMISSION, PLEASE CALL (919)733–6834
01/16/82 04:58:44 NC GENERAL ASSEMBLY-> 202 353 8856 Renata Hesse
Page 003
North Carolina General Assembly
House of Representatives
State Legislative Building
Raleigh 27601–1096
January 15, 2002
REPRESENTATIVE RUSSELL E TUCKER
10th DISTRICT—Duplin. Jones and Onslow Counties
OFFICE ADDRESS 417–C Legislative Office Building
RALEIGH. NC 27601–1096
TELEPHONE (919)715–3015
FAX (919)754–3225
EMAIL: Russell@ncleg.net
HOME ADDRESS 464 N. NC HWY 11
Pink Hill, NC 28572
EMAIL Russellt@duplinnet.com
Ms. Renata B Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
COMMITTEES
Chair—Appropriations Subcommittee on Information Technology
Vice-Chair—Education Subcommittee on Pre-School. Elementary & Sccondary Education
Agriculture
Appropriations
Education
Environment & Natural Resources
Science & Technology
Via facsimile, (202)307–1454
Re:
Support for Microsoft Settlement
Dear MS. Hesse

I am writing to express my support for the settlement that the Department of Justice and several states, including North Carolina, have reached with Microsoft The settlement represents a reasonable compromise that has obtained bipartisan support I understand that Microsoft is committed to becoming a more responsible industry leader and has agreed to make many significant changes in its business practices.

As co-chairman of the House Appropriations Subcommittee on Information Technology, I will be pleased to see this matter resolved because it will be a boost for the technology sector, a large force in the North Carolina economy. I also believe that the settlement will be positive for consumers by enhancing competition in all aspects of the technology industry

I urge the Department of Justice and the court to approve this settlement.

Sincerely,
Russell Tucker

MTC–00031246

SID RICHARDSON CARBON CO.
Corporate Office:
201 Main Street, Suite 3000, Fort Worth, Texas 76102
Telephone: 817/390–8638, Fax: 817/339–7394
FAX
To: ATTORNEY GENERAL JOHN ASHCROFT Company: US DEPT.of JUSTICE
From: CHUCK O'FARRELL
Date: JANUARY 15, 2002
Fax Number: 202–307–1454
No.of Pages in Transmission Pages 2
MESSAGE:
Jan. 15, 2002 2:30PM ADMIN/R&D
NO. 205 P. 2/2
SID RICHARDSON
CARBON CO.
Charles P. O'Farrell, PHD.
Vice President
Research & Development
201 MAIN STREET. SUITE 1000
FORT WORTH, TEXAS 76102–3131
January 14,2002

CPO-03–02
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:
Today our nation faces many tough issues. We are plagued with terrorist scares. Our economy is in recession. And many Americans are facing layoffs in their workplace. I fail to see how Microsoft's supposed anti-competitive behavior qualifies as a tough issue that should be addressed.
Finally after three years of litigation, the issue has been resolved. Resolution in this issue is fair to all involved. Microsoft has agreed not to retaliate against computer manufacturers that market competing software. This frees up relationships between manufacturers and developers.Further, licensing rights will be equal for the twenty largest producers of PCs. This further eases relationships among manufacturers.
While, I do not believe there was any justification for the anti-trust suit, the terms of the agreement are fair. It should be enacted with haste.
Sincerely,
Charles P.O'Farrell

MTC–00031247

JAN–15–02 03:41 PM CC/MHLU
9374292929
P. 01
2935 Stone Mill Court
Dayton, Ohio 45434
January 14, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft.
The recent settlement between the U.S. Department of Justice and Microsoft is fair and should be finalized. Litigation has gone on now for over three years, which is much too long, and will start to be detrimental to our economy if it continues.
The terms of the settlement are fair, as Microsoft has agreed to disclose internal interfaces and protocols as well as not retaliate against computer makers who ship software that competes with anything in its Windows operating system. The terms should appease all opposition as they force Microsoft to give away much of their technological secrets.
I ask your office to tell the nine states that want to continue litigation that it is neither in the public's best interest nor good for our economy. I support the settlement, and anticipate the end of this case. Thank you for your time.
I think that Microsoft has developed significant contributions to high technologies during the last twenty years for this country. The economical prosperity this country enjoyed for the last decade resulted largely from the Microsoft contributions.
The settlement between DOJ and Microsoft should be finalized as soon as possible. The other nine states should also accept the terms of the settlement.
Sincerely,
Chaw Lu

MTC–00031248

01/15/02 TUE 16:21 FAX 803 734 2925
LEGISFAX 001
Teddy Norman Trotter
First Vice-Chairman
Jimmy Charles Bales
Listen D. Barfield
J. Gresham Barrett
James A. Battle, Jr.
Grady A. Brown
Converse A. Chellis III
Tracy R. Edge
Helen Ann S. Thrower
Staff Counsel
Harry E. Cato
Chairman
Labor, Commerce and Industry Committee
House of Representatives
P.0. BOX 11867 TELEPHONE: 734–3015
407 Blatt Building
Columbia, SC 29211
Thomas M. Danizler
Second Vice-Chairman
Shirley R. Hinson
James N. Law
Robert W. Leach, Sr.
Brenda Lee
Olin R. Phillips
William E. Sandifer III
Daniel L. Tripp
Danny Wilder
Dottie N. Nidiffer
Administrative Assistant
January 15, 2002
Ms. Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW—Suite 1200
Washington, DC 20530–0001
Via Facsimile -to 1–202–307–1454
Dear Ms. Hesse:
I believe the Attorney General of the United States and, under his direction, the United States Department of Justice, acted correctly in negotiating a tough settlement with Microsoft.
I am informed that the settlement will impose new requirements on Microsoft, and that violations of the settlement would subject the company to punishment as contempt of court. Settlement pursuant to the agreed terms will be good for the economy, good for consumers and will encourage market competition in the software and related industries. I hope the settlement will be approved and implemented as soon as possible.
With kind regards, I am
Sincerely,
HARRY F. CATO
Chairman
HFC:dnn
Post-it Fax Note 7671 Date 1/15/02 # of Pages
To Renata Hesse From Rep Harry Cato
Cc/Dept. Suite 1200/Antitrust Div Co SC House of Rep
Phone# Phone# 803 734–3015
Fax# 202–307–1454 Fax# 803 734–2925

MTC–00031249

JAN-15–02 TUE 15:19
3015304220
P-01
4720 Edgefield Road
Bethesda, MD 20814–4016
January 15, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Attorney General Ashcroft:
I work for a software development company and use Microsoft products in the office and at home. As I have seen, it is no mystery that Microsoft has employed some overly aggressive marketing techniques. However, as part of the settlement, Microsoft has pledged to tone things down and restore fair competition to the computer industry.Microsoft will be sharing more of their interface design and systems protocol with their competitors. Microsoft has also made it easier to run non-Microsoft programs within windows, allowing computer makers to pre-install non-Microsoft software. A technical committee will monitor Microsoft and field complaints. To the software industry, these settlement terms have gone a long way to address concerns about Microsoft.
Personally, I think the settlement is fair. Our country is a free enterprise system and Microsoft has been punished for creating innovative products that have changed our American computer industry forever. Please do not allow this to continue. Microsoft has helped our economy innumerous ways. Please uphold this settlement and help maintain our American edge in the international marketplace. Thank you.
Sincerely,
Eugene Wathen

MTC–00031250

01/15/2002 16:19
COVER PAGE
TO:
FAX: 12023071454
FROM: MAHDAVIN
FAX: 2125460990
TEL: 2125469058
COMMENT: URGENT
01/15/2002 16:19 2125460990 MAHDAVI N PAGE 01
430 E 56th Street # 5C
New York, NY 10022
January 11, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Attorney General Ashcroft:
Thank you for settling the Microsoft case. I greatly appreciate your willingness to get our economy back on the right track. The settlement is adequate, and no more action should be taken in this case.
Under the settlement agreement. Microsoft has made numerous concessions and compromises in its efforts to bring this matter to a close. The highlight of this agreement is Microsoft's submission to a government appointed, three person technical oversight committee which will have oversight over the company's engineering and business practices. Furthermore, Microsoft, as a result of this settlement, has given up its right to intellectual property protection by agreeing to license any technology, which may be called into question by a competitor.Another major concession by Microsoft is its

willingness to adopt a uniform pricing and licensing agreement with its partner computer manufactures and software competitors. This concession will force Microsoft to end its favored agreements with companies and disallow it from engaging in retaliatory pricing with companies that do not carry its software.

This is a settlement agreement that was completed after three years of litigation,and several months of intense negotiations with a court appointed moderator.

This should be the final federal action on this matter. I look forward to a swift end of this case.

Sincerely,
Nahid Mahdavi

MTC–00031251

JAN-15–2002 02 : 16 PM MOTOR HOME SPECIALIST 817 783 6395
P. 01
Sharon O'Banion
5611 South I-35W
Alvarado, TX 76009–5941
January 11, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

I am often amazed at how people want to punish a creative and innovative company such as Microsoft. Microsoft has just endured three long years of litigation and public battle over the antitrust lawsuit. Last November the lawsuit was finally settled and a resolution was reached that all parties could agree on.

The settlement agreed upon included many good provisions that will help to stimulate growth and competition while still offering protections for the smaller and newer companies in the market. Unified pricing lists are now required for Microsoft to provide the same terms, conditions, and prices to all companies that enter into licensing contracts with Microsoft. Microsoft has also been restricted from entering into any kind of contractual agreement with a computer manufacturer that would impede competition from other software companies. As I said, there are protections for the smaller companies, and protections for the competition in the market.

This is a good settlement. and there is no need to drag this litigation on further.

The time has come to stop the public beating of a good company. Microsoft has done nothing but provide exceptional products and services. They have paid enough with this settlement. The next step could only be the breakup of the company. Do not let that happen. Leave the settlement in its current form. Thank you.

Sincerely,
Sharon O'Banion

MTC–00031252

Jan 15 2002 11:14 FR MICROSOFT RECEP #3 425 936 7329 TO 912023071454
P. 01/01
Date: 01.15.02
Subject: Microsoft Settlement

Come on, guys. It is time America gets back to work and the continued legal machinations against Microsoft are not helping.

Let's settle this caseso we can all get on with our lives.

Stephen Quinn
chaos effect@hotmail.com

MTC–00031253

JAN 15, 2002 01:50 PM JACK SCHOFIELD 717 757 9140 P.01
3710 Starview Drive
York, PA 17402
January 15, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Ave, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I, like many, were very sorry to see a case brought against Microsoft. I felt the company was being punished for being successful. That sure is not an incentive for being a entrepreneur in a capitalistic society.

Having said that, I feel the settlement is fair and covers many of the complaints brought against Microsoft in the first place.Microsoft has to disclose a lot of information about the inner workings of their software and make a lot of deals that benefit their competitors.

Many people depend on Microsoft products and services in their day to day lives. I believe most people will be happy with the settlement and hope that things will move along quickly.

Sincerely,
Jack H. Schofield, PE
Former Member of The
New Hampshire House
cc: Senator Rick Santorum

MTC–00031254

FROM : FAX NO. :
Jan. 15 2002 04:43PM P1
Emily M. Ballance, M.Ed.
Counselor and Consultant
1100 Navaho Drive, Suite 103, Raleigh, NC 27609 (919) 878–1685
January 11, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse

I don't often write letters to government officials. As a small business owner, I have become concerned about the impact the litigation against Microsoft might have on my access to integrated software products. It appears that the proposed settlement to the lawsuit will allow me continued access to these products while at the same time satisfying the concerns of computer manufacturers, software designers and other consumers.

Under the agreement, Microsoft will allow computer manufacturers to configure the Windows system so that other software programs that compete with Microsoft can be used. New versions of Windows will make it easier to add or remove access features built into Windows. The provisions relating to contractual restrictions and intellectual property rights provide additional assurances to Microsoft competitors.

The settlement seems to be a fair compromise for all concerned. It promotes competitive technology environment and ends the three-year lawsuit, allowing computer and software companies to get back to building a stronger economy for our nation.

Sincerely,
Emily Ballance

MTC–00031255

JAN.15.2002 4:29PM CLARK UNIVERSITY NO. 039 P. 1/3
Clark University
Trustee's Office
950 Main Street
Worcester, MA 01610–1477
Fax: (508) 793–8831
Phone: (508) 793–7614
To: Attorney Renata Hesse
Fax: (202)616–9937
From: Jack Foley
Date: 1/15/02
Re:
Pages: 3
cc:
O Urgent
O For Review
O Comment
O Reply
O Please
Recycle
JAN.15.2002 4:29PM CLARK UNIVERSITY NO. 039 P.2/3
CLARK UNIVERSITY
1887
John L. Foley
Executive Assistant to
the President
950 Meln Street
Warcostor, MA Ol6lO-1477
(508)793–7441 Phone
506)793–8831 Fax
foley@clarku.edu
www.clarku.edu
January 16, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
VIA FACSIMILE: 202–616–9937

Dear Attorney Hesse:

I would like to comment with regard to the impending settlement in the Microsoft lawsuit.

As a School Committee member from an older industrial city, I see the problems of the''digital divide'' in our school system. Scores of children attend schools with scant resources, which undermines the educational process.

I fully support the Agreement's approach of directing part of the settlement towards public schools, We have all heard about the digital divide that exists along socio-economic lines. This divide has an adverse effect on public education. Research states that 82% of classrooms in higher income communities have Internet access while only60% of classrooms in poorer communities are connected. In my work with the families of low to moderate income in schools in the Clark University neighborhood, I can attest to the tremendous need for the opportunities that access to technology will provide.

The New York Times recently reported on the differences in computer ownership along economic lines. In households whose income was $75,000 or more, 88% had computers.That number dropped dramatically for households whose family income was below$25,000. If this problem is not remedied then students from lower income families will continue to suffer, They will have distinct disadvantages in the pursuit of higher education and future employment opportunities.

CHALLENGING CONVENTION, CHANGING OUR WORLD
JAN.15.2002 4: 29PM CLARK UNIVERSITY NO. 039 P.3/3
Page 2
January 16, 2002

For this reason, I support the aims of the Settlement Agreement that has been proposed.This agreement will provide students with access to technology. The agreement calls for Microsoft to provide 200,000 computers to eligible schools at almost no cost.

I urge the Court to approve the proposed Agreement.

Sincerely yours,
John L. Foley
Member, Worcester School Committee

MTC–00031256

JAN–15–2002 TUE 02:37 PM DATAHOUSE, INC.
FAX NO. 2059729290 P.01
Datahouse
January 15, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530 0001

Dear Mr. Ashcroft,

This is to inform you that I support the settlement between Microsoft and the Department of Justice and believe that it will be advantageous to all concerned. To continue litigation would not be in the best interest of our country and our economy. This suit may have already contributed to the slowing of the economy, and to continue litigation could cause further harm.

As I understand the terms of the agreement, the settlement seems to be good for the parties involved and good for the country. This suit has been a nuisance to the technology sector from its conception. We cannot allow continuing, litigation because it has consistently drained millions of dollars of government money, This suit has gone on for long enough,and it must be put to rest. I urge you confirm this settlement and let all of us get back to work.

Sincerely,
Rod Yates
V.P. of Operations
Cc: Representative Spencer Bachus

One (illegible) Park South, Suite 100 South—Birmingham, Alabama 33243 2342 T 205 972 9292

F 205 972 9290 BIRMINGHAM
www.datahouse.com

1965 Lake Park Drive, Suite 210—Atlanta, Georgia 30280 8845 T 773 436 5757 F 770 436 5882

ATLANTA

301 (illegible) Park Drive, Suite 100—Nashville, Tennessee 37213–3128 T 615 315 5200 F 615

781 4243 NASHVILLE

MTC–00031257

JAN–15–2002 14:57
BRALEY & WELLINGTON INS.
508 755 4178 P.01
INSURANCE AGENCY
January 11, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
VIA FAX: 202–616–9937

Dear Attorney Hesse

It is my understanding that the Justice Department is seeking input, regarding the proposed settlement in the Microsoft lawsuit.

As a small businessman, I understand competition. Competition is healthy for the American economy. I use Microsoft products in my business and they have been a great help to me. They have allowed me to better serve my clients and to manage my business.As far as I can tell, there has been no consumer harm as a result of any actions taken by Microsoft. Microsoft's innovations have, in fact, helped many small businesses, such as mine grow.

Given the state of our economy right now, we should do everything possible to spur growth, not hinder it.

An additional benefit in the settlement, is the proposed donation of over 200,000computers to our nation's public schools. I whole-heartedly endorse this provision, which will help erase the digital divide in our public schools.

I hope that the government will reach a settlement in this case.

Sincerely yours,
John P. Brissette

MTC–00031258

1–15–2002 2:51PM FROM 000000000000 P.1
Esther Vassar 001
Esther H. Vassar
Esther H. Vassar Enterprise
1548 Winthrope Drive
Newport News, Virginia 23602
January 15, 2002
Ms. Renata Hesse
Antitrust Division
Department of Justice
601 D Street NW. Suite 1200
Washington, DC 20530

Dear Ms. Hesse

I am pleased to have the opportunity to comment on the Microsoft case proposed settlement.

I understand that Microsoft has agreed, as part of the settlement, to document and disclose various interfaces that are internal to Windows operating system products. They will disclose this information to their competitors. If that is what it takes to settle this lawsuit, then I am in favor of such disclosure and sharing of information.

I use Microsoft software in my business. Small businesses like mine are able to start up quickly with software like Windows. My computer system came with the software already downloaded and ready to go. I believe that products like Windows allow more individuals like me to start their own businesses, often working from their homes. In places like Richmond and Tidewater telecommuting will help ease horrendous traffic conditions.

The events of September 11 and after have depressed the US economy, particularly the technology sector. We need actions by our government that stimulates new business, not the opposite. I am hopeful that the provisions like the one cited above can bring an end to this costly and time-consuming case.

Sincerely yours,
Esther H. Vassar

MTC–00031259

1–15–2002 2:37PM FROM 000000000000 CORP COMMUNICATIONS 93644236 P. 1 No.646 002
Irene Thomaidis Cimino
3125 Park Avenue
Richmond, VA, 23221
January 8, 2001
Ms. Reneta Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC. 20530

Dear Ms. Hesse:

I'm a Microsoft shareholder and, quite frankly, I want nothing more than for Bill Gates to be able to make as much money as possible for his shareholders. That is his job. In addition, I don't believe the judicial system or the federal government should be penalizing him or his company for being smarter than anyone else.

Needless to say, I am more than pleased that a settlement is in the works. From what I have been able to glean from news reports, all parties have worked very hard to come up with this agreement. I know, for example, that other software companies will be able to access various Windows features. I hope that part of the agreement, as well as others wilt end this litigation. Let's get out of the courtroom and back to our desks! Sincerely, Irene Thomaidis Cimino

MTC–00031260

JAN–15–2002 14:45
THE MCCAULEY GROUP
508 831 7558 P. 01/01
THE MCCAULEY GROUP
444 Cambridge Street
Worcester, MA 01610
508–798–7000
January 11, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
VIA FAX: 202–616–9937

Dear Attorney Hesse:

It is my understanding that the Justice Department is seeking input regarding the proposed settlement in the Microsoft lawsuit.

Given the state of our economy right now, we should do everything possible to spur growth, not hinder it.

As a small businessman, I understand competition. Competition is healthy for the American economy. I use Microsoft products in my business and they have been a great help to me. They have allowed my to better serve our clients and to manage our business.

There has been no consumer harm as a result of any actions taken by Microsoft. Microsoft's innovations have, in fact, helped many small businesses such as mine grow.

An additional benefit is the proposed donation of over 200,000 computers to our nation's public schools. I whole-heartedly endorse this provision.

I urge a swift settlement.

Sincerely,

Robert F. McCauley

TOTAL P. 01

MTC–00031261

JAN–15–2002 12:11 PM Joe Presley
520 393 1348 P. 01
Clyde J. Presley
4723 South Prairie Hills Drive
Green Valley, Arizona 85614
January 14, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my full support of the recent antitrust case settlement between Microsoft and the US Department of Justice. This case has dragged on long enough and will serve no good purpose if the current settlement is not finalized.

Under the terms of the settlement Microsoft did not get off easy. Microsoft is being forced to disclose internal interfaces and protocols as well as not retaliate against computer makers who promote other products within Windows. These are not the only concessions, but most of these constitute a breach of free market principles. Even though I do not agree with government's interference with free enterprise, I must agree with ending this settlement. Our IT sector and our economy will greatly benefit from Microsoft being allowed to return to business and innovate the way they always have in the past. Please help to suppress the opposition and quell the state's personal vendettas against Microsoft.

Microsoft's competitors, through their respective Attorneys General, are pushing continued litigation for their own self interest. They are not concerned about the public getting improved technology at reasonable prices. They would prefer the consumer to buy separate applications rather than the intergrated software that Microsoft sells.

Sincerely,

MTC–00031262

JAN–15–02 06:40 PM.J>C BUCZEWSKI I
610 767 5520 P. 01
Joseph Buczewski
P.0. Box 269
Neffs, Pennsylvania 18065–0269
January 14, 2002
Attorney General John Ashcroft
US Department of Justice
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I have been following the Microsoft antitrust dispute on and off for some time now. I understand that there is now a period of time allotted to examine the fairness of the settlement reached between Microsoft and the Justice Department. As one of your constituents, I urge you to please accept the proposed settlement. This settlement will restore fair competition, as Microsoft has agreed to tone down their marketing practices. They have agreed to share technology information with their competitors. Also, computer distributors will now be able to install non-Microsoft products on Windows. All of this is more than reasonable. There is no question that the settlement is pursuant to the public interest.

Unfortunately, there are many companies and people out there who are trying to take advantage of Microsoft's success. If those companies put as much effort into innovating products as they do into pursuing Microsoft, all of this mess would be a dead issue. Microsoft has helped our American economy to get where it is today and has charged the technology industry forever.

America's economy cannot withstand any more problems. This settlement will allow Microsoft to get back in the market and help out our economy. Please respect this settlement and let Microsoft to continue their business. It means a lot to me, Pennsylvania, and America. Thank you for your time.

Sincerely,

Joseph Buczewski

cc: Senatoe Rick Santorum

MTC–00031263

BELZON, INCORPORATED
190 LIME QUARRY ROAD,
SUITE 211,
MADISON, AL 35758
WWW.BELZON.COM
January 15, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing this letter to inform you that I believe that the settlement reached between Microsoft and the Department of Justice regarding the antitrust suit will have positive impact on the economy. The suit has been detrimental to the economy, driving costs of software up and driving the stock market down. To top it all off, taxpayers are footing the bill for all this. If this suit is to continue, it will continue to have an unfavorable effect on the economy.

The proposed settlement will be beneficial to both the IT industry and the consumers alike. Microsoft has agreed to the establishment of a three-person ''Technical Committee'' that will monitor its compliance to the settlement, and assist in dispute resolution. Microsoft has also agreed not to retaliate against any computer makers that may ship non-Microsoft software.

The settlement is fair and reasonable, and was arrived at after extensive negotiations with a court-appointed mediator present. It would be a shame to continue litigation and waste all the time and money spent on drawing up the settlement. I urge you to confirm the settlement and help the nation get on the road to recovery.

Sincerely,

Rich McAdams

MTC–00031264

JAN. 15.2002 4:35PM NO.6427 P. 1/2
FOLEY:LARDNER
ATTORNEYS AT LAW
VEREX PLAZA
150 EAST GILMAN STREET
MADISON, WISCONSIN 53703–1491
POST OFFICE BOX 1497
MADISON, WISCONSIN 53701 1497
TELEFHONE: 608.257.5035
FACSIMILE: 414.319.7002
www.FOLEYLARDNER.COM
FACSIMILE TRANSMISSION
Total # of Pages 2 (including this page)
TO: Renata Hesse PHONE#: FAX#: 202–307–1454
From: Scott Klug
Date: 1–15–02
Client/Matter No:
User ID No:
MESSAGE:
If there are any problems with this transmission or if you have not received all of the pages, please call 608.258.4252.
Operator:
Time Sent:
Return Original
To:

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Cover Page 1 of 1
FOLEY & LARDNER
JAN.15.2002 4:35PM NO.6427 P.2/2
Scott Klug
5694 Kilkenny Place
Fitchburg, WI 53711
Reneta Hesse
Trial Attorney
Department of Justice-Antitrust Division
601 D. Street, NW, #1200
Washington, DC 20530

Dear Attorney Hesse:

I am writing to express my full support of the recent settlement between Microsoft and the Department of Justice. From the outset the federal government's legal attack on Microsoft was questionable. Consumers were never harmed as a result of actions taken by Microsoft. Rather, Microsoft's innovation has led to tremendous benefits for consumers, such as better products and lower prices.

Antitrust laws were meant to protect consumers, not for certain powerful companies to protect themselves from the market competition.

I strongly urge the Department of Justice to uphold this settlement and put this entire issue behind us.

Thank you for your attention to this matter

Sincerely

Scott Klug

003.336634.1

MTC–00031265

01–15–02 17:33 MITCHELL
T: 5167651944
P.01
3985 Wells Road
Peconic, NY 11958–1738
January 14, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–000l

Dear Attorney General Ashcroft:

I am writing in support of the settlement with Microsoft. The required changes in Microsoft's business practices will restore fair competition and prevent future antitrust violations.

The settlement mandates many specific changes on Microsoft's part. For instance, Microsoft has agreed to make available to its competitors any protocols implemented in Windows'' operating system products that are used to interoperate natively with any Microsoft server operating system. Plus, Microsoft has agreed not to enter into any agreements obligating any third party to distribute or promote any Windows technology exclusively or in a fixed percentage. Also, Microsoft has agreed not to retaliate against software or hardware developers who develop or promote software that competes with Windows or that runs on software that competes with Windows.

This settlement is in the best interests of the American public and the American economy. The recession has had a devastating effect on state budgets and the Federal budget. It is important that the American technology industry be allowed to concentrate on business again as soon as possible.

Thank you for your wise leadership.

With sincere regards,

Robert Mitchell

MTC–00031266

Jan-15–02 01:38P
Graham Tash (253) 474–7159 P. 01
Rick W. Bauer
P.O. Box 1308
Graham, WA 98338
Attorney General John Ashcroft
US Department of Justice
50 Pennsylvania Ave. NW
Washington, DC 20530

Dear Mr. Ashcroft,

I am a proponent of this settlement. Needless resources have been expended over the course of this litigation. I strongly urge the Department of Justice to put an end to unneccesary waste of resources. This lawsuit should not have been brought in the first place. The case lacks merit, and was brought only as a result of pressure exerted by Microsoft's competitors in Silicon Valley and with the help sympethetic interest groups. As you know, some of those groups were in the highest levels of elected office.

Mr. Ashcroft, history already proves when and where the the breaking point in the stock market was. It was March 1999 when Judge Jackson made his decision against Microsoft. That was the straw that broke the camals back. Our economy went into a downhill slide and has never recovered. Then Sept. 11,2001, and now Enron enter the picture. How much more can our economy withstand, especially With Sen. Daschel holding our economy hostage to achieve his own personal agenda. I believe that you are the Attorney General that is able to understand the political and economic impact of this situation better than any before you. The reason being that you are not so far removed from the process that you have had time to forget.

The terms of the settlement agreement are quite reasonable, and should be approved without delay. Microsoft has agreed to the establishment of a technical oversight committee, has agreed to share its internal information with its competitors, and has agreed to change its business practices to better comply with antitrust laws. Nothing more should be asked of this corporation. I whole heartedly support the Microsoft settlement, and hope to see a rapid conclusion to this case. Thank you.

Sincerely,

Rick W. Bauer

Hm. 253–875–4785

Wk. 253–475–4151

rick99now@yahoo.com

MTC–00031267

Jan 15 '22 16:00 P.01
William H. Wiggins
604 North Pontiac Ave.
Dothan, Alabama 6303–3970
Fax: 334–794–4314
January/15/2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Mr. Ashcroft:

AS a supporter of Microsoft, I write you concerning the recent settlement between the Department of Justice and Microsoft. Three years of negotiations should be ample for a well thought out settlement. The concessions that Microsoft has made speak to all parties involved and are beneficial to the entire information technology sector.

As our economy weakens, we must pay careful attention to our technologies. By delaying the enforcement of this settlement, we cause our technology industry to lag behind and jeopardize our position in the global market. Let us help support the industry by making sure that no more actions are taken against the settlement, By allowing our information technology sector to focus on innovation we, the consumer, benefit as well as the IT sector and the economy as a whole.

Even before the Microsoft suit it has been my perception for some time now that industry can succeed only to a point before the government steps in and discourages capable companies like Microsoft to do what they do best. They want them to stagnate rather than take advantage of their investment in research and create more employment. I urge you to help support this settlement and ask you to help stop any action against it. I thank you for your help.

Respectfully,

William H. Wiggins

P.S. I own no Microsoft stock. I am just interested in encouraging entrepreneurs to have incentive to do their thing and have a vibrant economy in this country

MTC–00031268

01/15/02 16:48 FAX 9067793702
LTI
LTi
Laydon Technology, Inc.
1005 Pinewood Court
Iron Mountain, MI 49801–4464
January 12, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

I am happy that a settlement has been reached with Microsoft. The terms of the agreement are fair and reasonable. In addition, the required changes in Microsoft's business practices will restore fair competition and prevent future antitrust violations.

The settlement requires a number of specific changes. For example, Microsoft has agreed not to retaliate against computer makers who ship software that competes with anything in its Windows operating system. Also, Microsoft has agreed to license its Windows operating system products to the 20 largest computer makers on identical terms and conditions, including price. In addition, Microsoft has agreed to document and disclose for use by its competitors various interfaces that are internal to Windows'' operating system products—a first in an antitrust settlement. These changes along with the others in the settlement will result in a competitive balance in the technology sector. This settlement is in the best interest of the public and the economy. The current recession has had a devastating effect on state budgets and the Federal budget, and it is important that the IT industry be allowed to concentrate on business as soon as possible. Thank you.

I am directly involved in the development of software solutions for sale to small and medium size companies. I am a survivor having been involved in this business since 1981. One thing that has always been a problem in the industry is incompatibility. When Microsoft began to ''monopolize'' the industry it became so much easier to develop software for microcomputers since we knew what was on the users machine and how it reacted. When I began developing for the internet I found, and still find, the same problems.

Netscape supports certain things that MS Internet Explorer doesn't and vice-versa. Since I am a small business trying to survive, writing similar code in duplicate to support both browsers has become almost unbearable. Finally, through no fault of Microsoft's, I had to choose. I chose to support Microsoft and

place a note on my web site that linked to Microsoft so users could download Internet Explorer. The thing is that Microsoft has a better product in Windows and Internet Explorer and forcing users to go through great pains to get the better product is not good for American business. Although I am happy Microsoft has reached an agreement with you, I am VERY DISAPPOINTED, that it has come to this. Forcing competitive products on the industry and users just because others have not been able to compete on their own is a sin. I am a conservative Republican and am very disappointed in my party for not making this issue ''go away'' after the election.

Sincerely in Favor of revived American Innovation,

Jim Laydon

President

MTC–00031269

JAN 15 '02 16:21
ILAPANCOHEN 7459446 PH P. 1/1
Martin A. Cohen, CLU, inc.
1732 Arnold Street
Philadelphia, PA 19152
(275) 745–6094 (phone) (215) 745–9446 (fax)
January 13, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The recent settlement between Microsoft and the US Department of Justice is long overdue. Although I think the settlement is too harsh and violates even more laws than the initial lawsuit against Microsoft considered, it is in the best interests of the public.

First off, Microsoft should not be forced to disclose internal interfaces. They have put a lot of time and money into creating their own technology that is far superior to competitors. What company in the world would agree to offer up their technological secrets? If they did, they lose all ability to compete in a free market. The second concession I think is ludicrous deals with contractual restrictions. If Microsoft cannot enter into agreements with vendors to exclusively distribute their products, then they are limited in their ability to gain market share. I see Airlines, Sodas, and Liquor Distributors all entering into these agreements. Why will such agreements be precluded from the tech sector?

At any rate, it is time for this issue to be settled and for our economy to go back to normal. This will only occur when the nine states in opposition drop their suits and Microsoft can start to focus on business.

Sincerely,

Glenda Cohen

cc: Senator Rick Santorum

MTC–00031270

Jan 15 02 04:15p W N Meloon
407 851 6591
January 15, 2002
Renata Hesse
Antitrust Division
Department of Justice
Fax: (202) 616–9937
Fax (202) 307–1454

Dear Ms. Hesse:

I am very concerned with the never-ending saga of lawsuits against Microsoft Inc. One day we're having lawsuits against tobacco and then the gun industry and now the Federal Government is seeking to break up a company that epitomizes the American success story!

This is why I am encouraged by the settlement and hope we can continue to see more of them. Frankly, I just do not see the point in such a suit when there is so much competition in the technology industry. This is an industry where products and service change so very quickly that the stock market fluctuates depending on what new and ingenious product is offered to consumers on any given day!

In addition to the changing times, there is now way for us to tell who is competing with whom. Companies like AOL Time Warner and Microsoft have so many facets, it is just not plausible to suggest that just any one company is dominating in all areas. Who is to say that next week there will not be a new merger that will offer consumers with a choice that is twice the size of Microsoft?

Please continue with the settlements. I know that you understand the importance of a free market and competition. As a business owner myself, I ask that you please continue to speak out against this frivolous litigation and encourage the settlements to continue to take place.

I appreciate the time you have taken to read my concerns on this issue.

Sincerely,

Walter N. Meloon

President/CEO

WNM/arp P. 1

Correct Craft o Est. 1925

6100 South Orange Avenue—Orlando, Florida 32809—407.855.4141—Fax 407.851.7844—

www.nautiques.com

MTC–00031271

Tuesday, January 15, 2002 4:08 PM
Gil Koedel 4129670244
P.01
441 Forest Highlands Drive
Pittsburgh, Pennsylvania 15238
January 15, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am in favor the Department of Justice's wise decision to settle the Microsoft antitrust case.

The settlement agreement is fair, and it achieves the goals of those who believe Microsoft has engaged in anticompetitive behavior. Dragging the case through the courts will serve no good purpose. Especially since there is really no better remedy than what the settlement agreement provides.

Microsoft has agreed to disclose its internal Windows operating information to its competitors. They have also agreed to make it easier for computer manufacturers to remove features of Windows and to replace them with other software programs. By doing these things, they are essentially leveling the playing field in the technology world.

The approval of the settlement agreement is the best course of action. Thank you for your attention to these comments.

Sincerely,

Gilbert Koeder

cc: Senator Rick Santorum

MTC–00031272

1–15–2002 5:49PM
FROM 000000000000 TRANS COMMUNITY BANK SHARES P. 1
Jan-15 2002 3:32PM No. 0746 P.2
Ms. Renata Hesse
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

As a supporter of the Microsoft Corporation, I wish to offer my comments on the settlement that is on the table. I believe that the provisions that relate to ''windows design obligations'' and ''computer-maker flexibilty'' demonstrate Microsoft's good faith in wanting to put an end to this litigation.

Let me elaborate.

Microsoft has agreed to design future versions of Windows, beginning with an interim release of Windows XP, to make it easy to add or remove access to features built in to Windows or to non-Microsoft software. Consumers can change their configuration at any time.

Microsoft has also agreed to grant computer makers broad new rights to configure Windows so as to promote non-Microsoft software programs that compete with programs included within Windows.

For the good of the economy and the high tech industry, I look forward to hearing that this case has been settled.

Yours truly,

9025 Forest Hill Avenue P.O. Box 36197

Richmond, VA 23235 Phone: 804–3119–6000 FAX: 804–320–6024

www.transcommunitybankshares.com

TOLL Free. 1–800–606–0946

MTC–00031273

1–15 2002 5:33PM FROM 000000000000 P.01
1/15/2002 9:10PM FROM: 804–359–6425
TO: (804) 364–4236 PAGE 001 OF 001
Electronic Cottage Industries —
Human & Computer Systems Integration
Muriel Johnson Murray
January 15, 2002
Ms. Renata Hesse
≤Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I have followed the developments in the Microsoft case with interest. Events are leading to what appears to be a good chance for a settlement in this case. That is the reason for my letter.

I understand that the settlement imposes a number of restrictions and obligations on Microsoft, which extend to products and technologies that were not at issue in the lawsuit. In addition, these restrictions also encompass aspects of Microsoft's business and product development that were not found to be illegal by the Court of Appeals.

In order to bring this case to a conclusion, Microsoft has agreed to these broad terms I am certain they look forward to moving on and developing new products. I also understand that any violations of the settlement are punishable as contempt of court and that Microsoft's compliance with the settlement will be monitored by a three-person Technical Committee established under the settlement, by the Department of Justice and by those state plaintiffs that are party to the settlement.

The terms of this settlement sound like they are more than adequate to bring this case to conclusion. For the good of the economy and to prevent a further waste of taxpayers'' money, I truly hope that to be the case.

Very truly yours,

Muriel Johnson Murray

MJM/moo P. 1

2325 Hanover Avenue, Richmond VA 23220.3403 o phone 804–358–4809 9 fax 804–359–6425 o mobile 804–928–4809

e-mail mjmurray@electcottage.com o web site http://www.electcottage.com

MTC–00031274

FROM: MUP CONST. EQ. CO.
PHONE NO.: 3038418373
Jan. 15 2002 10:12AM P1
MOUNTAIN, VALLEY, PLAINS
CONSTRUCTION EQUlPMENT COMPANY
713 AMANDA PINES DRIVE
PARKER CO 80138
CONSTRUCTION EOUIPMENT CO.
January 15, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

When I purchased my first computer in 1997 I was able learn programs quickly because of the easy format, which Microsoft had made. Although microcomputers have been around since the 1970's it has not been until recently that millions of people have been able to use computers, in part because of the innovations of Microsoft to make computers easier to use. This country would be many years behind with out Microsoft leading the pack. The other companies just want your power so they can become the leaders. This is all wrong.

I was saddened when I heard a while back that Microsoft had been brought to cow-t in an antitrust suit, especially after all that they have done to improve computers. But now I understand a settlement has been reached in this case. I think it should be a high priority of your office to make sure that this settlement is completed and this case is over at the federal level. Settlement calls for Microsoft to share more information with competitors, and to give competitors more opportunities. (This is crinimal) Clearly, the settlement is fair.

I support the settlement, and look forward to seeing the end of this case.

Microsoft should be allowed to return to innovating and should not be held in court any longer than is absolutely necessary.

Sincerely,

Jule Larrabee

SALES OF NEW AND USED EQUIPMENT AND PARTS

MTC–00031275

Tuesday, January 15, 2002 1:24 PM p.01
Inspection Technology 19096263540
Kermit Skeie
1245 W.Cienega Ave. # 85
San Dimas, CA. 91773
Phone: 909 592 6676
Fax: 909 592 6647
whitefrog@uia.net
1/15/02
Attn: Renata B. Hesse
To Whom It May Concern:

Re: MICROSOFT

In my career of more than 50 years, I encountered a similar situation shortly after WWII when a firm had enjoyed a robust business throughout this period, because of patents granted. Two firms having? essentially 'back-engineered'' products. complained to the US government alleging unfair practices and restraint of trade.

The impact on the company for which I then worked, had top management tied up tied ten years fighting, and at least management decisions were colored by the lawsuit Legal fees became a significant budget item, using moneys that should have been directed at new products. After 10 years the case was dismissed for lack of sufficient evidence!

My sympathies have since been entirely with defendants. Of course, these situations were not parallel in magnitude, but in principle. Why should innovators, and entrepreneurs be penalized for their monetary success?

Bill Gates, and party should be honored for starting a new direction in the nation's business. I purchased a PCI upon my retirement after selling the company I had headed to the British. I gave up on it without an operating system suitable to a non-professional. The a rebuilt Packard Bell 486, with some education, and with a local ISP was on my way, thanks to Bill Gates and party. I am on my 4th upgrade which plays well since I cannot play golf anymore, and have over 150 e-mail addresses.

His efforts should be lauded, not censured! I have a small business operated on my HP Pavilion. I bought my secretary a word processor in 1978 at $14,4000. I saw one today for $199. Thanks to Steve Job and Bill Gates for starting this revolution.

It's too late for me, having retired as President of 2 companies, but in total sympathy with innovators, having headed a company manufacturing diagnostic ultrasound instrumentation in 1964, about 5 years before anyone in the US! No venture capitalists in those days, so I liquidated for the benefit of creditors, and turned to industrial.

Kermit Skeie

MTC–00031276

JAN-15–2002 16:19 P.01/01
Paul F. CANTIANI
Insurance Agency, Inc.
January 14, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
VIA FAX: 202–616–9937

To Whom It May Concern:

It is my understanding that the Justice Department is seeking input, regarding the proposed settlement in the Microsoft lawsuit.

As a small business owner, I understand competition and know that it is healthy for our economy. I use Microsoft products daily in my business and they have been a great help to me. They have allowed me to better serve my customers clients, to manage our business and to actually expand.

There has been no consumer harm as a result of any actions taken by Microsoft. Microsoft's innovations have, in fact, have helped many small businesses like mine grow. I hope that we can end this lawsuit and that the Court approves the settlement.

Sincerely yours,

Paul F. Cantiani

Celebating Over 30 Years of Business Total P.01

MTC–00031278

FROM: Nittany Mountain Exc. Inc.
PHONE NO : 8143641296 Jan. 16 2002 09:49AM P1
145 huey Lane Spring Mills, PA 16875–9130
January 10,2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I write you today to express my opinion that the settlement reached last November be implemented without further delay. It is my sincere opinion that this issue should be resolved with all expediency and efficiency. Thus, no more federal action against Microsoft should be instigated.

This settlement has imposed many broad restrictions and obligations on Microsoft forcing it to drastically change its products and business practices. By no means has Microsoft gotten off easy in this deal. The settlement will reduce anti-competitive behavior within the IT industry. It is imperative for the sake of the economy that Microsoft and its competitors get back to producing innovative products. Any further litigation pertaining to this issue would be unnecessary and indeed harmful.

I ask that you continue your hard work in working towards the resolution in this matter. I only hope that it comes quickly. Moving past this issue is vital since more important matters are currently facing this country.

Sincerely,

Kathleen Huey

cc: Senator Rick Santorum

MTC–00031279

JAN–16–2002 08:27 AM JOSH—POTTER 12522491844
P.01
661 Hardison Drive
Arapahoe, NC 28510—9660
January 15, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

My name is Josh Potter. I live in Arapahoe, NC. I am pleased to hear that a settlement has

been reached between Microsoft, the Justice Department, and some of the other parties involved with the lawsuit. I am writing to express my support for the settlement.

I was opposed to the Microsoft lawsuit from the beginning. The computer industry would still be in the dark ages without Bill Gates and Microsoft. However, as I understand the settlement, it allows for greater competition without seriously damaging Microsoft as a competitive entity. Now, under the settlement Microsoft has to reveal its intellectual property in its Windows internal interfaces and server interoperability protocols.

Under the circumstances, and considering other proposals to settle this matter, the settlement you have reached are in the best interest of the public, the tech industry, as well as, the economy.

In closing, I support the proposed settlement. I feel it will benefit American industry and consumers alike. Thank you for your time and consideration.

Sincerely,
Josh Potter

MTC–00031280

16–2002 6:29AM FROM P. 1
6586 153rd Avenue Southeast
Bellevue, Washington 98006
January 14,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

In November of 2001 Microsoft and the Justice Department reached a settlement in the antitrust case that had been in progress for more than three years. I am contacting you to let you know I was pleased to see that this settlement was reached, as were many other Americans.

I am concerned that special interests with anti Microsoft leanings will try to derail this settlement. They will tell the public that this settlement will change nothing and Microsoft should be compelled back to court. However this settlement will create many changes as well as end this expensive case. This settlement will give computer makers flexibility to install non- Microsoft software. Additionally, this settlement will compel Microsoft to reveal an unprecedented amount of secret design code to competitors. Without a doubt this settlement will bring fundamental change to the IT industry. Furthermore this settlement will end this case at the federal level.

Sincerely,
Alicia Mariano

MTC–00031281

JAN–16–2002 08:20A
FROM: =201 444 4591 TO: 12023071454 P:1
414 Radcliffe Street
Wyckoff, New Jersey 07481
January 14, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am outraged by the Justice Department's harassment of Microsoft on anti-trust issues. The Microsoft Corporation never engaged in the anticompetitive behavior that they have been accused of by their competitors. At any rate, I am pleased to see this issue come to a resolution with the settlement reached last November. Maybe now everyone can move on to more important issues.

Anyone who thinks Microsoft got off easy in this deal is mistaken. Microsoft has agreed to many terms that go beyond the scope of the case. Microsoft will now disclose the internal interface of its operating system so that software developers will be able to promote their software from within the Windows system.

Clearly Microsoft wants this issue resolved. As a Microsoft supporter, I too hope this settlement is quickly resolved.

Sincerely,
Carol DiPalma

MTC–00031282

Jan–16–02 06:27A Calderazzo 9624563 P.01
Dominick Caldcrazzo
14614 Village Glen Circle
Tampa, Florida 33624
January 14, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington. DC 20530

Dear Mr Ashcroft

I am writing to exercise my right under the Tunney Act to voice my support for Microsoft in light of recent litigation against then. I am extremely dissatisfied with the way this entire matter has been dealt with. In my opinion. this lawsuit was very unfair to Microsoft and has done much to damage the stability of the lnformation technology Industry. Despite the unfair treatment, Microsoft has been more than cooperative from the very beginning. They have even agreed to restrictions and obligations that were not even at issue in the lawsuit. The have even made efforts to restructure aspects of Microsoft's business and product development that were not found to unlawful by the Court of Appeals. This was all in effort to bring the case to a conclusion and achieve unhindered development of new products

If that were not enough Microsoft has also agreed to allow computer makers to make it easier for non-Microsoft software, such as programs from AOL Time Warner and RealNetworks to be accessed by consumers.

Though this is just a small example of Microsoft's efforts, competitors of Microsoft are still actively trying to undermine the settlement during this review period This iS why I am writing. I am grateful that you value my input and trust that my views and those of others Will impact positively on the case against Microsoft.

Respectfully yours,
Dominick Calderazzo

MTC–00031283

16–JAN–2002 14:29 DASSAULT FALCON JET SPORE 65 4688023 P.01/01
US Department of Justice,
INTERNET:microsoft.atr@usdoj.gov.
From: 110641,1542
Re: Microsoft Settlement

Dear Sirs

Having followed the government's and several states's case against Microsoft, I urge you to conclude the matter as decided by the courts ASAP so that everyone can get back to business. It seems like the case with Microsoft has been in process 4 years or more, about the same length of time as our effort in WWII and if our government needs more time to defeat a software company that it did Nazi Germany and Japan, something is wrong. I use Microsoft software on my computer, most people probably do, and would like to see emphasis on other issues take the fore. For one, the economy needs attention. I have the impression that the continuing attacks on Microsoft serve the Interests of some of their competitors who failed to compete successfully and want the government and stales to beat Microsoft since they could not. This is contrary to business practice in the marketplace. The courts have had their say, let the competitors adjust and adapt to new strategies. Please conclude this case and move on to more pressing issues such as the Enron debacle.

Michael J. Fies
235 Arcadia Road
07–04 Argos
Singapore

MTC–00031284

0 1/ 15/02 11:02 Fax 978–688–7705 JOHN PRESSMAN 01
Merrimack
COLLEGE
North Andover, Massachusetts 01845,. 976–837–5000
Department of Modem Languages
January 13, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Since the start of the Department of Justice filed suit against Microsoft three years ago, the IT industry and the economy have been unnecessarily disrupted. The enormous cost this lawsuit has been on the federal government and the IT industry will be inevitably passed onto the consumer through higher prices on technology products for years to come. This cost can only increase as the suit remains in the hands of the court.

Microsoft has agreed to contract changes with distributors, and to opening parts of its proprietary code to competitors among other things. The settlement overcompensates Microsoft's competitors for any substantive infractions it may be guilty of and will surely mitigate Microsoft's market power in the future.

This suit must end. The government has proven that it can effectively disrupt an entire industry with ambiguous results for the consumer in the end. For this and the above reasons, I support this settlement and desire an end of this case. sincerely;

John & Sylvia Pressman
245 Osgood Street
North Andover, MA 01845

MTC–00031285

JAN–15–2002 09:13 PM Emily W h i t e/ Tom Simone 01 727 596 1285 P. 01
1621 Gulf Boulevard, Apt. 807
Clearwater Beach, Florida 33767
January 15, 2002

Attorney General John Ashcroft
US Department of Justice
950 Pennsylvanla Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

From the beginning, I have thought that the suit against Microsoft should be thrown out of court. Microsoft has done more good for technology in the world than any other entity. Microsoft rose to its market position through providing a quality product at a price that consumers can afford. The enormous economic rewards that Microsoft reaped due to their business savvy is still the envy of the IT industry. Unfortunately, instead of Microsoft's competitors attempting to create a product that was able to compete well with Microsoft's, they tried to use the court as a tool of greed rather than one of Justice.

The proposed settlement is more than fair to the plaintiffs in the case, and punishes Microsoft far past any substantive infractions of which they may be guilty. Microsoft will share information about the internal workings of Windows, and will design future versions of Windows so that non-Microsoft programs can operate within it and suffer no drop-off of efficiency.

The time is long passed for this matter to be put behlnd us. The incredible cost that Microsoft and the other litigants have spent on the case will take years to pay off.

Sincerely,
Emily J. White

MTC–00031286

FAX 4067783538 BAKERAIR SERVICE PO1
Baker Air Service, Inc.
P.O. Box 979 Baker, MT 59313 (406)778–3508
January 14, 2002
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

The fact that this settlement had to be reached at all, in my view is a ridiculous caricature of our American values and spirit. In my view, Microsoft and its success should be viewed as a success story and an enterprise to be celebrated. not one that should be persecuted by its own government. This being said, the recent settlement is the best way to end this matter and to allow the company, the industry and the government to move on.

The provisions of the settlement agreement ensure competition, foster innovation and allow for increased competition. The settlement requires Microsoft, on top of competition building measures, to submit to a government appointed three-person technical committee. This committee's responsibility is to ensure Microsoft's compliance with the agreement and to mediate disputes about the settlement.

It is high time that this process is over and that we as a country are allowed to move on. Let us make the approval of this settlement the final federal action taken on this matter. Thank you.

Sincerely yours,
Roger Meggers, President
cc: Mr. Bill Gates /Microsoft

MTC–00031287

2098 Mt. Laurel Road
Fleetwood, PA 19522–8711
January 10, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing to express my opinion that the lawsuits that have been brought against Microsoft should have never occurred in the first place. Now, I hope that the tentative settlement is confirmed and that the nine states that still opposed will end their lawsuits. As a user and consumer, I do not feel that my rights have been infringed upon in any way. I own and use some of Microsoft's products and services as well as some of their competitors and do not feel as though I've been harmed in any way as to my ability to make my own choices for these products and services. In many cases the products and services of Microsoft are far superior to any other vendors and their prices are in line with the technology they deliver. In the settlement Microsoft has agreed to open the intellectual property of its internal Windows interface to its competitors, to promote interoperability with non-Microsoft software, and even have a full-time three-person technical committee monitor its own compliance. I personally, don't believe they should have to do these things; hut I assume Microsoft is willing to do so, so that we can all move on and put an end to these senseless lawsuits. Microsoft represents a free enterprise success that should be a model for our country's entrepreneurs to follow. Microsoft should not he pllnished for being successful.

In the best interest of the public, I urge you to expeditiously make an end of matter so that you can focus your office on real issues, such as international security tax issues. Thank you.

Sincerely,
Don Kiesling
cc: Senator Rick Santorum

MTC–00031288

Packaging Store
The Packaging & Shipping Experts
7129 Citrine Lane Southwest
Lakewood, WA 98498–5013
January 12, 2002
Attorney General John Ashcroft
US Depatymrnt of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I am writing you to suggest that a just outcome for the Microsoft anti-trust case and the surrounding controversy would be the prompt acceptance by the federal government of the proposed settlement plan. This plan is the product of four years of negotiation, mediation and litigation. The parties have accepted it. The court has indorsed it. It's time for all to get out of court and back to work.

The plan directs Microsoft to grant other computer makers rights to configure Windows to promote their and others'' software. It constrains Microsoft from non-completive practices in licensing and other areas. It prohibits any kind of future retaliatory market practices. It puts the company under the eye of a new government review committee. It opens up the company to more competition.

What more does the government want? We need Microsoft back on top of its form. The settlement should be accepted now.

Thank you for your leadership.

Sincerely,
Bill Young
5471 Steilacoom Blvd., SW * Tacoma, WA 98499
(253) 504–7464 o (253) 504–7499 (FAX)

MTC–00031289

PhoneTools
BVRP
Software
Phone:
Fax:
Message :
I urge you to accept the proposed settlement of the Microsoft anti-trust case. Please see my attached letter.
Thank You
Henry S. Williams
1304 Adams Ave.
Toppenish, WA 98948
From: Dell Computer Corporation
To: Attorney General John Ashcroft
Preferred Customer
Attorney General John Ashcroft
Henry S. Williams
1304 Adams Ave.
Toppenish, WA 98948
E-Mail: stein nanwilliams@msn.com
Phone: 509–865–2915
January 13, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Ave., NW
Washington DC 20530

Dear Mr. Ashcroft:

I am writing in regard to the proposed settlement of the Microsoft anti-trust case. As a user of Microsoft products I have found their products to be of high quality and value priced. Consumer complaints with Microsoft are few, unfortunately competitor complaints have driven this ''anti-trust'' matter. As a resident of Washington State, as well as a stock holder, let me tell you this unreasonable litigation has cost our State millions of dollars and my wife and I thousands of dollars.

I believe the proposed settlement is more than fair. I urge you to accept this settlement and put an end to this long drawn out litigation.

The proposed settlement requires Microsoft to make serious concessions to its competitors as Windows systems will have to be made to accept non-Windows software. If fact a government appointed oversight committee would now monitor Microsoft's business practices and insure it abide by the settlement terms.

Clearly this settlement is more than just a slap on Microsoft's wrist. The terms should be more than enough to appease the harshest critics of Microsoft, and it will certainly increase competition in the technology marketplace. At this time of National economic uncertainty we need this great corporation at work. Please support this settlement.

Sincerely.
Henry S. Williams

MTC–00031290

Structure Computer Services
10136 Hickory Ridge Dr.
Brocksville, OH 44141–3636
440–526–2776 e-mail: Itstrong@
January 15, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

I am in favor of that antitrust case against Microsoft settling. The litigation against Microsoft has been extended out far too long.

I am a comptuter consultant. As a consultant, I have directly observed the negaitve impact the suit has had on the IT community, and on our economy. Uncertainty has been created industry-wide. As a result, business has suffered. Drawing out the lawsuit further will only result in creating even greater uncertainty in the industry.

The terms of the settlement agreement are reasonable, and are in the public interest. In fact, Microsoft has offered concessions that go beyond the scope of the lawstiit. For example, Microsoft agreed to the creation of a Technical Committee to act as a watchdog over its business practices. I support concessions that wil ensure compliance with the antitrust laws. However, I do not not believe concessions should include the ability to interfere with Microsoft's business operations. While I believe some of Microsoft's concessions are not particularly fair to Microsoft, I support the company's willingness to go beyond what is at issue to bring this case to a rapid conclusion.

I urge you to support the settlement. Bringing closure to this issue is best for everyone, and so I thank you for taking the time to consider my point of view.

Sincerely,
James T. Strong

MTC–00031291

Gordon and Diane Hanford
7900 Skylineview Drive
Mentor, Ohio 44060
January 12, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

We have always believed in capitalism and free trade. We feel that the antitrust lawsuit that has been brought against Microsoft is in direct violation of these ideals, and that the settlement that has been reached between Microsoft and the Department of Justice is fair. We simply do not wish to see this issue go any further, and as such, we support the settlement. Please do not penalize Microsoft's success, which has come from offering a superior product.

Quite frankly, I am befuddled by the government's pursuit of this case. Microsoft never forced consumers to buy their software, and people buy Microsoft because they make quality products, which they now market for less than those originally offered. How does putting the best product on the market for less make a company a monopoly? Obviously, this consumer feels that this suit is inappropriate. Finally, we would like to say how pleased we are that you were finally confirmed as Attorney General. There are people in our society that want to attack success at every opportunity. Your reelection bid as Senator showed to what great lengths they will go to, to defeat and smear your outstanding and successful career.

Thank you and God bless!

Sincerely,

MTC–00031292

BAKERAIR SERVICE P01
P.O. Box 979 Baker, MT 59313
(406) 778–3508
January 14, 2002
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

The fact that this settlement had to be reached at all, in my view is a ridiculous caricature of our American values and spirit. In my view, Microsoft and its success should be viewed as a success story and an enterprise to be celebrated, not one that should be persecuted by its own government. This being said, the recent settlement is the best way to end this matter and to allow the company, the industry and the government to move on.

The provisions of the settlement agreement ensure competition, foster innovation and allow for increased competition. The settlement requires Microsoft, on top of competition building measures, to submit to a government appointed three-person technical committee. This committee's responsibility is to ensure Microsoft's compliance with the agreement and to mediate disputes about the settlement.

It is high time that this process is over and that we as a country are allowed to move on. Let us make the approval of this settlement the final federal action taken on this matter. Thank you.

Sincerely yours,

Roger Meggers, President c: Mr. Bill Gates /Microsoft

MTC–00031293

Erika Summers
5119–306 Cooper Ridge Dr.
Durham, NC 27707
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Re: Microsoft Case

Dear Ms. Hesse:

The proposed settlement agreement in the United States v. Microsoft case offers a workable compromise for Microsoft, software designers, computer manufacturers and consumers. Having recently completed college and now working in the private sector, I know the importance of having a good integrated software system. I can also understand the need for some flexibility in configuring other products with the Windows system.

Microsoft's products and services are user friendly and have been valuable to consumers with little software and computer experience. The proposed consent decree provides the proper balance between punishing Microsoft and providing remedies for its competitors, computer manufacturers and consumers. Competitors and manufacturers will have the option of dismantling or removing some Windows features. Microsoft has agreed that it will not retaliate against computer makers that provide software that competes with the Windows operating system.

Ensuring a competitive environment is an important part of the United States economy. This agreement will allow competition while at the same time encouraging innovation at a time when we need to get our economy moving.

Thank you for your attention to this matter.

Sincerely,
Erika Summers

MTC–00031294

Danny Cline
1354 Leland Court
York, SC 29745–7562
January l5, 2002
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I appreciate the job you have been doing in the wake of September 11, 2001. As a stock holder in Microsoft I also appreciate your support of the settlement that was reached in the Microsoft antitrust case. Your continued support is needed to make certain that this case is actually settled. Opposition forces with anti-Microsoft agendas may try to derail this settlement and have this case returned to court.

The opposition to this settlement claims that it is not hard enough on Microsoft. Yet a detailed reading of the settlement will show this is not the case. This settlement forces Microsoft to end any contractual restriction that would hold back competitors from placing their software on MS operating systems. Moreover this settlement requires Microsoft to divulge design code to competitors so that they compete more competently with Microsoft.

The concessions made by Microsoft in this settlement are extraordinary. There is no need for a re-trial or continuation of this case at the federal level.

Sincerely,
Danny Cline
cc: Senator Strom Thurmond

MTC–00031295

THE SENATE OF SOUTH CAROLINA
S. C. SENATE
SENATECLERK
FAX # (803)222–6299
DATE: January 16, 2002
TO: Renata B. Hesse
FROM: Senator John C. Land, III
FAX NUMBER: 202–307–1454
PAGES: 1 of 2 (Including this page)
IF YOU DO NOT RECEIVE ALL OF THE SHEETS INDICATED,
PLEASE CONTACT THE SENATE CLERK'S

OFFICE: (803)212–4200
JAN–16–2002 WED 09:29 AM FAX NO P. 02
JOHN C. LAND, III
January 15, 2002
FAX: 1–202–307–4454
Ms. Renata B. Hesse
Anti trust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
RE: Proposed Settlement of Department of Justice Antitrust Action Against Microsoft
Dear Ms. Hesse:

I support the decision of the Attorney General of the United States to negotiate a settlement of the Department of Justice antitrust action against Microsoft. I understand that nine of the eighteen suing states have also decided to join in the proposed settlement.

The parties negotiated intensively over a long period of time. They agreed to a settlement that will protect consumers and encourage competition and growth in the technology sector of our economy. It is time to end the litigation and the uncertainty and to bring this case to a conclusion.

Yours truly,
John C. Land, III
Chairman, Senate Democratic Caucus

MTC–00031296

37 Maple Avenue
Madison, New Jersey 07940
January 11, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

This letter is intended to express my views on the proposed settlement that was reached between the Department of Justice and the Microsoft Corporation. I am all in favor of this settlement, and would like to see it approved as soon as possible. There is no reason to continue with litigation against Microsoft, especially if you consider the current state of our economy.

According to the settlement, Microsoft has agreed not to enter into any agreements obligating any third party to distribute or promote and Windows technology exclusively or in a fixed percentage, subject to certain narrow exceptions where no competitive concern is present. They have also agreed not to enter into agreements relating to Windows that obligate and software developer to refrain from developing or promoting software that competes with Windows.

This settlement is great for competition, the IT industry, and the American economy. I fully support the settlement and hope that it is implemented as soon as possible.

Sincerely,
Daniel Meaney

MTC–00031297

110 Seagull Lane
Sarasota, FL 34436–1606
January 14, 2002
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Attorney General Ashcroft:

I support Microsoft's antitrust settlement with the federal government. They have done this county a great service by not prolonging this to another day. I think the American taxpayers would like to see the money spent in other ways in these trying times.

I think Microsoft was extremely generous in the settlement. I understand they have granted computer makers broad new rights to configure Windows so as to promote non-Microsoft software programs that compete with programs incluled within Windows, not retaliate against computer makers who ship software that competes with anything in its Windows operating system, and document and disclose for use by its competitors various interfaces that are internal to Windows'' operating system products-a first in an antitrust settlement.

I think Microsoft has proven it takes these matters very seriously. I also think the American consumers are pleased to see that Microsoft could soon be finished with this entire ordeal. I urge you to approve this settlement, and let Microsoft get back to work.

Thank you.
Sincerely,
Donald Morfee

MTC–00031298

January l6, 2OO2
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft,

I am writing in support of ending the antitrust case against Microsoft. The Microsoft settlement is a just and prudent conclusion to a madding trial, and should be final. Any further federal or state action against Microsoft should be stopped.

Microsoft has been a major contributor to the national economy, which is especially important during market doldrums like the one we currently endure. It is imperative that Microsoft uses its resources to innovate in the software industry, instead of spending money on unwarranted litigation. The concessions the corporation is making in the settlement will promote fair competition. The changes in licensing agreements alone will strongly augment the power of computer hardware manufacturers to sell their machines, since they will be able to tailor every customer's computer for his or her optimal needs.

I strongly urge your support of ending all action that hinders Microsoft's progress and ability to innovate. Please work to convince Attorney General Stovall of Kansas of the wisdom of this settlement.

Sincerely,
Patricia Maca
2505 Nevada Street
Hutchinson, KS 67502

MTC–00031299

JOHN G. RYAN
1432 HICHWOOD DRIVE
MCLEAN, VIRGINIA 22101
January l6, 2002
Ms. Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street, NW
Suite 1200
Washington, DC 20530
Dear Ms. Renata:

As a Microsoft stockholder and resident of Northern Virginia, I am writing to encourage you to approve the settlement agreement in the case of United States v. Microsoft.

The settlement would he important to my state's economy and to Northern Virginia in particular, as it would help to ensure our continued growth and future prosperity in this Information Age. In addition, such a settlement would allow the marketplace to remain an important factor in the development of technology.

This proposed settlement represents a reasonable compromise between Microsoft and the plaintiffs in the anti-trust case against it.

Thank you for considering these views.

Sincerely,
John G. Ryan JGR/bc

MTC–00031300

2179 Sunny Slope Dr. #4
Dubuque, IA 52002–2258
January 15, 2002
Ms. Renata Hesse
Trial Attorney—Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
VIA FACSIMILE (202) 616–9937
Dear Ms. Hesse:

As a resident of the state of Iowa, I have been closely following the antitrust case pitting the state attorneys general, including Iowa Attorney General Tom Miller, and the federal government against Microsoft Corporation. I am writing to express my support for an end to this already lengthy and costly case.

Since nine of the states and the U.S. Department of Justice reached settlement on this case, it is time to put the issue to bed. The settlement is fair and was reached in good faith. Millions of tax dollars have already been spent fighting a battle that in my opinion didn't even need to be fought. I believe that the timing of the government's case against Microsoft came at an inopportune time for our technology economy. The lawsuit against Microsoft, a company known for creating and improving products that make our personal and business lives easier and more efficient, stunted the growth and development of new and improved products that end users like me crave.

I suspect that our Department of Justice has bigger fish to fry in the months and years ahead in our war on terrorism. Microsoft was and continues to be successful because of the form of government and economy that in recent months has made us so proud and patriotic. I encourage the federal government and the attorneys general to finally put an end to this case.

I appreciate your consideration of this letter. I welcome your response.

Sincerely,

Daniel E. Walsh

MTC–00031301

The TRIANGLE
Lifestyle Magazine
January 14, 2001
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I support the proposed settlement agreement in the United States v. Microsoft case—or, at least, my understanding of it. As a consumer, small business owner and publisher, I believe this proposal with result in more competition and greater innovation among computer makers and software developers.

There are important remedies in the settlement such as the establishment of a Technical Committee and a uniform price list. Consumers and software developers can use non-Microsoft software within Windows, making it easier to add or remove Windows software. They can also remove features such as the Internet Explorer web browser, Windows Media Player and Windows Messenger. These and other options do net totally satisfy all of those concerned about the litigation, but they are a good compromise that will allow Microsoft and its competitors flexibility end encourage new product development.

My own business has been impacted by current economic slowdown as has the computer industry. It is past time to end the litigation and get technology companies back to developing new products—developing and then advertising them! Innovation and competition will return our nation to a strong position in the global economy.

Sincerely,
Margaret Watub
Publisher
Post Office Box 12826 Raleigh North Carolina 27605 919–839–0785 fax 919–836–8203

MTC–00031302

Rock financial
A QUICKEN LOANS COMPANY
From The Desk of: KENNY BELL
kenny.bell@rockloans. corn
Phone: (248) 427–3345
Fax: (734)805–8962
****
ROCK FINANCIAL
530 S. Edison Street
Royal Oak, Michigan 48067
January 16, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing in support of the settlement the Department of Justice has reached with Microsoft in its antitrust case. I like Microsoft products and use them all the time, and I don't want anything, further to happen to the company.

The concessions Microsoft is making in the settlement are fair. There should be increased competition as a result, which will allow consumers to continue making the most informed decisions they can. Microsoft will, for example, allow their competitors to place non-Microsoft software on the Windows operating system, letting them compete on Microsoft's turf. Additionally, Microsoft has agreed not to retaliate against companies that sell or promote non-Microsoft programs.

I want to see this matter ended once and for all. The settlement should be finalized once the public comment period ends.

Sincerely,
Kenneth Bell

MTC–00031303

January 16, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I support the government's decision to settle the Microsoft antitrust case. I believe Microsoft was unduly attacked in this lawsuit, and I support the government doing what is necessary to stop this needless waste of government resources.

By prosecuting Microsoft, the government has unduly punished one of the great innovators of our time. I liken Bill Gates to Thomas Edison, not to the monopolist he has been made out to be. His work has resulted in the production of excellent products, and has strengthened our strong economy. Now Microsoft will be required to use a uniform pricing list when licensing Windows, and will be prevented from taking retaliatory measures when vendors sell or promote non-Microsoft products.

The terms of the settlement agreement are fair, and are in the public's interest. For the good of our economy, I hope the Department of Justice takes whatever steps are necessary to ensure that this settlement goes through.

Sincerely,
Clarys Holliday
119 Cliffside Commons
Rocky River, OH 44116

MTC–00031304

E C Pataki Consulting Services
Information Technology Services for the AS/400
596 McKinley Street
Hazelton, Pennsylvania 18201
(570) 459–1514
Fax: (570) 459–5262
January 16, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

I am writing you today to express my opinion in regards to the Microsoft settlement that was reached in November. I feel this issue has gone on long enough. I support Microsoft in this debate and am anxious to see this dispute resolved.

This settlement contains provisions that will not only allow Microsoft to remain together, but will also benefit competing companies and computer makers. According to the settlement text, Microsoft has agreed to design future versions of Windows, beginning with the interim release of Windows XP, to provide a mechanism on the desktop to make it easy for computer makers or consumers to promote non-Microsoft software within Windows. Microsoft has also promised not to retaliate against computer makers who ship software that competes with anything in its Windows operating system.

This settlement is complete and thorough. It will serve in the best public interest.

Thank you for your time.

Sincerely,
Elaine Pataki
cc: Senator Rick Santorum

MTC–00031305

SOUTH CAROLINA HOUSE OF REPRESENTATIVES
OFFICE OF THE SPEAKER PRO TEMPORE
DOUG SMITH
FACSIMILE TRANSMITTAL SHEET
TO: Renata Hesse
FAX NUMBER: (202)307–1454
FROM: Doug Smith
DATE: 1/16/02
This is page 1 of a 2 page transmission.
Comments:
For return Fax, dial (803) 734–9488.
Post Office Box 11867
Columbia, South Carolina 29211
(803) 734–2701
1/16/2002 12:23 8037349488 SPEAKERS OFFICE PAGE 02
STATE OF SOUTH CAROLINA
STATE HOUSE
P. 0. BOX 11867
Columbia 29211
DOUG SMITH
HOME ADDRESS
PO DRAWER 5097
SPARTANBURG, SC 29304
January 16, 2002
Via Fax
Renata Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Re: Antitrust Action Against Microsoft

Dear Ms. Hesse:

I am writing to express my support for the settlement that the Justice Department negotiated with Microsoft. This settlement is in the best interests of consumers, as it will put new restrictions on Microsoft while encourage Microsoft and other companies to continue to compete and innovate. I expect that bringing an end to the uncertainty of this legal action will be a plus for the national economy.

Accordingly, it is my hope that the proposal settlement will be approved and implemented as soon as possible.

Sincerely,
Doug Smith
Speaker Pro Tempore

MTC–00031306

COLLINS COMMUNICATIONS INC
3795 Collins Road
Gillette, Wyoming 82718
January 10, 2002
Attorney General John Ashcroft
US Department of Justice

950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing you today to voice my opinion in regards to the settlement that was reached in November between Microsoft and the government. I feel this settlement was reached after extensive negotiations and after three years; I am relieved to see a settlement has been reached. I never thought that Microsoft was a monopoly or a threat to the free enterprise system.

Maybe now Microsoft can stop focusing on litigation and begin fully devoting their resources and time to conducting business. As a business owner myself, I know the importance of hard work and diligence to run a business and prosper. I do not believe Microsoft should be punished for being successful at what they do. Is that not what every working American strives for?

Again, I support Microsoft and the settlement. I sincerely hope there will be no further action against Microsoft at the federal level.

Sincerely,
Rod Thornton

MTC–00031307

FROM: Tingen & Associates Insurance
1224 Crooked Creek Drive
Hartsville, South Carolina 29550
January 14, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Your work to end the Microsoft antitrust case is appreciated. I was delighted to see you offered Microsoft a settlement and would like to see this settlement put in place and this case ended.

Both Microsoft and the Justice Department have spent large amounts of money and time in this case. Both parties have more important priorities, and that is one important reason this case should be concluded. Furthermore this settlement is equitable. Under this settlement Microsoft has agreed to share vital code information with competitors, allowing competitors to compete more effectively. Microsoft has also agreed to end any contractual restriction that was perceived as anti-competitive.

With these concessions by Microsoft there is no reason for this case to be continued. The settlement is fair, and should be the final action in this case.

Sincerely,
Glenn Milsap
cc: Senator Strom Thurmond

MTC–00031308

Wagner Printing Company
1–9 East Spring St., Freeport. IL 61032
January 15, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The antitrust suit brought against Microsoft was recently settled. Bill Gates made a good product; he took software and standardized it, making it understandable and comprehensible to the average layperson. Further, he made it affordable. Bill Gates, more than anyone, has been responsible for this country's technological dominance in the world. For this he has engendered jealousy from those firms who were not quite as good. This was the real basis for the antitrust case brought against Bill Gates, not any devious business dealings. But an agreement has been reached between Microsoft and the Department of Justice and I want to give my support to this agreement. Microsoft, additionally, has agreed to a great many demands by the Department of Justice. Microsoft has opened up its source codes to its Windows program to competitors. Microsoft has agreed to design future versions of Windows to accommodate non-Microsoft software, the company has even agreed to a technical committee to monitor future activities.

Our country needs to get back to business. I support the settlement, and look forward to seeing it swiftly implemented.

Sincerely,
Gerald Burkhalter

MTC–00031309

13 Caisson Crossing. Savannah. GA 31411-1302
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
January 16, 2002

Dear Mr. Ashcroft:

Let me first say how absolutely delighted I am that you hold the critical office of Attorney General!

As a retired businessman who spent most of his career either directly or indirectly involved in ''the computer business'', I am writing to voice my thoughts on the settlement between Microsoft and the Justice Department. I think the settlement is a good one and should be accepted by the government.

During most of my career, IBM was ''the big bad wolf'' and during which time, there was a constant ''hue and cry'' to break up IBM and otherwise to hobble its operations under the guise of increasing competitiveness within the computer industry. And, I might add that IBM's position of dominance of the computer industry was much more pervasive than is Microsoft's in today's world.

The point of bringing up IBM is to make the point that, in the end, it was market forces (including the success of Microsoft) that brought them from complete dominance to where they are today. And I might further add that, in my opinion, the potential threats to Microsoft's position are more far-reaching and numerous than those IBM faced during it's period of dominance.

It seems to me that in agreeing to license its Windows operating systems and protocols included in those systems, (decisions that must have been very hard to make!) Microsoft has taken steps that are fair and reasonable. I urge you to accept this settlement and stop Justice Department prosecution of Microsoft for the reasons stated above.

Sincerely,
Edward E. Hale

MTC–00031310

8158 Dinsmore Street
Brooksville, Florida 34613
January 14, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The lawsuits against Microsoft have dragged on too long. I am in full support of the settlement between Microsoft and the Department of Justice because it is in the bets interest of the American public. Microsoft has agreed to make concessions that are more than fair. They will be disclosing internal interface codes and protocols So that competitors can develop products compatible with Windows'' operating systems. They will also be forming three-person team to monitor compliance with settlement. Microsoft has been a cornerstone of the IT industry and must be allowed to focus on innovation instead of politics. Our country and our economy need their leadership in this time of recession. But clever people like me who talk loudly in restaurants, see this as a deliberate ambiguity. A plea for justice in a mechanized society.

I support this settlement and look forward to seeing its implementation soon. Thank you for your time.

But is suspense, as Hitchcock states, in the box. No, there isn't room, the ambiguity's put on weight.

Sincerely,
Richard Gray

MTC–00031311

LAW OFFICES
WILLIAM E. LEVIN & ASSOCIATES
200 West Madison Street
Suite 5O5
Chicago. Illinois 60606–3412
Willlam E Levin
312/372–6544 Fax: 312/372–8456
FACSIMILE TRANSMITTAL
DATE: January 16, 2002
TO: United States Department of Justice
FAX NO. 202/307–1454
FROM: William E. Levin
RE: Microsoft Settlement

REMARKS: As a Consumer of Microsoft products, I strongly support the settlement reached between Microsoft Corporation and DOJ and nine states. Microsoft is one of the most innovative companies in the world and, without doubt, has eased and made life more efficient for the vast majority of people in this country and throughout the world. The settlement that has been reached imposes significant restrictions on Microsoft and the time has come to put an end to the antitrust litigation. I strongly urge approval of the settlement.

William E. Levin

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MTC–00031312

26 Sandhurst Lane
Buffalo, NY 14221–3153
(716) 631–0995
Fax: (716) 631-0995
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
January 11, 2002

Dear Mr. Ashcroft:

I believe that the case against Microsoft has no merit. The government has no right to take the action it has for the past three years. Nevertheless, it is time that this matter be resolved and Microsoft be allowed to continue its innovative work within the information and technology industry. At the end of this month, the November settlement should be implemented, and this issue should be forgotten.

The terms of this settlement extend well beyond the products and procedures that were actually at issue in the lawsuit. Microsoft agreed to these terms for the sake of wrapping up the suit. It is quite evident after one studies this matter that in the current settlement the government accomplished what it initially set out to do; namely to inhibit monopolistic behavior. There is no more need to pursue further legal action because Microsoft has agreed to disclose internal interfaces and server interoperability technology to its competitors.

Therefore, I ask that you work towards implementing the settlement that is on the table for the sake of both business and consumers. The longer the delay, the more counter-productive the government's actions will be.

Thanks for your time and effort.

Sincerely,

Lita Tsung

MTC–00031313

William G. Newsome Sr.
227 Rolling Hill Road
Elkins Park, PA 19027
January 15, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Ave, NW
Washington, DC 20530

Dear Mr. Ashcroft,

Microsoft and the Department of Justice have reached a settlement in the antitrust case, which is currently in review. I find the settlement to be fair both to Microsoft and it competitors. Unfortunately, there are nine states on the review board whom do not feel the same. These states wish to continue litigation against Microsoft—to bring Microsoft to its knees, so to speak. I do not believe this is in the best interest of the economy, the consumer, or the IT industry.

Microsoft is the life- blood of the IT industry. It is very unfair to penalize them for their accomplishments within our free enterprise system. The terms of the settlement, however, would appear to allow for a great deal of rapid progress once implemented. Microsoft is willing to allow its competitors a great deal of access to the Windows operating system and pertinent intellectual property rights. Microsoft and non-Microsoft software producers will be able to interact and intertwine their technologies. Where there was division before, there can be growth and unity now. In other words, the government is asking Microsoft to kiss their ass and they are willing to do it!

I do not believe that any good can come of a prolonged suit against Microsoft. It has gone on long enough already. I urge you not to allow the tools of the federal courts to be misused and wasted.

Sincerely,

William G. Newsome Sr.

Veteran, Citizen, Registered Republican

cc: Senator Rick Santorum

MTC–00031314

20 Washington Avenue South, Minneapolis, MN 55402
TO: Renata B. Hesse
Telephone:
Fax: 202–616–9937
CC:
From: Bill Fritts
Telephone:
Fax: 612–342–7531
Date: 1/16/02
Re: Microsoft

This facsimile transmission consists of privileged and confidential information intended only for the use of the addressee. If you are not the intended recepient or the employee or agent responsible for delivering it to the intended recepient, any dissemination or copying of this facsimile is strictly prohibited. Please notify us immediately at the number below if you have received tbis fax in error. If you have any problems receiving this facsimile contact
ING
AMERICAS
ING US LEGAL SERVICES
Ms. Renata B. Hesse
Antitrust Division
United States Department of Justice
Suite 1200
601 D Street NW
Washington, DC 20530–0001

Dear Ms. Hesse:

I'm sending this letter to voice my opinion as a concerned member of our nation's business community. Throughout my professional career, I have learned to greatly appreciate and value the significance of an open market and a level playing field. During these times of economic unrest, it is best to allow the free flow of trade and commerce. In fact, it is a free and unfettered market that is ultimately the engine of growth. That is why I support the Microsoft settlement. By removing this case, Microsoft will be allowed to operate freely and provide a much-needed inflow of capital and resources to businesses across the country.

Thank you for the opportunity to express my opinion. The settlement was the right and just outcome.

Sincerely,

William D. Fritts, Jr.

Minneapolis Site

20 Washington Avenue South

Mineapolis, MN 55401

ING North America Insurance Corporation

MTC–00031316

the national tax limitation committee
151 N. Sunrise Avenue
Suite 901
Roseville, CA 95661
(916) 786–9400
FAX (916) 786–8163
January 16, 2002
VIA FAX 202–616–9937
Kenata Hesse, Trial Attorney
Antitrust Division
Department of Justice
Washington, DC
Re: Support of proposed settelement in US vs. Microsoft

Dear Ms. Hesse:

The cost to taxpayers of pursuing Microsoft has run into the tens of millions of dollars. The settlement proposed by the Department of Justice, if accepted, will finally stop this fiscal hemorrhaging.

Our current recession requires that we use all our productive people and resources to get the wheels of commerce turning again. If the federal suit against Microsoft helped precipitate an economic downturn and a slide in the stock market—as some economists have suggested ending the suit might solidify a turnaround and help lead us out of this cycle. Because national polls reveal that most citizens do not support the case against Microsoft, settlement of this action will send a positive signal that the federal government will let the marketplace work for the people once again.

On behalf of our tens of thousands of supporters across America, we encourage you to accept the settlement against Microsoft.

Sincerely,

LEWIS K. UHLER

OFFICERS & DIRECTORS: Lewis K. Uhler, President: Diane Sekofetz. Secretary-Treasurer; Robert B. Carleson; Wm. Craig Stubblebine. FOUNDERS & Sponsors: C. Austin Barker, Robert B. Carlson. George Champion, David Y. Copeland, M. Stanton Evans, Milton Friedman, Allan Grant, James M. Hall. Vern I McCarthy, William A. Niskonen, Frank Shakespeare, Wm. Craig Stubblebine, Donald L Totten, Lewis K. Uhler.

MTC–00031317

Sent by: WOODFIN SUITE HOTELS
Ronald Nehring
1015 Old Mountain View Road
El Cajon, CA 92021
January 16, 2002
Renata Hesse, Trial Attorney
Antitrust Division, Department of Justice
601 D Street NW, Ste. 1200
Washington, DC 20530
VIA FACSIMILE
(202) 616–9937

Dear Ms. Hesse:

I have followed the Microsoft case for some time now and truly believe the settlement being offered is fair and positive. This letter is meant as an expression of my support for the consent decree currently on the table.

I believe both sides in this case have constructed a settlement which adequately addresses all the issues of concern. Judge Kollar-Kotelly did a tremendous job working with all parties to ensure the process was just. I believe her recommendation should be seriously considered.

The settlement goes in and corrects whatever competitive advantage Microsoft

may have had previously. Source codes are now open, a monitor has total access to Microsoft's products, and the watchful eye of the Federal Government will ensure the playing field is level.

Some competitors will gripe. They will want more. Of course they will want more...it helps their company. I am writing to say that this agreement does enough. It should be approved of the technology industry should get back to business as usual.

Sincerely,
Ron Nehring
Project for California's Future

MTC–00031318

1100 Cova Ciega Isle
St. Pete Beach, FL 33706
January 11, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

I am glad that this Microsoft lawsuit has been settled. Aside from the obvious problems that the lawsuit had to begin with, it is certainly an unwanted distraction now that more important events in our nation have virtually eclipsed the lawsuit's importance. Besides, it's a fair settlement in its own right, yielding concessions to both hardware and software companies, including disclosure to both groups of interfaces and protocols within Windows.

The settlement makes it so that Windows can be altered to suit hardware companies more effectively if they want to sell non-Microsoft Software with the Windows operating system preinstalled. This will be especially possible now, because Microsoft must redesign Windows to make it more accommodating to non-Microsoft applications, particularly sophisticated multi-media applications like RealAudio or QuickTime.

Our national efforts should now be invested in issues like rebuilding our economy, creating jobs and strengthening our national security. We should net spend any more time continuing our self-inflicted damage to our country's business community by proceeding with any further action against one of our country's most successful buisnesses like Microsoft.

I am hoping that this settlement will stand, and we can move on to more important priorities.

Sincerely,
Rita Bane
1–FAX 202–616–9937

MTC–00031319

COMMUNICATIONS REPORT

Date/Time Function	NO. Destination	Duration PGS	Status
JAN. 14 17:14 RCV	920	6312247183 0′ 01′ 05′ 001	OK
17:53 RCV	921	573 522 5025 0′00′ 38′ 001	OK
17:54 RCV	922	573 522 5025 0′01′ 34′ 001	OK
18:17 RCV	923	8476472225 0′00′ 41′ 001	OK
18:39 RCV	924	573 526 1384 0′00′ 28′ 001	OK
19:45 RCV	925	337 234 5535 0′00′ 51′ 002	OK
20:02 RCV	926	6618351561 0′01′ 01′ 002	OK
21:22 RCV	927	9133419697 0′00′ 44′ 001	OK
21:39 RCV	928	3253135 0′ 00′ 51′ 001	OK
21:52 RCV	929	0′ 01′ 21′ 004	OK
JAN. 15 11:15 RCV	930	9416430207 0′ 00′ 35′ 001	OK
11:47 RCV	931	508 799 4039 0′ 00′ 34′ 001	OK
12:50 RCV	932	000000000000 0′ 00′ 38′ 001	OK
12:54 RCV	933	508 754 2026 0′ 00′ 32′ 001	OK
13:02 RCV	934	8476472225 0′ 00′ 40′ 001	OK
13:04 RCV	935	850 230 4092 0′ 00′ 44′ 001	OK
13:30 RCV	936	0′ 00′ 39′ 002	OK
13:47 RCV	937	8132533280 0′ 01′ 02′ 002	OK
13:53 RCV	938	603 537 2099 0′ 00′ 30′ 001	OK
13:55 RCV	939	425 427 5665 0′00′ 39′ 001	OK
14:0l RCV	940	0′ 00′ 34′ 001	OK
14:23 RCV	941	4213984 0′ 00′ 35′ 001	OK
15:03 RCV	942	520 393 1348 0′ 00′ 54′ 001	OK
15:09 RCV	943	508 831 7558 0′00′ 32′ 001	OK
15:14 RCV	944	000000000000 0′ 00′ 38′ 001	OK
15:29 RCV	945	000000000000 0′ 00′ 41′ 001	OK
15:47 RCV	946	508 755 4178 0′ 00′ 36′ 001	OK
16:24 RCV	947	2059729290 0′ 00′ 30′ 001	OK
16:26 RCV	948	5087938831 0′ 00′ 46′ 003	OK
16:26 RCV	949	0′ 00′ 51′ 001	OK
17:O2 RCV	950	407 851 6591 0′00′ 39′ 001	OK
17:06 RCV	951	0′00′ 28′ 001	OK
17:19 RCV	952	19096263540 0′ 00′ 40′ 001	OK
17:43 RCV	953	3038418373 0′01′ 00′ 001	OK
18:l0 RCV	954	000000000000 0′ 00′ 45′ 001	OK
18:26 RCV	955	000000000000 0′ 00′ 40′ 001	OK
19:45 RCV	956	0′ 00′ 53′ 001	OK
21:21 RCV	957	4067783538 0′00′ 49′ 001	OK
JAN. 16 l0:14 RCV	958	0′ 00′ 53′ 001	OK
l0:26 RCV	959	5635571591 0′00′ 34′ 001	OK
l0:37 RCV	960	0′ 00′ 27′ 001	OK
l0:54 RCV	961	5088422252 0′ 00′ 36′ 001	OK
11:17 RCV	962	515 386 4509 0′00′ 41′ 001	OK
ll:54 RCV	963	515 296 3015 0′00′ 33′ 001	OK
12:24 RCV	964	515 382 7336 0′00′ 34′ 001	OK
13:21 RCV	965	0′ 00′ 38′ 001	OK
13:41 RCV	966	0′ 01′ 00′ 002	OK
13:44 RCV	967	0′ 00′ 40′ 001	OK
13:45 RCV	968	0′ 00′ 40′ 001	OK

COMMUNICATIONS REPORT—Continued

Date/Time Function	NO. Destination	Duration PGS	Status
13:48 RCV	969	0′ 00′ 27′ 002	OK

MTC–00031320

01/16 ''02 01:47 NO.511 02/02
01/16 ''02 01:47 NO.511 01/02
Fax 202–616–9937 or 202–307–1545

MTC–00031321

Home Address
2315 Route M
Jefferson City, MO 65101
(573) 636–8285
Capitol Address
Capitol Building
Jefferson City, MO 65101
(573) 751–0665
Fax (573) 526–4766
W. W. (Bill) Gratz
MISSOURI HOUSE OF REPRESENTATIVES
113TH DISTRICT
Committees
Correctional and State Institutions (Chair)
House Travel (Chair)
Appropriations—
General Administration
Agriculture
Environment and Energy
Administration and Accounts
January l6, 2002
Renata Hesse
Trial Attorney—Antitrust Division
Department of Justice
6O1 D Street Northwest, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

Over the years, I have found that when negotiations result in a little something for everyone, the negotiations were successful. This is exactly the result of the recent negotiations between Microsoft and the US. Department of Justice. The settlement allows Microsoft to create new generation products that can help the economy grow and help businesses better communicate with their customers and clients. Additionally, the needs and concerns of Microsoft's competitors were taken into account in the final agreement.

I support the recent agreement between the Justice Department and Microsoft. I regret that a Committee and the court system have had a hand in developing the future of software design instead of the free market. At the same time, this entire process was an effort on the part of competitors to cripple Microsoft and eliminate competition.

Point-of-sale should be the true test of competition. Either your product is marketable or it is not. The courts and regulatory agencies have no role in this important process when job creation and small business development is at stake.

Sincerely,
W. W. (Bill) Gratz
WG/lh

MTC–00031322

Home Address
2315 Route M
Jefferson City, MO 65101
(573) 636–8285
Capitol Address
Capitol Building
Jefferson City, MO 65101
(573) 751–0665
Fax (573) 526–4766
W. W. (Bill) Gratz
MISSOURI HOUSE OF REPRESENTATIVES
113TH DISTRICT
Committees
Correctional and State institutions (Chair)
House Travel (Chair)
Appropriations—
General Administration
Agriculture
Environment and Energy
Administration and Accounts
January 16, 2002
Renata Hesse
Trial Attorney—Antitrust Division
Department of Justice
601 D Street Northwest, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

Over the years, I have found that when negotiations result in a little something for everyone, the negotiations were successful. This is exactly the result of the recent negotiations between Microsoft and the U.S. Department of Justice. The settlement allows Microsoft to create new generation products that can help the economy grow and help businesses better communicate with their customers and clients. Additionally, the needs and concerns of Microsoft's competitors were taken into account in the final agreement.

I support the recent agreement between the Justice Department and Microsoft. I regret that a Committee and the court system have had a hand in developing the future of software design instead of the free market. At the same time, this entire process was an effort on the part of competitors to cripple Microsoft and eliminate competition.

Point-of-sale shouId be the true test of competition. Either your product is marketable or it is not. The courts and regulatory agencies have no role in this important process when job creation and small business development is at stake.

Sincerely,
W.W. (Bill) Gratz
WG/lh

MTC–00031323

chroma cad
palette imaging
47 South Street Norwood, NJ 07648
January 15, 2002
Renata Hesse, Trial Attorney
Suite 1200, Antitrust Division
Department of Justice
601 D Street NW.,
Washington, DC 20530

Dear Ms. Renata Hesse:

I own a small software development company in New Jersey. I feel impelled to write this letter because,as a software developer, I am appalled by the remedies proposed by the U.S. Justice Department. From a software developer's point of view, those remedies don't address the real issues of the Microsoft monopoly at all.

Developers need alternative platforms to Microsoft Windows on which they can develop programs for the IBM PC. The alternative platforms must be permanently established on most PC's for the next fifteen to 20 years in order for software companies to make the considerable investment in time and money that modem programs require. Developers cannot depend on the vagaries of manufacturers to include of not include alternative platforms at their will.

I feel strongly that the court should, at the very least, require Microsoft to continue including Java within Windows. As we all know. Microsoft included Java in Microsoft Windows 5 years ago. At the time, they indicated that Java would be a permanent part of future versions of Microsoft Windows.

Collectively, millions of hours and millions of dollars of programmers'' time and money have been spent on learning Java across the country. Simply taking a trip to Barnes and Noble and viewing the large number of books devoted to the Java language can easily verify this. Microsoft has now summarily dropped the Java platform from Windows XP. This was done in spite of the fact that they surely knew that this action would cause huge losses and problems in the programming community.

In addition, there are now more than 9 million web pages that contain Java applets. Consumers who purchase Windows XP and access those pages are going to have to endure a long and arduous wait while a software plug-in is installed on their machine over the Internet. It is obvious that Microsoft cares little for problems they cause in the programming community or in the consumer community at large.

Ideally, Microsoft should be required to include the next two most popular programming platforms—Java and Linux, along with Microsoft Windows. Both platforms are available free to Microsoft.

There is no reason why they should not be included except, of course, that they are a direct threat to the Microsoft monopoly. Microsoft Windows is an excellent product, but it cannot accomplish some things that Java can accomplish easily. The same is true of Linux. All of these platforms have different strengths and weaknesses. These platforms should be included In such a manner that they cannot be altered or deleted by manufacturers (thereby averting Microsoft pressures). This would give programmers a choice of three reliable long-range programming platforms and would stimulate a competitive environment. We would surely

see prices of development software drop and the software quality of all the platforms improve competitively. Most users of personal computers are aware of the poor record that Microsoft has in making Windows a reliable trouble-free product. The reason for this is quite likely that they assign few engineers to the job of maintaining a monopoly product that people are forced to buy anyway. Competition would undoubtedly force them into assigning more engineers to making their own product more reliable.

I am sure that, from the point of view of most software developers, any resolution of the Microsoft case that does not, at the very least, require Microsoft to continue supporting the latest versions of Java would be viewed as a complete collapse to Microsoft. It would simply serve to institutionalize, by government decree, their platform monopoly on the PC. As a software developer, I feel strongly that forcing Microsoft to vend other popular competitive development platforms along with their own platform should be the very first priority in resolving this case. Remedies involving Microsoft's contractual relations with manufacturers are of secondary importance.

Software developers need alternative platforms that are stable, fixed and long term and we need to know that these platforms are installed on all machines and will remain on all machines that Microsoft Windows is installed on. If this were accomplished we would have the confidence to spend time and money on developing new applications under new platforms for the PC. In time, this would effectively end most of the problems caused by the Microsoft monopoly, not just put a band-aid on the symptoms.

Respectfully yours,
Marver Seamen
President
Palette Imaging Inc.

MTC–00031324

CAPITAL OFFICE
State Capitol
201 West Capitol Avenue
Jefferson City, MO 65101–6806
Tele: 573–751–1347
Fax: 573–522–9179
E-Mail:rmille01@services.state.mo.us
HOME ADDRESS
P.O. Box 5
Stockhull, MO 65046
Tele: 417–276–3343
RONNIE MILLER
State Representative
District 133
January l6, 2002
Renata Hesse
Trial Attorney-Anti-Trust Division
Department of Justice
601 D. Street Northwest, Suite 1200
Washington, DC., 20530

Dear Ms. Hesse:

I believe the settlement between the Justice Department and Microsoft is fair. As I understand between $25 and 35 million dollars of taxpayer money has already been spent on this anti-trust case. Please keep the taxpayer in mind, I really feel the last thing we need is more litigation and regulation of high-tech business's during this time of challenges of economy and our nation at war.

Microsoft's innovations has lead to great benefits for the customer. You must agree we have better products at lower prices.

Sincerely,
Ronnie Miller
State Representative
District 133

MTC–00031325

David D. Jamison
Story County Treasurer
3244 Cameron School Road
Ames, IA 50014
Judge Kolar Kottely
c/o Renata Hesse
Trial Attorney
U.S. Department of Justice-Antitrust Division
601 D Street NW., Suite 1200
Washington, DC 20530

Dear Judge Kottely,

Here in Iowa, like much of the nation, we are facing some difficult times. The economy is stagnant, countless jobs are being lost, and there is no one clear answer to fix all our problems. A recovery will take time, patience and sound judgment. One event that will undoubtedly help the economy is the Microsoft settlement. This agreement builds new relations with Microsoft and the computer makers; it is fair to all parties and our economy will benefit from it.

As far back as the 1980s, Microsoft was an integral part of this country's economic expansion.

The arrival of Microsoft did many things it created jobs, produced an abundant number of businesses and companies, and a great deal of wealth and capital was made available to people. By choking Microsoft with harassing legal proceedings, a recovery from the current recession was made all the more impossible. This recent settlement, however, was a step in the right direction for our economy and the millions of Americans who depend on a healthy economy to support their families.

This is a challenging time for our nation. It was the right thing to do when the Justice Department and the nine states settled the Microsoft case. I strongly support that, and believe it will help our economy rebound.

Your consideration is very much appreciated.

Sincerely,
David Jamison
Story County Treasurer

MTC–00031326

From the Desk of Kevin Kimle
3227 Lettie Street
Ames, IA 50014
(515) 293–2502 (w)
(515) 293–3845 (h)
kkimle@qwest.net
January 14, 2002
Judge Kolar Kottely
c/o Renata Hesse
Trial Attorney—Antitrust Division
U.S. Department of Justice
601 D Street NW., Suite 1200
Washington, DC 20530

Dear Judge Kottely,

I hope that no one in this country takes for granted that we have countless opportunities to be successful! If people from other nations recognize and respect the ''American Dream'' and have even come here to achieve it, then why have we prosecuted a company that has been such a good representation of the American Dream?

I am speaking of the Microsoft case. Microsoft has been legally pursued for too long, and the recent settlement provides a fair and just ending with nine prosecuting states. The settlement was fair for a number of reasons: Microsoft agrees not to punish companies that do not promote their products, and they go even further by sharing their intellectual property when it is necessary. I am glad to see a settlement was reached and support the agreement completely.

As someone who has spearheaded two startup companies in the technology industry here in Iowa I understand the investments that have to be made and the risks that have to be taken. Microsoft has taken the risk, made billions of dollars in investments, and contributed a great deal to the technology industry. It was high time that we brought this lawsuit to a proper ending.

Thank you for your attention to my thoughts.

Sincerely.
Kevin Kimle

MTC–00031327

Guy W. Richardson
705 W. Sunset Road
Jefferson, Iowa 50129
515–386–2220
January 16, 2002
Judge Kolar Kottely
c/o Renata Hesse
Trial Attorney—Antitrust Division
U.S. Department of Justice
601 D Street NW., Suite 1200
Washington, DC 20530

Dear Judge Kottely,

I am a Greene County Supervisor and own a small business here in Iowa, I am intimately aware that our nation is enduring some serious problems. One thing that will give a boost to all of America is the settlement of the Microsoft case. This was a fair and reasonable ending to a complicated problem.

The idea of continuing litigation against Microsoft was simply a bad idea, and the nine states that decided to settle, made the right decision. The settlement permits other companies to use Microsoft's intellectual property and is a good settlement for everyone.

Our nation's economy is bleak enough, and the removal of this lawsuit will help all of us. Thank you for taking time out from your busy day to read my point of view.

Sincerely,
Guy W. Richardson

MTC–00031328

Kenneth Simoncini
Commerce Park,
420 Boston Tpke.,
Shrewsbury, MA 01545
(508) 845–1559
FAX (508) 842–2252
Member of: National Society of Tax Professionals
National Association of Income Tax Preparers

January 11, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW., Suite 1200
Washington, DC 20530
VIA FAX: 202–616–9937

Dear Attorney Hesse

It is my understanding that the Justice Department is seeking input, regarding the proposed settlement in the Microsoft lawsuit.

As a small businessman, I understand competition. Competition is healthy for the American economy. I use Microsoft products in my business and they have been a great help to me. They have allowed me to better serve my clients and to manage my business.

As far as I can tell, there has been no consumer harm as a result of any actions taken by Microsoft. Microsoft's innovations have, in fact, helped many small businesses, such as mine grow.

Given the state of our economy right now, we should do everything possible to spur growth, not hinder it.

An additional benefit in the settlement, is the proposed donation of over 200,000 computers to our nation's public schools. I whole-heartedly endorse this provision, which will help erase the digital divide in our public schools.

I hope that the government will reach a settlement in this case.

Sincerely yours,
Kenneth Simoncini

MTC–00031329

JULIE SCHWARTZ
3111 STONE OAK DRIVE
LOS ANGELES, CALIFORNIA 90049
PHONE: 310–471–4732 FAX: 310–471–8091
FAX TRANSMISSION
DATE 1–16–02 TIME 3:30 PM
TO DEPT OF JUSTICE FAX 1–202–307–1454

RE Microsoft Settlement

Enough already!

Whats wrong with giving to poor & disadvantaged.

You are listening to competitors.

TRANSMITTED BY Julie Schwartz

MTC–00031330

January 16,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW.,
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing to express my opinion that the antitrust settlement is flawed, but ultimately in the best interest of the American public. The problem is that the lawsuits from the start have not addressed the real problem, which is Microsoft's heavy-handed marketing tactics. Instead it focused on giving competitors an edge that they did not have before,

For instance, under the terms of the settlement, Microsoft will be disclosing internal interfaces and protocols that are part of their Windows'' operating system products. They will also be granting computer makers broad new rights to configure Windows so as to promote non-Microsoft software.

These concessions as you can see do nothing to protect consumer.

Even with the flawed settlement in place, I think it is in the best interest of the IT sector, our economy, and the public for the settlement to come to fruition. Microsoft needs to be able to focus on business and the government should be putting its muscle into more pertinent issues instead of interfering with software design. I urge your office to take a firm stance on this and help discontinue any opposition to settlement. Thank you.

Sincerely,
Scott Garvey

MTC–00031331

229 Windmere Trail
Moneta, Virqinia 24121
January 16, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW.,
Washington, DC 20530

Dear Mr. Ashcroft;

I am writing you today to express my feelings in regards to the Microsoft settlement that was reached on November 2, 2001. I fully support Microsoft, and I am relieved to see this dispute settled and resolved.

Under this agreement, Microsoft must share more information with other companies, such as, disclosing information about certain internal interfaces in Windows. Microsoft must also design future versions of Windows to make it easier to install non-Microsoft software. Additionally, Microsoft will adhere to a uniform pricing list when licensing Windows out to the twenty largest computer companies in the United States.

I support Microsoft in this dispute and feel that this settlement will benefit the economy, the technology industry, and consumers. Thank you for ending this litigation.

Sincerely,
George Burnop

MTC–00031332

Greywolf Technologies, Inc.
PO Box 126,700 Main St.
Willimantic, CT 06226
January 16, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW.,
Washington, DC 20530

Dear Mr. Ashcroft,

For all the critics and detractors that Microsoft has had, lost in that clamor is the fact that Microsoft was, in large measure, responsible for driving our economy during the longest period of economic expansion that our country has experienced in a long time. Prior to that economic expansion, a few brave souls were huddled around the 286's slogging through DOS. Then Microsoft came along with a vast improvement called Windows and suddenly the IT business was opened up to virtually anyone who could plink down a few hundred bucks for a PC. Prior to the mid-1980's business was terrorized by a lack of technology standards, incompatible equipment, high costs, and slow development.

Microsoft was the sheriff who tamed that chaos.

This began the economic expansion and continued with Windows 95, 98, 2OOO and the rest.

Suddenly half the country was computer proficient and had purchased a PC, along with Internet access, software packages, printers, scanners and all the other goodies that they wanted. Behind this, all the while, was Microsoft—along with Compaq, Toshiba, Gateway, Apple, Electronic Arts and all the others. Windows has been named on some lists the most important tool of the 20th century.

For this, we want to haul Bill Gates to the hoosegow.

This recently negotiated settlement at least has the advantage of ending this litigation, even though it forces Microsoft to do some things not envisioned in the lawsuit, such as divulging its interoperability protocols. It is better for all concerned with this suit to settle it and be done with it. I support the settlement and dearly hope that this sort of thing does not happen again.

Kevin C Donohue, President
Greywolf Technologies, Inc.
Microsoft CERTIFIED Partner
Voice 860 456 3322 fax 860 423 9133
kevin@greywolftech.com
www.greywolftech.com

MTC–00031333

January 16, 2002
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing this letter so that I may give my support to the settlement that has been reached between the Microsoft Corporation and the Department of Justice. For well over two years, the American economy has been doing poorly, Americans have been losing their jobs and now we are in a recession. The antitrust suit against Microsoft has had a bad affect on our economy.

Microsoft has been extremely beneficial to America, but for the past several years they have had to spend their time and resources on legal battles with their own government. Microsoft has been responsible for providing jobs to thousands of people, donating millions of dollars to charities, and simplifying the American computing industry. It seems to me that government interferes too much with business. Competition and capitalism are good for Americans and the American economy. Forcing a corporation to turnover their intellectual property is not right.

The government should not force Microsoft or any other company to share what they develop.

The case against Microsoft should be settled immediately.

Sincerely,
Nancy Nottonson
171 Marlborough Street
Boston, MA 02116–1887

MTC–00031334

Christopher Durant
Mail: P.O. Box 57978
Sherman Oaks CA 91413
Work Phone: (818) 562–2627

Home Phone: (818) 994–8513
E-mail (work): ChrisDu@FirstHealth.com
E-mail (home): ChrisDurant@Yahoo.com
January 16, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
RE: Microsoft Settlement

Dear Mr. Ashcroft:

I believe strongly that the Microsoft Corporation is one of America's greatest assets. It is a company that provides constantly improving products that help make tens of millions of people more productive, happier, and richer.

We live in an increasingly global economy. When the U.S. Government attacks and tries to cripple a domestic company that has become ''too'' successful, there is no shortage of foreign competition that will gladly step in to take market share, unencumbered by governments with beliefs in forced ''equality'' between corporations, regardless of the value or contributions that the companies make.

Microsoft has never harmed me. Its products have enhanced my life tremendously. If Microsoft is a monopoly, why does it continually improve its products and lower its prices?

For the good of the American economy and consumers everywhere, please settle with Microsoft as soon as possible. Doesn't the U.S. Government have better things to do than fight one of the best things that has ever happened to this country?

Sincerely,
Christopher Durant

MTC–00031335

January 16, 2002
Hon. Colleen Kollar-Kotelly
U.S. District Court, District of Columbia
c/o Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Judge Kollar-Kotally:

The proposed settlement between the Department of Justice and Microsoft in U.S. v. Microsoft falls far short of what is needed to put an end Microsoft's pattern of predatory practices.

Its enforcement provisions are vague and unenforceable. The five-year time frame of the proposed settlement is much too short to deal with the antitrust abuses of a company that has maintained and expanded its monopoly power through fear and intimidation.

This proposed settlement clearly fails to meet the standards clearly laid out by the appellate court. In fact, the weak settlement between Microsoft and the Department of Justice ignores key aspects of the Court of Appeals ruling against Microsoft. For example, the proposed settlement permits Microsoft to define many key terms, which is unprecedented in any law enforcement proceeding.

The weak enforcement provisions in this proposed deal leave Microsoft free to do practically whatever it wants.

A three-person technical committee will be appointed, which Microsoft appointing one member, the Department of Justice appointing another, and the two sides agreeing on the third. This means that Microsoft gets to appoint half of the members of the group watching over its actions.

The committee is supposed to identify violations of the agreement. But even if the committee finds violations, the work of that committee cannot be admitted into court in any enforcement proceeding. This is like allowing a football referee to throw as many penalty flags as he likes for flagrant violations on the field, but prohibiting him from marching off any penalties.

2700 Westown Parkway o Suite 200 o West Des Moines, Iowa 50266

Phone 515–453–9590 o Fax 515–222–0565

E-mail info@CRGpros.com o Web CRGpros.com

Sent by: Executive Offices 5152513919; 01/17/02 4:26AM;JetFax #418;Page 3/3 Finally, Microsoft must comply with the lenient restrictions in the agreement for only five years. This is not long enough for a company found guilty of violating antitrust law.

Sadly, the proposed final judgment by Microsoft and the Department of Justice has the potential to make the competitive landscape of the software industry worse, contains so many ambiguities and loopholes that it may be unenforceable, and is likely to lead to years of additional litigation.

The end result is that this proposed settlement allows Microsoft to preserve and reinforce its monopoly, while also freeing Microsoft to use anticompetitive tactics to spread its dominance into other markets.

After more than 11 years of litigation and investigation against Microsoft, surely we can—and we must—do much better than this flawed proposed settlement between the company and the Department of Justice.

Thank you for your time.

Sincerely,
tom Keating
President
Career Resources Group
2700 Westown Parkway, Suite 200
West Des Moines, IA 50266

MTC–00031336

14 War Admiral Lane
Media, PA 19063–6238
January 16, 2002
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

After three long years of costly court battles, the federal government has settled its antitrust lawsuit against Microsoft. This settlement will have profound implications for all software publishers, the rest of the American Information Technology industry and American consumers.

Under the agreement, Microsoft is forced to grant computer makers new rights to configure Windows so as to promote non-Microsoft software programs that compete with programs included within Windows. The companies will now be free to remove the means by which consumers access various features of Windows. They can now replace access to those features with access to non-Microsoft software.

Microsoft has also agreed not to retaliate against software or hardware developers who develop or promote software that competes with Windows or that runs on software that competes with Windows—as well as computer makers who ship software that competes with anything in its Windows operating system.

Enough is enough. No more litigation against Microsoft is needed on the federal level. Thank you.

Sincerely,
Adelia Ockerbloom
cc: Senator Rick Santorum

MTC–00031337

SmartSoft Custom Software Engineering for Microsoft Operating Systems
January 16, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to urge the Department of Justice to move forward expeditiously with its proposed settlement with Microsoft. I have followed this antitrust lawsuit very closely after working for Microsoft from 1989 through 1994. I currently work as an independent software engineer helping hardware and software manufactures bring innovative products to the American public.

I feel the proposed settlement is a fair proposal. The terms of the settlement show Microsoft's desire to correct what the government feels are improper practices. Stiffer terms would punish Microsoft for operating successfully within our free enterprise system. The nine states agreeing to the settlement terms are encouraging innovation, strengthening the economy and the tech industry both at state and national levels. These terms give companies the ability to develop Windows based software applications faster, utilizing far less resources, which keeps development costs down and ultimately benefits consumers by allowing them to spend less for better applications.

In conclusion, I fully support having the proposed settlement put into force without delay. This will greatly benefit innovation in the tech industry, benefit consumers, and spur state and national economic growth.

Sincerely,
John Hensley
12421 Hardee Road o Raleigh, NC 27614–9234
Tel (919) 846–1741
Fax (919) 846–1585

MTC–00031338

Carl T. Bowen
6715 Hempstead Court
Suwanee, GA 30024
January 16, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

The settlement with Microsoft has my full support. We must allow a return to business for the tech industry as soon as possible.

There are many changes required by the settlement. For instance, Microsoft has

agreed to a ''Technical Committee'' that will monitor Microsoft's compliance to the settlement. Also, Microsoft has agreed to license its Windows operating system products to the 20 largest computer makers on identical terms, including price. Plus, Microsoft has agreed not to retaliate against computer makers who ship software that competes with anything in its Windows operating system. Clearly, these changes will benefit both consumers and the economy.

The settlement will not only be fair and reasonable but also will prevent future anticompetitive behavior. In addition, the recession has had a big effect on the economy, and this settlement may spark a new upswing.

Sincerely,

Carl T. Bowen

MTC–00031339

105 Stirrup Lane
Thornton, Pennsylvania 19373
January 11, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

The lawsuits pending against Microsoft by the US department of Justice and the states have gone on long enough. I am happy to see a tentative settlement has occurred between Microsoft and the US Department of Justice, but I am concerned that nine states are continuing litigation.

During this time of economic recession, we must rely on our industries Microsoft is the leading technology industry company with unprecedented growth rates over the last decade The suits which are being filed against Microsoft could be filed against any other company in the country and I honestly do not think that any business would be able to operate if they were forced to take on the restrictions that Microsoft will have to. For example, Microsoft will have to ignore intellectual property rights and share, with other companies, critical information about how the Windows operating system works.

The system is allowing rich cry-babies like Scott McNeil and others to use the anti-trust laws for furthering their own businesses. A careful scrutiny of their business practices would also reveal similar so-called anti-trust laws. Also, to allow each state to individually sue is also calling for 50 additional individual biases. Is this justice?

I urge the US Government to discontinue its meddling in private affairs and focus on other more important issues. The best interests of the American Public will be served only when these lawsuits are dropped and Microsoft is allowed to focus on business, not politics.

Sincerely,

Vinod Rao

cc: Senator Rick Santorum

MTC–00031340

TO. Attorney General John Ashcroft
CC Sen. Rick Santorum
RE: Microsoft Settlement
Nicholas J. Olson
3311 Powelion Avenue Apt 3R
Philadelphia, PA 19104–2731
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
January 11, 2002

Dear Mr. Ashcroft:

After a three year legal dispute between the federal government and Microsoft, I was pleased to hear that a settlement was finally reached. I sincerely hope that no further action is being considered at the federal level.

Considering the terms of the agreement, Microsoft did not get off easy. In fact, Microsoft is now left to make several significant changes to the ways that they handle their business. For example. Microsoft has agreed to grant computer makers broad new rights to configure Windows so as to promote non-Microsoft software programs that compete with programs within Windows. Computer makers will now be free to remove the means by which consumers access various features of Windows. Computer makers can replace those features with access to non-Microsoft software.

With the many terms of the agreement, there should be no reason to pursue further litigation on any level against Microsoft. Microsoft represents the best of the American economy and the American ideal of success through hard work and innovation. The government should never have interfered to begin with, and there should not be any further action.

cc: Senator Rick Santorum

Sincerely,

Nick Olson

MTC–00031341

From: Bert McLachlan
3524 West 97th Place
Leawood, Kansas 66206
Re: Microsoft Settlement
Wall Street Journal 1–16–02
Another Pound of Microsoft

In a perfect world, Microsoft's anti-trust headaches would have ended in November when it settled with the Justice Department. But a perfect world wouldn't have nine state attorneys general who still object to the deal and plaintiffs'' lawyers whose main job is to shoot the wounded.

Such imperfection is why we are today faced with yet another strange Microsoft settlement. This one is over the more than 100 class-action lawsuits filed by consumers who claim Microsoft's ''monopolistic'' pricing policies meant they were overcharged for Windows software.

Reasonable people might wonder how Microsoft could be guilty both of undercutting competitors'' prices (a government claim) and charging con- sumers too much. But if the only goal here is for class-action attorneys to ex- act their own pound of flesh, the claims make perfect sense.

Microsoft agreed to settle the lot by donating more than $1 billion in cash. software, computer equipment and support to 14,000 impoverished schools; as the opposing attorneys put it, this provided a ''social benefit.'' This latest humbling was under way when Apple Computer complained that the deal was anticompetitive. U.S. District Judge Frederick Motz agreed and last week quashed the settlement-though holding out hope it might be revived at a higher price.

What a spectacle. It's understand- able that Microsoft wants to end years of litigation and get on with life as a software company. But the truth is that this latest act of penance will serve no one but the legal firm of Corporate Shakedown & Artists.

Microsoft probably won't gain by go- ing forward. The company may have seen this as a way to score some public relations points while concluding the litigation. Instead, Apple did its own PR job, making it look as though Mi- crosoft was using the settlement to mo- nopolize the schools market.

Nor are schools benefiting. Studies show that simply adding computers to Failing environments doesn't help. These are some of the most disadvantaged facilities in the country; what they need are real curriculums, devoted teachers and (we might add) competition, not the latest version of Microsoft Oulook.

And then there's the judicial branch, which once again finds itself drawing lines in the sandbox between Microsoft and its competition. In retrospect, what motivated the government's own case was Microsoft's competitors-Netscape, Oracle- which used the courtroom to accomplish what they couldn't in the marketplace. Judge Motz now faces the similarly unpleasant task of apportioning tech markets.

Finally, there's the matter of the plaintiffs. Ridiculous as the suits are (America's cheap technology prices are the envy of the world), these people expected something. Instead, their lawyers realized that parceling out a settlement would mean each of the 65 million consumers who had ''overpaid'' get the grand sum of $10 and crafted the school option instead.

Someone benefits, of course.

Tucked into the bottom of the settlement was a line stating that, in addition to the school gift, Microsoft would be reponsible for ''reasonable'' attorney fees to be determined by the court. Seeing as how the plaintiffs'' attorneys in question are Michael Housfeld and Stanley Chesley-the class action wizards who have sued cigarette makers, gunmakers, IBM, Goodyear, Texaco, well you get the picture- ''reasonable,'' in their minds is a percentage; these guys tend to get a bare minimum of 10% to 15%.

So consumers get a ''social benefit'' and the lawyers could get a cool $150 million.

We have seen this so many times, it is like a bad cable movie. Microsoft, too knows how the story goes. Whether the lawsuits are frivolous or not, its options are the same: The company can chance years of litigation in dozens cases, or it can simply sign over one big, hundred-million dollar payoff to the plaintiffs'' bar. Sooner or later the US political system has to come to grips with this kind of legal extortion.

MTC–00031342

THE GREAT SEAL OF THE STATE OF NORTH CAROLINA
North Carolina General Assembly
Senate Chamber

State Legislative Building
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SENATOR A. B. SWINDELL
10TH DISTRICT
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APPROPRIATIONS
NATURAL AND ECONOMIC RESOURCES
COMMERCE
EDUCATION/HIGHER EDUCATION
FINANCE
RURAL DEVELOPMENT—VICE CHAIR
RULES & OPERATIONS OF THE SENATE
TRANSPORTATION
WAYS & MEANS
January 16, 2002
Ms. Renata B. Hesse
U.S. Department of Justice
Antitrust Division
601 D. Street NW, Suite 1200
Washington, DC 20530–0001
Transmitted Via Fax (202) 307–1454
Re: Support for Microsoft Settlement

Dear Ms. Hesse:

This letter is to express my support for the settlement that the U. S. Department of Justice and several states, including North Carolina, have reached with Microsoft.

Resolution of this matter will boost the technology sector, which represents a large segment of the North Carolina economy and, for that reason, it will be well to have this matter resolved. I feel this settlement will promote new investment opportunities in technology, as well as enhance competition in all aspects of the industry and this will greatly benefit consumers.

It is my opinion that this settlement represents a reasonable compromise that has earned bipartisan support. I strongly urge approval of this settlement by both the Department of Justice and the court.

Cordially,
A.B. Swindell, IV
ABS:mmh

MTC–00031343

From: Charles W. Reid
110 Tutty Loop
Houma, La. 70363
PH: 985–868–8307
To: Attention: Renata B. Hesse
microsoft.atr@.usdoj.gov

Dear Renata B. Hesse:

I read an article in the Houma Courier that I can voice my opinion on the Microsoft settlement.

At first I was on Microsoft's side and though they were getting a bad rap for ''their ''product. AS of now, I am not so sure. My recent experience with Windows XP turned my view against them.

Why???? First off, Microsoft came out with Windows XP and said it was great and a fabilious upgrade and we should purchase it and it would solve all out compatablility problems. What they didn't tell us was that all out software and hardware that ran in Windows 98 2nd Edition or Milinium would not run with XP unless approved by Microsoft. All hardware and software running A-OK in 98 and ME would not run in XP. I paid $99.00 + tax to install it and register it and after a week of trying to get my recently purchase software and hardware to work but not work with XP, I cannot get a refund because I opened the package and registered it, but it is now sitting on a shelf by my computer and I will not use it. So far, the companies I have purchased hardware and software are not putting out updates. ''I have to purchase new equipment or software to use my already owned equipment in Windows XP''.

Microsoft did not tell me I would have to purchase new software or hardware to use XP, but I do!!!! Microsoft should not have come out with XP until all 3rd party companies that have software and hardware (printers, scanners. cameras) running in Microsoft's operating system come up with updates to go with the Windows XP CD.

Did you know that with Microsoft's basic patch they offer for Hewlett Packer printers to let them work in Windows XP, will only do ''basic'' printing. Why not the full feature that runs in 98? Even the basic patch has bugs. It is automatically set to print the last page first in multi pages, but the setting is actually set for first page first. You have fool the printer into thinking it is printing last page first by selecting last page first to get it to print first page first.

I now believe that Microsoft is out to make all the money they can and not 1.) get the bugs out before release, 2.) care about providing support, 3.) make their system users spend more money on each upgrade. Have you tried to get support about a problem? I can't.

And if I happen to get through, they cannot fix it!!!!!

Thanks for listening.
(Charles W. Reid)

MTC–00031344

Human Resources by design
January 16, 2002
VIA FACSIMILE
(202) 616–9937
Renata Hesse, Trial Attorney
Antitrust Division. Department of Justice
601 D Street NW. Ste 1200
Washington, DC 20530

Ms. Hesse,

I am extremely troubled by the idea of the courts rejecting the settlement currently on the table in US v. Microsoft I believe a rejection of the settlement will have a seriously negative impact on the research and development coming out of the technology industry right now.

Microsoft, as a company, invests more resources than any other company in the software industry on research and development. They fund companies across the world with their research and development efforts as well. Because of this case and the insecurity it has caused in the technology industry and among Microsoft brass, money being infused into research and development is considerably less than it should be.

I am very confident that, should the settlement be accepted, resources will continue to flow back into research and development. It is that research and development which fuels the growth of the technology industry.

The courts decision on this matter has the potential to affect the software and technology world for years. I hope that you will accept the settlement and clear the way for the computer industry to get back to business.

Sincerely,
Deborah Krause
President / CEO
510 First Avenue, Suite 405
San Diego, California 92101
Phone: (858) 566–4950/(619) 255–6931
Toll-Free: (877) 861–8880 Fax: (858) 566–4674/(619) 269–7192
Website: www.hrbydesign.net Email: info@hrbydesign.net

MTC–00031345

Power to know. Power to Grow FAX
Re: Microsoft Settlement
Date : 1/16/02
From: R. Rusty Harder
Commwnts:
1606 Golden Aspen Drive Suite 108
Ames, IA 50010
Phone (515) 233–8720
Fax: (515) 956–9388
www.e-markets.com
January 15, 2002
Judge Kolar Kottely
c/o Renata Hesse
Trial Attornwy
Antitrust Division
U.S. Dapartment of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Judge Kottely,

This letter is in regard to the Microsoft settlement. As a company founder and vice president of E-markets, I have to make tough decisions every day. Sometimes I have to make a quick judgment with little information to go on and other times it is a long, drawn-out process with reams of data to analyze and no particular time limit. Based on the information I've seen, the Microsoft settlement is a good deal and should be accepted by all parties.

Microsoft agrees to a host of new provisions that provide for a fair settlement; they established new relations with computer manufacturers, and agree to share intellectual property. It seems to me that Microsoft has already done a lot of good with the money it has made, and this agreement is worth accepting. One of the details I read about in the news, and it seems very fair, states that Microsoft consents to the establishment of a ''Techncal Committee'' that will monitor Microsoft's compliance with the settlement.

Anyone who believes that Microsoft is not complying with the settlement will be free to lodge a complaint with an ''Internal Compliance Officer'' at Microsoft (established by the settlement), the Department of Justice or any of the state plaintiffs that are parties to the settlement.

I support this settlement. Thank you for hearing my opinion.

Sincerely,
R Rusty Harder
Cofounder, Director and VP of Client Solutions

E-Markets, Inc.

MTC–00031346

January12, 2002
Department of Justice
Washington DC
Re: MICROSOFT SETTLEMENT!

I'm very disappointed at the prolong case against Microsoft and that 9 states are still fighting the case even though I thought an agreement had been reached. The only winners here are the lawyers as they have won in so many cases at the expense of the consumer. Not only are they paid exuberant fees, but the CONSUMER ends up the LOSER! Eventually all cost of defending the cases are passed on to the CONSUMER!

From what I can determine with the information available the settlement is FAIR!!!!

Please let's not have another IBM fiasco, where alot of money was spent and the case was dismissed. Let's move on with this case and force the states to accepted the agreement so that business can go on.

Sincerely
Gene Pizzato
6007 E. Harvard Street
Scottsdale, AZ 85257

MTC–00031347

THE GREAT SELA OF THE STATE OF NORTH CAROLINA
North Carolina General Assembly
House of Representatives
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Raleigh 27601–1096
REPRESENTATIVE LYONS GRAY
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COMMITTEES
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JUDICIARY
SCIENCE & TECHNOLOGY
UNC BOARD OF GOVERNORS
CONGRESSIONAL REDISTRICTING
ENVIRONMENT & NATURAL RESOURCES
January 17, 2002
Renetta Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW. Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

As a former chairman of the Finance Committee in the North Carolina House of Representatives, I was asked many times to approve compromises which had been worked out between various legislators even thought the legislators came into the process with widely divergent views. Now, Judge Kollar-Kotelly faces a similar task with the settlement agreement worked out between Microsoft, the Department of Justice and nine attorneys general in an effort to clear up the government's case against the world's largest software company.

As I did for those years, I would urge the judge to move forward and approve the settlement for many reasons.

First, the settlement was approved by our attorney general in North Carolina and now the taxpayers of our state no longer have to fund that activity. Second, I believe that when a fair compromise can be reached, it is best to do so as quickly as possible. Otherwise, cases get dragged out in our system for many years, sometimes ultimately coming to settlement years later. Meantime, more taxpayers'' money is consumed as was $30 million in the federal case against Microsoft As a legislator who is concerned about economic development and education in our state, I believe it is not in the best interest of anyone to have such lawsuits lingering over a major corporation. This is especially true of Microsoft which has a facility in North Carolina. What lawsuits can do to the economy is not good. Several years ago when initial negotiations in the lawsuit broke down, the downturn among Microsoft and other tech stocks had a great negative impact on the market and the financial accounts of millions of individuals. Even though such ups and downs are inevitable, I believe that the market causes, not government intervention should be the cause.

Even though I am not an attorney, it seems that both Microsoft and the federal government have come out with both positive and negative.

Sincerely,
Lyons Gray

MTC–00031348

7 Riverwoods Drive
Exeter, New Hampshire 03833
January l4, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington DC 20530

Dear Mr. Ashcroft:

I strongly support the decision to put an end to the Microsoft antitrust litigation. Enough damage has been done. Our economy has obviously been adversely impacted, and it is time for everyone to move on.

In my opinion this case was brought by the various state attorneys general as a result of greed. This was merely an attempt to bring down a successful company so that the states could each have a piece of the Microsoft pie. I do not believe the plaintiffs would ever be able to prove Microsoft engaged in anticompetitive behavior.

Notwithstanding these beliefs, I am in favor of the Court approving the settlement agreement. The terms of the settlement agreement go far beyond what was initially at issue in the suit. For example, Microsoft has agreed to make it easier for computer manufacturers to remove features of Windows and replace them with non-Microsoft software. Additionally. Microsoft has agreed to not retaliate against software or hardware developers who promote software that competes with Windows, and to not enter into agreements obligating third parties to exclusively distribute or promote Windows. These concessions are more than reasonable, and I support the settlement.

Sincerely,
Gareth Dunleavy

MTC–00031349

Christopher Durant
Mail: P.O. Box 57978
Sherman Oaks, CA 91413
Work Phone: (818) 562–2627
Home Phone: (818) 994–8513
E-mail (work): ChrisDu@FirstHealth.com
E-mail (home): ChrisDurant@Yahoo.com
January 16, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
RE: Microsoft Settlement

Dear Mr. Ashcroft:

I believe strongly that the Microsoft Corporation is one of America's greatest assets. It is a company that provides constantly improving products that help make tens of millions of people more productive, happier, and richer.

We live in an increasingly global economy. When the U.S. Government attacks and tries to cripple a domestic company that has become ''too'' successful, there is no shortage of foreign competition that will gladly step in to take market share, unencumbered by governments with beliefs in forced ''equality'' between corporations, regardless of the value or contributions that the companies make.

Microsoft has never harmed me. Its products have enhanced my life tremendously. If Microsoft is a monopoly, why does it continually improve its products and lower its prices?

For the good of the American economy and consumers everywhere, please settle with Microsoft as soon as possible. Doesn't the U.S. Government have better things to do than fight one of the best things that has ever happened to this country?

Sincerely,
Christopher Durant

MTC–00031350

PACIFIC ENERGY CONSULTANTS, INC.
993 OAK LANE
ESCONDIDO. CA. 92029
(760)746–5193
eMail Tom@Hinrichs.org
January 16, 2002
Renata Hesse Trial Attorney
Antitrust Division. Department of Justice
601 D Street NW. Ste. 1200
Washington DC 20530
VIA FACSIMILE
(202) 616–9937

Dear Ms. Hesse:

The settlement in the case of US v. Microsoft should be accepted and ratified as soon as possible. This letter is being written to the courts to not only to ask you to accept the settlement—but to do so as quickly as possible.

The Microsoft case has been an awful constraint on the national economy. I am sure the courts have heard this argument articulated by many an academic who understands the economy better than I. But, let me assure the courts, the argument is much more than academic. Small business is feeling this case in a very real way.

From what I understand, the settlement in this case will become law as soon as it is

accepted by the courts. Therefore. the sooner you can ratify the settlement, the better. Business affected by the case will see positive change right away (as opposed to the next fiscal year or some business related time period). Essentially. I am asking the courts to accept the settlement and work to expeditiously set the wheels in motion for the settlement to be executed. Doing this will allow business to move forward again

Sincerely.

Tom Hinrichs President

MTC–00031351

FROM: AH HA FAX NO. 919–363–8789 Jan. 16 2002 03:09 PM P1
AH HA! LTD
facilitation & consulting
January 15, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Fax 202–616–9937
microsoft.atr@usdoc.gov

Dear Ms. Hesse:

The U.S. Department of Justice antitrust lawsuit against Microsoft has now gone on for over three years, at a cost of many millions of dollars to taxpayers. The cost in lost productivity, unrealized innovation and underused economic resources is far greater. It is time to bring this matter to a close.

Even here in the Research Triangle, one of the most dynamic areas of the country, the information technology industry is hurting. Now, of all times, it is vitally important to settle this pending litigation and get both Microsoft and its competitors back to work on what they do best: develop and market new products and services for consumers. The proposed settlement insures that Microsoft will not engage in illegal and anticompetitive behavior Microsoft must agree not to retaliate against computer makers that ship its competitors'' software and take other steps to guarantee that its current market position will not be used unfairly.

I hope the courts will see fit to accept this settlement, just as the State of North Carolina has done, and help restore this industry and our economy to the growth and progress we enjoyed over the past decade.

Sincerely,

Warren Miller

MTC–00031352

Mike Davis Public Relations, Inc.
PUBLIC RELATIONS COMMUNICATIONS
P.O. Box 27646 Raleigh, NC 27611
Phone: 919–821–3928 Fax: 919–821–9135
January 16, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington DC 20530
Fax 202–616–9937
microsoft.atr@usdoc.gov

Dear Ms. Hesse: It is time to bring an end to the too-long and too-expensive Microsoft antitrust case. In November 2001, our Attorney General here in North Carolina, Roy Cooper, agreed to the settlement that has been proposed. I hope that the federal judge will now approve the settlement also.

It is difficult for a layperson such as myself to understand what misdeeds Microsoft has committed. It appears to me and my three teenage, computer-savvy children, that Microsoft has made information technology more accessible, more usable and more affordable. No consumer harm is apparent to me. I was under the impression that the purpose of antitrust laws is to protect consumers, not competitors. Whatever Microsoft's misdeeds, however, I believe the proposed settlement offers more than enough protection in the future. I have read that Microsoft will be required—and has agreed to abide by a strict set of rules and regulations governing its relationships with computer maker and software providers. An independent committee will oversee the company's behavior. More information about Microsoft's products and practices will be made public—and made available to its competitors. Enough is enough. It is time to accept a settlement that appears to be fair and reasonable to both sides in this matter. Put my name down as one citizen who thinks it is time to take all possible steps to returning everyone's attention to restoring the strength of our nation's economy, rather than bleeding an important industry dry in the courtroom.

Thank you for your attention and the opportunity to comment.

Sincerely,

F. Michael Davis President

MTC–00031353

Bernard A. Streeter
Mayor
City of Nashua
January 16, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse: In response to the Court's request for public comment on the proposed settlement in the case U.S. v Microsoft, I am forwarding my support for the settlement to the District Court and hope it will made part of the case's record.

As Mayor of the City of Nashua, I wish to respectfully express my support for the remedies and settlement laid out by Microsoft, the U.S. Department of Justice, and nine of the state plaintiffs The small business community of Nashua has long supported a speedy and reasonable settlement to this case, and we believe that the proposal before the court meets both requirements.

After more than four years of waiting for this case finally be resolved, the high technology, community in our area and around the country has seen the protraction of it do much more harm than good. Profits investments, and new jobs are down, while the pace of innovation and, therefore, demand, has fallen off. The current state of the economy-a full-fledged recession—in our view makes immediacy an even more important factor in settling the case than ever before. No longer is the drag on the high tech sector not noticeable. It is a major factor in the loss of jobs and lack of investment in the technology industry. I believe the cultivation of this industry is vital to the success of any economic recovery and hope the court sees this settlement, as we do, as a step toward that goal.

I hope my comments have helped illuminate the public impact of the proposed settlement, at least in our community, and hope also that you approve the proposal.

Thank you,

Bernard A. Streeter

Mayor

MTC–00031354

MISSOURI HOUSE OF REPRESENTATIVES
CAPITOL OFFICE
State Capitol Room 115–B
201 West Capitol Avenue
Jefferson City, MO 65101–6806
Tele: 473–751–2076
HOME ADDRESS
311 Constitution
Jefferson City, MO 65109
573–893–7647
CARL M. VOGEL
114TH DISTRICT STATE REPRESENTATIVE
January 14, 2002
Renata Hesse
Trial Attorney-Anti-Trust Division
Department of Justice
601 D Street Northwest, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

Given that the economy is now in recession, the last thing we need is more litigation and regulation of the high-tech industry. Already over $30 million in taxpayer funds have been spent on the Microsoft anti-trust case at a time when money should be kept in the pockets of consumers, thus helping our fragile economy grow. The settlement reached between the Justice Department and Microsoft is appropriate.

I favor free-market solutions to the problems facing businesses today. Competition—and the will to succeed as a result of this competition—has given this nation the strongest business enviroment in the world. There has been no consumer harm as a result of any actions taken by Microsoft. In fact, Microsoft's innovation has led to tremendous benefits for consumers, such as better products and lower prices.

Sincerely,

Carl M. Vogel

State Representative

114th District

MTC–00031355

To: Renata Hesse, Trial Attorney
Suite 1200
Antitrust Division
Department of Justice
601 D Street NW
Washington. DC 20530
Fax: 202–616–9937
From: Kai Hintze
Senior Systems Programmer
Albertsons
(Voice) 801–961–3146
Subj: Antitrust Settlement—U.S. v Microsoft
Summary: Please go back and do it right.

16 January 2002
Renata Hesse, Trial Attorney
Suite 1200
Antitrust Division
Department of Justice
601 D Street NW
Washington. DC 20530
Fax: 202–616–9937

Dear Ms Hesse. In the matter of US v. Microsoft: I do not believe that ''punishing'' a company convicted of illegally maintaining a monopoly by offering it a chance to extend that monopoly into one of the few markets it does not already control will prove an effective deterrent. In my opinion, any penalty which might impede Microsoft's illegal monopoly growth must include at least the following elements:

1) Microsoft must publish all specifications to all its file formats. Much of Microsoft's power arises from the fact that its Office suite has been bundled with new computers so much that it is a defacto standard. Other word processors and spreadsheets try to build conversion routines so that they can read and write Microsoft files, but they depend on reverse-engineering to try to find out what the file format is, so they have limited success. A published specification would allow Microsoft its precious right to innovate, but would permit other developers to make truly compatible software. This way Microsoft would have to compete on usefulness and not on obfuscating their files.

2) Microsoft must publish all Application Programming Interfaces (API's) exposed by its operating systems. Programs written using operating system API's are usually. easier to write and usually run faster. Microsoft has been shown in the past to publish most of their API's so that third party software can be written, but reserve some knowlege of API's so that third party software won't run quite as well as Microsoft software.

3) Microsoft must publish its price structure. Said price structure cannot penalize vendors who sell non-Microsoft products and operating systems. From the purchaser's point of view, when vendors sell a computer with Windows located the vendor must include the cost of the operating system as a line item.

I believe this is the most extreme penalty. Pricing is usually considered a trade secret, but Microsoft has been shown in too many instances to set prices for a specific contract not according to volume or any other objective measure. but purely to reward its friends and punish its enemies. This will also allow consumers to compare the price they pay for various operating systems that can run on their computers.

4) Microsoft must use independently published networking protocols. If Microsoft wishes to extend a networking protocol it must submit the extension to an independent body such as IEEE for approval. One of Microsoft's common practices to discourage competition is called ''embrace and extend''. In other words, take something that works for everyone, and make it so that it only works with Windows. One recent example of this is the Windows 2000 implementation of the published Kerberos security protocol. It looked a lot like something that would work with other Kerberos clients and servers, but was just different enough that it didn't, thereby requiring organizations that wished to use Kerberos authentication for their Windows 2000 boxes to have a Windows 2000 Kerberos server, even if they had an existing Kerberos server they had been using for years for other platforms that ran well.

5) Microsoft must be prohibited from pursuing legal action against people helping to enforce penalties 1 through 4, and people who publish reviews and comparisons unfavorable to Microsoft.

Penalty 5 is required because Microsoft has a history of attempting to suppress reviews that find that other products out perform the Microsoft product by threat of legal action. Microsoft claims that involving their product in ''unsanctioned'' evaluations is a violation of the license terms. Thus this penalty is required both to allow legitimate journalistic and evaluatory functions and specifically to protect individuals and groups engaged in the research necessary to monitor penalties 1, 2, and 4. This behavior is particularly loathsome when Microsoft attempts to sweep security flaws under the table, as they usually do. (See their recent Security Through Obscurity program, formally known as the Microsoft Certified Security Partner Program.) If Microsoft is allowed to continue business as they have in the past they will only increase the risk to business and national security that they are now. Penalty 3 is a matter for accountants. It is obnoxious but straightforward to monitor. Penalties 1, 2, and 4 would be most easily monitored by providing a bounty (to be paid by Microsoft) for individuals or groups who examine Microsoft's products and find instances where Microsoft has failed to comply.

In addition to the bounty for those who find violations, Microsoft should be required to pay a substantial fine for each violation. Perhaps this fine could be applied to some existing educational fund.

Please note that I have not requested that Microsoft reveal any of its code, only the interface to use the code. Neither have I suggested that Microsoft not be allowed to innovate, only that they should stop trying to skew the playing field so that others can innovate as well.

The damage to consumers created by Microsoft as a monopoly was demonstrated during the recent trial, but I will provide three specific damages, and one instance of each:

1) Microsoft only innovates (or buys innovation to include with its products) where it has competition.

When Lotus l-2–3 was the dominant spreadsheet Excel received frequent and noticeable enhancements, to the point where it became the clearly superior choice. Now Excel has obliterated the competition, and I cannot recall the last useful function added to it

2) Microsoft lowers prices where it has competition and raises them where it does not.

When WordPerfect and other word processors offered serious competition to Microsoft Word the list price for Word was US $99.00 and I could have bought it for $59. Today the list price for Word is US $399 and the lowest price C-Net can find is $275.

3) Microsoft has a history of trying to stifle other innovators. Microsoft has a current lawsuit against Lindows.com Inc.. claiming that their name will confuse buyers. But Lindows is the most reasonable name for the company, given that their stated goal is to be able use Linux to run programs written for Windows. It looks to me like Microsoft prefers litigation to innovation. I hope that you will see that the published settlement proposal only benefits Microsoft (and that only in the short run), and demand that they return to the table to create a settlement that will benefit everyone.

Thank you for your attention.

Please note that this letter is my opinion only, and may or may not represent the view of my company. However I included my title as evidence that I am familiar with the computer industry, and that my opinions are reasoned and backed by experience.

Sincerely,
Kai G. Hintze
Senior Systems Programmer
Albertson's
(Home address)
3087 W 7140 S
West Jordan, Utah 84084

MTC–00031357

Jan 16 02 03:03p Gary Pearce 9197878031 p.1
TRC Triangle, Inc.
P.O. Box 41087
Raleigh, North Carolina 27629
Telephone 919–828–3150
Facsimile 919–828–1977
January 11, 2002
Renata Hesse
Trial Attorney
DEPARTMENT OF JUSTICE
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse: In November 2001, North Carolina Attorney General Roy Cooper joined with other states'' attorneys general from across the nation in agreeing to a settlement with Microsoft Corporation in the ongoing antitrust litigation against that company. I believe our state's attorney general made the correct decision, and I am writing to urge the federal courts to agree to that settlement. North Carolina and, especially, the Triangle area have enjoyed remarkable economic growth thanks in great measure to the advances of the information technology industry. Events at home and abroad now jeopardize our prosperity-and that of the entire nation. It is more important now than ever to remove any obstacle to economic recovery, and I sincerely believe this prolonged Microsoft matter is just such an obstacle. By accepting the proposed settlement, Microsoft has demonstrated that it will abide by strict constraints on its behavior in the marketplace. The settlement provisions protect Microsoft's competitors and, more importantly, the consumer, while preserving for Microsoft the essential ability to innovate and introduce new products.

Thank you for your consideration.

Sincerely,
C. Thomas Hendrickson
President

MTC–00031358

Jan 16 02 03:Olp Gary Pearce 9197878031 p.1

SMITH HELMS MULLISS & MOORE. L.L.P.
Attorneys at Law
2800 Two Hannover Square
Raleigh. Norrh Carolina 27601
PO Box 27525 (27611)
(919) 755–8700
direct: 919–755–8726
fax: 919–755–8800
Dennis.Wicker@smithhelms.com
January 16, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse: I believe that the proposed settlement in the Microsoft case is a fair and reasonable compromise. It was arrived at after extensive and intensive negotiations, through the leadership of a court- appointed monitor. I hope it will now receive the approval of the federal court. Under the agreement, Microsoft will be forced to make significant changes in its operations. It must work in new ways with software developers and computer makers. It must communicate better with other companies, share more information, create more opportunities for other companies and offer more choices to consumers. Microsoft must also accept the oversight of a special committee that will monitor implementation of the lawsuit.

These are extraordinary steps for a company to take, and Microsoft has stated publicly that it will accept and abide by the terms. So I strongly believe it is time, especially given the uncertain condition of our economy today, to close the books on this matter and enable Microsoft—and its competitors -to go back to doing what they can and should do best: find new ways to enhance the productivity of America.

Sincerely,

SMITH HELMS MULLISS & MOORE, L.L.P.

Dennis A. Wicker

MTC–00031359

JAN-16–2002 13:54 MO HOUSE OF REPS 473 751 5123 P.01
DANIEL J. HEGEMAN
STATE REPRESENTATIVE DISTRICT 6
State Capitol—Room 101D
Jefferson City, MO 85101–6806
TELE: (573) 751–0246
FAX: (573) 525–7740
E-Mail: dhegeman@services.state.mo.us
MISSOURI HOUSE OF REPRESENTATIVES
DISTRICT ADDRESS
18739 County Road 294
Cosby. MO 64436
(816) 662–2645
January 14, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Fax 202–616–9937
microsoft.atr@usdoc.qov

Dear Ms. Hesse As a state legislator in the Missouri General Assembly, I want to express my support for the proposed settlement between the United States Department of Justice and Microsoft. As a legislator that is constantly involved in negotiating and compromising, I am firmly convinced that this proposed settlement is fair and equitable to both parties. Now is the time to put this case behind us and allow the technology industry to move forward. As you know, Microsoft has been a leader in innovation throughout the industry. All facets of our economy have benefited because of the leadership and technology advances made by Microsoft. Stewards of government should encourage these types of industry successes instead of placing roadblocks in front of them. I hope you stop the litigation and accept this reasonable settlement.

Sincerelv.

Daniel Hegeman

District 5 State Representative

MTC–00031360

linda c. ashendorf 6040 jester lane charlotte nc 28211
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Fax 202–616–9937
microsoft.atr@usdoc.gov
Re: Microsoft case

Dear Attorney Hesse: As a business owner and comsumer, I am writing in support of the proposed settlement in the U.S. v. Microsoft case. The agreement to the three year-old antitrust suit is a compromise that contains rules and regulations on how Microsoft will develop and license software. At the same time it allows Microsoft to continue efforts to develop new software that will benefit consumers. Computer manufactures will have the flexibility to configure Windows so non-Microsoft programs can be integrated into the set up and have the ability to remove certain Windows features such as the lnternet Explorer and replace it with another web browser. Microsoft has also agreed to provide a uniform price list to the 20 largest manufacturing computer makers. This settlement reaches a middle ground for both sides and will ultimately benefit consumers, the technology industry and the economy. It is time to end the litigation and promote opportunities lo get our economy and technology industry moving again.

Sincerely,

Linda Ashendorf

public affairs consultant

MTC–00031361

Hillsborough County Republican Committee
January 10, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Attorney Hesse: I am writing to submit my public comment in support of the current settlement proposed in the case of the United States v Microsoft. I have been following the case in the news and believe that its end is long overdue. Haven't we spent enough of the taxpayers'' money on this case? The company should be allowed to get back to work on more important matters, like creating new products and focusing on their customers' needs. During this economic downturn and as national security concerns rise, your efforts should be focused on prosecuting criminals that have a detrimental effect on the American people and our economy. Government should be encouraging companies like Microsoft by allowing the marketplace to police them, rather than subjecting them to government interference.

I am certain that the agreements reached in this settlement will ease the government's concerns about Microsoft. After all, if a number of the parties involved in this case can agree, doesn't that show that it is a good agreement? To continue litigation against Microsoft at this time would be unnecessary and ultimately harmful to the American people. I urge you to approve this settlement quickly so we can all get back to work.

Sincerely,

Maurice Goulet

Chairman

48 Ministerial Branch Bedford, New Hampshire 03110

MTC–00031362

Clendenin Bird & Company
CERTIFIED PUBLIC ACCOUNTANTS
1300 Tenth Street, Suite C
Modesto, California 95354
Telephone (209) 526–3091 Facsimile (209) 526–2287
Gerald L. Clendenin, CPA
Constance Hillas Bird, CPA
Albert A. Avila, CPA
James O. Armstrong, CPA
Patricia A. Retting, CPA
Claire L. Schendel, CPA
Wendy I. Prather, CPA
January 16, 2002
Renata Hesse, Trial Attorney
Antitrust Division, Department of Justice
601 D Street NW, Ste. 1200
Washington, DC 20530

Dear Ms. Hesse: I am writing this letter to the court to support the settlement that is proposed in the case of US v. Microsoft. From what I understand, nine of the states and the federal government have come to an agreement and the court is asking for public comment as to whether that agreement should be accepted. I have read the arguments made by both sides on this case- by Microsoft and by the competitors who called for the suit in the first place. These competitors of Microsoft have made the argument that Microsoft's anticompetitive actions have brought harm to the technology industry. That argument is no longer valid. Since the day this case against Microsoft first began, the technology industry went into a steady decline. You don't need to look any further than the NASDAQ-our strongest tech market indicator-over the last three years. Those competitors and their allies who arc arguing to the court that a settlement will harm the technology industry are totally wrong.

The original goals of this case may have been justified. I don't believe that question is still relevant. I believe the relevant question now is ''is the settlement fair and is it time

to end this case?'' To those questions, I think I speak for the majority of Americans by telling the court that the answer is a resounding ''yes.''

Thank you very much.

Sincerely,

CLENDENIN BIRD & COMPANY

MTC–00031363

January 16, 2002

Attorney General John Ashcroft

US Department of Justice

950 Pennsylvania Avenue, NW

Washington, DC 20530

Dear Mr. Ashcroft: I would like to express my feelings about the Microsoft antitrust case. I sincerely hope that this settlement will be the end of the lawsuits. This is supposed to be free enterprise but Microsoft is being punished for running a successful company and inventing technologies that have changed our lives. I work for the government as a Chemical Engineer, and I use Microsoft products every day. Microsoft is not forcing anyone to use their, products; consumers want the ease of using compatible products. Please uphold this settlement, Microsoft is conceding far more than what has even been asked for. For example, Microsoft will now share its proprietary information with competitors, allowing them to more easily place their own programs on Microsoft's Windows operating system. It is a very reasonable settlement and will restore fair competition to the computer industry. Thank you for your time.

Sincerely,

Federico B. Santa Cruz

506 Saybrooke View Drive

Gaithersburg, MD 20877

MTC–00031364

FROM : PHONE NO. : 8472952092 Jan. 17 2002 08:38AM P1

January 14, 2002

Attorney General John Ashcroft

US Department of Justice

950 Pennsylvania Avenue, NW

Washington, DC 20530

Dear Mr. Ashcroft: Microsoft has been involved with the federal courts in an antitrust lawsuit for approximately three years now. Last November, a settlement was reached that seemed to mark the beginning of the end. I thought that the struggle would soon be over. That appears not to be the case. Nine states remain litigious, and they have used the past several weeks to sling mud at Microsoft and gather support to overturn the settlement. In light of the recent terms agreed to under the settlement, I do not see why these states believe Microsoft remains in violation of antitrust laws. Microsoft has agreed not to retaliate against any software producer that introduces software onto the market that is in direct competition with Microsoft products. Moreover, Microsoft has agreed not to enter into any agreement that would require a third party to endorse Microsoft products either exclusively or at a fixed percentage. I do not believe terms such as these are too lenient with Microsoft nor do I believe that the issues raised by Microsoft's competitors have been dealt with lightly.

It seems as though every time Microsoft is attacked, the whole market collapses. This duration of this case has had a derogatory effect on the economy and the IT industry. No good can come of further litigation. In my opinion, the case should remain settled. I see no reason for the suit to be reopened and the settlement overturned. I urge you and your office not to take further action against Microsoft in the federal courts.

Sincerely,

Mary McAndrew

432 E Alexander Palm Road

Boca Raton, FL 33432

MTC–00031365

Date: Thursday, January 17, 2002 Time: 3:19 AM

To: Renata Hesse

Company: United States Department of Justice

Fax Number: 2026169937

From: Robert Trujillo

Subject: Microsoft Antitrust Settlement

71 Faragut Ave

Tonawanda, N.Y. 14150

January 17, 2001

Renata B. Hesse

Antitrust Division

U.S. Department of Justice

601 D Street NW

Suite 1200

Washington DC 20530–0001

Renata B. Hesse:

As someone familiar with computing and the computer industry, and the adverse effects of Microsoft's monopolies in these areas, I cannot see how the settlement that is proposed even pretends to remedy the antitrust violations for which Microsoft has been found culpable. The company has already been found in violation and this is the penalty phase of the case, but the settlement contains no penalties and actually advances Microsoft's operating system monopoly. A just penalty would at barest minimum include these additional features: Any remedy seeking to prevent an extension of Microsoft's monopoly must place Microsoft products as extra-cost options in the purchase of new computers, so that the user who does not wish to purchase them is not forced to do so. This means that for the price differential between a new computer with Microsoft software and one without, a computer seller must offer the software without the computer (which would prevent computer makers from saying that the difference in price is only a few dollars). Only then could competition come to exist in a meaningful way. The specifications of Microsoft's present and future document file formats must be made public, so that documents created in Microsoft applications may be read by programs from other makers, on Microsoft's or other operating systems. This is in addition to opening the Windows application program interface (API, the set of ''hooks'' that allow other parties to write applications for Windows operating systems), which is already part of the proposed settlement. Any Microsoft networking protocols must be published in full and approved by an independent network protocol body. This would prevent Microsoft from seizing de facto control of the Internet.

Any Microsoft software that is bundled with Microsoft's operating system, software such as Internet Explorer and Windows Media Player, should be removable from the Operating System. Thus if the user chooses a competitors product and no longer desires to use Microsoft's product. the user can then remove that application and all files pertaining to that application. This should be made retroactive, i.e. older versions of the Windows operating system should be made to comply with action. Microsoft and or O.E.M.s should be compelled to include Sun MicroSystems Java virtual machine. Microsoft has decided to discontinue shipping Sun MicroSystem Java virtual machine in it's future release of its operatin system, this includes the currently shipping Windows XP. Microsoft had in the past shipped Sun MicroSystems Java virtual machine with its products but after its settlement with Sun MicroSystem has decided against this action. This action is quite harmful to users and developers who use the Java programming language and applications developed from this product. This action unfairly penalizes users and developers alike. Note Microsoft's Visual Basic components continue to ship with their operatin system giving Microsoft's Visual Basic product an unfair advantage. I believe these changes listed above would go along way in improving the proposed settlement.

Sincerely,

Robert Trujillo

MTC–00031366

MARK S. PULLLIAM

SAN DIEGO, CALIFORNIA 28101

January 16, 2002

VIA FACSIMILE (202/616–9937)

Renata Hesse, Trial Attorney

Antitrust Division, Department of Justice

601 D Street NW, Ste. 1200

Washington, DC 20530

Dear Ms. Hesse: It is probably safe to assume that as part of the Tunney proceedings the court is receiving numerous letters arguing that the Microsoft settlement does not go far enough. Microsoft's competitors have long held the belief that all of their shortcomings in the marketplace might be resolved by the courts. I would like to publicly state that the settlement does more than enough to remedy the case of US. v. Microsoft, this issue has gone on far too long, and accepting the settlement will bring closure which is long overdue. A settlement in a case like this is just that-a settlement, Individuals and companies will spend extensive amounts of time and money trying to point out every single flaw or shortcoming they perceive to be a part of this settlement. But the case against Microsoft is not about trying to make sure those who abhor Microsoft get every single thing they ask for. The settlement is about working to remedy a previously bad situation in a manner that is fair to both sides.

The settlement more than adequately punishes Microsoft. Forcing codes to be opened, placing monitors in their business, and removing any perceived leverage will bring fairness to all the companies trying to gain an advantage from the settlement. Hundreds of hours and countless individuals have worked to craft this settlement. I hope the courts will consider this in their ruling

while also recognizing the self interest which motivates many of the letters pouring in against the settlement.

Sincerely,
Mark S. Pulliam

MTC–00031368

3289 Pear Point Road
Friday Harbor, WA 98250
Phone: 360–378–6845
Fax. 360–378–5042
To: Attorney General John Ashcroft
From:Steven A Cotton
Fax: 202–307–1454
Date January 17, 2002
Re:Microsoft Anti-Trust Case
Comments:
3289 Pear Point Road
Friday Harbor, WA 98250
January l6, 2002
Attorney General John Ashcroft
United States Department of Justice, 950 Pennsylvania Avenue, NW
Washington, District of Columbia, 20530–0001

Dear Mr. Ashcroft, I am writing today to encourage you and the Department of Justice to accept the Microsoft antitrust settlement. The suit has been dragged out for over three years now, and it is time to put it behind us. Microsoft and the industry as a whole needs move forward and focus their attention on business at hand; otherwise the economic climate within the tech industry may never rebound.

Many people believe that Microsoft got off easy; in fact, the opposite is true. Microsoft agreed to terms that extended well beyond the products and procedures that were actually at issue in the suit, with the express reason that it will al1 be over soon. The company also agreed to a three-person technical committee that will monitor Microsoft's compliance with the settlement A fair settlement and a fair way to make sure that the settlement is followed were reached The only thing left is to see that the government accepts its own settlement. In these economic hard times we need to allow business to move ahead. As long as this suit is hanging around, the technology industry will not be able to move further. Please accept the Microsoft antitrust settlement and let us get on with the people's business.

Sincerely,
Steven Cotton

MTC–00031369

January, 2002
Department of Justice
Washington, D. C.
To Whom It May Concern: I am for settling the Microsoft Case. I believe that it was wrong in the first place to bring this to court. The company is not perfect—-but what they have done incorrectly does not merit a case being brought against them. This company and Mr. Gates has done more for many in this country than any other company. They have helped many schools and many, many charities, and many, many people when other companies would not even lift a hand.

Also—We have obligations to move beyond this. We have a war with terror going on right now. Let us begin to resolve the problems in this country—illegal immigration—let us begin to pull together and solve existing problems. President Bush is on the right track to work together—not divide this country. I love the windows operating system as it enabled, me a novice, to begin to use the computer. I think we should thank Mr. Gates rather than drag him into court. He was head and shoulders above everyone else in inventing a way for all to compute—he should have the freedom to continue to invent new ways to work. Our economy is in shambles. Let us put this behind us—I think it is time to accept Microsofts proposal and put this behind us. Many, many people are out of work in this country—we need to grow up and move on.

Thank you
Mary E. Wenger
Washington State

MTC–00031370

From. Myma-Sue Shimberg
To: Attorney General John Ashcroft
Date: 1/16/2002
Subject : Microsoft settlement

Dear Mr. Ashcroft:

Microsoft has succeeded because it has made products that are easier to use and more effective than its competitors. I was pleased to learn that a settlement was recently reached in the antitrust case that was begun more than three years ago by the Justice Department. I hope it will finally bring an end to this case. Microsoft should be allowed to function and compete without excessive government intervention. The settlement that was reached this November could conclude the federal case if it is put in place. Sadly some opponents of the settlement may try to undermine the settlement because they feel it is too undemanding. However the reality is that this settlement is very comprehensive. The settlement requires Microsoft to end any contractual restriction that could be interpreted as harmful to competitors. Additionally, this settlement compels Microsoft to share proprietary code with competitors, to an unprecedented extent. Undoubtedly this settlement should be the end of this case, despite what the Microsoft opponents may contend.

Sincerely,
Myrna-Sue Shimberg
11068 N. Mountain Breeze Drive
Tucson, AZ 85737

MTC–00031371

225 Castle Drive
West Mifflin, PA 15122–2958
January 16, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I am writing you today to express my opinion in regards to the Microsoft settlement issue. I support Microsoft and believe this settlement is fair. Microsoft is an American company that has impacted our daily lives. Microsoft has brought American computer technology into our businesses and homes. This company has done so much in the past that it should not be stifled or restricted. This settlement allows this company to remain together. This settlement also contains provisions that will foster competition. Microsoft has agreed to share more information with other companies and has agreed to be monitored by a technical oversight committee. Competing companies may also opt to sue if they feel this company is not complying with this agreement. Again, I support this settlement and feel it will serve in the best public interest of America. Please support this settlement. Thank you for your time.

Sincerely,
Suzanne Cunningham
cc: Senator Rick Santorum

MTC–00031372

Iowa Special Events Group, Inc.
Specialists in Sound & Communications
Dale Blair, CEO E.E.
January 16 ,2002
Judge Kolar Kottely
c/o Renata Hesse, Trial Attorney
U.S. Department of Justice—Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Judge Kottely, I am writing in hopes to encourage the settlement with Microsoft. Most analysts agree that the suit is a wasteful use of taxpayer dollars; this case has a chilling effect on innovation, and is making it harder for entrepreneurs to raise capital. Beaten in the market by better Microsoft products and services, competitors like Netscape (since acquired for billions by AOL) somehow talked the federal government into attacking Microsoft as an anti-competitive monopoly guilty of predatory practices. Remarkably enough, I read that AOL-Time Warner began lobbying the government against a competitive Microsoft product before it was even released! It's quite disturbing to think that a corporation such as AOL-Time Warner has such influence over our states' legal decisions.

It has been AOL-Time Warner, created as a result of AOL's merger with Time Warner, whose existence has raised real hackles about potential monopoly power. For its part, Oracle has left no stone unturned in trying to undermine Microsoft. What disturbs me the most is that the government's attack on Microsoft may well have been motivated by a desire to assert control over the fastest growing and most independent industry in the country. That's a horrible philosophy if we want people to invest in new technologies and products that mean new jobs and growth for our future. All this being said, I think the settlement is acceptable and it's time to move on. Thank you for your time, as I know it is very valuable.

Sincerely,
Dale Blair
P.O. Box 815—Des Moines, Iowa 50304—
Phone: 515–277–2002

MTC–00031373

8 Pansy Court
Newtown, Pennsylvania 18940
January 12, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW

Washington, DC 20530

Dear Mr. Ashcroft: I would like to express my support for the settlement that was negotiated in November between Microsoft and the Justice Department. I believe the settlement is sound and in the best interests of our economy.

Although Microsoft probably conceded more than was warranted, the company believes it is time to move forward. As an example, Microsoft agreed that if a third party's exercise of any options provided for by the settlement would infringe any Microsoft intellectual property right Microsoft will provide the third party with a license to the necessary intellectual property on reasonable and non-discriminatory terms. I believe this is a significant concession and should show the government that this is indeed a good deal for them.

Both sides of this dispute showed much courage in sticking with the tenuous negotiations this agreement required. Your office has made the right decision in supporting this settlement and I hope you will continue your support.

Sincerely,

Arthur Millevoi

cc: Senator Rick Santorum

MTC–00031374

Professional Performance
DEVELOPMENT GROUP, INC
January 16, 2002
Attorney General John Ashcroft, US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft, I believe that the settlement reached between Microsoft and the Department of Justice regarding antitrust suit is more than fair. We live in a free-market society; it does not make sense to submit to so much government intervention. Carrying on litigation will have an adverse effect on the industry and prevent the advancement of technology.

It is necessary to settle the suit so the economy may a get a much- needed boost. I do not understand why a company must provide its competitors with information pertaining to its products, but Microsoft has agreed to give the rights to computer makers to configure the different Windows operating systems so they can run non-Microsoft software within them even easier. Microsoft has also agreed to license Windows to the 20 largest computer makers on equal terms and conditions, including price.

The suit has managed to drop the value of the stock market, raise software costs, and have taxpayers dig deeper into their pockets. If this suit continues, the economy may not be able to get the much-needed boost that it needs. I urge you to make certain that this settlement is confirmed and Microsoft is allowed to return to innovation.

Sincerely,

Klaus Schonfeld

Vice-President

4241 Woodcock Road,Suite A125, SAN ANTONIO, TEXAS 78228

TEL. 210–615–1117 FAX 210–415–1158

WWW.PPDG.COM

MTC–00031375

01/16/2002 19:25 630–325–0260 GREG SMITH
10 South 336 Hampshire Lane East
Hinsdale, Illinois 60527
January 10, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft: Finally, after three long years. the Department of Justice has decided to end its antitrust lawsuit against Microsoft. This is good news for the business community and the economy as a whole, because Microsoft affects so much of the economy.

Microsoft has agreed not to retaliate against computer makers who ship software that competes with anything in its Windows operating system. Microsoft has also agreed to disclose and document! for use by its competitors, various interfaces that are internal to Windows' operating system products—a first in an antitrust settlement. Microsoft did not get off easily. The settlement was arrived at after extensive negotiations with a court-appointed mediator.

The company agreed to terms that extend well beyond the products and procedures that were actually at issue in the suit—for the sake of wrapping up the suit. Enough is enough. I support the settlement, and anticipate a swift end to this lawsuit.

Sincerely,

Greg Smith

MTC–00031376

1705 E West Highway
Apt. 409
Silver Spring, MD 20910
January 16, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I would like to thank the Justice Department for agreeing to settle the Microsoft Anti Trust case. This case has dragged on for years and it's great that there is an end in sight. However, I hope that the government will be able to fend off the advances from Microsoft's competitors and allow the proposed settlement to be finalized. This settlement is more than reasonable, especially given Microsoft's contribution to consumers and small businesses. Their company is conceding a lot more than called for so that they can concentrate on their business again.

I am a private researcher and use Microsoft products daily for my research and personal use. Consumers would suffer greatly if it weren't for the Microsoft products that keep people connected to their PCs. There is a reason that most people use Microsoft over their competitors; in most cases their products have proved far superior to others'. However, this settlement will allow more competition in the computer industry, as Microsoft has agreed to share more of their coding information and interface design. They have also made it easier for PC users to use non-Microsoft products on Windows by allowing computer makers to pre-install their competitors' software on Windows.

Please do not allow further scrutiny of this settlement. It is a good way to end the lawsuits and allow the computer industry and the economy to get back on its feet.

Sincerely,

Timothy Baker, Ph.D.

MTC–00031377

25 Valley View Court
Westford, Vermont 05494
January 16, 2002
Attorney General John
US Department of Justice
Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my opinion that the three-year lawsuit against Microsoft was unjustified and wrong. I do not think that Microsoft has infringed on consumer rights or violated antitrust laws. In fact, their innovation has brought so much to our country's technological growth that we owe Bill Gates a huge ''thank you''. I thought it ludicrous that giving away software was considered by some to hurt the consumer!

Under the terms of the settlement, I am glad to see Microsoft will not be broken up, but the concession Microsoft will be making are unfair to them as a private firm. For one, they should not be forced to disclose internal inter-faces and protocols to their competitors. They should also not be restricted form entering into third party agreements for exclusive distribution rights.

Even though the settlement is flawed, our economy and the IT sector in particular, cannot take any more wounds. Finalizing the settlement is in the best interests of the American public and we look forward to the end of the suit.

Sincerely,

Howard Dachs

MTC–00031379

Michael D. Fleming, CFP
Senior Financial Advisor
CERTIFIED FINANCIAL PLANNER practitioner
American Express
Financial Advisors Inc.
IDS Life Insurance Company
suite 109
Jackson Plaza
503 Jackson Avenue
Elk River, MN 55330
Bus 763 241 9696
Bus 877 241 9696
Fax 763 241 1039
January 12, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft: I am writing in support of Microsoft's antitrust settlement with the federal government. I think it was fair and reasonable.

I also think Microsoft's willingness to grant computer makers broad new rights to configure Windows so as to promote non-Microsoft software programs that compete with programs included within Windows, and their willingness not to retaliate against computer makers who ship software that competes with anything in its Windows

operating system, or against software of hardware developers who develop that also competes with Windows or that runs on software that competes with Windows, is was a huge concession by Microsoft.

In closing, I hope this settlement will be approved so Microsoft can get back to the business of innovation. Thank you very much. With sincere regards for an innovative American future.

Michael Fleming, CFP

MTC–00031380

3314 Waterwood Drive
Florida 33872
January 17, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft: United States business history shows that the less the government is involved in private businesses, the more prosperous we are as a nation. That said, I am glad to know that we are at a point in which the federal government is stepping away from the private affairs of Microsoft once and for all. The Government is far too involved in the world of business and further government involvement in the IT industry will only serve to further damage current technology and future innovation.

Under the proposed settlement, Microsoft will share information with its competitors, allowing them to more easily install their own software on the Windows operating system. Additionally, Microsoft will agree not to reiterate any competitors that sell, uses, or promotes non-microsoft software. A swift end to the suit is in order so that Microsoft and the economy may recover from the extended lawsuit. I support the settlement as it now stands so that the entire (illegible) can be put to rest.

Sincerely
Robert F. Swault

MTC–00031381

North Carolina Citizens for business & Industry
P.O. Box 2508, Raleigh, NC 27602 225 Hillsborough Street, Suite 460, Raleigh, NC 27603*
Telephone: (919) 836–1400 *Fax: (919) 836–1425
Executive Committee:
*William Cavanaugh III
Raleigh
*William A. Coley
Caharlotte
*John A Forlines Jr.
Granite Falls
*David P. Huskins
Linville Falls
*Darleen m. Johns
Raleigh
*Kelly S. King
Winston-Salem
*George W. Little
Southern Pines
*Henry E. Miller Jr.
Wilmington
*Stephen P. Miller
Asheville
*R.V. Owens
Nags Head
*Suzanne D. Sartelle
Jacksonville
*Pope Shiford
Hickory
*Will B. Spence Jr.
Charlotte
*Dr. Patricia Sullivan
Greensboro
*C. Avery Thomas
Burlington
*N. Bradley Thompson Jr.
Charlotte
*Dr. Julianne Still Thrift
Winston-Salem
*Edward L. Weisiger Jr
Charlotte
*Paul M. Wiles
Winston-Salem
Chairman Emeriti:
*L.M. Baker Jr.
Winston-Salem
*Edwin B. Borden
Goldsboro
*Thomas W. Bradshaw Jr
Raleigh
*Richard L. Daugherty
Raleigh
*Malcolm E. Everett III
Charlotte
*John O. McNairy
Kinston
*Earl N. Phillips Jr
High Point
*Sherwood H Smith Jr
Raleigh
*G. Smedes York
Raleigh
*Charles E. Zeigler Jr
Gastonia
*Stephen P. Zelmak Jr
Raleigh
Presidents Emeriti:
*Ivic L Clayton
*Edward Rankin Jr.
January 11, 2002
Ms. Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse: As president of North Carolina Citizens for Business and Industry, I would like to heartily endorse the settlement that has been reached and signed off on in the Microsoft case. With the Department of Justice, nine state attorneys general and Microsoft in agreement, I hope that Judge Kollar-Kotelly will approve it as soon as possible.

The group that I head is the largest business association in the tenth largest state in America. For many years, North Carolina has been rated as one of the top states in which to do business. One of the chief goals of our organization is to continue to improve that situation so that industry will move into our state and provide jobs for all our citizens. That is also why NCCBI has worked on many programs in education and job training as well.

One of our key growth industries has been high technology. Even Microsoft itself has a facility in Charlotte that provides high-paying jobs to more than 1,000 technical workers in the area. And that is why, from the beginning, we believe that the lawsuit filed by the Department of Justice was not in the best interest of our state.

However, now that there is a settlement on the table, I would hope that it would go through quickly so that Microsoft can be freer to keep innovative products flowing into the marketplace. Our state has suffered a great deal because of the downturn in our traditional core industries and now is feeling the effects of cutbacks in high tech and telecommunications. The last thing we need is further government intervention into this marketplace, holding up economic progress.

I was highly pleased when our own attorney general Roy Cooper withdrew the state's lawsuit against Microsoft and signed on to the national settlement. This is the kind of positive move that I hope will influence this case to come to settlement.

Sincerely,
Phillip J. Kirk, Jr.

MTC–00031382

Georgia R. Short Route 1, Box 330 Columbia, VA 23038 434.842.5189
January 16, 2002
Ms. Renata Hesse
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse: I am writing to comment on the Microsoft settlement.

Not too long ago I was the victim of a costly and unnecessary computer crash that was partially attributable to a non-Microsoft software clash with my computer's Windows operating system. As a consumer I am particularly impressed with the approach the settlement takes to ensure competition and promote the best interests of the consumer public.

With regard to Microsoft's compliance with the settlement, the agreement appears to provide adequate resources, access and authority to quickly respond to any complaints about noncompliance. The independent Technical Committee's power to hire unlimited onsite staff at Microsoft's campus and at that company's expense is also an important and welcome settlement feature,

While the agreement positions the U.S. Justice Department as the sole enforcement authority, the fact that state Attorneys General may take steps to escalate complaints to the Court appears to add a further measure of protection that is important to consumers and the computer industry as a whole.

I appreciate the opportunity to provide my comments.

Sincerely,
Georgia R. Short

MTC–00031383

SENT BY: ALASKAN OIL INC : 1–17–2:10:45AM: SYRACUSE, NY-2025149082;# 1/1
ALASKAN OIL INC.
2020 LeMoyne Street
* P.O. Box 533
* Syracuse, NY 13211
* 315–471–8490
* Fax 315–479–6698
www.alaskanoilinc.com

January 16, 2002
Department of Justice
Antitrust Division
Ms. Renata Hesse, Trial Attorney
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I would like to express to you and Judge Kollar-Kotelly my support for a settlement between the United States government and Microsoft. I am the owner of Alaskan Oil, Inc., a company employing 125+ people located in upstate New York. Being involved in a highly regulated business, I am all too accustomed to the high pressures of doing business within an industry permeated with government regulation. I believe we do not need to add the high-tech sector to the list of over-regulated industries. The last thing the current economy needs are government lawyers and bureaucrats micromanaging the high-tech sector. It is my understanding that the antitrust laws were designed to protect consumers, not for some powerful companies to protect themselves from market competition. Microsoft competitors such as AOL Time Warner and Oracle should stop encouraging the government to fight their battles for them in court and fight in the marketplace instead.

Sincerely,
Richard A. Neugelauer
President

MTC–00031384

FROM: OFFICE DEPOT
FAX NO.: 864 587 2709 Jan. 17 2002 10:37AM P2
806 Thackston Drive
Spartanburg, SC 29307–2534
January 15, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Subject: Microsoft Settlement

Dear Attorney General Ashcroft:

We are writing to ask that you strongly advocate approval of the Justice Department's settlement with Microsoft at the close of the public comment period. It is important to the American economy that this matter be resolved, and that Microsoft be allowed to move forward with its business. It is our understanding that the settlement reached will allow for additional competition in the computer market without requiring Microsoft to operate from a competitive disadvantage. The formation of an oversight committee to monitor the settlement will also help avoid future unnecessary litigation. We appreciate being afforded the opportunity to address this important issue.

Thank you.
Sincere regards,
Robert D. and Aline Soutter
cc: Senator Strom Thurmond

MTC–00031385

John E. Echlin Jr.
321 Tom Fripp Rd.
St. Helena Island
South Carolina, 29920
January 17, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

This letter is to express my support for the settlement reached between Microsoft and the Justice Department. Enough damage has been done to the company by the pursuit of an unjust law suit that should not have ever happened. Microsoft has taken steps that give competitors a lot of what they wanted, although to some it is not enough. Further pursuit could damage Microsoft beyond recovery.

Not only has Microsoft been forced to give up proprietary products, it has cost the company and the shareholders money and has distracted management from its primary goal of managing the company.

Cordially,
John E. Echlin Jr.
cc: Senator Strom Thurmond

MTC–00031386

Barbara Thompson
8907 E Douglas
Wichita, KS 67207–1207
January 16, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I support the Justice Department's current settlement agreement with Microsoft. I feel that the case is being furthered by jealous competitors, much like the trouble AT&T incurred years ago. Microsoft should be allowed to get on with business.

I'm not a technical-minded person, but I think that Microsoft is a great company that offers innovative products. The terms of the settlement are fair, and Microsoft's concessions will allow for fair business competition. The increased consumer flexibility in selecting different program options will ensure that.

In addition, I feel that Bill Gates has contributed greatly, both financially and with his time, to charitable, cultural, educational, and community organizations. It seems that, proportionate to other companies, his generosity has far exceeded that of other CEOs. I particularly reference foreign automakers following the 9/11 tragedy. His record of giving, T believe, makes a significant and positive impact on every American. I urge you to settle the Microsoft case as quickly as possible. Thank you.

Sincerely,
Barbara Thompson

MTC–00031387

Michelle D. Blount
906 Manhattan Drive
Columbia, Missouri 65201
January 17, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D. Street NW, Suite 120
Washington, DC 20530

Dear Ms. Hesse:

As a technology management person for a large insurance company, I frequently deal with issues related to computer hardware and software. In addition to my professional involvement with computer technology, and perhaps more important, is my interest as a general consumer being represented by the Justice Department. Due to my involvement with technology, I've followed with interest the Microsoft settlement and am compelled to express my opinion on this issue. Keeping in mind the basic foundation for this lawsuit, which was for me protection of the average consumer, it is my opinion that to accomplish this there must be a quick resolution of the matter. This settlement has been far from expedient and has been very costly. The lawsuit has clogged up our federal legal system and it is time to agree to a settlement for the benefit of all. Again, keeping in mind the well-being of consumers, would it not be to the benefit of all for our school systems to receive free computer systems from Microsoft? While I have considered a competitor's opposition to this, their position is ancillary to the issue. The lawsuit was brought on my behalf, not to the benefit of companies that in some cases created their own failures by their own limited technology. Further, to consider a break-up of a company such as Microsoft would not be to any consumers benefit, A break-up of the company would be costly, confusing, and would ultimately harm the consumers. To act on my behalf, the Justice Department needs to resolve this issue immediately, agreeing to a settlement that benefits those it claims to have in it's best interest. This would be to put the rewards of the settlement back into the hands of the consumers via the education of our children.

Sincerely,
Michelle D. Blount
Manager—Technical Support Services

MTC–00031388

Sue French Lewis
PRESIDENT
COMMUNICATIONS
January 17, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I am pleased to have the opportunity to comment on the Microsoft case settlement. It is my understanding all new Microsoft operating systems would have to utilize a mechanism that readily allows users to remove Microsoft's products—including the Internet browser, instant messaging tools, media player, and email utilities. In my opinion, this settlement would make it easier for users to switch and compare among competing products. I feel this part of the settlement provides end users like myself with the flexibility I prefer.

Sincerely yours,
Sue F. Lewis, President
Imagine Communications
313 Saint David's Lane
Richmond, Virginia 23221
804–213–053
FAX 804–213–3018

MTC–00031389

TIMOTHY J. DONOVAN

1081 Crosspoint Court
San Jose, California 95120
(408) 268–8288
January 17, 2002
VIA FAX
TO: DEPARTMENT OF JUSTICE
Re: PROPOSED MICROSOFT SETTLEMENT (i.e., Tunney Act Review)

Gentleperson:

I recommend that the settlement between the Justice Department, Nine States and Microsoft be immediately approved, without reservation. From the outset the lawsuit brought against Microsoft was politically motivated. The lawsuit wrecked the economy and triggered the worst recession in the history of the United States. I believe the settlement is fair and just to all parties concerned. It is about time we stopped playing ''politics'' with the United States Economy and settle this lawsuit which will be a catalyst for a full recovery of our economy. Otherwise, you do not have to be a rocket scientist to conclude that if this settlement is rejected, it will trigger a deeper and broader recession.

Sincerely,
TIMOTHY J. DONOVAN

MTC–00031390

FROM: RICHARDS
117 Kingswood Drive
Florence, Alabama 35630
January 13, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

It is a firm opinion that the past three years of litigation with Microsoft has been very damaging to the economy on a whole. I truly hope that this litigation process will come to end soon. My reason for writing to you is to express my support for the Microsoft settlement. I do not blindly support Microsoft. I am a very happy Microsoft user and have had no major problems with the services rendered. I am also extremely pleased with Microsoft's initiative to distribute software and services to school. This is a very impressive and well-needed effort. In following this case, I am also satisfied with Microsoft's strides to adhere to the guidelines of the settlement including their development of Windows XP to promote non-Microsoft software within Windows. As this entire issue has been dragged on for quite some time now, it is my hope that my input and that of others will help in the litigation process.

Sincerely,
Nolan Richards

MTC–00031391

THE ESSENTIAL FACILITY CONNECTlON
January 7, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I would like to begin by stating that the scheme of breaking Microsoft should not have even been brought up. Since the conception of this suit, there has been an uncertainty of job security in the IT industry. It is vital that Microsoft and the DOJ work to push this issue through.

As you know, this settlement was arrived at after extensive negotiations with a court-appointed mediator present. In accordance to the settlement, Microsoft has agreed not to enter any agreements that would obligate any third party to distribute or promote any Windows technology exclusively or in a fixed percentage. Microsoft has also has agreed not to retaliate against computer makers that may ship software that would compete against the Windows operating system. This will make consumers happy, and ensure that competition reigns supreme.

I believe that it is too early to feel comfortable regarding this settlement. But, it is also necessary to resolve this issue so that the economy and the industry may continue to move forward during this stagnant time in our Nation's history. It is time to allow Microsoft to return to innovation.

Sincerely,
Randall Jarrel
Webmaster
5030 First Avenue South, Seattle, WA 98134
Tel: (206)268–9800 Fax: (206) 268–9801
Email: info@essention.com

MTC–00031392

379 Rattlesnake Road
Ridgeway, South Carolina 29130
January 17, 2002
Attorney General Ashcroft
US Department of Justice
Washington, DC 20530

Dear Mr. Ashcroft

I am writing to you regarding the Microsoft case. To me, Microsoft symbolizes what America stands for—free enterprise. They should not be punished for their ability to lead the industry and their competitors'' inability to follow even closely behind. Ever since its inception, Microsoft has been an incredible act to follow. The company's software has been released with relatively few glitches, has been very affordable, and has made the professional and personal lives of its users much more convenient. I use Linux on several of my machines and think it is great but it is not suitable to the average consumer, only Microsoft fits that bill.

I also believe that the States that remain in opposition of Microsoft have not given close enough consideration to Microsoft's impact on the economic well being of this nation. With the country in a recession and at war, this is no time to negatively impact the economic backbone of the technology industry.

I know that when closure is brought to this matter, it will do a world of good for the economy and the industry. Thank you for doing your part to recreate this stability.

Sincerely.
John M. McSwain
cc: Senator Strom Thurmond
Congressman John Spratt

MTC–00031393

Michael D. Kania
724–935–3237
mikekania@prodigy.net
January 15, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my support for the settlement between Microsoft and the US Dept. of Justice. The settlement will satisfy the desires of all involved parties, and should be allowed to proceed.

I do not think Microsoft has a monopoly. In fact, I believe Microsoft's innovation has benefited the country's growth. Not only, does Microsoft epitomize all the aspects of a successful business in a free market economy, but it positively affects our country's economy. Still, Microsoft is willing to accept sanctions, including sharing business secrets and non-retaliation clauses, that go well beyond the original concerns of the lawsuit in order to get on with business. As a Microsoft products user and supporter, I am glad to see this issue settled and I look forward to Microsoft's furture growth throughout the technology sector.

Sincerely,
Michael Kania
305 Oak Grove Court
Wexford, PA 15090
cc: Senator Rick Santorum
Marliene Branton
606 Harding Avenue
Pen Argyl, PA 18072
January 8, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Ashcroft,

It is with great enthusiasm that I write to you today to express my support for the settlement reached in the Microsoft antitrust dispute. The litigation was unwarranted. The end has come. And the technology industry can finally return to normal.

Microsoft did not escape this litigation without compromise. The company agrees to restrict its business practices as to not retaliate against companies that develop or promote competing products. Protocols that can benefit other companies will now have to be disclosed. To assure compliance, Microsoft will be subject to the all-new technical review committee, which will also sometimes manage disputes other firms have with Microsoft. Microsoft has been generous in its compromises to competitors. Microsoft should be allowed to focus on business now. The IT community needs it. Our economy needs it. Please continue to support this settlement, and work through the appropriate channels to have it enacted permanently.

Sincerely,
Marliene Branton
cc: Senator Rick Santorum

MTC–00031396

Steve & Christine Bury
PO Box 378
Otto, North Carolina 28763
Telephone: 828–369–5908
January 14, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

It is with great pleasure that I write to you today to express my support of the settlement reached between the Department of Justice and Microsoft. Three years have passed since this litigation was introduced. During these years, the technology industry has suffered a decline. In addition, many federal dollars were spent in this litigation process. The settlement that was reached, then, signifies a step forward. The settlement includes many different concessions. Microsoft agrees to license Windows at a uniform price for the majority of computer manufacturers. The largest twenty computer makers will now all be able to license Windows at the same price with the same terms and conditions. This will eliminate some competitions between manufacturers,

I wish to reiterate the importance of this settlement. Settling this case will untie necessary budgetary resources. During economic recession, this should be our priority,

Sincerely,
Christine Bury

MTC–00031397

2807 NW 83rd Street # Cl2
Gainesville, FL 32606–8623
January 15, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

It is time for litigation in the Microsoft antitrust case to come to an end. I am hopeful that you will ensure the settlement that was recently reached between you and Microsoft carried through and this case is finally ended at the federal level. After three years and great expense to your Department and Microsoft, there is a light at the end of the tunnel in this case: namely the settlement. This settlement by no means lets Microsoft off easy. Included in this settlement axe provisions that will change the way Microsoft does business. Microsoft will have to disclose an unheard of amount of proprietary code to competitors under this settlement so these competitors will be able to make better software and compete against Microsoft.

Regrettably extreme anti-Microsoft special interests may try to derail the settlement. They would prefer to see Microsoft damaged rather than see a reasonable conclusion to this case.

Sincerely,
Roger F. Bates

MTC–00031398

FROM : ARGO INTERNATIONAL
FAX NO. : 6105663807 Jan. 17 2002 11:47AM P1
826 Meredith Drive
Elwyn, PA 19063–1714
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
January 14, 2002

Dear Mr. Ashcroft: I am glad that the antitrust settlement with Microsoft has finally come to a halt. I feel that it has gone on far too long. It's about time that the government and Microsoft will come to an agreement as to how Microsoft runs its business.

It is good that Microsoft has agreed not to retaliate against software or hardware developers who develop or promote software that competes with or runs on Windows. It is also a sound decision that a technical committee comprised of three software engineering experts will monitor Microsoft's compliance with the settlement and assist with dispute resolution. This will ensure the best interest of all people, both Microsoft employees and consumers. Again, thank you for settling this matter. I give you my support. This country has more prudent issues to attend to at the moment.

cc: Senator Rick Santorum
Sincerely,
Wesley Argo

MTC–00031399

2113 Arrowhead Drive
Olathe, KS 66062
January 14, 2002
Attorney General John Ashcroft
US DOJ
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft I am writing to express my opinions on the Microsoft antitrust settlement. I do not believe the suit was fair to Microsoft to begin with. The Microsoft Corporation and its employees have attained their dominant status in the IT industry through hard work and innovation, not through a concerted and conscious effort to block the advances of competing software producers. Nevertheless, Microsoft was found to be in violation of antitrust laws and was brought to trial in the federal courts to answer for these violations. After three years of negotiation and mediation, Microsoft and the Department of Justice finally came to an agreement that would seem to be beneficial to Microsoft's competitors while at the same time allowing Microsoft to remain intact. Unfortunately, there are those who wish to see the settlement overturned and Microsoft destroyed. This is extreme.

Microsoft does not need to be rent asunder. The settlement has provided well for Microsoft's competitors. Microsoft has agreed to license intellectual property rights that fall under terms of the settlement to its competitors. Additionally, Microsoft will refrain from retaliatory behavior when software is put on the market that directly competes with Microsoft products. Microsoft will also not enter into agreements wherein a third party is required to endorse Microsoft programs or products either at a fixed percentage or exclusively.

Mr. Ashcroft, I do not believe further litigation against Microsoft is either necessary or wise. The economy has suffered while Microsoft has been tied up in this suit, and the IT industry has likewise been stunted in its growth. Microsoft has, through this settlement, appeased the demands of justice. I urge you to let the settlement stand. Thank you.

Sincerely,
Bill Barnhart

MTC–00031400

The House of Representatives
STATE OF SOUTH CAROLINA
STATE HOUSE
P.O.BOX 11867
Columbia 29211
(803)734–3065
DOUGLAS JENNINGS. JR
DISTRICT 54
JUDICIARY COMMITTEE
HOUSE MINORITY LEADER
HOME ADDRESS
151 BROAD STREET
P. 0. DRAWER 995
BENNETTSVILLE. SC 29512
January 16, 2002
RENATA B. HESSE
ANTITRUST DIVISION
U.S. DEPARTMENT OF JUSTICE
601 D STREET NW
SUITE 1200
WASHINGTON, DC 20530–0001
RE: SETTLEMENT OF DEPARTMENT OF JUSTICE ANTITRUST ACTION AGAINST MICROSOFT

Dear Ms. Hesse: I write to express my own support for the proposed settlement of the US Department of Justice antitrust action against Microsoft. I understand that nine (9) of the eighteen (18) states that joined in that action support the proposed settlement. The Attorney General of my state, Honorable Charlie Condon, long ago withdrew our state from this lawsuit. As a practicing attorney and as Democratic Leader in our House of Representatives, I know that some disputes are best resolved through negotiations and settlement. This settlement is going to impose strict new pro-competition and pro-consumer requirements on how Microsoft does business. It results from extensive negotiations with a court-appointed mediator and is of course supported by the Attorney General of the United States. It's time to bring this case to an end with this settlement.

Sincerey,
Douglas Jennings,Jr.
Democratic Party Leader
South Carolina House of Representatives

MTC–00031401

HANNIG ENTERPRISES, INC.
SPREAD EAGLE DEV. CORP.
SPREAD EAGLE REALTY, INC.
January 16, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft: As an industry expert, I would like to express my opinion on the recent settlement between Microsoft and the Department of Justice. While it is good that Microsoft will not be broken up, it is my opinion that litigation should never have occurred in the first place. To date, Microsoft has been the most reliable source of new products and technology. They have created services that no other company could and therefore have an unusually large market share. But their ability to be the best should not be punished. Instead other companies should be considered to perform at the same rate of growth and operating efficiency that Microsoft does. I look forward to the IT industry returning to normal and a large part of their comeback will be Microsoft's ability to focus on business, not politics.

Sincerely,
Charles M. Hannig
cc: Senator Rick Santorum
442 Office Plaza, 200 Plaza Court, Suite A, East Stroudsburg, PA 18301
(717)476–4747 * fax
(717)476–4749

MTC–00031402

North Carolina General Assembly
Senate Chamber
SENATOR CAL CUNNINGHAM
23RD DISTRICT
RALEIGH OFFICE 628 LEGISLATIVE OFFICE BUILDING
RALEIGH, NC 27601–2808
(919) 733–5870
(919) 754–3252 FAX
(illegible)@NCLEG.NET
DISTRICT OFFICE 18 SOUTH MAIN STREET
PO BOX 2101
ALEXINGTON, NC 27293
(336) 249 7731
COMMITTEES
JUDICIARY I, VICE CHAIR AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES
≤APPROPRIATIONS/BASE BUDGET-EDUCATION
EDUCATION/HIGHER EDUCATION
INSURANCE AND CONSUMER PROTECTION
JOINT SELECT COMMITTEE ON VOTING PROCEDURES
RURAL DEVELOPMENT
TRANSPORATION
Ms. Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Via facsimile: (202) 307- 1454
Re: Support for Microsoft Settlement

Dear Ms. Hesse, I am writing to express my support for the settlement that the Department of Justice and several states, including North Carolina, have reached with Microsoft. The settlement has earned bipartisan support and represents a reasonable compromise. I understand that Microsoft is committed to becoming a more responsible industry leader and has agreed to make many significant changes in its business practices. Along with our Attorney General, Roy Cooper, I believe that the settlement will be positive for consumers by enhancing competition in all aspects of the technology industry. I will be pleased to see this matter resolved as it will be a boost for the technology sector, a vital component of the North Carolina economy. I urge the Department of Justice and the court to approve this settlement.

Senator Cal Cunningham

MTC–00031403

9953 South Beach Drive
ainbridge Island, WA 98110
January 12, 2002
Attorney General John Ashcroft
U.S. Department of Justice
Washington, DC 20530–0001

Dear Attorney General Ashcroft: From the start of the U.S. vs. Microsoft lawsuit, three long years ago, I have been confused as to why our federal government would choose to pursue and punish one of the most beneficial companies in America today. Microsoft has done more for the world of computing than any other single entity in the world. Without their products, the enormous marketplace for IT products that exists today would simply not be around—not at all Included in the proposed settlement are many points that are punitive towards Microsoft. One point requires Microsoft to open its proprietary software interfaces to other software manufacturers. This is an amazing affront to Microsoft and its lifetime investment in its own product, and a first in an antitrust lawsuit. Yet, Microsoft is willing to renounce this and many others of its fair business practices to see an end to this unfortunate lawsuit. For the millions of Microsoft stockholder and consumers Of Microsoft products, an end to the suit cannot come soon enough. For many, the government's prolonging the suit has already hurt financially. In the end, I wonder who will benefit from all of this wrangling. The Department of Justice owes all involved parties an end to this suit. Thank you.

Sincerely,
Carol Shade

MTC–00031404

Joe TOWSON
P. O. 6383
Spartanburg, SC 29304
January 16, 2002
Attorney General John Ashcroft
U.S. Department Of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft, I am writing you in support of Microsoft's decision to settle then antitrust case with the federal government. I think it is very fair, and goes beyond what was originally at the center of the dispute. Microsoft made the decision to cede privileges to computer makers to give them the chance to reconfigure Windows before they ship it to consumers. This means that the computer makers can promote non-Microsoft software programs that compete with programs included within Windows. What's more, Microsoft made the decision to also cede protocols to other software companies in the hope that they will develop more streamlined software. Finally, Microsoft will not be allowed to retaliate against software or hardware developers who take advantage of these decisions. I think this settlement should be approved so Microsoft can get back to business. I urge you to approve this settlement.

Sincerely,
Joe Towson
Cc: Senator Strom Thurmond

MTC–00031405

2830 Cabaline Trail
Hamel, Minnesota 55340
January 15, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft: I would like to express my support for the pending Microsoft settlement to be decided on this month. As a taxpayer, I have felt that the only thing the expensive government case has accomplished is precluding free enterprise from continued growth in the technology sector. Therefore, the measures promised in this deal should be more than adequate to allow fair competition while still allowing Microsoft to create quality products for consumers. Though created by pressures from weaker companies envious of Microsoft's success and technology base, the settlement has achieved the lawsuit's goals and then some. Microsoft will ensure no retaliatory action against alternative software developers or the hardware makers that work with those competitors. The decision will also allow access to their internal interfaces and licensing of their intellectual property. All of this will then be monitored by a three-person technical committee of software experts, to guarantee ongoing compliance. It seems like an obvious choice for the sake of the technology industry to approve this agreement and move on to more important issues. Please allow this action to stand and Microsoft to implement the moves they've promised.

Sincerely,
Gabi Demeritt

MTC–00031407

From: James Leahy
To Renata Hesse Fax. (202)616–9937
Republican Assembly of Illinois
Thomas F. Roeser—Founder * James A. Leahy—Executive Director
January 15, 2002
Renata Hesse
Antitrust Division
Department of Justice
60l D Street NW
Washington, DC 20530

Ms. Hesse: My name is James Leahy and I am the Executive Director of the Republican Assembly of Illinois (RAI), which is a grassroots organization dedicated to the principals of smaller government, local control and lower taxation. RAI has been vocal in its encouragement of ending the Microsoft anti-trust case. I am writing you today to provide you some of the reasons why we have called for an end to this case in the past.

In November of 2001 it was reported that Microsoft had reached a proposed settlement of the case with the US Department of Justice. Here in Illinois we were grateful to hear this case may be coming to an end. We were further encouraged to know that our own Attorney General Jim Ryan had decided to end years of legal wrangling with Microsoft and accept the settlement. This decision will bring an end to a case that has been very costly to the American taxpayer and the United States economy. Not only have millions of taxpayers dollars been spent on this case, the stock market has been greatly affected. One can see the decline of the tech stocks is closely linked to when the government took aim at Microsoft. This settlement will provide the technology industry, which performed so well throughout much of the 1990s, with the ability to get back to business without fear of more government overregulation and

interference. It is clear that to reach this settlement all parties involved have worked together to resolve this case for the good of the tech industry and the nation's economy. It is my hope that the support of Judge Kollar Kotelly will be forthcoming.

Sincerely,

333 N. Michigan Ave. Suite 932 * Chicago, Illinois 60601 * 312–553–0097 *

MTC–00031408

Larry L. Koon
First Vice-Chairman
Alfred B. Robinson Jr.
Third Vice-Chairman
Marion P. Camell
William Clyburn
Gilda Cobb-Hunter
Daniel T. Cooper
Bill Couy
C. Alexander Harvin III
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Kenneth Kennedy
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Harry B. Limehouse III
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Annette Young
Beverly C. Smith
Director of State
Budgeting & Finance
Gordon 0. Shuford
Director of Legislation
Policy Analysis
Robert W. Harroll, Jr.
Chairman House of Representatives
P. 0. BOX 11867 TELEPHONE: 734–3144
Columbia, SC 29211
January 16, 2002
Ms. Renata B. Hesse
Antitrust Division
U. S. Department of Justice
601 B Street NW
Suite 1200
Washington, DC 20530–0001
Re: Microsoft Settlement

Dear Ms. Hesse: This is to express my support for the settlement that Attorney General Ashcroft agreed to regarding the Department of Justice antitrust action against Microsoft. The settlement puts important new restrictions on Microsoft, yet it allows that company to continue to compete and innovate. Nine of the eighteen suing states decided to support the settlement, and our own state's attorney general, Charlie Condon, previously decided to stay out of the lawsuit. In my opinion it will benefit consumers, competition and the economy to allow this long-running lawsuit to be brought to a conclusion as soon as possible.

Sincerely,
Robert W. Harrell, Jr.
Chairman

MTC–00031409

W.D.S. FINANCIALS
Commodity Futures and Options
Managed Accounts
David Skinn
516 North Frederick Ave.
Oelwein, Iowa 50662–1244
319/283–3761
800/632–5973
January 17,2002 800/728–3761
Attorney General John Ashcroft
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft: I am writing to express my thoughts on the government's anti-trust lawsuit against Microsoft, a case that I have disagreed with since Day One. This matter is one that never should have been pursued, and I, am glad that the two sides have agreed on a settlement. I want to ask that you please accept the terms of their agreement. Microsoft should be allowed to spend its time making products that will help the technology industry, rather than spending it on this unnecessary litigation. Settling now will be beneficial to independent companies, because Microsoft has offered to share information with its competitors. This seems more than reasonable, and I do not want to see this case dragged. out any longer than it already has been. The Justice Department you run made the right decision when it decided to end this litigation, and I hope you will make the right choice by supporting the Justice Department's settlement.

Sincerely,
David Skinn

MTC–00031410

1100 Cova Ciega Isle
St. Pete Beach, FL 33706
January 11, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pcnnsvlvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft, I am glad that this Microsoft lawsuit has been settled. Aside from the obvious problems that the lawsuit had to begin with, it is certainly an unwanted distraction now that more important events in our nation have virtually eclipsed the lawsuit's importance. Resides, it's a fair settlement in its own right, yielding concessions to both hardware and software companies, including disclosure to both groups of interfaces and protocols within Windows. The settlement makes it so that Windows can be altercd to suit hardware companies more effectively if they want to sell non-Microsoft software with the Windows operating system preinstalled. This will be especially possible now, because Microsoft must redesign Windows to make it more accommodating to non-Microsoft applications, particularly sophisticated multi-media applications like RealAudio or QuickTime. Our national efforts should now be invested in issues like rebuilding our economy, creating jobs and strengthening our national security. We should not spend any more time continuing our self-inflicted damage to our country's business community by proceeding with any further action against one of our country's most successful businesses like Microsoft. I am hoping that this settlement will stand, and we can move on to more important priorities

Sincerely,
Rita Bane

MTC–00031411

Presto Telecommunications, Inc. Presto Telecommunications, Inc. 10509 Vista Sorrento Parkway
Suite 300
San Diego, CA 92121 USA
Phone: (858) 642–0600
Fax: (858) 642–0602
www.prestotel.com
January 17, 2002
Attorney General John Ashcroft, USDOJ
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft, Unlike AT&T of years past, Microsoft is not a monopoly. Microsoft has maintained its position of strength not by force, but rather by the superior quality of its products, its commitment to service, and its integration of software. I do not necessarily wish to make excuses on Microsoft's behalf, but the facts are that consumers and businesses alike simply prefer the reliability of Microsoft products to any of those offered by its competitors. Never let it be said, however, that there is neither room for improvement, nor room for someone else to develop a market better products than they. This is, after all, the very nature of the IT marketplace. In spite of these facts, however, our government badly misunderstood Microsoft's position in the volatile world of software and made the erroneous assumption that since Microsoft was as good as it was, it simply had to be breaking the law. This was never so. This settlement is good, providing changes in both deslgn and licensing of Windows. It should be accepted, if only to remove this litigation from the courts and be done with it. I am writing to voice my support of it, while at the same time I am communicating my displeasure over this entire sordid episode.

Sincerely,
Ross Cook
Chief Information Officer

MTC–00031412

128 W Ormsby Avenue
Louisville, Kentucky 40203
January 7, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft, It's about time that the Department of Justice has decided to end their crusade against Microsoft. Finally, the average person will stop worrying about this and Microsoft can get on to making better products. Of course, making a better product is what got them here in the first place. It's because Microsoft simply makes a better product than their competitors that put them where they are, not because they're a monopoly. Companies should not be punished for doing well, especially not hardworking American companies like

Microsoft that have such a large impact not only on our economy, but on the way the average person lives his or her life. The settlement maintains the need for a strong position in the IT market for Microsoft, and does so without the anticompetitive secrets endemic to owning an operating system and corresponding applications. The settlement publicizes these secrets and thus gives more information to software companies to develop corresponding software. I think this whole thing with Microsoft should never have gotten started in the first place, but I am happy that it's finally over. I only hope that you will be able to use your influence to sway the rest of the states that continue to try and harass Microsoft just to get their own pound of flesh.

Sincerely,
Mary Ray

MTC–00031413

Catherine Verhulst
1560 N Sandburg Terrace Apt. 1112
Chicago, IL 60610–7709
January 17, 2002
Attorney General John Ashcroft
United States Department of Justice
Washington, DC 20530–0001

Dear Attorney General Ashcroft: I am writing to express my opinion of the recent antitrust case settlement between Microsoft and the United States Department of Justice. I think the lawsuits over the last three- years were unwarranted and unfair. The fact that there has been a tentative settlement is a relief, but I still think the penalties are too harsh and biased against Microsoft. Under the terms of the settlement, two points concern me. One, Microsoft is not allowed to enter into third party agreements for exclusive or fixed percentage distribution rights. This seems to inhibit Microsoft's ability to build and maintain market share in a competitive environment. Furthermore, companies such as Pepsi and Coca-Cola live by their ability to enter into o third party agreements. They are not being prosecuted, nor should they be. Two, Microsoft has agreed to license its Windows operating system products to the 20 largest computer makers on identical terms and conditions, including price. This term essentially creates a monopoly whereby the different vendors can collaborate to raise prices at the same time. If Microsoft is not allowed to profit from it's unique ingenuity, new software that drives America's productivity and internet usage (particularly e-commerce) will cease to be developed at a rate which is beneficial. It is in the best interest of the American public for the settlement to finalize, because our economy and the IT industry in particular cannot afford to have Microsoft be hindered any longer. Please end this legal battle in a just way for our nation.

Thank you.
Sincerely for justice,
Catherine Verhulst

MTC–00031414

Gordon Stamler
16 Pine Island Court
Hilton Head Island, SC 29928
843 363 2939
Email gstamler@aol.com
Attorney General John Ashcroft
US Department of Justice 950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft: I am very tired of the baseless, and seemingly endless, lawsuit against Microsoft, and am writing to plead for closure. I am not merely writing because I am a strong supporter of Microsoft, but also because despite the unfair way that Microsoft has been treated, I have still managed to muster a level of confidence in my government. I trust that my voice will not go unheard and that my opinion will count toward the prompt resolution of this matter. I have a very difficult time understanding why there is still such intense opposition against Microsoft. Over the years, Microsoft has proven itself a leader in the industry. This company's innovation is seen in almost every corner of the globe. I have used Microsoft products for several years and I have no intention to shift my loyalty from the company. I find their software affordable and user-friendly. In addition to that, I have been thoroughly impressed with the way Microsoft has handled the requirements of the settlement. They have established a Technical Committee to assist with conflict resolution; they have also made it easier for competitors to access Microsoft features; and have given computer makers the flexibility to configure Windows in order to promote non-Microsoft software. It is fair to say that Microsoft has not only been an industry leader, but a booster of the economy in past few years. They have recently proven their diplomacy in the way the handled this lawsuit and settlement. I am sure that they are looking forward to the end of this matter as are the majority of the American people.

Sincerely,
Gordon Stamler
cc: Senator Strom Thurmond

MTC–00031415

Steve Scott
5612 Lake Washington Boulevard, NE Kirkland, WA 98033
16 January 2002
Attorney General John Ashcroft
The US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft, I am writing to express my happiness about the Microsoft antitrust settlement. I believe that the government should accept the settlement and allow Microsoft and the industry as a whole to move on. Microsoft did not get off easy by any stretch of the imagination. The Company agreed to terms that had nothing to do with the products and procedures that were actually at issue in the suit, as well as the original claims of the suit. Disclosing intellectual property for competitors is a great example of these extensive additional terms. Now the government needs to accept the settlement after it doggedly negotiated it. Once the settlement is agreed to, Microsoft and the whole industry will be able to move on and capture the economic position that they once enjoyed.

Sincerely,
Steve Scott

MTC–00031416

American internet Services Network
Internet Services Worldwide
January 17, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue
Washington, DC 20530

Dear Mr. Ashcroft, With all due respect, the federal government's antitrust lawsuit against Microsoft was the antithesis to the principles of capitalism and free market enterprise. Therefore, I am very pleased with the settlement particularly because it spares Microsoft from being broken up. The settlement may not be perfect; however, the anticipated results will be superior to anything a costly, time-consuming, and counterproductive lawsuit would have accomplished. In fact, the government's original goal to break up Microsoft was seriously misguided. If successful, this would have been a disaster for standardization and reliable software products with regard to the Windows OS. In short, Microsoft would not function well as three separate companies. Innovation would be the first casualty of this scenario. The settlement should more than satisfy Microsoft's critics because, if one accepts the premise that Microsoft was a monopoly, the settlement's requirements will put an end to any anticompetitive behavior in very short order. Microsoft has agreed not to retaliate against computer makers who ship software that competes with anything in its Windows operating system. It is also going to be required to share portions of its Windows source code with its competitors. These two aspects of the settlement alone will significantly improve competition in the marketplace—negating a break up of Microsoft I truly hope this matter is finalized and that the settlement is instituted very soon.

Daniel Lundahl
President
1611 Colonial Parkway o Inverness, Illinois 60067 o
Phone: 847 / 202—1400 o Fax: 847/ 202—4460

MTC–00031417

From: Jack 360 240 0589
To: Attorney General of the United
Date: 1/17/02 Time: 10:57:20 AM
2134 Stoney Beach Lane
Oak Harbor, WA 98277
(jkjou@whidbey.net)
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
January 17, 2002

Dear Mr. Ashcroft, I'm writing to encourage you to support the recent settlement Microsoft has reached with the United States Justice Department. Microsoft has agreed to settlement terms that will not only allow itself to return to the business of developing innovative software, but it will also make the software industry much more competitive.

Microsoft has, for example, agreed to grant computer makers and software developers broad new rights to configure Windows to remove or disable Microsoft products and promote non-Microsoft products, such as

Netscape Navigator, AOL Instant Messenger, or RealNetworks'' RealAudio. Microsoft has also agreed to not retaliate against companies who choose to do this, nor will Microsoft retaliate against computer makers who ship operating systems that compete with Microsoft.

Microsoft has further agreed to not enter into any contract that will obligate third parties to exclusively or in a fixed percentage distribute or promote Windows.

These terms will result in a much more level playing field that allows smaller, developing software companies to compete and mature. For these reasons, I encourage you to support the recent settlement. As a late Computer User—started some 12 years ago at age 70—I find the Microsoft Products invaluable for development of my computer skills—a company that proves its excellence by being the leader of Product Development in the Computer Industry should not be haggled to such a great extent by the Government, States, and opportunistic lawyers.

Sincerely,
John K. Jouett
Lt. Col. USA Retired

MTC–00031418

FROM : JLS-FIN-SvC
FAX NO. : 717–545–5117 Jan. 17 2002 02:56PM P1
JAMES L.SMITH
1178 Twin Lakes Drive
Harrisburg, Pa. 17111
(717) 545–5117
(717) 545–5117
jls37@mindspring.com
January 16, 2002
Attorney General John Ashcroft
U.S. Department of Justice
Washington DC 20530–0001

Dear Attorney General Ashcroft:

This letter is an effort to encourage you and the federal government to proceed with the settlement of the Microsoft anti-trust case. This controversy has had a debilitating effect on one of our most innovative and productive companies and its dynamic industry without producing any noticeable benefit to anyone other than the legal profession. My greatest concern is that this is diverting resources from the more important objective of fighting terrorism. That is a topic for a much longer letter.

The settlement plan calls for these concessions from Microsoft: Abandon its more tenacious marketing practices. License its systems products to the largest computer manufacturers on nearly uniform terms.

Make Windows systems accessible to non-Windows software. Disclose to competitors various internal interfaces of Windows.

In a nutshell Microsoft is going to crack its own shell and open itself up to competition.

Please look favorably on the settlement. Thank you.

Sincerely,
James L. Smith

MTC–00031419

255 Algonquin Drive
Vergennes, Vermont 05491
January 16, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to urge your support for the recent settlement between Microsoft and the Department of Justice. This agreement ended a long court battle that, in my opinion, was a waste of both time and taxpayers'' money. The basis of the antitrust suit was the monopolization by Microsoft of the computer industry. What was ignored was that Microsoft's systems work. Microsoft was one of the first companies to offer an integrated software package, allowing for the simplification of basic operating functions that we now enjoy. I believe that competition and free enterprise will eventually reign in any company. I do not believe any one company dominates a field for too long. I also beleive that for efficient computer use by the majority of people, it is imperative that the operations be as simple and consistant as possible. The Microsoft system isn't perfect yet and it probably never will be, especially if the government continues this harassment, which does nothing more than bleed off money that could be spent on further R&D—not lining the pockets of the lawyers. I hope that there are no further delays in the settlement process. Thank you.

Sincerely,
Doug Stuart
01/17/02 THU 13:07 FAX 802 759 2049
Champlain Bridge Marina 001

MTC–00031420

PARKER & ASSOCIATES REALTY
1330 LEYDEN STREET, SUITE 104
DENVER CO. 80220–2115
OFFICE 303–329–8210 FAX 303–329–0094
Date: 1/17/02
TO: Attorney General John Ashcroft
U.S. Dept. of Justice
950 Pennsylvania Ave. NW
Washington, DC 20530
Phone: Fax 1–207–307–1454
CC: REMARKS: URGENT For your review Reply ASAP Please comment
2636 Madison Street
Denver, Colorado 80205
January 12, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue. NW
Washington. DC 20530

Dear Mr. Ashcroft:

Microsoft has developed very innovative products in the past twenty years. I was saddened to see the Justice Departmcnt bring the antitrust case against Microsoft but was pleased to see a settlement was recently reached in this case.I trust you will see this settlement through to the end.

This settlement will create an unprecedented amount of openness in the technology industry. It calls for Microsoft to disclose its internal interfaces and the means by which Windows communicates with other programs. What this means is Microsoft will disclose more information to competitors than has ever been offered by an IT firm before to competitors. Sadly some competitors and others believe this settlement does not sufficiently ''punish'' or harm Microsoft. They would like this settlement withdrawn this case brought back to court. They are mistaken. The settlement is thorough, and after three years this case simply has gone on for too long, more than three years at this point.

Again, please ensure this settlement is put into place and turn your back those that seek to mindlessly promote more litigation in this case.

Sincerely,
Warren Scott

MTC–00031421

Power Solutions
From the desk of.....
William F. Nemecek
2617 Mt. Isle Harbor Dr.
Charlotte, NC 28214–5413
(704) 398–9703 Fax (704) 398–0077
Internet: powersolutions@iname.com
January 17, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

During this period of public comment. I want my opinion entered into the public record. Although I do not believe that Microsoft has ever operated as a monopoly, I think it serves this country to let the settlement, delivered by the Appeals Court, to happen without delay.

As a retired employee of IBM, I have witnessed antitrust lawsuits with IBM, and have seen the tendencies to always pick on the big guy, the one who has the greater market share, the company who has forged ahead with incredible innovation to separate themselves from the rest of the pack. From the point of view of the consumer/taxpayer, the antitrust suit against Microsoft was unfounded, has caused Microsoft to spend millions of dollars on their defense and the consumer ends up paying, not saving. The suit served as an agenda of a few companies to knock down the giant to create an ''even playing field,'' rather than create and demonstrate superiority with their own products as many other companies have done.

Microsoft is still embroiled in more litigation. Please do not continue to punish a company for having great success and innovation with their products. The consumer and taxpayer ends up paying as a result. Microsoft has agreed to the terms that extend far beyond the products and procedures that were actually at issue in the suit, for the sake of wrapping up the suit. It is time to move on.

As a taxpayer and consumer, I urge you to please allow the current proposed settlement to be enforced. The black cloud this suit has over Microsoft needs to be lifted and would significantly effect the economic situation in this country. Microsoft sees how important it is to get back to building success and innovative products. So do I

Sincerely,
William Nemecek

MTC–00031422

ELLIOT BAY DESIGNS
C/O Rozann Cherry
108 15th Ave.

Kirkland, WA 98033
(425) 803–2992
January 17, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

I'm writing to encourage you to support the recent antitrust settlement reached between Microsoft and the United States Department of Justice. I believe it is now time to end this senseless litigation so Microsoft can move forward with the business of developing innovative software.

As part of the settlement, Microsoft has agreed to grant broad new rights to computer makers and software developers to reconfigure Windows so that Microsoft products can be removed and competitive products can be installed in their places. Further, Microsoft has agreed to not retaliate against computer manufacturers or software developers who choose to do this. Nor will Microsoft retaliate against computer makers who choose to ship operating systems that directly compete with Microsoft Windows. Overseeing compliance of the settlement will be a ''Technical Committee'' comprised of three software engineering experts. This committee will also assist in any dispute resolution should a complaint be filed by anyone who believes Microsoft is not complying with the terms of the settlement. For these reasons, I encourage you to support this settlement so we can put this business behind us and move forward to develop better, more innovative software.

Sincerely,
Rozann Cherry

MTC–00031423

January 16, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I am writing you today to express my thoughts on the Microsoft antitrust dispute. Microsoft is a company that has contributed a great deal to our society and the technology industry. Not only am I a stockholder, I am a republican voter who believes that ''less government is better''. I do not feel that Microsoft, or any other company, should be stifled or punished for being successful. They contribute greatly to our society as a whole, and also to the government tax rolls''. If other companies do not have the technology that Microsoft has, then those companies should step up to the bar- set by Microsoft. We should not lower the bar, nor punish companies, for being successful. This smacks of socialism- and look at what socialism has created in Russia. In America, it should be that all those who work hard and strive to succeed have a shot at better lives—not to tell them ''don't do too well or the government will penalize you for your ingenuity'' (while still taking the money that these companies provide through taxes, business licenses, etc). Have the courts thought of the sheer number of people that are employed and are given superior benefits by Microsoft? With companies laying off employees left and right, having a stable job and superior health benefits is becoming a rarity. Obviously, I support the settlement that was reached in November- as do the majority of people that I associate with.

Microsoft should be allowed to focus their energy and resources to more productive activities, rather than litigation. Please support this settlement so this dispute can be resolved. Thank you for your support.

Sincerely,
Kristen Haynes
Owner / Broker In Charge
(704) 372–2252

MTC–00031424

Dale Stoughton
971 E. Durness Ct.
Wake Forest, NC 27587
January 17, 2002
Attorney General John Ashcroft
U.S.D.0.J.
950 Pennsylvania Ave. N. W.
Dear Mr. Ashcroft:

I am writing to let you know how I feel about the recent settlement between Microsoft and the Justice Department. I support the settlement that was reached, and am a supporter of Microsoft as well.

I don't think it was very wise for the government to prosecute Microsoft in the first place. However, it is my belief that the settlement will bring closure to this three-year dispute. The settlement contains seemingly dozens of tough conditions, such obligating Microsoft to license Windows operating system products to the 20 largest computer makers on identical terms and conditions, including price. Also Microsoft has agreed not to retaliate against it's competitors use or promote other software that competes with Microsoft's. These insurance buffers ought to adequately curtail any unfair influence by Microsoft.

Thank you for your continuing good work at the D.O.J.

Sincerely,
Dale Stoughton

MTC–00031425

FENNER MELSTROM & DOOLING, LLP.
CERTIFIED PUBLIC ACCOUNTANTS
January 16, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
Dear Mr. Ashcroft:

As a regular user of Microsoft products, I would like to write in support of settling the federal lawsuit at the end of this month. The tactics used by Microsoft despite the opinion of the Justice Department are, in my opinion, not monopolistic and further legal action should no longer he necessary.

Analogous to the experience of Henry Rearden, as narrated in the book ''Atlas Shrugged'' by Ayn Rand, the disruption of the free-market system to stifle a business in favor of its lesser competitors only gives power to those who misuse or squander it. Microsoft has not used its power to gauge the public, so to punish the company only punishes consumers, who have been receiving a user-friendly and efficient product at very minimal cost. Though I support many of the concepts in the settlement, such as anti- retaliation laws, my overarching concern is with the government mandate on behavior that should be the personal business of Microsoft. In the interest of moving forward, this agreement is the best compromise possible and the most effective way to appease the critics without disabling a company's ability to create and grow. Please end this debilitating legal action and allow Microsoft to implement these very fair terms. All questions of competitiveness should be answered from here forward by letting the free market be able to determine the winner as it should be. Thank you very much.

Sincerely,
John W. Melstrom, CPA Partner
691 N. Squirrel Rd., Ste. 250—Auburn Hills, MI 48326
Telephone (248) 377–0900 Facsimile (248) 377–0909

MTC–00031426

Barbara M. Vakulskas
4300 Country Club Blvd.
Sioux City, IA 51104
(712) 239–1830
FAX (712) 252–5003
bmv@willinet.net
January 17, 2002
Judge Kolar Kottely
c/o Renata Hesse
Trial Attorney
ntitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Dear Judge Kottely, The settlement of the Microsoft antitrust case was a positive occurrence for the United States.

Presently our economy is enduring some harsh economic conditions. The markets are falling, many businesses have had to close down, and we've endured thousands of layoffs. The technology industry in particular, which helped fuel much of the financial gains of the 1990's, is suffering through its own severe downturn. Although we are experiencing an economic slump, many believe that reviving the technology sector would he good for the nation.

The antitrust case was stifling Microsoft with hostile attacks and legal maneuvers. Settling the case was right for the economy and the well being of our nation. It's my understanding that Microsoft agrees to grant computer makers new rights to configure Windows, and will disclose different parts of their Windows operating system. This is a fair accord and all parties involved in the case will benefit. I support the settlement completely.

Thank you.
Sincerely,
Barbara M. Vakulskas

MTC–00031427

AMERICAN LEGION
NELSAN-HORTON POST NO. 204
THE AMERICAN LEGION
SEVENTH DISTRICT
DEPARTMENT OF MINNESOTA
LITCHFIELD, MlNNESOTA 55355
Jan 17, 2002
Dear Renata B. Hesse,

Antitrust Division
U.S. Department of Justice
601 D Street NW
Washington, DC 20530–0001

I dont write these kinds of letter often and I only do so when I feel the issue is crucial enough to let our leaders know how I feel. I am writing you today to express my support of the Microsoft Settlement. My home computer and my computer at my office both use Microsoft software.

Microsoft is a business that countless people in this country have come to rely on for a great number of services. It was in the best interest of our nation to settle the case. I understand that Microsoft agreed to a new windows design obligation and set a uniform pricelist. By continuing this legal issue, we were only hurting our already weak economy and the chance of an economic turn around was all the more possible.

Most Sincerely,
Bruce (Illegible)
Commander

MTC–00031428

809 Balmoral Court
Inverness, Florida 34453
January 10, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Being a fervent supporter of Microsoft and its great success, I feel very strongly that this settlement is in the best interest of the public and should be concluded as soon as possible. Microsoft is a great company and should be recognized for it. In a country that encourages creative problem solving, it seems ironic that Microsoft is being punished in the first place. I believe that the terms of this settlement go well beyond the issues at hand. Microsoft has agreed to do everything in its power to address and change these concerns, which can be seen from the interim release of Windows XP (the new version of Windows that promote non-Microsoft software within the program). Microsoft has been punished enough. The recession has had a grave effect on state and Federal budgets and it is important that the technology industry be allowed to concentrate on business now

Sincerely,
Dr. Arthur F. Zaccaria (352) 726–1337
Arthur Zaccaria

MTC–00031430

SENATE OF VIRGINIA
BILL BOLLING
4TH SENATORIAL DISTRICT
COUNTIES OF HANOLA, CAROLNE
COGEX, KING AND QUEEN KING
WILLIAM MATHEWS, MIDDLESEW,
NEW KENT AND RICHMOND
PART OF RIDGECHESTER COUNTY
POST OFFICE BOX 5637
MECHANGVILLE, VIRGINIA 23116
COMMITTEE ASIGNMENTS,
AGRICULTURE, CONSERVATION,
NATURAL RESOURCES EDUCATION
AND HEALTH CRIMINAL LAWS,
[ILLEGIBLE] AND ELECTIONS
January 17, 2002
Reneta Hesse, Trial Attorney
Antitrust Division
United States Department of Justice
601 D Street, NW
SUITE 1200
Washington, DC 20530

Dear Ms. Hesse:

I am writing to advise you of my support for the proposed settlement agreement between the United States federal government and the Microsoft Corporation, and to encourage you to approve this settlement agreement. Based on the information I have reviewed, this proposed settlement agreement would be of tremendous benefit to consumers in Virginia and other states. The dispute between Microsoft and the federal government needs to be concluded as quickly as possible, and a fundamental part of this settlement agreement should be a recognition that Microsoft should be empowered to decide which products and features it offers to the public and how those products are priced. This is in the interest of competition, and bringing the best possible products, at the lowest possible price, to consumers.

The finalization of this settlement agreement is particularly important to the Commonwealth of Virginia. As you know, Virginia is a technology friendly state, and technology companies have flourished within the Commonwealth over the past several years. We need to do everything we can to encourage a continuation of this important economic development activity, and we need to make certain that we not impede the success of companies like Microsoft in any way.

Once again, I would encourage you to approve the proposed settlement agreement between the federal government and Microsoft and I appreciate your willingness to consider my views on this important issue.

Very Truly Yours,
BILL BOLLING
Senate
Fourth Senatorial District
BB/dpg

MTC–00031431

Dr. Neil Randle. DC
2002 Schuster Parkway
Tacoma, Wa. 98402
January 17,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing today to urge you, along with the Department of Justice, to accept the Microsoft antitrust settlement and put the case to rest. The suit against Microsoft has gone on for over three years. Persued by the previous administration, and is in part, cause of the present financial plight of our country. Microsoft, along with the rest of the technology industry, deserves to see this case settled.

The terms of the agreement are fair. Though many people think that Microsoft got off easy—I think they did not. Microsoft has accepted terms that are well outside of the scope of the charges in the lawsuit, in the interest of settling the suit.

The technology industry has been going through some tough times. The industry needs its leader back, so it is time to wrap up the suit and move on, Please finalize the Microsoft antitrust settlement.

Sincerely.
Dr. Neil Randle

MTC–00031432

CAPITOL OFFICE
State Capitol o Room 201C–A
201 West Capitol Avenue
Jefferson City. MO 65101–6800
Tele: 573—751–4039
Fax: 573—75l-5271
E-Mail:mrichard@services.state.mo.us
MISSOURI HOUSE OF REPRESENTATIVES
MARK L. RlCHARDSON
State Representative
District 154
HOME ADDRESS
P.O. Box 310
Poplar Bluff. MO 63901—0310
Tele: 573—785–4606
FAX: 573—785–8858
TO: Renata Hesse
FAX # (202)616–9937
FROM: Rep. Mark Richardson
Number of pages (including cover page): 2
DATE: 1–17–02
COMMENTS:
MARK L. RICHARDSON
State Representative
District 154
January 17, 2002
Renata Hesse
Trial Attorney—Antitrust Division
Department of Justice
601 D Street Northwest, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

Over the years, I have found that when negotiations result in a little something for everyone, the negotiations were successful. This is exactly the result of the recent negotiations between Microsoft and the U.S. Department of Justice. The settlement allows Microsoft to create new generation products that can help the economy grow and help businesses better communicate with their customers and clients. Additionally, the needs and concerns of Microsoft's competitors were taken into account in the final agreement.

I support the recent agreement between the Justice Department and Microsoft. I regret that a Committee and the court system have had a hand in developing the future of software design instead of the free market. At the same time, this entire process was an effort on the part of competitors to cripple Microsoft and eliminate competition.

Point-of-sale should be the true test of competition. Either your product is marketable or it is not. The courts and regulatory agencies have no role in this important process when job creation and small business development is at stake.

Sincerely,
Mark L. Richardson
State Representative
MLR/bas

MTC–00031433

Dominion
William C. Hall, Jr.
Vice President
External Affairs and Corporate

Communications
120 Tredegar Street, Richmond, VA 23219
Mailing Address: P.O. Box 26532
Richmond, VA 23261
January 17,2002
Ms. Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

With regard to the Microsoft settlement, the enforcement provisions of this agreement would make it quite easy to slow innovation and delay product launches by the filing of multiple complaints. Microsoft's competitors attempted to do with Windows XP.

I might add that there has been no consumer harm as a result of any actions taken by Microsoft. In fact, Microsoft's innovation has led to tremendous benefits for consumers, such as better products and lower prices. Products like Windows have allowed countless Americans to work from home in various enterprises without having to employ and pay for costly computer set-ups. Antitrust law is supposed to be about consumer harm that the government has been unable to show.

Yours truly,
Wm. C. Hall
William C. Hall, Jr.

MTC–00031434

MOBILIO INSURANCE AGENCY
259 Shrewsbury Street Personal Service for all kinds of Insurance
Worcester, MA 01804
808–752–2582
January 17, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D. Street NW, Ste 1200
Washington, DC 20530

Dear Attorney Hesse:

It is my understanding that the Justice Department is seeking imput under the Tunney Act review process, regarding the proposed settlement in the Microsoft lawsuit. Given the state of our economy right now, we should do everything possible to spur growth, not hinder it. As a small businessman, I understand competition. Competition is healthy for the American Econmomy. I use Microsoft products in my business and they have been a great help to me. They have allowed me to better serve our clients and manage my business.

There has been no consumer harm as a result of any actions taken by Microsoft. Microsoft's innovations have, in fact, helped many small businesses like mine grow. I urge the government to settle this case as quickly as possible.

Yours truly,
Mark J. Mobilio
Mobilio Insurance Agency

MTC–00031435

Lorena Jaeb
P.O. Box 428
Mango, Florida 33550
January 9, 2002
Renata Hesse
Antitrust Division
Department of Justice
Fax: 202–616–4937
Fax: 202–307- 1454

I am writing in regards to the antitrust case against Microsoft. I am pleased to hear that a settlement has been reached that will build new relationships between Microsoft and other technology companies. That connection will provide the marketplace with even more new and innovative products. As a longtime business owner, a mother and grandmother, I can remember the days when one had to communicate via phone or through U.S. Postal Service only. I also remember when one had to write checks and present them only in person to get cash, or had to go to the library to do literally all of one's research. Most of us including my children and grandchildren can't imagine life without e-mail, ATM machines or the internet because we rely on these things everyday to make our lives easier. Microsoft has certainly aided in providing the necessary tools for us to run our business, communicate with friends and family who are far away, and also to educate future generations.

Microsoft has gone one step further in today's world of technology that will greatly affect our families. Microsoft is working together with DIRECTV & Ultimate TV to change the way we watch television. We will be able to watch or record two live shows at the same time and then view them whenever our schedule permits. This also allows parents to better monitor what their children watch on television and at the same time allows parents to watch their shows. Not only has Microsoft changed the way we watch television, but we are now able to ''surf'' web sites on the internet,check e-mail and participate in educational programs with our children all at the same time! We can now work from home and spend quality time with our family. Microsoft has extended to many people like me the benefits that will serve my family for years to come. The settlement is a refreshing change in today's seemingly bleak times

Sincerely,
Lorna Yaeb
Telephone: (813) 681–5796 Fax: (813) 654–6369

MTC–00031436

FAX NUMBER: 1–509–575–6330
GRETA BRYAN
4823 Snowmountain Road
Yakima, Washington 98908
January 12, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I support the settlement of the Microsoft antitrust case. This case should not have been brought in the first place and I, like most members of my community in Yakima, Washington, am anxious to see a conclusion to this litigation.

In settling this case, Microsoft is going beyond what should be expected of it. What strikes me as particularly impressive is Microsoft's agreement to disclose interface information to its competitors. They have even gone so far as to change the way they design their software. The design changes will result in consumers having the ability to more easily change the configuration of their system. By agreeing to these terms, Microsoft is really doing more than should be expected o f it. However, in the interest of ending this long, drawn out litigation, I support the terms to which Microsoft has agreed.

This case has had a devastating impact on the U.S. stock market. In this time of recession, the government should be doing whatever it can to encourage businesses to succeed. The continuation of this lawsuit will clearly have the opposite effect. I hope the Court and the Department of Justice heed the people's call for an end to this litigation. Thank you.

Sincerely,
Greta Bryan

MTC–00031437

3290 W 7545 S
West Jordan, UT 84084
January 17, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

Microsoft has been involved in an antitrust suit for the past three years, and in November, when a settlement was reached, I began to hope that the whole ordeal would soon be over. Nine states, however, continue to remain litigious, and it worries me that this may not be the end. Microsoft and the Department of Justice have spent a great deal of time and money during this trial, and I can only imagine how much more would be squandered in the pursuit of additional litigation when a settlement has already been reached.

A court-appointed mediator oversaw round-the-clock negotiations from June to November. Microsoft agreed to terms in the settlement that restricted products and procedures that were not found to be unlawful by the court of appeals. A great effort has been made to right any wrongs Microsoft committed, and I believe the time has come to accept the settlement and move on. The settlement requires that Microsoft not take retaliatory action when directly competitive software is introduced into the market. Additionally, Microsoft has been required to reformat future versions of Windows so that the operating system will support non-Microsoft software. Microsoft also plans to document and disclose source code, protocols, and interfaces for use by its competitors to improve inter- operability among different software products.

I urge you, Mr. Ashcroft, to allow the settlement to stand.

Sincerely,
Paul Johnston

MTC–00031438

Suleiman Ajlouni
1019 Pear Tree lane
Wheeling, IL 60090
January 17,2002
John Ashcroft, Attorney General
950 Pennsylvania Avenue, NW

Washington, DC 20530–0001
Dear Mr. Ashcroft:
I urge you to settle the Department of Justice's ongoing antitrust lawsuit against Microsoft. I believe that the government has other priorities it should be concentrating on, and that Microsoft should have the freedom to continue producing innovative new products.
Microsoft software has been pivotal in my computer use from day one. The simple truth is that it works well, and others do not measure up. The government's case against Microsoft interferes with the company's ability to research and develop new technologies, and for that reason the matter should be resolved.
I find the terms of the settlement to be reasonable, and that Microsoft's agreement to make it easier to use other manufacturers'' programs within Windows to be an indication that they will promote fair competition. Please settle the Microsoft case and let them focus on doing what they do bettor than anyone else.
Sincerely,
SS

MTC–00031439

113 Fielding Ridge
Peachtree City, GA 30269–3249
January 16,2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:
It has come to my attention that there has been a settlement reached in the three-year case against the government's case against Microsoft. I think the settlement is wonderful. I also believe that the government should1 leave Microsoft alone.
It is in everyone's best interests that this case be resolved quickly so all parties involved can attend to other matters. The American public would agree that any further pursuit of the case would be a waste of time, money and human resources Also, it would be harmful to not only the American economy, but the global economy as well. Microsoft will be making major changes because of this settlement. These changes will include the establishment of a technical committee to police Microsoft's compliance with the settlement. Also, Microsoft has agreed not to retaliate against. computer makers, and software developers who ship software or hardware that competes with anything in the Windows operating system. Furthermore, Microsoft has agreed to document and disclose for use by its competitors various interfaces that are internal to the Windows operating system. This is a first in any antitrust settlement.
Once again, I ask that you accept this settlement, and terminate your efforts to further prosecute Microsoft, Thank you.
Sincerely,
Janet Siegel

MTC–00031440

307 Spencer Place
Paramus, New Jersey 07652
January 13, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:
The purpose of this letter is to go on record as being a staunch supporter of the settlement that was reached between Microsoft and the Department of Justice last November. The settlement will finally bring an end to the three-year long litigation process that has cost both sides millions of dollars.
The settlement will greatly benefit competition, the technology industry, and the American economy. I am sure that you are aware that the economic downturn that started three years ago was partly caused by the suit against Microsoft. It only took three years for the economy to go from being the best it ever has been, to being stuck in the middle of a recession.
Again, I would like to go on record as supporting the settlement between Microsoft and the Department of Justice.
Sincerely,
Paul DeMaria

MTC–00031441

34 MEADOWBROOK DRIVE
SELINSGROVE, PA 17870
January 15 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft,
We write today to express our endorsement of settling the Microsoft case. Microsoft has gotten a raw deal in the recent antitrust case. After being the leading innovator of computer technology over the last 10 years and standardizing the industry, Microsoft is now the victim of competitors that cannot compete and politicians who are self interested. We are both glad to see that Microsoft will not be broke up, but under the terms of settlement, Microsoft will still be thoroughly punished. Microsoft had to promise to not retaliate against computer makers who ship software that competes with anything in its Windows operating system. They have also agreed not to retaliate against software developers who develop or promote software that competes with Windows or that runs on a non-Windows. These concessions and more represent stipulations that benefit competitors, but not necessarily consumers.
While flawed and unjustified, the settlement still represents the public's best interests because the alternative is further litigation. Our country cannot afford any more rounds of this. Please take a stand and make sure the settlement is finalized.
Sincerely,
Carol Koval
CC: Senator Rick Santorum

MTC–00031442

January 17, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:
I am writing you today to express my support for the settlement that has been reached in the Microsoft antitrust dispute. I hope that we can finally put this litigation behind us. I appreciate all the work that you have done in bringing this settlement about, and I hope that you continue to support it. I feel that this case has been extremely bad for the American economy, not to mention the IT sector in general. With this settlement in place I hope that the damage that has been done to the economy can be rectified. Microsoft is one of this nation's biggest employers, and attacking them during this time of economic instability is unwise at best.
It is time for us to focus on more important issues. We need to put this past us so that we can continue to remain at the forefront of the technology industry throughout the world,
Sincerely,
Kathleen Kattler
304 Dora1 Drive
Pawleys Island, SC 29585
cc: Senator Strom Thurmond

MTC–00031443

B & W CONSTRUCTION
P.O. Box 758
Pine Valley, CA 91962
(619) 473–8353
January 17, 2002
Renata Hesse, Trial Attorney
Antitrust Division, Department of Justice
601 D Street NW, Ste. 1200
Washington, DC'' 20530
VIA FACSIMILE
(202) 616–9937
Dear Ms. Hesse:
I am a small business person in California. Between my federal and state taxes, I pay among the highest rates in the country. For someone like me to receive a tax break, the political warfare is outrageous. I also am forced to deal with the ebbs and flows of the economy. Those same leaders who fight giving me a tax break are the first people to institute policies which slow the economy.
These are the same individuals who are asking the court to reject the settlement in US v. Microsoft They are not small business people struggling to make enough money to pay their tax bill They are politicians acting in their own self interest.
The Microsoft case is a perfect example of an issue which quietly destroys small business without anyone putting a stop to it. Since the day the Microsoft case began, I have been affected I have been affected by a slow down in the entire economy and I have been affected by a tremendous slow down in the technology industry. Now, California leaders are talking about a tax increase to help pay for programs. They talk about a tax increase in one breath and ask for more money to pursue the case against Microsoft in the next, It doesn't make any sense.
The Microsoft issue is hurting small business. Taxes hurt small business. If they are going to raise taxes, then don't spend money on ridiculous issues. The settlement should be approved. That money is better spent elsewhere (like whatever progams they are going to raise my taxes to pay for)
Sincerely,
Holly Bonnett, Owner
B&W Construction

MTC–00031444

Jan 17 02 04:l0p
MJ Rozmus CPA
760 510 4965 p. 1
Mark J. Rozmus
Certified Public Accountant
960 West San Marcos Blvd., Suite 230
San Marcos, California 62069
Voice : 760–510–4960
Facsimile: 760–510–4965
Mark J. Rozmus, MBA, CFE CPA
Diplomat: American Board of Forensic Accounting
January 17, 2002 1454p mjr
Renata Hesse, Trial Attorney
Antitrust Division, Department of Justice
601 D Street NW, Ste. 1200
Washington, DC 20530
VIA FACSIMILE: (202)616–9937

Dear Ms. Hesse:

I am sure the courts have received many e-mails and letters regarding U.S. v. Microsoft from many different technology related companies. Whether positive or negative, these dot-com, or e-commerce companies have a very direct vested interest in the outcome of this case. My letter is meant to articulate a different business perspective-one of a non dot-com perspective.

I have owned a small forensic accounting practice for over four years. It may seem that my type of business would have little concern about U.S. v. Microsoft, but that is not the case.

My forensic accounting practice is affected by this case in two ways. First, is the marked technological increase in efficiency and productivity gained through the use of current software available. Thetechnologyboom, in general, has revolutionized the accounting profession. Our ability to complete work projects in advance of trial dates and conferences, we well as produce effective financial presentations, grows exponentially with each year of new technological advancement. Much of this technological revolution is occurring because of the innovation of Microsoft and its Windows compatible software.

Actually, other products developed to work with Windows are changing the way accounting firms do business.

Since the case has started, we are seeing a real lack of innovation in the products available to us.

Secondly, our forensic accounting practice, as well as that of many clients, is being economically harmed by this case. My practice is based in California; one of the most technology defendant regions in the world. This Economic slow down brought on in part because of the Microsoft case has caused a general economic slowdown in the development and growth of many new California businesses. Once the case is settled, I believe,we will see the national economy rebound and demand for all products and services increase.

I ask the courts to approve the settlement on behalf of thousands of small businesses suffering from the current technological innovation slump.

Sincerely,
Mark J. Rozman
Certified Public Accountant
Your Financial Friend & Confidant

MTC–00031445

January 16, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

As a business owner for more than twenty years, I have observed the changes in our economy, I have also seen increasing constraints by the federal government on US Companies while at the same time giving priority to foreign trade that can result in a competitive advantage for products produced in other countries.

The technology industry has been a driving force in many segments of industry and is one reason the U.S. has maintained its leadership role in the global economy. Companies such as Microsoft have encouraged innovation and entrepreneurship. Our economy cannot afford to have the government discourage companies like Microsoft from developing new products. The proposed consent decree between Microsoft and the U. S. Department of Justice reaches a middle ground for Microsoft and its competitors. Computer manufacturers will have the flexibility to configure Windows so Windows features such as the Internet Explorer can be removed and replaced with another web browser. A technical committee will be established to monitor compliance with the settlement. Other remedies wil1 also benefit Microsoft competitors while at the same time giving Microsoft the ability to keep innovating on behalf of consumers.While the settlement will impose new rules and regulations, resolution of this matter is important for consumers and for technology companies. It will also free companies to focus on the future and the fast changing digital economy.

Sincerely,
Fred Dula
6614 Gaywind Drive
Charlotte, NC 28226
704–366–6457
p.1 9197878031 Gary Pearce Jan 17 02 05:39p

MTC–00031446

Jan 17 02 05:29p Gary Pearce 9197878031 p.01
Jan- 17–02 08:42A P.01
17th January 2002
Office of Ms. Renata Hesse, Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Fax 202–616–9937
microsoft.atr@usdoc.gov

Dear Ms. Hesse

I believe it is time for the federal courts to bring an end to the Microsoft case

Although I am not fully sympathetic to Bill Gates, I do believe that Microsoft has abused its role, acting as a monopoly. It appears, however, that the Federal government,as well as a number of state governments including North Carolina, have concluded that the proposed settlement would protect against these monopolistic practices.Prolonged litigation has no positive effect for the consumer, or for our country, especially in light of recent tragic events. If the settlement achieves its stated goal, which I feel is providing a fair and reasonable solution to both sides in this dispute, then the courts should act speedily, approve it and go on.

I appreciate the opportunity to be heard on this important matter, as well as your attention to my letter.

Sincerely,
Tomas Franklin Castillo MSEd.

MTC–00031447

FROM: AMERICAN FINANCIAL ADVISORS
PHONE NO.: 530 223 2230
Jan. 17 2002 02:32PM P1
To: U.S. Department of Justice
From: Dorothy Palfini
RE: Microsoft Settlement
Date: January 17, 2002

I have read the decision to reject the Microsoft Settlement. It stands to reason that the states and the 100 private class-action lawsuits, do not want to have this case resolved and settled. The longer the suit goes on the more Microsoft will have to lose. If they feel this is too good a deal, then why don't they give software, training and services to the schools. Then they would be able to benefit and give them the power to monopolize the computer market. This is just a joke.

Please get this case resolved ASAP. Then the technology economy will be able to get on with business and recovery.

Sincerely,
Dorothy Palfini
3011 Victor Avenue
Redding, CA 06002
Phone: 530–223–2195

MTC–00031448

JAN 17 2002 16:30 FR BANK OF AMERICA 515 235 7203 TO 912026169937 P. 01/02
Bank of America. N.A.
Private Bank
IA1–100–01–02
PO Box 1813
Des Moines, IA 50308–1813
Bank of America Fax Cover Sheet
To: RENATA HESSE
Company:
Telephone Number:
Fax Number: 202–616–9937
Date: 1–17–02
From: BRANDON HAMIL
Department: PRIVATE BANK
Telephone Number: 515–235–7255
Fax Number:
Number of pages including this cover sheet: 2
If transmission problems occur, please call:Message: PLEASE REVIEW THE ATTACHMENT.

THANK YOU,
Brandon Hamil

The information contained in this FAX message is intended only for the confidential use of the designated recipient named above. This message may contain contractual and proprietary information and as such is privileged and confidential. If the reader of

this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error, and that any review, dissemination, distribution or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the message to us by mail.
JAN 17 2002 16:30 FR BANK OF AMERICA
515 235 7203 TO 912026169937 P.02/02
Judge Kolar Kottely
c/o Renata Hesse
Trial Attorney
Antitrust Division -U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
January 17, 2002
Dear Judge Kottely,
I have followed the proceedings against Microsoft for some time now, and I want you to know that I feel the Justice Department has done an outstanding job of forcing a settlement in this case.I think that the terms you have agreed to in principle are sound,and will bring about a just result without doing damage to our already faltering economy. Because of the settlement, Microsoft cannot force a third party contractor to sell Microsoft products.
This demonstrates that the necessary steps were taken to reach a fair and balanced agreement. All groups enmeshed in the settlement negotiations should be commended.
I encourage you to move to a final settlement so the Justice Department can shift its resources to the many other areas of business and industry that need to be examined for abuse and predatory practices.
Sincerely,
Brandon J. Hamil
1205 31st Street
West Des Moines, IA 50266

MTC–00031449

FROM : Trackers Inc FAX NO. : 3193449200 Jan. 17 2002 03:58PM P1
TRACKERS INC.
in Illinois dba
EASTERN IOWA COLLECTION BUREAU, INC.
1970 Spruce Hills Drive
P.O. Box 1227 Bettendorf, IA 52722 1227
Phone (563) 344–8500 FAX (563) 344–9200
January 17,2002
Judge Kolar Kottely
c/o Renata Hesse
Trial Attorney
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Dear Judge Kottely,
I just wanted to send along my opinion that the Microsoft settlement with the nine state sand the Justice Department was even-handed and reasonable and will be beneficial for the American economy. Microsoft agreed to new relations with software developer and will design future versions of Windows that provide a way for computer-makers to promote non-Microsoft products. The poor-performing economy is the most important reason why I support this settlement.
As VP of Operations for a collection agency, I can tell you firsthand that America is suffering badly. Day after day our professional debt collectors hear the plight of many Americans of how they want to pay their bills but have lost the means to do so. Not only is the economy hurting by no new spending but it is also hurting by people's inability to pay for debts they rightfully owe. Too many people have lost their jobs, and there is no relief in sight since the September attacks. The tech sector has been particularly hard hit, and the slide had spread to other economic areas. This is a favorable conclusion to this complicated case that will give a boost to the troubled tech industry.
For the aforementioned reasons, I am sending you my support for the Microsoft settlement.
I appreciate your consideration.
Sincerely,
Kimberly Guy
Vice President of Operations
jm:KAG

MTC–00031450

Jan-17–02 02:43P P.01
K the koval group
January 17, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:
I would like to take advantage of this public comment period and give you my thoughts on the Anti Trust Case. To begin, this lawsuit is an embarrassment to American business. Microsoft is being forced to defend themselves for being a successful and profitable company, which is hallmark of what most people desire in a business. Now their successes and remarkable contributions are being punished because their competitors can come up with no other way to be successful on their own. This lawsuit is a huge waste of our tax dollars and I do not understand how it has been allowed to continue for so long.
I run a small manufacturing business and use Microsoft products to help fun my business.Microsoft has done so much for consumers and businesses alike: they are completely responsible for creating our standardized computer systems of today. Nonetheless, I see this settlement as a great compromise in this controversy. Although most of the burden falls on Microsoft, the settlement certainly addresses all of the issues alleged in the lawsuits, Microsoft is handing over its own intellectual property, giving its competitors important source codes and server protocols. Agreements have been made with computer makers that will allow them to promote non-Microsoft products within the Windows operating system.
The stipulations of this settlement go far beyond what is just and serving to consumers. However,this settlement is necessary to help move our computer industry and economy forward. Please help in upholding this settlement.
Sincerely,
John Koval
cc: Senator Rick Santorum
34 meadowbrook drive selinsgrove, pa 17870 570.743.1420 fax 570.743.7304

MTC–00031451

Jan-17–02 02:19 Modesto City Comm.Div. 209 491 4379 P.01
CITY of MODESTO
Bill Conrad
Vice Mayor
Chair Community
Development & Housing
Committee
Vice Chair Financial
Policy Committee
Member Economic
Development Committee
Intergovernmental
Relations Committee
1010 Tenth Street
Suite 6200
P.O. Box 642
Modesto, CA 95353
209/571–5169
209/495–1926 Cellular
e-mail:
bconrad@ci.modesto.ca
Hearing and Speech
Impaired Only
TDD 209/526–9211
VIA FACSlMlLE
(202) 616–9937
January 16, 2002
Renata Hesse, Trial Attorney
Antitrust Division, Department of Justice
601 D Street NW, Ste. 1200
Washington, DC 20530
Dear Ms. Hesse:
I am writing this letter to the courts in support of the settlement in the case of US v.Microsoft. This letter is being sent in accordance with the Tunney Act which allows the public to offer comments on matter such as these.
I would like to offer the courts my opinion in support of the settlement as a technology consumer. It is my opinion that, should the settlement be rejected and this case continue to drag on, it will be the consumers who face the largest burden.Right now, I can go to my local computer store and buy a copy of Windows XP forjust under $100. Regardless of what Microsoft's competitors say, that is a very reasonable price for such a complex operating system. If this case drags on,Microsoft is forced to incur higher legal costs, and we see the technology industry stagnate even further, the costs passed on to consumers will steadily increase.
The courts should also note that the tenets of the current agreement are established in such a way that there will be minimal harm passed along to the consumer with regard to pricing. Should this settlement be rejected and even more restraints are placed upon Microsoft, I believe it is safe to say that there would be significant potential for higher prices to be a result.
I say again-please accept this settlement so we, as consumers, are not forced today higher prices for various technology products.
Sincerely,
Bill Conrad, Vice Mayor
City of Modesto
Citizens First!

MTC–00031452

01/17/2002 00:01 13364273554 RUSS OR JOYNER PAGE 01
Jo Ann Russ

212 Fairway Drive
Stoneville, NC 27048
January 15, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Ave.
Washington, DC 20530–0001
Dear Mr. Ashcroft,

It has come to my attention that a settlement has been reached in the justice Department's three-year,antitrust case against Microsoft. I want you to know that I support the settlement, since the terms are fair and reasonable tall parties involved. As a North Carolina resident, I've seen enough of these proceedings at the state and federal level for one lifetime. Microsoft will be making a number of specific changes to its business practices that will restore fair competition and prevent future antitrust violations. For instance, Microsoft has agreed to document and disclose its windows internal interfaces that its competitors might be able to use to write better programs.

Furthermore, the government will establish a ''technical committee'' to monitor Microsoft compliance with the settlement, and to act as a mediator for disputes about the settlement. Please accept the settlement, for the reasons

I have already given you, Thank you.

Sincerely,

Jo Ann Russ

MTC–00031453

≤Jan 18 02 06:23a JOSEPH, E. SZYMANSKI l-914–355–8328 P.1
≤January 18, 2002
≤Attorney General John Ashcroft
≤US Department of Justice
≤950 Pennsylvania Avenue, NW
≤Washington, DC 20530
Dear Mr. Ashcroft:

I am a staunch supporter of Microsoft. As such I believe that the current actions against Microsoft by the federal government have been frivolous.Microsoft has gotten to where it is by creating a better product, not by anti-competitive behavior. In any case the issue as it stands needs to be resolved immediately. The settlement reached last November seems to be fair and reasonable. Therefore, it seems to me that there is no longer any need for litigation as many of Microsoft competitors are advocating.

There are many provisions within the current settlement that will give Microsoft's competitors a significant advantage. In the settlement, there are many terms that Microsoft has agreed to that extend beyond the original scope of the lawsuit. Microsoft did this simply for the sake of wrapping up this case. In short the current settlement has forced Microsoft to alter many of its products,services and business practices to make it easier on its competitors. A technical committee will verify all of this. This is quite enough. I see no more need for an extension of the lawsuit.

I ask that the current settlement be implemented without further delay.The economy has slowed and it is time we allow the IT industry to get back on its feet. Please direct your efforts towards resolving this issue as fast as possible.

Sincerely,

Joseph Szymanski

Joseph Szymanski
149 Springbrook Rd.
Port Jervis, NY 12771–3626
I SUPPORT VFW

MTC–00031454

From: james a g beales Fax 843–5374245
To: John Ashcroft at US Attorney General Page 1 of 2
Friday, January 18, 2002 6:18:44 AM
FAX
Date: Friday, January 18, 2002 Time: 6:16:00 AM
2 Pages
To: John Ashcroft
US Attorney General
From: james a g beales
Fax: 307–1454 Fax: 843–537–4245
Voice: Voice:
Comments:
From: james a g beales Fax 843–537–4245
To: John Ashcroft at US Attorney General Page 2 of 2 Friday, January 18, 2002 6:19:24 AM
January l8, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft,

Please add this letter to the many thousands of others which you have undoubtedly received in support of the settlement reached between Microsoft and the Department Justice. There is no doubt that his settlement will benefit the stability and strength of the American economy.

It is my understanding that the settlement terms, while harsh, have been agreed to by Microsoft in order that bring final closure to this three year affair. It has been costly, time consuming, and a serious distraction to the entire technology industry.

You and your department have seen the need to bring this saga to a close, and you are to be applauded for doing so.

Thank you.

Sincerely,

James A. G. Beales III
Cheraw, SC, 29520
cc. Strom Thurmond

MTC–00031455

From: Valued Sony Customer
To: Renata B Hesse
Date: 1/18/02 Time: 12:40:12 AM
Page 1 of 1
FACSIMILE COVER PAGE
To: Renata B. Hesse
From: Valued Sony Customer
Sent: l/18/02 at 12:40:08 AM
Pages: 1 (including Cover)
Subject: Microsoft Settlement
Judge Hesse,

I wish to express my concern over the government's recent settlement of the Microsoft antitrust case. I believe it is far too lenient and will not fix any of the deeper causes of the Microsoft monopoly.

I concurred strongly with Judge Thomas Penfield Jackson's original decision, which I thought was accurate and comprehensive. The new terms proposed by the government, however, do not address the root of the Microsoft monopoly, as Judge Jackson's remedy did, Since this is so-called ''Information Age,'' and the Internet is one of the great, if not greatest, outgrowths of this era. The Microsoft case is therefore extremely important, in my opinion, and I believe it vital that this or any company should not be allowed to dominate and stifle either the Internet, computer operating systems, or the applications market,

Thank you for your consideration

Nelson Cole
Sunderland, MA
413–397–9763
nelsonjcole@yahoo.com

MTC–00031456

13302 Coral Ridge Court
Houston, TX 77069–13343
January 17, 2002
Attorney General John Ashcroft
950 Pennsylvania Avenue, NW
Washington, DC 20530–000 1
Dear Mr. Ashcroft:

I am happy with the terms of the settlement reached last November between Microsoft and the Department of Justice.

As a long-time Microsoft supporter, I believe the terms of the agreement are fair and beneficial. I strongly urge you to enact this settlement at the end of January.

It is very important to me that we not hinder free enterprise, and force companies to compromise the very creativeness that makes our country and our economic system great. Microsoft has made many concessions during this mediation process. Microsoft now agrees to disclose some of the information regarding the interfaces of its Windows system, which is more than reasonable. In addition, Microsoft has agreed to the formation of a review board whose sole purpose is to make sure that the terms of the settlement are enacted to the letter of the law. This condition should satisfy any skeptics who might believe Microsoft might not abide with the settlement's terms.

In al1 I believe that the settlement is fair to all parties and should be enacted soon. Thank you for your time regarding this issue.

Sincerely,

Tom Ryan

MTC–00031457

NORTHTECH SERVICES
506 White Pine Drive
Cadillac, Michigan 49601
January 17, 2002
Attorney General John A&croft
US Department of Justice
950 Pennsylvania Avenue, NW Washington, DC 20530
Dear Mr. Ashcroft:

I am writing to show my support of the Microsoft settlement, which will be finalized at the end of the month. I have felt that this lawsuit reflected an attempt by the previous administration to challenge the strongest parts of our business community and do not support any further action. This deal provides a comprehensive attempt to remedy any lack of competition that might exist in the industry, so it should offer plenty of opportunities for competitors and be approved promptly.

With regular monitoring by a panel of experts, the agreement has guaranteed no favoritism of computer makers who use Microsoft software.

A uniform price list will be used for licensing of Windows to the 20 largest manufacturers and they will have expansive rights to replace Microsoft programs with those from AOL, Real Networks, etc. There will also be no contract restrictions in relation to promoting Windows technology as well. With this settlement, Microsoft has given its competitors an ample opportunity to succeed in the marketplace. Please take this chance and move on with that process now.

Sincerely,
Lynwood Taylor

MTC–00031458

Nancy C. Cocke
4900 Hassell Lane
Erie, PA 16509–4236
January 14, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I would like to take this time to urge you to please uphold the settlement that was reached between Microsoft and the Department of Justice on November 2, 2001. This case has been dragging on for nearly three years. I see no reason to prolong it further. There was obviously a great deal of effort put into negotiating this settlement. The settlement quite adequately addresses the issues of concern.

There is no reason to scrutinize this issue any further, especially since the Federal government has already agreed to terms. I thought that the initial settlement was too harsh on Microsoft to begin with. I would really hate to see any further legal action. Microsoft actually had to concede more than they initially desired in the settlement, but the American economy was more important to Microsoft's leaders than a few details listed in the settlement. Microsoft has agreed to share a lot of their coding and internal Windows interface information, making it easier for their competitors to come up with their own products. They are also creating a Technical Committee to oversee Microsoft's compliance of the settlement terms. This is all more than reasonable, especially given their huge contribution to our nation's economy.

Thank you for your time. Please respect the settlement. Thank you.

Sincerely,
Nancy C. Cocke

MTC–00031459

6194858519 GUS G SIPKES PO1
17224 Tam O Shanter Drive
Poway, California 92064
January 17, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue. NW
Washington, DC 20530

Dear Attorney General Ashcroft:

This letter is to give my support to the agreement reached between Microsoft and the Department of Justice. As I understand, there are sixty days for public comment and I would like to say that I believe this agreement is long overdue. It has done a great deal of damage to our economy and our country. It is now time to put this behind us and move forward. There are more important things to be concerned about.

Further, Microsoft has agreed to a number of demands from the Justice Department, enabling competing firms to have access both to certain software and new rights to configure systems with access to various Windows features. Microsoft has also agreed to be bound by requirements on their licensing practices. The company will have to use a uniform price list when distributing Windows to the largest twenty computer manufacturers in the nation. This is a great deal for a company to do.

Please do not pursue any further federal action against Microsoft. It is not in the best interests of the country. Thank you.

Sincerely,
Gus Sipkes

MTC–00031460

January 17, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Ave. NW
Washington, DC 20530

Dear Mr. Ashcroft,

I am writing to ask you to settle the Microsoft lawsuits that have been going on for such a long period of time. Microsoft should retain the ability to produce the brightest and best of technology without impediments from the government. The continued harassment from the government is against the best interests of the public.

Please settle the suit.

Sincerely,
Alice Cason
52 Bellevue Ave.
San Rafael, CA 94901
Sent via fax 1–202–307–1454
1–202–616–9937

MTC–00031462

01/18/2002 08:43 FAX 804 7866310 VA HOUSE OF DELEGATES 001
VIRGINIA HOUSE OF DELEGATES
FAX COVER SHEET
To: RENATA HESSE
Organization; Antitrust Division—US Dept of Justice
FAX Number: (202) 616–9937
Phone Number: ( )
Local
Long Distance Number of Pages including this cover sheet: 2
From: DELEGATE THOMAS DAVIS RUST
Room Number: 516 Telephone Number: (804) 698–1086
Comments:
If you have any problems with this transmission please call the House Fax Center at: (804) 698–1558
Our Fax Number is (804) 786–6310
01/18/2002 08:43 FAX 804 7866310 VA HOUSE OF DELEGATES
002
COMMONWEALTH OF VIRGINIA
HOUSE OF DELEGATES
RICHMOND
January 17, 2002
THOMAS DAVIS RUST
730 ELDEN STREET
HERNDON, VIRGINIA 20170
Renata Hesse
Trial Attorney
Antitrust Division
U.S. Department of Justice
601 D Street, NW #1200
Washington, DC 20530
By Facsimile: (202) 616–9937
Dear Ms. Hesse:

As the Delegate for the 86th District in Northern Virginia, I am writing to encourage you to approve the settlement agreement in the case of United States v. Microsoft.

Northern Virginia has been fortunate to attract a diverse and wide-ranging number of technology firms over the past 10 years, and with those firms choosing to locate here, we have insured our area's continued growth and future prosperity. While I have varied business interests across my district, the bottom line is that the settlement is a boon to our state's economy and for the economy of the nation as a whole.

Being a technology-friendly state put Virginia on the map again with the emerging IT industry in the 1990's. As IT has blossomed and flourished, our state has reaped the benefits as well. We embraced the new economy and profited from the relationship. Government should not be an inhibitor, but rather an enabler of consumers, entrepreneurs, and the marketplace. Technology empowers individuals, both here in the Commonwealth and beyond. It gives individuals previously unimagined opportunities to participate in the economy. It opens the door of opportunity to many including women in business who are harnessing the power of the IT economy and to children who are empowered with the learning and teaching potential of the Internet.

More than half of all Internet traffic travels through Virginia. In my district alone, there are hundreds of high-tech firms all relying on consumers, and beholden for their survival to the competitive system that Americans so cherish. This proposed settlement is tough, yet reasonable, and a valuable tool in bringing stability back to our economy. It is my hope that the Court will approve the proposed settlement between Microsoft and nine plaintiffs in the anti-trust case against it, including the federal government.

Sincerely,
Thomas Davis Rust
DISTRICT: (703) 437–9400—FAX: (703) 435–6855—E–MAIL:
DEL_TRUST@HOUSE.STATE.VA.US

MTC–00031463

JAN–17–2002 09:05 PM Bob Hailey 760 789 6480 P. 01
Ramona Unified School District
720 Ninth Street Ramona, CA 92065–2399
(760) 78905000 o FAX 789–9168
Renata Hesse
Department of Justice, Antitrust Division
Via Fax 202–616–9937
Ms. Hesse,

I was told that individuals wishing to express their opinion on the pending settlement in the case of US v. Microsoft are allowed to send their letters to number above. I support the settlement.

Please accept this letter and include it with those members of the public who believe the courts should approve of the settlement.

Though it is the purpose of the courts to review facts, it is nearly impossible to consider the politics of this issue. I am writing in support of the settlement because some of the politics should be explained to the Courts.

Specifically, I believe it is important to recognize that nine of the original states and the federal government have endorsed this settlement. That concept alone speaks volumes about whether the settlement is adequate. More importantly. those states that have rejected the settlement are not doing so based on the facts surrounding the case; they are doing so because of the politics. Attorney General Lockyer and Attorney General Miller are far from objective on this issue.

They have used it to generate favor among other hi-tech companies and raise their profile.

This is sent to you as my opinion and does not necessarily reflect the opinions of other board members. I ask that you include my name on the list of those supporting this settlement.

Bob Hailey
President, Board of Education
Ramona Unified School District

MTC–00031464

Jan 17 02 06:54p Gary Pearce 9197878031 p.1
SMITH HELMS MULLISS & MOORE, L.L.P, Attorneys at Law
2800 TWO HANNOVER SQUARE
Raleigh, North Carolina 27601
PO Box 27525 (27611)
(919)755–8700
direct: 919–755–8816
fax: 919 755 8800
Peter.Hans@smithhelm.com
January 15, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I believe that the proposed settlement in the Microsoft antitrust case is a fair and reasonable compromise, and I want to express my hope that it will be approved by the federal court. North Carolina's Attorney General, Roy Cooper, carefully reviewed the setllement and concluded that it is fair and effective, as have attorneys general from a number of states and the U.S. Department of Justice.

The agreement contains significant restrictions on how Microsoft will be able to develop, license and market its software. But, most important, the settlement would permit Microsoft to return its focus to the development of even more outstanding products. These products have played a vital role in the productivity gains that have driven our nation's economic growth, and their development should not be unduly restricted.

America needs an economic boost today, and there could be no better boost than a settlement of this lawsuit as soon as possible.

Thank you for the opportunity to comment.

Sincerely,

SMITH HELMS MULLISS & MOORE, L.L.P.

Peter Hans
PH/gm
ATLANTA CHARLOTTE GREENSBORO RALEIGH WILMINGTON

MTC–00031465

01/18/2002 10:32 6033757915 CUSTOMSCOOP PAGE 01
CustomScoop
Your Online News Clipping Service
VIA FAX (202) 616–9937
January 18, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

Thank you for accepting comments on the settlement with Microsoft.

The so-called Innovation Economy results in a higher standard of living for all of us. Our lives become richer because of the opportunities afforded us by a robust and vibrant technology industry. Litigation does nothing but tack on costs that in the end, we all must bear and for which we must all compensate.

The marketplace, not the courtroom, should decide winners and losers in the tech sector.

Instead of finding excuses and ingenious ways to continue prosecuting the case of U.S. v. Microsoft.

The settlement agreement the U.S. Justice Department and nine states agreed on with Microsoft seems fine. We need to move on, for the good of the technology industry and our economy as a whole. As an executive of a technology business, I can tell you that for every day this case is extended, we lose opportunities.

Sincerely,
Chip Griffin
Charles Griffin
P.0. Box 609, Concord, N.H. 03302
(800) 538–6420
www.customscoop.com

MTC–00031466

01/18/2882 12:55
=== COVER PAGE ===
TO:
FAX: 12026169937
FROM : KATHLEEN BART
FAX: 5165464919
TEL: 5165464919
COMMENT : PLEASE CALL
01/18/2002 12:55 5165464919 KATHLEEN BART PAGE 01
Jack Bart
1930 Sunrise Highway Apt. 17
Merrick, NY 11566
January 17, 2002
John Ashcroft, Attorney General
US Department of Justice
Washington, DC 20530

Dear Mr. Ashcroft

I am writing today to address the Microsoft antitrust settlement with the Department of Justice, I am in support of the settlement, and I feel that it is a just one. After three years in court we are well past the point where this issue should have been resolved. Now more then ever, we cannot afford to waste valuable resources debating an issue that has an acceptable solution on the table.

When the settlement is finalized Microsoft will be a changed entity, one allowing more consumer flexibility, and is far less combatively competitive. From this point forward, Microsoft will design Windows-family products to be user-friendlier to installation, un-installation, and configuration of its competitors'' peripheral software components. Furthermore, Microsoft will make available to its competitors various internal interfaces of the Windows product line for the purposes of their own software development. Should any of these interfaces fall under intellectual property rights, Microsoft will provide license for their use to the developer in question. I would highlight these aspects of the settlement to those who claim that Microsoft is just being given a free ride. In fact, many of the terms within the current settlement reach above and beyond the issues originally brought to suit against Microsoft three years ago.

At this point I strongly urge all parties involved to agree to the current settlement and wrap this antitrust issue up once and for all.

Sincerely,
Jack Bart

MTC–00031467

01/06/2002 12:57 914–2489689 SERGIO TOSCANO PAGE 01
4 Walker Drive South
Yorktown Heights, New York 10598
January 17, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

After three years of negotiation, the Department of Justice has announced a proposed settlement for the Microsoft antitrust case. All terms were arrived at with a court-appointed mediator. I favor finalizing settlement of this case at the earliest possible date,

Microsoft has agreed to allow competing technology developers to reconfigure Windows links to suit their needs so that they may promote their own software products. Microsoft has also agreed to make documentation and protocols available to competitors to facilitate these reconfigurations.

Basically, the settlement has provisions that satisfy all of the issues originally raised in the suit and the issues raised since then.

Further litigation would only serve to drag this case out and tie up the courts unnecessarily. I ask for your support to bring this case to a timely closure.

Thanks for your consideration.

Sincerely,
Sergio Toscano

MTC–00031468

Jan 18 02 12:02p Richard S. Vann 336–722–2895 p.1
Matthew Tilley
874 Cook Road
Rural Hall, NC 27045
January 16, 2002

Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
610 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

I am writing as a member of the public to respond for public comments concerning the Microsoft settlement before Judge Kollar-Kotelly. I am an executive at marketing firm with a wife and two children. I am also going back to school in hope of receiving my MBA. As you can probably tell, I am a great believer in people such as Bill Gates who came out of nowhere and built a great commpany whose products nearly everyone buys and who has made my work on the computer a whole lot easier.

During the entire period that the government has prosecuted Microsoft, I have strongly opposed the suit and written such an opinion to my Congressmen and Senators. I still believe that the suit was greatly aided by Microsoft's competitors who still are trying to influence the proceedings even today. However, since Microsoft the federal government and nine attorneys general have agreed to the settlement, I want to lend my support as an interested citizen I believe that with any settlement that the provisions are fair for both sides. These are much the same provisions as months earlier when the attorneys general turned down a settlement and sent the financial markets, including Microsoft stock, into a tailspin from which it has never recovered. Millions of dollars have been lost from people's pension funds and individual accounts because of government intervention and the refusal of some AGs to be reasonable.

I regret that these few individuals, even now, refuse to go along with the settlement and so their lawsuit continues. Thanks goodness, as a taxpayer, I will not any further burden because North Carolina has wisely withdrawn its lawsuit and the federal government, which wasted $30 million on the effort, will shortly shut its doors on this sad chapter as well

Thank you for your consideration of my views.

Sincerely,
Matthew Tilley

MTC–00031469

01/18/2002 11:43 MERGER & ACQUISITION SERVICES—12026169937 NO. 123 002
MERGER & ACQUISITION SERVICES, INC.
3060 Holcomb Bridge Road, NW Suite G
Norcross, GA 30071
January 17, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

Stop the litigation against Microsoft. Enough is enough. The money spent so far on this case has been ludicrous, and the idea of more litigation makes me very upset.

There are many specific changes mandated be the settlement that will affect the entire IT industry. For instance, Microsoft already has agreed not to retaliate against software or hardware developers who develop or promote software that competes with Windows. Plus, the company has agreed to a ''Technical, Committee'' that will monitor Microsoft's compliance with the settlement. Clearly, these restrictions on Microsoft will benefit consumers the most.

The recession has had a large effect on state budgets and the federal budget, and it is important that the technology industry be allowed to concentrate on business now. Let Microsoft do what it does best and, at the same time, do what is best for all of us.

Sincerely,
David Schofield

MTC–00031471

01/17/2001 10:56 FAX 8037794953 S.C. POLICY COUNCIL 001/002
SOUTH CAROLINA POLICY COUNCIL EDUCATION FOUNDATION
1323 Pendelton Street—
Columbia, SouthCarolina 29201
(803)779–5022
(803)779–4953 Fax
FAX
DATE: 1–18–2002
# of Pages: 2
TO: Todd Kruse
COMPANY:
FAX: 1–202–307–1454 or 616–9937
PHONE:
FROM: Gerry Dickinson
MESSAGE:
01/17/2001 10:56 FAX 8037794953
S.C. POLICY COUNCIL
002/002
January 18, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse:

Attorney General Charles Condon ended the State of South Carolina's involvement in the Microsoft lawsuit in December 1998. At that time—more than three years ago—the state cited the fact that they could no longer justify the expense for a trial made moot by the actions of a competitive marketplace.

It was easy for the individual states to hop on the lawsuit bandwagon, but it is more difficult to step off. However, amidst the dot-com meltdown and terrorist threats, we have seen our economy shrink. While other states are facing huge billion-dollar budget gaps because of the recession and high spending levels, South Carolina has been fortunate to add jobs in the past two years.

American freedom and prosperity grew from the principles of free enterprise. Those who choose to enter the marketplace should be allowed the chance to succeed or fail on their own, unconstrained by continual litigation. But most certainly, they should be able to rest assured that running a successful business is not against the law.

The Department of Justice's proposed settlement has great merit. Advocates of limited government support the Department's settlement as a prudent way to save taxpayers from having more funds wasted on this case. Additionally, a settlement would send a positive signal to the businesses, which comprise the technology sector that the government isn't going to run their businesses for them. It is our hope that this settlement agreement—negotiated by nine states, the federal government and Microsoft—will receive your utmost consideration for approval.

Sincerely,
Gerald P. Dickinson, Jr.
Vice President for Policy
The Thomas A. and Shirley W. Roe Center for Public Policy Research
1323 PENDLETON STREET o COLUMBIA, SOUTH CAROLINA 29201 . (803) 779–5022 o
FAX (803) 779–4953 o
www.scpolicycouncil.com

MTC–00031472

01/18/2002 16:50 1100000000 CDAEMB1ADKMAASSOC PAGE 03
January 16, 2002
Ms. Tracy Selmer
12513 Cliff Edge Drive
Herndon, VA 20170
Ms. Renata Hesse
Department of Justice
601 D Street, NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

Now that the federal government has finally settled its long antitrust case against Microsoft, I hope the states still involved with the suit will do the same. It is time for consumers to come together and move the economy and our country in a positive direction—a forward and economically strong direction.

The settlement's provisions protect Microsoft's ability to continue to be innovative and, this hopefully, will revitalize competition and the technology industry for the betterment of us all. Consumers and investors will reap the benefits of this settlement and this should help to get the engines running toward a healthy and prosperous economic stance.

Sincerely,
Tracy Selmer

MTC–00031473

01/18/2002 10:50 1100000000 CDAEMB1ADKMAASSOC PAGE 02
January 17, 2002
Mr. Michael Frey
14613 Old Kent Road
Centreville, VA 20121
Ms. Renata Hesse
Department of Justice
601 D Street, NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

As jobless rates and economic indicators continue to tell consumers that times are getting worse, I think Microsoft's settlement with the federal government could provide a beginning bright light. By settling the case, we could once again see the competitive prosperity of the 90's foster the necessary kick the economy needs to move in a positive direction.

The high tech industry has been a driving force for our nation in recent years and if Microsoft's settlement revitalizes competition, than we should welcome this opportunity. This long drawn out case should be resolved once and for all, and the

focus should be on lowering the jobless rate, increasing consumer confidence and strengthening our economy.

Sincerely,

Michael Frey

MTC–00031475

From : JoeT SemEnt
PHONE NO. : 1 407 977 9625 Jan. 18 2002 06:45AM P1
P.O. Box 622363
Oveido, FL 32762–2363
N Miami Beach, FL 33160
January 14, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530–0081

Dear Mr. Ashcroft,

I am writing to- express my support for Microsoft's antitrust settlement with the federal government. I think it is fair and reasonble

As I understand it, Microsoft agreed to not enter into any agreements obligating any third party to distribute or promote any Windows technology exclusively or in a fixed percentage, meaning that Microsoft can't exploit their position to force-sell Windows to smaller companies.

In case there was doubt about lax enforcement, the government will establish a ''Technical Committee'' to monitor Microsoft's compliance with the settlement and assist with dispute resolution, in case disputes arise.

Mr. Ashcroft, I think this settlement is very good. Its a win-win for everybody, I urge you to approve it.

But is suspense, as Hitchcok states, in the box. No, there isn't room, the ambiguity's put on weight.

Sincerely,

E.L. Troendle

MTC–00031476

JAN 18 02 12:24PM SC ATTORNEY GENERAL P.1
STATE OF SOUTH CAROLINA
CHARLIE CONDON
ATTORNEY GENERAL
Office of the Attorney General
ColumbiA 29211
January 15, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 ''D'' Street, NW
Suite 1200
Washington, DC 20530–0001
Re: DOJ Proposed Settlement with Microsoft

Dear Ms. Hesse:

As Attorney General of South Carolina I commend the United States Department of Justice and Microsoft for negotiating a settlement to the DOJ antitrust lawsuit. The parties conducted extensive negotiations with the help of a court-appointed mediator and have reached an agreement that needs to be implemented. The interests of consumers, market-competition and the national economy are best served by bringing this lawsuit to the agreed conclusion as soon as possible.

Yours very truly,

Charlie Condon

(803)734–3970 (803)734–3046 Facsimile

MTC–00031477

01/18/02 11:32 FAX 18157565443 T D HARRELSON 01
333 South Seventh Street
Dekalb, IL 60115
January 17, 2002
Attorney General John Ashcroft
US Departmnt of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing to express my support for putting an end to the antitrust case brought against Microsoft. As an ordinary consumer, Windows is beneficial to my everyday life, and I would like to see Microsoft able to operate without further legal complication.

Microsoft has made more concessions to the government in the settlement than were charged n the suit. They have agreed to new removal capabilities for Windows-based programs along with documentation of the coding that will make it easier for competitors'' software programs to run with Windows. I think Windows is a very friendly operating system, and these charges will only serve to make it a stronger product.

Microsoft has endorsed this settlement to put a quick end to the litigation. I urge you to finally close the lawsuit against Microsoft as soon as possible.

Sincerely,

Terry Harrelson

cc: Representative J. Dennis Hastert

MTC–00031478

Jan-19–02 12:15A MIDWAY LITTLE GENERAL 573 446 8100 P.01
January 10, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I write you with concern over the recent settlement between Microsoft and the Department of Justice. I was happy to know that the settlement was finally reached, only to be disappointed when I learned that it is being even further scrutinized. After three years of litigation, it seems ridiculous that there should be any further hold up on this agreement.

At this point in time, there are many other topics to be concerned about in our nation. Spending our precious resources on an agreement that has already been under severe scrutiny seems ridiculous, compared to more recent issues. Beyond that, this settlement has already been extremely well monitored and serves the interest of all parties involved. It is time to let these terms speak for themselves and let our IT sector get back to business.

Let us not be the ones to delay the very process we initiated. Now that the technology industry has agreed to move forward in this fashion, let us allow them to do so. I ask that you help support this settlement in its current form.

Sincerely,

Cheri Perry

203 Broadfield Drive

Columbia, MO 65203

MTC–00031480

01/18/02 l0:06 FAX 3192175 001
STATE CAPITOL
P.O. Box 942049
SACRAMENTO, CA 94249–0075
(916) 319–2075
FAX (916) 319–2175
DISTRICT OFFICE
15708 POMERADO ROAD, SUITE 110
POWAY, CA 92064
(858) 385–0070
FAX (858) 385–0179
Assembly California Legislature
CHARLENE GONZALES ZETTEL
ASSEMBLYWOMAN, SEVENTY-FIFTH DISTRICT
COMMITTlEES:
APPROPRlATIONS
EDUCATION
ENERGY COSTS AND AVAILABILITY
GOVERNMENTAL ORGANIZATION
HEALTH
RULES
SELECT COMMITTEES:
CALIFORNIA CHILDREN'S HEALTH
LOW PERFORMING SCHOOLS
TRANSPORTATION CONGESTION RELIEF
CALIFORNIA-MEXICO AFFAIRS
STANDING SUBCOMMITTEE:
VICE CHAIR, SEXUAL HARASSMENT PREVENTION AND RESPONSE
January 14, 2002
Renata B. Hesse
U.S. Dept. of Justice, Anti-Trust Division
601 D Street, NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

It is my understanding that the federal government has negotiated a reasonable settlement agreement with Microsoft that is in the nation's best interest. This settlement will place sanctions on Microsoft without destroying the company nor punishing its employees.

The sanctions are meant to encourage greater competition in the software industry by giving consumers a greater choice when purchasing and enhancing their computers.

The agreement sounds to me to be a fair resolution of the matter and I encourage you to continue your efforts to settle this case.

Sincerely,

CHARLENE G. ZETTEL

Assemblywoman, 75th District

MTC–00031481

FROM : FAX NO. : 13607341875 Jan. 18 2002 09:06AM P1
Facsimile Transmittal
ULTRA TANK SERVICES, INC
Ph: 1–360–734–7612
Fax: 1–360–734–1825
P.0. Box 664
Bellingham, wa 98227–0664
Date: 1–18–02
Attention: Mr. Ashcroft
From: George Willet
Number of pages (including this cover): 2
Comment(s):
Reply requested Yes No
FROM :
FAX NO. : 13607341875 Jan. 18 2002 09:07AM P2
ULTRA TANK SERVICES, INC.
P.O. BOX 664
BELLINGHAM, WA 98227–0664

OFFICE PH: l-360–734–7611
FAX: l-360–734–1875
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
January 12, 2002
Dear Mr. Ashcroft:

I would like to voice my opinion on the recent events surrounding the Microsoft Anti-trust case. I think it is wonderful that there has been a settlement reached. I support Microsoft on this 100%. It is time to put this issue to bed and the settlement is a perfect way to do so.

I don't see how there is any dispute on this settlement not representing the public interest. Microsoft has been providing us with user-friendly technology for years. They've changed the computer industry forever and made computers something everyone uses. The settlement calls for Microsoft to give away a bunch of their information so that their competitors have an edge on things. And if that's not enough, there is a Technical Committee to make sure that Microsoft does what they're supposed to, including dispute resolution. I see this as more than fair.

Microsoft has created one of the best consumer products of our time. They've changed the way people do business. Please don't punish them any more. Respect this settlement and put this lawsuit to bed forever. <<PARA5>>

Sincerely,
George Willet

MTC–00031482

JAN-18–02 FRI 12:26 PM TACO TREAT FAX NO. 406 727 7583 P. 1
Jack Deck
1316 Central Avenue
Great Falls, Montana 59401
January 17, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington. DC 20530
Dear Mr. Ashcroft:

A reasonable and equitable settlement has been reached in the Microsoft antitrust case with the Justice Department, I am pleased that this settlement has come this far and I am writing your office to encourage you to see that it is instituted. Microsoft has many rivals and unfortunately some are pressuring for this settlement to be withdrawn and Microsoft forced back to court. They care little for the settlement and more for seeing that Microsoft is damaged. This is unfortunate because the settlement will create more openness and competition in the technology field. This settlement will end any contractual restrictions that may have been harmful to Microsoft's competitors. This settlement also will allow competitors extraordinary access to Microsoft's internal interfaces and server interoperability mechanisms. No software company has ever opened up their books more than Microsoft than in this settlement. Despite all the concessions by Microsoft competitors will contiue to press for a continuation of this case. Only resolute backing of this settlement by your people can ensure this settlement is realized.

MTC–00031483

01/18/2002 12:43
018/2002 12:43 5165464919
KATHLEEN BART
PAGE 01
JACK BART
1930 Sunrise Highway Apt. 17
Merrick, NY 11566
January 17, 2002
John Ashcroft, Attorney General
US Department of Justice
Washington, DC 20530
Dear Mr. Ashcroft,

I am writing today to address the Microsoft antitrust settlement with the Department of Justice. I am in support of the settlement, and I feel that it is a just one. After three years in court we are well past the point where this issue should have been resolved. Now more then ever, we cannot afford to waste valuable resources debating an issue that has an acceptable solution on the table.

When the settlement is finalized, Microsoft will be a changed entity, one allowing more consumer flexibility, and is far less combatively competitive. From this point forward, Microsoft will design Windows-family products to be user-friendlier to installation, un-installation, and configuration of its competitors'' peripheral software components. Furthermore, Microsoft will make available to its competitors various internal interfaces of the Windows product line for the purposes of their own software development. Should any of these interfaces fall under intellectual properly rights, Microsoft will provide license for their use to the developer in question. I would highlight these aspects of the settlement to those who claim that Microsoft is just being given a free ride. In fact, many of the terms within the current settlement reach above and beyond the issues originally brought to suit against Microsoft three years ago.

At this point I strongly urge all parties involved to agree to the current settlement and wrap this antitrust issue up once and for all.

Sincerely,
Jack Bart

MTC–00031484

the CLONE STORE
A Clone Store Corporation Company
884 Yale Avenue, Suite 1500
Lake City, Pennsylvania 16423
January 13, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

After three long years disputing an unnecessary case, I was pleased to hear that a settlement was finally reached between Microsoft and the federal government. I hope that no further action will be taken against Microsoft at the federal level.

The settlement is fair and reasonable, and was arrived at after extensive negotiations with a court appointed mediator. Microsoft agreed to terms that extend well beyond the products and procedures that were actually at issue in the suit, for the sake of wrapping up the suit. For example, Microsoft will not retaliate against vendors that use or promote non-Microsoft products,

Considering the many terms of the agreement, there should be no reason for the government to pursue further litigation against Microsoft on the federal level.

Sincerely,
Douglas L. Thurston
cc: Senator Rick Santorum
Committed to Quality NNOVELL
814–744–0759 01/18/02 12:21PM P001
DOUG THURSTON

MTC–00031487

01/17/2002 23:00 2036559359
SMEGO
PAGE 01
Mary Ann S. Smego
7 Lighthouse Way
Darien, CT 06820–5612
January 11, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

I am writing to express my relief at the fact that the Department of Justice has finally reached a settlement in the Microsoft antitrust case. I don't feel that this case should have ever been brought against them in the first place and am happy to finally see it over and done with, at least at the Federal level.

The settlement answers many of the complaints that Microsoft's competitors had with the company. Now they not only have to make it easier for people to write programs for Windows, but there's now a federal review board to make sure they comply with all the terms of the settlement.

I appreciate you taking the time to hear me out on this matter and I hope that you will do everything in your power to make sure that the rest of the states who haven't settled quickly do so.

Sincerely,
Mary Ann S. Smego

MTC–00031488

To: Attorney General John Ashcroft
US Department of Justice
From: steve dasaro 01/18/02
9:53:12 Page 1 of 1
Sent by the Award Winning Cheyenne Bitware
Janet & Stephen Dasaro
47 Cedar Drive
Massapequa NY. 11758
H (516) 799—0727 B (516) 997—8030 l/18/02
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

This is to address the recent settlement between the Department of Justice and Microsoft. This case, in my opinion, has gone on far too long. The initial lawsuit was not merited. It was more a political act, than any assault on a monopolistic business. Rivals of Microsoft could compete in no other way than to haul Microsoft into court, the Department of Justice agreed to sue far too readily. I am disturbed this lawsuit has set a dangerous precedent for future companies.

Evidently, if a firm gets too successful, too big, they can be assured of being hauled into court. Microsoft is successful because it produces a good product. Bill Gates worked long and hard to make compatible software available to, and understandable to, the average lay person. The case has been settled, and Microsoft did not get off easy. Microsoft has agreed to grant computer makers new rights to configure Windows to better promote non-Microsoft software.

Also, Microsoft has agreed to share any code or programming that Windows uses to communicate with other programs. I wonder if Microsoft's rivals would do the same.

Let's put this case behind us and move forward. I support the agreement, and look forward to the end of this case.

Sincerely

Stephen F. Dasaro

MTC–00031489

JAN-18–02 FRI 09:24 AM JERRY KOSSACK CNC 209 431 7656 P.01
Jerry Kossack, CNC
Certified Nutritional Consultant
January 17, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
1–202–307–1454

Dear Mr. Ashcroft:

I would like to give you my thoughts on the recent microsoft Anti Trust case. This settlement is long past due, I am appalled that this lawsuit has been allowed to drag on for three years, wasting millions of tax dollars.

I am a Certified Nutritional Consultant and I use Microsoft products in my job and at home. Microsoft has provided a series of exceptional products that have assisted me in serving my community better. That's what business is about. However, now Microsoft has to give up a great deal just so that this lawsuit might be ended. They are sharing a lot of their source code and interface design with their competitors. They are also making agreements with computer makers that will allow them to pre-install non-Microsoft products on the Windows operating system.

Please do your part in respecting the public interest. Our fragile economy needs a boost and this settlement will certainly provide one. Thank you.

Sincerely,
5792 N. Palm Avenue
Fresno, California 93704
(559) 431–7678
FAX (559) 431–7656
eMail:CNC2001@hotmail.Com

MTC–00031490

SENT BY: ; 610 828 8323; JAN-18–02 10:27AM; PAGE 1/2
FAX COVER SHEET
TO: Attorney General John Ashcroft Fax: (202) 307–1454
FROM: Dennis R. Rubisch
Phone: 610–828–8323
Fax: 610–828–3246
Of PAGES: 2 (including cover sheet)
Letter Attached
SENT BY: ;
610 828 8323; JAN-18–02 10:27AM; PAGE 2/2
DENNIS R. RUBISCH
243 VALLEY FORGE LOOKOUT PLACE
RADNOR,PA 19087
January 17,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I support the agreed settlement between the Justice Department and Microsoft and I feel there should be no further court action taken by the federal government. It is time for the Department of Justice to move on and it is time for Microsoft to get back to business. The case has gone on long enough.

Microsoft has agreed to terms in the settlement that change their licensing agreements, contractual agreements and general business practices extensively. They have agreed to terms that extend beyond the points in the lawsuit for the purpose of settling the suit and they have agreed to be monitored for compliance. That should be enough assurance to keep Microsoft out of any future anti-trust violations.

The case against Microsoft should finally be closed and let all parties involved carry on their respective business.

Very truly yours,
Dennis Rubisch
cc: Senator Rick Santorum

MTC–00031491

01/22/2002 09:12 19197281314 SULLIVANHOMEBUIDERSI PAGE 01
2712 Highway 70E
Beaufort, North Carolina 28516
January 17,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I write you today with the Microsoft settlement on my mind. The recent developments have caused me to wonder why we are wasting more time on this issue. After three years of negotiations, it seems ridiculous to continue to scrutinize this well thought out agreement. I believe that it is time to move forward and that we should support our technology industry in any way we can.

Microsoft has agreed to make bold changes in licensing and marketing and even design. By designing future versions of Windows for easier installation of non-Microsoft software, we open up the market for the Microsoft competitors. This is clearly a move toward working as a more unified IT sector. At this point in time, Microsoft believes that by moving forward we can continue to maintain our position in the global market. By continuing to focus on litigation, we only move backwards and jeopardize our advancement in this global market.

Let us help to keep America's technology industry on top, by supporting this settlement. The terms clearly promote working together and can only help our IT sector. I thank you for your support.

Sincerely,
Lawrence Sullivan

MTC–00031493

JAN-18–2002 13:40 GUILD OF ST. AGNES 508 754 2026 P.02
William Joseph Eddy
December 31,2001
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
VIA FACSIMILE

Dear Attorney Hesse:

I would like to comment on the impending settlement in the Microsoft suit.

It is imperative that the government reaches a settlement in this case as soon as possible. Our economy is in tough shape and we don't need this lingering case to drag us down further.

I believe that the settlement will be beneficial to small non-profit community organizations such as the one I head. The potential donation of computers and software will be invaluable. The money we save with this potential donation will free us to spend more in our community.

I urge the Justice Department to settle this matter as soon as practical

Sincerely yours,
William J. Eddy
3 Barrows Road
Worcester, MA 01609
TOTAL P.02

MTC–00031493

JAN.18.2002 2:25PM DEPT OF STATE No.249 P. 1/1
GREAT SEAL OF THE STATE OF FLORIDA IN GOD WE TRUST
FLORIDA DEPARTMENT OF STATE
Katherine Harris Secretary of State
DIVISIONS OF FLORIDA DEPARTMENT OF STATE
Office of the Secretary
Office of International Relations
Division of Elections
Division of Corporations
Division of Cultural Affairs
Division of Historical Resources
Division of Library and Information Services
Division of Licensing
Division of Administrative Services
MEMBER OF THE FLORIDA CABINET
State Board of Education
Trustee of the Internal Improvement Trust Fund
Administration Commission
Florida Land and Water Adjudicatory Commission
Sitting Board
Division of Bond Finance
Department of Revenue
Department of Law Enforcement
Department of Highway Safety and Motor Vehicles
Department of Veterans'' Affairs
January 14, 2002
Ms. Renata Hesse
Antitrust Division
United States Department of Justice

Dear Ms. Hesse:

Via Fax: 202–616–9937
202–307–1454

This letter is an indication of my support for the Microsoft settlement. With a stagnant economy and a war raging overseas, I believe

it is in the best interest of the public to settle this lawsuit.

From print and media information, it appears Microsoft has taken the necessary steps to reach a fair and reasonable settlement, Currently the settlement allows competitive computer makers to eliminate the Windows software and replace it with another. I believe this demonstrates Microsoft's commitment to the consumer.

As Florida's Secretary of State, one of my duties is to encourage commerce and international business for our state. Obviously, too much litigation is never helpful to a recovering economy,

Yours truly,
Katherine Harris
Secretary of State
The Capitol o Tallahassee, Florida
32399–0250 o (850) 414–5500
http://www.dos.state.fl.us

MTC–00031494

MicroCity, Inc.
13612 Midway Rd. Suite 110
Dallas. TX 75244
Tel: 972–387–5529 Fax: 972–387–7945
January 16,2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

Schools, small and minority businesses, and the individual personal computer user all stand to lose if the government continues its open-ended pursuit of the high-tech industry. For years now, the U.S. Department of Justice has relentlessly attempted to break-up Microsoft Corporation into two companies. The lawsuit was wisely dropped but not until wasting millions of taxpayer dollars. Now, even more ominous threat looms on the high- tech horizon—government regulations of the entire industry.

What disturbs me most is that the pursuit of Microsoft was and still is competitor-driven. No consumer or end-user of Microsoft products is a party to this attempt to quash innovation and interfere with market-driven competition. Does the handful of competitors realize that when the government regulates, it regulates everyone?

I think it is time to settle all remaining issues between Microsoft and the government and let the technology industry get back to the business of providing high quality products to the American consumer.

Sincerely,
Linda Newman
President
Jan. 16 2002 04:36PM P1
FAX NO.: 9723877945
FROM: 9723877945

MTC–00031495

01/16/2002 12:16 8174169015 RENAISSANCE IT PAGE 01
Renaissance
I.T. Inc.
January 9,2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington DC 20530

Dear Ms: Hesse:

I am writing to express my support for the compromise settlement negotiated between the Department of Justice and Microsoft.

After years of investigation and tens of millions of taxpayer's dollars spent on the government's Microsoft hunt, the case against the software company is as flimsy today as it was five years ago. No consumer has been harmed by Microsoft's presence in the market, and software prices continue to fail. In fact, some portions of the newest versions of Windows once cost more as free-standing programs than the entire platform does now.

As the owner of a small ($1,OOO,OOO/year) business my company's future was threatened by your attempted antitrust action. It is a relief to me that my business can continue to grow under the terms of the compromise settlement negotiated between the Department of Justice and Microsoft. I employ between 6 and 12 professional employees and they stand to be hurt as well by the Justice Department's continuation of antitrust actions.

Consumers benefit from competition and innovation, the two things that have kept Microsoft successful for years. On the other hand, there is no example of a government-ordered breakup and take over ever helping an industry.

Let the innovation in the technology market continue—accept the settlement and move on!

Sincerely,
Donald J. Levings, Jr.
President/CEO/Owner
1125 South Ball Street Suite 104 o Grapevine, Texas 76051 o 817 421.8127 817 418.9015 fax o
www.renaissanceIt.com

MTC–00031496

Lori Barrow
1201 Harvest Ridge Lane
Prosper, TX 75078
January 14, 2002
Attorney General Ashcroft
U.S. Dept. of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

The purpose of this letter is to express my support of the agreement reached between the Dept. of Justice and Microsoft. Microsoft has been at the forefront of the tech industry for some time. Through innovation and a commitment to quality, Microsoft has created its position in the field. I find it ridiculous that Microsoft has been punished for its success,

With this noted, I do believe that the resolution reached in the settlement is beneficial. It allows Microsoft to return its focus to the IT world and leave at least some of its legal troubles behind. The settlement comes with a cost though. Microsoft will now be required to disclose the interfaces of its operating system. This will give other companies the opportunity to write more efficient programs. Users will be able to reconfigure the Windows system to their liking. Microsoft must also license Windows to all computer makers at the same rate.

A11 of this is detailed in the agreement.

Microsoft will continue to be a leader in the IT field. This settlement is beneficial in that it allows them to return to work. Please enact the settlement quickly.

Sincerely,
Lori Barrow
P.01 19725425643
ROCKNB@PEOPLEPC.COM JAN-1802 11:56AM

MTC–00031497

01/18/2002 13:57 18173581603 PICARD PAGE 01
2425 Meadow View
Bedford, TX 76021–4929
January 17,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing today to encourage the Department of Justice to accept the Microsoft antitrust settlement. The terms of the settlement are fair and the issue needs to be resolved in order for the technology industry to be able to move forward.

Some critics say that Microsoft is getting away with an easy deal. This is simply not true. The settlement was arrived at after extensive negotiations with a court-appointed mediator. The company agreed to strict terms that extend well beyond the products and procedures that were actually at issue in the suit.

I know that there probably isn't a windows user out there that has not wanted to strangle Bill Gates and Microsoft when there system crashes or a little dialog box pops ups asking it you, would like to make Explorer your default browser. The market p1ace will decide the ups and downs of Microsoft.

I feel that today the Department of Justice needs to focus their time and resources on more important things, like terrorism, Enron, and Arthur Anderson.

Please accept the Microsoft antitrust settlement. I ask this as an investor in Microsoft and some of it competitors

Sincerely,
Robert Picard

MTC–00031498

01/18/2002 12:56 218–834–2498 TWO HARBORS MACHINE PAGE 01
1691 White Pine Drive
Two Harbors, MN 55616
January 17,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I would like to offer my approval of the recent government settlement with Microsoft and ask the Justice Department to finalize the agreement. Although some concerns over Microsoft's competitive tactics were warranted, this case has gone on way too long, at way too much expense to the taxpayer, and is ready for resolution.

The agreed terms are fair and reasonable and actually exceed Justice Department

charges. The new measures, including the uniform price list on Windows products for the top computer manufacturers, greater rights to configure Windows to promote competitor products and an interim Windows XP version for that use, should open competition for other software developers.

I ask for a swift conclusion to this case and an opportunity to let businesses succeed unimpeded through this even-handed settlement. Thank you very much.

Sincerely,

David Johnson

MTC–00031499

JAN-18–2002 12:15PM P.01
1/11/2002 11:57AM FROM: Fax 14067526699.....191 PAGE: 003 OF 003
218 Lonepine Road
Kalispell, Montana 59901
January 11,2002
Attorney Genera1 John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I would like to go on record as supporting the proposed settlement that was reached in the antitrust lawsuit between the Department of Justice and the Microsoft Corporation. After three years of arguing and having Our economy slide into a recession, the government finally realized that settling the issue would be the best move.

The settlement actually goes further than Microsoft wished, but the economy was more important than a few details in the agreement. I do not feel that it is fair that restrictions are being placed on Microsoft in areas that were never even an issue in the lawsuit. Microsoft has even agreed to document and disclose for use by its competitors various interfaces that are internal to Windows'' operating system products—a first in an antitrust settlement.

The settlment that was reached is fair and reasonable, and I would like to go on record as supporting it. Thank you.

Sincerely,

Gerald Mason

MTC–00031500

2084 Alameda Way
San Jose, CA 95126
January 18, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001.

Dear Mr. Ashcroft:

I am writing you concerning the recent developments in the settlement between Microsoft and the Department of Justice. The settlement has been reached as part of a well thought out process that has yielded fair and reasonable terms. These terms not only speak to a more unified IT sector, but help to promote getting back to business.

As this economy continues to take a turn, it is important to support our technology industry. Unfortunately, while they sit by and focus on litigation, the global market continues to be competitive. These terms, which include changes in marketing, licensing, and design, help to promote a technology industry that works together. For example, Microsoft has agreed to grant computer makers broad new rights to configure Windows so as to promote non-Microsoft software programs that compete with programs included within Windows. This will help our IT sector to maintain their place in the global market.

Please help to support this settlement, and help our IT sector get back to business. I appreciate your help

Sincerely,

Ann Kleives

Jan. 18 2002 01:13 PM P1 FAX NO.: FROM:

MTC–00031501

FROM : JIMDAY
FAX NO. : 7703934854 Jan. 18 2002 01:22PM P1
James Day, Jr.
340 Spalding Lake Court
Atlanta, GA 30350
January 18,2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing in support of the settlement with Microsoft. The settlement is in the best interests of the public and the economy. Wasting money and time unnecessarily is wrong, and the time has come to focus on other more important cases and programs.

The settlement requires many specific changes from Microsoft. For example, Microsoft has agreed to a ''Technical Committee'' that will monitor Microsoft's compliance with the settlement. Plus, Microsoft has agreed to license its Windows operating system products to the 20 largest computer makers on identical terms, including price. Also, Microsoft has agreed not to retaliate against computer makers who ship software that competes with anything in its Windows'' operating system.

This settlement is in the best interests of the state, the IT industry, and the economy. As a nation, moving forward should be the highest priority and this agreement will surely help us to do that.

Sincerely,

James Day

MTC–00031502

FROM : HRC Jan. 18 2002 12:51PM P1
FAX NO. : 5169978670
Janet & Stephen Dasaro
47 Cedar Drive
Massapequa NY.11758
H(516)799—0727 B(516)997—8030
1/17/02
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

This is to address the recent settlement between the Department of Justice and Microsoft. This case, in my opinion, has gone on far too long. The initial lawsuit was not merited. It was more a political act, than any assault on a monopolistic business. Rivals of Microsoft could compete in no other way than to haul Microsoft into court; the Department of Justice agreed to sue far too readily. I am disturbed this lawsuit has set a dangerous precedent for future companies. Evidently, if a firm gets too successful, too big, they can be assured of being hauled into court- Microsoft is successful because it produces a good product. Bill Gates worked long and hard to make compatible software available to, and understandable to, the average lay person.

The case has been settled, and Microsoft did not get off easy. Microsoft has agreed to grant computer makers new rights to configure Windows to better promote non-Microsoft software. Also, Microsoft has agreed to share any code or programming that Windows uses to communicate with other programs. I wonder if Microsoft's rivals would do the same.

Let's put this case behind us and move forward. I support the agreement, and look forward to the end of this case.

Sincerely,

Stephen F. Dasaro

MTC–00031503

FROM : HRC FAX NO. : 5169978670 Jan. 18 2002 12:50PM P1
47 Cedar Drive
Massapequa, New York 11758
January 17, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to give my approval to the recent Microsoft-Department of Justice settlement. Bill Gates succeeded in making his company the best and the brightest of his industry. Unfortunately, his success created jealousy among his peers. Unable to compete in the market place, they sought to cripple Microsoft in another way, through the court system. This lawsuit was a combined effort between the Department of Justice and the rivals of Microsoft.

Microsoft has accepted the dictates from the Department of Justice. Among other concessions, Microsoft has agreed to give computer makers new rights to configure Windows to better promote non-Microsoft software programs that compete with programs within Windows; Microsoft has agreed to design future versions of Windows with a mechanism making it easier to promote non-Microsoft software within Windows; and Microsoft has agreed to disclose various source codes that are internal to Windows'' operating system products. This is far beyond what I believe any other firm would do.

I urge you to support the settlement reached by these two parties. It is time we put this behind us.

Sincerely,

Janet Dasaro

MTC–00031504

FROM : HRC FAX NO. : 5169978670 Jan. 18 2002 12:48PM P1
Mrs. Lisa Burkert
47 Cedar Drive
Massapequa NY. 11758
January 18,2002
Attorney General John Ashcroft
US Department of Justice

950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I do now and always have felt that the DOJ's and various state attorneys suits against Microsoft Corp. are the result of the prejudiced views of elected officials from states where Microsoft's competition reside. This constitutes what I and everyone I speak to considers an injustice perpetrated against Microsoft Corp. As you know millions of our tax dollars have already been wasted in an attempt to wrongfully punish this company. I like most Americans who used P.C's. before the advent of Windows hold Microsoft in the highest regard. I am proud of it's performance in dominating it's field because in doing so it took us out of the realm of cryptic DOS code and into the future of computing. Lets face it, the driving force behind any great advancement has always been profit. By punishing Microsoft for doing exactly what any other large corporation or small businessman would do in it's place sends a bad signal to those of us who have the nerve to gamble in the high stakes world of business. By the way what would the trade deficit have been last quarter if Microsoft did not sell software worldwide?

Please stop this nonsense and accept this settlement that is already much larger then the so-called (but in my mind fabricated) harm done to the ''public'' Let this great American company thrive and grow.

Thank you for considering my position.

Sincerely

Lisa Burkert

MTC–00031505

From Michael J. Cunningham 1–419–393–4271
To: Department of Justice
Date: 1/18/2002 Time: 2:15:00 PM Page 1 of 1
MICHAEL J. CUNNINGHAM
15454 POWER DAM ROAD
DEFIANCE, OHIO 43512
Telephone 419–393–2998
Fax 419–393–4271
E-mail mikejcun@bright.net
Department of Justice
re: Microsoft Settlement
Jan. 18,2002

Gentlemen,

I wish to express my opinions here about the proposed Microsoft antitrust matter.

Like most other frivolous litigation in this country this was never more than a hope for a ''jackpot judgment'' by the DOJ in the beginning. The nine remaining states that have refused to join the settlement simply exhibit their appetite for going after a windfall of money they do not deserve or have any right to. The only motivation is money and has absolutely nothing to do with antitrust, real justice, or any consumer or company being harmed by Microsoft. Also, I doubt any judgment received will ever benefit any consumer or company allegedly harmed by Microsoft.

This suit has been based on the assumption that the American public is too ignorant and stupid to be able to make decisions about the software and browsers they use, therefore unfairly hurting Microsoft's competitors. Nothing could be further from the truth with the intense competition in this market and muriad of choices available to consumers.

Microsoft has been key to the technological advancements in the world over the last two decades. They have created huge opportunities and profits for thousands of other companies to take advantage of. The financial benefit to this country and it's consumers because of Microsoft is incalculable.

I am very disgusted to say the least over any of this litigation. As a citizen, taxpayer, stockholder, and voter I urge you to bring this matter to a close and pursue worthwhile matters in the future.

Sincerely,

Michael J. Cunningham

MTC–00031506

Sent By: BRACKETT & LUCAS;
508 799 9799;
18 Jan 02 2:28PM;Job 830;Page 1/1
Jonathan Finklelstein
ATTORNEY AT LAW
19 CEDAR STREET WORCESTER MA 01609
TEL (508) 753–0299 FAX (508) 799–9799
E-Mail: Attyfink@aol.com
By FAcsimile: 202–616–9937
January 15, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Attorney Hesse:

It is my understanding that the Justice Department is seeking input relative to the proposed settlement in the Microsoft lawsuit.

As an attorney and a real estate developer, I understand competition. Competition is healthy for the American economy. I use Microsoft products in my law practice and in my business. They have allowed me to better serve my clients and manage my business. I believe that the settlement in this case is in eveyrone's best interest. It will serve the interest of consumers by allowing new technologies to enter the market place. I have read recently that Microsoft has agreed, as a condition of its settlement with Justice, to provide computers to public school students throughout the country. Certainly in a city like Worcester, an older, industrial area in Central Massachusetts, this magnanimous gesture will be a great benefit to our inner city schools. This donation will also serve to minimize the so-called ''digital divide'' by making cumputers available to the economically disadvantaged.

I urge a quick settlement in this case.

Very truly yours,

Jonathan Finkelstein

MTC–00031507

Jan 18 02 04:05p Zollweg 7709717039 p.1
January 18, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avc, NW
Washintgon, DC 20530

Dear Mr. Ashcroft:

As a long-term contributor to the GOP, I would urge you to support the Microsoft antitrust settlement proposal now on your desk. This settlement was reached in November of 2001 and provides the most reasonable and logical solutions to address this issue. Microsoft is not the ENEMY. A fairly good case can be made that the most recent recession started when the Clinton administration decided to go after Microsoft. The ''tech'' stocks started going down after that, followed by much of the stock market. The terms of this settlement have been well thought out and I urge you to settle this case as soon as possible, Thank you for your time.

Sincerely,

Denny Zollweg
2977 Nestle Creek Dr
Marietta, GA 30062

MTC–00031508

Jan. 18 2002 5:26PM
J.W. BURNS & COMPANY No.1605 P. 1/1
J.W. BURNS & COMPANY, INC.
GLACIER CREEK OFFICE PARK
6711 TOWPATH ROAD
EAST SYRACUSE, NEW YORK l3067
315—440–1341
INVESTMENT COUNSEL
Edward A. Grassi
145 Plymouth Drive
Syracuse, NY 13206–2338
January 17,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I have been and will always be a huge Microsoft supporter. I believe that our technology industry would not have made the incredible leaps and bounds it has over the past decade if it hadn't been for Microsoft. Since the recent antitrust case settlement does not break up Microsoft, I am in complete favor of it and hope that it is finalized.

The terms of the settlement seem to benefit the competitors instead of the consumers. For instance, under the terms Microsoft has agreed to not retaliate against software or hardware developers who develop or promote software that competes with Windows.

They have also agreed to document and disclose for use by its competitors various interfaces that are internal to Windows'' operating system products.

The settlement, although flawed, serves the public interest, because the IT sector cannot afford to be hindered in its development any longer. Please support the settlement.

Sincerely,

Edward A. Grassi

MTC–00031509

01/18/02 16:09 802 864 1891 TCA-PAA-FSM 001/002
6 Adirondack Street
South Burlington, VT 05403
January 16,2002
Attorney General John Ashcroft
Department of Justice, Washington, DC

Dear Mr. Ashcroft,

I am writing to express my opinion of the recent settlement between the US Department of Justice and Microsoft. I am a proponent of free enterprise and think that government should stay out of big business.

Microsoft has been the leading innovator of technology over the last 10 years, and should

be applauded for its ability to standardize the tech sector to the consumers'' benefit, What annoys me about the lawsuits is that they never address the consumers themselves. The terms of the settlement only seem to help the competitors gain some edge that they did not have before. For instance, Microsoft will be documenting various interfaces for use by competitors. They will also be forced to not retaliate against software developers who develop or promote software that competes with Windows.

So while the lawsuits and settlement is flawed, I think it is in best interest of public for it to be finalized. Further litigation could be detrimental to our ailing IT sector and ultimately postpone our economy's recovery. I urge your office to make the right choice and make the settlement a reality.

Sincerely,

Brad Maunsell

01/18/02 16:09 802 864 1891 TCA-PAA-FSM 002/002
6 Adirondack Street
South Burlington, VT 05403
January 16, 2002
Attorney General John Ashcroft
Department of Justice, Washington, DC

Dear Mr. Ashcroft,

I am writing to express my opinion of the recent settlement between the US Department of Justice and Microsoft. I am a proponent of free enterprise and think that government should stay out of big business.

Microsoft has been the leading innovator of technology over the last 10 years, and should be applauded for its ability to standardize the tech sector to the consumers'' benefit.

What annoys me about the lawsuits is that they never address the consumers themselves. The terms of the settlement only seem to help the competitors gain some edge that they did not have before. For instance, Microsoft will be documenting various interfaces for use by competitors. They will also be forced to not retaliate against software developers who develop or promote software that competes with Windows.

So while the lawsuits and settlement is flawed, I think it is in best interest of public for it to be finalized. Further litigation could be detrimental to our ailing IT sector and ultimately postpone our economy's recovery. I urge your office to make the right choice and make the settlement a reality.

Sincerely,

Peggy Maunsell

MTC–00031510

01/18/2002 15:09 17344858321 JOSEPH NEMCHAK PAGE 01
5950 Big Pine Drive
Ypsilanti, Michigan 48197
January 17,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I never agreed with the government's decision to sue Microsoft when this case began three years ago, and I am pleased to see that you have decided to end litigation and stop this lawsuit at the federal level. Microsoft has made many concessions that made this settlement possible, and it is time to move on so that this company can go back to creating great products for the marketplace.

Microsoft has agreed to design future versions of Windows that will allow computer makers to promote non-Microsoft products within the operating system. This will promote competition within the technology industry, and the results of this will be beneficial to the industry and to consumers.

Our entire economy will benefit from this settlement as well. It is time to let Bill Gates and the people at Microsoft get back to work.

Thank you for ending this lawsuit; it is the right decision for our country.

This lawsuit never should have been brought against Microsoft in the first place, and I am glad that it is over at the federal level.

Sincerely,

Joseph Nemchak

MTC–00031511

JAN-18–2002 02:47 PM FCCMV 3158537789 P.01
FREIGHT
COST
CONSULTANTS OF MOHAWK VALLEY
102 UTICA ROAD CLINTON,
NEW YORK 13323
January 17,2002
Attorney General John Ashcroft
US Department of Justice
930 Pennyslvania Avenue NW
Washington, DC 20530

Dear Mr. Ashcroft:

I support Microsoft's decision to enter into the antitrust settlement agreement. I do not think the government was justified in bringing this case aganinst Microsoft to begin with.

There are a multitude of monopolies in this coutry. Microsoft has been unjustly singled out. The sooner this case is resolved, the better.

It is apparent to me that the terms of the settlement agreement are quite restrictive to Microsoft. I do not necessarily agree that Microsoft should be subjected to such harsh terms.

However, in the interest of resolving the action, I urge the Court to approve the agreement in its present form. Microsoft's competitors should be quite satisfied with Microsoft's agreement to not take action against those it has the legal right to retaliate against. For example, Microsoft agreed to not take action against those who infringe on their intellectual property rights. Instead they will grant licenses on reasonable and non-discriminatory terms. They have also agreed to not retaliate against computer manufacturers who install non-Microsoft software on their computers. They have also agreed to the creation of a watchdog committee to monitor their compliance with the agreement. With those provisions, the agreement will certainly achieve the goal of ensuring that Microsoft will not violate antitrust laws.

I appreciate your taking the time to review my comments on this matter.

Sincerely,

Austin Bartholomew

MTC–00031512

Jan 18 02 12:31p
p. 1
Paul Scott Turner
7751 Wood Shade Court
West Jordan, Utah 84084
January 17,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am appalled by the fact that nine of the eighteen plaintiff states involved in the Microsoft antitrust suit wish to continue litigation against Microsoft. This case has gone on far too long already. While the suit has dragged out in the federal courts, the IT industry, the economy, and the American public have suffered the effects. I see no need, now that a settlement has been reached, for Microsoft to be picked apart by nine states that should logically have no complaint with the settlement. The Justice Department should get this case over with and move on.

After six months of mediated negotiations, Microsoft and the Department of Justice came to an agreement that addresses all the antitrust violations, as well as some products and procedures that did not fall within the scope of the suit. Microsoft, for example, has agreed to reformat future versions of Windows, enabling its competitors, through modifications to the operating system, to introduce non-Microsoft software into Windows. Moreover, Microsoft has agreed to provide any party acting under the agreement with license to pertinent intellectual property rights. I see no reason for the plaintiff states to be unhappy with the settlement, other than the fact that Microsoft remains intact.

Any additional action taken on the federal level would be superfluous and counterproductive. I ask you not to condone petty behavior such as this within the federal court system. The settlement should stand.

Sincerely,

Paul Scott Turner

MTC–00031513

Friday,January 18,2002 2:25 PM John Gilbert 704–341–4411 p.01
10133 Hanover Glen Road
Charlotte, NC 282l0–7726
January 18, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I have closely followed the federal government's antitrust case against Microsoft for a long time. Microsoft is not a monopoly, but competitors who cannot compete with Microsoft in this highly Innovative market have attacked them aggressively. This settlement is fair and will give the computer/software industry the boost it greatly needs. I feel Microsoft is improving its business practices by allowing competitors and partnering software developers access to some of the Windows operating system source code. It also agreed to not retaliate against software or hardware developers who develop or promote software that competes

with Windows or that runs on software that competes with Windows.

Microsoft must be permitted to implement these new business practices. Far too much time and resources have been spent proving Microsoft is operating as a monopoly. Its time to put an end to Big Brother is watching, and let Microsoft get back to business with the settlement terms,

Sincerely,
John Gilbert

MTC–00031514

JAN-09–02 WED 11:29 PM LEADERSHIP SEMINARS 972 570 5902 P.01
LEADERSHIP SEMINARS
4020 N. MACARTHUR BLVD.,STE 122
IRVING,TX 75038–6422
972–570–4641
January 9, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Dept. of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

We all stand to lose if the government continues its open-ended pursuit of the high-tech industry.

I think it is time to settle all remaining issues between Microsoft + the government + let the technology industry get back to the business of high quality products to the American consumer.

Sincerely,
Emily Lanitach, Ph.D
President

MTC–00031515

FROM : EDMONSON WHEAT GROWERS PHONE NO. : 806 864 3325
Jan. 17 2002 09:54AM Pl
COOP.
EDMONSON WHEAT GROWERS, INC.
P.O. Box 32
EDMONSON, TEXAS 79032
Phone: 806–864–3327
January 17, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Re: Microsoft

Dear Ms. Hesse,

I believe it is time to end the Microsoft controversy. I think the most recent settlement being looked at should be accepted. I, along with many Americans, feel like they have benefited from Microsoft products. Microsoft has contributed greatly to the economic growth of our nation.

I don't understand why the goverment has spent so much time and money on this. Ten years ago, the average American could not think about purchasing a computer, Microsoft has changed that. I thank Microsoft for what they have done for us!

I would like to ask the Federal Court to put an end to this issue and the controversy with Microsoft.

Sincerely,
Frieda Jones
Bookkeeper

Northwestern Mutual
FINANCIAL NETWORK
George R. Allen, CLU, ChFC
Financial Representative
55 W 2nd St
PO Box 4065
Oswego,NY 13126
315 343 2323
315 343 8098 fax
george.allen@nmfn.com
January 15, 2002
Ms. Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I'm a 13-year veteran and financial representative with Northwestern Mutual who has seen first hand how the continued litigation of Microsoft has had a negative impact on the economy and success of the small business I deal with on a daily basis.

My client base is predominantly made up of small businesses, and I can say definitively that the current economic recession we are dealing with has been detrimental to their bottom lines. By pursuing further litigation against Microsoft, the cost of software and technology will most certainly rise. With my clients operating on tighter budgets, my business is adversely effected, as well. I think it is evident that not accepting the settlement of this case would be to encourage further negative economic conditions. By taking this battle back to the marketplace, Microsoft's competitors can demonstrate that they are committed to promoting economic prosperity, instead of furthering litigation at the risk of raising the price of technology and software for all consumers.

Thank you.
Best regards
George R. Allen, CLU, ChFC

Northwestern Mutual Financial Network is the marketing name for the sales and distribution arm of The Northwestern Mutual Life Insurance Company and its Subsidiaries and Affiliates. Agent, The Northwestern Mutual Life Insurance Company, Milwaukee, WI, life insurance, annuities and disability income insurance. Klaude R. Konrad, General Agent. Registered Representative, Northwestern Mutual Investment Services, LLC. (NMIS) (6314 Fly Rd. P.O. Box 4718, Syracuse, NY 13221 (315–434–8800)), vriable life insurance, variable annuities, mutual funds unit investment trust and money market funds, NMIS is a separately operated subsidiary of Northwestern Mutual and is a member of the NASD and SIPC. Northwestern Mutual is not a broker-dealer. There may be Insurances when this agent represents insurance companies in addition to Northwestern Mutual.

MTC–00031517

FROM : ALYCE NORMAN SCHOOL
FAX NO.: 916 3757659
Jan. 18 2002 10:57AM P2
ASUCD
ASSOCIATED
STUDENTS
530–752–1990
January 17, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I would like to voice my opinion on the Microsoft case.

I am glad that it will be over soon. I believe that this was a bad idea In the first place. Microsoft was and is a successful company. Why should we be punishing them for their success. They have provided innovative products and ever decreasing prices.

If I were Microsoft, I would continue to fight this case. However, since they have agreed to a settlement, I hope that the government can finish this up quickly, so that Microsoft can go back to improving our economy and the government can get out of the marketplace.

Sincerely,
Mike Hartmeyer
347 Memorial Union
University of California, Davis
One Shields Avenue
Davis, California 95616–8530

MTC–00031518

VIRGINIA B. HUNDLEY
13750 Elmstead Road
Midlothian, VA 23213
(804) 794–7654
January 18, 2002
Ms. Renata Hesse
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC. 20530

Dear Ms. Hesse:

Regarding the Microsoft settlement, the following are my comments on this proposed agreement.

The agreement specifies that Microsoft would have to promptly disclose technical information that enables any Windows operating system to communicate with Microsoft servers and with all Microsoft middleware products. Also, to encourage more non-Microsoft middleware, the settlement forces Microsoft to license any intellectual property rights that others might need to compete with Microsoft. As with computer manufacturers, Microsoft could not penalize any software developer, service provider, or hardware vendor that develops or sells products that compete with Windows and Microsoft middleware. The net result is that all information technology providers, including Microsoft's competitors, are guaranteed access to technical specifications. That's pretty good.

Sincerely yours,
Virginia B. Hundley
vbh/ bhs

MTC–00031519

Carrie Lizotte
501 E. 234th St.
Apartment 1D
Bronx, NY 10470
Renata Hesse, Esq.
Trial Attorney
Antitrust Division
Department of Justice

601 D Street NW, Suite 1200
Washington, DC 20530
Via Facsimile 202–616–9937

Dear Ms Hesse:

I am writing to express support for the proposed settlement between the Department of Justice and Microsoft Corporation.

I have been watching this case carefully particularly over the past few years and am ready for the case to be settled. It has been quite clear to me that the case has been competitor driven rather than in the best interests of consumers. Oracle, AOL and ProComp have used this trial as a forum for their consistent bellyaching about Microsoft's prowess—all at taxpayer expense.

I understand that the purpose of this exercise is to help determine whether this settlement is in the best interest of the public. Considering the state of our economy can best be described as dismal, and this case has been eating up our tax dollars for the past 10 years, a settlement can only be a win-win situation for us all.

Sincerely,
Carrie Lizotte

MTC–00031520

CALYPSO
COMMUNICATIONS
January 9, 2002
Ms. Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Fax 202–616–9937

This letter is in support of the settlement of the case of Microsoft and the Department of Justice.

The case was brought about by the Justice Department at the egging on of Microsoft's competitors. Throughout the case we have seen these proceeding aiming to benefit Microsoft's competitors rather than consumers.

In the settlement, Microsoft agreed to take steps to give computer makers more freedom to feature rival software on their machines. This is what Microsoft's competitors have been bellyaching about. After years of frivolous litigation, the Department of justice finally asserts that the terms of that settlement are strong enough to stop the company's so-called ''monopolistic'' practices.

Finally after months of negotiations, mediators etc.. .everyone seems to be in agreement. For the benefit of the economy, the technology sector and the marketplace, please approve the proposed settlement,

Sincerely,
Paul A. Young
Principal
CALYPSO COMMUNICATIONS LLC
208 Market Street Suite 300 Portsmouth New Hampshire 03801 T 608.
431.0816 F 608.431.4497
www.calysocom.com

MTC–00031521

Christian Printers, Inc.
January 18, 2002
Judge Kolar Kottely
c/o Renata Hesse
Trial Attorney, Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC:

I'm sending this letter as a supporter of the recent Microsoft settlement. Many people have suffered due to the recession we are facing. Businesses have gone bankrupt, many hardworking men and women have lost their jobs, and the stock market has taken a dramatic tumble that's hurt everyone across the financial spectrum. Frankly, we've felt the crunch in our printing business as well.

It was very important to settle the Microsoft case. This issue has been going on for far too long and the parties involved need to wrap it up and draw it to a close. The American economy has suffered enough and there is no reason to make it suffer any longer by restricting an economic engine like Microsoft from freely operating its business. From all that I've read in news accounts, the settlement was fair and just; everyone walked away with a good deal.

Thank you for taking time to hear my thoughts on this important matter.

Sincerely,
Bruce Dohrmann
1411 21st Street
Des Moines, IA 50311
Phone: 515/243–0471
Fax: 515/243–0547
E-mail: chrstnprnt@aol.com

MTC–00031522

GENTIUM HOMES, INC. FAX: 415–292–0352
Gentium HOMES
January 18, 2002
Ms. Renata Hesse
Antitrust Division
Department of Justice
601 D Street, NW, Suite 1200
Washington, DC 20530
Dear Ms. Hesse:

This letter urges you to accept the proposed settlement between Microsoft and the Department of Justice.

The proposed settlement addresses the major charges against Microsoft including requiring Microsoft to provide technical details to help rivals make products compatible with its Windows operating system; providing an oversight panel full access to its books and plans for five years, bans exclusive contracts with computer makers that put rival software vendors at a disadvantage; requires disclosures to be made to rivals about the operation of its server software; and establishes a separate oversight committee of the states to ensure compliance.

The negotiators of this settlement have done a good job. This settlement should be accepted and all parties should move forward in their quest to provide more advanced technical products to consumers. Thank you.

Sincerely,
David J. Thompson
One Daniel Burnham Court, Suite 200C o San Francisco. California 94109
Telephone (415) 4471998 . Fax (415) 292–0352

MTC–00031523

Dean Gentry
P.O. Box 321
St. Maries, ID 83861–0321
January 18, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

From the start of the US vs. Microsoft lawsuit, I have been opposed to the way that the government has bullied Microsoft on behalf of many of Microsoft's competitors. The Department of Justice has interfered with the IT industry and with Microsoft claiming with the intent of bettering the status of the consumer. The truth is that if the consumer's interest were at the center of this lawsuit, it would have been resolved much sooner than it has been. Three years of litigation have proven that special interests and greed have taken center stage in this lawsuit. Microsoft has made many concessions in the settlement, including opening parts of proprietary code to competitors and making parts of its flagship Windows program removable by the consumer. Such concessions combined with the enormous amount of money that Microsoft has spent defending itself more than compensate for any substantive wrongdoing Microsoft may be guilty of. The settlement's benefit to the consumer is indirect and ambiguous at best. We won't know for a long time whether the IT industry and the consumer will reap any benefit from all of this. However, we do know that the longer that the suit remains unresolved, the more damage will be done to the consumer. That is why the Department of Justice owes the American people a swift end to this suit that is this proposed settlement can bring.

Sincerely,
Dean C. Gentry
cc:Senator Larry Craig

MTC–00031524

FRIEDEL ENTERPRISES
2841 Troyer Road
White Hall, MD 21161–9321
January 18, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

I would like to voice my support for the settlement of the Microsoft Anti Trust case. This case has dragged on for years and it is wonderful that our government is finally making a move to end it.

I run my own company as an Independent Contractor for equipment packaging materials. I use Microsoft's software to run my office and appreciate their superior products that have truly changed the entire technology industry. In an effort to end this mess, Microsoft is giving up a great deal in the settlement. They've pledged to change their problematic business practices and will be sharing more information with their competitors.

Please accept the proposed settlement, it will no doubt restore fair competition to the technology industry and will be great help to our struggling economy.

Sincerely,
Vernon Friedel

MTC–00031525

P.O. BOX 587
Navesink, NJ 07752
January 19, 2002
Attorney General John Ashcroft
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

This is intended to urge you to support a prompt settlement of the Microsoft anti- trust case. This case has been around tooooo long; it has seen litigation, negotiation and mediation. There now exists a settlement proposal acceptable to the court, the major parties and the majority of state party comp1ainants. The settlement is a fair compromise between the parties'' adverse positions and should also quell the concerns of the federal government. In short there is no rational reason to further prolong this controversy. The settlement keeps Microsoft sole, whole and functioning. Microsoft's concessions include rendering itself answerable to a new oversight committee for any future anti-competitive practices. Microsoft will now open its Windows systems up to use by non- Microsoft software, reconfiguring Windows not just to accept competitors'' products but also to promote such use. Microsoft will now take steps to share portions of its technologies in order to promote competition and innovation. Microsoft, in essence, will alter its corporate marketing philosophy to embrace its competition. This seems to me to be adequate consideration for a settlement. Please also urge your colleagues in the administration to expedite an end to this case.

Sincerely,
Gary M. Tishler

MTC–00031526

18111 Sencillo Drive
San Diego, CA 92128–1324
January 18, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

It is with great pleasure that I learned of the settlement between Microsoft and the Department of Justice last November. The antitrust dispute was long and arduous. The case, which was an unnecessary attack on the success of the American economy, has been a waste of time and, more importantly—money. The taxpayer and the consumer are the people that are negatively affected by this litigation. It is a waste of taxpayers money to spend three years persecuting a company that has consistently provided consumers with reasonable, accessible products. It is time to let this issue rest.

It is my hope that this period of public comment will end with federal resolve to settle this issue. The taxpayers and computer consumers deserve it.

Sincerely,
Elizabeth Walters

MTC–00031527

ASH CREEK ENTERPRISES, LLC
2987 FAIRFIELD AVE.
BRIDGEPORT, CT 06605
203–335–4842 VOICE
203–335–4049 FAX
January 16, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft,

If only for the sake of lowering the strident volume of the in-court dramatics, it is better for this law- suit between the Department of Justice and Microsoft to have ended in a settlement. There has certainly been a lot of rancor from both sides during the course of this case. I must admit, however, that there was an uncomfortable appearance that this trial was more about punishing Microsoft for having been successful at doing what it does than anything else. There were, of course, legitimate complaints about Microsoft's way of doing business that have been addressed by the settlement, such as Microsoft's legendarily rocky relationship with OEMs, but it probably should not have been part of the suit. Whether a company is perceived as aggressive in its marketing techniques, or as exerting unfair pressure is purely a matter of perception. The settlement will hopefully suffice to end this divisive litigation, and I am writing in support of it.

I am hoping that this sort of obnoxious litigation against any American company can be avoided in the future.

Sincerely,
Geoffrey James
CTO/President

MTC–00031528

UNIQUE Promotions & Awards
2246 N Palmer Drive
Schaumburg, IL 60173
847–397–0300 Fax: 847–397–7356 FAXED
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:
January 14, 2002

I am writing to express my opinion about the recent antitrust case settlement between Microsoft and the US Department of Justice. I am glad to see Microsoft will not be broken up. That move would be detrimental to our IT industry and bad for our economy. But, I do believe that it is in the best interest of the American public to have this issue settled as soon as possible. The terms of the settlement are fair in many ways. The fact that Microsoft is disclosing internal interfaces to competitors, designing future Windows'' applications to make it easier for software developers to promote their own products, agreeing to contractual restrictions, and forming a three person party to monitor compliance with the settlement shows that Microsoft is ready taking active steps to appease all parties.

Nevertheless, our economy is in recession and our IT industry is ailing. Our country needs to end litigation against Microsoft so that they can go back to leading the IT industry in growth and raising the standards of innovation throughout the sector. Thank you for your time and I hope your office makes this settlement become a reality.

Sincerely,
Charles Loveisky
President

MTC–00031529

Clem Insurance Services, Inc.
217 N. Duff Ave.
Ames, Iowa 50010 Services, Inc.
Phone 515–233–3073
Fax 515–233–3098
www.cleminsurance.com
Email: aclem@cleminsurance.com
To: Judge Kottely
From: Anthony S. Clem
Pax: 202–6l6–9937 Pages:
Phone:
Date: 01/19/2002
Re: Microsoft Settlement CC:
Comments: Personal and Confidential
CLEM INSURANCE SERVICES
January 18,2002
Judge Kolar Kottely
c/o Renata Hesse
Trial Attorney—Antitrust Division
US. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Dear Judge Kottely,

I am writing to let you know that I stand in support of the recent Microsoft settlement.

Our nation is suffering through a harsh and painful recession. Right here in Iowa numerous layoffs are taking place, leaving hundreds of men and women out of work and unable to adequately support their families. Understanding this fact, it begs the question, ''why would our leaders continue the Microsoft antitrust case?'' The settlement brought about a fair, just, and appropriate conclusion to this issue. Microsoft allows computer makers to remove their software, and they agree not to retaliate against companies that create or endorse products that compete with Windows.

Nine states agreed to this settlement, and the nation in better of because of it. If Microsoft is allowed to operate freely without the burden of this lawsuit, it will help provide jobs, create new businesses, and assist in stimulating he economy.

Thank you for taking the time to hear from a small business owner such as myself.

Sincerely,
Anthony Clem
Risk Management for Your World
217 N. Duff Ave. . Ames, IA 50010 . (515) 233–3073 . (877) 600-CLEM . Fax 515–233–3098 .

E-mail clem.ins@isunet.net

MTC–00031530

Fri Jan 18 20:15:33 2002
FACSIMILE TRANSMISSION
Please deliver this facsimile to:
MICOSOFT SETTLEMENT
TUNNEY ACT REVIEW
12026169937
From: Jonathan Ah Kit <ahkitj@jnawk.net.nz> Data: Sat, 19 Jan 2002 19:12:01 +l300 (NZDT)
Subject: Microsoft Settlement
To: Microsoft Tunney Act review <microsoft.atr@usdoj.gov>
From MyPlumber
Fri Jan 18 20:29:05 2002
Page 1 of 2

Sir/Madame,

Re: Microsoft Settlement

I have read the provisions of the proposed settlement as described at http://

www.usdoj.gov/atr/public/press—releases/2001/9463.htm this afternoon. I feel while it is preferable to keep the company in one piece, it does not necessarily go far enough to encourage any major competition.

The licensing provisions Microsoft have employed as described at http://www.cio.com/archive/0ll502/meter.html by CIO Magazine, appear to force customer loyalty by employing a type of subscription model not previously employed in most Windows software— last time I saw this model was on a telnet client a New Zealand government department bought for its mainframe. While its supposedly oppressive terms could actually be said to encourage purchases of competitors'' products, it still could potentially be a case of Microsoft Corporation attempting to use its hold on current users to force more money out of them [corporate users]. Its monopoly position in this case is a bit different. There are competitors in the ''office suite productivity software'' market to Microsoft Office, but StarOffice (and OpenOffice) and KOffice—with the latter available for Microsoft's Windows grouping of operating systems—do not really have the profile due to Microsoft's Office offering being the de facto standard. Which makes education institutions, companies, non-profits as well as private individual people end up feeling compelled to take it.

This is fine, to a point. Being a de facto standard due to its market share can be okay—if it is not priced crazily like CIO Magazine in the above-referenced article on licence schemes for Office describes. In analogies, it is like buying a manual gear car versus an automatic gear car. As in, it would probably be fair to say most people buy a manual because it is the standard and virtually everybody (give or take) is trained to drive one. But, it doesn't force everybody to buy a manual— not too much more expensive are equivalent automatic models. (Maybe people buy automatics for convenience and or ease, but that is out of the scope of this submission.)

Credit where credit is due, though. Microsoft's New Zealand operation has issued a version of Microsoft Office, called ''Microsoft Office XP Standard for Students and Teachers'', selling for about NZD280 to NZD3OO, inclusive of 12.5% NZ Goods and Services Tax. It requires no student ID or letter proving employment before buying it, so would require a user's honesty before it is bought. (NB: For this package, Microsoft has defined student and teacher as either a student or teacher of any education institution, including primary, intermediate, middle and high schools, as well as tertiary institutions such as universities, polytechnics and what NZ calls ''private training establishments''. It includes staff.) I would say that is still a high price for esentially a high price for private individual people to buy, however. Details: http://www.microsoft.com/nz/office/xp/forstudents/ (That also raises another issue, possibly out of the scope of this submission—piracy. Microsoft needs to adjust its curve of piracy versus pricing. Once it does so, there is a chance it can raise revenues. But as said, there is another story there.)

Lastly, I have a note regarding a scheme tying New Zealand schools to Microsoft software. Software is a slightly fickle business, so I can see some justification in having this scheme, but because of its centralised procurement nature, it does not tend to give competitors a look-in. Details: http://www.microsoft.com/nz/presscentre/articles/2001/september-18-schools.asp I trust that this is of some use to you. If you desire further feedback, e-mail or telephone would be much appreciated, especially if issues raised need clarifying. If called upon, I would be interested but not necessarily able to appear.

Regards,

Jonathan Ah Kit.

Jonathan Ah Kit—Lower Hutt—New Zealand

jonathan@ah-kit.dropbear.id.au—http://www.ah-kit.dropbear.id.au/

ahkitj@paradise.net.nz—ICQ#9747234—http://www.electric.gen.nz/

MTC–00031531

Richard Gach
4301 Derry Road
Bloomfield Hills, Michigan 48302–1835
January l8, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ash&oft:

I would like to add my support of the Justice Department settling the Microsoft lawsuit, which is scheduled to be finalized at the end of the month. As a libertarian, I am in full support of our free market system and believe that the government's attack on a successful company because of its market position is against the principles I support. This deal is the most acceptable outcome at this point.

To emphasize the importance of this ruling, I would like to note the recent economic growth this country enjoyed without inflation during the 1990's, which was the result of increased productivity; increased productivity was definitely powered by the growth of the PC industry. And, of course the number-one player in that industry has been Microsoft. To damage such a key player in the nation's economy is a major mistake that should be avoided at all costs. With Microsoft's commitments to neither favor nor punish computer makers that use or don't use competitor products with the Windows operating system, and to allow licensing of its intellectual property and access to its internal Windows interfaces and server protocols, the current agreement should more than suffice to create wider competition in the software industry.

Please support the approval of the proposed Microsoft settlement and allow free enterprise to guide the technology revolution once again. I thank you for your time and attention.

Sincerely,

Richard Gach

MTC–00031532

21031 ALEXANDER CT
HAYWARD,CA 94545
PHONE: 510 723 2123
FAX: 510 786 4259
SENDIO: DOJ ANTITRUST FROM: ROSS LINDELL
ATTENTION: Renata Hesse

United States v. Microsoft

''Public comment is invited within 60 days of the date of this notice. Such comments, and responses there to, will be published in the **Federal Register** and filed with the Court. Comments should be directed to Renata Hesse, Trial Attorney, Suite 1200, Antitrust Division, Department of Justice, 601 D Street NW, Washington, DC 20530; (facsimile) 202–616–9937 or 202–307–1545; or e- mail microsoft.atr@usdoj.gov. While comments may also be sent by regular mail, in light of recent events affecting the delivery of all types of mail to the Department of Justice, including U.S. Postal Service and other commercial delivery services, and current uncertainties concerning when the timely delivery of this mail may resume, the Department strongly encourages, whenever possible, that comments be submitted via email or facsimile.''

I am an Engineering Director for a privately held company and I am familiar with computing and the computer industry since the 1980s, and have seen the adverse effects of Microsoft's monopolies in these areas. I cannot see how the settlement that is proposed even pretends to remedy the antitrust violations for which Microsoft has been found guilty. The company has, already been found in violation, and this is the penalty phase of the case, but the settlement contains no penalties and actually advances Microsoft's operating system monopoly. A just penalty, I continue, would at barest minimum include three additional features:

* Any remedy seeking to prevent an extension of Microsoft's monopoly must place Microsoft products as extra-cost options in the purchase of new computers, so that the user who does not wish to purchase them is not forced to do so. Computer vendors must offer the software without the computer (which would prevent computer makers from saying that the difference in price is only a few dollars). Only then could competition come to exist in a meaningful way.

* The specifications of Microsoft's present and future document file formats must be made public, so that documents created in Microsoft applications may be read by programs from other makers, on Microsoft's or other operating systems. This is in addition to opening the Windows application program interface (API, the set of ''hooks'' that allow other parties to write applications for Windows operating systems), which is already part of the proposed settlement.

* Any Microsoft networking protocols must be published in full and approved by an independent network protocol body. This would prevent Microsoft from seizing de facto control of the Internet. I believe this is of national interest, and therefore, it is crucial that Microsoft's operating system monopoly not be extended. It is well documented by the Center for Strategic and International Studies, among others, that the use of Microsoft software poses a national security risk- their sloppy attitude about privacy and security is un-American and

should be corrected, opposed to encouraged by the United States Government as it appears in the current settlement.

Ross Lindell
2235 45th Ave
San Francisco, California

MTC–00031533

COGDILL & GIOMI
REAL ESTATE APPRAISERS & CONSULTANTS
January 17, 2002
Renata Hesse, Trial Attorney
Antitrust Division, Department of Justice
601 D Street NW, Ste. 1200
Washington, DC 20530
VIA FACSIMILE
(202) 616–9937

Dear Ms. Hesse:

I respectfully ask the courts to settle the case of US v. Microsoft, Though I personally do not agree with the case, my letter is really being written on behalf of the vast majority of Californians.

I work closely with politicians and opinion leaders. That allows me to see polling and information many people don't pay attention to. In November 2001, a California statewide poll was done which provided some important insight into Californians position on the Microsoft case.

The poll was conducted with 804 individuals (a large and fair sample). Of those individuals, 57% believed the terms of the settlement were fair while only 24% believed it did not go far enough. More importantly, over 80% said that if continuing the case meant spending more tax payer money, they believe it is time to settle the case. Obviously, Californians want to see this case brought to an end. It has been over three years and we do not understand why a settlement can't be reached. This survey and its results are a good sample of how we feel. Please support the settlement of this case.

Sincerely,
David E. Cogdill, Jr.
Cogdill and Giomi
1317 I Street Suite A *Modesto, CA 95354
o Ph (209) 523–9365 Fax (209) 523–6344
*Toll Free
(800) 223–9365

MTC–00031534

Dan Knox Consulting
95 Minna Street, Second Floor
San Francisco, CA 94105
Phone: 415–543–2800
Web: www.danknox.com
Knox Consulting
January 18, 2002
Ms. Renata Hesse
Antitrust Divsion
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

This letter regards my support of the settlement of the Microsoft lawsuit.

The Department of Justice and Microsoft have reached fair settlement to the antitrust lawsuit, which has been going on for more than 3 years costing over 35 million in tax dollars. It is time to move on!

The settlement is fair and I urge you to accept the consent decree. While the settlement is not entirely satisfying to all, it strikes a difficult compromise providing something for everyone.

Sincerely,
Dan Knox

MTC–00031535

BEK GROUP
January 18, 2002
Ms. Renata Hesse
Antitrust Division
Department of Justice
601, D Street, NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

This letter is sent to you to urge you to accept the settlement which has been reached between the federal government and Microsoft in the antitrust lawsuit.

Microsoft has benefited the computer industry and contributed to the economic growth of the United States.

Competitors not happy with this agreement should compete with Microsoft by creating new products rather than lobbying the government to stop Microsoft's new products. This settlement would allow such activity.

The settlement is good for consumers as it encourages competition in creating better products for our future. Please accept the consent decree in the antitrust lawsuit against Microsoft.

Sincerely,
Brad Klurg
BEK Group
95 Minna Street, 2nd Floor-San Francisco, CA 94105
Ph: (415)543–2800—Fax: (240) 359 8141
e-mail: bekgrp@msn.net

MTC–00031536

33 Packanack Lake Road
Wayne, New Jersey 07470
January 17, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft: I am writing you this brief letter to encourage you, your department and the administration to endorse the present proposal to settle the Microsoft anti-trust case. This case is ready for settlement. The major parties have agreed to the proposal after prolonged negotiation.

The plan will restrain Microsoft from any future anti-trust activities. Its marketing practices will be monitored by a new federally appointed oversight committee. The company's Windows systems will now become all but part of the public domain with the platform now reconfigured to ''promote'' non- Microsoft software. Microsoft's will now license its products to major manufacturers at near uniform terms. In short the agreement lets Microsoft remain whole in return for opening up its technology to the rest of the IT industry. This is more than fair.

Microsoft is a great corporation. In this time of economic floundering, the company should be able to direct all its energy to the business of business. Please give this proposal your attention and support.

Sincerely,
Joseph Bukowski

MTC–00031537

6246 Sturbridge Court
Sarasota, Florida 34238
January 20, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my opinion of the recent antitrust case settlement between the Department of Justice and Microsoft. Although I am happy to see Microsoft will not be broken up, I do think the penalties imposed are too harsh.

I have never felt as a consumer that my rights were being violated, nor do I think that competitors have been unfairly pushed out of the market. Microsoft has worked harder to innovate and create products that competitors cannot. When Microsoft should be applauded, the government wants to bring them down. The settlement violates their intellectual property rights by forcing them to disclose technology codes and inhibits their ability to maintain market share by restricting them from third party agreements regarding exclusive distribution.

But, even though the agreement is flawed it is in best interest of public and economy to settle and that is why I support settlement. I urge your office to do so also and ignore opposition that seems to think it is better to drag this out and waste more taxpayer dollars.

Sincerely,
Kathleen A. Krebser

MTC–00031538

Richard Gach
4301 Derry Road
Bloomfield Hills, Michigan 48302–1835
January 18, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I would like to add my support of the Justice Department settling the Microsoft lawsuit, which is scheduled to be finalized at the end of the month. As a libertarian, I am in full support of our free market system and believe that the government's attack on a successful company because of its market position is against the principles I support. This deal is the most acceptable outcome at this point.

To emphasize the importance of this ruling. I would like to note the recent economic growth this country enjoyed without inflation during the 1990's, which was the result of increased productivity; increased productivity was definitely powered by the growth of the PC industry. And, of course, the number-one player in that industry has been Microsoft. To damage such a key player in the nation's economy is a major mistake that should be avoided at all costs. With Microsoft's commitments to neither favor nor punish computer makers that use or don't use competitor products with the Windows operating system, and to allow licensing of its intellectual property

and access to its internal Windows interfaces and server protocols, the current agreement should more than suffice to create wider competition in the software industry.

Please support the approval of the proposed Microsoft settlement and allow free enterprise to guide the technology revolution once again. I thank you for your time and attention.

Sincerely,
Richard Gach

MTC–00031539

Clairemont Republican Women Federated #1446
1705 Catalina Blvd San Dieqo, Californla 92107
VIA FACISMILLE
January 18, 2002
Renata B. Hesse
Anti-Trust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

This message is being sent to support the Microsoft settlement. After reading various news articles about the details of the agreement, I strongly believe it is fair and in the best interest of the country; Microsoft has agreed to new contractual restrictions and will share its intellectual property when needed. While I believe that the government must enforce law when actions warrant it, it is inappropriate for the government to intervene in private industry because a competitor feels that it is losing its ability to create competitive products. I am a strong proponent that the free market be allowed to work and that successful, creative endeavors should be encouraged for the benefit of our country. No good can come from harming a business that contributes so crucially to the lives of other businesses, industries and private users.

Please pass on my remarks to the proper individuals and let them know that this settlement if a good thing for our country.

Sincerely,
Chalise E. Zoezzi
Recording Secretary
CLAIREMONT RWF #1446

MTC–00031540

JAM–PAK CORPORATION
4043 Yorktown drive
Boothwyn, PA 19061
January 18, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

The lawsuits against Microsoft have gone on for too long now. It has been three years of wrongful litigation and Microsoft has not gotten off easy with the settlement. Considering that Microsoft has created jobs for our country, made technological breakthroughs, and standardized the IT industry, I am appalled at our government's attempt to bring them down The terms of the settlement seem to favor competitors and do little to protect consumer rights. Microsoft has agreed to not retaliate against software developers and computer makers who develop or promote non- Microsoft software. They have also agreed to grant computer makers broad new rights to configure Windows so as to more easily promote non-Microsoft products. Theses concessions are the products of intense lobbying on behalf of competition to politicians and lawmakers. Even so, they are more than fair and should be enough to appease all parties.

I urge your office to take a strong stance against the nine states in opposition and help to correct three years of unjustified litigation.

Sincerely,
John A. McManus
President

MTC–00031541

January 18, 2002
Judge Kolar Kottely
c/o Renata Hesse
Trial Attorney
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Judge Kottely,

As a business leader and owner of a technology company, I have been very concerned about the burgeoning litigation by the federal government against the Microsoft Corporation. I believe this case has been unfair from the start and I am glad to see that nine states have agreed to settle. The terms of the agreement are fair and balanced. Microsoft creates new rights allowing Windows to sponsor non-Microsoft programs and hardware manufacturers will be free to remove Microsoft programs from their hardware without any punishment from Microsoft. This is a fair and balanced ending to a prolonged legal production.

I support this settlement and think the terms and conditions reflect a fair deal for everyone. Thank you for taking the time to read my comments regarding the settlement.

Sincerely,
Jose M. Laracuente

MTC–00031542

212 Golden Beach Drive Golden Beach, Florida 33160
January 16, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

As a Microsoft supporter, I feel it necessary to voice my opinion in regards to the Microsoft Antitrust settlement. I am happy to hear that a settlement has finally been reached and I have high hopes that this will be the final stage of this lawsuit .

In terms of the settlement itself, I found the solutions to be both reasonable and fair. Microsoft has agreed to implement a lot of the changes within the structure of the Windows program as well as in their business methods as well. In this agreement, Microsoft will enable computer makers to replace access to Microsoft applications with the competition's software. This will require that Microsoft make various interfaces readily avilable to the competition. In addition to these obligations, Microsoft has consented to the forming of a Three-Person Technical Committee in order to monitor Microsoft's adherence to the settlement.

Microsoft has come up with a lot of good ideas and I believe that they should be credited for these ideas. Furthermore, I look forward to the end of this case, as I am certain that it will be most beneficial to all of the parties involved. Thank you for your time and energy that you have dedicated this matter. It shows that you truly have the best in mind for the public interest.

Sincerely,
Jane Caswell

MTC–00031543

From: Nancy and Dennis Sk Fax: +1(706)638–2503
To: Att. Gen. Ashcroft
Fax: 1(202)307–1464
22107 Highway 193
LaFayette, GA 30728
January 18, 2002
Attorney General John Ashcroft
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

This letter is to express my support for the settlement with Microsoft. As a company, Microsoft must be allowed to develop new products without constant interference from the government. Wasting millions of dollars more on this unnecessary litigation is just plain wrong.

Microsoft has already agreed to license its Windows operating system products to the 20 largest computer makers on identical terms, including price. And the company has agreed to disclose to its competitors technical information that will allow them to write programs that work better with Windows. What's more, Microsoft has agreed to a ''Technical Committee'' that will monitor Microsoft's compliance with the settlement.

This is above and beyond what Microsoft should do but the company agreed to it so that it can get back to business as soon as possible. The settlement clearly will benefit consumers and the economy. Enacting this agreement is in the best interests of the country as well.

Sincerely,
Nancy Skidmore

MTC–00031544

111 P01 JAN 19 '02 11:15
January 18, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington. DC 20530

Dear Mr. Ashcroft:

I am writing to let you know that I fully support the recent settlement between the U.S. Justice Department and the Microsoft Corporation. While I believe the government's case against Microsoft was not called for to begin with, I am very glad that both parties agreed to a settlement.

It is painfully obvious that the lawsuit against Microsoft was instigated by its'' competitors who are unhappy because they are not as successful as Microsoft. This is not the fault of Microsoft nor has Microsoft done anything to warrant being accused of being a monopoly. Of course, politics being what it is, its'' competitors lobbied certain ''key''

public officials in an effort to implement a full frontal attack against Microsoft through use of the courts. Everyone knows their only goal was and still is to harm Microsoft.

The U.S. economy is in a fullblown recession. Continuing these lawsuits will only further retard technological innovation and keep the economy from making a recovery. The Federal government should be bolstering the economy not harming it. All of this debate about an economic stimulus package is besides the point. Perhaps if the government backed off and stopped trying to harm hard working and successful American companies such as Microsoft, the economy would not be hurting today.

Sincerely,
David Sprouse
128 Reed Place
Anderson, SC 29621
cc: Senator Strom Thurmond
Representative Lindsey Graham

MTC–00031545

Jan 19 02 11:36a Reda & Company, LLP CPA'S 914–289–0704 p.1
January 16, 2002
Attorney General John Ashcroft
Dept. of Justice
950 Penn. Ave., NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I understand that a settlement has finally been reached between Microsoft and the Department of Justice in their three-year-long anti-trust battle. This suit flies in the face of the ideals upon which we have built this nation: free enterprise capitalism, and indeed the very American dream itself. What kind of message does this suit send to future American entrepreneurs? Apparently that it is okay to become successful, but only to a point; if you do ''too well'' we will take it all away.

This suit has been a large contributing factor to the recession in which we now find ourselves. Microsoft is one of America's largest employers; attacking this company at this time is economically damaging policy. The settlement represents a number of significant concessions on Microsoft's part. They are sharing proprietary information with competitors in order to make it easier for competing products to work with and in Windows, They must permit Windows to be altered by manufacturers to promote compete products. And there are many more concessions.

This is enough; far more than enough. Let's accept the settlement.

Sincerely,
Al Reda

MTC–00031546

01/19/2002 12:19 5084863455 GLAVEY AND GLAVEY
Acton-Fitchburg Development Corp.
COMMERCIAL RESIDENTIAL LAND
28 Tadmuger Rd.
P.O. BOX 4
Westford MA 01886
FAX (508) 692 4860
0FFICE (508) 692 3250
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington DC 2053O
January 18, 2002

Dear Attorney Hesse:

Please support the settlement agreement that has been reached between Microsoft and the U.S. attorneys in the ongoing antitrust case. I urge the Department of Justice to do whatever you can to convince Judge Kollar Kotelly that this is the best deal for the American consumer.

I am a small businessman with a development company. I use Microsoft products, and I work for many in the high-tech field in the course of my day. It is obvious to me that this case should end for several reasons:

—there is no monopolistic control of the market present here;
—the economy has suffered by the uncertainty the trial has created;
—the settlement reached is exactly the sort of end we should want;
—a continuation, or more more penalties, only benefits the special interests of other companies, not the American public;
—the high-tech sector would be hurt greatly by more regulation;
—and, a resolution now could bolster the economy at a time when it really needs it.

Thank you for your consideration of my opinion. I hope the settlement is adopted.

Sincerely,
Timothy Sullivan

MTC–00031547

01/19/2002 08:10 8584562285 DWI PAGE 01
Capital Endeavors
2165 Via Don Bonito
La Jolla, CA 92037
(858) 456–2285
FAX (858) 456–2285
January 19, 2002
Renata Hesse, Trial Attorney
Antitrust Division, Department of Justice
601 D Street NW, Ste. 1200
Washington, DC 20530
VIA FACSIMILE
(202) 616–9937

Dear Ms. Hesse:

When the government stepped in and brought the antitrust case against Microsoft, famed free market economist Milton Freedman stated 'the technology industry will rue the day it asked for the government's help in it's struggles to compete against Microsoft.'' Here we are, four years later, with a recession staring us right in the face. I am writing the Court to let you know that I agree with Mr. Freedman today like I did four years ago and to ask you to approve of this settlement. It is time to end the case against Microsoft.

Four years ago, the technology industry was like wild frontier. It was untamed, full of possibility, and free of burdensome restrictions. We experienced what happens when an industry can operate in that sort of environment. Money flowed to new investments like water. Each day saw a new innovation-high speed internet, satellite communication, e-commerce, cd burners...the list is endless. And with all of this wild innovation, the collective of American people grew. We became more sophisticated and our quality of life improved. Then the government came calling...rather...some of those jealous pioneers called on the government.

The case against Microsoft marked the end of the technology revolution, We know now that the United States government can and will attempt to stop anyone who harnesses the strength of this new industry. Innovation has slowed and you don't need to look very far to see the impact of the technology bust. This wasn't irrational exuberance-it was government crashing the party.

I hope the courts will settle the case against Microsoft. Though it won't bring back the days of the wild frontier, it might clear the way for just a little more exploration.

Sincerely,
Dwight Filley
President Capitol Endeavors

MTC–00031548

Michael R. Englert
P.O. Box#505
Boone NC 28607
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
January 17, 2002

Dear Mr. Ashcroft:

My name is Michael Englert, and I am a resident of Boone, North Carolina. I am writing to express my support for the settlement agreement your department recently reached with Microsoft. I am also asking that you end the Microsoft litigation as quickly as possible.

Microsoft has agreed to some important changes in its business practices in order to reach this settlement, The agreement to open the Windows operating system to internal competition from non-Microsoft software products is at significant concession on Microsoft's part. In addition, their agreement to maintain more uniform pricing guidelines should adequately address the allegations of predatory pricing practices.

The settlement offers the country an opportunity to move past this lawsuit and turn its focus back to more important issues. It is time to put the litigation behind us and move on. Thank you for your time and attention.

Sincerely,
Michael Englert
P O Box 505

MTC–00031549

01/19/2002 02:54
7242384762
DAVIDCINDYPURNEL
PAGE 01
7 Wildview Drive
Ligonier, Pennsylvania 15658
January 17, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing to express my opinion about the recent settlement between Microsoft and the Department of Justice. This case has dragged on way too long and should be settled as soon as possible. Microsoft has

been a leading innovator or technology, has contributed to technological advancement of our nation, and has added jobs to our market. They should not be reprimanded, but instead applauded. The terms of the settlement are hardly favorable for Microsoft. They force Microsoft to disclose internal interfaces and protocols to their competitors. It also prohibits Microsoft from retaliating against computer makers and software developers who ship or promote non-Microsoft products that compete with Windows operating system.

But, I am happy to see that Microsoft will not be broken up and do think it is in our best interest to allow Microsoft to focus on business, not politics. We need the cornerstone of the tech sector at its strongest. The attorney general hopefully will do all it can to make state and federal litigation end and free up our private sector for an economic resurgence.

Sincerely,
David Purnell
cc: Senator Rick Santorum

MTC–00031550

Web-Builders.net
3229 Elkhorn Blvd. #12
North Highlands, CA 95660
www.web-builders.net sales@web-builders.net
January 18, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I am glad to see that the Government and Microsoft have agreed to settle the anti-trust case. It seems to have something for all parties.

Microsoft can get back to work. 11 providers, including Microsoft's competitors get guaranteed access to technical specifications. Computer manufacturers who equip their computers with Microsoft's OS get flexibility on what they can install. Finally, for those who'd doubt Microsoft would comply with this agreement, there is an enforcement mechanism to respond to complaints about Microsoft.

What more can we reasonably ask for? I think this settlement is appropriate in its scope and I hope that the court accepts it.

Sincerely,
Tom Gjerde
President,
Web-Builders.net

MTC–00031551

Gentium
HOMES
January 18, 2002
Ms. Renata Hesse
Antitrust Division
Department of Justice
601 D Street, NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse;

As a user of Microsoft products, I am pleased to learn that a settlement has been reached between the federal government and Microsoft in the antitrust lawsuit. This settlement, protects consumers, yet also encourages the high tech industry's freedom to innovation.

Instead of wasting precious time and resources (dollars!) on dealing with lawsuits, time is better spent developing new programs. This settlement would allow such activity.

The settlement is good for consumers; the nations economy and the high tech industry .I support this settlement, and urge you to accept the consent decree.

Sincerely,
Kimberly B. Walton
One Daniel Burnham Court, Suite 2OOC
San Francisco. California 94109
Telephone (415) 447–1998
Fax (415) 292–0352

MTC–00031552

Jan-18–2002 13:55 P. 04/04 415 369 0462
BEK GROUP
GROUP
January 18, 2002
Ms. Renata Hesse
Antitrust Division
Department of Justice
601 D Street, NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse;

This letter regards my support of the settlement of the Microsoft lawsuit.

The Department of Justice and Microsoft have reached a fair settlement to the antitrust lawsuit, which has been going on for more than 3 years costing over 36 million in tax dollars. It is time to move on!

The settlement is fair and I urge you to accept the consent decree. While the settlement is not entirely satisfying to all, it strikes a difficult compromise providing something for everyone.

Sincerely,
Eric Rimes
BEK Group
95 Miana Street, 2nd Floor
San Francsico, CA 94105
Ph: (415) 543 2800
Fax: (240) 359 5141

MTC–00031553

JOHNSON 19046412993 P.01
CARL JOHNSON
(904) 641 2993 (PHONE AND FAX)
carl.johns@worldnet.au.net
11602 Hidden Hills Drive South
Jacksonville, Florida 32225
January 20, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The intention of this letter is so that I may go on record as being in favor of the recent settlement that ended the antitrust dispute between Microsoft and the Department of Justice. I do feel that there should not have been a lawsuit in the first place, but that does not really matter now. What is important is the litigation at the federal level is over, and I support anything that will keep it that way. I feel that Microsoft has been responsible for generating more jobs and more innovative technology than any other company has in the past 20 or 30 years. It appeared to me that the litigation served to penalize Microsoft for their past efforts and overall creativity. In a business where creative solutions and technological progress move very quickly the fact that Microsoft must now share their independently developed technical data, i.e. protocols implemented in the Windows operating system, with their competitors seems very unfair. In essence, Microsoft has to turn over intellectual property that was developed at private expense to their competitors.

The settlement that was reached is reasonable, mostly because it brings an end to the antitrust litigation between Microsoft and the Justice Department.

Sincerely,
Carl Johnson

MTC–00031554

From: Harry A. Thomas
To: Mr. John Ashcroft
Date: l/19/2002 Time: 10:10:36 PM Page 1 of 1
Harry A. Thomas
14354 Pleasant Hill Dr.
Chino Hills, CA 91 709–4828
909–591–7610
iledoc@earthlink.net
January 19, 2002
Attorney General John Ashcroft
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Ashcroft:

This letter is to express my feelings about the proposed settlement that has been agreed to by the United States Department of Justice and the Microsoft Corporation. I am of the opinion that the settlement reached is more than reasonable, and it should be implemented as soon as possible. I feel that further litigation against Microsoft is analogous to ''piling on'', and not in the American spirit. When is ''enough, enough''. During this time of recession, it is clear that we must let our competitive system help restore the economy. Microsoft is willing to change licensing and marketing practices, signaling their cooperative attitude. Since this decision is in the best interest of America and the economy, we need to support the process and let business get back in gear. There is no need to keep Microsoft under the federal microscope any longer, especially since the settlement calls for an oversight committee to monitor Microsoft's compliance with the settlement.

America needs as many innovators as possible right now, and Microsoft is our biggest.

I support the settlement, and hope that it will help restore America's economy to what it was before the antitrust settlement came about.

Sincerely,
Harry A. Thomas

MTC–00031555

J. Basham
January 19, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

This letter is to give my support to the Department of Justice and Microsoft

settlement. I think the original lawsuit was frivolous and a waste of time and money. I feel it was inspired by the jealousy of Microsoft's rivals more than by any inequitable business practices. Antitrust laws are meant to protect the consumer, and I believe there was no harm done to the consumer in this case. Computer software products are cheaper than they were ten or fifteen years ago. Microsoft streamlined computer programs into nice useable formats and increased the compatibility of computer software. No other firm did this. If they had, we would probably be talking about them. Businesses today are punished for being too successful.

From what I understand Microsoft more than met the demands of the Department of Justice, well beyond what was actually at issue in the original suit. Microsoft has agreed to grant computer makers broad new rights to configure Windows to promote non-Microsoft software programs. Microsoft has also agreed to design future versions of Windows with a device making it easier for computer makers to promote non-Microsoft software. Any further litigation would be harmful to both the economy and the country Let's put this issue behind us. Give your support to the Department of Justice and Microsoft settlement.

Sincerely,
John Basham
10121 Zig Zag Rd.
Cincinnati, Oh 45242–5747

MTC–00031556

FROM : Richard Koenig (360) 422 7108
PHONE NO. : Jan. 19 2002 05:56PM Pl
RICHARD KOENIG
Phone / FAX (360) 422–7108
16674 Mountain View Road
Mount Vernon, WA 98274–8348, USA
Mt. Vernon, January 19th 2002
FAX 1 202 307–1454
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Ave. NW.
Washington DC 20530

Dear Atorney General Ashcroft:

I am writing you to express my support towards the settlement that was reached between Microsoft and the Departement of Justice.

As a Microsoft customer, and supporter of the recent settlement, I urge that no further action be taken at the federal level. As a concerned citizen, I see, everyday, the need for growth in our economy. As I watch the news, and see the recession in our country, I become concerned with our economic growth and, in particular, our technological advancement. As I believe that the settlement is faire and beneficial to all parties, it is time to go on with business, and let the technology industry focus on advancement.

Since state and federal budget are presently challanged, it does not make sense to spend scares resources on a battle that has already been won. Again, I support this settlement and hope that no more action is taken to delay this process.

Sincerely,
Richard Koening

MTC–00031557

01/19/02 14:41 FAX 360 495 4408
MANSMITH/CB.FHE 01
49 Stillson Road
McCleary, WA 98557
January 19, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Last November there was a settlement that was reached between Microsoft and the Department of Justice. I am writing this letter to go on record as supporting that settlement. It has been a long time coming, and now that the dispute has been resolved, America can turn its attention to improving the economy.

The recession that we are in was actually started when the government announced the antitrust suit against Microsoft. The market started to decline, and no one did anything about it. It took an official announcement of a recession before the government finally wanted to get this over with. A healthy Microsoft gave us the best economy in history, and a hamstringed Microsoft gave us a recession. You do the math. I am sure that the committee that has been set up to monitor Microsoft should satisfy everyone in the government who pressed on with the suit. They will be constantly watched, and thus, have to abide by the terms.

This is a win-win settlement. Microsoft no longer has to waste time and money in court and the economy will be allowed to rebound out of this nasty recession.

Sincerely,
J. E. Mansmith

MTC–00031558

Jan 19 02 05:0lp Linda Furr
277–2195
January 19,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue,NW
Washington, DC 20530

Dear Mr. Ashcroft

I am writing in support of the November agreement between Microsoft and the justice Department.

I feel the agreement mandated Microsoft be fair and allow competitive programs to be run within the windows software programs. A committee of technical advisors surely would assure compliance that would be in the publics best interest and bring closure to this case.

Without Windows software that makes using my computer simple, as a senior citizen, I would never be able to navigate through complicated programs and would be left out of the electronic information available to me.

I also feel the settlement would help relieve some of the concerns effecting our stockmarket on which we depend for income as a retired couple.

Sincerely,
Linda G Furr
30 Ridgefield Place
Asheville,NC 28803

MTC–00031559

Saturday, January 19, 2002 05:21:26 PM
FAX COVER SHEET
To: Attorney General John Ashcroft
Fax #: 1–202–307–1454
From: Stu Schwartz
Fax #: 301/654–4648
Fax: 1 page and a cover page.
Stuart Schwartz
7720 Rocton Ave.
Chevy Chase, Md. 20815
January 19, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft

I am a retired businessman, having spent my life in the wholesale and retail market place. I am very aware of the demands of business, and the fine line that separates dominating a field and being a bully. This seems to be the crux of the argument between Microsoft and the Department Of Justice. A settlement was recently reached ending a three-year-long antitrust case against

Microsoft for unfair business practices. I side with Microsoft. Yes, Microsoft dominates the market, but it does so because it puts out a good product—Bill Gates recognized a need for standardized computer software -and filled it. He was quicker and smarter than his competitors.If he hadn't been, they would have overwhelmed him. Why, then, should he end up in court?We are fast approaching a time in this country when success in business is being defined by members of the congress, whose knowledge of business is largely supplied by lobbyists representing the interests of their clients and government agencies, also influenced by lobbyists as well as the Administration. There is a need for scrutiny in any field, but it needs to be more even-handed.

Microsoft has opened up its source codes for its Windows program to both computer manufacturers and competitors; has allowed competing software to be inserted into computers,allowing easier access to non-Microsoft software, and has even agreed to a technical committee to monitor future company activity. This should be more than adequate. However, Microsoft did agree to this agreement. And the Department of Justice, and I think we should honor this settlement. Both parties hammered out an agreement that both parties were happy with. We need to move on. There are more important matters we all have to deal with right now.

Give your support to this agreement. Thank you.

Sincerely,
Stu Schwartz

MTC–00031560

01/19/2002 16:24 9789229150 PAGE 01
Barger Companies
63 Neptune Street
Beverly, MA 01915–4746
Phone: (978) 922–9500
Fax: (978) 922–9150
To:
FAX: Attorney General John Ashcroft
From: Richard W. Barger
Fax: 202–307–1454
Pages: Two
Phone: 202–616–9937
Date: January 19, 2002

Re: Justice Department's handling of the Microsoft Case
Comments: Please see attached letter directed to Attorney General John Ashcroft.

This case should be closed before the government ruins the company the their industry.

Thank you
01/19/2002 16:24 9789229150 PAGE 02
The Barger Companies
January 19, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

As a concerned citizen of this great nation, I am writing to inform you of my thoughts on the settlement between the Justice Department and Microsoft Corporation. I support the settlement, since it will bring this three-year ordeal to an end.

The settlement was reached after extensive negotiations with a court-appointed mediator.Microsoft did not get off easy by agreeing to this settlement. For example, Microsoft has agreed not to retaliate against software or hardware developers who develop or promote software that competes with Windows or that runs on software that competes with windows.

Also, Microsoft has agreed to license its Windows operating system products to the 20largest computer makers on identical terms and conditions, including the price. Please discontinue any legal action against Microsoft, so the company can move forward in developing new products for the consumer.

Sincerely,
Richard W. Barger
63 Neptune Street, Beverly, Massachusetts 01915 Telephone: (978) 922–9500 Facsimile: (978)922–9150

MTC–00031561

01/20/2002 08:23 1100000000 CDAEMB1ADKMAASSOC
PAGE 01
January 15, 2002
Mr. Michael Coyle
14465 St. Germain Drive
Centreville, VA 20121
Ms. Renata Hesse
Department of Justice
601 D St., N. W., Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I strongly support the settlement between the federal government and Microsoft, and I believe that it could be the first step toward restoring prosperity to the high technology sector in the U.S. Consumers will benefit from the provisions in the settlement that allow Microsoft to decide which products and features it may provide to its customers and how to price them. It's time to do what is best for consumers and for the economy and this settlement seems to move the country in the right, positive direction,

Sincerely,
Michael Coyle

MTC–00031562

Saturday, January 19, 2002 5:13 PM
To: Attorney General John Ashcroft
From: Marcus Huie, (212)472–0851 Page: 1 of 1
515 E 72nd St Apt 22G
New York, NY 10021–4022
January 16, 2002
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am in favor of the Microsoft antitrust settlement agreement. The parties worked hard to reach a workable agreement that will accomplish the goal of preventing future monopolistic behavior.The agreement is fair and reasonable, and adequately addresses the essential complaints lodged against Microsoft. I especially like the idea of the creation of a technical review committee, which will oversee Microsoft's business practices. The review committee will be able to monitor Microsoft's compliance with the settlement agreement, and will help address complaints in the event Microsoft engages in any future anticompetitive behavior. Additionally, Microsoft will make it easier for its competitors to compete with Microsoft by granting computer manufacturers the right to replace features of Windows with the software designed by Microsoft's competitors, and by disclosing parts of the internal Windows code to the competition.Continuing the litigation process is not in the public's best interest. I would like to see this case concluded. Thank you for your time.Sincerely,Marcus Huie

MTC–00031563

From : OZONE SYSTEMS, INC. PHONE No. : 801 776 3864
Jan. 20 2002 11:34M P01
1239 West 2600 North
Clinton, UT 84015
January 19, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I do not believe it is prudent to punish Microsoft for its own ingenuity and success. The only reason Microsoft has been able to achieve such market dominance is because it puts out a better product than its competitors and therefore enjoys a greater degree of popularity. Free enterprise is one of the fundamental principles this country was established on, and I regret that laws put in place to protect the public interest have begun not only to discourage free enterprise, but to negatively impact consumers as well.

I do not doubt that Microsoft was brought to trial because it had indeed violated antitrust laws. But I do not believe it is necessary to cripple the Microsoft corporation simply because their software is of a higher quality than others''. The settlement proposed last November is, I believe,fair both to Microsoft and its competitors, and I find no reason to throw it out. Microsoft has agreed to allow its competitors to have access to source code and interfaces integral to the Windows operating system so that non-Microsoft software will be able to be introduced into Windows. Microsoft has also agreed to reformat future versions of Windows to the same effect.Microsoft has actually been quite generous in the terms of the settlement.

Sincerely,
Ben Wofford

MTC–00031564

01/28/2002 12:22 9413836025 ROBERT CHALPHIN PAGE 01
1211 Gulf of Mexico Drive, Apt. 702
Longboat Key, FL 34228
January 19, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing today to voice my sentiments about the Microsoft case. Why thiscase ever went to court in the first place is beyond me. Microsoft has donenothing but help consumers. It is not Microsoft's fault that their competitors wereless intelligent and less innovative than Microsoft was. Bill Gates had someamazing ideas and did a great job putting them in the market and making goodmoney from them. That's the American way. I certainly hope that the governmentdoesn't make another mistake like their breakup of AT&T. That was certainly amess and did cause harm to consumers.

Microsoft is conceding a great deal in this controversy so that they can concentrateon future endeavors, not costly legal debates. They are giving their competitorsunprecedented amounts of technology information and will give consumers morechoice in their computer programs. I think this is more than fair, and I am surethat it will promote competition in the computer industry.

Please uphold this settlement and ensure our country's place in the internationalmarketplace.

Sincerely,
Doris Loevner

MTC–00031565

From: Jeffrey R Tidwell
To: Attorney General John Ashcroft
Date: 1/20/02 Time: 4:52:42 PM Page 1 of 2
FACSIMILE COVER PAGE
To : Attorney General John Ashcroft From : Jeffrey R Tidwell
Sent : 1/20/02 at 4:52:40 PM Pages : 2 (including Cover)
Subject : Microsoft Settlement
From: Jeffrey R Tidwell
To: Attorney General John Ashcroft
Date: 1/20/02 Time: 4:52:42 PM Page 2 o f 2
1538 East Lee Street
Camden, South Carolina 29020
January 18, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

This letter is to express my endorsement of your decision to settle withMicrosoft in the antitrust case. The settlement will bring an end to threeyears of court conflict that has cost both sides dearly in resources.

Microsoftis one of our nations most pioneering companies and should be able to returnits focus to business. The settlement is equitable, and will open up the ITindustry by allowing companies to have unprecedented access to Microsoft'scode and operating systems. With this information competitors will have abetter chance against Microsoft.

Special interests with anti-Microsoft bias may try to hinder and delay thesettlement and have this case reopened. These interests should be repelledand this case finished at the federal level. I support the settlement, and lookforward to the end of this case.

Sincerely,
Jeffrey Tidwell
cc: Senator Strom Thurmond

MTC–00031566

JAN-20–02 SUN 14:22 MERCER
FAX NO. 18178253368
P. 01
204 Oaklawn Avenue
Nocona, Texas 76255
January 8, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing this letter so that my view on the settlementbetween Microsoft and the Department of Justice can be madepublic. The proposed agreement is fair to both sides, and I fullysupport it.

In fact, the settlement actually imposes restrictions andobligations on Microsoft's products and technologies that were noteven in question in the antitrust lawsuit. Microsoft will have to shareinformation about Windows with its competitors, for example.

However, Microsoft was more concerned with improving the economyand getting back into the swing of things instead of quibbling oversmall details in the agreement.

I am glad that I have this outlet, and please put me on recordas supporting the settlement between the Department of Justice and Microsoft,

Sincerely,
Faye Arnold

MTC–00031567

01/20/2002 04:44 5617474985 PAGE 01
300 N. AIA Apt. M401
Jupiter, FL 33477–3503
Attorney General John Ashcroft
US Department of Justice 950 Pennsylvania Avenue, NW
Washington, DC 20530–000l
January 17, 2002

Dear Mr. Ashcroft:

I am writing in regards to the Microsoft antitrust settlement reached with the Departmentof Justice. I am a supporter of the settlement in so far as I wish to see legal action againstMicrosoft brought to a halt. It is more accurate to say that I have been opposed to theantitrust case from the beginning; I feel that it was entirely unfounded.

I disagree with other people's sentiments that Microsoft is getting off easy. Under theterms of the settlement, Microsoft will no longer enter into any agreements with thirdparties to exclusively distribute or promote Windows technology, except where nocompetitive concerns are present. Microsoft will also document and release to itscompetitors various internal interfaces of the Windows operating systems. Myunderstanding is that this is the first time in an antitrust settlement ever that productsource material has been disclosed.

I strongly urge all those involved to support the current settlement and bring this three-year long suit to a close. No further action should be taken against Microsoft at thefederal level.

Sincerely,
Russell Hoffman

MTC–00031568

JAN. 20'' 02 (SUN) 12:12 EWING ELECTRIC, INC.
TEL:425–776–3711 P.001
EWING ELECTRIC, INC. Electrical Contractors
January 17, 2002
Attorney General John Ashcroft
U.S. Department of Justice
Washington, DC 20530–0001

Dear Mr. Ashcroft,

Microsoft is perhaps the most pioneering company in recent American history.Many people also are not aware of Microsoft's incredible philanthropic givings, some ofthe biggest donations in history. That is perhaps why I was saddened when the antitrustcase was brought against Microsoft.

However, I was delighted to learn recently that a settlement was reached in thiscase. The settlement has many positive points, and will conclude the case at the federallevel. This settlement will allow competitors unprecedented access to view Microsoftcode so they can create better software. Additionally the settlement will allow Microsoftrivals to place software on Microsoft's systems without difficulty. Most significantly Ibelieve the settlement will conclude this case at the federal level that has cost both sidesand our economy too much in time, money, and effort.

It has become apparent that some wish this settlement withdrawn. I feel it iscritical for you to support the settlement to make sure this does not occur and the federalcase is settled.

I also wonder why the people behind this lawsuit lose sight of the fact that BillGates and numerous other Microsoft individuals support so many charities in this world.His foundations feed more people than the government does and he really cares abouteducating our young people and supporting schools. We have here a person who reallycares about the world he and all of us live in. Give us all a break please.

Sincerely,
Donna Sorensen
(425) 778–3773 PHONE
(425) 776–3711 FAX
E-Mail: eeIect@ibm.net
P.O. Box 1238
539 Main Street
Edmonds, WA 98020

MTC–00031569

1–20–2002 4:50PM FROM 000000000000
01/20/02 SUN 18:58 FAX 804 795 2340
Gatewood Stoneman
P. 1
001
January 16, 2002
Ms. Renata Hesse
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

This letter contains my comments on the Microsoft settlement.

The settlement is good because it brings to conclusion a case that has been lingering in thecourts for far too long. The specifics of the settlement are positive in that they will settlethe question of unfair competition by sharing information and allowing entrance into Windowsthe Microsoft competitors. The settlement also addresses any issues of retaliation byMicrosoft and ensures compliance with a technical committee. For those reasons I supportthis settlement.

Sincerely yours,
Gatewood H. Stoneman

MTC–00031570

FROM : GRAPHIC BYTES INC FAX NO. : 4048748410
Jan. 21 2002 06:41PM Pl
January 5 , 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

It has always struck me as a bit odd that our government would have goneafter a successful business like Microsoft with as much zeal and enthusiasm as itdid. I suppose that, in retrospect, Microsoft should have been a bit more flexiblewith its Windows operating system (OS) and software than it has, but this isaddressed in the settlement.

The settlement dictates that Microsoft's OS be reengineered to make iteasier for customers and software designers to install non-Microsoft software.The end user could then re-install Microsoft products easier as well. All in all, thesettlement will do many little things such as this to give customers more choices tooptimize their computer's abilities.

I am hoping that this settlement will indeed be the last word on this suit,and that our country can begin to turn its attention to other, more important issues.

I am equally hopeful that there will be no further federal action against Microsoft and that our nation's leadership will a bit more circumspect when contemplating any other lawsuit like this one. Thank you.Sincerely,
Cathey Oldroyd
931 Monroe Drive
Suite 102–197
Atlanta, GA 30308
FROM : GRAPHIC BYTES INC
FAX NO. : 4048748410 Jan. 21 2002 06:41PM P2
P.O. Box 5599
Atlanta, Georgia 31107
January 7, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

After such a long and contentious feud between the Justice Department and Microsoft, I am happy to add my support to the settlement. This settlement is fair to all sides and, more importantly, brings to an end all the bickering and saber rattling that has gone on for the past several years.

I really believe that our government should exhibit more unified support and encouragement to our nation's business community than it has demonstrated through the course of this lawsuit. It might very well be true that Microsoft was a bit more aggressive in protecting its market share than many in our government feel comfortable with. But filing this lawsuit, no matter how well intentioned our government was, betrayed a certain disappointing attitude of intimidation on the part of our government toward the business community at large, rather than the more reasonable position of allowing market conditions to correct any perceived wrongs.

Now that this settlement is in place, I am hopeful that no further government action will be taken, and that we can all get on with the more important priorities in life.

Sincerely,
Bob Oldroyd
648 Cleburne Terrace
Atlanta, GA 30306
404–874–8608

MTC–00031571

Jan 21 02 05:33p Robert J Bergman
352 683 4744 p.1
5003 Abagail Drive
Spring Hill, FL 34608
January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing today to urge the Department of Justice to accept the Microsoft antitrust settlement. The issue needs to be put to rest and the industry needs to move on. The longer that this drags on the worse it is for everyone.

The entire case has been a farce from the beginning. It takes a lot of nerve to ask any company to share its secrets with its competitors. In the settlement Microsoft agreed to document and disclose for use by its competitors various interfaces that are internal to Window's operating system products and people are still saying that Microsoft has gotten off easy. Microsoft is still in one piece, although they have been forced to open their vault of secrets.

Microsoft has given up a lot in order to settle with the government. The government needs to accept the settlement and move on. I do not remember any of the other ''Giants of Industry'', ever being told to do the same. The government has lost sight of the amazing number of industry related people that Microsoft had taken off the bread line many years back.. I am a very honest, sincere, hardworking,and trustworthy person that exercises his right to vote in every election, every year.

Thank you.

Sincerely,
Robert J. Bergman

MTC–00031572

Roy Steffey
35711 Baql Clair
New Baltimore, MI 48047
January 19, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

As a computer software user, I would like to take this opportunity to contact you and let you know what I think of the antitrust lawsuit against Microsoft. Microsoft has been successful for the simple reason that they had the best product on the market at the right time. Consumers were looking for a way to utilize the new technology of personal computers in the easiest way possible. Microsoft provided this ease by''bundling'' its software into its Windows operating system. This was precisely what consumers were looking for. Without this technology provided by Microsoft, we would not have seen the ''p.c.revolution'' of the past 15 years. Most households now contain a personal computer, and this is due to the ingenuity of Microsoft.

This suit has been an unfounded waste of resources by all parties involved in this suit. I believe that while this lawsuit was unnecessary from the beginning, the settlement that has finally been reached is more than necessary at this time. The settlement is reasonable, and will put a stop to any alleged antitrust violations that may occur. There will be a three-person technical committee, which will over see the future business practices of Microsoft to ensure that the terms of this settlement are not violated.Microsoft will not longer engage in retaliatory action against any of its competitors. Finally,Microsoft will design all future versions of Windows with a mechanism that will ease the use of non-Microsoft soft ware within the operating system.

I hope that Microsoft can finally get back to business and that the American technology industry can continue on its way without the meddling interference of politics. Thank you for your time and for allowing me to express my opinion.

Sincerely,
Roy Steffy
Cc: Representative David E. Bonior
Jan. 21 2002 06:11PM P1 PHONE NO.:
FROM: Marie A. Marsh

MTC–00031573

Jan-21–2002 4:47PM GSL Solutions (Fax 813–637–8268) No.0954 P.1
gsl Solutions
Gaining Strategic Leverage
To: Renata Hesse
From: Adam Lombardo
Fax: 202–307–1454 Phone:
Phone: Pages: 2
Re:
Date: l/21/2002
1411 N. Westshore Blvd.—Suite 102—Tampa, FL 33607
phone 813.837.8535 -fax 813.637.8268
Jan-21–2002 4:48PM GSL Solutions (Fax 813–637–8268)
No.0954 P. 2
gsl Solutions
Gaining Strategic Leverage
January 21, 2002
Renata Hesse
Antitrust Division
U.S. Department of Justice
601 D. Street NW, suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse:

As of late, it is commonly known and has been reported and discussed by the media that the United State's economy is in serious trouble. Due to the seriousness of our dire condition, it is important that the U.S explore ways in which to recover from this downfall.

It is because of these reasons that I am writing you today to lend my support for the Microsoft Settlement. The settlement was a fair accord that ended a complex, protracted legal dilemma. The U.S. has gone through enough, and since the September 11 attacks, we need to allow businesses and corporations, like Microsoft, to spur on economic growth to benefit all working Americans,

That is why I support the settlement; it is balanced for all parties involved and the conditions are fair to everyone. Microsoft has agreed to design future versions of Windows that allow hardware manufacturers the freedom to promote non-Microsoft software. They have also agreed to document and disclose Windows internal interfaces for its competitors.

This settlement is fair and will help America get back on its feet. Thank you for your time.

Sincerely,
Adam J. Lombardo
Vice President
GSL Solutions, Inc.
1411 N. Westshore Blvd.—Suite 102—
Tampa, FL 33607
phone 813.637.8535 -fax 813.637.8268

MTC–00031574

JAN-21-'02 MON 13:33 ID: ADVANTAGES B/A HOMES TEL NO:
650–573–1606#456 P01
K.G. TAX CONSULTANCY CO.
675 Mariner's Island Boulevard Suite 105
San Mateo, California 94404–1040
e-mail: kamm@bay homes.com
VIA FAX: 1.200.307.1454
KAMM GHALAMKAR
BS, EA, MBA (Tax)
(650) 573–8200
FAX 573–1606
January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue
Washington, DC 20530

Dear Mr. Ashcroft,

I would like the Department of Justice to settle its antitrust lawsuit against Microsoft as quickly as possible. Microsoft should have the continued freedom to innovate and create without government interference. They Are a fantastic company whose potential is being undermined by continued litigation.

Though I believe that Microsoft's concessions in the settlement, especially allowing competitors the access to various internal codes for Windows,are extreme, they aid Microsoft in wrapping up the case in the shortest amount of time possible.

This case has been stretched too far. Please settle the lawsuit and allow Microsoft to return to regular operation.

Sincerely,

Kamm Ghalamkar

MTC–00031575

Jan 21 02 04:42p mbe 8606496706 p.1
278 Main Street
Apartment #F302
West Haven, CT 06516
January l0, 2002
Renata Hesse, Trial Attorney
Suite 1200
Antitrust Division, Department of Justice
601 D Street NW, Washington, DC 20530

Dear Sir or Madam:

I am writing to express my opinion on the proposed Final Judgment in the Microsoft anti-trustcase in response to the invitation of public comment on the proposal. I would preface my comment on the proposed judgment by stating that I am not in any way affiliated, other than by usage of their products,with any of the companies mentioned herein. I am also not a lawyer, but I have done my best to comprehend the sometimes confusing Final Judgment.

This out of the way, I will be straight and to the point: I find the proposed judgment to be woefully inadequate, at best. At worst, it leaves the door even more open for the practices that this proposal was intended to prevent and penalize. This phase in the legal process is referred to as the penalty phase for a reason- it generally involves some sort of penalty to the convicted parties. However, the proposed judgment seems to me like even less than the proverbial ''slap on the wrist'' and closer to a slight scowl in their direction. I feel that much more needs to be done to discourage Microsoft from using its current monopoly position to impede the competition and innovation that is what makes a capitalist market system function so well.

I will first address problems that I see in the current Judgment, and will then address major additions that I believe should be made. In Section III.H.2 (the second 2., this section should have been better numbered for referral.. .) I believe that this exception to the requirement allowing non-Microsoft Middleware Products has entirely too much potential to be abused. If the non-Microsoft Middleware Product does not supply a ''functionality consistent with a Windows Operating System Product''but the user still wishes to use it, that should be their choice. If the functionality of the Microsoft Middleware Product is that much better, the end user can choose to use the Microsoft Product instead of the non-Microsoft Product based on its functionality- not a functionality requirement decided upon by Microsoft.

In section 4.B, the Appointment of a Technical Committee (TC) I have several objections both in content and in general. First, in section 4.B.2.a, I believe that not being employed by Microsoft in the past year is far to short of a timeframe to limit this to. I believe that there should be limitation of not being employed in any capacity by Microsoft for at least the last 5 years should be a requirement. Also,in section4.B.3 I firmly believe that Microsoft should not be allowed to select a member to sit on the Technical Committee. This, to me, falls under the description of ''letting the wolf guard the hen-house.''Barring the total exclusion of Microsoft selecting a TC member, I believe the section 4.B.5 should be changed to read as follows: ''If the United States determines that a member of the TC has failed to act diligently and consistently with the purposes of this Final Judgment, the Plaintiff shall select a replacement member in the same manner as provided for in Section IV.B.3. If a member of the TC resigns, or for any other reason ceases to serve in his or her capacity as a member of the TC, the person or persons that originally selected the TC member shall select a replacement member in the same manner as provided for in Section IV.B.3''

Thus, if the TC member appointed by Microsoft to the TC is found to not be acting diligently or in a manner consistent with this Judgment, Microsoft will lose their right to appoint a member to the Committee. Also, I believe that Section 4.B. 10 should be changed to allow public statements by members of the TC that have been approved by the Plaintiff(s),

In Section IV.C. 1, there should be a stipulation made to allow the Plaintiff(s) to review and possibly reject an proposed appointment to the position of Compliance Officer. The Compliance Officer should also be held accountable by the TC for carrying out the duties outlined.

Section IV.C.4.d should be stricken completely from the Judgment, assuming I am understanding it right. Of what use is having the TC if they are effectively gagged? If the TC members cannot testify of what they have found. why are they even there? This to me is almost worse than not having a group in place P.1Jan 21 02 04:43p mbe8606496706 p.2to monitor Microsoft at all- having a group in place that seems to be capable of monitoring and reporting on infractions of the law, but that is forbidden from doing so. This also seems to be in direct conflict with several of the duties of the TC. The TC members are to notify the Plaintiffs of any failure comply with the Judgment. But, from the way Section IV.C.4.d reads these reports, even the actual evidence that the TC found, would not be admissible in further prosecution. Furthermore, if other evidence of legal in fractions were found by the TC, they would not be able to testify about it as well. This section just makes no sense a tall- and moreover seems to almost completely remove any of the usefulness of the TC.

Finally, in Section V.3, I believe that there should not be a limit of a one-time extension of the(hopefully modified and strengthened) Final Judgment. If Microsoft were to continue to violate the Judgment even after the maximum 7 years allotted were up, they should not be allowed to get off scott free to continue leveraging their monopoly and force even more of the taxpayer's money to be spent getting them to stop their illegal practices. As long as it can be legally and satisfactorily demonstrated that they continue to violate the terms of the Judgment, the penalties should be indefinitely renewable.

In addition to what is currently laid out in the Final Judgment, I believe that at least the following additions should be made. First a more effective way of ensuring that competing Operating Systems and software products are more accessible to the end user by making it easier to either obtain a computer from a vendor without an operating system or with a non-Microsoft OS. The Judgment takes a first few small steps towards this by forbidding vendors and Microsoft from entering into exclusive or fixed percent age distribution, promotion or use of the Windows Operating System. However, this just doesn't go far enough-the OS and other proprietary software should be an option that can be added in for a price over the base hardware, not automatically assumed to be what the consumer desires. This way buyers will be more free to choose their operating system, and they won't automatically pay for the Windows Operating System as is the case now with almost all new PC computers. This is not to say that the hardware vendors cannot offer a discount on the Operating System over buying it without buying a computer- as stipulated in the Judgment,there is nothing wrong with Microsoft giving volume discounts on its product like almost any other business.

Next, Microsoft should be prevented from attempting to move the internet towards its own proprietary vision by ensuring that none of its services or products exclude interoperability with services or products not provided or produced by Microsoft. Specifically, attempts by Microsoft to limit access to supposedly free content and services to its own products, as in the recorded case of the MSN site blocking access to users attempting to access it using a non-Microsoft browser. Communications protocols used by Microsoft's products should, while still maintaining necessary security, be published and reviewed to allow other products to interact properly with them and to ensure that Microsoft is not attempting to use these protocols to further leverage its monopoly.

Similarly. the file formats used by Microsoft's products should be released to the public prior to their implementation in released software. Whether by leveraging their monopoly or not,Microsoft's office productivity products have become the standard which most organizations operate under.Microsoft has an observed habit of making changes to these formats which often cripple the ability of competing and occasionally even complementary software to access these files. Requiring release of the details of these formats would allow more level competition. Truth be told, I would also like to see Microsoft be required to produce versions of its productivity applications for competing Operating Systems, but I must concede that I do not have any suggestion as how this could be done both fairly and to ensure Microsoft does not intentionally sabotage the quality of these ''ports''.

Finally, I believe that as an additional penalty I believe that Microsoft should be fined anon-trivial amount in addition to any court costs of these proceedings, and that this find should be used to create a fund for software developers to develop applications

specifically for non-Microsoft Operating Systems. As Microsoft has done much to keep software companies from developing software for competing Operating Systems to further their monopoly, I believe that this would be both and appropriate and poetic penalty.

I have also heard several reports of repeated mention of leniency in penalties against Microsoft being 'for the good of the country', and I submit that this is exactly counter to the truth. Actions such as those that Microsoft has taken- achieving and maintaining a monopoly through i11ega1 practices instead of by competing and producing superior products and services- are completely counter to the principles of this country, not just its laws, and can only end up being harmful to this country. This country has a history of great innovation and creativity. which has been fostered by the open, competitive nature of its economy. By leveraging its monopoly as it has, Microsoft has tried to put itself above the need for innovation and creativity and hence prevented the innovation and creativity that its competing might have produced. Wereal1 fields of business leveraged and dominated by monopolies such as Microsoft, there would belittle, if Jan 21 02 04:43pmbe8606496706 P.3any, innovation. and we would quickly find ourselves left behind as the rest of the world continued innovating and creating. I will not deny that Microsoft is likely an important part of our economy- but how much -better- a part of it would it be if it actually had competition that forced it to compete?From DR-DOS and OS/2 (to name the ones that come to mind) and Apple, Sun, and Linux in the present and into the future, Microsoft has sought to eliminate its competition, not out-perform it. I would urge you to act to strengthen this Final Judgment so that it will actually make a difference, and not only help level the playing field for the competitors Microsoft has wronged, but to help force Microsoft to improve itself and to preserve the foundations that our country's businesses were founded on.

Robert A. Babcock

MTC–00031576

FROM : HONEIN
PHONE NO. : 770 7230163
Jan. 21 2002 11:25AM P1
infrench.com
A selection for the french
no stalgic or french curious
January 18, 2001
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I have been meaning to write you for a while. Being an Arab American, one would expect that I should be writing you about subjects like racial profiling.. . Well, racial profiling is indeed a great concern of mine, but nonetheless, I also feel that the non-settlement of the case against Microsoft Corporation is directly affecting the likes of my company, my colleagues, and various sectors of the economy, including the stock market, that are the basis for refueling our economy.I am sure you remember the financial markets'' positive reaction to the first news that the break-up of Microsoft, originally envisaged by the previous administration, was finally deemed totally unfair and unwarranted. I strongly believe that allowing the settlement of the case to continue to drag is unwise and negate many other efforts undertaken to revive our economy Microsoft could be labeled over aggressive, but this aggressiveness has also contributed to great achievements. We expect more to come from them and from the rest of the IT sector. So please facilitate a quick settlement of the case and help us all focus our attention again on our business.President Bush has promised us ''less Government''. We are extremely happy with federalizing airport security, but please hands off business!

I strongly recommend that your department issues a deadline by which the federal case pending against Microsoft must be settled. I believe that the mere announcement of such a date will impact positively on us all.

Sincerely,
Antoine Honein
Director
Infrench.com LLC, P.O. Box 450193, Atlanta, GA 31145
Telephone: 770–558–1804
Telephone (Toll Free): 1–888–751–8882
Fax: (770) 723–0163
Email: Antoine@infrench.com

MTC–00031577

JAN-21–2002 16:10 FROM MAILBOXES ETC. TO 12023071454 P. 01/02
Fax Transmittal Sheet—
MBE MAIL BOXES ETC.
Hilton Head Island, SC 29928
(843) 842–3171 o Fax (843) 842–3175
If you have any problems with this fax, please contact us.
Date: 1/21/02
To: General John Ashcroft
Fax Number: 202 307 1454 or 202 616 9937
From: Malcolm Strange
Phone Number: 843 671–4337
# of Pages (including this sheet) : 2
Message:
o Copy Service o Mailboxes o Notary
o UPS/FedEx Shipping Services o Fax Service
o Office Supplies o Mailing Services o No-Limit Shipping TM
Etc . .....
It's Not What We Do, It's How We Do It.TM
JAN-21–2002 16: 10 FROM MAILBOXES ETC. TO 12023071454 P. 02/02
151 Greenwood Drive Apt. 3349
Hilton Head Island, SC 29928–4520
January 18, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

Microsoft has been a successful company for more than fifteen years because it has created quality products that have been used by millions. The recent decision of the Justice Department to settle in the antitrust case is welcome because it allows Microsoft to focus on business and less on legal matters.

In our competitive free market place it is not necessary for companies to be nice to competitors. The company with the best product usually wins, and more often than not it has been Microsoft. Nevertheless the settlement that is on the table will curb behavior that some companies objected to. This settlement will end any contractual restriction that hurt opponents'' ability to offer software. Additionally this settlement will allow competitors to effortlessly place their software on MS systems.

I believe it is incumbent upon you to see this settlement is put in place and thefederal case is concluded. Microsoft has agreed to this settlement because it would like to return to business not the courts. Thank you for considering my point of view on this issue.

Dear General Ashcroft,

Congratulations on the great job you and your team are doing. Its nice to see the adults in charge again. Larry Thompson,Jay Stephens, Michael Chert off, Ted Olson, Director Mueller, What a Team!! And I'm sure many others.

Sincerely,
Malcolm Strange
cc: Senator Strom Thurmond

MTC–00031578

Jan 21 02 01:50p Sheldon H.Schusler 480–491–4270 P.1
01/21/02 MON 18:33 FAX 800 611 2255 002
1730 East Pebble Beach Drive
Tempe, AZ 85282
January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing you today in regards to the Microsoft settlement issue. I am a supporter of Microsoft and feel that there should be no further action against Microsoft at the federal level.The settlement that was reached in November is both concrete and complete. This settlement specifically details procedures Microsoft has agreed to follow to foster competition. Microsoft must design future versions of Windows, beginning with an interim release of Windows XP, to provide a mechanism to make it easy for computer makers, consumers and software developers to promote non- Microsoft software within windows. Microsoft has also agreed to license its Windows operating system products to the 20 largest computer makers on identical terms and conditions, including price.Microsoft did not get off easy in this settlement.

Microsoft is a company that delivers quahty goods to the marketplace at reasonable prices. Let's keep it that way by allowing this company to focus its resources on designing it's innovative software, rather than litigation. Thank you for your Support.

Sincerely,
Sheldon Schusler
cc: Representative Jeff Flake

MTC–00031579

FROM : A D Fakonas
PHONE NO. : 925 2537936 Jan. 21 2002

01:53PM P1
A. D. Fakonas
56 Via Floreado
Orinda, CA 94563
January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I urge you to settle the antitrust case against Microsoft. The issue has been dragged out far too long, to the detriment of the US economy and consumers.In fact, it often felt like the main reason this case was ever brought up was because its competitors were better at navigating the political world.

Although Microsoft's business dealings may have been heavy-handed in the past, they were not detrimental to the consumer marketplace. I, like most(even marginal) computer users, have always had the option to use products from any software vendor. I personally have used both Internet Explorer and Netscape Navigator, and I still use both Microsoft Media Player and Real Networks Real Player. I have both on my computer simultaneously, and both work fine. The fact is that Microsoft has become a dominant force because it has provided superior products at good value. The settlement negotiated in November eliminates Microsoft's ability to force programs and products consumers and manufacturers by requiring Microsoft to allow competitors to place their own programs on Windows. The result is a playing field as level as the competition will ever get.

Please drop the case and settle without further litigation. Everyone has dwelled on the matter long enough.

Sincerely,
A. D. Fakonas

MTC–00031580

JAN-22–02 03:23 AM BILLY HURT
2705279789 P. 01
Billy G. Hurt, Ph.D.
217 Wood Trace
P.O. Box 898
Benton, KY 42025
January 18, 2002
Attorney General John Ashcroft
950 Pennsylvania Avenue NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

For the past six months, Microsoft and the Department of Justice have participated in round-the-clock negotiations hosted by a court-appointed mediator, the result of which was a comprehensive settlement. For the past sixty days, the settlement has been under review while the Justice Department debates the fairness of the terms.

The settlement does not let Microsoft off the hook easily. The settlement negotiations were meticulous; in fact, some of the terms reached Cover products and practices not found to be unlawful by the Court of Appeals, Microsoft has agreed to a wide range of obligations and prohibitions, none of which fail to address the complaints of the plaintiff states. For instance, Microsoft has agreed to reformat future versions of Windows in order to support non-Microsoft software, and computer makers have been granted rights to configure Windows so as to promote their own software. Microsoft has also agreed to provide any party acting under the terms of the agreement with a license to applicable intellectual property rights, I do not believe that, with this settlement available, additional intellectual property rights, I do not believe that, with this settlement available, additional litigation is necessary.

Mr. Ashcroft, I am of the opinion that the remaining litigious plaintiff states are driven by greed, not by justice. Microsoft should be rewarded for its ingenuity, not punished for its success. America was touted as the land of opportunity when colonization began; free enterprise was encouraged and fostered. What has the justice system come to when successful entrepreneurs are stripped of their power to line the pockets of political vultures. I urge you not to allow this to become the standard in justice. Endorse the settlement, Mr, Ashcroft, and allow Microsoft to move on.

Sincerely,
Billy G Hurt

MTC–00031581

515 282 9265 1–21–02 02:06 PM WALSH EQUIPMENT
Clifford J. Walsh
6881 NW 54th Court
Johnston, Iowa 50131
January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The lawsuits against Microsoft in the antirust case have gone on for far too long. I am appalled that after a settlement has occurred that nine states want to continue litigation. The settlement is more than fair in many ways and actually borders on being too harsh for Microsoft.

Essentially, Microsoft has agreed to improve its relations with software developers and computer makers, disclose technological secrets that they have developed, not enter into third party agreements, and design future Windows'' versions to allow competitors to more easily promote their own products, I hope the settlement and its concessions end up being in the bets interest of the public,

I urge your office to take a firm stance on this settlement and finalize it as soon as possible. Our economy and the IT sector in particular need this to end.

Sincerely,
Clifford J. Walsh
Johnston, IA 50131

MTC–00031582

FROM : E S RUCKER
PHONE NO. : 504 5235996
Jan. 21 2002 02:05PM Pl
1518 1st Street
New Orleans, Louisiana 70130
January 17, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I wish to express how happy I am to hear that the Department of Justice finally ended its antitrust lawsuit against Microsoft. This agreement will greatly benefit Microsoft's competitors. They should be thrilled with the outcome of this case.

Microsoft had to compromise much just to get the case over with. It agreed to make available to its rivals, on reasonable and non-discriminatory terms, any code that Windows uses to communicate with other programs. The company also agreed to disclose and document, for use by its competitors, various interfaces that are internal to Windows operating system products—a first in an antitrust lawsuit.

What more could Microsoft's competitors want? Maybe a key to the front door of the company's headquarters would make them happier.

Enough is enough. I hope the federal government never does this to Microsoft again. It would be pure harassment if they would.

Sincerely,
Evelyn S Rucker
Evelyn Rucker

MTC–00031583

FROM : CLUFF PHONE NO. : 12158601401
Jan. 21 2002 04:19PM P1
11 Paddock Way—Southampton—Pennsylvania—18966
January 10, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing in support of recent settlement between the Department of Justice and Microsoft in the antitrust case. Although this case should have been over long ago, there are some concessions that Microsoft is being forced to make which I would expect most corporate giants to go through at one point in their history I am very cynical about any litigation at all due to nature of it and who sponsored it. But I consider it fairly expected in the natural course of business for any big firm. I do feel that the states pursuing this matter are not serving the best interest of the American Public. Microsoft created a very successful business and has added greatly to he IT sectors development in our country. They are also responsible for numerous other contributions to society.

I look forward to Microsoft being given the chance to focus on business. I support the settlement, and hope to see it implemented as soon as possible.

Sincerely,
Wayne Cluff
Wayne.Cluff@E-RAINMAKERS.COM
cc: Senator Rick Santorum

MTC–00031584

JOHN LASHLEY 520 743 8675 P.01
This ''L Dew Properties, LLC
8655 138th Ave. S.E. 425 271 0182
Newcastle, WA 98059
and
4755 West Sunset Road 520 743 1998
Tucson, WA 85743 FAX 743 8675
cell phone: 425 785 5822
e-mail: whipsails@msn.com

January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Ave. NW
Washington DC 20530–0001

I would like to register my opinion about the antitrust settlement with Microsoft. I believe it should be settled in the interests of the country and the technology sector. The idea that Microsoft is so superior to other software developers is false. I am attaching the download that Microsoft sent me so that I could ''write'' you. This is the way they interface with their own software—- totally unusable garbage. As both a Windows 2000 user, Internet user, and former AOL, and Apple user, I want to state unequivocally that there is plenty of room for innovation with other companies. It should be easy to provide better products than those produced by Microsoft, and if they are available, I will buy them.

The timeline between the Department of Justice starting this ''witch hunt'' and the troubles in our economy and the stock market are more than just coincidence. It is time for America and innovation to move forward.

Sincerely,
John Lashley
JOHN LASHLEY
520 743 8675 P.02
4755 Sunset Road
Tucson, AZ 85743–9606
January 15, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

I am writing to express my opinion of the recent antitrust settlement between Microsoft and the US Department of Justice. The case has been dragging on too long. It seems to be a political showcase instead of principled lawsuit. I am in support of the settlement because I believe it is in best interest of country to end this case. But, I think the concessions Microsoft is being forced to make are too harsh.

Some people have made the mistake of seeing Shunt's work as a load of rubbish about railway timetables.

I do not feel that my rights have been infringed upon as a Microsoft user. In fact I think that Microsoft's; products have been more superior to other vendors. That is why I choose Microsoft's services. The terms of the settlement will definitely be to the advantage of competitors, and I believe I in some ways violate Microsoft's intellectual property rights. For instance, Microsoft will have to disclose internal interfaces and protocols that took time and money to develop. They will also be granting computer makers broad new rights to configure Windows so as to promote non-Microsoft software.

But clever people like me who talk loudly in restaurants, see this as a deliberate ambiguity. A plea for justice in a mechanized society.

These stipulations make no sense for Microsoft as a business, but they are agreeing to do so because further litigation would be even more detrimental not only to Microsoft, but also to the IT sector. Please do what is right for our nation and quell opposition and finalize the settlement. Thank you for your time.

When Shunt says the 8:15 from Paddington he really means the 8: 17 from Paddington. The places are the same, only the time is altered.

But is suspense, as Hitchcock states, in the box. No, there isn't room, the ambiguity's put on weight. <> '' ``'' ``''

JOHN LASHLEY
520 743 8675
Sincerely,
John Lashley

MTC–00031585

JAN. 21 ''02(MON) 14:14
DIRECTORY DISTRIBUTING ASSOC. INC
TEL:314 592 8791 P.001
RICHARD L. RACKERS
160 Corporate Woods Court
Bridgeton, Missouri 63044
January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

It is my understanding that the Justice Department has reached a proposed settlement with Microsoft based on the allegations brought against the company for violation of various antitrust laws. It is also my understanding that you are currently accepting public comment on the proposed settlement. Please consider mine a vote of support for the settlement. While I know that it probably does not go as far as many of Microsoft's competitors would like, I believe that it is a fair and reasonable resolution of the alleged violations. As I understand the matter, the major complaint raised by competitors was the fact that they could not compete in such areas as Internet access within the Windows systems. This settlement allows such competition for the first time by forcing Microsoft to share their proprietary software code with its competitors.

It is important to the economy right now to enter a growth phase and lawsuits such as the Microsoft suit can serve to stifle growth. I believe that the Justice Department and Microsoft have reached a fair and workable resolution, and I hope that you move forward with it as quickly as the law allows. Thank you for your attention.

Sincerely,
Richard Rackers

MTC–00031586

North Fork Tree Farm
1717 NW 414th Street
Woodland, WA 98674
January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I'm writing to encourage you to support the recent anti-trust settlement reached by Microsoft and the United States Department of Justice. I feel this shameful lawsuit is something the Justice Department should have never launched against Microsoft, which is only trying to make good software. Indeed, the terms of the settlement go far beyond what was originally called for in the lawsuit merely for the sake of wrapping up the suit.

Examples include Microsoft agreeing to document and disclose for use by competitors many of the various interfaces internal to Windows. This is a first in an antitrust settlement. Further, Microsoft has agreed to allow computer and software makers to modify Windows so Microsoft products can be removed and non- Microsoft products installed in their places Examples include Netscape Navigator, AOL instant Messenger, and RealNetworks RealPlayer.

Overseeing the terms of this settlement will be a technical committee comprised of three software-engineering experts. These experts will also assist in any dispute resolution should a complaint be filed against Microsoft.

For these reasons, I support the recent settlement SO we can put this matter behind us.

Sincerely,
Pat Sweyer

MTC–00031587

FROM
''00 00/00 00: 05 P. 01
North Fork Tree Farm
1717 NW 414th Street
Woodland, WA 98674
January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I'm writing to encourage you to support the recent anti-trust settlement reached by Microsoft and the United States Department of Justice. I feel this shameful lawsuit is something the Justice Department should have never launched against Microsoft, which is only trying to make good software. Indeed, the terms of the settlement go far beyond what was originally called for in the lawsuit merely for the sake of wrapping up the suit. Examples include Microsoft agreeing to document and disclose for use by competitors many of the various interfaces internal to Windows. This is a first in an antitrust settlement. Further, Microsoft has agreed to allow computer and software makers to modify Windows so Microsoft products can be removed and non- Microsoft products installed in their places. Examples include Netscape Navigator, AOL. Instant Messenger, and RealNetworks RealPlayer.

Overseeing the terms of this settlement will be a technical committee comprised of three software-engineering experts. These experts will also assist in any dispute resolution should a complaint be filed against Microsoft.

For these reasons, I support the recent settlement so we can put this matter behind us.

Sincerely, Walt Sweyer

MTC–00031588

P. 0. Box 194
Indianola, WA 98342–0194
January 21, 2002

Justice Department
District Court
Washington, DC 20510
Dear Mr. Ashcroft

I am writing you express my trepidation regarding the delay in effecting the settlement reached between Microsoft and the Department of Justice 12 weeks ago. I have been following this issue from the beginning, for three strange years in American history, and it seems like the only consistency in the political arena is having the DOJ and Microsoft butting heads. I side with Microsoft on this issue, because this company has accomplished a lot for Washington State, America, and indeed the world.

It is apparent to me that this settlement will greatly benefit the economy and consumers. This company should be allowed to get back to business and do what it does best: create excellent, reliable and ever more varied products. This company has done so much to impact the technology industry that stifling it now could not possibly serve the best public interest.

This issue should be the last of our worries at the present time. Please support this settlement and close the door to this debate. Thank you for your support.

Sincerely,
Ronald Moore
P.01 206 937 3780 Jan-21–02 11:13A first hill rehab

MTC–00031589

FAX 1–202–307–1454
442 Porter Road
Charleston, West Virginia 25314
January 16, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

This letter is to express my unwavering support for Microsoft in light of the recent litigation brought against them by the Department of Justice. I think that this entire lawsuit has dragged on long enough and it is really time for this to end. I have always used Microsoft products and have also admired the company's mission. Microsoft is an industry icon that is being penalized for their outstanding innovations.

In reviewing the elements of the case, it is obvious that Microsoft has made several strides to honor the terms of the settlement. They have gone above and beyond what the settlement required them to do. I think that this is very admirable and quite noteworthy. Microsoft wants this to come to an end so that they can refocus their attention on innovation and rebuilding their employee morale and company structure.

With regard to compliance with the settlement, Microsoft has agreed to allow computer makers to replace Microsoft access features with non-Microsoft software. They have also implemented a uniformed pricelist and have established a three person technical committee to monitor Microsoft's compliance with the settlement. In my estimation, Microsoft is no longer the problem here. The problem is the continual delays of the settlement.

Sincerely, Naji Banna
Page 01 MICHAEL BAKER CORP.
304–769–0822 15:39 01/21/2002

MTC–00031590

01/21/2002 11:17 8183410492
TRAFFIC SCHOOL
PAGE 01
Traffic School
19703 Nordhoff St.
Northridge, CA 91324
Fax
Facility:
From: Brett Elkins
Attn: Attorney General
Date:
Fax#:
Pages:
0 Reply Requested
0 Information Only
Please Support Microsoft Settlement
Phone: 8O0.401.7720
≤Fax: 818.341.0492
01/21/2002 11:17 8183410492
TRAFFIC SCHOOL
PAGE 02
Brett Elkins
651 S Bundy Drive
Los Angeles, CA 90049
January 19, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I am writing to you today to express my support of the Microsoft settlement. The settlement has been a long time in the making. Three years have passed since the inception of this case. Over these years, many dollars and much time have been wasted hiring court mediators. Finally in November a settlement has been reached. I believe this settlement to be fair. Most importantly, however, I believe this settlement is in the best interests of our economy and our country.

Under the terms of the settlement Microsoft agrees to license Windows at the same rate to PC manufacturers. This will decrease costs for the consumer. Further Microsoft will now disclose the protocols and internal interface of the Windows system. This will allow developers to design software that is more compatib1e with the Windows system. Users, in addition, will be able to add non- Microsoft software to the system.

The benefits of this settlement clearly outweigh the costs. I hope that you would enact the settlement at the end of January.

Sincerely,
Brett Elkins

MTC–00031591

FROM:
Carl and Joan Cimarosa
FAX No.: 17322554867
Jan. 21 2002 03:19PM Pl
Fax
To: Attorney GEN. Ashcroft
From: Dora Texidor
Fax: 1–202–307–1454 Pages: 2
Phone
Date: 1/21/2002
Re: Microsoft CC:
Urgent For Review Please Comment Please Reply Please Recycle
Comments:
Attached is Letter RE: Microsoft
[Illegible Lines]
FROM : Carl and Joan Cimarosa FAX NO. : 17322554867
Jan. 21 2002 03:19PM P2
Dora/Arthur Texidor, Jr.
1945 S.W. York Lane
Palm City, FL. 34990
January 19, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC. 20530
Dear Mr. Ashcroft,

I am greatly pleased to hear that a proposed settlement has been reached in the Microsoft antitrust case. I fully support the measures listed in that settlement.

Microsoft worked very hard to get to where they did, and should not be punished because they had a desire to make products that work well with each other. Even Bill Gates pointed out that nobody sues Kodak when it invents a new camera that requires a new brand of film, which it also provides.

Microsoft did not get off easy as some news reports suggest. Microsoft has agreed to allow its competitors access to its Windows interfaces and protocol so that they can attach their own non-Microsoft products to Windows. They have also agreed to allow a committee to monitor their compliance with all provisions of the settlement.

I look forward to a swift and fair settlement of this case. Thank you.

Sincerely,
Dora Texidor

MTC–00031592

JAN-21–2002 11:00 PHILIPS 425 487 7672 P. 01/01
Ellen M. Whitten
14620 W. Lake Goodwin Rd.
Stanwood, WA. 98292–7794
January 21, 2002
Attorney Genera1 John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

Now that there is an opportunity for a settlement of the government's lawsuit with Microsoft, I would like to suggest that this deal be finalized at the end of the month. Though some of the claims in the suit have some merit, as a whole this legal action appears to be a ''sour grapes'' attempt by companies that lost business they expected, and it has absorbed more energy than ever warranted. Any further litigation would be excessive.

An obvious problem with the lawsuit is how a company can have so much competition and still be a monopoly. There are plenty of alternatives to Microsoft products. However, as a member of the technology industry, my view is that Microsoft's dominance has a simple explanation: they develop superior software.

Considering how most companies operate, Microsoft's offer to eliminate preferential treatment of computer makers who use or promote their products is among several

major concessions in the agreement. On top of that, forcing Microsoft to allow its competitors to review their internal code is a very invasive rule that at least straddles and probably crosses the line of government interference in the free marketplace.

With the involvement of an impartial technical committee to review compliance, there is no need to press for further disruption of Microsoft's business. Let's move on and allow this company to grow without further headaches from government. Thank you.

Sincerely,
Ellen M. Whitten
TOTAL P.O1

MTC–00031593

0 1 / 2 1 / 0 2 10:54 FAX 2067490225 KINKOS 3RD & MARION 001
kinko's
fax cover sheet
Kinko's Third & Marion 816 Third Avenue Seattle WA 98104
Telephone: (206) 749–0206 Fax (206) 749–0225
Date 1–21–02 Number of pages 3 (including cover page)
to: Name Renata Hesse from: Name Anthony Christopher
Company Company
Telephone Telephone 253–856–8585
Fax 1–202–307–1454 Email anthonyc@blarg.net
Comments: Comment on Microsoft settlement with the Department of Justice
TRY KINKO'S FOR SIGNS, POSTERS AND BANNERS
01/21/02 10:55 FAX2067490225 KINKOS 3RD & MARION
Renata Hesse
Trial Attorney
325 7th Street, NW, Suite 500,
Washington, DC 20530 Date: January 21, 2002

Comments on Microsoft Settlement with the Department of Justice I am not a lawyer, I am a software developer with two decades of experience in the software industry. I am aware of some of the positive and negative impacts of many of Microsoft's products and business practices. I have read the settlement proposed by the Department of Justice. I doubt a line by line criticism of the settlement by someone with my limited knowledge of the law would be worthwhile, so I offer my over all opinions.

The settlement addresses prevention of future misdeeds and does not include any mention of punitive actions against Microsoft. I know our justice system has used the concept of punishments fit to crimes in the past (excuse me if my use of the word crime or other words is common and not legal). I thought our judicial system still made use of such a notion today. To my mind, there is not just the question of the settlement preventing the Microsoft corporation from engaging in illegal practices in the future, but also the larger question; Will it and other corporations be convinced that it is not a good idea to break this nation's anti-trust laws, based on how Microsoft is punished for breaking those same laws in the past ? I thought the appellate court remand of the case to the district court, left the option of punitive remedies open.

The settlement does a good job of saying two things to Microsoft, ''You shouldn't manipulate other companies in exactly the same way you did last time.'' and, ''Feel free to find some other strategy for accomplishing the same thing.'' To a lawyer or judge, it may seem that the first statement should be much stronger. From what I have read of Microsoft's past behavior, I expect them to continue to ignore court orders, pretend compliance with court orders and laws, and to apply their own unrealistic interpretation of agreements, including this settlement, until someone in the justice system does something extreme which impacts Microsoft in a timely fashion.

0l/2l/O2 10:55 FAX 2067490225 KINKOS 3RD & MARION

So, why have some of the states gone along with this settlement? Some inappropriate comments, referring to the events of September 11, 2001, on the part of the judge, and an about face from their Department of Justice leadership led their negotiators and lawyers to believe that the most they would be able to get was some breathing room while Microsoft explores new strategies for abusing its monopoly. One of the things that probably led to such a biased negotiation is that the plaintiffs have some respect for the court and its wishes (for a quick settlement, in this case) while Microsoft does not.

The message corporate leaders are going to get from this is that if they have, or can acquire, a monopoly while the current administration is in power, they can get away with breaking the US anti-trust laws, regardless of whether or not they are found guilty of doing so.

Since the Department of Justice seems to have changed sides, just for truth in appearances, you might ask if it wouldn't prefer to list itself as assistant council for the defense instead of plaintiff in this case. In summary, this settlement would not serve the public interest. It would be a detriment to the public interest. While a legislative body rushing to sign laws in order to appear responsive to the events of September 11 is very bad, comments from judges prompting rushed negotiations in order to appear sensitive and/or competent are almost as bad.

Anthony Christopher
6021 S 238 Pl. #El04
Kent, WA 98032

MTC–00031594

FROM: FAX NO: Mar. 12 2001 04:43AM P1
01/21/02 MON 14:43 FAX 500 641 2253 002
142 Swordfish Road
Manahawkin, NJ 08050
JANUARY 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I am writing in support of Microsoft's antitrust settlement with the federal government. I think this settlement is adequate and addresses the overall concerns of the federal government. Microsoft agreed to not enter into any agreements obligating any third party to distribute or promote any Windows technology exclusively or in a fixed percentage, make available to its competitors, on reasonable and non-discriminatory terms, any protocols implemented in Windows'' operating system products that are used to interoperate natively with any Microsoft server operating system, not retaliate against computer makers who ship software that competes with anything in its Windows operating system, and agreed to document and disclose for use by its competitors various interfaces that are internal to Windows'' operating system products-a first in an antitrust settlement.

Finally, Microsoft has a commitment not only to the consumer, but also to its employees. This agreement if not approved could cause major problems, which would undermine Microsoft's commitment to its employees. Microsoft has been a good corporate employer, and its employees benefit greatly from that, and in turn so do we. I urge you to approve this settlement.

Sincerely,
Vincent Uriarte

MTC–00031595

Jan 21 02 11:49a p.1
Matt Dawson
6127 W 9800 N
Highland, UT 84003
January 19, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I find it hard to believe that, after six months of round-the-clock negotiations, nine of the eighteen plaintiff states still refuse to close the case with Microsoft and accept what is, for all intents and purposes, a perfectly reasonable settlement. I do not believe it is necessary to drag the suit out any longer, especially considering the negative impact it has already had on the economy, and the IT industry. Under the circumstances, it is in the best interest of all parties involved to settle the case and move on.

Three years have been spent reaching the decision that is currently under review, and I cannot imagine how much longer it would take before the remaining litigious states would be satisfied. There is more to be lost through needless litigation than there is to be gained in reconsidered settlement. The terms Microsoft agreed to extend not only to policies and products found to be unlawful by the Court of Appeals, but also to some that were not found to be in violation of antitrust law. In this respect, the settlement is not only fair, but also generous. Microsoft has agreed to change future versions of the Windows operating system so that its competitors would be able to introduce their own software directly into Windows. Microsoft has also agreed to provide third parties acting under the agreement with a license to applicable intellectual property rights to prevent infringement issues.

I do not believe it is necessary for the suit to remain open. Microsoft and the Department of Justice have come to an agreement that addresses the complaints of the involved parties and makes generous

concessions as well. No further action is needed.

Sincerely,
Matt Dawson
cc: Representative Chris Cannon

MTC–00031596

Jan 21 02 11:24a p.1
Microsoft
MICROSOFT CORPORATION
123 Wright Brothers Drive #200 Phone: (801) 257–6300
SLC, Utah 84116 Fax: (801) 257–6501
United States Of America Internet: http://www.microsoft.com
MS FACSIMILE
TRANSMITTAL FORM
TO: Attorney General John Ashcroft FROM: Dave Haslam
Company: Bldg/Room:
CC: Phone: 273–6367
Phone: Date &Time: January 21, 2002 11:30am
Fax: 1–202–307–1454 Number of Pages: 2
PRIORITY: xURGENT! 0 FOR REVIEW 0 PLEASE COMMENT 0 PLEASE REPLY 0 PLEASE RECYCLE

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Jan 21 02 11:24a P-2
2218 West Temple View Lane
South Jordan, UT 84095
January 11, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

I am writing to address a very important issue; that of the settlement between Microsoft and the Department of Justice. I am asking that you give your support to this agreement, under which Microsoft agreed to give up its intellectual property rights for the interfaces to its Windows operating system, and make it easier for competitors to install non- Microsoft products.

This agreement was reached after three long years. It cost both parties enormous amounts of time and money. Whether or not Microsoft was guilty of unfair business practices and monopolizing the market is a matter of opinion, but Microsoft has made a good faith effort to accede to the demands of the Department of Justice, agreeing to terms that extend far beyond the products and procedures that were at issue in the original lawsuit. Microsoft even agreed to have a three-person technical committee review its actions for compliance with the settlement. Who else would do that? Any further action would be counter -productive.

I urge you not to allow small minds to derail this decision off the fast track. There will always be those who do not accept any sort of compromise, wanting only to destroy, instead of build. Give your support to this agreement. Thank you.

Sincerely,
David Haslam

MTC–00031597

01–21–2002 13:36 8183512484 ABB AUTOCLAVE P.O1
1603 Pershing Avenue
Erie, PA 16509
January 18, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

I am writing to express my dismay that the judicial process may be impeded by nine of the eighteen plaintiff states in the Microsoft antitrust case. Last November, a settlement was reached between Microsoft and the Department of Justice. The settlement is currently undergoing a period of review and unfortunately, the handful of states that wish to continue litigation have used this time to rally support for their side. I do not wish to see further action taken against Microsoft Corporation.

Microsoft agreed to a wide variety of terms under the settlement, some of which require change, some of which require concessions to its competitors. For example, Microsoft has agreed to reformat upcoming versions of Windows so that the operating system will be able to support non-Microsoft software.

Additionally, Microsoft has agreed to provide parties acting under the terms of the settlement with a license to applicable intellectual property rights. I do not believe these terms are lenient for Microsoft. I think the settlement is thorough and fair. Mr. Ashcroft, in good conscience I ask that you settle this case. It is not in the interest of the public, and quite honestly, the perfect solution is in the hands of the court right now. I urge you to support the settlement.

Sincerely,
Franz & Bernadette Zimmerman
cc: Senator Rick Santorum

MTC–00031598

01/21/02 MON 13:58 FAX 2156384515 ANAMIR ELECTRONICS 001
Vanessa Anne Fiori
1083 South Kimbles Road
Yardley, Pennsylvania 19067
January 10, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

I am writing to express my opinion about the recent settlement between Microsoft and the US Department of Justice. Litigation never should have been pursued in the first place, but now that it has I AM GLAD TO SEE IT FINISHED.

Microsoft never infringed on my rights as a consumer. As a software developer for years for a subsidiary of Reuters Plc, I worked with Windows and Apple interfaces, among others, and felt although Microsoft competed heavily with Netscape and all of its other competitors, that its actions were justified in the face of competition Netscape and others were equally aggressive in trying to attain and retain customers, but only the strong survive. In our view, Microsoft continued to innovate at a greater rate than Netscape did.

At any rate, I hope no further litigation takes place and I look forward to seeing Microsoft allowed to roll out new products and services for the tech industry.

Sincerely,
Vanessa Fiori
cc: Senator Rick Santorun

MTC–00031599

215 B Street
Salt Lake City, UT 84103
January 18, 2002
Attorney General John Ashcroft
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Attorney General Ashcroft:

For the past three years, Microsoft and the Department of Justice have been immersed in antitrust hearings in the federal courts. Recently, a settlement was reached that thoroughly addresses the antitrust infringements Microsoft committed and proposes a solution to the dilemma that presented itself at the case's inception. Microsoft will, under the terms of the settlement, be required to adjust its policies and programs in favor of its competitors, to facilitate interoperability and prevent retaliatory behavior or monopolistic contracts.

Six months of round-the-clock negotiation resulted in a comprehensive settlement, the terms of which not only address Microsoft's antitrust violations, but also extend to products and procedures not found to be unlawful by the Court of Appeals. Microsoft has agreed to document and disclose interfaces integral to the Windows operating system for use by competing software producers. This is an unprecedented requirement in antitrust settlements. Moreover, Microsoft has agreed to provide third parties acting under the terms of the settlement with a license to intellectual property rights that would otherwise be infringed.

Microsoft's compliance with the agreement will be overseen by a three-person committee of software engineering experts, and any third party which feels that Microsoft is not acting in accordance with the terms of the settlement is free to lodge a formal complaint with the technical committee, a Microsoft Compliance officer, any of the plaintiff states, or the Department of Justice.

I do not believe that, with this settlement available, Microsoft remains culpable in the antitrust suit. The remaining litigious plaintiff states should not be permitted to take advantage of Microsoft's current vulnerability. I urge you, Mr. Ashcroft, to allow the settlement to stand.

Sincerely,
Jeremy Carver
01/21/2002 10:48 8012576301 PAGE 01

MTC–00031600

JAN-21–02 MON 11:01 AM BLIXT 702 853 3085 P. 01
14305 Domingo Court
Reno, Nevada 89511
January 7, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I am writing to express my interest in the recent settlement between the US department of Justice and Microsoft in the antitrust case. The recession has had a devastating effect on our economy and this issue needs to be laid, to rest.

As a Microsoft products and services user, I am happy to see that Microsoft will not be broken up. In fact, I think the settlement as it stands is too harsh and I do not agree with all of the concessions that Microsoft is being forced to make.

I hope that there is no further action taken against Microsoft and I look forward to seeing their business grow as it has for the last decade. I thank you for your time.

Sincerely,
William Blixt
cc: Senator Harry Reid

MTC–00031601

01–21–02 12:47 B OF H TRUST DEPT ID=7176334439 P.01
STERLING FINANCIAL TRUST COMPANY
25 Carlisle Street
Hanover, PA 17331–9934
(717) 637–2201
FAX (717) 633–4439

Sterling Financial Trust Company is an affiliate of Sterling Financial Corporation, partnering with Sterling's bank subsidiaries: Bank of

Lancaster County, N.A., Sank of Lebanon County, Bank of Hanover & Trust Company and First National Bank of North East.

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FAX COVER SHEET
To: Atty General John Ashcroft
To Fax Number: Telephone Number: 1–202–307–1454
From: Rose Diehl
From Fax Number: Telephone Number: (717) 633–4439 (717) 637–2201
Number of Pages (including cover sheet):
Date: 1–21–02 Time:

0l-21–02 12:47 B OF H TRUST DEPT ID=7176334439 P.02
471 Valley View Drive
Hanover, Pennsylvania 17331
January 11, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I am writing to voice my opinion regarding the recent settlement in the Microsoft case. First and foremost, this case has dragged on for far too long. Second, the settlement was reached after a long series of negotiations with neutral mediators. This settlement indeed serves the public interest; I don't see how there can be any dispute on that, except from their competitors who won't take anything less than a break-up. Microsoft has created superior products and set the standard for the entire IT industry, they should not be punished for that.

So much of my personal marketability is due to my extensive knowledge of the Microsoft programs that are used in so many businesses. I work in investment banking and nearly all of the software we use is Windows compatible and the software used for general office procedures is all Microsoft as well. Should I have to learn new programs, a large portion of my employable skills would be diminished. Additionally, everything on my home PC is run by Microsoft products. I am not forced to use Microsoft, but glad to. Another part of the settlement involves a great deal of information sharing, with Microsoft practically giving away their coding and interface technology. If that isn't beyond fair, I don't know what else their competitors could possibly expect.

I ask that you please do your part in upholding the current settlement. I'm sure that most Congressional offices run with Microsoft products and would be highly upset if they had to change. This issue spans the entire country, Republicans and Democrats alike. If politicians could agree to settle this issue, our economy and IT industry could move forward.

Sincerely,
Rose Diehl
cc: Senator Rick Santorum

MTC–00031602

JAN-21–02 MON 01:50 PM FAX : PAGE 1
234 Burns Crossing Road
Severn, MD 21144
January 19, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

As part of the open 60-day comment period, I would like to share my thoughts on the Microsoft Anti Trust case. This bogus lawsuit has been a terrible waste of tax dollars and government resources. I do believe there are other more pressing matters on which our government should be concentrating. The proposed settlement is a more than reasonable end to this lawsuit and I hope that our Justice Department will make the right decision for our entire country.

Microsoft is responsible for making the technology industry what it is today. Their exceptional products have changed the way people do business and how everyday people communicate with one another. This settlement, while limiting Microsoft's own competitive abilities, will certainly foster competition among the entire computer industry. They are changing the way they do business, allowing computer makers to pre-install competing software on Windows. Microsoft has agreed to share more information with their competitors, even though they spent their own time, money and resources developing the technology. The settlement is a very just solution to ending this lawsuit.

Simcerely
Mark Leary

MTC–00031603

JAN 21 2002 09:51 FR MICROSOFT RECEP #22 425 936 7224 TO 912023071454 P. 01/01
John Held
16329 170th Ave. NE
Woodinviue, WA 98072
January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I am writing today to encourage the Department of Justice to accept the Microsoft antitrust settlement. I work within the technology industry and I think it is time to let the industry get back to business. For over three years government has bogged down Microsoft with lawsuits. It is time to put this issue to rest.

During the period that the government has been trying to break Microsoft up the industry has had some tough times. Most stock is down, many companies have gone out of business, and the industry leader has had to deal with a hostile government.

Microsoft has given a lot of ground to get this over with. They are willing to share some of their trade secrets to competitors; give up their leverage over computer makers by adopting uniform prices; and submit to the oversight of an independent technical committee. They have agreed to terms that extend well beyond the products and procedures that were actually at issue in the suit.

The settlement is fair and should be accepted by the government. I hope you use your authority and influence to help that happen.

Sincerely,
John Held

MTC–00031604

01/21/2002 12:16 Fax 7704281772 SkillCheck Inc. 001
Gerry Weinberg
3861 Wyntuck Court
Kennesaw, GA 30152
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft,

I write to you today to express my support of the settlement reached between the Department of Justice and Microsoft. Although I believe the merits of the case against Microsoft are questionable, I believe that the resolution of this case bodes well for the technology industry.

Developers, consumers, and manufacturers will all see the benefits of this settlement. Developers will now be able to design competing software that is easily interchangeable within the Windows system. Consumers can now redesign Windows to suit their tastes. Similarly, manufactures will be freed of contractual restrictions placed upon them by Microsoft.

To sum, the enactment of the settlement has enormous benefits. Enact the settlement at the end of January.

Sincerely,
Gerry Weinberg

MTC–00031605

Joann Tyson
1701 Palmer Avenue
WinterPark FL 32789–27.54
January 21, 2002
John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

I am writing to give my support to the settlement that was reached between Microsoft and the Justice Department. The provisions that were set forth in the settlement are both fair and reasonable for all parties involved. It would be an imprudent decision by the government to reject the settlement and pursue this case still further in court.

Under the settlement, Microsoft will be making a number of specific changes to its products and business practices. For instance, Microsoft has agreed to license its Windows operating system products to the 20 largest computer makers on identical terms and conditions, including price.

Furthermore, Microsoft has agreed to reveal internal information about Windows to the competition. This is a first in an antitrust settlement.

There are many more concessions that hurt Microsoft and help its rivals I am not sure what more the critics could want. Please support the settlement.

Sincerely,
Joann Tyson
407–644–9916
cc: Representative Ric Keller
JAN-21–2002 11:48 PM J. TYSON 4076449189 P.01

MTC–00031606

01/21/42 TUE 08:47 FAX 3602993050 W ROBILLARD 001
5205 Sterling Drive
Anacortes, WA 98221
January 18, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

I am writing today to encourage the Department of Justice to accept the Microsoft antitrust settlement. This case has lingered for over three years. It is time to put it to rest. Accepting the agreed terms of the settlement is the best possible solution for the entire technology industry.

In an effort to end the legislation and get on with innovation, Microsoft has agreed to terms in the settlement that were not at issue in the lawsuit. The agreed terms require changes in Microsoft's product design, licensing and distribution practices that will allow more open competition.

For the good of Microsoft and the entire technology industry, I support the terms of the settlement in the Microsoft antitrust case.

Sincerely,
Phyllis Robillard

MTC–00031607

01/21/42 TUE 0 8 : 4 5 FAX 3 6 0 2 9 9 3 0 5 0 W ROBILLARD 001
5205 Sterling Drive
Anacortes, WA 98221
January 18, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

I am writing today to encourage the Department of Justice to accept the Microsoft antitrust settlement. This case has lingered for over three years. It is time to put it to rest. Accepting the agreed terms of the settlement is the best possible solution for the entire technology industry. In an effort to end the legislation and get on with innovation, Microsoft has agreed to terms in the settlement that were not at issue in the lawsuit- The agreed terms require changes in Microsoft's product design, licensing and distribution practices that will allow more open competition.

For the good of Microsoft and the entire technology industry, I support the terms of the settlement in the Microsoft antitrust case.

Sincerely,
Phyllis Robillard

MTC–00031608

01/20/2002 22:35 8438563536 ROBERT S HARDMAN PAGE 01
Robert Hardman
542 Marshgrass Boulevard
Mount Pleasant, SC 29464
January 17, 2002
Attorney General John Ashcroft, Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft,

I am in support of the settlement that was reached between Microsoft and the Department of Justice in early November. It is my opinion that the best interests of all American's would be well served by a swift and fair conclusion to this suit. After three long years of litigation, my hope for a swift end is long dead; however, this settlement will at least end this suit fairly.

While Microsoft has had to make some rather harsh concessions with this settlement, such as regulating their licensing agreements with computer makers, they have agreed to its terms. Microsoft realizes it is better for them to make concessions and kick-start an economic recovery than be fully vindicated after a few more years in court. The fact remains that our economy is floundering, and Microsoft is one of America's largest employers: to continue this suit would be a very imprudent decision, especially at this time.

I am pleased that an end seems to be in sight; I urge you to continue supporting this settlement so that we can finally stop this debacle. Do not allow America to ring in another year with this heinous litigation hanging over our heads. Thank you for you time in this case, and for your diligent consideration of my position.

Sincerely,
Robert Hardman
cc: Senator Strom Thurmond

MTC–00031609

JAN-21–02 08:33AM FARMERSINS 6239724634 P.01
18017 N 63RD Drive
Glendale, AZ 85308
January 19, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

The reason for this letter is to ask that you continue to back the settlement that was reached between you and Microsoft in the antitrust case.

This revolutionary settlement will change the IT industry in many positive ways. The settlement will end any contractual restriction by Microsoft that may have limited distribution by a third party of other companies'' software.

Also the settlement will require that Microsoft share code, including internal interfaces and the secrets of how their operating systems work so the competitors will be able to manufacture better products.

The settlement also has value because it will finally bring a close to the federal case. This case has drained both Microsoft and the DOJ of valuable time and resources. Please do not vacillate in your support of this settlement.

Sincerely,
Bill Chambless

MTC–00031610

JAN. -21'' 02 (MON) 10:17 GRASSI & COMPANY TEL: 1 212 725 5785 P.01
66 Cannon Boulevard
Staten Island, NY 10306–2812
(718) 351–3024
January 15, 2002
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Attorney General Ashcroft:

I am a web designer and, hence, very familiar with the technology market.

I watched with interest the antitrust case brought against Microsoft several years ago. My own personal opinion is that it was unwarranted. Bill Gates is aggressive. But business is aggressive. Competition in the market place is fierce. Furthermore, people buy what they want. Microsoft put out a quality product. Bill Gates was the first to standardize software programs, allowing the technology revolution to reach into every home. If another firm had done it, we would not be talking about Microsoft, but that particular company. However, a settlement was reached, which I was happy for. It is time to quit wasting both time and money,

Microsoft has been chastened, agreeing to terms well beyond what was actually at issue in the original suit.

Microsoft has agreed to share any code or programming that Window uses to communicate with other programs. Microsoft will help companies better achieve a greater degree of reliability with regard to their networking software; Microsoft agreed to a technical committee to monitor future compliance. I think Microsoft has done more than its share of complying with demands from the Justice Department.

I urge you to give your approval to this particular agreement. Thank you.

SincereIy,

Fred Lee

MTC–00031611

TO : PHONE N0. : 12023071454 JAN. 2 1. 2002 9:44AM P 1
FROM : MARILYN GRANT PHONE NO. : 603 4270371
Marilyn E. Stump
P.O.BOX 1591 Conwey, NH03818–1591(603)447–3607
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001 January 11, 2002
Dear Mr. Ashcroft:

I am writing to you today to express my support for the settlement that was recently reached between the Department of Justice and Microsoft Corporation. The settlement reached last November should be enacted with great haste. Enacting this settlement will begin the process of economic rebuilding of the technology industry. The settlement, then, is in the best interests of Microsoft, the IT industry, and the economy in general. The settlement releases contractual restrictions to software developers. Developers that might have been contractually obliged to work with Microsoft only will now be able to work with competitors as well. This guarantees that no third party will be obligated to distribute Windows'' technology exclusively or at a fixed percentage. These stipulations come at a great cost for Microsoft. While I believe antitrust litigation was unnecessary in the first place, I hope that the settlement is enacted quickly. Thank you for your time.

Sincerely,

Marilyn Stump

MTC–00031612

JAN-20–2002 09:18 PM NORTHERNEXTERIORS 585 6879 P. 01
Gretchen Jack
108 Woodlawn Avenue
Clarks Summit, Pennsylvania 18411
January 17, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I am absolutely opposed to the suit against Microsoft. I own stock in many technology companies including Microsoft and I feel the opposition to Microsoft is often no more than sour grapes. The competing companies are just mad that Microsoft has won out. The fact is that Microsoft has been continuously innovative. Microsoft has agreed to more concessions than were named in the lawsuit in an effort to get out of the court room and get back to creating new products. Information sharing, non-retaliation agreements, and government oversight is enough. Microsoft has created products that we need and use. Their products sell well and that high sales volume has kept prices down for the consumer. I think the government should finalize the lawsuit and that no further action should be taken against Microsoft Corporation. Let them get back to work creating new products.

Sincerely,

Gretchen Jack

cc: Senator Rick Santorum

MTC–00031613

01/20/2002 16:20 12068422370 SEACRAFT PAGE 01
10820 Madison Avenue Northeast
Bainbridge Island, Washington 98110
January 11, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington DC 20530
Dear Mr. Ashcroft:

It is an unfortunate that Microsoft was brought into court more than three years ago in the antitrust case. I certainly feel that this case should have never gone to trial. Microsoft has created innovative products that have made computers easier to use for more than twenty years. They should not be punished for being successful.

The reason I am contacting you is because I want you to support the settlement that was offered in this case. The settlement is on the whole fair and balanced, and most importantly it will finally bring this case at the federal level to a close. Both the Plaintiff and Defendant have spent enormous amounts of money and time on this case. Further expenditures will simply be additional waste on both sides. Both sides should settle as soon as is legally possible. The Justice Department must realize that Microsoft has millions of supporters. While not as loud and cantankerous as anti-Microsoft interests, we do exist and want this case ended. Thank you for considering my views on this issue.

Sincerely,

Priscilla Greenless

Let's keep a successful business successful competition is good for the country. Business should not be penalized for being successful. We need Mr. Gates and his innovative ideas. Don't kill the ''fatted calf''! We need him!

MTC–00031614

01/20/2002 18:44 3367780617 JEFF RAY PAGE 01
3735 Squirewood Drive
Clemmons, NC 27012
January 17, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

I am writing to let you know that I am in favor of the Microsoft settlement. My opinion is Microsoft is not a monopoly, and does its best to serve its customers. Furthermore, the government should limit their involvement in businesses, as it is the people who have the choice, as consumers, as to who they want to support.

The strength and success of any company is held in the hands of its customers. Our free market economy allows companies to prosper by competing for customer loyalty. Microsoft has proven time and again with its products and services that it has a far-reaching customer base. The choice to buy or not to buy is with the people. Too much government intervention should be avoided, and this settlement has already taken over three years!

Additionally, I believe that proceeding with this settlement is in the best interest of business, the economy, and customers. By holding up the settlement any further, the American economy does not have the chance to work its way out of the current recession. The settlement was arrived at after extensive negotiations with a court-appointed mediator, and the Company has agreed to terms that extend well beyond the products and procedures that were actually at issue in the suit. The American people think it is time to move on.

Keeping Microsoft tied up in court is a bad move for everyone involved. Please make this issue the highest priority and let the government settlement stand. I am thankful that I live in a country where my voice and my opinion is important in discerning what is right for the greater good of the people.

Sincerely,

Jeff Ray

MTC–00031615

JAN-21–02 11:25 PM 6196970912 P.0l
City of La Mesa
BARRY JANTZ
Councilmember
Renata Hesse, Trial Attorney
Antitrust Division, Department of Justice
601 D Street NW, Ste. 1200
Washington, DC 20530
VIA FACSIMILE
(202) 6 16–9937
Dear Ms. Hesse:

The settlement in the case of U.S. v. Microsoft should be accepted and ratified as quickly as possible. This letter is being written not only to ask you to accept the settlement-but to do so as quickly as possible.

The Microsoft case has been a significant constraint on the national economy. I am sure the courts have heard this argument articulated by many an academic versed in the economy. But, the argument is much more than academic. Small business is feeling this case in a very real way.

It is my understanding that the settlement in this case will become law as soon as the courts accept it. The sooner you can ratify the settlement, the better. Business affected by the case will see positive change right away, as opposed to the next fiscal year or some ''business related time period''. The courts should accept the settlement and work to expeditiously set the wheels in motion for it to be executed. Doing this will allow business to move forward again.

Sincerely,

Barry Jantz

MTC–00031616

FROM : FAX NO.: Jul. 20 2001 05:50am P1
HARNETT COUNTY REPUBLICAN PARTY
P.O.Box 1562
BUIES CREEK,NC 27506
RENATA HESSE
TRIAL ATTORNEY
ANTITRUST DIVISION
DEPARTMENT OF JUSTICE
601 D STREET NW, SUITE 1200
WASHINGTON, DC 20530

DEAR MS. HESSE,

AS THE CHAIRMAN OF THE HARNETT COUNTY REPUBLICAN PARTY AM VERY AWARE OF THE CHALLENGES GOVERNMENT FACES IN TRYING DEAL EFFECTIVELY WITH AMERICAN BUSINESSES. ONE CAUSE OF HiGHER TAXES is THAT TAXPAYERS ARE OFTEN RESPONSIBLE FOR FUNDING GOVERNMENT LAWSUITS.

AS YOU CAN TELL, I AM OPPOSED TO HIGHER TAXES AND BELIEVE THAT THE GOVERNMENT SHOULD REDUCE TAXES AND SPENDING WHENEVER POSSIBLE. THAT IS WHY I WAS PLEASED TO LEARN THAT THE FEDERAL GOVERNMENT'S CASE AGAINST MICROSOFT HAD COME TO A SETTLEMENT AGREEMENT IN THE COURT OF JuDGE KOLLAR-KOTELLY. THIS FEDERAL CASE HAS ALREADY COST THE TAXPAYERS OF THIS NATION UPWARDS OF $30 MILLION. THAT'S A LOT OF MONEY!

I AM PLEASED THAT NORTH CAROLINA IS ONE STATE THAT DECIDED TO SETTLE; THUS, NO FURTHER STATE FUNDS WILL BE EXPENDED FOR THAT PURPOSE. I WOULD LIKE TO SEE THAT RESULT REPLiCATED IN AT THE FEDERAL LEVEL AS WELL. THAT IS WHY I AM URGING THAT THE JUDGE APPROVE THE SETTLEMENT IN THIS CASE. A SETTLEMENT IS IN EVERYONE'S INTEREST.

SINCERELY,
JASON T. LEMONS

MTC–00031617

FROM : FAX NO. : Jul. 20 2001 05:44AM P1
Wake Forest Town Commission
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I am a local businessman and an elected official in my hometown. I have been concerned about the impact of national issues on my local community throughout my life, The current recession is no exception. The unemployment rate is skyrocketing in towns across America, consumer spending is down, and Congress can't decide what stimulus the economy needs.

In Wake Forest, I see the effects of this national trend. I believe that the government needs to take certain steps to free up businesses to grow the economy and end the stagnation of the past year. Finalizing the settlement between Microsoft and the federal government would be a giant step in the tight direction.

Virtually every business in Wake Forest uses Microsoft in some form or fashion. In fact, even business owners who work out of their homes rely on these products for their work. I admire the creative ingenuity of our town's business leaders. They create many jobs for our citizens, However, in order to jump start our economy, we need products that are even more user friendly and efficient from Microsoft and their competitors.

Because of this, I request that Judge Kollar-Kotelly approve the settlement. Recessions are tough. We need businesses moving full-speed ahead to turn the corner for the American people.

Thanks for hearing my concerns
Sincerely,
Rob Bridges
Tow Commissioner
401 Owen Avenue -Wake Forest, NC 27587

MTC–00031618

FROM : FAX NO. : Jul. 20 2001 05:39AM P1
Mark Jones
President
NC Federation of Republican Assembiles
January 8, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, St 1200
Washington, DC 20530

Dear Ms. Hesse,

I would like to endorse the settlement between the federal governement and Microsoft because the quicker this issue is resolved because I believe it is the fastest way for the federal government to end its involvement with this case. As leader of a group of conservative Republicans in North Carolina, we believe that citizens-and particularly their businesses-are best served with the government as little involved as possible. I am also happy to see that the state of North Carolina has decided to withdraw its lawsuit against Microsoft.

For the last several years, I have served on the Board of Education in Davis County, North Carolina. During that time, I have gotten a close view of the workings of state and local government plus some activity by the courts. This service has only strengthened my conviction that schools as well as companies do better without government intervention. It is better for students when control and discipline in the classroom is a responsibility of the teacher working with the principal. In much the same way, I feel that companies such as Microsoft do best when left alone by either the state or federal government and when their manager and stockholders are allowed to call the shots. That is why I endorse the settlement as a way to return to that situation quicker.

I understand that in a settlement that both sides will get something and also give up something, and that is as it should be. I hope that Judge Kollar-Kotelly will agree and sign this settlement.

Sincerely,
Mark Jones
130 Bear Creek Church Rd. Mocksville 27028

MTC–00031619

Sent By: The Ayn Rand Institute; 310 306 4925; Jan-21–02 6:06PM; Page 1
Via Fax # (202) 616–9937
To: Ms. Renatta Hesse, Antitrust Division, U.S. Department of Justice
From Dr. Yaron Brook, executive director, the Ayn Rand Institute;
Dr. Onkar Ghate, resident fellow, the Ayn Rand Institute
Date: January 21, 2002
Re: Microsoft Antitrust Case

The Federal Justice Department should drop the antitrust case against Microsoft. If at this stage in the proceedings it is impossible to drop the case, the Justice Department should settle the case on as favorable termS to Microsoft as legally permissible. (If possible, the Justice Department should create a legal settlement more favorable to Microsoft than the one Microsoft agreed to in November of 2001.)

To understand why one needs to understand two points, one general and one particular. First, antitrust laws are non-objective and unjust. Second, Microsoft is guilty of no actual crime. Let us begin with the first point.

The ''actions'' that anti-trust laws prohibit are vague, contradictory, undefined. For instance, antitrust Laws prohibit companies from engaging in ''restraint of trade.'' But what specific actions constitute ''restraint of trade''? If, as is done repeatedly in the business world, a company signs an exclusive distribution agreement with another company, is that ''restraint of trade'' because now other potential competitors are excluded from that area of the market? Or if a company sells a computer to individual X, is that ''restraint of trade'' because competing computer companies can no longer sell X a computer since he has need for only one? No-the CourtS have declared to businessmen-only those ''restraints'' that are ''unreasonable'' are illegal. But which specific ''restraints'' are ''unreasonable''? No definition is to be found in the law. So no company can know before it acts which actions are in law legal and which are not.

Consider another example. The antitrust laws prohibit ''unfair'' trade practices. But again, what counts as an ''unfair'' practice? Is it any business practice that, for instance, causes bankruptcies among some of a firm's competitors, because they cannot find a way to compete with the firm's low prices and/or superior products? Or is it any practice that the administration in power disapproves of! Again, no answer is to be found in the law, so it is impossible for a company to determine beforehand which specific actions the law prohibits.

Take one last example. Under antitrust laws, a company can be charged with ''predatory pricing'' if it sets prices below those of its competitors, because the competitors might as a result go bankrupt. It can be charged with ''monopoly pricing'' if it sets prices that are deemed too high, because then it is supposedly bilking consumers of their hard-earned income. But if it therefore decides to set prices at the level of those of its competitors—it can be charged with 'collusion'' or ''conspiracy'' because now it is said to be no longer ''competing.''

In the nightmarish world of antitrust law, any and no action can be pronounced illegal. There are and can be no definite, objective principles specified in the law-and as a result a businessman has no way to determine, before he acts, whether his action is legal or not. In practice, this means that businessmen are at the mercy of the government. Any moment the government wants to cripple a particular company, it can unleash the antitrust laws against the The Ayn Rand Institute * The Center for The Advancement of Objectivism 4640 Admiralty Way, Suite 404 * Marina Ddel Ray, CA 90292–6617 * U.S.A. voice 310–306–9232 * fax: 310–306–4925 * e-mail: mail@aynrand.org

Sent By: The Ayn Rand Institute; 310 306 4925; Jan-21–02 6:06PM; Page 2/3 company. In logic, a business has no possible defense against a charge of ''restrain of trade'' or ''unfair'' trade policies or ''predatory pricing'' because the charge itself has no objective meaning. The antitrust, laws, therefore, vest the government with arbitrary power.

The result, unsurprisingly, is that when, say, a bureaucrat is disgruntled with a successful company because it has failed to share (i.e., give away) its wealth or support the government's particular programs—or when a government thinks that destroying a powerful company will win it votes with misguided citizens who believe that Big Business is their enemy-or when resentful, envious competitors (like Netscape and Oracle and AOL, in the Microsoft case) can persuade their government representatives to cripple a superior competitor- the brunt of the antitrust laws descend upon that company.

It is no accident that it is America's most successful, most productive, most admired companies-Microsoft, IBM, lntel, Wal-Mart, American Airlines, Standard Oil, etc.-that are subjected to antitrust lawsuits.

As a form of granting arbitrary power to the government, antitrust laws are unconstitutional and un-American. As a means of penalizing the successful for being successful, antitrust laws are a perversion of justice.

Let us therefore now leave to one side antitrust law, under which any action of a company could be considered a crime, and ask whether in actual fact Microsoft is guilty of any crime.

What are the principal accusations against Microsoft?

Microsoft is accused of ''unfair'' competition. But competition refers to the process by which companies utilize their assets and personnel to build better and/or cheaper products. They thereby seek to earn, through voluntary trade, even greater profits. In a free market, there is no such thing as ''unfair'' competition. There are only better and worse competitors. In other words, some companies are better than others at research and development, at structuring long-term, mutually-beneficial business agreements, at marketing products, at keeping good employees happy yet challenged. Microsoft, for example, excels at all these processes-and many more. (The charge that Microsoft is not innovative is particularly disingenuous given its continual upgrades and improvements to its major products; even Judge Jackson had to concede this point.) The fact that Microsoft is one of the greatest competitors the business world has seen is, in a free nation, not a crime but a virtue.

The only ''unfair competition'' that exists is in fact not competition. if, say, the mafia threatens to blow up a shopkeeper's store unless he gives it a percentage of his sales, the mafia is not engaged in competition, albeit unfair. They are engaged in coercion-precisely to prevent voluntary trade and the free market from operating. When Netscape loses sales to Microsoft because Microsoft's browser is better and/or cheaper, Netscape's loss of sales bears no similarity to a shopkeeper's ''loss'' of sales to the mafia. One must never equate the voluntary with the coerced.

Secondly, Microsoft is accused of ''predatory pricing.'' Translated into reality, this means that Microsoft is able to charge prices below those of its competitors, such as Netscape. Some of these competitors, who cannot match Microsoft's low prices, lose market share or go bankrupt. But it is Microsoft's incredible efficiency and productiveness that allows it to undersell its competition yet still make large profits. Again, this represents not criminal behavior but real virtue.

I

Sent By: The Ayn Rand Institute; 310 306 4925; Jan-21–02 6:07PM; Page 3/3

Finally, Microsoft is accused of wielding ''monopoly power.'' This accusation as well is based on equating the voluntary with the coerced.

It is true that Microsoft has a dominant market position in some segments of the software industry and that some of its competitors have gone out of business. But this is because Microsoft has out-competed them; it is more innovative, more efficient, a better marketer, and/or a better employer than other software firms. Microsoft, in other words, has earned its dominant position.

And it continues to earn it: it faces constant competition, even if there are no actual competitors presently in its market. For whenever another entrepreneur can figure out a way to produce similar software at a cheaper price or better software at an attractive price (or some undreamt of product that makes current software obsolete), he is free to enter Microsoft's market. And if he has a sound business plan, he will be able to raise the necessary capital even if he has none: there are thousands of venture capitalists looking for the next Bill Gates. Microsoft's dominant position in the software industry, in other words, must be earned anew each day. So once again, Microsoft is being attacked for its success: in reality it has no monopoly power just brilliant management.

The only monopolies that can in fact exist are government-created ones. Only a government can prevent someone from entering a market and thus eliminate competition. The Post Office, for instance, is a monopoly. There is little doubt that Federal Express could provide better service, more cheaply, and still earn A profit. But the government forcibly prevents it from entering the Post Office's market. The Post Office's dominant market position is unearned: it offers sub-par service but because of government coercion faces no competition. Microsoft's dominant position, by contrast, is earned: it faces constant competition, which it continues to win. Again, do not equate the voluntary with the coerced.

Microsoft is the epitome of American business success: it produces enormous wealth through intelligence and hard work. Imagine the wealth that would exist-for every firm, for every employee, for every shareholder, for every customer-if all companies in America were run by a Bill Gates. The fact that they are not should not lead us to destroy Bill Gate's creation but, all the more, to admire and champion it.

Why should the Justice Department drop its case against Microsoft (or settle it with as small a penalty as possible)? Because antitrust laws are arbitrary laws that penalize virtue for being virtue-as the specific accusations against Microsoft clearly reveal.

Sincerely,
Yaron Brook, Ph.D.
Onkar Ghate, Ph.D.
President and Executive Director
Resident Fellow
The Ayn Rand Institute
The Ayn Rand Institute

MTC–00031620

Erick Andrews
Consultant
508–481–6627
FAX
Atty Renata Hesse
DOJ, Washington, DC
2
21-Jan-02 20:05
ATTENTION: Renata Hesse, Trial Attorney
RE: Microsoft Case
19 South Street
Marlborough, MA 01752
January 21, 2002
Renata Hess, Trial Attorney
Antitrust Division
Department of Justice
601D Street, Suite 1200
Washington, DC 20530
RE: Microsoft Settlement

Dear Attorney Hess:

Please make my following comments known to Judge Kollar-Kotelly of the current proposal to settle the Microsoft case.

The settlement stipulated in the Proposed Final Judgement by the U.S. Department of Justice is a travesty, a transparent sham—a sellout to Microsoft. This proposal offers no relief to foster competition and provide fair consumer choice of basic Operating System software for PC platforms beyond Microsoft's. If allowed to stand, this settlement will do great harm to the computer industry, harm to people who work in this industry on products other than Microsoft's, likely harm to openness of the Internet, and continued harm to users who want choice rather than have an aggressive monopolist dictate to them. As the proposed settlement currently stands it will not accomplish the remedial goals set by the U.S. Court of Appeals. You must agree that these were:

(1) to prohibit Microsoft's illegal conduct and similar conduct in the future, (2) to spark competition in this industry, and, (3) to deprive Microsoft of its illegal gains.

I urge you to impose stronger remedies on Microsoft that have teeth in them and will truly work.

Sincerely,

Erick Andrews, Consultant

[28 years in computer engineering]

MTC–00031621

Jan 21 21 05:03p PISMO BEACH CHAMBER 773–6772 P.1
Pismo Beach
Chamber of Commerce
January 15, 2002
Renata Hesse
Trial Attorney,
Antitrust Division
Department of Justice
601 ''D'' Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

We are writing to support the settlement of the antitrust lawsuit against Microsoft. While our Chamber believes that many of the allegations could be true, it is time to shift our focus our tax dollars to other priorities. There is no shortage of things on which we should be using our resources.

The settlement has a little bit of something in it for everybody while maintaining its overall balance. It is a compromise that enforces guidelines on Microsoft for the future and penalties for past actions. However, it allows the freedom for Microsoft to continue being the successful company it has become over the years and throughout the world. It is time to put this to rest. It is also time to focus on more important issues, of which there are many. Thank you for your time.

Simcerely,

Charles Anderson

Chief Executive Officer

581 Dolliver Street * Pismo Beach, California 93449

Phone (805) 773–4382—FAX (805) 773–6772 * email: pbcolc@fix.net *

www.pismochamber.com

MTC–00031622

Sent by: WOODFIN SUITE HOTELS 858 794 2348; 01/21/02 4:20PM;Jetfax#127;Page I/2
WOODFIN SUITE HOTELS
12730 High Bluff Drive, Suite 250
San Diego, CA 92130
Phone: (858) 794–2338
Fax: (858) 794–2348
FACSIMILE COVER SHEET
DATE: January 21, 2002
TO: Renata Hesse, Trial Attorney
Antitrust Division, Department of Justice
FAX#: 202–616–9937
FROM: Samuel A. Hardage
Chairman
Number of Pages (Including Cover Sheet): 2
Sent by: WOODFIN SUITE HOTELS 858 794 2348; 01/21/02 4:21PM;Jetfax#127;Page 2/2
WOODFIN SUITE HOTELS
January 21, 2002
Sent via facsimile—202–616–9937
Renata Hesse, Trial Attorney
Antitrust Division, Department of Justice
601 D Street NW, Ste. 1200
Washington, DC 20530
WOODFIN
SUITE
HOTEL

Dear Ms. Hesse:

This letter is being written in support of the settlement in the case of US v. Microsoft. As a civic activist and opinion leader in California, I am writing this letter to let the courts know that polling has shown a majority of Californians do not support the continuation of this case.

One would think Californians have little tolerance for Microsoft. With Attorney General Lockyer and newspapers like the San Jose Mercury News (among the harshest of Microsoft's critics), the appearance of Californians as anti-Microsoft is strong. But recent polling proves that is not the case. A poll done in August of 2001 found that sixty-five percent of Californians believe the case against Microsoft should be settled or dropped altogether. This same poll found the vast majority of Californians (85%) in no way support breaking Microsoft up.

CHASE
SUITE HOTEL
by Woodfin

Attorney General Lockyer does not represent the interests of most Californians.

We do not support the continuation of this case and hope the courts will accept the settlement.

Very truly yours,

Samuel A. Hardage

Chairman

12730 High Bluff Drive, Suite 250 * San Diego, California 92130

858–794–2338 * FAX 858–794–2348 * www.woodfinsuitehotels.com

Reservations 800-WOODFIN

MTC–00031623

fax 415–727–3871
Matthew P. Smyth
Fax
To: Renata Hesse
From: Matthew Smyth
Fax: 202–616–9937 or 202–307–1454 Pages: 7(including cover)
Phone:
Date: 01/21/02
Re: Microsoft Settlement
*Commemts:
Please find my letter attached, and contact me if you do not clearly receive all six pages that follow.
Thank you,
Matthew mps@acm.org
January 17, 2002
Renata Hesse
Trial Attorney
Antitrust Division
U.S. Department of Justice
601 D Street, NW, Suite 1200
Washington, DC 20530
Facsimile: (202)616–9937 or (202) 307–1454
email: microsoft.atr@usdoj.gov

I am writing to oppose the 2001 Microsoft Proposed Settlement, addressing Microsoft's monopoly abuse'', and to ask you to modify it to better address the crime. As stated in the COMPETITIVE IMPACT STATEMENT (CIS)2, in section VIII:

The court's role in protecting the public interest is one of insuring that the government has not breached its duty to the public in consenting to the decree,

Unfortunately, this is not the case—the government has breached its duty to the public by not addressing the complete situation. Microsoft is a convicted monopolist, found guilty of purposefully extending its monopoly through an abuse of their existing monopoly (CIS, Section III, A 2). The goal of the settlement should be to address the antitrust violation, as best described in CIS, Section IV. EXPLANATION OF THE PROPOSED FINAL JUDGMENT (PFJ)3, B. Prohibited Conduct and Anticipated Effects of the Proposed Final Judgment:

Appropriate injunctive relief in an antitrust case should: (1) end the unlawful conduct; (2) ''avoid a recurrence of the violation'' and others like it; and (3) undo its anticompetitive consequences.

The main two factors to be considered are prevention (points 1 and 2) and punishment (point 3). Punishment is designed to attempt to remedy the past actions, and prevention is supposed to prevent further abuses, now and in the future. The proposed settlement neither punishes Microsoft nor offers enough hope of preventing further abuses. I hope you see fit to alter the terms to suitably protect the public and punish Microsoft for their repeated, flagrant abuses.

http://www.mpsce.com/dojletter.html page 1 of 6

The proposed settlement contains oversight into Microsoft's business practices, but insufficiently allows for quick resolution when they breach the imposed restrictions. The CIS, describing the Section IV of the PFJ, states:

Enforcement by the United States or plaintiff States may include any legal actions or proceedings that may be appropriate to a particular situation, including petitions in criminal or civil contempt, petitions for injunctive relief to halt or prevent violations, motions for declaratory judgment to clarify or interpret particular provisions, and motions to modify the Final Judgment.

In other words, if Microsoft breaches part of the PFJ then they can be hauled back into court. That is already an option, and is how we got to this stage—and how we had this case drag on for years. It does not provide enough quick response to the breach since Microsoft will continue to protest their innocence for years if necessary.

Instead, I would propose that Microsoft's new overseers, the Technical Committee (TC), be given the power to inflict financial penalties when a breach of the agreement is committed. Fines would be directed to some counterbalancing force—for example, used to purchase equipment from competitors such as Apple for schools, given to organizations such as the Electronic Frontier Foundation, the Center for Democracy in Technology, or the Free Software Foundation for work against monopolistic practices, or apply the money to a foundation that funds developing applications for a competing operating system such as Linux.

Each fine would be based on a methodology drawn out of the number of TC members that agreed that a breach occurred and their perceived severity of the breach. When a TC member decided a breach occurred, they could impose a fine of up to

$1 million. Each of the other TC members would then have the opportunity to modify the fine with a multiplier—from 10 times to l/1Oth the original fine. Thus, with all three TC members agreeing that a massive, international breach had happened the fine could be up to $100 million with both using the maximum 10 times multiple, and if two of the TC members thought the third had no basis for the fine and used the minimum 1/l0th multiple, the fine could be reduced to $lO,OOO—pocket change for Microsoft. Multiple breaches could be met with multiple fines.

This system of fines would force Microsoft to take the TC members very seriously, and to make them deal with reducing the abuse in day-to-day dealings. In addition, Microsoft should be forced to publish a full page ad explaining each fine in four major newspapers: the San Jose Mercury News, Washington Post, New York Times, and Wall Street Journal. This would make each fine quite public, so Microsoft could not avoid the negative publicity each time they broke the agreement.

The proposed settlement also contains no punishment for Microsoft's previous, egregious, offenses. In order to ''undo [the monopoly's] anticompetitive consequences,''

http://www.mpsce.com/dojletter.html page 2 of 6

two items need to be addressed: the ill-gotten gains and the barrier to entry in the operating system area. Handling the ill-gotten gains is the easy part—add on a fine that is distributed among the players described above in paragraph 3 where fines are discussed. As for the amount of the fine, consider half to three-quarters of the company's current liquid reserves. Assuming that many ill-gotten dollars have been plowed into their business acquisitions and code development, the billions of such a fine might serve to chasten an arrogant company without taking away their entire business.

To reduce the barrier to entry in the operating system, middleware, and office application markets, publishing the Application Programming Interfaces (APIs) is a good first step. However, the other items necessary to create seamless replacements to Microsoft middleware are not addressed. In order to address the leverage Microsoft has developed in office applications through the use of their monopoly, the complete file formats to their office documents should be included in the release of information. Since the goal is to make sure that all systems can interoperate with Microsoft's standards, the file formats are a crucial barrier to entry that couId be removed with minimal pain. The unnecessary efforts to reverse-engineer the formats and the potential for error with such guesswork could be avoided easily by releasing the protocols. For a more complete examination, see the Boder commentary.4

There is no provision in the PFJ for creating any competition in the operating system arena to prevent future abuses. The Justice Department (DOJ) has considered and discarded a structural remedy—splitting the company in two. They also say they have considered variations of licensing the source code to Windows; but based their settlement on whether the restrictions ''... would be imposed promptly following a remedies hearing.'' The decision to craft a settlement based on things Microsoft was willing to accede to immediately points out the great hole in the DOJ argument—if Microsoft approves of a settlement, it is too light a penalty.

There are a number of holes in the settlement that Microsoft can—and given their history, will—manipulate. Microsoft is not restricted from pestering users to reset their computers to the ''(Microsoft) Windows Default'' settings from any changes that an OEM makes, such as the description of the Clean Desktop Wizard: Preservation of OEM Configuration: Subsection III.H.3. prohibits Microsoft from designing its Windows Operating System Products to automatically alter an OEM's configuration choices—such as ''sweeping'' the unused icons the OEM has chosen to place on the Windows desktop—without first seeking confirmation from the user, and from attempting any such alteration before at least 14 days after the consumer has first booted his or her personal computer. Thus, for example, in Windows XP, the Clean Desktop Wizard cannot run at all until 14 days after the first boot. http://www.mpsce.com/dojletter.html page 3 of 6

The danger to system management by the DOJ is that there are holes—there is no restriction on how often the ''sweep'' request is triggered (could be every 5 minutes or on each mouse click) or any requirement that the user may force it to stop asking. Microsoft can simply make a computer uninhabitable with repeated nagging without breaching any section of the agreement, even though it would breach the spirit of the agreement. Eliminating the Clean Desktop Wizard entirely and all Microsoft-triggered ''updates'' or 'tidying'' processes would be the only way to ensure that this allowance could not be abused.

Another opportunity for abuse comes in allowing Microsoft to define who can see their APIs and documentation. The restrictions on the security releases in the PFJ omits individuals who are not in business, ad-hoc organizations who wish to collaborate without any formal grouping such as a Linux compatibility team, and technology advocacy groups who would wish to inspect the code without developing any software, From the CIS:

Subsection III.J.2. permits Microsoft to take certain limited steps to ensure that any disclosure or licensing of APIs, Documentation, or Communications Protocols related to anti-piracy systems, anti-virus technologies, license enforcement mechanisms, authentication/authorization security, or third party intellectual property protection mechanisms it makes pursuant to this Proposed Final Judgment is to third parties that have a legitimate need for and do not pose a significant risk of misusing that information, ... [specifically] (b) having a reasonable business need for the information for a planned or shipping product; (c) meeting reasonable and objective standards established 'by Microsoft for the authenticity and viability of its business;

It is clear that some groups will be eliminated under (b) who do not plan a business use, and that Microsoft can create 'reasonable'' standards under (c) that will still exclude some Linux and Free Software developers. Allowing Microsoft to create the standards and judge ''reasonable business need'' is allowing the fox to guard the hen house. One major drawback of the documentation release as described in the PFJ is the method of dissemination. Numerous times, the MSDN [network] or its future equivalent are described as the optimal way to share the information. However, accessing MSDN documentation currently requires a Microsoft Passport—in other words, identifying yourself to Microsoft and becoming part of their system. In other words, Microsoft is able to monitor who has access to the specifications. They will know your name and contact information and be able to monitor what the user is looking at, which may dissuade some developers from utilizing the documentation. if the information is truly to be available, it should be available without any prerequirements such as a login and password, browsable from any area and posted for free examination.

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JAN.21.2002 3:47PM THERMATEC NO.296 P.6/7

Another area ripe for abuse is the use of Reasonable and Non-Discriminatory (RAND) terms for information release. RAND terms may prevent individuals and ad- hoc organizations from being able to utilize Microsoft interoperation. When described in the CIS:

Section III.I, The overarching goal of this Section is to ensure that Microsoft cannot use its intellectual property rights in such a way that undermines the competitive value of its disclosure obligations, while at the same time permitting Microsoft to take legitimate steps to prevent unauthorized use of its intellectual property.

The challenge is that individuals may not be able to meet the requirements of the licensing conditions. Setting a $10,000 fee for a blanket license may seem reasonable for a public corporation or even a small business who is creating a product, but any individual who is creating software in their spare time would find that an onerous burden. Thus, even ''reasonable'' restrictions would still prevent Microsoft's greatest competitor, the people working on Linux and its associated projects, from mustering the license fees.

The last area I will address is Microsoft's prevention of the creation of alternatives to the Windows operating system. With sufficiently open APIs, a competitor could generate a program designed to replace Windows but the licensing terms of many Microsoft products would prevent the users from being able to utilize the Microsoft product without breaking the law, due to the licensing restrictions. Also, nothing in the PFJ currently allows access to the APIs for someone building an emulator or alternative operating system. In this manner, Microsoft can prevent their monopoly from being attacked while still abiding by the terms of the settlement. See the Kegel commentary for more details on such observations.

In summary, the PFJ is drawn up with a very pro-Microsoft bias and with very little

input from the people it pretends to protect—the public and the people trying to create an alternative to Windows. The goal of the settlement is to punish the lawbreaker and reward the public with a more competitive field of choices, yet the exact reverse has happened. The loopholes and potential for 'creative redefinition'' would allow any tech to find methods to let Microsoft avoid the restrictions. This settlement has been roundly condemned by industry watchers such as Robert X. Cringley6, Dan Gillmor7, and NetAction8, consumer advocates such as Ralph Nader9 and the Attorney General for Massachusetts''', and technology folk such as the Computer and Communications Industry Association'' and the GNU Project12. It is also being slammed around the technology water-coo1ers13, where I hear bitter comments from all sides. Apparently, the bitter feelings extend to others in the DOJ, when Internet News14 found: The DOJ's settlement was brokered by Bush administration appointee Assistant Attorney General Charles A. James, head of the DOJ's antitrust division. But career officials at the Justice Department, who had pursued the case since the http://www.mpsce.com/dojletter.html

JAN.21.2002 3:48PM THERMATEC NO. 296 P.7/7 beginning, displayed their apparent displeasure with the agreement by not signing it.

The question becomes: who is happy about this proposed settlement? Not the public.

Not the pundits. Certainly not me. Aside from Microsoft, it appears no one is.

Matthew P. Smyth
3715 Highland Court
Lafayette, CA 94549
mps@acm.org

1 Complanit: http://www.usdoj.gov/atr/cases/fl700/1763.htm

2 Competitive Impact Statement: http://www.usdoj.gov/atr/cases/f9500/9549.htm

3 Stipulation and Revised Proporsed final Judgment:http://www.usdoj.gov/atr/casesf9400/9495.htm

4 Boder commentary: http://www.ece.cmu.edu/rtb/msdoj/msdojSettlement.html

5 Kegel Perspective:http://kegel.com/remedy/remedy2.html

6 http://www.pbs.org/org/cringely/pulpit/pulpit20011206.html

7 http://web.siliconvalley.com/content/sv/2001/11/02/opiniondgillmo/weblog/index.htm

8 http://www.netaction.org/msoft/winfish2.html

9 http://www.cptech.org/at/ms/mj2kollarkotellynov501.html

10 http://www.boston.com/dailyglobe2/015/business.Microsoft—case—key—to—tech—s—future+.shtml

11 http://www.ccianet.org/papers/ms/sellout.php3

12 http:www.gnu.org/philosphy/microsoft-antitrust.html

13 http://computeruser.com/articles/2101,3,1,1,0101,02.html

http://linuxtoday.com/news—story.php3?ltsn=2002–01–02–002–20-OP-MS

http://www.winterspeak.com/columns/121001.html

http://www.Iamlaw.com/DOJvsMicrosoft/WrapAndFlowMain.html

http://monwy.cnn.com/2001/12/12/technology/microsoft/ and many others: http://www.google.com/search?q=microsoft+settlement

14 http://www.internetnews.com/bus-news/article/0,,3—936241,00.html

http://www.mpsce.com/dojletter.html page 6 of 6

MTC–00031624

Jan-21–02 02:26P Nova Voice Data fax#2 P.01
NOVA VOICE & DATA SYSTEMS INC.
Telcommunication Systems/Network Services Divisions
CA Lic. #592116
novads.com
Authorized Representatives
TOSHIBA
Microsoft
January 16, 2002
Renata Hesse, Trial Attorney
Antitrust Division, Department of Justice
601 D Street NW, Ste. 1200
Washington, DC 20530
VIA FACSIMILE
(202) 616 -9937

Ms. Hesse,

I have been active in civic issues and various policy debates throughout my community for some time. When I learned that the courts were asking the public to comment on the Microsoft antitrust trial, I felt strongly about sending you this letter. I have followed the antitrust trial from its start almost four years ago. I have never supported the government's case against Microsoft. Now that the courts have a chance to end this waste of taxpayer money by accepting the settlement. I sincerely hope you will do so. My reasons for not supporting the case against Microsoft are simple-I support free enterprise. It is no mystery that the antitrust trial was started because Microsoft's competitors lobbied President Bill Clinton on the issue. Those competitors didn't have the ability to compete with Microsoft in the market place, so they asked the government to step in and help.

This defies every principle our economy was built on. Our strength comes from an open, competitive market. Superior products evolve and dominate their sector. Those products and their makers lose their top spot when another company creates a better product. Asking the government to step in and place inferior companies at the top is not how this country was built.

I recognize that Microsoft's competitors will argue that Microsoft unfairly abused their position at the top to keep them down. I don't agree with that. Antitrust laws developed seventy-five years ago do not apply to the technology industry of today. Microsoft got maintained their position of supremacy because they continued to develop superior products.

The courts have an opportunity to put an end to a very big mistake. I urge the courts to accept the settlement.

Sincerely,
Jim Gibson President

MTC–00031625

JAN-20–2002 01:36 PM MILTON HANER 4252593022 P.O1 FAX COVER SHEET
Send to: Attorney General
From: Milton & Judith Haner
Attention: John Ashcroft
Date: 1–21–02
Office Location: Wash DC
Office Location:
Fax Number 1 202 307 1454
Phone Number: 425–259–3022
fax # Same
Urgent
Reply ASAP
Please comment
Please Review
xFor your Information
Total pages, including cover:
Comments :
JAN-20–2002 01:37 PM MILTON HANER 4252593022 P-02
Milton Haner
1208 48th Street SE
Everett, WA 98203–2900
January 19, 2002
Attorney General Ashcroft
US Department of Justice,
950 Pennsylvania Ave.
Washington, DC 20530–0001

We are writing today to encourage the Department of Justice to accept the Microsoft antitrust settlement. The suit dragged out long enough and it is time to allow Microsoft and the industry to move forward.

The settlement was arrived at after extensive negotiations with a court-appointed mediator. The terms are fair. Microsoft actually agreed to terms that extend will beyond the products and procedures that were at issue in the suit, even going so far as to divulge some of its software code to other companies that will use it against Microsoft. It is time that the government accepts the settlement and allows Microsoft to return to concentrating on business.

Microsoft has dealt with the government threatening to break up the company for over three years now. It is unfortunate that companies have to deal with such government over regulation. It is time for business to return to normal. Please accept the Microsoft antitrust settlement.

I would like to add that my wife and I were so pleased with your appointment as Attorney General and that we hold you in our prayers as you face all the decisions that are placed before you that God will give you continued direction and wisdom.

We do not know of Bill Gates religious standing, but we do believe that God has blessed him, because of his generosity around the world and here in America, to help various organizations and the education system and encourage you to take this into consideration when you make your decision.

Sincerely,
Milton Haner
Judith Haner

MTC–00031626

Renata Hesse,
Trial Attorney
Suite 1200, Antitrust Division, Department of Justice,
601 D Street NW,
Washington, DC 20530
(facsimile) 202–616–9937 or 202–307–1545

Re: Public comment (Microsoft case settlement) that under the Tunney Act must

be considered before the settlement is accepted.

Dear Mrs. Hesse:

I have been a Software engineer for the last 19 years. I am not working nor have never worked for any of Microsoft's competitors. I would like to respectfully request that you reconsider the grave anticompetitive consequences of the proposed Microsoft settlement by the the Justice Department. The settlement evidently grants Microsoft its operating system monopoly with wording such that it would no longer be illegal for Microsoft to maintain its monopoly. In my view, and that of most of my colleagues, the settlement is a travesty of justice, an ill-advised embarrassment that flings down and dances upon the law and upon all but the moat twisted notions of justice.

If this administration does not allow now that it is capable of acting with forceful determination, then I have no doubt that Microsoft will be emboldened and will push its bullying practices to new heights. I also have no doubt that our government will someday have to revisit this ugly problem. It will then be facing a much more powerful behemoth that has leveraged its way into other market segments, making the search for an effective remedy an almost hopeless task (short of reconsidering a breakup— again). As a software developer I am outraged: Microsoft's continued leverage of their illegal and ill-gotten monopoly on the desktop has now positioned the company to extend its control to the Internet. As a citizen I am dismayed: the continued indifference of this administration will ultimately lead to a monolithic entity controlling all relevant aspects of our cyber- society. As a consumer I am maddened: we will face a world devoid of choice in that arena. In the end, we will all have to pay the price.

I would like to urge this administration to help foster a business environment where healthy competition has a chance to innovate in a truly level playing field— where a nascent company will not be crushed by illegal means because it chose to offer viable alternatives to Microsoft's products— where the reason the Open Source software movement thrives is more than because it presents no definable corporate target for Microsoft to shoot down. I would like to plead with this administration to stop its apparent indifference to the wrong-doings of large corporations and to apply true remedies with real teeth when a corporation has been found guilty of monopoly. I sincerely hope that the currently unfolding Enron debacle will make this administration more sensitive to the fact that tacitly supporting another large company practice, like Microsoft's, by turning a blind eye to its illegal business practices will ultimately carry an enormous price to our society.

You now have a historic opportunity to redress this and apply real remedies that will send the message that illegal business practices will not be tolerated any more.

I urge you to act now, decisively, and with justice on behalf of our future. I want to believe that you will do the right thing. I really wish to thank you for your time and for considering my views.

Sincerely

George Soler
7 hallam St. 3A
San Francisco, California 94103

MTC–00031627

619 2804858 JOHN CIHAK RTY P01
JOHN F. CIHAK
OFFICE (619) 280–4850
REAL ESTATE SUITE 101
2840 ADAMS AVENUE
SAN DIEGO, CALIFORNIA 92116
January 18, 2002
Renata Hesse, Trial ATtorney
Antitrust Division, Department of Justice
601 D Street NW, Ste. 1200
Washington, DC 20530
VIA FACSIMILE
(202) 616–9937

Ms. Hesse,

This week, Governor Gray Davis and the California State Legislature will be announcing all of the various public works projects that are going to go without funding during the next fiscal year. I have spent years working in my community and am very concerned about what kinds of projects we are going to lose. I can't sit idly by and watch this happen while our leaders still consider spending millions of dollars on other frivolous projects. That is why I am writing this letter to ask the court to approve of the settlement with Microsoft.

The Microsoft case has already cost Californians tens of millions of dollars. That does not include what we are spending on the federal side of this case. Each time I think about the money, which might be spent should the settlement be rejectred, I think about all the important projects our community is going to lose out on. I am not naive enough to think that if the Microsoft case is settled that we will then get our public works projects. However, I do believe settling the case with Microsoft is a decision which should be made on principle. It is a decision which says that the courts and our elected officials will find a way to resolve issues like this when there's not enough money to fund even the most basic needs.

Sincerely,
John Cihak
Owner Cihak Realty

MTC–00031628

FROM : A D Fakonas January 21, 2002
PHONE NO. : 925 2537936 Jan. 21 2002 01:55PM Pl
A. D. Fakonas
56 Via Floreado
Orinda, CA 94563
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I urge you to settle the antitrust case against Microsoft. The issue has been dragged out far too long, to the detriment of the US economy and consumers. In fact, it often felt like the main reason this case was ever brought up was because its competitors were better at navigating the political world. Although Microsoft's business dealings may have been heavy-handed in the past, they were not detrimental to the consumer marketplace. I, like most (even marginal) computer users, have always had the option to use products from any software vendor. I personally have used both Internet Explorer and Netscape Navigator, and I still use both Microsoft Media Player and Real Networks RealPlayer. I have both on my computer simultaneously, and both work fine. The fact is that Microsoft has become a dominant force because it has provided superior products at good value. The settlement negotiated in November eliminates Microsoft's ability to force programs and products on consumers and manufacturers by requiring Microsoft to allow competitors to place their own programs on Windows. The result is a playing field as level as the competition will ever get.

Please drop the case and settle without further litigation. Everyone has dwelled on the matter long enough.

Sincerely,
A. D. Fakonas

MTC–00031629

The Worcester Foothills Theatre Co., Inc.
MICHAEL WALKER
Artistic Director
MARC P. SMITH
Artistic Director
Emeritus
BOARD OF DIRECTORS
GUY JONES*
CO-PRESIDENT
FRAN PAQUETTE*
CO-PRESIDENT
GERALD A. KASHUK*
TREASURER
HON. MEL GREENBERG
CLERK
BARRY BACHRACH, ESQ.*
DR. TAMARA BETHEL
MARTA CASILLO
EILEEN DECASTRO
LEWIS J. DITTELMAN
JAMES DUMAS
DR. BRUCE KARLIN
DR. JAMES LUKES
EVELYN M. MARSHALL
GARY W. MACCONNELL
JOHN 0. MIRICK, ESQ.
ELENI PAPADAKIS
JAMES J. PAUGH, III
MEL PELLETZ
DR. MICHAEL POLSENO
PETER A. WEINROBE
*EXECUTIVE COMMITTEE
January 3, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
VIA FACSIMILE

To Whom It May Concern:

I would like to comment on the proposed settlement in the Microsoft case. As the director of a small non-profit agency, I use Microsoft products daily and they have been a great help to me. They have allowed our staff to become more self-sufficient.

Small professional theater groups like the one I run, have small budgets and often are shoestring operations. The proposed settlement will benefit groups like mine, who would qualify to receive Microsoft products,

if the settlement survives in its present state. This would mean that we could spend more money on our productions.

As far as I can tell there has been no consumer harm as a result of any actions taken by Microsoft. Microsoft's innovations have, in fact, have helped many small agencies such as mine. I hope that we end this lawsuit and approve the settlement.

Sincerely yours,
Brad Kenney
Artistic Director
WORCESTER FOOTHILLS THEATRE CO., INC.
WORCESTER COMMON OUTLETS * l00 FRONT STREET * SUITE 137
WORCESTER * MASSAChUSETTS 01608
BUSINESS OFFICE: 508.754.3114 * Box OFFICE 508 754.4018 * (V/TTY) FACSIMILE: 508.767.0676 www.foothillstheatre.org

MTC–00031630

FROM : E S RUCKER PHONE NO. : 504 5235996 Jan. 21 2002 02:12PM Pl
Fax to page 001
1518 1st Street
New Orleans, Louisiana 70130
January 17, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I wish to express how happy I am to, hear that the Department of Justice finally ended its antitrust lawsuit against Microsoft. This agreement will greatly benefit Microsoft's competitors. They should be thrilled with the outcome of this case.

Microsoft had to compromise much just to get the case over with. It agreed to make available to its rivals, on reasonable and non-discriminatory terms, any code that Windows uses to communicate with other programs. The company also agreed to disclose and document, for use by Its competitors, various interfaces that are internal to Windows'' operating system products—a first in an antitrust lawsuit.

What more could Microsoft's competitors want? Maybe a key to the front door of the company's headquarters would make them happier.

Enough is enough. I hope the federal government never does this to Microsoft again. It would be pure harassment if they would.

Sincerely, Evelyn S. Rucker
Evelyn Rucker

MTC–00031631

Jan 21 02 03:03p p.1
Kansas Taxpayer Network
PO Box 20050 316–684–0062
Wichita, KS 67208 home.southwind.net/-ktn
Renatta Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street, NW—Suite 1200
Washington, DC 20530
Dear Ms. Hesse,

I am writing in support of the proposed Microsoft antitrust settlement. As Executive Director of the Kansas Taxpayers Network, I have followed this case closely and am embarrassed and distressed that our State attorney general has been a party to it. Like the tobacco lawsuits of the recent past, this is a case that has turned out to be not only a colossal waste of tax dollars, but also a detriment to yet another private industry.

Regulation through litigation seems to have been the underlying theme in this case and those responsible for stoking the embers are none other than Microsoft competitors.

My opinion in this case is not from that of a member of the Microsoft fan club or from that of an enemy for its competitors. My beliefs stem from those of a protector of taxpayers and overseer of the spending of the taxes they're forced to pay. In that position, I do not support the role of the federal or state government in shaping the appropriate market share between opposing companies in any industry. This is not the idea behind the ''rule of law,'' as I understand this concept from the framers.

All things considered, the proposed settlement is not only fair for all parties involved, but the best thing for taxpayers everywhere as it finally puts the case to rest. No more tax funds should be wasted on this litigation. As you review this settlement, I urge you to consider the positive national impact of ending this unfortunate litigation.

Sincerely,
Karl Peterjohn

MTC–00031632

JAN. -21'' 02(MON) 14:25 DIRECTORY DISTRIBUTING ASSOC. INC TEL:314 592 8791 P. 00 1
RICHARD L. RACKERS
160 Corporate Woods Court
Bridgeton, Missouri 63044
January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

It is my understanding that the Justice Department has reached a proposed settlement with Microsoft based on the allegations brought against the company for violation of various antitrust laws. It is also my understanding that you are currently accepting public comment on the proposed settlement. Please consider mine a vote of support for the settlement. While I know that it probably does not go as far as many of Microsoft's competitors would like, I believe that it is a fair and reasonable resolution of the alleged violations. As I understand the matter, the major complaint raised by competitors was the fact that they could not compete in such areas as Internet access within the Windows systems. This settlement allows such competition for the first time by forcing Microsoft to share their proprietary software code with its competitors, It is important to the economy right now to enter a growth phase and lawsuits such as the Microsoft suit can serve to stifle growth, I believe that the Justice Department and Microsoft have reached a fair and workable resolution, and I hope that you move forward with it as quickly as the law allows. Thank you for your attention.

Sincerely,
Richard Rackers

MTC–00031633

01/21/02 15:41 FAX 704 597 9183 KINKO'S COPY CENTER 001/001
Glenn J. Haqgerty
5509 Cottage Cove Lane
Charlotte, North Carolina 28215
January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I am writing to express my concern at the possibility of continuing litigation against Microsoft by the Department of Justice. I am satisfied with the terms reached in the agreement in November of last year, and I believe that further measures against Microsoft would be detrimental to consumers and the economy. i urge you to reconsider your position

I work in real estate, but over the past few years, I have been developing software with Microsoft. I have been able to develop software for real estate appraisers that is not only efficient but also cost effective. I have no complaint against Microsoft and I believe that measures taken with the aim of breaking up or greatly weakening Microsoft are not in the best interests of your constituents. I believe that the settlement reached has done more than enough to ensure fair competition. In my opinion, further federal measures taken against Microsoft would not be productive. Please reconsider your stance on the issues. Thank you for taking the time to review my concerns.

Sincerely,
Glenn Haggerty
cc: Representative Mel Watt

MTC–00031634

JAN 21 ''02 14:45 P.1
Michael W. Thompson
9035 Golden Sunset Drive o Springfield, Virginia 22153
703/455–1539(home)
703/440–9447(0ffice)
703/455–1531 (fax)
mikethompson@erols.com
FAX TRANSMITTAL SHEET
Deliver
To: Ms. Renata Hesse
FAX# 202/616.9937 Number of Pages 2 Date 1/18/02
From: Mike Thompson
JAN 21 02 14:45 P.2
Michael W. Thompson
9035 Golden Sunset Lane
Springfield, Virginia 22153
703/455–1539 703/440–9447(0)
January 18, 2002
Ms. Renata Hesse
Trial Attorney
Antitrust Division
U.S. Department of Justice
601 D Street, NW # 1200
Washington, DC 20530
Dear Ms. Hesse:

I am writing to encourage the Department of Justice to approve the settlement agreement in the case of United States v. Microsoft. As a businessman and a taxpayer, I feel it is time to stop the long legal battle between competitors and to allow one of our nation's most innovative technology

companies to get on with the job of providing all segments of our economy the opportunity to run more efficiently.

The proposed settlement is reasonable and it is tough on Microsoft and it seems to be a fair outcome to the issues involved in this case. I hope that the Court will approve the proposed settlement between Microsoft, its various plaintiffs and the federal government.

Sincerely,

Michael W. Thompson

MTC–00031635

JAN-22–2002 01:44 AM
JAN-11–2002 08:40 AS&T SOURCING
MERTS P-01
State of New Hampshire
House of Representatives
Concord
January 12, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Attorney Hesse:

I write to offer my support for the settlment proposed in the case of U.S. v. Microsoft. As a STate Representative serving the Town of Merrimack, New Hampshire, I believe that although government should protect consumers and make sure they are not taken advantage of by big business, the government's prosecution of Microsoft has been misguided. Microsoft is a very large company and does have an influence in many consumers'' lives; but it is a positive influence that has helped to increase work efficiency and communication.

I am very much a proponent of wisely spending the money that citizens give to government and believe spending has been wasteful in this case. It is time for the government to step back and allow the Microsoft settlement to stand. Too much time, effort and money has been spent reaching this settlement. Further money and time can be better spent elsewhere, especially in these difficult times.

With the current economic situation in mind, the government should support innovation and companies, like Microsoft, that are having a positive impact in our lives and creating jobs and a positive trade flow in the international balance of payments. Please approve this settlement.

Sincerely,

John Balcom

State Representative, Hillsborough 18

1/3/2002 TOTAL P.01

TDD Access: Relay NH 1–800–735–2964

MTC–00031636

Marc J. Mataya
4935 Prentice Place
Charlotte, NC 28210–2917
January 16, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing to explain my opinions regarding the Microsoft antitrust case. I feel that the settlement agreement reached between the Department of Justice and Microsoft was fair and reasonable, and was extensive enough for nine states to agree to. Microsoft has been punished for building a better mousetrap, and pricing it lower than the competition. Although I do not agree with every decision that Microsoft has made, I do understand wanting to use you successful product to launch more successful products. Three years of litigation has called this illegal. Obviously, there is a limit to success under free enterprise, and that limit is becoming the industry standard.

Despite my views, I do understand the pleas of the competition, I also feel that Microsoft has gone above and beyond in its concessions. Under the agreement, Microsoft has changed the way it develops, licenses, and markets its software. It has agreed to grant computer makers broad new rights to configure Windows so as to promote non-Microsoft software that competes with programs included within Windows. Also, Microsoft has agreed to license its Windows operating system products to the 20 largest computer makers, who account for the majority of PC sales.

In short, it is time to put this matter behind us. The sooner this case is settled, the sooner that the focus of the IT industry can return to innovation, rather than litigation. We must make certain that we continue to introduce advanced American technology to the world market, or risk losing our competitive advantage.

Sincerely,

Marc Mataya

MTC–00031637

January 17, 2002
Attorney General John Ashcroft
U.S. Department of Justice
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing your office in support of the settlement reached with Microsoft in the antitrust lawsuit against them. There are a great many companies in the U.S. that operate under monopolistic conditions, and I feel that Microsoft is being used as a scapegoat of sorts.

I understand the basic points of the settlement, and I think that they provide for ample competitive behavior in the future. Uniform pricing for computer makers and increased flexibility in removing Windows-based programs from a user's computer will be beneficial to consumers in several ways.

I can assure the DOJ that Microsoft's success is important to many people beyond the company itself. I urge you to settle the antitrust lawsuit with no additional delay.

Sincerely,

Karen Frisch

920 John Street

Manhattan Beach, CA 90266

MTC–00031638

John Held
16329 170th Ave. NE
Woodinville. WA 98072
January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing today to encourage the Department of Justice to accept the Microsoft antitrust settlement. I work within the technology industry and I think it is time to let the industry get back to business. For over three years government has bogged down Microsoft with lawsuits. It is time to put this issue to rest.

During the period that the government has been trying to break Microsoft up the industry has had some tough times. Most stock is down, many companies have gone out of business, and the industry leader has had to deal with a hostile government. Microsoft has given a lot of ground to get this over with. They are willing to share some of their trade secrets to competitors; give up their leverage over computer makers by adopting uniform prices; and submit to the oversight of an independent technical committee. They have agreed to terms that extend well beyond the products and procedures that were actually at issue in the suit.

The settlement is fair and should be accepted by the govemment. I hope you use your authority and influence to help that happen.

Sincerely,

John Held

MTC–00031639

PO Box 5700,
Mt Crested Butte, CO
81225–5700
Crested Butte
Mountain Resort
To: Renata Hesse—Trial Attorney
From: Wayne Anderson
Fax: 202–616–9937 Pages: 2
Phone Date: 1/21/2002
Re: Proposed Microsoft Antitrust Settlement
Cc:
Urgent For Review Please Comment Please Reply Please Recycle
CRESTED BUTTE
COLORADO
January 21, 2002
Department of Justice—Antitrust Division
Attn: Renata Hesse—Trial Attorney
601 D Street NW, Suite 1200
Washington, DC 20530–0001
RE: Proposed Microsoft Antitrust Settlement

Dear Department of Justice:

I am writing to express my concern about the proposed Microsoft antitrust settlement currently being considered by the court. I have worked in corporate IT operations since the early 1990s. I hold numerous industry certifications, including Microsoft Certified Systems Engineer, Certified Novell Engineer, and others. I am the head of my company's Information Systems department, and I work primarily with Microsoft products on a daily basis.

Since I began working in the IT field, my opinion of Microsoft's products and business practices has changed dramatically. I have experienced first hand the poor quality of their products, and I have repeatedly watched competitors with superior technology effectively run out of business by Microsoft's ruthless use of its monopolistic power. It has had a decidedly negative effect on the industry. There is no question in my

mind that strong remedy is necessary to restore competitive forces to many segments of IT.

To that end, I do not believe the proposed settlement goes nearly far enough. The simplest evidence of this is that Microsoft agreed to it. The company has shown by its actions throughout the years that it will fight to the last breath any attempt to interfere with its monopoly. If the company agreed to this settlement, then that clearly demonstrates that Microsoft does not believe the terms of the settlement will have any meaningful impact on its grip on power. If Microsoft doesn't believe the settlement will have an impact, why should we? Any effective remedy is going to have to be imposed upon Microsoft kicking and screaming. I believe that negotiating a settlement with Microsoft is a lost cause. The current settlement should be scrapped, and a much more sweeping one should be pursued in the courts. I hope this will be done without further delay, since time is of the essence in a matter such as this. Thank you.

Sincerely,
Wayne Anderson
Director of Computing
Crested Butte Mountain Resort, Inc.
12 Snowmass Road
P.O. Box A.
Mt. Crested Butte, CO
81225
(970)349–2333 (800)544–848
Fax:(970)349–2250
EMail: info@chat.com
www.crestedbutteresort.com

MTC–00031640

l-21–2002 11:33AM FROM 000000000000 P. 1
01/21/02 12:12 P.001/001
Virginia Society AIA 15 South Fifth Street
Richmond. Virginia 23219–3823
TEL 804.644.3041
FAX 804.643.4607 aiava.org
January 21, 2002
Ms. Renata Hesse
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I believe one of the strongest reasons to support a settlement in the Microsoft case is how the agreement will be enforced. The independent Technical Committee; being created has the power to tire unlimited staff. The Committee will reside at Microsoft Corporation site at Microsoft's expense. Furthermore, the agreement specifies the U.S. Justice Department as the sole enforcement authority. To summarize, the settlement agreement provides resources, access, and authority to respond to complaints about Microsoft's compliance. This is an enforcement mechanism with that is bound to work.

It is heartening to see this case finally being settled. The U.S. economy can use a boost and the high-tech industry may be able to provide it.

Sincerely yours,
Beverley M. Dew
Director of Development
Virginia Society of the American Institute of Architects

MTC–00031641

Sent By: DKC Computers, Inc.; 972 642 4942; Jan-21–02 3:OlAM; Page 2/2 DKC COMPUTERS, INC.
1324 W. Church St. Grand Prairie, Texas 75050–5129 (972)
263–4879 Fax (972) 642–4942
January 21, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

The threat of government regulation of the computer software industry is frightening to contemplate. Price controls will stifle innovation. Arbitrary restrictions an packaging will drive costs so high that consumers and small businesses will not be able to afford the advances made in computer technology. Anti-competition rules will destroy America's dominant position in the global market and give foreign competitors a distinct advantage.

Is this the future we want for America's technology industry? I sure hope not. That is why I am writing this letter in support of the negotiated settlement between the U.S. Department of Justice and Microsoft Corporation. I believe it to be in the best interest of the consumer and the high tech industry to end all litigation and let technology innovators get back to doing what they do best-innovating.

Thank you for your consideration.
Sincerely,
Duron K. Cutbirth

MTC–00031643

01/21/2002 09:03 6033667301 WEIRS TIMES PAGE 01
THE WEIRS TIMES AND TOURISTS'' GAZETTE
DEVOTED TO TJE INTERESTS OF LAKE WINNIESAUKEE and VICINITY FAX FORM
This Fax Transmission is being sent to: Renata B. Hesse—Antitrust Division
This Fax is From: Rep. David M. Lawton
Number of Pages including This Cover Sheet: 2
Comments:
Commentary regarding the microsoft settlement for your consideration.
Reply Necessary: YES No x
P.O. BOX 5458, Weirs, New Hampshire 03247–5458
Office Route 3, Across from Funspot
603–366–8463(TlMES)—FAX 603–366–7301
www.weirs.com
PUBLISHED BY THE WEIRS PUBLISHING COMPANY, INC.
HOUSE OF REPRESENTATIVES
CONCORD
January 21, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
RE: MICROSOFT SETTLEMENT

Dear Ms. Hesse:

There is a growing sentiment among economists that we are finally seeing the light at the end of the tunnel of our nation's recession. The markets are improving, and the economic forecast is generally positive. However, state revenues are down and most states will have to consider tough cuts on spending in coming budgets.

One thing that can be done to aid states'' economies is to end the Microsoft lawsuit. I am writing in support of the nine states and the Department of Justice's settlement agreement. It is a fair and reasonable agreement which brings a satisfactory conclusion to this long-running antitrust case.

As the old saying goes, a rising tide floats all boats. And just as a rising tide will float a boat sitting at the lowest point first, so the resolution of this case will help those who have the farthest to rise first.

The technology-driven ''innovation economy'' has created tremendous opportunities for the citizens of New Hampshire. But we must act now to take some of the uncertainty out of economy. I urge you to endorse this settlement agreement which would provide states greater confidence in fiscal planning and would allow entrepreneurs and businesses to get back to the business of creating new and better products for consumers.

Regards,
David M. Lawton
State Representative
Belknap County District #1
603–279–8382
TDD Access: Relay NH 1–800–735–2964

MTC–00031644

01/21/2002 05:58 5084863455 GLAVEY AND GLAVEY PAGE 01
R. S. Halloran Company
370 Harwood Avenue
Littleton, Massachusetts 01460
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington DC 20530

Dear Attorney Hesse,

I would like to express my support for the proposed Microsoft settlement that is currently being considered by Judge Kollar Kotelly in the federal courts. The case has gone on too long, and has cost the American taxpayer millions of wasted dollars. I'm not sure what, if anything, the consumers of this country have gained by this protracted fight, it seems to me that we would all be better off if the case were settled.

I run a small logging company, and so I am not involved in the daily workings of high-tech industry. However, I do understand fairness in business practices, and respect the role of the federal government to look out for the little guy. In this case it seems that someone got too zealous, and that the case took a life of its own. If the Justice Department has reached a settlement that is acceptable to them, then I say let's not miss this opportunity to end this unfortunate episode,

I appreciate your consideration of my thoughts on this matter, and I ask you to consider: with all that's going on in this world, wouldn't America be better unified if we ended this case?

Sincerely,
Richard S Halloran

MTC–00031645

1/20/2002 10:59 PM FROM: FAX TO: 12026169937 PAGE: 001 OF 002
urgent
facsimile
TO: Attorney General Ashcroft
Fax Number: 12026169937
From: Tara Erickson
Fax Number: 413–280–1296
Business Phone:
Home Phone: 435–615–1170
Pages: 2
Date/Time: 1/20/2002 10:59:30 PM
Subject Microsoft
1341 East Oakridge Road N
Park City, Utah 84098
January 20, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my exasperation with the court proceedings in the Microsoft antitrust case. I cannot believe that the case has dragged on for this long and that now, when a settlement has finally been reached, some people refuse to accept the terms of the settlement and wish further federal action to be taken against Microsoft. Additional litigation would be entirely counterproductive in this matter, and I do not believe it is wise.

Microsoft has been fairly dealt with in this case, and has actually agreed to terms under the settlement that extend to products and procedures that were not found to be unlawful by the Court of Appeals. Microsoft has accepted the terms and they appear to be more than fair to the plaintiff states, For example, Microsoft has agreed to provide anyone acting under the terms of the agreement with a license to applicable intellectual property rights. Microsoft has also agreed to document and disclose source code, interfaces, and protocols integral to the Windows operating system for use by their competitors.

The settlement is fine; further litigation would be redundant, expensive, and wholly unnecessary. I ask you not to condone the inexplicable litigious behavior of the nine plaintiff states and to allow the settlement to stand.

Sincerely,
Tara Erickson
cc: Representative Chris Cannon
1/20/2002 10:59 PM FROM: FAX: TO : 12026169937 PAGE: 002 OF 002

MTC–00031646

MARK MILLS 2548977092 P.01
Mark M. Mills
1063 FM 205
Glen Rose, TX 76043
Renata Hesse,
Trial Attorney,
Suite 1200,
Antitrust Division,
Department of Justice,
601 D Street NW, Washington, DC 20530;
(facsimile) 202–616–9937 or 202–307–1545
Re: The public comment period in U.S. v. Microsoft

Dear Renata Hesse,

I am writing to voice my objections to the proposed Microsoft Settlement. I cannot see how the proposed settlement can be found to adequately punish Microsoft for its antitrust violations. The settlement contains no penalties and actually advances Microsoft's operating system monopoly.

History will remember this settlement as a mockery of justice. How can one ''punish'' a monopolist by invoking a punishment that expands it's monopoly? The punishment is entirely unfair to those that have been harmed by Microsoft's unfair business practices. Rather than a punishment for the defendant, the settlement punishes the plantiffs.

At a minimum, the settlement must:

Place Microsoft products as extra-cost options in the purchase of new computers, so that the user who does not wish to purchase them is not forced to do so. This means that for the price differential between a new computer with Microsoft software and one without, a computer seller must offer the software without the computer (which would prevent computer makers from saying that the difference in price is only a few dollars), Only then could competition come to exist In a meaningful way.

Require Microsoft to make public all present and future document file formats, so that documents created in Microsoft applications may be read by programs from other software developers, on Microsoft's or other operating systems. This is in addition to opening the Windows application program Interface, which is already part of the proposed settlement.

Require Microsoft networking protocols be published in full and approved by an independent network protocol body. This would prevent Microsoft from seizing de facto control of the Internet.

Sincerely,
Mark M. Mills

MTC–00031647

Reed Royalty Public Affairs, Inc. 949–240–0304 1/20/02 7:34 PM 1/2
Reed Royalty Public Affairs, Inc. Sunday, January 20, 2002
Governmental Relations Reed L. Royalty, President
Community Relations 30205 Hillside Terrace, San Juan Capistrano CA 92675–1542
Communications reed.royalty@home.com—fax (949) 240–0304 phone (949) 240–2022
FAX
TO: Renatta Hesse, Antitrust Division
FAX 202 616–9937
PAGES: 2
Reed Royalty Public Affairs, Inc. 1/20/02 7:34PM 2/2
Governmental Relations Reed L. Royalty, President
Community Relations 30205 Hillside Terrace, San Juan Capistrano CA 92675
Communications reed.royalty@home.com -fax (949) 240–0304 o phone (949) 240–2022
January 20, 2002
Ms. Renatta Hesse
Trial Attorney
Antitrust Division
601 D Street, NW Suite 1200
Washington, DC 20530
Via Fax # 202–616–9937

Dear Ms. Hesse:

The case of U.S. v. Microsoft is a waste of tax dollars. I encourage the courts to accept the settlement and bring this unfortunate chapter of our judicial history to a close. I understand that the court is deliberating whether the settlement in U.S. v. Microsoft should be accepted. It is also my understanding that if the court rejects the settlement, the case will continue, forcing some states and the federal government to resume spending on the issue. I hope you will approve the settlement.

I write this letter as an individual, but I am president of a taxpayers'' organization that tries to ensure that taxes and governmental programs are ''fair, understandable, cost-effective, and good for business'' (our mission statement). It is this activity that aroused my interest in U.S. v. Microsoft.

The amount of tax dollars going to special interest lawsuits such as the one against Microsoft has increased dramatically in recent years. Politicians now see these lawsuits as publicity generators (and sources of extorted money) rather than good public policy. The ''demonization'' of productive, tax-paying businesses is a deplorable tool used in the search for headlines. I hope the court will send a message to the politicians and special interests by supporting this settlement.

By the way, I own no stock in Microsoft, and I use a Mac.

Thank you for your consideration.

Sincerely,
Reed L. Royalty

MTC–00031648

** TOTAL PAGE. 001 **
9343 Larch Drive
Munster, Indiana 46321
January 11, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

As I read the paper and realize the state of our economy, I am a bit disturbed by the recent developments in the Microsoft settlement. After three years of negotiations, it was about time we reached an agreement that helped to get our IT sector moving forward. Now, the technology industry may have to suffer through further discussion of this meticulously planned settlement, while the global market gets more and more competitive.

It is time to move forward and let the technology industry get back to business. All parties involved are ready to use these terms as new guidelines in order to move on. These extremely productive terms include new developments in licensing, marketing, and even design. All of which are beneficial to the consumer, the IT industry and our economy as a whole. Let us support the advancement of our technology industry by stopping any further litigation in this matter. I appreciate your listening and your support.

Sincerely,

Ram Patil
JAN 22 2002 08:10 FR FLAT ROLLING OPER 219 399 2750 TO 912023071454 P.01

MTC–00031649

01/19/1995 21:43 8592522845 LESSON IN LEADERSHIP PAGE 01
John Santone
4838 Hartland Parkway
Lexington, KY 40515
January 19, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft,

I would like to express my opinion that the last three years of lawsuits against Microsoft were wrong and unjustified. Microsoft has made huge contributions to our society by creating jobs and making technological breakthroughs. They have been the cornerstone of the IT Industry and made using computers easy.

I find it ironic that the intention of this case at the outset was to protect consumer rights, but the terms of the settlement only reflect the lawmakers'' and politicians'' concern for competitors of Microsoft. Under the terms of the settlement, Microsoft has agreed to not retaliate against any computer makers or software developers who promote or develop products that compete with Windows operating system products. They have also agreed to disclose their interfaces.

Now, I am not quite sure how those concessions and the other ones will help consumers, but I can very clearly see the benefit for other software conglomerates. I do know that I would rather this settlement become reality than risk further litigation. I think our IT sector and economy cannot withstand having one of our industry leaders on the sidelines now in this recession. I request that your office finalize the agreement.

Lastly, I believe this litigation sent the wrong signal to an industry that was responsible for creating a great deal of the economic prosperity that existed this past decade. You cannot expect companies to invest in new technology if they can expect to be sued for not inventing a design (e.g. bundling browser w/operating system) that suits the Justice Department. Please remember that IBM designed the OS/2 operating system, and AT&T developed UNIX. Both of these giant companies had every opportunity to beat out Microsoft, but they both failed because the Windows design produced a superior product.

Sincerely,
John Santone

MTC–00031650

JAN-22–02 08:46 FROM: RSR REAL ESTATE ID: 7631656 PAGE 1
1 Gunpowder Road
Mechanicsburg, Pennsylvania 17050
January 15, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

It has come to my attention that there has been a settlement reached in the government's three-year antitrust case against Microsoft. It pleases me to know that a settlement has been reached in the case. However, I don't feel that there should have been litigation against Microsoft to begin with. I support the company 100% in this case. The government should leave Microsoft alone, and tackle other matters that are affecting America.

However, I feel it is in everyone's best interests to accept the settlement as is, so Microsoft can move forward in developing new products for the consumer. The terms of the settlement are both fair and reasonable, and should be approved by the government in a timely manner. I would like to remind you that Microsoft is not getting off easy like their critics want you to believe.

For example, Microsoft has agreed to document and disclose for use by its competitors various interfaces that are internal to Windows operating system products. Furthermore, they have agreed not to retaliate against software or hardware developers who develop or promote software that competes with Windows or that runs on software that competes with Windows.

Sincerely,
Greg Rothan
cc: Senator Rick Santorum
Representative George W. Gekas

MTC–00031651

01/22/2002 09:07 8286832241 GINGER PAGE 01
VIRGINIA SCRIBNER MALLARD
105 SANDY MUSH ROAD * MARSHALL, NC 28753 * (828) 683–4445
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I'm glad I have a chance, as a citizen, to weigh in with my comments while the federal Microsoft lawsuit settlement is being considered. I urge you strongly to accept the settlement.

The seemingly endless lawsuit now has a chance to come to a close. Microsoft is so eager to get this behind them that the settlement even encompasses matters never addressed in the original litigation. Among the tough provisions are requirements that Microsoft reveal internal Windows'' operating system interfaces to its competitors and give up its intellectual property rights to competitors in certain cases. It's time to end this sad story of government harassment and accept the settlement. I'm hopeful you will realize this in the public interest.

Sincerely,
Virginia Mallard

MTC–00031652

Steven R. Duncan, CPA, CVA
Certified Valuation Analyst
14191 Duffield Avenue NW Monticello, Minnesota 55362
(763)878–0090 Fax (763)878–3066 e-mail sdcvacpa@msn.com
January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I am writing in support of the recent settlement of the Microsoft federal lawsuit. As a follower of the case I feel that the lawsuit should have never happened and was mostly created through the actions of desperate competitors. Now that we have an opportunity, the agreement should be approved and the government should focus on the more important issues our country faces right now. The time and money spent on breaking up a company at the core of the new economy has been excessive to say the least. This has been the reward for starting a business from scratch and revolutionizing the software industry. What Microsoft offers in this deal is more than generous and will allow other competitors plenty of opportunities to sell their products. Access to intellectual property, such as source codes, is a requirement unheard of in the industry, and it is a major concession Microsoft's competitors. Meanwhile, a three-person technical committee will be monitoring compliance of the agreement, which should prove this to be a workable solution. As a taxpayer and a voter, I believe that this deal is in the best interests of the free market and the most effective direction for the government to spend its time. Microsoft will stay intact and be able to thrive, while its competitors will be guaranteed opportunities for their own success. I look forward to your support.

Sincerely,
Steven Duncan
01/22/2002 02:18 FAX 6128783055 S DUNCAN CPA CVA 01

MTC–00031653

January 21, 2002
Attorney General John Ashcroft
Justice Department
950 Pennsylvania Ave.
Washington DC, 20530
Dear Mr. Ashcroft,

Microsoft had been in legal proceedings for the past three years with the Justice Department in the antitrust case. This had been a burden for both parties, and a settlement was past due, so I was very glad to see this settlement come about. I look forward to your support of this settlement. I own a small business unrelated to the technology area. I have been vocal in my support of Microsoft and will continue to use their technology. Anti-Microsoft special interests would like to upset this settlement and re- open this case. Frankly, I believe Microsoft has had enough. The settlement on the table is good; it will allow competitors to more easily place products on Microsoft systems and will give competitors access to Microsoft computer code so they can make better products. Microsoft has been very cooperative in this settlement and taken a conciliatory tone. Let's put this matter behind us and move forward.

Sincerely,
Mike Granfield
Speed Promotion
Mike Granfield
3220 Oak Brook Drive, Waxhaw, North Carolina 28173
Jan 22 02 12:54a Mike Granfield 704–202–6352 p.1

MTC–00031654

01/21/2002 23:08 9037846648 WALKER PAGE 01
Walker G. P. LLC
1841 Fairfax Paris, Texas 75460
Fax 903–784–6648 Ph. 903–784–4919
January, 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

I write to you today to express my support of the Microsoft settlement. The Department of Justice has now spent three years toiling over this issue without any resolution. Finally last November a tentative settlement agreement was reached. This settlement should be enacted with haste. It represents a fair mediation between all parties involved.

The terms of the settlement are very fair. Microsoft now agrees to license its Windows software at the same rate to the largest manufacturers of PCs. This make the marketplace much more competitive. Also Microsoft will agree not to retaliate against companies that use, sell, or promote non-Microsoft products. Additionally, Microsoft has agreed to share information with its competitors that will allow them to more easily place their own programs on the Windows operating system. Obviously Microsoft has been generous in resolving this issue. The Justice Department must enact this settlement.

Sincerely,
C.L. Walker

MTC–00031655

01/21/02 22:38 FAX 7042639374 DH LINEBERGER 01
Dottie Lineberger
128 Spring Wyatt Drive
Gastonia, North Carolina 28056
January21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I am writing you today to express my opinion in regards to the Microsoft settlement. The settlement that was reached in November is fair and thorough. I believe the settlement will serve in the best public interest. Microsoft has agreed to carry out all provisions of this settlement. Microsoft has agreed to grant computer makers broad new rights to configure Windows so as to promote non-Microsoft programs that compete with programs included within Widows. Computer makers will now be free to remove the means by which consumers access various features of Windows Media Player, and Windows Messenger. Microsoft has also agreed to be monitored by a technical oversight committee.

This settlement will benefit the economy and consumers. Please support this settlement. Thank you for your support.

Sincerely,
Dottie Lineberger

MTC–00031656

Jan-21–02 08:25P J & G consulting 760 3405248 P.01
Jorge J. Castellanos
P.0. Box 14030
Palm Desert, CA 92255–4030
75625 Dempsey Drive, Palm Desert, CA 92211 U.S.A.
Phone: 760 340–5018 Fax: 760 340–5248
FAX MESSAGE
TO: Attorney General John Ashcroft, DATE: January 21, 2002
COMPANY: US Department of Justice, No. of Pages: One (1)
LOCATION: 950 Pennsylvania Avenue, NW
Washington, DC 20530
FAX #: (202) 307–1454 & (202) 616–9937
PHONE #:
FROM: JORGE J. CASTELLANOS
Dear Mr. Ashcroft:

I am writing to you to voice my support of the Department of Justice settlement of the Microsoft case. While I feel that the terms are a bit harsh, Microsoft has agreed to them and committed itself to ending this case is soon as possible.

There are great many more important things facing America now. Pushing this lawsuit, simply because we happen to disagree with Microsoft is not the American way. We need to be promoting free enterprise and American business. Especially during these times of economic instability. I believe that the terms of the settlement are fair and that the three man technical committee that will be appointed by the government to oversee Microsoft's compliance to terms will be sufficient to deter any further antitrust violations. I strongly believe that now is the time when we should all be focusing on our economic health as well as making sure that we continue to have a good employment picture educational policies. Let's put this unpleasantness behind us and move forward.

Sincerely,
Jorge J. Castellanos

MTC–00031657

January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft,

I am writing today to encourage the Department of Justice to accept the Microsoft antitrust settlement. It amazes me that the government wanted to break up the technology industry's leading company in the first place. Now that a settlement has been reached, it amazes me that there is a possibility that the government will not accept it.

Microsoft has had so many net positives on the technology industry. They single-handedly made most software compatible and standardized. This does not mean that everyone has to use Microsoft software, just that different software works together. In fact, in the terms of the settlement Microsoft has agreed to give computer makers the flexibility to install and promote any software that they see fit. Microsoft has also agreed not to enter into any agreement that would obligate the computer makers to exclusively use Microsoft software. This will assure the consumers that they are receiving the best software. As a long term computer user I view Microsoft as a National Treasure. They brought the industry out of chaos into order.

The terms of the Microsoft antitrust settlement are fair and should be accepted. Microsoft and the industry need to move forward, the only way to move forward is to put the issue in the past. Please accept the settlement.

Sincerely,
Donald Glassman
481 Sage Drive
Pittsburgh, PA 15243
CC: Senator Rick Santorum

MTC–00031658

JAN-22–02 TUE 8:45 STENSTREAM FINE ARTS P.01
Robert Stenstream Fine Arts
4200 Southwest 7th Avenue Road
Ocala, Florida 34474
January 11, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Attorney General Ashcroft:

This letter is to address the recent settlement reached between the Department of Justice and Microsoft. I want to applaud this settlement, as I think it is long overdue. The lawsuit has stretched on for three years, costing millions of dollars and time on both sides. It is time to put the matter to rest and move on. The company faces more important issues.

Furthermore, Microsoft has agreed to a number of Department of Justice demands; i.e. making their software and codes more accessible to competing firms, disclosing information regarding Windows. There is even a technical committee to monitor Microsoft's compliance with the settlement. I believe that all of this is more than what is required to settle the matter at hand. I am asking that you give your support to this proposed agreement, since many Americans like myself do.

Sincerely,
Robert Stenstream
Owner

MTC–00031659

Jan 22 02 07:5la James D. Ebentier 480–423–0536 p.1
JAMES D. EBENTER
4–J Enterprises
8307 East Bueno Terra Way
Scottsdale, Arizona 85250–6611
(Tel.480–423–0446)
(email-j-jebentier@juno.com)
January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

It is obvious to me that Microsoft has been cooperative in settling this antitrust case. They agreed to design future versions of Windows, beginning with an interim release of Windows XP, to provide a mechanism to make it easy for computer makers, consumers and software developers to promote non-Microsoft software within Windows. The mechanism will make it easy to add or remove access to features built in to

Windows or to non-Microsoft software. Consumers will have the freedom to choose to change their configuration at any time.

This settlement represents a good faith effort on Microsoft's part at bringing forth a viable end to this lawsuit. Now that this is done, let's concentrate on getting the economy back on track and allow the commercial sector to take care of itself.

Sincerely,

James Ebentier

MTC–00031660

825 Powell Road
Lenoir, North Carolina 28645
January 17,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I would like to express my support for the settlement and an end to the litigation in the Microsoft antitrust case. The case has gone on long enough.

I am pleased with a number of the terms of the settlement. I most specifically like that Microsoft has agreed to design future versions of Windows in such a way that computer makers, software developers and consumers can promote non- Microsoft software within the Windows operating system. I am also pleased that the settlement will be monitored by a committee rather than solely through contempt of court or other enforcement proceedings which are more time consuming and costly.

I was amazed at the recent write-off that Microsoft had to take for the litigation. We need to leave this case behind, and the settlement offers a viable opportunity to do so. It is time to allow the country to focus on business again. I would hate to see a market replay of the seventies.

I support the settlement-as I understand it, and hope that it is finalized as soon as possible. Thank you for reviewing my comments.

Sincerely,

Stephen Scott

01/22/2002 10:00 8283287338 CARL A. RUDISILL LIB page 01/01

MTC–00031661

01/22/02 TUE 10:26 FAX 5703453600 Greg Pijar 001
Greg Pijar
184 SpittIer Road, Pine Grove, Pennsylvania, 17963
January 17, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

I am writing you today to voice my opinion in regards to Microsoft. I support Microsoft in the three-year-long litigation that has drawn on, and I support the settlement that was reached in November. I sincerely hope there will be no further action against Microsoft at the federal level.

Microsoft has agreed to document lots of intellectual property to its competitors, including various interfaces and interoperability protocols. This will make it so that Microsoft's competition can write software that fits better onto Windows, and therefore runs more efficiently.

This settlement contains many provisions other than the above that will benefit the technology industry as a whole. Please support this settlement so Microsoft can move on from this litigation. Thank you for your support.

Sincerely,

Greg Pijar

cc: Senator Rick Santorum

MTC–00031662

Jan-22–02 11:OlA Mendel Frieman P.01
5506 Greenspring Avenue
Baltimor, MD 21209–4330
January 21, 2002
Attorney General John Aschroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I would like to tell you my thoughts about the recent events in the Microsoft Anti Trust case. This whole issue has been dragged through the mud, wasting precious time and money. Nonetheless, I am glad to see that the Justice Department and Microsoft have come up with some sort of agreement. I just hope that everyone can put their various interests aside for the good of the country. This settlement needs to be finalized so that our country can get on with things. Our country is supposed to be a free enterprise system, but for years Microsoft has been punished for creating superior products and making money in the process.

I don't see how this issue can even be disputed. Microsoft is giving up a great deal just so that don't have to worry with this issue any more. They are giving away their technology secrets so that their less innovate competitors can create products that will be able to compete with Microsoft. They also will be changing their business practices so as not to obligate anyone to have to sell Microsoft's products over anyone else's. Please accept this settlement, it is high time that our computer industry be allowed to move forward. Thank you.

Sincerely,

Mendel Friedman

MTC–00031663

01/22/02 TUE 09:13 FAX 512 327 6384 ALLIED INTERESTS INC. 001
816 Terrace Mountain Drive
Austin, TX 78746
January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing today to encourage the Department of Justice to accept the Microsoft antitrust settlement. The issue has been dragged out long enough and should be put to rest. A settlement is available and the terms are fair. The government should accept the settlement and move on. Many people think that Microsoft has gotten off easy, in fact they have not. The settlement was arrived at after extensive negotiations with a court- appointed mediator. The company agreed to terms that extend well beyond the products and procedures that were actually at issue in the suit, simply to put the issue behind them. Microsoft will, for example, now share use a uniform price list when licensing Windows.

Microsoft has given up much, now the government needs to stop its over regulation. Microsoft and the industry need to move forward. The only way to move forward is to put the issue in the past. Please accept the Microsoft antitrust settlement.

Sincerely,

Terry Stames

MTC–00031664

JAN 22 ''02 09:35 FR PRUDENTIAL SECURITIES630 571 1259 TO 12023071454 P. 01/02
FAX TRANSMISSION
DATE 1/22/2002
OF PAGES including this cover 02
TO Attorney General
John Ashcroft
US Dept. of Justice
FAX# 1–202–307–1454
FROM Barry Szymczak
PHONE 1–630–571–1259
NOTES My personal feelings opinion has been expressed in attached letter

This information set forth herein was obtained from sources which we believe reliable, but we do not guarantee its accuracy. Neither the information nor any opinion expressed constitutes a solicitation by us of the purchase or sale of any security or commodities.

MGR APPROVAL

JAN 22 ''02 09: 35 FR PRUDENT I AL SECURI TIES630 571 1259 TO 12023071454 P.02/02
10820 Cantigny Road
Countryside, IL 60525–4741
January 12, 2002
Attorney General John Ashcroft
US Department of Justice
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I am fully against the three years of litigation, which have been brought against Microsoft. Now that a settlement has occurred I think it is ludicrous that 9 states still oppose. Our country is based on majority rules. The fact that nine states can hold up this case, which has dragged out for 3 years, proves there is some political interests and personal gain to be had by the state attorney generals.

Microsoft should be rewarded for standardizing the technology industry and innovating the user-friendliest applications to date. Bill Gates has been innovative and vision oriented; creating something out of nothing—nothing but intelligence and business sense and concern for what people want. The American dream has been reached. Bill Gates should not be penalized for reaching the top. The fact that Microsoft has to disclose internal interfaces violates its intellectual property rights. All companies in America survive on their ability to differentiate products and services. This comes from innovating personal business practices and even technology to make a product better than the rest. Another term of settlement forcing Microsoft into increasing

its relations with computer makers and software developers essentially violates all free market principles, under in which businesses have the right to choose who they work with. Uphold American freedom. I urge your office to look out for the best interest of majority of the American public who clearly want this thing to come to an end.

Sincerely,

Barry Szymczak **TOTAL PAGE.02**

MTC–00031665

01/21/2002 21:45 2164815977 AL LIPOLD PAGE 01
Al Lipold, Attorney at LAw
24913 Pleasant Trail
Richmond Heights, Ohio 44143
Phone 216 692–0577
Fax 216–481–5977
January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

As a concerned citizen, I write you with interest in the recent developments in the Microsoft settlement. I find it hard to believe that after three years of negotiations, that the settlement is going under further scrutiny. The terms of this settlement are fair and should be able to speak for themselves.

It is time to let the technology industry get underway and back to business. As we continue to go through a recession, the government continues to delay the very process that will put a kick back into our economy. The IT sector is waiting to use this agreement as a guideline for advancement, and is ready to get back to work. In this highly competitive global market, we need to support our technology industry in any way we can.

Let us support our technology in any way we can. Let us not be the ones to slow down the very process that we initiated.

Sincerely,

Albin Lipold

MTC–00031666

01/22/02 11: 26 919 829 8098 ALLEN & PINNIX 001
ALLEN and PIN-NIX, P.A.
Attorneys at Law
POST OFFICE DRAWER 1270
RALEIGH, NORTH CAROLINA 27602
TELEPHONE: (919)755–0505
TELECOPIER:(919)829–8038
FAX TRANSMITTAL
DATE: January 22, 2002
TO: Renata Hesse, Esq.
COMPANY: Antitrust Division, Department of Justice
FAX: 202.616.9937
FROM: Michael L. Weisel
PAGES: Cover + 2
RE:Microsoft Settlement
COMMENTS:

Notice to Recipent

The information contained in this facsimile message is attorney privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is wrongful and may subject you to civil liability. If you have received this communication in error, please immediately notify us by telephone, and return the original message to us at the above address via the U.S. Postal Service.

Thank you.

01/22/02 11:26 919 829 8098 ALLEN & PINNIX 002
ALLEN AND PINNIX, P.A.
ATTORNEYS AT LAW
P.0. DRAWER 1270
RALEIGH, NORTH CAROLINA 27602
TELEPHONE: (919)765–0908
NOEL LEE ALLEN
JOHN LAWRENCE PINNIX
C. LYNN CALDER
M. JACKSON NICHOLS
D. JAMES JONES, JR. January 22, 2002
MICHAEL L. WEISEL
ALICE S. GLOVER
KENNETH C. DAY
J. HEYOT PHILBECK
ANGELA L. CARTER
ALSO LICENSED IN DISTRICT OF COLUMBIA
Renata Hesse, Esq.
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Re: Proposed Settlement in Microsoft Litigation

Dear Ms. Hesse:

Let me begin by saying I am by no means an apologist for Microsoft Corporation. In fact, I believe that Microsoft has acted aggressively, perhaps too aggressively, against competitors in the past. More importantly, I believe it is important that certain protections be built in to insure against future anti-competitive actions. However, I agree with North Carolina's Attorney General Roy Cooper that the proposed settlement strikes a reasonable compromise between the ''drastically reduced liability'' held by the Court of Appeals and the wishes of Microsoft competitors for more stringent sanctions against the company.

The settlement provides an enforcement mechanism—including resources, access and authority—to respond to complaints about Microsoft's compliance. It creates an independent technical committee with the power to hire staff on-site and at Microsoft's expense.

For consumers, computer manufacturers and information technology providers, the settlement provides guarantees of flexibility and access to technical specifications. And for all involved, most important, the settlement provides a chance to get back to work at a time when our nation needs to focus on restoring economic vitality and growth. In sum, I believe the settlement recognizes the diminishing returns that are likely to be realized by a prolongation of this litigation. Accordingly, I hope the court will approve the settlement.

Very truly yours,

ALLEN AND PINNIX, P.A.

Michael L. Weisel

mlw/tsr

01/22/02 11:26 919 829 8098 ALLEN & PINNIX 003
Renata Hesse, Esq.
Microsoft Settlement
January 22, 2002
Page 2

MTC–00031667

Monday, January 21, 2002 7:29 PM
To: Attorney General John Ashcroft
From: David R.
Hyster, 2961415 Page: 1 of 2
Fax Name: David R, Hyster
Company:
Voice Number: 2962150
Fax Number: 2961415
60 Woodstream drive
CHESTERBROOK
Wayne, Pa 19087
Date: Monday, January 21, 2002
Total Pages: 2
Subject: microsoft settlement
Name: Attorney General John Ashcroft
Company: Attorney General's office
Voice Number:
Fax Number: (202) 3071454
Note:
Monday, January 21, 2002 7:29 PM
To: Attorney General John Ashcroft
From: David R.
Hyster, 2961415 Page: 2 of 2
60 Woodstream Drive
Wayne, PA 19087–5875
January 21, 2002
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

This correspondence is simply intended to ask you, your Department and the federal government to accept, adopt and implement the proposed Microsoft settlement. This matter has gone too long and the settlement is a fair end to a foul ordeal. The plan is a compromise between the parties. As such it is imperfect. It is, however, a functional means to an end desired by all but the most impartial. The plan will open up Microsoft and its Windows systems to its competitors and their products. Microsoft's technology will all but be open to peer review. The government will review Microsoft's business and marketing practices, In essence Microsoft will encourage and support its competitors.

It's time we allow Microsoft to get back in the race. Our American economy is faltering and our nation is in peril. We need Microsoft at full speed. Thank you. I would like to add that the integrity, honesty, maturity, and dedication that you are bringing to the attorney generals office is refreshing and is especially critical to our democratic process during these challenging times. Again thank you for your effort.

Sincerely for renewed American prosperity,

David Hyster

cc: Senator Rick Santorum

MTC–00031668

Jan 21 02 05:25p Chuck/Terri Beck 6025880044 p.1
January 21, 2002
Elizabeth T. Beck
16215 N. 11th Place
Phoenix, Arizona 85022
Attorney General John Ashcroft

US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
RE: Microsoft antitrust lawsuits

Dear Mr. Ashcroft:

I would like to expound on a number of concerns I have in regards to the recent antitrust lawsuits and settlement between the US Department of Justice and Microsoft. First off, I think it is ridiculous that any litigation began in the first place. Microsoft is the cornerstone of our tech sector and has been an extremely powerful asset to our economy, They have created jobs, made technological breakthroughs, and contributed to educational systems.

As a consumer, I do not feel that they have infringed upon my rights at all. I use Microsoft because they deliver consistently better products. Other vendors have not been as innovative and so have not been successful. When competition has produced a better product they have been able to gain market share. Microsoft offers Microsoft-Money on their Windows for free, yet thousands of people are paying good money for Intuit's Quicken because it is a superior product. You cannot punish Microsoft for offering Explorer for free. They merely decided to make it easier for the consumer by placing Internet Explorer on Windows operating systems. The consumer still has the option of using another browser and most of the competitors'' products are also available at no cost. That would be like penalizing Snickers for offering their candy for free from now on in all convenient stores. You would still be able to purchase your favorite candy, as you had intended when entering the store.

Under English definition, monopolistic tendencies are to inflate prices and deliver sub par products. Microsoft has done neither! I urge your office to take a strong stance against all opposition and attempt to give a bittersweet ending to a tragic case of American greed and jealousy.

Sincerely,
Elizabeth Beck

MTC–00031669

Jan 21 02 07:57p Kent Campbell 791–237–0958 P. 1
85 Grove Street, Apt, 202
Wellesley, MA 02482
January 19, 2002
Attorney General John Ashcroft, US Dept. of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

As I read more and more about the recent Microsoft settlement, I get more and more frustrated about the results. I cannot believe that this well- calculated settlement is still being held back. Not only was this agreement part of a well thought out and well-monitored process, but it yielded terms that are beneficiaI to all involved. It is clear that we must support this agreement and get everyone back to business.

Some of these key changes include Microsoft's designing future versions of Windows that will allow for easier installation of non- Microsoft software. Along with this, they have agreed to not enter into any agreement obligating any third party to distribute or promote any Windows technology exclusively. These concessions are clearly a move toward helping all parties involved. Microsoft is obviously working to get the technology industry back to business, and, to help all parties involved in the meantime. This is even further reason to support the terms of this settlement as they are.

Please help to stop any further actions toward this agreement. Let us help get our technology industry back on track and get back to business.

Sincerely yours,
Kent Campbell
CC: Representative Barney Frank

MTC–00031670

From: ANTHONY C. GATTUSO
To: ATTORNEY GENERAL JOHN ASHCROFT
Date: 1/21/2002 Time: 6:44:46 PM Page 1 of 1
161 Sylvia Lane
New Hyde Park, NY 11040
January 21,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

We are writing to show our support of your efforts to settle the litigation against Microsoft. The settlement offers the opportunity to bring an end to the three-year resource drain that this lawsuit has been. That would be of benefit to America.

Instead of facing further litigation that might lead to breaking up AT & T was broken up, Microsoft has agreed to demands made by its competitors for more openness of its internal Windows interfaces and server protocols. In addition, computer makers got what they wanted, flexibility to reconfigure Windows to highlight their marketing needs, and release from exclusive marketing agreements, which are commonly used by many companies, such as Chevy preventing its dealers from also selling Fords, and McDonalds agreeing to sell only Coke soft drinks. We think Microsoft has agreed to give up plenty. The American computer industry would be best put back on track, and the American economy best helped by agreeing to the settlement.

The settlement needs to be finalized so that we can get our focus back on business. Thank you for your leadership on this issue.

Sincerely,
Anthony Gattuso

MTC–00031671

MTS Systems Corporation
PowertraIn Technology Division
4622 Runway Blvd.
Ann Arbor, MI 48108
Tel. 734–9731111
Fax: 734–973–1103
www.mtsptcom
January 21, 2002
Attorney General John Ashcroft
United States Department of Justice
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

The settlement reached between the Department of Justice and Microsoft is very important. The antitrust legislation brought out by the Department of Justice against Microsoft has presented a potential threat to the free market principles of this country and was to a large extent a waste of taxpayers'' money. The settlement is important because it marks the end of it

I believe that the settlement shows the desire of Microsoft to do their part. Microsoft has made many concessions. Microsoft is required to disclose server protocols to ensure that it cannot make Windows desktop software work better with its server software than with that of competitors. In addition, the company agreed not to retaliate against PC manufacturers or software. developers for promoting competing software. Microsoft also agreed to license Windows to computer makers uniformly, rather than offer better pricing only to some. Microsoft has to abstain from engaging in exclusive contracts that would prohibit software developers or PC makers from using competing products.

Providing that the Department of Justice has a mechanism in place to guarantee the implementation of the settlement I believe that it is time this whole deal is wrapped up.

Sincerely,
Mike Dubov

MTC–00031672

Jan 21 02 03:34p Lloyd Mineer 425–423–9611
7212 Upper Ridge Road
Everett, Washington 98203
January 21,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing today to express my opinion that the Microsoft antitrust case be resolved as soon as possible.

I was puzzled why the lawsuit was brought forth to start. I was first introduced to various browsers for the internet while I was on a job assignment in Canada. My ISP included Netscape as my browser, the ISP was the group who made the choice not Microsoft I was in no way restricted by Windows or Microsoft to what I would or could use.

Netscape performance was inadequate for me, in terms of technical support and product satisfaction. My eventual decision on what I would use was based entirely on service, technical support and product satisfaction. Every product I have received from Microsoft has been superior, by my criteria, to anything purchased from any other supplier

I expect because I live in Washington state the tendency will be to brush off my comments. I do not work for Microsoft, do not have any relatives or friends working for them. However, I do like whatever products I purchase to work well, to be serviced well, and to have excellent technical support so that I may do my job in the most efficient and least hassles as possible. Microsoft has always done that for me. If the guys who are complaining would spend more time in improving their products and technical support they would be better served. I was pleased to hear last November that a proposed settlement had been reached which

provides the best opportunity for resolution so far. I would like it to be implemented soon so that we may put this entire issue behind us.

Jan 21 02 03:35p Lloyd Mineer 425–423–9611 p.2

The proposed settlement does not let Microsoft off easy. In fact, its terms extend to products and business practices that were not even at issue in the original lawsuit. One obligation on Microsoft's part is to disclose source code and interfaces that are internal to Windows operating system products. There is no need to continue litigation; this settlement is already more than fair and reasonable.

I ask that the November settlement be implemented without further delay. It is time to let the IT industry and its leading innovator get back to work. Thanks for your time and consideration.

Sincerely,

Lloyd Mineer

MTC–00031673

01/21/2002: 19:10 2529463108
SEILER ZACHMAN ROBIN PAGE 01 SEILER ZACHMAN ROBINSON & CO., P.A.
Certified Public Accountants and Financial Consultants
P.O.Drawer l628
144 W. 2nd Street
Washington, NC 27889
(252) 946–8052 Phone
(800) 682–0700 Watts
(252) 946–3108 Fax
Dennis W. Seiler, CPA
William M. Zachman, CPA
Tommy J. Robinson, CPA
Kary S. LaBarbera, CPA
David F. Singleton, CPA
January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to state that I support the settlement between the Justice Department and Microsoft 100%. I think all of the other states that are holding out should settle and I think no further action should be taken by the Justice Department in this case.

The settlement was reached after extensive negations with a court- appointed mediator. I find the terms to be fair and reasonable for the parties involved. Microsoft has agreed to terms that exceed the charges in the case and they have agreed to the establishment of a three person technical committee, which will monitor Microsoft's compliance with the case. The agreed terms should be enough to keep Microsoft out of court. I hope that the government will discontinue their pursuit of Microsoft, and move onto other things.

Sincerely

Tom Robinson

MTC–00031674

Jan 21 02 04:44p Bonny Becker 1–262–241–4381 p.1
John & Bonny Becker
114 W Miller Drive
Mequon, WI 53092
January 17,2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001 Dear Mr. Ashcroft:

Dear Mr. Ashcroft:

We are strong supporters of Microsoft, and are glad that the Justice Department has settled its three-year antitrust lawsuit against this company. We never agreed with the lawsuit from the beginning, and after more than three years of costly litigation, we hope the case is finally over at the federal level.

Microsoft is a strong company with innovative ideas, and for this it should not be punished. Even so, the company has agreed to share information with its competitors, as well as not to retaliate against those computer makers and software developers that will use this new information to promote non-Microsoft products within the Windows operating system. The business operations of Microsoft will now be watched over by a technical oversight committee, and any company that believes Microsoft is acting in an anti-competitive manner will be able to bring a complaint to this committee. These concessions are sufficient to end this litigation.

We believe it is in the best interest of America to settle this case. Consumers will benefit, the technology industry will benefit, and continuing on with the case will only be a detriment to the nation's economy. Thank you for deciding to settle, it is the right choice for our country at this time.

cc: Representative F. James Sensenbrenner, Jr.

Sincerely,

John Becker

Bonny Becker

MTC–00031675

JAN-2l-02 02:47 PM BEHSHAD BAKHTIARI 3407056 P.01
SHADI D. BAKHTIARI
21620 BURBANK BOULEVARD, UNIT 1
WOODLAND HILLS,CA 91367
TELEPHONE: (818)340–7056
FACSIMiLE: (818)340–7056
FACSIMILE TRANSMITTAL SHEET
TO: Attorney General John Ashcroft FROM: Shadi D. Bakhtiari
COMPANY: US Department of Justice DATE: 1/21/01
FAX NUMBER:1–202–307–1454 TOTAL NO. OF PAGES INCLUDING COVER
PHONE NUMBER: SENDER'S REFERENCE NUMBER: 2
RE: Microsoft Settlement YOUR REFERENCE NUMBER:
URGENT xFOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE NOTES/COMMENTS:
JAN-21–02 02:48 PM BEHSHAD BAKHTIARI 3407056 P.02
21620 Burbank Boulevard Apt. I
Woodland Hills, CA 91367–6467
January 15,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

This letter is to go on record as being a staunch supporter of the settlement that was reached between Microsoft and the Department of Justice. For over three years the two sides fought back and forth, and wasted valuable time and taxpayer dollars. Now that an agreement has been reached, I hope that the American IT industry and the economy will perform better. The settlement paves the way for a stronger IT industry and economy. Microsoft has played a big part in that. They have agreed to turn over internal interface data and source code to their Windows operating system to their competitors. This will allow for increased competition between companies. It will also provide the necessary compatibility between competing software, which will help spur the industry.

This settlement is a great deal for everyone involved. I hope that it will bring an end to further litigation against Microsoft. I support the settlement. It is in the best interests of the industry and the economy.

Sincerely,

Shadi Bakhtiari

MTC–00031676

Jan 21 02 04:53p CHAMBER OF COMMERCE 3615920866 p.1
KINGSVILLE Kingsville
CHAMBER
OF COMMERCE
January 21, 2002
Renata Hesse, Trail
Attorney Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I am writing to register my support for the proposed settlement of the Microsoft antitrust lawsuit. If the suit brought by the Department of Justice and several state attorneys general can be brought to an agreeable conclusion, it seems reasonable for the court to take this direction.

It seems as though several concessions Microsoft is being asked to make verge on the violation of their intellectual property right, a system crucial to research and development by all Americans. Should the Court rule against Microsoft and apply further sanctions, it would undermine the patent process, which protects the development of innovations in American industry and technological history.

I am sure that this is not the intent of the Court, but to go beyond the terms of the settlement worked out by the Department of Justice and Microsoft would not be in the best interests of American ingenuity, not to mention consumer satisfaction.

Sincerely,

Peggy G. Hayes, Executive Director

Kingsville Chamber of Commerce

P.O. BOX 1030 * 635 East King * Kingville, Texas 78363

361/592–6238 * Fax 361/592–0866

MTC–00031677

JAN-22–2002 09:46 PM P.01
Jan-11–02 07:58A P.01
State of New Hampshire
HOUSE OF REPRESENTATIVES
CONCORD
January 11, 2002
Trial Attorney Renata Hesse
Antitrust Division of the Department of

Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Attorney Hesse:

I am writing to you for the file on public comment in the case of U.S. v. Microsoft in support for the agreement.

I am concerned that the United States government is taking the antitrust legislation too far in this case. As a state representative, I am wary of government involvement in the marketplace. There is a fine line between regulating business and controlling it. That is why I believe that before the Government's involvement increases anymore than it already has. I hope you will end it.

It's true that Microsoft is a large company, but its creativity and invention has worked to help businesses and individuals, not harm them. They are helping Americans to obtain knowledge and pursue their individual goals. This kind of ingenuity should be rewarded, not persecuted by the federal government.

2001 was a challenging year for all of us. I believe there are many urgent issues for the government and judicial system to focus on at this time. Productive companies such as Microsoft should not be one of these.

Thank you for your time and consideration.

Sincerely,
Kevin Chalbeck
State Representative
Rockingham District 8
TDD Access Relay NH 1–800–735–2964

MTC–00031678

From Mark Knoll (734) 482–9439 Tue, Jan 22, 2002 9:18 AM
Page 1 of 2
FAX
TRANSMISSION
Date: 22 January 2002
To: Renata Hesse, Trial Attorney
Antitrust Division, US Department of Justice
Suite 1200
Fax: 202–616–9937/202–307–1545
From: Mark W. Knoll
8500 Ashton Court
Ypsilanti, MI 48198
Fax: 734–482–9439
E-mail:mknoll@mac-email.com
Re: Public comments concerning the proposed settlement of the Microsoft antitrust case.
Number of pages(including cover sheet): 2
From Mark Knoll (734) 482–9439 Tue, Jan 22,2002 9:18 AM Page 2 of 2
Tuesday, 22 January 2002

To whom it may concern:

I write today to express my strong conviction that the proposed settlement to the Microsoft antitrust case is not in the public interest. The remedies contained therein are far too lenient in comparison to the degree to which Microsoft's guilt was proven in court and upheld upon appeal.

The remedies proposed by the ''Track 2'' states represent a much more appropriate starting point than the proposed settlement for reining in Microsoft's anti-competitive behavior, but even these more stringent remedies do not go far enough to restore a level playing field in the computer industry. Microsoft's December 12th, 2001 filing with the Court, in which they object to the ''Track 2'' proposed remedies as being ''punitive,'' indicates just how arrogant Microsoft has become. They were found guilty of illegal behavior and their guilt was upheld on appeal. The trial has now reached the stage where Microsoft's illegal conduct is to punished and Microsoft still maintains they should not be punished at all! Microsoft's willingness to accept the proposed settlement is, in itself, proof that the settlement would do nothing to punish Microsoft.

The final outcome of the trial must accomplish three things:

1) Punish Microsoft for its illegal conduct

2) Compensate victims of Microsoft's illegal conduct

3) Constrain Microsoft from acting illegally in the future. The proposed settlement in its current form addresses none of these issues in a meaningful way. More important than the actual remedies themselves, however, is the compliance mechanism for the final judgment. Microsoft has already shown its willingness to ignore court-mandated behavioral remedies. They have written enough loopholes into the proposed settlement to insure that they can do so again with impunity should the settlement be approved. Whatever remedies the court imposes must be so crafted as to eliminate any wiggle room for Microsoft. It must be clear to all parties at all times whether Microsoft is in compliance or not. For this reason, Microsoft should have no input into the specific makeup of the compliance panel, nor any input into the determination of compliance. The compliance panel must be completely independent and free of Microsoft's influence.

The Court, at the recommendation of the compliance panel, must impose significant penalties for non- compliance up to and including a ''death penalty'' for repeated violations. I suggest a three-strikes- and-you're-out policy. The first finding of non-compliance should be countered with a monetary fine in the billion dollar range, the second with a monetary fine in the ten billion dollar range. The third finding of non-compliance would result in a court-ordered ban on the sale in the US of all software determined to be out of compliance, and the rendering of all contracts to sell such software null and void. I propose as well the incarceration of senior Microsoft officials for contempt of court in the event of three findings of non-compliance.

I respectfully submit that the proposed settlement benefits no one except Microsoft. I urge the Court to reject it and to devise a penalty that will severely punish Microsoft for the massive harm caused by their illegal conduct. The Court has suggested that expediency in resolving this case is in the national interest. A flawed resolution in the name of expediency, however, will be far more damaging to our national interests.

Sincerely,
Mark W. Knoll
8500 Ashton Court
Ypsilanti, MI 48198

MTC–00031679

FROM : FAX NO. : Jan. 22 2002 10:06AM PI
01/20/2002 11:48 919–844–1573 MABRY PAGE 01

Christie Knittel Mabry, Ed&D.
1240 Greystone Park Drive
Raleigh, NC 27615
January 17, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Microsoft Case

As a researcher and college professor, I use technology on a daily basis. Having an integrated easy-to-use software system is a critical for a productive work environment. Microsoft software allows access to a variety of products. The proposed consent decree with the Department of Justice will allow Microsoft to continue developing new products while at the same time giving Microsoft competitors some remedies for access to technical specifications and greater flexibility in installing non-Microsoft products in the windows operating system.

While this settlement does not entirely satisfy any of the parties involved in the lawsuit, it does include important protections for consumers, computer manufacturers and software developers. One important aspect is the establishment of a technical Committee that will monitor Microsoft's compliance with the settlement. A third party who has concerns about Microsoft's compliance will be able to file a complaint.

Certainly trying to reach a compromise is difficult, but it is important to our country to end the litigation and get technology companies focused again on building our economy. Prior to taking my current position, I worked with technology-related businesses. I saw the impact economic retrenchment has not only on companies but also on individuals.

Thank you for consideration of this matter.

Sincerely,
Christie Knittel Mabry. Ed. D.

MTC–00031680

Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

This correspondence is simply intended to ask you, your Department and the federal government to accept, adopt and implement the proposed Microsoft settlement. This matter has gone too long and the settlement is a fair end to a foul ordeal. The plan is a compromise between the parties As such it is imperfect. It is, however, a functional means to an end desired by all but the most impartial. The plan will open up Microsoft and its Windows systems to its competitors and their products. Microsoft's technology will all but be open to peer review. The government will review Microsoft's business and marketing practices. In essence Microsoft will encourage and support its competitors.

It's time we allow Microsoft to get back in the race. Our American economy is faltering and our nation is in peril. We need Microsoft at full speed. Thank you.'

cc: Senator Rick Santorum

I would like to add that the integrity, honesty, maturity, and dedication that you

are (illegible) and is especially crtical to our (illegible)
Thank you for your effort.
Sincerely for renewed American (illegible)
David
cc: Senator Rick Santorum

MTC–00031682

JAN 21 2002 20:39 FR PEPSI BOTTLING CROUP 412 741 2390 TO 12023071454 P. 01/01
1411 Eagle Point Drive
Southpoint, Pennsylvania 15317
January 17, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I am writing you this brief letter to urge you to expedite the settlement of the Microsoft case. This case's merits were, I believe, questionable at the outset but no one can question the generosity of the concessions Microsoft has agreed to in order to settle this case.

In return for maintaining its corporate integrity, Microsoft has agreed to revamp its entire marketing philosophy. It will no longer demand Windows software exclusivity in its Windows platforms. In fact it reconfigure Windows to promote other manufacturers'' software. It will share technology with its competitors. It will license Windows systems products to major computer manufacturers at uniform rates and terms. It has, in fact, committed itself to embracing competition from the rest of the industry. I believe this more than adequate to meets its critic's demands. Microsoft is not just a giant in its field; it has been the main engine in the creation of a new international industry. To maim it or hinder its productivity would be folly.

Sincerely,
Heather Geisler
** TOTAL PAGE.01 **

MTC–00031684

Monday, January 21,2002 5:34 PM
To: Attorney General John Ashcroft From: Tony Birdsall,
384–1531 Page: 1 of 1
P.O. Box 970
Ferndale, WA 98248
January 18, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

I am writing today to urge the Department of Justice to accept the Microsoft antitrust settlement. Microsoft has given up a lot in order to settle the suit and put the issue behind them. I would like to see the government accept the settlement and allow the technology industry to move on.

Many people think that Microsoft has gotten off easy. Truth be told they have not. Microsoft has agreed to allow computer makers to install and promote any software that they see fit while offering Microsoft software at a uniform price. In addition to the agreement with computer makers, Microsoft has agreed to terms that extend well beyond the products and procedures that were actually at issue in the suit. Microsoft has agreed to many concessions simply to settle the issue and move on. The government should accept the settlement and allow Microsoft to move forward.

Sincerely,
Anthony W. Birdsall

MTC–00031688

01/21/02 MON 19:39 FAX 4058481095 001
4637 O'Connor Court
Irving, TX 75062
January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

The more I read about the Microsoft settlement the more I get frustrated about its current status. The terms of this agreement are bold steps toward bringing our IT sector together, and should be supported in any way possible. These terms reflect three years of well thought out negotiations, and are truly in the best interest of all involved- Let us help to support this settlement by stopping any further actions against it.

Not only has Microsoft agreed to make changes in licensing and marketing, but has agreed to design fixture versions of Windows that will allow for easier installation of non-Microsoft software. Beyond this, Microsoft has agreed to disclose various interfaces that are internal to Windows operating system products. These concessions are steps toward a more unified IT sector, and definitely promote working together. By doing this, we allow our technology industry to hold its place in this highly competitive global market. Let us help to get this settlement moving so that we can get our economy back on track.

Let us not be the ones to put a stop to the same process that we initiated to begin with. Why fight this battle that has already been one. Let us stop any further actions against this agreement, and get back to business.

Sincerely,
Dean Chittenden

MTC–00031689

01/21/02 MON 19:38 FAX 4058481095 001
FACSIMILE TRANSMITTAL SHEET
TO: JOHN ASHCROFT FROM: DEAN CHITTENDEN
FAX NUMBER: (202) 307–1454
DATE: January 21, 2002
COMPANY: DEPARTMENT OF JUSTICE// ATTY
TOTAL NO. OF PAGES INCLUDING COVER: 2
GENERAL PHONE NUMBER: (303)320–0563
SENDER'S REFERENCE NUMBER:
RE: MICROSOFT YOUR REFERNCE NUMBER:
URGENT X FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE
NOTES/COMMENTS:
Dear Sir:
Please see attached letter.
Thank You
Dean Chittenden
Phone (972) 887–0173
Fax (972) 887–9775
DEAN CHITTENDEN D—CHITTENDEN@EMAIL.MSN.COM 4637 O'CONNOR CT.
IRVING, TEXAS 75062–3740
PHONE: (972) 887–0173 FAX: (972) 887–9775

MTC–00031690

01/22/2002 13:43 5082485012 PAGE 01/01
Bement Camp and Conference Center
P.O. Box 156, 73 Jones Road
Charlton Depot, MA 01509
Phone: 508.248.7811 FAX: 508.248.5012
Web Site: WWW.BementCenter.com
January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

First of all I want to thank you for your work these past 13 months during an unprecedented time for our country.

Please know that in addition to President Bush, you have also been in my prayers. You and the Bush team have brought back a sense of honor and decency to our most important political institution, the presidency.

Thank you!!!

I would like to take advantage of this public comment period and give you my thoughts on the Microsoft/DOJ settlement. From the very beginning I was dismayed that a company that has done so many positive things for my organization and me could be interfered with to such a great extent. I have never seen that Microsoft has done any harm to consumers, quite the opposite in fact, I can however vouch for their remarkable contributions to our lives and our economy. lf you look at the marketplace numbers, our economy began a serious downfall with the very beginning of this lawsuit.

I run a nonprofit organization and through Microsoft's programs for non-profit's, we have been able to save a great deal of money and have consequently been able to serve countless more underprivileged citizens in the process. While this settlement is rather detrimental to Microsoft, it is however more than fair and will certainly address the problematic issues alleged in the lawsuit. Microsoft will be giving away a great deal of their source codes, internal interface design and server protocols. They will be giving consumers more choice to use their competitors' products within the Windows operating system and will be making more responsible agreements with OEM's so as to make it more feasible for them to distribute non-Microsoft products.

I sincerely hope that our Justice Department will keep consumer interests in mind when making a decision. This settlement needs to be accepted to ensure that our computer industry will be able to flourish again. Our economy depends on our technology sector; please finalize this settlement for the good of all involved.

Sincerely,
Mark Rourke
Director
Bement Center

MTC–00031691

01/22/02 TUE 09:32 FAX 775 8243766 PMA–SF 001
MARITECH
CORPORATION
January 15, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am quite sure that there have been many people writing you about this settlement that are more directly involved in the business of software and networking than am I. Unlike most of those people, I am writing as a simple business user of software, and have no particular axe to grind one way or the other. However, I am writing to express both my support as well as my perspective on this issue.

Business users like me have for a long time had many options and choices of a wide range of software products to assist our company's productivity and reporting accuracy. Many of us would prefer the relative ease of using products specifically designed for integration into the operating system that we use at our workstations, as well as on the company network. Microsoft has provided this integration-by-design and, while there are many fine software products that are available to perform the same functions, I have always found it simpler to take advantage of Microsoft's integrated software.

What this lawsuit would have done if it had gone on with respect to due use of many Microsoft products is, of course, unclear. However, it would be safe to assume that this software integration would have been one of the first casualties of any court judgment. It is therefore a good thing that this lawsuit has settled and this issue has not seriously affected our business software.

Sincerely,
Michael Snow
SystemEngineer
CC: Senator Harry Reid
MARITECH CORPORATION * 1495 Ridgeview Drive, Suite 110 * Reno, NV 89509
Voice: (775) 824–3777 * Facsimile: (775) 824–3766 * http/www.maritecheervicee.com

MTC–00031692

Jan-22–02 12:18P P.01
120 Bethany Drive
McMurray, PA 15317
January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Re: Microsoft

Dear Mr. Ashcroft:

As a concerned citizen of the United States. I am writing to let you know how I feel about the settlement between Microsoft and the Department of Justice. I support the settlement that has been reached in this case.

This settlement is long overdue, since the case has been an ongoing battle by the govemment for three years. It serves no useful purpose to continue with litigation against Microsoft. I believe that this case should not have been brought forth by the Justice Department in the first place. Any further pursuit of this matter will only be a vast waste of time, tax dollars, and human resources.

The settlement is both fair and reasonable for all of the parties involved. Microsoft is not getting off easy in this antitrust case. They have made many compromises in their business practices and with product development. Please accept this settlement on behalf of the American public.

Sincerely
Kathleen Shook
cc: Senator Kick Santorum

MTC–00031693

Jan-22–02 11:21A Westglenn Software 205 423 0199 P.01
westgleni
the business illtelligence company
January 19, 2002
Attorney General John Ashcroft
US Department of Justice
Washington, DC 20530
www.usdoj.gov

Dear Mr. Ashcroft,

I have been following the litigation that has occurred because of the antitrust suit against Microsoft, and I have come to believe that this issue is digging deeper and deeper into the taxpayers'' pockets. The suit has managed to halt delivery of the advanced technology to the market. The Justice Department and Microsoft have reached a settlement regarding the suit that is designed to be beneficial to both the IT industry and the consumer.

The settlement will end a state of uncertainty in the technology sector and promote consumer confidence. Microsoft has agreed to make all future versions of its Windows operating system to be compatible with non-Microsoft software. Microsoft has also agreed not to retaliate against any computer makers that may ship software that would compete with Windows.

This suit has contributed to the stagnant state of the technology field. Microsoft needs to be allowed to return to innovation, so it can do its part to help the nation move forward. I strongly urge you to finalize this suit so the country may focus on more pressing matters.

Simcerely,
Jeff Trotman
President
Cc: Representative Spencer Bachus
2100 SouthBridge Parkway Suite 260
Birmingham, AL 35209
Tel 205.423.0100 Toll-Free 800.711.5153
Fax 205.423.0199

MTC–00031694

Sent By: GEMINI; 630 694 9460; Jan-22–02 11:46AM; Page l/l
Gemini
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

I am pleased to hear that the government has reached a proposed settlement to the Microsoft antitrust case. I hope to see it finalized soon.

Microsoft has agreed to make several adjustments to its products to ensure that competitors can attach their software products to Microsoft Windows. I'm happy because this means that Microsoft will continue to support and enhance Windows! Microsoft has also agreed to allow a neutral committee to monitor their compliance with all aspects of the agreement.

I believe further prolonging of litigation concerning this case can only serve to harm the consumer, the IT industry and the nation's economy. I look forward to a quick and fair settlement. Thank you.

Sincerely,
Ed Baron
Cc: Representative J. Dennis Hastert
Gemeini Graphics, Inc. Gemini Digital, Inc. 860 West Lake Street, Suite 606 Roselle, Illnois
60172–2891 630.894.9430 voice 630.894.9460 fax digital@getgemini.com

MTC–00031695

01/22/2002 10:08 4803801133 DIAMONDWARE LTD PAGE 01/01
DiamondWare
HIGH PERFROMANCE
SOFTWARE
10516 E. Flower AVE
Mesa, AZ 85206
Phone: (480) 380–1122
Fax: (480) 380–1133
Web Site:
wwv.dw.com
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
VIA FACSIMILE: (202) 307–1454
Jan 22, 2002
Re: Microsoft Settlement
Ms. Hesse:

I am writing to express my opinion on the Microsoft Settlement, and indeed on the whole case. First, I do not believe that the case should have been brought. Originally, the case was filed at the urging of its envious competitors. It is important to note that Microsoft's customers and partners did not have a complaint.

First, I will speak for myself as a consumer of Microsoft's products. I remember the old days before Windows had standardized the graphical interface. I think it was even more important that Microsoft standardized hardware device drivers. Installing a new printer was difficult, even for computer experts. There was a dearth of hardware, partly because the vendors had much larger and much more complex job to provide drivers. Clearly, the consumer has benefited greatly from a standardized and easier way in which hardware vendors can provide software to support their hardware.

Second, I am also the CEO of a software development company. At times, our products have become devalued due to a Microsoft product release. Does this mean that I think that the force of government should be wielded to make Microsoft not compete against a small company like DiamondWare? NO!!! I would not want to live in the sort of country that would destroy Microsoft for DiamondWare's sake.

What would that mean for car companies, airlines, pharmaceuticals, food, and all of the

other kinds of goods and services that I consume? In each case, the more successful companies would be held back, for the alleged benefit of the less. My choice among these products would be under attack Stalin's Soviet Union is a good example of the sort of place which fully and consistently attacked the good for being the good.

In conclusion, I urge you to drop the case altogether. Microsoft and its investors have already suffered many billions of dollars of damages due to this specious case If dropping the case is not legally possible any more, then seek to do the least damage allowable by law, and let Microsoft move forward without this threat hanging over their heads any longer!

Thank you.
Keith Weiner
President

MTC–00031696

Sent By: KI Systems, Inc.; 360 668 9884; Jan-22–02 9:33AM; Page 1/2
KI SYSTEMS, INC.
9310—176TH STREET S.E.
SNOHOMISH, WA 98296–5028
TELEPHONE: (425)402–0791
FACSIMILE: (360)668–9861
FAX Cover Sheet
January 22, 2002
TO: Company: Telephone No.:
≤Attorney General John US Department of Justice 1–202–307–1454
Ashcroft
From: Kristi L. LeaMaster Number of Pages: 2 (including this page)
Regarding: Microsoft Settlement
Comments:
Sent By: KI Systems, Inc. 360 668 9864; Jan-22–02 9:33AM; Page 2/2
KI SYSTEMS, INC.
9310—176th Street S. E.
SNOHOMISH, WA 98296–5038
TELEPHONE: (425) 402–0791
FACSIMILE: (360) 668–9864
January 18, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, UC: 20530–0001

Dear Mr. Ashcroft:

I was opposed to the government's antitrust lawsuit against Microsoft Corp., but was pleased and surprised when a settlement was finally reached last November.

In my humble estimation, the Justice Department's allegations against Microsoft were entirely unfounded and lacked a basic grasp and understanding of 21st century technology issues. Unfortunately, officials in the previous Justice Department administration insisted upon applying antitrust law that was written over one hundred years ago for ''smokestack'' industries, such as steel and oil, to a 21st century software company. This misguided approach was doomed from the outset and should have never gotten its far as it did.

Finally, three years later, at a cost of untold millions to the taxpayers of America, a settlement has been reached. If not for Microsoft wanting to get this nightmare over with and therefore accepting the government's settlement offer, the government would probably still be suing the company. The states that refuse to sign on to the settlement are being extremely shortsighted.

The settlement is fair, changing the way Microsoft licenses and designs software, and it is a far better alternative to continuing the lawsuit. Please do whatever it takes to see that it gets finalized. Thank you.

Sincerely,
Kristi LeaMaster
President

MTC–00031697

JAN–23–02 12:38 AM P. 01
304 Linwood Drive
Jacksonville, NC 28546
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Ave, NW
Washington, DC 20530

Dear Attorney General Ashcroft:

I do not believe that the case against Microsoft is merited. The antitrust lawsuit was more political than anything else. Microsoft is not guilty of anti-competitive behavior. Given these sentiments, however, I do support the settlement that was reached as it represents resolution for this issue.

The settlement carries with it many terms; under the settlement, Microsoft agrees to disclose the internal interface of Windows. This will allow developers access into the processing of the system. Users will now be able to reconfigure their operating systems to their liking beginning with the interim release of Windows XP. Additionally, Microsoft will level the playing field in the technology market by adhering to a uniform pricing list when licensing out Windows to the twenty largest computer makers in the nation.

Once more, I voice my support for the settlement. The issue is finally resolved. Moving this settlement forward is the best course of action for our nation. Thanks.

Sincerely,
ss

MTC–00031698

01/17/2002 11:45 13735681942 PERFORMANCE S0FTWARE PAGE 01/02
Fax Cover Sheet
Performance Software, Inc.
611 Route 46 West
Hasbrouck Heights, NJ
Date : January 22, 2002 Time: 12:16 PM
Pages: 2
To :John Ashcroft
Company :US Government
Fax Number :202–3 07– 1454
Phone:
From :Steve Rove11
Phone: 201–288–8100
Fax: 201–288–3001
Subject :Microsoft Settlement

Please see attached.

Thank you.

01/17/2002 11:45 19735601942 PERFORMANCE SOFTWARE PAGE 02/02
Dyna Suite on the web
188 Roule 10 West, Suite 311
East Hanover, New Jersey 07936
(973) 560–1930 phone
(973) 560–1942 fax
www.dynasuite.com
January 20, 2002
Attorney General John Ashcroft
Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

I am writing in regards to the Microsoft antitrust case. Let me begin by saying that I do not agree with everything that Microsoft has done, but I understand that in a capitalist economy, the market will choose who is granted success. There may be issues of the antitrust case that have merit, but we should fix these problems and move on. The longer this case goes on, the more that lobbyists' concerns are put before the end users.' The Department of Justice and Microsoft have reached a settlement agreement that has already been approved by nine states. This settlement is both fair and reasonable, and the fact is that under the settlement. Microsoft will grant computer makers new abilities to reconfigure Windows to access non-Microsoft software. For software companies, Microsoft has agreed to document and disclose for its competitors various interfaces that are internal to Windows' operating systems products. This will make the software more efficient, and, as mentioned, the hardware makers will be able to access it easier. That will spur competition.

It doesn't make sense to spend scarce resources on issues that have already been resolved. This case has been harmful to the economy and has forced the industry leader to turn their focus from innovation to litigation. It is time to resume business as usual. Let the competitors compete and the leaders lead. The consumers should decide what companies will succeed, not the government.

Sincerely,
Steven J. Rovell
Chief Information Officer
an innovation of Performance Software, Inc.

MTC–00031699

01/22/02 TUE 11:OO FAX 512 327 6384 001
ALLIED INTERESTS INC.
ALLIED INTERESTS INC.
FAX
COVERS SHEET
SEND TO:
FROM: ATTORNEY GENERAL ASHCROFT
JON H. STARNES
COPY SENT:
OFFICE LOCATION: Austin. Texas
REGARDING:
DATE:
MICROSOFT January 22, 2002
FAX NUMBER: 202.307.1454
EMAIL: jstarnaes@jump.net

( ) The original of this transmittal will be sent by: ( ) U.S. Mail ( ) Messenger ( ) Overnight Mail

(X) This will be the only form of delivery of this transmittal.

TOTAL PAGES. INCLUDING COVER: 2
COMMENTS
816 TERRACE MOUNTAIN DR.
* AUSTIN, TEXAS 78746.2843
* 512.327.6318

* FAX 512.327.6384
01/22/02 TUE 11:OO FAX 512 327 6354
ALLIED INTERESTS INC. 002
JON H. STARNES
VIA FACSIMILE–202/307–1454
January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I want to encourage the DOJ to accept Microsoft's antitrust settlement. The terms of the settlement appear to be fair and equitable. It is time to stop wasting our taxes and put this issue to rest. Microsoft has agreed to several concessions the DOJ requested and it is time for the government to end this issue. For several years the socialist in our government have been trying to break up Microsoft. The government has spent more time trying to destroy one of America's finest assets than it has spent in trying to locate Bin Laden.

Please accept the Microsoft antitrust settlement.

Sincerely,
ss
816 TERRACE MOUNTAIN DRIVE
* AUSTIN. TEXAS 78746
* 512/327–6310
* FAX 512/327.6304

MTC–00031700

JAN 22 ''09 10:08
FR TRAPEZE SOFTWARE GRP
480 627 3411
TO 12023071454
P.01/02
January 18, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft,

I am writing to add my comments to the many that your office is no doubt receiving regarding the settlement between the Department of Justice and Microsoft. I cannot help but think that, should this lawsuit have dragged on any further, there would have been serious and damaging repercussions to all other businesses engaged in the IT field. Fortunately, this settlement was reached at a time where such repercussions were thus far at a minimum, and the most serious effects dealt with a faltering of consumer confidence.

Many people have long been annoyed at Microsoft's policy of disallowing any competitive software to be pre-loaded with its Windows OS, but this settlement addresses that issue. It standardizes the licensing arrangements for the 20 largest hardware companies, and thereby generates competition for consumers.

I am writing in support of the settlement, and hope that this sort of litigation does not happen again.

Sincerely,
Lou Borland
Internal Network Engineer
JAN 22 '09 10:08
FR TRAPEZE SOFTWARE GRP
480 627 8411 TO 12023071454 P .02/02
January l8, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–000 1
Dear Mr. Ashcroft,

I am writing to add my comments to the many that your office is no doubt receiving regarding the settlement between the Department of Justice and Microsoft. I cannot help but think that, should this lawsuit have dragged on any further, there would have been serious and damaging repercussions to all other businesses engaged in the IT field. Fortunately, this settlement was reached at a time where such repercussions were thus far at a minimum, and the most serious effects dealt with a faltering of consumer confidence.

Many people have long been annoyed at Microsoft's policy of disallowing any competitive software to be pre-loaded with its Windows OS, but this settlement addresses that issue. It standardizes the licensing arrangements for the 20 largest hardware companies, and thereby generates competition for consumers.

I am writing in support of the settlement, and hope that this sort of litigation does not happen again.

Sincerely,
Viet Vo
Network Engineer
** TOTAL PAGE.02 **

MTC–00031701

JAN-22–2002 12: 27 SENATE LEADERSHIP
502 564 0456 P. 01/01
COMMONWEALTH OF KENTUCKY
DISTRICT OFFICE
204 CAPITOL ANNEX
2534 KEARNEY COURT
FRANKFORT. KENTUCKY 40601
LAKESIDE PARK. KENTUCKY 41017
502–564–3120
859–331–1684
502–564–0456 FAX
859–331–1238 FAX MESSAGE LINE
800–372–7101
Roedn@aol.com E-MAIL
richard.roeding@trc.state.ky.us
RICHARD L.''DICK'' ROEDING, R.Ph.
PRESIDENT PRO TEM OF THE SENATE
January 22, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Dear Ms. Hesse:

It goes without saying that the settlement agreement between the U.S. Government and Microsoft comes at a critical time when our economy and nation most need reconciliation. The proposed settlement requires significant changes in the way Microsoft develops, licenses and markets its software. This settlement is fair. It allows Microsoft to continue innovating in all areas of software development.

When word of the possible settlement in the Microsoft case broke, the market surged. In spite of gloomy economic reports, the news was viewed by investors as a sign that our nation's critically Important high-tech industry could move forward without the continuing shadow of government interference. The fact is that news of an impending settlement lifted the share price of technology companies across the spectrum, including Microsoft's rivals. AOL, Time Warner, Sun, Oracle, IBM—they all saw their stocks jump. Most attorneys are not economists, and the economics of settlement were made clear by the markets. Public sentiment, from consumers to businesses to investors, favors settlement, I congratulate you on developing a strong but fair settlement and support your efforts to create a settlement that is in our nation's best interest. Thank you for your time, and please feel free to contact me if I can be of assistance to you in any way.

Sincerely,
Richard L. ''Dick'' Roeding, R.Ph.
Kentucky Senate President Pro Tern
TOTAL P. 01

MTC–00031702

TO : PHONE NO. : 12023071454 JAN.21.2002
10:00PM P 1
FROM : MILLER PHONE NO. : 805 832 1414
2216 Manning Street
Bakersfield, CA 93309
January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mt. Ashcroft:

I have followed with interest the Microsoft and Department of Justice antitrust case. I am appalled that this case was ever brought against Microsoft, But at the same time, I am not surprised. Bill Gates, through Microsoft, has revolutionized the computer industry. I can remember when there was total incompatibility between the hardware boards, and computer software programs. It was terrible. Nothing worked. Bill Gates then came along. Microsoft worked consistently to increase computer board compatibility. Microsoft standardized computer software, increasing software compatibility. No wonder there is jealousy. No one else did this, or could do this. His competitors, seeking to rein the company in, brought suit against the company. The previous administration, with its own peculiar view of what constitutes a successful company, joined the parade.

Microsoft has more than done its share to end this lawsuit and accommodate the demands of the Justice Department. Microsoft has agreed to grant computer makers broad new rights to configure Windows so as to promote non-Microsoft software; Microsoft has agreed to design future versions of Windows with the capability to make it easier for companies to install non-Microsoft software; Microsoft has agreed to a technical committee to monitor future adherence. This is more than fair.

I support this agreement and look forward to the end of this case. It is time to put this behind us.

Sincerely,
Bob Miller

MTC–00031703

01/22/2002 11:40 FAX 215 643 6311
Exclusive Ore 01
eXclusive Ore

January 16,2002
A.G. John Ashcroft U.S. Dept. of Justice
950 Penna. Ave. N.W.
Washington, D.C. 20530
Dear Mr. Ashcroft:

I am writing to express my support for the settlement reached in the Microsoft Antitrust Lawsuit last November. The settlement is fair, and it will allow the IT industry to continue to grow while prohibiting any action that might be anticompetitive.

The resolution reached in the antitrust suit has many positive aspects for consumers, as well as hardware and software companies, and should stimulate further economic development in the IT field.

Under the settlement, Microsoft has granted additional rights to both software designers and computer manufacturers which will allow for competing peripheral software components, such as non-Microsoft web browsers and c-mail clients, to be more easily integrated and work better within the Windows OS. Additionally, it allows for computer manufacturers to ship systems with those same competing software components pre-installed with Windows.

While some argue that the settlement did not cut Microsoft deeply enough, I believe that these, along with the other articles of the antitrust settlement, will limit unfair competitive action and allow Microsoft, as well as others, to continue to develop quality products and further economic growth within the lT sector.

Sincerely,
Estelle Brand
Vice President
cc: Senator Rick Santorum
Exclusive Ore Inc. * PO Box 1024 *
Blue Bell, PA 19422 * (215) 643–3110
* www.exclusiveore.com

MTC–00031704

FROM : PRATER-WRITES FAX NO: Jan. 22 2002 09:40AM P1
PRATERWRITES
Turning Information Into Solutions
Sandra J. Prater
14009 N.E. 63rd Court,
Recmond, WA 98052–4561
VOICe 425–883–4725 /
Fax: 425–867–5539
Email: sprater@halcycn.com
January 23, 2002
Attorney Gcncral John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft,

I am writing in support of the recent settlement between The Department of Justice and the IT industry. I am happy an agreement has finally been reached. It is a reasonable settlement and clearly a benefit to consumers of technological products.

Under the terms of the settlement, Microsoft has agreed not to retaliate against the competition. Computer makers who ship other software and software developers who design software that competes with Microsoft will also be immunized from retaliation. I am in favor of this. It is in the best interest of the consumers and the economy to allow Microsoft to get back to the business of creating new and innovative technology. Again, I am happy that a settlement has finally been reached. I hope you will support it.

Sincerely,
ss

MTC–00031705

Jan 22 02 08: 18a Ron Stingley 650–631–1009 p.1
36 Wessex Way
San Carlos, California 94070 USA
January 21,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft,

This is to give my support to the settlement between Microsoft and the Department of Justice. I did not support this suit against Microsoft in the first place, and I am disturbed by the tendency of government to interfere in business. If there is wrongdoing, there is an obvious need, but this was a case of competition. Microsoft was just one of numerous tech firms out there producing a product. In this instance, Bill Gates put out a better product, at a lower price. He could have charged much more, but didn't. Bill Gates, through Microsoft, streamlined computer programs into more useable formats, increased compatibility of various computer software programs, and allowed all of us to join the computer revolution. The other firms could not keep up; hence, they sought to have a legal edge. The Justice Department, under the previous administration, fell right into line. We are threatening the tenet of free enterprise if we constantly interfere in business. Some firms succeed. Others do not. This is the way it is in life with all things. Government cannot come in and decide who does or does not succeed.

Further, Microsoft has given away a great deal. Microsoft has agreed to submit to a committee to monitor settlement adherence; Microsoft has further agreed to license its Windows operating system products to the 20 largest computer makers on equal terms; and Microsoft has agreed to give computer makers more accessibility to make Windows so that it promotes non-Microsoft software programs. This is a lot more than any other firm would do.

Put this issue behind us. Any further action will only harm both our economy and our country.

Sincerely,
Ron Stingley

MTC–00031706

JAN–22–02 09:47 AM DAVID L. BANKS 8309319831 P.01
16745 FM 1957
San Antonio, TX 78253
January 21,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I am writing you today to express my opinion in regards to the Microsoft antitrust dispute, The Microsoft Company is an American Dream that all people in this great country have and the opportunity to make come true. I would hope the Government does not discourage this American way of life with further litigation. I support Microsoft in this dispute, and I sincerely hope there will be no further action against Microsoft at the federal level. The settlement that was reached in November is both fair and reasonable. Microsoft has pledged to carry out all terms and conditions of this agreement. Microsoft has agreed to license its Windows operating system products to the 20 largest computer makers on identical terms and conditions, including price. Microsoft has also agreed to grant computer makers broad new rights to configure Windows so as to promote non-Microsoft software programs that compete with programs included within Windows.

This settlement will benefit the entire technology industry. Please support this settlement and allow Microsoft to devote its talent and resources to work, rather than litigation.

Sincerely,
David Banks

MTC–00031707

01/22/2002 11:31 2029555879 KARALEKAS AND NOONE PAGE 01
Law Offices
KARALEKAS & NOONE
1211 Connecticut Avenue, NW
Suite 302
Washington, DC 20036–2603
(202) 466–7330
(202) 955–5879 Facsimile
TELECOPIER TRANSMITTAL
TO: Renata Hesse, Esq.
RECIPIENT'S
TELECOPIER NO: 202/616–9937
FROM: Steve Karalekas
DATE: January 22,2002
EASTERN TIME: 1130a
OPERATOR: Elizabeth
NUMBER OF PAGES TRANSMITTING (including cover sheet): 3
MESSAGE/SPECIAL INSTRUCTIONS:
01/22/2002 11: 31 2029555879 KARALEKAS AND NOONE PAGE 02
KARALEKAS & NOONE
ATTORNEYS AT LAW
1211 Connecticut Avenue, NW
Suite 302
S. STEVEN LARALEKAS
Washington, DC 20036–2603
* ALSO ADMITTED IN MASSACHUSETTS
JAMES A. NOONE+
(202) 466–7330
* ALSO ADMITTED IN PENNSYLVANIA
WILLIAM J. HARDY ++
(202) 955–5879 Facsimile ++
ALSO ADMITTED IN VIRGINIA
E-Mail kn1211conn@kn1211.com
January 22,2002
Via Fax Transmission
Renata Hesse., Esq.
Trial Attorney
Anti-Trust Division
U.S. Department of Justice
601 D Street, NW, Suite 1200
Washington, DC 20530
Re: U.S. v. Microsoft
Dear Ms. Hesse:

We write to urge approval by the U.S. Department of Justice of the proposed

settlement agreement in the pending case of U.S. v. Microsoft.

Our law firm represents a diverse range of clients whose businesses rely heavily on state-of-the-art information technology (IT). Microsoft has been a leader in this regard and it is our view that settlement of this protracted litigation will greatly enhance the quality of IT available to our clients and improve the competitiveness of IT companies across the nation.

Settlement of this case is particularly important to the Washington, DC, area where the U.S. Government and thousands of small contractors that provide goods and services to it rely on the best possible IT to conduct their businesses and manage their programs. The uncertainty caused by the Govemment's litigation against Microsoft, in our view, has been detrimental to the critically importantly two-way flow of information between the U.S. Government and those who serve it.

We urge the Department of Justice to approve the settlement agreement and allow Microsoft and its competitors to go back to doing what they do best—keeping America in the forefront of information technology.

01/22/2002 11:31 2029555879 KARALEKAS AND NOONE PAGE 03

Thank you for your consideration.

Sincerely,

S. Steven Karalekas

SSK:emh

MTC–00031708

0l/14/2002 13:51 12487231210 GOODE FINANCIAL PAGE 01
GOODE FINANCIAL, L.L.C.
700 E. MAPLE, Suite 300
TELEPHONE: (248) 723-l200
BIRMINGHAM, MI 48009
FACSIMILE: (246) 723–1210
January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing in support of the settlement between Microsoft and the Justice Department in their antitrust lawsuit. I believe that the settlement is fair, and that Microsoft's concessions will enable everyone to return to normal business operation.

I understand that Microsoft is making several concessions, including added convenience for Windows users to remove and configure different parts of the operating system. These changes should ultimately benefit consumers and ensure fair competition.

Because of these changes, I urge you to settle the Microsoft suit in due fashion.

Sincerely,

Margaret Goode

MTC–00031709

164 Chestnut Hill Lane South
Buffalo, NY 14221
January 21,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington., DC 20530

Dear Mr. Ashcroft:

I am writing to express my views on the proposed settlement arrived at between the Department of Justice and Microsoft recently. In my estimation, the settlement is very excessive for Microsoft but more than fair for the federal and state government. It is time for this case to come to an end.

My reasons for being dissatisfied with the way this suit has been going extend far beyond my concerns for the economy and the IT industry, I am also displeased with the way the government has pursued this. The Government has given the public plenty of reason to doubt the existence of free enterprise. Despite the unfairness of the suit, Microsoft has been very willing to cooperate. They have agreed to uniform prices, disclosure of both Windows' protocol, and sharing internal interfaces in Windows. Microsoft has also agreed to grant intellectual property license to their competitors.

The settlement offers a workable end to this lawsuit, and the possibility for a very strong shot in the economy's arm. I trust that my input and those of others will aid in wrapping up this matter as soon as possible.

Sincerely,

Thomas Ruthven

JAN-22–02 11:51 FROM: EXCELLENCE N. MORTGAGES ID: 7166892546 PAHE 1/1

MTC–00031710

1–22–2002 11:11AM FROM 000000000 P. 1
01/22/2662 11:37 0000000000000 PAGE 01
January 9, 2001
Ms. Renata Hesse
Trial Attorney
Antiturst Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I am told you are receiving comments on the proposed Microsoft settlement.

It is important that any agrement reached will be complied with. The three person technical committee that is part of the settlement agreement that will monitor Microsoft's compliance appears to be a good means of achieving compliance. Complaints regarding Microsoft's compliance can be relayed to this committee, the Department of Justice or any of the state plaintiffs that are party to the settlement. This provision of the settlement ought to give all involved a high level of comfort.

Sincerely yours,

S. Neel Brown

MTC–00031711

1–22–2002 11:06AM FROM 000000000000 P.1
January 21, 2002
Ms. Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:.

After having reviewed the ''Key Provisions of the Proposed Consent Decree with the Department of Justice'', I believe that the proposal is fair and, since both Microsoft and the Department of Justice have come to this agreement, I believe the citizens of the United States would benefit if the consent degree were implemented expeditiously.

Sincerely

Joseph Frank Ellmer

26 Croydon Road

Mays Landing. NJ 08330

MTC–00031712

01/22/2002 10:33 FAX 804 7866310 VA HOUSE OF DELEGATES 001
House of Delegates
Telefax Service
Fax(804)786–6310
General Assembly Building
January 22,2002
To: Renata Hesse, U. S. Department of Justice
From: Delegate Gary A. Reese
Fax No.: Long Distance (202) 616–9437
Tel. No.:
City: Washington, DC.
State:

This transmission contains 2 pages, which includes this cover sheet. If you have any problems with this transmission, please contact (804) 698–1558.

Comments:

The original letter was mailed on l/21/02.
01/22/2002 10:33 FAX 804 7866310 VA HOUSE OF DELEGATES 002
COMMONWEALTH OF VlRGlNlA
H0USE OF DELEGATES
RICHMOND
GARY A. REESE
11926 BENNETT ROAD
OAK HILL, VIRGINA 20171
SIXTY-SEVENTH DISTRICT
January 21,2002
Ms. Renata Hesse, Trial Attorney
Antitrust Division
U.S. Department of Justice
601 D Street, NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse

As a Delegate for the 67th District in Northern Virginia, I am writing to encourage you to approve the settlement agreement in the case of United States v. Microsoft.

The centerpiece of Virginia's economy is the Northern Virginia region's high-tech industry. We have been fortunate to attract a diverse and wide-ranging number of technology firms and have insured our area's growth and future prosperity. We need to encourage a continuation of this economic development activity and make certain that we do not impede the success of companies like Microsoft in any way.

I believe the settlement is a fair and reasonable compromise. Furthermore, this setclement is good for the consumer, for high-tech industry, and for our overall economy. If you have any questions, please do not hesitate to contact me.

Sincerely,

Gary A. Reese

DISTRICT: (703)476–4505 * FAX: (703)716–9064 * E-MAIL: DEL—REESE@HOUSE.STATE.VA.US 002

MTC–00031713

JAN-22–2002 12:54 TEMPS LITHO 537 0316 P.01/01
CREATIVE MICRO SYSTEMS, INC.
3825 KENTUCKY AVE N.
CRYSTAL, MN 55427
January 21,2002
Attorney General John Ashcroft
US Department of Justice

950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I want to take this opportunity during the public comment period to voice my support for the settlement reached last November between Microsoft and the Justice Department. I believe this settlement will lessen the uncertainty in the technology sector of the economy and significantly benefit the overall economy. I believe the Justice Department action by the Clinton administration caused the down turn in the economy.

Although I did not support the commencement of this suit in the first place, a settlement is the best course at this point. The government negotiated a very strong settlement that addresses all the key issues. For example, Microsoft has agreed to grant computer makers broad new rights to configure Windows so as to promote non-Microsoft software programs that compete with programs included within Windows. The agreement also calls for the creation of a Technical Committee to oversee Microsoft's compliance.

Our company builds computer systems and develops custom computer application for end users.Microsoft products have been crucial in enabling us to rapidly develop competitively priced end user applications. Without their products we be unable to compete in this highly volatile marketplace. This lawsuit has hurt the entire industry. Please support this settlement and take no further action at the federal level.

Sincerely,
Richard Bostrom
TOTAL P. 01

MTC–00031714

l/22/2002 11:46 AM
FROM: Fax deltakappa.com
TO: 12023071454
PAGE: 001 OF 001
deltakappa.com
January 22,2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

I find it reprehensible that Microsoft's jealous competitors motivated this lawsuit between the Department of Justice and Microsoft. Whatever merits there were in the origin of this case were lost amid the torrent of envy among Microsoft's competitors.

The last time I checked, ours was still an economy built upon the free enterprise system. It is simply not right for a group of companies to use whatever influence they could muster to persuade our government to file a lawsuit against a company based upon that company's success in the marketplace.

One can say what they want about Microsoft's often hard-nosed approach to business, but that is not reason enough to haul them into court. The Settlement addresses the controversial points arising from the original trial three years ago, and ultimately will change the way that Microsoft does business in everything from design and conceptualization of software at the beginning, to licensing at the end.

This settlement recently negotiated at least has the virtue of ending this sideshow of a trial. For that reason alone it should be supported.

Sincerely,
David K. Payne

MTC–00031715

JAN-22–02 TUE 12:33 BNA HUNTSVILLE FAX NO, 2569713360 P.01
200 Hidden Valley Way
Madison, AL 35758
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

It has come to my attention that a settlement has been reached between Microsoft and the Justice Department. I hope that this case will finally be resolved. I am convinced that the Clinton administration targeted Microsoft to pacify the self-serving whining of competitors and their supporting politicians/lobbyists.

It does not seem to me that Microsoft is getting off easy like some would content. The agreement to grant computer makers new rights to configure Windows soas to promote non-Microsoft programs.

and the establishment of a three person monitor committee is very significant in our ''free enterprise'' business society.Microsoft competitors should be very happy—they will not be subject to the above restrictions.

I realize your Justice Department Did not initiate these actions against Microsoft; I hope your administration will conclude this matter quickly and fairly.

Sincerely,
James A. Collins

MTC–00031716

JAN-22–2002 14:20 FROM:BV HEDRICK 7046334243 TO:202 353 8856 P.OO1/OO1
01/22/02 TUE 12:27 FAX 800 641 2265 002
100 Primrose Drive
Salisbury, NC 28147
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

I am writing you today to voice my opinion on Microsoft. I support the Microsoft settlement and feel that this company has been penalized for being successful. I feel this settlement will serve in the best public interest this settlement is complete and thorough. Microsoft did not get off easy,Microsoft has agreed to terms that extend well beyond the products and procedures that were actually at issue in the suit for the sake of wrapping it up.Microsoft has also agreed to be monitored by a technical oversight committee created by the government.

Microsoft is a company that has contributed a pat deal to our society and daily lives. This company should not be stifled. Please support this settlement.

Thank you.
Sincerely,
Melvia Hutchinson

cc: Representative Mel Watt

MTC–00031718

01/22/02 TUE 13:15 FAX 414 328 2233 ROCKWELL SUPPORT 001
FACSIMILE ROCKWELL
SOFTWARE
P. O. Box 351
West Allis, WI 53227
Phone: 414–321–8000
Gen. Fax: 414–321–2211
www.software.rockwell.com
DATE: January 22,2002
TO: A. G. John Ashcroft
FAX: 202–307–1454
FROM: Katherine Tomaszek
TELEPHONE: 414–328–2423
FAX: 414–328–9423
PAGES: 2
Rockwell
Automation
01/22/02 TUE 13:15 FAX 414 325 2233 ROCKWELL SUPPORT 002
ROCKWELL
SOFTWARE
January 22, 2002
A.G John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

As a professional with personal experience in the software industry, I appreciate the role Microsoft has played in the success of the P.C. industry; therefore, the proposed government settlement is a welcome opportunity for all sides to end this agonizing process and focus on business again. The world is a better place because of the incredible contribution of the stable,user-friendly software platform that Microsoft has developed, so any further attempt to destroy this great company would be a mistake that will do severe damage to consumers everywhere.

From my understanding of the agreement, Microsoft has capitulated on several fronts.They are pledging to make it easier for computer manufacturers to mix and match software products on the Windows operating system, while offering a simplified cost structure for its licensing and no obligations to distribute or promote Microsoft technologies. Competing Companies will gain access to the internal interfaces and server protocols of Windows products,with the added opportunity to license its technologies,

With the constant review of a three-person technical committee of software experts,compliance should be eminently verifiable and effective. Hence, there is no need for further action. Please accept this deal and let the I.T. industry get back to developing great products for the public.

Thank you for your assistance.
Sincerely,
Katherine Tomaszek
Rockwell Software
2424 S. 102nd Street
West Allis, WI 53227
Rockwell Software Inc. P.O. Box 351 *
Milwaukee. WI 53201–0351 *
Phone. 414.321–8000 *
FAX: 414.321–2211 * BBS: 216.646–7625 *
Tech Support; 216–646–7800

MTC–00031719

+3604824200 ELMA Y PARCEL 326 P01 JAN 22 '02 11:30
P.0. Box F2
Elma, WA 98541–0628
January 21,2002
Attorney General John Ashcroft
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing today to encourage the Department of Justice to accept the Microsoft antitrust settlement. The issue has gone on long enough and it is time that the government leaves Microsoft alone. Microsoft has been such a net positive to the technology industry and to the economy and yet has to deal with government harassment.

Microsoft has agreed to compromise on all the major issues that were in dispute in the suit. They agreed to give computer makers the flexibility to install and promote any software that they seem fit. They agreed to license Microsoft products at a standard rate to computer makers, no matter what other software they promote. They also agreed not to enter into any agreement that obligates computer makers to exclusively install or promote Microsoft software. Microsoft has agreed to a lot in order to put the issue behind them.

The terms of the settlement are fair and the government should accept them. Microsoft and the technology industry need to move forward and focus their concentration on business, not on defending themselves from more lawsuits. Please accept the Microsoft antitrust settlement.

Sincerely,
John Shooner

MTC–00031720

01–22–2002 08 : 03AM FROM COUNTRY MOTORS TO 12023071454 P. 01
Country Motors
1200 Roverside Dr
Mount Vernon, WA 98273
360–428–5040
http://www.cmvs.com
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing today to encourage the Department of Justice to accept the Microsoft antitrust settlement. The settlement is fair and needs to be accepted. Microsoft is a great company that turns out great products and they should not be punished for it.

The whole issue arose out of jealousy. Other companies could not compete with Microsoft products, not because Microsoft was keeping them from competing but because Microsoft products were so much better. Because of the weakness of Microsoft's competitors Microsoft has had to accepta settlement that goes to far. In the settlement Microsoft has agreed to disclose, to their competitors,various interfaces that are internal to Window's operating system products. Essentially Microsoft as agreed to give up part of their system so other companies can catch up, and people are still saying that Microsoft has gotten off easy.

This issue needs to be put to rest. Microsoft is a great company with great products and is being punished for it. The settlement needs to be accepted and Microsoft needs to be allowed to move forward. In order to move forward this issue needs to be put in the past. Please accept the Microsoft antitrust settlement.

Sincerely,
Terry Minor
1200 Riverside Drive
Mount Vernon. WA 98273
TOTAL P. 01

MTC–00031722

Jan 21 02 07:52p UNIONDALE SCHOOLS 292–5097 p.1
Neville G Georges
787 Center Drive
Baldwin, NY 11510–1103
January 18, 2002
Attorney General John Ashcroft
US Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Ashcroft:

Here in North Baldwin, NY many monopolies exist, my cable, for example, is a monopoly for this area. The water and gas service are also monopolies. Continuing Monopolies in these industries is seen as prudent and even useful. Yet, the federal government takes great pains to muzzle and strong-arm Microsoft into renouncing their market position because of their supposed monopoly in the computer software industry.Microsoft rose to its dominant position in the software industry thanks to sound principles of innovation and intelligent marketing. In order for a business to be successful in America, it must have a unique product and a good marketing plan. My concern on the issue lies in the fact that the Department of Justice put itself in the position of chasing successful company for the simple fact that it was more successful than its competitors.In my opinion, Microsoft's competitors used the Department of Justice to do their job for them. In that instead of creating a superior product and marketing plan, they chose to tear down the competitive advantage Microsoft has worked so hard to achieve.

Microsoft should definitely comply with the terms of the settlement as delineated by the Justice Department. This settlement contains a series of provisions, increasing competition and forcing Microsoft to change its business practices. They have agreed to these provisions and this settlement to serve the public interest and to allow this country and themselves to move forward.

Please stand by the decision made on November 6 of last year to let the states settle with Microsoft without further federal intervention.

Sincerely,
Neville Georges

MTC–00031723

JAN 22 '02 15:38 P. 1
872 Lake Jackson Circle
Apopka, FL 32703
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing today to encourage the Department of Justice to accept the Microsoft antitrust settlement. Microsoft and the technology industry need to move on. A settlement is available and the terms are fair. I would like to see the government accept it and leave Microsoft alone.

Many people think that Microsoft has gotten off easy, in fact they have not. The settlement was arrived at after extensive negotiations with a court-appointed mediator, Microsoft agreed to terms that extend well beyond the products and procedures that were actually a tissue in the suit, simply for the sake of putting an end to the issue. For example, Microsoft will adhere to a uniform licensing agreement and will allow other companies to place their own software on the Windows operating system.

Microsoft, the industry and the government all need to move on. This issue has been dragged out for over three years and needs to be settled. Please accept the Microsoft antitrust settlement.

Sincerely,
Patrick Weld On

MTC–00031724

01/22/2002 15:27 7732383137 ROBERT PETTY PAGE 01
9550 S Winston Avenue
Chicago, IL 60643
January 21, 2002
Attorney General Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Ashcroft:

I am happy to hear the federal government and Microsoft reached an agreement in the antitrust case. I believe closure to this long process of litigation can be a springboard for more active competition in the IT industry.

This can happen only if no more action is taken at the federal level and the government does not continue to sue Microsoft.According to the settlement reached with Microsoft, the company will change the way it develops and markets its products. There will be a committee to ensure the company complies with the agreement and competitors will have the ability to sue Microsoft if they think the company is not complying with the agreement. With these guidelines in place, we as people of the United States need to move forward.

For the sake of the IT industry and consumers, we need to allow Microsoft to resume delivering prime technology to the national and international marketplace. This will be in the best interest of our country and our economy.Please to not take more action against Microsoft. Thank very much for your time and consideration.

Sincerely,
Robert Petty

MTC–00031725

01/22/2002 15:44 8476396591 BRYKOWSKI PAGE 01
01/22/2002 TUE 15:30 FAX 800 641 2256 002
60 Lake Zurich Drive
Lake Zurich, IL 60047–2228

January 21, 2002
Attorney General John Ashcroft
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I am writing to express my satisfaction at the settlement agreed to between the Department of Justice and Microsoft Corporation on November 2, 2001.The settlement reached provides that Microsoft disclose more information about its software and an oversight committee created by the government that could ensure Microsoft's cooperation.

This is a just settlement reached through intense negotiations on both sides.After three years of litigation, it is now time to allow Microsoft to continue providing new and innovative services to its'' consumers. Under the new guidelines set forth in the agreement, Microsoft will be able to continue to lead the technology market while also creating competition.Now that this settlement has been reached, I hope that no further action is taken against Microsoft. Thank you for your time.

Sincerely,
Romam Brykowski

MTC–00031726

JAN-22–2002 15:51 P. 01/02
FACSIMILE TRANSMISSION
TO: Renata Hesse
FAX: 202–307–1454
FROM:
PAGES (including cover): 2
DATE:
Mesaage:
JAN-22–2002 15:51 P.02/02
January 14, 2002
Renata Hesse
Antitrust Division
Department of Justice
Fax: (202) 616–9937
Fax: (202) 307–1454

Dear Ms. Hesse:

Please add my support for the recent Microsoft settlement. From everything that I have read, this appears to be a reasonable accord.Our country has been paralyzed for some time now: we have a war going on overseas and we are now officially in a recession. An uplift is needed from some sector of our economy. I strongly believe that the settlement agreed upon will be the vehicle required to spur on new, and much-needed economic growth.

My reasoning is based on past economic performance. Microsoft has been a Goliath in our modern-day economy. They produced much of the gains made during the 1990's and have been the source for thousands of new businesses and hundreds of thousands of new jobs. Once this lawsuit is behind them, they will be able to begin producing the same kind of results for our languishing economy.

This settlement was good for the county. I understand that new Windows design obligations were agreed upon and that Microsoft agreed to share information regarding its windows operating system. I'm pleased to know that this settlement was reached in such a timely manner.

Thank you for listening to my opinions on this issue.

Sincerely, Sincerely, Sincerely,
Tom Feeney Andy Gardiner Jim Kallinger
Speaker of the House Florida House of Representatives District 35
TOTAL P.02

MTC–00031727

01/22/02 12:12 PM 8189901897 Bell Solutions. net Page 1 of 2#1011
Terrence H. Bell, CPA
Address: 15821 Vetura Boulevard
Suite 275
Encino, CA 91436
Phone: 818 990–6363
Fax: 818 990–1897
To: John Ashcroft
Company:
Fax: 202 307–1454
From: Terry Bell
Subject:
Memo:
Microsoft Settlement
Terrence H. Bell
Certified Public Accountant
Terrence H. Bell CPA
Donna Smith. EA
January 9, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft

I write concerning the antitrust settlement between Microsoft and the federal government. I am a Certified Public Accountant and it is in the best interest of my firm, which handles tax issues for small business and individuals, for this matter to be settled expeditiously through settlement. At first, you might not think this lawsuit could have an adverse affect on a business such as mine, however, it has. In fact. it has impacted the entire economy, which of course affects my prosperity. To settle this matter would be a step in the right direction toward getting the economy back on track, and hence stimulating business for my firm and many other companies across the country that are in a similar situation. Microsoft has agreed not to retaliate against computer makers who ship software that competes with anything in Windows. It has also agreed to design future versions of Windows, beginning with the next release of Windows XP, to provide a mechanism to make it easy for computer makers, consumers and software developers to promote non-Micros&I software within Windows. Lastly, Microsoft has agreed not to enter into any agreements requiring any third party to distribute or promote any Windows technology exclusively or in a fixed percentage. If these concessions don't make Microsoft's competitors happy, I don't know what will. There are several more major components of the settlement that I am sure you are familiar with.

The settlement goes above and beyond addressing the main complaints of the government and should satisfy both the government and Microsoft's a adversaries. It is fair and reasonable and should not be allowed to be derailed by a handful of Microsoft's adversaries who will not be happy until Microsoft is broken up, which of course, is completely unnecessary and unjust.

Sincerely
Terrence H. Bell
Certified Public Accountant

P.S. The news conference on 1/22/02 was great!

15821 Ventura Blvd. Suite 275 Encino, Ca 91436 * (818) 990–6363 (800) 890–6343 * (8I8)
990–1897 FAX
Visit us on the web at http://www.bellcpa.com or email us at Info@bellcpa.com

MTC–00031728

01/22/2012 15:38 7756654893 SCHORNSTEIN PAGE 01 1–22–02
ATTEN: Ms. Renata B. Hesse

Dear Ms. Hesse,

Without any reservations, I support the Microsoft settlement.

The benefit to the nation and to the taxpayers is huge. To settle this also is the fair action to take. Consumers will be the largest benefactors, and, as a consumer, I do like the opportunity to express my note to settle with Microsoft Now!

Sincerely,
Marilyn M. Schornstein
6746 S.W. 89 Terr.
Miami, FL 38156

MTC–00031729

Jan 22 02 12:4Op p. 1
Microsoft
MICROSOFT CORPORATION
123 Wright Bros Dr, Suite 200
Phone: (801) 257–6300
Salt Lake City, UT 84116
Fax: (801) 257–6501
United States Of America
Internet: http://www.microsoft.com
MS FACSIMILE
TRANSMITTAL FORM
TO: John Ashcroft FROM: Karen Wadsworth
Company: Attorney General
Bldg/Room:
cc: Phone: 801–257–6387
Phone:
Date & Time:
Fax: 1–202–307–1454 or l-202–616–9937
Number of Pages: 2
Jan 22 02 12:40p p.2
Microsoft Corporation
Tel 801 257 6300
123 Wright Brothers Drive
Fax 801 257 6501
Suite 200
http://www.microsoftcom/
Salt Lake City, UT 84116
2042.S 1300 W
Woods Cross, UT 84087–2382
Microsoft
January 21, 2002
Attorney General John Ashcroft
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

Over the past three years, Microsoft and the Department of Justice have waged a veritable war in the federal courts. Six months of round-the-clock negotiations were necessary before a settlement could finally be reached, and I still do not think Microsoft; has been treated fairly.

Nevertheless, this has gone on long enough, and I think it's time for the Justice

Department to move on. Microsoft agreed to terms under the settlement that extend to products and procedures that the Court of Appeals did not find to be unlawful. In other words, Microsoft has been generous, and I do not believe the Department of Justice should press the issue. Microsoft has agreed, for example, to license its Windows operating system to twenty of the largest computer makers on identical terms and conditions. Microsoft has also agreed to disclose source code and interfaces to its competitors for their use. The competitors will then be able to introduce their software directly into Windows.

Microsoft is willing to settle on these terms, and I believe it is in the best public interest to do so. No further action needs to be taken on the federal level. This has gone on long enough; it's high time to move on. I urge you to support the settlement.

Sincerely,
Karen Wadsworth

Microsoft Corporation is an equal opportunity employer.

MTC–00031730

ABCO ENGINEERING CORP. ABCO ENGINEERING CORP.
801 Second Avenue S. E.
* Oelwein, Iowa 50662
* Phone 319/283–5652
* Fax 319/283–2600
January 22, 2002
Renata Hesse
Trial Attorney
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Subject: Letter of support for Microsoft Settlement
To all concerned:

The information I have read indicates the settlement is a true compromise. The prime factor is that everyone in the technology field can get back to work. Our economy depends on the free enterprise system working. Everyone benefits from the settlement of this case: the technology industry, the economy and the consumer.

Antitrust laws were designed to protect CONSUMERS. As I see it, this was specific companies in the technology industry endeavoring to protect themselves from competition. The free enterprise system allows any business to succeed or fail—and we must do that in the marketplace.

Though I fail to see the basis for the litigation, I do commend the Court for the settlement proffered.

May God save us from destroying our nation from within!

MTC–00031731

January 15, 2002
Attorney General Ashcroft
US Department of Justice
950 Pennsylvania Ave.
Washington DC 20530

Dear Mr. Ashcroft:

This letter is so that I may go on record as supporting the settlement reached between the Microsoft Corporation and the Department of Justice. I am glad to see that the three years of litigation is over; my only hope is that there will be no further litigation against Microsoft at both the state and federal levels.

The proposed settlement has teeth, and Microsoft is not getting off as easy as I'm sure they had wished. However, the terms of the agreement are fair, and they will help the IT industry become much more competitive. Microsoft has agreed not to strike back at companies that produce, ship, or promote software that competes with Windows. The competitors will now be free to make a profit without worrying about the reprisal from Microsoft.

I am all in favor of this settlement. America's economy needs help, and this settlement is it. I hope that you can convince Tom Reilly, our State Attorney General to see that.

Sincerely,
Prank De Piano
352 Park St. Ste 205
North Reading, MA 01864

MTC–00031732

Lester Associates, Inc.
383 Main Street, Suite 202,
Chatham. NJ 07928–2100
Telephone: (973) 635–2254,
Fax: (973) 635–7449,
Email: info@lester.com
January 21,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

Apparently the settlement reached by the U.S. Justice Department and Microsoft has caused somewhat of an uproar among Microsoft's adversaries who unsuccessfully pushed for a break-up of the company, This is unfortunate, because the settlement addresses and resolves the issues at hand in a very fair and even-handed way for all of the parties involved. Microsoft did not need to be broken up to accomplish this objective.

An example of the settlement going a long way to ''level the playing field'' is Microsoft's unprecedented concession to disclose significant portions of the code for its' Windows operating system to competitors. Additionally, it has agreed not to retaliate against software or hardware developers who develop or promote software that competes with Windows or that runs on software that competes with Windows, Finally, it will no longer retaliate against computer makers who ship software that competes with anything in its Windows operating system. While only one aspect of the settlement, this alone should make Microsoft's competition very happy, as it will make things easier for them to appropriate ideas without actually having to work harder.

Innovation and advancement suffered as a result of the lawsuit. Hopefully the settlement will be finalized soon so we can move forward again.

Sincerely,
Joseph Lester
President

MTC–00031733

FROM : Bill Riddell
FAX NO. : 831 392 1744
Jan. 22 2002 12:02 P1
—L. W. (Bill) Riddell, Consultant—
6 Osio Way—
Del Rey Oaks, CA 93940–55
10—Ph. & FAX 831–392–l744
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing this letter to express my opinions about the settlement that was reached last November between Microsoft and the Department of Justice. I am in favor of this agreement because it brings an end to the three years of litigation that have been plaguing Microsoft, and hampering innovation in the entire IT industry.

Microsoft did not get off easy in the settlement, and they have had restrictions and obligations placed on them that were never even an issue in the initial suit. They have agreed to turn over, to their competitors, interfaces that are internal to the Windows operating system, as well as coding in Windows that is used to communicate with other software. These terms go a little far, but what is done is done. We now need to put all of this behind us and move on.

Although I don't feel this case should ever have begun in the first place, I support the settlement since it squashes the litigation that has been hampering the technology industry for years now. The proposed agreement between Microsoft and the Department of Justice must be approved as soon as possible.

Sincerely,
Lawrence Riddell
Phone 831–392–1744

MTC–00031734

KARL.SIMONE.WOLFS
JAN-–22–2002 04:54 PM
727 796 5736 P.01
To: (202) 307–1454 or (202) 616–9937
Mr. and Mrs. Karl E.Wolfs
2645 Prisco Dr.
Clearwater, FL 33761–3823
DEPARTMENT OF JUSTICE 1/22/02
(727) 796–5736
ATTN. Ms Renata B. Hesse:
Re: Microsoft

Please advise the Attorney-General to accept the Microsoft offer and settle the case. I think $35 million is enough money—do not carry on case at more expense to us taxpayers.

Sincerely,
Karl Wolfs

MTC–00031735

Marcus Dixon
3 Ridgewood Road
Glen Rock, PA 17327–9794
January 22, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am happy to hear that the Department of Justice has ended its three- year antitrust lawsuit against Microsoft with a strong and binding agreement. It will most certainly have profound implications for all software publishers, the rest of the American

Information Technology industry and consumers. Under the agreement, computer manufacturers were granted new rights to configure systems with access to various Windows features. Microsoft must also design future versions of Windows to make it easier to install non-Microsoft software and to disclose information about certain internal interfaces in Windows.

The government even went so far as to create an ongoing technical oversight committee to review Microsoft software codes and books, and to test Microsoft compliance to ensure that Microsoft abides by the agreement. What more could Microsoft's competitors want? Maybe a front door key to the corporate headquarters would suffice them! America's economy needs a break. This American company, Microsoft, with its world-renowned success, affects a big part of America's economy. I hope never to see another federal government lawsuit against Microsoft beyond this settlement.

Sincerely,
Marcus Dixon
cc: Senator Rick Santorum

MTC–00031736

Carol Trasport
138 Lake Ring Drive SE
Winter Haven, FL 33884–1438
January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing you today to express my opinion in regards to the Microsoft settlement issue. I feel that the settlement that was reached in November is fair and reasonable, and I am anxious to see this dispute resolved. Microsoft is a great company that offers quality products to consumers. As a consumer, I do not want to feel adverse effects because of this costly litigation battle.

Microsoft has agreed to terms that extend well beyond the products and procedures that were actually at issue in the suit, for the sake of ending the court battle. Noteworthy provisions among the many Microsoft has agreed to include: licensing its Windows operating system products to the 20 largest computer makers on identical terms and conditions (including price), thus removing Microsoft's leverage to obtain favorable treatment; and revealing internal information about Windows to competitors, thus helping rival companies write software that works well with Windows.

The settlement is comprehensive and appropriately addresses the issues of underlying the lawsuit. By removing the legal cloud hanging over Microsoft and the industry that depends on it, this settlement will benefit America's economy. Please support it.

Sincerely,
Carol Trasport

MTC–00031737

State of New Hampshire
HOUSE OF REPRESENTATIVE
CONCORD
January 8, 2002
Rep. Marc Pappas
(603)669–6188
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Attorney Hesse,

Please accept this letter as public comment on the case of U.S. v. Microsoft. Although I am unsure of all of the proceedings and technicalities of the decision, I have followed the process enough to know that too much of the Federal government's time has already been spent on this case.

Millions of taxpayer dollars have been spent prosecuting Microsoft and arriving at this decision. Many people have worked diligently on both sides of the case. These people should now spend their time working important problems, investigating harmful companies, not those who benefit consumers.

With war being waged and the economy being so uncertain America needs leaders in all areas, especially technology and computer science. Microsoft is one of these leaders and has accomplished tremendous advances in the past several years. By tying Microsoft up in the courts, or worse, actually punishing them further, the government would only serve to limit technological pursuits and spend taxpayer money.

I have used Microsoft's software and find it the best in the industry. As with any product and/or service improvements are necessary but, I believe that Microsoft attempts these improvements on a regular and timely basis and that further improvements in the computer and technology industry will be enhanced by the regulations of the decision.

Sincerely,
Marc Pappas

MTC–00031738

Pat and Kristin Weeks
Duncanson
Fax 507–524–3163
Phone 507–524–3797
facsimile transmittal
To: Renata Hesse
Fax: 202–616–9937
From: Kristin W. Ducanson
Date:
Re: Microsoft Pages: 2
cc:
Renata B.Hesse
Antitrust Division
U.S.Dept.of Justice
601 D. Street NW
suite 1200
Washington DC 20530–0001

Dear Ms.Hesse

I wanted to take this opportunity to encourage the Dept. of Justice to finalize the Microsoft settlement as soon as possible.

As the mother of four children, farmer and small business owner the recent events of our country have made me take pause to examine the role of our taxpayer dollars in the current United States situation. The lawsuit against Microsoft in nine states and at the federal level has used enough taxpayer dollars found out information it is time to settle and use working Americans dollars in a much wiser manner.

I support the settlement and hope that the Justice Department moves quickly to put an end to this matter.

Thank you for your time.
Kristin Weeks Duncanson
57746 Hwy. 30
Mapleton, MN 56065
507–524–3797
507–524–3163

MTC–00031739

To: Ms. Renata Hesse
Fax #: 1–202–616–9937
From: Phillip W. De Vous
Date: January 22, 2002
Total number of pages (including covet sheet):3 pages

Dear Ms. Hesse:

In line with the provisions for public comment provided for in the Tunney Act, I would like to offer a few comments from the Acton Institute concerning the Microsoft settlement.

I appreciate your time and consideration in reviewing the attached letter. Should you have any questions, please do not hesitate to contact me at (616) 454–3080 or at pdevous@acton.org.

Yours truly,
Phillip W. De Vous
Public Policy Manager
Acton Institute for the Study of Religion and Liberty
161 Ottawa NW, Suite 301,
Grand Rapids, Michigan 49503
Phone: (616) 454–3080
* Fax: (616) 454–9454
January 10,2002
Ms. Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D. Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

Under the provisions contained in the Tunney Act providing for public comment on the Final Judgment Stipulation and Competitive Impact Statement in the case of United States vs. Microsoft, I am pleased to offer some comments on behalf of the Acton Institute for the Study of Religion and Liberty concerning this important settlement. The work of the Department of Justice in soliciting a wide and varied consultation in this most important legal matter is greatly appreciated.

The primary goal of antitrust law and legislation is to protect consumer interests, in attempting to assure that no one corporation illegally or unethically dominates the market choices that consumers are able to make. In a society of free and open markets the consumer is the primary arbiter of what products and services are chosen and, ultimately, of which businesses remain profitable and viable. In the case of Microsoft, consumers have consistently chosen Microsoft products over those offered by Microsoft's competitors.

As a result of the information communicated by consumer preference, it seems that the Department of Justice has failed to show in the case of United States vs. Microsoft the harm perpetrated on the consumer, thus undermining the very

purpose of antitrust laws designed for the protection of consumer interests. Rather, it seems that powerful competing interests have decided to take the battle for market share out of the free and open marketplace and into the courtroom. This battle for market share is most appropriately decided by the free choice of the consumer, not by judicial fiat.

This lawsuit and the pending settlement if an example of a troublesome tendency of the government to meddle in the processes of the free market. Furthermore, it seems that a regime of increased government regulation on the technology industry will be the inevitable result of this legal settlement. Innovation, creativity, and a level of high risk are the hallmarks of the technological revolution that has marked our nation in the last two decades. Entrepreneurs in this industry know from the outset that the level of risk undertaken and endured in the technology sector is a phenomenal one. Given the fast pace of technological innovation and the need to stay abreast of these innovations, the last thing that should occur in the technology industry is a regime of increased regulation. The proposed independent Technical Committee (TC), which would oversee and evaluate Microsoft's compliance with the settlement terms, is an excellent example of burdensome government intrusion into an industry that requires maximum freedom to innovate and to be creative. This committee's authority to hire unlimited staff, its on-site location at the Microsoft campus and its costs being entirely at Microsoft's expense is an unprecedented and unnecessary enforcement mechanism. Furthermore, it is my opinion that this committee constitutes a completely illegitimate intrusion of the government into the workings of private industry and, in effect, will serve to give Microsoft's competitors an unfair innovative advantage in the marketplace, as they will not be subject to this suffocating regulatory burden.

The final aspect I would like to comment upon, concerning the settlement of the United States vs. Microsoft, concerns the issue of intellectual property rights. As part of the settlement, Microsoft is forced to disclose the proprietary codes and other technical information that enables any Widows operating system to communicate with Microsoft servers and middleware products. These code's and technical information are the result of the research and development conducted by Microsoft. Microsoft alone has incurred the expense and risk associated with the development of these operating systems and middleware products. To set aside Microsoft's right to protect and profit from the product of its labor sets a dangerous precedent for all industries that rely on intellectual property derived from costly research and development. Unfortunately, one serious unintended effect of the forced licensing of Microsoft intellectual property will serve to destabilize the environment in which research and development occurs. By lessening the protections surrounding proprietary information obtained through costly research and development, further technological innovations simply become too risky to undertake, as it becomes unclear whether such costs can be recovered in the marketplace. Such a move will cause great harm to consumers, effectively blocking their demand for further and more advanced innovation in the technology market.

I appreciate the opportunity to offer some reflections on just a few of the matters contained in this multi-faceted settlement. Should I or the Acton Institute be of any further assistance in this matter, please do not hesitate to contact me. I may be reached at (616) 454–3080 or at pdevous@acton.org.

Yours truly,
Phillip W. De Vous
Public Policy Manager

MTC–00031740

SCHOOL BOARD
OF THE
CITY OF RICHMOND
301 NORTH NINTH STREET
RIXHMOND, VA 23219–1927
Telephone: (804)780–7714
Fax: (804)780–8133
MARK E. EMBLIDGE
DISTRICT TWO
SCHOOL BOARD CHAIRMAN
(line illegible)
VIRGINIA LITERACY FOUNDATION
700 EAST MAIN STREET, SUITE 1605
RICHMOND, VA 23219
Office: (804)225–8777
Home: (804)358–8775
Fax: (804)225–1859
January 18, 2002
Ms. Renata Hesse
Antitrust Division
Department of Justice
601 D Sreet NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

Over the past several months I have advocated for an end to the Microsoft case. I have written several letters on this subject to various officials. I repeatedly have said that the devastating events of September 11 further damaged our already weakened economy and that the technology sector has been having a particularly difficult time.

I now understand that a settlement is in the works. The summary I have looked at has particulars that cover a gamut of issues from uniform pricing to a redesign of Windows, to intellectual property rights, to a compliance committee. All of these elements contribute to a strong agreement that makes me hopeful that the end is in sight. With our economy showing tremendous weakness, we need to do everything we can to encourage new products being brought to the market to stimulate consumer spending. Everyone involved in this case needs to get out of the courtroom and back to work.

I thank you for the opportunity to express my views.

Sincerely yours,
ss

MTC–00031741

PETRULAKIS JENSEN & FRIEDRICH, LLP
ATTORNEYS AT LAW
FACSIMILE TRANSMITTAL SHEET
TO: Renata Hesse
FROM: George A. Petrulakis
COMPANY: Antitrust Division, Department of Justice
DATE: 01/22/02
FAX NUMBER: (202) 616–9937
1130–12TH STREET, SUITE B
POST OFFICE BOX 92
MODESTO, CALIFORNIA 95353–0092
TEL: (209) 522–0500
FAX: (209) 522–0700
MAILING ADDRESS:
POST OFFICE BOX 98
MODESTO, CA 95354–0098
PJF@PJFLAW.COM
CERTIFIED SPECIALIST, ESTATE PLANNING,
TRUST AND PROBATE LAW, STATE BAR OF
CALIFORNIA OF LEGAL BOARD SPECIALIZATION
GEORGE A. PETRULAKIS
JUOY A. JENSEN
MATTHEW J. FRIEDRICK
TED M. CAORAL
January 22,2002
Renata Hesse, Trial Attorney
Antitrust Division, Department of Justice
601 D Street NW, Ste. 1200
Washington, DC 20530
VIA FACSIMILE
(202) 616–9937

Dear Ms. Hesse:

I encourage the Unites States Federal Court to approve of the consent decree proposed in the case of US v. Microsoft. I do not agree with spending another tax payer dolIar on this case. As a community activist and community columnist who cares about issues, I pay close attention to the wasteful spending which goes on at every level of government. I have read on the Citizens Against Government Waste website about all the money which has been spent on the Microsoft case and am shocked. This case has accomplished very little good for our country.

This is not a time for wasteful spending. Billions are being spent on the war against terrorism. The recession and important tax cuts have greatly reduced the amount of incoming revenue going into the federal government. We should not even consider frivolous spending like US v. Microsoft when there is talk of spending social security receipts to cover the cost of running the government.

This is a strong and positive settlement. Please approve of it and put an end to the wasteful spending.

Sincerely,
George A. Petrulakis, Attorney at Law
Petrulakis, Jensen and Friedrich

MTC–00031742

FROM: ANTHONY P. CAPONE
PHONE NO. : 412 833 4451
3982 Mimosa Drive
Bethel Park, Pennsylvania 15102
January 9,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I want to use this opportunity to give my views on the settlement that was recently concluded between Microsoft and the Justice Department. I believe this settlement is fair and should implemented as soon as the comment period ends.

Microsoft has agreed to design future versions of Windows that will include a mechanism to make it easy for computer makers, consumers and software developers to promote non-Microsoft software within Windows. With this mechanism, consumers will have the freedom to choose to change their computer's configuration at any time. So if consumers do not like the products made by Microsoft, they will be able to make their feelings known through their actions.

Hopefully with your lead in support of concluding this case, the nine states that have not joined the settlement will change their positions. These states could make better use of their resources, just like the federal government, in settling this case as quickly as possible. Thank you for this opportunity to make my feelings known.

Sincerely,
Anthony Capone
cc: Senator Rick Santorum

MTC–00031743

THE IVERS COMPANY
Providing Financial Services Since 1974
Henry L. Ivers
Teresa Pinkert, Esquire
73 Puritan Road
Swampscott, Massachusetts 01907
(781)596–0991
FAX# (781)–592–7161
FAX COVER SHEET
FAX# 1–202–616–9937
DATE: 1/22/02
TO: Microsoft Settlement
TIME:
FROM: Henry
NO.OF PAGES: 1 Incl. Cover
RE:

DEAR

These 9 Attorney Generals have used the gov't + now they are using the court to further the agenda of businesses that are located in their states. If the truth were known about their political agendas + financial interest it would make Microsoft seem like choir boys, who just work night + day to make what is a great product and have at times tried to market it a bit to aggressively. Okay they have been slapped on the hands + somewhat constrained. To continue further brings the consumer, the economy, + the country no short or long term benefit + its time to move on and not to be manipulated by these 9 states.

MTC–00031744

SENT BY: GEMPLEX;
8708 Snowhill Court
Potomac Maryland 20854
Date: JAN–22–02
To: Attorney General John Ashcroft
U.S. Department of Justice
Phone Number: 7036107280
Fax Number: (202) 307–1454 or (202) 616–9937
From: Gian Dilawari
Phone Number: (301)299–3363

Regards,
Gian Dialwari

VIA FACSIMILE
Attorney General John Aschroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my concern regarding the status of the Microsoft settlement. We have been through a lot, but now it is time to move on. One area in which we need to move forward is the Department of Justice and Microsoft settlement. The case aaginst Microsoft was finally resolved after three long years of investigation and litigation. Microsoft agreed to a number of demands imposed by the Department of Justice, which has opened up the firm to non-Microsoft products. Microsoft has also agreed to terms which were not even part of the original lawsuit. I believe it is best for our country and economy if we let the current settlement stand. I say this because Microsoft is a very integral part of our country's economy. As CEO of Microsoft, Bill Gates made the technology revolution, standardizing computer software and bringing it down to the average consumer. While Microsoft might have been too aggressive in some of his business practices, Microsoft has been disciplined, and no future good can come of rehashing the settlement further.

I urge you to give your full suppport to ensuring that the settlement remains as is, and allow us to get back to more important issues.

Sincerely,
Gian Dilawari

MTC–00031745

JAN–22–2002 16:18
403 Sandalwood Drive
Evansville, IN 47715
January 16, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing to voice my support for the settlement that Microsoft reached with Department of Justice in the anti-trust lawsuit against Microsoft. Microsoft is a good company whose success should not be punished. I am glad the matter was resolved and hopeful that no further court action will be taken.

Microsoft made many concessions to bring this case to settlement; some items that I do not believe were necessary. The settlement calls for the establishment of a three-person technical oversight committee that will watch over Microsoft's business operations. Any company can lodge a complaint against Microsoft and the committee will handle the resolution of the dispute. This will allow competition in the technology industry and provide consumers with better choices in the marketplace, which is certainly in the best interest of the public. Microsoft is a great company. They are successful today because of innovative ideas and smart business decisions. It is time to let the people at Microsoft get back to the business of shaping the technology industry. I would like to see the lawsuit settled and bring an end to this costly litigation.

Sincerely,
Mike Schulz

MTC–00031746

2115 Brookhust Avenue
Columbus, OH 43229–1585
January 14, 2002
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I am writing to urge you to settle the antitrust case against Microsoft. I feel that the case has been going on long enough, and that the terms of the settlement are fair.

Competitors of Microsoft will gain much from the settlement. The internal interface of Microsoft's famous Windows will be opened up to free, gratis. They will be able to license other intellectual property of Microsoft on reasonable and non-discriminatory terms. They will be able to complain to a Technical Committee, which will oversee Microsoft's conduct, and to file a complaint in court if they are not satisfied. I do not see how Microsoft's competitor could have any reason to complain about this settlement.

Please finalize the settlement agreement between the Justice Department and Microsoft. Thank you for your attention.

Sincerely,
Michael Adams

MTC–00031747

Sent By: LEGENDARY SYSTEMS; 5105870901; Jan-22–02 17:04;
Legendary Systems
January 10,2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue
Washington, DC 20530

Dear Mr. Ashcroft,

With regard to the lawsuit and subsequent settlement between Microsoft and the government, I am writing to express my full support of the settlement and the necessity for its speedy finalization.

I operate an e-commerce consulting company that utilizes and depends on Microsoft software. We use Microsoft products by choice, simply because they are the best—not because anyone forced us to or because Microsoft is a Monopoly that leaves us no other choices. Microsoft was the first to develop and successfully market a seamless operating system and that is why they are the industry leader. They should not be penalized for this.

I understand the settlement is encountering some trouble because certain adversaries of Microsoft, who opted to not join in on the settlement with everyone else, are attempting to derail it. If they are successful in their attempt, it will be a major set back for the entire technology industry. Continuation of this litigation will only serve to hinder Microsoft's productivity. It will cause collateral damage throughout the entire industry. The settlement will ensure more accessible software and better business practices, enforced by a new Technical Committee.

Microsoft must be allowed to settle this case as it and most of its opponents want to. It is absolutely necessary for the sake of innovation.

Sincerely,
Tony Lee
President

300 Frank H. Ogawa Plaza. Suite 350
Oakland. CA 94612
Telephone:510.587.0900
Facsimile:
510.587.0901
www.Legendary.com

MTC–00031748

01/22/02 19:50 FAX 8139755039
UNIVERSITY VILL 01
U.S. Department of Justice
January 22,2002
Attention: of Ms. Renata B. Hesse

Please put an end to the government's long running legal assualt on Microsoft, which has cost the taxpayers more than $35 million and undermined one of the primary engines of America's economic growth.

The proposed settlement is fair and acceptable.

David Knight
12401 N. 22nd St. Apt. D 607
Tampa, Fl. 33612–3108
FAX number
(202) 307–1454 or
(202) 616–9937

MTC–00031749

Tuesday, January 22, 2002 7:O1 PM 1–516–887–3184 p.01
Attention: Mr. John Ashcroft
Date: 1/22/02
Company: Number of Pages: 2
Fax Number: 1202–307–1454
Voice Number:
From: Jean Donohue
Company:
Fax Number: 1–516–887–3184
Voice Number:
Subject:
Comments:
Tuesday, January 22, 2002 7:O1 PM 1–516–887–3184 p.02
Jean M. Donohue
26 Irving Place
Lynbrook, NY 11563
January 22,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing you today to express my opinion in regards to the Microsoft settlement issue. I support the settlement reached between Microsoft and the government, and I support this company in this three-year-long debate. I hope this litigation against Microsoft can end with the finalization of this settlement.

This settlement is a complete agreement, which Microsoft has agreed to fully uphold. Microsoft has agreed to license its Windows operating system products to the 20 largest computer makers and has agreed to grant computer makers broad new rights to configure Windows so as to promote non-Microsoft software programs that compete with programs included within Windows.

Please support this settlement. The provisions included in this agreement are fair and will benefit consumers and the economy. Thank you for your time.

Sincerely,
Jean M Donohue

MTC–00031750

FROM : QPINKA ENTERPRISES FAX NO. : 520 625 5615 Jan. 23 2002 04:38AM P1
1–20–02
James & Jean Spinka
493 Paseo Chuparosas
Green Valley, AZ 8561
ATTN:
DOJ
Ms. Renata B. Hesse
WE SUPPORT THE MICROSOFT SETTLEMENT
TO DOJ
Jean & Jim Spinker

MTC–00031751

JAN-22–2002 03:30 PM NUEVO MARKET INC 9099281197 P.01
January 22,2002
Ms. Renata B. Hesse
(202) 307–1454
Department Of Justice

Dear Ms. Renata B. Hesse:

Microsoft is doing an excellent job. The lawsuite should never have been started. It was a total waste of taxpayer funds. There has been a settlement agreement. Hold to the agreement.

Sincerely,
Floyd E. Brooks
P. O. Box 54
Perris CA. 92572

MTC–00031752

819 Harmony Lane
Mandeville, LA 70471
January 21, 2002
Attorney General John Ashcroft
Department of Justice
Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

As a supporter and avid user of Microsoft products, I would like to see this antitrust case resolved as soon as possible. I feel that the settlement reached between your office and

Microsoft was fair and reasonable, and that it was extensive enough to correct not only the current problems, but future problems as well. No more action is necessary at the federal level, and would only interrupt the ongoing negotiations between Microsoft and nine states. Microsoft has agreed to change the way it develops, licenses, and markets its products, and has granted broad new rights to software engineers and computer makers. Under the terms of the settlement, they can configure Windows so as to promote non-Microsoft programs that directly compete with the programs already included within Windows Also, Microsoft will document, for use by its competitors, various interfaces in its Windows operating system.

I fear that the states that would continue with litigation are more concerned with return on investment than with consumer protection. I believe that if this case is judged by its merits, then it is easy to see that the problems that brought the lawsuits have been addressed. A technical oversight committee will ensure that Microsoft complies with the terms of the settlement, and the competition will be allowed to sue Microsoft if they feel that they have been treated unfairly. These provisions should avoid future wasting of federal funds, and should keep the complaints sincere. Just as Microsoft is being kept in check, the companies that wish to take Microsoft's market share should be carefully watched. Thank you.

Sincerely,
Daniel Dryer
Jan 22 02 04:56p Fogarty Dryer 985–624–5026 p.1

MTC–00031753

01/22/02 17:58 FAX 6107933607 BARRON 01
Patrick Baron
20 McMullan Farm Lane
West Chester, PA 19382
January 17,2002
AG John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

As a concerned citizen of this great nation, I am writing to give my support to the settlement between Microsoft and the Justice Department. This case has been in litigation for three years now. It is time to bring closure to this case, since there is no monopoly to begin with. Microsoft just develops better products then its competitors.

However, I feel that the provisions of the settlement are both fair and reasonable. For instance, Microsoft has agreed to allow computer makers to remove the means by which consumers access various features of Windows, especially sophisticated software like Microsoft's Internet Explorer web browser, Windows Media Player, and Windows Messenger. They can then replace them with similar software like Netscape and AOL IM.

Furthermore, Microsoft has agreed not to retaliate against computer makers who ship software that competes with anything in its Windows operating system. I ask that the government stop continued legal action against Microsoft.

Sincerely,
Patrick Barron
Cc: Sen. Santorum

MTC–00031754

06/30/1995 01:37 12094774094 GEORGIA PAGE 01
1–22–02
DOJ
Attn: Renata B. Hesse
Re: Microsoft As a taxpayer and consumer I support the Microsoft settlement.
Thank You.
Georgia Schrum
Georgia Schrum
10550 Davis Rd.
Stockton, CA 95209

MTC–00031755

JAN-22–2002 05:24 PM ALLEN SCHAARSCHMIDT 1 610 515 1337 P.01
Allen Schaarschmidt
910 Gall Road
Easton, PA 18040–6522
January 20,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I would like to go on record as supporting the settlement that was reached last November between Microsoft and the Department of Justice. It is about time that the antitrust lawsuit that was filed three years ago has finally been extinguished, and I hope that the nine remaining states that are continuing will follow the lead of the Department of Justice.

The court costs incurred by the Department Justice and the Microsoft Corporation are higher than the GDP of some small countries. Too much time and money have been wasted on this matter; worsening the recession. Microsoft has made a concession that is a first in an antitrust settlement: the sharing of source code and interfaces that are internal to their software with competitors for instance. Additionally, an oversight committee set up by the government will constantly monitor Microsoft. Everything that was needed is now done; let us put this issue behind us and move on.

I support the settlement that has been reached between the Microsoft Corporation and the Department of Justice.

Sincerely,
Allen Schaarschmidt
cc: Senator Rick Santorum

MTC–00031756

JAN 22 ''02 05:39PM LINCOLN LAB GRP 94 P.1
January 19,2002
159 Elsinore Street #8
Concord, MA 01742
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing regarding the settlement that was reached between Microsoft and the Department of Justice. I support the settlement, because the terms are both fair and reasonable for everyone involved.

Microsoft will be making a number of specific changes to their products, and business practices as well. For example, Microsoft has agreed to license its Windows operating system products to the 20 largest computer makers on identical terms and conditions, including price. Also, they have agreed to document and disclose for use by its competitors various interfaces that are internal to Windows'' operating system products.

Furthermore, Microsoft has also agreed to the establishment of a three person technical committee that will monitor Microsoft's compliance with the settlement and assist with dispute resolution. I urge the government to terminate their efforts of further prosecution against Microsoft.

Sincerely,
Bob Stock
cc: Representative Marty Meehan

MTC–00031757

JAN-23–2002 03:12PM FROM-K TUCKER CARMEL T-956 P 002/002 F-066
Mr. Renata D. Hesse
(202) 307–1454
January 22, 2002
Dept. of Justice,

It is imperative that you stop the exorbitant government waste of money being spent on the Microsoft lawsuit. As a taxpayer and consumer I support the Microsoft settlement.

Anna L. Loomis
2458 N. Willow Way
Indianapolis, IN
46268–4247

MTC–00031758

Jan 22 02 06:08p lMJOGWDGDODGDOD 6504934303
7420 E Pontebella Drive
Scottsdale, AZ 85262–2727
January 21,2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–000 1

Dear Mr. Ashcroft:

The antitrust case settlement reflects the efforts of intense lobbying efforts on the part of Microsoft's competitors and the lack of concern for the public's best interests from the politicians. The antitrust case has been ridiculous from the beginning. Microsoft has been the leading innovator of technology over the last decade and became successful by developing the best product, not by having monopolistic tendencies.

The terms of the settlement force Microsoft to increase their cooperation with competitors, give up technological secrets to competitors, not enter in to third party agreements for exclusive distribution rights, nor retaliate against competitors who promote or develop new products, and grant broad new rights to computer makers to configure windows so that competitors can more easily promote their own products. These concessions and more make up very harsh terms for a company that played by the rules our capitalist society laid down for it.

Although I think the settlement is flawed, I must support its implementation since I think that further litigation would be even more detrimental to our nation's IT Sector and economy. I urge your office to support the settlement and to what you can to get the nine states that currently want to continue this ludicrous dispute to do so as well.

Sincerely,
ss

MTC–00031759

8730 Lakeshore Lakeshore Drive
Pleasant Prairie, WI 53158
January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Ashcroft:

I am writing to express my disapproval of further litigation being pursued against Microsoft on any level, federal or otherwise.

After years of legal disputes between Microsoft and the government, a settlement was reached. The settlement seems to be very realistic and was arrived at after intensive negotiations. Microsoft will now share information with its competitors, which will allow them to place their own programs on the Windows system. Additionally Microsoft will license Windows out to the largest computer companies in the U.S. on identical terms, so that there is no possibility of favoritism.

This issue should now be over and Microsoft and the government should now be able to move on and concentrate on the future of our nation, both economically and technologically. I support the settlement, and look forward to the end of this lawsuit.

Sincerely,
Fred White
Jan 22 02 05:14p White Construction cons .414–694–7873 p.1

MTC–00031760

Lakeside Water District
11329 El Nopal
Lakeside, Ca. 92040
January 17,2002
Renata Hesse, Trial Attorney
Antitrust Division, Department of Justice
601 D Street NW, Ste. 1200
Washington, DC 20530
VIA FACSIMILE
(202) 616–9937

Dear Ms. Hesse:

US v. Microsoft is a complex case which I have spent some time trying to learn about. In situations like these, I often defer to individuals more learned than I. I am writing the courts to ensure you are aware of the opinions of Mr. James DeLong, a senior fellow at the Competitive Enterprise Institute. Mr. DeLong's argument was paraphrased in a recent article in the Orange County Register. I would like to share with the courts some of what he said.

About the settlement, Mr. DeLong stated ''Most of all it gets the case done without undue damage''. According to Mr. DeLong, this lawsuit made no sense from the beginning. It focused on Microsoft's monopoly as it relates to processors; specifically, by running only on Intel chips. Yet, Macintosh runs on Motorola chips and is gaining market share each month. Mr. DeLong goes on to say that the real issue is the Internet. And, as we a11 know, Microsoft has nowhere near the Internet dominance of companies like America Online or Yahoo.

The point of all this is-important people like James DeLong not only support the settlement but recognize the absurdity of the case itself. I hope the courts will approve the settlement and end this ridiculous case.

Sincerely,
Frank Hilliker, Board Member
Lakeside Water District

MTC–00031761

JAN-22–02 17:57 FROM:FWMBCC
FORT WORTH
METROPOLITAN
BLACK
CHAMBER OF COMMERCE
January 22, 2002
Renata Hesse
Antitrust Division
Department of Justice
601 D Street NW Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

The Proposed Final Judgment-or settlement-agreed upon on November 6, 2001 between Microsoft Corporation and the U.S. Department of Justice should be accepted by the U.S. District Court as soon as possible. Civil Action 98–1232, The United States of American vs. Microsoft Corporation, reads

like a litany of Microsoft successes not their excesses.

Microsoft products have cornered much of the market because they are the best available. The proposed settlement doesn't lessen Microsoft's consumer appeal, but it does allow consumers added flexibility in use of competitor software.

The settlement needs to bc ratified so the high tech industry can get back to competing in the market. Please end this case and let the market continue to work.

Sincerely,
Devoyd Jennings
President & CEO
1150 S. Freeway. Ste. 211, Fort Worth, Texas 76104 (817) 871–6538 Fax (817) 332–6438

MTC–00031762

From: Sunil Arora
To: Attorney General
Date: l/22/02 Time: 5:18:26 PM Page 1 of 1
RELIANCE TEHNOLOGIES, INC.
INFROMATION TECHNOLOGY DEVELOPMENT, CONSULTING MANAGEMENT
January 16, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

Microsoft could never have achieved its level of success had it not been responsible for developing popular and easy to use software. This lawsuit seems to miss this point and, in essence, penalizes Microsoft for its successes. Now that there is a federal settlement being debated, I wanted to voice my support and urge you to convince Connecticut AG Richard Blumenthal to change his ways and support this wise settlement.

I am relieved that the litigation has ended with a settlement such as this. Even though some of the terms go well beyond the intent of the suit, it is sufficiently fair for both sides to be satisfied. I am nervous about some of the talk of giving out parts of Microsoft's intellectual property, but the bans on retaliatory behavior are palatable, and if they represent a bona fides effort on Microsoft's part, they may be quite beneficial in the long run.

I sincerely hope that we lay this whole sad process against Microsoft to rest.

Yours truly,
Sunil Kumar Arora
Account Manager
RELIANCE TECHNOLOGIES, INC
25 THIRD STREET, 3rd FLOOR
STAMFORD CONNECTICUTUT 06905.
PH: (203) 358–9562, FAX (203) 325–1521
EMAIL: RTIINFO@RELIANCE TECHNOLOGIES.COM
www. RELIANCE TECHNOLOGIES.COM
Microsoft
CERTIFIED A

MTC–00031763

FROM : FEY & GOMEZ, INC. FAX NO. : 515–254–1836 Jan. 22 2002 04:32PM P1
FEY & GOMEZ, INC.
GOVERNMENTAL POLICY SERVICES
5608 Kensington Circle
Johnston, Iowa 501131–1295
Affiliated with FEY, HAUS & ST. CLAIR
January 22,2002
Judge Kolar Kottely
c/o Renata Hesse
Trial Attorney—Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Judge Kottely,

I'm sure you've received a lot of mail on the Microsoft settlement and you've been very busy since the agreement was reached. I just wanted to drop a quick note to let you know that I support the Microsoft settlement. I believe it is a fair and just resolution to a long, drawn-out, and complicated problem.

Why would anyone want to punish someone for being successful? I gather that a lot of heat has been generated against Microsoft because of jealous competitors. Well, this settlement now incorporates a new mechanism that makes it easier for software companies to promote non-Microsoft software into Windows.

The settlement is good and no one was left without a fair deal.

Get this over with, please!

Sincerely,
Thomas H. Fey

MTC–00031764

01/22/02 05:26P P.OO1
USDLA
UNITED STATES DISTANCE LEARNING ASSOCIATION
FACSIMILE TRANSMITTAL SHEET
To: Renata B. Heese
FROM: John G. Flores, Ph.D., Executive Director
FAX NUMBER: 202.307.1454
DATE: January 22,2002
COMPANY: Antitrust Dept. US Dept of Justice
TOTAL NO. OF PAGES INCLUDlNG COVER: 3
PHONE NUMBER
SENDER'S FAX NUMBER: 781.453.2389
RE: The Microsoft Settlement
SENDER'S PHONE NUMBER: 800.275.5162
140 GOULD STREET, SUITE 2008
NEEDHAM MA 02494
PHONE: 800.275.5162 o FAX: 781.453.2389
01/22/02 O5:26P P.002
USDLA
UNITED STATES DISTANCE LEARNING ASSOCIATION
January 22, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
suite 1200
Washington, DC 20530–0001
Re: The Microsoft Settlement

I am writing to you today on behalf of the United States Distance Learning Association (USDLA). Our mission is to provide national leadership in the field of distance learning, specifically to:

* Advocate and promote the use of distance learning;

* Provide current information on distance learning;

* Represent the distance learning community before government policy and regulatory bodies;

* Serve and support the state, consortium and individual organizations that belong to USDLA;

* Provide annual recognition and awards of outstanding achievements in distance learning;

* Serve as a catalyst for the formation of partnerships among education, business, healthcare, and government;

* Achieve a global leadership'' role through liaisons with international organizations;

* Promote equity and access to lifelong learning through distance learning; and,

* Promote diversity in our organization and its programs.

I approach the issue of Microsoft's anti-competitive nature from the perspective of one whose goal it is to expand learning and allow anyone, anywhere, regardless of his or her computer system, to participate in the educational system. Hence, openness and supporting methods to competition are extremely important goals. If a potential distance learner has software that, for whatever reason, makes it impossible to communicate with other, more ''popular'' software, he or she will be shut out from the learning network.

Accordingly, the USDLA supports the remedies that will maximize consumer choice, foster competition and promote interoperability of software products with multiple operating systems, such as the following:

* Microsoft should offer a basic version of Windows to personal computer makers—one that is unencumbered with Microsoft ''add-ons.'' For example, this basic version would make optional any Internet access software, media players, or email applications.

* The software code for Internet Explorer should be made available to other software developers, preventing Microsoft from monopolizing Internet access.

* Some means, such as the suggested auctioning of licenses, should be developed to allow competitors to produce versions of the office software suite to run on non-Microsoft operating systems. In addition, interoperability should be enhanced by the inclusion of ''middleware'' in Microsoft's Windows XP operating system.

The USDLA supports Massachusetts Attorney General Tom Reilly in his efforts to restore competition in the PC operating system market and curb Microsoft's unlawful practices. As the Attorney General states in a recent article in the Boston Globe: ''The Microsoft case always has been about simple, American principles: opportunity, competition, and fair play. Our economy is built on those principles. The future of high technology in Massachusetts demands that we fight for them.''

Similarly, we must fight to preserve the right to lifelong learning for all Americans. Doing so requires that we reject the Microsoft settlement as it stands and seek a more effective and enforceable agreement.

Sincerely,
Dr. John G. Flores
Executive Director
jflores@usdia.org-

MTC–00031765

01/22/02 TUE 18:07 FAX 301 840 1591

ALDEBARON FINANCIAL SOLU 001
January 21, 2002
Attorney General John Ashcroft
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

I would like to take this opportunity to give you my thoughts on the Microsoft Case. I am pleased to see that an acceptable settlement has finally been reached in this case. I also feel that is truly in the best interest of our country and our economy that the settlement be accepted as soon as possible. The settlement is fair and will restore fair competition to the computer industry.

As a software development company, we deal with Microsoft products on a regular basis. I am particularly happy to see that the settlement will allow users to remove any default Microsoft programs from Windows without having to then reinstall the entire operating system. Additionally, OEM's will now be permitted to pre-install non-Microsoft programs within Windows without fear of retaliation from Microsoft. Nor will Microsoft enter into any contracts that would force third parties to solely distribute Windows. Also, Microsoft will be sharing a great deal of their design information with their competitors, namely allowing different server systems to interoperate with Microsoft's systems.

The proposed settlement adequately addresses the issues Microsoft has been accused of, so I ask that you please accept this settlement.

Sincerely,
Chrus Brown
Aldebaron Financial Solutions
15839 Crabbs Branch Way
Rockville. MD 20855
Phone (30I)670–0858
Fax (30I) 840–1591
www. sympaq.com

MTC–00031766

FROM : ARNOLD AND BETTY CIRTIN
FAX NO. : 9163159035 Jan. 22 2002 02:06PM P1
Dr. Arnold Cirtin, CPA
Professer Emertius of Accounting
2017 Archer Circle
Rocklin, California 95765
Telephone and Fax (916) 315–9035
E-mail aclrtin@prodigy.net
January 21, 2002
Attorney General John Ashcroft
Department of Justice
950 Pennsylvania Avenue
Washington, DC 20530
Dear Attorney General Ashcroft:

I respectfully request that you approve the settlement that was reached as a result of the Microsoft litigation. This litigation has been a heavy burden on one of America's finest companies. One product alone, Windows, has enabled millions of us to productively use computers in our businesses and homes, which we would not be able to do otherwise. The settlement has dealt with the concerns of those who feel that Microsoft has unfairly dominated the market; consequently, the federal action should be brought to a close quickly. To continue this case into the future would be to place unnecessary roadblocks in the path of one of America's most innovative industry leaders.

I support the settlement and hope it is accepted as soon as possible.

Sincerely,
Arnold Cirtin, CPA, Ph.D.

MTC–00031767

From:MINIUTEMAN PRESS. 912 356 9895 0l/22/2002 16: 58 #942 P .0O1/O01
January 17,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsvlvania Avenue. NW
Washington, DC 20530
Dear Mr. Ashcroft:

I am writing you today to express my opinion in regards to the Microsoft anti-trust dispute. I support Microsoft in this dispute, and I favor the settlement reached in November. This settlement is complete and thorough, and I am anxious to see this dispute resolved permanently.

Microsoft has agreed to carry our provisions in this agreement, such as: designing future versions of Windows to provide a mechanism to make it easy for computer makers, consumers, and software developers to promote non-Microsoft software within Windows. The mechanism will make it easy to add or remove access to features built into Windows or to non-Microsoft software. Microsoft has pledged to create more opportunities for competing companies.

Microsoft is a company that delivers quality product to the marketplace. I have used Microsoft's products for years now, and I hope I will be able to enjoy these products for years to come. Please do your part to stop litigation against Microsoft. Thank you for your support.

Sincerely,
Anna Gounaris

MTC–00031768

Jan 22 02 09:26p NICOLS 1919 596 1074 p. 1
210 Robbins Road
Durham, NC 27703–9748
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

My name is Betty Nichols. I reside in Durham, North Carolina. I want to encourage the Justice Department to act on the terms of its settlement agreement with Microsoft as soon as possible.

While I do not understand every detail of the settlement agreement, I understand that Microsoft has agreed to open its systems to greater competition by allowing computer makers to offer competitive products within the Windows operating system. I also understand that Microsoft agreed to allow removal of some of its products from the Windows systems. These are significant concessions. I believe that Microsoft has gone the extra mile to settle this case, and they should be allowed to comply with the terms of the agreement rather than continue to waste time and money in court.

I would sincerely like to see this matter brought to a close as soon as possible. I appreciate your time and attention.

Sincerely,
Betty Nichols

MTC–00031769

Jan-23–02 08:37A P.01
3531 Middle Cheshire Road
Canandaigua, NY 14424
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

This is to address the recent settlement between the Department of Justice and Microsoft. This agreement should stand. Enough is enough. It has gone on for three years, costing enormous amounts of time and money both to taxpayers and Microsoft. We need to put this issue behind us and move forward.

I think Microsoft has been more than fair in agreeing to the requests of the Department of Justice. Microsoft has agreed to allow computer makers to ship non-Microsoft product to a customer; Microsoft has agreed to design future versions of Windows, making it easier to promote non-Microsoft software within Windows. Microsoft has agreed to an oversight committee. This is much more than I think any of Microsoft's competitors would do. What happened to free enterprise in this free country?

I urge you to give your approval to this agreement and let us, and Microsoft, get back to business.

Sincerely,
Janice Adams

MTC–00031770

Sent, by:Thornton Jan-23–02 08:48am from 904 725 7969–202 353 8856 page 1/ 1
Fax 1–202–307–1454 or 1–202–616–9937
Subj: MICROSOFT SETTLEMENT
Date: 01/22/2002 5:25:39 PM Eastern Standard Time
From: TomBat2
To: microsoft.atr@usdoj.gov
cc: TomBat2
Dear Sirs:

I feel strongly that Microsoft innovation in computer operating systems has been the driving force behind the rapid expansion of computers into almost every business and home. Some business practices, while structured to further the growth of their company, have not hurt the consumer. To the contrary, their continuous innovations have consistently expanded the usefulness of computers at continuously lower cost.

The antitrust suit may have had some merit relatively to their competitors but little or no value to consumers. The antitrust proceedings seem to have the tone of a vendetta rather than rational legal proceedings.

The time has come to end it.

Sincerely,
Thomas and Beverly Thornton
Jan 23, 2002

MTC–00031771

USC/Canterbury
Canterbury Consulting Group
January 21, 2002
Attorney General John Ashcroft
U.S. Department of Justice

950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:
Public response is important to the settlement of the lawsuit against Microsoft. I am writing in support of this settlement. I think it is in the best interest of the industry to settle this issue and move forward to solve the economic problems that face our industry and country.
In the future I hope that all litigation brought against technology companies, including forcing companies to release source code to third party software developers, is carefully scrutinized and fair. There exists a big difference between those companies that invest tremendous resources over many years to develop unique products— and those who simply copy the work of others.
Sincerely,
Patricia Bednarik
President
USC/Canterbury Corp.
801 Compass Way, Suite 205,
Annapolis, MD 21401
410–573–2022
* 888–472–4721
* Fax 410–573–5228
USC/Canterbury Corp. is a wholly owned subsidiary of Consulting Group, Inc.
Jan 23 02 08:41a USC/Cantwrbury 410–573–5229 p.1

MTC–00031772

01/23/2002 09:37 4137743525 FRANKLIN CTY SHERIFF
160 Elm Street
Greenfield, MA 01301
January 18,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:
The more I read about the recent developments in the Microsoft settlement, the more I get annoyed that it is being further scrutinized. After three years of negotiating, it is clear that this sett1ement was part of a well thought out process that yielded a fair and reasonable agreement. It is time to support this and get back to business.
As our economy continues to falter, it seems more and more imperative to support our technology industry. Microsoft has obviously done so by working hard to get the IT sector back on track. By making changes in licensing, marketing and even design, Microsoft has taken a bold step toward uniting our IT sector. Also, as an anti-trust settlement first, Microsoft has agreed to disclose various interfaces that are internal to Windows'' operating system products, All of this will be monitored by a committee to ensure that Microsoft follows procedure. If these concessions are not a clear signal of cooperation, I do not know what is.
I urge you to help support this more than fair agreement, by making sure that no more actions are taken against it. It is time to support our IT sector and get them back to focusing on innovation and not litigation.
Sincerely,
RussWissman

MTC–00031773

FROM : KEENER HOME & OFFICE FAX NO.. : 919 571–0802 Jan. 23 2002 08:28AM P1
Katherine 0. Keener
2428 E. Lake Drive
Raleigh, North Carolina 27609
January 23,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft,
I am writing to voice my support for Microsoft in the antitrust dispute that has gone on for three years. This litigation is a waste of the government's valuable time and the financial resources of its citizens. Other matters more pertinent to the health of the national economy should be addressed.
I support the legal settlement reached in November. I believe this settlement is fair to all concerned parties and will ultimately benefit the whole economy and consumers. Further litigation will not!
This settlement wil1 also benefit the technology industry and companies attempting to compete with Microsoft. The company will start to share more information with other companies, including certain internal interfaces in Windows and protocols implemented in Windows, on reasonable and non- discriminatory terms. Microsoft has also accepted to be monitored by a technical oversight committee created by the government.
I urge you to support the settlement so Microsoft employees can fully devote their resources to performing their jobs. It is time to move on to other issues.
Thank you for your support.
Sincerely,
Katherine O. Keener

MTC–00031774

JAN -23–82 WED 6:53 STI P.01
6809 Connecticut Trail
Crystal Lake, IL 60012–3127
January 22, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:
I wish to express my frustration at the fact that it has taken three years for the U.S. Department of Justice to complete its antitrust lawsuit against Microsoft. My hope is that our nation's economic climate will be greatly improved from this computer giant returning its full focus back to innovation.
Microsoft has agreed to design future versions of Windows to provide a mechanism to make it easy for computer makers, consumers and software developers to promote non- Microsoft software within Windows. This will make it easy to add or remove access to features built in to Windows or to non-Microsoft software. Consumers will have the freedom to choose to change their configuration at any time.
Microsoft does not get off easily. The settlement came after extensive negotiations with a court-appointed mediator. The parties agreed to terms that extend well beyond the products and procedures that were actually at issue in the suit, to the benefit of Microsoft's competitors. I think Microsoft's competitor cannot complain for any valid reason.
Therefore, any further federal lawsuits against Microsoft would be considered by most to nothing more than pure harassment. Free enterprise should reign supreme in our American homeland.
Sincerely,
Linda J. Dool

MTC–00031775

Jan 23 02 08: 18a KENNA HOLMES 8137591789 P.1 V & R INSURANCE AGENCY
P.O. Box 1536
Plant City, FL. 33564–1536 * 503D Martin Luther King St.
Plant City, FL. 33566
1–813–752–2065
* Fax 813–759–1789
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
January 21, 2002
Dear Mr. Ashcroft:
I am writing to express my full support of the recent antitrust case settlement between Microsoft and the US Department of Justice. Microsoft has been extremely helpful to the IT sector's growth over the years. It has even been helpful in weeding out inefficient companies that were run poorly. Yes, Microsoft at times exhibited aggression, but that is what our country dictates as necessary to achieve success in a free market.
Under the terms of the settlement Microsoft will be required to tone their marketing tactics down. They have agreed to disclose technological codes and protocols that will allow competitors to develop and promote products that are compatible with Windows'' operating systems. They have also agreed to design future Windows'' versions so that competitors can more easily promote their own products.
Please stop opposition from further hurting our country. We want this thing to come to an end ASAP.
Sincerely,
Ray Rollyson

MTC–00031776

Jan-23–02 08:17A SHELBY LAW P.01
January 21, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Aschroft,
I am greatly pleased to hear that the Department of Justice has announced a proposed settlement for the Microsoft antitrust case. This case has been mired in court going on four years now; the settlement should be finalized so that technology providers can concentrate on IT development without the burden of further pending litigation.
This settlement ensures that Microsoft will grant competitors extensive nights to reconfigure Windows so that they can promote their own—or Microsoft's competitors''— products on Windows. This

represents just one of Microsoft's many changes in it business practices, slowly agreed to over many months of negotiations with a court- appointed moderator.

With your support, I'm sure this case can be finalized soon for the good of the IT industry and the nation's economy. Thank you.

Sincerely,
Marilyn Law

MTC–00031777

JAN-23–2002 07 : 42 NORM COLONNA NAM P. 01
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am the National Sales Manager of Konica Computers. I know computers. I have tried every computer system there is: Linux, Gateway, you name it. But after many tries with other companies, I now use Microsoft exclusively because it works. Its software is superb. I can buy a Microsoft computer with the complete package, Word, Adobe Acrobat, Excel, without having to run all over the place and go through the hassle of integrating different software. I do not condone the antitrust case against Microsoft. The suit was is expensive and time consuming. Microsoft's competitors had difficulty competing in the market place, hence brought suit against the company hoping to limit Microsoft's reach.

A settlement has been reached, and I want this settlement to stand. Any further action is ridiculous and a waste of taxpayer time and money. Even the federal judge who handed down the decision knew it was time to end this suit. We could go on forever, examining every little item and accomplishing nothing except giving in to those jealous souls who wish nothing but ill for Microsoft simply because they aren't as successful, aren't as good.

I support the Microsoft settlement. Thank you.

Sincerely,
Norm Colonna
National Sales Manager

MTC–00031778

01/23/2002 00:58 425–353–7786 DE ORJG ZIMMERMAN PAGE 01
Dorothy Zimmerman
8703 54th Palce W
Mukilteo, WA 98275–3131
January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

This letter is to show my support for the settlement that was reached between the Microsoft Corporation and the Justice Department, I see no reason to drag the antitrust issue out any longer than it already has been. The sooner that this settlement gets implemented, the better.

The settlement was agreed to after extensive negotiations with a court-appointed mediator. Microsoft has agreed to terms that extend well beyond the products and procedures that were actually at issue in the suit. This was done for the sake of ending the litigation so that Microsoft could get back to producing innovative products

However, they might not be completely Microsoft's innovations anymore. The settlement requires them to turn over to their competitors data and code that are internal to the Windows operating system.

It is not fair to make a company give up their intellectual property, I support the settlement, but only because it ends the suit.

Sincerely,
Dorothy Zimmerman
425–353–7786

MTC–00031779

Jan 23 02 00:29 Bellamy (704) 554–8126 p.1
Joanne Bellamy
3919 Highview Road
Charlotte. NC 28210
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to you today to express my support of the settlement reached between the Department of Justice and Microsoft. The inception of this case by the federal government marks the initial decline in the technology industries seen in recent years. Despite modest recoveries last year, the IT sector has flailed in direct relation to this litigation Process. The settlement of this case, conversely, would certainly increase confidence in the industry. Given the state of the economy at the present this would he the best path to follow at this tune.

Furthermore, the details of this settlement encourage important change in the industry as well. Microsoft has agreed to make protocols implemented in the Windows operating system products to be disclosed to its competitors. This will be available to competitors on ''reasonable and non-discriminatory'' grounds. Thus, competitors will now have the information necessary to develop software that is increasingly compatible with the Windows system.

Thank you so much for your concern regarding this issue.

Sincerely,
Joanne Bellamy

MTC–00031780

Jan-23–02 12:28A
Gonzalo H. Iglesias
66 Gables Boulevard
Weston, FL 33326
9543857311
gamaweb@msn.com
January 22, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft

The Justice Dcpartmcnt and Microsoft have been tied up in a court battle for the past three years, and for the past six months, negotiations have taken place under the supervision of a court appointed mediator. Microsoft has, I think, been dealt with fairly in the settlement, and I do not believe further litigation is neccessary. Unfortunately, nine plaintiff states involved in the case do not agree. They are currently seeking to overturn the settlement and bring further suit against Microsoft. This matter has been pending for far too long, unfortunately to no one's benefit except the highly rewarded lawyers to the detriment of thc consumers like myself. Therefore I feel that it is about time for the case to come to a quick conclusion. I believe Microsoft has the right to remain in control of its own software, but I believe that terms of the agreement are beneficial because they allow more freedom on the part of the user.

By comparison, I look at other major Companies Ford, Mercedes Benz, Bacardi.... etc. We could all say that these other companies hold a monopoly as well... Will all these companies be required to comply with policies being asked of Microsoft? Under the terms of the settlement, Microsoft will be required to disclose source code for use by its competitors. Microsoft has also agreed to reformat future versions of Windows so that the operating system will support non-Microsoft software. Now, computer users whose computers run on Windows will have the ability to configure Windows as they see fit. I am pleased that the suit did not result in Microsoft's division into smaller parts. and I believe that this settlement is in the best interest of both computer makers and the consumer.

Mr. Ashcroft, I do not believe further litigation IS at all necessary Such litigation will only increase not only the governments costs which in the end is the taxpayers, like myself. Pushing the issue any further would be totally counterproductive and would be, I believe, ultimately detrimental to the economy, the technology industry, and the American people. I urge you to support the settlement.

Sincerely,
Gonzalo H. Iglesias

MTC–00031781

JAN-22–2002 11:06 PM G L YOUNG 937 5488832 P.01
FAX TRANSMITTAL FROM
Gary Lee Young
3685 West Drive
Greenville, Ohio 45331
Fax: 937/548–8832
fax to DOJ
direct to Ms. Renata B. Hesse
city & state
fax# 202 367 1454
today's date 1–22–02
no. of pages including cover
sheet 1
from: Gary Ser Young
comments:

I support the Immediate Settlement of the Microsoft Case

MTC–00031782

01/22/02 TUE 22:46 FAX 17622166 Rudy A. Masry 001
17 leawood Drive
BriarCliff Manor, NY 10510
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my opinions regarding the Microsoft antitrust case. I feel that the settlement reached between the Department of Justice and Microsoft is fair and reasonable, and has been extensive enough for nine states to approve. Further federal action is unnecessary, especially while Microsoft is involved in negotiations with the remaining states to reach a conclusion.

Microsoft has agreed to change the way it develops, licenses, and markets it software. Software engineers and computer makers will be allowed to configure Windows so as to promote non-Microsoft programs that compete with those programs already included within. Also, Microsoft agreed to stop retaliating against companies that produce or promote software and hardware that competes with Microsoft products.

The settlement not only addresses the issue that brought about the case, but provides for future problems as well. A technical oversight committee will ensure that Microsoft complies with the terms of the agreement, and the competition will be allowed to sue Microsoft directly if they feel they have been treated unfairly.

I believe that the longer uncertainty surrounds this case, the longer that innovation will stall. We must allow the industry and the economy to move forward, and I believe this settlement is the vehicle to do it.

Sincerely,
Ally Masry

MTC–00031783

FROM : Jim Tamm PHONE NO. : 650 345 9386 Jan. 22 2002 08:58PM P1
Ryan Tamn
2118 Lyon Avenue
Belmont, CA 94002
January 17, 2002
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

I ardently support the settlement reached between the Dept. of Justice and Microsoft. Protracted litigation has served only to stagnate the economy. The tech industry has shown decline in direct correlation with the federal government's pursuit of this case. I do not believe this to be coincidental.

Incidentally, the settlement should increase the productivity in the tech industry. Although Microsoft has made many concessions through the process, such as its agreement to license Windows at the same rate to the top twenty PC makers, they have done so in the attempt to resolve this issue.

And resolving this issue is in everyone's best interests.

Enact the settlement at the end of January.

Sincerely,
Ryan Tamm

MTC–00031784

01/27/1997 05:06 814–238–5885 CDG INC PAGE 01
16 Cedar Lane
State College, PA 16801–6705
January 22, 2002
Attorney General John Ashcroft
United States Department of Justice
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I am writing to express my support for the recent antitrust settlement between Microsoft and the US Department of Justice. Although I do believe its marketing tactics have been a bit too heavy handed at times, I have worked daily with its products and those of its competitors for many years and know from experience that the foundation of its industry leadership rests, not on marketing, but on the superiority of its products. I am a Microsoft supporter who thinks that its products and services have contributed greatly to American economic strength at the end of the Twentieth Century. Microsoft's leadership in standardizing the technology industry has produced benefits, to both consumers and to its competitors, which far exceed any detriment attributable to its past marking approaches, I have no doubt that the settlement is in the best interests of the public since it does not break up Microsoft, but does temper its ability to isolate other vendors.

Under the terms of the settlement Microsoft has agreed to disclose internal interface technology and codes for server interoperability. They have also agreed to design future Windows versions so that consumers, software developers, and computer makers will be able to promote more easily their own products. These stipulations and more on Microsoft's behalf will protect consumers' rights as well as competitors' latitude to operate in this market.

Our economy is in recession and we are fighting an ongoing war on terrorism. Surely our government should be focusing on other more pertinent issues. It's time to settle this case as soon as possible. Thank you.

Sincerely,
John C. Flohr, Ed.D
cc: Senator Rick Santorum

MTC–00031785

01–22 02 21:55 W F STEVENS
PAGE 1 OF 2
TO: ATTORNEY GENERAL—JOHN ASCROFT
FAX 1–202–307–1454
SUBJECT: Microsoft Settlement
FROM: WILLIAM F. STEVENS
FAX 334–826–3046
01–22 02 21:55 W F STEVENS
T: 334 826 3046
P:02
January 13, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

I am very happy about the settlement that has been reached between Microsoft and the Department of Justice. The required changes in Microsoft's business practices will restore fair competition and prevent future antitrust violations. But most importantly, the settlement will allow the IT industry to concentrate on business now.

The agreement mandates a number of specific changes. For example, Microsoft has agreed not to retaliate against computer makers who ship software that competes with anything in its Windows operating system. Microsoft has also agreed to license its Windows operating system products to the 20 largest computer makers on identical terms and conditions, including price. In addition, Microsoft has agreed to grant computer makers broad new rights to configure Windows so as to promote non-Microsoft programs that compete with programs included within Windows.

This settlement is in the best interest of the public and the economy. The recession has had a horrible effect on state budgets and the federal budget, and it is important that the technology sector be allowed to concentrate on business as soon as possible.

Sincerely,
William Stevens
1645 Mayfair Court
Auburn, Alabama 36830

MTC–00031786

JAN–22–2002 09:52 PM THE BOLDUC FAX MACHINE 201 444 7140 P.01
Bruce Bolduc
147 John Street
Ridgewood, New Jersey 07450
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington; DC 20530
Fax—1–202–307– 1454

Dear Mr. Ashcroft:

Litigation is expensive, very expensive. The amount of money spent in both pursuing and defending the issues surrounding the US vs. Microsoft lawsuit is astronomical. Taxpayers will bear the brunt of the cost on this suit, and that will seriously mitigate the consumer benefit of the letters. According to the terms of the settlement, Microsoft must operate under the supervision of an outside technical committee and disclose parts of windows code to competitors. These points of the settlement force Microsoft to open its business dealings and research to third parties. These two points in the settlement alone are enough punitive action to compensate for any unethical practices Microsoft may be guilty of. Yet, the settlement goes much deeper, proof that this suit has been in court for too long.

The terms of the settlement are more than fair to the plaintiffs in the case and are the result of extended litigation. The Department of Justice must see that the proposed settlement is not derailed; too much time and money have been spent in arriving at this point.

Sincerely,
Bruce Bolduc

MTC–00031787

01/22/2002 20:05 7023636710 PAGE 01
FAX TO: 1–202–307–1454
ATTN: MS. RENATA B. HESSE

I support the settlement that the DOJ made with Microsoft and believe the court cases should now be stopped.

Wayne Strube
702–369–6710
Jan 23, 02

MTC–00031788

01/22/2002 19:44 8506784571 SAM DAWSN PAGE 01

7 Kristin Circle Niceville, FL 32578
January 21 ,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

I am a firm supporter of Microsoft. I feel that this antitrust case must be halted. Microsoft is a first class company that has done nothing but add productivity and capital to this nation. The Government had no business pursuing this suit in the first place. I feel that the settlement that has finally been reached must be accepted so that we can finally get back to business as usual in this country.

I feel that under the circumstances the settlement is fair, I would rather see the suit dropped but since that is unlikely a good settlement is needed. Microsoft will be held accountable to a three-person oversight committee that will monitor Microsoft's compliance with the terms. Microsoft has also agreed to design all future versions of Windows to be compatible with the products of its competitors. I feel that this settlement goes above and beyond the necessary restrictions and anyone who chooses not to accept the terms is clearly pursuing this case for personal political gain.

Please ensure that this case is put to rest with all possible haste. Free enterprise is a priceless commodity that we enjoy in this nation. Litigation like this eats away at the very fabric that holds this nation together. Thank you for considering my position.

Sincerely,
Samuel Dawson
cc: Representative Jefferson Miller

MTC–00031789

FROM :
FAX NO. :
Jul. 21 2001 02:08AM P1
Walter Israel
Architectural and Design Lines
January 8, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite1200
Washington, DC 20530

As a small businesswoman who depends upon Microsoft products for efficiency at work and at my home computer, I am happy that the federal government is now pushing for a settlement in its case against Microsoft. I hope that Judge Kollar-Kotelly will agree so everyone can get on with their business.

As a former member of the North Carolina Board on Parks and Wildlife, I have had dealings with a large government entity, I know what can happen when issues like lawsuits keep going on forever and forever. They drain resources and energy from employees whose time should be spent on other things. And lawsuits always end up costing the taxpayers money—as this one has.

That is why I hope the judge will see fit to accept this settlement and let everyone get back to work . Thanks for your kind consideration of my position.

Sincerely,
Walter Israel
Owner
6041 Wilkinson Boulevard, Belmont, NC 28012

MTC–00031790

JAN–23–2002 10:03 AM DEL.JAY O'BRIEN 804 643 1860 P.01
COMMONWEALTH OF VIRGINIA
HOUSE OF DELEGATES
RICHMOND
JAY O'BRIEN
7003 CLIFTON HUNT COURT
CLIFTON. VIRGINIA 20124
FORTIETH DISTRICT
COMMONWEALTH OF VlRGlNlA
HOUSE OF DELEGATES
RICHMOND
COMMITEE ASSIGNMENT
MINING AND MINERAL RESOURCES (CO. CHAIR)
PRIVILEGES AND ELECTIONS
EDUCATION
GENERAL LAWS
CORPORATIONS, INSURANCE AND BANKING
DELEGATE JAY O'BRIEN
FAX COVER SHEET
To: Renata Hesse
Organization: Department of Justice
Date: 1 23 02
Fax Number: 202 616 9937
Comments: pg. 1 of 2
Thank you
If you have any problems with this transmission, please call us at 804–698–1040.
DISTRICT (888) 508–3921 RICHMOND (804) 698–1040 E–MAIL
DEL_OBRIEN@HOUSE.STATE.VA.US
JAN–23–2002 10:04 Am DEL. JAY O'BRIEN 804 643 1860 P–02
COMMONWEALTH OF VIRGINIA
HOUSE OF DELEGATES
RICHMOND
FORTIETH DISTRICT
January 2I, 2002
COMMITTEE ASSlGNMENTS
MINING AND MINERAL RESOURCES (CO. CHAIR)
PRIVILEGES AND ELECTIONS
EDUCATION
GENERAL LAWS
CORPORATION INSURANCE AND BANKING
Reneta Hesse
Trial Attorney
Antitrust Division
U.S. Department of Justice
601 D Street, NW Suite 1200
Washington, DC 20530
V/A FACSIMILE– 202. 616. 9937
Dear MS. Hesse:

I am in agreement with the proposed settlement reached between the federal government and Microsoft Corporation. This settlement is the appropriate step toward fostering continued economic growth and common business sense in the competitive marketplace. As a representative of Northern Virginia area, I am well aware of the economic benefits that the technology boom has benefited to our area, Microsoft is a proven leader in the entrepreneurial spirit and the technology field. The company has enabled other computer companies to benefit in the computer and technology boom.

The settlement is a fair and reasonable compromise. Microsoft created a superior product than its competitors and is not responsible for the inner turmoil and troubles of other companies. The relentless investigation that the US Attorney's office has waged against Microsoft in the past years is unreasonable and needs to end with this compromise. The time has come to end the lawsuit and reach an amicable decision.

The proposed settlement is tough, yet reasonable, and a valuable tool in bringing stability back to our economy. It is my hope that the Court will approve the proposed settlement between Microsoft and the United States Attorney's office.

Sincerely,
Jay O'Brien
Member, House of Delegates
DISTRICT (888) 808. 3921
RICHMOND (804) 608–1040
E–MAIL. DEL OBRIEN@HOUSE STATE. VA. US

MTC–00031792

01/23/02 WED 07:35 FAX 3154462632 KEYBANK NOTTINGHAM 001
Key Bank
215 Tecumseh Rd
Syracuse NY 13224
315–446–8091
315–446–2632 fax
FAX
To: Renata Hesse
From: Kevin Holmquisst
Fax: 202–616–9937
Pages: 2
Phone:
Re: U.S. v. Microsoft
cc:
Urgent X For Review Please Comment Please Reply Please Recycle
Comments:
Thank You!
Kevin
01/23/02 WED 07:36 FAX 3154462632 KEYBANK NOTTINGHAM 002
January 21, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Division
601 D Street NW, Suite 1200
Washington, DC 20530
Re: U.S. v. Microsoft
Dear Ms. Hesse,

I am writing you to express my support of the settlement of the above listed case and I hope you will as well. Below are some of the reasons that I support this settlement. More than $30 million in taxpayers money has been spent on this case, and our economy is now officially in recession, so I believe that the last thing that we need is more regulation and litigation of an important American industry like high-tech. No consumer as been harmed as a result of any of the actions taken by Microsoft to date. Actually, consumers have had tremendous benefit as a result of microsofts innovation which as led to lower prices and better products. A few large companies such as AOL Time Warner and Oracle should stop their fight in court, and compete in the marketplace where this fight belongs. This settlement is in everyone's best interest, including the taxpayers and the

consumers. The very last thing that America needs is government lawyers and bureaucrats looking over the technology industry trying to micromanage it. This settlement is most appropriate, because it addresses only the items upheld by the courts.

Thank You for you consideration of this matter

Sincerely,
Kevin Holmquist
Manlius Town Councilman
Relationship Manager, Key Bank N.A.
315–446–0542
315–682–4647

MTC–00031794

FROM: FAX NO.: Jul. 21 2001 02:33AM P6
JAN–10–2002 10:40 SMITH SETZER & SONS 828 241 3160 P.01/02
NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
STATE LEGISLATIVE BUILDING
RALEIGH 27601–1096
REPRESENTATIVE MITCHELL SETZER
POST OFFICE BOX 416
CATAWBA, NORTH CAROLINA 28809
HOME (828) 241–3570
OFFICE (828) 241–3161
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street, NW Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

As one of the younger members of the North Carolina General Assembly, I have a strong interest in how government interacts with technology so that we as legislators may make the best use of our technological resources for the benefit of our citizens, especially our young people.

It is for this reason, that I have support for many years, the concept that we must promote the use of technology, it is important that we do not interfere with it at any level of government, state or federal. That is why since 1999, I have been greatly troubled by the federal government's attempt to bring about harsh penalties against Microsoft in what I consider an unwarranted antitrust case.

There is certainly no one—even the legal team on the other side—who could make the claim that Microsoft has done any harm to even one single consumer. In addition, without consumer harm, is there really a reason to bring an antitrust case? There is not in my judgment.

However, in order to bring the federal lawsuit to an end as well as North Carolina's state litigation, please let Judge Kollar-Kotelly that I strongly support the settlement, and I hope this entire process will move along quickly. That way Microsoft can get back to the business of innovation and coming out with new products—at which they are excellent. Also, government attorneys can get back to more worthy cases.

Thank you for your kind consideration of my comments.

Sincerely,
Mitchell Setzer
State Representative

MTC–00031795

Jul. 21 2001 02:300M P1
FROM: FAX NO.:
01/22/02 10:02 1 919 793 0036 P.01
Conway Brooks
Wake County Repubilcan Party
January 18, 2OO1
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 U Street NW, Suite 1200
Washington, DC 20530
Fax: 202–616–9937

Dear Ms. Hesse:

As the Vice Chairman of the Wake County Republican Party, I know a thing or two about public opinion. Let me tell you this—the public wants the courts to approve the settlement between Microsoft and the federal government and they want it approved now!

In my work as Vice Chairman of the Wake County Republican Party, part of my job is to be aware of public sentiment on important governmental, societal, and other public policy issues. Based on the response of our members on this issue, I can tell you that a significant segment of the American populace is concerned about the consequences of dragging out this lawsuit any longer. For one, it may hinder technological innovation in the marketplace. Who wants to innovate when doing so will get you sued?

Also, the extension of this lawsuit may cause litigious lawsuits between corporate entities to become even more of a cottage industry in America. We have enough lawsuits already that drain enough money out of the United States economy. We need to discourage these lawsuits in the future.

Finally, people across American are worried about the economy, and believe that government needs to work with business, not against it. By settling this lawsuit, government will demonstrate a willingness to work as a partner in, not an opponent to, business. This will enable Microsoft to continue to provide businesses with products that make their operation more efficient.

I ask Judge Kollar Kotelly to approve the settlement.

Thank you,
Conway Brooks
1st Vice Chairman

MTC–00031797

Fax NO. : Jul. 21 2001 02:09am P2
North Carolina General Assembly
House of Representatives
State Legislative Office Building
Raleigh, NC 27601–1095
REPRESENTATIVE REX L. BAKER
40th DISTRICT—ALLEGHANY, ANNE, STOKES, SURRY AND WATAUGA
OFFICE ADDRESS: ROOM 808
RALEIGH, NC 27601–1088
TELEPHONE: (818) 738–5707
(818) 715–7588 FAX
HOME ADDRESS: 2108 SLATE ROAD
KING, NC 27021
E–MAIL:
BAKERLA@HS.NCCA.STATE.NC.US
COMMITTEES:
AGRICULTURE
ALCOHOLIC BEVERAGE CONTROL
APPROPRIATIONS
NATURAL AND ECONOMIC RESOURCES
SELECT COMMITTEE ON THE TOBACCO SETTLEMENT
STATE PARKS AND PROPERTIES
TRANSPORTATION
TRAVEL AND TOURISM
January 11, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

As a member of the House Appropriations Committee of the North Carolina Genenal Assembly, I am painfully aware of the high and escalating cost of government despite the fact that our citizens and businesses are experiencing terrible economic times in our state. One cause of higher taxes, which has been particularly felt in North Carolina, is that our state has lost a number of lawsuits and the taxpayers have had to pick up the tab.

As you can tell, I am adamantly opposed to taxes in whatever form and work had in each session of the legislature to reduce taxes and spending whenever possible. That is why I was happy to see that the federal government's case against Microsoft had come to a settlement agreement in the court of Judge Kollar-Kotelly. I know that this case has already cost the taxpayers of this nation $30 million, not to mention lesser sums in the 18 states that also brought the original lawsuits.

I am pleased that North Carolina is one state that decided to agree with the settlement and now no more state tax money will go in that direction. I would like to see the same thing happen in the federal case as well. That is why I am strongly urging that FROM : fax NO. : Jul. 21 2001 02:09am p3 the judge to agree to the settlement in this case. Both sides will come away with gains and losses. That is how a settlement should work and that is only fair.

I appreciate the opportunity to comment on this issue.

Sincerely,
Rex L. Baker

MTC–00031798

State of Washington
House of Representatives
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Re: Comments on the Microsoft Proposed Settlement Agreement

Dear Ms. Hesse:

The proposed settlement of US v. Microsoft case represents a fair compromise that promotes greater industry competition without destroying Microsoft. The settlement guarantees a series of reasonable modifications. Other companies, including Microsoft's competitors, will have greater access to computer desktops. Computer manufacturers, not Microsoft, will determine what software will be offered with new machines using the Windows operating system. At the same time, the settlement

avoids broad new government regulations that could hinder the tech industry and prevent Microsoft from making important investments in critical research and development activities.

The uncertainty generated by this case has threatened America's global leadership in high-technology. In the face of new economic concerns at home, this settlement is needed to help revive the industry that has driven the new economy. I congratulate the Justice Department on its efforts to reach a fair and reasonable settlement.

Sincerely,
State Representative Al O'Brien
State Representative Lynn Kessler
State Representative Mary Lou Dickerson
State Representative Kelli Linville
State Representative Toni Lysen
State Representative Jeanne Edwards
State Representative Geoff Simpson
State Representative Aaron Reardon
State Representative Bill Fromhold
State Representative William Grant
State Representative Jeff Gombosky
State Representative Val Ogden
State Representative Sharon Santos
State Representative Brian Sullivan
STATE REPRESENTATIVE
40th DISTRICT
JEFF MORRIS
State of Washington
House of Representatives
PACIFIC NORTHWEST ECONOMIC REGION PRESIDENT
TECHNOLOGY, TELECOMMUNICATIONS & ENERGY
CHAlR
FINANCE
SELECT COMMITTEE ON COMMUNITY SECURITY
January 21, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Re: Comments on the Microsoft Proposed Settlement Agreement

Dear Ms. Hesse:

The proposed settlement of US v. Microsoft case represents a fair compromise that promotes greater industry competition without destroying Microsoft. The settlement guarantees a series of reasonable modifications. Other companies, including Microsoft's competitors, will have greater access to computer desktops. Computer manufacturers, not Microsoft, will determine what software will be offered with new machines using the Windows operating system. At the same time, the settlement avoids broad new government regulations that could hinder the tech industry and prevent Microsoft from making important investments in critical research and development activities.

The uncertainty generated by this case has threatened America's global leadership in high-technology. In the face of new economic concerns at home, this settlement is needed to help revive the industry that has driven the new economy. I congratulate the Justice Department on its efforts to reach a fair and reasonable settlement.

Sincerely,
Jeff Morris
State Representative
40th District

MTC–00031799

JAN–23–02 WED 11 :28 AM HELLER
NEV 702 342 0222
P. 01
January 23, 2002
o
TO: U.S. Department of Justice
202 307–1454
202 616–9937
Attn: Ms. Renata B. Hesse

I support the proposed settlement of the Microsoft lawsuit. Stop spending taxpayer money on more frivolous legal maneuverings. You've spent too much already. This whole case stinks to high heaven and sets an uncalled-for bad precedent for

American technology and its innovators.

R. E. Heller, Sparks NV

MTC–00031800

Jan 23 02 11:32a
George Harter
480–860–2025
P.1
George Harter
9140 North 104th Place
Scottsdale AZ 85258
January 17, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

The antitrust case settlement serves the best public interest and I hope your office finalizes it as soon as possible. While I disagree with litigation against Microsoft in the first place and think that this who case has been a waste of time and an infringement of Microsoft's rights as a free enterprise, the settlement seems the only way to allow all parties to move forward. Under the terms of settlement it is good that Microsoft will not be broken up.

The terms merely force them to disclose interfaces and protocols to competitors, design future windows versions so that software developers can promote their own products form within, and form three-person team to monitor compliance with settlement. These concession and more seem to favor competitors not consumers, but tat just verifies the opinion I had al along, that this case was politically driven from the start.

Please suppress opposition to the settlement and make this thing a reality. It is in the public's best interests for a settlement to occur.

Sincerely,

MTC–00031801

FROM : P. R. T. & ASSOCIATES INC.
PHONE NO. : 419 499 4515
Jan. 23 2002 01: 07PM Pl
P.O. Box 548
Milan, OH 44846
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

This letter is to give my support to the agreement reached between Microsoft and the Department of justice. In my opinion, this antitrust case should never have happened. The government, guite frankly, should never have gotten involved; the Department of Justice was dragged into this action against Microsoft by both Microsoft's competitors, and the previous administration's definition of justice.

I wonder if anyone in the government really realizes the wonderful things Bill Gates, through Microsoft, has done for this country, and the world. Does anyone remember what it was like before Microsoft? What a mess our technology was. Nothing worked together. Bill Gates made possible a uniform software program package. You didn't have to go to ten different programs to accomplish one simple task. Microsoft's rivals, unable to compete, resorted to political means to bring Microsoft to heel. It is tragic our government so easily acquiesced.

In this agreement, Microsoft has greed to grant computer makers new license to make Windows as to promote non-Microsoft software programs; Microsoft has agreed to design future versions of Windows with a mechanism to make it easier to promote non-Microsoft software; Microsoft has agreed to help companies achieve a better degree of reliability with regard to their networking software. This is much more than any other company would do. I think Microsoft should be congratulated for trying to end this suit and get back to business.

Give your support to this agreemcnt. Let's put this behind us and get back to business.

Sincerely,
Elaine Thornton

MTC–00031802

01/23/02 WED 12:57 FAX 414 328 2233
ROCKWELL SUPPORT Facsimile 001
Rockwell Software
2424 South 102nd Street
West Allis, WI 53227
Facsimile
Rockwell
Automation
To Attorney General Ashcroft
From Rich Ryan
Location Dept of Justice
Location Rockwell Software
Tel Tel 414.328.2400
Fax 202–307–1454
Fax 414.328.9400
Pages 2 Date 1/23/02
Allen-Bradley
DODGE
ROCKWELL SOFTWARE
RELIANCE ELECTRIC
11/23/02 WED 12:57
FAX 414 328 2233
ROCKWELL SUPPORT
January 22, 2002
Richard C. Ryan
president
rockwell software
Rockwell Automation
2424 South 102nd street
West Allis. WI 53227.2106 USA
Tel 414 320.2400 Fax 414 328 9400 1
email rcryan@software rockwell com
Attorney General John Ashcroft US
Department of Justice

950 Pennsylvania Avenue, NW
Washington DC 20530–0001
Dear Mr. Ashcroft:

I would like to submit my support for the Microsoft settlement negotiated with the Justice Department last November. After the completion of this 60-day public comment period, it would only seem fair that the terms agreed upon with the help of a court mediator, be accepted and implemented.

The important role Microsoft plays in the IT industry should be appreciated The agreement is a very generous deal that is far preferable than further action that would break up the company and further disrupt the PC industry.

MIcrosoft has agreed to share or license its intellectual property with its rivals and promote interoperability with its server software in the interest of fostering more competition in the software market. An independent committee will monitor its compliance with the settlement. From my perspective as someone in the industry, this closely monitored plan will create a wider market for software products from a variety of competitors. Please make sure to commit to this opportunity and not make the mistake of continued litigation. Thank you for your time.

Sincerely,
Rich Ryan, President
Rockwell Software

MTC–00031803

CRAIG W. SUDBRINK
402 Monmouth Drive
Greensboro, NC 27410
January 23, 2002
Attorney General John Ashcroft
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

My name is Craig Sudbrink. I am a resident of Greensboro, NC. I appreciate the opportunity to comment on the Justice Department's proposed settlement of the Microsoft antitrust litigation. Please include me among those supporting the settlement.

I am sure that not everyone is happy with the proposed settlement, and that many of Microsoft's competitors will not be happy until they have put Microsoft out of business through litigation rather than competition. However, if you look at the concessions made by Microsoft, most specifically the agreement to open competition within their Windows systems, you cannot help but support the compromise reached. I hope that you proceed with the settlement as it is in the best interests of the American public and the economy.

Thank you for your time and attention.

Sincerely,
Craig Sudbrink
cc: Representative Howard Coble

MTC–00031804

01/23/02 10:41 FAX 206 546 2205 DR BRUCE RYAN
Bruce H. Ryan
1841 N 184th Street
Shoreline, Washington 98133
January 23, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft,

I write you today in regards to the Microsoft settlement issue. I support the settlement that was reached in November, and I sincerely hope there will be no need for further action against Microsoft.

This settlement was reached after extensive negotiations. Microsoft has agreed to carry out all terms, including terms that extend well beyond the original issues of this lawsuit. Microsoft has agreed to share more information with other companies, such as various internal interfaces in Windows and any protocols implemented in a Windows operating system product. It will also change licensing agreements to make them more advantageous to hardware manufacturers.

This settlement will serve in the best and greatest public interest. Please support this settlement so Microsoft can focus all their resources on designing innovative software. Thank you very much.

Very Sincerely Yours,
Bruce H. Ryan

MTC–00031805

Jan-23–2002 09:34 SPECIALTY FOREST PRODUCTS 2539390902 P. 01/01
FAX TRANSMITTAL
DATE: Jan. 23, 2002
TO: Ms. Renata B. Hesse
FROM: Vic Lindstrom F
IRM: U.S. Dept. of Justice
Number of pages 1
FAX #: 202–307–1454
SUBJECT Microsoft

This letter is to advise the DOJ that my wife and I support the Proposed Microsoft Settlement and would as a tax payer, ask the dept. of Justice to approve the Settlement.

Sincerely,
Victor Lindstrom

MTC–00031806

01/23/2002 11: 32 3184423307
HILLHARRIS
HILL, HARRIS & COMPANY DISTRIBUTORS BUILDERS HARDWARE BUILDING SPECIALTIES
(318)442.3303
1504 METRO DRIVE
FAX (318)442.3307
P O BOX 13268
ALEXANDRIA, LA 71315
DATE: JAN 23/02
TO: D.O.J.
ATTN: Renata Hesse
REF: Microsoft

I agree with & support the recent Legal Settlement with Microsoft. I hope you will finalize it as soon as possible.

J.C. Harris

MTC–00031807

Jan-23–2002 11: 46 312 460 2426 P. 01/01
195 N. Harbor Drive # 2003
Chicago, IL 60601
January 23, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

I would like to offer some thoughts on the Microsoft antitrust case. I believe that there was merit behind the complaints that brought about the original lawsuits, but that was three years and countless dollars ago. Microsoft has made an antitrust precedent in the concessions it has agreed to, and protocol has been proposed under your settlement to deal with future problems. I do not see any benefit from future federal action against Microsoft, and hope that this matter will soon be behind us.

There will always be those lining up to take as much market share from Microsoft as they can, and as long as you allow this case to proceed, there is nothing to stop them. Microsoft has already agreed to grant broad new rights to software engineers and computer makers. It has even allowed them to configure Windows so as to promote non-Microsoft programs that compete with the programs already included within Windows. Although it may seem unreasonable to allow your own successful product to be used as a springboard to launch the competitions'' products, Microsoft has agreed in an effort to settle this issue sooner, rather than later. Would it seem as reasonable if Microsoft was involved in a more traditional industry? Imagine if Burger King could not penetrate McDonald's market share. Would we mandate that McDonald's allow its customers to order a Burger King Whopper at its own restaurants?

We must recognize that Microsoft has shot itself in the foot, be it a small hole, in an effort to end this witch-hunt. I see no reason that we can't allow the IT industry and the economy to move forward. I hope you will use your position to do what is right, and ensure that our country maintains its position as the world technology leader.

Sincerely,
Michael Holan

MTC–00031809

Kathie M. Graham
2469 Ridgecrest Avenue
Orange P&k, FL 32065–6235
January 23, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

I would like to express my views regarding this antitrust case. I feel that the settlement agreement reached between Microsoft and your office is fair and reasonable, and is sufficient to close this case at the federal level. Nine states have approved the agreement, and Microsoft is negotiating with the remaining states to reach an agreement. Under the Settlement, Microsoft has agreed to change the way it licenses; develops, and markets its software. Computer makers, consumers, and software engineers will be allowed to configure Windows so as to promote non-Microsoft programs. Most importantly, Microsoft has agreed not to retaliate against anyone that develops or promotes non-Microsoft software.

A technical oversight committee will ensure Microsoft's compliance with the terms and conditions of the agreement, and competitors will be allowed to sue Microsoft directly if they feel they've been treated unfairly. These concessions should keep this

matter from ever reaching the federal level again, and will force Microsoft to become a more responsible industry leader.

Although these conditions may go further than Microsoft may have wished, it recognizes that settling the case sooner, is better than later. The competition should be granted access to the market, but Microsoft should also be allowed to enjoy the fruits of its labor.

I believe that your settlement provides the middle ground.

Sincerely,
Kathie Graham

MTC–00031810

SimplySay
4400 E Broadway Blvd.
Suite 200—
Tucson Arizona 85711–
520.323.3280—520.320.4177fax
FACSIMILE TRANsMlTTAL SHEET
TO:
ATTORNEY GENERAL
JOHN ASHCROFT
COMPANY: US Department of Justice
FAXNUMBER: (202) 307-I454
PHONE NUMBER:
RE: Microsoft Settlement
From: Armand Sperduti
DATE: l/23/02
SENDER'S FAX NUMBER: (520)3204177
SENDER'S PHONE NUMBER: 520.323.3280 EXT.
JANUARY 23,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

I am writing in regard to the litigation against Microsoft. Although this is a serious and complex issue, it is important that the needs and the rights of the software consumer, both personal and corporate, are kept in focus. The cost of implementing software solutions is dominated by the cost of evaluating, installing and supporting the software, then training the users, not by the cost of the software itself.

Microsoft arrived at the top of the industry primarily by having an astute sense of what the customer wanted. They then delivered products that met those needs. People didn't switch from WordPerfect to MS Word, for instance, because it was cheaper or bundled, but because it did what people wanted and worked well.

I am in support of this settlement. I am hoping that this will be the end of it. We all are better off with this behind us. Additional litigation will only benefit Microsoft's competitors at the expense of the consumers.

Sincerely,
Armand Sperduti
V.P. Engineering
4400 E Broadway Blvd. Suite 200
Tucson Arizona 85711
520.323.3250—520.320.4177 fax
AUTHENTIX Fax:520–3204163

MTC–00031811

FROM : Charles Russell
PHONE NO. : 717 391 2840
Jan. 23 2002 01:08PM PI
CHARLES H. RUSSELL
1488 Marietta Rue.
Lancaster, PA 17683–2446
717.391.2840
January 23, 2002
Atty. General John Ashcroft
us Dept. of Justice,
950 Pennsylvania Ave. N. W.
Washington, DC 20530–0001

Dear Mr. Ashcroft,

Microsoft has been amongst those great American technology companies that have helped America become the world's leader in software. The antitrust case brought against Microsoft three years ago by the Justice Department was certainly a disappointment, however I am pleased to see a settlement was agreed to in this case.

''Unfortunately the settlement has not been satisfactory to some. Anti-Microsoft elements have been attempting to get this settlement removed because it is deemed not destructive enough to Microsoft. However, the settlement is good and will create positive changes. The settlement forces Microsoft to disclose code and interfaces to competitors , a never-before-taken step. With this information, non-Microsoft firms will be able to design and create more choices in software for the consumer. For the anti- Microsoft elements this does not suffice because they would like to see Microsoft face a more injurious verdict.

The purpose of the case was not to harm Microsoft, but to create more competition. This should be and is reflected in the current settlement. Ending this case now is imperative.

Sincerely,
Charles Russell
cc: Senator Rick Santorium

MTC–00031812

A Fax Message
TRINITY
Date: January 23, 2002
To: Attorney general Ashcroft
c/o Renata B. Hesse Antitrust Division
Succeed with Trinity.
Company: US Department of JustIce
Fax #: (202) 307-1454
From: George LaVenture
RE: MICROSOFT SETTLEMENT
NOTES:

Attached are my Tunney Act comments regarding the proposed Microsoft Final Judgement and Competitive Impact Statement.

My contact information is below if you have any questions,

PRESIDENT & CEO
Trinity Consulting Inc.
(506) 485–8642 voice
(506) 481–2361 fax
mail to:glayancura@.com-inc.ner
http: //www.Trinlty-Inc.net
Taking care of business (TCB)
TRINITY CONSULTING INC,
346 BRIGHAM STREET
MARLBOROUGH, MASSACHUSETTS 01762
(508) 486–8842
TRINITY CONSULTING INC.
346 BRIGHAM STREET
MARLBOROUGH, MASSACHUSETTS 01762
(608) 486–8842 (VOlce)
(608) 461–2361 (fax)
WWW.TRINlTY-INC.NET

22 January 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, District of Columbia 20530

Dear Mr. Attorney General,

I am writing to provide my thoughts during the 28 November 2001 to 28 January 2002 TunneyAct publiccomment period on the Microsoft antitrust case [United States of America vs MicrosoftCorporation CivilAction No. 98–1232 and State Of New York ex. rel. Attorney General ELIOT SPITZER, et al.MicrosoftCorporation Civil Action No. 98–1233 proposed Final Judgment and Competitive Impact Statement.

As I read the proposed Final Judgement and Competitive Impact Statement, MicrosoftCorporation hasagreed to specific behavioral measures that would provide greater openness and access to technical information as well as contractual and economic freedom for IAPs, ICPs. ISVs, IHVs and OEMs that either: provide a Microsoft Corporation operating system with their product, develop and/or provide applications and or middle ware that run on a Microsoft Corporation operating system, or choose to develop and/or provide competing operating systems, products, applications and/or middleware.

These actions seem satisfactory to stimulate competition while maintaining intellectual property rights and fostering Innovation.

More Importantly, the prescribed enforcement authority, combined with the proposed TechnicalCommittee and Microsoft Internal Compliance officer, provides the government, and therefore consumers, adequate means and measures to ensure Microsoft Corporation's compliance.

Unlike the nineteenth century marketplace of Standard Oil, an era that witnessed the genesis of the corporation where direct competitors were assimilated and controlled, and unlike the slow-growth marketplaces; of 1980s IBM and 1970s ATT, today's technology marketplace moves rapidly and the rate of change will likely increase. We are living in an age of technological revolution cited by Federal Reserve board Chairman Alan Greenspan for an unprecedented growth in productivity. This atmosphere has, as evidenced most recently and notably by the 1999 ''Internet Bubble'', created product cycles so short that goods and service can be obsolesced while sales and markeing strategies are still on the whiteboard.

With this in mind, I believe the proposed behavioral measures and controls provide a fairer, more level playing field optimized to foster continued growth while ensuring competition and stimulating Innovation.

After all, that's the goal Isn't It? A better deal for the consumer.

It is my opinlon that the settlement between Microsoft Corporation and the federal government addresses and remedies, in a very satisfactory way, all of the government's antitrust claims againstMicrosoftCorporation. Therefore it should be instituted with all due speed.

Sincerely,
George M. LaVenture
President & CEO

cc: Representative Marty Meehan

MTC–00031813

Assemblyman George H. Winner, Jr.
Minority Leader Pro Tempore
New York State Assembly
Room 446
Legislative Office Building
Albany, New York 12248
Phone; (518) 455–4538
Fax: (518) 455–5922
ASSEMBLYMAN WINNER
@oo2
GEORGE H. WINNER. JR.
Assemblyman 127th District
THE ASSEMBLY
STATE OF NEW YORK
ALBANY
MINORITY LEADER PRO TEMPORE
COMMITTEES
Rules
Ways and Means
January 23, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse:

When word of a possible settlement in the Microsoft case broke, the markets surged. In spite of gloomy economic report, the news was viewed by investors as a sign that out nation's critically important high-tech industry could move forward without the continuing shadow of government interference.

The proposed settlement requires significant changes in the way Microsoftdevelops, licenses and markets its software. This settlement is fair. It prevents Microsoftfrom abusing the strength that it derives from its operating system, but also allows thecompany to continue innovating in all areas of software development.

I congratulate you on reaching a fair settlement that will serve in our nation's bestinterest. It will be very difficult for anyone to reject a settlement that benefits consumers,the technology industry, and the economy as a whole.

Very truly yours,
George H. Winner, Jr.
Minority Leader Pro Tempore
ALBANY OFFICE: Room 446. Legislative Office Building,
Al aany. New York 12248.
(518) 455–4538.
FAX (518) 455–5922
DISTRICT OFFICE: 228 Lake street,
P.0. Box 589.
Elmi a. New York 14902.
(607) 734–8580.
FAX (607) 737–0377

MTC–00031814

ADE
80 Wilson Way
Westwood, MA 02090–1806
Phone: 781–467–3500
Fax: 781–467–0500
Fax Cover Page
To: 12023071454
From: Chris Corayer
Comments:
Sent at: 01/23/02 11:28:31 AM
Total Number of Pages (including cover): 3

I am writing to oppose the current settlement proposed. In my opinion it will change little, if anything.

What I would rather see happen is the following:

(1) ALL file formats should be documented and open, This will allow FULL compatibility withcompeting office suites such as Sun's Staroffice. Full compatibility will by it's very nature forcecompetition into the marketplace, The MS product suite will have to prove to its userbase that itis worth spending the money to buy said product when there are other products out there that canreadwrite their format, This should apply to file formats other than just the office products.

(2) Full disclosure/documentation of protocols. This would allow such things as the SAMBAgroupto allow full windows features on UNIX/BSD/LINUX machines and allow simple integration ofthose machines into a windows based network.

(3) In the rare case where Microsoft may claim security risks, I would respectfully point out thatmany of the other UNICES, like FreeBSD and the different Linuxes, do not seem to have manyproblems with full disclosure. In any event, it should not be sufficient for Microsoft to claimsecurity and not furnish information, They should be forced to PROVE that something would becompletely rendered vulnerable if certain protocols were fully documented. This process shouldbe overseen by at least half of Microsoft's competitors who should be able to determine if thiswere the case.

(4) Microsoft API's should also be fully documented, This will prevent such things as company Abeing put out of business should Microsoft decide to implement a similar program that uses''undocumented features'' to make the Microsoft product run better or more stable.

(5) No bundling should be allowed in a default install. There SHOULD be an option to installadditional software during the install process, but this should not be the default option. Mostother OS's allow a simple base install. This will not generally include web browsers, multimedia,or instant messaging clients.

(6) No exclusive licensing on the boot loader, Microsoft should not be allowed to require thatonlyWindows be installed or that the only option shown upon booting be Windows. There shouldalsobe safeguards in place to prevent retaliation by Microsoft on this point.

The first two points I consider absolutely critical. The internet was based on fully documented,and freely available protocols, Microsoft's Active Directory is a minor modification of LDAP andKerberos. Both of these are widely used protocols, but they will NOT work with the Microsoftversions, This prevents competition. The Office Suite is so engrained in the corporate sector thatthere will not be any competition until competitors can make a fully compatible product. Thiswillnot happen until the file formats are fully documented.

The remaining points are optional. I include the third just in case exceptions for security areallowed. I am however willing to make allowances if there is some property that Microsoftlicensed from another party and the license does not allow use in another product or similarsituations. The fourth point I made is much like the browser issue. For a while Netscape wouldcrash often. Certain instant messaging clients were very unstable.

The fifth point is simply to promote users to try non MS software. The option to install InternetExplorer would be available during the install, but it would no longer be mandatory. I includethisdue to recent events where Microsoft's website was made inaccessible to users who used thecompeting Opera web browser. Behavior such as this makes me extremely suspect of anyguarantees by Microsoft regarding their behavior without outside oversight.

The final point is one that was already in the proposed settlement. Ifeel that this requirement be kept in any future proposal.

Thank you for your time.
Christopher Corayer
Information Services
ADE Technologies
77 Rowe Street
Newton, MA 02466
p.617.831.8043
f.617.243.4443

MTC–00031815

January 16, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

It amazes me that there has been such a prevalent attitude in our governmentthat sees virtue in punishing those that are successful, and rewarding those that are not.

This upside down attitude of ''redistribution'' was never more tragically obvious than inthis questionable lawsuit against Microsoft. Any company as successful as Microsoftmust do everything it can to protect its position of strength. The governmenterroneously sees this as dominance, rather than strength. With that redefinition comesan entire new set of problems that now create a case against Microsoft for ''unfaircompetition.''

That Microsoft tightly controls the use of its product—even with its OEMs—issimply good business. It is not unfair business. There have been many competingsystems that have come and gone. They have fallen out of favor not because ofMicrosoft's dominance per se, but rather because of Microsoft's superior products andservice.

Please do not misunderstand me. I do not march lock-step with Microsoft, but forme, if the government can go after Microsoft with such evangelical zeal, then thegovernment can go after any IT business. This settlement, therefore, is good andshould hopefully end the hostilities. I am totally in support of that.

Sincerely,
Vicki Hengen
President
cc: Representative Jeff Flake
1860 West University, Suite 108 Tempe Arizona 85281
(480) 902 0600 fax: (480) 902–0577
internet: www.dbwebnet.net

MTC–00031816

Scott Mason
110 Carol Rose Drive
Beaver Falls, PA 15010
January 19, 2002
Attorney General John Ashcroft
US Depertment of Justice
960 Pennsylvania Avenue, NW
Washington, DC 20530–0061

Dear Mr. Ashcroft;

I am writing you today to voice my opinion in regards to the Microsoft settlement issue. I believe the settlement that was reached in November is fair and reasonable, and I am anxious to see this three- year dispute resolved.

Microsoft is a good company that has benefited the economy and consumers. This settlement will also allow Microsoft to benefit the technology industry. Under this agreement, Microsoft must design future versions of Windows, beginning with the interim release of windows XP, to provide a mechanism to make it easy for computer makers, consumers, and software developers to promote non-Microsoff software within Windows. A technical oversight committee created by the government to monitor compliance to this settlement must a/so monitor Microsoft. This settlement will benefit the public by allowing MIcrosoft to focus its precious resources on designing and marketing its innovative software.

Thank you for allowing me to comment.

Sincerely,
Scott Mason
cc: Senator Rick Santorum
Representative Melissa A. Hart

MTC–00031817

January 23, 2002
Ed Loo
3613 Park Hill Drive
Coma, CA 92881–8440
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I would like the Justice Department to settle its antitrust suit with Microsoft Corporation as soon as possible. Microsoft has done the world a tremendous favor with its technological contributions and Innovations. I feel the case is being unjustly prolonged by competitors who are envious of Microsoft's success and market position.

The concessions in the settlement are fair and good enough to allow Microsoft to resume normal operations, I believe giving other companies limited access to certain internal Windows code will allow for better development of non-Microsoft programs that run within the Windows operating system and should minimize future threats of Microsoft's alleged monopolistic position.

Please end the lawsuit and let Microsoft return to normal business operations. Our country needs to focus on business again. If the government would think about this, they would see that they are basically biting the proverbial hand that is feeding them. How many billions of dollars has Microsoft contributed to the US Treasury through Just payroll and income taxes?

Thank you very much for your time and consideration, I sincerely hope you take into consideration the big picture of this ludicrous lawsuit brought by some over zealous and greedy individuals and states seeking to line their own coffers.

Isn't it ironic that those who have filed suit against Microsoft are probably using Microsoft's products . . Windows, Word, Excel, PowerPoint . . to file their legal briefs ??

Sincerely,
Ed Loo

MTC–00031818

Dragonfly Capital
To: Attorney General John Ashcroft
From: Don Millen
FAX NUMBER: 202–307–1454
Re: Attached
TOTAL NO. OF PAGES INCLUDING COVER:
SENDER'S REFERENCE Number: 704–342–3491 xl00
YOUR REFERENCE NUMBER:
X URGENT
700 EAST BOULEVARD, SUITE ONE .
CHARLOTTE, NORTH CAROLINA 28203
JAN-23–2002 11:50 FROM:DRAGONFLY CAPITAL 7043429750 TO:2025149082 P.001/002
220 Alondale Avenue
Charlotte, NC 28207
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to discourage you and the Justice Department from any further litigation against Microsoft. Microsoft has been the bedrock of the information technology revolution in the United States and has enabled consumers across the socio-economic spectrum to achieve productivity and efficiency gains unimaginable even 20 years ago. I strongly encourage you to put this case to rest and enact the settlement as soon as possible.

The settlement has many stipulations that will benefit the IT industry. The release of Windows XP marks the beginning in a line of changes that further benefit consumers. Windows XP is designed so that individuals can delete and add different programs into the system with greater ease. No longer will users have to have different Microsoft programs on their desktop if they are using Windows. For the benefit of its competitors, Microsoft has even enabled individual users to delete Internet Explorer at their own discretion (this act, in itself, is irrational from a business standpoint). It is my personal opinion that users of technology products appreciate the ease of use that Microsoft's products provide and that they will freely select other products if they believe they would receive more benefit. After all, isn't this what a market-based economy is about?

I believe the newfound autonomy of consumers will be beneficial. I would hope that the U.S. Government would resolve the Microsoft issue as quickly as possible.

Sincerely,
Don Millen

MTC–00031819

AIS TECHNOLOGY
N80 W114824 Appleton Ave
Menomonee Falls, WI 53052
January 23, 2002
Attorney General John Ashcroft
US. Department of Justice
950 Pennsylvania Avenue, N.W,
Washington, DC 20530–001

Dear Mr, Ashcroft:

It pleases me that the U.S. government and Microsoft have finally reached a tentative settlement agreement in the antitrust lawsuit. It is my hope that this ordeal will be resolved once and for all at the conclusion of the sixty-day public comment period.

If my memory serves me correctly, the settlement is fair. In fact, Microsoft capitulated to terms that go beyond the scope of the products and procedures at issue in the lawsuit. Most significant is Microsoft's agreeing to divulge its patented code for the Windows operating system to its competitors I understand this has never been done before in an antitrust settlement. While only one of many measures in the settlement, it will have a hugely positive effect on increasing competition.

It is my hope that the settlement Is finalized as soon as possible. Thank you.

Sincerely,
Nicholas Oliver
Systems Analyst
CC: Representative James Sensenbrenner

MTC–00031820

Roger Little
288 Concord Drive
Freeport,IL 61032
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing today to express my complete support for Microsoft in this case. Microsoft in my estimation in an ambitious and aggressive company that continues to press for improved and increased innovation. This sort of fortitude is crucial to the success of any company and Microsoft personifies this fortitude.

I was unhappy that a suit was filed against Microsoft to begin with so you can just imagine how displeased I am that there are still states who wish to pursue litigation against Microsoft. Microsoft has made significant strides to prove their willingness to comply with the settlement proposed by the DOJ. They have already agreed to design future versions of Windows that will enable computer makers, consumers and software developers to promote non-Microsoft software within windows. They have also made an unrecorded agreement to disclose internal Windows interfaces to its competitors. Competitors will also benefit by Microsoft's agreement to share their intellectual property by granting license to third parties.

A close review of the these strides, shows a company willing to bring closure to this case even at the risk of limiting its own competitiveness. Considering Microsoft's many efforts at complying with the settlement proposed by the DOJ, please make the decision necessary to end this lawsuit

and help bring relief to our struggling economy.

Sincerely,
Roger Little

MTC–00031821

RODOPI BILLING SOFTWARE
January 22, 2002
Attorney General John Ashcroft
US Justice Department
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

Even though there is an underlying perception among consumers that Microsoft has been a little less than responsive to their needs, the government's lawsuit against Microsoft was overly ambitious. If the lawsuit had succeeded in its intent of breaking Microsoft apart into smaller, more malleable pieces, the ability for consumers or IT companies to get the full range of the Microsoft product line would have been seriously compromised.

Having said that, I believe that the settlement reached between Microsoft and the Department of Justice is reasonable and addresses most of the serious concerns that many have had. It creates strong new demands for fairer licensing arrangements for hardware companies and an anti-retaliatory framework for software companies as well. I am hoping that the public will endorse this settlement through this public review process, and that we can all put this episode behind us.

I am further hopeful that no further federal action will be taken, in that I believe that it's important to move on. These are my personal views and do not necessarily reflect the views of the company I work for. Thank you for this opportunity to express my support of the settlement.

Sincerely,
Arthur R Ekroos
Executivc Vice President

MTC–00031822

TATUM CIO PARTNERS, L.L.P.
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
930 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

This is to give my approval to the recent settlement between Microsoft and the Department of Justice. In my opinion, this suit should never have been brought. I am from the mainframe generation. I remember how hard it was. There was no compatibility between software programs or different hardware. Nothing worked. Bill Gates came along and changed all that.

Bill Gates standardized computer programs onto more useable formats, increased compatibility of computer software programs, making this country the dominant force in the computer industry. Ad for this he was punished. Punished by the government, and punished by his competitors, who could not compete in any other way. We tell our kids to be the best and brightest, yet when they do succeed, the government is looking over the shoulder. This is wrong.

Microsoft has led my industry with many advances beyond computer compatibility . Scalable operating systems, office applications, e-Commerce, and Internet navigation immediatly come to mind. They have become the leader in areas that required consensus in order to proceed along its path; which provided benefits to my industry and strengthened our competitive position. It wasn't too long ago that multiple and conflicting infrastructure products created an impossible technical environment. I feel without Microsoft's efforts in these key areas the resulting chaos would raise the cost and frustration in doing business. Microsoft deserves the recognition and profits associated with their success.

With this agreement, Microsoft has agreed to terms that extend well beyond the products and procedures that were actually at issue in the suit. Microsoft has greed to its Windows operating system products to the 20 largest computer makers at identical prices; Microsoft has agreed to grant computer makers new rights to configure Windows so as to promote non-Microsoft software programs; Microsoft has agreed to a technical committee to monitor future adherence.

Enough is enough.

We have to put this behind us and move forward. Give your support to this proposals.

Sincerely,
Bernard Goldband
Director

MTC–00031823

FROM: J.P. WEIST BAY CITY, MICHIGAN
TO: MS. RENATA B. HESSE

I support the government settlement of the Microsoft settlement.

It is time to say that is it. No more waste of our tax money—Enough is Enough.

Thank you

MTC–00031824

TO: DOJ
MS. RENATA B. HESSE

I SUPPORT THE MICROSOFT SETTLEMENT!

Sincerely,
Don Lucha
2030 Sinclair N.E.
Grand Rapids, MI
(616) 361–5079

MTC–00031825

1341 College Point
Winter Park,FL 32789
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am aware that a settlement has been reached in the Justice Department's three-year case against Microsoft. I support the settlement even though I don't believe that the government, MY GOVERNMENT, should have even recognized the complaints of their competitors in the first place. I think it is in the government's, and our best interests to accept the settlement and move on to more important matters.

If It wasn't for Microsoft, I would not be as computer literate as I am today, and I'm just an ordinary citizen who has had no training, no schooling in use of a computer. I know that there are gazillions (my word for lots and lots) of middle aged and older Americans who have had to learn to use this technology on their own. Microsoft products made it easy, non-threatening and affordable. Their products caused the huge number of purchases of personal computers and associated items, that drove our country's economic success and increased productivity in the 90's. 1 think it is sad that they are being penalized for America's success.

The terms of the settlement are reasonable, despite my objection that this case should not have been brought to court in the first place. Microsoft is making changes to prevent any future antitrust practices. It has agreed to establish a three-person technical committee which will monitor Microsoft's compliance with the settlement. Microsoft will use a uniform price list when licensing Windows out to the largest 20 computer makers in the United States. They have agreed to document and disclose for use by its competitors various interfaces that are internal to Windows' operating system products

I ask that the government stop spending my resources to penalize Micorsoft's success and agree to the settlement terms.

Nancy Braden
cc: Representative Ric Keller

MTC–00031826

208 N. CHURCH STRET
Nazareth. PA 18064
To: Dept of Justice
From: Evelyn Huth
FAX 202–307–l454 or 202–616–8837
Date: January 23, 2002
Re: Microsoft Settlement Case
cc:
o Comments: See attached letter.
JAN–23–2002 10 : 20

I WOULD HOPE THE RECENT ANTITRUST SETTLEMENT BETWEEN THE JUSTICE DEPARTMENT & MICROSOFT ARE ACCEPTED. FROM NEWSPAPER ACCOUNTS, I BELIEVE THE SETTLEMENT IS REASONABLE & EXCEEDS THE FINDINGS OF THE RULING BY THE APPEALS COURT. MICROSOFT HAS HELPED BRING ITS COMPANY INTO AN NEW ERA. PROLONGED ARGUMENTS SIMPLY DELAY PROGRESS.

I, FOR ONE, SEE MICROSOFT BEING PUNISHED FOR BEING INNOVATIVE & FEEL THE SUITS AGAINST THE COMPANY STIFLE THE INVENTIVE SPIRIT & THE SPIRIT Of FREE ENTERPRISE WHICH HAVE BEEN HALLMARKS OF THE AMERICAN WAY OF LIFE.

I SEE OTHER COMPANIES BECOMING MONSTROUS MONOPOLIES, BUT THEY DO SO WITH NO RECRIMINATIONS. TO ME, THIS SMACKS OF DISCRIMINATION AGAINST MICROSOFT.

PLEASE LET US ALL GET ON WITH INVENTION, INITIATIVE, & HOPE FUTURE.

SINCERELY,
MRS. EVELYN L. HUTH
209 N. CHURCH ST.
NAZARETH, PA 18064

MTC–00031827

John and Marion Tasso
163 Cannon Boulevard
Staten Island, NY 10306

January 22, 2OO2
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am asking that you give your approval to the settlement between the Department of Justice and Microsoft. This agreement was hammered out between the two parties, and I think if the agreement is good enough for them, it should be good enough for us. We do not need to waste any more taxpayers' money. It is time we got past constantly rehashing judicial decisions. When does it stop? Why even go to court., if we don't abide by the decision? We are also trying to get past an economic recession, why cripple the one company that will help us get out of it?

Microsoft has agreed to many of the conditions imposed by the Department of Justice. Microsoft has agreed to a technical committee to monitor its future adherence; Microsoft has agreed to help companies achieve a greater degree of reliability with regard to their networking software; and Microsoft has agreed to grant computer makers new license to configure Windows to promote non-Microsoft software programs. This is more than fair.

Give your support to this agreement. Thank you.

Sincerely,
John Tasso

MTC–00031828

IHI TURBO AMERICA
P.O. Box 22E Shelbyville, IL 62565
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I have never been one to agree with any type of monopolistic practices within on organization. This is why at the beginning of the case against Microsoft; I felt that the main complaints were justifiable. I however became quite dissatisfied with the turn that this lawsuit took.

I am thankful that the government realized that such a breakup would have drastic results for the IT industry, the economy and for consumers and redirected the lawsuit and eventually proposed a settlement. Though I find some of these terms of a bit harsh for Microsoft in that they are being asked to release its internal protocols, interfaces and intellectual properties, I am very pleased with Microsoft's willingness to comply. I think Microsoft's willingness has been slighted by the States wishing to continue litigation.

I am writing to give my complete support to Microsoft in this matter and hope that Microsoft's compliance to the terms of the settlement is duly noted. Putting this matter to rest will do the economy, the IT industry, Microsoft employees and software consumers a world of good. I appreciate your office's prompt decision to end litigation as soon as possible.

Sincerely,
John Selby

MTC–00031829

SEMAR
689 Lakeshore Drive
P.O. Box 128
Lake Junaluska, NC 28745
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my support for the Microsoft settlement. I feel that the Department of Justice reached a fair and reasonable agreement, which nine states leave already approved. I do not understand what more Microsoft should do to appease the states continuing with litigation. The concessions the corporation has already made have set new precedent regarding antitrust cases, and have set provisions to handle future problems that may occur.

Under the current agreement, Microsoft will change the way it develops, licenses, and markets its software. Microsoft will grant software developers and computer makers the ability to configure Windows so as to promote non-Microsoft software that competes with programs included within Windows. Also, Microsoft has agreed to document and disclose for use by its competitors various interfaces that are internal to Windows operating system products. It appears to me that Microsoft has, more or less, opened its doors for the competition to launch their products through its existing inventions.

I do not see what further litigation at the federal level will gain for the consumers. As a taxpayer, I cannot justify allocating scarce recurses on a problem that has already been solved, and fear that the states continuing with litigation see this lawsuit as a revenue builder and nothing more. I hope you will see fit to judge this case by its merits, and not by political and legal trends. Thank you for taking the time to hear my thoughts.

Sincerely,
Vergil Daughtery

MTC–00031830

ALFRED W. CRUMP, JR.
ATTORNEY AT LAW
520 WASHINGTON STREET
P.O BOX 1498
READING, PENNSYLVANIA 19603
TELEPHONE (610) 376–8784
FAX (610) 376–2853
January 22, 2002
Attorney General John Ashcroft
U.S. Dept. of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Re: Microsoft Settlement

Dear Mr. Ashcroft:

I am writing in support of the settlement of the Microsoft litigation which is now pending. It is my belief that Microsoft has done this country a great service by their innovative products. Software development, from my layman's knowledge, appears to be a low entry cost product which requires substantial individual knowledge and creativity as opposed to great cap out lay (as opposed to Chip Manufacturing).

Certainly, I, in no way, want to condone any monopolist practices by corporations, however, in Microsoft's case, I cannot see how they should be forced to share their creative processed with companies who would be taking advantage of Microsoft's initial hard work and creativity.

I think a majority of Americans are tired of this litigation and that we should get on with the real business of America and allow Microsoft's creativity to continue. There certainly are many other knowledgeable and creative people out there who can compete if they so desire, however, they should not be able to take advantage of Microsoft's initial innovations.

A Plot against Microsoft appears to be focused on college campuses,including my son's, who feel that Microsoft is the ''evil doer''. Microsoft, because of the great wealth it has created, has replaced or is the current representation of ''corporate America'', which, in one's youth, one loves to vility.

However, the majority of Americans want Microsoft to be praised rather than be condemned or penalized.

I remain...
Very truly yours,
Alfred W. Crump, Jr.
AWG/via
cc: Senator Rick Santorum

MTC–00031831

Renata B. Hesse
Antitrust Division
U.S. Department of Justice, Suite 1200
601 D Street NW
Washington, DC 20530–0001

Ms. Heese:

I am strongly opposed to the settlement proposed in the Microsoft antitrust trial. What is contained In that proposal provides neither adequate oversight and review to prevent recurrences of such actions in the future nor adequate penalties for those of the past.

Microsoft has been found to be a monopoly and to have used that position to illegally increase their fortunes at the expense of competitors, their own OEM customers, and the American public.

The proposed settlement seemingly accepts that Microsoft has behaved illegally, requires no meaningful compensation for their victims, and requires that they behave very slightly differently in the future—and then only on specific and enumerated products. This sort of settlement will do little to discourage Microsoft from similar activities in the future and will do nothing to keep them from using their vast financial resources to circumvent it.

The proposed settlement does not apply to any and all products. of any sort whatsoever, designed, manufactured, or marketed by any company either partially or wholly owned by Microsoft, its heirs, successors, or assignees, past, present, and future—it should. It does not require full and open disclosure of all APIs and file formats to developers of products which might compete with Microsoft products—It should. It does not prohibit the predatory practice of releasing Microsoft products which ''cripple'' competing products—it should. It does not prohibit software licenses which prohibit (or seriously restrict) packaging of non-Microsoft products by OEMs—It should.

It does not prevent them from using their nearly absolute control of the end-user computer Interface to sell other Microsoft products and services—it should. Finally, the proposed settlement seems to allow Microsoft to provide second-hand computers to under-financed school systems and supply them with Microsoft software. This is amazingly inadequate for several reasons: First, there is absolutely no shortage of used computers in this country. I've worked for computer manufacturers and can assure you that used computers are next to impossible to give away to school districts— they want current models. Private individuals, corporations, and government agencies scrap thousands of functional two or three- year-old computers daily and many of them end up in landfills because no home can be found for them.

Second, although the development cost of software is high, the manufacturing cost of the distribution media is negligible. The out-of-pocket cost to Microsoft for operating system and application software CDs is only a few cents each. Lastly, the concept of a settlement which requires that Microsoft's punishment for monopolistic acts be to actually extend the monopoly to include new victims who have escaped it in the past because of their lack of funds verges on the surreal.

Please find a settlement that protects us from Microsoft and is so painful to them that they never think of acting illegally again.

Respectfully,
Ran Ralston
23704 El Tom Rd. #5–285
Lake Forest, CA 92630

MTC–00031832

SMITH HELMS MULLISS & MOORE, L.L.P.
Attorneys at Law
2800 Two Hannover Square
Raleigh, North Carolina 27601
PO Box 27525 (27611)
(919) 755–8700
direct: 919–755–8713
fax: 919–755–8800
Mack.Paul@smithhelms.com
January 16, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

North Carolina's Attorney General recently agreed to the settlement that has been reached in the Microsoft antitrust case, and I hope the federal court will follow suit and allow this long-running matter to be put behind us.

I strongly believe the settlement provides adequate guarantees against illegal and unfair behavior by Microsoft. The settlement protects computer makers, software companies and consumers. The establishment of a technical committee to monitor Microsoft's compliance provides further protection.

It is my personal opinion that this proceeding has, from the beginning, been more competitor-driven than consumer-driven. The long history of Microsoft and its products has been one of better services and lower costs for consumers. Never has any consumer harm been proven in this lawsuit.

The government should now be satisfied that competitors will be protected against improper actions by Microsoft, thanks to this settlement.

Sincerely,
SMITH HELMS MULLISS & MOORE, L.L.P.
Mack Paul
ATLANTA CHARLOTTE GREENSBORO RALEIGN WILMINGTON

MTC–00031833

William B. Cooley
P. O. Box 416
Jackson, N.C. 27845
Ms Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

Northampton County where I live and grew up, is one of the most economically distressed areas of North Carolina. As the former Mayor of Jackson, our county seat, I know first-hand the economic challenge we face.

As our nation's economy becomes more heavily dependent on computers, I am concerned that my home county may fall even farther behind. I believe that we must focus on closing the ''ital divide.'' But companies such as Microsoft, and its competitors, will not be able to do that if they continue to spend their time and considerable resources battling in the courts rather than developing new products and service for a wide range of customers.

For that reason, I believe it would be wise public policy for the federal courts to approve the pending settlement in the Microsoft antitrust cast. Our state's attorney general has accepted it, for many of the same reasons outlined above.

With our nation facing unprecedented challenges at home and abroad, American business needs to focus on serving the customer, not fighting in the courtroom. I hope the federal court will enable this to happen in this matter.

Thank you for your attention.

Sincerely,
William B. Cooley

MTC–00031834

Ms. Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
RE: Microsoft proposed settlement

Dear Ms. Hesse:

I have read a summary of the settlement and it seems to be very equitable. The provision that the twenty largest computer makers will be able to obtain Windows under the same terms conditions and price is very fair.

I think the time has come to settle this case and look forward to hearing that good news in the near future. This industry is very competitive. But Microsoft has been a leader in this industry for quite some time. They are not going away and I believe they will comply with the terms laid out.

Yours truly,
G. Baker Ellett
3305 Patterson Avenue
richmond, VA 23221

MTC–00031835

Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Subject: United States v Microsoft Settlement

I am concerned that the penalty phase of this case may create a furthering of the monopoly that Microsoft has been found guility of. I am concerned that pushing the penalty phase for convienience, is not using the best in judgement. I am concerned that if the penalty is established by those terms negotiated by Microsoft that a president will be established for future monopoly cases involving other companies inclined to establish their own monopoly.

I believe that Microsoft should be held accountable to methods now and still being used by restricting computer manufactures to putting on only their operating system software when you purchase a computer. I believe that the computer and the installed software should be priced out as separate items. The consumer should have the knowledge of both the price of the software being offered, and have the option of installing whatever operating systems that is desired.

Microsoft should be required to provide specifications of the present and future document file formats publicly, so that all makers of software can write applications compatable with Microsoft operating systems. The specifications, of networking protocols, must also be provided to and approved by an independent network protocol body.

As an owner of MedScripts a concern of mine is patient confidentiality, it is because of this issue that we do not use the internet exployer of Microsoft in our business. We type medical chart information for physicians. I have noted that the Center for Strategic and International Studies indicated that the use of Microsoft software does pose a national security risk. With the various acts security breaches being done on an international level—this security risk is a concern of mine.

Thank you for your consideration when settling this case.

MTC–00031836

SEI INVESTMENTS
195 N. Harbor Drive # 2003
Chicago, IL 60601
January 23,2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I would like to offer some thoughts on the Microsoft antitrust case. I believe that there

was merit behind the complaints that brought about the original lawsuits, but that was three years and countless dollars ago. Microsoft has made an antitrust precedent in the concessions it has agreed to, and protocol has been proposed under your settlement to deal with future problems. I do not see any benefit from future federal action against Microsoft, and hope that this matter will soon be behind us.

There will always be those lining up to take as much market share from Microsoft as they can, and as long as you allow this case to proceed, there is nothing to stop them. Microsoft has already agreed to grant broad new rights to software engineers and computer makers. It has even allowed them to configure Windows so as to promote non-Microsoft programs that compete with the programs already included within Windows, Although it may seem unreasonable to allow your own successful product to be used as a springboard to launch the competitions'' products, Microsoft has agreed in an effort to settle this issue sooner, rather than later. Would it seem as reasonable if Microsoft was involved in a more traditional industry? Imagine if Burger King could not penetrate McDonald's market share. Would we mandate that McDonald's allow its customers to order a Burger King Whopper at its own restaurants?

We must recognize that Microsoft has shot itself in the foot, be it a small hole, in an effort to end this witch-hunt. I see no reason that we can't allow the IT industry and the economy to move forward. I hope you will use your position to do what is right, and ensure that our country maintains its position as the world technology leader.

Sincerely,

Michael Holan

MTC–00031837

333 North Madison Street
Joliet, IL 60435–8595
815 725–7133 Tel
PROVENA
Saint Joseph Medical Center
Foundation
January 23,2002
Ms. Renata Hesse
U.S. Department of Justice, Anti-trust
601 ''D'' Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I appreciate this opportunity to submit comments regarding the settlement of the United State's anti-trust case against Microsoft.

I am a Microsoft consumer for several years and have been generally pleased with the performance of this company's products. Even more though, I am continually amazed with the advancements made the entire the computer industry over the last several years. These advancements are quickly becoming an integral part of most American's professional and personal lives.

While there is certainly a need for the government to protect consumers from monopolies, I do not believe our current laws can be honestly applied to the technology industry. This industry is one that is based on constant innovation and therefore changes very quickly. Since the government began its case against Microsoft the changes within this industry have made much of the original case out of date.

While I am not an attorney, my belief is that since the federal government and Microsoft have worked out this agreement it is one built on compromise. Generally, when two sides are required to compromise their positions to some degree the results are at least equitable.

I have no doubt that settling this case is the best for all involved, most importantly consumers.

Sincerely,

Jackie Lewis

MTC–00031838

GREG G. JONSON & ASSOCIATES, PC
CERTIFIED PUBLIC ACCOUNTANTS
5310 Markel Road, Suite 208
Richmond, Virginia 23230
Telephone (804) 282–0687
Fax (804) 282–0265
Frank Y. Yannis, CPA
Greg C. Jonson,CPA
Michael A. Hamway, CPA
January 23,2002
Ms. Renata Hesse
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I have had a chance to review a summary of the key provisions of the Microsoft settlement. I understand that they include a provision in which Microsoft has agreed to license its Windows operating system products to the 20 largest computer makers on identical terms and conditions, including price. Another provision would grant computer makers broad new rights to configure Windows so as to promote non-Microsoft software programs that compete with programs included within Windows.

To me, these are examples of an agreement that ''has teeth''. I hope that this settlement will be adopted and this lawsuit will be put to rest.

Sincerely yours,

Greg G. Jonson. CPA

MTC–00031839

NORTH CAROLINA REPUBLICAN PARTY
Bill Cobey
Chairman
Linda Daves
Vice Chairman
January 23,2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Fax: 202–616–9937

Dear Ms. Hesse:

As the Chairman of the North Carolina Republican Party, I have to be prepared to make tough decisions every day. I have to be constantly concerned with campaign strategy, issue debates and new fundraising strategies for the party. I'm glad to know that I have Microsoft products at my disposal each and every day to maximize my efficiency in dealing with these and other matters.

I've been involved in public service for a long time, having served the University of North Carolina at Chapel Hill at Athletic Director and as a member of Congress from North Carolina's Fourth Congressional District. Over the years, I've seen what improved technology can do for a staff.

For example, data processing technology makes the creation and mail merging of a document so efficient that it barely takes longer to write a letter to one hundred people than it does to write a letter to one person. Spreadsheets, business presentations and planning documents make meetings operate more smoothly and increase the level of comprehensive communication between everyone involved in a project. Microsoft has consistently led the way in technological innovation. From their Windows suite of products to their constant innovative program updates, Microsoft quite simply has produced the software that have been successful for American business and American families.

I'm not an attorney by trade, and I'm not familiar with every bit of legal minutia present in the federal government's antitrust case against Microsoft, but it seems to me that if both parties have agreed to a settlement, that settlement should be approved. The American economy is too dependent on technological innovation to drag this lawsuit out any further. I request that Judge Kollar Kotelly to approve the settlement.

Sincerely,

Bill Cobey
Chairman
1410 Hillsborough Street
* Post Office Box 12905
* Raleigh, North Carolina 27605
(919) 828–6423
* Fax : (919) 899–3815
* www.ncgop.org

MTC–00031840

Judy Napier
3300 Riverglade Road
Powhatan, Virginia 23139
January 18, 2002
Ms. Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I am told that comments on the proposed Microsoft settlement are to be directed to you. Thank you for the opportunity to do so.

The proposed settlement stipulates that Microsoft could not penalize computer manufacturers who distribute software that competes with Microsoft's operating systems (including Windows XP) and middleware (i.e., Internet browser, instant messaging tools, media player, and email utilities). These manufacturers would be entitled to uniform licensing terms, with some flexibility for volume discounts and marketing allowances. Computer manufacturers could fully ''monetize'' their control over the boot sequence and desktop configuration of computers by installing or promoting non-Microsoft products and services. They would be free to remove or

replace any Microsoft middleware. I believe this means guaranteed flexibility for computer manufacturers who equip their products with any Microsoft operating system.

The last thing the technology industry needs now are government lawyers, bureaucrats and judges watching over the industry, attempting to micromanage it which is exactly what Microsoft's rivals lobby for on a regular basis. In this economy we need to market to operate freely, which is when it operates at its best.

Sincerely yours,
Judy Napier

MTC–00031841

W. THACKARA BROWN JR.
8835 Glass Pond Ct
Ocean Isle Beach, NC
28469
January 18, 2001
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Fax 202–616–9937
microsoft atr@usdoc.gov

Dear Ms Hesse

The US Department of Justice's antitrust lawsuit against Microsoft has been allowed to go on too long, and I believe it begins to smack of excessive use government power in the private sector. Accordingly, I want to express my hope that the proposed consent decree now before the court will be approved quickly.

I have extensive experience in the private sector working with government. I was the Public Relations/Public Affairs for a major pharmaceutical company for nearly 26 years. I know, firsthand, that government can be a constructive partner with business, but I also know that it can be a destructive force.

Microsoft clearly is dominant in the software industry today, but there is no guarantee that it can maintain that dominance. The information-technology industry, like so many industries, has seen dominant companies falter and fail before in a marketplace as dynamic and fast-changing as this one is, it can and, most likely, will happen again

This very dynamism, in fact, is the most compelling argument for settling the case. It is far better for America for these companies to fight each other in the marketplace, than in the courtroom. It is through the marketplace, not the regulatory arena, that new software will be developed and new innovations introduced to benefit both business and the individual consumer The proposed settlement apparently provides for extensive safeguards against inappropriate behavior by Microsoft. Further, the company has agreed to accept and abide by these specific and far-reaching provisions.

In view of these facts, I hope the court will act quickly to resolve this matter, end the litigation and allow those involved to concentrate their efforts on reenergizing this vital industry.

Let's get back to building America for the future!

Sincerely,
W. Thackara Brown Jr.

MTC–00031842

23-Jan-02 11:19 page 1/2
1/23/2002
Comments directed to the Microsoft Anti-trust hearings.
Renata Hesse
Trial Attorney
Suite 1200
Antitrust Division

I would like to take issue with the proposed settlement between the DOJ and Microsoft. If I understand it correctly, it provides: * No real remedies for the monopoly behavior that Microsoft has exhibited. * Seemingly makes it legal for them to continue such behavior in the future. * Provides some penalties which would only increase Microsoft's foothold as a computer monopoly.

It would seem to me that any settlement with Microsoft should contain the following provisions:

1) Microsoft should be required to publish the document file formats and specifications for the files used within their programs. This will allow other program developers to create software that can access these files, thus preventing Microsoft from developing software applications that can lock in companies to using only Microsoft applications.

2) Microsoft must also publish the protocols it wishes to use on the Internet thus keeping the internet open for all users and prevent the ''takeover'' by Microsoft by using its own protocols. An example of this is my local library. At the moment I can only access the on-line capabilities of the library by using Microsoft's Internet Explorer browser. The library uses Microsoft software to create its web pages. Those web pages can only be accessed with a Microsoft browser, thus locking other browsers out and locking people into using Microsoft software.

3) Microsoft must be prevented from tying its software in to the sales of computers. I have many copies of Microsoft's Windows operating system that I was forced to pay for because the computer manufacturers were forced by economic and other means to sell the systems with their computers. The software and the computers must be available separately and priced commensurate with the value of each.

If I understand what I have read in the news, one of the ''penalties'' of the settlement is that Microsoft is to provide 1 billion dollars worth of software to educational institutions. The facts of this are that a) the cost to Microsoft of a (line illegible) software to schools will only provide a further monopoly in the training of future computer users in Microsoft software. Thus the cost to Microsoft for this penalty will be very low and it will provide major benefits to Microsoft in advertising, and future sales of their software.

I feel very strongly that the DOJ has failed in its attempt to bring a resolution to the problems of Microsoft. It appears to me that they have played right into Microsoft's hands and this is a dream settlement for Microsoft. As a consumer who has been harmed by these issues, I hope that the DOJ will reconsider the settlement.

Thank you,
Bruce Marshall
8736 Bliss Road
Bellaire, Ml 49615

MTC–00031843

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Richmond; (804) 698–1001
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CORPORATIONS, INSURANCE AND BANKING
SCIENCE AND TECHNOLOGY
MILITIA AND POLICE
MINING AND MINERAL RESOURCES
January 23, 2002
Renata Hesse, Trial Attorney
Antitrust Division
United States Department of Justice
601 D Street, NW, Ste. 1200
Washington, DC 20530

Dear Ms. Hesse:

I am writing to advise you of my support for the proposed settlement agreement between the United States federal government and the Microsoft Corporation, and to encourage you to approve this settlement agreement.

This proposed settlement agreement would be of tremendous benefit to consumers in Virginia and other states. The dispute between Microsoft and the federal government needs to be concluded as quickly as possible, and a fundamental part of this settlement agreement should be recognition that Microsoft should be empowered to decide which products and features it offers to the public and how those products are priced. This is in the interest of competition, and bringing the best possible products, at the lowest possible price, to consumers.

As you know, Virginia is a technology friendly state, and technology companies have flourished within the Commonwealth over the past several years. We need to do everything we can to encourage a continuation of this important economic development activity, and we need to make certain that we not impede the success of companies like Microsoft in any way.

Again, thank you and I hope you will act favorably on this request.

Sincerely,
TERRY G. KILGORE, MEMBER
VIRGINIA HOUSE OF DELEGATES
FIRST DISTRICT
NOT PAID FOR AT GOVERNMENT EXPENSE

MTC–00031844

01/23/02 10:38 FAX 614 476 9939 DIVERSIFIED SYSTEMS
001
DSInc.
DIVERSIFIED SYSTEMS, INC.
''Diverse IT Solutions for a Diverse IT World''
700 Taylor Road,Suite 150
Gahanna,OH 43230
614–476–9939 ph
614–476–9672 fx
Facsimile Transmittal
To: J. Aschroft

Fax; 202 616 9937
Company: A G
Pages: 2
From: Homer Beard
Date: 1–23–02
CC:
xUrgent xFor Review xPlease Reply
MESSAGE Thank you for your consideration
Homer Beard
CONFIDENTIAL
01/23/02 l0:38 FAX 614 476 9939
DIVERSIFIED SYSTEMS
002
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am taking a moment to write to you to express concern about settlement reached between your office and Microsoft in the antitrust case. I fear that there are groups that would like this settlement withdrawn and see this case continue. You should avoid the advice of these groups and finalize the settlement.

Under this settlement Microsoft will disclose its information about internal interfaces within Windows, which will give competitors unprecedented access to Microsoft code. This will create more openness and competition in the IT industry. No other software company has ever agreed to share so much information as Microsoft has in this settlement. There clearly is no reason to continue this case.

I am in favor of the proposed Microsoft settlement, and I hope that it is finalized quickly. There are many more important priorities with which to deal, and prolonging this case would be folly. I am hoping that you agree and will stand behind your settlement.

Sincerely,
Homer Beard 1/23/02
6539 Rugosa Avenue
Reynoldsburg, Ohio 43068

MTC–00031845

WBDC Worcester Business Development Corporation
January 22, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington. DC 20530
VIA FACSIMILE

Dear Attorney Hesse:

I have served in municipal government for a number of years, and as a former local public official, I am often one of the first people to hear what is on the minds of our citizens. I can tell you that it is not the proposed settlement in the Microsoft anti-trust case. People today are concerned about the economy and about their-job.

The Hi-tech industry plays an important role in the Massachusetts economy. We need to reach a conclusion in this case, so that our already fragile economic state is harmed no further. We need to put people back to work in the Hi-tech sector.

I urge the Justice Department to support the proposed settlement reached in this case. There has been no harm to consumers.

Sincerely,
Craig L.Blais
Executive Vice President
Phone 508–755–5734
339 Main Street Suite 200
Worcester. MA 01608
FAX 508–755–9639

MTC–00031846

p.1 (508) 755–9639 WBDC Jan 23 02 10:42a
Tallahassee, Florida 32312
January 21, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D. Street NW, suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse:

I believe that this country is becoming far too litigious. Lawsuits destroy our innovative spirit and, especially during economic times such as these, hinder the ability of corporate America to grow and create jobs for our citizens. The lawsuit against Microsoft is just one example of overzealous litigation. Suing a corporation for its innovation and capitalistic pursuits does nothing but deter other companies from investing in new technologies. Rather, we need to foster market solutions to issues affecting the technology industry. Such solutions will foster growth in the economy and create jobs; conversely, litigation such as that against Microsoft has the exact opposite effect.

Companies like Microsoft are built by innovative ideas coupled with the willingness to invest in the promotion of those ideas. The lawsuits against Microsoft appear to have been initiated by its competitors, which could set a dangerous precedent for using the courts to circumvent the legislative process. While I do not believe Microsoft should have been sued in the first place, I support the settlement reached between Microsoft and the Justice Department as a means to end this litigation. Closure on the litigation is beneficial to the entire technology industry. Thank you for the opportunity to relay my thoughts on this matter.

Very truly yours,
Jason L. Unger

MTC–00031847

Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Sheet NW, Suite 1200
Washington, DC 20530
Fax 202–616–9937
microsoft.atr@usdoj.gov

Dear Ms. Hesse:

I write in support of the proposed settlement in the Microsoft antitrust case. It is time to resolve this matter so the high-tech industry can return to what it does best: develop innovations that improve productivity and economic growth. The agreement that has been negotiated provides far-reaching changes in how Microsoft develops, licenses and markets its software. But the settlement also would enable Microsoft to continue developing new versions of Windows that feature new and integrated technologies. The settlement also takes significant steps in assuring that competitors of Microsoft and computer-makers will be able to compete successfully and use non-Microsoft products.

On a personal note, I agree with many of DOJ's assertions in the case, but at what point does the cost of the investigation and the restrictions placed therein become a greater punishment? It is my sincere hope that the courts will accept this settlement and resolve this matter quickly.

Sincerely
Jaimey Sexton
President
Telephone Strategies Group
1081–102 Wirewood Drive
Raleigh, NC 27605
Phone: 919–420–9320
FAX: 919–828–6589 member AAPC

MTC–00031848

learn something
January 21,2002
Renata B. Hesse
Antitrust Division
601 D Street NW. Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse,

As a small business owner, I employ several people. Recently, I had to lay off some staff, which last year did not seem possible. But, as I'm sure you are aware, the once raging high-tech economy is now barely limping along.

I think that the never-ending lawsuit against Microsoft has contributed to the slowing of the economy as innovation and funding have dried up. Microsoft is a huge player in my industry, and when they clinch up, uncertain of what this lawsuit is going to do, the entire tech world is slowed, virtually frozen in place wondering what comes next.

That is why I hope the court will accept the terms of the agreement on the table now. It seems fair to me. Microsoft will now grant hardware companies new rights to configure Windows so they have the freedom to promote non-Microsoft products within Windows programs. This was a good sign from Microsoft. Moreover, I don't think that the Government needs to be in the technology industry. If some companies—like AOL Time Warner—cannot compete, that is their own detriment, and Uncle Sam does not need to do their work for them. My business will be in much better shape if this lawsuit is settled, and I will be able to hire more people and contribute to the economy.

Sincerely,
William J. Crumpacker, III
CEO
2457 Care Drive
Tallahassee, FL 32308 USA phone: (850)385–7915
fax: (850)365–7964
www.learnsomething.com

MTC–00031849

COLONEL DICK BLACK (USA RET.)
20978 FLATBOAT COURT
STERLING, VIRGINIA 20185
THIRTY-SECOND DISTRICT
COMMONWEALTH OF VIRGINIA
HOUSE OF DELEGATES RICHMOND
January 22, 2002

COMMITTEE ASSIGNMENTS: COURTS OF JUSTICE TRANSPORTATION LABOR AND COMMERCE CLAIMS MINING AND MINERAL RESOURCES
Renata Hesse
Trial Attorney
U.S. Department of Justice
601 D Street, NW #1200
Washington, DC. 20530
By fax: (202) 616–9937

Dear Ms. Hesse:

I urge you to approve the proposed settlement agreement in the case of United States v. Microsoft. Continued uncertainty surrounding this litigation has caused shock waves within the technology community that are impacting the economy.

I have received numerous complaints from the public regarding the Microsoft antitrust case. The public does not understand why Microsoft has come under judicial attack. I have not heard from a single individual urging continuation of the lawsuit.

As the most highly visible high-tech company in America, Microsoft is a bellwether for the health of the industry. The antitrust lawsuit could not have come at a worse time. A number of technology firms in or near my district have experienced financial distress unconnected with Microsoft. However, their difficulties are aggravated by the immense uncertainties surrounding that company. Prompt settlement of this case is crucial, not only to Microsoft, but to the industry as a whole.

I understand that the proposed terms of the settlement are fair to all parties. I support the settlement as written and urge immediate finalization of the case now pending before the federal court.

Sincerely,
Richard H. Black
Virginia
House of Delegates
32nd District
bly/cc: E. David Foremen, Jr.
DISTRICT: (703) 406–2851
* FAX: (703) 450–2076
RICHMOND: (804) 698–1032
* E-MAIL:
DEL—BLACK@HOUSE.STATE.VA.US

MTC–00031851

98 Shoreline Drive
Ware, MA 01082
January 21, 2002
Attorney General John Ashcroft
US Deportment of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

It has come to my attention that the US Department of Justice, and Microsoft Corporation have reached a settlement in the three-year antitrust case. I would like you to know that I support the settlement, and also support Microsoft in this. The government needs to leave them alone, and move onto other matters like investigating the Enron fiasco. Microsoft has agreed to make a specific number of changes, because of this; settlement. For instance, they have agreed to document and disclose various interfaces that are internal to Windows' operating system products. Also, they have agreed to design future versions of Windows to provide a mechanism to make it easy for computer makers, consumers, and software developers to promote non-Microsoft software within Windows. Clearly, this settlement is more than just a slap on Microsoft's wrists. It will end the suit, and I support it.

Sincerely,
Richard Galaska

MTC–00031852

January 23,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

Please accept this letter as an indication of my full support for the settlement that was recently agreed to by Microsoft and the Justice Department with regard to their antitrust lawsuit. Settling this matter in order for Microsoft and the rest of the industry for that matter to begin innovating again is in everyone's best interest.

My understanding of the settlement is that Microsoft did not get some sort of secret ''sweetheart deal.'' On the contrary, the software company has in fact agreed to terms that extend beyond the products and procedures that were actually at issue in the three-year lawsuit. After three years, one would think that all the parties would know what issues are at stake, and Microsoft's competition should have no justification for asking for even more than what was litigated over for the past three years. Therefore, a breakup of Microsoft, as some in the government strove for, is not necessary. As its stands, Microsoft will disclose for use by its competitors various lines of code for Windows products. I understand this is unprecedented in an antitrust settlement. It also agreed not to enter into any agreements obligating any third party to distribute or promote any Windows technology exclusively or in a fixed percentage. Lastly, Microsoft has agreed not to retaliate against computer makers who ship software that competes with anything in its Windows OS.

It seems to me that the settlement covers all of the bases and should therefore be implemented.

Sincerely,
John Hunt
President

MTC–00031853

David A. Hayes
7241 Lighthouse Lane NE
Olympia, WA 98506
January 23,2002
Attorney General John Ashcroft
US Department of Justice,
950 PennsyIvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing to express my support for the proposed settlement of the antitrust lawsuit against the Microsoft Corporation. The company's impressive ability to innovate and serve the consumer with affordable, quality products does not warrant the extensive legal action that we've seen over the last three years and should be ended at once.

The deal provides Microsoft's competitors with several openings in the marketplace that should satisfy the industry. The company has pledged to treat computer makers equally, regardless of their software preferences, by offering identical pricing to the top twenty hardware manufacturers and eliminating any contract stipulations that would obligate the distribution or promotion of Windows technologies. Considering these terms, and additional implementation of a three-person technical committee to review compliance, the government should accept this generous offer.

Please finalize the agreement at the end of the sixty-day public comment period at the end of this month. The economy and the consumer will greatly benefit from the decision to let the software industry get back to business once again. Thank you.

Sincerely,
David A. Hayes

MTC–00031854

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January 21,2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Penna. Ave, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Some of the main complaints against Microsoft may well have been justifiable in the beginning, but the course of the lawsuit made it quite clear that resolving these complaints quickly became secondary to punishing Microsoft for its successes. When the rhetoric started escalating to include threats of breaking up Microsoft, the entire matter crossed the line.

Potentially, a breakup of the size and importance of Microsoft could have had devastating effects upon the IT industry, as well as our national economy. To force consumers and IT businesses to triple source their software needs at painfully higher anticipated prices to cover the inevitable administrative costs of running three companies could have brought the computer revolution to a screeching standstill overnight.

Thankfully, cooler thinking prevailed and the lawsuit came to a screeching halt, rather than our economy. The resulting settlement has the advantage of ending the hostilities, as well as addressing most of the original complaints leveled against Microsoft. That Microsoft will need, for example, to be treating its OEMs and third party software developers with more openness and flexibility is a good thing.

I am therefore writing in support of the settlement and hope that it is found to be acceptable throughout the balance of this legal process.

Sincerely
Brian Sims
MCSE, MCT

MTC–00031855

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14-Dec-2001
Renata B. Hesse
US DOJ/ANTITRUST DIVISION
601 D Street NW
Washington, DC 20530–0001)
Tel: (xxx) xxx-xxxx
Fax: (202) 616–9937
RE: Microsoft Settlement—Do not go lite!

Dear Renata Hesse,

I wanted to make you aware of the opinions from industry regarding the irreprable harm Microsoft has done to the computing world. They have been blatently anticompetative, destroying any competition they could using their OS monopoly and continually expanding into new areas by leveraging their OS: Web Viewing, Web servers, Music(Media Player). No one can compete in any area if Microsoft simply bundles their product with their Operating System for free at first, they stave out all competition then charge because they are the only viable player in the market.

They were blatently apathetic at the charges leveled at them by the court, they were mocking and even faked an exhibit in order to show removing Internet Explorer from a Windows computer was harmful.(Even though any computer expert knows it isn't).[There were different icon layouts on the computers during the video, showing it had been cut and another computer used instead of the original.]

It is clear, without stiff penalties and controls on their future actions a company like this will not deviate from it's illegal ways. I urge you to consider a breakup of Microsoft into at least two companies: Operating System, and Office. This would at least stop some of the leveraging they are doing in those two areas which they control.

Respectfully,
David Secret
MIS Director
Kearney Development Co., Inc.

MTC–00031857

BROWN ASSOCIATES 001
J. Crozier Brown, P.E.
6915 Lupton Drive
Dallas, TX 75225–1739
214–373–8710
2I4–373–1220 Fax
January 23,2002
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Re: Microsoft Settlement

Dear Attorney General Ashcroft:

The government is unwarranted in its pursuit of antitrust violations with regards to the Microsoft Corporation. Microsoft has attained its position of dominance in the technology industry by offering consumers quality products. Microsoft production of user-friendly software has enabled the technology industry to grow quite substantially. This is in spite of the fact that the previous Attorney General and Administration spent more on the persecution of Microsoft than on the pursuit of terrorists who were actively attacking American interests around the world. The settlement, however, is welcome in that it provides an end to this persecution Anyone who thinks Microsoft got off easy in this dispute is mistaken. Microsoft has made numerous concessions throughout this process. Microsoft has agreed to disclose the internal interfaces of its Windows operating system. This allows developers to substitute non-Microsoft software for Microsoft software at their discretion. This will allow for increased competition for Microsoft competitors. Obviously, Microsoft is going to great lengths to settle this dispute. It is in the best interest of this economy that we let this settlement stand.

Sincerely,
J. Crozier Brown, P.E.
cc: Representative Richard Armey

MTC–00031858

Date: Wed, 23 Jan 2002 08:31:48 C800 (PST)
From: Bruce Timberlake <bruce@brtnet.org>
To: Microsoft.atr@usdoj.gov
Subject: Microsoft Settlement

I am writing to voice my concern, in accordance with the Tunney Act, over the proposed Microsoft settlement. I am a user and supporter of free and open source operating systems like Linux, FreeBSD, and openBSD, and of open source applications like OpenOffice, KDE, and Gnome. I am convinced that not enough effort is being spent really ensuring that Microsoft is (1) punished for their outrageous and damaging monopolistic practices in the computer industry, and (2) prevented by airtight legal terms from being able to stray down that path again. It is tough to do given the nature of the computer industry: rapidly changing, and not necessarily easily understood by the average person. Nor, possibly, by those who must make the final decisions. I hope that once the key elements of an acceptable settlement are repeated over and over by those of us in the industry, they will be incorporated.

I am all for capitalism, and the best company/product/idea becoming successful in the marketplace on its own merits. But when the playing field isn't equal, due to marketing, ''backroom'' negotiations, unequal licensing terms for- manufacturers who may not ''toe the line,'' etc, then the best company isn't necessarily the one that wins. The best company might have never had a chance fron the beginning.

I don't want to pretend that I have all the answers, or even many of them. But as a part-time programmer, I think a few key ideas have to be part of the settlement, and they must be written it straightforward, airtight langauge, so that Microsoft cannot ''figure out a way around them'' at any point in the future:

1. All file formats—past and present as of the date of the settlement)— ever used by any Microsoft operating system or program, and specifically any member of the office suite (Word, Excel, Powerpoint, Outlook), must be made completely and immediately available as ''public knowledge'' in a way that does not require any money or identifying information to be given to Microsoft by any person, company, or organization that wants the information.

2. A1l file formats created and used after the date of settlement by any Microsoft or subsidiary company's operating system or program, and specifically any member of the office suite [Word, Excel, Powerpoint, Outlook), must be made comp1etely available as ''public knowledge'' no later than the date the product is available to manufacturers for bundling onto computers, and in a way that does not require any money or identifying information to be given to Microsoft by any person, company, or organization that wants the information..

3. All APIs used to communicate between any Microsoft products (operating systems and/or applications) shall be completely divulged to enable the complete and unrestrained interaction of non-Microsoft operating systems and/or applications, or replacement of Microsoft operating systems. This shall specifically include the exchange and SMB protocols. This information will be made available as ''public knowledge'' in a way that does not require any money or identifying information to be given to Microsoft by any person, company, or organization that wants the information.

No computer manufacturer who offers Microsoft operating systems pre-installed on their computers can. be penalized in any way (through fee increases, contractual obligations, etc) if they wish to offer alternative operating systems for customers whc desire one either in place of, or in addition to, a Microsoft operating system.

There are many other issues that I don't feel competent to suggest a remedy for, but which I would like to state as a concern anyway:

The oversight committee needs to have the staffing and authority to report to the public what Microsoft is doing to ''make good'' on the terms, and the ability to truly punish Microsoft in some fashion if it does not comply with both the letter and the spirit of the settlement. One idea proposed by Ralph Nader seems especially appropriate:

''The level of fines that would Serve as a deterrent for cash rich Microsoft would be difficult to fathom, but one might make these fines deter more by directing the money to be paid into trust funds that would fund the development of free software, an endeavor that Microsoft has indicated it strongly opposes as a threat to its own monopoly. This would give Microsoft much greater incentive to abide by the agreement''

I also heartily agree with and endorse the GNU Foundation's suggestions some of which mirrors my own ideas at the opening of this letter:

1. Require Microsoft to publish complete documentation of all interfaces between software components, a11 communications protocols, and all file formats. This would

block one of Microsoft's favorite tactics: secret and incompatible interfaces. The rule must be: if they cannot publish the interface, they cannot release an implementation of it.

2. Require Microsoft to use its patents for defense only, in the field Of software. It is crucial to address the issue of patents, because it does no good to have Microsoft publish an interface, if they'' have managed to work some patented wrinlkle into it (or into the functionality it gives access to), such that the rest of us are not allowed to implement it.

3. Require Microsoft not to certify any hardware as working with Microsoft software, unless the hardware's complete specifications have been published, so that any programmer can implement software to support the same hardware. To close, I would like to quote the summary by the Computer and Communications Industry Association of the DOJ settlement compared to that ordered by the DC Circuit Court of Appeals:

''The settlement being prepared by Charles James (l) would not prevent the central ways Microsoft was found to have illegally maintained its Windows monopoly, (2) does nothing to restore competition in the OS market, an express Court of Appeals requirement for a Microsoft remedy, and (3) has no provisions directed to Windows XP and other new endeavors of Microsoft to extend and protect its monopoly to new markets in the future, another express Court of Appeals requirement for a Microsoft remedy. The proposal is so far outside the mainstream of antitrust law, and so completely contradicts the DC Circuit's unanimous opinion affirming Microsoft's guilt, thus the only explanation must be political pressure. Whether or not the public learns of the backroom activities will be the responsibility of Judge Kollar-Kotelly under the Tunney Act public hearings that are required before approval of anti-trust settlements.''

Thank you for taking the time to read this.

Bruce Timberlake
3636 Cheshire Avenue
Carlsbad, CA 92008
bruce@brtnet.org

MTC–00031859

TO: D.O.J./ATTN: MS RENATA B.HESSE
AT TELEPHONE NUMBER (OR FAX NUMBER):202 307 1454
FROM:
RE: Microsoft Settlement
NICK PAVIA & ASSOCIATES AT FAX PHONE NUMBER: 805/496–8806
PER YOUR REQUEST
OTHER:

THIS IS TO LET YOU KNOW THAT WE APPROVE AND SUPPORT THE MICROSOFT SETTLEMENT.

NICK PAVIA
DOROTHY PAVIA
TEL NO. Jan 23.02 12:18 P.01

MTC–00031860

From: Zoltan Ness
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
fax l-202–307–1454
Subject: Microsoft Settlement

I am opposed to the proposed Microsoft Settlement. It is not a true penalty for Microsoft. Giving away software that costs Microsoft little beyond distribution, yet is counted at full price, reduces the penalty to literally a penny or less per dollar. Each copy costs less than one dollar to distribute, but claimed worth is hundreds of dollars for some of the software. It also serves to further Microsoft's monopoly into an industry (education) which has traditionally had a healthy, competitive mix of personal computer alternatives (Apple, for example).

Rather than a having to live with the legal consequences of it's anticompetitive behavior, Microsoft would be given a less than token penalty AND given a DOJ mandated reason to extend it's monopoly into one of the few remaining strongholds of desktop OS competition.

Thank you for your consideration,
Zoltan Ness

MTC–00031861

January 23, 2001
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 ''D'' Street, NW, Suite 1200
Washington. DC 20530–000l

Dear Ms. Hesse,

This letter is written in support of the proposed settlement among Microsoft, the federal government, and nine states. It is offered under the provisions of the Tunney Act. I am president of Incremax Technologies Corporation and president of the New York chapter of the International Association of Microsoft Certified Partners, a group of independent companies selling solutions based primarily upon Microsoft software. I endorse a settlement to this long-running suit because it is good news not only for consumers, but also for the economy, which has been negatively affected by the uncertainty generated by the dispute. The proposed settlement already has considerable teeth, placing unprecedented oversight and restrictions upon Microsoft and the future conduct of its business.

Continued anti-trust action will extend the uncertainty already endured by key sectors of this country's economy. In addition, it will risk the over-regulation (and potential crippling) of an industry that already responds very well on its own to the marketplace. (In this light, I find it ironic that as I write, Microsoft is again been sued by rival AOL Time Warner in an effort to subdue Microsoft in court rather by competitive, free-market means.)

The elements of the Microsoft settlement are sound, benefiting U.S. constituents far better than continued litigation could ever bring about.

Sincerely,
Kerry P. Gerontianos
Ilncremex Technologies Corporation
575 Lexington Avenue,
New York, NY 10022
Phone 212.888.1900
Fax 212 888.1050 E.mail
info@incremax.com
Web Site www.Incremax.com

MTC–00031862

FROM : RABBI MARC BROWNSTEIN, DD FAX NO. :
Jan. 23 2002 05:05pm P1
13703 Waverly Crest court
Cypress, TX 77429
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The purpose of this letter is to inform the Attorney General of my ardent support for the antitrust settlement against Microsoft. Three years have passed since the inception of this legal dispute. Over these years, countless federal resources have been squandered over the issue. An issue that, in my opinion, should never have been an issue in the first place. The government need not have the authority to persecute successful companies. It adds insult to injury when taxpayer dollars are wasted in the process. Further, Microsoft has made many concessions during the process. Microsoft is willing under the terms of the settlement to disclose protocols and design interfaces that are internal to the Widows system. This allows competing developers to design new software that are increasingly compatible with the Microsoft system. In addition, Microsoft has agreed to license the Windows system at the same price to many computer manufacturers. Obviously Microsoft is willing to make concessions in order to resolve this issue.

I believe the Attorney General should echo these sentiments with a hasty enactment of the settlement.

Sincerely,
Barbara Brownstein

MTC–00031863

FROM : Global Bay Inc. PHONE NO. : 2124252324 Jan. 23 2002 05:07PM Pl
1443 Pinewood Street
Rahway, NJ 07065
Phone: 732–882–1222
Fax: 212–202–4966
http:/www.globalbay.com
email: info@globalbay.com
Global Bay
January 23, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Ashcroft:

I would like to express some of views regarding the Microsoft antitrust case. I have always disagreed with this case, and frankly feel that Microsoft is just bearing the brunt of the blow from companies that cannot match the superiority of Microsoft's products. I might feel differently about Microsoft if it had achieved its success purely by malicious behavior, but it did not. Microsoft built a better mousetrap and priced it lower than the competitions''. I thought that was the goal of business.

The concessions called for in your settlement make antitrust precedent. Nevertheless, it is worth it to end this case

sooner rather than later. Under your settlement, Microsoft has agreed to allow software engineers and computer makers to configure Windows in ways that promote non- Microsoft programs that compete with those programs already included within Windows. This sounds good for the average consumer, but is it fair to Microsoft? Imagine if McDonald's had to allow customers to order a Burger King Whopper at its restaurants if they wanted one, just because no one was going to Burger King. What if every Coke had to come with a sample of Pepsi inside, just because Coke has loyal drinkers? Would these situations be fair? Would we allow them? As long as Microsoft is willing to give up some of its market share and competitive advantage, there will always be more hands reaching out. It seems that the American Dream has changed into something for nothing, and now is backed by law. We need to realize that sometimes product lines fail. Just because the companies worked hard, doesn't mean that they deserve success. Such is capitalism.

Sandeep Bhanote
CEO
CC: Congressman Jerrold Nadler

MTC–00031864

BlazeConnect Inc.
520 N. Main, Cheboygan, MI 49721
Tel.: 231–597–0376,
Fax: 231–597–0393
January 23, 2002
Greetings,
Subject: U.S. vs. Microsoft

In regards to the ruling of the anti-trust case against Microsoft and the proposed settlement I have several thoughts and comments I would like to share. First of all I am pleased to see that Microsoft was found to have a monopoly. I am, however, not pleased with the proposed settlement. I am not pleased because although on the surface it seems like a good solution underneath it is lacking. I have read a great deal of other opinions regarding what should really be done. In my opinion breaking up the company or forcing them to disclose their intellectual property regarding file formats or the API is not the answer. The best thing I can think of is to use the laws that are already on the books, perhaps with some modification, to empower the end user. To put it simply the end user needs to have real choices. The first example that comes to mind is the analogy of ordering a pizza. Let's suppose for a minute that you do not care for anchovies on your pizza. On a Friday night you are working late in your office and you pick up the phone to order a pizza. You select the toppings you want but when the person on the other end of the line reads those choices back to you they add anchovies to the list. You remind them you did not ask to have anchovies put on your pizza. The friendly voice replies that although you do not wish to have anchovies put on your pizza they must be included because the company that supplies anchovies requires that they are included with every pizza. Then you are told that even if they do not include the anchovies you will still be charged for them. I am quite certain you would find this situation unacceptable. Now let's put this into the perspective of the computer industry. I recently purchased a new Dell laptop. My operating system of choice is Linux for various reasons. When I contacted Dell to order the computer I was told I had to purchase a version of Microsoft Windows as well as a Microsoft Office suite with the laptop. I did not argue because I understood the reason behind it. This is the reason something needs to be done about the power Microsoft has over the OEMs. My chosen profession is in the computer industry, I will not even begin to pretend to know anything about the laws in the various states or of this great nation. However, I believe this kind of business practice can be classified as racketering. Even if I am wrong on this count this practice has to he stopped, I believe the only true settlement is to simply stop Microsoft from forcing OEMs to bundle their products in order to get the OEM licens- ing. As a small time programmer it would be nice to have free access to the MS Office file formats and the programming API for Windows itself but this choice should be left up to the Microsoft Corporation, not the government. If a legal precedent such as this is set now who is to say that in a few years Pepsico isn't going to accuse Coca Cola of having a monopoly. If this were to happen and they were indeed found to have a monopoly who is to say the settlement wouldn't include Coca Cola disclosing their secret formula? In closing, my opinion is that the playing field needs to be leveled. Give the consumer a choice as to whether they want Linux or Windows, Microsoft Office or Lotus SmartSuite. Let the consumer decide who will dominate the computer market. I may be completely wrong but I feel that if the OEMs such as Gateway, Dell and Compaq are allowed to decide for themselves how they want to sell their products a settlement will be found on its own with little or no government intervention.

Greg Abur
Secretary Treasurer

MTC–00031865

JAN-23–2002 02:42 PM P.01
Virginia Linstrom
127 Alameda Avenue
Fircrest, WA 98466–6204
January 18, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing today to urge you and the Department of Justice to accept the Microsoft antitrust settlement. Microsoft has agreed to many concessions in order to put the issue to rest. The settlement is fair and I hope that you will agree to it.

Some say that Microsoft has gotten off easy; in fact they have not. Microsoft has agreed to give computer makers a wide-ranging flexibility to install and promote any software that they see fit. It has also agreed to license its Windows operating system products to computer makers at a uniform price no matter what other products the maker promotes. In fact, Microsoft has agreed to terms that extend well beyond the products and procedures that were actual1y at issue in the suit. Microsoft has agreed to many concessions in order to settle the issue. The terms are fair and I would like to see the settlement accepted.

Sincerely,
Virginia Linstrom

MTC–00031866

Philip Wise
STATE REPRESENTATIVE
Ninety-Eighth District
Statehouse: (515)281–3221
e-mail—phllip.wise@legis.state.ia.us
HOME ADDRESS
503 Grand Ave
Keokuk, Iowa 52632
Home: (319) 524–3643
House of Representatives
State of Iowa
Seventy-Ninth General Assembly
STATEHOUSE
Des Moines, Iowa 50319
COMMITTEES
Education, Ranking Member
Appropriations
Commerce & Regulation
January 23, 2002
Renata B. Hesse
Antitrust Division
United States Department of Justice
601 D Street, NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse:

As a senior member of the Iowa House of Representatives who has focused on education and economic development policy, I have followed with considerable interest the proposed settlement in the Microsoft case. I am vitally interested in the creation and deployment of technology that empowers consumers and encourages business expansion. I believe such technology deployment has potential to foster growth in the non-metropolitan areas of the State of Iowa, which is the type of district that I represent.

It is my judgment that the proposed settlement in the Microsoft case is good for Iowa. I am writing, therefore, to lend my support to that settlement and to ask for your assistance in bringing about resolution of this case.

Respectfully submitted,
Philip Wise

MTC–00031867

FOUNDING FELLOW
American Society for Laser Medicine & Surgery
FOUNDING MEMBER
Gynecologic Laser Society
MEMBER
International Society for Laser Medicine & Surgery
MEMBER
NEW YORK ACADEMY OF SCIENCES
MEMBER
AMERICAN ASSOCIATION FOR THE ADVANCEMENT OF SCIENCE
MEMBER
Sigma Xi, The Scientific Research Society of North America
MEMBER
Association for the Advancement of Medical Instrumentation
PRESIDENT

American Board of Laser Surgery
MEMBER
Surgical Staff, St. Barnabas Medical Center, Livingston, NJ.
FORMER MEMEBR
Medical staff, St. Luke's Hospital Milwaukee, Wisconsin
SENIOR Member Institute of Electrical and Electronic Engineers
SENIOR Member
American Society of Mechanical Engineers
LISTED
Who's Who in the World
Who's Who in Founders of Science & Technology
Who's Who in Optical Science & Technology
JOHN C. FISHER, Sc.D.
Consultant in Laser Medicine & Surgery
417 Palmtree Drive, Bradenton, Florida 34210 U.S.A.
941–756–2316
Fax 941–758–3617
January 23, 2002
Ms. Renata B. Hesse,
U.S. Dept. of Justice,
Washington, DC
Dear Ms. Hesse:

As an informed taxpayer, I am writing you to urge that the Dept. of Justice approve the proposed settlement with Microsoft and nine states, that was put forth on November 06, 2001.

The $35,000,000 which the Microsoft lawsuit has cost American taxpayers to date is excessive. Microsoft's competitors, who brought the suit in the first place, are simply interested in the destruction of Microsoft as a means of eliminating competition at taxpayers'' expense. In the interests of a healthy economy, valuable technology for all users of computers, and ending the waste of tax dollars, I urge you and the D.O.J. to accept the proposed settlement.

Sincerely yours,
John C. Fisher, Sc.D.

MTC–00031868

COMMENTS: MICROSOFT SETTLEMENT CONCERNS
Samuel Davis
4325 South Park Avenue
Dothan, AL 36301
January 2, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

Please allow me to cast my vote in favor of the recent settlement between the Department of Justice and Microsoft. I realize that this was an open case when you took over the Justice Department, and for that reason you were not afforded a great number of options in dealing with it. I believe the middle ground that you have staked out with Microsoft adequately addresses the concerns of all the parties involved, and I feel you should be applauded for reaching the agreement. A compromise such as this is obviously not going to make everyone happy. However, Microsoft's agreement to open competition within its Windows operating systems to non-Microsoft technology is a significant concession and should allow everyone a fresh start in the competition. I hope the settlement moves forward soon, and brings an end to the case. Thank you for your attention.

Sincerely,
Samuel Davis

MTC–00031869

Digitech Services,Inc.
PO Box 118
Glasgow, KY 42142
(270) 659–0241 Office
(270) 659–0083 Fax
DSI
Technology @ Work
January 9, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

I am writing to inform you I am lending my support to the settlement reached between Microsoft and the Department of Justice regarding the antitrust suit. I believe that is suit has brought about the stagnated state of our economy and particularly the IT industry. It is necessary that the settlement is dealt with the way it IS. rather than continuing litigation.

This suit has been going on for the past three years. To continue any further litigation means a further delay in the revival of the economy and the industry. The settlement is fair and reasonable and was arrived after extensive negotiations. Not settling the case now will mean additional atrophy of time and money.

I strongly recommend that you finalize this settlement, and help to ensure the renaissance of our economy and industry. This unfair use of the American taxpayers' money cannot continue any further. To prevent this from continuing, all proceedings at the federal level must be stopped

Sincerely,
David Ogles
President

MTC–00031870

104 Garrison Road
Chelmsford, Massachusetts: 01824
January 14, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

Microsoft has finally reached a settlement with the Department of Justice in regards to the antitrust suit, and I am writing this letter to voice my support for that settlement. The litigation between the two sides lasted for over three years, cost both sides millions of dollars, and assisted in knocking our economy down into a recession.

Although Microsoft did not get off all that easy in the settlement, I am in favor of most of the terms, and feel that the economy stands to greatly benefit from this agreement. Microsoft has agreed to document and disclose for use by its competitors various interfaces that are internal to Windows' operating system products. I feel that this goes too far, and forces Microsoft to turn over their intellectual property. However, I am in favor of the terms of the settlement that forbid any retaliation from Microsoft against other computer companies that either promote or produce software that competes with Microsoft's. This will encourage competition and help improve the IT industry. I am in full support of the settlement that was reached. It can bring an end to this tiresome suit, and that cannot come soon enough.

Sincerely,
Ted Staplin
cc: Representative Marty Meehan

MTC–00031871

Bob Ellis Inc.
2417 Bayfront Parkway
Orlando, Florida 32806–7337
Tel: (407) 859–5883..
Fax 859–5350..
Cell 247–3072 rellis1@cfl.rr.com
January 23, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Ave.
Washington, DC, 20530
Dear Mr. Ashcroft,

I am pleased to know that the federal government has reached a settlement with Microsoft. After three years of litigation, the settlement is fair to both sides and should be beneficial to consumers. The agreement is extremely comprehensive and mandates many adjustments in the way Microsoft carried out their business in the past. Microsoft has agreed not to enter into any agreements obligating any third party to distribute any portion of Windows exclusively. Also, the company has agreed not to enter into agreements relating to Windows that obligate any software developer to refrain from developing or promoting software that competes with Windows. Finally, the government assured compliance by negotiating for the creation of a Technical Committee to monitor Microsoft's compliance.

I believe Microsoft and Bill Gates have done tremendous good for the United States. Their products are used by millions of citizens and help make the economy stronger and more efficient. I commend you for your efforts to settle this case and hope no further action will be taken on the federal level.

I must say that I am very happy that Bill Gates is an American and that he was not a citizen of another foreign country as if he was, we would be sending checks from the United States to that county to purchase the excellent products that Bill Gates and Microsoft has delivered to our good citizens.

Sincerely,
Robert M. Ellis, President
\jak
CC: Representative Ric Keller

MTC–00031872

January 22, 2002
Dept. of Justice

It is ridicalous to think that Bill Gates, (Microsoft) is causing any problem. He has done more for the technology business that any other person.

His proposed settlement is excellent + is far more than he should be required to do. Support the proposed settlement of the Microsoft lawsuit.

Richard E M Kowa
5607 E 72nd St.
Indpls; In 46250

MTC–00031873

15311 Kingswood Lane
Sherman Oaks, CA 91403
January 23, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing to express interest for settling the antitrust lawsuit Microsoft. I have been following the case with interest, and I believe that the settlement reached in November will amicably resolve the matter for both the government and Microsoft. The terms of the settlement are fair, ard Microsoft is making important concessions in order to get on with their business. Sharing internal Windows codes with its competitors will continue to expand the marketaplace for different programs, while maintaining Microsoft's market position for its operating system. Also, developing new features for users to remove the programs they wish levels the playing field more for competition. I urge you to settle the case against Microsoft as quickly as possible and not pursue further litigation.

Sincerely
Sanda Brown

MTC–00031874

Sutherland Insurance & Realty Company
Realtors : Insurance
TELEPHONE 828/ 693–9084
CORNER OF FOURTH AND CHURCH
317 NORTH CHURCH STREET
POST OFFICE BOX 40
HENDERSONVTLLE NORTH CAROLINA 28793
''In the Land of the Sky''
January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Let me begin by saying that providing a platform for the average consumer to express opinion is a wonderful way to judge whether a settlement provides consumer protection. As an American taxpayer and Microsoft supporter, I feel that this case has gone on too long. I do not agree with every decision that Microsoft has ever made, but do feel that Microsoft earned its way to the top by producing quality products at reasonable prices. My feelings might have been different if Microsoft had acted maliciously, but I do think it is wrong to punish a corporation for building the mousetrap that almost everyone wants,

Microsoft has agreed to grant broad new rights, which will, in everyday language, open its inventions to be used as launch pads for the competitions' products. For instance, Microsoft has agreed to grant broad new rights to software engineers and computer makers to configure Windows so as to promote non-Microsoft programs that compete with programs included within Windows. Also, Microsoft will disclose for use by its competitors any protocols implemented within Windows products that are used to interoperate with any Microsoft server.

I cannot see what will be gained by further litigation, especially at the federal level, I fear that if this debacle persists, we may run the risk of slowing innovation to the point that advanced American technology may lose its competitive advantage in the world market. We must protect this valuable industry that creates jobs, exports, and economic revenue. In my opinion, the sooner we put this matter be-hind us, the better.

Sincerley Yours
Earl L Phillips
Broker-Realtor

MTC–00031875

179 Great Northern Road
North Troy, VT 05859
January 22, 2002
Attorney General John Ashcroft
US department of Justice
950 Pennsylvanian Avenue, NW
Washingotn, DC 20530

Dear Mr. Ashcroft:

After a long, tedious expenditure of time and money by both the Microsoft Corporation and the US Government, there is a settlement on the table in the antitrust suit filed by the Department of Justice. Personally, I did not think the case should have been brought to trial, but it was, and I am happy to see that an agreement has been reached. In the settlement, Microsoft will not break up. Microsoft is a good company. They are profitable and they bring good products to the market. We are making it hard for businesses to succeed anymore. We lament the loss of jobs and pour money into unemployment benefits, but deny companies the opportunity to succeed and provide jobs. Microsoft has agreed to the terms of the settlement in an effort to finally close the case and get it behind them. They have agreed to more conditions than were charged in the suit. I want to urge you to let the settlement stand and to close the case. We should let Microsoft get on with innovation and growth. It would be wrong to take any further legal action against Microsoft.

Sincerely,
Patricia Ferguson

MTC–00031876

January 18, 2002
Attorney General Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue
Washington, DC 20530

Dear Mr. Ashcroft,

As a computer and software reseller, our company is in the ''front lines'' of dealing with the public. This lawsuit against Microsoft has created much uncertainty in the minds of many of my customers and clients, and has had a negative impact on my business. I was relieved to see that the lawsuit has settled.

While a few of the terms of the settlement are, in my opinion, harsh for Microsoft, many of the terms are good for consumers, giving them more flexibility in choosing various options for their software needs. This is particularly obvious in the provision that affects distribution of licenses to OEMs, who will have more opportunities to pre-install programs that aren't made by Microsoft. Consequently, I will have more options to sell different kinds of software and more effectively customize and install what my customers want.

I am in support of this settlement and hope that it is sustained through this review process,

Sincerely,
Damo Porrill
System Administrator
CC: Representative Spencer Bachus

MTC–00031877

JEFF LAMBERTI
STATE SENATOR
Thirty-third District
Statehouse: (515) 281–3371
HOME ADDRESS
2621 NW 17th Street
Ankeny, Iowa 50021
Phone: H–(515) 965–1067
O–(515)965–1200
F–(515)–964–8796
jeff.lambert@legis.state.ia.us
The Senate
State of Iowa
Seventy-ninth General Assembly
STATEHOUSE
Des Moms. Iowa 50319
COMMITTEES
Appropriations, Chair Judiciary, Small Business, Economic Development & Tourism State Government, Vice Chair, Ways & Means, Transportation Infrastructure and Capital Appropriations Subcommittee, Vice Chair
January 23,2002
Ms. Renata B. Hesse
Antitrust Division
U. S. Department of Justice
601 D Street, N. W., Suite 1200
Washington, D. C. 20530–0001

Dear Ms. Hesse:

As Chair of the Iowa Senate Appropriations Committee, I am required to pay particular attention to current economic conditions. Like many other states, Iowa is struggling with a weak economy. As a result, we are facing significant budget shortfalls, and cuts in critical services.

Despite these challenges, we are optimistic about the future. We believe that the solution to our budget woes is a growing economy. Because of this, we are pushing an aggressive growth agenda this legislative session.

That is why I am encouraging the court to accept the strong but fair settlement you and your colleagues have negotiated in the Microsoft antitrust case, I believe the settlement will have a positive affect on the economy.

In fact, we saw evidence of this, as the markets rose when the news of a possible settlement broke some time ago.

I believe this matter has gone unresolved for far too long. I believe a settlement will be positive news for the over 600 software businesses and related enterprises located in Iowa.

Sincerely,
Jeff Lamberti

As an attorney, I have followed this matter with interest, and I support the Department

and the nine Attorneys General in a settlement of this matter.

State Senator JL/ae

MTC–00031878

Mrs. Nels Turnquist
5394 N. Via Sempreverde
Tucson, AZ 85750
January 23, 2002
To: US Department of Justice
Attn: Ms. Renata B. Hesse
Fax# (202) 307–1454 or # (202) 616–4937
Re: Proposed settlement of Microsoft lawsuit

I wish to inform the Department of Justice that I as a taxpayer and consumer, strongly support settlement of the Microsoft lawsuit.

Sincerely,
Margaret Turnquist

MTC–00031879

GENERATIONS L.L.C
To: Ms Renata B. Hesse
From: Alvin L. Childers
Fax Number: (202) 307–1454 or (202) 616–9937
Date:
NOTES/COMMENTS:

I Support the Microsoft Settlement
8601 SE CAUSEY AVENUE,
SUITE 7—PORTLAND, OREGON 97266
PHONE:(503) 652–0750—
FAX: (503) 652–1691

MTC–00031880

IOWA STATE UNIVERSITY FOUNDATION
Memorial Union Alumni Suite
2229 Lincoln Way
Ames, IA 50014–7164
Telephone: 515–294–4607
Fax: 515–294–9402 or 515–294–4648
Date: January 23,2002
January 22,2002
Ms. Renata Hesse
Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

Like so many Americans, I am an investor in the stock market and have been financially hurt by the downturn this past year. As an individual investor, I have made every effort to do my part to prevent an even greater drop in the markets by maintaining my holdings without over-reacting.

While we enjoyed a relatively minor upswing recently, the markets once again dropped following the national media attention of the Enron bankruptcy. In the face of so much negative news, it is getting more and more difficult for investors to optimistically believe the markets have hit the bottom and are in a recovery.

From an economic standpoint, you have the ability to send a message which can only be construed as good by the media and the American public. I am referring to the Microsoft lawsuit. A proposed settlement in this case is before you. Most of the parties involved in this case are in agreement to settle this case based on the proposal presented. Please take this opportunity to do your part and sign on to the proposed settlement. By putting and end to this lawsuit, you allow the tech industry the chance to move forward. You will also create much needed optimism for a turning point in our times of economic struggles,

Thank you.
Sincerely,
Keith Fortmann
4815 Grand Avenue
Des Moines, Iowa 50312
515 255–8328

MTC–00031881

RPM MATERIAL HANDLING CO.
A California Corporation
8530 Avenida Costa Norte
* San Diego, CA 92154
* (619) 661–1575
* FAX (619) 661–1574
619 East Ross Avenue
* El Centro, CA 92243–9797
* (760) 352–8811
* FAX (760) 352–3776
Renata Hesse
Department of Justice, Antitrust Division
Via Fax 202–616–9937

To whom it may concern:

I am writing this letter to express my support of the settlement being examined in the Justice Department's case against Microsoft. Though the events of September 11 are not the reason this settlement should be accepted, I firmly believe September 11 must play a significant role in your deliberation.

The tragic events of September 11 unified this country in a way generations before World War II never even saw. It helped all of us realize what is important in this world and that we are all ''Americans''. For the first time in modem American history, we saw principle rule over politics once again.

Principle over politics is why I believe the court should settle the Microsoft case. Our economy is sagging...the tech industry is flat...in reality, we all know Microsoft is not a monopoly...and the people of this country are tired of their tax dollars paying for this case. US v. Microsoft was the politics of special interests being put above the principle of good policy.

In the post-September 11 world, we don't have a lot of room for politics any longer. US v. Microsoft is not good for this country. I sincerely hope you will accept the settlement and end this case.

Sincerely,
Rick Otis
President and CEO
www.rpmmhc.com
Materials Handling Equipment / Sales / Rentals / Leases / Parts / Service
CLARK NISSAN FORKLIFT DREXEL Linde

MTC–00031882

January 23,2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

As an employee for a large midwestern hospital, I see first hand the benefits of technology everyday. Whether it is computerized laser surgical tools or sophisticated medical record software packages, my employer relies everyday on constant innovation within the technology field to better serve our patients and community.

The pervasive nature of technology continues to astound me. . . it seems as if virtually everything we encounter has some kind of microchip inside. Is it any wonder then, that one of the largest computer companies in the world being involved in a major lawsuit would have an extraordinary impact on virtually every segment of our economy? As I understand it, there is a settlement before you that could bring closure to this matter very quickly. While I agree it is vitally important to protect consumers, it is also important to do what is prudent to protect our economy and to continue technological innovation, research and investment.

The settlement before you addresses the concerns of the original complaint. All interested parties have approved it. Please give the settlement your final approval and help get the economy moving again.

Sincerely,
Terri Hasselman
Director of Major Gifts
Mercy Foundation
1111 6th Avenue
Des Moines, IA 50311

MTC–00031883

JACK E. NICKEL
STEPHEN L.NICKEL
(A Partnership of Professional Law Corporations)
Jack E. Nickel,APLC
318 North Parkerson
Post Office Drawer 2040
Crawley, La 70527–2040
Telephone (337) 788–1693
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Stephen L. Nickel,APLC
521 SW Court Circle
Crowley, Lousiana 70526
Telephone (337) 785–0098
Facsimile (337) 785–9497
snickel@cox-internet.com
Renata Heese
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington DC 20530
FAX: 202–6 16–9937
January 23,2002
RE: Public Comment on U.S. v. Microsoft

I am extremely displeased with our government's expenditure of over 30 million dollars in taxpayer funds on the Microsoft case. The settlement should be completed because consumers are protected instead of companies: exactly the way our federal antitrust laws were designed to work.

Hopefully, this settlement will be approved and we can move on to other matters. Our economy is showing signs of regaining strength. Bringing this case to an end would assist in a needed economic recovery. Please approve the settlement in the interest of taxpayers and consumers.

Thank you,
Stephen L. Nickel

MTC–00031884

IMAGEFILM
George Kennedy

3469 Hyacinth, Suite B
Baton Rouge, Louisiana 70808
January 22,2002
Renata Heese
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington DC 20530
FAX: 202–6 16–9937
RE: Settlement of U.S. v. Microsoft

I fully support the proposed settlement in the U.S. v. Microsoft case. The legal wrangling has gone on long enough and the time to end the battle is now. The settlement, while not perfect, addresses the specific concerns and findings of the court. Consumers will be protected through close monitoring of all future Microsoft activities and business practices.

Technology companies like Microsoft, along with many other companies, provided the biggest boost to recent economic growth. I strongly believe that the next wave of technological advances could come as a result of the final resolution of this case.

Sincerely,
George Kennedy

MTC–00031885

The Beychok Group
MICHAEL
BEYCHOK
POLITICAL COMMUNICATIONS
DIRECT MAIL
225.819.1712
FAX 225.819.8914
15324 Lockett Lane
Baton Rouge, LA 70810
January 22, 2002
Renata Heese
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington DC 20530
FAX: 202–6 16–9937
RE: Settlement of U.S. v. Microsoft

I am in full support of the settlement proposed in the U.S. v. Microsoft case. I believe that the time has come for this legal battle to come to an end.

The settlement may not be perfect, but it does address the findings and concerns of the court. It also has mechanisms to protect consumers through close monitoring of all future Microsoft activities and business practices.

Microsoft and other technology companies provided the biggest boost to recent economic growth. I think that the next wave of technological advances could come as a result of finishing this case.

Sincerely,
Michael Beychok

MTC–00031886

January 23,2002
Ms. Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington D. C. 20530

Dear Ms. Hesse:

I am in favor of the settlement in the case against Microsoft Corporation. I believe that the fact that Microsoft may not retaliate against competitors is important in a case that has gone on for months and years producing a great deal of ill will. Another positive aspect of the settlement is that Microsoft has agreed to design future versions of Windows so that consumers can add non-Microsoft software. These are examples of why this settlement should work.

Sincerely yours,
Cythia Faillace
6101 Inkberry Place
Glen Allen, Virginia 23059

MTC–00031887

Jan 23 02 03:28p Northwestern Mutual Agent
319–363–5517
JEFFREY A. BEAN
January 21,2002
Renata Hesse
Trial Attorney
Antitrust Division, U.S. Department of Justice
601 D Street, NW
Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

The United States and Microsoft have agreed to a settlement proposal of the Microsoft anti-trust case. As you know, the Tunney Act allows members of the public to comment on the proposed settlement before the court accepts it. I am most appreciative of this opportunity.

I am financial representative with one of the nation's leading investment and insurance companies and keep constant watch on events which have potential to impact our financial climate. I have watched the Microsoft case with great interest and was pleased to learn a settlement was on the horizon.

The last several years provided Americans with a time of unprecedented economic growth. While there is not one single reason for this growth, the substantial growth of the technology industry was a contributing factor. Unfortunately, these years of growth have been followed by a significant downturn. Again, we cannot fault one single thing or event for this decline; however, the Microsoft anti-trust case has been a contributing factor.

We are now looking forward to an economic recovery that will hopefully bring about several more years of prosperity and growth. It is essential that we give the markets and the economy every advantage.

Settling the Microsoft case is a positive action that will undoubtedly be felt in the markets. I look forward to seeing this case be brought to its conclusion.

Sincerely,
Jeffrey A. Bean
120—23RD STREET DRIVE SE
CEDAR RAPIDS, IOWA 52403
319–862–0007

MTC–00031888

MORRIS H. WEINSTEIN
P.O. BOX 1120
15548 Hwy 190
OPELOUSAS, LA 70570
(337) 948–3939
January 23,2002
Renata Heese
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Fax: 202–616–9937
Re: Settlement of U.S. v. Microsoft

The time has come to settle this long and expensive lawsuit. From what I have read in the papers, this is a fair settlement. Microsoft may not like it and the government may not like it, which means it is probably a good compromise. Thirty million dollars of hard-earned taxpayer dollars have been spent and now we have a chance to end it. We should end it, I know I would like to see all of these computer companies and software manufactures quit bickering in court and get back to competing in the market. When that happens we all win.

Thank you.
Sincerely,
Morris II. Weinstein
MHW/bd

MTC–00031889

Hal P. Kilshaw
6673 Pikes Lane
Baton Rouge, LA 70808
January 23,2002
Via Facsimile 202–616–9937
Renata Hesse
Antitrust Division
United States Department of Justice
601 D Street, NW
Suite 1200
Washington, DC 20530–0001
RE: Microsoft Settlement

Dear Ms. Hesse,

I am writing in support of the revised proposed Final Judgment in United States v. Microsoft Corp.

I have always been a strong supporter of the Justice Department's use of its antitrust powers to regulate anticompetitive behavior in the marketplace. Your use of that power has led to a proposed settlement in the Microsoft case that is fair to all parties. It is now time for this issue to be resolved so that the technology industry can become an even more vibrant force for economic growth in our country.

Thank you for the opportunity to express my views on this issue,

Hal P. Kilshaw

MTC–00031890

January 23,2002
Dominion
Dominion Resources, Services, Inc.
East Case Street
Richmond VA 23219
Mailing Address
P O Box 26666
Richmond, VA 23264
Ms. Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

Regarding the proposed Microsoft settlement I offer the following comments.

Compliance with the terms of the agreement is crucial. But I believe that the

compliance committee set up in the agreement is a good solution. First, they are technically qualified to make judgements. Second, complaints need not be brought to this committee's attention. They can also be lodged with the Department of Justice or any of the states that agreed to this settlement.

Thank you for the opportunity to comment.

Sincerely yours,

Crystal H. Smith

MTC–00031891

Jayne Victor
2351 South Rolfe Street
Arlington, VA 22202
Ms. Renata Hesse
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

I am told that comments on the Microsoft settlement may be directed to you. I am not a computer expert, but the settlement appears most acceptable because Microsoft has made several significant concessions including the following. o Microsoft has agreed to design future versions of Windows to provide a mechanism to make it easy for computer makers, consumers and software developers to promote non-Microsoft software within Windows. The mechanism will make it easy to add or remove access to features built in to Windows or to non-Microsoft software. Consumers will have the freedom to choose to change their configuration at any time. o Microsoft has agreed not to retaliate against software or hardware developers who develop or promote software that competes with Windows or that runs on software that competes with Windows.

These show good faith on the part of Microsoft in wishing to end this litigation.

Sincerely,

Jayne Victor

MTC–00031892

TOM BOLVIN
8422 GROVEDALE DRIVE, SUITE 202
ALEXANDRIA, VIRGINIA 22310
FORTY-THIRD DISTRICT
COMMONWEALTH OF VIRGINIA
HOUSE OF DELEGATES
RICHMOND
COMMITTEE ASSIGNMENTS:
EDUCATION
GENERAL LAWS
TRANSPORTATION
MINING AND MINERAL RESOURCES
January 23,2002
Renata Hesse
Trial Attorney
Antitrust Division
U.S. Department of Justice
601 D Street, NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I am in agreement with the proposed settlement between the United States federal government and the Microsoft Corporation. I would like to encourage you to approve this settlement agreement and resist further efforts to continue this dispute.

This proposed settlement agreement is the correct step in promoting continued economic growth in a competitive marketplace and would greatly benefit the consumers in Virginia as well as other states. Microsoft is a proven leader in the technology field and has produced many superior products.

This settlement is a fair and reasonable compromise. The dispute between Microsoft and the federal government needs to be concluded as quickly as possible and come to an end with an amicable decision.

We need to encourage economic growth and stability, and this settlement is a valuable tool in achieving this. I would encourage the Court to approve the proposed settlement between Microsoft and the United States federal government. I appreciate the time taken to consider my views on this issue.

Sincerely,

Delegate Tom Bolvin
District (703) 719–7301
FAX: (703) 971–4502 or
RICHMOND: (804) 698–1043
EMAIL: TOMBOLVIN@EROLS.COM
WEBSITE: WWW.TOMBOLVIN.COM

MTC–00031893

LOS ALAMITOS AREA CHAMBER OF COMMERCE
January 23, 2002
Ms. Renata Hesse
Antitrust Division
Department of Justice
601 D Street, NW
Suite 1200
Washington, DC 20330

Dear Ms. Hesse:

I am writing on behalf of the Los Alamitos Area Chamber of Commerce to support the proposed settlement agreement that has been reached between Microsoft and the Department of Justice. While we believe that many of the charges raised by the Department of Justice in the lawsuit could be true, it is time to shift our focus and our limited resources to other priorities. The proposed settlement contains something in it for all of the parties involved in the lawsuit while maintaining its overall balance. It is a fair compromise that put into place guidelines for Microsoft's future activities while imposing penalties for its past actions. Most importantly, it allows the freedom for Microsoft to continue to innovate and develop new products and applications.

Please support the proposed settlement. It is time to put this issue to rest.

Sincerely,

Connie Pedenko
Chief Executive Officer
3231 Katella Avenue o Los Alamitos, California 90720 o 562/5986659 o Fax 562/598–7035

MTC–00031894

January 23,.2002
Renata Hesse
Antitrust Division
Department of Justice
601 D Street NW, Ste. 1200
Washington, DC 20530

Dear Ms. Hesse:

We are writing in response to the court's request for public comments in the United States v. Microsoft case. It has been six years since the federal anti-trust lawsuit was opened against Microsoft, and over that time we have seen new frontiers develop in the technology marketplace, including new operating systems and the ever-evolving introductions of Windows 98, Windows 2000, and Windows XP operating systems.

Those intent on the demise of Microsoft have proposed penalties be imposed by the Court upon Microsoft that range well into the absurd. Some, like the break-up proposal, were thrown out. Meanwhile continued litigation against the software maker in both the U.S. and in Europe, lingers and consumes societal wealth. But most significant at this time is the settlement agreement between the federal government and Microsoft that remains to be approved by the Court.

Embarrassing hyperbole by Microsoft's competitors has plagued this case and public discussion of it, seeking mainly to serve the self interests of those competitors, and not consumers. As the case has ground on, prices have fallen, choices have expanded, and consumers have become better and better off.

A defining characteristic of the ''New Economy'' is that nearly anyone can enter. The financial barriers to entry are low and the main costs of entry now are inspiration, innovation, and hard work. Microsoft competes daily, with varying degrees of success, with brick-and-mortar companies as well as thousands of web-based businesses and online services.

The stated goal of federal anti-trust legislation is protecting consumers from harm. However, in this case, anti-trust action is not needed to maintain competition. The government has not outlawed any of Microsoft's many unsuccessful ventures; rather this case sought to moderate those successes Microsoft has achieved only through much trial and error. Greater government intervention in the New Economy is not merited; a free and competitive marketplace is due consumers,

We are including with this transmission a copy of our recent magazine cover article, ''Antitrust's Greatest Hits,'' authored by David B. Kopel and Joseph Bast and published in
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Reason's November 2001 issue. It discusses the Microsoft anti-trust case in greater detail as well as in the context of historical anti-trust actions against Standard Oil and AT&T. We urge the Court to approve the proposed settlement agreement between nine states, the Department of Justice and Microsoft.

Best regards,

Adrian T. Moore

Vice President for Research, Reason Foundation

Executive Director, Reason Public Policy Institute

Attachment: Reason article on anti-trust.

Antitrust's Greatest Hits

The foolish precedents behind the Microsoft case By David B. Kopel and Joseph Bast

New developments in the antitrust face-off between Microsoft and the U.S. Department of Justice keep on coming. On August 17, Bill Gates'' company failed in its efforts to delay

any more action in the case until the Supreme Court decides whether to consider Microsoft's request to dismiss the suit. That was bad news for the company, since the next major step would be to decide what ''remedies'' will be imposed. Then, on September 6, the DOJ announced that it would no longer seek a breakup of the company—and, more surprisingly, that it would drop its claim that Microsoft had illegally ''bundled'' separate programs. But the other charges remain, and it is clear that Microsoft's enemies will surely urge the court to impose every possible restriction on the company's ability to adapt to changing conditions-particularly the di- minishing importance of the personal computer and the growth of Web-based computing.

It has been six years since Microsoft introduced Windows 95, the operating system that, by ''bundling'' itself with a Web browser, prompted the government's first antitrust suit against the company in 1997. Put another way, six years have gone by without Microsoft suffering any penalty for its supposed misconduct-unless, of course, you count the expenses and negative publicity it has incurred fighting the Justice Depart- ment. When Windows 95 debuted, Microsoft's critics and competitors made many predictions of the unpleasant things that would happen if the company kept doing business with- out new restraints. It's past time to see whether those predic- tions have come true.

It is also past time to take an even longer historical perspec- tive: to look at the government's earlier adventures in anti- trust and see how they compare with the Microsoft case. The results are very telling—not just with regard to Microsoft, but to antitrust law in general. Indeed, when one looks closely at the ground-breaking government actions taken against Stan- dard Oil, the Aluminum Company of America, and AT&T, it becomes clear that something other than preventing harm to consumers-the stated goal of federal antitrust legislation- is the motivating force behind applying the law. Misinterpre- tation of these cases lies behind the claim that Microsoft, unless punished, crippled, or otherwise injured, will achieve a ''chokehold on the Internet'' or somehow undermine the entire computer industry.

What follows is a medley of what might be called antitrust's greatest hits and an analysis of how the lessons of history are being misapplied to the Microsoft case.

The Oil Standard

From 1906 to 1911, antitrust authorities prosecuted Standard Oil, a case that culminated with John D. Rockefeller's company being forcibly broken up into several smaller businesses. The Microsoft wars have often been compared to the Stan- dard Oil case, and the analogy is apt-though not in the way it is usually intended.

Like Microsoft, Standard Oil was pilloried for practices considerad legitimate when used by other companies. Since Standard Oil was such a high-volume customer, railroads gave it special discounts in exchange for planning shipments in ways that enabled railroads to use their lines and railcars most efficiently. Standard Oil's competitors complained bitterly about these discounts (called ''rebates''). which the railroads kept secret from other oil companies.

Also like Microsoft, Standard Oil may have harmed its competitors, but it helped its consumers. Rockefeller's chem- ists developed 300 different byproducts from oil and created production and distribution processes far more efficient than those of other companies, allowing it to underprice them and to buy many of them out.

Standard Oil began in 1870, when kerosene cost 30 cents a gallon. By 1897, Rockefeller's scientists and managers had driven the price to under 6 cents per gallon, and many of his less-efficient competitors were out of business-including companies whose inferior grades of kerosene were prone to explosion and whose dangerous wares had depressed the demand for the product. Standard Oil did the same for pe- troleum: In a single decade, from 1880 to 1890, Rockefeller's consolidations helped drive petroleum prices down 61 per- cent while increasing output 393 percent. He eventually built

Standard Oil of New Jersey into a trust composed of 18 com- panies operating under a single board of directors. Standard Oil used resources with legendary efficiency, in- troducing many new labor-saving devices to its factories and locating sophisticated facilities at key points in its distribu- tion system. Yet Rockefeller paid wages well above the market level, believing that high wages, and good working conditions would save money in the long run by averting strikes and by encouraging loyalty among employees. Before Standard Oil revolutionized oil derivatives by lowering prices and improv- ing quality, the high prices and limited supplies of whale oil and candles prevented all but the wealthy from being able to work or entertain after dark. Thanks to Standard Oil, fami- lies could illuminate their homes for just one cent per hour. And he saved the whales.

The federal government filed suit against Standard Oil in 1906 for violating the Sherman Antitrust Act, and in 1909, the company was found guilty; the Supreme Court affirmed the finding in 1911. Standard Oil, claimed the courts, evinced an ''intent and purpose to exclude others'' -demonstrated, ironi- cally, by its many mergers, acquisitions, and business alliances. No one brought forward evidence of consumer harm, and the Misinterpretation of former antitrust cases lies behind the claim that Microsoft, unless punished, crippled, or otherwise injured, will achieve a ''chokehold on the Internet.'' government never showed that Standard's specific actions, as opposed to its alleged intent, were illegal.

For several decades following the verdict, economists and legal scholars viewed the Standard Oil case as a classic example of ''predatory pricing ''-a monopolist's attempt to underprice its competitors out of the market so it could raise its prices later. In fact, just as the threat of new entry into the operat- ing system, browser, and applications markets has kept Micro- soft from ever exercising its supposed ''monopoly power,'' so did new sources competition keep Standard Oil from rais- ing its prices. Neither the federal district court nor the U.S. Supreme Court found that Standard Oil's practices made kerosene prices higher than they otherwise would have been. If Microsoft Windows actually were a monopoly (that is, essential for anyone who wants to use a computer), the proper price would be about $900 a copy. Microsoft doesn't price this high because it knows that if it does, consumers will flock to Linux and Macintosh, and other companies would enter the operating system business, with products much cheaper than $900.

There's one more important parallel between the Standard Oil and Microsoft cases: Technological change made the Standard Oil decision obsolete by the time it was resolved. Of course, the Microsoft case hasn't resolved itself yet, but as we'll see, changing technologies are changing market conditions in the software world as well.

The oil business was opening fields in states such as Kan- sas, Oklahoma, Louisiana, California and especially Texas, where Rockefeller had failed to invest. All those fields were far away from the Ohio/ Pennsylvania/New Jersey corridor that was the base of Standard Oil's power. Also, the national kero- sene market had declined, as home lighting shifted from kerosene lamps to coal-generated electricity and as fuel oil replaced coal and wood as the major fuel for home heating. In 1899, kerosene had accounted for 58 percent of all refined petroleum sales, and fuel oil for 15 percent. By 1914, kero- sene had plunged to 25 percent, and fuel oil had risen to 48 percent.

Rockefeller was slow to switch from kerosene to gasoline, and with only 11 percent of the nation's oil production in 1911, Standard Oil could never hope to dominate the new market. Throughout the energy business, new technologies and new efficiencies were creating new and stronger competi- tors from industries previously distinct from the oil indus- try Those competitors were far more powerful than the kero- sene companies Rockefeller had defeated decades before. Some observers have noted that in the years after Standard Oil was broken into smaller regional companies, the stock prices of those smaller companies rose, leading to speculation that breaking up Microsoft might have a similar positive effect on the total value of Microsoft stock. This is a misreading. Nearly all oil companies'' stock went up in that period, not because of the breakup but because of rising demand and technological breakthroughs. Nor did the breakup have any discernible impact on oil production or oil prices.

The government's victory against Standard Oil had a long term effect on the oil industry that is seldom discussed by those who see parallels with the Microsoft case. Only six years after losing the antitrust case. Standard Oil dramatically changed its attitude toward Washington, moving from hos- tility or avoidance to a very warm embrace. Company chief A.C. Bedford served as chairman of the War Services Com- mittee, an agency created to mobilize the nation's supplies of gasoline and diesel fuel for military use during World War I. After the war, federal control never retreated, transforming what economist Dominick Armentano has called ''a virtual textbook example of a free and competitive market'' into ''what had previously been

unobtainable: a governmentally sanctioned cartel in oil.'' The legacies of this transformation include higher prices for consumers and the ''energy crisis'' of the 1970s. Deregulation in the 1980s finally restored some measure of competition to the industry.

The Standard Oil case teaches some important lessons about competition, innovation, and antitrust law. We see the difficulty antitrust has dealing with highly innovative com- panies. We witness the vagueness of antitrust law, which al- lows prosecution on the basis of alleged intent rather than specific actions. And we see how the Standard Oil case ulti- mately failed to benefit consumers or investors. Instead, it laid the groundwork for collusion between industry and govern- ment, bringing about many of the very ills the ''progressive'' proponents of antitrust said they were fighting.

Too Good to Be Allowed

In 1937, the U.S. government filed suit against the Aluminum Company of America, alleging over 100 violations of antitrust law. The government lost the case and appealed. The matter was finally decided eight years later, in 1945. This case is re- markable because it held that a company could be prosecuted under antitrust laws for being too efficient and responding too quickly to consumer demand.

The Aluminum Company of America (later Alcoa) grew out of the Pittsburgh Reduction Co., founded in 1887 by Charles Hall, the man who discovered and patented the tech- nology for producing commercial quantities of aluminum. At the time, aluminum ingots sold for $5 a pound. By the time of the antitrust suit, the price was down to 22 cents per pound. Alcoa dominated its industry from the start. It not only invented nearly all the tools and techniques required to lower production costs and raise the quality of the aluminum it produced, but also played a major role in creating markets for the new metal. While many companies entered the busi- ness of fabricating products out of aluminum and collecting and recycling used aluminum, none attempted to compete with Alcoa by producing virgin aluminum ingots. This was not because Alcoa restricted access to inputs such as electricity or aluminum bauxite, both of which the courts ruled were available to potential competitors in ample supply. Nor, by the time of the suit, did Alcoa deny others access to the manu- facturing techniques it had patented: Those patents had ex- pired in 1910. Alcoa was dominant because, as Armentano summarizes the situation, ''users of ingot or sheet, and ultimately the consumers of fabricated products made from aluminum by Alcoa, were being served at degrees of excel- lence, prices, and profit rates that no one could equal or exceed.''

The lower court found Alcoa innocent of all counts of anti- competitive behavior, even while acknowledging that it con- trolled 90 percent of the market for virgin aluminum ingot. (The other 10 percent was imports.) District Court Judge Francis G. Caffey reasoned that the Sherman Act forbade activity aimed at monopolizing markets, but did not outlaw the common business practices of companies that held domi- nant market shares due simply to the absence of competi- tors.

The appeals court agreed with Judge Caffey that the gov- ernment had failed to show that Alcoa engaged in anti-com- petitive behavior or charged higher prices than it should. But Judge Learned Hand, writing for the majority of the federal Court of Appeals, held that Alcoa's de facto monopoly was itself a violation of antitrust law. Alcoa, he wrote, ''insists that it never excluded competitors; but we can think of no more effective exclusion than progressively to embrace each new opportunity as it opened, and to face every newcomer with new capacity already geared into a great organization, hav- ing the advantage of experience, trade connection and the elite of personnel.''

One is reminded of those police officers who sometimes pull over drivers late at night for moving at exactly the speed limit and staying in the middle of their lanes, on the grounds that this kind of careful conduct may be evidence of over- compensation by a drunken driver.

Having found no evidence of specific actions that were il- legal, the court could hardly remedy the situation by restricting Alcoa's ongoing business practices. Nor, since the judges recognized the firm's outstanding efficiency and service to consumers, did it seem right to break up the company. In- stead, the court settled for prohibiting the company from bidding for government aluminum plants which had been built to meet World War II military needs, and which were being sold off. Those assets were subsequently sold to Rey- nolds Metal and Kaiser Aluminum.

In 1948, Alcoa and the federal government asked the fed- eral District Court for New York to reconsider the 1945 de- cision. Alcoa sought to be relieved of the scarlet M-for-mo- nopoly that effectively criminalized its common business practices: the government, on the other hand, wanted to force Alcoa to divest some of its holdings. The district court, un- der the direction of a different judge than in 1937. once again found the government's case without merit, and this time ruled that Alcoa was not a monopolist.

A Real Monopolist

Besides Standard Oil, the case most touted by advocates of the Microsoft prosecution is the 1982 breakup of AT&T, which was overseen by federal judge Harold Greene. But while both cases involve information technology, there are important dif- ferences.

AT&T was indisputably a monopoly. From the beginning, the company lobbied for, and won, government protection against competition. It maintained its market share thanks partly to an array of legal prohibitions on other companies entering any part of the telephone services market, be it lo- cal or long-distance service—or even selling telephones and other equipment that could be attached to a phone line. The company's first president stated its strategy succinctly: ''If there is to be state control and regulation, there should also be state protection to a corporation striving to serve the whole com- munity...from aggressive competition which covers only that part which is profitable.'' Obviously, Microsoft has not called for similar protections from its competitors, nor is it today similarly protected.

Another difference: The AT&T divestiture undid acquisi- tions from decades before, in which AT&T had swallowed local phone operating companies. Microsoft, by contrast, has ex- panded primarily through internal growth. Because AT&T had capital and employees dispersed all over the United States to serve its customers, it could therefore divest itself relatively easily of the local telephone companies. These were then or- ganized into seven ''Baby Bells'' to provide regional phone ser- vice. Microsoft, with its capital far more centralized and with much less need to have people ''on the ground'' in geographi- cally defined areas (except for sales), would be far more ad- versely affected by such a legal order.

The settlement that led to the AT&T breakup also liberated the company from a 1956 antitrust consent decree that pre- More than half a decade after the first loud warnings about the awful world to come if Microsoft isn't stopped, the company's critics have been proven wrong at almost every turn. vented it from entering and competing in non-regulated businesses, such as data processing. In exchange, AT&T vol- untarily acceded to divestiture. Thus, the AT&T breakup was a consensual step toward deregulating a part of the economy that had long been regulated under the public utility model. A Microsoft breakup, by contrast, would represent a major increase in the government's intervention in this part of the economy.

At any rate, the AT&T breakup has been far from a com- plete Success. One part of the agreement created a competi- tor in the long-distance market, free to introduce new tech- nologies. This seems to have been relatively successful, with AT&T moving into cable, wireless, and other data transmis- sion arenas and competing with a variety of businesses around the globe. (Of course, AT&T doesn't always compete success- fully, as demonstrated by its huge stake in the floundering cable-modem system Excite@Home, which has been teetering on the verge of bankruptcy for most of this year.)

Much of the old AT&T was left behind as the local Bell companies, which were forbidden to manufacture telephone equipment or design new telephone products. The theory was that keeping these Baby Bells from equipment manufacture and design would prevent them from using their profits from local telephone service to subsidize new businesses. Instead, the arrangement created local phone monopolies that have been slow to innovate or to let competitors into their captive markets. Lucent, the technology company formed out of the breakup, is itself mired in financial and legal troubles. Judge Greene's supervision of the telephone companies continued from 1982 until 1996, when an exasperated Con- gress finally dissolved the consent decree. In the intervening period, hundreds of applications for waivers-usually by local Bell companies wanting to sell or license a new technology- sat on Judge Greene's docket for an average of four years. Antitrust is sometimes said to be superior to formal regu- lation, in that antitrust does not

require continuing govern- ment oversight of the company business. But the AT&T case demonstrates that enforcement of antitrust laws can gener- ate as much or more intervention. Like the Standard Oil case, the AT&T case reveals a pattern of government control ex- panding over time, first to manage prices and avoid ''un- healthy'' competition. then approving and disapproving of mergers and acquisitions, and ultimately ruling on whether to allow innovations in products and services.

The Microsoft Panic

And Microsoft? If the assault on this company is to do more good than the partly successful breakup of AT&T-let alone the utterly unjustified wars on Standard Oil and Alcoa-then one would at the very least expect the suit's rationale to survive the passing of time. But it hasn't. More than half a decade after the first loud warnings about the awful world to come if Microsoft isn't stopped, the company's critics have been proven wrong at almost every turn.

In the year before the introduction of Windows 95, Micro- soft announced it would start its own online service, to be called Microsoft Network (MSN). An icon for MSN would appear on the screen of every computer that shipped with Windows as an operating system; this was expected to be a huge advantage for gaining customers. At the time, Microsoft had a market share of exactly zero in the online services busi- ness. AOL promptly ran to the federal government to com- plain that Microsoft's plan was ''anti-competitive.'' Technol- ogy journalist Steven Levy wrote an article in Newsweek warn- ing that because of MSN, ''One day, dollar bills may be re- placed with Bill Dollars, and a piece of every online transaction could go through Microsoft's bulging coffers.''

In Upside magazine, Gary Reback, Brian Arthur, and other devoted Microsoft critics wrote, ''It is difficult to imagine that in an open society such as this one with multiple information sources, a single company could seize sufficient control of in- formation transmission so as to constitute a threat to the underpinnings of free society. But such a scenario is a real- istic (and perhaps probable) outcome.'' Business Week wor- ried that Microsoft might ''leverage'' its operating system dominance to ''corner'' markets such as ''networking, home software, and online services. In short, it might largely take control of the information superhighway.''

Later, a group of Microsoft's competitors-Netscape, Oracle, Sun, and MCI-urged government action so that Microsoft would not ''gain control of the Internet,'' arguing that suppressing Microsoft would ''ensure the accessibility and affordability of information technology and the Internet.'' Netscape's Jim Clark offered a similar warning regarding Microsoft's Web browser, Internet Explorer: ''If Microsoft owns the browser as well as the operating system, there will be no Yahoo!, no Infoseek, no Excite, just Bill standing at the gate, pointing out where he wants go. Microsoft will be the one and only ''portal'.'' Sun's Scott McNealy fretted: ''How are you going to compete if Microsoft won't put you on the Microsoft Shopping Center- which will be the opening screen of everyone's computer?''

Ohio Attorney General Betty Montgomery warned that unless Microsoft was stopped, it would turn the ''information superhighway'' into a ''toll road.'' In 1997, the misnamed Council for a Competitive Electronic Marketplace warned that with Windows, Microsoft would be able to capture customers for online services for products such as insurance, banking, real estate, and local entertainment. A year later, an advocacy group called ProComp (which had been created to promote restrictions on Microsoft and is funded by Microsoft's busi- ness rivals) warned of ''the very real potential that Microsoft will become virtually the sole gateway to the digital market- place.''

Similar warnings were made when Windows 98 made its debut with Channels (a soon-to-fail version of a ''favorite links'' list). As late as April 2000, after AOL announced it would choose Netscape as the AOL browser, the Department of Jus- tice was warning that Microsoft might ''add proprietary fea- tures to its Internet Explorer browser to tighten its control of the main on-ramp to the Internet for millions of consumers.'' The government did not abolish MSN, nor did it suppress Channels, nor did it outlaw ''bundling.'' While the pressure of the antitrust case may have forced Microsoft to stop en- forcing some terms in contracts with some of its business partners, and may have distracted the company's leaders from producing new and better products, those setbacks were surely minor in light of Microsoft's supposedly immense market power. Microsoft's sinister power has had years to grow since the DOJ filed its suit. So what happened?

Windows 95 made its debut with the MSN icon intact, and MSN went on to become the most expensive failure in Micro- soft's history. The network's content was weak, the interface was horrible, and the installation routine was lengthy and error-prone. Meanwhile, AOL made its interface better and better, and marketed itself incessantly through free sign-up disks and by paying computer manufacturers to include an AOL icon on the Windows desktop screen.

Microsoft Network no longer exists as an online service. It has been replaced with a free Web portal, similar to the Ya- hoo! or Excite portals. Microsoft's Internet service provider currently serves about 5 million customers. AOL has 35 mil- lion.

The fuss over Microsoft Network shows that antitrust ac- tion was not needed to maintain competition, even though MSN was on every desktop of every Windows 95 computer. MSN was an inferior product, so it failed. The same events illustrate the power of technological change to eliminate in-cipient monopolies. The growth of the Internet made online services much less important than they used to be.

Despite MSN's failure, however, allowing Microsoft to compete in the market for online services produced enormous benefits for consumers. When MSN was introduced, AOL was charging $54.20 for 20 hours of use a month. MSN was priced at $19.95 for that same amount of time. Thanks in part to the competition created by MSN, AOL eventually dropped its price to between $19.95 and $24.95 for unlimited use, and most other online services and Internet service providers followed suit. The same story of falling prices and rising usage has been repeated in virtually every area where Microsoft's entry was predicted to reduce competition and harm consumers. After a brisk start. Microsoft sold its much-touted Side- walk sites, which operated as local entertainment guides. Its real estate site, HomeAdvisor.com, trails Homestore.com and is being forced, like many other e-commerce sites, to recon-figure its business strategy. The Microsoft Expedia travel site was spun off into anothe company, and is now owned by USA Networks, not Microsoft, Microsoft's automobile Web site is doing pretty well, but hardly has chokehold on its market. But the fact that Microsoft neither dominates nor even still attempts Chicken Littles from warning that Microsoft's new XP operating system-scheduled for release in late October-will take over digital commerce.

Why No Monopoly?

One easy conclusion is that Microsoft's ownership of Win- dows and Internet Explorer is not enough to give it control of online commerce. Microsoft competes with traditional brick-and-mortar companies as well as Web sites, with other portals and online services that have millions of users, and with companies specializing in e-commerce. Even though Microsoft supplies the starting point for much Web surfing, the rest of the Net is just a click away.

More fundamentally, the idea that a Web browser could be used to control Internet content was hardly believable in the first place. One might as well believe that Sony would be able to control television programming if it sold 40 percent- or even 95 percent—of new television sets in the United States. A browser, like a television, is just a tool for reaching content. A television or a browser that interferes with access to con-tent is, by definition, an inferior product. It is not going to have a viable economic future, much less become a market leader.

In 1997, Microsoft executive Nathan Myhrvold said the company wanted to get a ''vig'' (a bookie's share) of every Internet transaction that used Microsoft software. But this was unrealistic. The Internet vig was possible only in theory, not in the real world. Stanford economist Robert Hall offers the following scenario for what would happen if Microsoft made the attempt: ''Yahoo! will ally with a manufacturer of cheap small computers and a national Internet service provider to produce an entire system that is Yahoo!-branded, defaults to the Yahoo! portal, but also provides access to the entire Internet with an open standard browser such as Netscape or Opera. The hardware would be cheap enough to be given A close look at antitrust's greatest hits-the cases of Standard Oil, Alcoa, and even AT&T-reveals a pattern of arbitrary rulings, disregard for consumers, and political interference with the administration of justice.
away, like cellular phones or cable boxes, and all of the profit will be made advertising, monthly fees, and transaction fees.''

Bill Gates had hoped his company could at least make money from banks which used Microsoft software for online banking. That too failed, as banks ditched Microsoft

network- ing software, and instead offered banking services via the World Wide Web.

What about Web servers the computers that serve up the Internet's content to Web surfers? Could a company le- verage a huge marked share for its browsers into control of the market for servers? As it happens, one business tried to do precisely this. The company was Netscape, during its period of early dominance on the Web. But Netscape offered mis- erable support for developers and priced its product extremely high-thus creating an opportunity for Micosoft and other competitors. Today, the leading Web server software is Apache, a Unix-based program, which is free, and which is on 63 percent of servers. Microsoft's MS is second, with 20 percent. Netscape's Enterprise has 7 percent.

Even if Microsoft achieves a high share in the server op- erating system market, it is likely to have little market power, because barriers to entry are low. Server software, including the operating system, carries out a limited range of functions. The software provides only the simplest user interface, which is the source of much of the complexity in full operating sys- tems.

And what if Microsoft were the only browser company in the world? Could it then introduce a browser with Microsoft- only features and force the rest of the world to buy Microsoft server software, by making IF incompatible with every other company's Web server? An allegation to this effect was made in the spring of 2000 by the Department of Justice, although the court never heard evidence on the subject. According to the allegation, Internet Explorer included proprietary exten- sions of Kereboras (a security program that prevents hack- ers from entering a Web site) that work best with the Micro- soft Web server.

The first practical obstacle to such a strategy is that the users of Internet Explorer would be cut off from any Web site that did not fall in line with Microsoft's program. This would be major competitive defect, to say the least. Older versions of Internet Explorer and any remaining copies of other browers on the market would still be able to gain access to those sites. An immediate market would emerge for new browser able to reach Web sites that did not adopt Microsoft's server software. Major Web sites, particulary portals, would give away such browsers to ensure their sites could be reached AOL as owner of Netscape, would be in particulary good position if Microsoft altered Inter- net Explorer to make it incompatible with AOL and other Web sites. Microsoft's hold on the browser market could never be strong enough to let it extract significant value from the server side, despite Microsoft's important roles in providing both a browser and server software. Individual users would not have to play a major role in opposing Micro- soft. A few key Web sites-valued in the stock market at tens of billions of dollars—could do it on their own.

Ignorant Elites

Because the Internet is still developing so rapidly, reporters and politicians are easy prey for manufactured panics. It would be much more difficult to create such a fright over a more fa- miliar product, such as automobiles. Nobody would believe today that if General Motors opened its own chain of filling stations. GM would take over all American transportation. But on the Internet, folks who can't tell the male end of a dongle from a TCP stack are often suckers for silly claims about chokeholds.

Merely asserting that a company is a ''monopolist'' has al- lowed many of Microsoft's competitors to get a free ride from reporters and policymakers who ought to know better. For example, Jim Barksdale, then CEO of Netscape, said this to Congress in 1998: ''I was struck by the fact, in the response of Mr. Gates to the question about whether or not he was a monopoly, he talked about how short-lived the products were, and we all understand that. That doesn't negate whether or not it's monopoly though. Even if it went away six months from now, it is monopoly today. ''The hypocrisy of Barksdale's claim is astonishing-since Netscape's browser at its height held a larger market share than Microsoft ever had for Web browsers or for operating systems.

The scaremongers appear not to have suffered any loss in credibility, Steven Levy, the writer who warned that we'd all be using ''Bill Dollars'' by now because of the Microsoft Net- work, is still sharing his expertise with Newsweek's readers. In June 2000 he penned a cover story advising Bill Gates to ca- pitulate to most of the government's demands. Similarly, Sun's Chairman Scott McNealy applauded Judge Thomas Penfield Jackson's Microsoft breakup order as a tool to ''protect Inter- net technologies from becoming the proprietary presence of any one company.''

A close look at antitrust's greatest hits -the cases of Stan- dard Oil, Alcoa, and even AT&T —reveals a pattern of arbitrary rulings, disregard for consumers, and political interference with the administration of justice. The much shorter history of the Microsoft case has exposed the same injustices, along with the series of embarrassing exaggerations and falsehoods espoused by Microsoft's critics. Where are Microsoft Network, Channels, and Sidewalk today? All have disappeared, become irrelevant, or been radically transformed by competition and changing technology. The internet remains free and decen- tralized, and for good reasons Microsoft cannot ''leverage'' its dominance in a few markets into control over Internet ac- cess or content. To claim otherwise might sell newsmagazines or flummox congressman—but it is hardly realistic.

David B. Kopel (david@i2i.org) is the director of the Center on the Digital Economy at the Heartland Institute. Joseph Bast (jbast@heartland.org) is president of the Heartland Institute. This article is adapted from Antitrust After Microsoft: The Obsolescence of Antitrust in the Digital Fra. Copyright o2001 by The Heartland Institute and David B. Kopel.

MTC–00031895

Wednesday, January 23, 2002 10:45 AM
Dan Cohen 415–285–2591
Daniel E. Cohen, Esq.
1329 Rhode Island St
San Francisco, CA 94107—
415.637.5013
dcstpaul@yahoo.com
January 23, 2002
Ms. Renata Hesse
Trial Attorney, Antitrust Division
Department of Justice
601 D street, NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

Too many times, our nation has chosen to miss opportunities to move forward. Today, many business leaders and state attorneys general want to put the Microsoft litigation behind us and target our financial resources elsewhere. Please count me among those urging you to settle the Microsoft lawsuit.

I am ununemployed dot-commer whose company was the recipient of Microsoft venture capital funds. They believed in our efforts to bring voicemail to the Internet. However, when faced with the choice of making a further investment that might bring on anti-trust backlash as they moved into the telecomm world, they chose to pass on the investment and our company falled.

Microsoft will be forced to make some painful sacrifices by this settlement. They must open their code to their competitors and even agree to an oversight board on their actions. While these may be painful steps, I believe they will bring certainty to the marketplace and allow Microsoft, and other technology investors, to make decisions based on facts, not fear.

MTC–00031896

January 23, 2002
Ms. Renata Hesse
Trial Attorney, Antitrust Division
Department of Justice
601 D Street, NW, Suite 1200
Washington, DC 20530

I am the President of a talent, movie and television development corporation that specializes in telling up-lifting and positive stories. I believe that this is how I can best compete in the marketplace of ideas here in Hollywood.

Competition is just as important in the world of technology. I have worked on many celebrity promotions with dot-coms, some of whom who are no longer with us. I know the importance of competition in the marketplace, and I believe fair and open competition in the marketplace of ideas is what is needed to bring our economy back into shape. That's why I'm writing to urge you to support the Microsoft Settlement. The settlement will eliminate Microsoft's practice of signing exclusive contracts with their partners. Let's get on with our economic lives. There are so many other stories that have to be told.

Sincerely,
David Goldstein
President
Shoebox Entertainment
6555 Debs Avenue,
West Hills, CA 91307—
voice: (818)730–6442
email: dgoldstein@socal.rr.com

MTC–00031897

CANTON TEXAS
Chamber of Commerce
January 24, 2002

Renata Hesse
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

I have personally been involved in the internet technology in the immediate and regional business community. Also, have observed with much interest and wonderment about the reasoning behind the government's attempt to get involved in private enterprise. To me, it is a total additional waste of taxpayer money for the government to pursue any further their attempts that results ONLY in millions of dollars in unnecessary legal fees. Please, Court, accept the negotiated settlement dismiss the remaining lawsuits and let us get back to our business where technology has become so important.

Sincerely,
Joe Collins
President
315 First Monday Lane
Canton, Texas 75103
(903) 567–2991
Fax: (903) 567–5708
Web: www.cantontx.com

MTC–00031898

Jan Johnson Yopp
506 Robert Hunt Drive
Carrboro,NC 27510
January 22, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Fax 202–616–9937
Re: Microsoft Case

Dear Ms. Hesse:

I am writing in support of the proposed settlement in the U.S. v. Microsoft case. As a college professor and a parent. I know the importance of having software that is easy to use, integrated, affordable and reliable,

Microsoft has a reputation for developing products that are easy for consumers and students to use. As an educator, I know how important it is to encourage new idea and innovation. The proposed settlement agreement in the U.S. v. Microsoft case will allow the company to continue its leadership as an innovative designer of software products. At the same time it will provide remedies for Microsoft competitors who will have access to information about technical specifications about the Windows operating system. Competitors will also be able to ship software that competes with software in the Windows operating system and not fear any legal action from Microsoft.

Settlement of this case would be an important step in encouraging technology companies to get back to the business of developing innovative software products. A strong technology industry could provide a much need boost to the overall economy and in turn a good job market for my students.

Best wishes as you deal with this important issue.

Sincerely,
Jan Johnson Yopp

MTC–00031899

January 22, 2002
Renata Heese
Antitrust Division—Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
RE: Settlement of U.S. v. Microsoft

I am writing in support of the settlement proposed in the U.S. v. Microsoft case. The time has come for the legal fighting to end. Although this settlement is not perfect, it does address the concerns of the court and consumers. I believe it would also help stimulate the economy. Microsoft and other technology companies have provided a boost to the economy in the past, and the next wave of technological advances is sure to give the economy another much needed boost.

I think it's time to let Microsoft and its competitors fight it out in the open market rather than in court.

Sincerely,
Nancy Meyers Marsiglia

MTC–00031900

Virginia House of Delegates
VIRGINIA HOUSE OF DELEGATES FAX COVER SHEET
TO: Renata Hesse
Organization: U.S. Dept Justice—Antitrust Div.
FAX Number: (202)616–9937
Phone Number: ( )
Local Long Distance -x-
Number of Pages including this cover sheet: 2
From: Delegate Watkins M. Abbitt, Jr.
Room Number: 804
Telephone Number: (804) 698–1059
Comments:
If you have any problems with this transmission, please call the House Fax Center at: (804) 698–1558
Our Fax Number is (804) 786–6310
WATKINS M. ABBITT, JR.
POST OFFICE BOX 003
APPOMATTOX, VIRGINIA 24522
FIFTY-NINTH DISTRICT
COMMONWEALTH OF VIRGINIA
HOUSE of DELEGATES
RICHMOND
COMMITTEE ASSIGNMENTS:
LABOR AND COMMERCE (CO-CHAIR)
GENERAL LAWS
TRANSPORTATION
MINING AND MINERAL RESOURCES
January 23, 2002
Renata Hesse
Trial Attorney
Antitrust Division
U. S. Department of Justice
601 D Street NW #1200
Washington, DC 20530
By Facsimile: (202)616–9937

Dear Ms. Hesse:

As the State Delegate from the 59th House District in Virginia, I am writing to encourage you to approve the settlement agreement of the United States v. Microsoft.

Virginia has been fortunate to attract a diverse and wide-ranging number of technology firms over the past 10 years, and with those firms choosing to come here, we have ensured our area's continued growth and future prosperity. Being a technology -friendly state put Virginia on the map with the emerging IT industry in the 1990s and as IT flourished, our state reaped benefits as well. We embraced the new economy and it responded. The government should not be an inhibitor, but an enabler of consumers, entrepreneurs, and the marketplace.

Technology empowers individuals, both here in the Commonwealth and, of course, beyond our borders. It gives individuals opportunities to participate in an economy which they may never have thought possible. It opens the door to the opportunity for so many who may have never have gotten the knock on the door in the past. Many women in business are maximizing the power of the IT economy with their thoughts and ideas, and many children who may have gotten left behind are empowered with the learning and teaching potential of the Internet.

More than half of all Internet traffic travels through Virginia. The proposed settlement is tough, yet reasonable, and a valuable tool in bringing stability back to our economy. It is my hope that the Court will approve the proposed settlement between Microsoft and nine plaintiffs in the anti-trust case against it, including the federal government.

Sincerely,
Watkins M. Abbitt, Jr.

DISTRICT: (804)352–2880—RICHMOND: (804)698–1059

MTC–00031901

01/23/02 15:21 TEL 3154760420 Peerless Press 01
Peerless Press, Inc.
January 23, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Re: U.S. vs Microsoft

Dear Ms. Hesse:

I am writing to you to let you know that I am in support of the settlement of the case of the U.S. vs Microsoft for the following reason:

I work for a small business which uses and depends on a lot of Microsoft software in our computers to help run our business better and more efficiently. In my opinion, there has been no consumer harm as a result of any actions taken by Microsoft. In fact, Microsoft's innovation has led to tremendous benefits for consumers. such as better products and lower prices. Antitrust law is supposed to be about consumer harm, and on that key issue, the government has failed to show any harm whatsoever.

Given that the economy is now in recession, the last thing we need is more litigation and regulation of the high-tech industry. Settlement of this case is in everyone's best interests—the technology industry, the economy and consumers.

I, as a concerned consumer, can only hope that the agreed upon settlement would be left in place. Further litigation can only cost the taxpayers more money and would it really be able to provide a better solution?

Thank you for taking the time to read my letter and hopefully your consideration.

Sincerely,

Susan C. Letterman
1112 East Fayette Street
P.O. Box 6638
Syracuse, New York 13217–6638
315–476–6051
Toll Free: 877–476–6051
Fax: 315 476–0429

MTC–00031902

01/23/02 WED 14:04 FAX 319 398 5228 C.R. CHAMBER 001
Cedar Rapids Area
CHAMBER OF COMMERCE
January 23,2002
Renata Hesse
Trial Attorney
Antitrust Division
U.S. Department of Justice
601 D Street, NW Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

The grim economic realities of the last year have been endured by all of us. I am the President and CEO of the Cedar Rapids (Iowa) Chamber of Commerce and have found that the challenges of this new economy have been driven home in the last few months as employers have shut down completely or cut costs drastically.

My experiences with the Cedar Rapids Chamber of Commerce have emphasized lessons I learned when I served as Speaker of the House in the Iowa Legislature. The actions of government officials can have unintended and far-reaching consequences. Government also has opportunities at times to provide great benefit with its actions.

Government has an opportunity in the anti-trust case against the Microsoft Corporation to be fiscally responsible while at the same time sending a signal to start-up technology companies and other businesses that they can and should take business risks again without the threat of government intrusion.

Iowa, like the nation, is trying to restart an economy. Iowa also remains focused on attracting and retaining young people to our state. It's time to remove the uncertainty this case has caused to loom over the business world. Settling the Microsoft case is best for our economic health and it appears that the agreement offered is a good one.

Sincerely,
Ron Corbett
424 First Avenue NE
PO Box 74
Cedar Rapids, Iowa
52487–4880
Phone: (319(5317
Fax: (319) 398–5228
www.cedarrapids.org

MTC–00031903

Jan 23 02 12:04p p.1
January 23, 2002
Renata Hesse, Trial Attorney
Antitrust Division, Department of Justice
601 D Street NW, Ste. 1200
Washington, DC 20530
VIA FACSIMILE
(202) 616–9937

Dear Ms. Hesse:

This letter is being written in support of the settlement currently being considered by the federal court in US v. Microsoft. Specifically, I would like to let the court know that I believe the settlement puts in place a very strong enforcement method to ensure Microsoft does not further violate antitrust laws. I realize that some of Microsoft's competitors are arguing that the enforcement methods are not strong enough and I totally disagree.

From my understanding of this agreement, there are vast amounts of resources and tools available that will ensure any future violations by Microsoft are immediately investigated and acted upon. It seems that any complaint about Microsoft's compliance with the settlement is sure to be dealt with. But this is not the biggest reason we can be assured no violations will occur.

The settlement's creation of a Technical Committee is a very good idea. Because the committee has an open amount of positions available, the public is assured that it will be well staffed. More importantly, this committee is independent and will reside on the Microsoft campus. There is no way Microsoft will be able to commit any harm with this sort of situation in place.

I am writing this letter because those opposed to the settlement are arguing that there is not a strong enough safeguard to prevent Microsoft from committing future wrongs. As you can see from my statements above, that is simply not the case.

Sincerely,
Kelley Klassen
6988 Beagle Street
San Diego, CA 92111
(858) 385–5604

MTC–00031904

FROM : STEIN FINANCIAL PHONE No. : 425 7451289 Jan. 23 2002 11:55AM P1
STEIN FINANCIAL SERVICES
William A. Stein, CLU ChFC
Registered Investment Advisor
Christopher N. Stein
Registered Representative*
16300 MILL CREEK BLVD, STE 204—
MILL CREEK, WA 98012—
(425) 742–6694—
FAX: (425) 745–1289
January 23, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Ave NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing you regarding the Microsoft case and the settlement. I am a business owner, shareholder and customer of Microsoft. In fact I am writing you this letter using Microsoft Word. I do not type but this software has allowed me to learn. This is just one of the many software products we use in our business. Microsoft products have made all Americans more productive and have contributed a great deal to the success of our economy. There competitors could not handle this so they use the courts to compete and now we taxpayers cover the costs.

American business is based on free enterprise, why should Microsoft not be allowed to market their product without sharing their secrets. Does Coca Cola have to give away their formula? The current settlement, which I believe will limit Microsoft is fair. They have agreed to share their sources codes and interface design and not enter into any obligatory contracts, thus allowing third parties to offer other products on computers. I am an independent businessperson, I run my own company, and Microsoft products have allowed me to build a successful company using their products and innovations. Please uphold the settlement for the good of our economy and the computer industry. It is time to put an end to the waste of taxpayer money and this controversy.

Sincerely,
William A. Stein, CLU, ChFC
Registered Investment Advisor

MTC–00031905

JAN-23–2002 13:56 LABI 225 929 6054 P. 01/01
Louisiana Association of Business & lndustry
POST OFFICE BOX 80258
BATON ROUGE, LA 70898–0258
(225) 928–5388
FAX(225)929–6054
www.labi.org
January 23, 2002
FAX LETTER: 202–616–9937
Ms. Renata Heese
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
RE: Settlement of U. S. v. Microsoft

Dear Ms. Heese:

I am writing in support of this proposed settlement.

I deeply appreciate the efforts of our government in pursuing antitrust activities and believe that this settlement would be a positive development in this quest.

I know that the government and Microsoft lawyers have fought diligently in this important case. As a business leader, I would like to see the case resolved so that private industry can return to competing in the marketplace.

The technology sector of our economy is looking for a signal to get moving again. The settlement of this case can provide the right signal that competition is alive and well through innovation and hard work and not continued litigation.

Please know that I appreciate your consideration of my views on this important matter.

Sincerely,
Daniel L. Juneau
President

MTC–00031906

JAN-23–2002 WED 02:ll PM CITY OF NEW MADRID FAX NO. 1573748402 P.01
New Madrid Chamber of Commerce
PO Box 96
New Madrid, MO 63869
573/748–5300
fax: 573/748–5402
Fax Transmittal
Date: 1/23/02
TO: Renata Hesse, Department
Fax: 202–616–9937
From: Margaret Palmer
Subject: Microsoft Public Comments
Number of pages including cover sheet: 2
JAN-23–2002 WED 02:ll PM CITY OF NEW MADRID FAX NO. 1573748402 P. 02

NEW MADRID, MO
Chamber of Commerce
560 Mott Street
P.O. BOX 96
New Madrid, Missouri 63869
Office (573) 748–5300
Fax (573) 748–5402
Toll Free (877) 748–5300
January 23, 2002
Ms. Renata B, Hesse
Antitrust Division
U.S. Department of Justice
Fax: 202–616–9937
RE: Comments on the Microsoft Proposed Settlement Agreement
Dear Ms. Hesse,

On behalf of the New Madrid Chamber of Commerce I want to express our full support of the Department of Justice and the nine Attorneys General for their efforts to finally put an end to this case and agree to a settlement that is in our nation's best interest.

We feel if Microsoft is in agreement and all other parties are in agreement then what is the hold up. Lets all get on with business as usual.

Sincerely,
Margaret Palmer
Executive Director
Oldest American City West of the Mississippi
Incorporated 1803

MTC–00031907

JAN-23–2002 11:03 AM WALTER OUSTERMAN 510 655 2797 P. 01
1/17/2002 12:20 PM FROM: Fax No: 15106352797.....131 PAGE: 003 OF 003
21 Lincoln Avenue
Piedmont, California 94611
January 17, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

Opposition to the Microsoft settlement is absurd. The settlement is a fair and reasonable conclusion to the issue. Microsoft has made many concessions to their competitors. Anyone desiring further litigation is showing greed and irrationality.

Microsoft has given up much in this case. They have agreed to license Windows at a uniform price. They have agreed to disclose their; internal interface designs. They have agreed to contract restrictions. They have even allowed for the creation of an advisory board. Microsoft has also agreed to not to retaliate against companies that use, sell, or promote non- Microsoft products. Enough is enough.

The settlement offers the country an opportunity to get past this lawsuit and move on to more important issues. I support the settlement and look forward to seeing this lawsuit come to an end.

Sincerely,
Walter Ousterman

MTC–00031908

FROM :GEORGEHAAS#2853 FAX NO. :8314399599 Jan. 23 2002 12:08PM P1
FAX
Date:
January 23, 2002
Pages: 3 (incl. cover)
FROM: George Haas
Fax: (831)439–9599
TO: Renata Hesse
Trial Attorney, Antitrust Division
U.S. Department of Justice
601 D Street. NW, Suite 1200
Washington, DC 20530
Fax:(202)616–9937 or (202)307–1454
Subject: Microsoft Antitrust Settlement Public Comment
Message:
Attached are my comments for your consideration.
FROM :GEORGEHAAS#2853
FAX NO. : 8314399599 Jan. 23 2002 12:08PM P2
January 23, 2002
Renata Hesse
Trial Attorney, Antitrust Division
U.S. Department of Justice
601 D Street NW., Suite 1200
Washington, DC 20530
Fax: (202)616–9937 or (202)307–1454
Re: Microsoft Antitrust Settlement
Dear Ms. Hesse:

Microsoft must be stopped. Their continuing predatory, monopolistic practices are a deadly threat to innovation in the computer industry. Ultimately, without the influence of competition the incredible advances in computer technology that we have continued to see will stop.

Microsoft will no longer have any incentive to innovate. Microsoft has never shown the ability, or inclination, to develop new technologies. Their modus operandi has been to copy popular products, make slight variations to avoid obvious patent violations, and then give them away for free with their operating system, thus killing the competitor. Every one knows this, but few have the resources to combat them. Since the ''Justice'' Department has given up the fight, it is critical that the States' case prevail, before the damage Microsoft inflicts on society becomes irreparable. It is already too late for many vibrant companies that have been laid waste, as follows: Borland and Lotus created spreadsheets that revolutionized business. Microsoft copied that idea and gave it away for free with their operating system. Now there is no longer a spreadsheet industry, there is only Microsoft.

Apple's Macintosh Operating System was brilliantly intuitive and proved to the world that personal computers could be useful to the common man. Microsoft brazenly stole that concept, re-designed DOS around it, gave it a new name, then strong-armed PC makers into installing Microsoft operating systems. Now Apple clings to a 5 per cent market share, and only exists at the mercy of Microsoft.

There are two reasons why Microsoft allows Apple to survive. One is because if Apple was killed, then there would be no question that Microsoft is a monopoly. The second is that, if Apple was gone, Microsoft would have no one to steal ideas from any more. Now victorious over all of the software industry, Microsoft moves on to the Internet. By giving away Explorer for free, they have all but eliminated Netscape. This is an obscene travesty. It makes a mockery of the anti-trust laws.

Now Microsoft has its sights on Sun's Java, Apple's QuickTime, Linux and the list goes on. The sad part is that Java and Linux are designed to make the Internet a platform for everyone to use freely, sharing ideas that would benefit all Internet users, ultimately leading to a more efficient on-line community. Microsoft would subvert this whole concept by bastardizing this on-line software to operate only on Windows. By doing this they would eventually eliminate independent on-line programming and all potential Internet competition.

FROM :GEORGEHAAS#2853
FAX NO. : 8314399599 Jan. 23 2002 12:08PM P3

Microsoft never stops to consider the cost of damage done to consumers through the loss of opportunities that alternative resources could provide. Nor do they consider the damage done to economies all over the world that will never have the benefit of potential productivity gains that would have occurred in a truly free marketplace.

There are some resources, services, and industries, e.g., oil, gold, the postal service, or rail lines, that are strategically too important to be controlled by a single corporate entity. The Internet is that kind of resource. It is already too late for the software industry. Please save the Internet from this scourge.

Finally, please consider the threat to national security if the world comes to rely on Microsoft operating systems, carrying a vast majority of the world's email correspondence. They have never proven that they can be made secure from virus attacks, or from their own design flaws. Nor has Microsoft ever proven that it can be trusted.

Thank you for your time and consideration.

Cordially,
George Haas
20 Fred Court
Scotts Valley, CA 95066
Fax: (831)439–9599
email: haas@got.net
cc: Congressman Mike Honda

MTC–00031909

01/23/2002 16:40 CITY SECRETARY OFFICE -> 918889194018
NO. 008 002
OSCAR G. ORTIZ. MAYOR
FELIX A. BARKER. MAYOR PRO—TEM
COUNCIL MEMBERS:
CRAIG HANNAH
THOMAS J. HENDERSON
TOM GILLAM, III
REV. RONNIE LINDEN
BOB BOWERS
ROSE MITCHELL CHAISSON
ROBERT E. ALLEN
STEPHEN FITZGIBBONS
CITY MANAGER
CAROLYN DIXON
CITY SECRETARY
MARK T. SOKOLOW
CITY ATTORNEY
Energy City
City of Port Arthur Texas
January 23, 2002
Renata Hesse
Trial Attorney

Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

The Court has an opportunity to end one of the most misguided and wasteful lawsuits in the history of the United States by dismissing the remaining lawsuits against Microsoft Corporation and accepting the proposed settlement.

The cost of the lengthy litigation has now exceeded $30 million and is rapidly rising as each day passes. Any financial judgement against Microsoft will be so diminished by legal and administrative fees that very little will actually find its way to the consumer.

The proposed settlement puts an end to the wasteful use of taxpayer dollars and requires Microsoft to make substantial financial and proprietary concessions.

Though this settlement may not appeal to Microsoft's competitors, it certainly has great appeal to those of us who would like to see the continuance of the technological advances made by one of America's great success stories.

I am writing to ask that the Court accept the settlement and let Microsoft and the rest of the high tech industry get back to developing innovative products in a truly competitive atmosphere.

Sincerely,
Oscar G. Ortiz
Mayor
P.O. Box 1089
PORTARTHUR, TEXAS 77641–1089
409/983–8115
FAX 409/983–8291

MTC–00031910

FROM: Bionomix FAX NO.: 6262290847 Jan. 23 2002 04:20PM P1
23 Jan 02
fax: 202–307–1454
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Re: The Microsoft Settlement

I am the Director of Scientific Computing at a small bioinformatics company in Pasadena CA. The views expressed here do not necessarily represent those of my employer.

I have read the Revised Proposed Final Judgement (PFJ) at http://www.usdoj.gov/atr/cases/f9400/9495.htm

Under the Tunney Act, I would like to submit the following comment regarding the PFJ in the DOJ vs. Microsoft case.

In my company, we are studying protein structures to try to develop new cures for diseases. We would be unable to do this were it not for the incredible development pace and high quality of free software development, as represented by the gnu/linux operating system and tools, the apache web server, the perl and python programming languages, the SAMBA server, etc. Our programmers participate in the development of free software, and our company hopes to release a molecular modelling tool under a public license.

Section III(J) (2) of the PFJ contains some very strong language against entities involved in the creation of free software. Specifically, the language says that Microsoft need not describe nor license the API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business:

''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...''

Likewise, Section III(D) explicitly lists ''ISVs, IHVs, IAPs, ICPs, and OEMs,'' - businesses as defined in Sect VI—as being the only recipients of API and protocol disclosures. Both of these clauses exclude entities producing free software—entities like academic faculty, national labs, students, hobbyists, etc.

But, in my opinion, the ONLY remaining challenge to Microsoft's stranglehold on PC software and innovation is coming from these non-''business'' entities.

Thus, the exclusion of free software producing entities from this remedy excludes the only entities that challenge the monopoly.

Certainly this is clear to Microsoft, or this language would not be present in the remedy. For the remedy to have any impact, the API disclosures must be made universally, e.g., on a simple website explaining the API's, file formats, whatever—for anyone to see. This also simplifies the process for Microsoft, since every simple disclosure of their API's need not be accompanied by a contract and team of lawyers.

Without disclosures to the free software community, the only challengers to the monopoly, the remedy is meaningless.

Thanks for your attention.
Jeff Regan
626–229–0834
Bionomix
1110 E Walnut Suite 300
Pasadena CA

MTC–00031912

Date: January 23, 2002
Attention: Ms. Renata B. Hesse
Department of Justice
(202)-307–1454
From: Mr. and Mrs. John D. Simpson
P.O. Box 5864
Carmel, California 93921
Fax: 831–624–7470
Home Phone: 831–624–5858

As taxpayers and consumers we support the Microsoft settlement. Let's stop wasting taxpayer money and get this thing settled. This settlement is only fair.

Sincerely,
Mr. and Mrs. John D. Simpson

MTC–00031913

01/23/02 19:04 FAX 703 757 7658 01
J.M. McLaughlin
January 18, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

We are writing to say we agree with the proposed settlement between Microsoft and the Department of Justice. We feel the terms of the settlement are just. Microsoft has maintained their huge market share by investing heavily in their Windows operating system and charging competitive prices, which are a benefit to the consumer. This has resulted in a standard in the computer industry that otherwise would have been difficult to achieve. This has been critical to the efficient management of computers in businesses and development of cost effective, robust application software.

Future progress in the computer industry will be further hampered if the settlement terms are thrown out and judicial proceedings continue. We feel that now is the time to give Microsoft the opportunity to make good on their promises and resolve any uncompetitive practices that were identified in the suit.

Sincerely,
Joe and Pam McLaughlin

MTC–00031914

Steve Sukup 515–299–9646 P.1
Fax
To: RENATA HESSE DOJ.
From: CHAD OLSEN
RE: MICROSOFT SETTLEMENT
Pages: 2 (INCLUDING THIS ONE)
Date: 23 JAN 2002
Steve Sukup
515–298–9646 p.2
Chad F. Olsen
300 South Fifth Street
Guthrie Center, IA 50115
23 January 2002
Renata Hesse
Trial Attorney, Antitrust Division
U.S. Department of Justice
601 D Street, NW, Suite 1200
Washington, DC. 20530

Dear Ms. Hesse,

The Department of Justice and Microsoft deserve praise for their work in settling the Microsoft anti-trust case. The federal government and the nine states that joined the settlement know that settling this case is good for the nation's economy. As the owner of a business that depends on a high level of consumer confidence I am very aware of our fiscal health.

The government's pursuit of Microsoft over the last several years has had a real impact on the technology industry. Evidence of this is found in slow software sales and the sinking value of technology stocks. The negative results of this case are not limited to the technology industry.

Many Americans have their retirement or saving funds wrapped up in some sort of 401(k), IRA or pension fund, and many of these funds are partially dependent on technology-based stocks. When the governments case against Microsoft gained steamed and threatened a break-up, tech stocks crashed, and Americans from all walks of life saw the value of their savings and retirement funds plummet.

The feeling of uncertainty created by a bearish stock market quickly affected other areas. Consumers stopped spending money, hurting small businesses like mine. Workers felt the tightening, too, when corporations stopped hiring new employees and/or laying off existing ones.

Additionally, all reports that I have read indicate that this settlement is an equitable agreement that provides tough remedies for the portions of the complaint that have been upheld in court.

Please support the Microsoft settlement

Sincerely,

Chad F. Olsen

MTC–00031915

01/23/2002 15:32 FAX 4257789645
CB BAIN EDMONDS 002
8719 238th Street Southwest Apt. B7
Edmonds, WA 98026
January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing today to encourage the Department of Justice to accept the Microsoft antitrust settlement. The issue needs to be put to rest and Microsoft needs to be able to move on. The terms of the settlement are more than fair; Microsoft has agreed to give up a lot. The government needs to agree to the settlement and stop harassing Microsoft.

This government over regulation is a slap in the face to the free enterprise system. Microsoft is simply a better company than its competitors. Because of personal agendas and the influence of uncompetitive companies this entire issue arose. Now Microsoft has had to agree to terms that extend well beyond the products and procedures that were at issue in the suit, simply to put the issue behind them.

After three long years this case needs to be wrapped up. Many investors have been hurt and in turn this has had an adverse effect on our ailing economy. The government is supposed to work for all the people not for a few special interest groups. Please accept the Microsoft antitrust settlement and allow Microsoft to return to business.

Sincerely,

Alberta Nielsen E-Mail
mickeynielsen@mns.com

MTC–00031916

SENT BY: KEYCORP CORPORATE TAX : l-23- 2 : 18:36 : KEYCORP CORP TAX-202 353 8856: # 1/1
Post-it Fax note
7671
To ATTORNEY GENERAL JOHN ASHCROFT
SUBJ: MICROSOFT SETTLEMENT
Fax #1202 307–1454
Paul Castle
4185 Laurell Lane
North Olmsted, OH 44070–2511
TEL (440) 734–0732
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

As a computer user and supporter of Microsoft, I have followed the antitrust case and the negotiation and settlement process. I would like to see the current settlement agreement remain, because I believe it creates the most optimal compromise for all parties involved.

Microsoft is sharing its software and its know-how with the computer industry. And it has agreed to the creation of a committee that will oversee the company's compliance with the terms of the settlement agreement and resolve disputes as they arise. I see this as an equitable solution to this complex issue. Moreover, I believe that both Microsoft and the government have important work to tend to, and this case should be put behind all of us. Microsoft is an important contributor to the technological and economic success of America. The company has taken great steps to improve its performance in the market, and I believe that it can now devote more of its resources to technological innovation and improvement. The current arrangement is in the best interest of the industry and the American public and should remain in its current form. Thank you.

Sincerely,

Paul E. Castle

MTC–00031917

From: Mirriam Schwartz
2417 Vista Lane
Anacortes, WA 98221
To the U.S. Dept. of Justice
Attn. Ms. Renata B. Hesse

I urge the D.O.J. to approve the Microsoft Settlement now.

Mirriam Schwartz

MTC–00031919

Jan 23 02 04:31p HRROLD E. YARNELL, JR 1–818 883 5714 p.1
01–23–02
DEPARTMENT OF JUSTICE
ATTN: MS. RENATA B. HESSE
RE: MICROSOFT SETTLEMENT

I, HAROLD E. YARNELL, JR. SUPPORT THE MICROSOFT SETTLEMENT AND URGE DOJ TO SETTLE THAT MATTER.

THE ANTITRUST ACTION AGAINST MICROSOFT BY COMPETITORS IS OUTRAGEOUS AND NOT IN THE PUBLIC INTEREST

HAROLD E. YARNELL, JR.
4156 MATISSE AVE
WOODLAND HILLS, CA 91364–5337

MTC–00031920

01/23/2002 19:12 4258619863
CERTAPRO PAINTERS
PAGE 01
12809 NE 32nd Street
Bellevue, WA 98005
January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530

Dear Mr. Ashcroft:

I want to contact you to ask for your support of the proposed settlement of the Microsoft anti-trust case. Though the legal action had some merits, the government expense of three years in court over this matter has surpassed its benefit, so it's time to bring it all to an end.

With technology changing so rapidly, no one can possibly hold a monopoly on the software industry, so it's not worth splitting it apart. Microsoft has used some very aggressive tactics against its rivals, yet the bottom line is that there is a choice out there and the consumer isn't clamoring for it. However, despite the vindictive nature of the proceedings, Microsoft has come to an agreement after the involvement of a court-appointed mediator, which led to a variety of gestures that outdo even the Justice Department's original complaints. It's time to accept this deal and allow for this settlement to take root. These proposed terms should allow for a more wide-open market and for Microsoft's competitors to have their chance, without the disruption of breaking up a company that has revolutionized the PC industry. I appreciate your attention to my feedback.

Sincerely,

Max Decker

MTC–00031921

Jan 23 02 01:06p Parallel 21, Inc. 8085482125
PARALLEL 21
internet application developer
January 23, 2002
Attorney General John Ashcroft
US Department of Justice
Washington, DC 20530–0001

Dear Mr. Ashcroft,

The antitrust suit brought about against Microsoft was worth pursuing because it was a learning experience for both sides of the table. I would have preferred that the lesson was a bit less expensive, but that is water under the bridge. Now we have an opportunity to show what we learned. The settlement reached between Microsoft and the Department of Justice was is a good conclusion to this case, but pursuing further litigation will only delay the advancement of technology. The case must be closed; the taxpayer cannot go on picking up the expense of an uneconomical situation.

The settlement instructs Microsoft to provide information regarding the development of software products to its competitors. Microsoft is also to refrain from retaliating against computer makers that may ship software that would compete with the Windows OS. I believe that these provisions and others in the settlement provide good guidelines for Microsoft to be a responsible leader of the IT industry. The suit must demonstrate what not to do as a big business, but Microsoft should not be shrouded in litigation for providing the consumer with superior products. I strongly urge you to make certain that this settlement is confirmed.

Sincerely,

Alika Reppun
Director

MTC–00031922

FROM : MARY ALICE
FAX NO. : 619 6593705 Jan. 23 2002 03:14PM P1
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

I am writing in support of Microsoft and settling your office's antitrust case against the company. Allowing Microsoft to move on with business is good for the consumers, the company itself, and the economy as a whole—and the economy needs all the help it can get right now.

I have been following the case, and I think that the terms of the agreement are amicable to all involved parties. Microsoft's concessions provide ample room for the growth of competition, and users will have more freedom of choice than ever in regard to what programs they choose to run. Instituting uniform pricing for computer manufacturers will also create a healthy balance and foster competitive spirit for software programmers.

I urge you to settle the Microsoft suit without any additional delay. Their success is important to individual consumers, as well as the American economy itself.

Sincerely,

Mary McBride

MTC–00031923

Jan-23–02 02:58pm From-Alpha Engineering +3607381040
T-121 P. 001/001 F-357
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

The Proposed Final Judgment is not in the public interest, and should not be adopted. The Proposed Final Judgment as written allows significant anticompetitive practices to continue, and would inhibit the emergence of competing Windows-compatible operating systems.

Microsoft increases the ''applications barrier to entry'' by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the ''applications barrier to entry''.

The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents. This provision could be a vital key to enabling competitive software products in the marketplace.

Duane Foster
PO Box 695
Bellingham, WA 98227

MTC–00031924

01/23/02 17:59
NO.024 001
Alba International
P.O. Box 111
North Aurora, IL 60542
January 18, 2002
Renata Hesse, Trial Attorney
Antitrust Division, Department of Justice
601 ''D'' Street NW., Suite 1200
Washington, DC 20530
Via Facsimile
(202) 616–9937

Dear Ms. Hesse:

The public is allowed to comment on the ''First Judgement Stipulation and Competitive Impact Statement in the case of US v. Mircrosoft. I respectfully request that courts approve of this settlement, thereby ending the case against Microsoft and allowing them to get back to business.

As to the case, I don't think Microsoft is a monopoly for a few different reasons: Microsoft currently has ninety percent of market in operating systems. Yet that number decreases each year. Linux and open source-software command more market share with each generation of new computer users. I believe Microsoft's dominance is not a result of monopolistic ways, but rather of providing the most simple version of a complex product. As consumers become more sophisticated, Microsoft will continue to lose market share. But don't punish Microsoft because people choose their product.

Even though Microsoft has a large share of the market, consumers are not harmed by pricing or service. The relative price of Windows right now is less than one fifth the price of an operating system in 1989. By definition, a monopoly harms consumers with unfair pricing. In addition, Microsoft maintains the highest standards in customer service and continues to bring innovative products to market, These are also contrary to traditional monopolistic practices.

Whatever the issues, the government has dealt with them in the settlement. Therefore, please support the settlement.

Sincerely,

Bob Arundale
Vice President

MTC–00031925

Jan 23 02 05:37p Dave Thomas
209–577–4420
p. 1
The Risk Takers
P.O. Box 576626, Modesto, CA 95357 (209) 577–4373
January 23, 2002
Renata Hesse, Trial Attorney
Antitrust Division, Department of Justice
601 D Street NW, Ste. 1200
Washington, DC 20530
ViAFACSIMILE
(202) 616–9937

Dear Ms. Hesse:

I am writing the courts to counter some of the arguments made by Microsoft's competitors that the proposed settlement does not go far enough in punishing Microsoft. I believe that the settlement is extremely fair and should be supported. I also believe that accepting the settlement is much better than the alternative; continued litigation.

I have reviewed a paper written by Robert Hahn of American Enterprise Institute and agree with his arguments on this matter. Mr. Hahn gives compelling economical reasons for the country and the Court to choose to accept this settlement rather than go through even more litigation. One reason to accept the settlement is that Plaintiff's may lose some of the concessions Microsoft gave in the settlement. To end this case, Microsoft was willing to compromise on important issues. Rejecting the settlement may jeopardize those concessions. Mr. Hahn also makes the point that they are too many working Americans who have a stake in this settlement. The millions of people who work for independent software and hardware companies selling computers with Microsoft products, all have something to gain from this settlement. Continuing their economic uncertainty through prolonged litigation is unfair and irrational.

The final point is that the settlement truly addresses the acts ruled to be anticompetitive by the Court of Appeals. Those issues introduced by Judge Thomas Penfield Jackson that may not be addressed in this settlement were primarily vacated by the Court of Appeals. The real problems-that conduct found to be anticompetitive by the Court of Appeals-are dealt with in the proposed settlement. In other words, the settlement is comprehensive according to prior judgments.

The Court should approve the settlement in the case against Microsoft. It is in the best interest of this country.

Sincerely,

DAVE THOMAS
Owner
THOMAS INSURANCE SERVICES, Inc.
Unique, Personalized Brokerage

MTC–00031926

Jan 23 02 07:13p Gary Pearce 9197878031 p. 1
JAN-18–2002 16:05 ZOOM CULTURE 919 960 0032 P.01/01
Billy Warden
2647 St. Mary's St.
Raleigh, NC 27609
919–881–2029
billywarden@mindspring.com
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Fax 202–616–9937
microsoft.atr@usdoc.gov

I have the good fortune to be located in one of the nation's most dynamic high-tech centers, the Research Triangle of North Carolina. Through my experience in journalism, politics and advertising, I have seen the importance of competition and innovation in the information technology industry.

This is why I strongly believe that it would be in the best interest of our nation's overall economy for the courts to approve the pending settlement in the Microsoft antitrust case. Microsoft may well have stepped over the line as a fierce competitor. The courts have ruled that it did. Now, through the efforts of a court-appointed mediator, this settlement has been negotiated.

The U.S. Justice Department has concluded that the settlement protects consumers and competitors alike from continued anti-competitive actions by Microsoft. The Attorney General of North Carolina and other states have reached the same conclusion. Accordingly, it is my hope that the settlement now will be finalized and approved by the court. Further litigation of this matter is not in the best interests of consumers or of our economy generally.

Thank you for attention.

Sincerely,

Billy Warden

MTC–00031927

JAN-23–2002 WED 07:20 FM FROM:
FAX: PAGE 1
JAMES VICTOR CONNAUGHTON
January 23, 2002
Renata Heese
Trial Attorney

Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
WASHINGTON DC 20530
FAX: 202–616–9937
RE: Settlement of U.S. v. Microsoft

I am active in the technology business and I am writing in full support of the settlement of this case. My company uses technology more and more each and every day.

I believe that strong competition in the computer and software business leads to better products for consumers and businesses. This proposed settlement corrects the findings found by the court and protects the consumer.

I think approving this settlement will send a clear message to the technology sector of our economy. The message will be that competition is alive and the place to compete is in the marketplace, not the courtroom.

Sincerely,

JAY CONNAUGHTON

929 SOUTH HARRISON COVINGTON, LA 70433

PHONE: 985–875–0031

MTC–00031928

JAN-23–2002 WED 07:18 PM FROM: FAX: PAGE 1
people who think innovative ADVERTISING
985.809.1975 fax 985.809.1991
to Renata Heese
from Jennifer Connaughton
date 23 Jan 02
pages to follow 1
January 23, 2002
Renata Heese
Trial Attorney
Antitrust Division'
Department of Justice
601 D Street NW, Suite 1200
Washington DC 20530
FAX: 202–6 16–9937
RE: Settlement of U.S. v. Microsoft

I am active in the technology business and I am writing in full support of the settlement of this case. My company uses technology more and more each and every day. I believe that strong competition in the computer and software business leads to better products for consumers and businesses, This proposed settlement corrects the findings found by the court and protects the consumer. I think approving this settlement will send a clear message to the technology sector of our economy. The message will be that competition is alive and the place to compete is in the marketplace, not the courtroom.

Sincerely,

MTC–00031929

Jan 23 02 06:44p
Gary Pearce
9197878031 p.1
4500 Council Drive
Raleigh, NC 27610
919–571–1914
jpark4173@aol.com
Parker & Associates
January 19, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Fax 202–616–9937
Microsoft.atr@usdoc.gov

Dear Ms. Hesse:

As an individual who enjoys and depends very much on the computer and on user-friendly computer software, I write to express my personal hope that the federal courts will approve the settlement I understand is pending in the Microsoft antitrust matter. Microsoft certainly has been an aggressive competitor. Perhaps the company has stepped over the line at times. However, this case now has dragged on for more than three years. During that time the stock market has dropped precipitously, as I am painfully aware. Many information technology companies have gone under and our economy has fallen into a recession. It has left many here in the Triangle area of North Carolina unemployed, a number of them in my church congregation.

Continued litigation cannot resolve these problems. Continued warfare in the courtroom cannot restore the strength of our economy. It is time to bring this matter to a close.

The proposed settlement will require Microsoft to change its ways. And we don't have to take Bill Gates' word for it. The settlement will set up an independent committee to monitor Microsoft's compliance with the agreement.

North Carolina Attorney General Roy Cooper has agreed to the settlement. I have great confidence in Attorney General Cooper's judgment in this matter, having worked with him closely in other matters. Therefore, I join with him and with other citizens in calling for a speedy resolution of this matter and approval of the agreement.

Thank you,

Joe M. (Joe) Parker

Highway Safety Consulting

MTC–00031930

174 N Highland Avenue
Norristown, PA 19403–2974
January 20 ,2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

It is my opinion that the Microsoft anti-trust case be resolved as soon as possible. Its harmful side effects are already becoming evident in our slowing economy. In any case this lawsuit was wrong to begin with. The settlement that was reached last November should be implemented as fast as possible so that this matter can be put behind us.

This settlement does not let Microsoft off easy, though it fair and reasonable. It should be more than Microsoft's competitors ever hoped for. Under this settlement, Microsoft has agreed to terms that extend to products and business practices that were not even at issue in the original lawsuit. Additionally, they will have access to source codes and interfaces that are internal to Windows operating system products. There are many more restrictions and obligation within this settlement, and all of them will be subject to the oversight of a Technical Committee, which will monitor Microsoft's compliance.

Put simply this settlement is good, The settlement should be implemented as soon as possible. The settlement is more than adequate to satisfy the requirements of the lawsuit. The settlement provides the first opportunity to resolve this fiasco. Please direct your efforts towards accomplishing this goal. Thank you,

Sincerely,

Michael Bieloski

cc: Senator Rick Santorum

MTC–00031931

FROM : ROBERT FRIEDRICH
FAX NO. : 718–343–3365 Jan. 23 2002 10:24PM P1
Robert Friedrich 264–52 Langston Avenue
Glen Oaks, NY 11004–1043/
718–343–4273
January 23, 2002
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I am writing to express my views regarding the recent antitrust lawsuit between Microsoft and the federal government. After three long years of court battles, I was pleased to hear that a settlement was finally reached. I sincerely hope that no further legal action is being considered on the federal level.

Under the agreement, Microsoft has agreed to design future versions of Windows, beginning with an interim release of Windows XP, to provide a mechanism to make it easy for computer makers, consumers and software developers to promote non-Microsoft software within Windows. The mechanism will make it easy to add or remove access to features built in to Windows or to non-Microsoft software. Consumers will have the freedom to choose to change their configuration at any time.

Considering the many terms of the agreement, I see no reason for the federal government to pursue further litigation against Microsoft on any level. Not only would it be a waste of time and money, but also redundant. It is also about time we allow MS to continue to innovate and produce new products.

Please support the agreement.

Thank you.

Sincerely,

Robert Friedrich

MTC–00031932

JAN-23–02 08:12 PM P.01
FAX
To: Attorney General John Ashcroft
From: Byron Fosler
Fax: 1202 307–1454 Pages: 1 + Cover
Phone: Date; January 23,2002
Re: Microsoft Settlement CC:
JAN-23–02 08:12 PM
January 18, 2002
P.02
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

The settlement that has been reached between Microsoft and the Department of

Justice is fair. Any antitrust violations that Microsoft may have been guilty of in the past will be halted with the creation of a three-man oversight committee, which will monitor Microsoft's business practices. I believe that with this provision in force, any further questions of the suit should be put to rest.

I believe that Microsoft is a good company, which contributes a great deal of capital to our economy. This is one of our best and brightest companies and we need them to be operating at full strength during these times of economic instability. With this settlement, I think we can get back to business and remedy some of our economic problems, especially within the technology sector, which has been placed on hold for the last three years.

I am pleased that a fair settlement has finally been reached and that we can shift our focus to other issues. Thank you for the time and consideration that you have put into this issue. I believe that you have made a prudent decision by settling. Please continue to support American business with all of your future decisions.

Sincerely,
Byron R. Foster
212 W. Washington
#1704
Chicago, IL 60606

MTC–00031933

01/23/2002 l6:27 9072483740
THE LOFLANDS
PAGE 01
U. S. Department of Justice
Attention Ms. Renata B. Hesse
(202) 307–1454

This is to let you know that we support the Microsoft settlement in order to stimulate our country's economy and help stop government's millions of dollars in waste.

Tandy O. Lofland
Mary Aileen Lofland

MTC–00031934

JAN. 23. 2002 7:05PM NO. 1823 P. 1
Jonathan Hartley
1114 South Gaylord St.
Denver, CO, 80210
Work:(303) 741 8597
Home:(303) 777 8925 F. A.O. Thanks.
Cell:(303) 475 6780
E-mail:jonathan.hartley@slb.com
Renata B. Hesse,
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
23 January 2002
Re: US vs. Microsoft, proposed final judgement

Renata B. Hesse,

I appreciate the great amount of work that has gone into producing the proposed final judgement to date. However, the settlement in its current form seems to overlook several important issues, and Microsoft has a history of exploiting loopholes such as these to leverage and increase its monopoly position, to the great detriment of consumers, parallel technologies, and the computing industry as a whole.

Penalized OEMS

I am very happy to see the measures in section III.A.2 which prevent Microsoft from penalising OEMS who choose to ship dual-boot or multiple operating system PCs. However, this restriction contains a very significant loophole, in that it does not protect OEMs which would like to ship PCs without any Microsoft operating system installed (eg. A pure Linux system.) This significantly contributes to stifling any other operating system from gaining a significant foothold in the marketplace, regardless of the merits of functionality, price or reliability that other operating systems may have to offer.

End User License Agreements

Additionally, I would to see steps taken to prevent Microsoft end- user licence agreements from prohibiting my choice of using non- Microsoft operating systems or products. The PFJ as currently stated does not prohibit this, which unfairly prevents competing operating systems or products from attempting to interoperate with Microsoft products, and simultaneously curtails end-users'' freedom of choice. Sincere thanks for this opportunity to express my views.

Jonathan Hartley
Senior Software Engineer
SchlumbergerSema,
Denver, USA

MTC–00031935

01/23/02 21:16 FAX 01
Kathy Grinaway
I Cedar Road
Wilkes Barre, PA 18705–2209
January 18 , 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Attorney General:

I write you today with concern over the recent developments in the settlement between the Department of Justice and Microsoft. This settlement has been scrutinized for over three years, and is ready to be implemented. By delaying this process, we only slow down our own technology industry. As they concentrate on litigation, the competition concentrates on innovation.

Microsoft has come a long way to prove that they are willing to work with the competitor. They have agreed not to enter into any agreements obligating any third party to distribute or promote any Windows technology exclusively. They have also agreed to make changes in licensing, marketing and even design. These concessions are bold moves in the technology industry and are nothing but helpful to our entire IT sector. Help get our technology industry back on track. Please help stop any further government litigation and let our industry focus on innovation. I thank you for your help.

Sincerely,
Kathy Grinaway
cc: Senator Rick Santorum

FROM: D GIOSSO CONSTRUCTION PHONE NO. : 650 595 3453 Jan. 23 2002 04:56PM P2
1925 Brittan Avenue
San Carlos, CA 94070
Attorney General John Aschcroft
US DOJ
950 Pennsylvania Avenue, NW
Washington, DC 20530
January 25. 2002

Dear Mr. Ashcroft:

I am an ardent supporter of the Microsoft Corporation and I would like to see the settlement. that has been reached in the government's antitrust suit accepted by all the suing parties including the state of California in which I am a constituent. I feel that Microsoft is a good company who has been unfairly targeted in this suit. The acceptance of this settlement is essential to the well being of this nation. We need the full contribution of this company working to its greatest advantage in order to aid our economy.

The settlement is reasonable and will allow Microsoft to remain intact, under the terms of the settlement Microsoft will divulge certain internal codes and interfaces to their Windows operating system that were up until now considered trade secrets. Microsoft will also design all future versions of Windows to acommodate the products of their competitors and make it easier for these products to be used in conjunction with Windows. And finally, from here on out Microsoft will be accountable to a three-person technical committee, appointed by the government to monitor the business practices of Microsoft in future and ensure their compliance with the settlement,

The issues that were originally brought in the suit have been met and exceeded, any reluctance to accept this settlement are clearly politically motivated for the personal gain of those politicians involved. If they are not placated by this settlement then it is clear that they are not really interested in solving this case, they simply want to keep their names in the news. This is a flagrant waste of the taxpayers'' money, which sould be allocated to more important issues. Thank you for your time and for allowing me to express my opinion

Sincerely.
Theresa Giosso

MTC–00031938

Jan-24–02 07:40 PSI/POLICE ACADEMY
315 492 1521
P.01
1754 Patterson Road
Marietta, NY 13110
January 23, 2002
Ms. Renata Hesse
Trail Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Re: United States vs. Microsoft

Dear Ms. Hesse:

Given the current state of the economy in the State of New York following the terrible events of September 11, it seems inappropriate for the federal government to be taking action to limit private enterprise. It is further disappointing that over $30 million in taxpayer funds have already been spent on this case. The sooner this case can be settled the better for all involved. It seems very

inappropriate for the federal government to be regulating the technology industry,

Thank you for your time and consideration.

Sincerely,

Richard H. Flanagan

Post-It Fax Note 7671 Date 1/24/02 # of pages 1

To Renata Hesse From Richard Flanagan

Co./Dept. Co.

Phone # Phone # 315/498–6046

Fax # 202–616–9937 Fax #

MTC–00031939

1–24–2002 8:34AM FROM 000000000000 p.1
JAN—23–02 WED 10:26 PM JIV WDC
202 544 2020 P.02
J. T. Varallo, Jr.
720 Third Street, NE
Washington, DC 20002
(202) 544–0404
Ms. Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Re: the Proposed Consent Decree of Microsoft and the DOJ

Dear Ms. Hesse:

Please accept my comments in regard to the above. This suit has gone on long enough. It is my understanding that, in an effort to conclude the matter, Microsoft has agreed to certain restrictions and obligations that were not at issue on the original suit. I urge you to count this as part of a good faith effort on the part of Microsoft, and allow them to move on.

I am especially encouraged that Microsoft has agreed to grant computer makers rights to configure programs so that non-microsoft products can be included.

Respectfully,

J.T. Varallo, Jr.

MTC–00031940

FROM : Scott & Candy
FAX NO, :
Jan, 23 2002 10:10PM P1
Renata B. Hesse
Antitrust Division
US. Department of Justice
601 D Street NW
Suite 1200
Washington, DC. 20530–0001
1403 Dominion Ave. N
Pasadena, CA 91104
January 23, 2002

To whom it may concern:

I'm writing to express my vehement objection to the proposed Microsoft antitrust settlement. Both as a citizen and as a professional computer program- mer, I respectfully insist that Microsoft face a meaningful punishment for its unlawful actions. The proposed settlement doesn't even come close. In large measure, the settlement merely restates the existing law or the earlier settlement agreement-this does not punish Microsoft in any way. The remaining portions of the settlement contain loopholes big enough to drive a monopoly through. For example, Microsoft gets to choose to whom they will disclose API and protocol documentation. Microsoft has already made it clear that its most serious competition, open source software, does not meet its criteria for an ''authentic and viable'' business (to use language from the settlement). In any event, if their past behavior proves anything, it's that they will not make such decisions in good faith. (Indeed, their bad-faith actions led to the current trial: absurdly, Microsoft claimed they were ''integrating'' their Web browser but not ''bundling'' it. A distinction without a difference if I ever saw one, but it enabled Microsoft to unlawfully crush yet another competitor.) Adding insult to injury, Microsoft can entirely sidestep those already limited and ineffectual disclosure requirements by claiming that they must do so for security reasons. This provision is a complete absurdity: it may be counterintuitive, but true security is achieved by using open standards, which can be inspected for flaws by the broader security community. You may be sure that Microsoft knows this, so it's worth contemplating why this measure is in the agreement at all.

There is only one answer: to enable Microsoft to emasculate the agreement whenever its provisions are inconvenient.

The proposed oversight committee cannot usefully address these concerns, or the dozens of others like them, for two main reasons. First, Microsoft itself will have considerable control over the committee, as Microsoft chooses one member directly and one of the other two members indirectly, (I hope that if I ever break the law, I get to choose my own parole officer.) Second, the committee would generally operate in secret, so serious objections on the part of the committee's only truly independent member may never reach the public. This mandated secrecy, coupled with the committee's guaranteed ineffectiveness, must inevitably erode any public confidence in the committee's trustworthiness-and, by extension, in the justice system itself.

Finally, I object to the settlement on philosophical grounds. I believe that the law should apply to the rich and powerful—including rich and powerful corporations-just as it would apply to you or me. If I robbed a bank, I'd expect more punishment than a stern warning not to do it again. At the very least, I imagine I'd be required to forfeit my ill-gotten gains (which, in Microsoft's case, amounts to tens of billions of dollars), in addition to harsh punitive measures. If Microsoft's punishment is any less severe-well, then I guess I'll know what the law is worth.

Thank you for your kind consideration.

Sincerely,

Scott Maxwell

MTC–00031941

FROM: PineCrest Capital Partners FAX NO: 4152883323 Jan. 23 2002 06:43PM P1
PineCrest Capital Partners
LMS Capital
(Bermuda) Limited
January 23, 2002
Ms. Renata Hesse
Trial Attorney, Antitrust Division
Department of Justice
601 D Street, NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I am writing this letter to voice my dissatisfaction with the on-going Microsoft lawsuit. As a former resident of the Seattle area, I have personally seen the benefits Microsoft has brought to the community through investment, jobs, philanthropy, and the entrepreneurial spirit of former Microsoft employees. Seattle is thriving as a result of the hundreds of companies formed by former Microsoft employees who have the drive and capital to realize their dreams. Additionally, great strides are being made through the philanthropic efforts of current and former Microsoft employees who are actively looking for ways to donate their time and money.

From a professional perspective, I also feel it appropriate to convey my dissatisfaction with the on-going Microsoft litigation. As an investment advisor, my clients invest in private companies with great prospects for growth and market innovation. One of the more serious impediments to growth and innovation is the spectre of on-going litigation and government intervention. Entrepreneurs need to know that their successes will not be hindered by overly aggressive government policies.

I honestly feel Microsoft has been one of the great success stories in modern US economic history and I urge you to settle the Microsoft suit so that thousands of workers at small companies across the country can get back to doing what they do best... innovating & growing. This settlement allows for an oversight group to ensure that companies can compete in a fair and open marketplace. Let's allow them to do so.

Sincerely,

Brian D. Bank

340 Pine Street,

3rd Floor San Francisco, CA 94104—

tel: 415–288–3322

fax: 415–288–3323

MTC–00031942

01–23–2002 10: 09PM From
TO
1202–307–1454 P.01
Tiffany Ledbetter
18524 11th Avenue W
Lynnwood,WA 98037
January 23,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

It has come to my attention that the Department of Justice, under the auspices of the Tunney Act, has entered into a period of public comment in reference to the settlement reached in the Microsoft antitrust lawsuit. I feel that this settlement is long over-due and should be accepted on both the federal and state levels.

The terms of this settlement are just. Microsoft will design all future versions of its Windows operating system to be compatible with the products of its competitors. The company is also committed to halting any activities that could be considered retaliatory. There will also be a three-person technical committee that will oversee the future business tactics of the company to ensure that it complies with the settlement.

I hope that this litigation can finally be brought to an end and that we can focus our attention and our resources on other issues. Please continue to support this settlement, and thank you for this opportunity to express my thoughts.

Sincerely,

Tiffany Ledbetter

MTC–00031943

Jan 23 02 11:36p MICRO CRAFT INC 256–830–1227 P- 1
MICRO—>CRAFT INC.
Micro Craft, Inc
123 Fairington Rd
Huntsville,AL
35806
[256] 830 9746
www.micro-craft.net
January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to enter my comments in the public record relating to settlement of the Microsoft antitrust case. I strongly support the settlement. I believe that Microsoft has led the effort to standardize certain software that has been of benefit to users across industry lines. I own and operate a company that creates software for lawyers. If Microsoft had not created a standard for operating system software, my company could not compete in the marketplace. We are too small a company to hire enough programmers to write our programs to run on half a dozen operating systems. In addition, if we could, the cost of our programs would be prohibitive for our customers. Believe it or not, not all lawyers are rich. We sell our legal billing software to many sole practitioners and one-to-five person law firms. Because there is one standard, we can write our software for one operating system and make it affordable for every one of our customers. We have been in business since 1978. We're small, but over 8000 law firms use or have used our software, I honestly believe Microsoft has made it possible for our company to exist, stay in business and compete.

I find that our customers have a very hard time learning to operate computers. We assist them in zipping up files, emailing data to us for correction, and making backup copies of their data, as well as running our software. If there wasn't a standard in basic software used on computers, we couldn't help our customers. And they would not be as productive in their practice. I personally think Microsoft should be considered a national treasure.

Microsoft has made a number of important concessions to reach this settlement. The most important of these, in my opinion, is Microsoft's agreement to allow computer makers the option of configuring Windows systems so as to promote software programs of non-Microsoft companies. There will now be greater opportunities for software manufacturers and greater choice for consumers. This antitrust suit has gone on for quite some time now, and it needs to come to an end. I hope that the proposed agreement is accepted and implemented in the very near future. It will be good for the economy.

Sincerely,

Joan Ivy

MTC–00031944

FILE No. 695 01/23 '02 21:49 ID:STANDARD REGISTER
847 277 2561
PAGE 1
Alan J. Miller
381 Oak Trails Road #302
Des Plaines, IA 68816
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
Suite 1200
601 D Street NW
Washington, DC 20530–0001
22 January, 2002

Ms. Hesse,

I am writing to add my name to the list of people opposed to the Proposed Final Judgement in the United States v. Microsoft antitrust case.

As a software developer with 11 years of business experience, I have watched Microsoft's rise to dominance in several markets and been dismayed by many of the techniques it has used to attain and maintain dominance at the expense of other companies, competing software platforms and consumers such as myself. Still, while I have often found Microsoft's techniques distasteful and unethical, I am far less concerned about remedies for its past behavior than I am about ensuring that the same types of behavior are prevented in the future.

From my reading of the Proposed judgement those remedies that actually work against Microsoft would be ineffective against a company determined to bypass them and would not even constitute significant obstacles in that bypassing process, further in many cases the remedies and definitions seem to have been specifically crafted to make them effectively nonexistent or to actually strengthen Microsoft's position in current or potential future markets. That Microsoft will work to bypass the original intent of the judgement is clear for both technical and business practices—even during the course of the trial and settlement negotiations it continued to use tactics that should be blocked by a solid agreement.

As an example, the future direction of Microsoft's focus has just this month been declared to be security, while under the Proposed Judgement anything related to security need not be disclosed even if such would otherwise be mandatory. Under a strict reading, if Microsoft adds even rudimentary security interfaces to its APIs then none of those APIs need be disclosed and there is no penalty for not disclosing them -a requirement for receiving documentation for those APIs is that any business needing it must meet Microsoft-developed standards of business viability; non-businesses need not apply at all because access will simply not be available.

Overall, I feel that the Proposed Final Judgement is deeply flawed and should be substantially revised to remove these flaws before being accepted. A software and content monoculture such as Microsoft clearly wishes to have in place harms all of us in the long term, including Microsoft and its investors.

Sincerely,

Alan J. Miller

MTC–00031945

SC Concord
254 Church Street NE
Concord NC 28025
office (704) 786–0700
fax (704) 782–1356
To: Attorney General John Ashcroft
Fax: (202) 307–1454
Company: Phone:
From: Ann Pearson
Date: 1/24/02
Re: Microsoft # of Pages (including cover) 3
Notes
Confidential
SC CONCORD TECHNOLOGY SEARCH GROUP
a division of MRI
254 church street northeast concord, north carolina 28027–4737 (704) 786.0700
charlotte: (704) 377–5764
fax: (704) 762–1358
125 Spring Street NW
Concord, NC 280259
January 23,2002
Attorney Genera1 John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

After a three-year, costly, taxpayer-funded antitrust lawsuit against Microsoft, the federal government has finally decided to come up with an agreement under the wise leadership of Attorney General John Ashcroft. This decision will surely prove to stimulate our lagging economy.

The settlement calls for Microsoft to design future versions of Windows to provide a mechanism to make it easy for computer makers, consumers and software developers to promote non-Microsoft software within Windows. The mechanism will make it easy to add or remove access to features built in to Windows or to non-Microsoft software. Consumers will have the freedom to choose to change their configuration at any time.

Microsoft has had enough distraction from what it does best—innovation. This case is above and beyond the brink of fairness. I don't see any need for the Department of Justice to ever bring litigation against Microsoft beyond this agreement,

Sincerely,

Alden B. Pearson Jr.

''sales management and marketing talent is our only business''
254 church street northeast—
concord, north carolina 28025–4737
[704] 786–0700
Charlotte: [704] 377–5764
Fax [704] 782–1358
125 Spring Street NW
Concord, NC 280259
January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW

Washington, DC 20530

Dear Mr. Ashcroft:

After a three-year, costly, taxpayer-funded antitrust lawsuit against Microsoft, the federal government has finally decided to come up with an agreement under the wise leadership of Attorney General John Ashcroft. This decision will surely prove to stimulate our lagging economy.

The settlement calls for Microsoft to design future versions of Windows to provide a mechanism to make it easy for computer makers, consumers and software developers to promote non-Microsoft software within Windows. The mechanism will make it easy to add or remove access to features built in to Windows or to non-Microsoft software. Consumers will have the freedom to choose to change their configuration at any time.

Microsoft has had enough distraction from what it does best—innovation. This case is above and beyond the brink of fairness. I don't see any need for the Department of Justice to ever bring litigation against Microsoft beyond this agreement.

Sincerely,

Anna Lee Pearson

MTC–00031947

Bank of America
Fax Sheet
To: Attorney General John Ashcroft
From: Kathleen Henderson
Company; Department: PERRY HALL BANKING CENTER
Telephone Number: 4106876320 Telephone Number: 410–256–1013
Fax Number: 1–202–307–1454
Fax Number: 410–529–9498
Date: 1–24–02
Kathleen HENDERSON
1715 HILLTOP AVENUE
Baltimore, MD 21221
January 23, 2002
Attorney General John Ashcroft
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Attorney General:

I strongly encourage your Department of Justice to enact the settlement reached with Microsoft. In these hard economic times, I believe it is of prlme importance that this settlement be enacted. The case against Microsoft has had a negative impact on tech stocks. I believe that the resolution of this case will be beneficial to this industry.

The case will also cause welcome change in the industry. Microsoft will now disclose the design and protocols of the Windows system to competitors. Competitors can now use this information to design their own software that will be more compatible with Windows. This Information sharing will benefit consumer choice.

Finally as a Microsoft supporter, I hope that Microsoft will be allowed to focus on business once again.

Sincerely,

Kathleen Henderson

MTC–00031948

100 Black Oak Drive
Asheville, North Carolina 28804
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

I am taking some time to write to you because I am concerned about the settlement that was reached by the Justice Department and Microsoft. I am concerned that anti-Microsoft forces may try to disrupt the settlement process and apply pressure to have this case brought back to trial.

This case has gone on for more than three years now, and the Justice Department and Microsoft have spent an excessive amount of time and money on this court conflict. The settlement is more than fair. In fact Microsoft has agreed to give out more information to competitors in this settlement than has ever been disclosed by a technology firm before.

Included in this settlement are provisions that will open up Microsoft's internal interfaces to its competitors. By making this information available, competitors will be able to create better software. On the whole this settlement is extremely generous to Microsoft's competitors. It should be implemented as soon as possible.

Sincerely,

Lucille James

Sir, I feel that Microsoft has been unfairly targeted. Only the very wealthy. would be able to have were it up to Bill Gates and Microsoft.

Lucille James.

MTC–00031949

Thursday, January 24, 2002 6:55 AM Page: 1 of 3
Fax
To: Judge Renata B. Hesse
From: Steven Brockerman, 850–552–0926
Name: Steven Brockerman
Company: WrittenWord Consulting
Voice Number: 850–523–0671
Fax Number: 850–552–0926
Thursday, January 24, 2002 6:55 AM
To: Judge Renata B. Hesse
From: Steven Brockerman, 850–552–0926
Page: 2 of 3
Steven Brockerman, MS
3201 -C Oriole Ct.
Tallahassee, FL 32308
DATA / FAX 850/552–0926
PHONE 850/523–0671
EMAIL writeby@att.net
January 24, 2002

Your Honor:

Microsoft is an American success story, the same kind of American success story found in the Horatio Alger tales, which used to be so popular in America. Mr. Gates overcame tremors adversity to make a better ''mousetrap.'' All of us are the richer because of it. Are we to now seize this man's property, either through outright confiscation of his business or by means of fines, limitations and regulations??!

Mr. Gates— has not forced anyone—- to buy his product. People have chosen the MS OS because *it is better*—easier to use, relatively stable, supremely flexible, cost effective, etc.—than anything offered by the competition (who, instead of fairly and freely competing with Microsoft, have chosen to complain to the government).

Because of that, Mr. Gates was able to introduce his internet browser, MSIE, to millions of people. Mr. Gates—once again—*did not force anyone* to use his browser. We the consumer— chose to use it because, once again, it was *overwhelmingly superior* to the competitions''. Placing MSIE in his Windows OS amounted to *an option*—not a——command— -. Such ''options'' are what allows the consumer a choice; such ''options'' are the products of innovation, which we have held as an American virtue since this republics inception, proudly referring to it as ''Yankee ingenuity.''

Are we to now punish Mr. Gates for that? Are we to now listen to those who, for lack of vision or for want of ambition, could not successfully compete with Microsoft??! If so, then this is no longer the country of Horatio Alger. This is no longer the nation that lauds achievement; a nation that is no longer the land of opportunity where men and women can ''beat a path to the door'' of those who make a better mousetrap. It is no longer a nation of laws that defends the rights of all, —including—- the rich; it has become, instead, a nation that rewards the incompetent by looting his superior; that denigrates achievement in the name of envy; a nation that, in short, has come to be ruled by men who, seeking the fruits of men's labor, violate the rights of the rich in the name of the poor—thereby destroying the rights of all, rich *and* poor alike.

I am not in any way religious, but I pray to whatever god there may be that you have both the wisdom and the courage to uphold the Jeffersonian principles of our republic and dismiss the case against Microsoft. If you do not, we will all be, not only poorer because of it, but also—and most importantly—no longer free.

Very truly yours,

Steven Brockerman, MS

Adjunct Professor of English

MTC–00031950

ALLARD REAL ESTATE
Robert J. Allard, Jr.
365 May Street
Worcester, MA 01602- 1817
(508) 795–7265
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am a supporter of the settlement that has been reached between Microsoft and the Department of Justice. Microsoft has agreed to terms that extended beyond the products and procedures that were at issue in the suit. Microsoft has agreed to share data and source code that is internal to the Windows' operating system with their competitors.

Microsoft will also be making future versions of Windows to allow competitors and consumers to remove and add certain programs within their operating system. This was the original issue initiating the lawsuit, and now a settlement of that issue has been reached.

I hope that your office will now finalize this agreement and move on to other issues facing our country.

Sincerely,

Robert J. Allard, Jr.

FROM : DR. JAMES P. VERNETTI
PHONE NO. : 619 435 4415 Jan. 24 2002 12:00AM P1
1/21/02
From the desk of
609 1st Street
Coronado, CA 92118
(619) 435–4415
JAMES P. VERNETTI, D.D.S.
DOJ
c/o Ms Reneta B Hesse

To whom it may concern:

This note specifically states that I support the Microsoft settlement.

Sincerely,

James P Vernetti, D.D.S.
1/23/02
Ms RENATA B. HESSE
D.O.J
WASH DC FAX 202/307–1454

PLEASE— APPROVE THE SETTLEMENT WITH MICROSOFT. ENOUGH TIME AND ### HAVE BEEN WASTED.

J.I. MURPHY

MTC–00031951

DATE: 24-Jan-2002
AREA CODE & FAX NO. 202–307-l454
FROM Will Thompson
TO:
US Department of Justice
MESSAGE:

I have been following the United States vs. Microsoft Corporation case regarding violations of the Tunney Act by Microsoft. I have reviewed commentary on the case by such learned scholars as Justice Robert Bork. I feel that the current settlement proposed is inadequate to remedy Microsoft's past illegal activity or protect the public from simillar behavior in the future. My comments are attached.
Sent by: oceaneering
3013903908;
01/24/02 11:57; #948;

I object to the proposed settlement for resolving the case between Microsoft and the US and various state governments on the matter of illegal anti-trust practices by Microsoft. It does not go far enough to exact a penalty from Microsoft for past illegal activity or impose sufficient contractual or statutory restraints on the corporations future behavior. First and foremost I noticed a lack of any definition of ''Operating System'' and Middleware'' that distinguishes between the functionality of either. Does this not leave Microsoft free to create its own interpretation of which category software offering a particular functionality falls into? Given Microsoft's history of incorporating functionality into its definition of ''Operating System'' does this not now leave them free to continue their predatory monopolistic practice of excluding competition by redefining what an ''Operating System'' is? This leaves it up to a violator of the Tunney Act to decide what is or is not illegal behavior.

I also question the following sections of the agreement:

''C. Microsoft shall not restrict by agreement any OEM licensee from exercising any of the following options or alternatives:
. . .

3. Launching automatically, at the conclusion of the initial boot sequence or subsequent boot sequences, or upon connections to or disconnections from the Internet, any Non-Microsoft Middleware if a Microsoft Middleware Product that provides similar functionality would otherwise be launched automatically at that time, provided that any such Non-Microsoft Middleware displays on the desktop no user interface or a user interface of similar size and shape to the user interface displayed by the corresponding Microsoft Middleware Product.''

This clause seems to disallow any competitor from offering functionality (i.e. icons, menus) that provides functionality similar to a Microsoft product. This would have the effect of placing any competitor at a disadvantage since they are not allowed to offer a similar work environment to the end user.

''C. Microsoft shall not restrict by agreement any OEM licensee from exercising any of the following options or alternatives:
. .

5. Presenting in the initial boot sequence its own IAP offer provided that the OEM complies with reasonable technical specifications established by Microsoft, including a requirement that the end user be returned to the initial boot sequence upon the conclusion of any such offer.''

This clause seems again to leave it up to a violator of the Tunney Act to define what is ''reasonable''.

''J. No provision of this Final Judgment shall:

2. Prevent Microsoft from conditioning any license of any API, Documentation or Communications Protocol related to anti-piracy systems, anti-virus technologies, license enforcement mechanisms, authentication/authorization security, or third party intellectual property protection mechanisms of any Microsoft product to any person or entity on the requirement that the licensee: (a) has no history of software counterfeiting or piracy or willful violation of intellectual property rights, (b) has a reasonable business need for the API, Documentation or Communications Protocol for a planned or shipping product, (c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, (d) agrees to submit, at its own expense, any computer program using such APIs, Documentation or Communication Protocols to third-party verification, approved by Microsoft, to test for and ensure verification and compliance with Microsoft specifications for use of the API or interface, which specifications shall be related to proper operation and integrity of the systems and mechanisms identified in this paragraph.''

Again the settlement relies on the violator of the Tunney Act to define which organizations constitute a business competitor. This clause would allow Microsoft to deny access to information about its API and Protocols to such organizations as the Free Software Foundation, Linux.org and BSD.org and others that, if Microsoft's sales memos are to be credited, present a strong competition to their illegal monopoly.

In short, this proposed settlement does little to (1) punish Microsoft for its illegal activities or (2) impose restrictions on continuing its anti-competitive practices. I urge the Department of Justice to renegotiate the settlement under terms that would truly restrict Microsoft's predatory anti-competitive activities or would breakup the company into and operating system division, middleware division, and applications division.

Will Thompson
2944 Knoll Circle
Ellicott City, MD 21043

MTC–00031952

MERRILL LYNCH
Merrill Lynch
Vice President
Senior Financial Advisor
Private Client Group
4412 N. Brady St.
Davenport, IA 52806
563–388–2355
800–937–0612
john pedersen@ml.com
January 24, 2002
Atty. Gen. John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Atty. Gen. Ashcroft,

I wanted to express my opinion on the recent settlement of the antitrust lawsuit between Microsoft and the federal government, since the public comment period is still in effect. It is good to see that, after three long years of costly litigation, this case is finally over. I would hope that you will persist in doing what you can to make sure that the current settlement stays as is, and that no more taxpayer dollars are squandered on further litigation.

I have long felt that this case has been more about helping Microsoft's competitors instead of helping consumers. When they couldn't compete effectively in the marketplace, they turned to the government for help. In most cases, it wasn't Microsoft's strength in the market, but simply better software. A good example today is the litigation launched by AOL Time Warner claiming that due to Microsoft's power, they rolled over the Netscape browser costing them significant market share. I was a previous user of Netscape, but switched to MS Explorer simply because it was a better product.

As I understand, there will be an oversight committee to make sure that Microsoft complies with all of the terms of the settlement. This should ensure that consumers get better choices, and competitors have better access to information on product development. The end result of this will be a boost in the technology industry, In turn, this will benefit all sectors of the American economy, which have come to rely on the technology field as an economic leader. It makes no sense to continue attacking the leading company in such a vital industry. To do so does not serve the economy or the thousands of shareholders who have invested money in the company.

There is no reason to alter the settlement or disallow it all together, and I hope that we will see this whole issue come to an end as

soon as possible so that all parties involved can move on to more important matters.

Sincerely,
John E. Pedersen
Vice President
Senior Financial Advisor

MTC–00031953

THE SWEENEY GROUP
6 WEST FIFTH STREET, SUITE 700
SAINT PAUL, MN 55102
TEL: 651–223–2860
FAX: 651–224–8328
FACSIMILE TRANSMITTAL SHEET
TO: Renata B. Hesse
PROM: Brian Sweeney
COMPANY! Antitrust Division, U.S. Department of Justice
DATE: 1/24/02
FAX NUMBER: 202–616–9937
Ms. Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
FAX: 202.616.9937

Dear Ms. Hesse:

I have spent the last three years as Director of Planning and Economic Development for the City of Saint Paul for Mayor Norm Coleman. My main job was to ensure that we, maintained, expanded, and attracted businesses and jobs'to our state's Capital city. We I were able to,do this because we were, able to instill confidence in the private market by keeping taxes low and creating private sector incentives for development. I've recently returned to the private sector as a developer and am very cognizant of the fragile nature of our economy and how it will impact jobs and investment,

The U.S. is officially in a recession clearly exacerbated by the tragic events of September 11th Minnesota is suffering as a direct result of this downtown evidenced by the job layoffs at 3M, Northwest, Fingerhut, American Express and several other corporations in the Twin Cities and throughout the state. In the face of these troubling economic developments, one positive occurrence has taken place of late: the settlement of Microsoft.

I believe that by settling the case, our nation and the nine, states in particular, will be able to focus on the real issues, of our troubled economy. The settlement was the right thing for America and the right thing for Minnesota. I think the fairness of the settlement was clear from the fact that Microsoft agreed to share its intellectual, property and create uniform price lists for the top 20 computer makers.

I, and many of my colleagues, in the corporate and financial community, support this settlement. Thank you for taking the time to listen to my position,on this matter.

Sincerely,
Brian Sweeney
President
6 West 5th Street, Suite 700
Saint Paul, Minnesota 55102
Phone: 651 .223 .2860
Fax: 651.224.8328
E-mail: brian@thesweeneygroup.com

MTC–00031954

JAN-24–2002 THU 09:18 AM
P. 01/01
January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to ask that your office see fit to end this case at the federal level. Although I do not agree with every move Microsoft has made in the past, I do not think that further litigation fits the crime. Although the settlement reached by your office in November calls for more concessions than Microsoft may have wanted, it has agreed to the conditions in an effort to move this issue along. Nine states have approved the agreement, and Microsoft is negotiating with the remaining states to reach a conclusion. I do not see what benefit will be gained from further federal action, and frankly I feel that three years has been long enough.

Microsoft has granted broad new rights to computer makers and software engineers. It has more or less opened its Windows operating system for the competition to use as a springboard for launching their own programs that compete with those programs already included within Windows. I ask if these concessions would have been demanded with such ferocity if Microsoft were involved in a more traditional and understandable industry. Would we mandate that McDonalds had to offer Burger King's Whopper to al1 customers that asked for it? Would Coke offer samples of Pepsi in each can? More importantly, would we allow it?

I hope this issue will be behind us as soon as possible. I do not completely agree with the settlement, but if allows us to move on, then I will give it my full endorsement, Please use your position to allow the IT industry and the economy to grow again.

Sincerely,
Irene Lovelace
Executive Assistant

MTC–00031955

Ms. Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
610 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

As a member of the North Carolina General Assembly from Charlotte, I would like the heartily endorse the settlement agreement in the Microsoft case that is before Judge Kollar Kotelly. The settlement not only has approval of the federal government and the company but also the attorney general in North Carolina.

As with any settlement, both sides will derive benefits and have to live with things they may not like. But that is much preferable to the continued litigation which has been a big burden to taxpayers and helped bring about one of the worst downturns in the stock market in recent history. For the federal government and North Carolina to continue such litigation would be intolerable to me.

In particular, I hope that this settlement will allow Microsoft to continue to grow and put out new products as it has for many years. That is because Charlotte is home to a Microsoft facility employing 1,000 workers who are much better paid than the average in this city.. With the economy in a downturn, it is important that the companies in our area remain strong. The last thing that is need is for government intervention to be the cause of a company's economic problems.

As a state legislator, I have always been the strongest advocate for government nonintervention into private business. Instead, I have always been strong for the state providing the best education possible so that we will have young workers prepared when Microsoft and other companies decide to locate in our state. That is why I hope that we can get this phase of the Microsoft case behind us.

Sincerely,
Connie Wilson

MTC–00031956

FROM : FAX NO. Jan. 24 2002 11:25AM P1
Julie L. Rehder
1413 Hattie Road
Apex, NC 27602
January 24, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW,Suite 1200
Washington, DC 20530
Re: Microsoft Case

Dear Ms. Hesse:

As a consultant, I need access to affordable and usable technology to keep pace in a competitive business. I use Microsoft software because it is dependable and cost effective. I do not have access to technical experts on a daily basis so problems caused by unreliable software would delay my work and create dissatisfaction among my clients. I have been following the antitrust suit against Microsoft to see what impact the final settlement will have on consumers like me and on my clients who need easy access to reliable software. Microsoft has had a significant, positive influence on the growth and success of many small businesses and organizations.

It appears that the proposed settlement will provide a workable solution for consumers, computer makers, software developers and Microsoft. This solution seems fair to all parties. The consent decree allows computer manufacturers to adapt the Windows system so that other software programs that compete with Microsoft can be used. Features built into Windows will be easier to remove. Microsoft can continue with its efforts to develop new products that benefit consumers and the technology industry. I will continue to be a loyal customer and look forward to advancements made as a result of the proposed settlement.

I appreciate the opportunity to comment on this case.

Sincerely,
Julie L. Rehder

MTC–00031957

Dear Madam or Sir,

My name is Sammy E. Desmond, Jr. and I am Senior System Analyst with a major

chemical company. I have a Bachelor of Science Degree in Computer Science and I have over 19 years of experience with computers. The purpose of this letter is to submit my comments concerning the Microsoft anti-trust settlement in accordance with the Tunney Act.

As veteran of the computer industry and as a parent advisor to my local school district's technology committee, I have seen first hand the devastating effect Microsoft's monopoly power has caused. There are numerous examples of how they abused their monopoly position to stifle competition and reduce consumer choice.

I have thoroughly examined the proposed settlement and cannot find anything that even comes close to being a remedy to the antitrust violations that Microsoft has already been found guilty of. As you are well aware, Microsoft Corporation has already been found guilty of abusing it's monopoly power.

At the very least, a just penalty should include the following:

•Restrictions must be put in place that force Microsoft to publish and fully document all present and future file formats of any documents created by Microsoft application software. This will invigorate competition from other software producers and allow the data to be read by other programs and on other operating systems.

•Microsoft must be required to publish and fully document the Windows Application Program Interface (API).

•Microsoft products must be positioned as optional, extra cost items on brand new computer systems. Consumers that do not wish to purchase the Microsoft products should not be forced to do so. The current non-optional bundling of Microsoft products with new computers is sometimes referred to the ''Microsoft Tax'' in which the price of the Microsoft products are included in the price of the computer even if the consumer erases the Microsoft products and replaces them with something else.

•Also, any current and any future Microsoft networking protocols must be published and fully documented in full and approved by independent industry bodies. As the Internet becomes a more important part of civilization, it is extremely important that Microsoft does not extend its past abusive behavior into that realm. If Microsoft is not sufficiently penalized and is allowed to extend its monopoly influence to the Internet, the results would be disastrous. As a matter of fact, the highly respected Center for Strategic and International Studies released a study a year ago that stated Microsoft software poses a U.S. national security risk. See the following web site, which describes this report:http://www.cnn.com/2000/TECH/computing/l2/29/csis.microsoft.report.idg/

In closing, history offers numerous cases when bad decisions were made for which future generations paid a heavy price. Please take this opportunity to properly punish Microsoft's abusive behavior while there is still time.

Respectfully,
Sammy E. Desmond, Jr.
3930 Suncrest
Groves, Texas 77619 U.S.A.
(409) 723–3226
sdesmondjr@yahoo.com

MTC–00031958

Jan-24–02 THU l0:45 AM FAX: PAGE 1
January 22, 2002
VIA FACSIMILE
202–616–9937
Attorney Reneta Hesse
Antitrust Division
Department of Justice
601 D Street NW—Suite 1200
Washington DC 20530

Dear Attorney Hesse:

I am writing to express my support for the goal set forth in the proposed settlement of the Microsoft antitrust case. The New York Times recently reported that 88% of households whose income is $75,000.00 or higher had a computer. This number drops dramatically for households with income below $25,000.00 This needs to be remedied.

As part of that settlement Microsoft is proposing the donation of approximately 200,000 computers to public school students throughout the country. Recent research suggests that the digital divide that exists along economic lines has an adverse impact on students, schools and educational opportunity. Currently, 82% of schools in well to do communities are connected to the Internet. That number drops to 60% of the classrooms in poorer communities.

I support the goal of the Proposed settlement in the Microsoft antitrust case, which will provide students and teachers in lower income areas with access to both technology and computers. These students desperately need access to technology in order to prepare themselves for jobs in the 21st century.

I would also recommend that donations to Registry of Deeds and recording offices desperately in need of modernization be added to the list of places for the computer donations.

I urge the Court to approve the settlement agreement.

Sincerely Yours,
Anthony J. Vigliotti

MTC–00031959

PCD Network Solutions, Inc.
Progressive, Consistent, Dedicated
3z.net a PCD Company
Attorney General John Ashcroft
US Department of Justice
Washington, DC 20530

Dear Mr. Ashcroft,

Even though our company is in the IT Industry, as an Internet service provider, we would not have been directly affected by this lawsuit against Microsoft. That is not to say, however, that had Microsoft been broken up, as anticipated by the court, consumer demand for computers, software and, ultimately, for our services, would not have been adversely affected.

This settlement has the distinct advantage of preserving the integrity of the IT community and will forestall any serious residual damage, For this reason, it is better to have it sustained, rather than tossing this whole mess back into court. The settlement is also very well drafted, providing for every circumstance Microsoft could get into, and a Technical Committee to oversee the enforcement of the settlement. I am therefore writing to convey my support of the settlement. I am further suggesting that any such public display of government animosity against any sector of American business always has an unfortunate effect of stifling economic growth. We have seen this here. I am hoping that all the hostilities have been resolved by this settlement. Thank you.

Yours truly,
Eric S. Vail, President
3z.net a PCD Company
350 Thomas More Parkway
Suite 290
Crestview Hills, KY 41017
Voice 859.331.9004
Fax 859.578.3522
http://www.3z.net

MTC–00031960

Virginia Giglio, Ph.D.
President
18907 La Costa Lane
Boca Raton, FL 33496
(561) 852–3502
vgiglio@globalthinking.com
Global Thinking, Inc.
www.globalthinking.com
January 23, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I want you to know that I have been a Microsoft supporter from the beginning of this lawsuit and will continue to be afterwards. I hope that the settlement that has been proposed goes through so that we can end this matter and let Microsoft get back to business.

I run a web design firm and since our inception we have depended solely on Microsoft products. Ending this case will mean that my entire company can breathe a sigh of relief and stop worrying about what will happen to the everyday operations of our business. I feel that building a stronger relationship between Microsoft and other software developers will be beneficial for everyone. By having Microsoft share its code with other developers while at the same time designing Windows to have increased compatibility with outside programs is advantageous to the entire IT industry. We have experienced this first-hand here at Global Thinking, Inc. while building the award-winning web site for one of our lines of business, NATIVECULTURE.COM—a comprehensive portal site for Native American resources on the Internet.

I request that this settlement be finalized as soon as possible because three years is far too long to make such a large part of our economy wait for a decision that affects them directly. The IT industry as a whole needs this situation resolved—this settlement is the key to doing it soon.

Sincerely,
Virginia Giglio, Ph.D.
President, Global Thinking, Inc.
cc: Representative Robert Wexler

MTC–00031961

Jan 24 02 10:47a

City of Oceanside Council (760) 435–3045
January 23, 2002
Renata Hesse, Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, # 1200
Washington, DC 20530
VIA FACSIMILE
(202) 616–9937

Dear Ms. Hesse:

As part of the Tunney Act proceedings, I submit to the court this letter to be included as part of the public comment in the case of US v. Microsoft. I am writing the courts to express my support for the proposed settlement in this matter.

I write this letter to the courts as a citizen, businessman, and City Councilmember who believes: a) this case has caused enough harm to our country and b) that the settlement more than adequately addresses the issues of concern in US v. Microsoft.

First of all, as a concerned civic activist, I believe the case against Microsoft has brought irreparable damage to the state of our national economy. One can trace the end of our boom era right back to the day Judge Jackson called for Microsoft to be broken up. Microsoft's innovations and investments was probably the largest economic engine the technology industry had. US v. Microsoft has brought everything to a grinding halt. To reject this settlement would unnecessarily ensure the slow down to continue indefinitely. For this reason, I believe the settlement should be accepted.

Secondly, I believe the settlement adequately addresses the issues of concern and ensures Microsoft is forbidden from behaving in an anticompetitive fashion. Because of the microscope the company will operate under, and the restrictions put in place by the settlement, it cannot rationally be argued that monopolistic actions will occur in the future. For this reason, I believe the settlement should be accepted.

I thank the court for their time and providing the public with an opportunity to comment on this case. I hope the settlement will be accepted, and that US v. Microsoft will finally come to an end.

Sincerely,
JACK FELLER
CIVIC CENTER
o 300 NORTH COAST HIGHWAY
o OCEANSIDE, CA 92054–2885—
TELEPHONE 760–435–3056—FAX 760–435–6016
Email: jfeller@ci.ocesanside.ca.us

MTC–00031962

January 23, 2002
Ms. Renata Hesse
Trial Attorney, Antitrust Division
Department of Justice
601 D Street, NW, Suite 1200
Washington, DC 20530

I am writing to you today to voice my support for the proposed settlement that has been reached between Microsoft and the Department of Justice. The remedies proposed in the settlement are adequate and they fairly address the issues raised in the lawsuit. The impact of Microsoft's donations to the Latino community in the past is indisputable. They have demonstrated their commitment to bridging the technology gap, which impacts the future of so many children in the Latino community As a School Board Member, and as someone who cares deeply about our community and the children and families we serve, I want to express my full support for the proposed settlement and urge you to do everything possible to ensure its implementation.

Respectfully,
Hector A Chacon
Board of Education Member
Montebello Unified School District
Board of Education MARCELLA CALDERON, President, D., Superintendent of Schools, EDWIN CHAIJ, Vice-President, Facilities / Operations, HECTOR A CHACON, Cleric, - Human Resources, FRANK A GOMEZ, Ph.D Member, Insructional Services, RICHARD L. ADAMS 11 Member, Business Services.

ADMINISTRATION: M. MAGDALENA CARRILLO MEJIA Phd., PAMELA T. JOHNSON, Assistant Superintendent, SHARON I. NOMDIEM, Assistant Superintendent, EUGENE C. KERR, Assistant Superintendent, GLENNJ. SHEPPARD, Business Manager, EDWARD VELASQUEZ, Administrative Assistant.

MTC–00031963

HCC SOLANO / NAPA
EXECUTIVE BOARD: President, Karla Velez, North American Title, Vice President, Legal Counsel; Anthony R. Perez, Attorney At Law, Treasurer, Finance Director, R. Margarita Delgado, North American, Mortgage Co., Secretary, Public Relations; Carlos E. Solorzano, BDM, Community Chair; Omar Martinez, Ultra Sound, International.
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January 18, 2002
Ms. Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

As an organization based on business and aiding businesses in their goal of being successful, our chamber is concerned with the seemingly endless legal pursuit of Microsoft. This is a free market economy Microsoft is one of the most successful companies in the global market. The ongoing litigation against Microsoft is punishment for this success.

Majorities of our members are small business owners. We appreciate that your efforts are meant to be watching out for the consumers and the small business owners. However, we believe the settlement on the table between Microsoft and the government is sufficient in its punishments and new guidelines laid out for Microsoft, Our main concern at this point is the length of time and the money continuing to be poured into this issue, We have so many other things to focus on as a nation; priorities that need our attention. We need to put this to rest. Our chamber fully supports the settlement on the table, and we urge you to as well.

Thank you for your time on this issue.
Sincerely,
Karla Velez
President
HCCSNC
Cos/KV/hccletterhessell8002
P.O.Box 2723
Fairfield CA 94533
707–643–5037
Fax 707–557–9844
e-mail Info@HCCSolenoNapa.org

MTC–00031964

January 18, 2002
B.D.M.
BY DESIGN Multimedia
PUBLIC RELATIONS EVENTS
ADVERTISING MARKETING
308 Ohio Street Vallejo CA 94580
707/644–4218 Fax 707/557–9844
By DesignM.com
Ms. Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

I am writing to urge you to support the settlement between Microsoft and the government. I know there is a window of time when the public is encouraged to provide input on the settlement. As a small business owner I work very hard to keep my business going. However, I am taking a few minutes out of my day to write this letter because I feet very strongly about this issue.

Microsoft acted unfairly and improperly in its business dealings. I appreciate the government watching out for me both as a small business owner and as a consumer. Having sald that, I also feel enough time and money has been spent on this issue. The settlement is amenable to both the government and Microsoft. The goals have been accomplished. Microsoft will have to watch its business: practices, monitored by an oversight committee.

Again, I urge you to support the settlement agreed to by the government, nine of the states and Microsoft.

Thank you for your time on this important matter.

Sincerely,
Coca Corona
President
BDM

MTC–00031965

January 24, 2002
United States Department of Justice
Attn: Ms. Renata B. Hesse
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Ms. Hesse:

I am writing to you in support of the recent Department of Justice settlement with the Microsoft Corporation. The country is at war, the economy is sour and the business community is struggling. Yet, the U.S.

Department of Justice is spending millions of dollars in time and resources on the Microsoft settlement.

I believe it has been a waste of taxpayers dollars, my understanding is that it has cost us over $30 million. This has been a competitor driven lawsuit and it has hampered high tech innovation. If Microsoft's competitors would spend time and money on their own research and development, instead of this lawsuit, all consumers would benefit.

Enough is enough, let's settle this lawsuit and move forward. Thank you for your attention to this matter.

Sincerely,
Cheryl Friske
Events Director

MTC–00031966

January 15, 2002
Ms. Tricia Denton
9033 Coriander Circle
Manassas, VA 20110
Ms. Renata Hesse
Department of Justice
601 D St., NW Suite 1200
Washington, DC, 20530

Dear Ms. Hesse:

I believe the settlement between the federal government and Microsoft would be the first step toward restoring prosperity to the high technology sector in the U.S. Consumers will benefit from the provisions in the settlement that allow Microsoft to decide which products and features it may provide to its customers and how to price them. This appears to be the best move for consumers and for our ailing economy. It is time to do whatever it takes to move our country in the right, positive direction.

Sincerely,
Patricia R. Denton
January 15, 2002
Mr. Steve Denton
9033 Coriander Circle
Manassas, VA 20110
Ms. Renata Hesse
Department of Justice
601 D St., NW, Suite 1200
Washington, DC. 20530

Dear Ms. Hesse:

I strongly support the settlement between the federal government and Microsoft, and I believe that it could be the first step toward restoring prosperity to the high technology sector in the U.S. Consumers will benefit from the provisions in the settlement that allow Microsoft to decide which products and features it may provide to its customers and how to price them. It's time to do what is best for consumers and for the economy and this settlement seems to move the country in the right, positive direction.

Sincerely,
Steve Denton
January 18, 2002
Mr. Ron Koch
14568 Woodland Ridge Drv.
Centreville, VA 20121
Ms. Renata Hesse
Department of Justice
601 D St., NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I would very much like to see the final stages of the settlement between the federal government and Microsoft ironed out. I believe this could be the first step toward restoring prosperity to the high technology sector in the U.S. The provisions in the settlement allow Microsoft to decide which products and features it may provide to its customers and how to price them, and this should benefit consumers. Now more than ever, we need to do what is best for our nation and to help it regain its economic strength and prosperity.

Best regards,
Ron Koch
January 18, 2002
Ms. Lois Koch
14568 Woodland Ridge Drv.
Centreville, VA 20121
Ms. Renata Hesse
Department of Justice
601 D St., NW Suite 1200
Washington, D. C. 20530

Dear Ms. Hesse:

I would very much like to see the final stages of the settlement between the federal government and Microsoft ironed out. I believe this could be the first step to ward restoring prosperity to the high technology sector in the U. S. The provisions in the settlement allow Microsoft to decide which products and features it may provide to its customers and how to price them, and this should benefit consumers. Now more than ever, we need to do what is best for our nation and to help it regain its economic strength and prosperity.

Best regards,
Lois J. Koch

MTC–00031967

January 23, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D. Street N.W, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

As a consumer of high-tech products, I am writing this letter to register my support for the recently negotiated settlement of the Microsoft lawsuit. It is clear that the best interest of all is for a quick resolution of this long and expensive lawsuit. Though some will say the terms of the settlement are not stringent enough, I think it preferable to find a workable solution rather than mete out crippling sanctions against Microsoft that will do nothing more than dull America's cutting-edge technological superiority.

Antitrust laws were meant to protect consumers, yet at no time during this case has anyone shown Microsoft has done harm to a consumer. I say it is time to put an end to this competitor-driven pursuit and let technological innovators, such as Microsoft, continue to fight it out in the marketplace, not the courtroom.

President
The Colony Chamber of Commerce

MTC–00031968

January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing to express some of my views regarding the Microsoft antitrust case. I understand that there was merit behind the issues that brought about the lawsuits, but that was three years and countless taxpayers'' dollars ago. This matter needs to be brought to a conclusion.

I work in the technology industry as a seller of hardware and software to schools. I have not been directly impacted by the case, but the uncertainty surrounding the conclusion leaves me feeling uneasy. Microsoft does make important concessions such as agreeing to disclose some of its code and allowing a technical committee oversee the settlement's execution.

I hope that this case will soon be behind us. Not only does the settlement address the current concerns, but it provides for ways of dealing with future problems as well. I hope your office will do everything possible to allow the IT industry and the economy to move forward.

Sincere1y,
John Pexton
Account Manager

MTC–00031970

Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601. D Street NW, Suite 1200
Washington, DC 20530

Dear Atty. Hesse:

The Educational Association of Worcester wishes to add its support to the position expressed by NEA President Bob Chase regarding the Microsoft case. Urban school systems such as Worcester, Massachusetts struggle to provide computers and computer technology training for the entire school population. Many of our students do not have home access to computers and rely totally on school to provide them with this exposure and experience. The teachers need technology training to integrate the computer use into the full curriculum and often find that the school system has financial constraints against providing this help. Computers and other equipment have often been closed out in various businesses and then donated to schools. The schools have then discovered that these do not work well or consistently. Students and teachers then find enthusiasm and plans derailed and it is extremely difficult to resurrect later. Service contracts and constancy in training are vital components to equalize learning experiences for all students.

The proposed settlement to United States v. Microsoft is a reasonable attempt to redress these problems. Please regard the EAW/MTA/NEA as supporting this settlement agreement.

Sincerely,
Janet Gutkoski Dufault
President

MTC–00031971

Renata Hesse
Antitrust Division
Dept. Of Justice 601 D St. NW, Suite 1200
Wash. DC 20530
Jan. 23, 2002

Dear Big Government,

In my humble opinion as a consumer and citizen I would like to see the Microsoft case finally be resolved. The compromise settlement that is being reviewed is fair and needs to be completed.

The sooner this is done the better. All of this litigation, expense, and time only results in a negative impact on the country. My tax dollars are being consumed, the cost of technology is going up and technical innovation has been slowed.

Please approve the settlement in the Microsoft case and lets move on.

Thank you,
Jay Rusnock
20 Phyllis Rd.
Wapp. Falls, NY 12590
H: 845–297–5315
F: 845–298–7233

MTC–00031972

State Senator
Kevin Shibilski
January 24, 2002
Renata B Hesse
Antitrust Division
US Department of Justice
601 D Street NW
Suite 1200
Washington, DC. 205030–0001

Dear Ms. Hesse;

I am writing to urge you to support the recent settlement between Microsoft and the Department of Justice. I believe it is in the best interest of the economy and our nation's consumers for the case to be resolved.

In particular, I support the goals set forth in the proposed Microsoft class action settlement agreement to establish an independent foundation comprised of educators that will distribute technology funds, computers and software to the country's poorest schools and provide for teacher training. Again, I encourage the Department of Justice to accept the proposed settlement.

Thank you for your attention in this matter.

Sincerely,
KEVIN SHIBILSKI
State Senator
District 24
KW:ks
State Capitol,
PO. Box 7882,
Madison, Wisconsin 53707–7882
Phone: (608) 266–3123
Toll-free
Hotline: l-800–362–9472

MTC–00031973

Mark B. Edwards, Jr.
President
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Fax 202–616–9937
microsoft.atr@usdoc.gov

Dear Ms. Hesse:

I write to support the proposed consent decree in the federal government's antitrust lawsuit against Microsoft Corporation.

As a writer and researcher, I have been a close observer of the information technology industry's problems and potential in North Carolina and across the nation. It is clear to me that continued litigation in this matter serves neither the industry nor the consumer well. Now that a settlement has been negotiated that provides broad protections against illegal behavior by Microsoft, I am hopeful that the courts will bring a close to this litigation. It would be a step forward for the economy of this state and for the entire nation.

Sincerely,
Mark B. Edwards, Jr.
6325–9 Falls of Neuse Rd.,
Suite 262
Raleigh, NC 27615
Phone 919/696–6154

MTC–00031974

Thursday, January 24, 2002
Renata Hesse, Trial Attorney,
Suite 1200, Antitrust Division,
Department of Justice,
601 D Street NW,
Washington, DC
20530

Good day,

I have worked in the computer industry for 20 years, using IBM mainframes as well as various Unix and Windows machines, specializing in both technical support and software development. My opinion is also inspired from plain common sense. I believe the proposed final settlement is a setback for the world economy, and a severe disservice to present and future generations. My point is simple: Monopolies cannot play a useful role forever.

I think one way that monopolies are initially useful is in bringing to market some innovative products that establish directions and de facto standards, which is certainly preferable to chaos resulting from too much competition. Microsoft deserves a lot of credit for having popularized easier to use computers. They forced the industry to focus on this issue. As a result, today most business and home users expect to interact with any software application in a standard way. This has been a definite step forward, compared to the days when every application came with its own way of using it. This certainly helped tremendously in bringing computers to the masses, which in turn played a major role in supporting the computer revolution, as no industry could exist without consumers. In my view, this is Microsoft's most important contribution (even though I disapprove some of the marketing approaches they used to achieve it), but there certainly are others.

However, I think in general monopolies tend to become counter-productive as time goes by. Any company holding a monopoly eventually takes its market for granted. Once established, a monopoly just no longer needs to truly innovate. Its size alone makes it less efficient and slower. In the absence of competition-induced pressure, productivity and quality tend to go down. Prices may be set too high. New products may be held back in order to extract more money from the market using current products (this is one reason why Gene Amdahl started his own company, in 1970, to compete against IBM mainframes). In short, a monopoly causes its industry to slow down, or to progress at the pace set by the monopoly. Such ill effects are bound to happen, sooner or later, despite the company's denials, simply because of human nature. People run companies, and people produce and innovate best in an environment of freedom, openness, and reasonable pressure induced by fair competition—this is just a basic principle of the free enterprise capitalism system. Microsoft will not escape any of this. and many, including myself, say ill effects are already taking place.

Communism was in my view, the ultimate form of monopoly. History has taught us how wrong this concept was. Considering that today, at the dawn of the Information Age, virtually every government, enterprise and individual relies on the computer industry, a monopoly in that industry tragically affects the entire economy, and even democracy, so I think the analogy holds.

When a monopoly is torn down, its industry is free to flourish again. The telephony industry would likely not be where it is today had the Bell monopoly not been broken in 1982. The Internet, which plays major roles in today's economy, is not the product of any monopoly; it was born in the more opened Unix world. The concept of graphical user interfaces was not invented by Microsoft, which merely improved and marketed it (the idea itself was born in the Xerox Palo Alto research center, and it was also commercialized earlier by Apple—actually the complete story is much more complex than that). There certainly are many more examples proving that freedom, and competition yield to motivation, which in turn yields to best innovations and true progress.

Blessing Microsoft's monopoly will, at best, slow down the computer industry. More realistically though, it will keep the quality down. Unfortunately, one area in which Microsoft Windows is particularly weak is computer security. The fact that successful security attacks cost companies huge amounts of money is already bad enough. But even worse is the possibility, which no one can totally dismiss, as some credible studies, have suggested, that a computer system break-in results in a genuine catastrophe causing loss of human life. It is therefore critical that computer security be tightened as much as possible. But Windows is inherently insecure due to its very architectural roots. I do not believe that Microsoft, especially as a monopoly, can quickly and completely bring Windows security at the level offered today by other operating systems. I urge you to reconsider the proposed final settlement. A minimal appropriate penalty must make it mandatory to clearly separate the sale of hardware and operating system software, as well as to publish the hooks into Windows along with file formats and communication protocols, so that third parties can more easily write better interoperable Widows applications. On top of that, I would favor any measure forcing Microsoft to compete rather than control. My favorite scenario would involve releasing the entire Windows operating system in the public domain, or the open source community (a ''source'' is the text or human readable form of a computer program). That

certainly would be a penalty, encompassing all the minimum attributes I listed above. In addition, that would automatically split Microsoft, leaving it with Windows applications in a market where it would have to compete. And potentially, some of the best minds of the open source community could start to generally improve Windows, fix bugs in it and make it more secure, ultimately making it more useful for everybody. That scenario would also encourage more people to adopt better and more secure operating systems that are already available today.

Regards,
Marcel Frechette
1280 Beaujolais
Longueuil (PQ)
CANADA
J4M 2X9
Email: marcel.frechette@videotron.ca

MTC–00031975

DEPT. OF JUSTICE
MS. RENATA B. HESSE
DEAR MS. HESSE,
I SUPPORT THE MICROSOFT SETTLEMENT AND URGE YOU TO DO LIKE WISE.
SINCERELY,
Danny A. Carretta
Mr. Danny A. Carretta
8321 Albia St.
Downey, CA 90242–2538

MTC–00031976

LAW OFFICES OF CHARLES TILLMAN RAMSEY
3014 Market Street
Oakland, CA 94655
Phone 510.444.4721
Fax 510.444.5091
January 23, 2002
Ms. Renata Hesse
Trial Attorney, Antitrust Division
Department of Justice
601 D Street, NW, Suite 1200
Washington, DC 20530
Dear Ms. Hesse

I support for the proposed settlement that has been reached between Microsoft and the Department of Justice. As a school board member, I serve a district with a high percentage of underprivileged families. The impact of Microsoft's donations to underprivileged communities in the past is indisputable. They have demonstrated their commitment to bridging the technology gap, which impacts the future of so many children served by my district and in underprivileged communities across the country.

As someone who cares deeply about our community and as a school board member concerned about the children and families in my district, I want to express my full support for the proposed settlement agreement.

Respectfully,
CHARLES RAMSEY
School Trustee
West Contra Costa Unified School District

MTC–00031977

Jan-24–02 10:40
P.O. Box 600505''
San Diego, CA 92160
(619) 265–7607
(619)583–2718 Fax
January 24, 2002
Ms. Renata Hesse, Trial Attorney
Antitrust Division, Department of Justice
601 D Street NW, Ste. 1200
Washington, DC 20530
Dear Ms. Hesse:

I understand that the courts have asked the public to direct their comments and concerns on the case of US v. Microsoft to you. I am writing this letter because I do not believe that we should continue to pursue this case. I felt compelled to write this letter after reading an article in the Orange County Register on January 18th.

The article outlined over $1 million dollars in important local projects that will be cut this year due to a lack in funding. Because of fiscal mismanagement in our state a food truck will not get $35,000; a shelter for abused women will not get $150,000; Little League programs for the needy will go without funding; a crosswalk will not be built; a criminal tracking system will not be subsidized; a senior food bank will not get the money it needed—the list goes on and on and on. And this is just in Orange County. Every county in the state will go through similar cuts.

This all goes back to the Microsoft case because our elected officials are making poor decisions. To choose to spend our money on issues like the Microsoft case rather than building crosswalks is special interest politics gone too far. Attorney General Lockyer will continue spending money going after Microsoft even thought the state of California doesn't have the funds.

Now is the time to end the case against Microsoft and ensure that our government spends money on real issues. I urge the courts to approve of this settlement.

Sincerely,
Michele Nash-Hoff
President

MTC–00031978

FROM : CAMBRIDGE SPRINGS PUBLIC LIB.. FAX NO. : 814 398 4784 Jan. 24 2002 01:43PM P1
24677 Kreitz Road
Cambridge Springs, PA 16403
January 23, 2002
Renata Hesse, Trial Attorney
Suite 1200, Antitrust Division
Department of Justice
601 D Street NW
Washington, DC 20530
Dear Madam:

As someone familiar with computing and the computing industry and also with the negative effects of Microsoft's monopoly in operating systems and software, I do not see how the proposed settlement can remedy the antitrust violations for which Microsoft has been found guilty. Because Microsoft has already been found in violation, and this is the penalty phase of the case, the settlement should contain penalties that will promote competition and prevent any recurrence of antitrust violations by Microsoft. I would suggest that there are, at minimum, three additional features that the settlement should include.

- First , Microsoft's products must be extra-cost options in the purchase of new computers, so that users are not forced to purchase the software if they do not wish to do so. The price difference between a computer with and without Microsoft software must reflect the true cost of such software to the consumer.
- Second, Microsoft's present and future document file formats (Word, Excel, etc.) must be fully documented and made public, so that documents created in Microsoft applications may be read by other programs such as Word Perfect, Star Office and other programs from different manufacturers. I would even go so far as to suggest that Microsoft be required to completely abandon its proprietary file formats and to use instead a standard format such as XML. In addition, Microsoft should be required to adhere precisely to the standard XML format and not be allowed to deviate even slightly from it.
- Third, all Microsoft networking protocols must likewise be fully documented and approved by an independent network protocol body. This is necessary to prevent Microsoft from taking control of the internet, thus making it impossible to use the internet with other operating systems and software.

I am very concerned about the fact that a computing monoculture has developed in this country and that this makes not only the internet but our business and government infrastructure highly vulnerable to attack by terrorists and others who would do us harm. It is imperative that Microsoft be constrained from further anti—competitive activities so that competition can develop in the arena of computer operating systems and software. A stronger remedy than the one proposed will benefit everyone, including those who choose to use Microsoft's products.

Sincerely,
Benjamin R. Bullock

MTC–00031979

FROM : SMITH-CENTER/IRBD PHONE NO. : 510 885 4222 Jan. 24 2002 01:34PM P1
CAL STATE HAYWARD
CALIFORNIA STATE UNIVERSITY, HAYWARD
25800 Carlos Bee Boulevard, Hayward, California 94542–3068
School of Business and Economics
Department of Economics
Telephone (510) 885–3275 or 885 3265 Fax: (510) 885–4796
January 24, 2002
Ms. Renata Hesse
Trial Attorney -Antitrust Division
Department of Justics
601 D Street NW, Suite 1200
Washington, DC 20530
Dear Ms. Hesse:

Nearly $35 million has been spent in the Microsoft cases allegedly to protect consumers. The truth is that consumers were not damaged by Microsoft activities and in fact benefited from the company's efforts. It is the litigation that hurts consumers by delaying the introduction of new products and improvements on existing products.

Antitrust laws are supposed to protect consumers not Microsoft's competitors. Over the years the price of computers and software has plummeted, and consumers have voiced their support for standardization and compatibility with their purchasing power. Consumers have been getting better and better deals from Microsoft. The antitrust

laws should not be used to punish Microsoft for being good at what it does and having loyal, grateful customers.

At a time when our country is struggling to meet its financial obligations, wasting more money on this ill-conceived lawsuit is almost a crime. I ask you please approve the settlement immediately. The sides have come to agreement. There is no need to continue wasting precious resources on this.

Sincerely,
Charles Baird, Ph.D.
Professor of Economics and
Chairman of the Department
THE CALIFORNIA STATE UNIVERSITY
Maritime Academy

MTC–00031980

JAN. 24. 2002 2:48PM CYPRESS COLO. DESIGN CENTER NO. 6592 P. 1
To:
Renata Hesse, Trial Attorney
Suite 1200
Antitrust Division
Department of Justice
601 D Street NW
Washington, DC 20530
facsimile: 202–616–9937 or 202–307–1545
e-mail: microsoft.atr@usdoj.gov
From: John Tiede
1607 N. Weber Street
Colorado Springs, CO 80907
Subject: U.S. v. Microsoft Request for Public Comment

MS. Hesse:

This fax is a response to a request for public comments by the court hearing the case U.S. v. Microsoft. I understand the request for comments is a part of the penalty phase of the litigation and Microsoft has been found guilty of violating Sections 1 and 2 of the Sherman Antitrust Act.

By virtue of Microsoft's de facto monopoly of the Operating System (OS) market, I am compelled to use Microsoft products. I would not use those products if I had the choice. There are two reasons that I am forced to use Microsoft products. These reasons provide the rationale for my proposed remedies. First, an overwhelming majority people use the Microsoft OS and their associated office products. I must communicate with them. If I can not communicate, I will suffer a great economic loss. This is commonly referred to as a network effect and Microsoft has brilliantly exploited it. Second, because Microsoft has kept their software file formats and interfaces secret, others cannot functionally duplicate these products.

It is my belief, based on Microsoft's past actions, they they wish to extend their reach beyond the PC desktop to control of networking protocols for the Internet and act as its gate keeper. This is their ''net'' initiative. This would have devastating consequences for the U.S. economy and security. Microsoft has stifled innovation by its monopolistic practices. Microsoft products are notorious for their lack of security and vulnerability to attack by the technically unsophisticated (i.e., ''script kiddies'').

The remedies I propose in this case are: 1) All specifications for present and future Microsoft file formats and Operating System Application Programming Interfaces (API) should be made public. This will help insure that data or documentation I create will be available to me in any perpetuity. It will also allow others to create programs that can meaningfully compete with Microsoft products. Please make no mistake in my intent for this remedy. The specifications must be made part of the public domain. Restriction to ''commercial'' entities is simply wrong. Open Source software initiatives should be allowed to make use of this information.

Again, my concern is for the availability and security of the data that I create today going forward into the future. 2) Any Microsoft networking protocols must be published in the public domain and approved by an independent networking protocol body. I suggest the government request the Institute of Electrical and Electronics Engineers (IEEE) initially preside over such a networking protocol body as an independent and impartial organization. (In the spirit of fu1l disclosure, I am a member of the IEEE.) I already see Microsoft limiting access to web sites that do not use Incernet Explorer. This remedy would help prevent MiCrOSOft from partitioning the Internet into Microsoft and non-Microsoft spheres by appropriating already existing standards. 3) Microsoft products should not be bundled as a hidden cost of buying a computer. The choice of buying a computer without any Microsoft products must be present. The real cost of Microsoft products should be presented to the consumer. Without this, there will not be meaningful competition in the OS marketplace.

4) Microsoft should be prevented from entering into exclusive arrangements with computer vendors. These arrangements have been used as rewards and punishments of computer vendors in the past and serve only to maintain monopoly status for Microsoft.

Sincerely yours,
John W. Tiede
January 24, 2002

MTC–00031981

Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I truly appreciate the fact that the Attorney General had the courage to do the right thing by ending the Justice Department's three-year antitrust lawsuit against Microsoft with a strong and binding agreement. If this doesn't help to boost our sagging economy, I don'' t know what will.

Microsoft did not get off easily. The settlement was arrived at after extensive negotiations with a court-appointed mediator. The company agreed to terms that extend well beyond the products and procedures that were actually at issue in the suit—for the sake of wrapping up the suit.

Enough is enough. Microsoft even agreed to document and disclose, for use by its rivals, various interfaces that are internal to Windows'' operating system products—a first in an antitrust settlement.

In conclusion, the government should never again have to sue Microsoft beyond this agreement. This case has gone far enough.

Sincerely,
A.P. Van Meter
9055 196th Southwest
Edmonds, WA 98026

MTC–00031982

ATTENTION: Ms,Renata B. Hesse
I support the Microsoft settlement.
Please approve the settlement today.
Chester J Wojcik

MTC–00031983

FROM: Orlando Cano c/o Speaker Frank Chopp
ADDITIONAL MESSAGE:
STATE REPRESENTATIVE
43rd DISTRICT
FRANK CHOPP
SPEAKER OF THE HOUSE
State of
Washington
House of
Representatives
THE SEAL OF THE STATE OF WASHINGTON 1889
RULES
CHAIRMAN
January 24, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Re: Proposed Settlement Agreement in US v. Microsoft

Dear Ms. Hesse:

Microsoft is a company that has long provided good products to consumers. The provisions of the settlement will give consumers greater choice when purchasing or upgrading computers and software. Consumers can continue to expect quality new products from Microsoft and can expect these products to work more easily with competitor's software as well.

I support the Department of Justice and the nine Attorneys General for their efforts to strike a balance between the interests of Microsoft and its competitors by designing a settlement that is in consumers'' best interest.

Sincerely,
Frank Chopp
Speaker

MTC–00031984

Michael Gracie
3047 North College
Fiesta Square
Fayetteville, AR 72703
501–582–5092/877–744–5092
fax: 501–571–1452
ITec
Information Technology
EDUCATION CENTER
Facsimile Transmittal sheet
To: Attorney General John Ashsroft
From: Michael Gracie
Company:
Date:
Fax Number: 202–307–1454
RE: Microsoft
cc:Rep Boozman
January 16, 2002
Attorney General Ashcroft
US Department of Justice
950 Pennsylvania Avenue

Washington, DC 20530
Dear Mr. Ashcroft,
I am writing to convey my support for the recently negotiated settlement between Microsoft and the Department of Justice. As the rhetoric in this suit progressed, it became increasingly clear that motives on both sides had degenerated to the point of bitter, childish rivalry, rather than constructive progress. Ultimately, the threat to break Microsoft up proved to be overenthusiastic. While this entire fiasco has impacted my business very little, it simply would have complicated our business if we had to deal with two, three, or ten ''Baby Bills'' rather than one.
This settlement at least has the advantage of sidetracking that possible eventuality; instead, Microsoft has agreed to some very stringent limits on their business practices, such as licensure and software design. This settlement reassures the IT community and the purchasing public that they can expect much of the same quality and consistency from Microsoft in the future, as they have experienced in the past.
Sincerely,
Michael Gracie
IT Director
cc: Representative John Boozman Formerly
STAFFMARK TRAINING CENTER
www.itecworks.com

MTC–00031985

solutions, inc.
January 21, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D. Street NW, suite 1200
Washington, DC 20530–0001
Dear Ms. Hesse:
As a business owner I am greatly concerned about competition being stifled in America. I am specifically speaking of the ludicrous lawsuit against Microsoft. That is why I am writing to lend my support for the settlement of the Microsoft antitrust case.
I personally watched as this case dragged itself out: endlessly running through dramatic public relations campaigns and taking up much of the nightly news. This consequently has caused consumers, such as myself, to wonder if and when I would be able to use updated software that would enable my business to run more smoothly. Microsoft is the key player behind America's technology dominance; their contributions have actually allowed competitors to evolve. I guarantee that every person who works for the competition knows Windows extensively. When Microsoft became burdened with this case, it robbed the company of resources to focus on their core business operation. I read that because of the Microsoft settlement computer makers can now eliminate Windows from their systems if they so desire. That shouldn't hurt the competition any!
I am glad that the case was settled between the Justice Department, the nine states, and Microsoft. Please, let us settle this and allow America to grow and progress in the technology world.
Thank you for your time and concern regarding my letter.
Sincerely.
Mark Mills
President
1832–2 CAPITAL CIRCLE N.E.,
TALLAHASSEE, FL 32308
MAILING ADDRESS: P.O. BOX 10052,
TALLAHASSEE, FL 32302–2052
PHONE: 850.942.4445 www.yumasol.com
FAX: 850.942.7354

MTC–00031986

EFN
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16000 Bothell Hwy., Suite 150
Mill Creek, WA 98012
www.cfn.com
January 24, 2002
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530
Re: Microsoft Settlement
Dear Mr. Ashcroft,
As a resident of Mukilteo, Washington, all that happens at Microsoft directly affects my family. We have watched this company provide jobs, build a solid economy for our area and give people a software product par excellence. As a financial planner, I have watched retirement portfolios drop in direct correlation to the price of Microsoft stock.
The past three years have been very hard on our area well as America's economy. One of the major reasons for this was the antitrust suit against Microsoft.
I am in full support of any settlement that ends litigation against Microsoft. Continued legal action might have a disastrous affect. To get things moving in the right direction, Microsoft has agreed to give its competitors data that is sensitive to the internal design of Windows. This will allow companies to produce software that competes with Microsoft's, which will give consumers more of a choice.
I am in full support of this settlement, and encourage you to approve it as soon as possible.
Sincerely,
Sarah B. ''Sally'' Jacobsen

MTC–00031987

William Bero
1285 Old Marlboro Road
Concord, MA 01742–4739
January 22, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:
I would like to urge you to lend your support to the settlement reached in the Microsoft case. This settlement is more than fair and will certainly restore fair competition in the computer industry.
Microsoft has been an innovator and an asset to the economy. This lawsuit has dragged on for too long already, and at this point it is just a punishment for a business for being successful. America's computer is the world's gold standard, and Microsoft is mainly responsible for this. While the settlement actually limits Microsoft's own competitiveness, it will certainly address the issues alleged in the lawsuit. Microsoft will allow computer makers to pre-install programs such as Netscape or AOL IM within Windows without retaliation. Microsoft is also giving its competitors access to their intellectual property that they worked so hard to develop. The proposed settlement is a just solution to an unjust lawsuit.
Our country's economy needs Microsoft more now than it has in recent years. Let's get this case behind us and get back to work. Please accept the settlement.
Sincerely
William Bero
CC: Representative Marty Meehan

MTC–00031988

Jan 25 02 02:07p P.1
Michigan School Board
Leaders Association
www.msbla.org
1137 Briar Ridge Lane, Ortonville, MI 48462
MSBLA
FAX
To: Renata B. Hesse. Antitrust Division
From: Lori Yaklin. 810.668.7667
Fax: 202.307.1454
Date: January 24, 2002
Thomas E. Bowles
Chairman
3122 Rivershyre Parkway
P.O. Box 608
Davison, Michigan 48423
(810) 658–7667
Fax: (810) 658–7557
www.msbla.org
The Microsoft case has occupied the attention of the Justice Department and the American legal system for untold thousands of hours and captured the attention of millions of people. The opinions voiced about the case are varied.
If we break down this anti-trust case, we can see that a true monopoly turns out poor products at exorbitant prices. In fact, if you have a good product at a fair price, it is safe to say that you couldn't possibly have a monopoly. This is why so many people are confounded why the government went after Microsoft—a company that produces great products at competitive prices.
Microsoft has always improved its products with an eye toward consumer demand. Windows has undergone several revisions and improvements over the years. Along the way, Microsoft has phased in and phased out software for the Windows platform that has met—or failed to meet—consumer demand.
The Court of Appeals, using ''consumer harm'' as its measure of anti-trust behavior, was right to overturn a lower court ruling last year in the U.S. v. Microsoft case. Microsoft, because of fierce competition in the technology industry and in response to consumer demand, has always improved its products according to customer feedback. Today the entire Windows platform retails less than anyone would have imagined possible when PCs came into the market back in the 70s and 80s.

If the Court is interested in taking down an insidious monopoly, we respectfully suggest they stop trailing innovative, competitive companies and instead knock on the door of the government-run education system which has caused irreparable damage to a generation of children. Perhaps the Justice Department's Anti-trust Division should take a trip to some of our poorest-performing schools and learn the true definition of ''consumer harm.'' Free people in free markets creating excellence should not be tamped down by government intervention. We ask that you approve the proposed settlement agreement in the Microsoft anti-trust case.

Sincerely,
Lori Yaklin

MTC–00031989

Date: Thursday, January 24, 2002
To: Dept of Justice
Fax: 202–307–1454
From: Xchange Solutions
Ronald D. Walken
Phone: 206–720–1055
Toll Free 877–222–1031
Fax: 206–325–3500
E mail Mr1031@aol.com
Subject: Microsoft Settlement

Get it over with! I as a consumer don't feel I have ever been hurt by Microsoft and I resent their competitors going to the courts to secure an unfair leverage.

We as as a capitalistic nation have never benefited from this type of behavior. The only true monopolies that exist are those given by the government or courts. Best example that comes to mind is the one given Northwest airlines having a government granted sole landing rights at I think it is the Minneapolis airport. Now that is a monopoly?

Figure out a way to just let this issue die... If the grieving parties secure favorable decision it will only encourage more future fights in the courts instead of the marketplace where tbe consumer benefits.

MTC–00031990 ROSE INDUSTRIES

William Koranda
From: William Koranda
[bkoranda@rexcon.com]
Sent: Thursday, January 24, 2002 11:36 AM
To: ''www.microsoft.atr@usdoj.gov''
Subject: Microsoft Settlement

To Whom It May Concern:

Consumers are absolutely sick and tired of this extended lawsuit lead by the DOJ. This past Tuesday AOL files another suit against Microsoft. How timely? No, the real question should be, how disturbing? AOL appears to be have issued a calculated offensive to undermine the Microsoft settlement.

Although the current AOL lawsuit has not played itself out, simply review some of the overriding external evidence. AOL purchased Netscape for $10 billion in the midst of the DOJ trial, even after hearing concrete evidence that Microsoft's Internet Explorer's success in the market was based upon merit, not market share!!! This latest AOL move appears to be an another attempt by AOL to once again retreat from the rigors of competition to the safer confines of the courtroom, where the AOL is clearly more comfortable.

Microsoft has tried consistently to work more closely with AOL in a variety of areas, including improvement of instant messaging interoperability, getting fair and open access to AOL'S dominant cable assets and partnering on technology standards which are key to developing future innovative technologies. These are examples or what we everyone (DOJ, AOL, Microsoft, etc.) should be working on—i.e. what's best for the consumer and the economy. AOL has repeatedly rebuffed Microsoft's efforts, to the detriment of consumers and the technology industry, and has turned to politics and litigation instead. But more litigation is the last thing consumers and the industry need. AOL and Microsoft need to focus on market competition and technical cooperation that will make consumers'' computing experience easier, not spend further time and resources in the nation's courtrooms.

William F. Koranda
CFO
Rose Industries, Inc.
Divisions: RexCon, Inertia
E-Mail: bkoranda@rexcon.com
Company Website: RexCon.com
Phone: 414–352–2000 ext. 121
FAX: 414–352–2004

MTC–00031991

FROM: BILL SAGE
FAX NO. : 6102842283
Jan. 24 2002 12:37PM P1
532 Fairfax Road
Drexel Hill, PA 19026
January 23, 2002
Attorney General John Ashcroft
US Department of Justice. 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing to express my interest in the recent antitrust settlement between Microsoft and the U.S. Department of Justice. Microsoft has been a huge asset to our country through job creation and technological advances. I think that the lawsuit has gone on for too long now and that the government needs to settle.

The terms of the settlement are very harsh against Microsoft and seem to violate intellectual property rights and their ability to operate with a competitive edge. Microsoft has agreed to document and disclose for use by its competitors interfaces that are internal to their Windows'' operating system products. It will also grant computer makers broad new rights to configure Windows so as to make it easier for non-Microsoft products to be promoted within.

Although the settlement is unjustified, I think the alternative of further litigation could be detrimental to our economy, so I favor finalization. Please make this thing a reality and suppress all opposition. Thank you.

cc: Senator Rick Santorum
Sincerely,
William L. Sage

These are my sentiments exactly. Enough is enough!

MTC–00031992

P.O. Box 1079
Colfax, CA 95713
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The Microsoft settlement aims for resolution among competitors. This settlement will provide computer makers and software developers with flexibility when configuring Windows to better promote non-Microsoft software programs that compete with programs included within Windows, without the threat of a lawsuit. Microsoft will also use a uniform price list when licensing Windows out to the twenty largest computer makers in the nation, and will not retaliate against companies that use or promote software that competes with Microsoft's programs.

As a retired professor of Engineering & Technology in Sierra College, Rocklin, California, I constantly researched different software programs and found Microsoft's software programs superior among the competition.

The steps taken to settle this case are important because it shows Microsoft has nothing to hide regarding its business practices, and competitors will have an equal playing field.

Sincerely,
Kenneth J. Weger

MTC–00031993

7802 153rd Avenue
Jamaica, NY 11414–1752
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am expressing my support for the settlement that was reached in November 2001. I have a degree in economics, and I firmly support the principle of ''Laissez-Faire'', where the government has a ''hands off'' policy and does not interfere with the affairs of free enterprise. Free competition will support itself, giving way to the most innovation. Microsoft should not have been punished for creating a product, Windows, which succeeded in the marketplace.

Microsoft has had to choose the lesser of two evils for itself by settling this unfair lawsuit. The terms are very tough, but will be better for it than more protracted court battles. It will have to make serious concessions such as sharing specific Windows software codes with competitive developers in an effort to promulgate competition and innovation.

I support Microsoft's resolve to stay clear of any more court entanglements and hope you accept the settlement as well to bring an end to this litigation, which has hurt the whole economy.

Sincerely,
Mel Lipper
cc: Representative Anthony David Weiner

MTC–00031994

Linda W. Dunlop
258 Twin Creeks Drive
Chagrin Falls, Ohio 44023–6702

440–543–7524
Fax number 440–543–7547
Send to: U.S. Department of Justice
From: Linda W. Dunlop
Attention: Attorney General John Ashcroft
Date: January 23, 2002
Office Location:950 Pennsylvania Avenue, NW Washington, DC 20530 Office
Location: Chagrin Falls, OH
Fax Number:202–307–1454—202–616–9937 Phone
Number:440–543–7524
Microsoft Settlement
Linda W. Dunlop
258 Twin Creeks Drive
Chagrin Falls, Ohio 44023–6702
January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I have followed the Microsoft antitrust case and settlement with great interest. At one time, I made a living selling information systems. Now I am retired, but I certainly understand the significance of the case, its settlement, and the need for public comment. My comment is quite simple: the settlement should be allowed to remain as it was negotiated.

Microsoft has agreed to make many changes, and some of them even extend beyond the scope of the original lawsuit. The company will practice fair competition; share technology and intellectual property matters with competitors, allow computer manufacturers to install non-Microsoft products in Windows, and more. Surely this is a settlement that is agreeable to all parties involved.

I believe that the government should allow Microsoft to abide by the present agreement and return to its work of making the technology that manages our world. And I believe that the government should be able to leave this burdensome case behind it and return to the work of helping to ensure domestic and international security. Thank you for your time.

Sincerely,
Linda Dunlop

MTC–00031995

January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am in favor of the settlement reached in the antitrust case against Microsoft. I think the lawsuit was more a representation of bureaucracy than a sincere appeal for the rights of the consumer. Hence, I am in support of a quick resolution to this case, by approval of the terms of this settlement. Everyone can benefit from improved performance among the technology companies. Licensing agreements with the 20 largest computer makers, granting the rights to configure Windows, and improvement of relationships with software developers, all can add to this improvement.

I hope you will step forward as a leader and support this settlement. We need Microsoft performing at one hundred percent capacity. Microsoft needs to be allowed to move forward, hopefully bringing the economy with it. Please consider this. Thank you.

Sincerely,
David Thomas

MTC–00031996

226 Daffodil Drive
Fairfield, CA 94533
January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

There has been a settlement in the Department of Justice and Microsoft antitrust case. I want to give my support to this agreement. In my opinion, this case should never have been brought in the first place. The basis of antitrust laws is the abuse of the consumer. The consumer in this case was helped. Bill Gates produced a better product at a lower price. His competition could not. That is the basis of competition. I used Netscape and had no problem installing it, even with the Microsoft program. I think the whole lawsuit was one of sour grapes on the part of Microsoft's rivals. They could not compete, so went after Microsoft the only way they knew how.

As I understand it, Microsoft has more than acceded to the Department of Justice's demands. Microsoft has agreed to a technical committee to oversee future adherence; Microsoft has agreed to disclose source codes and books that are internal to Windows operating system; Microsoft has agreed to terms that are well beyond the products and procedures that were actually at issue in the suit.

It is time we put this issue to rest. We have to quit rehashing decisions. We undermine the judicial system if we constantly revisit decisions handed down. Give your support to this agreement and allow us to move on.

Sincerely,
Lance Thelen

MTC–00031997

711 North Oceanbeach Boulevard
Long Beach, WA 98631
January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I understand the Department of Justice is accepting and publishing public comments for the first time since the antitrust suit was brought against Microsoft more than three years ago. Here is my two cents worth.

First, Microsoft has been more than cooperative in resolving this matter. Not only did they agree to document and disclose various internal interfaces to the Windows' operating system for use by its competitors. This is above and beyond what is required in any antitrust settlement. They have also agreed to license products from their Windows operating system to the 20 largest computer makers on identical terms and conditions, which includes price. This settlement is harsh on Microsoft and constitutes a viable end to the lawsuit, no matter what some critics say.

Finally, this litigation business has got to stop. It's sapping the economy, No more action should be taken at the federal level.

Sincerely,
Jim Yaun

MTC–00031998

LOGICAL CHOICE
January 19,2002
Attorney General Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

As a member of the technology industry, I would like to express some of my views on the Microsoft case. I believe there were genuine concerns that brought about the lawsuits, but that was three years and countless dollars ago. You must not lose focus of the merits of the case. As long as Microsoft is willing to give up some of its market share and competitive advantage, there will be those that want a little more.

Under the settlement, Microsoft will change the way it develops, license, and markets its software. The company will disclose various protocols in its Windows operating system, and will not retaliate against those that develop or promote non-Microsoft hardware or software.

Although these concessions seem to go against the principle of free enterprise and competition, Microsoft has agreed to them in an effort to end this case sooner, rather than later. If these were demanded from a more understandable industry, they would be seen preposterous. Imagine if Ford had to allow GM to put their engines in its cars, or if McDonald's had to offer Burger King's Whopper to anyone that asked for it. It is time to allow the IT industry to return its focus from litigation, back to innovation! The settlement will allow Microsoft, and all of those that depend on Microsoft for their livelihoods, to move forward.

Sincerely,
Mitch Pinion
President
3118–F MILTON ROAD
CHARLOTTE, NORTH CAROLINA 28215
TELEPHONE 704/535–8828 FAX 7O4/535–4880

MTC–00031999

4142 Wycliff Drive
Winston Salem, NC 27106
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I write to voice my support of the settlement with Microsoft and the Justice Department. The settlement that was reached last November is entirely fair and agreeable to all parties involved. The time has finally come to put this issue behind us. I would hope that the Justice Department recognizes the importance of enacting this settlement at the end of January.

Further, the terms of the agreement will help developers. Developers will gain never

before seen access to Windows design information, including protocols and interfaces. This knowledge will allow them to create more competitive software that fits into the Windows system with ease. Developers should be pleased with the terms of the agreement.

As a concerned citizen I would hope that the Justice Department enacts the settlement quickly.

Sincerely,
August Pike

MTC–00032000

JAMES H. ROBERTS
PO BOX 1355
GULF SHORES, AL 36547
334–968–1355
Fax: 334–868–4150
January 22, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

We think this Microsoft agreement is long in coming. It is time to implement this settlement. It has gone on too long and is hindering the progress that has made the use of the internet so friendly and accessible to so many. This agreement is key to bringing together the IT sector and to maintain our position in the global market.

The terms of this agreement include Microsoft not entering into any agreements obligating any third party to distribute any Windows technology exclusively. Microsoft has also agreed to disclose interfaces of Windows products. These concessions along with others in licensing and marketing are bold changes within the technology industry. Microsoft has done a great deal to work with their competitors. Now it is time to let it happen. Let us support our technology industry by supporting this settlement.

We strongly urge you to help stop any further litigation against this settlement and to let Microsoft back to innovation and not litigation.

Sincerely,
James H. & Sandra S. Roberts

MTC–00032001

January 24, 2002
Ms. Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Enough is enough. Please put a stop to the economically-draining witch-hunt against Microsoft.

Microsoft has already agreed to hide its Internet Explorer Icon from the desktop. The Issue is resolved.

The fact is, this case against Microsoft is basically ''welfare'' for Netscape and other Microsoft competitors.

Not a nickel goes to those supposedly harmed by Microsoft—the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic Industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Karyn Morton
1030 E El Camino Real
133
Sunnyvale, CA 94087

MTC–00032002

Attorney General John Ashcroft
US Department of Justice

Dear Sir,

January 24, 2002

Permit me to express my support for the antitrust settlement against Microsoft, yet the issue has yet to be concluded and great amounts of taxpayers money has been wasted. Indeed, I have wondered why the antitrust matter had initially been raised.

Nevertheless, Microsoft has already made many concessions in order to resolve the issue. I therefore urge the Attorney General to do all in his power to make every effort to finally conclude this matter on the basis of the settlement to which Microsoft has already agreed.

Sincerely,
Marc Brownstein

MTC–00032004

Amir Glickman
2400 Hudson Terrace
Fort Lee, NJ 07024–3508
23 January 2002
Attorney General John Ashcroft, c/o DOJ
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

I am writing today to encourage the Department of Justice to accept the Microsoft antitrust settlement. The case against Microsoft has gone on long enough and it is time to put an end to it. The government and Microsoft have reached an agreement, the terms are fair, and it should be accepted.

The terms of the settlement include safeguards to make sure that they are followed, thereby pre-empting arguments about the settlement being a toothless piece of paper. Microsoft has agreed to set up a technical committee that will monitor Microsoft's compliance with the settlement. The settlement tackles a multitude of complaints from competitors who feel that Microsoft unfairly used its operating system to manipulate the market, For instance, the software company can no longer take retaliatory action against computer companies that want to add non- Microsoft products when they ship their new computers to consumers.

It is time that Microsoft and the technology industry are able to move forward. The only way that they will be able to move forward is to put this issue in the past. Please accept the Microsoft antitrust settlement,

Sincerely,
Amir Glickman

MTC–00032005

JSWALKER & COMPANY, INC
416.A West John Street
matthews, NC 28105
tel 704–849–2100
fax 704–849–2122
www.jswcoinc.com
January 16, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

I write concerning the settlement reached between the federal government and Microsoft Corp. last November. The settlement, while it may not be perfect, is a far better alternative to continued litigation between the parties and is very reasonable.

Litigation has hurt innovation and it is time to move forward.

I am pleased Microsoft has agreed to so many conditions that will ''level the playing field'' within the technology industry. Its assurance not to retaliate against computer makers who ship software that competes with any aspect of its Windows operating system represents a new beginning for the industry. Equally important, Microsoft has agreed not to retaliate the software and hardware developers who will be developing and promoting software that competes with Windows or that runs on software that competes with Windows. These two components, while only a small cross-section of the settlement, will be very good for innovation and very good for the consumer.

I hope the few groups who wanted Microsoft broken up and are unsatisfied with the settlement because it leaves it intact, are not successful in their attempts to upset the finalization process. It is my hope the settlement will take affect as soon as possible.

Sincerely,
Sebastian Ganson
Director of Development

MTC–00032006

FAX 203 797 3428
GROLIER EDITORIAL
232 Wooster Street
Naugatuck. CT 06770
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I would like to take this opportunity to voice my opinion over the initial suit brought against Microsoft and the settlement that will soon be decided on. The original suit was unsubstantiated in the first place and the settlement is more than fair. Microsoft has agreed to terms that extend well beyond the products and procedures that were actually at issue in the suit in order to bring this case to a close.

For example, Microsoft has agreed to server interoperability meaning that they will make available to its competitors, on reasonable terms, any code that Windows uses to communicate and work with other programs. Also, they have agreed to develop relations with software developers and computer makers. This means that they will not retaliate against software or hardware developers, or against people who ship the software or hardware.

Microsoft has clearly done more than what was necessary of them to resolve this matter and the Department of Justice should follow suit. To continue litigation would be a waste

of millions in tax dollars, and also a waste of time.

Sincerely,
Chun Chang

MTC–00032008

FROM: EGLIN DRUG TESTING OFFICE
FAX NO.: 850–883–9076
208 Elliott Road
Mary Esther, FL 32569
January 7, 2002
Attorney General John Ashcroft
United States Justice Department
950 Pennsylvania Avenue NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

The Microsoft antitrust settlement has been a long time coming, and I cheer on this wise arrangement. This settlement is complete and adequate enough to end this three-year-long litigation; furthermore, litigation against Microsoft is a waste of precious resources and time that could be devoted to more productive activities, particularly in the Justice Department.

Microsoft has agreed to this settlement after extensive negotiations. The corporation enthusiastically pledged to comply with all provisions of the agreement out of eagerness to return to the perils of the markets, rather than the perils of court. This settlement will benefit the technology industry as a whole and consumers on the street. It provides for the creation of a Technical Committee that Microsoft will bankroll to oversee compliance to the proposed settlement. It mandates new interoperability disclosure requirements and prohibits retaliation tactics.

I believe this settlement will be in the best interest of the public. Thank you for your support.

Sincerely,
Jay M. Diamond
Cc: Representative Jeff Miller

MTC–00032009

Arlene M.Clemens
8656 Silver Lake Drive
Perry Hall, Maryland 21128
(410) 931–0873
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

For 32 years I was an employee of Alex. Brown & Sons Incorporated, which was bought out by Bankers Trust and then Deutschc Bank. After my retirement I was employed by the law firm of Piper Marbury Rudnick & Wolfe, LLP and am currently employed by the law firm of Ballard Spahr Andrews & Ingersoll, LLP.

I have used the Microsoft system as an accomplished Administrative Assistant for many years and have been extremely pleased with their products and their support teams. The majority of businesses use the Microsoft system and are also very satisfied. Most high schools are under the Apple/Macintosh system, which I feel is far less superior to the Microsoft system.

I am writing to voice my support for reasonable men and women to settle the Microsoft Anti-Trust Suit by the Department of Justice. It is unbelievable to me that this case has gone so far.

The Government may have thought they were doing a good thing for the American public when this case originated, but the Justice Department has destroyed everything the computer industry has worked for.

This lawsuit has contributed to the slowing of our economy. Our economy has been given an edge in the international marketplace by the computer industry. Unfortunately, this lawsuit has caused us to give all other nations a chance to take our place. When Microsoft was forced to deal with lawyers and trials and everything else involved with this lawsuit they had to halt their research and development.

To move ahead with business and compete on the international level, they are going to have back track three years in order to move forward.. The current technology revolution is only going to expand in the coming years. This case has cost our country more than just money. We are Americans!

Why are we not allowed the opportunity to be competitive?

Something needs to be done to end this case as promptly as possible. No one benefits from all this—not even Microsoft's competitors, which is evidenced by their decline in the stock market. Microsoft needs to be allowed to continue their business of delivering innovative technologies to the marketplace. They have agreed to change their business practices and will allow their competitors access to their source codes and internal interface designs, As an employee who has 35 years'' experience working for some of America's Who's Who, I would have been lost without Microsoft and their unending help. This settlement is obviously the right thing for our nation. Our economy cannot withstand further delay. Please do whatever is necessary to put an end to this lawsuit. Thank you.

Sincerely Yours,
Arlene M. Clemens

MTC–00032010

John D. Clemens. Jr.
8656 Silver Lake Drive
Perry Hall, Maryland 21128
(410) 931–0873
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing to voice my support for the settlement between Microsoft and the Department of Justice. It is truly unbelievable that this case has gone so far. The government thought they were doing a good thing when this case started, but now they have destroyed nearly everything that the computer industry has worked for. This lawsuit has contributed to the slowing of our economy. The computer industry has given our economy an edge in the international marketplace, but with this lawsuit we have given all other nations a chance to take our place. When Microsoft was forced to deal with lawyers and trials and everything else involved with this lawsuit they had to halt development and research. To move ahead with business and compete on the international level, they will have to backtrack three years in order to move forward. The current technology revolution is only going to expand in the coming years. This case has cost our country more than just money.

I was the previous head of the Baltimore Teamster's Local 557 Union and have seen the affects of this firsthand. Something needs to be done to end this case as soon as possible. There is no one benefiting from this, not even Microsoft's competitors. While this settlement limits Microsoft's own competitiveness, it is undoubtedly a reasonable solution to this idiotic controversy. Microsoft needs to be allowed to continue their business of delivering innovative technologies to the marketplace. They have agreed to change their business practices and will allow their competitors access to their source codes and internal interface designs.

This settlement is unquestionably the right thing for our nation. Our economy cannot withstand further delay. Please do whatever is necessary to put an end to this lawsuit.

Thank you.
Sincerely Yours,
John D. Clemens, Jr
JDCJr:amh

MTC–00032011

6380 E 46th Street
Indianapolis, IN 46226–3548
January 20, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

The lawsuit against Microsoft is ridiculous and reflects a lack of knowledge on behalf of the judiciary system and politicians about software and the whole computer industry. It is not in the public's bets interests for this thing to continue any longer.

The settlement as it is too harsh and violates a number of free market principles. First, to disclose information that Microsoft has worked so hard to develop seems to undermine the whole reason or principle motivation behind innovating your own technology for profit. If every business had to offer up its secrets there would be less incentive to start a business based on a good idea. Second, to force Microsoft to license its Windows products to over 20 computer makers is the same as creating a monopoly whereby they can determine prices in the marketplace that will best serve themselves. It will inevitably lead to higher prices across the board and that will be an infringement on human rights.

I think it is wrong to punish one company out of the many in the marketplace for doing an excellent job especially in the area of standardization which has reduced costs and efforts after purchase and upgrading the PC's for homes and businesses. Thank you for your time.

Sincerely,
Sent By: Retired; 317 545 7889;

MTC–00032012

FROM XINET—JANICE DIANE

925 449 0189
4382 Cornell Way
Livermore, CA 94550
January 24, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse:

Thank you for the opportunity to comment on the proposed final judgment to resolve the United States''civil antitrust case against Microsoft. I work as a computer programmer at the Lawrence Livermore National Laboratory, and have observed the development of personal computing over the last25–30 years. I am 52 years old. With my wife, I own 177 shares of Microsoft corporation. I have followed this trial in the trade press with interest since its inception, and have read the Complaint, Stipulation . . . ; and Competitive Impact Statement.

The general bias I bring to my letter is that the proposed settlement is nowhere near an adequate remedy for the wrongs visited upon consumers and the computing industry by the defendant. Others such as James Barks Dale (Netscape) and Matthew Szulik (Redhat) have spoken before Congress recently, with eloquence and at greater length. I agree with their points, so will restrict my comments to two areas:

1. Any settlement must include some simple and inescapable punishment designed to redress a sensible fraction of the actual damages, and to deter this and any future defendants. I believe such punishment should meet three criteria:

a. It is not predicated upon our subject to negotiation by the defendant;

b. It has simple terms, with no loopholes that may boomerang—''free'' software, services, in-kind payments, or reduced license fees do not qualify;

c. It is proportional to the damage and substantial enough to cause serious reflection on the part of this company's leadership.

I favor a cash fine, as a lump sum up front and an annual fraction of gross revenue for a period of some years. This is the form of punishment most likely to engage the stockholders of the company in its reform, Microsoft has been reported to have approximately $35 billion dollars in cash reserves at this time. Any lump sum fine for which the defendant could simply write a check seems inadequate to me.

2. 0ne prominently reported alternative proposed by the nine state attorneys general who declined to support the Proposed Settlement was a requirement that the defendant should port the Office suite to Linux. This is surely well-intended. However, I offer the following contrary viewpoint:

a. Such a requirement is unlikely to succeed. Speaking as a software developer and manager myself, there are many ways to meet formal requirements of this project and still torpedo its effect.

b. If it did succeed, it would only increase the dominance of the product. This is an anti-trust action, after all.

c. It would in either case disrupt the current open source marketplace, and surely destroy the several small but promising alternatives such as Star Office, Abiword, and others.

The defendant's relationship to open source may be something like B'rer Rabbit's to the briar patch. I believe it might be better to enjoin Microsoft from entering that market than to require it. A simpler solution is to require the defendant to publish the file formats of the Office suite, past and present, in enough detail to allow robust inter-operable alternatives to be developed by third parties. If this might compromise intellectual property rights of the defendant, those must be balanced against the collective rights of all persons who have authored documents currently stored in the proprietary Office format. This case offers the opportunity to set a precedent regarding our expectation that any proprietary file format—the railroad gauges of our century—will become to some degree open after it reaches a certain prevalence of use in society. In my opinion, the public interest ultimately will require this outcome.

Yours Very truly,
Lee E. Busby
busby1@iinl.gov

MTC–00032013

323 Dickens Street
Northfield, IL 60093
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I feel that there should not have been any litigation against Microsoft in the first place. Now that there has been an agreement reached, I hear there is a possibility of additional litigation. Why?

After extensive negotiations, Microsoft has agreed to terms that extend beyond what is generally expected in any antitrust case. Microsoft also agreed to design future versions of Windows to provide a mechanism to make it easy for computer companies, consumers and software developers to promote non-Microsoft software within Windows.

Let's stop the madness. Microsoft needs to go back to doing what it does best, creating ''innovative technology''. Government needs to focus on reviving the economy and protecting us from our real enemies and terrorists. I support the settlement, and look forward to the end that it will bring to this case.

Sincerely,
Margaret Parcells

MTC–00032014

January 24, 2002
Mr. William C. Locke
15012 Los Lottes Ave.
Whittier, Ca 90605
United States Governmemt
Department of Justice
Attention: MS Renata B. Hesse
Washington, D. C.

Dear Ms Hesse:

We are familiar with the proposed Microsoft settlement and believe it is fair to all concerned including Microsoft competitors.

We do not believe taxpayers should continue to pay to provide Microsoft competitors with a competive competitive advantage over Microsoft. It is up to the competitors to establish their own competitive advantage in the marketp1ace by their own efforts and ability not U.S. taxpayers.

We support the proposed Microsoft settlement and strongly urge that the Department of Justice accept the settlement Many thanks for your attention to this matter.

Sincerely Yours,
Mr and Mrs William G. Locke

MTC–00032015

Date: January 25, 2002
To: Attorney General John Ashcroft
Fax No: 1 2023071454
From: Lester E. Weaver
Fax No: 252–443–2673
Phone No: 252–443–2673
Subject: Microsoft Settlement
Lester E. Weaver
2600 Old Mill Road
Rocky Mount, NC 27803
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I wish to express to you my opinion regarding the Microsoft Settlement reached in November. This settlement is fair and reasonable, and I am anxious to see the antitrust dispute resolved permanently. Ending this dispute promptly would would be in the best interest of our country and all concerned.

The November settlement was reached after extensive negotiations.

My understanding is that Microsoft has agreed to fully carry out all provisions outlined in this agreement. They also agreed to grant computer makers broad new rights to configure Windows so as to promote non-Microsoft software programs that compete with programs included within Windows. Furthermore Microsoft agreed to design future versions of Windows to make it easier to install non-Microsoft software.

This settlement is sufficient to deal with the issues of this lawsuit. Please support this settlement so we can focus our resources on more pressing issues. Thank you for your support.

Sincerely,
Lester E. Weaver

MTC–00032016

Bob Baum
139 Wanderless Lane
Taylorsville, NC 28681
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I support the agreement reached between Microsoft and The Department of Justice. I believe that we need to allow Microsoft to put its efforts back into technological innovation. With the current sluggish performance of the technology industry we do not need a pioneering company like Microsoft overwhelmed with litigation.

I believe that Microsoft is more than generous in accepting the terms of the proposed agreement. Microsoft has agreed to allow competition by: allowing computer makers to ship software that competes with Windows operating system, allowing disclosure of internal Windows interfaces, and allowing complaints to be filed with a technical committee.

I hope that these terms along with the resolution of this lawsuit, will act as a catalyst for improved performance in the technology industry, It is time to move forward and allow the free-market system to work. I support this proposal and I hope you will too. Thank you.

Sincerely,

Bob Baum

P.S.

The events in the last few days are very sad for anyone who might be in the position I am in since the legal actions that have been taken by Netscape against Microsoft will be went loss to the Stockholders of Microsoft and Netscape. It will be an absolute loss—no matter who wins—except for the attorneys representing the litigants. I own stock in both companies. What will the government do to compensate me for this???

MTC–00032017

3914 Rhododendron Drive
Raleigh, NC 27612
Attorney General John Ashcroft
US DepQrtment of Justrce
950 Pennsylvania Avenue, NW
Washington. DC 20530

Dear Mr Ashcroft

We are writing you today to express our views on the Microsoft antrtrust settlement. We feel that the settlement that was reached in November is fair and reasonable, and we are anxious to see this dispute resolved. We SInCerely hope there will be no further action against Microsoft at the federal level.

This settlement is complete and thorough. Microsoft has agreed to share more information with other companies, including Information about Certain internal Interfaces in Windows and any protocols implemented in Windows operating system, on reasonable and non-drscriminatory terms

This settlement not only keeps MIcrosoft together, but it will also benefit competing companies. Please support this settlement. Thank you for allowing me to comment on this issue.

Sincerely,

Elizabeth Nesbit

Andy Dorton

MTC–00032018

508 W Craig Road
Pittsburg, KS 66762
January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to give my approval to the Department of Justice and Microsoft settlement. It has gone on long enough, draining needed money from both the taxpayers and the tech industry. I think it should be noted that our economic slowdown started with the indictment against Microsoft. We need to get back to business. Letting this settlement stand is one way to do it. I also think the key word here is ''settlement'', not on-going, or rehashing, but settlement.

Microsoft has been more than fair with this issue. Microsoft has agreed to a great many terms that were not even an issue in the original suit; Microsoft has agreed to help companies better achieve a greater degree of reliability with regard to their networking software; Microsoft has agreed to allow non-Microsoft product to be shipped to a consumer; Microsoft has agreed to share its Internal interfaces, a first in antitrust cases.

I urge you to let us have the opportunity to go forward. We have more important things to do.

Sincerely,

John Evans

MTC–00032019

Helen Valsamakis
22081 Susan Lane
Huntington Beach, CA 92646–8305
(714) 965–1956
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–000l
January 11, 2002

Dear Mr. Ashcroft:

I am writing this letter so that I may go on record as supporting the decision of the Justice Department to settle the antitrust suit with Microsoft. I am pro-business and pro-competition, and as such, I support any settlement that will end this senseless litigation process against Microsoft.

I feel that the government needs to take a hands-off approach to private enterprise, so I am relieved that the settlement includes checks and balances that will help keep the government out of future legal battles with Microsoft. A three-person technical oversight committee has been set up to monitor Microsoft's compliance with the terms of the settlement. This committee consisting of three experts in software engineering will assist with dispute resolution, which keeps all parties out of court. If there is any company that feels that Microsoft is not complying with any provision in the settlement, they will be able to lodge a complaint with the DOJ or the technical committee.

I fully support the settlement, and hope that all future disputes that put an unnecessary strain on the economy will avoid the courtroom.

MTC–00032020

2643 Greenbriar Lane
Annapolis, MD 21401–4423
January 11, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

This letter is in support of Microsoft's settlement of its antitrust case with the federal government. Microsoft is a good corporate citizen. Microsoft's willingness to settle rather than expose the taxpayers to a lengthy and very costly trial should be commended, not condemned.

Microsoft's willingness to license its Windows operating system products to the 20 largest computer makers (who collectively account for the great majority of PC sales) on identical terms and conditions, including price, grant computer makers broad new rights to configure Windows so as to promote non-Microsoft software programs that compete with programs included within Windows, and not to retaliate against computer makers who ship software that competes with anything in its Windows operating system is extremely reasonable.

Microsoft's agreement does more for consumers than most of its competitors would have been willing to do. This settlement should be accepted so the consumers can continue to benefit from Microsoft's software innovations.

Sincerely,

Lillian Armstrong

MTC–00032021

Denis Beaulieu
2425 NW 261th Street
Boca Raton, FL 33431
January 24,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express by opinion in support of the Microsoft antitrust settlementduring the public comment period. This settlement is comprehensive and fair. It will endthe three years of litigation. It will prevent run-away antitrust litigation, such as whatpreviously happened with AT&T and IBM and other companies.

The settlement will aid Microsoft's partners and competitors in using Microsoft'sWindows platform as a springboard for their success. The settlement will enable othercompanies to more closely integrate their products Windows, through Microsoft releaseof the code for its internal interfaces and server interoperability protocols, and licensingof other intellectual property on non-discriminatory terms. Computer makers and otherswill have more flexibility to modify the Windows desktop through removing Microsoft'sprograms, such as Internet Explorer, and adding their own, such as AOL Times Warner'sNetscape Navigator, These terms address the concerns raised by other companies. Theywill benefit the American computer industry as a whole. This will, in turn, benefit theAmerican economy, which has been battered in the recent years, partly by the precipitousdecline of the technology sector.

I appreciate your support for the settlement. The federal judge, recently appointedto replace the previous judge, should approve the settlement in the best interests of thepublic. Thank you.

Sincerely,

Denis Beaulieu

cc: Representative Robert Wexler

MTC–00032022

CARDIOLOGY ASSOCIATES OF SCHENECTADY, P.C.

2546 BALLTOWN ROAD SUITE 300 2546 BALLTOWN ROAD -SUITE 300
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DAVIDC.ARMENIA,MD., FACC.
Mm JORDAN, MD., F.A.C.C.
ARTHUR R. VAKENER III, M.D.. F.A.C.C.
WILLIAM N. VACCA, M.D., F.A.C.C.
EUGENE E DRAGO, M.D., F.A.C.C.
MIGUEL A. CABRAL, M.D., F.A.C.C.
FREDERICK. K. WIESE, M.D., F.A.C.C.
BARRY S.LINDENBERG, M.D., F.A.C.C.
DENNISP.MANOR, MD., F.A.C.C.
DOUGLAS A.LONG. M.D.. F.A.C.C.
CHARLES CRAIG PETERSON, M.D., F.A.C.C.
GEORGE A.VANSOLAS, M.D.. F.A.C.C.
PETER D.COSPITO, D.O., F.A.C.C., F.A.C.P.
ANTHONY R. LONDON, M.D., F.A.C.C.
PATRICK J.PARISI, M.D.. F.A.C.P.
MURLI RAMON, M.D., F.A.C.C.
K.R.SHANKAR M.D.. F.A.C.C.
INGRID RUNO, M.D.
January 24, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing you today to express my opinion in regards to the Microsoft settlement issue. Isupport the settlement that was reached in November. I sincerely hope there will be no furtheraction against Microsoft at the federal level.

This settlement is fair and reasonable. Microsoft has agreed to all terms and conditions, eventerms that extend well beyond the original lawsuit, for the sake of wrapping it up. Under thisagreement, Microsoft has agreed to design future versions of Windows to provide a mechanismtomake it easy for computer makers, consumers and software developers to promote non-Microsoftsoftware within Windows. Microsoft has also agreed to document and disclose for use by itscompetitors various interfaces that are internal to Windows.

This settlement will benefit the economy, the technology industry, and consumers. Please supportthis settlement so our precious resources can be funneled into more productive activities. Thankyou for your support.

Sincerely,
Barry Lindenberg

MTC–00032023

FROM :W.S. AND M.L. PINE
206 729 0218
5509 NE 63rd Street
Seattle, WA 98115
January 24,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington DC 20530

I am of the opinion that the settlement that was reached between Microsoftand the Department of Justice is more than fair, and I hope that it isimplemented as soon as possible. Over three years have passed since thebeginning of the suit, and the economy has fallen into a recession in thattime.

The settlement that has been proposed does not go easy on Microsoft, butwith everything considered, it was the best thing that could have happened,I believe that Microsoft should have never been taken to court in the firstplace, but if this settlement ends all of the ridiculous litigation and allowsMicrosoft to worry more about producing instead of legal defense. I dohowever feel that the settlement will benefit the economy. Microsoft's.competitors will be able to produce and promote software that competeswith Windows, and they will not have to worry about retaliation fromMicrosoft.

The settlement, although not deserving is fair enough and I support it.

Thank you for your time and consideration.

Sincerely,
Jack Gardner

MTC–00032024

Pro-Fusion Technologies, Inc.
3825 Old Conejo Rood
Newbury Park, CA 91320 USA
Tel. (805) 376–8021 Fax (805) 376–0619
January 24,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

I am writing to you because I support Microsoft and I feel that your office's antitrust lawsuit against them should be settled. I think the agreement reached in November favors Microsoft's continued success more than other actions may have, and it is the most appropriate way for both sides to move on.

To appease the Justice Department's concerns, Microsoft is agreeing to change the way they do some of their business, and that effort should be recognized. Sharing patented Windows code with competitors, leveling the playing field in the way they deal with computer makers, and giving the public more freedom to remove Windows-based programs like Internet Explorer all open up what is already a competitive marketplace.

Microsoft makes some of the most innovative products on the market today, and their success is deserved. Please settle the government's antitrust suit and let Microsoft move on with their business.

Sincerely,
Jack Heinzman
President

MTC–00032025

Jan 24 02 05:49p P- 1
January 24,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to you today to ask that you agree with the terms of the settlement between Microsoft and the Department of Justice. The settlement was finally reached in November of last year after three long years of litigation and six months of continuous negotiation. The settlement proposes terms that are in the best interests not only of the plaintiffs and the defendant, but also of the public and the IT industry as a whole. It is now time to move on and take care of more important issues.

The proposed settlement requires a variety of changes on Microsoft's part. For example, Microsoft will be required to license its Windows operating system to twenty of the largest computer makers on identical terms and conditions. Microsoft has also agreed to refrain from entering into any contract that would require a third party to either sell or promote Microsoft software at a fixed percentage. These terms are entirely reasonable.

America is struggling through a recession, and the effects are being felt worldwide.

Consumer confidence and spending are at their lowest point in ten years, and something needs to be done. The economic downturn began three years ago when the Justice Department initially brought suit against Microsoft, and has been snowballing ever since.

Now that this settlement has been proposed and competition has been increased, the economy will be given the boost it so desperately needs.

Please help America's economy get back on its feet as soon as possible. I urge you to support the terms of the settlement that was reached between Microsoft and the Department of Justice. No further action needs to be taken on the federal level.

Sincerely,
Stephen Knop
1863 Garfield Avenue
Salt Lake City, UT 84108

MTC–00032026

P.O. Box 1012
Washougal, WA 98671
January 23,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am of the opinion that the settlement that was reached between Microsoft and the Department of Justice is more than fair, and I hope to see it implemented as soon as possible. For too long now our economy has been suffering, and ending this legal dispute is the best remedy. Remember, the economic slide started when the government first sued Microsoft.

The settlement that was reached has teeth, and Microsoft did not get off all that easy. However, it was in the best interests of the technology industry,consumers, and the economy to get this issue over with as soon as possible.

Microsoft has agreed to give to its competitors source code and other design information for the Windows operating system. This allows competitors the ability to produce software that is compatible with Microsoft's, and they will not have to worry about retaliation from Microsoft since the agreed not to go after companies that try to compete.

All in all, I am satisfied with the settlement. Please implement it as soon as possible. Thank you.

Sincerely,

Jake Lawlor

MTC–00032027

616 Terrace Avenue
Half Moon Bay, CA 94019
January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am in support of the settlement that was reached in the Microsoft antitrust dispute, I personally believe that this suit never should have been brought in the first place. Microsoft is a great company that has done immeasurable good for this nation. Microsoft provided a usable system, which enabled more people to access computers and harness this new technology. I spend most of my workday at the computer using Microsoft's product, and I know that without the Windows operating system I would have serious difficulties fulfilling my job.

I think that the settlement is reasonable. The company will not be divided, and will be able to continue innovating and making strides in the IT sector. Under the terms of the settlement Microsoft will design future versions of windows that are compatible with the products of its competitors. The company will not utilize any business tactics that may be considered retaliatory. Finally,the companies will he held accountable by a three-person technical committee that will monitor the future business practices of the company to ensure that they comply with the terms of the settlement.

I am pleased that we may finally be able to put this litigation behind us,and I hope that the states fall in line behind the federal government and settle.Thank you for all the work that you have done to protect American business and free enterprise, and for allowing me this opportunity to express my opinion.

Sincerely,

Mary Mattern

MTC–00032028

Subj: microsoft Settlement
Date: 1/24/02 7:14:01 PM Eastern Standard Time
From: Capitmkts
To: microsoft.atr@usdoj.gov
CC: Capitmkts

Dear Mr. Ashcroft, I feel the MSFT settlement was Fair and just for the people of the United States of America which both MSFT the consumer and public have paid a dear price in time, money, personal and lives: had weas a nation watched lessof our own and more about what foreigners were plotting against the United States the twin tower would still be standing along with 3000 lives not to mention the families these people touched. Once again in the news is All watch new and understood what the netscape browser was and the risk of a 10 Billion dollar purchase.'' Elephant.'' The trial was going on during the time of the purchase and the insiders thought they new netscape would control the market after MSFT lost because that did not happen netscape has filed a suit which I personal think is without merit and should be throw out.

We as a nation should be very thankful for the creativity and jobs that Microsoft started and can only hope that the continued success will bring ever greater rewards to this country. Mr. Ashcroft I hope and pray that the settlement stand because it was fair and just for all.

God bless.

Sincerely

Peter J. Borrello

413–731–2303

MTC–00032029

4523 Wall Street
Bellingham, WA 98226–5102
January 22,2002
Attorney General John Ashcroft
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

Thank you for your support of the settlement of the Microsoft antitrust case. You have broad support in this decision across the country. Forty-one states want no further action against Microsoft: 32 states that did not think a suit was reasonable, and 9 states that sued and then agreed to the settlement.

Why should our government continually try to shoot down the pacesetters and trendsetters of our nation? Why have a governmental bias against private enterprise, when private enterprise is the foundation of our prosperity? The AT&T and IBM suits were unproductive. Now Microsoft. Microsoft has carried the flag, opened the door, and got a foothold, for American technology companies worldwide.

I have a business in the automobile accessories industry. I previously was in the home video business. I know that there was once a competition between the VI-IS and Beta tape formats. That battle was won by VHS because it was more open to industry partners than was Sony with its closely held Beta. The situation is similar to the contest between the Intel-Microsoft PC industry and Apple and its closely held Macintosh. Intel and Microsoft won because they encouraged widespread participation, which encourages widespread adoption.

Microsoft does not act alone; it has been smart in attracting partners to build strength into the industry. Now, with the settlement, Microsoft has agreed to be work constructively with others by revealing internal information about Windows and allowing computer makers and users to remove access to Windows technologies in favor of rival software. By making it easier for competitors to write and promote their software, Microsoft is doing all it can to end the litigation.

I support their efforts and hope you do too. Thank you for your leadership for a strong America.

Sincerely,

Jeffery Heininger

MTC–00032030

Alice Haber
8043 Winston Road
Philadelphia, PA 19118
January 23,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I understand the Department of Justice is accepting and publishing public comments for the first time since it brought this antitrust suit against Microsoft more than three years ago.

As a schoolteacher, I am constantly concerned that my children have access to the latest technology from a solid company. Microsoft is that company.

It is interesting that some parties want to forfeit the greater good for short- term lucrative gain. Microsoft has been more than cooperative in resolving this dispute, by agreeing to terms that extend well beyond the products and procedures that were actually at issue in the suit. In addition to the non.-retaliation parts, Microsoft will disclose information about Windows to its competitors, giving software companies more background with which to work. Ultimately, competition will create new software and programs that are even more stunning. However, we still need Windows as a reliable platform.

I urge you to end this suit so that we can go on with our lives. Let Microsoft do what they do best and save the technology sector of the economy. No more action should be taken at the federal level.

Sincerely,

Alice Haber

Cc: Senator Santorum

MTC–00032031

5864 N.E. Parkpoint Place
Seattle, WA 98115
January 24,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The anticipation of those hoping for an end in the Microsoft antitrust case has finally been met. A settlement has been reached in the case and I think the Justice Department should ensure this settlement is instituted.

Groups and individuals with anti-Microsoft views are working against this settlement. This is unnecessary because this settlement will make many positive changes in the software industry. The settlement prohibits any contractual restriction by Microsoft on the promotion of non-Microsoft products by computer makers. Basically this means computer makers will have more ability to place other software, and other non-Microsoft operating systems on computers. This will be good for Microsoft's competitors, yet they continue to oppose the settlement. It may be that opponents of the settlement care only about harming Microsoft through the courts, and not for more competition in IT.

It does not behoove a great Justice system like ours to be used by companies to harm another company. Simply stated, the settlement currently agreed to by both sides in this case should be instituted.

Sincerely,

Mary Rowland

MTC–00032032

Attorney General John Ashcroft
U.S. Department of Justice
Washington, DC 20530
Arctic Systems, lnc,
15320 Spencerville Ct. Suite 201
Burtonsville, MD 20866
(301) 384–8400
January 24,2002

Dear Attorney General Ashcroft,

I have reviewed the terms of the settlement between the U.S. Department of Justice and Microsoft. I personally feel the settlement is broader than necessary, and the terms are certainly strong enough to meet any reasonable person's goals for such a settlement.

I feel continued litigation is counter-productive. I support this settlement, and urge you not to consider further action.

I have worked as a software and computer professional since 1983. I am now a partner in a software firm. My company is both a Microsoft Parter and Unix/Linux Authorized. We feel Microsoft has been a reliable, dependable provider of quality products. I feel anyone who claims otherwise is either ill informed or has an agenda not related to fair competition.

Unlike other companies, Microsoft has made extensive efforts to help people move their flagship product, Windows NT, to other platforms. For years Microsoft offered many of their products on Unix until demand waned. In my opinion Microsoft has gone out of their way to provide better products for lower prices.

Thank you for your service to our country in this time of need. My family and I appreciate your efforts to settle this matter and attend to the great challenges facing all of us. Please feel free to have your staff call me personally if they wish to discuss this further. I feel strongly about this matter, and certainly would provide as much time as necessary to help your staff understand these issues.

Sincerely
Rick Hansen
President Arctic Systems Inc.
(301) 807–5011
rhansen@arctic.com
15320 Spencerville Court
Suite 201
Burtonsville, MD 20866

MTC–00032033

13145 Byrd Lane
Los Altos Hills, CA 94022
January 18,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to let your office know that I support the settlement reached in the Microsoft antitrust case. As a former software writer, I know firsthand what great technological leaps Microsoft has been able to make, leaps that everyone has benefited from. Thanks to the company's ability to standardize the use of personal computers, consumers pay less and get more out of their purchase.

I believe that there Is enough competition in the marketplace, and that Microsoft's concessions in the settlement will only increase consumers'' freedom of choice, as well as other manufacturers'' ability to develop programs that are compatible with Windows.

The American way is all about the pursuit of success, and Microsoft has simply done better than most at succeeding. They have done so because they make good products and continue to lead the way in technical innovation. Do not punish them further for that—please settle the antitrust case without further delay.

Sincerely,
Michael Schoendorf

MTC–00032034

January 24,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am contacting you to ask that you back the settlement reached in the Microsoft antitrust case. This case simply has continued for too long, and an enlightened settlement now exists that should bring this case to a close.

The settlement that is currently being made available to both sides wiIl bring improvement and more openness to the IT industry. The settlement allows computer makers to place non-Microsoft systems on their machines unencumbered by contractual restrictions. The settlement also will permit the easy placement of non-Microsoft software on Microsoft operating systems.

Clearly this settlement presents a reasonable result for all sides. Pursuit of further litigation in the federal case is, in my opinion, unwarranted. respectfully ask that you back the current settlement. I again

Sincerely,
Sanjay Chandra
Vice President
American Leather, LP
cc: Representative Marlin Frost
3700 Eagle Place Drive Suite 100
Dallas Texas 75236
Phone 800.456.9599
Fax 972.296–8859

MTC–00032035

January 11,2002
Attorney General John Ashcroft
US: Department of Justice
Washington, DC 20530

Dear Mr. Ashcroft,

I write you with concern over the recent delay of the Microsoft settlement. It is distressing to hear that the settlement is being delayed because of a few politicians. After three long years of court battles, it is ridiculous to prolong the execution of such a well-designed agreement. The terms that were agreed upon are a reflection of the interests of all parties involved. It is time to let them speak for themseIves.

Microsoft has not only agreed to rework licensing and marketing agreements, but has agreed to design future versions of Windows that allow for easy installation of non-Microsoft sofeware, too. This, alone, speaks to the fact that Microsoft is acting in the best interest of the IT sector as a whole. The technology industry is ready to move foward, so let us allow them to do just that.

Let us not hold back our economy by holding back the advancement of our IT sector in this competitive global market.

Please support the settlement in its current form. Help us to make sure that no further action is taken against the agreement, and that we can move forward as a united industry.

Sincerely,
Ernest Carpenter 409
Care Center Drive
Warrensburg, MO 64093

MTC–00032036

Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

Several years ago, I had the opportunity to serve as an elected official in Weber County, Utah. During my tenure, we worked to streamline county government and enhance our computer systems. We made the determination that the mainframe system WC were using was old and outdated and moved to a new system with Oracle Software as its foundation.

Oracle competed for this business and won. I am now learning of Oracle's desire to try to use legal means to give themselves the upper hand over their competition. Oracle should spend their time and money on research, not on attorneys to stay ahead of the competition. Forcing another competitor to give up source code is wrong.

Please bring an end to the Microsoft Class Action Suit and settle this legal wrangling.

Sincerely,
Spencer F. Stokes

MTC–00032037

TECHWORX INC.
Architects of Mission-Critical Environments
950 Industrial Highway
Suite D
Southampton, PA 18966
Toll Free: 800–707–7966
Tel: 215–357–7966
Fax: 215–357–7932
Web: www.techwonx-inc.com
Email: info@techworx-inc.com
January 24,2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW.
Washington, DC 20530

Dear Mr. Ashcroft:

Forgotten amidst all the controversy surrounding this Microsoft lawsuit is the fact there are many companies like mine that have been built and remain successful based on the success and reliability of the Microsoft product line. While many Microsoft competitors feel that they can use the legal system to knock Microsoft off its throne, they have ignored the potential effects that would be experienced by other companies in the IT industry.

This is why the settlement recently reached is so Important. Its obvious advantage is that it ends speculation as to

whether Microsoft will be broken up. It also has the advantage of addressing most of the main complaints against Microsoft. While I am not sure that I agreed that Microsoft should have agreed give up more of its interfaces, I was pleased that other points will now be satisfied. It is important, for example, that Microsoft relaxes its stance with the OEMs.

I am therefore writing to support this settlement. It leaves intact the infrastructure of the IT industry and ends the litigation with reasonably satisfactory results.

Sincerely,
Steve Terebecki
President
CC: Senator Rick Santorum
Microsoft CERTIFIED Partner

MTC–00032038

Commtech 3
Communication and Technology Industries, Inc.
1613 Poydras St.
Facsimile Cover Sheet
To: Attorney General—Mr. John Ashcroft
Company: US Dept of Justice
Fax: 1–202–307–1454 / 1–202–616–9937
From: Darryl D'aquin
Company: CommTech Industries, Inc.
Phone: (504) 200–1333
Fax: 504–200–1310
Date: 1/24/02
FROM : COMMTECH
FAX NO. :5042001310
Jan. 24 2002 04:37PM P2
commtech
I N D US T R I E S c s
January 9,2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing to convey to you my opinion on the antitrust suit involving Microsoft. The settlement reached between Microsoft and the Department of Justice is of fair and reasonable intentions, and it succeeds. The settlement was arrived at after extensive negotiations with a court-appointed mediator present; it also addresses all issues adequately. Microsoft's retaliation actions will be made illegal; the Technical Committee instituted by the government will enforce it.

It is not necessary to carry any further litigation against Microsoft. Even though the settlement goes further than what Microsoft would have liked, to settle case now is the right thing to do. This suit has been a major contributing factor in our faltering economy, and the standstill state of the industry. To continue litigation means a prolonged delay in the revival of the economy and the industry.

There has been a general fleecing of the American taxpayer by pursuing this. To prevent this from continuing any further, it is necessary to stop all action at the federal level. Microsoft needs to be allowed to return to innovation, rather than litigation.

Sincerely,
Darryl D'Aquin
President

MTC–00032039

FAX TO U.S. DEPARTMENT OF JUSTICE
WASHINGTON, DC
202–307–1454
FROM JAMES N. HARVEY
925–299–0421
January 24,2002
Re: Microsoft Antitrust Settlement

Dear Sirs:

I urge you to finalize the Antitrust Settlement with Microsoft Corporation. The settlement seems fair and reasonable, and further litigation would serve only the interests of the company's competitors and the political purposes of the nine State Attorneys General who oppose it. Microsoft has brought stability to an industry that was confused and chaotic, and because its products provide good value at affordable prices, consumers have benefitted by buying them. It would not be proper to allow Microsoft's competition to use the courts as a marketing tool. Please settle this case in accordance with the agreement as it stands.

Sincerely,
James N. Harvey
4019 Los Arabis Drive
Lafayette, CA 94549

MTC–00032040

To: John Ashcroft
From: John S. Koval Sent: 1/24/2002 at 5:05:02 PM
Network Convergence Corporation
P.O. Box 3156
Hickory, NC 28603–3156
(828) 308–1189
January 24,2002
Attorney General John Ashcroft
USDOJ
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

I believe the settlement agreement reached between the Justice Department and Microsoft Corp. is fair to both parties, and I urge the court to approve it as written.

Under the settlement, Microsoft has agreed not to retaliate against software or hardware developers who develop or promote software that competes with Windows or that runs on software that competes with Windows. It also agreed not to retaliate against computer makers who ship this software or enter into any agreements obligating any third party distributor to promote any Windows technology exclusively or in a fixed percentage.

I further believe that breaking up Microsoft would not accomplish any useful purpose; hence, it is very important that the settlement be implemented as written.

Sincerely,
John S. Koval
President

MTC–00032041

To: Attorney General John Ashcroft
Company: U.S. Dept. of Justice
From: Carl Monson
Company: Mowell Financial Group, Inc.
Date: 1–24–02
Re: Microsoft Ruling
Carl Monson
P.O. Box 1305
Tallahassee, FL 32302–1305
January 24,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear General Ashcroft:

Just a note to let you know I appreciate your efforts to resolve the Microsoft antitrust case. In my opinion, it would make sense to support the settlement and conclusion reached in court.

The cost to both sides of this dispute has to reach millions of dollars on each side. An acceptable settlement has been arrived at that will 1ikely give competitors improved ability to place their software on Microsoft operating systems, thus giving them more sales and public exposure. Some of the competitors remain unsatisfied, and they will place pressure on officials until this case is resumed and serious damage is done to Microsoft and the entire business sector. We do have some interesting telephone businesses now, but the 10 years of litigation and costs involved have been a terrible price to pay. Currently, the competition/consolidation in the phone business is causing a great deal more pain.

Please consider accepting the settlement. If you believe it has merit, and is in the public interest, please consider talking with those state attorneys general to not try to win the lottery by pushing for more destruction of a pretty good company.

Sincerely,

MTC–00032042

Paul G. Simon
519 West Plaquemine
Church Point LA. 70525
pasimon7@hotmail,com
(337) 684–1139
Re: Microsoft Case
January 24,2002
Renata B. Hesse
Anti-Trust Division
The United States Department of Justice

Dear Renata B. Hesse:

It is very encouraging that your office has decided to take comments form the general public about this very important case. The Microsoft ant-trust case will have far reaching repercussions that will affect all Americans in one way or another.

While Bill Gates and company may have not always behaved in the most admirable fashion, it seems to me and a lot of other people that at this point they have been punished enough. Microsoft helped make possible the high-tech boom that has been driving our economy, and with the country in danger of sliding into a depression this is not the time to drag this case out any further. To keep this anti-trust case alive longer than it should be is to risk wrecking our economy at time when we can least afford it.

Please vote to settle the Microsoft case quickly so that the market will not have to keep holding it's collective breath waiting for some resolution. A quick settlement would have far reaching positive side effects both for the little guys (like me) and big business as well. With this behind us we could all move forward with developing promising new software and investing in new computer hardware.

It would be in the best interest of consumers and the country.

Sincerely,

Paul G. Simon

MTC–00032043

2001 S 292nd Street
Federal Way, WA 98003
Email peterc@gte.net
Fax 425–799–3660
January 16,2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–001

Dear Mr. Ashcroft:

The antitrust lawsuit against Microsoft has been dragging on for too long, Government should stay out of the economy and let private businesses fail or succeed on their own. Reference your correct approach to the Enron problem I am happy to see that Microsoft is not being broken up, but I am appalled that nine states still want to bring further litigation.

The terms of the settlement are more than fair. They force Microsoft to disclose internal interfaces and design future Windows versions so that Microsoft competitors can more easily promote their own products. They also require Microsoft to form a three-person team to monitor compliance with the settlement.

It is in our nation's best interests, our economy's best interests, and our people's best interests to make the settlement a reality. We cannot afford to have our industries'' leaders hindered by expensive and lengthy litigation. I ask your office to take the appropriate steps towards rectifying a mess that has been years in the making.

Sincerely,

Peter Stobart

MTC–00032044

JOHN SHARP ASSOCIATES INC
January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Ms. Ashcroft:

Three years ago, the Department of Justice found Microsoft to be in violation of antitrust laws. Naturally, suit was brought, and a period followed where the proposed solution was breaking up the Microsoft Corporation. Fortunately, that idea was discarded in favor of a less destructive course of action. A settlement was reached last November under which Microsoft would be allowed to remain intact. It requires a broad range of changes in both policy and product however to prevent further antitrust violations and restore fair competition in the technology market.

The settlement, for example, requires Microsoft to provide third parties acting under the terms of the settlement with a license to applicable intellectual property rights. This would allow Microsoft's competitors to build their software into Microsoft's pre established system without infringing upon those rights. Microsoft has also agreed to refrain from taking retaliatory action of another software producer or computer maker introduces a product into the market that directly competes with Microsoft. This will allow computer makers the freedom to promote their own software without having to risk rebuttal from Microsoft.

I would like to see this case come to a speedy, productive end. I do not believe the settlement is unfair, nor do I believe it would hurt the consumer in fact. I think the tech industry and the economy have suffered enough already. The suit needs to end, and I believe it is in the best public interest to settle now and allow things to get back to normal. I urge you to give your support to the settlement.

Sincerely,

John Sharp
660 ISLAND WAY APT 406
CLEARWATER, FL 33767
727–447–7747

MTC–00032045

January 23, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Those who follow technology news know that the lawsuit that the Department of Justice brought against Microsoft three years ago has hurt investor confidence in technology. Because of the great slowdown in the IT industry, the entire economy has suffered. Why the Department of Justice brought suit against Microsoft is still a great mystery. One of America's great companies, Microsoft is largely responsible for the enormous strides in consumer technology and the universal use of the computer nowadays.

Due to the settlement, Microsoft will no longer be able to negotiate with distributors on an individual basis. All of Microsoft's competitors will still have this ability. Microsoft will also be forced to disclose various portions of its Windows code to competitors. These terms of the settlement are more than enough punitive measures to punish Microsoft for any infractions they may be guilty of.

All this adds up to the need of the Justice Department to end this suit as soon as possible. The IT industry, its consumers and its investors deserve an end to this suit when this period of public comment is over.

Sincerely,

LindaDial
6 11 20th Avenue
Lewiston, ID 83501
cc: Senator Larry Craig

MTC–00032046

January 24, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I recently learned of the proposed settlement agreement reached in the Federal government's antitrust case against Microsoft I see no reason why not to implement the agreement immediately upon close of the comment period and bring an end to this litigation.

Microsoft has agreed co a more level playing field in the future, and now should be able to get back to the business of developing new innovations. A number of Microsoft's concessions will promote greater consumer choice and competition in the computer Industry, but I feel the most significant is Microsoft's agreement to allow computer makers the option of installing Windows operating systems which are reconfigured so as to allow the use of non-Microsoft software programs.

I hope that you will stick to this agreement in its present form and take the necessary steps to see that it is implemented immediately.

Thank you for this opportunity to comment

Sincerely,

Dick Boullis
51211 Oak Hill Court Granger, IN 46530

MTC–00032047

To: U.S. Dept. of Justice
attn: MS Renata B. Hesse
Fax: 202.307.1454
From: Gordon W Bowman
Date: Thursday 01/24/02
Re: Support of Microsoft settlement
Pages: one including this

I support the Microsoft settlement. I feel the point has been made and the settlement is adequate to cover the complaints and let let the country get on with business. Those lobbying and filing new suits to carry this on appear to me afflicted with greed, and have no concern that the people's and industry's resource is being squandered. Thank you for your attention.

Sincerely,

Gordon W. Bowman

MTC–00032048

MILSTEAD PHOTOGRAPHY
January 24, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington,DC 20530

Dear Mr. Ashcroft:

Our opinion regarding the Microsoft issue is that it is a very competitive company and has been successful because of its contribution and accomplishments. I have an issue with the roll of Lobbyist or rather the lack of,has played In this issue.The issue began with the decision by one Judge,the result of that decision began the spiral downward of the stock market and was an intervention in the free enterprise system.

I feel the settlement reached in November is fair and that Microsoft should remain as a company. This settlement will benefit the economy and consumers.

I feel this settlement serves in the best Interest. We support and admire your strong leadership. Thank you for your time.

Sincerely,

W.H. Milstead

MTC–00032049

915 Limestone Drive
Allison Park, PA 15101–4227
January 10, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft

In my opinion the entire lawsuit against Microsoft was a debacle. There are monopolies in every industry in this country. I'm not sure why Microsoft was singled out. Nevertheless they were. For three years the Justice Department was embroiled in a antitrust lawsuit against Microsoft. Now, a settlement has been reached.

The settlement that has been reached is surprisingly beneficial in my view. First of all this settlement helps to increase competition within the information technology industry by requiring Microsoft to provide other software companies with Windows protocols. These protocols will enable other software manufacturers to create software that works more smoothly inside of Microsoft's Windows. Terms of the settlement also dictate that Microsoft provide a unified pricing list to the top 20 computer manufacturers. This would guarantee that no one company gain an advantage in the market because of a contract with Microsoft.

But clever people like me who talk loudly in restaurant, see this as a deliberate ambiguity. A plea for justice in a mechanized society.

Even though I was not in favor the lawsuit in the beginning, I am in favor of the settlement that will end this matter. It is in your hands whether or not this ends now, or whether it goes on for many mare years. I ask that we not waste any more of the Department of Justice's time nor resources on this issue. Leave the settlement like it is.

Sincerely,

Jack Wetzel

MTC–00032050

New Horizons*
Computer learning Centers
of Boston Massachusetts
January 22, 2002
Attorney General John Ashcroft,
US Department of Justice,
950 Pennsylvania Avenue NW,
Washington DC 20530

Dear Mr Ashcroft,

I am writing this letter to inform you that I am in full support of the settlement reached between Microsoft and the Department of Justice. This settlement has a fair and reasonable design. It is sad to have to see a suit brought about against Microsoft. If Microsoft were to be broken up, not only would that action harm my business, but also several other businesses across the country

Microsoft operations and products, among other things, constitute a large part of the economy. As such, the antitrust suit has been a major contributing factor in the faltering economy, and to the present stagnated state of the IT industry. It is necessary to prevent this from continuing; any further time spent dealing with this suit will only cause taxpayers to reach deeper into their pockets. Under the settlement, other software companies will be able to sue Microsoft directly in federal court, so that we can at least keep the taxpayers from bankrolling these proceedings. That is in the public interest. Microsoft will change its licensing agreements for hardware makers, and update Windows to accommodate non-Microsoft software more efficiently; that is also in the public interest.

It is time to put this issue behind us and move on to other things. We cannot go on spending our financial resources on this suit any longer. All action taking place at the federal level must be stopped, and the settlement finalized.

Sincerely,

Ken North

5 0 Concord Road

Burlington, MA 01803 main (781) 229–9565

fax (781) 229–9552

www.newhorizons.com

MTC–00032051

Dianna J. Thiel, CFA
10 Burdsal A venue
Fort Mitchell, KY 41017
January 21, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

I am writing in full support of the recent settlement between Microsoft and the U.S. Department of Justice. The case has dragged on long enough, and further litigation could do serious damage to the IT sector and economy. I do not believe that Microsoft has demonstrated monopolistic tendencies. They have delivered quality products without raising the prices unreasonably. Microsoft has standardized the industry making it easy to use computers which has benefited the consumer. Their work has been innovative and has obviously been the reason for their success.

The terms of the settlement should appease all parties since competitors will receive technological information that they otherwise should not have if all the rules of free enterprise were working properly. Microsoft will be disclosing interfaces and protocols to competitors that will enable them to copy Windows and try to create more innovative products. They have also agreed to not retaliate against software developers and computer makers who develop or promote software that competes with Windows operating system products.

These and other concessions should be enough to convince your office in favor of settling. Please take a stance against further litigation and finalize the settlement for the best interests of the American public

Sincerely,

Dianna J. Thiel, CFA

MTC–00032053

Law Offices of Jack Allen
15015 Bestor Boulevard,
Pacific Palisades, California 90272
(310) 454–2062
Fax (310) 454–8037
E-Mail jackjack@!inkline. corn
January 24, 2002
Renata B. Hesse,
Anti-Trust Division,
U. S. Department of Justice,
601 D Street NW, Suite 1200,
Washington D. C. 20530–0001
Re: Microsoft Settlement
Dear Ms. Hesse:

I find the settlement that the Justice Department has agreed to with Microsoft in Anti-trust case a complete sellout which will only encourage Microsoft to continue its anti-competitive practices. It will not even be a slap on the wrist.

I was delighted when the Justice Department obtained the judgement from Judge Jackson. While I would favored even more stringent penalties, nevertheless I could not deny that justice was served. Now the Justice Department is giving away any leverage it would have had.

I have been in computers since 1960. I was a fully qualified programmer. With IBM I helped pioneer computer word processing and my law offices were among the first be so equipped. I became one of the first attorneys to specialize in computer law and the first to represent buyers of computer equipment and programs. While in law school I spent three years in a program called ''Computers and the Law'' that developed ways that computers could be useful in the practice of the law.

When Microsoft developed Windows 95, the alarm bells went off as I saw Microsoft use its great power as the source of the only viable operating system to bully computer manufacturers into installing its software and only its software on new desktop computers. Because Microsoft engineers developing competing software applications had the jump on Microsoft competitors in developing Windows 95 applications and then get the programs installed on new computers, Microsoft was able to dominate the market place. For example, WordPerfect (which is still far superior to Microsoft Word) lost its dominance in the marketplace and has been reduced to a piddling share of the market. We all know the story of how Microsoft pushed Netscape out by including Microsoft Explorer as a freebie. Microsoft needs to be broken up. The maker of the operating system cannot also be the producer of application software. Nor should it be the manufacturer of hardware to support its programs.

We all suffer when one manufacturer is able to dominate the market. No one else can offer a competing operating system since Microsoft has driven out other operating system manufacturers.

I was after the Justice Department to do something about Microsoft years before it filed its anti-trust action. I was very disappointed that it took the Justice Department to do something to start with and when it finally appeared the Department had accomplished something, it is most disappointing to see all that work wasted with a token settlement.

Sincerely,

JACK ALLEN

cc:

Senator Diane Feinstein

Senator Barbara Boxer

MTC–00032054

January 24, 2002
Ms. Renata B. Hesse
Department of Justice
Fax #202–307–1454 I
Or 202–616–9937

As a Taxpayer and consumer Mim Vaiana and Joseph Vaiana support the settlement of the Microsoft lawsuit.

Very truly yours,

Joseph G. Vaiana
Mim Vaiana

MTC–00032055

140 West Myrtle Street
Duluth, MN 55811–5018
January 24, 2002
VIA FAX 202–307–1454
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530–0001
RE: Microsoft Settlement

Dear Mr Ashcroft:

I am writing to convey my support for the settlement reached between Microsoft and the Department of Justice in November 2001. I believe this outcome is good for both business and the consumer and gives concerned parties an opportunity to move forward.After reviewing the terms of the settlement, I am of the opinion that Microsoft has made many concessions and that the government has negotiated a tough agreement. For example, Microsoft agrees to document portions of the code that Windows uses in order to make different programs work together. Competitors will then be able to use such information to design better programs.This represents a first in an anti-trust settlement. In addition, Microsoft consents to the formation of a three-member Technical Committee to monitor the company's compliance with its new obligations.

As a certified management consultant in the technical industry, I thoroughly understand the usability and flexibility that Microsoft products provide. With your continued support of this settlement, Microsoft will be in a position to focus on new technologies that will facilitate increased efficiency and productivity for business and consumer users alike.

Sincerely,
Mary M Ruprecht, CMC
President

MTC–00032056

Hillary Strengholt
2313 McMullan Circle
Raleigh, NC 27608
January 14, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Fax 202–616–9937
microsoft.atr@usdoc.gov

Dear Ms. Hesse:

I write to express support for the proposed settlement in the federal government's antitrust case against Microsoft. As a third-grade teacher at Weatherstone Elementary School in Cary, North Carolina, I see every day the importance of computers and technology in the lives and futures of my students.

I strongly believe that the needs of these students—and the overall needs of our nation and our economy—would be far better served by settling this case than by further costly and debilitating litigation.

The analyses that I have seen indicate that the settlement strikes a difficult balance between penalizing Microsoft for the wrongs it may have committed in the marketplace and assuring continued progress and innovation in this important industry.

I hope that the settlement will be approved so that all concerned can go to work on more important matters.

Sincerely,
Hillary Strengholt

MTC–00032057

To: Department of Justice
Re: Microsoft settlement
Date: 25 January 2002

After reviewing the documents related to the settlement of the Microsoft antitrust case'' I feel I must comment. I have 25 years experience in the computer field and have never been prompted to action on any topic like this until now.

I am deeply disturbed that the revised ''Proposed Final Judgment'' will becompletely ineffective as it currently exists. The definitions therein are often so restrictive that the judgment would eliminate any benefit to those it harmed the most. It currently ignores the most significant opponent Microsoft has which is the not-for-profit organizations, which include the Linux development coalitions.It also contains several loopholes that Microsoft is already planning to use. But most of all it is too narrow that it only restricts anti-competitive activities dealing with the operating system, browser, and middleware thereby allowing them to assert their illegal monopolistic influence in several other emerging markets.

If I could enact a remedy, I would invalidate all Microsoft patents and have them publish the source code for every product they have produced. Even though this remedy would fit their crime, it probably would not be enough. Some may consider this a bit draconian and I doubt it would never happen, but it would be much more effective in reducing the entry into Microsoft dominated fields by competing interests. I believe it would even make Microsoft a better company,one that would have to innovate instead of litigate.

Please do give Microsoft additional opportunities to abuse their monopoly under the guise of a settlement to ''unfetter a market from anti-competitive conduct''. If this settlement is allowed, Microsoft will have gotten away, not with a slap on the wrist, but with full legal permission to do what it's been doing and more.This settlement is definitely not in the best interests of the public.

Thank you for your efforts in doing what is right.

Sincerely,
Boyce Fullmer
Systems Architect
3720 Cloudcrest Drive
Plano, Texas 75074
(972) 578–7772

MTC–00032058

Leslie J. Colligon
1262 Windsong Drive
Tracy, CA 95377
January 24,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am writing to pledge my support for settling the Microsoft antitrust case as soon as possible. I am convinced that Microsoft was within their rights in regard to the matter of how they handled the Internet Explorer software. I know that their vision of the importance of Internet Explorer to the future of computing may not be grasped by everyone, but as a software professional I feel that I may have a more intimate view of what the decision makers at Microsoft had in mind when they made their decisions regarding Internet Explorer.

I believe that Microsoft has been unfairly persecuted by the Justice system. If there can be any blame placed on Microsoft, I believe that it lies only in the fact that Microsoft did a very poor job in presenting their vision in court relating to the decision-making regarding Internet Explorer.However, since I do not believe that this issue should ever have gone to court in the first place, I sincerely believe that any blame lies with the decision makers in Washington DCI do not believe that the settlement is fair to Microsoft, but I am not strongly opposed to Microsoft accepting the settlement. I believe that, the Justice department should do likewise and get this issue behind all of us. This whole matters been an expensive lesson for all parties concerned, but in the end it is the taxpayer who is footing the bill.

While I do have a whole lot more to say on this issue, this letter is not the place as I am certain that it would only go unread. Perhaps some day after I retire, I will write a book on why Microsoft's decisions on matters relating to Internet Explorer were simply sound, logical business decisions and were in the best interest of the computing community and of the country. I suspect however, that time will demonstrate to the world the validity of what I, already know and that there will not be any reason for writing such a book as Microsoft's vision will become self-evident as their vision is fulfilled.

I encourage you to settle the case as soon as possible and stop any further litigation so that everyone can get on with more important matters.

Sincerely,
Leslie J. Colligan

MTC–00032059

Farrell Graham
312 Kailua Road
Kailua, HI 96734
24January2002
Attorney General John Ashcroft
Washington, DC 20530

Dear Mr. Ashcroft,

I was pleased to hear the Department of Justice reached a settlement in its case against Microsoft. I believe this case went on for too long and I am confident there are many people who share this sentiment. Microsoft is a great company whose positive impact is felt in the economy, the personal and professional lives of the public, and the information Technology (IT) industry on a whole. With the economy in a state of recession, it is in everyone's best interest if the States ceased litigation against Microsoft.

Those who remain in opposition to Microsoft would like to give the impression Microsoft got off easy in this settlement. This is not the case. The terms of the settlement are fair and acceptable to Microsoft, yet several States continue to pursue litigation. Microsoft compliance is far-reaching. They agreed to broad terms extending to products and technologies not even found to be unlawful, such as disclosing intellectual property for the greater good. This is an effort to bring this matter to an end sooner and give Microsoft the chance to get back to what they do best—create new products and services. This aids the US economy and the reformed stability of the IT industry in more ways then direct Microsoft financial settlements with individual States,

I am grateful for this period of public comment provided under the Tunney Act and I trust this avenue will help your office realize how strongly public feels about this issue.

Sincerely,
Farrell Graham

MTC–00032060

January 22,2002
Ms. Renata B. Hesse, Esq
Antitrust Division
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse,

The Southern Saratoga County Chamber of Commerce enters our strong support for the settlement negotiated between Microsoft Corporation, the US Department of Justice and 9 of the remaining state plaintiffs in the multi-year antitrust lawsuit against the software company.

As a representative of the business community in the Upstate New York region, it is our belief that it is in the best interest of our national economy to move forward with this settlement, and we encourage the Justice Department to urge the Courts to adopt the agreement as quickly as possible.

As business, both on the state and local level, and nationally continues to move in a positive direction, the resolution of this issue will only benefit all in the end.

Sincerely,
Peter L. Aust
President/CEO
Southern Saratoga County Chamber of Commerce
15 Park Avenue, Suite 7B—P.0. BOX 399.
Clifton Park, NY 120654399
Phone: (518) 371–7748
Fax: (518) 371–5025
E-mail: info@ssccc.org
Internet: www.ssccc.org

MTC–00032061

23 January02
Renata Hesse, Trial Attorney
Suite 1200, Antitrust Division
Department of Justice
60l D Street NW
Washington, DC 20530
Re: Microsoft settlement

Dear Atty. Hesse,

The remedy that Microsoft has so far successfully avoided is to have its code base broken up among two or more units. However, the quality control cost of any system rises with the square of the number of components. Since Microsoft cannot charge the users upgrade prices on which their revenue growth, and therefore their shareholder value,depends without substantial feature expansion, the component count must grow linearly(50 new features) if not geometrically (10% new features) per unit time. This insures that quality control costs for Microsoft must follow a cost curve that becomes untenable at some point, the only question being when not if. Therefore the greatest punishment you can possibly impose on Microsoft is to forbid them to break up their code base into integrable product lines as it marries them to a cost curve that will kill them in due course. Having sworn in court, settled in camera, and committed their reputation in public to the common argument that their cock base somehow cannot be broken up, they will now either reverse their position or march off the cliff.

In short, I urge the Court to take Microsoft at its word by ordering them to simply conform to their testimony.

Very truly yours,
Daniel E. Geer, Jr., Sc.D.
Chief Technology Officer
196 Broadway
Cambridge, MA 02139
President
USENIX Association
2560 Ninth Street, Suite 215
Berkeley, CA 94710

MTC–00032062

Beaver Brook Ranch
Custom Wood Products
JOHNSON ROAD RIPLEY, N.Y. 14775
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW. Suite 1200
Washington, DC 20530
January 24,2002

As a retired businessman I find this whole issue of the Microsoft Settlement very disturbing.I must first say that I do not own nor have I ever owned any Microsoft Stock.What I see here are Microsoft's rivals attempting to get our government involved in micro managing the technology industry. I do not feel this is in the best interest of the high-tech industry, economy or us the consumers.

There has been over $30 Million taxpayers dollars spent on this case already, don't you drink that is enough?

I believe the settlement in this case is appropriate in scope because it addresses only those items upheld by the courts,

Sincerely,
Thomas P. Kelly

MTC–00032063

January 23,2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

I am writing today to encourage the Department of Justice to accept the Microsoft antitrust settlement at the end of the Tunney Act comment period. It is time that Microsoft be allowed to move on and return their focus towards business. It took three long years, but now that a settlement is in sight, it would be an embarrassment to leave it out to dry. The terms of the settlement are fair and address all the major concerns of the suit

Many people think that Microsoft got off easy. In fact, they have not. Microsoft has agreed to allow computer makers to install and promote any software that they see fit. Microsoft has also agreed to not enter into any agreement that would require any computer makers to use a fixed percentage of Microsoft software. In an effort to allow competing Software makers to develop more compatible software,Microsoft has agreed to release part of the Windows base code.That's not even all of it, so anyone should be able to see how committed Microsoft is to settlement.

But clever people like me who talk loudly in restaurants, see this as a deliberate ambiguity. A plea for justice in a mechanized society. The terms of the settlement are fair and the government needs to accept them. Microsoft and the industry need to move forward, the only way to move forward is to put this issue in the past. Please accept the Microsoft antitrust settlement.

Sincerely,
Jim Verbick
10 DogWood Terrace
Belvidere, NJ 07823

MTC–00032064

Sent By: The Ayn Rand Institute;
310 306 4925;
Jan-24–02 5:15PM;
Page 1/3
Via Fax # (202) 616–9937
To: Ms. Renatta Hesse:
Antitrust Division, U.S. Department of Justice
From: Dr. Yaron Brook, executive director, the Ayn Rand Institute;
Dr. Onkar Ghate, resident fellow, the Ayn Rand Institute
Date: January 21, 2002
Re: Microsoft Antitrust Case

The Federal Justice Department should drop the antitrust case against Microsoft. If, at this stage in the proceedings it is impossible to drop the Case, the Justice Department should settle the case on as favorable terms to Microsoft as legally permissible. (If possible, the Justice Department should create a legal settlement more favorable to Microsoft than the one Microsoft agreed to in November of 2001.)

To understand why one needs to understand two points, one general and one particular.First., antitrust laws are non-objective and unjust, Second, Microsoft is guilty of no actual crime.Let us begin with the first point.

The ''actions'' that anti-trust laws prohibit are vague, contradictory, undefined. For instance, antitrust laws prohibit companies from engaging in restraint of trade.'' But what specific actions constitute ''restraint of trade '? If, as is done repeatedly in the business world, a company signs an exclusive distribution agreement with another company, is that ''restraint of trade'' because now other potential competitors are excluded from that area of the market? Or if a company sells a computer to individual X, is that

''restraint of trade'' because competing computer companies Can no longer sell X a computer since he has need for only one? No-the courts have declared to businessmen-only those ''restraints'' that are ''unreasonable'' are illegal.But which specific ''restraints'' are ''unreasonable''? No definition is to be found in the law, so no company can know before it acts which actions are in law legal and which are not. Consider another example. The antitrust laws prohibit ''unfair'' trade practices. But again, what counts as an unfair'' practice? Is it any business practice that, for instance, causes bankruptcies among some of a firm's competitors, because they cannot find a way to compete with the firm's low prices and/or superior products? Or is it any practice that the administration in power disapproves of? Again, no answer is to be found in the law, so it is impossible for accompany lo determine beforehand which specific actions the law prohibits.

Take one last example. Under antitrust laws, a company can be charged with ''predatory pricing''if it sets prices below those of its competitors, because the competitors might as a result go bankrupt. It can be charged with ''monopoly pricing'' if it sets prices that are deemed too high,because then it is supposedly bilking consumers of their hard-earned income. But if it therefore decides to set prices at the level of those of its competitors it can be charged with ''collusion'' or''conspiracy'' because now it is said to be no longer ''competing.''

In the nightmarish world of antitrust law any and no action can be pronounced illegal.There are and can be no definite, objective principles specified in the law-and as a result a businessman has no way to determine, before he acts, whether his action is legal or not, Inpractice, this means that businessmen are at the mercy of the government. Any moment the government wants to cripple a particular company, it can unleash the antitrust laws against the company. In logic, a business has no possible defense against a charge of ''restrain of trade'' or''unfair'' trade policies or ''predatory pricing'' because the charge itself has no objective meaning,The antitrust laws, therefore, vest the government with arbitrary power.

The result, unsurprisingly, is that when, say, a bureaucrat is disgruntled with a successful company because it has failed to share (i.e., give away) its wealth or support the government's particular programs—or when a government thinks that destroying a powerful company will win it votes with misguided citizens who believe that Big Business is their enemy-or when resentful,envious competitors (like Netscape and Oracle and AOL in the Microsoft case) can persuade their government representatives to cripple a superior competitor-the brunt of the antitrust laws descend upon that company.

It is no accident that it is America's most successful, most productive. most admired companies-Microsoft, IBM, Intel, Wal-Mart, American Airlines, Standard Oil, etc.-that are subjected to antitrust lawsuits,

As a form of granting arbitrary power to the government, antitrust laws are unconstitutional and un-American, As a means of penalizing the successful for being successful,antitrust laws are a perversion of justice.

Let us therefore now leave to one side antitrust law, under which any action of a company could be considered a crime, and ask whether in actual fact Microsoft is guilty of any crime.

What are the principal accusations against Microsoft?

Microsoft is accused of ''unfair'' competition. But competition refers to the process by which companies utilize their assets and personnel to build better and/or cheaper products. They thereby seek to earn, through voluntary trade, even greater profits, In a free market, there is no such thing as ''unfair'' competition. There are only better and worse competitors. In other words,some companies are better than others at research and development, at structuring long-term,mutually-beneficial business agreements, at marketing products, at keeping good employees happy yet challenged. Microsoft, for example, excels at all these processes-and many more.(The charge that Microsoft is not innovative is particularly disingenuous given its continual upgrades and improvements to its major products; even Judge Jackson had to concede this point.) The fact that Microsoft is one of the greatest competitor the business world has seen is, in a free nation, not a crime but a virtue.

The only ''unfair competition'' that exists is in fact not competition. If, say, the mafia threatens to blow up a shopkeeper's store unless he gives it a percentage of his sales, the mafia threat is not engaged in competition, albeit unfair. They are engaged in coercion-precisely to prevent voluntary trade and the the market from operating. When Netscape loses sales to Microsoft because Microsoft's browser is better and/or cheaper, Netscape's loss of sales bears no similarity to a shopkeeper's ''loss'' of sales to the mafia. One must never equate the voluntary with the coerced.

Secondly, Microsoft is accused of ''predatory pricing.*'' Translated into reality, this means that Microsoft is able to charge prices below those of its competitors, such as Netscape. Some of these competitors, who cannot match Microsoft's low prices, lose market share or go bankrupt.But it is Microsoft's incredible efficiency and productiveness that allows it to undersell its competition yet still make large profits. Again, this represents not criminal behavior but real virtue.

Finally, Microsoft is accused of wielding ''monopoly power.'' This accusation as well is based on equating the voluntary with the coerced

It is true that Microsoft has a dominant market position in some segments of the software industry and that some of its competitors have gone out of business. But this is become Microsoft has our-competed them: it is more innovative, more efficient, a better marketer, and/ora better employer than other software firms. Microsoft, in other words, has earned its dominant position.

And it continues to earn it; it faces constant competition, even if there are no actual competitors presently in its market. For whenever another entrepreneur can figure out a way to produce similar software at a cheaper price or better software at an attractive price (or some undreamt of product that makes current software obsolete), he is free to enter Microsoft's market,And if he has a sound business plan, he will be able to raise the necessary capital even if he has none; there are thousands of venture capitalists looking for the next Bill Gates. Microsoft's dominant position in the software industry, in other words, must be earned anew each day,

So once again, Microsoft is being attacked for its success: in reality it has no monopoly power just brilliant management.

The only monopolies that can in fact exist are government-created ones. Only a government can prevent someone from entering a market and thus eliminate competition. The Post Office, for instance, is a monopoly. There id title doubt that Federal Express could provide better service, more cheaply, and still earn a profit. But the government forcibly prevents it from entering the Post Office's market. The Post Office's dominant market position is unearned: it offers sub-par service but because of government coercion faces no competition. Microsoft's dominant position, by contrast, is earned: it faces constant competition, which in continues to win.

Again, do not equate the voluntary with the coerced.

Microsoft is the epitome of American business success: it produces enormous wealth through intelligence and hard work. imagine the wealth that would exist-for every firm, for every employee, for every shareholder, for every customer -if ail companies in America were run by a Bill Gates. The fact that they are not should not lead us to destroy Bill Gate's creation but, all the more, to admire and champion it.

Why should the Justice Department drop its case against Microsoft (or settle it with as small a penalty as possible)? Because antitrust laws are arbitrary laws that penalize virtue for being virtue-as the specific accusations against Microsoft clearly reveal.

Sincerely,

Yaron Brock, Ph.D. Onkar Ghate, Ph.D.

President and Executive Director Resident Fellow

The Ayn Rand Institute The Ayn Rand Institute

MTC–00032065

Fax Transmission
Manatt, Phelps & Phillips, LLP
11355 W. Olympic Boulevard, Los Angeles, California 90064
Telephone: 310.312.4000 Fax: 310.312.4224
To: Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
Fax Number:(202) 616–9937 and
(202) 307- 1545
From: Jeffrey A. Modisett
Date: January 24, 2002
Pages including cover; 6
Sender's Comments:
40462064.1
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If you do not receive all of the pages please call (310) 312–4203 as soon as possible. Thank you.
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Jeffrey A Modisett
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E-mail: jmodisett@msnatt.com
January 24,2002
BY FACSIMILE (202)616–9937 and (202)307–1545
Renata Hesse
Trial Attorney
Suite 1200
Antitrust Division, Department of Justice
601 D Street, NW
Washington, DC 20530

Pursuant to Fed. Reg. 59452, Vol. 66, No. 229 (Nov. 28,2001), attached please find the notarized affidavit of former Senator John V. Tunney of California for submission in the above-captioned case.

Sincerely,
Jeffrey A. Modesett
Partner
Manatt, Phelps & Phillips, LLP
11355 W. Olympic Boulevard, Los Angeles, California 90064 Telephone: 310.372.4000 Fax: 310.312.4224

Los AngeIes/Mexico City/Monterry/Orange County/Palo Alto/Sacramento/Washington, DC

AFFIDAVIT OF JOHN V. TUNNEY STATE OF CALIFORNIA COUNTY OF LOS ANGELES ss:.

JOHN V. TUNNEY, being first duly sworn upon his oath, deposes and says:

1. The following facts are known to me of my own personal knowledge and, if called as a witness I could and would competently testify thereto.

2. From 1971 to 1977, I represented the State of California as a United States senator in Congress,

3. While serving as a member of the Judiciary Committee of the United States Senate during the 93rd Congress, I authored that certain bill described below, and acted as the Floor Manager of the legislation during its consideration by the full Senate. That legislation was passed by Congress and signed into law by the President of the United States. That portion of the law to which I refer below is codified as Section 2(g) of the Antitrust and Penalty Act, 15 U.S.C. $16(g), and is a subsection of the law now commonly referred to as the ''Tunney Act.'' This legislation was signed into law December 21,1974.

4. I authored the following language, which was included in the final version of the legislation: Not later than 10 days following the date of the filing of any proposal for a consent judgment under subsection (b); each defendant shall file with the district court a description of any and all written or oral communications by or on behalf of such defendant, including any and all written or oral communications on behalf of such defendant, or other person, with any officer or employee of the United States concerning or: relevant to such proposal, except that any such communications made by counsel of record alone with the Attorney General or the employees of the Department of Justice alone shall be excluded from the requirements of this subsection. Prior to the entry of any consent judgment pursuant to the antitrust laws, each defendant shall certify to the district court that the requirements of this subsection have been complied with and that such filing is a true and complete description of such communications known to the defendant or which the defendant reasonably should have known,

5. Recently, I was asked to review the Tunney Act and certain public documents on file in the case of the United States vs. Microsoft Corporation, Civil Action NO. 98–1232 (CKK), in the United States District Court for the District of Columbia. Among the documents I reviewed was one filed by Microsoft Corporation entitled, ''Defendant Microsoft Corporation's Description of Written or Oral Communications Concerning The Revised Proposed Final Judgment and Certification of Compliance Under 15 U.S.C. Sec. 16(g),'' purportedly to comply with the provision set forth in paragraph 4, above.

6. With respect to this provision of the Antitrust Procedures and Penalties Act, it is clear that Congress intended that there show be full disclosure of all communications by a defendant or on behalf defendant with any officer or employee of the United States, except for communications made by counsel of record alone with the Attorney General or the employees of the Department of Justice. It is equally clear that by ''government official,'' Congress meant ''members of the. Executive, Legislative, and Judicial branches of government''. Congress specifically intended to cover communications by officers of a defendant corporation, lawyers of such corporation, lobbyists of such corporation, or anyone else acting on behalf of such corporate defendant, If I had not been satisfied this was the plain meaning of the statue, I, as the principal author of the legislation, would not have pressed the legislation through to final passage. I am satisfied that the clear Ianguage of the statute ensures disclosures of the type described in this paragraph, The legislative history and intent of its author buttress these conclusions.

7. In my opinion, it is essential that all discussions between the defendant corporation and the government (with the specific exception noted in paragraph 6, above) in an antitrust case that might have led to a proposal settlement decree be disclosed. If a defendant corporation did not have to disclose any contacts or communications with the government until such time as there is an actual decree, the very purpose of the disclosure would be defeated. The Tunney Act was never intended to allow for a situation where, in theory, prolific lobbying could be conducted by the defendant prior to the time the presiding judge has ordered settlement negotiations, without public disclosure. If allowed, the Tunney Act would not have reformed the practices utilized in settlement of the ITT case, which in significant fashion demonstrated the need for the legislation in the first instance. The disclosure provisions were designed to help ensure that no defendant can ever achieve through political activities what it cannot obtain through the legal process. Failure to comply with these provisions raises an inference or, at a minimum, an appearance of impropriety.

8. Contrary to some press reports, the Tunney Act wag not intended in any way to prevent the Department of Justice from entering into settlements in antitrust suits, especially before trial where litigation risk is generally present. The Act in fact that such settlements were reached on the merits.

9. The legislative history and plain language make clear that Congress intended that a judge make an independent assessment of whether any such settlement are in the public interest, precisely because the policy objective was to ensure that lobbying contacts did not influence the law enforce function of the Antitrust Division of the Department of Justice. I remain convinced that the policy objective was correct.

10. The language of the Act was clearly drawn and was intended to be inclusive and not exclusive. In my opinion, the filing of ''Written or Oral Communications'' by Microsoft Corporation, referred to in paragraph, 5, above, is inadequate to satisfy the clear language and intent of the Tunney Act.

FURTHER, AFFIANT SAYETH NAUGHT
JOHN TUNNEY

SUBSCRIBED AND SWORN to before me this 22nd day of January, 2002.

Eleanor McKenna
NOTARY PUBLIC in and for said County and State
ELEANOR McKENNA
Notary Public, State of New York
No. 31–4973011
Qualified in New Yourk County
Commission Expires October 9, 2002
40459139.1

MTC–00032066

Jan 24 02 04:47p
January 23,2002
Renata Hesse, Trial Attorney
Antitrust Division, Department of Justice
601 D Street NW, Ste. 1200
Washington, DC 20530
VlA FACSIMILE
(202) 616–9937

Dear Ms. Hesse:

This letter is being written to the courts in support of the proposed settlement in the case of US v. Microsoft. I am extremely concerned about the state of our economy and believe a settlement in this case would provide a greatly needed boost.

The government's case against Microsoft has been devastating to our economy. One need not look any further than a graph of the Dow Jones since the case began. It is a straight line down. Yes, there were other factors. But I don't think we can ignore the effect of putting the most important American company of the 21'' century into a slate of paralysis.

This settlment needs to be completed so the economy can begin its long climb back.

Sincerely,
Anthony Finchum
143 Rainier Cl.
Chula Vista, CA 91911–5423

MTC–00032067

Nicholas Martin Jr.

6100 Southwest Blvd., Suite 501
Fort Worth, Texas 76109
(817) 377–4344
(817) 377–3188
January 22,2002
Renata Hesse trial Attorney
Antitrust Division
Dept of Justice
601 D Street NW, Suite 1200
Washington DC 20530

Dear Ms. Hesse:

Let's settle the proposed final judgment between Microsoft Corp. and the US Dept. of Justice agreed to on November 6, 2001 and get on to the most important thing facing us today the Euron mess.

If we don't bring the executives and directors of Euron to justice and change the practice of corporations, allowing them to give ludicrous stock options to insiders unreported as a liability to stock holders and many other shady practices we are going to bring our system of free enterprise as we know it to an end. Hoping you understand our concerns and in some way will help get things started.

Sincerely,
Nicholas Martin Jr.

MTC–00032068

City of Stanton
P.O. Box 370 Phone 756–3301
Stanton, Texas 79782
January 24, 2002
Renata Hesse
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I am writing in support of the proposed settlement recently negotiated between the Department of Justice and Microsoft. There is no reason for this case to continue languishing in the Federal Court system. No evidence has been presented to show that Microsoft's products or marketing practices have ever harmed a single consumer. To the contrary, productivity increases traced to Windows alone have been enough to spur billions in economic growth over the last decade.

For several years, the federal government has been snooping around Microsoft, at incredible expense to the taxpayer-$35 million-without finding any evidence of consumer harm. Since there is no economic or legal reason for the government to destroy this American success story, it is time to settle the case. Let's put an end to this frivolous waste of money and let America continue to lead the world in technological innovation,

Sincerely,
Danny Fryar
City Administrator
City of Stanton

MTC–00032069

Dear Sirs,

I am the president of a small software company. I have worked in the software business for over 20 years and have watched with increasing concern the domination of the industry by Microsoft.

Speaking as an entrepreneur, the dominance of Microsoft is preventing much new technology from being developed. Many promising avenues of research and product development have been terminated due to direct and indirect influence of Microsoft. The activities of Microsoft found to be illegal by the court are continuing, even accelerating. The settlement does nothing to address the behavior of Microsoft that caused the DOJ to sue in the first place. The settlement actually contributes to increasing Microsoft's dominance by requiring Microsoft to invest in increasing its market share by providing its products to schools.

I cannot object more strenuously to the terms of the DOJ agreement. The industry needs more diversity rather than less. This deal will accelerate Microsoft's dominance. This will be bad for the US software business and cannot be in the country's or consumers'' best interests.

Sincerely,
Michael Price
President
Peak Process, Inc.
1665 Escobita Ave.
Palo Alto, CA 94306
mprice@peak-process.com

MTC–00032070

Davis Consultants, Inc.
3 James Center, Suite 1204
1051 East Cary Street
Richmond, Virginia 23219
(804) 782–1001
January 24, 2002
Reneta Hesse, Esquire
Antitrust Division
U. S. Department of Justice
(FAX) 202–616–9937

Dear Ms. Hesse:

Except for being an avid user of the Microsoft product line, I don't have a dog in the settlement hunt regarding the company and Federal government. However, I do have friends who are and just wanted to echo their request that you approve the pending settlement agreement.

It's hard to imagine that there is a single attorney from Syracuse to San Diego who hasn't been involved in this matter. Frankly, at least to me, enough is enough. From what little I know about the factual details, the settlement is a sound and reasonable resolution of the matter. It's time for this puppy to go away so we can all focus on other matters.

Warmest regards,
Charles J. Davis

MTC–00032071

FROM: DENNIS HOLLINGSWORTH 4
SENATE FAX NO. : Jan. 24 2002
02:45PM P1
THE ADAM SMITH INSTITUTE
January 24, 2002
Renata Hesse, Trial Attorney
FACSIMlLE VIA (202) 616–9937
Antitrust Division, Department of Justice
601 D Street NW, Ste. 1200
Washington, DC 20530

Dear Ms. Hesse:

The proposed settlement in US v. Microsoft should be approved. I am writing the courts because I don't support many of the arguments made by the federal government and State Attorney's General. The settlement adequately remedies the situation and should be endorsed by the courts.

The Federal Government and 19 State Attorney's General argued that this case is on behalf of consumers. According to their argument, consumers paid higher prices for software because of Microsoft's anticompetitive practices. Yet,questioning by Appeliate Judges during one Phase of the trail gave no examples of consumers who suffered harm by Microsoft's business practices. Furthermore,arguing that consumers have suffered in the web browser market is ridiculous. I can get Netscape or Explorer for free.

Most of the class action suits claiming consumer harm against Microsoft have been dismissed. The settlement creates a government representative to oversee Microsoft's actions and prevent any unfair practices. The courts should approve of this Settlement.

Sincerely,
Christian Krejcik
Executive Director
Adam Smith of California
STATE BOARD OF
DIRECTORS
KEN MOSER
SAM HARDAGE
JOEL ANDERSON
RICK OTIS
JIM GIBSON
DAVE DUNCAN
MIKE FREDENBURG
GAIL, HERIOT
ELECTED OFFICIALS
''DUKE'' CUNNINGHAM
51ST CONGRESSIONAL
DUNCAN HUNTER
52ND CONGRESSIONAL
DARRELL ISSA
48TH CONGRESSIONAL
RAY HAYNES
36TH STATE SENATE
BILL MORROW
38TH STATE SENATE
JIM BATTIN
37TH STATE SENATE
JAY LA SUER
77TH ASSEMBLY
PATRICIA BATES
73RD ASSEMBLY
MARK WYLAND
74TH ASSEMBLY
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P.O. BOX 1621
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FAX: (619) 462–2466
EMAIL:
ckrejcil@yahoo.com

MTC–00032072

DICKMEYER & ASSOCIATES
9020 Brockport Run
Fort Wayne, IN 46835
Attorney General John Ashcroft
Department of Justice
Washington, DC 20530
January 22, 2002

Dear Mr. Ashcroft:

From all appearances consumer choice was the big winner in this settlement. If a

consumer chooses Windows as the operating system for their computer, they will no longer be limited to using Microsoft services such as Internet Explorer, Windows Media Player and Windows Messenger. They will now be allowed the choice of non-Microsoft programs to provide similar services.

I know that some of Microsoft's competitors will argue that the settlement does not go far enough in extracting concessions from Microsoft. Please remember that your responsibility is to the consumer and the American public as a whole, not a handful of jealous lobbyists. You have reached an agreement beneficial to them, and that is what counts.

Thank you very much for your time and attention.

Sincerely,

Linda Dickmeyer

MTC–00032073

Community Solutions, Inc
Planning & Development Consultants
P.O. Box 655, Andover MA 01810
Telephone (978) 988–2428
Fax (978) 658–6152
January 24, 2002
Renata Hesse
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington DC 20530

Dear Attorney Hesse,

Please accept my comments with regard to the Microsoft antitrust litigation presently before the federal court. I support the proposal to end the case by agreeing to the settlement that was reached last month between the attorneys for Microsoft and the Justice Department attorneys. This case has gone on too long, and is now only serving to hamper the industry and the stock market with the uncertainty it brings to the economy.It has long since become apparent that the interests of a few industry rivals have driven this case, and that the wishes of the American people to see it end have not yet been heard. The United States needs to have all these companies back working on product before they lose ground to foreign competitors. We all need the jobs and investment dollars that they create,

I believe that Judge Kollar Kotelly had the right idea in directing the parties involved to work toward a settlement, and I support the result of that process. I hope this will mean a quick resolution of this issue.

Thank you for your time in considering my opinion.

Respectfully,

Jay J. Donovan

MTC–00032074

5624 S. Redwood road
Taylorsville, Utah 84123
Tel:(801)966–0066
Fax: (801) 967–8735
Date: Jan 24 02
To: Hon. John Ashcroft, Atty Gen
Company: of USA
Fax: 1202 307 1454 or 1–202 616 9937
From: Mary Black
Company:
Tel: 801 969 5604 (hm)
Number of pages including this one: 2
Comments:
MARY H. BLACK
4261 W 4570 S
West Valley City, UT 84120
January 21,2002
VIA FAX 1–202–307–1454 or
1–202–616–9937
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft.

I wrote previously to Senator Hatch in the hopes that my comments would make a difference on the state level in the Microsoft antitrust case. I write to you today to ask that the federal government takeno further action against Microsoft. For three years now, the resources of a dominant figure in the IT industry, as well as those of the Department of Justice, have been tied up in settling this antitrustdispute.This serves well neither the corporation, nor its shareholders, nor its customers, nor the taxpayers, norjustice itself. When the settlement was reached last November, I was pleased to think that this debacle might finally come to a fruitful end. Now, however, as fully half of the eighteen plaintiff states in the casehave taken advantage of the settlement review period to muster support for rejection of the agreement. I have begun once again to lose hope that the settlement will end in the near future.I fail to see how the settlement can be perceived as in any way unfair, especially consideringthatsome of the terms reached in the agreement cover methods and markets not determined to beunlawfulby the Court of Appeals. Months of mediated negotiation were necessary before this settlementcould bereached. Microsoft was allowed to remain intact, and in exchange, among other things, Microsoft agreed to allow its competitors access to source code, protocols, and interfaces integral to the Windows operating system to facilitate the introduction of non-Microsoft software into Windows.

Microsoft has also agreed not to enter into any contracts that would require a third party to distribute or endorse Microsoft products at a fixed percentage. These negotiated agreements strike me, as a layman, as more than ''fair.'' The big tobacco settlement has apparently whetted the appetites of states involved in litigationagainst large corporations. The desire to bring additional suit against Microsoft is motivated by greed,and not justice. I respect your integrity, Mr. Ashcroft, as well as your unshakeable support of the law, and am hopeful you will have the Justice Department turn away from an unjust case instigated by your predecessor.

Sincerely,

Mary Black

Cc: Representative Chris Cannon

Fax: 202–225–5629

MTC–00032075

ROBLE SYSTEMS
Roble Systems Inc.
Unix, Network and Secuirty Consulting
P.O.Box 46, Palo Alto, CA 94302
Phone: (415)256–2502,(650) 323–2777
Email: info@roble.com
Http://www.roble.com
FROM: ROGER MARQUIS
DATE: JAN 24, 2002
RE: MICROSOFT SETTLEMENT
COMMENTS:
THANK YOU
Renata B. Hesse
Trial Attorney, Antitrust Division, Suite 1200
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

The DOJ's Proposed ''Settlement'' it is so full of holes as to been tirely ineffective in curbing MS'' illegal business practices. I hope the transparency of this settlement is not lost upon the court.

To accept the DOJ's proposal would:

A) keep this case in court for many, many years to come,B) deny consumers the right to choose applications free from monopoly influence,C) thwart the free-market competition needed to make software development profitable, andC) deeply damage many American's belief in the US system of law. TheDOJ's proposal would prove that laws apply only to those without theresources to litigate.

The only effective solution, the only solution that will restore a level playing field, not surprisinqly the remedy previously entered, is splitting the company into two, OS and applications. Until Microsoft is split, thereby forcing the OS division to publish ALL file formats, ALL communication protocols, and ALL APIs my business as many other's will continue to be harmed. We will continue to waste time and money trying to correct intentional incompatibilities between MS and third party software, and our users will continue to be exposedto a completely unnecessary risk of viruses, trojans, and data loss.I urge the court to reject the DOJ's proposed remedy and restore Judge Jackson's order of June 7, 2000.

Sincerely,

Roger Marquis

CEO, Roble System

P.O.Box 46

Palo Alto, CA 94302

(650) 323–2777

MTC–00032076

Missy Broussard
498 Laurelleaf Lane
Covington, LA 70433
January 22,2002
Renata Heese
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
FAX: 202–616–9937
RE: U.S. v. Microsoft

Please know that my feeling is that this settlement is in the best interest of the economy and consumers.

Our economy could use a boost and I think this settlement will help. I think that this case has gone on long enough. Too many tax doilars have been spent on it. We need to encourage competition and we don't need the courts so involved in an industry that it discourages growth and innovation.

Please approve the settlement and encourage more companies to get out thereand compete.

Thank you,
Missy Broussard

MTC–00032077

The Commonwealth of Massachusetts
House of Representatives
State House, Boston 02133–1054
FRANCIS L. MARINI 6TH PLYMOUTH DISTRICT
REPRESENTATIVE DUXBURY HANSON PEMBROKE
MlNORITY LEADER ROOM 124
TEL.(617)722–2100
Rep. FrancisMarini@house.state.ma.us
Fax Cover Sheet
TO: Renata B. Hesse
Antitrust Division- U.S. Justice Dept.
FAX: 202–616–9937
FROM:
Office of Representative Francis L.Marini
House Republican Leader
(617) 722–2390
The Commonwealth of Massachusetts
House of Representatives
State House, Boston 02133–1054
FRANCIS L. MARINl 6TH PLYMOUTH DISTRICT
RPERESENTATIVE DUXBURY o PLYMOUTH o PEMBROKE
MINORITY LEADER ROOM 124
TEL. (617) 722–2100
Fax (617) 722–2390
Rep.FrancisMarini@hou.state.ma.us
January 24,2002
Ms. Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse,

There is a growing sentiment among economists that we are finally seeing the light at the end of the tunnel of our nation's recession. The markets are improving, and the economic forecast isgenerallypositive. However, state revenues are down and most states will have to consider tough cuts on spending in coming budgets.

In Massachusetts, we have witnessed a shrinking state revenue base mostly caused by therecession. Many growth opportunities were squandered in the 1990s, and now, instead of trading on our accomplishments, we are lamenting over what might have been.

One thing that can be done to aid states'' economies is to end the Microsoft lawsuit. We are writing in support of the nine states and the Department of Justice's settlement agreement. It is afair andreasonable agreement, which brings a satisfactory conclusion to this long-running anti-trust case.

As the old saying goes, a rising tide floats all boats. And just as a rising tide will float a boat sitting at the lowest point first, so the resolution of this case will help those who have the farthestto risefirst.

The technology-driven ''innovation economy'' has created tremendous opportunities for the citizens of the Commonwealth. But we must act now to take some of the uncertainty out of theeconomy.

We urge you to endorse this settlement agreement, which would provide states greater confidence infiscal planning and would allow entrepreneurs and businesses to get back to the business ofcreating newand better products for consumers.

Sincerely,
Francis L. Marini
Minority Whip
Bradley P. Jones Jr.
Asistant Minority Leader
George N. Peterson, Jr.
Minority Whip
Mary S. Rogeness
Assitant Minority Whip

MTC–00032078

York PROPERTIES, INC.
Asset Management, Leasing, Property Managament
Brokerage, New Homes, Relocation
January 17, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Fax 202–616–9937
microsoft.atr@usdoc.gov

Dear Ms. Hesse:

As a real estate professional in one of the nation's fastest-growing markets, I can attest to the importance of settling the Microsoft antitrust case as soon as possible. I write in hopes that the court considering the proposed settlement will give careful consideration to the view I know I share with many Americans who are concerned about the continued impact this litigation could have on our nation's economic recovery.

I strongly believe that competitors should settle the differences in the marketplace, not in the legal arena. The Microsoft suit was driven by competitors of Microsoft, and the U.S. Department of Justice allowed itself to be used in that effort to win in the courts what competitors had been unable to win in the market.

Now a settlement has been negotiated under which Microsoft will be required to change its business practices substantially and submit to continuing review of its behavior. This should be sufficient. It is time for the high-tech industry to get out of the courtroom and lawyers'' offices and back to work providing better products, better services and lower, prices to consumers.

Sincerly,
Peter Pace
Vice President
Commercial Sales and Leasing
801 Oberlin Road Suite 335 o Raleigh, NC 27605–3125
919/821–7177
919/833–1363 Fax
www.yorkproperties.com
Society of Industrial and Office Realtors Industrial Menmber(SIOR)
Certified Commercial Investment Member Organization (CCIM)
The Commercial Network (TCN)
Institute of Real Estate Managament(REM)

MTC–00032079

Fax Cover Sheet Kinko's
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Fairfax VA. 22033
Telephone: (703) 817–0900
Fax: (703) 817–0970
E-Mail:USA0821@kinkos.com
Date: January 24, 2002
To:
Company: U.S. Department of Justice
FAx: 202 616 9937
From: C. Dean Whitaker
Company:
Tel: 703 383 1437

Tunney Act Commentary to the Proposed Microsoft Settlement

My Interest

I have been a software developer for five years, producing systems used by the Department of Defense. The terms of the Microsoft settlement will profoundly affect the manner in which I use computer systems professionally. Even in my home, where I program software and tinker with hardware both out of necessity and for my own amusement, I have a stake in seeing that the market provide competition and innovation.

The Findings

The responsibility of the Federal government, as it applies here, accorded by the Sherman Antitrust Act, is to prohibit behavior which deigns to continue monopolistic practices if those practices are deemed to restrain trade and are injurious to competition and economic liberty.

The behavior of Microsoft Corporation has been deemed by the U.S. District Court's Findings of Fact to be injurious as such:

They have withheld technical information from the industry though the market lacks any alternative product for consumers to seek out.

- They have encouraged the development of software and data that would prevent competing software from functioning properly.
- They have threatened sanctioning of corporate partners who wished to build systems that included certain software that Microsoft wished to keep excluded.
- They have engaged in technical practices that had no particular innovation but to lock out competitors from such systems wherein Microsoft owns a monopoly.

The question of the breadth of power that Microsoft wields in both home and business markets is clear. The findings state that the market share for Microsoft systems on Intel platforms has stood at ninety-five percent or greater in recent years. It also describes ''positive network effects'' associated with OS software and applications; that more consumers will be more inclined to use a system as its user-base expands. This phenomenon, in a general sense, describes most of the barriers to competition and innovation that Microsoft has constructed.

Limiting the severity of these barriers should be the primary motivation of a final judgment.

The Current Remedy's Problems

The final judgment should succeed in one thing if it fails in all others, it should punish Microsoft for the behavior for which it has been deemed guilty. The current settlement, by specifying no restrictions on the behavior of binding applications more closely to the operating system thereby tacitly allows such behavior that the District Court found inappropriate. This omission rewards such actions as has been deemed illegal, and would therefore leave the market worse than if no trial had been held at all.

Open Data Format Standards

There must be a remedy to require Microsoft's business systems: OS, office applications, business enterprise systems, and networking software, to use open industry standards for document and data formats. Microsoft has, itself, sponsored and advocated the creation of standards within the XML (Extensible Markup Language) family of languages. Enforcing the use of industry-accepted formats for common Internet protocols would allow the survival of competitors within the browser market. Without such measures, Microsoft may promote, and by sheer weight proliferate, the use of standards which lock out competitors and likewise consumers who do not or cannot license the latest Microsoft browser versions.

This involves requiring Microsoft to use industry-accepted data formats for the resultant files of its more commonly used systems, such as those encompassed by XML-based standards, or to publicly publish and promptly update data formats for systems where the industry has no definite single standard.

Possible standards include, but are not limited to, Microsoft Word word processing document data and templates, Microsoft Excel spreadsheet data and templates, Microsoft Powerpoint data and templates, Microsoft SQL, Microsoft Access database files, Microsoft Outlook client and Microsoft Exchange server email processing and transmissions data, Microsoft financial software, networking protocols, file-system protocols, file-system journalling information, and any immanent ''NET'' systems protocols.

When Microsoft Word entered the field of word processing software, it had many viable competitors. At that time, they strived year after year to improve the power, quality, and stability of the application. One feature that allowed them access to the market was the program's ability to import foreign formats (formats from competing or archaic systems). Microsoft currently wields enough power to produce barriers to competitors choosing to emulate this practice: the document standards are much larger and represent many features including version control. Microsoft has already begun in the courts system and by promoting particular legislation, attempting to legally prohibit reverse-engineering of their data standards, and it is only inevitable that they will attempt to intimidate competitors based on document formats or business application standards.

Of course Microsoft can be held accountable only for how its own applications behave, and not for how others may use them. However, the remedy may specify that such open standards are to be provided by Microsoft's applications, especially for the benefit of contracts and programs required or funded by the U.S. Federal government.

Another category of software that open standards may apply to is that of proprietary device drivers for widely-used hardware that for one reason or another competitors have been to barred from using. One example is Win-modem technology which, when present on a computer, is inaccessible from many non-Microsoft operating systems. The practice of proprietary hardware is indeed so counter-productive that its exercise by Intel's competitors is largely responsible for Intel's, and thus Microsoft's, past successes. That Microsoft can now engage in this practice to no noticeable detriment bodes poorly for hardware innovation.

Liberating the Boot Sequence

Contractual requirements that Microsoft has forced upon OEMs that prohibit and subtly (and illegally) sanction against competing products being loaded in either the OS boot sequence or the computer's BIOS boot sequence should be dissolved and prevented from re-establishing in any form. The former (of the OS boot sequence) has inhibited the survival of competing Windows products by making it less convenient to operate non-Microsoft applications. The latter (of the BIOS boot sequence) has prevented the OEMs from selling, within normal distribution channels, multiple-boot systems, computers with more than one operating system.

Encouraging Competition on the Internet

The conventional reason cited for the breakup of the Standard Oil trust was that Standard controlled the resource (oil) as well as its primary distribution network (the railroads). The court should take into consideration that the resource in this case (the operating system and all of the applications that Microsoft claims are inseparable from it) will soon have as its primary distribution network the Internet itself. If Microsoft were to simply maintain its current market share of computers on the Internet, (though its share is, in fact, growing) it could soon devise a way to lock out systems running competing software, even if that software is running on a Microsoft OS.

This suggested remedy, ,therefore, is for the U.S. Federal government to be extremely vigilant in the future, and to make such a settlement that would enable the government to step in, without delay, to protect a company or organization for whom a new barrier to competition has been specifically implemented by Microsoft. The financial interests of the company or organization, and indeed the market itself, could ill-afford to wait out any major trial relating to such future actions as Microsoft undertakes. A ''probationary period'' should extend at least for five years from this settlement, during, which time a compliance committee with power to overturn egregious practices should be in operation. One past example of such behavior was not cited in the findings but nevertheless provides an example of where this remedy might have been utilized. If the services of an online greeting card company were to be rendered less functional by a new version of Microsoft Internet Explorer while Microsoft was simultaneously engaged in starting a competing online service the U.S. Federal government could, during this probationary period, step in and force Microsoft to roll back the changes that created the problem or to release a new version entirely correcting the problem. The customers who received the faulty version would be sent the correcting software at Microsoft's expense. This would occur expeditiously within a review board set up by this remedy, thereby allowing both the petitioner and the state, to save the time and expense of a new trial.

Finally Given the current economic circumstances of many of Microsoft's potential competitors, this case may be the last opportunity to stem the expansion of a corporation that could very easily wield power over every sector of the economy. If a single entity were to have proprietary control over the protocols that constitute the Internet, that entity would have a hand in all information-based commerce and finance. Microsoft has continued many dubious practices throughout the course of this trial, including threating license audits of civil government institutions. Microsoft considers itself above the law and the case settlement should not confirm their position.

Thank you

C. Dean Whitaker

12162 Penderview Lane

Apt. 1623

Fairfax, VA 22033

01/24/02 16:14 FAX 005

MTC–00032080

Bob Smith, Chairman

Onondaga County Republican Committee

375 W. Onondage St.

Syracuse, NY 13202 315–471–2020

315–471–2O33fax

To: Renata Hesse

ROBERT W. GIARRUSSO, Chairman

NANCY J. SANFORD, Administrative Assistant

January 24, 2002

Renata Hesse, Esq.

Trial Attorney

Antitrust Division

Department of Justice

601 D Street NW, Suite 1200

Washington, DC 20530

Dear Ms. Hesse,

I am writing to advocate for settlement of the matter U.S. v. Microsoft. New York State is still recovering from the failed fiscal policies of a decade age, and thanks to Governor George Pataki has become far more business friendly. However we still have a long way to go.

Microsoft products are used by the vast majority of business and consumers in New York. Litigation aimed at breaking up Microsoft is not the proper role of the federal government. Our officials, elected and appointed, need to do everything they can to encourage capitalism, the advancement of technology and healthy competition. I have seen no evidence of public outcry regarding Microsoft. This lawsuit was generated by Microsoft competitors and the battle belongs in the marketplace, not the courtroom. To punish this company with further litigation and use tax dollars to fund this dubious effort will only hurt the end user—we the consumers.

Please include me among those who support immediate settlement over protracted litigation.

Sincerely,

Robert Smith

Chairman

MTC–00032081

William Ashendorf

Attorney/Mediator
January 22, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Microsoft Case

Dear Ms. Hesse:

As an attorney and business owner, I know the impact litigation and government regulations can have on a company. I am also very interested in how technology has changed the legal profession and the economy so I have been following the Microsoft antitrust with interest.

The proposed settlement agreement will provide adequate remedies to all involved in this industry-Microsoft, its competitors, computer manufacturers, software developers and consumers.

The protection for Microsoft competitors include access to technical information about the Windows operating system so non-Microsoft software systems can be used. Microsoft can renew its efforts to develop innovative software and continue its technology leadership in the global economy.

It is time to resolve this issue and get technology companies back to the business of innovation and product development. In my own city of Charlotte, we have seen the impact of a slowing economy, with some technology companies closing and others reducing their workforces. Other industries are also facing tough times. A thriving technology industry could provide a boost to other parts of the economy. I appreciate your attention to this matter.

Sincerely,
William Ashedorf
6040 Jester Lane
Charlotte, NC 28211
Tel. & Fax. (704)366–7720

PHI'S DELI III IN TOWN
105 E St.
Charlotte, NC 28202
Ph: (704)347–0035
Fax: (704) 347–3663
January 16, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Re: Microsoft Case

Dear Ms. Heese:

As a restaurant owner and consumer, I've seen the immediate impact that slowdown in the economy is having on individuals and businesses. I live daily with the changes in government regulations. Many are important to the health of our citizens, but other regulations and antitrust litigation can have a damaging effect on innovation and production.

I have been following the antitrust litigation against Microsoft and believe that the proposed settlement agreement strikes a balance between the needs of the company and those of its competitors. Protections for competitors include greater flexibility in adding non-Microsoft products to the Windows operating system and access to technical specifications about the operating system. At the same time, Microsoft can continue its efforts to develop new, innovative products.

It is time to accept this agreement and get technology companies back to the business of innovation and product development. A thriving technology industry can have a ripple effect on my own business. I know that here in North Carolina a strong boost in technology and other sectors is needed to build our economy back to the level we had a year or even three years ago. Thank your for your attention to this issue.

Sincerely,
Phil Levine

MTC–00032082

From: mrivan@mediaone.net@inetgw
To: mrivan@mediaone.net@inetgw
Date: 11/18/01 4:48am
To: Office of the Attorney General
From: Anthony D'Andrea
Box 1209
Randolph MA 02368
Re: Microsoft prosecution

People:

I still remember the last thing Microsoft produced which, as far as I know, was a legitimate creation of their own company. It was a Floating-Point BASIC Interpreter for the old Apple II Machines that came out around 1979 or so. Since then, it has been all downhill for MS.

It is common knowledge that Bill Gates stole the MS-Dos operating system from his partner at Altair, then sold IBM on using it for the OS in their first computers which appeared several years after the Apples.

Gates'' next lie read like this: ''If you want a personal computer that you can hook up to your business mainframe, it will have to be an IBM''. Not an ounce of truth in it, but between the cosmetic value of the lie and IBM's massive market share, it enabled MS to capture a good 85% of market share from what had been mostly Apple's territory. Later, after Apple had begun incorporating mouse and windows technology into their later Apple II's, the Apple III, the Lisa and early Macs, MS produced the first version of Windows, for which Apple promptly and properly sued them for copyright infringement. Apple won that round, and MS's ''Trash Can'' has been a ''Recycle Bin'' ever since.

Unfortunately, the lies and thievery from Gates & Co. was far from over. Since that time, every innovation that has come down the pike has run headlong into Bill Gates. Innumerable companies have had to make the choice between selling out, licensing the technology to MS or being driven out of business by being undersold. To this day, hardware companies sell their wares at near cost, simply in an effort to undercut the competition and keep others like Apple from regaining any market share, then they make their profits from the software later.

I own a Macintosh machine. The machine is equipped with a package called ''Virtual PC'', which allows me to run Windows on the Mac and use any of MS's software, should I choose to do so. I have consistently found Mac software to be far more easy, user-friendly and stable than the MS equivalents. Still, when I visit most software vendors, I find them reluctant, almost fearful, of carrying Mac software.

Chains such as Walmarts get their stock thru central buyers which have shown reluctance in the extreme to carry anything BUT MS compatible software. In one case, a chain called ''Best Buy'', I discovered Mac and Windows versions of identical software on the shelf together, with the Mac version selling at $10 more than the MS version. I summoned the store manager and demanded an explanation. I was told that if he did not price the products in that fashion, MS would pull all their products from his shelves.

This has not been the exception, but the rule. How blatant does MS have to act before they can be found guilty of racketeering? How obviously does a monopoly have to conduct themselves to be recognized for what they are? And how many people will have to be hurt or driven out of business before someone takes this monster in hand and administers justice???

The dangers of such a concentration of power go far beyond simply fair business practices. Their efforts, for instance, to modify Sun's JAVA language earned them lawsuits and produced a certain degree of confusion among web programmers. Their regular introduction of new media formats without the software to allow other systems to immediately keep up with the changes provides them with additional pressure to sidestep fair competition. And thruout these efforts, there is always the MS database, in which a great deal of personal information is kept.

Does a database of personal information provide a threat in and of itself? Of course not. I am sure Apple has my name and address somewhere in its files. But think of the back-door that MS gave to the NSA, which allows them to enter anyone's computer, anywhere in the world, examine the hard drive and even read and write on that drive with complete concealment. When the Chinese discovered that, they began a campaign to eliminate Windows from every machine in their country and replace it with Unix. Think also of the Eschalon program, which has had Japanese and German authorities angry at us in the USA for some time now, as they have justifiable fears of corporate espionage if that aforementioned ''back-door'' gets into the wrong hands.

Right now, business has almost no alternative to Windows. And since Windows is nearly completely borrowed or stolen technology, several years behind Apple and others, and since some real security threats exist and grow more ominous on a daily basis, something MUST be done and done soon to eliminate this threat.

The only solution is to deal with Microsoft thru the courts, in the most appropriate way possible, under the RICO laws as racketeers. By taking them in hand, forcefully, and compelling them to adopt practices that will open the market to real competition, you will find that rather than hindering development, it will enhance the opportunities for competing companies to enter the marketplace and speed the development of new technology. The companies are already out there, working on new ideas, developing

approaches to market their ideas while defending their battlements from the MS assaults that will surely head their way when the threat of innovation becomes visible.

There are nine states at this time that disagree with the DOJ resolution of the case against MS. This may be the last opportunity to wield the sword of the Law against a seemingly unassailable threat. I beg you, use the power that you have in this just cause.

For just one of hundreds of sources of more background and documentation of the illegal and anti-competitive practices of MS, I refer you to this website...

http://hive.me.gu.edu.au/csand/md/0soft.html

Thank you for your attention to this critical issue. Your response would be appreciated and a dialogue welcomed.

Anthony D'Andrea

Randolph Massachusetts

CC:Microsoft ATR,microsoftcomments@doj.ca.gov@inetgw,...

MTC–00032083

From: Jim Hartneady
To: DOJ
Date: 11/19/01 9:19am
Subject: The Salt Lake Tribune—Most Microsoft Foes Won't Criticize Settlement for Fear of Retaliation,

Here is an article that shows the weakness of the settlement.

Regards,
Jim Hartneady
http://www.sltrib.com/11182001/Business/149631.htm

MTC–00032084

From: richard
To: cloweth@mac.com@inetgw
Date: 11/19/01 11:17am
Subject: Microsoft case

The government and attorney generals were wrong to try and tell Microsoft what belongs in an operating system. Most people are happy to have a web browser included with a computer. The government has no business making decisions about what features go into an operating system. Where Microsoft does cross the line, is doing things to make it difficult for others to make applications work on windows. Digital camera manufactures need to have their products work just as well as something form Microsoft.

What the attorney generals and the Feds need to do is take a close look at AOL and their proprietary messaging system. This smells a lot more like use of monopoly power.

The attorney generals and Feds also need to get the politics out of who get looked at for antitrust—when Larry Ellison and AOL can through a lot of money around and get a company sued by the government, something stinks. Now Microsoft has to through money at politicians too—the net result is more corruption in government and poorer products and government sanctioned cartels.

The Wall Street Journal had a good editorial recently about how the attorney generals were using the Microsoft case basically to advance their political careers. I think that the attorney generals need to resign—or find something more useful to do. rp

—- Christian Loweth <cloweth@mac.com> wrote:

Hi,

I posted the following on several forums last week as well as many Users Groups and the response has been encouraging. Please feel free to share this info among friends/colleagues if you wish.

Should Microsoft receive harsher penalties?

I am very disappointed with the Feds proposed settlement. Fortunately nine states'' AG's agree with me. I have sent the following to the states'' AG's dissatisfied with the terms of the USDOJ settlement agreement.

''It seems to me that Microsoft has indulged in not only anti-trust violations but racketeering as well. Is this a possible avenue of approaching their abuses?''

As you can see, my position well exceeds current prosecution parameters. Even if you don't agree with my extreme position, but desire more vigorous prosecution, I urge you to write to the Attorneys General to inform them of your support. You dont have to reside in these states to write them. Write to all of them if you wish. The Attorneys General exist to provide services to their constituency. I believe that for the most part they take this responsibility very seriously. They want to get the bad guys. It is my opinion that Microsoft, Gates, Ballmer, et al, are the bad guys.

Below are the email addresses of the nine states Attorneys General dedicated to continuing with more stringent anti-trust prosecution. Included is USDOJ address to express your displeasure to the Feds. For international readers I have included a link to a USDOJ website listing other countries who are undertaking anti-trust action.

Please include your name and address. This contributes to your authenticity. They may want to send you a snail mail confirmation. Please put it in your own words. And keep it brief. They understand the issues, so you don't need to re-hash them. It would probably be most effective if you stated that they press on with their lawsuit to impose maximum penalties.

A formulation was made years ago by various entities like newspapers, magazines, politicians, and such. They figured that for every person who bothered to write to them represented X amount of people who didnt take the time and effort to write but shared similar opinions. X can equal anywhere from one thousand to ten thousand depending the specific circumstances of the recipient. So, as you can see, the simple act of writing can have a multiplier effect. Thats why your single contribution is so important.

If you agree that Microsoft has gotten off too lightly, I plead with you to take a few minutes, write to the Attorneys General and make your opinions known. When were all using Microsoft Windows at least youll be able to console yourself by knowing that you at least tried to resist Microsoft hegemony.

This is the time to strike. They believe that they have hornswoggled a sweet deal. Their guard is down, if just a bit. This is far from over.

California: microsoftcomments@doj.ca.gov

Connecticut: attorney.general@po.state.ct.us

Florida: ag@oag.state.fl.us

Iowa: webteam@ag.state.ia.us

Kansas: GENERAL@ksag.org

Massachusetts: tom.reilly@ago.state.ma.us

Minnesota: attorney.general@state.mn.us

Utah: uag@att.state.ut.us

West Virginia: consumer@mail.wvnet.edu

US Dept of Justice-Microsoft anti-trust comments:

Microsoft.atr@usdoj.gov

US Dept of Justice-other sites worldwide:

http://www.usdoj.gov/atr/contact/otheratr.htm

This is a real opportunity for those of us who want more stringent prosecution. Before, Microsoft had only to have one team of lawyers to deal with the Feds. Now, their efforts will be diluted by virtue of having to confront nine different government entities. The time to express your opinion is now. Together we can have a positive impact on the future of computing if only we take the time to express our opinions to those who hold the public trust.

Best regards,

Christian Loweth

MTC–00032085

From: ray@granitenetworking.com@inetgw
Date: 11/19/01 2:04pm
Subject: User-Agent: Microsoft-Outlook-Express-Macintosh-Edition/5.02.2022 User-Agent: Microsoft-Outlook-Express-Macintosh-Edition/5.02.2022
Date: Mon, 19 Nov 2001 17:00:07 -0500
Subject: Stop Microsoft's Unfair Business Practices
From: Ray Gombos <ray@granitenetworking.com>
To: <microsoft.atr@usdoj.gov>

Message-ID: <B81EEB16.B5A%ray@granitenetworking.com>

Mime-version: 1.0

Content-type: text/plain; charset=''US-ASCII''

Content-transfer-encoding: 7bit

Dear Department of Justice,

Please do not allow the Microsoft corporation to continue its use of unfair business practices in stifling competition in the technology industry. Some of the greatest advances in Information Technology came from Microsoft's competitors. Unfortunately, Microsoft's monopoly on desktop software has given them the power to freely distribute new software with the intent of forcing competitors out of business. Microsoft should have been broken up into separate companies last year it is time that our civil justice system starts working for the good of the nation not just the bank accounts of big business.

Thank you,

Ray Gombos

44 Merrill Road

Trumbull, CT 06611

(203) 459–0777

MTC–00032086

From: Lori Brocka
To: webteam@ag.state.ia.us@inetgw,attorney.general@po....
Date: 11/20/01 8:23am
Subject: Microsoft

The purpose of this email is to let you know I appreciate your continued efforts in fighting Microsoft. I have used Microsft products both by choice and lack of choice. I am associated with and work with numerous members of varying IT departments and it has become incredibly obvious to anyone ''in the trenches'' that Microsoft is not only getting away with the same business practices they have always employed, but are emboldened by this settlement. Microsoft is a master manipulator and as such has led the lemings to the cliff once again. I personally am doing everything I can to use alternative products. Anyone that attempts to do this needs to have patience, a better than average understanding of software, and determination. This is not the fault of the software products, but a direct result of Microsoft tactics. I am still unable to load most Microsoft support pages when using the Opera browser. I will continue my personal quest to become Microsoft free and I encourage you to do the same. This problem goes much deeper than software, there is a mind set among many IT decision makers that it is not possible to run a business with out Microsoft products, I would hope that part of Microsofts penalty is to spend a very large sum of money on educating these people on the other possibilities.

Thank you
Lori Brocka
Iowa
CC:Microsoft ATR,tom.reilly@ago.state.ma.us@inetgw,at...

MTC–00032087

From: Greg Alton
To: Microsoft ATR
Date: 11/20/01 9:03am
Subject: Microsoft settlement

Today I read that Microsoft's proposed settlement with the government over the antitrust complaints may include a donation by Microsoft of computers to U.S. schools.

This is absurd. This goes completely counter to the original problem, e.g., abuse of monopoly power, since this settlement will undoubtedly reinforce that monopoly. The only terms under which this type of settlement could make sense were if Microsoft were required to donate equipment (software, etc) from other companies. Please don't let this settlement proceed as is. Alas, I fear the taste for enforcing antitrust has left the Justice department.

Greg Alton

MTC–00032088

From: William
To: djohnson@ag.state.oh.us@inetgw
Date: 11/20/01 9:32am
Subject: They are getting away with it again!

I am very disappointed in Ohio not being part of this law suite. Microsoft is going to get away with there past behaviors because you don1t understand nor what to. Just as long as they are not very obvious we continue to let them indulged in anti-trust violations and racketeering. We all use their software and think how can such great stuff come from lawbreakers. Well that1s the key and that1s what MS what's you to believe... it does. They slowly put us to sleep and one day they will have control of every computer aspect of our lives. No one can compete with MS and all their money.

A lawsuit is like a walk in the park for MS because they can ware anyone down even the Government. They have been doing this for years. Now that they have a new OS XP out you can see that they continue the behaviors of the past if you but only look! Wakeup and smell the coffee! Get in the game.

William Davis
232 So. Washington
New Bremen Ohio 45869
william@nktelco.net
CC:Microsoft ATR,microsoft comments@doj.ca.gov@inetgw,...

MTC–00032089

From: raskol@inteform.net@inetgw
To: ag@oag.state.fl.us@inetgw
Date: 11/20/01 9:37am
Subject: I am writing to inform you of my support and hope that you will continue

I am writing to inform you of my support and hope that you will continue anti-trust prosecution of Microsoft. I speak for many of my friends when I say that I believe Microsoft is guilty of anit-trust violations and racketeering.

Brett Anderson
4132 Eaton
Kansas City, KS 66103
Brett Anderson
.. . .raskol@inteform.net
.. . .brettanderson@inteform.net
.. . .www.inteform.net
.. . .913 484 8843
CC:Microsoft ATR,GENERAL@ksag.org@inetgw,GENERAL@ksag...

MTC–00032090

From: John Kornet
To: tom.reilly@ago.state.ma.us@inetgw
Date: 11/20/01 10:46am
Subject: Microsoft Settlement Insufficient

Mr. Reilly-

Thank you for continuing the battle against the Microsoft monopoly when our federal government has all but given up. I'm writing to you to express by extreme displeasure with the settlement thus far and to offer you my full support in your continuing case.

I value the freedom of choice in all things I do perhaps more than any other personal right. I firmly believe that Microsoft's practices are impinging upon that right. I have often bought Microsoft's products and even thought a few were good products, but the tactics they are using to ''compete'' with other companies almost certainly guarantee that someday I will not have any other choice than to buy a Microsoft product. This is absolutely unacceptable!

The industry that Microsoft competes in moves so fast. We need to keep it moving that fast. It's called progress. Progress that has defined America's (and Massachusetts') prosperity in the information age. If there is no room for competition, we face the prospect of little or no progress at all—just one choice, one solution, one pace. This is not how a free market is supposed to work.

Please do everything in your power to reign in Microsoft, so that our economy and society can continue to enjoy this unprecedented growth.

Your constituent,

John Kornet
17 South Street
Medfield, MA
02052
CC:Microsoft ATR,microsoftcomments @doj.ca.gov@inetgw,...

MTC–00032091

From: Greg Miller
To: attorney.general@po.state.ct.us@inetgw
Date: 11/20/01 11:13am
Subject: <no subject>

I am a resident of Austin, Tx. Unfortunately, my state has settled with Microsoft in the anti-trust battle. My Attorney-General does not represent me, and my only recourse is to ask that you continue to prosecute. Microsoft's latest action, the ''donating'' of $1 billion worth of microsoft windows, software and hardware to schools (while in theory a nice gesture) illustrates how they continue to use their power to and unlimited wealth to move more and more people onto their platform.

Please help.

Please continue the fight for equality.

Greg miller
Greg Miller
http://www.greg-miller.com
512.346.4589
9617 Great Hills Trail #514
Austin, Texas 78759

MTC–00032095

From: Donald Watson
To: ''Antitrust Case Opinions''
Date: 11/20/01 11:44am
Subject: Stop the madness PLEASE

As an IT professional I know the computing industry and both home/personal computing as well as corporate computing quite well. It is utterly ridiculous to continue this pursuit of Microsoft. Sure they may have some monopolistic power but only because we the people have accepted that Windows is better than the alternatives. I am sure I don't speak only for myself when I say I am glad the operating system comes with as many features as it does. I'm glad the world has chosen (YES CHOSEN, NOT BEEN FORCED) to settle on a single operating system for compatibility. This makes life easier for all of us. The cost of windows is not high. It's a tremendous buy for a small price. I don't have to spend $20, $30 or $50 dollars on separate packages to defrag my hard drive, surf then net or send email. This is all included. I STILL HAVE THE CHOICE to install whatever software I wish to use. If I don't like IE, then I'll pick Netscape, If I don't like the defrager, I'll pick Norton etc, etc, etc. This doesn't make me a big fan of Microsoft.

I think they still make some pretty buggy, shoddy software but it is better and more compatible than anything else out there. I have millions of programs to choose from because of Windows. Any other Operating System only has a tiny fraction of that number of programs. So please. Think about what effects you'll have on computing if this ludicrous case continues. Please let the public make its own decisions.

Thank you
Donald ''Doc'' Watson
Information Services

Linn County REC
5695 REC Drive
Marion, IA 52205

MTC–00032096

From: Greg white
To: root
Date: 11/20/01 12:09pm
Subject: anticompetitive M

Dear DOJ,

If you are serious about dealing with microsoft then you have to do something pretty drastic otherwise it will just be business as usual. We all know how awfull M has been and continues to be. Do you want M to own the entire computer and telecomunication system of the world. Because I'm sure that will happen if you do nothing to stop there current behaviour.

Kind regards,
Greg White

MTC–00032097

From: F. Frank
Date: 11/20/01 12:16pm
Subject: microsoft bad deal

Hello—

I am writing because I believe that the deal arranged by the U.S. government and Microsoft is a BAD deal for all us consumers.

Microsoft is a criminal company and is a danger to U.S commerce and the future of computing.

I believe it would be in the best interest if Microsoft was broken up into different competing companies.

F. Frank
24200 Sw Yew Wood Ln
Hillsboro, OR 97123

MTC–00032099

From: Jay Dylan Tyler
To: Jay Dylan Tyler
Date: 11/20/01 1:21pm
Subject: Microsoft

A formulation was made years ago by various entities like newspapers, magazines, politicians, and such. They figured that for every person who bothered to write to them represented X amount of people who didn't take the time and effort to write but shared similar opinions. X can equal anywhere from one thousand to ten thousand depending the specific circumstances of the recipient. So, as you can see, the simple act of writing can have a multiplier effect. That's why your single contribution is so important. If you agree that Microsoft has gotten off too lightly, I plead with you to take a few minutes, write to the Attorneys General and make your opinions known. When we're all using Microsoft Windows at least you'll be able to console yourself by knowing that you at least tried to resist Microsoft hegemony.

This is the time to strike. They believe that they have hornswoggled a sweet deal. Their guard is down, if just a bit. This is far from over.

Yours,
Jay Dylan Tyler
CEO linXS:Corporation
jay@lin-xs.com
http://www.lin-xs.com

MTC–00032100

From: Csaba Nagy
To: Csaba Nagy
Date: 11/20/01 4:10pm
Subject: Microsoft Anti-Trust case

To whom it may concern,

I have followed with great interest the Microsoft anti-trust case (and its earlier derivatives) for several years and have been astonished time and time again at the light punishment that it has been given for its offenses. The following are some of the perceptions that I have, and I believe the majority of the public has:

—if someone breaks the law they should be punished

—the type and length of punishment is variable and takes into account among many other things the severity of the crime, past behavior (have they committed other crimes in the past, have they committed similar crimes in the past)

—repeat offenders are punished most severely, especially if they continue to break the law in the same way

Microsoft has been consistent in its behavior for several years of using its monopoly ownership of the operating system to advance the usage of its products. Microsoft says that this is innovation, which is not true. Innovation is the company that wrote the first web browser, the first MP3 player, the first anti-virus software etc. Microsoft is not innovating when it comes out with an identically functional product. In these instances, Microsoft is advancing someone else's innovation forward without having to sacrifice the original effort required to have come up with the idea in the first place. Improving on someone else's ideas is not wrong in itself, and in fact this is one of the strengths inherent in capitalism based on competition. The problem is when you leverage your monopoly position in one area of the market with the intent to discourage customers from using a competitors product. Maintaining a competitive environment is important and helps to maintain a healthy industry (and this is the case for all industries). Once competition is eroded, there is no incentive for a monopoly to be productive, to be efficient, or to manufacture improved products. While you may have temporary improved stability derived from standards because of a monopoly, the overall long-term effect is one of neglect towards the customers because there is no need to worry about a competitor stealing them away from you.

Microsoft has gone on too long without being punished in a realistic manner. If at this point Microsoft is not held accountable, then their behavior is justified and will continue ad infinitum until both the public and the industry are harmed.

Imagine the ridiculous situation where there is Company X which manufactures the majority of roads in the US. They are responsible for designing the majority of roads, building them, repairing them, etc. Now imagine that there are 10 companies, including Company X, which manufacture the various cars, SUVs, trucks, motorcycles to function on these roads. There is a tremendous variety of vehicles because their are many different consumers, each with their own taste and needs. All of the vehicles work on all of the roads.

What would happen if Company X makes some changes to the roads that it keeps secret. Then it uses this secret in order to make its vehicles run better than its competitor vehicles. They remark to the complaint of the competitors with, ''Innovation, this is what customers want, need, and deserve.'' Well, the cars do run faster, and the trucks get better gas mileage, and the traction is safer in the winter, so why should we complain? We should thank Company X for helping us all out with such well thought out ideas.

One day Company Y comes out with a completely new vehicle that is very popular. In fact it is so popular that it is a blockbuster hit and everybody is talking about this car. Competitor X comes out shortly with a version that is very similar, in fact it is mostly a copy of Company Y's car with a few less amenities. Company X's car does not do so well. What is Company X to do? Company X continues to ''innovate'' and eventually decides that they can make some money with tollbooths on some of its roads. These are funny kind of tollbooths though, because rather than charge passengers for driving through them, then only let vehicles manufactured by Company X through. Many people complain, but Company X explains that only its cars are manufactured to the specifications of the roads in those areas, and that it would be unsafe for cars from other manufactures to drive on those roads.

Prior to the tollbooth situation, the incentive for customers to purchase the Company X copy would be more advantages and less disadvantages than Company Y's cars. Because Company X limits many of its roads to Company X cars, more and more customers are convinced that they should purchase Company X cars despite Company Y having a better car. Over many years despite the extreme competition between Company X and Y who release new better versions of their cars every year, eventually because of the almost unlimited resources of Company X (because of the tollbooths) and they leveraged their control over the roads, Company Y went bankrupt.

Following this same cycle, most other car companies went bankrupt and the few that are left produce vehicles that are highly specialized for niche markets. Nevertheless, Company X continued to sell their cars and they continued to added minor changes every year because they still had the requirement to sell more and more cars in order to satisfy their shareholders. But eventually they became complacent and within short time their ultimate goal was to make the most profit possible on the minimum amount of innovation investment possible.

The pace of change that customers had come to appreciate and benefit from, which was fuelled by competition, eventually led way to stagnation. The ultimate losers were the individual customers and the entire industry.

Regards and keep fighting.
Csaba
Mr. Csaba Nagy
Business Development Associate
ConjuChem Inc.
225 President-Kennedy, Suite 3950
Montreal, QC
H2X 3Y8 Canada
Phone: (514) 844–5558 x268

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MTC–00032101

From: David A. Hasan
To: davidahasan-
yahoo.com@usdoj.gov@inetgw
Date: 11/20/01 5:44pm
Subject: Microsoft settlement?

I shall keep this simple.

1. I am generally inclined to favor less government over more.

2. Ironically for this to work, our government must be vigilant in its role as regulator, in particular as regulator of monopolistic behavior.

3. Microsoft has blatantly violated the spirit and letter of our laws prohibiting monopolistic behavior. This has been unambiguously determined by the courts.

4. The proposed settlement of the antitrust case against Microsoft is an ABOMINATION, as it seeks no remedies and grants to the company effective control over any subsequent oversight.

5. I strongly encourage you to continue to oppose the settlement. We are depending on you.

Thank you.
David A. Hasan
4701 Monterey Oaks Blvd.
#1114
Austin, TX 78749

MTC–00032102

From: Judson Frondorf
To: micro
Date: 11/21/01 6:15am
Subject: not fair

A proposed settlement agreement in a series of antitrust suits may not only give Microsoft a fairly inexpensive legal resolution, it may also help the company and its PC allies further erode Apple Computer's position in education.

Under a settlement proposal <http://news.cnet.com/news/0–1003–200–7928195.html> in a series of private antitrust lawsuits announced Tuesday, Microsoft agreed to donate approximately $500 million to help bring technology to some of the nation's most disadvantaged schools. The deal will also allow these schools to obtain a virtually unlimited supply of Microsoft software for the next five years

Although the settlement terms will likely help Microsoft's position in education, more tangible benefits come from the relatively light terms. The company is effectively making a $500 million charitable donation and giving away its own software to settle a case where the liability could have stretched into far higher figures.

The case in some ways is being settled for pennies on the dollar, according to Bob Lande, an antitrust professor with University of Baltimore School of Law.

The company will also likely get positive public relations messages out with the deal, said Gartner Dataquest analyst Michael Silver. ''This gets Microsoft out of all these lawsuits in one fell swoop,'' Silver said. ''It's a penalty, but it makes Microsoft look good and gives schools PCs, and in so doing would give Microsoft an even larger installed base than they already have.''

Judson Frondorf
APS Help Desk Technician
Please feel free to contact me via email.
Include:
full name
employee number
contact phone number
location number
your position
complete description of problem

MTC–00032104

From: Cleburne Medlock
To: DOJvsMS
Date: 11/21/01 10:38am
Subject: Microsoft ''Settlement?''

Gentlemen:

First, allow me to introduce myself briefly. I, C. W. Medlock, have worked in the ''Software'' field in a professional capacity for more than 47 years. (My first course in ''programming'' was taken in 1950 at Purdue University.) I have worked at such stalwarts of this industry as IBM (1960–1966), NCR (1975–1977), etc. At IBM, I was one of the six Architects of IBM's Operating System 360 (''OS/360''), one of the world's first true Operating Systems (1963–64). Also at IBM (1963), I was one of the six members of the joint IBM/SHARE (a users group) team that developed the advanced Programming Language One (PL/I) Although the latter language has fallen into disuse due to more modern advances in such ''standard'', non?-proprietary languages a COBOL, PL/I indeed was a most powerful language (for both scientific and business computing) that I believe set the stage for the more modern versions of COBOL and other more modern scientific computing languages.

I, from 1982 to 1999, was proprietor of my own software ''home-business'' Pro/Am Software, where I developed and marketed worldwide several software ''tools'' for use by the programmer. It was here, as a ''lone survivor'' of a great group of Information Age professionals, that I first encountered the threats laid down by Microsoft's failure to disclose much-needed facts that would allow entrepreneurs such as myself to develop tools that would directly or indirectly interface with their ''Windows'' Operating System. (This does NOT mean that I necessarily would have required the source code of Windows, but only a FULL disclosure of Microsoft's file formats, OS interfaces, details of invoking OS functions, etc. This should include such disclosure of these interfaces for all of Microsoft's other products which interface with Windows, as competitors and other users have a need for this information just as well.) A case might easily be made by Microsoft that they should have the full protection of their intellectual property such as source code, where distribution of same would allow many other (foreign?) businesses to easily make copies of same, and, via suitable modifications, each apply their own ''Trademarks'', ''Copyright'' notifications, etc. However, I cannot imagine a case in any court where it could be argued that it would be harmful to a legitimate, non-monopolistic business for them to disclose FULLY the interfaces needed by ALL users (developers and ordinary users alike)!

I would like to help put Microsoft in its proper place in the Software World, after the DOJ has apparently ''sold out'' to MS?

Most sincerely,
C. W. Medlock
Retired proprietor, Pro/Am Software

MTC–00032105

From: Cleburne Medlock
To: DOJvsMS
Date: 11/21/01 10:58am
Subject: Microsoft Settlement

Gentlemen:

The provisions in any Settlement with Microsoft should NOT be limited to the interfaces with their Windows operating system, but should indeed include ALL interfaces (direct or indirect) with ANY Microsoft product. This is much needed by developers and many consumers, as well!

Sincerely,
C. W. Medlock Retired proprietor, Pro/Am Software

MTC–00032106

From: RickHyman@aol.com@inetgw
Date: 11/21/01 3:44pm
Subject: Proposed Microsoft Settlement is a farce!!

The proposed settlement with Microsoft is a farce!! Courts have determined that Microsoft has injured companies and consumers through their anti-competitive practices. They should be punished for breaking the law.

The proposed settlement of $1 billion in computers and software for schools is no punishment! Microsoft will not be paying retail, but will be claiming retail prices for the products they distribute. They won't spend more than a few million dollars, less than they would spend in marketing to the same group of schools.

Worse, you are hurting other computer companies. Allowing Microsoft to distribute their goods in these schools is further reaching than those schools. It extends to teachers and families associated with the schools. Once saddled with the Microsoft operating system, these people will be ''stuck'' with Microsoft. Other computer companies will be damaged. You are, in effect, extending the Microsoft monopoly. STOP NOW!!!!!

Richard Alan Hyman
Morrison, Colorado

MTC–00032107

From: m a r k . q u e z a d a
Date: 11/22/01 12:17am
Subject: microsoft ruling

Hello,

My name is Mark Quezada, and I'm writing to voice my concerns regarding Microsoft's AntiTrust case. I'm not sure I can accurately convey these concerns via e-mail, but I do know that the current settlement was not

worth the time, money, or man hours put into the case. Personally, i feel this ''slap on the wrist'' ruling will ultimately achieve nothing and stricter judgment should be in order. I will not waste much more of your time, but please be advised, there are a large number of people who, although they may not take the time to write about it, feel the same way. If anything, now is the time to take action against the illegal acts which compromise many people's privacy.

Thank you for your time,
—mark
(626) 252–5375

MTC–00032109

From: Piscean
To: tom.reilly@ago.state.ma.us@inetgw
Date: 11/22/01 7:46pm
Subject: Microsoft antitrust suit

Hello Mr. Reilly,

I just wanted to let you know personally that I am in favor of your pursuing a more stringent penalty than the one which the U.S. Government has settled for.

Based on the reviews of the settlement from numerous sources (The Register, CNN, etc.) I can only conclude that the governments1 settlement agreement with Microsoft is tantamount to throwing the entire verdict out the window. For example, the donation of software and hardware to less wealthy school districts further widens their customer base and expands their monopoly. The courts have determined that Microsoft has abused their monopoly position. The current settlement is less than a slap on the wrist; it is a travesty and an abuse of justice.

Sincerely,
Keith Shangraw
327 LEO DR
GARDNER, MA 01440–1245
CC:Microsoft ATR

MTC–00032110

From: Ed Powell
To: attorney.general@state.mn.us@inetgw
Date: 11/23/01 2:20am
Subject: Microsoft settlement—don't do it

I am writing to voice my opposition to the proposed settlement to the Microsoft antitrust case.

Quite simply, Microsoft has a stranglehold on the mainstream PC market. This is something that everyone in the computer industry has known for years, and our court system has determined this to be true. What kind of message are we sending if Microsoft only receives a slap on the wrist for breaking the law? Are we saying that some people or entities are better than others? Our country was not founded on that concept, but instead on ''all men are created equal''. Someone guilty of breaking the law should face the full penalty of the law, no exceptions. And in this case of breaking the law, Microsoft must be held accountable for their monopolistic practices, and must be punished as such that they cannot exercise their power for those purposes. From what I have read of the proposed settlement, there are no decisive changes to the way Microsoft does business.

Why not impose a moratorium on Microsoft against its purchase or merger with other companies? Absorbing companies in this way has been a tactic of theirs to stifle competition and release products under their own banner.

Why not impose a moratorium on Microsoft against releasing any new operating system or Internet products for a while? Give a chance for competition to make inroads against Microsoft's operating system monopoly? I am very much opposed to Microsoft's continued dominance of the industry, and to the proposed settlement that does nothing to correct it.

Ed Powell—''Meus Navis Aerius est Plena Anguillarum''
http://www.visi.com/epowell
CC:Microsoft ATR

MTC–00032111

From: superba
To: Renate Hesse
Date: 11/23/01 9:38am
Subject: Written Comments on Microsoft Antitrust Settlement
Renate Hesse Trial Attorney, Antitrust Division
U.S. Department of Justice
601 D. Street, NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

This email contains my comments on the subject case settlement and urges you to take further action on behalf of a small group of Microsoft victims too weak to take legal action.

My Comment ————

This case was instigated by several companies that were outsold in a free market, Netscape, Sun Microsystems, and AOL to mention a few. The original competing product, the Netscape browser, is extremely weak compared to the Microsoft product, Internet Explorer. I have first hand knowledge that at least one of the companies mentioned above uses predatory marketing practices just as bad or worse than those alleged for Microsoft, that company is Sun. AOL also uses sales practices that involve ''give away'' product to get on a user's computer then constantly attempts to place its own products on that computer.

In my lifetime there have been several user created monopolies, IBM, AT&T, to mention 2. I don't feel that it is the charter of the Federal and State governments to retard such monopolies especially when undue assistance is given to inferior products just to help their providers stay viable.

My Urgent Request for DOJ to add to the Settlement I am part of a group of systems engineeers that has earned Microsoft certifications of different titles and levels. I worked, studied, invested in equipment, invested my time, paid hard earned money for training, and paid for testing to get my certifications. In some cases companies paid the costs to do this for their employees, but not so in my case. Therefore, I look upon the certifications as hard earned, worthwhile, and something I strived for and achieved.

My certifications included: Microsoft Certified Professional, MCP; Microsoft Certified Professional plus Internet, MCP + I; Microsoft Certified Systems Engineer, MCSE; and Microsoft Certified Trainer, MCT.

Microsoft has a practice of ''retiring'' the exams used to qualify for these certifications. Their stated motivation is to ''keep the certified persons up to date''. Coincidentally, doing so also parallels new product introductions; the theory being to have the certified persons help to introduce and sell new product and increase Microsoft's sales. I strongly object to Microsoft's practice of doing this. It might be analogous to your law school notifying you that their law degree programs have been updated and if you don't return and take the updated courses, your degree will be cancelled. Of course, that's not going to happen, but Microsoft does it.

Microsoft relented on the last generation of certifications for the NT 4 products and said it will allow the certifications to continue with a qualified title such as ''MCSE NT 4''.

I lost all my certifications except MCP due to the retirement of (1) course in May 2001. I feel that Microsoft was wrong to cancel my certifications just because it retired an exam. The truth is that the exam, Internet Information Server version 3, was the only Internet Information Server exam available when I was testing in 1997. A newer version came along later but I saw no reason to take it.

Please add the requirement to the settlement for Microsoft not to cancel exams but rather to classify them as ''MCSE NT 4'' and extend that practice to all the old certifications. Even adding a date would not be objectional, but the current practice makes our resumes incorrect, or appear to be so, due to Microsoft's onerous practice.

Thank you for your patience.
Sincerely,
Jim Jordan
aka James T. Jordan

MTC–00032112

From: Andy Suhaka
To: standy@ecentral.com@inetgw
Date: 11/23/01 3:24pm
Subject: Wrong Settlement for Microsoft

Sir or Madame:

This is an outrage!

You have probably heard about the proposed settlement with Microsoft in the antitrust case. The settlement essentially says that Microsoft must spend about $1 billion in putting refurbished computers and Microsoft software into the nations poorest schools.

The courts have ruled that Microsoft broke the law and should be punished. Is this punishemnt? Of course not! The $1 billion Microsoft must spend is *retail* value. How much does it cost to press some CDs with MS software compared to the retail value? So, the cost associated with the settlement is very low.

The biggest blunder is that the states that may agree to this settlement are helping Microsoft to extend their monopoly. The effect of having the MS operating system in schools extends far beyond those schools, so the settlement is, in fact, a big marketing ploy by MS. Do NOT agree to this settlement. This is the biggest PR coup that Microsoft could hope for and unfair to the computing public.

How about a punishment that actually punishes the wrong doer?!!!

Andrea Suhaka
6864 S ULSTER CIR
CENTENNIAL CO 80112
Centennial City Council, Ward III

MTC–00032114

From: Willard Woldt
Date: 11/25/01 9:18pm
Subject: You are our last line of defense

Ladies and Gentlemen:

It is quite clear that Microsoft has even more egregious plans to control the world than were exposed in the federal hearing vis a vis the lock down aspects of their latest XP operating system.

Also the assigned penalties of equipping schools is really a long term and marvelous marketing plan for Microsoft to gain future customers. As a penalty, it is a sick joke.

We plead with you to continue the fight to rein in this company's incredible hunger for control of the human race.

Thank you.

Willard E. Woldt
Lt Col USAF (Ret)

MTC–00032115

From: Michael Alford
To: ag@oag.state.fl.us@inetgw
Date: 11/26/01 6:47am
Subject: Microsoft Antitrust

I personally feel that Microsoft should receive harsher penalties than what the Department of Justice proposes. I understand why that decision was made, but as the owner of a small computer hardware business put out of business by legal competition from giant corporations, I feel compelled to write to you on behalf of the smaller companies struggling to survive day to day operations.

I urge you press on with the lawsuit to impose maximum penalties and show corporations that this type of behavior will not be permitted. If our government can't stand up to a giant corporation like Microsoft, who can?

Thank you for your time and consideration.

Michael Alford
4162 Shadow Creek Cir.
Oviedo, FL 32765

MTC–00032116

From: David Eckman
To: West Virginia Attorney General,Utah Attorney Gener...
Date: 11/26/01 12:13pm
Subject: Microsoft Case Settlement

I urge you NOT to agree to the settlement terms with Microsoft that the federal government has. Following are several reasons, based on my extensive use of computers since 1983, my knowledge of and experience with many operating systems and in developing software: As an OS/2 user, I have been damaged by Microsoft's illegal tying agreements to gain a monopoly and its retaliatory and predatory use of its monopoly power. What will punish Microsoft most effectively while also stimulating its competition would be an order requiring it to LICENSE _AT NO COST to the licensee_ all code necessary (1) to allow all other operating systems to run 32-bit (and eventually higher level) Windows programs and (2) to allow other developers'' software to run as effectively under Windows as Microsoft's own programs.

Those licenses should be given to everyone who is working to enhance any operating system, including developers who produce add-ons or plugins for such systems. With such an order, a more level field will be achieved. Such cost-free licensing should be required for a minimum of 20 years, to allow other operating systems to strengthen and grow in usage to the point where software program developers will produce native versions of their software for such systems. The history of OS/2 shows that this would work: While Windows was a 16-bit system, OS/2 use grew and native applications were being developed, because of OS/2's ability to run 16-bit Windows programs. OS/2's market position and its growing acceptance were then seriously hurt by Microsoft's predatory and illegal actions. Despite Microsoft's illegal conduct, however, OS/2 has remained alive because of its superiority as an operating system over everything Microsoft has issued thus far, but it cannot return to marketing success without the ability to run applications that most users want. In fact, IBM has been forced to scale back further work on OS/2, and it has almost given up on it because of Microsoft's pressure on it and the difficulty of dealing with Microsoft's illegal use of its monopoly power. OS/2 could return to effective competition with licenses of Microsoft's operating system code, at no cost to IBM and/or those who might want to enhance the system if IBM chooses not to do it.

Microsoft has also used its monopoly illegally to harm the Java technology, which is an open software. Java developers have felt the stinging impact of Microsoft's illegal behavior. Its consequences in the future may be even more severe if the federal government's weak legal precedent is established.

Finally, Microsoft has violated with impunity consent decrees of the past.

It should be ordered to pay a substantial fine. It should also be ordered to pay all costs of monitoring its compliance in the future. This should continue for at least 20 years.

IBM was severely punished over 20 years ago for its antitrust behavior. It then managed to behave in a responsible manner. There is no reason why Microsoft should not be similarly punished now.

[J:] David Eckman
davide@eckman-law.com
http://www.eckman-law.com
3730 Kirby Dr., Suite 1200
Houston, Texas 77098–3927
713–661–2065
CC:US Dept of Justice

MTC–00032117

From: comcast
To: micro
Date: 11/26/01 1:40pm
Subject: attn:

Dear US Justice Department,

I do not believe the remedies reported in the news are going to have the slightest impact on Microsoft's predatory marketing practices, and subsequent illegal abuse of monopoly power. Take, for one small example, the case that started it all: internet browsers. Since the time the case started, Microsoft bundled their browser for free, and essentially drove all other browsers out of the market. They claim they have a right to do this, and that they are only serving consumer needs.

But their most recent versions—including ALL browsers shipped with the new Windows XP—have made a significant change: they no longer support industry-standard third-party browser plug-ins for presenting specialized content, such as movies, sound, animation, and virtual reality. This means that third-party content providers, such as Real Audio, Macromedia Flash, Adobe PDF, and Apple QuickTime—just to name a few of the larger players—no longer function under Microsoft's browsers using the standard installation procedure. Instead, they must provide special installations that go through an additional layer of software—Active X— that Microsoft's own content provisioning software does not go through. This means that ordinary consumers will have to struggle needlessly to install third-party content provisioning software, but perhaps more importantly, if they do actually get through that struggle, the third-party plug-ins will run more slowly and with less capability than will Microsoft's own content provisioning software.

This also means that some 90% of new computers sold cannot properly access my web site, which has Apple QuickTime content, whereas 90% of pre-Windows XP computers could.

With this move, done right under your collective noses while you negotiated a cushy ''hand slap'' settlement, Microsoft not only successfully extended their operating system monopoly into the internet browser market, but now they have extended their browser monopoly into the content provider marketplace! They have broken the law once, and while being penalized, have broken it again.

Take heed of my prediction: now that Microsoft controls content provisioning, content will come next. Within three years, the average consumer with an ''out of the box'' computer will be unable to view any content that Microsoft has not provided.

With all due respect, the Ashcroft Justice Department is asleep at the wheel on this one. Quit meddling with ''states'' rights'' Oregon and California, and concentrate on appropriately punishing large, multi-national companies who are already convicted of breaking laws.

Sincerly,
Juddson Frondorf

MTC–00032118

From: JP Glutting
To: tom.reilly@ago.state.ma.us@inetgw
Date: 11/26/01 7:16pm
Subject: Settlement with Microsoft

Dear Attorney General Mr. Riley,

I am writing you today to express my appreciation that the Commonwealth of Massachusetts has not signed on to the settlement proposed by the Federal Government to address Microsoft's criminal activities. Microsoft has blatantly and repeatedly violated the Sherman anti-trust act, and has shown no sign of remorse or intention of modifying their behavior. Their behavior in court was appalling presenting false evidence and repeatedly refusing to cooperate.

The fact that the U.S. has settled this case with essentially no penalties at all for this abusive is shocking, and frankly embarrassing. ''Tough on crime'' seems only to apply to those who cannot afford expensive political connections. The proposed settlement of class action suits with a ''giveway'' to poor school districts, which will extend the Microsoft monopoly, is frankly shameful, but not the issue I wish to speak to today. This outcome is very regrettable, since it will server to further stifle the computer industry and the U.S. economy. I don't believe anyone over the age of 30, and who remembers Ma Bell, could honestly say that the telecommunications growth that drove the economic boom of the 1990's would have been possible without the breakup of that telecommunications monopoly. I work with computers daily (I am a bioinformaticist at the Dana-Farber Cancer Institute), and it is very clear to me that Microsoft cannot compete with other operating systems at the level of quality (we use high-end Unix workstations, running SGI's IRIX and Linux). I truly wish that the U.S. stood for free markets and free competition, but it seems that a combination of political connections and economic jitters has convinced the department of the U.S. Attorney General to condone a shoddy, inefficient, illegal monopoly for the forseeable future.

Thank you, Attorney General Reilly, for not lumping me, as a Massachusetts resident, in with this dodgy settlement.

Best Regards,
JP Glutting Brookline,
Massachusetts
CC:Microsoft ATR

MTC–00032119

From: Ron Larsen
To: DOJ
Date: 11/26/01 10:07pm
Subject: Microsoft on Truth Serum—the Antitrust Settlement Examined This is not a solution! The DOJ has totaly ignored the best advise from industry experts. Microsost's XP operating system creates a whole new set of antitrust violations. It is appalling that the DOJ has performed so poorly in protecting free enterprise, and commerce in general. The new operation system means new DOJ ruling regarding the breaking of Microsoft into 3–5 parts. Past break-ups have stimulated the economy and the industry as a whole. Please go for the long term ''just'' solution, after all you are the ''Just''ice Department. Thanks, Ron

OPINION:

Microsoft on Truth Serum—the Antitrust Settlement Examined Contributed by Tom Nadeau osOpinion.com November 20, 2001

The proposed Microsoft agreement looks good and feels good, but listen to how the definitions in the agreement would play out in real life, and then the agreement doesn't sound very good for competing software companies or consumers.

The recent antitrust settlement between the U.S. Department of Justice and software monopolist Microsoft (Nasdaq: MSFT) has enough loopholes to sew a circus tent. The settlement actually grants Microsoft extra legal powers beyond what it had before the trial. Don't think so? Well, here is a simulated conversation that may convince you. This is what I believe a Microsoft official would say to a neutral examiner asking questions about the settlement agreement, if the software giant were under the influence of a truth-enhancing substance. Microsoft on truth serum. Listen in. Set You Free Examiner: ''Let us start with the definitions, shall we?''

Microsoft: ''Of course. Words mean things, whatever we want them to mean.'' Examiner: ''A. Application Programming Interfaces (APIs)'' Microsoft: ''APIs running on one operating system (.NET) and calling a different operating system (on your PC, remotely via the Web) are exempt from regulation.''

Examiner: ''B. Communications Protocol'' Microsoft: ''Since the settlement exempts code to remotely administer Windows2000 Server and its successors, all our communication software will be embedded with pieces of this code. We will not have any Communications Protocols that can be regulated according to this definition.''

Legal Loopholes

Examiner: ''D. Covered OEMs''

Microsoft: ''The 20 highest licensees? Does that mean licenses paid for, licenses delivered to customers, licenses committed to, or licenses actually registered by the end user?''

Examiner: ''H. IHV (Independent Hardware Vendor)'' Microsoft: ''The settlement says they're only ''independent'' if they depend on us for Windows. Unless we already ''own'' them, we don't have to give them anything.'' Examiner: ''I. ISV (Independent Software Vendor)'' Microsoft: ''The settlement says they're only an ''independent'' if they depend on us. But if they only sell software for non-Microsoft operating systems, we don't have to give them anything. They will never be able to make their non-Windows products interact with our Windows-only products.''

Hidden Message Examiner: ''J. Microsoft Middleware'' Microsoft: ''The settlement says it's only Middleware if it has a X.x version number. But we don't use version numbers any more. We use year numbers. So our Middleware is not regulated by this settlement.''

Examiner: ''K. Microsoft Middleware Product'' Microsoft: ''The settlement calls it a ''middleware product'' if it is embedded in the operating system.... But it's just ''middleware'' if it is distributed separately. If it is distributed by a shell company controlled by Microsoft through stock ownership, then it's not ''middleware'' because it is not distributed by Microsoft or a wholly owned subsidiary.'' A.P.I. Arrogance Examiner: ''L. Microsoft Platform Software''

Microsoft: ''We'll ship the APIs as a standalone product through a third-party company, or sitting on a Web server somewhere. But we don't have to divulge any details of the APIs because they won't have a version number. So they're not 'middleware'—and therefore are not covered by 'middleware' clauses. Since they are not part of Windows, they are also not a 'middleware product.'''

Examiner: ''M. Non-Microsoft Middleware''

Microsoft: ''Sure, like we wouldn't give away free copies of comparable ''Microsoft middleware'' to put them out of business. Except that it's not ''Microsoft middleware'' if it has no version number, so it would not be regulated by this settlement.'' Examiner: ''P. Operating System'' Microsoft: ''If we ship the APIs separately—on the Web—then it says that Windows is not even an operating system! It's totally unregulated!''

More Monopoly

Examiner: ''Q. Personal Computer''

Microsoft: ''Right, only PCs are covered. They let us extend our monopoly into game boxes, TV, servers, handhelds, phones, PDAs, whatever.''

Examiner: ''R. Timely Manner''

Microsoft: ''We have to deliver product info as soon as we ship to 150,000 beta testers per version.

However, we no longer beta test with more than 148,000 testers per version.''

Examiner: ''U. Windows Operating System Product''

Microsoft: ''Ha! Doesn't even cover DOS-based stuff. We can keep spreading that stuff around any way we want. Oh, and that last sentence... We can put anything we want to in Windows—any code owned by anybody! Yes, Just give me that last sentence!''

Best For Last?

About that last sentence. The slickest part of all is to put the definitions at the end of the document, where they legally overrule all that comes before, and to place the loosest definition of all at the very end of the document, slyly positioned to trump any preceding malarkey. That last sentence ostensibly was inserted to protect Microsoft from having to ship code that it did not choose—so that Microsoft would not have to ship a rival company's code, such as Java or Netscape, for example.

But Microsoft can choose to claim that a competitor's product *is* a Windows Operating System Product, because the last sentence says that the court grants Microsoft the ''sole discretion'' over ''the software code''—not just ''the Microsoft software code''—that Microsoft chooses.

Above the Law While other companies may have their claim to software ownership reviewed by the courts, this ''settlement'' exempts Microsoft from such review—immunizing Microsoft from copyright lawsuits.

This is a license to hoist the Jolly Roger and sail the seven seas, pirating any rival code that Microsoft chooses.

CC:President George W. Bush

MTC–00032120

From: Pete Gontier
Date: 11/27/01 12:06am
Subject: settlement is a sham

Microsoft has managed to engineer a so-called settlement for their illegal operating system monopoly in which they happily cooperate in seeding their operating system into the only market in which their only operating system competitor has a firm foothold. Microsoft is playing the

government like a finely-tuned violin, and historians will forever shake their heads in wonder and dismay. Please don't let them fool you!

Pete Gontier <http://www.pete.gontier.org/>

MTC–00032121

From: judson
To: micro
Date: 11/27/01 11:13am
Subject: please

The Computer and Communications Industry Association, for one, says that acceptance of Microsoft's $1 billion offer would be tantamount to judicially sanctioned predatory pricing.

Microsoft's proposed settlement for more than 100 outstanding private antitrust cases against it would inflict ''great harm'' upon the technology markets, the CCIA said in a letter to the judge overseeing the case. The CCIA was responding to Microsoft's offer to provide $1 billion worth of hardware, software and training to more than 12,500 schools serving nearly 7 million children.

Judson Frondorf

MTC–00032122

From: judson
To: micro
Date: 11/28/01 6:20am
Subject: you must stop microsoft!

''Around half of the computers in education today are Apple computers, and we're the second largest supplier overall and the largest supplier of portable computers to education,'' Apple CEO Steve Jobs said in a statement released Tuesday.

''Given this, we're baffled that a settlement imposed against Microsoft for breaking the law should allow—even encourage—them to unfairly make inroads into education, one of the few markets left where they don't have monopoly power.''

In its legal brief, Apple argued that the settlement structure would ensure ''that any benefits will come at an unacceptable cost to schools and the public by extending and strengthening the Microsoft monopoly. By its very nature, the settlement would heavily promote and subsidize the schools'' acquisition of Microsoft products at the expense of more effective and appropriate alternatives.''

''Today our schools have a choice, and to date they have chosen Apple around half of the time,'' Jobs said. ''We think our schools deserve to keep their power of choice, and our kids deserve better than having to learn on old, refurbished (Windows/Intel) computers.''

Critics: Proposal anticompetitive

Apple isn't alone in criticizing the deal. On Monday, the Computer & Communications Industry Association (CCIA) and the American Antitrust Institute (AAI) sent separate letters to Motz asking him to reject the proposed agreement.

CCIA President Edward Black charged that ''the court-ordered distribution of free software would be tantamount to judicially sanctioned predatory pricing by a monopolist in a critical market.'' Black argued that one of the few markets where Microsoft still faces competition is from Apple in the education sector.

''By allowing Microsoft to flood the education market with free software—at virtually no cost to the company—the court will be virtually assuring that no other competitor will be able to charge for its products,'' he said.

AAI President Albert Foer raised similar concerns.

''To the extent that this influx of Microsoft products undermines Apple, one of Microsoft's few remaining competitors, whose base of strength happens to be in the public schools, the proposed settlement of these antitrust suits may actually be anticompetitive,'' he wrote to Motz. Critics of the deal argue that free software is hard to pass up and note that federal and state trustbusters filed their case in part because of the anticompetitive effects of Microsoft giving away valuable software to gain market share.

Franklin Williams, vice president of operations for AstroVision International, a provider of Earth-view images, doesn't see a problem with Microsoft giving away software to schools as long as it doesn't further entrench the Windows monopoly.

''Microsoft must donate software—and hardware if included—that does not support the Windows operating system,'' he said. ''It should be fine if Microsoft ships millions of copies to schools for versions of its applications that do not run under Windows.''

Guy Peterson, visual communications manager with Manitowoc Cranes in Manitowoc, Wis., also ripped into the settlement agreement. ''The CCIA is absolutely correct in its assessments that this settlement will block the sales of other software,'' he said. ''The artificially inflated ''retail'' cost of the software is a shallow marketing ploy, and...the tiny percentage of this ''penalty'' will not seriously affect Microsoft.''

Even consumers in Europe, where an antitrust investigation is still pending against Microsoft, contend the settlement is inadequate. ''It's my belief that if the profits made by doing what one is convicted (of) aren't undone, somehow the government isn't exactly sending out a strong signal that they would like companies to behave in different ways,'' said Arthur Bommeli, a network engineer from the Netherlands. Alfie Lee, a registered nurse living in Tasmania, Australia, shared similar sentiments.

''Microsoft already with the monopolistic computer base gets to build upon it as ''compensation'' for imposing their monopoly on the world,'' he said. ''Rather than getting a smack, they get a whole new generation of enforced Microsoft users.''

MTC–00032123

From: bigsixty@mac.com@inetgw
To: Microsoft ATR,microsoftcomments @doj.ca.gov@inetgw,...
Date: 11/28/01 5:46pm
Subject: Thank you for your continued pursuit of Microsoft

Greetings.

My name is Tyler Lagrange of Sarasota, FL.

I will try not to ramble on for too long and I beg of you to read all I have to say as it pertains to what I believe to be the most significant antitrust lawsuit I will see in my lifetime.

Thank you very much for not accepting the lenient settlement that has been proposed in the Microsoft case. I have been following the case from the beginning and have read many articles that have followed your progress. My favorite was an article in Wired magazine about a year ago that really went in to a lot of detail that even I did not know. At that point I really felt the case was going in the right direction, but that feeling has understandably changed in the recent weeks.

I don't feel you need me to point out reasons why Microsoft has committed illegal monopolistic activities, however, I want to point out the ones that really hurt me as both a consumer and an internet software developer. I am a 26 year old programmer with a 4 year Computer Science degree and I've been a computer user since my first grade year at Hunt Elementary in South Florida (20 years ago).

As a consumer, my choices are severely limited by what Microsoft has done. I was really upset by what Microsoft did with the web browser wars as I preferred Netscape (along with 80% of the internet users back then). I can not really understand how they could get away with simply copying somebody else's ideas and designs, and to then force it down everybody's throats. They claim that it is best for me as a consumer and they offer it up to me for free as if that is generous. They only gave it to me for free because there was competition. What I would really want for free is Microsoft Office. Why isn't that a part of the OS? Microsoft Office is the de facto standard for sending formatted papers and office/business documents to and from people. A majority of the people out there have it and use it for daily use—probably even more than Internet Explorer. The reason that Microsoft will never offer that to us free is not just because it costs them more to develop (that is untrue as they have already recouped their costs), but because they face no serious competition in that realm. If you ask 100 consumers if they would rather have Office or IE bundled with their OS, you know what they would say. Microsoft is not doing what the consumers want, but is illegally protecting their desktop monopoly and extending it in to any other area that they can get in to. I do not want Internet Explorer. I do not want Windows Media Player. I do not want the other stuff they seem to think I do.

As an internet software developer I have also had many problems with what Microsoft has done. My biggest problem is really undocumented and unknown by most people who do not develop internet software. By having such a huge user base, they have made it virtually impossible (undesirable really) to write software that does not support Internet Explorer. They may claim that their browser supports more ''standards'' but in fact they support whatever they feel they want to. One of the most severe things they have done is to have a more lenient parser (the system that reads the HTML and displays it) that will not enforce strict HTML. This allows coders to be lazy and to not adhere to the HTML standards. Once they get used to that (and for the most part they just

debug their sites in IE and don't look at any other browsers), they will most likely NOT adhere to standards and as a result the web sites will only act appropriately in Internet Explorer (I have worked in 3 startups and they all have focused solely on Internet Explorer as the default platform). As consumers see these things acting correctly only in IE, they feel that IE is the only one that works. Now it may look like they are being nice and ''guessing'' what us web programmers mean to do, but by not enforcing the standards, we will never be able to progress beyond the inadequate capabilities we have today. I don't know for sure, but I bet at least 80% of the web sites out there would break if standards were enforced. I honestly feel that this is deliberately done to prevent other web browsers from gaining a significant share of the marketplace again (unless they are programmed to display improper HTML to maintain compatibility). This also prevents serious progress because they have to maintain this broken compatibility to display those 80% that were not written well in the first place. Web developers must write software to work well in IE or they will have problems with their customers. This just extends their monopoly.

Beyond that, it is hard for me to feel that with an idea I can be successful in the free marketplace. That is a horrible lesson the courts are trying to teach me. Even with the best ideas in my head, as soon as Microsoft has me in their sites, they could embrace it, extend it, build it in to their next OS, and push me aside. I will never be able to charge money for my software, as Microsoft can always afford to give it away free and to throw more R&D money at it to ''make it better'' than me. So in order to beat them, I will probably need some capital behind me. But investors, after seeing what Microsoft is allowed to get away with, will be less likely to dump money in to my company with the risk that Microsoft will overtake us and we will lose all that we have.

They have too much power and too much freedom and will continue to pursue these initiatives even harder if they are allowed to get out of it this time.

I am disgusted by the bundling that they were allowed to get away with with XP even after it was determined that Internet Explorer pushed and entire company essentially out of the market. They will now push remote administration systems, media players, digital camera software vendors, cd burning software vendors, and many others out of business. This does not help the economy. This is also not about progressing in to a ''modern operating system''. This is about extending a monopoly. It may seem extreme to a lot of people to break up a company, but it has been done successfully before, and it may need to be done again. I feel that Microsoft makes some good applications, and has some good operating systems. However, if their operating systems division was separate from their applications divisions, it would prevent this overlapping we see of OS services and Application services. It would also allow for more choices and more opportunities for other vendors to produce top quality software that WILL benefit consumers, and WILL boost the economy, and WILL save the future of computing.

I feel so powerless when I sit at home and read about all the bad things Microsoft has done. I watch the arrogance they display when they claim that they know more than you or I do about how the future of computing should be regulated. I beg you to not fall like the others have before you. I urge you to do your best to represent me in this monumental case. I thank you for all that you have done, and will continue to do.

If you made it this far thank you very much,

Tyler LaGrange
4902 Ithaca Ln
Sarasota, FL 34243
CC:bigsixty@aol.com@inetgw

MTC–00032124

From: geek@geekculture.com@inetgw
Date: 11/28/01 9:39pm
Subject:

The DOJ/STS VirusScan has detected a virus in this e-mail message and the infected attachment has been cleaned or deleted.

MTC–00032126

From: JOHN D GILBERT
To: Department of Justice
Date: 11/29/01 8:25am
Subject: Microsoft Settlement

In addition to my comments sent a few minutes ago, the points from this AP news article clearly show how Microsoft continues to manipulate the system. I continue to ask for a penalty that would promote more competition!!!!!!!! Under the proposal made public last week, Microsoft and some plaintiffs agreed the company would provide more than $1 billion worth of Microsoft software, refurbished personal computers and other resources to some of the nation's poorest schools. Microsoft said the deal allows schools to choose to spend money on training and resources for non-Microsoft products. But the company concedes that those who go with Microsoft products will be given more resources, such as free software.

''The actual settlement is made up of a basket of resources,'' said Mark East, worldwide general manager of Microsoft's education solutions group. ''The software component is just one of the elements.'' It's still drawn the ire of Glenn Kleiman, a lecturer with the Harvard Graduate School of Education Technology and a longtime researcher in the field. ''To put it bluntly, Microsoft is trying to pull a fast one here,'' said Kleiman, who is a consultant for some of the plaintiffs who oppose the settlement. ''They are saying that they are providing $1 billion plus of resources, but it's being done in a way that's self-serving to Microsoft.''

MTC–00032127

From: Dale Eshelman
To: Department of Justice
Date: 11/29/01 9:52am
Subject: Microsoft Settlement

The settlement falls extremely short of doing justice.

1. Microsoft still continues to have in their operating system and programs to only go to Internet Explorer instead of opening the default browser selected by the user...in my case NETSCAPE.

2. Microsoft still continues to modify computer BIOS chips to control what the user can do with his computer for operating systems.

3. Micorosft still uses their cusotmized versions of HTML, Java Script and SQL to control the desktop market. Other vendors prgrams do not work properly as a result...leaving users frustrated and their ONLY alternative being to use a Microsoft product.

4. To let Microsoft use the education market as a settlement in fact enhances their monopoly power because that is about the only markdet Microsoft DOES NOT control. Rather Microsoft should have to provide funds to education which CAN NOT be spent on Microsoft products and equipment.

5. This is only a top three list. There are hundreds of issues like these which Microsoft will still be allowed to control. This is not a settlement. It should not be considered.

Dale Eshelman

MTC–00032128

From: Greg Swallow
To: US Dept Of Justice,
California,Connecticut,Florida,...
Date: 11/29/01 9:54am
Subject: Stop Microsoft Hegemony

To Whom It May Concern:

First let me commend you for standing up for what is right in this matter. Though I do wonder how much more may be done, I ask you to continue to do all you can.

I say these things knowing from where I speak. For nearly twenty years I have worked in the Computer/IT industry. I am a programmer by education/trade and work in that arena as often as possible. I have also worked in Support Services and found there is little available in support for ''High End'' environments as where in days gone by. Once such expensive a system is properly stablized then it needs little more than Preventive Maintenance to operate optimally. The problem with the ''Low End'' Windows market is the money is to be made at the expense of ignorant users. Users who know no different than to buy what is on the retail shelf. Where ''sales professionals'' are little more, some say less, than used car salesmen. This has never been, nor will ever be, the correct way to purchase a computer.

My experience with Windows spans before even the first public release in the 1980's. Errors cropped up then just as they continue to do so today. My most significant ''gripe'' is that they are the same errors. Oh, they use different names, but examining deeper into the cause shows the same issue exist. So long have I fought over these persistant errors that I have a practice, when building/preparing a Windows computer, which delivers a stable installation of Windows. What is so perplexing is that the procedure is rather simple, yet no manufacturer uses it. For the most part because Microsoft speaks against such procedures. To do so would cost Microsoft support dollars in thier slice of the support market.

Becuase of this relentless barrage of aggravations, I have never used Windows as my own primary OS. What I do with my computers is too important to trust to such

an inferior product. Unix was my first OS and continued to be until it was just not economical. I examined other options and chose IBM OS/2. I was amazed at how easy OS/2 was to manage and how stable it remained even in questionable environments. IBM created a wonderful product, but couldn't give water to a man dieing in the desert against Microsofts separation and marketing tactics. Unfortunately my clients would only use Windows, because they only heard mention of OS/2 from me and not the ''sales professionals,'' but then came Windows 95. Sales person after sales person pestered them to no end. My clients saw nothing benefitial to changing as they were running networks and Windows 95 was/is notorious for being even more unstable when attached to a network. They came asking me what to do and again I recommended OS/2. Fortunate for my clients they decided to change to OS/2 Warp. Unfortunately for me, because OS/2 is so stable, they no longer need my services.

To be able to make a living I have had to turn to supporting Windows networks. This I find most disagreeable, but what's a man to do needing to support his family. Microsoft has created such a vast industry in support, it's as if there is no other way. It hurts when you know a correct/complete answer, but are instructed to not give it as to do so would cost the company (Microsoft) money in support dollars. I have even confronted my fellow workers with my educated opinion that, ...to make a living as we are, supporting Windows, is to make a living off another's weakness. Much like a prostitute. The only verbal reply I have ever received was, ''That is the American way.'' I turned and walked away to keep from stiking the man for what he said.

My most recent Windows fatality was with my fiance's computer. A system I had assembled for her using Windows 95 because it was what her employer was using. It made no sense to have something different at home. It remained stable for about a year, thanks to the steps I had use as mentioned previously. By this time she had also become my bride and had seen/heard more about Windows than she really cared to. She wanted something different and I shared all I had for her to examine. A week or two later I bought her an Apple iMac and she has never been so happy. Even I have grown fond of the stability and simplicity of the Mac OS, but still little work is available and we must continue to support the world of broken Windows.

Then came Windows 98 and finally I left. I am once again building my own organization. Our SOHO has some seven computers, one iMac, one OS/2 Warp, one Windows, and four Linux. Linux? Yes! Unix that I can once again afford. A product developed and created by the people who use it. And, here comes the Microsoft behemoth to take away from the people what the people have created? I think not. Linux will remain my primary OS and I may build upon it with Apple Mac OS X workstations. Windows will have its place attached to our television, so that we may play an occassional game, but little more. OS/2 Warp stays as my own office computer. Even running on an intel Pentium 120 it out performs Windows 98SE on a 400MHz intel Pentium II.

Please stop Microsoft. Let the people keep what they have created;

Linux.

Sincerely,

Greg Swallow <><

President

gswallow@internet4sites.net

I-4 Sites STOP TRAFFIC!

http://www.internet4sites.net

MTC–00032129

From: Dominic Dupuis
To: edextraze@dextopservices.com@inetgw
Date: 11/29/01 6:48pm
Subject: Re: Suspension de Norman Lester (2)
CC:=?iso-8859–1?Q?Philippe=20B=E9dard?=

MTC–00032130

From: Tan/Kal
To: Antitrust
Date: 11/30/01 11:59am
Subject'' Favor remedy by full open source code

MTC–00032130 0001

November 30, 2001

Dear Sirs,

Regarding the Microsoft settlement proposal, I think that Judge Motz had it right by stating, ''1 think you've got to go back to square one to get to square five.'' The judge seems to have said: Get that mutt outta here before I take a bite out of it.

Microsoft has accumulated a $16B cash kitty by anticompetitive, monopolistic practices, and has shown no remorse. A $1B donation to schools may sound like a slap on the wrist, but in fact it turns out to be ''self-serving''—potentially undercutting competitors who have chosen the long, slow route to undoing Microsoft's historical monopoly in operating systems by cultivating and educating schoolchildren who won't be ready for credit cards for another ten years.

If this was such a penalty, why would Red Hat be willing to match Microsoft's largess by a one-for-one donation of its Linux-based operating system to every schoolchild that receives Microsoft Windows TM? Furthermore, nothing has changed. Microsoft's new WinXP, by integrating applications such as photo processing into its operating system continues to push other manufacturers out of the digital business. Dog eat dog? No, anticompetitive; the trial is already over and we are awaiting sentencing. This is the penalty phase. Microsoft is guilty.. But is the Federal Government big enough to take on Microsoft?

They don't call it the US Department of Justice (US DOG) for nothing! This is a pit bull, not a poodle, and the only thing Microsoft is going to understand is a bigger dog. Judge Motz is waiting for a solution that provides redress to the injured parties, who are the plaintiffs in the class action lawsuits— the consumers. If not now, not next time.

The only meaningful redress is to open the source code to the public. Granted, the source code is proprietary information. But this penalty phase is exactly about forfeit of corporate private property to the government—that's why they call it a ''penalty''. OK?

Rather than send ten dollars to every consumer who bought an MS product in 1998, making the code non-proprietary is the only penalty that will meaningfully benefit the consumer and ultimately increase our nation's security. There are strong benefits from open-source computing for the consumer. We no longer need to worry that computing will be left to the geeks who do their own programming. The industry is too big now. Instead, whole new entrepreneurial activities will spring up if the code is made public.

And what better penalty then to give the source code to the real immediate victims here, Microsoft's competitors in the marketplace, when by doing so, the marketplace can quickly multiply the benefits ten-fold for the consumer, benefiting everyone without the expense of millions of letters to every household. The benefits of open-source computing include:

Reduction in the cost of highly specialized programs, such as for image analysis, voice over data, surveillance and security. As things stand, development of these applications is a difficult, risky and prolonged effort. One key risk is that Microsoft will integrate key features, but then change secret parts of the code so that the innovator's software is no longer compatible. An example is Java.

Better privacy, improved resistance to hacking and data theft. Simply put, generic hacking has become a high school hobby because we have generic computers. The one-size-fits-all approach to computing has made us all vulnerable.

Reduction in network vulnerability to viruses and system instability. Obviously, viruses propagate quickly in our society because we all have clones of the same software.

Better, faster and more energy-efficient hardware operation. This is good old american more bang for the buck.

As another example, look at the broad interest in Back Step TM, Go Back TM and Microsoft's latest knock-off of ''system restore''. What if an operating system and hardware had been designed for this feature rather than it being glued on like a fruitfly onto the skin of an enormous onion. If redesigned from the kernel, it could be integral and automatic, as easy as resetting a digital clock and as reliable as the sunrise. This re-engineering of the operating system is only possible if the source code is open to entrepreneurs who have no stake in the status quo.

MTC–00032130—0002

Again, by providing each application with dedicated memory (not a common swap file), system crashes due to memory allocation can be avoided entirely. But instead of focusing on improving the operating system, for the last 6 years Windows instead focussed on winning the Browser Wars—and sold us 6 consecutive beta versions of its operating system that required consumers to continually update numerous applications at great expense and labor.

In fact, Microsoft has also frozen computer hardware architecture in place. Freeing developers to redesign the operating system

also frees hardware designers to at last begin the refinement of customized chips specialized for particular functions such as voice recognition or image analysis. Software emulation is the hard way to solve these problems, and points to the greatest single weakness in the current evolution of computing, the failure of custom hardwired chips to evolve and make significant inroads into the market. This hasn't occurred because the systems are not competitive, it has occurred because competition has been squashed. For example, consider Apple Computer. Microsoft decides when Apple will get a new operating system, not Apple.

And what about security? Look at how dependent the Government is becoming on personal computers; the new WinXP gives Microsoft technicians a back door into every computer on the planet. Any kid with his own computer has a roadmap to your computer because yours is exactly the same as his. Any serious hobbyist can buy generic gaming tools that allow them to access your system.

Some have said that it is better not to make the source code public because its weaknesses and access points would be revealed to everyone (particularly Passport). Better to keep it secret so that we are safe, they argue. This is like saying we are safer if we don't know where the terrorists are or what they are doing. There is a public interest in the source code, that of national security, and we can no longer trust a proven anticompetitive organization to have the national interest in its priorities. Chairman of Microsoft is not an elected office.

All encrytion systems have limits. A key is necessary. But if proprietary hardware modifications are made, and an open source operating system is modified to work with them, then the system becomes unbreakable without access to the hardware. This is the computer analogy of the Navajo code talkers of WW II. Security is ensured when each individual or government can customize their own applications, stripping out unnecessary parts of the operating system that compromise security or corrupt stability, and adding unique intermediate components or coprocessors to prevent foreign access.

What we need is a simple operating system built around our applications, not generic gooies tacked onto a massive and secret operating system. Only the increase in processor speed and memory size has permitted this folly, but at what a waste of energy and time! 35 Mbytes for an Operating System: Ridiculous! Even 3.5 Mbytes is too much.

Data processing must not be forced to conform to one man's view of what a computer, or a society, or an individual, should be. Microsoft's strategy, by chosing the lowest common denominator, has made us all exceptionally vulnerable to social instability in our communications, at home and abroad, and has shackled our entrepreneurial spirit by its domination. Ultimately, with open source, the next line OS will be reduced to common kernel for most mass market applications, and plug-in modules (hardware combined with software) for applications: one for security, one for word processing, one for telephony, etc. that are recognized by a user profile (and coprocessors) and interrelate through dedicated static and dynamic memory arrays to analog devices and common peripherals in a common or proprietary language, user's choice.

Microsoft has put the survival of its massive, primitive, convoluted, proprietary operating system above all of society's other interests or needs. Microsoft was convicted in a court of law, and it is up to the Court to decide what will be confiscated from Microsoft as compensation to the victims. Relief by open source code will bring an era of competitive innovation at a pace that will astonish the consumer, trimming away the quirks and the self-serving features in the Microsoft operating systems like the barber's razor on a neutered poodle.

The current ''trial balloon'' settlement offer is unfair and unbalanced. We should beseech Judge Motz to reject it. I call upon the Antitrust Division to return to the bargaining table with a new vigor and urgency, demanding publication of the Microsoft source code for its operating systems. Sure, that will bring a fight, but the trial is already over. They lost. Not only is publication of the source code in the public interest, it is also a matter of public security; a clear case of ''eminent domain''. No corporation, no man, can be allowed to hold this country's access to e-information and e-commerce in a lock box, with the sole power to dole out ''improved versions'' the same way AT&T once upon a time developed new telephone products, by planned obsolescence.

Sincerely,

MTC–00032131

From: Deb
To: Justice Department
Date: 11/30/01 12:29pm
Subject: Please stand up to Microsoft
Office of the Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
microsoft.atr@usdoj.gov
AskDOJ@usdoj.gov
202–353–1555

Dear People at the United States Department of Justice,

Please stand up to Microsoft for all of us. The one consistent claim that Microsoft makes is that they are innovators. However, facts of history speak for themselves here. This is not their legacy.

Suppressing innovation in others, however, unfortunately is their legacy. As a private citizen and business person, the affects of the Microsoft monopoly corporation, both personally and corporately, continue to be horrendous. I fear the proposed settlement, where Microsoft puts refurbished computers in the poorest schools, will not only -not- solve this problem but will if fact promote Microsoft's predatory marketing practices, and subsequent illegal abuse of monopoly power.

Microsoft's new Windows XP includes browsers and this time with a significant change: they no longer support industry-standard third-party browser plug-ins for presenting specialized content, such as movies, sound, animation, and virtual reality. This behavior follows years of Microsoft intimidating other companies and bundling their browser for free, essentially driving all other browsers out of the market. By allowing Microsoft's illegal practices we are disallowing innovation and most certainly disallowing fair competition.

Please help to stop their illegal behavior. Microsoft has broken the law and continues to do so. If we're to remain proud of the United States then please give us a system of justice that is representative of the truth and not the politics of a monopolist. Thank you very much.

Sincerely,
Deborah Antkoviak
Raleigh, NC

MTC–00032132

From: Glenn Oppel
To: ATRMAIL8.ATRSFO01(MSOFT)
Date: 11/30/01 2:31pm
Subject: Perplexed

DoJ:

Given the recent merger of AOL and Time Warner, one wonders why the DoJ is busting Microsoft. It just goes to show how out of touch the federal government is with the dynamism of the free market. Let's not forget about the upcoming Linux operating system—not to mention the half a dozen other OSs out there.

There is no such thing as perfect competition—the predicate of antitrust. Even if a corporation has a large market share, there is always competition around the corner. Furthermore, a large market share is due to consumer demand. Consumers are sovereign in the market and determine its direction. Antitrust supersedes this sovereignty.

The only purpose that antitrust serves is to afford a successful corporation's competition a political tool to gain the upper hand. It's all about political power, not about the ability to compete.

Sincerely,
Glenn Oppel
Fairfax, VA
gcoppel@concentric.net

MTC–00032133

From: Kirby Dunsmore
To: Renata Hesse
Date: 11/30/01 10:58pm
Subject: Comment on U.S. v. Microsoft
Kerwin Dunsmore
9250 Myrna Place
Thornton, CO 80229
November 30, 2001
Renata Hesse, Trial Attorney,
Suite 1200, Antitrust Division,
Department of Justice
601 D Street NW
Washington, DC 20530
Subject: A comment on United States v. Microsoft Corporation; Revised Proposed Final Judgment and Competitive Impact Statement

Dear Ms. Hesse:

I am a recently-retired (2001) computer professional and submit these comments in the hope that the Court will find them useful. Section III., Prohibited Conduct, (subsection J), permits (and perhaps even encourages) Microsoft to deny disclosure of or licenses to

its Applications Programming Interfaces in various circumstances. Subsection J) allows Microsoft to duck behind ''security'' considerations or to comply with a hypothetical ''governmental agency of competent jurisdiction.'' At the same time it encourages Microsoft to approve only potential licensees with an ''authentic and viable'' business and a ''reasonable business need''.

Just as an automobile is a useless platform without a driver, an operating system is useless without an application. Concealment of an operating system's APIs is the equivalent of hiding a car's windshield wiper or light switches from its owner or driver, limiting its use to daytime and dry weather.

Revealing the locations of these controls (and how to use them) is not the same as providing detailed information on the design or workings of the internal mechanisms which provide the needed function. The security issues raised by publishing API specifications are specious because authentication of identity is simply a service expected of an operating system, not unlike a car's key-locked ignition switch.

Furthermore, just as a car buyer would not buy an additional license to use information to operate its heater, Microsoft operating system consumers must not be forced to buy (directly or indirectly) additional information about Windows XX just to use it with programs developed by third parties. In sum, Section III (J) invites Microsoft to invoke security or intellectual property issues to justify withholding information useful to purchasers and applications programmers of its operating systems.

Given the history of Microsoft's behavior in relation to the U.S. Government's attempts to restrain it, the Court will again be called upon to examine that behavior. Since May of 1990, when the FTC opened its anti-trust investigation, Microsoft has paid little attention to its government's admonishments or to orders of the Court. Indeed, Microsoft has never admitted any wrongdoing, nor has it in the present action.

Respectfully,
Kerwin Dunsmore

MTC–00032134

From: stout762
To: Microsoft ATR
Date: 12/2/01 8:38pm
Subject: Microsoft

DOJ;

I beleive that the continued existance of Microsoft as an intact entity poses an extreme danger to all other software companies. Microsoft has a long history of using any method available to kill competition and stifle inovation in the computer industry. Quite simple they cannot be trusted to uphold any agreement they enter into.

To mitigate the continued danger of Micro$oft, I propose that the corporation be divided into to seperate entities. One that will continue to produce Operating Systems (OS) and One that will develop end user applications (office, Internet Explorer, etc). Absolutly no communications, other than normal discourse between two rival companies, should be permitted between the two halves of the company.

To mitigate the advantages already achieved by the company, Microsoft need to be forced to disclose all proprietary information regarding the various protocols and file formats used by the companie's software.

If microsoft continues to try and ''pollute'' public domain standards (HTML, TCP/IP, ETC) they should be quicly and severly punished and forced to recind the changes. The end user needs to have the option to un-install or decline the installation of any ''bundled'' software (Internet Explorer, Media Player, etc.) without crippling the operation of the OS or any other software component.

As the final step, all of the current Microsoft senior executives should be forced to sell off their microsoft holdings and seek employment elsewhere. It seems patently unfair to me that they should be rewarded with the continued leadership of a comapny that has engaged in criminal behavior for 20+ years.

R/ J. Justin Stout

MTC–00032135

From: RYates2000@aol.com@inetgw
To: RYates2000@aol.com@inetgw
Date: 12/4/01 4:23am
Subject: Re: Microsoft settlement

I am writing to voice my concern over the proposed settlement with Microsoft. I, and many of my peers, feel that as a consumers, we do not enjoy the amount of choice we should in the computer software industry. There is no credible alternative to many of the product categories that Microsoft dominates. It is clear that they have continuously ''strangled'' new technologies that they saw as a threat to their dominance (Web Browsers, Word Processors, Java, Media players, etc).

Please consider taking a stronger position against this company that was found GUILTY in court for being an anticompetitive monopolist.

Sincerely,
Ron Yates
3516 Foxglove
Louisville, KY 40241

MTC–00032136

From: david pech
To: John Ashcroft
Date: 12/4/01 10:31am
Subject: USAGPech—Gina—1096—1130
Gina Pech(1543 22nd Street(Ogden,
UT(84401
November 30, 2001
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Ashcroft:

I am writing to express my approval of the federal settlement that has been reached in the Microsoft case.

The Justice Department has kept Microsoft tied up court for the last three years, and it is time to stop the litigation and let them get back to the business of technological innovation. The U.S. computer industry is second to none in the world, and Microsoft should get much of the credit for this. The settlement is balanced, and takes into consideration the concerns of those in the business who felt that they were unfairly shut out of the market.

Sincerely,
Gina Pech
CC:Microsoft ATR

MTC–00032137

From: Brian J Best
To: GENERAL@ksag.org@inetgw
Date: 12/4/01 7:53pm
Subject: Microsoft Proposed Settlement

Dear Sirs or Madams:

I have read about the proposed Microsoft anti-trust settlement and am appalled that such a settlement is even being considered.

It is obvious to anyone who currently, or in the past, makes their living in computer support for education that this settlement would only serve to increase the market share, and thus the monopoly power, of Microsoft in the education market. Further more, the proposed settlement has no mechanism to control the use of Microsoft's monopoly power in the future. Long term, the settlement would not provide redress for Microsoft's abuse of monopoly power, but instead simply increase the possibility of such abuse in education, while hurting the market share of competing companies.

Bottom line: the proposed settlement is wholly inadequate as a penalty for Microsoft's abuse of its monopoly power. It is completely unacceptable. I strongly urge you to reject this proposal and continue your work to find an acceptable remedy.

Sincerely,
Brian J. Best
5000 Clinton Pkwy #901
Lawrence, KS 66047
785–830–8683

MTC–00032138

From: L. Strickland
To: Ms. Renata Hesse
Date: 12/5/01 1:10pm
Subject: Microsoft Settlement
L. Strickland
6811 Meteor Pl.
Springfield, VA 22150
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or

years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

L. Strickland

MTC–00032139

From: Glenn German
To: Ms. Renata Hesse
Date: 12/5/01 1:58pm
Subject: Microsoft Settlement
Glenn German
Box 74
Burlington, KS 66839–0074
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Glenn R. German

MTC–00032140

From: Constance Root
To: Ms. Renata Hesse
Date: 12/5/01 1:58pm
Subject: Microsoft Settlement
Constance Root
8472 Maplewood Ln
Lenexa, KS 66215–2874
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Constance J Root

MTC–00032141

From: Martin Spielman
To: Ms. Renata Hesse
Date: 12/5/01 2:00pm
Subject: Microsoft Settlement
Martin Spielman
8 Monaghan Road
Edison, NJ 08817–4122
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Martin J Spielman

MTC–00032142

From: Adrian J. Dekker
To: Ms. Renata Hesse
Date: 12/5/01 2:01pm
Subject: Microsoft Settlement
Adrian J. Dekker
11929 Eagle Creek Cove
Ft. Wayne, IN 46814
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Adrian J. Dekker

MTC–00032143

From: James G. Tierney
To: Ms. Renata Hesse
Date: 12/5/01 2:05pm
Subject: Microsoft Settlement
James G. Tierney
9660 W. Pebble Brook Lane
Boise, ID 83703
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

James G.Tierney

MTC–00032144

From: John Schuck
To: Ms. Renata Hesse
Date: 12/5/01 2:06pm
Subject: Microsoft Settlement
John Schuck
P.O. Box 1516
North Conway, NH 03860
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance ? the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted. The terms of the settlement offer a fair resolution for all sides of this case ? the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors? products after purchase as well.

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Sincerely,

John Schuck

MTC–00032145

From: JEROME BOLT
To: Ms. Renata Hesse
Date: 12/5/01 2:07pm
Subject: Microsoft Settlement
JEROME BOLT
PO BOX 167
ROCKPORT, TX 78381
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division 601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

JEROME G. BOLT

MTC–00032146

From: Jane Moore
To: Ms. Renata Hesse
Date: 12/5/01 2:08pm
Subject: Microsoft Settlement
Jane Moore 5 North Star Dr.
Randolph, NJ 07869
December 5, 2001

Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Jane E. Moore

MTC–00032147

From: carol&george LATOURETTE
To: Ms. Renata Hesse
Date: 12/5/01 2:08pm
Subject: Microsoft Settlement
carol&george LATOURETTE
2250 newfound harbor drive
merritt island, FL 32952
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
carol&george latourette

MTC–00032148

From: W. B. Pete Hopkins
To: Ms. Renata Hesse
Date: 12/5/01 2:14pm
Subject: Microsoft Settlement
W. B. Pete Hopkins
4 Cormorant Circle
Durham, NH 03824
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

W. B. Pete Hopkins

MTC–00032149

From: Richard Kabat
To: Ms. Renata Hesse
Date: 12/5/01 2:14pm
Subject: Microsoft Settlement
Richard Kabat
Rt 3 Box L-160
Franklin, TX 77856
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance ? the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted. The terms of the settlement offer a fair resolution for all sides of this case ? the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors? products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Richard J. Kabat

MTC–00032150

From: Harold Berenson
To: Ms. Renata Hesse
Date: 12/5/01 2:16pm
Subject: Microsoft Settlement
Harold Berenson
20110 218th Ave NE
Woodinville, WA 98072–7145
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Harold R. Berenson

MTC–00032151

From: Marty French
To: Ms. Renata Hesse
Date: 12/5/01 2:16pm
Subject: Microsoft Settlement
Marty French
2300 Bristol Dr.
Carrollton, Tx 75006
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Marty French

MTC–00032152

From: Jerry Darger
To: Ms. Renata Hesse
Date: 12/5/01 2:16pm
Subject: Microsoft Settlement
Jerry Darger
821 Hopkins St
Kiowa, KS 67070
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

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Sincerely,

Jerry Darger

MTC–00032153

From: Marian Hirsh
To: Ms. Renata Hesse
Date: 12/5/01 2:16pm
Subject: Microsoft Settlement
Marian Hirsh
96000 Overseas Hwy. F–9
Key Largo, FL 33037
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

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Sincerely,

Marian Hirsh

MTC–00032154

From: Jacob Baker
To: Ms. Renata Hesse
Date: 12/5/01 2:19pm
Subject: Microsoft Settlement
Jacob Baker
121 PINE DRIVE
watertown, NY 13612
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Jacob D. Baker

MTC–00032155

From: Beryl Shuga
To: Ms. Renata Hesse
Date: 12/5/01 2:27pm
Subject: Microsoft Settlement
Beryl Shuga
720 Glenhaven Drive
Hurst, TX 76054–2306
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

(Mrs) Beryl Shuga

MTC–00032156

From: Steve King
To: Ms. Renata Hesse
Date: 12/5/01 2:28pm
Subject: Microsoft Settlement
Steve King
718 Treat Ave.
San Francisco, CA 94519
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Steve King

MTC–00032157

From: Kelly J. Purcell
To: Ms. Renata Hesse
Date: 12/5/01 2:28pm
Subject: Microsoft Settlement
Kelly J. Purcell
1918 Edinburgh Way
Fullerton, CA 92831
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Kelly J. Purcell

MTC–00032158

From: Mark Spaeth
To: Ms. Renata Hesse
Date: 12/5/01 2:32pm
Subject: Microsoft Settlement
Mark Spaeth
14 E. Brookdale Ln
Palatine, IL 60067–7404
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Mark Spaeth

MTC–00032160

From: Joseph O'Hara
To: Ms. Renata Hesse
Date: 12/5/01 2:32pm
Subject: Microsoft Settlement
Joseph O'Hara
17521 leafwood lane
Tustin, ca 97280–1208
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance & #8211; the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted. The terms of the settlement offer a fair resolution for all sides of this case & #8211; the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft & #8217;s programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft & #8217;s headquarters for the next five years, at the company & #8217;s expense, and monitor Microsoft & #8216;s behavior and compliance with the settlement.

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Sincerely,
Joe O'Hara

MTC–00032161

From: Gary Halpin
To: Ms. Renata Hesse
Date: 12/5/01 2:34pm
Subject: Microsoft Settlement
Gary Halpin
2009B Huntington Lane
Redondo Beach, CA 90278
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Gary Halpin

MTC–00032162

From: Jon H. Clayton
To: Ms. Renata Hesse
Date: 12/5/01 2:38pm
Subject: Microsoft Settlement
Jon H. Clayton
174 Woodland Ct.
Wetumpka, AL 36093–2211
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance & #8211; the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Jon H. Clayton

MTC–00032163

From: Edward Griffiths
To: Ms. Renata Hesse
Date: 12/5/01 2:38pm
Subject: Microsoft Settlement
Edward Griffiths
PO Box 2411
Pawleys Island, SC 29585–2411
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Edward Griffiths

MTC–00032164

From: Herman Kohlman
To: Ms. Renata Hesse
Date: 12/5/01 2:39pm
Subject: Microsoft Settlement
Herman Kohlman
2930 Woodside Ct.
Evansville, IN 47711
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Herman A. Kohlman

MTC–00032165

From: Edward G. Morin
To: Ms. Renata Hesse
Date: 12/5/01 2:44pm
Subject: Microsoft Settlement

Edward G. Morin
256 HILLSIDE AVENUE
CHATHAM, NJ 07928
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice,
Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Edward G. & Mary V. Morin

MTC–00032166

From: Jerry Lee
To: Ms. Renata Hesse
Date: 12/5/01 2:45pm
Subject: Microsoft Settlement
Jerry Lee
RR1—Box 332M
Bruceton Mills, WV 26525–9707
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Jerry S. Lee

MTC–00032167

From: James Murphy
To: Ms. Renata Hesse
Date: 12/5/01 2:50pm
Subject: Microsoft Settlement
James Murphy
34900 Military Rd S
Auburn, WA 98001–9211
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

James C. Murphy

MTC–00032168

From: Joseph F Yates
To: Ms. Renata Hesse
Date: 12/5/01 2:54pm
Subject: Microsoft Settlement
Joseph F Yates
4411 Beechland Rd
Springfield, KY 40069
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Joseph F. Yates

MTC–00032169

From: David Spaller
To: Ms. Renata Hesse
Date: 12/5/01 2:55pm
Subject: Microsoft Settlement
David Spaller
PO Box 864592
Plano, TX 75086
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

David Spaller

MTC–00032170

From: Ella Rast
To: Ms. Renata Hesse
Date: 12/5/01 2:55pm
Subject: Microsoft Settlement
Ella Rast
475 East Park Street
American Falls, ID 83211
December 5, 2001

Ms. Renata Hesse U.S. Department of Justice, Antitrust Division

601 D Street NW, Suite 1200 Washington, DC 20530 Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Ella Rast

MTC–00032171

From: Christopher Perdue
To: Ms. Renata Hesse
Date: 12/5/01 2:59pm
Subject: Microsoft Settlement
Christopher Perdue
1509 Carmel Road
Charlotte, NC 28226–5013
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance – the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors’ products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Christopher Perdue

MTC–00032172

From: Edward Evanko
To: Ms. Renata Hesse
Date: 12/5/01 3:07pm
Subject: Microsoft Settlement
Edward Evanko
1885 Military Ave
Seaside, CA 93955–3412
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Edward Evanko

MTC–00032173

From: Jeanne Brantingham
To: Ms. Renata Hesse
Date: 12/5/01 3:08pm
Subject: Microsoft Settlement
Jeanne Brantingham
11245 West Rd, #916
Houston, TX 77065–4873
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Jeanne Brantingham

MTC–00032174

From: Kenneth Golden
To: Ms. Renata Hesse
Date: 12/5/01 3:14pm
Subject: Microsoft Settlement
Kenneth Golden
1612 Harvard Woods Dr.2810
Brandon , Fl 33511–2095
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance ? the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Kenneth Golden

MTC–00032175

From: Kendrick Matthews
To: Ms. Renata Hesse
Date: 12/5/01 3:25pm
Subject: Microsoft Settlement
Kendrick Matthews
11334 Earlywood Drive
Dallas, TX 75218
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Kendrick Matthews

MTC–00032176

From: Linda Hughes
To: Ms. Renata Hesse
Date: 12/5/01 3:31pm
Subject: Microsoft Settlement
Linda Hughes
10 MacLaren Ct
Waldwick, NJ 07463–2413
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Mrs. Linda Hughes

MTC–00032177

From: Herbert Stevenson
To: Ms. Renata Hesse
Date: 12/5/01 3:36pm
Subject: Microsoft Settlement
Herbert Stevenson
602. Fifth Street
Kirkland, WA 98033
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Herbert L. Stevenson

MTC–00032178

From: David Eilbaum
To: Ms. Renata Hesse
Date: 12/5/01 3:58pm
Subject: Microsoft Settlement
David Eilbaum
7166 Lester
Lexington, Mi 48450
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

David Eilbaum

MTC–00032179

From: Mike Kisch
To: Ms. Renata Hesse
Date: 12/5/01 3:58pm
Subject: Microsoft Settlement
Mike Kisch
Rt 1 Box 90B
Moberly, MO 65270
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Mike Kisch

MTC–00032180

From: janice MURPHY
To: Ms. Renata Hesse
Date: 12/5/01 4:00pm
Subject: Microsoft Settlement
janice MURPHY
1015 N Lincoln Hill Lane
martinsville, IN 46151
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

janice murphy

MTC–00032181

From: Carol Iossa
To: Ms. Renata Hesse
Date: 12/5/01 4:05pm
Subject: Microsoft Settlement
Carol Iossa
R.R. 1 Box 3130
Jonesport, ME 04649–9709
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Carol H. Iossa

MTC–00032182

From: C. O. ''Cap'' Sterling
To: Ms. Renata Hesse
Date: 12/5/01 4:06pm
Subject: Microsoft Settlement
C. O. ''Cap'' Sterling
4789 Scottsville Rd.,
Floyds Knobs, In 47119
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

C.O. ''Cap'' Sterling

MTC–00032183

From: Barbara Robken
To: Ms. Renata Hesse
Date: 12/5/01 4:10pm
Subject: Microsoft Settlement
Barbara Robken
2800 Andover Ave
Midland, TX 79705–3201
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Barbara Robken

MTC–00032184

From: Willis Brown
To: Ms. Renata Hesse
Date: 12/5/01 4:25pm
Subject: Microsoft Settlement
Willis Brown
3014 Julian Drive
New Albany, IN 47150–9519
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Willis Brown

MTC–00032185

From: Leonard and Agnes Tillerson
To: Ms. Renata Hesse
Date: 12/5/01 4:26pm
Subject: Microsoft Settlement
Leonard and Agnes Tillerson
244 Osprey Circle
St. Marys, Ga 31558–4101
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Agnes and Leonard Tillerson

MTC–00032186

From: roy hinton
To: Ms. Renata Hesse
Date: 12/5/01 4:34pm
Subject: Microsoft Settlement
roy hinton
pob 92
hayes, va 23072
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Roy Hinton

MTC–00032187

From: Jason Church
To: Ms. Renata Hesse
Date: 12/5/01 4:36pm
Subject: Microsoft Settlement
Jason Church
4646 W. Bath Rd.
Perry, MI 48872–9175
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Jason P. Church

MTC–00032188

From: James Rutte
To: Ms. Renata Hesse
Date: 12/5/01 4:54pm
Subject: Microsoft Settlement
James Rutte
20 Taunton Lake Road
Newtown, CT 06470–1414
December 5, 2001
Ms. Renata Hesse

U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
James A. Rutte

MTC–00032190

From: jerry ellis
To: Ms. Renata Hesse
Date: 12/5/01 5:16pm
Subject: Microsoft Settlement
jerry ellis
180 NE IZETT ST. #A1
Oak Harbor, wa 98277
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
jerry ellis

MTC–00032191

From: Clifford Springmeyer
To: Ms. Renata Hesse
Date: 12/5/01 5:27pm
Subject: Microsoft Settlement
Clifford Springmeyer
427 Brightwood Place
San Antonio, Tx 78209
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance ? the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted. The terms of the settlement offer a fair resolution for all sides of this case ? the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for

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Sincerely, Cliff & Jo
Springmeyer

MTC–00032192

From: V. Ruth Cathey
To: Ms. Renata Hesse
Date: 12/5/01 5:30pm
Subject: Microsoft Settlement
V. Ruth Cathey
9024 Mettler Dr.
El Paso, TX 79925–4046
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Ruth Cathey

MTC–00032193

From: michael mcquilkin
To: Ms. Renata Hesse
Date: 12/5/01 5:30pm
Subject: Microsoft Settlement
michael mcquilkin
po box-145
lakeview, ar 72642
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

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Sincerely,
michael mc quilkin

MTC–00032194

From: Carlton D. Miller
To: Ms. Renata Hesse
Date: 12/5/01 5:38pm
Subject: Microsoft Settlement
Carlton D. Miller
805 Skye Drive
Findlay, Oh 45840–4436
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Carlton D. Miller

MTC–00032195

From: Michael Lambert
To: Ms. Renata Hesse
Date: 12/5/01 5:51pm
Subject: Microsoft Settlement
Michael Lambert
3755 Wildwood Road
San Diego, CA 92107
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance – the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Michael Lambert

MTC–00032196

From: Laurie Lord
To: Ms. Renata Hesse
Date: 12/5/01 6:12pm
Subject: Microsoft Settlement
Laurie Lord
Box 1155
Ione, Ca 95640
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Laurie K. Lord

MTC–00032197

From: stuart van dyke
To: Ms. Renata Hesse
Date: 12/5/01 6:12pm
Subject: Microsoft Settlement
stuart van dyke
225 hourglass way #106
sarasota , fl 34242
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

stuart van dyke

MTC–00032198

From: Louise Lane
To: Ms. Renata Hesse
Date: 12/5/01 6:28pm
Subject: Microsoft Settlement
Louise Lane
5310 Stanford Road
Jacksonville, FL 32207–7856
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Reba Louise Lane

MTC–00032199

From: Benton Welling
To: Ms. Renata Hesse
Date: 12/5/01 7:17pm
Subject: Microsoft Settlement
Benton Welling
2208 Pennington Dr.
Arlington, TX 76014–3512
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance – the war against terrorism, including homeland security. As

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Sincerely,

Benton M. Welling

MTC–00032200

From: Michael Belcher
To: Ms. Renata Hesse
Date: 12/5/01 7:36pm
Subject: Microsoft Settlement
Michael Belcher
po box 5681
pahrump, nv 89041
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Michael Belcher

MTC–00032201

From: Victoria Heller
To: Ms. Renata Hesse
Date: 12/5/01 7:37pm
Subject: Microsoft Settlement
Victoria Heller
2 Snowy Owl Lane
North Oaks, MN 55127
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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This case was supposedly brought on behalf of American consumers. We have paid

the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Victoria Heller

MTC–00032202

From: Rikard Krvaric
To: Ms. Renata Hesse
Date: 12/5/01 7:47pm
Subject: Microsoft Settlement
Rikard Krvaric
720 SW 111th Avenue. 208
Pembroke Pines, FL 33025
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Rikard Krvaric

MTC–00032203

From: Russell Lee
To: Ms. Renata Hesse
Date: 12/5/01 8:06pm
Subject: Microsoft Settlement
Russell Lee
375 W Wyandot
Upper Sandusky, OH 43351
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Russell J Lee

MTC–00032204

From: Paul Offer
To: Ms. Renata Hesse
Date: 12/5/01 8:08pm
Subject: Microsoft Settlement
Paul Offer
24010–49th Place West
Mountlake Terrace, , WA 98043
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Paul Offer

MTC–00032205

From: Eric Cheatwood
To: Ms. Renata Hesse
Date: 12/5/01 8:20pm
Subject: Microsoft Settlement
Eric Cheatwood
86 Austin Street #208
Worcester, MA 01609–2956
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance ? the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted. The terms of the settlement offer a fair resolution for all sides of this case ? the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors? products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Eric Cheatwood

MTC–00032206

From: Michael Crass
To: Ms. Renata Hesse
Date: 12/5/01 8:23pm
Subject: Microsoft Settlement
Michael Crass
3831 Marshall Place
Gary, IN 46408–1926
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors’ products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Michael Crass

MTC–00032207

From: Dana Langsford

To: Ms. Renata Hesse
Date: 12/5/01 8:50pm
Subject: Microsoft Settlement
Dana Langsford
121 W. Crescent
Marquette, MI 49855
December 5, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Dana Langsford

MTC–00032208

From: Franklin M. Swig
To: Ms. Renata Hesse
Date: 12/5/01 8:59pm
Subject: Microsoft Settlement
Franklin M. Swig
2809 N. Glendower Ave.
Los Angeles, CA 90027–1118
December 6, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530 M

Ms. Hesse:

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Sincerely,
Franklin M. Swig

MTC–00032209

From: Larry Kelley
To: Ms. Renata Hesse
Date: 12/5/01 9:36pm
Subject: Microsoft Settlement
Larry Kelley
po. box 521
Hampden, ME 04444
December 6, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200 Washington, DC 20530 Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Larry Kelley

MTC–00032210

From: Carl Wittekind
To: Ms. Renata Hesse
Date: 12/5/01 10:11pm
Subject: Microsoft Settlement
Carl Wittekind
4672 Glenheath Dr,
Kettering, Oh 45440–1981
December 6, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Carl S. Wittekind

MTC–00032211

From: Helen Farson
To: Ms. Renata Hesse
Date: 12/5/01 10:19pm
Subject: Microsoft Settlement
Helen Farson
917 N. Louise St., #402
Glendale, CA 91207–2164
December 6, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Helen E. Farson

MTC–00032212

From: Lori Wright
To: Ms. Renata Hesse
Date: 12/5/01 11:20pm
Subject: Microsoft Settlement
Lori Wright
4216 Ferriday Ct
Raleigh, NC 27616–9517
December 6, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Lori Wright

MTC–00032213

From: Barbara Scruggs
To: Ms. Renata Hesse
Date: 12/5/01 11:22pm
Subject: Microsoft Settlement
Barbara Scruggs
842 Mike Powers Road
Grantville, GA 30220–1640
December 6, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Barbara Scruggs

MTC–00032214

From: Jae Hawksworth
To: Ms. Renata Hesse
Date: 12/6/01 12:04am
Subject: Microsoft Settlement
Jae Hawksworth
1898 Penrose Drive
Fayetteville, NC 28304
December 6, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Jae Hawksworth

MTC–00032215

From: James Demartini
To: Ms. Renata Hesse
Date: 12/6/01 1:30am
Subject: Microsoft Settlement
James Demartini
1500A Lafayette Road #151
Portsmouth, NH 03801
December 6, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

James Demartini

MTC–00032216

From: Jon Koppenhoefer
To: Ms. Renata Hesse
Date: 12/6/01 2:10am
Subject: Microsoft Settlement
Jon Koppenhoefer
264 Oakridge Drive
Springfield, OH 45504–3916
December 6, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Jon Koppenhoefer

MTC–00032217

From: Gregory Larson-DOJ
To: Ms. Renata Hesse
Date: 12/6/01 2:58am
Subject: Microsoft Settlement
Gregory Larson-DOJ
3834 Fremont Ave. No.
Minneapolis, MN 55412–2043
December 6, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Gregory Larson

MTC–00032218

From: Daniel Bonham
To: Ms. Renata Hesse
Date: 12/6/01 5:00am
Subject: Microsoft Settlement
Daniel Bonham
7890 Joyce Drive
Parma, OH 44130
December 6, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance – the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Daniel Bonham

MTC–00032219

From: Andrew Warren
To: Ms. Renata Hesse
Date: 12/6/01 5:30am
Subject: Microsoft Settlement
Andrew Warren
PO Box 476
New Tripoli, Pa 18066
December 6, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Andrew J Warren

MTC–00032220

From: Gwen Fisk
To: Ms. Renata Hesse
Date: 12/6/01 5:59am
Subject: Microsoft Settlement
Gwen Fisk
1049 Longbranch Avenue
Grover Beach, CA 93433
December 6, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Gwen Fisk

MTC–00032221

From: Alton Turner
To: Ms. Renata Hesse
Date: 12/6/01 6:04am
Subject: Microsoft Settlement
Alton Turner
520 N. Park St.
Crescent City, FL 32112–2226
December 6, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Al;ton R. turner

MTC–00032222

From: Andrew Boyd
To: Ms. Renata Hesse
Date: 12/6/01 6:05am
Subject: Microsoft Settlement
Andrew Boyd
13 Fieldstone Rd.
Elkton, MD 21921–8402
December 6, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Andrew Boyd

MTC–00032223

From: Richard M. Scrofani
To: Ms. Renata Hesse
Date: 12/6/01 6:10am
Subject: Microsoft Settlement
Richard M. Scrofani
19 Wagne Place
Hawthorne,
NJ 07506–1333
December 6, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Richard M. Scrofani

MTC–00032224

From: Roger Daigger
To: Ms. Renata Hesse
Date: 12/6/01 6:22am
Subject: Microsoft Settlement
Roger Daigger
15814 Stagecoach Road
Stagecoach, TX 77355–3370
December 6, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Roger W. Daigger

MTC–00032225

From: Richard Graves
To: Ms. Renata Hesse
Date: 12/6/01 6:23am
Subject: Microsoft Settlement
Richard Graves
125 Wildflower Lane
Chillicothe, Oh 45601–4092
December 6, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance ? the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Richard E. Graves

MTC–00032226

From: John Smith
To: Ms. Renata Hesse
Date: 12/6/01 6:38am
Subject: Microsoft Settlement
John Smith
207 Fairway Circle
Americus, Ga 31709–4592
December 6, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance – the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
John Bernard Smith

MTC–00032227

From: Alberta Rademacher
To: Ms. Renata Hesse
Date: 12/6/01 6:39am
Subject: Microsoft Settlement
Alberta Rademacher
P.O.Box 1012
Milford, Pa 18337–2012
December 6, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse: I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance ? the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Alberta Rademacher

MTC–00032228

From: Christine Tucker
To: Ms. Renata Hesse
Date: 12/6/01 6:48am
Subject: Microsoft Settlement
Christine Tucker
21 Lyman St.
Waltham, MA 02452
December 6, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance – the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Christine Tucker

MTC–00032229

From: Robert Fabrizio
To: Ms. Renata Hesse
Date: 12/6/01 6:49am
Subject: Microsoft Settlement
Robert Fabrizio
1100 S.E. 4th Ave. #23
Deerfield Beach, FL 33441
December 6, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Robert Fabrizio

MTC–00032231

From: Odis McLean
To: Ms. Renata Hesse
Date: 12/6/01 7:32am
Subject: Microsoft Settlement
Odis McLean
1426 Marlene
DeSoto, Tx 75115–2907
December 6, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division

601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance ? the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

E. Odis McLean

MTC–00032232

From: Stephen Apple
To: Ms. Renata Hesse
Date: 12/6/01 7:54am
Subject: Microsoft Settlement

Stephen Apple
9908 Brandywine Circle
Austin, TX 78750
December 6, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Stephen Apple

MTC–00032233

From: Jeremy Goemaat
To: Ms. Renata Hesse
Date: 12/6/01 8:21am
Subject: Microsoft Settlement

Jeremy Goemaat
PO Box 42306
Urbandale, IA 50322
December 6, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance – the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Jeremy T. Goemaat

MTC–00032234

From: Rosa Mae Pennington
To: Ms. Renata Hesse
Date: 12/6/01 8:29am
Subject: Microsoft Settlement
Rosa Mae Pennington
1325 Dixieland Rd., #89
Harlingen, TX 78552–3312
December 6, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Rosa Mae Pennington

MTC–00032235

From: Patrick Whalen
To: Ms. Renata Hesse
Date: 12/6/01 8:29am
Subject: Microsoft Settlement
Patrick Whalen
PO BOX 713
Boonton, NJ 07005
December 6, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Patrick E. Whalen

MTC–00032236

From: Jerold Ottley
To: Ms. Renata Hesse
Date: 12/6/01 8:31am
Subject: Microsoft Settlement
Jerold Ottley
4952 S. 975 E.
SALT LAKE CITY, UT 84117–5714
December 6, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Jerold Ottley

MTC–00032237

From: Joyce Wice
To: Ms. Renata Hesse
Date: 12/6/01 9:27am
Subject: Microsoft Settlement
Joyce Wice
6030 California Circle #101
Rockville, Md 20852
December 6, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Joyce Wice

MTC–00032238

From: David Gray
To: Ms. Renata Hesse
Date: 12/6/01 9:44am
Subject: Microsoft Settlement
David Gray
792 Spanish Cove Drive
Melbourne, FL 32940
December 6, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

David L. Gray

MTC–00032239

From: Chuck Davis
To: Microsoft ATR
Date: 12/6/01 10:17am
Subject: Microsoft settlement

Dear Sirs,

I heavily use Microsoft products both personally and professionally. Having supported computers for 35 years, I would like to state my opinion, as a private citizen regarding the Microsoft settlement. The agreement, in which Microsoft will contribute it's product to educational facilities, gives Microsoft an unfair advantage in those education facilities and is not at all a fair response to their monopolistic behavior.

Thank you,

Charles W. Davis

cdavis@bestweb.net

MTC–00032240

From: KEN SCHNEIDER
To: Ms. Renata Hesse
Date: 12/6/01 10:22am
Subject: Microsoft Settlement
KEN SCHNEIDER
181 PIONEER DR.
PORT LUDLOW, WA 98365
December 6, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance ? the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

KENNETH L. SCHNEIDER

MTC–00032242

From: bray
To: Microsoft ATR
Date: 12/6/01 10:32am
Subject: microsoft settlement

The proposed settlement below is unacceptable as a solution to past monopolistic practices by Microsoft.

''Not long after the DOJ settlement, Microsoft announced it had agreed to another settlement regarding a separate class-action suit brought against the company by numerous parties that alleged overpricing of Microsoft products.

The settlement forces Microsoft to donate software, hardware, and services to America's poorest schools.''

This type of settlement would simply introduce Microsoft to a market where they could further extend their monopoly. A better solution would be for Microsoft to pay a specific amout of money to each of these poor school districts to be used for non-microsoft products only, such as computer hardware. Then a company such as RedHat or Apple could donate software for these systems or part of the Microsoft fine could be used to purchase this software.

Allowing Microsoft or any company to donate their own product as part of a fine or punishment is akin to the drug dealer giving away the first few highs to get his clients hooked!!

MTC–00032243

From: Daniel Verbarg
To: Microsoft ATR
Date: 12/6/01 10:33am
Subject: Microsoft antitrust suit

I may not know all the details of the settlement, but I think this is just another slap on the wrist for Microsoft. I do know in the settlement that the school systems do not have to use Microsoft products. Basically this settlement is a payoff for Microsoft. Microsoft is getting a few things out of this.

One of the groups that is suing them is now off of their back, Microsoft gets to look good by ''donating'' money to poor school systems, they have an opportunity to take over another area of software that they are not the market leaders (school systems), and they proceed as normal in their business practices. I am not saying MS should be split up, but I'm not against that either. They treat OEM's and even consumers like crap. Just look at the new licensing agreements. These new licensing agreements are just a slap in the face of all them people settling their cases against MS.

Please do something that could get more consumer choice in the OS and app market.

Thanks,

Dan Verbarg Systems Admistrator

PS—Don't you think all the virus problems are enough evidence that there needs to be more choice and competition?

MTC–00032244

From: Thomas S
To: Microsoft ATR
Date: 12/6/01 10:34am
Subject: Remedy Case

As an IT professional I need choices to satisfy my work daily. MS has proven that they are in direct violation of Anti-trust laws governing the denying the consume fo such choice by their use of strong arm tactics and backdoor meetings. I strongly urgeyou to not allow them acess to public schools in one case and to strongly reprimand them in the other.

This is for the good of business and the IT community.

Regards,

L. Thomas Solet

MTC–00032245

From: Don Lex
To: Microsoft ATR
Date: 12/6/01 10:37am Subject'' One users opinion

Department of Justice,

RE: Microsoft Settlement

My thoughts are simple regarding this complicated software business. As I read from public sources for settlement details; the settlement clearly fails to punish the Microsoft enterprise for its corporate behavior. Time has gone bye and the justice system may have indeed forgotten about the failed companies due to MicroSoft business practices. All of the failed businesses led to (1) lost competitive ideas, (2) lost employment, and (3) failed dreams. Long gone are companies like Netscape, Borland and others.

Further the notion that MicroSoft would give software operating systems, support and applications to the poorest schools appears to increase the footprint of the Microsoft monopoly. This may actually be worse than doing nothing.

I do not envy your team in finding resolution with this matter or the tobacco matter, but please secure TRUE resolution. In my humble opinion, Microsoft needs to be broken into smaller companies like Judge Green did with AT&T. thank you for you time and consideration,

DON LEX
5160 Carriage Dr.
Richmond, CA 94803

MTC–00032246

From: Justin Hopper and Bogdana Manole
To: Microsoft ATR
Date: 12/6/01 10:38am
Subject: Absolute Outrage

I am a long-term software developer and user of Microsoft's products, however that does not blind me from their unjust business practices. I have seen once strong products like Netscape Navigator, Quicken and WordPerfect, literally crumble as Microsoft pushed it's way into the markets. Everything that is developed by Microsoft creates a further dependency on their products, including the operating system. What we have seen over the past years is more and more software products being developed by Microsoft. It used to be an operating system and now the company offers a complete end-to-end solution for IT businesses in just about any market. Where's the diversity?

I currently reside, in Romania, a former Communist country. I can tell you first hand the dangers of a monopoly. For example, there is one telecom company in Romania (sound familiar) and the whoever wants to make a phone call must pay them a set tariff. Who ever wants to set up an ISP must pay them a set tariff. Who ever wants to receive extra phone services or even make and international phone call, must pay them a set tariff. If the consumer does not like it then who do they have to turn to? Noone! They are stuck with whatever price Romtelecom sets. Now tell me how this settlement is going to prevent this from happening to the technology market.

The decision to make Microsoft give its software away for free to public schools is almost funny. Not only does it give Microsoft's operating system a leg up in what may be one of the only fields that it doesn't have control over; but it will probably be the end of Apple Computers. This is an ingenious idea and whoever came up with this proposal must have done so knowingly. The Department of Justice looks like a naive child being led by the giant software developer to do whatever it wants. Who is running the court-case, Microsoft or the DOJ? Sometimes it is hard to know.

Sincerely,
Justin Hopper

MTC–00032247

From: Andreas Pleschutznig
To: Microsoft ATR
Date: 12/6/01 10:38am
Subject: Personal opinion to the Microsoft settlement

First I don't understand the thought process of why this half way solution of imposing some restriction on Microsoft is even thought about. Microsoft has shown in the past that they do not honor such restrictions or try to find a loophole, or turn the words until it suits their needs.

Secondly and even more important I don't understand the justice behind that. Here is someone has has been found guilty of a crime and still show no remorse and we do not punish them as the law would call for, but strike a weak deal with them. In the past the splitup of ATT was the best that could have happened to the customer because it reopened the market. My personal belief is that this should happen to Microsoft as this (the breakup) would force the Mini-MS companies to compete and thus have positive influence on the market.

Here is how I could imagine how the market could be made better: Suppose Microsoft got broken into 2 or more companies which in my opinion could be

a) The OS (Windows) company
b) The Application company (Office, * * *) This would lead to the situation that the Office company would want to sell as many copies of their Software as possible, and thus they maight want to port their Software to other OS's. Since now Windows no longer has the advandage of being the only one that has this office suite they would have to compete in the open market with features, stability,* * * as they could no longer rely upon being the only one having this office suite.

Just my $0.02
Thanks
Andreas Pleschutznig
2509 Taylor Way
Antioch CA 94509
Andy

MTC–00032248

From: Pat Montgomery
To: Microsoft ATR
Date: 12/6/01 10:39am
Subject: Microsoft settlement

To the Microsoft antitrust attorneys,

I strongly object to the terms of settlement of the Microsoft case.

MS was proven in court and by appellate review to be a monopoly (which is no crime), but to have repeatedly and to the profound harm of its competition, abused this monopoly power (which is a crime).

There are two issues:

1) Justice: They clearly broke the law. To be let off with a handslap sends a clear and unambiguous message that they can get away with it, to their shareholder's advantage and the disadvantage of other businesses competing in their ever-expanding fields. This encourages them to do it again, knowing they are big enough to get away with it. I don't think this is what T.Roosevelt meant by the word ''bully''.

2) Policy: Who in their right mind would now invest in a field of business that might *someday* be a field that MS decides it wants to dominate? The effects on competition, the putative underpinning of our economy, are devastating.

This was a very unfortunate decision.

Pat Montgomery
28818 108th Ave. SE
Auburn WA 98092
patmontg@attbi.com

MTC–00032249

From: Dave McCue
To: ''microsoft.atr(a)usdoj.gov''
Date: 12/6/01 10:40am
Subject: Microsoft settlement

I want to tell you that I prefer RedHat's solution to the settlement of the anti-trust case to the one announced by the DOJ early in November. I think that the DOJ solution would help expand Microsoft's monopoly into one of the few areas they don't already control. Plus the cost to Microsoft to provide this software is almost zero since they have already recovered their investment through regular sales.

Thank you
David C. McCue
Information Systems Manager
City of Paso Robles, CA
mailto:dmccue@prcity.com
<mailto:dmccue@prcity.com>
Voice (805) 227–7202
Fax (805) 237–4032

MTC–00032250

From: paulpam
To: Microsoft ATR
Date: 12/6/01 10:41am
Subject: Microsoft

I just want to know whose palm did Microsoft grease to get away with it!

MTC–00032251

From: Phillip Landis
To: Microsoft ATR
Date: 12/6/01 10:41am
Subject: please get MS under control

As an IT Director for a medium-sized manufacturer, I have watched as Microsoft has altered licensing, raised prices and forced upgrades on our business. They are squeezing and buying out the competition so that there are no alternatives.

MS products are extremely bug-ridden and insecure. The cyber-terrorists will have a field day on our nation's computer networks if they are not forced to produce software of better quality. Putting out a patch after the fact is not acceptable.

Where they once helped to build an industry, I am afraid MS has now gotten far out of control. You really need to look at everything they do. They are active on a lot of fronts. They are also faster to move than the US government, and they are very smart.

If you do not exert better control over them, the good MS has done will be far overshadowed by the damage they inflict or allow to be inflicted. Thank you for the opportunity to give you my personal thoughts.

Phillip D. Landis
IT Director PoolPak, Inc.
3491 Industrial Drive
York, PA 17402–0452 (717) 757–2648 voice
(717) 757–5058 fax

MTC–00032252

From: William Roark
To: Ms. Renata Hesse
Date: 12/6/01 10:42am

Subject: Microsoft Settlement
William Roark
2705 Bluebell Cir.
Antioch, CA 94531–6702
December 6, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance – the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors’ products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
William Roark

MTC–00032253

From: Bruce A Furnival
To: Microsoft ATR
Date: 12/6/01 10:43am
Subject: Microsoft's so called monopoly.

Microsoft needs to be left alone. If anyone else in the computer world wants to make operating systems for consumers they can. They prefer to keep things complicated.

Yours truly,
Bruce Furnival

MTC–00032254

From: bruno@users.succeed.net@inetgw
To: Microsoft ATR
Date: 12/6/01 10:47am
Subject: Microsoft monopoly

It is not difficult to understand that any monopoly damages everybody. Only the presence of competitors force you to improve yours produtcs, limit your price, and to evaluate your costumers. Everybody has benefit from the competition between AMD and INTEL. In the worse, exchange a fine for a promotional tool, is the way to reinforce a monopoly.

Thanks, Bruno Angelin

MTC–00032255

From: bruce boyd
To: Ms. Renata Hesse
Date: 12/6/01 10:54am
Subject: Microsoft Settlement
bruce boyd
107 high
nb, ca 92663
December 6, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
bruce boyd

MTC–00032256

From: Bob Garvey
To: Microsoft ATR
Date: 12/6/01 10:58am
Subject: opinion

I called Gateway computers yesterday to get a quote on a new PC. Once the price was established I asked how much it would be without an operating system. They answered that there is no difference in price. This is a monopolistic market.

I hear often, in the press, and in discussion that Microsoft is an innovative company. Microsoft brings forward that argument often. Check the facts: Window -> Xerox, Mouse -> Xerox, SQL Server -> Sybase, FoxPro -> bought, VisualBasic -> bought.

The windows operating system is intergrated: by any standard except anti-competitive / market driven that is not the best design.

Please put the arrogance of Microsoft in check. They are 10 steps ahead of the DOJ and gaining.

Bob Garvey
816–914–3295

MTC–00032257

From: Arturo Rafael Martinez Retama
To: Microsoft ATR
Date: 12/6/01 11:05am
Subject: microsoft should be punished for its past monopolic practices

I think microsoft should be punished for its past monopolic practices

MTC–00032258

From: Bob Nixon
To: Microsoft ATR
Date: 12/6/01 11:08am
Subject: microsoft monopoly

The current settlement requiring microsoft to donate software or hardware to poor schools only serves to further the company's monopolistic position. Kids who grow up with the microsoft way of doing things are unlikely to change the way they compute later in life. Microsoft's stifling pressure on Netscape has forced one of the truly free browsers into the hands of the unscrupulous and privacy invading marketing practices of AOL (personal opinion). There are many fine operating systems and browsers with advantages far more practical and efficient than Windows/Explorer: Unix , Linux and Macintosh, to name a few. When a company reaches the size and power of Microsoft the question of free enterprise no longer applies because their influence both monetarily and in terms of ubiquity allow them to slant the market as they choose. This is not the American way, as I understand it. (or, perhaps it is but, according to the ideals underpinning this country, should not be.) I have grown up with computing. I learned my first programming language in 1977. Computing can be a truly great tool but lets keep it free and clean and it's marketing practices fair. They have been shown to be guilty, please impose real penalties which don't amplify their crime.

Robert Nixon

MTC–00032259

From: Vance, Larry
To: ''microsoft.atr(a)usdoj.gov''
Date: 12/6/01 11:10am
Subject: Microsoft antitrust settlement

I am a computer system administrator by profession and have been vexed by Microsofts methods of anti-competetive business practices. I do not feel that Microsoft has been held responsible for the damage that they have inflicted on the general computer industry and on the exhorbitant costs that have been incurred by our society. I feel that the Department of Justice has failed in their job to protect the citizens of the United States of America for non competitive practices from this corporation.

Happy computing,
Larry Vance
303–267–9801 (work)
303–324–4310 (mobile)
Vance.Larry@broadband.att.com

MTC–00032260

From: Gary N Fanning
To: Microsoft ATR
Date: 12/6/01 11:11am
Subject: DOJ/Microsoft Antitrust Settlement

No. Do not allow Microsoft the opportunity of reaping a reward from a punishment.

I am not sure of what punishment I would place on Microsoft, but the current proposal is only a short term punishment, with a long term possible gain.

Have Microsoft develop/convert its most popular softwares, Office, development tools, etc., to competing platforms. After a stated period of time, 3–5 years of support, Microsoft may stop support and enhancements. Microsoft would have to publish the software into the open source community.

Regards,
Gary Fanning
Vice President
Elevating Communications, Inc.
918.587.0131 x102

MTC–00032261

From: Bruce L. Friedman
To: Microsoft ATR
Date: 12/6/01 11:11am
Subject: DOJ–MS Settlement Agreement Opinion

I am told this is the forum for sending in public opinion for the proposed settlement.

I am a computer professional, familiar with MS Windows (3.1, 95, 98, Me, NT, 2000, and XP) as well as with Linux from various distributions (RedHat, Slackware, etc.) and Sun Solaris operating systems. I have been working professionally in the field for 16 years and hold undergraduate and graduate degrees in computer science.

My feeling from reading the press reports on the settlement is that Microsoft having been found guilty of monopolistic practices is being penalized by having to donate software to schools. This doesn't make sense. If the penalty's purpose is to prevent them from practicing as a monopoly in the future, I don't see how that would do it.

I think the only penalty that should matter should be financial. The real question should be—how much, and who is the beneficiary? I think education is an excellent choice for the recipient. As for how much, I can't say. However, it should be based upon the assets and income of the corporation. I would think that something on the order of half of the corporate assests would not be overly punishing given the impact they have had on the marketplace in the personal computer business.

Sincerely,
Bruce Friedman
bruce—friedman@yahoo.com

MTC–00032262

From: Jay L. Alberts
To: Microsoft ATR
Date: 12/6/01 11:12am
Subject: Microsoft case

Just a quick note to let the DOJ know that I am in favor of the proposed settlement of the Microsoft anti-trust case. This case has stalled innovation long enough. Thanks to the prevalence of Microsoft products I am able to effortlessly exchange files and documents with colleagues around the world when working on our research papers and grants. These features only serve to improve our work.

Sincerely,
Dr. Jay L. Alberts
Jay L. Alberts, Ph.D.
Dept. of Health and Performance Sciences
Georgia Institute of Technology
Atlanta, GA 30332–0356
jay.alberts@hps.gatech.edu
Voice: 404.385.2339
Fax: 404.894.9982
www.hps.gatech.edu

MTC–00032263

From: John Jones
To: Microsoft ATR
Date: 12/6/01 11:15am
Subject: An example must be set

To whom it may concern:

If the courts let Microsoft go with a slap on the wrist, Microsoft will feel free to continue with their antitrust practices. Indeed they are doing so even though a remedy has yet to be finalized. And why shouldn't they? The courts have yet to do anything to stand in their way, in my opinion.

It has been said that Microsoft could just move out of the country. I say fine, it would be their undoing in my opinion. The US economy would not lose on this one. Eventually a US company would step up to take their place. But this new company would at least know the limits of what is acceptable.

This has gone on far too long, please stop this injustice as soon as possible.

Thanks.
John Jones
Cleveland, Ohio

MTC–00032264

From: Tim VanAsselt
To: ''microsoft.atr(a)usdoj.gov''
Date: 12/6/01 11:15am
Subject: microsoft settlement

If Microsoft operating systems division and their application software division are not separated then you will never see Microsoft applications (e.g. Office) run on other operating systems such as Linux and Unix. Not the case for the rest of the software world.

Tim Van Asselt
Mgr of software engineering
Enternet LLC

MTC–00032265

From: Frank Machado
To: Ms. Renata Hesse
Date: 12/6/01 11:16am
Subject: Microsoft Settlement

Frank Machado
7171 SE Lillian Ct.
Stuart, FL 34997
December 6, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far

greater national significance ? the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Frank W. Machado

MTC–00032266

From: Haifeng Xi
To: Microsoft ATR
Date: 12/6/01 11:19am
Subject: A monopolist should be punished.

Dear Sir/Madam,

The DOJ had previously found Microsoft to be a monopolist, but the settlement included no punishment for past actions. Isn't that a bit weird? It left doubt as to its protections against future Microsoft monopolistic practices.

To make things even worse, not long after the DOJ settlement, Microsoft announced it had agreed to another settlement regarding a separate class-action suit brought against the company by numerous parties that alleged overpricing of Microsoft products. On the surface, the settlement forces Microsoft to donate software, hardware, and services to America's poorest schools. However the settlement could simply introduce Microsoft to a market where they could further extend their monopoly.

I am writing to support a counter-proposal that Red Hat Inc. brought forward. In its counter-proposal, Red Hat offered to provide free software to every school in America if Microsoft provided the value of its donation in hardware costs rather than its own software.

Please consider this proposal seriously, for the sake of the welfare of American schools and children.

Best Regards,

Haifeng

MTC–00032267

From: George Klages
To: Ms. Renata Hesse
Date: 12/6/01 12:06pm
Subject: Microsoft Settlement
George Klages
Rt 1, Box 1680
Fresno, TX 77545
December 6, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

George Klages

MTC–00032268

From:
dennis.kaminski@rapistan.com@inetgw
To: Microsoft ATR
Date: 12/6/01 12:45pm
Subject: Settlement

Gentlemen,

Microsoft was a monopoly, is still a monopoly and based on the settlement, will continue to be a monopoly.

Microsoft does not follow most standards but leaves things out or adds a twist to make itself and other systems partially incompatible.

Through software changes and bundling they have driven out most of the competition.

Computer systems have been my career for over 25 years.

I believe the operating system should be separated from the applications. As long as the operating system and applications come from the same company, Microsoft will be a monopoly.

Thank you

Dennis Kaminski
Manager Technical Support
Siemens Dematic, Rapistan Division
(616) 913–6431

MTC–00032269

From: Linda Sorci
To: Ms. Renata Hesse
Date: 12/6/01 2:46pm
Subject: Microsoft Settlement
Linda Sorci
1501 NW 79th Terrace
Pembroke Pines, FL 33024
December 6, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200

Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks court over the years, you cannot trust anythng they say. Thus, how can you trust the settlement? MicroSoft was probably going to give 1 billion dollars to schools anyways. Then the settlement says they have to, which doesn't make any sense, because they were probably going to do it anyways. MicroSoft has always tried to grab the educational institutions, because when people graduate from high school or college, they will stick with the software they know. Thus: 1. They were already going to do it anyways. 2. It inteferes with Apple's ability to compete in the education market. MicroSoft is entirely evil and I would prefer, be destroyed. I would like to see it get destroyed under a competitive market, rather than physcial force. I like to win my battles fairly. Given the current republican administration, please do what makes the most sense for a competitive market, which you should understand since you are republican, and just don't so stuff that benefits the rich fat republicans/corporations who have no regard for our nation, just their pocketbook. I want business to thrive for those who deserve it, not those who are able to bribe/lie/cheat/steal their way into power because they have a lot fo money.

Thanks!

Mark

MTC–00032455

From: John Schuck
To: Ms. Renata Hesse
Date: 1/9/02 12:08pm
Subject: Microsoft Settlement
John Schuck
P.O. Box 1516
North Conway, NH 03860
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200 Washington, DC 20530

Ms. Hesse: I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Linda Sorci

MTC–00032270

From: Allison Volner
To: Ms. Renata Hesse
Date: 12/6/01 3:57pm
Subject: Microsoft Settlement
Allison Volner
3115 Old Brownsville Rd.
Bartlett, Tn 38134–8552
December 6, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Allison D. Volner

MTC–00032271

From: Janie Irby
To: Ms. Renata Hesse

Date: 12/6/01 4:01pm
Subject: Microsoft Settlement
Janie Irby
P.O Box 455
Henry, TN 38231
December 6, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Janie Irby

MTC–00032272

From: Sally Grave
To:
Ms. Renata Hesse
Date: 12/6/01 4:02pm
Subject: Microsoft Settlement
Sally Grave
611 Cook Hill Rd
Cheshire, Ct 06410
December 6, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Sally Grave

MTC–00032273

From: R Craig Hudson
To: Ms. Renata Hesse
Date: 12/6/01 4:21pm
Subject: Microsoft Settlement
R Craig Hudson
15432 Coastal Highway
Milton, De 19968
December 6, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse: I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

R Craig Hudson

MTC–00032274

From: Richard Burke
To: Ms. Renata Hesse
Date: 12/6/01 5:01pm
Subject: Microsoft Settlement
Richard Burke
5396 S Calle Coro
Sierra Vista, AZ 85650–9048
December 6, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Richard W. Burke

MTC–00032275

From: Charles Boyette
To: Ms. Renata Hesse
Date: 12/6/01 5:28pm
Subject: Microsoft Settlement
Charles Boyette
274 Steens Road
Steens, MS 39766
December 6, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Charles E. Boyette

MTC–00032276

From: Kevin Sheehan
To: Ms. Renata Hesse
Date: 12/6/01 8:05pm
Subject: Microsoft Settlement
Kevin Sheehan
240C Brittany Farms Road
New Britain, CT 06053
December 6, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Kevin B. Sheehan

MTC–00032277

From: Jill Merrell
To: Ms. Renata Hesse
Date: 12/6/01 8:27pm
Subject: Microsoft Settlement
Jill Merrell
12 Way West Airpark
Bainbridge, IN 46105
December 6, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Jill Merrell

MTC–00032278

From: raymond bykowski
To: Attorney General John Ashcroft
Date: 12/6/01 10:38pm
Subject: Microsoft ruling
Attorney General John Ashcroft
Justice Department
Washington, DC

Dear Attorney General John Ashcroft:
Recently, the Department of Justice and Microsoft hammered out a settlemrnt of Microsoft's antitrust lawsuit. I want to express my support for this agreement, and ask you to oppose further hearings by the Juddiciary Committee.

The suit against Microsoft has gone on way to long. Microsoft has proven to be a successful, forward-thinking company that empowers this country, gives it it's technological edge, and provides jobs for thousands of people. These workers are now being punished for working for a successful company. In the proposed agreement, Microsoft has agreed to open up its Windows features, make future versions easier to install non Microsoft software and disclose certain company internal interface information, such as particular lines of code. This is more than enough.

It is time to move on. We have more important things to spend our time and money on.

Sincerely,
Raymond Bykowski
1350 Tower Hill Road
Brookfield, WI 53045
Email rayjames—2000@yahoo.com

MTC–00032280

From: Kenneth Golubski
To: Ms. Renata Hesse
Date: 12/7/01 3:45am
Subject: Microsoft Settlement
Kenneth Golubski
23743 Parkwood Dr
Columbia Station, OH 44028
December 7, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by

District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Kenneth Golubski

MTC–00032281

From: Tom Friedman
To: Ms. Renata Hesse
Date: 12/7/01 5:46am
Subject: Microsoft Settlement
Tom Friedman
25 Whispering Spring Dr
Pisgah Forest, , NC 28768–9502
December 7, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

T.M. Friedman

MTC–00032282

From: Christina McEntire
To: Ms. Renata Hesse
Date: 12/7/01 6:16am
Subject: Microsoft Settlement
Christina McEntire
7 Way West Rd.
Bainbridege, IN 46105
December 7, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms.Hesse:

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investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Mrs. Christina McEntire

MTC–00032283

From: Joe Giza
To: Ms. Renata Hesse
Date: 12/7/01 6:40am
Subject: Microsoft Settlement
Joe Giza
2612 Fait Avenue
Baltimore, MD 21224–3725
December 7, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Joe Giza

MTC–00032284

From: Fred Reich
To: Ms. Renata Hesse
Date: 12/7/01 6:42am
Subject: Microsoft Settlement
Fred Reich
718 Danville Circle
Melbourne, FL 32904
December 7, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Fred Reich

MTC–00032285

From: Holly Evans
To: Ms. Renata Hesse
Date: 12/7/01 8:19am
Subject: Microsoft Settlement
Holly Evans
3601 Rip Ford Drive
Austin, TX 78732
December 7, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Holly Evans

MTC–00032286

From: Mark D'Agostino
To: Ms. Renata Hesse
Date: 12/7/01 9:50am
Subject: Microsoft Settlement
Mark D'Agostino
172 Middle Street #111
Lowell, MA 01852
December 7, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Mark D'Agostino

MTC–00032287

From: Anthony Dominguez
To: Ms. Renata Hesse
Date: 12/7/01 9:51am
Subject: Microsoft Settlement
Anthony Dominguez
37 Upland Road
Holyoke, MA 01040
December 7, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Anthony Dominquez

MTC–00032288

From: Peter Moon

To: Ms. Renata Hesse
Date: 12/7/01 9:57am
Subject: Microsoft Settlement
Peter Moon
31 Bowker St
Lexington, MA 02421
December 7, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Peter Moon

MTC–00032289

From: Charles Ferebee
To: Ms. Renata Hesse
Date: 12/7/01 9:59am
Subject: Microsoft Settlement
Charles Ferebee
120 Coburn Woods
Nashua, NH 03063
December 7, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Charles B. Ferebee

MTC–00032290

From: Derek Kilstrom
To: Ms. Renata Hesse
Date: 12/7/01 10:01am
Subject: Microsoft Settlement
Derek Kilstrom
18507 94th St Ct E
Bonney Lake, WA 98390
December 7, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Derek Kilstrom

MTC–00032291

From: Stephen Howard
To: Ms. Renata Hesse
Date: 12/7/01 10:05am
Subject: Microsoft Settlement
Stephen Howard
7 Judson Road
Weymouth, MA 02188
December 7, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Stephen J. Howard

MTC–00032292

From: christin walth
To: Ms. Renata Hesse
Date: 12/7/01 10:16am
Subject: Microsoft Settlement
christin walth
95 Scotland Road
Newbury, ma 01951
December 7, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Christin Walth

MTC–00032293

From: NEWCASE ATR
To: ATRMAIL8.ATRSFO01 .MSOFT
Date: 12/7/01 11:45am Subject'' Suggestion for MS Case resolvement-Forwarded
From: Roger
To: NEWCASE ATR
Date: 12/7/01 9:49am
Subject: Suggestion for MS Case resolvement

A key note: I had starband (2 way satellite isp) for about a year. It has no linux drivers. It is also said to be heavily funded by Microsoft. Although they havn't published winxp drivers for the service yet, i would

speculate that they maybe holding the drivers back for release. They HAVE NO Linux drivers! The specs for the bcp/ip are proprietory and the service is Windows only.

This seems to be one of the key aspects of the said Microsoft Monopoly as hardware companies would only make h/w & services compatable for windows only. Linux is much more robust & secure, but yet, ''Why do companies still only do Windows?''

Suggestion: If Microsoft is going to be teaming up with other 3rd party service, hardware & software providers, make them support all other o/s's with equivalent drivers in order to deter Microsoft from using it's influence on ''Unknowing Customers'' who buy into the service/product and boosting into a monopoly like enviroment.

Example: Microsoft invests in Starband. Make Starband make/publish linux & mac drivers (and that are equivalent in quality to the Windows drivers or better). This would, hence, promote legitament competition. Some of my comments on the latest suggested resolvements broadcasted on CNN Headline news:

(1) Strip Down Winxp—This would be nice as i use mozilla/netscape instead of the buggy IE (i use opensource tools since they prove more stable/reliable).

(2) Make MS Office for other platforms such as Linux—about 2 years too late. Sun just released StarOffice 6.0 Beta, and i must say that it looks really nice under linux. The slate a release for april/may, for which, only bugs and some minor fixes need some working...appears to be plenty of time to release a rock-solid product!...and it's pretty much free. Heard allot of National Gov'ts using staroffice rather the ms office.

(3) Java—uh? dunno the specifics.

I still don't really see how several of 1,2 or 3 will really do anything in resolvement of the MS/DOJ case that was won by the DOJ. It almost seems like ms has the economy and the doj on a leash.

It dismays me to see Corporations endulging into such illigit business structures which promote further instabilities into their business structures. This really seems like modem day mafias (with a loss of morals) that have converged to fit it's business model to thrive-off of loop holes within our legal system.

So instead of the consumer paying for a service, they pay the company to allow themselves to be able to work at the ''said company''. lol.

Verify my pgp/gnupg signature on my HomePage: http://www.alltel.net/rogerx/about/index.html My ICQ UIN# = 21252173

MTC–00032294

From: Jason Forish
To: Ms. Renata Hesse
Date: 12/7/01 11:48am
Subject: Microsoft Settlement
Jason Forish
121 Tremont Street Unit#317
Brighton, MA 02135
December 7, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Jason Forish

MTC–00032295

From: David Skidmore
To: Ms. Renata Hesse
Date: 12/7/01 1:19pm
Subject: Microsoft Settlement
David Skidmore
11330 Amanda 609
Dallas, TX 75238
December 7, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

David A. Skidmore

MTC–00032296

From: Jeannine M. Stahl
To: Ms. Renata Hesse
Date: 12/7/01 2:02pm
Subject: Microsoft Settlement
Jeannine M. Stahl
11826 S. 51st Street
Phoenix, AZ 85044–2313
December 7, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

The Stahls, Arthur and Jean

MTC–00032297

From: Arthur Stahl
To: Ms. Renata Hesse
Date: 12/7/01 2:31pm
Subject: Microsoft Settlement
Arthur Stahl
11826 S. 51st Street
Phoenix, AZ 85044–2313
December 7, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

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Sincerely,

Arthur & Jean Stahl

MTC–00032298

From: Roy Smith
To: Ms. Renata Hesse
Date: 12/7/01 4:15pm
Subject: Microsoft Settlement
Roy Smith
1401 halstead cir
centerville, oh 45458
December 7, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Roy F. Smith

MTC–00032299

From: sword121@hotmail.com@inetgw
To: Undisclosed.Recipients
@usdoj.gov@inetgw
Date: 12/7/01 6:08pm
Subject: The Database that ''leaves MS Access in the dust''

MTC–00032300

From: James Carpenter
To: Ms. Renata Hesse
Date: 12/7/01 7:01pm
Subject: Microsoft Settlement
James Carpenter
4922 Del Rio Trl.
Wichita Falls, TX 76310–1431
December 7, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

James A. Carpenter, Jr.

MTC–00032301

From: Wade Mountz
To: Ms. Renata Hesse
Date: 12/7/01 9:15pm
Subject: Microsoft Settlement
Wade Mountz
9 Muirfield Place
Louisville, KY 40222
December 8, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Wade Mountz

MTC–00032303

From: Don Botkin
To: Ms. Renata Hesse
Date: 12/7/01 11:47pm
Subject: Microsoft Settlement
Don Botkin
108 ½ East Main
Heyworth, IL 61745
December 8, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Respectfully,

Don Botkin

MTC–00032304

From: Jonathan Hobson
To: Ms. Renata Hesse
Date: 12/8/01 1:31am
Subject: Microsoft Settlement
Jonathan Hobson
PO Box 126
Plainfield, WI 54966–0126
December 8, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Jonathan Hobson

MTC–00032305

From: Marc Pruskin
To: Ms. Renata Hesse
Date: 12/8/01 8:29am
Subject: Microsoft Settlement
Marc Pruskin
178 Taylor Road
Marlborough, MA 01752
December 8, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Marc Pruskin

MTC–00032306

From: Bob Familiar
To: Ms. Renata Hesse
Date: 12/8/01 6:27pm
Subject: Microsoft Settlement
Bob Familiar
192 Goodmans Hill Road
Sudbury, MA 01776
December 8, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Bob Familiar

MTC–00032307

From: lprieta
To: Attorney General Antitrust Division
Date: 12/8/01 6:47pm
Subject: microsoft public comment

Sirs,

I have been a personal computer user for 14 years. The internet with the basic ''Mosaic'' web browser was state of the art as I studied at the University of California. The focus of my studies was the ''new'' internet, media and the empowerment of minorities and private citizens which the net made possible.

I am a member of an Indian nation and this is very important to me. the FREEDOM to use internet tools, of my own choosing, and to not be enriching grasping monopolists, is of high importance to all private users of the internet, and of PCs in general.

The suggested settlement for Microsoft's crimes is utterly unsatisfactory to me. The notion that Microsoft products and services donated (and thus ''locking in'' the minds and habits of young internet users who would be better served by a free selection of products and platforms in their lifetimes) would adequately address the abuse of monopoly control of personal computing by Microsoft is inherently unjust and unrealistic.

I strongly urge the court to instead enforce the establishment (by Microsoft) of a fund for schools from which products and services SELECTED freely and totally by such schools would be paid.

Thank You

Russell F. Imrie

MTC–00032308

From: Meagan Hutcheson
To: Ms. Renata Hesse
Date: 12/9/01 5:50am
Subject: Microsoft Settlement
Meagan Hutcheson
22 Sequassen Rd.
Farmington, CT 06032
December 9, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed.

Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Meagan Hutcheson

MTC–00032309

From: Harry Pierson
To: Ms. Renata Hesse
Date: 12/9/01 12:24pm
Subject: Microsoft Settlement
Harry Pierson
11064 Clear Meadows Dr.
Las Vegas, Nv 89134–7235
December 9, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Harry T. Pierson

MTC–00032310

From: Paul Pedriana
To: lance@pedriana.com@inetgw
Date: 12/9/01 6:40pm
Subject: Microsoft Settlement

Micorosft's propsosed settlement is clearly worded to benefit Microsoft at the expense of their competition In particular:

—Microsoft's proposal to ''free'' donate software is clearly an attempt to dilute the presence of their competitor's software.

—Microsoft's proposal to open their APIs is worded to lock out non-commercial entities such as open source software initiatives. Paul
Pedriana
paul@pedriana.com

MTC–00032311

From: Chris Sakalosky
To: Ms. Renata Hesse
Date: 12/10/01 7:53am
Subject: Microsoft Settlement
Chris Sakalosky
162 Melrose Street
Auburndale, MA 02466
December 10, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Chris Sakalosky

MTC–00032312

From: john@co.ferry.wa.us@inetgw
Date: 12/10/01 9:08am
Subject: Message-ID:
<3C14EC48.FFBF669D@co.ferry.wa.us>
Message-ID:
<3C14EC48.FFBF669D@co.ferry.wa.us>
Date: Mon, 10 Dec 2001 09:09:28 -0800
From: John Walden <john@co.ferry.wa.us>
X-Mailer: Mozilla 4.75 [en] (Win98; U)
X-Accept-Language: en
MIME-Version: 1.0
To: microsoft.atr@usdoj.gov,
feedback@redhat.com
Subject: MicroSoft Ruling
Content-Type: text/plain; charset=us-ascii
Content-Transfer-Encoding: 7bit

The first ruling against Microsoft, to break up the company, was correct and just. A mild punishment of Microsoft off will not foster competition, will not insure a strong industry and, will not benefit consumers. At the very least, Microsoft should make the current version (and future versions) of MS Office and other application software available for Linux. This would separate their operating system software from their applications software and prevent any future monopolistic behavior.

To punishment Microsoft by having then give their products to schools is a crazy idea. This will only foster their monopolistic practices and lock in future customers. It would be like punishing the tobacco industry by making them furnish no cost cigarette vending machines to schools.

John Walden,
IS Director, Ferry County

MTC–00032313

From: Bryan Haley
To: Ms. Renata Hesse
Date: 12/10/01 10:04am
Subject: Microsoft Settlement
Bryan Haley
9 Candlewood Way
Shrewsbury, MA 01545
December 10, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Bryan R. Haley

MTC–00032314

From: Jean Gary
To: Ms. Renata Hesse
Date: 12/10/01 11:22am
Subject: Microsoft Settlement
Jean Gary
5892 Langton Drive
Alexandria, VA 22310
December 10, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Jean Gary

MTC–00032315

From: Larry Svee
To: Ms. Renata Hesse
Date: 12/10/01 12:02pm
Subject: Microsoft Settlement
Larry Svee
W323 Highway 29
Spring Valley, WI 54767

December 10, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Larry Svee

MTC–00032316

From: BillMeelater
To: DOJ
Date: 12/10/01 6:52pm
Subject: MICROSOFT SETTLEMENT

Dear DOJ,

It pleases me that the DOJ and Microsoft Corp have come to a settlement finally. Briefly, my opinion as a consumer and citizen of this great country is as follows:

1. I never felt cheated or hurt as a consumer of any Microsoft product. Nor do I understand how consumers have been hurt by the Microsoft company. Certainly I've had many frustrating moments over the years because their software occasionally failed to function properly (and many consumers have shared this feeling). But I personaly feel that the gains I've made in productivity over the years, due to the advances in computing as a result of the Microsoft company, have been worth the trouble. Considering the efficiency their procucts bring to me, they are cheap. Let's not complain about an $80 operating system.

2. Our economy has benefitted from the standardization of operating systems due to Microsoft's dominance. I'm sure many a legal brief prepared by the DOJ was done on Microsoft software. What would it be like to share information in a world of computers that wouldn't talk to each other? A third world experience, I'm sure. Example: How frustrating is it now to make a long distance phone call from a phone you don't own. A strong case, in my opinion, for standardization. As Alan Greenspan has stated many times—the growth we had from mid to late -90's was very much a result of technical innovation by Microsoft and companies like it.

3. In our country today, we can't affort to struggle internally anymore. It would be different if Microsoft dominated the software industry AND put out lousy product. I don't think that's the case. The DOJ has gone after this company with such vengance. I don't think it's warranted. I'm sure they've gotten the message. Now let it go and let them, and companies like them continue to innovate. It benefits us all.

Sincerely,
Bill Braun
Colorado

MTC–00032317

From: Dawn Johnson
To: Ms. Renata Hesse
Date: 12/11/01 9:57am
Subject: Microsoft Settlement
Dawn Johnson
1005 Quail Run Rd.
Southlake, TX 76092–3114
December 11, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Dawn Johnson

MTC–00032318

From: Kylie Waters
To: Ms. Renata Hesse

Date: 12/12/01 7:09am
Subject: Microsoft Settlement
Kylie Waters
2563 Spencer Hill Road
Corning, NY 14830
December 12, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Kylie Waters

MTC–00032319

From: Ted Payne
To: Ms. Renata Hesse
Date: 12/12/01 8:56am
Subject: Microsoft Settlement
ted payne
4009 Druid Hills rd
louisville, ky 40207
December 12, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Ted Payne

MTC–00032320

From: John D. Eckert
To: Ms. Renata Hesse
Date: 12/12/01 9:40am
Subject: Microsoft Settlement
John D. Eckert
1749 Summerlin Place
Jeffersonville, IN, IN 47130–9677
December 12, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

John Eckert

MTC–00032321

From: Michael Cramer
To: Ms. Renata Hesse
Date: 12/12/01 9:58am
Subject: Microsoft Settlement
Michael Cramer
51 Cobblestone Lane
Hanover, MA 02339
December 12, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Michael R. Cramer

MTC–00032322

From: Robert Davis
To: US DOJ
Date: 12/12/01 11:33am
Subject: U.S. v. Microsoft

To whom it may concern:

My name is Robert Davis, I am an Architect and I live in Denver, CO. I am not a ''technical'' person as far the computer industry goes, just an end user. I purchased my first computer, a Commodore 64 back in about 1981. I then migrated to Apple's Macintosh, then to Windows on Intel, and now in light of Microsoft's illegal monopoly actions, I've just begun a transition to the Linux operating system. I'm probably somewhat atypical from most in that I've used multiple operating systems during my experiences. Based on this experience I've seen many small, innovative software companies come up with some very good applications. What I now observe is that Microsoft keeps rolling the same functionality into Windows and effectively killing all other competition. I don't see this as good for America. To their credit they have been successful in standardizing the computing experience somewhat. I have read on various internet news sites that the proposed settlement terms allow Microsoft to determine if a company is legitimate before they have to share some of their inner workings with them. The case has been made that the ''Open Source'' movement would not be viewed as such and therefore can be discriminated against. This movement looks to be the greatest hope of breaking Microsoft's monopoly yet and needs to be able to stand on equal footing. I respectfully request that you implement meaningful reforms for Microsoft without infringing on free interprise and the American way. Please consider:

1. Don't give MS a foot-hold in our schools were Apple seams to compete reasonably well.

2. Don't allow MS to withold code, API's, etc. from the Open Source folks.

3. Force MS to unbundle ''middleware'' from Windows or sell a ''stripped'' down version.

4. Scutinize MS's plans to provide broadband internet access to America via MSN.

5. Formulate remedies with teeth.

5. Watch them like a hawk!

Thank you for this opportunity to voice my views.

Rob Davis

MTC–00032323

From: Herb Himmelfarb
To: Himmelfarb, Cyn (038) Herb
Date: 12/12/01 12:17pm
Subject: Microsoft Settlement

Hi,

The proposed settlement in the anti-trust case against the Microsoft Corporation appears to me to be too lenient. In my opinion, this corporation has engaged in restraint of trade to an alarming degree. Rather than bore you with information you already have, I request that more severe penalties be imposed upon Microsoft.

Thank you for your attention to this matter.

Herbert S. Himmelfarb
615 19 Street NE
Salem, OR 97301–2713
503.375.2934
himby@open.org

MTC–00032325

From: MARTY REISLER
To: MSN Messenger Support
Date: 12/13/01 7:35am
Subject' Re' [Re' [Re: [Re: [Re' [RE: CST51666018ID– MSN Chat Feedback]]]]]
CC: Microsoft ATR,antitrust@usdoj.gov@inetgw,jim.hill@...

MTC–00032325 0001

OK there is no selection for messenger removal under add remove problems. My guess is that it is integrated into MSN Explorer MSN Explorer must be removed from the Windows component wizard. If I remove MSN Explorer then I do not think I can sign on to or at least find new local numbers for the MSN service when travelling.

After 5 emails you won't admit I can't turn off your messenger service so you tell me to uninstall but give me bogus directions on how This cinches that I will remove the MSN

components as soon as my free trial is over. This is the kind of riduculous crap that make people want to see Microsoft severely chopped into more harmless less arrogant pieces. The incredible run around from a tech support department who won't admit that the MSN application is setup so that I have to be logged into your new messenger service so you can claim a large user base to get more people to use your messenger app is probally criminal. Thankfully messenging is not something you have arrived at in time to compete in. You can now add me to the list of Microsofts foes and maybe even force me to use AOL as my means of connecting when away from home.

I think it is a gross failure on the part of the justice department to think of settling with Microsoft while it is still finding new ways to exploit its operation system monopoly in this manner.

—Marty Reisler
213 N. Highland Ave
Nyack NY 10960
From: marty@usa.net
To: ''MSN Messenger Support'' <mmssupport@css.one.microsoft.com>
Sent: Wed Dec 12 09:24:20 PST 2001
Subject: Re: [Re: [Re: [Re: [RE: CST51666018ID—MSN Chat Feedback]]]]

MTC–00032325_0002

I seem to keep gettng a different support person who doesn't take
the time to read the complete message. I explained that what doesn't
work (this is my 5th email) is that there is no account tab under
tools/options. Please reread the entire message and reply with
the answer that relects that you have reread all the correspondence
below.

MTC–00032326

From: Robert Gasiorowski
Date: 12/13/01 11:03am
Subject: Microsoft's intellectual property

This is good, they (MS) take someone elses (opensource) stuff (DNS for example), change one line (comment line probably), and then they're calling it Microsoft's intellectual property.

And what about TCP/IP showing up under ''Microsoft Protocols''. Since when TCP/IP is Microsoft's?

By that time next year, it will be probably called MSN/IP.

Thank you for your time.

Robert Gasiorowski.

Mac, Linux and Sun user.

MTC–00032327

From: Lisa Hutchins
To: Ms. Renata Hesse
Date: 12/13/01 1:04pm
Subject: Microsoft Settlement
Lisa Hutchins
16549 NW 16th Street
Pembroke Pines, FL 33028
December 13, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Lisa Hutchins

Federal Register

5–3–02 Friday
Vol. 67 No. 86 May 3, 2002

Book 12 of 12 Books
Pages 29795–30305

Part II—Continued

Department of Justice

Antitrust Division

United States v. Microsoft Corporation; Public Comments; Notice

MTC–00032329

From: John Hatch
To: Ms. Renata Hesse
Date: 12/14/01 10:33am
Subject: Microsoft Settlement
John Hatch
3105 Sea View Court
Las Vegas, NV 89117
December 14, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
John Hatch

MTC–00032330

From: Cleburne Medlock
To: DOJvsMS
Date: 12/14/01 12:18pm
Subject: Microsoft Settlement

Sirs:

First, allow me to introduce myself briefly. I, C. W. Medlock, have worked in the ''Software'' field in a professional capacity for more than 47 years. (My first course in ''programming'' was taken in 1950 at Purdue University.) I have worked at such stalwarts of this industry as IBM (1960–1966), NCR (1975–1977), etc. At IBM, I was one of the six Architects of IBM's Operating System 360 (''OS/360''), one of the world's first true Operating Systems (1963–64). Also at IBM (1963), I was one of the six members of the joint IBM/SHARE (a users group) team that developed the advanced Programming Language One (PL/I) Although the latter language has fallen into disuse due to more modern advances in such ''standard'', non?-proprietary languages a COBOL, PL/I indeed was a most powerful language (for both scientific and business computing) that I believe set the stage for the more modern versions of COBOL and other more modern scientific computing languages.

I, from 1982 to 1999, was proprietor of my own software ''home-business'' Pro/Am Software, where I developed and marketed worldwide several software ''tools'' for use by the programmer. It was here, as a ''lone survivor'' of a great group of Information Age professionals, that I first encountered the threats laid down by Microsoft's failure to disclose much-needed facts that would allow entrepreneurs such as myself to develop tools that would directly or indirectly interface with their ''Windows'' Operating System. (This does NOT mean that I necessarily would have required the source code of Windows, but only a FULL disclosure of Microsoft's file formats, OS interfaces, details of invoking OS functions, etc. This should include such disclosure of these interfaces for all of Microsoft's other products which interface with Windows, as competitors and other users have a need for this information just as well.) A case might easily be made by Microsoft that they should have the full protection of their intellectual property such as source code, where distribution of same would allow many other (foreign?) businesses to easily make copies of same, and, via suitable modifications, each apply their own ''Trademarks'', ''Copyright'' notifications, etc. However, I cannot imagine a case in any court where it could be argued that it would be harmful to a legitimate, non-monopolistic business for them to disclose FULLY the interfaces needed by ALL users (developers and ordinary users alike) to fully use and expand all features of Windows and all of it's associated Microsoft Products! (I can quote more than a few examples of where I and other developers were not able to obtain needed information about files and other data formats that were needed to allow us to develop products which would enlarge the capabilities of the Windows operating system, thereby seemingly even strengthening its place in the market.) Such a relatively ''open architecture'' has indeed been the norm with such stalwart operating-system providers as IBM, etc. (After all, the original IBM Personal Computer had even it's Hardware and Software totally in the public domain. Microsoft should at the very least provide the ''circuit diagram'' of their software, so that it could even be repaired more easily, including making expansions and improvements thereto!)

The provisions in any Settlement with Microsoft should NOT be limited to the interfaces with their Windows operating system, but should indeed include ALL interfaces (direct or indirect) with ANY Microsoft product. This is much needed by developers and many consumers, as well!

I would like to help put Microsoft in its proper place in the Software World, and see that the DOJ indeed does not ''sell out'' to MS!

Most sincerely,
C.W.. Medlock

MTC–00032331

From: Jody Ausley
To: Ms. Renata Hesse
Date: 12/14/01 12:56pm
Subject: Microsoft Settlement
Jody Ausley
PO Box 780282
San Antonio, tx 78278
December 14, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Jody Ausley

MTC–00032332

From: Nancy Emmert
To: DOJ
Date: 12/14/01 1:08pm
Subject: Microsoft settlement

There are only two things more disgusting than the proposed settlement between DOJ and Microsoft: one is the settlement proposed by the states not party to it and the other is that the suit was brought in the first place.

The very idea that the United States government should have been party to an attempt to deprive ANY party of rights to its'' own intellectual property is disgraceful, disgusting and every other kind of ''dis-'' imaginable.

The only truly just judgment in this case is an order to have members of what they're now calling the ''Liberty Alliance'' strung up by their collective cajones., but that's probably not an available option.

Therefore, I respectfully ask for an end this economic roadblock and urge acceptance of the agreement submitted jointly by DOJ and Microsoft. The dissenting states and the economic terrorists ought to be told to take a hike.

Nancy Emmert ...
200 Roselawn ...
Coleman, Texas 76834–7012

MTC–00032333

From: Alden Ringer
To: Microsoft ATR
Date: 12/14/01 2:58pm
Subject: Microsoft Settlement

This message will be followed by a letter of the same content.

Alden C. Ringer
77 Brown Rd
Ctr. Tuftonbors NH 03816

MTC–00032334

From: Henry and Mrs. Arlene Carle
To: Ms. Renata Hesse
Date: 12/17/01 2:22pm
Subject: Microsoft Settlement
Henry and Mrs. Arlene Carle
6600 Downey Finch Lane
Anchorage, AK 99516–2413
December 17, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Henry and Arlene Carle

MTC–00032335

From: Mark Miedlar
To: Ms. Renata Hesse
Date: 12/19/01 2:03pm
Subject: Microsoft Settlement
Mark Miedlar
122 E. Cottage Ave
W. Carrollton, OH 45449
December 19, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Mark Miedlar

MTC–00032336

From: Philip Capps
To: Ms. Renata Hesse
Date: 12/20/01 10:12am
Subject: Microsoft Settlement
Philip Capps
4507 Ave B
Austin, TX 78751
December 20, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Philip Capps

MTC–00032337

From: Keith Gallup
To: Ms. Renata Hesse
Date: 12/21/01 11:32am
Subject: Microsoft Settlement
Keith Gallup
1707 Brandenbery Dr.
Surfside Beach, SC 29575–5478
December 21, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Keith Gallup

MTC–00032338

From: Charles Loeffler
To: Ms. Renata Hesse
Date: 12/21/01 11:49am
Subject: Microsoft Settlement
Charles Loeffler
7201 Wills Way
Hamilton, Oh 45011
December 21, 2001
Ms. Renata Hesse

U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Charles E Loeffler

MTC–00032340

From: Tom Remshak
To: Ms. Renata Hesse
Date: 12/21/01 3:45pm
Subject: Microsoft Settlement
Tom Remshak
3250 n 87 st.
Milwaukee, WI 53222
December 21, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Tom Remshak

MTC–00032341

From: Adam Wiederholt
To: Ms. Renata Hesse
Date: 12/21/01 6:16pm
Subject: Microsoft Settlement
Adam Wiederholt
18228 Sunset Ln
Omaha, NE 68135
December 21, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Adam R. Weiderholt

MTC–00032342

From: Perry Staley
To: Ms. Renata Hesse
Date: 12/22/01 5:26am
Subject: Microsoft Settlement
Perry Staley
411 Orchard Street
Ironton, OH 45638–1166
December 22, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Perry L. Staley

MTC–00032343

From: Mury
To: kxrasmu@qwest.com@inetgw,kpuffet@uswest.com@inetgw...
Date: 12/22/01 3:44pm
Subject: Anti-competitive practices and Lies—Qwest and Microsoft

Dear Qwest, MN PUC, FCC, USDOJ, FTC, and MN AGO:

I am sitting here on December 22, 2001 steaming mad at Qwest and MSN (Microsoft). I should be out Christmas shopping, but I'm hardly in the holiday spirit. It seems as though by partnering with MSN Qwest thinks they have found a nice little loophole to circumvent all the trouble they have found themselves in in the past by using anti-competitive tactics in house.

As the MN PUC should recall they had to impose penalties against Qwest a couple years back for anti-competitive marketing, product pricing, treating their own Megacentral product differently than they treated other ISP's Megacentral product, and for lying to consumers. The PUC at that time penalized Qwest. A safeharbor number was set up for consumers to call run by a third party. Qwest had to provide free modems to ISPs and provide some coop marketing dollars to help correct the harm done. This hardly compensated us for our loses, but at least it brought Qwest, then US West, back in line.

Now they are up to the same antics, but they are getting around the system by partnering with MSN. Qwest's web site is very misleading and their phone reps flat out lie about pricing and promotions.

(1) On their web site http://www.qwest.com/residential/products/dsl/index.html:

Qwest starts out by favoring MSN with phrases such as, ''Get MSN Internet Access or select from hundreds of ISP partners nationwide.'' Qwest makes it sound like customers will only get free activation and a free modem if they choose MSN.

''Special DSL Offers—Purchase MSN Broadband Powered by Qwest 256 or Deluxe and get FREE activation, FREE use of a DSL modem, and 30 days of FREE service. CustomChoice customers will receive 60 days of FREE service!*''

Markets a package that includes both MSN and Qwest:

''MSN Broadband Powered by Qwest 256 256K/Up to 256K Use for fast web surfing, e-mail and downloading moderate-size files. $39.95 (Includes MSN Internet Access) Order Now ''MSN logo included

And

''MSN Broadband Powered by Qwest Deluxe Up to 640K/Up to 256K Use for online gaming, e-mailing large attachments or downloading large files. $49.95 (Includes MSN Internet Access) Order Now ''MSN logo included We have asked for similar treatment and have been denied.

(2) When customers call in they are lied to frequently. I have enclosed a letter from a existing customer that was moving from one location to another who was told he would only get the promos if he chose MSN. He didn't want MSN so he is switching to cable. I have heard many other similar stories and there are probably countless cases we don't hear about.

(3) If a customer wishes to switch from MSN to us they process is different. Because the system is somehow tied into MSN's the customer first must cancel the service with MSN before they can even order it with us.

(4) The practice of delaying the install of MegaCentral lines for ISPs is still poorly managed at best and maliciously hampered at worst. We ordered a MegaCentral line for St. Cloud, Minnesota. On May 24th, 2001 we received an install due date of June 8th, 2001.

Order Number N91370107
Due Date 6–8–01
Circuit ID 14/HCGJ/95372//ACSO

The circuit was finally installed around October 20th, 2001. That's 4.5 months *overdue*. It is very important to note that this install was in a building that has a common wall with the Qwest CO and there was plenty of fiber running into the building. We selected this site so there wouldn't be problems like this and we are paying a premium in rent for the privledge.

We lost thousands of dollars and lost opportunity because of this. I believe these issues should be looked into by each of you. When we selected Qwest MegaCentral DSL as a product offering to base our services on we were promised we would be treated fairly. This has hardly been the case. I know Qwest thinks that because it's MSN and out of house they can get away with it, but if they are being compensated in the least out of the partnership they are certainly violating the

spirit of the MegaCentral contracts with other ISPs and any applicable tariffs.

As a special note to the US Department of Justice here is yet another example of Microsoft entering into preferred relationships that snub other competitors in the marketplace.

If any of you see this in my light and find Qwest is at fault, please apply a quick and effective punishment and provide for *real* compensation to be paid those of us who have been harmed.

Regards,
Mury Johnson
CEO
GoldenGate Internet Services
763–784–2800
Dear Golden Gate,

I just moved to a new address: 7124 W 113th St, Bloomington MN 55438 phone 952–941–0399. I was planning to transfer my DSL service to the new location. However, Qwest wanted to charge me an installation fee ($66 or $99) if I didn't use MSN, and the service would take up to 2 weeks to get running. On the other hand, RoadRunner (cable modem) would give me free installation and come out on the day we moved in. Their bit rate is faster and it costs $5 less per month than DSL. So I decided to try RoadRunner. I appreciate the great service I received from Golden Gate, but I am sorry that I will not be needing it anymore. Could you please cancel my internet service? Thank you.

John C. Harkness (hark11)
CC:Microsoft ATR,ASKDOJ,attorney.general @state.mn.us@...

MTC–00032344

From: james m nordlund
To: Ms. Renata Hesse
Date: 12/23/01 5:32am
Subject: Microsoft Settlement
james m nordlund
p.o.b. 982
Lakin, KS 67860–0982
December 23, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
James M Nordlund

MTC–00032345

From: Kevin Langdon
To: U.S. Department of Justice Antitrust Division
Date: 12/23/01 10:18pm
Subject: Microsoft Settlement

To those in charge of the Microsoft settlement negotiations: I believe that nothing that has been done to date—specifically including the abandoned plan to separate Microsoft's operating system business from its applications business—has gone to the root of the problem, which is the existence of Microsoft's monopoly of the operating system business. This is not just market dominance but a situation in which meaningful competition for non-niche-market operating system business is effectively impossible.

Given the widely-reported chaos in the negotiations to date, it may be time to introduce a new solution.

There is a remedy that would be highly effective. It would make room for competitors in the operating system market while also leaving Microsoft viable competitive strategies. What I propose is simply that DOS and Windows (through 98), including all source code, be placed into the public domain. Microsoft would be free to develop its Windows 2000 and XP lines, but other companies would be free to introduce competing developments from the common base of Windows98.

Please give this idea serious consideration.

Sincerely,
Kevin Langdon

MTC–00032346

From: Stephen Teebagy
To: Ms. Renata Hesse
Date: 12/26/01 11:14am
Subject: Microsoft Settlement
Stephen Teebagy
99 Garrett Place
Plymouth, MA 02360
December 26, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Stephen Teebagy

MTC–00032347

From: JCCompton@aol.com@inetgw
To: gra-admin@memoriesofwunlight.org
Date: 12/26/01 2:27pm
Subject: Commentary on Microsoft settlement

I believe that the DOJ settlement is the best offer on the table for the United States as a whole.

Apparently the ''other'' states want to destroy Microsoft. Don't let this happen.

Despite the personal interest of the people at Oracle, Sun, et. al., Microsoft has propelled the microcomputer industry foreword to a standard.

This benefits everyone (including people that don't own computers). I have been a professional programmer since 1989, and while I still prefer the Mac OS, I believe that especially with the current economy we need to SETTLE THIS CASE BASED ON THE DOJ RECOMMENDATION now.

Thanks,

-Chris C.

P.S.

Please tell Larry Ellison to shut up, and tell Sun to submit Java to a standards committee. (tell, not order)

MTC–00032348

From: Timothy Ray
To: Ms. Renata Hesse
Date: 12/27/01 2:05pm
Subject: Microsoft Settlement
Timothy Ray
616 S. Sheridan
Fergus Falls, MN 56537–3018
December 27, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Timothy Ray

MTC–00032349

From: Jerry Jorgensen
To: Ms. Renata Hesse
Date: 12/28/01 3:54am
Subject: Microsoft Settlement
Jerry Jorgensen
2505 Las Brisas Drive
Virginia Beach, VA 23456
December 28, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Jerry Jorgensen

MTC–00032350

From: Douglas Warren
To: Ms. Renata Hesse
Date: 12/28/01 4:55am
Subject: Microsoft Settlement
Douglas Warren
2 Flintstone Drive
Marlton, NJ 08053–2111
December 28, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse: I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Douglas A. Warren

MTC–00032351

From: Jan Hall
To: Ms. Renata Hesse
Date: 12/28/01 6:46am
Subject: Microsoft Settlement
Jan Hall
7984 Via Villagio
W. Palm Beach, FL 33412
December 28, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted. The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Jan Hall

MTC–00032352

From: Mark Buell
To: ''attorney.general@po.state.ct.us''
Date: 12/28/01 8:33am
Subject: Microsoft antitrust suit

Dear Sir or Madam;

I strenously object to the current talk of settlement with Microsoft. They have consistently demonstrated that they are incorrigibly anti-competitive, and have consistently failed to honor the spirit, if not the letter, of previous settlements. I see nothing in the current settlement offered that shows me anything other than a continuation of the current monopoly situation.

Since I am also completely convinced that having the market completely change the operating ground rules every two years is not good for consumers, I am raising my voice to object to the DOJ-Microsoft settlement.

Regards;
Mark Buell
3814 Emerson Ave.
Memphis, TN 38128
mbuell@midsouth.rr.com
CC:''microsoft.atr@usdoj.gov''

MTC–00032353

From: L.D. Best
To: Renata B. Hesse
Date: 12/29/01 1:01pm
Subject: Suggestion

I learned long ago that I cannot know everything. I know a bit about how the ''law'' works because I've been forced to deal with it on my own, without an attorney. I know quite a bit about how computers work, because both my budget and my interests have had me building my own stuff. I also know quite a bit about how software works, and how/why some software doesn't work, because I've had a personal computer for twenty (20) years now. Much of the best software I have—or had—is no longer of much worth to me, because the companies who sold and supported it were either run out of business by Microsoft, or bought out so the software could be ''incorporated'' into

a Windows bundle ... thus making it unworkable. And being forced to move to Windows means that I've had to move from a '286 machine to a Pentium 4 1.4GHz machine ... a big jump that leaves the majority of the worlds'' population unable to make it.

My suggestion is that when it comes to software and computer systems and fairness of any settlement, lawyers do NOT know enough to make the decisions. There are still a few software companies around who might be able to give attorneys a better view of what software should and shouldn't do, what system integration should and should not be, what exclusionary practices should be considered as ongoing monopolistic activities. And there are, of course, ''the open source people''—not exclusively Linux—who could explain more clearly the dangers of continuing to allow Microsoft to determine what its punishment should be.

Microsoft's business practices, and the current ''settlement'' as proposed, are horribly dangerous... and that is NOT a flagrant exageration. They released Windows 2000 while publicly admitting there were at least 1,000,000 bugs they didn't want to bother to fix; they released WindowsME with a blare of trumpets, and within weeks were telling any and sundry to NOT upgrade to ME because of too many problems; they released WindowsXP with a promise of the best security and safety of any release to date—and now are having to face the fact that it offers what is possibly the worse system security breech ever found in any software ever used! But that is not the only danger. Because of the way Microsoft has done, and continues to do, business with advertising and hype to grab the public and scores of lawyers to assist in the ''legal'' theft of the intellectual properties of others, scores of good companies doing good work producting excellent software have been driven out of business, and tens of thousands of people have lost their jobs in the last ten years ... all directly as a result of Microsoft. To allow Microsoft to continue to exert so much influence, to effective encourage Microsoft to continue doing what they have always done, is going to negatively impact an economy which is stil so badly shaken up that no one with ethics would even attempt to forecast what will happen in the next year.

And DOJ has to realize that Microsoft can never be judged by ''a jury of peers'' because no other commercial enterprise in the history of the world ever managed to get such a stranglehold on the economy of multiple nations; the railroad monopolies, the steel monopolies, the ''good ol'' boy clubs'' of the last two centuries are all child's play compared to Microsoft. And the ''power of the dollar'' that Bill Gates himself wields is without equal, or even reference points ...

If the proposed settlement is not scrapped, and the original remedies ordered not implemented, DOJ is effectively placing the security and the economy of our country into the hands of Microsoft.

Not only is that bad business, it's un-Constitutional IMNSHO.

Most sincerely,

l.d.

L.D. Best

Concerned Citizen

Computer Geek

Disabled Veteran

Mother of Three Ethical Children [maybe 2.5?]

Arachne V1.70;rev.3, NON-COMMERCIAL copy, http://arachne.cz/

MTC–00032354

From: betty mayes-petty
To: Ms. Renata Hesse
Date: 12/30/01 4:56am
Subject: Microsoft Settlement
betty mayes-petty
route 1 box 231
cunningham, ky 42035
December 30, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Betty S. Mayes-Petty

MTC–00032355

From: JAMES CROSSLIN
To: Ms. Renata Hesse
Date: 12/30/01 6:43am
Subject: Microsoft Settlement
JAMES CROSSLIN
15523 Chickamauga Ave.
Baton Rouge, LA 70817
December 30, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

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Sincerely,

JAMES E. CROSSLIN

MTC–00032356

From: ben@verizon.net@inetgw
To: Microsoft ATR
Date: 12/30/01 8:12pm
Subject: my 2 cents worth

This settlement is a joke. It allows Microsoft to tie up in litigation new battles until the founder grows old and dies. With this settlement, Microsoft will continue their deceitful practices. Any deviation will take months or even years to settle in a court of law.

Example:

Microsoft puts out information for developers that allow them to use part of the Windows Operating system to develop a product. This is a normal part of any OS development business. Here is what will happen, Microsoft will later change the OS which prevents the developers product from working—while conveniently, however; the new and upgraded OS has a microsoft version of the developers middle ware that works just fine.

This is another way to stamp out competition. If anyone thinks that settlement is fair, it is not. This method of working can only be compared to a drug dealer. The first few are free, suddenly your addicted and its a must have in order to operate.

We have grown dependent on software as a means to operate in our everyday lives.

Microsoft will only tie everything up in court for ever. Here's a good ''pin prick'' for Microsoft.

Require Microsoft to buy for low income schools competing software of the Schools choice—the choice can NOT be any Microsoft product.

Have it be equivalent to the amount of money damage caused thus far.

How about a billion dollars. No sweat to Microsoft.

Use ANY competing companies—Apple, IBM, SUN, Linux. etc.

PS—Don't let Microsoft gain any money by investing in the companies that it is competing with.

Good Luck!

I'm glad your prosecuting and I hope the US wins.

Ben

MTC–00032357

From: Tdpage@aol.com@inetgw
To: Microsoft ATR
Date: 12/31/01 9:13pm
Subject: Microsoft Settlement

This suit was ill advised from the start. Settle NOW!

Don Page
Dragoon, AZ

MTC–00032358

From: Don Stults
To: Microsoft ATR
Date: 12/31/01 9:49pm
Subject: Microsoft Settlement

In my opinion, the litigation against Microsoft should cease. I have a difficult time understanding why the case was litigated. There seems to be a ''punish the proficient'' attitude in this case. Microsoft has invested a lot of money to develop products CONSUMERS WANT and they have accepted ALL the market risks (sales, worldwide copyright infringement, and yes, competition).

Let Microsoft get on with their business (which they do well)...the continuing litigation expenses will NOT be paid by Microsoft, it will be paid by consumers of their products. Don Stults donstults@hotmail.com

MTC–00032359

From: Bob Levittan
To: Microsoft ATR
Date: 12/31/01 9:58pm
Subject: Microsoft Settlement

Settle it NOW!!!!! Don't let this travesty continue. From the very beginning, this whole thing has been about Sun, Netscape, AOL et al, using litigation as a means to compete. END IT NOW! STOP WASTING MY MONEY! SPEND MORE TIME TRYING TO MAKE OUR LIVES SAFER. STOP WASTING TIME AND MANPOWER!

END IT NOW!
Bob Levittan
50 Cliftwood Drive
Huntington, NY 11743

MTC–00032360

From: Donald Hetrick
To: Microsoft ATR
Date: 12/31/01 10:30pm
Subject: Microsoft Settlement

Please record my support to finally settle the endless litigation against Microsoft. I find the current settlement harsh, but feel its fine if it can finally be concluded so our country can move on.

Thank You,

Donald J. Hetrick

MTC–00032361

From: tobeyd
To: Microsoft ATR
Date: 12/31/01 10:32pm
Subject: Microsoft Settlement

Hello,

I've been working as a software developer since 1964.

In my opinion, Microsoft has attained their current position is because—-

(1) They listen to the requests of Computer Users.

(2) They develop quality solutions based on Users requests.

(3) They provide an integrated platform for Independent and Corporate Developers to provide effective solutions for their clients.

Imagination and Innovation are the keys.

Thanks,

David Drake

MTC–00032362

From: Kaveh Mofidi
To: Microsoft ATR
Date: 12/31/01 10:48pm
Subject: Microsoft Settlement

MTC–00032363

From: Rick Weyenberg
To: Microsoft ATR
Date: 12/31/01 11:18pm
Subject: Microsoft Settlement

Settle now!

MTC–00032364

From: Miriam A. Detert
To: Microsoft ATR
Date: 12/31/01 11:32pm
Subject: Microsoft

This entire case is the most unjust case your so called Justice Department has ever taken . You are prosecuting an innocent man and company. They have done more for this country than anyone in many, many years.

Miriam A. Detert

MTC–00032365

From: JRob98@aol.com@inetgw
To: Microsoft ATR
Date: 12/31/01 11:51pm
Subject: Microsoft Setlement

The Microsoft settlement is harsh, and more than enough penalty for Microsoft. Prolonging this only benefits a few special interests, for their own greed. AOL is prime for a monopoly investigation, and is campaigning for more against Microsoft to benefit their own interests. The few states protesting were only being more greedy than the rest, looking for a free ride on someone esle's money. No one is forced to buy Microsoft or use IE, but do because it is a better product.

Leave them alone.

Jan Roberts

MTC–00032366

From: paulw@att.net@inetgw
To: usdoj
Date: 1/1/02 8:15am

Morning,

I am not a big fan of Microsoft. But I will say this take Mircosoft and close it down (split it up)how many thousands of people who work for Microsoft lose their job. How many on the outside of Microsoft will lose their job.

The affects of September 11 are felt world wide. People can no longer work because of the changes made to every industry and business. Now we want in the name of

fairness to break up mircosoft. Why because the competition hasn't got the courage to go out and face Mircosoft without the governments help.

When it comes to law I don't expect much. It seems who ever has the smarts to make money and be forward thinking will always be open to attach by the greedy and the supposed do gooders (governement and lawyers) of this world.

Only in America a country of which I am proud to be a part can the minority change the way of life for the majority. Only in America can one person change a system that can affect thousands even if the thousands don't what the change.

I hear reference to the constitution all the time. But has anyone lately ever truly read it. I don't think so. Every time someone doesn't like something they point to the constituation and say my rights are not being given to me.

As I said at the beginning I am not a fan of Microsoft. Do I use their products? Yes some and others no. Thats because as an individual I have choices and if I choose not to use something I can turn it off or not buy it.

Yet the courts and the government in their do good way wish to take choices away from the people and pass laws that say we must use this product or that product.

Freedom of choice on my part I don't think so. Freedom of choice something the government and the courts have forgotten about. They now make the choices for us citizens and there in lies the basic causes of all our problems today.

I know the courts and the government will disagree with me as they must to ensure that they have positions of power and control. Common sense which was onced used in this country on a daily basis has been replaced by greed, personal wishes and power of the few (in politics and law) over the many and is support by the government and the courts.

There are more important thing to worry about in our country and the world today. Leave Microsoft alone and lets get this country back on its feet.

Paul

MTC–00032367

From: Tom@Abacurial.com@inetgw
To: Bruce Gladstone
Date: 1/1/02 6:59pm
Subject: Re: Settlement

Dear Bruce,

Even the MS-only software donated to underprivileged schools? Some penalty! It's like requiring an over-agressive religion to distribute its catechisms to poor people.

Now, if they required MS to distribute & support Linux or BSD or Corel or Netware, perhaps I would believe it was a ''penalty'' and not government- sanctioned self-promotion.

Tom

On Tuesday, January 01, 2002 at 13:53, Bruce Gladstone

<brucegl@pacbell.net> wrote re ''Settlement'' saying: I am thoroughly in agreement with the settlement reached by Microsoft and the Justice Department. I believe the continuing objections by the State's Attorneys General are politically motivated and are not designed to benefit consumers in the slightest. This is especially true of Atty. Gen Lockyear in my home state. It is no coincidence that both Sun and Oracle are California Corporations, both would much rather not compete with Microsoft based server applications and database software and both were significant contributors to Atty. General Lockyear.

- Bruce

Bruce Gladstone
email: brucegl@pacbell.net
3937 Sumac Dr.
tel: (818) 986–2950
Sherman Oaks, CA 91403
fax: (818) 981–5922

————- Quidquid latine dictum sit, altum viditur

——@Tom A. Trottier +1 613 860–6633 fax:231–6115

—-\—<,758 Albert St.,Ottawa ON Canada K1R 7V8

(*)/'(*)ICQ:57647974 Tom@Abacurial.com N45.412 W75.714

Laws are the spider's webs which,
if anything small falls into them they ensnare it,
but large things break through and escape.
—Solon, statesman (c.638–c558 BCE)

I believe there are more instances of the abridgment of the rights of the people by the gradual and silent encroachments of those in power than by violent and sudden usurpations. -James Madison, fourth US president (1751–1836)

CC:Microsoft ATR,attorney.general@po.state.ct.us@inet...

MTC–00032368

From: Dale E. Anderson
To: Ms. Renata Hesse
Date: 1/2/02 6:38am
Subject: Microsoft Settlement
Dale E. Anderson
814 West Third Avenue
Garnett, KS 66032–2002
January 2, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Dale E. Anderson

MTC–00032370

From: Cardiodude@aol.com@inetgw
Date: 1/2/02 11:06am
Subject: Microsoft Settlement.

I'm all for the present microsoft settlement, I don't think they were a monopoly, I think it was a liberal witch hunt.

MTC–00032371

From: Intllgstc@aol.com@inetgw
Date: 1/2/02 11:25am
Subject: Microsoft Settlement

Gentlemen:

When is enough, enough? I think it may very well be when I see more and more tax dollars go down the tube to persecute a business and with no perceptible gain to me or the general public. It seems to me that my dollars are being used to assist other major corporation executives line their pockets. I was under the impression that a satisfactory settlement had been reached. I guess also the attorneys must feel that there is more to be gained by the hours charged for continuing litigation. Let them go back to chasing

ambulances and let Microsoft's competitors go to marketing their own products for their profits.

Donald S. Chakas
610 W. Pacificview Drive
Bellingham, WA.

MTC–00032372

From: w—engstrom
To: Microsoft ATR
Date: 1/2/02 1:27pm
Subject: Microsoft Settlement

Dear Sirs,

Instead of being harassed by the U. S. Government, Microsoft should be considered as a National Treasure. Its exported products help our economy and expand our capabilities. I think that the court case against Microsoft was totally unfounded. Whatever concessions that Microsoft makes are more than adequate, and in my opinion should not even be necessary. While there are those people (mainly Microsoft's competitors) who want to suppress Microsoft, we believe that Microsoft provides great products and follows up with great support for those products.

Microsoft's products are sometimes released with ''bugs.'' However, Microsoft readily provides fixes via the Internet as soon as they realize there is a problem. Their customer support is outstanding. As an engineer, I recognize that few products that hit the marketplace can be perfect, and that it is impossible to foresee everything that can go wrong, no matter how well you plan. In spite of this, Microsoft does a great job and has provided significant support to the technology and economic health of the industry and our country.

William Engstrom
3110 181 Avenue NE
Redmond, WA 98052–5934

PS, I haven't seen Janet Reno or Joel Klein producing any software or anything else of value to the country lately. Thank God they are no longer with the Government. The main thing that can be said of Joel Klein is that he successfully used the Microsoft suit as a stepping stone to a better-paying job. But he left a wake of destruction behind him.

MTC–00032373

From: William B. Zollars
To: Dept. of Justice
Date: 1/2/02 1:40pm
Subject: Microsoft Settlement

It seems to me that the settlement arrived at between the Justice Dept. and Microsoft is fair and should be put to rest. I am a Microsoft OS user and think their products are excellent. They should direct their efforts toward creating new software rather than having to spend so much money in legal fees defending charges by their competitors.

William B. Zollars
phone: (412)835–4741
fax: (412)835–4781
email: billzol@compuserve.com

MTC–00032374

From: Larry Timmons
To: DOJ
Date: 1/2/02 1:57pm
Subject: Microsoft Settlement

To whom it may concern,

As a professional engineer that conducts business around the world I can attest to the usefulness of the Microsoft family of products and the increase in productivity these standard products have allowed. Our business helps bring foreign revenue to the US. Our ability to communicate with foreign companies is dependent on using the same software.

While you may consider some of the previous tactics that Microsoft has allegedly used anti-competitive, the net result has been establishing a standard with which the world of business can communicate. For those of us that remember computers of the 80's and early 90's when there were few standards.

At that time I spent most of the time just getting various software packages to run consistently on the computer.

This resulted in a substantial amount of wasted time. Today's programs enable us to conduct business without being computer wizards.

I personally feel that the government has pushed this case well beyond its merits and strongly urge the DOJ to settle this matter as proposed and let us business people get on with life and let Microsoft continue to bring us new and useful products. Let the free market decide the future of Microsoft.

L.M. Timmons, President
Aircraft Engineering Specialists, Inc.
425–641–6631

MTC–00032375

From: BillMeelater
To: DOJ
Date: 1/2/02 2:57pm
Subject: Microsoft Settlement—Public Comment

Dear DOJ,

I think the settlement between Microsoft and the DOJ is fair and I believe it is in the best interest of consumers, the country and Microsoft to get on with the business of business and stop this seemingly endless litigation.

Perhaps I am missing something, but as a computer software and hardware consumer for over 20 years, I still fail to see how I've been hurt by the Microsoft Corporation. I have never felt cheated by, or felt forced to buy just their products. They are competitively priced and function very well considering the nature of computers and software.

I think it's safe to say that in this case, the governments actions against Microsoft have slowed a great company's progress towards further enabling consumers, businesses, government, etc. from becoming more productive and efficient. Ironically, the DOJ has done more to hurt people who own Microsoft stock than Microsoft will ever do to stockholders or consumers. While I agree that a big company such as Microsoft can intimidate other start ups and crush competition, one should realize that business, like nature itself, has a natural order and rhythm. At some point in time, Microsoft won't be the 'big gorilla' on the block. In the meantime, by having almost a standard operating system for computers in general, we all benefit from increased productivity. Again, after the big phone company breakup, and the disappearance of a common long distance carrier, it was (and still is) tough to make long distance calls from phones you don't own. If you've dealt with computers for any length of time, the nightmare doubles in scope without standards in place.

Forgive the rambling. Let's get back to work doing something constructive. The country's economy is not well, and we need to end what I consider somewhat of a—'witch hunt', brought on largely by a few jealous competitors. I repeat—as a consumer of operating systems, browsers, office suites, etc., I have never felt cheated by Microsoft's products.

Sincerely,
Bill Braun
Colorado

MTC–00032377

From: annes@fishpuppy.com@inetgw
Date: 1/2/02 4:48pm
Subject:
Date: Wed, 02 Jan 2002 17:32:45 –0800
Date: Wed, 02 Jan 2002 17:32:45 –0800
To: Microsoft.atr@usdoj.gov
From: Anne Smidt <annes@fishpuppy.com>
Subject: Microsoft Settlement
Mime-Version: 1.0
Content-Type: text/plain; charset=''us-ascii''; format=flowed

For heaven sakes—let's not prolong this litigation any longer. The Dept of Justice took a stand & let's abide by their rulings. Please consider the public's best interests and not make this a vendetta instigated by Microsoft's so-called competitors or ''special interest'' groups. The public wants this over with. I WANT THIS LITIGATION TO END NOW.

V. Anne Smidt

MTC–00032378

From: rtalarczyk
To: Microsoft ATR
Date: 1/2/02 6:38pm
Subject: Microsoft ....

To whom it may concern,

In my opinion punishing Microsoft can only stymie other hitech companies in America from doing innovative work in the future. America should be proud of what Microsoft has contributed to the world. Microsoft has greatly helped America become the leader in computer technology.

Many other competitors are envious of this contribution both here and abroad. Lets not destroy in what we have created. Lets move forward , for the battle to be won will be, to keep America the Leader in advanced of technology.

Thank you,
Robert Talarczyk

MTC–00032379

From: Vi Ann B. Clough
To: Department of Justice
Date: 1/3/02 5:54am
Subject: Microsoft Settlement

I think it s time to just settle this dispute and not have any more litigation. Microsoft got where it is by working at it and should NOT be stiffled because someone else wants a piece of the cake.

Thank you,
Mrs. Ralph D. Clough
momclough@compuserve.com

MTC–00032380

From: bill boone
To: Dept. of Justice
Date: 1/3/02 9:25pm
Subject: Microsoft Settlement

To the Attorney General of the United States of America

When the Microsoft case is finally settled, the economy will get back on track. Confidence will be restored to small and large investor alike.

Microsoft will be able to get back full time to do what they do best, being the leader in inovation in making our lives better, at a reasonable price.

Stop the never ending litigation, and settle.

Sincerely,
Josephine M. Boone (Mrs.)
903 Mc Donald Road
Cle Elum, Washington 98922–8933
509–674–2975—phone
509–674– 5947—fax
booneb@eburg.com -e-mail
CC:Dept. of Justice

MTC–00032382

From: Bill Pickering
To: Dept of Justice
Date: 1/4/02 9:03am
Subject: Proposed Microsoft settlement

AMERICA MUST FACE THIS IMPORTANT ISSUE AND RESPOND CORRECTLY The proposed terms of antitrust settlement with Microsoft to distribute free operating software to education markets is totally unacceptable and should NOT be passed by individual states not the Justice Dept. The proposed action is really not a penalty—it is a benefit to Microsoft.

1. Anyone with an abacus can figure out it doesn't cost $1billion to press, distribute CDs to schools. This is only a slap on the wrist, and certainly no where close to global community service! It's ineffective action against a known monopoly and poses no penalty for Microsoft's illegal gains.

2. Sending free Microsoft Windows CDs to schools is only forcing educational markets to accept the Windows operating system—a contrived ploy to further perpetuate the very Microsoft monopoly the Justice Department is trying so diligently to eliminate! Schools who use other computing platforms receive no benefit from this proposed action. The proposed settlement is pure nonsense, designed to benefit no one except Microsoft.

Please do not accept this ridiculous settlement proposal. It would be devastating to our economy in the long run, and it demoralizes America's trust in our justice system.

Hundreds of thousands of parents, teachers and students across our nation have already reviewed and rejected this proposal. These folks are now asking and watching to see if individual states and the Justice Department are also wise enough to see the deception behind this proposal and refuse it's acceptance.

Microsoft continues its takeover of existing software companies at an alarming rate. Several more companies have become ''Microsoft property'' in past several months (incl. Great Plains Accounting). Microsoft apparently fails all reasonable efforts to deploy required self-control measures and stop it's monopolistic practices. Instead, Microsoft defies judicial orders to halt predatory practices altogether. These uncontrolled (antitrust) practices are a devastating injustice against Americans and computing industry competitors; as such must be halted by the Justice Department. More appropriate settlement terms must be pursued, or Microsoft must be split up.

Please don't turn you back on America. Do not accept the settlement proposal.

MTC–00032383

From: Claude Prevots
To: Department of Justice
Date: 1/4/02 2:31pm
Subject: Microsoft Settlement

Greetings:

The lawsuit against Microsoft was ill conceived and a serious detriment to the economic health of this nation. It does not help consumers but prevents MIcrosoft from helping consumers. The present settlement was too long in coming but should be accepted to end all further litigation. Let Microsoft innovate and consumers will benefit more than if further litigation is allowed to continue.

Have a good day.
Claude Prevots
cogito@warwick.net

MTC–00032384

From: b_c_dahlberg@msn.com@inetgw
To: Microsoft ATR
Date: 1/4/02 3:53pm
Subject: Microsoft Settlement

To whom it may concern: In my opinion, the entire Microsoft issue is about money and another way for the law profession to ''feather their nest''. It has nothing to do with antitrust, monopolies or protecting the ''John Q Public''.

Microsoft does NOT have monopoly on anything. There are several other operating system options available for which the end user can use the browser he or she prefers. As a matter of fact, he or she can use the browser of choice with Windows!

I use Microsoft products on a regular basis. It is my choice to use these products because, as a developer, my customer base also uses Microsoft products and in order for my products to function on my customers equipment, I must produce software that will work on their equipment.

If the customer base used Unix, Apple, or O/S 2, I would probably go that route. Every dollar Microsoft spends to protect itself from frivolous litigation means that I am going to have to spend more for products I use. As with taxes, corporations do not pay for the cost of litigation— their customers do!

The only winners going this route are those folks with ''Esquire'' after their names. Please end this as soon as possible. ''Trickle Down Economics'' goes both ways, you know!

Sincerely,
Robert L. Dahlberg
Carol E. Dahlberg
145 W Midway Blvd
Broomfield, CO 80020

MTC–00032385

From: SDeWalt@compuserve.com@inetgw
To: USDOJ
Date: 1/4/02 6:52pm
Subject: Microsoft Settlement

To whom it may concern,

I will keep my comments short, not through lack of interest, but because it is high time this case is settled for the good of the consumers. The Tunney Act is fair to all concerned. Let us now end this case and get the DOJ back to prosecuting criminals and Microsoft back to making software.

Stephen DeWalt

MTC–00032386

From: James O'Connell
To: Department of Justice
Date: 1/5/02 9:40am
Subject: Message From a Concerned Citizen

Dear Department of Justice:

As a principal software engineer who's been working in the software industry for years, I want to express to you how happy I was to see a settlement with Microsoft, thereby ending three years of antitrust lawsuits.

Upon review of the terms, it is evident that the settlement is more than fair. The terms require Microsoft to design future versions of Windows, to make it easier to install non-Microsoft software, and to disclose information about certain internal interfaces in Windows. The terms also promote significant change in the way Microsoft develops, licenses, and markets its software. A committee to make sure that Microsoft abides by the agreement will oversee all of this. Not only are these terms well thought out, but also they obviously benefit all parties involved.

I am sure that there are many other pressing issues to concentrate on rather than continue to focus on Microsoft. The more we delay this process, the more we delay getting our technology industry back on its feet. The global market is an extremely competitive one, and we need to stay on top of the race. Please help support our IT sector by helping to make sure that no further action is taken against the current settlement.

Sincerely,
James W. O'Connell
99 Winsor Ave
Watertown, MA 02472–1482

MTC–00032387

From: Dariusz Jarzynski
To: Microsoft ATR
Date: 1/5/02 9:03pm
Subject: Microsoft Settlement

As a Microsoft software user, and a citizen of this great country, I support the US government and Microsoft efforts to settle the current lawsuit to the benefit of the consumer. I strongly support this settlement which allows the best and most inovative corporations to continue to develop the best software programs as a result of their creativity, their consumer-oriented research and their willingness to contribute to develop a more efficient work environment.

Darek Jarzynski
Issaquah, WA

MTC–00032389

From: Susan Sheridan
To: Microsoft ATR
Date: 1/5/02 10:12pm
Subject: Microsoft Settlement

I don't believe that anti-trust laws are constitutional. The government should not be involved in economics. Please repeal the Sherman Antitrust laws.

Susan Sheridan

MTC–00032390

From: ACORNK@aol.com@inetgw
To: Microsoft ATR
Date: 1/5/02 10:21pm
Subject: Please Allow Microsoft to Operate Without Penalties

Capitalist America is supposed to boost Capitalism, not destroy it. Many of us profit when Microsoft profits. Employees, customers, investors all benefit. This action should not have been taken to advance the competitors who instigated it. Settle it now and let Microsoft and its beneficiaries get on with their business.

Pat and Fred Carlson, 766 Calle Pecos, Thousand Oaks, ca 91360.

acornk@aol.com

MTC–00032391

From: Fabiano Moya
To: Microsoft ATR
Date: 1/5/02 10:24pm
Subject: Microsoft Settlement

Att. To Whom it May Concern

As many others Alternative Operational Systems that have been hurt by the monopolistic policies of MicroSoft. We received the request from the headers of various projects to manifest ourselves and let our minds be known, so here it is, agreeing to the last ii and jj to the requests being made by many users all over the world.

I am part of a worldwide network that is working on getting the BeOS back into the market place, but there is no hope of success if the following issues aren't addressed:

MS Office needs to be opened, so that developers interested in porting it or understanding the document formats can do so either in form of a source code licence or an allowance to see it, check it and ''clone libraries'', so that applications on non-Windows OSs can read and write MS Office formats for flawless interaction with Windows users.

The Win32 API needs to be made available (incl. undocumented APIs) so that WINE can be successfully ported not only to BeOS but other OS too.

The file system needs to be opened, so that BeOS users can continue to access files on non-BFS partitions.

The ruling must include a ''must-carry'' rule, so that any OEM Microsoft is supplying Windows with HAS to ''dual-boot'' an alternative operating system, in this case BeOS, in order to remedy the damage MS has done to BeOS in the past.

MTC–00032392

From: Stu Adler
To: Microsoft ATR
Date: 1/5/02 10:26pm
Subject: Microsoft Settlement

Enough is enough! Microsoft provides excellent product support at no charge, while their competitors don't even know what the term means. Microsoft has EARNED their position by savvy marketing, customer support and reasonable prices. The agreement with the DOJ was fair. What the states want is the destruction of Microsoft so that their home town losers can form a new monopoly of high priced products with lousy service. This is NOT in the best interest of the community of users!

Stu Adler
14914 Mayall St.
Mission Hills, CA 91345

MTC–00032393

From: Jack O'Leery
To: Microsoft ATR
Date: 1/5/02 10:45pm
Subject: settlement

B.Gates, et al:

MSFT uber alles!! Don't give up the ship. The whole US is sick and tired of the DOJ hammering MSFT with no real objective other than to inflate the egos of its zealot lawyers. All the best, and happy new year!! OPHTH1, an admirer.

MTC–00032394

From: Ben
To: Microsoft ATR
Date: 1/5/02 11:15pm
Subject: Microsoft Settlement

I am a Microsoft ''Consumer'', as well as a Microsoft shareholder in my IRA. I am retired and a Social Security recipient. And I guess that this is my only opportunity to say what I think re the DOJ vs. Microsoft settlement. So here it is.

If Netscape, Sun Microsystems, et al, think that they have been ''screwed'', how about me? As I recall, Netscape joined with AOL in a deal that paid Netscape appx. four billion dollars. Now isn't that a sad story! But I had Microsoft stock in my IRA for my retirement days (I am now 73 years of age), and I lost 50% of my retirement fund within days of the time that Judge Jackson, extremely biased against Microsoft by anybody's standards,decided to rule that the company that has done more for the U.S. economy than any other in recent history should be split apart. My retirement funds, along with those of thousands of others, were lost apparently because Microsoft's competitors opted to pressure Congress (Orrin Hatch, for one) and the Department of Justice to make their businesses successful, rather than to achieve comparable success through their own brain power and effort.

I owned my own small business and no Attorney General, lawyers or courts helped me. My company provided good products and good service. And when I installed a Microsoft system (that makes me a ''Consumer'') I did not feel cheated. I was happy with the product I purchased and am still happy with the equipment I still use at home in my retirement years. But my retirement prospects are not nearly such a pretty sight due to this litigation that is going on and on and on and on.

The proposed settlement appears to be a good one for all concerned. My congratulations to both the Department of Justice and Microsoft for that. But what right do those still opposing the settlement have to harm me further for their own selfish interests? Let them get to work, just as I did (on a smaller basis, of course), and make it on their own merits instead of sponging off of someone else's intelligence and hard work.

In this time of national stress this country and all of us need all of the incentive our economy and our stock market can get. Our President is right! Our economy needs a stimulus—and it won't come by cow-towing to limited selfish interests by such as those refusing to accept the proposed settlement and vowing to pursue further litigation. Let's get on with what's best for our country, our elderly (myself and my wife included), and all others with retirement programs of all ages, our military men and women, and those who are just plain happy with their Microsoft products. Enough of this particular hasseling and litigation. Bill and Melinda Gates have set an outstanding example by donating over a billion dollars of their personal income (undoubtedly mostly from Microsoft profits) to very worthy charities throughout the world. How rewarding it would be if some of these litigation-happy competitors would do likewise with even a small fraction of the big bucks they are contributing to big-name trial lawyers!!

God Bless America.

Respectfully Submitted,

S. Ben Riva

Bellevue, Washington .

MTC–00032395

From: COLLINSF3@aol.com@inetgw
To: Microsoft ATR
Date: 1/5/02 11:19pm
Subject: Microsoft Settlement

I would just like to say that Microsoft should not be broken up by any means. It's not the jurisdiction of our government do define competition as total equality. It would be punishing people who have worked hard to create a product that people like and buy. The government does not have the right to say who prospers or define one's earnings. Now that Explorer is free it forces Netscape to be original, provide the consumer with something new that Explorer does not allow. It forces other people to create, to strive. You do not punish Gates for being successful. Apple computer still has a wonderful product which they sell. The government suppressing individuals ability to create is everything the framers of our constitution would go against. Gates has the right to his property. This is the equivalent of if I owned large amounts of land so I could sell it at lower prices hurting real estate companies, so the government took my land. That says that my property is not mine, but rather everything I own is up to the discretion of the state to take. We do not live in a socialist government, and I fear that this decision would be another attempt for the government to define our lives as a collective regime to help one another. Look the government cannot violate ones property rights. If this decision goes through then that says that says the government can control ones property which is strait communist no doubt. There's no violation of the law unless Microsoft hurts the rights of another.

The constitution says we as individuals have the right in the pursuit of happiness. That does not mean happiness is guaranteed to the individual. Neither does it mean the state has the right to define the level of happiness we're allowed. Please please please do not break up Microsoft.

MTC–00032396

From: The Talleys
To: Microsoft ATR
Date: 1/5/02 11:52pm
Subject: microsoft settlement

I agree with the terms of the settlement.

MTC–00032397

From: Carol Kelly
To: Ms. Renata Hesse
Date: 1/6/02 5:03am
Subject: Microsoft Settlement
Carol Kelly
78401 Bigelow Way
Cottage Grove, OR 97424–9430
January 6, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors? products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Carol A. Kelly

MTC–00032398

From: Sean OToole
To: Microsoft ATR
Date: 1/6/02 2:14pm
Subject: Microsoft Settlement

TO: US Dept of Justice.

As a concerned citizen and tax payer I urge you to put the Microsoft case to rest. It may have been a nice idea for the Federal Government and State Governments to sue Microsoft when the economy was soaring and the states saw dollar signs....those days are gone. I understand that a few high level government officials are looking for private sector jobs and like to make a name for themselves while they have the unlimited budget of the taxpayer. If we continue to allow a few lawyers seek name recognition at the expense of the corporation we will destroy our free economy.

The governments job should be to protect the greater public interest and allow Americans to pursue their own happiness. It has been made very clear in this case that Microsoft has not damaged the consumer or the public's interest. I appreciate all our government does. Americans truly are fortunate to live here and I am grateful for the Department of Justice and the people who serve there.

In this matter I think we should let the free market solve the competitive issues.

Thank you.
SEAN OTOOLE

MTC–00032399

From: Aubrey Brewster
To: Microsoft ATR
Date: 1/6/02 4:48pm
Subject: (no subject)

I think the microsoft settlement is Fair let it stand.

Thanks Aubrey Brewster

MTC–00032402

From: John Mulhall
To: Ms. Renata Hesse
Date: 1/6/02 8:56pm
Subject: Microsoft Settlement
John Mulhall
7 Evergreen Lane
Cazenovia, NY 13035
January 6, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
John A. Mulhall

MTC–00032403

From: SlateInc@aol.com@inetgw
To: Microsoft ATR
Date: 1/6/02 11:54pm
Subject: Microsoft Settlement
Dear DOJ,
I believe that it's in the best interest of American consumers (and indeed of the US economy) for the DOJ to quickly resolve it's issues with Microsoft. I think that there never really was a case against Microsoft that warranted any kind of major penalties.
Thank you.
Larry Delaney
Consumer and small business owner

MTC–00032404

From: Jonathan Tarbox
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/7/02 7:10am
Subject: Microsoft Settlement
Dear Sirs;
I was deeply involved with the BeOS operating system at one time and would greatly love to get back into the swing of things with it. However, since Be, Inc. is no more and Palm is hesitant about licensing out the BeOS source code to the BeUnited project (www.beunited.org), I thought I'd voice my opinion.
The main thing that prevented BeOS, or any non-Microsoft operating system, from being shipped on any mainstream OEM computers was the MS licensing preventing OEM companies from being able to install other operating system. There should be no bonus or penalty to an OEM for not installing or installing another operating system on a shipping PC. From what I knew of the deal, an OEM company would loose out on bonuses that Microsoft would award thier OEM purchasers if they installed other operating systems on thier shipping PCs.
And because of the lack of OEM support, hardware manufacturers would often not write drivers for thier hardware for the BeOS. This greatly hurt the momentem of the BeOS to a point that the owners of Be, Inc. had to shift focus to Internet Appliance devices instead of PCs. This also didn't pan out and the IP of Be, Inc. was sold to Palm recently.
Personally, I believe the settlement should prevent MS from using licensing or monetary bonuses to sway OEMs into using only MS products on thier PCs. It should also remove limitation of not allowing any other operating system to dual boot with any MS operating system. Thanks, Jonathan Tarbox

MTC–00032405

From: chester c fong
To: Microsoft ATR
Date: 1/7/02 9:08am
Subject: Microsoft Settlement
To Department. of Justice
Re: Microsoft Settlement
As a private citizen, this case should be closed and left as is. It has cost quite a bit of money to work on this case both from the government (representing the people), the taxpayers who pay the government to perform, and the Microsoft Co. who are the defendants of this case.
The settlement brought forth by the lower courts is a fair one. It costs Microsoft Company to pay for its transgressions of the law and the Plaintiffs should be happy. The public (taxpayers) are sick and tired of this case dragging over the past two years.
This case has been deemed fair by the courts, let it be. In the interests of justice for everyone concerned it is closed.
Private Citizen,
Chester Fong
801 Franklin St.
Oakland, Ca 94607

MTC–00032406

From: Les Thompson
To: John Ashcroft
Date: 1/7/02 10:03am
Subject: Microsoft
January 7, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:
I wanted to let you know that I think the government made the right choice in ending its litigation against Microsoft. Frankly, the Justice Department never should have continued the action against this company in the first place, and I am glad to see that the matter is finally resolved.
Microsoft makes innovative products, and this is not an excuse to break up this company. Microsoft has agreed to share information with its competitors, but it will still be allowed to develop products that will improve the technology industry. The settlement is fair and was reached after extensive negotiations. A technical review committee will ensure that Microsoft complies with the terms of the settlement.
I believe you have made the right decision by settling with Microsoft. Thank you for your support.
Sincerely,
Les Thompson
Leslie Thompson

MTC–00032409

From: Mike Pritchard
To: Microsoft ATR
Date: 1/7/02 11:32am
Subject: Microsoft Settlement
In my opinion... the DOJ should back off a little.
I think the DOJ investigation is being driven by competitors of Microsoft. I also think Microsoft's competitors are jealous because they have been unable to duplicate Microsoft's success.
Do you remember what it was like to work with computers in the 70's and 80's??? Proprietary computers running proprietary software. Hardware and software costs were outrageous and maintenance cost weren't much better.
Software programs were not standardized and they didn't always play nice with each other. The philosophy of big computer companies seemed to be, ''Do it our way or don't do it''. Trying to get different computer to work together was very frustrating (if not impossible).
Microsoft could have played by the same rules as everybody else (in the computer industry). Instead, today we have standards and tightly integrated tools for developing and running software.
I do not think Microsoft is a Monopoly. They do not own the hardware and software (unlike Apple and IBM), and there are many operating systems to choose from. You can run several types of UNIX, Macintosh, OS2, etc... Most people choose MSWindows. It is quite nice to have many tools integrated into the MS operating system.
Because of its size it may be a good idea to keep an eye on Microsoft, but in my opinion they should get a commendation for what they have accomplished. Microsoft has made my job easier and more productive.
Michael A Pritchard
Access Development
Director of IS, CIO
SLC, Ut

MTC–00032410

From: Mader, John
To: ''Microsoft.atr(a)usdoj.gov''
Date: 1/7/02 12:55pm
Subject: Anti-Trust Settlement
To whom it may concern
I feel that if the present settlement is allowed to stand (Microsoft allowed to continue shipping their applications bundled with their operating system) the consumer will have to pay the cost of mitigation. With the clout that the operating system gives Microsoft they will be able to move into any lucrative software market after other firms develop those markets. This pattern is very evident (i.e. Java, Palm, Sun). Eventually most of the other players will be pushed out of the market, and Microsoft will be successful in creating a barrier to the software market. This loss of competition will not serve the interest of the American people. I ask the court to break Microsoft into 2 or more companies.
John Mader
10228 Gatemont Circle
Elk Grove Ca. 95624

MTC–00032412

From: JudeAVettraino
To: Microsoft ATR
Date: 1/7/02 3:40pm

MTC–00032413

From: Cornel Sarosdy
To: DOJ
Date: 1/7/02 4:17pm
Subject: Microsoft settlement
Neither the DOJ nor the court should do nothing to contravene the settlement already completed between DOJ and MSFT. The case of the states still suing should be thrown out by the court. I have used MSFT products for many years and have never thought to be taken advantage of by MSFT.
Cornel Sarosdy

MTC–00032415

From: Eberhard Hafermalz
To: Microsoft ATR
Date: 1/7/02 6:05pm
Subject: Settlement with MicroSoft
Dear Sir/Madam
Following a request by Helmar Rudolph who is part of the BeUnited Team and with whom a DOJ person has talked on January 4, 2002, I would like to submit my views on what is necessary to remedy the damage done to the market for PC operating systems (OS) by MicroSoft.

I am not a developer but a user of the BeOS, an alternative operating system widely acclaimed for its potential as a desktop OS. I would like to stress that the BeOS never has taken off as a widely used OS on the PC market. Not because it does not have the potential; there is publicly available numerous evidence to the contrary. The BeOS has died because computer makers were not allowed to pre-install this OS on their systems instead of or even alongside a MicroSoft OS, thus precluding a broad distribution. It is a known fact that computer makers declined the offer of Be, Inc., the maker of BeOS, to ship their machines with the BeOS pre-installed because this would invoke the respective punitive clauses in the licensing agreement they had with MicroSoft.

Further, when installing a MicroSoft OS onto a computer already equipped with the BeOS (or any other OS), the MicroSoft OS wipes the so-called bootblock, resulting in the computer only booting into the MicroSoft OS afterwards. As is well known, MicroSoft OSs are prone to get unusable after a short period of time, requiring extensive maintenance which more often than not is easiest done by re-installing the whole system. This obviously invokes the bootblock problem every time a re-install is conducted.

These two issues alone make it almost impossible for the average computer user to (a) acquire a non-MicroSoft OS running computer, and (b) maintain a dual-boot system where one of the OSs is a MicroSoft one.

The remedy for issue (a) would be to disallow MicroSoft in clear terms the use of any contractual clauses in their licensing agreements that restrict the decision of the computer maker on what OS, if any, to ship with the computer they manufacture.

The remedy for issue (b) is to disallow MicroSoft the overwriting of the bootblock when Windows (or another MicroSoftware) is installed. This is technically possible by giving the user the choice which systems to boot into. Resolving issue (b) is in fact complementary to issue (a) for the reasons explained above; otherwise MicroSoft would be allowed to abuse their dominant market position by simply accomplishing at a later point in time what they have been denied at the manufacturer's stage: killing the competing OS on the same computer.

In light of the MicroSoft strategy of the past, the above is not the only remedy I think necessary because it would only create a level playing field. MicroSoft would be allowed to maintain the fruit of their previous unfair competition practice. Thus it appears justified to require MicroSoft to cede proprietary information in areas where it has acquired a de-facto monopoly by way of utilizing advantages from their unfair competitive behavior.

Most importantly, this includes the ''office'' part of the company's business. MicroSoft Office is the standard because Office was pressed onto the consumer as ''part of Windows'', which—as well as the Internet Explorer—it is not. MicroSoft thus utilized the practice described above to eliminate any competitor in this software segment.

In order for rival makers of office software to compete they need the information required to create translators, software add-ons (''plug-ins'' in Windows-speak) that allow the competing software to import from and export files to MicroSoft Office (and other) formats. I would like to point out that in order to accomplish this it is not required that MicroSoft open their source code of Windows, MicroSoft Office, or any other software.

Moreover, I would like to bring to your attention that it is not only Windows, and MicroSoftware running on Windows, that needs to be included in a settlement. MicroSoft is already showing the same patterns of behavior as before in the market for handheld computers. Also they are obviously trying to delay any remedial action against the Windows monopoly in the desktop computer market until Windows is no longer their main productline. Any settlement that is to create and ensure a level playing field in the longer term not only needs to remove the Windows monopoly but at the same time include any future OS or, indeed, software MicroSoft might sell, be it ''.Net'' software, Windows CE/Stinger, or any other product.

Finally, please revise your stance on the issue of MicroSoft's ''giving away freely'' computers, software, and service for these to schools. This is no remedy but an opportunity. It will create a new market for the company. These days MicroSoft's power to abuse their position stems from the very fact that for most people the term ''computer'' automatically means ''Windows'', i.e. MicroSoft. Letting MicroSoft ''make good'' for their abusive behavior by opening one of the few places where competing OS maker Apple still holds a better than insignificant market share would mean, as we say in Germany, to try to expel the devil with the Beelzebub.

The fate of innovation is at stake. Innovation cannot come from a company that has been holding the monopoly for almost ten years now. There is much better, much more innovative software out there than MicroSoft one but it will never have a chance.

Unless MicroSoft is forced to give it that chance.

Thank you for your attention.

Faithfully yours

Eberhard Hafermalz

MTC–00032416

From: Pamela Schmidt
To: Microsoft ATR
Date: 1/7/02 6:56pm
Subject: Ending Clinton Anti-trust abuse

To whom it may concern:

You have my full support to do what is just and lawful to correct any abuses allowed through the Clinton years. I know that you will know just what to do.

Sincerely yours,

Pamela J. Schmidt

MTC–00032417

From: Dennis McKenna
To: sirs
Date: 1/7/02 8:09pm
Subject: Microsoft settlement

Dear Sirs,

I undrestand that there is finally a settlement that has been reached in the Microsoft case and I can only say this:

Why has it taken so long? This entire case was misguided. As an American citizen I cannot believe that we do not have something better to do with our tax dollars than investigate a fine, innovative American company that provides excellent products for reasonable prices to all. What would the world be like without Microsoft's innovation? And what, I ask was their crime? That they were so good at what they did that they had little competition. This was a natural monopoly which sooner or later would have come up against natural competition. It's not the role of government to step in and smash such a company. We should be providing a favorable environment for more US companies to step up their level of innovation and become the next Microsofts. Please go ahead and get this thing over with so we can close the book on this embarrassing chapter of US history.

Sincerely,

Dennis McKenna

4207 Lenzgrove Lane

La Canada, CA 91011

MTC–00032418

From: Mary Jo Reddick
To: Microsoft ATR
Date: 1/7/02 8:24pm
Subject: Microsoft Settlement

We think it is a tough but fair settlement—for all parties involved. Stop wasting the tax payers money— competition is wonderful for consumers like our family. We are an average working family who appreciate good quality products at fair prices that Microsoft has made available to us. We don't appreciate our hard earned tax money being wasted on frivolous, vengeful lawsuits. Enough already.

Donald and Mary Jo Reddick

Lancaster, CA

MTC–00032419

From: Michael Belcher
To: Ms. Renata Hesse
Date: 1/7/02 10:13pm
Subject: Microsoft Settlement

Michael Belcher
po box 5681
pahrump, nv 89041–5681
January 8, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks

of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Michael Belcher

MTC–00032420

From: Nelsons
To: Microsoft ATR
Date: 1/7/02 10:43pm
Subject: It will be very good for the US economy if this case was settled

It will be very good for the US economy if this case was settled prior to the March hearings. The nine states that are holding out are obviously trying to protect their companies in their own state. e.g. Oracle, AOL, Sun Microsystems etc. They are putting themselves above the consumer by delaying the settlement. All they want is their pound of flesh, nothing more. It is getting so obvious that hopefully the judge will see through it. It was a good thing the DOJ made the effort to settle with Microsoft. The sooner it is over, the better it will be for the stock market and the consuming public.

Thank you for the opportunity to voice my opinion.

Charles D Nelson
nelsons@altavista.com

MTC–00032421

From: Jane Pehl
To: Microsoft ATR
Date: 1/8/02 6:47am
Subject: Microsoft

It is time to end the tyranny of the Clinton years! Get out of the life of American business and taxpayers!! Why are you not prosecuting true criminals like the Clintons and their accomplices during their eight year crimes spree?

Jane Pehl
San Antonio, Texas

MTC–00032422

From: Rose Marie Lavelle
To: Microsoft ATR
Date: 1/8/02 8:07am
Subject: for all the people,not the few

Let us move on with the things of today and not the pass,end it now!

ROBERT M.LAVELLE
122 WHISPERING PINE DR.
PALM COAST FL. 32164

MTC–00032424

From: Steve Sawyer
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/8/02 9:19am
Subject: Microsoft anti-trust case

Greetings,

I have been involved in the IT industry since 1981. I watched Microsoft, Apple and others work their way up the corporate ladder with innovative ideas and hard work. They deserve much of the fruits of their labor.

However, in Microsoft's case, they have been doing much more harm than good to the consumer over the past several years. As a graduate of the University of Oregon School of Business Administration, I have watched with fascination the methods with which Microsoft has eliminated competition and coerced vendors into doing business Microsoft's way. All of this while their own products continue to slide, in terms of quality and technical advancement. The result is a two-edged sword. They spend time and resources wiping out competitive ideas leaving little reason or incentive to improve their own.

Then the Government and the courts comes along and ''endorses'' this approach by mandating toothless laws with little or no enforcement. Microsoft is trying to do this with Linux as well as others. Microsoft is a great company. Bill Gates and crew should be applauded for what they have done for technology. However, Microsoft has become a textbook example of why we have rules governing monopolistic practices in this country. When Billy Graham gets caught speeding he receives a ticket for speeding and he pays the fine. Microsoft got caught and it is time to pay the fine.

Do America and Microsoft a favor and put a stop to the dark side of Microsoft.

Thank you...

Steve
Steve Sawyer
Director of Internet Development
Market America, Inc.
steves@morebv.com

MTC–00032425

From: Michael Sauber
To: Ms. Renata Hesse
Date: 1/8/02 9:55am
Subject: Microsoft Settlement
Michael Sauber
219 Hidden Creek Lane
North Aurora, Il 60542
January 8, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Michael L. Sauber

MTC–00032426

From: Charlotte Worden
To: Ms. Renata Hesse
Date: 1/8/02 10:22am
Subject: Microsoft Settlement
Charlotte Worden
1821 2nd St
Lewiston, ID 83501
January 8, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Charlotte Worden

MTC–00032427

From: Paula Benner
To: Microsoft ATR
Date: 1/8/02 10:37am

file:///C\|/win/temp/tmp.htn

I want to end Clinton-era Anti-trust law abuse!

MTC–00032429

From: Ben Hughes
To: Microsoft ATR
Date: 1/8/02 2:11pm
Subject: Clinton Era

I would like to see the end of the Clinton era abuse of anti-trust legislation and court action. Microsoft has provided jobs to multitudes of people and made millionaires of another group who started out as workers.

Thank you,

Sue & Ben Hughes

Lindale, Texas

MTC–00032430

From: Bob (038) Caryl Horstmeier
To: Microsoft ATR
Date: 1/8/02 4:17pm
Subject: GOVT. SHAKEDOWN OF MICROSOFT

DEAR WHO EVER AT JUSTICE DEPT;

I BELIEVE THAT MICRO SOFT DOES NOT RATE A SHAKE DOWN BY THE GOVT. JUST BECAUSE MICROSOFT DID NOT CONTRIBUTE TO SLICK WILLY. THE REST OF THE WORLD IS WONDERING WHY WE SHAKE DOWN OUR BEST ACHIEVERS.

ROBERT HORSTMEIER, 112 STANTON STREET, DAVIS ILLINOIS, 61019–0183

randchorst@stateline-isp.com

MTC–00032432

From: ARTHUR HUPP
To: Microsoft ATR
Date: 1/9/02 2:17am
Subject: E-Mail Settlement

Enough is Enough!!!!! Let's let Mircosoft get on with being a successful company and quit wasting the taxpayers money!!!!

Art Hupp

MTC–00032433

From: Craig Madsen
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/9/02 7:32am
Subject: FW: Microsoft Antitrust Case
From: Craig Madsen
Sent: Monday, January 07, 2002 4:42 PM
To: ''attorney.general@po.state.ct.us''
Subject:Microsoft Antitrust Case

Dear DOJ, etc.,

I am writing to put my 2 cents worth about the antitrust case against Microsoft Corp.

I feel like Microsoft is using their OS dominance to stifle every bit of competition possible. I totally agree with the 9 states that are fighting this thing to the bitter end. I also don't agree with the current settlement at all. For Microsoft to spend a bunch of money for the schools does absolutely nothing to stop them from continuing to do what they have been doing for years—except try to catch up with Apple, Inc. in the school battles!! I also don't mind spending my tax dollars to do whatever is necessary to make them pay for what they have already done.

We watched them ''give away'' a browser and all but kill a competitor(s). Tomorrow they start giving away databases, and before long, who knows? If there was a competitor to the government, they would buy them, reduce the price on whatever they were selling to nothing and kill them off too. Once dead, they can raise the price back to whatever they need to.

Do I want Microsoft dead? Probably not, however, I want them to have to use the same playing field as the rest of the businesses in america that don't control 90% of the operating system business. Break them up. Make

them give out their source code to anyone, so we could all make products as quickly as them!

p.s.

I was trying to send this to: microsoft.atr@usdoj as well, but my e-mail package didn't like this. Do you know how I can get a copy of this to them?

Thanks,

Craig Madsen

(801)-961–3045

155 North 400 West

Salt Lake City, UT 84103–1111

MTC–00032435

From: Mundlapati Jawahar
To: Ms. Renata Hesse
Date: 1/9/02 9:28am
Subject: Microsoft Settlement
Mundlapati Jawahar
4759 e culver st
phoenix, az 85008
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has

cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Mundlapati Jawahar

MTC–00032436

From: LOUIS TURRO
To: Ms. Renata Hesse
Date: 1/9/02 10:30am
Subject: Microsoft Settlement
LOUIS TURRO
591 PALMER AVE
MAYWOOD, NJ 07607
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

LOUIS TURRO

MTC–00032437

From: Joseph O'Hara
To: Ms. Renata Hesse
Date: 1/9/02 10:34am
Subject: Microsoft Settlement
Joseph O'Hara
17521 leafwood lane
Tustin, CA 92780
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Joe O'Hara

MTC–00032438

From: Dawn Case
To: Ms. Renata Hesse
Date: 1/9/02 10:35am
Subject: Microsoft Settlement
Dawn Case
2436 Richmond Rd.
Woodward, OK 73801–7125
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Dawn Case

MTC–00032439

From: Adrian J. Dekker
To: Ms. Renata Hesse
Date: 1/9/02 10:46am
Subject: Microsoft Settlement
Adrian J. Dekker
11929 Eagle Creek Cove
Ft. Wayne, IN 46814
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Adrian J. Dekker

MTC–00032440

From: Norm Lee
To: Ms. Renata Hesse
Date: 1/9/02 10:55am
Subject: Microsoft Settlement
Norm Lee
2709 Glendale Drive
loveland, co 80538
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Norm Lee

MTC–00032441

From: Carl Haywood
To: Ms. Renata Hesse
Date: 1/9/02 10:56am
Subject: Microsoft Settlement
Carl Haywood
1515 Patrick court
Gardnerville, NV 89410–6645
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Carl Haywood

MTC–00032442

From: carl king
To: Ms. Renata Hesse
Date: 1/9/02 11:03am
Subject: Microsoft Settlement
carl king
1145 bordeau ct.
atlanta, ga 30338
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

carl king

MTC–00032443

From: Richard Haugen
To: Ms. Renata Hesse
Date: 1/9/02 11:05am
Subject: Microsoft Settlement
Richard Haugen
740 Southgate
Fullerton, Ca 92832
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Richard L. Haugen

MTC–00032444

FROM: Ray Kraft
TO: MS ATR
DATE: 1/9/02 11:07am
SUBJECT: Opinion: microsoft settlement does not address problem sufficiently

I would like to voice my concern over the proposed settlement between Microsoft and the DOJ. Given that Microsoft has been founds *guilty* of violating antitrust law and abusing its power in the computer operating system market, I feel that the measures outlined in the settlement will do little to redress this problem. In fact, I believe that some proposed ''corrective'' measures (i.e. those addressed at scholls) will in fact have just the opposite effect, and will serve to strengthen Microsoft's monopoly position.

I would like to ask that more effective measures be proposed to bring about the changes required to prevent Microsoft from continuing to abuse its monopoly position.

Thank you. Sincerely,
Raymond H. Kraft, Ph.D.
Raymond Kraft, Ph.D. rkraft@api.com
Associate Technical Fellow 425–657–1348
Applied Precision, Inc.
Issaquah Washington, USA
GnuPG Public Key Available: http://wwww.keyserver.net/en

MTC–00032445

From: Robert Hagaman
To: Ms. Renata Hesse
Date: 1/9/02 11:14am
Subject: Microsoft Settlement
Robert Hagaman
13 Hibiscus Court
Homosassa, FL 34446
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Robert E. hagaman

MTC–00032446

From: Richard Swier
To: Ms. Renata Hesse
Date: 1/9/02 11:19am
Subject: Microsoft Settlement
Richard Swier
6718 Paseo Castille
Sarasota, FL 34238
January 9, 2002
Ms. Renata Hesse

U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Rich Swier

MTC–00032447

From: Carlton Miller
To: Ms. Renata Hesse
Date: 1/9/02 11:33am
Subject: Microsoft Settlement
Carlton Miller
805 Skye Drive
Findlay, Oh 45840–4436
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Carlton Miller

MTC–00032448

From: mike sanford
To: Ms. Renata Hesse
Date: 1/9/02 11:46am
Subject: Microsoft Settlement
mike sanford
1502 riley
lebanon, in 46052
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

mike sanford

MTC–00032449

From: Scott Clark
To: Ms. Renata Hesse
Date: 1/9/02 11:47am
Subject: Microsoft Settlement
Scott Clark
5127 W Riviera Ave
Banning, CA 92220
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Scott Clark

MTC–00032450

From: William Hoesen Sr
To: Ms. Renata Hesse
Date: 1/9/02 11:47am
Subject: Microsoft Settlement
William Hoesen Sr
1330 Meadowknoll
San Antonio, Tx 78227
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

William H Hoesen Sr

MTC–00032451

From: Christine Amirault
To: Ms. Renata Hesse
Date: 1/9/02 12:04pm
Subject: Microsoft Settlement
Christine Amirault
106 Sprucewood Court
Bonaire, GA 31005–3017
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Christine B. Amirault

MTC–00032452

From: Emmett Williams
To: Ms. Renata Hesse
Date: 1/9/02 12:05pm
Subject: Microsoft Settlement
Emmett Williams
1459 East Park Place
Chicago, Il 60637–1855
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Emmett Williams

MTC–00032453

From: Joseph Parrish
To: Ms. Renata Hesse
Date: 1/9/02 12:06pm
Subject: Microsoft Settlement
Joseph Parrish
1417 Starboard Ct.
Orange Park, FL 32003–7268
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Joseph W. Parish

MTC–00032454

From: Mark Nielsen
To: Microsoft ATR
Date: 1/9/02 12:06pm
Subject: The current settlement with MicroSoft is bad for competition and for the nation

Hello!

MicroSoft is evil. That is a given. Given all the lies they have said in court over the years, you cannot trust anythng they say. Thus, how can you trust the settlement?

MicroSoft was probably going to give 1 billion dollars to schools anyways. Then the settlement says they have to, which doesn't make any sense, because they were probably going to do it anyways. MicroSoft has always tried to grab the educational institutions, because when people graduate from high school or college, they will stick with the software they know.

Thus:

1. They were already going to do it anyways.

2. It inteferes with Apple's ability to compete in the education market.

MicroSoft is entirely evil and I would prefer, be destroyed. I would like to see it get destroyed under a competitive market, rather than physcial force. I like to win my battles fairly. Given the current republican administration, please do what makes the most sense for a competitive market, which you should understand since you are republican, and just don't so stuff that benefits the rich fat republicans/corporations who have no regard for our nation, just their pocketbook. I want business to thrive for those who deserve it, not those who are able to bribe/lie/cheat/steal their way into power because they have a lot fo money.

Thanks!

Mark

MTC–00032455

From: John Schuck
To: Ms. Renata Hesse
Date: 1/9/02 12:08 pm
Subject: Microsoft Settlement
John Schuck
P.O. Box 1516
North Conway, NH 03860
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted. The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well.

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Sincerely,

John Schuck

MTC–00032456

From: Marian Hirsh
To: Ms. Renata Hesse
Date: 1/9/02 12:16pm
Subject: Microsoft Settlement
Marian Hirsh
96000 Overseas Hwy. F-9
Key Largo, FL 33037
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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This case was supposedly brought on behalf of American consumers. We have paid

the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Marian Hirsh

MTC–00032457

From: Raymon Brown
To: Ms. Renata Hesse
Date: 1/9/02 12:31pm
Subject: Microsoft Settlement
Raymon Brown
790 Abbott Rd
Lexington, KY 40502–2930
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Raymon W Brown

MTC–00032458

From: Richard Graves
To: Ms. Renata Hesse
Date: 1/9/02 12:33pm
Subject: Microsoft Settlement
Richard Graves
125 Wildflower Lane
Chillicothe, OH 45601–4092
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Richard E. Graves

MTC–00032459

From: Keith Gallup
To: Ms. Renata Hesse
Date: 1/9/02 12:33pm
Subject: Microsoft Settlement
Keith Gallup
1707 Brandenbery Dr.
Surfside Beach, SC 29575–5478
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Keith Gallup

MTC–00032460

From: Michael MacArthur
To: Ms. Renata Hesse
Date: 1/9/02 12:42pm
Subject: Microsoft Settlement
Michael MacArthur
4720 Chevy Chase Dr. #406
Chevy Chase, MD 20815
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Michael K. MacArthur

MTC–00032461

From: Fred Reich
To: Ms. Renata Hesse
Date: 1/9/02 12:42pm
Subject: Microsoft Settlement
Fred Reich
718 Danville Circle
Melbourne, FL 32904
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Fred Reich

MTC–00032462

From: Frederick Hoover
To: Ms. Renata Hesse
Date: 1/9/02 12:43pm
Subject: Microsoft Settlement
Frederick Hoover
106 Miller Avenue
Sayreville, NJ 08872–1378
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Frederick M. Hoover

MTC–00032464

From: William Bryant
To: Ms. Renata Hesse
Date: 1/9/02 12:50pm
Subject: Microsoft Settlement
William Bryant
6681 Gasparilla Pines Blvd
Englewood, Fl 34224
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely, Bill Bryant

W.P. Bryant, Jr.

MTC–00032465

From: jerry ellis
To: Ms. Renata Hesse
Date: 1/9/02 12:58pm
Subject: Microsoft Settlement
jerry ellis
180 NE IZETT ST. #A1
Oak Harbor, wa 98277
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

jerry ellis

MTC–00032466

From: Donald Slater
To: Ms. Renata Hesse
Date: 1/9/02 12:59pm
Subject: Microsoft Settlement
Donald Slater
250 Galesburg Dr.
Lawrenceville, GA 30044
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Donald Slater

MTC–00032467

From: Kenneth Golden
To: Ms. Renata Hesse
Date: 1/9/02 1:02pm
Subject: Microsoft Settlement
Kenneth Golden
1612 Harvard Woods Dr.2810
Brandon , Fl 33511–2095
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Kenneth Golden

MTC–00032468

From: gandamartin
To: Microsoft ATR
Date: 1/9/02 1:08pm
Subject: Microsoft Settlement

As two tax-paying citizens, we believe that the resources of the Justice Dept can be put to better use than pursuing Microsoft.

Thank you,
Mr & Mrs Gene Martin

MTC–00032469

From: George Klages
To: Ms. Renata Hesse
Date: 1/9/02 1:08pm
Subject: Microsoft Settlement
George Klages
Rt 1 Box 1680
Fresno, TX 77545
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
George Klages

MTC–00032470

From: Dorothy Dixon
To: Ms. Renata Hesse
Date: 1/9/02 1:11pm
Subject: Microsoft Settlement
Dorothy Dixon
3005 Cottonwood Court
Rowlett, TX 75088–5656
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Dorothy Dixon

MTC–00032471

From: James Feild
To: Ms. Renata Hesse
Date: 1/9/02 1:17pm
Subject: Microsoft Settlement
James Feild
2240 Sharon Rd
Menlo Park, CA 94025
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

J. David Feild

MTC–00032473

From: pankavichjm
To: Microsoft ATR
Date: 1/9/02 1:28pm
Subject: Microsoft Settlement

I believe that the it is in the public interest to settle with the Microsoft litigation. Personally, I find it hard to see how they were in violation at all. As far as I am concerned I always had the choice of using them or not.

However, I do believe that AOL is in some kind of violation in this respect. Whenever I load a program that also offers AOL I refuse the AOL but no matter I still get their program on my screen and it does start to load. I also think that they are in violation when they include free programs in cereals, etc. and send them through the mail. They are bordering on being a nuisance.

Joan M. Pankavich

MTC–00032474

From: James Franke
To: Ms. Renata Hesse
Date: 1/9/02 1:30pm
Subject: Microsoft Settlement
James Franke
238 Kilkenny Court
Ann Arbor, MI 48103
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

James A. Franke

MTC–00032475

From: Mervin Waed
To: Ms. Renata Hesse
Date: 1/9/02 2:06pm
Subject: Microsoft Settlement
Mervin Waed
1 Margate Ct.
Lewes, DE 19958
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Mervin C. Ward

MTC–00032476

From: W.Lawrence Kimber
To: Microsoft Settlement
Date: 1/9/02 2:09pm
Subject: Microsoft Settlement
W.Lawrence Kimber
106 Elmwood Ave.
East Aurora, NY 14052–2612
January 9, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry.

It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies. Thank you for this opportunity to share my views.

Sincerely,
W.Lawrence Kimber

MTC–00032477

From: porium.net@wolverine.
capwiz.com@inetgw
To: Ms. Renata Hesse
Date: 1/9/02 2:12pm
Subject: Microsoft Settlement
ALBERT HUDDY
3100 POINT CLEAR DR.
TEGA CAY, SC 29708
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
ALBERT D. HUDDY

MTC–00032478

From: Gregory Schopf
To: Ms. Renata Hesse
Date: 1/9/02 2:16pm
Subject: Microsoft Settlement
Gregory Schopf
1096 Lincoln Ave
Fennimore, Wi 53809
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Gregory Schopf

MTC–00032479

From: Carol Iossa
To: Ms. Renata Hesse
Date: 1/9/02 2:19pm
Subject: Microsoft Settlement
Carol Iossa
R.R. 1 Box 3130
Jonesport, ME 04649–9709
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

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Sincerely,

Carol H. Iossa

MTC–00032480

From: John Oubre
To: Ms. Renata Hesse
Date: 1/9/02 2:21pm
Subject: Microsoft Settlement
John Oubre
3721 Sleepy Hollow Lane
Port St. Lucie, FL 34952
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse: I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted. The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well.

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Sincerely,

John B. Oubre

MTC–00032481

From: Jacilyn Cox
To: Ms. Renata Hesse
Date: 1/9/02 2:35pm
Subject: Microsoft Settlement
Jacilyn Cox
6177 S.R. 258 S.W.
Newcomerstown, OH 43832
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Jacilyn Cox

MTC–00032482

From: Michael Burke
To: Ms. Renata Hesse
Date: 1/9/02 2:52pm
Subject: Microsoft Settlement
Michael Burke
P. O. Box 2624
Grand Junction, CO 81502–2624
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Michael Burke

MTC–00032483

From: Mike Welling
To: Ms. Renata Hesse
Date: 1/9/02 3:00pm
Subject: Microsoft Settlement
Mike Welling
2208 Pennington Dr.
Arlington, TX 76014–3512
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Mike Welling

MTC–00032484

From: Martin Spielman
To: Ms. Renata Hesse
Date: 1/9/02 3:17pm
Subject: Microsoft Settlement
Martin Spielman
8 Monaghan Road
Edison, NJ 08817–4122
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Martin J Spielman

MTC–00032485

From: James Carpenter
To: Ms. Renata Hesse
Date: 1/9/02 3:19pm
Subject: Microsoft Settlement
James Carpenter
4922 Del Rio Trl.
Wichita Falls, TX 76310–1431
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
James A. Carpenter, Jr.

MTC–00032486

From: Barbara Robken
To: Ms. Renata Hesse
Date: 1/9/02 3:20pm
Subject: Microsoft Settlement
Barbara Robken
2800 Andover Ave
Midland, TX 79705–3201
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Barbara Robken

MTC–00032487

From: HUGH M. FLYNN
To: Ms. Renata Hesse
Date: 1/9/02 3:22 pm
Subject: Microsoft Settlement
HUGH M. FLYNN
3849 Lucas Ct.
Simi Valley, CA 93063
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

HUGH M. FLYNN

MTC–00032488

From: Donald Horneff
To: Ms. Renata Hesse
Date: 1/9/02 3:35 pm
Subject: Microsoft Settlement
Donald Horneff
606 State St
Tama, IA 52339–1927
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Don Horneff

MTC–00032490

From: Donald Leui
To: Ms. Renata Hesse
Date: 1/9/02 3:43pm
Subject: Microsoft Settlement
Donald Leui
HC 1 Box 55
Martin, SD 57551

January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Donald Leui

MTC–00032491

From: Eileen Flynn
To: Ms. Renata Hesse
Date: 1/9/02 3:48 pm
Subject: Microsoft Settlement
Eileen Flynn
411 Seventh Ave
Indialantic, FL 32903–4337
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Eileen Flynn

MTC–00032492

From: Roger Daigger
To: Ms. Renata Hesse
Date: 1/9/02 3:58pm
Subject: Microsoft Settlement
Roger Daigger
15814 Stagecoach Rd.
Magnolia, , Tx 77355
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Roger & Dolores Daigger

MTC–00032493

From: Vivienne Erk
To: Ms. Renata Hesse
Date: 1/9/02 4:14pm
Subject: Microsoft Settlement
Vivienne Erk
878 Macopin Road
West Milford, NJ 07480
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Vivienne Erk

MTC–00032494

From: Cliff Cofer
To: Ms. Renata Hesse
Date: 1/9/02 4:19pm
Subject: Microsoft Settlement
Cliff Cofer
726 8th Street
West Des Moines, IA 50265–3636
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Cliff Cofer

MTC–00032495

From: Richard Taylor
To: Ms. Renata Hesse
Date: 1/9/02 4:36pm
Subject: Microsoft Settlement
Richard Taylor
4620 Tincher Road
Indy, IN 46221–3778
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of

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Sincerely,

Richard L. Taylor

MTC–00032496

From: Victoria Manes
To: Ms. Renata Hesse
Date: 1/9/02 4:46pm
Subject: Microsoft Settlement
Victoria Manes
2528 N Champlain Ave
Tempe, AZ 85281
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Victoria Manes

MTC–00032497

From: Victoria Manes
To: Ms. Renata Hesse
Date: 1/9/02 4:46pm
Subject: Microsoft Settlement
Victoria Manes
2528 N Champlain Ave
Tempe, AZ 85281
January 9, 2002
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U.S. Department of Justice, Antitrust Division
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Sincerely,

Victoria Manes

MTC–00032498

From: Joan Walsh
To: Ms. Renata Hesse
Date: 1/9/02 4:57pm
Subject: Microsoft Settlement
Joan Walsh
5459 E 4th St
Long Beach, CA 90814–1925
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted. The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

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Sincerely,

Joan Allen Walsh

MTC–00032499

From: Felix Knebel
To: Ms. Renata Hesse
Date: 1/9/02 5:03pm
Subject: Microsoft Settlement
Felix Knebel
17264 Tam O'Shanter Dr.
Poway, CA 92064–1323
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Felix Knebel, Jr.

MTC–00032501

From: Ralph Hudson
To: Ms. Renata Hesse
Date: 1/9/02 5:25pm
Subject: Microsoft Settlement
Ralph Hudson
116 Jordan Circle
Garner, NC 27529–7953
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Ralph Hudson

MTC–00032502

From: Jim Poulton
To: Microsoft ATR
Date: 1/9/02 5:38pm
Subject: Retired USAF SWBell union memeber & MS Stockholder

Is our government stupid?

Quit screwing with the brightest light in our economy.

If any other nation in the world had Microsoft in their country they would back them to the limit. Only because our country allows foreign lobbyists and because we have so many other multi-national companies bribing our officials do we have this problem. Support the USA and our workers and KNOCK IT OFF!

James Poulton
USAF (retired) MSgt
214–902–8996

MTC–00032503

From: Robert Arnold Isley
To: Ms. Renata Hesse
Date: 1/9/02 5:46pm
Subject: Microsoft Settlement
Robert Arnold Isley
2500 Bangor Ct
Snellville, GA 30078
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

R. Arnold Isley

MTC–00032504

From: Steven Brown
To: Ms. Renata Hesse
Date: 1/9/02 6:05pm
Subject: Microsoft Settlement
Steven Brown
504 Sleepy Meadow Drive
MOUNT VERNON, mo 65712
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Steven Brown

MTC–00032505

From: Howard George
To: Ms. Renata Hesse
Date: 1/9/02 6:07pm
Subject: Microsoft Settlement
Howard George
5305 Water Point Drive
Memphis, tn 38141
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Howard George

MTC–00032506

From: Charles Boyette
To: Ms. Renata Hesse
Date: 1/9/02 6:36pm
Subject: Microsoft Settlement
Charles Boyette
274 Steens Road
Steens, MS 39766
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Charles E. Boyette

MTC–00032507

From: MR.AND MRS.ROBERT NELSON
To: Ms. Renata Hesse
Date: 1/9/02 6:38pm
Subject: Microsoft Settlement
MR.AND MRS.ROBERT NELSON
7582 HICKAM AVE.
LAS VEGAS, NV 89129
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As

noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

NELSON,ROBERT H. AND MARY L.

MTC–00032508

From: Jahorlick@cs.com@inetgw
To: Microsoft ATR
Date: 1/9/02 7:33pm
Subject: Microsoft Settlement

To whom it may concern.

I generally do not write E-mails on the behalf of big business. But I find this whole Microsoft saga disturbing. I do not agree with the idea that Microsoft should be punished or broken up. I think that Microsoft is an industry leader, in part because of its aggressive and forward thinking business practices, vital for competition in a very competitive market. I for one am thankful for what Microsoft has done. I think that the tremendous advances in computer technology can be attributed to Microsoft.

I can assure you that if another company comes out with a product that I read about or try and find it that I like it better than Microsoft's version, I would certainly buy the product that I liked.

If Microsoft feels that this latest judgment is fair, then I would have to agree.

Thank you for your time. John Horlick

MTC–00032509

From: Edward Evanko
To: Ms. Renata Hesse
Date: 1/9/02 8:33pm
Subject: Microsoft Settlement
Edward Evanko
1885 Military Ave
Seaside, CA 93955
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Edward P. Evanko

MTC–00032510

From: Raymond Bauer
To: Ms. Renata Hesse
Date: 1/9/02 9:14pm
Subject: Microsoft Settlement
Raymond Bauer
13763 Eureka Drive
Magalia, CA 95954
January 10, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Dr. Raymond Bauer

MTC–00032511

From: Robert & June Stone
To: Ms. Renata Hesse
Date: 1/9/02 9:18pm
Subject: Microsoft Settlement
Robert & June Stone
28120 Avenida Maravilla
Cathedral City, CA 92234–3771
January 10, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Robert & June Stone

MTC–00032512

From: John Green
To: Ms. Renata Hesse
Date: 1/9/02 9:40pm
Subject: Microsoft Settlement
John Green
2125 Elanita Dr.
San Pedro, CA 90732–4433
January 10, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

John Green

MTC–00032513

From: mercury@crossroadz.com.au@inetgw
To: Microsoft ATR
Date: 1/10/02 1:10am
Subject: Microsoft Settlement

The proposed settlement of the M$ anti trust action represents a complete failure of the current laws to protect consumers & ensure a level playing field for competition.

Microsoft failed to abide by the origonal judgement against them, has clearly continued their anti competitive behaviour and has now taken that behaviour to even higher levels with the release of Windows XP.

The issues with XP are far wider & more serious than any previous behaviour & this behaviour is apparently now being condoned by this settlement which provides M$ with a platform to further promote their products over any alternatives.

Within Australia the pricing issues alone are beyond belief. US Court evidence indicated 50% overcharging of consumers, with exchange rates taken into account the overcharging in Australia has been 200% and now with XP, the removal of Domain login from the basic/home version of the operating system, small business will be forced to move from a $A400 operating system to an $A660 operating system. Some 80% of small business is affected & the cost worldwide will run into $USBillions. The pricing of the M$ component of any PC price has risen in a market of dramatically increasing volumes, the opposite of normal market behaviour where shipment volumes increase.

This has been possible due to the monopoly position. In some cases the M$ component is now 50% of PC manufacturing Price. There is also an element of using US PC manufacturers to engage in product dumping into the international market to the detriment of international PC assemblers. The court evidence indicates some US manufacturers purchased NT4 Operating System at $US20 where local manufaturers in Australia were being charged $A320 ($US160) The schools concerned could utilise free open source software rather than waste money on M$ software & thus free up resources for additional hardware or teaching resources.

Throughout the current case M$ has been clearly in contempt of the courts in their actions which have been designed to ensure that it was not possible to recall or change products in the field with the browser (as distinct from the HTML rendering engine & communications utilities) embedded in the Operating Systems. The W98SE & Windows ME releases along with various Browser updates have been dubbed ''The DOJ releases'' with good reason. This case has been a classic example of how a Corporation can use delaying tactics in the courts to their advantage & profit from those tactics.

This proposal for settlement should be withdrawn and a regime which ensures an open standards interface approach is adopted with full disclosure of all API's for application services & network services put in it's place. Penalties which reflect the magnitude of the crime and recover the revenue improperly gained by M$ during the case should also be put in place In addition to the above a public list of areas in which people believe M$ has/is acting improperly should be initiated. There are numerous areas in which this has been the case & the current case has only brushed the surface. A public list/discussion board is the only way in which the technical details of how M$ has acted anticompetitively will ever be fully disclosed or determined.

Competition law will not be treated with any respect by Corporations unless this settlement is revised

Wayne Carruthers

MTC–00032514

From: Francis Bittel
To: Ms. Renata Hesse
Date: 1/10/02 4:50am
Subject: Microsoft Settlement
Francis Bittel
2471 Jennifer Drive
Poland, Oh 44514
January 10, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Francis J Bittel

MTC–00032515

From: Tom Friedman
To: Ms. Renata Hesse
Date: 1/10/02 5:19am
Subject: Microsoft Settlement
Tom Friedman
25 Whispering Spring Dr.
Pisgah Forest, , NC 28768–9502
January 10, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Tom Friedman

MTC–00032516

From: Bob White
To: Ms. Renata Hesse
Date: 1/10/02 5:25am
Subject: Microsoft Settlement
Bob White
9774 Hidden Cross
San Antonio, TX 78250–4817
January 10, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Bob White

MTC–00032517

From: Christopher Perdue
To: Ms. Renata Hesse
Date: 1/10/02 5:36am
Subject: Microsoft Settlement
Christopher Perdue
1509 Carmel Road
Charlotte, NC 28226–5013
January 10, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Christopher Perdue

MTC–00032518

From: Kevin Sipes
To: Ms. Renata Hesse
Date: 1/10/02 6:08am
Subject: Microsoft Settlement
Kevin Sipes
2602 camarie Ave
Midland, TX 79705
January 10, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Kevin Sipes

MTC–00032519

From: George F Kovacs
To: Ms. Renata Hesse
Date: 1/10/02 6:25am
Subject: Microsoft Settlement
George F Kovacs
255 E. Baltimore St.
Taneytown, MD 21787–2235
January 10, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

gfkovacs@hotmail.com

MTC–00032520

From: Rick Rund
To: Ms. Renata Hesse
Date: 1/10/02 6:36am
Subject: Microsoft Settlement
Rick Rund
POB 1409 260 No. Gulling
Portola, Ca 96122–1409
January 10, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Rick Rund

MTC–00032521

From: Diane Sosebeee
To: Ms. Renata Hesse
Date: 1/10/02 7:03am
Subject: Microsoft Settlement
Diane Sosebeee
103 McMillan St.
Evergreen, AL 36401
January 10, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Diane S. Sosebee

MTC–00032522

From: Mike Strain
To: Ms. Renata Hesse
Date: 1/10/02 7:27am
Subject: Microsoft Settlement
Mike Strain
30665 Old Hwy 395
Escondido, ca 92026
January 10, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

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Sincerely,

Mike Strain

MTC–00032523

From: Tracy Stone
To: Ms. Renata Hesse
Date: 1/10/02 7:35am
Subject: Microsoft Settlement
Tracy Stone
101 Savannah Drive
Matthews, NC 28105–6539
January 10, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

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Sincerely,

Tracy Stone

MTC–00032524

From: David Zickefoose
To: Ms. Renata Hesse
Date: 1/10/02 7:52am
Subject: Microsoft Settlement
David Zickefoose
10314 Washington Drive
Omaha, NE 68127
January 10, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

David C. Zickefoose

MTC–00032526

From: Delmonte, Tom
To: Microsoft ATR
Date: 1/10/02 8:18am

First of all thank you for allowing us to voice our concerns.

My main focus is the pattern that Microsoft has exhibited over the 15 years that I have been involved in the IT arena.

The first negative experience was one which happened with a company called Stacker, in which it was proved that Microsoft had illegally used their file compression scheme, by the time the issue was settled the company no longer was viable and in fact is no longer in existence.

The next example is the competition between Microsoft and Netscape and how in a variety of actions which I am sure you are familiar made the company loose most of it's relevance in the PC arena, it still has a presence in the Linux arena, but that may change as well depending on how Microsoft handles that or is allowed to handle that arena in the future.

The main problem I see is one of ethical behavior, they do push the limits and go beyond as in the Stacker case in every area that they see is important, and one may think that this is how business is done, the stronger survive. But when it is at the cost of innovation by individuals or small concerns, which Microsoft is eliminating more and more due to it's size and influence, I think that the American public and entrepreneurs have lost incredible opportunities due to what I consider predatory behavior.

The level of excitement due to opportunities available to individuals in the 1980's was palpable across the whole Silicon Valley in which I worked at the time, as the 1990's approached this level of entrepreneurship decreased steadily.

Some of it is due to the maturing of the industry, some of it due to standardization all of which are good. But much of it has to do with Microsoft getting involved in so many areas of the personal computer arena that it left less and less space for the smaller less financially endowed institutions to contribute to the progress of a field that still has wonderful opportunities if this level of entrepreneurship is allowed to flourish again.

Unfortunately much of this has been squelched in the US, but with the arrival of Linux and what it can contribute and has contributed from many areas across the globe there is some activity in this entrepreneur-friendly environment that has received a lot of focus in the last couple of years.

I would suggest that the American technologists would be much more interested in putting an effort again into the IT arena if a more favorable environment was fostered by curtailing some of the more obvious actions that Microsoft has taken, and I am sure that that venture capitalists would support this effort since the rewards are still very high.

What I would suggest is to split the company into separate entities in all senses, applications and operating systems are two of the ones that have been suggested.

And if Microsoft wants to enter a new arena in the computer industry (and that has to be based on a well-defined criteria) then the amount of money they can put in that concern cannot be more than the best financed institution that is already present in that arena. If none are in existence a criteria for that has to be established as well, so that other can compete on equal footing.

Once that concern is established Microsoft cannot contribute any further funds, otherwise it would perpetually be competing in an arena even it's efforts were not successful, creating an artificial concern and hampering competitiveness.

If the company failed they should not be permitted to enter that arena for a pre-

specified amount of time, to allow those who had good ideas to flourish without the annoyance of having another company artificially affecting the competitive environment to that specific arena.

I understand that this may have a short-term (1–2 years) effect on the economy, but the long-term effects would be a healthy, creative, growing and dominating industry for the US.

Tom Delmonte
WorldCom—Revenue & Segment Reporting
E-mail: tom.delmonte@wcom.com
Voice: (719) 535–1562
vnet: 622–1562

MTC–00032527

From: Michelle Alley
To: Ms. Renata Hesse
Date: 1/10/02 9:16am
Subject: Microsoft Settlement
Michelle Alley
27720 Riverwalk Way
Bonita Springs, FL 34134
January 10, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Michelle Alley

MTC–00032528

From: Robert Nuzum
To: Ms. Renata Hesse
Date: 1/10/02 9:26am
Subject: Microsoft Settlement
Robert Nuzum
2236 Gulf to Bay Blvd. #332
Clearwater, fl 33765
January 10, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Robert Nuzum

MTC–00032529

From: Sam Heath
To: Microsoft ATR
Date: 1/10/02 9:58am
Subject: Microsoft settlement
It is definitely time to put a stop to this nonsense about Microsoft!
Sam Heath
dheath@lightspeed.net

MTC–00032530

From: Pat Suter
To: Ms. Renata Hesse
Date: 1/10/02 10:18am
Subject: Microsoft Settlement
Pat Suter
30 West Gibbons St.
Linden, NJ 07036–4052
January 10, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs

and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted. The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Pat Suter

MTC–00032531

From: Thomas E. Strickland
To: Microsoft ATR
Date: 1/10/02 10:30am
Subject: Microsoft Settlement

Putting this Reno farce behind us is long overdue.

MTC–00032532

From: Milton Becker
To: Ms. Renata Hesse
Date: 1/10/02 11:01am
Subject: Microsoft Settlement
Milton Becker
335 Schooner Ave
Edgewater, Fl 32141
January 10, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Milton A Becker

MTC–00032533

From: Francis Johnson
To: Microsoft ATR
Date: 1/10/02 11:11am
Subject: Microsoft settlement

I have tried to follow the Microsoft case as much as possible and I am appalled with the DoJ for settling that easily. the law states that Microsoft broke the law, why does the punishment not fit the crime. As an individual on the street I start drawing my own conclusions. Did Microsoft pay off somebody etc? When IBM was found guilty of monopoly, they were dealt with accordingly and they could not profit from their business.

When Southwestern Bell (I forget what it was called) was a monopoly, it was dealt with too Why is the DoJ afraid of dealing with Microsoft. Wrong is wrong.

The proposed settlement is an insult to the ''poor under privileged schools.'' I could understand if Microsoft offered to make all these schools top of the art with new technology/hardware etc. But to offer outdated hardware/software!, all they are doing is using the schools as trash cans, because they have nowhere to put their junk. ''give it to them under privileged schools, they should be grateful'', and the worst part the DoJ accepted this. This is the United States for pete's sake. we are supposed to offer justice for all. Stop this atrocious settlement.

I use Windows software on my pc and I appreciate the software, it is good and to most extent reliable and easy to use (if you know what you are doing). But I do not think that should get Microsoft special favors/ treatment. DoJ act like a department of Justice and not like somebody's lacky.

You read almost everyday that Microsoft is doing something bad here or there. This will continue until someone says ''The Buck Stops Here Microsoft, enough is enough''. A good example is a simple poll. They tried to rig a poll so that it looks like people want Microsoft, having people voting multiple times , how low can a company go to wipe out competition. Microsft cannot stand that people like something else other than Microsoft, they are now like dictator governments ''Its our way or noones''.

DoJ clean up your act and do the right thing.

THANK YOU
FRANCIS
CC:xau99@yahoo.com@inetgw

MTC–00032534

From: EVAN LEE
To: microsoft.atr
Date: 1/10/02 12:13pm
Subject: Microsoft Settlement

DOJ Anti-Trust Division:

I am deeply troubled by the recent DOJ decision to settle the anti-trust case against

Microsoft. Guilty or not, Microsoft is the most dominating presence in the operating system and the software market today. For years they have bought out or pushed out competition not by superioriety of the software, but by money and lawyers.

Microsoft does not promote fair competetion, their goal seem to be eliminate all competetion. Every new technology or company comes up with new and cheaper ways that benefits customers have been targed by Microsoft as enemies. I do not believe behaviors such as this will be curbed by this settlement, if anything else this gives Microsoft more confidence to destroy their competitors, because what's the worst that will happen? a slap on the hand to microsoft.

What will this settlment accomplish? by making microsoft providing computers to poor schools in the country? How will this punish microsoft? All they have to do is buy in mass quantity refurbished computers which manufactures are gladly to get rid of. The software of course will be windows. This will not punish microsoft, instead it helps them breaking in to previously Mac dominated education market share. This settlement is not punishing Microsoft, it is helping them gaining publicity and market share.

It is amazing to me that this cased started hard and heavy in the late 90s when microsoft had no presence in washington. but it ended with less of a whimper after microsoft dumped millions if not billions of dollars in to washington's political arena. I believe this is the wrong decision by the DOJ to settle with Microsoft, and their monopoly will only get worse... I fear the day that Microsoft conquers all.

Evan Lee

Disturbed Computer User

MTC–00032536

From: Marty French
To: Ms. Renata Hesse
Date: 1/10/02 12:28pm
Subject: Microsoft Settlement
Marty French
2300 Bristol Dr.
Carrollton, Tx 75006
January 10, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Marty French

MTC–00032537

From: Byron Major
To: Microsoft ATR
Date: 1/10/02 1:08pm
Subject: Microsoft

Attorney General John Ashcroft,

I support the settlement of the Microsoft Suit. As a person who works in the computer industry, I would encourage this settlement.

V/R Byron K. Major

MTC–00032538

From: Paul Hilliar
To: Ms. Renata B. Heese
Date: 1/10/02 2:01pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorney' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Paul Hilliar
2511 17th St. NW
Washington, DC 20009–2801
CC: Citizens for a Sound Economy

MTC–00032539

From: RTPaeschke@aol.com@inetgw
To: Microsoft ATR
Date: 1/10/02 2:13pm
Subject: Microsoft Settlement

I don't believe the public is served when judicial oversite or legislation is made to stiffle companies that create technology to the degree that Microsoft has. The main reason we have this predicament in my opinion, is that ''weakened'' competitors like AOL, SUN Micro, et.al., and their legal teams purposly sought remedy through the courts as a viable competitive marketing tactic. Unfortunately for the consumer, these ''do-gooders'' have influenced the justice system to prosecute Microsoft for being successful. The band-wagon effect in this is huge with lobyists, lawyers and those ''weakened'' competitors all reaping employment and huge sums of money. And then there is Microsoft, trying to exist by selling what we all agree are a great series of products addressing consumer preferences and providing what the market demands, and being punished for being successful at it.
RTP.

MTC–00032540

From: Erick Gustafson
To: Ms. Renata B. Heese
Date: 1/10/02 2:13pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of

Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Erick Gustafson
910 Constitution Avenue, NE
Washington, DC 20002–6202
CC: Citizens for a Sound Economy

MTC–00032541

From: Bob Walker
To: Ms. Renata B. Heese
Date: 1/10/02 2:15pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Bob Walker
420 Seward Sq. SE
Washington, DC 20003–1112
CC: Citizens for a Sound Economy

MTC–00032542

From: Ross Marzolf
To: Ms. Renata B. Heese
Date: 1/10/02 2:17pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Ross Marzolf
419 19th Avenue E., #6
Seattle, WA 98112–5344
CC: Citizens for a Sound Economy

MTC–00032543

From: Jennifer Hamann
To: Ms. Renata B. Heese
Date: 1/10/02 2:20pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from. As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Jennifer Hamann
5891 1st Street, North
Arlington, VA 22203–1101
CC: Citizens for a Sound Economy

MTC–00032544

From: Bud Thomas
To: Ms. Renata B. Heese
Date: 1/10/02 2:26pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Bud Thomas
6 Edward Dr
Orchard Park, NY 14127–3957

CC: Citizens for a Sound Economy

MTC–00032545

From: Rob Jordan
To: Ms. Renata B. Heese
Date: 1/10/02 2:34pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Rob Jordan
1301 S. Monroe St.
Arlington, VA 22204–4220
CC: Citizens for a Sound Economy

MTC–00032546

From: Andrew Smith
To: Ms. Renata B. Heese
Date: 1/10/02 2:36pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Andrew Smith
1953 Columbia Pike, Apt. 42
Arlington, VA 22204–6149
CC: Citizens for a Sound Economy

MTC–00032547

From: Andrew McElroy
To: Ms. Renata B. Heese
Date: 1/10/02 2:38pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Andrew McElroy
710 N. Oakland St.
Arlington, VA 22203–2223
CC: Citizens for a Sound Economy

MTC–00032548

From: John Baitinger, Sr.
To: Microsoft Settlement
Date: 1/10/02 2:46pm
Subject: Microsoft Settlement
John Baitinger, Sr.
P.O.Box 171
Alloway, NJ 08001–0171
January 10, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
John S. Baitinger, Sr.

MTC–00032549

From: stephen Flaherty
To: Ms. Renata B. Heese
Date: 1/10/02 2:47pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
stephen Flaherty
801 South Pitt Street
Alexandria, VA 22314–4369
CC: Citizens for a Sound Economy

MTC–00032550

From: Robert Pratt
To: Ms. Renata B. Heese
Date: 1/10/02 2:58pm
Subject: Microsoft Anit-Trust issue settlement

Dear Ms. Heese:

Your support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation is important.

The settlement is fair and will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

The opposition to the settlement from a small group of political bodies is nothing more than a power-grab and is not in the interest of the American tax payer.

Respectfully,
Robert Pratt
PO Box 5282
Lubbock, TX 79408–5282
CC: Citizens for a Sound Economy

MTC–00032551

From: Margaret Schlosser
To: Department of Justice
Date: 1/10/02 2:59pm
Subject: Microsoft Settlement

I am non-plussed at the supposed ''remedy'' for Microsoft wrong-doing. The ''remedy'' is to enforce that Microsoft products are given even MORE exposure than previously?? This would give Microsoft an unfair advantage in the National School System.

Microsoft is not, nor ever will be, remorseful in any way. Indeed, the same practices (proprietary) practiced previously, were practiced throughout the Anti-Trust process.

By cloaking it's every pronouncement with ''for the good of the Consumers'' Microsoft sought to influence everyone that any judgement against Microsoft was anti-consumer and bad for consumers. With the huge market share enjoyed by Microsoft, it's even MORE incumbent upon them to play fair.

This news indicates that Microsoft still seeks to impose it's standards over those of any other company by foul means, rather than fair.

In December, Java was more popular than .Net for building Web services, according to a ZDNet UK poll, but weeks later the position had dramatically reversed; investigation revealed just what lengths Microsoft will go to to promote its products

Microsoft's .Net Web services technology appeared to experience a sudden massive boost in popularity over its rival Java, according to a poll run by ZDNet UK.

By 21 December, more than two-thirds of the respondents (69.5 percent), said they planned to deliver some applications by Web services by the end of 2002, with a large majority of those (nearly half the total sample) planning to use Java. Only 21.5 percent said they planned to use Microsoft .Net—less than the figure (23.5 percent) planning to use neither.

But by the time the poll closed, on 5 January, the position had dramatically changed, with three quarters of voters claiming to be implementing .Net. This apparent sudden change of heart over the Christmas period appears to be the result of a concerted campaign within Microsoft.

ZDNet UK logs reveal rather obvious vote rigging, and prove that it originated from within Microsoft:

A very high percentage of voters are from within the microsoft.com domain.

There is a very high incidence of people attempting to cast multiple votes, even though the poll script blocked out most attempts at multiple voting. The one that wins the prize made 228 attempts to vote. This person was from within the microsoft.com domain.

I submit that the following is as true today as it was in the beginning of the Anti-Trust case:

http://www.nytimes.com/2001/09/07/opinion/07FRI1.html

The brunt of the case against Microsoft entailed coercive behavior by the company to force Internet service providers and computer makers to favor Microsoft's browser over Netscape's. Competitors are now complaining of similar behavior by Microsoft to use its Windows monopoly to immunize its newer products from real competition. Just last week European Union antitrust regulators initiated an inquiry into these claims.

In its announcement yesterday, the Justice Department appeared to acknowledge the urgent need for a change in Microsoft's conduct. In addition to calling for ''prompt, effective and certain relief for consumers,'' it said it would use a period of expedited discovery to ''investigate development in the industry since the trial concluded, and to evaluate whether additional conduct-related provisions are necessary.''

Microsoft has a track record of showing little appreciation in its business dealings for the magnitude of the legal rulings against it. That is all the more reason for the government to remain on the case as the company aggressively seeks to become as dominant a platform for all Internet services as it currently is for PC software.

There is much more evidence out there..the DOJ should make every effort to right wrongs in this case. Please don't short-cut this issue due to the war on Terrorism.

M.Schlosser
Bethany Beach, DE

MTC–00032552

From: Elizabeth Bookspan
To: Ms. Renata B. Heese
Date: 1/10/02 3:17pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsofts competitors to use Microsofts Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal governments antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Elizabeth Bookspan
8620 114th Ave NE
Kirkland, WA 98033–5719
CC: Citizens for a Sound Economy

MTC–00032553

From: Jason Hagglund
To: Ms. Renata B. Heese
Date: 1/10/02 3:18pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Jason Hagglund
5907 N. Wall
Spokane, WA 99205–6441
CC: Citizens for a Sound Economy

MTC–00032554

From: Betty Ramey
To: Ms. Renata B. Heese
Date: 1/10/02 3:37pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,
Betty Ramey
4760 NW 63rd Terrace
Bell, FL 32619–3823
CC: Citizens for a Sound Economy

MTC–00032555

From: Harry Hintz
To: Ms. Renata B. Heese
Date: 1/10/02 3:57pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Harry Hintz
5306 Overtop Lane
Raleigh, NC 27613–5550
CC: Citizens for a Sound Economy

MTC–00032556

From: Sean Comery
To: Ms. Renata B. Heese
Date: 1/10/02 4:05pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Sean Comery
630 F St
533
San Diego, CA 92101–6310
CC: Citizens for a Sound Economy

MTC–00032557

From: David Palmer
To: Ms. Renata B. Heese
Date: 1/10/02 4:08pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
David M. Palmer
3515 Mill Creek Road
The Dalles, OR 97058–1237
CC: Citizens for a Sound Economy

MTC–00032558

From: James Short
To: Ms. Renata B. Heese
Date: 1/10/02 4:41pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
James Short
8260 53rd Ave W. #305
Mukilteo Wa., WA 98275–2672
CC: Citizens for a Sound Economy

MTC–00032559

From: Vivian and William Henderson
To: Ms. Renata B. Heese
Date: 1/10/02 4:48pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Vivian and William Henderson
PO Box 2133
5230 SE Sedgwick Rd
Port Orchard, WA 98366–0769
CC: Citizens for a Sound Economy

MTC–00032560

From: Gerald Vinella
To: Ms. Renata B. Heese
Date: 1/10/02 4:55pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running ntitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsofts competitors to use Microsofts Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Gerald Vinella
1330 Noah Rd
N. Brunswick, NJ 08902–1321
CC: Citizens for a Sound Economy

MTC–00032561

From: Leona Bochantin
To: Ms. Renata Hesse
Date: 1/10/02 5:13pm
Subject: Microsoft Settlement
Leona Bochantin
5373 Butler Hill Estates Dr.
St Louis, Mo 63128–3721
January 10, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Leona Bochantin

MTC–00032562

From: Geri and Bob Modrell
To: Ms. Renata B. Heese
Date: 1/10/02 6:01pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Geri and Bob Modrell
11014 19th Avenue SE PMB 59
Everett, WA 98208–7600
CC: Citizens for a Sound Economy

MTC–00032563

From: Stephen Koehler
To: Ms. Renata Hesse
Date: 1/10/02 6:38pm
Subject: Microsoft Settlement
Stephen Koehler
2703 Sycamore Woods Ct
Louisville, KY 40241–6293
January 10, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Stephen R. Koehler

MTC–00032564

From: Gary Evenson
To: Ms. Renata B. Heese
Date: 1/10/02 7:24pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Gary Evenson
6314 40th st nw
Gig Harbor, WA 98335–7245
CC: Citizens for a Sound Economy

MTC–00032565

From: Peggy Venable
To: Ms. Renata B. Heese
Date: 1/10/02 8:08pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,
Peggy Venable
13419 Wisterwood
Austin, TX 78729–1941
CC: Citizens for a Sound Economy

MTC–00032566

From: Stony Rushing
To: Ms. Renata B. Heese
Date: 1/10/02 8:18pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Stony Rushing
3810 Belk Mill Rd
Wingate, NC 28174–8760
CC: Citizens for a Sound Economy

MTC–00032567

From: Erthel Hines
To: Ms. Renata Hesse
Date: 1/10/02 11:06pm
Subject: Microsoft Settlement
Erthel Hines
405 Meadowood Street
Greensboro, NC 27409
January 11, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Respectfully,
Erthel Hines

MTC–00032568

From: Wes Alexander
To: Ms. Renata B. Heese
Date: 1/11/02 2:12am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Wes Alexander
5248 Manitu Ct
Lilburn , GA 30047–5331
CC: Citizens for a Sound Economy

MTC–00032569

From: Charles L. Kaufman
To: attorney general
Date: 1/11/02 2:33am
Subject: Microsoft Settlement

Hello—

I am writing because I believe that the deal arranged by the U.S. government and Microsoft is a BAD deal for all us consumers.

Microsoft is a criminal company and is a danger to U.S commerce and the future of computing.

I believe it would be in the best interest if Microsoft was broken up into different competing companies.

F. Frank
24200 Sw Yew Wood Ln
Hillsboro, OR 97123

MTC–00032570

From: Bill Turenne
To: Ms. Renata B. Heese
Date: 1/11/02 5:30am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Bill Turenne
814 C Jefferson Street
Alexandria, VA 22314–4255
CC: Citizens for a Sound Economy

MTC–00032571

From: Jennifer Garcia
To: Ms. Renata B. Heese
Date: 1/11/02 5:50am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Jennifer Garcia
PO Box 1090
Delray Beach, FL 33447–1090
CC: Citizens for a Sound Economy

MTC–00032572

From: Kenneth Sheffert
To: Ms. Renata B. Heese
Date: 1/11/02 6:11am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Kenneth Sheffert
24 Mill Rd
Hampton, NH 03842–2237
CC: Citizens for a Sound Economy

MTC–00032573

From: Heath Heikkila
To: Ms. Renata B. Heese
Date: 1/11/02 6:22am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Heath Heikkila
1301 S Monroe St
Arlington, VA 22204–4220
CC: Citizens for a Sound Economy

MTC–00032574

From: Danielle Doane
To: Ms. Renata B. Heese
Date: 1/11/02 7:42am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Danielle Doane
613 Constitution Ave, NE
Washington, DC 20002–6035
CC: Citizens for a Sound Economy

MTC–00032575

From: tom luther
To: Ms. Renata B. Heese
Date: 1/11/02 7:55am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in grudging support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Reno's abuse of the DoJ as a political tool should rightfully embarrass supporters of so called anti-trust legislation. It is impossibly broad and famous for the political process used to select victims. Microsoft is only the latest example of what is wrong with the DoJ, DC, and the anti-trust laws that cripple the economy. I am disappointed that some have decided to further pursue this baseless case. But I am certainly not surprised at their avarice, or their willingness to use bad law to line their pockets.

The settlement makes a mockery of the DoJ and american justice in general. The ultimate irony of the ''settlement'' is that Microsoft has now secured a monopoly on public school children. Institutionalizing a

monopoly is a comic and fitting end to the litigation.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal governments antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. But that wasn't the point.

The point is that Microsoft now pays millions annually in homage to its (now acknowledged) master in DC. It doesn't pay to succeed too well in America. And it's particularly poor practice to not even pay lip service, much less direct graft, to the DC mob. Microsoft made all these mistakes.

Once again, thank you for settling this unfortunate lawsuit. Good luck restoring your reputation.

Respectfully,
tom luther
411 cutler street
raleigh, NC 27603–1921
CC: Citizens for a Sound Economy

MTC–00032576

From: Michael Williams
To: Ms. Renata B. Heese
Date: 1/11/02 7:56am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is going beyond fair to all except Microsoft. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. It's about time our government stop harrassing the producers in this country and go back to its one legitimate function: protecting our citizens and their property.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Michael Williams
6271 N Ponderosa Way
Parker , CO 80134–5613
CC: Citizens for a Sound Economy

MTC–00032577

From: Chadwick Creamer
To: Ms. Renata B. Heese
Date: 1/11/02 8:00am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsofts competitors to use Microsofts Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal governments antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Chadwick Creamer
19812 10th PL W
Lynnwood, WA 98036–7101
CC: Citizens for a Sound Economy

MTC–00032578

From: Thomas and Marybeth Hauck
To: Ms. Renata B. Heese
Date: 1/11/02 9:29am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

We are writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though we applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, we are thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like ourselves have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Thomas and Marybeth Hauck
605 Fearrington Post
Pittsboro,, NC 27312–8523
CC: Citizens for a Sound Economy

MTC–00032579

From: Richard Walker
To: Ms. Renata B. Heese
Date: 1/11/02 9:36am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Richard Walker
7444 Shadowwood CT NE
Keizer, OR 97303–7853
CC: Citizens for a Sound Economy

MTC–00032580

From: Tearle Lee
To: Ms. Renata Hesse
Date: 1/11/02 10:47am
Subject: Microsoft Settlement

Tearle Lee
5410 Stillwater Dr
New Orleans, LA 70128
January 11, 2002
Ms. Renata Hesse

U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Tearle Lee

MTC–00032581

From: Marcia Stevenson
To: Ms. Renata Hesse
Date: 1/11/02 12:27pm
Subject: Microsoft Settlement
Marcia Stevenson
94 Midway Dr.
McKees Rocks, PA 15136–1556
January 11, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Marcia L. Stevenson

MTC–00032582

From: Mark Potter
To: Ms. Renata B. Heese
Date: 1/11/02 12:43pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I urge you to settle this unfortunate lawsuit against a successful and innovative company. While states seek to erase their budget deficits through suing Microsoft, the economy suffers and more people are laid off from work.

Respectfully,
Mark Potter
3309-B Parkford Manor Terrace
Silver Spring, MD 20904–6145
CC: Citizens for a Sound Economy

MTC–00032583

From: Denny DeVries
To: Ms. Renata B. Heese
Date: 1/11/02 4:32pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of

Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Denny DeVries
603 Juanita Ct
Lady Lake, FL 32159–9268
CC: Citizens for a Sound Economy

MTC–00032584

From: Judith Murray
To: Ms. Renata Hesse
Date: 1/11/02 4:48pm
Subject: Microsoft Settlement
Judith Murray
1736 Marlyn Rd
Fort Myers, FL 33901
January 11, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance ? the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case ? the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors? products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Judith Murray

MTC–00032585

From: Herbert Stevenson
To: Ms. Renata Hesse
Date: 1/11/02 5:12pm
Subject: Microsoft Settlement
Herbert Stevenson
602. Fifth Street
Kirkland, WA 98033
January 11, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Herbert L. Stevenson

MTC–00032586

From: Vin Mulhern
To: Ms. Renata Hesse
Date: 1/12/02 6:10am
Subject: Microsoft Settlement
Vin Mulhern
15 Nelson Street
Farmingdale, NY 11735–4225
January 12, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200

Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Vin Mulhern

MTC–00032587

From: A Colon
To: Ms. Renata Hesse
Date: 1/12/02 10:00am
Subject: Microsoft Settlement
A Colon
12441 NW 15th Street #307
Sunrise, Fl 33323
January 12, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

A Colon

MTC–00032588

From: Dennis Kleindorfer
To: Department of Justice
Date: 1/13/02 2:45am
Subject: Microsoft Settlement

Dear Department of Justice:

It is my opinion that most of charges against Microsoft are very minor and are the type of things companies do to grow there business if there competitors can't compete they whine and sue if things worked that way Studebaker would still be in business if they were protected like Apple Computer in the Education Market!

But the bottom line is certain states and individuals drum up these charges so they can as Robinhood rob the rich!

There would be no such suits if Microsoft didn't have billions in cash! And companies do to weak products or bad management are protected by the goverment cry to the goverment that they need protection and money from there more sophisticated competitor Microsoft!

Sincerely,

Dennis Kleindorfer

601 East New york Ave.

DeLand, FL 32724–6042

MTC–00032589

From: jjderrig
To: Renata B. Hesse
Date: 1/13/02 11:31am
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 ''D'' Street, NW, Suite 1200
Washington, DC 20530
email: microsoft.atr@usdoj.gov
Fax: (202) 307–1454 —OR— (202) 616–9937
To Whom it May Concern:

As a citizen of Washington state, I encourage you to accept the proposed settlement in the anti-trust case involving Microsoft.

I have always believed anti-trust laws were primarily to protect the consumer. As a consumer, I have not been hurt at all. Most of the problems mentioned in the press during this litigation, I have personally solved with little difficulty. I have never heard of the name of the consumer who has been harmed.

This settlement is appropriate and reflects a triumph of the rule of law. Certain Microsoft competitors and other critics of the proposed settlement make the core of their objections a call for more stringent restrictions, ranging from prohibition of what they call ''product tying'' to breakup of the company. More extreme critics complain that the remedies do not address products that were not even part of the case.

These objections ignore the decision of the Appeals Court that reversed much of Judge Jackson's original findings. The Appeals Court threw out findings on many fronts related to Microsoft's anti-monopolistic behavior. One key area rejected was the basis used for claiming that integrating Internet Explorer and Windows represented monopoly abuse. The court went further to state that any new burden of proof for ''tying'' would be immense. The court also rejected the breakup order and made it clear such an order moving forward would be difficult to sustain given the court ''drastically altered [i.e., reduced] the scope of Microsoft's liability.''

One final objection raised by critics is that Microsoft has a past history of consent decree violation so the company cannot be trusted to adhere to a new decree. This is a patently false assertion. The Appeals Court in June of 1998 rejected the very claim that sent the parties into litigation—the Department of Justice claim that Microsoft had violated an earlier consent decree. Furthermore, this settlement takes the extraordinary step of creating an onsite oversight body. There are, therefore, no legitimate grounds for an assertion that a consent decree will not constrain Microsoft's behavior in the ways the court intends.

Rather, the proposed settlement directly and concretely addresses each and every key finding upheld by the Appeals Court, and does so with an undeniably stringent remedy. The areas of violation addressed include requiring OEMs to preserve visible access to Internet Explorer, to preserve the original boot sequence, to preserve all Microsoft-supplied desktop icons; entering into exclusive contracts with Internet Access Providers; threatening companies over support for other middleware technologies; and every other key area identified by the Appeals Court.

In my view, there can be no valid objection to this settlement because every major finding of the Appeals Court is stringently addressed with a targeted remedy that specifically prohibits and prevents the behavior in question. Acceptance of the proposed settlement will send a signal throughout American industry and the country as a whole that in the United States rule of law is alive and well—that defendants face remedies only for those findings against them. Anything beyond this settlement would represent a victory for those who do not seek remedy but rather also unwarranted punishment, and this would be a serious blow to the smooth functioning of free markets and the law that protects them. Participants in the American economy would forever be forced to fear whether the laws they rely upon to safely conduct business will be applied fairly.

I believe in advancing free market competition and this settlement serves the best interests of the American public. It fairly resolves a complex and burdensome anti-trust case that is having severe impacts far beyond one company, a case that is acting as a drag on one of the most vibrant sectors of our economy. Settlement of this case will free the high-technology industry to put its fullest efforts into innovation and creativity, and will spur competition in a way that will directly benefit consumers.

Thank you for your consideration.

Signed,

John F. Derrig

301—128th AVE NE

Bellevue, WA. 98005–3222

425–454–7035

MTC–00032590

From: Margaret Schlosser

To: Department of Justice

Date: 1/13/02 12:20pm

Subject: Microsoft attempts to affect the trial

Having just become aware of the email message by which Microsoft hopes to sway the Department of Justice—via the public comment period, I certainly hope that anyone analyzing the public comments takes this underhanded activity into account.

For several months, I have been subscribed to (spying upon?) a mailing list called ''Freedom to Innovate''. The name of the list is particularly amusing since the purpose of the mailing list is to promote the position of Microsoft in various anti-trust motions in our courts.

I have copied today's ''Freedom to Innovate'' message below. Aside from its humorous aspect, it includes information about how to submit public comment to the Department of Justice. So, if you have opinions on how Microsoft has affected your ''freedom to innovate'', you may wish to correspond with the Justice department on the topic.

— joe

-=-=-=- Microsoft message follows -=-=-=-

A FINFlash Alert: The DOJ wants to hear from YOU!

For nearly four years, your voice has been instrumental in the debate over the freedom to innovate. Tens of thousands of concerned citizens have communicated to their public officials about whether the Microsoft case should be settled or further litigated. Despite the aggressive lobbying efforts of a few of Microsofts competitors, the federal government and nine states finally reached a comprehensive agreement with Microsoft to address the reduced liability found in the Court of Appeals ruling. This settlement is tough, but reasonable and fair to all parties involved. Consumers overwhelmingly agree that settlement is good for them, the industry and the American economy.

However, this settlement is not guaranteed, and your voice is more important than ever.

The law (officially called the Tunney Act) requires a public comment period between now and January 28th after which the District Court will determine whether the settlement is in the public interest.

Unfortunately, a few special interests are attempting to use this review period to derail the settlement and prolong this litigation even in the midst of uncertain economic times. The last thing the American economy needs is more litigation that benefits only a few wealthy competitors and stifles innovation.

Dont let these special interests defeat the public interest.

-=-=-= End Microsoft message -=-=-=

This is but a small sample of the unsavory practices Microsoft employs. If the proposed settlement takes place, Microsoft will have won and at the same time solidified it's position and be well on the way to it's goal of complete domination of anything having to do with computers or the Internet. Please do not let this settlement be for nothing, which it will if it proceeds as now projected. Should the DOJ in the future, find that the presently proposed settlement did more harm than good (as I am firmly convinced it will) it will be far too late for any rememdy and future anti-trust actions will have been forever compromised. The Microsoft 'model'' will encourage other companies to follow their lead and so escape any ''punishment'.

Just one question—I wish someone could explain to me just WHAT so-called 'innovations'' Microsoft has ever been responsible for? Microsoft merely adapts others work and proceeds to make it Microsoft specific, thereby denying use of it to others by attempting to make its version the defacto default.

Margaret Schlosser

Bethany Beach, Delaware

MTC–00032591

From: Ned and Suzy Cheely

To: Microsoft ATR

Date: 1/13/02 3:33pm

Subject: Micorsoft Settlement

Please settle this case and get onto more serious problems! We, the taxpayers, through the government, have spent enough time and money on this case. It is time to move on. Please support the settlement as proposed by Microsoft and the Bush Administration. We do.

Thank you.

Suzy Cheely

9 Harrop Parrish

Williamsburg, VA 23188

MTC–00032592

From: Robert Smith Jr.

To: Ms. Renata B. Heese

Date: 1/13/02 6:26pm

Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by

lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Robert Smith Jr.
215 Rouen Ct.
Wilmington, NC 28412–3391
CC: Citizens for a Sound Economy

MTC–00032593

From: Lois McMahan
To: Ms. Renata B. Heese
Date: 1/13/02 7:24pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Lois McMahan
12001 SE Roper Lane
Olalla, WA 98359–9708
CC: Citizens for a Sound Economy

MTC–00032594

From: Courtney Phillips
To: fin@mobilizationoffice.com@inetgw
Date: 1/13/02 8:32pm
Subject'' Microsoft Settlement
61 Lynn Court
North Brunswick, NJ 08902
January 14, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Early in last November, the Department of Justice and the Microsoft Corporation came to an agreement in the three-year-old antitrust lawsuit. I believe that the terms of the settlement are reasonable, and I am therefore lending my support to the agreement that puts an end to this lengthy and extremely costly litigation.

Microsoft did not get just a slap on the wrist, as evidenced by the fact, that the company has been forced to turn over substantial portions of its intellectual property to its competitors. Microsoft will share with its competitors, information about how Windows interacts with other programs and will not retaliate against vendors who sell or use non-Microsoft products. Furthermore, as part of the settlement, Microsoft will be supervised by a technical committee, consisting of three software engineers who will test Microsoft's compliance with certain aspects of the agreement.

I understand also, that other terms were agreed upon that were never even an issue in the antitrust lawsuit. Microsoft, however, accepted those terms based on the view that the United States economy is far more important than pursuing arguments over less significant details.

I completely support the settlement, and would like to go on record as doing so.

Sincerely,
Courtney G. Phillips

MTC–00032595

From: Stephen Flaherty
To: Ms. Renata B. Heese
Date: 1/14/02 6:38am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
stephen Flaherty
801 South Pitt Street
Alexandria, VA 22314–4369
CC: Citizens for a Sound Economy

MTC–00032596

From: Vhon Montefrio
To: Judge Kollar Kotelly
Date: 1/14/02 6:53am
Subject: Microsoft Settlement

Hi Judge Kollar-Kotelly,

Good day to you Judge!

I am sending you this email to comment something with regards to the controversial Tunney Act in which passed by the US Congress. This is particularly the Microsoft monopoly issue.

My name is Mr. Andrebon G. Montefrio, Jr., from Philippines. I heard that you are the Independent Judge who will review and approve the Justice Departments proposed agreement.

I believe as a consumer of a product, it is important to have at least two or more options to choose of what to buy or consume. For example, a consumer wanted to buy a car, choosing between five different cars would help him arrive at his decision more handily. As for me, if I wanted to purchase a Computer System, I should have many choices of brands or models before I will buy it. Of course it depends on my budget, preferences, system performance and other factors.

With Microsofts case, I think a lot of many software companies were hurt by it. Microsoft has been into monopoly since the start. And it became more obvious now. With the current OS, which is Windows XP, software applications embedded with it made the other software manufacturers life gloomy. With its many features such as the Media Player, Internet Browser, Utilities, and many more, competition with other companies is never that stiff. What happens now to Netscape? How about the other software makers? All will eventually close down. And who is in the losing end? Not just the other software companies but also the consumers as well. Consumers will not be able to try and test alternative software or even Operating Systems. Other technologies will not be available in the market because no one will try them anymore. What for? Windows XP has it all already. Much more, PC companies would be using the new Microsoft OS for sales growth. So the more PCs will be purchased, the more the Microsoft users there will be. The more the monopoly there will be.

What I am trying to say is, Microsoft should play the field fairly. Give other companies the chance to play the field and for the consumers to have the opportunity to try other options. The more they become bigger, the less the competition there is.

Thank you for your time. I hope I have clearly stated my point here. Please review carefully the agreement before signing it.

More power to you!
Cheers,
Andrebon G. Montefrio, Jr.

MTC–00032597

From: Judith Mulcahy

To: Ms. Renata B. Heese
Date: 1/14/02 8:44am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsofts competitors to use Microsofts Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal governments antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Judith Mulcahy
9613 Candish Court
Fairfax Station, VA 22039–3235
CC: Citizens for a Sound Economy

MTC–00032598

From: Jim Robertson
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/14/02 10:59am
Subject: FW: Encourage DOJ to settle Microsoft case

I received the following email message. I am only writing to see if it is a legitimate use of my time (or the people I forward this to) or is it a hoax? Is the DOJ seeking public comment? I receive so many ''form/chain'' letter via email, I never know what to believe anymore.

Thanks for you time.
Jim Robertson
Olympia, Washington

From: Marsha Richards [mailto:mrichards@effwa.org]
Sent: Thursday, January 10, 2002 5:31 PM
To: info@effwa.org
Subject: Encourage DOJ to settle Microsoft case

Dear EFF Friends,

As you know, 18 states and the federal Department of Justice (DOJ) have been involved in a lawsuit against Microsoft. Recently, the DOJ announced it has negotiated a settlement agreement with the company (one of America's most successful). The settlement must be approved by the federal judge in the case before it can take effect, and the DOJ is currently seeking public comment.

The case against Microsoft has greatly harmed Washington citizens. Stock values, not only in Microsoft but in the entire NASDAQ, have dropped dramatically and consumers overwhelmingly agree that allowing the case to end with this settlement is good for them, the industry, and the nation's economy.

Please consider sending a letter, fax or email to the DOJ to let them know what you think about the settlement. The deadline for comment is January 28, 2002. I'm including a sample letter below along with the contact information you'll need. Please feel free to edit it as you see fit, or write your own.

I would recommend sending your comments by email or fax since mail has had difficulties lately. Also, if possible, would you let us know if you decide to send a letter? We'd like to measure the impact. Thanks very much.

Cordially,
Bob Williams
President
Evergreen Freedom Foundation
P.O. Box 552
Olympia, WA 98507
(360) 956–3482
effwa@effwa.org

[Contact Information]
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 ''D'' Street, NW, Suite 1200
Washington, DC 20530
email: microsoft.atr@usdoj.gov Fax: (202) 307–1454 —OR— (202) 616–9937

[Sample Letter]

To Whom it May Concern:

As a citizen of Washington state, I encourage you to accept the proposed settlement in the anti-trust case involving Microsoft.

This settlement is appropriate and reflects a triumph of the rule of law. Certain Microsoft competitors and other critics of the proposed settlement make the core of their objections a call for more stringent restrictions, ranging from prohibition of what they call ''product tying'' to breakup of the company. More extreme critics complain that the remedies do not address products that were not even part of the case.

These objections ignore the decision of the Appeals Court that reversed much of Judge Jackson's original findings. The Appeals Court threw out findings on many fronts related to Microsoft's anti-monopolistic behavior. One key area rejected was the basis used for claiming that integrating Internet Explorer and Windows represented monopoly abuse. The court went further to state that any new burden of proof for ''tying'' would be immense. The court also rejected the breakup order and made it clear such an order moving forward would be difficult to sustain given the court ''drastically altered [i.e., reduced] the scope of Microsoft's liability.''

One final objection raised by critics is that Microsoft has a past history of consent decree violation so the company cannot be trusted to adhere to a new decree. This is a patently false assertion. The Appeals Court in June of 1998 rejected the very claim that sent the parties into litigation—the Department of Justice claim that Microsoft had violated an earlier consent decree. Furthermore, this settlement takes the extraordinary step of creating an onsite oversight body. There are, therefore, no legitimate grounds for an assertion that a consent decree will not constrain Microsoft's behavior in the ways the court intends.

Rather, the proposed settlement directly and concretely addresses each and every key finding upheld by the Appeals Court, and does so with an undeniably stringent remedy. The areas of violation addressed include requiring OEMs to preserve visible access to Internet Explorer, to preserve the original boot sequence, to preserve all Microsoft-supplied desktop icons; entering into exclusive contracts with Internet Access Providers; threatening companies over support for other middleware technologies; and every other key area identified by the Appeals Court.

In my view, there can be no valid objection to this settlement because every major finding of the Appeals Court is stringently addressed with a targeted remedy that specifically prohibits and prevents the behavior in question. Acceptance of the proposed settlement will send a signal throughout American industry and the country as a whole that in the United States rule of law is alive and well—that defendants face remedies only for those findings against them. Anything beyond this settlement would represent a victory for those who do not seek remedy but rather also unwarranted punishment, and this would be a serious blow to the smooth functioning of free markets and the law that protects them. Participants in the American economy would forever be forced to fear whether the laws they rely upon to safely conduct business will be applied fairly.

I believe in advancing free market competition and this settlement serves the best interests of the American public. It fairly resolves a complex and burdensome anti-trust case that is having severe impacts far beyond one company, a case that is acting as a drag on one of the most vibrant sectors of our economy. Settlement of this case will free the high-technology industry to put its fullest efforts into innovation and creativity, and will spur competition in a way that will directly benefit consumers.

Thank you for your consideration.
Signed,

MTC–00032599

From: Charlotte Worden
To: Ms. Renata Hesse
Date: 1/14/02 11:51am
Subject: Microsoft Settlement
Charlotte Worden
1821 2nd St
Lewiston, ID 83501
January 14, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S.

v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Charlotte Worden

MTC–00032600

From: Joseph Guthrie
To: Ms. Renata B. Heese
Date: 1/14/02 12:22pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Joseph Guthrie
4 Grace Way
Hampstead, NH 03841–2245
CC: Citizens for a Sound Economy

MTC–00032601

From: charles burkart
To: Ms. Renata B. Heese
Date: 1/14/02 12:26pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
charles burkart
2565 mineral street
dubuque, IA 52001–5642
CC: Citizens for a Sound Economy

MTC–00032602

From: b.l.rosenberg
To: Dept of Justice
Date: 1/14/02 12:30pm
Subject: Material relevant to DOJ Antitrust Suit Against Microsoft
Monday, January 14, 2002

Dear Department of Justice,

The following email describing a restriction of browser choice by AT&T Worldnet forcing Microsoft's browser on its customers was sent to AT&T today, Monday, January 14, 2002. It is further evidence of Microsoft's pervasive and dominating influence on the PC that kills competition and impoverishes consumer choices.

Please do something to restrict Microsoft's monopoly.

Thank You
Bruce L. Rosenberg

Here is the letter:

Monday, January 14, 2002
Jerry G., AT&T Support Person,
I find AT&T's answer to the following question quite unsatisfactory.

'' Question:

Why does my browser automatically launch when I connect even though I disabled that feature? How do I stop it?

Answer:

At this time, there is no way to disable this feature.''

This ''feature'' could be a bug (a programming oversight), because there is/was a check box in the options/advanced to uncheck ''Launch Internet Explorer''. Checking or unchecking this box no longer has any effect. Microsoft Internet Explorer launches whether you want it or not!! Gates rules!!!

This ''feature'' could also have been implemented due to the fact that Microsoft now has such power over the once mighty AT&T that they must bow before them and do their bidding. I believe that Congress and the Justice Department should be made aware of this situation since it is relevant to the anti-monopoly case against Microsoft. It could be considered a restriction of browser choice by AT&T forcing Microsoft's browser on its customers.

In any event, one hopes that this ''feature'' will soon be ''updated'' with an improvement which will once again allow AT&T Worldnet ISP customers to chose -not- to launch Microsoft Internet Explorer once the connection is made.

Is such an update in the works? If so, when I might expect to receive it?

Is there any way for me to go back to my previous version of Worldnet software?

I feel that I should receive free internet service until this ''feature'' is corrected.

Please respond ASAP. Thanks.

Very sincerely,

Bruce L. Rosenberg

ehelp@att.net wrote:

Dear Bruce ,

I received your email concerning our Auto Update. The main objective for this update is to remove the on-screen toolbar that is part of your price plan. There are other changes as well:

Addition of a prompt that tells you that you have been idle for 25 minutes

Auto-start of your browser software

A bug fix to support 10-digit dialing.

After you select ''yes'' to this update, just follow the prompts you see on your screen. The update will not be applied immediately, but only after you re-start your computer.

I have provided answers below to other questions we're getting about this change. I apologize for any inconvenience this change has caused.

Sincerely,

Jerry G.

Question:

Why does my browser automatically launch when I connect even though I disabled that feature? How do I stop it?

Answer:

At this time, there is no way to disable this feature.

Question: Every time I sign on, I get the Auto Update. How do I stop it?

Answer:

The auto update doesn't install itself until you re-start your computer. If you do not re-start, you will be prompted each time you log on. If you choose not to install the Auto Update by saying ''no'' when asked, you will be prompted again the next time you log on.

———- Bruce Wrote ———-

formID: 10

Category: Web browsers

First—Name: Bruce

Last—Name: Rosenberg

Computer—Type: Desktop computer

OS: Microsoft Windows 98

Browser: Netscape Communicator

Error—Message: no error message

Question: Dear AT&T Worldnet Representative,

After ''updating'' my AT&T Worldnet ISP connection software yesterday (1/7/02), Microsoft Internet Explorer launches even though it is unchecked on the Options/Advanced window. I am a Netscape 4.79 user. Netscape still launches, but Internet Explorer launches first.

I want to know how to stop MS Internet Explorer from launching.

If you cannot help me, I will be forced to find a new ISP, since I abhor the loss of my choices due to Microsoft's monopoly on the PC. I refuse to be forced to use Internet Explorer by my Internet Service Provider, which is apparently what AT&T have done with this latest Worldnet ''update''. This update was certainly not an upgrade, it was not obvious to me that any speedup or other improvements occurred after my updating.

All I received in response to the above was an automated response telling me about the plan switch-over, where the 7/7 or whatever was switched-over to a different plan. I never had the cheap plan with enforced advertising. I had and still have the more expensive plan, $15/150hours, so I should not have had to update my Worldnet AT&T software. I am angry at having to deselect Internet Explorer each time I get online so I can use Netscape 4.79.

I have emailed my complaint letter to everyone on my mailing list to broadcast my dissatisfaction with Worldnet ISP.

Thank You,

Bruce L. Rosenberg, no longer a satisfied customer of AT&T Worldnet!!

MTC–00032603

From: Charles Ehrenpreis
To: Ms. Renata B. Heese
Date: 1/14/02 12:56pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

Charles Ehrenpreis

195 Federal Hill Road

Milford, NH 03055–3519

CC: Citizens for a Sound Economy

MTC–00032604

From: J.K. Weston
To: bill@wrice.com@inetgw
Date: 1/14/02 2:19pm
Subject: (Bill Rice) Windows XP Licensing

Dear Mr. Rice:

First off, thank you for your feedback. Microsoft is strongly committed to your satisfaction and we would like to take this opportunity to address your concerns regarding the licensing of Windows XP.

Your first concern is that you were unable to find any information on installing Windows XP, on more than one computer, on the Windows XP box itself or in a number of other locations. We apologize if this information was not easy to locate. We did include information about this on the back of the Windows XP box—towards the bottom, under the word ''Experience''. The text states: ''For installation and use on one computer (see License Agreement for license terms)''. It is further described in the first section of the End User License Agreement (EULA) which must be accepted during the Windows XP installation process. For a detailed description of this on the Microsoft website, please refer to: http://www.microsoft.com /WINDOWSXP/home/evaluation /overviews/activation.

asp

<http://www.microsoft.com /WINDOWSXP/home/evaluation/overviews/activation .asp>

Windows XP licensing information was also included in product reviews done by journalists from many independent magazines and newspapers such as PC World, PC Computing, and ZDNet.com. The ''one PC per license'' concept has been in the Windows EULA for over ten years and is a condition of almost all products produced by commercial software makers. Nothing about this portion of the Windows license agreement changed with Windows XP.

You mentioned that you would like to put Windows XP on two computers for your children but that it would be cost prohibitive at over $500. You may have been previously provided with some incorrect pricing information. The Windows XP Home Edition Upgrade currently retails for around $99 per license. At this retail cost, your children's two computers could benefit from Windows XP at just $198. Home users with more than one computer in the household may also qualify for a reduced upgrade price of $84.50 per license; in your case a total of $169. You can take advantage of this offer by calling Microsoft at 1–888–571–2048 (Press ''0'' when the call connects to speak to a customer service representative directly).

We value you as a Windows XP customer, however if you are not happy with the terms of the licensing agreement you are free to return the product.

While you are under no obligation to use Windows XP as the primary platform for your personal computers, we hope that you'll consider using the product.

Thank you for providing Microsoft with this opportunity to address your concerns.

Sincerely,

J.K. Weston

Microsoft Corporation

———-Original Message———-

From: Bill Rice [mailto:bill@wrice.com]

Sent: Thursday, January 03, 2002 6:46 PM

To: Bill Gates

Cc: microsoftcomments@doj.ca.gov; craig—farringer@oag.state.fl.us; tormist@ag.state.ia.us; beasleyr@ksag.org; sara.Hinchey@ago.state.ma.us; steven.rutstein@po.state.ct.us; attorney.general@state.mn.us; uag@att.state.ut.us; microsoft.atr@usdoj.gov

Subject: windows xp

Dear Mr. Gates

I am a long time Microsoft supporter....have bought almost every

upgrade version of Windows, Office, FrontPage...etc !!!!

.....I work on as laptop and have a desktop for home, a laptop for my wife, and two desktops for my 2 children.

I recently purchased the latest version of everything available...spending over $750 before the holidays...

...I have been buying Microsoft products for years.....

I am ABSOLUTELY APPALLED that the XP operating system requires that I purchase an additional license, for hundreds of dollars, for every PC in my house.....(this is not obvious on the purchased product, from the retail salesperson, on the Microsoft website, or in any advertisement...I looked! I didn't have my bi-focals and couldn't read the VERY SMALLEST PRINT)

I have always supported Microsoft...and have not supported the federal and state lawsuits.....

BUT.....I FEEL ROBBED...no salesman warned me that, unlike all previous versions....I would have to buy separate, EXPENSIVE licenses for each computer in my home...(I buy a VCR tape...and use it in all my VCRs....)....

...so I am sad to say that tonight I am writing to Judge Kollar-Kotally as well as to all of the states attorneys general.... To convey my personal experience...that Microsoft is not playing fair with its market advantage....UNTIL TONIGHT, I WAS AN ARDENT MICROSOFT SUPPORTER.....THERE IS NO CLEAR INDICATION ON THE XP BOX THAT THE UPGRADE WILL ONLY WORK ON ONE COMPUTER.....I feel misled and disappointed.....my children use XP at school and I wanted to use the same operating system at home for projects and homework...but to put the operating system on their PCs costs over $500 and there is no alternative operating system platform.....

I think the uniformity of platform created by a broadly successful Microsoft has helped propel significant increases in our national productivity. I now believe that Microsoft is taking advantage of the ''little guy,'' and that this pricing scheme may reflect a portion of what others in the technology industry have been complaining about. I didn't understand or appreciate the problem until tonight.

Thanks for taking the time to review these comments.

Bill Rice

CC:Microsoft ATR,microsoftcomments @doj.ca.gov@inetgw,...

MTC–00032605

From: Russell Porter
To: Ms. Renata B. Heese
Date: 1/14/02 3:10pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Russell Porter
7120 Oliver Smith Drive
Urbandale, IA 50322–3218
CC: Citizens for a Sound Economy

MTC–00032606

From: Robert Harned
To: Ms. Renata B. Heese
Date: 1/14/02 3:14pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsofts competitors to use Microsofts Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal governments antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Robert Harned
113 S. Franklin
Ames, IA 50014–7512
CC: Citizens for a Sound Economy

MTC–00032607

From: wilbert skinn
To: Ms. Renata B. Heese
Date: 1/14/02 3:44pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
wilbert skinn
516 n frederick ave
oelwein, IA 50662–1244
CC: Citizens for a Sound Economy

MTC–00032608

From: Clifford Jantz
To: Ms. Renata B. Heese
Date: 1/14/02 3:46pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been

unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Clifford Jantz
1506 Alderwood Drive Southwest
Altoona, IA 50009–2406
CC: Citizens for a Sound Economy

MTC–00032609

From: Jaclyn Fleming
To: Ms. Renata B. Heese
Date: 1/14/02 4:04pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Jaclyn Fleming
6046 Terrace Drive
Johnston,, IA 50131–1561
CC: Citizens for a Sound Economy

MTC–00032610

From: Edward Jonson
To: Ms. Renata B. Heese
Date: 1/14/02 5:16pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing to support the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case. However, I'm thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to continue to pursue this baseless case.

I consider the settlement fair to all, because it allows competitors to use Microsofts Windows operating system to incorporate their software programs and gives consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in their opposition to the federal governments antitrust case against Microsoft. For nearly 3 years, we've called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys, general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Edward Jonson
16 Hawkview Road
Hudson, NH 03051–4408
CC: Citizens for a Sound Economy

MTC–00032611

From: Donald Johnson
To: Ms. Renata B. Heese
Date: 1/14/02 7:42pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Donald Johnson
M-5 Snow Circle
Nashua, NH 03062–2902
CC: Citizens for a Sound Economy

MTC–00032612

From: Dennis Behrens
To: Ms. Renata B. Heese
Date: 1/14/02 7:53pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Dennis Behrens
921 Lewis Blvd
Sioux City, IA 51105–3254
CC: Citizens for a Sound Economy

MTC–00032613

From: OSCAR DAVIDS
To: Ms. Renata B. Heese
Date: 1/14/02 9:23pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining

state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsofts competitors to use Microsofts Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal governments antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
OSCAR DAVIDS
3753 250TH AVE
KEOKUK, IA 52632–9737
CC: Citizens for a Sound Economy

MTC–00032614

From: Alan Lasnover
To: Ms. Renata Hesse
Date: 1/14/02 11:08pm
Subject: Microsoft Settlement
Alan Lasnover
19951 Elfin Forest Lane
Elfin Forest, CA 92029
January 15, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors' consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement. This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Alan L. Lasnover, M.D.

MTC–00032615

From: Preston Lawrance
To: Ms. Renata B. Heese
Date: 1/15/02 6:38am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Preston Lawrance
20 Rowell Street
P.O. Box 3133
Manchester, NH 03104–2229
CC: Citizens for a Sound Economy

MTC–00032616

From: Kurt Wuelper
To: Ms. Renata B. Heese
Date: 1/15/02 6:44am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsofts competitors to use Microsofts Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal governments antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Kurt Wuelper
HC 74 Box 42
Center Strafford, NH 03815–9709
CC: Citizens for a Sound Economy

MTC–00032617

From: Wendy Speckerman
To: Ms. Renata B. Heese
Date: 1/15/02 7:04am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of

Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys' general (including my own attorney general, Tom Miller of Iowa) and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. Microsoft is a pioneer in the high-technology market and their products increased my productivty and my familiarity with the Internet.

At this time of recession, the settlement will allow Microsoft to again focus on innovations that, along with others in the technology sector, will lead the US into another time of economic expansion. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Wendy Speckerman
7820 Beaver Hills Ln
Cedar Falls, IA 50613–9302
CC: Citizens for a Sound Economy

MTC–00032618

From: Jane MacFarland
To: Ms. Renata B. Heese
Date: 1/15/02 7:31am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys' general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Jane MacFarland
11411 Long Pine Dr.
Houston, TX 77077–4216
CC: Citizens for a Sound Economy

MTC–00032619

From: monty fowler
To: Ms. Renata B. Heese
Date: 1/15/02 7:41am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys' general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
monty fowler
2718 martin st
pasadena, TX 77502–5725
CC: Citizens for a Sound Economy

MTC–00032620

From: Suzanne Dodge
To: U.S. Attorney General
Date: 1/15/02 10:14am
Subject: Microsoft Settlement
KEITH D. DODGE & SUZANNE S. DODGE
125 RAINBOW DRIVE, #2507
LIVINGSTON, TEXAS 77399–1025
January 8, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Like many people in Texas, I am happy that a settlement agreement has been reached between the Department of Justice and Microsoft. The suit has taken a toll on the IT industry and on consumers of technology products. The settlement agreement is fair to all the parties in the case and is the result of years of expensive litigation. Information sharing and non-retaliation agreements should be enough to satisfy even Microsoft's harshest critics. Unfortunately, opponents of Microsoft would like to see the lawsuit continue and even be reopened for further action. Three years of litigation have already disturbed the IT industry and the economy too much. Reopening the suit and continuing litigation will only serve to harm the IT industry and the economy.

Now is the time to end the suit and move on. Surely, the Department of Justice has more important issues to deal with and Microsoft needs to move on as well. I hope that the settlement is finalized as soon as possible.

Sincerely,
Suzanne Dodge

MTC–00032621

From: Edwina Houlmiere
To: Microsoft ATR
Date: 1/15/02 10:17am
Subject: Microsoft Settlement

We think that it would be in the best interest of the American economy to settle the Microsoft case and get on with life.

Edwina and Patrick Houlmiere

MTC–00032622

From: Jeanine Leone
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/15/02 10:17am
Subject: Microsoft Settlement

The Microsoft case should be settled with no further litigation.

Jeanine Leone

MTC–00032623

From: MarilynnmR@aol.com@inetgw
Date: 1/15/02 11:31am
Subject: Microsoft Settlement.

As a retired teacher and substitute teacher, I thought your offer was great!!! I was and still am an avid user of the computer. It is an outstanding learning tool for students. The government was really shortsighted on the greatness of this offer. This is really too bad. Keep up the good work on the products you are developing for us!

Marilynn M Russell

ps I taught at Clover Park High school where Bill & Melinda have given money to help students. My grandson is now at that school as a 9th grader taking advantage of their wonderful gift. THANKS!!!! Part of his project that he is doing for math, computers, history is to prepare a PowerPoint presentation (with digital pictures too) to culminate his work. Neat huh!!!!

MTC–00032624

From: William Denmark
To: Ms. Renata B. Heese
Date: 1/15/02 11:48am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

Please be informed, I am writing in support of the recent settlement of the antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case,

I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
William Denmark
4020 Saxon Drive
NSB, FL 32169–3849
CC: Citizens for a Sound Economy

MTC–00032625

From: Anne Mulhern
To: Ms. Renata B. Heese
Date: 1/15/02 12:03pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Anne Mulhern
7526 N. NC Hwy. 49
Mebane, NC 27302–7518
CC: Citizens for a Sound Economy

MTC–00032626

From: Denny DeVries
To: Ms. Renata B. Heese
Date: 1/15/02 12:04pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Denny DeVries
603 Juanita Ct
Lady Lake, FL 32159–9268
CC: Citizens for a Sound Economy

MTC–00032627

From: DONALD QUINN
To: Ms. Renata B. Heese
Date: 1/15/02 12:05pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
DONALD QUINN
119 APPALOOSA LANE
ORMOND BEACH, FL 32174–8003
CC: Citizens for a Sound Economy

MTC–00032628

From: Donna Brooks
To: Ms. Renata B. Heese
Date: 1/15/02 12:23pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Donna Brooks
2538 Spence Dr. NE
Palm Bay, FL 32905–2526
CC: Citizens for a Sound Economy

MTC–00032629

From: Holly Derenthal
To: Ms. Renata B. Heese

Date: 1/15/02 12:26pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Holly Derenthal
2019 Elizabeth Avenue
Orlando, FL 32804–5439
CC: Citizens for a Sound Economy

MTC–00032630

From: Eve Kantner
To: Ms. Renata B. Heese
Date: 1/15/02 12:27pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Eve Kantner
12209 Freemont Lane
Raleigh, NC 27613–5631
CC: Citizens for a Sound Economy

MTC–00032631

From: Francis Kendrick
To: Ms. Renata B. Heese
Date: 1/15/02 12:43pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsofts competitors to use Microsofts Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal governments antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. I believe that further litigation in this case will be counterproductive for the principals, the economy, and consumers.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Francis Kendrick
1251 Paradise Way
Venice, FL 34292–1412
CC: Citizens for a Sound Economy

MTC–00032632

From: James Schaer
To: Ms. Renata B. Heese
Date: 1/15/02 12:52pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
James M.(Mike) Schaer
James Schaer
1570 Maple Ave.;P.O.Box 744
North Bend, OR 97459–0059
CC: Citizens for a Sound Economy

MTC–00032633

From: Joshua Menold
To: Ms. Renata B. Heese
Date: 1/15/02 1:04pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Joshua Menold
210 W. Dupree #14
Angier, NC 27501–8830
CC: Citizens for a Sound Economy

MTC–00032634

From: Barbara Wilt
To: Ms. Renata B. Heese
Date: 1/15/02 1:20pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Barbara Wilt
1671- 40th Street
West Palm Beach, FL 33407–3641
CC: Citizens for a Sound Economy

MTC–00032635

From: Gary Cross
To: Ms. Renata B. Heese
Date: 1/15/02 1:26pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Gary Cross
2602 Costa Mesa Drive
Dallas, TX 75228–2036
CC: Citizens for a Sound Economy

MTC–00032636

From: Keith Hosford
To: Ms. Renata B. Heese
Date: 1/15/02 1:30pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Keith Hosford
13310 Myrna Lane
Houston, TX 77015–1336
CC: Citizens for a Sound Economy

MTC–00032637

From: James Hussmann
To: Ms. Renata B. Heese
Date: 1/15/02 1:33pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
James Hussmann
307 Wexford Terrace
Venice, FL 34293–4287
CC: Citizens for a Sound Economy

MTC–00032638

From: James King
To: Ms. Renata B. Heese
Date: 1/15/02 1:47pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
James King
2017 Riverknoll Court-
West Linn, OR 97068–3637
CC: Citizens for a Sound Economy

MTC–00032639

From: Charles Lipford
To: Ms. Renata B. Heese
Date: 1/15/02 1:54pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Charles Lipford
561 Maitland Ave.
Altamonte Springs, FL 32701–6322
CC: Citizens for a Sound Economy

MTC–00032640

From: Marie Sanders
To: Ms. Renata B. Heese
Date: 1/15/02 1:55pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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It is my opinion that this lawsuit has a lot to do with our economic turndown today and has caused severe damage to our economy

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Marie Sanders
14603 Claycroft Ct
Cypress, TX 77429–1889
CC: Citizens for a Sound Economy

MTC–00032641

From: Robert Reed
To: Ms. Renata B. Heese
Date: 1/15/02 2:04pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Robert Reed
3717 Brandy St
Orlando, FL 32812–5124
CC: Citizens for a Sound Economy

MTC–00032642

From: Alexander Beckman
To: Ms. Renata B. Heese
Date: 1/15/02 2:10pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Alexander Beckman
313 Appledore Ct.
Winston-Salem, NC 27103–6022
CC: Citizens for a Sound Economy

MTC–00032643

From: Willson Folmar
To: Ms. Renata B. Heese
Date: 1/15/02 2:11pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft

Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Willson Folmar
2016 Lebron Ave
Montgomery, AL 36106–1833
CC: Citizens for a Sound Economy

MTC–00032644

From: Hubert Owens
To: Ms. Renata B. Heese
Date: 1/15/02 2:31pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Hubert Owens
228 Mooney Road
Fort Walton Beach, FL 32547–1374
CC: Citizens for a Sound Economy

MTC–00032645

From: David and Joanna Hargis
To: Ms. Renata B. Heese
Date: 1/15/02 2:36pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing to you as one of my last acts an an Oregon Citizen in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet and until now, in this depressed economy, have brought jobs to our family and taxes to you. Well no more. The jobs have vanished and we are leaving the pacific northwest for more prosperous regions of the country where people implement sound economic change and jobs are more plentiful.

In conjunction with my support of the Microsoft settlement, I support big business. I don't want unemployment! I want a job! And I'd like to see the legislators do their job and quit worrying about the next election and stalling valuable legislation. We aren't so dumb that we don't understand what is happening. I will vote against anyone who stalls the economic recovery that is for certain.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
David and Joanna Hargis
595 Joseph Street SE
Salem, OR 97302–3972
CC: Citizens for a Sound Economy

MTC–00032646

From: Matt Niemi
To: Ms. Renata B. Heese
Date: 1/15/02 2:39pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Matt Niemi
1250 H St. NW #700
Washington, DC 20005–3952
CC: Citizens for a Sound Economy

MTC–00032647

From: Gus Beall
To: Ms. Renata B. Heese
Date: 1/15/02 2:44pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Gus Beall
1140 NE Ross Road
Bend, OR 97701–8584
CC: Citizens for a Sound Economy

MTC–00032648

From: Clyde Garland
To: Ms. Renata B. Heese
Date: 1/15/02 2:49pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I appaud the recent settlement the antitrust lawsuit against Microsoft. The settlement is more than fair to the plantiffs considering that there was no bases for the lawsuit in the first place.

Members, like me, of Citizens for a Sound Economy have been opposiing this lawsuit with calls, emails, visits and letters to almost three years. So, I thank you for your decision to settle this unfortunate lawsuit.

Respectfully,
Clyde Garland
3100 Rolling Glen
Bryan, TX 77807–3209
CC: Citizens for a Sound Economy

MTC–00032649

From: Pat Ahumada
To: Ms. Renata B. Heese
Date: 1/15/02 2:52pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Pat Ahumada
53 Alan A Dale
Brownsville, TX 78521–3513
CC: Citizens for a Sound Economy

MTC–00032650

From: Dean Lyons
To: Ms. Renata B. Heese
Date: 1/15/02 2:54pm
Subject: Microsoft Settlement

Dear Ms. Heese:

Please do not allow Microsoft to continue its antitrust business practices. To allow them a legal access to the Education Market at the expense of Apple Computer is ludicrous.

Respectfully,
Dean Lyons
1435 Monticello Road
Jacksonville, FL 32207–8857
CC: Citizens for a Sound Economy

MTC–00032651

From: Robert Kersteen
To: Ms. Renata B. Heese
Date: 1/15/02 2:59pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Robert Kersteen
2821 61st Lane North
St. Petersburg, FL 33710–3357
CC: Citizens for a Sound Economy

MTC–00032652

From: Madoline Rogers
To: Ms. Renata B. Heese
Date: 1/15/02 3:12pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Madoline Rogers
4713 Cole Ave.
Waco, TX 76710–4611
CC: Citizens for a Sound Economy

MTC–00032653

From: Charles Parrott
To: Ms. Renata B. Heese
Date: 1/15/02 3:23pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Charles Parrott
8272 Denise Dr.
Largo, FL 33777–2716
CC: Citizens for a Sound Economy

MTC–00032654

From: Lisa Cate
To: Ms. Renata B. Heese
Date: 1/15/02 3:33pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Lisa Cate
7907 Old Hwy 86
Chapel Hill, NC 27516
CC: Citizens for a Sound Economy

MTC–00032655

From: Ira Paul
To: Ms. Renata B. Heese
Date: 1/15/02 3:34pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Ira Paul
18495 NW 78th Avenue
Hialeah, FL 33015–2704
CC: Citizens for a Sound Economy

MTC–00032656

From: Betty McCoy
To: Ms. Renata B. Heese
Date: 1/15/02 3:39pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Betty McCoy
413 Glenport Ave
Glencoe, AL 35905–1189
CC: Citizens for a Sound Economy

MTC–00032657

From: Harry Hintz
To: Ms. Renata B. Heese
Date: 1/15/02 3:47pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Harry Hintz
5306 Overtop Lane
Raleigh, NC 27613–5550
CC: Citizens for a Sound Economy

MTC–00032658

From: Jonathan Harris
To: Ms. Renata B. Heese
Date: 1/15/02 3:53pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Jonathan Harris
22479 Martella Ave
Boca Raton, FL 33433–4630
CC: Citizens for a Sound Economy

MTC–00032659

From: LYNN AND JOHN MCGLENN
To: Ms. Renata B. Heese
Date: 1/15/02 3:53pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
LYNN AND JOHN MCGLENN
333NW FERRIS DR.
PORT ST. LUCIE, FL 34983–8668
CC: Citizens for a Sound Economy

MTC–00032660

From: JOHN COLLAR
To: Ms. Renata B. Heese
Date: 1/15/02 4:03pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
JOHN COLLAR
333 MELROSE DRIVE
5 D
RICHARDSON, TX 75080–4406
CC: Citizens for a Sound Economy

MTC–00032661

From: Linda Addison
To: Ms. Renata B. Heese
Date: 1/15/02 4:04pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Linda Addison
222 Steedly Ave
Lake Wales, FL 33853–3756
CC: Citizens for a Sound Economy

MTC–00032662

From: Claude Prevots
To: Department of Justice
Date: 1/15/02 4:09pm
Subject: Tunney: Creativity in software engineering

Greetings:

It is not in the public interest to constrain further the creativity and innovation of Microsoft designers and software engineers with additional, legally complex conditions. The remedies already provided by the settlement provisions construct an edifice of legal reasoning and arcane subtleties that will require software developers to get a law degree to cut through this Byzantine complexity. Endless meetings and explanations between lawyers and engineers, not new products, are what will result.

When Attorney General Janet Reno proclaimed her enthusiastic anticipation of the new varieties of DOS engendered by enforcement of antitrust laws, one could only groan in disbelief at her failure to understand how progress in the systems business thrives. In retrospect we find no new varieties of DOS but find that it has almost disappeared.

With Microsoft the consumer is benefited by a culture of excellence that its competitors are unable to match. We need the robust organization of Microsoft to keep its competitors on their toes. An added onset of elegantia juris will only stifle further the creative minds that generate the innovation we need to keep the U.S. economy thriving with new functions and features to empower consumers.

Claude Prevots
cogito@warwick.net

MTC–00032663

From: Richard Swier
To: Ms. Renata B. Heese
Date: 1/15/02 4:26pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Richard Swier
6718 Paseo Castille
Sarasota, FL 34238–2709
CC: Citizens for a Sound Economy

MTC–00032664

From: Jennifer Crenshaw
To: Ms. Renata B. Heese
Date: 1/15/02 4:27pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Jennifer Crenshaw
443 Randon Terrace
Lake Mary, FL 32746–2626
CC: Citizens for a Sound Economy

MTC–00032665

From: JERRY CULBERSON
To: Ms. Renata B. Heese
Date: 1/15/02 4:34pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
JERRY CULBERSON
4092 LIGUSTRUM DR.
PALM HARBOR, FL 34685–3631
CC: Citizens for a Sound Economy

MTC–00032666

From: Ronald Hoelzer
To: Ms. Renata B. Heese
Date: 1/15/02 4:37pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Ronald Hoelzer
8318 W. Elm Street
Tampa, FL 33615–2806
CC: Citizens for a Sound Economy

MTC–00032667

From: E. Geissler
To: Ms. Renata B. Heese
Date: 1/15/02 4:41pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,
E. Geissler
4775 South Atlantic Avenue
Ponce Inlet, FL 32127–8108
CC: Citizens for a Sound Economy

MTC–00032668

From: James Rentner
To: Ms. Renata B. Heese
Date: 1/15/02 4:45pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of

Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsofts competitors to use Microsofts Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal governments antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
James Rentner
67 Summerset Drive
Clyde, NC 28721–8415
CC: Citizens for a Sound Economy

MTC–00032669

From: Dick Wilson
To: Ms. Renata B. Heese
Date: 1/15/02 4:55pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Dick Wilson
7735 Taymouth ln
Charlotte, NC 28269–9127
CC: Citizens for a Sound Economy

MTC–00032670

From: Richard McCormack
To: Ms. Renata B. Heese
Date: 1/15/02 4:56pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,
Richard McCormack
23225 Hagey Road
Dundee, OR 97115–9211
CC: Citizens for a Sound Economy

MTC–00032671

From: David Anderson
To: Ms. Renata B. Heese
Date: 1/15/02 5:23pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
David Anderson
1418 NE 112 Ave.
Portland, OR 97220–3024
CC: Citizens for a Sound Economy

MTC–00032672

From: Madeleine Calder
To: Ms. Renata B. Heese
Date: 1/15/02 5:32pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Madeleine Calder
2605 Olive Chapel Rd.
Apex, NC 27502–6789
CC: Citizens for a Sound Economy

MTC–00032673

From: Thomas Griffith
To: Ms. Renata B. Heese
Date: 1/15/02 5:33pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company. Get the government out of our business before we lose valuable companies due to the meddling by these misguided officials. Do we want all of our companies going overseas to operate overseas due to too much government intervention? What sense is there in degrading a company who has done so much good for so many people? Shame on them all.

Respectfully,
Thomas Griffith
2426 Barrington Place Drive
Sugar Land, TX 77478–1855
CC: Citizens for a Sound Economy

MTC–00032674

From: Terry Smith
To: Ms. Renata B. Heese
Date: 1/15/02 5:43pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Terry Smith
P O Box 5166
3720 Chula Vista Dr SW
Decatur, AL 35601–0166
CC: Citizens for a Sound Economy

MTC–00032675

From: Michael Walker
To: Ms. Renata B. Heese
Date: 1/15/02 5:45pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsofts competitors to use Microsofts Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Michael Walker
446 N Central Valley Dr
Central Point, OR 97502–1571
CC: Citizens for a Sound Economy

MTC–00032676

From: Marlene Lieb
To: Ms. Renata B. Heese
Date: 1/15/02 6:02pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Marlene Lieb
18 Mahoe Dr. So.
The Hammock, FL 32137–2634
CC: Citizens for a Sound Economy

MTC–00032677

From: margaret moorman
To: Ms. Renata B. Heese
Date: 1/15/02 6:30pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have

called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
margaret moorman
216 lakeway
kerrville, TX 78028–7229
CC: Citizens for a Sound Economy

MTC–00032678

From: Gary Dryden
To: Ms. Renata B. Heese
Date: 1/15/02 6:52pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

Whereas Microsoft has been solely responisble for greatly increasing the total propductivity of our nation, they where then penalized with a bogus law suit by Clinton Administration whims. When others saw the goverrnment's actions the current recession began.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Gary Dryden
582 Ruckel Drive
Niceville , FL 32578–1789
CC: Citizens for a Sound Economy

MTC–00032679

From: David Fuson
To: Ms. Renata B. Heese
Date: 1/15/02 6:55pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

Hey! socialist duds! Get off the back of a fine American who refuses to pay for Lobbist or Government Help inside the loop.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
David Fuson
2119 Five Iron Dr.
Houston, TX 77089–5618
CC: Citizens for a Sound Economy

MTC–00032680

From: Floyd Lawson
To: Ms. Renata B. Heese
Date: 1/15/02 7:02pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.Some state attoneys general seem to be interested for their own political self-edification.

The settlement is fair to all. It will allow Microsofts competitors to use Microsofts Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal governments antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. It appears to have been the primordium of the fantastic rollercoaster economy that we have had beginning in 1992.

Furthermore, it appears to have been a ''political vindetta'' because of Microsoft's entrance into the communications field, namely, MSNBC. It was predicted by this writer in the early programming at MSNBC.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Floyd Lawson
1020 Larkwood Drive, NE
Cullman, AL 35055–2133
CC: Citizens for a Sound Economy

MTC–00032681

From: Charles Baker
To: Ms. Renata B. Heese
Date: 1/15/02 7:07pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I support the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Charles Baker
4646 Pliney Farlow Rd.
Trinity, NC 27370–7449
CC: Citizens for a Sound Economy

MTC–00032682

From: Gerald Totten
To: Ms. Renata B. Heese
Date: 1/15/02 7:18pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal governments antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that

Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Gerald Totten
108 Petty Road
Siler City, NC 27344–7892
CC: Citizens for a Sound Economy

MTC–00032683

From: Rev. James Rodgers
To: Ms. Renata B. Heese
Date: 1/15/02 8:06pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I agree with the Justice Department's decision to settle with Microsoft Corp. The holdout state attorneys general and the District of Columbia should follow your lead.

Microsoft's actions, instead of harming consumers, lowered the cost and increased the availability of the software products they sought. Microsoft also made millions of us more famiiliar with the Internet.

Thanks for deciding to settle this unjust lawsuit.

Respectfully,
Rev. James Rodgers
15727 El Camino Real
Clear Lake City, TX 77062–4415
CC: Citizens for a Sound Economy

MTC–00032684

From: Willie Starling
To: Ms. Renata B. Heese
Date: 1/15/02 8:14pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Willie Starling
1523 Indian Springs Rd.
Mt. Olive, NC 28365–8767
CC: Citizens for a Sound Economy

MTC–00032685

From: Nancy Hall
To: Ms. Renata B. Heese
Date: 1/15/02 8:42pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Nancy Hall
1861 Beneva Ct Apt 1203
Sarasota, FL 34232–3150
CC: Citizens for a Sound Economy

MTC–00032686

From: Charles Snyder
To: Ms. Renata B. Heese
Date: 1/15/02 9:13pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Charles Snyder
110 Harness Lane
Georgetown, TX 78628
CC: Citizens for a Sound Economy

MTC–00032687

From: Richard Moats
To: Ms. Renata B. Heese
Date: 1/15/02 9:15pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsofts competitors to use Microsofts Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

I am still amazed the Clinton Justice Dept. chose to initiate this case in the first place. On second thought, I am not surprised by anything that happened during the most corrupt national administration in the history of our country.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal governments antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Richard Moats
2825 41st. Way S.E.
Olympia, WA 98501–6212
CC: Citizens for a Sound Economy

MTC–00032688

From: Clifford Earle
To: Ms. Renata B. Heese
Date: 1/15/02 10:17pm
Subject: Microsoft Deserves a Breakup

Dear Ms. Heese:

Below please find the text of a form letter available on the ''Capitol Connect'' site, supposedly a consumer advocacy outfit of some sort. Please do not believe a word of it.

Microsoft deserves to be slammed in court for their actions and practices, and I would hope that no amount of thoughtless form letters, however prettily formatted, would change that fact.

Regards,
—Cliff ***

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Clifford Earle
8640 Hillrose St.
Sunland, CA 91040–2701
CC: Citizens for a Sound Economy

MTC–00032689

From: Dave Catherman
To: Ms. Renata B. Heese
Date: 1/16/02 4:37am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsofts competitors to use Microsofts Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Dave Catherman
5712 Stone Mill Rd
Waxhaw, NC 28173–8059
CC: Citizens for a Sound Economy

MTC–00032690

From: James Collins
To: Ms. Renata B. Heese
Date: 1/16/02 4:40am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
James Collins
109 ridge View Rd
Pittsboro, NC 27312–5663
CC: Citizens for a Sound Economy

MTC–00032691

From: paul caple
To: Ms. Renata B. Heese
Date: 1/16/02 4:42am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
paul caple
3215 NE 15 ST #101
Pompano Beach, FL 33062–3321
CC: Citizens for a Sound Economy

MTC–00032692

From: Gary Lewis
To: Ms. Renata B. Heese
Date: 1/16/02 5:00am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Gary Lewis
160 W Park Ave
Mooresville, NC 28115–2242
CC: Citizens for a Sound Economy

MTC–00032693

From: Renee Pearison
To: Ms. Renata B. Heese
Date: 1/16/02 5:09am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Renee Pearison
5434 Alfred St
Crozet, VA 22932–3514
CC: Citizens for a Sound Economy

MTC–00032694

From: Troy Landrum
To: Ms. Renata B. Heese
Date: 1/16/02 5:20am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Troy Landrum
509 Ridge Country Road
Haslet, TX 76052–4207
CC: Citizens for a Sound Economy

MTC–00032695

From: James Parker
To: Ms. Renata B. Heese
Date: 1/16/02 5:22am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
James Parker
3445 Self Creek Rd
Warrior, AL 35180–2215
CC: Citizens for a Sound Economy

MTC–00032696

From: Chris Sinclair
To: Ms. Renata B. Heese
Date: 1/16/02 5:24am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Chris Sinclair
3728 Cliff Haven Drive
Raleigh, NC 27615–8118
CC: Citizens for a Sound Economy

MTC–00032697

From: Jim Thrasher
To: Ms. Renata B. Heese
Date: 1/16/02 5:34am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Jim Thrasher
4613 70th Place
Urbandale, IA 50322–8012
CC: Citizens for a Sound Economy

MTC–00032698

From: Sepideh Baghaii
To: Ms. Renata B. Heese
Date: 1/16/02 5:39am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the the state attorneys general and the District of Columbia against Microsoft.

The settlement is a slap on the wrist to Microsoft. It will not guarantee that Microsoft cannot continue to attack small or other large companies through non-competitive means. The Microsoft Windows operating system is only now becoming a true operating system. It still leaves a lot to be desired. Whether or not Microsoft choose to create more mediocre products for the public is not an issue. Whether or not smaller software companies and other companies can play in this market is.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal governments antitrust case against Microsoft. This view point is clearly a misguide stance from a group of people unaware of the speed of changing technology and the options available to them. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions is detrimental to consumers. The evidence can be seen in the demise of Netscape and the battles against SUN over J++. Microsoft's anticompetitive behavior has limited the high-technology market and have forced users to learn to accept mediocre products.

Respectfully,
Sepideh Baghaii
1020 Kent St.
#216
Boulder, CO 80303–1826

MTC–00032699

From: Brian Irving
To: Ms. Renata B. Heese
Date: 1/16/02 5:41am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Brian Irving
1713 Veanna Drive
Fayetteville, NC 28301–2926
CC: Citizens for a Sound Economy

MTC–00032700

From: Michael Wegman
To: Ms. Renata B. Heese
Date: 1/16/02 5:43am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Michael Wegman
609 Green Drive
Goldsboro, NC 27534–7743
CC: Citizens for a Sound Economy

MTC–00032701

From: Roger Corbett
To: Ms. Renata B. Heese
Date: 1/16/02 5:50am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Roger Corbett
7508 Roberts Rd

Apex, NC 27502–9674
CC: Citizens for a Sound Economy

MTC–00032702

From: Carolyn and Gerald Johnson
To: Ms. Renata B. Heese
Date: 1/16/02 5:52am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Carolyn and Gerald Johnson
7689 Rabbit Circle
Denver, NC 28037–9477
CC: Citizens for a Sound Economy

MTC–00032703

From: Joseph Piccirillo
To: Ms. Renata B. Heese
Date: 1/16/02 6:16am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Joseph Piccirillo
702 Ocean Dunes Circle
Jupiter, FL 33477–9117
CC: Citizens for a Sound Economy

MTC–00032704

From: John Benningfield
To: Ms. Renata B. Heese
Date: 1/16/02 6:36am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
John Benningfield
2015 N Fremont
Cornelius, OR 97113–7384
CC: Citizens for a Sound Economy

MTC–00032705

From: Miss Julie Smithson
To: Ms. Renata B. Heese
Date: 1/16/02 6:38am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Miss Julie Smithson
213 Thorn Locust Lane
London, OH 43140–8844
CC: Citizens for a Sound Economy

MTC–00032706

From: Linda Ayers
To: Ms. Renata B. Heese
Date: 1/16/02 6:46am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

Continuation of the case threatens to prolong the 8-month old recession, as well as increase the severity of the technology sector's 18-month decline. In this time of economic uncertainty, we need businesses that stimulate demand for other products throughout their industry to get back to work, not encounter new obstacles to growth. It is time to put an end to this lawsuit and get back to the business of strengthing our economy

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Linda Ayers
3220 Darlington Dr. SW
Decatur, AL 35603–3165
CC: Citizens for a Sound Economy

MTC–00032707

From: John Harding
To: Ms. Renata B. Heese
Date: 1/16/02 6:55am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
John Harding
5906 143rd St SE
Everett, WA 98208–9339
CC: Citizens for a Sound Economy

MTC–00032708

From: Phyllis Sisk
To: Ms. Renata B. Heese
Date: 1/16/02 7:02am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Phyllis Sisk
4965 Old Belews Creek Road
Winston-Salem, NC 27101–6426
CC: Citizens for a Sound Economy

MTC–00032709

From: Roy Stewart
To: Ms. Renata B. Heese
Date: 1/16/02 7:06am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government s lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Roy Stewart
19 Hickory Lane
Bedford, NH 03110–5720
CC: Citizens for a Sound Economy

MTC–00032710

From: billklueber@att.net@inetgw
To: Microsoft ATR
Date: 1/16/02 7:12am
Subject: MicroSoft Settlement

I just wanted to vent about what is happening with the MicroSoft Settlement. MicroSoft started from nothing and is solely responsible for the PC revolution and a good deal of the other technological advancements we know and enjoy today. It is unfair for this country to penalize success. I think it is great that finally a U.S. company is a world leader and is able to compete with other corporations around the world especially when so many of them are subsidized by their governmants.

Please stop playing politics and look at all the good that the company does. Bill Gates donates a lot to charities, pays more than his share in personnel and corporate taxes and provides a lot of jobs. I was disgusted and embarassed to be an American under Clinton but have regained my pride and patriotism under President Bush. Please do the correct and honorable thing and put this endless litigation to rest. The only people that win are the lawyers.

Thank you,
Bill Klueber

MTC–00032711

From: Floyd Majors
To: Ms. Renata B. Heese
Date: 1/16/02 7:15am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese: I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Floyd Majors
4922 Middleton Street
Baytown, TX 77520–1402

CC: Citizens for a Sound Economy

MTC–00032712

From: Michael Weekley
To: Ms. Renata B. Heese
Date: 1/16/02 7:16am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese: I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Michael Weekley
4610 Governor Kent Ct.
Upper Marlboro, MD 20772–5905
CC: Citizens for a Sound Economy

MTC–00032713

From: Robin Alberg
To: Ms. Renata B. Heese
Date: 1/16/02 7:19am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese: I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Robin Alberg
9027 W. Shorewood Dr. #603
Mercer Island, WA 98040–3236
CC: Citizens for a Sound Economy

MTC–00032714

From: Jane Aguirre
To: Ms. Renata B. Heese
Date: 1/16/02 7:19am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese: I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsofts competitors to use Microsofts Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal governments antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Jane Aguirre
1308 N. 13th St.
Temple, TX 76501–1904
CC: Citizens for a Sound Economy

MTC–00032715

From: Aaron Alberg
To: Ms. Renata B. Heese
Date: 1/16/02 7:19am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Aaron Alberg
9027 W. Shorewood Dr.
Apt. 603
Mercer Island, WA 98040–6265
CC: Citizens for a Sound Economy

MTC–00032716

From: Marcus Griffis
To: Ms. Renata B. Heese
Date: 1/16/02 7:24am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Marcus Griffis
717 Dove Dr
Victoria, TX 77905–0558
CC: Citizens for a Sound Economy

MTC–00032717

From: Shirley Briden
To: Ms. Renata B. Heese
Date: 1/16/02 7:32am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Shirley Briden
941 Southridge Tr.
Altamonte Springs,, FL 32714–1286
CC: Citizens for a Sound Economy

MTC–00032718

From: Charlie Brown
To: Ms. Renata B. Heese
Date: 1/16/02 7:32am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Charlie Brown
PO Box 40
Barium Springs, NC 28010–0040
CC: Citizens for a Sound Economy

MTC–00032719

From: Howard Kistler
Date: 1/16/02 7:33am
Subject: Microsoft Settlement

To Whom It May Concern,

As a long-time computer programmer and software developer, I am urging the Department Of Justice to consider practical and responsible remedies to the monopoly of Microsoft.

Microsoft has long enjoyed immunity from punishment for its many abuses of power. This is in a large part because those abuses allow it make far more money than is ever levied against it in penalty. In truth, it is hard to calculate how large a fine would be necessary to even impact them. That is why other remedies must be pursued, beyond those of simple fines and behavioral decrees.

I believe that one of the only, if not the only, remedies that would address the monopoly situation is to force Microsoft to open up the Windows APIs for competitive development. This would have multiple positive effects, including the following:

(1) It would allow true competition in the operating system marketplace. Competition in turn is one of the only factors that drive companies to produce a genuinely better product, and to offer those products at reasonable market prices. It is my opinion that this lack of competition is a large part of what has cause Microsoft to offer increasingly problematic and user-hostile products, and at absurdly inflated prices.

(2) It would create transparency in the operating system. This would allow other companies and developers to create products that interface better with the OS, as well as decrease the amount of viruses and other code exploits written which take advantage of the hidden code.

(3) It would spur actual innovation from Microsoft, as opposed to it merely bundling in features which increase its monopoly but do not add to, and often hinder, the user experience.

The only argument against this remedy that I can see as viable is that this settlement deprives Microsoft of some of their intellectual property. While very probably true, it is also unfortunate that this is most likely the only way in which Microsoft can be brought to terms in the settlement. As a company which has enjoyed a monopoly position for too long, and which has deprived other firms of their intellectual property and market share, and which has flaunted its disregard for previous judgements against it, I believe that opening the Windows APIs is the only option left to the DOJ if it truly wishes to resolve this issue. Otherwise, we can all expect another investigation like this within the next decade, and each decade after until real action is taken against the Microsoft monopoly.

Sincerely,
Howard Kistler

MTC–00032720

From: linda woods
To: Ms. Renata B. Heese
Date: 1/16/02 7:55am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
linda woods
44966 camino veste
temecula, CA 92592–1622
CC: Citizens for a Sound Economy

MTC–00032721

From: Roger Ryder
To: Ms. Renata B. Heese
Date: 1/16/02 8:07am

Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Roger Ryder
235 E. Garfield St.
Chambersburg, PA 17201–3514
CC: Citizens for a Sound Economy

MTC–00032722

From: James Hinson
To: Ms. Renata B. Heese
Date: 1/16/02 8:12am
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

If you will take the time to research it you will see that the stock markets started their downward sperial at about the same time that the law suit against Microsoft started. It has continued to go down since that fateful time. Please, please get off of American businesses back and leave the free enterprize system alone. Every time the goverment sees fit to intrude on the free enterprize system we end up with nothing but trouble.

Respectfully,
James Hinson
2538 Comanche Trail
Hillsborough, NC 27278–8854
CC: Citizens for a Sound Economy

MTC–00032723

From: Ed Pickett
To: Ms. Renata B. Heese
Date: 1/16/02 8:22am
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Ed Pickett
21o Hunter ln.
CHARLOTTE, NC 28211
CC: Citizens for a Sound Economy

MTC–00032724

From: William A.Pauwels, Sr.
To: judi bron
Date: 1/16/02 8:58am
Subject: More on the Microsoft Settlement
Judi,

Your unhappiness with Microsoft represents a need that another company should exploit. If they were any good they would already be doing so. It is not the Governments business to make Microsoft less competitive.

I sympathize with the technical problems you are having. I go nuts when I have them, which is fairly often. Let's face it, personal computer technology is at the Model-T stage of development. The V-8 hasn't been invented yet. Let's hope it happens soon.

There are so many things the Government should be focused on . . . like preserving good manufacturing jobs in America. Why they keep attacking good American companies makes no sense. Where do they think the good jobs are going to come from?

Also, I think the overpayment of Corporate Executives is a National and perhaps International disgrace. I say that as the 18 year President and COO of a mid-sized multinational company (now semi-retired). It is one thing to invest and risk your own capital and make a fortune . . . it is quit another thing to be given exorbitant salaries and lucrative stock option deals. I know all the arguments about creating value, but this value should be shared with the employees and not hogged up by a handful of greedy executives. Anyway, I appreciate you perspective.

All the best!
Bill Pauwels, Sr.
1–16–02
judi b wrote:

A month ago I would hav agreed with you and then some, but then I had an experience. You know that I am legally blind and work on adaptive equipment. I downloaded IE6 and OE6 and they weren't that compatable with my screen reader. I called in a tech for a lot of money and asked him if he could remove IE6 and OE6 and reinstall OE5 and IE5. It was a brutal job but he eventually did it. In short, because there were componants of the 6 family left in the computer that microsoft designed to not be removed the install of the 5 family really messed up my computer. I could not write an Email and I could not write on the net. In other words I could not write on a search engine a subject I wanted to search for. Since I hav thousands of hours of work on this machine and none of it gets anywhere if I don't have Email, which the reinstall of the 5 family left me with, I spent a harrowing weekend wondering if I would ever send out another article. Bill Gates deserves what he has earned and deserves the noteriety for what he has accomplished. However, why does he have this desire to totally take over every computer to the extent that changes cannot be made because the componants in his software can never get out of a system once they get in? Bill, if you buy a house with a garage would it be fair that the only car that the garage could hold be a chevy? I know this analogy is far fetched but there is nothing else that I know of that dominates like Microsoft. The upshot of my problem is that I reinstalled the 6 family and am living with

the inconveniences that occur with my screen reader, its better than having no Email and no ability to search on the net. Judi
——- Original Message ——-
From: ''William A.Pauwels, Sr.''
<wap1102@ix.netcom.com>
To: <microsoft.atr@usdoj.gov>
Sent: Tuesday, January 15, 2002 6:01 PM
Subject: Microsoft Settlement

The case against Microsoft should be dropped. Microsoft has made GREAT contributions to the well-being of mankind and to its institutions.

The Justice Dept.'s persecution of SUCCESSFUL American companies because their competitors don't like them and/or can't measure-up in the marketplace, is ridiculous.

If the Justice Dept. is looking for something to champion, why not go after the thousands of FOREIGN companies doing business in the USA while violating American Antitrust Laws.

Sincerely,
William A. Pauwels, Sr.
1–15–02

MTC–00032725

From: Tyler Haynes
To: Ms. Renata B. Heese
Date: 1/16/02 9:04am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Tyler Haynes
3419 Foss Drive
Saginaw, MI 48603–1711
CC: Citizens for a Sound Economy

MTC–00032726

From: Roberta Hoffman
To: Ms. Renata B. Heese
Date: 1/16/02 9:18am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Roberta Hoffman
2940 W Carson Street Unit 102
Torrance,, CA 90503–6059
CC: Citizens for a Sound Economy

MTC–00032727

From: w. orben
To: Ms. Renata B. Heese
Date: 1/16/02 9:27am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
w. orben
139 n.fiji is. cir.
no. englewood , FL 34223
CC: Citizens for a Sound Economy

MTC–00032728

From: Samuel Butler
To: Ms. Renata B. Heese
Date: 1/16/02 9:40am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I support the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Too,I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, However, the decision to pursue this baseless case, made by the remaining state attorneys general and the District of Columbia, is extremely disappointing and needless.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, we, the members of Citizens for a Sound Economy, are unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Samuel Butler
1487 Shorewood Place
Lakeland, FL 33803–4275
CC: Citizens for a Sound Economy

MTC–00032729

From: John Enright
To: Ms. Renata B. Heese
Date: 1/16/02 9:43am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft

Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
John Enright
7 Golden Place
The Woodlands, TX 77381–4329
CC: Citizens for a Sound Economy

MTC–00032730

From: Oscar Engfer
To: Ms. Renata B. Heese
Date: 1/16/02 9:54am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Oscar Engfer
PO Box 26
Orting, WA 98360–0026
CC: Citizens for a Sound Economy

MTC–00032731

From: Peggy Venable
To: Ms. Renata B. Heese
Date: 1/16/02 9:58am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Peggy Venable
13419 Wisterwood
Austin, TX 78729–1941
CC: Citizens for a Sound Economy

MTC–00032732

From: Robert Fricke
To: Ms. Renata B. Heese
Date: 1/16/02 10:25am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Robert Fricke
612 Tara Dr.
High Point, NC 27265–1012
CC: Citizens for a Sound Economy

MTC–00032733

From: Fred Habenicht
To: Ms. Renata B. Heese
Date: 1/16/02 11:31am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Fred Habenicht
163 Prawn Road
Port Angeles, WA 98363–9000
CC: Citizens for a Sound Economy

MTC–00032734

From: Ernest Hartwig
To: Ms. Renata B. Heese
Date: 1/16/02 11:40am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Ernest Hartwig
1534 Mary's Peak Rd.
Blodgett, OR 97326–9704
CC: Citizens for a Sound Economy

MTC–00032735

From: Thomas Gillespie
To: Ms. Renata B. Heese
Date: 1/16/02 12:11pm
Subject: Microsoft Settlement (Reject It)

Dear Ms. Heese:

The Microsoft Settlement is bad for the computer industry. Please do not support the settlement. Microsoft needs to know that anti-competitive actions in the market will not be tolerated by our elective leaders.

Respectfully,
Thomas Gillespie
P.O. Box 177
Albany, MO 64402–0177

MTC–00032736

From: Jack Hansen
To: Ms. Renata B. Heese
Date: 1/16/02 12:23pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Jack Hansen
1600 Verde Lane
Mundelein, IL 60060–4821
CC: Citizens for a Sound Economy

MTC–00032737

From: Frank Russo
To: Ms. Renata B. Heese
Date: 1/16/02 12:36pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Frank Russo
PO Box 12
102 Cambridge Crt
Havelock, NC 28532–0012
CC: Citizens for a Sound Economy

MTC–00032738

From: john marten
To: Ms. Renata B. Heese
Date: 1/16/02 12:38pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
john marten
37666 hwy 58
pleasant hill, OR 97455–9787
CC: Citizens for a Sound Economy

MTC–00032739

From: Mary Syrdahl
To: Ms. Renata B. Heese
Date: 1/16/02 12:51pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Mary Syrdahl
2231 Robinhood
Houston, TX 77005–2603
CC: Citizens for a Sound Economy

MTC–00032740

From: Colin Hathcock
To: Ms. Renata B. Heese
Date: 1/16/02 1:10pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Colin Hathcock
108 Leach Rd
Salisbury, NC 28146–8578
CC: Citizens for a Sound Economy

MTC–00032741

From: Michael Conklin
To: Ms. Renata B. Heese
Date: 1/16/02 2:00pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Michael Conklin
1911 NW 29th Court
Ocala, FL 34475–4710
CC: Citizens for a Sound Economy

MTC–00032742

From: Brian Van Bergen
To: Ms. Renata B. Heese
Date: 1/16/02 2:13pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. DOJ, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless wasteful case.

The settlement is fair to all. It will allow Microsofts competitors to use Microsofts Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal governments antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. DOJ and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Brian Van Bergen
141 SW Hawthorne Ct.
Dundee, OR 97115–9547
CC: Citizens for a Sound Economy

MTC–00032743

From: Norman Bresette
To: Ms. Renata B. Heese
Date: 1/16/02 2:20pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Norman Bresette
113 Montclair Road
Mauldin, SC 29662–1829
CC: Citizens for a Sound Economy

MTC–00032744

From: MaryAnn Thompson
To: Ms. Renata B. Heese
Date: 1/16/02 2:40pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of

Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
MaryAnn Thompson
205 Seneca Ct
Franklin, TN 37067–1324
CC: Citizens for a Sound Economy

MTC–00032745

From: Gil
To: DOJ
Date: 1/16/02 2:43pm
Subject: Microsoft Settlement

I should think that my government would have better things to do with my tax dollars than persecute Microsoft. Big business is a notoriously ''hard ball'' environment, and other software manufacturers had several years to get their ''at bats'' while MS was still playing with DOS versions 1 though 4. Windows didn't really become popular until v 3.0, but the slackers in the industry failed to foresee how popular Windows would become. That's not the fault of Gates et al. As for what MS wishes to incorporate into their OS—that should be up to them. It's their product, and if they want to give away a BMW with the damn thing then that's their call! Nobody in the country is selling web browsers anyway, so what's the big deal? None of the other software publishers is building a competitive operating system/interface to try to loosen the MS hold on the market. They'd rather sit around crying to the DOJ about how they've been beaten up by MS because they failed to forecast the market correctly. I have one word for them—TOUGH! If you want to look into some real monopolizing why not check out Apple—they have no competition in their market for either their operating system or hardware.

Or investigate Intel—whose only real competitor, AMD, is having their share of financial woes. To lose AMD would give Intel the same kind of power that you're claiming Microsoft has garnered through hard work, outstanding marketing, and yes, occasional pressure. But then, everybody in business uses what power they may have to get the edge on their competitors—that's what makes our system work. Mass producers get lower per unit costs on everything than a Mom and Pop operation gets. That hurts the struggling independent—but nobody seems to care much—except Mom and Pop. It's the way things work!

All large businesses use whatever leverage they have to improve their market share while reducing the market prospects of competitors. Microsoft has just been more successful at it than anybody in the world could have imagined when Gates bought the rights to an unpromising DOS from IBM. Bill Gates is the ''Alexander the Great'' of product development and marketing. The world has never seen the likes of Microsoft before, and it might never see another such phenomena again. He hasn't done anything patently illegal, and there's no law requiring mercy for those who cannot or will not compete— let him enjoy the fruits of his labors. Please spend my tax dollars on something more meaningful than buying Kleenexes for a bunch of sobbing ''big business'' tycoons who failed to read the writing on the wall.

ACCEPT THE SETTLEMENT OFFER!
CC:MSFIN@Microsoft.com@inetgw

MTC–00032746

From: Richard Higginbotham
To: Ms. Renata B. Heese
Date: 1/16/02 3:04pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Richard Higginbotham
84 Cherokee Trail
Medford Lakes, NJ 08055–1602
CC: Citizens for a Sound Economy

MTC–00032747

From: Joe Haynes
To: Ms. Renata B. Heese
Date: 1/16/02 3:34pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Joe Haynes
10012 130th Lane North
Seminole, FL 33776–1709
CC: Citizens for a Sound Economy

MTC–00032748

From: Delbert Bock
To: Ms. Renata B. Heese
Date: 1/16/02 3:45pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Delbert Bock
PO Box 1628
Rogue River, OR 97537–1628
CC: Citizens for a Sound Economy

MTC–00032749

From: Patricia Lauzon
To: Ms. Renata B. Heese
Date: 1/16/02 4:23pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Patricia Lauzon
3811 Beckley
Battle Creek, MI 49015–9329
CC: Citizens for a Sound Economy

MTC–00032750

From: John Wilson
To: Ms. Renata B. Heese
Date: 1/16/02 5:11pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. I see these actions demonstrating the attitude of ''let's milk another corporation'' a la the heinous assult on ''big tobacco.'' To paraphrase a formal presidential advisor, ''It's the money, stupid.''

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
John Wilson
R. D. 2
Templeton, PA 16259–9802
CC: Citizens for a Sound Economy

MTC–00032751

From: Randy Copeland
To: Ms. Renata B. Heese
Date: 1/16/02 5:25pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Randy Copeland
3303 Mt. Willing Rd
Efland, NC 27243–9121
CC: Citizens for a Sound Economy

MTC–00032752

From: JEAN Chan
To: Ms. Renata B. Heese
Date: 1/16/02 6:31pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
JEAN Chan
27277 Smith River Rd
Reedsport, OR 97467
CC: Citizens for a Sound Economy

MTC–00032753

From: Walter Gammel
To: Ms. Renata B. Heese
Date: 1/16/02 8:13pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Walter Gammel
10640 East Michigan Avenue
Sun Lakes, AZ 85248–8809
CC: Citizens for a Sound Economy

MTC–00032754

From: Kath Glauser
To: Ms. Renata B. Heese
Date: 1/16/02 9:00pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Kath Glauser
2260 Scovel Ave.
Pennsauken, NJ 08110–1726
CC: Citizens for a Sound Economy

MTC–00032755

From: R. Herschel Wyatt
To: Ms. Renata B. Heese
Date: 1/16/02 9:36pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,
R. Herschel Wyatt
68 Delbert Hodge Rd.
London, KY 40741–9061
CC: Citizens for a Sound Economy

MTC–00032756

From: Harry Pierson
To: Ms. Renata B. Heese
Date: 1/17/02 4:44am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Harry Pierson
11064 Clear Meadows Dr.
Las Vegas, NV 89134–7235
CC: Citizens for a Sound Economy

MTC–00032758

From: Jerry Chabrian
To: Ms. Renata B. Heese
Date: 1/17/02 6:05am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

Jerry Chabrian
648 Bua Drive
Temple Terrace, FL 33617–3800
CC: Citizens for a Sound Economy

MTC–00032759

From: Shirley Bossbach
To: Ms. Renata B. Heese
Date: 1/17/02 6:32am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,
Shirley Bossbach
6132 Davidson Dr.
Matthews, NC 28104–5450
CC: Citizens for a Sound Economy

MTC–00032760

From: Maryann Christensen
To: Ms. Renata B. Heese
Date: 1/17/02 7:01am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

LEAVE IT ALONE!! The recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation is fair. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Maryann Christensen
583 East Benbow Street
Murray, UT 84107–5075
CC: Citizens for a Sound Economy

MTC–00032761

From: FRANK SKIERMONT
To: Ms. Renata B. Heese
Date: 1/17/02 7:14am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
FRANK SKIERMONT
25 SHERWOOD LANE
DOYLESTOWN, PA 18901–3234
CC: Citizens for a Sound Economy

MTC–00032762

From: charles braly
To: Ms. Renata B. Heese
Date: 1/17/02 7:26am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
charles braly
685 east adams street
nashville, IL 62263–1766
CC: Citizens for a Sound Economy

MTC–00032763

From: Kevin Allen
To: Ms. Renata B. Heese
Date: 1/17/02 7:32am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by

lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Kevin Allen
3001 Emerald Chase Drive
Oak Hill, VA 20171–2335
CC: Citizens for a Sound Economy

MTC–00032764

From: David Rive
To: Ms. Renata B. Heese
Date: 1/17/02 7:32am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
David Rive
3320 Kemper Street, 201
San Diego, CA 92110–4905
CC: Citizens for a Sound Economy

MTC–00032765

From: Roger Bartilson
To: Ms. Renata B. Heese
Date: 1/17/02 7:34am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Roger Bartilson
17928 Jaguar Path
Lakeville, MN 55044–9678
CC: Citizens for a Sound Economy

MTC–00032766

From: J. Mark (Marco) Gentile
To: Ms. Renata B. Heese
Date: 1/17/02 7:42am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
J. Mark (Marco) Gentile
P.O. Box 2914
La Jolla, CA 92038–2914
CC: Citizens for a Sound Economy

MTC–00032767

From: Brian Humble
To: Ms. Renata B. Heese
Date: 1/17/02 7:47am
Subject: Microsoft Settlement

Dear Ms. Heese:

I am writing to oppose the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that these state attorneys general have decided to let Microsoft win the case.

The settlement is only favorable to Microsoft. It will only allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs but will still give Microsoft more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in their opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like these have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but have not provided any proof to that effect.

Once again, I thank you for your decision to not settle this fortunate lawsuit against an oppressive and monopolistic company.

Respectfully,
Brian Humble
6 Helen Street
Georgetown, DE 19947–9442
CC: Citizens for a Sound Economy

MTC–00032768

From: John Dupree
To: Ms. Renata B. Heese
Date: 1/17/02 7:49am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft.

For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
John Dupree
8705 Kugler Mill Rd
Cincinnati, OH 45243–1427
CC: Citizens for a Sound Economy

MTC–00032769

From: Jean Fordham
To: Ms. Renata B. Heese
Date: 1/17/02 7:54am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Jean Fordham
891 Warwick Dr.
Macon, GA 31210–1535
CC: Citizens for a Sound Economy

MTC–00032770

From: Jeffrey James
To: Ms. Renata B. Heese
Date: 1/17/02 8:00am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation.

The settlement is more than fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Jeffrey James
822 Forest Ave.
OMAHA, NE 68108–3631
CC: Citizens for a Sound Economy

MTC–00032771

From: Tom Dekker
To: Ms. Renata B. Heese
Date: 1/17/02 8:02am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Tom Dekker
22 Serna
RSM, CA 92688–2741
CC: Citizens for a Sound Economy

MTC–00032772

From: derrick@
universaladvertising.com@inetgw
To: addelivery@universaladvertising.
com@inetgw
Date: 1/17/02 8:08am
Subject: Microsoft Settlement

Over the years I have seen MS stifle competition by stomping out rivals. I work in the Web Development arena, helping companies to build on line applications. I also use other operating systems besides Windows. I want the freedom to use the platform of choice and this will only continue to be an option if MS has viable competition. This competition will only continue if developers are not scared away from working with other companies by MS.

The settlement MS has proposed only allows them further inroads into a field (education) where they have the only serious competition. Apple has worked very hard to cultivate the education market—fairly!

To give MS unfettered access to that market would only hasten it's demise. Corporations find themselves spending billions to keep up with MS. Conversely, supporting Apple computers in education is a much more cost efficient method of bringing technology to students. Total cost of ownership is much higher with MS operating systems and compatible PC's. Allowing MS to rapidly corner this market, as the current proposal provides, would not only stifle competitors, it would cost education and thus government even more money and not benefit students beyond what they currently receive.

Derrick Peavy
Sales and Web Services
Universal Advertising
derrick@universaladvertising.com
Phone: 404–786–5036
Fax: 404–477–0527
Corporate:
1304 North Cliff Valley Way
Atlanta, GA 30319
Tearsheets:
PO Box 191188
Atlanta, GA 31119
CC:Microsoft ATR,derrick@
universaladvertising.com@ine...

MTC–00032773

From: Hillary Murphy
To: Ms. Renata B. Heese
Date: 1/17/02 8:20am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Hillary Murphy
421 Forest Glen Drive
Albany, GA 31707–3009
CC: Citizens for a Sound Economy

MTC–00032774

From: Margaret Bullock
To: Ms. Renata B. Heese
Date: 1/17/02 8:22am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Margaret Bullock
15 W. Roszell Dr.
Nineveh, IN 46164–9737
CC: Citizens for a Sound Economy

MTC–00032775

From: Robert Moeller
To: Ms. Renata B. Heese
Date: 1/17/02 8:33am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Because we are living in a country who governs ''by the people, for the people'', we hope you will consider the voice of ''the people''.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Robert & Susan Moeller
10706 Silver Pheasant Drive
Charlotte, NC 28226–4614
CC: Citizens for a Sound Economy

MTC–00032776

From: James Warn
To: Ms. Renata B. Heese
Date: 1/17/02 8:34am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
James Warn
1901 Conridge Dr
Edmond, OK 73034–6862
CC: Citizens for a Sound Economy

MTC–00032777

From: Ron LITTLE
To: Ms. Renata B. Heese
Date: 1/17/02 8:35am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Ron LITTLE
3205 CORAL DRIVE
OCEANSIDE, CA 92056–3927
CC: Citizens for a Sound Economy

MTC–00032778

From: Steven Goldmacher
To: Ms. Renata B. Heese

Date: 1/17/02 8:40am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Steven Goldmacher
9 Brantford Court
Marlboro, NJ 07746–1237
CC: Citizens for a Sound Economy

MTC–00032779

From: William Bertles
To: Ms. Renata B. Heese
Date: 1/17/02 8:48am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
William Bertles
1805 Kenwood ave
Alexandria, VA 22302–2641
CC: Citizens for a Sound Economy

MTC–00032780

From: Kristopher McCasland
To: Ms. Renata B. Heese
Date: 1/17/02 8:53am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Kristopher McCasland
166 Oxford Ave.
Bradford, MA 01835–8339
CC: Citizens for a Sound Economy

MTC–00032781

From: Lisa Walker
To: Ms. Renata B. Heese
Date: 1/17/02 8:53am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Lisa Walker
7444 Shadowwood CT NE
Keizer, OR 97303–7853
CC: Citizens for a Sound Economy

MTC–00032782

From: Melissa Hawkes
To: Ms. Renata B. Heese
Date: 1/17/02 8:53am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Respectfully,
Melissa Hawkes
7559 Glowing Ember Court
#201
Las Vegas, NV 89130–7920
CC: Citizens for a Sound Economy

MTC–00032783

From: Stephen Foxx
To: Ms. Renata B. Heese
Date: 1/17/02 9:03am
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,
Stephen Foxx
7915 Campion Ln.
Hazelwood, MO 63042–3501
CC: Citizens for a Sound Economy

MTC–00032784

From: Cheryl Engasser
To: Ms. Renata B. Heese
Date: 1/17/02 9:18am
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,
Cheryl Engasser
1515 Boies Road
East Aurora, NY 14052–9726
CC: Citizens for a Sound Economy

MTC–00032785

From: DONALD WALLING
To: Ms. Renata B. Heese
Date: 1/17/02 9:18am
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,
DONALD WALLING
855 HEATHERIDGE
BRIGHTON, MI 48116
CC: Citizens for a Sound Economy

MTC–00032786

From: Tom Burris
To: Ms. Renata B. Heese
Date: 1/17/02 9:19am
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,
Tom Burris
P.O. Box 379
4161 Fox Rd
Kingsville, OH 44048–0379
CC: Citizens for a Sound Economy

MTC–00032787

From: George Forray
To: Ms. Renata B. Heese
Date: 1/17/02 9:19am
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
George Forray
337 Campbell St.
Mishawaka, IN 46544–2853
CC: Citizens for a Sound Economy

MTC–00032788

From: Rick Moore
To: Ms. Renata B. Heese
Date: 1/17/02 9:21am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Respectfully,
Rick Moore
7580 Seacrest Way, North
Noblesville, IN 46060
CC: Citizens for a Sound Economy

MTC–00032789

From:
marek@mcmail.cis.mcmaster.ca@inetgw
To: dept. of justice
Date: 1/17/02 9:23am
Subject: Open file formats

I would like to comment on the Microsoft case. There should be a push towards opening Microsoft file formats (ea.. Word, Excel) if government doesn't want to find itself in a position where Bill Gates will dictate when and what software to use and how much to put in his coffers. It only make sense that user should be able to use any word processor to open a document, or any spreadsheet program to open a spreadsheet and so on. You do not have to break company apart to force competition. Just insist that in order to get government software contracts, it has to be open file format.

Regards
Marek Kiela
kielam@mcmaster.ca
Canada

MTC–00032790

From: Dale Hash
To: Ms. Renata B. Heese
Date: 1/17/02 9:27am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Dale Hash
8014 Troiano Drive
Culpeper, VA 22701–7267
CC: Citizens for a Sound Economy

MTC–00032791

From: Bernard McCoy
To: Ms. Renata B. Heese
Date: 1/17/02 9:32am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,
Bernard McCoy
179 Brandon
Glen Ellyn, IL 60137–5378
CC: Citizens for a Sound Economy

MTC–00032792

From: Eric Gruss
To: Ms. Renata B. Heese
Date: 1/17/02 9:34am
Subject: Microsoft Settlement (Non-Support)

Dear Ms. Heese:

I am writing in non-support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. I am disappointed in the nine state attorneys generalalong with the federal government's decision to settle the case. I am very estatic that remaining state attorneys general and the District of Columbia have decided to further pursue this case.

The settlement is unfair to all. It will allow Microsoft's to contiune on with an unfair monopoly of the home PC operating systems. I believe they will also continue to abuse loopholes in this agreement to claim their ''openess'' while behind the scenes they will make changes to users computers to render other company's software products inoperable.

Recentlly Microsoft released it's newest operating system that threatens every small software vendor in the US. It gives Microsoft the ability to force updates on users computers that could consequentlly have adverse effects on other non-microsoft software. Once again, I would urge you not to settle this lawsuit against a successful and innovative company.

Respectfully,
Eric Gruss
2424 Alvarado Dr
Kettering, OH 45420–1010

MTC–00032794

From: Jenny McNamara
To: Ms. Renata B. Heese
Date: 1/17/02 9:43am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of

Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Respectfully,
Jenny McNamara
2801 Lake Earl Drive
Crescent City, CA 95531–8814
CC: Citizens for a Sound Economy

MTC–00032795

From: Andrew Rufus
To: Ms. Renata B. Heese
Date: 1/17/02 9:48am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Respectfully,
Andrew Rufus
221 west 12th street
apt#221
Columbus, OH 43210–1303
CC: Citizens for a Sound Economy

MTC–00032796

From: Robert Moore
To: Ms. Renata B. Heese
Date: 1/17/02 10:06am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Respectfully,
Robert Moore
319 W. Oak St.
Washington Court House, OH 43160–1853
CC: Citizens for a Sound Economy

MTC–00032797

From: Ben Leland
To: Ms. Renata B. Heese
Date: 1/17/02 10:10am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.WE HAVE WASTED ENOUGH TIME AND MONEY ON THIS CASE AND SHOULD NOT EXPEND ANYMORE.wE HAVE MANY OTHETR PLACES TO PUT THE TAXPAYER'S HARD EARNED MONEY. LETS GET GOING. BTLELAND

Respectfully,
Ben Leland
6041 Kendrick Circle
Huntington Beach, CA 92647–4235
CC: Citizens for a Sound Economy

MTC–00032798

From: David Padden
To: Ms. Renata B. Heese
Date: 1/17/02 10:13am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,
David Padden
10357 S. Leavitt St.
Chicago, IL 60643–2418

CC: Citizens for a Sound Economy

MTC–00032799

From: M. Sass
To: Ms. Renata B. Heese
Date: 1/17/02 10:13am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,
M. Sass
3550 N Lake Shore Dr
Chicago, IL 60657–1916
CC: Citizens for a Sound Economy

MTC–00032800

From: James Orcutt
To: Ms. Renata B. Heese
Date: 1/17/02 10:18am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Respectfully,
James Orcutt
PO Box 465
Fallbrook, CA 92088–0465
CC: Citizens for a Sound Economy

MTC–00032801

From: Virginia Almonrode
To: Ms. Renata B. Heese
Date: 1/17/02 10:24am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,
Virginia Almonrode
PCO 1st District
8611 NE 135th
Kirkland, WA 98034–1723
CC: Citizens for a Sound Economy

MTC–00032802

From: matthew casey
To: Ms. Renata B. Heese
Date: 1/17/02 10:24am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Matthew Casey
3601 Genevieve Ave N.
Oakdale, MN 55128–3070
CC: Citizens for a Sound Economy

MTC–00032803

From: David L. Williams
To: Ms. Renata B. Heese
Date: 1/17/02 10:38am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I support the recent settlement of the lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation.

The majority of Americans also support Microsoft as witnessed by continuing heavy use of their innovative and successful software. The irony of a government trying to destroy a successful business is not lost on many people.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
David L. Williams
1335 Sunny Slope Rd.
Fairbanks, AK 99709–6430
CC: Citizens for a Sound Economy

MTC–00032804

From: Jack Davis
To: Ms. Renata B. Heese
Date: 1/17/02 10:38am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Respectfully,
Jack Davis
1702 Vintner Way
San Jose, CA 95124–5739
CC: Citizens for a Sound Economy

MTC–00032805

From: Gem Burke
To: Justice
Date: 1/17/02 10:50am
Subject: Fwd: Microsoft Settlement Addendum

Addendum near bottom
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Renata B. Hesse, Antitrust Division
cc Senator Ron Wyden
Senator Gorden Smith
Representative Greg Walden
Attorney General, State of Oregon
1810 Queens Branch Rd.
Rogue River, OR 97537
January 16, 2002
Re: Microsoft Settlement.

My name is Gem Burke and work in the communications industry as an engineer. I do not claim to be a computer expert or geek, although I probably know more about computers & software than the average user. I am simply a user of computers and their software and I would like a statement about the ?Microsoft Settlement?. I have tried reading at least some of the papers on this action and incorporate that with what seems to be happening in the real world. On this very day, I installed my tax program from Quicken and at the end of it Microsoft's Internet Explorer was installed on my computer. I wasn't asked, it wasn't an option. Then I was asked if I wanted to install AOL. So here it is January 16, 2002 and after all the denials of Microsoft, I'm still getting IE shoved down my throat whether I like it or not. They (Microsoft) are obviously not concerned about anything happening to them in court. This is not the first time Intuit has done this to me and complained to them about this then to no avail.

I could tell you about the site on the internet I logged into that changed all my defaults from Netscape to IE or any of quite a number of other examples of blatant examples of monopolistic behavior but the point I thought important is even on this late date, Microsoft is continuing to muscle out competition confident that it will come through this proceedings unscathed.

I work in the telephone business and one thing for sure, as AT&T was accused of being a monopoly and they were forced to breakup into a dozen smaller companies for anticompetiveness then, Microsoft should be broken up into 200 smaller companies because not only is Microsoft bigger and stronger,. he doesn't even try to hide the fact that he plans to muscle everyone else out. I'm not a lawyer but a blind man could see the blatant anticompetativeness of Microsoft and the fact that he can use his resources to beat off anybody including the justice department.

01–17–02 Today I tried using Turbo Tax. The first thing to do is update for latest tax information. TT (Turbo Tax) will only allow this to be done using IE (Internet Explorer). Trying to get help or post comments with Netscape only results in error messages.

TT help says: **********

''Internet Explorer is installed to allow TurboTax to quickly and reliably identify your Internet Service Provider(s) (i.e. AOL, Earthlink...) and allow you to connect to the Internet through TurboTax. Access to the Internet is required to update your product, download your state program, and file electronically. Internet Explorer is not configured as your default browser and can be uninstalled from your computer along with TurboTax after you have filed your tax return.'' **********

Which brings to question, ''Why do they need to know who my IP is?'' Secondly, I suspect they are really gathering some other kind of information from the computer, illegally, why else would they insist on using this browser? There may be a lot of un-documented features of IE may allow them to do lots of illegal snooping of my records. And it is just possible that Quicken has a back-door built into their programs that allows them access to all my finical records. If this could be referred to the proper authorities or somebody tell me who I could refer this to. I believe I have a valid complaint and I would like to see something done about it.

Thank You
Gem Burke

MTC–00032806

From: A. Lorenz
To: Ms. Renata B. Heese
Date: 1/17/02 10:51am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
A. Lorenz
RR1
Warsaw, OH 43844
CC: Citizens for a Sound Economy

MTC–00032807

From: Alben Du Vall
To: Ms. Renata B. Heese
Date: 1/17/02 10:54am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Alben Du Vall
PO Box 199
West Hamlin, WV 25571–0199
CC: Citizens for a Sound Economy

MTC–00032808

From: Elizabeth LeForge
To: Ms. Renata B. Heese
Date: 1/17/02 10:59am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Elizabeth LeForge
1201 Woodrow Wilson
Fostoria, OH 44830–1663

MTC–00032809

From: Alan Price
To: Ms. Renata B. Heese
Date: 1/17/02 11:01am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Alan Price
18 Bedford Terrace
Turnersville, NJ 08012–2102
CC: Citizens for a Sound Economy

MTC–00032810

From: Dave Hammond
To: Ms. Renata B. Heese
Date: 1/17/02 11:10am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Dave Hammond
215 Main Street
Culver, KS 67484–9131
CC: Citizens for a Sound Economy

MTC–00032811

From: Ethelmae Humphreys
To: Ms. Renata B. Heese
Date: 1/17/02 11:11am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Ethelmae Humphreys
2505 E. 11th St.
Joplin, MO 64801–5330
CC: Citizens for a Sound Economy

MTC–00032812

From: Robert Edwards
To: Ms. Renata B. Heese
Date: 1/17/02 11:20am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will

give consumers more services and products to choose from.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Robert Edwards
179 Taurus Drive
Santa Rosa Beach, FL 32459–5408
CC: Citizens for a Sound Economy

MTC–00032813

From: Jed Rice
To: Ms. Renata B. Heese
Date: 1/17/02 11:27am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

To many of us the Microsoft litigation appears to be nothing more than the heavy hand of government in search of more money to squander. The government appears always to search for more money and power, without any increase in it's effectivness. The net effect is to reduce freedom for everyone and increase the cost of of government and everything we purchase. We should be reducing the power and intrusivness of government and get back to the role of government invisioned in the constitution.

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,
Jed Rice
jedrice@yahoo.com
San Ramon, CA 94583
CC: Citizens for a Sound Economy

MTC–00032814

From: JoAnn King
To: Ms. Renata B. Heese
Date: 1/17/02 11:34am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,
JoAnn King
2118 East Pike
Zanesville, OH 43701–4621
CC: Citizens for a Sound Economy

MTC–00032815

From: Melanie Berrett
To: Ms. Renata B. Heese
Date: 1/17/02 11:41am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,
Melanie Berrett
20811 Quiet Brook Place
Potomac Falls, VA 20165–5866
CC: Citizens for a Sound Economy

MTC–00032816

From: David Seng
To: Ms. Renata B. Heese
Date: 1/17/02 11:44am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,
David Seng
360 Browns Point
Dawsonville, GA 30534–6903
CC: Citizens for a Sound Economy

MTC–00032817

From: Rick Sexauer

To: Ms. Renata B. Heese
Date: 1/17/02 11:53am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Respectfully,
Rick Sexauer
2517 La Sierra Court
Camarillo, CA 93012–8812
CC: Citizens for a Sound Economy

MTC–00032818

From: JOHN D. BORGES
To: Ms. Renata B. Heese
Date: 1/17/02 12:00pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Respectfully,
JOHN D. BORGES
9538 RT220 HWY
HUGHESVILLE, PA 17737
CC: Citizens for a Sound Economy

MTC–00032819

From: David Littmann
To: Ms. Renata B. Heese
Date: 1/17/02 12:01pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Respectfully,
David Littmann
2752 Courville Drive
Bloomfield Hills, MI 48302–1017
CC: Citizens for a Sound Economy

MTC–00032820

From: Patricia Shampo
To: Ms. Renata B. Heese
Date: 1/17/02 12:20pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Respectfully,
Patricia Shampo
1046 Hwy M 35
Bark River, MI 49807–9770
CC: Citizens for a Sound Economy

MTC–00032821

From: Charlie Browne
To: Ms. Renata B. Heese
Date: 1/17/02 12:21pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company. Continued harrassment of Microsoft can only further weaken the economies of both the USA as well as Washington and the Puget Sound area. This state already has the second

highest unenemployment rate in the nation. Enough is enough. They have been punished. We all have been punished! Look at the timing of the start of the nations economic demise and the position of Janet Reno's ''case'' in April of 2000.

Respectfully,
Charlie Browne
638 164th Pl NE
Bellevue, WA 98008–4013
CC: Citizens for a Sound Economy

MTC–00032822

From: Brenda Martin
To: Ms. Renata B. Heese
Date: 1/17/02 12:21pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Brenda Martin
4236 Irene Drive
Anchorage, AK 99504–4629
CC: Citizens for a Sound Economy

MTC–00032823

From: Eric Ivers
To: Ms. Renata B. Heese
Date: 1/17/02 12:23pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

Please accept the settlement for the Microsoft case. We have spent altogether too much time and money on this in the first place, and it is time to move on.

Respectfully,
Eric Ivers
145 Locust
Carrollton, IL 62016–1328
CC: Citizens for a Sound Economy

MTC–00032824

From: Kate Mulligan
To: Ms. Renata B. Heese
Date: 1/17/02 12:24pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Kate Mulligan
22 Overlook Drive
Wilbraham, MA 01095–1924
CC: Citizens for a Sound Economy

MTC–00032825

From: Pat Cygan
To: Ms. Renata B. Heese
Date: 1/17/02 12:38pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,
Pat Cygan
1642 Lara St. N .E.
Palm Bay, FL 32907–2421
CC: Citizens for a Sound Economy

MTC–00032826

From: J.Bryan Mc Duffie
To: Ms. Renata B. Heese
Date: 1/17/02 1:31pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Respectfully,
J.Bryan Mc Duffie
110 Mc Duffie Lane
P. O. Box 1594
West Monroe, LA 71291–9425
CC: Citizens for a Sound Economy

MTC–00032827

From: Ramon Ramirez
To: Ms. Renata B. Heese
Date: 1/17/02 1:32pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state

attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Ramon Ramirez
3295 N 153rd Dr
Goodyear, AZ 85338–8530
CC: Citizens for a Sound Economy

MTC–00032828

From: David Bartlett
To: Ms. Renata B. Heese
Date: 1/17/02 1:39pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
David Bartlett
1401 Stonington Drive
Wilmington, NC 28412–5113
CC: Citizens for a Sound Economy

MTC–00032829

From: John Blanton
To: Ms. Renata B. Heese
Date: 1/17/02 1:41pm
Subject: Against Microsoft Settlement

Dear Ms. Heese:

I am writing in against the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. I disappointed in the nine state attorneys general that decided to follow the federal government's lead and settle the case, I thoroughly approve of the decision by the remaining state attorneys general and the District of Columbia to further pursue this case.

The settlement acheives nothing. It leaves Microsoft in position to use Microsoft's Windows operating system as an unfair leverage against their competitors (such as they did with Netscape) and will leave consumers with less services and products to choose from.

As you are well aware, most, but not all, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. Myself, I thought the initial case did not go far enough. As someone who works daily with the internet and many different software packages, I have seen Microsoft use their knowledge of their own operating system to give themselves an unfair advantage over their competitors. By including more and more options, such as browsers and media players, in their OS and using their financial weight against OEMs (Original Equipment Manufacturers) they have eliminated many compeitiors. I ask you to reconsider your decision to settle this appropiate lawsuit against a successful and predatory company.

Respectfully,
John Blanton
9421 Paigefield Ct.
Richmond, VA 23229–6258
CC: Citizens for a Sound Economy

MTC–00032830

From: Mary Wofford
To: Ms. Renata B. Heese
Date: 1/17/02 2:05pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Mary Wofford
1221 Charlane Ct.
St. Louis, MO 63119–1103
CC: Citizens for a Sound Economy

MTC–00032831

From: Leonard Tillerson
To: Ms. Renata B. Heese
Date: 1/17/02 2:13pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Leonard Tillerson
244 Osprey Circle
St. Marys, GA 31558–4101
CC: Citizens for a Sound Economy

MTC–00032832

From: Ronald Huston
To: Ms. Renata B. Heese
Date: 1/17/02 2:18pm

Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Respectfully,
Ronald Huston
1749 W. Placita de Vanegas
Tucson, AZ 85704–1000
CC: Citizens for a Sound Economy

MTC–00032833

From: Brian Baumgartner
To: Ms. Renata Hesse
Date: 1/17/02 2:31pm
Subject: Microsoft Settlement
Brian Baumgartner
22365 El Toro Road, #421
Lake Forest, CA 92630
January 17, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Brian J. Baumgartner

MTC–00032834

From: James Rolen
To: Ms. Renata B. Heese
Date: 1/17/02 2:32pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Respectfully,
James Rolen
814 Sunshine Canyon Drive
Boulder, CO 80302–9727
CC: Citizens for a Sound Economy

MTC–00032835

From: emilio despirito
To: Ms. Renata B. Heese
Date: 1/17/02 2:32pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Respectfully,
emilio despirito
234 croton ave
bedford corners, NY 10549–4033
CC: Citizens for a Sound Economy

MTC–00032836

From: David Beatty
To: Ms. Renata B. Heese
Date: 1/17/02 2:34pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Respectfully,
David Beatty
1106 Crossing Way NW
Cleveland , TN 37312–3061
CC: Citizens for a Sound Economy

MTC–00032837

From: Gene Ruminski
To: Ms. Renata B. Heese
Date: 1/17/02 2:36pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Gene Ruminski
606 Pine Crest Drive
Heathsville, VA 22473–4305
CC: Citizens for a Sound Economy

MTC–00032838

From: Karin Wilson
To: Ms. Renata B. Heese
Date: 1/17/02 3:04pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Respectfully,
Karin Wilson
8306 West 90th Avenue
Westminster, CO 80021–4540
CC: Citizens for a Sound Economy

MTC–00032839

From: Mary Rogers
To: Ms. Renata B. Heese
Date: 1/17/02 3:05pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Respectfully,
Mary Rogers
39 Windsor Drive
Tuscaloosa, AL 35404–4335
CC: Citizens for a Sound Economy

MTC–00032840

From: Michael Pehel
To: Ms. Renata B. Heese
Date: 1/17/02 3:06pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,
Michael Pehel
55 Hunters Lane
South Huntington, NY 11746–3934
CC: Citizens for a Sound Economy

MTC–00032841

From: Henry Ayre

To: Ms. Renata B. Heese
Date: 1/17/02 3:13pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Respectfully,
Henry Ayre
P. O. Box 2571
Soldotna, AK 99669–2571
CC: Citizens for a Sound Economy

MTC–00032842

From: LISA STEVENSON
To: Ms. Renata B. Heese
Date: 1/17/02 3:14pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,
LISA STEVENSON
813 RUTLEDGE ROAD
CHESAPEAKE, VA 23320–6021
CC: Citizens for a Sound Economy

MTC–00032843

From: michael lewis
To: Ms. Renata B. Heese
Date: 1/17/02 3:14pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Respectfully,
michael lewis
3440 quebec ave so
st louis park, MN 55426–4021
CC: Citizens for a Sound Economy

MTC–00032844

From: george flanigan
To: Ms. Renata B. Heese
Date: 1/17/02 3:24pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Respectfully,
george flanigan
602 ironwood
normal, IL 61761–5268
CC: Citizens for a Sound Economy

MTC–00032845

From: William Lewis
To: Ms. Renata B. Heese
Date: 1/17/02 3:27pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,
William Lewis
5595 Caribou Trail
Stevensville, MI 49127–1310

CC: Citizens for a Sound Economy

MTC–00032846

From: James Braly
To: Ms. Renata B. Heese
Date: 1/17/02 3:29pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in total support of the recent settlement of the long-running, envy-driven antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless and harmful case.

The settlement is more than fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers like me more services and products to choose from.

As you should be well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, tens of thousands of activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided us with great benefits by lowering the cost, increasing the availability of software products, and opening up an immediate worldwide access to knowledge. We have stressed that Microsoft is a much admired pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a highly successful and innovative company.

Respectfully,
James Braly
451 Crestdale Lane
#163
Las Vegas, NV 89144–1005
CC: Citizens for a Sound Economy

MTC–00032847

From: jim gaines
To: Ms. Renata B. Heese
Date: 1/17/02 3:31pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company. As a long time member of the computer industry I have seen Microsofts service to the user community as a positive influence.

Respectfully,
jim gaines
603 w13 ste 1a-113
austin, TX 78701–1731
CC: Citizens for a Sound Economy

MTC–00032848

From: Ron Hendrix
To: Ms. Renata B. Heese
Date: 1/17/02 3:56pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Ron Hendrix
1374 Redondo Ct.
Los Lunas, NM 87031–9041
CC: Citizens for a Sound Economy

MTC–00032849

From: peter stebbins
To: Ms. Renata B. Heese
Date: 1/17/02 4:37pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
peter stebbins
32 bradford st
concord, MA 01742–2940
CC: Citizens for a Sound Economy

MTC–00032850

From: Robert St. Louis
To: Ms. Renata B. Heese
Date: 1/17/02 4:53pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. I am also disappointed that this case was ever brought against Microsoft Corporation. It seems that this country is bent on punishing successful enterprises, usually at the urging of those that are less imaginative and hard working.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to

the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Robert St. Louis
#6 Ruby Mountain Estates
Spring Creek, NV 89815–5655
CC: Citizens for a Sound Economy

MTC–00032851

From: Jean Castagno
To: Ms. Renata B. Heese
Date: 1/17/02 5:07pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Jean Castagno
75 Fenwood Drive
Old Saybrook, CT 06475–3031
CC: Citizens for a Sound Economy

MTC–00032852

From: Christopher Boggs
To: Ms. Renata B. Heese
Date: 1/17/02 5:30pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Christopher Boggs
120 Charles St.
Sulphur Springs, TX 75482–3504
CC: Citizens for a Sound Economy

MTC–00032853

From: Ernest Thabet
To: Ms. Renata B. Heese
Date: 1/17/02 5:40pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Ernest Thabet
3071 Clear Springs Court
Charlottesville, VA 22911–7219
CC: Citizens for a Sound Economy

MTC–00032854

From: Amanda Jervis
To: Ms. Renata B. Heese
Date: 1/17/02 6:00pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Amanda Jervis
2307 Englewood Ave
Durham, NC 27705–4014
CC: Citizens for a Sound Economy

MTC–00032855

From: Joseph Hull
To: Ms. Renata B. Heese
Date: 1/17/02 6:16pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been

unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Joseph Hull
Whispering Sands Ranch
CHS Star Route Box 66
Castle Hot Springs, AZ 85342–0066
CC: Citizens for a Sound Economy

MTC–00032856

From: Jeff Farnham
To: Ms. Renata B. Heese
Date: 1/17/02 6:17pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Jeff Farnham
2353 Swindon Lane
Kernersville, NC 27284–4336
CC: Citizens for a Sound Economy

MTC–00032857

From: Loy Puckett
To: Ms. Renata B. Heese
Date: 1/17/02 7:09pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Loy Puckett
4108 S. Fall Ridge Dr.
Columbia, MO 65203–6629
CC: Citizens for a Sound Economy

MTC–00032858

From: Sumner Kibbe
To: Ms. Renata B. Heese
Date: 1/17/02 7:15pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Sumner Kibbe
43 Horn Cove Road
Southport, ME 04576
CC: Citizens for a Sound Economy

MTC–00032859

From: Candy Scott
To: Ms. Renata Hesse
Date: 1/17/02 7:25pm
Subject: Microsoft Settlement
Candy Scott
317 White Oak Dr.
Lake Dallas, TX 75065
January 17, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense,

and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Candy Scott

MTC–00032860

From: steve raulerson
To: Ms. Renata B. Heese
Date: 1/17/02 7:48pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
steve raulerson
11310 soforenko dr
jacksonville, FL 32218–4133
CC: Citizens for a Sound Economy

MTC–00032861

From: Luke Elliott
To: Ms. Renata B. Heese
Date: 1/17/02 7:51pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Luke Elliott
1252 Yorkshire
Grosse Pointe Park, MI 48230–1106
CC: Citizens for a Sound Economy

MTC–00032862

From: Donald Phillips
To: Ms. Renata B. Heese
Date: 1/17/02 7:52pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Donald Phillips
1220 s. 28th. st.
Broken Arrow, OK 74014–5015
CC: Citizens for a Sound Economy

MTC–00032863

From: Harold Beam
To: Ms. Renata B. Heese
Date: 1/17/02 8:18pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Harold Beam
6191 Mountainside Drive
Hickory, NC 28601–9433
CC: Citizens for a Sound Economy

MTC–00032864

From: Christopher Woods
To: Ms. Renata B. Heese
Date: 1/17/02 8:38pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft

Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Christopher Woods
23911 Ash Lane
Mission Viejo, CA 92691–3010
CC: Citizens for a Sound Economy

MTC–00032865

From: Christopher Phair
To: Ms. Renata B. Heese
Date: 1/17/02 8:52pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-runningantitrust lawsuit between the U.S. Department of Justice, stateattorneys general and Microsoft Corporation. Though I applaud thenine state attorneys general that decided to follow the federalgovernment's lead and settle the case, I am thoroughly disappointedthat remaining state attorneys general and the District of Columbiahave decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitorsto use Microsoft's Windows operating system to incorporate theirsoftware programs and will give consumers more services and productsto choose from.

As you are well aware, members of Citizens for a Sound Economy havebeen unrelenting in our opposition to the federal government'santitrust case against Microsoft. For nearly 3 years, activists likemyself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general officesexplaining that Microsoft's actions did not harm consumers, butprovided them with great benefits by lowering the cost and increasingthe availability of software products. We have stressed that

Microsoft is a pioneer in the high-technology market and that theirproducts increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunatelawsuit against a successful and innovative company.

Respectfully,
Christopher Phair
3217 St. Paul St.
Baltimore, MD 21218–3326
CC: Citizens for a Sound Economy

MTC–00032866

From: Igor and Maria PALLEY
To: Ms. Renata B. Heese
Date: 1/17/02 8:52pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

We are writing in support of the recent settlement of the long-runningantitrust lawsuit between the U.S. Department of Justice, stateattorneys general and Microsoft Corporation. Though we applaud thenine state attorneys general that decided to follow the federalgovernment's lead and settle the case, we are thoroughly disappointedthat remaining state attorneys general and the District of Columbiahave decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitorsto use Microsoft's Windows operating system to incorporate theirsoftware programs and will give consumers more services and productsto choose from.

As you are well aware, members of Citizens for a Sound Economy havebeen unrelenting in our opposition to the federal government'santitrust case against Microsoft. For nearly 3 years, activists likeourselves have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general officesexplaining that Microsoft's actions did not harm consumers, butprovided them with great benefits by lowering the cost and increasingthe availability of software products. We have stressed thatMicrosoft is a pioneer in the high-technology market and that theirproducts increased our familiarity with the Internet.

Once again, we thank you for your decision to settle this unfortunatelawsuit against a successful and innovative company.

Respectfully,
Igor and Maria PALLEY
18 Dean Street
MADISON, NJ 07940–2215
CC: Citizens for a Sound Economy

MTC–00032867

From: Dolores Hasse
To: Ms. Renata B. Heese
Date: 1/17/02 10:19pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-runningantitrust lawsuit between the U.S. Department of Justice, stateattorneys general and Microsoft Corporation. Though I applaud thenine state attorneys general that decided to follow the federalgovernment's lead and settle the case, I am thoroughly disappointedthat remaining state attorneys general and the District of Columbiahave decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitorsto use Microsoft's Windows operating system to incorporate theirsoftware programs and will give consumers more services and productsto choose from.

As you are well aware, members of Citizens for a Sound Economy havebeen unrelenting in our opposition to the federal government'santitrust case against Microsoft. For nearly 3 years, activists likemyself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general officesexplaining that Microsoft's actions did not harm consumers, butprovided them with great benefits by lowering the cost and increasingthe availability of software products. We have stressed thatMicrosoft is a pioneer in the high-technology market and that theirproducts increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunatelawsuit against a successful and innovative company.

What happened to free interprise and the desire to better one's selfwith your ideas?

Respectfully,
Dolores Hasse
523 Opal Ave.
Klamath Falls, OR 97601–1037
CC: Citizens for a Sound Economy

MTC–00032868

From: Carrie Allen
To: Ms. Renata B. Heese
Date: 1/17/02 10:41pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-runningantitrust lawsuit between the U.S. Department of Justice, stateattorneys general and Microsoft Corporation. Though I applaud thenine state attorneys general that decided to follow the federalgovernment's lead and settle the case, I am thoroughly disappointedthat remaining state attorneys general and the District of Columbiahave decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunatelawsuit against a successful and innovative company.

Respectfully,
Carrie Allen
7912 Lowtide Circle

Huntington Beach, CA 92648–2301
CC: Citizens for a Sound Economy

MTC–00032869

From: gleen murray
To: Ms. Renata B. Heese
Date: 1/18/02 2:47am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
gleen murray
201 w mary st
bristol, VA 24201–4660
CC: Citizens for a Sound Economy

MTC–00032870

From: Andrew Grisham
To: Ms. Renata B. Heese
Date: 1/18/02 2:51am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Andrew Grisham
8713 Golden Gardens Dr. N. W.
Seattle, WA 98117–3942
CC: Citizens for a Sound Economy

MTC–00032871

From: Jacquelyn Currie
To: Ms. Renata B. Heese
Date: 1/18/02 4:27am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Jacquelyn Currie
1933 Lakeshore Drive
Hot Springs, AR 71913–5425
CC: Citizens for a Sound Economy

MTC–00032873

From: Cindy Schierling
To: Ms. Renata B. Heese
Date: 1/18/02 5:04am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Cindy Schierling
479 E. 341st Street
Lebo, KS 66856–9119
CC: Citizens for a Sound Economy

MTC–00032874

From: james m nordlund
To: Ms. Renata Hesse
Date: 1/18/02 5:13am
Subject: Microsoft Settlement
james m nordlund
p.o.b. 982
Lakin, KS 67860–0982
January 18, 2002
Ms.Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

Hello! I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this

agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Viva la evolution, viva green party! reality Thanx for your attention and time.

Sincerely,
james m nordlund

MTC–00032875

From: George Buttery
To: Ms. Renata B. Heese
Date: 1/18/02 6:03am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
George Buttery
14458 Hillview Drive
Largo, FL 33774–5033
CC: Citizens for a Sound Economy

MTC–00032876

From: ray lambright
To: Ms. Renata B. Heese
Date: 1/18/02 6:43am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
ray lambright
3158 massieville rd.
chillicothe, OH 45601–8914
CC: Citizens for a Sound Economy

MTC–00032877

From: William Stoner
To: Ms. Renata B. Hesse
Date: 1/18/02 6:54am
Subject: Microsoft Settlement (Support)

Dear Ms. Hesse:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
William Stoner
2020 Madison SE
Grand Rapids, MI 49507–3152
CC: Citizens for a Sound Economy

MTC–00032878

From: Taxabo2@aol.com@inetgw
To: libertariansociety@
yahoogroups.com@inetgw
Date: 1/18/02 9:00am
Subject: Microsoft lobbying opportunity . . .

Gentlepeople:

Public comment on the Microsoft anti-trust case officially closes January 28th. If, like me, you wish to make your ''two cents worth'' heard, simply email your comments to Attorney General John Ashcroft's anti-trust office at: microsoft.atr@usdoj.gov. You can also let Microsoft read your comments by emailing Microsoft at: fin@mobilizationoffice.com . Here are my comments.

Dear Attorney General Ashcroft:

From the beginning I have regarded the anti-trust case against Microsoft as bogus, just another tiresome example of socialist religiosity imposing their dogma of business virtue in the form of ''perfect competition.''

As a Tolerant Party supporter, I, of course, am a critic of unlimited government, of letting government do more than impose the limited virtue of peace through enforcement of universal, natural, human, individual rights.

There is no right to be kept competitive, or to have others kept less competitive than one's self. The only legitimate competition-related rights are those of freedom from fraud and defense of one's property rights. Bundling evermore software programs into one's browser, and not giving equal access to other firm's software, is a browser owner's property right rather than a violation of such.

I hope that in this age of global terrorism by Al Queda's vice and virtue squads you and other government leaders can relearn the virtue of limited government. Just as we must defund terrorists by legalizing the drug usage from which they derive so much illicit income, we must stimulate the American economy by legalizing freedom of competition. It is time to stop imposing our ruling elite's religious convictions about unlimited perfection of society with their wars on drugs, unfair competition, pornography, poverty, ad nauseum.

The militarization of society in pursuit of unlimited moral perfection leads to the destruction of such societies. When Rome abandoned their tolerant religious policies and began forcing every Roman to worship their new emperors as deities, Christianity became uniquely important a resistance force to Roman oppression as Christians alone refused to worship Rome's new emperor gods. Christians were actually persecuted as ''atheists'' because of their anti-emperor-deity attitude. If Rome's decline into unlimited ''virtue'' by government decree, the destruction of Imperial Japan, Nazi Germany and the Soviet Union's similar decline should be instructive. However, Talliban Afghanistan's theocracy shows how few rulers learn this history lesson.

Sincerely,
Robert Bakhaus
taxabo2@aol.com

MTC–00032879

From: Samir Vyas
To: Ms. Renata Hesse
Date: 1/18/02 9:04am
Subject: Microsoft Settlement
Samir Vyas
39 E. 9th St #209
Indianapolis, IN 46204
January 18, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Samir Vyas

MTC–00032880

From: Davie Kimbrell
To: Ms. Renata B. Heese
Date: 1/18/02 9:55am
Subject: Microsoft Settlement (Support) Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Davie Kimbrell
PO Box 333
Southmont, NC 27351–0333
CC: Citizens for a Sound Economy

MTC–00032881

From: Daniel Bakstad
To: Attorney General John Ashcroft
Date: 1/18/02 10:40am
Subject: Microsoft Settlement
January 18, 2002

Dear Mr. Ashcroft:

As one of America's largest employers, Microsoft has been unwisely targeted in this antitrust dispute, especially when you consider the current state of the American economy. Microsoft is a successful company, built by the standards of the American dream. The attack on this company is an attack on the American dream.

The settlement that has been reached is a good one in spite of the rather harsh terms that Microsoft will be complying with. For example, Microsoft has agreed to document and disclose for use by its competitors various interfaces that are internal to Windows'' operating system products-a first in an antitrust settlement. The most important thing, at this point, is just to get this litigation behind us so we can focus on more important issues.

Thank you for all that you have done in bringing about this settlement. Your decision to settle has shown true foresight and wisdom on your part. Hopefully, the remaining nine states still pursuing litigation will soon see the wisdom of this settlement. Thank you.

Sincerely,
Daniel Bakstad
1301 Stonehurst Dr
Anderson, SC 29621

MTC–00032882

From: Irene Wice
To: Ms. Renata B. Heese
Date: 1/18/02 11:23am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of

Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Irene Wice
156 Windrose Driv e
Thousand Oaks, CA 91320–3563
CC: Citizens for a Sound Economy

MTC–00032883

From: Janet Simonson
To: Ms. Renata B. Heese
Date: 1/18/02 11:49am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Janet Simonson
PO Box 1235
Suquamish, WA 98392–1235
CC: Citizens for a Sound Economy

MTC–00032884

From: Charlotte Worden
To: Ms. Renata Hesse
Date: 1/18/02 11:56am
Subject: Microsoft Settlement
Charlotte Worden
1821 2nd St
Lewiston, ID 83501
January 18, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance ? the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Charlotte Worden

MTC–00032885

From: Roger Cooper
To: Ms. Renata B. Heese
Date: 1/18/02 1:06pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Roger Cooper
336 Live Oak Dr.
336 Live Oak Dr.
Vero Beach, FL 32963–9677
CC: Citizens for a Sound Economy

MTC–00032886

From: Michelle Fogle
To: Ms. Renata B. Heese
Date: 1/18/02 1:13pm

Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Michelle Fogle
24810 Northampton Forest Dr.
Spring, TX 77389–2911
CC: Citizens for a Sound Economy

MTC–00032887

From: Jerry Jones
To: Ms. Renata B. Heese
Date: 1/18/02 1:52pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Jerry Jones
5845 E Placita Alta Reposa
Tucson, AZ 85750–1096
CC: Citizens for a Sound Economy

MTC–00032888

From: James Smith
To: Ms. Renata B. Heese
Date: 1/18/02 1:53pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
James Smith
2671 Warwick Circle, NE
Atlanta, GA 30345–1633
CC: Citizens for a Sound Economy

MTC–00032889

From: CAROLE MARZ
To: Ms. Renata B. Heese
Date: 1/18/02 2:56pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
CAROLE MARZ
P. O. Box 174
Chincoteague, VA 23336–0174
CC: Citizens for a Sound Economy

MTC–00032890

From: Stuart B. Holoman
To: To Whom It May Concern
Date: 1/18/02 3:10pm
Subject: Microsoft Settlement

To Whom It May Concern:

I understand that the address to which this email is being sent is the proper address for making comments relative to the DoJ proposed antitrust settlement with 9 states and Microsoft.

I believe that the proposed settlement is adequate and sufficient to complete any dealings between the DoJ and Microsoft. It seems to me that the provisions of the agreement are tough, reasonable, and more than fair to all parties involved. I believe completing this settlement is in the public interest and certainly in my personal interest. It is time to let Microsoft get on with their business and improve their products, of which I am a continuous user. I believe it is time to allow Microsoft to stop expending massive funds paying lawyers to defend itself against these suits and allow those funds to be used for the improvement of Microsoft products.

As a Microsoft stock holder, I believe that settlement of this action will improve my equities position.

The proposed settlement is in my interest and the public interest. The District Court reviewing the case should so find.

Thank you,
Stuart Holoman
2617 Countrywood Road
Raleigh, NC 27615
sholoman@holocon.net

MTC–00032891

From: CONRAD ODENTHAL

To: Ms. Renata B. Heese
Date: 1/18/02 4:15pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
CONRAD ODENTHAL
25575 SW LABROUSSE RD
SHERWOOD, OR 97140–8807
CC:
Citizens for a Sound Economy

MTC–00032892

From: Andrew Horras
To: Ms. Renata B. Heese
Date: 1/18/02 4:26pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Andrew Horras
7 Wheatfield Ct.
Collinsville, IL 62234–2239
CC: Citizens for a Sound Economy

MTC–00032893

From: Harris Hall
To: Ms. Renata B. Heese
Date: 1/18/02 6:25pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Harris Hall
777 S. Orange Grove Blvd.
Apartment #2
Pasadena, CA 91105–1761
CC: Citizens for a Sound Economy

MTC–00032894

From: Rosemary Cleland
To: Ms. Renata B. Heese
Date: 1/18/02 7:53pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Rosemary Cleland
575 Hobson Street
Unit C
Bishop, CA 93514–2500
CC: Citizens for a Sound Economy

MTC–00032895

From: David Trend
To: Ms. Renata B. Heese
Date: 1/18/02 9:27pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
David Trend
25 Lakeview Drive
Skillman, NJ 08558–2406
CC: Citizens for a Sound Economy

MTC–00032896

From: Benjamin Gronke
To: Ms. Renata Hesse
Date: 1/18/02 11:07pm
Subject: Microsoft Settlement
Benjamin Gronke
993 East Madison Street
Waterloo, WI 53594
January 19, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance—the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

Prior to the September 11 terrorist attacks, Osama Bin Laden had already carried out numerous attacks against U.S. embassies and military installations. However, prior to September 11, the United States was spending more money chasing Bill Gates than it was chasing Osama Bin Laden. IS IT NOT TRUE THAT BILL GATES GIVES MILLIONS OF DOLLARS TO CHARITY AND OSAMA BIN LADEN IS A TERRORIST? I AM VERY DISAPPOINTED THAT MY GOVERNMENT SPENT MORE MONEY TRYING TO DESTROY BILL GATES THAN IT DID TRYING TO DESTROY A MURDERER NAMED OSAMA BIN LADEN!

Who's more dangerous? A businessman pursuing the American Dream, or a guy that runs a terrorist organization aimed at killing Americans? I think the majority of Americans would agree that a terrorist is more of a threat.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Benjamin Gronke

MTC–00032897

From: Les (038) Patricia Cowen
To: Ms. Renata B. Heese
Date: 1/19/02 5:04am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Les & Patricia Cowen
421 N. Turkey Pine Loop
Lecanto, FL 34461–8434
CC: Citizens for a Sound Economy

MTC–00032898

From: Thomas Dibble
To: Ms. Renata Hesse
Date: 1/19/02 5:21am
Subject: Microsoft Settlement
Thomas Dibble
21601 Redwing Ave
Jordan, MN 55352
January 19, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance—the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case—the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Thomas Dibble

MTC–00032899

From: Frank Corradino
To: Ms. Renata B. Heese
Date: 1/19/02 6:56am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I write in support of the recent settlement of the long-running antitrust lawsuit between

the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Frank Corradino
8540 Clinton Ave.
Rome, NY 13440–9354
CC: Citizens for a Sound Economy

MTC–00032900

From: hammondr
To: Judge Kollar-Kotally
Date: 1/19/02 6:57am
Subject: Microsoft settlement

Honorable Judge Koller-Kotally:

We are writing this as a concerned citizens to express our concerns in regards to the Microsoft Proposed Final Judgement.

This Judgement does not deal with any of the three points with which

Microsoft was viewed as having violated.

1. Their illegal monopoly

2. To deny Microsoft the fruits of its past violations, nor

3. To prevent any such future anti-competitive activity.

Microsoft should not be granted a government mandated monopoly.

Therefore we urge you not to accept the Proposed Final Judgement.

Sincerely,
Rob and Shirley Hammond
Permanent address in US
312 Homecrest Dr
Willow Street, PA 17584–9449
In Austria,
Ocwirkgasse 9/4/9
A–1210 Vienna, Austria
E-Mail bushhammond@europe.com

MTC–00032901

From: Richard Moss
To: Ms. Renata B. Heese
Date: 1/19/02 8:53am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Richard Moss
212 E. Mission St.
Santa Barbara, CA 93101–1045
CC: Citizens for a Sound Economy

MTC–00032902

From: Irving Smith
To: Ms. Renata Hesse
Date: 1/19/02 1:21pm
Subject: Microsoft Settlement
Irving Smith
1618 Florida Ave.
Woodbridge, VA 22191
January 19, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance ? the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case ? the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors? products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Irving and Midge Smith -

MTC–00032903

From: S. Currie
To: Ms. Renata B. Heese
Date: 1/19/02 1:36pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this extremely costly case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give

consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, people like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
S. Currie
34300 Wallis
Clinton Twp, MI 48035–3684
CC: Citizens for a Sound Economy

MTC–00032904

From: William Barrington
To: Ms. Renata B. Heese
Date: 1/19/02 1:47pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
William Barrington
1506 Keel Drive
Corona Del Mar, CA 92625–1241
CC: Citizens for a Sound Economy

MTC–00032905

From: Bruce Butts
To: Ms. Renata Hesse
Date: 1/19/02 2:05pm
Subject: Microsoft Settlement
Bruce Butts
4908 Breeze Way
Dumfries, VA 22026–1253
January 19, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Bruce Butts

MTC–00032906

From: Robert Goodwyn
To: Ms. Renata Hesse
Date: 1/19/02 2:14pm
Subject: Microsoft Settlement
Robert Goodwyn
4202 Pickering Place
Alexandria, VA 22309–2821
January 19, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Most importantly, this settlement is fair to the computer users and consumers of

America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Robert T. Goodwyn

MTC–00032907

From: Thomas Fraser
To: Ms. Renata Hesse
Date: 1/19/02 3:42pm
Subject: Microsoft Settlement
Thomas Fraser
1604 E. Texas Ave.
Baytown, Tx 77520
January 19, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Thomas B. Fraser

MTC–00032908

From: Gwen Luhring
To: Ms. Renata Hesse
Date: 1/19/02 4:26pm
Subject: Microsoft Settlement
Gwen Luhring
190 Madrone Ridge Dr
Grants Pass, OR 97527–9144
January 19, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Gwen R. Luhring

MTC–00032909

From: Nina McCorkle
To: Ms. Renata B. Heese
Date: 1/19/02 6:21pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Respectfully,

Nina McCorkle
637 Eisenhower St.
Davis, CA 95616–3030
CC: Citizens for a Sound Economy

MTC–00032910

From: Don Levy, M.A.
To: Microsoft ATR
Date: 1/20/02 1:23am
Subject: Microsoft Settlement

Gentlepeople:

I find it very disturbing that in the midst of being found a monopoly, Microsoft demonstrated that even while under the close scrutiny of the court it cannot resist trying to corner another market segment: the schools. While it's true that this ploy was rejected by the court as merely a hooded effort to knock Apple and others out of the arena (in the guise of doing something for poor children and at almost no real expense to Microsoft), I wonder if the court can continue to be eager to not split Microsoft up, given that kind of brazen disregard for the laws concerned with predatory behaviors that can destroy competitors and damage the interests of the public, both consumers and organizations.

Please reconsider your earlier backing away from dividing MS into at least two entities, with tight monopoly controls. We deserve competition, not what it appears we may get.

Sincerely,

Donald Levy
Loa Angeles, CA

MTC–00032911

From: Dean Nervik
To: Ms. Renata Hesse
Date: 1/20/02 3:42am
Subject: Microsoft Settlement

Dean Nervik
Route 8
Speculator, NY 12164
January 20, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Dean Nervik

MTC–00032912

From: Edward M. Walsh
To: Ms. Renata Hesse
Date: 1/20/02 5:48am
Subject: Microsoft Settlement
Edward M. Walsh
6 Colonial Oaks Drive
Oak Ridge , NJ 07438–9158
January 20, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Edward M. Walsh

MTC–00032913

From: Richard Peck
To: Ms. Renata B. Heese
Date: 1/20/02 6:46am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Richard Peck
1822 Jackson Road
Penfield, NY 14526–1216
CC: Citizens for a Sound Economy

MTC–00032914

From: Stephen Schiller
To: Ms. Renata Hesse
Date: 1/20/02 7:11am
Subject: Microsoft Settlement
Stephen Schiller
10920 Thanlet Lane
Reston, VA 20190–3921
January 20, 2002

Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Stephen H. Schiller

MTC–00032915

From: MICHAEL PERRIN
To: Ms. Renata Hesse
Date: 1/20/02 9:42am
Subject: Microsoft Settlement
MICHAEL PERRIN
31111 INDUSTRIAL DR.
LIVONIA, MI 48150
January 20, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
MICHAEL PERRIN

MTC–00032916

From: Mike Durand
To: Attrny Gen Ashcroft
Date: 1/20/02 11:35am
Subject: Microsoft Settlement
Richard M. Durand
4109 Yarmouth Road
New Bern N.C. 28562
Home Phone 252–635–1503
January 20, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue
Washington, DC 20530

Dear Mr. Ashcroft,

I have been a supporter of Microsoft from the very start of these investigations and I am very gratified to see that the Justice Department has finally decided to settle their antitrust suit. I think it is about time we complete this case and move forward, as three years was just too long.

I hope that the Justice Department appreciates how much that Microsoft has sacrificed in order to reach a settlement and bring this proceedings to an end. By giving up access to its software with out recrimination as well as agreeing to design future versions of Windows easier to use with competitors products, Microsoft is forgoing an enormous amount of potential profit. Anyone who thinks that the suit should continue after seeing the terms of this settlement must be out to profit off of Microsoft's hard work.

It is a shame that nine states still refuse to settle. By trying to support their own state budget shortfalls, they are hurting their own constituents. I hope that their voters will make them realize the error of their ways directly in order to end any further litigation against Microsoft.

Sincerely,
Richard M. Durand

MTC–00032917

From: Thomas McWilliams
To: Ms. Renata B. Heese
Date: 1/20/02 4:22pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this

baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Thomas McWilliams
One Cessna Lane
Downers Grove, IL 60516–4901
CC:
Citizens for a Sound Economy

MTC–00032918

From: Charles DeBrett
To: Ms. Renata B. Heese
Date: 1/20/02 5:56pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Respectfully,
Charles DeBrett
P.O. Box 1475
Cave Junction, OR 97523–1475
CC: Citizens for a Sound Economy

MTC–00032919

From: Robert Martin
To: Ms. Renata Hesse
Date: 1/20/02 7:47pm
Subject: Microsoft Settlement
Robert Martin
270 Decatur Road
Stafford, VA 22554
January 20, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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I also believe the cost of this lengthy litigation should ome out of themonies Microsoft is paying in this case. The State will settle their disputes faster if they know the longer they resist the less money they will receive from the settlement pot!

Sincerely,
Robert Martin

MTC–00032920

From: B. Wehrung
To: Ms. Renata Hesse
Date: 1/20/02 10:49pm
Subject: Microsoft Settlement
B. Wehrung
702 Irving Royal Oak, MI 48067–2879
January 21, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

The message below was composed by Citizens Against Government Waste and seems to be based on the idea that it cost a lot of money to sue Microsoft Corp. I believe it was money well spent and it is misguided to let them off so lightly, with a settlement that is so favorable to the company. You can read the message if you like but DO NOT APPROVE the settlement.

Brendan Wehrung

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance ? the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

B. Wehrung

MTC–00032921

From: Doug Skoglund
To: Department of Justice
Date: 1/21/02 2:57am
Subject: Microsoft Settlement
To: microsoft.atr@usdoj.gov
Reference: Microsoft Settlement

In the Competitive Impact Statement, section I, Nature and Purpose of the Proceeding, I quote the following:

The Proposed Final Judgment will provide, certain and effective remedy for consumers by imposing injunctive relief to halt continuance and prevent recurrence of the violations of the Sherman Act by Microsoft that were upheld by the Court of Appeals and restore competitive conditions to the market.

Now, it doesn't take a legal genius to read the text of the Proposed Final Judgment and then have some serious doubt about the accuracy of the above statement. My review of the Revised Proposed Final Judgment, RPFJ, yields a great deal of confusion caused by questionable definitions, exceptions, loopholes and other assorted legal maneuvers that may or may not be relevant.

While I see the RPFJ as a great big expensive joke that does nothing for the micro-computer business nor for the larger society, as an ISV, Independent Software Vendor, I feel qualified to state that the RPFJ does nothing to limit the enormous power of Microsoft and its control over the business. While the object of these proceedings is the punishment of Microsoft for past anti-trust violations and prescription for future activity necessary to restore competition, one should never loose sight of the tremendous contribution Mr. Bill Gates and company have made to the development of the PC business.

Let me repeat, one should never loose sight of the tremendous contribution Mr. Bill Gates and company have made to the development of the PC business. With a few exceptions, most everyone in the business has operated within the shadow of Microsoft, which means that, in addition to the many benefits, we've also been aware of much of Microsoft's suspect activity, and we also were very well aware of the consequences of ''whistle blowing''. It should be understood that this general atmosphere of fear is more important in limiting competition than any of the overt activity that is the object of these proceedings.

I think that most people would recognize that the entire PC business has grown as a function of and in the image of Microsoft. But, it has outgrown even the imagination of Mr. Gates. It must be broken free to allow growth in areas and ways that may be contrary to his philosophy. Mr. Gates has done a remarkable job, we have made him a very rich man, but it is time for others to get into the game. It would be nice if Mr. Gates would allow the transition to occur peacefully, he should have negotiated a settlement with Judge Jackson long ago, but since he continues to resist the inevitable, it's up to you, Judge Kollar-Kotelly and you, Mr. Charles A. James.

I want to emphasize that this entire proceeding has suffered from non-participation by members of the PC business. I can imagine the personnel of the Department of Justice being more than a little piqued by the lack of qualified support from the industry. Yet it is easy to understand the reluctance of industry members to pitch in, what with careers on the line if the government lost this case. It would seem, when one views the complete capitulation of the Department of Justice, that the industry members have made the right choice, If the Revised Proposed Final Judgment is accepted by the court, the people will have every right to conclude that Mr. Bill Gates and company are more powerful than the United States Government. Hey folks, you must not allow that to happen!!!!

Plaintiff Litigating States'' Remedial Proposals Plaintiff Litigating States'' Opposition to Microsoft Corporation's Motion to Amend the Scheduling Order Exhibits to Plaintiff Litigating States'' Opposition to Microsoft Corporation's Motion to Amend the Scheduling Order Now, here are three legal documents that I can understand. I refer to all three since each has a way of describing things that helps promote understanding. Not being a legal expert maybe it's something like programming, you need the program and then you need the documentation to explain what the program does and how to use it.

It would be far too easy to say that I support the Litigating States and end this document right here; however, I want to compare my conclusions, as expressed in a previous post with the ''Exhibits'' conclusions on a couple of very key, to me, points. One example: (my thoughts) (From definition of Non-Microsoft Middleware Product) A Non-Microsoft Middleware product is any product that both meets the definition of Non-Microsoft Middleware and has at least one million copies distributed in the United States within the previous year* * *

* * * Without limitations on the definition, any software developer would be able to claim that any software product was middleware and thereby insist on exercising options and alternatives provided by the Proposed Final Judgment.

Correct me if I'm wrong, but it seems that I cannot expect protection from Microsoft illegal tactics against my ''Middleware''application purely because it is new and therefore did not distribute one million copies last year. (29) (from Exhibit) the RPFJ's middleware definitions are drawn too narrowly, excluding from protection competitors of Microsoft in critical middleware markets and excluding from the restrictions of the judgment important Microsoft products—for example, (a)software cannot qualify as a ''Non-Microsoft Middleware Product'' unless at least one million copies were distributed in the U.S. in the previous year, meaning that by definition nascent or developing middleware threats receive no protection under the user configuration flexibility remedy,* *

Another Example: (my thoughts)Subsection HI.C.3. requires that Microsoft permit OEMs to configure their products to launch Non-Microsoft Middleware automatically at the conclusion of the first boot sequence* * *

The only limitation Microsoft may impose on OEMs in this circumstance is that any Non-Microsoft Middleware the OEM configures to launch automatically cannot display a user interface that is not of similar size and shape* * *

This really doesn't make much sense as the primary purpose for any competitive product might very well be to present a whole new user interface.(10) (from Exhibit)the RPFJ imposes unjustifiable qualifications in the provisions that appear to provide for flexibility in product configuration(e.g., (i) Microsoft can limit the addition of icons, shortcuts and menu entries for non-Microsoft products to only those places where Microsoft has decided to promote a Microsoft product with similar functionality (thus blocking such additions if Microsoft does not make that decision and/or does not offer a competing product), and (ii) the automatic launching of competing software may be prohibited if such software displays a user interface that is not of a similar size and shape to the interface displayed by the equivalent Microsoft Software or a Microsoft product would not otherwise launch automatically)

Critique of Remedial Proposals ''.

I don't pretend to have the knowledge and expertise to critique the legal aspects of this document.

I do, however, have substantial engineering background and programming experience to allow me to comment on some portions of the document and to emphasize things that I perceive to be logical shortcomings.

Definitions

This section may appear at the rear of a legal document; however, since all else

depends onproper definitions, I want to discussthis subject first.

''Applications''—Programs that perform specific tasks, such as accounting, word processing, or communications or any other task that the user might require from a computer. Applications connect to the operating system by accessing or calling APIs.

''API'' or ''Application Programming Interface''—Program elements, routines or sections of program code that are callable or otherwise accessible by other program elements and/or applications for the purpose of performing specific steps or portions of a task. Since one API can call other APIs they may range from the very simple to the very complicated, but, it should be emphasized that APIs are never accessed by end users. (Some method of controlling acceptability of APIs is required—see some of the discussion below)

''Operating System''—Program that controls the low level processes of a computer and mediates between the application program and the drivers that control the computer hardware. The operating system schedules and controls the use of the system's hardware resources. These hardware resources may include memory, disk drives, printers, and CRTs. The Goal of a good operating system is to simplify the use of the computer by providing a common set of practical, easy-to-use commands (APIs) that bridge the gap between the application programs and the actual physical processing of the computer.

''Middleware''—A non-Microsoft application that, in addition to performing specific tasks,exposes its own APIs for use by application developers. For the purpose of these proceedings, the definition of middleware must necessarily be short and specific. If one does a search of the Internet, one will find that the term has many meanings, and thus becomes meaningless for legal purposes. In addition, Microsoft should not be allowed to use the term to describe any Microsoft software because that only clouds the issue of ownership or source of a specific API. In other words, all APIs that Microsoft chooses to release should be considered part of the operating system.

''Interpreter''—An application that can perform specific tasks under control of a separate document or script. Basic started as an interpreted language, but with the development of compilers, that Basic script is generally converted into a binary coded program. Internet Explorer, Netscape Navigator and Java are more properly classified as Interpreters. Since a script can only give instructions to an interpreter, I suppose that Java might be called middleware if the script is compiled into a program that is actually run and then calls APIs itself. The distinguishing characteristic is determined by which segment is executed under the control of the computer's central processing unit, cpu.

''Operating System Product''—This is actually a collection of files that make up the Operating System, some associated applications and other related files. Since the basic operating system is useless to the user, some applications must be included,thus the need for this definition. And since Microsoft has chosen to obfuscate the meaning of operating system by it's philosophy of ''integration'', it has become necessary for the court to decide the meaning of this term and control it's future usage.

I don't intend to rewrite all the definitions, but, if one accepts the above definitions, one can readily visualize the impact on the balance of the court proceedings. Let's look at some interesting information, developed by installing various Microsoft operating systems, in turn, on the same machine.

Sorry, Windows XP would not install on this machine since it requires 64 Mb memory and this machine only had 32 Mb and an additional 32 Mb would have cost $100. (there's a limit to my contribution to these proceedings) Besides, these numbers allow me to make my point. Microsoft should have settled these anti-trust matters years ago and they would have been able to pursue business without governmental interference. Instead they chose to fight and they lost. Legally, they are a monopoly and they have violated the law. Their unwillingness to settle on reasonable terms necessitate that they become a regulated monopoly. They must be required to document all those files and directories so that a base point can be established to firm up the meaning of ''Operating System Product''. Future additions to the basic definition must be controlled by some kind of regulating body.

Using the above definitions, MS-DOS is an operating system, Windows for Workgroups might have been classified as an application because the machine was booted in MS-DOS and W4W was run separately; however, since it exposes APIs and is a Microsoft product it thus becomes an operating system. Windows 95/98/2000/XP are operating systems (after determination of a base point) because the machine is booted directly into the respective system.

If we use Windows 95 to determine the base point, Internet Explorer, an application by definition, is not part of the operating system since it was introduced separately and then included with Windows 98. In summary, Microsoft lost the right to ''integrate applications into the operating system'', by violating the law. If not this, then other application developers deserve the right to have their similar applications integrated into the operating system also.

Mandatory Disclosure to Ensure Interoperability

This section of the Remedial Proposals needs considerable work in that it fails to recognize the existence of Microsoft Development Network, MSDN, and more importantly, it fails to deal with the quality of such disclosure. It should be understood that Microsoft distributes all (I think) technical information to subscribers dependent upon subscription level. In other words, you purchase the level of information you require, no matter your other relationship to Microsoft. I see this as satisfactory, if the court determines that Microsoft personnel also use the MSDN documentation. The difficulty with the present system is the method of developing APIs. It is obvious to developers using MSDN that many APIs were developed for Microsoft application use and then documented and added to MSDN. This, of course, means that Microsoft personnel have been using the API for considerable time before outsiders have had access.

A well controlled monopolist should be expected to develop APIs for broad usage and let inside programmers determine usage the same as outside ones. The broad usage requirement should be interpreted to mean that the basic lowest level API must be documented. I quote from ''MFC Programming with Visual C++ 6 Unleashed'', copyright 1999 by Sams Publishing. The Microsoft Foundation Classes are an excellent example of how an object-oriented approach to packaging software functionality can lead to code reuse, reduced application complexity, and in the end, a more efficient software development environment.

MFC has been around for seven years now. The first version of MFC was release with version 7 of Microsoft's 16-bit C/C++ compiler, and it represented little more than a wrapper around the Window GDI (Graphics Device Interface) call. The author goes on to emphasize the benefits of MFC to the programmer and de-emphasize the costs to the ultimate user.

Programs, including code stored in associated files, are larger (amount of memory required) and operate slower. Microsoft has developed additional features/dialects (?) such as COM, ATL, .NET aimed at the benefits to the programmer without much consideration for the user, after all, additional memory and disc space is cheap and faster computers are being developed all the time. Microsoft has tended to use these higher level approaches in their applications, and then document the higher level APIs. If the propose of these proceedings is to restore competition, Microsoft must be forced to document the entire structure of a higher level API, which means that the basic API should be demonstrated in a sample program written in C/C++ without all the frills.

As a matter of fact, the sample program should be capable of compiling with a competitive compiler. One should be aware of the hidden advantage Microsoft accrues with this programming philosophy. The more an individual programmer and a programming organization ties itself to MFC and these other dialects the more ''locked in'' they become and the more their programs look and feel like Microsoft programs. True competition with Microsoft can only occur at the basic API level.

Internet Browser Open-Source License

This provision is unnecessary since the Browser APIs are now available through MSDN. What is required, however, is more control over the size of acceptable segmentation. Any programmer could take a complete application, enclose it in a DLL, dynamic link library, set up the call linkage and then call it from a skeleton application. The application now becomes middleware; but, the purpose has been compromised. Calling the resultant API would be no different than running the original program. The segmentation, must be small enough to allow another programmer to use some of the APIs to build a distinctly different application.

What is needed about Internet Explorer is better segmentation. For example, there is an API, Navigate, part of Web Browser Control, that includes both the access to a web page and the display of that web page. The net effect of this shortcoming is to prevent a programmer from controlling the access to the Internet. In other words, use of this API might very well allow Microsoft to include Internet access desired by Microsoft without the users, or the programmers knowledge. Oh, Microsoft might argue my point as some of the Internet calls are available for examination; however, they will have to explain why *ALL* of the calls are not available.

Internal Compliance

The Remedial Proposal devotes considerable words to the subject of compliance including the appointment of a Special Master. I only wish to add to these recommendations by pointing out a way of developing a measurement mechanism that can be used to establish goals and measure progress towards those goals, assuming that the big broad general goal is to improve service to the customer.

The philosophy is simple;—execution, well, that may be another thing. A proper amount of ''encouragement'' from the court should turn the trick.

All that is required is a monitored, measured, Internet support forum/s. There are all kinds of forums and chat groups on the Internet right now, some monitored, others unmonitored. I am speaking about monitoring by qualified, empowered, personnel, qualified to answer many questions and empowered to get answers from more qualified personnel if necessary.

But, far more important is the measurement mechanism. Since each request/question/complaint is a single document, it can be classified by the submitter, dated and timed by the computer. The response can be classified by the respondent, dated and timed by the computer. The software can then keep track of response times, quantities entered, closed and still open, by category, on a daily, weekly or monthly basis. This type of system could replace the Periodic Reports called for in the Remedial Proposal.

Windows Operating System Licenses

Mandatory Disclosure to Ensure Interoperability

Intellectual Property Rights

These sections seem to be unnecessarily complicated, using terms like OEM, Covered OEM, Third-Part Licensee, which are all meant to exclude. I would think that subscription to MSDN could be the sole determinant controlling licensing and the distribution of technical information. Subscription to MSDN at the Operating System level or above should include one copy of each current operating system with the right to purchase, and re-sell, additional copies according to a discount schedule based upon yearly quantity. Many computers are assembled by small companies that should be able to re-sell licenses to the operating system.

In addition, a ''fair use'' type of clause should be required in software licensing that would permit installation on multiple machines used by a single or limited number (family) of individuals. Most companies allow this since enforcement is very difficult, but Microsoft has chosen to restrict this kind of use with very intrusive procedures. I recognize that this might be a matter for Congress, but, I wanted to bring up the subject anyway. Under the title of ''Equal Access'', Microsoft is allowed to restrict access to information about any bona fide joint development effort. I would think that joint development efforts should be restricted to applications only and even then be under very strict control. This exception is too large a loop hole to be allowed a monopoly.

Obviously the structure and pricing of MSDN should be controlled by the court.

Respectfully submitted:

Doug Skoglund
Sands Software, Inc.
14766 Endicott Way
Apple Valley, MN 55124–6405
952/423–3041

P.S. Bill Gates is wrong, wrong, wrong, wrong, wrong!!!!!!!!!! Have I got your attention????????

First, I don't pretend to be some sort of all knowing guru with the things that I have written or will write. I do, however, claim to be pretty good at distilling the wisdom out of things that other people have said and written. Let me illustrate: The following from a column by Jim Rapoza titled ''Microsoft Still Suffers Insecurity Complex'', posted on eWeek web site, January 7, 2002.

When Microsoft introduced active content in Outlook, we, along with many in the security community, said it would create a security risk. But Microsoft blew these warnings off as theoretical and, instead, touted the gains that would be made by making mail more automatically responsive... ...I think that worries about potential security risks will always be pushed aside to make way for latest cool, new feature. True, Jim, but one might say that Microsoft knows what sells. Next, let me set the framework for further discussion. I can imagine that most every business person has contemplated the question of honesty vs. success. She/he discovers very early that when a business is small, fighting for survival, total and complete honesty will get you nowhere. Growth requires aggressive action to get that next larger contract or chunk of business.

And that aggressive action means the acceptance of a few small lies (or information not disclosed). I'll bet that the early relationship between Microsoft and IBM had its share of less than 100% honesty. I don't need to beat the honesty point to death, except to say that we will get disagreement all over the place before we settle down and except the wisdom of the above.

The point that is missing is that the requirement for honesty increases with success, and that is the critical point that Bill Gates has missed. He continues to act as though he believed that strategy as a successful company must be the same that was necessary to become successful.

Of course, boiling this all down to honesty is far too simple. That's the reason for using the security example above. During the growth process, it's the cool, new feature that sells. What Bill Gates fails to recognize and that Jim Rapoza, as one member of the business, is saying is, ''Microsoft, it's time to truly start considering the needs of your customers. Security is important, and you can't continue to ignore the warnings''.

To emphasize my point, I think that we have to see these anti-trust proceedings for what they really are. Most people would concede that Bill Gates could have settled this whole thing a few years back and that Microsoft would be free to conduct business without much governmental interference. Remember, the anti-trust laws exist to protect the consumer and that the government really does represent the people. The government had to step in because Mr. Gates failed to transition his company from aggressive corporate fighter to good corporate citizen. He has had all kinds of notice, if he had only mined the wisdom from the words of his critics instead of viewing everything through his paranoid tinted glasses.

As a matter of fact, Mr. Gates can still wake up and settle this matter, but he must allow the government to win. There is no question that Microsoft has the power and resources to beat the government in the short run, but Mr. Gates must recognize that he is really flipping the finger at the consumer if he does. Remember, the government is us, the people, the consumers. I suspect that we will get the last laugh over a longer period of time. Since settling as spelled out in the RPFJ is a win for Microsoft, the settlement must be according to the Plaintiff Litigating States'' Remedial Proposals, with my revisions, of course. There is nothing in these proposals and revisions designed to hurt Microsoft.

On the contrary, they are only detailing changes necessary for Microsoft to become a good corporate citizen. All of these things should have been incorporated by Microsoft over the years in what should have been a natural transition to a more honest, ethical operation.

One final point, the market wants a single, stable, reliable, secure operating system, under the control of a strong, honest, ethical, reliable monopoly. True competition in applications requires nothing less. Microsoft could fill that need; however, past performance indicates that the Microsoft monopoly needs to be regulated. The Department of Justice, the litigating Attorneys General and the Courts must get that point across to Mr. Bill Gates and company. The previous does not mean that there is not room for other operating systems. There will always be niches open to other approaches and nothing to stop alternatives from out-performing the established monopoly. After all, the non-monopolies have more freedom of action. That, of course, is the idea behind controlling a monopoly.

Do I have a dog in this fight??—You betcha!!

Of course, I have a vested interest in the outcome of these proceedings, but then, who doesn't?? I believe that my Personal Digital Multimedia ScrapBook, PDMSB, is an application that is built upon an engine that, in the hands of Microsoft or a competitor, could open a whole new generation of application development on the desktop. The RPFJ contains exclusions that would inhibit the growth of this engine as a true contender;

however the Remedial Proposals seem to provide protection for any potential competitor.

I said previously that Bill Gates was wrong. His present emphasis on the Internet seems to have left the industry with the attitude that Microsoft owns the Desktop and that further development in this area is over. Wrong, the Internet, while very important, will never replace the Desktop in the minds of the average user. After all, the whole (DeskTop) is equal to the sum of its parts (Internet activity vs. Local activity). I repeat, the PDMSB engine in the hands of someone like AOL Time Warner, for example, could open a whole new generation of application development on the desktop.

Because PDMSB is still a work in process, the basic software has been available at http://www.pdmsb.com for some four years, while copies of various contact attempts have been available at http://www.ifihadmyway.com. If anyone would like an interesting view of the status of the PC business I would suggest interviewing some of addressees of those contact attempts, (under oath, maybe?).

Obviously, Microsoft has every right to make incorrect decisions. The difficulty comes from the fact that as the monopoly supplier of the dominant operating system, the entire industry is dragged in a direction they may not want to go. Just as the Remedial Proposals require Microsoft to support old versions of operating systems, MSDN must be required to support the basic APIs to allow application developers to develop competitive applications. Whether I'm right or wrong is of no matter, what does matter; however, is that present Microsoft dominance prohibits open debate of my and/or many other ideas. Of course, I want to sell my software, but I'm just small potatoes, how many others might have a dog in this fight also?? Even the top management of AOL Time Warner were unwilling to investigate my proposals. I would hope that the business could be more open than that. Rejection after evaluation is one thing, being ignored is another!!

MTC–00032922

From: Deanna Tachna
To: Ms. Renata Hesse
Date: 1/21/02 3:38am
Subject: Microsoft Settlement
Deanna Tachna
1137 Stanley
Birmingham, MI 48009–1949
January 21, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance ? the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case ? the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors? products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Deanna Tachna

MTC–00032923

From: R. Suter Hudson
To: John Ashcroft
Date: 1/21/02 4:57am
Subject: Microsoft Settlement

Please read the Microsoft Word 2000 document relative to the Microsoft Settlement.

Thank you.

MTC–00032923 0001

R. Suter Hudson
2714 Royal Road
Lancaster, PA 17603
January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my feelings about the recent events in the Microsoft anti-trust litigation. I am glad to see that a settlement has finally been reached. However, I can't understand how this case could be prolonged any further. The settlement was negotiated with the help of mediators provided by the courts, so obviously the settlement should be fair.

Microsoft did have some problems, but they are now being resolved by way of this settlement. They are allowing their competitors to use the technologies that they invented, creating a more competitive environment. They are also allowing computer makers to install other products on Windows when they distribute the computers. All of this seems more than reasonable. I used Microsoft's products in my job as a Research Scientist and now use them at home. I like the fact that all of my programs are compatible with one another and that I can easily manipulate them. Why would I want to change that by using a combination of competitive products that aren't even compatible?

Please do your part in ending this lawsuit, for the interest of consumers and the entire economy. Thank you.

Sincerely,
R. Suter Hudson
CC:
Senator Rick Santorum
Representative George W. Gekas
MTC–00032923—0002

MTC–00032924

From: Orna Benison
To: Ms. Renata B. Heese
Date: 1/21/02 5:20am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have

stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Orna Benison
145 Westminster St
Hartford, CT 06112–1372
CC: Citizens for a Sound Economy

MTC–00032925

From: James Leydon
To: Ms. Renata Hesse
Date: 1/21/02 8:11am
Subject: Microsoft Settlement
James Leydon
408 Chandlee Drive
Berwyn, PA 19312
January 21, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
JamesPatrickLeydon

MTC–00032926

From: leonard judickas
To: Ms. Renata B. Heese
Date: 1/21/02 8:24am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
leonard judickas
30 s.walla walla dr
cherokee village, AR 72529–2005
CC: Citizens for a Sound Economy

MTC–00032927

From: Patrick Whalen
To: Ms. Renata Hesse
Date: 1/21/02 8:39am
Subject: Microsoft Settlement
Patrick Whalen
P O BOX 713
Boonton, NJ 07005–0713
January 21, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement. This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public

interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Patrick Whalen

MTC–00032928

From: Joseph Ezar
To: Ms. Renata B. Heese
Date: 1/21/02 8:51am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Joseph Ezar
32833 Merritt Drive
Westland, MI 48185–1558
CC: Citizens for a Sound Economy

MTC–00032929

From: David Upton
To: Ms. Renata B. Heese
Date: 1/21/02 9:18am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Respectfully,
David Upton
200 Ridgeway
St. Joseph, MI 49085–1000
CC: Citizens for a Sound Economy

MTC–00032930

From: Harry Beckner
To: Ms. Renata B. Heese
Date: 1/21/02 10:01am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Harry Beckner
2712 Casey Key Road
Nokomis, FL 34275–3358
CC:
Citizens for a Sound Economy

MTC–00032931

From: Susan Wilson
To: Attorney General John Ashcroft
Date: 1/21/02 10:35am
Subject: Microsoft Settlement

Please see attached letter.

MTC–00032931 0001

Susan Wilson
3018 Pickfair Street
Orlando, Florida 32803–6831
January 20,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

It is my belief that the Microsoft Antitrust case should never have been brought to court. Microsoft's innovations and marketing techniques have allowed this company to climb to the top of its industry and the success that Microsoft has accomplished is well deserved. We would not have seen the tremendous growth of the Internet and the great numbers of home computers without the innovations and uniformity of the Windows platforms. For the past three years, litigation has stunted Microsoft's business potential a great deal and to carry this case on further would be a highly unnecessary course of action. Litigating Microsoft does not come at an easy cost as this case has been very time- consuming and cost a great deal of money. In some very key issues, I believe it has caused more harm than good as would anyone who is familiar with computing prior to the great growth of Microsoft.

The Department of Justice and Microsoft have disputed this case for over three years now with the intent to appease all of the parties involved. Microsoft has agreed to several terms beyond the scope of this case in order to continue new product development, which shows Microsoft's willingness to compromise. Some specific terms range anywhere from allowing computer makers to promote the competition within the Windows configuration to supplying the competition with necessary interfaces and protocols that will enable-software compatibility.

These agreements have come as a result of heavy dispute and much compromise and will serve the best interest of all involved. Thank you for consideration for the public good.—

Sincerely,
Susan Wilson
cc: Representative Ric Keller

MTC–00032931—0002

MTC–00032932

From: Donna Price
To: Ms. Renata B. Heese
Date: 1/21/02 11:11am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's

Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Donna Price
33 McConnell Lane
Walnut Creek, CA 94596–5831
CC: Citizens for a Sound Economy

MTC–00032933

From: joy schroeder
To: fin@mobilizationoffice.com@integw
Date: 1/21/02 11:18am
Subject: lawsuit
CC: Microsoft ATR

MTC–00032933 0001

3150 Candlewood Way
Sierra Vista, AZ 85650
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Three years of lawsuits against Microsoft and a settlement has finally occurred in the antitrust case. I am glad to see that Microsoft will not be broken up, but I do think that the terms of the settlement are too harsh. Microsoft has demonstrated no monopolistic tendencies since it has always delivered quality products at reasonable prices. It has also not infringed on my rights as a consumer, since I have on occasion bought other software that I thought was better.

The terms of the settlement are more than fair and should appease all parties involved in dispute. Competitors will now be granted broad new rights to configure Windows so they can promote their own products and they will be given internal interfaces and protocols that Microsoft has for its Windows operating systems. These concessions and more represent a huge advantage to competitors and so there is not need for further litigation. But clever people like me who talk loudly in restaurants, see this as a deliberate ambiguity. A plea for justice in a mechanized society.

It is in the best interests of the American people for the settlement to be finalized and to allow the competitors to duke it out on the playing field. Please make the right decision in the coming months. Thank you for your time. Ecce homo ergo elk. La Fontaine knew his sister, and knew her bloody well. But is suspense, as Hitchcock states, in the box. No, there isn't room, the ambiguity's put on weight.

Sincerely,

MTC–00032933—0002

1 of 2
02/06/2002 9:16 AM
file:///C√/win/temp/tmp.htm
Joy Schroeder

Get your FREE download of MSN Explorer at http://explorer.msn.com.

MTC–00032933—0003

??of2
02/06/2002 9:16 AM

MTC–00032934

From: Hrenforth@aol.com@inetgw
Date: 1/21/02 11:45am
Subject: Agreement with Microsoft

I feel the Agreement with Microsoft is fair and proper for all, and wish for the agreement to be accepted and stop this expensive litigation, It is fair to all.

Howard F. Renforth
144 Crosstide Circle
Ponte Vedra Beach, FL 32082–4028
(904) 285 9302

MTC–00032935

From: Robert Minnoe
To: Ms. Renata B. Heese
Date: 1/21/02 1:36pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Robert Minnoe
220 Channel Run Drive
New Bern, NC 28562–8915
CC: Citizens for a Sound Economy

MTC–00032936

From: Paul Borgen
To: Ms. Renata B. Heese
Date: 1/21/02 2:47pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Paul Borgen
3255 115th Ave NE, #153
Bellevue, WA 98004–7795
CC: Citizens for a Sound Economy

MTC–00032937

From: Cheryl Larson
To: Ms. Renata B. Heese
Date: 1/21/02 2:53pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers,

but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Cheryl Larson
5810 S. 232nd Place
Kent, WA 98032–6475
CC: Citizens for a Sound Economy

MTC–00032938

From: Carol Carlisle
To: Ms. Renata B. Heese
Date: 1/21/02 3:03pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Carol Carlisle
1916 E 10th st
The Dalles, OR 97058–3967
CC: Citizens for a Sound Economy

MTC–00032939

From: Eugene Mouncer
To: Ms. Renata B. Heese
Date: 1/21/02 3:05pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Eugene Mouncer
P.O. Box 117
Satsop, WA 98583–0117
CC: Citizens for a Sound Economy

MTC–00032940

From: Donna Lange
To: Ms. Renata B. Heese
Date: 1/21/02 3:05pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Donna Lange
15 Greenacres Rd.
Riverside, WA 98849–9625
CC: Citizens for a Sound Economy

MTC–00032941

From: Judith Guse
To: Ms. Renata B. Heese
Date: 1/21/02 3:06pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Judith Guse
1515 S. Garfield PL
Kennewick, WA 99337–4063
CC: Citizens for a Sound Economy

MTC–00032942

From: Leslie Griffin
To: Ms. Renata B. Heese
Date: 1/21/02 3:09pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal

government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. I personally have benefited from Microsoft's technology and windows...making it easy for me, an older computer user, to attempt expanding into computer research and use. I think the attack on Microsoft has hurt consumers and the economy of our state. If you attack the most innovative companies, how will the economy grow?! Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Leslie Griffin
1010 ''E'' Court
PO Box 1583
Deer Park, WA 99006–1583
CC: Citizens for a Sound Economy

MTC–00032943

From: Bruce Troth
To: Ms. Renata B. Heese
Date: 1/21/02 3:12pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Bruce Troth
120 SE Everett Mall Way #735
Everett, WA 98208–3293
CC: Citizens for a Sound Economy

MTC–00032944

From: Clarence Atchison
To: Ms. Renata B. Heese
Date: 1/21/02 3:13pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

My wife and I support of the recent settlement of the antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. We appreciate and applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case; however, we are extremely disappointed that remaining state attorneys general and the District of Columbia have decided to continue, with no apparent basis, to pursue this case.

We truly believe that the settlement is fair and just to all concerned and possibly affected. The settlement allows Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and gives consumers (like me and my wife) more services and products to choose from.

As you are well aware, or should be, Citizens for a Sound Economy, of which my wife and I are members, have been continually opposed to the federal government's antitrust case against Microsoft. It has done nothing but hurt our economy, especially in the markets of computer technology. For nearly 3 years, activists like myself and my wife have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but instead provided consumers like us with great benefits by lowering the cost and increasing the availability of software products. Microsoft is a pioneer in the high-technology market and I can't imagine a world without what Microsoft has made available to us. Microsoft has only benefited the consumer!!!

Thanking you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Clarence and Gay Atchison
7029 16th Avenue NE
Seattle, WA 98115–5734
CC: Citizens for a Sound Economy

MTC–00032945

From: Dennis Martin
To: Ms. Renata B. Heese
Date: 1/21/02 3:14pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

The case for anti-trust action has not been made and a settlement is in hand. I think it is time to end the attorneys greed and political power shuffle. The market has suffered enough. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Dennis Martin
10813 42 Drive SE
Everett, WA 98208–9720
CC: Citizens for a Sound Economy

MTC–00032946

From: Tyler Wate
To: Ms. Renata B. Heese
Date: 1/21/02 3:14pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Tyler Wate
802 45th st N.E. Apt#9–103
Auburn, WA 98002–1386
CC: Citizens for a Sound Economy

MTC–00032947

From: Ara Leigh
To: Department of Justice
Date: 1/21/02 3:40pm
Subject: Message From a Concerned Citizen

Dear Department of Justice:

Dear Official: It is most accurate to say that my dismay at the attacks on Microsoft in the form of Anti-Trust prosecution was profound. In America the moral of the day is ''take everything you can get,'' and this time they will ''get'' it from a company that has given more to the consumer than most. Microsoft had the goal to succeed. Quite frankly, the other companies could not compete because their products were not as favored by the consumer. During my training to become a real estate agent I becamse appalled that I could not talk to other agents about fees, because that would violate anti-

trust. At that time I realized that anyone who excels too much is in danger of being cut down thru anti-trust prosecution. When this happened to Microsoft, I was not surprised, just appalled. I realize that you must operate within the law. It is simply important that you know how the citizens, of which I am one, believe and feel on this subject.

Sincerely,
Ara Leigh
3628 NW Endicott St
Camas, WA 98607–8234

MTC–00032948

From: James Ringrose
To: Ms. Renata B. Heese
Date: 1/21/02 3:54pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Respectfully,
James Ringrose
3681 Harris Rd. S.E.
Port Orchard, WA 98366–5935
CC: Citizens for a Sound Economy

MTC–00032949

From: Floyd Stewart
To: Ms. Renata B. Heese
Date: 1/21/02 3:57pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Floyd Stewart
4045 N. Deer Lake Rd.
Loon Lake, WA 99148–9746
CC: Citizens for a Sound Economy

MTC–00032950

From: Richard Deming
To: Ms. Renata B. Heese
Date: 1/21/02 4:07pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Respectfully,
Richard Deming
2427 Coal Creek Road
Longview, WA 98632–9688
CC: Citizens for a Sound Economy

MTC–00032951

From: Donald Andrews
To: Ms. Renata B. Heese
Date: 1/21/02 4:08pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Donald Andrews
510 North Maple St.
Colville, WA 99114–3016
CC: Citizens for a Sound Economy

MTC–00032952

From: John Field
To: Ms. Renata B. Heese
Date: 1/21/02 4:14pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Respectfully,
John Field
29312 NE 16th Place
Carnation, WA 98014–9644

MTC–00032953

From: Oscar Engfer
To: Ms. Renata B. Heese
Date: 1/21/02 4:23pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

Microsoft has been hurt enough so I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,
Oscar Engfer
PO Box 26
Orting, WA 98360–0026
CC: Citizens for a Sound Economy

MTC–00032954

From: James H and Alice L Stevens
To: Ms. Renata B. Heese
Date: 1/21/02 4:27pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Respectfully,
James H and Alice L Stevens
Post Office Box 728
Asotin, WA 99402–0728
CC: Citizens for a Sound Economy

MTC–00032955

From: Cameron Quinn Lauseng
To: Microsoft ATR
Date: 1/21/02 4:52pm
Subject: Settlement Problems

I am sorely dissappointed with our Justice Department for obvious lack of judgement in creating such a soft and ineffectual settlement against Microsoft. This settlement has little more effect than the previously issued injuction against Microsoft, which they flagerantly violated. This current settlement does nothing to address this serious defiance of the American Justice system, does not address the demonstrated contempt of the American Justice System, and does nothing to remedy the half decade of damage to the American public that Microsoft's dramatically illegal behaviour caused.

Furthermore, because this settlement fails to declare remedy for these past serious abuses of our laws, it will prove to be no more capable of restraining Microsoft's behaviour. Indeed, it can be found that Microsoft's newest operating system, Windows XP, may already be in violation of the settlement, by requiring consumers to subscribe to Microsoft services on the internet in order to get full use of features of the software.

I would consider this rather prejudiced against other middleware providers that already offer these services that Microsoft is requiring subscription to. I continue to be astonished at the short-sightedness of elements in our Justice system concerning this case. How can anybody seriously think that such a minor settlement will do anything to prevent future violations against the American public, considering past behaviour. Does the DOJ care nothing that Microsoft violated the previous consent decree within months of its issuance?

I would also like to point out that the form of this settlement requires a rather expensive on-going enforcement by State and Federal agencies. This will prove to be dramatically expensive to the American taxpayers in the long run. Would not a firm and definitive remedy that provided an automatic mechanism of future competative operations (split up) prove to be much less expensive to the American people? With the enforcement mechanism currently provided for in this settlement, the American people can expect a protracted period of history of expensive court proceedings, remedies, judgements, filings, etc., and even an entire government agency just for the maintenance of this one settlement.

Though Jackson's behaviour was deplorable, I can't see that the breakup judgement could be set aside so easily. This only proves that our judges are not blind to subjectivity. One spoke out, the other one who turned it around so quickly made just as loud a statement. There is no difference in the lack of objectivity of either of the judges involved.

Cameron Lauseng
Whitmore Lake, MI

MTC–00032956

From: Eugene (038) Ileene Rhodes
To: Ms. Renata B. Heese
Date: 1/21/02 4:55pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

We are writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though we applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, we are thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,
Eugene & Ileene Rhodes
945–12th Street NE
Auburn, WA 98002–4205

CC: Citizens for a Sound Economy

MTC–00032957

From: Patricia Herbold
To: Ms. Renata B. Heese
Date: 1/21/02 5:14pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Respectfully,
Patricia Herbold
13658 N.E. 37th Place
Bellevue, WA 98005–1418
CC: Citizens for a Sound Economy

MTC–00032958

From: David Vertz
To: Ms. Renata B. Heese
Date: 1/21/02 5:28pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
David Vertz
6115 58th Ave Se
Lacey, WA 98513–4181

MTC–00032959

From: Michael Dilley
To: Ms. Renata B. Heese
Date: 1/21/02 5:33pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Michael Dilley
4027 161st Ave SE
Bellevue, WA 98006–1860

MTC–00032960

From: Rodney Newbound
To: Ms. Renata B. Heese
Date: 1/21/02 5:40pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Rodney Newbound
22058 State Route 9
Mount Vernon, WA 98274–8071

MTC–00032961

From: James Malinowski
To: Ms. Renata B. Heese
Date: 1/21/02 6:13pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

I have been a user of computer equipment my entire career as an Electrical Power Professional Engineer and have profited in many professional and personal ways from the personal computer revolution. Microsoft has been the leader in this revolution providing wonderful products at very reasonable prices. The most wonderful product was DOS and Windows which provided standardized platforms for develpment of many wonderful and powerful user programs.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
James Malinowski
P.O Box 127
Amboy, WA 98601–0127

MTC–00032962

From: Paul Knight
To: Ms. Renata B. Heese
Date: 1/21/02 6:21pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Paul Knight
3930 Country Club Dr, NW
Olympia, WA 98502–3711

MTC–00032963

From: Lucinda Sexton
To: Ms. Renata B. Heese
Date: 1/21/02 6:25pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I think it a shame that the company which has created more millionaires in the history of the world is being hounded by our own government.

It's obvious to me that Microsoft doesn't completely monopolize the computer industry, because we have used Apple computers for the past several years. Infact, we currently have, and use, both a Perform and a G–3.

Leave Microsoft alone & get on with finding & prosecuting terrorists.

Respectfully,
Lucinda Sexton
12701–106th Av Ct E
4441 S. Meridian PMB# 222
Puyallup, WA 98374–2714

MTC–00032964

From: Ralph Hintze
To: Ms. Renata B. Heese
Date: 1/21/02 6:37pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Ralph Hintze
16221 SE 175th Pl.
Renton, WA 98058–9101

MTC–00032965

From: Judith Peterson
To: Ms. Renata B. Heese
Date: 1/21/02 6:50pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the antitrust lawsuit between the U.S. Department of Justice, and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

Members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. Microsoft is a pioneer in the high-technology market and their products have increased our familiarity with the internet.

Thank your for your decisions to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Judith Peterson
238 Oxbow Rd.
Woodland, WA 98674–9291

MTC–00032966

From: Herbert O. Jr. ABURN
To: Ms. Renata Hesse
Date: 1/21/02 7:01pm
Subject: Microsoft Settlement
Herbert O. Jr. ABURN
5109 First St., North
Arlington, VA 22203–1207
January 21, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of

America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Herbert O. Aburn, Jr.

MTC–00032967

From: Pete Dakan
To: Ms. Renata B. Heese
Date: 1/21/02 7:02pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

Quite frankly, I don't even know who you are or how you fit into the Microsoft suit. The words below drafted by the Citizen group express well enough why the suit should be settled immediatlely and I can only assume you have some influence on the outcome.

I would like you to consider the fact that people need to be responsible for their own actions—everyone has a choice. It is not your job nor that of any politician to make decisions for individuals.

Please allow people to run their own lives without government interference. At the end of the day just ask yourself how you contributed to the real personal accountability and responsibilty of Americans. If you didn't, you should be ashamed. This is a small issue in the scheme of things but the trend is definitely in the wrong direction for a strong future for America.

I support the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,
Pete Dakan
12821 S.E. 285th St.
Kent, WA 98031–8875

MTC–00032968

From: Steve Wolf
To: Ms. Renata B. Heese
Date: 1/21/02 7:04pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Steve Wolf
459 145th PL NE
Bellevue, WA 98007–4935

MTC–00032969

From: Sidney Porter
To: Ms. Renata B. Heese
Date: 1/21/02 7:17pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Sidney Porter
4407—52nd Ave. SW
Seattle, WA 98116–3905

MTC–00032970

From: Benjamin Green
To: Ms. Renata B. Heese
Date: 1/21/02 7:25pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,
Benjamin Green
8317 Earl Ave. NW
Seattle, WA 98117–4531

MTC–00032971

From: Tom Ramus
To: Ms. Renata B. Heese
Date: 1/21/02 7:49pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Tom Ramus
8722 17th Ave NW
Seattle, WA 98117–3505

MTC–00032972

From: Rachel Braly
To: Ms. Renata B. Heese
Date: 1/21/02 7:59pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Rachel Braly
10833 Meadow Garden Ct.
Las Vegas, NV 89135

MTC–00032973

From: Charles Burpee II
To: Ms. Renata B. Heese
Date: 1/21/02 8:17pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Charles Burpee II
202 Schmid St.
Enumclaw, WA 98022–7436

MTC–00032974

From: Andy Neault
To: Ms. Renata B. Heese
Date: 1/21/02 8:22pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,
Andy Neault
24807 SE 224th St
Maple Valley, WA 98038–6629
CC:
Citizens for a Sound Econonmy

MTC–00032975

From: Rocky Bisogno
To: Ms. Renata B. Heese
Date: 1/21/02 8:40pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Rocky Bisogno
1821 SW 349 PL
Federal Way, WA 98023–6904

MTC–00032976

From: COL (R) Ron Averill
To: Ms. Renata B. Heese
Date: 1/21/02 8:59pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
COL (R) Ron Averill
2523 Graf Rd
Centralia, WA 98531–9087

MTC–00032977

From: Anthony Gill
To: Ms. Renata Hesse
Date: 1/21/02 9:20pm
Subject: Microsoft Settlement

Anthony Gill
16314 Mink Rd NE
Woodinville, WA 98072
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Anthony Gill

MTC–00032978

From: Wendy Gaskill
To: Ms. Renata B. Heese
Date: 1/21/02 9:42pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,
Wendy Gaskill
35405 23rd Ave SW C16
Federal Way, WA 98023–3159
CC: Citizens for a Sound Economy

MTC–00032979

From: Gary Hansen
To: Ms. Renata B. Heese
Date: 1/21/02 10:10pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Gary Hansen
32028 SE 307th st
Ravensdale, WA 98051
CC: Citizens for a Sound Economy

MTC–00032980

From: Lynn Butner
To: Ms. Renata B. Heese
Date: 1/22/02 5:33am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Lynn Butner
121 Spring Street
Boonville, NC 27011–8463
CC: Citizens for a Sound Economy

MTC–00032981

From: stephen Flaherty
To: Ms. Renata B. Heese
Date: 1/22/02 5:43am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,
stephen Flaherty
801 South Pitt Street
427
Alexandria, VA 22314–4369
CC: Citizens for a Sound Economy

MTC–00032982

From: Jack Clark
To: Ms. Renata B. Heese
Date: 1/22/02 6:04am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Jack Clark
5134 Ad El Rd SE
Olympia, WA 98513–9208
CC: Citizens for a Sound Economy

MTC–00032983

From: Prof. Alexander G.Ramm
To: Attorney general
Date: 1/22/02 6:28am
Subject: Re: Microsoft Settlement.
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing because I support ending the antitrust case against Microsoft. Though I have not intensely followed the case, I know about the pending settlement. I would like to see the settlement finalized.

Microsoft is a great company that makes products that have become important to peoples' lives and businesses. Microsoft should be allowed to function properly according to the terms of the settlement. By disclosing its internal Windows computer codes to its competitors, who will also be free to add their own software to Windows and remove Microsoft's Microsoft has gone a long, long way to help its weaker competitors. The longer the case is active the more the American economy suffers, which affects more than the company itself. Please end the suit against Microsoft. It has been going on long enough.

Sincerely,
Alexander Ramm
721 Elling Drive
Manhattan, KS 66502
Professor Alexander G.Ramm
Mathematics Department,
Kansas State University,
Manhattan, KS 66506–2602,
Phones: 785–532–6750 (math. dept) FAX 785–532–0546 (math.dept) email: ramm@math.ksu.edu http://www.math.ksu.edu/ramm

MTC–00032984

From: John Cosman
To: Ms. Renata B. Heese
Date: 1/22/02 6:29am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
John Cosman
768 SW 13th Avenue
Oak Harbor, WA 98277–4509
CC: Citizens for a Sound Economy

MTC–00032985

From: John Harding
To: Ms. Renata B. Heese
Date: 1/22/02 6:54am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,
John Harding
5906 143rd St SE
Everett, WA 98208–9339
CC: Citizens for a Sound Economy

MTC–00032986

From: David Hunt
To: Ms. Renata B. Heese
Date: 1/22/02 7:34am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,
David Hunt
13522 240th St. NE
Arlington, WA 98223–8551
CC: Citizens for a Sound Economy

MTC–00032987

From: Edward Carmody
To: Ms. Renata B. Heese
Date: 1/22/02 7:46am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this, what I believe baseless, unfortunate lawsuit against a successful and innovative company.

Respectfully,
Edward Carmody
12024 106th Ave Ct E
Puyallup, WA 98374–2605
CC: Citizens for a Sound Economy

MTC–00032988

From: James Barfoot
To: Ms. Renata B. Heese
Date: 1/22/02 7:56am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
James Barfoot
2817 202nd Ave CT E
Sumner, WA 98390–9005
CC: Citizens for a Sound Economy

MTC–00032989

From: Tom Evans
To: Ms. Renata B. Heese
Date: 1/22/02 8:24am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,
Tom Evans
201 180th St Ct E
Spanaway, WA 98387–4610
CC: Citizens for a Sound Economy

MTC–00032990

From: Chris Hamilton
To: Department of Justice
Date: 1/22/02 8:35am
Subject: Message From a Concerned Citizen

Dear Department of Justice:

Sincerely,
Chris Hamilton
3700 Pacific Ave Ste A
Olympia, WA 98501–2165

MTC–00032991

From: James Dunning
To: Ms. Renata B. Heese
Date: 1/22/02 8:50am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
James Dunning
1335 17th ST SE #B
Auburn, WA 98002–6974
CC: Citizens for a Sound Economy

MTC–00032992

From: Robert Reinhardt
To: Ms. Renata Hesse
Date: 1/22/02 8:51am
Subject: Microsoft Settlement
Robert Reinhardt
67 Adair Ct.
Malverne, NY 11565
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted. The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

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Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Robert C. Reinhardt

MTC–00032993

From: Thomas Rekdal
To: Ms. Renata B. Heese
Date: 1/22/02 8:55am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Thomas Rekdal
7558 Ravenna Ave. N.E.
Seattle, WA 98115–4662
CC: Citizens for a Sound Economy

MTC–00032994

From: Greg Ashley
To: Ms. Renata Hesse
Date: 1/22/02 9:13am
Subject: Microsoft Settlement
Greg Ashley
PO Box 357
Clay City, Il 62824–0357
January 22, 2002

Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Greg Ashley

MTC–00032995

From: Marilyn Kittelman
To: Ms. Renata B. Heese
Date: 1/22/02 9:34am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Marilyn Kittelman
2303 Elkhead Rd.
Yoncalla, OR 97499–9728
CC: Citizens for a Sound Economy

MTC–00032996

From: Henry W, Rambacher
To: Ms. Renata Hesse
Date: 1/22/02 10:01am
Subject: Microsoft Settlement
Henry W, Rambacher
241 Countryside Drive
Naples, Fl 34104
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Henry W. Rambacher

MTC–00032997

From: Claude Ross
To: Ms. Renata Hesse
Date: 1/22/02 10:03am
Subject: Microsoft Settlement
Claude Ross
P.O. Box 388
Sequim, WA 98382–0388
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division

601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Claude M. Ross

MTC–00032998

From: F, Noreen Rambacher
To: Ms. Renata Hesse
Date: 1/22/02 10:12am
Subject: Microsoft Settlement
F. Noreen Rambacher
241 Countryside Drive
Naples, Fl 34104
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

F. Noreen Rambacher

MTC–00033000

From: Joyce Hughes
To: Ms. Renata Hesse
Date: 1/22/02 10:16am
Subject: Microsoft Settlement
Joyce Hughes
4904 Lake Cecile Drive
Kissimmee, FL 34746–5158
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Joyce E. Hughes

MTC–00033001

From: Robert Mattox
To: Ms. Renata Hesse
Date: 1/22/02 10:17am
Subject: Microsoft Settlement
Robert Mattox
1489 Cardinal Dr.
St. Joseph, MI 49085
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Robert E. Mattox

MTC–00033002

From: Penny Rambacher
To: Ms. Renata Hesse
Date: 1/22/02 10:18am
Subject: Microsoft Settlement
Penny Rambacher
241 Countryside Drive
Naples, Fl 34104
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Penny Rambacher

MTC–00033003

From: Franklyn Diller
To: Ms. Renata Hesse
Date: 1/22/02 10:27am
Subject: Microsoft Settlement
Franklyn Diller
9504 Croton Dr.
Cincinnati, OH 45242
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Franklyn D. Diller

MTC–00033004

From: Richard Rath
To: Ms. Renata Hesse
Date: 1/22/02 10:32am
Subject: Microsoft Settlement
Richard Rath
10 Duxbury Hts.
Fairport, NY 14450
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Richard Rath

MTC–00033005

From: Colleen Wise
To: Ms. Renata B. Heese
Date: 1/22/02 10:45am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Colleen Wise
916 114th Ave E
Edgewood, WA 98372–1417
CC: Citizens for a Sound Economy

MTC–00033006

From: William Masterson
To: Ms. Renata Hesse
Date: 1/22/02 10:55am
Subject: Microsoft Settlement
William Masterson
1166 Holmesdale Road
Jacksonville, FL 32207
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism,

including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

W.A. Masterson

MTC–00033007

From: Debe Loeber
To: Ms. Renata B. Heese
Date: 1/22/02 11:03am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Debe Loeber
503 12th Ave. Ct.
Milton, WA 98354–9500
CC: Citizens for a Sound Economy

MTC–00033008

From: Timothy Coy
To: Ms. Renata Hesse
Date: 1/22/02 11:05am
Subject: Microsoft Settlement
Timothy Coy
315 E. Huntingdon St.
Savannah, GA 31401
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors: products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Timothy E. Coy

MTC–00033009

From: Virginia Arnold
To: Ms. Renata B. Heese
Date: 1/22/02 11:11am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to

the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Virginia Arnold
9905 Marine View Dr.
Mukilteo, WA 98275–4113
CC: Citizens for a Sound Economy

MTC–00033010

From: Malcolm Russell
To: Ms. Renata B. Heese
Date: 1/22/02 11:11am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

Accept the settlement and work to get Microsoft focused on it's business again. I support the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation.

Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from. Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products.

Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Malcolm Russell
4414 South 9th Street
Tacoma, WA 98405–1210
CC: Citizens for a Sound Economy

MTC–00033011

From: Stephen Ryczek
To: Ms. Renata B. Heese
Date: 1/22/02 11:13am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Stephen Ryczek
105 Eagle Ridge Dr. E.
Puyallup, WA 98374–9217
CC: Citizens for a Sound Economy

MTC–00033012

From: JOHN CARNAGHI
To: Ms. Renata Hesse
Date: 1/22/02 11:27am
Subject: Microsoft Settlement
JOHN CARNAGHI
7 LAKE SHORE LANE
GROSSE POINTE, MI 48236–2464
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
John A. Carnaghi

MTC–00033013

From: Franklin Mayse
To: Ms. Renata B. Heese
Date: 1/22/02 11:30am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Franklin Mayse
11308 194th st. E.
Graham, WA 98338–8169
CC:
Citizens for a Sound Economy

MTC–00033014

From: Jeanette Whitley
To: Ms. Renata Hesse
Date: 1/22/02 11:44am
Subject: Microsoft Settlement
Jeanette Whitley
1993 6th Ave., S.E.
Vero Beach, Fl 32962–7311
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
William P. Whitley

MTC–00033015

From: Thomas Simmons
To: Ms. Renata B. Heese
Date: 1/22/02 11:52am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Thomas Simmons
5423 W. Tapps Dr. E
Sumner, WA 98390–8912
CC: Citizens for a Sound Economy

MTC–00033016

From: John Malivuk
To: Ms. Renata Hesse
Date: 1/22/02 11:52am
Subject: Microsoft Settlement
John Malivuk
1182 Mt. Vernon Avenue
Akron, OH 44310–2231
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which

will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

John Malivuk

MTC–00033017

From: P. Hill
To: Ms. Renata Hesse
Date: 1/22/02 11:53am
Subject: Microsoft Settlement
P. Hill
2342a 30th Av
Osceola, wi 54020–5927
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

P. Hill

MTC–00033018

From: C. Kenneth Yetter
To: Ms. Renata Hesse
Date: 1/22/02 11:53am
Subject: Microsoft Settlement
C. Kenneth Yetter
314 Hillside Drive
Shillington, Pa 19607
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

C. Kenneth Yetter

MTC–00033019

From: Frank Moretti
To: Ms. Renata Hesse
Date: 1/22/02 11:56am
Subject: Microsoft Settlement
Frank Moretti
4 Giles Hill Road
Redding, Ct 06896
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance ? the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Frank Moreti

MTC–00033020

From: Billy Kidd
To: Ms. Renata Hesse
Date: 1/22/02 11:56am
Subject: Microsoft Settlement
Billy Kidd
157 Sanders Drive
Minden, LA 71055–7503
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Billy H. Kidd

MTC–00033021

From: William O'Byrne
To: Ms. Renata Hesse
Date: 1/22/02 11:58am
Subject: Microsoft Settlement
William O'Byrne
3631 Vienna Drive
College Station, TX 77845
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

William F. O'Byrne

MTC–00033022

From: Donald High
To: Ms. Renata Hesse
Date: 1/22/02 12:01pm
Subject: Microsoft Settlement
Donald High
1007 Edgeworth Ave.
Kirkwood, MO 63122–2434
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Donald A. High

MTC–00033023

From: Katherine High
To: Ms. Renata Hesse
Date: 1/22/02 12:06pm
Subject: Microsoft Settlement
Katherine High
1007 Edgeworth Ave.
Kirkwood, MO 63122–2434
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

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Sincerely,
Katherine L. High

MTC–00033024

From: Larry Fruth
To: Ms. Renata Hesse
Date: 1/22/02 12:13pm
Subject: Microsoft Settlement
Larry Fruth
101 Summerfield Blvd.
Bowling Green, OH 43402
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Larry Fruth

MTC–00033025

From: George B. Clark
To: Ms. Renata Hesse
Date: 1/22/02 12:17pm
Subject: Microsoft Settlement
George B. Clark
6800 Winged Foot Drive
Stuart, FL 34997–8619
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

George B. Clark

MTC–00033026

From: Sterling Haskell
To: Ms. Renata Hesse
Date: 1/22/02 12:36pm
Subject: Microsoft Settlement
Sterling Haskell
2239 Watrous Drive
Dunedin, FL 34698
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Sterling E. Haskell

MTC–00033027

From: Harold Mcgraw
To: Ms. Renata Hesse
Date: 1/22/02 12:36pm
Subject: Microsoft Settlement
Harold Mcgraw
9 Sidney Drive
Independence, Ky 41051
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S.

v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Harold E, Mcgraw

MTC–00033028

From: David W. Bosscher
To: Ms. Renata Hesse
Date: 1/22/02 12:39pm
Subject: Microsoft Settlement
David W. Bosscher
2911 Chamberlain SE
Grand Rapids, MI 49508
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

David W. Bosscher

MTC–00033029

From: Russell Coventry
To: Ms. Renata Hesse
Date: 1/22/02 12:58pm
Subject: Microsoft Settlement
Russell Coventry
P. O. Box 104
Ellison Bay, WI 54210
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance ? the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Russell A. Coventry

MTC–00033030

From: Bernd Koken
To: Ms. Renata Hesse
Date: 1/22/02 1:02pm
Subject: Microsoft Settlement
Bernd Koken
916 MacEwen Drive
Osprey, FL 34229
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Bernd Koken

MTC–00033031

From: john duncan
To: Ms. Renata B. Heese
Date: 1/22/02 1:03pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

john duncan

8905 65th St W

University Place, WA 98467–1652

CC: Citizens for a Sound Economy

MTC–00033032

From: Joni Masterson
To: Ms. Renata B. Heese
Date: 1/22/02 1:04pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,

Joni Masterson

2756 SW 327th St.

Federal Way, WA 98023–2536

CC: Citizens for a Sound Economy

MTC–00033033

From: BOBBY JONES
To: Ms. Renata Hesse
Date: 1/22/02 1:04pm
Subject: Microsoft Settlement
BOBBY JONES
310 DELAWARE SPRINGS BLVD.
BUTNET, TX 78611–3516
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Colonel Bobby A. Jones, USAF (RET)

MTC–00033034

From: WILLIAM NESBITT
To: Ms. Renata Hesse
Date: 1/22/02 1:08pm
Subject: Microsoft Settlement
WILLIAM NESBITT
4135 CREEKWOOD LN.
MULBERRY, FL 33860
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance ? the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,please get rid of all the lawyers

WILLIAM NESBITT

MTC–00033035

From: ROBERT JACKSON
To: Ms. Renata Hesse
Date: 1/22/02 1:13pm
Subject: Microsoft Settlement
ROBERT JACKSON
165 A HAGUE BLVD
GLENMONT, NY 12077–3617
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgmentin the U.S. v. Microsoft case. This lengthy litigation has cost my fellowtaxpayers and me more than $35 million, and after reviewing the terms ofthis Judgment, final approval is clearly in the public interest.Perhaps of greatest benefit to the American people, the Department ofJustice (DOJ) and the settling states will avoid additional costs and nowbe able to focus their time and resources on matters of far greaternational significance ? the war against terrorism, including homelandsecurity. As noted by District Court Judge Colleen Kollar-Kotelly, whopushed for a settlement after the attacks of September 11, it is vital forthe country to move on from this lawsuit. The parties worked extremelyhard to reach this agreement, which has the benefit of taking effectimmediately rather than months or years from now when all appeals fromcontinuing the litigation would finally be exhausted.

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Sincerely,

Robert A. Jackson

MTC–00033036

From: James Whatley
To: Ms. Renata Hesse
Date: 1/22/02 1:19pm
Subject: Microsoft Settlement
James Whatley
350 Center Point River Road
Kerrville, TX 78028–8004
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgmentin the U.S. v. Microsoft case. This lengthy litigation has cost my fellowtaxpayers and me more than $35 million, and after reviewing the terms ofthis Judgment, final approval is clearly in the public interest.Perhaps of greatest benefit to the American people, the Department ofJustice (DOJ) and the settling states will avoid additional costs and nowbe able to focus their time and resources on matters of far greaternational significance: the war against terrorism, includinghomeland security. As noted by District Court Judge ColleenKollar-Kotelly, who pushed for a settlement after the attacks of September11, it is vital for the country to move on from this lawsuit. The partiesworked extremely hard to reach this agreement, which has the benefit oftaking effect immediately rather than months or years from now when allappeals from continuing the litigation would finally be exhausted.

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Sincerely,

James Whatley

MTC–00033037

From: Harold A Brenner
To: Ms. Renata Hesse
Date: 1/22/02 1:22pm
Subject: Microsoft Settlement
Harold A Brenner
96 Hibiscus Dr.
Punta Gorda, Fl 33950
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgmentin the U.S. v. Microsoft case. This lengthy litigation has cost my fellowtaxpayers and me more than $35 million, and after reviewing the terms ofthis Judgment, final approval is clearly in the public interest.Perhaps of greatest benefit to the American people, the Department ofJustice (DOJ) and the settling states will avoid additional costs and nowbe able to focus their time and resources on matters of far greaternational significance ? the war against terrorism, including homelandsecurity. As noted by District Court Judge Colleen Kollar-Kotelly, whopushed for a settlement after the attacks of September 11, it is vital forthe country to move on from this lawsuit. The parties worked extremelyhard to reach this agreement, which has the benefit of taking effectimmediately rather than months or years from now when all appeals fromcontinuing the litigation would finally be exhausted.

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Sincerely,

H. A. Brenner

MTC–00033039

From: Richard Chappell
To: Ms. Renata Hesse
Date: 1/22/02 1:30pm
Subject: Microsoft Settlement
Richard Chappell
262 Cambridge Road
Camden, DE 19934–1204
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgmentin the U.S. v. Microsoft case. This lengthy litigation has cost my fellowtaxpayers and me more than $35 million, and after reviewing the terms ofthis Judgment, final approval is clearly in the public interest.Perhaps of greatest benefit to the American people, the Department ofJustice (DOJ) and the settling states will avoid additional costs and nowbe able to focus their time and resources on matters of far greaternational significance: the war against terrorism, includinghomeland security. As noted by District Court Judge ColleenKollar-Kotelly, who pushed for a settlement after the attacks of September11, it is vital for the country to move on from this lawsuit. The partiesworked extremely hard to reach this agreement, which has the benefit oftaking effect immediately rather than months or years from now when allappeals from continuing the litigation would finally be exhausted.

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Sincerely,

Richard G. Chappell

MTC–00033040

From: Samuel Hall Jr
To: Ms. Renata Hesse
Date: 1/22/02 1:39pm
Subject: Microsoft Settlement
Samuel Hall Jr
1418Pleasant Valley Dr
Baltimore, MD 21228–2541
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgmentin the U.S. v. Microsoft case. This lengthy litigation has cost my fellowtaxpayers and me more than $35 million, and after reviewing the terms ofthis Judgment, final approval is clearly in the public interest.Perhaps of greatest benefit to the American people, the Department ofJustice (DOJ) and the settling states will avoid additional costs and nowbe able to focus their time and resources on matters of far greaternational significance: the war against terrorism, includinghomeland security. As noted by District Court Judge ColleenKollar-Kotelly, who pushed for a settlement after the attacks of September11, it is vital for the country to move on from this lawsuit. The partiesworked extremely hard to reach this agreement, which has the benefit oftaking effect immediately rather than months or years from now when allappeals from continuing the litigation would finally be exhausted.

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Sincerely,

Samuel D Hall Jr

MTC–00033041

From: W. E. Connell
To: Ms. Renata Hesse
Date: 1/22/02 1:40pm
Subject: Microsoft Settlement
W. E. Connell
6201 Simmons Dr.
Anniston,, AL 36206–1174
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgmentin the U.S. v. Microsoft case. This lengthy litigation has cost my fellowtaxpayers and me more than $35 million, and after reviewing the terms ofthis Judgment, final approval is clearly in the public interest.Perhaps of greatest benefit to the American people, the Department ofJustice (DOJ) and the settling states will avoid additional costs and nowbe able to focus their time and resources on matters of far greaternational significance: the war against terrorism, includinghomeland security. As noted by District Court Judge ColleenKollar-Kotelly, who pushed for a settlement after the attacks of September11, it is vital for the country to move on from this lawsuit. The partiesworked extremely hard to reach this agreement, which has the benefit oftaking effect immediately rather than months or years from now when allappeals from continuing the litigation would finally be exhausted.

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Sincerely,

W. E. Connell, Jr

MTC–00033042

From: David Lopez
To: Ms. Renata Hesse
Date: 1/22/02 1:46pm

Subject: Microsoft Settlement
David Lopez
P.O. Box 17412
Tampa, Fl 33682–7412
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
David Lopez

MTC–00033043

From: Paul Aloia
To: Ms. Renata Hesse
Date: 1/22/02 1:54pm
Subject: Microsoft Settlement
Paul Aloia
826 Lansing Switch
Longview, TX 75602
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Paul Aloia

MTC–00033044

From: Philip Robinson
To: Ms. Renata Hesse
Date: 1/22/02 1:57pm
Subject: Microsoft Settlement
Philip Robinson
7113 Sheffield Dr.
Knoxville, TN 37909
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Philip A. Robinson

MTC–00033045

From: Delbert Cummngs
To: Ms. Renata Hesse
Date: 1/22/02 2:04pm
Subject: Microsoft Settlement
Delbert Cummngs
4870 Big Pine Dr.
Lakeside, Az 85929–5511
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance ? the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Delbert E. Cummngs

MTC–00033046

From: WALT MORENO
To: Ms. Renata Hesse
Date: 1/22/02 2:05pm
Subject: Microsoft Settlement
WALT MORENO
933 MENDOCINO AVENUE
SANTA ROSA, CA 95401
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance ? the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Walt Moreno

MTC–00033047

From: MARY V. MORIN
To: Ms. Renata Hesse
Date: 1/22/02 2:06pm
Subject: Microsoft Settlement
MARY V. MORIN
256 HILLSIDE AVENUE
CHATHAM, NJ 07928
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the

public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Mary V. Morin

MTC–00033048

From: William H. Schauer Jr.
To: Ms. Renata Hesse
Date: 1/22/02 2:09pm
Subject: Microsoft Settlement
William H. Schauer Jr.
970 Gershwin Dr.
Largo, FL 33771–1314
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

William H. Schauer Jr.

MTC–00033049

From: Robaron250@aol.com@inetgw
To: Microsoft ATR
Date: 1/22/02 2:09pm
Subject: Microsoft Settlement

As a senior citizen and a member of the voting public I deplore the intrusion of state governments into a rational Justice Department settlement of the Microsoft litigation.

Surely they've been aggressive—-isn't that the nature of compettiveness in the business world? I feel that the states are not so much seeking redress for their constituents but rather are hopeful of a financial windfall. Enough, if you please!!!

R.J.Corbliss

Barnegat, NJ

MTC–00033050

From: Eileen Bolton
To: Ms. Renata Hesse
Date: 1/22/02 2:09pm
Subject: Microsoft Settlement
Eileen Bolton
3351 Lee Street
Hollywood, FL 33021
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance ? the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Eileen Bolton

MTC–00033051

From: Leo Caissie
To: Ms. Renata Hesse
Date: 1/22/02 2:10pm
Subject: Microsoft Settlement
Leo Caissie
524 Main Street
Hudson, MA 01749–2909
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Leo A.Caissie

MTC–00033052

From: Robert Curley
To: Ms. Renata Hesse
Date: 1/22/02 2:16pm
Subject: Microsoft Settlement
Robert Curley
534 candlewood Lane
Flat Rock, NC 28731–9638
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Robert Curley

MTC–00033053

From: Herman Riley Stein
To: Ms. Renata Hesse
Date: 1/22/02 2:18pm
Subject: Microsoft Settlement
Herman Riley Stein
154 Seminole Blvd
Tavernier, FL 33070–2148
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I do not need someone to write messages for me any more than I need the lawyers living off the DOJ to decide what is good for

me. I liked the telephone service that worked! So it cost a bit more but the phones could fall from the second story and still work. Now we have junk phones from China and God knows where which need replacing each year. Thank you DOJ! The ''hodgepog'' called service must also be from China. Now the student lawyers want to kill the organization that made the computer operation possible for almost any age group. AND YOU USE MY MONEY TO MAKE MY LIFE MORE DIFFICULT. I wonder just what is taught in law school these days. It sure isn't to defend the ordinary people. I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. when all appeals from continuing the litigation would finally be exhausted.

Sincerely and Thank you
Herman Riley Stein

MTC–00033054

From: Robert Woody
To: Ms. Renata Hesse
Date: 1/22/02 2:29pm
Subject: Microsoft Settlement
Robert Woody
8325 Harvard Ave
Raytown, Mo 64138–3645
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing The terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Robert Woody

MTC–00033055

From: duane carlson
To: Ms. Renata Hesse
Date: 1/22/02 2:31pm
Subject: Microsoft Settlement
duane carlson
206 riverside rd.
marquette, mi 49855
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing The terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
duane r carlson

MTC–00033056

From: William Laudel
To: Ms. Renata Hesse
Date: 1/22/02 2:34pm
Subject: Microsoft Settlement
William Laudel
661 Kirkshire
St. Louis, Mo 63122
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing The terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by

District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

William H. Laudel

MTC–00033057

From: Leland Evjen
To: Ms. Renata Hesse
Date: 1/22/02 2:36pm
Subject: Microsoft Settlement
Leland Evjen
1517 1st ave eastt
Williston, ND 58801
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing The terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Leland Evjen

MTC–00033058

From: Jared Nuzzolillo
To: Microsoft ATR
Date: 1/22/02 2:39pm
Subject: Microsoft Settlement

I am writing to you with the hope that one honest voice may be heard above the shouting and screaming of special interest groups across the nation. I'd like to start by stating that I have no financial interest in Microsoft whatsoever, nor do I belong to any organization that has said interests. I am coming to you, specifically, as a freedom-loving American consumer.

Microsoft has, time and again, created the cheapest and most efficacious software available in its industry. I use Windows daily, and have found it both easier and faster than alternative products I have used (and there are many). Microsoft's software is, in a single word, superior. Microsoft is currently being penalized by a lawsuit raised, not by the consumers, but by those who failed to compete with them fairly, and seek special help from ''Uncle Sam'' to force their own software into the market. I don't want their slow and unreliable software, and as an intelligent, (mostly) free human being, resent the fact that you are attempting to remove yet another choice from me.

Success and innovation should be rewarded in our nation, not penalized. Bill Gates is an icon of the American dream, and to steal/destroy/control his property is an affront to civilized society as a whole. It is your job to protect his, and the other Microsoft shareholders, rights, not to ingringe upon them. Please, take this opportunity to show the citizenry that the government of our proud nation will protect the rights of its people, and not give in to lobbyists and talking-heads. Please, preserve our freedom.

Sincerely,

Jared Nuzzolillo

MTC–00033059

From: Leona Morgan
To: Ms. Renata Hesse
Date: 1/22/02 2:42pm
Subject: Microsoft Settlement
Leona Morgan
3 Old Chester Road
East Derry, NH 03041–0087
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking

effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Leona N Morgan

MTC–00033060

From: Mildred Van Keuren
To: Ms. Renata Hesse
Date: 1/22/02 2:45pm
Subject: Microsoft Settlement
Mildred Van Keuren
414 Shropshire St
San Antonio, TX 78217–6033
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Mildred Van Keuren

MTC–00033061

From: Margaret M. Rivers
To: Ms. Renata Hesse
Date: 1/22/02 3:06pm
Subject: Microsoft Settlement
Margaret M. Rivers
3507 Springfield Ct.
Valparaiso, IN 46383–1948
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to

submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Margaret M. Rivers

MTC–00033062

From: Edward Jayjack
To: Ms. Renata Hesse
Date: 1/22/02 3:11pm
Subject: Microsoft Settlement
Edward Jayjack
2120 W. Pleasant Valley Rd.
Parma, Oh 44134
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Edward Jayjack

MTC–00033063

From: Jim Nussle
To: Ms. Renata Hesse
Date: 1/22/02 3:12pm
Subject: Microsoft Settlement
Jim Nussle
1101 Division St.
Cresco, IA 52136–1017
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Raymond W. Morrison

MTC–00033064

From: David Ott
To: Ms. Renata Hesse
Date: 1/22/02 3:15pm
Subject: Microsoft Settlement
David Ott
1126 Nathaniel Ct
Hazelwood, MO 63042–3812
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

David E. Ott

MTC–00033065

From: Philip Miller
To: Ms. Renata Hesse
Date: 1/22/02 3:16pm
Subject: Microsoft Settlement
Philip Miller
4011 Rolling Green Dr.
Memphis, TN 38125
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Philip Miller

MTC–00033066

From: Erik Hanson
To: Ms. Renata B. Heese
Date: 1/22/02 3:42pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Erik Hanson
1602 Naval Ave. #38
Bremerton, WA 98312–3081
CC:
Citizens for a Sound Economy

MTC–00033067

From: Alice Burich
To: Ms. Renata Hesse
Date: 1/22/02 4:07pm
Subject: Microsoft Settlement
Alice Burich
343 Whitclem Drive
Palo Allto, CA 94306–4115
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Alice B. Burich

MTC–00033068

From: James Hand
To: Ms. Renata Hesse
Date: 1/22/02 4:08pm
Subject: Microsoft Settlement
James Hand
368 Lower LaVista Ct. NW
Salem, OR 97304
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

James A. Hand

MTC–00033069

From: Jack McCorkle
To: Ms. Renata Hesse
Date: 1/22/02 4:09pm
Subject: Microsoft Settlement
Jack McCorkle
1240 Bridlewood Way
Reno, NV 89509–7116
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Jack E. McCorkle, Reno, Nevada

MTC–00033070

From: Helen Allport
To: Ms. Renata Hesse
Date: 1/22/02 4:25pm
Subject: Microsoft Settlement
Helen Allport
346 Fremont Road
Nottingham, PA 19362
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

As a taxpayer and consumer, I SUPPORT the Microsoft settlement.

Sincerely,
Helen P. Allport

MTC–00033071

From: Robert Merkle
To: Ms. Renata Hesse
Date: 1/22/02 4:28pm
Subject: Microsoft Settlement
Robert Merkle
153 Wildflower Lane
Waynesville, NC 28786
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Robert B. Merkle

MTC–00033072

From: Brenda A. Moran
To: Ms. Renata Hesse
Date: 1/22/02 4:53pm
Subject: Microsoft Settlement
Brenda A. Moran
P O Box 2160
Hobbs, NM 88241–2160
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Brenda A. Moran

MTC–00033073

From: Rudy p Petorelli
To: Ms. Renata Hesse
Date: 1/22/02 4:58pm
Subject: Microsoft Settlement
Rudy p Petorelli
519–1 Joseph Ct
Naples, Fl 34104
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Rudy Petorelli

MTC–00033074

From: Hal Neiman
To: Ms. Renata Hesse
Date: 1/22/02 5:05pm
Subject: Microsoft Settlement
Hal Neiman
2212 California Ave.
Santa Monica, CA 90403
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Hal Neiman

MTC–00033075

From: Paul Walker
To: Ms. Renata Hesse
Date: 1/22/02 5:11pm
Subject: Microsoft Settlement
Paul Walker
3137 Whisper Blvd.
Deland, FL 32724–8247
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted. The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Paul C. Walker

MTC–00033076

From: Phil Corwin
To: Ms. Renata Hesse
Date: 1/22/02 5:12pm
Subject: Microsoft Settlement
Phil Corwin
1717 Voorhees Ave.
Manhattan Beach, CA 90266–7045
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

Please see the comments at the end (from a friend of mine who I agree with in this instance) that are in addition to the next text.

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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If the premise of the final sentence is true, then this seems like a reasonable question:

Two men, both billionaires. One develops relatively cheap software and gives hundreds of millions of dollars to charity. The other sponsors terrorism and is probably responsible for the deaths of thousands. That being the case, why is it that the US government has spent more money chasing down Bill Gates over the past ten years than Osama bin Laden?

Sincerely,
Phil Corwin

MTC–00033077

From: joseph kudzol
To: Ms. Renata Hesse
Date: 1/22/02 5:18pm
Subject: Microsoft Settlement
joseph kudzol
112 dolphin drive
fayetteville, ga 30214
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
joe kudzol

MTC–00033078

From: George Mason
To: Ms. Renata Hesse
Date: 1/22/02 5:26pm
Subject: Microsoft Settlement
George Mason
19053 North 88th Ave.
Peoria, AZ 85382–8541
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

George F. Mason

MTC–00033079

From: George Vogrin
To: Ms. Renata Hesse
Date: 1/22/02 5:34pm
Subject: Microsoft Settlement
George Vogrin
933 73rd Street
Downers Grove, IL 60516
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

George R. Vogrin

MTC–00033080

From: GEORGE HANSEN
To: Ms. Renata Hesse
Date: 1/22/02 5:34pm
Subject: Microsoft Settlement
GEORGE HANSEN
513 VAUTIER RD.
SEQUIM, WA 98382
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

GEORGE HANSEN

MTC–00033081

From: Mary Johnston
To: Ms. Renata Hesse
Date: 1/22/02 5:36pm
Subject: Microsoft Settlement
Mary Johnston
6530 SW Parkhill Drive
Portland, OR 97201
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S.

v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Mary E, KIncaid Johnston

MTC–00033082

From: Robert Lipp
To: Ms. Renata Hesse
Date: 1/22/02 5:42pm
Subject: Microsoft Settlement
Robert Lipp
23265 Woodhaven Ct
Farmington Hills, MI 48335–3124
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I am a taxpayer and a consumer of several Microsoft products. I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted. The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

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Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement. This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Robert E. Lipp

MTC–00033083

From: Maurice Angvall
To: Ms. Renata Hesse
Date: 1/22/02 5:42pm
Subject: Microsoft Settlement
Maurice Angvall
1049 Marchetti Ct.
Chico, CA 95926
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Maurice W. Angvall

MTC–00033084

From: Harry Stewart
To: Ms. Renata Hesse
Date: 1/22/02 5:45pm
Subject: Microsoft Settlement
Harry Stewart
5018 Colorado Rd.
Midpines, Ca 95345–9707
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Harry O. Stewart

MTC–00033085

From: George Greaney
To: Ms. Renata Hesse
Date: 1/22/02 5:55pm
Subject: Microsoft Settlement
George Greaney
1603—E. Hedgecroft
Seabrook, TX 77586
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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MTC–00033086

From: Perry Lewis
To: Ms. Renata Hesse
Date: 1/22/02 5:59pm
Subject: Microsoft Settlement
Perry Lewis
175 18th SW
Huron, SD 57350
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Perry Lewis

MTC–00033087

From: Vernon White
To: Ms. Renata Hesse
Date: 1/22/02 6:00pm
Subject: Microsoft Settlement
Vernon White
6245 3rd Ave. North
St. Petersburg, FL 33710–7822
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Vernon H. White

MTC–00033088

From: Bruce Lewis
To: Ms. Renata Hesse
Date: 1/22/02 6:00pm
Subject: Microsoft Settlement
Bruce Lewis
3119 Knollwood Ct
Sioux City, IA 51106
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW., Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to

submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Bruce Lewis

MTC–00033089

From: Andrew Pickens
To: Ms. Renata Hesse
Date: 1/22/02 6:06pm
Subject: Microsoft Settlement
Andrew Pickens
222 Halbart Drive
San Antonio, TX 78213
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Pickens

MTC–00033090

From: Ruth Howard
To: Ms. Renata Hesse
Date: 1/22/02 6:10pm
Subject: Microsoft Settlement
Ruth Howard
1405 PLantation Dr.
Lady Lake, Fl 32159–2246
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Ruth C. Howard

MTC–00033091

From: Joseph Vrzalik
To: Ms. Renata Hesse
Date: 1/22/02 6:11pm
Subject: Microsoft Settlement
Joseph Vrzalik
3890 Schroeder Avenue
Perry Hall, MD 21128
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW., Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Joeph F. Vrzalik

MTC–00033092

From: Rodger Landes
To: Ms. Renata Hesse
Date: 1/22/02 6:16pm
Subject: Microsoft Settlement
Rodger Landes
1238 Creek Road
Lititz, PA 17543
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW., Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Rodger B. Landes

MTC–00033093

From: Pam Barton
To: Ms. Renata Hesse
Date: 1/22/02 6:22pm
Subject: Microsoft Settlement
Pam Barton
404 Jasmine Way
Clearwater, FL 33756
January 22, 2002

Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW., Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Pam Barton

MTC–00033094

From: Ray Barton
To: Ms. Renata Hesse
Date: 1/22/02 6:26pm
Subject: Microsoft Settlement
Ray Barton

404 Jasmine Way
Clearwater, FL 33756
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW., Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Ray Barton

MTC–00033095

From: Allison Moore
To: Ms. Renata Hesse
Date: 1/22/02 6:28pm
Subject: Microsoft Settlement
Allison Moore
10636 S. Niagara
Littleton, CO 80124
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW., Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted. The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

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Sincerely,
Allison Moore

MTC–00033096

From: Bill Reddie
To: Ms. Renata Hesse
Date: 1/22/02 6:28pm
Subject: Microsoft Settlement
Bill Reddie
661 E. Intrepid St P.O.Box 1314
Pahrump, NV 89041
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Bill Reddie

MTC–00033097

From: John Lunkes
To: Ms. Renata B. Heese
Date: 1/22/02 6:30pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

John Lunkes

8210 49th St. Ct., West

University Place, WA 98467–1969

CC: Citizens for a Sound Economy

MTC–00033098

From: ALLAN HANSON
To: Ms. Renata Hesse
Date: 1/22/02 6:39pm
Subject: Microsoft Settlement

ALLAN HANSON
6020 LITTLE SPRING ROAD
SOMERSET, CA 95684–9219
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

ALLAN G. HANSON

MTC–00033099

From: Howard Milke
To: Ms. Renata Hesse
Date: 1/22/02 6:39pm
Subject: Microsoft Settlement

Howard Milke
35 Ocean Meadows N. PO Box 2348
Ogunquit, ME 03907–2348
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Howard Milke

MTC–00033100

From: lillian lee
To: Ms. Renata Hesse
Date: 1/22/02 6:43pm
Subject: Microsoft Settlement
lillian lee
22120 center st 502
castro valley, ca 94546
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

lillian lee

MTC–00033101

From: Dorothy Howard
To: Ms. Renata Hesse
Date: 1/22/02 6:44pm
Subject: Microsoft Settlement
Dorothy Howard
2285 Norwegian Drive, Apt. 59
Clearwater, FL 33763
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Dorothy H. Howard

MTC–00033102

From: Renata B. Hesse
To: Ms. Renata Hesse
Date: 1/22/02 6:49pm
Subject: Microsoft Settlement
Renata B. Hesse
5532 Country Club Way
Sarasota, Fl 34243–3757
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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This case was supposedly brought on behalf of American consumers. We have paid

the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Frederick C. Faulkner

MTC–00033103

From: Richard Haugen
To: Ms. Renata Hesse
Date: 1/22/02 6:50pm
Subject: Microsoft Settlement
Richard Haugen
740 Southgate
Fullerton, Ca 92832
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Richard Haugen

MTC–00033104

From: Catherine Reimer
To: Ms. Renata Hesse
Date: 1/22/02 6:55pm
Subject: Microsoft Settlement
Catherine Reimer
14 Truman Road
Charleroi, PA 15022
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted. The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

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Sincerely,

Taxpayer & Consumer

Catherine M. Reimer

MTC–00033105

From: Howard Garrett
To: Ms. Renata Hesse
Date: 1/22/02 6:55pm
Subject: Microsoft Settlement
Howard Garrett
2107 Sylvan Lane
Midland, MI 48640
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Howard L. Garrett

MTC–00033106

From: Alvin Barber, Jr.
To: Ms. Renata Hesse
Date: 1/22/02 7:01pm
Subject: Microsoft Settlement
Alvin Barber, Jr.
1885 Aloha Street
Red Bluff, CA 96980–4009
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Rejoicing in Christ,

Alvin B. Barber, Jr.

MTC–00033107

From: Dennis Fischer
To: Ms. Renata Hesse
Date: 1/22/02 7:02pm
Subject: Microsoft Settlement
Dennis Fischer
9728 Regalton Court
St. Louis, MO 63123–5318
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Dennis R. Fischer

MTC–00033108

From: Mary Stock

To: Ms. Renata Hesse
Date: 1/22/02 7:05pm
Subject: Microsoft Settlement
Mary Stock
670 Island Way #607
Clearwater, FL 33767
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Mary Stock

MTC–00033109

From: June Hillyer
To: Ms. Renata Hesse
Date: 1/22/02 7:08pm
Subject: Microsoft Settlement
June Hillyer
50 Churhill Drive
Bella Vista, AR 72714–6232
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
June Hillyer

MTC–00033110

From: Mike Silva
To: Department of Justice
Date: 1/22/02 7:16pm
Subject: Message From a Concerned Citizen

Dear Department of Justice:

Dear Sir;

I believe you are making a serious error in judgement in going after Microsoft in this manner. I believe their competition is trying to break Microsoft. Giving codes and strip down versions of windows and other programs will weaken the abilities of Microsoft to create new programming, and this will hurt the consumer. Microsoft developed windows and should be able to keep the codes that they created. It seems to me that you would be stripping the company of a product they basically created,and continue to develope. I do believe that there should be a choice of browsers and programs independent of using Microsoft software. Linux seems to be one and I'm sure there could be others. The problem is that windows is owned and operated by Microsoft and was their invention to start with and to give away secret codes would put not only Microsoft at risk of piracy(sp) but every other company in the world at risk. Why develope a product and share all the workings only to have it stolen by a rival under the guise of unfair business.

Sincerely,
Mike Silva
1717 Pepper Villa Drive
El Cajon , CA 92021–1215

MTC–00033111

From: Charles Patterson
To: Ms. Renata Hesse
Date: 1/22/02 7:21pm
Subject: Microsoft Settlement
Charles Patterson
P O Box 9069
Gosnell, AR 72319
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S.

v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Charles Patterson

MTC–00033112

From: Joe Boehnlein
To: Ms. Renata Hesse
Date: 1/22/02 7:27pm
Subject: Microsoft Settlement
Joe Boehnlein
5389 Circle Drive
Belmont, Mi 49306–9002
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Joe Boehnlein

MTC–00033113

From: John I. McLain
To: Ms. Renata Hesse
Date: 1/22/02 7:27pm
Subject: Microsoft Settlement
John I. McLain
16874 131st Way N
Jupiter,, FL 33478
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

John I. McLain

MTC–00033114

From: Luther Klick
To: Ms. Renata Hesse
Date: 1/22/02 7:31pm
Subject: Microsoft Settlement
Luther Klick
315 E. Chestnut St.
Cleona, Pa 17042
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Luther Klick

MTC–00033115

From: James Frisbie
To: Ms. Renata Hesse
Date: 1/22/02 7:35pm
Subject: Microsoft Settlement
James Frisbie
636 Holly Road
Cadillac, MI 49601
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

James R. Frisbie

MTC–00033116

From: Howard Sampson
To: Ms. Renata Hesse
Date: 1/22/02 7:41pm
Subject: Microsoft Settlement
Howard Sampson
4063 RR 4
Cortland, OH 44410
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Howard Sampson

MTC–00033117

From: Aloma Blaylock
To: Ms. Renata B. Heese
Date: 1/22/02 7:50pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

Microsoft has given us programs and operating system that is easy to access and use. No one has forced me to use their operating system. Competitors who have fallen behind in innovation should stop complaining and get to work. Are you going to make General Mills package a little Special K with their Cheerios of they get a high percentage of the cereal market?

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Aloma Blaylock
1013 West 13th
Port Angeles, WA 98363–7220
CC: Citizens for a Sound Economy

MTC–00033118

From: Chris Norbury
To: Ms. Renata Hesse
Date: 1/22/02 7:56pm
Subject: Microsoft Settlement
Chris Norbury
2175 Sunflower Lane
Owatonna, MN 55060–2083
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Chris Norbury

MTC–00033119

From: Becki Shaffer
To: Ms. Renata Hesse
Date: 1/22/02 8:02pm
Subject: Microsoft Settlement
Becki Shaffer
939 Deerfield Rd.
Deerfield, IL 60015
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and

the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Becki A. Shaffer

MTC–00033120

From: D Carlton Cobb
To: Ms. Renata Hesse
Date: 1/22/02 8:03pm
Subject: Microsoft Settlement
D Carlton Cobb
3892 Three Doves Cove
Memphis, TN 38133–2106
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

D. Carlton Cobb

MTC–00033121

From: Carolyn Lovern
To: Ms. Renata B. Heese
Date: 1/22/02 8:05pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Carolyn Lovern
25122 Florence Acres Rd.
Monroe, WA 98272–9661
CC: Citizens for a Sound Economy

MTC–00033122

From: Ronald Newton
To: Ms. Renata Hesse
Date: 1/22/02 8:07pm
Subject: Microsoft Settlement
Ronald Newton
307 Rainbow Ct
Paso Robles, CA 93446–2986
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national

significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Ronald C Newton

MTC–00033123

From: Bill Zeitlin
To: Ms. Renata Hesse
Date: 1/22/02 8:17pm
Subject: Microsoft Settlement
Bill Zeitlin
281 Swan Court
Manhasset, NY 11030
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgmentin the U.S. v. Microsoft case. This lengthy litigation has cost my fellowtaxpayers and me more than $35 million, and after reviewing the terms ofthis Judgment, final approval is clearly in the public interest.

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This case was supposedly brought on behalf of American consumers. We havepaid the price of litigation through our taxes. Our investment portfolioshave taken a hard hit during this battle, and now more than ever, thecountry needs the economic stability this settlement can provide. Thissettlement is in the public interest, and I urge the DOJ to submit therevised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Bill Zeitlin

MTC–00033126

From: fred bialek
To: Ms. Renata Hesse
Date: 1/22/02 8:32pm
Subject: Microsoft Settlement
fred bialek
200 winding way
woodside, ca 94062
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgmentin the U.S. v. Microsoft case. This lengthy litigation has cost my fellowtaxpayers and me more than $35 million, and after reviewing the terms ofthis Judgment, final approval is clearly in the public interest.Perhaps of greatest benefit to the American people, the Department ofJustice (DOJ) and the settling states will avoid additional costs and nowbe able to focus their time and resources on matters of far greaternational significance: the war against terrorism, includinghomeland security. As noted by District Court Judge ColleenKollar-Kotelly, who pushed for a settlement after the attacks of September11, it is vital for the country to move on from this lawsuit. The partiesworked extremely hard to reach this agreement, which has the benefit oftaking effect immediately rather than months or years from now when allappeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We havepaid

the price of litigation through our taxes. Our investment portfolioshave taken a hard hit during this battle, and now more than ever, thecountry needs the economic stability this settlement can provide. Thissettlement is in the public interest, and I urge the DOJ to submit therevised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Fred B. Bialek

MTC–00033127

From: jdfrost
To: Attorney General John Ashcroft
Date: 1/22/02 8:33pm
Subject: Microsoft Settlement
Joan Frost
838 N 161st Place
Shoreline, WA 98133
January 22,2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The recent antitrust settlement between Microsoft and the US Departmentof Justice has been a long time coming. I feel that the lawsuit was unjustified inthe first place. Microsoft has done wonderful things for our nation. It has createdjobs, made technological breakthroughs, and contributed to our educationsystems. The Windows operating system for all practical purposes is thestandard for the industry without which we would not have most of our applicationsoftware if there were no ''standard'' in place. In part, the state of our depressedeconomy was brought about by this suit that has it has had a negative impactupon the PC industry.

Yet, the government wants to bring it down. It seems that if onesucceeds then that entity must automatically be evil. The terms of the settlementreflect the intense lobbying efforts of Microsoft's competitors. For one, all theconcessions are geared towards helping the competitors gain an edge that theywould not have achieved on their own. Microsoft is giving them technologicalinformation such as interfaces and protocols. Microsoft is also agreeing not toretaliate against computer makers and software developers who promote non-Microsoft products.

Although flawed, the settlement should be realized because the alternativeof further litigation would be too much for our country to bear. We need Microsoftto be creating new products for the public's best interests. Why do we so mistrustthe judgment of the public who has voted with their pocket book by purchasingMicrosoft products?

Sincerely,

Joan Frost

MTC–00033128

From: George Hallock
To: Ms. Renata Hesse
Date: 1/22/02 9:01pm
Subject: Microsoft Settlement
George Hallock
4034 Selkirk Court
Cypress, CA 90630
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgmentin the U.S. v. Microsoft case. This lengthy litigation has cost my fellowtaxpayers and me more than $35 million, and after reviewing the terms ofthis Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department ofJustice (DOJ) and the settling states will avoid additional costs and nowbe able to focus their time and resources on matters of far greaternational significance: the war against terrorism, includinghomeland security. As noted by District Court Judge ColleenKollar-Kotelly, who pushed for a settlement after the attacks of September11, it is vital for the country to move on from this lawsuit. The partiesworked extremely hard to reach this agreement, which has the benefit oftaking effect immediately rather than months or years from now when allappeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of thiscase: the DOJ, the states, Microsoft, competitors, consumers andtaxpayers. Microsoft will not be broken up and will be able to continueto innovate and provide new software and products. Software developersand Internet service providers (ISPs), including competitors, will haveunprecedented access to Microsoft's programming language and thuswill be able to make Microsoft programs compatible with their own.

Competitors also benefit from the provision that frees up computermanufacturers to disable or uninstall any Microsoft application or elementof an operating system and install other programs. In addition, Microsoftcannot retaliate against computer manufactures, ISPs, or other softwaredevelopers for using products developed by Microsoft competitors. Plus,in an unprecedented enforcement clause, a Technical Committee will workout of Microsoft's headquarters for the next five years, at thecompany's expense, and monitor Microsoft's behavior andcompliance with the settlement.

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This case was supposedly brought on behalf of American consumers. We havepaid the price of litigation through our taxes. Our investment portfolioshave taken a hard hit during this battle, and now more than ever, thecountry needs the economic stability this settlement can provide. Thissettlement is in the public interest, and I urge the DOJ to submit therevised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

George Hallock

MTC–00033129

From: Alfred Lehman
To: Ms. Renata Hesse
Date: 1/22/02 9:33pm
Subject: Microsoft Settlement
Alfred Lehman
1364 Richland Blvd.
Bay Shore, NY 11706–5444
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

Joining many other Americans, I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million. I have studied the terms of this ruling, and I strongly feel that this final approval is clearly in the public interest.

Our greatest boon in this settlement: the Department of Justice and the settling states will AVOID ADDITIONAL COSTS and now be able to focus their time and resources on matters of greater importance: the war against terrorism, and homeland security. As noted by Judge Colleen Kollar-Kotelly, who pushed for a settlement after the September 11 tragedy,''it's vital for the country to move on from this lawsuit.'' I can readily see that the terms of the settlement offer a fair resolution for all sides -: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft need not be broken up and can continue to innovate and provide new software and products. Software developers and Internet Service Providers, including competitors, will now have access to Microsoft's programming language and thus be able to make Microsoft programs compatible with their own. It's good to know that competitors also gain as computer manufacturers are free to uninstall any Microsoft application or operating system and install other programs. And...Microsoft cannot retaliate against computer manufactures, ISPs, or other software makers for using products developed by Microsoft competitors. ALSO: a Technical Committee will work out of Microsoft's headquarters for five years, at the company's expense, to monitor Microsoft's compliance with the settlement. That, too, is acceptable.

This settlement is fair to the computer users of America. Consumers will be able to select from a variety of pre-installed software on their computers, even find it easier to substitute competitor products after purchase.

This case was supposedly brought on behalf of American consumers, and we certainly ''paid our way''—the cost of litigation—through our taxes. Even our investment portfolios have taken a hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change!

Sincerely,

Alfred C. Lehman, MS, MSC

MTC–00033130

From: RICHARD NAPLES
To: Ms. Renata Hesse
Date: 1/22/02 9:41pm
Subject: Microsoft Settlement
RICHARD NAPLES
199 INAGUA ST
DANIA BEACH, FL 33004
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
RICHARD D NAPLES

MTC–00033131

From: Thomas Mignini
To: Ms. Renata Hesse
Date: 1/22/02 9:50pm
Subject: Microsoft Settlement
Thomas Mignini
638 Rocky Hill Rd
Sparks, MD 21152
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Thomas Mignini

MTC–00033132

From: Edwin Fisch
To: Ms. Renata Hesse
Date: 1/22/02 9:53pm
Subject: Microsoft Settlement
Edwin Fisch
6113 Bellingham Drive
Castro Valley, CA 94552–1631
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Edwin J. Fisch

MTC–00033133

From: Sharon Riddle
To: Ms. Renata B. Heese
Date: 1/22/02 10:40pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Sharon Riddle
4921 102nd Ln NE
Kirkland, WA 98033–7641
CC: Citizens for a Sound Economy

MTC–00033134

From: Thomas Crosswhite
To: Ms. Renata Hesse
Date: 1/22/02 11:27pm
Subject: Microsoft Settlement
Thomas Crosswhite
127 Lidster Avenue
Grass Valley, CA 95945
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Thomas Crosswhite

MTC–00033135

From: Toni Curtis
To: Ms. Renata Hesse
Date: 1/22/02 11:36pm
Subject: Microsoft Settlement
Toni Curtis
6960 Deer Bluff Dr
Dayton, OH 45424
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Toni J Curtis

MTC–00033136

From: Larry Scott
To: Ms. Renata B. Heese
Date: 1/23/02 12:01am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

Larry Scott
11211 S.E. 223 pl
Kent, WA 98031–2634
CC: Citizens for a Sound Economy

MTC–00033137

From: James Babcock
To: Ms. Renata B. Heese
Date: 1/23/02 1:09am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

James Babcock
3410 NE 54th Street
Vancouver, WA 98661–2025
CC: Citizens for a Sound Economy

MTC–00033138

From: Theodore W. Guest
To: Ms. Renata Hesse
Date: 1/23/02 2:23am
Subject: Microsoft Settlement
Theodore W. Guest
4366 Carlo Drive
Dayton, OH 45429–4710
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Theodore W. Guest

MTC–00033139

From: WILLIAM SENATORE
To: Ms. Renata Hesse
Date: 1/23/02 3:39am
Subject: Microsoft Settlement
WILLIAM SENATORE
22718 AUTUMN
NOVI, MI 48374
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As

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Sincerely,

WILLIAM F. SENATORE

MTC–00033140

From: Frank Muccianti
To: Ms. Renata Hesse
Date: 1/23/02 5:06am
Subject: Microsoft Settlement
Frank Muccianti
338 N. Morris Dr.
Palatine, Il 60074
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Frank Muccianti

MTC–00033141

From: thom
Date: 1/23/02 5:09am
Subject: Microsoft Settlement

Regarding the Microsoft settlement, I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior, nor will restore any competitive nature to the high tech market place. Hundred, even thousands, of small companies have ceased to exist over the decades because of Microsoft's anti-competitive business practices, and I fear because of this settlement, in the future Microsoft will put the U.S. economy at risk, AND cause a significant problem with our national security.

Even after being found guilty of being an illegal monopoly, Microsoft's behavior remains un-changed, if not even more anti-competitive. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, with an immediate large fine ($5+ billion) is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

In every sense, the USDOJ has failed by signing the proposed settlement.

Thank you,

Thomas H. Dieterich

Lynnwood WA 98037

MTC–00033142

From: Pat Starkey
To: fin@mobilizationoffice.com@inetgw
Date: 1/23/02 5:24am
Subject: Microsoft

Dear Sir:

As a registered Republican I am requesting that the suit against Microsoft concerning the antitrust settlement between the Department of Justice but settled as soon as possible.

Microsoft company is giving the public what it wants. Remember when the government broke up the telephone companies and the consumer lost. Our prices rose and the service is much worse.

Please settle this antitrust settlement as soon as possible and give the public what it wants.

Patricia F. Starkey

2417 Aubin Lane, Baton Rouge, La. 70816
225–275–6200

CC:Microsoft ATR

MTC–00033143

From: Karl L. Zengel
To: Ms. Renata Hesse
Date: 1/23/02 5:48am
Subject: Microsoft Settlement
Karl L. Zengel
2301 Linwald Lane
Dayton, OH 45459
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Karl L. Zengel

MTC–00033144

From: Gary Clark
To: Ms. Renata Hesse
Date: 1/23/02 5:53am
Subject: Microsoft Settlement
Gary Clark
6507 Cathedral Oaks Drive
Plant City, Fl 33565–6123
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Gary B. Clark

MTC–00033145

From: Donald Werle
To: Ms. Renata Hesse
Date: 1/23/02 6:02am
Subject: Microsoft Settlement
Donald Werle
238 Gridley Ave
Erie, PA 16508
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Don Werle of Erie Pa

MTC–00033146

From: Wesley Daugherty
To: Ms. Renata Hesse
Date: 1/23/02 6:07am
Subject: Microsoft Settlement
Wesley Daugherty
340 Valley Lane P.O.Box 826
Lebanon, Ky 40033
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Wesley O. Daugherty

MTC–00033147

From: Chris Worley
To: Microsoft ATR
Date: 1/23/02 6:21am
Subject: Microsoft Settlement

Sir/Ma'am,

I find the proposed Microsoft antitrust settlement to be just short of an apology to Microsoft.

It will do nothing to stop their anticompetitive behavior. It will do nothing to spur competition in the software industry. It gives Microsoft carte blanche to continue to run roughshod over consumers and competition.

The media has well documented that every key provision in this settlement has an ''opt out'' loophole that allows Microsoft to continue it's anticompetitive behaviors. The future of high technology is at stake. If you allow Microsoft to remain unchecked, then we are entering a new ''dark ages'' where a small minority will control the information vital to innovation. The part of the proposal I'm most concerned with is the ''security'' ''opt out'' in the ''open protocols'' section...

''Security'' has become a buzzword associated with terrorist acts, allowing Microsoft to portray competing vendor's software compatibility with authentication software as an act of treason. It's just not so. ''Security through obscurity'' has never stopped hackers with ill intent, it only keeps those being attacked ''in the dark''. It's much like human viri: we want to know what can infect us, how to keep from getting infected, how to detect the infection, and how to stop the infection (even if it can't be stopped). This information is key to our longevity. For example, the recent anthrax terrorist acts have shown that public information is critical to detection and cure, and the lack of information led to unnecessary infection (of postal workers) and panic among the uninfected, and did nothing to stop the perpetrator.

Software viri/worms require the same publicity to protect and inform the population.

I'm afraid Microsoft has negotiated this loophole in the settlement for a reason other than protecting consumers: they're stopping compatible products from competing under the guise of stopping terrorism. For example, a software package called ''Samba'' competes with Microsoft NT file servers: file servers compatible with the protocols that provide you with your ''network neighborhood''. If Microsoft can hide the authentication protocol, then the competing file server software can't compete: if you have to have an NT server to authenticate users, then you might as well use that server to serve files and not use Samba at all (IT departments, in order to simplify their task, would prefer not to run servers with different OSes). For Samba to compete, it must be able to perform all the necessary protocols for Microsoft's network file services. It's all or nothing; it does consumers and competition no good for only part of the protocol to be published. This is similar to their behavior with API's. By not exposing key OS interfaces, they've been able to create special ''hooks'' into the OS that only their applications can use, allowing their applications to have features that the competition can't have. It's the same old trick with a new twist, under the guise of ''protecting consumers''. This settlement is a ruse. It's a trap. And, the DOJ seems overly willing to fall for it, to the detriment of competition and consumers.

Chris Worley
Salt Lake City, Utah

MTC–00033148

From: Agnes Bode
To: Ms. Renata Hesse
Date: 1/23/02 6:21am
Subject: Microsoft Settlement
Agnes Bode
3124 Longfield Road
Glenwood, MD 21738–9644
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers

and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Agnes Bode

MTC–00033149

From: Jane Magliacane
To: Ms. Renata Hesse
Date: 1/23/02 6:31am
Subject: Microsoft Settlement
Jane Magliacane
133 Holly Drive
Gardner, MA 01440
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Jane Magliacane

MTC–00033150

From: Frank Ziegler
To: Ms. Renata Hesse
Date: 1/23/02 6:41am
Subject: Microsoft Settlement
Frank Ziegler
4035 NE 22nd Ave.
Ocala, Fl 34479–2556
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

Frank I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Frank Ziegler

MTC–00033151

From: Stephen Storm

To: Ms. Renata Hesse
Date: 1/23/02 6:41am
Subject: Microsoft Settlement
Stephen Storm
P.O. Box 550
Eastland, TX 76448
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Stephen Storm

MTC–00033152

From: Mary Pardo
To: Ms. Renata Hesse
Date: 1/23/02 7:20am
Subject: Microsoft Settlement
Mary Pardo
76 Plymouth St.
Montclair, NJ 07042
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Mary A. Pardo

MTC–00033153

From: T. C. Hiestand
To: Ms. Renata Hesse
Date: 1/23/02 7:20am
Subject: Microsoft Settlement
T. C. Hiestand
1361 Duffers Lane
Oak Harbor, WA 98277
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Mr. and Mrs. T. C. Hiestand

MTC–00033154

From: Joyce L Gorham
To: Ms. Renata B. Heese
Date: 1/23/02 7:21am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Joyce L Gorham
2716 s.e. 31st street
Okeechobee, FL 34974–6747
CC: Citizens for a Sound Economy

MTC–00033155

From: Charles A White
To: Ms. Renata Hesse
Date: 1/23/02 7:21am
Subject: Microsoft Settlement
Charles A White
13012 S Oak Park Ave
Palos Heights, Il 60463–2227
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Charles A White

MTC–00033156

From: Richard Atwater
To: US DOJ
Date: 1/23/02 7:32am
Subject: Microsoft Settlement

To Whom it May Concern:

As a software professional, and US citizen, I am deeply disturbed by the proposed settlement of the Microsoft anti-trust case. As I understand it, it imposes no penalties for Microsoft's illegal past actions, and does nothing to preclude such acts in the future. The settlement should not be accepted as proposed.

Thank you,
Richard M. Atwater, Software Engineer
Charles E. Hill & Associates, Inc.
Indianapolis, IN 46250

MTC–00033157

From: Bert Green
To: Ms. Renata Hesse
Date: 1/23/02 7:46am
Subject: Microsoft Settlement
Bert Green
1060 S. U.S. Hwy. 1 Lot 80
Vero Beach, FL 32962–5678
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Bert Green

MTC–00033158

From: Joseph Abell
To: Ms. Renata Hesse
Date: 1/23/02 7:50am
Subject: Microsoft Settlement
Joseph Abell
4505 South Yosemite, #146
Denver, CO 80237
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted. The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

J. M. Abell

MTC–00033159

From: Richard Nakashian
To: Ms. Renata Hesse
Date: 1/23/02 7:57am
Subject: Microsoft Settlement
Richard Nakashian
23 Mariners Ln.
Pocasset, Ma 02559–3150
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Marita Nakashian

MTC–00033160

From: Henry & Virginia Harger
To: Ms. Renata Hesse

Date: 1/23/02 8:02am
Subject: Microsoft Settlement
Henry & Virginia Harger
352 Fernberg Road
Ely, MN 55731
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Henry & Virginia Harger

MTC–00033162

From: Rocky Oliver
To: Ms. Renata Hesse
Date: 1/23/02 8:05am
Subject: Microsoft Settlement
Rocky Oliver
3402 Socrates Dr.
Grand Prairie, TX 75052
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Rocky Oliver

MTC–00033163

From: RICHARD AND JOYCE RENTEL
To: Ms. Renata Hesse
Date: 1/23/02 8:08am
Subject: Microsoft Settlement
RICHARD AND JOYCE RENTEL
8508 MAIN ST #B103
EDMONDS, WA 98026
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

RICHARD RENTEL

MTC–00033164

From: Phil Martin
To: Ms. Renata Hesse
Date: 1/23/02 8:17am
Subject: Microsoft Settlement
Phil Martin
5583 Old U.S. 41
Lake Park, GA 31636–3490
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Phil Martin, M.D.

MTC–00033165

From: C. W. Berghorn
To: Ms. Renata Hesse
Date: 1/23/02 8:19am
Subject: Microsoft Settlement
C. W. Berghorn
11 Chestnut Lane
Pinehurst, NC 28374
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

C. W. Berghorn

MTC–00033166

From: James Krug
To: Ms. Renata B. Heese
Date: 1/23/02 8:22am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. This suit should never have been brought in the firwt place.

It is an egregious use of government power to benefit Microsoft's competetors. However, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

James Krug
6125 Troon Ln., S.E.
Olympia, WA 98501–5174
CC: Citizens for a Sound Economy

MTC–00033167

From: Donald McLarty
To: Ms. Renata Hesse
Date: 1/23/02 8:38am
Subject: Microsoft Settlement
Donald McLarty
1511 Vassar
Houston, TX 77006
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Don McLarty

MTC–00033168

From: Melodie Avis
To: Ms. Renata B. Heese
Date: 1/23/02 9:07am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Melodie Avis 15534 Mira Monte Drive
Houston, TX 77083–4042
CC: Citizens for a Sound Economy

MTC–00033169

From: mail.relay@capwiz.com@inetgw
To: Ms. Renata Hesse
Date: 1/23/02 9:07am
Subject: Microsoft Settlement
James Zengel
6362 Karlsridge Dr
Dayton, oh 45459
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
James M. Zengel

MTC–00033170

From: Louis Prince

To: Ms. Renata Hesse
Date: 1/23/02 9:26am
Subject: Microsoft Settlement
Louis Prince
Avenida Melisenda
San Dimas, CA 91773
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Louis D. Prince

MTC–00033171

From: C. Frederick Miller
To: Ms. Renata Hesse
Date: 1/23/02 9:32am
Subject: Microsoft Settlement
C. Frederick Miller
512 Ridgeway Drive
Bellingham, WA 98225
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

C. Frederick Miller

MTC–00033172

From: Duane W. Crimin
To: Ms. Renata Hesse
Date: 1/23/02 9:41am
Subject: Microsoft Settlement
Duane W. Crimin
1045 Peach Drive
Ogden, UT 84404–6528
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Duane W. Crimin

MTC–00033173

From: William Rohrbaugh
To: Ms. Renata Hesse
Date: 1/23/02 9:51am
Subject: Microsoft Settlement
William Rohrbaugh
912 Sherwood St
Hanover, PA 17331
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

W.Max Rohrbaugh

MTC–00033174

From: kolev@beiks.com@inetgw
Date: 1/23/02 10:02am Message-ID: <012101c1a438$05d3b950$1b0210ac@bkolev1>
From: ''Bobby Kolev'' <kolev@beiks.com>
To: <microsoft.atr@usdoj.gov>
Subject: Split was the right thing to do
Date: Wed, 23 Jan 2002 12:01:45 -0600

I develop for various platforms, including Palm and PocketPC. I see Microsoft as the best tech company around, it is in fact so well = postioned that it had already crossed the line of being useful and is = dangerous.

As much as I like and admire their business genius, I believe it wasn't = a settlement that needed to be done, but a split. I even believe that = would have been for their own (in addition to everyone else's) interest = in longer run.

Regards,

Bobby Kolev

www.beiks.com

MTC–00033175

From: alma teuscher
To: Ms. Renata Hesse
Date: 1/23/02 10:04am
Subject: Microsoft Settlement
alma teuscher
933 west main st.
newark, oh 43055
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in

the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

alma teuscher

MTC–00033176

From: Clarence Van Alstyne
To: Ms. Renata Hesse
Date: 1/23/02 10:05am
Subject: Microsoft Settlement
Clarence Van Alstyne
680 Forest Ave.
Fulton, NY 13069–3304
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change. Believe it or not, I do not have a nickle of MS stock but like a lot of people over the last nine years I become very wary when federal pressure through the DOJ or many other federal organizations appears to be used to extract huge sums of money for the benefit only of our politicians.

Sincerely,

Clarence Van Alstyne

MTC–00033177

From: Margaret Meyer
To: Ms. Renata Hesse
Date: 1/23/02 10:17am
Subject: Microsoft Settlement
Margaret Meyer
11846 Schulze Lane
Ste. Genevieve, MO 63670–8816
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I am signing my name to a letter composed by someone else, but it expresses my thoughts better than I would have been able to, so I thank you in advance for considering my stand on the Microsoft case even though you will have read these words before. I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Margaret L. Meyer

MTC–00033178

From: Brian Pollard
To: Ms. Renata Hesse
Date: 1/23/02 10:20am
Subject: Microsoft Settlement
Brian Pollard
PO Box 268
Mount Desert, ME 04660
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change. As a lifetime executive in the computer industry I KNOW that Microsoft are in a lead position because of the skills and competence.

Their opponents — Apple, Sun, etc. are trailing because of their incompetence and their attempts, unlike Microsoft, to monopolize the industry. Apple sought to sell both hardware and software, and wouldn't allow anyone else to participate, result !% of the market. Sun attempts the same and is losing market share. Go into any store and see the myriuar of computes and software with names other than Microsoft—all there BECAUSE of Microsoft.

Sincerely,
Brian W. Pollard

MTC–00033179

From: Sonnia Bean
To: Ms. Renata B. Heese
Date: 1/23/02 10:21am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Sonnia Bean
13619 Sandy Point E. KPN
Gig Harbor, WA 98329–5684
CC: Citizens for a Sound Economy

MTC–00033180

From: Carol Stankovsky
To: Ms. Renata Hesse
Date: 1/23/02 10:35am
Subject: Microsoft Settlement
Carol Stankovsky
1917 Empire Drive
Waukesha, WI 53186
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Carol Stankovsky

MTC–00033181

From: Kathy Clancy
To: info@techleadership.org@inetgw
Date: 1/23/02 10:38am
Subject: Microsoft Settlement —CC: On letter to the Americans for Technology Leadership
January 23, 2002

To Americans for Technology Leadership:

I find it absurd that you request a letter from our chamber of commerce for the expidited settlement of the Microsoft case when your mission states that you are ''dedicated to limiting government regulation of technology and fostering competitive market solutions to public policy issues affecting the technology industry.'' Our business have many diverse opinions, and I would bet they would not side with your slanted view.

Microsoft is like big brother and seeks to squelch all and any competition. Tell me, how this is going to ''foster competitive markets''? They have a history of squeezing competitors while it makes memory and size

gobbling, inefficient programs. Consumers can demand higher quality, but Microsoft will dish out what it wants—there's no one else to get the milk from! As a degreed Systems Analyst and experience as a beta tester for Microsoft, I tell you that it's worth the money to pressure them. When the government gives in, who else will be able to move the giant? Don't be stupid and influenced by the money. There are principles involved and the future of truly fostering technological innovation is at risk.

This is the note I'll send to the Ms. Hesse.

Respectfully,
Kathryn Clancy
Executive Director
Painesville Area Chamber of Commerce
www.painesvilleohchamber.org
440–357–7572

MTC–00033182

From: earl jones
To: Ms. Renata Hesse
Date: 1/23/02 10:47am
Subject: Microsoft Settlement
earl jones
105 southwestern pl.
sequim, , wa 98382
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
earl l. jones

MTC–00033183

From: Mary E. Vaughn
To: Ms. Renata Hesse
Date: 1/23/02 10:47am
Subject: Microsoft Settlement
Mary E. Vaughn
1589 Riverside Dr. Apt A
South Bend, In 46616–1608
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Ms. Mary E. Vaughn

MTC–00033184

From: William Simpson
To: Ms. Renata Hesse
Date: 1/23/02 10:49am
Subject: Microsoft Settlement
William Simpson
4856 Glenn Abbey way
Banning, CA 92220
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

William T. Simpson

MTC–00033186

From: Dorman W. Arnold
To: Ms. Renata Hesse
Date: 1/23/02 10:57am
Subject: Microsoft Settlement
Dorman W. Arnold
39 The Orchard
Fayetteville, NY 13066–2254
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Dorman W. Arnold

MTC–00033187

From: Joseph B. Taphorn
To: Ms. Renata Hesse
Date: 1/23/02 10:57am
Subject: Microsoft Settlement
Joseph B. Taphorn
8 Scenic Drive
Poughkeepsie, NY 12603–5521
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

joseph B. Taphorn

MTC–00033188

From: jde@nextgig.com@inetgw
Date: 1/23/02 10:57am Message-ID: <3C4F082D.132DEB46@nextgig.com>
Date: Wed, 23 Jan 2002 10:59:57 -0800
From: Jeff Evarts <jde@nextgig.com>
X-Mailer: Mozilla 4.76 [en] (Windows NT 5.0; U)
X-Accept-Language: en
MIME-Version: 1.0
To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement
Content-Type: text/plain; charset=us-ascii
Content-Transfer-Encoding: 7bit

I would like to comment on the potential resolutions to the Microsoft situation.

I am familiar with the marketing practices of Microsoft, and belive that there are two reasonable ways to dispense with this monopoly:

(1) An open formats solution

(*) Force Microsoft to document (openly, or for a reasonable fee) the complete input, output, and/or file formats of all its individually salable components. This would include, but not be limited to:

(*) File formats such as .doc, .xls,

(*) APIs such as their device driver API

(*) Wire formats such as file sharing protocols, etc.

Other companies do this, and the public is the better for it. Other companies do this and still make a profit.

Microsoft leverages the fact that their left hand and right hand are synchronized, and this yields a large part of its power to monopolize the desktop. If, for instance, they fully described the format of .doc files, and made sure that any file of that format was readable in Word, and that Word created files of only that format, then people could migrate to and from Microsoft products AS BEST SUITS THEM. This would allow market forces rather than monopoly forces to dominate.

(2) A vertical split of the company

(*) Force microsoft to be vertically split at the OS and Office levels. Give the source code for Windows/NT, Windows/ME, Windows/2000 to three different companies, and allow no one to hold positions on more than one BoD, etc.

The competition between the three OS firms for the Office business, as well as vice versa, would (hopefully) yield more opportunities for the non-MS alternatives. I believe the first one is a far better solution than the second, but the second would be acceptable. The current proposed solutions are weak, in that they attempt to fix the problem with long-term enforcement, rather than changing the rules today so that the market solves the problem later. Microsoft's solution: giving lots of Software and Hardware to Schools, is laughable. It would increase their market share and mindshare without actually hurting the company or reshaping it in any significant way. I strongly urge that this opportunity to fix the monopolistic practices of Microsoft be taken seriously, as subsequent attempts will be at a great disadvantage if this fails.

—Jeff

MTC–00033189

From: Franklin L. DeRemer
To: Ms. Renata Hesse
Date: 1/23/02 11:03am
Subject: Microsoft Settlement
Franklin L. DeRemer
8 South Circle Drive
Santa Cruz, CA 95060–1800
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely, Franklin L. DeRemer

MTC–00033190

From: Philip A. McHugh
To: Ms. Renata Hesse
Date: 1/23/02 11:03am
Subject: Microsoft Settlement
Philip A. McHugh
48 Chippendale Dr.
Mount Sinai, NY 11766
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Philip A. McHugh

MTC–00033191

From: Patrick Payne
To: Ms. Renata Hesse
Date: 1/23/02 11:04am
Subject: Microsoft Settlement
Patrick Payne
1064 Bardstown Road
Louisville, KY 40204
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely, Patrick Payne

MTC–00033192

From: Shirley Marsh
To: Ms. Renata Hesse
Date: 1/23/02 11:06am
Subject: Microsoft Settlement
Shirley Marsh
1773 Vassar Ave.,
Mountain View, CA 94043
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Shirley S. Marsh

MTC–00033193

From: Shirley Marsh
To: Ms. Renata Hesse
Date: 1/23/02 11:11am
Subject: Microsoft Settlement
Shirley Marsh
1773 Vassar Ave.,
Mountain View,, CA 94043
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Shirley S. Marsh

MTC–00033194

From: Mary H. Polliard
To: Ms. Renata Hesse
Date: 1/23/02 11:20am
Subject: Microsoft Settlement
Mary H. Polliard
28900 Wight Rd.
Malibu, Ca 90265–4001
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Mary H. & Tom Polliard

MTC–00033195

From: Norval Nickerson
To: Ms. Renata Hesse
Date: 1/23/02 11:24am
Subject: Microsoft Settlement
Norval Nickerson
2035 Vista Cajon
Newport Beach, CA 92660–3911
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Norval E. Nickerson

MTC–00033196

From: Kenneth Clare
To: Ms. Renata Hesse
Date: 1/23/02 11:38am
Subject: Microsoft Settlement
Kenneth Clare
5239 Franceen Lane
Stockton, CA 95212
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Kenneth Clare

MTC–00033197

From: George Yablonsky
To: Ms. Renata Hesse
Date: 1/23/02 11:44am
Subject: Microsoft Settlement
George Yablonsky
2717 S. Poplar St.
Santa Ana, CA 92704
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

George Yablonsky

MTC–00033198

From: Cecilia Maisel
To: Ms. Renata Hesse
Date: 1/23/02 11:45am
Subject: Microsoft Settlement
Cecilia Maisel
364 Villa Oaks Ln.
Gahanna, OH 43230–6773
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Cecilia Maisel

MTC–00033199

From: Margaret Reichard
To: Ms. Renata Hesse
Date: 1/23/02 11:46am
Subject: Microsoft Settlement
Margaret Reichard
76 Seaview Ave.
Brick, NJ 08723–7220
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Margaret C. Reichard

MTC–00033200

From: Eric Thomas
To: U.S. Department of Justice
Date: 1/23/02 11:46am
Subject: Microsoft Settlement

U.S. Department of Justice,

Regarding the Proposed Final Judgment in United States v. Microsoft, I would like to express my concern that this proposed settlement is unacceptable in several key areas. Among them are the following:

1. Microsoft would be allowed to continue many anti-competitive practices aimed at preventing other vendors from including their products in OEM packages.

2. There is no way to enforce the judgment, other than more and more drawn-out legal proceeding.

I hope that the Department of Justice and the court will pay heed to the many voices pointing out the problems in this settlement and look for stronger remedies that will better serve the marketplace and the public interest.

Regards,

Eric Thomas
Leominster, MA
Eric Thomas—e.thomas@isti.com—http://www.isti.com
Tel: (978) 537–9049
Instrumental Software Technologies, Inc.
Systems Integration and Software Development Specialists

MTC–00033201

From: Warren W. Bestwick
To: Ms. Renata Hesse
Date: 1/23/02 11:50am
Subject: Microsoft Settlement
Warren W. Bestwick
233 No. State St.
Bellingham, WA 98225–5323
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able

to make Microsoft programs compatible with their own.

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Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Warren W. Bestwick

MTC–00033202

From: Lorin Meeder
To: Ms. Renata Hesse
Date: 1/23/02 11:53am
Subject: Microsoft Settlement
Lorin Meeder
301 Roan Creek Drive
Parachute, CO 81635
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Lorin S. Meeder

MTC–00033203

From: Russell Gardner
To: Ms. Renata Hesse
Date: 1/23/02 11:53am
Subject: Microsoft Settlement
Russell Gardner
500 E. Broward Blvd
Fort Lauderdale, FL 33394
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

R.M. Gardner

MTC–00033204

From: arne olsen
To: Ms. Renata Hesse
Date: 1/23/02 12:00pm
Subject: Microsoft Settlement
arne olsen
6035 verde trl.s.
boca raton, fl 33433
January 23, 2002
Ms. Renata Hesse

U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
a.m.olsen

MTC–00033205

From: Frank Brunner
To: Ms. Renata Hesse
Date: 1/23/02 12:08pm
Subject: Microsoft Settlement
Frank Brunner
70 Blackhawk
Park Forest, IL 60466–2146
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
F.G. Brunner

MTC–00033206

From: James Stephens
To: Ms. Renata Hesse
Date: 1/23/02 12:09pm
Subject: Microsoft Settlement
James Stephens
3418 N. Susan Dr.
Decatur, , IL 62526–1332
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

James E. Stephens

MTC–00033207

From: William Mason
To: Ms. Renata Hesse
Date: 1/23/02 12:22pm
Subject: Microsoft Settlement
William Mason
639 S Fremont Circle
Green Valley, AZ 85614
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

William T Mason

MTC–00033208

From: Robert Koch
To: Ms. Renata Hesse
Date: 1/23/02 12:32pm
Subject: Microsoft Settlement
Robert Koch
621 Luther Road
Harrisburg, PA 17111–2057
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Robert M. Koch

MTC–00033209

From: Harvey and Charlene Knowles
To: Ms. Renata B. Heese
Date: 1/23/02 12:35pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been

unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Harvey and Charlene Knowles
7603—148th ST E
Puyallup, WA 98375–7019
CC:
Citizens for a Sound Economy

MTC–00033210

From: William Meigs
To: Ms. Renata Hesse
Date: 1/23/02 12:48pm
Subject: Microsoft Settlement
William Meigs
615 Jackson Heights
Danville, VA 24540–1051
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
William R. Meigs

MTC–00033211

From: W. Robert Bloyer
To: Ms. Renata Hesse
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement
W. Robert Bloyer
10901 Graystone Dr.
Hagerstown, MD 21740–7649
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
W. Robert Bloyer

MTC–00033212

From: Robert Curry
To: Ms. Renata Hesse
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement
Robert Curry
5529 Tangelo Street
Leesberg, FL 34748–8997
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism,

including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Robert C. Curry

MTC–00033213

From: Alice Palumbo
To: Ms. Renata Hesse
Date: 1/23/02 12:54pm
Subject: Microsoft Settlement
Alice Palumbo
15366 Sabre Dr.
Corpus Christi, TX 78418
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Alice Palumbo

MTC–00033214

From: Harold Hardison
To: Ms. Renata Hesse
Date: 1/23/02 12:58pm
Subject: Microsoft Settlement
Harold Hardison
2545 Jetport Rd
Kinston, NC 28504
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Sen. Harold Hardison

MTC–00033215

From: lbw@ginger.grouptel.net@inetgw
To: gov
Date: 1/23/02 12:59pm
Subject: Microsoft Settlement

I am against the proposed settlement of the DOJ suit against Microsoft. Although Microsoft claims that they have innovated, those of us more intimately aware of the truth are not fooled. In fact, they have squashed far more innovative competitors with the kind of illegal actions of which they have been found guilty. Even worse, they have lowered accepted standards of reliability greatly, with the result being tremendous loss of productivity internationally as their operating systems crash and are compromised by numerous viruses. Any settlement needs to prevent Microsoft from continuing on this path of anti-competitive behavior. The proposed settlement seems far too weak to accomplish this necessary goal.

Laura Wallace
Quality Assurance Engineer
3 Hilda Rd.
Bedford, MA 01730

MTC–00033216

From: Faye E. Gardner
To: Ms. Renata Hesse
Date: 1/23/02 1:07pm
Subject: Microsoft Settlement
Faye E. Gardner
10500 Academy, NE #334
Albuquerque, NM 87111
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Faye E. Gardner

MTC–00033217

From: Robert Montgomery
To: Ms. Renata Hesse
Date: 1/23/02 1:11pm
Subject: Microsoft Settlement
Robert Montgomery
W. Coronet Dr.
Sun City West, AZ 85375–5122
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Robert M. Montgomery

MTC–00033218

From: Robert Cooch
To: Ms. Renata Hesse
Date: 1/23/02 1:20pm
Subject: Microsoft Settlement
Robert Cooch
2701 Daleview
Ann Arbor, MI 48105
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200

Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Robert A. Cooch

MTC–00033219

From: larry@euglug.net@inetgw
To: activism@euglug.net@inetgw
Date: 1/23/02 1:30pm
Subject: Microsoft Settlement

There are several issues that the proposed settlement needs to address, in order that Microsoft not walk away unpunished for their CRIMINAL behaviour.

1. Protecting Open Source

The proposed final settlement offer contains language intended to let Microsoft itself determine who is qualified to have access to the technical information intended to allow other operating systems to interoperate with Microsoft software. In point of fact, the language specifically claims their right to require that those party to interoperability information be businesses. This is clearly intended to to discriminate against the MANY software projects that are run entirely as volunteer efforts. The court should require that any technical information that Microsoft is required to disclose must be available to the public, so that the public itself might act in redressing the harm created by Microsoft's illegal tactics.

2. Closed File Formats Are A tool of Monopoly One of the most insidious tactics used by Microsoft in the construction of their monopoly in business productivity and personal computing software is the creation of incompatible, undocumented file formats. In addition the tactic of making new versions of their software produce files that were incompatible with their old software led to their being in effect able to require users of their software to upgrade their systems on their schedule.

The fact that Microsoft's file formats were undocumented has meant that competitors were effectively locked out of providing equivalent services to consumers who had unwisely chosen to use Microsoft products and that those consumers were themselves harmed in that their property was held hostage to Microsoft's software and would need to be either abandoned or (at great expense) converted to some other format.

3. Security Needs Of Consumers and Appropriate Liability

A further issue that could be addressed by the court is Microsoft's liability for the millions of person-hours of time wasted in dealing with the inadequacies of their operating system and of their email products.

A clear statement by the court that consumers had at a minimum an implied warranty of functionality, including an expectation of data privacy in the form of mechanisms to prevent both Microsoft itself and others from altering, destroying or illicitly copying data without it's owners permission; would set a clear precedent that software is the same as any other class of product and should not be allowed to exempt itself from product liability through specious End User License Agreements. In that a product sold in exchange for value should meet a reasonable buyers expectations for functionality and safety.

MTC–00033220

From: Robert Noonan
To: Ms. Renata Hesse
Date: 1/23/02 1:35pm
Subject: Microsoft Settlement

Robert Noonan
112Massachusetts Rd
New Bern, NC 28562
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Robert J Noonan

MTC–00033221

From: Irma Schneider
To: Ms. Renata Hesse
Date: 1/23/02 1:36pm
Subject: Microsoft Settlement
Irma Schneider
114 Fairfield Circle
Ventura, CA 93003–8850
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Irma A. Schneider

MTC–00033222

From: Glen W. Mabey
Date: 1/23/02 1:39pm
Subject: Microsoft Settlement

To whom it may concern: I would like to comment on the Proposed Final Judgement in the United States vs. Microsoft case.

My concern relates to the absence of requirements for Microsoft to disclose file formats used by its programs. This issue has been established as a part of the Applications Barrier to Entry in Findings of Fact paragraphs 20 and 39.

The pervasive use of Microsoft Office products has rendered their respective file formats as the de facto standard for normal office document interchange. However, since the format of these documents is unpublished, there is no reason to believe that this monopolistic situation will change any time in the near future.

Only a legally mandated disclosure of these file formats can hope to restore a competetive nature to this aspect of computing. Furthermore, I believe that given previous behavior by Microsoft, the following stipulation is also necessary: that any inaccuracy in the published specification for these file formats result in a punishment which is;

*) severe,

*) automatic, and

*) that the consequences for doing so be also stipulated in the

Final Judgement.

Respectfully submitted,

Glen Mabey

MTC–00033223

From: Jean Noonan
To: Ms. Renata Hesse
Date: 1/23/02 1:46pm
Subject: Microsoft Settlement
Jean Noonan
112Massachusetts Rd
New Bern, NC 28562
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Jean Noonan

MTC–00033224

From: johnoburghart
To: Attorney General John Ashcroft

Date: 1/23/02 1:49pm
Subject: Microsoft Settlement

The provisions of the agreement are tough, reasonable, fair to all parties involved, and go beyond the findings of the Court of Appeals ruling; however the settlement is not guaranteed until after the review ends and the District Court determines whether the terms are indeed in the public interest. John O Burghart

MTC–00033225

From: Alfred Bivens
To: Ms. Renata Hesse
Date: 1/23/02 1:51pm
Subject: Microsoft Settlement
Alfred Bivens
508 Meadows Drive S.
Richland, WA 99352–7731
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

A. H. Bivens, Major, USMC (Ret)

MTC–00033226

From: Carl Thomas
To: Ms. Renata Hesse
Date: 1/23/02 2:04pm
Subject: Microsoft Settlement
Carl Thomas
164 Kimberlea Road
Madison Heights, VA 24572–6131
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Carl E. Thomas

MTC–00033227

From: Chet Boreck
To: Ms. Renata Hesse
Date: 1/23/02 2:07pm
Subject: Microsoft Settlement
Chet Boreck
3 Wales Court
Forked River, NJ 08731
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Chet Boreck

MTC–00033228

From: jonpi
To: alta@alta-research.com@inetgw
Date: 1/23/02 2:16pm
Subject: Re: [lug] Microsoft Settlement
alta wrote:
Department of Justice:

During my 25-year span as a computer professional, I have watched Microsoft grow. I continue to be appalled that Microsoft has been able to sell unreliable, defective products using the following practices:

—Advertising non-existent products to kill legitimate competition.
—Buying companies in order to kill them
—Forcing large distributors to install Microsoft, only.
—Covering defective product internals with glitter and gold.
—Licenses that give them immunity to damage from defective products.
—Large campaign contributions to buy protection from government.

The result has been:

—Many innovative companies have been destroyed.
—The world-dominant operating system (Windows) is defective,
—Users have come to expect that software crashes are normal.
—Due to licensing practices allowed in our (and other) countries,
—Microsoft is the only business of its size that is unaccountable
—for damages due to defects in its products.
—Windows is a serious threat to national security and to businesses.
—Now under investigation, they STILL continue these practices.
—Even the US government seems unable to touch this monopoly.

I ask that you do what needs to be done with Microsoft. Please protect our national security, and give technological users and innovators a chance.

I started to write to the doj and ended up getting too angry to form sentences what you are seeing is your dept of justice about to do injustice...so it goes you can't fight city hall but you can be sure none of your assets go to mr big bad scared little boy billy boy gates in times of justice he would go down in a hail of bullets, forget pies yes...let's watch our doj at work in the mean time...sell all your redhat stock and buy kmart stock...before monday and, ponder why peak is not just dialup...JUST!!!

jonpi
CC:Microsoft ATR

MTC–00033229

From: Carl Thornton
To: Ms. Renata Hesse
Date: 1/23/02 2:28pm
Subject: Microsoft Settlement
Carl Thornton
2357 Caminito Afuera
San Diego, Ca 92107–1512
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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—Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Carl F Thornton

MTC–00033230

From: Howard Rathlesberger
To: Ms. Renata Hesse
Date: 1/23/02 2:35pm
Subject: Microsoft Settlement
Howard Rathlesberger
230 Ridgeway Road
Woodside, CA 94062
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Howard & Jean Rathlesberger

MTC–00033231

From: Arthur Beaman
To: Ms. Renata Hesse
Date: 1/23/02 2:40pm
Subject: Microsoft Settlement
Arthur Beaman
1673 Nottingham Dr.
Winter Park, FL 32792–2225
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Wayne Beaman

MTC–00033232

From: Vance Mitchell
To: Ms. Renata Hesse
Date: 1/23/02 2:51pm
Subject: Microsoft Settlement
Vance Mitchell
1200 Polnell Shore Drive E.
Oak Harbor, WA 98277
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Vance F. Mitchell

MTC–00033233

From: Irving Thorn
To: Ms. Renata Hesse
Date: 1/23/02 3:10pm
Subject: Microsoft Settlement
Irving Thorn
1709 Pegasus Ave.
Rio Rancho, NM 87124–2919
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

IIrving Thorn

MTC–00033234

From: Everett DeJager
To: Ms. Renata Hesse
Date: 1/23/02 3:21pm
Subject: Microsoft Settlement
Everett DeJager
8622 Plainfield Lane
Cincinnati, OH 45236–1704
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Everett DeJager

MTC–00033235

From: Anna Mae Frahm
To: Ms. Renata Hesse
Date: 1/23/02 3:26pm
Subject: Microsoft Settlement
Anna Mae Frahm
22946 594 Ave
Mankato, MN 56001–8525
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Anna Mae Frahm

MTC–00033236

From: Diane Williams
To: Ms. Renata Hesse
Date: 1/23/02 3:31pm
Subject: Microsoft Settlement
Diane Williams
3742 W. South Blvd
Rochester Hills, MI 48309–3975
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

John and Diane Williams

MTC–00033237

From: Rosemary Daleo
To: Ms. Renata Hesse
Date: 1/23/02 3:34pm
Subject: Microsoft Settlement
Rosemary Daleo
1410 N. 13th Ave.
MELROSE PARK, IL 60160
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Rosemary Daleo & Paula Daleo

MTC–00033238

From: Orval D Grieser
To: Ms. Renata Hesse
Date: 1/23/02 3:34pm

Subject: Microsoft Settlement
Orval D Grieser
116 Quail Run
Archbold, Oh 43502
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Orval D. Grieser

MTC–00033239

From: Patricia Thompson
To: Ms. Renata Hesse
Date: 1/23/02 3:36pm
Subject: Microsoft Settlement
Patricia Thompson
6205 Hancock
Rowlett, tx 75088
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Patricia Thompson

MTC–00033240

From: Kathryn Bell
To: Ms. Renata Hesse
Date: 1/23/02 3:38pm
Subject: Microsoft Settlement
Kathryn Bell
4326 Gum Branch Road
Jacksonville, NC 28540–9118
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance—the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Kathryn Bell

MTC–00033242

From: Steve Hensley
To: Ms. Renata B. Heese
Date: 1/23/02 3:54pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Steve Hensley
3615 Garrett Road
Durham, NC 27707–2444
CC: Citizens for a Sound Economy

MTC–00033243

From: Walter Rittwage
To: Ms. Renata Hesse
Date: 1/23/02 4:18pm
Subject: Microsoft Settlement
Walter Rittwage
73 Hullcrest Road
Shelburne, VT 05482
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Walter G Rittwage

MTC–00033244

From: Michael Patterson
To: Ms. Renata Hesse
Date: 1/23/02 4:18pm
Subject: Microsoft Settlement
Michael Patterson
9904 NE 124th St. #1006
Kirkland, WA 98034 January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Michael Patterson

MTC–00033245

From: Herman Pusin
To: Ms. Renata Hesse
Date: 1/23/02 4:27pm
Subject: Microsoft Settlement
Herman Pusin
830 West 40 St. Apt. 855
Baltimore , MD 21211
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Herman Pusin

MTC–00033246

From: Sidney Miller
To: Ms. Renata Hesse
Date: 1/23/02 4:37pm
Subject: Microsoft Settlement
Sidney Miller
9217 Nile Dr
New Port Richey, FL 34655–1609
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Sidney T Miller

MTC–00033247

From: empty
To: Tunney Act
Date: 1/23/02 4:48pm
Subject: Microsoft Settlement

I oppose the proposed Microsoft anti-trust settlement.

Mark Ball

MTC–00033248

From: jgillis@architetto.com@inetgw
Date: 1/23/02 4:57pm
Subject: MIME-Version: 1.0
MIME-Version: 1.0
X-Mailer: Smartcode ObjectSet 1.0
From: John Gillis <jgillis@architetto.com>
Subject: microsoft settlement
Date: Wed, 23 Jan 2002 19:55:00
Organization: John Gillis/Architects
To: microsoft.atr@usdoj.gov
Content-Type: multipart/mixed;
boundary=''=PMail:=—0002

@@PDWk9CkPIN4OlECsfX6U''
Message-ID: <GQF3ZD03.DY6@
wdcsun021.usdoj.gov>
—=PMail:=—0002@
@PDWk9CkPIN4OlECsfX6U
Content-Type: text/plain
Content-Transfer-Encoding: quoted-printable
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001 =

Dear District Court Judge:

My comment on the Microsoft settlement is that Microsoft should be left alone. = T

he antitrust case should never have been brought against the company. The idea that Microsoft is a monopoly is not only false, but my own persona= l experience adds additional proof.

None of the systems in our office use Microsoft products, so how can it be that Microsoft is a coercive monopoly. How come they haven't coerced our company?

Nonetheless millions of people have freely chosen to use Windows and other Microsoft products. It is shameful that the government has gone after this innovative company.

Sincerely,
John Gillis/Architects
41 East 11th Street
New York, NY 10003
212 254 5010
212 777 9224 fax
jgillis@architetto.com —=PMail:=—0002@@PDWk9CkPIN4OlECsfX6U—

MTC–00033249

From: Wiliam Kent
To: Ms. Renata Hesse
Date: 1/23/02 5:39pm
Subject: Microsoft Settlement
Wiliam Kent
367 E 600 S
Monroe, UT 84754
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
William Kent

MTC–00033250

From: Harold Keebler
To: Ms. Renata Hesse
Date: 1/23/02 5:50pm
Subject: Microsoft Settlement
Harold Keebler
76838 Abby Ct
Palm Desert, Ca 92211–7102
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Harold M. Keebler

MTC–00033251

From: Jeannine Kocsis
To: Ms. Renata Hesse
Date: 1/23/02 5:53pm
Subject: Microsoft Settlement
Jeannine Kocsis
102 Deerfield Ave
Port Charlotte , FL 33952
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200

Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Jeannine M. Kocsis

MTC–00033252

From: Michael A. Teutsch
To: Ms. Renata Hesse
Date: 1/23/02 6:10pm
Subject: Microsoft Settlement
Michael A. Teutsch
822 Almasy Dr.
Campbell, Oh 44405–2002
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

Please be advised that as a taxpayer and consumer I support the Microsoft Settlement and hopefully a prompt court acceptance to prevent lengthy litigation that could cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

It will be a great benefit to the American people, the Department of Justice (DOJ) and the settling states to avoid additional costs and be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, and the taxpayers deserve the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted at great cost to all Americans.

Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Michael A. Teutsch

MTC–00033253

From: CHARLES Lee
To: Ms. Renata Hesse
Date: 1/23/02 6:27pm
Subject: Microsoft Settlement
CHARLES Lee
601 N 4th St
Mascoutah, IL 62258–1205
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Charles Lee

MTC–00033254

From: John Culver
To: Ms. Renata Hesse
Date: 1/23/02 6:31pm
Subject: Microsoft Settlement
John Culver
19 Hammersmith Dr
Saugus, MA 01906–4170
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

John Culver

MTC–00033255

From: Francis Bagbey
To: Ms. Renata Hesse
Date: 1/23/02 6:41pm
Subject: Microsoft Settlement
Francis Bagbey
103 Green Park Lane
Cary, NC 27511
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Francis C. Bagbey

MTC–00033256

From: Jim & Louise Georgen
To: Ms. Renata Hesse
Date: 1/23/02 6:43pm
Subject: Microsoft Settlement
Jim & Louise Georgen
7308 sw 35th Avenue
Portland, or 97219–1745
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism,

including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Jim & Louise Georgen

MTC–00033257

From: Joe Sunthimer
To: Ms. Renata Hesse
Date: 1/23/02 7:04pm
Subject: Microsoft Settlement
Joe Sunthimer
RR4 Box 207
Nevada, MO 64772–9234
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Joe Sunthimer

MTC–00033258

From: Lon Wells
To: Ms. Renata Hesse
Date: 1/23/02 7:15pm
Subject: Microsoft Settlement
Lon Wells
28126 Peacock Ridge Dr. #105
Rancho Palos Verdes, CA 90275
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid

the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Lon Wells

MTC–00033259

From: Norman Brubaker
To: Ms. Renata Hesse
Date: 1/23/02 8:51pm
Subject: Microsoft Settlement
Norman Brubaker
233 Monroe Street
Bridgewater, NJ 08807–3043
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my sincere support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost USA taxpayers more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Probably the greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: like the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Norman H. Brubaker

MTC–00033260

From: Tom Kulaga
To: MS ATR
Date: 1/23/02 8:59pm
Subject: Microsoft Settlement

I am entirely against the current settlement proposal. Calling it a slap on the wrist would be overstating the case, and if the Court believes Microsoft is in violation of any anti-trust statutes, the Court is honor-bound to determine whether the proposed settlement offers anything remotely close to a remedy.

The current settlement does nothing of the kind. Microsoft should be separated into an Operating System division and a Software and Applications division. They should be entirely seperate entities, with no sharing in any area, especially sales and marketing. Leaving them intact is akin to allowing Ford Motor Company to control the Department of Transportation, giving them the option of changing the rules of the road to accept only the cars they build, leaving other auto companies to go broke following a target they'll never hit.

So long as Microsoft's sales and marketing people can dictate a combined product strategy for Operating Systems and Applications, the Internet Explorer/Netscape issue will continue to happen, with only the victims changing names.

Regards,

Tom Kulaga

MTC–00033261

From: Richard Conway
To: Ms. Renata Hesse
Date: 1/23/02 9:11pm
Subject: Microsoft Settlement
Richard Conway
88715 Potter Ln.
Springfield, OR 97478–9616
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Richard L. Conway

MTC–00033262

From: Michael Stanzel
To: Ms. Renata B. Heese
Date: 1/23/02 9:14pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust

lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Michael Stanzel
2510 96th Ave Ct E
Edgewood, WA 98371–2172
CC: Citizens for a Sound Economy

MTC–00033263

From: Paul Roebuck
To: USDJ
Date: 1/23/02 9:42pm
Subject: Microsoft Settlement

What a pathetic crock of shit. Two years of legal proceedings for this? This has been a complete waste of time and money on everyone's part if nothing was really intended to be done about antitrust abuse.

Tis indeed a sad day that the US government lays down before MS. Yet another slap on the wrist that will be ignored. Unfortunate for Netscape and all the others before it that essentially nothing will be done.

Should have stuck with the breakup decision... if MS Office was available on alternative platforms (like Linux), Windows would have to stand on its own merits. Then users could choose office software separately from OS software. It would also prevent any more of this application/OS blending since the application could not be made cross-platform.

Out of the 10Base-T, through the router, down the T1, over the leased line, off the bridge, past the firewall... nothing but Net.

MTC–00033264

From: Roman Peisinger
To: Ms. Renata Hesse
Date: 1/23/02 9:43pm
Subject: Microsoft Settlement
Roman Peisinger
1 Towers Park Lane #915
San Antoniol, TX 78209–6435
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Roman J. Peisinger

MTC–00033265

From: Robert Lloyd
To: Ms. Renata Hesse
Date: 1/23/02 10:17pm
Subject: Microsoft Settlement
Robert Lloyd
6314 Allott
Van Nuys, ca 91401
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I support the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost more than $35 million. Enough is enough.

The parties worked very hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now. The terms of the settlement are fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. This settlement is in the public interest. I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Robert Lloyd

MTC–00033266

From: J(038)B Seybold
To: Microsoft ATR
Date: 1/23/02 11:50pm
Subject: Microsoft Settlement

While the proposed settlement appears to meet the defined goals, I am very concerned that the definition of ''Microsoft Middleware Product'' in the ''REVISED PROPOSED FINAL JUDGMENT'' is far too narrow and restrictive. Specifically, in ''Section IV, Definitions'', paragraph K.2.b.i, the definition states ''...is, or in the year preceding the commercial release of any new Windows Operating System Product was, distributed separately by Microsoft (or by an entity acquired by Microsoft) from a Windows Operating System Product...''

This definition appears to exclude functionality which was based directly upon or substantially identical in function to the a previous commercial product, but where said functionality was modified by Microsoft. This is a major exclusion, because it is very rare in commercial software for unchanged software to published for two consecutive years. It is common practice for Microsoft to modify software, either by reducing functionality, or by adding functionality, when incorporating the functionality of previously commercial software. Under the provisions of the proposed definition, similar but distinctly different functionality would exclude such modified software from the Microsoft Middleware Product definition.

Microsoft could therefore make small or even trivial changes in software that would otherwise be clearly defined as Microsoft Middle Product, and thereby claim that it was exempt from the provisions of this judgment.

Further, the definition of ''Microsoft Middleware Product'' in the ''REVISED PROPOSED FINAL JUDGMENT'' carefully excludes new software functionality developed by Microsoft and included as Microsoft Middleware or as part of the Windows operating system, with the intent of competing directly with commercially available software to reduce competition. The pattern shown in the development and release of Internet Explorer, Microsoft's Java Virtual Machine, Windows Media Player, Windows Messenger, and Outlook Express is now being repeated in many other areas. For example, the capabilities of Microsoft Backup has been extended to include the file backup functionality provided by NovaStor Corporation's NovaDisk, or Veritas Corporation's Backup Exec. Since NovaStor and Veritas have not been acquired by Microsoft, Microsoft Backup does not meet the definition of a Microsoft Middleware Product.

Therefore, I suggest that the Proposed Final Judgment does not provide the necessary restrictions to preclude continued anticompetitive conduct by Microsoft to unlawfully protect and maintain its operating system monopoly in violation of Section 2 of the Sherman Act. I suggest that Specifically, in ''Section IV, Definitions'', paragraph K.2.b.i, be modified to state ''i. is, or in the year preceding the commercial release of any new Windows Operating System Product was, distributed separately by from a Windows Operating System Product,''

thank you for your consideration

John B. Seybold

MTC–00033267

From: Fabretti, Ron C
To: ''Ms. Renatta Hesse''
Date: 1/24/02 3:39am
Subject: Microsoft Settlement

Dear Ms. Renatta Hesse,

Ill conceived and misdirected is how I view the antitrust suit against Microsoft. The attack against Microsoft is an attack against the freedom to pursue a private business enterprise in an open market. Credit for the attack goes to the many bureaucratic socialists, collectivists, or worse, of the last administration. Microsoft's business success results in compounding new opportunities and unseen business dynamics. They should be blamed? Where were the plaintiffs when Microsoft began? Microsoft could have been purchased by any number if industry giants during Microsoft's humble beginnings. Now, after Microsoft succeeds in a market that no one foresaw, they are at fault? No matter what they do to grow their business, outside of physical harm to humanity, they should be free to pursue the business of providing a service for a price. No fair stepping in after the fact and changing the rules, something socialists and collectivists do to be involved, for the supposed good of mankind, when ''free'' welfare is what they really dream of. Bill Gates worked long and hard for many years and had no idea 20 years ago his company would be where it is today. He should run it as he sees fit without interference from any entity. And 20 years is insignificant compared to the millions supposedly before us or hopefully after us. By the way, I'd guess Bill Gates does plenty, out of his own pocket, to pursue the health and welfare of mankind in general.

Respectfully yours,
Ronald Fabretti
1205 Hon Falls 5 Pts Rd
Honeoye Falls, NY 14472

MTC–00033268

From: g0dsmak@wi.rr.com@inetgw
Date: 1/24/02 5:09am
Subject: just putting in my $.02:

just putting in my $.02:

Integrating Internet explorer wiht windows *should* have sent up red flags. you cant swing a webpage in widows without using Internet explorer. you cant even uninstall it (it installs automatically on win98 and above) without considerable knowledge.

how can one expect a person who doesnt know much about computers to run netscape if they choose (or any other browser for that matter) microsoft should be broken up into smaller companies. and have to compete. microsoft makes games that can only be played on microsoft platforms. that should be one company browsers should be de-integrated and installed by choice. browser should be a different company.

and the Operating system should be built alone. another company.

this would encourage better programming on the part of microsoft makeing for a better product for the consumer. and more jobs on the market. (from competeing companies and MS itself)

again just my $.02

Andy Nelson
Certified computer nerd!

MTC–00033269

From: Joe Scoglio
To: Ms. Renata Hesse
Date: 1/24/02 5:17am
Subject: Microsoft Settlement
Joe Scoglio
573 Shirley St
Winthrop, MA 02152
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Joe Scoglio

MTC–00033270

From: Jim Denison
To: ASKDOJ
Date: 1/24/02 5:57am
Subject: Microsoft Settlement
12824 Midway Road #1140
Dallas, Texas 75244
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing today to express my strong sentiments on the Microsoft anti-trust dispute. I support Microsoft in this, and I feel the settlement reached on November 6, 2001,

is fair and reasonable. I am happy to see that this dispute has been resolved.

I believe that Microsoft has had a positive impact on the technology industry and the economy. Microsoft has made it easier for the average consumer to conduct business. I believe the technology revolution that we have experienced in the last decade would not have been possible without contributions from Microsoft.

I feel this settlement will serve in the best interest of the public. Thank you for your support.

Sincerely,
Jim Denison
CC:Microsoft ATR

MTC–00033271

From: Thomas Huvane
To: Ms. Renata Hesse
Date: 1/24/02 6:06am
Subject: Microsoft Settlement

Thomas Huvane
46 Bradley Road
Scarsdale, NY 10583
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Thomas A. Huvane

MTC–00033272

From:
marek@mcmail.cis.mcmaster.ca@inetgw
To: dept. of justice
Date: 1/24/02 6:31am
Subject: Microsoft settelment ————

Original Message ————
Subject: Open file formats
Date: Thu, 17 Jan 2002 12:21:52 -0500
From: Marek Kiela
<kielam@mcmail.mcmaster.ca>
To: ''dept. of justice''
<microsoft.atr@usdoj.gov>

I would like to comment on the Microsoft case.

There should be a push towards opening Microsoft file formats (ea.. Word, Excel) if government doesn't want to find itself in a position where Bill Gates will dictate when and what software to use and how much to put in his coffers.

It only make sense that user should be able to use any word processor to open a document, or any spreadsheet program to open a spreadsheet and so on.

You do not have to break company apart to force competition. Just insist that in order to get government software contracts, it has to be open file format.

Regards
Marek Kiela
kielam@mcmaster.ca
Canada

MTC–00033273

From: Beth Jelinski
To: Department of Justice
Date: 1/24/02 6:34am
Subject: Microsoft Settlement

To whom it may concern:

I am sick and tired of the jealousy and pettiness of this lawsuit against Microsoft. The consumers who are supposedly hurt are not being helped by the lawsuit. It seems to me it is socialism in action. ''Everyone should be equal; no one can show up anyone else by their excellence in product production or shrewdness in marketing'' etc. etc. It is like unto those who take all the fun out of Little League competition by giving EVERYONE a meaningless trophy. The lawsuit against

Microsoft, in a childish way, send the message ''You can't win. There can be no winners. If there are winners, they will be coerced to share their winnings with the loser who puts up the biggest fuss.'' I say, let the losers,

Netscape in this case, find a better way to EXCEL; and then they won't be crying about Microsoft's success, but touting their own.

I dare say if that happened they would be very chagrined and reluctant to hand over their newly acquired profits to Microsoft.

Let us rather put an end to this government favoritism and let capitalism thrive producing better products for us all. Competition and freedom are what have driven all of our great accomplishments. We all suffer when slavery is enforced.

Sincerely,
Beth Jelinski
166 State Street
Bloomfield, NJ 07003

MTC–00033274

From: Anne Gille
To: Ms. Renata Hesse
Date: 1/24/02 6:37am
Subject: Microsoft Settlement

Anne Gille
810 Shady Way
Arlington Hts,, IL 60005
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Anne M. Gille

MTC–00033275

From: Gail Rollin
To: Ms. Renata Hesse
Date: 1/24/02 6:40am
Subject: Microsoft Settlement
Gail Rollin
303 Jenny's Cove Road
Cleveland, GA 30528
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Gail Rollin

MTC–00033276

From: ROBERT MAXWELL
To: Ms. Renata Hesse
Date: 1/24/02 6:48am
Subject: Microsoft Settlement
ROBERT MAXWELL
974 QUESTA E.
VENICE, FL 34292
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

ROBERT J. MAXWELL

MTC–00033277

From: Perry Sowell
To: Ms. Renata Hesse
Date: 1/24/02 6:54am
Subject: Microsoft Settlement
perry sowell
340tate
senatobia, ms 38668

January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
perry sowell

MTC–00033278

From: Daren Wade
To: Ms. Renata Hesse
Date: 1/24/02 6:57am
Subject: Microsoft Settlement
Daren Wade
312 SE Colony Dr
Lee's Summit, MO 64063–3209
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Daren Wade

MTC–00033279

From: J—Cramer@msn.com@inetgw
To: Microsoft ATR
Date: 1/24/02 6:58am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now.

Thank you.
Sincerely,
Jim Cramer
100 Farmers Bank Square
suite 230
Georgetown, KY 40324

MTC–00033280

From: Bill Rinker
To: U.S. Dept. Justice
Date: 1/24/02 7:04am
Subject: Microsoft Settlement

The AOL Time Warner/Netscape should not be considered and consequently thrown out of court. I see no evidence that Microsoft has interfered illegally with the distribution of the Netscape Browser. Don't be pressured into litigation from the big AOL Time Warner complex. It's sour grapes because they cannot keep up with their Microsoft competition. These kinds of litigation will eventually stifle innovation & ideas. Why should Microsoft suffer when they have the best browser called Microsoft Internet Explorer? Why should Companies share their ideas with competition?

Bill Rinker
P.O. Box 333
Moran, Wyoming 83013

MTC–00033281

From: grace gault
To: Ms. Renata Hesse
Date: 1/24/02 7:20am
Subject: Microsoft Settlement
grace gault
2354 wilderness hill
san antonio, tx 78231–1826
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Grace Gault & Aggie Ussery

MTC–00033282

From: newman
To: DOJ
Date: 1/24/02 7:23am
Subject: Microsoft Settlement

Dear DOJ:

I believe that the proposed Microsoft settlement is fair and that a speedie resolution to this matter is in the best interest of the public.

James B. Newman

MTC–00033283

From: Herbert Ziff
To: Ms. Renata Hesse
Date: 1/24/02 7:24am
Subject: Microsoft Settlement
Herbert Ziff
661 Wall St.
Elmira, NY 14905–1423
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Herbert M. Ziff

MTC–00033284

From: Jerry Friesen
To: Ms. Renata Hesse
Date: 1/24/02 8:02am
Subject: Microsoft Settlement
Jerry Friesen
1006 E. Harding Drive
Appleton, WI 54915
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Mr. & Mrs. Gerald Friesen

MTC–00033285

From: r—norton@lycos.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:16am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now.

Thank you.

Sincerely,

Randy Norton
877 Valley Chapel Road
Walla Walla, WA 99362

MTC–00033286

From: RROBERT KINNEY
To: Ms. Renata Hesse
Date: 1/24/02 8:24am
Subject: Microsoft Settlement
2 THORNWOOD CT
SETAUKET, NY 11733–1823
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

ROBERT KINNEY

MTC–00033287

From: Stephen Starliper
To: Ms. Renata Hesse
Date: 1/24/02 8:27am
Subject: Microsoft Settlement
Stephen Starliper
12300 Amberset Dr
Knoxville, Tn 37922
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Regards,

Stephen L. Starliper

MTC–00033288

From: D.V. KLIER
To: Ms. Renata Hesse
Date: 1/24/02 8:30am
Subject: Microsoft Settlement
D.V. KLIER
5901 W MARGINAL WAY SW
SEATTLE, WA 98106
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

D.V. KLIER

MTC–00033289

From: Lionel C. Abrahams
To: Renata Hesse
Date: 1/24/02 8:38am
Subject: Microsoft Settlement

I do not agree with the proposed settlement. It appears that Microsoft has again done a run around the government, and getting away with this crime.

Microsoft is still continuing their high pressure tactics to eliminate the competition and by helping other third parties to do their biddings for them.

No later than last month, my broadband ISP changed from @home.net to @charter.net. They supplied me with a CD and a Web site to ''automate'' this process. For a PC user, this would have AUTOMATICALLY installed Microsoft IE, disregarding the fact that I use Netscape. It also would have me automatically register on Microsoft .NET service, to change my email address!

I had to call Charter support, and forcefully request the non MicroSoft procedure. Only when I asked them for the requirements that I have to have Windows installed, only then did they give me the non MS URL to change my email, never needing to install, nor use the MS supplied software to switch.

This is just MY example on how MicroSoft is still ''dealing under the table'' to continue their unlawful monopolistic tactics.

Lionel C. Abrahams
...Mailed to you by PMMail/2 2.20.2370
running eCS—PRO 1.01 (OS/2 Warp 4.51)
:-)

MTC–00033290

From: Charles W. Arnold
To: Ms. Renata Hesse
Date: 1/24/02 8:43am
Subject: Microsoft Settlement
Charles W. Arnold
537 Borris Rd.
Furlong, PA 18925
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Charles W. Arnold

MTC–00033291

From: Michael Fletcher
To: Ms. Renata Hesse
Date: 1/24/02 8:46am
Subject: Microsoft Settlement
Michael Fletcher
5395 Underwood Ave.
Baton Rouge, La 70805
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

PLEASE END THIS LAWSUIT! I DO NOT WANT MY MONEY SPENT IN THIS WAY AS I DO NOT FEEL THAT THE PLANTIFFS IN THIS SUIT HAVE BEEN HARMED. NETSCAPE MADE A WONDERFUL DEAL WITH AOL AND HAS MOVED ON. AT THE TIME OF THE ''INJUSTICE'' I HAD BOTH NETSCAPE AND MICROSOFT'S BROWSERS ON MY COMPUTER AND USED BOTH.

IF YOU CONTINUE THIS SUIT, IT WILL ONLY SEND A MESSAGE TO NEW BUSINESS THAT IF THEY CAN'T MAKE IT IN THE MARKET, THEY WILL BE ABLE TO SUE IN COURT AND LET THE GOVERNMENT LEVEL THE PLAYING FIELD FOR THEM. THIS WILL ONLY STIFLE GROWING BUSINESSES AND SEND THE MESSAGE THAT IF YOU GET TOO LARGE, BIG BROTHER IS GOING TO SUE YOU, OR IF YOU GET REALLY TOO SUCESSFUL - IT WILL PUT YOU OUT OF WORK. THIS IS NOT THE MESSAGE WE NEED TO BE SENDING TO YOUNG PEOPLE WHO WISH TO START THEIR OWN COMPANY.

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Sincerely,

Michael D. Fletcher

MTC–00033292

From: A. Slatin
To: Ms. Renata Hesse
Date: 1/24/02 8:49am
Subject: Microsoft Settlement
A. Slatin
8301 E. Sheridan st.
Scottsdale, Az 85257
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Mr. amd Mrs. A. Slatin

MTC–00033293

From: Virginia Legare
To: Ms. Renata Hesse
Date: 1/24/02 8:57am
Subject: Microsoft Settlement
Virginia Legare
255 Coconut Palm Rd.
Vero Beach, Fl 32963

January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

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Sincerely,
Virginia Legare

MTC–00033294

From: Marjorie McGee
To: Ms. Renata Hesse
Date: 1/24/02 9:12am
Subject: Microsoft Settlement
Marjorie McGee
14515 Granite Vly Dr #C625
Sun City West, AZ 85375
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

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Sincerely,
John and Marge McGee

MTC–00033295

From: William D. Jemison
To: Ms. Renata Hesse
Date: 1/24/02 9:15am
Subject: Microsoft Settlement
William D. Jemison
1460 Eastridge
Memphis, TN 38120
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

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The terms of the settlement offer a fair resolution for all sides of thiscase: the DOJ, the states, Microsoft, competitors, consumers andtaxpayers. Microsoft will not be broken up and will be able to continueto innovate and provide new software and products. Software developersand Internet service providers (ISPs), including competitors, will haveunprecedented access to Microsoft's programming language and thuswill be able to make Microsoft programs compatible with their own.

Competitors also benefit from the provision that frees up computermanufacturers to disable or uninstall any Microsoft application or elementof an operating system and install other programs. In addition, Microsoftcannot retaliate against computer manufactures, ISPs, or other softwaredevelopers for using products developed by Microsoft

competitors. Plus,in an unprecedented enforcement clause, a Technical Committee will workout of Microsoft's headquarters for the next five years, at thecompany's expense, and monitor Microsoft's behavior andcompliance with the settlement.

Most importantly, this settlement is fair to the computer users andconsumers of America, on whose behalf the lawsuit was allegedly filed.Consumers will be able to select a variety of pre-installed software ontheir computers. It will also be easier to substitute competitors'products after purchase as well. The Judgment even covers issues andsoftware that were not part of the original lawsuit, such as Windows XP,which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We havepaid the price of litigation through our taxes. Our investment portfolioshave taken a hard hit during this battle, and now more than ever, thecountry needs the economic stability this settlement can provide. Thissettlement is in the public interest, and I urge the DOJ to submit therevised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

W.D. Jemison Jr.

MTC–00033296

From: Ed Lowry
To: USDoJ Antitrust Div
Date: 1/24/02 9:15am
Subject: Micrsoft Settlement
From: Edward S. Lowry
7 Alder Way
Bedford Mass 01730
781 276–4098
eslowry@alum.mit.edu
http://www.ultranet.com/eslowry
January 24, 2002
To: Hon. Colleen Kollar-Kotely
United States District Court for the District of Columbia
333 Constitution Avenue NW
Washington DC 20001
cc: U.S. Department of Justice, Antitrust Division
Subject: Microsoft settlement, blunt their complexity weapon

Dear Justice Kollar-Kotely: Over 30 years of anticompetitive behavior in the softwareindustry have been far more destructive than the proceedings inthe Microsoft case have suggested. Microsoft's abuse of itscompetitors is a minor part of larger destructive effects.

The designers of antitrust legislation probably nevercontemplated an industry where market competition could be soeasily thwarted. The large inherent complexity of software makeschanging vendors difficult. This creates a business incentive forall vendors to make software more complex than it needs to be.Competition is further weakened by incentives for vendors andothers to claim they are trying to simplify while actuallypursuing contrary policies, thus discouraging real efforts atlarge scale simplification. It is further weakened by theexistence of so many people with prestige or profit incentives tocomplicate other peoples'' lives. I have decades of experienceworking on simplification and observing deliberate obstruction oflarge scale simplification by prestigious organizations. MYEXPERIENCE HAS BEEN CONSISTENT WITH THE VIEW THAT HIDING THETRUTH ABOUT THE POTENTIAL FOR SIMPLIFICATION HAS BEEN A HIGHPRIORITY AMONG SOFTWARE LEADERS FOR DECADES.

This pattern makes correcting for past and prospectiveanticompetitive behavior in software both difficult andnecessary. Your authority to protect the public interest is nowprecious to society at large. I recommend that you take no actionwhich limits the exercise of your authority until remedies whichyou set in motion have been demonstrated to be effective. I alsorecommend that your attention focus largely on reducing theeffectiveness of needless complexity as a tool to thwartcompetition.

The consumer need for simplicity in computing has always beenhuge and obvious. Millions of people every day bear enormousburdens of needless complexity which are a direct result ofdisregard for the public interest by the software industry.

THERE ARE ONLY A FEW DOZEN PEOPLE ANYWHERE WHO HAVE USEDPROGRAMMING LANGUAGE SEMANTICS FOR NON-TRIVIAL APPLICATIONS ASADVANCED IN ALLOWING FOR SIMPLICITY OF EXPRESSION AS WHAT IBMDESIGNED OVER 25 YEARS AGO. The gross failure of marketplacecompetition to provide incentives to make reasonablesimplifications is a matter of demonstrable fact.In part to provide some confirmation of the 25 year delay, Iasked U.S. Senator John Kerry to make an inquiry related to theseissues. The main question is whether anyone working in theFederal Government has experience using software technology whichallows for simplicity as advanced as what was designed over 25years ago. He initiated that inquiry in December 2000 and hasn'treported finding anyone yet. The lack of such experience amongtechnical advisors can be demonstrated fairly easily using theattached programming examples. Failure to take first steps insimplifying software has blocked a series of potentialsimplifications.

Results of decades of deliberate anticompetitive resistance tolarge scale simplification in software include:—deficient math and science education due to failure to express precise information precisely.
—a flood of needless and burdensome complexity going into schools as educational technology.
—users entangled in proprietary complexity for decades.
—massive degradation of the quality of technical information: accessibility, usability, clarity, interoperability, ductility.
—a probable contributing factor to crash of KA801 in Guam, August 1997, 226 dead.
—a possible contributing factor to 20% of US casualties in the Gulf War.
—failure of the FAA to upgrade its air traffic safety systems.
—massive government waste such as the IRS modernization effort.
—mismatch between employment skills needed and those available.
—major ''innovations'' are ''square wheel'' unreasonable.
—political leaders dependent on technical advisors who are over 25 years behind the leading edge on simplicity issues.
burdensome technological instability. illusions of progress and illusions of effort to make progress.
large learning loads for skills of ephemeral value. Several hundred feet of bookshelf space (e.g. at Barnes and Noble) to tell people how to tell their computers what they want.
—massive vulnerability to computer viruses.

For decades there has been almost nothing standing between thepublic and this kind of abuse. At present there is almost nothingto prevent still more decades of the same. Remedies appropriateto the scale of past damage and the prospect of future damage areneeded. That requires assessing the scale of the damage and Idoubt there has been any realistic effort to do so. A great dealdepends on your response. It doubt that Microsoft will agree toanything potent enough to correct for this overall pattern.

The most serious damage of anti-competitive behavior in softwarehas probably been to obstruct improvement in technical education.On a massive scale, educators teach how to arrange pieces ofinformation. However, by failing to understand simplification,they have almost no idea what is a reasonable structure forpieces of information. One result is a failure to express preciseinformation in precise ways, and that imposes a large needlessburden on students. Imagine cities where the architects andbuilders had never seen a reasonably shaped brick. Both technicaleducation and software technology are mired in a comparable stateof reasonableness today.

For over 30 years I have been working to clarify how to makesoftware and other technical description simple, mainly at IBMand Digital Equipment Corporation. I have observed a high levelof confidence among software leaders that there would be noaccountability for opposing large scale simplification. I canelaborate on all of the above from long experience.

The anticompetitive behavior has distorted antitrust proceedingsby keeping participants in a state of technical ignorance. Byaccepting prevailing stunted understanding of simplicity insoftware from people who are demonstrably 25 years behind theleading edge, the Department of Justice has probably tended tosee existing ongoing dependency relationships between vendors andusers of software technology as largely the result of complexitywhich is inherent in the technology. That is unrealistic becauseso much of the complexity has been caused by deliberate actionsby vendors. It would also appear that the potential forcompetitiveness is more limited than it actually is. Such viewswould have probably biased Department of Justice toward non-intervention and obscured the potential for judicial remedies.

The proposed settlement agreement itself looks like a hollowgesture resulting partly from poor technical understanding atDoJ. It focuses on assuring equitable access to the market for''middleware''. Middleware as defined amounts to software forexecuting

special purpose languages. The need for such softwarewould be greatly altered and diminished if serious efforts tosimplify were made. Accepting such an agreement would put thecourt in a position of depending on continued large scaleanticompetitive behavior in the industry in order to place minorrestraints on Microsoft.

The best available analysis of the fine structure of information supports the view that almost all computerized information is represented in ways that are unreasonable in much the same way that square wheels are unreasonable. No other field of technology has been afflicted by such perversity. No other community of technologists have been so oblivious about their most basic structures. The consequences have disastrously damaged information quality and disabled human minds. It has been largely unnoticed because people have no other experience. While that analysis [see ''Toward Perfect Information Microstructures'' on my web site] may be viewed as unverified, not even the beginnings of a technically sound alternative analysis exists. It includes easily understood reasons why simplification allows ''middleware'' or special purpose languages to be displaced by much more versatile general purpose language. Patents now owned by Compaq Corporation have helped to prevent corrective measures.

I hope that you will assess the effectiveness and destructiveness of the anticompetitive behavior. You could ask the parties to the case: who among them has working familiarity with software for simplicity as advanced as IBM developed over 25 years ago (using the test below). Noting the above paper arguing that the basic structures of software technology are now ''square wheel'' unreasonable, you could ask whether any can identify a sound presentation of an alternative technical view. In addition the intent should be assessed. To what extent has obliviousness to needless complexity been used as a concealed weapon against competitors? My story supports such intent.

I hope that you will be bold in developing remedies and prepared for some contention. Major social upheavals have sometimes accompanied simplifications in law and religion. Publicly asking embarrassing questions like the above could help a 10t. Such questions have been passionately evaded for many years. Even a U.S. Senator has had difficulty eliciting answers.

Microsoft could be required to support large scale simplification in a variety of ways. They could be required to respond to or financially support challenges to understand simplification like the $25K offer on my web site. Another approach would be to require that they incorporate a conceptually self-contained interface into Windows which provides broad capability with simplicity close to the best available understanding of how to do so. It could be aimed specifically at educational use, at least initially. Rolling back the unwelcome intrusion into education of mysteriousness and technological instability could be major achievable goals of such an effort. It could be partly defined in terms of avoiding damage to quality of user information. I can provide additional supporting documents and other assistance. Let me know if I can help .

Yours respectfully
Ed Lowry

SHANNON Examples Compared with SEQUEL 2

To assist in validating a 25 year delay in improving simplicity of expression, and raising quality standards in future efforts, the following list of example expressions are provided. They indicate what degree of simplicity and clarity is achievable in a multi-purpose language and roughly what was known to be achievable in 1974 as recorded in: ''PROSE Specification'' by E. S. Lowry, IBM Poughkeepsie Laboratory Technical Report TR 00.2902. It was dated Nov 1977 but it was distributed within IBM in Dec 1974.

These examples are translated from the first 10 examples given for Sequel 2 (now SQL) in the IBM Journal of R&D, Nov 1976. For the first 10 expressions Sequel 2 (a specialized data base language) uses 130 tokens. Shannon (a multi-purpose language) uses 99 tokens. The original Sequel 2 code is omitted as irrelevant. The significant comparisons would be with C++, Java, Ada, Cobol, etc.

Expression 1.
English: Names of employees in Dept. 50
Shannon: name of employee of dept(50)
Expression 2.
Eng: All the different department numbers in the Employee table.
Shan: dept—no of employee condense
Expression 3.
Eng: Names of employees in Depts. 25, 47 and 53.
Shan: name of employee of every dept where 25 or 47 or 53
Expression 4.
Eng: Names of employees who work for departments in Evanston.
Shan: name of employee of dept of Evanston
Expression 5.
Eng: List the employee number, name and salary of employees in Dept. 50, in order of employee number.
Shan: for employee of dept(50) minfirst empno show(empno, name, salary)
Expression 6.
Eng: Average salary of clerks.
Shan: average (salary of clerk)
Expression 7.
Eng: Number of different jobs held by employees in Dept.50
Shan: count job of employee of dept(50) condense
Expression 8.
Eng: List all the departments and the average salary of each.
Shan: for dept show(it, average(salary of its employee))
Expression 9.
Eng: Those departments in which the average employee salary is less than 10,000.
Shan: dept where average(salary of its employee) < 10000
Expression 10.
Eng: The departments that employ more than ten clerks.
Shan: dept where count(its clerk > 10

MTC–00033297

From: John McGee
To: Ms. Renata Hesse
Date: 1/24/02 9:16am
Subject: Microsoft Settlement
John McGee
14515 W Granite Valley Dr. #C 625
Sun City West, AZ 85375
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: such as the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

John McGee

MTC–00033298

From: C. A., Jr. Rosenberger
To: Ms. Renata Hesse
Date: 1/24/02 9:40am
Subject: Microsoft Settlement
C. A., Jr. Rosenberger
149 East Side Dr. # 323
Concord, NH 03301
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

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Sincerely,

C. A. Rosenberger, Jr

MTC–00033299

From: Blaine R Conk
To: Ms. Renata Hesse
Date: 1/24/02 9:47am
Subject: Microsoft Settlement
Blaine R Conk
2645 Redlands Drive
Costa Mesa, Ca 92627
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Blaine R Conk

MTC–00033300

From: Mark W. Alexander
To: leaplist@lists.leap-cf.org@inetgw
Date: 1/24/02 9:56am
Subject: Re: [LeapList]Microsoft Settlement

If you can figure out the proper way to send this to the judge in the —civil— suit, that's the place for it to go. It's great, but it does not address the DOJ settlement. mwa

On Thu, 24 Jan 2002, Phil Barnett wrote:

I feel that the currently proposed settlement is inadequate and an embarassment to justice and law abiding taxpayers everywhere.

Ordering Microsoft to buy their way into another monopoly by having them donate proprietary operating systems to needy schools is not punishment. It is simply telling them that it's ok to monopolize yet another venue.

Will this billion dollars worth of ''charity'' displace real business in the commercial operating system world? Will sales that would have gone to Microsoft's competitors be lost because school districts around the U.S. will be waiting in line for their free handout? Will this billion dollar fine actually strengthen Microsoft? I believe it will if it is carried out as currently proposed.

If you want to actually punish Microsoft for their illegal activities, you should not do it by giving them a new market to take over. Instead, you should punish them by strengthening the competition that they have illegally gained monopolistic power over and plundered.

I propose that any new Microsoft settlement to needy scools include:

50% of the settlement into computer hardware only.

20% of the settlement into network infrastructure.

All computers purchased with this settlement money be installed with non-proprietary Linux Open Source operating systems and software.

30% of the settlement will be used for education of the support personnel and teachers using these new open source operating systems.

Linux is an excellent choice in Open Source operating systems. It is stable, capable, powerful, consistant and as easy to administer as any operating system that training is available for. There are many good mainstream Linux distributions available at low or no cost. Training and certification are available and should be encouraged in the support and educational infrastructure.

Open Source operating systems have the benefit of being upgradable at little or no cost for the foreseeable future. If the schools to be helped are those with limited budgets, low upgrade costs will be very important over the life of the hardware. Also, Linux is more efficient with hardware and does not require the rigorous hardware upgrade schedule that Microsoft operating system upgrades require. This means the hardware purchased with this settlement money will be viable years longer with Linux than it would be with Microsoft's proprietary operating systems.

If the current settlement is carried out, in a few years the schools with limited budgets will have obsolete operating system software needing to be replaced with billions of dollars of public money.

And, to whom will this upgrade money go? Microsoft.

That is not punishment. That is opportunity.

If you want to punish Microsoft and at the same time remove the proprietary handcuffs that Microsoft has put on every Windows user, teach our children how to use Linux.

LeapList mailing list
LeapList@lists.leap-cf.org
http://www.matrixlist.com/mailman/listinfo/leaplist
Mark W. Alexander
slash@dotnetslash.net
CC:Microsoft ATR

MTC–00033301

From: William Huth
To: Ms. Renata Hesse
Date: 1/24/02 9:57am
Subject: Microsoft Settlement
William Huth
211 Cooks Landing Road
peach bottom, PA 17563
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
William J. Huth

MTC–00033302

From: James Friedrich
To: Ms. Renata Hesse
Date: 1/24/02 10:01am
Subject: Microsoft Settlement
James Friedrich
2301 E. Clifford Ave.
las vegas, Nv 89104–2140
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

James A. Friedrich

MTC–00033303

From: Renata B. Hesse
To: Ms. Renata Hesse
Date: 1/24/02 10:09am
Subject: Microsoft Settlement
Renata B. Hesse
2226 Pecan Drive
Yuba City, CA 95991–8432
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Mr. George J. Jameson

MTC–00033304

From: Walter Sainio
To: Ms. Renata Hesse
Date: 1/24/02 10:16am
Subject: Microsoft Settlement
Walter Sainio
6419 Monero Drive
Rancho Palos Verdes, CA 90275
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Walter C. and Nan G. Sainio

MTC–00033305

From: mel fineman
To: Ms. Renata Hesse
Date: 1/24/02 10:33am
Subject: Microsoft Settlement
mel fineman
20215 ne 10th place
miami, fl 33179
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

mel fineman

MTC–00033306

From: John Weir
To: Ms. Renata Hesse
Date: 1/24/02 10:49am
Subject: Microsoft Settlement
John Weir
2730 Lakeridge Shores West
Reno, NV 89509
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

John Weir

MTC–00033307

From: Gary Deitschman
To: Ms. Renata Hesse
Date: 1/24/02 10:53am
Subject: Microsoft Settlement
Gary Deitschman
1981 Susan Ave
Neenah, WI 54956
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Gary Deitschman

MTC–00033308

From: John Appel
To: Ms. Renata Hesse
Date: 1/24/02 11:28am
Subject: Microsoft Settlement
John Appel
186 23rd Ave SW
Largo, FL 33778

January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
John E. Appel

MTC–00033309

From: Rodney Int-Hout
To: Ms. Renata Hesse
Date: 1/24/02 11:39am
Subject: Microsoft Settlement
Rodney Int-Hout
106 Dahlia Circle
Fairfield Bay, AR 72088–3708
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Rodney Int-Hout

MTC–00033311

From: Jerry Pausch
To: Ms. Renata Hesse
Date: 1/24/02 11:49am
Subject: Microsoft Settlement
Jerry Pausch
P.O. Box 413
Leesburg, oh 45135
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Jerry B. Pausch

MTC–00033312

From: Mark Meszar
To: Department of Justice
Date: 1/24/02 11:53am
Subject: Message From a Concerned Citizen

Dear Department of Justice:

I am concerned about the settlement issue that would strip the Microsoft Internet Explorer browser from the Microsoft Windows operating system. I spend a great deal of time online and have used Internet Explorer and Netscape Navigator. The Navigator browser is slower, more intrusive, less stable, and an inferior product in my opinion. If Microsoft Windows did not come with Internet Explorer I would have to spend hours downloading it over a slow dial-up connection. I format my computer's hard drive fequently for testing and to have to download the program over and over after each install of Microsoft Windows would decrease my productivity. I urge you to at the very LEAST allow Microsoft to include the option to install the Internet Explorer browser off the Microsoft Windows CD

Sincerely,

Mark Meszar
4616 Woodhurst Dr.
Youngstown, OH 44515–3731

MTC–00033313

From: Richard Grant
To: Ms. Renata Hesse
Date: 1/24/02 12:06pm
Subject: Microsoft Settlement
Richard Grant
22933 Galva Ave.
Torrance, Ca 90505
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Richard Grant

MTC–00033314

From: janice gabbert
To: Ms. Renata Hesse
Date: 1/24/02 12:08pm
Subject: Microsoft Settlement
janice gabbert
115 w monument
dayton, oh 45402–3099
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

The following is a long ''form letter'' supplied by CAGW, of which I am a member, and I have read it carefully AND AGREE WITH ALL OF WHAT IS SAID BELOW:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

janice j. gabbert

MTC–00033315

From: Elsie T. Childers
To: Ms. Renata Hesse
Date: 1/24/02 12:15pm
Subject: Microsoft Settlement
Elsie T. Childers
8781 Rose Creek Rd
Nebo, Ky 42441–9766
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Elsie T. Childers

MTC–00033316

From: Robert Himmelberg
To: Ms. Renata Hesse
Date: 1/24/02 12:25pm
Subject: Microsoft Settlement
Robert Himmelberg
911 East Park Drive
Glasgow, Mo 65254
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

R.L. Himmelberg

MTC–00033317

From: Evald Carlson
To: Ms. Renata Hesse
Date: 1/24/02 12:35pm
Subject: Microsoft Settlement
Evald Carlson
119 Oxbow Drive
Oxbow, ND 58047–5001
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted. The terms of the settlement offer a fair resolution for all sides of this case: the

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Evald J. Carlson

MTC–00033318

From: Dean Willson
To: Ms. Renata Hesse
Date: 1/24/02 12:42pm
Subject: Microsoft Settlement
Dean Willson
7748 E. Tanque Verde Ln.
Tucson , AZ 85715
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Dean W. Willson

MTC–00033319

From: Margaret A. Kennedy
To: Ms. Renata Hesse
Date: 1/24/02 12:57pm
Subject: Microsoft Settlement
Margaret A. Kennedy
202 Willow Run Rd.
Sneads Ferry, NC 28460
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Margaret A. Kennedy

MTC–00033320

From: Robert Nelson

To: BFoer@antitrustinstitute.org@inetgw
Date: 1/24/02 2:34pm
Subject: Please reconsider your stance against Microsoft!
American Antitrust Institute
2919 Ellicott Street, NW Suite 1000
Washington DC 20008–1022
Attention: Albert A. (''Bert'') Foer, President

Mr. Foer,

Your late actions in the Microsoft anti-trust case are contrary to the interests of business owners, stockholders of all technical stocks, and the American, as well as much of the international public, as well as the economy of the United States, and is a threat to technological innovation.

Your qualifications for membership are, from your site, as follow (bold case is ours) : ''I have visited the AAI website (www.antitrustinstitute.org) and reviewed its contents. I am in general agreement with the philosophy represented by the AAI and wish to be affiliated as a Friend. I will abide by the conditions of membership as set forth on the website'' indicate the appearance of your having little to no interest in hearing from those who oppose your actions and views.

Most people in the data processing field oppose the view and stance you have taken at this late date. We believe, and have reason to believe, that the entire matter was begun my competitors who charged more, delivered less. and under whose guidance the personal computer and software would remain prohibitively expensive for the average consumer. Microsoft has made software affordable, dependable, and easily available. No company has absorbed as much software piracy as Microsoft without prosecuting users, either.

The legal attacks and moves by certain competitors has resulted in an either/or decision on the part of many Information Technology Directors and Chief Information Officers. We know how to write software, and (in my case) have been doing so since 1968. The actions of Microsoft's competitors has already backfired as we have continued to adopt as much IBM and Microsoft product as is possible, and no longer use certain competing products from the companies who brought this case.

Nearly all of the people with our philosophy are simply quietly doing this with little to no fanfare. We do not post to hobby bulletin boards. We do not spend a great deal of time in Microsoft's defense beyond converting previous database products to either Microsoft SQL Server or IBM's DB2.

We do not now, nor have we ever, worked for Microsoft or any of its subsidiaries, and we own no more than 100 shares of their stock among us. In other words, we have no personal stake in this other than our desire to have affordable, cutting-edge, and stable software for our business.

An area of investigation that needs more scrutiny is in the area of targeting viruses to the Microsoft products. This occurs far too often to be simple cases of hobbyists causing mischief, and is one of the areas where we are gathering a much information as we can.

Finally, we are more than a little concerned about another statement on your site—''A Counterweight to Conservative Influence''—which indicates to us that your site is politically-driven. If this is the case, we would like to inform you that, according to a gay investment site, Microsoft is the third most gal-friendly public company in the United States, after Disney and American Express.

We ask that you reconsider your stance so that we may have this yoke off of our economy, and so that Microsoft may continue to innovate as if they were headquartered in a free country.

Warmest Regards,

Bob Nelson

Adventek, Inc. and for the majority of CIOs and data center directors, whose company names will follow on their letterhead by hardcopy.

cc: Microsoft, Inc.
CC:Microsoft ATR

MTC–00033321

From: Arthur Ives
To: Ms. Renata Hesse
Date: 1/24/02 4:19pm
Subject: Microsoft Settlement
Arthur Ives
16 Lighthouse Way Dr.
Salem, SC 29676
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Arthur H. Ives

MTC–00033322

From: Daniel F. Betts
To: DOJ
Date: 1/24/02 4:33pm
Subject: Lawsuites et al

dear DOJ

As a consumer, citizen etc, can't these law suites stop. It is dragging down the economy and it is purely being done for purposes to hurt others, I am just sick of all that has gone on. The events of the last year have nearly wiped me out financially and emotionally. I am at my end!!

Daniel Betts

MTC–00033323

From: Charles E. Boonstra
To: Ms. Renata Hesse
Date: 1/24/02 5:55pm
Subject: Microsoft Settlement
Charles E. Boonstra
2218 Lake Shore Drive
St. Joseph, MI 49085–1841
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost all taxpayers, including you, more than $35 million, and after reviewing the terms of this Judgment, final approval seems to me to be clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism,

including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted. I have no interest at all in further enriching the legal beagles involved in this case.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

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Sincerely,

Charles E. Boonstra

MTC–00033324

From: Stanley R. Krier
To: Ms. Renata Hesse
Date: 1/24/02 6:06pm
Subject: Microsoft Settlement
Stanley R. Krier
175 Berlin Ave., Unit #64
Southington, CT 06489
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Stanley R. Krier

MTC–00033325

From: Steven Shepherd
To: Ms. Renata B. Heese
Date: 1/24/02 6:08pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Steven Shepherd
14209—93rd Ave NE
Bothell, WA 98011–5147
CC: Citizens for a Sound Economy

MTC–00033326

From: Samuel Frankenfield
To: Ms. Renata Hesse
Date: 1/24/02 6:37pm
Subject: Microsoft Settlement
Samuel Frankenfield
7375 Hightower
Fort Worth, TX 76112–5812
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the

attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Samuel Lewis Frankenfield III

MTC–00033327

From: Nolan Swift
To: Ms. Renata Hesse
Date: 1/24/02 7:12pm
Subject: Microsoft Settlement
Nolan Swift
PO Box 09041/5006 S May St
Chicago, IL 60609
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Nolan G. Swift

MTC–00033328

From: Hexe667@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:11pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Grete Koller
202 Spruce Court
Yorkville, IL 60560–9582

MTC–00033329

From: Frank Soldwedel
To: Ms. Renata Hesse
Date: 1/24/02 8:14pm
Subject: Microsoft Settlement
Frank Soldwedel
1778 Rte. 9N
Lake George, NY 12845–5900
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Frank E. Soldwedel

MTC–00033332

From: Josep L. Guallar-Esteve
To: Microsoft ATR
Date: 1/24/02 9:01pm
Subject: Microsoft Settlement

To whom it might concern,

I'm an Information Technologies Engineer, with more than 6 years of experience in IT, now working as a Test Engineer in a Quality Assurance team. I think that the proposed settlement in the Microsoft Antitrust Case is a bad idea. Please reconsider your position.

I have co-signed and I endorse the open letter that Mr. Dan Kegel has posted on the Internet here: http://www.kegel.com/remedy/letter.html

Mr. Kegel points it nicely:

According to the Court of Appeals ruling, ''a remedies decree in an antitrust case must seek to ''unfetter a market from anticompetitive conduct'', to ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future'' (section V.D., p. 99).

The current proposed settlement, does not seek to unfetter nothing. It is uncapable of terminating illegal monopoly practices. It does not deny Microsoft Corp. the fruits of its statutory violation. And it does not ensure that Microsoft Corp. will end its current illegal practices. For example, some ways that could enforce Microsoft Corp. to end its illegal monopolistic practices would be:

—Make open and public the documentation that specifies Microsoft Corp.'s file formats, like MS-Word, MS-Excel... Make open and public the specifications of actual and future file formats (when available). This will serve to open the market to competing products. The consumer will have a selection.

—Disclose MS-Windows API that will make possible for competing products to use programs designed for MS-Windows. This way, ''MS-Windows compatible'' Operating Systems could be presented as a real choice to the consummer.

—Mandate Microsoft Corp. to do not discriminate (in their licenses or wherever) against competing technologies or products. For example, nowadays, their ''licenses'' forbid to use MS-Windows components in conjunction with Microsoft Corp's technology competitors. Yes, with their licenses, you cannot use MS-Windows Media without MS-Windows, when it is technically possible to do so using the emulator ''WINE'' under Linux (quoting their license: ''you shall not distribute the REDISTRIBUTABLE COMPONENT in conjunction with any Publicly Available Software. ''Publicly Available Software'' means each of (i) any software that contains, or is derived in any manner (in whole or in part) from, any software that is distributed as free software, open source software (e.g. Linux)'').

Well, there's more and in more depth at Mr. Kegel's website.

Yours sincerely,

Josep L. Guallar-Esteve
Chapel Hill, NC 24514
QA Test Engineer,
IT Professional, Member of IEEE—Computer Society
CC: jlguallar@computer.org@inetgw

MTC–00033333

From: dick allan
To: Microsoft ATR
Date: 1/24/02 9:04pm
Subject: Microsoft Settlement

Come on you guys, this one from M$ doesn't cut it either. Since when does the criminal get to call the remedy?

MTC–00033334

From: Jacqueline Hoernlein
To: Ms. Renata Hesse
Date: 1/24/02 9:05pm
Subject: Microsoft Settlement

Jacqueline Hoernlein
4230 Shattuck Rd.
Saginaw, Mi 48603
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Mrs. Jacqueline Hoernlein

MTC–00033335

From: David Olegar
To: Microsoft ATR
Date: 1/24/02 9:08pm
Subject: Microsoft

Restore competition to the software industry. Break up Microsoft.

MTC–00033336

From: Guy Sewell

To: Microsoft ATR
Date: 1/24/02 9:10pm
Subject: Microsoft Settlement

Dear Sirs,

I would like to express my dismay at the proposed Microsoft settlement. I am particularly concerned over the lack of recognition by the DOJ as to the importance of not-for-profit organizations to the future of IT, and to the discrimination against not-for-profit organizations in the proposed settlement.

Also, I have yet to hear a compelling argument as to why the MS breakup remedy was not chosen. The company was found guilty of being an illegal monopoly. The company has a obscene profit margin with no significant competition in either the OS market or the office suite market, how can this not be detrimental to consumers or competitors? It has a greater % of total market than AT&T or Standard Oil did. Diversity is a desirable trait in ecosystems, in societies, and in commerce. Break up Microsoft and make the the units compete in a free and level market place.

Guy W. Sewell, Ph.D.
President
Sewell Environmental Associates, LLC

MTC–00033337

From: csaunders@databytesoftware.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:11pm
Subject: my personal view on the ms vs doj case

Dear Sir / Madam

On the face of it, it would appear that my view on this matter is irrelevant; I am after all a British citizen living in New Zealand, half-a-world away from your great nation.

However your decision in the matter of the Microsoft will affect my life deeply. I am a senior IT professional, working with Microsoft products daily. In short my very living will be affected by your decision. The world, and I await with baited breath what impact this will have on our lives.

It is under such circumstances that I offer my humble opinion: My summarisation is this, that it would appear to be a decision of the issue of ''freedom'', how much ''freedom'' should a corporation be allowed vs. the freedom of the public to enjoy goods and services at a competitive price. In fact it would appear that the entire issue is summed in the above fashion. Most people today believe that ''I can do whatever I like, pursuing what ever goals I determine to be to my best interest, SO LONG as I respect the rights of others and do not impinge on their right to do the same.'' It is that above view, which I find utterly abhorrent. I propose that the belief that your great forefathers held such a view is a lie, and a dangerous lie designed to steal your freedom from right underneath you.

If this issue (and all the similar arguments like it) are decided based on the merits of who has ''which freedoms to do what'', then the end result will be incorrect and self-serving, no matter how noble your aims.

If entities such as governments, businesses, organisations and ultimately people, really believe that they have a ''right'' to follow their own desires, without hurting others, they will, given enough time, destroy everything around themselves.

Like a horrible Midas curse, it is not possible to gain your own goals without affecting others.

The pursuit of self, at all costs is disgusting. The dangerous lie that it is possible to peruse self, without impinging on others is a falsehood. No man is an island, all decisions involve costs. Any decision based on the ''faintly'' held notion that it is permissible to pursue your own goals as ''long as you don't hurt others'' will produce a result that is a real evil in itself.

I urge you to consider your forefather's real aims and goals in promoting liberty, not one of ''SELF'' but rather ''OTHERS FIRST''.

If you are proud of your heritage you will put others first, and demand of both the plaintiff and the defendant that they show how they are putting ''OTHERS FIRST''.

The result will be a judgement based on the activities of both parties, designed to show whether self-interest or others-interest was the goal. It is obvious then that by upholding the freedoms of both parties, both will suffer equally. If both parties are forced to place the other party first, the result will be a correct settlement, designed to uphold the other's rights. If the ''people'' are willing to allow Microsoft the right to ''practice business'', then Microsoft must allow the ''people'' the right to make their own livings. (I imagine the issue of forcing OEM vendors to pre-install windows will be shown for the foul business practice it is, self-serving and abhorrent.)

Self-first always results in loss of freedom, never the promotion of freedom. It is your own forefathers whom taught their children to follow the ways of the man that first promoted the idea of ''Others First'', en-masse to the public. He was Jesus. Parents often paraphrase his teachings like this ''Treat others as you would have them treat you.'' He actually said, ''Love the Lord your God with all your heart, all your mind and all your soul. And love others as yourself.''

May the Lord grant you the wisdom of Solomon as you consider such a weighty decision.

Thank you for allowing me the opportunity to speak.

Kind regards,
Colin Saunders
PO Box 98817
South Auckland Mail Centre
New Zealand
csaunders@databytesoftware.com
CC: pohj@ihug.co.nz@inetgw

MTC–00033338

From: dlm63785477@netscape.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:13pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
D.Landis Murphy
147 Suburban Terrace
Stratford, NJ 08084–1413

MTC–00033339

From: dlm63785477@netscape.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:15pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Robert Murphy
147 Suburban Terrace
Stratford, NJ 08084–1413

MTC–00033340

From: dlm63785477@netscape.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:16pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Tricia Murphy
147 Suburban Terrace
Stratford, NJ 08084–1413

MTC–00033343

From: Andy Colligan
To: Microsoft ATR
Date: 1/24/02 9:17pm
Subject: Microsoft Settlement

Dear Sir or Madam,

The proponents of an anti-trust suit should have but one goal: The limitation or reduction of a trust. Cementing a trust's hold on a market is the antithesis of that goal.

Please do not allow this settlement to become a travesty of justice and freedom. Please do not expand Microsoft's monopoly though this settlement.

Speaking as someone who has watched the Internet grow, explode, and begin to mature, I would like to be able to see it become a place that allows freedom of expression and choice. Speaking as someone who has seen what computers are truly capable of, I implore you to allow the same freedoms onto the desktop. Customers should be allowed to choose how they want to interact with their computer. Currently, Microsoft does not allow that choice. If they have any say in the matter, they never will. However, you do have the power to change how Microsoft does business. I ask you to exercise that power. You may find this message to be silly, but the outcome of this case is anything but.

Andy Colligan
Email: gtg410b@prism.gatech.edu

MTC–00033344

From: ChloeCKM@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:19pm
Subject: microsoft settlement

please , in the public interest, proceed with the settlement that is so badly needed for the U.S. economy and in the interest of the public that is surely weary of continued competiveness. please , let us get back to sanity. thank you sincerely Chloe murdock chloeckm@ Aol.com

MTC–00033345

From: John Holstein
To: Microsoft ATR
Date: 1/24/02 9:19pm
Subject: Microsoft Settlement

The proposed settlement with Microsoft is an extremely bad idea. Microsoft has ridden rough-shod over the Computer and Computer Software Industry for too long.

Out of the hundreds of complaints I could complain about concerning Microsoft, from their inability to provide a secure OS, out of the box, to their lack of effort in patching existing software for known bugs, the basis of my ''problem'' with the way they do things is their effort to set and/or change existing standards. These standard practices (RFC's ''Request for Comments'') that computer professionals go by when installing, administrating and developing new software are the basis for our everyday lives. Microsoft has the audacity to try and change these standards to suit their needs, at any given time, seemingly without regard to their customers ''computer well being''.

Microsoft will continue to pull the wool over the eyes of people that don't know any better. We need to help protect the end users that don't have the ability to understand the ''behind the scenes'' actions that take place. I know, I understand, and I am not a fan of what Microsoft has done to the industry. Allowing it to continue will only hinder future developments.

John Holstein,
Cotse Helpdesk/Support

MTC–00033346

From: csm
To: Microsoft ATR
Date: 1/24/02 9:20pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

As someone who uses Microsoft products as part of his job, and who also uses products at home that compete with Microsoft products, I would like to offer the following comments and suggestions regarding the ''proposed final judgment in United States v. Microsoft''.

In general the settlement described in the ''proposed final judgment'' tries to prevent the anti-competitive behaviors that Microsoft has used in the area of (what the settlement calls) ''Middleware Products'' intended for user interaction with the Internet. I feel it focuses a little too narrowly on ''Internet-centric'' programs such as browsers and E-mail agents. In fact, there are probably lost opportunities here for correcting anti-competitive behaviors in the areas of operating systems, software development tools and what is euphemistically called ''office productivity'' software (such as Microsoft's Office suite of programs).

While these types of programs may seem more distant from the Internet than web browsers, etc., in point of fact almost all of them are also being upgraded to interoperate with Internet APIs and remote services. I wish this had been examined in more detail.

However, taking the proposed settlement as written, there are several changes in wording that I believe would expand the scope of what is being required where it is overly narrow. In particular, under Section III.A.2 (hardware licensing):

1. shipping a Personal Computer that (a) includes both a Windows Operating System Product and a non-Microsoft Operating System, or (b) will boot with more than one Operating System; should be amended to:

2. shipping a Personal Computer with one or more bootable non-Microsoft Operating System(s) either instead of or in addition to any Windows Operating System Product; to ensure that not only can Microsoft not retaliate against a computer hardware vendor who ships a Personal Computer that dual boots Windows and some non-Microsoft Operating System, but also that it cannot retaliate against a vendor who ships a separate line of Personal Computers without Windows at all, in addition to also shipping Personal Computers that do have Windows installed.

This is particularly important to growth of the (Open Source) Linux Operating System as an option for businesses.

In section III.D, in addition to ''the APIs and related Documentation that are used by Microsoft Middleware to interoperate with a Windows Operating System Product'', the internal formats of disk files created by Microsoft products need to be cited as a necessary part of the ''related Documentation'', particularly for the Microsoft Office products.

Microsoft Office is a pillar of the current desktop monopoly. It is reasonable to ask that ''flat'' files produced by Word, Excel and other components of the Microsoft Office suite have their internal layout and format fully documented so that non-Microsoft products can interoperate with them with full knowledge of any planned changes from one version of Microsoft Office to the next. This is important because these files are routinely exchanged via E-mail and other methods of information exchange over the Internet (for instance, many company Personnel departments now require resumes and job applications to be E-mailed in Microsoft Word format). The exceptions to this would be the database file formats of Microsoft Access (one part of the Microsoft Office suite) and Microsoft SQL Server (a separate product), which should rightfully remain proprietary knowledge.

Section III.J.1 needs to be tightened to provide outside verification that any denial of disclosure because it ''would compromise the security of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria'' is justified by the facts of the matter. Also III.J.2 appears to provide a loophole for allowing Microsoft to refuse information to Open Source developers, since it has already disparaged the ''authenticity and viability of'' the Open Source model of doing business.

This loophole must be closed, since Open Source software is one of the few surviving competitors that Microsoft products face currently.

Definition VI.K.1 should include Microsoft Office among the list of ''Microsoft Middleware Products'', again because it is so routinely used in document exchange across the Internet.

Thank you,
Paul Connelly
P.O. Box 290
Oakham, MA 01068–0290
(US Citizen)
CC:connelly@darc.org@inetgw

MTC–00033347

From: Donald Rossell
To: Ms. Renata Hesse
Date: 1/24/02 9:20pm
Subject: Microsoft Settlement
Donald Rossell
1331 Ridgeview Ave Dayton, oh 45409
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Donald Rossell

MTC–00033348

From: dnp607(a)pacbell.net
To: Microsoft ATR
Date: 1/24/02 9:22pm
Subject: Microsoft Settlement

I am writing under the Tunney Act concerning the proposed Microsoft Settlement (United States v. Microsoft Corp., Civil No. 98–1232).

I believe the settlement is unfair, as it will not serve to end Microsoft's unlawful conduct, and does not adequately penalize Microsoft for it's unlawful conduct. I have co-signed a petition which details my position in greater detail, and am writing this to officially note my opinion as allowed by the Tunney Act.

Thank you very much,

Dan Peknik

MTC–00033349

From: Carlos Santellanes
To: Microsoft ATR
Date: 1/24/02 9:24pm
Subject: Microsoft settlement

The proposed settlement is INSULTING to the word justice. Nothing is going to change with such a settlement, REAL punishment must be done this time or else the WHOLE computer industry will suffer.

If only we'd stop trying to be happy we could have a pretty good time.

Edith Warton

NOTICE—This message contains information intended only for the use of the addressee named above. It may also be confidential and/or privileged. If you are not the intended recipient of this message you are hereby notified that you must not disseminate, copy or take any action in reliance on it. If you have received this message in error please disregard.

MTC–00033350

From: Bill Vlahos
To: Microsoft ATR
Date: 1/24/02 9:28pm
Subject: Microsoft Monopoly

I believe that Microsoft has clearly and unlawfully abused its monopoly for many years and am dismayed that the ''remedies'' discussed so far are neither appropriate nor will be effective in either punishing or changing Microsoft's behavior.

Assuming that Microsoft is guilty, which has been proven and re-affirmed in court, then not only should their behavior change but they should be punished. There are numerous products and companies which no longer exist because Microsoft eliminated them.

Let me suggest a solution that would not only meet the goals of the anti-trust case, be relatively easily achieved, but actually would effect a change.

1. Make the file formats for Word, Excel, and Powerpoint open so that other companies can make competitive products which would transparently interoperate with Microsoft's products.

2. Prohibit the Government (U.S. and States) from purchasing any Microsoft products for a period of time based on how long Microsoft abused their monopoly. This would punish Microsoft for past abuses while at the same time provide a waiting market for competing products.

These remedies would certainly hurt Microsoft which is appropriate. They also would stimulate competition which would be good for consumers.

Bill Vlahos

bvlahos@gte.net

MTC–00033351

From: chris wolske
To: Microsoft ATR
Date: 1/24/02 9:31pm
Subject: Microsoft Settlement

Department of Justice Representative,

I would like to respond to the Proposed Final Judgement to U.S. v. Microsoft. There are many aspects of this ruling which I find disturbing, including the following:

In section III (Prohibited Conduct), section A.2. reads:

[A.2] ''shipping a Personal Computer that (a) includes both a Windows Operating System Product and a non-Microsoft Operating System, or (b) will boot with more than one Operating System; or''

this interpretation ignores systems shipped without a Microsoft operating system, including computers that ship with only Linux or other Free (FSF) software with Windows compatability software included. An alternative may read as follows: ''

shipping a Personal Computer that (a) includes both a Windows Operating System Product and a non-Microsoft Operating System, or (b) will boot with more than one Operating System, or (c) includes a non-Microsoft Operating System but no Windows Operating System Product; or ...''

Section VI (Definitions), section U, defines the following:

''Windows Operating System Product'' means the software code (as opposed to source code) distributed commercially by Microsoft for use with Personal Computers as Windows 2000 Professional, Windows XP Home, Windows XP Professional, and successors to the foregoing, including the Personal Computer versions of the products currently code named ''Longhorn'' and ''Blackcomb'' and their successors, including upgrades, bug fixes, service packs, etc. The software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion.

this focuses narrowly on the a subset of the operating systems offered by Microsoft and may be better represented by:

''Windows Operating System Product'' means any software or firmware code distributed commercially by Microsoft that is capable of executing any subset of the Win32 APIs, including without exclusion Windows 2000 Professional, Windows XP Home, Windows XP Professional, Windows XP Tablet PC Edition, Windows CE, PocketPC 2002, and successors to the foregoing, including the products currently code named ''Longhorn'' and ''Blackcomb'' and their successors, including upgrades, bug fixes, service packs, etc.

Thank you for your time.

Kind regards,

Christopher Wolske

MTC–00033352

From: CGDOWD@AOL.COM@inetgw
To: Microsoft ATR
Date: 1/24/02 9:31pm

Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Christine Dowd
1835 Portola Road
wOODSIDE, CA 94062

MTC–00033353

From: bramsay@attbi.com@inetgw
Date: 1/24/02 9:32pm
Subject: Microsoft Settlement

The proposed settlement is inappropriate. Instead of being a punishment for illegal behavior, it appears to be a marketing plan designed by Microsoft. The costs to Microsoft of distributing their software to schools is very small compared to the retail ''value'' of each package. Even using the full retail ''value'' of the donated software the total cost is very small compared to the economic damage of Microsoft's monopolistic business practices.

The proposed settlement does nothing to curb Microsoft's future monopoly, and in fact it actually promotes Microsoft's monopoly. By donating software to schools, Microsoft will be advertising in the schools. I believe Microsoft will be very happy with the proposed terms because they already spend billions of dollars on advertising. Apple has for years promoted their corporation by donating computers and software to schools. Now Microsoft will be required to donate computes and software to schools, even though such an action would probably be illegal without a court order. Such a donation could be an attempt to eliminate competition in the school market.

When considering the severity of the penalty we should remember the severity of the crimes committed. Microsoft has for years bound large computer sellers to agreements which made it very difficult or costly to provide other operating system software on their computers. The terms of these agreements have required computer sellers to pay Microsoft for each computer sold, regardless of what operating system was installed on the system. In addition, Microsoft has prohibited installation of ''dual boot'' systems which would give people a choice of operating system. Imagine the absurdity of, for example, Del Monte receiving a payment for every can of corn sold, regardless of who actually made the can of corn.

Perhaps most egregious is what Microsoft did to DR–DOS, an early competitor. Microsoft deliberately sabotaged DR–DOS by checking to see if DR–DOS was running and then creating false and misleading error messages. This gave the impression that DR–DOS was somehow incompatible. In fact DR–DOS was a superior product. Microsoft committed industrial sabotage. Finally Microsoft displayed an attitude of contempt for the judicial system during the trial. They introduced obviously doctored video tapes.

When a crime results in ill gotten gains, it is appropriate to make the penalty large enough to remove the economic gain from the crime and then to further increase the penalty to deter future criminal behavior and to compensate society for the damage caused by the crime. In this case the damage has been very large. Microsoft has positioned itself as the owner of the software roads of the 21'st century. No society would tolerate a single company owning all the roads in a country, and we should not tolerate having a single company control all of desktop software. Therefore it seems more appropriate to require Microsoft to donate all the Windows operating system software, including any future releases, to the public domain. Microsoft should also be required to compensate owners of patented and copyrighted software contained in Windows. Microsoft has a large amount of cash available and they should be able to provide compensation without any difficulties. Microsoft should also be prohibited from introducing any competitors to their Windows operating system and office software.

Being wealthy is no excuse for committing crimes.

Bruce Ramsay Software Engineer

MTC–00033354

From: jay—talsma@hotmail.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:34pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jay Talsma
534 Del Vista Dr.
Bloomington, IL 61704–7654

MTC–00033355

From: Dawney
To: Microsoft ATR
Date: 1/24/02 9:34pm
Subject: Microsoft Settlement
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
January 24, 2002

Dear U.S. Department of Justice:

As a member of the public, I would like to add my comments on the Microsoft Settlement. If I understand correctly, under the Tunney Act I may submit comments regarding the Microsoft Settlement documentation. In order to accurately convey my opinion, I must first clarify that I respectfully but strongly disagree that Microsoft has had or does have a monopoly in the web browser industry. Our local news reported recently that our only local telephone utility provider is planning to share our personal information, including to whom we call and how long we stay on the phone line. Needless to say, the customers are not happy about this and are trying to get an opt-out option. But if we can't, and it is legal for the company to share our private information against our will, then we have no alternative but to continue using this utility company or to discontinue the use of our local phone service because there is no other option. THAT is a monopoly.

I am easily able to obtain and use Netscape or Internet Explorer or AOL if I so choose. These three web browsers are easy to find and affordable if not free. Microsoft has developed a successful operating system (and application software) that has revolutionized (actually introduced) the public to the ever-increasing benefits of personal computer use. It was not long ago that the market of computer users was a minute group limited to the isolation and dullness of DOS. The creation of Windows has given wings to the minds of developers and end users. Microsoft has cultivated its Windows operating system with improvements such as Internet Explorer that are a benefit to the consumer.

My perspective is that of great appreciation for successful development and true competition. Microsoft has no more channels of opportunity than any other company as far as marketing and distribution, unless they've created their own, which is productive innovation. If Microsoft is successful in distributing knowledge about its products and creating accessibility, it is commendable and a plus for consumers. I've read that it would be too expensive for Netscape to develop its own competing operating system. Too expensive for whom? Netscape? Consumers? If having a unique operating system is a desire of Netscape in the development of its product, then it ought to gather investors, developers, etc., to enable itself to achieve these developmental goals. Isn't that what most companies have to do? Microsoft successfully built and developed its concepts and products, relationships and consumer trust from ground up.

They didn't try to jump on the coat tails of a larger company. Too expensive for consumers? If my limited knowledge of competition serves me correctly, then by Netscape building their own code, products

and relationships, it would actually facilitate true competition and even reduce prices (for consumers). With that said, out of respect for the authority of the Department of Justice to pass judgment on whether or not it feels the Sherman Act has been violated, I acknowledge the decisions that have led to the Microsoft Settlement. While I do not agree with much of the settlement language, it takes two sides to reach an agreement. With two sides agreeing to a set of terms and to be bound by the settlement, I agree that a swift close to this matter would be of benefit both financially and mentally to the public. I have been wanting to write this letter for over several weeks but have felt so strongly on some parts of this case, that I wanted to make sure and re-read the available public documents, then write with a clear mind and ''cool jets'' so to speak. My main concern when reading the complaints and settlement information is that of wanting reasonable justice and closure. I have been concerned foreseeing that Microsoft's competition would not honor the authority of the DOJ nor the binding settlement language; but rather, they would continue to pursue litigation after litigation. And as of January 23, 2002, unfortunately this foresight seems to be correct in reading that AOL is again suing Microsoft.

I believe that it is in the best interest of the public and our economy to strictly and completely enforce all terms of the settlement, and then ensure that Microsoft's competition is not allowed to make a mockery of the system by misinterpreting their role (if any) in the agreement. This kind of abuse would be a waste of money and time (which would stifle would-be creative developments for consumers). I also believe it would be detrimental to consumer confidence.

The decisions have been made. Let the DOJ and Microsoft carry out their parts of the agreement. Let the competing companies build their products to the best of their available resources (as with all businesses). Then let the consumers be free to choose their products and services.

Thank you greatly for your time.

Dawn Reagan
1765 Tullis Dr.
Coeur d'Alene, Idaho 83815
(208) 665–2317
dawney@toontakes.com

MTC–00033356

From: baileypayne@prodigy.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:36pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jean Payne
501 Fairway Trail Springfield, TN 37172–4013

MTC–00033362

From: Bradley Greger
To: Microsoft ATR
Date: 1/24/02 9:38pm
Subject: Microsoft Settlement
the proposed settlement is bad idea

MTC–00033363

From: Jonathan D. Nolen
To: Microsoft ATR
Date: 1/24/02 9:39pm
Subject: Microsoft Settlement

I strongly disapprove of the proposed final judgment in the Microsoft Case. As written, it fails to achieve any meaningful benefit for the software-using public. It is insufficient to curb Microsoft's use of predatory and anti-competitive tactics, which have been working against the public good for two decades. Likewise, it fails to redress the damage that Microsoft has done to the software industry and the computer-using public at large during their reign as monopolists.

Please see Dan Kegel's (http://www.kegel.com/remedy/letter.html) comments for further detail on the shortcomings of the proposed settlement.

Sincerely,
Jonathan D. Nolen
Jonathan D. Nolen
Santa Barbara, CA
mail: nolen@rhodesalumni.org

MTC–00033364

From: Ben Lachman
To: Microsoft ATR
Date: 1/24/02 9:40pm
Subject: Microsoft Settlement

The settlement as it stands does nothing to change the way microsoft will act in the future. much greater action should be taken.

Ben Lachman
Athens, Ohio
lachman@boochee.com
blachman@mac.com
(740)592–6430

MTC–00033365

From: David Lawler
To: Microsoft Settlement U.S. Department of Justice
Date: 1/24/02 9:42pm
Subject: Microsoft Settlement
David Lawler
333 E Ontario #4412b
Chicago, IL 60611
January 25, 2002
Microsoft Settlement U.S. Department of Justice

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
David Lawler

MTC–00033366

From: BIOLABTECO@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:42pm
Subject: AOL LAWSUIT AGAINST MICROSOFT

Sir:

I think in my opinion AOL should now spend time to enhance and innovate their system rather than spending time in the courtroom. It is just the right thing to do. Time to move on AOL you are hurting the economy of the United States of America.

MTC–00033368

From: bettyj@surfside.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:45pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Betty Johnson
9102 Hyde Park Drive
Huntington Beach, CA 92646–2327

MTC–00033370

From: efortain@netscape.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:46pm
Subject: Microsoft Settlement

For over a year I used Netscape Navigator. Eventually, I decided to try other browsers—Internet Explorer and Opera—because I was becoming frustrated with Navigator's lack of features. I was much happier with Explorer's flexibility and features, so I removed Navigator. All three programs were free to the public, but one offered more and satisfied me more than the other. I also bought a Ford Bronco several years ago. I was not satisfied with the stereo that came ''bundled'' with it, so I shopped around and bought a better stereo to replace it. The stereo was much more costly and troublesome to replace than Internet Explorer is to replace. Cars come bundled with stereos and tires and I can buy different tires and stereos for my car, just as a computer can come with Windows, Mac OSX, Linux, etc., but I am still free to choose whatever web browser or other software I prefer with the operating system of my choice.

Please don't take away our rights or responsibility to choose and decide for ourselves what products we will use. Politicians harm consumers when they give unfair advantage to producers who cannot compete with companies that create better products. Allowing politicians to interfere with the marketplace and consumer choice is an uncompetitive and unconstitutional practice.

Sincerely,
Eugene Fortain
5707 Los Alamos Ct.
Santa Rosa, CA 95409

MTC–00033371

From: Bob Boothby
To: Microsoft ATR
Date: 1/24/02 9:46pm
Subject: Microsoft Settlement
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Is further litigation on the Microsoft antitrust case going to get us out of this recession? I don't think so! I was hopeful when Microsoft and the Department of Justice reached a settlement back in November, but now it looks to me like we are in for another round of fruitless litigation. We have nine state Attorney Generals playing politics and AOL is back in court with an old complaint that was proven to be unfounded in the current DOJ lawsuit.

I, Robert, am a Software Engineer. I worked for RCA Computer Systems Division in the 1960s and Hewlett-Packard from the early 1970s to the present. From personal experience I can tell you that the Netscape browser lost its dominant position because it was defect-ridden and its performance was miserable. The Netscape browser still has a near monopoly on UNIX workstations and AOL Time Warner & Sun Microsystems still deliver a defect-ridden browser with miserable performance to that market.

Microsoft has agreed not to go after computer companies who ship software that competes with anything in its operating system. Microsoft has also agreed not to retaliate against software or hardware developers who develop or promote software that competes with Windows or that run on software that competes with Windows.

What else is expected of Microsoft? Let's move on. Let's put an end to the litigation!

Sincerely,
signed: Iku Boothby
Iku Boothby
signed: Robert Boothby
Robert Boothby

MTC–00033374

From: John E Pillow
To: Microsoft ATR
Date: 1/24/02 9:56pm
Subject: Microsoft Settlement

I think the settlement is not good. It lets Microsoft continue to control the marketplace.

Thanks
John E Pillow

MTC–00033377

From: chill@ecentral.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:04pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Carole Hill
233 Jackson Circle
Louisville, CO 80027–1630

MTC–00033378

From: Bill Rodgers
To: Microsoft ATR
Date: 1/24/02 10:07pm
Subject: Microsoft Settlement

I find the behaviour of AOL appauling. It seems that AOL are more intent to be seen as a successful court litigator than as a company that would provide quality software to the public. They can't compete with expertise and quality products so they seem to want to ''knock'' the industry standard down to their own level. This will do nothing for the advancement of technology and the benefits that can have to consumers. It is time AOL were given a clear message that they either start to get their software development act together and contribute to the development of users computing experience or they get out of the game.

Bill Rodgers
Newcastle, Australia

MTC–00033379

From: gani delos santos
To: Microsoft ATR
Date: 1/24/02 10:07pm
Subject: Microsoft Settlement

proposed settlement is bad idea

MTC–00033380

From: gregTHOMY
To: Microsoft ATR
Date: 1/24/02 10:08pm
Subject: MS BS proposal

I totally DISAGREE w/ MS's proposed settlement for their illegal activity.

Chop em up!
Thank you.
gregTHOMY

PS: It is increasingly difficult to AVOID using this monopoly's products...this would be ok in communist china but not America!!!

MTC–00033381

From: chrise@SPRI.
Levels.UniSA.Edu.Au@inetgw
To: Microsoft ATR
Date: 1/24/02 10:09pm
Subject:

A right to use It is difficult describe how I fell about the antitrust case against microsoft. I am unsure at this time how this email will be received. I am a 30 year old Information Technology and Telecommunications engineer working in South Australia, I have been involved with computers and computing since I was 15 years old, so I have 30 years experience dealing with computing issues and operating system.

I am unsure if the American judicial system is allowed to consider opinions from out side of the USA. However, when you talk about the computer industry and partially Microsoft any anti-trust suit is not just important to Americans it has far reaching effects all around the world.

Software defies conventional trade boundaries, a new piece of software can be all over the world in a matter of weeks and be used by billions of computer businesses and home users in this time. What Microsoft has accomplished in it's time as the major operating system is develop the computer platform to a stage where anyone in the world can use it and use it effectively.

But it has done this at a cost. The first PC I acquired was an Amstrad 286 at the time windows was not even an OS and DOS was king. Thousands of companies produced word processing programs land other utilities and the consumer was able to talk with their wallets. If a piece of software was no good then they migrated to another and never used that software again.

This is the way it was in the beginning. The free market at it's best. Mac had a market dominance, it's OS and windows type platform was the easiest for all users to use. A large number of users used the mac platform instead of the PC as the PC OS was difficult to use. Then along came windows. Windows was produced to compete against the Mac OS which made Mac's one of the

most sold computer systems there was. Windows copied a lot of the Mac features and low an behold a Graphical user interface was available for the IBM PC. Real competition began in the PC market.

The combination of the IBM PC and the Microsoft windows product won out over the Mac. Not because it was the better of the two systems they were both pretty much the same it's just the IBM PC's were cheaper then Macs and thus market forces won the day. Microsoft became the main OS of today. This wasn't a problem as Windows used DOS as the basis for it's OS and all the DOS software companies could easily port their packages to the windows format. But microsoft wanted more, recognizing their clear advantage due to there financial, market and marketing dominance they started to develop the peripheral programs, borrowing ideas from these other companies and going with the market trend.

The Microsoft OS today could no longer strictly be called an OS. The operating system of a computer controls the interface between the human and the computer components and allows programs to talk and control these components in a managed manner.

Microsoft dose this and so it in a reasonable manner. But it a lot includes programs which load automatically without the user asking. And as things like word programs, net surfing programs, picture editing programs are freely available why go out and by the other superior programs as well the ones we have may not be the best but they will do. By allowing microsoft to continue to add programs to there OS that do not have anything to do with the OS you perpetuate the destruction of superior software and operations during our time. Microsoft is holding the world in a computing stasis, by not allowing the best program to be presented to the consumer, developments are lost and our pool of knowledge shrinks.

At this time microsoft has dominance of the world computer market. They control 99% of the worlds computers. Their software has proven time and time again that it is not the best, but it is adequate and why by the better stuff if the stuff I have works. I have had several programs that I love to use of the years become useless because microsoft change small parts of it's code to make it more difficult for other programs to run under windows. Microsoft at the issuing of a new OS can decided that the world has to change to suit it's vision. In actual fact when you think about it Microsoft has more power then the US government and the US court systems.

Microsoft can make changes that effect the world in radical and dramatic ways. They can broaden or shrink the differences between the haves and the have not. This gives them a massive amount of power and ultimate power corrupts.

The microsoft solution is a difficult one and I do not envy you. The split up of microsoft will be a blow to the company no doubt. But, I believe they said that there development divisions (those that produce office and Internet Explorer) would not be able to work as efficiently as they do now when they are connected to the OS side of things. This is definitely true ! However, isn't this what all other companies have to put up with. Microsoft limited access to their software interfaces to external companies. Meaning that the internal software development teams have an unfair advantage when it comes to developing software as they can use the full set of microsoft OS tools, while other companies can only deal with half the OS tools or less.

If you can do nothing else you should at least include in the settlement that MS must release the full Software and interface specs to the MS Windows OS to allow others to compete on a more level playing field.

Yours

Chris Evans

MTC–00033382

From: justin delos santos
To: with a subject of ''Microsoft Settlement''
Date: 1/24/02 10:10pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea.

MTC–00033383

From: Doug Schafer
To: Microsoft ATR
Date: 1/24/02 10:11pm
Subject: Microsoft Settlement

I am strongly opposed to the proposed settlement. It does not take into account Microsoft's past avoidance of the intent of the consent decree. It should be assumed Microsoft will act in bad faith as they have in the past. If this assumption is made, the proposed settlement easily allows Microsoft to continue monopolistic practices that will cause long-term damage to this country.

To allow free-market forces to reign, Microsoft cannot be allowed to turn what is currently a public resource (the internet) into its private tool. This would be akin to a company subtly modifying all the on and off ramps of the federal highway system so that only company-approved vehicles could use them. Competitors must be able to interoperate with, and replace components of, Microsoft operating systems. This requires that the government prevent Microft from blocking this access via legal or tecnical means. The proposed final jugdement falls far short of this.

Sincerely,

Doug Schafer <pfj@schafers.com> 5720 Ridgebrook Drive
Agoura Hills, CA 91301
818.444.2356

MTC–00033384

From: Danny Delos Santos
To: with a subject of ''Microsoft Settlement''
Date: 1/24/02 10:12pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea.

MTC–00033385

From: William R. Hutchins
To: Ms. Renata Hesse
Date: 1/24/02 10:13pm
Subject: Microsoft Settlement

William R. Hutchins
5605 Brisbane Drive
Chapel Hill, NC 27514–9689
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to support the revised proposed Final Judgment in the US. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance,such as the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continued litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case ? the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors? products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

William R. Hutchins

MTC–00033386

From: dalewsr@quixnet.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:15pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Dale Weckbacher
4116 N. 72nd Drive
Phoenix, AZ 85033–3151

MTC–00033387

From: Cerrise W
To: Microsoft ATR
Date: 1/24/02 10:18pm
January 25, 2002

To whom it may concern at the Department of Justice, I am opposed to the proposed settlement in the Microsoft antitrust trial. I am a victim (as are you) of shameless abuse by the Microsoft corporation. If I do something that is against the law, I will be punished. This deterrent is the foundation of our justice system. If I live in some parts of the country, and I break the law (any law) three times, I will go to prison. There can be no exceptions.

I do not expect to have more liberty than anyone else in this country. I also do not support any judgement in which the judicial system awards one person or entity more liberty than any other person or entity. This is discrimination.

With the Proposed Final Judgement in this case, you will be making the following statement true: ''I (a citizen of the United States of America) do not own or operate a powerful monopoly, therefore I would be punished for breaking the law, even though the owners and administrators of a powerful monopoly can knowingly and gratuitously disregard the law and not only escape punishment, but actually profit from their many and brutal crimes.'' Note: I feel that invading my privacy for the purposes of exploitation; actively denying me or anyone the opportunity to compete economically—enforcing a monopoly; and interfering with my constitutional rights in any way, are brutal and unforgivable crimes, which should be severely punished.

Please do not discriminate against me by approving the Proposed Final Judgement; which lacks any punishment whatsoever for undeniably heinous and illegal acts by the Microsoft corporation.

I (and every other citizen of the U.S.) have been exploited and abused by the Microsoft corporation, therefore I ask that you do more than shake your finger at them. They are undeniably guilty of very serious crimes against the American people. They are responsible for what amounts to information terrorism. Please do not encourage them to do it again and ruthlessly, by not punishing them.

If you approve the Proposed Final Judgement; you will be giving away my rights to a corporation, in the interest of money. I will be apalled, ashamed, and even afraid to live in a country where the law can be so blatantly ignored.

Sincerely,
Cerrise Weiblen
Freelance XA
1559 Taft Court
Louisville, CO 80027

MTC–00033388

From: jbrady@klune.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:20pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jack Brady
3400 Cortez St.
West Covina, CA 91791

MTC–00033389

From: Deborah Alexander
To: Microsoft ATR
Date: 1/24/02 10:21pm
Subject: comments on emasculating anti-trust suits

When Microsoft Word shut down my entire computer in the spring of 2000, and corrupted—almost beyond retrievability—my Master's thesis—I rejoiced that the far-superior WordPerfect might NOT be put out of business by the Microsoft monopoly, if only the DOJ might prevail Now, the *new* DOJ is suggesting a ''punishment'' of placing this software with huge numbers of K-12 kids?

That is like giving (bad) drugs away for free. I note that *during* settlement negotiations, Microsoft shipped out a Windows XP product that will shut down users'' *entire* machines—and all other applications—if the Microsoft goes without activation beyond a set date

I also note that *since* the DOJ ''settlement'', Microsoft has (1) had the audacity to refuse FBI requests to Email notice of security problems in its software *found* not by Microsoft but by an independent watchdog; and (2) now admits that it suppressed information on a legal brief by failing to disclose lobbying of Congress in connection with your anti-trust suit.

Why are these wealthy monoipolists continually hiding information and thumbing their collective noses at our administration—without any apparent consequences? As a law student at Rutgers, I am looking forward to seeing an ultimate anti-trust victory by the states which bravely refused to be co-opted into DOJ's settlement.

I hope you will make the right decisions for a *true* capitalist democracy and prove those pundits wrong who point to the proposed DOJ settlement as proof that Microsoft campaign money bought the same level of power in this administration as had Enron... This is your opportunity prove us wrong, and avoid making a desperately bad settlement even more embarrassing.

Sinceley,
Deborah Alexander
75 Hillcrest Road
Warren, NJ 07059

MTC–00033390

From: James Puckett
To: Microsoft ATR
Date: 1/24/02 10:25pm
Subject: Microsoft Settlement

Dear Sir or Madame,

Please do NOT move forward with the proposed Microsoft antitrust settlement. In its current form, the settlement proposed by the Department of Justice will do little to break Microsoft's monopoly. By only restricting Microsoft's behavior toward other commercial entities, you restrict Microsoft's behavior toward a group of companies it has already conquered and will have little trouble continuing to dominate.

Open Source and Free software are the only real competition that Microsoft has left in this world; and because that work is non profit, developers of said software will receive no protection in your proposed settlement. Given free reign to attack Open-Source and Free software, Microsoft will flex all the muscle it can to destroy products like Apache, Samba, Linux, and anything else that Steve Ballmer and Bill Gates feel threatens their company's monopoly.

You MUST move to an alternate remedy. First, Microsoft should be split, just as judge Jackson recommended, so that the Office and Windows monopolies can no longer be used to strongarm users, vendors, and OEMs toward both products. Second, Microsoft most open the workings of their APIs and networking protocols so that they cannot constantly work to shut out others in such simple areas as file sharing and network domains.

Please do no sell out the future of computing, the internet, and who knows what else to Microsoft. Microsoft's guilt and

arrogance are obvious in this case, and if a real punishment is not issued, the Microsoft monopoly will only get worse, and will be abused even more.

America needs you. Stop Microsoft now. Thank you.

Sincerely,
James Puckett
12010 Waterside View Drive
Apartment 34
Reston, VA 20194

MTC–00033391

From: john campisi
To: Microsoft ATR
Date: 1/24/02 10:26pm
Subject: Microsoft Antitrust

There is an opportunity at this juncture to demonstrate that the Laws of the Land are enforced and fairly applied regardless of monetary or political clout. There has been a determination of violation of the antitrust statutes by Microsoft. A remedy must be imposed that is significant and serves to correct the market imbalance caused by the violation. Due to the advanced stage of market domination achieved through monopolistic practices, it is imperative that remedies must be focused on opening and leveling the playing field. Such remedies must be continuing and monitored for effectiveness and should not be restricted to one time financial penalties (no matter how large).

It is clear that a meaningful remedy will have similar aspects as affirmative action. Effectively, it is necessary for Microsoft to be put at a disadvantage to its competitors until sufficient balance in the market is achieved for open and fair competition to succeed. Aspects to consider include:

1. Limitation of the practice of the bundling of software with hardware purchases to allow consumer choice without incurring cost penalties.

2. Ensuring that the details of the structure of the Microsoft operating system and industry standard application file structure is made available to all application developers to equal extent.

3. Requiring Microsoft to provide application programming interfaces to its operating system for use by application developers of all types.

MTC–00033392

From: Jon V. Reuter
To: Microsoft ATR
Date: 1/24/02 10:28pm
Subject: Microsoft Settlement

To the United State Department of Justice:

I would like to comment (via the Tunney Act) on the proposed settlement in the Microsoft antitrust case. I am strongly opposed to the proposed settlement as it does absolutely nothing to address Microsoft's violations of antitrust laws—it only prohibits them from abusing these laws in the future, and even that is questionable. If an organization engages in illegal activity, benefits from this activity and then receives as a ''punishment'' instructions that they can no longer engage in illegal activity, they have still benefited without any consequences. This is not justice—not for the victims of their abuses and not for the public which the U.S. Department of Justice should be representing.

Microsoft has been clearly found guilty of abusing their monopoly. Monopolies, and the lack of competition that they produce, stifle innovation and result in lower quality products. The public now suffers the consequences of this as they have no choice in desktop software, are forced to upgrade and are stuck with whatever products Microsoft produces (along with their inherent quality and security issues). At the same time, Microsoft has had no incentive to address quality and security issues because they have a lock on the market.

For the benefit of the public, I encourage you to rework the proposed settlement for a more fitting punishment for Microsoft's violation of U.S. antitrust laws and for a more fair desktop software market.

Technology works well when independent standards are created, clearly defined and strictly followed. Every vendor has an equal opportunity to follow and implement the standards with their best effort. When this happens, the public can decide for themselves which product they like best and this results in a healthy assortment of products and companies to choose from. This philosophy has worked well in many areas of technology, particularly in hardware, where we have seen an abundance of healthy competition and increasingly better and less expensive products. Unfortunately this has not worked well in the software industry, but there is no reason that it couldn't. While establishing software standards is arguably more complicated and more involved, many successful independent standards have been developed. The database Structured Query Language (SQL) is a good example. If I want to build a database, I have many database vendors to choose from that all follow the SQL standard. I can even change vendors at a later time and still have the interoperability I require.

To this end I would like to recommend the following (at a minimum):

1. Microsoft should be required to publicly disclose all APIs, protocols and file formats. These should be available to ANYONE—NOT just parties with a justified business case. The documentation of all Microsoft APIs, protocols and file formats should be carried out by an independent, overseeing party (not Microsoft), as to ensure quality and accurate documentation. This measure would create a more fair market place by opening up competition to implement interoperable products in desktop software.

2. Microsoft should be penalized for any independent standards that they alter. Microsoft has often altered standards for their own benefit and for extending their monopoly. For any standard Microsoft alters or does not adhere to, they should be required to correct for full compliance.

3. Microsoft should also be required to release their source code for any products that they no longer support. Consumers should not be forced to upgrade their software any time Microsoft releases new products, but that is typically what happens. Having source code available for any products that Microsoft no longer supports will give the consumer a more fair choice about the decision to upgrade.

4. Finally, Microsoft should not be allowed to dictate what gets bundled with their operating systems. This is exactly what they use to extend their monopoly, making the market place unfair and putting other companies out of business. As part of their punishment for violating U.S. anti-trust laws, everything they decide to bundle with their operating system should be scrutinized and approved by an independent governing body.

I would appreciate your consideration of my comments.

Thank you,
Jon Reuter
Consulting Engineer
CC:attorney.general@state.mn.us@inetgw

MTC–00033393

From: Dave Neu
To: Microsoft ATR
Date: 1/24/02 10:33pm
Subject: Microsoft Settlement

I dislike the proposed settlement, and find it alarming on a number of points which are, I am certain, well documented in Dan Kegel's open comments letter.

Thanks for your time.

Dave Neu

It is tempting, when the only tool you have is a hammer, to treat everything as if it were a nail.

Abraham Maslow

MTC–00033394

From: Denny
To: Microsoft ATR
Date: 1/24/02 10:34pm
Subject: Microsoft Settlement

The proposed settlement is bad idea.

MTC–00033395

From: Robert Koster
To: Ms. Renata Hesse
Date: 1/24/02 10:40pm
Subject: Microsoft Settlement

Robert Koster
11341 Brunswick Way
Santa Ana, CA 92705–2311
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Robert A. Koster, Ph.D. (computer science)

MTC–00033396

From: Jonathan Lupa
To: Microsoft ATR
Date: 1/24/02 10:40pm
Subject: Voicing opposition to the current MS settlement.

As a professional win32 software developer, there are many aspects of the settlement that I find troubling not least of which is the fact that the government is entering into a concilliatory agreement with a proven monopolist who has committed crimes and flaunted previous consent agreements.

To save both our time, I will mention just one of my many grievances which is that without a structural change in the management of API vs. Application layer within the windows operating system, any remedy found by the agreement will only be temporary as it leaves open the door to further abuse of their monopoly position to price and engineer competition out of the win32 product market.

I apologise for not entering a technical breakdown of the reasoning I used to reach this conclusion, but in the short time you have to review these letters, I doubt you will find the time to check everyones logic. I wish you the best in your endevours on this project.

Respectfully,
Jonathan Lupa
Senior Win32 Developer
Creative Solutions Inc.
jjlupa@jamdata.net
GPG public key available from http://lupavista.jamdata.net/gpg.asc
or a keyserver near you.

MTC–00033399

From: David Anfinrud
To: Microsoft ATR
Date: 1/24/02 10:45pm
Subject: Microsoft Settlement

I feel that this case is unjust. Innovation is being hurt by these litigations. It appears that people just want to take all of Microsoft's war chest that allows it to continue to innovate even more. What will happen if we have no Microsoft. Will innovation continue. Microsoft has been a leading edge in the last few years.

I was a Netscape user I paid for my copy of Netscape in spite of the free Internet explorer. I supported the company I respected. Until they provided a poor product during several upgrades. Each time I loaded the latest and greatest it had even more problems than the previous product. When that took place the third time I stopped using it. A company has to earn my money. They need to innovate. I had so many crashes and problems with Netscape I said enough is enough. No matter how good they said they were if it doesn't work it is not worth having or paying for. It was the innovation and the improvements that made the difference not the cost. I want something that works not something that was hit and miss.

I have used a large number of Word Processors in my time. I was a big fan of Word Perfect but again innovation started to disappear from the product. I also owned the complete Word Perfect Suite. I paid for a quality product. At that time Word Perfect was the innovator that Microsoft had to compete against. In the early years no one could touch Word Perfect Office. Now I can't compare the two. Microsoft has developed a better Office suite. Now Microsoft Office meets my needs. Word Perfect is still dear to my heart but again innovation is what has won out. I will stay with a company only so long. Today It is Microsoft Office. Tomorrow who knows but it had better be a better product than what Microsoft has developed. Innovation again wins out. It was the way the companies see about developing their products. Yes Microsoft was aggressive but is it not true in any business. You find where you are lacking and improve the weakness and innovate.

Today Microsoft is the Leader. They are looking ahead. While the competition should be improving their own products they spend money and political favors to try to prevent the next series of innovations from taking place. Is it the interest of the public to prevent a better product from being developed because those who don't want to innovate feel they are being cheated? Are we to provide poor quality items instead of excellent ones? Where is the public interest in that? What is happening behind the scenes? I see congressman trying to destroy Microsoft in favor of companies in their own states.

I believe it is in the best interest to get this court case over with. Enough is enough. Resources that could provide a better product for Microsoft Users is being hindered and given to lawyers. The only winners here are the lawyers, a few non innovating companies, and the states but not the public. Every one wants something. There are a number of companies out in the market who practice even worse monopoly powers.

They just don't have the exposure. This case has hurt the Tech sector of the economy. It still provides a drag with no end in sight. In a middle of a recession and still the good of Microsoft and its present day accomplishments are demonized because of what happened years ago.

Sincerely yours.
David A. Anfinrud
234 243rd Ave SE
Sammamish, WA 98074

MTC–00033400

From: John C. Stilin
To: Microsoft ATR
Date: 1/24/02 10:52pm
Subject: Microsoft Settlement: Now AOL Sues For Netscape?

I seem to recall that the Netscape Navigator Browser could be downloaded free from the Netscape Web site and oh by the way they forced you to accepted it with a home page default set to Netscape. Did anybody ever bother to check how many people paid for the free browser per the Netscape agreement? How can Netscape claim harm when Microsoft priced their product Internet Explorer to equal that of Netscape? How do you undercut free? Just goes to prove if you can't compete in the high tech industry, forget personal accountability, blame somebody else and sue. It's the American way.

Let's not waste more taxpayer dollars in this matter just because Netscape doesn't know how to run a business.

John C. Stilin
johnstilin@msn.com
17611 NE 110th Way Redmond WA 98052
425.881.1632 tel
425.881.6173 fax
425.922.3435 cel

MTC–00033401

From: Jerry Higdon
To: Microsoft ATR
Date: 1/24/02 10:53pm
Subject: Microsoft Settlement

Dear Mr. Ashcroft:

I hope that the Justice Department will stick by the settlement it has reached with Microsoft. I feel it's a fair and just settlement and I hope that you urge the rest of the states who haven't yet settled to do so. Microsoft has been put through the ringer for long enough and it's high time to end this whole mess and let them get back to business. The settlement is reasonable enough not to hurt them to the point where they are forced to go out of business but is harsh enough to

silence most of their critics. For example, Microsoft will have to share information about the internal workings of its Windows operating system, which will allow computer makers to more easily install non-Microsoft software on Windows-based machines. This is harsh, but it is still better than Microsoft being broken up into little pieces.

The settlement will appease all interests in the Microsoft antitrust case. I support it, and hope to see if finalized soon. Thank you.

Sincerely,
Jerry Higdon

MTC–00033402

From: divinegigi@pop.earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 11:06pm
Subject: Microsoft Settlement

To whom it may concern:

I am writing to express my concerns regarding the proposed settlement between the United States Department of Justice and Microsoft Corporation regarding the finding of antitrust activities of Microsoft.

I am highly concerned that through the predatory actions of Microsoft, Microsoft products are the de facto standards for many areas of personal and business computing and office work. The barriers to competition raised by Microsoft through its intertwined operating system, network products, and Office Suite make it nearly impossible for any competitors to arise in these areas. I am personally quite disappointed in the quality of these Microsoft products, and would be quite willing to purchase alternatives if they existed.

I believe that without remedy the situation with Microsoft dominance of whatever product lines they choose will become worse. I believe that the present remedy proposed by the DOJ will do nothing to improve this situation, or curb Microsoft's predatory practices. In the interest of brevity, I will discuss the one remedy that I find most important. In an office environment, I find that the use of alternatives to Microsoft products, (Macintosh, Linux, or Office alternatives) is limited by the practical limitations of transferring data (email, documents, etc) from a Microsoft platform to a competitive platform. That is, for me to function in a modern office environment, any documents I send to others must open flawlessly by Microsoft products; any documents sent to me by Microsoft product users must be opened flawlessly by me. Since Microsoft keeps its data standards proprietary, it is nearly impossible to develop a 100% compatible alternative.

Through its practices, Microsoft now dictates the de facto standards for email, word processing, spreadsheets, and presentations. I would urge the DOJ to find a remedy that would force Microsoft to make their format an open standard, readily open to competitors to use. Microsoft would not be forced to turn over sensitive information to competitors on their products; rather, they would be compelled to enable functional competition within data formats that they have made as industry standards through their practices.

I am sensitive to Microsoft's claims that their know how in application software should be preserved. I am much more interested in enabling competitors to build programs that can compete with Microsoft by being compatible with Microsoft file formats. Data must not be captive to one company and format, but be transferable across different formats and systems. The DOJ has it in its power to enable this competition into the future.

In any case, the current proposed settlement is horrible, so I do urge its rejection.

Sincerely,
Paul Drzaic
Morgan Hill, California

MTC–00033403

From: Codifex Maximus
To: Microsoft ATR
Date: 1/24/02 11:07pm
Subject: Microsoft Settlement
To whom it may concern and:
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001,

I am concerned with the length of duration of the judgment as proposed in the Proposed Final Judgment against Microsoft. Microsoft has shown a contempt for consent decrees and judgments in the past and based on past experience will probably do so again.

I am alarmed at the impunity in which Microsoft acts in the information and technology spheres. It would seem to me that Microsoft is attempting to usurp the constitutional powers of the United States Government—is not disregarding the rule of law such an action? Should Microsoft not abide by a decree or judgment until it is overturned or nullified rather that continuing business as usual while the wheels of justice turn? To contain such activities, I've constructed an example of an alternative duration of Judgment. Bear in mind that I am not a lawyer.

Duration of Final Judgment

This Final Judgment shall remain in force until Microsoft has been judged, by the tripartite oversight committee and the court of jurisdiction, to have maintained compliance with this document (final judgment document) for an initial 5 years and for 2 additional years for each adjudged infringement of the controls in this document. Each adjudged infringement of the controls in the Final Judgment document, by Microsoft or it's entities, shall also have a financial penalty assessed. Such financial penalty is to be determined by a schedule of penalties determined by the tripartite committee and the court of jurisdiction. The penalties shall in no way deprive lawful entities under the jurisdiction of the United States of America of their civil right to suit.

I am a Citizen of the United States of America and I wish to remain in command of my rights and liberties as guaranteed under the Constitution and the Bill of Rights including all statutory and common law rights. I pray that the Department of Justice will protect these rights by ensuring we have a free and competitive market in information as well as other technologies.

Sincerely,
Bennie Gravitt
codifex@charter.net
Phone: 817–946–2332

MTC–00033404

From: dlshort@stargate.net@inetgw
To: Microsoft ATR
Date: 1/24/02 11:08pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
David & Lisa Short
4340 State Route 193
Cherry Valley Township
Dorset, OH 44032

MTC–00033405

From: dquinn1398@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 11:10pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Denis Quinn
1578 11th Avenue
San Francisco, CA 94122–3615

MTC–00033406

From: Brent Casavant
To: Microsoft ATR
Date: 1/24/02 1 1:17pm
Subject: Microsoft Settlement
Date: Friday, January 25, 2002

Submitted to the United States Department of Justice, in accordance with the public comment period provided by the Tunney

Act, in regard to the case United States vs. Microsoft (Civil Action No. 98–1232 (CKK)).

Introduction Comments upon the proposed Final Judgement in its whole If there is one striking feature of this proposed Final Judgement, it is the lack of any form of punishment or restitution imposed upon Microsoft such that it forfeits the gains due to its anticompetitive practices. The remedies therein provide only for behavioral modification and oversight, but fail in any manner to deny Microsoft the fruits it has enjoyed from its illegal behavior.

While I do not propose a specific punishment, I believe it is in the interest of the United States, its citizens, and all commercial entitites to discourage anticompetitive practices. Unless this proposed Final Judgement is significantly strengthened the provisions will serve as little more than a ''slap on the wrist''. This sends a clear message to all monopolies that the law may be freely flouted and disregarded as long as legal proceedings can be sufficiently drawn out to firmly enthrone the monopoly in an unassailable market position. More importantly, this sends a clear message to Microsoft that it may do so again at any time it should so choose.

There is also a specific behavioral and punitive remedy which is notably lacking from the proposed Final Judgement which should be considered for inclusion. Microsoft has achieved large portions of its market dominance through ''locking in'' end users to its proprietary application (i.e. Word, Excel, Powerpoint) data file formats, and through making incompatible changes to such formats, forcing end users into purchase of new application software to conduct business with other parties.

This could be remedied through either of two means:

Require Microsoft to make available, in a timely manner, all information regarding application file formats necessary for third parties to develop software which is capable of interoperating with the Microsoft application software.

—Require Microsoft to implement, as the default and preferred option, file formats which are trivially reverse-engineered by third parties for the purpose of interoperability.

In either case Microsoft should be required to assign licenses to any intellectual property needed to properly implement software which can interoperate with the Microsoft application software. There is another area of general weakness in the proposed Final Judgement. Underlying the entire judgement is a presupposition that only for-profit commercial entities will enter into licensing agreements (either explicitly or through the purchase of Microsoft products and services). However, there is a large and increasing number of not-for-profit organizations which develop software (typically so-called ''Open Source'' software) which is distributed free of charge. Such organizations cannot in and of themself wield the financial incentives necessary to cause Microsoft to provide them the documentation or intellectual property rights necessary to implement software which is interoperable with Microsoft products.

While Microsoft certainly has a reasonable right to expect compensation for its efforts, research, development, and intellectual property, it is also clear that they will use their monopoly position to choke out any competition from these not-for-profit organizations. The proposed Final Judgement should be amended to provide for the release of information necessary for interoperability to these not-for-profit organizations. This is only one of the many ways in which amends can be made for the anticompetitive practices of Microsoft, and to take some small bite out of the fruits of their illegal behavior.

Comments upon specific provisions of the Proposed Final Judgement Section III.E The terms of this section are inadequate to address harms and disadvantages already imposed upon third parties with regard to Communications Protocols. Microsoft has demonstrated with regularity that it will modify existing protocols, both those of its own design (i.e. the SMB protocol) and of other widely accepted protocols (i.e. the Kerberos protocol), with tenuous technical justification. While one cannot adequately judge Microsoft's every intention in such matters, it is often clear that these decisions do little more than lock out competetitors from interoperating with Microsoft products.

As such, the remedy in Section III.E should be amended to cover existing protocols for current Microsoft Windows Operating System Products. This section remedy also fails to address the terms under which these Communication Protocols must be made available to third parties. There is no provision that such disclosures must be made under reasonable or fair terms to the third party. This inadequacy should be addressed so as to prevent Microsoft from circumventing the spirit of this order by an action as simple as making the price of such information practically unobtainable for all but the largest of ISVs.

Sections III.H.1 and III.H.2

These provisions are inadequate to the extent that they do not stipulate that Microsoft must reasonably ensure the correct operation of the specific Windows Operating System Product after these actions are taken. This section should also restrict Microsoft from displaying alarming messages or languages which would serve to dissuade end users from utilizing Non-Microsoft Middleware Products.

Microsoft has demonstrated its willingness to deliberately compromise the stability of their own software products in order to discourage the use of third party software. This was demonstrated most clearly in the early i990's when they implemented checks for the DR-DOS operating environment in their Windows Operating System Products. In this case an alarming message was displayed to end users which served to discourage use of the DR–DOS product, and the Windows Operating System Product was (anecdotally) deliberately designed to interoperate poorly with the DR–DOS product.

Section III.H.3

There is little technical justification for the arbitrary limit of 14 days, after which Microsoft Operating System Products may automatically prompt the end user to confirm alteration of an OEM's configuration. While it is certainly justifiable to allow the user to cause the Operating System Product to revert to a Microsoft-specified configuration, it is not reasonable to automatically ask the user to confirm or prohibit this reconfiguration.

As such, this provision should be amended as to prevent Microsoft from implementing a system which prompts the user to restore Microsoft-specified configurations, unless the end user has initiated a deliberate action to cause this to occur. That is to say, the end user should need to initiate the action which causes a Microsoft specified configuration to be restored.

Section III.H.2 (second set of numbered items)

This section allows a Windows Operating System Product to invoke a Microsoft Middleware Product in a case where the Non-Microsoft Middleware Product fails to implement certain technical requirements.

This section should be amended to include language which prohibits the Windows Operating System Product from taking this action due to additional technical requirements imposed after release of the Non-Microsoft Middleware Product. That is, Microsoft must be prevented from requiring ISVs to update previously compliant (by the terms of this provision) products. This limitation, however, should not apply in the case of a major revision of the Windows Operating System Product.

Section V.B

Microsoft has demonstrated a remarkable ability to delay and hinder legal proceeding against it. As such this provision should be amended to provide for an indefinite limited term extensions of the Final Judgement while any legal proceedings against Microsoft according to this provision are underway. Such an amendment should also provide that the Final Judgement will expire no earlier than one year after the date of termination of such proceedings, in order to further ensure compliance.

Background and contact information I am interested in this matter as a long-time technology enthusiast and worker. My formal education is in computer and electrical engineering, and my work experience and personal interests have given me a deep understanding of the technical merits and considerations involved in software development, particularly in the area of operating systems. I am currently in the employ of a major computer systems manufacturer and vendor, a competitor in some fields with Microsoft, with my engineering work focusing on operating system software development.

Brent Casavant
3627 26th Avenue South
Minneapolis, MN 55406
612–724–0293
bcasavant@angeltread.org
Brent Casavant
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MTC–00033407

From: David Stoddard
To: Microsoft ATR

Date: 1/24/02 11:21pm
Subject: Microsoft antitrust case

As a graphic designer and a college teacher I deal with web page production on a regular basis. It is my experience that Microsoft's web browser Internet Explorer has default settings which are designed to force designers to depend on Microsoft products for web page development.

By setting the default size of html text to a large size Microsoft insures that text will appear too large and therefore may cause some designs which depend on sliced images in tables to have gaps or otherwise be distorted. To compensate for this designers may have to reduce the size of type to such a small size that it becomes difficult to read on other browsers. This effectively makes it difficult to design for any browser but Explorer and makes using non Microsoft development tools require extra steps. Since the other development tools are often more intuitive to use than the Microsoft tools, not going through the extra steps requires designers to use less effective products.

Undermining the standard in order to control the market seems to be Microsoft's main method for success. The strategy seems to be irritation over innovation, This is such a bad practice. Internet Explorer is a great product. So, I can't tell if it is greed or paranoia that motivates Microsoft to attempt to control all aspects of the web where software is concerned.

Practices such as this should be regulated or punished. Unfortunately, no one is in a position to punish Microsoft in the market place. It would be good if government would do its job. If corporations could be trusted to do the right thing we would not need government. I think we need to see something better than a slap on the wrist or rewarding Microsoft by giving them a sure method of getting their products into schools without competition. How does this change things for the better?

David Stoddard
a concerned citizen

MTC–00033408

From: James M. Corey
To: Microsoft ATR
Date: 1/24/02 11:22pm
Subject: Microsoft settlement

Hello. I'm an engineer currently working in the computer field. I received my Master's degree several years ago, and am now raising a family in Oregon.

Know that I have been following the adventures of Microsoft for over 15 years now, and for the past 9 years I have been acutely aware of disturbing behavior evident in Microsoft's business practices. So I started to pay more attention to them, and what I saw I did not like. For the past 5 years now, I have avoided using their products, which is not an easy thing. I hardly need to go into detail about the damage they have done to technologically valuable initiatives such as the Java portability initiative, the world-wide-web connectivity initiative, and now the public-interest software initiative (by which I am referring to the recent trend toward volunteer software projects by and for computer users, under the open source licensing agreement that Microsoft has begun to lobby against).

The trouble they have caused for hundreds of specific competitors, large and small, pales in comparison to the damage and stunted growth they have caused to the industry in general, and thus, to the populace. I think we can agree that for all its shortcomings, computer technology has brought many benefits to the modern world. I take seriously the threat posed by Microsoft to our national information infrastructure, and also the harm they have done to the progress of the computer industry in general. I take offense at their attempts to lay claim to the modest progress that has been made, in many cases despite their own efforts.

You might think it odd to hear these comments from an employee of Intel, a company seen as ''co-conspirator'' of Microsoft, at least in the eyes of the PC consumer. Intel is a company that seeks to be selected by consumers as a matter of choice, and indeed the consumers currently have several choices in this regard. Intel has expressed interest in the availability of similar choices in PC operating systems, such as with their interest in NeXTStep and their interest (and investment) in RedHat. However, these software ventures can not succeed in the current Microsoft-controlled climate. So, Intel is stuck with Microsoft at the helm. In fact, there is now a strong atmosphere of fear within the ''troops'' at Intel regarding internal departure from Microsoft products, as though Microsoft has the resources and inclination to chastise us.

I can only hope that such is not the case. However, apparently Microsoft has expressed disapproval on several occasions regarding Intel projects that don't fit in with Microsoft's plans, resulting in lost opportunities for Intel. I ask you, if such large companies as Intel, IBM, and HP are frightened by Microsoft, where does that leave the consumer? Unfortunately, the public assumes our complicity is voluntary, but the truth is, it has not been entirely voluntary, nor has it been very conducive to progress. Thus our reputation suffers indirectly, by association.

But I seem to be beating a dead horse. By my understanding, the crimes of, and harm caused by, Microsoft have been established. The issue is apparently what response to provide.

I read about the dismissal of Judge Jackson with some distaste, but not nearly as much as when I heard the new proposed penalty of giving Microsoft software to primary schools. As the PENALTY? This seemed like a joke in very poor taste. The idea could only have come from Microsoft. It is hard for me to understand how they could be so lucky in escaping justice. It seemed almost as if they were being rewarded rather than punished. Something is very wrong with the way these events have been developing.

So I had my doubts when I went to review the proposed final judgment at http://www.usdoj.gov/atr/cases/f9400/9495.htm, but I am glad to see it seems to contain some restrictions. Unfortunately, it doesn't seem restrictive enough to be effective. Microsoft has continually acted in flagrant violation of the law; they obviously think it is their right to act as they have acted. If they are not dissuaded more effectively, two things will result. First of all, I fear others will conclude that no one including the United States government can stand up to Microsoft and their lawyers, which will lead others to fear Microsoft even more than they already do. Secondly, it will continue a dangerous precedent of tolerance, of which other large organizations may take note.

I notice that the protections afforded by the judgment are heavily slanted toward middle-ware, which seems like an unnecessary distinction. Microsoft has described web browsers as an intermediate platform and API for software applications to run on, thus falling broadly under the category of middle-ware, but this is heavily colored by their fear of how quickly a combination of Java and a web browser could erode customers'' dependence on their own products. Yet, the main purpose of a web browser is simply to provide a multimedia, hypertext interface to information on the web. A viewer with one-way interaction, not an operating system. Nor any kind of middle-ware, unless you consider a document viewer to be middle-ware, as it is with a Microsoft Word virus. There has been, and continues to be, a need for safe web browsers which limit the damage that can be caused to the user's computer simply by viewing a document on the web. In typical fashion, Microsoft ignores this simple need of the consumer in favor of their own selfish need to usurp control of the web viewer (and eventually web server) industry and prevent it from threatening their customer lock-in. Consider, though, that the result is the same as for many other important types of software in which they have taken an interest. Movie software, for instance, is their current target. Soon, they will take over that market and control it as they have so many others.

If for some reason they should find it convenient to portray it as middle-ware, then their new operating systems would suddenly have an increased emphasis on 3D, animated interaction, thus making the multimedia layer integral to the operating system, and the computer software universe will warp to their will. But I digress. The middle-ware distinction is arbitrary.

Even so, if the protection must be limited to middle-ware, the restrictions are so specific regarding which product and which scenario, that they will soon be outdated and ineffective. Here are some specific points I came across:

*. III in general, is much too kind in its careful elaboration of exactly which scenarios Microsoft isn't allowed to retaliate in. It should instead have simply barred Microsoft from retaliating against business partners for any business choices they make, by mandating a fixed price, and prohibiting the practice of selectively distributing copies of their operating system as though the supply were limited. There was no mention of this latter practice, as far as I know.

*. III.H.1 is clearly addressed to one symptom of the squeeze-out behavior. I fear that after so much worrying over one particular tactic used by Microsoft, that they will simply emphasize other tactics or invent new ones. The basic behavior of misusing their advantage must be addressed, as well as these particular methods they have come to rely on. The exceptions to III.H would appear

necessary only from the viewpoint that wishes to preserve the advantage of Microsoft middle-ware over non-Microsoft middle-ware.

The second exception, in particular, is so open-ended and convenient for Microsoft, that I suspect it will undo even the limited protection which III.H is meant to afford.

*. IV.B.10 and parts of IV.C.3 suggest a very limited disclosure of Microsoft's dealings with the compliance enforcers (i.e. TC). Taken together, the picture is that of a company whose run-ins with the law are kept private. Of course this has the advantage of limiting impact to Microsoft's public image, but this is also a disadvantage. By keeping such things private, an aspiring developer, or even a consumer, is kept in the dark about dangerous situations that may be quite relevant to their own involvement with Microsoft. Also I see no reason why only officers and directors should be briefed regarding the TC. Shouldn't all Microsoft employees be aware of the arrangement?

It sounds so secretive. If there is some other reason for such details, please forgive my ignorance.

*. IV.B.8.b.i is illustrative of the surplus care which has been taken to avoid impacting Microsoft. In effect if the TC wishes to talk to an employee, it will likely be categorized as an interview, notice will have to be served to Microsoft, and the employee will almost certainly be accompanied by a Microsoft lawyer. Although I wouldn't dare to suggest that anyone at the company would ever lie, on the record or off, I have to wonder what kind of incriminating evidence one would expect to gain from such a conference. From a theoretical point of view, I have some trouble imagining how the employee's career could legally be defended from taking a wrong turn if information were disclosed.

*. VI.N.ii—Limiting protection of non-MS middle-ware to those with one million copies distributed during the previous year seems to imply that only large, well-established players will be protected. New ventures must then fight an uphill battle. Unfair.

*. V. The extension clause doesn't help much. Of course, 5 years is a long time, but not long enough. Now, if one has to get court consensus to extend by a year, I presume that the usual delay tactics could push the decision itself past one year anyway. I would have thought that if the TC had to lift one finger against Microsoft, that alone should be grounds for another 5 year extension, with no limit. I suppose the interest is in figuring out how Microsoft will circumvent the measures in the short term, which may well be the most pertinent question.

These are examples of the things that worry me when I read the judgment. I haven't the expertise to analyze the document in great detail, and that is to be expected. So I leave you with my impressions as a citizen. The proposed final judgment seems to have a lot more language granting loopholes and exceptions to Microsoft, than it contains restraints upon them. Having read this document, I fear that it is not strong enough to stop Microsoft's criminal behavior. I am dissatisfied with the judgment, even to the point that I felt slightly ill when I first read it. People are joking that Microsoft has gotten off pretty easy, and it does indeed look that way. I think Microsoft has had too much input into the proposed final judgment.

If you want my recommendation, focus on the fact that Microsoft's lock on the market, and its power over competitors, rests fundamentally on its control of standards. The only way I know of to wrest that control from them is to let an independent party, perhaps a government laboratory, to write the standards and make them publicly available for all developers and companies to work with. That would provide a positive and healthy result from this massive embroilment. This should be done regardless of whether Microsoft is to escape direct penalization.

As a prologue, after writing the above, I checked on the web for other opinions on the settlement, and it appears that I naively missed many deeper problems. In order that my correspondence not be unduly influenced, I have not rewritten it, but the situation is worse than I realized. As worded, the judgment may even work in Microsoft's favor, rather than merely failing to curtail. Please, do not let this travesty continue unchecked.

James M. Corey
jmcorey@ptdcs2.intel.com
Intel, Ronler Acres Campus (Oregon)

MTC–00033409

From: Clark Morgan
To: Microsoft ATR
Date: 1/24/02 11:22pm
Subject: Microsoft Settlement

Hello. I am an independent software engineer (i.e., contractor) who lives in Hillsboro, Oregon. I wish to comment on the proposed Microsoft Settlement.

I believe that the potential effects of the proposed settlement can be easily judged by the responses from the monopolist (Microsoft) and its adversaries (the nation's computer software industry): Microsoft is delighted and the computer software industry thinks the settlement does nothing to rein in Microsoft's abuses.

Conversely, the last time I recall that the United States successfully prosecuted a monopolist, the affected party (AT&T) bitterly complained about the proposed remedy. The fact that Microsoft thinks this settlement is wonderful should give the court pause, to ask a very simple question: Is the court being played by Microsoft?

In my opinion, the answer is a definitive ''Yes.'' In my opinion, if the court does not take decisive action to punish this company for its anticompetitive practices, then Microsoft will never again fear retribution for its actions. I hope the court will recall the long list of companies that Microsoft has crushed, including: WordPerfect (now Corel), Lotus, Novell, Apple, Stac, and Netscape. If nothing is done to hobble this monopolist, then once its ''punishment'' phase is over, Microsoft will never, ever again fear government intervention and/or regulation. After all, if a company gets convicted as a monopolist and walks away with a ''delightful'' settlement, what should it worry about in the future?

Recall that when AT&T was broken up, the long distance market was opened to competition, which lowered long distance rates to extremely inexpensive rates. For example, I currently pay $0.05/minute for long distance calls placed in the evenings and all day on weekends. If AT&T still held the monopoly for long distance, I —know— I would not have access to $0.05/minute calls.

As things stand now, Microsoft is the AT&T of the software industry. Every new release of its Windows operating system is the same price: $90-$100 for an upgrade $225 for a complete release Every new release of its office suite is the same price: $200–225 for an upgrade $400 for a complete release Where is the competition? There is none, which is the consequence of buying from a monopolist. The court has a chance to step in here and squelch this monopoly. Please don't let Microsoft dictate the terms of this settlement.

Respectfully,
Clark O. Morgan
346 NW Treglown Ct.
Hillsboro, OR 97124
(cmorgan@aracnet.com)

MTC–00033410

From: Ethan Larson
To: Microsoft ATR
Date: 1/24/02 11:22pm
Subject: Microsoft Settlement

Microsoft is a proven monopoly. Its illegal practices are a detriment to innovation. Microsoft's continuance as a monopoly, which the current settlement has assured, will be a hindrance to the market, not an aid.

Sincerely,
Ethan Larson

MTC–00033411

From: Dim-skies
To: Microsoft ATR
Date: 1/24/02 11:34pm
Subject: aol vs. microsoft

Dears Sirs,

I think the AOL lawsuit is just another attempt to bleed a successful business, when you can't compete. I feel that a monopoly is when the consumer has nowhere else to turn. If I don't like my cable, or phone company, where do I go? Granted, other OS's aren't as pervasive, but they are available. That is hardly the same as ''not available''. AOL paid big money for a loser, and now they want help. What has happened to America? This is just another shameful example running to the Government for help for everything, including stupidity.

Sincerely,
Tom Wong
Port Orchard, WA 98366

MTC–00033412

From: gaslgs@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:40pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case

against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Grace Stewart
5312 Bethany Way
Lakeland, FL 33810–1827

MTC–00033413

From: DEUTCHMN@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:52pm
Subject: Microsoft Settlement

Gentlemen:

I have resided on this planet for a series of decades. I have managed to live through the era of governmental regulation of monopolies such as railroads, steel, oil, airlines, telephones, and utilities. And I have seen the results. Competition unfet-tered by regulation works well, as Adam Smith predicted. But when the legal system enters the economic arena, it is a sore losers contest where only the legal profession benefits.

I have used and abused both browser systems, and like Beta-Max and V H S, one will survive....BUT LET IT BE THE CONSUMER, not the courts which determine this end. I have always had a distinct distaste for the mink in the duck pond which destroys purely for the sake of destruction. And that is the aim of AOL in this matter...Despicable at best.

Sincerely,
Craig G. Pause & Trinidad Brown

Note: Our family does own shares in both corporations...I may dump AOL on ethical grounds alone.

MTC–00033414

From: J. Lucha
To: Microsoft ATR
Date: 1/24/02 11:54pm
Subject: Microsoft Settlement

I was in complete shock and outrage when I first read the Proposed Final Judgment.

I've been a computer programmer for the last six years, and have been a computer hobbyist for more than twenty.

I have used virtually every type of computer software and hardware during those years from Microsoft and its competitors. Unlike the general public, I have first hand experience with most of the products that Microsoft has destroyed over the years through anti-competitive practices. In many cases, the competitors product was superior. There is no doubt in my mind that Microsoft has held the computing industry back more than ten years. Our world will never know what could have been achieved had the computing world not been crippled.

The settlement fails to provide the remedy needed for a healthy, productive and competitive technological industry. In fact, it may be argued by many that the settlement actually strengthens Microsoft's monopoly and allow them to bully those that compete with them.

Here are just a few of the many points where the Proposed Final Judgment fails:

1. First and foremost, the settlement does not address Microsoft's ill-gotten gains. Microsoft is allowed to keep billions of dollars acquired illegally. How many convicted thieves are allowed to keep their stolen goods?

2. The three person technical panel created by the settlement has some glaring problems. The first problem is Microsoft gets to select one member of the panel, who in turn has a say as to who the third member is. Sounds like Microsoft basically controls the panel. The second problem is that the panel members are not allowed to disclose any information to the public. If Microsoft is in any violation, the public will not know.

3. No punishment for the executives of Microsoft that knowingly and willingly led their company into law breaking actions. A strong message must be sent to businesses that unlawful and unethical behavior will not be tolerated. Without such a deterrent, business are encouraged to act in whatever means will lead to their greatest profits. The burden then lies upon the victims. I do not want my tax dollars constantly spent correcting wrongs that might not have occurred if the proper deterrents were in place.

4. While the API's used to communicate with the operating system will be documented and released, it will only be done for companies and business that Microsoft deems have a viable business. The Free Software movement has been acknowledged by Microsoft to be its biggest competition, yet they have publicly stated that businesses with a basis in Free Software don't have a viable business model. So, their toughest competition is excluded from the API's to begin with.

5. The duration of the restrictions is a mere 5 years, which is not a significant amount of time to reverse the detrimental damage caused by Microsoft. As a software developer myself, I can assure you it will take at least five years before a competitor can accumulate the necessary business infrastructure (funding, staff). It would probably take another five years before a useable product is developed. Also, if Microsoft is found to be in violation, there is no extension to the duration of the restrictions.

6. The settlement is full of loopholes for Microsoft to take advantage of. The main ones being the definitions defined in the Proposed Final Judgment such as API. I also find it alarming that the definitions have already been altered from the ones used in the ''Findings of Facts''. Microsoft has been found guilty in previous court hearings, and used the loopholes contained within those settlements to render them useless.

What good will it have done to have spent so much taxpayer money, and have nothing to show for it. For examples of ways in which Microsoft may twist the meaning of the definitions to render them useless please read http://www.os2hq.com/archives/arch46.htm .

7. The settlement does not address the file formats used by Microsoft's Office programs. With each new version of Microsoft's office suite programs, they change the format of the documents created. This creates a barrier to entry for competing office software. It is also a means to force current customers in a never ending upgrade cycle, where they purchase the upgrade to be able to read the files sent to them by others, even though they themselves do not need the added features of the newer version.

A Final judgment that would be in the best interest of the consumer might include some of the following:

1. Microsoft would have to give a sum of at least $5 billion in cash to the Free Software Foundation. One of the goals of the Free Software Foundation is to support the development of software that is a viable alternative to Microsoft's products. Microsoft has publicly acknowledge d that Open Source is their most viable competitor. True competition can be brought about by helping fund the independent developers found in the Open Source community.

2. Microsoft would have to pay the legal expense of any business that brings a legal case against Microsoft during the duration of the restrictions. This would prevent Microsoft's typical defense against competitor lawsuits: stalling. There are numerous cases that have never been brought against Microsoft because the company or individual didn't have the financial resources for the long, drawn out case that Microsoft's legal army executes.

3. All Microsoft executives and managers would have to enroll in a University business law and ethics class every year at the individuals expense for the duration of the settlement. They must attain a grade of of at least a ''B'' or they must retake the course the following semester/quarter.

4. Any specification or API that must be known to offer a competing product must be well documented at least six months prior to Microsoft's release of the product. If the specification is changed, then the product released date must also be delayed.

5. Any contract between Microsoft and the major OEM's (Gateway, Compaq, Dell), ISV's (AOL, CompuServe), etc., must be approved by an independent panel.

6. If Microsoft is to bundle application software such as Internet Explorer with their operating system software, they must also include a competing product such as Netscape Communicator.

7. The true price of Microsoft's applications and operating systems must be listed as a line item when purchasing computers. Currently the costs of Microsoft's products are bundled into the hardware costs, and the consumer is unaware of the true price paid for the Microsoft product. If the price is listed, a consumer that feels it is too much, will inquire about alternatives.

If we set forth laws, and do nothing when those laws are broken, then there is no point to have our society. Microsoft has violated the law, but the Proposed Final Judgment does nothing but ask them not to violate them any more.

James Lucha
Programmer/Analyst
Moreno Valley, CA
E-Mail: lucha@pe.net

MTC–00033415

From: Daniel Peters
To: Ms. Renata Hesse
Date: 1/25/02 5:36am
Subject: Microsoft Settlement
Daniel Peters
175 E. 96th St. Suite 15K
New York, NY 10128
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my NON-support for the revised proposed Final Judgment in the U.S. v. Microsoft case. After reviewing the terms of this Judgment, the final approval is clearly NOT in the public interest. To me, Microsoft is similar to AT&T before it was split into separate Regional companies. Microsoft has too much monopoly power. It controls the operating system & writes applications for that operating system. This is an unbalanced playing field. Competitors do NOT have the same access to the operating system that Microsoft's developers have.

Please seek to create a settlement that is more advantageous to consumers.

Sincerely,

Daniel Peters

MTC–00033416

From: Andre—A—Smith@RL.gov@inetgw
To: Microsoft ATR
Date: 1/25/02 6:23am
Subject: Microsoft Settlement PLEASE READ

The only thing the Microsoft's competitors really need to level the playing field is to have access to Microsoft's file formats, free of charge or at most nominal, for the Office range of products. Without access to these they will never have the ability to compete in the corporate world. IT departments simply cannot ostracize themselves by picking an alternate OS then not having compatibility with their computers via email and document exchanges. How frustrating is it for you when someone sends you a file via email that you cannot open, now imagine that times a 1000 or 10,000 how long would you keep your customer base.

There are great products out there that major corporations simply cannot afford to use them do to the amount of work involved in getting them to be useable outside of the company by their customers and business contacts or partners. Just take Microsoft's ability to lock customers in just because that's what every body else uses.

Andre'' Smith
LMSI Solutions Center
1981 Snyder Richland Wa 99352
(509) 373–4207

MTC–00033417

From: Fisher
To: MSvsusdoj
Date: 1/25/02 7:06am
Subject: Microsoft Settlement

In view of the fact that both District Court and Appeals Court have determined that Micosoft has violated the Sherman Act, I find it difficult to belive that the DOJ's proposed settlment in Microsoft's case is in the public interest. As a consumer I don't understand, how does the DOJ's decision ensure that I'd be still able to obtain the platform, operating system, and other elements of computer-ware of my choice when I'm left at the mercy a single, mnonopolist, monolithic, vender for all my software needs. In my view, the DOJ's decision appears to be stilted in Micosoft's favor and appears to foster monopoly, hinder competitive innovation, and serve no meaningful consumer interest.

Most of us have lost our life's savings in Enron's case. And now, we are being asked to give up our freedom of choice in Microsoft's case.

MTC–00033418

From: PETER MENARDI
To: Ms. Renata Hesse
Date: 1/25/02 7:10am
Subject: Microsoft Settlement
PETER MENARDI
1511 CLUBVIEW BLVD. S.
COLUMBUS, OH 43235
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Peter J. Menardi

MTC–00033419

From: Don Dome
To: Ms. Renata Hesse
Date: 1/25/02 7:33am
Subject: Microsoft Settlement
Don Dome
40 Sherry Road
Cincinnati, OH 45251–4269
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Don Dome

MTC–00033420

From: Ronald Schildroth
To: Ms. Renata Hesse
Date: 1/25/02 7:36am
Subject: Microsoft Settlement
Ronald Schildroth
24658 Q Ave.
Grundy Center, Ia 50638–8519
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Ronald Schildroth

MTC–00033421

From: charles Sellon
To: Ms. Renata Hesse
Date: 1/25/02 7:36am
Subject: Microsoft Settlement
charles Sellon
15 Minchin Dr.
Wooburn, MA 01801
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Charles A. Sellon

MTC–00033422

From: peter russo, sr
To: Ms. Renata Hesse
Date: 1/25/02 7:39am
Subject: Microsoft Settlement
peter russo, sr
103–56 96th Street
Ozone Park, NY 11417
January 25, 2002
Ms. Renata Hesse

U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
peter a. russo

MTC–00033423

From: peter russo, jr
To: Ms. Renata Hesse
Date: 1/25/02 7:39am
Subject: Microsoft Settlement
peter russo, jr
103–56 96th Street
Ozone Park, NY 11417
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
peter a. russo, jr

MTC–00033424

From: patricia russo
To: Ms. Renata Hesse
Date: 1/25/02 7:41am
Subject: Microsoft Settlement
patricia russo
103–56 96th Street
Ozone Park, NY 11417
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

patricia agnes russo

MTC–00033425

From: patricia russo
To: Ms. Renata Hesse
Date: 1/25/02 7:42am
Subject: Microsoft Settlement
patricia russo
103–56 96th Street
Ozone Park, NY 11417
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

patricia angela russo

MTC–00033426

From: Jerome Brenner
To: Ms. Renata Hesse
Date: 1/25/02 7:59am
Subject: Microsoft Settlement
Jerome Brenner
3221 Windrow Lane
Matthews, NC 28105–3938
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance ? the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

G. Jerome Brenner, Jr.

MTC–00033427

From: John Grein
To: Ms. Renata Hesse
Date: 1/25/02 8:00am
Subject: Microsoft Settlement
John Grein
501 Berkey Ave
Swanville, MN 56382–0126
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far

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Sincerely,
John O. Grein

MTC–00033428

From: Christopher Plummer
To: Microsoft ATR
Date: 1/25/02 9:33am
Subject: Microsoft Settlement

Greetings,

I would like to submit the following as a Tunney Act comment regarding my opposition to the proposed final judgement against Microsoft: As an information technologies professional for twenty years I have observed the rise of Microsoft and noted with concern many of its anti-competitive and monopolistic practices, only some of which have been addressed by the DOJ case.

In general I am convinced that the remedy proposed will not prevent Microsoft from unfairly maintaining its monopoly, not stop it from thwarting competition and innovation in the computer and every other industry it touches, and will not in the end prevent Microsoft from harming consumers by hindering their choices in the marketplace.

The PFJ Contains Misleading and Overly Narrow Definitions and Provisions, Fails to Prohibit Anticompetitive License Terms currently used by Microsoft, Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft, Fails to Prohibit Anticompetitive Practices Towards OEMs, and as currently written appears to lack an effective enforcement mechanism.

Please go back to the drawing board and come up with a remedy that will actually protect and benefit consumers!

Thank you,
Christopher Plummer
Lotus Notes Administrator
Independent Contractor
Flemington, NJ USA

MTC–00033429

From: Mark Ball
To: Tunney Act
Date: 1/25/02 9:41am
Subject: Microsoft Settlement

I oppose acceptance of the proposed Microsoft settlement.

mark

MTC–00033430

From: WILDING Inc.
To: AttyGen Ashcroft
Date: 1/25/02 9:44am
Subject: Microsoft Settlement
Alvin G.Wilding & Charlotte H.Wilding
P.O. Box 311
Shaw Island, WA 98286
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

We would like to take this opportunity to convey our opinion about the antitrust settlement regarding Microsoft. The United States has always been supportive of free enterprise yet now it seems the courts are looking to make an example of someone. Microsoft is a huge company so they were targeted. The lawsuit is superfluous with absolutely no basis. It has dragged on long enough and we feel it is time it was brought to a close. Microsoft has agreed to terms that are more than fair. They are willing to license the internal codes to Windows, which will make it easier for other companies to compete. They also have agreed not to retaliate against other companies who promote or produce software or hardware that competes with Microsoft.

There are many other terms that Microsoft has agreed to that simply should have been asked in the first place. If litigation is allowed to continue it would be a waste of time and money. There are more pressing matters that the court should focus its attention on. I hope that this matter is settled soon.

Sincerely,
Alvin G.Wilding
Charlotte H.Wilding

MTC–00033431

From: William Peters
To: Ms. Renata Hesse
Date: 1/25/02 10:09am
Subject: Approve the Microsoft Settlement
William Peters
13314 10th Ave. NE
Seattle, WA 98125
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

Approve the Microsoft Settlement

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

William G. Peters

MTC–00033432

From: Mark Ball
To: Tunney Act
Date: 1/25/02 10:14am
Subject: Microsoft Settlement

I oppose adoption of the proposed Microsoft settlement. The proposed settlement does not limit or reverse the monopolistic practices that brought the trial. Furthermore, the proposed settlement grants Microsft rights that, history will show, Microsoft will use to expand its monopoly under the protection of the settlement.

I see a strong structural remedy as the only means to prevent Microsft's monopoly from expanding into other lines of business. A structural remedy must be such that anticompetitive behavior directed at competitors will harm Microsoft equity as a natural consequence of a capital market. Most likely, this would mean that Microsoft must be divided so that post-Microsoft entities will be on equal footing as current Microsoft competitors.

Furthermore, I see continued goverment monitoring as impotent. I suggest that the settlement grant non-Microsoft entities who must do business with Microsoft due to Microsoft monopoly the right to sue for and recover damages when Microsoft makes unfavorable changes to their relationship due to the non-Microsoft entity's utilization of non-Microsoft software.

Mark Ball

MTC–00033433

From: Susan Peters
To: Ms. Renata Hesse
Date: 1/25/02 10:15am
Subject: Approve the Microsoft Settlement
Susan Peters
13314 10th Ave NE
Seattle, WA 98125
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Susan Peters

MTC–00033434

From: Christopher Albright
To: Ms. Renata Hesse
Date: 1/25/02 10:42am
Subject: Microsoft Settlement
Christopher Albright
P.O. Box 442
Harvey, LA 70059–0442
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely yours,
Christopher Albright

MTC–00033435

From: Denise (038) Jim Nice
To: Ms. Renata B. Heese
Date: 1/25/02 11:08am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Denise & Jim Nice
3801 Montevista Rd.
Cleveland Heights, OH 44121–1612
CC: Citizens for a Sound Economy

MTC–00033436

From: Martha Spielman
To: Ms. Renata B. Heese
Date: 1/25/02 11:20am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company. Our Fort Gibson Chamber of Commerce is comprised of 70 members, so I speak, representing their voice.

Respectfully,
Fort Gibson Chamber of Commerce
Martha Spielman, Executive Director
P.O. Box 730
Fort Gibson, OK 74434–0730
CC:
Citizens for a Sound Economy

MTC–00033437

From: Ken Wheeler
To: Ms. Renata Hesse
Date: 1/25/02 12:14pm
Subject: Microsoft Settlement
Ken Wheeler
1580 Hanwood Drive
McConnelsville, OH 43756–9592
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW., Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Ken Wheeler

MTC–00033438

From: Stephanie Smith
To: Ms. Renata Hesse
Date: 1/25/02 12:28pm
Subject: Microsoft Settlement
Stephanie Smith
518 Treetop Dr Apt 201
Virginia Beach, VA 23451
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW., Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Stephanie Smith

MTC–00033439

From: Michael (038) Sally Pickett
To: Ms. Renata B. Heese
Date: 1/25/02 12:37pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

Michael & Sally Pickett
963 Morello Ave.
Martinez, CA 94553–4749
CC: Citizens for a Sound Economy

MTC–00033440

From: Ferol & Joan Baskett
To: Ms. Renata Hesse
Date: 1/25/02 12:44pm
Subject: Microsoft Settlement
Ferol & Joan Baskett
7338 S.E. Berryton Rd.
Berryton, KS 66409–9601
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW., Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Ferol & Joan Baskett

MTC–00033441

From: Donald Fogg
To: Ms. Renata Hesse
Date: 1/25/02 1:11pm
Subject: Microsoft Settlement
Donald Fogg
16 Governors Terrace
Lancaster, NH 03584
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW., Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Donald A Fogg

MTC–00033442

From: Francis Gallagher, Jr
To: Ashcroft John
Date: 1/25/02 1:22pm
Subject: Microsoft Case
Francis Gallagher
504 Truman Court
Norristown, PA 19403
January 15, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I have been following the Microsoft antitrust case for a while now, and I have become concerned of late that the settlement reached last November will not stand. Nine plaintiff states are currently seeking to overturn the agreement and reopen the Microsoft case. This is foolishly unnecessary. I do not believe the settlement reached is unfair, nor do I believe that Microsoft and the Justice Department should be forced back into a time-consuming, expensive court battle when a perfectly reasonable settlement has already been reached. The Department of Justice has, I believe, done an exemplary job in satisfying the demands of antitrust legislation and formulating terms of agreement that are beneficial both to Microsoft and its competitors. Such a difficult task should not have to be repeated unnecessarily.

Microsoft has agreed to a broad range of obligations in the settlement, all of which allow its competitors access to the Windows operating system and protect them from retaliation on the part of Microsoft. For example, Microsoft has agreed to provide third parties acting under the terms of the agreement with a license to applicable intellectual property rights. Microsoft has also agreed to license the Windows operating system and all its products to twenty of the largest computer makers. I do not believe any more needs to be required of Microsoft, nor do I believe that competing software makers have been left holding the short end of the stick. Everyone can benefit from this agreement, and this is why I cannot support those who feel that the settlement needs to be overturned and further modifications made.

Sir, the settlement reached prevents Microsoft from further violations of antitrust laws. I see no reason to take additional action on the federal level. I urge you and your office to allow business to return to normal and to let November's settlement carry through.

cc: Senator Rick Santorum

Sincerely,

Francis Gallagher

MTC–00033443

From: frank senko
To: Ms. Renata Hesse
Date: 1/25/02 1:28pm
Subject: Microsoft Settlement
frank senko
535 Gilford Ave.
Toms River, NJ 08753–8234
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW., Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

frank p. senko

MTC–00033444

From: Constance Root
To: Ms. Renata Hesse
Date: 1/25/02 1:33pm
Subject: Microsoft Settlement
Constance Root
8472 Maplewood Lane
Lenexa, KS 66215
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Constance J Root

MTC–00033445

From: Sharon Foley
To: Ms. Renata Hesse
Date: 1/25/02 1:57pm
Subject: Microsoft Settlement
Sharon Foley
1609 South Lee St.
Lakewood, CO 80232
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Sharon Foley

MTC–00033446

From: Elizabeth Beyne
To: Ms. Renata Hesse
Date: 1/25/02 2:09pm
Subject: Microsoft Settlement
Elizabeth Beyne
521 Oak Street
Marquette, MI 49855
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

E F Beyne

MTC–00033447

From: Margie O. Easter

To: Ms. Renata Hesse
Date: 1/25/02 2:26pm
Subject: Microsoft Settlement
Margie O. Easter
849 Knollwood village
Southern Pines, NC 28387–3007
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Margie O. Easter

MTC–00033448

From: Ronald Carlen
To: Ms. Renata Hesse
Date: 1/25/02 2:51pm
Subject: Microsoft Settlement
Ronald Carlen
4 Skyview Road
Wayne, NJ 07470–6283
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Ronald J. Carlen

MTC–00033449

From: Patricia Beck
To: Ms. Renata B. Heese
Date: 1/25/02 3:03pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Patricia Beck
6699 Capricorn Ln. NE
Bremerton, WA 98311–7953
CC: Citizens for a Sound Economy

MTC–00033450

From: erin larsen
To: Ms. Renata Hesse
Date: 1/25/02 3:32pm
Subject: Microsoft Settlement

erin larsen
600 sw kenyon st #d302
seattle, wa 98106
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement. This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
erin larsen

MTC–00033451

From: Charlie Dromgoole
To: Ms. Renata B. Heese
Date: 1/25/02 3:55pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Charlie Dromgoole
P. O. Box 2281
Abilene, TX 79604–2281
CC: Citizens for a Sound Economy

MTC–00033452

From: Thomas McCartney
To: Ms. Renata Hesse
Date: 1/25/02 4:42pm
Subject: Microsoft Settlement

Thomas McCartney
2114 C.R. 442
La Veta, Co 81055–9658
January 25, 2002 Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would

like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Thomas F. McCartney

MTC–00033453

From: Jack A Milavic
To: Ms. Renata Hesse
Date: 1/25/02 4:50pm
Subject: Microsoft Settlement

Jack A Milavic
650 Jubilee Street
Melbourne, Fl 32940

January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse.:

I would like to strongly express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Jack A. Milavic

MTC–00033454

From: Alice Egland
To: Ms. Renata Hesse
Date: 1/25/02 4:54pm
Subject: Microsoft Settlement

Alice Egland
131 Hawthorne Court
Rockaway, NJ 07866
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Alice Egland

MTC–00033455

From: Chester A. Phillips, Jr.
To: Ms. Renata Hesse
Date: 1/25/02 5:04pm
Subject: Microsoft Settlement

Chester A. Phillips, Jr.
712 Foxtail Court
Naples, FL 34104–5103
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Chester A. Phillips, Jr. M.D.

MTC–00033456

From: Shirley Tomich
To: Ms. Renata B. Heese
Date: 1/25/02 5:06pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

Shirley Tomich
1142 West 15th Street
San Pedro, CA 90731–3826
CC: Citizens for a Sound Economy

MTC–00033457

From: Walter Glatz
To: Ms. Renata Hesse
Date: 1/25/02 5:29pm
Subject: Microsoft Settlement
Walter Glatz
7200 Walton Road
Walton Hills, Oh 44146
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Walter Glatz

MTC–00033458

From: Gerry Cairns
To: Ms. Renata Hesse
Date: 1/25/02 5:37pm
Subject: Microsoft Settlement
Gerry Cairns
26 Millport Drive
The Woodlands, Tx 77382
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW., Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Gerry Cairns

MTC–00033459

From: Helen Orr
To: Ms. Renata Hesse
Date: 1/25/02 5:48pm
Subject: Microsoft Settlement
Helen Orr
6108 Lafreniere St.
Metairie, La 70003–3641
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW., Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Helen Orr

MTC–00033460

From: Christian S. Young
To: Ms. Renata Hesse
Date: 1/25/02 5:51pm
Subject: Microsoft Settlement
Christian S. Young
16007 Fontaine Aveneu
Austin, TX 78734–2644
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW., Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Christian S. Young

MTC–00033461

From: John Standal
To: Ms. Renata Hesse
Date: 1/25/02 7:08pm
Subject: Microsoft Settlement
John Standal
440 Hao Street
Honolulu, HI 96821
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW., Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

John Standal

MTC–00033462

From: clayton patterson
To: Ms. Renata Hesse
Date: 1/25/02 7:20pm
Subject: Microsoft Settlement
clayton patterson
3420 ellenmere drive
sacramento, ca 95821–6212
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW., Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

clayton patterson

MTC–00033463

From: Alan Lane
To: Ms. Renata Hesse
Date: 1/25/02 7:35pm
Subject: Microsoft Settlement
Alan Lane
2931 Pine Cone Circle
Clearwater, Fl 33760
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW., Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Alan Lane

MTC–00033464

From: Fred H. Greenwood
To: John Ashcroft
Date: 1/25/02 8:24pm
Subject: RE'' Microsoft Settlement
BlankDear General Ashcroft:
Please read the attached letter.
Thank you, and sincerely yours,
Fred H. Greenwood
FRED H. GREENWOOD
7 Kirkwood Road, West Hartford, CT 06117–2830
TEL (860) 232–7894
E-mail: fhgreenwood3@attbi.com
January 26, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW.,
Washington, DC 20530

Dear General Ashcroft:

The purpose of my letter is to express my support for Microsoft in the three-year antitrust dispute. Microsoft is a company that I admire, and whose products I use daily, both for my business as well as in my private life. Microsoft has contributed a great deal to our society and daily lives; stifling this company will not benefit anyone. I urge you to support the settlement reached in November. I also think it is disgusting that Mr. Blumenthal and several other states'' Attorney Generals are still pursuing this case.

This settlement is fair and reasonable. Microsoft has agreed to grant computer makers broad new rights to configure Windows so as to promote non-Microsoft software programs that compete with programs included within Windows. Microsoft also has agreed to document and disclose for use by its competitors various interfaces that are internal to Windows. Additionally, Microsoft has agreed to be monitored for compliance. In my opinion, Microsoft has done nothing that has hurt me as a consumer and as the owner of a small business.

Since a settlement has been reached between both parties, I see no reason to prolong this dispute. Our nation's resources, especially at this time, should be devoted to more important issues. I think that you, personally, as well as your staff, are doing a great job for our country! Thank you for your support.

Sincerely yours,

Fred H. Greenwood

C:\win\temp/microsof.doc

MTC–00033465

From: Frank N. Peterson
To: Department of Justice
Date: 1/25/02 9:25pm
Subject: Microsoft Settlement

Department of Justice:

The case against Microsoft has dragged on long enough. It needs to be settled and I think the agreement reached is reasonable. It is now the responsibility of the DOJ to get AOL and the other states holding out to drop their complaints.

My experience with computers is limited but the worst possible service I have tried to use came from AOL. It was unreliable and difficult to use. When I shifted to Microsoft programs and service, it was like night and day. Whatever Microsoft did produced a superior, easy to use product and my ability to expand my computer use was enhanced.

The gripes by AOL (hardly a minor player when it comes to monopolies) and Oren Hatch as well as others, seem to be petty because they are losers in the creativity related to the world of computing.

In short, it is time to move forward—not to drag this on further. Enough damage has been done already by the Department of Justice in fostering the lawsuit. Settle it now and let the players see how creative they can be. There is plenty of room for innovation for all parties.

Sincerely,

Frank N. Peterson.

MTC–00033466

From: David Greenwood
To: Ms. Renata Hesse
Date: 1/26/02 5:47am
Subject: Microsoft Settlement
David Greenwood
12 East View DRive
Farmington, Ct 06032
January 26, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

David Greenwood

MTC–00033467

From: Gregory LeDuc
To: Ms. Renata Hesse
Date: 1/26/02 6:54am
Subject: Microsoft Settlement
Gregory LeDuc
95 Church Street
Harwich, Ma 02645
January 26, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The

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Sincerely,

Gregory J. LeDuc

MTC–00033468

From:
H_J_Bronson@compuserve.com@inetgw
To: Microsoft ATR
Date: 1/26/02 7:13am
Subject: Microsoft vs. DofJ Settlement
January 26, 2002

To Whom It May Concern;

As a citizen and, most importantly, a veteran, voter and taxpayer I cannot understand why the DoJ is still wasting the taxpayers money and its valuable time. The Microsoft settlement is the face-saving end to a wholly unconstitutional, politically corrupt attack on this successful business. The depths of corruption displayed by the previous Administration in falsely bringing on this suit are, forever, a blight on this nation's integrity.

The present Administration and its DoJ representatives bring nothing but disgrace and contempt on themselves for pursuing this frivolous action even to the extent to which you have brought it today.

Settle the damned suit and get on with real problems such as the WAR!! A less than impressed citizen, veteran, voter and taxpayer,

Jim Bronson, KC8RBI
Frankenmuth, Michigan

MTC–00033469

From: Jim Anderson
To: Ms. Renata Hesse
Date: 1/26/02 7:47am
Subject: Microsoft Settlement
Jim Anderson
120 Gratiot Court
Saginaw, MI 48602
January 26, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Jim D. Anderson

MTC–00033470

From: smith
To: Microsoft ATR
Date: 1/26/02 9:00am
Subject: damage

The terrorist acts certainly damaged our economy, but in my opinion the economy was already turning down, and it was brought on by actions of our own Government, when IT pre-sued a major player in our world—Microsoft. Some of that damage can be reversed by allowing the settlement to proceed.

Sincerely,

Steve Smith

MTC–00033471

From: Champagne Lady
To: John Ashcroft
Date: 1/26/02 10:31 am
Subject: Microsoft Settlement
Please see the attached document. Thank you. Leslie Whitman
Leslie Whitman
P.O. Box 500598
Marathon, FL 33050
January 21, 2002
A.G. John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

I am writing you today in regards to Microsoft. I support this company in the three year antitrust litigation that has gone on. Microsoft is being wrongfully punished for being successful, and the settlement reached in November will serve in the best public interest.

This settlement is thorough. Among the many terms Microsoft has agreed to, provisions such as sharing more information with other companies will aid companies in their pursuits to compete. Microsoft has agreed to disclose various interfaces that are part of Windows operating systems for its competitors. Microsoft has also agreed to make available any protocols implemented in Windows operating system on reasonable terms.

This settlement not only allows Microsoft to remain together, but it will also foster competition. Please support this settlement

so Microsoft can get back to the business of designing innovative software.

Sincerely,

Leslie Whitman

MTC–00033472

From: Francis Murray
To: Ms. Renata Hesse
Date: 1/26/02 10:38am
Subject: Microsoft Settlement
Francis Murray
1839 S. Abrego Dr.
Green Valley,, AZ 85614–1401
January 26, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Francis A. Murray

MTC–00033473

From: Susan Levitsky
To: Ms. Renata Hesse
Date: 1/26/02 10:52am
Subject: Microsoft Settlement
Susan Levitsky
5 Holland Ave
Albany, NY 12205–5013
January 26, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Susan Levitsky

MTC–00033474

From: Billie Allensworth
To: Ms. Renata Hesse
Date: 1/26/02 11:06am
Subject: Microsoft Settlement
Billie Allensworth
2411 Winter Park Road
Winter Park, FL 32789–6108
January 26, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance ? the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Billie Allensworth

MTC–00033475

From: Richard H. Skeppstrom
To: DoJ
Date: 1/26/02 11:21am
Subject: Microsoft Settlement

Ladies and Gentlemen:

In my view the settlement reached among the Department of Justice, nine states, and Microsoft is a fair and reasonable compromise which should be implemented with as little delay as possible. Continuing litigation would have a negative effect on the entire software and computer industries as it would create further uncertainty about the future of those enterprises thus inhibiting investment and progress. In these economic doldrums, more uncertainty is exactly what we do not need.

Thank you for your kind attention to my concerns.

Yours truly,
Richard H. Skeppstrom
2601 Bayview Boulevard
Portsmouth, VA 23707–1504

MTC–00033476

From: Sheldon Flowers
To: Ms. Renata Hesse
Date: 1/26/02 11:21am
Subject: Microsoft Settlement
Sheldon Flowers
555 Laramie Trail
Cincinnati , OH 45215
January 26, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Sheldon R. Flowers

MTC–00033477

From: JOHN CARROLL
To: Ms. Renata Hesse
Date: 1/26/02 11:27am
Subject: Microsoft Settlement
JOHN CARROLL
911 N TAWAS LAKE
E TAWAS, MI 48730
January 26, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

John J CarrollI would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

JOHN J CARROLL

MTC–00033478

From: Verne Robinson
To: Ms. Renata Hesse
Date: 1/26/02 12:16pm
Subject: Microsoft Settlement
Verne Robinson
226 W. Works
Sheridan, wy 82801
January 26, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Verne and Mary Robinson

MTC–00033479

From: Ralph Lennerth
To: Ms. Renata Hesse
Date: 1/26/02 12:29pm
Subject: Microsoft Settlement
Ralph Lennerth
6107 Boston Rd.
Valley City , Oh 44280
January 26, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Ralph Lennerth

MTC–00033480

From: Walter Knoepfel
To: Ms. Renata Hesse
Date: 1/26/02 1:13pm
Subject: Microsoft Settlement
Walter Knoepfel
1723 Sanchez St
San Francisco, CA 94121–2740
January 26, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. After reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit, the Department of Justice and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater significance. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Walter P. Knoepfel

MTC–00033481

From: Ward K. Wilkinson
To: Ms. Renata Hesse
Date: 1/26/02 1:44pm
Subject: Microsoft Settlement
Ward K. Wilkinson
4206 Hockaday Dr.
Dallas, Tx 75229
January 26, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Ward K. Wilkinson

MTC–00033482

From: Ronald Zacharek
To: Ms. Renata Hesse
Date: 1/26/02 1:57pm
Subject: Microsoft Settlement
Ronald Zacharek
1019 E. Knox Dr.
Tucson, AZ 85719
January 26, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Ronald Zacharek

MTC–00033483

From: Bluebell Standal
To: Ms. Renata Hesse
Date: 1/26/02 2:28pm
Subject: Microsoft Settlement
Bluebell Standal
440 Hao Street
Honolulu, HI 96821

January 26, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Dr. Bluebell R. Standal

MTC–00033484

From: Otto Zuber
To: Ms. Renata Hesse
Date: 1/26/02 2:49pm
Subject: Microsoft Settlement
Otto Zuber
1660 Pine Valley Dr
Fort Myers, FL 33907–5754
January 26, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Otto Zuber

MTC–00033485

From: Shmuel (Seymour J.) Metz
To: verify@kegel.com@inetgw
Date: 1/26/02 2:52pm
Subject: Re: Verifying you as cosigner of Open Letter to DOJ
In <200201260654.g0Q6sLU02903@kegel.com>, on 01/25/2002 at 10:54 PM, verify@kegel.com said:

Thanks for joining my open letter to the DOJ!

To make sure nobody is using your email account without permission, I

need you to reply to this message and fill in the following fields

as you would like them to appear in the open letter:

Name: Shmuel (Seymour J.) Metz
City: Annandale
State: Virginia
Title:
Organization: Atid/2

I encourage you, if you have not already done so, to send a quick

note directly to the DOJ by fax or email (see http://www.kegel.com/remedy for how) summing up your point of view

and endorsing my open letter.

I've already sent a message to DOJ outlining my concerns and what I believe to be the minimum acceptable remedy. I've cc'd them on this since I did not mention your open letter in my comments. Please understand that while I endorse everything in your letter, and gladly offer my name in support, it did not address all of my concerns, so I felt that it was appropriate to send my message on its own.

Shmuel (Seymour J.) Metz, SysProg and JOAT
Atid/2
Team OS/2

MTC–00033486

From: Richard Martin
To: Ms. Renata Hesse
Date: 1/26/02 3:38pm
Subject: Microsoft Settlement
Richard Martin
2018 W. Niobe Ave
Anaheim, CA 92804
January 26, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than

$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Richard C. Martin

MTC–00033487

From: kenneth bridgers
To: USDOJ.GOV.,eagle@exp.net@inetgw
Date: 1/26/02 3:57pm
Subject: MICROSOFT SETTLEMENT

dear sir,

i am 69 years old and have had a computer for 2 years and enjoying it. the windows system has enabled me to learn, i would never learn using the ms-dos system. if i had computers with windows system when i was in grade school i would have been an A student ! this settlement could mean that some underprivledged students may be the ones that solve some of the worlds'' problems.

please do not penalize microsoft for building a better mouse trap. i beleave most people want these lawsuits to end so that microsoft and the other hi-tech companies can lead this economy forward.

thank you for your time,

kenneth r. bridgers

188 louise street

bridge city, texas 77611

MTC–00033488

From: Leonard Biederman
To: Ms. Renata Hesse
Date: 1/26/02 3:57pm
Subject: Microsoft Settlement
Leonard Biederman
6162 Westerham Rd.
Mayfield Hts., OH 44124–3308
January 26, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Leonard Biederman

MTC–00033489

From: Marjorie Barraclough
To: Ms. Renata Hesse
Date: 1/26/02 4:24pm
Subject: Microsoft Settlement
Marjorie Barraclough
4451 Lewistown, PA 17044
January 26, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Marjorie E. Barraclough

MTC–00033490

From: Craig Hammargren
To: Ms. Renata Hesse
Date: 1/26/02 4:39pm
Subject: Microsoft Settlement
Craig Hammargren
2748 Cobblestone Court
Fargo, ND 58103
January 26, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Craig Hammargren

MTC–00033491

From: Howard B Lewine
To: Microsoft ATR
Date: 1/26/02 5:20pm
Subject: Settlement

Gentlemen.

Please be advised as a Senior Citizen and long time user of Microsoft's software, I urge you to implement the proposed antitrust settlement. Sincerely, Howard Lewine

MTC–00033492

From: SJ Worrall
To: Microsoft ATR
Date: 1/26/02 5:20pm
Subject: Antitrust Settlement

The settlement proposed by The DOJ certainly does not contribute to the economy of the country and in my opionion represents a huge (tax supported) group of lawyers seeking to justify their jobs. Settle the D—- lawsuit and let Microsoft get on with their job of creating software, advancing the economy of the the country and making profit. Competition is good. Microsoft certainly does not and never has had a monopoly. The industry moves too fast for that to happen.

S.J. Worrall

MTC–00033493

From: Betty Scheid
To: Microsoft ATR
Date: 1/26/02 5:20pm
Subject: Microsoft Settlement

Please allow the market to function in its normal way and halt any further litigation in this matter. The events surrounding this case have mainly served to enrich a gaggle of lawyers while bringing down a very productive segment of our economy. It is time to put a stop to the whole ugly mess and the sooner, the better.

B. J. Scheid

Citizen

MTC–00033494

From: E W Dreier
To: Microsoft ATR
Date: 1/26/02 5:22pm
Subject: Microsoft Settlement

MTC–00033495

From: Gregory Liban
To: Department of Justice
Date: 1/26/02 6:28pm
Subject: Message From a Concerned Citizen

Dear Department of Justice:

Please leave Microsoft alone. I constantly sense that people are seeking revenge against Microsoft in a mistaken way. Microsoft is not a Tobacco company whose products have caused cancer. Microsoft is also not a company whom has thrived because it squeezes out competition just for the sake of market share.

Microsoft wants to give a Billion dollars worth of Computer equipment to those who need it, and whose side does the government take. Gee, not with those whom might need the computers, but with Microsoft's competitors! So where is the cancer here? Now, because its competitors aren't happy, they want to question the very decision of the court and the precepts of the decision in the Microsoft case. Come on; let's get our thinking hats on straight. What is deciding the decision of all the Microsoft issues? Is it poor competition, or poor politics? What is the cancer here? Has government killed the cancer, or is it feeding the cancer? Perhaps the government needs to take a couple of steps back and really figure out what is going on.

Why can't half the automation equipment purchased by Microsoft come from its competitors like Linux, Sun or BeOS. I can answer that! It's because it doesn't meet the need of the common user. Duh? Apple is a niche product—or at least its in many of the schools. Gee, why can't Apple be called a monopoly? Perhaps the government needs to spur across-the-board automation industry growth in non-legal means. I enjoy Microsoft products and they provide jobs to millions of people in the computer industry. Moreover,

Microsoft leads the industry in innovation and meeting the consumer's needs. Don't disrupt a company that helps all of us in so many needs. Moreover, I ask that you don't listen to all the voices that shout Microsoft hatred!

Being a politician or someone in political office isn't always popular. I know because I work in the Federal Government. But, we are always entitled to make good decisions based upon the best available information. Good or bad, easy or hard.

Sincerely,
Gregory Liban
6100 East Rancier Avenue
Lot #349
Killeen, TX 76543–8897

MTC–00033496

From: Michael Emery
To: Ms. Renata Hesse
Date: 1/26/02 7:43pm
Subject: Microsoft Settlement M
ichael Emery
21257 Del Oro Road
Apple Valley, Ca 92308–7746
January 26, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Michael A. Emery

MTC–00033497

From: Robert P. Clark, Jr.
To: Ms. Renata Hesse
Date: 1/26/02 9:01pm
Subject: Microsoft Settlement
Robert P. Clark, Jr.
200 W. 34th Ave., #344
Anchorage, AK 99503–3969
January 27, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Robert P. Clark, Jr.

MTC–00033498

From: emc2@vanvan.org@inetgw
Date: 1/26/02 9:09pm
Subject:
Message-ID:
<009101cla6f0$c7e107e0$e30d389d
@redmond.corp.microsoft.com>
From: ''Van Van'' <emc2@vanvan.org>
To: <Microsoft.atr@usdoj.gov>
Subject: Microsoft Settlement
Date: Sat, 26 Jan 2002 21:09:21 -0800
MIME-Version: 1.0
Content-Type: multipart/alternative;
boundary='' _NextPart_
000008C_01C1A6AD.B98E5370''
X-Priority: 3
X-MSMail-Priority: Normal
X-Mailer: Microsoft Outlook Express
6.00.2600.0000
X-MimeOLE: Produced By Microsoft
MimeOLE V6.00.2600.0000
This is a multi-part message in MIME format.
—=_NextPart_000
_008C_01C1A6AD.B98E5370
Content-Type: text/plain; charset=''iso-8859–
1''
Content-Transfer-Encoding: quoted-printable

To Whom It May Concern:

I believe that the settlement of the United States of America vs. Microsoft Corporation is in the best interest of the American public and should be accepted by the District Court. I admit that it is difficult to ascertain the

minute details of the settlement. I would have preferred a document in laymen's terms published on the DOJ website that detailed the finer points of the document including the impact of said settlement for the American public. Instead, I had to gather as much information as I could from reading the briefs as well as seek out supplemental documents to reinforce my understanding.

I believe this settlement is in the best public interest for several reasons. First and foremost, I believe the settlement to be fair for all parties—restricting Microsoft from certain practices but allowing for entrepreneurial innovation so that the industry may progress unabated. The most important point to note is that we cannot stifle competitiveness nor creativity while we reign in behaviors and actions. We must ensure that the consumer benefits from this settlement and I believe that they do.

Second, this case has gone on for quite a while and consumes resources, both from the US government as well as Microsoft. Putting an end to this will result in freed up resources to do other things that is beneficial to the American public. For the government, it might be diverting these millions of dollars towards litigation to other areas such as Homeland Security. For Microsoft, it may mean diverting these same legal fees to perhaps making better products or reducing cost for the consumer. On both fronts, the benefits are significant and immediately impactful.

Third, in the light of recent events, including the burst of the Internet bubble, the US economy weakening, the September 11th attack, the War Against Terrorism, and Homeland Security, the American public has enough to deal with. When one compares the September 11th incident with this case, there is absolutely no comparison. Though this case is very important and does affect the American public, recent events have relegated this case to a second class citizen at best, which is a good thing considering the more important and urgent needs of this country. Continuing this case will only burden the American public and interest. Putting this down and allowing the country to focus on other more important issues will give this country more of a chance to quickly get back on our feet and move on from the many disappointments of these past few years and hopefully move into a much brighter and prosperous era for us all.

It no longer matters who is right and who is wrong. What matters is that at the end of the day, the American interest is preserved and the American public is protected. I believe the best way to do this is to move on from this case—accept the settlement and move on.

As an ancient Chinese saying illustrates—what happens when two boulders try to prove to each other that one is stronger by crushing people between them? It didn't really matter in the end—no one was alive to talk about it.

All jest aside, I hope this illustrates that ultimately we are all working for the best of the American people. Let's make sure that happens. Let's focus on the really important things in life. Let's move on from this matter.

Humbly yours,

Van C. Van

MTC–00033499

From: Marjorie Stump
To: Ms. Renata Hesse
Date: 1/26/02 9:14pm
Subject: Microsoft Settlement
Marjorie Stump
917 Hwy 20 N
Thermopolis, WY 82443
January 27, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Mrs. Marjorie Stump

MTC–00033500

From: Marjorie Ryan
To: Ms. Renata Hesse
Date: 1/26/02 10:03pm
Subject: Microsoft Settlement
Marjorie Ryan
1448 Larson Road
Roseburg, OR 97470–9773
January 27, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Marjorie L. Ryan

MTC–00033501

From: Jane Williford
To: Ms. Renata B. Heese
Date: 1/26/02 10:50pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

Jane Williford
142 Aycock Drive
Goldsboro, NC 27530–9500
CC: Citizens for a Sound Economy

MTC–00033502

From: Eleanor Klar
To: Atty Gen Aschccroft
Date: 1/26/02 11:51pm
Subject: RE:Microsoft Settlement
11211 E Springfield Avenue
Spokane, WA 99206
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

There has recently been a settlement to the antitrust lawsuit between Microsoft and the Department of Justice. While I do not agree with the relentless pursuit of the Microsoft Corporation, I am happy to see that a settlement has been reached. The United States government needs to move on and worry about more important issues.

Microsoft will now be working much closer and communicating much more with their competitors. They will be giving their competitors code and other information that makes-up the Windows operating system. They will also be allowing their competitors to remove Microsoft-made software from Windows, and replace it with non-Microsoft software. Enough is enough. Microsoft agreed to terms that extend well beyond what was issue in the initial suit, just for the sake of ending this senselessness. I support this settlement and would like to see it implemented as soon as possible.

Sincerely,

Eleanor Kiar

MTC–00033503

From: MARIO MARTINEZ,SR.
To: Ms. Renata Hesse
Date: 1/27/02 5:30am
Subject: Microsoft Settlement
MARIO MARTINEZ,SR.
P.O.BOX 21197
HOUSTON, TX 77226
January 27, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

MARIO MARTINEZ,SR.

MTC–00033504

From: Mtume Imani
To: Justice Department
Date: 1/27/02 7:16am
Subject: Microsoft Settlement

Dear Justice Department:

This e-mail is to add my voice to the settlement of the Microsoft case before you. The public and consumer interest has been very well served, and the time to end this costly and damaging litigation has come. I do not want the special interests to defeat the public interest in this case. The proposed settlement offers a reasonable compromise that will enhance the ability of seniors and all Americans to access the InterNet and use innovative software products to make our computer experience easier and more enjoyable.

I RAISE MY VOICE—STOP THE SELF-SERVING, PUNITIVE LOBBYING NOW. SET MICROSOFT FREE!

Member—The Seniors Coalition

MTC–00033505

From: Elisha Nall
To: Ms. Renata Hesse
Date: 1/27/02 11:00am

Subject: Microsoft Settlement
Elisha Nall
729 Mac Arthur
Wake Village, TX 75501–6163
January 27, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement. This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Elisha Nall

MTC–00033506

From: Vickie Nall
To: Ms. Renata Hesse
Date: 1/27/02 11:01am
Subject: Microsoft Settlement
Vickie Nall
729 Mac Arthur
Wake Village, TX 75501–6163
January 27, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Vickie Nall

MTC–00033507

From: Nathan Nall
To: Ms. Renata Hesse
Date: 1/27/02 11:02am
Subject: Microsoft Settlement
Nathan Nall
729 Mac Arthur
Wake Village, TX 75501–6163
January 27, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Nathan Nall

MTC–00033508

From: Richard Roullard and Shirley Roberts
To: John Ashcroft
Date: 1/27/02 11:26am
Subject: Microsoft Settlement
Richard Roullard
562 Basil Road
Oak Harbor, WA 98277
January 26, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

As a user of Microsoft products, I'm writing to voice my support for the recent settlement reached between Microsoft and the Justice Department. I feel that the settlement is reasonable and benefits all of us. For example, Microsoft has agreed to open up its operating system to allow computer makers to remove Microsoft products and install competing products in their places. Microsoft has also agreed that they won't take any action against computer makers that choose to ship or develop competing operating systems.

Based on these facts, I encourage you to support this settlement. Ultimately, the competitive environment this settlement encourages will benefit consumers and our economy.

Sincerely,
Richard Roullard

MTC–00033509

From: Harry Moore
To: Ms. Renata Hesse
Date: 1/27/02 11:45am
Subject: Microsoft Settlement
Harry Moore
P.O.Box 2180
Atascadero, CA 93423–2180
January 27, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Harry J. Moore

MTC–00033510

From: Dorothy Jansen
To: Ms. Renata Hesse
Date: 1/27/02 1:13pm
Subject: Microsoft Settlement
Dorothy Jansen
8507 Wentworth Ave. S.
Bloomington, MN 55420–2253
January 27, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Dorothy Jansen

MTC–00033511

From: Thomas Prantner
To: Ms. Renata Hesse
Date: 1/27/02 1:30pm
Subject: Microsoft Settlement
Thomas Prantner
8350Aldrich Ave. S.
Bloomington, MN 55420–2259
January 27, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Tom Prantner

MTC–00033512

From: norman davis
To: Ms. Renata Hesse
Date: 1/27/02 1:58pm
Subject: Microsoft Settlement
norman davis
123 Marmora road
parsippany, nj 07054
January 27, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted. The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

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Sincerely,

Norman T. Davis

MTC–00033513

From: William Ransom
To: Ms. Renata Hesse
Date: 1/27/02 2:09pm
Subject: Microsoft Settlement
William Ransom
1616 Ocean Dr., Apt. 307
Vero Beach, Fl 32963
January 27, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely

W. R. Ransom

MTC–00033514

From: Walter Schmidt
To: Attorney General John Ashcroft
Date: 1/27/02 4:16pm
Subject: Microsoft Settlement
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Fax: 202–307–1454—202–616–9937
Email: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement

Dear Mr. Ashcroft:

Microsoft continues in its role as a leader in the Information Technology industry. They do this not by luck, but because they are the best at what they do. Microsoft has given us, the business user, the ability to do things we only dreamt of a decade ago. They have done this efficiently and effectively, while at the same time their products have developed a network of satisfied users.

It appears other companies are now trying to take advantage of Microsoft's current situation because they are unable to accomplish on their own what Microsoft has successfully done. To continue litigation, already agreed to by the Department of Justice, nine states and Microsoft, would prove to be a waste of time and money.

As an Information Technologies CPA, I continue to use Microsoft products as part of my day-to-day work routine. I do this after an ever continuing and exhaustive review of available products, and because I feel that they continue to be the best, the market has to offer.

The settlement currently under review is fair. Microsoft has agreed to terms that will allow other companies to be better equipped to compete. So far, the passage of time without litigation resolution has caused little harm. Nevertheless, this issue needs to be resolved before it does do serious harm to either Microsoft, the Information Technologies industry, or our country's economy. I would hope the Justice Department feels the same way, sees that the proffered settlement is indeed in the public interest, and submits its final report, recommending acceptance of the settlement.

Sincerely,
Walter C. Schmidt, CPA
383 Second Avenue
Massapequa Park, NY 11762
516.799.8300
Cc: Microsoft
FAX: 800–641–2255
Email: fin@mobilizationoffice.com
CC:Microsoft,Walter Schmidt

MTC–00033515

From: Henrietta Conway
To: Ms. Renata Hesse
Date: 1/27/02 4:31pm
Subject: Microsoft Settlement
Henrietta Conway
571 Oak Park Way
Emerald Hills, CA 94062
January 27, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Henrietta Conway

MTC–00033516

From: IAN J. PATTERSON
To: Department Of Justice
Date: 1/27/02 4:37pm
Subject: MICROSOFT SETTLEMENT

To Whom It May Concern,

YES: I firmly believe that settlement between Microsoft, the Justice Department and bipartisan groups of State Attorneys General in the original antitrust case IS in the best interest of our Great Nation.

I also believe that special interest groups/parties consumed with envy, jealousy, unearned potential personal gain, have ''piled on '' the anti-trust case in a most unpatriotic way. Thankfully they are a pitiful minority! The predjudiced behavior of Judge Thomas Penfield Jackson during this sad saga has been most dismaying to say the least!

The vast majority of States representing The American People want settlement!

LET'S MOVE ON !!

IT WILL BENEFIT US AND COMMUNITIES AROUND THE WORLD!!!

Sincerely,
Ian J. Patterson
3423 181st PL NE

Redmond WA 98052

(I'm NOT a Microsoft employee, but hope we restore their FULL FREEDOM TO INNOVATE REAL SOON.)

MTC–00033517

From: Donald Helgeson
To: Ms. Renata Hesse
Date: 1/27/02 5:11pm
Subject: Microsoft Settlement
Donald Helgeson
2008 Roundleaf Green
Huntsville, AL 35803–1832
January 27, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW., Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Donald V. Helgeson

MTC–00033518

From: Edwin Webster
To: Ms. Renata Hesse
Date: 1/27/02 5:42pm
Subject: Microsoft Settlement
Edwin Webster
69 Red Dog Rd.
Winthrop, WA 98862
January 27, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW., Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

E.H.Webster

MTC–00033519

From: Beverly Riese
To: Ms. Renata Hesse
Date: 1/27/02 5:48pm
Subject: Microsoft Settlement
Beverly Riese
2608 West 3rd
Hastings, Ne 68901–4615
January 27, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW., Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Beverly Riese

MTC–00033520

From: M. June Poff
To: Ms. Renata Hesse
Date: 1/27/02 6:22pm
Subject: Microsoft Settlement
M. June Poff
P.O. Box 776
Helendale, CA 92342
January 27, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW., Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

M. June Poff

MTC–00033521

From: Carl Schoettler
To: Ms. Renata Hesse
Date: 1/27/02 6:42pm
Subject: Microsoft Settlement
Carl Schoettler
1706 SE 10th Place
Cape Coral, FL 33990–4503
January 27, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW., Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Carl A. Schoettler

MTC–00033522

From: Thomas Krolosky
To: Ms. Renata Hesse
Date: 1/27/02 6:44pm
Subject: Microsoft Settlement
Thomas Krolosky
500 Rose Ave.
Long Beach, Ca 90802
January 27, 2002
Ms. Renata Hesse

U.S. Department of Justice, Antitrust Division
601 D Street NW., Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Thomas J. Krolosky

MTC–00033523

From: Mary Mulloy
To: Ms. Renata Hesse
Date: 1/27/02 6:47pm
Subject: Microsoft Settlement
Mary Mulloy
500 Rose Ave.
Long Beach, Ca 90802
January 27, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW., Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Mary Ann Mulloy

MTC–00033524

From: Dan Marinescu
To: fin@mobilizationoffice.com@inetgw
Date: 1/27/02 6:51pm
Subject: Microsoft Settlement
Best Regards,
Dan Marinescu
CC: Microsoft ATR
Dan Marinescu
200 Button Street, Unit 84D
Santa Cruz, California 95060
January 26, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

I have worked in the IT industry for several years and recently became certified as a Systems Engineer. I am very excited about my field, because it has allowed me the opportunity to grow with the rapidly changing industry. During my time in this industry I have had the opportunity to truly admire different companies for what their efforts have done to improve the IT industry. Microsoft is one such company. From the very beginning, Microsoft took the lead in the game with solid innovation that resulted in high-quality products that are easily accessible to consumers at very reasonable prices. I admire Microsoft because they exemplify success.

It is sad to see that they are now being punished for the same some success that help build the country's IT industry. This is shameful betrayal of the spirit of free enterprise! I am writing to ask that you do all that is within your power to end this matter. I believe that terms of the settlement were well reviewed, are fair, and should be formalized as soon as possible and release Microsoft to spread its wings of innovation once again. Looking at the concessions that Microsoft has already made—releasing protocols, code, and intellectual property—it is fair to assume that their will be no further antitrust violations.

So please wrap this up. The public is counting on you.

Sincerely,

Dan Marinescu

MTC–00033525

From: Swasti Sarna
To: cyrusm@harker.org@inetgw
Date: 1/27/02 7:01pm

Public input is always an important thing for major issues that serve and were meant to be made for the population. Many people think that Microsoft should not be allowed to

settle with Netscape because Microsoft is constantly causing monopolies, and without finally being seriously and fairly punished, the company may be unable to ever quit their nasty habit. Netscape should sue Microsoft for a reasonable amount of money, and Microsoft should resolve Netscape's problem by performing some sort of a task for Netscape's benefit in addition to paying them money.

As you may know, many historical events have happened involving monopolies. Historical events include when AT&T controlled all phone services in the United States. People thought this was unfair so the courts split it up and new businesses formed such as Pacific Bell and long distance phone services started like Sprint and MCI. Another example of a past major monopoly was with the oil companies, which also had to be broken up. A very common one was with the railroads. The Supreme Court said, and everyone should have this perspective of benefit to the people, was: The Supreme Court established the governments right to regulate businesses and to protect public interests.? All these events had many different good ideas to resolve their problems, and monopolies with these companies never happened again. Overall, Microsoft definitely should be punished and should not be allowed to settle with Netscape.

MTC–00033526

From: Wilson Kown
To: Ms. Renata Hesse
Date: 1/27/02 7:42pm
Subject: Microsoft Settlement
Wilson Kown
25 Mission Hills Drive, SW
Cartersville, GA 30120–7451
January 27, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Wilson Kown

MTC–00033527

From: Jeff Loether
To: Microsoft ATR
Date: 1/27/02 8:12pm
Subject: Microsoft Settlement

Settle already and let's get on with it.

The only way trying to de-monopolize Microsoft would make sense is if it would also be applied to Apple which, of course, would kill the company. And it doesn't make sense. Microsoft isn't a company with a conspiracy; or a cult of some sort; it is a group of smart young people who are trying their hardest to make the computing experience as awesome as they possibly can. I am in awe at the intelligence and service that the integration of environment, application, and Internet can provide, as demonstrated with XP. Encourage competition to catch up; don't hobble the lead horse.

And, for the record, I do not own any Microsoft stock, I know nobody who works there, and can't yet imagine any way of personal gain, if Microsoft succeeds or fails.

All the Best,
Jeff Loether, President
Electro-Media Design, Ltd.
AudioVisual and Acoustical Consulting
vox: (301) 309–0110
fax: (301) 309–0039
www.electro-media.com

MTC–00033528

From: A-Valkanas@neiu.edu@inetgw
To: Microsoft ATR
Date: 1/27/02 8:15pm
Subject: Microsoft Settlement
27 Jan 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse:

Pursuant to the Tunney Act, I am writing to comment on the proposed settlement of the United States vs. Microsoft Corporation antitrust case. I wish to state how disappointed I am in US Atty. Gen. John Ashcroft, Illinois Atty. Gen. Jim Ryan, and all the other states'' attys. general in this extremely weak and poor settlement with the Microsoft Corporation.

With their track record of poor products and their quashing of almost every possible threat to their monopoly (such as the cases with Netscape and their pending litigation against Lindows), Microsoft has acted against the public's welfare and has cost the economy great quantities of productivity. For example, assuming a user base of one million users who must endure one crash of their Microsoft OS, a 240 day work-year of 8 hour work-days and an average salary of $22,500, those unscheduled coffee breaks cost a total of over $29,000,000 per annum in lost productivity. This amount does not take into account the time needed to recreate lost works in progress or delays to customer inquiries because of the delays.

I also wish to add that I am in full agreement with the statements of Dan Kegel, located online at http://www.kegel.com/remedy/letter.html ; Jeremy P. White, CEO of CodeWeavers, Inc, located online at http://www.codeweavers.com/jwhite/tunneywine.html ; and the Free Software Foundation, located online at http://www.gnu.org/philosophy/microsoft-antitrust.html.

Any settlement with Microsoft is unsatisfactory. This company, and its management, need to be punished much more severely than this settlement possibly would.

Sincerely,
Andrew Valkanas
2523 W Farwell Ave
Chicago IL 60645

MTC–00033529

From: James Austin
To: Microsoft ATR
Date: 1/27/02 9:07pm
Subject: Microsoft Settlement

As a concerned citizen, I wish to offer comment concerning the proposed settlement of United States v. Microsoft.

I am a civilian employee of an agency of the United States Government, where my job function is the administration of a network of personal computers and the technical support of the users of those computers.

However, I offer the following comments purely as a private citizen, without the encouragement or even the knowledge of my employer.

I have been an interested observer of the computer industry in various capacities for more than twenty years, and have been professionally involved in the industry for ten. In that time I have seen the development of the industry from a perspective rather different from that usually discussed. My experience is that of someone who has directly used the technology and helped others to use the technology, working alongside both the users of that technology and others whose professional duties were similar to my own. These experiences have taught me several things which I am compelled to share.

First: The case of United States v. Microsoft is almost certainly one of the most important cases of all time, for how this is resolved will have repercussions certain to outlive anyone of this generation now participating in the actual case.

What is at stake is not merely the future practices of one corporation, or even the future structure of one industry. What is at stake is nothing less than the nature of access to information, from the individual citizen to the largest private and public institutions.

Many years ago, I heard of a Jesuit philosopher who had written about an idea he called the ''knowlosphere.'' He imagined that as more and more information was transmitted via computer technology, there would arise around the earth a sort of ''sphere of knowledge'' that would surround the earth the same way the atmosphere does, and that there would come a point in which the essential sum total of all human knowledge would exist within this sphere. Furthermore, this would eventually become so important to the lives of people that it would become impossible to switch off once switched on. Though he imagined this in terms of communications satellites (the highest technology available to him at the time), I maintain that a world of personal computers all connected via the worldwide Internet is the true realization of this vision.

We must now ask ourselves this question: do we wish to allow, indeed do we dare allow, the fundamental infrastructure of human knowledge and thought to become in practice (if not directly in law) the private commercial domain of one corporation?

Second: Microsoft already monopolizes several areas of computer technology, and is working hard to monopolize others.

This point seems hardly worth discussing, because as I write this, the courts have repeatedly ruled that Microsoft is indeed a monopoly and is guilty of breaking the law. What is more interesting is that to this very day, I am unaware of any admission Microsoft has ever offered, to anyone at any time, that it has been found guilty of breaking any law. Indeed, only within the last few months has it acknowledged in any public statements that any court rulings went against it, and vaguely at that.

Third: Microsoft has proven repeatedly that it cannot be trusted even with the level of power it enjoys today.

Microsoft portrays all concern over its power and actions as solely the product of disgruntled competitors. While even that would justify intervention if the competitors were disgruntled because of actions which broke the law (as the courts have repeatedly ruled was in fact the case), what is more significant is Microsoft's actions not against its competition but against its own customers.

Consider that under the First Amendment, I have the legal right to criticize my government, perhaps even harshly so, and I may even do so in a forum sponsored by that same government. The courts have interpreted this right to extend further; for instance, I may use a telephone and still criticize whatever company provides my telephone service. But I may NOT utilize Microsoft products to criticize Microsoft. This is not a paranoid fantasy, it is a direct reading of clauses in the licenses of several of their products, which explicitly forbid one to ''criticize or disparage Microsoft and/or its products and/or services.'' Indeed one license actually forbids the ''parody'' of Microsoft products and services.

Microsoft demands that companies engaged in any joint ventures waive their rights to sue Microsoft for patent infringement ''even should evidence arise that such infringement has occurred.'' And there are more additional examples than I have time to list, of Microsoft using the courts to squelch criticism and then thumbing its nose at the courts when they issue rulings Microsoft does not wish.

We must now ask ourselves whether the interest of the people of the United States is served when one company not only has the power to behave in this manner, but actually does so, and thus far with impunity.

Fourth: Microsoft's already dangerous power is increasing.

It has been widely noted that when the Internet first began to become a household word, Microsoft largely ignored the whole phenomenon. Now that Microsoft has taken notice, their objective is nothing less than the total control of the Internet. During the time between the filing of United States v. Microsoft and today, Microsoft's plans to destroy Netscape (publishers of what was at the time overwhelmingly the most widely-used browser for the World Wide Web) have come to fruition, and they now face essentially no competition in that area.

One has to ask why Microsoft wanted to destroy Netscape so badly that they would give away a competing product for free. One reason is that control of the web browser gives one control of the choke point for information and commerce on the Internet. The other reason is that Netscape had ambitious plans to enhance their browser and ultimately to ''grow the browser into an operating system of its own'' which would have threatened Microsoft's monopoly. Perhaps such a scheme would have proved beneficial to the public, but it was a threat to Microsoft, and like all such threats before, could not resist Microsoft's destructive power.

Today Microsoft controls the web browser, and much evidence exists that its ultimate plan is to take control of the basic protocols that servers use to communicate with each other across the Internet itself. Once that happens they will essentially have the level of power that a company would have if they controlled all bank ATM machines, all telephones, all newspapers, and all radio and television stations. All access to information in any form from anywhere at any time would generate profit for Microsoft, and be subject to their approval.

We must now ask whether this is a desirable future for a free people. Fifth: People like me, in the trenches, have long considered Microsoft dangerous.

I could tell you so many stories. Just the jokes we tell to each other betray a deepening gloom about the future. Alas, I am facing a strict deadline for public comment and this must leave them for another time. Sixth: The proposed settlement of United States v. Microsoft is NOT sufficient.

It contains insufficient punishment for past transgressions of the law, insufficient guarantees against future transgressions of law, NO compensation for victims of those transgressions of law, and insufficient remedies for the consequences of past transgressions of law.

Much more needs to be said, but as the period for public comment is ending I must draw to a close. But I cannot urge strongly enough that this settlement NOT be accepted as is.

Sincerely,

James R. Austin

(Should this be required by law, my full address is as follows:

James R. Austin

155 Watkins Mill RD

Apt. C

Gaithersburg, MD 20879–3336)

MTC–00033530

From: Kory Hamzeh
To: Microsoft ATR
Date: 1/27/02 9:08pm
Subject: Microsoft Settlement

Please give serious consideration to the contents of: http://www.kegel.com/remedy/letter.html

Sincerely,

Kory Hamzeh

West Hills, CA

MTC–00033531

From: podoo@netins.net@inetgw
To: Microsoft ATR
Date: 1/27/02 9:10pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.
Sincerely,
Ella B Lankford
P.O. Box 266
Seneca, MO 64865–0266

MTC–00033532

From: Mary E. Daudelin
To: Microsoft ATR,Mary E. Daudelin
Date: 1/27/02 9:11pm
Subject: RE: Microsoft Settlement
Comments included in body of email, in case you don't have MS Office 2000 to read the attachment of my earlier e-mail.
Sincerely,
M. E. Daudelin
January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001
Dear Mr. Ashcroft:

To paraphrase Mr. Glassman's comments pertaining to the Microsoft settlement, I also feel that AOL could better spend its time in further analysis of its own product (especially with regard to its deployment overseas) rather than in continuing to pursue this case. My own personal experience with AOL has led me to believe that full utilization of the Internet is, in fact, restricted, when using their application.

As a developer of WEB applications for research, business and educational purposes, I have utilized a variety of browsers, development tools and operating systems while producing and testing my applications. Although I use Windows NT servers and take advantage of their many development tools, such as FrontPage 2002, I have not found that the public cannot access my applications, regardless of their operating system and/or browser types (with the exception of an occasional prototype). In fact, until recently, Netscape has always been my personal choice of browser as it was the one that introduced me fully to the Internet. And SUN's StarOffice product has produced many graduate-school presentations for me.

Because Internet Explorer is so forgiving of my JavaScript scripting errors, I find that I often HAVE to make myself utilize other browsers/systems in my testing to ensure that users who do not use MS products/systems are not inundated with JavaScript errors that I have overlooked in my own code. My personal belief is that Microsoft has some very good programmers that pay attention to detail, and, as such, should not be penalized for their technical excellence.

Yes, my job would be much easier if I could convince everyone on this planet to use Microsoft Windows OS's and IE browsers, IBM ThinkPad laptop computers, the same size/resolution monitor and to access the Internet via cable or high-speed access, however, since this attitude smacks of the old telecom mentality (a black rotary phone for everyone, by God!), and because we all have our different comfort levels, I will remain silent on that subject and continue to jump back and forth between the plethora of computers/systems/browsers that I access in my testing.

In closing, I feel that Microsoft should be used as an example of what works in our economy (little, if any, debt and innovative, easily accessible business solutions at a reasonable cost). Beyond the concessions contained in the settlement agreement, nothing more should be expected or required of Microsoft at this time. I appreciate your efforts to quickly settle this case.
Sincerely,
M.E. Daudelin
File code: msu-0-return
Electronic transmission: signature on file
——Original Message——
From: Mary E. Daudelin
[mailto:marydaudelin@smyrnacable.net]
Sent: Monday, January 28, 2002 12:06 AM
To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement
Comments on the MS Case:
See attachment.
Sincerely,
M.E. Daudelin

MTC–00033533

From: Jeff Prus
To: Microsoft ATR
Date: 1/27/02 9:12pm
Subject: Accept the Current Microsoft Case Settlement
Dear Sir or Madam,

I would like my opinion to be considered for the Microsoft case. I believe the current settlement is fair and urge you to settle this case now. I believe continuation of this litigation is harmful to both the software industry and the economy.

By continuing to add features and functionality to Windows, Microsoft has advanced the PC platform while reducing the costs to the consumer. Furthermore, I believe that Microsoft's ability to add features to the operating system only creates parity with other firms that also incorporate new functionality within the operating system itself, namely Apple's OS X and various versions of Linux. I believe the states that continue to oppose the settlement are only trying to achieve a settlement windfall for Microsoft competitors within their states, however, at a significant cost to the high-tech industry and overall economy.

That being said, I do believe that Microsoft's dominance in the desktop PC operating system market creates a disadvantage for competitors and thus warrants some restrictions in order for other companies to be given a chance to compete. These include the requirement for Microsoft to include some other companies'' products within Windows as an alternative to Microsoft products. This requirement is covered within the existing settlement. This continued litigation is damaging one of our countries great corporations and I believe a fair and equitable settlement has been proposed. As such, I urge you to settle this case now. The only winner in this continued litigation is the legal profession.
Thanks,
Jeff Prus
jgprus@hotmail.com
(773) 525–1969

MTC–00033534

From: MTyler3767@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 9:17pm
Subject: microsoft settlement
January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

A settlement to the antitrust suit against Microsoft has finally been reached, and I hope that it is implemented as soon as the public comment period is over with. This proposed settlement stands to benefit everyone involved, and best of all, allows Microsoft to get back to helping the economy instead of wasting valuable time and money in court.

The economy started its downward spiral the day the suit against Microsoft was announced, and three years later we find ourselves in a recession. Did no one realize just how important Microsoft is to the economy? They provided tens of thousands of jobs to Americans across the country and to people around the globe. I hope this settlement will pave the way for the economy to get back on its feet, and with Microsoft agreeing to work more closely with its competitors, the market has to improve. I know there are many who worry weather Microsoft will adhere to the terms of the settlement, but they have no choice. An oversight committee has been set up that will monitor Microsoft's compliance with the settlement.

Everything needed to improve our economy is in place. The settlement must now be approved in order to get the ball rolling.
cc; Representative Maxine Waters
Sincerely,
Mose Tyler

MTC–00033536

From: Keith E. Folsom
To: Microsoft ATR
Date: 1/27/02 9:27pm
Subject: Microsoft Settlement
To whom it may concern,

My name is Keith Folsom. I am the Director of Systems and Communications at Pacific Lutheran University in Tacoma, Washington. I have been a computer professional since my graduation from college with a Bachelor's degree in Computer Science in 1981. I have had many roles in the field, including Software Engineer, Programmer, Systems Administrator, and manager. My desire to stay current in a field I really enjoy convinced me to enter an evening Master's program in Computer Science and Engineering at the University of Washington in 1999. I completed this program last month, graduating with a Master's degree.

I am writing this letter in order to urge you to consider more far-reaching sanctions against Microsoft than those proposed, which I feel is justified in light of the conclusion that the company is a monopoly. It is my opinion that the sanctions as proposed will do little or nothing to prevent Microsoft from continuing to use their monopoly power to crush competition and true innovation in the computing industry.

I do not believe in a government that unnecessarily interferes in the matters of

industry. Free enterprise and capitalism normally self-regulate. But when a company grows too large and is no longer subject to the normal laws of economics, a government has the duty to reign this company in. As I've watched Microsoft gain a strangle-hold on the computing industry, I've also seen my choice of products and solutions dwindle. It frankly scares me. And Microsoft's latest attempt to control the Internet with their .NET initiative convinces me that they have not learned any lessons from the long battle against the Justice Department in the anti-trust case. They are determined to own it all.

Once again, I urge you to consider stronger measures against Microsoft, up to and including splitting the company into smaller, more fairly competitive units. I believe such measures are the only way to prevent the computing industry from sinking into a mire of mediocrity, with no true choice of solutions for computing problems. This is what monopolies do unless they are stopped. Please stop Microsoft.

Sincerely,
Keith Folsom
Keith E. Folsom
EMAIL—folsomke@plu.edu
Director, Systems & Communications
folsom@journeyman.org
Pacific Lutheran University
WWW—http://www.plu.edu/folsomke
Tacoma, Washington
PGP—<homepage>/pgp.txt

MTC–00033537

From: Peter Hollings
To: Microsoft ATR
Date: 1/27/02 9:27pm
Subject: Microsoft Settlement

I hold an advanced degree from the Sloan School of Management, Massachusetts Institute of Technology in the areas of information technology and finance. I have over 30 years experience in these fields, during which I have developed a deep understanding of the processes of competition and innovation in the computer software industry. I first became aware of Microsoft around 1982 and have been a constant observer of that company's business practices over the succeeding years. My purpose in writing is to express my opposition to the proposed settlement that has been reached by the US Department of Justice and Microsoft concerning their antitrust suit. Not being trained in the formalities of the legal profession, I am writing nevertheless in the hopes that you will take notice of my objections as an American citizen, affected by this settlement, and despite their probable formal incorrectness. I make this expression on my personal behalf, although I firmly believe it also reflects the interests of the businesses that I have presently or formerly been associated with in either employment or consulting roles. I firmly believe and respectfully request that the Court consider:

1. That as a past and potential future purchaser of Microsoft products, and as user of computing systems generally, that no aspect of the proposed settlement is in my interest.

2. That I firmly believe that approval by the Court of the proposed settlement would be bad for consumers, bad for business, bad for innovation, bad for the beneficial functioning of market economics, bad for constitutional rights, such as privacy and security, and it would materially and adversely impair the public's perception of government integrity.

3. I state my belief that the proposed settlement is so thoroughly flawed in every aspect that I respectfully request that the Court reject it from further consideration.

4. I respectfully request that the court give full consideration to the filing by the American Antitrust Institute captioned as COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF.

This complaint sets forth numerous instances in which both the DOJ and Microsoft have failed to comply with specific disclosure requirements of the Antitrust Procedures and Penalties Act (''Tunney Act''). Most importantly are the failure of the DOJ to provide an accounting of how the settlement reached is in the public interest and the failure of Microsoft to fully identify its contacts with the government relative to the settlement. I will note here that the public press includes numerous articles relative to Microsoft's lobbying activities relevant to the antitrust settlement decision, none of which were included as required in Microsoft's report in compliance of the reporting requirement. This combination of circumstances gives the appearance that the public institutions of the American people are being manipulated against their interests and in a concealed way.

5. I respectfully request that the Court give full consideration to these circumstances identified above and fully investigate and correct any improprieties in the functioning of our government in the interest of preserving the American people's confidence in both the Executive and Judicial branches of our government. The proposed settlement is such an egregiously bad agreement and so contrary to the public interest that I cannot conceive that it was honestly arrived at.

Thank you,
Peter Hollings
Atlanta, GA 30342
phollings@alum.mit.edu

MTC–00033538

From: James Tracy, Ph.D.
To: Microsoft ATR
Date: 1/27/02 9:31pm
Subject: Microsoft Settlement

Please settle the Microsoft Case. It seems clear to me and many of my friends that the settlement is in the public interest. Only competitors can level the specious argument that Microsoft's innovation is an antitrust violation. Let's compete in the market place rather than litigate in the courts.

Dr. Jim Tracy

MTC–00033539

From: Kevin Bullock
To: Microsoft ATR
Date: 1/27/02 9:35pm
Subject: Microsoft Settlement

To whom it may concern:

The proposed settlement with Microsoft is woefully inadequate. It will not change their behavior as a corporation nor provide any meaningful benefit to the public interest. Please refer to Dan Kegel's comments at the following address: http://www.kegel.com/remedy/remedy2.html

Also please take into consideration Ralph Nader and James Love's comments at: http://www.cptech.org/at/ms/rnjl2kollarkotellynov501.html

Thank you.

Pacem in terris / Mir / Shanti / Salaam / Heiwa

Kevin R. Bullock

MTC–00033540

From: Margaret C Worsham
To: Microsoft ATR
Date: 1/27/02 9:37pm
Subject: Microsoft Settlement

I, Margaret C. Worsham, strongly urge the Justice Department to accept the Microsoft Settlement.

The consumer interest has been well served and the time has come to end this costly and damaging litigation

MTC–00033542

From: Paul Shryer
To: Microsoft ATR
Date: 1/27/02 9:42pm
Subject: Microsoft Settlement

I am writing to express my disagreement with the proposed settlement between US DOJ and Microsoft.

I am a Information Technology Professional who works on a daily basis with Microsoft software and license agreements. There are many problems I have noticed with the Final Judgement proposed by the DOJ, I shall mention the two greatest issues I have with this settlement.

1. A provision is included to ''prevent Microsoft from using Anti-competitive practices against OEM who load competing practices.'' There is a big loophole in this provision unfortunately. It does not prevent Microsoft from charging a set price to all OEMs and then providing discounts and rebates to OEMs that sell only Microsoft products or that help Microsoft extend its monopoly into additional markets. Several companies currently use similar agreements and programs. It would take little effort for Microsoft to adopt similar practices.

2. This proposed final judgement does not seem to have any sort of enforcement. While it is true that the proposal calls for a three person panel to review the activities of Microsoft I seen nothing that empowers the panel to do anything more than recommend to Microsoft management. They do not seem to have any real power to overrule management and prevent Microsoft from undertaking anti-competitive practices.

Paul Shryer
Network Technician
Duluth, MN

MTC–00033543

From: Mark Hinds
To: Microsoft ATR
Date: 1/27/02 9:43pm
Subject: Microsoft Settlement

The proposed settlement fails to restore or protect competition in the PC OS market place. It seems to legitimize MS's monopoly and places far to much discretion in MS's hands. One need only apply the following simple test. If MS agrees to something then

it must be good for MS. MS has agreed to this settlement and therefore the settlement must be good for MS. If the settlement did protect and foster future competition then MS would not agree to it. It is simply a fact that MS will have to be ordered to do anything of substance to remedy its abuses. It is very disturbing that the DOJ has opted for expedience in place of justice and public benefit. With real competition the price of PC operating software would be 1/10th of today's MS prices, and quality (i.e. robustness and security) would be years ahead of MS's current quality.

MS used its PC OS dominance to extinguish Netscape. It has been found that this was done deliberately to protect its PC OS monopoly. MS must not be allowed to benefit from this illegal conduct and must be prevented from repeating such conduct in the future. The proposed settle makes no effort to deprive MS of any benefits it accrued as a result of illegal conduct, does nothing to mitigate the effects of the conduct, and makes only a sheepish effort to prevent it in the future.

I strongly urge the court to reject this settlement and hold proper public hearings to find an effective remedy. Further, I see the only effective and workable remedy to be structural. It will not be possible to enforce conduct remedies with MS. It has not worked in the past and will not work in the future.

Mark Hinds
Concerned US Citizen
Senior SW Engineer
Edmonds WA 98020

MTC–00033544

From: William Usim
To: Judge Kollar-Kotelly
Date: 1/27/02 9:43pm
Subject: Microsoft Settlement

Judge Kollar-Kotelly,

As a consumer I would like to comment on the proposed Microsoft settlement. I believe that Judge Jackson had the only remedy that would aid consumers.. I would prefer to purchase my computer's operating system separate from any applications. I would like to be able to select applications that I find have the features I need without them being included in the operating system.

I presently run both Windows 98 and OS/2.

Thank you,
William Usim

MTC–00033545

From: john paulson
To: Microsoft ATR
Date: 1/27/02 9:47pm
Subject: Microsoft Settlement

Greetings,

I—oppose—the proposed settlement in the Microsoft anti-trust case for the following reasons:

The Microsoft Office suite is one reason for the entrenchment of the Windows operating system on personal computers. The lack of viable non-Microsoft equivalents to MS Office is one source of that entrenchment.

Document formats are descriptions of the files produced by the Microsoft Office suite of products (MS Word, MS Excel, MS Powerpoint).

Document formats are distinct from APIs. Nowhere is there a requirement that Microsoft document and freely disclose the document formats used by their office products.

Because the document formats are not available, developers of products wishing to inter-operate with or compete with those of Microsoft Office must reverse engineer the document format. Besides being time consuming, this is an error-prone process. The resulting products fail to work as well with the documents. In addition, changes made by Microsoft to those document formats when new versions of Microsoft products are released require non-Microsoft to once again perform reverse engineering. This delays the release of competing products, further cementing Microsoft's entrenchment in office productivity applications.

THEREFORE:

Microsoft must document the formats of files produced by their office productivity applications.

Microsoft must make that documentation freely available, so that non-Microsoft products can read and write documents produced by Microsoft's office productivity applications.

And, Microsoft must release the document format concurrently, if not prior to, the release of newer versions of Microsoft's office productivity applications.

Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...''

(The above quotation is from http://www.pbs.org/cringely/pulpit/pulpit20011206.html) As that article states, Microsoft faces competition from open source software, such as Linux, FreeBSD and Samba. Microsoft should not be allowed to forbid disclosure to asymmetric threats to its dominance.

THEREFORE:

Microsoft should release the API, Documentation and Communications Protocols to all who ask, or make it freely available (by placing on their website, www.microsoft.com). This will in no way hinder Microsoft's ability to innovate and develop new products and combinations of products, but it will allow non-Microsoft developers to inter-operate with Microsoft products.

Microsoft has proposed deploying many millions of dollars worth of computers and (Microsoft) software to (K–12) schools. This should be rejected out of hand. Currently, the only meaningful competition Microsoft has in the K-12 education marketplace is Apple Computer. Were Microsoft to —sell— computers running Microsoft software to schools at discounts of 80 to 90%, it would be viewed as an anti-competitive action by a monopolist: dumping. Giving it away can only be worse, (mega-dumping?).

THEREFORE:

Microsoft should not be allowed to donate computers and software. If Microsoft wishes to aid schools in this wise, it may donate —money—and allow the educators to decide how to spend it on computers and software.

Sincerely,
John Paulson

MTC–00033546

From: Jeff Rehbein
To: Microsoft ATR
Date: 1/27/02 9:55pm
Subject: Microsoft Settlement

January 27, 2002

To Whom it May Concern:

In accordance with the Tunney Act, I am writing to comment on the proposed settlement of the United States vs. Microsoft antitrust case. I believe that there are many problems with the proposed settlement. As shown by Dan Kegel's open letter (http://www.kegel.com/remedy/remedy2.html), there are so many holes in the settlement that it is essentially useless. However, I will focus my comments on a specific group of actions by Microsoft that affect my work directly.

I work as a Macintosh game developer. My work entails both porting games originally written for the Microsoft Windows platform to run on the Macintosh platform, and writing original games for the Macintosh platform. In the following paragraphs, I will show how Microsoft's anticompetitive actions have harmed (and are continuing to harm) me, my company's customers, and the customers of virtually all developers of games for the Macintosh.

In 1992, OpenGL was introduced as an open standard application programming interface (API) for 2D and 3D graphics. Over the years, it has gained wide adoption by operating system vendors (OSV) and graphics sub-systems hardware vendors (GSHV). Seeing that adopting OpenGL would increase the number of games available for the Windows platform, Microsoft adopted it. However, Microsoft only adopted it because it didn't have a competing product.

As Microsoft has done time and time again, it quickly turned out it's own version of someone else's innovation. In this case (as in most cases), it's version (Direct3D) was nowhere near as good as the original. However, Microsoft tied it to Windows (still on the same pattern) and to its development environment and some developers used it. Recently, Direct3D has became good enough to compete with OpenGL. So what did Microsoft do? It removed OpenGL support from Windows XP before release—support that was already there. OpenGL can still be used, but the support has to be added by each GSHV, seriously complicating the situation.

Removal of OpenGL support from Windows harms several groups of people:

1. Developers who know and wish to use OpenGL in a Windows application.

2. Developers who want to write 3D (and 2D) applications that can be compiled for Windows and other operating systems from one codebase.

3. Developers who port applications originally written for Windows to run on other operating system (the original application may have been written with

OpenGL under different circumstances, making it far easier to port)

4. In the long run, other OSVs that depend on OpenGL will likely be harmed. This is because usage of OpenGL will drop off, which will lead to a stagnation in the OpenGL standard.

As if removing OpenGL support from Windows wasn't enough, Microsoft recently purchased key patents from Silicon Graphics, Inc. that may give it even more ammunition against the competing, open standard. I can't say for sure what Microsoft will do with this new power, but given its past history I think it's a sure bet that it will be bad for OpenGL, and by extension, bad for developers and consumers. One company should not be able to so negatively affect an open standard. Unfortunately, the proposed settlement does nothing to prevent this sort of activity. Microsoft also hurts all developers who port Windows games to the Macintosh by keeping all DirectX APIs usable on Windows alone. Microsof routinely changes the API calls so that developers can't make a ''glue library'' (a glue library is used to easily convert calls to one API to calls to different API) that can keep being used in each new project. There is no need to so routinely change the actual interface calls of APIs. Other OSVs do everything they can to keep those calls the consistent. Doing otherwise would break compatibility and drive away developers. Only a company with a monopoly could do this and survive.

One DirectX API in particular gives port developers trouble—DirectPlay. DirectPlay is an API that makes it relatively easy to add networking features to a game. Because of the lack of documentation of the internal message structure, any port of a game originally written using DirectPlay cannot communicate with the original version. This relegates users of the ported version to a second-class status. Although technically possible to reverse-engineer the protocol, Microsoft actively thwarts such attempts. The one known instance where the protocol was reverse-engineered and used in a product (which took 6 months), Microsoft promptly overhauled the protocol and released a new version which completely broke the compatibility.

Microsoft's actions with the DirectX API serve solely to strengthen the applications barrier-to-entry, even at the expense of their own developers. Unfortunately, the proposed settlement does absolutely nothing to alleviate this or any problems concerning this barrier. The unfortunate truth of the matter is that there is no remedy for the above problems short of separating the OS business from the rest of Microsoft. As show in the previous reference to Dan Kegel's open letter and in my own, the proposed settlement will do little to limit Microsoft's anticompetitive behavior. It would be a grievous waste of taxpayer money if this settlement was the end result of the case. I implore you to reconsider this course of action.

Thank you for your time in considering this matter.

Sincerely,

Jeffrey Rehbein Macintosh Games Developer

MTC–00033547

From: paul podnar
To: Microsoft ATR
Date: 1/27/02 9:56pm
Subject: Microsoft settlement

I do not believe that the proposed remedies represent what is in the best interest of the people or the computer industry. My company has been damaged by the illegal workings of Microsoft and so have many others in the world.

The entire Apple computer platform and Motorola has been damaged by the monopolistic practices and pressure put on Apple to stop certain developments. Netscape went from a majority player in the browser field to a minority player and almost bankrupt. Java was corrupted by the efforts of Microsofts J++ development and not Microsoft is after the internet with their .Net strategy which was really built upon Netscapes efforts.

Microsofts efforts also misrepresent the stability and security of all their operating systems and application programs. Many individuals and businesses have been damaged due to lost work and downtime caused by the low quality standards of the Microsoft software. My remedies would include:

1. A payment to Netscape/AOL for the market stolen by Microsofts free browser. This might be one half of current estimated Internet explorer users times about 29 dollars for the people that would have purchased a Netscape product.

2. A major free update of Windows 98 and the Office program which would run on the computers purchased by businesses in the 1998 year which would work as advertised and be much more stabile.

3. A payment made to Sun for damages done to the JAVA platform

4. A payment made to Apple computer for the damage to the internal development of software which is known in the industry including Quicktime and Apple Works.

5. The inclusion of Quicktime as the default Windows Media Player/ Authoring medium to generally further the multimedia capabilities of millions of Windows users.

6. The inclusion of firewire support on all Windows desktops to further the advance of this quality high speed Apple bus technology.

7. Finally, a public admission of guilt from Bill Gates as to his involvement in the above matters and a media broadcast of the trial findings and testimonies key industry and Microsoft personnel. I would find the truth of this case much more interesting than the OJ Simpson trial and much more valuable to the industry, the populace and history.

Thank you for this forum to come forward and for a small part in the process of Justice.

Paul j. Podnar
President
Accommodata Corporation

MTC–00033548

From: Kent Rosenkoetter
To: Microsoft ATR
Date: 1/27/02 9:58pm
Subject: Microsoft Settlement

As a graduate student in computer science (University of North Carolina—Chapel Hill) I cannot help but be aware of the Microsoft anti-trust case. And while I believe it to be one of the most important cases for the computer industry in years, I tend to avoid dwelling on it because all I can feel is frustration. Microsoft has:

1. Used their OS monopoly and OEM agreements to prevent any computer manufacturer from selling dual-boot systems, effectively killing BeOS and incredibly slowing the spread of other OSes, particularly Free Software and Open Source OSes.

2. Used their Windows OS to spread Internet Explorer and Outlook Express, making the entire world suceptible to hundreds of viruses that do not work on any other browser/email client. This costs American business alone billions of dollars every year.

3. Many other similarly disgusting actions I do not need to list because I know many of my colleagues have already done so in detail.

My frustration stems from the proposed settlement. First, that the breakup of Microsoft did not take place. Though I do not believe a mere two pieces would have been sufficient, it would at least have shown the public that the government is willing to mete out some serious punishment for such flagrantly illegal behavior. Second, that such a puny settlement would be proposed and even endorsed by members of the government. The settlement does not adequately restrict MS's future behavior, it leaves huge loopholes for exploitation, and it for the most part neglects the concept of compensation. While I believe the settlement may have been negotiated in good faith by the prosecutors, the final agreement does not account for the severity of the crimes or for MS's habit of exploitation and arrogance.

Actually, I do not believe that any settlement negotiated with Microsoft will be in the public interest. Microsoft's lawyers will not agree to anything that will seriously curtail MS's activities, and MS's activities are entirely centered around control of all aspects of computing. No, that is not an overzealous fanatical statement. That is a direct extrapolation of the past trends that led to MS's current monopolies in operating systems, office software, and web browsers, extended to current plans like .NET and subscription-based software licensing. Any final judgement capable of effectively affecting Microsoft will never be agreed to by Microsoft.

This email is meant to express extreme displeasure with the proposed settlement. It is not meant to offer possible alterations for the reason above. Though my original thought when I learned of the breakup Judge Jackson ordered was ''Three companies. Operating Systems, Applications, and Web Services.'' It seems that won't happen now. If you truly want an effective solution, force Microsoft to pay damages to every person and business that is a victim of a Microsoft-only virus. That will not eliminate their monopolies or promote competition for the future, but it will certainly take away their financial gain from their illegally acquired monopolies. It will also make the millions that have been victims of the serious

problems in Microsoft software feel a little better.

Kent Rosenkoetter
Graduate Student
University of North Carolina at Chapel Hill

MTC–00033549

From: matchx70@hhotmail.com@inetgw
To: Microsoft ATR
Date: 1/27/02 10:01pm
Subject: Microsoft Settlement

A single minded focus of a great company like Microsoft—to simplify the computing experience, and making IT affordable to a common man—has really been a path breaking achievement of the 20th century. Any adverse judgement will only harm the end-consumer, who will be forced to cough up money for the most essential of features & innovations. Growth & well-being of Microsoft is essential to foster competition and health of IT industry not only in the U.S., but of the economy world-wide.

CC:matchx70@hhotmail.com@inetgw

MTC–00033551

From: James Carter
To: Microsoft ATR
Date: 1/27/02 10:07pm
Subject: Microsoft Settlement

DOJ,

The proposed settlement is NOT in the publich interest.., it is ineffective and has large loopholes.

My name is James Michael Carter. I am a real person working in the computer industry (programmer) who can tell story after story of microsoft abuses. I have followed and complained about Microsoft abuses since the early 90's (before much of their behavior was successfully brought to the attention of anti-trust enforcers). (real person in contrast to Microsoft's fraudulant ''astroturf'' fake citizen's responses which have been at least several times caught!) I am very much against the proposed settlement. It is not in the public interest. As a start, I advocate the changes proposed at: http://www.kegel.com/remedy/remedy2.html with further resources at: http://www.kegel.com/remedy/ Also I echo Ralph Nader's criticisms: http://www.cptech.org/at/at/rnj12kollarkotellynov501.html

To highlight some general problems, there are not protections for Non-MS operating systems to get hold of technical interoperability details and API's in order to build compatible and/or competing products and systems. Further, MS should not be allowed to buy technology companies.., they absorb and kill off competition and gain beach-heads ensuring the next big thing will be in their controls—leveraged off their existing stranglehold and $36 billion bank account. Profits they did not mine from the ground, but taken off the backs of consumers!! Microsoft yells how all they want to do is innovate and compete * * * yet their behaviour and snubbing of the law and our courts show their words are as trustworthy as their products'' security. Make MS publish any and ALL API's, protocols, and file formats 3 months before any distribution so others may compete with them (as they profess to want).

Prevent them from buying any other companies (to make them compete and —innovate as they claim they want to do. Make them publish all their source code.

Microsoft wants to innovate and —compete— Well then make them do exactly that * * * —Microsoft's history shows they do all to NOT have to compete* * * So, let's finally make them do what they CLAIM is all they want to do * * * The public interest requires it.

I also think microsoft should be broken up by product lines. Structural remedies are often only remedy to fix where company shows in its history to ignore consent decrees and have a penchant for not complying and for litigating (delaying until the damage is already done) (years and years now* * *).

I am a modestly self-employed programmer, who has personally suffered and seen the abuses at the hands of Microsoft. Please don't let the average folks down.

I would help you with new remedies or evaluation of such in any way I can.

sincerely,
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I attach for completeness the kegal analysis remedy fixes (which I endorse and propose as well): http://www.kegel.com/remedy/remedy2.html

On the Proposed Final Judgment in United States v. Microsoft

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Introduction

As a software engineer with 20 years'' experience developing software for Unix, Windows, Macintosh, and Linux, I'd like to comment on the Proposed

Final Judgment in United States v. Microsoft.

According to the Court of Appeals ruling, ''a remedies decree in an antitrust case must seek to ''unfetter a market from anticompetitive conduct'', to ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future'' (section V.D., p. 99).

Attorney General John Ashcroft seems to agree; he called the proposed settlement ''strong and historic'', said that it would end ''Microsoft's unlawful conduct,'' and said ''With the proposed settlement being announced today, the Department of Justice has fully and completely addressed the anti-competitive conduct outlined by the Court of Appeals against Microsoft.''

Yet the Proposed Final Judgment allows many exclusionary practices to continue, and does not take any direct measures to reduce the Applications Barrier to Entry faced by new entrants to the market. The Court of Appeals affirmed that Microsoft has a monopoly on Intel-compatible PC operating systems, and that the company's market position is protected by a substantial barrier to entry (p. 15).

Furthermore, the Court of Appeals affirmed that Microsoft is liable under Sherman Act ? 2 for illegally maintaining its monopoly by imposing licensing restrictions on OEMs, IAPs (Internet Access Providers), ISVs (Independent Software Vendors), and Apple Computer, by requiring ISVs to switch to Microsoft's JVM (Java Virtual Machine), by deceiving Java developers, and by forcing Intel to drop support for cross-platform Java tools.

The fruits of Microsoft's statutory violation include a strengthened Applications Barrier to Entry and weakened competition in the Intel-compatible operating system market; thus the Final Judgment must find a direct way of reducing the Applications Barrier to Entry, and of increasing such competition.

In the following sections I outline the basic intent of the proposed final judgment, point out areas where the intent and the implementation appear to fall short, and propose amendments to the Proposed Final Judgment (or PFJ) to address these concerns.

Please note that this document is still evolving. Feedback is welcome; to comment on this document, please join the mailing list at groups.yahoo.com/group/ms-remedy, or email me directly at dank-ms@kegel.com.

Understanding the Proposed Final Judgment

In crafting the Final Judgment, the judge will face the following questions:

How should terms like ''API'', ''Middleware'', and ''Windows OS'' be defined?
How should the Final Judgment erode the Applications Barrier to Entry?
How should the Final Judgment be enforced?
What information needs to be released to ISVs to encourage competition, and under what terms?
Which practices towards OEMs should be prohibited?
Which practices towards ISVs should be prohibited?
Which practices towards large users should be prohibited?
Which practices towards end users should be prohibited?

Here is a very rough summary which paraphrases provisions III.A through III.J and VI. of the Proposed Final Judgment to give

some idea of how the PFJ proposes to answer those questions:

PFJ Section III: Prohibited Conduct

Microsoft will not retaliate against OEMs who support competitors to Windows, Internet Explorer (IE), Microsoft Java (MJ), Windows Media Player (WMP), Windows Messenger (WM), or Outlook Express (0E). Microsoft will publish the wholesale prices it charges the top 20 OEMs (Original Equipment Manufacturers) for Windows.

Microsoft will allow OEMs to customize the Windows menus, desktop, and boot sequence, and will allow the use of non-Microsoft bootloaders. Microsoft will publish on MSDN (the Microsoft Developer Network) the APIs used by IE, MJ, WMP, WM, and 0E, so that competing web browsers, media players, and email clients can plug in properly to Windows. Microsoft will license on reasonable terms the network protocols needed for non-Microsoft applications or operating systems to connect to Windows servers.

Microsoft will not force business partners to refrain from supporting competitors to Windows, IE, MJ, WMP, WM, or 0E. (Roughly same as F above.)

Microsoft will let users and OEMs remove icons for IE, MJ, WMP, WM, and 0E, and let them designate competing products to be used instead. Microsoft will license on reasonable terms any intellectual property rights needed for other companies to take advantage of the terms of this settlement.

This agreement lets Microsoft keep secret anything having to do with security or copy protection.

PFJ Section VI: Definitions

''API'' (Application Programming Interface) is defined as only the interfaces between Microsoft Middleware and Microsoft Windows, excluding Windows APIs used by other application programs. ''Microsoft Middleware Product'' is defined as Internet Explorer (IE), Microsoft Java (MJ), Windows Media Player (WMP), Windows Messenger (WM), and Outlook Express (OE). ''Windows Operating System Product'' is defined as Windows 2000 Professional, Windows XP Home, and Windows XP Professional.

The agreement can be summed up in one breath as follows: Microsoft agrees to compete somewhat less vigorously, and to let competitors interoperate with Windows in exchange for royalty payments. Considering all of the above, one should read the detailed terms of the Proposed Final Judgment, and ask one final question:

Is the Proposed Final Judgment in the public interest?

In the sections below, I'll look in more detail at how the PFJ deals with the above questions.

How should terms like ''API'', ''Middleware, and ''Windows OS'' be defined?

The definitions of various terms in Part VI of the PFJ differ from the definitions in the Findings of Fact and in common usage, apparently to Microsoft's benefit. Here are some examples:

Definition A: ''API''

The Findings of Fact (? 2) define ''API'' to mean the interfaces between application programs and the operating system. However, the PFJ's Definition A defines it to mean only the interfaces between Microsoft Middleware and Microsoft Windows, excluding Windows APIs used by other application programs. For instance, the PFJ's definition of API might omit important APIs such as the Microsoft Installer APIs which are used by installer programs to install software on Windows.

Definition J: ''Microsoft Middleware''

The Findings of Fact (? 28) define ''middleware'' to mean application software that itself presents a set of APIs which allow users to write new applications without reference to the underlying operating system. Definition J defines it in a much more restrictive way, and allows Microsoft to exclude any software from being covered by the definition in two ways:

By changing product version numbers. For example, if the next version of Internet Explorer were named ''7.0.0'' instead of ''7'' or ''7.0'', it would not be deemed Microsoft Middleware by the PFJ.

By changing how Microsoft distributes Windows or its middleware. For example, if Microsoft introduced a version of Windows which was only available via the Windows Update service, then nothing in that version of Windows would be considered Microsoft Middleware, regardless of whether Microsoft added it initially or in a later update. This is analogous to the loophole in the 1995 consent decree that allowed Microsoft to bundle its browser by integrating it into the operating system.

Definition K: ''Microsoft Middleware Product''

Definition K defines ''Microsoft Middleware Product'' to mean essentially Internet Explorer (IE), Microsoft Java (MJ), Windows Media Player (WMP), Windows Messenger (WM), and Outlook Express (OE). The inclusion of Microsoft Java and not Microsoft.NET is questionable; Microsoft has essentially designated Microsoft.NET and C# as the successors to Java, so on that basis one would expect Microsoft.NET to be included in the definition.

The inclusion of Outlook Express and not Outlook is questionable, as Outlook (different and more powerful than Outlook Express) is a more important product in business, and fits the definition of middleware better than Outlook Express.

The exclusion of Microsoft Office is questionable, as many components of Microsoft Office fit the Finding of Fact's definition of middleware. For instance, there is an active market in software written to run on top of Microsoft Outlook and Microsoft Word, and many applications are developed for Microsoft Access by people who have no knowledge of Windows APIs.

Definition U: ''Windows Operating System Product''

Microsoft's monopoly is on Intel-compatible operating systems. Yet the PFJ in definition U defines a ''Windows Operating System Product'' to mean only Windows 2000 Professional, Windows XP Home, Windows XP Professional, and their successors. This purposely excludes the Intel-compatible operating systems Windows XP Tablet PC Edition and Windows CE; many applications written to the Win32 APIs can run unchanged on Windows 2000, Windows XP Tablet PC Edition, and Windows CE, and with minor recompilation, can also be run on Pocket PC. Microsoft even proclaims at www.microsoft.com/windowsxp/tabletpc/tabletpcqanda.asp: ''The Tablet PC is the next-generation mobile business PC, and it will be available from leading computer makers in the second half of 2002. The Tablet PC runs the Microsoft Windows XP Tablet PC Edition and features the capabilities of current business laptops, including attached or detachable keyboards and the ability to run Windows-based applications.'' and Pocket PC: Powered by Windows

Microsoft is clearly pushing Windows XP Tablet PC Edition and Pocket PC in places (e.g. portable computers used by businessmen) currently served by Windows XP Home Edition, and thus appears to be trying to evade the Final Judgment's provisions. This is but one example of how Microsoft can evade the provisions of the Final Judgment by shifting its efforts away from the Operating Systems listed in Definition U and towards Windows XP Tablet Edition, Windows CE, Pocket PC, X-Box, or some other Microsoft Operating System that can run Windows applications.

How should the Final Judgment erode the Applications Barrier to Entry?

The PFJ tries to erode the Applications Barrier to Entry in two ways: By forbidding retaliation against OEMs, ISVs, and IHVs who support or develop alternatives to Windows.

By taking various measures to ensure that Windows allows the use of non-Microsoft middleware.

A third option not provided by the PFJ would be to make sure that Microsoft raises no artificial barriers against non-Microsoft operating systems which implement the APIs needed to run application programs written for Windows. The Findings of Fact (?52) considered the possibility that competing operating systems could implement the Windows APIs and thereby directly run software written for Windows as a way of circumventing the Applications Barrier to Entry. This is in fact the route being taken by the Linux operating system, which includes middleware (named WINE) that can run many Windows programs.

By not providing some aid for ISVs engaged in making Windows-compatible operating systems, the PFJ is missing a key opportunity to encourage competition in the Intel-compatible operating system market. Worse yet, the PFJ itself, in sections III.D. and III.E., restricts information released by those sections to be used ''for the sole purpose of interoperating with a Windows Operating System Product''. This prohibits ISVs from using the information for the purpose of writing operating systems that interoperate with Windows programs.

How should the Final Judgment be enforced?

The PFJ as currently written appears to lack an effective enforcement mechanism. It

does provide for the creation of a Technical Committee with investigative powers, but appears to leave all actual enforcement to the legal system.

What information needs to'' be released to ISVs to encourage competition, and under what terms?

The PFJ provides for increased disclosure of technical information to ISVs, but these provisions are flawed in several ways:

1. The PFJ fails to require advance notice of technical requirements Section III.H.3. of the PFJ requires vendors of competing middleware to meet ''reasonable technical requirements'' seven months before new releases of Windows, yet it does not require Microsoft to disclose those requirements in advance. This allows Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

2. API documentation is released too late to help ISVs

Section III.D. of the PFJ requires Microsoft to release via MSDN or similar means the documentation for the APIs used by Microsoft Middleware Products to interoperate with Windows; release would be required at the time of the final beta test of the covered middleware, and whenever a new version of Windows is sent to 150,000 beta testers. But this information would almost certainly not be released in time for competing middleware vendors to adapt their products to meet the requirements of section III.H.3, which states that competing middleware can be locked out if it fails to meet unspecified technical requirements seven months before the final beta test of a new version of Windows.

3. Many important APIs would remain undocumented

The PFJ's overly narrow definitions of ''Microsoft Middleware Product'' and ''API'' means that Section III.D.'s requirement to release information about Windows interfaces would not cover many important interfaces.

4. Unreasonable Restrictions are Placed on the Use of the Released Documentation ISVs writing competing operating systems as outlined in Findings of Fact (?52) sometimes have difficulty understanding various undocumented Windows APIs. The information released under section III.D. of the PFJ would aid those ISVs—except that the PFJ disallows this use of the information. Worse yet, to avoid running afoul of the PFJ, ISVs might need to divide up their engineers into two groups: those who refer to MSDN and work on Windows-only applications; and those who cannot refer to MSDN because they work on applications which also run on non-Microsoft operating systems. This would constitute retaliation against ISVs who support competing operating systems.

5. File Formats Remain Undocumented No part of the PFJ obligates Microsoft to release any information about file formats, even though undocumented Microsoft file formats form part of the Applications Barrier to Entry (see ''Findings of Fact'' ?20 and ? 39).

6. Patents covering the Windows APIs remain undisclosed

Section III.I of the PFJ requires Microsoft to offer to license certain intellectual property rights, but it does nothing to require Microsoft to clearly announce which of its many software patents protect the Windows APIs (cf. current practice at the World Wide Web Consortium, http://www.w3.org/TR/patent-practice). This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users, as illustrated by this report from Codeweavers, Inc.: When selecting a method of porting a major application to Linux, one prospect of mine was comparing Wine [a competing implementation of some of the Windows APIs] and a toolkit called ''MainWin''. MainWin is made by Mainsoft, and Mainsoft licenses its software from Microsoft. However, this customer elected to go with the Mainsoft option instead. I was told that one of the key decision making factors was that Mainsoft representatives had stated that Microsoft had certain critical patents that Wine was violating. My customer could not risk crossing Microsoft, and declined to use Wine. I didn't even have a chance to determine which patents were supposedly violated; nor to disprove the validity of this claim.

The PFJ, by allowing this unclear legal situation to continue, is inhibiting the market acceptance of competing operating systems. Which practices towards OEMs should be prohibited?

The PFJ prohibits certain behaviors by Microsoft towards OEMs, but curiously allows the following exclusionary practices:

Section III.A.2. allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

Section III.B. requires Microsoft to license Windows on uniform terms and at published prices to the top 20 OEMS, but says nothing about smaller OEMs. This leaves Microsoft free to retaliate against smaller OEMs, including important regional ''white box'' OEMs, if they offer competing products.—

Section III.B. also allows Microsoft to offer unspecified Market Development Allowances—in effect, discounts—to OEMs. For instance, Microsoft could offer discounts on Windows to OEMs based on the number of copies of Microsoft Office or Pocket PC systems sold by that OEM. In effect, this allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas, such as office software or ARM-compatible operating systems.

By allowing these practices, the PFJ is encouraging Microsoft to extend its monopoly in Intel-compatible operating systems, and to leverage it into new areas.

Which practices towards ISVs should be prohibited?

Sections III.F. and III.G. of the PFJ prohibit certain exclusionary licensing practices by Microsoft towards ISVs.

However, Microsoft uses other exclusionary licensing practices, none of which are mentioned in the PFJ. Several of Microsoft's products'' licenses prohibit the products'' use with popular non-Microsoft middleware and operating systems. Two examples are given below.

1. Microsoft discriminates against ISVs who ship Open Source or Free Software applications

The Microsoft Windows Media Encoder 7.1 SDK EULA states ... you shall not distribute the REDISTRIBUTABLE COMPONENT in conjunction with any Publicly Available Software. ''Publicly Available Software'' means each of (i) any software that contains, or is derived in any manner (in whole or in part) from, any software that is distributed as free software, open source software (e.g. Linux) or similar licensing or distribution models ... Publicly Available Software includes, without limitation, software licensed or distributed under any of the following licenses or distribution models, or licenses or distribution models similar to any of the following: GNU's General Public License (GPL) or Lesser/Library GPL (LGPL); The Artistic License (e.g., PERL); the Mozilla Public License; the Netscape Public License; the Sun Community Source License (SCSL); ...

Many Windows APIs, including Media Encoder, are shipped by Microsoft as add-on SDKs with associated redistributable components. Applications that wish to use them must include the add-ons, even though they might later become a standard part of Windows. Microsoft often provides those SDKs under End User License Agreements (EULAs) prohibiting their use with Open Source or Free Software applications. This harms ISVs who choose to distribute their applications under Open Source or Free Software licenses; they must hope that the enduser has a sufficiently up-to-date version of the addon API installed, which is often not the case. Applications potentially harmed by this kind of EULA include the competing middleware product Netscape 6 and the competing office suite StarOffice; these EULAs thus can cause support problems for, and discourage the use of, competing middleware and office suites.

Additionally, since Open Source or Free Software applications tend to also run on non-Microsoft operating systems, any resulting loss of market share by Open Source or Free Software applications indirectly harms competing operating systems.

2. Microsoft discriminates against ISVs who target Windows-compatible competing Operating Systems

The Microsoft Platform SDK, together with Microsoft Visual C++, is the primary toolkit used by ISVs to create Windows-compatible applications. The Microsoft Platform SDK EULA says: ''Distribution Terms. You may reproduce and distribute ... the Redistributable Components... provided that (a) you distribute the Redistributable Components only in conjunction with and as a part of your Application solely for use with a Microsoft Operating System Product...''

This makes it illegal to run many programs built with Visual C++ on Windows-compatible competing operating systems.

By allowing these exclusionary behaviors, the PFJ is contributing to the Applications Barrier to Entry faced by competing operating systems. Which practices towards large users should be prohibited?

The PFJ places restrictions on how Microsoft licenses its products to OEMs, but

not on how it licenses products to large users such as corporations, universities, or state and local governments, collectively referred to as ''enterprises''. Yet enterprise license agreements often resemble the per-processor licenses which were prohibited by the 1994 consent decree in the earlier US v. Microsoft antitrust case, in that a fee is charged for each desktop or portable computer which could run a Microsoft operating system, regardless of whether any Microsoft software is actually installed on the affected computer. These agreements are anticompetitive because they remove any financial incentive for individuals or departments to run non-Microsoft software. Which practices towards end users should be prohibited?

Microsoft has used both restrictive licenses and intentional incompatibilities to discourage users from running Windows applications on Windows-compatible competing operating systems. Two examples are given below.

1. Microsoft uses license terms which prohibit the use of Windows-compatible competing operating systems MSNBC (a subsidiary of Microsoft) offers software called NewsAlert. Its EULA states ''MSNBC Interactive grants you the right to install and use copies of the SOFTWARE PRODUCT on your computers running validly licensed copies of the operating system for which the SOFTWARE PRODUCT was designed [e.g., Microsoft Windows(r) 95; Microsoft Windows NT(r), Microsoft Windows 3.x, Macintosh, etc.] .... ''

Only the Windows version appears to be available for download. Users who run competing operating systems (such as Linux) which can run some Windows programs might wish to run the Windows version of NewsAlert, but the EULA prohibits this.

MSNBC has a valid interest in prohibiting use of pirated copies of operating systems, but much narrower language could achieve the same protective effect with less anticompetitive impact. For instance, ''MSNBC Interactive grants you the right to install and use copies of the SOFTWARE PRODUCT on your computers running validly licensed copies of Microsoft Windows or compatible operating system.''

2. Microsoft created intentional incompatibilities in Windows 3.1 to discourage the use of non-Microsoft operating systems An episode from the 1996 Caldera v. Microsoft antitrust lawsuit illustrates how Microsoft has used technical means anticompetitively. Microsoft's original operating system was called MS-DOS. Programs used the DOS API to call up the services of the operating system. Digital Research offered a competing operating system, DR-DOS, that also implemented the DOS API, and could run programs written for MS-DOS.

Windows 3.1 and earlier were not operating systems per se, but rather middleware that used the DOS API to interoperate with the operating system. Microsoft was concerned with the competitive threat posed by DR-DOS, and added code to beta copies of Windows 3.1 so it would display spurious and misleading error messages when run on DR-DOS. Digital Research's successor company, Caldera, brought a private antitrust suit against Microsoft in 1996. (See the original complaint, and Caldera's consolidated response to Microsoft's motions for partial summary judgment.) The judge in the case ruled that ''Caldera has presented sufficient evidence that the incompatibilities alleged were part of an anticompetitive scheme by Microsoft.'' That case was settled out of court in 1999, and no court has fully explored the alleged conduct.

The concern here is that, as competing operating systems emerge which are able to run Windows applications, Microsoft might try to sabotage Windows applications, middleware, and development tools so that-they cannot run on non-Microsoft operating systems, just as they did earlier with Windows 3.1.

The PFJ as currently written does nothing to prohibit these kinds of restrictive licenses and intentional incompatibilities, and thus encourages Microsoft to use these techniques to enhance the Applications Barrier to Entry, and harming those consumers who use non-Microsoft operating systems and wish to use Microsoft applications software. Is the Proposed Final Judgment in the public interest?

The problems identified above with the Proposed Final Judgment can be summarized as follows:

The PFJ doesn't take into account Windows-compatible competing operating systems Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

The PFJ Contains Misleading and Overly Narrow Definitions and Provisions The PFJ supposedly makes Microsoft publish its secret APIs, but it defines ''API'' so narrowly that many important APIs are not covered. The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines ''Microsoft Middleware'' so narrowly that the next version of Windows might not be covered at all.

The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware. The PFJ supposedly applies to ''Windows'', but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertised as being ''Windows Powered''.

The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible. The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make their operating systems compatible with Windows.

The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft Microsoft currently uses restrictive licensing terms to keep Open Source or Free Software apps from running on Windows. Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems. Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running Linux. (Similar licenses to OEMs were once banned by the 1994 consent decree.) The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems. The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

The PFJ allows Microsoft to discriminate against small OEMs—including regional ''white box'' OEMs which are historically the most willing to install competing operating systems—who ship competing software. The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

The PFJ as currently written appears to lack an effective enforcement mechanism.

Considering these problems, one must conclude that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, and would delay the emergence of competing Windows-compatible operating systems. Therefore, the Proposed Final Judgment is not in the public interest, and should not be adopted without addressing these issues.

Strengthening the PFJ

The above discussion shows that the PFJ does not satisfy the Court of Appeals'' mandate. Some of the plaintiff States have proposed an alternate settlement which fixes many of the problems identified above. The States'' proposal is quite different from the PFJ as a whole, but it contains many elements which are similar to elements of the PFJ, with small yet crucial changes.

In the sections below, I suggest amendments to the PFJ that attempt to resolve some of the demonstrated problems (time pressure has prevented anything like a complete list of amendments). When

discussing amendments, PFJ text is shown indented; removed text in shown in [bracketed strikeout], and new text in bold italics.

Correcting the PFJ's definitions

Definition A should be amended to read

A. ''Application Programming Interfaces (APIs) ''means the interfaces, including any associated callback interfaces, that [Microsoft Middleware running] Popular Windows Applications running or being installed on a Windows Operating System Product [uses] use to call upon that Windows Operating System Product in order to obtain any services from that Windows Operating System Product.

Definition U should be amended to read

U. ''Windows Operating System Product'' means [the software code (as opposed to source code) distributed commercially by Microsoft for use with Personal Computers as Windows 2000 Professional, Windows XP Home, Windows XP Professional, and successors to the foregoing, including the Personal Computer versions of the products currently code named ''Longhorn'' and ''Blackcomb'' and their successors, including upgrades, bug fixes, service packs, etc. The software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion.] any software or firmware code distributed commercially by Microsoft that is capable of executing any nontrivial subset of the Win32 APIs, including without exclusion Windows 2000 Professional, Windows XP Home, Windows XP Professional, Windows XP Tablet PC Edition, Windows CE, PocketPC 2002, and successors to the foregoing, including the products currently code named ''Longhorn'' and ''Blackcomb'' and their successors, including upgrades, bug fixes, service packs, etc. Four new definitions should be added:

V. ''Popular Windows Applications'' shall be defined as as the top 10 selling applications as reported by NPD Intelect Market Tracking in each of the categories Business, Education, Finance, Games, Personal Productivity, and Reference, plus all Microsoft Middleware Products.

W. ''Essential Windows API Patents'' shall be defined as those patents held by Microsoft which cover Essential Windows APIs, such that those APIs cannot possibly be implemented without infringing upon said patents.

X. ''Essential Windows APIs Standard Definition'' shall be defined as a document, suitable for approval by a standards body such as ECMA or IEEE, which accurately defines the inputs, outputs, and behavior of each Essential Windows API, and enumerates any Essential Windows API Patents.

Y. ''Essential Windows APIs Standard Compliance Test Suite'' shall be defined as software source code which, when compiled and run, automatically tests an operating system for compliance with the Essential Windows APIs Standard Definition, and outputs a list of each API which fails to comply with the Essential Windows APIs Standard Definition. The test suite should run unattended; that is, it should be capable of running without human interaction or supervision.

Release of Information

Section E should be amended to remove the restriction on the use of the disclosed information:

... Microsoft shall disclose ... [for the sole purpose of interoperating with a Windows Operating System Product,] for the purpose of interoperating with a Windows Operating System Product or with application software written for Windows, Because any new competitor in the Intel-compatible operating system must be able to run Windows applications to have a chance in the market, and because Microsoft has traditionally used undocumented Windows APIs as part of the Applications Barrier to Entry, the Final Judgment should provide explicitly for a clear definition of what APIs a competing operating system must provide to run Windows applications. The best way to do this is by submitting the API definitions to a standards body.

This was done in 1994 for the Windows 3.1 APIs (see Sun's 1994 press release about WABI 2.0 and the Public Windows Initiative). The result is Standard ECMA-234: Application Programming Interface for Windows (APIW), which provides standard definitions for an essential subset (four hundred and fourty-four out of the roughly one thousand) of the Windows 3.1 APIs; it was rendered mostly obsolete by the switch to Windows 95. The Final Judgment should provide for the creation of something like ECMA-234 for the various modern versions of Windows.

Because Microsoft currently claims that it has intellectual property rights that protect the Windows APIs, but has never spelled out exactly which patents cover which APIs, the Final Judgment should force this to be spelled out.

A new section IV.E should be created to achieve the above goals by adding the following text:

E. Establishment of a Windows API Standards Expert Group Within 60 days of entry of this Final Judgment, the parties shall create and recommend to the Court for its appointment a six person Windows API Standards Expert Group (''WASEG'') to manage the creation, publication, and maintenance of an Essential Windows APIs Standard Definition, and to guide it through the process of being adopted by a standards body such as ECMA or the IEEE.

Three of the WASEG members shall be experts in software design and programming, and three of the WASEG members shall be experts in intellectual property law. No WASEG member shall have a conflict of interest that could prevent him or her from performing his or her duties under this Final Judgment in a fair and unbiased manner. No WASEG member shall have entered into any non-disclosure agreement that is still in force with Microsoft or any competitor to Microsoft, nor shall she or he enter into such an agreement during her or his term on the WASEG.

Without limitation to the foregoing, no WASEG member shall have been employed in any capacity by Microsoft or any competitor to Microsoft within the past year, nor shall she or he be so employed during his or her term on the WASEG.

Within seven days of entry of this Final Judgment, the Plaintiffs as a group shall select two software experts and two intellectual property law experts to be members-of the WASEG, and Microsoft shall select one software expert and one intellectual property law expert to be members of the WASEG; the Plaintiffs shall then apply to the Court for appointment of the persons selected by the Plaintiffs and Microsoft pursuant to this section.

Each WASEG member shall serve for an initial term of 30 months. At the end of a WASEG member's initial 30-month term, the party that originally selected him or her may, in its sole discretion, either request re-appointment by the Court to a second 30-month term or replace the WASEG member in the same manner as provided for above.

If the United States or a majority of the Plaintiffs determine that a member of the WASEG has failed to act diligently and consistently with the purposes of this Final Judgment, or if a member of the WASEG resigns, or for any other reason ceases to serve in his or her capacity as a member of the WASEG, the person or persons that originally selected the WASEG member shall select a replacement member in the same manner as provided for above.

Promptly after appointment of the WASEG by the Court, the United States shall enter into a Windows API Expert Group services agreement ''WASEG Services Agreement'') with each WASEG member that grants the rights, powers and authorities necessary to permit the WASEG to perform its duties under this Final Judgment. Microsoft shall indemnify each WASEG member and hold him or her harmless against any losses, claims, damages, liabilities or expenses arising out of, or in connection with, the performance of the WASEG's duties, except to the extent that such liabilities, losses, damages, claims, or expenses result from misfeasance, gross negligence, willful or wanton acts, or bad faith by the WASEG member. The WASEG Services Agreements shall include the following:

The WASEG members shall serve, without bond or other security, at the cost and expense of Microsoft on such terms and conditions as the Plaintiffs approve, including the payment of reasonable fees and expenses. The WASEG Services Agreement shall provide that each member of the WASEG shall comply with the limitations provided for in section IV.E.2. above.

Microsoft shall provide the WASEG with funds needed to procure office space, telephone, other office support facilities, consultants, or contractors required by the WASEG.

The WASEG shall not have direct access to any part of Microsoft's computer software source code that is not normally available to all ISV's. The WASEG shall not enter into any non-disclosure agreements with Microsoft or third parties. No implementations of any Windows APIs shall be written or published by the WASEG.

The WASEG shall have the following powers and duties: The WASEG may require Microsoft to provide comprehensive answers to questions about Microsoft intellectual property claims.

The WASEG may require Microsoft to provide comprehensive answers to questions about the inputs, outputs, and functionality of any Windows API; in particular, the WASEG may compel Microsoft to provide complete documentation for Windows APIs, including hitherto undocumented or poorly-documented Windows APIs.

The WASEG may engage, at the cost and expense of Microsoft, the services of outside consultants and contractors as required to fulfill the duties of the WASEG.

The WASEG shall establish a publicly available web site not owned or otherwise controlled by Microsoft, and will publish status reports and other information there at least as often as once per month. Documentation on the web site shall be made available subject to the terms of the GNU Free Documentation License; test suite source code made available on the web site shall be made available subject to the terms of the GNU General Public License.

The WASEG shall compile a complete list of Windows APIs, including for each API the DLL name, entry point name, entry point ordinal number, return value type, and parameter types, as well as which versions of Windows it is supported by and what percentage of Popular Windows Applications use it. The WASEG shall publish this list on the WASEG web site subject to the GNU Free Documentation License, according to the following schedule: Within 90 days after the WASEG is convened, the WASEG shall publish this information for at least three hundred Windows APIs. On the 1st of each month thereafter, the WASEG shall publish this information for another three hundred Windows APIs. This shall continue until a complete list of Windows APIs is available on the web site. The WASEG shall use tools such as Apius from Sarion Systems Research to verify that the list of Windows APIs is indeed complete, and that installing or running any Popular Windows Application does not cause any unlisted Windows API to be invoked.

The WASEG shall compile a complete list of Essential Windows API patents and patents pending, and an evaluation of which Windows APIs each patent covers. The WASEG shall compile this information by asking Microsoft for a complete list of Essential Windows API patents and patents pending, and then determining which Windows APIs are likely to be covered by each patent or patent pending; the WASEG shall use the World Wide Web Consortium's document www.w3.org/TR/2002/NOTE-patent-practice-20020124 as guidance. The WASEG shall publish this information on the WASEG web site subject to the GNU Free Documentation License, according to the following schedule: Within 90 days after the WASEG is convened, the WASEG shall publish an evaluation of 30 patents. On the 1st of each month thereafter, the WASEG shall publish an evaluation of another 30 patents. This shall continue until evaluations of all patents claimed by Microsoft to cover the Windows APIs have been published on the WASEG web site.

The WASEG shall compile documentation for the list of Windows APIs defined above in section IV.E.9.e, including a complete description of the meanings of the return values and parameters, and the effects of the API. The documentation should be composed in a style similar to that used for the Single Unix Specification documentation (http://www.UNIX-systems.org/go/unix). Within 180 days after the WASEG is convened, and on the 1st of every month thereafter until complete, the WASEG will make available the currently completed portion of this documentation via its web site.

When the three documents described above—the list of Windows APIs, the list of Essential Windows Patents, and the documentation for the listed Windows APIs—is complete, the WASEG shall undertake to submit them to a standards body such as ECMA or the IEEE as a Public Windows APIs Standard Document, and to make such enhancements and revisions as needed to gain the acceptance of that document as a standard.

The WASEG shall create an Essential Windows APIs Standard Compliance Test Suite, and publish it on the WASEG web site subject to the GNU General Public License, according to the following schedule: Within 180 days after the WASEG is convened, the WASEG shall publish test cases for at least fifty Windows APIs. On the 1st of each month thereafter, the WASEG shall publish test cases for at least another fifty Windows APIs. This shall continue until a complete Essential Windows APIs Standard Compliance Test Suite is available on the web site.

In the event that a planned update to Windows or any other Microsoft product is expected to result in the creation of new Windows APIs, the WASEG shall create addenda to the above documents and test suite covering the new APIs, make them available via its web site, and undertake to submit them to the same standards body as above as an addendum to the standard.

Prohibition of More Practices Toward OEMs

III. A. 2. of the Proposed Final Judgment should be amended to read 2. shipping a Personal Computer that (a) includes both a Windows Operating System Product and a non-Microsoft Operating System, or (b) will boot with more than one Operating System, or (c) includes a non-Microsoft Operating System but no Windows Operating System Product; or ...

Summary

This document demonstrates that there are so many problems with the PFJ that it is not in the public interest. It also illustrates how one might try to fix some of these problems.

Dan Kegel

MTC–00033552

From: Michael L. Mitchell
To: Microsoft ATR
Date: 1/27/02 10:07pm
Subject: Microsoft Settlement
** Secret **

Hello,

I would like to provide my comment on the settlement that the Justice Department has entered in with Microsoft. I believe that the settlement is quite adequate. If anymore were to be done it has a reverse effect of harming the consumer (me). I think it is time that this matter be settle and the allow Microsoft and the Justice Department move forward.

Thank you
Michael L. Mitchell
Brandon, FL

MTC–00033553

From: Michael Batchelder
To: Microsoft ATR
Date: 1/27/02 10:09pm
Subject: Microsoft settlement

I would like to register my dissatisfaction with the proposed settlement in the case of US v. Microsoft. As an information technology professional, I have personally witnessed Microsoft's policies restricting consumer choice (my own, w/regard to purchasing computers without Windows operating systems), failing to provide quality service (for which increased competition should be the solution), and limiting, rather than encouraging innovation.

Should the Department of Justice choose to move forward with the proposed settlement, I will take it as compelling evidence that the Bush administration is clearly a government ''for large corporate interests, by large corporate interests, and of large corporate interests'', at the expense of the peoples'' interest.

Thank you,
Michael Batchelder
Redwood City, CA

MTC–00033554

From: jbarney
To: Microsoft ATR
Date: 1/27/02 10:10pm
Subject: microsoft settlement

I am a small business owner. Ten years ago my business had to cobble together a variety of software programs in order to operate my business because one program would not talk to another program. To do so was very expensive and time consuming. These are the very companies that are suing Microsoft. Along came Microsoft and tied it all together, and did so at a reasonable price. These other companies are just whining because they still don't have the ability to come up with a workable system.

Their is no antitrust case against Microsoft. Nobody has been hurt. Quite the contrary, Microsoft has made life a lot easier for most of us. It is just a political charade. Quit spending taxpayer money, throw the case out. and get on with life.

Jack Barney

MTC–00033555

From: jwjptw
To: Microsoft ATR
Date: 1/27/02 10:15pm
Subject: Microsoft Settlement

Dear Sirs:

I would recommend that the DOJ stop any further action against Microsoft and accept the settlement. I have been involved with computers for 24 years and decided long ago it made sense to go with Microsoft products beginning with MS-DOS. They have developed good products with excellent support and training. They have empowered the home computer user to expand his vision and utilize tools that previously were beyond his expectations and without effort to learn programming in order to achieve immediate

success. Microsoft has done more to advance human knowledge and productivity than any single corporation has in the technical age.

Many of the plaintiffs exhibit greed and envy in their comments and actions while trying to get the government to grievously impair a competitor when their primary damage is to their egos.

The attorneys in the federal government, states, and some individual corporations have used this venue to enhance their own public images, which is such a waste of public money. You have a settlement; take it and get on to matters that are more important.

Thank you,

Jack Jenkins

MTC–00033557

From: Michael Capehart
To: Microsoft ATR
Date: 1/27/02 10:18pm
Subject: Microsoft Settlement

The settlement is a bad idea, and will only serve to let Microsoft off with a slap on the wrist for destroying any real chance for competition in the computer software industry. Stop them now, because you will not get another chance.

Mike Capehart
mwcapehart@earthlink.net
mikespager@earthlink.net

MTC–00033558

From: Kevin P. Rice
To: Microsoft ATR
Date: 1/27/02 10:18pm
Subject: Microsoft Settlement

My name is Kevin Rice. I live in Bellevue, Washington, and work as a business analyst. As part of my work, I use many of Microsoft's products, including Microsoft Windows NT and Microsoft Office 97. I consider myself to be a power user and build sophisticated documents with Microsoft Excel and Access that include procedures written using built in macro language for Office, Visual Basic for Applications. At home, I use an Apple Macintosh and Microsoft Office 98, so I am familiar with multiple computer operating systems.

The Revised Proposed Final Judgement as currently structured does not meet the public interest. The proposed penalties are inadequate given Microsoft's anticompetitive behavior as outlined in the Findings of Fact, and Microsoft has too much influence over enforcement through the Technical Committee. The current competitive situation in the computer industry and its impact on consumers requires tougher, enforceable penalties.

According to the Findings of Fact, Microsoft has engaged in anticompetitive business behavior. It is important that there be punishment for this behavior; without adequate punishment, Microsoft has no incentive to discontinue and alter the behavior deemed anticompetitive by the courts. Microsoft could easily defend itself against complaints using the legal system, while small businesses with innovative products beneficial to the consumer would have no practical recourse, even in the courts, if they were the victims of any anticompetitive practice by Microsoft. The Final Judgement in Civil Action 94–1564 prohibits Microsoft from entering ''into any License Agreement that by its terms prohibits or restricts the OEM's licensing, sale or distribution of any non-Microsoft Operating System Software product.'' Also, Microsoft cannot enter into an agreement with an OEM that prohibits the OEM from ''licensing, purchasing, using or distributing any non-Microsoft product.'' According to the Findings of Fact, Microsoft has already violated the prohibitions in the Final Judgement by not allowing OEMs to install their own tutorial software to their computers'' boot sequence. This prevented OEMs from offering a useful benefit to consumers. Microsoft also violated the spirit of the Final Judgement by not allowing OEMs to delete the Internet Explorer icon from the Windows desktop; this discouraged OEMs from putting an alternative browser on the desktop because it would be confusing to consumers. Given this behavior, stricter remedies would be appropriate. However the Revised Proposed Final Judgement does little more than restate the prohibited behavior of the previous Final Judgement using more precise language updated to reflect the current industry environment. This will not prevent Microsoft from altering their behavior in ways that may (or may not) be in compliance but would still be anticompetitive, requiring more legal action and prolonging harm to consumers. The language in the RPFJ also does nothing to penalize Microsoft for illegal behavior. This will make the prohibitions in the RPFJ more difficult to enforce, since violations of the prior Final Judgement resulted in no significant penalty to Microsoft.

The RPFJ calls for the establishment of a Technical Committee, with one member chosen by Microsoft and another member that the Microsoft-chosen TC member must agree to. Given that Microsoft has been ''found guilty'' of anticompetitive monopoly maintenance, they have too much influence over the makeup of the TC. The selection process for the Technical Committee is analogous to giving an accused murderer the ability to choose some of the jurors for his trial. A better alternative would be to give Microsoft limited veto ability similar to a jury selection process, with members randomly selected from a pool of candidates that meet the qualifications outlined in the RPFJ.

The current Revised Proposed Final Judgement does not improve the competitive environment in the computer industry and does not benefit consumers or the public interest. Because of the lack of serious alternatives to Microsoft products, consumers pay more for those products in extra time spent resolving defects in Microsoft software. These defects range from bugs that interfere with the desired use of computer software to vulnerabilities to viruses such as Melissa, Code Red, and Nimda. In addition there may be an unknown number of potential innovations in computer hardware or software that will not be made available to consumers because of fear of anticompetitive business practices by Microsoft. Netscape is but one example of what can currently happen to a business with an innovative product in conflict with Microsoft's business goals. Therefore, it is critical that any settlement or other remedy of this case effectively curbs Microsoft's anticompetitive behavior.

MTC–00033559

From: Javier L. Madrid
To: Microsoft ATR
Date: 1/27/02 10:34pm
Subject: Microsoft Settlement

Your Honor, Now is the time to preempt the further spread of Microsoft's plans to expand their ill-gotten monoply. The company that started by offering products to make computing easier for non-programmers has reached a point of diminishing returns for those same people. For a number of years now their efforts have been focussed more on the protection of their revenue stream (you and I) than on true innovation. Not only have they been bereft of innovative products but have hired away from academia and their rivals truly innovative thinkers thus preventing the fruits of their scientific labor benefiting their competitors.

From my vantage point from within the Tech Industry I feel that this unapologetic and arrogant company that has grown so huge in its pervasiveness in every day life must be dealt with in a truly historic harsh fashion. As they have dealt brutally from a business perspective with those perceived as even remotely competitive whether it be a single person or a company so they too must now be taken to task.

These are my recommendations:

(1) They are not to be allowed to expand to ANY new technical markets for 10 years either by partnership or funding or purchasing of companies or rights to technology.

(2) Levy a 10 billion dollar penalty against the company and only accept CASH, and not spread over 5 or 10 years of installments. Use the money to help fix our educational system.

(3) They must open the entire set of Windows APIs and file formats now and in the future to truly foster competition and innovation.

Your Honor, it is key that this company not be allowed to ''embrace and extend'' their monoply.

Their true intentions are not so much about producing good products as it is about preserving at all costs a regular tithing from you and I.

Your Honor, it is time for you to ''think outside the box''.

MTC–00033560

From: Michael J. Kennedy
To: Microsoft ATR
Date: 1/27/02 10:35pm
Subject: Microsoft Settlement

To the Honorable Court: I have read and cosigned the Open Letter to DOJ Re: Microsoft Settlement written by Dan Kegal, and I am writing to further express my opinion of the Proposed Final Judgement in the United States v. Microso case. I believe that the Proposed Final Judgement should not go through the way it is. I am aware that the Department of Justice concluded that Microsoft has engaged in monopolistic behaviors and that Microsoft has used its

position of power to prevent competition. However, this main problem still has not been addressed fully. Under the settlement as it currenly is written, Microsoft would essentially be able to continue its anti-competitive practices merely by altering some of its company procedures.

I believe that Microsoft should be required to publish documentation of its APIs for uninhibited use by developers of alternative software systems. This will serve to reduce the ''appications barrier to entry,'' allowing developers of competing products to add compatability for existing standards. This, in turn, allows those developers to make a successful entry into the software market, thus promoting competition.

I also contend that Microsoft should be disallowed to certify hardware devices as ''designed for Windows,'' unless the specifications of those devices are released to the public. Consumers don't want to use an operating system that doesn't support their hardware. Maintaining secret hardware specifications hinders the development of free operating systems that run on a wide range of hardware.

In conclusion, I believe that the Proposed Final Judgement is not good enough and is in need of revision. The revisions should ensure that Microsoft cannot resume actions that are anti-competitive and that are not in the public interest. Thank you for your time and consideration.

Sincerely,
Michael J. Kennedy
Champaign, IL
Computer Science Student
University of Illinois

MTC–00033561

From: Jessica Kohagen
To: Microsoft ATR
Date: 1/27/02 10:38pm
Subject: ''Microsoft Settlement''

I am writing as both a concerned college student and as a concerned consumer. I truly believe that open competition in every market promotes better quality and utilizes all the available resources. I fear that the demand for engineers in computer-related fields will decrease significantly if Microsoft's competition is restricted or eliminated. In addition, the development of computer-related technology maybe be slowed if companies aren't trying to ''get an edge'' over one another. Keeping unrestricted competition will ensure state-of-the-art technology and quality products for the consumer as well as job openings and possible entrepreneurships for those currently in the industry as well as those who will be entering it within a few years.

Sincerely,
Jessica Kohagen
Pardee Tower #612
614 W. 35th Pl.
Los Angeles, CA 90089
CC:microsoftcomments@doj.ca.gov@inetgw

MTC–00033562

From: Frances Fronczak
To: Ms. Renata Hesse
Date: 1/27/02 10:43pm
Subject: Microsoft Settlement
Frances Fronczak
3820-C Carlsbad Blvd
Carlsbad, CA 92008–4004
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Please stop picking on Microsoft. This is a Republic where capitalism is king and Microsoft has brought us to an unsurpassed degree of growth in technology and prosperity. The unnecessary DOJ pursuit of Microsoft has caused many financial losses to average Americans in jobs and in the financial markets. The proposed settlement should be approved so that we can all go forward and stop wasting productive American ingenuity from one of the greatest companies in the universe. The only beneficiaries from this ordeal will, in all likelihood, be the attorneys, as we have all witnessed in the past in regard to the persecution of the Tobacco companies.

Yours truly,
Frances Fronczak, MD

MTC–00033563

From: Ken Kundert
To: Microsoft ATR
Date: 1/27/02 10:43pm
Subject: Microsoft Settlement

It is clear to me that the DOJ caved in to intense lobbying pressure when it agreed to the current settlement. That is the only way to explain it. Anybody that has paid any attention to Microsoft's behavior of the last decade knows that this settlement will have no significant impact on Microsoft. They will ignore it like they ignored both the law and the restrictions that they agreed to in the past. Furthermore, I do not believe that they would have been offered this settlement had they not improperly influenced both the Executive Branch and our law makers. Giving Microsoft this settlement shows the people of the United States and the world that justice in America does not apply to the very wealthy.

It is my sincere hope that the original spirit of the Tunney act is followed. If so, I confident that it will come out that Microsoft was able to buy a very favorable settlement. At the very least, I hope that you reject the DOJ settlement and go with the settlement proposal of the 9 dissident states. Better yet, I hope you return to the idea of breaking up Microsoft. I have been involved in the software industry for 20 years, though I have never been directly or indirectly employed by either Microsoft or its competitors, and I can say with great confidence that Microsoft, with its monopoly position, has slowed the progress of the computer industry by at least 10 years. The cost of not having competitors to its buggy and insecure software has been vast. Breaking up Microsoft will be the best thing for consumers.

Ken Kundert

MTC–00033564

From: Lindsay Ray
To: Microsoft ATR
Date: 1/27/02 10:46pm
Subject: Microsoft Settlement

Dear Judge,

I don't think that the PFJ is the correct solution to this problem. Microsoft is a fabulous company, however, they are in direct violation to the law. They are guilty of some very serious anti-competitive violations. The PFJ does not provide an effective enforcement mechanism. What microsoft has done to many companies is very wrong and needs to be stopped. It is not fair. The world needs competition.

Thanks
Lindsay Ray 213–764–3843

MTC–00033565

From: kevins@indepth-tech.com@inetgw
To: Microsoft ATR
Date: 1/27/02 10:48pm
Subject: Microsoft Settlement

Ladies and Gentlemen:

I whole heartedly support the proposed settlement agreement in U.S. v. Microsoft. While no settlement is likely to please all, this settlement has well thought out, purposeful remedies that will encourage technical innovation and market competition. It is time to accept the fair remedies of the settlement and allow the industry to concentrate on creating the new computing products that will create jobs and stimulate the economy.

Kevin Schuler
President
InDepth Technology
CC:kevins@indepth-tech.com@inetgw

MTC–00033566

From: Jim White
To: Microsoft ATR
Date: 1/27/02 10:48pm
Subject: Microsoft Settlement

To whom it may concern:

This my public comment under the Tunney Act.

I am OPPOSED to the revised proposed Final Judgement to resolve the United States'' civil antitrust case against Microsoft as it currently is formulated (11/06/2001).

The proposed remedies are entirely inadequate to resolve ongoing anti-competitive practices by Microsoft with regard to the development and marketing of software competing with the Windows Operating System. Of particular importance is that no provision is made to prevent Microsoft's efforts to subvert the development and distribution of free and open software that competes with Windows. Microsoft is using its many entangling End User License Agreements for both its applications (such Internet Explorer, Microsoft Office, etc) and SDKs (software development kits, necessary in many cases for practical development of applications to be used with or to compete with Windows) to REQUIRE that the End User to only use the application software on a Microsoft licensed operating system. This is blatant product tying to the monopoly Windows OS with the direct consequence of preventing the distribution of legal competing products.

Thank you for your consideration.
Signed,
James White
Software Consulant
Laguna Hills, CA

MTC–00033568

From: Mickey Aberman
To: Microsoft ATR
Date: 1/27/02 10:59pm
Subject: Microsoft Settlement
Public Comment:

I have no dog in the Microsoft fight. Nevertheless, I have been following the case since the trial started.

Microsoft was proven to have committed massive antitrust violations. During the trial it was caught falsifying a demonstration, and its executives were caught lying many times.

The court of appeals en banc upheld the findings of serious violations and monopolizing on a scale that is huge. This was apparently the full court of appeals, comprised to al arge extent of conservative judges).

How can Microsoft have any hope of avoiding massive punishment? A defendant one-tenth the size, whose violation had one-tenth the scope, would be trying to keep its executives out of jail.

The Microsft settlement is surreal (and unfairly favorable to the Defendant). It looks like political connections or intimidation have prevailed over justice.

Microsoft really needs to be broken up into three parts.

John M. Aberman
2145 Radcliffe Avenue
Charlotte, NC 28207
(704) 372–5646

MTC–00033569

From: olivier@tesla.intra.calle.org@inetgw
To: Microsoft ATR
Date: 1/27/02 11:04pm
Subject: Microsoft Settlement

I wish to express my opposition to the Proposed Final Judgment with Microsoft.

I do not believe the proposed remedies will do anything to curb the behaviors of Microsoft which were found to be in violation of antitrust laws when the company was found guilty.

For example, the proposal includes many opportunities or loopholes for Microsoft to exclude itself from API disclosure requirements. It can simply claim that there are security reasons for not documenting an API. It can itself define who is a true competitor. Why does this Proposed Final Judgment allow Microsoft such leeway in deciding itself whether it con be excluded from a requirement of the Proposed Final Judgment? Allowing Microsoft to claim security as a reason to not disclose an API is ridiculous. Unix and Unix-like operating systems describe all their APIs clearly, some even give you all their source code (Linux, FreeBSD, OpenBSD, etc.) and do not consider this a security problem at all. Security through obscurity, as it is called, is most definitely not better than security through open discussion, availability ond peer review, and in my opinion (and that of many security experts) is worse. I believe that this particular exception to disclosure should never have made it into the Proposed Final Judgment.

My opinion that the Proposed Final Judgment lacks any true corrective power goes beyond the comment above, but applies to it as a whole. I believe that this Proposed Final Judgment heavily favors the guilty in these proceedings and fails to adequately represent the United States of America. We the people, represented by the Department of Justice, received a verdict of guilty against Microsoft, yet it now seems that we are backing down in the sentencing phase. The fact alone that the guilty party in this matter likes this Proposed Final Judgment makes it suspect beyond specific problems with it.

In summary, I believe the Proposed Final Judgment is not in the public interest. It does not seriously, nor effectively address the illegal behavior of the convicted monopolist, Microsoft.

Respectfully submitted,
Olivier Calle
Senior Software Engineer, Citizen of the United States of America
PO Box 752
Marysville WA 98270–0752

MTC–00033570

From: Pedro Celis (wrnha)
To: Microsoft ATR
Date: 1/27/02 11:06pm
Subject: Microsoft Settlement.
Republican National Hispanic Assembly of Washington State

Dear Sirs,

As Chairman of the Republican National Hispanic Assembly of Washington State we offer our endorsement of the agreement reached by Microsoft, the U.S. Department of Justice and nine states. The settlement should be accepted not only for its specifics, but also for the principles that it represents.

Whenever conflicts arise, our government should strive to find common ground and reach compromises with business. Negotiation and settlement is a better model for government-business relations than litigation. It is unfortunate that the dispute between Microsoft and the government has already resulted in such a long and costly trial. Better still, government should seek to minimize its interference with the competitive market place; it should work as an ally with, not an adversary to, business.

Litigation is never good for business or industry. Because virtually all businesses rely on technology, the Microsoft case affects us all. As the case proceeded, it appeared that government, not the competitive marketplace, might establish the direction of technology. Such an event would have proved disastrous for the technology industry, for the greater business community, and for the economy.

We are happy to see that a comprise and agreement has been reached between these parties and we encourage you to accept this settlement. pThis settlement would be fair and reasonable at any time, even if our economy was growing at a rapid pace. However that is not currently the case, and for that reason it is all the more important that the settlement be finalized and the American technology industry starts to benefit from a public policy that minimizes costly regulation, ensures competition, and promotes fair trade and intellectual property enforcement in international markets.

Sincerely Yours,
Pedro Celis, Ph.D.
Republican National Hispanic Assembly
Washington State Chairman

MTC–00033571

From: Patrick Melody
To: Microsoft ATR
Date: 1/27/02 11:10pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am writing in regard to the Microsoft Settlement. I am troubled by the settlement as it does not appear to do anything to remedy harm caused by Microsoft's actions nor do anything to promote the public good. As background information on myself, I have a master's degree in computer science and have worked as a professional programmer since 1995. Previous to this I have used and programmed computers as a hobby since high school in the early 1980s.

The operating system is the lowest level of software on a computer, on which all other software running on the computer depends. The value of a ubiquitous operating system to the public is that it provides a unified platform on which to target applications. Program developers need learn only this one system, and large numbers of users may then enjoy the availability of numerous application programs.

Furthermore, these users can easily interoperate with each other since they all share the OS as a common infrastructure. The value of a ubiquitous operating system to it's owner is the dependence of millions of users on the owner. This dependence can be used to leverage dependence in other areas besides the OS.

The Internet ''works'' and has enjoyed great success because it was built on open protocols that are independent of any particular hardware or software program. Even though you and I may use completely different hardware platforms, operating systems, and/or email programs, we can still exchange email with no difficulties. Even though our web pages may be produced with different authoring programs and we may use different web browsers, we can still read each others web pages. This is due to the open protocols and data formats used on the internet. In the age of the disconnected desktop computer, the operating system was the common substrate. In the age of connected systems a new common substrate as appeared: communications protocols and file/data formats. The benefit of the public to these open protocols and formats is clear: the ability to have software written by anyone interoperate seamlessly and effectively with software written by anyone else. First, any networking protocols used by Microsoft must be fully published and approved by an independent network protocol body before any Microsoft software using them is deployed. This especially applies to the .NET and associated Hailstorm and Passport technologies, which Microsoft is clearly positioning to be tomorrow's ubiquitous software infrastructure. The purpose of this is to ensure the ability of anyone's software

to interoperate with Microsoft software and prevent Microsoft from using their OS monopoly to gain a monopoly over internet usage.

Second, any file formats used by Microsoft must be fully published so that these files may be read and written by independent developers, again to ensure interoperability with Microsoft's software.

Finally, there must be effective provisions for the settlement to be enforced since a settlement that can be ignored without severe repercussions is no settlement at all.

Microsoft has repeatedly indicated it feels it has done nothing wrong and that this entire case is an unjustified imposition on it, even going so far as to fake video evidence in front of a federal judge. Such a defendant cannot be trusted on its own recognizance. The current settlement has no teeth.

Microsoft will undoubtedly cry that these measures are unfair. However, the rules of business are different for monopolists than for non-monopolists, and there must be a penalty for monopolists found guilty of illegally maintaining a monopoly as Microsoft has done. As such, these measures are not unfair and would greatly serve the public interest by allowing nonmonopolist software to interact on even ground with the monopolist's software, allowing more competition and more options to the public in choosing their products and services.

Sincerely,
Patrick J. Melody
3708 Acosta Rd
Fairfax VA 22031
pjmelody@concentric.net
pjmelody@acm.org

MTC–00033572

From: Kyrieeleeson@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 11:18pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530–0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than ''welfare'' for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Vince Bradley
5329 Summerlin Road
Fort Myers, FL 33919

MTC–00033574

From: Thomas Tuttle
To: Ms. Renata Hesse
Date: 1/28/02 4:31am
Subject: Microsoft Settlement
Thomas Tuttle
3602 Alpine Rd
Madison, WI 53704
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Thomas Tuttle

MTC–00033575

From: William J. McGurk
To: Ms. Renata Hesse
Date: 1/28/02 6:07am
Subject: Microsoft Settlement
William J. McGurk
Rockville Bank, 1645 Ellington Road
South Windsor, CT 06074
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

As a taxpayer and consumer, I support the proposed settlement of the Microsoft lawsuit, and urge you to approve it. Let's stop the waste of taxpayers money fighting a fair settlement.

Sincerely,
William J. McGurk

MTC–00033576

From: Walter L. Johnson
To: Renata Hesse (E-mail)
Date: 1/28/02 8:10am
Subject: DOJ v Microsoft, an end user opinion

Dear Ms. Hesse,

It is my understanding that opinions regarding the DoJ v Microsoft ruling is allowed and welcomed by your office. I have attached such a document that states what perceive and believe in the matter.

Thank you,
Walter L Johnson

From: Walter L. Johnson
To: Renata Hesse (E-mail)
Date: 1/28/02 8:10am
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Walter L Johnson

The agreement between Microsoft and the Department of Justice, An opinion By Walter L. Johnson While the subject, action has been concluded with what has been perceived as less than a satisfactory agreement, there are extended implications for which we must prepare. If you want to cut to the chase, see ''Some final words'' at the end of this opinion.

The allegations filed against Microsoft by the Department of Justice at the outset has the appearances of a cut and dried case of unfair practices involving free and open competition. The ruling therefore had all the appearance and intent of limiting unfair competition. We must conclude that there was sufficient evidence against Microsoft to create a ruling. On closer examination, the

ruling is not as straightforward as it should be, that is if Microsoft was so clearly at fault. Specifically, there are certain portions of the settlement that clearly limit Microsoft's competitive ability and others allow it to continue to compete.

Moreover, other portions of the settlement allow Microsoft to continue to pursue its larger strategy without the hindrances that the litigants were seeking. It is this enigmatic judgment that needs examination. This examination is not for the purposes of a retrial but for an understanding, because the end user could once again reap the benefits as could the litigants.

Microsoft:

To say that Microsoft has brought desktop computing, PC style, into the mainstream would be an understatement. MS took the next software development step immediately after general PC hardware was made commercially possible. Had not MS done this, desktop computing could still be limited to offices. And most probably that would have been due to prohibitive costs. Microsoft has stated all along that its goal was to spread computing through society as a whole and link it via a network. To achieve this goal it supplied an operating system, graphic user interface and application software. It bundled software, made special offers, collected partners and bought companies.

If this is, in general, a fair assessment of Microsoft's intent, actions, and strategy, then an examination of how it achieved it's goals through what has been characterized as ''questionable tactics'', are in order. And this includes the resulting judgment by the DoJ.

* A previous analysis has been completed by ''ACT Analysis of Microsoft/DOJ Proposed Settlement'', 1413 K Street, NW, 12th Floor, Washington, DC 20005, www.ACTonline.org. I have used it's 6 headers to lend structure to my comments as I believe they tip the ice burg.

1.''For computer manufacturers (OEMs) who equip their products with any Microsoft operating system—Guaranteed flexibility.''

Microsoft has been ordered to modularize it's OS, GUI and middleware to allow OEMs to remove ''pieces and parts'' at will and ''mix and match'' other OEM products and to have the freedom to control the boot sequence of the of the OS. Additionally, uniform-licensing terms, discounts, and marketing freedom are ordered. Microsoft could have modularized their product earlier and competed ''piece at a time'' but they chose to integrate so that the product could function easier and quicker. Remember hardware at the time of these alleged offences were slow and quirky. Sometimes Windows worked well only for a particular platform or hardware configuration. MS dealt with several clone producers to enable their product to operate on the hardware platform. It was a custom fit in many cases made by MS and the clone producer before it arrived at the client. While MS was fighting the OS/Hardware infrastructure problem, it appears likely that ease of inclusion and exclusion was not a feature high on their list. It seems that there were two problems that existed for MS, hardware and application fit. MS chose the easy route, which excluded competitors. MS was not obligated to assist its competitors in undermining itself.

The Department of Justice has ordered Microsoft to make it's OS a highly modularized piece of software.

This means that if a competitor, for example, wants a different browser to be integrated into lets say Windows XP and that the resulting product could be licensed as a VAP called ''Windows XP Rouser Browser.'' The competitor will pay Microsoft a volume rate for their basic ''Windows XP'' modular without the Windows browser. If their resulting product'' is a contender to Microsoft's, then as they say, ''we've got a horse race.'' Finally, Microsoft will not create any damaging strategy and or tactic regarding this portion of the judgment that may be considered a conscience effort to harm or hinder their competitor. The competitor may integrate any middleware software of their choice that previously WAS an integral part of the Microsoft OS including controlling the boot up sequence.

A modular, accessible core is made available which allows anyone the ability to plug their component into the core or just eliminate that component functionality. Additionally, remember that MS piece of middleware that is not used? It may be integrated into their competitors OS. If MS is listening, their components may become more valuable separately. Who is the winner? Will the costs rise? If you recall, it was Netscape that took offence when MS bundled their own Internet explorer with Windows. Netscape said unfair competitive practices. Who lost? Netscape! Who won? The end user won and that reinforced MS and their bundling practice. Modularizing may be the smartest thing that the DoJ did for the public and Microsoft. Moreover, it will make MS and it's competitors very interested in turning out better products. The end result is that if all the competitors play by the rules, then all will win. If Microsoft was all that good at producing products before then they will prove it again by producing an even better product in the future. Additionally, the competition will be given the opportunity to do the same.

*2.''For all information technology (IT) providers, including Microsoft's competitors—Guaranteed access to technical specifications.'' MS must now give up what ever information it has that enables machines running the Windows OS to communicate with MS servers. This may not include MS's middleware code but How it interfaces with their servers. This means that another software producer now has all of the protocol specifics to create a specialized product for communications purposes or something to think about regarding a run around with their systems. In other words MS's competitors have some more advantage. It is the ''modularization and cooking instruction'' for networking within MS Client and server products that the DoJ has delivered. Of course MS must license ANY intellectual property rights to encourage middleware production by it's competitors. The final part of this part of the settlement is that MS may not penalize it's competitors.

Once again, this is a double-edged sword. Does any company really want to have a stand up fight with Microsoft? Most competitors will say yes, if it's a fair fight. And now, there are certain areas that are very level and fair but even at this, MS has an advantage. MS is big and has learned to mobilize a development effort into a formidable force. It was seldom a deadline to compete with competitors but to keep public promises that motivated MS to excel. I believe that Microsoft's brand of internal talent motivation is ''carrot and stick.'' When you give a gifted group a challenge in an arena of their own, they will work themselves beyond reason. In the new ''competitive product'' arena, the talent wilt need more than the ''C and S'' motivation. It is possible that the companies that precipitated the litigation wanted a fair fight. BUT, most probably, they wanted a breakup of Microsoft. That would have tied one hand behind MS and given the competition an advantage. This way once MS restructures and provides sensitivity training, they will continue. But it can never continue as usual, this will be an all out fight if anyone wants to gain a clear victory. I believe that Microsoft is in the lead as before. However, with the new rules, old incentives have been re-exposed to more players. How they will get there is fuzzy. Moreover, Microsoft is unclear how they will improve their modularized product to remain within the judgment and be superior. Products being self contained yet accessible to broad use is good for the competition and may be even better for Microsoft.

If MS must modularize then so must its competition. Modularization with flexible interfaces that are tight, compact, unbreakable, self-repairing, self-resetting modules. This has a lot of potential because individual mods may be very narrow task orientated or broad and intuitive in purpose. Put your system together and have it very focused and directed. This part of your system is manufactured by MS and that by AOL Time Warner, or Sun, etc. This year MS has the best browser, next year Sun. Plug it in or pull it out and put in another module by another manufacture.

The manufactures of the products you buy will strive to improve their products and it will make them stronger and smarter. Everybody wins.

3.''For end users—-Guaranteed flexibility.'' It's simple, full capability for the end user to mix and match or change it's mind. If they want to reverse a decision to use this module, remove it and replace it with another, with on horrendous results. This makes evaluation of products that claim to be superior easier. Sales can persuade but performance will confirm.

Niche products may completely take over a middle ground for dedicated groups of users. A product may rise to the surface as the clear winner. Whichever the case, each module that has been defined as middleware or that has been declared as a self-contained product in it's own right will become a product in its own right. The end user can customize their desktop computer to their taste and purpose. And of course each individual product, module, will have its own price tag. Buying an operating system piecemeal could become difficult but I suspect that Microsoft will publish instructions. Its competitors will complain,

MS will explain and in most cases the chess game will continue. Remember, the end user reaps the result.

*4. ''For those who doubt Microsoft would comply with the settlement agreement— An unprecedented enforcement mechanism.''

The settlement has caused Microsoft to provide at their cost, a mechanism that allows resources, access, and authority to complain. If a competitor thinks that Microsoft is acting outside the agreement then it may file a fast acting complaint. This mechanism for complaint has been created in the form of an autonomous committee, technical committee, TC. It can get bigger or smaller as is needed, its own judgment, to provide for the examination due to complaints.

I am not sure if it allows for examination of releases or new products. The delaying tactics that will most likely be practiced by the competition will put the TC in constant conflict. However, this will not be forever. And, if MS keeps it's nose clean and learns to play the game, the TC will be a minor inconvenience. It is quite possible that a stamp of approval from the TC will bolster MS's public image. The TC had better know it's stuff, otherwise the jailor may be held it contention. Maybe the TC will be disputed by those it was formed to protect.

*5. ''For AOL Time Warner, Oracle, and Sun— Opportunities to hinder Microsoft by abusing the settlement agreement.''

AOL Time Warner(Netscape), Oracle and Sun has been given the opportunity to observer a hand slap instead of an execution. This has caused the three protagonists much worry because they thought a breakup would deliver them the market unfettered for a considerable length of time. Now they are forced to face a giant that has been caused to kneel in repentance. Not the executed they expected.

That giant will be rising soon to its considerable height and that is a formidable sight. You can forget about the states that sued, they were in it for the money not justice and MS fowled that by offering public education an arm's length gift. Yes, it will expose education to Microsoft's products but later a modularized product. There are many who would like cash offering by Microsoft but that was not decreed by the DoJ. It appears that Microsoft has exceeded the spirit and intent of the judgment in a positive way. Remember if Microsoft's products are inferior, it will be proven to a wider audience, and if Education chooses to supplant a module for another so be it that is fair. The politicians have enough of our money, which they deny education. This could be an immediate break for education. It would appear that for a giant Microsoft has a gentle side.

Some final words:

To the point, Was Microsoft seen to be so far in the distance that it was no longer a race for first place but a question of a race at all? If this was such a race, how did Microsoft get so far ahead? There has been much exposed over the years about Microsoft's phenomenal rise to the top of the heap, It's rise to power was not being hidden but it was revealed in detail during the trial. Moreover, that may be why Microsoft received something akin to a hand slap rather than a public beheading.

IBM helped. IBM allowed Microsoft to keep the rights to the original microcomputer operating system that it had developed. This was after Microsoft had developed an operating system for IBM's new desktop hardware platform in the very early eighties. Microsoft decided to improve their version and license it on mass-produced personal computers. If and when PCs took hold.

All it took was the non-biological cloning of the PC, ''PC clone,'' and the rest is history. There was one fee charged for each Microsoft Operating System that each PC clone received. That event was the base of revenue that allowed Microsoft to improve their operating system and pass the competition. Later they decided to market applications. The applications were not the best in the beginning but they improved until they were the standard. The Internet was becoming a reality so they started to work with it.

However, that was just before they started bundling and bundling gave them an edge. While there were organizations vending a word processor or a spreadsheet or communications package (pre internet) as a separate product, Microsoft vended a suite of applications with some loose ties to each other. Later Microsoft developed an operating system with a graphic user interface towards the mid nineties. And just a little bit later in the mid nineties, the commercial internet became a reality and with it MS released an internet explorer, bundled with their new operation system. This takes us to 1995. It is this period, probably 1988 to 1998, that Microsoft's competitors lost ground, and intense infighting took place.

That was a short history lesson without the super specifics that are needed by a judicial system. Most probably, Microsoft developed certain technical internal quirks that leaned towards locking competition out of using their products. However, partnerships could be developed with the competition, with Microsoft in the drivers seat. Further, the Microsoft non-tech negotiators and executives probably started to take over the dealing 100% rather than allowing the techs to help. The non-tech Microsoft negotiators dealt for some greater advantages. This caused their competitors to finally decide that there was enough evidence to sue Microsoft for unfair competitive. You will note that I have not included details much less generalizations about any other company except Microsoft. Now may be the time to include my opinion. During the trail, charges were supported by specific details that were answered by Microsoft. The trouble is that the other companies were performing many of the practices in question as well. A wash. However, the charges that were difficult to defend was aggressive correspondence and proposed partner agreements that were clearly in favor of Microsoft. There is not one of us that hasn't attended a ''Kick ass'' meeting causing us to compete more aggressively but the meeting speakers didn't say ''catch your opponent bent over and strike their posterior with your foot''. To access the judgment, one would have to say that the DoJ did not find enough evidence to support all of the antagonist claims but found evidence that the computer industry may be too complicated to control with today's laws.

When peacetime competition is declared, those who choose to participate do so voluntarily. They do this in the belief that they know the game and that it will be conducted in a fair and bounded manor. As we have all seen, most games mature and change as the skill level and nature of the competitors change.

The change is a natural result of maturation, because we want and in fact need to improve. However, when competition is performed outside the bounds of the game, the violator of the rules, unless penalized, will win.

It is fairness that is at stake and the belief that it is the cornerstone of justice. The People, Department of Justice, and all the litigants want fairness. I believe that It is in this spirit that a judgment was delivered that is more a warning than a penalty to all who would participate in the game.

MTC–00033577

From: Dave Marker
Date: 1/28/02 8:26am

As a software engineer, I am most upset by article III. section J. In my professional oppinion J-1(a) can be used by Microsoft to withold any API they choose: who determines what will compromise security?

Witholding APIs is the unfair advantage an operating system vendor may abuse to stifle competition. In fact, this method is in part responsible for Microsoft's ability to crush competitors out of the market (two examples are WordPerfect and Netscape Navigator).

The provision is reasonable in the regaurd that everyone wants computer operating systems to be secure, and engineers in general want to prevent piracy of their work. This is the wrong way to provide it. There is a saying in the computer security industry: ''there is no security through obscurity''. Security is not gauranteed by hiding applicable APIs, security is achieved by solid design and implementation. Any security problem in any operating system is a result of poor design or implementation and does not deserve court protection, it deserves to be fixed! The code red and other high profile worms that attacked computers running Microsoft Windows did not do so by using published APIs any way. Hackers are willing to take time to discover and reverse engineer what they require to do damage, it is competition must get to the market timely and suffers if it can not.

Similarly, if anti-piracy APIs are done correctly, there is no need to fear publishing them. Good systems rely upon mathematics; not upon keeping the algorithm secret (A well known example is the RSA crypto system). Given that there is no technical reason for for article III. section J-1a, I can only assume this provision exists for Microsoft to arbitrarily decide which APIs it doesn't want other vendors to know about (and hence Microsoft won't have to compete with them). Or Microsoft wants to slow down (but not prevent hackers) and not alert consumers to flaws in their product. Microsoft, should not, nor any other software vendor, be given the right to make buggy software.

Since properly designed and written APIs do not need secrecy J-2, especially J-2(d) is

just providing Microsoft the means to track their competitors progress. Why should Microsoft get to license APIs (which it can arbitrarily choose as provided by J-1) and hence gain revenue and information about time to market from their competition?

With the exception of J-1(b), this is not an acceptable remedy, and will not prevent future abuse.

Thank you,

David Marker

MTC–00033578

From: Traci L. Slatton
To: Attorney General John Ashcroft
Date: 1/28/02 9:03am
Subject: Microsoft antitrust case
110 Riverside Drive Apt. 14E
New York, NY 10024–3734
January 24, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am pleased to know that after the government's long, three-year antitrust litigation against Microsoft, a settlement was reached in November of 2001. I support the settlement, which seems fair, reasonable, and responsible.

Allowing Microsoft to concentrate on its business now, while complying with the new restrictions of the settlement, gives them the opportunity to innovate more than ever. Innovation is certainly good for the economy, especially in the tech sector, which has been hit hard the last couple of years.

Starting with an upcoming version of Windows XP, users will be more easily able to delete portions or features of Windows (or at least access to them), and replace them with competing software. Computer makers no longer need fear higher prices for Windows licenses if they also ship other operating systems, or if they install Windows in ways to promote non-Microsoft applications.

That certainly sounds as if it should satisfy complaints from critics. I see this settlement as not only fair, but also a good thing for the economy, benefiting consumers and competitors with new options, and giving industry a chance to grow again. I urge you to support it.

Sincerely,

Traci Slatton

CC: Representative Jerrold Nadler

MTC–00033579

From: James Houston
To: fin@mobilizationoffice.com@inetgw
Date: 1/28/02 9:59am
Subject: Fw: Microsoft Settlement
——- Original Message ——-
From: James Houston
To: microsoft.atr@usdoj.gov
Cc: Diane Feinstein ; Barbara Boxer
Sent: Monday, January 28, 2002 9:57 AM
Subject: Microsoft Settlement

I hope you can settle this suit ASAP. It has gone on to long and continued litigation is harmful to our economy, due to the disruptions in the software industry.

Microsoft is guilty of only trying to put the best product on the market. I've been a software user for over 20 years now and have never felt I was forced to use only a Microsoft version of a program. I have tried several others over the years and have always returned to Microsoft versions, because they are better. Would you want to be forced to buy a KIA vs: a Toyota?. Netscape was a big thing. I tried it for two years and the switched back to MSN. I use earthlink as my browser and not MSN's browser. This was a conscious decision and executed in a free market. I did not fell forced to use MSN's browser.

Did breaking up AT&T really help us? We don't know where we are getting our long distance service most of the time. And rates for LD phone service. You could write another book about that.

Why don't you devote your efforts to clarifying the up and down fluctuations of the oil and gas market?

That would be something the consumer would really be interested in.

These state attorney generals are just looking for political headlines so they can be considered for state governors jobs. What is the average consumer really going to get out of a settlement penalizing Microsoft? Look at the Ag'S track records. How many governors were previously AG's?

Please give us a break and end this Microsoft ''witch hunt'' now.

James M. Houston
jmhouston@earthlilnk.net
CC:Microsoft ATR

MTC–00033580

From: CTRC@aol.com@inetgw
To: fin@mobilizationoffice.com@inetgw
Date: 1/28/02 10:02am
Subject: Microsoft Settlement

I am in agreement with the Microsoft Settlement. I think that the ettlement is fair and just and should be SETTLED AS IS!

Carolyn Cusick
17 Starr Drive Dr.
Enfield, NH 03748
CC:Microsoft ATR

MTC–00033581

From: Willis Langford
To: Ms. Renata Hesse
Date: 1/28/02 10:07am
Subject: Microsoft Settlement
Willis Langford
3579 Santa Maria Street
Oceanside, CA 92056–3903
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Willis S. Langford

MTC–00033582

From: t—odwyer@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/28/02 10:18am
Subject: Microsoft Settlement

It is time to end this law suit. The people did not suffer from Microsoft integrating the browser or in essence offering it free. In fact the only suffering on the part of the people was the amount of tax payer money spent by the government on the case. The settlement that is there now is in the best interest of the American people and the technology industry.

MTC–00033583

From: Chuck Hellar
To: us dept of justice
Date: 1/28/02 10:22am
Subject: Microsoft Settlement

The settlement between Microsoft, the DOJ and the nine states is very fair. Microsoft pays a large price but the greater good is done by providing the ''at risk'' to have computers and have a chance to pull themselves up and be part of the mainstream.

The only complaints from consumers are from the Class Action attorneys that want a quick buck. The main complaints are from the competitors who are unable to compete in the marketplace. The courts should not be the place to rectify poor management, the marketplace should. So continue to fight strongly for this settlement.

Chuck Hellar

MTC–00033584

From: Richmond Perley
To: Ms. Renata Hesse
Date: 1/28/02 11:04am
Subject: Microsoft Settlement
Richmond Perley
5262 Kensington High St
Naples, FL 34105–5651
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

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Sincerely,
Richmond Perley

MTC–00033585

From: Alexander Belyaev
To: Department of Justice
Date: 1/28/02 11:07am
Subject: Microsoft Settlement

Dear Department of Justice:

We all know about recent dot com bubble. Whom to blame for it? My feelings are that if somebody decides to find whom to blame, they may say that it was Microsoft whom to blame for it and all consequest losses in many people's investments during these boom years.

U.S. Government should settle its case with Microsoft and stop blaming Microsoft for everything that this company was accused. Microsoft cannot be scapegoat for all other people's problems. Microsoft allows US people to enjoy the best IT innovations and standards in the world and leads true software technology development and innitiaves.

US IT sector is a very competitive industry and already allows any company to succeed in providing best services and goods and making good money. The dot com bubble busted because people promised a lot and could not deliver. Please let Microsoft to continue delivering its products that consumers want and please settle your case with this company.

Sincerely,
Alexander Belyaev
3714 West Bertona Street
Seattle, WA 98199–1914

MTC–00033586

From: John Roop
To: john ascroft
Date: 1/28/02 11:14am
Subject: Microsoft Settlement
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

The Department of Justice was absolutely wrong in wanting to slice Microsoft into separate parts. Three years have produced public resentment and gravely hurt the computing industry, all for the benefit of those who won't ever be able to compete with Microsoft. The settlement Microsoft agreed to with the federal government must go forward. It is more than generous, and is obviously better than forcing Microsoft back into court, where the only winners are the attorneys representing both sides of this case.

Microsoft concedes to give up more than enough to promote far more competition among the computer makers and software developers who want a more level playing field. Agreeing to open Windows for further application development, Windows and non-Windows alike, will produce far more innovations than ever before, and will show the consumer that they are not at the whim of this industry giant, creating more individually-based options and configurations.

I urge the Department of Justice to see to it that Microsoft is given unprejudiced consideration by allowing them to return to business NOW. Do not continue to waste the incredible innovation and efforts of Microsoft, by choking them in more court proceedings. They have been the most industrious and prolific business since that of Ford Motors. The ramifications are far reaching, for the better good, by supporting the position of this settlement with Microsoft.

Sincerely,
John

MTC–00033587

From: Jim Prendergast
To: DOJ comments
Date: 1/28/02 11:40am
Subject: Microsoft settlement

Americans for Technology Leadership Tunney Act Submission On behalf of Americans for Technology Leadership (<http://www.techleadership.org/>), I am writing to express our support for the bipartisan settlement reached between your department, Microsoft and nine of the state attorneys. As an organization that represents thousands of consumers, as well as numerous technology companies and trade associations, we believe this settlement is a tremendous step forward. It accurately addresses the finding of the Court of Appeals and allows Microsoft and the rest of the industry to get back to developing new technologies.

This settlement is the result of extremely hard work on the part of many individuals from Microsoft, the Department of Justice and the state attorneys general, as well as the mediators. Everyone had to make concessions in order to bring this chapter to a close and let the technology industry get back to work.

I would also like to commend the Department of Justice for their efforts during the settlement process. ATL has always been concerned with the level of involvement in

the case by Microsoft's competitors. Assistant Attorney General Charles James echoed these concerns in November.

''Some of the loudest and most vocal criticism has come from some of Microsoft's competitors,'' said (Antitrust Chief Charles) James, without naming the corporate critics, which include AOL Time Warner Inc., Sun Microsystems Inc. and Real Networks Inc. ''I don't think we have ever had competitors be quite so aggressive in asking that we serve their interests. Our job as antitrust enforcers is not to level the playing field mid-game.'' James distinguished between the ''real Microsoft case'' and ''Microsoft, the public spectacle.'' He said the appeals court's ruling that Microsoft illegally protected the monopoly its Windows operating system enjoys doesn't support the ''broad-scale emasculation of the company'' that rivals sought.

November 17, 2001

Bloomberg News,

Resisting the fierce lobbying attempts by these companies could not have been easy, but your perseverance paid off as evidenced by a reasonable settlement that addresses the concerns found by the Court of Appeals. I'm sure you will receive several comments from well-known commentators such as Judges Kenneth Starr and Robert Bork. Their work on behalf of Microsoft's competitors is impressive, but it differs from the feelings of the millions of consumers and the thousands of small technology companies who have been hurt by this case.

The American public has always believed that this case should have been settled or brought to a close and that they have overwhelmingly supported the settlement that was reached. Polling commissioned by our organization has found that in July over 70% of the American believed that it was time for this case to come to an end. Since the settlement was reached similar numbers have supported the agreement and found it to be ''fair and reasonable.'' These views have been found by a number of other polls conducted by Gallup, Ipsos-Reid, and other organizations.

Countless members of Congress from both parties, who came out in support of the agreement as well as many newspaper editorial pages from across the ideological and geographic spectrum, have echoed these sentiments. A fair and reasonable settlement is clearly preferable to continued litigation. The case against Microsoft has already gone on for nearly four years and has cost both Microsoft and the government millions of dollars. The litigation has caused Microsoft and the entire technology industry to focus on litigation, instead of creating better products and serving the needs of consumers. Given the state of the economy, the last thing we need is continued litigation.

The settlement reached in this case is a responsible agreement, which puts this entire case behind us. It addresses specific findings of the Court of Appeals and in some cases imposes restrictions even beyond those findings. In fact, Attorney General Ashcroft pointed out that this settlement ''exceeds the kind of relief that was signaled in the Court of Appeals opinion of earlier this year.''

Many corporate rivals of Microsoft had hoped that remedies imposed on the company would be much more far-reaching and extreme for their own interests, they are simply not called for given the ruling by the Court of Appeals and by the standards of antitrust law. Our antitrust laws and our courts are not supposed to be used by a few powerful companies to harm their rivals and do to them in the courts what they cannot do in the marketplace. By attempting to scuttle settlement, these companies choose litigation over innovation.

While the parties have agreed to this settlement in full, I would be remiss if I did not point out that there are elements of this settlement that do cause concern. The establishment of the 3-person technical review committee is the closest we have come to regulation of innovation in this industry.

It's unprecedented that this panel will be housed at Microsoft's headquarter. It may also investigate any complaint received by interviewing any Microsoft employee it deems relevant. This kind of power will impact the way Microsoft does business.

We hope that with this panel in place, Microsoft will be able to develop products and move them to the market in a timely manner. As this case has shown, technology moves at the speed of light. This country has benefited from the pace of technological development. Whether a rapid series of upgrades available for operating systems, or the increase in usefulness coupled with a significant decline in price that allowed millions of people the ability to take advantage of the digital revolution, the entire country has benefited from the speed at which this industry produces products. The role this review committee plays will be key to this settlement working in a positive manner and not a negative one.

It should not be open to abuse by competitors in an effort to stymie Microsoft's ability to develop new products nor should it move beyond its scope of review called for in the settlement. Any delay in the development process at Microsoft will hurt consumers. Denial of technological innovation will increase the cost for consumers. These costs will be out of pocket as Microsoft will be forced to pass the cost of compliance on to consumers in the form of price hikes. And there will be costs associated with a loss of productivity. One of the reasons we witnessed a ''boom'' in our economy is the last 10 years was because of the tremendous productivity gains our economy realized as the result of technology. We must ensure that these gains are still possible by allowing technology to reach market in a short period of time.

Another area of concern is the wide latitude that OEM's will be given when it comes to the design of the desktop. This stipulation can result in more competitors'' products available on the desktop as consumer work more closely with OEM to customize their operating systems. While allowing for more choices in software during the out of box experience can be beneficial for consumers, there is concern that the desktop will become nothing but a source of revenue for computer manufacturers. Cluttering the desktop with icons of the highest bidders, while good for some OEM's bottom line, could have a negative impact on the computing experience for consumers. One of the key developments in computing that led to widespread use was the transition from DOS to a graphical user interface (GUI). With an operating system that made the interaction simpler for the user, more computers were sold.

Increases in the usability of computers and decreases in price are just two factors that caused millions of consumers to have access to one or more computers. We need to be sure that computers remain easy to use so that we can continue the wide adoption rate we have seen in the last ten years. Littering the desktop may cause confusion and lead to a negative experience.

Noting these concerns we still believe that, on balance, this is a good settlement. This case has consumed millions of taxpayer dollars while having a direct negative effect on consumers. Investors have lost billions as pension funds and investment accounts have been devastated by the decline in the tech sector. The uncertainty surrounding this case is evident in the chart detailing the stock performance of some major technology companies involved in the case. Everyone has suffered to some extent. While this case is not the only factor in the tech sector's decline, it has played a role.

Much has been written about the tremendous impact the collapse of Enron has had on the markets and investors. The chart just shows you that Enron is a drop in the bucket compared to what has happened to technology investors. On behalf of our members and our coalition partners, we encourage the Department of Justice to continue its tremendous efforts on behalf of settlement and hope you urge the District Court to approve this settlement in the public interest.

Jim Prendergast
Executive Director
Americans for Technology Leadership
1413 K Street NW 12th Floor
Washington, DC 20005
202–835–2030
202–318–7803, fax

MTC–00033588

From: David Burgess
To: Renata Hesse
Date: 1/28/02 11:40am
Subject: Microsoft Settlement

Ms. Renata B. Hesse, Esq.
Antitrust Division U.S. Department of Justice
601 D Street, NW
Washington, DC 20530–0001

January 27, 2002

Dear Ms. Hesse:

Re: Proposed Final Judgment (Microsoft Antitrust Case)

I am writing to submit my comments on the Revised Proposed Final Judgment in the civil antitrust case, United States of America vs. Microsoft Corp. I have read the Revised Proposed Final Judgment, the Complaint and Stipulation in the case, as well as the Competitive Impact Statement, and other documents and decisions related to this case. I urge the Department of Justice to settle this case on the proposed terms of settlement, and urge the Court to accept this settlement as being fair, reasonable, enforceable, and in the public interest.

Public Interest Is Served

I am one of those consumers whose interests are so frequently cited when antitrust and other laws are invoked, but whose actual opinions are so seldom sought or considered by litigants and commercial interests. I am not affiliated with Microsoft or any of its lines of business. Nor am I affiliated with any of Microsoft's competitors, although I have been solicited by some of them to oppose this proposed settlement. I write on my own behalf, and not as part of any organized so-called ''grass-roots'' lobbying campaign. Having followed this case in the media for several years, and having reviewed the voluminous documents on this case available on the DOJ website, I suspect that I will be among a very few individual consumers who are submitting their own comments on this proposed settlement, rather than repeating the conflicting claims, or advocating the commercial interests, of clients, competitors, employers, etc.

Public Interest In Ending Costly Litigation

The proposed final judgment and settlement is fair and reasonable because it brings an end to a lengthy and costly antitrust action (perhaps the longest and costliest ever), and does so in a way that is enforceable. I urge the court to consider that the public's (and the taxpayers') interests can be served quite effectively when the D0J and private concerns agree to settle expensive litigation in a reasonable manner.

Fortunately, we do not allow only commercial interests to balance the costs of proceeding against the risks of an uncertain case. The concept behind settling uncertain—but certainly costly—litigation is just as valid when the government is a party, as when the dispute is between two businesses. (And public interests can additionally be served later by alternative use of taxpayers, funds that otherwise would disappear in continuing costly litigation.)

Settlement Recognizes Technology and Velocity of Change

The proposed settlement is also reasonable because it takes into account the velocity of change and innovation in the relevant technology markets. In fact, from the consumer's perspective, the relevant markets change literally every day, with each new innovation and technical improvement. This volume and velocity of change affects OEMs, computer operating and communications systems, routing and networking approaches, and internet applications, portal, service and content providers (ISPs, ICPs, OLSPs, etc.), as well as their ancillary software, middleware, related hardware, and integrated (or isolated) features. Despite the claims of some manufacturers and service providers, there is enormous intellectual competition in these markets and those making claims that innovation has been stifled know that is false: they know that this competition exists, and they themselves benefit from it every day.

Opposition to this proposed settlement seems to be as much an effort to punish Microsoft for the fact that the marketplace has changed, as it is an effort to seek redress for Microsoft's wrongdoing. Personally, like millions of others, I use a broad variety of products and services that would be covered by the proposed settlement. I regularly use internet browsers manufactured by Netscape and by Microsoft; I have used e-mail accounts through both AOL and MSN; everyday I consult a wide variety of ICPs, use the MS operating systems, and also use Sun's products and services. My middleware and invisible software applications are equally intermixed. Through mutual funds I am probably invested in Microsoft, Netscape, Sun, AOL, and countless other corporations whose commercial prospects will be affected by this settlement, and by the changes in the market. This constant and extensive intermingling of technology and economic interest represents the power and reason of the marketplace, and of the millions of consumers who demonstrate daily that competition still remains vibrant amidst rapidly changing technologies.

Settlement Imposes Reasonable Penalties

As to alleged injuries from Microsoft's marketing and manufacturing conduct, I have not noticed or suffered from the alleged predations of Microsoft, but don't doubt that some have. At the same time, It is evident that the primary interests opposing this proposed settlement today are those who seek to hold back the oceans and thus to stop the tides.

No amount of litigation or monetary damages can make a non-competitive product innovative. That product might still be worthwhile to someone if it is cheap enough; but it will ultimately be left behind by every fast-changing market. Even cheap buggy whips have no meaningful market, not matter how well-made they are, nor how committed or celebrated their designers and manufacturers may be.

On the other hand, excessive litigation costs can easily make an innovative product too costly for consumers to use. Increasing the cost of a Ford's Model A by layering on litigation and legal expenses could have delayed the day when the automobile would replace the horse and buggy, but it would have done little to advance the public's ultimate interests. No amount of subsidy or economic penalty can prevent the marketplace from adopting or rejecting technological changes on their own merits. Moreover, I don't believe that the purposes of the Clayton and Sherman Acts would be served at all by creating expensive impediments to systems integration and innovation, merely to preserve a market share for alternative systems that marketplace forces (i.e., we consumers) have already rejected as lesser products or services.

Settlement Proposes Enforceable Remedies

Finally, the proposed settlement and judgment are appropriate because they are enforceable. They are forward looking remedies, which do take account of the nature of the relevant technology markets. The settlement does recognize that unlawful behavior should be stopped, and that recompense should be demanded and paid in a way that advances the public's interests.

But it does not confuse those worthy objectives with the cries of other OEMs, ISPs, ICP, etc. for commercial subsidies, dressed UP as their claims of unremitting anti-competitive behavior. The proposed remedies do impose a new cost on Microsoft, and therefore will plainly benefit Netscape, AOL, CompuServe, Sun, etc. But the costs will benefit consumers and the public more directly. The business limitations and restraints that the settlement imposes on Microsoft will similarly benefit the public ''in an enforceable way'' by assuring continued competition AND allowing continued innovation and integration.

Limitations on Microsoft's business practices will also benefit Microsoft's competition but only to the extent that that they themselves are competitive. The proposed settlement does not attempt to create a new competitor where it does not exist, nor does it attempt to prop up a non-competitive business that wishes to, but finds it cannot, actually compete with Microsoft or any other firm.

All in all, I believe that the Court should accept the Revised, Judgment and Settlement of this unique anti-trust case as being in the public interest.

Proposed Final

Sincerely yours,

David Burgess

Arlington, VA 22201–1037

Note: I have also enclosed these comments as TEXT and WORD attachments for your convenience.

David Burgess
Director
Democracy Fellows Program
World Learning, Inc.
1015 15th Street, NW
Suite 750 Washington, DC
tel. (202) 408–5420
fax (202) 408–5397
e-mail:
20005
david.burgess@worldlearning.org

MTC–00033589

From: Henry Thode
To: Ms. Renata Hesse
Date: 1/28/02 11:48am
Subject: Microsoft Settlement

Henry Thode
1660 Gulf Blvd.
Englewood, Fl 34223

January 28, 2002

Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to

move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Henry F. Thode, Jr..

MTC–00033590

From: Ben Roth
To: Ms. Renata Hesse
Date: 1/28/02 11:48am
Subject: Microsoft Settlement

Ben Roth
1311 Stonington Dr
Youngstown, OH 44505–1657
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Ben J Roth

MTC–00033591

From: David Ceton
To: Ms. Renata Hesse
Date: 1/28/02 11:50am
Subject: Microsoft Settlement

David Ceton
3310 Saw Mill Rd.
Newtown Square, PA 19073–1902
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever,

the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

David E. Ceton

MTC–00033592

From: David Mandel
To: Judge Colleen Kollar-Kotelly
Date: 1/28/02 11:50am
Subject: Comments regarding Microsoft Antitrust/Settlement and Resolution

28 January 2002

Your Honor, Judge Colleen Kollar-Kotelly:

I've been involved in computing for most of my professional career.

—As a university faculty member specializing in mathematical data analysis and mathematical modeling in the 1970s and 1980s.

—As a government contractor specializing in Geographic Information Systems in the 1980s and 1990s.

—And currently as an project leader developing developing internet servers which are more secure and easier to use.

—I have also been active in the Open Source / Open Data movement starting in the 1970s. —I'm currently Technical Director of LinuxFund.org

—and President of the Portland (Oregon) Linux/Unix Group

I use and love a number of Micro Soft products, and I often recommend Micro Soft products because I think some of their products are very good.

On the other hand, I am very concerned about monopolies in the computer industry; and I do think Micro Soft is a monopoly as the courts have already ruled. Moreover, I do not believe any of the proposed settlements are sufficient to keep Micro Soft from continuing it's unfair business practices. Indeed, now that things have pretty much been settled, Micro Soft seems to feel free to once again threaten companies and users who don't use Micro Soft products exclussively. At least, these are the rumors I hear.

For example, Micro Soft has been telling resellers to drop their Linux products or else they will only be allowed to handle certain Micro Soft products. As I understand, resellers selling Linux products will not be allowed to sell MS Office 2000 or the any of the Windows operating systems above Windows-XP. If this is true, this will hurt me and my employees very much as we build Linux server products.

As another example, Micro Soft now provides ISP services for Qwest DSL customers. Since Qwest changed to Micro Soft a number of things have changed. People keep coming to me saying that they have been told that only MS Windows based computers will be supported on Qwest DSL. I have heard this from both Linux users and Apple users. Of course, this is non-sense. I assume that non-Windows computers will work just fine with Qwest DSL. They just won't be supported. However, Qwest (who is simply Micro Soft's proxy in this matter) is giving people the impression that they will have to change to MS Windows if they want to continue using Qwest; and of course they have little choice if they are in the middle of something like a one year contract for their DSL service.

Thank you for reading my comments. I hope you are able to recommend a settlement which will end Micro Soft's monopolistic practices, and allow everyone including Micro Soft to compete on a fair and equal basis.

Sincerely,

David Mandel
President
Portland Linux/Unix Group
1440 NE 59th
Portland, Oregon 97213
(360) 260–2066 at work
(541) 730–5285 cell

Also, Technical Director of LinuxFund.org which is an international group whose purpose is the raise funds to support innovative Open Source projects.

MTC–00033593

From: Clarence George
To: Ms. Renata Hesse
Date: 1/28/02 12:16pm
Subject: Microsoft Settlement

Clarence George
2922 S Skyline Dr
Inverness, FL 34450–7422
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Clarence M. George

MTC–00033594

From: Mary N Morris
To: tunney@computingchoice.org@inetgw
Date: 1/28/02 12:22pm
Subject: MICROSOFT

Sirs:

It is high time for us to haul up our britches and prune constrictive capitalism at the root.

Please give America access to Microsoft. Let's make America sustainable!

Sincerely
Mary M. Morris
501
909 West Central
Missoula, MT 59801
CC:Microsoft ATR

MTC–00033595

From: Telly Lovelace
To: Ms. Renata Hesse
Date: 1/28/02 12:41pm
Subject: Microsoft Settlement

Telly Lovelace
126 C Street, NW
Washington, DC 20001–2118
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of

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Sincerely,

Telly Lovelace

MTC–00033596

From: Owen Mattingly
To: Ms. Renata Hesse
Date: 1/28/02 12:55pm
Subject: Microsoft Settlement
Owen Mattingly
2241 Monocacy Rd
Baltimore, MD 21221–1529
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change. I can also understand keeping a company from gouging the public, but if they want to give away or make their product better by adding something to it for free, I find that to the consumers benefit. Furthermore, to this point most of the high tech industry has only gotten better and cheaper. Oh yes, it has been through innovation and productivity that made it possible.

Sincerely,

Owen Mattingly

MTC–00033597

From: Barb Koch
To: Ms. Renata B. Heese
Date: 1/28/02 1:06pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Barb Koch
300 Bucklin St.
LaSalle, IL 61301–2065
CC: Citizens for a Sound Economy

MTC–00033598

From: Nicholas Yankanich
To: Ms. Renata Hesse
Date: 1/28/02 1:10pm
Subject: Microsoft Settlement
Nicholas Yankanich
126 Chestnut Street
Aliquippa, PA 15001–2315
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has

cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Nicholas A Yankanich

MTC–00033599

From: Melvin R. Blann III
To: Ms. Renata Hesse
Date: 1/28/02 1:13pm
Subject: Microsoft Settlement
Melvin R. Blann III
17379 Chase Road
Fulton, Il 61252
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Melvin R. Blann III

MTC–00033600

From: Diane Whitlock
To: Ms. Renata Hesse
Date: 1/28/02 1:15pm
Subject: Microsoft Settlement
Diane Whitlock
PO Box 44
Martinsville, VA 24114–0044
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost taxpayers more than $35 million, and final approval is clearly in the public interest.

The terms of the settlement offer a fair resolution for all sides of this case. Consumers will be able to select a variety of pre-installed software on their computers,and it will be easier to substitute competitors' products after purchase as well.

The country needs the economic stability this settlement can provide. I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Diane C Whitlock

MTC–00033601

From: Eugene Marin
To: Ms. Renata Hesse
Date: 1/28/02 1:16pm
Subject: Microsoft Settlement
Eugene Marin
99 Bog Rd
Hillsboro, NH 03244
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Eugene P. Marin

MTC–00033602

From: Richard Keene
To: Ms. Renata Hesse
Date: 1/28/02 1:23pm
Subject: Microsoft Settlement
Richard Keene
328 Schooner Ave.
Edgewater, Fl 32141
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Richard N. Keene

MTC–00033603

From: Steve Wagner
To: Ms. Renata Hesse
Date: 1/28/02 1:24pm
Subject: Microsoft Settlement
Steve Wagner
7930 So. Monaco Court
Englewood, CO 80112
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Steve Wagner

MTC–00033604

From: Richard Hathaway
To: Ms. Renata Hesse
Date: 1/28/02 1:27pm
Subject: Microsoft Settlement
Richard Hathaway
2040 Duck Lake Rd.
Whitehall, MI 49461–9691
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Richard G. Hathaway

MTC–00033605

From: Greg Wolfgram
To: Ms. Renata Hesse
Date: 1/28/02 1:34pm
Subject: Microsoft Settlement
Greg Wolfgram
8131 Mulberry Place
Dublin, CA 94568
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Greg Wolfgram

MTC–00033606

From: Betty Pawlak
To: Blind.Copy.Receiver@
compuserve.com@inetgw
Date: 1/28/02 8:26pm
Subject: Microsoft Issue
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The settlement that was reached between Microsoft and the Department of Justice is fair and reasonable, and I am in full support of it. The American economy is in need of all the help it can get, and allowing Microsoft to get out of court and turn all of their attention to business is a great way to help.

The recession that we are currently in actually can be traced to the suit against Microsoft. The market started to slip three years ago when the suit was announced, and kept going down. In order to get out of the hole that we are in, Microsoft and the rest of the IT industry must perform at peak levels. The settlement encourages such performance by restricting retaliation from Microsoft against competitors who produce and promote software that competes with Microsoft's. The settlement also mandates that Microsoft document to their competitors, interface data internal to Windows. This assists in the compatibility between competing software firms.

All in all, the settlement will encourage competition and be beneficial to the economy. I fully support the settlement.

Sincerely,

Balvina Pawlak
10 Molasses Hill Road
Lebanon, New Jersey 08833

MTC–00033607

From: Loretta Frey

To: Ms. Renata Hesse
Date: 1/28/02 8:27pm
Subject: Microsoft Settlement
Loretta Frey
2506 N Hogan
Spokane, WA 99207
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Loretta Frey

MTC–00033610

From: AL BORTLES
To: Ms. Renata Hesse
Date: 1/28/02 10:11pm
Subject: Microsoft Settlement
AL BORTLES
2166 E. MEADOW WOOD DR.
MERIDIAN, ID 83642
January 29, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
AL BORTLES

MTC–00033611

From: Robert E Lehnherr
To: Microsoft Settlement
Date: 1/28/02 10:17pm
Subject: Microsoft Settlement
Robert E Lehnherr
3631 South 257th Street
Kent, WA 98032–5669
January 29, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers? dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Robert E Lehnherr

MTC–00033612

From: eugene shafer
To: Ms. Renata Hesse
Date: 1/28/02 11:26pm
Subject: Microsoft Settlement
eugene shafer
78237 willowrich dr

palm desert, , ca 92211
January 29, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Eugene Shafer

MTC–00033613

From: Consumers for Computing Choice
To: Microsoft ATR
Date: 1/29/02 12:01am
Subject: Microsoft Settlement
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA UNITED STATES OF AMERICA,
Plaintiff,
Plaintiff, v.Civil Action No. 98–1232 (CKK)
MICROSOFT CORPORATION,
Defendant. STATE OF NEW YORK ex rel. Attorney General ELIOT SPITZER, et al.,
Plaintiffs, v.Civil Action No. 98–1233 (CKK)
MICROSOFT CORPORATION, Defendant.
COMMENTS ON THE DEPARTMENT OF JUSTICE PROPOSED SETTLEMENT AND FINAL JUDGEMENT SUBMITTED BY CONSUMERS FOR COMPUTING CHOICE AND OPEN PLATFORM WORKING GROUP

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I. Introduction

As Consumers for Computing Choice stressed in the brief it filed with the District Court, consumers will need advanced computing applications to enjoy the benefits of the coming digital age. These applications rely on a new generation of state-of-the-art operating systems and microprocessors. A number of more advanced operating systems and related microprocessor technologies are endangered because of a Windows standard arising from Microsoft's misuse of its monopoly power.

The Microsoft case will determine whether competition in information technology occurs among a diversity of innovative software producers or is limited to a few monolithic companies. In order to ensure robust competition, we propose that the Court include in any Final Judgment remedies that will rapidly and reliably erode the applications barrier to entry by enabling state of the art operating systems to compete on a level playing field. The most important of these remedies is to provide a way to enable the 70,000 applications supported by Windows to run on any modern operating system.

Now that the Appeals Court has rejected Plaintiffs structural remedies, the District Court must seriously review the currently proposed Final Judgment to determing whether it will enable Windows applications to run on other operating systems. Consumers for Computing Choice believe it will not. The applications barrier is here now, it is limiting consumer choice and innovation now, and it can be addressed now. We urge the court to reject the proposed settlement and Final Judgment and replace them with a Final Judgment that includes remedies that provide for interoperability of Windows applications with any other modern operating system and other related interoperability.

Our recommended remedies are directly focused on the applications barrier to entry, providing an essential addition to their proposed remedies. Microsoft's compliance with these remedies will create an immediate change in market incentives, opening a path to adoption of a number of advanced operating systems and creating attractive competitive opportunities for ISVs to write applications for these systems. In the interest

of robust competition, innovation, and consumer choice, the Court should reject the settlement and Proposed Final Judgement and replace it with a Final Judgment that includes these remedies.

II. Hold Thorough Public Proceedings With Consumer Participation

The Court should hold thorough public proceedings on remedies and provide opportunities for full participation by citizens and organizations that represent the consumer interest. Robust competition and innovation in software are crucial to our short- and long-term economic recovery. No industry was more crucial to the economic prosperity in the 1990s. Yet the incentives for innovation have been destroyed by Microsoft's increasing monopolization of the most common categories of software. There is no incentive for any company to create a new operating system, productivity suite, or Internet browser. Computer hardware manufacturers cannot profitably innovate as long as Microsoft has the power to control the specification for microprocessor architecture and other hardware components. OEMs have become little more than value added resellers with minimal influence over design decisions. If present trends continue, the only incentives for innovation will be in the most obscure niches.

Moreover, American prosperity in the coming century will depend on our ability to increase our quality of life while reducing resource consumption and environmental pollution. Just as machines supplanted physical labor in the past, software will supplant much of the work done by industrial-era machines in the future. During the last century, machines improved labor productivity by a factor of 40. Software has the potential to provide similarly dramatic improvements.

Consumers are the major player in the computer market without a seat at the Microsoft and Justice Department negotiating table. In 1974 Congress passed the Antitrust Procedures and Penalties Act (15 U.S.C. sec 16), designed to provide the public with the opportunity to comment on a proposed Final Judgment. This act also required the benefiting party, in this case Microsoft, to file a Competitive Impact statement (CIS) to provide essential information for the public. Microsoft has failed to do so.

Former California Senator John Tunney, the author the legislation, filed an affidavit in this proceeding that says Microsoft's filing is inadequate to satisfy the clear language and intent of the Tunney Act. Microsoft does not reveal what its President Steve Balmer spoke about with Vice President Dick Chaney when they met. News sources report that Attorney General Ashcroft received campaign contributions from sources politically connected with Microsoft. In a similar situation with Enron, Ashcroft recused himself. He should do the same in this case.

It is not possible to have the most robust and accessible information system without the full participation of capable consumers. By withholding information, Microsoft is denying consumers information they need. Without the information, consumers are handicapped in effectively pointing out Microsoft's limitations and failures. Consumers must be informed, and they have the right to be heard. These are essential developments if the desktop and Internet are to grow into their potential as an integrated sphere of rapid, accurate, and dependable communication. If Microsoft has its way the potential computing revolution on our doorstep will remain a potential. Consumers need ''Four Freedoms'' to benefit from a competitive market in computing platforms. The first is the freedom to switch to any new operating system without abandoning their investment in applications. The second is the freedom to switch to any new application without abandoning the documents and data they have created. The third is the freedom to replace any component or feature in an operating system or application with superior or special purpose components. The fourth is the freedom to switch to any new microprocessor architecture without abandoning their investment in an operating system.

Microsoft denies the Four Freedoms. Its comprehensive strategy locks products together, excludes superior competitors, and raise switching costs for consumers. The Court should insist that any settlement or Final Judgment enables the Four Freedoms.

III. Address the Essential Elements of a Competitive Market in Computing Platforms

In the early 1990s, experts recognized that the basic architecture of existing platforms was inadequate to meet the needs of the emerging digital age. This realization led to a wave of extraordinary innovation in computing. Visionary business leaders, engineers, marketers, and investors brought together their resources to create a wave of new products and possibilities. New operating systems from IBM, NeXT, and Be offered improved stability, speed, and application development. The PowerPC microprocessor and its Common Hardware Reference Platform came into service. Internet software like Netscape Navigator changed how people use the Internet. The OpenStep and Java cross-platform application environments enabled developers to write an application once and run it on multiple platforms.

With these innovations came the promise of a new generation of digital media applications. Unfortunately, most of these products are now road kill in Microsoft's quest to seize control of the information superhighway. IBM's OS/2 is now a niche product (Findings of Fact, 46). NeXT was acquired by Apple and used to extend the life of the aging Macintosh platform. OpenStep for Intel and Open Step for Windows were removed from Apple's price list shortly after the so-called normalization of relations between Microsoft and Apple in 1997. Java's potential has been diminished by Microsoft's efforts to introduce an incompatible version. Netscape's market share has continued to decline since it was acquired by America Online.

More recently, while the current case was underway, Microsoft drove Be from the operating system market by threatening computer makers who had agreed to bundle Be as a second operating system. Microsoft threatened prohibitive increases in Windows licensing fees and refused to allow installation of a boot loader that would allow consumers running Windows to reboot their computers into the Be operating system. The state-of-the-art Be technology was sold to Palm for the fire sale price of $11 million, approximately one day of Microsoft profits.

The market conditions needed to protect competition, innovation, and consumer choice are straightforward. Competition must be a la carte, no less fine-grained than the process of innovation. Everything must be able to run on everything. Developers must be free to remove, replace and combine components, and compete on the merits of each component. This will ensure robust competition, with innovators vying to improve components and vendors competing to assemble them in different combinations. There will be little competition or dynamism in the market for platform software if neither innovators nor users can replace anything without having to replace everything. No company or alliance can replace Wintel and its all its third party products at the drop of a hat.

Because Netscape had no applications barrier to entry to protectit, it was ported to more than fifteen different operating systems (Findings of Fact, 69). Operating system vendors differentiated the graphical user interface into a separate layer, allowing the application environment to use the graphical interface of the host operating system on which it was running and to permit special interfaces. This occurs naturally in a competitive market. Everyone wants his software to run on every other platform, and everyone wants software from others to run on his platform. Competitors have incentives to cooperate, establish standards, and publish interfaces to ensure interoperability. In a truly competitive market, there would be a wide variety of component combinations. Operating systems with multiple application environments would be common. Developers would be able to write for the application environments with the best capabilities for their specific application. Consumers would be able to choose operating systems and application environments with the best capabilities for their most demanding applications.

A competitive market would provide companies real incentives to pursue breakthrough innovations. Small producers with an idea for one great application or one great component would have a chance to bring it to market. Network effects would be counterbalanced by the benefits of cross-platform application environments. A number of operating systems would have substantial market share. Absent an applications barrier to entry, developers would promote these benefits. Consumers would readily recognize these benefits and demand them.

This is not speculative. Automobile manufacturing and customer service have substantial network effects, yet Chevrolet, Ford, Toyota and Honda, Porsche, and Ferrari still have dealer and service networks. They allow third-party products to enhance performance.

Among the most important breakthroughs in computing is the fact that operating systems now rely on modular design. A

modern operating system includes a core operating system that schedules tasks for processing. Three basic layers correspond to the basic functions of an operating system recognized by the Court (Findings of Fact, 2 and 7). In a modular operating system each of these major layers includes a number of distinct modules. Software developers can easily add or replace modules with superior or special purpose components without hidden code dependencies interfering with the rest of the system.

Another important benefit of modern operating system architecture is that it permits multiple application environments to run well on the same core operating system. This will allow consumers have an older application environment to run legacy applications and a modern application environment to perform demanding tasks, without maintaining two large, complex operating systems on one computer (Findings of Fact, 49).

In an important sense this case is about the important contributions multiple application environments on a single core operating system can make to competition, innovation, and consumer choice. Netscape Navigator and Sun's Java both provided cross-platform application environments that could run along with the standard application environment on different operating systems. If similarly adaptable applications are allowed to thrive in a truly free market, consumers will enjoy smooth migration of older technology and early adoption of the new technology crucial to full participation in the digital age.

IV. Provide a Way to Run Windows Applications on Any Other Operating System

The Court should reject any proposed settlement or Final Judgment that does not provide a way to run Windows applications on any other operating system. The applications barrier to entry is the central issue of this case. The installed base of 70,000 Windows applications is by far the most formidable element of this barrier. A competing operating system must have a large and varied base of compatible applications to reassure consumers that it will meet their computing needs (Findings of Fact, 40). The massive installed base of Windows applications makes this prohibitively difficult and expensive (Findings of Fact, 46). As the Court recognized, the developer of a rival operating system could in theory circumvent this barrier by cloning the Windows APIs so that the applications written for Windows would then also run on that system (Findings of Fact, 52). The new competitor would not be able to translate this into practice, however, because it would never have all the current Windows APIs.

Widespread availability of a Windows Application Environment on all other operating systems would reduce this barrier to entry. A Windows Application Environment would be similar in structure and function to a Java Runtime Environment (Findings of Fact, 73). It would break the dependent relationship between Windows and the 70,000 applications written for the Windows APIs and allow those applications to work with other operating systems. This reduced barrier to entry would immediately encourage investment in the development and marketing of operating systems. Consumers could choose a superior core operating system with a modern application environment based on its features, without worrying about legacy Windows applications. This would substantially reduce the costs of migrating to other operating systems. No other remedy would do so much to restore competition, innovation, and consumer choice. IBM recognized the important benefits of a Windows Application Environment when it invested tens of millions of dollars to clone the Windows APIs and enable Windows applications to run on its OS/2 operating system (Findings of Fact, 46). Sun Microsystems made a similar investment to develop a Windows Application Environment for its Solaris operating system.

A number of third party software developers have made serious efforts to implement the Windows APIs on other operating systems. The open source WINE (Wine Is Not an Emulator) project has implemented a sufficient percentage of the Windows APIs on the Linux operating system to run selected Windows applications. A WINE project for Apple's OS X operating system is also in progress. The BeWine project, organized by a small group of software developers who needed access to the installed base of Windows applications, made substantial progress implementing Windows APIs on the state-of-the- art Be operating system. This project has been shelved since 1999 when Microsoft drove Be from the operating system market. A network of Be developers around the world is now working to resurrect the Be operating system, and BeWine will be one of its highest priorities. The new Lindows operating system is implementing Windows APIs as a way for consumers to run some of the major Windows applications on Linux. A preliminary version of Lindows will soon be released to the public.

In all of these projects, the major obstacle is the lack of complete and accurate disclosure of the Windows APIs and related technical specifications. Moreover, Microsoft frequently changes APIs. Often these are gratuitous changes intended only to frustrate interoperability. Yet Microsoft allows implementation of Windows APIs when it serves the company's interests. At least two ISVs, Mainsoft and Bristol, offer tools that implement the Windows APIs on Unix operating systems. They do it in markets where Microsoft is not the dominant vendor; i.e., in markets where Microsoft favors interoperability. These implementations work well because Mainsoft and Bristol have the benefit of Microsoft source code licenses, and need not be concerned about the completeness or accuracy of its API disclosure.

There are three major ways for the Court to ensure the availability of the installed base of Windows applications on all other operating systems.

Mandatory Porting

The first approach is to order Microsoft to offer mandatory ports of a Windows Application Environment to other operating systems. The initial ports should be to the five operating systems offered by competitors mentioned in the Findings of Fact. This approach should require native and optimized ports that work well with the unique features of the host operating systems. An advantage of this approach is that it appropriately shifts the burden for reducing the applications barrier to entry from disadvantaged competitors to Microsoft.

These ports would be a very modest burden for a company as large as Microsoft. Next Software, a company with fewer than 400 employees and less than $50 million annual revenue, ported the OpenStep operating system to four hardware platforms, and the OpenStep application environment to four other operating systems. Third party applications written for OpenStep ran properly on all these platforms without additional porting. The entire project cost approximately $10 million. While the Windows code base is larger and more commingled, that is hardly an excuse for Microsoft to escape any additional burden that may result. These costs will be modest compared to the immense monopoly rents Microsoft has enjoyed as a result of the applications barrier to entry. Microsoft should be required to sell these products to OEMs, ISVs, IHVs, and end users at a price not to exceed fifty per cent of the lowest price for any Windows Operating System Product. There would also need to be provisions for adding new operating systems at minimum cost to their developers.

A disadvantage of mandatory ports is the risk that Microsoft would likely attempt to delay progress or produce low-quality ports. Strong enforcement and serious sanctions for violations would be necessary to ensure compliance.

Mandatory Licenses to Port Windows Application Environment

Another approach would be to order Microsoft to offer licenses to port Windows Application Environments to any other operating for which its developer or a third party requests one. The advantage of this approach is that developers or third parties would rapidly be able to develop high quality products to market on any operating system. The developers of new and innovative operating systems offering the greatest potential consumer benefit are likely to have limited access to capital. Accordingly, a limited number of licenses should not be allocated by auction alone. A small number of major licensees could limit availability to their preferred operating systems and raise barriers to entry for small and innovative operating system developers. Moreover, Microsoft might attempt to control this process by encouraging compliant, though formally unaffiliated, ISVs to acquire licenses and limit their use to operating systems that present no competitive threat.

Instead, at least one license should be issued for each operating system for which a port is requested by its developer or any third party. The initial license fee should be no more than an amount sufficient to cover Microsoft's administrative costs associated with licensing. Microsoft should then receive a per unit royalty from ISVs, IHVs, and OEMs not to exceed twenty-five per cent of the

lowest royalty paid for any Windows Operating System Product.

Mandatory Disclosure of Interfaces and Technical Information

The third approach is to order that Microsoft fully disclose all of the functional specifications for APIs, other interfaces, and technical information necessary for competent software developers to implement their own Windows Application Environments on any other operating system. The advantage of this approach is that it would leverage the efforts of existing projects working to create Windows Application Environments.

The required disclosure should include the right to the technical information about file systems needed to read the files on a disk partition on which Microsoft products are installed. This will permit consumers to install multiple operating systems on the same computer or home network.

This approach should also require Microsoft to grant a license of any intellectual property rights it claims are necessary to produce and sell these products. The license should be royalty-free and available on nondiscriminatory terms. The court should make it clear that 'nondiscrimatory'' requires that open source projects and their commercial derivatives are entitled to all of the benefits of these disclosures and licenses, provided that no Microsoft source code is incorporated into open source products.

Finally, Microsoft should be prohibited from including in its licensing terms any requirement that its software not be installed on computers with other operating systems. This will make consumers free to install and use existing Microsoft applications on other operating systems.

The remedies proposed by the Plaintiff Litigating States offer significant though partial steps toward this third approach. Section 4(a) (i) of their Remedial Proposal requires Microsoft to disclose all APIs, Technical Information and Communications Interfaces that Microsoft employs to enable each Microsoft (emphasis added) application to Interoperate with Microsoft Platform Software installed on the same Personal Computer.

The Plaintiff Litigating States clearly recognized the importance of disclosing these interfaces. The APIs Microsoft employs to enable Microsoft applications to interoperate with Windows include almost all the APIs it employs to enable Windows applications written by third parties to interoperate with Windows. However, there are a small number of APIs that are called only by third party Windows applications. Disclosure of all of these APIs is essential in order to reduce the applications barrier to entry and enable consumers to run any of the 70,000 existing Windows applications on any other operating system.

It is likely that the Plaintiff Litigating States did not distinguish between these sets of APIs and intended that this remedy include the APIs used for all Windows applications. Nevertheless, the Court should insist that disclosure include all the APIs. The remedy could easily be changed to reflect this by requiring that Microsft disclose all APIs, Technical Information and Communications Interfaces that Microsoft employs to enable all Microsoft and/or third party Windows applications to Interoperate with Microsoft Platform Software installed on the same Personal Computer.

The Windows APIs are the centerpiece of Microsoft's monopoly power. The Court should now use that monopoly power to reverse the effects of its abuse and move Microsoft toward open, cross-platform competition. This would allow the market to begin to recover. The Court noted (Findings of Fact, 29) that it would take several years for middleware and the applications it supports to evolve into a competitive threat to Windows. This has yet to occur. Moreover, the prospects are worse than they were in 1995 because Microsoft now dominates the market for browsers and may be able to leverage that dominance.

The Court should correct for this market failure by ensuring that any Final Judgment contains at least one of the remedies that will enable the installed base of 70,000 applications that comprise the applications barrier to entry to run on any other operating system.

V. Make Native Ports of Microsoft Office Available on Any Other Operating System

VI. Provide a Way to Make Native Ports of Microsoft Office Available on Any Other Operating System

The Court should reject any proposed settlement or Final Judgment that does not provide a way to make native ports of Microsoft Office available on any other operating system. This is another direct and certain way to address the applications barrier to entry. In a competitive market, many consumers will choose operating systems because their features and benefits are necessary for advanced multimedia, networking, or other digital-age applications. Nevertheless, for many consumers, Office remains their one indispensable application. Its importance is highlighted by its role in the controversies between Microsoft and IBM and Microsoft and Apple. Unfortunately, the dependencies between Microsoft applications and Windows are another formidable element of the applications barrier to entry. Office and Internet Explorer are now dominant in most work environments, and most consumers need compatible applications at home. Office has proprietary file formats, APIs, and other features that add dependencies. If there is to be real competition in operating systems and other platform software, the dominance of Microsoft Office applications must not be allowed to favor Windows over other competitors.

Cross-platform ports of Office applications will ensure that consumers and businesses are free to choose alternative operating systems based on their distinct features and benefits. Porting Office to competing platforms is more certain and immediate than relying on other ISVs to develop productivity applications for them. Since their market share is presently low, there are few incentives for ISVs to write for them. There are two major ways for the Court to ensure the availability of Office applications on all other operating systems.

Mandatory Porting

The first approach is to order Microsoft to offer mandatory ports of its Office applications to other operating systems. The initial ports should be to the five operating systems offered by competitors mentioned in the Findings of Fact. This approach should require native and optimized ports that work well with the unique features of the host operating systems.

An advantage of this approach is that it appropriately shifts the burden for reducing the applications barrier to entry from disadvantaged competitors to Microsoft. The price charged for these products to ISVs, IHVs, OEMs and end users would need to be limited to the comparable price of Office for Windows. There would also need to be provisions for adding new operating systems at minimum cost to their developers. A disadvantage of mandatory ports is the risk that Microsoft would likely attempt to delay progress or produce low-quality ports. Although mandatory ports of complex Silcon Graphics software worked well, strong enforcement and serious sanctions for violations would be necessary to ensure that Microsoft complies.

The specialized Macintosh Business Unit established by Microsoft after the 1997 agreement to continue the port of Office for Macintosh has demonstrated, with upgrades to Office and Internet Explorer, that Microsoft can optimize ports to take advantage of features not available on Windows. This optimization made a noticeable difference in the user experience and is one of the few positive results of the ''normalization'' between Microsoft and Apple.

Microsoft should be required to continue its port of Office to Apple operating systems. The existing agreement to port Office to the Macintosh operating system expires this year. Microsoft could again hold Apple hostage and demand concessions in exchange for continuing this port. The remedies proposed by the Plaintiff Litigating States require this. However, Apple now has a modern operating system with an advanced object- oriented application environment called Cocoa. Apple asked Microsoft to port to this application environment in 1997 and Microsoft declined. This was a decisive factor in delaying the release of the new OS X operating system and forcing Apple to add an interim application environment to that operating system. Microsoft should be required to support the most advanced application environment on any operating system to which it ports Office. Any settlement or Final Judgment should require that Microsoft port Office to the Cocoa application environment within three years in order to allow Apple to shift the orientation to this new technology.

Mandatory Licenses to Port Office

Another approach would be to order Microsoft to offer licenses to port its Office applications to any other operating system for which its developer or a third party requests one. The advantage of this approach is that developers or third parties would rapidly be able to develop high quality products to market on any operating system. The remedies proposed by the Plaintiff

Litigating States offer significant though partial steps toward this approach. Section 14(b) of the Remedial Proposal submitted by the states requires that Microsoft offer to sell at auction at least three licenses to port Office to other operating systems without further royalty beyond the auction price. The developers of new and innovative operating systems offering the greatest potential consumer benefit are likely to have limited access to capital. Accordingly, a limited number of licenses should not be allocated by auction alone. A small number of major licensees could limit availability to their preferred operating systems and raise barriers to entry for small and innovative operating system developers. Moreover, Microsoft might attempt to control this process by encouraging compliant though formally unaffiliated ISVs to acquire licenses and limit their use to operating systems that present no competitive threat.

Instead, at least one license should be issued for each operating system for which its developer or a third party requests one. The initial license fee should be no more than an amount sufficient to cover Microsoft's administrative costs associated with licensing. Microsoft should then receive a per-unit royalty from ISVs, IHVs, OEMs, and end users indexed to a specified price for Office.

VI. Provide a Way for Competing Productivity Applications to Interoperate with Microsoft Applications.

The Court should reject any proposed settlement or Final Judgment that does not provide a way to run competing productivity applications on any other operating system and interoperate with Microsoft applications. The importance of competition in operating systems is to provide superior platforms that enable the development of applications with richer features and compelling benefits to consumers. Sustaining competition in operating systems will require renewed competition in applications.

Microsoft's proprietary file formats are another significant element of the applications barrier to entry. Their only benefit is to exclude competitors. A vast amount of valuable data is held captive in Office files. Just as consumers'' ability to carry over their installed base of Windows applications to new platforms is essential to restoring competition in the market for operating systems, their ability to carry over data now held captive in Microsoft files to new applications is essential to competition in the markets for applications and, therefore, operating systems.

Any Final Judgment should require Microsoft to publish all file formats needed to read, write, and save Office files.

Requiring Microsoft to publish these file formats will allow consumers to migrate to new (and more advanced) applications without losing data. This will provide ISVs with ample incentives to write new applications for Windows and alternative operating systems and ensure that, as market share grows, Microsoft applications are not the only ones ported to competing systems.

Microsoft also uses its Object Linking and Embedding (OLE) framework and other proprietary specifications for inter-application communications instead of published APIs. These make it possible for Office applications to exchange files, data, and services with other Microsoft applications. These are yet another significant element of the applications barrier to entry. Without open interfaces, competing applications cannot exchange data with Office applications.

Any Final Judgment should also require that Microsoft publish the file formats of its applications and the specification for OLE and other proprietary specifications needed for inter-application communications.

Requiring Microsoft to publish these specifications will allow consumers to choose productivity applications from multiple vendors and still have the benefits of an integrated application suite. A spreadsheet from one vendor could be combined with a drawing program from another and a presentation program from a third. Consumers could then replace one program without having to purchase another complete suite and discard applications. This will increase incentives for ISVs to write applications. Since ISVs will no longer have to design an entire suite of software, a small ISV will be to able to concentrate its resources on developing a more innovative product for a single niche and will be able to compete more effectively with larger ISVs.

VII. Provide a Way to Run Internet Explorer and Other Microsoft Internet Applications on Any Other Operating System.

The Court should reject any proposed settlement or Final Judgment that does not provide a way to make native ports of Internet Explorer and other Microsoft Internet applications available on any other operating system. This is another direct and certain way to address the applications barrier to entry.

For many consumers, Internet Explorer is becoming another indispensable application. Its importance is highlighted by its role in the controversies between Microsoft and IBM and Microsoft and Apple. Internet Explorer is now the dominant application for access to the World Wide Web. If there is to be real competition in operating systems and other platform software, the dominance of Microsoft Internet applications must not be allowed to favor Windows over other competitors. Cross-platform ports of Internet Explorer and other Microsoft Internet applications will ensure that consumers and businesses are free to choose alternative operating systems based on their distinct features and benefits.

There are two major ways for the Court to ensure the availability of Internet Explorer and other Microsoft Internet applications on all other operating systems. As with Office, the first approach is to order Microsoft to offer mandatory ports of it Internet Explorer to other operating systems. All the considerations and provisions that apply to ports of Office should apply to Internet Explorer, except that the ported products should remain free as long as Internet Explorer for Windows is free. As with Office, another approach would be to order Microsoft to offer licenses to port Internet Explorer to any other operating system that requests one. Again, all the considerations and provisions that apply to licenses to port Office should apply to Internet Explorer, except that the license fees would need to be very limited since Explorer for Windows is a free product.

The remedies proposed by the Plaintiff Litigating States offer a more comprehensive approach. Section 12 of their Remedial Proposal requires that Microsoft offer open source licenses to Explorer source code without royalty. This approach will offer other operating systems and consumers all the benefits that mandatory porting or licenses to port will offer.

Since Microsoft's intent in offering Internet Explorer as a free product was central to its unlawful conduct, the open source remedy may be appropriate to restore competition and deprive Microsoft of the fruits of its unlawful conduct. There is also much less justification for protecting the source code of Explorer than there is for Office or Windows.

Moreover, opening the source code of Internet Explorer will make it more difficult for Microsoft to extend its triple monopoly and create another set of secret de facto standards eliminating competition for the architecture for distributed Internet computing and the advanced networking applications. Any Final Judgment should incorporate provisions to reduce the likelihood that Microsoft will continue to create an ever more powerful monoculture on the web and gain control of cyberspace in the same way it gained control of the desktop.

Nevertheless, if the Court declines to adopt the remedy proposed by the Plaintiff Litigating States, mandatory porting of Internet Explorer or mandatory licenses to port it will assist in restoring competition, innovation, and consumer choice in operating systems.

VIII. Provide a Way for Competing Internet Applications to Interoperate with Microsoft Applications.

The Court should reject any proposed settlement or Final Judgment that does not provide a way to run competing Internet applications on any other operating system and interoperate with Microsoft applications.

Microsoft's proprietary Internet interfaces, file formats, media formats, codecs, and extensions are another significant element of the applications barrier to entry. Their only benefit is to exclude competitors. Any Final Judgment should require Microsoft to publish these specifications.

Requiring Microsoft to publish them will allow consumers to migrate to new Internet applications. It will provide ISVs with ample incentives to write new Internet applications and ensure that Microsoft applications are not the only ones ported to competing systems.

Microsoft is also using proprietary specifications for inter-application communications instead of published APIs in its Internet applications. Any Final Judgment should also require that Microsoft publish the specifications needed for inter-application communications.

Requiring Microsoft to publish these specifications will allow consumers to choose Internet applications from multiple vendors and still have the benefits of integrated Internet applications.

The open source remedy proposed by the Plaintiff Litigating States will offer other operating systems and consumers all the benefits that disclosure of these specifications will offer. Moreover, opening the source code will make it more difficult for Microsoft to create an integrated Internet architecture that excluded applications and components from other software developers and deprived consumers of choice. Nevertheless, if the Court declines to adopt that remedy, mandatory disclosure of these specifications will assist in restoring competition, innovation, and consumer choice in operating systems.

IX. Provide a Way to for Developers and Consumers to Remove and Replace

Components of Microsoft Products with Superior or Special Purpose Components. Microsoft has regularly sacrificed best practices, value added, and innovation to strategies that extend its monopoly. Resources that could be invested in product improvement or breakthrough innovation are consistently diverted to prevent developers from substituting superior components and raise the ''switching costs'' for users who wish to replace Microsoft products with preferred alternatives. After years of these practices, an extraordinarily high proportion of the value of Microsoft's intellectual property is in the unpublished interfaces and communication protocols that exclude competitors. Microsoft's relentless pursuit is promoted in the guise of 'integration.' This purported 'integration' neither makes its software run faster than comparable competing software nor work more seamlessly. Indeed, the commingling of code from so many components into the foundations of the operating system is why its entire software monoculture is so vulnerable to instability, security breaches, and viruses. The digital age requires a better foundation.

X. Deprive Microsoft of the Power to Control the Computing Hardware Market

The Court should reject any proposed settlement or Final Judgment that does not deprive Microsoft of the power to control the computing hardware market Microsoft monopoly power has externalities in hardware choices as well as operating systems and applications. The Court found that Microsoft was able to pressure Intel to stop developing platform software because of Intel's dependency on Microsoft support for Intel microprocessors (Findings of Fact, 102). Since Intel is so dependent on Microsoft, Microsoft has the ability to influence Intel's processor designs. Intel therefore embraces strategies and technologies that favor Windows at the expense of hardware innovations that would benefit superior operating systems. Over the years, the technical dependencies between Windows and Intel processors have increased.

These dependencies assist Microsoft in preserving the applications barrier to entry. Locking Windows and Intel together tends to lock others out of both the operating systems and microprocessor markets. Since the market for personal computers that run Windows is very profitable for Intel, these dependencies are ''golden handcuffs'' that limit Intel's freedom to design the best processors. Intel's next generation processor architecture is burdened with numerous legacy features that would likely not be included if Microsoft did not insist on them, and the performance of the prototypes has been disappointing.

Consumers have almost no alternatives to Intel-compatible personal computers. This limitation is itself a result of Microsoft's protection of the applications barrier to entry. Microsoft initially supported the Common Hardware Reference Platform (CHRP), an open PowerPC hardware platform that supported a number of alternative operating systems including Macintosh, BeOS, and Solaris. CHRP was an important habitat for other operating systems. It was also a potential path for migration from Windows to these operating systems, since it would have allowed consumers and business to switch from one system to another without having to purchase another computer. Accordingly, it was perhaps the most significant threat to the dominance of the Wintel platform. Microsoft abandoned its support for CHRP at a critical moment in the platform's development. Apple abruptly withdrew its support shortly after its so-called ''normalization'' of relations with Microsoft in 1997. Without support from Microsoft and Apple, critical customers lost confidence in the platform. CHRP has since been dormant. Its successor, the PowerPC Open Platform, is sustained mainly by the interest of Linux developers. Without additional commercial support, this exceptional platform may be never be widely available to consumers.

The Court should include in any Final Judgment provisions for porting Windows to other hardware platforms with non-Intel compatible microprocessors. The Court could require that Microsoft port Windows to specified alternative microprocessors and recompile its software to run on the versions of Windows ported to those microprocessors. This would require the same sorts of provisions to ensure a quality port that mandatory ports of other software would require.

The Court could alternatively order Microsoft to issue source code licenses for the purpose of porting Windows to any microprocessor for which a port is requested. Since the number of alternative microprocessor architectures is limited, this would likely only require issuance of three or four licenses. Microsoft should of course be entitled to receive a royalty on every unit of these products. The royalty should be no greater than the lowest royalty charged to an OEM for Intel-compatible versions of Windows.

XI. Provide Equal Access to the Existing OEM Distribution Channel

OEMs are the most important distribution channel for operating systems (Findings of Fact, 54), middleware, and other software. Few consumers will install an alternative operating system even as a complement to Windows if it requires partitioning a disk drive and reinstalling all Microsoft software or adding another disk drive. Equal access to OEM distribution will level the playing field and restore competition.

In 1998, while the current case was underway, Be attempted to persuade Microsoft drove Be from the operating system market by threatening computer makers who had agreed to bundle Be as a second operating system with prohibitive increases in Windows licensing fees and refusing to allow installation of a boot loader that would allow consumers running Windows to reboot their computers into the Be operating system. The Be technology was sold to Palm for $11 million.

Effective remedies must ensure that alternative operating systems and other software products that compete with Microsoft's monopoly products have immediate access to this distribution channel. The Court should require in any Final Judgment that Microsoft be prohibited from licensing any operating system, applications, or middleware to an OEM for installation on a computer unless each unit shipped with a Microsoft operating system also includes alternative software products corresponding to the Microsoft products installed on that computer.

Consumers would have the opportunity to experience the benefits of alternative systems, and competitors who have been excluded from coexistence with Microsoft on OEM computers would have new incentives to invest. OEMs could use the choice of which competuing products to offer in each category to differentiate their offerings.

This would impose no substantial financial burden on the OEMs. Free distributions of Linux, BeOS, BSD Unix, and other alternative operating systems are available. OEMs could shift responsibility for support for these products to the manufacturers or other interested parties. Consumer demand would develop for the products that offered the most value, and OEMs could then charge for them.

XII. Minimum Term of Any Final Judgment

The Court should reject any proposed settlement or Final Judgment with a term of less than ten years. The AT&T case indicates that, contrary to popular notions, ten years is not so long in a dynamic industry. The recombining of the 'Baby Bells' began almost as soon as the Term of the Modified Final Judgment expired. Meanwhile, their control of the 'last mile' of connectivity into consumer homes has enabled them to drive Competitive Local Exchange Carriers and residential broadband providers out of the market.

One lesson from this experience is that the last mile is a commons that is essential for all competitors, and equal access to that commons may need to continue until it no longer offers any leverage to exclude competitors. Since interoperability remedies of the sort provided in these comments are essential to establishing a commons through which new competitors can enter markets controlled by Microsoft, the Court should ensure that they are maintained for at least a decade, or until competition in platform software is so robust that Microsoft no longer has the ability or incentives to control key interfaces.

Some of Microsoft's anti-competitive practices originated more than a decade ago. The wave of anti-competitive conduct that

led to the filing of this case began six years ago. The magnitude of the damage to related markets suggests that even well-designed, pro-competitive remedies will require a decade to restore competition and reverse the gains resulting from Microsoft's unlawful conduct.

XIII. Provisions for Enforcement and Consequences for Violation

The Court should reject any proposed settlement or Final Judgment that does not have strong provisions for enforcement and serious consequences for violation of disclosure requirements and other mandates. The Court should appoint a Special Master to monitor and enforce Microsoft's compliance with the Final Judgment. The Court should consider the voice of the Plaintiff Litigating States, competitors, and consumer organizations in selecting the Special Master. There should be provisions for selection of a replacement if necessary and a way to prevent Microsoft from corrupting the selection process in the event of political changes.

The Special Master must have the authority and resources to thoroughly monitor and enforce Microsoft's compliance with the terms of this Final Judgment. Most important, the Special Master will need full access to all of Microsoft's source code for the purpose of verifying the completeness and accuracy of its required disclosures. Access to source code in a secure facility proposed in the remedial proposal of the Plaintiff Litigating States does not adequately enable competitors to verify the completeness and accuracy of disclosure.

The settlement must also provide an effective 'crown jewel' provision that will deprive Microsoft of both the tools and spoils of its illegal monopoly. There must be substantial penalties for non-compliance. For the same reasons that protection of the source code during verification is so great a concern for Microsoft, placing the source code in the public domain would be the best ''crown jewel'' provision.

IV. Conclusion

The Court should reject the proposed settlement and schedule public proceedings. It must The Court should reject the proposed settlement and schedule public proceedings. It must conduct its own inquiry into both the ends that proper remedies must achieve and the best means to achieve them.

These proceedings should include a significant opportunity for consumers to participate, including the opportunity to propose remedies, present evidence, and to argue for correcting the effect of illegal monopoly. The remedies recommended in these comments should be given serious consideration in those proceedings. Even with the inclusion of these remedies in a settlement or Final Judgment, competing operating systems and competing software face uphill battles against the fruits of Microsoft's years of unlawful conduct.

Competing products will still be disadvantaged by the large investment in training that companies and consumers have on Microsoft products and the great degree of familiarity information technology professionals have with those products. Nevertheless, these remedies offer the best chance to restore competition, innovation, and consumer choice.

The scheduled proceedings on the Remedial Proposal submitted by the Plaintiff States should complement rather than replace public proceedings under the Tunney Act. The Court should also propose that the Plaintiff Litigating States incorporate these recommendations into a Revised Proposed Final Judgment. Although the remedies proposed by these states are important and should be included in any Final Judgment, their proposed remedies have been shaped more by the debate between Microsoft and its competitors than by a consumer voice.

The absence of a strong consumer presence is reflected in the omission of some of the most basic remedies of importance to consumers. The absence of these remedies create the likelihood that the development of the information economy and culture promised by the potential of computer technology will remain stymied and undeveloped much as the telephone communicating system crept along at a snails pace for the nearly one hundred years of the Bell systems monopoly.

Opening up the Microsoft monopoly with serious remedies that include the consumer interest in the final market place equation will make possible the next leap in communication technology, and with it the significant economic development, on the brink of which society now stands. These new developments are to the Internet as the Internet is to the telephone. Failure to include these consumer-oriented remedies threatens society with economic downturns and cultural stagnation. We urge the court not to accept the economically and culturally crippling proposed final judgment.

James S. TurnerCharles D. Brown
ChairCounsel
Consumer for Computing ChoiceConsumers for Computing Choice
Drexel SprecherMichael Vlahos
Co-ChairCo-Chair
Open Platform Working GroupOpen Platform Working Group

APPENDIXES

A. Motion for Hearing on The Issues Presented#
1. This has been a common sense presentation#
2. Expert testimony will support it#

XIII. Interests of the Parties Submitting Comments#

A. Consumers for Computing Choice#
B.Open Platform Working Group#
B.Offer of Proof#
A. Witnesses#
B. Issues#

IN THE UNITED STATES DISTRICT OF COLUMBIA FOR THE DISTRICT OF COLUMBIA

THE UNITED STATES OF AMERICA
Plaintiff vs.Civil Action No. 98–1232 (CKK)
MICROSOFT CORPORATION
Defendant STATE OF NEW YORK ex rel.
Plaintiffs, vs. MICROSOFT CORPORATION
Defendant Motion for Evidentiary Hearing

Defendant, Microsoft Corporation by the undersigned counsel respectfully moves this honorable court for an evidentiary hearing in the above captioned matter. As grounds for the motion, which are more fully determined in the accompanying memorandum of points and authority defendant, asserts:

1. Defendant has new evidence previously not considered by the court
2. The failure of the court to hear and consider this new evidence would not only constitute a denial of due process and or would be impermissibly prejudicial to the defendant and to other parties to this case.

CONSUMERS FOR COMPUTING CHOICE

Executive Board
James S. Turner, Chair
Consumer Interest Lawyer
Swankin & Turner
Charles D. Brown
Consumer Interest Lawyer
Former Attorney General
State of West Virginia
Jeri Smith-Fornara
Arizona Consumer Council
Tom Andrews
Former United States Representative
State of Maine
President
New Economy Communications
Ira Arlook
Founder
Citizen Action

MTC–00033614

From: Don Botkin
To: Ms. Renata Hesse
Date: 1/29/02 12:13am
Subject: Microsoft Settlement
Don Botkin
108 1/2 East Main St.
Heyworth, IL 61745–0456
January 29, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken

up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Don T. Botkin

MTC–00033615

From: Holly Falls
To: Microsoft Settlement
Date: 1/29/02 12:15am
Subject: Microsoft Settlement
Holly Falls
11301 Riverbank Blvd
Orlando, Fl 32817
January 29, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

Holly & David Falls

MTC–00033616

From: Leo Stevenson
To: Microsoft ATR
Date: 1/28/02 7:11pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice

Please accept the settlement for Microsoft. Let's move on without further litigation. Our national economy needs to move on. Accepting the Microsoft settlement will help our national economy move forward.

MTC–00033617

From: Wade Mountz
To: Ms. Renata Hesse
Date: 1/28/02 7:38pm
Subject: Microsoft Settlement
Wade Mountz
9 Muirfield Place
Louisville, KY 40222
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement. This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Wade Mountz

MTC–00033618

From: JHabicht
To: DOJ
Date: 1/28/02 7:39pm
Subject: anti-trust case

I would like to voice my opinion on the anti-trust case against Microsoft. I feel this case should be resolved immediately. 30 of the states were not concerned enough to participate in the lawsuit. Eleven of the original 20 states involved were satisfied with the settlement. The remaining states led by the viciously revengeful attorneys general of Miller and Blumenthal are prolonging this case beyond reason. These two individuals have some ax to grind against Microsoft and the court and department of justice should put an end to this.

People like the bundling approach because it makes the life of working on a computer and the internet easier. Technology moves too quickly for any one company to dominate or monopolize.

I hope this lawsuit can be resolved in the next few months and not drag this out any longer.

John Habicht
11792 Diamond Dr.
Shelby Township, MI 48315

MTC–00033619

From: Elmer Elias
To: Ms. Renata Hesse
Date: 1/28/02 7:50pm

Subject: Microsoft Settlement
Elmer Elias
5401 bus.83
Harlingen, Tx 78552–3639
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Elmer Elias

MTC–00033620

From: Sandra D. Lucas
To: Renata B. Hesse for John Ashcroft
Date: 1/28/02 7:59pm
Subject: Microsoft Settlement

Dear Mr. Ashcroft:

I would like to make it clear that I, along with millions of other sensible people, am in full support of an end to the Microsoft antitrust case. I believe you should support the settlement agreed upon in this case. The legal system should leave Microsoft alone.

Microsoft is a very ingenious and successful company. Thousands of people depend on Microsoft for their employment. Microsoft also exports many products, which is good for our country's economy. There is no reason for the governmnet to keep going after Microsoft, especially since a settlement exists that could end this case, The settlement will give competitors the right to place their software on Microsoft's systems. What else could they want? Perhaps the competitors want to exploit the legal system to get at Microsoft.

I believe you are a sensible person with a good instinct for justice. That is why I have confidence you will settle this case.

Thank you for acknowledging my opinion and request.

Sincerely,
Sandra D. Lucas

MTC–00033621

From: Don LeBlanc
To: Microsoft ATR
Date: 1/28/02 8:04pm
Subject: Microsoft Settlement
DONALD LeBLANC
70 COURTSIDE CIRCLE
SAN ANTONIO, TEXAS, 78216
January 26, 2002
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

I am writing you today to express my opinion in regards to the Microsoft antitrust dispute. I fully support Microsoft in this dispute and believe that the settlement that was reached in November is a fair and reasonable means to end this costly litigation. I do not believe this lawsuit should have been initiated in the first place. I also feel that the charge that Microsoft is a monopoly is false and unrealistic.

This settlement is the best alternative in an imperfect IT world. Microsoft came to terms with its more controversial policies and rectified them. Now the company will do such things as disclose various interfaces of the Windows OS and designing future versions of Windows to make it easier to install non-Microsoft software. These actions will help its rivals gain a competitive edge that they did not have before.

As a schoolteacher, I have seen firsthand what Microsoft has done for the classroom. Please support this settlement and stop restricting Microsoft. This company has a lot to contribute to our society.

Thank you for your support.

Sincerely,
Donald LeBlanc
CC:fin@mobilizationoffice.com@inetgw

MTC–00033622

From: Barbara Sanders
To: Microsoft Settlement
Date: 1/28/02 8:06pm
Subject: Microsoft Settlement
Barbara Sanders
RR 1, Box 50A–1
Terra Alta, WV 26764
January 28, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry.

It is high time for this trial, and the wasteful spending accompanying it,to be over. Consumers will indeed see competition in the marketplace,rather than the courtroom. And the investors who propel our economy canfinally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not havebroken up Microsoft. If the case is finally over, companies like Microsoftcan get back into the business of innovating and creating better productsfor consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services toconsumers. With government out of the business of stifling progress andtying the hands of corporations, consumers—rather than bureaucrats andjudges—will once again pick the winners and losers on Wall Street. Withthe reins off the high-tech industry, more entrepreneurs will beencouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Barbara A. Sanders

MTC–00033623

From: Barbara I. Ball
To: Microsoft Settlement
Date: 1/28/02 8:10pm
Subject: Microsoft Settlement
Barbara I. Ball
104 Goddard Place
La Crosse, WI 54603
January 28, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance toconsumers, and a serious deterrent to investors in the high-tech industry.It is high time for this trial, and the wasteful spending accompanying it,to be over. Consumers will indeed see competition in the marketplace,rather than the courtroom.

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Our economies downturn started the sametime as the lawsuit started. Iremember thinking that with so many people losing their entire savingsbecause of the lawsuit that the people most hurt by all of this nonsensewas the little guy with the most to lose.

Yahoo also lost big and the people who invested money was the factoryworkers, the sales clerks, etc. The government has to get out of ourbusiness and stick to the job the constitution gave them. Everything thegovernment touches goes right down the tubes and this proves it.

Thank you for this opportunity to share my views.

Sincerely,

Barbara Inez Ball

MTC–00033624

From: Britt Blaser
To: Microsoft ATR
Date: 1/28/02 8:15pm
Subject: Microsoft Settlement

A Subversion of US Power.

Who will be remembered as the official(s) who handed Microsoft the licenseto be the country's sole supplier of reading, writing and calculating tools. Microsoft is already a larger economy than most nations, and is growingfaster than any. More importantly, it levies a tax on every word written andread in our government and our military.

It is bad policy, and probably illegal, for the government to depend on asole supplier for any significant resource. Yet the government's operationsare dependent on the continuing forbearance of Microsoft in allowing thegovernment's computers to function. Not only is Microsoft the solecontractor of one of the government's most pervasive products,MMICROSOFT IS THE SOLE PURVEYOR OF OUR ABILITY TO GOVERN.Absurd? History is littered with the corpses of governments that did notrealize the source of their diminution. Just because Microsoft is not agovernment, is it to be taken any lighter than so many governments wieldinginferior resources? We took Al Queada lightly until its real power wasdemonstrated.

If Microsoft's strength is not checked now, how will it be checked when itis stronger? Do we doubt its strength will grow? It is tempting (and easier)to dismiss the idea that Microsoft could wield its power unethically againstits fellow citizens, but is it responsible to ignore the possibility?Is there a guarantee that Microsoft's controlling interest cannot fall intothe wrong hands? When most PCs are running XP V. 3, what is the remedy whenan unforeseen but persistent registration error causes USDOJ computers toperform unreliably.

Of course this is absurd today, but when is it no longer absurd? Is any ofus wise enough to say it can never happen? What set of unforeseencircumstances would have to occur for this settlement to become the mostfoolish lapse of governance in our history?

Respectfully submitted,

Lee B. Blaser

MTC–00033625

From: Donmwardsr@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 8:16pm
Subject: MICROSOFT SETTLEMENT

Dear Mr. Ashcroft, Microsoft, in my opinion, has offered a very fairsettlement after three years of great time and legal expense for both GOV. and MICROSOFT.

Lets settle this thing and schools will benefit, competitors can use prop. windows, customers have choices, and everyone (including Massachusetts) can return to being more productive!!

Cordially,

Don M. Ward, Sr. , Charlotte, N.C.

CC:fin@mobilizationoffice.com@inetgw

MTC–00033626

From: Brent McKay
To: Ms. Renata Hesse
Date: 1/28/02 5:45pm
Subject: Microsoft Settlement

Brent McKay
2025 East 30th Street
Scottsbluff, NE 69361
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgmentin the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will beable to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus,in an unprecedented enforcement clause, a Technical Committee will workout of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed.Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues andsoftware that were not part of the original lawsuit, such as Windows XP,which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We havepaid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, thecountry needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Brent McKay

MTC–00033627

From: James Duffy
To: Ms. Renata Hesse
Date: 1/28/02 5:54pm
Subject: Microsoft Settlement

James Duffy
1147 W 162nd Street
Gardena, Ca 90247–4421
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by

District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

James Duffy

MTC–00033628

From: Lawrence Greene
To: Ms. Renata Hesse
Date: 1/28/02 5:55pm
Subject: Microsoft Settlement
Lawrence Greene
46 Goodnow Road
Princeton , MA 01541
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

The only reason that Sun, Oracle, Apple etc have wanted Microsoft broken up is because they beat them in the marketplace. Yet the founds of these companies are the ultimate entrepeneurs and would be screaming if the Justice Department came after them.

Furthermore,the consumers have benefited tremendously from Microsoft SW. It is low cost, fully integrated, and makes all of us more productive. Why do we want to hurt a major exporter to the world that helps the US balance of payments. The rest of the World laughs at us when we break up our large companies so that can't compete against their foreign competitors.

Again the only beneficiary in this suit are the lawyers. Paying lawyers doesn't add any benefit to our economy nor make us more productive nation. It is a negative nonvalue added cost.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Lawrence & Marcia Greene

MTC–00033629

From: Jerry Jorgensen
To: Ms. Renata Hesse
Date: 1/28/02 5:59pm
Subject: Microsoft Settlement
Jerry Jorgensen
2505 Las Brisas Dr
Virginia Beach, va 23456
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Jerry Jorgensen

MTC–00033630

From: Donald Russell
To: Ms. Renata Hesse
Date: 1/28/02 6:15pm
Subject: Microsoft Settlement
Donald Russell
28 Brandywine Dr.
Cincinnati, OH 45246
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Donald S. Russell

MTC–00033631

From: Donald Russell
To: Ms. Renata Hesse
Date: 1/28/02 6:15pm
Subject: Microsoft Settlement
Donald Russell
28 Brandywine Dr.
Cincinnati, OH 45246
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We havepaid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Donald S. Russell

MTC–00033632

From: Gary Prae
To: Ms. Renata Hesse
Date: 1/28/02 6:29pm
Subject: Microsoft Settlement
Gary Prae
5702 Newberry Point Drive
Flowery Branch, GA 30542
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgmentin the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of

Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Gary Prae

MTC–00033633

From: Peter McCulloch
To: Microsoft ATR
Date: 1/28/02 7:01pm
Subject: Microsoft Settlement

This organization has done irreparable harm to the computational world through its past (and greatly continuing!) predatory policies. That such a light settlement has been proposed is a true travesty. Mydisgust with Microsoft has led me to the linux community and free software movement, the only places where Microsoft has been unable to wrap its slithery tentacles. Only a fool would allow them to continue the course of their present action, as each day they spread themselves in a new direction, looking to extend their monopoly.

Peter McCulloch

Center for Experimental Music and Intermedia

University of North Texas

MTC–00033634

From: Shana Clark
To: Ms. Renata Hesse
Date: 1/28/02 7:02pm
Subject: Microsoft Settlement
Shana Clark
8636 Kendall Drive
Plano, tx 75025
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms ofthis Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greaternational significance: the war against terrorism, including home land security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Shana Taylor Clark

MTC–00033635

From: Martin Ryszka
To: Ms. Renata Hesse
Date: 1/28/02 7:06pm
Subject: Microsoft Settlement
Martin Ryszka
7517 Miller Rd.
Dearborn, MI 48126
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgmentin the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Martin S. Ryszka

MTC–00033636

From: Scott Petty
To: Ms. Renata Hesse
Date: 1/28/02 4:17pm
Subject: Microsoft Settlement
Scott Petty
712 Hickory Knoll Road
Franklin, NC 28734
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Scott M. Petty

MTC–00033637

From: Robert Bush
To: Ms. Renata Hesse
Date: 1/28/02 4:32pm
Subject: Microsoft Settlement
Robert Bush
1062 Irene St.
Burleson, TX 76028
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted. The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

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Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement. This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Bob Bush

MTC–00033638

From: Bambi Bush
To: Ms. Renata Hesse
Date: 1/28/02 4:34pm
Subject: Microsoft Settlement
Bambi Bush
1062 Irene St.
Burleson, TX 76028
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S.

v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Bambi Bush

MTC–00033639

From: Charlene Hechler
To: Ms. Renata Hesse
Date: 1/28/02 4:52pm
Subject: Microsoft Settlement
Charlene Hechler
26 Pine Arbor Lane #107
Vero Beach, FL 32062
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Charlene Y. Hechler

MTC–00033640

From: SAMUEL YOUNGMAN
To: Ms. Renata Hesse
Date: 1/28/02 4:56pm
Subject: Microsoft Settlement
SAMUEL YOUNGMAN
503 EXETER LANE
CAMBRIA, CA 93428
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

SAMUEL YOUNGMAN

MTC–00033641

From: Ronald Couey
To: Ms. Renata Hesse
Date: 1/28/02 5:09pm
Subject: Microsoft Settlement
Ronald Couey
1427 Summit Run Circle
West Palm Beach, Fl 33415–4748
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Ronald Couey

MTC–00033642

From: Jeffrey Marty
To: Ms. Renata Hesse
Date: 1/28/02 5:15pm
Subject: Microsoft Settlement
Jeffrey Marty
2034 Londonderry Dr #304
Madison, WI 53704–4114
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Jeffrey C. Marty

MTC–00033643

From: Edward Briggs
To: Ms. Renata Hesse
Date: 1/28/02 5:24pm
Subject: Microsoft Settlement
Edward Briggs
6735 Lakefront Drive
Magalia, CA 95954
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Edward W. Briggs

MTC–00033644

From: Edward Evanko
To: Ms. Renata Hesse
Date: 1/28/02 5:29pm
Subject: Microsoft Settlement
Edward Evanko
1885 Military Ave
Seaside, CA 93955
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Edward Evanko

MTC–00033645

From: Dorothy Pittsley
To: Ms. Renata Hesse
Date: 1/28/02 5:33pm
Subject: Microsoft Settlement
Dorothy Pittsley
11406 E 4th Ave.
Spokane, WA 99206
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Dorothy N. Pittsley

MTC–00033646

From: JJangard@aol.com@inetgw
To: fin@mobilizationoffice.com@inetgw
Date: 1/28/02 2:56pm
Subject: microsoft settlement

Cannot believe what the justice dept. is trying to do to a[[large exporting business]] this country needs more exports Microsoft brings billions to this country Also I would start a new business if I could have Orin Hatch, Novell, Sun micro Systems, Time Warner AOL, many other competitors & the justice dept. To stifle my competition I couldn't help but make money

This is real injustice done by GREEDY FAME SEEKING ATTORNEYS & JANET RENO TRYING TO FURTHER THEIR POLITICAL GOALS What Microsoft & BILL & MELINDA GATES FOUNDATION HAVE DONE FOR SCHOOLS ABUSED WOMEN & THOUSANDS OF OTHER GOOD CAUSES, PLAY GROUND EQUIPMENT FOR SCHOOLS THE ATTORNEY GENERALS OF STATES THAT WONT SETTLE ARE HURTING SCHOOLS IN THEIR STATES BY NOT ACCEPTING SOFTWARE, COMPUTERS & ECT. FOR THEIR SCHOOLS THEY WANT CASH TO USE ON THEIR PET PROJECTS [JUST LIKE TOBACCO MONEY] WHICH WAS FOR HEALTH CARE BUT USED FOR OTHER PET PROJECTS

Al Jangard oly wa

CC:Microsoft ATR

MTC–00033647

From: John Dunshee
To: Ms. Renata Hesse
Date: 1/28/02 3:00pm
Subject: Microsoft Settlement
John Dunshee
32015 Griffith Dr
Tangent, OR 97389
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

John Dunshee

MTC–00033648

From: David Thrasher
To: Ms. Renata Hesse
Date: 1/28/02 3:02pm
Subject: Microsoft Settlement
David Thrasher
300 Hickory Street SE
Hartselle, AL 35640–2552
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely, David L. Thrasher

MTC–00033649

From: Gerald Hillman
To: Ms. Renata Hesse
Date: 1/28/02 3:09pm
Subject: Microsoft Settlement
Gerald Hillman
4218 Village East Circle
San Angelo, TX 77904–6662
January 28, 2002

Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsofts programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsofts headquarters for the next five years, at the companys expense, and monitor Microsofts behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Gerald W Hillman

MTC–00033650

From: Jonathan H. Bari
To: Renata Hesse
Date: 1/28/02 3:23pm
Subject: Microsoft Settlement

Dear Renata,

Pursuant to the Tunney Act, attached please find our comments on the Revised Proposed Final Judgement.

Thank you.

Jon

(NOTE NEW OFFICE ADDRESS AS OF 11/21/01)
Jonathan H. Bari
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CNN Headline News call CATAVAULT—''one site that can get you in everywhere...''
Business Week calls CATAVAULT, ''An Open Sesame for the Whole Web.''

This message may contain privileged and confidential information. In the event that this message has reached you in error, you must not disseminate, copy or take any action in reliance on it, and we would ask you to notify us immediately by return e-mail.

CC: Microsoft ATR, wtom@morganlewis.com@inetgw,dan@cata...

BEFORE THE UNITED STATES DEPARTMENT OF JUSTICE

UNITED STATES OF AMERICA Plaintiff v MICROSOFT CORPORATION, Defendant
Civil Action No. 98–1232 (CKK) United States District Court for the District of Columbia
STATE OF NEW YORK ex rel. Attorney General Eliot Spitzer, et al., Plaintiffs, v. MICROSOFT CORPORATION, Defendant
Civil Action No. 98–1233 (CKK)
United States District Court for the District of Columbia

COMMENTS OF CATAVAULT ON THE REVISED PROPOSED FINAL JUDGMENT

INTEREST OF THE COMMENTER

Given that Microsoft's Net Passport is the heart of Windows XP, Microsofts new Operating System that was officially launched on October 25, 2001, Catavault, a software company addressing online identification and authentication, unfortunately finds itself in the cross-hairs of the most powerful software company in the world, since Microsoft has tied its .Net Passport to Windows XP. Pursuant to the Tunney Act, this document sets forth Catavault's comments on the Revised Proposed Final Judgment because we feel that competing products such as Catavault will still unfortunately be set at a disadvantage which is not related to price or quality. If the Revised Proposed Final Judgement is accepted as is, the result will be a weakening of effective competition in the market, a reduction in consumer choice and less technological innovation, generally speaking and specifically to online identification and authentication.

Catavault has developed, commerically licensed and deployed patent pending software that is both complementary and competitive with Microsoft .Net Passport in online identity and authentication services. Although Microsoft's September 20, 2001 announcement that a future version of .Net Passport will be federated, [1] and thus may be interoperable with rivals' services, we believe this in no way alters the extremely serious concerns articulated herein. Moreover, in spite of the Revised Proposed Final Judgement announced between the United States Department of Justice, nine states Attorneys General and Microsoft Corporation, Catavault believes this in no way alters the exremely serious concerns articulated herein.

As such, Catavault has been encouraged that various states Attorneys General still have the resolve and resources necessary to continue the fight in ensuring conduct remedies that are timely, effective, certain and practical when it comes to curbing Microsoft's recidivistic behavior.

While these Tunney Act comments were prepared from the heart so to speak of the entreprenours managing Catavault, Catavault has been working to promote vigorous competition in computer industry platforms and gateways with our antitrust counselors from Morgan, Lewis and Bockius including Mr. Willard K. Tom based in Washington, DC and Mr. Julian M. Joshua based in Brussels.

CATAVAULT OVERVIEW

Catavault is a pioneer in the online user identification and authentication space. Catavault's technology powers the ''All Access Pass to the Internet,'' and it allows users to access more than 3,500 sites ranging from Amazon.com to ZDNet, a couple of orders of magnitude more than Microsofts .Net Passport currently enables access to, without the need to remember all of their authentication credentials for those sites. Unlike .Net Passport which is only accessible from a PC, Catavault is accessible from a PC, PDA, Mobile Phone and Set-top Box, so users can access their information from any device, at any time and from anywhere. CNN Headline News has called Catavault—''one site that can get you in everywhere...''

BusinessWeek has called Catavault, ''An Open Sesame for the Whole Web.'' Despite these arguably superior features of its services, Catavault is severely endangered by the steps Microsoft is taking to ensure that .Net Passport becomes the dominant occupant of the online identity and authentication space. Accordingly, Catavault is endangered by the Revised Proposed Final Judgement. The remedial principle is straightforward enough: the remedy should unfettter a market from anticompetitive conduct, . . . terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation and ensure that there

[1] 1 See

remain no practices likely to result in monopolization in the future.[2] However, in spite of the overwhelming en banc victory on liability, the Revised Proposed Final Judgement does little to ensure that conduct remedies are timely, effective, certain and practical in curbing Microsoft's anti-competitive behavior.

NETWORK CHARACTERISTICS & MICROSOFT S HAILSTORM STRATEGY

Microsoft fully recognizes that, because of the network characteristics of the industry, only subtle uses of its monopoly position are necessary in order to gain an unwarranted, but insuperable dominance in this field. Indeed, its choice of ''HailStorm'' as a metaphor speaks volumes. As you may know, with each updraft in the natural weather-related occurrence of a hail storn, hail stones get larger as more water molecules attach to the crystalline structures of the hail stones. Similarly, Microsoft makes its monopoly position more impregnable with every adjacent space it dominates. Each layer creates another multiple-level entry problem for potential competitors, as described in the United States Department of Justice's 1984 Merger Guidelines to which the United States Federal agencies still refer in non-horizontal matters. Figure 1 is a visual representation of the troubling processes that Catavault see at work with respect to a monopolist bundling its own applications to its dominant Operating System.

As reported in The Wall Street Journal on September 20,2001, Microsoft changed the name of its HailStorm initiative to ''.Net My Services''—possibly because they realized that its very name, HailStorm, has strong whiffs of antitrust violations.

One can argue that network effects require a lock-in mechanism. However, teh traditional lock-in mechanism is access to complements. Some of the services offered by Catavault and .Net Passport require cooperation from third party Internet site(s). If .Net Passport has a much larger number of users, gained through the use of its operating system monopoly, then why would the sites would want to work with Catavault? If the sites cease to work with Catavault, then why would users find Catavault attractive? These questions and their answers are paramount to understanding how market signaling and network effects work towards teh monopolists advantages when it ties its own applications to its dominant Operating System.

NETSCAPE—FRUITS OF MICROSOFT S STATUTORY VIOLATIONS

Most harmful of all is the message that Microsoft s actions have conveyed to every enterprise with the potential to innovate in the computer industry. Through its conduct toward Netscape, IBM, Compaq, Intel and others, Microsoft has demonstrated that it will use its prodigious market power and immense profits to harm any firm that insists on pursuing initiatives that could intensify competition against one of Microsoft's core products. Microsoft s past success in hurting such companies and stifling innovation deters investment in technologies and businesses that exhibit the potential to threaten Microsoft. The ultimate result is that some innovations that would truly benefit consumers never occur for the sole reason that they do no coincide with Microsoft s self-interest.[3]

Accordingly, When Microsoft destroyed Netscape as a potential rival platform, it did more than achieve dominance in browsers. It also prevented rival applications developers from playing Microsoft off against Netscape in the battle to ensure the survival of their applications programs and services. If Netscape and/or other browser/middleware platform software had as a serious competitor to Microsoft, competitive pressures would have forced one or more platforms to carry Catavault, because doing so would have provided a competitive advantage. The platform itself would have become more attractive if, through accessing Catavault, users were freed from cumbersome authentication procedures on a much larger number of sites. That competitive pressure is now gone. Thus, Catavault's current predicament flows directly from Microsoft's earlier unlawful acts against Netscape.

MARKET EXPECTATIONS STIFLE INNOVATION AND COMPETITION

Moreover, the very public humbling of an 85 percent market share player like Netscape in inself creates market expectations that where Microsoft announces an intention to dominate a strategic space, it will succeed in doing so. .Net Passport occupies a strategic space as the on-ramp to the Internet as illustrated in Figure 2, and Microsoft has been quite public about that fact as has been reported in articles in The Industry Standard.[4] Consequently, merchants, investors and other marketplace participants become highly resistant to dealing with Microsoft's competitors in such spaces. For example, Benjamin D. Black, a principal of the Rosewood Venture Group, a U.S. venture capital firm in San Francisco, California has stated, ''I still won't invest in companies that are directly in front of Microsoft's development path.''[5] And Stewart Alsop, a general partnet of New Enterprise Associates, a Silicon Valley venture capital firm in the U.S., has been quoted as saying, ''The most common question for potential investors is: ''What about Windows XP?'' You can still compete but if Microsoft bundles it in Windows it makes it much more difficult for any kind of innovation that is in Microsoft's path.[6] Thus, in this sense, too, Microsoft's earlier unlawful acts against Netscape directly cuts Catavault off from access to important complements.

To that end, one could argue that the competition is ultimately not for the end-user, but for the online service providers who actually pay for online identity and authentication services. Signing up 200 million Hotmail accounts gives Microsoft a huge critical mass of users, but what does it do to get third party sites to work with .Net Passport? To answer this effectively, one must understand that having so many users signals to the marketplace that Microsoft will dominate online identity and authentication services. Moreover, these third party businesses are motivated to work with Microsoft based on the marketing support that Microsoft can provide them—thus creating value propositions from Microsoft s monopoly position. If third party businesses believe that Microsoft will also succeed in using its Operating System monopoly to push Catavault and/or others aside in terms of subscribers or utlities, then third party firms will not have an incentive to work with Catavault. As former United States Deputy Assistant Attorney General Carl Shapiro has described in his writings, expectations play a very large role in network markets.[7]

MAKING .NET PASSPORT THE DE FACTO IDENTITY SERVICE IN WINDOWS XP

Microsoft has taken a number of steps to ensure, and to make consumers believe, that having a .Net Passport account is necessary in order to access features of Windows XP and/or other Microsoft goods and services. Indeed, the press, encouraged by Microsoft, has come to the conclusion that Microsoft .Net Passport ''will be the exclusive identity service on teh enw Windows XP operating system. Any XP user who wishes to access key services such as Windows Messenger (for Instant Messaging) will have to register for a Passport.''[8]

Microsoft has not achieved its claimed 2000 million .Net Passport subscribers by offering a superior service. (Competitive market research indicates that .Net Passport is currently accepted by only about 35–70 sites, most of which are owned by Microsoft, have received substantial Microsoft investment or partnered with Microsoft in some sort of business arrangement.) Instead, it has done so by these kinds of suggestions of inevitability and by automatically opening .Net Passport accounts for all Hotmail and MSN users, and even hinting at future integration and potential incompatibilities. Thus, in published reports regarding .Net Passport 2.0, it is stated, ''...with this release, Hotmail will move to the Passport code base for easier integration.''[9]

Catavault experienced this directly in early September 2001 when a Catavault employee tried to access the latest release candidate of XP. First, he learned that one could not get the latest preview of XP online without a .Net

[2] United States v. Microsoft Corp., slip op. at 99–100, No. 00–5212 (DC Cir. June 28,2001), quoting Ford Motor Corp v. United States, 405 U.S. 562,577 (1972); United States v. United Shoe Mach. Corp., 391 U.S. 244,250 (1068).

[3] Judge Thomas Penfield Jackson's Finding of Fact, 412th and final paragraph, November 5, 1999.

[4] http://www.thestandard.com/article/0,1902,27686,00.html.

[5] The New York Times, September 7, 2001, Competitors See a Giant That is Now Largely Unfettered, by Michael Brick.

[6] The New York Times, September 7, 2001, Pendulum Swings to Microsoft, But the Degree Remains Unclear, by Steve Lohr.

[7] Speech by Carl Shapiro, Deputy Assistant Attorney General, Antitrust Division, United States Department of Justice. American Law Institute and American Bar Association, ''Antitrust/Intellectual Property Claims in High Technology Markets,'' San Francisco, California, January 25, 1996.

[8] Source: http://www.thestandard.com/article/0,1902,27685,00.html, attached.

[9] Source: http://www.wininformant.com/Articles/Index.cfm?ArticleID=22174, attached.

Passport account.[10] Then, after downloading that version of XP and rebooting, he got a blank desktop, but in the system tray in the bottom right, a message popped up that said: ''Add your .NET Passport to Windows XP! You've just connected to the Internet. You need a Passport to use Windows XP Internet communications features (such as instant messaging, voice chat, and video), and to access .NET-enabled services on the Internet. Click here to set up your Passport now.''

When he clicked, it went to the .NET Passport Wizard to let him sign up for Passport. Thus, whether or not there are actual incompatibilities, Microsoft has been representing to users that they must sign up for .Net Passport in order to access key XP features or other Microsoft services. In a network business, that may be all Microsoft needs to maintain and extend its dominance to this space as well. These network characteristics undoubtedly underlie some of the ''vaporware'' aspects of Microsoft's dramatic announcements but slow rollout. We have already mentioned how small the number of third party sites accepting .Net Passport is. In the same vein, ZDNet has reported that American Express has yet to sign a contract with Microsoft for HailStorm services. This despite the fact that Microsoft touted American Express as a partner at the very announcement of the HailStorm initiative, by featuring American Express Chief Information Officer in that announcement.[11]

PROPOSED CONDUCT REMEDIES TO CURB ANTI-COMPETITIVE PRACTICES

If there is no efficiency justification for Microsoft's tactics such as bundling and/or market signaling, they may be acts of monopolization in themselves. But regardless of whether they are or not, the current situation flows directly from Microsoft's earlier unlawful acts against Netscape. While one can never know with certainty exactly what that but-for world would have been had Netscape survived, it was reasonably certain that, for some significant period of time, there would have been a competitive struggle between Microsoft and Netscape as alternative nuclei around which other providers of applications and services would coalesce. Both would seek to commoditize the other's space. If Netscape gained the upper hand, multiple operating systems would become available to computer users. If Microsoft gained the upper hand, multiple browsers would become available. Consequently, any remedy for those earlier acts needs to include some kind of mandated intra-system competition to take the place of the competition that would have existed between the two systems to add attractive applications through a Ballot Screen with choices for online identity and authentication services such as Catavault.

We have given a great deal of thought to what order language would be needed to implement the concept of a Ballot Screen. Following is the rationale and the result can be found in Figure 3 with the language marked as to revisions. It uses Microsoft's inclusion of middleware products in its operating system software as the benchmark for what types of products should be included, with the slight modification that it remedies the continuing effects of past inclusions as well as remedying the effects of future inclusions. As you will see, there is a provision for approval by some entity, corresponding to Commission approval in the AOL Time Warner order, in order to ensure that the competing products are serious competitors to Microsoft. In the case of online identity and authentication, the seriousness of the competition can be measured by the number of sites, users, and devices accessed by the competitor. These metrics could be written into the order if desired, but in any event the existence of available metrics would ensure that the entity charged with approval would have an objective way of exercising that discretion. As you will also see, when we reviewed Judge Jackson's order, we concluded that online identity and authentication service software would fit comfortably into the definition of ''middleware,'' but for the avoidance of doubt, we included it specifically in the list of examples. In addition to offering services via communications interfaces as now occurs, it is entirely possible that in the future, programmers of sites or of programs used to build sites will write software built upon a Catavault platform. We have also given further thought to the Department of Justice's observation that a possible standard for relief is that it should be aimed at opening the operating system market to competition. After reflection, we believe that our proposed Ballot Screen relief does in fact further that goal, but that such a standard is nonetheless wrong, in spite of that standard appearing in the Department of Justice's September 6, 2001 press release.

The relief we propose does further the goal of operating system competition, because allowing Microsoft to use its operating system monopoly to obtain a dominant position in the authentication gateway to the Internet will mean the creation of yet another applications barrier to entry, because it will be extremely difficult to police the ways in which Passport could be used to favor Windows if a credible threat to Windows arose.

There is, however, a more fundamental issue: the proper standard must be to restore the competitive conditions that would have existed but for the illegal conduct. It is, of course, too late to revive Netscape as a credible threat to Microsoft's operating system monopoly. One approach might be, as the Department of Justice once proposed, to find in Microsoft's applications software—particularly its dominant Office suite—a sufficiently dangerous competitive threat to the operating system monopoly. As in the competition between Microsoft and Netscape in the but-for world, the point of that remedy was not to assure ultimate, long-term competition in operating systems. The operating system company might win the competitive struggle, and ultimately maintain its monopoly position through lawful means. The point of the remedy was the competitive struggle itself. That remedy was imperfect, as are all the alternatives. But for better or worse, it is now off the table.

Whatever replaces it, the goal should not be to assure ultimate, long-term competition in operating systems. The but-for world did not do so. Microsoft might well have won the competitive struggle, and maintained its monopoly. The point of the Netscape threat to the operating system monopoly was that Microsoft had to compete with better products and prices, and in the meantime the rest of the computer industry would be vigorously competitive and innovative, and might nurture the next threat to the surviving monopolist. It is the strangling of that dynamic from which the market must be unfettered, and it is Microsoft's freedom from that dynamic that constitutes the ''fruits of its statutory violation.'' At this point in the evolution of the computer industry, after Microsoft's misconduct, it might well be a hopeless task to restore competition in operating systems.

It is not too late, however, to restore the competitive dynamic that ensured that, while Microsoft battles its chief rivals in the most strategic battleground at any given time, innovators in the next strategic space could play one against the other in order to survive. At the moment, the inter-system competition that Netscape represented is gone, and the Department of Justice is no longer seeking to have competition from Microsoft Office take its place. Thus, the temporary stopgap by which the next strategic space can develop must be intra-system competition, or ''must-carry.'' That will revive some of the competitive dynamic that Microsoft has cut off, and allow competition to flourish in—and on the other side of—those gateways. Ergo, just as Microsoft agreed to change its digital imaging features to give users easier access to digital imaging software from a number of providers such as Kodak, not just those affiliated with Microsoft, so there needs to be a requirement that Microsoft incorporate Catavault (and other online identity and authentication services that may arise) into XP as a complementary and competitive service. Thus, doing some kind of a ''Ballot Screen'' for consumers to select which online identity and authentication service they would like may be as close as one can get to the competitive landscape that would have existed but for Microsoft's already adjudicated unlawful conduct.

In addition, of course, one would need to prohibit Microsoft from introducing incompatibilities, to forbid Microsoft from making use of .Net Passport as a prerequisite to use other Microsoft goods and services, and so forth. Otherwise, the need to sign up with .Net Passport to get the XP preview is likely to continue to be the typical pattern for accessing anything that Microsoft can control or influence.

MICROSOFT's FEDERATED ANNOUNCEMENT & INTERNET TRUST NETWORK -ITS EFFECTS AND RELATION TO FEAR, UNCERTAINTY & DOUBT

A ''Ballot Screen'' remedy would be far superior to waiting to see how Microsoft's latest federated announcement plays out. As the Department of Justice well knows, a ''fear, uncertainty and doubt'' strategy relies

[10] Source: http://www.microsoft.com/windowsxp/preview/systemreq.asp.

[11] http://www.zdnet.com/zdnn/stories/news/0,4586,5096385,00.html.

heavily on the passage of time and the uncertainty of the future. (This is undoubtedly why Microsoft has been making every effort to delay judicial and legislative proceedings in the United States.) As of January 28, 2002, Catavault has neither been invited to any Microsoft developers conference yet, nor has it learned of any developers conference yet, albeit Catavault has informed Microsoft about its potential willingness to participate in the conference. Additionally, XP has already been launched with an aggressive marketing campaign and with .Net Passport as the exclusive online identity and authentication service. .Net Passport will have a huge user base that will undoubtedly get larger between now and the time that any Microsoft federation conference or any competitive and/or complementary solution such as the Liberty Alliance initiated by Sun Microsystems produces any tangible results in the marketplace. The agenda of the federated conference and other like it such as the Liberty Alliance may be to develop standards for implementation of online user identification and authentication services, and in the case of Microsoft's Internet Trust Network, built upon a technology platform of Microsoft's choosing, regardless of consumer preferences. Following that developers conference, there may be a long period of back-and-forth over technical standards. Next may come a period in which Microsoft sows uncertainty about the extent to which other services are fully interoperable, perhaps because of peculiarities in Microsoft's implementation of the common standard. During all that time, .Net Passport will become more and more entrenched, regardless of consumers preferences as to the features and scope of competing online user identification and authentication services. Industry pundits used to subscribe to the notion that first mover advantage was the most important mission of many new technology ventures. However, based on present market conditions, we argue that it has nothing to do with first mover advantage anymore; rather it has everything to do with the concept of last man standing. Accordingly with over US $36 billion in cash reserves on hand, Microsoft is well positioned to be the last man standing in many industries including online identity and authentication.

PROBLEMS WITH THE REVISED PROPOSED FINAL JUDGEMENT

While there are many troubling issues with the Revised Proposed Final Judgement, two of the more salient problems for the online identity and authentication sector involve the following terms and provisions:

ó OEMs—The fact is that Original Equipment Manufacturers (OEMs) are a sub-optimal source to serve as an adequate check and balance on Microsoft's anti-competitive actions. For example, the provisions that allow OEMs to have greater freedom to select which software to use and not to use do absolutely nothing to protect consumer choice and technological innovation.

Thus, providing the OEMs greater freedom as a conduct remedy against Microsoft is meaningless today given consolidation in the PC industry, slumping PC sales, depressed PC margins, and the fact that the OEMs do not want to bite the hand that feeds them—Microsoft.

Moreover, the OEMs know very well that small companies such as Catavault cannot afford to compete against Microsoft, both in terms of operations and marketing. Case in point, Windows XP launched on time because Microsoft lobbied that XP would help revive slumping PC sales, and Microsoft is spending approximately US $250 million just on marketing for XP. As such, OEMs do not necessarily want to bet on smaller players which find themselves in the cross-hairs of Microsoft—thus consumer choice and technological innovation are still harmed.

AUTHENTICATION LOOPHOLE—The following provision from the proposed settlement seems to be the veritable loophole large enough to drive a truck through, particularly affecting Catavault and other online identity and authentication services.

J. No provision of this Final Judgment shall:

1. Require Microsoft to document, disclose or license to third parties: (a) portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria; or (b) any API, interface or other information related to any Microsoft product if lawfully directed not to do so by a governmental agency of competent jurisdiction.

[12] Identification and authentication is singled out for a loophole to free Microsofts. Net Passport from scrutiny and permit Microsoft to bind a universal identification and authentication service utility to its monopoly operating system without scrutiny under the Revised Proposed Final Judgement. By permitting Microsoft to withhold key parts of encryption, digital rights management, authentication, and other security protocols, the Revised Proposed Final Judgement effectively clears the way for the desktop monopolist to the Web-services monopolist in a distributed computing environment. The Revised Proposed Final Judgement could hardly try to place a clearer stamp of approval on an expansion of the scope of an illegally maintained monopoly.

CONCLUSION

The Revised Proposed Final Judgement agreed to by the United States Department of Justice, the Attorneys General of nine states and Microsoft Corporation does not attain its goals of curbing Microsoft s recidivistic behavior in maintaining and extending its operating system monopoly into Web-services such as online identification and authentication, which Microsoft has bet will be the next gateway to the Internet. Specifically, the Revised Proposed Final Judgement does not provide adequate incentives across constituent bodies and penalties for Microsoft to ensure that the Revised Proposed Final Judgement goals are attained. Moreover, the lenient conduct remedies imposed on Microsoft are essentially a slap on the wrist for its illegal conduct and anti-competitive practices. Unfortunately, technological innovation and consumer choice will continue to be harmed, and this will be exacerbated in challenging economic conditions if the Revised Proposed Final Judgement is accepted as is. As such, the Revised Proposed Final Judgement needs to be revised significantly if it is to have any real impact in the marketplace in curbing Microsoft s recidivistic behavior. Specifically, as it pertains to the heart of Windows XP and Microsoft s goal of dominating online identification and authentication with .Net Passport, we believe quite passionately that implementing a Ballot Screen for users to choose which identification and authentication service that they would like would go a long way to providing a conduct remedy that was more timely, effective and certain.

Figure 1

The world of operating systems becomes more homogenous over time. Today something like 85 percent of the computers on the planet run the same operating system [Microsoft's]. There is sort of a positive feedback cycle here. If you get more applications, it gets more popular, if it gets more popular, it gets more applications.

—Bill Gates keynote address, Conference on Internet and Society at Harvard in May 1996; World War 3.0 by Ken Auletta.

On June 28, 2001, the District of Columbia Court of Appeals unanimously held that Microsoft engaged in unlawful monopolization. Notwithstanding Judge Jackson s ruling and the appellate ruling, Microsoft prominently announced its major corporate initiative called HailStorm in March 2001; the very choice of HailStorm as a name serves as a metaphor for a positive feedback cycle in Bill Gates opinion or network effects and increasing returns in an antitrust perspective.

The heart of HailStorm is based on .Net Passport, Microsoft s proprietary online identification and authentication service. This market signaling transcends into Microsoft's strategy and tactics to gain market advantage in new sectors using .Net Passport. .Net Passport is the exclusive online identification and authentication service on Windows XP. Accordingly, .Net Passport will be the de facto online identification and authentication service which will limit consumer choice and undermine innovation. As reported in The Wall Street Journal on September 20, 2001, Microsoft changed the name of HailStorm to ''.Net My Services''—possibly because they realize that its very name—HailStorm—has strong whiffs of antitrust violations.

Note: In its natural weather-related occurrence, hail stones are large frozen raindrops produced by intense thunderstorms. As the frozen drops fall, liquid water freezes onto them forming ice pellets that continue to grow as more and more droplets accumulate. Upon reaching the bottom of the cloud [symbolic for the Internet], some of the ice pellets are carried by the updraft back up to the top of the cloud. As the ice pellets once again fall through the cloud, another layer of ice is

[12] http://www.usdoj.gov/atr/cases/f9400/9462.htm

added and the hail stones grow even larger. Typically the stronger the updraft, the more times hail stones repeat this cycle and consequently, the larger the hail stones grow. Once the hail stones become too heavy to be supported by the updraft, they fall out of the cloud toward the surface. The hail stones reach the ground as ice since they are not in the warm air below the thunderstorm long enough to melt before reaching the ground.

And as one knows, you should take cover from a hail storm...

Figure 2

Microsoft's .Net Passport online identification & authentication technology controls the gateway to all applications in Windows XP Windows XP

It's our goal to have virtually everybody who uses the Internet to have one of these Passport connections—Bill Gates Source: The Industry Standard—July 3, 2001 http://www.thestandard.com/article/0,1902,27685,00.html

While digital photography, instant messaging and streaming media all are very important issues to constituents such as Kodak, AOL Time Warner and Real Networks respectively, the backbone to Microsoft s HailStorm (renamed .Net My Services) initiative and full utilization of Windows XP is the Microsoft .Net Passport identification and authentication service. Microsoft has stated that .Net Passport will be the exclusive Internet identity service on Windows XP, and Passport will be required to utilize some or all of the features noted above.

Thus, even if competition in those areas is assured, Microsoft will still hold the real keys to access and conceivably will be able to use its .Net Passport monopoly to direct traffic away from competing digital photography, instant messaging and streaming media applications.

Instant Messaging

Digital Imaging Streaming Media

Microsoft s .Net Passport

Identification & Authentication

Technology

Microsoft Office XP

Internet Explorer

Figure 3 Proposed Order (Marked with changes) 3g. Restriction on BindingIncluding Middleware Products toin Operating System Products. Microsoft shall not, in any Operating System Product distributed six or more months after the effective date of this Final Judgment, Bind include any Middleware Product toin a Windows Operating System unless:

i. that Operating System also includes at least two (2) comparable Middleware Products offered by non-affiliated firms approved by the [Antitrust Division] [Department of Justice] [Court] [Trustee] or Microsoft demonstrates to the satisfaction of [————————] that fewer than two such products exist, in which case Microsoft shall include all that exist. The option of using such non-affiliated products shall be displayed to the user on terms no less favorable than those accorded to the Microsoft products.

ii. Microsoft also offers an otherwise identical version of that Operating System Product in which all means of End-User Access to thatthose Middleware Products can readily be removed (a) by OEMs as part of standard OEM pre-installation kits and (b) by end users using add-remove utilities readily accessible in the initial boot process and from the Windows desktop.; and

iii. when an OEM removes End-User Access to a Microsoft Middleware Product from any Personal Computer on which Windows is preinstalled, the royalty paid by that OEM for that copy of Windows is reduced in an amount not less than the product of the otherwise applicable royalty and the ratio of the number of amount in bytes of binary code of (a) the Middleware Product as distributed separately from a Windows Operating System Product to (b) the applicable version of Windows.

3g. Middleware Products Included in Previously Distributed Operating System Products. If Microsoft has, in any Operating System Product distributed less than six months after the effective date of this Final Judgment, included any Middleware Product in a Windows Operating System, it shall within six months after the effective date of this Final Judgment:

i. release a version of its most recent Operating System that includes at least two (2) comparable Middleware Products offered by non-affiliated firms approved by the [Antitrust Division] [Department of Justice] [Court] [Trustee], unless Microsoft demonstrates to the satisfaction of [————————] that fewer than two such products exist, in which case Microsoft shall include all that exist. The option of using such non-affiliated products shall be displayed to the user on terms no less favorable than those accorded to the Microsoft products.

ii. offer an otherwise identical version of that Operating System Product in which all means of End-User Access to those Middleware Products can readily be removed (a) by OEMs as part of standard OEM preinstallation kits and (b) by end users using add-remove utilities readily accessible in the initial boot process and from the Windows desktop.

7q. Middleware means software that operates, directly or through other software, between an Operating System and another type of software (such as an application, a server Operating System, or a database management system, including such Operating Systems and database management systems on an Internet site) by offering services via APIs or Communications Interfaces to such other software, and could, if ported to or interoperable with multiple Operating Systems, enable software products written for that Middleware to be run on multiple Operating System Products. Examples of Middleware within the meaning of this Final Judgment include Internet browsers, online identity and authentication service software, e-mail client software, multimedia viewing software, Office, and the Java Virtual Machine. Examples of software that are not Middleware within the meaning of this Final Judgment are disk compression and memory management.

r. Middleware Product means

i. Internet browsers, e-mail client software, multimedia viewing software, instant messaging software, online identity and authentication service software, and voice recognition software, or

ii. software distributed by Microsoft that ù

(1) is, or has in the applicable preceding year been, distributed separately from an Operating System Product in the retail channel or through Internet access providers, Internet content providers, ISVs or OEMs, and (2) provides functionality similar to that provided by Middleware offered by a competitor to Microsoft.

MTC–00033651

From: Thomas Tully
Date: 1/28/02 3:43pm
Subject: Microsoft Case
file:///L√ff7371 Remedy/Paralegals/TULLY.HTM
January 28, 2002<?xml:namespace prefix = o ns = ''urn:schemas-microsoft-com:office:office''/>
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street, NW
Suite 1200
Washington, DC 20530–0001

To Whom It May Concern:

I hope that you will reconsider the decision to settle the United States Department of Justice antitrust lawsuit against Microsoft Corporation. American consumers may have been overcharged $20 billion by the Microsoft monopoly. Your agreement with Bill Gates' company does nothing to rectify past sins by this company or protect against future gauging.

As you know, at least ten consumer groups disagree with your agreement to settle. Microsoft has little incentive to change any of its practices. Their concessions of handing over some operating systems code and offering manufacturers some sovereignty over Media Player amounts to little more than a light slap on the wrists for a multi-billion dollar company.

I am proud that my state's Attorney General, Tom Miller, rejected this Microsoft agreement. I believe that Mr. Miller and the other eight state attorneys general see the many loopholes and problems with enforcement that does little to affect change in the computer software industry. Splitting Microsoft into two or three companies may not be the proper response, but neither is this. Your decision to prematurely end litigation against Microsoft is a mistake. The agreement offers no real incentive to stop monopolistic, anti-trust efforts. It won't help much smaller companies compete and it doesn't serve the American consumer. Please continue to go after Microsoft. It is a duty of the Justice Department to protect the average citizen from companies that have grown too large and too powerful by questionable business practices.

Sincerely,

Thomas P. Tully

318 51st Street

Des Moines, Iowa 50312

CC: Iowa Attorney General

Join the world's largest e-mail service with MSN Hotmail. Click Here

MTC–00033652

From: Bob Grasmick

To: Ms. Renata Hesse
Date: 1/28/02 3:52pm
Subject: Microsoft Settlement
Bob Grasmick
3239 Monte Vista
Torrington, Wy 82240
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors/ products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement. This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Bob Grasmick

MTC–00033653

From: Leo Caissie
To: Ms. Renata Hesse
Date: 1/28/02 3:54pm
Subject: Microsoft Settlement
Leo Caissie
524 Main Street
Hudson, MA 01749–2909
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Leo A.Caissie

MTC–00033654

From: ROBERT PIOLI
To: Ms. Renata Hesse
Date: 1/28/02 4:07pm
Subject: Microsoft Settlement
ROBERT PIOLI
102 LYNN AVE
MARIETTA, OH 45750
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

ROBERT L. PIOLI

MTC–00033655

From: wendell starr
To: Renata B. Hesse
Date: 1/28/02 4:11pm
Subject: Microsoft settlement
To: Renatta B. Hesse Antitrust Division
U.S. Dept. of Justice
Washington, DC

Dear Sir,

The antitrust case against Microsoft was unfortunate. But it shows that Microsoft is willing to work with its competitors to create an equal playing field. Future mishaps are unlikely to occur with a Three-Person Technical Committee. Additionally, I understand that Microsoft will share code with its competitors which will allow them to place their own programs on the operating system.

As a recent retiree, I know that the job market is extremely volatile, and competition tends to create jobs. However, this settlement will allow Microsoft to refocus its direction in business and new technology with a renewal of the vigor which it has well demonstrated which will also create new jobs.

With the information technology industry in a slump, this settlement provides a dose of medicine to a slowing economy; which should help revitalize other IT companies across the country.

Best regards

Wendell T. Starr

Associate Editor of Transactions of the IEEE (my hobby)

850 Webster St., Apt. 507

Palo Alto, CA 94301

MTC–00033656

From: Todd Christensen
To: Ms. Renata B. Heese
Date: 1/28/02 2:11pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

Todd Christensen

500 Chamber Way

Chehalis, WA 98532–2200

CC: Citizens for a Sound Economy

MTC–00033657

From: Sharyn Robbins
To: Ms. Renata Hesse
Date: 1/28/02 2:16pm
Subject: Microsoft Settlement
Sharyn Robbins
9123 219th PL NE
Redmond, WA 98053–2239
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers, although I, as well as most of my friends, was against this lawsuit from the start. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Sharyn Robbins

MTC–00033658

From: Oscar Garcia
To: Ms. Renata Hesse
Date: 1/28/02 2:28pm
Subject: Microsoft Settlement
Oscar Garcia
1212 Susan Lane Apt. 168
Fort Worth, TX 76120
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S.

v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Oscar Garcia

MTC–00033659

From: Jon H. Clayton
To: Ms. Renata Hesse
Date: 1/28/02 2:31pm
Subject: Microsoft Settlement
Jon H. Clayton
174 Woodland Ct.
Wetumpka, AL 36093–2211
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Jon H. Clayton

MTC–00033660

From: Robert Lanzner
To: Ms. Renata Hesse
Date: 1/28/02 2:31pm
Subject: Microsoft Settlement
Robert Lanzner
6471 West 83rd Street
Los Angeles, CA 90045–2885
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Robert A. Lanzner

MTC–00033661

From: Glen Johnston
To: Ms. Renata Hesse
Date: 1/28/02 2:34pm
Subject: Microsoft Settlement
Glen Johnston
25 Buttercup Loop
Belton, TX 76513
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Glen E. Johnston

MTC–00033662

From: Dewey Howard
To: Ms. Renata Hesse
Date: 1/28/02 2:34pm
Subject: Microsoft Settlement
Dewey Howard
915 Flat Rock Rd
Sparta, TN 38583
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Dewey Howard

MTC–00033663

From: James Feighny
To: Ms. Renata Hesse
Date: 1/28/02 2:37pm
Subject: Microsoft Settlement
James Feighny
252 Wyanoke Dr
San Antonio, TX 78209
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

James Feighny

MTC–00033664

From: Richard Travis
To: Ms. Renata Hesse
Date: 1/28/02 2:37pm
Subject: Microsoft Settlement
Richard Travis
5449 Vanderbilt Road
Old Hickory, TN 37138–1131
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Richard E. Travis

MTC–00033665

From: Jerry Rea
To: Ms. Renata Hesse
Date: 1/28/02 2:55pm
Subject: Microsoft Settlement
Jerry Rea
P. O. Box 934
New Smyrna Beach, , FL 32170–0934
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Jerry and Norma Rea

MTC–00033666

From: F. David Marschka
To: Ms. Renata Hesse
Date: 1/28/02 2:01pm
Subject: Microsoft Settlement
F. David Marschka
1862 Amity Drive
Lancaster, PA 17601–6234
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

F. David Marschka

MTC–00033667

From: george adams
To: Ms. Renata Hesse
Date: 1/28/02 1:45pm
Subject: Microsoft Settlement
george adams
707 market st
cheraw, sc 29520
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

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Sincerely,

George E. Adams

MTC–00033668

From: Glenn Dobson
To: Ms. Renata Hesse
Date: 1/28/02 1:46pm
Subject: Microsoft Settlement
Glenn Dobson
2203 Palmersville Hwy-89
Dresden, TN 38225
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Glenn Dobson

MTC–00033669

From: Judith Huston
To: Ms. Renata Hesse
Date: 1/28/02 2:03pm
Subject: Microsoft Settlement
Judith Huston
34800 Cadiz-Piedmont Rd.
Cadiz, OH 43907
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Judith L. Huston

MTC–00033670

From: Karen Shirey
To: Department of Justice
Date: 1/28/02 1:45pm
Subject: Message From a Concerned Citizen

Dear Department of Justice:

I support Microsoft their right of freedom to innovate. I have used computers and different programs since 1985 and have always preferred Microsoft systems and products. Had any of the other companies that are now trying to sue Microsoft produced better programs, they would have been ahead of Microsoft due to public demand. Using politics and trying to force a company out of business due to greed and jealousy is NOT going to make their product any better, nor make anyone choose it over Microsoft.

Sincerely,

Karen Shirey
1430 Grandview
Hanover, PA 17331–9542

MTC–00033671

From: Kristin Hopkins
To: Ms. Renata Hesse
Date: 1/28/02 1:53pm
Subject: Microsoft Settlement
Kristin Hopkins
4 Cormorant Circle
Durham, NH 03824
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Kristin E. Hopkins

MTC–00033672

From: Mark Moghab
To: Ms. Renata Hesse
Date: 1/28/02 1:47pm
Subject: Microsoft Settlement
Mark Moghab
56 New York Ave
Congers, NY 10920
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Mark Moghab

MTC–00033673

From: Paul Thutt
To: US DOJ
Date: 1/27/02 6:00pm
Subject: Comment on Microsoft AntiTrust case
Subject: Microsoft Settlement

Require that Microsoft publish its file formats prior to the release of any upgrades to their product or the release of any new product. This will protect the consumer without hindering Microsoft's innovation or its pursuit of new markets. While I am certainly no fan of Microsoft and its business practices, breaking them up is not a solution. Require that there be no ''active content'' in the file format. (''Active Content'' is software embedded in the document file.) This would have two beneficial effects.

1. Elimination of insertion of computer viruses into another system via a document file.

2. No way for Microsoft to force usage of their software in order to make use of the document.

With the file formats published, competing products will be able to read and write the consumer's data files. The primary reason that Microsoft is in a monopoly position is because business and individuals must be able to share documents. Most businesses use Microsoft Office products and thus the document is in Microsoft's proprietary file format. Other businesses and individuals must purchase the Microsoft product in order to be able to work as a team.

Documents are the property of the business and individuals that produced them, and not of the manufacturer of the software used to save the document in a file. Empower the consumer by publishing the file formats. Perhaps, the IEEE standards for computer interfaces, floating point format, and networking protocols are good models. With competitor's products able to read, modify and write the shared files, individual preference for features and price will determine what products are purchased. The consumer benefits from the choice. Analogies are:

- In automobiles, fuels are standard. Gearshift patterns are standard. Pedal placement is standard.
- In computers, the PCI bus is a published standard created by Intel but released to the public and many vendors produce chip sets and interface cards to that standard.
- In networking, 802.11b is a published standard for wireless networking. There are many vendors for wireless networking equipment.

Thank you for the opportunity to comment.

Paul M. Thutt
22495 NW Phillips Road
Hillsboro, OR 97124
pthutt@compuserve.com

MTC–00033674

From: Ralph Askam
To: Ms. Renata Hesse
Date: 1/23/02 7:15am
Subject: Microsoft Settlement
Ralph Askam
4120 Nobhill Dr.
Muskegon, Mi 49441
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Ralph F. Askam M. D.

MTC–00033675

From: Robert Brown
To: Ms. Renata Hesse
Date: 1/28/02 1:51pm
Subject: Microsoft Settlement
Robert Brown
1062 U. S. route 2
Rumford, ME 04276
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

R. C. Brown

MTC–00033677

From: Stephen Scavott
To: Ms. Renata Hesse
Date: 1/28/02 1:40pm
Subject: Microsoft Settlement
Stephen Scavott
158 Dovecote Lane
Central Islip, ny 11722
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than $35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Stephen M. Scavott

MTC–00033678

From: Casey Keller
To: Microsoft ATR
Date: 1/28/02 1:45pm
Subject: Microsoft Settlement

To the Honorable Department of Justice—

It is as a student, a technician, and an end-user that I wish to add my comments as per the Tunney Act concerning the settlement proposed by the corporation in question, Microsoft.

Before I begin individually laying out my reasons for my views, I must first denounce the proposed settlement as a mockery of justice, the institution of the courts, the welfare of the consumer, and the sensibility of the media and the general public. We speak of punishment of criminals yet we are prepared to enact a double standards of rewards for crimes of business.

The practice of the Microsoft Corporation has been established as a violation of antitrust laws. From the packaging of the Internet Explorer web browser with its operating system, fully integrate it with the

operating system of Windows to its current methods of furthering the hold on the software industry with Microsoft Office, Windows Media Player, built-in firewall for XP, .NET system, and the coupling of Microsoft Network with Windows XP, or its suit over the Windows names. This case began in 1995 and now in 2002 we are willing to settle with a turn of our backs.

I could list piece-by-piece what I view as theft by this Giant. I could easily attempt to make my case that Microsoft has not produced, in general, a product solely of its own without building it or modeling it from a product of another company. Whether it is the windowing system concept (Macintosh), DOS (Caldera),Start Menu (Apple), Terminal Services (Symantec's pcAnywhere / AT&T Virtual Network Computing), firewall and multiple logins (unix, Linux iptables/ ipchains). I could sit and justify the vantage that the richest man in the United States built his fortune upon the backs of stolen ideas. A criminal never brought to trial.

As a student, I am dishearten to see the movements in the university systems to be Microsoft-centric. Database classes are taught with Access, programs are to be written with Visual Basic/C++/J++, web design is taught via Frontpage, and the operating system of choice for labs is Microsoft Windows. At what cost? If you are to look at the per-seat licensing of Microsoft we are spending fortunes on software at the cost of a broad education. We learn by the bloated non-standards and hope that we can push in the real world. We fail to learn systems outside the deal.

As a technician for an internet service provider, I am force to witness first hand the limiting force of a monopoly. When a call comes in the first generalized question that comes to the client is, ''What version of Windows are you running?'', followed by ''What version of Internet Explorer are you running?''. Common issues are virii, tcp/ip stack failures, win modem initialization strings, corrupt executables of Windows components. Because Internet Explorer is intergrated with the Windows operating system, the user interface is slower, if Internet Explorer blows up you lose the stability of your system, and users are unable to regress to a previous version or remove the faulty component. Security is negligible, the mail system is a petri dish for virii, and the networking leaves much to be desired. On a day-to-day basis, I have to deal with problems of Windows ''forgetting'' settings and devices or perpetuating unneeded data in the way of networking addresses. Hardware compatibility is greatly reduced as it as modems are software based (''winmodems''). Internet access setup is hindered by the persistence of MSN (The Microsoft Network) in terms of web browsing, messaging, dial-up networking, and communications compatibility.

As an end-user, I cannot help but to feel that I have been violated. I used in-house networking to share information between my laptop, my sister's computer, and my home system. My laptop is an Apple Powerbook running Mac OS X, my desktop is Redhat Linux 7.2, and my sister's machine is Windows 2000 Professional. I have had to run numerous security updates on Windows 2000 and its predecessor Windows 98. XP, which I had test ran has holes in security large enough to sail the US Navy through. Non-Microsoft programs are ''crash-proned'' by the operating system. I cannot help to feel that as a consumer I the Warranty of Mercantibility failed to apply toMicrosoft products. I deal with file sharing compatibilities with SMB RPC calls. I feal cheated. The cost is high-way robbery. In an industry where compatibility is a necessity, Microsoft continues to violate standards in security, networking, programming. Its movement to control the wealth of the industry has damaged the industry and the economy of the United States of America. We cannot pretend that keeping the ingrediants in one pantry allows every one to taste the pie. Unemployment, job cuts, and damages are left in the wake of postponed action.

The proposed settlement is not a punitive settlement, but an extension in guise that fails to be in the best interests of justice, consumers, and the general populace. The ''donation'' of monopoly software to an area where the monopoly is not in existence is the furtherment of the monopoly. It is the allowing of Park Place and Boardwalk with hotels to reap Community Chest.

On the other hand, I agree with the proposed settlement of Redhat. Let Microsoft purchase the equipment, let another software vendor provide the software. Software that is not terms limited, user agreement stipulated, bug-ridden, security questionable, and compatibility hell. I would further liketo propose the removable of Internet Explorer and Media Player from current and future versions of the Windows OS along with the shutdown of the Microsoft Network. Do not allow one trust for another another. Anything short of this would be unfair when you look at the settlement that prevent AT&T from developing Unix and establishing its lead role in the computer industry.

I apologize that my statements here are more brief than I had intended and may not be as clear and concise as I feel that is needed to set a better light on this blite.

However, in closing I wish to ask that the Department of Justice act as a doctor and treat this case as curable form of the AIDS retrovirus. Medicate it. Prevent it from injecting and taking over new cells. Prevent it from disabling the guards against it. I also wish to ask the the Deparment of Justice to act as a strong Prime Minister. Do not do an appease. Europe settled to give Hitler one victory, but found that one eventually equated to many. Politics and history often meet with business to form one. Apply it.

Sincerely,
Casey W. Keller h: 828.438.8543
1255 Mountain Glen Circle 828.438.1550
Morganton, North Carolina 28655 c: 828.443.0515
United States of America e: cwk@worldhuman.org

MTC–00033679

From: Rufus Polson
To: Microsoft ATR
Date: 1/22/02 9:37am
Subject: Proposed Microsoft Settlement

Dear Officers of Justice,

I should note before beginning that I am Canadian, and as such lack standing in a United States proceeding. But it has been suggested to me that it would, nonetheless, not be improper to submit a respectfully phrased opinion, and I have serious concerns about this matter.

My first worry about the proposed settlement is that it cannot be enforced. The only penalty for noncompliance with the settlement, as I understand it, is that the settlement may be extended for two years. But how much effect can this have? Surely a company failing to comply with a settlement would have little trouble continuing for two more years to fail to comply. The history of Microsoft's behaviour suggests that failing to comply with a settlement is within the scope of their normal actions; the likelihood of this happening must be taken into account in any settlement, with noncompliance penalties on a scale sufficient to create strong disincentive even to such a massive entity.

My second is the lack of any penalty. In a country in which the criminal law strongly endorses retribution and deterrence as principles of justice, and in which corporations are legal entities with much of the rights and standing of persons, it seems appropriate to keep in mind the principles that are routinely applied to persons when dealing with corporate lawbreaking. This is the more true for corporations such as Microsoft in which the direction is so clearly set by a very few individuals, whose fortunes and identities are wrapped up closely in the corporation. In short, Microsoft as a corporation is guilty of a serious crime—this has been established. Microsoft as a corporation should be seen to be penalized, so that other corporations and their administrations realize that illegal monopolist tactics will not cause their companies to prosper.

My third is the weakness of much of the language, such that many things which the settlement appears on the surface to prohibit are in fact not prohibited in any serious way, whereas it seems that others still can be twisted in such a manner as to actually legitimize practises that would not normally be considered acceptable. Many other submissions, as I understand it, have gone into detail on these issues. I will not spend words describing them yet again.

Another problem is the inspectors. Their powers are unclear, and should be strongly specified. The selection process seems inappropriate—why should Microsoft have a voice in selecting their watchdog? It is like letting a drug dealer vote on his parole officer. In addition, it seems as if they are to be paid by Microsoft—this is another damper on independence. It seems more reasonable that Microsoft should disburse a sum immediately, sufficient for their payment for the entire duration of the settlement, and the Department of Justice should pay them out of that sum.

Finally, the settlement seems of marginal impact even in its intent. Even if one were to ensure that it was complied with, clean up ambiguities in language so that the compliance reflects what some of the broader statements indicate to be the intent, and

empower inspection sufficiently well to verify compliance, the results seem unlikely to curb Microsoft's anti-competitive behaviour to any great extent. Rather, it seems likely that Microsoft will be forced to curtail a few fringe practises, leaving the general pattern untouched and perhaps pushing them to intensify new anti-competitive practises in areas such as the internet and encryption, where they might take advantage of such laws as the DMCA to use proprietary encryption schemes and claim any attempt to interoperate with their encrypted files to be illegal.

In short, the proposed settlement is flabby and overspecific even in its intent—no tiger capable of reining such a massive organization, but a tabby cat. Its actual wording makes it a paper tabby. Let us not forget that this is a corporation with such contempt for the administration of justice that they presented falsified evidence to the trial court (their so-called demonstration of Windows 98 running slower without Internet Explorer, which was a mockup fabricated for the sole purpose of deceiving the court—an action which would have surely left any ordinary defendant facing additional charges for perjury and/or contempt of court); how likely is it that they will comply with any judicial decision one micron farther than they are absolutely compelled to? How likely is it, in fact, that any settlement without a major structural component will impact Microsoft's practises in any significant way? In the absence of structural remedies, it is at least essential that any settlement present a comprehensive catalogue of practises which are absolutely barred, presented in ironclad language, with massive, immediate penalties for deviation. And if this case is to deter others from similar practises and, in general, pass the message that antitrust law remains alive in the United States, it should involve a substantial penalty for past anticompetitive actions.

Respectfully yours,
Rufus Polson

MTC–00033680

From: Walter Shultz
To: Microsoft ATR
Date: 1/23/02 6:48am
Subject: Microsoft Settlement

There are many factors which render the proposed final judgement both ineffective and incomplete. One argument which bears the burden of many industry concerns is that of Dan Kegel's open letter to the DOJ (http://www.kegel.com/remedy/letter.html). This references his essay on the topic which can be found at (http://www.kegel.com/remedy/remedy2.html). These documents are well written and contain much information overlooked by the drafters of the PFJ. I have asked that my name be added to the open letter. Even these points do not complete the argument against Microsoft's monopolistic activities. It is evident that the drafters of the judgement have not been educated to a sufficient understanding of the enormous technical details which comprise the history of Microsoft's monopoly. These are, of course, too many to be discussed in a brief email. Please however consider the following:

* Microsoft's policy of trademarking common industry terms (such as 'windows', 'office', 'access', etc.) To the end of excluding competitors' use of standard terms in the names of their products. 'Windows' for example is a name in use by the 'X Windows' system for the Unix well before 'Microsoft Windows' came to market.

* Microsoft's habit/policy of modifying standard programming languages(to optimize them for the Microsoft Windows platform) and passing them off as the original standards.

This is demonstrated in the development of 'Microsoft Visual C++'(a 'version' of the C++ programming language for 'Microsoft Windows') and J++(a 'version' of Sun

Microsystems' Java programming language. Since the suit with Sun, Microsoft has begun calling their version 'Active X') Sadly, programmers who are educated using

Microsoft's non-standard language versions may have difficulty writing for any platform but 'Microsoft Windows' since these versions do not use standard development libraries. Thus the pool of development talent for competing operating systems is effectively decreased by flooding the market with these altered languages.

Thank you for your time. I wish you all the luck you will certainly need in effectively considering judgements in this case.

Sincerely,
Walter A. Shultz
Bethlehem, Pennsylvania
Electronics Technician
sanguine@fast.net

MTC–00033681

From: Tyler Janisch
To: Microsoft ATR
Date: 1/23/02 8:14am
Subject: Microsoft Settlement

I feel it is irresponsible and dangerous to allow Microsoft to exit the current proceedings with anything less than a hefty punishment for their anticompetitive practices (which have been extensively documented and proven throughout the current and previous cases—I'll not re-write them here).

I believe adequate punishment should be commensurate with the benefits afforded Microsoft by their own misdeeds. Microsoft has grown to their current size by their business practices over the last two decades (an obvious statement)... some practices well within the law, many not. The anticompetitive practices have, many times, led to the destruction of a competing business, giving Microsoft that much more market/power/momentum. On and on to present day and their present size/control/dominance.

I propose a return to prior 'breakup' considerations. With near-total desktop market share and dominant server market share, plus near-total market share for office productivity software and a dominant hold on server and back-end software—adding to that a recently-obtained ~80% hold on the web browser market (with that, exhibiting their usual 'practices' to generate a general Net/Web dependence on their technologies), I feel that they should, at the least, be split into independent businesses focused on: Operating Systems, Applications, Network Technologies.

It is obvious that any monetary punishment cannot be effective, short of fining them tens of billions of dollars (and even then, their market momentum may make that amount insignificant, in a very short time). Earlier considerations led to a ''make them donate to schools'' proposal. That has, thankfully, been thrown out and any similar resolution proposal should be discarded as well; any market Microsoft is 'forced' to donate to will simply become another domination for Microsoft. Please consider Microsoft's future with utmost care. It may seem rather dramatic to say, but is no less true: the world's future rides on your decision.

MTC–00033682

From: scj@marcsys.com
To: Microsoft ATR
Date: 1/27/02 6:41am
Subject: Microsoft Settlement

am opposed to the current Microsoft settlement. Others, more eloquent than I, will detail the reasons why this proposal will not restore competition in the marketplace or provide sufficient cause for Microsoft to change their monopolistic behavior. As a software professional with over twenty years experience and whose undergraduate course of study was in computer science, I have watched as Microsoft has continually impeded innovative developments. Microsoft follows a fairly consistent plan:

(1) Ignore the innovation (e.g., web browser, disk compression, java, etc.) until it can no longer be ignored. Then,

(2) Respond to the innovation by saying that it is without merit. When this is insufficient to keep the innovation from the market,

(3) Either buy the developer of the innovation or ''partner'' with them. ''Partner''ing allows Microsoft the time to develop the software in-house. Once the in-house version is ready, Microsoft will ruthlessly ''bundle'' it into their offering at ''no additional cost'' thereby destroying the market for the original developer. Finally,

(4) Claim the innovation was due to Microsoft in the first place.

For the good of the consumer, market, industry, and country this anti-competitive and monopolistic behavior must stop. Based on the the past behavior of Microsoft, with respect to previous Department of Justice actions, there is nothing which suggests that Microsoft will follow the spirit, or even the letter, of the current proposed settlement. They have consistently flaunted the law and have treated any cost or enforcement action as a normal ''cost of doing business.'' Without any meaningful competition they can do this with impunity.

I would encourage the Department to re-evaluate this far too lenient settlement and devise a solution which, even in the face of determined Microsoft attempts at circumvention, will help restore competition and innovation to the marketplace.

Sincerely,

Steven C. Johnson \ scj at marcsys period com

13906 Flint Rock Road

Rockville, Maryland 20853–2649 U.S.A.

MTC–00033683

From: jremy-doj@law.uoregon.edu@inetgw
To: Micrsoft ATR
Date: 1/28/02 11:36pm
Subject: Microsoft Settlement

To Whom it May Concern:

Pursuant to the Tunney Act, I am writing to comment on the proposed settlement of the United States vs. Microsoft antitrust case.

There are several significant failures of the proposed settlement. I will limit my comments to one specific problem.

I believe Microsoft should give $1 billion in cash to help schools, instead of software and some money. This would seem to only hurt Microsoft's competitors in the education market as it is difficult to compete with free software. A far better settlement might be for Microsoft to give their proposed $1 billion—in cash—to an independent foundation, which will provide our most needy schools with the computer technology of their choice.

Thank you for the opportunity to share my opinion about this very important decision.

Sincerely,
Jeremy Zane
Network Administrator
University of Oregon School of Law

MTC–00033684

From: Marc Brenner
To: Microsoft ATR
Date: 1/27/02 11:43pm
Subject: Fw: Microsoft Settlement revised letter with address and phone #

—— Original Message ——
From: Marc Brenner
To: microsoft.atr@usdoj.gov
Sent: Sunday, January 27, 2002 11:28 PM
Subject: Microsoft Settlement

I and my family feel that the proposed settlement will not benefit the public interest. Microsoft should be forced to open its applications to other platforms, so that software and hardware from other vendors will run without crashing with Microsoft products and so that other platforms can develop and integrate with Microsoft applications.

The court should hold public proceedings under the Tunney Act to give all parties the abilities to participate in settlement.

Thank you for your consideration.
Marc Brenner
835 Topper Lane
Lafayette, CA 94549 Ph: 925 283 3408

MTC–00033685

From: Michael James Langford
To: Microsoft ATR
Date: 1/25/02 8:56am
Subject: Simple to impelement remedys.

Dear Sirs,

Microsoft clearly has maintained a monopoly via unlawful means. They do not deserve the public's trust, as they do not have our best interest in mind.

Most behavioral or structural remedies are too hard to effectively enforce on an adaptable company such as Microsoft. So instead affect a policy change for the Federal Government through careful restrictions on Microsoft.

Switch the entire federal government over from MS office and mail products to other companies products like Sun Microsystem's StarOffice products. Use an open file format, such as Rich Text, Html, or Latex as the standard for documents. Word documents can be easily changed over to these types through its SaveAs command, and this process can be automated through simple programs most programmers could write in a couple hours.

This sounds like an expensive switch over. Have Microsoft pay for the manpower to switch over all agencies. Make them split the cost of any new licenses 50%/50%.

To make this switch within the power of the court, you would have to phrase the judgement in a way similar to: ——-

All licenses granted to the federal government of Microsoft Office 95, Office 97, Office 2000, and Office XP are hereby revoked. (The contracts cancelled).

A new 5 year license is given in lieu of the old license of each copy of that software.

Microsoft may not issue new licenses to the government for any Non-Operating System product. Microsoft may not bundle any office productivity software into its Operating Systems. This is in effect for the next 10 years.

Microsoft will pay all labor costs associated with switching to new office products, as well as 50% of the cost of all replacement software.

Any state or municipal governments may also have these same terms if they request it.

This seems to be an easy to enforce and equitable judgement that can be levied against Microsoft as a punishment, and does not cost any party but Microsoft an undue expense, while still being fair to Microsoft.

The only party remaining to be dealt with is the OEM's who have been forced into licensing contracts with Microsoft. To remedy that situation, allow any of them to cancel their contracts with Microsoft at any time in the next 5 years, and enforce a single PUBLISHED price for all OEM software purchases of Microsoft software. Allow compulsory licencing to at that price to any OEM that wants it.

Thank you for your time.
Yours truly,
Michael Langford

MTC–00033686

From: Mike Foley
To: Microsoft ATR
Date: 1/24/02 8:29pm
Subject: Microsoft Settlement

Hello Judge,

I'm am writing this message to convey my opinion on the Microsoft settlement.

I feel that Microsoft is guilty of the charges brought by the government. I am greatly disappointed at the settlement. I read it the day it was released and quite frankly, I was appalled. And then to read a few weeks later, Microsoft's proposed settlement in civil suits where Microsoft would give computers and software to the education market told me that Microsoft has not learned. The proposed settlement would have devastated Apple Computer's lead in the education market! I used to work for Digital Equipment Corporation. I ''heard stories'', many first hand, of the practices Microsoft used to great effect against DEC. Stories of ''acquired'' technologies, of Mr. Gates asking that competing technologies be cancelled, of Microsoft not pushing DEC's Alpha chip. Yes, they are ''stories''. Many were settled in out of court settlements so that we'll never know the final truth, but they are indicative of business practices practiced by a monopoly.

To fairly settle this court action, I propose the following: (Not limited to these, just some things I believe should be addressed).

Open standards of document formats. Microsoft Office is the standard. Allow other companies to compete on form and function and innovation.

. A business practices oversight committee that has real power to keep Microsoft in check. Microsoft should have no say in who would be on this committee.

. Limit Microsoft's expansion into media. They have MSN, MSNBC, etc.. I don't want to watch ''All Microsoft, All the time''. People who don't know better will see Microsoft on TV and on their computer and be ''locked in''. How does someone compete fairly when everything says ''Microsoft''?? If anything needs to be split from the main company, it's the media portion. It is truly scary.

. Mandate government use of alternatives to Microsoft products. There's no good reason for the government to be feeding a monopoly. There are excellent operating systems out there. (Linux, OpenVMS, HP UX, etc..)

. Mandate to Microsoft that the government will only use open standard formats for things like documents and programming, and networking interfaces. Microsoft must stop practicing ''embrace and extend'' where they take an open standard, add their extensions, and lock out others. In conclusion, I would hope that the court will ensure that Microsoft does not walk away from this with an slap on the wrist and a virtual ''ok'' to continue its predatory practices.

I thank you for your time and your patience in reading this message.

mike
mike@yelof.com
http://www.yelof.com

MTC–00033687

From: The Amazing Llama
To: Microsoft ATR
Date: 12/8/02 2:37am
Subject: Microsoft Settlement

To whom it may concern,

It is my belief, as a computer hobbyist and programmer and as a citizen of California, that the Microsoft AntiTrust case will not do anything to:

(a) remedy the situation that Microsoft has put the computer industry into

(b) punish Microsoft for its illegal actions, of which it has been convicted.

The proposal does not even attempt to do either of these things. Instead, it scolds the company for its bad deeds and politely asks them not to do it again. If it does not comply with this, it will be asked again to stop.

I am left to wonder if this would ever stop anyone from doing anything that they wanted to be doing— and Microsoft has proved again and again that what it wants to do is control the computer industry by any means

necessary. The proposal needs to make Microsoft pay for their actions, and they need to be punished for the results.

If Microsoft were a person (which is what a corporation models), they would be fined and jailed for these actions. This sort of idea, extended to a corporate level, would therefore make simple sense. Fine the company (and base the fine on the amount of money they make, and remember that that is a whole lot of money). Then put restrictions on them so that they cannot repeat their actions. If they do repeat their actions, BREAK UP THE COMPANY. Or at the very least force them to open source Windows. These are the only two— let me repeat that— the ONLY two threats that Microsoft is afraid of. There is no fine that they will not recoup, no apology they cannot falsify, no time limit they will not lay low for. They will, as they have shown time and time again, revert to business as usual: bully everyone else with the power that you hold by owning Office and Windows.

Remember that this case came to court largely because Microsoft flaunted the 1995 court decision that essentially did what the new proposal will do again: shake a stern finger at them, give them a tongue-lashing, and send them on the way after they have promised not to do it again. Remember that Microsoft made that promise six years ago, and making it again now will be no more binding, and Microsoft will pay even less attention to it, because they have more power and more markets than they did then.

The fact you would give them as much power as you have in the proposal stages is evidence of their power: the only way that Microsoft could get a more comfortable punishment would be if they were forced to give their excess software away into a market that they did not control, such as education (which you probably know is their proposed solution to their current antitrust case with the private companies suing them).

This is evidenced by the utter uselessness of the proposal, and by the amount fo control Microsoft has of the execution of the ''punishments'' laid out within it. For instance, that they can decide what parties to give out documentation and help to is merely giving them another weapon, and making that weapon sacrosanct in the process, because it is not a ''weapon'' that they are using to their advantage but a ''punishment'' that they must follow. Also, the fact that they are given a say at all in the council of three that oversees them is imbecilic. A man put in jail does not get to choose his jailmates or his prison guards, and Microsoft should not either.

Incidentally, Steve Satchell would be a great choice for the committee. He has a good amount of experience in consumer software, hardware, and OS design. He is further elevated by his lack of ties to other companies in the industry who would possibly gain by his actions. Perhaps what angers me most about the current proposal is that it is being done ''to help the computer industry in these times of economic turmoil,'' which can be translated from PR-speech to English as ''to make people buy Windows XP, which will make them buy lots of new computers, which will boost the computer industry.'' This is a short-sighted remedy to a deep-seated problem. People buying computers now will keep everyone in the industry afloat, but it will be best for Microsoft, who makes money off of each computer sold. Worse, the short-sighted remedy only buries the problem deeper: it strengthens every company's dependence on Microsoft, both in fact and in mindset. Essentially, you are sending the message that without Microsoft, the economy is doomed. And that is to say that without someone flagrantly breaking the law, the economy cannot survive. And that is not a message that you should be sending. Microsoft has broken the law. Remember that. This is a fact that has been proven in court twice, and the supreme court decided that it was not worth their time to hear the arguments, because there is little chance that the 12 highest judges in our great country would find the facts any less factual: real companies have really been hurt by Microsoft, and they have lost real profits. -Seth A. Roby <sroby at westmont dot edu>

MTC–00033688

Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I want to offer my support for the settlement with Microsoft, which is to be finalized at the end of the month. Although the case against Microsoft seemed to have merit, Microsoft appears to be the victim of having not contributed to the right political campaign at the right time. A break-up of Microsoft would lead to more questions and further undermine the economy, so a compromise is in the interest of everyone.

Efforts at breaking up Microsoft are far beyond what is necessary to encourage more competition in the software industry. To the lay person, it would seem that the government is out to get big corporations, like in the tobacco industry, in order to reap a financial whirlwind. The remedial steps Microsoft has agreed to have in some cases surpassed the government's complaints, so in the interest of fair play, it is time to end further litigation. As a result of constant monitoring by a committee of software experts, as agreed to in the settlement, the terms would appear to be verifiable and an effective tool to allow more players to thrive in the software market. Please allow common sense to prevail and this extremely valuable piece of the American economy to stay intact.

Thank you for your attention.

Sincerely,

Kenneth Sweeney

MTC–00033689

Santa Barbara Industrial Association
www.sbia.org
2141 Victoria Street, Santa Barbara, CA 93101 . Tel 805–965–9415
Fax 964–7915 . e-mail: info@sbia.org
January 24, 2002
Renata Hesse
Trial Attorney, Antitrust Division
Department of Justice
601 D Street, NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

Support the settlement agreement and end the Microsoft lawsuit. The Microsoft lawsuit has already wasted over $40 million of taxpayers money. Even worse, this misguided lawsuit, which was filed in the name of preserving competition, will stifle innovation, hurt consumers and penalize success. Microsoft has been a model for a corporate success story and the pursuit of the American Dream. Over the past 10 years, Microsoft has lowered its prices, created a better product, and invested enormous sums of money in research and development. This doesn't sound like monopolistic behavior by any standard. The federal government should not reduce a company's incentive to innovate.

Government intervention into the world of high tech programming and design sets a dangerous and potentially disastrous precedent. Dictating to Microsoft what technology it can develop to increase the effectiveness of existing products or meet the rapidly expanding needs of users could cripple the technological innovation that has been the hallmark of our high tech, internet economy.

The Microsoft lawsuit hurts consumers, rather than helps them. Rather than protecting consumers, drastic remedies such as breaking up Microsoft would be a disaster for consumers and businesses. The integration and standardization Windows brought us has been a boon for the public as well as for our economic productivity. What Bill Gates understood, much to his competitors'' chagrin was the consumers—people who use computers, not live computers—want an affordable and reliable system that works with and understands other systems.

Government intervention into the world of high tech programming and design sets a dangerous and potentially disastrous precedent. Dictating to Microsoft what technology it can develop to increase the effectiveness of existing products or meet the rapidly expanding needs of users could cripple the technological innovation that has been the hallmark of our high tech, internet economy.

One could argue in fact that the genesis of the huge decline in the Nasdaq, which so far has resulted in more that $2 trillion of lost wealth, primarily the result of the government's sustained attack on Microsoft's right to innovate. After all, today Microsoft, tomorrow Intel. Microsoft appears to be a Government target because of their success as a company. We used to reward success and innovation, rather than attack a company because of their success. Microsoft's success should be viewed as an asset, not a liability. The consumer has benefitted from Microsoft's success. The prospect of future benefits to the consumer should not be stifled by our own government. Similarly, other companies should not have to worry that their success could someday be threatened by heavy-handed government action, oppressive attorney fees and a legal action designed to harrass, publicly smear and possibly even break apart the business. The message we must send is that success should be rewarded and not punished. We hope the consent

decree is adopted and the federal lawsuit is dropped.

Sincerely,
Joe Armendarz
Executive Director
SB County Industrial Association

MTC–00033690

James F. Taylor, Jr.
302 Norma Circle
Greenville, TX 75402
December 9,2001
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Subject: Microsoft Settlement

Dear Renata:

In response to the recent ruling regarding the Microsoft antitrust case, I would like to place my comments into the public record regarding the proposed settlement between the Department of Justice and Microsoft. I would like to address a few items that make the proposed settlement both ineffective and considerably flawed.

First, in regard to the proposed identification of who is and who is not eligible for disclosure of APIs by Microsoft, the exclusion of noncommercial entities from this remedy is both inadequate and will serve to further hamper free programs like Apache Web server and Sendmail. These programs are direct competitors of Microsoft's IIS and Exchange Servers, and they will not receive any API assistance that is guaranteed to commercial competitors.

Open Source products designated to allow free operating systems like OpenBSD an Linux to talk to Windows over networks would be irrevocably crushed by this loophole. Section III(j)(2), part (c) specifically hinders any free software from benefiting from Microsoft's published APIs by the language:

* * *(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business,

Second, the remedy should address the incorporation of Microsoft products such as Internet Explorer and Windows Media Player without consent of the consumer during installation. It also should address the lack.of an easy method to uninstall these programs should the consumer desire another 3rd party too to be used in place of the bundled applications. Microsoft is leveraging its OS monopoly against third party Vendors like Opera and MusicMatch Jukebox by bundling Internet Explorer and Windows Media Player without an uninstall or a choice during installation. Microsoft should, as part of the remedy, be forced to allow these tools to be removed or at the very least be uninstalled by both OEMS and end users. It is a simple remedy that Microsoft could comply with the next version of Windows or with a service pack for current Windows users.

Third, the remedy does not go far enough to force the publication of APIs and other interoperable portions, such as document formats, of Windows itself. These protocols should be open and subject to review from the entire industry. In addition, changes need to be decided not by Microsoft, who have proven time and again to cripple APIs to further their own programs at the expense of other third party programs. All of this was done without the consent of the user, and in most cases, was done without the user's knowledge as part of a ''service pack'' or other update to the program. All third party vendors of applications directly competing with Microsoft made their file formats and APIs known so the interoperability of their programs with Windows could be accomplished quickly. It is time for Microsoft to reciprocate without question or loophole.

Thank you for reading my comments, and I hope that these suggestions will be helpful in crafting a fair and equitable remedy that benefits not only the consumer, but Microsoft and its competitors. The computing landscape should not be as barren as it is today, with the ashes of hundreds of competitors to Microsoft crushed and broken by Microsoft's heavy-handed and illegal tactics. Despite Microsoft's claim to the contrary, these remedies will not stifle innovation, and they will not hinder Microsoft in any way other than to prevent it from leveraging its market share against its competitors. If these remedies are enacted and the loopholes closed, Microsoft will have to do what it has not had to do for a long time in the marketplace. They will have to compete on merit and innovation, rather than crushing its competition under the boot of their monopoly.

I appreciate your time and attention.

Sincerely,
James E. Taylor, Jr.
302 Norma Circ
Greenville, TX 75402

MTC–00033691

FROM :
Jul. 20 2001 05:50AM P2
FAX NO. :
Rockingham County Republican Party
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street, NW Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

As the former Assistant Legal Counsel for the North Carolina Republican Party, I have a strong interest in how our legal system interacts with business. While many people have various opinions on the merits of the Microsoft case, most reasonable people can agree that if both the Justice Department and Microsoft reached a settlement, then it's time to put the litigation behind us.

It is for this reason that I call on Judge KolIar Kotelly to approve the settlement between Microsoft and the federal government. It is important that we do not interfere with it at business unnecessarily at any level of government, state or federal. That is why since 1999, I have been greatly troubled by the federal government's attempt to bring about unprecedented harsh penalties against Microsoft. That's why, as a lawyer, I felt encouraged when I read of the landmark settlement. We've got to minimize further consumer harm by freeing up Microsoft to be innovative, creative and cost-effective. I know that I rely on Microsoft computer operating systems on a regular basis, and I believe that they are the highest quality products available. These products will only improve with the closure of this legal matter.

Please let Judge Kollar-Kotelly that I strongly support the settlement, and I hope this balance of this proceeding will end soon. In that fashion, Microsoft can return to the business of innovation and developing new products. Also, government attorneys can get back to more pressing cases.

Thank you for your consideration of my comments.

Sincerely,
Matthew W. Smith
Vice Chairman
PO Box 528—Eden, NC 27289

MTC–00033692

FROM :
FAX NO. :
Jul. 20 2001 05: 51am p3
R. Lee Currie, Jr.
Former Executive Director
North Carolina Republican Party
104 Brookline Court—Clayton North Carolina
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street, NW Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

As the former Executive Director of the North Carolina Republican Party, I have a uniquely political perspective on why the suit against Microsoft was filed. In short Microsoft's competitors did not like the fact that Microsoft is the established leader in technological innovation in the United States, and used the legal system in an attempt to stop them from maintaining their market share.

This is not the first time this trick has been tried. Anyone remember the ill-fated USFL (United States Football League)? All was well until the NFL (National Football League) outclassed, outshined and outperformed the USFL in terms of market share. The next thing you know, the USFL files a federal antitrust suit against the NFL, claiming unfair business practices. It didn't work: the NFL is more popular than ever, and no one even remembers what the USFL acronym stands for. Anti-trust violation? No. Superior product? Yes. Sound familiar?

This time, Microsoft's competitors have taken the stakes to a whole new level by lobbying the federal government to drive a stake in the Microsoft's heart. The competitors'' lawyers and lobbyists won't stop until they destroy their competitor. Again, Microsoft has the superior product, so their opponents wilt try to continue to play a game with the legal system until they get their way.

That is why I call on Judge Kollar Kotelly to approve the proposed settlement between Microsoft and the federal government. The case should be settled now. Let's not give Microsoft's competitors mow time to lobby, cajole and influence important decision makers that the settlement isn't in the government's interest, Let's close the chapter

of this unfortunate series of events by approving the settlement. Thank you for your consideration of my comments,

Sincerely,

Lee Currie

MTC–00033693

FROM :
FAX NO. :
Jul. 20 2001 05:45AM P2
North Carolina Federation of Republican Men
6706 Queen Anne's Drive
Raleigh, NC 27613
January 9, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

As a small businessman who depends upon Microsoft for both my home and office computer, I am gratified that the federal government is now willing to settle its case against Microsoft. It is my sincere hope that Judge Kollar Kotelly will approve this settlement.

As State President of the North Carolina Federation of Republican Men, I represent many men, who, like me, lost money in my retirement account when tech stocks plummeted, an occurrence that is attributable the suit against Microsoft. I'm relatively young, and didn't have a tremendous amount of money to lose. I feel sorry for those who lost more.

As a former Legislative Liaison of the North Carolina Automobile Dealers Association, I am all too aware that business can work in concert with, or in opposition to, government, I am aware of the tremendous cost to business that occurs when lawsuits are continually pursued. They drain resources and energy from employees that should be spent in other things. And lawsuits usually cost the taxpayers money This one certainly has.

The reasons I have outlined are why I hope Judge Kollar Kotelly will accept the settlement and let all parties move forward, Thank you for your consideration of my comments.

Sincerely,

Dee Stewart

State President

MTC–00033694

Jul. 20 2001 05:45AM P3
FROM :
FAX NO. :
Rockingham County Republican Party
Renata Hesse
Trial Attorney
Antitrust Divisions
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

As the Chairman of the Rockingham County Republican Party, I am deeply concerned about the effect that prolonging the federal government's lawsuit against Microsoft would have on businesses in our community and other communities across North Carolina. I want to request that Judge Kollar Kotelly approve the settlement that is pending.

The proposed settlement will be good for all parties. There is a perception that Microsoft's competitors played a role in trying to work against Microsoft's position with politicians and the media. We don't need more tug of war between these litigants. We need to accept the settlement and move forward. Because the economy is in poor condition, it is imperative that we put this matter behind us. Both the industry and the government attorneys need to focus on other matters, in my opinion. As Chairmen of the Rockingham County Republican Party, I am encouraging all of our members to support the settlement.

As inspect the components of the settlement, I believe it to be fair to both sides, with Microsoft guaranteeing certain provisions and the government getting enforcement provisions never before seen in an anti-trust settlement. I hope that Judge Kollar Kotelly approves this settlement.

Sincerely,

Phil Berger, Jr.

PO Box 528—Eden, NC 27289

MTC–00033695

FROM :
FAX NO. :
Jul. 20 2001 05:46AM P4
North Carolina Federation of Young Republicans
7465 Bluff Point Lane
Denver, NC 28037
January 9, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street, NW Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

In addition to serving as Chairman of the North Carolina Federation of Young Republicans, I am also the co-owner of a small computer business, I use Microsoft products every day to enhance my productivity, as well as to improve the level of service I offer my customers.

I realize what a big difference that Microsoft; has made in the working lives of millions of Americans. I have written numerous letters to North Carolina's Congressional delegation, requesting a quick and mutually beneficial settlement of the Microsoft suit. What small business owner wouldn't agree that the lawsuit filed by the federal government was quite harmful to the high-tech sector as well as the stock market.

As Chairman of the North Carolina Federation of Young Republicans, I calI on Judge Kollar-Kotelly to approve the reasonable settlement which has been approved by the company, the federal government as well as nine of the states which had formerly sued Microsoft. American business needs to move forward.

Sincerely,

Jason Saine

State Chairman

MTC–00033696

FAX NO.:
Jul. 20 2001 05:39AM P2
REPRESENTATIVE
76TH DlSTRlCT
OFFICE ADDRESS:
TELEPHONE:
E-MAIL:
HOME ADDRESS:
TELEPHONE & FAX:
MICHAEL O. HARRlNGTON
303 LEGISLATIVE BUILDlNG
RALEIGH, NC 27801–1096
(919) 733–5823
(919) 754–3175 FAX
MICHAEL@NCLEG.NET
3324 LINCOLN LANE
GASTONIA, NC 28056
(704)853–8574
January 9, 2002
COMMITTEES:
APPROPRlATlON$
SUBcoMMITTEE ON INFORMATION TECHNOLOGY
FINANCIAL INSTITUTIONS
SCIENCe & TECHNOLOGY
Ms. Renata Hesse
Trial Attorney—Antitrust Division
Department of Justice
601 D Street, NW., Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

In addition to serving in the North Carolina House of Representatives from Gaston and Mecklenburg Counties, I am also a small businessman. In the state legislature I serve on the Science and Technology Committee and the Appropriations Subcommittee on Information Technology.

In those posts, I am one of the decision makers as to where the state of North Carolina is able to spend its money on technology. From that perspective and in my own business, I realize what a big difference Microsoft has made in the working lives of millions of Americans.

I have, in the past, been the author of articles concerning the Microsoft situation in which I take the position that the lawsuit filed by the federal government was unhealthy for the high-tech sector in particular but for business in general.

A major decline in Microsoft stock and in the shares of many high-tech companies happened the day following a breakdown in negotiations between Microsoft, the federal government, and the states'' attorneys general who would not agree to a settlement. The pain inflicted on so many people's savings and stock accounts was mighty. Of course, the Microsoft incident was not the only reason for stock to go 'down, but it was one reason.

Ms. Renata Hesse
January 9, 2002

Today, I understand that Judge Kollar-Ketelly has a reasonable settlement that has been approved by the company, the federal government, as well as nine of the states which had formerly sued Microsoft, including New York.

I would heartily endorse this settlement and hope that the good judge would as well. All parties need to move forward.

Sincerely,

Michael O. Harrington

Representative Michael O. Harrington

District 76

North Carolina General Assembly
MOH:jal

MTC–00033697

John C. Comeau
2 Rita Lane
Littleton MA 01464
Trial Attorney Renata Hesse
Antitrust Division
Department of Justice
601 D Street NW., Suite 1200
Washington DC 20530

I am a member of Americans for Technology Leadership, an organization of citizens, consumers, and high-tech professionals who are dedicated to minimizing unnecessary regulatory intrusion into the information technology industry. For this reason, I am writing to urge the court to accept the settlement reached in the antitrust case between Microsoft and the Justice Department lawyers. This case has been a tremendous drain on the creative energies of the technology world, and its settlement can only be a positive for the country as we deal, with a lingering recession.

The information technology industry is dependent on the freedom to innovate that is essential foe new products to come into being. The implications of the suggested remedies beyond those reached in the agreement are ominous. The high-tech sector cannot endure the added impediment of a stultifying new regulatory presence by the federal government. If the issue is serious wrongs on the part of Microsoft, then punish them and move on. If, however, the issue is creating a windfall for less successful competitors, then please don't punish the rest of us by imposing new sanctions, and regulatory hoops to jump through.

This country will be much better served if the Justice Department spends its time concerned with real threats to our safety and liberty, and if the companies involved in high-tech all got back to innovating rather than litigating. I ask that the Justice Department advocate this settlement to the judge, and in doing so serve the American people, and the nation's greater interests.

Respectfully,
John C. Comeau

MTC–00033698

January 16, 2002
Ms. Susan Johnson
11794 Rockaway Lane
Fairfax, VA 22030
Ms. Renata Hesse
Department of Justice
601 D Street, NW., Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

Now that the federal government has finally settled its long antitrust case against Microsoft, I hope states still involved with the suit will do the same. It is time for consumers to come together and move the economy and our country in a positive direction—a forward and economically strong direction.

The settlement's provisions protect Microsoft's ability to continue to be innovative and, this hopefully, will revitalize competition and the technology industry for the betterment of us all. Consumers and investors will reap the benefits of the settlement and this should help to get the engines running toward a healthy and properous economic stance.

Thank you for your consideration
Sincerely,
Susan N. Johnson

MTC–00033699

January 15, 2002
Ms. Susan Fujii
13859 Wakley Court
Centreville, VA 20121
Ms. Renata Hesse
Department of Justice
601 D Street, NW., Suite 1200
Washington, D. C. 20530

Dear Ms. Hesse:

I was pleased to read that the federal government has finally settled its long antitrust case against Microsoft. I hope the other states still involved with the suit will do so as well. Now is not the time to waste taxpayer dollars on drawn out lawsuits. It is time for the government and the high tech industry to come together to rally our nation's economy.

If the settlement can provide a jump start to better economic indicators and rev up a once highly stimulating technology sector, than the government should not stand in the way. Our nation, more than ever, needs some positive news and a glimmer of hope for a positive future. I hope the Justice Department will do what it can to provide the citizens of this county that hope and encourage it to grow into ever increasing prosperity.

MTC–00033700

January 20, 2002
Mr. David Foreman
13859 Wakley Court
Centreville, VA 20121
Ms. Renata Hesse
Department of Justice
601 D Street, NW., Suite 1200
Washington, D. C. 20530

Dear Ms. Hesse.

I was pleased to read that the federal government has finally settled its long antitrust case against Microsoft. I hope the other states still involved with the suit will do so as well. Now is not the time to waste taxpayer dollars on drawn out lawsuits. It is time for the government and the high tech industry to come together to rally our nation's economy.

If the settlement can provide a jump start to better economic indicators and rev up a once highly stimulating technology sector, than the government should not stand in the way. Our nation, more than ever, needs some positive news and a glimmer of hope for a positive future. I hope the Justice Department will do what it can to provide the citizens of this county that hope and encourage it to grow into ever increasing prosperity.

Regards,

MTC–00033701

January 16, 2002
Ms. Kathy Buckley
14701 St. Germain Drive
Centreville, VA 20121
Ms. Renata Hesse
Department of Justice
601 D Street, NW., Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

As jobless rates and economic indicators continue to tell consumers that times are getting worse, I think Microsoft's settlement with the federal government could provide a beginning bright light. By settling the case, we could once again see the competitive prosperity of the 90's foster the necessary kick the economy needs to move in a positive direction. The high tech industry has been a driving force for our nation in recent years and if Microsoft's settlement revitalizes competition, than we should welcome this opportunity. This long drawn out case should be resolved once and for all, and the focus should be on lowering the jobless rate, increasing consumer confidence and strengthening our economy,

Best regards,

MTC–00033702

JAN–17–2002 02:49 AM P. 01
Jan-l0–2002 08:28 From NEW HAMPSHIRE HOUSE OF REPRESENTATIVES
16032716889 T–186 P.001/002
HOUSE OF REPRESENTATIVES
legislative Office Building, 33 North State Street Concord, NW., 03301–6328, TEL:(803)271–3317
TDD Access: Relay NH 1–800–733–2964
COMMITTEE ON MUNIClPAL AND COUNTY GOVERNMENT
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW., suite 1200
Washington, DC 20530

Dear Attorney Hesse,

I am writing to express support for the settlement proposed in the case of U.S. v. Microsoft.

Although I am not in the habit of submitting public comment in a case like this, I believe that the time has come to stop the persecution of this company, stop the needless spending of tax dollars, and allow this company to get back to business.

For many months now, the Federal government has pursued this company and threatened to break up its operations because of claims of its monopoly status. Finally, the parties have come to an agreement that is far reaching and addressee all the courts concerns. This agreement should be awarded with acceptance by the government.

Extraordinary amounts of money already been spent prosecuting this case. As a state representative, I work hard to make we that taxpayer dollars are spent wisely and believe the Federal government should do SO too. Many citizens of this country are out of work and are struggling to make ends meet, Americans are less concerned about the issues between computer companies and much more concerned about how they are going to provide for their families and their future& We should all take a lesson from this and end needless spending as quickly as possible.

Microsoft has been a a strong force in our economy and should be allowed to get back to the business of serving consumers. I hope you will approve this settlement as quickly as possible.

Thank you for the opportunity to comment in this important matter.

Sincerely,

Betsey Patten

State Representative, Carroll County, District 9

MTC–00033703

David A Graham
401 Oak Avenue
Elizabeth, Pa.
15037–1631
January 14, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–000

Dear Attorney General Ashcroft:

The Microsoft Anti Trust case settlement has been a long time coming. I am very glad to see that there is now a light at the end of the tunnel. However, I don't see how anyone can even debate the settlment's fairness. Microsoft is giving up a great deal to end this lawsuit, going so far as to give their competitors an unfair edge in the future.

I use Microsoft products both at work and at home. For years Microsoft has provided American consumers like me with superior products, creating innovative and compatible technologies useful in so many areas. Now, with the settlement Microsoft has pledged to share information, including the internal interfaces for its Windows operating system, with its competitors and make it easier for people to install non-Microsoft products in Windows.

The government has more important matters to deal with. It should not be intervening in the affairs of private companies. Please hold the settlement and allow Microsoft to move on with their business. Thank you.

Sincerely,

David A. Graham i I C/c Sen R Sanrorum I

MTC–00033704

Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW., Suite 1200
Washington DC 20530
January 16, 2002

Dear Attorney Hesse,

Please allow me to add mine to the voices of citizens from across this country who believe that enough is enough with regards to the Microsoft ''antitrust'' case. By this point any casual observer can see that the consuming public stands to gain nothing by a protracted fight, and that only the dubious efforts of Microsoft's rivals have kept afloat any desperate attempt to skew the market to favor certain players. (And intrude government regulators where they are not needed at the same time.) Even the Justice Department has seen fit to reach an agreement to settle, and that is why I write: let's end this and move on.

I am the owner of an innovative start-up company myself, and I sympathize with Mr. Gates billionaire though he is, who seems to be targeted for his success. Although my business is not software related (and I have no affiliation to Microsoft) I had the opportunity to tour the Redmond Microsoft campus a few years ago, and came away impressed by the incredible focus and dedication to excellence the Microsoft workers all seemed to have. Perhaps Oracle, Sun, AOL and the others would be better served to dump their lawyers, and hire some people who can mirror the Microsoft work ethic and passion for excellence.

Sincerely,

D P. Sweeney

MTC–00033705

Brian K. Wright
101 Taylor Street
Littleton, Massachusetts 01460
Renata HeSse Trial Attorney
Department of Justice
601 D Street NW., Suite 1200
Washington DC 2O530

Dear Attorney Hesse,

It is my understanding that the justice Department is recommending a settlement agreement in the Microsoft case to Judge Kollar Kotelly that is amicable to both sides. I think that is a wise move for our country and the economy at this time.

I fully support the Justice Department enforcing the antitrust laws, and the pursuit of Microsoft if they were deemed to be in violation. However, if the federal lawyers believe that the settlement properly punishes Microsoft, as well as establishes measures to make sure it doesn't happen again, then isn't this sort of compromise what we should hope for? If the Microsoft rivals seek more remedies specific to their businesses then that is not the public interest being served. Crippling this major innovator and job producer shouldn't be anyone's goal.

I have the vantage point of being someone who has co- founded a national trade association in the high-tech field, as well as having served as an Assessor in a town with many high-tech businesses. I can state with confidence that what the economy needs now is a healthy Microsoft and its competitors all returning to the business of designing and selling software and systems, I hope this settlement helps to achieve that.

MTC–00033706

P. 0. Box 2555, Woburn, Ma 01888–1055
781–933–8228 Fax 781–933–2091

I am a small businessman who would like to express my support for the proposal to end the case against Microsoft by settlement.

For three years the government has wasted millions of tax dollars trying to chase Microsoft, mostly because other companies have tried to get the government to do what they can't: beat them. This case has not served America well and may have given foreign companies a chance to get into American information industries. We need to show more unity in this country in ways, and ending this case would be a great symbol.

I appreciate the chance to speak out, and I understand the volume of mail you must have to go through. I hope my concerns, and those of others are brought before the Judge.. It's time to end the case against Microsoft.

Sincerely,

William J. Cavalucci

WJP Realty

MTC–00033707

North Java
4127 Route 98
PO Box 206
North Java, KY 14113
535–7313
Fax 535–7487
DAVE REISDORF, INC.
I6 Clinton St. PO Box 395 Batavia, NY 14021
Phone 343–4453 Fax 343–641 I Toll Free (888) 255–0087
January 14, 2002
Warsaw
3758 S. Warsaw Rd.
Route 19
Warsaw, NY 14568
786–2560
Fax 786–3556
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW., Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

We have been following with interest the government's extensive role in the Microsoft Antitrust Suit.

I am very pleased that a tentative settlement has been reached. The last thing our nation's economy needs is additional litigation that will lead to further regulation of the high-tech industry. Anti-trust laws were meant to protect consumers. It appears companies are using them to protect themselves from strong competition. Settlement in this case is in everyone's best interests. We the consumer's of the United States can certainly come up with better uses for the millions of dollars the government has spent to fight this case. Microsoft's innovation has lead to lower prices for software and increased benefits for the consumer.

If antitrust law is in place to protect the consumer, where is your case? Please settle this and move-on. It is in the best interest of the government, the people and the economy.

Sincerely,

Dave Reisdorf, Inc.

Anthony L Peca, Jr.

Sales and Consumer Relations

MTC–00033708

JAN–12–2002 05:32AM
HOUSE OF REPRESENTATIVES
CONCORD,NH 03301–6328
TDD Access: Relay NH 1–800–735–2964
(603)271–3164
COMMITTEE ON FINANCE
January 8, 2002
Renata Hesse
Trial Attorney, Antitrust Division
Department of Justice
601 D Street NW., Suite 1200
Washington, DC 20530

Dear Attorney Hesse:

It is my understanding that your office is now accepting public comment in the case of U.S. v. Microsoft. I write in support of that agreement.

This settlement is truly an achievement by both parties and should be approved quickly, I do not work in the technology field, but have done substantial research on this issue and believe that this case has gone on far too

long In addition to spending too many taxpayer dollars, the government has unfairly persecuted this company end it should end, now, The frustration of Microsoft's competitors is understandable but misplaced. They have the opportunity to offer products that would compete with Microsoft's, but have not had the innovation to do so. The proposed settlement will allow Microsoft's competitors and customers more freedoms and it will help them become more profitable. Further restrictions or controls placed on Microsoft by the government will not be beneficial but instead will force America to take a backseat to other nations in the field of technology. Spending millions of additional dollars in these proceedings is no longer necessary or appropriate, This is a time of national crisis, and we need to be cognizant of the economy and public spending. it is now imperative that we put more resources into defense and national security rather than on needless litigation against an innovative company.

Thank you for your time and consideration.

Rogers Johnson
State Representative

MTC–00033709

JAN–12–2002 05:32 AM
Jan 10–02 12:43a
Carlos Gonzalez
HOUSE OF REPRESENTATIVES
Office of the Speaker
January 9, 2002
Renata Hesse
Antitrust Division, Department of Justice
601 D Street, NW., Suite 1200
Washington, DC 20530

Dear Attorney Hesse;

I am writing this letter as a State Representative to express my support on behalf of a settlement that has been proposed in case of the United States v Microsoft. Finally an agreement has been reached in this case that has gone on for too long. It is an amazing achievement and I hope that you will award this by approving it as fast as possible. The federal government needs to focus its resources and time on more important matters facing our country not on litigating companies like Microsoft, etc. As a State Representative I work hard to make sure that the money the citizens taxpayers of New Hampshire give to State government is spent wisely and believe the same needs to be done nationally. It is my understanding Microsoft's competitors spurred this case. It has taken too long and it has gone too far spending taxpayer's dollars. However great their frustrations are when competing with the excellence of Microsoft's products, they should not be allowed to carry these legal proceedings on any longer.

The time has come to end this case and the needless expending of millions of taxpayers dollars. It is not longer necessary or appropriate. In this time of economic uncertainty. We need to be looking for ways to spend government money (taxpayers'' dollars) more wisely,

In conclusion, I am asking that you please approve this settlement between the United States v Microsoft. Thank you for your public service.

Sincerely,
Carlos Gonzalez
State Representative
Hillsborough County, District 48
Manchester, NH 03102
State House, Concord, New Hampshire
051101–4988, Telephone: (603) 271–5661, Fax: (803), 271–3809
TDD Access: Relay NH 1–800–736–8964

MTC–00033710

January 14, 2002
Renata Hesse
Trial Attorney, Antitrust Division
Department of Justice
601 D Street, NW., Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I am writing to urge you to support the proposed settlement of the antitrust lawsuit against Microsoft. While I believe that many of the allegations raised by the lawsuit against Microsoft may have merit, it is time to shift the focus of the Department of Justice and our tax dollars to other priorities.

While the proposed settlement is not a home run for any of the interested parties, it does have a little bit of something in it for everybody while maintaining its overall balance. One way that you can tell that the settlement is balances is the fact that nobody is very happy with the proposed settlement.

Please contact me if you have any questions, or if you would like more information.

Thank you,
Keep fighting them Phil Gashitt

MTC–00033711

8448 Short Ridge Road
Aurora, Indiana 47001
January 11, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

As a Microsoft supporter, I write you concerning the recent settlement. After three years of negotiations, what more is there to debate? Microsoft has agreed to make various changes in licensing, marketing and design, and has agreed to do so under supervision. It is time to move forward and get our technology industry back to business.

With our economy the way it is, it makes sense to support any advances in technology that will maintain our place in the global market. As the IT sector is forced to sit and wait for the settlement to be enforced, our economy is jeopardized by stagnant growth in the technology industry. As we spend our time and money of further litigation, others will be focusing on innovation.

Let us help move forward and get back to business. Please help stop any further actions against this agreement. I thank you for your support.

Sincerely,
Myron Austin

MTC–00033712

27948 Blossom Boulevard
North Olmsted. Ohio 44070
January 8, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The settlement that has been reached between Microsoft and the Department of Justice must be approved. I feel that this agreement is long overdue. Microsoft and the rest of the technology industry make up one of the fastest growing, most profitable sectors of the U.S. economy, and this suit is detrimental to our economy. The bottom line is that Microsoft is one of America's largest employers, and given the current state of the economy, this settlement is critical.

This suit should never have gotten as far as it has. Microsoft, in my opinion, was never guilty of antitrust violations. Microsoft's products are high quality, they arc reasonably m-iced. and they have withstood the test of time as the best products on the market. Without the Windows operating system we never would have had the boom that we have experienced in the IT field. Microsoft has made computers accessible to consumers, and I would hate to give up the benefits and ease that I now have with my Microsoft products because the government believes that they have become too successful.

It is clear to me that this country needs to see the end of this suit before we can hope to recoup our financial losses. I support the settlement, and hope that it is approved as soon as possible.

Sincerely
Jim Pellegrino

MTC–00033713

JAN-09–2002 09:02
P.01
SUSAN V.BARBA
P .0 Box 112
Long Hill Road
New Vernon. New Jersey 07976–0112
January 7, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing you today to express my opinion in regards to the Microsoft settlement issue. I believe this settlement is long overdue and will be very beneficial to the present state of our economy.

I feel that Microsoft has had a positive impact on the way we do business as a nation. Microsoft has contributed to the technology sector and has offered quality products to consumers at reasonable prices. I was displeased to see Microsoft punished for doing its job well. Now Microsoft will share information about the internal interfaces of Windows with its competitors and will be monitored by a full-time technical review committee.

I believe the decision to settle with Microsoft was a good one. I hope to see the settlement benefit or IT sector soon

Sincerely,
Susan Barba
TOTAL P.01

MTC–00033714

JAN 09 2002 9:1l WALTER SLACK
203–637–0389
Walter Slack

45 Cedar Cliff Road
Riverside, CT 06878
January 8, 2OO2
Attorney General John Ashcroft
The United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft,

I am writing to express my displeasure with the involvement of state officials in the recent settlement between Microsoft and the Department of Justice. Although I am happy to see that this matter is being settled, the concessions are too harsh and unnecessary.

I am also very upset that my state Attorney General (Michael Blumenthal) is involved with this matter. I thought that anti-trust was a Federal issue. My state Attorney General should be going after drug dealer and other such criminals that are a state issue that more directly affects my quality of life. His involvement in anti-trust issues is just a redundancy of what the Federal Government is doing.

Personally, I think that Mike Blumenthal just enjoys seeing his face on national TV. I request that no further litigation is pursued by the US DOJ and urge that local officials stay out of this settlement altogether. Thank you for your time; please lean on the last nine states and DC to settle, and I hope that what ultimately occurs will be in the best interests of the American pub tic and economy.

Sincerely,
Walter Slack

MTC–00033715

To: Attorney General
From: Biermann, Kevin
1–09–02 8:28am p.1 01 1
Communications Engineering Company, Inc.
1850 Boyson Road
Hiawatha, Iowa 52233
January 9, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

As Software Development Manager for a diversified company, I have learned to depend on the reliability of a variety of Microsoft software products. I am pleased that this settlement has been achieved and that apparently there will be no further federal action against Microsoft. For companies of our size and discipline, it is important to work with reliable software companies like Microsoft It would be very difficult for us, and many companies like ours, to work around any software changes that would have inevitably happened if this suit had continued through the federal courts.

I wanted to write to suggest that this settlement is a good one, as Microsoft will appease its competitors by sharing key coding information and submitting to government oversight. I hope that it will be sustained through the review process. Thank you.

Sincerely,
Kevin Biermann
Development Manager

MTC–00033717

January 2002
Ms. Renata Hesse, Esq.
Trial Attorney
Suite 1200
Antitrust Division
Department of Justice
601 D Street NW,
Washington, DC 20530
Fax l–202–616–9937

Dear Ms. Hesse;

I am a citizen of the United States. I work in the information technology industry. I believe that it would be disastrous for me should all the tools of my livelihood be owned by a single corporate entity, no matter how well intentioned. This Is what Microsoft intends. Their antitrust conviction indicates that Microsoft Is not well intentioned.

I am profoundly concerned that, in the matter of US vs. Microsoft, the penalty phase of the trial is being managed by the convicted defendant In such ways as to increase their monopoly over today's information technology and, even more importantly, that of tomorrow.

The far-reaching consequences of the de facto reversal of the anti-trust trial verdict would be difficult to overestimate. It is no exaggeration to say that this is a matter that will impact every life on this planet for many lifetimes to come.

It is critically important that real, far-reaching and controlling penalties be assessed against Microsoft, Their very settlement proposal shows that the corporation's unbridled ambitions include actual control of every possible future application of information technology. The tendrlis of this plan reach deeply into matters of the defense of this country and its economic health, In ways so insidious that they can be nothing but another Microsoft plan for market dominance.

This time, Microsoft is clearly thinking of the big picture. They are thinking of the entire nation and its governance. They are thinking of the entire global economy. They want it all. Their proposed settlement is another covert, gift-wrapped mechanism to achieve ambitious and self-serving ends.

Microsoft is not sorry that it has performed monopolistically. They are ceaselessly, incurably, rapaciously ambitious. They have been found guilty; the punishment you help to assign must somehow enforce a curb upon their avarice and ability to infiltrate the fabric of our entire lives.

Serious penalties are called for. Constant oversight is called for. The proposed settlement Includes neither of these elements.

I could synthesize my own arguments for your consideration, but others, better informed and more knowledgeable, have already done so. I will quote them extensively, and hope you will consider the wisdom of their words.

From Dennis E. Powell of LinuxPlanet:

''The ... proposed settlement ... would grant Microsoft its operating system monopoly—indeed, contains wording such that it would no longer be illegal for Microsoft to maintain that monopoly—while saying that if Microsoft wants to, it can make it easier for people to write Windows applications, but it's by no means required to do so. In short, the settlement is a travesty, an ill-advised embarrassment that flings down and dances upon the law and upon all but the most twisted notion of justice,

'I cannot see how the settlement that is proposed even pretends to remedy the antitrust violations for which Microsoft has been found culpable, The company has, I remind the judge, already been found in violation, and this is the penalty phase of the case, but the settlement contains no penalties and actually advances Microsoft's operating system monopoly. A just penalty ... would at barest minimum Include three additional features:

Any remedy seeking to prevent an extension of Microsoft's monopoly must place Microsoft products as extra-cost options in the purchase of new computers, so that the user who does not wish to purchase them is not forced to do so. This means that for the price differential between a new computer with Microsoft software and one without, a computer seller must offer the software without the computer (which would prevent computer makers from saying that the difference in price is only a few dollars). Only then could competition come to exist in a meaningful way.

o The specifications of Microsoft's present and future document file formats must be made public, so that documents created in Microsoft applications may be read by programs from other makers, on Microsoft's or other operating systems. This is in addition to opening the Windows application program interface (API, the set of ''hooks'' that allow other parties to write applications for Windows operating systems), which is already part of the proposed settlement.

o Any Microsoft networking protocols must be published in full and approved by an independent network protocol body. This would prevent Microsoft from seizing de facto control of the Internet.

I point out that If the national interest is at issue ... and as the judge has suggested it is crucial that Microsoft's operating system monopoly not be extended ... I quote the study released a year ago by the highly respected Center for Strategic and International Studies, which pointed out that the use of Microsoft software actually poses a national security risk. In closing, I say that all are surely in agreement that the resolution of this case Is of great importance, not just now but for many years to come. This suggests a careful and deliberate penalty is far more important to the health of the nation than is a hasty one.''

''A settlement more along the lines of the one I propose above would greatly benefit Windows users as well, because competition would force Microsoft to improve the quality of its products in areas including but not limited to reliability and security. The settlement before the judge would benefit only Microsoft; a sterner settlement would benefit everybody.

I ask the judge to consider that the proposed settlement hurts each and every one of us in this nation in real, tangible ways. The proposed settlement should be rejected as ineffectual and, again, a tool of monopoly for Microsoft. Here are the words of a

California system administrator, with which I whole-heartedly agree:

''As the Network Administrator ... it is my responsibility oversee the deployment of new technologies to our company. My position gives me ample freedom to implement whatever software or hardware I see necessary to keep the company network running smoothly and to satisfy user requests. Unfortunately, though my position may give me that freedom, the current software economy cannot...

I would dearly love to replace all Microsoft technology in my office with Open Source software, and if the software economy give me as much freedom as my job did, I would do just that. However, the most defeating problem is what Microsoft chooses to keep secret— it's network protocols, the layout of its Office files, and the precise technology needed to migrate from their email server. . . . I am asking the court to force Microsoft to publish these protocols in detail.

I am also urging to court to act on future technologies as well. Microsoft is now planning to add vast pieces of the Internet to its web of interdependencies. With its initiative .Net, whole portions of the web would be cut off from non-Mlcrosoft technologies. We have seen a glimpse of the monopolist's vision of the future with the UK and MSN portal, designed by Microsoft and accessible only with Microsoft technology.

From a Canadian university (a nation whose economic fortunes are inextricably tied to those of the United States) comes a very specific analysis with which there can be no cogent argument, because It raises the Issue of the user's right to his or her own data: ''Because the most successful competitors in recent years in product markets in which Microsoft holds a true or de facto monopoly (e.g. personal computer operating systems, Internet browsers, and office productivity software) have arisen from the open source software community, I believe it is of extreme importance that any settlement protect and enhance this community's ability to produce products that provide end-users with viable choices.

''In my reading of the proposed settlement, such protection is not provided. On the contrary, the settlement will serve to allow Microsoft to continue to hinder the open source software community's efforts.

''The proposed settlement speaks of disclosure of APIs and licensing of intellectual property, I fear that any information disclosed by Microsoft will only be licensed to vendors or developers under conditions of a non-disclosure agreement, thus preventing the implementation of such protocols in an open source project or product, ''This settlement, if Implemented as proposed, will serve to entrench Microsoft's monopolies further, by allowing it to exclude the open source software community from any future technologies and APIs it develops. As this community is currently one of Microsoft's most serious competitors, it seems unbelievable that the proposed settlement will aid Microsoft in eliminating this 'threat'' to their monopolies.

''As an example of the current 'problem'' of Microsoft's monopoly in the OS and office productivity software markets, I point to the ublquitous '.doc'' file. This one proprietary file format I believe Is one of the cornerstones of Microsoft's OS/productivity suite monopoly. Many people I know in the academic and business communities regularly purchase updated versions of Microsoft Windows and Microsoft Office for the sole reason that their correspondents send them .doc files as e-mail attachments. The options for importing these files into 3rd party applications are many; however, having personally tried a large number of such programs, both free and commercial, I can safely say that many work well some of the time, none work well all of the time. The continuing cycle of forced upgrades to maintain compatibility with correspondents lies at the heart of Microsoft's monopoly.

''As a solution to this kind of problem, I believe that Microsoft should be compelled to disclose the specifications of the file formats used by Its products to anyone who sends or receives files In such formats and requests the information. ''Left unsolved, this problem is bound to be more severe In the future. It has been widely reported recently that Microsoft is considering moving to a yearly licensing-fee system for its OS and offlce software. In this case, files created with licensed software and saved in proprietary formats may be permanently unavailable to the creator or owner of the data in the file if a user or company chooses to terminate its license. I may own the copyright of the work I create, but that Is of little value if the only copy of the work in existence is one saved in a format to which I do not have access. ''Of course the .doc file format Is not the only proprietary file format Microsoft products use, and the arguments above apply equally well to other products and file formats. The .doc format Is likely the most important however, because text-based documents appear to be the most commonly shared and transmitted.

''A second cornerstone of Microsoft's monopoly is the fact that many computer manufacturers will not sell computer hardware without a Microsoft OS. I understand that the proposed settlement will prevent Microsoft from entering into exclusive arrangements with vendors, but I believe that stronger protections are required.

''If Microsoft's agreements with computer vendors forced the vendor to disclose to the computer purchaser the price of the Microsoft products Included, It would help consumers choose products and vendors that were appropriate to their needs. As an example, I point to Dell which will, as far as I can tell, not sell a computer without a Microsoft OS and office productivity suite. If purchasers knew that without these products they could save some number of dollars, that now often amounts to a sizable percentage of the computer package purchase price, they could apply pressure to the vendor to provide alternative (likely less expensive) products. Microsoft has stated concerns that selling computers without operating systems equates to software piracy. This assertion is absurd, and has become Irrelevant with Microsoft's newest release of Windows XP, which requires license activation.

''Having consumers and end-users with more information Is clearly in the public interest. All of what is suggested here concerns supplying information that enables computer users to make informed decisions, and to access their own work on their own computer, ''In summary, I believe the proposed settlement is seriously lacking, and will, if implemented as proposed, aid Microsoft in its efforts to hinder Its most viable competitors. Any successful settlement must protect the rights of computer users to choose the products they desire to access their data.''

If much of the legal profession is about finding loopholes (it is), then accountancy is about closing them. So it's not surprising that a certified public accountant found a glaring and terrible loophole in the proposed settlement and argued that it should be eliminated: ''Another issue I have with the proposed settlement is the restrictions that are placed on the entities with which Microsoft must share their API's In the explanations I have seen of the proposed settlement these entitles are restricted to 'commercial'' ventures, implying for-profit status, This is simply wrong and way too restrictive. I believe that to be truly effective the parties with whom Microsoft should share their API's and the like should be broadly defined, maybe something like 'any party or entity that could potentially benefit from such information'. In other words this information should essentially be in the public domain.''

Many of us are simply and plainly harmed by Microsoft's business practices. From Microsoft's own back yard, Seattle, a commentator considers the specifics of the proposed settlement. She provides a compelling illustration of how she Is personally damaged by the M microsoft monopoly:

''Microsoft has been determined guilty of violating anti-trust laws and the penalty phase just seems to miss the mark. I am hearing comments on the street that the U.S. Government is now a wholly owned subsidiary of Microsoft. I will admit that I find the 'penalties'' somewhat perplexing in that they certainly seem to miss the mark rather completely.

''I personally think that is probably a little radical, but then I see demo copies of Microsoft's XP operating system on all the workbenches of my local post offices and I do wonder what is going on here. I do not see any other vendors'' product demos available there. (Doesn't) this seem to Indicate implicit approval of Microsoft products and no other by a government entity?

''The following are the flaws that I see in the 'penalties'' that essentially seem to leave Microsoft better off than they were before the trial, there is no separation of Integrated software that harms and stifles competition to the Microsoft operating system. Further I see no provisions for computer manufacturers to be able to offer other and more viable operating systems in a fair and price competitive atmosphere—essentially nothing has changed (under the terms of the proposed settlement).

''I do not see that the proprietary protocols for the operating system, networking and other elements are to be made public in order

that others may have equal opportunity to develop applications In a spirit of healthy competition and to encourage innovation, Microsoft appears to be allowed to maintain the closed, proprietary and monopolistic systems that started this process. Again It appears that nothing has changed and it will be business as usual for Microsoft.

''In Washington State, Microsoft continues with its obnoxious and heavy handed practices, only now In a new area. Their handling of their Internet Service Provider (ISP) business seems to be following the same basic marketing strategy that they used with their operating systems. This has even been noted In the Seattle Times newspaper, In a city where normally Microsoft can do no wrong: http://seattletimes.nwsource.com/htm1/localnews/l34378212 awestl4mO.html

''Again, it appears to be business as usual for Microsoft.

''Thus I am perplexed at the current ''penalties'' being 'imposed'' on Microsoft. They seem to be more of an encouragement for Microsoft to continue In the same ways it has been and those are the very same ones that brought this issue to the DO] In the first place. If these are Implemented as currently stated, then fair business practices, innovation and competition are DEAD in the computer field.

''I do use Microsoft products; a very few are reasonably decent but I am forced to use others because the only option I have for them is other Microsoft products. Because of this, my time is considerably less efficiently used in repairing and working to keep the systems going rather than accomplishing work that I need to do. If one does not expect much from the computers running Microsoft products then they are not the absolute worst products on the planet, If you expect much from them and / or use them heavily then you are going to

rather constantly ... have them fail (with resulting) loss of time, effort and money. On days when I am working hard it is common to have to reboot my machine to recover my working ability at least several times. As time goes on from the initial (or subsequent complete re-install of the operating system) the situation grows steadily worse. The overall cost of running Microsoft products Is Incredibly high and far higher than it ever should be were Microsoft concerned with more than creating a market for the next version of Its products. Bluntly, quality is not job one,

''In order that Microsoft be brought into line and with any hope of curbing their horrid business practices, it will take REAL penalties and serious oversight. With the obscene amounts of money that Microsoft has managed to accumulate through its less-than-fair business practices ... there is some doubt as to whether that can actually be accomplished. It has become quite obvious to anyone working In the field that there is no honor or integrity in Microsoft, only the search for more money in complete disregard for the good of the industry, the users ... at this point In time it becomes rather blatantly obvious that national security is at risk due to the poor quality and serious lack of attention to security that is (an) epidemic In their products. That alternatives are few is a direct result of the issues that DO] is supposed to be addressing in this matter.

''I've been told that I am wasting my time here, in that Microsoft can pay people to submit positive comments for this business enhancing solution that has been proposed as a 'punishment'. They have done the same things in the past; that is pretty much common knowledge. I can only hope that DO] will prove wise, not be bought out by Microsoft and free the Industry for the good of the consumer and the country,''

A computer professional who has a long list of certifications—including some from Microsoft — makes the point that competition is the only assurance of high quality:

''Microsoft products, by virtue of being (created by) a monopoly, have been designed without concern for security or reliability, I can prove that the design of Microsoft products leads to the spread of countless virii in the computer industry. They (Microsoft products) are the perfect products to use to send damaging virus from many groups like the terrorists from Afghanistan, Israel, Palestine, Egypt.... And do not imagine that these places have not already done damage.

''And it is not only because Microsoft products are in such wide use, but the real problem is that the products have been very poorly designed. It seems Microsoft has enough money to do the job right, so the remaining reasons why the products are so poorly written is that there is currently no need to be 'best of breed'' when you are the only option.

'It will not be long till they (the terrorists) discover that they can inflict hundreds of billions of dollars in damage. All this because Microsoft has a virtual monopoly, and instead of actually writing well-designed programs, they spend all the energy they have to simply maintain that monopoly,

''Often I give speeches to Information technology groups that state, 'Without Microsoft in the industry, we would be at least 10 years ahead of where we are today'. But because of the constrictive designs and monopollzing practices of Microsoft, no possible competitive products have been able to get a start,

''As just one example: IBM wrote a fine operating system called OS/2 in 1992. Only today, some 9 years later, Is Windows XP beginning to catch up to the technical capabllity of OS/2. In fact It still has a long way to go to catch up to OS/2 in security and reliability. What happened? IBM could not get any hardware vendors to carry the software because Microsoft had tied up all manufacturers of computers to Include with each and every computer, a copy of Windows. This in spite of the fact that many wanted to use OS/2 instead of Windows. What happened to anyone who decided to use OS/2 was (that) they also paid (for) and received a copy of Windows that they did not desire.

''The only way to get the marketplace back in order is to separate the computer hardware from the operating system. When you go to a store to buy a computer, you should be able to buy any computer available without having to also purchase an operating system, That choice should be made at the time of purchase rather than (be forced through software) included in the cost of the computer.

''(This situation) is much akin to buying a car, and with that car purchase also comes a coupon for gasoline from the Microsoft Gasoline Company. We agree that the car uses gasoline, and we all buy gasoline, but what If we prefer to buy gasoline from Shell rather than prepay for gasoline from the Microsoft Gasoline Company? Should we not have the option of not prepaying for fuel from the Microsoft Gas Company? ...''

From Rick Hohensee of the cLIeNUX distribution comes a substitute remedy proposal:

''(It would be best if) the Court declares Microsoft operating system products 'criminally compromised intellectual property'. This is a special state of copyright protection vacancy, under which Microsoft operating system products lose their patent and copyright protections exactly five years after their release dates....

''First off, it has (the) one essential characteristic of anything that will be effective upon Microsoft, simplicity. They feed on loopholes. There are none in the above. There's nothing they can do about the Fed not protecting the copyrights their existence depends upon.

''There is nothing for them to cooperate with.

''This doesn't require any cooperation or good faith from Microsoft, which is also crucial, (They may actually favor this remedy, however.) ...

''It does actually partially break their monopoly, The AOLs and Oracles and Rick Hohensees of the world can produce their own alternatives to Windows, based on older versions of Windows. (I personally have to be very well paid to look at a Windows desktop, but distastes vary. I use Linux.)

''The focus is on the software others are dependent on, (the) operating systems. This leaves Microsoft untouched as to application products such as Offtce.... ''What goes in an OS, where they expend their energies, all product design decisions and so on remain with Microsoft. Federal micromanagement of Microsoft is avoided, to everyone's benefit....

Another correspondent, from England, makes comments that must be seen In the Federal Register. They neatly address further Microsoft plans to manage national and world trade through monopolistic practices Identical to those for which Microsoft was convicted.

''MS Is desperate to stop Linux from competing in the client /server market by enforcing an MS client/MS server strategy. An example of this is the recent non-standard extensions to Kerberos so that if companies have MS clients they will find the encryption protocols may only work properly when they're talking to MS servers, This is to be expected from the company that continuously muddied the waters on SMB.

''.NET Is really an extension of the same principle, though the spinmeisters at Redmond make sickening paeans to Open Standards with their 'XML Foundations'' nonsense.

''Let me give you an example of Microsoft's commitment to XML as an open standard for

data exchange—taken from the December 2001 issue of Linux User in an interview wlth OperaSoft's Haakon Lie:

''MS office claims to support XML but it writes the XML tags inside HTML comments so that they can not be found (by non-MS software). Even if the software then knew how to find the XML tags it would not know how to interpret them as the format used for the tags is proprietary!

''I think this tells you all you need to know about Microsoft's conversion to XML.

''What about those of us who do not live in the US? Microsoft's policies affect the entire world—how do the rest of us try and have a say in this? I speak as someone who lives in a country whose government has decided to hive off the public sector IT infrastructure lock, stock and barrel to Microsoft, and whose leader, Tony Blair, goes weak-kneed in the presence of Bill Gates. Britain is about to become the first reference site in the world for .Net, if Gates gets approval from the government to roll out a multi-billion dollar 100% MS solution for the tax authorities. In the last month it has been announced that the National Health Service and the Mlnlstry of Defence have signed deals to put *all* of their desktops under one MS licensing contract. In three years time, if they want to carry on using the software, they will have to pay whatever amount MS demands (the joys of software rental). The lion's share of government contracts (in pound sterling terms) have gone to EDS, a company which makes no secret of the fact that it is little more than a value added reseller for Microsoft (all of EDS's costly 'solutions'' are 100% MS).''

Please consider that the U.S. government has made much of globalization. It is a good idea for the government to understand that in cases such as this one, which have a global impact, this means responsibility for corporate behavior wlthln the boundaries of the United States. Additionally, parties injured by the actions of American companies, which actions took place In the U.S., have standing by every standard I can find.

Finally, I will quote another wise man, a Florldlan with more intensive software industry experience than mine, who speaks to the point of freedom of choice for the consumer: ''I am a Software Developer who has worked In the industry for almost 10 years. I have used many Microsoft products, and have enjoyed the increasing abllties of software systems developed by Mlcrosoft. I also enjoy using other operating systems, but as a software developer, I have to follow market trends to keep myself fed—regardless of the market trends.

''However, it is apparent to any casual software user that Microsoft has attempted to maintain a monopoly on the Internet Web Browser market. It is more apparent to a software developer who works within Microsoft operatlng systems. The technical aspects involved in the operatlng system itself (speclflcally, development with the Microsoft Foundation Classes and use of '.Net'' technology) marries the software developer (happily or unhappily so) to Internet Explorer, and the operating system. ''Furthermore, speclflc training programs such as MCSE (Mlcrosoft Certified Software Englneer) and MCSD (Microsoft Certlfled Solution Developer) are geared towards maintaining the Internet Browser market by way of gearing Mlcrosoft Cettifled individuals (who pay for courses and tests!) to use only Microsoft Products.

''Operating Systems.

''Software.

''Software Development.

''In an Internet enabled world, these are the tools for maintaining a monopoly on the Internet Browser Market.

''One could argue that nobody else has attempted these things on the level that Microsoft Inc. has, Yet that is my point. Nobody should. Freedom of Choice.

''The newer versions of Windows have the Internet technologies wrapped in them. This IS an obvious attempt to matntain a monopoly on the Internet Browser market. They may be able to prove that they did not do it 'on purpose', but they have done it. If I run over a man wlth my car, and I broke a traffic law while doing so, the offense is manslaughter. It I planned to do it (premedltated), it's Murder 1. The fact remains that a man would be dead.

''Odds are that when this is read, It will be read on a Windows NT 4.0 machine. Why? Because the U.S. Government has certified Windows NT 4.0 as a secure operating system, Furthermore, this mail message will probably be read through another one of Microsoft's applications.

''The US. Government, for lack of any other 'secure'' operating system, has gone with the highest bidder. Nell Armstrong quipped about going to the moon on everything built by the lowest bidder, and here the United States states that we'll go with the ONLY software manufacturer that creates an operating system. This seems counterintultive. Freedom of Choice. If you need more proof than the software that the reader of this document Is using, and my ability to predict that, I'm at a loss.

''These two polnts highlight the fact that the average American consumer is paying more than once for the same software—flrst as consumers, then as taxpayers. When banks charge twice for ATM withdrawals, we cringe and say that it may be legal, but it Is obviously immoral. Given, the hardware manufacturer Is hiding the price of the operating system on new computer systems, the fact remains the same.

''This is a sticky situation, but legal recourse In the interest of the people of the United States (and the rest of the world!) should contain the following items:

''(1) Microsoft products—or products of any software manufacturer—must be sold as separate items by computer vendors. Users can then make a CONSCIOUS choice. Other software manufacturers then also have a chance to compete. Installation of the USER SELECTED software can remain free.

''(2) Any Microsoft networklng protocols must be publlshed in full and approved by an independent network protocol body. This would prevent Microsoft from seizing de facto control of the Internet.

''(3) The speclflcations of Microsoft's past, present and future document and network formats must be made public, so that documents created in Microsoft applications may be read by programs from other makers, on Microsoft's AND other operating systems. Thls is in addltion to opening the Wlndows Application Program Interface ('Windows API', the set of ''hooks'' that allow other parties to write applications for Windows operating systems), which is already part of the proposed settlement.

''(4) The level Microsoft is certified by the Software Engineering Institute must be made public to the consumer, as well as insight into their development process for Operating Systems. SE1 level 3 is required by the United States Government for software companies that supply software to it (or that was coming in 1999). This certification was created to protect the government from software manufacturers that had no software development process. This same certification should protect the average consumer, AND insight into the Software Development Process for creation of their operating systems would glve software manufacturers a chance to keep up with Microsoft,

''(5) Device Driver information for new operating systems MUST be made public prior to the release of the operating system by a minimum of 6 months. This Is VERY important when dealing with future web enabled embedded devices. This is also very important to the average consumer—they get a better product!

''This judgment is not only of Import to the United States, where It is a national issue. It is in fact an INTERNATIONAL issue, since the monopoly itself extends to ali corners of the world, Judgment In this case MUST be fair to the consumer, because future cases along these lines will look toward this precedent. And, in future, it may not be as domestic an Issue. ''Furthermore, if Microsoft Inc. were a foreign company, this would be seen as a security issue. It should be seen this way despite the fact that Microsoft is a domestic software manufacturer, (and) for the SAME reasons.

''Please realize that the implications In an Internet based society reach further than the next few years, They affect society ad inflnitum.''

Please do not allow this travesty of a negotiated settlement to warp this nation's future.

Please do not allow the tools of production to remain in a single palr of grasping corporate hands.

Thank you for your consideration. Please help the judge to make careful and considered choices. The task before you now Is to rein In this corporate megalith and constrain its future behavior into conformity with the letter and spirit of the law. The richest must not be allowed to legislate for all of us, with no end other than their further enrichment,

That isn't justice.

Thomas M, Barclay

01/09/02

MTC–00033718

Janice M. Yahr, CPA
3505 Veterans Memorial Highway
Ronkonkoma, NY 11779–7613
January 11, 2002
Attorney General John Ashcroft

US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

I am a concerned citizen writing you regarding the recent Microsoft settlement. After three years of delays in this well thought out, and well monitored negotiation process, it seems ridiculous to hold up these terms any longer. The terms should now speak for themselves, and be allowed to pull together the IT sector to function as a team.

Not only has Microsoft agreed to rework licensing and marketing agreements, but also has agreed to design future versions of Windows to allow for easier installation of non-Microsoft software. They have also agreed to make these changes while being monitored by a committee to make sure that they follow procedure. With all of the concessions made by Microsoft, it is evident that they were acting in the best interest of the IT sector as a whole. This is one of the prime reasons why we should be supporting our technology industry by supporting this settlement.

Moving forward with this settlement can only be helpful to consumers, the technology industry, and our economy as a whole. Let us help support our economy at this time and stop any further action against this settlement. I thank you for your support.

Sincerely,
Janice M. Yahr

MTC–00033719

Jacques Germans
67—59 214 Street
Bayside, NY 11364
718 224 8477 o fax: 503 210 1575 o e-mail jgermans@ecomltd.com
January 11, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I am writing in support of the Microsoft antitrust settlement. I do not believe protracted litigation, or the imposition of punishment beyond the terms of the agreement, such as breaking up the Microsoft Corporation, will serve the best interests of anyone.

As a computer consultant. I believe open competition is beneficial to consumers, and to our economy as a whole. Microsoft has been a fierce competitor in the market place, and has prospered as a result. This has been good for consumers. However, if Microsoft violated any antitrust lams in their business practices, that behavior should be rectified. So long as the settlement agreement provisions rectify any actions that violate the laws, the settlement agreement should be approved, and the litigation should end. I believe the settlement agreement contains such provisions. Specifically, the creation of a three person technical committee to monitor Microsoft's business practices, and Microsoft's agreement to share internal operating information with its competitors, will go far in ensuring compliance with antitrust laws.

I urge you to support the settlement agreement. In these trying economic times? it is important for Microsoft. and the computer industry as a whole, be free to focus on business, rather than lawsuits.

Sincerely,

MTC–00033720

Konard 0. Hauffe, DDS
Post office Box 543
717 Main Avenue
Brookings, SD 57104
605–692–4715 Ofnce/605–692–2427 Fax
January 2,2002
Renata Hesse\Trial Attorney
Anti-Trust Division
United States Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Renata Hesse:

For the past couple years, I have been very concerned that the anti-trust suit against Microsoft Corporation will slow down the progress Windows has brought to home users and businesses.

I have a dental practice in eastern South Dakota and I look forward to the development of a Windows based system in the near future to replace the DOS program my office has used. However, I believe if the government continues this case against Microsoft, it will retard the kinds of innovations which would benefit clients like me and others. I also believe that it would be harmful to creativity if this case results in government playing a role which slows down progress and makes companies less apt to develop new products and market them. I think the government should avoid micromanaging companies in the information technologies industry.

Beyond the government intrusion issue, what is disconcerting in this court action is the fact that Microsoft's actions have not been found to be ham&l to consumers. I realize there are additional issues in this case, but it is also my understanding that those issues have been addressed in the settlement awement.

I am sending this Ietter in the public comment phase of this process to let you know that I support the settlement agreement and wish to see an end to this case. I also applaud the settlement's provisions which will bring new technologies to schools where poverty has prevented children from competing educationally.

Thank you for your attention to my concerns.

Sincerely,
Dr, Konarcd 0. Hauffe

MTC–00033721

Mark Magnuson
27185 Pine Circle
Harrisburg, South Dakota 67032
December 3 1,200l
Renata Hesse, Trial Attorney
Antitrust Division
United States Department of Justice
601 D Street NW—Suite 1200
Washington, DC. 20530

Dear Rcnata Hesse:

I was extremely pleased at the initial news of a settlement between the US. Justice Department and the Microsoft Corporation over the anti-trust suit brought by the Justice Department and various states'' attorneys generaI. However, I became concerned when I heard that halfof the states in the suit want to keep up the fight in the courts, and that it was also clear that they were being cheered on my Microsoft's competitors, I hope that common sense and fairness will prevail and that this four-year-old, very expensive suit will be ahowed to finally settle. I support the settlement. As a businessman in southeastern South Dakota, I know that business ru.tis'on Microsoft's Windows programs. Because the company has produced versa$)e, uncomplicated and affordable software that offers the best innovations, large and 4mall businesses have been enabled to compete with access to the information highway. It certainly has enabled entrepreneurs to enter the business world at the sa.rne''technica.l level of older firms, and that has been a major cornerstone for our state's economy.

From news stories, I have learned that the proposed settlement uses a means test to have Microsoft outfit the most economically needy schools and students with the tools they need to use the internet, The intemct is the great equalizer in this age, and it is essential as learning to read and perform math to the success of each student. The settlement also resolves the issues which the courts decided needed to be resolved. I can't think what positive purpose can be served if Microsoft's antagonists are allowed to kill this settlement and drag this issue along for another year or two, because it is doubtful the continuation of this case will produce new findings of my substance.

As one who uses Windows in my work and at home, I am a satisfied customer+ and I don't know any business people in the Sioux Falls region who have a beef with the quality of the software supplied by Microsoft. Spending more time and taxes on this case, I believe, would truly be a waste. Please allow this settlement to stand.

Thank you.
Mark Magnuson

MTC–00033722

Georgia Hanson
551 N. Mable Avenue—Sioux Falls, SD 57103
December 31, 2001
Ranata Heese, Trial Attorney
Antitrust Division
U.S. Department of Justice
Washington, DC 2053C

Dear Renata:

Ths recently achieved settlement on U.S. vs. Microsoft will bring a wonderful opportunity to bridge the digital divide which exists for children in several counties of my state. I want you to know that South Dakota has had three of the nation's most impoverished counties, according to the Census Bureau, which are located on Indian Reservations. However, poverty in South Dakota is found in non-Indian counties where children live in farms, ranches and rural communities. Thanks to this settlement, these children won't have to stand last in line for this fundamentally important educational tool.

As a consultant and businesswoman, I am pleased that this settlement offers the hope that Microsoft will be able to continue its good work for new software innovations.

However, the most important benefit for our nation's economy rests with the conclusion of a court case which has certainly run its course. I was very pleased that the federal government and half of the states involved in the case reached a settlement in an anti-trust case where no harm to consumers was established. I am also very concerned about the effect on our economy and on the stability of the information technologies sector of our economy if this settlement is abandoned. Further compromises and penalties would have a chilling effect on any company's ability to become as innovative and productively assertive as Microsoft has been in its drive to be the most successful software developer in the world.

It is clear that the critical issues in the case have been resolved. I hope for the sake of this important industry that the last word has been said and that conusumers will continue to benefit from more innovations and advancements in technology.

Sincerely,
Georgia Hansen

MTC–00033723

Rick Bauermeister, Director of Business Development
Market Solutions Group, Inc.
300 N. Dakota Avenue, Sioux Falls, DD 57184
Renata Hesse, Trial Attorney
Anti-Trust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

I am very pleased to submit my letter of support for the settlement under consideration in the U.S v. Microsoft anti-trust case. I have foIloved this issue through the news media, and I believe the settlcment is fair and completely resolves the issues which were upheld by the courts.

Additionally, I am very, very pleased to see this case resolved after all of the time and financial resources which were invested thus far. It would be extremely unfortunate if this issue were to allow to linger and devour more time and money, nor to mention the damage done to the Microsoft Corporation to continue defending itself and disrupting its services as the world's leader in the development and sales of affordable, easy-to-use software. The stock market reports show thut while many sectors in economy have been sagging from the economic recession, Microsoft has shown remarkable resiliency.

As a businessman whose livelihood has depended on advances in information technology, I've paid attention to how the dynamic advances created by Microsoft has not only vastly improved office system functions, but also how these advances have become more and more accessible and affordable to consumers. I think that consumers and our nation's economy have been the ultimate winner in Microsoft's quest to provide the best possible technological support to computer users.

The settlecment which is being considered is a huge benefit for underprivileged children and school systems. But it is also the best solution for our nation's economy, consumers, and the entire information technology industry. I strongly recommend that this settlement is allowed to be enacted and that this controversy is finished once and for all. I thank you very much for your attention to my letter.

With best regards,
Rick Bauermeister

MTC–00033724

January 2, 2002
Renata Hesse, Trial Attorney
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse

Thank you for this opportunity to offer my views on the proposed settlement on the anti-trust case, U.S. VS. Microsoft Corporation. I am In full support of the settlement for these reasons:

o The settlement, when enacted, will put an end to a court action which has dragged along for four years and has cost our federal government a great deal of money.

o The benefits from the settlement will be highly fruitful for children, in our nation who most need access to information technologies, but who have been shut out because of economic circumstances.

o The conclusion of this case will stop dragging down Microsoft Corporation's resources and attention from the excellent job it has done to provide the highly usable and affordable software systems in the homes and offices of Americans.

+ The Conclusion of this case will also end the threat of bringing down a corporation that has proven itself as being essentlal to the overall strength of America's economy.

Microsoft has been a very supportive partner In the development of Information technologies in my home state of South Dakota. It submltted a S760,OOO matching grant to glve a significant boost to the state government's effort to make the Internet ubiquitous to South Dakotans, and to increase opportunities for our state economy.

Personally, I have frequently wondered why thls antl-trust case was Initiated, because the case has not succeeded In proving that Microsoft Corporation has adversely affected consumers, I thlnk the settlement Is very, very generous, and that if there were Issues which needed to be decided in this court process, they are now resolved.

Please do what you can to expedite this process and bring a fair conclusion to this case by allowing the settlement to be enacted.

sincerely,
Edward T. Clark, M.D.
4708 S. Wlldwood Circle
Sioux Falls, SD 57105

MTC–00033725

Paul McSweeney
Dakota Networks, Inc.
Phone: 605–331–6973 Fax: 605–332–8722
E-mail: paulmac@dakdta-networkscorn
December 29, 2001
Renata Hesse
Trial Attorney
Antitrust Division
Dept. Of Justice
601 D Street NW / Suite 1200
Washington, DC 20530

Dear Renata:

My letter is intended to provide commentary to voice my support for the proposed settlement in U.S. vs. Microsoft. My firm supplies software and IT support systems to many clients throughout the nation. As one who works with clients to set up office systems, I am very concerned about the net effect to the entire IT industry if this settlement is not enacted and the case is allowed to continue a course to more severe penalties and regulations on the development of new technologies.

The settlement reached by the Justice Department and nine of the states involved in the case probably does not make anyone entirely happy, but it includes something for everyone. Best of all, however, is the settlement will bring children and schools in economically stressed areas of our nation into the world of the internet. It also addresses the issues which the court process decided were the essential issues to be resolved.

I have relocated from Massachusetts to South Dakota. census records have shown consistently that South Dakota is home to the three pooreet counties in the United States. They are located on Indian reservations. While the state has done much to wire public schools for the internet and to prepare children for the information age, I believe the settlement will provide a huge leap forward for Indian children through the gifts of software and hardware involved in the settlement. I appreciate your attention to my letter. I hope this settlement ia enacted so that the IT industry can move forward.

Sincerely,
Paul McSweenney

MTC–00033726

MARY ELIZABETH JONES, ED.D.
48043 Snowbird Circle
Sioux Falls, South Dakota 57lO8
605–3674293 Office—6050743–2771 Residence
December 26,200l
Renata Hesse
Trial Attorney
Anti-Trust Division
U.S. Department of Justice
601 D Street, NW, Suite 1200
Washington, DC 20530

Dear Trial Attorney Hesse:

I appreciate the opportunity to state my support for the sottloment agreement in U.S. v. Microsoft because of the tremendous benefit it offers to dislldvantaged children through their education system, and because it finally brings to rest a court action which has absorbed enough time and resources firom our government and from a corporation which is vital to our nation's troubled economy. I have workod for many years in South Dakota as a mental therapist and in education, and I agree with the view that this settlement will repair what is known as '''the digital divide'' which exists among economic classes in our society, and it seeks to remedy the issues which have been found to be valid thus far in the court process.

It is my understanding that the purpose of anti-trust laws and processes is to protect consumers. However, I think it needs to be clearly underscored in the consideration of

this settlement that none of the Microsoft Corporation's actions have been found to havo harmed American consumers. Frankly, it appears to many of us that those who wish to jettison this valuable settlement and continue pursuing an even more severe victory are actually seeking to tear down

Microsoft's earned place as a leader in the information technologies industry. If such a severe victory is achieved, I believe the damage in the long-term will be against the entire information technologies industry and to the American economy. Microsoft Corporation is an important part of America's economic muscle and it is obvious to the casual observer that its marketplace competitors are working diligently to weaken the industry leader with tho hope that a short-term gain will result. I think it is worth noting that while there are nine states which seek to prolong this issue beyond its four-year run in the process, nine other states and the U.S. Department of Justice have decided this issue should be settled now. It would be best for this nation's economy and the industry to settle this issue with this fair settlement and move ahead.

Thank you very much for considering my thoughts on this important matter.

Sincerely,

Mary Jones

MTC–00033727

THE MAIN STREET PUB JBHICA RADSAN
11 W. Main, Vermillion, SD 57069
Phone: 6054BU-5261
December 31, 2001
Trial Attorney Renata Hesse
Antitrust Division
U.S. Department of Justice
601 D Street, NW Suite 1200 FP-2
Washington, DC 20530

Dear Trial Attorney Hesse:

My letter for the public commentary phase of the U.S. v. Microsoft antitrust case seeks to demonstrate my support in favor of the settlement agreement which was reached between Microsoft Corporation and the United States Justice Deparmsnt.

I gladly applaud the Justice Department for reaching this agreement because the settlement will bring to an end a protracted and expensive case which has resolved the issues which the court has upheld as valid concerns.

I think the merits of the settlement agreement and the conclusions reached therein can be beneficial to the future of software development in our nation. On the other hand, I am very wary of efforts by some interests to undermine this fair and just settlement and the motivations behind those efforts.

What is most noteworthy to me is that this case did not find that Microsoft had harmed consumers. This, fact should give pause to those who wish to continue spending resources to continue this case beyond what is reasonable.

As a businesswoman, I am pleased with the high value and affordable cost of Microsoft's products. I believe the corporation has done much to make information technologies handily available and affordable to millions of Americans. As one of the most succeesful corporations in America, Microsoft ia a pillar in America's economy and it has been a reliable partner in business development.

Anyone can see that the information technologies industry is a highly competitive industry, and that Microsoft's position as the leader has been fought against some very tough opposition. This competition keeps Microsoft on its toes to out-create its competitors, and I believe Microsoft'a meet productive and innovative days are yet to come as long as this case does not result in over-regulation and penalties which will give competitors an unearned advantage.

I have faith in our justice system that this settlement agreement will be allowed to proceed and its provisions, will be helpful-to consumers. Thank you for reviewing my words of encouragement to put this agreement to work for a more Secure industry and economy.

Very truly yours,

Jessica R. Radigan

MTC–00033729

From John & Edie Reynolds to 787–5765
Edie P. Reynolds
3709 Marlin Ct.
Raleigh. NC 27604
January 18, 2002
Renata Hesse
Trial Attorney
Antitrust Divisions
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Fax: 202–616–9937

Dear Ms. Hesse,

It is my belief that approving the settlement of the Microsoft case now will benefit the United States tremendously. It's time to get the economy moving again, and settling this suit will provide the perfect shot in the arm for the ailing American economy. The date of the beginning of the stock market's collapse can be traced to the frederal government's decision to break up Microsoft, according the Rush Limbaugh radio show last Tuesday, January 15, 2001. Investor confidence was destroyed by news that the market leader in the technology sector of our economy was due to be crippled by a harsh remedy to the antitrust case. We've got to work to bring that confidence back. This is the time to put the interests of working Americans ahead of the interests of politicians, corporate executives and trial attorneys. We need to focus on the future, not the past. Both parties have agreed to abide by the terms of this landmark settlement. Let's accept the resolution they have reached in the matter!

I request that Judge Kollar Kotally approve the proposed settlement. Thank you for considering my opinion.

Sincerely,

Edie P. Reynolds

MTC–00033730

Wake Forest—Chamber of Commerce
January 15, 2002
Renata Hesse, Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Fax: 202–616–9937

Dear Ms. Hesse:

Please register my comments under the summary, ''Let's end the Microsoft lawsuit while both parties agree.'' This lawsuit has dragged on for years, and has cost American taxpayers over $30 million to prosecute. Enough already! There is absolutely no reason to continue the suit any longer. I hope that the Department of Justice will take the same position as Microsoft and the federal prosecutors in this case: let's approve the settlement and move on. Let's examine the facts in this case with regard to the American economy and economic development. First of all, we're in a recession. This recession has driven up the unemployment rate and driven down the value of stocks. Thus, many Americans have lost their jobs, and many of those who still have employment have seen their savings devalued, Not good, right?

Second, Microsoft is recognized innovative leader in American business technology. In fact, virtually every business that I've recruited to Wake Forest uses Microsoft products in some form or another. They rely on Microsoft to develop new products on a perpetual basis in order to improve the efficiency and effectiveness of business. Yet, Microsoft has been forced to spend untold millions of dollars on legal defense instead of research and development. Additionally, the legal battle has undoubtedly cast doubt in Microsoft's executives'' minds as to whether they can legally introduce innovative products without being sued. Which brings me to my final point. The American entrepreneurial spirit is our singular most valuable asset If creative American business leaders are intimidated to the extent that they stop creating efficient business products for the rest of us to enjoy, then we have in effect killed the American entrepreneurial spirit. We don't want that, do we?

I request that Judge Kollar Kotelly approves the settlement Thank you.

Sincerely,

Stephen Barrington
Economic Development Director
Wake Forest, North Carolina
350 South White Street
Wake Forest, North Carolina 27587
Tel. 919–556–1519
Fax 919–556–8570
Web: www.wakeforestna.com
E-mail: wfchamber@sprintmall.com

MTC–00033731

From: Fax No.: Jul. 21 2001 02:32AM P4
Patrick T. McHenry
Former Special Assistant to the Secretary
United States Department of Labor
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms Hesse,

As a former Special Assistant to the Secretary of the United States Department of Labor, I am very aware of the challenges government faces in trying deal effectively with American businesses and the American workforce. One cause of unemployment for

the American workforce is the threat and actual filing of lawsuites against which American business must defend itself.

The federal government's case against Microsoft should be ended at this point in time. Both parties have agreed to a settlement. This settlement would mean the end of costly litigation for Microsoft. That's good news for American workers who have lost their jobs in this recession. You see, the less resources that Microsoft and other major corporate leaders have to invest in legal defense, the more funds they have available for research, development and, above all, job creation. Many people in the region in which I reside have lost their jobs. Many families are hurting. At this crucial stage in both our local and national economy, it is imperative that business and government work together. The perception that business and government have a constructive partnership will encourage investment and foster innovation among American industry.

These two components mean more jobs for American workers. Judge Kollar- Kotelly should approve the Microsoft settlement, for American workers'' sake.

Sincerely,

Patrick T. McHenry

1426 Buckingham Avenue—Gastonia, NC 28054

MTC–00033732

Edge, Inc.
100 Citrieon Ct
Cary, NC 27511
January 15, 2002
Renata Hesse
Trial Attorney
Antitrust Divisions
Department of Justice
601 D Street NW, Suite 1200
Washington. DC 20530

Dear Ms. Hesse,

As the President and CEO of Edge, Inc., the Chairman of the Board of Unum Telecommunications, the Vice President of Sales for Armstrong Moving and Storage Company and a member of the National Board of the Paget Foundation, I have more than a little experience in the realm of business and industry, particularly in the area of sales and marketing. Each of the enterprises I work to build would be nothing if not for the positive public perception built by sales and marketing.

Which brings me to my main point: lawsuits are bad for sales and marketing. Lawsuits make investors skittish, customers wary and employees uncertain. No matter how a company tries to present positive image, a perception will exist that a company has behaved improperly and is under intense scrutiny. No one wants to be scrutinized: not investors, not customers and certainly not employees.

Microsoft has developed many of the products that make business efficient. Their success has encouraged investment not only in Microsoft, but throughout the entire tech sector. Customers have included virtually all segments of the American populace, from Wall Street to Main Street, from CEOs to homemakers. Microsoft employees have developed these revolutionary products that previous generations could not have imagined in their wildest dreams.

All of these components of Microsoft's success have been put at risk by the antitrust suit against Microsoft. Because the economy is in bad shape, we must put this matter behind us. Microsoft and the federal government have reached a settlement agreement. Let's end this saga and allow Microsoft to go on leading American entrepreneurs in the twenty-first century.

I hope that Judge Kollar Kotelly approves this settlement.

Regards,

Edward Grieve

MTC–00033733

482 TANNER WAY
LANSDALE, PENNA. 19446
JANUARY 7, 2002
ATTORNEY GENERA JOHN ASHCROFT
U.S. DEPARTMENT OF JUSTICE
950 PENNSYLVANIA AVENUE, N-W
WASHINGTON, DC 20530–0001

Dear Mr. Ashcroft:

I am writing to express my opinion and beliefs on the recent antitrust settlement between Microsoft and the U.S. Department of Justice. I support the settlement 100%, but I am pessimistic about its passage and implementation. First off, I believe that settlement was not unreasonable. but the nine states in opposition are just grandstanding for their own political agendas. Microsoft is getting a raw deal and I think the matter will ultimately end up in the Supreme Court.

That is a pity, because the settlement is rather fair. and is the best that anyt ratlonal person could expect. The settlement addresses the original complaints about Microsoft, and now they have been addressed by everything from barriers against retaliation for developing competing software to fixed licensing prices and redesign of Windows XP.

At any rate, the recession has had a devastating effect on state budgets and the federal budget., and it is important that the technology industry be allowed to concentrate on business now Thank you for your time.

Sincerely,

CC: Senator Rick Santorum

MTC–00033734

PATRICK J. LEAHY, VERMONT,
CHAIRMAN
EDWARD M. KENNEDY, MASSACHUSETTS
ORRIN G. HATCH, UTAH
JOSEPH R. BIDEN. JR., DELAWARE
STROM THURMOND, SOUTH CAROLINA
HERBERT KOHL, WISCONSIN
CHARLES E. GRASSLEY, IOWA
DIANNE FEINSTEIN, CALIFORNIA
ARLEN SPECTER, PENNSYLVANIA
RUSSELL D FEINGOLD, WISCONSIN
JON KYL, ARIZONA
CHARLES E. SHUMER, NEW YORK
MIKE DEWINE, OHIO
RICHARD J. DURBIN, ILLINOIS
JEFF SESSIONS, ALABAMA
MARIA CANTWELL, WASHINGTON
SAM BROWNBACK, KANSAS
JOHN EDWARDS, NORTH CAROLINA
MITCH McCONNELL, KENTUCKY
United States Senate
COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510–6275
January 28, 2002
Ms. Renata Hesse
Trial Attorney
U.S. Department of Justice—Antitrust Division
325 7th Street NW Suite 500
Washington, DC 20530

Dear Ms Hesse,

We enclose the hearing record from the Judiciary Committee's December 12, 2001 hearing, ''The Microsoft Settlement: A Look to the Future,'' as a public comment pursuant to the Tunney Act's public comment provision, 15 U.S.C § 16(d), for the Department's or the Court's use as it deems appropriate.

Sincerely,

PATRICK J. LEAHY
Chairman
ORRIN G. HATCH
Ranking Republican Member

SENATE COMMITTEE ON THE JUDICIARY

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Mitchell Kertzman, Liberate Technologies
Matthew Szulik, Red Hat, Inc.
Charles F. Rule, Counsel to Microsoft Corporation
Jonathan Zuck, Association for Competitive Technology
Jay L. Himes, Office of the Attorney General, New York
[As of 1/28/02, the Committee has not received answers to written questions from Dr. Cooper]
Witness List
Senate Committee on the Judiciary
''The Microsoft Settlement: A Look to the Future''
Wednesday, December 12, 2001
10:00 a.m.
106 Dirksen Senate Office Building
PANEL I
The Honorable Charles A. James
Assistant Attorney General for the Antitrust Division, United States Department of Justice, Washington, DC
PANEL II
Jay Himes
Chief, Antitrust Bureau Office of the New York State Attorney General, New York, NY
Charles F. Rule
Fried, Frank, Harris, Shriver & Jacobson, Counsel to Microsoft Corporation, Washington, DC
PANEL III
Professor Lawrence Lessig, Esq.
Stanford Law School, Stanford, CA
Mark N. Cooper, Ph.D.
Director of Research, Consumer Federation of America, Washington, DC
Jonathan Zuck
President, Association of Competitive Technology, Washington, DC
Matthew J. Szulik
President and Chief Executive Officer, Red Hat, Inc., Durham, NC
Mitchell E. Kertzman
President and CEO, Liberate Technologies, San Carlos, CA
TRANSCRIPT OF PROCEEDINGS
UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY
MICROSOFT SETTLEMENT: A LOOK TO THE FUTURE
Washington, DC
December 12, 2001
CONTENTS STATEMENT OF:
Hon Charles A. James, Assistant Attorney General, Antitrust Division, United States Department of Justice, Washington, DC
THE MICROSOFT SETTLEMENT: A LOOK TO THE FUTURE
WEDNESDAY, DECEMBER 12, 2001
United States Senate,
Committee on the Judiciary,
Washington, DC
The committee met, pursuant to notice, at 10:08 a.m., in room SD-106, Dirksen Senate Office Building, Hon. Patrick J. Leahy, chairman of the committee, presiding.

Present: Senators Leahy, Kohl, Cantwell, Hatch, Kyl, 11 DeWine, Sessions, and McConnell.

The Chairman. Good morning. I just want to do a little housekeeping here. I want to make sure the chairman and ranking member of the Antitrust Subcommittee are here, Senator Kohl and Senator DeWine, both of whom have done a superb job for years in handling antitrust matters.

I told Senator DeWine earlier, and this will probably cause a recall petition from the Republican Party in Ohio, what a terrific job he did as chairman and then what a terrific job Senator Kohl has done as chairman on antitrust matters, and pointing out that they are issues of great complexity and great importance to everybody here in the Senate.

I have looked at the proposed settlement the Department of Justice and nine States have transmitted to the district court that is a plan for the conclusion of what has been really landmark antitrust litigation. But now it has got to pass the legal test set out in the Tunney Act if it is going to gain court approval, and that test is both simple and broad. It requires an evaluation of whether the proposed settlement is in the public interest.

There is significant difference of opinion over how well the proposed settlement passes this legal test. In fact, the States participating in the litigation against Microsoft are evenly split. Nine States joined in the 11 proposed settlement and nine non-settling States presented the court with an alternative remedy.

As the courts wrangle with the technical and complex legal issues at stake in this case, this committee is conducting hearings to educate ourselves, but also to educate the public about what this proposed settlement really means for our high-tech industry and for all of us who use computers at work and at school and at home.

Scrutiny of the proposed settlement by this committee during the course of the Tunney Act proceeding is particularly important. The focus of our hearing today is to examine whether the proposed settlement is good public policy and not to go into the legal technicalities. The questions raised here and views expressed may help inform the court. I plan, with Senator Hatch, to forward to the court the record of this hearing for consideration as the courts goes about the difficult task of completing the Tunney Act proceedings and the remedy sought by the non-settling States.

I am especially concerned that the district court take the opportunity seriously to consider the remedy proposal of the non-settling States, and to consider it before she makes her final determination on the other parties'' proposed settlement. The insights of the other participants in this complicated and hard-fought case are going to be valuable additions to the comments received in the Tunney Act proceeding. I would hope they would help inform the evaluation whether the settlement is in the public interest, a matter which for many people is still an open question.

The effects of this case extend beyond simply the choices available in the software marketplace. The United States has long been the world leader in bringing innovative solutions to software problems, in creating new tools and applications for use on computers and the Web, and in driving forward the flow of capital into these new and rapidly growing sectors of the economy.

This creativity is not limited just to Silicon Valley. I think of my own home area, Burlington, Vermont. It ranks seventh in the Nation in terms of patent filings. Burlington is 38,000 people and it is in a county of about 130,000 people. This is not per-capita; this is actual filings—seventh in the Nation.

Whether the settlement proposal will help or hinder this process and whether the high-tech industries will play the important role they should in our Nation's economy is a larger issue behind the immediate effects of this proposal.

With that in mind, I intend to ask the representatives of the settling parties how their resolution of this conflict will serve the ends that the antitrust laws require. Our courts have developed a test for determining the effectiveness of a remedy in a Sherman Act case. The remedy must end the anticompetitive practices, it must deprive the wrongdoer of the fruits of the wrongdoing, and it must ensure that illegality never recurs. The Tunney Act also requires that any settlement of such a case serve the public interest.

Now, these are all high standards, but they are reasonable ones and people have dealt with them for years. In this case, the DC Circuit, sitting en banc and writing unanimously, found that Microsoft had engaged in serious exclusionary practices, to the detriment of their competitors, and thus to all consumers. So we have to satisfy ourselves that these matters have been addressed and redressed, or if they have not, why not.

I have noted my concern that the procedural posture of this case not jeopardize the opportunity of the non-settling States to have their day in court, and not deprive the district court of the value of their views on appropriate remedies in a timely fashion.

In addition, I have two basic areas of concern about the proposed settlement. First, I find many of the terms of the settlement to be either confusingly vague, subject to manipulation, or, worse, both. Mr. Rule raised an important and memorable point when he last testified before this committee in 1997 during the very important series of hearings that were convened by Senator Hatch on competition in the digital age, hearings that helped shape a lot of thinking in the Senate.

Testifying about the first Microsoft-Justice Department consent decree, Mr. Rule said,

''Ambiguities in decrees are typically resolved against the Government. In addition, the Government's case must rise or fall on the language of the decree; the Government cannot fall back on some purported 'spirit'' or 'purpose'' of the decree to justify an interpretation that is not clearly supported by the language.'' So we take seriously such counsel. We would worry if ambiguity in the proposed settlement would jeopardize its enforcement.

Second, I am concerned that the enforcement mechanism described in the proposed decree lacks the power and the timeliness necessary to inspire confidence in its effectiveness. Particularly in light of the absence of any requirement that the decree be read in broad remedial terms, it is especially important that we inquire into the likely operation of the proposed enforcement scheme and its effectiveness.

Any lawyer who has litigated cases—and, Mr. James, that would certainly include you—and any business person knows how distracting litigation of this magnitude can be. We all appreciate the value that reaching an appropriate settlement can have not only for the parties, but also for consumers who are harmed by anticompetitive conduct, and the economy.

I am the first one to say we would like some finality so that everybody involved, all parties, can know what the standards are and all consumers can know what they are. Because of that, I don't come to this hearing pre-judging the merits of this proposed settlement, but instead as one who is ready to embrace a good settlement that puts an end to the merry-go-round of Microsoft litigation over consent decrees. The serious questions that have been raised about the scope, enforceability and effectiveness of this proposed settlement leave me concerned that if it is approved in its current form, it may simply be an invitation for the next chapter of litigation.

I want an end to this thing. I think everybody wants an end to it, but we want an end to it where we know what the rules are going to be. If we don't know what the rules are going to be, as sure as the sun rising in the east we are going to face these issues again. On this point, I share the concern of Judge Robert Bork, who warns in his written submission that the proposed settlement ''contains so many ambiguities and loopholes as to make it unenforceable and likely to guarantee years of additional litigation.

So I look forward to hearing from the Department of Justice and the other witnesses here. I will put into the record a series of letters: one, a letter to myself and Senator Hatch from James Barksdale; another, a letter to Assistant Attorney General James from Senator Hatch; a letter from Senator Hatch from Assistant Attorney General James; letters to myself and Senator Hatch from Robert Bork; a letter to myself from Ralph Nader, with two enclosures; written testimony of Catfish Software, Inc; and written testimony of Mark Havlicek of Digital Data Resources, Inc.

[The information referred to follows:]

The Chairman. I yield to Senator Hatch, who did such superb hearings on this whole issue earlier. Senator Hatch. Well, thank you, Mr. Chairman. As you know, We conducted a series of hearings, as you have mentioned, in this committee in 1997 and 1998 to examine the policy implications of the competitive landscape of the then burgeoning high-tech economy and industry, which was about to explode with the advent of the Internet.

Those hearings focused on competition in the industry, in general, and more specifically complaints that Microsoft had been engaged in anticompetitive behavior that threatened competition and innovation, to the detriment of consumers. Our goal was, and I believe today is to determine how best to preserve competition and foster innovation in the high-technology industry.

Although the committee and I as its chairman was then criticized by some, I strongly believed then and continue to believe now that in a robust economy involving new technologies, effective antitrust enforcement today would prevent the need for heavy-handed Government regulation of business tomorrow.

My interest in the competitive marketplace in the high-technology industry was animated by my strong opposition to regulation of the industry, whether by government or by one or few companies. As we may remember, the hearings before the Judiciary Committee developed an extensive record of Microsoft's conduct and evidenced various efforts by the company to maintain and extend its operating system monopoly. These findings, I would note, were reaffirmed by a unanimous and ideologically diverse Court of Appeals. The Microsoft case and its ultimate resolution present one of the most important developments in antitrust law in recent history, certainly in my memory.

As I have emphasized before, having a monopoly is not illegal under our laws. In fact, in a successful capitalistic system, striving to be one should be encouraged, as a matter of fact. However, anticompetitive conduct intended to maintain or extend this monopoly would harm competition and could possibly be violatire of our laws.

I believe no one would disagree that the DC Circuit Court's decision reaffirmed the fundamental principle that a monopolist, even a monopolist in a high-tech industry like software, must compete on the merits to maintain its monopoly, which brings us to today's hearing. We are here to examine the policy implications of the proposed settlement in the Government's antitrust litigation against Microsoft.

Mr. Chairman, rather than closing the book on the Microsoft inquiry, the proposed settlement appears to be only the end of the latest chapter. The settling parties are currently in the middle of the so-called Tunney Act process before the court, and the non-settling parties have chosen to further litigate this matter and last week filed their own proposed settlement. This has been a complex case with significant consequences for Microsoft, high-tech entrepreneurs, and the American public as well.

The proposed settlement between Microsoft and the Justice Department and nine of the plaintiff State attorneys general is highly technical. We have all been studying it and its impact with great interest. Each of us has heard from some, including some of our witnesses here today, that the agreement contains much that is very good. Not surprisingly, we have also heard and read much criticism of the settlement. These are complex issues, and I would hope today's hearing will illuminate the many questions that we have.

I should note that about two weeks ago I sent a set of detailed and extensive questions about the scope, interpretation, and intended effects of the proposed settlement to the Justice Department, naturally seeking further information on my part.

First, I want to commend the Department for getting the responses to these questions to me promptly. We received them yesterday. I think the questions, which were made public, and the Department's responses could be helpful to each member in forming an independent and fair analysis of the proposed settlement.

To that end, and for the benefit of the committee, Mr. Chairman, I would like to make both the questions and the Department's answers part of the record for this hearing. So I would ask unanimous consent that they be made part of the record.

As I noted in my November 29th letter to the Department, I have kept an open mind regarding this settlement and continue to do so. I have had questions regarding the practical enforceability of the proposed settlement and whether it will effectively remedy the unlawful practices identified by the DC Circuit and restore competition in the software marketplace.

I am also cognizant of both the limitation of the claims contained in the original Justice Department complaint by the DC Circuit, as well as the standards for enforcement under settled antitrust law. I believe that further information regarding precisely how the proposed settlement will be interpreted, given DC Circuit case law, is necessary to any full and objective analysis of the remedies proposed therein. I hope that this hearing will result in the development of such information that would supplement the questions that I have put forth to the Department.

Mr. Chairman, one important and critical policy issue that I would hope we can address today and that I would like all of our witnesses to consider as they wait to be empaneled so that they can discuss is the difficult issue of the temporal relation of antitrust enforcement in new high-technology markets.

It cannot be overemphasized that timing is a critical issue in examining conduct in the so-called ''new economy.'' Indeed, the most significant lesson the Microsoft case has taught us is this fact. The DC Circuit found this issue noteworthy enough to discuss in the first few pages of its opinion, and I will quote from the unanimous court:

''[w]hat is somewhat problematic...is that just over six years have passed since Microsoft engaged in the first conduct plaintiffs allege to be anticompetitive. As the record in this case indicates, six years seems like an eternity in the computer industry. By the time a court can assess liability, firms, products, and the marketplace are likely to have changed dramatically. This, in turn,

threatens enormous practical difficulties for courts considering the appropriate measure of relief in equitable enforcement actions.'' The court goes on to say, ''Innovation to a large degree has already rendered the anticompetitive conduct obsolete (although by no means harmless).''

Now, this issue is one that is relevant for this committee to consider as a larger policy matter, as well as how it relates to this case and the proposed settlement we are examining today.

Let me just say that one of the things that worries me is what are the enforcement capabilities of this settlement agreement? It was only a few years before these matters arose that Microsoft had agreed to a consent, a conduct decree that many feel they did not live up to, and I think it is a legitimate issue to raise as to how will the agreement that the Justice Department has worked out with Microsoft and nine of the plaintiffs be enforced if anticompetitive conduct continues.

In that regard, let me just raise Mr. Barksdale's letter, which I believe you put into the record.

The Chairman. I did, I did.

Senator Hatch. Well, let me just raise it because he does make some interesting comments in his letter and I can read them, I think they might be at least part of opening up the questions in this matter. I will just quote a few paragraphs.

He says, ''These developments have stiffened my resolve to do all I can to ensure that competition and consumer choice are reintroduced to the industry. It is vitally important that no company can do to a future Netscape what Microsoft did to Netscape from 1995 to 1999. It is universally recognized that the 1995 consent decree was ineffective, I respectfully submit that the Proposed Final Judgment, PFJ, which is the subject of the hearing, will be even less effective, if possible, than the 1995 decree in restoring competition and stopping anticompetitive behavior. Accordingly, Senator Leahy, I am going to follow your suggestion that I help the committee answer one of the central questions. If the PFJ had been in effect all along, how would it have affected Netscape? More important, how will it affect future Netscapes?''

He describes the impact on future Netscapes as follows, and let me just read a couple of paragraphs in this regard.

''As discussed in the attached document, the unambiguous conclusion is that if the PFJ agreed upon last month by Microsoft and the Department of Justice had been in existence in 1994, Netscape would have never been able to obtain the necessary venture capital financing. In fact, the company would not have come into being in the first place. The work of Mark Andreesen's team at the University of Illinois in developing the Mosaic browser would likely have remained an academic exercise. An innovative, independent browser company simply could not survive under the PFJ, and such would be the effect on any company developing in the future technologies as innovative as the Microsoft did to Netscape from 1995 to 1999. It is universally recognized that the 1995 consent decree was ineffective, I respectfully submit that the Proposed Final Judgment, PFJ, which is the subject of the hearing, will be even less effective, if possible, than the 1995 decree in restoring competition and stopping anticompetitive behavior. Accordingly, Senator Leahy, I am going to follow your suggestion that I help the committee answer one of the central questions. If the PFJ had been in effect all along, how would it have affected Netscape? More important, how will it affect future Netscapes?''

He describes the impact on future Netscapes as follows, and let me just read a couple of paragraphs in this regard. ''As discussed in the attached document, the unambiguous conclusion is that if the PFJ agreed upon last month by Microsoft and the Department of Justice had been in existence in 1994, Netscape would have never been able to obtain the necessary venture capital financing. In fact, the company would not have come into being in the first place. The work of Mark Andreesen's team at the University of Illinois in developing the Mosaic browser would likely have remained an academic exercise. An innovative, independent browser company simply could not survive under the PFJ, and such would be the effect on any company developing in the future technologies as innovative as the browser was in the mid-1990s.'' He goes on to characterize whether or not Microsoft could have developed this itself, but let me just read the last few paragraphs of this letter.

''If the PFJ provisions are allowed to go into effect, it is unrealistic to think that anybody would ever secure venture capital financing to compete against Microsoft. This would be a tragedy for our Nation. It makes a mockery of the notion that the PFJ is ''good for the economy'' unquote. If the PFJ goes into effect, it will subject an entire industry to dominance by an unconstrained monopolist, thus snuffing out competition, consumer choice, and innovation in perhaps our Nation's most important industry. And, worse, it will allow them to extend their dominance to more businesses such as financial services, entertainment, telecommunications, and perhaps many others. Four years ago, I appeared before the committee and was able to demonstrate, with the help of the audience, that Microsoft undoubtedly had a monopoly. Now, it has been proven in the courts that Microsoft not only has a monopoly, but they have illegally maintained that monopoly through a series of abusive and predatory actions. I submit to the committee that Microsoft is infinitely stronger in each of their core businesses than they were four years ago, despite the fact that their principal arguments have been repudiated 8–0 by the Federal courts. I hope you will keep these thoughts in mind during your hearings.'' Then he said, ''A more detailed analysis of my views follows.''

Well, the importance of that letter is basically Barksdale was one of the original complainants against Microsoft and was one of the very important witnesses before this committee in those years when we were trying to figure what we are doing here. I don't think you can ignore that, and so these questions have to be answered that he raises, plus the questions that I have given as well.

So you have put that letter in the record?

The Chairman. I have, and also I understood you wanted those letters that you had to Mr. James. Those are also part of the record.

Senator Hatch. I appreciate it.

Let me just say, Mr. Chairman, I am grateful that you are continuing the committee's important role in high-technology policy matters, as I would expect you to do because I know that you take a great interest in these matters, as does, I think, every individual person on the committee.

I certainly look forward to hearing our witnesses 23 today, and I am going to keep an open mind on where we are 24 going here and hopefully we can resolve these matters in a 25 way that is beneficial to everybody, including those who are against Microsoft and Microsoft itself.

Thank you, Mr. Chairman.

The Chairman. Thank you.

Senator Kohl?

Senator Kohl. Mr. Chairman, we thank you for holding this hearing here today.

This is a crucial time for competition in the high-tech sector of our economy. After spending more than three years pursuing its groundbreaking antitrust case against Microsoft, the Government has announced a settlement. But the critical question remains, will this settlement break Microsoft's stranglehold over the computer software industry and restore competition in this vital sector of our economy? I have serious doubts that it will.

An independent Federal court, both the trial court and 16 the Court of Appeals, found that Microsoft broke the law and that its violation should be fixed. This antitrust case was as big as they come. Microsoft crushed a competitor, illegally tried to maintain its monopoly, and stifled innovation in this market.

Now, after all these years of litigation, of charges and counter-charges, this settlement leaves us wondering, did we really accomplish anything. Or in the words of the old song, ''is that all there is?'' Does this settlement obey the Supreme Court mandate that it must deny the antitrust vr 18 1 violator the fruits of its illegal conduct?

It seems to me and to many, including nine of the States that joined the Federal Government in suing Microsoft, that this settlement agreement is not strong enough to do the job, to restore competition to the computer software industry. It contains so many loopholes, qualifications, and exceptions that many worry that Microsoft will easily be able to evade its provisions.

Today, for the vast majority of computer users, the first thing they see when they turn on their machine is the now familiar Microsoft logo, placed on the Microsoft start menu, and all of their computer operations take place through the filter of Microsoft's Windows operating system. Microsoft's control over the market is so strong that today more than 95 percent of all personal computers run on the Windows operating system, a market share high enough to constitute a monopoly under antitrust law.

Its share of the Internet browsing market is now over 85 percent, and it reported a profit

margin of 25 percent in the most recent quarter, a very high number in challenging economic times. Microsoft has the power to dictate terms to manufacturers who wish to gain access to the Windows operating system and the ability to leverage its dominance into other forms of computer software. And Microsoft has never been shy about using its market power.

Are we here today really confident that in five years this settlement will have had any appreciable impact on these facts of life in the computer industry? I am not.

We stand today on the threshold of writing the rules of competition in the digital age. We have two options. One option involves one dominant company controlling the computer desktop facing minor restraints that expire in five years, but acting as a gatekeeper to 95 percent of all personal computer users. The other model is the flowering of innovation and new products that resulted from the breakup of the AT&T telephone monopoly nearly 20 years ago. From cell phones to faxes, from long-distance price wars to the development of the Internet itself, the end of the telephone monopoly brought an explosion of new technologies and services that benefit millions of consumers everyday. We should insist on nothing less in this case.

In sum, any settlement in this case should make the market for computer software as competitive as the market for computer hardware is today. While there is nothing wrong with settling, of course, we should insist on a settlement that has an immediate, substantial and permanent impact on restoring competition in this industry.

I thank our witnesses for testifying today and we look 24 forward to hearing your views.

The Chairman. Thank you.

Senator DeWine?

Senator DeWine. Mr. Chairman, thank you very much for holding this very important hearing concerning the Department of Justice's Proposed Final Judgment in its case against Microsoft.

Mr. Chairman, as we examine this judgment and attempt to imagine what it will mean for the future of competition in this market, we must keep in mind the serious nature of this case. According to the DC Circuit Court, Microsoft did, in fact, violate our antitrust laws. Their behavior hurt the competitive marketplace. This is something that we must keep in mind as we examine the Proposed Final Judgment.

This hearing is particularly important at this time because Federal law does require the district court to examine the proposed settlement and determine if it is, in fact, in the public interest. Federal law clearly allows the public to be heard on such matters. I believe that this forum today will further that process of public discussion.

The Court of Appeals in this case, relying on established Supreme Court case law, explained what an appropriate remedy in an antitrust case such as this one must seek to accomplish. It should unfetter the market from anticompetitive conduct, terminate the illegal monopoly, and deny the defendant the fruits of its violations. It is important, Mr. Chairman, that we examine whether the decree would, in fact, accomplish these goals.

There seems to be a great deal of disagreement about what the competitive impact of the decree will be. While the proposed settlement correctly, I believe, focuses primarily on the market for middleware, there has been a great deal of concern raised about the mechanism for enforcing such a settlement. Specifically, I think we need 8 to discuss further whether the public interest would be better served with a so-called special master or some sort of other administrative mechanism, or whether the Justice Department could be more effective enforcing the decree on its own.

In addition to the Department of Justice's Proposed Final Judgment, we also have the benefit of another remedies proposal that has been submitted to the court by nine States that did not join with the Antitrust Division's proposal. I would like to hear from our witnesses about the role they believe this alternative proposal should play in the ongoing Tunney Act proceedings.

As I mentioned earlier, Mr. Chairman, the Court of Appeals directed that any remedy should seek to deny Microsoft the fruits of its illegal activities. One clear benefit Microsoft derived from its violations was the effective destruction of Netscape as a serious competitor and a decrease in Java's market presence. It is obviously impossible to go back in time and resurrect the exact market structure that existed, but it is important to discuss how the proposed settlement deals with this problem.

I would also like to note for the record that Microsoft will be represented today by one of their outside counsel, Rick Rule, rather than an actual employee of the company. Mr. Rule is an outstanding antitrust lawyer. He is well qualified to testify on this issue and we certainly look forward to hearing his testimony today.

However, Mr. Chairman, I must say that I am disappointed that Microsoft chose not to send an actual officer of the company because it does not appear to represent, frankly, the fresh start that I think we were all hoping to begin today.

Finally, I would like to thank you, Mr. Chairman, Ranking Member Hatch, and Antitrust Subcommittee Chairman Kohl for all of your hard work in putting this hearing together and all of your work on this issue generally over the last few years.

I look forward to the testimony of our witnesses today and to the committee's continuing oversight of this very important issue.

The Chairman. Mr. James, there is a vote on the floor. I think there are two or three minutes left in the roll call vote. We are going to suspend while we go to vote, but I think—

Senator McConnell. Mr. Chairman, I have a really brief statement. Could I make that before you adjourn?

The Chairman. You can.

Senator McConnell. Let me just say that this hearing and the accompanying media spectacle indicate the Microsoft case is the subject of significant public interest and debate. Some argue that the case itself should never have 9 been filed to begin with, and now after nearly four years of litigation, Microsoft, the Department of Justice and nine States have reached a settlement.

I just want to commend the parties for their tireless effort and countless hours spent in reaching the compromise. Settlement is nearly always preferable to litigation, and regulation by the market is nearly always better than regulation by litigation, or the Government for that matter.

As far as what the public thinks, just this week a nationwide survey indicated that the U.S. Government and Microsoft agreed to settle the antitrust case. However, nine State AGs argued that the antitrust case against Microsoft should continue. Which statement do you agree with?

The U.S. economy and consumers would be better off if the issue Were settled as soon as possible: 70 percent. The curt should continue to investigate whether Microsoft should be punished for its business activities: 2percent. Not that the public is always determinative, but I thought that would be an interesting observation to add.

Thank you very much, Mr. Chairman.

The Chairman. Mr. James, I think you would note from the comments that they sort of go across the board here. The majority of people favor a settlement, but I must say that I don't think the majority of people favor any settlement; they favor a good settlement, and that is what the questions will be directed at and that is why nine attorneys general have expressed concern. Nine agreed with the settlement, nine disagreed with the settlement. These are all very good, very talented people. So in your testimony when we come back, you have heard a number of the questions that have been raised and we look forward to you responding to them.

We will stand in recess while we vote.

[The committee stood in recess from 10:40 a.m. to 11:14 a.m.]

The Chairman. I should note for the record that Mr. James has served as the Assistant Attorney General for the Antitrust Division since June 2001. He previously served as Deputy Assistant Attorney General for the Antitrust Division for the first Bush administration from 198to 1992. He served as Acting Assistant Attorney General for several months in 1992, then was head of the antitrust practice at Jones, Day, Reavis and Pogue, in Washington.

Not knowing what the Senate schedule might be, Mr. James, we will put your whole statement in the record, of course. I wonder if you might summarize it, but also with some reference to the charge made in the letter to Senator Hatch and myself by Mr. Barksdale, who said had these been the ground rules, he never would have been able to get Netscape off the ground. Had these been the ground rules at the time they started Netscape, they never would have been able to create Netscape. If that is accurate, of course, then we have got a real problem.

So, Mr. James, it is all yours.

STATEMENT OF HON. CHARLES A. JAMES, ASSISTANT ATTORNEY GENERAL, ANTITRUST DIVISION, UNITED STATES DEPARTMENT OF JUSTICE, WASHINGTON, DC

Mr. James. Thank you, Senator Leahy, and good morning to you and members of the committee. I am pleased to appear before you today to discuss the proposed settlement of

our still pending case against Microsoft Corporation.

With me today are Deborah Majoris, my deputy, and Phil Malone, who has been the lead staff lawyer on the Microsoft case from the very beginning. I note their presence here because they were the ones who responded to the judge's order that we negotiate around the clock and I think they have recovered now.

As you know, on November the Department and nine States entered into the proposed settlement. We are in the midst of the Tunney Act period, as you know, and that will end at the end of January, at which point the district court will determine whether the settlement is in the public interest. We think that it is.

I am somewhat limited in what I can say about the case because of the pendency of the Tunney Act proceeding. But, of course, I am happy to discuss this with the committee for the purpose of public explication.

When thinking about the Microsoft case, from my perspective it is always important to distinguish between Microsoft, the public spectacle, and Microsoft, the actual legal dispute. We look, in particular, to what the Department alleged in its complaint and how the court ruled on those allegations.

The Antitrust Division's complaint had four counts: attempted monopolization of the browser market, in violation of Section 2; individual anticompetitive acts and a course of conduct to maintain the operating system monopoly, in violation of Section of the Sherman Act; tying its own browser to the operating system, in violation of Section 1; and exclusive dealing, in violation of Section 1.

I would note that a separate monopoly leveraging claim brought by the States was thrown out prior to trial, and that the States at one time had alleged in their complaint monopolization of the Microsoft office market, and that was eliminated by the States through an amendment.

There was, of course, a trial before Judge Jackson, at the conclusion of which Judge Jackson found for the Government on everything but exclusive dealing and ordered Microsoft to be split into separate operating system and applications businesses after a one-year transitional period under interim conduct remedies.

On appeal, however, only the monopoly maintenance claim survived unscathed. The attempted monopoly claim was dismissed. The tying claim was reversed and remanded for further proceedings under a much more rigorous standard. And the remedy was vacated, with the court ordering remedial hearings before a new judge to address the fact that the liability findings had been, in their words, ''drastically curtailed.''

Even the monopoly maintenance claim was cut back in the Court of Appeals decision. The Court of Appeals found for Microsoft on some of the specific practices and ruled against the Government on the so-called course of conduct theory of liability.

I recount all of this history to make two basic points that I think are important as we discuss the settlement. First, the case, even as initially framed by the Department of Justice, was a fairly narrow challenge. It was never a direct assault on the acquisition of the operating system monopoly itself.

Second, and perhaps much more important, the case that emerged from the Court of Appeals was much narrower still, focusing exclusively on the middleware threat to the operating system monopoly and specific practices, not a course of conduct found to be anticompetitive.

The Court of Appeals decision determined the reality of the case as we found it in the Department when I first arrived there in June, as you noted. The conduct found to be unlawful by the court was the sole basis for relief.

It is probably worth talking just briefly about the monopoly maintenance claim. The complaint alleges that Microsoft engaged in various anticompetitive practices to impede the development of rival Web browsers and Java. These products came to be known as middleware and were thought to pose a threat to the operating system monopoly because they had the potential to become platforms for other software applications. The court noted that the middleware threat was nascent; that is to say that no one could predict when, if ever, enough applications would be written to middleware for it to significantly displace the operating system monopoly.

A few comments about the settlement itself. In general terms, our settlement has several important points that we think fully and demonstrably remedy the middleware issues that were at the heart of the monopoly maintenance claim.

In particular, our decree contains a very broad definition of middleware that specifically includes the forms of platform software that have been identified as potential operating system threats today and likely to emerge as operating system threats in the future. It prohibits in the broadest terms the types of contractual restrictions and exclusionary arrangements the Court of Appeals found to be unlawful. It fences in those prohibitions with appropriate non-discrimination and non- retaliation provisions, and it creates an environment in which middleware developers can create programs that compete with Microsoft on a function-by-function basis through a regime of mandatory API documentation and disclosure.

In the most simple terms, we believe our remedy will permit the development and deployment of middleware product without fear of retaliation or economic disadvantage. That is what we believe and what the court found that consumers actually lost through Microsoft's unlawful conduct, and that is what we think consumers will gain through our remedy.

With specific reference to what Mr. Barksdale said, if I may, I have not reviewed Mr. Barksdale's letter. I know that in this particular situation, with so much at stake in this particular settlement, I have seen lots of hyperbolic statements. I certainly wouldn't necessarily characterize his in that vein without having read it in some detail.

I would note, however, that—

The Chairman. Mr. James, we are going to give you an opportunity to do that because I want you to look at it. You can feel free to call it hyperbolic or however, but I would ask that you and your staff look at his letter, which does raise some serious questions, and I would like to see what response you have for the record.

Mr. James. I would be happy to do so. And with that, I would be happy to answer your questions.

The Chairman. Did you have more that you wanted to say on the letter?

Mr. James. No, sir. I am happy to respond to what you folks want to talk about.

The Chairman. The Department of Justice has been involved in litigation against Microsoft for more than 1 years. I am one of those who had hoped throughout that that the parties might come to some conclusion. I think that if you can have a fair conclusion, it is in the best interests of the consumers, the Government, Microsoft, competitors, and everybody else. I have no problem with that, but that presupposes the right kind of settlement.

Over the course of those 1years, the parties entered into one consent decree that just ended up with a whole lot more litigation over the terms of that consent decree. I mention that because you take this settlement and it is already being criticized by some for the vagueness of its terms and its loopholes. Judge Robert Bork warned, and I think I am quoting him correctly, ''It is likely to guarantee years of additional litigation.''

Now, what kind of assurances can you give or what kind of predictions can you give that if this settlement is agreed to by the court that we are going to see an end to this litigation and we are going to have a stop to this kind of merry-go-round of Microsoft litigation concerning compliance or even the meanings of the consent decree?

I notice a lot of people in this room on both sides of the issue. I have a feeling that they are here solely because of their interest in Government and not because the meter is running. A lot of us would like to see this thing end, but why do you feel that this settlement is so good that that is going to end?

Mr. James. Well, Senator, that is certainly a legitimate question and I understand the spirit in which it is asked. One of, I think, the facts of life is that one of the reasons that we have so many antitrust lawyers, and perhaps why there are so many of them in this room, is that firms with substantial market positions very often are the subject of appropriate antitrust scrutiny, and so it is with Microsoft and so it should be.

Our settlement here is a settlement that resolves a fairly complex piece of litigation. It by its terms is going to be a complex settlement, inasmuch as it does cover a broad range of activities and has to look into the future prospectively in a manner that benefits consumers. And some of that consumer benefit certainly will come from the development of competing products. Some of that consumer benefit, however, will come from competition from Microsoft as it moves into other middleware products, et cetera.

We think that the terms of the decree are certainly enforceable. I think so much of what has been called a loophole are things that are carve-outs necessary to facilitate pro-competitive behavior, and we certainly think

that the enforcement power embodied in this decree—I would say an unprecedented level of enforcement power, three tiers of enforcement power—is sufficiently to let the Department of Justice do its job.

The Chairman. But keep in mind that usually in these kinds of decrees, if it is not specifically laid out, the courts tend to decide the vague questions against the Government, not for the Government. Fortune Magazine said even the loopholes have loopholes—a pretty strong statement from a very pro-business magazine. The settlement limits the types of retaliation Microsoft can take against PC manufacturers that want to carry or promote non-Microsoft software, but some would say that it gives a green light to other types of retaliation.

Now, why doesn't the settlement ban all types of retaliation? The Court of Appeals said twice that if you commingle the browser and operating system code, you violate Section of the Sherman Act. The proposed settlement contains no prohibition on commingling code. There is no provision barring the commingling of browser code and the operating code. So you have got areas where they can retaliate. You don't have the barring of this commingling of code.

I mean, are Fortune Magazine, Judge Bork and others justified in thinking there are a few too many loopholes here, notwithstanding the levels of enforcement?

Mr. James. Let me take your points in order. First, on the subject of retaliation, retaliation is a defined term in this decree. It is a term that we are using to define a sort of conduct that Microsoft can engage in when it engages in ordinary commercial transactions.

I don't think that there is any scope in the bounds of this case to prohibit Microsoft from engaging in any form of collaborative conduct with anyone in the computer industry, and certainly the types of collaborative conduct that are permitted, the so-called loopholes, are the type of conduct that is permitted under standard Supreme Court law embodied in decisions like Broadcast Music v. NCAA, and also embodied in the Federal Trade Commission-Department of Justice joint venture guidelines as sanctioned forms of conduct. So we think that antitrust lawyers certainly can understand these types of issues and we think the courts can understand these types of issues.

Secondly, with regard to your more particular point about commingling code, it is certainly the case that the Court of Appeals, following upon the district court decision, found that Microsoft had engaged in an act of

STATEMENT OF SENATOR JEFF SESSIONS BEFORE THE SENATE COMMITTEE ON THE JUDICIARY ''THE MICROSOFT SETTLEMENT: A LOOK TO THE FUTURE''

December 12, 2001

I am troubled by the decision of Committee, acting in its official capacity, to send a transcript of this hearing to the federal district court that will determine the outcome of this pending litigation. By taking the apparently unprecedented step of sending a transcript of a hearing on pending litigation to the judge that is deciding the case, this Committee may have unintentionally traversed the critical boundary between attempting to inform the court and attempting to influence it.

The Constitution vests the legislative power in the Congress, Article I, °1, the executive power in the President, Article II, § 1, and the judicial power in the Supreme Court and lower federal courts, Article III, § 1. Thus, Congress has the power to make law pursuant to its enumerated powers, the President has the power to enforce these laws, and the courts have the separate power to ''say what the law is''—''to rule on cases ... to decide them,'' Marbury— v. Madison, U.S. (Cranch) 137, 17(1803); Plaut v. Spendthrift Farm, Inc., 51U.S. 211,21(1995).

The separation of powers principle not only outlines the distinct spheres of operation of the three branches of government but also guides the branches in their dealings with each other. It is crystal clear that the Framers of our Constitution intended to have a judiciary that is independent of Congress. The provision for judges to hold office during good behavior in Article III, 1, for example, was said by Alexander Hamilton to constitute an ''excellent barrier to the encroachments and oppressions of the representative body.'' THE FEDERALIST NO. 78, at 46(Hamilton) (Clinton Rossiter ed., 1961). Thus, with respect to this case, Congress, the Senate, and this Committee, should defer to the court to decide the case by exercising its independent judgement. A publicized congressional hearing and a transcript submission to the court can only be perceived as an attempt to create for senators a status at a Tunney hearing that neither the court nor the Tunney Act permits.

While the Tunney Act provides that a district court should accept comments from the public on a proposed antitrust settlement agreement, it does not provide for any role by the legislative branch in such a hearing. See Pub. L. No. 93–52(1974). Indeed, the Congressional Research Service has informed me that it has found ''no instances in which any comments— whether Hearing transcripts, summaries of Hearing transcripts, or other written communications—were sent to'' the district court in a Tunney Act hearing. Congressional Research Service, Memorandum (Dec. 18,2001).

While any senator may file comments on a proposed settlement agreement as a private citizen, it infringes upon the separation of powers Page of principle for the Senate or this Committee officially to do so. It is the litigants and the public that inform the court in a Tunney Act hearing, not the Congress..See Pub. L. No. 93–528. For this Committee to submit its views on the merits of pending litigation creates the appearance of an attempt to influence the Article III federal court in the exercise of its independent judicial power.

In addition to my constitutional concern, I have an underlying prudential concern. This transcript will include several statements from Senators opining on the merits of the Microsoft settlement agreement. A case such as this one involves a complex body of law and an extraordinary amount of evidence. Neither I nor, to the best of my knowledge, any other member of this Committee or of the Senate has had an opportunity to thoroughly review the law and the facts of this case. Consequently, our opinion with respect to this non-legislative matter is worth no more than that of any other reasonably informed citizen who may submit information to the court. There is no legitimate rationale for any court to give more weight to our opinions, whether stamped with the imprimatur of this Committee or not, than to the opinions of others. Accordingly, I respectfully object to the Chairman and Ranking Member's decision, without a vote of the Committee, to submit on behalf of the Committee, a copy of the transcript of this hearing to the district court.

STATEMENT OF CHARLES A. JAMES ASSISTANT ATTORNEY GENERAL ANTITRUST DIVISION BEFORE THE COMMITTEE ON THE JUDICIARY UNITED STATES SENATE CONCERNING THE MICROSOFT SETTLEMENT: A LOOK TO THE FUTURE PRESENTED ON DECEMBER 12, 200

Mr. Chairman and members of the Subcommittee, I am pleased to appear before you today to discuss the Department's still-pending antitrust enforcement action against Microsoft Corporation.

On November 2, 2001, the Department stipulated to entry of a proposed consent decree that would resolve the case. Nine states joined in the proposed settlement.'' We are in the midst of the 60-day public comment period under the Tunney Act, after which we will file a response to the comments, and the district court will rule on whether the proposed consent decree is in the public interest. Nine other states, and the District of Columbia, have not signed the proposed consent decree.

The Department's position regarding the proposed settlement is set forth in documents filed in the pending Tunney Act proceeding. Because of the pendency of the proceeding, and the somewhat remote possibility that the case will return to litigation, I am somewhat limited in what I can say about the case and settlement. Nonetheless, I am happy to appear before you today to discuss in general terms how the settlement promotes the public interest by resolving the allegations sustained by the court of appeals.

When we in the Department address the Microsoft case, it is important for us

1 New York, Ohio, Illinois, Kentuck)'', Louisiana, Maryland, Michigan, North Carolina, and Wisconsin to ignore the media spectacle and clash-of-the-titans imagery, and focus instead on the actual legal dispute presented to the court. In discussing the case and the proposed consent decree, it is important to keep in mind not only ,,','hat the Department alleged in our complaint, but how the courts—in particular, the DC Circuit—ruled. As a result of the appeals court's ruling, the case is in many important respects considerably narrower than the one the Department originally brought in the spring of 199and narrower still than Judge Jackson's ruling in June of 2000.

I would like to take a few minutes to refocus attention on the legal allegations charged in the complaint, how those allegations were resolved in the courts, and

the remedies in the proposed consent decree presently undergoing Tunney Act review. I believe these proposed remedies fully and demonstrably resolve the monopoly maintenance finding that the DC Circuit affirmed.

The complaints flied by the Department, the states, and the District of Columbia alleged: (1) that Microsoft had engaged in a series of specific anticompetitive acts, and a course of anticompetitive conduct, to maintain its monopoly position in the market for operating systems designed to run on Intel-compatible personal computers, in violation of Section of the Sherman Act; (2) that Microsoft had attempted to monopolize the web browser market, also in violation of Section 2; (3) that Microsoft had illegally tied its web browser, Internet Explorer, to its operating system, in violation of Section 1; and (4) that Microsoft had entered into exclusive dealing arrangements that also violated Section 1. A separate monopoly leveraging claim advanced by the state plaintiffs was dismissed prior to trial. After a full trial on the merits, the district court ultimately sustained the first three claims, while finding that the exclusive dealing claim had not been proved.

The DC Circuit, however, significantly narrowed the case, affirming the district court's finding of liability only as to the monopoly maintenance claim, and even there only as to a smaller number of specified anticompetitive actions. Of the twenty anticompetitive acts the court of appeals reviewed, it reversed with respect to eight of the acts that the district court had sustained as elements of the monopoly maintenance claim. Additionally, the DC Circuit reversed the lower court's finding that Microsoft's ''course of conduct'' separately violated Section of the Sherman Act. It reversed the district court's rulings on the attempted monopolization and tying claims, remanding the tying claim for further proceedings under a much more difficult rule of reason standard. And, of course, it vacated the district court's final judgment that had set forth the break-up remedy and interim conduct remedies.

The antitrust laws do not prohibit a firm from having a monopoly, but only from illegally acquiring or maintaining a monopoly through interference with the competitive efforts of rivals. There has never been any serious contention that Microsoft acquired its operating system monopoly through unlawful means, and the existence of the operating system monopoly itself was not challenged in this case.

With regard to the monopoly maintenance claim, the court of appeals upheld the conclusion that Microsoft had engaged in unlawful exclusionary conduct by using contractual provisions to prohibit computer manufacturers from supporting competing middleware products on Microsoft's operating system; by prohibiting consumers and computer manufacturers from removing Microsoft's middleware products from the desktop; and by reaching agreements with software developers and third parties to exclude or disadvantage competing middleware products—all to protect Microsoft's monopoly in the operating system market.

The Department proved that Microsoft had engaged in these anticompetitive practices to discourage the development and deployment of rival web browsers and Java technologies, in an effort to prevent them from becoming middleware threats to its operating system monopoly. Netscape had gained a respectable market share as a technology for navigating the then-burgeoning Internet, and Netscape proponents were touting the prospect of a new world of Internet computing that would make operating systems less relevant. Netscape touted its web browser as a new category of software that came to be known as ''middleware,'' a form of software that, like Microsoft's Windows operating system, exposed a broad range of applications program interfaces (''APIs'') to which software developers could write applications. This created the potential that—if Netscape Navigator continued to gain market share and could run on operating systems other than Microsoft's, and if large numbers of software developers wrote applications programs to it—computer users would have viable competitive alternatives to Microsoft.

The middleware threat was nascent. That is, as both the district court and the court of appeals acknowledged, it was a potential threat to the operating system monopoly that had not)'el become real. It could not be predicted when, if ever, enough applications programs would be written to middleware products for middleware to significantly displace Microsoft operating systems. Microsoft took this nascent middleware threat to its operating system monopoly seriously. The trial record disclosed a corporate preoccupation with thwarting Netscape and displacing Netscape's Navigator with Microsoft's Internet Explorer as the prevailing web browser. This campaign featured a host of strong-arm tactics aimed at various computer manufacturers, Internet access providers, and independent software developers. Even the decision to integrate its own browser into the operating system—in effect, giving it away for free—had an element of impeding the growth of Netscape and once was described as taking away Netscape's oxygen. Microsoft took similar actions against Java technologies. Among other things, Microsoft required software developers to promote its own version of Java technology exclusively and threatened developers if they assisted competing Java products.

The district court ruled not only that Microsoft had engaged in various specified illegal exclusionary practices, but that these acts were part of an overall anticompetitive course of conduct. The DC Circuit agreed as to some of the specified practices, while ruling that others—for example, Microsoft's practice of preventing computer manufacturers from substituting their own user interfaces over the Windows interface supplied by Microsoft—Were justified and thus lawful. The DC Circuit also rejected the course-of-conduct theory, under which Microsoft's specific practices could be viewed as parts of a broader, more general monopolistic scheme, ruling that Microsoft's practices must be viewed individually.

Following the appellate court's instructions, we, in considering a possible remedy, focused on the specific practices that the court had ruled unlawful. We took as a starting point the district court's interim conduct remedies. Those remedies, however, were based on a much wider range of liability findings than had been affirmed on appeal. Accordingly, they had to be tailored to the findings that had actually been affirmed. Further, because the interim conduct remedies were designed to apply only as a stop-gap until the district court's divestiture order was implemented, we broadened them in important respects to more full□; address the remedial objectives of arresting the anticompetitive conduct, preventing its recurrence, and restoring lost competition to the marketplace. Finally, we updated the remedies to strengthen their long-term effectiveness in the face of the rapid technological innovation that continues to characterize the computer industry—so that the,,'' will be relevant in the Windows XP operating system world and beyond.

Under the proposed consent decree, Microsoft will be required to disclose to other software developers the interfaces used by Microsoft's middleware to interoperate with the operating system, enabling other software developers to create competing products that emulate Microsoft's integrated functions. Microsoft will also have to disclose the protocols that are necessary for software located in a server computer to interoperate with Windows on a PC. Microsoft will have to permit computer manufacturers and consumers to substitute competing middleware software on the desktop. It will be prohibited from retaliating against computer manufacturers or software developers for supporting or developing certain competing software. To further guard against possible retaliation, Microsoft will be required to license its operating system to key computer manufacturers on uniform terms for five '','ears.

Microsoft will be prohibited from entering into agreements requiring the exclusive support or development of certain Microsoft software, so that software developers and computer manufacturers can continue to do business with Microsoft while also supporting and developing rival middleware products. And Microsoft will be required to license any intellectual property to computer manufacturers and software developers necessary for them to exercise their rights under the proposed decree, including, for example, using the middleware protocols disclosed by]Microsoft to interoperate with the operating system.

And assumption that, had we litigated the remedy, we were certain to have secured all of this relief and possibly more misses the mark. The middleware definition, for example, was a very complex issue and would have been hard fought in a litigated remedy proceeding. The term had no generally accepted industry or technical meaning. At the time of trial, the term ,,,,,as used to describe software programs that exposed APIs. But in today's world, by virtue of the extensive degree to which software programs interact with each other, a very broad range of programs—large and small, simple and complex—expose APIs. At the same time, middleware had to be defined

more broadly than the browser, or it would not provide sufficient protection for the potential sources of competition that might emerge. So we developed a definition of middleware, designed to encompass all technologies that have the potential to be middleware threats to Microsoft's operating system monopoly. It captures, in today's market, Internet browsers, e-mail client software, networked audio/video client software, and instant messaging software. On a going-forward basis, it also provides guidelines for what types of software will be considered middleware for purposes of the decree in the future. These guidelines are critical because, while it is important that future middleware products be captured by the proposed decree, those products will not necessarily be readily identified as such.

The proposed decree protects competition in the middleware market through a variety of affirmative duties and prohibitions, which I listed a minute ago. By requiring disclosure of a broad range of interfaces and protocols that will secure interoperability for rival software and servers, broadly banning exclusive dealing, giving computer manufacturers and consumers extensive control of the desktop and initial boot sequence, and prohibiting a broad range of retaliatory conduct, the proposed decree will require Microsoft to fundamentally change the ray in which it deals with computer manufacturers, Internet access providers, software developers, and others.

These prohibitions had to be devised keeping in mind that Microsoft will continue for the foreseeable future to have a monopoly in the operating systems market. While we recognized that not all forms of collaboration between Microsoft and others in the industry are anticompetitive, and that some actually benefit competition, we drafted the non-discrimination and non-retaliation provisions broadly enough to prevent Microsoft from using its monopoly power to apply anticompetitive pressure in this fashion.

We concluded, particularly in light of intervening technological developments in the computer industry, that the remedial objective of restoring lost competition had to mean something different than attempting to restore Netscape and Java specifically to their previous status as potential nascent threats to Microsoft's monopoly. Attempting to turn back the hands of time would likely prove futile and would risk sacrificing important innovations that have moved the industry beyond float point. So we focused instead on the market as it exists today, and where it appears to be heading over the next few years, and devised a remedy to recreate the potential for the emergence of competitive alternatives to Microsoft's operating system monopoly through middleware innovations. With a reported 70,000-odd applications currently designed to run on Windows, the applications barrier to entry is quite formidable. The most effective avenue for restoring the competitive potential of middleware, we concluded, was to ensure that middleware developers had access to the technical information necessary to create middleware programs that could compete with Microsoft in a meaningful way—that is, by requiring Microsoft to disclose the APIs needed to enable competing middleware developers to create middleware that matches Microsoft's in efficiency and functionality.

API disclosure had apparently been a very difficult obstacle to resolution of the case at every stage. There had never been an,,'' allegation in the case that Windows was an essential facility, the proprietary technology for which had to be openly shared in the industry. So we are very pleased that we were able to secure this crucial provision in the proposed decree.

Similarly, the proposed decree goes beyond the district court's order in requiring Microsoft to disclose communications protocols for servers if they are embedded in the operating system, thereby protecting the potential for server-based applications to emerge as a competitive alternative to Microsoft's operating systems monopoly. Although the issue of Microsoft's potential use of its monopoly power to inhibit server-based competition was barely raised and never litigated in the district court, we believed it was an important concern to resolve in the final negotiations.

The proposed decree also requires Microsoft to create and preserve ''default'' settings, such that certain of Microsoft's integrated middleware functions will not be able to override the selection of a third-party middleware product, and requires Microsoft to create add/delete functionality to make it easier for computer manufacturers and users to replace Microsoft middleware functionality with independently developed middleware. These are other important respects in which, in light of intervening technological changes, the proposed decree goes beyond the relief contemplated in the district court's interim relief order. By giving middleware developers the means of creating fully, competitive products, requiring the creation of add/delete functionality, and making it absolutely clear that computer manufacturers can, in fact, replace Microsoft middleware on the desktop, the decree will do as much as possible to restore the nascent threat to the operating system monopoly that browsers once represented.

The proposed decree contains some of the most stringent enforcement provisions ever contained in any modern consent decree. In addition to the ordinary prosecutorial access powers, backed up by civil and criminal contempt authority, this decree has two other aggressive features. First, it requires a full-time, on-site compliance team—complete with its own staff and the power to hire consultants—that will monitor compliance with the decree, report violations to the Department, and attempt to resolve technical disputes under the disclosure provisions. The compliance team will have complete access to Microsoft's source code, records, facilities, and personnel. Its dispute resolution responsibilities reflect the recognition that the market will benefit from rapid, consensual resolution of issues whenever possible, more so than litigation under the Department's contempt powers. The dispute resolution process complements, but does not supplant, ordinary methods of enforcement. Complainants may bring their inquiries directly to the Department if they choose.

The decree will be in effect for five 3'ears. It also contains a provision under which the term may be extended by up to two additional years in the event that the court finds that Microsoft has engaged in repeated violations. Assuming that Microsoft ; will want to get out from under the decree's affirmative obligations and restrictions as soon as possible, the prospect that it might face an extension of the decree should provide an extra incentive to comply.

Our practice with regard to enforcement is never influenced by the extent to which we ''trust'' a defendant. Rather, a decree must stand on its own as an enforcement vehicle to ensure effective relief and must contain enforcement provisions sufficient to address its inherent compliance issues. In this case, those compliance issues are complex, as the decree seeks to address Microsoft's interactions with firms throughout the computer industry. Under the circumstances, I believe the extraordinary nature of the decree is warranted.

Some have criticized the decree for not going far enough. Some have asked why we did not continue to pursue divestiture as a possible remedy. We had several reasons. First, the court of appeals made it clear that it viewed the break-up remedy with skepticism, to put it mildly. The court ruled that on remand the district court must consider whether Microsoft is a unitary company—i.e., one that could not easily be broken up—and whether plaintiffs established a significant causal connection between Microsoft's anticompetitive conduct and its dominant position in the market for operating systems—a finding not reached by the prior judge.

Second, the legal basis for the structural separation the Department had been seeking was undercut by the failure to sustain the two claims that had challenged Microsoft's right to compete outside its operating system monopoly by integrating new functions into Windows, the attempted monopolization claim and the tying claim. The former was dismissed, and the latter was remanded under a much more difficult rule-of-reason standard. The court of appeals ruled that, albeit with some limits, Microsoft could lawfully integrate new functions into the operating system and use the advantages flowing from its knowledge and design of the operating system to compete in downstream markets.

Third, and more generally, tile relief in a section 2 case must have its foundation in the offending conduct. The monopoly maintenance finding, as modified by tile court of appeals, and without the ''course-of-conduct'' theory, would not in our view sustain a broad-ranging structural remedy that went beyond what was necessary to address Microsoft's unlawful responses to the middleware threat to its operating system monopoly. Indeed, our new district judge, Judge Kollar-Kotelly, stated in open court that she expected our proposed remedy to reflect the fact that portions of our case had not been sustained.

Finally, from a practical standpoint, even assuming that we could have eventually secured a breakup of Microsoft—a very dubious assumption in light of what the

court of appeals and Judge Kollar-Kotelly have stated—the time it would have taken to continue litigating the break-up and the inevitable appeals could easily have delayed relief for another several >'ears. By taking structural relief off of the table at the outset of the remedy proceeding on remand, we were able to get favorable procedural rulings that were essential to moving quickly to a prompt resolution.

More generally, a number of critics have suggested ways in which we could have further constrained Microsoft's conduct in the marketplace—either by excluding it from markets outside the operating system market, restricting it from integrating functions into its products or collaborating with others, or requiring it to widely share its source code as an open platform. While it is certainly true that restrictions and requirements of this sort might be desirable and advantageous to Microsoft's competitors, they would not necessarily be in the interest of competition and consumers overall; many would reduce consumer choice rather than increase it. Moreover, to the extent these restrictions go beyond what is needed to remedy proven antitrust violations, they are not legitimate remedial goals. The objectives of civil antitrust enforcement are remedial, and they focus on protecting and restoring competition for the benefit of consumers, not on favoring particular competitors.

As to more complex questions regarding whether the decree has properly covered all the elements that will be needed for full relief, questions of that nature are entirely appropriate and hopefully will be raised and addressed in the Tunney Act process.

But I believe the decree, by creating the opportunity for independent software vendors to develop competitive middleware products on a function-by-function basis, by giving computer manufacturers the flexibility to place competing middleware products on Microsoft's operating system, and by monopolization in that it commingled code for the purpose of preventing the Microsoft browser from being removed from the desktop. That is certainly the finding of the Court of Appeals.

Now, in the process of going through my preparation for this hearing, I went back and looked at the Department of Justice's position with regard to this. Throughout the course of the case, and even in the contempt proceeding involving the former tying claims, it has always and consistently been the Department of Justice's contention that it did not want to force Microsoft to remove code from the operating system. They have said that over and over again in every brief that has been filed in this case.

What the Department of Justice wanted was an appropriate functionality that would give consumers the choice between middleware functionalities. That is exactly the remedy that we have here and we think it is an effective remedy. We have gone beyond that particular aspect of this by including into our decree a specific provision that deals with the questions of defaults; in other words, the extent to which a non-Microsoft middleware product can take over and be invoked automatically in place of a Microsoft middleware product. That is something that was not in the earlier decrees. It is a step beyond what was included in Judge Jackson's order.

We think that we have addressed the product integration aspects of the Microsoft monopoly maintenance claim in exactly the terms that the Department has always pursued with regard to that particular issue, and we are completely satisfied with that aspect of the relief.

The Chairman. Well, I have a follow-up on that, as you probably expect, but my time is up and I want to yield to Senator DeWine. Actually, I have a follow-up on the retaliation, also, but I do appreciate your answer.

Senator DeWine?

Senator DeWine. Thank you, Mr. Chairman.

Mr. James, this case has been certainly very controversial and inspired a great deal of discussion regarding the effectiveness of the antitrust laws, especially within the high-tech industry.

Netscape, for example, vocally opposed Microsoft during this litigation. Many of Netscape's complaints really were validated by the courts, and yet Netscape ended up losing the battle. This sort of result has led some to question whether our antitrust laws can be effective in this particular industry.

I personally believe that the antitrust laws are essential to promoting competition within the industry and throughout the country, but I would like to hear what your views are on this subject. What lessons do you think this case teaches us in regard to that and what do we say to people like Netscape?

Mr. James. Well, it is certainly the case that our judicial system very often can provide a crude tool for redressing particular issues quickly. I would note that this particular case was litigated on a very fast track and the people at the Department of Justice are to be really commended for pushing this case along at even the speed that it is has taken, considering the comparable speed of other cases.

I think, however, that the case stands for an important proposition, and that is that the Department of Justice is up to meeting the challenge, that it has the tools at its disposal to investigate unlawful conduct, to understand and appreciate the implications of what complex technical matters involve, to bring the resources to bear in order to litigate these cases to a successful conclusion, and, where appropriate, to teach a settlement that is in the public interest.

One of the things that I think is an important issue to note here is that there is certainly a time difference between litigating a matter of original liability and litigating a matter involving compliance with a term of a decree.

We think that the enforcement powers that are involved here are appropriate ones. We think that enforcement by the Department of Justice is the appropriate way to proceed in these matters, and we are confident that this provides the sort of best mechanism for dealing with a complex matter in complex circumstances.

Senator DeWine. One provision of the Proposed Final Judgment requires Microsoft to allow computer manufacturers to enable access to competing products. However, for a product to qualify for these protections, it must have had a million copies distributed in the United States within the previous year. This would seem to me to run contrary to the traditional antitrust philosophy of promoting new competition.

Why are these protections limited to larger competitors?

Mr. James. I am actually glad you asked that question, Senator, because that is one of the prevailing, I think, misconceptions of the decree. The provisions of the decree that require Microsoft to allow an OEM to place a middleware product on the desktop apply without regard to whether or not that product has been distributed by one million people. That is absolute requirement.

The million-copy distribution provision relates solely to the question of when Microsoft must undertake these affirmative obligations to create defaults, for example, for a middleware product to provide other types of assistance to someone who has developed that product.

The fact of the matter is that this is something that requires a great deal of work, particularly these complex matters of setting defaults which is very important to the competitive circumstances here. And it would be very difficult to impose upon Microsoft the responsibility for making these alterations to the operating system and making them for every subsequent release of the operating system to be automatic in the case of any software company that just shows up and says I have a product that competes.

But I want to be very clear here, Senator. Every qualifying middleware product, without regard to how many. copies it has distributed—an OEM can place that product on the desktop immediately, without regard to this one-million threshold.

Quite frankly, in today's world, one million copies distributed is not a substantial matter. I think in the last year I might have gotten a million copies of AOL 5.0 in the mail. So I don't think that that is really a very large impediment.

Senator DeWine. Let me ask one last question. You have mentioned that a number of provisions in the settlement go beyond the four corners of the case, but Microsoft agreed to these conditions anyway.

What are they, and what is the goal of these provisions?

Mr. James. Well, I think one of the most important ones is the default provision. As of the time of our original case, these middleware products were operated in a fairly simple way. You clicked on to that product, you invoked that product, and then you used it in whatever way was appropriate.

In today's world, software has changed. We see what they call a more seamless user interface, user experience, and it is necessary for people to operate deeply within the operating system on an integrated basis. There were allegations that Microsoft overrode consumer choice in these default mechanisms in the case.

With regard to each and every one of those instances alleged by the Justice Department, the Justice Department lost. The court found for Microsoft. Notwithstanding that, as a

matter of fencing in and improving the nature of this decree, we have included into this issue the subject of defaults.

Another important area, I think, is the question of server interoperability, and that is a very, very important issue as we see going forward. I think if you go back and read the complaint in this case, you will find that the word ''server'' almost virtually never appears. There are no sort of very specific allegations that go to this. We thought this was an important alternative platform issue. We thought it was important to stretch for relief in this case, and we did so and got, I think, relief that is very effective in preserving this as people go into an environment of more distributed Web processing. So we think that that is a very powerful thing.

I think these are two issues that the Department of Justice would have had a very, very difficult time sustaining in court, to the extent the court was inclined to limit us to the proof that we put forward. So I think that these are very positive manifestations of the settlement.

Senator DeWine. Thank you, Mr. Chairman.

The Chairman. We are checking one thing, and I mention this to Senator Kohl, Senator Sessions, and Senator Cantwell, who have been here waiting to ask questions. We are finding out from the floor. We have been notified that there may have been a move, as any Senator has a right to do under our Senate rules, to object to committees meeting more than two hours after the Senate goes in session.

We are on the farm bill and appropriations and other essential matters, so that I have been told that a Senator has objected, as every Senator has a right to do, to us continuing. As a result, because the Senators say they want us to concentrate on what is going on on the Senate floor, we have to respect the rules of the Senate. I do, and I am going to have to recess this hearing at this time.

I am going to put into the record the statements of all those who have come here to testify.

[The prepared statement of Mr. James follows:]

[The prepared statements of Messrs. Himes, Rule, Lessig, Cooper, Zuck, Szulik, and Kertzman follow:]

The Chairman. Senator Hatch and I will try to find a time we might reconvene this hearing, because both Senator Hatch and I feel this is a very important hearing.

The record will be open for questions that might be submitted. I apologize to everybody. We did not anticipate this. But with 100 Senators, every so often somebody exercises that rule. I would emphasize Senators have the right to exercise that rule, especially when we are in the last three weeks of the session. I think we are going to break for Christmas Day, but we are in the last three weeks of the session, and I think the Senator invoking the rule wants to make sure all Senators pay attention to the work on the floor.

Senator Hatch. Mr. Chairman?

Senator Sessions. Mr. Chairman?

The Chairman. but Senator Hatch? Senator Hatch.

We really are technically out of time,

Mr. Chairman, we are out of time. Any Senator can invoke the two-hour rule and a Senator has done that. Fortunately, I think it was against the Finance Committee markup today, but we reported out the bill anyway right within the time constraint. That is where I went.

Both Senator Leahy and I apologize to the witnesses who have put such an effort into being here today because this is an important hearing. These are important matters to both sides—to all sides, I should say; there are not just two sides here. These matters have a great bearing on just how positively impactful the United States is going to be in these areas.

So I hope that we can reconvene within a relatively short period of time and continue this hearing because it is a very, very important hearing. We apologize to you that this has happened, but as Senator Leahy has said, a Senator can do that.

The Chairman. Well, it is out of our hands, but I would note that normally I would have recessed it until tomorrow, but tomorrow we are using this time for an executive committee meeting of the Judiciary Committee to do, as we have done many times already, to vote out a large number of judges.

So with that, we stand in—Jeff, I am sorry. Senator Sessions. Just, Mr. Chairman, a matter of procedure. I am troubled by what I understand to be a decision to send this transcript to the court as an official document from Congress in the middle of a litigation that is ongoing.

I would think that anybody's statement that they gave could be sent to the court. Any Senator can write a letter to the court. I haven't studied it fully, but just as a practitioner, it troubles me to have a meddling—

The Chairman. That record is open to anybody who wants to send anything in. Senator Hatch and I have made that decision and that will be the decision of the committee.

Senator Sessions. I would be recorded as objecting.

The Chairman. Of course, I understand.

We stand adjourned.

[Whereupon, at 11:43 a.m., the committee was adjourned.]

STATEMENT OF SENATOR PATRICK LEAHY, CHAIRMAN, SENATE COMMITTEE ON THE JUDICIARY HEARING

''THE MICROSOFT SETTLEMENT: A LOOK TO THE FUTURE''

December 12, 2001

The proposed settlement that the Department of Justice and nine States have transmitted to the District Court offers a plan for the conclusion of this landmark antitrust litigation. It must now pass the legal test set out in the Tunney Act to gain court approval. That test is both simple and broad, and requires an evaluation of whether the proposed settlement is in the public interest. There is significant difference of opinion over how well the proposed settlement passes this legal test. In fact, the States participating in the litigation against Microsoft are evenly split, with nine States joining in the proposed settlement and nine non-settling States presenting the court with an alternative remedy. As the courts wrangle with the technical and complex legal issues at stake in the case, this committee is conducting hearings to educate ourselves and the public about what this proposed settlement really means for our high-tech industry and for all of us who use computers at work, at school, and at home.

Scrutiny of the proposed settlement by this committee during the course of the Tunney Act proceeding is particularly important. The focus of our hearing today is to examine whether the proposed settlement is good public policy and not on the legal technicalities. The questions raised here and views expressed may help inform the court. I plan with Senator Hatch to forward to the court the record of this hearing for consideration as the court goes about the difficult task of completing the Tunney Act proceedings and the remedy action by the non-settling States.

I am especially concerned that the District Court take the opportunity seriously to consider the remedy proposal of the non-settling States before making her final determination on the other parties'' proposed settlement. The insights of the other participants in this complicated and hard-fought case will surely be valuable additions to the comments received in the Tunney Act proceeding and help inform the evaluation whether the settlement is in the public interest.

The effects of this case extend beyond simply the choices available in the software marketplace. The United States has long been the world leader in bringing innovative solutions to software problems, in creating new tools and applications for use on computers and the Web, and in driving forward the flow of capital into these new and rapidly growing sectors of the economy. This creativity is not limited to Silicon Valley. The Burlington, Vermont, area ranks seventh in the nation in terms of patent filings. Whether the settlement proposal will help or hinder this process, and whether the high tech industries will play the important role that they should in our Nation's economy, is a larger issue behind the immediate impact of this proposal.

With that in mind, I intend to ask the representatives of the settling parties how their resolution of this conflict will serve the ends that the antitrust laws require. Our courts have developed a test for determining the effectiveness of a remedy in a Sherman Act case: The remedy must end the anticompetitive practices, it must deprive the wrongdoer of the fruits of the wrongdoing, and it must ensure that the illegality does not recur. The Tunney Act also requires that any settlement of such a case serve the public interest. These are all high standards, but they are reasonable ones. In this case, the DC Circuit, sitting en banc and writing unanimously, found that Microsoft had engaged in serious exclusionary practices, to the detriment of their competitors and, thus, to all consumers. Today, we must satisfy ourselves that these matters have been addressed and redressed, or find out why not.

I have noted my concern that the procedural posture of this case not jeopardize the opportunity of the non-settling States to have their ''day in court'' and not deprive the District Court of the value of their views on appropriate remedies in a timely fashion. In addition, I have two basic areas of concern about the proposed settlement. Fist, I find many of the terms of the settlement to be either confusingly vague, subject to manipulation, or both. Mr. Rule raised an important and memorable point when he last testified before this Committee in 1997 during the important series of hearings convened by Senator Hatch on competition in the digital age. Testifying about the first Microsoft-Justice Department consent decree, Mr. Rule said: ''Ambiguities in decrees are typically resolved against the Government. In addition, the Government's case must rise or fall on the language of the decree; the Government cannot fall back on some purported ''spirit'' or ''purpose'' of the decree to justify an interpretation that is not clearly supported by the language.'' We take seriously such counsel, and would won-y if ambiguity in the proposed settlement would jeopardize its enforcement.

Second, I am concerned that the enforcement mechanism described in the proposed decree lacks the power and the timeliness necessary to inspire confidence in its effectiveness. Particularly in light of the absence of any requirement that the decree be read in broad remedial terms, it is especially important that we inquire into the likely operation of the proposed enforcement scheme and its effectiveness.

Any lawyer who has litigated cases and any business person knows how distracting litigation of this magnitude can be and appreciates the value that reaching an appropriate settlement can have not only for the parties but also for consumers, who are harmed by anticompetitive conduct, and the economy. I do not come to this hearing prejudging the merits of this proposed settlement but instead as one ready to embrace a good settlement that puts an end to the merry-go-round of Microsoft litigation over consent decrees. But the serious questions that have been raised about the scope, enforceability and effectiveness of this proposed settlement leave me concerned that, if approved in its current form, it may simply be an invitation for the next chapter of litigation. On this point, I share the concern of Judge Robert Bork, who warns, in his written submission, that the proposed settlement ''contains so many ambiguities and loopholes as to make it unenforceable, and likely to guarantee years of additional litigation.'' I look forward to hearing from the Department of Justice and other distinguished witnesses today on the merits of this warning.

STATEMENT OF SENATOR ORRIN G. HATCH RANKING REPUBLICAN MEMBER

BEFORE THE

SENATE JUDICIARY COMMITTEE

HEARING ON ''THE MICROSOFT SETTLEMENT: A LOOK TO THE FUTURE''

Mr. Chairman, as you know, we conducted a series of hearings in this Committee in 1997 and 1998 to examine the policy implications of the competitive landscape of the then burgeoning high-tech industry, which was about to explode with the advent of the Internet. Those hearings focused on competition in the industry, in general, and, more specifically, complaints that Microsoft had been engaged in anti-competitive behavior that threatened competition and innovation to the detriment of consumers. Our goal was, and I believe today is, to determine how best to preserve competition and foster innovation in the high-technology industry.

Although the Committee, and I, as its Chairman, was criticized by some, I strongly believed then, and continue to believe now, that in a robust economy involving new technologies, effective antitrust enforcement today would prevent the need for heavy-handed government regulation of business tomorrow. My interest in the competitive marketplace in the high-technology industry was animated by my strong opposition to regulation of the industry, whether by the government, or by one or few companies. As we may remember, the hearings before the Judiciary Committee developed an extensive record of Microsoft's conduct, and evidenced various efforts by the company to maintain and extend its operating system monopoly. Those findings, I would note, were reaffirmed by a unanimous, and ideologically diverse Court of Appeals. The Microsoft case—and its ultimate resolution—present one of the most important developments in antitrust law in recent memory.

As I have emphasized before, having a monopoly is not illegal under our laws. In fact, in a successful capitalist system, striving to be one should be encouraged. However, anticompetitive conduct intended to maintain or extend this monopoly would harm competition and could violate our laws. I believe no one would disagree that the DC Circuit's decision reaffirmed the fundamental principle that a monopolist—even a monopolist in a high-tech industry like software—must compete on the merits to maintain its monopoly.

Which brings us to today's hearing. We are here to examine the policy implications of the proposed settlement in the government's antitrust litigation against Microsoft.

Mr. Chairman, rather than closing the book on the Microsoft inquiry, the proposed settlement appears to be only the end of the latest chapter. The settling parties are currently in the middle of the so-called Tunney Act process before the court. And, the non-settling parties have chosen to further litigate this matter and last week filed their own proposed settlement. This has been a complex case with significant consequences for Microsoft, high-tech entrepreneurs and the American public. The proposed settlement between Microsoft and the Justice Department and nine of the plaintiff State attorneys general is highly technical. We have all been studying it, and its impact, with great interest. Each of us has heard from some, including some of our witnesses here today, that the agreement contains much that is very good.

Not surprisingly, we have also heard and read much criticism of the settlement. These are complex issues, and I would hope today's hearing will illuminate the many questions we have.

I should note that about two weeks ago, I sent a set of detailed and extensive questions about the scope, interpretation, and intended effects of the proposed settlement to the Justice Department, seeking further information. First, I want to commend the Department for getting the responses to me promptly.

We received them yesterday. I think the questions, which were made public, and the Department's responses could be helpful to each member in forming an independent and fair analysis of the proposed settlement.

To that end, and for the benefit of the Committee, Mr. Chairman, I would like to make both the questions and the Department's answers part of the record for this hearing, if you wouldn't have any objections.

As I noted in my November 29 letter to the Department, I have kept an open mind regarding this settlement, and continue to do so. I have had questions regarding the practical enforceability of the proposed settlement and whether it will effectively remedy the unlawful practices identified by the DC Circuit, and restore competition in the software market.

I am also cognizant of both the limitation of the claims contained in the original Justice Department complaint by the DC Circuit, as well as the standards for enforcement under settled antitrust law. I believe that further information regarding precisely how the proposed settlement will be interpreted, given DC Circuit case law, is necessary to any full and objective analysis of the remedies proposed therein. I hope that this hearing will result in the development of such information, that would supplement the questions I put forth to the Department.

Mr. Chairman, one important and critical policy issue that I would hope we can address today, and that I would like all of our witness to consider as they wait to be empaneled so that they can discuss, is the difficult issue of the temporal relation of antitrust enforcement in new high-technology markets.

It cannot be overemphasized that timing is a critical issue in examining conduct in the so-called ''new economy.'' Indeed, the most significant lesson the Microsoft case has taught us is this fact. The DC Circuit found this issue noteworthy enough to discuss in the first few pages of its opinion. And I will quote from the unanimous court:

''[w]hat is somewhat problematic.., is that just over six years have passed since Microsoft engaged in the first conduct plaintiffs allege to be anticompetitive. As the record in this case indicates, six years seems like an eternity in the computer industry. By the time a court can assess liability, firms, products, and the marketplace are likely to have changed dramatically. This, in turn, threatens enormous practical difficulties for courts considering the appropriate measure of relief in equitable enforcement actions ....

[I]nnovation to a large degree has already rendered the anticompetitive conduct obsolete (although by no means harmless).''

This issue is one that is relevant for this Committee to consider as a larger policy

matter, as well as how it relates to this case and the proposed settlement we are examining today. Again, I want to thank you Mr. Chairman for continuing the Committee's important role in high-technology policy matters, and I look forward to hearing from our witnesses today.

news from
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FOR IMMEDIATE RELEASE:
December 12, 2001
Contact: Lynn Becker or Jessica Carlin
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The Microsoft Settlement: A Look to the Future

This is a pivotal time for competition in the high tech sector of our economy. After spending more than three years pursuing its groundbreaking antitrust case against Microsoft—a case that is likely to rewrite the rules for competiti6n in the high tech industry for years to come—the government has announced a settlement—But the crucial question remains—will this settlement break Microsoft's stranglehold over the computer software industry and restore competition in this vital sector of the economy?

Frankly, I have serious doubts that it will. An independent federal court—both the teal court and the Court of Appeals in fact—found that Microsoft broke the law and that its violations should be fixed. This antitrust case was as big as they come. Microsoft crushed a competitor, illegally tried to maintain its monopoly, and stifled innovation in this market. Now, after all these years of litigation, of charges and counter-charges, this settlement leaves us wondering—did we really accomplish anything? Or, in the words of the old song, is that all there is? Does this settlement obey the Supreme Court mandate that it must deny the antitrust violator ''the fruits'' of its illegal conduct?

It seems to many—including nine of the states that joined the federal government in suing Microsoft—that this settlement agreement simply is not strong enough to do the job—to restore competition to the computer software industry. It contains so many loopholes, qualifications and exceptions that many worry that Microsoft will be easily able to evade its provisions. Let me give just one example—the. requirement that Microsoft must allow computer users to install competing software products only applies with respect to software that has had one million copies distributed in the last year. New software competitors just are not protected by this provision.

Today, for the vast majority of computer users, the first thing they see when they turn on their machine is the now familiar Microsoft logo, placed on the Microsoft start menu. And all of their computer operations take place through the filter of Microsoft's Windows operating system. Microsoft's control over the market is so strong that today more than 95% of all personal computers run on the Windows operating system, a market share high enough to constitute a monopoly under antitrust law. Its share of the Internet browsing market is now over 85%. It reported a profit margin of 25% in the most recent quarter, a very high rate of return in challenging economic times.

Microsoft has the power to dictate terms to manufacturers who wish to gain access to the Windows operating system and the ability to leverage its dominance into other forms of computer software. And Microsoft has never been shy about using its market power. Are we really confident that, in five years, this settlement will have had any appreciable impact on these facts of life in the computer industry?

We today stand on the threshold of writing the rules for competition in the distal age. We've got two options. One option involves one dominant company controlling the computer desktop, facing minor restraints that expire in five years, but acting as a gatekeeper to 95% of all personal computer users. The other model is the flowering of innovation and new products that resulted from the break-up of the AT&T telephone monopoly nearly twenty years ago. From cell phones to faxes, from long distance price wars to the development of the Internet itself, the end of the telephone monopoly brought an explosion of new technologies and services that benefit millions of consumers every day. We should insist on nothing less in this case.

In sum, any settlement in this case should make the market for computer software at least as competitive as the market for computer hardware is today. While there's nothing wrong with settling, we should insist on a settlement that has an immediate, substantial, and permanent impact on restoring competition in this industry.

OPENING REMARKS OF SENATOR RICHARD J. DURBIN

HEARING BEFORE THE SENATE COMMITTEE ON THE JUDICIARY

ON

''THE MICROSOFT SETTLEMENT: A LOOK TO THE FUTURE''

December 12, 2001

Ever since the Department of Justice and Microsoft announced, in early November, their plan to settle the long-running antitrust litigation, a lot of people have weighed in with their concerns.

This hearing is important because it provides those of us in Congress with the first real opportunity to examine the terms of the proposed Microsoft settlement, and to hear from all sides of this issue. I think it is important that everyone understands what this settlement means, both in terms of the specific details, and in the longer term ramifications, before they level any criticism.

It's also important to note that the proceeding is still ongoing, and that this matter is still before the judge in a ''Tunney Act proceeding.'' So, I hope today's hearing will shed valuable light on what this settlement means for all of us in an objective and educational way.

Like me, most of our constituents have owned and used personal computers for a long time, and most who do own computers utilize Microsoft Windows PC operating systems. So we are very familiar with and have gotten quite used to Microsoft products and services. And it is our constituents who will bear the long-term impact of this settlement, whatever results that will mean in the market. I hope we keep that in mind as we scrutinize the terms agreed upon between the Justice Department, state attorneys general and Microsoft.

I think one of the difficulties that this settlement attempted to resolve is to try to address problems that arose in the past while, at the same time, anticipate and regulate potential anti- competitive conduct in the future.

In a technology industry that is innovative and constantly evolving, tiffs is obviously a challenge, and I'm sure there are issues that the settlement could not or did not anticipate. At this hearing, I'd like to learn what some of these missing issues are.

Another issue of interest to me involves the Internet market. With the launch of Windows XP—Microsoft's newest operating system—the issues raised by the original Justice Department complaint remain salient in determining the scope of the marketplace for web-based services.

Some opponents of Microsoft throughout the litigation, and even now with this settlement, have contended that Microsoft intends to leverage its dominance in the PC marketplace to establish itself as the player in web-based services. It is unclear to me just how much of those concerns will be resolved by this settlement, so I look forward to hearing Microsoft's response.

Finally, I am interested in knowing more about the innovative enforcement mechanism included in the settlement decree. I understand that this is probably the most stringent enforcement requirement ever imposed by the Justice Department in an antitrust matter. But I don't know how workable it will be for the Justice Department to remain so intimately involved over the next five years given how fast the technology industry changes. Five years is an eternity in the high-tech world. In negotiating this settlement, I hope that the Department relied on the many lessons it learned from its experience with the AT&T breakup and the long-term monitoring that that case involved.

Ultimately, we must find a way to promote competition and choice in the technology marketplace while continuing to encourage investment and innovation by this dynamic industry. Reasonable people can disagree about how we ought to get there.

I am grateful that today's hearing presents us with an opportunity to hear from knowledgeable witnesses on both sides of this dispute.

Thank you.

preventing retaliation by Microsoft against those who choose to develop or use competing middleware products, fully addresses the legitimate public goals of stopping Microsoft's unlawful conduct and restoring competition lost on its account.

Mr. Chairman, a vigorously competitive computer software industry is vital to our economy, and the Department is committed to ensuring that it remains competitive. I hope that my testimony has helped members of the Committee more fully understand why

the Department is completely satisfied that the proposed consent decree now before the district court will provide a sufficient and effective remedy for the anticompetitive conduct in which Microsoft has been found to have engaged in violation of the Sherman Act. I would be happy to answer any questions you or other members of the Committee may have.

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SENATE COMMITTEE ON THE JUDICIARY HEARING ON THE MICROSOFT SETTLEMENT: A LOOK TO THE FUTURE

TESTIMONY OF JAY L. HIMES, CHIEF, ANTITRUST BUREAU OF THE NEW YORK STATE ATTORNEY GENERAL'S OFFICE

Washington, DC
Wednesday, December 12, 2001

Chairman Leahy and distinguished Members of this Committee, thank you for inviting me to testify before you today on the important issues relating to the settlement of the case against Microsoft, brought by the Antitrust Division of the United States Department of Justice, 18 States and the District of Columbia. New York is one of the lead States in this lawsuit, and we have had a central role in the matter going back to the investigation that led to the filing of the case.

As the members of the Committee know, on Friday, November 2, 2001, the DOJ and Microsoft reached a proposed settlement of the lawsuit, which was then publicly announced. After further negotiations between Microsoft and the States, a revised settlement was reached on Tuesday, November 6, 2001. New York—together with the States of Illinois, Kentucky, Louisiana, Maryland, Michigan, North Carolina, Ohio and Wisconsin—agreed to the revised settlement. The remaining State plaintiffs—California, Connecticut, Florida, Iowa, Kansas, Massachusetts, Minnesota, Utah, West Virginia and the District of Columbia—are seeking a judicially ordered remedy, as is their right.

I, together with an Assistant Attorney General from the State of Ohio, were the principal representatives of the States in the lengthy negotiations that led to the proposed final judgment embodying the settlement. Therefore, I believe that we in New York see the Microsoft settlement from a vantage point that others who were not in the negotiating room may lack. I will do my best to try to share our observations with the Committee. I will begin by presenting an overview of the lawsuit and the settlement reached. After that, I will address in more detail several of the central features of the settlement. Then, I wish to turn to the settlement process itself, particularly insofar as it bears on criticism of the proposed final judgment.

1. Overview of the Case and the Settlement

In May 1998, New York, 18 other States and the District of Columbia began a lawsuit against Microsoft, alleging violations of federal and state antitrust laws.[1] The States' case was similar to an antitrust case commenced that same day by DOJ, and the two cases proceeded on a consolidated basis. In summary, the litigation against Microsoft charged that the company unlawfully restrained trade and denied consumers choice by: (1) monopolizing the market for personal computer (''PC'') operating systems; (2) bundling (or ''tying'') Internet Explorer—Microsoft's web browser—into the Windows operating system used on most PCs; (3) entering into arrangements with various industry members that excluded competitive software; and (4) attempting to monopolize the market for web browsers.

After a lengthy trial, the District Court upheld the governments' claims that Microsoft had unlawfully: (1) maintained a monopoly in the PC operating system market; (2) tied Internet Explorer to its Windows operating system monopoly; and (3) attempted to monopolize the browser market. The District Court issued a final judgment breaking up Microsoft into two separate businesses, and ordering certain conduct remedies intended to govern Microsoft's business activities pending completion of the break-up. These remedies were stayed while Microsoft appealed.

In June of this year, the Court of Appeals for the District of Columbia Circuit issued its decision on appeal. United States v. Microsoft Corp., 253 F.3d 34 (DC Cir. 2001). The Court of Appeals broadly upheld the lower court's monopolization maintenance ruling, although it rejected a few of the acts of monopolization found by the District Court including the Court's determination that Microsoft's overall course of conduct itself amounted to monopoly maintenance. On the tying claim, the Court of Appeals reversed the lower court's holding of an antitrust violation, and ordered a new trial under the rule of reason a—standard more favorable to Microsoft than the standard previously used by the trial court. In view of these rulings, the Circuit Court vacated the final judgment, including the break-up provisions. Finally, the Court of Appeals disqualified the trial judge from hearing further proceedings. Thereafter, the Court of Appeals denied a rehearing petition by Microsoft, and the Supreme Court declined to hear an appeal by Microsoft concerning the Court of Appeals' disqualification ruling.

The Court of Appeals returned the case to the District Court in late August of this year. At that point, a new judge—Hon. Colleen Kollar-Kotelly—was assigned. Shortly after that, DOJ and the States announced their intention, in the forthcoming proceedings before the District Court, to refrain from seeking another break up order—and to focus instead on conduct remedies modeled on those included in the earlier District Court judgment. DOJ and the States also announced that the□, would not re-try the tying claim under the rule of reason test that the Court of Appeals had adopted. These decisions by the government enforcers were made in an effort to jump-start the process of promptly obtaining a strong and effective remedy for Microsoft's anticompetitive conduct, as upheld by the Court of Appeals' decision.

The parties appeared before Judge Kollar-Kotelly for the first time at a conference held on September 28, 2001. The Court directed the parties to begin a settlement negotiation and mediation process, which would end on November 2. Specifically, the Court noted that ''I expect [the parties] to engage in settlement discussions seven days a week around the clock in order to see if they can resolve this case.'' (Transcript of September 28, 2001 proceedings, page 5) The Court also adopted a detailed schedule governing the proceedings leading to a heating on remedies, which the Court tentatively set for March 2002, if no settlement could be reached.

The settlement process that the District Court thus set in motion resulted in a proposed final judgment agreed to by Microsoft, DOJ and nine of the plaintiff States. The overarching objective of this settlement is to increase the choices available to consumers (including business users) who seek to buy PCs by promoting competition in the computer and computer software industries. More specifically (and as I will explain further below), the proposed final judgment includes the following means to increase consumer choice and industry competition:

- Microsoft will be prohibited from using various forms of conduct to punish or discourage industry participants from developing and offering products that compete or could compete with the Windows operating system, or with Microsoft software running on Windows.
- Microsoft will be prohibited from restricting the ability of computer manufacturers to make significant changes to Windows, thereby encouraging manufacturers to offer consumers more choice in the features included in PCs available for purchase.
- Microsoft will be required to disclose significant technical information that will help industry participants to develop and offer products that work well with Windows, and, in this way, potentially aid in the development of products that will compete with Windows itself.
- Microsoft will be subject to on-site scrutiny by a specially selected three-person committee, charged with responsibility to assist in enforcing Microsoft's obligations under the settlement, and to help resolve complaints and inquiries that arise by virtue of the settlement.

New York decided to settle the Microsoft case because we believe that the deal hammered out over the many weeks of negotiations will generate a more competitive marketplace for consumers and businesses throughout the country, and, indeed, throughout the world. In summary, the settlement that the parties have submitted to the District Court for approval will accomplish the following:

2. Empowering Computer Manufacturers to Offer Choices to Consumers

First, the proposed final judgment will empower computer manufacturers—the ''OEMs'' to—offer products that give consumers choice. Under the settlement,

[1] Subsequently, one State (South Carolina) dropped out, and another (New Mexico) settled earlier this year.

OEMs have the opportunity to add competing middleware to the Windows operating system in place of middleware included by Microsoft. (Section III, paragraphs C and H) [2] Middleware here refers not only to software like the Netscape browser, one of the subjects of the liability trial, but also to other important PC functions, such as email, instant messaging, or the media players that enable consumers to receive audio and visual content from the Internet. (Section VI, paragraphs K and M) [3] Middleware is important, in the context of this case, because it may help break down barriers that protect Microsoft's Windows monopoly.

The government negotiators insisted on, and eventually obtained, a broad definition of middleware so that the proposed decree covers both existing middleware and middleware not currently in existence, but which Microsoft and its competitors may develop during the term of the decree. The reason for our pressing a broad definition is plain enough: the broader the definition of middleware, the more software covered by the settlement, and the greater the opportunity for a software product to develop in a fashion that challenges the Windows monopoly.

Under the proposed decree, OEMs will have the ability to customize the PC's that they offer. They may, for example, add icons launching both competing middleware—and products that use competing middleware—to the Windows desktop or Start menu, and to other places in the Windows operating system. OEMs also will have the ability to suppress the existence of the competing middleware that Microsoft included in the Windows operating system licensed to the OEM. Microsoft itself will have to redesign Windows to the extent needed to permit this sort of substitution of middleware, and to ensure that the OEMs' customization of Windows is honored. (Section III, paragraphs C and H) [4]

The options available to OEMs under the settlement mean that the Windows desktop is up for sale. Companies offering a package of features that includes middleware, and middleware developers themselves, who desire to put their product into the hands of consumers can go to OEMs and buy a part of the real estate that the Windows desk top represents. This opportunity for additional revenue should further empower OEMs to develop competing computer products that offer choice to consumers.

The OEMs' ability to offer consumers competing middleware is backed up by a broad provision that prohibits Microsoft from ''retaliating'' against OEMs for any decision to install competing middleware (as well as any operating system that competes with Windows). (Section III, paragraph A) This provision forbids Microsoft from altering any of its commercial relations with an OEM, or from denying an OEM a wide array of product support or promotional benefits, based on the OEM's efforts to offer competitive alternatives. (Section VI, paragraph C)

Then, to back up the non-retaliation provision, Microsoft also is required to license Windows to its 20 largest OEMs (who comprise roughly 70% of new PC sales) under uniform, non-discriminatory terms. (Section III, paragraph B) Microsoft also is prohibited from terminating any of its 20 largest OEMs for Windows licensing violations without first giving the OEM notice and an opportunity to cure the alleged violation. (Section III, paragraph A)

3. Empowering Software Developers and Others to Offer Competing Middleware

Second, the proposed final judgment seeks to encourage independent software developers—referred to as ''ISVs''—to write competing middleware. This is accomplished by forbidding Microsoft from retaliating against any ISV based on the ISV's efforts to introduce competing middleware or a competing operating system into the market. (Section III, paragraph F) The literally thousands of ISVs in the industry are protected by this additional non-retaliation provision, and they are protected whether or not they have an on-going business relationship with Microsoft.

ISVs, and many other industry participants, are further protected by provisions that prohibit Microsoft from entering into exclusive dealing arrangements relating to middleware or operating systems. Exclusive dealing arrangements are a device that Microsoft used to deny competitors access to the distribution lines needed to enable their products to gain acceptance in the marketplace. (Section III, paragraphs F, G) We have effectively closed off that practice to Microsoft.

4. Requiring Microsoft to Disclose Information to Facilitate Interoperation

Third, the proposed final judgment requires Microsoft to provide the technical information—''interfaces'' and ''protocols''—that industry members need to enable competing middleware to work well with Windows. Middleware uses functions of the Windows operating system through connections or ''hooks'' called ''applications programming interfaces''—''APIs'' for short. Microsoft will now be required to disclose the APIs that its own middleware uses to interoperate with Windows, and to provide technical documents relating to those APIs, so that ISVs who wish to develop competing middleware will have the information needed to make their products work well with Windows. (Section III, paragraph D)

This is, again, a place where the broad definition of middleware, covering both existing and yet to be developed products, matters. (Section VI, paragraph J) The broader the definition, the greater the number of APIs that Microsoft must disclose and document. The greater the technical information made available, the greater the likelihood that industry participants will be able to develop competing middleware that works well on Windows.[5]

The proposed decree goes beyond requiring disclosure of APIs between Windows and Microsoft middleware. More and more, at-home consumers and computer users in the workplace can obtain functionality that they need from either the Internet or from network servers operating in a business setting. This trend means that computer applications running on servers may be an emerging location for developing middleware that could challenge the Windows monopoly at the PC level. Thus, the settlement is designed to prevent Microsoft from using Windows to gain competitive advantages in the way that PCs talk to servers. This is accomplished by requiring Microsoft to disclose, via a licensing mechanism, what are called ''protocols'' used to enable PCs and servers to communicate with each other. (Section III, paragraph E)

This particular provision—sometimes referred to as the ''client/server interoperability'' section—was especially important to the States. The provision included in the November 2 version of the final judgment between the DOJ and Microsoft did not seem to us in New York to go quite as far as we felt it needed to go. As a result, this was a place that we and other States focused on in the negotiations leading to the revised settlement signed on November 6. The changes that resulted did not involve many words, but we believe that they enhanced Microsoft's disclosure obligations in this critical area.

5. The Enforcement Mechanism

The subject matter of the Microsoft lawsuit is complex, and so too are many parts of the remedy embodied in the final judgment. This complexity creates the potential for good faith disagreement, as well as for intentional evasion. For this reason, from the outset of the settlement negotiations, New York held to the view that enforcement provisions going beyond those typically found in antitrust decrees would be needed here. We worked closely with DOJ to achieve this objective. What you find in the proposed final judgment is an enforcement mechanism that we believe is unprecedented in any antitrust case.

The proposed consent decree expressly recognizes the ''exclusive responsibility'' of the United States DOJ and the antitrust officials of the settling States to enforce the final judgment against Microsoft. (Section IV, paragraph A (1)) To assist this federal and state enforcement and compliance effort, the proposed decree will create a three person body, the ''Technical Committee'' or ''TC.'' (Section IV, paragraph B) The TC is

[2] Parenthetical references are to Revised Proposed Final Judgment attached to the Stipulation, dated November 6, 2001(the ''November 6 Stipulation''), in United States v. Microsoft Corp., Civil Action No. 98–1232 (CKK)(D.DC), and State of New York v. Microsoft Corp., Civil Action No. 98–1233 (CKK)(D.DC) (together ''Microsoft'').

[3] For ease of exposition, I refer in this testimony to ''middleware'' as a generic term. In the proposed final judgment itself, there are four related middleware definitions, which are associated with various substantive provisions in the decree. (See Section VI, paragraphs J, K, M, N; Section IV(A) of the Competitive Impact Statement, dated November 15, 2001, filed in Microsoft.)

[4] PC users themselves will have a similar ability to customize Windows.

[5] Strictly speaking, if Microsoft refrains from separately distributing a particular middleware product included in Windows, it need not disclose

[4] PC users themselves will have a similar ability to customize Windows.

empowered, among other things: (1) to interview any Microsoft personnel; (2) to obtain copies of any Microsoft documents—including Microsoft's source code—and access to any Microsoft systems, equipment and physical facilities; and (3) to require Microsoft to provide compilations of documents, data and other information, and to prepare reports for the TC. (Section IV, paragraph B(8)(b), (c)) The TC itself is authorized to hire staff and consultants to carry out its responsibilities. (Section IV, paragraph B(8)(h)) Microsoft also is required to provide permanent office space and office support facilities for the TC at its Redmond, Washington campus. (Section IV, paragraph B(7))

In other words, for the five year term of the decree, the TC will be the on-site eyes and ears of the government enforcers. The TC and government enforcers may communicate with each other as often as they need to, and the TC may obtain advice or assistance from the enforcers on any matter within the TC's purview. In addition, the TC is subject to specific reporting requirements—every six months, or immediately if the TC finds any violation of the decree. (Section IV, paragraph B(8)(e), (f)) The TC further will be expected to field and promptly resolve complaints and inquiries from industry members, or from government enforcers themselves. (Section IV, paragraph B(8)(d), paragraph D)

All of this will be paid for by Microsoft, subject to possible review by federal and state officials, or the Court. To discourage Microsoft from mounting dubious court challenges to the TC's costs and expenses, the proposed decree authorizes the TC to recover its litigation expenses, including attorneys' fees, unless the Court expressly finds that the TC's opposition was ''without substantial justification.'' (Section IV, paragraph B(8)(i))

These enforcement provisions are probably the strongest ever crafted in an antitrust case. Federal and state enforcers will have at their disposal their regular enforcement powers, which may be invoked at any time independent of anything that the TC may do. (Section IV, paragraph A(2), (4)) Meanwhile, the TC will augment these traditional powers in significant respects. In addition, Microsoft itself is required to appoint an internal compliance officer to assist in assuring discharge of the company's obligations under the settlement. (Section IV, paragraph C)

I am mindful that concern has been expressed regarding the enforcement provision that ''[n]o work product, findings or recommendations of the TC may be admitted in any enforcement proceeding before the Court. . . . ''(Section IV, paragraph D(4)(d)) But the impact of this provision should not be great. As noted, 15 the TC may report to the government enforcers, who may use the TC's work to seek from Microsoft a consensual resolution of, for example, any non-compliant conduct, to initiate (and inevitably shortcut) enforcement-looking activity, to pursue leads, and for other enforcement purposes. Moreover, the TC's work product, once known, should be readily susceptible of prompt replication by enforcement officials for use in judicial proceedings.

6. The Settlement Process

As the very fact of these hearings attests, the proposed settlement of the Microsoft case is a subject of significant public interest and debate. For years, many have asserted that the case itself should never have been filed to begin with. For these individuals, the government should be satisfied to get any remedy at all. We in New York profoundly disagree with this view. As the liability trial and appeal confirmed, this case was properly brought to remedy serious anticompetitive activity by Microsoft. The trial and appellate proceedings further confirmed that the antitrust laws are alive and well in technological industries, just as they are in other parts of our nation's economy. Accordingly, the public is entitled to a strong, effective remedy.

In this regard, however, some have criticized the settlement for not going far enough, or for having exceptions and limitations. We reject this view as well.

In announcing the decision by New York and eight other States to settle the case, New York Attorney General Eliot Spitzer noted that ''a settlement is never perfect.'' A settlement is an agreed-upon resolution of competing positions and objectives. Do I wish that the DOJ and the States had gotten more? Of course I do. Do our counterparts on the Microsoft side wish that they had given up less? There is no doubt about the answer. So, asking these questions does not take us very far. Settlement necessarily means compromise. It is in the nature of the beast.

This particular settlement is the product of roughly five weeks of consuming negotiations, much of which took place under the guidance of two experienced mediators. I am unaware of any calculation of the total person-hours consumed by this effort. Certainly it was in the thousands, if not tens of thousands, of hours. The process required the two sides to explore, both internally and in face-to-face negotiations, a host of factors that bear on terms of the settlement eventually reached, such as: (1) the competitive consequences of varying courses of action; (2) the design, engineering and practical implications and limitations of various remedy approaches, as well as their impact on innovation incentives; (3) the issues actually framed for trial in the liability phase of the case and their resolution by the Court of Appeals; (4) the law governing remedies for the monopoly maintenance violation that the Court of Appeals upheld, which the District Court would be called on to apply in the absence of a settlement; and (5) the resources, effort and time otherwise needed to resolve the sharp factual disputes that would be presented in a full-blown remedies hearing. New York and the other States, as well as the DOJ, were aided in this process by experienced staff and retained experts.

In the final analysis, the DO J, New York and the other settling States concluded that the benefits to consumers and to the competitive process that are likely to result from the negotiated settlement reached here outweigh the uncertain remedy that a contested remedies proceeding might bring. In assessing the soundness of that conclusion, the members of the Committee should recall that the settlement's critics have a luxury that those of us who settled did not have: they have the settlement floor created by the final judgment that we have offered. Absent this settlement, however, a judicial remedies hearing had not simply potential rewards, but significant risks as well.

During the September 28 court conference, the District Court expressed its views regarding the appropriate scope of the conduct remedies that might emerge from a judicial hearing on relief. Among other things, the District Court stated the following:

The Supreme Court long ago stated that it's entirely appropriate for a district court to order a remedy which goes beyond a simple prescription against the precise conduct previously pursued. . . . The Supreme Court has vested this court with large discretion to fashion appropriate restraints both to avoid a recurrence of the violation and to eliminate its consequences. Now, case law in the antitrust field establishes that the exercise of discretion necessitates choosing from a range of alternatives.

So the government's first and most obvious task is going to be to determine which portions of the former judgment remain appropriate in light of the appellate court's ruling and which portions are unsupported following the appellate court's narrowing of liability.

Now, the scope of any proposed remedy must be carefully crafted so as to ensure that the enjoining conduct falls within the number [sic, penumbra] of behavior which was found to be anticompetitive. The government will also have to be cautiously attentive to the efficacy of every element of the proposed relief.

(Transcript of September 28, 2001 proceedings, pages 9, 8)

These remarks highlight risks that both sides confronted if the decision were made to press for a court-ordered remedy. Several concrete examples, from the settlement actually reached, will further drive home this point.

• Microsoft's API disclosure obligations, and its obligations to permit OEMs to customize the Windows desktop and operating system more generally, revolve around a series of related middleware definitions that the parties agreed to. Absent a settlement, there could no assurance that 19 the courts would adopt middleware definitions as broad as those that DOJ and the settling States negotiated.

The liability trial in the case centered on Microsoft's conduct directed to efforts by Netscape and Sun to get Netscape's web browser and Sun's Java technologies installed on individual PCs. Plaintiffs' theory of the case which the trial and appellate courts upheld was that these forms of middleware could, if sufficiently pervasive at the PC level, erode the applications barrier to entry that protects Microsoft's Windows monopoly. Microsoft therefore set out to exclude this middleware from PCs. In the settlement negotiations leading to the client/server interoperability provision, the government negotiators argued that applications running at the server level can be analogous to middleware running at the PC level. On this

approach, middleware developed at the server level could also break down the applications barrier to entry into the PC operating system market. Therefore, the remedy in this case requires Microsoft to disclose ways that PCs running Windows talk to servers running Microsoft software. Absent a settlement, however, there could be no assurance that the courts would order disclosure of this PC/server line of communications. Microsoft resisted this provision 20 during the settlement negotiations, and would similarly have opposed it at a remedies hearing.

Finally, as i noted above, there does not seem to be any antitrust precedent for an enforcement mechanism that puts a monitor on site, with full access to the defendant's documents, employees, systems and physical facilities—all at the defendant's expense. Absent a settlement, Microsoft would have vigorously opposed such a far-reaching enforcement regime, and there plainly could be no assurance that the courts would have ordered comparable relief.

As these examples reflect, I believe that the proposed final judgment compares favorably to—and in some respects may well exceed—the remedy that might have emerged from a judicial hearing.

The existence of a settlement has also accelerated the point in time at which a remedy will begin to take effect. Microsoft has agreed to begin complying with the proposed final judgment starting on December 16, 200I. (November 6 Stipulation, paragraph 2) Assuming further that the District Court approves the proposed final judgment in Tunney Act proceedings in early 2002, there will be a remedy in place a year or more before the trial and appellate level proceedings, needed to resolve the appropriate remedy in the absence of a settlement, would be concluded. In this rapidly changing sector of the industry, the timeliness of a remedy is an important consideration.

6. Conclusion

In sum, the settlement in the Microsoft case promotes competition and consumer choice. It is proportionate to the monopoly maintenance violations that the Court of Appeals for the District of Columbia Circuit sustained. The settlement represents a fair and reasonable vindication of the public interest in assuring the free and open competition that our nation's antitrust laws guarantee.

Microsoft is reported recently to have issued a companywide email stating its commitment to making the settlement ''a success'' and to ''ensuring that everyone at Microsoft complies fully with the terms'' of the decree. D. Ian Hopper, Associated Press State & Local Wire (Nov. 30, 2001). We expect nothing less, and we intend to see to it that Microsoft honors that commitment. New York is one of the members of the States' enforcement committee, created under the proposed decree. Our State Antitrust Bureau will be vigilant in monitoring Microsoft's discharge of its obligations, and we look forward to working closely with the DOJ to make sure that the settlement is, indeed, a success. The American public is entitled to nothing less.

Statement of Charles F. (Rick) Rule, Fried Frank Harris Shriver & Jacobson, Counsel for Microsoft Corporation

Before the Committee on the Judiciary, United States Senate, December 12, 2001

Mr. Chairman and members of the Committee, good morning. It is a pleasure to appear before you today on behalf of Microsoft Corporation to discuss the proposed consent decree or Revised Proposed Final Judgment (the ''PFJ'') to which the U.S. Department of Justice and nine of the plaintiff states have agreed. As this committee is aware, I am counsel to Microsoft in the case and was one of the principal representatives for the company in the negotiations that led to the proposed consent decree.

The PFJ was signed on November 6th after more than a month of intense, around-the-clock negotiations with the Department and representatives of all the plaintiff states. The decree is currently subject to a public interest review by Judge Kollar-Kotelly under the Tunney Act.[1] Because we are currently in the midst of that review and because nine states and the District of Columbia have chosen to continue the litigation, I must be somewhat circumspect in my remarks. However, what I can—indeed, must—stress is that, in light of the Court of Appeals' decision last summer to ''drastically'' reduce the scope of Microsoft's liability and in light of the legal standards for imposing injunctive relief, the Department and the settling states were very effective in negotiating for broad, strong relief. As the chart in the appendix depicts, ever since the Department and the plaintiff states first filed their complaints in May 1998, the case has been shrinking. What began with five claims, was whittled down to a single monopoly maintenance claim by a unanimous Court of Appeals. Even with respect to that surviving claim, the appellate court affirmed Judge Jackson's findings on only about a third (12 0f35) of the specific acts which the district court had found support that claim.

Given that history and the law, there is no reasonable argument that the PFJ is too narrow or that it fails to achieve all the relief to which the Department was entitled. In fact, as these remarks explain, the opposite is true—faced with tough, determined negotiators on the other side of the table, Microsoft agreed to a decree that goes substantially beyond what the plaintiffs were likely to achieve through litigation. Quite frankly, the PFJ is the strongest, most regulatory conduct decree ever obtained (through litigation or settlement) by the Department.

Why then, one might ask, would Microsoft consent to such a decree? There are two reasons. First, the company felt strongly that it was important to put this matter behind it and to move forward constructively with its customers, its business partners, and the government. For four years, the litigation has consumed enormous resources and been a serious distraction. The constant media drumbeat has obscured the fact that the company puts a premium on adhering to its legal obligations and on developing and maintaining excellent relationships with its partners and customers. Litigation is never a pleasant experience, and given the magnitude of this case and the media attention it attracted, it is hard to imagine any more costly, unpleasant civil litigation.

Second, while the Department pushed Microsoft to make substantial, even excessive concessions to get a settlement, there were limits to how far the company was willing or able to go (limits, by the way, which the Department and the settling states managed to reach). Microsoft was fighting for an important principle—the ability to innovate and improve its products and services for the benefit of consumers. To that end, Microsoft insisted that the decree be written in a way to allow the company to engage in legitimate competition on the merits. Despite the substantial burdens the decree will impose on Microsoft and the numerous ways in which Microsoft will be forced to alter its conduct, the decree does preserve Microsoft's ability to innovate, to improve its products, and to engage in procompetitive business conduct that is necessary for the company to survive.

In short, at the end of the negotiations, Microsoft concluded that the very real costs that the decree imposes on the company are outweighed by the benefits, not just to Microsoft but to the PC industry and consumers generally.

Tile Court of Appeals' ''Road Map ''for Relief

In order to evaluate the decree, one must first appreciate the history of this case and how drastically the scope of Microsoft's liability was narrowed at the appellate level. When this case began with the filing of separate complaints by the Department and the plaintiff states in May of 1998, it was focused on Microsoft's integration of browsing functionality called Internet Explorer or IE into Windows 98, which the plaintiffs alleged to be an illegal tying arrangement.

The complaints of the Department and the states included five separate claims: (1) a claim under section 1 of the Sherman Act that the tie-in was per se illegal; (2) another claim under section 1 that certain promotion and distribution agreements with Internet service providers (ISPs), Internet content providers (ICPs), and on-line service providers (OSPs) constituted illegal exclusive dealing; (3) a claim under section 2 of the Sherman Act that Microsoft had attempted to monopolize Web browsing software; (4) a catch-all claim under section 2 that the alleged conduct that underlay the first three claims amounted to illegal maintenance of Microsoft's monopoly in PC operating systems; and (5) a claim by the plaintiff states (but not part of the Department's complaint) under section 2 that Microsoft illegally ''leveraged'' its monopoly in PC operating systems.[2] As discovery got underway, the case dramatically expanded as the plaintiffs indiscriminately began identifying all manner of Microsoft conduct as examples of

[1] 15 U.S.C. § 16(b)–(h).

[2] Initially the plaintiff states included an additional section 2 claim based on Microsoft Office; however, they voluntarily dropped that claim in their amended complaint.

the company's illegal efforts to maintain its monopoly. But then, the case began to shrink.

In response to Microsoft's motion for summary judgment, the district court dismissed the states' Monopoly leveraging claim (claim 5).

After trial, Judge Jackson held that the plaintiffs failed to prove that Microsoft's arrangements with ISPs, ICPs, and OSPs violated section 1 (claim 2).

Judge Jackson did, however, conclude that the plaintiffs had sustained their claims that Microsoft illegally tied IE to Windows (claim 1), illegally attempted to monopolize the browser market (claim 3), and illegally maintained its monopoly (claim 4), basing his decision on 35 different actions engaged in by Microsoft.

In a unanimous decision of the Court of Appeals sitting en banc, the court reversed the trial court on the attempted monopolization claim (claim 3) and remanded with instructions that judgment be entered on that claim in favor of Microsoft.

The unanimous court also reversed Judge Jackson's decision with respect to the tie-in claim (claim 1). The appellate court held that, in light of the prospect of consumer benefit from integrating new functionality into platform software such as Windows, Microsoft's integration of IE into Windows had to be judged under the rule of reason rather than the per se approach taken by Judge Jackson. The Court of Appeals refused to apply the per se approach because of ''our qualms about redefining the boundaries of a defendant's product and the possibility of consumer gains from simplifying the work of applications developers [by ensuring the ubiquitous dissemination of compatible APIs].'' The court's decision did allow the plaintiffs on remand to pursue the tie-in claim on a rule of reason theory; however, shortly after the remand, the plaintiffs announced they were dropping the tie-in claim.

With respect to the only remaining claim (monopoly maintenance—claim 4), the Court of Appeals affirmed in part and reversed in part the lower court and substantially shrank Microsoft's liability. After articulating a four-step burden-shifting test that is highly fact intensive, the appellate court reviewed the 35 different factual bases for liability and rejected nearly two-thirds of them.

In the case of seven of those 35 findings (concerning such conduct as Microsoft's refusal to allow OEMs to replace the Windows desktop, Microsoft's design of Windows to ''override the user's choice of a default browser,'' and Microsoft's development of a Java virtual machine (JVM) that was incompatible with Sun's JVM), the appellate court specifically reversed Judge Jackson's decision.

At the time Judge Kollar-Kotelly ordered the parties into intensive negotiations, she clearly recognized the importance of the drastic alteration to the scope of Microsoft's liability.[6] The judge informed the government that its ''first and most obvious task is going to be to determine which portions of the former judgment remain appropriate in light of the appellate court's ruling and which portions are unsupported following the appellate court's narrowing of liability.'' [7] The judge went on to note that ''the scope of any proposed remedy must be carefully crafted so as to ensure that the enjoining conduct falls within the [penumbra] of behavior which was found to be anticompetitive.'' [8] The judge also stated that ''Microsoft argues that some of the terms of the former judgment are no longer appropriate, and that is correct. I think there are certain portions where the liability has been narrowed.'' [9]

Before discussing the negotiations and the decree itself, I would like to make three other points about the crafting of antitrust remedies that also are relevant to considering the relief to which the plaintiffs were entitled. First, the critics of the PFJ routinely ignore the fact that the Department has long acknowledged that Microsoft lawfully acquired its monopoly position in PC operating systems. Indeed, the Department retained a Nobel laureate in the first Microsoft case in 1994 to submit an affidavit to the district court opining that Microsoft had reached its position in PC operating systems through luck, skill, and foresight.[10] It is true of course that Microsoft has now been found liable for engaging in conduct that amounted to illegal efforts to maintain that position; however, there is precious little in the record establishing any causal link between the twelve illegal acts of ''monopoly maintenance'' and Microsoft's current position in the market for PC operating systems. Thus, contrary to the critics' overheated rhetoric, there is no basis for relief designed to terminate an ''illegal monopoly.''

Second, decrees in civil antitrust cases are designed to remedy, not to punish. All too often, the critics of this decree speak as though Microsoft was convicted of a crime. It was not. This is a civil case, subject to the rules of civil rather than criminal procedure. To the extent the plaintiffs tried to get relief that could be deemed punitive, that relief would have been rejected.

Third, a decree must serve the purposes of the antitrust laws, which is a ''consumer welfare prescription.'' I realize we are in the ''season of giving,'' but an antitrust decree is not a Christmas tree to fulfill the wishes of competitors, particularly where that fulfillment comes at the expense of consumer welfare. Calls for royalty-free licensing of Microsoft's intellectual property, or for imposing obligations on Microsoft to distribute third part□, software at no charge, or for Microsoft to facilitate the distribution of an infinite variety of bastardized versions of Windows (and make sure they all run perfectly) are great for a small group of competitors who know that such provisions will quickly destroy Microsoft's incentives and ability to compete (not to mention violate the Constitution's proscription against ''takings'').

Such calls, however, are anathema to consumers' interests in a dynamic, innovative computer industry. Twenty years ago, my old boss and antitrust icon, Bill Baxter, warned about the anticompetitive consequences of antitrust decrees designed simply to ''add sand to the saddlebags'' of a particularly fleet competitor like Microsoft. It's a warning the courts would certainly heed today.

To their credit, the negotiators for the Department and the settling states understood these three fundamental antitrust principles. While we may have had to remind the other side of these principles from time to time, we did not have to negotiate for their adherence to them. Taxpayers and consumers can be proud that their interests were represented by honorable men and women with the utmost respect for the rule of law. For others to insinuate that, by agreeing to a decree that honors these three fundamental principles, the Department and the settling states ''caved'' or settled for inadequate relief is as offensive as it is laughable.

The Negotiations

It is against the background I have sketched that, on September 27th, Judge Kollar-Kotelly ordered the parties into intensive, ''around the clock'' negotiations. Microsoft had already indicated publicly its strong desire to try to settle the case, and so it welcomed the judge's order. As has been widely reported, all the parties in the case took the court's order very seriously. Microsoft assembled in Washington, DC, a core team of in-house and outside lawyers who have been living with this case for years, and who spent virtually all of the next five weeks camped out in my offices down the street. Microsoft's top legal officer was in town during much of the period directing the negotiations. Back in Redmond, the company's most senior executives devoted a great deal of time and energy to the process, and we were all supported by a large group of dedicated lawyers, businesspeople, and staff.

From my vantage point, the Department and the states (at least those that settled) made an equivalent effort. As the mediator wrote after the process ended, ''No party was left out of the negotiations. . . . Throughout most of the mediation the 19 states (through their executive committee representatives) and the federal government (through the staff of the antitrust division) worked as a combined ''plaintiffs' team.'' [11] Jay Himes from the office of the New York Attorney General Eliot Spitzer and Beth Finnerty from the office of the Ohio Attorney General Betty Montgomery represented the states throughout the negotiations, putting in the same long hours as the rest of us. At various points Mr. Himes and Ms. Finnerty were joined by representatives from other states,

[6] This hearing, it should be noted, occurred after the plaintiffs had dropped their request for divestiture relief.

[7] Transcript of Scheduling Conference before the Honorable Colleen Kollar-Kotelly, September 28, 2001, at 8.

[8] Id.

[9] Id.

[10] The Declaration of Kenneth J. Arrow was attached as an exhibit to the Memorandum of the United States in Support of Motion to Enter Final Judgment, filed on January 18, 1995, with the District Court in support of the Department's 1994 consent decree with Microsoft.

[11] Eric D. Green and Jonathan B. Marks, How We Mediated the Microsoft Case, Boston Globe, at A23 (November 15, 2001).

including Kevin O'Connor from the office of Wisconsin Attorney General James Doyle.[12]

The negotiations began on September 28th and continued virtually non-stop until November 6th. During the first two weeks, we negotiated without the benefit of a mediator. As they say in diplomatic circles, the discussions were ''full and frank.'' The Department lawyers and the state representatives in the negotiation were extremely knowledgeable, diligent, and formidable.

Microsoft certainly hoped to be able to reach a settlement quickly and before a mediator was designated. However, the views on all sides were sufficiently strong and the need to pay attention to every sentence, phrase, and punctuation mark so overwhelming that reaching agreement proved impossible in those first two weeks. Eric Green, a prominent mediation specialist, was appointed by the court and with the help of Jonathan Marks spent the next three weeks helping the parties find common ground. As Professor Green and Mr. Marks wrote after the mediation ended,

''Successful mediations are ones in which mediators and parties work to identify and overcome barriers to reaching agreement. Successful mediations are ones in which all the parties engage in reasoned discussions of issues that divide them, of options for settlement, and of the risks, opportunities, and costs that each party faces if a settlement isn't reached. Successful mediations are ones in which, settle or not, senior representatives of each party have made informed and intelligent decisions. The Microsoft mediation was successful.'' [13]

Working day and night virtually until the original November 2 deadline set by the judge, Microsoft and the Department agreed to and signed a decree early on November 2. The representatives of the states also tentatively agreed, subject to an opportunity from November 2 until November 6 to confer with the other states that were more removed from the case and negotiations. During that period, the states requested several clarifying modifications to which Microsoft (and the Department) agreed. From press reports, it appears that during this period the plaintiff states also were being subjected to intense lobbying by a few of Microsoft's competitors who were desperate either to get a decree that would severely cripple if not eventually destroy Microsoft or at least to keep the litigation (and the attendant costs imposed on Microsoft) going. Notwithstanding that pressure, New York, Wisconsin, and Ohio—the states that had made the largest investment in litigating against Microsoft and in negotiating a settlement—along with six other plaintiff states represented by a bipartisan group of state attorneys general signed onto the Revised PFJ on November 6.

The Proposed Final Judgment

Throughout the negotiations, Microsoft was confronted by a determined and tough group of negotiators for the Department and the states. They made clear that there would be no settlement unless Microsoft went well beyond the relief to which, Microsoft believes, the Court of Appeals opinion and the law entitles the plaintiffs. Once that became clear, Microsoft relented in significant ways, subject only to narrow language that preserved Microsoft's ability to innovate and engage in normal, clearly procompetitive activities. Professor Green, the one neutral observer of this drama, has noted the broad scope of the prohibitions and obligations imposed on Microsoft by the PFJ, stating during the status conference with Judge Kollar-Kotelly that ''the parties have not stopped at the outer limits of the Court of Appeals' decision, but in some important respects the proposed final judgment goes beyond the issues affirmed by the Court of Appeals to deal with issues important to the parties in this rapidly-changing technology.'' [14]

I do not intend today to provide a detailed description of each provision of the PFJ; the provisions speak for themselves. It may come as something of a surprise in light of some of the uninformed criticism hurled at the decree, but one of Microsoft's principal objectives during the negotiations was to develop proscriptions and obligations that were sufficiently clear, precise and certain to ensure that the company and its employees would be able to understand and comply with the decree without constantly engendering disputes with the Department. This is an area of complex technology and the decree terms on which the Department insisted entailed a degree of technical sophistication that is unprecedented in an antitrust decree. Drafting to these specifications was not easy, but the resulting PFJ is infinitely clearer and easier to administer than the conduct provisions of the decree that Judge Jackson imposed in June 2000.

If, as one might suspect would be the outcome in a case such as this, the PFJ were written to proscribe only the twelve practices affirmed by the Court of Appeals, the decree would be much shorter and simpler. The Department and settling states, however, insisted that the decree go beyond just focused prohibitions to create much more general protections for a potentially large category of software, which the PFJ calls ''middleware.'' But even these expansive provisions to foster middleware competition were not sufficient to induce the Department and the states to settle; rather, they insisted that Microsoft also agree to additional obligations that bear virtually no relationship to any of the issues addressed by the district court and the Court of Appeals. And lastly they insisted on unprecedented enforcement provisions. I will briefly describe each of these three sets of provisions.

1. Protections for ''Middleware''

The case that the plaintiffs tried and the narrowed liability that survived appellate review all hinged on claims that Microsoft took certain actions to exclude Netscape's Navigator browser and Sun's Java technology from the market in order to protect the Windows operating system monopoly. The plaintiffs successfully argued that Microsoft feared that Navigator and Java, either alone or together, might eventually include and expose a broad set of general purpose APIs to which software developers could write as an alternative to the Windows APIs. Since Navigator and Java can run on multiple operating systems, if they developed into general purpose platforms, Navigator and Java would provide a means of overcoming the ''applications barrier'' to entry and threaten the position of the Windows operating system as platform software.

A person might expect that a decree designed to address such a monopoly maintenance claim would provide relief with respect to Web-browsing software and Java or, at most, to other general purpose platform software that exposes a broad set of APIs and is ported to run on multiple operating systems. The PFJ goes much further. The Department insisted that obligations imposed on Microsoft by the decree extend to a range of software that has little in common with Navigator and Java. The decree applies to ''middleware'' broadly defined to include, in addition to Web-browsing software and Java, instant messaging software, media players, and even email clients—software that, Microsoft believes, has virtually no chance of developing into broad, general purpose platforms that might threaten to displace the Windows platform. In addition, there is a broad catch-all definition of middleware that in the future is likely to sweep other similar software into the decree.

This sweeping definition of middleware is significant because of the substantial obligations it imposes on Microsoft. Those obligations—a number of which lack any correspondence to the monopoly maintenance findings that survived appellate review—are intended to create protections for all the vendors of software that fits within the middleware definition. Taken together, the decree provisions provide the following protections and opportunities:

Relations with Computer Makers. Microsoft has agreed not to retaliate against computer makers who ship soft-ware that competes with anything in its Windows operating system.

Computer Maker Flexibility. Microsoft has agreed to grant computer makers broad new rights to configure Windows so as to promote non-Microsoft software programs that compete with features of Windows. Computer makers will now be free to remove the means by which consumers access important features of Windows, such as Internet Explorer, Windows Media Player, and Windows Messenger. Notwithstanding the billions of dollars Microsoft invests developing such cool new features, computer makers will now be able to replace access to them in order to give prominence to non-Microsoft software such as programs from AOL Time Warner or RealNetworks. (Additionally, as is the case today, computer makers can provide consumers with a choice—that is to say access to Windows features as well as to non-Microsoft software programs.)

Windows Design Obligations. Microsoft has agreed to design future versions of

[12] Mr. O'Connor, as well as attorneys in the office of the New York Attorney General, had served as counsel of record for the states in the litigation.

[13] Green and Marks, supra fn. 11.

[14] Transcript of Status Conference before the Honorable Colleen Kollar-Kotelly, November 2, 2001, at 5.

Windows, beginning with an interim release of Windows XP, to provide a mechanism to make it easy for computer makers, consumers and software developers to promote non-Microsoft software within Windows. The mechanism will make it easy to add or remove access to features built in to Windows or to non-Microsoft software. Consumers will have the freedom to choose to change their configuration at any time.

Internal Interface Disclosure. Even though there is no suggestion in the Court of Appeals'' decision that Microsoft fails to disclose APIs today and even though the Court of Appeals'' holding on monopoly power is predicated on the idea that there are tens of thousands of applications written to call upon those APIs, Microsoft has agreed to document and disclose for use by its competitors various interfaces that are internal to Windows operating system products.

Relations with Software Developers. Microsoft has agreed not to retaliate against software or hardware developers who develop or promote software that competes with Windows or that runs on software that competes with Windows.

Contractual Restrictions. Microsoft has agreed not to enter into any agreements obligating any third party to distribute or promote any Windows technology exclusively or in a fixed percentage, subject to certain narrow exceptions that apply to agreements raising no competitive concern. Microsoft has also agreed not to enter into agreements relating to Windows that obligate any software developer to refrain from developing or promoting software that competes with Windows.

These obligations go far beyond the twelve practices that the Court of Appeals found to constitute monopoly maintenance. One of the starkest examples of the extent to which these provisions go beyond the Court of Appeals decision relates to Microsoft's obligations to design Windows in such a way as to give third parties the ability to designate non-Microsoft middleware as the ''default'' choice in certain circumstances in which Windows might otherwise be designed to utilize functionality integrated into Windows. As support for his monopoly maintenance conclusion, Judge Jackson had relied on several circumstances in which Windows was designed to override the end users'' choice of Navigator as their default browser and instead to invoke IE. The Court of Appeals, however, reviewed those circumstances and reversed Judge Jackson's conclusion on the ground that Microsoft had ''valid technical reasons'' for designing Windows as it did. Notwithstanding this clear victory, Microsoft acceded to the Department's demands that it design future versions of Windows to ensure certain default opportunities for non-Microsoft middleware.

2. Uniform Prices and Server Interoperability

Nevertheless, agreeing to this wide range of prohibitions and obligations designed to encourage the development of middleware broadly defined was not enough to get the plaintiffs to settle. Instead, they insisted on two additional substantive provisions that have absolutely no correspondence to the findings of monopoly maintenance liability that survived appeal.

Uniform Price List. Microsoft has agreed to license its Windows operating system products to the 20 largest computer makers (who collectively account for the great majority of PC sales) on identical terms and conditions, including price (subject to reasonable volume discounts for computer makers who ship large volumes of Windows).

Client/Server Interoperability. Microsoft has agreed to make available to its competitors, on reasonable and non-discriminatory terms, any protocols implemented in Windows desktop operating systems that are used to interoperate natively with any Microsoft server operating system.

In the case of the sweeping definition of middleware and the range of prohibitions and obligations imposed on Microsoft, there is at least a patina of credibility to the argument that the penumbra of the twelve monopoly maintenance practices affirmed by the Court of Appeals can be stretched to justify those provisions, at least as ''fencing in'' provisions. There is no sensible reading of the Court of Appeals decision that would provide any basis for requiring Microsoft to charge PC manufacturers uniform prices or to make available the proprietary protocols used by Windows desktop operating systems and Windows server operating systems to communicate with each other. Nevertheless, because the plaintiffs insisted that they would not settle without those two provisions, Microsoft also agreed to them.

Before turning to the enforcement provisions of the PFJ, I want to say a word about the few provisos included in the decree that provide narrow exceptions to the various prohibitions and obligations imposed on Microsoft. Those exceptions were critical to Microsoft's willingness to agree to the sweeping provisions on which the plaintiffs insisted. Without these narrowly tailored exceptions, Microsoft could not innovate or engage in normal procompetitive commercial activities. The public can rest assured that the settling plaintiffs insisted on language to ensure that the exceptions only apply when they promote consumer welfare. For example, some companies that compete with Microsoft for the sale of server operating systems apparently have complained about the so-called ''security carve-out'' to Microsoft's obligation to disclose internal interfaces and protocols. That exception is very narrow and only allows Microsoft to withhold encryption ''keys'' and the similar mechanisms that must be kept secret if the security of computer networks and the privacy of user information is to be ensured. In light of all the concern over computer privacy and security these days, it is surprising that there is any controversy over such a narrow exception.

3. Compliance and Enforcement

The broad substantive provisions of the PFJ are complemented by an unusually strong set of compliance and enforcement provisions. Those provisions are unprecedented in a civil antitrust decree. The PFJ creates an independent three-person technical committee, resident on the Microsoft campus, with extraordinary powers and full access to Microsoft facilities, records, employees and proprietary technical data, including Windows source code, which is the equivalent of the ''secret formula'' for Coke. The technical committee provides a level of technical oversight that is far more substantial than any provision of any other antitrust decree of which I am aware. At the insistence of the plaintiffs, the technical committee does not have independent enforcement authority; rather, reports to the plaintiffs and, through them, to the court. The investigative and oversight authority of the technical committee in no way limits or reduces the enforcement powers of the DOJ and states; rather, the technical committee supplements and enhances those powers. Each of the settling states and DOJ have the power to enforce the decree and have the ability to monitor compliance and seek a broad range of remedies in the event of a violation.

Microsoft also agreed to develop and implement an internal antitrust compliance program, to distribute the decree and educate its management and employees as to the various restrictions and obligations. In recent years, Microsoft has assembled in-house one of the largest, most talented groups of antitrust lawyers in corporate America. They are already engaged in substantial antitrust compliance counseling and monitoring. The decree formalizes those efforts, and quite frankly adds very substantially to the in-house lawyers'' work. As we speak, that group, together with key officials from throughout the Microsoft organization, are working to implement the decree and to ensure the company's compliance with it.

As with the substantive provisions, Microsoft agreed to these unprecedented compliance and enforcement provisions because of the adamance of the plaintiffs and because of the highly technical nature of the decree. Microsoft, the Department, and the settling states recognized that it was appropriate to include mechanisms—principally, the technical committee—that will facilitate the prompt and expert resolution of any technical disputes that might be raised by third parties, without in any way derogating from the government's full enforcement powers under the decree. Although the enforcement provisions are unprecedented in their stringency and scope, they are not necessitated or justified by any valid claim that Microsoft has failed to comply with its decree obligations in the past. In fact, Microsoft has an exemplary record of complying with the consent decree to which the company and the Department agreed in 1994. In 1997, the Department did question whether Microsoft's integration of IE into Windows 95 violated a ''fencing in'' provision that prohibited contractual tie-ins, but Microsoft was ultimately vindicated by the Court of Appeals.[15] Microsoft has committed itself to that same level of dedication in ensuring the company's compliance with the PFJ.

Conclusion

[15] United States v. Microsoft, 147 F.3d 935 (D.C. Cir. 1998).

The PFJ strikes an appropriate balance in this complicated case, providing opportunities and protections for firms seeking to compete while allowing Microsoft to continue to innovate and bring new technologies to market. The decree is faithful to the fact that the antitrust laws are a ''consumer protection prescription,'' and it ensures an economic environment in which all parts of the PC-ecosystem can thrive.

Make no mistake, however, the PFJ is tough. It will impose substantial new obligations on the company, and it will require significant changes in the way Microsoft does business. It imposes heavy costs on the company and entails a degree of oversight that is unprecedented in a civil antitrust case. For some competitors of Microsoft, however, apparently nothing short of the destruction of Microsoft—or at least the ongoing distraction of litigation— will be sufficient. But if the objective is to protect the interests of consumers and the competitive process, then this decree more than achieves that goal.

Finally, for all those who are worried about the future and what unforeseen developments may not be covered by this case and the decree, remember that the Court of Appeals decision now provides guideposts, which previously did not exist, for judging Microsoft's behavior, and that of other high technology companies, going forward. Those guidelines, it is true, are not always easy to apply ex ante to conduct; however, now that the Court of Appeals has spoken, we all have a much better idea of the way in which section 2 of the Sherman Act applies to the software industry. In short, what antitrust law requires of Microsoft is today much clearer than it was when this case began. We have all learned a lot over the last four years, and Microsoft has every incentive to ensure that history does not repeat itself.

MTC–00033734

Testimony of Professor Lawrence Lessig, Stanford Law School, before the Senate Committee on the Judiciary at its hearing: The Microsoft Settlement: A Look to the Future

December 12, 2001

Four years after the United States government initiated legal action against the Microsoft Corporation, Microsoft, the federal government, and nine states have agreed upon a consent decree (''the proposed decree'') to settle the finding of antitrust liability that the Court of Appeals for the DC Circuit has unanimously affirmed. In my view, that consent decree suffers from a significant, if narrow, flaw. While it properly enlists the market as the ultimate check on Microsoft's wrongful behavior, it fails to provide an adequate mechanism of enforcement to implement its requirements. If it is adopted without modification, it will fail to achieve the objectives that the government had when it brought this case.

Yet while it is important that an adequate and effective remedy be imposed against Microsoft, in my view it equally important that any remedy not be extreme. Microsoft is no longer the most significant threat to innovation on the Internet. Indeed, as I explain more fully below, under at least one understanding of its current Internet strategy, Microsoft could well play a crucial role in assuring a strong and neutral platform for innovation in the future. Thus, rather than retribution, a remedy should aim to steer the company toward this benign and beneficial strategy. Obviously, this benign understanding of Microsoft's current strategy is not the only understanding. Nor do I believe that anyone should simply trust Microsoft to adopt it. But its possibility does suggest the importance of balance in any remedy. The proposed decree does not achieve that balance, but neither, in my view, does the alternative.

I am a law professor at Stanford Law School and have written extensively about the interaction between law and technology. My most recent book addresses directly the effect of law and technology on innovation. I have also been involved in the proceedings of this case. In 1997, I was appointed special master in the action to enforce the 1995 consent decree. That appointment was vacated by the Court of Appeals when it concluded that the powers granted me exceeded the scope of the special master statute. United States v. Microsoft Corporation, 147 F.3d 935, 953–56 (D.C. Cir. 1998) (''Microsoft II''). I was then invited by the District Court to submit a brief on the question of using software code to ''tie'' two products together.[1] I have subsequently spent a great deal of time studying the case and its resolution.

In this testimony, I outline the background against which I draw my conclusions. I then consider the proposed decree, and some of the strengths and weaknesses of the alternative proposed to the District Court by the nine remaining states (the ''alternative''). Finally, I consider two particular areas in which this Committee may usefully consider action in light of the experience in this case.

BACKGROUND

In June, 2001, the Court of Appeals for the DC Circuit unanimously affirmed Judge Jackson's conclusion that Microsoft used its power over Windows to protect itself against innovation that threatened its monopoly power. United States v. Microsoft Corporation, 253 F.3d 54 (D.C. Cir. 2001) (Microsoft lID. That behavior, the Court concluded, violated the nation's antitrust laws. The Court therefore ordered the District Court to craft a remedy that would ''''unfetter [the] market from anticompetitive conduct,'' to ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future.'' Microsoft III, 253 F.2d at 103 (citations omitted).

Integral to the Court's conclusion was its finding that Microsoft had ''commingled code'' in such a way as to interfere with the ability of competitors to offer equivalent products on an even playing field. As the District Court found, and the Court of Appeals affirmed, Microsoft had designed its products in such a way as to inhibit the substitution of certain product functionality. This design, the district court concluded, served no legitimate business interest. The Court's conclusion was therefore that Microsoft had acted strategically to protect its market power against certain forms of competition.

In my view, this holding by the Court of Appeals is both correct and important. It vindicates a crucial principle for the future of innovation generally, and in particular, on the Internet. By affirming the principle that no company with market power may use its power over a platform to protect itself against competition, the Court has assured competitors in this and other fields that the ultimate test of success for their products is not the decision by a platform owner, but the choice of consumers using the product. To the extent that Microsoft's behavior violated this principle, and continues to violate this principle, it is appropriate for the District Court to craft a remedy that will stop that violation.

An appropriate remedy, however, must take into account the competitive context at the time the remedy is imposed. And in my view, it is crucially important to see that Microsoft does not represent the only, or even the most significant, threat to innovation on the Internet. If the exercise of power over a platform to protect that platform owner from competition is a threat to innovation (as I believe the Court of Appeals has found), then there are other actors who also have significant power over aspects of the Internet platform who could also pose a similarly dangerous threat to the neutral platform for innovation that the Internet as has been. For example, broadband cable could become a similar threat to innovation, if access to the Internet through cable is architected so as to give cable the power to discriminate among applications and content. Similarly, as Chairman Michael Powell suggested in a recent speech about broadband technology, overly protective intellectual property laws could well present a threat to broadband deployment.[2]

Microsoft could play a significant role in resisting this kind of corruption of the Internet's basic values, and could therefore play an important role in preserving the environment for innovation on the net. In particular, under one understanding of Microsoft's current Internet strategy (which I will refer to generally as the ''.NET strategy''), Microsoft's architecture would push computing power and network control to the ''edge'' or ''ends'' of the network, and away from the network's core. This is consistent with a founding design principle of the early network—what network architects Jerome Saltzer, David Clark, and David Reed call ''the end-to-end argument.''[3] .NET's possible support of this principle would compete with pressures that now encourage a compromise of the end-to-end design. To the extent Microsoft's strategy resists that compromise,

[1] See <http://cyberlaw.stanford.edu/lessig/content/testimony/ab/ab. pdf>.

[2] See <http://www.fcc.gov/Speeches/Powell/2001/spmkpl10.html> (suggesting ''re-examining the copyright laws'' and comparing freedom assured by decision permitting VCRs).

[3] a See End to End Arguments in System <http://web.mit.edu/Saltzer/www/pubhcations/>.

it could become a crucial force in preserving the innovation of the early network.

This is not to say that this benign, pro-competitive design is the only way that Microsoft could implement its .NET strategy. There are other implementations that could certainly continue Microsoft's present threat to corn-Design, petition. And obviously, I am not arguing that anyone should trust Microsoft's representation that it intends one kind of implementation over another. Trust alone is not an adequate remedy to the current antitrust trial.

My point instead is that there is little reason to vilify a company with a strong and powerful interest in a strategy that might well reinforce competition on the Internet—especially when, excepting the open source and free software companies presently competing with Microsoft, few of the other major actors have revealed a similarly pro-Internet strategy. Thus, rather than adopting a remedy that is focused exclusively on the ''last war,'' a proper remedy to the current antitrust case should be sufficient to steer Microsoft towards its benign strategy, while assuring an adequate response if it fails to follow this pro-competitive lead.

Such a remedy must be strong but also effectively and efficiently enforceable. The fatal weakness in the proposed decree is not so much the extent of the restrictions on Microsoft's behavior, as it is the weaknesses in the proposed mechanisms for enforcement. Fixing that flaw is no doubt necessary to assure an adequate decree. In my view, it may also be sufficient.

THE PROPOSED DECREE

While the proposed decree is not a model of clarity, the essence of its strategy is simply stated: To use the market to police Microsoft's monopoly. The decree does this by assuring that computer manufacturers and software vendors remain free to bundle and support non-Microsoft software without fear of punishment by Microsoft. Dell or Compaq are thus guaranteed the right to bundle browsers from Netscape or media players from Apple regardless of the mix that Microsoft has built into Windows. Autonomy from Microsoft is thus the essence of the plan—the freedom to include any ''middleware'' software with an operating system regardless of whether or not it benefits Microsoft.

If this plan could be made to work, it would be the ideal remedy to this four year struggle. Government regulators can't know what should or should not be in an operating system. The market should make that choice. And if competitors and computer manufacturers could be assured that they can respond to the demands of the market without fear of retaliation by Microsoft, then in my view they would play a sufficient role in checking any misbehavior by Microsoft.

The weakness in the proposed decree, however, is its failure to specify any effective mechanism for assuring that Microsoft complies. The central lesson that regulators should have learned from this case is the inability of the judicial system to respond quickly enough to violations of the law.

Thus the first problem that any proposed decree should have resolved is a more efficient way to assure that Microsoft complies with the decree's requirements. Under the existing system for enforcement, by the time a wrong is adjudicated, the harm of the wrong is complete.

Yet the proposed decree does nothing to address this central problem. The decree does not include provision for a special master, or panel of masters, to assure that disagreements about application could be quickly resolved. Nor does it provide an alternative fast-track enforcement mechanism to guarantee compliance.

Instead the decree envisions the creation of a committee of technical experts, trained in computer programming, who will oversee Microsoft's compliance. But while such expertise is necessary in the ongoing enforcement of the decree, equally important will be the interpretation and application of the decree to facts as they arise. This role cannot be played by technical experts, and yet in my view, this is the most important role in the ongoing enforcement of the decree.

For example, the decree requires that Microsoft not retaliate against an independent software vendor because that vendor develops or supports products that compete with Microsoft's. Proposed Decree, § III.B. By implication, this means Microsoft would be free to retaliate for other reasons unrelated to the vendor's competing software. Whether a particular act was ''retaliation'' for an improper purpose is not a technical question. It is an interpretive question calling upon the skills of a lawyer. To resolve that question would therefore require a different set of skills from those held by members of the technical committee.

The remedy for this weakness is a better enforcement mechanism. As the nine remaining states have suggested, a special master with the authority to interpret and apply the decree would assure a rapid and effective check on Microsoft's improper behavior. While I suggest some potential problems with the appointment of a special master in the final section of this testimony, this arrangement would assure effective monitoring of Microsoft, subject to appeal to the District Court.

The failure to include an effective enforcement mechanism is, in my view, the fatal weakness in the proposed decree. And while I agree with the nine remaining states that there are other weaknesses as well, in my view these other weaknesses are less important than this single flaw. More specifically, in my view, were the decree modified to assure an effective enforcement mechanism, then it may well suffice to assure the decree's success. Without this modification, there is little more than faith to assure that this decree will work. With this modification, even an incompletely specified decree may suffice.

The reason, in my view, is that even a partial, yet effectively enforced decree, could be sufficient to steer Microsoft away from strategic behavior harmful to competition. Even if every loophole is not closed, if the decree can be effectively enforced, then it could suffice to push Microsoft towards a benign, pro-competitive strategy. The proposed decree has certainly targeted the most important opportunity for strategic, or anti-competitive, behavior. If the chance to act on these without consequence is removed, then in my view, Microsoft has a strong incentive to focus its future behavior towards an implementation of its .NET strategy that would reinforce rather than weaken the competitive field. An effective, if incomplete, decree could, in other words, suffice to drive Microsoft away from the pattern of strategic behavior that has been proven against it in the Court of Appeals.

There are those who believe Microsoft will adopt this benign strategy whether or not there is a remedy imposed against them. Indeed, some within Microsoft apparently believe that supporting a neutral open platform is in the best interests of the company.[4] Given the significant findings of liability affirmed by the Court of Appeals, I do not believe it is appropriate to leave these matters to faith. But I do believe that a remedy can tilt Microsoft towards this better strategy, at least if the remedy can be efficiently enforced.

THE NINE STATES' ALTERNATIVE

On Friday, December 7, 2001, the nine states that have not agreed to the proposed consent decree outlined an alternative remedy to the one proposed by the Justice Department. In many ways, I believe this alternative is superior to the Justice Department's proposed decree. This alternative more effectively protects against a core strategy attacked in the District Court—the commingling of code designed to protect Microsoft's monopoly power. It has an effective enforcement provision, envisioning the appointment of a special master. The alternative has a much stronger mechanism for adding competition to the market—by requiring that Microsoft continue to market older versions of its operating system in competition with new versions. And finally, the alternative requires that Microsoft continue to distribute Java technologies as its has in prior Windows versions.

The alternative, however, goes beyond what in my view is necessary. And while in light of the past, erring on the side of overly protective remedies might make sense, I will describe a few areas where the alternative may have gone too far, after a brief description of a few of the differences that I believe are genuine improvements.

Areas of Common Strategy

Both the proposed decree and the alternative agree on a common set of strategies for restoring competition in the market place. Both seek to assure autonomy for computer manufacturers and software vendors to bundle products on the Microsoft platform differently according to consumer demand. Both decrees aim at that end by guaranteeing nondiscriminatory licensing practices, and restrictions on retaliation against providers who bundle or support non-Microsoft products. The alternative specifies this strategy more cleanly than the proposed decree. It is also more comprehensive. But both are aiming rightly

[4] This is the argument of David Bank's Breaking Windows: How Bill Gates Fumbled the Future of Microsoft (New York: Free Press, 2001).

at the same common end: to empower competitors to check Microsoft's power.

Improvements of the Alternative

The alternative remedy adds features to the proposed decree that are in my view beneficial. Central among these is the more effective enforcement mechanism. The alternative proposes the establishment of a special master, with sufficient authority to oversee compliance. This, as I've indicated, is a necessary condition of any successful decree, and may also be sufficient.

Beyond this significant change, however, there are a number of valuable additions in the states'' alternative. By targeting the ''binding'' of middleware to the operating system, the alternative more effectively addresses a primary concern of the Court of Appeals. This restriction assures that Microsoft does not architect its software in a way that enables it strategically to protect itself against competition. Such binding was found by the courts to make it costly for users to select competing functionality, without any compensating pro-competitive benefit.

The alternative also assures much greater competition with new versions of the Windows operating system by requiring that prior versions continue to be licensed by Microsoft. This competition would make it harder for Microsoft to use its monopoly power to push users to adopt new versions of the operating system that advance Microsoft's strategic objectives, but not consumer preferences.

Finally, the alternative addresses a troubling decision by Microsoft to refuse to distribute Java technologies with Windows XP. This decision by Microsoft raises a significant concern that Microsoft is determined to continue to play strategically to strengthen the applications barrier to entry.

Concerns about the proposed alternative

While I believe the alternative represents a significant improvement over the proposed consent decree, I am concerned that the alternative may go beyond the proper scope of the remedy.

Open Sourcing Internet Explorer: While I am a strong supporter of the free and open source software movements, and believe software of both varieties is unlikely ever to pose any of the same strategic threats that closed source software does, I am not convinced the requirement of open sourcing Internet Explorer is yet required, or even effective. Both proposed remedies have a strong requirement that application interfaces be disclosed, and until that remedy proves incomplete, I don't believe the much more extreme requirement of full disclosure of source code is merited.

The definition of Middleware Products: The central target of the litigation was Microsoft's behavior with respect to middleware software. Understood in terms relevant to this case, middleware software is software that lowers the applications barrier to entry by reducing the cost of cross-platform compatibility. Java tied to the Netscape browser is an example of middleware so understood; had it been successfully and adequately deployed, it would have made it easier for application program developers to develop applications that were operating system agnostic, and therefore would have increased the demand for other competing operating systems.

This definition is consistent with the alternative definition of ''middleware.'' But the specification of ''middleware products'' reaches, in my view, beyond the target of ''middleware.'' Middleware is not properly understood as software that increases the number of cross-platform applications; middleware is software that increases the ease with which cross-platform programs can be written. Thus, for example, Office is not middleware simply because it is a cross-platform program. It would only qualify as middleware if it made it easier for programmers to write platform-agnostic code.

The requirement that Office be ported: For a similar reason, I am not convinced of the propriety of requiring that Office be ported. While Office for the Macintosh is certainly a crucial application for the continued viability of the Macintosh OS, having Office on many platforms does not significantly affect the applications barrier to entry. No doubt if Microsoft strategically pulled the development of Office in order to defeat another operating system, or if it aggressively resisted applications that were designed to be compatible with Office (such as Sun's Star Office), that could raise antitrust concerns. But the failure simply to develop office for another platform would not itself respond to the concerns of the Court of Appeals.

No doubt, each of these additional remedies might be conceived of as necessary prophylactics given a judgment that Microsoft is resolved to continue its strategic anticompetitive behavior. And after a fair and adequate hearing in the District Court, such a prophylactic may well prove justified. At this stage, however, I am not convinced these have been proven necessary.

APPROPRIATE CONGRESSIONAL ACTION

It is obviously inappropriate for Congress to intervene in an ongoing legal dispute with the intent to alter the ultimate judgment of the judicial process. Thus while I believe it is extremely helpful and important that this Committee review the matters at stake at this time, there is a limit to what this Committee can properly do. In a system of separated powers, Congress does not sit in judgment over decisions by Courts.

Yet there are two aspects to this case that do justify a greater concern by Congress. Both aspects are intimately tied to earlier decisions by the Court of Appeals. First, in light of the Court of Appeals'' judgment in the 1995 Microsoft litigation, United States v. Microsoft Corporation, 56 F.3d 1448 (D.C. Cir. 1995) (Microsoft I), it is clear that the Tunney Act proceedings before the District Court are extraordinarily narrow. Second, in light of the Court of Appeals'' judgment in 1998 Microsoft litigation, Microsoft II, it is not clear that, absent consent of the parties, the District Court has the power to appoint a special master with the necessary authority to assure enforcement of any proposed remedy. Both concerns may justify this Committee taking an especially active role to assure a proper judgment can be reached—in the first case through its consultation with the executive, and the second, possibly with clearer legislative authority.

The Tunney Act Proceedings

In Microsoft I, the Court of Appeals for the DC Circuit held that the District Court's authority under the Tunney Act to question a consent decree proposed by the government was exceptionally narrow. Though that statute requires that the District Court assure that any consent decree is ''within the public interest,'' the Court read that standard to be extremely narrow. If the decree can be said to be within ''the reaches of the public interest,'' Microsoft I, 56 F.3d at 1461, then it is to be upheld.

The consequence of this holding is that it will be especially hard for the District Court to question the government's proposed decree. Absent a showing of corruption, the decree must be affirmed. It is hard for me to imagine that the proposed decree would fail this extremely deferential standard. Thus any weaknesses in the proposed decree would have to be resolved in the parallel proceedings being pursued by the nine states.

This deference may be a reason for Congress in the future to revisit the standard under the Tunney Act. Such a review could not properly affect this case, but concerns about this case may well suggest the value in future contexts.

But the concern about this decree may well be relevant to this Committee's view about the appropriateness of the government's cooperation with any ongoing prosecution by the nine states. The federal government may well have decided its remedy is enough; it wouldn't follow from that determination that the federal government has a reason to oppose the stronger remedies sought by the states. At a minimum, the government should free advisors or consultants it has worked with to aid the continuing states as they may desire.

The power to appoint a ''special master''

In Microsoft II, the Court of Appeals interpreted a District Court's power to appoint a special master quite narrowly. While the Court acknowledged the strong tradition of using special masters to enforce judgments, it raised doubt about the power of the special master to act beyond essentially ministerial tasks. In particular, the task of interpreting and applying a consent decree to contested facts was held by the Court of Appeals to be beyond the statute's power—at least where the District Court did not reserve to itself de novo review of the special master's determination. Microsoft II, 147 F.3d at 953–56.

This narrow view of a special master's power was a surprise to many. It may well interfere with the ability of District Courts to utilize masters in highly technical or complex cases. This Committee may well need to consider whether more expansive authority should be granted the District Courts. Especially in the context of highly technical cases, a properly appointed master can provide invaluable assistance to the District Court judge.

These limitations would not, of course, restrict the appointment of a master in any case to which the parties agreed. And it may well be that the simplest way for Microsoft to achieve credibility in the context of this case would be for it to agree to the appointment of a master with substantial

authority to interpret and apply the decree, subject to de novo review by the District Court. Such a master should be well trained in the law, but also possess a significant degree of technical knowledge. But beyond the particulars of this case, it may well be better if the District Court had greater power to call upon such assistance if such the Court deemed such assistance necessary.

MTC–00033734

Consumer Federation of America

STATEMENT OF DR, MARK N. COOPER On THE MICROSOFT SETTLEMENT: A LOOK TO THE FUTURE Before the COMMITTEE ON THE JUDICIARY, UNITED STATES SENATE, December 12, 2001

Mr. Chairman and Members of the Committee,

My name is Dr. Mark Cooper. I am Director of Research of the Consumer Federation of America. The Consumer Federation of America is the nation's largest consumer advocacy group, composed of two hundred and seventy state and local affiliates representing consumer, senior citizen, low-income, labor, farm, public power, and cooperative organizations, with more than fifty million individual members.

I greatly appreciate the opportunity to appear before you today. This hearing on ''The Microsoft Settlement: A Look To the Future'' focuses public policy attention on exactly the right questions. What should the software market look like? Does the Court of Appeals'' ruling provide an adequate legal foundation for creating that market? Is it worth the effort? What specific remedies are necessary to get the job done?

Our analysis of the Microsoft case over four years leads us to clear answers. We reject the claim that consumers must accept monopoly in the software industry. Real competition can work in the software market, but it wil1 never get a chance if Microsoft is not forced to abandon the pervasive pattern of anticompetitive practices it has used to dominate product line after product line.

The antitrust case has revealed a massive violation of the antitrust laws. A unanimous decision of the Appeals Court points the way to restoring competition.

The public interest demands that we try.

The proposed Microsoft-Department of Justice settlement is far too weak to accomplish that goal. The litigating states'' remedial proposals are now the only chance that consumers have of enjoying the benefits of competition in the industry.[1]

Real Competition In The Software Industry Is The Goal

The defenders of the Microsoft monopoly say that consumers cannot hope for competition within software markets because this is a winner-take-all, new economy industry. In this product space companies always win the whole market or most of it, so anything goes. In fact, Microsoft's expert witness has written in a scholarly journal that: ''With ''winner take most'' markets... [If] there can be only one healthy survivor, the incumbent market leader must exclude its competition or die... There is no useful non-exclusion baseline, which the traditional test for predation requires... As to intent, in a struggle for survival that will have only one winner, any firm must exclude rivals to survive .... In a winner take most market, evidence that A intends to kill B merely confirms A's desire to survive.[2]

By that standard, if a monopolist burned down the facilities of a potential competitor, it might be guilty of arson and other civil crimes, but it would not be guilty of violating the antitrust laws. Consumers should be thankful that both the trial court and the Appeals Court flatly rejected this theory of the inevitability of monopoly and upheld the century old standard of competition.

In fact, the products against which Microsoft has directed its most violent anticompetitive attacks represent the best form of traditional competition—compatible products that operate on top of existing platforms seeking to gain market share by enhancing functionality and expanding consumer choice.[3] Microsoft fears these products and seeks to destroy them, not compete against them, precisely because they represent uncontrolled compatibility, rampant interoperability and, over the long-term,, potential alternatives to the Windows operating system.

MTC–00033734

Consumer Federation of America

STATEMENT OF DR. MARK N. COOPER On THE MICROSOFT SETTLEMENT: A LOOK TO THE FUTURE Before the COMMITTEE ON THE JUDICIARY, UNITED STATES SENATE, December 12, 2001

Mr. Chairman and Members of the Committee,

My name is Dr. Mark Cooper. I am Director of Research of the Consumer Federation of *.america. The Consumer Federation of America is the nation's largest consumer advocacy group, composed of two hundred and seventy state and local affiliates representing consumer, senior citizen, low-income, labor, farm, public power, and cooperative organizations, with more than fifty million individual members.

I greatly appreciate the opportunity to appear before you today. This hearing on ''The Microsoft Settlement: A Look To the Future'' focuses public policy attention on exactly the right questions. What should the software market look like? Does the Court of Appeals'' ruling provide an adequate legal foundation for creating that market? Is it worth the effort? What specific remedies are necessary to get the job done? Our analysis of the Microsoft case over four years leads us to clear answers.

We reject the claim that consumers must accept monopoly in the software industry. Real competition can work in the software market, but it will never get a chance if Microsoft is not forced to abandon the pervasive pattern of anticompetitive practices it has used to dominate product line after product line.

The antitrust case has revealed a massive violation of the antitrust laws. A unanimous decision of the Appeals Court points the way to restoring competition.

The public interest demands that we try.

The proposed Microsoft-Department of Justice settlement is far too weak to accomplish that goal. The litigating states'' remedial proposals are now the only chance that consumers have of enjoying the benefits of competition in the industry.[1]

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[1] The Consumer Case Against Microsoft (October 1998); The Consumer Cost of the Microsoft Monopoly.'' 510 Billion and Counting (January 1999); Economic Evidence in the Antitrust Trial: The Microsoft Defense Stumbles Over the Facts (March 18, 1999); Facts Law and Antitrust Remedies.'' Time for Microsoft to be Held Accountable for its Monopoly Abuses (May 2000) (Attachment A); Mark Cooper, ''Antitrust as Consumer Protection in the New Economy: Lessons from the Microsoft Case,'' Hasting Law Journal, 52 (April 2001) (see Attachment B); Windows XP/ .NET: Microsoft's Expanding Monopoly, How it Can Harm Consumers and What the Courts Must Do to Preserve Competition (September 26, 2001) (see Attachment C).

[2] Richard Schmalensee, ''Antitrust Issues in Schumpeterian Industries,'' 90 American Economic Review, 192–194 (2000).

[3] Mark Cooper, Antitrust and Consumer Protection, pp. 863–880.

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EMBARGOED UNTIL 10:00 AM. WEDNESDAY. DECEMBER 12. 2001
Association for Competitive Technology
TESTIMONY OF MR. JONATHAN ZUCK, PRESIDENT, ASSOCIATION FOR COMPETITIVE TECHNOLOGY (ACT) BEFORE THE JUDICIARY COMMITTEE, UNITED STATES SENATE, WEDNESDAY, DECEMBER 12, 2001, 160 DIRKSEN SENATE OFFICE BUILDING, WASHINGTON, DC 20510

ACT, 1413 K Street, NW, 12(th) Floor, Washington, DC 20005, (202) 331 2130. www.ACTonline.org

INTRODUCTION

Good morning, Mr. Chairman and members of the Committee. I am Jonathan Zuck, President of the Association for Competitive Technology, or ACT. On behalf of our member companies, it is my sincere honor to testify before this committee today. As a professional software developer and technology educator, I am grateful for this opportunity and appreciate greatly your interest in learning more about the effects of the proposed settlement entered into by the United States Department of Justice (DO J), nine state attorneys general and Microsoft on our industry. ACT is a national, Information Technology (IT) industry group, founded by entrepreneurs and representing the full spectrum of technology firms. Our members include household names such as Microsoft, e-Bay and Orbitz. However, the vast majority of our members are small and midsize business, including software developers, IT trainers, technology consultants, dot-corns, integrators and hardware developers located in your states. The majority of ACT members cannot hire lawyers and lobbyists or fly to Washington to have their views heard. Therefore, they look to ACT to represent their interests. To be sure, to meet the needs of our broad constituency, we don't always agree with our members, even Microsoft, on some policy issues.

I have a great deal of respect and sympathy for the plight of these small technology companies, because I spent over fifteen years running similar companies. During this time, I've managed as many as 300 developers, taught over a hundred classes, and worked on some interesting projects. I was responsible for a loan evaluation application for Freddie Mac, an automated Fitness Report application for the Navy and a Regional Check Authentication system for the Department of Treasury. I have built software on multiple platforms include DOS. DR-DOS, OS/2 and Windows using tools from many vendors including Microsoft, Oracle, Sybase, Powersoft, IBM, Borland and others. I remain active as a technologist and last year designed a system to get to your corporate data wirelessly. I have also delivered keynotes and other presentations at technical conferences around the world.

While ACT members vary in their size and businesses, they share a common desire to maintain the competitive character of today's vibrant technology sector that has been responsible for America's ''new economy.'' Unfortunately, for the last three years, the tens of thousands of small businesses in the IT industry, have been virtually ignored during the government's investigation and prosecution of Microsoft.

I believe the settlement, on balance, is good not only for the bulk of the IT industry, but for consumers as well. Voters also see the value in the settlement. Voter Consumer Research conducted polls of 1,000 eligible voters last month in Utah and Kansas that are quite telling. In Utah and Kansas, when asked if their state attorney general should pursue the case after the DOJ settlement had been reached, the respondents said, by a 6 to 1 margin, that they should not.

As one of the ''techies'' on this panel, I look forward to getting into more ''real life'' effects of the proposed settlement to prove this point.

With that backdrop, my testimony today is focused on describing how the settlement will foster competition for thousands of America's small IT companies and how that, in turn, will benefit consumers.

THE STATE OF OUR INDUSTRY

Before we discuss life in a post Microsoft settlement world, I must speak to present-day competition and innovation. I want to begin by stating unequivocally that, counter to the protestations of some ''experts,'' competition in the IT industry is alive and well. One demonstrable example is amount of capital investment by Venture Capitalists (VCs) and where that money is headed. Despite the recent downturn, VCs are still looking for the next ''billion dollar deal.'' I know because I have worked with many of them. I won't get into the negative impact this ''homerun or nothing'' strategy has had on our industry but suffice it to say, billion dollar deals do not come from investing in mature markets with limited growth potential and large existing players. Billion dollar deals only come from investing in new markets with unlimited growth potential and those do not include office productivity software market or even the general PC software market. Indeed, a recent survey of VC's conducted by the DEMOletter, showed that nearly a third of those surveyed will invest over $100 million in start-ups in 2002 and that nearly 20 per cent are planning to invest up to $250 million)[1] The sectors of the IT industry receiving this money include software and digital media.[2] These are precisely the sectors that would benefit from this settlement, Suggestions that opposing the settlement would encourage VC's to change their stripes are ridiculous.

In fact, the information technology world is experiencing a shift away from desktop computing and toward other devices such as personal digital assistants (PDA's), cell phones, set top boxes/game consoles, web terminals and powerful servers that connect them all. In all these growth markets, competition is very strong even though Microsoft is present. As of the third quarter of this year, more than 52 percent of all PDA's were shipped with the Palm operating system while only 18 percent carded a Microsoft operating system according to Gartner. With cell phone manufacturers rushing to integrate PDA functionality, there is are several large players including Symbian (a joint venture between Nokia, Motorola, Ericsson, Matsushita [Panasonic], and Psion), Palm, Linux and Research in Motion's Blackberry operating system. In the game console/set-top box arenas, Microsoft is just entering the picture with established companies like Sony and Nintendo standing on large installed user bases.

The server market is probably the best example of this growing competition. According to IDC, Linux's worldwide market share of new and upgraded operating systems for servers was 27 percent in 2000. It was second only to Microsoft, which stood at 42 percent. IDC predicts predicted Linux's market share will expand to 41 percent by 2005, while Microsoft's will only grow to 46 percent. Things should only become more competitive with IBM putting a billion dollars into its Linux push this year. The vigorous competition in this space in proves in the absence of government intervention, companies like Linux can thrive.

BENEFITS OF THE SETTLEMENT

As the members of the Committee are doubtlessly aware, on November 2, 2001 the DOJ and Microsoft tentatively agreed on a settlement (or consent decree) designed to end the federal antitrust suit. Soon thereafter, nine states attorneys general signed off on a revised settlement. The proposed settlement succeeds in striking a difficult compromise between the ''drastically altered'' finding of liability adopted by the Court of Appeals and the wishes of Microsoft competitors and critics for crippling sanctions against the company.[3] Remarkably, the negotiators have worked out a settlement proposal that, while entirely satisfying to none, includes something for everyone. A number of Microsoft competitors and their advocates have suggested that this agreement is flawed in that it ''does not prevent Microsoft from leveraging its monopoly into other markets.'' This argument is based on an unfounded fear that Microsoft will attempt to monopolize other markets such as instant messaging and digital media. Undermining this argument is the fact that the Court of Appeals found unanimously that Microsoft did not use its monopoly in the browser (or middleware) market.[4] The bottom line is that the settlement was focused on addressing the allegedly anticompetitive conduct of the past and preventing similar conduct in the future. It is entirely consistent with the basic tenet

[3] Mark Cooper, Antitrust and Consumer Protection, pp. 863–880.

[1] DEMOletter, December 200 I, at 5–6.

[2] 2 Id., at 5.

[3] United States v. Microsoft, 253 F.3d 34 (DC Cir. 2001) at 102.

[4] The Court of Appeals noted ''Because plaintiffs have not carried their burden on either prong, [of an attempted monopolization analysis] we reverse without remand.''/d., at 63.

of antitrust law, which is to protect consumers and competition, not competitors.

With that understanding, it is important to address the benefits the industry and consumer will derive from implementation of the proposed settlement. ACT believes that the benefits of the settlement can be classified as follows:

1. Increased flexibility for Original Equipment Manufacturers (OEMs)
2. Increased flexibility for third party, IT companies
3. Greater consumer choice
4. Effective enforcement

I will discuss each benefit in turn, paying particular attention to the positive effects on competition in our industry.

1. Increased flexibility for Original Equipment Manufacturers (OEMs) OEMs play a pivotal role in ''supply chain'' of delivering a rich computing experience for consumers. They provide independent software vendors (ISVs), many of whom are small IT companies, a valuable conduit by which to sell their wares directly to consumers by vying for space on the computer desktop. Thus, it is critical that OEMs have the flexibility to meet market demands by negotiating with ISVs for this type of placement. This practice is known as ''monetizing the desktop'' and is consistent with market-based competition. Under the proposed settlement, OEMs will have the flexibility to develop, distribute, use, sell, or license any software that competes with Windows or Microsoft ''middleware[5]'' without restrictions or any kind of retaliation from Microsoft.[6]6 Reinforcing this flexibility, the settlement prohibits Microsoft from even entering into agreements that obligate OEMs to any exclusive or fixed-percentage arrangements.[7] This allows OEMs to negotiate with an array of ISVs through the use of any number of incentives. Moreover, OEMs obtain some control over the desktop space for such things as icons and shortcuts.[8] Another critical element allowing the OEMs to create a competitive playing field is that they have the ability to have non-Microsoft operating systems (e.g., Linux) and other Internet Access Providers (IAP) offerings (e.g., alternative Internet connections such as AOL) launch at boot-up.[9]

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IHVs, especially the thousands of small and mid-size companies in these categories, make up a bulk of the IT industry and will be able to utilize this flexibility to innovate and deliver ''consumer critical'' products such as instant messaging and digital media to consumers.

The ISVs and IHVs will obtain advance disclosure of Windows APIs, communications protocols, which ,,',,ill increase the quantity, and quality, of competitive product offerings.[11] As with OEMs, Microsoft will be barred from thwarting competition by entering into agreements that obligate ISVs, IHVs, LAPs, or ICPs to any exclusive or fixed-percentage arrangements.[12] It should be noted that the settlement restricts some freedoms in crafting contracts with Microsoft, and thus may discourage some companies that might otherwise like to sign on to ''dance'' with Microsoft. However, it also protects other companies from any efforts by Microsoft to prevent them from teaming up with Microsoft's competitors like Sun Microsystems or AOL.

3. Greater consumer choice

Nothing is as important to our industry as giving consumers, or end users, the freedom to choose what products and services they want or need. To this end, the settlement ensures that consumers will have the ability to enable or remove access to Microsoft or non-Microsoft middleware, or substitute a non-Microsoft middleware product for a Microsoft middleware product.[13] Microsoft's detractors have generated much commotion with the notion that removal of icons or ''automatic invocations'' is not enough, and that to give consumers ''real'' choice, underlying code would have to be removed. This is nonsensical for two reasons.

First, it is a known fact that removal of visible access (e.g., an icon) to middleware or an application is a very effective means of getting the end user to forget about it. Think about how many icons reside on the average user's desktop that serve to ''remind'' him of what product to use for a certain task. It is a simple case of ''out of sight, out of mind.'' Second, it is also a known fact that removal of the underlying does nothing to enhance consumer choice, and actually could destabilize the platform, increasing costs to consumer software developers who could no longer count on programming interfaces within the Windows operating system. The net result of these provisions is that consumers will be in the position to pick the products the), consider to best meet their needs—whether it be downloading music, sharing pictures over the Web, or chatting with friends via instant messaging applications.

Another myth propagated by Microsoft's competitors is that Microsoft gets to reset the desktop to its preferred configuration 14 days after the consumer buys it no matter what steps the OEM or the consumer have actually taken to try to exercise the choice to use a non-Microsoft product. This is absolutely false. The desktop would not be reset and consumers will always retain choice. For example, consumers can choose among the OEM's configuration, their own configuration and Microsoft's configuration.

4. Effective Enforcement

The final dement of the settlement that will ensure competition is the enforcement provisions. Microsoft must license its intellectual property to the extent necessary for OEMs and other IT companies to exercise any of the flexibility provided in the agreement.[14] In an unprecedented move, the decree creates a jointly appointed Technical Committee (TC) to monitor compliance,[15] The TC will have three members and unspecified staff, and be granted unfettered access to Microsoft staff and documents. While the TC is a better enforcement mechanism than having to apply to a court for each software design element, it is not without some flaws. For example, there are no restrictions on how the TC can be utilized as a tool by Microsoft's competitors to delay shipment of an operating system or middleware product. While this may cause Microsoft some heartburn if it is used for such delay, it will be a fatal malady to the thousands of small and mid-size ISVs, IHVs, training firms and consultants that depend on a timely product launch. I am not a lawyer, so I can only propose a practical solution to this problem. Perhaps the competitors (or anyone else with the view that Microsoft is not complying with the consent decree) should be required to bring their problems to the TC at specified times during the development life cycle. This would prevent ''last minute'' delays.

Finally, Microsoft is required to implement an internal Compliance Officer to be responsible for handling complaints and compliance issues.[16] This is yet another safeguard that aggrieved parties can use to ensure Microsoft's compliance with the consent decree.

Unfortunately these provisions are not enough to satiate some bent on seeing that this settlement never gets approved. For example, the)'' question why the settlement lasts for only 5 years rather than the customary 10. This inquiry fails to acknowledge the realities of the IT industry and the speed at which we innovate. One need only think about the number and types of products that have emerged since 1998 to see why applying static conduct restrictions are out of step with our industry and provide no added value. Further, I believe seeking extended application of the settlement only exposes a bias against Microsoft Because of the significant impact on our industry, I must also address the additional remedies proposed by the nine state attorneys general who did not sign the consent decree. While their aim to ''restore competition'' is a valid and important antitrust principle—as long as it is limited to the elimination of competitive barriers—their proposal ignores the Court of Appeals ruling and runs counter to established antitrust jurisprudence. The DOJ settlement agreement was wise to avoid the dangerous temptation to redesign and regulate market outcomes. I'll point out two

[5] ''Microsoft Middleware Product'' is a defined term, while inconsistent with common industry usage, has the meaning of ''the functionality provided by Internet Explorer, Microsoft's Java Virtual Machine, Windows Media Player, Windows Messenger, Outlook Express and their successors in a Windows Operating System Product.'' Revised Proposed Final Judgment, Section VI.K.

[6] Id., Section III.A.

[7] Id., Section III.G.

[8] Id., Section III.C.

[9] Id., Section III.C.

party IT companies Like OEMs, ISVs and Independent Hardware Vendors (IHVs) gain the flexibility to develop, distribute, use, sell, or license any software that competes with Windows or Microsoft middleware without restrictions or any kind of retaliation from Microsoft.[10]The importance of this fact cannot be overstated. ISVs and

[10] Id., Section III.F.

[11] Id., Sections III.D., III.E.

[12] Id., Sections III.G., III.F.

[14] Id., Section III.I.

[15] Id., Section IV.B.

[16] Id., Section IV.C.

defects of the state's proposal. First, requiring that Windows ''must carry'' Java does nothing for consumers who can download it with one click and only serves to thwart competition by giving Sun Microsystems a special government-mandated monopoly with which other middleware companies will have to compete. While I believe ''must-carry'' provisions are inherently anticompetitive, if the attorneys general were really trying to stand on principle they would have to ask for the same provisions for other middleware providers as well. Second, requiring Microsoft to port its Office product to Linux is tantamount to making it a ''ward of the state.'' There are already several office productivity suites available to users of Linux and some are even free. It would stand to reason that if attorneys general are actually interested in removing an□, ''applications barrier to entry'' that may exist, they should force the developers of ALL popular software products to port them to Linux. It is clear that from the extreme nature of these proposals that the settlement must encompass all reasonable mechanisms to restore competition. The respondents to the Voter Consumer Research polls mentioned above also question the need for the far-reaching remedies that would hamper Microsoft's ability to innovate. In Utah for example, nearly 70% of voters believe that Microsoft's products have helped consumers and over 80% of these voters feel that that Microsoft has benefited the computer industry. These numbers beg the question: Where's the harm that would justify the nine state's harsh remedies.

Conclusion

For ACT member companies, the IT industry and for me, it has been a very long three and a half years. This settlement reflects a balanced resolution to this litigation and a welcome end to the uncertainty that has hung over our industry at a time when certainty is what we need most. It addresses the anticompetitive actions articulated by a unanimous Court of Appeals. I believe Assistant Attorney Charles James when he said ''This settlement.., has the advantages of immediacy and certainty.''[17]17 It my sincere hope that the District Court will approve the settlement at the conclusion of the public comment period. There is no doubt in my mind that it is in the public interest to do so. Again, I thank the Committee for the opportunity to include the views of ACT's member companies at this important hearing.

Testimony of Matthew J. Szulik, President and CEO, Red Hat, Inc., to the Judiciary Committee of the United States Senate, December 12, 2001

Good morning.

I would like to thank the members of the committee for allowing me to contribute my views on a topic that I feel is of vital importance to the future our nation. I stand before you today as Winston Churchill said, ''only to fight while there is a chance, so we don't have to fight when there is none.'' Through your actions, members of the committee can affect a remedy that many members of the growing, global technical community hope will restore balance and inspire competitiveness in a networked society free of monopolistic practices.

I stand before you today as a representative of the open source community. And as the CEO of Red Hat, Inc., generally regarded as the most successful company that sells and supports open source software. The Red Hat Linux operating system software we sell is created by a global community of volunteers. Volunteers who share their creation of intellectual property. The basis for their work is an open license that requires improvements to the technology be shared with others. Programmers submit their software code, their creations to the scrutiny of a very critical community of peers. The best code wins and is included in the next version of the software. This open communication strikes me as so perfectly American. I envision the early leaders of this country drawing up the tenets of our constitution in much the same way—in the open, in pursuit of a solution that is fair and of benefit to all.

Some have called this the technology equivalent of a barn-raising. Through this approach Linux software has grown, improved and become one of the most stable, cost-effective operating systems in the world. It continues to improve every day.

The values and practices of Red Hat are in most ways antithetical to those of the monopolist I am here to reference.

Much testimony has been provided on the practices by the monopolist, which in my view have placed a technical and financial stranglehold on the technology industry. Mr. McNealy and Mr. Barksdale and others that have come before me have done a good job of presenting the issues to the committee. I support their conclusions that the software industry needs government intervention. I support their requests for strong enforcement of antitrust laws.

I would like to reaffirm their case, that innovation will occur when there is a competitive environment free of monopolistic practices.

Open source software arose because of a lack of alternatives that allowed the individual to choose the best tool for the job. Over the past 5 years, projects created by Red Hat and the open source community have become solutions of choice in areas of standards-based Internet software development, areas that the monopolist does not yet control.

The growth of the Linux operating system is an example of this acceptance. The Apache web server is another, it now holds a market-leading position. However, the Internet browser, desktop operating system and office productivity software are areas that have continued to be influenced by one vendor alone.

One of the reasons I am. so deeply troubled by the consent decree in this case is that it seems to run counter to things that are fundamental to our identity as Americans. We value fair play, ethical competition, abiding by the rules and fostering innovation. The consent decree throws all of this away. It acknowledges that my competitor has broken the law; that through these violations it has built one of the most formidable businesses in the world. Yet the consent decree does little to prevent future misconduct. I feel if the antitrust laws are not enforced, the will and spirit of the true innovators will suffer.

Lengthy legal critiques of the consent decree are already on record. In the interest of time I will not subject you to more this morning. I am sure you've heard enough legal arguments in considering this topic. Rather, I want to make a few key points:

First, their growing monopoly power has seriously warped the technology market. Now that my competitor is a convicted monopolist, the world can see in the public record what those in technology companies have known for years: they don't compete fairly, they use their dominance in one market to dominate others, and they stifle innovation in the name of competition. The only way to stop this—to restore fairness to the market—is a settlement of this case that denies the monopolist the fruits of its past actions and provides remedial measures on the monopolist for its violations of the law.

Second, the consent decree as it stands today, falls far short of this requirement. Given the monopolist's history of skating up to the edge, or over the edge, in not fully complying with prior settlements, it will take very strong measures to change their behavior. In the words of Massachusetts Attorney General Thomas F. Reilly, commenting on the consent decree: ''Five minutes after any agreement is signed with Microsoft, they'll be thinking of how to violate the agreement. They're predators. They crush their competition. They crush new ideas. They stifle innovation. That's what they do.''

Microsoft is deeply concerned about open source software and has already making overtures on how it will use dominance rather than technical expertise to crush it.

The CEO of the monopolist said, quote, ''Linux is a cancer that attaches itself in an intellectual property sense to everything it touches.''

The head of the monopolist's Windows Platform Group has similar beliefs: He said publicly, quote, ''Open source is an intellectual property destroyer. I can't imagine something that could be worse than this for the software business.'' He goes on further to say, ''I'm an American, I believe in the American way. I worry if the government encourages open source, and I don't think we've done enough education of policy-makers to understand the threat.''

In my view, the consent decree should create a level playing field between Windows and Linux. Because of their comments, and their past actions, I believe the current consent decree is not strong enough. They will circumvent it.

Third, we have all heard of the Digital Divide. It's the gap in information and computing access between the haves and have nots in our society. As many states struggle with declining revenues, I believe these shortfalls will have a material impact on the public funding of K-12 and higher education. The path to the development of an

[17] Remarks of Assistant Attorney Charles James, Department of Justice press conference, November 2, 2001.

information economy can not be limited to a sole supplier, who in my view has seen education up to this point, relative to its financial position as a market—not as a responsibility. I believe the lack of choices and high recurring costs is in part responsible for this growing chasm between the two Americas.

I'm involved with North Carolina Central University—an historically black university that cannot afford the monopolist's restrictive licenses and forced upgrades. I see this sad experience in schools throughout our country. Walk the halls of schools in East Roxbury, MA or Snow Hill, NC and question how we can expect, as a nation, to improve the future for our youth when schools must allocate 30–40% of their IT budget for software and hardware upgrades. Provided choice, these same dollars could be put into teacher training and acquiring more technology. The Chinese government understands this. The French and German governments as well. They have stated that proprietary software will not be used to develop government and educational infrastructure.

But the monopolist has more than 90% of the desktop operating system market and more than 70% of the Internet browser market. What choices do our schools have? What choices do our citizens have? As the monopolist extends its monopoly into additional markets, largely unfettered by the legal system and apparently immune to the consequences of their actions— the Digital Divide widens.

Biologists know that an unbalanced ecosystem, one dominated by a single species, is more vulnerable to collapse. I think we're seeing this today. Under the consent decree, it will continue and probably get worse.

In America, history has taught us that there is no mechanism more logical and efficient and than a free and open market. Our competitor's illegal monopolistic actions have significantly reduced the open market in information technology. I believe that in extreme cases like this, it is the role of the government to step in and restore balance.

Thank you.

Testimony of Mitchell E. Kertzman, Chief Executive Officer, Liberate Technologies before the United States Senate, Committee on the Judiciary, Wednesday, December 12, 2001

Introduction

Mr. Chairman, Senator Hatch, and other members of the Committee, thank you for the chance to speak on this critical topic. The Proposed Final Judgment is woefully inadequate. It is a backward-looking document that fails to prevent Microsoft from abusing its monopoly position to increase costs and stifle new technologies—not just for personal computers, but also for new technologies like digital televisions, cellular phones, game consoles, and personal digital assistants. Microsoft has already announced its intent to expand its dominance beyond PC operating systems, servers, and applications to new devices and even personal information via its ''eHome'' and ''Passport'' initiatives. According to comments made by Microsoft President Steve Ballmer just last week, Microsoft is pursuing a ''broader concept'' for its client devices like the xBox and set-top box software. In his words, ''[T]here's a bigger play we hope to get over time'' by annexing all of these devices into the Microsoft empire. Microsoft's own demos and white papers show that it plans to establish its operating system as the software that would collect information streaming into the home and distribute it to each new device. Microsoft has used and will continue to use its monopoly over desktop operating systems to deny competition in each new computing market as it evolves: first desktop applications, then internet browsers and servers, and now alternative devices ranging from smart phones to television set-top boxes. By dealing only with a narrow category of Windows products, and failing even there to impose any significant restrictions, the Proposed Final Judgment fails to check Microsoft's demonstrated willingness to exploit its power over the operating system in order to dominate other market segments.

Background

By way of personal background, I am the CEO of Liberate Technologies, a company making middleware software that enables interactive and enhanced television. Before joining Liberate, I was chairman and CEO of Sybase, then one of the world's ten largest independent software companies, founder and CEO of Powersoft, an enterprise software company, and chairman of both the American Electronics Association and the Massachusetts Software Council. I am also currently a director of CNET, Handspring, and TechNet.

Throughout my career, I have both partnered with and competed against Microsoft. I have been impressed by the power of its dominant platforms, but also concerned about the abuses that resulted from that dominance. I have seen Microsoft consistently use its power to block competition in new markets through at least three types of misconduct that the PFJ does nothing to deter: (1) Preventing original equipment manufacturers from supporting new technologies; (2) Tying commercial restrictions to investments; and (3) Blocking non-Windows-based industry standards.

(1) Preventing Original Equipment Manufacturers from Supporting New Technologies

My current company, Liberate, was originally Network Computer Incorporated, promoting computers and software that would operate via a network to significantly reduce the cost of computing. This model, like the Netscape browser, threatened the dominance of the Windows platform. But because the manufacturers of many new devices also manufacture desktop PCs, Microsoft was able to exploit its desktop OEM relationships to discourage competition. For example, Network Computer had an active relationship with Digital Equipment Corporation to develop a device running our software. Microsoft and Mr. Gates simply threatened the CEO of DEC that they would port Microsoft's NT operating system to DEC hardware only if DEC stopped development of a network computer, an offer DEC couldn't refuse. It's clear, and the courts have reaffirmed, that a monopoly simply cannot engage in this kind of conduct.

Such tactics forced us to exit this business, and the price of PC operating systems and applications remains as high as ever when all other computing costs have plummeted.

The Proposed Final Judgment focuses only on Windows products for desktop PCs and includes broad and ambiguous exceptions to its limits on retaliation. These loopholes would apparently let Microsoft get away with the kind of misconduct it perpetrated against Network Computer. The result would be to block or delay the development of new competitive devices and technologies. The remedy proposed by the non-settling states would, on the other hand, prevent Microsoft from engaging in this type of retaliation and unfairly extending its desktop monopoly to a wider array of software and devices.

(2) Tying Commercial Restrictions to Investments

Second, in investing the considerable proceeds of its desktop monopoly in new markets, Microsoft has extracted, or attempted to extract, exclusive or near-exclusive commercial distribution arrangements to block out competitors. In the interactive television industry alone, Microsoft has invested billions of dollars with leading cable and satellite networks. As recently as this week, Microsoft has again aggressively pursued this strategy with leading operators both here and in Europe. The strings attached to these investments often require networks to buy Microsoft's middleware, making it difficult or impossible for them to buy competitive products.

Microsoft's money is a heavy thumb on the scale, biasing choices of future technologies in its favor. As new-generation computers and small consumer devices often rely on networks for their interconnections, these investments in network companies set the stage for continued dominance of these new platforms as they evolve.

Again, the PFJ fails to even address the issue of such restrictive dealings outside the scope of desktop products. In contrast, the remedies filed last week by the non-settling states, while not barring new investments, would at least require that Microsoft give 60 days notice to permit a review of anti-competitive effects.

(3) Refusing to Support Non-Windows-Based Industry, Standards

Microsoft has also abused its monopoly position by blocking industry-wide standards essential to the evolution of a new generation of network-based devices. In our industry, Microsoft has undermined Java as a standard for digital television, lobbying heavily to prevent U.S. and European standards bodies from standardizing on Java. As you know, Java lets developers ''write once, run anywhere'', permitting content to run across a wide variety of platforms rather than just on Microsoft's proprietary code.

As a second prong of this strategy to block, co-opt, or ''embrace and extend'' standards, Microsoft has refused to join with other

technology companies in pooling its intellectual property, instead indicating that it will sue to block the implementation of standards wherever it can find a violation of one of its patents. Microsoft certainly has the right not to support a standard. However, they are exploiting their dominance in the PC market to distort standards elsewhere.

Third, by removing the Java Virtual Machine from its PC operating systems while the JVM is common elsewhere, Microsoft discourages developers from creating new ''write-once, run-anywhere'' content, undermines support for uniform standards, and drives developers to write to proprietary Microsoft platforms. It is clear that Microsoft's foot-dragging and affirmative interference has slowed the deployment of digital television in the United States. Cable companies and television manufacturers both say that a gating issue has been the lack of a definitive standard for digital television, a standard that Microsoft's tactics have delayed and undermined. Microsoft's approach stands in direct opposition to the clearly expressed will of Congress and the interests of all Americans interested in richer and more varied television programming.

Yet again, the PFJ would do nothing to prevent these abuses. The remedies recently filed by the non-settling states—by making available Microsoft APIs and certain types of code, opening access to the personal identification data captured by Microsoft Passport, and requiring the distribution of the Java Virtual Machine—would promote technology interoperability and the development of universally beneficial standards while maintaining relatively open alternatives to Microsoft software and services.

Conclusion

The PFJ is a disappointment. Disappointing because it is weaker than the facts and the law of the case support, and disappointing because it will not limit Microsoft's plans to dominate new markets in the same way it has dominated operating systems, applications, and servers in the past.

I welcome this hearing, and hope that this Committee will continue to exercise vigorous oversight of this case to assure that the final outcome is in the best interests of American consumers.

Ralph Nader
P.O. Box 19312
Washington, DC 20036
December 11, 200!
Senator Patrick Leahy
Judiciary Committee
US Senate
Washington, DC
Via fax: 1.202,224.9516

Dear Senator Leahy: This is a quick note to express my disappointment that I will not be among the panel members for the December 12, 2001 hearing on Microsoft. 3ames Love on our staff made a number of telephone calls to your Judiciary Committee staff asking that he or [be permitted to testify, beginning as soon as the hearings were first announced. As you may know, we played an instrumental role in 1997 in pushing the Department of Justice to bring this antitrust case, and hosted two key conferences that helped flame the discussions over the case and the proposed remedies (http://www.appraislng-microsoft.org). I am attaching also two letters .lames Love and I have recently sent regarding the government and private antitrust cases. Would you please include these letters in the printed hearing record. Thank you.

NO. 574 002
Ralph .Nader
P.O. Box 193 1 2
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James Love
Consumer Project on Technology
P.O. Box 19367
Washington, DC 20036
November 5, 2001
Judge Colleen Kollar-Kotelly
United States District Court for the District of Columbia
333 Constitution Avenue, NW
Washington, DC 20001
RE: US v. Microsoft proposed final order

Dear Judge Kollar-Kotelly,

Introduction

Having examined the proposed consent final judgment for USA versus Microsoft, we offer the following initial comments. We note at the outset that the decision to push for a rapid negotiation appears to have placed the Department of Justice at a disadvantage, given Microsoft's apparently willingness to let this matter drag on for years, through different USDOJ antitrust chiefs, Presidents and judges. The proposal is obviously limited in terms of effectiveness by the desire to obtain a final order that is agreeable to Microsoft.

We are disappointed of course that the court has moved :/way from a structural remedy, which we believe would require less dependence upon future enforcement efforts and good faith by Microsoft, and which would jump start a more competitive market for applications. Within the limits of a conduct-only remedy, we make the following observations.

On the positive side, we find the proposed final order addresses important areas where Microsoft has abused its monopoly power, particularly in terms of its OF. OEM licensing practices and on the issue of using interoperability as a weapon against consumers of non-Microsoft products. There are, however, important areas where the interoperability remedies should lie stronger. For example, there is a need to have broader disclosure of file formats for popular office productivity and multimedia applications. Moreover, where Microsoft appears be given broad discretion to deploy intellectual property claims to avoid opening up its monopoly operating system where it will be needed the most, in terms of new interfaces and technologies. Moreover, the agreement appears to give Microsoft too many opportunities to Undermine the free software movement. We also find the agreement wanting in several other areas.. It is astonishing that the agreement fails to provide any penalty for Microsoft's past misdeeds, creating both the sense that Microsoft is escaping punishment because of its extraordinary political and economic power, and undermining the value of antitrust penalties as a deterrent. Second, the agreement does not adequately address the concerns about Microsoft's failure to abide by the spirit or the letter of previous agreements, offering a weak oversight regime that suffers in several specific, areas. Indeed, the proposed alternative dispute resolution far compliance with the agreement embraces many of the worst features of such systems, operating ''in secrecy, lacking independence, and open to undue influence from Microsoft.

OEM Licensing Remedies

We were pleased that the proposed final order provides for non-discriminatory, licensing of Windows to OEMs, and that these remedies include multiple boot PCs, substitution of non-Microsoft middleware, changes in the management of visible icons and other issues. These remedies would have been more effective if they would have been extended to Microsoft Office, the other key component of Microsoft's monopoly power in the PC client software market, and if they permitted the removal of Microsoft products. But nonetheless, they are pro-competitive, and do represent real benefits to consumers.

Interoperability Remedies

Microsoft regularly punishes consumers who buy non-Microsoft products, or who fail to upgrade and repurchase newer versions of Microsoft: products, by designing Microsoft Windows or Office products to be incompatible or non-interoperable with competitor software, or even older versions of its own software. It is therefore good that the proposed final order would require Microsoft to address a wide range of interoperability remedies, including for example the disclosures of APIs for Windows and Microsoft middleware products, non-discriminatory access to communications protocols used for services, and non-discriminatory licensing of certain intellectual property rights for Microsoft middleware products. There are, however, many areas where these remedies may be limited by Micro. soft, and as is indicated by the record in this c .use, Microsoft can and does take advantage of any loopholes in contracts to cream barriers to competition and enhance and extend its monopoly power.

Special Concerns for Free Software Movement

The provisions in J.l and 1.2..appear to give Microsoft too much flexibility in withholding information on ''security grounds, and to .provide Microsoft with the power to set unrealistic burdens on a rival's legitimate rights to obtain interoperability data. More generally, the provisions in D. regarding the sharing of technical information permit Microsoft to choose secrecy and limited disclosures over more openness. In particular, these clauses and others in the agreement do not reflect an appreciation for the importance of new software development models, including those ''open source'' or ''free'' software development models which are now widely recognized as providing an important safeguard against Microsoft monopoly power, and upon which the Interact depends.

The overall acceptance of Microsoft's limits on the sharing of technical information to the broader public is an important and in our view core flaw in the proposed

agreement. The agreement should require that this information be as freely available as possible, with a high burden on Microsoft to justify .secrecy. Indeed, there is ample evidence that Microsoft is focused on strategies to cripple the free software movement, which it publicly considers an important competitive threat. This is particularly true for software developed under the GNU Public License (GPL), which is used in GNU/Linux, the most important rival to Microsoft in the server market. Consider. for example, comments earlier this year by Microsoft executive Jim Allchin:

http://news.cnet.com/news/O- 1003–200–4833927.html

''Microsoft exec calls open source a threat to innovation,'' Bloomberg News, February 15, 2001, 11:00 a.m. PT One of Microsoft's high-level executives says that freely distributed software Code such as Linux could stifle innovation and that legislators need to understand the threat.

The result will be the demise of both intellectual property rights and the incentive to spend on research and development, Microsoft Windows operating-system chief Jim Allchin said this week. Microsoft has told U.S. lawmakers of its concern while discussing protection of intellectual progeny rights ... ''Open source is an intellectual-property destroyer,'' Allchin said. ''I can't imagine something that could be worse than this for. the software business and the intellectual-property business.''....

In a June 1, 2001 interview with the Chicago Sun Times, Microsoft CEO Steve Ballmer: again complained about the GNU/Linux business model, saying ''Linux is a cancer that attaches itself in an intellectual property sense to everything it touches. That's the way that the license works,'' leading to a round of new stories, including for example this account in CNET.Com: http://www.suntimes.com/output/tech/cst-fin-micro01 .html ''Microsoft CEO takes launch break with the Sun-Times,'' Chicago Sun Times, June I, 2001.

http://news.cnet.co m/news/O- 1 003–200–6291224. html

''Why Microsoft is wary of Open source: Joe Wilcox and Stephen Shankland in CNET.com. June 18, 2001.

There's more to. Microsoft's recent attacks on the open-source movement than mere rhetoric: Linux's popularity could hinder the software giant in its quest to gain control of'' a server market that's crucial to its long-term goals Recent public statements by Microsoft executives have east Linux and the open-source philosophy that underlies it as. at the minimum, bad for competition, and, at worst, a ''cancer'' to everything it touches. Behind the war of words, analysts say, is evidence that Microsoft is increasingly concerned about Linux and its growing popularity. The Unix- like operating system ''has clearly emerged as the spoiler that will prevent Microsoft from achieving a dominant position'' in the worldwide server operating-system market, IDC analyst Al Gillen concludes in a forthcoming report.

.. While Linux hasn't displaced Windows, it has made serious inroads...].. In attacking Linux and open source, Microsoft finds itself competing ''not against another company, but against a grassroots movement,'' said Paul Dain, director of application development at Emeryville, Calif.-based Wirestone, a technology services company.

,.. Microsoft has also criticized the General Public License (GPL) that governs the heart of Linux. Under this license, changes to the Linux core, or kernel, must also be governed by the GPL. The license means that ifs company changes the kernel, it must publish the changes and can't keep them proprietary if it plans to distribute the code externally...

Microsoft's open-source attacks come at a time when the company has been putting the pricing squeeze on customers. In early May, Microsoft revamped software licensing, raising upgrades between 33 percent and 107 percent, according to Gartner. A large percentage of Microsoft business customers could in fact be compelled to upgrade to Office XP before Oct. 1 or pay a heftier purchase price later on. The action ''will encourage—'force'' may be a more accurate term— customers-to upgrade much sooner than they had otherwise planned,'' Gillen noted in the IDC report.. ''Once the honeymoon period runs out in October 2001, the only way to ''upgrade'' from a pr0duet that is not considered to be current technology is to buy a brand-new full license.''

This could make open-source Linux's GPL, more attractive to some customers feeling trapped by the price hike, Gillen said. ''Offering this form of ''upgrade protection'' may motivate some users to seriously consider alternatives to Microsoft technology.'' ...

What is surprising is that the US .Department of Justice allowed Microsoft to place so many provisions in the agreement that can be used to undermine the free software movement. Note for. example that under J. l and].2 of the proposed final order, Microsoft can withhold technical information from third parties on the grounds that Microsoft does not certify the ''authenticity and viability of its business,'' while at the same time it is describing the licensing system for Linux as a ''cancer'' that threatens the demise of both the intellectual property rights system and the future of research and development.

The agreement provides Microsoft with a rich set of strategies to undermine the development of free software, which depends upon the free sharing of technical information with the general public, taking advantage of the collective intelligence of users of software, who share ideas on improvements in the code. If Microsoft can tightly control access to technical information under a court approved plan, or charge fees, and use its monopoly power over the client space to migrate users to proprietary interfaces, it will harm the development of key alternatives, and lead to a less contestable and less competitive platform, with more consumer lock-in, and more consumer harm, as Microsoft continues to hike up its prices for its monopoly products.

Problems with the term and the enforcement mechanism Another core concern with the proposed final order concerns the term of the agreement and the enforcement mechanisms. We believe a five-to-seven year term is artificially brief, considering that this case has already been litigated in one form or another since 1994, and the fact that Microsoft's dominance in. the client OS market is stronger today than it has ever been, and. it has yet to face a significant competitive threat in the client OS market. An artificial end will give Microsoft yet another incentive to delay, meeting each new problem with an endless round of evasions and creative methods of circumventing the pro-competitive aspects of the agreement. Only if Microsoft believes it will have to come to terms with its obligations will it modify its strategy of Even within the brief period of the term of the agreement, Microsoft has too much room to co-opt the enforcement effort:

Microsoft, despite having been found to be a law breaker by the courts, is given the right to select ''one member of the three members of the Technical Committee, who in turn gets a voice in selecting the third member. The committee is gagged, and sworn to secrecy, denying the public any information on Microsoft's compliance with the agreement, and will be paid by Microsoft, working inside Microsoft's headquarters. The public won't know if this committee spends its time playing golf with Microsoft executives, or investigating Microsoft's anticompetitive activities. Its ability to interview Microsoft employees will be extremely limited by the provisions that give Microsoft the opportunity to insist on'' having its lawyers present.

One would be hard pressed to imagine an enforcement mechanism that would do less to make Microsoft accountable, which is probably why Microsoft has accepted its terms of reference.

In its 1984 agreement with the European Commission, IBM was required to affirmatively resolve compatibility issues raised by its competitors, and the EC staff had annual meetings with IBM to review its progress in resolve disputes. The EC reserved the right to revisit its enforcement action on IBM if it was not satisfied with IBM's conduct.

The court could require that the Department of Justice itself or some truly independent parties appoint the members of the TC, and give the TC real investigative powers, take them off Microsoft's payroll, and give them staff and the authority to inform the public of progress in resolving compliance problems, including for example an annual report that could include information on past complaints, as well as suggestions for modifications of the order that may be warranted by Microsoft's conduct. The TC could be given real enforcement powers, such as the power to levy fines on Microsoft. The level of fines that would serve as a deterrent for cash rich Microsoft would be difficult to. fathom, but one might make these fines deter more by directing the money to be paid into trust funds that would fund the development of free software, an endeavor that Microsoft has indicated it strongly opposes as a threat to its own monopoly. This would, give Microsoft a much greater incentive to abide by the agreement.

Failure to address II1 Gotten Gains

Completely missing from the proposed final order is anything that would make Microsoft pay for its past misdeeds, and this is an omission that must be remedied. Microsoft is hardly a first time offender, and has never shown remorse for its conduct, choosing instead to repeatedly attack the motives and character of officers of the government and members of the judiciary.

Microsoft has profited richly from the maintenance of its monopoly. On September 30, 2001, Microsoft reported cash and short-term investments of $36.2 billion, up from $31.6 billion the previous quarter—an accumulation of more than $1.5 billion per month. ''

It is astounding that Microsoft would face only a ''sin no more'' edict from a court, after its long and tortured history of evasion of antitrust enforcement and its extraordinary embrace of anticompetitive practices—practices recognized as illegal by all members of the DC Circuit court. The court has a wide range of options that would address the most egregious of Microsoft's past misdeeds. For example, even if the court decided to forgo the break-up of the Windows and Office parts of the company, it could require more targeted divestitures, such as divestitures of its browser technology and media player technologies, denying Microsoft the fruits of its illegal conduct, and it could require affirmative support for rival middleware products that it illegally acted to sabotage. Instead the proposed order permits Microsoft to consolidate the benefits from past misdeeds, while preparing for a weak oversight body tasked with monitoring future misdeeds only. What kind of a signal does this send to the public and to other large corporate law breakers7 That economic crimes pay! Please consider these and other criticisms of the settlement proposal, and avoid if possible yet another weak ending to a Microsoft antitrust case. Better to send this unchastened monopoly juggernaut a sterner message.

'James Love'

Cc: Stanley Sporkin, Judge Thomas Penfield Jackson, Anne K. Bingaman. Joel I. Klein

Sincerely,
Ralph Nader
Ralph Nader
P.O. Box 19312
Washington, DC 20036
James Love
Consumer Project on Technology
P.O. Box 19367
''Washington, DC 20036
December 10, 2001
Judge Honorable .1. Frederick Motz
United States District Court
District of Maryland
101 West Lombard Street
Room 510
Baltimore, MD 21201
Fax: + 1.410.962.2698
RE: Microsoft Corp. Antitrust Litigation, MDL No. 1332

Dear Judge Motz:

We are writing to ask that you reject the proposed settlement to the private antitrust actions against Microsoft, on the grounds that the settlement is inadequate in terms of the relief, anticompetitive In terms of its structure, and is among the least effective mechanisms for expanding access to educational services.

Microsoft has extraordinary global monopoly power. In several essential software markets, ''including most notably its more than 90 percent market share for the operating systems (Windows), word processing (Word), spreadsheets (Excel) and presentation graphics (Powerpoint), and it has engaged in the equivalent of an antitrust crime spree, using an astonishing array of anticompetitive practices to consolidate and expand its monopoly power. As a consequence, consumers are denied the benefits of competition, and suffer from sluggish innovation, poor quality products, fewer choices, .and high prices. The Microsoft monopoly is highly profitable, and allowed Microsoft to accumulate an astonishing $1.5 billion per month, in cash last quarter. The proposed settlement of the private antitrust claim is not only a tiny sum In comparison to

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Ralph Nader and James Love

Microsoft's sales ($1 billion every 13 days currently), but It will not even be paid in cash.]:t isn't as if Microsoft can't afford to pay..]:t has cash reserves more than $36 billion right now. Microsoft simply sees the resolution of this antitrust case as a great opportunity to engage in more anticompetitive conduct—in this case converting its liabilities for antitrust damages into a slush fund to undermine its competitors in the educational market.

The court should not allow the lawyers who have proposed this settlement to bury this important antitrust case with yet another disappointment in the long history of weak efforts to reign in Microsoft's assaults on consumers. The settlement should not be yet another marketing effort by Microsoft aimed at the strategically important education market. It should provide a measure of justice that has yet eluded a long list of law enforcement officials. We object to many aspects of the settlement.

* The size of the damages is small by any reasonable interpretation of the harm to consumers.

* Microsoft is demonstrating zero remorse for its price gouging, and indeed has engaged in its most aggressive price hikes to date, as it continues to narrow consumer rights in license agreements, raises standard and negotiated license fees (including those for the educational market), and steps up its coercive strategies to force upgrades, such as its ''abandonment of support for older licenses, and the introduction of new non-Interoperable technologies that will not work without, increasingly frequent upgrades.

The proposal will make it even less attractive for schools to purchase products from Microsoft competitors, because Microsoft will subsidize its sates from the antitrust settlement costs, having the Intended and entirely predictable effect of strengthening Microsoft's marketshare and weakening further its few remaining rivals. Moreover, to the degree that the funds from the settlement are small relative to the number of schools that will seek grants or donations, and if Microsoft is perceived to play any role in determining who obtains grants, schools may be reluctant to purchase products from Microsoft rivals, thinking this will undermine their chances or receiving benefits from the settlement fund, allowing Microsoft to leverage the anticompetitive effect of the settlement fund. (One need only look at the comments filed in this proceeding to appreciate how eager various non-profit Institutions are to curry favor with Microsoft:. Many groups that have received Microsoft grants are now on record opposing .efforts to reject this settlement as inadequate and anticompetitive.) For schools, the more ''important issue is dealing with skyrocketing license fees, which this settlement will only address in a minor way, for a small number of users, and for only a short time.

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Ralph Nader and James Love

If the court wishes to direct the settlement resources for the educational market, it should do so in such a way as to promote competition, rather than to reduce competition. One solution would be to place the money into a trust fund to be used only for purchases of non-Microsoft products, creating a needed boost to the market for alternatives. Another would be to require the funds be donated to groups who develop free software alternatives—these very alternatives that Microsoft executives have claimed were their main competitive threat during the USDOJ/State AG antitrust litigation. Either of these approaches will directly address the longer term concern over software pricing, the problem this case seeks to remedy.

Sincerely,
Ralph Nader
Consumer Project on Technology

MTC–00033734—0171

Written Statement of Mark Havlicek Digital Data Resources, Inc.

Provided to the Senate Committee on the Judiciary

Washington, DC

December 12, 2001

Thank you, Chairman Leahy and distinguished Members of the Committee including my own Senator Grassley. I am pleased to contribute my comments to your hearing on he Microsoft Settlement: A Look to the Future.'' My name is Mark Havlicek and I am the President of Digital Data Resources, Inc. in Des Moines, Iowa. I have been actively involved in the technology industry for several years, and it is my hope that the Microsot5 case wi11 be settled.

The economic outlook for 2002 is very concerning. From coast to coast, revenue growth has slowed, spending is exceeding budgeted levels, and many states are looking at large budget cuts. My own state of Iowa is in the middle of a terrible budget crisis.

After the events of September I 1, we saw a dramatic plunge in the technology sector. Instead of bring tied up in court, technology entrepreneurs should at work developing products and charting new territory with never before imagined products and services. Given the opportunity and free of

unnecessary hurdles to progress, technology companies can build our economy back up to record levels. Giants like Apple, IBM, and Microsoft provide a stable environment for the myriad small firms, like mine, to create, develop, and release new cutting-edge technologies and employ additional people in good paying careers. Small companies like my own, work in concert, and competition at times, with these giants. This mutually dependent relationship is the lifeblood of our industry and a driving force behind our growth.

Over the past 20 years, we have seen computers go from the size of a refrigerator to the size of a deck of cards. And in tandem with those leaps forward, We have seen declining prices, better and faster technology, and increasingly more efficient methods of delivery to consumers.

It takes a competitive, entrepreneurial spirit to survive in this exceptionally aggressive industry of ours, especially in the case of small or emerging businesses. We spend our days watching competitors, finding markets, and keeping a watchful eye on the economy. .And it seemed the storm has passed, both figuratively and in the eyes of the stock market, when a settlement was announced last month.

But the states, including my own state of Iowa, which remain involved have argued for tougher enforcement provisions, including a court-appointed ''special master'' to oversee Microsoft's compliance. And we have found through experience that there is no remedy discrete to Microsoft when it's the nucleus of a tech sector that operates as its own economy.

These states arc not right to push ahead for further prosecution of Microsoft The proposed settlement is sufficient to address the concerns of business people like me who are in the technology industry and are most affected. Companies like mine strive to be similar to Microsoft and we are discouraged by the hold-out states position on further action. It seems to me to be a strong disincentive to progress and entrepreneurial —achievement.

The time to take a hard line on successful companies like Microsoft is over. The hold-out states are holding out to the detriment of their state economies and our national economy at a time when actions like this are not at all useful.It is a frightening prospect to see another dollar of precious development resources diverted to paying attorneys' fees instead of rippling through our industry. Money that could have launched a new product or created new opportunities for a small business on the brink instead has disappeared into the abyss of this lawsuit. The settlement is a positive step in putting it all behind us and opening a new chapter in the life of the technology industry.

I applaud Assistant Attorney General Charles lames for his role in bringing the case this far. The settlement agreement is a strong one. It will have an enormous, positive impact on the future of my company and the entire software industry. My colleagues and I hope we can rely on your support. Thank you, Senators, for the opportunity to provide this statement at such a critical for our nation.

Thank You,
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MTC–00033734—0173

DDR
Testimony by
[Jerry Hilburn, President and Founder]
Catfish Software, Inc.
Provided to the
U.S. Senate Committee on the Judiciary
December 12, 2001

I am very, pleased to provide a written statement for),our hearing on ''The Microsoft Settlement: A Look to the Future.'' Thank you, Chairman Leah□, and Members of the Committee, for the opportunity, to deliver a small businessperson's perspective on the case before this distinguished group.

I would like to tell you my point of view on the Microsoft case. I am a small businessman in San Diego, California. Catfish Software, Inc. started operations in 1994 providing network services and custom database applications for small business. In 1998, Catfish Software launched an E-mail Application Services branch providing double opt- in mail list service and web-based customer support applications and today, Catfish Software provides support to 300+ companies reaching 2,000,000+ subscribers of its software services.

One of my firm's top competitors is Microsoft's bCentral. So you may ask why I speak in favor of the Microsoft settlement. Businesses large and small have mortgaged their futures against the impact of the terrorist war. Some smaller businesses—techology and otherwise—have already found themselves strangled by a lack of consumer demand and by slowdowns in corporate and consumer spending. Most of us are finding it is time to shore up resources and protect our assets from the impact of the war.

In this time of so much uncertainty, we need the promise of a brighter day and the knowledge that the government—from the federal level on down- is doing everything possible to invigorate our flagging economy. Competition and consumer preference should decide the direction of the marketplace and meanwhile, the government should not rush to intervene in the New Economy. The last thing our economy needs at this time is the burden of remedies which do nothing but slow the pace of development and limit the choices of consumers.

The Justice Department handled this case admirably, and the settlement they agreed upon is sound. The settlement outlines how Microsoft can operate, but more importantly it provides some assurances to an industry that has been on unstable ground lately.

Microsoft's ability to design and produce new software in turn creates opportunities for small and medium-sized developers to write applications which operate on a Windows- based platform. As the old saying goes, a high tide floats all ships. Calls for break-up of the company did not help the already tenuous situation. And when Microsoft looked like it might be pulled under, the Nasdaq was hit as well as the stocks of many high-tech companies. But when announcements of the settlement were made public around the beginning of November 2001, everyone got a nice little bump. Consumers and other technology entrepreneurs were hopeful that this case could be put to bed and that the tech sector could get back to business.

This litigation that has been an albatross around all our necks for so long—and ending the string of lawsuits associated with it—will have a positive effect on the tech economy. With a little luck, that will ripple out to America's economy as a whole.

With so many technologies poised to enter the marketplace, Microsoft and many others, including Catfish Software are looking for ways to enhance the computing experience. The Internet has become a center of most everyone's daily lives—from toddlers typing their first strokes with learning games to seniors learning how to send and receive e-mail. Untapped markets and unimagined ideas abound, but we must not harness the creativity or the ability of software firms to bring those products to bear in the marketplace. The olive branch of settlement was extended, and it is a solution that is good for the economy and good for the tech industry. Allow us the opportunity to get back to work and earn money with our products and ideas once again.

This concludes my testimony. Once again, I thank the Committee and its distinguished Members for the opportunity to provide written testimony on this important issue.

HTC-00033734—0175

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THE MICROSOFT SETTLEMENT:
A LOOK TO THE FUTURE
Written Testimony Submitted by the Computing Technology Industry Association in Connection with Senate Committee on the Judiciary Hearings December 12, 2001
Prepared by
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Washington, DC 20006
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THE MICROSOFT SETTLEMENT:
A LOOK TO THE FUTURE
STATEMENT OF INTEREST

The Computing Technology Industry Association (CompTLA) is the world's largest trade association in the information technology and communications sector. CompTIA represents over 8,000 hardware and software manufacturers, distributors, retailers, Internet, telecommunications, IT training and other service companies in over 50 countries. The overwhelming majority of CompTIA members are resellers—companies that resell software and hardware to consumers, businesses, or other resellers.

These resellers are vendor-neutral and their objective is to be able to sell whatever products their customers wish to buy. In that sense they believe that antitrust laws should focus primarily on consumer impact rather than competitor impact. Microsoft is a member of CompTIA as are many of Microsoft's competitors.

In 1998, CompTIA's Board of Directors adopted a formal policy statement on antitrust. That statement supports sensible antitrust enforcement that is based on demonstrable economic effects in the marketplace. CompTIA believes that market forces typically correct any temporary market imperfections and that government regulators should only intervene in the technology marketplace when there is overwhelming evidence of a substantial and pervasive market failure. Pursuant to its policy statement, CompTIA has written and spoken frequently on antitrust issues of relevance to the technology sector. In June 1998, CompTIA filed an amicus brief in the Intel v. Intergraph litigation in the U.S. Court of Appeals for the Federal Circuit. In that case CompTLA urged the court to reject a lower court's finding that antitrust allegations could be a basis for ordering a company to disclose its valuable intellectual property.

CompTLA filed an amicus brief in the United States Court of Appeals for the District of Columbia Circuit in the United States v. Microsoft case in November 2000. The amicus brief urged the Court of Appeals to reverse the District Court's order breaking Microsoft into two separate companies and further urged the Court of Appeals to reverse the liability findings against Microsoft. The basis for CompTIA's participation as amicus and submission of this testimony to the Committee is its interest in the overall health and prosperity of the technology sector.

The antitrust case against Microsoft and the final remedies that will be imposed upon Microsoft have a direct effect on the overall health and prosperity of the technology sector. First, because Microsoft is such a large and important participant in the technology industry, any remedy that affects the company's operations necessarily affects the industry,, Microsoft's vendors, and all companies that rely on Microsoft products. A remedial order that goes beyond the issues in the case may have a significantly detrimental effect upon innovation and growth in the industry. Second, the precedent established in this case has important ramifications for future activities in the technology sector. Overly restrictive sanctions imposed upon Microsoft may act to inhibit competitive behavior by other companies throughout the industry thereby deterring conduct that promotes innovation and technological development.

INTRODUCTION

On November 6, 2001 the United States Department of Justice and nine States entered into a Proposed Final Judgment with the Microsoft Corporation that resolves the antitrust charges brought by those governmental entities against the company. In the days after the settlement was announced, the nine non-settling States and the District of Columbia expressed their intention to continue litigation against Microsoft in an effort to convince the United States District Court that more extensive remedies should be ordered. On December 7, 2001 the non-settling States filed their remedy proposal with the District Court.

This testimony analyzes the Court of Appeals opinion, the November 6, 2001 Proposed Final Judgment, and the non-settling States' remedy proposal and arrives at the following conclusions:

- The U.S. Court of Appeals June 28, 2001 opinion reaffirmed that the central goal of the U.S. antitrust laws is not to protect competitors from competition nor is it to penalize a defendant. The central goal of the antitrust laws is to promote competition in order to enhance consumer welfare.
- In order to support its remedy in the remand proceeding now before the District Court, the Court of Appeals opinion requires that the government show a significant causal connection between Microsoft's anticompetitive conduct and actual injury to competition and consumers in the marketplace. If the government fails to prove a causal connection, then the remedy imposed can be no more broad than an order enjoining the specific anticompetitive conduct at issue.
- Given the risks to both sides from further litigation, the November 6 Proposed Final Judgment is a reasonable settlement of the remaining disputed issues in the case that insures that Microsoft's anticompetitive conduct will not be repeated, and insures that every market participant has a fair opportunity to compete. The settlement also insures that the technology industry will not be encumbered with excessive regulation that would stifle innovation and growth.
- The additional remedies proposed by the non-settling States on December 7 are not likely to enhance competition or promote consumer welfare. The vast majority of the States' proposals go far beyond the scope of the liability found by the Court of Appeals and are thus legally unsupportable. Further, the proposed remedies would likely interfere with natural market forces, impose higher costs on consumers, impair innovation, and benefit Microsoft's competitors at the expense of consumers.

I. SUMMARY OF THE COURT OF APPEALS OPINION

A. Background

On June 28, 2001 the United State Court of Appeals for the District of Columbia Circuit (''Court of Appeals'') issued its ruling in United States v. Microsoft. The Court of Appeals found that Microsoft had violated Section 2 of the Sherman Act by taking anticompetitive actions to protect its monopoly in the computer operating system market. The Court, however, reversed the District Court rulings entered adverse to Microsoft regarding tying, attempted monopolization, and imposition of a break-up remedy. The case has been remanded to the District Court for proceedings on the appropriate remedy to address the monopoly maintenance findings.

While much of the Court of Appeal's opinion focuses on issues that are specific to Microsoft, the Court made two preliminary yet important observations with respect to antitrust enforcement activities in the high-tech sector. First, the Court noted that despite the relatively fast pace of the Microsoft proceedings, the speed at which technologically dynamic markets undergo change is even faster. The consequences of the speed at which the market changes has significant implications for the conduct of antitrust cases. This rapid change ''threatens enormous practical difficulties for courts considering the appropriate measure of relief in equitable enforcement actions, both in crafting injunctive remedies in the first instance and reviewing those remedies in the second.'' Opinion at 10–11.

Because technology moves so quickly there is little likelihood that a company with large market share at any given time can engage in anticompetitive exclusionary behavior that causes consumer injury. In many instances a more desirable successor technology may very rapidly displace a large market share company before that company is even able to attempt to exercise monopoly power.

Second, the Court also noted that competition in the technology marketplace is frequently ''competition for the market'' rather than ''competition in the market.'' This means that there is intense competition between firms when a new product is introduced, but once consumers choose the firm that makes the best product, that firm will likely gamer the vast majority of market share. This ''network effect'' phenomenon means that as more users utilize a compatible and inter-operable system or service, the value to each user increases. Opinion at 11–12. Thus, the Court of Appeals made clear that lawful monopolies and companies with large market shares are frequently desirable and highly beneficial to consumers. Opinion at 11.

The Court of Appeal's inclusion of this theoretical discussion is a broad response to the question that many have asked since the beginning of the Microsoft case—that is, do the antitrust laws, written and applied predominantly in a brick-and-mortar era, have the same level of relevance in the information technology era? The answer is mixed. The antitrust laws do apply to the new economy, but the application of the rules must take into account economic realities and to insure that the objectives of antitrust are achieved: the protection and enhancement of competition as measured by consumer welfare.

The most dramatic illustration of the application of antitrust to the new economy was in the Court's rulings on the tying claim and in reversing the lower court's remedial order. The Court's application of a rule of reason analysis (rather than per se treatment) for tying claims while at the same time rejecting the ''separate products'' test marks a significant recognition that product integration in the technology sector is likely to have benefits to consumers that outweigh any harms to competition. Additionally, the Court's analysis in rejecting the lower court's break-up order suggests that absent a strong showing of a causal connection between anticompetitive acts and Microsoft's dominant position in the operating system market, radical structural relief or extensive conduct restrictions that go beyond the challenged conduct would be unsupportable.

B. Monopoly Maintenance

The Court of Appeals affirmed in large measure the District Court's ruling that Microsoft acted unlawfully to maintain its monopoly in the operating system market. The Court found that Microsoft viewed Netscape Navigator Internet browser as a potential threat to the Windows operating system because it could conceivably have become an intermediate platform (with exposed application programming interfaces or API's) for the development of software applications. In order to promote Internet Explorer and retard the distribution of Netscape Navigator, Microsoft placed restrictions on original equipment manufacturers (OEM's). OEM's were not permitted to remove the Internet Explorer icon or install a Navigator icon on the desktop.

The Court also found that the way in which Internet Explorer was integrated into Windows was unlawful. Beginning with the release of Windows 98, Microsoft removed Internet Explorer from the list of programs that could be accessed using in the add/delete program feature. The Court found that this had the effect of impeding the inclusion of rival browsers on a computer because OEM's were reluctant to place two Internet browsers on the desktop. Because Microsoft did not offer any pro-competitive justification for preventing the removal of Internet Explorer, the Court found this feature unlawful. The Court also found that Microsoft's dealings with some independent software vendors, Apple Computer Corp., Java, and Intel were designed solely to protect its operating system monopoly and therefore those dealings violated Section 2 of the Sherman Act.

Shortly after the Court of Appeals decision was released, Microsoft announced that it would modify its release of Windows XP to respond to the Court of Appeals rulings in the monopoly maintenance section of the opinion. Thus, OEM's now are permitted to have more control over the appearance of the Windows desktop; they may add icons for competing software and on-line services and delete the Internet Explorer icon from the desktop. OEM's and consumers also have the ability to remove Internet Explorer icon from a computer using the 1 Shortly after the Court of Appeals issued its ruling, Microsoft asked the court to reconsider the finding that Microsoft had unlawfully ''commingled'' code from Internet Explorer and Windows.

Microsoft argued that as a factual matter the District Court was incorrect in finding that Microsoft actually had placed Windows code and Internet Explorer code in the same libraries in order to prevent IE from being removed. The Court of Appeals denied Microsoft's petition for rehearing on this issue but wrote that Microsoft could raise this issue on remand with respect to the appropriate remedy in the case.

Microsoft's actions in allowing OEM's and/or consumers to remove the Internet Explorer icon and program link (and the inclusion of that concession in the settlement agreement) appears to address the Court's concerns regarding exclusion of rival browsers. Thus, any interpretation of the Court of Appeals decision to require that Microsoft re-engineer Windows to duplicate shared code functions and then remove the IE code (as the non-settling States interpretation does) would be inconsistent with the language and policy of the opinion as a whole. Further, the Court of Appeals found that shared library files that perform functions for both the operating system and the browser enhance efficiency. Opinion at 73.

C. Attempted Monopolization

The Court of Appeals reversed and dismissed the District Court's finding that Microsoft unlawfully attempted to monopolize the Internet browser market. Opinion at 62–68. The District Court had found that Microsoft's 1995 proposal to divide the browser market with Netscape created a dangerous probability of monopoly and that Microsoft's aggressive marketing of Internet Explorer after June 1995 also created a dangerous probability of monopoly. But the Court of Appeals found that the government had failed to properly identify the relevant market including reasonable substitutes for Internet browsers. Further, the Court also found that there was no showing of significant barriers to entry in any putative browser market.

The Court's ruling on attempted monopolization has significant implications for future business activities in the technology sector. If the District Court rule had been upheld, the resulting rule would have made it virtually per se unlawful for successful firms to explore collaborative relationships with emerging competitors. Further, it would permit a ''dangerous probability of success'' to be proven simply by showing that a firm has secured a 50–60 percent market share without requiring any showing that the firm will ever be in a position to exercise market power- that is, the power to raise price and exclude competitors. Both propositions would have had serious adverse repercussions for the IT industry and would have likely blocked countless pro-competitive competitor collaborations that would benefit consumers.

Shortly after the Court of Appeals issued its ruling, Microsoft asked the court to reconsider the finding that Microsoft had unlawfully ''commingled'' code from Internet Explorer and Windows. Microsoft argued that as a factual matter the District Court was incorrect in finding that Microsoft actually had placed Windows code and Internet Explorer code in the same libraries in order to prevent IE from being removed. The Court of Appeals denied Microsoft's petition for rehearing on this issue but wrote that Microsoft could raise this issue on remand with respect to the appropriate remedy in the case. Microsoft's actions in allowing OEM's and/or consumers to remove the Internet Explorer icon and program link (and the inclusion of that concession in the settlement agreement) appears to address the Court's concerns regarding exclusion of rival browsers. Thus, any interpretation of the Court of Appeals decision to require that Microsoft re-engineer Windows to duplicate shared code functions and then remove the IE code (as the non-settling States interpretation does) would be inconsistent with the language and policy of the opinion as a whole. Further, the Court of Appeals found that shared library files that perform functions for both the operating system and the browser enhance efficiency. Opinion at 73.

D. Tying

The District Court found that Microsoft's inclusion of Internet Explorer with Windows was a per se unlawful tying arrangement. The Court of Appeals reversed this conclusion and ruled that per se analysis was inappropriate for arrangements involving platform software products. Because the inclusion of added functionality into software products has the potential to be pro-competitive and generate vast consumer benefits, integration in this area must be judged under the rule of reason. The Court of Appeals remanded the tying claim to the District Court for analysis under the rule of reason. Opinion at 68–90. Under the rule of reason, however, future antitrust plaintiffs must bear a heavy burden to prove that software integration unlawful.

Historically tying arrangements have been deemed per se unlawful. But the Court properly recognized that software products are ''novel categories of dealings'' and that this case provided the ''first up-close look at the technological integration of added functionality into software that serves as a platform for third-party applications. There being no close parallel in prior antitrust cases, simplistic application of per se tying rules carries a serious risk of harm.'' Opinion at 69. The Court also noted the benefits from software integration: ''undling obviously saves distribution and consumer transaction costs.'' Opinion at 73.

In recognizing the potential benefits from integration, the Court then determined that the ''separate products'' test under Jefferson Parish Hosp. Dist. No. 2 v. Hyde, 466 U.S. 2 (1984)— that is, if the tying and tied products are ''separate products'' then the integration is unlawful— was not appropriate for platform software analysis.

Finally, the Court of Appeals issued precise instructions to the District Court in considering the tying in the event the government were to pursue the claim on remand. Those instructions preclude the plaintiffs from arguing any theory of anti-competitive harm based on a precise definition of the browser market or barriers to entry in the putative browser market. Opinion at 87. Faced with this new legal standard, the United States, on September 6, 2001, announced that it would not pursue the tying claim on remand.

In sum, adding new functions to existing software is a nearly universal form of innovation in the software industry and is essential in persuading customers to upgrade from their existing software to a new, improved version. For example, word processing programs have incorporated formerly separate spell-checkers and outliners, personal finance programs have incorporated tax functions, internet service providers have incorporated instant messaging features, database software companies are integrating their databases with their applications server, and e-mail programs have incorporated contact managers. If companies that gain a ''dominant'' position in a given field were

barred from innovating in this manner, consumers would be denied new benefits that result from integration, and the software industry would stagnate. The Court of Appeals rejection of a per se rule for platform software integration, and the government's subsequent decision to drop that claim on remand, insures that teleological innovation will be permitted to continue and provide consumers additional benefits.

E. Remedy

The Court of Appeals fundamentally altered the basis of liability found by the District Court and thus the structural and conduct remedies imposed by the lower court were reversed. Opinion at 106. The Court of Appeals correctly noted that an antitrust remedy must focus on restoring competition and the District Court must explain how its remedy will do so. Opinion at 99–100. Central to the inquiry of how to restore competition is the identification of specific injury to the competitive process by the defendant's behavior. Thus, the Court of Appeals directed the District Court on remand to make a finding of a ''causal connection'' when assessing an appropriate remedy. Opinion at 105.

While the Court of Appeals left the District Court with a large measure of discretion in fashioning an appropriate remedy on remand, there are repeated and clear directions that the evidence necessary to sustain a structural remedy or extensive conduct remedy must be very strong. Opinion at 105–06. Faced with this language, the United States announced on September 6, 2001 that it would no longer seek break up of Microsoft. The individual States have also dropped their demand for a structural remedy.

The remaining issue for the new District Court judge on remand, Colleen Kollar-Kotelly, is to fashion an appropriate remedy for the monopoly maintenance findings that were affirmed by the Court of Appeals. Here too the Court of Appeals has provided some general guidance. The appropriate remedy for Microsoft's antitrust violations may be ''an injunction against continuation of that conduct.'' Opinion at 105. The language cited by the non-settling States that the unlawful monopoly ''must be terminated'' would only apply in the context of a demand for structural relief. The non-settling States have not made a demand for structural relief, nor have they made a showing of a causal connection between Microsoft's unlawful behavior and actual harm in the marketplace.

II. SUMMARY OF THE PROPOSED FINAL JUDGMENT

After the November 6, 2001 Proposed Final Judgment was announced many of Microsoft's competitors complained that the settlement was too lenient. The settlement, however, should not be designed as a wish list for Microsoft's competitors. The settlement should fairly address the areas of liability found by the Court of Appeals. Anything less would encourage Microsoft and other companies to engage in anticompetitive conduct in the future; anything more would inappropriately imperil the teleology marketplace, cause harm to consumers, and likely be struck down by the Court of Appeals. Additionally, the settlement necessarily takes into account the fact that the issue of causation has not yet been decided by the Court. In light of the scope of the Court of Appeals decision and the uncertainty facing both sides from further litigation, the November 6 Proposed Final Judgment is a reasonable compromise of the antitrust litigation.

The November 6 Proposed Final Judgment addresses the liability issues in the monopoly maintenance section of the Court of Appeals decision, and correctly does not seek to impose a remedy related to other areas in which Microsoft prevailed on appeal—attempted monopolization and tying.

First, the settlement prohibits Microsoft from retaliating against any OEM because of the OEM's participation in promoting or developing non-Microsoft middleware or a non-Microsoft operating system. This provision takes the ''club'' out of Microsoft's hand and prevents the company from using anticompetitive means to discourage OEM's from promoting or preventing rival software from being developed or installed on Windows desktop. This anti-retaliation provision deals head on with most of the conduct the Court of Appeals found to be illegal in the monopoly maintenance section of its June 28, 2001 opinion.

Second, Microsoft is obligated to adhere to one uniform license agreement for Windows with all OEM's and the royalty for the license shall be made publically available on a web site accessible by all OEM's. The price schedule may vary for volume discounts and for those OEM's who are eligible for market development allowances in connection with Windows products. This allows Microsoft to continue to compete in the middleware market with other middleware manufacturers and this competition will continue to benefit consumers.

Third, OEM's are permitted to alter the appearance of the Windows desktop to add icons, shortcuts and menu items for non-Microsoft middleware, and they may establish non-Microsoft programs as default programs in Windows. Consumers also have the option of removing the interface with an)'' Microsoft middleware product.

Fourth, Microsoft must reveal the API's used by Microsoft middleware to interoperate with the Windows operating system. Microsoft must also offer to license its intellectual property rights to any entity who has need for the intellectual property to insure that their products will interoperate with the Windows operating system. These central features of the settlement insure that other companies have the ability to challenge Microsoft products, both in the operating system and middleware / applications markets. Consumers and OEM's have far greater freedom to instal and use non-Microsoft products, Microsoft is prohibited from retaliating against any entity who promotes non-Microsoft programs, and all companies have equal access to Microsoft API's and technical information so that non-Microsoft middleware has the same opportunity to perform as well as Microsoft middleware.

The enforcement mechanisms of the settlement will enable the plaintiffs to insure Microsoft's compliance with the agreement. Representatives of the United States and the States may inspect Microsoft's books, records, source code or any other item to insure compliance with the settlement terms. In addition, an independent three person technical committee will be established to insure that Microsoft complies with all terms of the settlement agreement. The technical committee will have full access to all Microsoft source code, books and records, and personnel and can report to the United States and/or the States any violation of the settlement by Microsoft.

III. SUMMARY OF THE NON-SETTLING STATES'' DECEMBER 7 PROPOSAL

While the November 6 Proposed Final Judgment goes beyond the liability found by the Court of Appeals in some areas (i.e., by requiring Microsoft to disclose its confidential technical information to software developers), the non-settling States'' proposal filed on December 7, 2001 goes so far beyond the judgment as to bear little relationship to the Court of Appeals decision.

The centerpiece of the states'' remedy demand is that Microsoft be compelled to create and market a stripped down version of its Windows operating system that would not include many of the features that current versions of Windows do include. Since consumers can now easily remove Microsoft features from their desktop and OEM's are free to place non-Microsoft programs on the desktop, it is difficult to see how this requirement would benefit consumers.

Instead of giving consumers more choices of software products, this unwarranted intrusion into marketing and design decision by the non-settling States would cause further delays in the development of software created to run on XP, with developers waiting to see which version would become the standard. Such delays would further postpone the salutary effects of XP on the computer market. It would also hamper programmers'' ability to take full advantage of technological improvements in Windows, creating a marketplace in which the same software applications would not perform equally. This remedy would balkanize the computing industry and would undermine the benefits consumers obtain from a standardized operating platform.

In addition to the stripped down version of Windows, the December 7 proposal would also require Microsoft to continue licensing and supporting prior versions of Windows for five years after the introduction of a new version of Windows. The primary effect of this requirement is to impose unnecessary costs upon Microsoft (that would likely be passed on to consumers) and reduce the incentives for Microsoft to improve the operating system. This disincentive to Microsoft to make technological advances would ripple throughout the software industry as applications developers would not have an advancing platform to write software to.

The non-settling States remedy proposal also includes a variety of restrictions that will have little if any quantifiable benefit to consumers but which will simply advance the interests of Microsoft competitors. Consumers and OEM's currently have full

ability and freedom to include Java software on their computers; the States'' requirement that Microsoft carry Java on all copies of Windows does not provide consumers or OEM's with any more choice than they already have. Similarly, the requirement that Microsoft continue to produce an Office Suite for Macintosh interferes with natural market forces that direct resources to the best use and may actually preclude the success of competing applications software. Directing Microsoft to produce and support any software without regard for market forces is likely to harm consumers, not help them. Moreover, the November 6 Proposed Judgment fully addresses and prevents Microsoft from retaliating or taking any anticompetitive actions against Apple.

Advances in technology are frequently made as a result of joint ventures between competitors. The Department of Justice and the Federal Trade Commission have recently released guidelines for the formation of such joint ventures. Notwithstanding the recognition by these enforcement agencies that most joint ventures are pro-competitive, the non-settling States seek to restrict Microsoft from entering into joint ventures whereby the parties to the joint venture agree not to compete with the product that is the subject of the joint venture. This restriction will chill innovation and prohibit countless consumer welfare enhancing arrangements. Further, this proposal flatly ignores the fact that the Court of Appeals found in Microsoft's favor on the issue of the alleged illegality of its joint venture proposal to Netscape.

The most harmful of the remaining remedy proposals include those that require the extensive and mandatory sharing of Microsoft's intellectual property. The non-settling States proposals in this regard go well beyond those in the November 6 Proposed Final Judgment and appear to be aimed at benefitting Microsoft's competitors rather than insuring a level playing field for all participants in the software industry. In the absence of compelling justification for wholesale and forced disclosure of a company's intellectual property, the harm caused by such disclosure is unwarranted and harmful to the entire technology marketplace. The vigorous protection of intellectual property has fueled the rapid and dynamic growth of the technology industry. Actions that erode protections for intellectual property should be viewed with great trepidation.

The long term effects of the conduct restrictions proposed by the non-settling States encourage continued litigation, rather than competition in the marketplace.

CONCLUSION

The Microsoft settlement and any remedies imposed must be judged in the context of the Court of Appeals opinion. The non-settling States remedial proposals go well beyond the liability found by the Court of Appeals. The Microsoft case, and this Committee hearing, should not be a forum for any government actor, no matter how well-intentioned, to try to reconfigure the marketplace based on guesswork and supposition. History has told us time and time again that movement's efforts to micro-manage markets are far more likely to fail than to succeed. Consumers stand to lose the most.

The Plaintiffs have never challenged Microsoft's acquisition of its dominant position in the operating system market. Microsoft was propelled into this position as a result of consumer choice. Consumers derive great benefit from the adoption of a standardized operating system platform. State antitrust officials and the courts should be wary of imposing remedies that would interfere with the positive network effects resulting from the large number of consumers who choose Windows.

Government intervention in the marketplace can only be justified if the intervention is a reasonably accurate proxy for the actions that would occur in a competitive market. Otherwise, the unintended consequences of well-meaning government intervention are very likely to do more harm than good. It is simply beyond the capability of the courts and regulators to predict the direction and development of almost any market, let alone the highly dynamic markets in the technology industry. This counsels against the extensive and rigid conduct restrictions proposed by the non-settling States.

Statement of Dave Baker
Vice President for Law and Public Policy
EarthLink, Inc.
Senate Judiciary Committee
Hearing on
''The Microsoft Settlement: A Look to the Future
Wednesday, December 12, 2001

My name is Dave Baker and I am Vice President for Law and Public Policy with EarthLink. EarthLink is the nation's 3rd largest Internet Service Provider, bringing reliable high-speed internet connections to approximately 4.8 million subscribers every day. Headquartered in Atlanta, EarthLink provides a full range of innovative access, hosting and e-commerce solutions to thousands of communities over a nationwide network of dial-up points of presence, as well as high-speed access and wireless technologies.

EarthLink is concerned with the potential for Microsoft to use its affirmed monopoly position in operating systems to leverage its position in innovative Internet services provided by Internet Service Providers (ISPs) including Internet access and associated services.

The proposed Justice Department settlement with Microsoft allows them to continue to restrict competition and choice in ISP services by failing to classify e-mail client software and Internet access software as ''middleware''. By not including e-mail client and internet access software in the definition of middleware, this proposed settlement allows Microsoft to force OEMs to carry Microsoft's own ISP service, Microsoft Network (MSN), while restricting them from carrying competing e-mail client software or internet access software. The federal settlement also allows Microsoft to prohibit OEMs from removing the MSN from their products.

The alternate settlement proposed by nine States and the District of Columbia would define middleware to include e-mail client software and Internet access software, thereby preserving competition in these markets. This distinction in the definition of middleware makes a huge difference given the diverse nature of the ISP marketplace. Many ISPs will never find a place on the Microsoft desktop if Microsoft can prohibit OEMs from including competing e-mail client software and Internet access software, or if Microsoft is able to make such software incompatible with the Windows operating system.

ISPs provide distinct and valuable services beyond mere Internet connectivity. For example, ISPs provide specialized content, web hosting, e-commerce, content specialized for wireless access, and other innovative new products. ISPs provide free local computer and Internet classes for their customers, include local content on their home page, or provide free connections for community groups. EarthLink, while serving a broad range of users across the country, has made greater privacy protection a distinguishing feature of its ISP service. This diverse choice of service and source of future innovation is at risk if Microsoft is able to leverage its existing monopoly power in operating systems to all but force consumers to use its Internet access service, MSN, at the expense of other choices in internet service.

Over the past few years, Microsoft has bundled its internet service more and more closely with succeeding versions of the Windows operating system. This has allowed Microsoft to constrict consumer choice in Internet access providers. In Windows 98, consumers had a choice of several ISPs from which to select for Internet access. Each ISP was listed in the same manner, with equal sized boxes on a referral server screen. In Windows Me, the MSN butterfly icon was the only ISP icon featured right on the desktop, giving it an advantage shared by no other ISP. Consumer had to click down through several screens to find other ISPs. Now, Windows XP has a dialogue boxes that pops up and several times to try to sway consumers to sign up for MSN internet service. While it is possible to select another ISP, this choice is buried and requires greater effort and diligence on the part of the consumer. This illustrates how Microsoft can use its control of the desktop to promote its own Internet access and related content, applications and services.

Under the proposed federal settlement, even this limited choice can be eliminated by Microsoft, since they would be free to restrict OEMs from offering other ISPs on the desktop or from removing Microsoft's own icons from the desktop.

On a related topic, Microsoft recently offered to settle numerous lawsuits by donating computer equipment to schools. Apple Computer has raised concerns that this donation would give Microsoft an inappropriate advantage in gaining greater market share for its operating system in the competitive school marketplace. EarthLink is also concerned that Microsoft would use the proposed computer donations (a good thing) to their own advantage by providing these schools with a product that bundles Internet access with equipment and operating software. This would again unfairly steer consumers, including as here those least able

to exercise choice in their internet applications, into using just associated Microsoft products.

We note that the E-Rate, the federal grant program for school connectivity, requires that schools be allowed to purchase Internet access from a range of competitive providers. The movement's clear intent is for schools to have a choice of competitive Internet access providers, in order to promote the broadest selection of services, diversity and choice of features, and lowest prices for Internet access. This intent would be undermined if Microsoft uses its proposed computer donations as a ''Trojan horse'' to install yet more of its own e-mail client and Internet access software. We encourage the preservation of choice for these schools and their students in their selection of Internet access and related services.

EarthLink is concerned that just as Microsoft used its Windows operating system monopoly to force consumers to use the Microsoft browser, Internet Explorer, at the expense of competitors such as Netscape Navigator, Microsoft is now seeking to use the same leverage to force consumers to use their Internet service provider, MSN. EarthLink supports the alternate settlement proposed by the nine States to preserve competition in the market for email client software and Internet access software by including these services in the definition of middleware. As it considers the future of the Internet marketplace, we encourage the Committee not to allow Microsoft to leverage its existing monopoly into new and evolving Internet services. Thank you for giving us the opportunity to share our views with the Committee.

BRIEFING

PROPOSED FINAL JUDGMENT IN

U.S. v. 31ICROSOFT

December, 2001

STATUS OF THE CASE

The U.S. Government and approximately half of the litigating states have decided to settle the case with Microsoft on terms the software industry views as inadequate under the standards for relief under decades of antitrust precedent. Nine states plus the District of Columbia have chosen to move forward with a hearing on remedy. Discovery is underway for that hearing and witness lists are currently being prepared for a trial set to commence in early March.

Pursuant to the District Court's order, the United States must simultaneously submit the settlement under the Antitrust Procedures and Penalties Act, which is described below.

THE TUNNEY ACT

The Tunney Act, formally known as the Antitrust Procedures and Penalties Act, was originally introduced by Senator John Tunney in September, 1972, and was signed into law by President Ford on December 21, 1974. The relevant sections of the Tunney Act were passed in part as a reaction to the scandal that erupted after the government settled its antitrust investigation of ITT (on grounds very favorable to the defendant), and it was discovered that ITT had lobbied extensively and engaged in secret negotiations to pressure the Department of Justice to agree to that settlement.

Microsoft has made no secret of the political influence it has sought to create during this trial. Its political contributions, lobbying, grassroots, and public relations efforts are unprecedented and well documented.3 Some might say there is an obvious and direct The Tunney Act also made certain antitrust violations felonies, rather than misdemeanors; increased the available penalties a court could impose; and instituted a variety of procedural reforms designed to expedite the trial and appeal of government antitrust cases. 2 See Kintner, Federal Antitrust Law 40.25 at 208 n.721; 5 Von Kalinowski et al., Antirust Laws and Trade Regulation 2d 96.0311] at 96–12 n.4. 3 ''Microsoft Targets Funding for Antitrust Office.'' Dan Morgan and Juliet Eilperin. Washington Post October 15.1999. ''Pro-Microsoft 1obbving. to limit antitrust funding irks, top lawmakers.'' The Wall Street Journal October 15. 1999. ''Microsoft Paid For Ads Against DoJ Case.'' Madeleine Acer.

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BusinessWeek May 15. 2000. ''The Unseemly Campaign of Microsoft.'' Mike France. Business Week April 24. 2000. ''Microsoft's Lobbving Abuses.'' Editorial. New York Times November 1, 1999 ''Awaiting Verdict, Microsoft Starts Lobbying Campaign.'' Joel Brinkley. New York Times November 1, 1999. ''Microsoft Seeks Help Of Holders.'' John R. Wilke. The Wall Street Journal November 1.1999. causal connection between these activities and the weak nature of the proposed settlement, proving if nothing else that the public policy concerns that spawned the Tunney Act in the first place have been validated. Judge Kollaar-Kotelly will be charged with the responsibility of determining the extent to which the public interest has been affected by the unprecedented politicization of this law enforcement matter. As the Senate Report that accompanied the Tunney Act explained, ''[t]he primary focus of the Department [of Justice]'s enforcement policy should be to obtain a judgment either litigated or consensual—which protects the public by insuring healthy competition in the future.'' While Congress did not want to discourage settlement of antitrust litigation—significantly more than half of government antitrust suits are settled — it determined that judges should independently review all settlement agreements, with adequate involvement by the public and others in the relevant industry, before entering a consent judgment.

Under the Tunney Act, the United States needs to publicize the settlement agreement, invite and respond to public and industry, comments on the details of that agreement, and defend the agreement in court—where the judge by statute would need to determine independently that the agreement was in the ''public interest.''

Even though Judge Kollar-Kotelly urged both sides to settle the case, the goal of any settlement must be to achieve the public interest objectives of the lawsuit more efficiently and with more certainty that the litigation process. Merely achieving an end to the litigation, and thus rewarding Microsoft for its intransigence over the years is not a legitimate goal, nor should it play any part in settlement analysis. In fact, the standards for review under the Tunney Act are substantially higher in this case than in typical Tunney Act cases. That is because there has never been a settlement - and therefore Tunney Act review—of an antitrust case that has been affirmed by an Appeals Court. Since there is no longer any litigation risk—or question about liability or the strength of the government's case the only appropriate interpretation of the ''public interest'' is in the context of the standards set forth by the Court of Appeals. ''Microsoft's Bad Lobbying.'' Editorial. Washington Post October 24 1999. ''Microsoft Attempt To Cut Justice Funding Draws Fire.'' David Lawsky. Reuters October 17, 1999. ''Microsoft Targets Funding for Antitrust Office.'' Dan Morgan and Juliet Eilperin. Washington Post October 15. 1999.

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SUMMARY OF THE WEAKNESSES OF THE PFJ's

In the sections following we discuss—provision-by-provision—weaknesses in the Proposed Final Judgment. In this section, we focus on the more important issues of What is not included in the settlement in the first place. Remedy Ignores Clear Guidance of

Court of Appeals The central issue with the proposed remedy is its fundamental failure to meet the standards so clearly set forth by the Court of Appeals. Rather, the Department of Justice has articulated a view that all it must do is create a narrow set of remedies, which merely prevents Microsoft from engaging in the precise types of unlawful conduct against new competitive threats in the future. This view ignores the fact that unrestrained monopolists are likely to engage in new, creative forms of predation, which is why the Supreme Court has admonished the Department of Justice to ''close the untraveled roads to monopolization, not just the traveled roads.''

More troubling, the Department ignores the fact that competitive threats to Microsoft's monopoly do not appear with regularity. In fact, the dual threats of Netscape's Navigator browser and Sun's Java programming language—propelled by the Internet boom—may well be once in a lifetime competitive events. That is one of many important reasons why it is particularly inappropriate for the Department of Justice to allow Microsoft to keep all the ''fruits'' of its unlawful activity without any regard for the competitive impact on the industry or consumers.

Most industry observers have sadly reached the conclusion that the Department of Justice was prepared and eager to settle this case at an□, price. If permitted to stand, antitrust law enforcement in the high-technology industry—which many have described as the sector that now drives the economy—will be effectively repealed. Future antitrust defendants will follow the yellow brick road paved by Microsoft: deny that you are a monopoly regardless of the court findings, outlast and outspending your governmental adversaries and trust that sooner or later, the government will accept a meaningless settlement primary for the sake of settlement alone.

It is the responsibility of the Justice Department not to lose interest in enforcing the laws necessary to insuring competition and consumer choice. Settling on the cheap the most important antitrust case in a generation in the most important industry in America is an unwarranted abdication of responsibility. If permitted to stand, consumers will pay the price for generations to come in the form of diminished choices, higher prices, and stifled innovation.

No Remedy for the Browser or Java

The DoJ remedy is inadequate in the area of so-called ''middleware.'' ''Middleware'' is a critical concept in this case because middleware is the software layer that—in a competitive market—could undermine Microsoft's ability to protect its monopoly. Both Netscape's Navigator and the Java programming language were examples of middleware threats, yet the Proposed Final Judgment is silent on both the Browser and Java. These middleware and platform threats were the central focus of the appeals court decision. It is insupportable to settle for a remedy that the Department of Justice knows will not have any competitive impact in the central markets at issue in the case.

Remedy Relies too Heavily on PC Companies (OEMs) As a general matter, the middleware—and other remedies—imposed by the Department of Justice relies far too heavily on PC companies exercising flexibility in product design, rather than affirmatively requiring Microsoft to comply with the antitrust laws. It is possible—in fact, likely—to imagine a result where the PC companies choose not to exercise their new rights under a settlement. As a practical matter, that would leave the government with no remedy for the most important parts of the Appeals Court's ruling.

It is inappropriate for the government to impose—transfer—its remedial obligations under the antitrust laws to PC companies, which are wholly dependent upon the monopolist. The DoJ seems more willing to impose the burden of forcing Microsoft to comply with the antitrust laws on PC companies rather than impose even the slightest restrictions on Microsoft—the adjudicated monopolist—to change the way it does business. As both an economic and a practical matter, the PFJ imposes greater burdens on PC companies than it does on the adjudicated monopolist Remedy/ow7ores Key Finding of the U.S. Court of Appeals Nothing in the agreement prohibits Microsoft's ''commingling of code'' or binding of its middleware to the OS. This was a major issue in the case; the Court of Appeals specifically found Microsoft's commingling of browser and OS code to be unlawful.

Microsoft petitioned the Appeals Court for a reheating on this precise matter, which was summarily rejected by the court. And yet, after the Court clearly ruled on the rehearing, the DOJ adopts Microsoft's view—not the Courts. The settlement would explicitly permit Microsoft's commingling of code to continue.

The danger of the absence of this provision is reinforced by what is found in the definition ''U,'' stating that the definition of what code comprises a Windows Operating System Product ''shall be determined by Microsoft in its sole discretion.'' Thus, Microsoft can, over time, render all the protections for middleware meaningless, by binding and commingling code, and redefining the OS to include the bound/commingled applications.

Remedy ''Requires'' or ''Mandates'' Microsoft to Continue Business As Usual Two of the key provisions of the PFJ cited by DOJ as instrumental in restoring competition merely require Microsoft continue to engage in business as usual. First, DOJ points to the provision that allows PC companies and end users to remove ''end user access'' to Microsoft middleware (i.e. Internet Explorer, Windows Media Player, Windows Messenger, etc). It is important to understand that all ''end user access'' really means is the ability to remove the ''icon'' for the middleware application, not the middleware itself. Second, DOJ ''grants'' the PC companies ''flexibility'' to add or remove icons on the Windows desktop. On both points, it is apparently convenient for DOJ and Microsoft to forget that most of this flexibility either previously existed or was granted by Microsoft five months before the settlement on July 11th (see appendix one).

Moreover, PC companies have always enjoyed the flexibility to add icons to the Windows desktop. Amazingly, the PFJ actually makes matters worse because it grants Microsoft the right to come back 14 days after a consumer buys a PC and—after confirmation from the user—automatically deletes all the changes a PC company made and restores the Microsoft software. You can imagine the prompt now: Two weeks have passed since you bought >'our PC! Click on the Icon if you want to enhance your PC with better more robust multimedia capabilities from So, under this remedy, Microsoft gets to undermine the choices made by PC companies and grants Microsoft a ''second bite at the apple'' to badger consumers into—unknowingly or unwittingly—switching back to Microsoft's software.

Second, DOJ claims credit for ''requiring'' Microsoft to disclose to third party software developers the Applications Programming Interfaces (APIs) for Windows. A review of the definitions reveals that the provision is essentially meaningless. The API disclosure requirements for new versions of the Windows operating systems must be disclosed in a ''timely manner.'' A close examination of the definition of ''timely manner,'' exposes that this requirement is triggered when Microsoft distributes beta copies of its software to 150,000 ''beta testers.'' Microsoft can be expected to insure that the number of beta testers remains below 150,000, thus exempting itself from the disclosure requirements in the first place. More telling is the fact that Microsoft never ever had 150,000 ''beta testers'' for Windows XP, Windows ''98, or Windows ''95.

But astonishingly, DOJ apparently did not make the effort to learn that Microsoft discloses information to third party software developers anyway, through a program called the Microsoft Developers Network (MSDN) (see http://www.msdn.microsoft.com). The MSDN program is ''an essential resource for developers using Microsoft tools, products, and technologies. It contains a bounty of technical programming information, including sample code, documentation, technical articles, and reference guides.'' Why does Microsoft give out this information? Because the most important economic law of the software industry is that the more programs you have running on your platform (like Windows) the more valuable your platform is relative to competitors. So, the more applications Microsoft has running on Windows, the more valuable Windows becomes.

In the spring of 1995, Netscape requested from Microsoft the APIs necessary to insure that its browser would work with the Windows ''95, scheduled for later that year. Microsoft resisted sharing this information for nearly a year, until well after Windows ''95 was released. Because Windows ''95 did not involve 150,000 beta testers, Netscape would not have had the right to receive the critical APIs if this remedy had been in place in 1995. Thus Microsoft's ability to arbitrarily withhold APIs from those that would deign to enter into competition with Windows is left intact.

Remedy Ignores Fundamental Economics of the Software Industry

The more developers that support Windows, the more valuable Windows

becomes. That is the fundamental economic reality of the industry. That is also why the ''flexibility'' to remove ''end user access'' to Microsoft's applications is so woefully inadequate. The fact is that under this remedy, regardless of whether consumers or PC companies affirmatively decide to remove a particular Microsoft middleware application (i.e. browsers, media player, instant messenger, e-mail, etc.) DOJ's remedy permits all of the code to remain. The impact of this decision is the third party developers will always write software to the middleware platform that is present on the largest number of PCs.

Under the PFJ, that middleware will always be Microsoft's middleware and non-Microsoft's middleware threats will never have a chance a attracting a large enough developer following to displace Windows. In response to a question about this precise issue in the Wall Street Journal, Charles James responded, ''I don't care.'' (check either Nov. 11 or 12 WSJ).

Remedy is Unenforceable and Riddled with Loopholes

In addition, too many of the provisions require a mini-retrial to be enforced. In numerous places throughout Section III, the limitations on Microsoft's conduct are basically rephrased versions of the Rule of Reason. In other words, the constraints on Microsoft (once the exceptions are taken into account) devolve into a mandate that Microsoft act ''reasonably.'' For example, in III.F.2, Microsoft may place enter into restrictive agreements with ISV's activities if they are ''reasonably necessary.'' Likewise, the Joint Venture provisions found in III.G. also ''reasonably necessary'' test.

Aside from the obvious concern about Microsoft's willingness to do so given its track record, this formulation is problematic for two other reasons. First, it does little more than restate existing antitrust law (such provisions cannot be said to be ''remedial'' if they, in essence, are merely directives to refrain from future illegal acts). And second, in terms of enforcement, alleged violations of such ''be reasonable'' provisions can only be arrested through proceedings that will become, in essence, mini-retrials of U.S. v. Microsoft itself.

Moreover, the proposed remedy follows timelines that are too loose and too generous to a company with the engineering resources and product-update capabilities of Microsoft. Microsoft is given almost a year before making even the most modest changes. For example, the ''icon'' remedy discussed above merely requires Microsoft to allow PC companies and end users to remove the icon for particular programs from the Windows desktop. This functionality is readily available in Windows today. But even the more significant step of including the ''icon'' in the ''add / remove'' utility would require a trivial degree of engineering. Yet Microsoft is given a year—20 percent of the term of the decree -to implement even this rudimentary changes. Microsoft won the ''Browser War'' in less than a year. The Devil is in the Definitions

There are literally dozens of provisions that sound promising until the definitions reveal that in fact Microsoft has sole discretion to determine whether or not the provisions are triggered at all. Just a few obvious examples:

As discussed above, the API disclosure requirements for new versions of the Windows operating systems are triggered only when Microsoft distributes beta copies of its software to 150,000 ''beta testers.'' Microsoft can be certain to stop beta distribution well before those unprecedented number of testers receive beta copies in the first place. And even if Microsoft accidentally distributed 150,000 beta versions of Windows, the term ''beta tester'' is not defined anyway, giving Microsoft yet another obvious way to evade the disclosure provisions—which again are being touted as the centerpiece of the agreement.

Probably the most gratuitous provision comes at the last line of the PFJ. Definition ''U'' of the Windows Operating System Product definition, states: ''The software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion.'' This language, of course, has no practical import for the purposes of the PFJ except that it lets Microsoft evade many of the settlements provisions. It also strikes most observers as odd that an antitrust decree grants explicitly grants complete latitude to the defendant and seems to provide Microsoft with a judicially approved monopoly over the most important distribution channel in the software industry: Windows.

SECTION-BY-SECTION ANALYSIS OF THE PFJ

Some obvious problems with the agreement are discernable immediately. Below, we identify the most unsettling of those problems. Perhaps some are not in fact problems, but merely questions of misreading of the agreement; of course, the fact that reasonable people can read the agreement differently is itself indicative of the problem presented by it, given that Microsoft will surely interpret it as a determined and unrepentant monopolist.

A. Retaliation

The Scope of the Protection is Narrow: Most significantly, Microsoft is constrained only from the specified forms of retaliation. If it retaliates against a PC company for any non-specified reason, that retaliation is not prohibited. This formulation is particularly problematic because the protected PC company activities are narrowly and specifically defined. Retaliation against a PC company for installing a non-Microsoft application that does not meet the middleware definition is NOT prohibited; nor is retaliation against a PC company for removing a MSFT application that does not meet the middleware definition.

For example:

MSN and MSN Messenger are not middleware under the definition of a Microsoft Middleware Product. If a PC removes the icon and start menu promotion of MSN and/or MSN Messenger, it can be subjected to retaliation.

Windows Movie Maker or the Windows photo editing software is not middleware so if a PC company decides to remove either of these products, Microsoft can retaliate.

More generally, it is odd to have a formulation that de facto approves of Microsoft's retaliation against PC companies, except where that retaliation is forbidden. And, it is odd that any certain types of retaliation (i.e., retaliation by changing contractual relations and retaliation by changing promotional arrangements) are forbidden, as opposed to prohibiting any form of retaliation whatsoever.

Non-Monetary Compensation Provision is Far too Narrow Microsoft is free to retaliate against PC companies that promote withholding any existing form of ''non-monetary Compensation'' introduced forms of non-monetary Consideration'' may not be withheld. competition by - only ''newly Termination Clause Will Intimidate PC companies Microsoft can terminate, without notice, a PC companies Windows license, after sending the PC company two notices that it believes it is violating its license. There need not be any adjudication or determination by any independent tribunal that Microsoft's claims are correct; only two notices to any PC company of a putative violation, and thereafter, Microsoft may terminate without even giving notice. This provision means that the PC companies are, at any time, just two registered letters away from an unannounced economic calamity. It will render the PC companies severely limited in their willingness to promote products that compete with Microsoft.

Pricing Schemes Will Allow Microsoft to Avoid Effect of Decree Microsoft can price Windows at a high price, and then put economic pressure on the PC company to use only Microsoft applications through the provision that Microsoft can provide unlimited consideration to PC companies for distributing or promoting Microsoft's services or products. The limitation that these payments must be ''commensurate with the absolute level or amount of'' PC company expenditures is hollow—given that it is not clear how the PC companies costs will be accounted for, for this purpose.

B. Pricing

Microsoft Can Use Rebates to Eviscerate Competition

Under the settlement, Microsoft can provide unlimited ''market development allowances, programs, or other discounts in connection with Windows Operating System Products.'' This provision essentially eviscerates the entire scheme of PC company choice, functioning the same way as the rebate provision discussed above, but without any tether or limiting principle whatsoever. Simply put, MSFT can charge $150 per copy of Windows, but then provide a $99 ''market development allowance'' for PC companies that install Windows Media Player as opposed to Real Networks media player. Presumably, this is intend to be prescribed by III.B.3.c, which provides that ''discounts or their award'' shall not be ''based on or impose any criterion or requirement that is otherwise inconsistent with ... this Final Judgment,'' but this circular and self-referential provision does not ensure that the practice identified above is prohibited.

C. PC Company Licenses

Microsoft Retains Control of Desktop Innovation Microsoft retains control of desktop innovation, by being able to prohibit PC companies from installing or displaying icons or other shortcuts to non-Microsoft software/products/services, if Microsoft does not provide the same software/product/service. For example, if Microsoft does not include a media player shortcut inside its ''My Music'' folder, it can forbid the PC companies from doing the same. This turns innovation and the premise that PC companies be permitted to differentiate their products on its head.

For example, Sony—as a PC company and a major force in the music and photography industries—would be uniquely positioned to differentiate the ''My Music'' and ''My Photos'' folder. And yet, Sony's ability to do turns solely on the extent to which Microsoft chooses to unleash competition in these areas. Microsoft Retains Control of Desktop Promotion.'' Microsoft also, very oddly, can control the extent to which non-Microsoft middleware is promoted on the desktop, by virtue of a limitation that PC companies can promote such software at the conclusion of a boot sequence or an Internet hook-up, via a user interface that is ''of similar size and shape to the user interface provided by the corresponding Microsoft middleware.'' Thus, Microsoft sets the parameters for competition and user interface.

Promotional Flexibility for Internet Access Providers Only, and Only for the PC companies ''own'' Internet Access Provider (IAP's) companies are allowed to offer IAP promotions at the end of the boot sequence, but not promotions for other products. Also, the phrase that defines the scope of this flexibility (a PC companies ''own IAP offer'') is ambiguous: it is not clear if the PC companies right is limited to offering an IAP product that is marketed under the PC companies brand, or if this includes any IAP that an PC company may reach an agreement with to promote in this space. The latter would obviously give the PC companies more flexibility.

D. API Disclosure

APIs Defined Too Narrowly

Microsoft can evade this provision by ''hard-wiring'' links to its applications, and through other predatory coding schemes. The disclosure is limited to ''APIs and related Documentation.'' This may be too narrow and can be evaded. Moreover, the provision for the disclosure of ''Technical Information'' found in Judge Jackson's interim conduct remedies has been eliminated. These disclosures are necessary to provide effective interoperability.

E. Server Interoperability Issues (also found in III, E, I, H and J)

Only Full Interoperability Can Reduce Microsoft's Barriers to Desktop Competition The DOJ's proposed server remedy will fail to provide meaningful, competitive interoperability between Microsoft desktops and non-Microsoft servers.

The applications barrier to entry is central to this case and to Microsoft's desktop monopoly. A remedy that provides true server interoperability can be a powerful tool to reduce the applications barrier to entry. The server has the same, or indeed more, potential to provide an alternative application platform to the desktop as did the browser or any other desktop runtime. In that sense it is directly analogous to middleware products.

Microsoft has plainly recognized the threat that non-Microsoft servers pose as an alternative applications platform and has acted to exclude those products from full interoperation with the desktop and to advantage its own server products. It is able to do that because it controls the means by which servers may interoperate with the functions and features of the Windows desktop. In order to succeed in establishing non-Microsoft servers as an effective alternative application platform, both consumers and application developers have to be convinced that such servers can overcome the interoperability barriers that Microsoft has erected and have become viable alternatives to Microsoft's own servers, which of course fully interoperate with the desktop.

The proposed decree allows Microsoft to continue to exploit dependencies between its desktop applications or its desktop Middleware and its servers or handheld devices to exclude server and handheld competition.]he New Order Requires Less Disclosure Than the Original Order The interim conduct order imposed by Judge Jackson (see Final Judgment Section 3(b) (iii)) required Microsoft to disclose all APIs, Communications Interfaces and Technical Information (i.e., any and all possible technical dependencies) between (a) software installed on any device (including servers and handhelds) and (b) any Microsoft Operating System or Middleware installed on a PC.

But the Proposed Final Judgment discloses less information (no server APIs and no Technical Information) between fewer platforms (no client OS-to-server application disclosure; no unbundled client Middleware-to-server disclosure; no client OS-to-handheld disclosure; and no client Middleware-to-handheld disclosure; with no access to source code, and no provision for timely or updated disclosures.

Consequently, unlike old 3(b)(iii), the PFJ (Section 3(E)) permits Microsoft to push functionality from the OS to the application layer in order to avoid disclosure.]he Failure to Define ''Interoperate'' Is A Huge Mistake Neither section 3(E) nor any other provision of the proposal defines the meaning of ''interoperate.'' The failure to define ''interoperate'' is tantamount to the Justice Department's prior failure to define ''integrate'' in the 1995 consent decree, and will form the basis for unending and bitter future disputes over the scope of Microsoft's disclosure obligation.

''Communications Protocol'' is Defined Too Narrowly and Too Ambiguous The definition of ''Communications Protocol,'' which determines the scope of server information to be disclosed by Microsoft, is highly ambiguous, and potentially very narrow in scope:

It is limited to Windows Server Operating System, and thus is unclear whether it includes Internet Information Server (Microsoft's Web Server) or Windows Media Server, both of which are shipped with Windows 2000 Server.

It is unclear whether ''rules for information exchange'' that ''govern the format, semantics, timing sequencing, and error control of messages exchanged over a network'' means the rules for transmitting information packets over a network, or the rules for formatting and interpreting information within such packets.

It is unclear what the last sentence of the definition of Communication Protocol means when it excludes from the information to be disclosed ''protocols to remotely administer Windows 2000 Server and its successors.''

Even in its broadest possible meaning, Communications Protocols is insufficiently broad or comprehensive to require disclosure of the information needed to permit interoperability between non-Microsoft servers and the full features and functions of Windows desktops. For example, no conceivable interpretation of Communications Protocol would appear to require disclosure of Microsoft's COM+. 7he Definition of ''Windows Operating System Product'' Gives Microsoft the Ability to Avoid Disclosure.

The scope of Microsoft's disclosure obligation is determined in large part by the meaning of ''Windows Operating System Product.'' The definition of Windows Operating System Product leaves Microsoft free to determine in ''its sole discretion'' what software code comprises a ''Windows Operating System Product.'' In other words, Microsoft's disclosure obligation is subject entirely to its discretion.

The Room for Dispute Means No Meaningful Disclosure is'' Likely to Occur Much Before the Judgment Expires: The ambiguities and uncertainties in the scope and meaning of section 3(E) and the definitions on which it depends means that a protracted battle will inevitably be required to obtain Microsoft's full compliance with its disclosure obligations. The 9 month delay in Microsoft's obligation to begin disclosure means that a significant portion of the 5 year remedial term will have expired, and that one product generation at least will have passed, before any disclosure is made. Combined with the fact that there is no explicit provision for additional disclosures for upgraded or successor products, and no requirement for timely disclosure, means that there is not likely to be more than one disclosure for one product generation only.

Microsoft's ability to exploit ambiguity, and the discretionary powers given to the company, the defendant here, must be eliminated. The document simply fails the test of clarity and specificity needed to be a meaningful contract between the United States, the state plaintiffs, and Microsoft.

Section 3(J)'s Carve Out Eliminates The Most Important Disclosures What little section 3(E) provides, section 3(J) takes away by permitting Microsoft to refuse to disclose the very protocols and technical dependencies it is currently using to prevent non-Microsoft servers from interoperating with Microsoft desktops and servers.

G. Anti-Competitive Agreements

Joint Development Agreements Can Subvert Protections of Settlement The protection against anti-competitive agreements is substantially undermined by the exception that allows Microsoft to launch ''joint development or joint services arrangements'' with PC companies and others. Under this provision, Microsoft can ''invite'' PC companies, ISVs, and other industry players to enter into ''joint development'' agreements, and then resort to an array of exclusionary practices. For example, Microsoft invites PC company X to form a ''joint development'' project to create ''Windows for X,'' a ''new product'' to be installed on the PC company's PCs. So long as Microsoft's activities are cloaked under this rubric, it is exempt from the ban on requiring the PC company to ship a fixed percentage of its units loaded with Microsoft's applications, and other protections designed to promote competition.

1. Desktop Customization

Add/Remove is For Icons Only, Not the Middleware Itself The add/remove provisions in the agreement only allow for removal of end user access to Microsoft middleware, not the middleware itself. This position is not consistent with the language in the Court of Appeals opinion on commingling or the ''add/remove'' issue. For example, a PC company or a consumer might choose to eliminate Microsoft's Internet Explorer and replace it with Netscape's Navigator as the default. Under this provision, Microsoft's Internet Explorer—not Netscape's Navigator—is still used in the MyDocuments, MyMusic, MyPictures and Windows Explorer folders.

More substantially, if MSFT's middleware remains on PCs (even with the end user access masked), then applications developers will continue to write applications that run on that middleware—reinforcing the applications barrier to entry that was at the heart of this case. Allowing MSFT to forbid the PC companies from removing MSFT middleware, and allowing MSFT to configure Windows to make it impossible for end users to do the same, allows Microsoft to reinforce the applications barrier to entry, irremediably.

As we have seen with the implementation of this approach (i.e., icon removal only) with regard to Internet Explorer in Windows XP, MSFT can use the presentation of this option in the utility to make it less desirable to end users. Moreover, limiting the required ''add/remove'' provision to icons only is actually a step backward from the current state of affairs in Windows XP, where code is removable for several pieces of Microsoft middleware. Thus, the DoJ actually codifies the most limiting of consumer alternatives—merely removing an icon. Why Are Non-MSFT Icons Subject to Add/Remove ?

The agreement gives Microsoft an added benefit: it can demand that PC companies include icons for non-MSFT middleware in the add/remove utility. Why this should be required, in the absence of any finding that assuring the permanence of non-MSFT middleware on the desktop is anti-competitive, is bizarre. This essentially treats the victims of Microsoft's anti-competitive behavior as if they were equally guilty of wrongdoing.

Twelve Months To Implement is Too Long

Most of the provisions in this section do not take effect for a full 12-month period—20 percent of the total length of the PFJ. Given Microsoft's vast engineering resources; an ability to instantly update its products via on-line downloads; and the just-in-time manufacturing of the PC companies, there is no justification for this lengthy phase-in. Tellingly, when Microsoft made modest concessions in response to the Court of Appeals decision on July 11th, it implemented these changes within three weeks (when a new beta version of Win XP was released). Consumers should not have to wait another year for the choices they deserved to be offered years and years ago.

Microsoft Can Embed Middleware, And Evade Restrictions

End users and PC companies are allowed to substitute the launch of a non-Microsoft Middleware product for the launch of Microsoft middleware only where that Microsoft middleware would be launched in a separate Top-Level Window and display a complete end user interface or a trademark. This, in essence, allows Microsoft to determine which middleware components will or will not be subject to effective competition. By embedding their middleware components in other middleware (and thereby not displaying it in a ''Top Level Window'' with all user interface elements), or by not branding the middleware with a trademark, Microsoft can essentially stop rivals from launching their products in lieu of the Microsoft products.

Harder for Consumers to Choose Non-Microsoft Products than Microsoft Products In the same provision (III.H.2.), Microsoft may require an end user to confirm his/her choice of a non-Microsoft product, but there is no similar ''double consent'' requirement for Microsoft Middleware. There is no reason why it should be harder for users to select non-Microsoft products than Microsoft products.

Microsoft Can ''Sweep'' the Desktop, Eliminate Rival]cons

Additionally, the PC company flexibility provisions are substantially undermined by a provision that allows Microsoft to exploit its ''desktop sweeper'' to eliminate PC company installed icons by asking an end user if he/she wants the PC company-installed configuration wiped out after 14 days. Thus, the PC company flexibility provisions will only last on the desktop with certainty for 14 days, and after that period, persistent automated queries from Microsoft can reverse the effect of the PC company's installations. The effect of this provision is to severely devalue the ability of PC companies to offer premier desktop space to ISVs—and to undermine the ability of PC companies to differentiate their products and provide consumers with real choices. Here is an example of what a prompt might look like (which would have the effect of setting all of the choices and defaults previously picked by PC companies and consumers back to Microsoft's presets):

Two weeks have passed since you bought your PC! Click on the Icon if you want to enhance your PC with better more robust multimedia capabilities from Microsoft.

Desktop ''MFN'' Requirements

Finally, nothing in the decree forbids Microsoft from requiring—especially where non- middleware is concerned—so-called MFN agreements from the PC companies. These agreements tax PC company efforts to promote Microsoft rivals by requiring that equal promotion or placement be given to Microsoft products, often without compensation.

I. Licensing Provisions

Licenses Put in Hands of Those Who May Not Be Able to Use Them The PC company licensing provision is limited in its effectiveness because the PC companies are prevented from ''assigning, transferring, or sublicensing'' their rights. This may severely limit their ability to partner with software companies to develop innovative software packages to be pre-installed on PCs. This provision is especially harmful when contrasted with the broad partnering opportunities afforded to Microsoft under III.G. In addition, the PC company's willingness to use these provisions—even if they have the financial and technical wherewithal to do so—may be limited by the weakness of the retaliation provisions discussed above.

Reciprocal License? This simply can't be true.

The agreement requires ISVs, PC companies and other licensees to license back to Microsoft any intellectual property the□, develop in the course of exercising their rights under the settlement. But that simply rewards Microsoft for having created the circumstances (i.e., having acted illegally) that necessitated the settlement in the first place. Microsoft should not be able to obtain the intellectual property rights of others simply because those law abiding entities have been required to work with this law breaker.

In addition, this provision may inadvertently work as a ''poison pill'' to discourage ISVs, et al., from taking advantage of the licensing rights ostensibly provided them in III.I. The risk that an ISV would have to license its rights to Microsoft will be a substantial deterrent for that ISV from exercising its rights under III.I.

J. ''Security and Anti-Piracy'' Exception to API Disclosure

The Settlement Exempts The Software and Services That Are the Future of Computing One of the most seemingly innocuous provisions in the agreement—that is in fact, one of the biggest loopholes—is the provision that allows MSFT to withhold from API, documentation or communication protocol disclosure any information that would ''compromise the security of .... digital rights management, encryption or authentication systems.'' The fact is that for programs to interoperate you must have all the information necessary. A provision that allows Microsoft to withhold certain information—or guarantees litigation over what information is exempted ensures that no program will ever be truly interoperable.

This provision raises several critical concerns: Digital Rights Management Exception ''Swallows'' Media Player Rule Since the most prevalent use of media players in the years ahead will be in playing content that is protected by digital rights management (DRM) (i.e., copyrighted content licensed to users on a ''pay-for-play'' basis), allowing MSFT to render its DRM solution non-interoperable with other DRM solutions essentially means that non-Microsoft media players will be virtually useless when loaded on Windows computers.

Authentication Exception Allows Microsoft to Control Internet Gateways, Server-Based Services.

Most experts agree that the future of computing lies with server-based applications that consumers will access from a variety of devices. Indeed, Microsoft's ''.Net'' and ''.Net My Services'' (formerly known as Hailstorm) are evidence that Microsoft certainly holds this belief. These services, when linked with MSFT's ''Passport,'' are Microsoft's self- declared effort to migrate its franchise from the desktop to the Internet:

By exempting authentication APIs and protocols from the settlement's disclosure requirement, the settlement exempts the most important applications and services that will drive the computer industry over the next few years. If Microsoft can wall off Passport, .Net, and .Net My Services (Hailstorm) with impunity—and link these internet/server-based applications and services to their desktop monopoly—then Microsoft will be in a commanding position to dominate the future of computing.

PFJ SECTION IV. COMPLIANCE AND ENFORCEMENT

A. Enforcement Authority

Enforcement Authority is Too Difficult to Employ Clearly, what's missing from the agreement is a quick, meaningful, and empowered mechanism for preventing and rectifying Microsoft's future violations of the agreement. Thus, while the provision allowing Microsoft to cure any violations of III C, D, E, and H before an enforcement action may be brought is not itself objectionable, it is but one of a number of provisions that make enforcing the agreement cumbersome, expensive, and time consuming.

B. Technical Committee

Microsoft gets half the votes.

In setting up the Technical Committee, Microsoft gets to appoint one member, the Department of Justice gets to appoint one member, and Microsoft and the Department jointly appoint the third. This formulation guarantees that at least Microsoft, the defendant, will approve half of the Technical Committee's members. Technical Committee's Investigation Allowed Only Limited Use The work of the Technical Committee cannot ''be admitted in any enforcement proceeding before the Court for any purpose,'' and the members of the TC are forbidden to appear. Thus, under the terms of the decree, the substantial time, effort, and expense that can go into a TC process may need to be duplicated in an enforcement action—adding to the complexity and expense that process will pose for victims of Microsoft violations.

C. Voluntary Dispute Resolution

Source Code Access is Not Enough.

While it is helpful that the Technical Committee will have access to MSFT's source code, and can resolve disputes involving that issue, the Technical Committee is otherwise powerless to compel Microsoft's compliance with the agreement in any other respect. The prospects that Microsoft will accept the decisions of the TC in a voluntary dispute resolution process are near zero. And the entire mechanism seems designed to drag disputes on indefinitely: no time limits or time lines are specified for dispute resolution.

Thus, as noted above, there must be some compulsory means of dispute resolution, short of renewed litigation in the District Court. As it stands now, a party injured by MSFT's violation of the decree can:

- Complain to the Technical Committee, which will then conduct an investigation;
- Once the investigation is complete, the TC will presumably issue some decision; while the investigation is ongoing, the TC is supposed to consult with MSFT's Compliance Officer, for an indefinite period;
- If the TC concludes that MSFT violated the agreement, and MSFT does not agree to change its behavior or rectify the wrong, then the TC must decide whether to recommend the matter to US DOJ for further action;
- Once recommended, the U.S. DOJ—after some review period—y decide to take action, and apply to the court for a remedy, or it may not;
- And once the US DOJ applies for action, the process in court to obtain relief or remedy may extend for an indefinite period.

This is obviously a lengthy and ineffective process for insuring that MSFT complies with its obligations under the decree. In an industry where time is of the essence, and where delays can be fatal, the delays built in that allow Microsoft to drag its feet are wholly unacceptable.

PFJ SECTION V. TERMINATION

A. Five Year Limit

Five Year Coverage Is Inadequate

Given the scope of Microsoft's violation, the time period required to restore effective competition, and the pattern of willful lawbreaking on Microsoft's part, a five-year consent decree is woefully inadequate.

B. Two Year Extension

Penalty For Knowing Violations is Too Lenient

Amazingly, the agreement provides that no matter how many knowing and willful violations that Microsoft engages in, the restrictions found in the settlement may be extended for a single two-year period only. Thus, if Microsoft is adjudged to have engaged in such a pattern of violations, it essentially has a ''free reign'' to repeat those violations with impunity. Moreover, even for a single adjudged instance of knowing and intentional violation, a mere two-year extension is inadequate.

PFJ SECTION VI. DEFINITIONS

A. APIs

API Definition Too Narrow

This is discussed above.

B. Communications Protocol

Missing Definition, Inclusion of ''Technical Information:''

While the definition of communication protocol is adequate, the decree is missing a definition of ''technical information,'' and inclusion of that material in the mandatory disclosures. This definition and protection were provided in the interim remedies entered by the District Court.

K. Microsoft Middleware Product

Definition Exempts Too Much Middleware

Much of the decree is based on this definition—the PC Company's flexibility turns on what is included or excluded from this category of application. And yet the definition is fatally flawed.

- First, among existing products, only the five listed items are ''middleware.'' That means that highly similar items, such as MSN, MSN Messenger, MSN Explorer, MSFT RunTime (the replacement for the MSFT JVM), Passport, Outlook, and Office are ALL excluded from the definition of middleware. Why Windows Messenger should be covered, but MSN Messenger should be exempt; or why Internet Explorer should be covered, but MSN Explorer should be exempt, is a mystery.
- Any efforts by PC companies to remove these Microsoft applications may be met with retaliation; end users cannot remove these applications (or even their icons). This is a step backward from the status quo (even in Windows XP); it is a gaping hole.
- Second, the generic middleware definition, which applies only to new products, and therefore does not capture any product now in existence, allows MSFT to define which products are included or not, by virtue of MSFT's trademark and branding choices. Thus, so long as MSFT buries these products inside other applications, they are not independently middleware.
- Third, as suggested in the points above, the definition misses the future platform challenges to Microsoft's Windows monopoly: web-based services. These services should be specifically defined, and included in the class of protected middleware.

N. Non-Microsoft Middleware Product

Only Developers With REALLY Big Garages Need Apply

The competitive offerings protected by the decree are narrowly limited to offerings that fall within the definition of ''Non-Microsoft Middleware Products.'' Again, as noted above, the guarantees of PC company flexibility, promotion, and end use choice apply only to these specified products, not to an,,, other software applications.

And yet, sadly, this definition narrowly extends this protection only to applications ''of which at least one million copies were distributed in the United States within the previous year.'' Thus, an innovator in his garage, creating a new form of middleware, to revolutionize the computer industry, has

no protection from MSFT's rapacious ways until he can achieve the distribution of 1 million copies of his software. So much for the Silicon Valley myth ....

Also, as noted above, ''web based services'' are not captured in this definition, notwithstanding their importance to future competition to the Windows OS.

R. Timely Manner

Netscape, All Over Again

Microsoft's obligation to disclose APIs and other materials needed to make applications interoperable with Windows in a ''timely manner'' is keyed off the definition of that term in Section R. But, Microsoft retains complete control over this timeline because the definition provides that Microsoft is under no obligation to engage in these disclosures until it distributes a version of the Windows OS to 150,000 beta testers. Thus, so long as MSFT restricts its beta testing program to 149,999 individuals until very late in the development process, it can effectively eviscerate the disclosure requirements. More troubling, it appears that Microsoft must have mislead the Department of Justice.

Our review of the available documentation shows, for example, that Microsoft had no more than 20,000 beta testers4 for Windows XP (at least until very late in the release cycle); thus, had this provision been in place during the Windows XP release cycle, Microsoft would have been under no obligation to release APIs until just on the eve of product shipping.

Note that the number of ''beta testers'' will be much smaller titan the number of ''beta copies'' of a product that is being prepared for release.

Slow disclosure of APIs is precisely how MSFT defeated Netscape's timely interoperability with Windows 95. Thus, in this way, not only is the decree inadequate to prevent future wrongdoing, it does not even redress proven illegal acts in the past.

U. Windows Operating System Product—The rule which gives away the rest of the settlement.

The entire settlement can really be defined by its final clause, definition U. of the Windows Operating System Product. This provision gives Microsoft the right to define the Windows Operating System Product in the flowing way: ''The software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion.'' This definition eviscerates most of the prior provisions of the PFJ (or at a minimum guarantees continued litigation of the meaning of the PFJ) will be rendered meaningless.

More important, it gratuitously gives Microsoft a free reign to trample through the antitrust laws by continually redefining its monopoly product as it sees fit. It is hard to imaging how DoJ agreed to this provision.

Appendix One: Microsoft Announces Greater OEM Flexibility for Windows.

Microsoft Announces Greater OEM Flexibility for Windows Changes Will Not Affect Oct. 25 Launch Date of Windows XP

REDMOND, Wash.—July 11, 2001—Microsoft Corp. announced Wednesday that it is offering computer manufacturers greater flexibility in configuring desktop versions of the Microsoft?? Windows?? operating system in light of the recent ruling by the U.S. Court of Appeals for the District of Columbia. The company said the changes would not affect the Oct. 25 launch date of Windows XP.

''We recognize that some provisions in our existing Windows licenses have been ruled improper by the court, so we are providing computer manufacturers with greater flexibility and we are doing this immediately so that computer manufacturers can take advantage of them in planning for the upcoming release of Windows XP,'' said Steve Ballmer, CEO of Microsoft. ''Windows XP represents a revolutionary step forward in personal computing, and computer manufacturers and consumers are looking forward to this product with great anticipation.''

''This announcement does not take the place of settlement discussions with the government parties or any future steps in the legal process; however, we wanted to take immediate steps in light of the court's ruling. We are hopeful that we can work with the government parties on the issues that remain after the court's ruling,'' Bailmet added.

The appeals court ruled that certain provisions in Microsoft's licenses with PC manufacturers impaired the distribution of third-party Web browsers. Microsoft will now provide PC manufacturers with the following new flexibility:

- PC manufacturers will have the option to remove the Start menu entries and icons that provide end users with access to the Internet Explorer components of the operating system. Microsoft will include Internet Explorer in the Add/Remove programs feature in Windows XP.
- PC manufacturers will have the option to remove the Start menu entries and icons that provide end users with access to Internet Explorer from previous versions of Windows, including Windows 98, Windows 2000 and Windows He.
- PC manufacturers will retain the option of putting icons directly onto the Windows desktop. Based on extensive customer usability studies, Microsoft had designed Windows XP to ship with a clean desktop and improved Start menu, but PC manufacturers will now have the option of continuing to place icons on the Windows desktop if they want to.
- Consumers will be able to use the Add-Remove Programs feature in Windows XP to remove end-user access to the Internet Explorer components of the operating system. Microsoft has always made it easy for consumers to delete the icons for Internet Explorer, but will now offer consumers this additional option in Windows XP.

Although some of these changes will require development work and testing for Windows XP, Microsoft said Wednesday it can complete the work and will be able to meet the date for worldwide launch on Oct. 25.

Computer industry leaders today underscored the importance of the launch of Windows XP to the PC industry and consumers. ''We're very excited about the possibilities that Windows XP delivers to our customers,'' said Ted Waitt, co- founder and CEO of Gateway. ''With this new flexibility, we're looking forward to taking Windows XP to the next level, tailoring technology to meet our customers'' needs.''

''Windows XP is an incredible step forward for end users and partners, unlocking the possibilities of the digital world,'' said Jim Allchin, group vice president for platforms at Microsoft. ''Windows XP provides new opportunities for companies throughout the hardware and software industries, especially PC manufacturers that have worked closely with us to create the best experience for customers.'' ''We're excited about Windows XP and the positive impact it will have on our industry. As a strong partner for more than 15 years, Compaq has worked closely with Microsoft throughout the extensive development of Windows XP,'' said like Larson, senior vice president and general manager of the Access Business Group at Compaq. ''We are setting a new standard for simple, dependable and efficient computing.''

''Dell is excited about delivering Windows XP later this year,'' said Jim Totton, vice president of software for the Consumer Products Group at Dell. ''Dell is always interested in what's best for its customers, and the new levels of performance, ease of use and customization will combine for a great personal computing experience.''

Windows XP will offer customers exciting new experiences for both home and work. Whether someone is an aspiring photographer or a businessperson on the road, Windows XP enables them to embrace the new digital world. It brings together the power and reliability that businesses have asked for with the ease of use and flexibility that home consumers want.

Founded in 1975, Microsoft (Nasdaq ''MSFT'') is the worldwide leader in software, services and Internet technologies for personal and business computing. The company offers a wide range of products and services designed to empower people through great software—any time, any place and on any device. Microsoft and Windows are either registered trademarks or trademarks of Microsoft Corp. in the United States end/or other countries.

The names of actual companies and products mentioned herein may be the trademarks of their respective owners. Note to editors: If you are interested in viewing additional information on Microsoft, please visit the Microsoft Web page at http://www.microsoft.com/presspass/on Microsoft's corporate information pages.

CITIZENS AGAINST GOVERNMENT WASTE NEW

For Immediate Release

Contact: Sean Rushton or Philippa Jeffery

December 11, 2001 (202) 467–5300

State AGs' Proposed Microsoft Case Remedies Are ''Wishful Thinking''

Only eight presents for Hanukkah, and there is no Santa Claus.

Washington, DC—Citizens Against Government Waste (CAGW) today described the nine remaining state attorneys general in the Microsoft antitrust case as engaged in wishful thinking in their new proposed remedy package. The nine renegade states, California, Connecticut, District of Columbia, Florida, Iowa, Massachusetts, Minnesota,

Utah, and West Virginia are continuing the litigation against the software company despite a settlement reached by nine other states and the U.S. Department of Justice.

''Who are these public officials kidding?'' CAGW President Tom Schatz said. ''While the holidays are here, there is no one—besides these AGs—generous enough to give such a gift to Microsoft's competitors. The proposal is pure fantasy, going far beyond the district court remedy, which was substantially narrowed by a higher court.''

''Taxpayers will continue to foot the bill for the time and effort in this case, having already forked over more than $35 million at the state and local level. The remaining nine states and the District of Columbia have an average of S 1.3 million in budget deficits. California alone is in the red by $9.5 billion, West Virginia is at $3 million, and Minnesota has ordered 10 percent budget cuts. Citizens are justifiably angered in these troubled times by the continued misuse of their tax dollars on this litigation,'' Schatz said.

''The details of the proposed remedy read like a competitor's dream come true. The nearly two-dozen provisions are three times as generous as the eight nights of Hanukkah,'' Schatz said. The states propose a 10-year remedy, twice as long as the one agreed to by the nine other states, DOJ, and Microsoft. During that time, every version of Windows would have to include Java, which is manufactured by Sun Microsystems. Microsoft's intellectual property would be available—essentially for free—to any competitor. A Special Master would have extraordinary powers to decide whether Microsoft is violating the agreement, and anyone can complain anonymously.

''Pursuit of this matter is particularly wasteful since the same judge that would approve the settlement between DOJ and Microsoft is presiding over the state litigation. If the AGs are really in the holiday spirit, they will stop misusing tax dollars on the Microsoft case and instead spend more time and effort protecting their citizens from terrorism,'' Schatz concluded.

CAGW is the nation's largest taxpayer advocacy group with over one million members and supporters nationwide. It is a nonpartisan, nonprofit organization dedicated to eliminating waste, fraud, mismanagement and abuse in government.

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COMMlTTEE ON THE JUDICIARY

WASHINGTON, DC 20510–62?5

November 29, 2001

The Honorable Charles A. James

Assistant Attorney General

Antitrust Division

United States Department of Justice

901 Pennsylvania Avenue, NW

Washington, DC 20530

Re: United States v. Microsoft Co/p, Civil Action No. 98–1232 (CKK)

Dear Assistant Attorney General James:

As you know, the Senate Judiciary Committee has a long-standing interest in the policy implications of the government's antitrust case in United States v. Microsoft. During my tenure as chairman, the Committee held a series of investigative hearings examining allegations of antitrust violations by Microsoft and the ability of existing law to address anti-competitive commercial conduct effectively and in a timely fashion. Many of the Committee's findings were later manifested in the decisions by the District Court and the Court of Appeals for the District of Columbia Circuit.

The resolution of this case has significance not only for the parties to the litigation, but also for the future application and enforcement of our nation's antitrust laws in the software industry. Given the Committee's continued interest in these policy questions, it would be extremely helpful for me and other members of the Committee to have a better understanding of the various legal, regulatory and practical considerations relating to the proposed settlement.

I have reviewed the Proposed Final Judgment (''PFJ'') submitted by the Department of Justice and several of the state plaintiffs, as well as the Competitive Impact Statement (''CIS'') filed by the Department on November 15, 2001. At the outset, I should note that the CIS provides information that further explains the implications of the proposed settlement and appears to satisfy your statutory obligation. Even so, I have a number of specific questions that I believe are critical to analyzing and understanding the PFJ. These questions are not intended to suggest a predisposition either in support of or in opposition to the settlement, and any interpretation otherwise would signal a misunderstanding of my interest in this matter. Rather, the questions are intended to elicit important information that I believe is necessary for forming an independent, objective, and informed analysis of the PFJ. Such objective analysis is essential in view of the importance of this case to Microsoft and its competitors, to innovation in the high-technology industry, to the economy, and to consumers.

1. An earlier decision by the Court of Appeals, United States v. Microsoft Corp., 147 F.3d 935 (DCCir. 1998) (''Microsoft II''), relating to the interpretation of an earlier consent decree with Microsoft, has been interpreted by some as expressing the view that judges should not be involved in software design, and that the government simply has no business telling Microsoft or any other company what it can include in any of its products. In its most recent decision, however, the Court of Appeals said that to the extent that the decision in Microsoft II completely disclaimed judicial capacity to evaluate high-tech product design, it cannot be said to conform to prevailing antitrust doctrine.

See United States v. Microsoft Corp., 253 F.3d 34 (DC Cir. 2001) (''Microsoft III''). Is the law clear that the Department does have a responsibility to assess the competitive implications of software design, in bringing antitrust enforcement actions? And, if so, does the Department have the necessary technical expertise and resources to perform such an evaluation?

2. To foster competition in ''middleware'' the PFJ requires disclosure of APIs and similar information, but it then limits this provision only to those instances where disclosure would be for ''the sole purpose of interoperating with a Windows Operating System Product.'' Except for the limitation, this provision is almost exactly like a comparable provision in Judge Jackson's interim consent decree. Why did the Department decide to add this limitation to the PFJ, and what effect will the inclusion of the limitation have on restoring competition? Please explain the competitive significance of web-based services, and whether the PFJ guarantees interoperability with the servers that operate those web-based services?

3. The Department has concluded that the PFJ is in the ''public interest,'' as required by the Tunney Act. Are you aware of any other case where a Tunney Act ''public interest'' determination has occurred with respect to a settlement where the underlying liability on the merits already has been affirmed by the Court of Appeals? To what extent should the scope of the District Court's deference to the Antitrust Division under the Tunney Act be affected by a Court of Appeals' prior affirmance of Sherman Act liability?

4. The Court of Appeals remanded the remedy issue because, among other reasons, the District Court failed to demonstrate how divestiture relief was designed to '' 'unfetter [the] market from anticompetitive conduct,' . . ., to 'terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future.' '' Microsoft III, 253 F.3d at 103 (quoting Ford Motor Co. v. United States, 405 U.S. 562, 577 (1972), United States v. United Shoe Mach. Corp., 391 U.S. 244, 250 (1968)). Please describe how the PFJ meets this standard dictated by the appellate court. (a) How does the PFJ ''terminate the monopoly'' Microsoft was found by the Appellate Court to have unlawfully maintained over PC operating system software? (b) How does the PFJ ''deny to Microsoft the fruits of its Section 2 violation?'' and (c) How does the PFJ ''ensure that there remain no practices likely to result in monopolization in the future?''

5. Are there findings by the appellate court against Microsoft that are not addressed by the PFJ? If so, what were the reasons why the Department chose not to address these findings?

6. The Court of Appeals held that it was illegal for Microsoft to bind products together

with Windows by ''commingling code'' because this practice helped Microsoft unlawfully maintain its desktop operating system monopoly. The Court concluded that code commingling has an ''anticompetitive effect'' by deterring OEMs from pre-installing rival software, ''thereby reducing the rivals' usage share and, hence, developers' interest in rivals' APIs as an alternative to the API set exposed by Microsoft's operating system.'' Microsoft III, 153 F.3d at 66. How does the PFJ prevent Microsoft from future unlawful commingling of non-Windows code with Windows?

7. You have said that Microsoft ''won the right to sell integrated products,'' and that ''the tying claim was eliminated by the appeals court.'' (Business Week, November 19, 2001, p. 116). Other observers, however, argue that the Court of Appeals simply vacated the per se findings of a tying law violation and remanded that issue for consideration under a ''rule of reason'' standard? Why did the Department conclude that the tying claim was ''eliminated'' and not simply remanded to be retried under a different standard? What are the circumstances, if any, under which the court or the Department could find it impermissible for Microsoft to ''integrate'' a product with its Windows operating system?

8. The CIS acknowledges that the ''users rarely switched from whatever browsing software was placed most readily at their disposal.'' It has been suggested that the most effective way to restore competition and to prevent future misconduct would be to require Microsoft to sell a product that is simply an operating system without all of the various applications that are now incorporated into Windows. Without such a requirement, the argument goes, consumers would be forced to procure two products if they choose to use a non-Microsoft version of a product that has been included in the operating system—Microsoft's version and the competitor's version. If Microsoft middleware is preinstalled with Windows, how do you think the adoption rate by users of non-Microsoft middleware will be affected? Did the Department consider including in the PFJ a requirement that Microsoft sell a version of Windows that is solely an operating system without other applications bundled with it?

9. Some observers claim the Court of Appeals found that Microsoft's technological tying, particularly its ''commingling of code,'' was an illegal act of monopolization under Section 2 of the Sherman Act, but that there was insufficient evidence to determine that the same conduct violated Section 1. Do you agree with this? Does the PFJ provide a remedy for such misconduct? In your analysis, does the failure to find that the conduct violated Section 1 obviate the need to provide a remedy for the violation the court found under Section 2?

10. Some Wall Street analysts have opined that the PFJ imposes no obligation on Microsoft to change its business practices or redesign its products. Instead, these analysts have concluded, the PFJ seeks to restore competition by permitting OEMs to add products to Microsoft's desktop. Is this view of the PFJ accurate? Is it the Department's position that OEMs are in the best economic position to restore competition in personal computing? If so, what is the basis for that position? Are there other entities that might be in a position to help restore competition?

11. A significant portion of the Microsoft III opinion was devoted to Microsoft's conduct vis-a-vis Java technology. The Court found Microsoft unlawfully used distribution agreements to forestall competition with middleware manufacturers. See, e.g., Microsoft III, 253 F.3d at 74–78. The court found these agreements to be anticompetitive because they ''foreclosed a substantial portion of the field for.., distribution and because, in so doing, they protected Microsoft's monopoly from a middleware threat.'' Id. at 76. Does the PFJ addresses such practices?

12. The Supreme Court has said that in an antitrust remedy, ''it is not necessary that all of the untraveled roads to that [unlawful] end be left open and that only the worn one be closed.'' International Salt Co. v. United States, 332 U.S. 392, 401 (1947). The Court also has made clear that injunctive relief which simply ''forbid[s] a repetition of the illegal conduct'' is not sufficient under Section 2, because defendants ''could retain the full dividends of their monopolistic practices and profit from the unlawful restraints of trade which they had inflicted on competitors.'' Schine Chain Theatres, Inc. v. United States, 334 U.S. 110, 128 (1948). Are the standards enunciated by the Court in International Salt and Schine Chain Theatres applicable in the Microsoft case? If so, would you identify provisions in the PFJ that satisfy these standards?

13. The Supreme Court also has held that a Section 2 monopolization remedy ''must break up or render impotent the monopoly power found to be in violation of the Act.'' United States v. Grinnell Corp., 384 U.S. 563,577 (1966). Does the PFJ ''render impotent'' Microsoft's Windows monopoly and, if so, how?

14. There has been considerable discussion about Microsoft's Windows XP product, with some critics arguing that Microsoft is repeating the same technical binding, bundling and monopoly maintenance tactics found by the court to be unlawful when used in the past against Microsoft's competitors. If true, this allegation would be significant, given the appellate court's instruction ''that there remain no practices likely to result in monopolization in the future,'' Microsoft III, 253 F.3d at 103 (quoting United States v. United Shoe Mach. Corp., 391 U.S. 244, 250 (1968)). Some critics have also charged that Microsoft's broad .NET strategy is an effort to build upon the fruits of Microsoft's past unlawful conduct and remake the Internet as a Microsoft-proprietary Internet. Does the PFJ apply to Windows XP or to Microsoft's .NET strategy? If not, why has the Department decided not to apply the settlement to these products? Can competition in the operating system be restored without addressing these products?

15. Many of the provisions of the PFJ appear to assume that OEMs will act to aggregate operating system software and assume the role of desktop design and software packaging in the PC distribution chain. According to many observers, however, there simply is no financial incentive for OEMs to do anything but accept the full Microsoft software package. What is the Department's position on this issue? Was any consideration given to reports that OEMs did not take advantage of an offer by Microsoft this past summer to replace icons in the Windows XP desktop?

16. The Court of Appeals affirmed that Microsoft's conduct with respect to Java, in which the Court found it to engage in a ''campaign to deceive [Java] developers'' and ''polluted'' the Java standard in order to defeat competition to its operating system monopoly violated Section 2 of the Sherman Act. The Court held ''Microsoft's conduct related to its Java developer tools served to protect its monopoly of the operating system in a manner not attributable either to the superiority of the operating system or to the acumen of its makers, and therefore was anticompetitive. Unsurprisingly, Microsoft offers no procompetitive explanation for its campaign to deceive developers. Accordingly, we conclude this conduct is exclusionary, in violation of Section 2 of the Sherman Act.'' Microsoft III, slip op. p. 101. As you know, the lower court decree included a provision designed to prevent deliberate sabotaging of competing products by Microsoft. Does the PFJ restrict Microsoft's ability to modify, alter, or refuse to support computer industry standards, including Java, or to engage in campaigns to deceive developers of competitor platform, middleware or applications software?

17. The Court of Appeals found that Microsoft violated Section 2 of the Sherman Act by entering into an exclusive contract with Apple that required Apple to install Internet Explorer as the Macintosh browser. Microsoft III, 252 F3d at 72–74. Many observers accuse Microsoft of having forced Apple to enter into the contract by threatening to withhold the porting of Microsoft Office to the Macintosh operating system. Does the PFJ prohibit Microsoft from threatening to withhold development of Microsoft Office with respect to other platforms, such as handheld devices, set-top boxes, and phones? If no, why did the Department choose not to address this concern in the PFJ?

18. You have been quoted as saying that various software and computer services companies are in the process of purchasing space on the desktop from Microsoft. (Business Week, November 19, 2001, p. 116). In the Department's view, is the space on the desktop on computers manufactured by the OEMs owned by Microsoft or should that space be the property of the computer manufacturers?

19. The CIS suggests the Department has embraced the goal of encouraging competitive development of''middleware'' in order that such middleware can become the type of platform software that could challenge the operating system monopoly. The settlement requires Microsoft to allow OEMs to remove consumer ''access'' to the company's ''middleware.'' It has been observed, however, that since the code for Microsoft's ''middleware'' is commingled with Windows, OEMs are only allowed to

remove the icon for a middleware application. The CIS seems to acknowledge that Microsoft understood that software developers would only write to the APIs exposed by Navigator in numbers large enough to threaten the applications barrier to entry if they believe that Navigator would emerge as the standard software employed to browse the web. Can you explain why you believe third-party application developers would write applications to non-Microsoft APIs if the Microsoft middleware APIs as well as the Windows APIs will be present on over 95% of the personal computers sold?

20. Concerns have been raised about the consequences of several ''provisos'' that have been included in the PFJ. For example, Section III.H.3 prohibits Microsoft from denying consumers the choice of using competing applications, but a proviso to this language states that Microsoft can challenge a consumer's decision to choose an application other than its own after 14 days and encourage the consumer to switch back to the Microsoft product. What does the Department believe will be the impact of the messages that Microsoft will be able to send to consumers on their own computers? Are other companies permitted to send comparable messages to consumers who choose to utilize Microsoft products? Finally, why did the Department choose a period of 14 days as opposed to some other period of time?

21. Under Sections III.H and VI.N a competing middleware application receives protection under the PFJ, but this protection applies only if the competitor ships at least one million units over the course of a year. Why did the Department choose that particular number?

22. Did the Department give consideration to the argument that small innovators, who may be in the initial stages of product development and sales, might be in need of greater protection than a company capable of selling more than one million units?

23. Section 111.B of the PFJ prohibits Microsoft from engaging in discriminatory pricing of its desktop operating system with OEMs. Does the PFJ also prohibit use of this same kind of discriminatory pricing against server operating systems and other non-Windows software?

24. The interim decree proposed by Judge Jackson included a provision precluding Microsoft from taking knowing action to disable or adversely affect the operation of competing middleware software. Does the PFJ contain a comparable provision? If not, what was the Department's rationale for not including this prohibition in the proposed settlement?

25. Why did the Department choose not to present evidence to the District Court on current PC operating system market developments, including changes in the Internet browser market share since the trial began? Did the Department undertake an investigation of current market developments to determine the impact of the PFJ on the existing market realities? For example, was there an analysis of the impact of the proposed settlement on Microsoft's proposed future products and services?

26. The CIS suggests that the District Court's role under the Antitrust Procedures and Penalties Act is limited to reviewing the remedy in relationship to the violations that the United States has alleged in its complaint. See CIS at p. 67. Yet the authorities cited for that proposition appear to be cases that were settled before trial. Some observers argue that in this case the District Court should review the settlement in relationship to the Court of Appeals ruling rather than to the violations alleged in the original complaint. Does the Department agree with that assessment?

27. Has the Department undertaken any studies to determine the effectiveness of its prior consent decree with Microsoft in restoring competition? How do you believe prior obstacles to enforcement of consent decrees with Microsoft are addressed in the PFJ?

28. Do you believe that current antitrust law is sufficient to guarantee not only competition but timely enforcement in areas such as the software industry?

29. What steps, if any, should be taken, legislatively or otherwise, to ensure that the Department has the proper economic and technological resources to enforce the law in the software industry?

I appreciate your cooperation with this request. As I hope you agree, a better understanding of the Department's objectives and the scope of the remedy measures included in—as well as excluded from—the PFJ will serve the long-term interest we share in proper application of the antitrust laws to the emerging information economy.

I look forward to your response and to the opportunity to address these issues with you, Microsoft and other interested parties in the coming weeks.

Orrin G. Hatch

Ranking Republican Member

U.S. Department of Justice
Office of Legislative Affairs
Office of the Assistant Attorney General
Washington, DC 20530

December 11, 2001

Honorable Orrin Hatch
United State Senate
Washington, DC 20510

Dear Senator Hatch:

This is in response to our letter of November 29, requesting responses to questions regarding U.S.v. Microsoft.

As you know, the Department has stipulated to entry of a proposed Final Judgment resolving all remaining claims in the case, and that settlement is undergoing Tunney Act review before the District Court. The Department believes the proposed Final Judgment is in the public interest and will be entered by the Court at the conclusion of the Tunney Act process.

Nevertheless, the Department must be mindful of the Court's prerogatives and the possibility, however remote, of future litigation regarding the merits of the case or the settlement itself. Accordingly, given the pendency of the case, the Department is constrained in the amount of detail it can offer in these responses. It would be inappropriate, for example, for the Department to specie, legal positions it must take with regard to potentially contested issues or to speculate about future enforcement positions the Department might take with regard to current or future conduct by specific firms. As a Senator who has been a strong supporter of effective antitrust enforcement, I am sure that you appreciate the reasons for such constraint.

At the outset, and prior to responding to your specific questions, please allow me to offer two general perspectives that provide context for the Department's responses.

First, U.S.v. Microsoft is and always has been a law enforcement initiative. It involves specific allegations investigated by the Department and litigated in the courts. The boundaries of the case are determined by the allegations of the Department's complaint and the manner in which those allegations have been resolved by the courts—in particular, the Court of Appeals. Within the context of this specific case, the Department has no legal mandate to act outside of these boundaries.

Second, there is a wide gulf between permissible relief under the antitrust laws and the manner in which Microsoft's competitors would prefer to see Microsoft constrained in future competition. As I know you appreciate, our goal as antitrust enforcers is to ensure that Microsoft competes fairly within the confines of the antitrust laws for the benefit of consumers, not to obtain specific competitive advantages for the benefit of Microsoft's competitors. With these perspectives in mind, and subject to the foregoing caveats, the Department is pleased to provide the following responses.

QUESTION

1. An earlier decision by the Court of Appeals, United States v. Microsoft Corp., 147 F.3d 935 (DCCir. 1998) (''Microsoft II''), relating to the interpretation of an earlier consent decree with Microsoft, has been interpreted by some as expressing the view that judges should not be involved in software design, and that the government simply has no business telling Microsoft or any other company what it can include in any of its products. In its most recent decision, however, the Court of Appeals said that to the extent that the decision in Microsoft//completely disclaimed judicial capacity to evaluate high-tech product design, it cannot be said to conform to prevailing antitrust doctrine. See United States v. Microsoft Corp., 253 F.3d 34 (DC Cir. 2001) (''Microsoft III''). Is the law clear that the Department does have a responsibility to assess the competitive implications of software design, in bringing antitrust enforcement actions? And, if so, does the Department have the necessary technical expertise and resources to perform such an evaluation?

ANSWER

In exercising its responsibility to enforce the antitrust laws, the Department routinely confronts complex issues, including economic and technical issues regarding software design. The Department has both the resources and capability to address such issues, as they affect enforcement matters, through internal means and, where appropriate, the retention of outside experts.

QUESTION

2. To foster competition in ''middleware'' the PFJ requires disclosure of APIs and

similar information, but it then limits this provision only to those instances where disclosure would be for ''the sole purpose of interoperating with a Windows Operating System Product.'' Except for the limitation, this provision is almost exactly like a comparable provision in Judge Jackson's interim consent decree. Why did the Department decide to add this limitation to the PFJ, and what effect will the inclusion of the limitation have on restoring competition? Please explain the competitive significance of web-based services, and whether the PFJ guarantees interoperability with the servers that operate those web-based services?

ANSWER

The insertion of''for the sole purpose of interoperating with a Windows Operating System Product'' in Section III.D. of the proposed Final Judgment simply clarifies that the APIs must be used for the purpose intended under the settlement (and as intended in Judge Jackson's order)- ensuring that developers of competing middleware products will have full access to the same information that Microsoft middleware uses to interoperate with the Windows operating system. That is, the disclosure is not intended to permit misappropriation of Microsoft's intellectual property for other uses. The insertion of this clause will not change the provision's ability to restore competition in any way. The concept of''web-based'' services is constantly evolving as companies find new ways to use the Internet. The ultimate competitive significance of such services remains to be determined.

The Department's case addressed the topic of web-based services only with respect to the middleware threat to the operating system. Section III.E. of the proposed Final Judgment ensures that software developers will have full access to, and be able to use, the communication protocols necessary for server operating system software located on a server computer to interoperate with the functionality embedded in the Windows operating system.

QUESTION

3. The Department has concluded that the PFJ is in the ''public interest,'' as required by the Tunney Act. Are you aware of any other case where a Tunney Act ''public interest'' determination has occurred with respect to a settlement where the underlying liability on the merits already has been affirmed by the Court of Appeals? To what extent should the scope of the District Court's deference to the Antitrust Division under the Tunney Act be affected by a Court of Appeals'' prior affirmance of Sherman Act liability'?

ANSWER

The Department is not aware of a case where a court has made a Tunney Act ''public interest'' determination with respect to a settlement where the underlying liability on the merits already had been affirmed by the Court of Appeals. Beyond the Department's position set forth in its submissions to the Court, it would be inappropriate for the Department to comment on the appropriate scope of the Court's discretion because the Court's review of the proposed Final Judgment is pending under the Tunney Act.

QUESTION

4. The Court of Appeals remanded the remedy issue because, among other reasons, the District Court failed to demonstrate how divestiture relief was designed to ''unfetter [the] market from anticompetitive conduct,'... to ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory, violation, and ensure that there remain no practices likely to result in monopolization in the future'' Microsoft IlL 253 F.3d at 103 (quoting Ford Motor Co. V. United States, 405 U.S. 562, 577 (1972), United States v. United Shoe Mach. Corp., 391 U.S. 244,250 (1968)). Please describe how the PFJ meets this standard dictated by the appellate court. (a) How does the PFJ ''terminate the monopoly'' Microsoft was found by the Appellate Court to have unlawfully maintained over PC operating system software? (b) How does the PFJ ''deny to Microsoft the fruits of its Section 2 violation?'' and (c) How does the PFJ ''ensure that there remain no practices likely to result in monopolization in the future?''

ANSWER

In the two cases quoted above, the monopoly in question was obtained by unlawful means. It was never alleged in this case, however, that Microsoft unlawfully obtained its operating system monopoly. Further, as the Court of Appeals noted, ''the District Court expressly did not adopt the position that Microsoft would have lost its position in the OS market but for its anticompetitive behavior.'' U.S.v. Microsoft, 253 F.3d 34, 107 (DC Cir. 2001). The Court of Appeals also went on to hold that: ''[s]tructural relief, which is'' designed to eliminate the monopoly altogether ... require[s] a clear indication of a significant causal connection between the conduct and creation or maintenance of the market power.'' Absent such causation, the antitrust defendant's unlawful behavior should be remedied by ''an injunction against continuation of that conduct.'' Id. at 106 (quoting 3 AREEDA & HOVENKAMP, ANTITRUSTLAW [653b, at 91–92, and] 650a, at 67).

The injunctive relief in this case, with no allegation Microsoft unlawfully obtained its operating system monopoly, is designed to stop the unlawful conduct, prevent its recurrence and restore lost competition in the market. See Microsoft, 253 F.3d at 103 (quoting Ford Motor Co. v. United States, 405 U.S. 562, 577 (1972) and United States v. United Shoe Mach. Corp., 391 U.S. 244, 250 (1968)).

The proposed Final Judgment stops the offending conduct by enjoining the unlawful actions that the District Court and the Court of Appeals sustained. The proposed Final Judgment enjoins exclusive and unlawful dealing, gives computer manufacturers and consumers extensive control of the desktop and initial boot sequence, ensures that developers can develop products that interoperate with the Windows operating system, and prohibits a broad range of retaliatory conduct. The proposed Final Judgment prevents the recurrence of the conduct identified as unlawful by addressing the broad range of potential strategies Microsoft might deploy to impede the emergence of competing middleware products. The proposed Final Judgment also seeks to restore lost competition posed by the potential middleware threat to Microsoft's operating system monopoly by requiring Microsoft to, among other things: (i) disclose APIs that will give independent software developers the opportunity to match Microsoft's middleware functionality.;

(ii) allow computer manufacturers and users to replace Microsoft middleware with independently developed middleware; and (iii) create and preserve ''default'' settings that will ensure that Microsoft's middleware does not over-ride the selection of third-party middleware products.

QUESTION

5. Are there findings by the appellate court against Microsoft that are not addressed by the PFJ? If so, what were the reasons why the Department chose not to address these findings?

ANSWER

The proposed Final Judgment addresses each of the Court of Appeals'' findings, and even goes beyond them.

QUESTION

6. The Court of Appeals held that it was illegal for Microsoft to bind products together with Windows by ''commingling code'' because this practice helped Microsoft unlawfully maintain its desktop operating system monopoly. The Court concluded that code commingling has an ''anticompetitive effect'' by deterring OEMs from pre-installing rival software, ''thereby reducing the rivals'' usage share and, hence, developers'' interest in rivals'' APIs as an alternative to the API set exposed by Microsoft's operating system.'' Microsoft Ill, 153 F.3d at 66. How does the PFJ prevent Microsoft from future unlawful commingling of non-Windows code with Windows?

ANSWER

The proposed Final Judgment addresses these issues by requiring Microsoft to redesign its operating %'stem to include an effective add/remove function for all Microsoft middleware products and to permit competing middleware to take on a default status that ,,','ill override middleware functions Microsoft has integrated into the operating system. The proposed Final Judgment does not contain an absolute prohibition on Microsoft commingling code within Windows, and the Department does not interpret the Court of Appeals decision as requiring such relief.

QUESTION

7. You have said that Microsoft ''won the right to sell integrated products,'' and that ''the tying claim was eliminated by the appeals court.'' (Business Week, November 19, 2001, p. 116). Other observers, however, argue that the Court of Appeals simply vacated the per se findings of a tying law violation and remanded that issue for consideration under a ''rule of reason'' standard? Why did the Department conclude that the tying claim was ''eliminated'' and

not simply remanded to be retried under a different standard? What are the circumstances, if any, under which the court or the Department could find it impermissible for Microsoft to ''integrate'' a product with its Windows operating system?

ANSWER

The Court of Appeals reversed the per se tying claim and remanded it to the lower court for adjudication under a more rigorous legal standard. The Court also held that if the Department pursued the tying claim on remand it would be precluded from arguing any theory of harm relying on a precise definition of browsers or barriers to entry, even though the government would have the burden of showing an anticompetitive effect in the browser market. The Court of Appeals also invited an extensive and complex analysis of pricing, noting that other operating system manufacturers included Web browsers in their operating systems, and requiring the plaintiffs to show that any anticompetitive effects outweighed the procompetitive effects. In light of the Court's decision and the desire to achieve prompt relief for consumers without protracted litigation and appeals, the Department and the state plaintiffs decided not to pursue the tying claim. Given the continuing pendency of this litigation and the possibility that these issues may arise in other contexts, it is not appropriate for the Department to speculate under what circumstances Microsoft's conduct would be impermissible.

QUESTION

8. The CIS acknowledges that the ''users rarely switched from whatever browsing software was placed most readily at their disposal.'' It has been suggested that the most effective way to restore competition and to prevent future misconduct would be to require Microsoft to sell a product that is simply an operating system without all of the various applications that are now incorporated into Windows. Without such a requirement, the argument goes, consumers would be forced to procure two products if they choose to use a non-Microsoft version of a product that has been included in the operating system—Microsoft's version and the competitor's version. If Microsoft middleware is preinstalled with Windows, how do you think the adoption rate by users of non-Microsoft middleware will be affected? Did the Department consider including in the PFJ a requirement that Microsoft sell a version of Windows that is solely an operating system without other applications bundled with it?

ANSWER

The Department did consider, and ultimately, reject a remedy that would have required Microsoft to sell a version of its operating system that did not contain some or all of the applications that it typically includes with the Windows operating system. First, this relief would have been most appropriate to remedy the tying and attempted monopolization liability (which were not sustained by the Court of Appeals), rather than for monopoly maintenance. Second, the remedy would reduce consumer choice rather than increase it. The proposed Final Judgment provides computer manufacturers the option of featuring, and end users the option of selecting, alternative middleware products, which they may choose to use or replace. Even if Microsoft middleware is preinstalled on the computer, computer manufacturers will have the ability to remove access to it and replace it with independently developed middleware. In this way, competition for consumer patronage of middleware products, unfettered by artificial restrictions by Microsoft, will determine adoption rates.

QUESTION

9. Some observers claim the Court of Appeals found that Microsoft's technological tying, particularly its ''commingling of code,'' was an illegal act of monopolization under Section 2 of the Sherman Act, but that there was insufficient evidence to determine that the same conduct violated Section 1. Do you agree with this? Does the PFJ provide a remedy for such misconduct? In your analysis, does the failure to find that the conduct violated Section 1 obviate the need to provide a remedy for the violation the court found under Section 2?

ANSWER

The Court of Appeals observed some overlap between the tying claim and the code integration issues under the monopoly maintenance claim. However, as the Court of Appeals noted, the District Court concluded that tying and commingling are two different things —''[a]lthough the District Court also found that Microsoft commingled the operating system-only and browser-only routines in the same library files, it did not include this as a basis for tying liability despite plaintiffs'' request that it do so.'' U.S.v. Microsoft, 253 F.3d 34, 85 (DC Cir. 2001). The Department believes that the proposed Final Judgment effectively addresses the integration issues of the monopoly maintenance claim by requiting Microsoft to redesign its operating system to include an effective add/remove function for all Microsoft middleware products and to permit competing middleware to be featured in its place, as well as take on a default status that will, if the consumer chooses, override middleware functions Microsoft has integrated into the operating system.

QUESTION

10. Some Wall Street analysts have opined that the PFJ imposes no obligation on Microsoft 1o change its business practices or redesign its products. Instead, these analysts have concluded, the PFJ seeks to restore competition by permitting OEMs to add products to Microsoft's desk-top. Is this view of the PFJ accurate? Is it the Department's position that OEMs are in the best economic position to restore competition in personal computing? If so, what is the basis for that position? Are there other entities that might be in a position to help restore competition?

ANSWER

The Department fundamentally disagrees with this characterization of the proposed Final Judgment.

The proposed Final Judgment will require Microsoft to fundamentally change the way in which it deals with computer manufacturers, Internet access providers, software developers and others within the computer industry with regard to the manner in which it designs, sells, and shares information regarding its operating system. The proposed Final Judgment does not reflect a position by the Department that computer manufacturers are the only distribution outlet for software or that they are the only ones in a position to help restore competition. In fact, consumers increasingly obtain software in various distribution channels apart from computer manufacturers.

Rather, certain provisions in the proposed Final Judgment focus on computer manufacturers because the restrictions on computer manufacturers to distribute software was a primary focus of the case and the Court of Appeals concluded that computer manufacturers were a critical distribution channel for Windows, as well as for middleware and other software applications.

QUESTION

11. A significant portion of the Microsoft III opinion was devoted to Microsoft's conduct vis-a-vis Java technology. The Court found Microsoft unlawfully used distribution agreements to forestall competition with middleware manufacturers. See, e.g., Microsoft III, 253 F.3d at 74–78. The court found these agreements to be anticompetitive because the), ''foreclosed a substantial portion of the field for.., distribution and because, in so doing, they protected Microsoft's monopoly from a middleware threat'' Id. at 76. Does the PFJ addressees such practices?

ANSWER

The proposed Final Judgment addresses such conduct by prohibiting Microsoft from entering into agreements that require software developers and other industry participants to exclusively distribute, promote, use or support a Microsoft middleware or operating system product, and by prohibiting Microsoft from retaliating against software developers who support competing middleware products.

QUESTION

12. The Supreme Court has said that in an antitrust remedy, ''it is not necessary that all of the untraveled roads to that [unlawful] end be left open and that only the worn one be closed.'' International Salt Co. v. United States, 332 U.S. 392,401 (1947). The Court also has made clear that injunctive relief which simply ''forbid[s] a repetition of the illegal conduct is not sufficient under Section 2, because defendants ''could retain the full dividends of their monopolistic practices and profit from the unlawful restraints of trade which the3'' had inflicted on competitors.'' Schine Chain Theatres. Inc. v. United States, 334 U.S. 110, 128 (1948). Are the standards enunciated by the Court in International Salt and Schine Chain Theatres applicable in the Microsoft case? If so, would you identify provisions in the PFJ that satisfy these standards?

ANSWER

The obligations imposed on Microsoft in the proposed Final Judgment go considerably beyond merely stopping, and preventing the

recurrence of, the specific acts found unlawful by the Court of Appeals. Specifically, the proposed Final Judgment goes further by: (i) applying a broad definition of middleware products, which goes well beyond the Web browser and Java technologies that were the focus of the Department's case, to include all of the technologies that have the potential to be middleware threats to Microsoft's operating system monopoly, including e-mail clients, media players, instant messaging software and future middleware developments;

(ii) requiting the disclosure or licensing of middleware interfaces and server communications protocols not previously disclosed to ensure that non-Microsoft middleware and server software can interoperate with Microsoft's operating system; (iii) ensuring that computer manufacturers and consumers have extensive control of the desktop and initial boot sequence; (iv) broadly banning certain exclusive dealing, retaliation and discrimination by Microsoft beyond the practices affirmed as anticompetitive by the Court of Appeals; (v) requiting Microsoft to license its operating system to key computer manufacturers on uniform terms; (vi) requiting Microsoft to license intellectual property to computer manufacturers and software developers necessary for them to exercise their tights under the proposed settlement; and (vii) implementing a panel of three independent, on-site, full-time experts to assist in enforcing the proposed Final Judgment.

QUESTION

13. The Supreme Court also has held that a Section 2 monopolization remedy ''must break up or render impotent the monopoly power found to be in violation of the Act.'' United States v. Grinnelll Corp., 384 U.S. 563,577 (1966). Does the PFJ ''render impotent'' Microsoft's Windows monopoly and, if so, how?

ANSWER

In the case against Microsoft there has never been any contention that Microsoft obtained its operating system monopoly through unlawful means. Instead, the allegation sustained by the Court of Appeals was that Microsoft engaged in specific unlawful acts, not a course of conduct, to maintain its monopoly in violation of Section 2. Because relief in a Section 2 case must have its foundation in the offending conduct, the Department's view was that the monopoly maintenance finding, as modified by the Court of Appeals, and without the ''course-of-conduct'' theor3'', did not sustain a broad-ranging remedy, such as a ''break up'' of Microsoft's operating system monopoly, that went beyond what was necessary to address Microsoft's unlawful responses to the middleware threat. Thus, the proposed Final Judgment does not seek such break-up relief.

QUESTION

14. There has been considerable discussion about Microsoft's Windows XP product, with some critics arguing that Microsoft is repeating the same technical binding, bundling and monopoly maintenance tactics found by the court to be unlawful when used in the past against Microsoft's competitors. If true, this allegation would be significant, given the appellate court's instruction ''that there remain no practices likely to result in monopolization in the future,'' Microsoft I!I, 253 F.3d at 103 (quoting United States v. United Shore Mach. Corp., 391 U.S. 244,250 (1968)). Some critics have also charged that Microsoft's broad .NET strategy is an effort to build upon the fruits of Microsoft's past unlawful conduct and remake the Internet as a Microsoft-proprietary Internet. Does the PFJ apply to Windows XP or to Microsoft's NET strategy? If not, why has the Department decided not to apply the settlement to these products? Can competition in the operating system be restored without addressing these products?

ANSWER

With the monopoly maintenance claim as the only surviving basis for relief, the proposed Final Judgment must focus on middleware or middleware-type threats to the operating system, not Microsoft'' s participation in other markets in a way unrelated to the conduct by Microsoft found unlawful by the Court of Appeals. The proposed Final Judgment expressly applies to Windows XP and any successors during the term of the judgment (see definition of Wirrdows Operating System Product). It also applies to a wide variety of current and future Microsoft middleware products. What has been labeled .NET is a relatively new, diverse initiative by Microsoft in the market. As parts of.NET come more fully to fruition, they will be evaluated under the proposed Final Judgment, as would any other software. For instance, parts of the .NET strategy are likely to be middleware, such as instant messaging clients. To the extent .NET software or conduct implicates the anticompetitive acts raised in the case, it would be addressed under the proposed Final Judgment or otherwise by the Department.

QUESTION

15. Many of the provisions of the PFJ appear to assume that OEMs will act to aggregate operating system software and assume the role of desktop design and software packaging in the PC distribution chain. According to many observers, however, there simply is no financial incentive for OEMs to do anything but accept the full Microsoft software package. What is the Department's position on this issue? Was any consideration given to reports that OEMs did not take advantage of an offer by Microsoft this past summer to replace icons in the Windows XP desktop?

ANSWER

During the trial, the Department showed, and the Court of Appeals found, that computer manufacturers are a key distribution channel for Windows, as well as for middleware and other software applications. Further, even before the proposed Final Judgment was executed, computer manufacturers were entering into agreements with non-Microsoft middleware suppliers to place their products on the Windows operating system. With the implementation of the proposed Final Judgment, which provides computer manufacturers with greater freedom with respect to replacing Microsoft middleware products, computer manufacturers should have even greater incentives to do so. The powers extend well beyond the limited rights Microsoft afforded when Windows XP was introduced this past summer. The true test will occur as the uncertainty surrounding the case is removed by the proposed Final Judgment, when the proposed Final Judgment's anti-retaliation and anti-discrimination terms are in place, and when new middleware products emerge on the market.

QUESTION

16. The Court of Appeals affirmed that Microsoft's conduct with respect to Java, in which the Court found it to engage in a ''campaign to deceive [Java] developers'' and ''polluted'' the Java standard in order to defeat competition to its operating system monopoly violated Section 2 of the Sherman Act. The Court held ''Microsoft's conduct related to its Java developer tools served to protect its monopoly of the operating system in a manner not attributable either to the superiority of the operating system or to the acumen of its makers, and therefore was anticompetitive. Unsurprisingly, Microsoft offers no procompetitive explanation for its campaign to deceive developers. Accordingly, we conclude this Conduct is exclusionary, in violation of Section 2 of the Sherman Act.'' Microsoft III, Slip Op. p. 101. As you ''know, the lower court decree included a provision designed to prevent deliberate sabotaging of competing products by Microsoft. Does the PFJ restrict Microsoft's ability to modify, alter, or refuse to support computer industry standards, including Java, or to engage in campaigns to deceive developers of competitor platform, middleware or applications software?

ANSWER

The proposed Final Judgment does not expressly restrict Microsoft's ability to modify, alter, or refuse to support computer industry standards, or engage in campaigns to deceive software developers. The Department chose not to include the referenced provision because the term originally included in Judge Jackson's order allowed Microsoft to take steps to change its operating system that would interfere with third-party's middleware to interoperate as long as Microsoft informed the third part5, of the change and what, if anything, could be done to fix the problem. This would have, in effect, given Microsoft a license to interfere with competing middleware as long as it simply notified the competing developer. In addition, this provision would have been difficult for the Department to enforce in this case because of the constant changes Microsoft makes to its operating system, which while potentially procompetitive, may have the unintentional consequence of affecting a competing product's interoperability. Therefore, implementing this provision would have resulted in unnecessary compliance disputes. The proposed Final Judgment hinders Microsoft'' s ability to disadvantage competing middleware developers by making the means

by which middleware products interoperate with the operating system more transparent. The proposed Final Judgment requires Microsoft to now disclose those APIs that its middleware products use to interoperate with the operating system. Disclosure of these APIs will make it harder for Microsoft to interfere with competing middleware. Further, to the extent computer industry standards are implemented in communications protocols, as often occurs, Microsoft must license those protocols in accordance with Section III.E., including any modifications or alterations to the industry standard protocols. When the industry standard is implemented between a Microsoft middleware product, such as its Java Virtual Machine, and the operating system, Microsoft must disclose that interface.

QUESTION

17. The Court of Appeals found that Microsoft violated Section 2 of the Sherman Act by entering into an exclusive contract with Apple that required Apple to install Internet Explorer as the Macintosh browser. Microsoft Ill, 252 F.3d at 72–74. Many observers accuse Microsoft of having forced Apple to enter into the contract by threatening to withhold the porting of Microsoft Office to the Macintosh operating system. Does the PFJ prohibit Microsoft from threatening to withhold development of Microsoft Office with respect to other platforms, such as handheld devices, set-top boxes, and phones? If no, why did the Department choose not to address this concern in the PFJ?

ANSWER

The proposed Final Judgment would prohibit Microsoft from threatening to withhold the development of Microsoft Office for other platforms, such as handheld devices, set-top boxes and phones, if it did so because the software or hardware developer was developing, using, distributing, promoting or supporting ant'' software that competes with Microsoft's middleware or operating system products (or any software that runs on any software that competes with Microsoft's middleware or operating system products), or because the developer exercises any of the options or alternatives provided for under the proposed Final Judgment.

QUESTION

18. You have been quoted as saying that various software and computer services companies are in the process of purchasing space on the desktop from Microsoft. (Business Week, November 19, 2001, p. 116). In the Department's view, is the space on the desktop on computers manufactured by the OEMs owned by Microsoft or should that space be the property of the computer manufacturers?

ANSWER

Whether the space on the desktop is owned by Microsoft or is the property of the computer manufacturers does not impact the effectiveness of the proposed Final Judgment in remedying the anticompetitive conduct by Microsoft. The Department does not have a view as to whether the space on the desktop should be viewed as the property of Microsoft or the computer manufacturers. The Department does have the view that Microsoft middleware and competing middleware should compete for the space, and the proposed Final Judgment ensures that this competition occurs.

QUESTION

19. The CIS suggests the Department has embraced the goal of encouraging competitive development of ''middleware'' in order that such middleware can become the type of platform software that could challenge the operating system monopoly. The settlement requires Microsoft to allow OEMs to remove consumer ''access'' to the company's ''middleware.'' It has been observed, however, that since the code for Microsoft's ''middleware'' is commingled with Windows, OEMs are only allowed to remove the icon for a middleware application. The CIS seems to acknowledge that Microsoft understood that software developers would only write to the APIs exposed by Navigator in numbers large enough to threaten the applications barrier to entry if they believe that Navigator would emerge as the standard software employed to browse the web. Can you explain why you believe third-party application developers would write applications to non-Microsoft APIs if the Microsoft middleware APIs as well as the Windows APIs will be present on over 95% of the personal computers sold?

ANSWER

The proposed Final Judgment will require Microsoft to do more than simply allow for the removal of its middleware icons. It requires that Microsoft allow end users and computer manufacturers to remove other means of access to, and override automatic invocations of, Microsoft middleware products and replace them with independently developed middleware products. Therefore, regardless of whether some portion of the Microsoft middleware code remains, end users and computer manufacturers can remove access to such middleware and replace it with alternative middleware. As the trial demonstrated, actual usage of a middleware product by the consumer, and not simply the presence of the product's code on the computer, has competitive significance. The marketplace, however, will determine whether any particular middleware product becomes sufficiently ubiquitous. This will ensure that competing middleware products will have the opportunity to compete for placement on the personal computer and that consumers will have a choice.

QUESTION

20. Concerns have been raised about the consequences of several ''provisos'' that have been included in the PFJ. For example, Section III.H.3 prohibits Microsoft from denying consumers the choice of using competing applications, but a proviso to this language states that Microsoft can challenge a consumer's decision to choose an application other than its own after 14 days and encourage the consumer to switch back to the Microsoft product. What does the Department believe will be the impact of the messages that Microsoft will be able to send to consumers on their own computers? Are other companies permitted to send comparable messages to consumers who choose to utilize Microsoft products? Finally, why did the Department choose a period of 14 days as opposed to some other period of time?

ANSWER

It is incorrect that the proposed Final Judgment allows Microsoft to ''challenge'' a consumer's decision to select a non-Microsoft middleware product. Some end users prefer to have icons readily available on the desktop; others prefer a ''clean desktop.'' In Windows XP, Microsoft has a Clean Desktop Wizard, which asks a user whether he or she would like to have unused icons (whether for Microsoft products or other products) taken off the desktop and placed in a folder, where they can still be easily accessed. The proposed Final Judgment allows Microsoft to continue providing this cleanup function, which the user can choose to take advantage of or not. The impact will be that end users can exercise choice. The proposed Final Judgment requires Microsoft to wait 14 days before it seeks confirmation from the end user because this will ensure that end users have a meaningful opportunity to determine which products, if any, the, want to keep on the desktop.

QUESTION

21. Under Sections III.H and VI.N, a competing middleware application receives protection under the PFJ, but this protection applies only if the competitor ships at least one million units over the course of a year. Why did the Department choose that particular number? Did the Department give consideration to the argument that small innovators, who may be in the initial stages of product development and sales, might be in need of greater protection than a company capable of selling more than one million units?

ANSWER

The one million copies figure is implicated only in the operative provision contained in Section III.H. of the proposed Final Judgment and only to a very limited extent in Section III.D. Section III.H. requires Microsoft to include in Windows an effective add/remove function to allow end users and computer manufacturers to enable or remove access to Microsoft and non-Microsoft middleware products, and to permit non-Microsoft middleware products to take on a default status that will override middleware functions Microsoft has integrated into the operating system. Distribution of only one million copies, rather than sales, installation or usage, is a relatively minor threshold in the software industry today, and including this limited qualification in Section III.H. will ensure that Microsoft's affirmative obligations under these provisions will not be triggered by minor, or even nonexistent, products that have not established a competitive potential in the market and that might even be unknown to Microsoft development personnel.

The one million copies figure applies in even a more limited fashion to Section III.D. That section requires Microsoft to disclose to

software and hardware developers, computer manufacturers and others in the industry certain APIs and other technical information that Microsoft's middleware products use to interoperate with the Windows operating system. The one million copy, limitation applies only to disclosures of interfaces for future middleware that has not yet been developed or even conceived. The Department considered the competitive impact of smaller innovators. In fact, the proposed Final Judgment provides protection for nascent middleware products by prohibiting Microsoft from retaliating or discriminating against them, regardless of the number of copies that they distribute.

22. [The letter skips this question.]

QUESTION

23. Section III.B of the PFJ prohibits Microsoft from engaging in discriminator3'' pricing of its desktop operating system with OEMs. Does the PFJ also prohibit use of this same kind of discriminatory pricing against server operating systems and other non-Windows software?

ANSWER

The proposed Final Judgment does not require Microsoft to use uniform terms and conditions when licensing its server operating system or other non-Windows software.

QUESTION

24. The interim decree proposed by Judge Jackson included a provision precluding Microsoft from taking knowing action to disable or adversely affect the operation of competing middleware software. Does the PFJ contain a comparable provision? If not, what was the Department's rationale for not including this prohibition in the proposed settlement?

ANSWER

The proposed Final Judgment does not contain an express provision precluding Microsoft from taking knowing action to disable or adversely affect the operation of competing middleware products. As explained more fully in response to question 16. the Department chose not to include this type of provision because it would have given Microsoft a license to interfere with competing middleware as long as it simply notified the competing developer. In addition, it would have been difficult for the Department to enforce the provision because of the constant changes Microsoft makes to its operating system. Many of these changes would have been known by Microsoft to have the unintended consequence of affecting a competing product's interoperability. Instead, the proposed Final Judgment contains provisions that require Microsoft to provide competing middleware with APIs needed to interoperate with the Windows operating system.

QUESTION

25. Why did the Department choose not to present evidence to the District Court on current PC operating system market developments, including changes in the Internet browser market share since the trial began? Did the Department undertake an investigation of current market developments to determine the impact of the PFJ on the existing market realities? For example, was there an analysis of the impact of the proposed settlement on Microsoft's proposed future products and services?

ANSWER

Judge Kollar-Kotelly had scheduled an evidentiary heating on remedy to take place in 2002. The Department would have had the opportunity to present evidence to the Court at that time. There was no opportunity to present evidence to the Court at an earlier date. The Department conducted an ongoing evaluation of market developments and the impact of the proposed Final Judgment on existing market realities. One result of this evaluation was to broaden the definition of middleware to include new potential threats to the operating system, including email clients, media players, instant messaging software and future middleware developments. The Department also analyzed the impact of the Court of Appeals'' decision and the proposed Final Judgment on Microsoft's future products and services.

QUESTION

26. The CIS suggests that the District Court's role under the Antitrust Procedures and Penalties Act is limited to reviewing the remedy in relationship to the violations that the United States has alleged in its complaint. See CIS at p. 67. Yet the authorities cited for that proposition appear to be cases that were settled before trial. Some observers argue that in this case the District Court should review the settlement in relationship to the Court of Appeals ruling rather than to the violations alleged in the original complaint. Does the Department agree with that assessment?

ANSWER

Beyond the Department's position set forth in its submissions to the Court, the Department cannot comment on the appropriate review by the Court because the Court's review of the proposed Final Judgment is pending under the Tunney Act.

QUESTION

27. Has the Department undertaken any studies to determine the effectiveness of its prior consent decree with Microsoft in restoring competition? How do you believe prior obstacles to enforcement of consent decrees with Microsoft are addressed in the PFJ?

ANSWER

The Department has not conducted a formal study on the effectiveness of the prior consent decree with Microsoft. In its ongoing evaluation of the effectiveness of the proposed Final Judgment, however, the Department did consider the prior consent decree with Microsoft. There has been no determination by a court of obstacles to enforcement of consent decrees with Microsoft. Moreover, the proposed Final Judgment in this case contains some of the most stringent enforcement provisions contained in a modern consent decree. In addition to the ordinary prosecutorial access powers, the proposed Final Judgment requires an independent, full-time, on-site technical compliance team and a provision under which the term of the judgment may be extended by up to two years in the event the Court finds serious, systemic violations.

QUESTION

28. Do you believe that current antitrust law is sufficient to guarantee not only competition but timely enforcement in areas such as the software industry?

ANSWER

The Department believes that the current antitrust. laws are sufficient to guarantee not only competition, but timely enforcement in high-tech areas, such as the software industry.

QUESTION

29. What steps, if any, should be taken, legislatively or otherwise, to ensure that the Department has the proper economic and technological resources to enforce the law in the software industry?

ANSWER

The Department does not believe that any changes to the antitrust laws are needed to ensure that the Department has the proper economic and technological resources to enforce the law in the software industry or other high-tech areas. The Department should continue to have the adequate resources to enforce the laws as long as appropriately funded by the Congress. Please do not hesitate to contact us if we can be of assistance on this or an), other matter.

Sincerely,

Daniel J. Bryant

Assistant Attorney General

1150 SEVENTEEMTH STREET. N. W.
WASHINGTON. D. C 20036

December 11, 2001

The Honorable Patrick J. Leahy, Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Orrin G. Hatch Committee on the Judiciary United States Senate
Washing-ton, DC 20510

Dear Chairman Leahy and Senator Hatch:

The Proposed Final Judgment (PFJ) in U.S v. Microsoft is a woefully inadequate end to more than 11 years of investigation and litigation against Microsoft Corporation. There is no longer a debate over Microsoft's liability under the antitrust laws. Microsoft has been found liable before the District Court. Microsoft lost its appeal to the United States Court of Appeals for the District of Columbia Circuit sitting en banc in a 7–0 decision. Microsoft's petition for a rehearing before the Court of Appeals was refused. Microsoft's petition for certiorari before the Supreme Court was also denied. The courts have decided that Microsoft possesses monopoly power and has used that power unlawfully to protect its monopoly.

The case now turns back to the District Court for review under the Antitrust Procedures and Penalties Act—the so-called Tunney Act. Under the Tunney Act the Court must reach an independent judgment on whether or not the settlement is in the ''public interest.'' The District Court finds itself in an interesting posture in that in the 30 years since the Tunney Act was enacted, it has never been applied in a case which has been litigated and affirmed. What is unique

about the application of the Tunney Act in U.S. v. Microsoft is that rather than some ambiguous ''public interest'' standard, the District Court will now be obligated to reach a decision on whether or not the settlement corresponds to the clear guidance of the Court of Appeals.

The court of appeals set out a simple standard for measuring the legal sufficiency of any remedy selected in the Microsoft litigation: the remedy must ''seek to 'unfetter [the] market from anticompetitive conduct,'' to 'terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no 'practices likely to result in monopolization in the future.''' United States v. Microsoft Corp., 253 F.3d 34, 103 (DC Cir. 2001)(''Microsoft III'') (quoting Ford Motor Co. v. United States, 405 U.S. 562, 577 (1972), and United States v. United Shoe Machinery Corp., 391 U.S. 244, 250 (1968)). The Court of Appeals was very deliberate in its handling of this case, and its finely crafted opinion manifestly chose its words and precedents with care. In citing the Ford Autolite and United Shoe cases, the DC Circuit underscored the clear guidance of the Supreme Court in monopolization cases. The DC Circuit provided equally straightforward guidance in explaining Microsoft's liability for illegal monopolization. At the core of the case was Microsoft's successful campaign to eliminate the dual threats of Netscape's Navigator web browser and the Java programming language. Both Navigator and Java were ''platform threats'' to Microsoft's underlying operating system. Both Navigator and Java served as ''middleware.'' ''Middleware'' means that these programs exposed applications programming interfaces (APIs) so that third party applications developers could write applications to Navigator and Java in lieu of the underlying Windows operating system. And because both Navigator and Java ran on operating systems other than Windows they fundamentally threatened the Windows operating system, Microsoft's core source of monopoly power. The DC Circuit could not have been clearer on these points. See Microsoft HI, 253 F.3d at 53–56. 60. At a minimum any proposed settlement must effectively remedy this problem.

Unfortunately, the remedy accepted by the Antitrust Division of the Justice Department ignores most of the key findings by both the Court of Appeals and the District Court. The PFJ falls far short of the standards for relief clearly articulated by the Court of Appeals and the United States Supreme Court. The PFJ includes provisions that potentially make the competitive landscape of the software industry worse. And, the PFJ contains so many ambiguities and loopholes as to make it unenforceable, and likely to guarantee years of additional litigation.

That the PFJ will hamper Microsoft's illegal behavior not at all is shown by the reactions of the investment community:

''We have review the Settlement Agreement between MSFT and the DoJ ... the states (and to a lesser degree the DoJ) had talked tough and set expectations for a knock- out victory, and now must accept criticism that they walked away with too little concessions from Microsoft.'' Goldman Sachs, 11/2/01

''As we have stated before, we believe a settlement is a best case scenario for Microsoft. And, this settlement in particular seems like a win for Microsoft being that it would preserve Microsoft's ability to bundle its Internet assets with Windows XP and ''2 future operating systems—a plus for the company. In fact, it appears that Internet assets such as Passport are untouched. Also, as is typical with legal judgments, this settlement is backward looking, not forward looking. In other words, it looks at processes in the past, but not potential development of the future.'' Morgan Stanley, 11/02/01

''The deal ... appears to be more, better, and faster'' than we expected in a settlement deal between Microsoft and DoJ. The deal will apparently require few if any changes in Windows XP and leave important aspects of Microsoft's market power intact.'' Prudential Financial, 11/01/01

''With a dramatic win last week, Microsoft appears to be on its way to putting the U.S. antitrust case behind it. The PFJ between the Department of Justice and Microsoft gives little for Microsoft's competitors to cheer about .... There is very little chance that competitors could prove or win effective relief from violation of this agreement, in our view.'' Schwab Capital Markets, 11/6/01

This takes on particular importance given the state of the software market. Since the end of the trial before the District Court the market has changed substantially: Microsoft's monopolies are stronger in each of its core markets with both the Windows operating system and the Office suite now higher than 92 percent and 95 percent, respectively;

Microsoft has achieved a new monopoly in web browsers;

Competitive forces that may have existed in the past—most notably the Linux operating system—now clearly pose no threat to Microsoft's monopoly; and Microsoft has made clear it intends to further protect and extend its monopoly through a series of initiatives including, Hailstorm (web-services); Windows XP, and .NET.

Some policy makers have adopted the view that settling this case could somehow revive the slowing U.S. economy. This is an absurd proposition. The problem with the PC sector today is that demand has slowed and prices for PC hardware have plummeted (as opposed to Microsoft's software which has effectively increased in price). It is simply incorrect to equate slowing PC demand with Microsoft's legal problems. Also, we are unaware of any economic theory that suggests that monopolies maintained by predatory conduct—as opposed to competition and innovation—can spur economic growth. As the Precursor Group recently pointed out: ''investor lament about the lack of broadband and the absence of killer applications is the other side of the coin'' to investor glee with the market power and profits of incumbent Bell, Cable; and Microsoft monopolies ... having legal monopolies on the major access points to the Internet is unlikely to maximize innovation and growth that investors are counting on.''

The briefing memorandum offered in support of these views documents general problems with the PFJ and specific section-by-section analysis of the PFJ's provisions. However, this memorandum is meant to be illustrative—not comprehensive—to give policy makers a preview of the issues to be examined under the Tunney Act. The Antitrust Division and Microsoft will continue to insist that the PFJ sufficiently remedies the issues in the case.

Yet these arguments simply cannot be squared with the fact that every independent investment analyst and industry analyst has concluded that this remedy will have n—— 9o material impact on Microsoft's business.

Policy makers also need to pay attention to the precedent this case establishes. In settling the most important antitrust case in decades through a remedy that will have not impact on the current or future competitive landscape, and absolutely no deterrent effect on the defendant, the Department of Justice has effectively repealed a major segment of the nation's antitrust laws. Moreover, any potential witness with knowledge of anticompetitive conduct in a monopolized market has to weigh the potential benefit of his or her testimony against the likely response of the defendant monopolist. The DOJ's proposed meaningless remedy would insure that no witness would ever testify against Microsoft in any future enforcement action.

The PFJ, in short, places this defendant in a position of effectively being above the antitrust laws, and does so by surrendering the government's victory in the District Court and the unanimous seven-member Court of Appeals. That is a result that should not be countenance&

Yours truly,

Robert H. Bork

RHB:lh

THE BARKSDALE GROUP

December 11, 2001

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The Honorable Patrick J. Leahy

Chairman

Committee on the Judiciary

United States Senate

SD–224

Washington, DC 20510

The Honorable Orrin G. Hatch

Ranking Minority, Member

Committee on the Judiciary

United States Senate

SD–224

Washington, DC 20510

Dear Chairman Leahy and Senator Hatch,

I was privileged to have received the invitation to testify at your bearing on Wednesday, December 12, and had looked forward to offering my views about the likely effect of the proposed Microsoft settlement, particularly on the state of innovation in the high-technology industries.

At the time I was asked to testify, it was suggested my testimony might be useful to the committee because of my experience as the CEO of Netscape, and especially because Netscape was founded at a time when Microsoft was first charged with Sherman Act violations. Those of us at Netscape competed with Microsoft at a time when Microsoft was theoretically constrained by a

1995 Consent Decree, and thus I would be in a position to attest to Microsoft's business conduct during a period in which anticompetitive actions would theoretically be restrained.

Moreover, my testimony would have been free of any fear of Microsoft. I am no longer in a business that competes with them. I can afford to tell the truth, and the'' truth needs to be told.

It is an established legal fact that Microsoft has retaliated against firms like Netscape, Intel, Apple, Real Networks, IBM, Compaq and a host of others which have 2730 Sand Hill Road Suite 100. Menlo Purk, CA 94025 (650) 234 5200 main (650) 234 5201 fax

These developments have stiffened my resolve to do all that I can to insure that competition and consumer choice are reintroduced to the industry. It is vitally important that no company can do to a future Netscape what Microsoft did to Netscape from 1995 to 1999. It is universally recognized that that the 1995 Consent Decree was ineffective. I respectfully submit that the Proposed Final Judgment (''PFJ''), which is the subject of the hearing, will be even less effective, if possible, than the 1995 Decree ha restoring competition and stopping anticompetitive behavior.

Accordingly, Senator Leahy, I am going to follow your suggestion that I help the committee answer one of the central questions:

If the PFJ had been in effect off along, how would it have affected Netscape? More important, how will it affect future Neiscapes? Impact on future Netscapes.

As discussed in the attached document, the unambiguous conclusion is that if the PFJ agreed upon last moath by Microsoft and the Department of Justice had been in existence in 199a; Netscape would have never been able to obtain the necessary venture capital financing. In fact, the company would not have come into being in the first place, The work of Marc Andreesen's team at the University of Illinois in developing the Mosaic browser would likely have remained an academic exercise.

An innovative, independent browser company simply could not survive under the PFJ. And such would be the effect on any company developing in the future technologies as innovative as the browser was in the mid 1990s.

That leaves the question of whether Microsoft itself would have developed browser technology necessary far Internet navigation. My belief is that .Microsoft would not have developed that technology, It is abundantly clear that Microsoft viewed the browser and the Internal itself as the principal threat to their care business of selling operating systems and applications for desktop computers.

This PFJ allows Microsoft to employ the full fury, of its multiple monopolies against anyone who would develop a browser or any other technology that might have the potential to challenge any aspects of Microsoft's business. I have reviewed the PFJ, and my impression continues to be that it is a document whose principal purpose is to protect Microsoft from competition,-and not to open up the market to competition with Microsoft. I note, again with pleasure, that the .remedy proposal by the state Attorneys General who remain as plaintiffs would significantly open the market up to competition.

deigned to compete with parts of Microsoft's business. The courts ha-,'e repeatedly and unanimously found that this atmosphere has led to the stifling of innovation throughout the high-technology sector, harming consumers and the economy. Perhaps worse, Microsoft has created an atmosphere where those who witness violations of the law are afraid to share what they know with law enforcement officials. The certainty of retaliation against these potential witnesses has had, to varying degrees, the effect of obstructing justice. One of the points I would have made had I been able to testify, is that the settlement between Microsoft 2 and the Department of Justice would do virtually nothing to protect Computer manufacturers and others from Microsoft's retaliation. Which means that, fundamentally, Microsoft's behavior will not be changed by it. The settlement is simply that—a memorial to the end, not a remedy for the past or for the future.

Over the last five years, the Committee has pushed soak-are companies to step forward and make public their concerns about Microsoft's illegal conduct, to identify how the company's anticompetitve behavior was eliminating competition, discouraging investment and stifling innovation. Witnesses were told—and ! was one of them—that policymakers understood that antitrust law enforcement was critical to insuring competition in the software industry. Witnesses were told that cooperation with the government not only made good business sense; k was their public duty, and necessary to insure the illegal conduct was appropriately remedied.

Not surprisingly, many were reluctant, fearful of what would happen to their businesses and their employees. Many that came forward paid a heavy price. Retaliation was meted out in a variety, of ways. Meanwhile, the company that broke the taw has only grown stronger. The Committee may wish to consider how'' this result might impact the administration of justice, as well as any potential future testimony in both the legislative and judicial branches of government.

During the Cold War, we used to refer to a concept known as Finlandization. What this referred to was that Finland was nominally free of the Soviet Union, but was so threatened by it, it could not act unilaterally without tempering its actions so as not to offend its giant neighbor which could crash it at will. The technology industry now, and at or the settlement with DOJ, is still effectively, Finlandized by Microsoft. It is still dominated, and will still cower in fear of the monopolist unbound. The resolution of the antitrust litigation will to a large degree determine whether or when that atmosphere changes. That may well be a larger issue than the specifics of any proposed settlement. I note with some real satisfaction that the remedy outlined last Friday by the nine state Attorneys General who remain as plaintiffs would have the effect of genuinely constraining Microsor2, and thus liberating the technology industry from the shadow cast by Microsoft.

If the PFJ provisions are allowed to go into effect, it is unrealistic to think that anybody would ever secure venture capita financing to compete against Microsoft. This would be a tragedy for our nation. It makes a mockery of the notion that the PFJ is ''good for the economy.''

If the PFJ goes into effect, it will subject an entire industry, to dominance by an unconstrained monopolist, thus snuffing out competition, consume:'' choice and innovation in perhaps our nation's most important: industry. And worse, it will allow them to extend their dominance to more traditional businesses such as financial services, entertainment, telecommunications, and perhaps many others.

Four years ago I appeared before the committee and was able to demonstrate, with the help of the audience, that Microsoft undoubtedly had a monopoly. Now it has been proven in the courts that Microsoft not only has a monopoly, but they have illegally maintained that monopoly through a series of abusive and predatory actions. I submit to the committee that Microsoft is infinitely stronger in each of their core businesses San they were four years ago, despite the faro that their principal arguments have been repudiated 8–0 by the federal courts. I hope you will keep these thoughts in mind during your hearings. A more detailed analysis of my views follows.

JLB/s
Attachment
Sincerely yours:
Jams L. Barksdale

Background on Netscape and the Internet browser.

Many of you know that Netscape was founded by Dr. Jim Clark and Marc Andreesen. Marc had been a participant in National Science Foundation programs in the early 90s at the University of Illinois, where he and his team in 1993 wrote the code that became the first easy to use browser. Even though the Internet and its ancestors had been around since the 1960's, the graphical browser- which allowed non-computer scientists to navigate the Internet—was the technological innovation we had been waiting for. This led to the creation of Netscape in 1994. This triggered an explosion éu innovation, and changed all of our lives. I am proud to have served as Netscape's CEO from 1995–1999, when it was acquired by AOL, and very proud of the role Netscape had in changing the world for the better.

A. API Disclosure.

The browser was and is a third party application. But it as also a potential platform which exposed Application Programming Interfaces (''.APIs'') and supported other third party, applications. Third party applications writers desired to write applications to the browser platform, because once these applications worked with the browser, they would automatically run on any operating system on which the browser was present, It is well documented that Microsoft was concerned this phenomenon would commoditize

Windows—meaning that this would bring about real competition in the operating system market, Introducing competition to a monopolized market would have been exactly the kind of positive development our competition policies welcome.

Of course, the browser could not work without an operating system. We needed Microsoft's cooperation and we needed the Windows APIs necessary to insure Netscape's browser interoperated with Windows.

It was well known that Windows ''95 would be a major product release for Microsoft. We contacted Microsot5 in the spring of 1995 about obtaining the necessary APIs, the same APIs they were distributing to other 3rd party applications writers. Because Microsoft viewed Netscape as a potential competitor, they withheld the necessary APIs from Netscape for an extended period of time—almost a year.

Question I. Would the PFJ have compelled the disclosure of the APIs necessary for Netscape's browser to interoperate with Windows?

Answer: A resounding no. The PFJ would not have compelled meaningful disclosure in a timely way.

It is advertised that the PFJ ''requires'' Microsoft to disclose to third party software developers the APIs for Windows. A review of the definitions reveals that the provision is essentially meaningless. APIs for new versions of the Windows operating systems .must be disclosed .in a ''timely manner.'' ''Timely manner'' is triggered when Microsot5 distributes beta. copies of its software to 150,000 ''beta tenors.'' It is highly doubtful Microsoft ever distributed beta copies of its software to 150,000 ''beta testers''. More important, this provision allows Microsoft to unilaterally decide act to reach the timely manner definition in the first place, which insures they can avoid disclosure by simply keeping the number of beta testers remains below 150,000.

The other disclosure requirements in the PFJ seem to call for the kind of disclosure made to members of the Microsot5 Developers Network. The problem of withholding necessary APIs only presents itself when. the entity requesting the APIs is a partial competitor to Microsoft. Under the PFI, Microsoft's ability to arbitrarily withhold APIs from those that would deign to enter into competition with Microsoft is left intact. Moreover, provision J of the Proposed Final Judgment allows Microsot2 to withhold technical information if it might ''compromise the security'' of authentication or encryption systems. This provision would clearly implicate information disclosed relevant to browser technology, since a browser, by definition, encapsulates encryption software. The Committee needs to understand that products either interoperate or they don't. In order to interoperate effectively, third parties must have all of the information, not some subset defined by Microsoft.

For example, in 1995, there was a debate between Microsoft and Netscape about whose authentication and encryption software was boxer. Netscape had developed and implemented SSL, and Microsoft had implemented SMTP. Microsoft would have never distributed APIs at a critical time in Netscape's development because they card have claimed, if the PFJ had been in effect, those APIs would undermine SMTP. Lastly, the PFJ fails to define the critical term ''interoperability.'' The PFJ leaves the term to be defined by Microsoft.

The sum of the API provision will ensure that Microsoft will continue to determine the flow of information to third party developers. And any dispute- which may be favorably resolved by the so-called ''Technical Committee,'' will never be conducted inn timely manner.

B. Killing Browser Competition by Commingling Browser Code With Windows and Calling it all ''Windows''.

Netscape distributed the first commercially successful browser. Microsoft decided to distribute their browsers without charge. As the litigation demonstrated, Microsoft decided by 1997 to bolt the browser together with Windows because, as their testimony indicated, they were losing the battle. Attachment

Litigation ensued. Microsoft denied that it had violated the law in so doing, citing the language of the 1995 Consent Decree. Ultimately, the Court of Appeals held in June, 1998, that under the terms of the 1995 Consent Decree, Microsoft was entitled to bind products together as long as there was a ''facially plausible'' explanation for having done so. The Court pointedly said at the time that this issue might have been decided differently if it were a Sherman Act case rather than a Consent Decree case. Nevertheless, Microsoft seized upon this Consent Decree opinion and claimed that it could now bundle a ham sandwich as part of Windows if they wanted.

Let me make one point clear: while I believe this was the wrong result, I do not blame Microsoft for attempting to prevail on this point— The fault 1/es with the Department of Justice for having written a poor agreement with Microsoft in the first place. The agreement was flawed in that it contained language which was at best ambiguous and, at worst, an avenue for Microsoft to flaunt the decree.

The Sherman Act antitrust case against Microsoft was flied in May, t998.'' The government alleged that Microsoft's practice of Wing the browser and operating system together was illegal. In June, 2001, the Court of Appeals this time said that Mascot's pro, ice of ''commingling'' the browser and operating system code together was illegal,

Question 2. How does the PFJ deal with the issue of binding other software to Windows?

Answer. Remarkably, the PFJ adepts Microsoft's ham sandwich armament. It contains a definition w kick says that Windows is whatever Microsoft says it is. The net effect of this is whenever any software is developed which could threaten Microsoft, Microsoft can simply bolt a similar product into Windows and call it all one product. Since this language is more favorable to Microsoft than current law, it is an example of how Microsoft, the defendant in the lawsuit, actually g ;a/ned affirmative exceptions from current law through negotiations with the Department of Justice.

Once again, I don't blame .Microsoft for trying. They're supposed to negotiate the best deal possible. It is the fault of the Justice Department and the various states who agreed to this.

The PFJ not only would not have .protected Netscape from Microsoft's predatory conduct. It actually would have provided less protection than any of the legal standards that have existed the past ten years.

C. Distribution and Retaliation.

The most important distribution channel in the software business is the OEM channel. Microsoft controls that channel by virtue of having the Windows monopoly. If Microsoft chooses not to distribute Windows to a particular OEM in a timely manner, the OEM simply cannot sell computers,

The OEM channel became the most important distribution channel for Netscape as well. Microsoft used its market power to impede Netscape's ability to distribute Attachment browsers. They said they were going to ''choke off (our) air supply'' and they began to execute on that strategy. OEMs who Wanted to feature Netscape's browser were punished by Microsoft. The price of Windows was increased, or the threat of canceling the Windows license was made.

Question 3. How does the PFJ protect against retaliation by Microsoft against an OEM or anybody else who would prefer to feature or sell non-Microsoft software? Answer: The first thing that must be taken into account is that there is nothing in this remedy which will lead to more competition in the operating system .market, so OEMs know that Microsoft's position is more secure as a monopolist than ever before. That fact, juxtaposed with the permanent cancellation threat Microsoft gained by this settlement, is intended to and will freeze any OEM wishing to promote non-Microsoft alternatives. Under dais agreement, Microsoft can terminate, without notice, a PC companies Windows license, after sending the PC company two notices that it believes it is violating its license. There need not be any adjudication or determination by any independent tribunal that Microsoft's claims are correct; only :we notices to any PC company of a putative violation, and thereafter, Microsoft may terminate without even giving notice.

This provision means that the PC companies are, at any time, just two registered letters away from an unannounced economic calamity. It will render the PC companies severely limited in their willingness to promote products that compete with Microsoft Even though Microsoft is an adjudged monopolist, it is constrained only from certain . specified forms of retaliation, presumably empowering it to engage in other forms of retaliation. This formulation is particularly problematic because the protected PC company activities are narrowly and specifically defined. Retaliation against a PC company for installing a non-Microsoft application that does not meet the middleware definition is NOT prohibited; nor is retaliation against a PC company for removing a MSFT application that does not meet the middleware definition.

Microsoft cart price Windows at a high price, and then put economic pressure on the PC company to use only Microsoft applications through the provision that Microsoft can provide unlimited consideration to PC companies for distributing or promoting Microsoft's services or products. The limitation that these payments must be ''commensurate with the absolute level or amount of'' PC company expenditures is hollow, since there is no cost methodology proposed, and no mechanism to account for costs in any event.

Under the settlement, Microsoft can provide unlimited ''market development allowances, programs, or other discounts in connection with Windows Operating System Products.'' This provision essentially eviscerates the entire scheme of PC company choice, functioning the same way as the rebate provision discussed above, but without any tether or limiting principle whatsoever. Simply put, MSFT can charge. $150 per copy of Windows, but then provide a $99 ''market development allowance'' for PC companies that install Windows Media Player as opposed to Real Networks media player.

Presumably, this is intend to be prescribed by a provision which says that ''discounts or their award'' shall not be ''based on or impose any criterion or requirement that is otherwise inconsistent with ... this Final Judgment,'' but this circular and self-referential provision does not ensure that the practice identified above is prohibited And Microsoft is free to retaliate against PC companies that promote competition by withholding any existing form of ''non-monetary Compensation''—only ''newly introduced forms of non-monetary Consideration'' may not be withheld Nora that the Wall Street article of December by John Wiike, which discussed why computer makers would not testify before the Senate Judiciary, Committee: ''None of the computer makers that are supposed to be the chief beneficiaries of the Justice Department settlement agreed to testify. Two major computer makers said in interviews that the proposed settlement's ant retaliation provisions are so weak that they were unlikely to take advantage of its other provisions allowing PC makers to use rival technologies. The government settlement 'leaves Microsoft as the gatekeeper of innovation in the industry,'' an executive of one PC maker said last week.

Remember that we are talking about the remedy in antitrust case where the monopolist has been found to have violated the law in spades. Ask yourselves how- it is possible that in this remedy Microsoft secured for itself the fight to retaliate against anybody. Allowing consumers to exercise real software choice. We believed at Netscape that as long as consumers could exercise real browser choice, Netscape could compete with Microsoft. We even said we could ''compete with free''. That is, a scenario where our customers paid for browsers and Microsoft gave its browser away for free.

We ultimately were unable to compete with a free product that was bolted to the operating system for anticompetitive reasons.

Question 4. Does the PFJ empower the consumer to make choices about what software to use, and if so, does it require Microsoft to respect those choices in the future? Two of the key provisions of the PFJ cited by DOJ as instrumental in restoring competition merely require Microsoft continue to .engage in business as usual. First, DOJ points to the provision that allows PC companies and end users to remove ''end user access'' to Microsoft middleware (i.e. Internet Explorer, Windows Media Player, Windows Messenger, etc). It is important to understand that all ''end user access'' really means is the ability to remove the ''icon'' for the middleware application, not the middleware itself. Second, DOJ ''grants'' the PC companies ''flexibility'' to add or remove icons on the Windows desktop.

We have been down this road before. OEMs will not exercise choice to merely remove or add icons because that is not a meaningful choice. PC companies have always enjoyed the flexibility to add icons to the Windows desktop. Microsoft specifically announced in July that OEMs could remove Internet Explorer icons from the desktop. And Microsoft bad previously been ordered by the Court to display such flexibility in 1998. Until the fundamental relationship between Microsoft and the CEMs changes, no OEM will avail themselves of this cosmetic flexibility.

Astonishingly, Microsoft actually seared for itself in the PFJ a provision that allows Microsoft to exploit its ''desktop sweeper'' to eliminate PC company installed .icons by asking an end user if he she warns the PC company-installed configuration wiped out after 14 days. Thus, rite PC company flexibility provisions will only last on the desktop with certainty for 14 days, and after that period, persistent automated queries from Microsoft can reverse the effect of the PC company's installations. The effect of this provision is to severely devalue the ability of PC companies to offer premier desktop space to ISVs—and to undermine the ability of PC companies t differentiate their products and provide consumes with real choices.

So, under this remedy, Microsoft gets to undermine the choices made by PC companies and grants Microsoft a second, third, and truly, infinite bites at the apple, to badger consumes into—unknowingly or unwittingly—switching back to Microsoft's software. The add remove provisions in the agreement only allow for removal of end user access to Microsoft .middleware, not the middleware itself. For example, a PC company or a consumer might choose to eliminate Microsoft's Internet Explorer and replace it with Netscape's Navigator as the default. Under this provision, Microsoft's Internet Explorer - not Netscape's Navigator—is still used in the MyDocuments, MyMusic, MyPictures and Windows Explorer folders. So Microsoft has secured an agreement that insures that Internet Explorer is used even when a consumer has chosen otherwise. And as stated above, Microsoft has secured in this agreement insurance Sat its browser and other middleware remains on PCs, even if the icon is removed. That will have the effect of guaranteeing that applications writers would not write to Netscape's browser.

As we have seen with the implementation of this approach (i.e., icon removal only) with regard to Internet Explorer in Windows XP, MSFT can use the presentation, of this option in the utility to make it less desirable to end users. And remarkable, the agreement gives Microsoft a new weapon to use in its war to preserve the desktop as its own can demand that PC companies include icons for non-MSFT middleware in the add/remove utility.

Ask yourself this: we are talking about a remedy that flows from a case where Microsoft has brazenly violated antitrust laws. Why in the world should Microsoft be able to secure for itself in this remedy a provision that allows consumers to remove non-Microsoft software? This treats the other companies as if they broke the law, not Microsoft.

CONCLUSION: These are just a few of the provisions that would have affected Netscape or a similar company attempting to have a successful browser business. As stated above, it is my belief that if these provisions had been in effect, it is highly unlikely Netscape would have ever been founded.

If these provisions are allowed to go into effect, no entity will be able to secure venture capital financing to compete against Microsoft in any aspect of its business.

Policymakers must understand the consequences of this proposed action, I regret not being able to share my views directly with the Senate Judiciary Committee, but trust that you will do the necessary due diligence before this badly flawed agreement goes forward in the courts. The policy signal that will be sent if this agreement is finalized is that particularly determined monopolists will be rewarded for their intransigence. Is that really the competition policy of this country?

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September 20, 2001

Steven A. Ballmer
Chief Executive Officer
Microsoft
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Fax No. 425–936–7329

Dear Mr. Ballmer:

In 1998, the Department of Justice and a significant number of state attorneys general filed a lawsuit alleging that Microsoft had monopoly power in the operating system market and that the company had engaged in illegal predatory practices to maintain this monopoly. Our states are not parties to the pending litigation. However, We have a continuing interest in issues relevant to the litigation.

Today we write to you to express our support for concerns raised by the states and

the Department of Justice in the litigation. We add our voices to those calling on Microsoft to remedy the antitrust problems that are now evident. We take this action for three reasons.

First, as a result of the trial record, we now have the ability to review a complete record of evidence concerning Microsoft's activities over the past several years to maintain its monopoly in the operating system market. Second, the district court's finding 6f monopoly maintenance was confirmed unanimously by the United States Court of Appeals for the District of Columbia Circuit. Finally, given our understanding of Microsoft's new Windows XP operating system, which is about to be released, we are concerned that aspects of this new product may lead to further erosion of competition in various software markets.

We are concerned that Windows XP may involve additional unlawful attempts by Microsoft to maintain its operating system monopoly. Notwithstanding the notable technological. achievements imbedded into some of the products and services offered by Windows XP, Microsoft may have c0nstrueted this new product without due regard for relevant legal rulings,'' and without due regard for other: issues involving consumer choice and consumer privacy.

Steven A. Ballmer

Moreover, there are many state governmental agencies currently using existing versions of Windows, and there are significant expressions of concern that Microsoft will be in a position to withdraw support for products currently in use in favor of Windows XP.

We agree with our colleagues, the litigating states and the federal government, that any anti-competitive aspects of Windows XP should be addressed. As the Court of Appeals succinctly stated, the remedy must, to the extent possible, ''unfetter [the] market from anticompetitive conduct, ... and ensure that there remain no practices likely to result in monopolization in the future.'' We therefore are supportive of efforts of the litigating states and the Department of Justice to incorporate Windows XP into the remedy phase of the remanded Case.

Sincerely,

William H. Sorrell

Vermont Attorney General

On behalf of himself and:

Mark Pryor

Arkansas Attorney General

G. Steven Rowe

Maine Attorney General

Mike McGrath

Montana Attorney General

Phillip McLaughlin

New Hampshire Attorney General

Sheldon Whitehouse

Rhode Island Attorney General

Written Questions for Charles A. James

Chairman Patrick Leahy

''The Microsoft Settlement: A Look to the Future''

December 20, 2001

1. Jim Barksdale, the former CEO of Netscape, tells us in a written submission that if the proposed settlement had governed Microsoft's behavior ten years ago, he would never have been able to obtain the venture capital to launch Netscape and, even flit did, Microsoft would have been able to crush the company. It is harsh criticism of the proposed settlement that it would have made no difference and that it would allow Microsoft to engage in the same exclusionary practices that extinguished Netscape and crippled Java. Do you think that this criticism is fair and, if not, why?

2. The remedy filed by the non-settling States would require that the agreement be enforced by a court-appointed special master with the authority to monitor Microsoft's complaints, and with the power to investigate, call witnesses, and conduct hearings if the company appears to have violated the agreement. Your proposed settlement provides for a three- member panel paid for by Microsoft that can listen to and investigate complaints, but which lacks the independent authority to convene hearings and examine witnesses. This panel must turn to the Justice Department for any such activity, and its members may not offer testimony themselves in any proceeding. Although the three member panel might be helpful in gathering some information, in terms of actual enforcement, the Justice Department will have to start from scratch with any action. In light of the fact that everyone agrees that this is a rapidly-moving industry, the inherent delays in such a process seem more likely to hamper than to enhance Microsoft's compliance with the decree. Why did you decide to create this unique and limited panel, rather than a more traditional special master?

3. The Court of Appeals specifically held—twice—that commingling the browser and operating system code violated section 2 of the Sherman Act. Yet, the proposed settlement contains no prohibition on commingling code. In your testimony before the Committee, you explained that the Department had never taken the position that Microsoft should be required to remove code from the operating system, and that the proposed settlement is thus consistent with a long-standing position of the Department. That explanation appears to neglects two things: First, the settlement is forward-looking, and second, the court's determination that commingling code was an exclusionary act. Taken together, these facts suggest that a ban on future exclusionary commingling of code is entirely consistent with the Department's position, would provide appropriate relief for the violation found, and would help prevent its recurrence. Do you agree that such a ban on future exclusionary commingling would comport with the Court of Appeals decision? Did you consider such a ban? Do you agree that such a ban on future exclusionary commingling would be would provide appropriate relief for the violation found, and would help prevent its recurrence?

4. There has never been a Tunney Act proceeding after litigation through the court of appeals before. In the first Microsoft-Department of Justice Tunney Act proceeding in 1994, the court suggested that great deference should be given to the appellate court's findings. Do you believe that the Court of Appeals'' decision provides useful input to the definition of ''public interest'' in this unique context?

5. As I mentioned at the Committee's hearing, in describing your settlement, Fortune magazine said: ''Even the loopholes have loopholes.'' The settlement limits the types of retaliation Microsoft may take against PC manufacturers that want to carry or promote non-Microsoft software. By implication the settlement appears to give a green light to other types of retaliation. You responded to my question about retaliation by saying that the settlement would permit collaboration generally approved in the antitrust case law. Please clarify the Department's position a little further:

(a) Why does the settlement not ban all types of retaliation?

(b) The settlement requires Microsoft to treat PC manufacturers the same in some respects but in other important respects Microsoft is allowed to treat PC manufacturers differently. What are the ways in which Microsoft can treat differently PC manufacturers that carry competing software compared to those that agree to carry Microsoft products exclusively?

(c) You referred at the hearing to the fact that the settlement would permit certain collaborative conduct between Microsoft and others. Please explain in detail what types of collaboration are permitted by the decree, and what types are forbidden.

(d) Among the exceptions in the proposed settlement to the bans on retaliation, Microsoft is permitted to provide ''consideration to any OEM with respect to any Microsoft product or service where that consideration is commensurate with the absolute level or amount of that OEM's development, distribution, promotion, or licensing of that Microsoft product or service.'' This seems to permit Microsoft to reward OEMs based on whether they can-y Microsoft's products or software; this is just the flip side of ''retaliation.'' How is this different from punishing those who fail to accede to Microsoft's demands?

6. In 1995 the Department and Microsoft entered into a Consent Decree. Two years later the Department sued Microsoft for contempt of the Decree when Microsoft and the Department disagreed over the meaning and correct interpretation of certain provisions of the Decree, including the meaning of the word ''integrate'' as that term was used in the Decree. Given the prior litigation between the Department and Microsoft over the proper interpretation of the 1995 Consent Decree, do you agree that Microsoft and the Department should have a common, explicit understanding of the meaning and scope of this proposed Final Judgment before it is entered?

Written Questions for Jay Himes

Chairman Patrick Leahy

''The Microsoft Settlement: A Look to the Future''

December 20, 2001

1. A number of states are still litigating this case against Microsoft, and have submitted a remedy proposal to the district court. That proposal is stronger in significant respects than your proposed settlement. For example, they propose a court-appointed special master with the authority to gather evidence and conduct hearings as part of the enforcement mechanism.

(a) Do you believe that the more stringent provisions sought by the litigating states are not in the public interest?

(b) Did you consider restrictions similar to those sought by the non-settling parties or did you think that Microsoft would not agree to them?

2. The Com1 of Appeals found that Microsoft's deception of Java developers and ''pollution of the Java standard'' constituted exclusionary practices in violation of Section 2 of the Sherman Act, and eliminated its competitive presence in the desktop realm. Unlike Navigator, Java may still be a viable competitive force, in other arenas. What provision, if any, in the settlement agreement prohibits Microsoft from repeating such an act?

3. As I understand the proposed settlement, Microsoft need only disclose APIs and documentation to middleware developers when Microsoft itself has a competing product. Some critics say this would allow Microsoft to determine the pace of innovation on the desktop by simply deciding not to develop or market competing products until it is ready with its own product—or until it has swallowed up a likely competitor. Allowing Microsoft, in essence, to determine the pace of desktop innovation would not aid the software industry generally, and not benefit consumers. How do you respond to this criticism?

4. A loophole seems to be created by the exception to the requirement of APIs and documentation disclosure. Microsoft is supposed to disclose APIs, documentation, and communications protocols to permit interoperability of middleware and servers with Windows operating systems. But Microsoft does not need to disclose such information if it would, in Microsoft's opinion, compromise the security of various systems, which are very broadly defined. What do you say to the critics who fear that this loophole may swallow the API disclosure requirement?

5. The non-settling states'' proposed remedy requires Microsoft to release technical information necessary for middleware to be able to interoperate with Windows as soon as Microsoft gives its own developers that information. The proposed settlement only.

Requires such disclosure when Microsoft puts out a major test version of a new Windows release. Presumably promotion of competition is the animating idea behind this provision, so why did you not insist that other non-Microsoft developers have this information at the same time Microsoft developers did?

6. In 1995 the Department of Justice and Microsoft entered into a Consent Decree. Two years later the Department sued Microsoft for contempt of the Decree when Microsoft and the Department disagreed over the meaning and correct interpretation of certain provisions of the Decree, including the meaning of the word ''integrate'' as that term was used in the Decree. Given the prior litigation between the Department and Microsoft over the proper interpretation of the 1995 Consent Decree, do you agree that Microsoft and the settling plaintiffs should have a common, explicit understanding of the meaning and scope of this proposed Final Judgment before it is entered?

7. Do you agree that the meaning and scope of the proposed Final Judgment as agreed upon by the settling plaintiffs and Microsoft should be precise, unambiguous and fully articulated so that the public at large can understand and rely on your mutual understanding of the Judgment?

8. If Microsoft were to disagree with the settling plaintiffs'' interpretation of one or more important provisions of the proposed Final Judgment, would you consider that to be a potentially serious problem?

9. Do you agree that it would be highly desirable to identify any significant disagreement between Microsoft and the settling plaintiffs over the correct interpretation of the proposed Final Judgment now, before the Judgment is entered by the Court, rather than through protracted litigation as in the case of the 1995 Consent Decree?

10. Does the Competitive Impact Statement set forth the settling plaintiffs'' definitive interpretation of its proposed Final Judgment with Microsoft?

11. Has Microsoft informed the settling plaintiffs that it has any disagreement with the interpretation of the Final Judgment as set forth in the Competitive Impact Statement?

12. Can the public at large rely upon the Competitive Impact Statement as the definitive interpretation of the nature and scope of Microsoft's obligations under the Final Judgment?

13. If the public cannot rely on the interpretation of the proposed Final Judgment as set forth in the Competitive Impact Statement, then what is the mutually understood and agreed-upon interpretation of the meaning and scope of Microsoft's obligations under the Final Judgment?

1. In your 1997 testimony on the first Microsoft-Department of Justice consent decree, you said that ''it seems a bit shortsighted (or perhaps even hysterical) to believe that Microsoft is such a juggernaut that putting extra sand in its saddle bags is justified to even up the odds for the competition.'' In light of the fact that the Court of Appeals found that Microsoft violated Section 2 of the Sherman Act, abusing its operating system monopoly to the detriment of consumers, do you still believe that it is ''hysterical'' to inquire into, and seek to end, the company's anticompetitive practices?

2. The Tunney Act requires that Microsoft file with the district court ''any and all written or oral communications by or on behalf of [Microsoft]... with any officer or employee of the United States concerning or relevant to such proposal, except that any such communications made by counsel of record alone with the Attome3, General or the employees of the Department of Justice alone shall be excluded from the requirements of this subsection.'' You have recently been named as counsel of record; do you believe that this provision requires disclosure of communications by you to the Justice Department prior to the date upon which you became counsel of record? Do you believe it requires disclosure of contacts made on behalf of Microsoft to members of Congress? How do you define ''concerning or relevant to'' the proposed settlement? Do you believe that it covers anything more than the actual negotiations of the decree?

3. Microsoft's retaliation against OEMs that resisted carrying Microsoft's products featured largely in the evidence at trial, and the proposed settlement seems to address the Court of Appeals'' holding that such retaliation violated Section 2 of the Sherman Act. While the settlement does state that Microsoft cannot retaliate against an OEM that is supposing a competing operating system or middleware, there is also a ''carve-out'' to that restriction, which permits Microsoft to provide ''consideration to any OEM with respect to any Microsoft product or service where that consideration is commensurate with the absolute level or amount of that OEM's development, distribution, promotion, or licensing of that Microsoft product or service.'' This seems to permit Microsoft to reward OEMs based on whether they carry Microsoft's products or software; this is just the flip side of ''retaliation.'' How is this different from punishing those who fail to accede to Microsoft's demands?

4. Microsoft is given 12 months to come into compliance with this proposed settlement; what tasks must it actually undertake that will require so much time?

5. The proposed settlement agreement provides that Microsoft's disclosure of APIs and documentation for an updated version of Windows in a ''timely manner'', and ''timely manner'' seems to be defined as the time at which Microsoft makes the new Windows version available to 150,000 or more beta testers. Does Microsoft routinely send beta test versions to so many testers? When has it done so in the past? Can't Microsoft avoid the disclose provision by simply limiting the number of beta testers?

6. If a PC manufacturer decides that it would like to remove Windows Moviemaker, is that action protected from the ban on retaliation in the proposed settlement? If a representative of a PC manufacturer or a software developer testified before this Committee or before the district court in the on-going states'' case, would the settlement ban retaliation against them?

7. Software developers that take advantage of the middleware API disclosure are required by the proposed settlement to cross-license their products back to Microsoft. Presumably this is of great benefit to Microsoft, but how does it fit into remedying the antitrust violations found in court?

8. The provision of the proposed statement addressing the availability of server communications protocols refers to protocols that are ''used to interoperate natively, i.e., without the addition of software code to the client operating system product, with a Microsoft server operating system product.'' I am confused about the meaning of ''natively,'' and the Competitive Impact Statement does not clarify it. As the issue of Microsoft's possible abuses in the server arena are even now before the European Union's antitrust enforcement branch, I am interested to know precisely what your

proposal accomplishes, and whether it addresses the EU's concerns as well.

9. The proposed settlement's prohibition on retaliation against software developers creates an exception from that prohibition for agreements that ''are reasonably necessary to and of reasonable scope and duration'' in connection with obliging a developer to use, distribute, promote, or develop software for Microsoft. What do you envision that exception to cover, and more importantly, what does it leave within the ban against retaliation?

10. The proposed settlement permits the removal of the Internet Explorer icon, but as I understand it, even if a user chooses to remove Internet Explorer, IE will continue to pop up in MyDocuments, MyMusic, and MyPictures. Is this understanding correct, and if so, how can a User ever be free of Internet Explorer?

11. In 1995 the Department and Microsoft entered into a Consent Decree. Two years later the Department sued Microsoft for contempt of the Decree when Microsoft and the Department disagreed over the meaning and correct interpretation of certain provisions of the Decree, including the meaning of the word ''integrate'' as that term was used in the Decree. Given the prior litigation between the Department and Microsoft over the proper interpretation of the 1995 Consent Decree, do you agree that Microsoft and the Department should have a common, explicit understanding of the meaning and scope of this proposed Final Judgment before it is entered?

12. Do you agree that the meaning and scope of the proposed Final Judgment as agreed upon by the Department and Microsoft should be precise, unambiguous and fully articulated so that the public at large can understand and rely on your mutual understanding of the Judgment?

13. If Microsoft and the Department were to disagree about the correct interpretation of one or more important provisions of the proposed Final Judgment, would you consider that to be a potentially serious problem?

14. Do you agree that it would be highly desirable to identify any significant disagreement between Microsoft and the Department over the correct interpretation of the proposed Final Judgment now, before the Judgment is entered by the Com-t, rather than through protracted litigation as in the case of the 1995 Consent Decree?

15. Can the public at large rely upon the Department's Competitive Impact Statement as the definitive interpretation of the nature and scope of Microsoft's obligations under the Final Judgment? If not, then what is the mutually understood and agreed-upon interpretation of the meaning and scope of Microsoft's obligations under the Final Judgment?

16. Does the Competitive Impact Statement accurately reflect Microsoft's interpretation of the proposed Final Judgment?

17. Recognizing that the Department's Competitive Impact Statement cannot address every conceivable issue that may arise in the future concerning the proposed Final Judgment, is there anything stated in the Competitive Impact Statement with which Microsoft disagrees?

18. Has Microsoft informed the Department that it has any disagreement with the Department's interpretation of the Final Judgment as set forth in the Competitive Impact Statement?

19. Does Microsoft disagree with anything stated in the Department's Competitive Impact Statement concerning the meaning and scope of the proposed Final Judgment?

20. Will you commit on behalf of Microsoft to inform this Committee in writing of each and every statement in the Department's Competitive Impact Statement with which Microsoft disagrees? Will you commit to do so within the next 15 days so that the public can understand what disagreements Microsoft has with the Competitive Impact Statement before the Tunney Act comment period expires?

21. Was there anything in Assistant Attorney General James'' testimony before this

22. The Department's Competitive Impact Statement states at page 38 that: ''if a Windows Operating System Product is using all the Communications Protocols that it contains to communicate with two servers, one of which is a Microsoft server and one of which is a competing server that has licensed and fully implemented all the Communications Protocols, the Windows Operating System Product should behave identically in its interaction with both the Microsoft and non-Microsoft servers.'' Does Microsoft agree that this accurately states one objective of Microsoft's obligations under section III(E) of the proposed Final Judgment?

23. The Department's Competitive Impact Statement states at page 36 that: ''Section III.E. will prevent Microsoft from incorporating into its Windows Operating System Products features or functionality with which its own server software can interoperate, and then refusing to make available information about those features that non-Microsoft servers need in order to have the same opportunities to interoperate with the Windows Operating System Product.'' Does Microsoft agree that this accurately states one objective of Microsoft's obligations under section III(E) of the proposed Final Judgment?

25. The Department's Competitive Impact Statement states at page 37–38 that: ''Because the Communications Protocols must be licensed 'for use'' by such third parties, the licensing necessarily must be accompanied by sufficient disclosure to allow licensees fully to utilize all the functionality of each Communications Protocol.'' Does Microsoft agree that this accurately states one objective of Microsoft's obligations under section III(E) of the proposed Final Judgment?

Questions for Assistant Attorney General Charles A. James

1. One of the principal concerns voiced by critics of the Proposed Settlement is that it lacks an effective enforcement mechanism. These critics suggest that some type of fast-track enforcement mechanism, such as the appointment of a special master, is necessary to ensure compliance. Could you please explain: First, why you believe the enforcement avenues provided for by the Proposed Settlement are sufficient; and, Second, how you envision effective enforcement actually being carried out in the real world?

2. Because the three-person Technical Counsel created by the Proposed Settlement has no enforcement powers, won't the level of enforcement of the Proposed Settlement depend principally on how proactive the Department and State Attorneys General are in dedicating resources and attention to prompt and effective oversight and enforcement? What resources does the Department plan on committing to enforcement of the Proposed Settlement?

3. In my opening statement, I raised the issue of prompt and effective enforcement in high-technology markets. As the DC Circuit clearly recognized, the passage of time frequently overtakes alleged anticompetitive actions, making them—in the DC Circuit's language—''obsolete'' before a remedy is devised and implemented. In your view, what can be done to minimize this problem and ensure that antitrust remedies are developed early enough to provide meaningful relief?.

4. Could you explain the pros and cons of having the enforcement function performed by governmental agencies as opposed to a special master or adjudicatory panel of some type?

5. Could you also explain why you oppose—assuming that you do oppose—an alternate or additional enforcement mechanism?

6. As you know, I believe that one important aspect of the Internet is the freedom that consumers have to choose where to go and what websites to visit. Currently, consumers can choose to go to whatever websites they want. Commentators and industry participants argue that there is a legitimate fear that an Internet mediator might—for one reason or another—decide to limit access to certain sites while traffic is directed to other sites, or decide that certain sites will be treated differently than other sites in ways that push consumers in the direction of favored sites instead of leaving the choice entirely and fairly to consumers. Who do you believe should choose where a consumer can go online, the consumer or the Internet mediator, be it an Internet service provider, a software company, or a cable or satellite company? Also, could you please explain whether and why you believe this is an important competition policy concern?

7. Some critics claim that the only real penalty Microsoft faces for violating the Proposed Settlement is the extension of the terms of the Settlement for two additional years. Is that an accurate criticism; and, if not, could you please briefly explain the penalties faced by Microsoft if it fails to abide by the Proposed Settlement?

8. Could you please expand on why you believe the Department has sufficient expertise to accurately evaluate the competitive implications of software design and other technical development choices? Additionally, specifically what has the Department done to ensure that it has the expertise necessary to assess at an early stage both the lawfulness and potential anticompetitive effects of highly-technical actions taken by companies such as

Microsoft? Does the Department have a specific plan for allocating resources or personnel to develop the necessary expertise to identify and take effective action while potential antitrust problems are still on the horizon?

9. In his written testimony (pp. 18–19), Mr. Himes of the New York State Attorney General's Office briefly discusses the importance of the Proposed Settlement's definition of ''Middleware.'' The DC Circuit defined middleware very simply as ''software products that expose their own APIs [or 'Application Programming Interfaces'].'' Microsoft, 253 F.3d at 53. Could you explain why the Proposed Settlement adopts a narrower, two-prong definition? Could you also further explain the distribution threshold contained in the definition of ''Non-Microsoft Middleware Products,'' requiring that—to meet the definition—at least one million copies of the Middleware Product have been distributed within the United States during the previous year? Will this threshold provision disadvantage innovation among start-up entrepreneurs or those who develop software for highly-specialized markets as some have criticized? Is there some other way to address the concerns underlying this ''one million copy'' threshold?

10. I found Mr. Jim Barksdale's letter noteworthy in several respects, but am particularly interested in his claim that the Proposed Settlement would not have prevented Microsoft's unlawful actions against Netscape. Could you please discuss whether the Proposed Settlement would have prevented the actions taken by Microsoft against Netscape that the DC Circuit held to be unlawful had the Proposed Settlement been in existence in 1995, and, if so, how?

Questions for Jay Himes

1. I realize that you support the Proposed Settlement on the basis that it compares favorably to the set of remedies that many predict would have resulted from further litigation. However, setting that aside for the moment, could you tell us what particular merit-if any-you see in the Remedial Proposals filed by the non-settling states?

2. Please expand specifically on the pros and cons of the various proposals for alternative enforcement mechanisms that were considered and rejected in the settlement discussions. In particular could you give us your view of the provision, contained in the non-settling parties'' Remedial Proposal, that would provide for a special master?

3. Please explain, from the perspectives of the settling State plaintiffs, whether and how the Proposed Settlement sufficiently protects against Microsoft leveraging its monopoly power in operating systems into the Internet-based services market and the server market?

Questions for Charles F. ''Rick'' Rule

1. Concerns have been voiced about potential ''loopholes'' that might be created by ambiguities in various definitions that are fundamental to determining Microsoft's responsibilities under the settlement. Do you agree that the ''Competitive Impact Statement'' accurately memorializes the spirit and underlying considerations of the Proposed Settlement agreement; and do you further agree that it should be used as an authoritative interpretive guide in settling disputes about the practical application of the Proposed Settlement?

2. Could you please identify the specific aspects of the Competitive Impact Statement that you believe do not accurately represent Microsoft's understanding of the Proposed Settlement? grad, to the extent you believe that the Competitive Impact Statement is inaccurate, would Microsoft be willing to provide a detailed description of these perceived inaccuracies along with specific language describing Microsoft's understanding of the issue, language, or provision, the accuracy of which Microsoft disputes?

3. In your written testimony (p. 9) you briefly address the Proposed Settlement's prohibition of retaliation by Microsoft against computer makers. You summarize the provision in the settlement stating that ''Microsoft has agreed not to retaliate against computer makers who ship software that competes with anything in [Microsoft's] Windows operating system.'' Id. Concerns, however, have been raised regarding perceived limitations on this anti-retaliation provision. Could you explain either why the perceived caveats were included in the anti-retaliation provision as well as why you believe that these perceived caveats do not actually allow Microsoft to engage in substantial retaliation against computer makers?

4. Is it your position that the anti-retaliation provision does in fact prohibit Microsoft from all forms of retaliation against computer software makers that choose to ship software that competes with Microsoft products; and, if not, how do you answer the criticisms that the provision is insufficient to effectively prevent retaliation?

5. Several media sources and commentators have reported that major computer makers—or ''OEMs''—such as Hewlett Packard, Compaq, Dell, and Gateway, are heavily dependent on Microsoft, which—some have argued—may explain the lack of vocal opposition by these companies to the Proposed Settlement. With this in mind, how can the Proposed Settlement's substantial reliance on these companies to incorporate software that competes with Microsoft products on the computers they distribute be trusted to result in actual competition in the middleware market?

6. Could you please explain, in detail, what incentives you believe will actually lead OEMs to install software that competes against Microsoft software? Are you aware of particular competing software that OEMs might currently wish to install in favor of similar Microsoft products?

7. With respect to concerns raised regarding the lack of a strong enforcement mechanism in the Proposed Settlement, could you please expand upon the reasons that you believe the Proposed Settlement ensures effective enforcement? Could you also explain your view of how enforcement will occur? Finally, could you explain why-assuming that this is 3'our position—the proposed alternative enforcement mechanisms are either unnecessary, undesirable, or both?

Questions for Professor Lawrence Lessig

1. In your book, you make the case for keeping the Internet ''neutral and open.'' Could you briefly describe the danger that you foresee, in both a competition and a larger policy context, as consumers mi=m-ate to higher capacity connections from our current narrowband connections?

2. One concern I have consistently raised elsewhere, including in merger and monopolization contexts, has been possible limitations being placed on consumer freedom by an access provider, whether an Internet service provider, a cable company, a satellite company, or another Internet access facilitator. If there is a legitimate fear that an Internet mediator might—for one reason or another—decide to limit access to certain sites or drive traffic to other specified sites? If so, what do you believe to be the best method of safeguarding and preserving the freedom of the Internet?

3. As you know, on the Internet, anyone can self-publish their music, their artwork, their writings, and those who are interested in those works can have access to them, and neither the creator nor the consumer necessarily need the mediation of a publisher. Works that are important to a few, but cannot make it in a traditional publishing context, have a place for their fans on the Internet. I have said elsewhere that it would be a great shame if the wide-open access available on the Internet were narrowed down in the way the offline world often is. Could you please explain who you believe should choose where a consumer can go online, the consumer or the Internet mediator, be it an Internet service provider, a software company, or a cable or satellite company, and could you explain why this is an important question?

Questions for All Witnesses on Panel III

1. Both commentators and several witnesses (in their written testimony) defend the Proposed Settlement by arguing that its terms are as good as—or even better than—what would have been obtained through further litigation. Several have also pointed out that it would take at least two more years to get a remedy in place by means of litigation. Could you please explain whether and why you believe that further settlement negotiations or litigation would be in the public interest?

2. In light of the number of claims from the original complaint that the DC Circuit found to lack merit, is it reasonable to believe that any judgement resulting from further litigation would be significantly better that the Proposed Settlement?

3. At the hearing, I emphasized the need for prompt antitrust enforcement in quickly-evolving markets. Could you please explain whether and why you believe that the benefits of having an imperfect settlement now are outweighed by those of having a possibly better settlement at some point in the future?

JUDICIARY COMMITTEE HEARING ON MICROSOFT SETTLEMENT

QUESTIONS FROM SENATOR KOHL

Panel I—Charles James

1. Mr. James, a unanimous Court of Appeals held that Microsoft has violated our antitrust laws by illegally maintaining its monopoly. It seems pretty common sense that if we want to fix that violation, the settlement you are advocating should: (1) end the unlawful conduct; (2) avoid a recurrence of the violation; and (3) and undo the anticompetitive consequences of the illegal behavior. Indeed, the Supreme Court has said that we should ''den to the defendant the fruits'' of its illegal conduct. As you know, when this case was first filed, one of the main problems was that Microsoft's illegal conduct had nearly driven a competing maker of Internet browsing software—Netscape Navigator—out of business. But today, Microsoft has a greater than 85% share of browsing software. And Netscape is no longer in business as an independent company and no longer is a serious threat as a competing platform.

So I have the following questions: how does this proposed settlement proposal in any way deny Microsoft the gains resulting from its illegal, anti-competitive conduct? Does it do anything, for example, to undo Microsoft's victory in the ''browser wars''?

2. Five years from now do you think it is likely that Microsoft will still have 95% of the operating system market? If so, should this concern us?

3. We are right now in the middle of the holiday shopping season, and millions of Americans are going to the computer stores to buy new computers. When they reach the store, they have a choice of many different machines made by many different computer manufacturers, such as Compaq, Dell, Gateway, IBM, and HP, to name a few. But when it comes to the software that operates the machine they face a very different picture. With the exception of the machines sold by Apple, the consumer has no choice but to buy a computer pre-loaded with Microsoft's Windows operating system.

Is there anything in the proposed settlement agreement likely to change this picture? Why can't consumers have the same competitive choices in computer software—specifically operating system software—as they have today with respect to deciding which machine to buy?

4. Critics of the proposed settlement claim it is full of loopholes, and that these loopholes will make it easy for Microsoft to evade its terms. I'd like to focus on one thing critics argue is an unnecessary loophole. The settlement contains an important provision that lets computer makers load certain types of non-Microsoft software on their machines without any fear of retaliation from Microsoft. But Microsoft can retaliate in some instances. For example, only competing software that distributed at least one million copies in the United States in the last year receives protection. No such protection is imposed upon competing software which has distributed less than one million copies.

Commenting on this provision in the Washington Post, James Barksdale, the founder of Netscape, wrote ''Anyone who understands the [computer] industry knows this is no protection, for the new inventor will always be steam-rolled by the powerful Microsoft. The dreamers and tinkerers whose better mousetrap has not yet been proved should just close shop. The ultimate losers are the potential consumers of these lost ideas.''

(a) Why is this limitation found in the settlement? Won't it be difficult for software that has not yet been widely distributed to gain a competitive foothold if Microsoft is not required to allow computer users and manufacturers access to it on the desktop? And why isn't Mr. Barksdale right—aren't consumers the losers if Microsoft is permitted to deny such small, start- up software manufacturers access to the computer desktop?

(b) Please give specific examples of ''non-Microsoft middleware products'' (as defined in the proposed consent decree, section VI.N) that have distributed at least one million copies in the United States in the past year, and examples of those that have not.

(c) What types of research and/or objective methods are used to measure such distribution today? Which studies or objective criteria did you use to set the one million dollar mark?

5. In the proposed consent decree, with respect to current products, the definition of Microsoft Middleware Product is locked into specific products (section VI.K.1 of the Proposed Final Judgment). Where it is prospective, the definition of Microsoft Middleware Product allows Microsoft to avoid its reach if it does not satisfy all of the elements of the definition (found in section VI.K.2).

(a) Why do you believe this definition is sufficient to restore competition in the middleware market?

(b) Why is the definition of middleware in the proposed consent decree different from the one used by the DC Circuit Court of Appeals, or the one used by Judge Jackson in his interim remedy?

(c) Why is MSN Explorer excluded from the current products that constitute Microsoft Middleware Products in section VI.K.1 of the Proposed Final Judgment?

6. Many believe Microsoft is using its operating system monopoly to gain dominance in other types of software products. For example, five years ago, Microsoft had only about a 20% market share in Internet browsing software. Today it has an 86% share. Five years ago, Microsoft had 43% share in word processing software. Today Microsoft Word software has a 94% market share.

What provisions in the settlement will prevent Microsoft from gaining dominant market shares in new software products, just as it has with respect to other types of software?

7(a). Mr. James, if this settlement is adequate to restore competition and remedy Microsoft's illegal conduct, why have nine state attorneys general who initially joined the Justice Department in suing Microsoft refused to sign on to the settlement but have instead proposed their own settlement?

(b) Are you willing to consider modifications to the proposed settlement in order to secure the consent of additional state attorneys general? If so, what modifications would you consider?

8. The proposed consent decree lasts for only five years (unless a Court finds Microsoft has engaged in systematic violations of the decree, in which case it is extended for another two years).

(a) Can you inform me in which past monopoly cases brought by the government where a violation of Section 2 of the Sherman Act has been found, the federal courts have limited their conduct remedies against the monopolist to only five years?

(b) Why have you limited the remedy to five years in this case? How can we be sure that the five year term of the settlement is sufficient to restore competition to this market?

(c) Why do the restraints on Microsoft's conduct in some instances take as long as one year to go into effect?

(d) How likely do you think software developers will be to develop new products based on a decree that will protect them for only five years?

(e) Will you commit initiating new investigations and, if necessary, new court proceedings, if Microsoft behaves in an anti-competitive manner in the future?

Panel II

For Rick Rule

1. Mr. Rule, in the past your client Microsoft has been adamant in denying it was a monopolist—despite its 95% share of computer operating systems—and that it in any way violated the antitrust laws. Now, the unanimous DC Circuit Court of Appeals has ruled that Microsoft indeed is a monopolist and indeed acted illegally to maintain its monopoly. Will this ruling—and Microsoft's experience in this litigation—in any way chasten Microsoft into behaving more responsibly? Is Microsoft now willing to recognize that it is a monopolist and, as a result, has obligations to deal with competing businesses in a way that would not exist if did not have monopoly power in its business?

2. Please identify for us five specific ways in which the proposed settlement, once it is in force, will compel Microsoft to change its business practices in a manner which will benefit consumers.

3. The proposed consent decree contains prohibitions on Microsoft retaliating against computer makers who choose to install in their machine software products that compete with software made by Microsoft. But many wonder if Microsoft will be able to offer financial incentives to accomplish essentially the same thing. For example, could Microsoft offer to pay incentive amounts to computer makers who feature or promote Microsoft software on their machines?

4. One important issue the settlement was intended to address was Microsoft's ability to penalize computer makers that load non-Microsoft software onto their machines. Under the settlement, can Microsoft still bar a computer maker from putting WordPerfect word processing software or Quicken financial software pre-installed on their machine? If so, why isn't Microsoft's ability to place such restrictions on computer makers a problem for competition?

For Jay Himes

Mr. Himes, as you know, nine of your fellow states that originally joined you and

the federal government in suing Microsoft have refused to consent to this settlement, and, just last Friday, proposed additional remedies. Why did these other states split ranks with you and the federal government? Would you be willing to consider modifications to this proposed settlement in order to gain their assent?

Panel III

For Lawrence Lessig

1. Professor Lessig, do you believe this settlement is adequate to restore competition in the computer software industry.'? Why or why not?

2. (a) Are there any restraints on Microsoft's conduct which you think should be in the settlement but are not? If so, what are they?

(b) Beyond restraints on Microsoft's conduct, are there other deficiencies in the proposed consent decree which you believe should be fixed before it is approved? If so, what are they?

3. Critics of this proposed settlement argue that one significant loophole is that many of the provisions requiring Microsoft to permit computer users and manufacturers to install competing software and remove Microsoft software does not apply with respect to software which has distributed less than one million copies. Are you concerned about this limitation?

For Mark Cooper

1. Do you believe this settlement is adequate to restore competition in the computer software industry? Why or why not?

2. (a) Are there any restraints on Microsoft's conduct which you think should be in the settlement but are not? If so, what are they?

(b) Beyond restraints on Microsoft's conduct, are there other deficiencies in the proposed consent decree which you believe should be fixed before it is approved? If so, what are they?

3. Critics of this proposed settlement argue that one significant loophole is that many of the provisions requiring Microsoft to permit computer users and manufacturers to install competing software and remove Microsoft software does not apply with respect to software which has distributed less than one million copies. Are you concerned about this limitation?

For Michael Szulik

1. Do you believe this settlement is adequate to restore competition in the computer software industry? Why or why not?

2. (a) Are there any restraints on Microsoft's conduct which you think should be in the settlement but are not? If so, what are they?

(b) Beyond restraints on Microsoft's conduct, are there other deficiencies in the proposed consent decree which you believe should be fixed before it is approved? If so, what are they?

3. Critics of this proposed settlement argue that one significant loophole is that many of the provisions requiring Microsoft to permit computer users and manufacturers to install competing software and remove Microsoft software does not apply with respect to software which has distributed less than one million copies. Are you concerned about this limitation?

4. Mr. Szulik, your company, Red Hat, makes a competing operating system, Linux. Will this settlement make it easier for you to compete with Microsoft? If so, how?

For Mitchell Kertzman

1. Do you believe this settlement is adequate to restore competition in the computer software industry? Why or why not?

2. (a) Are there any restraints on Microsoft's conduct which you think should be in the settlement but are not? If so, what are they?

(b) Beyond restraints on Microsoft's conduct, are there other deficiencies in the proposed consent decree which you believe should be fixed before it is approved? If so, what are they?

3. Critics of this proposed settlement argue that one significant loophole is that many of the provisions requiring Microsoft to permit computer users and manufacturers to install competing software and remove Microsoft software does not apply with respect to software which has distributed less than one million copies. Are you concerned about this limitation? Won't this provision make it difficult for small or start-up software manufacturers that make software that competes with Microsoft's products to gain access to the computer desktop?

For Jonathan Zuck

1. Do you believe this settlement is adequate to restore competition in the computer software industry? Why or why not?

2. (a) Are there any restraints on Microsoft's conduct which you think should be in the settlement but are not? If so, what are they?

(b) Beyond restraints on Microsoft's conduct, are there other deficiencies in the proposed consent decree which you believe should be fixed before it is approved? If so, what are they?

3. Critics of this proposed settlement argue that one significant loophole is that many of the provisions requiring Microsoft to permit computer users and manufacturers to install competing software and remove Microsoft software does not apply with respect to software which has distributed less than one million copies. Are you concerned about this limitation?

4. Mr. Zuck, your organization, which is one of several trade associations representing smaller software manufacturers, has been generally supportive of this settlement, while other competitive software manufacturers have been very critical. Why doesn't your organization share the concerns of many other smaller software manufacturers?

5. Explain the principal ways this settlement will bring more competition to the software market.

''The Microsoft Settlement: A Look To The Future''

Senator DeWine

Questions To Witnesses

I. Senator DeWine's Questions for The Honorable Charles James, Assistant Attoney General for the Antitrust Division:

1. The term of the proposed settlement is only five years, while many other antitrust consent decrees last for ten years. The Department has suggested that a shorter time period is justified because this industry changes rapidly and a longer decree may not be warranted after five years. Given that the Department of Justice has the ability to go to the court and seek to modify a consent decree or terminate it if market conditions warrant such a change, why not impose a longer period of enforcement, and then decide later if it needs to be modified or abandoned?

2. As the Court of Appeals in this case noted, the Supreme Court has indicated that a remedies decree in an antitrust case must seek to ''unfetter a market from anticompetitive conduct,'' ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future.'' Do you believe that this is the appropriate standard to use? If so, do you believe the proposed final judgment denies Microsoft the fruits of its illegal acts? Specificall3, can you discuss whether Microsoft has been denied the fruits of its effort to maintain a monopoly in the operating system?

3. The proposed settlement has some prohibitions against Microsoft retaliating against computer manufacturers that place competing software on their computers-these provisions are intended to allow manufacturers to offer non-Microsoft products if they choose. I understand that Microsoft currently offers incentives to computer manufacturers if they can get computers to ''boot up'' quickly. Some believe that computer manufacturers will not want to slow down the start-up time by placing additional software on the computer because they will risk losing the incentive payment. Does the proposed settlement deal with this problem?

4. The Appellate Court noted that the applications barrier protects Microsoft's operating system monopoly. The Court stated that this allows Microsoft the ability to maintain its monopoly even in the face of competition from potentially ''superior'' new rivals. In what manner do you believe the proposed settlement addresses the applications barrier?

5. Some believe that unless Microsoft is prevented from commingling operating system code with middleware code, competitors will not be able to truly compete in the middleware market. Because the code is commingled, the Microsoft products cannot be removed even if consumers don't want them. This potentially deters competition in at least two respects. First, as the Appellate Court found, commingling deters computer manufacturers from pre-installing rival software. And second, it seems that software developers are more likely to write their programs to operate on Microsoft's middleware if they ''know that the Microsoft middleware will always be on the computer whereas competing products may not be. Even if consumers are unaware that code is commingled, should we be

concerned about the market impact of commingling code? What is the upside of allowing it to be commingled, and on the other hand, what concerns are raised by removing the code?

6. Many believe that this settlement proposal merely requires Microsoft to stop engaging in illegal conduct, but does little in the way of denying Microsoft the benefits of its bad acts. First, how would you answer these critics? Is this just a built-in reality ofcM1 antitrust remedies, i.e., that they don't aim to punish? And second, do you believe the remedy here is strong enough to dissuade other potential monopolists from engaging in the type of conduct in which Microsoft engaged?

7. Nine states didn't join with the Department of Justice's proposed final judgment because they didn't believe it adequately addressed competitive problems. These states recently filed their own remedy proposals. These states assert that one fruit of Microsoft's illegal conduct is Microsoft's dominant share of the internet browser market. They propose to deny Microsoft this benefit of its violations by requiring it to open-source the code for Internet Explorer. What do you believe the competitive impact of such action would be?

8. Given Microsoft's monopoly power in the operating system, some believe that merely allowing computer manufacturers to place competing software and icons on the operating system will not impede Microsoft's ability to capture a dominant share of any product that it binds to its operating system. Do you believe that media players, instant messaging services, and other competing products will be able to compete with similar MS products that are bound to the operating system?

9. Many have criticized the proposed final judgment saying it has loopholes in it that will allow Microsoft to continue operating as it has done in the past. For example, the proposed final judgment clearly seeks to prevent Microsoft from retaliating against computer manufacturers that install competing software onto the computer. However, because the provisions are limited to specific practices or types of software, and apply only to ''agreements'' between Microsoft and computer manufacturers, many believe that Microsoft will find alternative methods of controlling the practices of computer manufacturers. Do you believe competition would be better served if Microsoft were broadly prohibited from retaliating against computer manufacturers?

10. The Court of Appeals ruled that Microsoft's practices which undermined the competitive threat of Sun's Java technology was an antitrust violation. The remedy proposed by the states that do not support the DOJ's proposed settlement would require Microsoft to distribute Java with its browser as a means of restoring Java's position in the market. Do you believe this would be beneficial to competition? What does the DOJ's proposed settlement do to restore this competition?

11. Definition U. of the Proposed Final Judgment appears to allow Microsoft to determine in its sole discretion what constitutes the operating system. The Court of Appeals left open the possibility of a tying case against Microsoft. Will this provision essentially foreclose any opportunity of bringing a tying claim against Microsoft? Why do you give Microsoft the ability to make this determination?

12. Many antitrust cases involve the appointment of a special master who has some level of enforcement authority. This proposed final judgement does not do that and instead relies primarily upon standard civil and criminal contempt proceedings, as well as a special three person panel. Why has the Division elected not to appoint a special master that may speed effective enforcement, especially given the Division's concern for how rapidly this market changes?

13. The Department of Justice has indicated that one motivation for entering into this settlement was to provide immediate relief and avoid lengthy court proceedings. At the same time, many of the provision of the settlement don't become active for up to 12 months after the settlement is enacted. Given your belief that relief should be immediate, why wait so long for these provisions to become active?

14. One provision of the proposed final judgment requires Microsoft to allow consumers or computer manufacturers to enable access to competing products. However, it appears that III.H. of the Stipulation and VI.N. indicate that for a product to qualify for these protections it must have had a million copies distributed in the United States within the previous ,ear. This seems to run contrary to the traditional antitrust philosophy of promoting new competition. Is this in fact the case? And if so, why are these protections limited to larger competitors?

Senator DeWine's Questions for Jay Himes, Antitrust Bureau Chief, Office of the Attorney General, New York

1. The term of the proposed settlement is only five years, while many other antitrust consent decrees last for ten years. It has been suggested that a shorter time period is justified because this industry changes rapidly and a longer decree may not be warranted after five years. Given that the Department of Justice has the ability to go to the court and seek to modify a consent decree or terminate it if market conditions warrant such a change, why not impose a longer period of enforcement, and then decide later if it needs to be modified or abandoned?

2. As the Court of Appeals in this case noted, the Supreme Court has indicated that a remedies decree in an antitrust case must seek to ''unfetter a market from anticompetitive conduct,'' ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future.'' Do you believe that this is the appropriate standard to use? If so, does the proposed final judgment deny Microsoft the fruits of its illegal acts? Specifically, can you discuss whether Microsoft has been denied the fruits of its effort to maintain a monopoly in the operating system?

3. The proposed settlement has some prohibitions against Microsoft retaliating against computer manufacturers that place competing software on their computers-these provisions are intended to allow manufacturers to offer non-Microsoft products if they choose. I understand that Microsoft currently offers incentives to computer manufacturers if they can get computers to ''boot up'' quickly. Some believe that computer manufacturers will not want to slow down the start-up time by placing additional software on the computer because they will risk losing the incentive payment. Does the proposed settlement deal with this problem?

4. The Appellate Court noted that the applications barrier protects Microsoft's operating system monopoly. The Court stated that this allows Microsoft the ability to maintain its monopoly even in the face of competition from potentially ''superior'' new rivals. In what manner do you believe the proposed settlement addresses the applications barrier?

5. Some believe that unless Microsoft is prevented from commingling operating system code with middleware code, competitors will not be able to truly compete in the middleware market. Because the code is commingled, the Microsoft products cannot be removed even if consumers don't want them. This potentially deters ''competition in at least two respects. First, as the Appellate Court found, commingling deters computer manufacturers from pre-installing rival software. And second, it seems that software developers are more likely to write their programs to operate on Microsoft's middleware if they know that the Microsoft middleware will always be on the computer whereas competing products may not be. Even if consumers are unaware that code is commingled, shouldn't we be concerned about the market impact of commingling code? What is the upside of allowing it to be commingled, and on the other hand, what concerns are raised by removing the code?

6. Many believe that this settlement proposal merely requires Microsoft to stop engaging in illegal conduct, but does little in the way of denying Microsoft the benefits of its bad acts. First, how would you answer these critics? Is this just a built-in reality of civil antitrust remedies, i.e., that they don't aim to punish? And second, do you believe the remedy here is strong enough to dissuade other potential monopolists from engaging in the type of conduct in which Microsoft engaged?

7. Nine states didn't join with the Department of Justice's proposed final judgment because they didn't believe it adequately addressed competitive problems. These states recently filed their own remedy proposals. These states assert that one fruit of Microsoft's illegal conduct is Microsoft's dominant share of the internet browser market. They propose to deny Microsoft this benefit of its violations by requiring it to open-source the code for Internet Explorer. What do you believe the competitive impact of such action would be?

8. Given Microsoft's monopoly power in the operating system, some believe that merely allowing computer manufacturers to place competing software and icons on the operating system will not impede Microsoft's

ability to capture a dominant share of any product that it binds to its operating system. Do you believe that media players, instant messaging services, and other competing products will be able to compete with similar MS products that are bound to the operating system?

9. Many have criticized the proposed final judgment saying it has loopholes in it that will allow Microsoft to continue operating as it has done in the past. For example, the proposed final judgment clearly seeks to prevent Microsoft from retaliating against computer manufacturers that install competing software onto the computer. However, because the provisions are limited to specific practices or types of software, and apply only to ''agreements'' between Microsoft and computer manufacturers, many believe that Microsoft will find alternative methods of controlling the practices of computer manufacturers. Do you believe competition would be better served if Microsoft were broadly prohibited from retaliating against computer manufacturers?

10. The Court of Appeals ruled that Microsoft's practices which undermined the competitive threat of Sun's Java technology was an antitrust violation. The remedy proposed by the states that do not support the DOJ's proposed settlement would require Microsoft to distribute Java with its browser as a means of restoring Java's position in the market. Do you believe this would be beneficial to competition? What does the proposed final judgment do to restore this competition?

11. Definition U. of the Proposed Final Judgment appears to allow Microsoft to determine in its sole discretion what constitutes the operating system. The Court of Appeals left open the possibility of a tying case against Microsoft. Will this provision essentially foreclose any opportunity of bringing a tying claim against Microsoft? Why do you give Microsoft the ability to make this determination?

12. It has been indicated that one motivation for entering into this settlement was to provide immediate relief and avoid lengthy court proceedings. At the same time, many of the provision of the settlement don't become active for up to 12 months after the settlement is enacted. Given your belief that relief should be immediate, why wait so long for these provisions to become active? 13. One provision of the proposed final judgment requires Microsoft to allow consumers or computer manufacturers to enable access to competing products. However, it appears that III.H. of the Stipulation and VI.N. indicate that for a product to qualify for these protections it must have had a million copies distributed in the United States within the previous year. This seems to run contrary to the traditional antitrust philosophy of promoting new competition. Is this in fact the case? And if so, why are these protections limited to larger competitors?

Senator DeWine's Questions for Charles F. Rule, Fried, Frank, Harris, Shriver & Jacobson, Counsel to Microsoft Corporation, Washington, DC

1. Mr. Rule, in your testimony you have gone to great length to explain how certain portions of the government's case were dropped or thrown out during the course of litigation. Does Microsoft acknowledge that it violated the antitrust laws?

2. Mr. Rule, many within the high tech industry have argued that the antitrust laws are overly cumbersome when it comes to promoting competition within the fast-changing industry. Is this Microsoft's position?

3. Mr. Rule, what do you believe are the appropriate objectives of remedies in monopolization cases such as this? Do you believe the case law supports a position that monopoly acquisition cases should be treated differently than monopoly maintenance cases? Finally, do you believe this settlement fully achieves the appropriate remedy objectives? If not, in what ways is it deficient? And in what ways, if any, do you believe it reaches beyond the case?

4. Some believe that unless Microsoft is prevented from commingling operating system code with middleware code, competitors will not be able to truly compete in the middleware market. Because the code is commingled, the Microsoft products cannot be removed even if consumers don't want them. It seems to me that this deters competition in at least two respects. First, as the Appellate Court found, commingling deters computer manufacturers from pre-installing rival software. And second, it seems that software developers are more likely to write their programs to operate on Microsoft's middleware if they know that the Microsoft middleware will always be on the computer whereas competing products will not. Even if consumers are unaware that code is commingled, shouldn't we be concerned about the market impact of commingling code? What is the upside of allowing it to be commingled, and on the other hand, what concerns are raised by removing the code?

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IV. Senator DeWine's Questions for Professor Lawrence Lessig, Esq., Stanford Law School

1. Mr. Lessig, you stated in your testimony that an appropriate remedy should try and steer Microsoft toward developing its strategy in regards to the Internet. First, why wouldn't such an objective fall outside the clear confines of the case and thus be an inappropriate goal for a remedy? And second, given the fact that a court found Microsoft to have engaged in significant violations of the antitrust laws, should we be concerned about the company attempting to leverage its operating system monopoly to become dominant at the Internet level?

2. Mr. Lessig, you stated in your testimony that an integral part of the Court's conclusion was its finding that Microsoft had ''commingled code'' in such a way as to interfere with the ability of competitors to compete on an even playing field. Do you believe the Justice Department's proposed final judgment adequately deals with this anticompetitive conduct?

3. Mr. Lessig, you mention that there are problems with the proposed decree aside from enforcement. What are some of the other areas of concern?

4. Mr. Lessig, what do you believe are the appropriate objectives of remedies in monopolization cases such as this? Do you believe the case law supports a position that monopoly acquisition cases should be treated differently than monopoly maintenance cases? Finally, do you believe this settlement fully achieves the appropriate remedy objectives? If not, in what way is it deficient?

V. Senator DeWine's Questions For Mark N. Cooper, Ph.D., Director of Research, Consumer Federation of America

1. Mr. Cooper, many have stated that the alternative proposed remedies presented by the litigating states are not justifiable based on the conduct that the Appellate court found to be illegal. Do you agree? If not, how do you believe provisions such as requiting Microsoft to open source its browser code and provide multiple versions of its operating system relate to the conduct that was found to have been illegal?

VI. Senator DeWine's Questions For Jonathan Zuck, President, Association of Competitive Technology

1. This case has obviously been very controversial and inspired a great deal of discussion regarding the effectiveness of the antitrust laws, especially within the hi-tech industry. Netscape, for example, vocally opposed Microsoft during this litigation, and many of Netscape's complaints were validated by the courts, and yet Netscape has essentially been defeated. That sort of result has led some to question whether the antitrust laws can be effective in this industry. What lesson do you believe this case teaches in that regard, and what do we say to Netscape?

2. Some believe that unless Microsoft is prevented from commingling operating system code with middleware code, competitors will not be able to truly compete in the middleware market. Because the code is commingled, the Microsoft products cannot be removed even if consumers don't want them. This potentially deters competition in at least two respects. First, as the Appellate Court found, commingling deters computer manufacturers from pre-installing rival software. And second, software developers are may be more likely to write their programs to operate on Microsoft's middleware if they know that the Microsoft middleware will always be on the computer whereas competing products will not. Even if consumers are unaware that code is commingled, should we be concerned about the market impact of commingling code? What is the upside of allowing it to be commingled, and on the other hand, what concerns are raised by removing the code? Further, what assurances can you give to this Committee that members of your organization will not merely choose to write to the Microsoft middleware, but will fully support competing products as well?

Senator DeWine's Questions For Matthew J. Szulik, President and Chief Operating Officer, Red Hat, Inc.

1. Some believe that unless Microsoft is prevented from commingling operating system code with middleware code, competitors will not be able to truly compete in the middleware market. Because the code is commingled, the Microsoft products cannot be removed even if consumers don't want them. This potentially deters competition in at least two respects. First, as the Appellate Court found, commingling deters computer manufacturers from pre-installing rival software. And second, software developers may be more likely to write their programs to operate on Microsoft's middleware if they know that the Microsoft middleware will always be on the computer whereas competing products will not. Even if consumers are unaware that code is commingled, should we be concerned about the market impact of commingling code? What is the upside of allowing it to be commingled, and on the other hand, what concerns are raised by removing the code?

2. What impact do you believe the Proposed Final Judgment will have on the ability of competing operating systems, such as Linux, to gain traction in the market? Contrast this with the impact you believe a settlement proposal such as that offered by the litigating states would have.

VIII. Senator De Wine's Questions For Mitchell E, Kertzman, President and CEO, Liberate Technologies

1. The Proposed Final Judgement aims to make the middleware market more competitive. Do you believe it is effective in doing so?

2. Do you believe Microsoft will be able to leverage its monopoly in the PC operating system market to capture market share in other operating systems markets such as hand-held devices, navigation devices and servers? Does the proposed settlement address this issue at all, and do you believe the Appellate Court's ruling would permit a settlement that addresses these type of concerns?

QUESTIONS OF SENATOR RICHARD J. DURBIN TO THE DEPARTMENT OF JUSTICE

I understand that the Justice Department officials, representatives of State Attorneys General, and Microsoft lawyers worked around the clock to come to an agreement on this settlement.

A. How many meetings were there on the settlement?

B. Were the states sufficiently involved in the process?

C. Was there anyone in the room during those negotiations who was not affiliated with the parties to the litigation who may have been able to bring another perspective on the terms of the agreement?

Now that we are in the 60 day period of the Tunney Act proceeding to determine the public interest aspects of this settlement, what, if any, role do you envision Congress should play?

Microsoft is about to settle with about half the states who joined in the original DOJ lawsuit, but the other half of the states are continuing with the court-issued remedies phase of the litigation. Naturally, there may be differences in the remedies in the two different vehicles for closing out this case. How will you reconcile the potential differences between the terms of the settlement accepted by the nine settling state plaintiffs and the remedies to be awarded to the ten non-settling state plaintiffs?

QUESTIONS OF SENATOR RICHARD J. DURBIN TO MICROSOFT

This is an unprecedented settlement for an unprecedented case. The entire world has been, and will continue to, watch every aspect of this case. They will also be watching to see if Microsoft complies with every word of this decree. Assuming this settlement is approved, can you outline the steps that will be taken to ensure compliance with the settlement? Are these steps unique in any way?

What assurances can the American people have that Microsoft will really be constrained from future anti-competitive practices?

QUESTIONS OF SENATOR RICHARD J. DURBIN TO CONSUMER FEDERATION OF AMERICA

In your mind, what are the most significant shortcomings of this settlement? What will this settlement enable Microsoft to do that you believe they should be prevented from doing?

Our economy is currently in a recession and our country is at war. What are the compelling reasons for continuing this litigation against Microsoft rather than finding a way to settle?

States that are continuing to pursue litigation want Microsoft to disclose source code for Web browsing functionality now in Windows. This would turn Microsoft's intellectual property into ''open-source.''

A. What are the ramifications to Microsoft and to its competitors if Microsoft is forced to subject its intellectual property to an open-source standard?

g. In the future, what should competitors expect from companies that establish dominance in the technology marketplace?

Questions Submitted For the Record by Senator McConnell for Witness Charles James

Senate Committee on the Judiciary Hearing on The Microsoft Settlement

Wednesday, December 12, 2001

10:00 a.m.

106 Dirksen Senate Office Building

Question: Can you describe how the appeals court ruling impacted the case originally brought by the Department of Justice in 1998?

Question: Can you tell us more about how this agreement came about, or the process involved in reaching a settlement?

Question: Some have criticized the agreement for not going far enough. Do you believe that the proposed settlement compares favorably to-and in some respects may well exceed-the remedy that might have emerged from a judicial hearing?

Question: This litigation has been going on for almost 4 years. Will this settlement accelerate the point in time at which a remedy will begin to take effect?

Question: Assuming the settlement is approved by the court, can you outline the steps that will be taken to ensure compliance with the settlement?

Question: Are you aware of this type of enforcement mechanism being adopted in any other antitrust proceeding?

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

January 24, 2002

The Honorable Patrick Leahy

Chairman

Committee on the Judiciary

United States Senate

Washington, DC 20510

Dear Mr. Chairman:

Please find enclosed the answers to the written follow-up questions posed to Assistant Attorney General Charles James following his testimony before your Committee on December 12, 2001, on ''The Microsoft Settlement: A Look to the Future.'' The Department appreciates the opportunity to provide its views to the Committee on this important topic.

Of course, please do not hesitate to contact us if we can be of any assistance on this or any other matter.

Sincerely,

Daniel J. Bryant

Assistant Attorney General

The Honorable Orrin G. Hatch

Ranking Minority Member

CHAIRMAN LEAHY'S QUESTIONS QUESTION

Jim Barksdale, the former CE0 of Netscape, tells us in a written submission that if the proposed settlement had governed Microsoft's behavior ten years ago, he would never have been able to obtain the venture capital to launch Netscape and, even if it did, Microsoft would have been able to crush the company. It is harsh criticism of the proposed settlement that it would have made no difference and that it would allow Microsoft to engage in the same exclusionary practices that extinguished Netscape and crippled Java. Do you think that this criticism is fair and, if not, why?

ANSWER

The Department disagrees with Mr. Barksdale's criticism. The essence of the criticism is that the prospects facing start-up firms promoting new software products would be greater if such companies could be guaranteed that they would not face competition from Microsoft Creating such an environment, however, is not one of the goals of public enforcement of the antitrust laws.

More directly, Mr. Barksdale complains that the proposed Final Judgment fails to stop Microsoft from integrating new functions and capabilities into the Windows operating system The Department challenged Microsoft's integration of its browser into the operating system in its attempted monopolization and tying claims, neither of which was sustained by the Court. Contrary to Mr. Barksdale's view, the proposed Final Judgment does not create any new rights for Microsoft with regard to product integration. The proposed Final Judgment merely reflects the fact that, in light of the Court's ruling, there is no legal basis for enjoining Microsoft altogether from integrating middleware into its operating system, if that middleware is

removable and computer manufacturers and consumers are contractually free to remove it, as a remedy for the violations found in the case. Microsoft remains subject to the antitrust laws with respect to tying and in every other respect.

Mr. Barksdale also makes the curious assertion that Netscape would have fared better without the proposed Final Judgment than with it. The proposed Final Judgment expressly prohibits the very practices Microsoft deployed to impede the emergence of Netscape's Web browser. Thus, had the decree been in effect, Netscape would have had access to Microsoft's APIs in the development process, been able to obtain distribution through computer manufacturers, and been able to become the default browser if a computer manufacturer or consumer elected to use Netscape in that way. Other firms in the industry would have been free to collaborate with Netscape without fear of retaliation by Microsoft.

Most fundamentally, Mr. Barksdale apparently believes that Microsoft should be altogether prohibited from competing with start-up firms like his former company. The Courts found that Microsoft engaged in specific practices that were unlawful under the antitrust laws. The proposed Final Judgment prohibits those unlawful acts, contains specific prohibitions to prevent their recurrence, and takes affirmative steps to restore the competitive conditions in the middleware marketplace. Consumers benefit from competition. The goal of the antitrust laws, therefore, is to protect competition, not to favor start-up firms over incumbents.

QUESTION

The remedy filed by the non-settling States would require that the agreement be enforced by a court-appointed special master with the authority to monitor Microsoft's complaints, and with the power to investigate, call witnesses, and conduct hearings if the company appears to have violated the agreement. Your proposed settlement provides for a three- member panel paid for by Microsoft that can listen to and investigate complaints, but which lacks the independent authority to convene hearings and examine witnesses. This panel must turn to the Justice Department for any such activity, and its members may not offer testimony themselves in any proceeding. Although the three member panel might be helpful in gathering some information, in terms of actual enforcement, the Justice Department will have to start from scratch with any action. In light of the fact that everyone agrees that this is a rapidly-moving industry, the inherent delays in such a process seem more likely to hamper than to enhance Microsoft's compliance with the decree. Why did you decide to create this unique and limited panel, rather than a more traditional special master?

ANSWER

The Department believes that this and other Department antitrust final judgments can and should be enforced by the Department. Contrary, to the assumption underlying this question, there is no history or tradition of the Department delegating enforcement responsibility for its antitrust enforcement orders to third parties. Moreover, the Department believes that delegating enforcement authority to a special master in this particular case would have been misguided, possibly resulting in that individual becoming a one-person regulatory body, exercising de facto regulatory control over a broad range of behavior and conduct in the information technology sector, and setting antitrust enforcement policy in the process.

The proposed Final Judgment ensures that the full force of the United States is available to enforce the judgment. The three-person compliance team was never intended to displace that enforcement authority. Rather, it is intended to facilitate enforcement through regular access to information and an affirmative obligation to report violations to the Department. Should the Department seek an enforcement action against Microsoft, it will not have to ''start from scratch.'' The Department is not precluded from utilizing, relying on, or making derivative use of, the technical committee's work product, findings or recommendations in connection with any activities relating to enforcement of the proposed Final Judgment.

Assuming that a special master would be required to afford individuals appropriate procedural protections and that its determinations would be subject to judicial review, the Department does not see any basis for assuming that enforcement by a special master would be more expeditious than enforcement by the Department. In fact, the Department believes that the very opposite would be true.

QUESTION

The Court of Appeals specifically, held—twice—that commingling the browser and operating system code violated section 2 of the Sherman Act. Yet, the proposed settlement contains no prohibition on commingling code. In your testimony before the Committee, you explained that the Department had never taken the position that Microsoft should be required to remove code from the operating system, and that the proposed settlement is thus consistent with a long-standing position of the Department. That explanation appears to neglect two things: First, the settlement is forward-looking, and second, the court's determination that commingling code was an exclusionary act. Taken together, these facts suggest that a ban on .future exclusionary commingling of code is entirely consistent with the Department's position, would provide appropriate relief for the violation found, and would help prevent its recurrence. Do you agree that such a ban on future exclusionary commingling would comport with the Court of Appeals decision? Did you consider such a ban? Do you agree that such a ban on future exclusionary commingling would provide appropriate relief for the violation found, and would help prevent its recurrence?

ANSWER

The Department challenged Microsoft's practice of commingling operating system and browser code for the purpose of preventing the removal of its browser. The proposed Final Judgment fully addresses this conduct by requiring Microsoft to create and maintain an effective add/remove function for certain Microsoft middleware and to permit competing middleware to take on a ''default'' status that will override middleware functions Microsoft has integrated into the operating system The provisions, therefore, will stop the offending conduct and prevent its recurrence.

Consistently throughout its discussion of the remedy in this case, the Department has maintained that it did not seek to require Microsoft to remove the commingled code. The Department does not read the Court of Appeals'' decision to state an affirmative rule of software design prohibiting all future commingling divorced from any adverse effect on competition. As the Court of Appeals noted, it is the use of the middleware product by the consumer, not the presence of the code, that has competitive significance. A ban on commingling without regard to competitive significance would impose a wholly unnecessary and artificial constraint on software design that could have adverse implications for consumers. Additionally, changes to the operating system required to implement such a prohibition likely would have adverse effects upon third parties that have already designed software to the present operating system code. A prohibition on commingling in this particular case, therefore, would be harmful, not helpful.

QUESTION

There has never been a Tunney Act proceeding after litigation through the court of appeals before. In the first Microsoft-Department of Justice Tunney Act proceeding in 1994, the court suggested that great deference should be given to the appellate court's findings. Do you believe that the Court of Appeals'' decision provides useful input to the definition of ''public interest'' in this unique context?

ANSWER

The Department strictly adhered to the mandates within the Court of Appeals'' decision in fashioning the remedy contained within the proposed Final Judgment. Beyond the Department's position set forth in its submissions to the District Court in this matter, however, it would be inappropriate for the Department to comment on the appropriate scope of the Court's discretion because the Court's review of the proposed Final Judgment is pending under the Tunney Act

QUESTION

5(a).

As I mentioned at the Committee's hearing, in describing your settlement, Fortune magazine said ''Even the loopholes have loopholes.'' The settlement limits the types of retaliation Microsoft may take against PC manufacturers that want to carry or promote non-Microsoft software. By implication the settlement appears to give a green light to other types of retaliation. You responded to my question about retaliation by saying that the settlement would permit collaboration generally approved in the antitrust case law Please clarify the Department's position a little further. Why does the settlement not ban all types of retaliation?

ANSWER

The term ''retaliation'' can be subject to overbroad interpretation in many contexts, including an antitrust final judgment. Literally, the term could be read to mean the withholding of any benefit in response to an undesired action. In a commercial context, a firm might be said to have ''retaliated'' against a prospective customer or supplier through any adverse action whether or not their interaction has any competitive significance. For example, if Microsoft decided for valid business reasons that it no longer wanted to engage in a particular business transaction, it could be accused of retaliating. To give the term retaliation meaning in the context of this proposed Final Judgment, reference must be made to the offending conduct, i.e., actions taken against firms seeking to develop, promote or distribute competing middleware.

To amplify upon my answer at the hearing, the proposed Final Judgment does not, and should not, prohibit Microsoft from engaging in all forms of collaborative conduct Such a prohibition would be anticompetitive to the extent that some forms of collaboration Microsoft might engage in would help in the creation or distribution of new products for the benefit of consumers. The proposed Final Judgment prohibits Microsoft from withholding benefits from those who support competing middleware products, while permitting the company to grant benefits specifically in the context of bona fide collaborative ventures under well-established antitrust standards (which necessarily means ''withholding'' those same ''benefits'' from companies not engaged in the particular bona fide collaborative venture).

QUESTION

5(b)

The settlement requires Microsoft to treat PC manufacturers the same in some respects but in other important respects Microsoft is allowed to treat PC manufacturers differently What are the ways in which Microsoft can treat differently PC manufacturers that carry competing software compared to those that agree to carry Microsoft products exclusively?

ANSWER

Neither the antitrust laws generally, nor the Court of Appeals'' decision specifically, require that Microsoft, even as a monopolist, treat all third-parties equally. In fact, in many instances ''unequal'' treatment (e.g., collaboration between two companies that does not include other firms) evidences legitimate competition. Thus, the Department carefully crafted the proposed Final Judgment to ensure that it addresses the conduct found unlawful by the Court of Appeals without precluding conduct with potentially procompetitive effects.

Section III.A. contains a broad ban on retaliation by Microsoft against computer manufacturers because they support competing middleware or operating system products. Microsoft is, however, permitted to provide consideration to a computer manufacturer for a particular Microsoft product or service where such consideration is commensurate with the level or amount of the computer manufacturer's development, distribution, promotion or licensing of that specific product or service. Thus, Microsoft can base such consideration only on the absolute level or amount of the computer manufacturer's support for the Microsoft product or service, rather than any relative level or amount that may serve to exclude rivals'' products. Section III.G 1. prohibits Microsoft from granting computer manufacturers and certain others consideration on the condition that they distribute, promote, use, or support exclusively or in a fixed percentage any Microsoft middleware or operating system. However, Microsoft is permitted to use fixed percentage arrangements where it is commercially practicable for the computer manufacturer or other entity to provide equal or greater support for software that competes with Microsoft's middleware or operating system. In addition, Microsoft may enter into bona fide joint ventures or joint development or joint services, ices arrangements with computer manufacturers and others for a new product, technology or service, in which both Microsoft and the computer manufacturer or other entity contribute significant developer or other resources, that prohibits such entity from competing with the object of the joint venture or other arrangement for a reasonable period of time.

QUESTION

You referred at the hearing to the fact that the settlement would permit certain collaborative conduct between Microsoft and others. Please explain in detail what Types of collaboration are permitted by the decree, and what types are forbidden.

ANSWER

It would be inappropriate for the Department to comment on the ability of Microsoft to engage in specific, hypothetical collaborations. More generally, however, in addition to the forms of collaboration described in response to question 5.(b). above, Section III.F. of the proposed Final Judgment prohibits Microsoft from entering into agreements with software vendors that condition the grant of any consideration on the vendor refraining from developing, using, distributing, or promoting a software that competes with Microsoft's middleware or operating system or any software that runs on any software that competes with Microsoft's middleware or operating system However, Microsoft may enter into agreements that place limitations on a software vendor's development, use, distribution, or promotion of any such software if those limitations are reasonably necessary to, and of reasonable scope and duration in relation to, a bona fide contractual obligation of the vendor to use, distribute, or promote any Microsoft software or to develop software for, or in conjunction with, Microsoft.

QUESTION

Among the exceptions in the proposed settlement to the bans on retaliation, Microsoft is permitted to provide ''consideration to any OEM with respect to any Microsoft product or service where that consideration is commensurate with the absolute level or amount of that OEM's development, distribution, promotion, or licensing of that Microsoft product or service.'' This seems to permit Microsoft to reward OEMs based on whether they carry, Microsoft's products or software; this is just the flip side of ''retaliation.'' How is this different from punishing those who fail to accede to Microsoft's demands?

ANSWER

Nothing in the antitrust laws generally or the Court of Appeals'' decision specifically requires that Microsoft be prohibited from competing in the market by working with computer manufacturers to promote its products and services. Indeed, it is hard to imagine how any such prohibition would benefit consumers. Instead, the proposed Final Judgment addresses that conduct found unlawful by the Court of Appeals and permits conduct that has potentially procompetitive effects. Allowing Microsoft to provide consideration based on a relative level or amount of support may serve to exclude rivals'' middleware products and, thus, is prohibited under the proposed Final Judgment. Whereas, allowing consideration based on the absolute level or amount of the computer manufacturer's support permits bona fide collaborations that may benefit consumers and are unlikely to exclude rivals. Thus, the proposed Final Judgment does not prohibit this conduct.

QUESTION

In 1995, the Department and Microsoft entered into a Consent Decree. Two years later the Department sued Microsoft for contempt of the Decree when Microsoft and the Department disagreed over the meaning and correct interpretation of certain provisions of the Decree, including the meaning of the word ''integrate'' as that term was used in the Decree. Given the prior litigation between the Department and Microsoft over the proper interpretation of the 1995 Consent Decree, do you agree that Microsoft and the Department should have a common, explicit understanding of the meaning and scope of this Final Judgment before it is entered?

ANSWER

The Department's goal was to reach as clear a settlement agreement as possible in this case The proposed Final Judgment embodies the common, explicit understanding as to the settlement terms among the Department, the settling States and Microsoft,

QUESTION

Do you agree that the meaning and scope of the proposed Final Judgment as agreed upon by the Department and Microsoft should be precise, unambiguous and fully articulated so that the public at large can understand and rely on your mutual understanding of the Judgment?

ANSWER

The Department's goal is to make final judgments as precise and unambiguous as possible. The mutual understanding among the Department, the settling States and Microsoft in this case is embodied in the proposed Final Judgment.

QUESTION

If Microsoft were to disagree with the Department's interpretation of one or more important provisions of the proposed Final Judgment, would you consider that to be a potentially serious problem?

ANSWER

Whether or not Microsoft's interpretation of one or more provisions of the proposed Final Judgment would be a serious problem would depend on the specific nature of the disagreement and the provisions of the Final Judgment that were implicated, among other things. It would be inappropriate for the Department to speculate on the seriousness of a hypothetical disagreement.

QUESTION

Do you agree that it would be highly desirable to identify any significant disagreement between Microsoft and the Department over the correct interpretation of the proposed Final Judgment now, before the Judgment is entered by the Court, rather than through protracted litigation as in the case of the 1995 Consent Decree?

ANSWER

The proposed Final Judgment embodies the complete agreement between the Department and Microsoft. The proposed Final Judgment in this case was entered through the standard procedures under which the Department settles antitrust cases. It is hard to imagine a mechanism under which understandings reached outside of those procedures would be enforceable.

QUESTION

Does the Competitive Impact Statement set forth the Department's definitive interpretation of its proposed Final Judgment with Microsoft?

ANSWER

The Tunney Act establishes the requirements for a Competitive Impact Statement. Pursuant to the Act, 15 U.S.C. § 16, a Competitive Impact Statement provides:

(1) the nature and purpose of the proceeding;

(2) a description of the practices or events giving rise to the alleged violation of the antitrust laws;

(3) an explanation of the proposal for a consent judgment, including an explanation of any unusual circumstances giving rise to such proposal or any provision contained therein, relief to be obtained thereby, and the anticipated effects on competition of such relief,

(4) the remedies available to potential private plaintiffs damaged by the alleged violation in the event that such proposal for the consent judgment is entered in such proceeding;

(5) a description of the procedures available for modification of such proposal; and

(6) a description and evaluation of alternatives to such proposal actually considered by the United States.

QUESTION

Has Microsoft informed the Department that it has any disagreement with the Department's interpretation of the Final Judgment as set forth in the Competitive Impact Statement?

ANSWER

The Department is unaware of any disagreement that Microsoft may have with the Competitive Impact Statement.

QUESTION

Can the public at large rely upon the Department's Competitive Impact Statement as the definitive interpretation of the nature and scope of Microsoft's obligations under the Final Judgment?

ANSWER

As explained in response to Question 10 above, the Tunney Act establishes the requirements for a Competitive Impact Statement. Pursuant to the Act, 15 U.S C.§ 16, the Competitive Impact Statement provides the public and others with:

(1) the nature and purpose of the proceeding;

(2) a description of the practices or events giving rise to the alleged violation of the antitrust laws;

(3) an explanation of the proposal for a consent judgment, including an explanation of any unusual circumstances giving rise to such proposal or any provision contained therein, relief to be obtained thereby, and the anticipated effects on competition of such relief,

(4) the remedies available to potential private plaintiffs damaged by the alleged violation in the event that such proposal for the consent judgment is entered in such proceeding;

(5) a description of the procedures available for modification of such proposal; and

(6) a description and evaluation of alternatives to such proposal actually considered by the United States.

QUESTION

If the public cannot rely on the Department's interpretation of the proposed Final Judgment as set forth in the Competitive Impact Statement, then what is the mutually understood and agreed-upon interpretation of the meaning and scope of Microsoft's obligations under the Final Judgment?

ANSWER

The proposed Final Judgment itself embodies the mutually understood and agreed-upon settlement agreement among the Department, the settling States and Microsoft.

QUESTION

The Tunney Act requires that Microsoft file with the district court ''any and all written or oral communications by or on behalf of [Microsoft]...with any officer or employee of the United States concerning or relevant to such proposal, except that any such communications made by counsel of record alone with the Attorney General or the employees of the Department of Justice alone shall be excluded from the requirements of this subsection.'' Microsoft has recently made its filing, and many have been surprised by its brevity. Do you believe that this provision requires disclosure of communications by Charles Rule to the Justice Department prior to the date upon which he became counsel of record? Do you believe it requires disclosure of contacts made on behalf of Microsoft to members of Congress? How does the Department define ''concerning or relevant to'' the proposed settlement? Is that definition consistent across all Tunney Act proceedings? Do you believe that it covers anything more than the actual negotiations of the decree2

ANSWER

Pursuant to 15 U.S.C. § 16(g), defendants must file a description of specified communications relating to the proposed settlement. These filings are made to the district court and are not evaluated or reviewed by the Department. It would inappropriate in this case for the Department to comment on Microsoft's 16(g) filing or interpret the requirements of the Tunney Act as they relate to its obligations.

SENATOR HATCH'S QUESTIONS

QUESTION

One of the principal concerns voiced by critics of the Proposed Settlement is that it lacks an effective enforcement mechanism. These critics suggest that some type of fast-track enforcement mechanism, such as the appointment of a special master, is necessary, to ensure compliance. Could you please explain: First, why you believe the enforcement avenues provided for by the Proposed Settlement are sufficient; and, Second, how you envision effective enforcement actually being carried out in the real world?

ANSWER

The proposed Final Judgment contains one of the most stringent regimes of compliance ever contained in a final judgment entered by the Department. The proposed Final Judgment provides, as it should, for direct enforcement by the Department, supplemented by full-time, on-site monitoring by an expert compliance team, and a further penalty in the event of recurring violations. The Department believes that it has the resources, expertise, and, most importantly, the expert knowledge of the antitrust laws and the public interest focus to fully enforce the Final Judgment. Further, the Department sees no basis for the assertion that enforcement by a special master would be any more efficient, expeditious or effective than enforcement by the Department.

A core team of experienced lawyers and economists established within our newly formed Networks & Technology Section, and including members of the litigation team, is charged with enforcement of the proposed Final Judgment. This enforcement team, assisted by the technical committee formed under the proposed Final Judgment, will monitor Microsoft's compliance with the Final Judgment and take any necessary, action, up to and including initiating contempt proceedings, to ensure effective enforcement.

QUESTION

Because the three-person Technical Counsel created by the Proposed Settlement has no enforcement powers, won't the level

of enforcement of the Proposed Settlement depend principally on how proactive the Department and State Attorneys General are in dedicating resources and attention to prompt and effective oversight and enforcement? What resources does the Department plan on committing to enforcement of the Proposed Settlement?

ANSWER

The Department believes that it should enforce the remedial orders entered in the cases it has prosecuted. We further believe that the Court is the appropriate forum in which to air disputes concerning enforcement of the Court's order. The Department does not delegate its enforcement responsibilities in antitrust matters to third parties We, therefore, specifically rejected the notion of granting enforcement authority to the technical committee that would have supplanted the enforcement power of the United States The proposed Final Judgment will be enforced by the skilled men and women of the Department's Antitrust Division. We are very proud of the work performed by the Division staff on this case, who worked tirelessly to secure the liability determinations upon which the proposed Final Judgment is premised. We, therefore, adamantly reject any assertion that the staff is not up to the task of enforcing this proposed Final Judgment. A core team of experienced lawyers and economists established within our newly formed Networks & Technology Section, and including members of the litigation team, is charged with enforcement of the proposed Final Judgment. This enforcement team, assisted by the technical committee formed under the proposed Final Judgment, will monitor Microsoft's compliance with the Final Judgment and take any necessary action, up to and including initiating contempt proceedings, to ensure effective enforcement

QUESTION

In my opening statement, I raised the issue of prompt and effective enforcement in high-technology markets. As the DC Circuit clearly recognized, the passage of time frequently overtakes alleged anticompetitive actions, making them—in the DC Circuit's language—''obsolete'' before a remedy is devised and implemented. In ''our view, what can be done to minimize this problem and ensure that antitrust remedies are developed early enough to provide meaningful relief?

ANSWER

The Department believes that the current antitrust laws are sufficient to guarantee not only competition, but timely, enforcement in high-tech areas, such as the software industry.

QUESTION

Could you explain the pros and cons of having the enforcement function performed by governmental agencies as opposed to a special master or adjudicator)'' panel of some type?

ANSWER

The Department believes that it should enforce the remedial orders entered in the cases it has prosecuted. The Department does not delegate that function to third parties in antitrust matters and believes that departing from that well-established policy would be particularly troublesome in this case. The Department has the necessary, resources, expertise and enforcement authority to carry out this function, just as it has in countless other cases. Moreover, the Department has the expert knowledge of the antitrust laws and the public interest focus required for this task. The proposed Final Judgment covers a broad range of competitive interaction between Microsoft and firms at every, level of the information technology industry. As is evident already, many in the industry see Microsoft's liability as a basis for demanding all manner of private rights, whether or not their demands have anything to do with the matters litigated in the case. Delegating actual enforcement power to any third party in this case would have been misguided, possibly resulting in that individual becoming a de facto regulatory body, exercising broad control over the information technology sector, and doing so without the legal framework that ordinarily would be imposed upon such a scheme. The Microsoft case is a public law enforcement matter. The Department believes that enforcement of the proposed Final Judgment should rest with the public agency charged with that function. The Department also has complete confidence in the Court to act expeditiously and to enter orders enforcing the proposed Final Judgment as appropriate.

QUESTION

Could you also explain why you oppose—assuming that you do oppose—an alternate or additional enforcement mechanism?

ANSWER

The enforcement mechanism contained in the proposed Final Judgment will effectively ensure Microsoft's timely compliance with the judgment. An alternate or additional enforcement mechanism is unnecessary.

QUESTION

As you know, I believe that one important aspect of the Internet is the freedom that consumers have to choose where to go and what websites to visit. Currently, consumers can choose to go to whatever websites they want. Commentators and industry participants argue that there is a legitimate fear that an Internet mediator might—for one reason or another—decide to limit access to certain sites while traffic is directed to other sites, or decide that certain sites will be treated differently than other sites in ways that push consumers in the direction of favored sites instead of leaving the choice entirely and fairly to consumers. Who do you believe should choose where a consumer can go online, the consumer or the Internet mediator, be it an Internet service provider, a software company, or a cable or satellite company? ,Also, could you please explain whether and why you believe this is an important competition policy concern?

ANSWER

The mission of the Department is to enforce the federal antitrust laws. The Department would evaluate any conduct by firms in the computer industry, including Internet mediators, that harms consumers and may violate the antitrust laws. The Department does not, however, have a view in the abstract as to who should decide where a consumer can go online.

QUESTION

Some critics claim that the only real penalty Microsoft faces for violating the Proposed Settlement is the extension of the terms of the Settlement for two additional years Is that an accurate criticism; and, if not, could you please briefly explain the penalties faced by Microsoft if it fails to abide by the Proposed Settlement?

ANSWER

The Department fundamentally disagrees with this criticism. In addition to seeking the penalty of extending the proposed Final Judgment term for an additional two years, the Department has all of the enforcement powers available to it under federal law, including criminal or civil contempt proceedings, petitions for injunctive relief to halt or prevent violations, motions for declarator-3'' judgment to clarify or interpret particular provisions, and motions to modify the proposed Final Judgment.

QUESTION

Could you please expand on why you believe the Department has sufficient expertise to accurately evaluate the competitive implications of software design and other technical development choices? Additionally, specifically what has the Department done to ensure that it has the expertise necessary to assess at an early stage both the lawfulness and potential anticompetitive effects of highly-technical actions taken by companies such as Microsoft? Does the Department have a specific plan for allocating resources or personnel to develop the necessary'' expertise to identify and take effective action while potential antitrust problems are still on the horizon?

ANSWER

The Department has both the resources and capability to address such technical issues, as they affect enforcement matters, through internal means and, where appropriate, the retention of outside experts. The Department has staff attorneys and economists, including members of the staff that worked tirelessly on the Microsoft case for many years, who have significant technical expertise in the software industry, as well as other high-tech fields. The Department routinely investigates, and relies on the expertise of its personnel to assess the effects of, companies'' conduct in these high-tech industries. The Department continuously evaluates and seeks to improve its expertise to allow it to identify and take effective action to address competitive issues.

QUESTION

In his written testimony (pp. 18–19), Mr. Himes of the New York State Attome3'' General's Office briefly discusses the importance of the Proposed Settlement's definition of ''Middleware.'' The D.C Circuit defined middleware very simply as ''software products that expose their own APIs [or ''Application Programming Interfaces']. Microsoft, 253 F.3d at 53. Could you explain why the Proposed Settlement adopts a

narrower, two prong definition? Could you also further explain the distribution threshold contained in the definition of ''Non-Microsoft Middleware Products,'' requiring that—to meet the definition—at least one million copies of the Middleware Product have been distributed within the United States during the previous 3'ear? Will this threshold provision disadvantage innovation among start-up entrepreneurs or those who develop software for highly-specialized markets as some have criticized? Is there some other way to address the concerns underlying this ''one million copy'' threshold?

ANSWER

The Court of Appeals'' decision did not seek to define the term middleware in a manner that would suffice for remedial purposes. Rather, the opinion contains descriptive language to aid in the exposition of the issues in the case For remedial purposes, the definition must be more technical so as to ensure limits within the terms of the liability found and enforceability of the proposed Final Judgment. The Court of Appeals found that Microsoft engaged in anticompetitive practices with respect to two middleware products, Web browsers and Java. Those products were deemed to have exposed a range of APIs so as to have the potential to evolve into an alternate platform, thereby threatening Microsoft's operating system monopoly. Not all products that expose APIs have that quality. The proposed Final Judgment adopts a broad definition of middleware that includes the specific products at issue in this case, other specific products that already have emerged as potential alternative platforms, and products that may be developed in the future that may have similar cross-platform qualities. Under the proposed Final Judgment, a computer manufacturer will have the right to install any competing middleware application, without regard to the number of copies of that competing middleware that have been distributed. The one million copy limitation exists only with respect to the requirements that Microsoft make public the APIs used in its own middleware products and redesign the operating system to provide a competing middleware product ''default'' status—i.e., the ability to override automatically Microsoft middleware functions integrated into the operating system The limitation strikes the proper balance between the substantial costs associated with such documentation and redesign efforts, and the competitive potential of products with fewer than one million copies distributed. To do otherwise would have put the operating system in a state of constant flux, which would have had disastrous implications for users and developers alike. Moreover, in a world of about 625 million PC users and software distribution via downloads and direct mail, distribution of only one million copies, rather than sales, installation or usage, is a relatively minor threshold in the software industry today. As you know, Americans routinely receive unsolicited software offers via the mail every day.

QUESTION

I found Mr. Jim Barksdale's letter noteworthy in several respects, but am particularly interested in his claim that the Proposed Settlement would not have prevented Microsoft's unlawful actions against Netscape. Could you please discuss whether the Proposed Settlement would have prevented the actions taken by Microsoft against Netscape that the DC Circuit held to be unlawful had the Proposed Settlement been in existence in 1995, and, if so, how?

ANSWER

Mr. Barksdale makes the curious assertion that Netscape would have fared better without the proposed Final Judgment than with it. The proposed Final Judgment expressly prohibits the very practices Microsoft deployed to impede the emergence of Netscape's Navigator and found unlawful by the Court of Appeals, Thus, had the Final Judgment been in effect, Netscape would have had access to Microsoft's APIs in the development process, been able to obtain distribution through computer manufacturers, and been able to become the default browser if a computer manufacturer or consumer elected to use Netscape in that way. Other firms in the industry would have been free to collaborate with Netscape without fear of retaliation by Microsoft

SENATOR DEWINE'S QUESTIONS

QUESTION

The term of the proposed settlement is only five years, while many other antitrust consent decrees last for ten years. The Department has suggested that a shorter time period is justified because this industry changes rapidly and a longer decree may not be warranted after five years. Given that the Department of Justice has the ability to go to the court and seek to modify a consent decree or terminate it if market conditions warrant such a change, why not impose a longer period of enforcement, and then decide later if it needs to be modified or abandoned?

ANSWER

The mission of the Department is to enforce the federal antitrust laws and remedy specific violations thereof This mission does not include regulating competition. Entering into an open-ended final judgment with the intent of reevaluating its terms on a going-forward basis would be contrary to the Department's mission.

QUESTION

As the Court of Appeals in this case noted, the Supreme Court has indicated that a remedies decree in an antitrust case must seek to ''unfetter a market from anticompetitive conduct,'' ''terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future.'' Do you believe that this is the appropriate standard to use? If so, do you believe the proposed final judgment denies Microsoft the fruits of its illegal acts? Specifically, can you discuss whether Microsoft has been denied the fruits of its effort to maintain a monopoly in the operating system'?.

ANSWER

In agreeing to the proposed Final Judgment, the Department followed the Court of Appeals'' decision in this case and applicable precedent. The Court of Appeals determined that Microsoft had illegally maintained its operating system monopoly by engaging in specific anticompetitive practices. While some have argued that the ''fruits'' of this violation are the continued monopoly in the operating system market and/or a monopoly in the Web browser market, that is inconsistent with the Court of Appeals'' decision. In discussing the scope of an appropriate remedy, the Court of Appeals noted, ''the District Court expressly did not adopt the position that Microsoft would have lost its position in the OS market but for its anticompetitive behavior.'' U.S. v. Microsoft, 253 F.3d 34, 107 (DC Cir. 2001). Further, the Court reversed the District Court's findings that Microsoft had attempted to monopolize the Web browser market and engaged in illegal tying. Consequently, there was no mandate for the Department to strip Microsoft of its market position in either the operating system or Web browser markets.

The proposed Final Judgment denies Microsoft the ability to use its operating system monopoly to exclude competing middleware products. In addition to prohibiting the illegal practices, Microsoft is now required to provide to actual and potential competitors APIs never before disclosed to them. Microsoft also must make design changes that permit competing middleware to substitute as the default product. Finally, Microsoft must now disclose to competitors communications protocols for servers. These proactive provisions create a far more positive environment for the development of competing middleware than existed at the time of Microsoft's unlawful behavior. In this environment, software developers will have a full opportunity to compete for consumer patronage that might make them an actual threat to Microsoft's operating system monopoly.

QUESTION

The proposed settlement has some prohibitions against Microsoft retaliating against computer manufacturers that place competing software on their computers-these provisions are intended to allow manufacturers to offer non-Microsoft products if they choose. I understand that Microsoft currently offers incentives to computer manufacturers if they can get computers to ''boot up'' quickly. Some believe that computer manufacturers will not want to slow down the start-up time by placing additional software on the computer because they, will risk losing the incentive payment. Does the proposed settlement deal with this problem?

ANSWER

The Court of Appeals decision in this case did not specifically address the speed at which computers ''boot up.'' Nor does the proposed Final Judgment. However, the proposed Final Judgment does prohibit Microsoft from using market development allowances or other discounts if they are inconsistent with any other provision in the proposed Final Judgment. This would include, for example, retaliation against computer manufacturers for using non-Microsoft middleware implemented through incentive payments for faster ''boot ups.''

QUESTION

The Appellate Court noted that the applications barrier protects Microsoft's operating system monopoly. The Court stated that this allows Microsoft the ability to maintain its monopoly even in the face of competition from potentially ''superior'' new rivals. In what manner do you believe the proposed settlement addresses the applications barrier?

ANSWER

The proposed Final Judgment addresses the applications barrier by restoring the nascent competitive threat to Microsoft's operating system posed by middleware products. Middleware products expose their own APIs, and thus, allow software developers to write programs that run on the middleware itself. An application written to rely exclusively on a middleware program's interfaces could run on all operating systems on which that middleware runs. Because such middleware also runs on Windows, applications developers would not be required to sacrifice Windows compatibility if they choose to write applications for a middleware platform. Applications developers would thus have incentives to write for widely used middleware, and users would not be reluctant to choose a non-Windows operating system for fear that it would run an insufficient array of applications

In addition to prohibiting the illegal practices, Microsoft is now required to provide to actual and potential competitors APIs never before disclosed to them. Microsoft also must make design changes that permit competing middleware to substitute as the default product. Finally, Microsoft must now disclose to competitors communications protocols for servers. These proactive provisions create a far more positive environment for the development of competing middleware than existed at the time of Microsoft's unlawful behavior. In this environment, software developers will have a full opportunity to compete for consumer patronage that might make them an actual threat to Microsoft's operating system monopoly.

QUESTION

Some believe that unless Microsoft is prevented from commingling operating system code with middleware code, competitors will not be able to truly compete in the middleware market. Because the code is commingled, the Microsoft products cannot be removed even if consumers don't want them. This potentially deters competition in at least two respects. First, as the Appellate Court found, commingling deters computer manufacturers from pre-installing rival software. And second, it seems that software developers are more likely to write their programs to operate on Microsoft's middleware if they know that the Microsoft middleware will always be on the computer whereas competing products may not be. Even if consumers are unaware that code is commingled, should we be concerned about the market impact of commingling code? What is the upside of allowing it to be commingled, and on the other hand, what concerns are raised by removing the code?

ANSWER

The Court of Appeals concluded that Microsoft unlawfully commingled its operating system and browser code for the purpose of preventing the removal of its browser. The Court found that this had the effect of deterring competition not because of the presence of the Microsoft middleware code, but because of the use of the middleware by consumers. The proposed Final Judgment fully addresses the conduct found unlawful by requiring Microsoft to create and maintain an effective add/remove function for all Microsoft middleware and to permit competing middleware to take on a ''default'' status that will override middleware functions Microsoft has integrated into the operating system.

A ban on commingling without regard to competitive significance would impose a wholly unnecessar5, and artificial constraint on software design that could have adverse implications for consumers. Additionally, changes to the operating system required to implement such a prohibition likely would have adverse effects upon third parties that have already designed software to the present operating system code. A prohibition on commingling in this particular case, therefore, would be harmful, not helpful.

QUESTION

Many believe that this settlement proposal merely requires Microsoft to stop engaging in illegal conduct, but does little in the way of denying Microsoft the benefits of its bad acts First, how would you answer these critics? Is this just a built-in reality of civil antitrust remedies, i.e., that they don't aim to punish? And second, do you believe the remedy here is strong enough to dissuade other potential monopolists from engaging in the type of conduct in which Microsoft engaged?

ANSWER

It is true that by statute and applicable Supreme Court precedent, there is no legal basis for ''punishing'' a civil defendant in a civil antitrust decree. Thus, for example, the Department cannot impose a civil fine. In agreeing to the proposed Final Judgment, the Department followed the Court of Appeals'' decision in this case and applicable precedent The Court of Appeals determined that Microsoft had illegally maintained its operating system monopoly by engaging in a series of specific anticompetitive practices While some have argued that the ''fruits'' of this violation are the continued monopoly in the operating system market and/or a monopoly in the Web browser market, that is inconsistent with the Court of Appeals'' decision. In discussing the scope of an appropriate remedy, the Court of Appeals noted, ''the District Court expressly did not adopt the position that Microsoft would have lost its position in the OS market but for its anticompetitive behavior.'' U.S. v. Microsoft, 253 F.3d 34, 107 (DC Cir 2001). Further, the Court reversed the District Court's findings that Microsoft had attempted to monopolize the Web browser market and engaged in illegal tying. Consequently, there was no mandate for the Department to strip Microsoft of its market position in either the operating system or Web browser markets. The proposed Final Judgment does, however, stop the unlawful conduct found by the Court of Appeals, prevent its recurrence and restore the competitive conditions in the middleware market. The Department believes that the proposed remedy in this case is strong enough to deter others firms who may engage in the type of unlawful conduct in which Microsoft engaged

QUESTION

Nine states didn't join with the Department of Justice's proposed final judgment because the, didn't believe it adequately addressed competitive problems. These states recently filed their own remedy proposals. These states assert that one fruit of Microsoft's illegal conduct is Microsoft's dominant share of the Internet browser market. They propose to deny Microsoft this benefit of its violations by requiring it to open-source the code for Internet Explorer. What do you believe the competitive impact of such action would be?

ANSWER

The credibility of the antitrust enforcement process requires the Department to respect the Court's rulings in this case, including those that were adverse. The Department was unsuccessful with regard to some of its claims. It would be inappropriate for the Department to seek remedies designed to redress claims upon which it was unsuccessful under the guise of claims actually sustained by the Court.

The sole basis for liability sustained by the Court of Appeals was monopoly maintenance The monopoly maintenance claim asserted that Microsoft impeded a ''nascent'' threat to its operating system monopoly. The Department conceded, and the courts found, that any actual effect of that conduct on competition in the operating system market would have occurred well off into the future, if at all. The courts rejected both the exclusive dealing and attempted monopolization counts, and reversed the finding of unlawful tying. In fact, the Court of Appeals found that the Plaintiffs failed to prove that Web browsers were even a distinct market. Those were the only government claims asserting anticompetitive impact or unlawful gain to Microsoft in the market for Web browsers. Thus, within the confines of this case, there is no legal basis for asserting that Microsoft's present share in browsers is a ''fruit'' of its unlawful conduct, and a remedy requiring disclosure of the source code for Microsoft's browser, therefore, would be an unfounded expropriation of Microsoft's intellectual property.

It is not a goal of public antitrust enforcement to restructure competitive relationships or to secure competitive benefits for private firms, divorced from a finding of unlawful behavior. Such action by the Department would be a distortion of the antitrust enforcement process that would undermine the very goals of the antitrust laws.

QUESTION

Given Microsoft's monopoly power in the operating system, some believe that merely allowing computer manufacturers to place competing software and icons on the operating system will not impede Microsoft's ability to capture a dominant share of any

product that it binds to its operating system. Do you believe that media players, instant messaging services, and other competing products will be able to compete with similar MS products that are bound to the operating system?

ANSWER

There are, today, media players and instant messaging services that compete with similar Microsoft products. The proposed Final Judgment ensures that competing middleware products, such as media players and instant messaging software, will have the opportunity to compete with Microsoft's products. Specifically, the proposed Final Judgment prohibits Microsoft from impeding consumer choice of competing middleware products by requiring Microsoft to create and maintain a mechanism for consumers and computer manufacturers to replace Microsoft's middleware In this way, the proposed Final Judgment preserves and reinforces the notion of consumer choice. It permits consumers to choose between Microsoft and non-Microsoft middleware and to configure their desktops accordingly.

The proposed Final Judgment provides the opportunity for middleware products to compete on the competitive merits. If developers of competing middleware products can generate consumer patronage by offering superior products at attractive prices, consumers (and/or the OEMs they purchase from) will select their products over those offered by Microsoft. Consistent with the goals of the antitrust laws, however, the proposed Final Judgment provides the opportunity for the competitive process to determine how well competing middleware producers fare in the marketplace.

QUESTION

Many have criticized the proposed final judgment saying it has loopholes in it that will allow Microsoft to continue operating as it has done in the past. For example, the proposed final judgment clearly seeks to prevent Microsoft from retaliating against computer manufacturers that install competing software onto the computer. However, because the provisions are limited to specific practices or types of software, and apply only to ''agreements'' between Microsoft and computer manufacturers, many believe that Microsoft will find alternative methods of controlling the practices of computer manufacturers. Do you believe competition would be better served if Microsoft were broadly prohibited from retaliating against computer manufacturers'7

ANSWER

The term ''retaliation'' can be subject to overbroad interpretation in many contexts, including an antitrust final judgment. Literally, the term could be read to mean the withholding of any benefit in response to an undesired action. In a commercial context, a firm might be said to have ''retaliated'' against a prospective customer or supplier through an adverse action whether or not their interaction has an5'' competitive significance For example, if Microsoft decided for valid business reasons that it no longer wanted to engage in a particular business transaction, it could be accused of retaliating. To give the term retaliation meaning in the context of this proposed Final Judgment, reference must be made to the offending conduct, i.e., actions taken against firms seeking to develop, promote or distribute competing middleware.

To amplif3'' upon my answer at the hearing, the proposed Final Judgment does not, and should not, prohibit Microsoft from engaging in all forms of collaborative conduct Such a prohibition would be anticompetitive to the extent that some forms of collaboration Microsoft might engage in would help in the creation or distribution of new products for the benefit of consumers. The proposed Final Judgment prohibits Microsoft from withholding benefits from those who support competing middleware products, while permitting the company to grant benefits specifically in the context of bona fide collaborative ventures under well-established antitrust standards (which necessarily means ''withholding'' those same ''benefits'' from companies not engaged in the particular bona fide collaborative venture).

QUESTION

The Court of Appeals ruled that Microsoft's practices which undermined the competitive threat of Sun's Java technology was an antitrust violation. The remedy proposed by the states that do not support the DOJ's proposed settlement would require Microsoft to distribute Java with its browser as a means of restoring Java's position in the market. Do you believe this would be beneficial to competition? What does the DOJ's proposed settlement do to restore this competition?

ANSWER

As a public antitrust enforcement mechanism, the proposed Final Judgment does not seek to confer specific strategic or financial benefits upon specific companies Indeed, the antitrust laws specifically leave it to private parties to secure that form of relief in private antitrust actions they file on their own behalf, and many companies have availed themselves of that opportunity. The proposed Final Judgment, however, addresses, with respect to all middleware producers, including Sun Microsystems'' Java, the conduct that the Court of Appeals found to have impeded the development and distribution of Java Having eliminated the unlawful practices, the proposed Final Judgment will allow Sun to compete for consumer patronage against any similar technology Microsoft might elect to offer. It would be inappropriate for the Department to dictate through government mandate consumer choice of a particular middleware product. Consumer choice, not government decree, should determine the market result. Requiring Microsoft to distribute Java with every Microsoft browser would not restore competition to its previous form; rather, it would give Java a competitive advantage over other firms'' products.

QUESTION

Definition U. of the Proposed Final Judgment appears to allow Microsoft to determine in its sole discretion what constitutes the operating system. The Court of Appeals left open the possibility of a tying case against Microsoft. Will this provision essentially foreclose any opportunity of bringing a tying claim against Microsoft? Why do you give Microsoft the ability to make this determination?

ANSWER

Definition U. in the proposed Final Judgment ,,,,,ill not foreclose any opportunity of bringing a tying claim against Microsoft. The definition applies only to the duties and obligations imposed on Microsoft by the proposed Final Judgment. Although the proposed Final Judgment does not prohibit Microsoft from tying its products, it does not grant Microsoft any new rights under the antitrust laws with respect to product integration.

The Department agreed to include this clause in Definition U. because it merely confirms what Microsoft already had the power to do—label its own operating system products. This clause does not negatively impact the operative provisions of the proposed Final Judgment because they principally rely on other definitions, such as Microsoft Middleware Product, regardless of how Microsoft labels its operating system. Moreover, the clause does not affect whether software that Microsoft chooses to label as part of the package it calls its ''Windows Operating System Product'' is or is not a separate ''product'' for antitrust purposes.

QUESTION

Many antitrust cases involve the appointment of a special master who has some level of enforcement authorit3,. This proposed final judgment does not do that and instead relies primarily upon standard civil and criminal contempt proceedings, as well as a special three person panel. Why has the Division elected not to appoint a special master that may speed effective enforcement, especially given the Division's concern for how rapidly this market changes?

ANSWER

Contrary to the premise of the question, there is no history or tradition of the Department delegating enforcement responsibility for its antitrust enforcement orders to special masters. The Department is the public agency entrusted to carry out that function and has the resources, expertise and public interest focus necessary to accomplish the task. Moreover, the Department disagrees fundamentally with the notion that enforcement of the proposed Final Judgment by a special master would be more efficient or expeditious in this case. Assuming that the resolution of disputes by a special master would involve reasonable procedural protections for all concerned, including a right of judicial appeal, there is no reason to believe that the special master process would be any less litigious or time-consuming than enforcement by the Department in this case, and may in fact introduce even more delay into the enforcement process.

QUESTION

The Department of Justice has indicated that one motivation for entering into this settlement was to provide immediate relief and avoid lengthy court proceedings. At the same time, many of the provisions of the settlement don't become active for up to 12 months after the settlement is enacted. Given

your belief that relief should be immediate, why wait so long for these provisions to become active?

ANSWER

The only provisions in the proposed Final Judgment that do not require Microsoft to immediately abide by their terms once the Final Judgment is in effect are Sections III.D., III.E., and III.H. These provisions provide Microsoft with a limited amount of time to implement the company's affirmative obligations because they require Microsoft to actually redesign its products or establish new disclosure procedures that will take time to accomplish. In addition, requiring Microsoft to immediately disclose the unfinished interfaces for its new products in development in Section III.D. would actually be detrimental to the market because Microsoft continuously, changes and improves these interfaces before a product is finalized. Ira software developer uses interfaces disclosed to it in its products and the interfaces are subsequently modified, this may disable both the software product and the operating system. Giving Microsoft a limited amount of time to implement its duties under these provisions ensures that they are properly, implemented

QUESTION

One provision of the proposed final judgment requires Microsoft to allow consumers or computer manufacturers to enable access to competing products. However, it appears that III.H. of the Stipulation and VI.N. indicate that for a product to qualify for these protections it must have had a million copies distributed in the United States within the previous year. This seems to run contrary to the traditional antitrust philosophy of promoting new competition. Is this in fact the case? And if so, why are these protections limited to larger competitors?

ANSWER

Under the proposed Final Judgment, a computer manufacturer will have the right to install any competing middleware application, without regard to the number of copies of that competing middleware that have been distributed. The one million cop, limitation exists only with respect to the requirements that Microsoft make public the APIs used in its own middleware products and redesign the operating system to provide a competing middleware product ''default'' status—i.e., the ability to override automatically Microsoft middleware functions integrated into the operating system This limitation strikes the proper balance between the substantial costs associated with such documentation and redesign efforts, and the competitive potential of products with fewer than one million copies distributed. To do otherwise would have put the operating system in a state of constant flux, which would have had disastrous implications for users and developers alike. Moreover, in a world of about 625 million PC users and software distribution via downloads and direct mail, distribution of only one million copies, rather than sales, installation or usage, is a relatively minor threshold in the software industry today As you know, Americans routinely receive unsolicited software offers via the mail eye%, day.

SENATOR MCCONNELL'S QUESTIONS

QUESTION

Can you describe how the appeals court ruling impacted the case originally brought by the Department of Justice in 19987

ANSWER

Not only the Court of Appeals'' ruling, but also the trial court's earlier determinations disposing of alternative theories of antitrust liability advanced by the Department of Justice and the State plaintiffs, significantly impacted the Microsoft case. The federal government's complaint alleged four specific antitrust violations: (1) attempted monopolization of the browser market in violation of Section 2 of the Sherman Act; (2) specific anticompetitive acts, and a course of conduct, to maintain the operating system monopoly, also in violation of Section 2; (3) unlawfully tying the Web browser to the operating system in violation of Section 1; and (4) exclusive dealing in violation of Section 1. Additionally, the State plaintiffs alleged that Microsoft employed unlawful monopoly leveraging tactics to move into the browser market in violation of Section 2 and monopolization with respect to Microsoft Office. The District Court, however, dismissed the monopoly leveraging claim prior to trial, and the States unilaterally dropped their monopolization claim with regard to Microsoft Office. Following a trial, the District Court ruled for the government on three of the four claimed violations, but against it on the exclusive dealing claim. To remedy the violations, the Court ordered that Microsoft be divided into separate operating system and applications software businesses, following a one-year transitional period under interim conduct restrictions.

The Court of Appeals reversed the liability findings with regard to attempted monopolization and tying, dismissing the former and remanding the latter for further proceedings under a more rigorous standard of proof It sustained the finding of monopoly maintenance, but did so on more limited grounds. Specifically, it reversed the District Court's finding of a course of conduct, limiting liability to specific anticompetitive acts, and with regard to the specific acts, ruled against the government on 8 of the 20 anticompetitive acts sustained by the District Court that the Court of Appeals considered. The Court of Appeals also vacated the remedy, in part because it had so ''drastically'' curtailed the liability determinations. In discussing the remedy, the Court expressed substantial skepticism about the propriety of structural relief in this case and instructed the new judge to tailor the remedy to the violations affirmed.

The net effect of the District Court's and Court of Appeals'' rulings was to substantially narrow both the findings of liability and the bases for relief The courts ruled against the government with regard to both direct assaults on Microsoft's practice of integrating new functions into the operating system (the attempted monopolization and tying claims) and Microsoft's ability to use the advantages flowing from the operating system monopoly to enter new markets (the States'' monopoly leveraging claim). The sole basis for relief became Microsoft's specific practices—not a course of conduct—to maintain the operating system monopoly by impeding the development and deployment of middleware products. The relief in the proposed Final Judgment effectively addresses these practices by stopping them, preventing their recurrence and restoring the competitive conditions lost due to Microsoft's violations.

QUESTION

Can you tell us more about how this agreement came about, or the process involved in reaching a settlement?

ANSWER

Particularly while Tunney Act review, of the proposed Final Judgment is pending, it would be inappropriate to discuss the details of the settlement process. However, the Department can provide the following general information. On September 28, 2001, Judge Kollar-Kotelly ordered the parties into a period of intensive settlement and mediation discussions to attempt to reach a fair resolution of the case, commencing on September 28, and expiring on November 2, 2001, staying all other case activity during that period. During those five weeks, the Department, certain representatives for the States, and Microsoft extended every effort to comply with the Court's order, first privately, and then with assistance from the mediator appointed by the Court and his partner. After extensive negotiations, the Department, nine of the Plaintiff States and Microsoft were able to agree upon a proposed Final Judgment that would fully, meet the Department's goal of achieving a prompt, certain and effective-remedy for consumers by imposing injunctive relief to halt continuance, and prevent recurrence, of the violations of the Sherman Act by Microsoft that were upheld by the Court of Appeals, and restore the competitive conditions prevailing prior to Microsoft's unlawful conduct. The settling parties filed a proposed Final Judgment on November 2, 2001, and then a revised proposed Final Judgment on November 6, 2001, which is now being considered by the Court pursuant to the Tunney Act.

Before commencing the settlement discussions, the Department established a set of core principles for resolution of the case, whether by litigation or consent. Key among them was the concept that the remedy had to be a comprehensive set of provisions that would stop the offending conduct and other similar means of achieving the same result, prevent its recurrence, and restore a competitive field for the development and deployment of competing middleware products. Moreover, the relief had to be faithful to the allegations of the complaint actually sustained by the Court of Appeals, addressing the conduct the Court had found to be unlawful. Finally, the remedy had to further the public interest in free and unfettered competition—not dictate market results and not necessarily serve the private interests of certain companies. Settlement occurred when Microsoft was prepared to agree to comprehensive relief satisfying these principles.

QUESTION

Some have criticized the agreement for not going far enough. Do you believe that the proposed settlement compares favorably to-and in some respects may well exceed-the remedy that might have emerged from a judicial hearing?

ANSWER

The Microsoft case is a public law enforcement action. The settlement, therefore, should be judged on whether it remedies the violations sustained by the Court—not on whether it is ''tough'' on Microsoft or ''goes far enough'' in addressing the concerns of Microsoft's competitors and critics.

The proposed Final Judgment represents, in substantial measure, the relief the Department would have proposed and fought for in court. In a remedies proceeding, however, we would have expected Microsoft to contest vigorously almost ever5'' provision extending beyond the literal findings of liability contained in the Court of Appeals'' decision. We would have fought hard to obtain this relief, but it is by no means a foregone conclusion that such relief would have been ordered. A few examples illustrate the point

The original case identified Web browsers and Java technologies as potential threats to the operating system Both were broad-based middleware products with the potential to permit cross-platform (i.e., multiple operating system) development of a broad range of application software products. The current crop of middleware products (e.g., media players and instant messaging systems, etc.) tend to be category-specific, and are more likely to be platforms for narrower families of related applications. For this reason, among others, we would have expected vigorous litigation over the middleware definition and the need to extend the coverage of the proposed Final Judgment to products beyond the browser and Java. Our definition, however, expressly recognizes other middleware products currently in use (e.g., e-mail client software, networked audio/video client software, instant messaging software) and is broad enough to include future products that have the potential to threaten the operating system monopoly.

Microsoft's Windows products employ closed, proprietary technology. The company is under no general legal obligation to disclose or license its technology. Moreover, the Court of Appeals did not sustain any allegation that Microsoft's failure to disclose or license its technology (generally or, in particular, its applications program interfaces (''APIs'') or communications protocols) was, by itself, an act of monopoly maintenance. Thus, we would have anticipated hotly contested litigation over the imposition of an affirmative Microsoft obligation to assist others in developing competing products. In this regard, Microsoft would have pointed out that tens of thousands of software programs are developed using the standard APIs disclosed generally to the software community. The proposed Final Judgment, however, imposes that obligation as a temporary restorative measure designed to permit firms to develop competing middleware products that can compete with Microsoft on a function-by-function basis

As discussed above, the case focused primarily on browsers and Java technologies The word ''server'' does not appear in the complaint and appears only in passing in Judge Jackson's Findings of Fact And, neither the Department nor the plaintiff States presented evidence at trial that Microsoft had violated the antitrust laws through conduct related to server software. Thus, we would have anticipated vigorous opposition to any effort to include relief with regard to servers in any litigated judgment. Microsoft would have argued strongly that software that resides on a server, is not middleware. Our proposed Final Judgment, however, ensures that independent software vendors will have full access to, and be able to use, the protocols that are necessary for software located on a server computer to interoperate with, and fully take advantage of, the functionality provided by any Windows operating system product. .

The proposed Final Judgment requires Microsoft to allow competing middleware products to assume ''default'' status in the operating system (i.e., selected by the manufacturer or user and automatically invoked unless countermanded by a manual choice) and requires the company to make design changes to accomplish that result. These provisions are important to permit competing middleware vendors to develop products that are comparable to Microsoft's in their integration into the operating system. This was not an issue highlighted when the case initially was brought, and the Court of Appeals had ruled against the government with regard to the few specific examples of Microsoft having countermanded a user's Web browser selection. The default provisions of the proposed Final Judgment impose costly and continuing redesign obligations upon Microsoft and likely would have been hotly contested in any litigation.

As you are aware, the government would have borne the burden of proof with regard to all remedial questions

The proposed Final Judgment secures immediate relief With regard to the foregoing issues and perhaps many others, a litigated resolution most likely would have been subject to additional appeals taking many months, if not years, including appeals to the Supreme Court on the liability finding itself.

QUESTION

This litigation has been going on for almost 4 years. Will this settlement accelerate the point in time at which a remedy will begin to take effect

ANSWER

Although the proposed Final Judgment must still be reviewed by the District Court under the Tunney Act process, the remedy contained in the Final Judgment took effect on December 16, 2001, pursuant to the stipulation signed by Microsoft to abide by its terms The remedy applies to Microsoft's conduct nationwide and has a term of five years Given the substantial likelihood that Microsoft would have availed itself of all opportunities for appellate review of any non-consensual judgment, the Department estimated that a litigated result would not have become final for at least another two years, and perhaps much later. The remedies contained in the proposed Final Judgment are not only consistent with the relief that the Department might have obtained in litigation, but they have the advantages of immediacy and certainty.

QUESTION

Assuming the settlement is approved by the court, can you outline the steps that will be taken to ensure compliance with the settlement

ANSWER

A core team of experienced lawyers and economists established within our newly formed Networks & Technology Section, and including members of the litigation team, is charged with enforcement of the proposed Final Judgment. This enforcement team, assisted by the technical committee formed under the proposed Final Judgment, will monitor Microsoft's compliance with the Final Judgment and take any necessary action, up to and including initiating contempt proceedings, to ensure effective enforcement

QUESTION

6. Are you aware of this type of enforcement mechanism being adopted in any other antitrust proceeding?

ANSWER

The Department is unaware of such a stringent enforcement mechanism being adopted in any other antitrust proceeding.

SENATOR KOHL'' S QUESTIONS

QUESTION

Mr. James, a unanimous Court of Appeals held that Microsoft has violated out antitrust laws by illegally maintaining its monopoly. It seems pretty common sense that if we want to fix that violation, the settlement you are advocating should: (1) end the unlawful conduct; (2) avoid a recurrence of the violation; and (3) and undo the anticompetitive consequences of the illegal behavior. Indeed, the Supreme Court has said that we should ''deny to the defendant the fruits'' of its illegal conduct. As you know, when this case was first filed, one of the main problems was that Microsoft's illegal conduct had nearly driven a competing maker of Internet browsing software—Netscape Navigator—out of business. But today, Microsoft has a greater than 85% share of browsing software. And Netscape is no longer in business as an independent company and no longer is a serious threat as a competing platform.

So I have the following questions: how does this proposed settlement proposal in any way deny Microsoft the gains resulting from its illegal, anti-competitive conduct? Does it do anything, for example, to undo Microsoft's victory in the ''browser wars''?

ANSWER

The sole basis for liability sustained by the Court of Appeals was maintenance of the monopoly in PC operating systems. The courts specifically rejected both the exclusive dealing and attempted monopolization claims, and reversed the tying finding—the

government claims asserting unlawful gain to Microsoft in the market for Web browsers. Thus, within the confines of the case as it exists, there is little or no legal basis for asserting that Microsoft's present share of the browser market is a ''fruit'' of its unlawful conduct.

Under the monopoly maintenance count, Microsoft benefitted by impeding the emergence of potential middleware threats to its operating system monopoly. While recognizing the ''nascent'' threat that Web browsers and Java technologies posed to the operating system, the Department conceded, and both courts found, that it was impossible to predict when, if ever, that threat would materialize as to a degree sufficient to have any material effect upon competition in the operating system market.

The proposed Final Judgment seeks to restore the middleware threat as it existed prior to the offending conduct by enjoining conduct to impede the emergence of competing middleware and by requiring affirmative steps to aid in the development of such products. The proposed Final Judgment requires Microsoft to give software developers access to the API's necessary to develop competing middleware, ensures that those products can gain distribution in the OEM channel, permits OEMs to feature competing middleware products, gives third-party middleware ''default'' status comparable to Microsoft's integrated functions, and prevents Microsoft from retaliating against firms that develop, promote or distribute competing middleware. Accordingly, the proposed Final Judgment actually enhances the opportunities for competing middleware products beyond those existing prior to the case.

QUESTION

Five years from now do you think it is likely that Microsoft will still have 95% of the operating system market? If so, should this concern us?

ANSWER

The proposed Final Judgment is not intended to address Microsoft's acquisition of its market position in operating systems. There was never any allegation in the case that Microsoft unlawfully gained its dominant share in that market. Thus, the proposed Final Judgment does not require Microsoft to forfeit its market position in operating systems, but rather ends Microsoft's unlawful conduct, prevents its recurrence and restores the competitive conditions in the middleware market. Whether any of these middleware threats will ultimately lead to the reduction of Microsoft's operating system market share will be determined by the marketplace. The Department is unable to speculate as to what Microsoft's share will be in the future.

QUESTION

We are right now in the middle of the holiday shopping season, and millions of Americans are going to the computer stores to buy new computers. When they reach the store, they have a choice of many different machines made by many different computer manufacturers, such as Compaq, Dell, Gateway, IBM, and HP, to name a few. But when it comes to the software that operates the machine they face a very different picture. With the exception of the machines sold by Apple, the consumer has no choice but to buy a computer pre-loaded with Microsoft's Windows operating system. Is there anything in the proposed settlement agreement likely to change this picture? Why can't consumers have the same competitive choices in computer software—specifically operating system software—as they, have today with respect to deciding which machine to buy?

ANSWER

As stated above, there was never any allegation in the case that Microsoft unlawfully acquired its dominant share in operating systems, and the proposed Final Judgment does not address Microsoft's position in that market. However, the proposed Final Judgment does ensure that competing middleware products will have the opportunity to compete and erode Microsoft's operating system monopoly. The marketplace will determine whether a middleware product becomes sufficiently ubiquitous to pose such a threat to the Windows operating system

QUESTION

4.(a).

Critics of the proposed settlement claim it is full of loopholes, and that these loopholes will make it easy for Microsoft to evade its terms. I'd like to focus on one thing critics argue is an unnecessary loophole. The settlement contains an important provision that lets computer makers load certain types of non-Microsoft software on their machines without any fear of retaliation from Microsoft. But Microsoft can retaliate in some instances For example, only competing software that distributed at least one million copies in the United States in the last year receives protection. No such protection is imposed upon competing software which has distributed less than one million copies.

Commenting on this provision in the Washington Post, James Barksdale, the founder of Netscape, wrote ''Anyone who understands the [computer] industry knows this is no protection, for the new inventor will always be steam-rolled by the powerful Microsoft. The dreamers and tinkerers whose better mousetrap has not yet been proved should just close shop. The ultimate losers are the potential consumers of these lost ideas.'' Why is this limitation found in the settlement? Won't it be difficult for software that has not yet been widely distributed to gain a competitive foothold if Microsoft is not required to allow computer users and manufacturers access to it on the desktop? And why isn't Mr. Barksdale right—aren't consumers the losers if Microsoft is permitted to deny such small, start-up software manufacturers access to the computer desktop?

ANSWER

Mr. Barksdale's commentary, misstates the one million copy limitation of the proposed Final Judgment. The proposed Final Judgment prohibits retaliation by Microsoft related to any middleware, no matter how many copies are distributed. Furthermore, under the proposed Final Judgment, a computer manufacturer will have the right to install any competing middleware application, without regard to the number of copies of that competing middleware that have been distributed. The one million copy limitation exists only with respect to the requirements that Microsoft make public the APIs used in its own middleware products and redesign the operating system to provide a competing middleware product ''default'' status—i.e., the ability to override automatically Microsoft middleware functions integrated into the operating system The limitation strikes the proper balance between the substantial costs associated with such documentation and redesign efforts, and the competitive potential of products with fewer than one million copies distributed. To do otherwise would have put the operating system in a state of constant flux, which would have had disastrous implications for users and developers alike. Moreover, in a world of about 625 million PC users and software distribution via downloads and direct mail, distribution of only one million copies, rather than sales, installation or usage, is a relatively minor threshold in the software industry today. As you know, Americans routinely receive unsolicited software offers via the mail every, day.

QUESTION

4.(b).

Please give specific examples of ''non-Microsoft middleware products'' (as defined in the proposed consent decree, section VI.N.) that have distributed at least one million copies in the United States in the past year, and examples of those that have not.

ANSWER

A few of the examples available of non-Microsoft middleware products that have distributed at least one million copies in the U.S. in the past year include Real Network's media player, Real Player, AOL's ICQ instant messaging product, and Opera, a competing Web browser.

The Department is unaware of any non-Microsoft middleware products that distributed less than one million copies in the U.S. in the past year. As explained in response to Question 4(a) above, distribution of only one million copies, rather than sales, installation or usage, is a relatively minor threshold in the software industry today. Once the terms of the proposed Final Judgment become known in the market, the producers of smaller middleware products will be able to target the one million copy threshold by simply using one of the numerous distribution outlets available in the market today, for example, direct- mail.

QUESTION

4.(c). What types of research and/or objective methods are used to measure such distribution today? Which studies or objective criteria did you use to set the one million dollar mark

ANSWER

Competing middleware providers will be able to ensure that they can take advantage of the powers granted to them under III.H. of

the proposed Final Judgment by simply disclosing the number of copies they have distributed. Distribution numbers are currently publicly disclosed on the numerous sites available for downloading such products, including Netcom. The Department considered various levels of distribution when deciding the appropriate amount. One million was chosen because it strikes the proper balance between the substantial costs associated with such documentation and redesign efforts, and the competitive potential of products with fewer than one million copies distributed. In fact, one million copies represents well under 1% of the installed base of Windows desktops in the U.S.

QUESTION

5 (a).

In the proposed consent decree, with respect to current products, the definition of Microsoft Middleware Product is locked into specific products (section VI.K. 1 of the Proposed Final Judgment). Where it is prospective, the definition of Microsoft Middleware Product allows Microsoft to avoid its reach if it does not satisfy all of the elements of the definition (found in section VI.K2).

Why do you believe this definition is sufficient to restore competition in the middleware market?

ANSWER

There is no basis for restricting Microsoft's conduct with respect to all types of software Any restrictions must be limited to the findings in this case, which were that Microsoft took exclusionary acts against software with particular characteristics—software that had the potential to become platforms for the implementation of other software, thereby threatening Microsoft's operating system monopoly. The Microsoft Middleware Product definition was carefully crafted to ensure that it covers future Microsoft products that have the potential to become such platforms. The definition uses objective criteria that are not subject to manipulation. Either a product fits the definition or it does not. If, for whatever reason, it does not fit the definition, the product will not be one that the proposed Final Judgment was intended to cover

QUESTION

5 (b)

Why is the definition of middleware in the proposed consent decree different from the one used by the D.C Circuit Court of Appeals, or the one used by Judge Jackson in his interim remedy?

ANSWER

The Court of Appeals'' decision did not seek to define the term middleware in a manner that would suffice for remedial purposes. Rather, the opinion contains descriptive language to aid in the exposition of the issues in the case. For remedial purposes, the definition must be more technical so as to ensure limits within the terms of the liability found and enforceability of the proposed Final Judgment. The Court of Appeals found that Microsoft engaged in anticompetitive practices with respect to two middleware products, Web browsers and Java. Those products were deemed to have exposed a range of APIs so as to have the potential to evolve into an alternate platform threat, thereby threatening Microsoft's operating system monopoly. Not all products that expose APIs have that quality. The proposed Final Judgment adopts a broad definition of middleware that includes the specific products at issue in this case, other specific products that already have emerged as potential alternative platforms, and products that may be developed in the future that may have similar cross-platform qualities.

The middleware definitions in the proposed Final Judgment are different than those in Judge Jackson's order because in the intervening time period the Department refined the definitions to more accurately reflect the competitive objectives of the judgment and to take into account changes in the software industry, including an increased emphasis on downloading as a distribution mechanism

QUESTION

5,(c). Why is MSN Explorer excluded from the current products that constitute Microsoft Middleware Products in section VI.K 1 of the Proposed Final Judgment?

ANSWER

MSN Explorer is used largely by consumers who have already chosen MSN as their Internet service provider or who have chosen Hotmail for their email. It is marketed more in that context than as a simple browser. Competitively it has less significance in the browser market than Internet Explorer.

QUESTION

Many believe Microsoft is using its operating system monopoly to gain dominance in other types of software products. For example, five years ago, Microsoft had only about a 20 market share in Internet browsing software. Today it has an 86 share. Five years ago, Microsoft had 43% share in word processing software. Today Microsoft Word software has a 94% market share.

What provisions in the settlement will prevent Microsoft from gaining dominant market shares in new software products, just as it has with respect to other types of software?

ANSWER

The concept to which you refer is known in antitrust parlance as ''monopoly leveraging.'' The States included a monopoly leveraging count in their complaint in this matter. That count, however, was dismissed by Judge Jackson in pretrial proceedings. U.S antitrust precedent treats monopoly leveraging claims with much skepticism. Indeed, as the Court of Appeals noted in rejecting certain of Judge Jackson's rulings with respect to Java, U.S. antitrust law does not prohibit a firm, even one with monopoly power, from using advantages gained in one market to enhance its position in an adjacent market. Given the Court's rejection of the monopoly leveraging claim, there is no legal basis in this case for addressing allegations of monopoly leveraging.

QUESTION

7.(a).

Mr. James, if this settlement is adequate to restore competition and remedy Microsoft's illegal conduct, why have nine state attorneys general who initially joined the Justice

Department in suing Microsoft refused to sign on to the settlement but have instead proposed their own settlement?

ANSWER

The Department cannot speculate on the possible motives of the various State attorneys general who did not join the settlement.

QUESTION

7.(b)

Are you willing to consider modifications to the proposed settlement in order to secure the consent of additional state attorneys general? If so, what modifications would you consider?

ANSWER

The Department believes that the proposed Final Judgment Full3'' remedies the conduct found unlawful by the Court of Appeals. The Department, however, will fully comply with the Tunney Act, including giving due consideration to the public comments submitted.

QUESTION

8.(a).

The proposed consent decree lasts for only five years (unless a Court finds Microsoft has engaged in systematic violations of the decree, in which case it is extended for another two years).

Can you inform me in which past monopoly cases brought by the government where a violation of Section 2 of the Sherman Act has been found, the federal courts have limited their conduct remedies against the monopolist to only five years?

ANSWER

The Department is aware of at least one Section 2 case in which the government obtained a final judgment that included conduct remedies that were in effect for five years or less— U.S. v. American Airlines, Civil Action No CA 3–83–0325-D, U.S District Court for the Northern District of Texas (Final Judgment entered on October 31, t985, see 1985–2 Trade Cases 66,866).

QUESTION

8.(b) Why have you limited the remedy to five years in this case? How can we be sure that the five year term of the settlement is sufficient to restore competition to this market?

ANSWER

Five years provides sufficient time for the conduct remedies contained in the proposed Final Judgment to take effect in this evolving market and to restore competitive conditions to the greatest extent possible given the conduct at issue in this case.

QUESTION

8.(c) Why do the restraints on Microsoft's conduct in some instances take as long as one year to go into effect.'?

ANSWER

The only provisions in the proposed Final Judgment that do not require Microsoft to immediately abide by their terms once the Final Judgment is in effect are Sections III.D., III.E., and III.H. These provisions provide Microsoft with a limited amount of time to implement the company's duties because they require Microsoft to actually redesign its products or establish new disclosure procedures that could take some time to accomplish. In addition, requiring Microsoft to immediately disclose the unfinished interfaces for its new products in development in Section III.D. would actually be detrimental to the market because Microsoft continuously changes and improves these interfaces before a product is finalized. If the interfaces are changed after a software developer uses them in its products, it may disable both the software product and the operating system Giving Microsoft a limited amount of time to implement its duties under these provisions ensures that they are properly implemented

QUESTION

8 (d). How likely, do you think software developers will be to develop new products based on a decree that will protect them for only five years?

ANSWER

Five years provides sufficient time for the conduct remedies contained in the proposed Final Judgment to take effect in this evolving market and to restore competitive conditions to the greatest extent possible given the conduct at issue in this case The marketplace will decide what middleware products will succeed.

QUESTION

8.(e). Will you commit to initiating new investigations and, if necessary, new court proceedings, if Microsoft behaves in an anti-competitive manner in the future?

ANSWER

As a law enforcement agency, the Department will continue to evaluate Microsoft's conduct and take action to remedy anticompetitive conduct where appropriate.

SENATOR DURBIN'S QUESTIONS

QUESTION

I understand that the Justice Department officials, representatives of the State Attorneys General, and Microsoft lawyers worked around the clock to come to an agreement on this settlement.

How many, meetings were there on the settlement?

ANSWER

The proposed Final Judgment resulted from a process of court-ordered settlement discussions and mediation, commencing on September 28, and concluding on November 2, 2001, the deadline imposed by Judge Kollar-Kotelly. The mediation followed upon about two weeks of court-ordered, unsupervised discussions among the Department, counsel for Microsoft and representatives of the plaintiff States. Although we did not meet continuously, throughout both periods, there were communications among the parties every day, in-person or telephonically, and the settlement teams, more often than not, worked well into the night. The Department, however, did not maintain an accounting of the number of meetings or communications during the settlement discussions.

QUESTION

1.B. Were the states sufficiently involved in the process2

ANSWER

Following the Court's September 28th Order, the Department was advised that the State coordination group would appoint representatives to participate in the settlement discussions and that the representatives would report to the larger group through regular conference calls and other means. Once the mediation commenced, the States were continuously represented by the states of Ohio and New York, with Wisconsin actively participating on some occasions. All three of these states joined in the proposed settlement.

The Department worked to facilitate the States'' participation in the settlement process Among other things, the Department permitted the State representatives to work in its case room, side-by-side with the Department staff State representatives participated in strategy sessions with the Assistant Attorney General and other senior representatives from the Department prior to their joint negotiating sessions. At critical junctures in the settlement process, the Assistant Attorney General convened meetings, in-person or via scheduled conference calls, with the State coordinating group, which meetings were often attended by several State attorneys general and their staffs or representatives.

Additionally, the Assistant Attorney General maintained regular telephonic communication with Iowa Attorney General Tom Miller, the appointed leader of the State plaintiffs. The mediators also took steps to encourage full participation by each of the States. At the outset, they inquired as to whether representation of the State plaintiffs by Ohio, New York and Wisconsin was adequate to ensure that all the States would be in a position to carry out the Court's order. The mediators met with the State group separately on several occasions. In the end, they requested that all interested States send authorized decision- makers to Washington for the final stages of mediation.

In short, the States, individually and as a group, were afforded every opportunity to participate in the settlement process, and did so on terms they themselves agreed upon. The States had full access to the process, including all drafts of the settlement documents. At no time were the States precluded from tendering settlement proposals or alternative drafts of the settlement provisions of their own, and in fact, were expressly invited to do so by, both the mediators and representatives of the Department. As with other phases of the case, the level of actual State participation varied widely.

It is not for the Department to opine whether the States participated sufficiently in the settlement process. We would note that the States that participated most directly in the process joined in the proposed Final Judgment, and those that participated only indirectly or not at all chose not to do so.

QUESTION

Was there anyone in the room during those negotiations who was not affiliated with the parties to the litigation who may have been able to bring another perspective on the terms of the agreement?

ANSWER

The court-ordered settlement discussions that were conducted prior to the appointment of the mediators on October 12, 2001, did not include individuals unaffiliated with the parties to the litigation. The only persons present during the settlement discussions after October 12 who were not affiliated with a party were the Court-appointed mediator, Eric Green, and his partner, Jonathan Marks.

QUESTION

Now that we are in the 60-day period of the Tunney Act proceeding to determine the public interest aspects of this settlement; what, if any, role do you envision Congress should play?

ANSWER

The Department would not presume to tell Congress what, if any, role it should play with regard to Tunney Act review of the proposed Final Judgment.

QUESTION

Microsoft is about to settle with about half the states who joined in the original DOJ lawsuit, but the other half of the states are continuing with the court-issued remedies phase of the litigation. Naturally, there may be differences in the remedies in the two different vehicles for closing out this case. How will you reconcile the potential differences between the terms of the settlement accepted by the nine settling state plaintiffs and the remedies to be awarded to the ten non-settling state plaintiffs?

ANSWER

In any multiple-plaintiff litigation, there is the possibility of different, perhaps conflicting, remedies. In private antitrust litigation, where the issue is monetary recovery or the rights of individual companies, disparate outcomes may be manageable. The Microsoft case, however, presents a circumstance in which both the federal government and several state governments are purporting to litigate substantially identical substantive allegations and seeking injunctive relief that would have national public policy implications, affecting the rights of consumers and producers nationwide. With the states increasingly opting to pursue antitrust cases following upon charges already being litigated by the federal antitrust enforcement agencies, the risk of conflicting or inconsistent remedies is always present. In multiple-plaintiff cases, the courts and parties typically undertake to prevent such conflicts from occurring. All par-ties, of course, would be bound by the orders of the court, and meaningful conflicts could become the source of future litigation. The Department believes that the proposed Final Judgment represents a full and

complete resolution of the violations sustained by the Court of Appeals and that entry of the proposed Final Judgment is strongly in the public interest Whether or not conflicts emerge, as the agency charged with ensuring that the federal antitrust laws are duly enforced for the benefit of all Americans and the U.S. economy as a whole, the Department will do all in its power to ensure full compliance with the proposed Final Judgment and to protect the antitrust enforcement process itself.

Answers to Written Questions.

The Senate Judiciary Committee,

''The Microsoft Settlement: A Look to the Future''

Lawrence Lessig

Professor of Law, Stanford Law School

QUESTIONS FROM SENATOR HATCH

1. In your book, you make the case for keeping the Internet ''neutral and open.'' Could you briefly describe the danger that you foresee, in both a competition and a larger policy context, as consumers migrate to higher capacity connections from our current narrowband connections?

The broadband policy of the current administration will weaken the environment for innovation on the Internet, because current policy will balkanize the Internet, and hinder the opportunity for outsiders to compete.

As consumers move from narrowband to broadband, the legal rules governing at least part of the network are changing. The narrowband Internet was governed by rules that required neutrality by the network owners over the use of the Internet. The broadband Internet will be governed by rules that increasingly allow the network owners to pick and choose the kind of innovation and content that the network will carry. This change in legal rules will shift the locus of innovation from the edge of the network to the center—away from the broad range of creators and innovators that have built the Internet so far, to the relatively few who own or who control the network. What runs well on this Internet will increasingly depend upon who the network owner is. These changes are said to be necessary in order to support the building of the national information super highway. In my view, Congress should weigh this claim much more carefully. It is true that giving broadband providers this power to discriminate will increase their incentive to build broadband pipes. But before we sell the soul of the Internet to the network owners, a much stronger showing of need should be made. We didn't give GM the right to build the interstate highway system in exchange for GM's right to build the roads to favor GM trucks. Nor should we sell the Internet to broadband providers in exchange for their right to favor some content over others, or choose which applications will define the Internet of the future. In both cases, the strong presumption should be in favor of neutrality. Congress should weigh the costs of corrupting this principle of neutrality before it endorses a policy that permits this rearchitecting of the Internet's core.

2. One concern I have consistently raised elsewhere, including in merger and monopolization contexts, has been possible limitations being placed on consumer freedom by an access provider, whether an Internet service provider, a cable company, a satellite company, or another Internet access facilitator. Is there is a legitimate fear that an Internet mediator might—for one reason or another—decide to limit access to certain sites or drive traffic to other specified sites? If so, what do you believe to be the best method of safeguarding and preserving the freedom of the Internet? It is right to be concerned that access providers will wrongfully constrain consumer freedom. Technology companies have already developed router technology to enable network owners to choose which content will flow quickly, and which content will flow slowly. This technology could enable the blocking of some content, or the disabling of some applications. Cable companies carrying Internet content have already indicated their intent to implement these technologies. And there is nothing this administration is doing that would slow this trend.

The concern about neutral access to the Internet is similar to the concern about access to satellite or cable broadcasts generally. But I believe it is a mistake to equate the two. The harm to innovation and creativity from restrictions to the Internet is more fundamental than the harms caused by restrictions to entertainment.

The reason is that access to entertainment competes directly with many other channels of entertainment. If the choice on cable television is too narrow, then Blockbuster or Netflix provides useful competition. If satellite stations become too expensive, then cable television, or broadcast television— or maybe even a book!—continue to compete. At some point concentration in these channels is a concern, as Jack Valenti has powerfully and rightly testified to Congress.[1] But that is different from the concern I have about the Internet. The Internet is not just, or not only, another way to be entertained. It is instead a platform that will support the broadest opportunity for social and democratic engagement. The Internet is a public street, or park, or library, not a Movieplex. Restrictions on access and control of the Internet are like restrictions on access to the public streets, not like choices Sony Pictures makes about what will run in first-run theatres.

Thus, in my view, you have been right to be concerned about restrictions on access in the context of cable and satellite delivery of entertainment and news. And you have been right to be concerned that citizens generally have access to news about matters of public import. But there is an even stronger reason for you to be concerned with restrictions on access in the context of the Internet. Much more is at stake.

I am not certain about the best remedy to this non-neutrality. Network owners have a legitimate interest in selling different levels of service; the market should be allowed to experiment with different modes of delivery. Where there are many different competitors offering comparable broadband service, there is little role for government. But where competition is not adequate, then there is an oversight role for government.

''Open access'' requirements are one indirect response to the absence of competition. Alternatively, a simple requirement that any Internet service be implemented neutrally may suffice to remedy any anticompetitive threat.

3. As you know, on the Internet, anyone can self-publish their music, their artwork, Lessig: Testimony January 15, 2002 their writings, and those who are interested in those works can have access to them, and neither the creator nor the consumer necessarily need the mediation of a publisher. Works that are important to a few, but cannot make it in a traditional publishing context, have a place for their fans on the Internet. I have said elsewhere that it would be a great shame if the wide-open access available on the Internet were narrowed down in the way the offline world often is. Could you please explain who you believe should choose where a consumer can go online, the consumer or the Internet mediator, be it an Internet service provider, a software company, or a cable or satellite company, and could you explain why this is an important question?

Losing the freedom of choice that the original architecture of the Internet guaranteed would be far more than a ''great shame.'' Losing the freedom of choice that the original architecture of the Internet guaranteed would be a betrayal of the values of free speech and competition that define our political and social culture.

The original architecture of the Internet showed the world how a decentralized, market- based, neutral platform for innovation could enable the broadest range of creators to produce and exchange creative work. This was not the speculation of some utopian academic or technologist. The early Internet made this possibility a reality, and none can deny the opportunity it created. Lessig: Testimony January 15, 2002

This reality is being changed now, as the original architectural principles of the Internet become corrupted by network owners. As the Internet moves to broadband technology, broadband providers are changing the effective architecture of the original network to re-vest in them control over how innovation on this network proceeds. The original Internet vested that control in consumers and innovators; the new Internet will return that control to the network owners.

This change is happening because government policy encourages it to happen. We are selling the soul of the Internet to network providers because the network providers have convinced policy makers that this is the only way to build out a broadband network.

[1] See, e.g., Media Ownership: Diversity and Concentration: Hearings Before the Subcomm. on Communications of the Senate Comm. on Commerce, Science, and Transportation, 101st Cong. 611 (1989) (statement of Jack Valenti, President and CEO, MPAA).at 611 (''Therefore, in this free and loving land in which we live, our government ought never allow any tiny group of corporate chieftains or corporate entities, no matter how beignly managed, to ever reassert full dominion over prime time television, which is the most pervasive moral, social, political and cultural force in this country.'').

The network providers in my view are wrong. The policy makers who follow them are misguided. But at a minimum, whether you believe they are wrong or not, Congress has yet to consider the full cost of this corruption in the Internet's core.

I believe fundamentally in the freedom of a network where the people, not, as you rightly describe it, ''a network mediator,'' choose the future. That freedom is the original Internet, which because of its ''end to end'' design, assured that citizens, not network mediators, controlled how the network developed. There is no good justification for permitting network providers the power to corrupt that original freedom. Yet this is precisely what current administration policy is allowing.

You have been an admirable advocate of balance, Senator Hatch. That balance is just what is needed now in this debate over the network's future.

QUESTIONS OF SENATOR DEWINE

1. Mr. Lessig, you stated in your testimony that an appropriate remedy should try and steer Microsoft toward developing its strategy in regards to the Internet. First, why wouldn't such an objective fall outside the clear confines of the case and thus be an inappropriate goal for a remedy? And second, given the fact that a court found Microsoft to have engaged in significant violations of the antitrust laws, should we be concerned about the company attempting to leverage its operating system monopoly to become dominant at the Internet level?

If this market were stable, and technological progress slow, then it would be appropriate to confine a remedy to the retrospective harm caused by the illegal behavior of Microsoft. But this market is neither stable, and fortunately, progress is not slow. Instead, the particular wrongs that Microsoft was found guilty of are essentially irrelevant to the current competitive context. Forcing a remedy with respect to these alone would neither ''1unfetter [the] market from anticompetitive conduct,'' 'terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation,'" nor "'ensure that there remain no practices likely to result in monopolization in the future.'" United States v. Microsoft Corporation, 253 F.3d 54, 103 (DC Cir 2001).

It is for this reason that I believe that the essence of an appropriate remedy must look forward, and ask how best to steer Microsoft in a pro-competitive direction. Given the findings of liability by the District Court, and the pattern of behavior that they affirm, I do believe that you should be worried that Microsoft will try to protect its OS monopoly by leveraging it to control at the Internet level. But as I describe more fully in my written testimony, I also believe that there is a strategy that Microsoft could adopt that would not threaten competition at the Internet level, but could instead strengthen it. If a remedy could steer Microsoft to adopt this competitively benign strategy, that remedy would be a crucial gain for competition generally—even if it did not fully right the wrongs caused in the past.

2. Mr. Lessig, you stated in your testimony that an integral part of the Court's conclusion was its finding that Microsoft had ''commingled code'' in such a way as to interfere with the ability of competitors to compete on an even playing field. Do you believe the Justice Department's proposed final judgment adequately deals with this anticompetitive conduct?

I do not believe the proposed final judgment is responsive to this concern. The Court of Appeals recognized a second and important way in which a monopoly firm in a technology market can improperly use its power to inhibit competition. Not only can such a firm use contracts to restrain competition, it can also use computer code to constrain competition. The essence of the District Court's finding was that Microsoft had used its code strategically to disable or hinder competition rather than to give consumers a better choice. That finding was twice upheld by the Court of Appeals—both in its initial opinion, and it the opinion rejecting Microsoft's petition for rehearing.

I am particularly concerned that this aspect of the case is now being ignored by the government. In a recent interview with the Wall Street Journal, for example, Assistant Attorney General Charles James is reported to have said, in response to the observation that ''various Internet features are woven more deeply into Windows, offering consumers such benefits as one-click access to the Internet from electronic mail,''[2] ''How would consumers be served if we forced Microsoft to remove that code? ... The market has changed.''

This statement betrays a fundamental misunderstanding about the issues in this case as it was litigated and decided by the District Court. No one has ever questioned Microsoft's right to include code that would enable better functionality—in this case, the ability of a user to link from an email message to a browser. The only issue has been the decision by Microsoft to use its power over its code to inhibit consumer choice of which browser. Microsoft has consistently argued that it did not interfere with consumer choice. The District Court and Court of Appeals found to the contrary. See, e.g., Microsoft, 253 F.3d at 66. And in rejecting

Microsoft's request for rehearing about the ''commingled code'' finding, the Court of Appeals reaffirmed a central aspect of the case: That Microsoft had used its power to design its code in a way that restricted consumer choice without any compensating competitive benefit.

Nothing in the proposed remedy directly addresses this concern. But more troubling to me is that the government seems no longer to even understand it. After convincing a district and appellate court of its view about Microsoft's behavior, the government seems now to have adopted Microsoft's view of its behavior. I have seen no justification offered by the government for this reversal on a central element of its case.

3. Mr. Lessig, you mention that there are problems with the proposed decree aside from enforcement. What are some of the other areas of concern?

As I have just mentioned, the failure of the decree adequately to address ''commingled code'' is a significant problem. I also believe the failure to require disclosure in the context of security protocols is a significant weakness, as is the failure of the decree fully to define ''retaliation.''

These weaknesses have been adequately described, in my view, in the Nine Remaining States'' December 7th filing with the district court. Except for the questions that I have raised about that filing in my written testimony, I agree generally with the concerns raised by those states.

4. Mr. Lessig, what do you believe are the appropriate objectives of remedies in monopolization cases such as this? Do you believe the case law supports a position that monopoly acquisition cases should be treated differently than monopoly maintenance cases? Finally, do you believe this settlement fully achieves the appropriate remedy objectives? If not, in what way is it deficient?

As the Court of Appeals rightly indicated, the objective of a remedy in a monopolization case is extremely broad. Microsoft, 253 F.3d at 103. In general terms, its aim is to recover from the monopolist the fruits of its illegal activity, and assure it can no longer benefit from those illegal gains.

In my view, it is impossible fully to achieve these results in a context where technologies are changing rapidly. The problem is much like trying to remedy any harm caused by the choice of the QWERTY keyboard—at this point too much has been built on the underlying technology, and any remedy that seeks to completely undo what has been done would be more costly than beneficial.

Thus, I think the appropriate distinction for the court to focus is not between monopoly acquisition and monopoly maintenance cases, but between cases where technology is relatively stable, and cases where it is changing quickly. As I've indicated, I don't believe the current remedy achieves the appropriate objectives, given the nature of the changes in the underlying technology.

QUESTIONS OF SENATOR KOHL

1. Professor Lessig, do you believe this settlement is adequate to restore competition in the computer software industry? Why or why not?

The settlement is not adequate to restore competition in the computer software industry. Because the settlement has no effective mechanism for enforcement, it tempts Microsoft to continue the strategic behavior that the District Court and the Court of Appeals found violated the antitrust laws. As this case demonstrates, if it takes four years for Microsoft to ''understand the [government's] concerns,'' Statement by Bill Gates, November 6, 2001, then by the time Microsoft gets it, the harm is already done.

2. (a) Are there any restraints on Microsoft's conduct which you think should be in the settlement but are not? If so, what are they?

As I indicated to Senator Dewine, I do believe that there should be additional restrictions on Microsoft's conduct, especially relating to Microsoft's ability to ''commingle code.'' But those additional

[2] John Wilke, Hard Drive: Negotiating All Night, Tenacious Microsoft Won Many Loopholes, Wall Street Journal, Al (11/9/01).

restrictions are secondary to an effective mechanism to enforce the decree. As I indicated in my written testimony, without an effective enforcement mechanism, the balance of the restrictions are irrelevant, and with an effective enforcement mechanism, the weaknesses in the restrictions may not matter.

2. (b) Beyond restraints on Microsoft's conduct, are there other deficiencies in the proposed consent decree which you believe should be fixed before it is approved? If so, what are they?

The central weakness in the decree is its failure to include an adequate mechanism to enforce the decree. Given the slowness of federal court intervention, the decree creates an effective and continuing incentive for Microsoft to behave anti-competitively. If there were an effective enforcement mechanism (such as an adequately empowered special master), then that incentive would disappear.

3. Critics of this proposed settlement argue that one significant loophole is that many of the provisions requiring Microsoft to permit computer users and manufacturers to install competing software and remove Microsoft software does not apply with respect to software which has distributed less than one million copies. Are you concerned with this limitation?

I am. I do not see what legitimate interest the limitation serves. The aim of the decree generally is to enable Original Equipment Manufacturers (OEM) autonomy—to enlist OEMs in the competitive process of deciding what bundle of software makes most sense for the consumer. Any burden from new software bundled with an operating system is borne by OEMs, not Microsoft. By establishing that OEMs only have the right to bundle new software if 1,000,000 consumers have downloaded that software on its own, the decree significantly reduces the incentive OEMs have to discover and distribute new, competitive software. This is a significant loss in potential competition that does not, in my view, have any justifying benefit.

January10, 2002
Senator Patrick Leahy,
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510–6275

Dear Chairman Leahy:

Thank you very, much for the opportunity to respond to written questions from the members of the United States Senate Judiciary Committee. My written responses are attached.

We appreciate the Committee's attention to this matter. Please let me know if you have any additional questions or concerns.

Sincerely,
Mitchell Kertzman
Chief Executive Officer
Cc:: Nicolle Puopolo
Senate Judiciary Committee
224 Dirksen Senate Office Building
Washington, DC 20510
Fax: 202.224.9516
nicolle puopolo@judiciary.senate.gov

Date: 1/10/2002 10:43 AM
Sender: Mark Webbink
<mwebbink@redhat.com>
To: nicolle puopolo
Priority: Normal
Subject: Microsoft Hearing—Written Questions—Responses of Matthew

Dear Nicolle,

Attached are the responses provided by Matthew Szulik, President and CEO of Red Hat, Inc., to those written questions submitted by Senator Leahy in his letter of December 19. I am forwarding a hard copy by Federal Express which you should receive tomorrow.

Mark Webbink
Sr. VP and General Counsel
Red Hat, Inc.
Response to Written Questions
United States Senate Judiciary Committee
Hearing regarding ''The Microsoft Settlement:
Future''
December 12, 2001
A Look to the

Hatch #1

The nine states have chosen to litigate for substantially more than the settlement offers. Commentary that presupposes that the judge will rule against the nine attorneys general in the pending case is tantamount to a request for a denial of due process.

In the recent hearing in which Judge Kollar denied Microsoft an extension of time in which to hear the proposed alternative remedies of the nine states, Judge Kollar also found the proposed alternative remedies to be within the scope of remedies permitted under the order of the Court of Appeals.

The fact remains that the settlement has many substantial structural flaws, each of which can be used independently to circumvent the intended remedy, and all of which together provide Microsoft with a range of options for continuing their abusive behavior and extending their monopoly further. We believe it is vital, not just for the states and the people they represent, but to the technology industry as a whole, that Microsoft not create a monoculture that can collapse catastrophically, but that competition be preserved, so that no single failure can destroy everything. The fact that further consideration of this matter may take an additional two months or two years should not override the public's interest in having Microsoft behave in a legally permissable manner.

Hatch #2

Absolutely. The first issue is to address the obvious technical loopholes and structural flaws that have been identified, as well as to review a revised settlement to address the states'' primary concerns:

1. Will Microsoft agree to alter its behavior and cease to stifle innovation and competition by abusing its monopoly? And,

2. Will the settlement offer sufficient powers to enforce actions against Microsoft if it violates the terms of the settlement?

Clearly, Microsoft has settled before, and clearly those settlements proved completely ineffective. No attorney general can, in good conscience, agree to a settlement that will lead to continued abuse through lack of sufficient prescriptions or lack of sufficient enforcement, or both. There are a substantial number of legal authorities who believe that the remedies contained in the Proposed Final Judgment will do nothing but prompt another round of litigation in the future due to their ineffectiveness.

Hatch #3

A prompt settlement that does nothing except to remove the case from the court will accomplish nothing. The imperfections of the current settlement are so great that we believe it to offer nothing whatsoever to any damaged party, period. As written, the settlement will give Microsoft another 5 year ticket to extend and abuse its monopoly position, and will be an even more formidable adversary 5 years hence. One must also consider why this litigation has been so long in coming to a resolution. That burden does not lie on the Department of Justice and the states. Rather it lies on Microsoft for delaying, albeit within the scope of due process, the resolution of the matter. Our government must have the fortitude to see such matters through to a full and proper conclusion, not cave in to a delaying action intended to exhaust patience.

DeWine #1

The comingling question focuses on a specific symptom, not the root cause. The root cause is that Microsoft is able to use technical means to create de facto standards. Such standards, when placed strategically, are the seeds to future monopoly positions. Debating the issues of comingling and removal of code can shed light on the subject, but only give us a shadow view of the true questions. We believe that remedies proposed by the nine snares about providing documentation, licenses, and in some cases, source code, provides the kinds of remedies which can then be debated in the context of comingling vs. third-party software.

DeWine #2

The current Proposed Final Judgement offers nothing to foster innovation and competition in the market of commercial operating systems. In fact, it may do quite the contrary. During the entire litigation, Microsoft has been a significantly less fierce competitor than they might otherwise have been. If the Proposed Final Judgment is imposed on all parties without modification, it will actually sanction Microsoft's past abusive behavior, and there will be nothing to stop Microsoft from escalating their anticompetitive behavior while remaining within the guidelines of the Proposed Final Judgement. The proposal offered by the litigating states, on the other hand, offers true structural remedies and strong enforcement, creating an environment that will foster innovation and competition, increasing the ability of all technology companies, to invest with greater confidence that they are doing so in a fair and free market environment.

Kohl #1

Not at all. The settlement contains technical and structural loopholes that legitimize, rather than remedy, Microsoft's abusive monopoly. For example, sectiona III J.1 and III J.2 both grant Microsoft sole discretion to determine the applicability of the settlement to its own business practices where such practices have in the past been used to extend and abuse monopoly power.

Thus, the settlement is little more than an opportunity for Microsoft to change its own behavior based on its conscience, not a proscription from the courts. Microsoft has demonstrated, in the case of previous settlements, that they are already acting out their conscience and that the technology industry, the states, and the public are not safe from such actions.

Kohl #2 (a and b)

We are strongly supportive of the nine states'' comprehensive alternative to the proposed settlement. We believe that the Proposed Final Judgment as currently drafted cannot easily be fixed by simply fixing errors and ommisions, instead, a comprehesive alternative, written by the plaintiffs rather than the defendant, should be considered.

Kohl #3

There are over 100,000 software companies in existence today (source: Craig Mundie, Microsoft SVP of Advanced Development debating Red Hat CTO Michael Tiemann at the O'Reilly Open Source Conference, July 2001), yet only 500 software companies in the Software 500. Of those 500, the vast majority ship fewer than one million copies of anything. Thus, setting the bar at one million copies excludes more than 99.9% of all software companies from receiving any relief whatsoever with respect to this part of the settlement. Of course, several other parts of the settlement also allow Microsoft to further expand and abuse their monopoly position, so the question by itself is more symptomatic rather than fundamental.

Kohl #4

This Proposed Final Judgment will make it harder, not easier to compete, because it will legitimize, rather than remedy Microsoft's abusive behavior. While we believe that on a daily basis Microsoft behaves in ways inconsistent with this settlement (using retaliation or threats of retaliation or coercion against protected classes defined by the settlement), they have been somewhat restrained while the litigation has been pending, if the settlement is accepted, Microsoft will be able to continue the expansion and abuse of their monopoly with impunity, because the settlement actually allows that] Yes, they may have to change some behavior, but fundamentally the proposed settlement gives them all they need to maintain their current status quo. Further litigation is a very expensive way to reduce a defendant's capacity to do further damage, and we would certainly prefer a settlement that actually addresses and remedies Microsoft's abuses. But as written, this proposed settlement addresses and remedies nothing of substance, while giving Microsoft the ''all clear'' to resume its unhealthy control of innovation and competition. It should be of interest that Red Hat, in markets where Microsoft does not enjoy a monopoly, has been able to compete on technology, performance, and cost. At the same time, Red Hat has elected not to enter the Intel-platform based desktop market, viewing such an effort as futile given Microsoft's monopoly position. Nothing in the Proposed Final Judgment would cause Red Hat to alter that position.

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Date: Thu, 10 Jan 2002 10:43:28 -0500

From: Mark Webbink <mwebbink@redhat.com>

Subject: Microsoft Hearing—Written Questions—Responses of Matthew Szulik

To: nicolle—puopolo@judiciary.senate.gov

Message-id: <3C3DB6A0.3040102@redhat.com>

MIME-version: 1.0

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Responses of Charles F. Rule to Judiciary Committee Questions

Leahy Questions

Q1. In your 1997 testimony on the first Microsoft-Department of Justice consent decree, you said that ''it seems a bit shortsighted (or perhaps even hysterical) to believe that Microsoft is such a juggernaut that putting extra sand in its saddle bags is justified to even up the odds for the competition.'' In light of the fact that the Court of Appeals found that Microsoft violated Section 2 of the Sherman Act, abusing its operating system monopoly to the detriment of consumers, do you still believe that it is ''hysterical'' to inquire into, and seek to end, the company'santicompetitive practices?

A. As you note, the statement in my 1997 testimony refers to the enforcement action brought by the government alleging that Microsoft had violated the terms of its 1995 consent decree. Microsoft was ultimately vindicated in that action, with the Court of Appeals finding that Microsoft had done nothing to violate the terms of that decree. In this most recent action, the Court of Appeals did conclude that certain of Microsoft's practices amounted to monopoly maintenance that violates section 2 and, as my statement to the Committee in December of 2001 explains, the Revised Proposed Final Judgment addresses all that conduct and much more. Having said that, it is worth noting, first, that the Department and states have never alleged, much less proved, that Microsoft achieved its position in the market illegally. Moreover, as the Court of Appeals held, ''the District Court expressly did not adopt the position that Microsoft would have lost its position in the OS market but for its anticompetitive behavior.'' United States v. Microsoft Corp., 253 F.3d 34, 107 (3d Cir. 2001). Second, no matter how one chooses to characterize Microsoft's (or any other company's) competitive prowess, it is never appropriate for the antitrust law—nor is it good policy generally—to put ''sand in the saddle bags'' of one competitor simply because it is more successful for reasons of skill, foresight or luck. Prohibiting companies from engaging in illegal practices and requiring them to compete on the merits is clearly critical, but ''rigging'' or trying to alter outcomes of competition on the merits is a bad idea.

Q2. The Tunney Act requires that Microsoft file with the district court ''any and all written or oral communications by or on behalf of [Microsoft]... with any officer or employee of the United States concerning or relevant to such proposal, except that any such communications made by counsel of record alone with the Attorney General or the employees of the Department of Justice alone shall be excluded from the requirements of this subsection.'' You have recently been named as counsel of record,'' do you believe that this provision requires disclosure of communications by you to the Justice Department prior to the date upon which you became counsel of record? Do you believe it requires disclosure of contacts made on behalf of Microsoft to members of Congress? How do you define power in a way that would be very difficult for courts to redress in the future without recourse to draconian structural relief. Finally, as we saw with the 1995 consent decree, having a seriously flawed settlement can sometimes be worse than having no settlement at all, insofar as it lulls enforcement agencies and the public into a false belief that anticompetitive conduct has been checked while it m fact continues, compounding the under1ying problems in the marketplace. Some in the industry have argued that but for the pendency of the current litigation, and the public and judicial scrutiny that resulted, Microsoft's conduct in the marketplace would have been even worse. ''concerning or relevant to'' the proposed settlement? Do you believe that it covers anything more than the actual negotiations of the decree?

A. First, I personally have been counsel of record for Microsoft since the appeals of Judge Jackson's decision began in 1999. (For those interested, they should review the briefs filed with the Supreme Court and the Court of Appeals.) Moreover, since Microsoft's negotiations with the Department of Justice included representatives of the Plaintiff states, the Tunney Act disclosure includes disclosure of all the negotiations of which I was a part.

Second, the Tunney Act only requires disclosure of contacts with the Executive Branch. To my knowledge, disclosure filings in Tunney Act proceedings (including AT&T's disclosure, for example) are limited to contacts with the Executive Branch.

Third, there is no reason to believe that the phrase ''concerning or relevant to'' has any

meaning other than the standard definition of the words. Webster's New Collegiate Dictionary indicates that ''relating to'' and ''regarding'' are synonymous for ''concerning.'' ''Relevant'' is defined as ''having significant and demonstrable bearing upon the matter at hand.'' Accordingly, and consistent with the plain meaning of all the words of the statutory provision you quote, Microsoft's disclosure included reportable contacts by Microsoft or its representatives with the Executive Branch that related to the company's negotiations of the settlement with the Department and the Plaintiff states.

Q3. Microsoft's retaliation against 0EMs that resisted carrying Microsoft's products featured largely in the evidence at trial, and the proposed settlement seems to address the Court of Appeals'' holding that such retaliation violated Section 2 of the Sherman Act. While the settlement does state that Microsoft cannot retaliate against an OEM that is supporting a competing operating system or middleware there is also a ''carve-out'' to that restriction, which permits Microsoft to provide ''consideration to any OEM with respect to any Microsoft product or service where that consideration is commensurate with the absolute level or amount of that OEM's development, distribution, promotion, or licensing of that Microsoft product or service.'' This seems to permit Microsoft to reward OEMs based on whether they carry Microsoft's products or software; this is just the flip side of ''retaliation.'' How is this different from punishing those who fail to accede to Microsoft's demands ?

A. It is important to note that the Court of Appeals did not conclude that Microsoft ''retaliated'' against any OEM for shipping any competing software (or for any other reason). Moreover, the anti-retaliation provisions of the Revised Proposed Final Judgment contain no ''carve-outs.'' Rather, Microsoft may not retaliate against OEMs, ISVs, and IHVs (independent hardware vendors) because they develop, etc., software that competes with the Windows PC operating systems or Microsoft Middleware. The provision prohibits ''retaliation'' as that word is commonly understood and defined. The provisos in the relevant sections of the Revised Proposed Final Judgment do not ''carve-out'' exceptional circumstances in which Microsoft may retaliate against these third parties for their development, etc., of competing software; rather, those provisos simply make certain that in the future no one will try to extend the prohibition to certain conduct that is legitimate and not generally understood to be ''retaliation.'' So for example, the Revised Proposed Final Judgment is written to ensure that it will not be possible to twist the common meaning of ''retaliation'' to cover situations in which Microsoft seeks legitimately to protect its intellectual property against infringement. The decree also makes clear that legitimate efforts by Microsoft to enforce a contract, including through rights of termination against an OEM that has breached the contract by, for example, refusing to pay royalties due and owing to Microsoft, though Microsoft agreed that it would give an OEM an offer to cure any breach at least two times during the term of the contract (which currently is one □,ear) are allowed under the Revised Proposed Final Judgment.

Also, as your question indicates, the Revised Proposed Final Judgment makes clear that Microsoft is not ''retaliating'' if it provides ten times more marketing support to one OEM than to another OEM that ships only one-tenth the number of Windows operating systems compared to the first OEM. The notion that Microsoft has to provide the same level of support to all third parties without regard to the level of development, distribution, promotion or licensing of Microsoft's products or even without regard to whether they carry Microsoft's products or software at all seems absurd. One doubts that OEMs like Dell and Compaq that each year sell millions of PCs installed with a Windows PC operating system would think it fair and reasonable if Microsoft could provide them with no more support than a small OEM in East Asia that installs Windows on none of its PCs. Even without regard to the fairness and reasonableness of such decisions, decisions concerning the allocation of finite resources are what every business, regardless of its size, legitimately must make. It renders the word ''retaliation'' meaningless to suggest that such legitimate decisions would be proscribed by an ''anti-retaliation'' provision. However, the fact that Microsoft's competitors would even make such a suggestion indicates why the company negotiated for, and why the Department and settling states agreed to, the clarification.

Q4. Microsoft is given 12 months to come into compliance with this proposed settlement; what tasks must it actually undertake that will require so much time?

A. The Revised Proposed Final Judgment does not become binding and the court's powers of enforcement do not pertain until the court enters the judgment (hence the Department's concern, as we understand it, that the Tunney Act proceeding not be delayed). Nevertheless, Microsoft has stipulated that it will abide by the terms of the Revised Proposed Final Judgment from the date it was submitted to the court for approval. The stipulation did give Microsoft until December 16, 2001, to begin its voluntary compliance with the Revised Proposed Final Judgment; however, with the exception of three substantive provisions of the Revised Proposed Final Judgment which require substantial engineering work, Microsoft is currently complying with the provisions of the decree. With the exception of the creation of the Technical Committee (IV.B) and the term of the Revised Proposed Final Judgment (i.e., when it will expire) (the timing of both is measured from the date the decree is entered by the court), the clock begins to run on Microsoft's obligation to implement the provisions of the Revised Proposed Final Judgment on the date it was submitted to the court (i.e., November 6, 2001).

With respect to the three substantive sections that have not yet become effective, namely sections III.D, III.E, and III.H., all three require Microsoft to engage in substantial engineering work. That work is currently well underway.

In order to comply with section III.D., which requires Microsoft to disclose APIs and related Documentation used by Microsoft Middleware to interoperate with Windows 2000 or Windows XP (and subsequent versions of PC operating systems), Microsoft must do substantial work to identify the relevant interfaces, determine whether they have already been disclosed and, if not, develop the necessary documentation so third parties will understand what functions they perform and how to use them. Microsoft must disclose the APIs and documentation when it releases the first Service Pack for Windows XP.

Microsoft may also be required to reengineer Microsoft Middleware, as well as Windows 2000 and Windows XP in order to comply with III.D. Because Microsoft has strong commercial incentives to issue the first Service Pack of a new operating system as soon as possible and delay of its issuance (and thus delay of the obligation to disclose APIs) will be costly to Microsoft, the Revised Proposed Final Judgment provides a strong incentive for Microsoft expeditiously to complete the necessary engineering work in order to comply with III.D by in effect holding up the release of the Windows XP Service Pack until disclosure of the relevant APIs and documentation under III.D is completed.

In the case of the ''Add/Remove'' utility and ''defaults'' that Microsoft must design and make available to end-users and OEMs under section III.H, significant changes to Windows XP and Windows 2000 must be engineered and made available in subsequent versions of the operating systems. Providing the ship date of the first service pack of Windows XP as the deadline for that work similarly provides a strong incentive to Microsoft to complete the necessary engineering work expeditiously.

In the case of both III.D and III.H, the expectation is that they will become effective well before November 6 of this year (i.e., twelve months after submission of the Revised Proposed Final Judgment to the court). At the time the decree was being negotiated, the company was planning to try to release the first service pack for Windows XP (a major engineering undertaking in itself) by the middle of this year. While Microsoft hopes that timing will not slip significantly, a very substantial engineering burden was imposed on Microsoft by the decree and Microsoft advised the Department and the Plaintiff states of that fact during the negotiations. As a result the twelve months was put in as a ''back stop'' to provide the Department and the settling states with an absolute drop dead date for compliance with those two provisions. Everyone expects the first service pack of Windows XP to be released well in advance of November 2002.

Section III.E requires Microsoft to identify, document, and make available for third-party licensing Communications Protocols that allow a Windows server operating system to interoperate natively with Windows 2000 or Windows XP.

As explained in my statement to the Committee, the so-called ''client-server interop'' issue is outside the scope of the Court of Appeals decision, but based on Microsoft's expectation that the Plaintiff states would settle if section III.E were

included in the proposed relief, Microsoft reluctantly agreed to it. However, the provision requires Microsoft to license proprietary information that as a general matter Microsoft previously did not license to third parties. Again, it is a significant undertaking to inventory all the protocols, to develop the documentation for third parties, and otherwise to do the work necessary to license the protocols to third parties. In recognition of the scope of that work, the Revised Proposed Final Judgment provides Microsoft with nine months to accomplish the work (which unlike sections III.D and III.H, is not related to the work being done to develop the first service pack of Windows XP). Thus, starling on August 6, 2002, the relevant Communications Protocols will for the first time be available for third-party licensing.

Q5. The proposed settlement agreement provides that Microsoft's disclosure of APIs and documentation for an updated version of Windows in a ''timely manner '', and ''timely manner'' seems to be defined as the time at which Microsoft makes the new Windows version available to 150, 000 or more beta testers. Does Microsoft routinely send beta test versions to so many testers? When has it done so in the past? Can't Microsoft avoid the disclose provision by simply limiting the number of beta testers?

A. In negotiating the decree, both sides understood the need for setting the obligation to disclose APIs and documentation sufficiently late in the development cycle of new products so that Microsoft is able to develop, test, and modify the APIs as well as the documentation of the APIs based on feedback the company gets from third-party testers included in early beta releases. Once the APIs and documentation are ''disclosed'' under section III.D, they need to be ''hardened'' or fixed because at that point third parties, particularly middleware vendors, will be writing their own software that calls on those APIs and will be frustrated and may be put to added expense if the APIs are modified significantly before the wide commercial release of the Microsoft platform product. On the other hand, the United States and the settling states insisted that the disclosure occur before the commercial release of the product so that third parties can begin designing products that take advantage of the APIs at the time or shortly after the time the Windows PC operating system containing the APIs or the Microsoft Middleware is released commercially. In the case of Windows PC operating systems, historically the last major beta release before commercial release has involved substantially in excess of 150,000 beta testers; for example, the last major beta release of Windows XP was distributed to more than 500,000 beta testers.

It is inconceivable that Microsoft would forego beta testing or would limit the number of beta testers of a Windows PC operating system in order to avoid section III.D. Quite apart from the seriousness with which Microsoft takes its responsibilities under court orders, a failure by Microsoft to subject its products to extensive beta testing would threaten to exact a heavy toll on Microsoft's goodwill. Without extensive beta testing, Microsoft would significantly increase the risk of shipping products with major bugs that would engender consumer ill will. It is simply not credible for Microsoft's competitors to assert that Microsoft would subject its business to such a threat and raise questions about its compliance with the decree in order to achieve a temporary ''head-start'' over competing middleware vendors. The Committee should keep in mind that nowhere in its decision did the Court of Appeals affirm a finding that Microsoft ever failed to disclose APIs or otherwise manipulated disclosure of APIs to give Microsoft middleware an illegal advantage over the competition. Moreover, case law suggests that a monopolist is fully entitled to gain the competitive advantage of its own research and development work by not releasing information about it that might be needed by developers of competing products until after the public release of the company's new products.

Q6. If a PC manufacturer decides that it would like to remove Windows Moviemaker, is that action protected from the ban on retaliation in the proposed settlement? If a representative of a PC manufacturer or a software developer testified before this Committee or before the district court in the on-going states'' case, would the settlement ban retaliation against them ?

A. Windows Moviemaker is not in the list of Microsoft Middleware Products, nor should it be in light of the Court of Appeals decision. While the United States and the settling states insisted on a very broad (Microsoft believes, an overly broad) definition of ''middleware,'' only a definition that essentially included all PC software would suffice to include features of Windows PC operating systems such as Windows Moviemaker and third-party software that performs similar functionality. The theory of the government's case and the rationale of the Court of Appeals decision is that Microsoft took certain actions (the twelve that the Court of Appeals affirmed) which were designed to exclude Netscape Navigator and Sun's Java technology from the market because separately or together they represented threats to Microsoft's position in the market for PC operating systems. That analysis had plausibility because the Court of Appeals concluded that, by exposing a broad range of general purpose APIs that developers could use to create applications and by having the capability of running on multiple PC operating systems, Navigator and Java had the potential to serve as platforms that could compete with the Windows platform. By contrast, software for displaying and editing movies does not serve as a platform for applications development.

Moreover, the issue of Microsoft's unwillingness to allow OEMs to remove access to the Internet Explorer functionality was only anticompetitive because the Court of Appeals accepted the district court's finding that it impaired Netscape's ability to persuade OEMs to install and ship Navigator on their PCs. The government did not challenge and the Court of Appeals did not conclude that, by itself, Microsoft's practice of continually incorporating new features and functionalities in successive versions of Windows PC operating systems and insisting that OEMs install and ship Windows with its features and functionalities intact violated the antitrust laws. To the contrary, even under the previous Administration the Department has recognized, as did the Court of Appeals'' opinion, that such integration in general is potentially beneficial to software developers who take advantage of the new APIs and consumers. (That insight is what led the Court of Appeals to hold that allegations that software integration amounts to an illegal tie-in must be analyzed under the Rule of Reason and, on that basis, to reverse Judge Jackson's conclusion that the integration of IE into Windows 98 was per se unlawful.)

Against this background, it should be no surprise that the Revised Proposed Final Judgment is silent concerning Microsoft's licensing policies with respect to the ability of OEMs to remove non-middleware features of Windows such as Windows Moviemaker. Indeed, any effort to include in this decree a provision that precluded Microsoft from integrating new features and functionality into Windows and ensuring that end users get all the features and functionalities of Windows, at least other than Microsoft middleware, would be directly contrary to the holding of the Court of Appeals. Microsoft does in its licenses with OEMs require them to ship Windows with all its non-middleware features intact. (OEMs, however, are free to add third party software of any kind, including digital media manipulation applications to computers before they ship, and many do.) An OEM that removed Windows Moviemaker before shipping Windows XP on its PCs would be in violation of its license agreement. As explained in response to question 3 above, legitimately seeking to enforce a valid license or contractual provision that does not violate the Revised Proposed Final Judgment would not be ''retaliation'' in any conventional sense of that word.

As for the question concerning the possibility of Microsoft retaliating against those who have testified against Microsoft, there is absolutely no basis for suspecting that Microsoft would even consider doing such a thing. Certainly the potential for such retaliation was not part of the plaintiffs'' case and formed no part of the decision of the Court of Appeals. Nevertheless, the Revised Proposed Final Judgment makes clear (sections III.A.3 and III.F.1.b) that Microsoft cannot retaliate against any OEM, ISV or IHV, including those who testified against Microsoft, because that third party chooses to exercise any of the options provided by the Revised Proposed Final Judgment.

Q7. Software developers that take advantage of the middleware API disclosure are required by the proposed settlement to cross-license their products back to Microsoft. Presumably this is of great benefit to Microsoft, but how does it fit into remedying the antitrust violations found in court?

A. Northing in the Revised Proposed Final Judgment requires software developers to license their products to Microsoft, whether or not the developers choose to use the new middleware APIs that Microsoft is obligated

to disclose. Paragraph III.I. requires Microsoft to license to certain third parties any Microsoft intellectual property that is necessary for them to exercise the options and alternatives provided under the Revised Proposed Final Judgment. Subpart 5 states that those parties ''may be required'' to license to Microsoft any intellectual property they may have relating to the exercise of such options or alternatives on ''reasonable and nondiscriminatory terms'' so that Microsoft can comply with the Revised Proposed Final Judgment by offering those options and alternatives to those parties without running afoul of intellectual property law. This provision simply facilitates implementation of the decree provisions.

Q8. The provision of the proposed settlement addressing the availability of server communications protocols refers to protocols that are ''used to interoperate natively, i.e., without the addition of software code to the client operating system product, with a Microsoft server operating system product.'' I am confused about the meaning of ''natively, ''and the Competitive Impact Statement does not clarify it. As the issue of Microsoft ''s possible abuses in the server arena are even now before the European Union's antitrust enforcement branch,] am interested to know precisely what your proposal accomplishes, and whether it addresses the EU's concerns as well?

A. The ''client-server interoperability'' provision (section III.E) is one example where the Revised Proposed Final Judgment addresses an issue that has nothing to do with the Court of Appeals'' decision. Microsoft agreed to that provision in order to settle this case and move forward in a positive posture with the federal and state governments. In particular, Microsoft agreed to the provision based on its expectation that if it did the states would agree to the Revised Proposed Final Judgment. Section III.E. requires Microsoft to disclose Communications Protocols used by Windows to interoperate with Microsoft server operating systems. The term ''natively'' means that the interoperation is directly between a Windows PC operating system such as Windows XP and a Microsoft server operating system product as opposed to communications between a Microsoft server and a program running on top of such PC operating systems. As Microsoft understood the concern that the provision was designed to address, the plaintiffs wanted to prevent Microsoft from leveraging its position in PC operating systems to harm competition in server operating systems. I have not consulted with the EU on either the Revised Proposed Final Judgment or its investigation, and so cannot represent whether or not this provision addresses any concerns the EU may have.

Q9. The proposed settlement's prohibition on retaliation against software developers creates an exception from that prohibition for agreements that ''are reasonably necessary to and of reasonable scope and duration'' in connection with obliging a developer to use, distribute, promote, or develop software for Microsoft. What do you envision that exception to cover, and more importantly, what does it leave within the ban against retaliation?

A. This question seems to reflect a misreading of section III.F of the Revised Proposed Final Judgment. The ''exception'' for reasonably ancillary contractual limitations applies to subsection III.F.2 (which prohibits Microsoft from conditioning the grant of consideration on an ISV's refraining from developing, etc., any competing software) rather than to the ''anti-retaliation'' prohibition of III.F. 1. In response to question 3, I have explained that the anti-retaliation provisions of the Revised Proposed Final Judgment contain no ''carve-outs'' or ''exceptions.''

The exception language in section III.F.2 simply makes clear that Microsoft may engage in the routine business practice of collaborating with third parties that wish to use, distribute or promote Microsoft software or to develop software together with Microsoft. To the extent that Microsoft enters into such agreements, it may place limitations on the third parties if the limitations are carefully tailored and reasonably necessary in relation to the bona fide contractual arrangement between Microsoft and the third party. The law has long recognized that legitimate ancillary restraints are often critical to procompetitive collaborations, and this exception simply reflects that recognition. There is nothing in the Court of Appeals decision or in public policy to suggest that such an exception is inappropriate. Indeed, in the absence of this provision, Microsoft would be reluctant or unable to enter into many procompetitive collaborations—a result that would restrict opportunities for third parties and potential benefits for consumers.

Q10. The proposed settlement permits the removal of the Internet Explorer icon, but as I understand it, even if a user chooses to remove Internet Explorer, IE will continue to pop up in MyDocuments, MyMusic, and MyPictures. Is this understanding correct, and if so, how can a user ever be free of Internet Explorer?

A. The creation of default opportunities for third-party middleware (section III.H.2) is another area where the Revised Proposed Final Judgment actually goes beyond the decision of the Court of Appeals. The whole concept of ''defaults'' is a reflection of how Microsoft historically has chosen to design its operating systems to provide extensive opportunities for non-Microsoft software, even when that software duplicates functions already provided by Windows. Generally, operating systems (Microsoft's as well as those of its competitors) are a set of integrated functionalities and are designed to rely on and invoke those internal functionalities to perform various tasks. So for example, when the end user asks Windows to perform a task that requires displaying information in HTML (the format of the Web), Windows invokes its internal HTML display software, which is Internet Explorer. (And, of course, by utilizing the Windows API set, ISVs can also invoke the Windows HTML display software). Over time, the designers of Windows have chosen to give ISVs the opportunity to take over certain functions—typically to open and display certain file types (e.g., .him files)—in circumstances in which the designer believes will enhance the end-user experience. On the other hand, if allowing a third party to take over a function would disrupt the integrated experience for an end user, Windows generally does not provide a third-party default opportunity.

In the case against Microsoft, the Department and the Plaintiff states alleged that Microsoft's design of Windows to ''override'' the OEMs'' or end-users'' choice of a default browser in certain circumstances (for example, in the case of Windows Help and Windows Explorer) amounted to illegal monopoly maintenance. (As explained above, it is more accurate to say that Microsoft in designing Windows chose not to create a default opportunity with respect to certain aspects of Windows where an integrated experience seemed more appropriate.) While the plaintiffs prevailed on this point in the district court, this was one of those aspects of the district court's decision that the Court of Appeals expressly reversed. United States v. Microsoft, 253 F.3d 34, 67 (DCCir. 2001). The Court of Appeals ruled that ''Microsoft may not be held liable for this aspect of its product design.''

Notwithstanding this clear Microsoft victory, the United States and the settling states insisted that Microsoft be required to design future versions of its Windows PC operating systems in such a way as to guarantee OEMs and third-party vendors of middleware default opportunities in those circumstances described in section III.H.2. Those opportunities apply not just to Internet browsing software but to any third party software that meets the definition of middleware. To some extent that may require Microsoft to design the operating system in a way that allows third-party middleware to interject itself in ways that disrupt the integrated end-user experience; however, Microsoft agreed to III.H.2, despite the absence of a basis for it in the Court of Appeals decision, in order to settle the case.

Q11. In 1995, the Department and Microsoft entered into a Consent Decree. Two years later, the Department sued Microsoft for contempt of the Decree when Microsoft and the Department disagreed over the meaning and correct interpretation of certain provisions of the Decree, including the meaning of the word ''integrate'' as that term was used in the Decree. Given the prior litigation between the Department and Microsoft over the proper interpretation of the 1995 Consent Decree, do you agree that Microsoft and the Department should have a common, explicit understanding of the meaning and scope of this proposed Final Judgment before it is entered?

A. The Department and Microsoft entered into their first consent decree in 1994, and Microsoft began its compliance immediately. The decree was not approved by the court until 1995. The Department and Microsoft had a common understanding of that decree, but over time the Department personnel involved in the negotiations left the Department and new personnel instituted the litigation in 1997. In 1998, the Court of Appeals confirmed that Microsoft's interpretation of the decree was likely

correct, and that Microsoft had not violated the decree.

It is important that Microsoft and the Department have a common understanding of the Revised Proposed Final Judgment to avoid unnecessary litigation in the future. Microsoft is confident that the extensive negotiations in this case have resulted in a clear agreement between the parties involved. Indeed, a great deal of the mediation process was devoted to developing technical concepts and clear language to ensure that there was a clear meeting of the minds concerning Microsoft's obligations under the decree. While Judge Jackson's now-vacated June 2000 judgment may seem clear to a non-technical lawyer, it is largely technical ''gibberish,'' and the reasons for many of the changes in the language in analogous provisions of the Revised Proposed Final Judgment were to make the provisions meaningful and to avoid the sorts of disputes about which you speak. Because the software design and disclosure issues addressed by the Revised Proposed Final Judgment are inherently complex and technical (far more so than any other antitrust decree of which I am aware), it is no surprise that the language of the Revised Proposed Final Judgment Would seem complex. However, the language of the Revised Proposed Final Judgment is infinitely clearer and less ambiguous than that of Judge Jackson's order (or the proposed remedies of the non-settling states), and thus infinitely less likely to engender never-ending disputes between the United States and Microsoft. Moreover, the Technical Committee is designed to ensure prompt resolution of any issues that may arise over the application of the technical language to specific factual circumstances.

Q12. Do you agree that the meaning and scope of the proposed Final Judgment as agreed upon by the Department and Microsoft should be precise, unambiguous and fully articulated so that the public at large can understand and rely on your mutual understanding of the Judgment?

A. Yes, that is an important goal; however, the ultimate test is whether the language is understood and meaningful to the parties and to the courts which must interpret it. Given the government's objective of imposing prohibitions and obligations concerning Microsoft's design of the Windows PC operating system and Microsoft middleware, it was essential, as explained in response to question 11, that the Revised Proposed Final Judgment use technical terms that may be foreign to the lexicon of most members of the public. Any effort to make the language easily understood to those unskilled or unfamiliar with software technology would be a prescription for enforcement disaster. Given the inherently complex and technical subject matter of the Revised Proposed Final Judgment, I am convinced that the language is as ''precise, unambiguous and fully articulated'' as is possible.

A knowing comparison to the language in Judge Jackson's judgment or the proposed remedies of the non-settling states makes clear how vastly better a job the Revised Proposed Final Judgment does in providing a precise, meaningful, and enforceable set of provisions than either of those alternatives.

Q13. If Microsoft and the Department were to disagree about the correct interpretation of one or more important provisions of the proposed Final Judgment, would you consider that to be a potentially serious problem?

A. There is no one who wants to avoid disputes over the correct interpretation of the decree more than Microsoft. Even though Microsoft was ultimately vindicated in its interpretation of the 1995 decree when a dispute arose between Microsoft and the Department, the process of obtaining that vindication was very painful and costly to the company. One of Microsoft's principal goals in the negotiations that led to the Revised Proposed Final Judgment was to develop concepts and language on which Microsoft and the plaintiffs had a clear meeting of the minds and which could be understood and fully complied with by the company and its thousands of employees. As explained in response to earlier questions, measured by that standard, the Revised Proposed Final Judgment does a vastly better job than any of the alternatives of which I am aware.

Q14. Do you agree that it would be highly desirable to identify any significant disagreement between Microsoft and the Department over the correct interpretation of the proposed Final Judgment now, before the Judgment is entered by the Court, rather than through protracted litigation as in the case of the 1995 Consent Decree?

A. While it is certainly preferable to identify disagreements before rather than after the Revised Proposed Final Judgment is entered, we spent countless hours negotiating this agreement with the Department and the states with the help of court-appointed mediators, and are confident that we have a clear agreement. As I explained in response to the previous questions, one of Microsoft's principal objectives in the negotiation was to develop a decree that would avoid the sort of litigation, which Microsoft ultimately won, that arose out of the 1995 Consent Decree. (I should also note that the 1997 litigation was resolved by the Court of Appeals, in Microsoft's favor, within nine months of the Department's petition for relief.) It was imperative that we have a decree with a clear meaning to both the Department and Microsoft that would retain its clarity even as the personnel in the Department changes. That said, it is probably impossible to craft language that is so clear that disputes over its meaning are inconceivable. However, while I would not contend that the negotiations achieved perfection, the Revised Proposed Final Judgment is significantly less prone to dispute than the alternatives, such as Judge Jackson's now-vacated June 2000 judgment or the non-settling states'' proposed relief. Moreover, to the extent legitimate disputes do arise in the future that cannot be resolved by other means, the courts remain our society's best vehicle for resolving such disputes.

Q15. Can the public at large rely upon the Department's Competitive Impact Statement as the definitive interpretation of the nature and scope of Microsoft's obligations under the Final Judgment? If not, then what is the mutually understood and agreed-upon interpretation of the meaning and scope of Microsoft's obligations under the Final Judgment?

A. The Competitive Impact Statement was prepared pursuant to the Department's obligations under the Tunney Act. It has the same legal force that the Tunney Act gives any Competitive Impact Statement.

Q16. Does the Competitive Impact Statement accurately reflect Microsoft's interpretation of the proposed Final Judgment?

A. Microsoft did not participate in the preparation of the Competitive Impact Statement. The language of the Revised Proposed Final Judgment was carefully negotiated and means what it says. The Department's Competitive Impact Statement has the same legal force and effect in this case as in any other. Beyond that I cannot go in light of the facts that the Tunney Act proceeding is currently under way before Judge Kollar-Kotelly and that the non-settling states are attempting to raise various issues concerning the Competitive Impact Statement as part of the ongoing ''remedies'' litigation also before Judge Kollar-Kotelly. Once that litigation is completed, I may be in a better position to discuss these issues with the Committee.

Q17. Recognizing that the Department's Competitive Impact Statement cannot address every conceivable issue that may arise in the future concerning the proposed Final Judgment, is there anything stated in the Competitive Impact Statement with which Microsoft disagrees?

A. See the answer to question 16.

Q18. Has Microsoft informed the Department that it has any disagreement with the Department's interpretation of the Final Judgment as set forth in the Competitive Impact Statement?

A. See the answer to question 16.

Q19. Does Microsoft disagree with anything stated in the Department's Competitive Impact Statement concerning the meaning and scope of the proposed Final Judgment?

A. See the answer to question 16.

Q20. Will you commit on behalf of Microsoft to inform this Committee in writing of each and every statement in the Department's Competitive Impact Statement with which Microsoft disagrees? Will you commit to do so within the next 15 days so that the public can understand what disagreements Microsoft has with the Competitive Impact Statement before the Tunney Act comment period expires ?

A. See the answer to question 16.

Q21. Was there anything in Assistant Attorney General James' testimony before this Committee concerning the meaning an d interpretation of the proposed Final Judgment with which Microsoft disagrees?

A. I thought the testimony of AAG James accurately described the Revised Proposed Final Judgment, and nothing I have seen or heard since November 6th leads me to change my view that the Revised Proposed Final Judgment reflects a clear meeting of the minds between Microsoft on the one hand and the Department and the settling states on the other.

Q22. The Department's Competitive Impact Statement states at page 38 that.' ''if a

Windows Operating System Product is using all the Communications Protocols that it contains to communicate with two servers, one of which is a Microsoft server and one of which is a competing server that has licensed and fully implemented all the Communications Protocols, the Windows Operating System Product should behave identically in its interaction with both the Microsoft and non-Microsoft servers.'' Does Microsoft agree that this accurately states one objective of Microsoft's obligations under section III(E) of the proposed Final Judgment?

A. See the answer to question 16.

Q23. The Department's Competitive Impact Statement states at page 36 that: ''Section 1II.E. will prevent Microsoft from incorporating into its Windows Operating System Products features or functionality with which its own server software can interoperate, and then refusing to make available information about those features that non-Microsoft servers need in order to have the same opportunities to interoperate with the Windows Operating System Product.'' Does Microsoft agree that this accurately states one objective of Microsoft's obligations under section Ill(E) of the proposed Final Judgment?

A. See the answer to question 16.

Q24. The Department's Competitive Impact Statement states at page 37–37 that.' ''Because the Communications Protocols must be licensed for use' by third parties, the licensing necessarily must be accompanied by sufficient disclosure to allow licensees fully to utilize all the functionality of each Communications Protocol.'' Does Microsoft agree that this accurately states one objective of Microsoft's obligations under section Ill(E) of the proposed Final Judgment?

A. See the answer to question 16.

Heatch Questions.

Q1. Concerns have been voiced about potential ''loopholes'' that might be created by ambiguities in various definitions that are fundamental to determining Microsoft's responsibilities under the settlement. Do you agree that the ''Competitive Impact Statement'' accurately memorializes the spirit and underlying considerations of the Proposed Settlement agreement; and do you further agree that it should be used as an authoritative interpretive guide in settling disputes about the practical application of the Proposed Settlement?

A. The Competitive Impact Statement was prepared pursuant to the Department's obligations under the Tunney Act. It has the same legal force that the Tunney Act gives any Competitive Impact Statement.

Ultimately, the language of the Revised Proposed Final Judgment controls. Contrary to the assumption in the question that the proposed judgment is full of loopholes, it is not. Both sides spent five weeks full time working out technically complex concepts and reducing them to language that both sides agreed to and understood. Both sides worked long hours on crafting the precise wording of the Revised Proposed Final Judgment, and while the language is technical and somewhat complex, reflecting the subject matter of the judgment, it is vastly clearer, more precise, and understandable to those bound by the decree and to those who must enforce it than any of the alternatives ever suggested, including Judge Jackson's now-vacated June 2000 order and the relief proposed by the non- settling states.

Q2. Could you please identify the specific aspects of the Competitive Impact Statement that you believe do not accurately represent Microsoft's understanding of the Proposed Settlement? And, to the extent you believe that the Competitive Impact Statement is inaccurate, would Microsoft be willing to provide a detailed description of these perceived inaccuracies along with specific language describing Microsoft's understanding of the issue, language, or provision, the accuracy of which Microsoft disputes?

A. Microsoft did not participate in the preparation of the Competitive Impact Statement. The language of the Revised Proposed Final Judgment was carefully negotiated and means what it says. The Department's Competitive Impact Statement has the same legal force and effect in this case as in any other. Beyond that I cannot go in light of the facts that the Tunney Act proceeding is currently under way before Judge Kollar-Kotelly and that the non-settling states are attempting to raise various issues concerning the Competitive Impact Statement as part of the ongoing ''remedies'' litigation also before Judge Kollar-Kotelly. Once that litigation is completed, I may be in a better position to discuss these issues with the Committee.

Q3. In your written testimony (p. 9) you briefly address the Proposed Settlement's prohibition of retaliation by Microsoft against computer makers. You summarize the provision in the settlement stating that ''Microsoft has agreed not to retaliate against computer makers who ship software that competes with anything in [Microsoft's] Windows operating system.'' Id. Concerns, however have been raised regarding perceived limitations on this anti-retaliation provision. Could you explain either why the perceived caveats were included in the anti-retaliation provision as well as why you believe that these perceived caveats do not actually allow Microsoft to engage in substantial retaliation against computer makers?

A. The Revised Proposed Final Judgment makes clear that Microsoft may not retaliate against OEMs, ISVs, and IHVs because they develop, etc., software that competes with the Windows PC operating systems or Microsoft Middleware. The provision prohibits ''retaliation'' as that word is commonly understood and defined. The provisos in the relevant sections of the Revised Proposed Final Judgment do not provide opportunities for Microsoft to circumvent this prohibition; rather, those provisos simply provide some certainty that in the future no one will try to extend the prohibition to certain conduct that is legitimate and not generally understood to be ''retaliation.'' So for example, the Revised Proposed Final Judgment is written to ensure that it will not be possible to twist the common meaning of ''retaliation'' to cover situations in which Microsoft seeks legitimately to protect its intellectual property against infringement. The decree also makes clear that Microsoft may enforce a contract, including through rights of termination against an OEM that has breached the contract by, for example, refusing to pay royalties due and owing to Microsoft. Microsoft's ability to enforce valid OEM agreements that do not violate the decree is qualified, however, because section III.A requires Microsoft to give an OEM the opportunity to cure any breach at least two times during the term of the contract (which currently is one year).

Q4. Is it your position that the anti-retaliation provision does in fact prohibit Microsoft from all forms of retaliation against computer software makers that choose to ship software that competes with Microsoft products; and, if not, how do you answer the criticisms that the provision is insufficient to effectively prevent retaliation ?

A. See the answer to question 3.

Q5. Several media sources and commentators have reported that major computer makers—or ''OEMs''—such as Hewlett Packard, Compaq, Dell, and Gateway, are heavily dependent on Microsoft, which—some have argued—may explain the lack of vocal opposition by these companies to the Proposed Settlement. With this in mind, how can the Proposed Settlement's substantial reliance on these companies to incorporate software that competes with Microsoft products on the computers the), distribute be trusted to result in actual competition in the middleware market?

A. The Department and the plaintiff states are probably in the best position to explain the theory of their case and their request for relief. Nevertheless, both the premise of much of the case and of much of the relief proposed by anyone in this case has been that competition will be enhanced if Microsoft is prevented from retaliating against or favoring OEMs on the basis of their decisions whether or not to distribute, support, etc., software that competes with Microsoft's PC operating systems or middleware. The United States and settling states insisted on sections III.A and III.B to eliminate Microsoft's ability to harm or favor OEMs based on their decisions to support, vel non, software that competes with Microsoft platform software. In addition, section III.C ensures OEMs that they will have freedom to install and feature non-Microsoft middleware, and section III.H even obligates Microsoft to design its future operating systems in ways that make it easier for OEMs (and end users) to display non-Microsoft middleware.

The Revised Proposed Final Judgment thus eliminates what the United States and Plaintiff states perceived as disincentives for OEMs to install and feature non-Microsoft PC operating systems and middleware, and the proposed judgment creates a number of new incentives and opportunities for OEMs to install and feature such software. It is noteworthy that even before these new protections for OEMs were put in place, OEMs were shipping non-Microsoft software, like the AOL client or RealNetworks media software, that fits within the Revised Proposed Final Judgment's broad definition

of middleware. Indeed, AOL currently has a major advertising campaign with broadcast commercials advising PC owners that ''AOL is already installed on most computers, probably even yours.'' It is also worth noting that the Court of Appeals did not conclude that Microsoft ''retaliated'' against any OEM for shipping any competing software.

Q6. Could you please explain, in detail, what incentives you believe will actually lead OEMs to install software that competes against Microsoft software? Are you aware of particular competing software that OEMs might currently wish to install in favor of similar Microsoft products?

A. As explained in response to question 5, OEMs are already shipping a lot of non-Microsoft middleware. If there is any doubt, I invite anyone to visit their local PC retailer and discover all the preloaded non-Microsoft software that OEMs are already offering on the PCs they ship. The AOL and RealNetworks examples in the response to question 5 are not alone. The Revised Proposed Final Judgment provides OEMs with flexibility to hide access to certain features in Windows if those OEMs wish to promote non-Microsoft software in lieu of the Windows features. As explained in my answer to other questions from the Committee, the Court of Appeals upheld the district court's finding that OEMs were less likely to install non-Microsoft Web browsing software if they were not allowed to hide the icons for Internet Explorer. OEMs will now be free to do so for Web browsing and other categories of software. Whether OEMs really wish to hide access to features of Windows, of course, remains to be seen. Nevertheless, the important point is that the Revised Proposed Final Judgment removes any obstacle posited by the plaintiffs in the case and provides significant new opportunities for installing non-Microsoft middleware products on PCs running Windows.

Q7. With respect to concerns raised regarding the lack of a strong enforcement mechanism in the Proposed Settlement, could you please expand upon the reason that you believe the Proposed Settlement ensures effective enforcement? Could you also explain your view of how enforcement will occur? Finally, could you explain why—assuming that this is your position—the proposed alternative enforcement mechanisms are either unnecessary, undesirable, or both ?

A. As stated in my testimony, the enforcement provisions in the Revised Proposed Final Judgment are unprecedented in a cM1 antitrust decree. While enforcement authority resides with the Department and the settling states (as parties to the settlement), the Revised Proposed Final Judgment puts an independent Technical Committee on the Microsoft campus with broad authority and unlimited access to company facilities, personnel and intellectual property—including the most sensitive of Microsoft's proprietary software code. The Technical Committee is intended to help monitor and resolve any technical issues that arise in an expeditious and expert manner without putting Microsoft's legitimate intellectual property rights at risk of confiscation. As for interpreting the legal meaning of the Revised Proposed Final Judgment and expertly and effectively utilizing enforcement mechanisms to ensure that the judgment is complied with, the Department of Justice and the states quite understandably felt that there is no one in the world with their experience in interpreting and enforcing antitrust decrees. As a consequence they negotiated for and obtained, a complete set of the enforcement powers that the Department historically has obtained in antitrust judgments. Moreover, they demanded and obtained judgment provisions that ensure that the Technical Committee will not in any way undermine or abrogate those powers.

All of the alternative enforcement mechanisms that have been proposed by third parties would really add nothing to the power of the Department and the states to enforce a judgment. If anything they would add layers of bureaucracy and potentially undermine the Department's control over enforcement of the decree. For example, some have suggested the need for a special master. No one argues that a master is a substitute for the Technical Committee; rather, the master would be a complement to deal with legal issues. The Department, however, does not need help dealing with legal issues surrounding consent decrees; it is the nation's leading expert on such issues. Moreover, because the master could not assume Article III powers, Microsoft would be able to appeal any decision to the district court and beyond, thereby delaying final resolution of disputes. On the other hand, a master could interfere with the legitimate and routine exercise of the Department's constitutionally based prosecutorial discretion.

DeWine Questions

Q1. Mr. Rule, in your testimony you have gone to great length to explain how certain portions of the government's case were dropped or thrown out during the course of litigation. Does Microsoft acknowledge that it violated the antitrust laws?

A. Microsoft certainly acknowledges that the Court of Appeals held that certain of Microsoft's conduct amounted to monopoly maintenance in violation of section 2 of the Sherman Act. The reason that Microsoft went so far in the negotiations with the Department of Justice and the states—as my testimony explained, the Revised Proposed Final Judgment covers conduct and products that were never part of the case—was to close this contentious chapter in the company's history and move forward in a new, more constructive manner with the Department and the states. Unfortunately, several of the states that had less involvement in the litigation and negotiations than the states that settled decided to hold out for relief that not only has nothing to do with the Court of Appeals decision but is also confiscatory, anticompetitive, and in many cases unintelligible. As a result, Microsoft has had no choice but to continue litigation and must preserve its full ability to defend itself, including its right if necessary to seek review of the Court of Appeals' decision.

Q2. Mr. Rule, many within the high tech industry have argued that the antitrust laws are overly cumbersome when it comes to promoting competition within the fast-changing industry. Is this Microsoft's position?

A. No, Microsoft recognizes that the antitrust laws have an important role in protecting the benefits of competition in all industries, including high technology.

Q3. Mr. Rule, What do you believe are the appropriate objectives of remedies in monopolization cases such as this? Do you believe the case law supports a position that monopoly acquisition cases should be treated differently than monopoly maintenance cases? Finally, do you believe this settlement fully achieves the appropriate remedy objectives? If not, in what ways is it deficient? And in what ways, if any, do you believe it reaches beyond the case?

A. At pages 4 and 5 of my testimony to the Committee, I quoted the language of the Court of Appeals'' decision and the comments of Judge Kollar-Kotelly concerning the scope of remedy. Moreover, in a recent article in the ABA's Antitrust magazine, Assistant Attorney General Charles James provides an analysis of the legal basis for relief in a case such as this. Also, it is worth recalling that the Court of Appeals quoted the antitrust treatise of Professors Areeda and Hovenkamp, to the effect that ''' [re]ere existence of an exclusionary act does not itself justify full feasible relief against the monopolist to create maximum competition.... Absent such causation [i.e., between the conduct and creation or maintenance of monopoly power], the antitrust defendant's unlawful behavior should be remedied by ''an injunction against continuation of that conduct.'' United States v. Microsoft Co/p., 253 F.3d 34, 106 (DC Cir. 2001), quoting 3 AREEDA & HOVENKAMP, ANTITRUST LAW ¶650a, at 67. Moreover, the court noted that ''the District Court expressly did not adopt the position that Microsoft would have lost its position in the OS market but for its anticompetitive behavior.'' 253 F.3d at 107. The court concluded its review by stating that any remedy ''should be tailored to fit the wrong creating the occasion for the remedy.'' Id. As this analysis suggests the case law does support the proposition that the remedial objectives are different in cases of monopoly acquisition as opposed to monopoly maintenance, particularly where, as here, the causal connection between the defendant's position in the market and the illegal conduct is tenuous at best.

Evaluated against the backdrop of the relevant caselaw, the Revised Proposed Final Judgment goes substantially beyond what the law required for a remedy in this case. To cite just a few examples, the definition of middleware is much broader and more inclusive than the conception of middleware at issue in the Court of Appeals decision. Several of the central, most onerous provisions of the Revised Proposed Final Judgment involve conduct that was not even addressed by the Court of Appeals. For example, nothing in the Court of Appeals decision suggests that the way in which Microsoft has made APIs and related documentation available to third parties violated the Sherman Act; yet, Microsoft has agreed to a whole regime of compulsory API

disclosures for middleware. Similarly, nothing in the decision even calls into question charging different OEMs different royalties for Windows licenses, but the Revised Proposed Final Judgment requires Microsoft to charge the top 20 OEMs uniform royalties. Nothing in the decision suggests that Microsoft ever has retaliated against any OEM, ISV or other company because it supported or shipped competing software; yet, Microsoft agreed to several provisions prohibiting such retaliation. And Microsoft is obligated to license its client-server communications protocols despite the fact that the so-called client-server interop issue was not raised in the District Court much less before the Court of Appeals. In contrast, I have yet to hear a credible argument as to how, in light of the Court of Appeals opinion, the Revised Proposed Final Judgment is deficient.

Q4. Some believe that unless Microsoft is prevented from commingling operating system code with middleware code, competitors will not be able to truly compete in the middleware market. Because the code is commingled, the Microsoft products cannot be removed even if consumers don't want them. It seems to me that this deters competition in at least two respects. First, as the Appellate Court found, commingling deters computer manufacturers from pre-installing rival software. And second, it seems that software developers are more likely to write their programs to operate on Microsoft's middleware if they know that the Microsoft middleware will arrays be on the computer whereas competing products will not. Even if consumers are unaware that code is commingled, shouldn't we be concerned about the market impact of commingling code? What is the upside of allowing it to be commingled, and on the other hand, what concerns are raised by removing the code?

A. First, it is important to emphasize that the Revised Proposed Final Judgment does address the issue of commingling of code as that issue was relevant in the Department's case and the Court of Appeals opinion. The only objection to commingling advanced in the case was that it made it impossible for OEMs to remove end user access to Internet Explorer. Section III.H of the Revised Proposed Final Judgment obviates any such concern by requiring Microsoft to design its Windows PC operating systems in such a way as to enable OEMs and end users to remove end user access to Microsoft middleware and replace it with access to non-Microsoft middleware. Given the theory of the case, the record developed in the lower court, and the decision of the Court of Appeals, this provision of the Revised Proposed Final Judgment provides a complete remedy.

Second, as Assistant Attorney General James indicated in response to one of the questions of the Committee during the hearing, the plaintiffs never sought to prevent Microsoft from integrating functionality into its operating systems or from exposing that functionality through APIs to ISVs. Indeed, as I understand, even the Department's proposed divestiture remedy which was adopted by Judge Jackson, kept a single, intact operating system company so as to prevent ''balkanization'' of the Windows platform. Moreover, the Court of Appeals decision clearly recognized the benefits of integration in the area of platform software and the benefits of the ubiquity of the API set of Windows. The Court's discussion of ''commingling'' did not reflect hostility to ubiquitous dissemination of APIs. Any remedy that allowed OEMs to remove code and APIs from Windows would be unworkable: third party developers and their customers would suffer because their applications would not run properly, assuming they would run at all, if OEMs removed code exposing APIs. Indeed, it would make no sense to obligate Microsoft to disclose new APIs (as the Revised Proposed Final Judgment does) while at the same time allowing OEMs to create versions of Windows from which APIs are removed, rendering the disclosed APIs useless to developers.

Q5. Many believe that this settlement proposal merely requires Microsoft to stop engaging in illegal conduct, but does little in the way of denying Microsoft the benefits of its bad acts. First, how would you answer these critics? Is this just a built-in reality of civil antitrust remedies, that they don't really aim to punish? And second, do you believe the remedy here is strong enough to dissuade other potential monopolists from engaging in the type of conduct in which Microsoft engaged?

A. The Revised Proposed Final Judgment goes well beyond halting the specific acts found to violate the antitrust laws. It is true that the purpose of a civil antitrust decree is to remedy the violation rather than punish the offender, but the decree in this case provides very strong relief beyond the markets and practices at issue in the underlying case. This remedy will change the way Microsoft does business and is more than what the law requires. As both the trial court and the Court of Appeals recognized, the plaintiffs failed to prove that Microsoft benefited from any of its acts that were held to violate the Sherman Act, so no basis exists for requiring that Microsoft be denied any such benefits. Moreover, while it is well-established in the law that punishment and deterrence are not a proper objective of a consent decree in a civil antitrust case, there is no question that the cost to Microsoft of this litigation, the follow-on private, treble damage actions, and the far-ranging nature of the Revised Proposed Final Judgment send a powerful signal to Microsoft and other firms all across the economy.

Kohl Questions

Q1. Mr. Rule, in the past your client Microsoft has been adamant in denying it was a monopolist—despite its 95% share of computer operating systems—and that it in any way violated the antitrust laws. Now, the unanimous DC Circuit Court of Appeals has ruled that Microsoft indeed is a monopolist and indeed acted illegally to maintain its monopoly. Will this ruling—and Microsoft's experience in this litigation—in any way chasten Microsoft into behaving more responsibly? Is Microsoft now willing to recognize that it is a monopolist and, as a result, has obligations to deal with competing businesses in a way that would not exist if did not have monopoly power in its business?

A. Microsoft certainly acknowledges that the Court of Appeals held that Microsoft possesses monopoly power and that certain of Microsoft's conduct amounted to monopoly maintenance in violation of section 2 of the Sherman Act. Moreover, the Revised Proposed Final Judgment represents Microsoft's extensive concessions to relief that go far beyond what the company believes the Department and states had a right to obtain under the applicable precedents—as my testimony explained, the Revised Proposed Final Judgment covers conduct and products that were never part of the case. The reason that Microsoft went so far in the negotiations with the Department of Justice and the states was to close this contentious chapter in the company's history and move forward in a new, more constructive manner with the Department and the states. Unfortunately, several of the states that had less involvement in the litigation and negotiations than the states that settled decided to hold out for relief that not only has nothing to do with the Court of Appeals decision but is also confiscatory, anticompetitive, and in many cases unintelligible. As a result, Microsoft has had no choice but to continue litigation and must preserve its full ability to defend itself, including its fight if necessary to seek review of the Court of Appeals'' decision.

Q2. Please identify for us five specific ways in which the proposed settlement, once it is in force, will compel Microsoft to change its business practices in a manner which will benefit consumers.

A. The Revised Proposed Final Judgment imposes a number of new obligations on Microsoft. As you have requested, the following is a list of five such changes chosen at random. First, section III.B requires Microsoft to provide the top 20 OEMs with uniform license agreements pursuant to terms and conditions. Pursuant to the stipulation Microsoft signed when the Revised Proposed Final Judgment was filed on November 6th, the new terms became effective on December 16th. Second, III.C requires Microsoft to allow OEMs to remove end user access to functionality in Windows XP such as Windows Media Player and Windows Messenger and to replace it with access to third-party software or services such as RealNetworks media player and to AOL's Instant Messenger. Third, section III.E requires Microsoft to license all of the communications protocols that Windows PC operating systems use to interoperate natively with Windows server operating systems. While Microsoft has licensed some of those protocols to third parties on an ad hoc basis, the company has never made them available systematically to third parties. Fourth, section III.G prohibits Microsoft from agreeing with a variety of third parties to contracts that require the third parties to distribute, promote, use, or support Microsoft platform software ''in a fixed percentage'' except in narrow circumstances. Prior to agreeing to the Revised Proposed Final Judgment, Microsoft sometimes used fixed percentage requirements to ensure that it received the effort from third-parties for

which Microsoft bargained; Microsoft can no longer freely use this normal business mechanism. Fifth, section IV.B requires Microsoft to accept three neutral technical experts (the ''Technical Committee') onto its campus and provide them with full access to its employees and its most confidential information. This is unprecedented not just for Microsoft but for any other U.S. firm of which I am aware. Presumably, the Department of Justice and settling states believed these changes (as well as the others in the Revised Proposed Final Judgment) would benefit consumers or they would not have demanded the inclusion of these provisions in the Revised Proposed Final Judgment.

Q3. The proposed consent decree contains prohibitions on Microsoft retaliating against computer makers who choose to install in their machine software products that compete with software made by Microsoft. But many wonder if Microsoft will be able to offer financial incentives to accomplish essentially the same thing. For example, could Microsoft offer to pay incentive amounts to computer makers who feature or promote Microsoft software on their machines ?

A. Section III.C of the Revised Proposed Final Judgment prohibits Microsoft from restricting OEMs by agreement from, among other things, installing any non- Microsoft middleware on the PCs that the OEM ships. That section also prohibits Microsoft from ''restrict[in] by agreement'' any OEM from ''[e]exercising any of the options provided in III.H of the Final Judgment.'' Thus, the judgment does in fact prevent Microsoft from offering financial incentives to OEMs not to install and ship competing non-Microsoft middleware.

Q4. One important issue the settlement was intended to address was Microsoft's ability to penalize computer makers that load non-Microsoft software onto their machines. Under the settlement, can Microsoft still bar a computer maker from putting WordPerfect word processing software or Quicken financial software pre- installed on their machine? If so, why isn't Microsoft's ability to place such restrictions on computer makers a problem for competition?

A. Microsoft has never kept a computer maker from loading either WordPerfect or Quicken (or any other application) on machines it sells. Indeed, a quick review of any computer retailer indicates the variety of applications installed by OEMs on the PCs they sell. The reason that the Revised Proposed Final Judgment does not place such restrictions as you mention on Microsoft is that no part of the case against Microsoft had anything to do with conduct by Microsoft that was intended to, or did, have any exclusionary impact on non-middleware applications such as word-processing and personal-finance software. And there is no plausible argument that extending relief to such non-middleware applications has a connection to the theory of the Department's case against Microsoft.

Durbin Questions

Q1. This is an unprecedented settlement for an unprecedented case. The entire world has been, and will continue to, watch every aspect of this case. They will also be watching to see if Microsoft complies with every word of this decree. Assuming this settlement is approved, can you outline the steps that will be taken to ensure compliance with the settlement? Are these steps unique in any way?

A. Microsoft has made a company-wide commitment to comply with the settlement entered in this case. The Revised Proposed Final Judgment contains strong enforcement provisions that include internal compliance efforts within the company. As stated in my testimony, Microsoft already had one of the largest and most talented in-house legal teams in the country, and the recent hiring of new compliance specialists will further enhance that team. From the very highest levels of the company, Microsoft is eager to settle this matter and move forward, and has every intention of meeting its settlement obligations to avoid any further disruption of its business. Business executives, developers and lawyers are hard at work at Microsoft implementing every aspect of the Revised Proposed Final Judgment. Microsoft has provided extensive training on the settlement to its lawyers and key business and development employees throughout the world. Senior personnel are meeting on a weekly basis to manage everything Microsoft must do to comply with the settlement, including identifying and documenting new APIs and new Communications Protocols and designing and developing new software for the upcoming Service Pack release of Windows XP to facilitate removing access to key Windows features. Microsoft has already implemented the OEM provisions of the settlement, establishing new uniform Windows license terms for its OEM customers, making those terms available to the Department and the states for their review, and so forth.

Q2. What assurances can the American people have that Microsoft will really be constrained from future anti-competitive practices ?

A. As stated in my testimony, the Revised Proposed Final Judgment as agreed between Microsoft, the Department and the settling states provides very strong relief and unprecedented enforcement mechanisms. The Revised Proposed Final Judgment goes well beyond the practices at issue in the underlying case and will change in significant ways the manner in which Microsoft does business.

Microsoft has made full compliance with the Revised Proposed Final Judgment a top priority. As mentioned in response to an earlier question, Microsoft has never been found to have violated its previous antitrust decree.

Responses to Questions from Senator Hatch:

Question #1: Both commentators and several witnesses (in their written testimony) defend the Proposed Settlement by arguing that its terms are as good as—or even better than— what would have been obtained through further litigation. Several have also pointed out that it would take at least two more years to get a remedy in place by means of litigation. Could you please explain whether and why you believe that further settlement negotiations or litigation would be in the public interest?

Answer: A settlement of established antitrust violations is desirable only insofar as it remedies past misconduct or promotes future competition. The Proposed Settlement unfortunately does neither. Even as to the desktop PC market it contains numerous loopholes, and critically omits any objective enforcement mechanism to incent compliance. Given Microsoft's proven track record of circumventing the 1995 consent decree, riffs risks gutting even the limited remedies set forth in the Proposed Settlement. The Proposed Settlement also flatly fails to deal with the increasing important arena of new devices (cell phones, PDAs, set-top boxes, and home entertainment centers) into which Microsoft is extending its desktop operating system and applications monopolies through many of the same improper technical and contractual means it used to obtain dominance in the desktop PC arena. Absent stronger and wider protections for consumers, litigation would be the only viable alternative to protect consumer interests.

Question #2: In light of the number of claims from the original complaint that the DC Circuit found to lack merit, is it reasonable to believe that any judgment resulting from further litigation would be significantly better than the Proposed Settlement?

Answer: While the DC Circuit did not affirm every finding of liabilit7 against Microsoft, and the Department of Justice has elected not to pursue certain causes of action that were remanded, the case against Microsoft is still compelling. The DC Circuit affirmed the district court's central finding that Microsoft has a monopoly and has acted improperly to protect that monopoly by undermining competitive threats like Netscape's Navigator web browser and Sun's Java programming language. As I understand it, the Supreme Court and the DC Court of Appeals have both held that a reviewing court has the obligation to ensure a remedy for proven antitrust abuses should end the illegal monopoly, undo the anticompetitive effects, and prevent future practices likely to lead to future monopolization. For the reasons noted, the Proposed Settlement fails well short of these objectives.

Question #3: At the hearing, I emphasized the need for prompt antitrust enforcement in quickly evolving markets. Could you please explain whether and why you believe that the benefits of having an imperfect settlement now are outweighed by those of having a possibly better settlement at some point in the future?

Answer: It is precisely because the Proposed Settlement is a backwards-looking document that fails to deal with current and emerging competitive abuses that we need a more efficient and forward-looking remedy. Failing to address new markets at tiffs point would permit Microsoft to re-enact its repeated monopolistic conduct, extending its improper monopoly

Responses to Questions from Senator DeWine

Question #1: The Proposed Final Judgment aims to make the middleware market more

competitive. Do you believe it is effective in doing so?

Answer: For the reasons noted in my written testimony, I am confident that the Proposed Final Judgment will not encourage competition in the market for middleware. The Proposed Final Judgment fails to meaningfully limit Microsoft's ability to use its tremendous market power to retaliate against companies whose conduct threatens that market power. As a result, original equipment manufacturers are highly unlikely to adopt middleware products that compete with Microsoft's products or anticipated product extensions.

Moreover, much of the Proposed Final Judgment focuses on original equipment manufacturers, while the locus of control has largely moved to the operating system and to the networks to which it links (such as MSN). Controlling the operating system and the linked networks gives a company the ability to prompt users to make upgrades and accept default programs and features. The Proposed Final Judgment gives Microsoft all the latitude it needs to prompt consumers at eve:! turn in order to ensure that the easiest path to middleware software is always the Microsoft path.

Similarly, Microsoft is building on its operating system monopoly through initiatives such as Passport and Hailstorm, establishing a dominant share of consumer identity information, which acts to further lock-in consumers to the use of Microsoft middleware across a variety of devices and networks.

Question #2: Do you believe Microsoft will be able to leverage its monopoly in the PC operating system market to capture market share in other operating systems markets such as hand-held devices, navigation devices, and servers? Does the proposed settlement address this issue at all, and do you believe that Appellate Court's ruling would permit a settlement that address these types of concerns?

Answer: Microsoft's ability to improperly extend its monopoly to new areas is a significant cause for concern. Microsoft was convicted of illegally protecting its desktop PC monopoly against threats from Netscape's Navigator browser and Sun's Java programming language, innovative new products that each had the potential to reduce Microsoft's monopoly dominance of the computing environment. Given the increasing importance of the interoperability of different consumer-oriented computing environments (desktop PCs, client-server network operating systems, small devices, and home entertainment systems), control over the broader computing environment is critical to preserve Microsoft's dominance into the future. Many of these devices operate in client-server configurations, in which Microsoft's PC desktop operating system dominance gives it an advantage in the server market, and thus an advantage in writing software for any other devices that need to access those servers.

On the other hand the emergence of non-Microsoft-dominated soft, rare could pose a serious potential threat to Microsoft's ability to dominate this wider computing environment—just as Navigator and Java did a few rears ago. The combination of network externalities resulting from the creation and protection of Micr0soft's existing operating system and application monopolies—together with the likely repetition of Microsoft's improper technical and contractual misconduct in these new markets—poses a critical problem for competitors and consumers. The Court of Appeals ruling expressly authorizes, and in fact calls for, a remedy that not only redresses past misconduct but also deters practices likely to extend the anticompetitive effects of the improper monopoly into the future. The Proposed Final Judgment fails to do so and sets the stage for a continued stifling of innovation.

Responses to Questions from Senator Kohl

Question #1: Do you believe that this settlement is adequate to restore competition in the computer software industry? Why or why not?

Answer: No. The Proposed Settlement fails to include remedies that will restore any meaningful competition to file markets in which Microsoft improperly established its monopolies, fails to include any objective or efficient sanctions for non-compliance with its terms, and fails to address the emerging consumer markets (such as those for small devices such as PDAs, cell phones, television set-top boxes, and home entertainment centers) in which Microsoft is improperly expanding its monopolies.

Question #2 (a): Are there any restraints on Microsoft's conduct which you think should be in the settlement but are not? Is so, what are they?

Answer: Yes. The remedies proposed by file non-setting states would be far more effective than the Proposed Settlement in redressing prior abuses and restoring competition to the market. As set forth in my original written testimony, my perspective at Liberate gives me special insights into the need for several of these remedies:

Review of Microsoft Investments. Investing the considerable proceeds of its desktop monopoly in new markets, Microsoft has extracted, or attempted to extract, exclusive or near-exclusive commercial distribution arrangements to block out competitors. In the interactive television industry alone, Microsoft has invested billions of dollars with leading cable and satellite networks. The strings attached to these investments often require net-works to buy Microsoft's middleware, making it difficult or impossible for them to buy competitive products.

Prevention of Anticompetitive Conduct in Non-Desktop PC Markets. The Proposed Final Judgment focuses only on Windows products for desktop PCs and includes broad and ambiguous exceptions to its limits on retaliation. These loopholes would apparently let Microsoft get away with the -kind of misconduct it perpetrated against Liberate Technologies when it was known as Network Computer. The result would be to block or delay the development of new competitive devices and technologies. The remedy proposed by the non-settling states would, on the other hand, prevent Microsoft from using this type of retaliation to unfairly extend its desktop monopoly to a wider array of software and devices, while more adequately opening Microsoft's technical standards to prevent it from excluding rival software companies from meaningful competition.

Prevention of Efforts to Block Non-Proprietary Standards. Microsoft has also abused its monopoly position by blocking industry-wide standards essential to the evolution of a new generation of network-based devices. In our industry, Microsoft has undermined the Java programming language as a standard for digital television, lobbying heavily to prevent U.S. and European standards bodies from standardizing on Java. As you know, Java lets developers ''write once, run anywhere'', permitting content to run across a wide variety of platforms rather than just on Microsoft's proprietary code.

Moreover, by removing the Java Virtual Machine from its PC operating systems while the JI is common elsewhere, Microsoft discourages developers from creating new ''write-once, run-anywhere'' content, undermines support for uniform standards, and drives developers to write to proprietary Microsoft platforms. Microsoft's foot-dragging and affirmative interference has slowed the deployment of digital television in the United States. Cable companies and television manufacturers both say that such deployment has been slowed by lack of a definitive standard, a standard that Microsoft's tactics have delayed and undermined. Microsoft's approach stands in direct opposition to the clearly expressed will of Congress and the interests of all Americans interested in richer and more varied television programming.

Question #2(b): Beyond restraints on Microsoft's conduct, are there other deficiencies in the proposed consent decree which you believe should be fixed before it is approved? If so, what are they?

Answer: The critical gap in the Proposed Settlement in this regard is the lack of an objective or effective enforcement mechanism. Per the recommendation of the non-settling states, I would recommend that the district court consider using a technically knowledgeable outside advisor to review claims of Microsoft non-compliance with the terms of any consent decree. Moreover, and critically, the sanctions for violation of the terms of the decree must go beyond the mere extension of those terms for a relatively brief additional period.

Question #3: Critics of riffs proposed settlement argue that one significant loophole is that many of the provisions requiring Microsoft to permit computer users and manufacturers to install competing software and remove Microsoft soft-,rare do not apply with respect to software that has distributed less than one million copies. Are you concerned about this limitation? Won't this provision make it difficult for small or start-up software manufacturers that make software that competes with Microsoft's products to gain access to the computer desktop?

Answer: As Bill Gates himself has said, the greatest competitive threat to Microsoft's dominant position comes not from existing competition, but from the kid tinkering in his garage, designing seminal new software that might revolutionize the industry.

Unfortunately, the one-mill/on-copy threshold makes it a terrifically uphill battle for those ''kinds of revolutionary ideas to get traction and take hold. Without access to critical information about Microsoft's products, it will be extremely difficult for any'' new competitor to make its product operate successfully in a Microsoft-dominated computing environment. As a result, venture capitalists will be loath to support any small company that seeks to compete with Microsoft—no matter how attractive its innovation.

By way of example, Liberate Technologies was itself until recently a fledgling start-up. It took us five years and a difficult decision to exit a]me of business (network computing) dominated by Microsoft before we were able to reach the benchmark of distributing one million copies of our software. In today's environment, with Microsoft's additional market power, we simply would not have been able to reach that point.

In sum, the million-copy threshold, coupled with the failure to effectively redress Microsoft's existing market dominance, will certainly stifle promising next-generation innovations.

Competitive Technology
January 14, 2002
The Honorable Patrick Leahy
Chairman
United States Senate
Dirksen Senate Office Building, Room 224
Washington, DC 20510
VIA FACSIMILE AND ELECTRONIC MAIL

Dear Chairman Leahy:

I want to thank you again for the'' opportunity to appear at last month'' s hearing to testify on how the Revised Proposed Final Judgment (RPFJ) in United States v Microsoft, will affect consumers and the information technology (IT) industry. I]lave received the written questions from members of the Committee and I'm pleased to provide responses that will not only complete the record but also provide the perspective of the small high technology companies that represent the majority of the industry.

Responses to Questions from Senator Hatch

1. There is no doubt that bringing this protracted litigation to a close is in the best interests of the IT industry and consumers. Settling the case removes a cloud of uncertainty and allows companies large and small to focus on innovating to meet consumer demand. Further litigation is not likely to produce any remedial actions that—a) are not already covered by the RPFJ and responsive to the Court of Appeal's ruling, or b) would be in the interests of the industry, save a few Microsoft rivals. As demonstrated by the very nature of the proposed ''remedies'' that will be part of ongoing litigation, it is clear that the RPFJ presents an appropriate and balanced resolution of this case. I agree with Assistant Attorney General Charles James when he noted at a November 2, 2001 press conference, ''It]he settlement is consistent with the relief we believe we might have obtained in litigation. This settlement, however, has the advantages of immediacy and certainty.'' I

2. It is very unlikely that a judgment borne of continued litigation will be marginally, let alone !'significantly'' better than the RPFJ''. As you point out in your question, the Court of Appeals has dramatically reduced the finding of liability against Microsoft. The conduct restrictions, coupled with the additional enforcement measures such as the creation of a Technical Committee, more than adequately address the anticompetitive behavior identified by the Court of Helping Washington Get IT. 1413 K Street. N W ''12th Floor Washington. DC Tel: 202–33]-2130 Fax: 202–331–2) 39 (r) email: info@ACTaonline.ora www. ACTonline.org

Appeals. I include the following table to show precisely where the RPFJ addresses each finding:

Findings of Antlcompctitivc Conduct by the Court of Appeals Settlement Section

Limiting promotion of browsers or restricting OEMs from modifying the initial III.C, boot sequence III.G. 1, III. H

Prohibiting deletion of the Internet Explorer icon 11II-t.1–3

Commingling Internet Explorer & Windows code without providing a simple III. H. 1–3 mechanism for OEMs and users to remove access to Internet Explorer

Restrictions on the promotion and distribution of competing web browsers by III.A.1, Internet Access Providers III.C.l-2

First-wave requirements for software vendors to use Microsoft's Java Virtual III.F.2

Machine First-wave requirements for software vendors to use Internet Explorer III.G.1

Leveraging MS Office to induce Apple to feature Internet Explorer III.G.2

Misleading Java Developers III.D

Pressuring Intel to end their Java Virtual Machine development III.F. 1

3. On balance, this settlement is good for our industry. We agree with the Senator that the RPFJ is not perfect. In fact, as pointed out in my written testimony, ACT believes that the provisions mandating disclosure of server protocols and the creation of the Technical Committee are beyond the finding of liability and may set an inappropriate precedent for future antirust cases in the information technology industry. That said, it is important to point out that this case is nearly four years old and has shrouded the entire IT industry in a haze of uncertainty. At present, the technology industry—which has been the engine for much of the recent economic growth—cannot realize its full potential in the uncertain environment this case engenders. Those who seek to prolong this case for their own benefit are, at a minimum, guilty of making the perfect the enemy of the good.

Responses to Questions from Senator DeWine

1. One important lesson to be learned from this case is that antitrust principles apply to the IT industry. The RPFJ is proof that antirust principles, when applied properly, can work to restore competition within the IT industry. For example, the settlement will stimulate competition by giving greater flexibility to computer manufacturers and users to choose among different middleware and operating systems.

With respect to what to say to Netscape, I would hardly consider them ''defeated.'' After building a 85% market share, the company was acquired by America Online for $10 billion dollars and continues to be a viable browser with millions of loyal users. More importantly, Netscape should be congratulated for winning one its biggest arguments—the browser as a platform threat. It is clear that the browser has emerged as a platform competing against operating systems for application hosting. The popularity of browsers (including Navigator) and browser-based applications evidences this fact. Therefore, we should tip our hat to the Netscape

Robert G. Ristroph
11612 Hidden Quail
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December 23, 2001
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Ms. Hesse,

I am writing with regard to the Justice Department's proposed settlement with Microsoft. I believe that this settlement should be scrapped and completely rewritten. Most of the ''restrictions'' placed on Microsoft are already illegal; what few restrictions are left are impossible to enforce and seem designed to produce more legal disputes rather than resolve them; and the proposed en- forcement mechanism is a ludicrous embarrassment. In addition to scrapping this proposed settlement, any payment or further employment of the authors should be re-evaluated in light of this idiocy.

I have read the original complaint of United States and the several States at http://www.usdoj.gov/atr/cases/f 1700/1763.htm, the proposed settlement at http://www.usdoj.gov/atr/cases/f9400/9495.htm, the Competitive Im- pact Statement at http://www.usdoj.gov/atr/cases/f9400/9495.htm, as well as numerous other sources including the findings of fact and other documents. My own injury by Microsoft's illegal actions comes from Microsoft's agreements with OEM's which forced my employer to pay for Windows when buying a new computer from Dell, which we had no plans to use Windows, intending it for Linux. This was supposedly addressed in a prior case to the present one, and yet to this day the same hardware without a Microsoft license has the same cost.

I wish to examine the elements of the proposed agreement item by item, and then propose an outline of an alternative settlement.

A. That Microsoft will not retaliate against OEMs for distributing non-Microsoft software. This is already prohibited by law, given Microsoft's monopoly. The proposed settlement can not consist of Microsoft agreeing to follow the law in the future; like other companies in the United States, it has to follow the law regardless of this settlement.

B. That Microsoft make public it's licensing agreements and offer the same terms to everyone. This is the only part of the proposed settlement makes sense, however, OEMs have shown in the past they were willing to collaborate in Microsoft's illegal

activities. Should Microsoft offer an OEM a secrete payback or special deal, the cooperation of the OEM will make this section difficult to enforce.

C. That Microsoft cannot restrict certain OEM software through agreements. This is already illegal, like A.

D. Some meaningless nonsense not worthy of comment or the paper it is printed Oil.

E. That communications protocols in Microsoft software be publicly available. In light of Microsoft's previous behavior in exploiting secrete calls in it's soft- ware, all of it's source code should be available for public examination. The suggestion that only ''communications protocols'' be public is problematic be- cause it leaves open to dispute what consists of a communications protocol. This is foolish given Microsoft's previous self-serving interpretations of court orders.

F. That Microsoft will not retaliate against software vendors for competing against them. This is already against the law given that Microsoft is a monopoly.

G. That fixed percentage distribution agreements be banned. This is already against the law. The exceptions listed in this paragraph are also against the law, creating the suggestion that the United States will enter into an agreement with Microsoft to allow it to break the law in some cases.

H. That OEMs and users are allowed to configure the Microsoft software they buy. This is vague and confusing because it is difficult to precisely describe what consists of configuring software, and thus impossible to reliably enforce. In a competitive market it would be the natural case, and the proposed settlement should focus on restoring competition.

I. That Microsoft offer licenses to ''intellectual property'' necessary to allow others to exercise ''alternatives provided under this final judgment.'' The reference to alternatives provided to others contradicts the final section of the proposed settlement, which explicitly denies that the final settlement gives any rights to third parties. Even aside from that, this section probably denies behavior al- ready illegal, is riddled with exceptions, vague, and seems designed to produce legal action rather than remedy.

J. A section devoted wholly to exceptions for Microsoft, as if there where not enough already.

The Enforcement Authority

A. Access to source code is probably one of the best remedies. The exceptions and limitation of this access to a committee are silly.

B. The Technical Committee. It has too few members, it should be composed of Officers of a United States Federal Court in order to make it's requests immediately enforceable through Contempt hearings, and the gag on public statements renders the whole committee useless. The further restriction that the testimony of this muzzled and hobbled committee not be admissible in court is a bit like shooting the deer after it's tied down with it's throat cut.

C. The Microsoft Compliance Officer. This section is nonsense. Other compa- nies manage to obey the law without the use of a special office. If Microsoft needs one they can implement it without a judgment.

D. Voluntary Dispute Resolution. This section seems dedicated to stipulating that various parties send each other letters before seeking court hearings, a common practice. 4(d) guts all enforcement power from the proposed judgment, and suggests that the Attorneys for the Justice Department don't believe in their own system of courts.

Third Party Rights

This section is in contradiction with other references to the submission of complaints to the Technical Committee and the requirement that Microsoft offer ''intellectual property'' licenses to the third parties so that they can pursue the alternatives guaranteed them in this proposed final judgment.

In summary, this proposed final judgment is a poor sham for a capitulation by the Plaintiffs. It's not even a good surrender, because it's vagueness and self-contradictions guarantee more legal action; if we must capitulate, at least we should save on legal costs. It also completely fails to disguise the capitulation in any way. This is why whoever wrote it should be fired, even if the Justice Department unwisely chooses to fail to enforce the law as applies to Microsoft. A real final judgment, which might have the chance of remedying the situation, would have to be in some way ''self enforcing.'' By ''self enforcing'' I mean that the remedy by it's nature should preclude further legal wrangling and evasion efforts by Microsoft. Stipulations on Microsoft's future behavior inherently have to be enforced, and thus are not well suited to this case. Furthermore, when the proposed judgment stipulates that behavior already illegal be banned and then suggests exceptions, the Plaintiffs are acquiescing in further law breaking by Microsoft.

An example of a ''self enforcing'' remedy would be denying Microsoft copyright protection. No Technical Committee is required; all that is needed is to reject out of hand cases of copyright enforcement that Microsoft brings. Thus, revoking copyright privileges for some portion of the works that Microsoft used to violate the law might be an appropriate remedy. Or perhaps Microsoft could post substantial bonds against it's future behavior.

Many of the major flaws in this proposed final settlement result from the needless use of vague and disputable terms, when simple and undisputable ones would do.

Replace all references to ''Microsoft Middleware'' ''Windows Operating System Product'' and such with the simple phrases ''products of Microsoft'' and ''prod- ucts of third parties.'' Avoid even the use the term ''software products,'' as Microsoft would produce hardware required to run their products and then vio- late the agreement. Be sure the phrase ''products'' is defined to mean anything Microsoft does, including services.

Replace all references to ''ISVs, IHVs, ICDs, OEMs'' and such with the phrase ''any third party.'' Quibbling over which member of the alphabet soup a partic- ular entity fell under is thus eliminated. The final judgment should require no differentiation between the various consumers and companies interacting with Microsoft. This also remedies the fault that the current proposed judgment allows Microsoft to exempt any third party from the benefits of what legal behavior is required by claiming they do not have a viable business plan. I hope you find these suggestions helpful in writing a real judgment.

Sincerely,

Robert G. Ristroph

RENATA B. HESSE
ANTITRUST DIVISION
U.S. DEPARTMENT OF JUSTICE
6oI D STREET NW
SUITE 1200
WASHINGTON, DC 20530–001
I0 DECEMBER, 2001

Dear Renata B. Hesse,

I am a concerned citizen, unwilling Microsoft customer forced to use their unpleasant products because of their unassailable monopoly, and a long time member of the computer industry.

I am writing to you to protest the terms of the Proposed Final Judgement, in specific the failure of this Judgement to address the pivotal role that the open software movement has played in the genesis of the Internet age, and its legitimate ongoing contributions which are ignored by the Judgement s terms and will be harmed by the Judgement s execution.

To enumerate but three of thousands of valuable not for profit software development efforts which remain critical to the ongoing viability of the net and which will be harmed by the Proposed Final Judgement because they are beneficiaries of neither Section III(J)(2) under (c) as meet[ing] rea- sonable, objective standards established by Microsoft for certifying the authenticity and viability of its business .... nor under Section Ill(D) as the footnotes hold this section in force only to commercial concerns:

Apache is the Internet server that made the net possible. It is the most viable competitor to IIS, Microsoft s server architecture. Without Apache the net would grind to a halt. There is no commercial contender to IIS, the entire competitive landscape is between IIS and Apache and a few other open source servers. Since IIS is stunningly, almost fraudulently insecure, the Proposed Final Judgement weakens the Nation should it not aggressively protect the better engineered open source efforts from Microsoft s predatory tactics.

BSD, especially in its most popular flavor freeBSD, and its younger but bigger brother Linux present a real and viable challenge to Microsoft in the server market, are gaining in the workstation market, and would, if they could be made compatible with Microsoft s industry crushing Office, be a viable contender on the desktop. These efforts are undertaken in that most American of spirits: for the good of all. They provide real alternatives to Microsoft; significant and meaningful improvements in performance and security to users who appreciate these things when compared to Microsoft's invariably flawed products, and competition which is perhaps Microsoft s only remaining motive for fixing its failures. While major security holes are exposed in IIS every month or so, despite Microsoft s efforts to sweep

them under the rug, no security hole has been discovered in NetBSD in more than four years. These superior products are run without marketing and lobbying budgets and will be crushed by Microsoft which will endeavor to make them as incompatible as possible with their desk-top monopoly (if their efforts to make them outright illegal fail).

This message will reach you through one or many servers running Sendmail. A near perfect application which relies on free and open standards established for the routing of electronic mail.

Since Microsoft will be under no obligation to share standards with the not-for-profit organization that maintains Sendmail, it is quite certain that Microsoft will do whatever they can to force all Sendmail administrators to switch to an expensive, fault ridden Microsoft product, leveraging their monopoly on the desktop to do so unless the DOJ alters the Proposed Final Judgement to protect open source at least as effectively as it protects whatever pathetic vestiges of the commercial market still stand to chal- lenge Microsoft s otherwise unassailable monopoly.

The Proposed Final Settlement fails utterly to address the critical role of the open source movement and is therefore utterly unacceptable to me as a harmed party.

Sincerely,
David Gessel
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SUBCOMMITTEE
AGRICULTURE/ENVIRONMENT/NATURAL
RESOURCES
EDUCATION/HIGHER EDUCATION
INSURANCE & CONSUMER PROTECTION
REDISTRICTING
RURAL DEVELOPMENT
TRANSPORTATION
January 9, 2002
Ms. Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Via facsimile: (202) 307–1454
Re: Support for Microsoft Settlement

Dear Ms. Hesse:

I am writing to express my support for the settlement that the Department of Justice and several states, including North Carolina, have reached with Microsoft.

I will be pleased to see this matter resolved because it will be a boost for the technology sector, a larger force in the North Carolina economy. I believe that the certainty of the settlement will promote new investment in technology and will enhance competition in all aspects of the technology industry which will benefit consumers.

With this litigation settled, the technology industry can continue its recovery and growth. The settlement represents a reasonable compromise that has earned bipartisan support. I urge the Department of Justice and the court to approve this settlement.

Sincerely,
Senator Scott Thomas
ST/cbj

MTC–00033794

State Headquarters
211 East 7th Street, Suite 620
Austin, TX 78701
Phone: (812) 477–9821
Fax: (S12) 480–0709
www.texasgop.org
Susan Weddington, Chairman
January 7, 2002
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
Re: Comments on the Microsoft Proposed
Settlement Agreement

Dear Ms. Hesse:

It goes without saying that the settlement agreement between the U.S. Government and Microsoft comes at a critical time when our economy and nation most need reconciliation.

The proposed settlement requires significant changes in the way Microsoft develops, licenses and markets its software. This settlement is fair. It prevents Microsoft from abusing the strength that it derives from its operating system, but also allows the company to continue innovating in all areas of software development. Microsoft in Texas is a major employer and contributor to our economy. In addition, Microsoft and its employees in Texas donate millions of dollars annually to a large variety of charitable causes.

I congratulate, you on developing a strong but fair settlement.

Sincerely,
Susan Weddington Chairman

MTC–00033795

From: Tom Wright [TWright@Forte-
industries.com]
Sent: Monday, November 05, 2001 1:08 PM
To: ASKDOJ
Subject: usdoj comments

For the first time in my life I am compelled to contact an office of my Federal government.

I am appalled at the ''settlement'' your department has reached with Microsoft. It disgusts me to see that a corporation that abuses its monopoly power and lies in federal court about its actions can receive virtually no penalty for that behavior. Your office is supposed to protect people like me from the likes of Microsoft. I voted for G.W. Bush but would not have done so were I aware that this obvious sellout would be the outcome. I'm sure that the decision to ''settle'' in this manner was cloaked in the guise of stimulating our weakening economy. What in effect you have done is to enhance the ability of that bully corporation (Microsoft) to further stifle ingenuity and creativity at the expense of the consumer and the taxpayer. This ''settlement'' will serve to only embolden Microsoft in the ruthless use of its power to crush their rivals.

Today I am ashamed of my government.
Thomas P. Wright
Sr. Software Engineer
Forte Industries
6037 Commerce Ct.
Mason, OH 45040
(513) 398–2800x206 (Voice)
(513) 398–2837 (FAX)
This email has been scanned by MailMax.
http://www.maximizeit.net

MTC–00033796

Yanta, Judy
From: finnabennacht@yahoo.com
Sent: Tuesday, November 06, 2001 5:38 PM
To: ASKDOJ
Subject: microsoft Dear Sir or Madam,

I would like to say that I think Microsoft might be let off too easy. They have an illegal monopoly on operating systems in the US and abroad. They should have to open up the OS market to competition.

Thank you for your time.
Mr. Michael Brennan
II0 Beresini Lane
Hollister, CA 95023
mbrennan@musician.net
Do You Yahoo!?
Find a job, post your resume.
http://careers.yahoo.com

MTC–00033797

Yanta, Judy
From: Janet Unger [jmunger@animail.net]
Sent: Tuesday, November 06, 2001 9:36 AM
To: ASKDOJ
Subject: Microsoft settlement

Your settlement is pathetic. I can't believe all that money and time was wasted, only to give MS barely a slap on the wrist. Once again, the consumer loses to a company who can cause the government to completely cave. For shame.

Janet Unger
21 Forestdale Road
Kinnelon, NJ 07405
Janet Unger

MTC–00033798

Yanta, Judy
From: David Piper [dpiper@cleanweb.net]
Sent: Wednesday, November 21, 2001 9:40
AM
To: ASKDOJ
Subject: Microsoft settlement

Dear Attorney General:

Microsoft settlement of 1 billion to the 12,500 poorest schools is forcing schools to use just Microsoft programs and giving children no alternative to Microsoft. This is what a monopoly does and is. This is at the expense of the children. As an example: the Mahoning County Library system in Ohio uses only Microsoft after libraries got money form Microsoft: even though Boardman schools use WordPerfect the library refused

to install WordPerfect on the library computers in the school district.

This makes companies change to Microsoft software or spend more money on training. Add to this that as a programmer you have to follow Microsoft's programing or you face the program of not being ungradable to the next OS. Of course Microsoft can make changes then incorporate the changes into the next OS.

And finely Microsoft's OS from version 3.0 to ME were at best not stable at worse designed to make people upgrade to the next OS. In any case you had to paid to fix the problems of the OS your using just to get a different set of problems in the next OS. Windows 95 should have been NT 3.5 made for a home user and run Windows 3.1 software. Just like XP is a home version of Windows 2000. IBM had OS/2 version 2 running Windows 3.1 software if you had 3.1 installed on the computer. This allowed Microsoft to pick the pocket of the consumer for new OSs and stop any innovation from other programers. The solution is that any owner of Windows 95 should get XP FREE. Also any money Microsoft gives for ether settlement or gift should not be tied to using Microsoft products.

David Piper
7550 Sugartree Dr.
Youngstown, Ohio 445125430
330 758 5182
fax/voice 330 629 6080
dpiper@cleanweb.net

MTC–00033799

Technology Research
Fax to Attorney Generals
Justice vs. No Justice 21660
1/16/02

In certain states and cities, you can BUY outcomes in the legal system. If there is any elected official who stands for what is right, it is Attorney General. Not District Attorneys. Not the Attorney General of the U.S. State Attorney Generals. So far you have not ''stepped up to the plate.''

The dot.com bubble/bust primarily was a telecommunications phenomenon. The huge regional bell operating companies were faced with new upstart competitors. They both bought communications equipment like there was no tomorrow. That's why companies like Nortel, Cisco, Lucent, and Corning (fiber optics & communications gear) went through the roof. Then the bust occurred. Nortel had 95,000 employees. Now it has 47,000.

Neither of above phenomenon has anything to do with Microsof with the exception that Microsoft had no breakthroughs like Visicaic nor Windows (Xerox/Apple origin). If anything, Microsoft has slowed PC growth. Why? Because it has made small incremental changes to its Windows operating system. No major breakthroughs. That is why U.S. corporations, for the most part have no real interest in XP. What they have now works well. Why pay for both hardware and software upgrades when what you have now works very well. If you go wimp on Microsoft, the economy will NOT get a boost. Microsoft is a monopoly. In fact, it is very mean-spirited and anticompetitive as well. Step up to the plate. Do your job. Didn't you have a teacher who taught you the difference betwen RIGHT and WRONG. Do what is right.

If you ''cave in,'' as some of you seem prone to do, I reserve right to write the most important people in your home tonw and tell them you are a little wimp. That you had responsibility on your shoulders and you shirked it. That you are all-time weanie. The country is strong today because people did what is right and worked hard. Please do what is right. Life is short. This may be one of the most important decision in your life. Don't fuck it up. Be a man/woman. Don't be a friggin copout.

—John Staple, Staple Technology Research, 713 288–8800 staples@mindspring.com
Yogi Berra: ''It ain't over til it's over.'' This bullshit is FAR FROM OVER. John Staples.

MTC–00033800

Yanta, Judy
From: Eric [efairhurst@home.com]
Sent: Tuesday, November 06, 2001 12:35 PM
To: ASKDOJ
Subject: Microsoft settlement

Mr. John Ashcroft,

It is with much embarrassment that our DOJ basically caved in with regards to making a settlement with Microsoft. I have read the settlement agreement and I can't believe how many loopholes there are for Microsoft. It appears that because of the recent terrorist attacks, the DOJ is letting Microsoft go. So, Microsoft crushed Netscape, continues to use their Monopolistic practices, is planning on continuing to use their monopolistic powers to gain control of the Internet, and the DOJ is just slapping their wrists with NO penalty at all. I am outraged as a US citizen as well as a consumer. This settlement in no way protects me from Microsoft. Maybe Microsoft did the right thing and started contributing money to the political parties, perhaps this is what this was all about to begin with. Who knows. What I do know, is that it appears that there is no one with any technical expertise that was involved with this agreement. Shame on you and the DOJ. You have just proved that if you have enough money and are powerful enough that you too can break any and all laws and not be brought to justice.

Eric R. Fairhurst
11181 Harrington Lane
Fishers, IN 46038

MTC–00033801

Stoney, Ericka
From: Robin Harris [RHarris@YottaYotta.com]
Sent: Monday, November 05, 2001 10:08 PM
To: ASKDOJ
Subject: Microsoft Settlement

Dear Attorney General Ashcroft,

I was angered by your capitulation to Microsoft in the recent settlement talks. The Sherman Antitrust Act is over I00 years old and is a matter of settled public policy. Yet you treat egregious and repeated violations of it and the resulting harm to our economy and our global leadership of the information technology industry as worthy of only a slap on the wrist. The IT company I am an officer of does not compete with Microsoft and I use many of their products. But predatory behavior by monopolists is bad for everyone, a common sense judgement reached over a century ago, but a judgement you evidently don't the have the wit to endorse.

You've given every corporate violator of our nation's laws new reason to resist negotiation and cooperation. America will be paying for your lack of backbone for decades to come. I hope the campaign contributions your party expects from Microsoft are seen for what they are: a payoff for craven dereliction of duty. I hope the State's Attorneys General see fit to the do the duty you've shirked.

Sincerely,
Robin Harris
10210 NE Points Dr
Suite 300
Kirkland, WA 98033

MTC–00033802

Yanta, Judy
From: KDKBUGG@aol.com
Sent: Wednesday, January 02, 2002 9:29 AM
To: ASKDOJ
Subject: USDOJ Comments ''Microsoft case''

Dear Attorney General & Ms. Kollar-Kotelly:

Concerning this Microsoft case: As a consumer and user of Microsoft products, I am totally disgraced by our system of Justice not standing up to this Monopoly.

They have put out falty products, that have costed hundreds of Trillions of dollars to consumers and businesses. Not to mention lost time.

How is it that Microsoft be treated any differently that another business? Are they above the laws of the United States?

I have as a consumer asked Microsoft to correct the falty products and replace or compensate all. They have ignored me. Why? Because they feel they are above the laws, and have to answer to no one.

I feel that they need to be ordered to recall all their falty products and make restitution to all. They knew that they were selling incomplete or poor products, but they still sold them? They made their Windows 95,98,ME operating systems so a consumer has to upgrade pay them more money just to use it. I work for a small computer business and our tech spends some days 2–3 hours a day ,at Microsoft support site trying to fix their problems? At whos expense? The business owners. If they were anyother business they would have been forced to recall. Sounds like they have committed consumer Fraud to me, at the expense of millions of consumers?

Please see that Justice prevails.

Thank you.
Kevin f. Bugnacki
18 Walnut Street
Baldwinsville,NY 13027–1116

MTC–00033803

Yanta, Judy
From: Gerry Evans [cujoacat@flaglink.com]
Sent: Tuesday, November 20, 2001 11:51 AM
To: ASKDOJ
Subject: USDOJ Comments

HON. JOHN ASHCROFT:

I realize the chances of AG Ashcroft actually reading this are probably slim and

none. However, as the old movie adage goes—I'm mad as hell, and I won't take it anymore.

I am sick and tired of self-serving, avaricious lawyers extending the outlandish persecution of Microsoft beyond human understanding. This is in specific reference to an article in the 11–20–01 WSJ siting California attorneys opposed to a ''reasonable'' settlement from Microsoft because they feel—California consumers will be unfairly treated. I say—BS!

The only people hurt by the senseless and continued drubbing of Microsoft are Microsoft owners/employees, Microsoft shareholders, AND the consuming public as a whole. For God's sake, if it ain't broke, why fix it? I am very satisfied with the absolutely and positively FREE web browser and other services given to me by MS. The idea of continuing the litigation ad infinitum is ridiculous and sympathetic to the same type of ''consumer screw'' that resulted from the dismemberment of AT&T and produced higher prices for local service, lower levels of consumer satisfaction for the same local service, and pockets full of cash for specialty carriers who were allowed to ''cherry pick'' from the tree nurtured by AT&T into the best phone system in the world.

I say, ''To hell with California and its cadre of blood-sucking lawyers.'' And, while I am not privy to such information, I would wager MS is somewhere behind the scene in provisioning the U.S. with its current software capabilities in carrying on our war on terrorism. Ayn Rand is surely turning over in her grave. MS offers an arm and a leg, and the Californicator lawyers want to snatch its head also. Enough is enough; shut down the damn litigators nationwide in their quest to undermine a national resource. The consumers deserve it.

Gerry B. Evans
3350 S. Justin
Flagstaff, AZ 86001

MTC–00033804

Stoney, Ericka
From:
Sent:
To:
Subject:
Pamela M. [onehouyhnhnm@yahoo.com]
Friday, December 07, 2001 11:56 AM
ASKDOJ
USDOJ Comments

Dear Mr. Ashcroft,

I understand through Reuters that the Microsoft monopoly case is coming to a conclusion. A $1 billion dollar fine is being imposed—one billion dollars to schools.

On the face of it, this sounds wonderful. I am a teacher. However, this may destroy a rival, and frankly BETTER, but smaller company—APPLE. Apple has a far more stable operating system since the inception of Macintosh. Apple has been the choice for years for graphic designers. The one market share Apple has because they worked very hard to get it is the schools. They got it because Apple sustained the graphics necessary to keep the attention of children. Historically, Microsoft stole the Windows operating system concept from Apple to begin with. Throughout the years Microsoft has yet to perfect Windows, the Microsoft version of the Apple operating system, to the point where it doesn't ''crash''.

Apple has always had a more stable design for its operating system. For this reason, schools like it far better—there is less time spent on fixing a computer and more time teaching (teacher has to fix, either during class or after school; ergo important lesson time is lost).

While Apple is filing a brief for consideration by the judge overseeing the case, you have direct access to the prosecutor who will recommend a course of action. Schools need the continuing use of the Apple Macintosh computers. The ruling to infuse schools with $1 billion of Microsoft hardware/software will destroy Apple; Apple will lose its primary market. Schools will lose the operating system that takes less teacher intervention to fix. The computers, then, will not be used, nullifying the whole point. Teachers simply cannot and will not stop every lesson 14 times to fix the ''crashes'' of an unreliable operating system. Please, discuss the impact of this ruling on the social good of American school children. Frankly, I think it would be better to either allocate the billion to getting the elderly of our society online or building schools for the children of Afghanistan.

Sincerely,
Pamela A. Mahony
1231 N. Columbus Ave. #1A
Glendale, CA 91202
(818) 500–1588

MTC–00033805

Yanta, Judy
From: Christine Keller [fayekeller@att.net]
Sent: Thursday, January 03, 2002 7:56 AM
To: ASKDOJ
Subject: DOJ vs Microsoft
Christine Keller
9181 Market Ave
Hartville, OH 44632–8715
January 3, 2002
Attorney General John Ashcroft
950 Pennsylvania Ave NW
Washington, DC 20530

Attorney General Ashcroft:

A settlement in which Microsoft has to pay the bill is not in the ''public interest''. Paying the legal staffs of the federal and state DOJs, Microsoft, possibly of the AOL conglomerate, and all the class action seeking lawyers is not in the ''public interest''. Any such result will mean an increase in Microsoft prices and the entire industry will increase their prices to keep up. We do not need another IBM or AT&T settlement that only ''busts'' a good company, redistributes business and forces consumers to pay higher prices for the resulting fiasco.

Very, very and angrily Sincerely,
Christine F. Keller

MTC–00033806

Yanta, Judy
From: E McCann
[wurgermeister@yahoo.com]
Sent: Monday, December 17, 2001 11:30 PM
To: ASKDOJ
Subject: USDOJ Comments

This is regarding the proposed ''settlement'' given in the Microsoft anti-trust case.

Where, in this settlement, is Microsoft being punished? Where is there actual oversight? Where are the guarantees that they won't be able to continue their practice of running roughshod over the marketplace? It's as if GM managed to strongarm fuel stations, tire manufacturers, etc. into making their products ''more compatible'' with GM at the expense of Ford, Mercedes, and the like, with their only ''weak'' market with real competition being in interstate semi trucks. In this hypothetical situation, they're brought to court, found guilty, and as ''punishment'' not only are allowed to define what a ''vehicle'' is for purposes of describing what's affected by the settlement, but also need to provide the 50 poorest trucking companies with GM trucks!

This is punishment? This rectifies the situation? This is a remedy? What I would like to see, instead, would be:

1. Don't allow Microsoft to ''have to'' spend money to supply schools with computers (which will end up being based on Microsoft software, and eventually make more money for them through their planned ''.net'' service and software ''subscriptions.'') While attempting to help schools is admirable—it has nothing to do in this form with rectifying the situation. Why give them—not just a toehold, but a whole beachhead—in a market they do not dominate already? If they MUST spend money on schools, have them submit the sum to the court to distribute and let the schools spend them on the systems that best suit their needs—with no Microsoft involvement other than sending the money to the court.

2. Create a court-appointed body that will oversee Microsoft's coding, marketing, and business practices. Microsoft should have a *minority* presence, not ⅓ with an option to appoint another ⅓ of the committee. They would have to justify changes in standards (such as the Microsoft Word .doc format, which changes with *every* release) to this committee, who would have the power to deny the ability to make these changes.

3. Have them release the FULL source for their products. Microsoft does NOT like open source—because it removes control from them. However, it has been proven with Linux and other open source projects to be an effective way to create an efficient product, and patch problems with that product in a much more timely manner than Microsoft is now able to do. It also allows competing software manufacturers (such as WordPerfect/Corel, IBM, etc.) to be sure they are seeing the complete OS, and eliminates any suspicion of ''favored'' companies or Microsoft divisions having an advantage with ''secret,'' undocumented, or ''hidden'' APIs and calls.

4. Have an independant body create the definitions for ''operating system,'' and other terms, that don't have loopholes in them that Microsoft can use to get around any legal restraints.

5. Investigate Microsoft's licenses—more important now than ever, with their ''subscriptions'' and forced upgrades.

6. Have an independant body oversee Microsoft's upgrades and procing.

7. Have Microsoft break Internet Explorer (and future products,) Outlook

Express, MSN Messenger, etc. from the operating system. Not only does this restore some slight competitive nature to the market, but will have a side effect of helping MS's operating systems run better. Remove the proprietary ''help'' system that forces you to install Internet Explorer as well. Regular HTML works perfectly well, and is an open standard.

8. Place the W3C in charge of standards, such as HTML, Java, and the like. They do this already, but give them the ability to reject ''extended'' standards (and give them some teeth while they're doing it) such as Microsoft's ActiveX and other HTML ''additions'' (or ventures like J++, C%, etc. that work only on Windows.)

These are just some suggestions... Microsoft *has* stifled innovation, not created it. And they're still working on ways (with strategies such as .net, and software ''subscriptions'') to lock people and businesses into Microsoft-only or Microsoft-dependant models.

Eric McCann
907 Dean #104
Coquille, OR 97423

MTC–00033807

Yanta, Judy
From: Chris Hamady [chrismh@wcnet.org]
Sent: Saturday, December 22, 2001 4:57 PM
To: ASKDOJ
Subject: Microsoft has once again hurt consumers and the U.S. Government
ATTACHMENT.TXT
USDOJ,

I feel compelled to write to you to voice a complaint against a company that continues to treat consumers and the state and national governments with arrogance and disdain. Recently, it became public knowledge of a security hole in WindowsXP that can allow a hacker complete and total control over a Windows XP based computer once it is connected to the internet. This in and of itself is statement enough against Microsoft, yet to my shock, it is being reported that Microsoft was informed of the security hole a full 5 weeks before ever notifying the consumers, business community, and the government of the United States, all who were at risk while Microsoft reaped profits acquired through the withholding of this information from the public. To make matters worse, they advertised that Windows XP is a ''new standard in security'' for computer operating systems. I am not a lawyer, but to me this seems to be some sort of product fraud leveled against consumers. Please look into this on behalf of me and all consumers who want a fair and balanced technology marketplace, and reconsider the current settlement with a company, that I feel, will never stop treating consumers, competitors, and the government with total arrogance, illegality, and disregard.

Thank you.
Respectfully,
Christopher M. Hamady
8941 Sylvania Ave.
Sylvania, OH
43560
Christopher M. Hamady
chrismh@wcnet.org
(419) 843–8890
MY WWW HOMEPAGE IS AVAILABLE AT:
http://mustec.bgsu.edu/~chrismh

MTC–00033808

Yanta, Judy
From: Colin Valentine [cvalentine@chartertn.net]
Sent: Tuesday, December 25, 2001 9:10 PM
To: ASKDOJ
Subject: USDOJ Comments

This is an example of what Microsoft is doing! settled!

The DOJ should not have
To: <ms255@microsoft.com> (Microsoft Corporation)
Cc: <cvalentine@chartertn.net>
Sent: Monday, December 24, 2001 8:48 PM
Subject: Outlook Express

Two days ago I scanned a printed page using a Visioneer scanner, and sent the file as an attachment to my own e-mail address. The letter displayed with the following message: ''OE removed access to the following unsafe attachments in your mailbox: december MAX''

I have been satisfactorily using the Visioneer scanner and sending the resulting files as attachments using Outlook Express since July of 2001. The message described above displays in a narrow bar across the top portion of the e-mail page. The operating system is Windows 98, in a Compaq Presario. There were no software changes in the same time frame. I have been using a very widely used firewall for about the last year. Can you remove this undesired and unauthorized interferance by your Outlook Express application?

Thank you,
Colin Valentine
cvalentine@chartertn.net
(865) 681–7694
1715 Linda Lane
Maryville, TN 37803

MTC–00033809

Yanta, Judy
From: Julian Huff [JHuff@SSG.PETsMART.com]
Sent: Friday, November 23, 2001 11:12 AM
To: ASKDOJ
Subject: USDOJ Comments(PIs forward to the Attorney General)

Sir,

I find it necessary to comment on the proposed settlement between the U.S. Go This trial has proceeded under keen professionals like myself. it is ridiculous that a company which has been found guilty of of non-competitive actions, including giving its products away in order to force other companies out of business, should be allowed a settlement in which it gives away well over a billion dollars worth of its product and services, especially in an area in which it does not already enjoy a majority of market share.

How is this going to lead to competition in the marketplace? The educational market is one of the FEW areas that Microsoft does not currently dominate. How will this affect companies like Apple Computer, who are currently competing in that market? Do you think that schools will choose to use quality and competitive pricing as market tools to their own (and those other company's) advantage? Or will they take the free products, further increasing Microsofts monopoly and power?

The fact that this type of a settlement has been approved by the prosecution is a sad statement on the state of Justice in America today. This is a laughable solution and we will look back on it one day saying, ''Remember when there were lots of alternative products WITHOUT the Microsoft label on them?'' Then we'll sadly shake our heads and wonder what would have happened if the Government had decided not to repress America's entrepreneurs and sell out the consumer by not punishing a monopolistic bully like Microsoft when it had the chance.

Thank you,
Julian P. Huff
Manager—Desktop Services
PETsMART, Inc.
19601 North 27th Avenue
Phoenix, Arizona 85027
* 623.587.2407 (office)
* 623.580.6109 (fax)

MTC–00033810

Stoney, Ericka
From: Libby Abright [libbyincal@mindspring.com]
Sent: Friday, November 09, 2001 4:59 PM
To: ASKDOJ
Subject: USDOJ Comments-Microsoft win over the people

Where is the protection for me and businesses which serve me in the Microsoft case? Who was bribed to get this decision—or are our govt. people that stupid?

I have stock and don't want to see the company decimated, but I have been hurt, as has every one who uses a computer by the Microsoft monopoly and their defective software.

Don't you see the damage your settlement is doing? Look at the new software that puts restrictions on people who buy and use the software—we can't even use it as we please!

Libby Albright
228 Ximeno Ave
Long Beach CA 90803

MTC–00033811

Stoney, Ericka
From: MCDEVO3@aol.com
Sent: Thursday, January 03, 2002 8:13 PM
To: ASKDOJ
Subject: microsoft

Just a line or two to let you know how I feel about the microsoft case. Microsoft is one of the biggest holdings in many people's 401k, Ira.s,etc. Since the start of the anti-trust case the value of the stock has dropped. At a time when you want people to be less depended on social security and max out on their 401k plans, and keep up their IRA.s, you not only go after microsoft but also attack the many people who looked to the company for fiancial security, through their retirement plans. Ease up, and the stock could possibly rise restoring people's confidence not only in MSFT, but the stock market in general.

Thanks.
John McDevitt,
469 Foss Ave.,

Drexel Hilt, Pa. 19026
E-mail: MCDEVO3@aol.com

MTC–00033812

Stoney, Ericka
From: Tom Wright [TWright@Forte-industries.com]
Sent: Monday, November 05, 2001 1:08 PM
To: ASKDOJ
Subject: usdoj comments

For the first time in my life I am compelled to contact an office of my Federal government.

I am appalled at the ''settlement'' your department has reached with Microsoft. It disgusts me to see that a corporation that abuses its monopoly power and lies in federal court about its actions can receive virtually no penalty for that behavior. Your office is supposed to protect people like me from the likes of Microsoft. I voted for G.W. Bush but would not have done so were I aware that this obvious sellout would be the outcome. I'm sure that the decision to ''settle'' in this manner was cloaked in the guise of stimulating our weakening economy. What in effect you have done is to enhance the ability of that bully corporation (Microsoft) to further stifle ingenuity and creativity at the expense of the consumer and the taxpayer. This ''settlement'' will serve to only embolden Microsoft in the ruthless use of its power to crush their rivals.

Today I am ashamed of my government.
Thomas P. Wright
Sr. Software Engineer
Forte Industries
6037 Commerce Ct.
Mason, OH 45040
(513) 398–2800x206 (Voice)
(513) 398–2837 (FAX)
This email has been scanned by MailMax.
http://www.maximizeit.net

MTC–00033812 0001

MTC–00033813

Stoney, Ericka
From: Tom Loveman [tloveman@ctnet.com]
Sent: Monday, November 05, 2001 9:38 AM
To: ASKDOJ
Subject: Are you out of your minds!

The Microsoft settlement proposal is a farce! Hundreds of companies and countless technologies have been oppressed, destroyed and/or plundered by Microsoft over the years. This decree does nothing more than LEGALIZE what they've been doing for decades! Now they have the goverment's permission to supress ideas that compete with their own, and to abscond technologies and implement them internally rather than give credit to the companies that create them.

Are you so binded by a recession and a war that you're willing to leave the hen house guarded by the fox!?

Microsoft was found GUILTY but the punishment does not fit the crime. Innovation? HA! The only section of Microsoft that creates ANYTHING innovative or of value is the Macintosh Business Unit because Apple users are so far ahead of the crap Microsoft puts out for PCs that the MBU has to do innovative things.

Tom Loveman
Tom Loveman
19201 Van Aken Blvd
Suite 513
Shaker Heights, OH 44122
216–561–9222 (H)
216–682–3104 (W)
<tloveman@earthlink.net>
<http://www.earthlink.net/tloveman>

MTC–00033814

Yanta, Judy
From: Jim Eddings [jime@acmeserv.com]
Sent: Monday, November 05, 2001 2:53 PM
To: ASKDOJ
Subject: USDOJ Comments- Microsoft Settlement

I applaud you for settling the Microsoft case, but wish to present one caveat.

More and more they are requiring their users to sign up for their Passport service to function with their other, unrelated products. This requires users to register with them, whether they want to or not. For example, users of some Microsoft game software are required to use Passport before the Microsoft technical support will even answer their email, even though the two products have nothing to do with each other. I know many Microsoft software users who are avoiding newer products so they will not have to register with Passport. The Passport service has suffered from documented security problems.

I implore you to build into your settlement language that would prevent Microsoft from forcing their users into this or any other product or service for any reason, and specifically forbids this from being a requirement for technical support on any product except itself. Microsoft has been moving toward subscription licensing to lock in their revenue stream even while their anti-trust case is going on, and these Passport requirements are appalling. It appears they are trying to prevent us from using anyone else's software with this practice!

Thank you very much for your consideration,

Jim Eddings
629 Torrence Dr.,
Gastonia, NC 28052
Information Systems Director,
Acme Petroleum & Fuel Co.,
Gastonia, NC 28054
(long-time Microsoft customer who loves the products and who is becoming very disgusted with their business practices)

MTC–00033815

Yanta,Judy
From: John Ridge [JohnRi@homeproperties.com]
Sent: Friday, November 16, 2001 10:08 AM
To: ASKDOJ
Subject: USDOJ%20Comments

Sirs:

I had thought that you had set up on the website a forum to solicit comments regarding the sustice's settlement with Microsoft. If you have then you have made it exceedingly difficult to find because I cannot. That in itself is probably on comment on your desire to hear other opinions.

I would remind you that the Justice Department is here to insure that the laws are enforced to protect the people. With your proposed settlement with Microsoft you are not fulfilling this promise. It is obvious to everyone that this case went from a prosecution of the laws to one of political expediency. This is nothing more than a slap on the wrist to the biggest monopoly since Standard Oil and everyone knows it. The American people's only hope now with this issue is that the states will be immune from politics and do what they are paid to do, protect the people.

Thank you for reading my comments.
John Ridge
19 Stover Road
Rochester, NY 14624
jridge@rochester.rr.com

MTC–00033816

Yanta, Judy
From: james p liebmann [jliebman@rochester.rr.com]
Sent: Monday, November 05, 2001 8:23 PM
To: ASKDOJ
Subject:USDOJ Comments—Microsoft Settlement

I am embarassed to call myself Republican in light of this very disappointing settlement. The terms of the settlement are so ineffectual as to be meaningless. More small companies will get no financing for fear that Microsoft might enter that same product area. Other companies will be squeezed to death like Netscape was.

I am sorry to say that Attorney General Ashcroft has squandered some of his, and President Bush's, political capital, not to mention my tax money. The settlement terms do a great disservice to the American Public by allowing this company, which has been found by the courts to be a Monoplist, to get off with essentially no punishment and no effective change of behavior.

James P. Liebmann
18 Bromley Rd.
Pittsford, NY 14534–2934

MTC–00033817

Renata B. Hesse—Antitrust Division
US. Dept of Justice
601 D Street NW Suite 1200
Washington, DC 20530–0001
Subject: Microsoft Settlement

I am writing as a consumer and an amateur student of computer technology. I work for a medical research company in a position outside our Information Systems department. I have been an early adopter of home computing technology since the 70's.

I purchased my first IBM PC in 1981 and I have the receipt. The operating system (DOS) cost $40 and the actual computer (without even a hard drive or a monitor) cost well over $2,000. This came to well under 3% of the cost of the system. Today I can buy a vastly more powerful computer with a hard drive and monitor and much more memory for under $1000. The reduction in price is because of competition in the hardware sector. The cost of the operating system for such a new system would be more than double even though it has not advanced as much as the hardware. And the hardware is much more capital intensive to develop particularly considering the reduced margins. This imbalance and the actions of Microsoft to achieve this condition are well documented in the Findings of Fact (in the case before Judge Jackson). I have read the

Findings of Fact as part of my interest in computer technology.

I am writing to express my complete dissatisfaction with the proposed settlement. It is not sufficient by a LONG shot. It will not restore competition nor will it punish the misuse of monopoly power. And finally (and this is my unique observation it seems) it will do nothing to restore the vigor to the development of software. Innovative software development ''looks'' like a Competitive market but I content it has been smothered along with many of Microsoft's competitors. The opportunity to make money from novel and innovative software has been deeply hurt by the abuse of the Microsoft monopoly. There must be an opportunity to make money and prosper m order to get investment money. We should have many times the number of innovative software companies that we have today. Today we have many companies using Microsoft tools and writing Microsoft programs and never able to get outside this narrow and restrictive canyon. Any effective settlement needs to address this situation by restoring opportunity.

Finally, I am just now reformed by the news wires of the proposed settlement by the 9 states not signing on to the DOJ settlement. They have a MUCH more realistic proposal. A bare bones operating system Just might open a window for other competltors to come into the marketplace with innovative competitive products in this new lower tier market. This is the type of thinking that needs to be applied to the problem. The very best solution is to break the company up into several smaller competitive companies and that should never have been removed from the table.

Ben Bowers
420 Fruit Farm Rd
Royersford, PA 19468??

MTC–00033818

December 9, 2001
Pablo Oliva
60 Lehigh Aisle
Irvine, CA 92612
Renata B. Hesse
Antitrust Division, U.S. Dept. of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001

Dear Mrs. Hesse:

I am a web developer in the Los Angeles area in California. I recently ran across this article online at http://www.pbs.org/cringely/pulpit/pulpit20011206.html which stated the following: ''The biggest competitor to Microsoft Internet Information Server is Apache, which comes from the Apache Foundation, a not-for-profit. Apache practically rules the Net, along with Sendmail, and Perl, both of which also come from non-profits. Yet not-for-profit organizations have no rights at all under the proposed settlement. It is as though they don't even exist.

Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: ''...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business .... '' So much for SAMBA and other Open Source projects that use Microsoft calls. The settlement gives Microsoft the fight to effectively kill these products.

Section III(D) takes this disturbing trend even further. It deals with disclosure of information regarding the APIs for incorporating non-Microsoft ''middleware.'' In this section, Microsoft discloses to Independent Software Vendors (ISVs), Independent Hardware Vendors (IHVs), Internet Access Providers (lAPs), Internet Content Providers (ICPs), and Original Equipment Manufacturers (OEMs) the information needed to inter-operate with Windows at this level. Yet, when we look in the footnotes at the legal definitions for these outfits, we find the definitions specify commercial concerns only.

But wait, there's more! Under this deal, the government is shut out, too. NASA, the national laboratories, the military, the National Institute of Standards and Technology—even the Department of Justice itself— have no rights. It is a good thing Afghanistan is such a low-tech adversary and that B-52s don't run Windows.''

I hope that you understand the severity of this matter. The Open Source Software movement is truly a remarkable thing. Many great products have resulted from this movement. The Open Source community has spawned innovation and quality in software that is unsurpassed by Microsoft or any other commercial outfit. This movement and community is a great and weighty threat to Microsoft's business model. I encourage you to come to a complete understanding of the impact that the language of the settlement, which the above article sites, will have on the Open Source Software community. There is a big chance that Microsoft will have the ability to use this language to place pressure on and ultimately strangle the life out of the Open Source community... and this is an anti-trust case isn't it?

Regards,
Pablo Oliva

MTC–00033819

GRIMES & SMITH
CHARLES T. SMITH
(843) 546–6131
JOHN P. GRIMES
ATTORNEYS AT LAW
1112 HIGHMARKET STREET
FAX: (843) 527–6692
GEORGETOWN, SOUTH CAROLINA 29440
December 17, 2001
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Washington, DC 20530–0001
Re: United States of America v. Microsoft corporation
Civil Action No. 98–1232 (TPJ)

Dear Ms. Hesse:

I have carefully reviewed the proposed Final Judgement in the referenced action and the opinions issued by the District Court and the Court of Appeals for the District of Columbia Circuit.

The minor restrictions in the proposed Final Judgement are rendered meaningless by the extensive exceptions and exclusions. Even if the proposed Final Judgement can fairly be interpreted to prohibit some conduct, there is no effective enforcement mechanism.

The proposed Final Judgement does not address Microsoft Corporation's serious violations of the antitrust statutes and does not serve the public interest.

Sincerely,
Charles T. Smith

MTC–00033820

Cole Thompson
2101 Webster Street, 20th floor
Oakland CA 94612
Tel.: 1–510–627–2245
Fax: 1–510–627–3030
Renata Hesse, Trial Attorney
Suite 1200
Antitrust Division, Department of Justice,
601 D Street NW, Washington, DC 20530
Subject: Proposed Microsoft Antitrust Settlement

Dear Attorney Hesse:

As a Senior Web Developer for Kaiser Permanente, one of the, nations's largest healthcare providers, I am deeply concerned about the proposed settlement for the Microsoft antitrust case. For about the last five years, I have noticed that truly innovative technologies from small companies in the computing industry have tended to be withdrawn from the marketplace, apparently due to pressure or threats from Microsoft. During this same five years, the cost of Microsoft software has steadily increased, even allowing for inflation, while the cost of other companies'' software (Sun Microsystems, Oracle, Sybase, Borland and many more) has almost without exception decreased quite dramatically. The costs of doing business as a software company have not increased during this time. The only reason Microsoft has bucked the overall trend toward less expensive software is that Microsoft enjoys monopoly power, and dictates prices to computer vendors. These arbitrarily increased costs are ultimately borne by American consumers. Consumers and businesses are damaged in just the same way that they would be if the cost of gasoline were doubled.

At a minimum, I see the following items as required for any meaningful remedy of Microsoft's conduct:

—Obligate Microsoft to include support for the Java platform in Windows, as asked for by the attorneys general of California and other states.
—Require Microsoft to make available to the general public (not just selected companies that Microsoft likes) the full details of formats used for storing data in files and databases.
—Require Microsoft to make available to the general public (not just selected companies that Microsoft likes) the full details of any networking protocols it uses to communicate between computers.

The importance of the last two points cannot be overstated. The most credible competition to Microsoft is coming from software developed in non-profit settings

such as university labs and loosely-knit cooperative consortiums (the so-called ''Open Source'' community). The proposed settlement would deliberately exclude these most promising sources of Competition from access to Microsoft file and network protocol information, which would be a grievous error at this stage of remediation.

Thank you for your attention.

Cole D. Thompson

Senior Web Developer, Kaiser Permanente

MTC–00033821

Charles Bennington
Oddcast Inc.
589 8th Avenue, 11th Floor
New York, NY 10018
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530–0001
December 20, 2001
RE: US v. Microsoft proposed final order

In my position as Chief Systems Architect for Oddcast, Inc., a software company based in New York, I have had the opportunity to observe the effects of Microsoft's monopolies on our business and our competitors.

I am writing to submit my comments on the proposed final order in the antitrust case against Microsoft. The remedies described in order do not seem at all satisfactory and will have a negative effect for business who wish to compete with Microsoft.

First off, the fact that the structural remedy initially ordered by Judge Jackson has been abandoned is quite disturbing. Judge Jackson reached his conclusions after being involved in the case for a long time. His proposed remedies were a reaction not just to the severity of the crime but also to the manipulative manner in which Microsoft behaved—and continues to behave.

The new remedies are not strong enough to penalize a company that has not only been found to violate antitrust law, but which has also failed to abide by previous agreements made between Microsoft and the DOJ. And of equal importance and urgency, the remedies to not look sufficient to curb Microsoft's tendencies toward anti-competitive behavior now and in the future.

The provisions in J1 and J2 are becoming widely recognized as providing too much opportunity for Microsoft to inhibit interoperability with software considered part of the free software movement. Several free software programs are considered significant competitors to Microsoft's products. This is acknowledged even by Microsoft. Microsoft should not be allowed to limit access to information used in programs such as Apache or the Linux operating system just because there is no commercial body responsible for these software products. While the software itself may be not for profit, there are many business that depend upon this software to make their profits and Microsoft should not be allowed to shut them out. I believe that the provisions in J1 and J2 will have a negative effect on the ability for business to compete with Microsoft and will help to expand Microsoft's current monopolies and provide Microsoft with opportunities to establish new monopolies.

The term of the agreement as proposed is too short. While the software industry itself is dynamic, the basic behavior of monopolies is not and five to seven years is not long enough to ensure that Microsoft's anti-competitive practices will be curbed.

The Justice department should not allow Microsoft to have such control over the proposed Technical Committee. Microsoft should not be allowed to appoint any members of the Technical Committee. I cannot imagine why a company found to be in violation of the law would be allowed to choose any member of it's oversight committee, especially when there are only three members. By allowing Microsoft to place someone of their choosing, they will have influence over the selection of the third member which could mean that the committee starts out with a two thirds pro-Microsoft majority. The Justice Department should be responsible for the appointment of all three members.

The level of secrecy surrounding the actions of the Technical Committee will also have a negative effect on it's ability to stay honest and fair. And the fact that they will be paid for and managed by Microsoft should remove even the last scrap of objectivity from the committee. If this proposal is to work, the Technical Committee will need to be restructured so that it has greater independence and more power.

Over all, I think that the proposed final order is not strong enough and should be reevaluated. In the seven years that Microsoft has been involved in proceedings with the Department of Justice, they have not seen their business harmed. Instead they have grown dramatically and further reinforced their monopoly position in many areas. They have openly flaunted consent decrees and tied up the investigation of their actions in a manner which only a company which can accumulate billions of dollars a year from its monopolistic position is able. The proposed remedies only serve to reinforce the status quo under which Microsoft has been allowed to grow unchecked—despite having been found to have violated the law. Without stronger remedies, Microsoft will only continue to stifle competition.

Sincerely

Charles Bennington

MTC–00033822

November 28, 2001
Robert H. Frudenberg
1109 Palm Drive
Burlingame, California
94010–3712
Renate Hesse
Trial Attorney, Antitrust Division
U.S. DOJ
601 D Street NW Suite 1200
Washington, DC 20530

Dear Sir,

It is most fortunate the Europeans are taking a more serious stand against Microsoft than the U.S. I find that Microsoft has quashed most competition by requiring dealers to install no other operating system on new computers if they want to sell Windows.

Also, the proposed settlement of giving used computers to schools is preposterous. That is not a penalty. A penalty for a monopoly would be a breakup of major parts to allow competition to begin again. Microsoft should be required to release source code to developers so their products can work with windows OS and have no blue screens.

MTC–00033823

28 November 2001
Renata Hesse, trial attorney
Antitrust Division
U.S. Department of Justice
601 D St., Suite 1200
Washington, DC, 20530

Ms Hesse,

I would like to comment on the proposed Microsoft settlement. As an independent software developer who has been unemployed for most of the last 14 months, I very much feel the economic recession. Although the ''dot-com'' bust is undoubtedly a reason for the current lack of jobs, it is the predatory monopolistic practices of Microsoft Corporation which I feel is the main reason for the situation so many of us independent software developers find ourselves in.

The FUD, (fear, uncertainty and doubt) fostered by Microsoft's actions with regards to the Java programming language has severely limited the expansion of Internet software capabilities and the attendant programmer employment. Also, the way Microsoft has positioned its ''.NET'' strategy, as an alternative to the current Internet experience, rather then positioning it as an embrace and extend, has stagnated the development of Internet based computer applications. As an individual who chooses to develop and deploy Internet solutions on non-Microsoft software platforms, this has locked me out of business opportunities.

The three pillars of justice: restraint, rehabilitation and retribution are not adequately addressed by this proposal. While a measure of rehabilitation needs time for accountability, the settlement provides no relief from the monopolistic force of Microsoft s Internet browser, why is it that this is permitted? Microsoft must be forced to market their browser independent from their operating system. Also there is no retribution available to the thousands of companies and the over hundred thousand engineers who have been affected by Microsoft's actions. The Microsoft education proposal is a mockery of accounting and a piece of candy for Microsoft's thrust into education. I spent five years on the Riverview School District technology committee which is in King County, Washington; and a third of that time was spent trying to prevent the takeover of the computer resources by those who mistakenly believe that a single computer supplier is beneficial to the educational system.

I have encountered the lies, sabotage and intimidation of Microsoft for fifteen years now and I'm angry about the situation. I have enclosed a link to my resume, from which you can see I have been involved in software development which includes important work I did for the Apollo Space Program. <http://home.earthlink.net/cascades/resume/BaissResume.html>

Baiss Eric Magnusson √
cascades@earthlink.net

Cascade Web Design √ Software Design and Consulting, <http://www.cascadewebdesign.com>
32307 NE 193rd St. √ Specializing in WebObjects & Java
Duvall, WA. 98019 √ 425–788–2394

MTC–00033824

Post Office Box 3754
Oakland, CA 94609
6 December 2001
Ms. Renate Hesse,
Trial Attorney, Antitrust Division
Dept. of Justice
Suite 1200
601 D Street NW
Washington, DC 20530
Dear Ms. Renate Hesse:
RE: public comments on proposed settlement of U.S. Government vs. Microsoft Corporation in the matter of alleged monopolistic business practices.
The proposed settlement of the lawsuit of U.S. government vs. Microsoft Corporation is totally inadequate to rein in the past, continuing and growing abuses by Microsoft Corporation in the production, distribution and sale of their Windows and other software products.
After almost twenty years of bullying competitors with illegal monopolistic tactics, after being convicted in Federal court of serious and repeated violations of the Sherman Anti-trust Act, after destroying the market shares of Dr. DOS, Lotus123, WordPerfect and Netscape Internet browser softwares with illegal bundling, exclusionary contracts and other heavy-handed tactics, the mighty Microsoft Corporation has now condescended to allow PC manufacturers to ''delete the Internet Explorer icon'' from the starting Windows screen. Wow. The mind boggles.
Is the mighty Microsoft Corporation actually making a real concession to the concept of free market competition? Sorry. Its just another cheap MS trick to be allowed to continue their illegal and immoral monopolizing and bullying ways. Microsoft is trying to leverage its Windows PC operating system monopoly into dominating the Internet with its Explorer Browser, its home web page, microsoft.com and its latest offerings of its new Windows XP operating system.
Microsoft Corporation should not be allowed to expand into any new areas of technology, be it on the Internet or elsewhere. To date, Microsoft Corporation has shown very little if any understanding of fair play, fair competition or moral behavior. They are obviously in need of severe discipline.
The U.S. government should levy a fine of twenty billion dollars as just punishment for past monopolistic and illegal business practices over the last two decades. The consumers of the U.S. have been negatively affected by the bullying behavior of Microsoft Corporation.
Yours truly,
James K. Sayre

MTC–00033825

OFFICE OF THE MAYOR
SAN FRANCISCO
WILLIE LEWIS
BROWN, JR.
January 7, 2002
Renata B. Hesse
Antitrust Division
US Department of Justice
601 D Street NW
Suite 1200
Washington DC 20530–0001
Re: Comments of the Microsoft Proposed Settlement Agreement
Dear Ms. Hesse:
Microsoft is a company that has long provided good products to consumers and businesses, and it provides opportunities for other software companies as well to develop programs for the Windows platform. The provisions of the settlement, worked out with one of the nation's top mediators, will be good for consumers, businesses, the tech sector and the economy as a whole. I fully support the Department of Justice and the nine Attorneys General for their efforts to finally put an end to this case and agree to a settlement that is in our nation's best interest.
Sincerely,
WLB/cc
1 DR. CARLTON B.GOODLETT PLACE, ROOM 200, SAN FRANCISCO, CALIFORNIA 94102–4681
(415) 554–6143
RECYCLED PAPER

MTC–00033826

Chun-Wai Chan
5555 S. Everett Ave., Suite E3
Chicago, IL 60637
773–324–8190
Fax: 773–324–8190
December 14, 2001
Ms. Renata B. Hesse
Antitrust Division, U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530–0001
Re: Dept. of Justice and States Settlement with Microsoft
Ms. Hesse,
I am writing to express my concern and disappointment with the Dept. of Justice's proposed settlement with Microsoft. I would like to exercise my rights under the Tunney Act and have my views entered in the following Federal records:
1. I ask that my following comments be accepted during the 60 day period after the proposed Final Judgment is published in the **Federal Register**.
2. I asked that my comments along with responses to them be published in the **Federal Register**.
3. I ask that my comments and the responses to them be filed with the court examining this settlement.
I believe the concessions made by Microsoft in the proposed settlement are inadequate in restraining their predatory and monopolistic practices in the computer industry. In particular Microsoft has too great a lattitude deciding what consitutes its middleware and what constitutes its core operating system.
The alternative settlement submitted for review by the nine states opposed to the current Dept. of Justice settlement closes many loopholes which can and will be exploited by Microsoft. I therefore urge the Department of Justice to adopt the new settlement proposed by the States Attorneys of CA, MA, CT, UT and the other 5 states opposed to the original proposed settlement.
Sincerely,
Chun-Wai Chan
Naturalized Citizen of the United States of America
Registered Independent Voter in the 4th Ward of the City of Chicago

MTC–00033829

From: Rufus Polson
To: Microsoft ATR
Date: 1/22/02 12:37 pm
Subject: Proposed Microsoft Settlement
Dear Officers of Justice,
I should note before beginning that I am Canadian, and as such lack standing in a United States proceeding. But it has been suggested to me that it would, nonetheless, not be improper to submit a respectfully phrased opinion, and I have serious concerns about this matter.
My first worry about the proposed settlement is that it cannot be enforced. The only penalty for noncompliance with the settlement, as I understand it, is that the settlement may be extended for two years. But how much effect can this have? Surely a company failing to comply with a settlement would have little trouble continuing for two more years to fail to comply. The history of Microsoft's behaviour suggests that failing to comply with a settlement is within the scope of their normal actions; the likelihood of this happening must be taken into account in any settlement, with noncompliance penalties on a scale sufficient to create strong disincentive even to such a massive entity.
My second is the lack of any penalty. In a country in which the criminal law strongly endorses retribution and deterrence as principles of justice, and in which corporations are legal entities with much of the rights and standing of persons, it seems appropriate to keep in mind the principles that are routinely applied to persons when dealing with corporate lawbreaking. This is the more true for corporations such as Microsoft in which the direction is so clearly set by a very few individuals, whose fortunes and identities are wrapped up closely in the corporation. In short, Microsoft as a corporation is guilty of a serious crime—this has been established. Microsoft as a corporation should be seen to be penalized, so that other corporations and their administrations realize that illegal monopolist tactics will not cause their companies to prosper.
My third is the weakness of much of the language, such that many things which the settlement appears on the surface to prohibit are in fact not prohibited in any serious way, whereas it seems that others still can be twisted in such a manner as to actually legitimize practises that would not normally be considered acceptable. Many other submissions, as I understand it, have gone into detail on these issues. I will not spend words describing them yet again.
Another problem is the inspectors. Their powers are unclear, and should be strongly

specified. The selection process seems inappropriate—why should Microsoft have a voice in selecting their watchdog? It is like letting a drug dealer vote on his parole officer. In addition, it seems as if they are to be paid by Microsoft—this is another damper on independence. It seems more reasonable that Microsoft should disburse a sum immediately, sufficient for their payment for the entire duration of the settlement, and the Department of Justice should pay them out of that sum.

Finally, the settlement seems of marginal impact even in its intent. Even if one were to ensure that it was complied with, clean up ambiguities in language so that the compliance reflects what some of the broader statements indicate to be the intent, and empower inspection sufficiently well to verify compliance, the results seem unlikely to curb Microsoft's anti-competitive behaviour to any great extent. Rather, it seems likely that Microsoft will be forced to curtail a few fringe practises, leaving the general pattern untouched and perhaps pushing them to intensify new anti-competitive practises in areas such as the internet and encryption, where they might take advantage of such laws as the DMCA to use proprietary encryption schemes and claim any attempt to interoperate with their encrypted files to be illegal.

In short, the proposed settlement is flabby and overspecific even in its intent—no tiger capable of reining such a massive organization, but a tabby cat. Its actual wording makes it a paper tabby. Let us not forget that this is a corporation with such contempt for the administration of justice that they presented falsified evidence to the trial court (their so-called demonstration of Windows 98 running slower without Internet Explorer, which was a mockup fabricated for the sole purpose of deceiving the court—an action which would have surely left any ordinary defendant facing additional charges for perjury and/or contempt of court); how likely is it that they will comply with any judicial decision one micron farther than they are absolutely compelled to? How likely is it, in fact, that any settlement without a major structural component will impact Microsoft's practises in any significant way? In the absence of structural remedies, it is at least essential that any settlement present a comprehensive catalogue of practises which are absolutely barred, presented in ironclad language, with massive, immediate penalties for deviation. And if this case is to deter others from similar practises and, in general, pass the message that antitrust law remains alive in the United States, it should involve a substantial penalty for past anticompetitive actions.

Respectfully yours,
Rufus Polson

MTC–00033830

From: Walter Schulz
To: Microsoft ATR
Date: 1/23/02 9:48 am
Subject: Microsoft Settlement

There are many factors which render the proposed final judgement both ineffective and incomplete. One argument which bears the burden of many industry concerns is that of Dan Kegel's open letter to the DOJ (http://www.kegel.com/remedy/letter.html). This references his essay on the topic which can be found at(http://www.kegel.com/remedy/remedy2.html). These documents are well written and contain much information overlooked by the drafters of the PFJ. I have asked that my name be added to the open letter. Even these points do not complete the argument against Microsoft's monopolistic activities, It is evident that the drafters of the judgement have not been educated to a sufficient understanding of the enormous technical details which comprise the history of Microsoft's monopoly. These are, of course, too many to be discussed in a brief email. Please however consider the following:

* Microsoft's policy of trademarking common industry terms (such as ''windows'', ''office'', quo;access'', etc.) To the end of excluding competitors'' use of standard terms in the names of their products. ''Windows'' for example is a name in use by the ''X Windows'' system for the Unix well before ''Microsoft Windows'' came to market.

* Microsoft's habit/policy of modifying standard programming languages (to optimize them for the Microsoft Windows platform) and passing them off as the original standards. This is demonstrated in the development of ''Microsoft Visual C++'(a ''version'' of the C++ programming language for ''Microsoft Windows') and J++(a ''version'' of Sun Microsystems'' Java programming language. Since the suit with Sun, Microsoft has begun calling their version ''Active X') Sadly, programmers who are educated using Microsoft's non-standard language versions may have difficulty writing for any platform but ''Microsoft Windows'' since these versions do not use standard development libraries. Thus the pool of development talent for competing operating systems is effectively decreased by flooding the market with these altered languages.

Thank you for your time. I wish you all the luck you will certainly need in effectively considering judgements in this case.

Sincerely,
Walter A. Shultz
Bethlehem, Pennsylvania
Electronics Technician
sanguine@fast.net

MTC–00033831

From: Dagny Haug
To: ''microsoft.atr(a)usdoj.gov''
Date: 1/23/02 11:16 am
Subject: Microsoft Settlement
The settlement is *not* a good idea.
Dagny Haug
Associate Program Director
Edina Technical Education Center
University of Minnesota
http://www.cce.umn.edu/infotech/

Time is the coin of your life. It is the only coin you have, and only you can determine how it is spent. Be careful lest other people spend it for you.

Carl Sandburg

MTC–00033832

From: Mike Foley
To: Microsoft ATR
Date: 1/24/02 11:29 pm
Subject: Microsoft Settlement

Hello Judge,

I'm am writing this message to convey my opinion on the Microsoft settlement.

I feel that Microsoft is guilty of the charges brought by the government. I am greatly disappointed at the settlement. I read it the day it was released and quite frankly, I was appalled. And then to read a few weeks later, Microsoft's proposed settlement in civil suits where Microsoft would give computers and software to the education market told me that Microsoft has not learned. The proposed settlement would have devastated Apple Computer's lead in the education market!

I used to work for Digital Equipment Corporation. I ''heard stories'', many first hand, of the practices Microsoft used to great effect against DEC. Stories of ''acquired'' technologies, of Mr. Gates asking that competing technologies be cancelled, of Microsoft not pushing DEC's Alpha chip. Yes, they are ''stories'' Many were settled in out of court settlements so that we'll never know the final truth, but they are indicative of business practices practiced by a monopoly

To fairly settle this court action, I propose the following: (Not limited to these, just some things I believe should be addressed)

Open standards of document formats. Microsoft Office is the standard. Allow other companies to compete on form and function and innovation.

A business practices oversight committee that has real power to keep Microsoft in check Microsoft should have no say in who would be on this committee

Limit Microsoft's expansion into media They have MSN, MSNBC, etc.. I don't want to watch ''All Microsoft, All the time''. People who don't know better will see Microsoft on TV and on their computer and be ''locked in''. How does someone compete fairly when everything says ''Microsoft''?? If anything needs to be split from the main company, it's the media portion. It is truly scary.

Mandate government use of alternatives to Microsoft products. There's no good reason for the government to be feeding a monopoly. There are excellent operating systems out there. (Linux, Open VMS, HP UX, etc..)

Mandate to Microsoft that the government will only use open standard formats for things like documents and programming, and networking interfaces Microsoft must stop practicing ''embrace and extend'' where they take an open standard, add their extensions, and lock out others. In conclusion, I would hope that the court will ensure that Microsoft does not walk away from this with an slap on the wrist and a virtual ''ok'' to continue its predatory practices

I thank you for your time and your patience in reading this message.

mike
mike@yelof.com
http://www.yelof.com

MTC–00033833

From: Michael James Langford
To: Microsoft ATR
Date: 1/25/02 11:56 am
Subject: Simple to implement remedys.

Dear Sirs,

Microsoft clearly has maintained a monopoly via unlawful means. They do not deserve the public's trust, as they do not have our best interest in mind.

Most behavioral or structural remedies are too hard to effectively enforce on an adaptable company such as Microsoft. So instead affect a policy change for the Federal Government through careful restrictions on Microsoft.

Switch the entire federal government over from MS office and mail products to other companies products like Sun Microsystem's StarOffice products. Use an open file format, such as Rich Text, Html, or Latex as the standard for documents. Word documents can be easily changed over to these types through its SaveAs command, and this process can be automated through simple programs most programmers could write in a couple hours.

This sounds like an expensive switch over. Have Microsoft pay for the manpower to switch over all agencies. Make them split the cost of any new licenses 50%/50%.

To make this switch within the power of the court, you would have to phrase the judgement in a way similar to:

All licenses granted to the federal government of Microsoft Office 95, Office 97, Office 2000, and Office XP are hereby revoked. (The contracts cancelled).

A new 5 year license is given in lieu of the old license of each copy of that software.

Microsoft may not issue new licenses to the government for any Non-Operating System product. Microsoft may not bundle any office productivity software into its Operating Systems. This is in effect for the next 10 years.

Microsoft will pay all labor costs associated with switching to new office products, as well as 50% of the cost of all replacement software.

Any state or municipal governments may also have these same terms if they request it.

This seems to be an easy to enforce and equitable judgement that can be levied against Microsoft as a punishment, and does not cost any party but Microsoft an undue expense, while still being fair to Microsoft.

The only party remaining to be dealt with is the OEM's who have been forced into licensing contracts with Microsoft. To remedy that situation, allow any of them to cancel their contracts with Microsoft at any time in the next 5 years, and enforce a single PUBLISHED price for all OEM software purchases of Microsoft software. Allow compulsory licencing to at that price to any OEM that wants it.

Thank you for your time.

Yours truly,

Michael Langford

MTC–00033834

From: scj@marcsys.com@inetgw
To: Microsoft ATR
Date: 1/27/02 9:41 am
Subject: Microsoft Settlement

I am opposed to the current Microsoft settlement. Others, more eloquent than I, will detail the reasons why this proposal will not restore competition in the marketplace or provide sufficient cause for Microsoft to change their monopolistic behavior. As a software professional with over twenty years experience and whose undergraduate course of study was in computer science, I have watched as Microsoft has continually impeded innovative developments. Microsoft follows a fairly consistent plan:

(1) Ignore the innovation (e.g., web browser, disk compression, java, etc.) until it can no longer be ignored. Then,

(2) Respond to the innovation by saying that it is without merit. When this is insufficient to keep the innovation from the market,

(3) Either buy the developer of the innovation or ''partner'' with them. ''Partner≥ing allows Microsoft the time to develop the software in-house. Once the in-house version is ready, Microsoft will ruthlessly ''bundle'' it into their offering at ''no additional cost'' thereby destroying the market for the original developer. Finally,

4) Claim the innovation was due to Microsoft in the first place.

For the good of the consumer, market, industry, and country this anti-competitive and monopolistic behavior must stop. Based on the the past behavior of Microsoft, with respect to previous Department of Justice actions, there is nothing which suggests that Microsoft will follow the spirit, or even the letter, of the current proposed settlement. They have consistently flaunted the law and have treated any cost or enforcement action as a normal ''cost of doing business.'' Without any meaningful competition they can do this with impunity.

I would encourage the Department to re-evaluate this far too lenient settlement and devise a solution which, even in the face of determined Microsoft attempts at circumvention, will help restore competition and innovation to the marketplace.

Sincerely,

Steven C. Johnson \ scj at marcsys period com

13906 Flint Rock Road \

Rockville, Maryland 20853–2649 U.S.A. \

MTC–00033835

From: Tal Eidelberg
To: Microsoft ATR
Date: 1/27/02 8:58 pm
Subject: Microsoft Settlement

The final settlement proposal by the United States, suggests sanctions that will be imposed on the Microsoft Corporation. These sanctions are supposed to imply that the US government and department of law disapprove of Microsof's monopoly over the PC operating system market, and Microsoft's use of this monopoly to dominate other markets, such as the web browser market. My opinion is that it is not right for the government to intervene with the natural selection of the software industries, and that such an intervention ultimately does not help the markets, the customers.

Looking back to the 1990s, it is obvious that the PC market has undergone a revolution. The main change was that PCs became user-friendly, and that almost any average non-programmer could use them. Because of this new user-friendly style, the PCs became very popular, their prices dropped, and the new now-affordable computers were summoned to help in many places where they were desperately needed. The upbringing of this revolution, by all means, should be accredited to one organization, the Microsoft Corporation. Microsoft Corporation through many years of dedicated, complex software development, had built an operating system that is unbelievably simple to operate and is intuitive enough for a seven-year-old child to handle. The qualities of the windows operating system series is the sole reason that Microsoft originally became successful, and therefore Microsoft is rightfully dominating the PC operating system market, which Microsoft fostered. The inclusion of Microsoft's Internet Explorer for free with the windows 98 operating system is a one hundred percent legitimate market strategy. I believe that a company that develops a widespread product, such as Microsoft's Windows operating system, it should hold the right to further add and develop that product as it sees suitable for the company's benefit. Software markets are fast moving, and companies rise and fall fairly quickly. This is for no other reason but the fast moving pace of technological advances of our century. There is no guarantee for any one company that its product will be required in the near future. Microsoft has done a great job in surviving the cut-throat competition of the software technology market, and along the way defined and introduced many standards such as COM software objects, which left the entire software developer world swayed with astonishment. The intervention on the behalf of the government by no means helps the customers. Customers who wish to use non-Microsoft operating systems are free to choose form an array of products such as Unix, Linux and OS2 to name a few. By forcing Microsoft to allow competitors to create new operating systems, the government is actually lowering the standards of competition that were defined by the natural market. The end result is that the customers get lower standard software, and eventually the PC software market will gain a low quality reputation that will decrease the market's scope.

The employment of unlawful techniques to maintain monopoly, or to achieve goals should be forbidden and fought. In the case of Microsoft's offer to Netscape where it was suggested that Netscape does not compete in the operating system market, and in return Microsoft does not compete in the web browser market, it is clear that the intention of Microsoft was to unlawfully maintain a Monopoly. A situation such as this obviously hurts customers and the market, and therefore should be dealt with and punishment should be sought in a rightful magnitude. This, however, should not imply that all of Microsoft's actions are unlawful and should be constrained. As it seems Microsoft controls the operating system market today. There is, however, no guarantee that the future will be as fortunate for Microsoft as the past had been. In today's free competition markets, Netscape can use the same techniques used by Microsoft and distribute a free version of Unix for example with their web browser Navigator product. Free competition is the basis for a great economy, and therefore the government

should not intervene, unless companies act unlawfully.

Tal Eidelberg

MTC–00033836

From: Casey Keller
To: Microsoft ATR
Date:
Subject: Microsoft Settlement 1/28/02 2:28 am

To the Honorable Department of Justice—

It is as a student, a technician, and an end-user that I wish to add my comments as per the Tunney Act concerning the settlement proposed by the corporation in question, Microsoft.

Before I begin individually laying out my reasons for my views, I must first denounce the proposed settlement as a mockery of justice, the institution of the courts, the welfare of the consumer, and the sensibility of the media and the general public.

We speak of punishment of criminals yet we are prepared to enact a double standards of rewards for crimes of business.

The practice of the Microsoft Corporation has been established as a violation of antitrust laws. From the packaging of the Internet Explorer web browser with its operating system, fully integrate it with the operating system of Windows to its current methods of furthering the hold on the software industry with Microsoft Office, Windows Media Player, built-in firewall for XP, .NET system, and the coupling of Microsoft Network with Windows XP, or its suit over the Windows names. This case began in 1995 and now in 2002 we are willing to settle with a turn of our backs.

I could list piece-by-piece what I view as theft by this Giant. I could easily attempt to make my case that Microsoft has not produced, in general, a product solely of its own without building it or modeling it from a product of another company. Whether it is the windowing system concept (Macintosh), DOS (Caldera),Start Menu (Apple), Terminal Services (Symantec's pcAnywhere / AT&T Virtual Network Computing), firewall and multiple logins (unix, Linux iptables/ipchains). I could sit and justify the vantage that the richest man in the United States built his fortune upon the backs of stolen ideas. A criminal never brought to trial.

As a student, I am dishearten to see the movements in the university systems to be Microsoft-centric. Database classes are taught with Access, programs are to be written with Visual Basic/C++/J++, web design is taught via Frontpage, and the operating system of choice for labs is Microsoft Windows. At what cost? If you are to look at the per-seat licensing of Microsoft we are spending fortunes on software at the cost of a broad education. We learn by the bloated non-standards and hope that we can push in the real world. We fail to learn systems outside the deal.

As a technician for an internet service provider, I am force to witness first hand the limiting force of a monopoly. When a call comes in the first generalized question that comes to the client is, ''What version of Windows are you running?'', followed by ''What version of Internet Explorer are you running?''. Common issues are virii, tcp/ip stack failures, win modem initialization strings, corrupt executables of Windows components. Because Internet Explorer is intergrated with the Windows operating system, the user interface is slower, if Internet Explorer blows up you lose the stability of your system, and users are unable to regress to a previous version or remove the faulty component. Security is negligible, the mail system is a petri dish for virii, and the networking leaves much to be desired. On a day-to-day basis, I have to deal with problems of Windows ''forgetting'' settings and devices or perpetuating unneeded data in the way of networking addresses. Hardware compatibility is greatly reduced as it as modems are software based (''winmodems''). Internet access setup is hindered by the persistence of MSN (The Microsoft Network) in terms of web browsing, messaging, dial-up networking, and communications compatibility.

As an end-user, I cannot help but to feel that I have been violated. I used in-house networking to share information between my laptop, my sister's computer, and my home system. My laptop is an Apple Powerbook running Mac OS X, my desktop is Redhat Linux 7.2, and my sister's machine is Windows 2000 Professional. I have had to run numerous security updates on Windows 2000 and its predecessor Windows 98. XP, which I had test ran has holes in security large enough to sail the US Navy through. Non-Microsoft programs are ''crash-proned'' by the operating system. I cannot help to feel that as a consumer I the Warranty of Mercantibility failed to apply to Microsoft products. I deal with file sharing compatibilities with SMB RPC calls. I feal cheated. The cost is high-way robbery.

In an industry where compatibility is a necessity, Microsoft continues to violate standards in security, networking, programming. Its movement to control the wealth of the industry has damaged the industry and the economy of the United States of America. We cannot pretend that keeping the ingrediants in one pantry allows every one to taste the pie. Unemployment, job cuts, and damages are left in the wake of postponed action.

The proposed settlement is not a punitive settlement, but an extension in guise that fails to be in the best interests of justice, consumers, and the general populace. The ''donation'' of monopoly software to an area where the monopoly is not in existence is the furtherment of the monopoly. It is the allowing of Park Place and Boardwalk with hotels to reap Community Chest.

On the other hand, I agree with the proposed settlement of Redhat. Let Microsoft purchase The equipment, let another software vendor provide the software. Software that is not terms limited, useragreement stipulated, bug-ridden, security questionable, and compatibility hell. I would further like to propose the removable of Internet Explorer and Media Player from current and future versions of the Windows OS along with the shutdown of the Microsoft Network. Do not allow one trust for another another. Anything short of this would be unfair when you look at the settlement that prevent AT&T from developing Unix and establishing its lead role in the computer industry.

I apologize that my statements here are more brief than I had intended and may not be as clear and concise as I feel that is needed to set a better light on this blite.

However, in closing I wish to ask that the Department of Justice act as a doctor and treat this case as curable form of the AIDS retrovirus. Medicare it. Prevent it from injecting and taking over new cells. Prevent it from disabling the guards against it. I also wish to ask the the Deparment of Justice to act as a strong Prime Minister. Do not do an appease. Europe settled to give Hitler one victory, but found that one eventually equated to many. Politics and history often meet with business to form one. Apply it.

Sincerely,

Casey W. Keller
1255 Mountain Glen Circle
Morganton, North Carolina 28655
United States of America
h: 828.438.8543
828.438.1550
c: 828.443.0515
e: cwk@worldhuman.org

MTC–00033837

BFI Waste Services of Charlotte
January 17, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington DC 20530
Fax 202–616–9937
Subject: Support for Microsoft Settlement

Dear Ms. Hesse:

For more than 20 years, I have worked in different aspects of the waste management industry. During that time, I have seen dramatic changes in my industry as well as the overall economy. Certainly the use of technology has dramatically changed the way business is done. The waste industry is much more efficient and more capable of keeping track of equipment, waste sites and a variety of other aspects of our work because of technology.

I have watched the antitrust litigation against Microsoft with interest not only because of the impact on technology but also the impact it could hve on innovation and product development. While not a panacea for the concerns voiced by computer makers and software developers, the proposed settlement agreement will give them new rights to configure Windows so that non-Microsoft products can be used. Microsoft has also agreed to the establishment of a technical committee to monitor progress of the settlement and to provide a venue for concerns of computer makers, software developers and consumers.

Microsoft will have the freedom to continue efforts to develop new and innovatice products. Innovation is key in this country's ability to thrive in a global marketplace where foreign competitors try to replicate our products and sell them at cheaper prices to undercut our economic growth.

The proposed settlement agreement provide protections to all involved in this

industry— Microsoft itself, its competitors, computer manufacturers, information technology providers and, most important of all, the consumer. From my own experience, I know how difficult it is to come up with a compromise. I encourage a quick resolution to the litigation so the technology industry can focus on regaining its competitive edge in the world economy.

Sincerely,

Tony Davies

5105A Morehead Road . Concord, NC 28027 . (704) 393–6900 . Fax (704) 782–2177

MTC–00033838

Products Inc.
Creek Road, FF-202
Charlotte, North Carolina 23205
Phone 704–373–9889
Toll Free 888–332–2888
January 22, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms Hesse

I am writing in support of the proposed settlement in the United States v. Microsoft case. The Antitrust laws were meant to protect consumers, not to stop market competition.

As a small business owner, I believe this proposal will not penalize other competing operating systems. This proposed settlement encourages more competition and greater innovation. All new

Microsoft operating systems, including Windows XP, would have to include a mechanism that readily allows end users to remove or re-enable Microsoft's middleware products, such as the Internet web browser.

We need to be encouraging the technology sector, which is critical to our economic recovery. This agreement is good for the technology industry, the economy and consumers.

Sincerely,

Evan J. Boxer

President

EJB/dgb

MTC–00033839

Jan 07 02 02:21p
FROM:
Gary Pearce
FAX NO. :
Grace Chirico
6689 English Ivy Lane
Raleigh, NC 27615
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Attorney Hesse:

I write in support of the settlement for the U.S. v. Microsoft case. The settlement will end damaging litigation that has harmed consumers and dampened innovation among technology companies. It is time to end the litigation and to encourage new economic opportunities for technology companies as well as provide investments in education, having worked as educator for more than 30 years, I know how important it is to encourage creativity and new ideas. Allowing technology companies the opportunity to innovate and integrate products without goverment interference will benefit all of us. This. is a time when we need to encourage innovation and get our economy moving forward. Settlement of this case would be an important step in that direction. As a consumer, I need to be able to get affordable software that I can rely on. Microsoft products are easy to use and allow integration of several software programs for consumers who do not have a lot of experience with computer programs.

Grace Chirco

MTC–00033840

Jan 07 02 02:21p Gary Pearce
9197878031
P.3
Summers Consulting Services
Brenda J. Summers, Ed.D.
December 13, 2001
6561 Heorthsiona Drive
Raleigh, NC 27615
Telephone; 919–847–3184
Fax: 919–841–4220
E-mall: bsummer@mindspring.com
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street. NWI Suite 1200
Washington, DC 20503

Dear Attorney Hesse;

I support for the settlement that has been reached with Microsoft Corp. in the nationwide product pricing class. actions. Consumers have benefited from Microsoft's innovation, which has resulted in better products and lower prices.

The dramatic commitment that Microsoft has announced to the public schools will go a long way toward addressing this need. Further, it helps put an end to costly and damaging litigation which already has gone on too long and caused too much harm to an economy that is in recession. The settlement is in everyone's best interests. The technology industry, consumers and the economy will all benefit to an end to this litigation.

I know I speak for many Americans who believe that the perfect end to this long chapter of litigation would be a settlement that invests in educating our children and building our economy.

Sincerely,

Brenda J. Summers, Ed. D.

MTC–00033841

Sent By: Town of Llttleton;
978 952 2718;
Jan-10–02 13:59;
Kennard A. Spencer
P.O. Box 381
Littleton MA 01460
January 9, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
6O1 D Street NW, Suite 1200
Washington DC 20530

Dear Attorney Hesse,

As a retiree who depends much upon his investments for income, I want to express my concern regarding the ongoing antitrust case against Microsoft. I do not deny the Justice Department their right to pursue and prosecute violations, but I would hope that they would be a little more cognizant of the effects of their actions. Antitrust actions are not isolated affairs, and an attempt to punish Microsoft for whatever real or perceived offenses has impact on many people.

Ever since the Justice Department. began its action against Microsoft, the high tech sector stocks, not only Microsoft but others, have plummeted effecting investors nationally, including institutional investors such as pension funds. This has caused an enormous loss of wealth across the country. I know from conversations with many others that I am not alone in seeing the obvious connection between the antitrust case and the economic slowdown. In such a questionable case of antitrust violation, with no apparent victims, shouldn't the government consider the dire consequences of its actions?

It is my understanding that the Justice Department has presented the Judge in the case with a settlement agreement they have negotiated with Microsoft. For all the reasons cited above, I strongly urge you to do whatever you can to see that it happens.

With sincere respect,

Kennard A. Spencer

MTC–00033842

Sent By: Town of Littleton;
978 952 2716;
Jan-10–02 13:59;
David C. McCarthy
133 Ashburnham Street
Fitchburg MA 01420
January 7, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington DC 20530

Dear Attorney Hesse:

Count me as a consumer and citizen who wants to see the government's case against Microsoft Corporation ended. Thirty million dollars later, and we come to discover that this was all really about some zealous attorneys trying to get the government to pick sides in the high-tech marketplace. One doesn't need to be an expert at antitrust law to know that Microsoft has not had any monopolistic stranglehold on the information industry; just walk into any Office Depot, or open any newspaper and see the variety, the competition and the falling prices. There is no cause for government action here.

And then comes the likes of proComp, AOL Time 'Warner, Sun and Oracle, all looking to have the federal government carve out special rules and conditions to favor them. This is not what the free-market system is all about. It's time to end the feeding frenzy, and end the court case. I see that the Justice Department is finally looking to settle the case, and that Microsoft has agreed, Please, let's just do it. I urge the judge to accept this settlement, and we can all get out of this sooner rather than later.

Sincerely,
David C. McCarthy

MTC–00033843

Sent By: Town of Littleton;
978 952 2718;
Jan-10–02 13:59;
Page 4/4
ASA
ALLIANCES
INCORPORATED
Attorney Renata Hesse
Antitrust Division
Department of Justice
610 D Street NW, Suite 1200
Washington DC 20530
January 9,2002

Dear Attorney Hesse,

I would like to take this opportunity to voice my opinion during the public comment period for the Microsoft antitrust settlement proposal. I wholeheartedly support the decision to settle rather than litigate, and I applaud the Justice Department for crafting a strong resolution which allows Microsoft to remain free to be innovative, while protecting the consumer. It is my hope that Judge Kollar Kotelly will see this as being in the best interests of the country.

The past few months should give us all cause to stop and reflect. We need to be unified as Americans, not only to show strength internationally but also to meet the challenges of reinvigorating the economy. If we can find a way to settle this case, then perhaps both Microsoft and the other companies opposing it can get back to developing technology and expanding business; This settlement proposal seems to be the best chance we have of turning this into a positive for the country.

Thank you for considering my thoughts on this matter.

Sincerely,
Jennifer Lappin

MTC–00033844

Renata Hesse, Esquire
Trial Attorney—Antitrust Division
Department of Justice
601 D Street, NW, Suite 1200
Washington, DC 20530
Fax 202–616–9937

Dear Ms. Hesse:

For more than three years and at a cost of many million of taxpayers' dollars, the United Starts Justice Department has pursued an antitrust suit against Microsoft Corporation. As an interested taxpayer who has no direct financial interest in this proceeding, I strongly believe that the case has had no beneficial impact and that the settlement should be approved by the federal court.

I remember not too many years ago, as a novice computer-user, using Prodigy for my Internet service. Prodigy then was rapidly supplanted by competitors, just as Microsoft supplemented Apple. The lawsuit against Microsoft was largely initiated by a Microsoft competitor. Netscape, which is now part of AOL Time Warner, an Internet behemoth in and of itself.

The point is that the marketplace, especially the Internet marketplace, has its own way of rewarding and penalizing companies' behavior—rapidly and sometimes brutally. The federal government, especially the federal courts, cannot respond rapidly and intelligently enough, even if it can respond brutally.

As a former judge and Supreme Court Justice, I know the limitations of the courts, and I believe this court has found its limits in this case. It believe this view is reflected in the decision by the Attorney General of the State of North Carolina to accept the settlement. I hope that the courts will now restore good sense to the government's oversight of the information-technology industry.

Sincerely,
Phil Carlton

MTC–00033845

Betty Combs Owen
529 Ellynn Drive
Cary, NC 27511
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington. DC 20530

Dear Ms. Hesse:

I am writing to express my support for the settlement under consideration in the U.S. Justice Department's antitrust case against Microsoft. For the past sixteen years, I have served as Executive Director of the Emerging Issues Forum at North Carolina State University. Many of our annual forums have focused on the remarkable advances in information technology that our nation has enjoyed—and the incredible economic growth and opportunities that have resulted. Without Microsoft's leadership and innovation, these advances might not have happened. Whatever wrongs Microsoft may have done in its efforts to compete in this rapidly changing and highly challenging field, I do not believe our nation's best interests are served by prolonging this litigation. I am pleased that the State of North Carolina has accepted the settlement and is no longer a party to the action. I hope that the federal courts will take the same course.

The settlement agreement provides an enforcement mechanism that will have the resources. access and authority needed to respond quickly if there are any future complaints about Microsoft's business activities. This mechanism, along with the restrictions imposed on Microsoft by the settlement appears to be a fair and reasonable way to resolve this matter. I hope that the federal court will do so quickly. Thank you for allowing me to express my opinion.

Sincerely,
Betty Owen

MTC–00033846

January 14, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I am a senior programmer analyst for a National Bank. AS such, I have witnessed first hand the negative impact this needless litigation has had on the American IT industry. I am in favor of Microsoft's willingness to make the concessions they have made in the spirit of resolving the lawsuit. However, I believe the terms of agreement go too far. For instance, Microsoft agreed to share with its competitors' proprietary information it has worked hard to develop. Additionally, Microsoft has agreed to the creation of a technical oversight committee, which will monitor its business practices. This concession goes above and beyond what should be expected of Microsoft. The agreement should be approved in its present form and no further federal action should be taken.

I appreciate your efforts to ensure a prompt resolution of this suit in the best interests of the American IT industry and the American public

An American IT worker,
cc: Representative Bob Stump

MTC–00033847

Hew Hampshire Homeowner/Main Street Alliance
30 Norway Hill
Hancock, New Hampshire 03449
888–666–4782
VIA FAX (202) 616 9937
January 11, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I am writing on behalf of NH Homeowners/Main Street Alliance to encourage you to approve the proposed settlement between the United States Department of Justice and Microsoft Corporation.

Our organization is a consortium of business organizations in New Hampshire dedicated to helping the economy of our state while also working with local, state and the federal government on issues that affect our membership. New Hampshire is very much a high tech state ranking second per capita in the number of reside: its working in high tech. The Microsoft case is one, which we have followed closely.

A competitive marketplace producing better products, more choices, and lower prices is in consumers'' best interest. It is imperative that competition be encouraged, in order to provide the platform for high quality, innovative products which will inevitably benefit consumers as well as the high tech marketplace. The continuance of this case has only hurt the economy and the many small, medium and even large businesses that have seen their fortunes adversely effected in the last year. It is time to put this case behind us and get the entire high tech industry focused on innovation again and not litigation. It is evident that the conclusion of this case is in the best interest of consumers, the economy and entire high tech industry.

Thank you for your attention.
Lauren Carney

MTC–00033849

Ain't America Great!
1341 College Point

Winter Park, Florida 32789
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am aware that a settlement has been reached in the Justice Department's three-year case against Microsoft. I support the settlement, even though I don't believe that the government, MY GOVERNMENT, should have even recognized the complaints of their competitors in the first place. I think it is in the government's, and our best interests to accept the settlement and move on to more important matters.

If it wasn't for Microsoft, I would not be as computer literate as I am today, and I'm just and ordinary citizen who has had no training, no scholling in use of a computer. I know that there are plenty of middle aged and older Americans who have had to learn to use this technology on their own. Microsoft products made it easy, non-threatening and affordable. Thier products caused the huge number of purchases of personal computers and associated items that drove our country's economic success and increased productivity in the ''90's. I think it is sad that they are being penalized for America's success.

The terms of the settlement are reasonable, despite my objection that this case should not have been brought in the first place. Microsoft if making changes to prevent any future antitrust practices. It has agreed to establish a three-person technical committee which will monitor Microsoft's compliance with the settlement. Microsoft will use a uniform price list when licensing Windows out to the largest 20 computer makers in the United States. They have agreed to document and disclose for use by its competitors various interfaces that are internal to Window's operating system products

I ask that the government stop spending my resources to penalize Microsoft's success and agree to the settlement terms.

Randy Braden

cc: Representative Ric Keller

MTC–00033850

Jan 24 02 02:23p
Gary Pearce
9197878031
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Fax 202–616–9937
microsoft.atr@usdoc.gov
Neil J. Rudolph
Vice President
PLAZA ASSOCIATES, INC

Dear Ms. Hesse:

I sincerely hope that the federal courts finally will put an end to the government's pursuit of Microsoft. The national economy has been hurt enough, the technology sector has been hurt enough, the nation's most important software company has been hurt enough, and no damage to the consumer and end user has ever been proven.

The stock market meltdown and the ongoing layoffs through the technology sector demonstrate that this proceeding should be stopped. The settlement that has been reached appropriately punishes Microsoft and protects against any future anticompetitive behavior. It is time to let the marketplace, not the courtroom, determine the future of this industry.

Thank you for your attention.

Sincerely,

Neil J. Rudolph

MTC–00033851

2860 Hillcrest Lane
Northbrook, IL 60062
December 7, 2001
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

This letter is to express my support for the recent agreement reached between the Department of Justice and Microsoft. This proposed agreement has ended a long three-year court battle brought about by the Department of Justice against Microsoft. I have long felt that this antritrust suit was unfair. I believe if a person has the guts and intelligence to pursue his or her particular dream, they should not be punished if they achieve it. Thank you for working to settle this.

But beyond my personal feelings, it is best for the country to move on. As you know, Microsoft agreed to a number of provisions demanded from the Justice Department, and an oversight committee was formed which will monitor Microsoft. No more is needed. Therefore, the Department of Justice should not pursue this matter any further. We are in a time of great stress in this country. We need to allocate our time and money to resolve the obvious problems at hand, not keeping arbitrating a settlement that has already been negotiated.

Sincerely,

Robert Brandt

MTC–00033852

3280 Sportsman Club Road
Bourbonnais, IL 60914
November 30, 2001
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Ashcroft

I would like to take some time to express my opinion about the settlement that was reached between the Department of Justice and Microsoft. The settlement brought an end to the three- year antitrust dispute, and was fair and just. I also hope that there will be no more legal action against the Microsoft Corporation at the Federal level.

I simply do not understand why American taxpayer dollars have been misused in the pursuit of litigation against Microsoft. Now more than ever, America needs to spend its money more carefully. The economy is still suffering from the beginning of this whole dispute, and the stock market is in disarray. Microsoft has done much for this country and has completely changed the face of the computing and technology industries. They need to be allowed to continue bringing new and useful products to the marketplace.

I appreciate your time and consideration on this issue. I am happy with the settlement, and urge you not to further trouble Microsoft. Thank you.

Sincerely,

Donald Burlison

MTC–00033853

From Leon H. CarringtonJanuary 28, 2002
22022 Gloucester Court 3-B
Lexington Park, Md. 20653
To: Renata Hesse, Trial Attorney
Antitrust Division
U.S. Department of Justice
601 D Street, NW Suite 1200
Washington DC 205030

My name is Leon H. Carrington, I am a citizen of the United States and I am herewith submitting my comments regarding the Proposed Final Judgement in Civil Action No. 98–1232, United States of America v. Microsoft Corporation.

The government has breached its duty to the public by offering the Revised Proposed Final Judgement (Final Judgement) as a Final Judgement and settlement in the case United States v. Microsoft Corporation. The remedy proposed is not effective for correcting or eliminating the violations alleged in the Complaint (Civil Action No. 98–1232 (CKK)). The remedy proposed would create more harm to the public than the damage alleged due to the fact that the proposed remedy would ignore serious allegations and behavior found by the United States District Court for the District of Columbia and the United States Court of Appeals for the District of Columbia, to be in violation of the Sherman Act; and it would confer upon Microsoft powers and authority the market does not allow it to possess currently. Thus, the proposed remedy would not be in the public interest and would be disastrous for many third parties, while greatly benefitting Microsoft.. If the remedy proposed includes both the Final Judgement and the Competitive Impact Statement, the proposal is wholly inconsistent with the Complaint and its allegations due to the fact that the Competitive Impact Statement is not even consistent with the Final Judgement which in turn is not responsive to the Complaint.

Specifically, the most glaring and perverse inconsistency is the base of nearly all damage rendering the Final Judgement inadequate and insulting. That inconsistency is the fact that the Complaint is substantially built on the definition of an operating system. The Competitive Impact Statement defines an operating system in a manner wholly consistent with the Complaint. The Competitive Impact Statement definition is in Section III ''Description Of The Practices Giving Rise To The Alleged Violations'', subsection B ''Factual Background'', subsection 1 ''Microsoft's Operating System Monopoly''. The Complaint definition is in Section IV ''The Relevant Markets'', subsection A

''The PC Operating System Market''. Astonishingly, in this very subsection the Complaint states truthfully, that No other product duplicates of fully substitutes for the

operating system.'' Yet the Complaint incorrectly states in Section IV ''The Relevant Markets'', that ''There are two relevant markets. The market for personal computer operating systems, and the market for Internet browsers.'' This is foolish, indeed. There are two relevant markets. The market for personal computer operating systems, and the market for applications which includes Internet browsers. Note also that the District Court found and the Appeals Court agreed, that Microsoft illegally tied its Explorer browser into Windows in a nonremovable way while excluding rivals, in violation of section 2 of the Sherman Act. The illegal tie-in also injured certain other application developers developing under Windows, who may not have been involved with browsers..

Notwithstanding, the Complaint makes reference to ''Microsoft's Windows operating system'' in section III subsection C. The Complaint refers often to ''Microsoft's Windows operating system monopoly''. That an operating system enables virtual software unification of the hardware computer components and resources, exposing them, and thus facilitates use of those resources and components by users (consumers) and applications, is a perfectly acceptable and commonly understood definition of an operating system. However the Final Judgement creates a new class of product called a Microsoft Operating System Product (my emphasis) This new class, according to the Final Judgement, includes Windows 2000 Profession, Windows XP Home and Professional, and their successors. The Final Judgement further states in the definition of the term ''Microsoft Operating System Product,'' that the code comprising the same ''shall be determined by Microsoft in its sole discretion.'' (Section VI—Definitions) We are lost. In spite of the fact that the Competitive Impact Statement recognizes what an operating system is, it confers upon the above listed Microsoft operating systems the designation ''Microsoft Operating System Product''. The new class and the reliance on Middleware by the Final Judgement and the Competitive Impact Statement, permits Microsoft to evade due penalties for established violations and further abuse their operating system monopoly by expanding their ''tie-in'' policy and rendering harmed ISV's among others, to the status of market irrelevance. This is a position Microsoft does not currently enjoy. Allowing Microsoft to define what an operating system is (through their monopoly control and now U.S. Justice Department assistance) eliminates the threat of Middleware and applications which may compete with Microsoft applications. Indeed, applications not yet conceived can be preempted until Microsoft ''discovers'' them and adds them to their monopoly. For such cause, many people recognize that breaking up Microsoft is the best first step in correction of alleged and established abuse. Recognizing and enforcing the legitimate (in this case) separation of operating system and application is the best way to eliminate the basis by which Microsoft's abuse of its monopoly operating system caused damage and continues to do so. Separating the operating system would encourage its owner to make public all feature provided by the underlying hardware manufacturers. It would further encourage competion between hardware component manufacturers which manufacturers are as much victimized by Microsoft's abuse of its monopoly operating system as consumers and ISVs by virtue of the fact that hardware components' interfaces must suit the Microsoft vision or be excluded. This why so many computer software game manufacturers continued to develop for DOS well into the late 1990's: the Windows interface denied them full access to the functionality that enabled them to distinguish themselves and satisfy their customers. No other vertical software market had a customer base that allow it or the underlying hardware vertical market to ''rebel''. We are missing many new innovations.

Evading the operating system definition eliminates or surely deteriorates the possibility of illegal tie-ins. All potential beneficiaries of just and reasonable corrections that would have been established by faithfully addressing the allegations of the also semi-adequate Complaint, are instead further damaged or untreated (left damaged) by the Final Judgement. In the Complaint Section I subsection 5 it is stated the ''Microsoft's conduct includes agreements tying other Microsoft software products to Microsoft's Windows operating system; . . .'' The effects of these tie-ins are well known but not part of the allegations of the Complaint. A Microsoft application with hidden interfaces (tie-ins) to the operating system has a chilling effect on the development of competitive products and prevents those few who may discover this interface from remaining competitive because of course, the hidden interface may be changed upon upgrade of Microsoft's application or operating system, and the former interface removed, thus ''breaking'' the competitors application and causing consumers to spend more money unnecessarily. This situation also allows Microsoft to occasionally appear to be competing on the merits of their offering when such is not the case. Promoting middleware as is done in the Complaint, the Final Judgement, and the Competitive Impact Statement, does nothing to alleviate this problem. As stated in the Complaint and noted above, ''No other product duplicates or fully substitutes for the operating system.'' Indeed, middleware is just another application, however useful. Denying ISVs and consumers the benefits afforded them by a legitimately marketed bona-fide operating system as opposed to an ''Operating System Product'' can not be in the public interest, and is not responsive to the Complaint, including prior court judgements.

When the ''Nimda'' computer virus appeared last year, I was amazed at how it performed its activities. I was more astonished when it occurred to me that I was reading about functionality only a person familiar with Microsoft applications programming would understand. What astonished me was the fact that this and many other common viruses could not occur if Microsoft applications were not tied in to the operating system. Operating system vulnerabilities are policed, as it were, by the entire computing community. Application vulnerabilities are not so well noted, because applications other than middleware do not generally offer much exposure to the programming consumer, and competition keeps them distributed, not concentrated through the entire PC universe. This is not the case with Microsoft applications. Commonly used Microsoft applications are part of the ''programmers toolkit'' for Windows developers. If they were not, the anticompetitive position they occupy would be more blatant as only Microsoft could interoperate with them, using the exposed underlying functionality. On the other hand, having these products so fully integrated into the operating system and each other while exposed and enjoying the proliferation obtained from Microsoft's illegal use of its monopoly operating system, facilitates more and more clever exploits by hackers. The most common viruses affecting consumers have used the victims own Microsoft applications. It is not so easy to wreak havoc in other operating system environments where there are no externally programmable, ubiquitous applications which applications are fully integrated into the operating system via hidden APIs or interfaces. Strangely enough, in the Linux community, where essentially nothing is hidden, applications of this power could exist and remain secure because the open source community polices its environment jointly and severally. Interesting. . . someone can break Microsoft products but only Microsoft can fix them. Who pays? Thus we have another nasty by-product of the tie-in problem. It would be eliminated or greatly reduced with a return to application development competition based on an operating system exposed on a non-discriminatory basis.

It would thus be disastrous for ISVs and consumers alike if Microsoft had authority to regulate security issues for operating system and applications alike. That power is also effectively granted by the Final Judgement where security APIs and documentation are to regulated directly or indirectly by Microsoft, the antithesis of security in consumer and commercial computing.

That the Final Judgement creates a new class called Microsoft Operating System Product, is reprehensible, clearly evading the issues addressed by the complaint. That ISVs who know how to use computing facilities as well as and better than Microsoft should be relegated to the use of middleware for protection from abuse and for development is not contemplated by the Complaint or Court findings; is unjustly discriminatory, and not in the public interest; denying the public the expected benefits of many new applications which may or may not use, or be middleware; yet must have the access to the same APIs and documentation as any other entity in the computing arena. Indeed, many of the best among us study hardware documentation for software development, and vice versa. Shall the United States Justice Department and Microsoft alter this historic landscape of a market in the interest of anyone other than Microsoft?

The Competitive Impact Statement seeks to limit the competition that competes against Microsoft and others in selected markets, by

requiring that ISVs must be of a certain size in the market and have had that position over a particular period of time in order to obtain API disclosure relief under Section III.D of the Final Judgement; further enabling Microsoft to evade Complaint allegations and even Sherman Act violations it has been found guilty of. This is the case because again, some small mind has not yet learned that computing facilities are continually reused by bright agile minds. Interfaces used for middleware in one mind are perfect and necessary for another application in the mind of another party. This reuseability is the inherent nature of computer software and even the smallest computer hardware components. The various underlying markets must not be constrained by this taking on behalf of Microsoft. The limited vision of Bill Gates' nightmares and appetites are not the proper perspective to use to correct the abuses of Microsoft's monopoly operating system.

The Competitive Impact Statements states in defining a Non-Microsoft Middleware Product, that such a product must have ''at least one million copies distributed in the U.S. within the previous year'' (my emphasis) .It further states that this reqirement ''is intended to avoid Microsoft's affirmative obligations—including the API disclosure required by Section III.D . . . being triggered by minor or even nonexistent products that have not established a competitive potential in the market and that might even be unknown to Microsoft development personnel.'' (my emphasis) This is preposterous! This constitutes unjust and unlawful restraint of trade and unjust discrimination. The Final Judgement does not restrict ISVs to a size or type insofar as their right to obtain the benefit of relief under Section III.D is concerned. If such were the case, the U.S. and Microsoft have decided who has the right to compete where in the computing market which as stated above, consists of many integrated and simultaneously distinct and competing markets. This carving of the competing development community, to the benefit of Microsoft, is ironically, the exact opposite of what should be carved. Neither the U.S. nor Microsoft has the right to determine what merely new, useful, and innovative products may be created using any functionality of a legitimate operating system. Is this why the evasion technique deployed is to call an operating system an operating system product instead of an operating system?

How dare this decree suggest that Microsoft development personnel should be aware of what all or any others are doing in development. Microsoft development personnel can not provide consumers a finished product after any number of beta tests, nor can they secure the products they make. The Revised Proposed Final Judgement and related Competitive Impact Statement are a stench in the nostrils of intelligent, informed consumers. Unless a settlement can resolve the issues raised herin, Microsoft should be broken into a least two separate pieces: operating systems and applications.

Respectively Submitted,
Leon H. Carrington,
STB Practitioner
(301) 862–1604

MTC–00033854

December 5, 2001
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Ashcroft:

I am writing in regards to the recent Microsoft antitrust settlement, and the attempts to hold long hearings of within the Judiciary Committee. Due to legislative time constraints and the current recession, absolutely no more action should be taken at the federal level. I personally don't think that this case should have ever reared its ugly head in the first place. This lawsuit has been perpetuated for the last three years; it is a waste of the government's time and money that could be used on more critical priorities in these disheartening times.

Microsoft's products were—and are—both practical and satisfying to their customers. The only complaints toward Microsoft were coming from their competitors. Now, as much as I do not believe that this case should NOT have happened, the settlement continues represents a mutually fair and reasonable outcome. In fact, a court-appointed mediator and small armies of lawyers negotiated the agreement, yet again emphasizing the point about wasted government time and money.

I implore you not to pursue any more litigation, or, for that matter, any further action at all. Please lay this case to rest. Thank you. Sincerely,

Barbara Champaigne
1072 Oak Street
Nenah, WI 54956

P.S. I think this country is getting ''sue'' crazy!

MTC–00033855

38943 Swordfish Common
Fremont, CA 94536
October 15, 2001
U.S. Attorney General John Ashcroft
DOJ Antitrust Chief Charles A. James
The Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20240

Dear Messrs. Ashcroft and James:

Please see attached San Francisco Chronicle article written by Mr. Paul Bechner pertaining to the Microsoft s anti-trust case initiated by the previous Department of Justice under Clinton Administration. As one of millions of consumers in the world, I feel same way as Mr. Paul Bechner does about the Microsoft anti-trust case.

Mr. Bechner's article indicates how unfair and unjust the previous Department of Justice was, along with 19 states' Attorney Generals. A few rival companies are lobbying state attorneys and legislators to encourage more legal and regulatory action against Microsoft. Microsoft is not a tobacco company. It does not harm the consumers. On the contrary, the company has consistently delivered new and innovative products at better prices to consumers and businesses.

Thank you for taking the time to read Mr. Paul Bechner's article.

Sincerely,
Francis Cheng

MTC–00033856

Thomas Holmes, 3005 Montgomery Road,
Shaker Heights, OH 444122 USA
tel. +1 216 283 2010, fax +1 216 283 2009,
email tholmes@msn.com
December 6, 2001
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

Dear Attorney General Ashcroft:

I was extremely pleased to hear that the Department of Justice has decided to settle its antitrust dispute against the Microsoft Corporation, which is why I have take then opportunity to writ to you during this comment period to express my opinion on this issue. Millions of dollars and countless hours have been wasted on both sides of this dispute. Microsoft has completely changed for the better the way most companies manage their business on a day to day basis. Why did our Government set out to kill the goose that lays the golden eggs? This settlement will be good for the American economy.

I am pleased that we may be able to finally put this lawsuit behind us. I am pleased that you have had the foresight to settle this case on the federal level. We do not need congressional action on this matter. Hopefully the states that are still considering litigation will see the wisdom in settling.

Sincerely,
Thomas Holmes

MTC–00033857

Joyce R. Kerze
4899 Golf Village Drive
Powell, Ohio 43065
December 5, 2001
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

Dear Attorney General Ashcroft:

As an avid user of Microsoft products, I would like to express my opinion that legal action against Microsoft should stop. I believe that the current settlement still suffices; it allows computer manufacturers new rights to configure systems with access to Windows features. I have been following the economic recession, and feel that further action against Microsoft will only foster the current negative state of the economy. I urge you to fully close the case against Microsoft

Sincerely,
Joyce R. Kerze

MTC–00033858

David Lukens, M.D.
3320 3320 Prarie Hills Drive
Hutchinson, KS 67502
December 5, 2001
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

Dear Attorney General Ashcroft:

The agreement that was reached between Microsoft and the Justice Department in antitrust dispute was carefully negotiated to address concerns on both sides of the issue.

Microsoft will have to make a number of concessions and changes in the way that it licenses and markets its products, but will be allowed to continue to use the integrated technology that has allowed it lead the industry.

During this period of public comment, I wanted to register my view that it would be in everyone's best interest for the Department of Justice to approve the settlement. America's computer industry is the world's best, and was a major player in the 90's economic boom. Microsoft gets a lot of credit for this. It is bad policy to keep it hobbled with litigation.

Thank you for accepting my comments on this issue.

Sincerely,

David Lukens

MTC–00033859

December 5, 2001
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Ashcroft:

As a concerned citizen of this great country, I write you to express my interest in the recent Microsoft settlement. As I have been a supporter of the settlement in the past, I am urging you to support the decision to take no further action in this matter. As I see the news daily, I am concerned about the current recession and am hoping for a swift recovery. As technological advancement is delayed, so is our economic growth. This recession has also had a devastating effect on state budgets, and it does not make sense to spend resources on delaying a settlement that has already been achieved. This settlement is fair and beneficial to all parties. It can only help our economy flourish and our country to prosper.

Sincerely,

Fahed Raad

14250 Applewood Court

Elm Grove, WI 53122

MTC–00033860

Thomas A. Tisch

15040 Encina Ct., Saratoga, CA 95070
Email: ttisch@mindspring.com

November 4, 2001

Attorney General John Ashcroft

U.S. Department of Justice

950 Pennsylvania Avenue, NW

Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I am appalled that you would let your department settle with Microsoft on the proposed basis. I have spent 20 years in the venture capital and computer industry during which time I have personally observed Microsoft steal secrets, be duplicitous in its dealings, and through its dominance of the operating system force acceptance of other Microsoft products. At least two companies of which I have been an investor and a director have directly been harmed by Microsoft monopoly practices. One (Stac) won a $100 Million judgment against Microsoft for stealing patented information. The judgment was no more than a slap on the wrist of the economic juggernaut. The other saw its premier product line integrated into Microsoft products and effectively given away until the company was reduced to ashes. As a personal user, I have wasted hours, even days, of my time dealing with dysfunctional Microsoft products, products that in a more competitive environment would have been driven from the marketplace or forced to upgrade in quality.

What other company can delay, or miss a promised introduction date for a new product by 6 or more months and not suffer competitive penalties? None other but Microsoft. Not General Motors, not General Electric, not United Airlines, not IBM, not ATT. The time is here when the Federal Government, for which you have some responsibility, can be severely crippled by Microsoft business decisions and for which the Federal Government—along with the rest of us—can find no relief in competitive products or services.

The proposed remedies for the Microsoft antitrust case are a sham and sellout on behalf of the American people and hundreds of thousands of workers in the computer industry. It is not something to be pushed under the Sept. 11th rug. In fact core ethical values are at stake in this matter, as they are in the issues of Sept. 11th. Perhaps it's too late for you exercise some leadership in this matter (as others before you have done). Perhaps not. It's up to you.

Sincerely,

Thomas A. Tisch

MTC–00033861

2417 Hillview Drive
Manhattan, Kansas 66502
December 7, 2001
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

I am writing you today, to express my support for the settlement reached between the Department of Justice and Microsoft. I feel this settlement is fair, and that no further legal actions should be taken against Microsoft by the Federal Government. It is in the best interest of our economy to let this issue rest and for the Federal Government to move onto other endeavors. Under the agreement, Microsoft pledged not only to devote resources to comply with the terms of the proposed agreement, but to become a more responsible industry leader. Through a court appointed mediator several issues were resolved after intense negotiations. Microsoft agreed to communicate even more with other companies; share information about their software design and competitors will retain the right to sue Microsoft if they believe Microsoft is not complying with the agreement.

Now is the time to allow the settlement to take effect and allow Microsoft to return its focus on innovation, not litigation.

Sincerely,

Theresa Underwood

MTC–00033862

PO Box 135
Monterey, MA 01245
6 December 2001
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Mr. Ashcroft:

This two-month period the people of the United States now have to express our concern about further litigation against Microsoft is a wonderful use of free speech. I would like to take this opportunity to express my personal opinion about the government's role in Microsoft's freedom to innovate. The United States Department of Justice and Microsoft reached an agreement at the beginning of this past November; that is where the litigation should end. The settlement was just and right: it allowed Microsoft to continue doing business, while allowing competitors to sue Microsoft if they do not think the company is complying with the agreement.

No more litigation should be enacted at the federal level. With a reasonable settlement already in place, further government action would only waste more time and money. In this time of economic recession, these resources could be used in a much more productive manner. In these trying times, we need to support our homeland companies and allow them to continue providing high-quality products to the marketplace both here and abroad. Lastly, Microsoft is one of our top IT businesses and represents the determination and hard work we as Americans value.

In a battle that the government has alrady been fought and won, I believe it would be in our best interest not to continue suing Microsoft. Let us get our economy back on track and start supporting products and companies that are made in the USA. Thank you for you time.

Sincerely,

J.T. Buchar

MTC–00033863

John Millet
1818 27th St, Sacramento, CA 958 14
January 2,2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

The economy is in recession. Our country is at war with terrorism. Yet, we are still dealing with this anti-trust case against Microsoft. Let's get our priorities in order.

I am glad to see that the government has found a way to settle this case and allow Microsoft to get back to work doing what it does best. Microsoft's influence on our economy is great and putting this case behind it will allow them to be the national leader they are and stimulate this economy with new and innovative products at affordable prices for consumers.

Settlement of this case is best for our country, the world economy, the tech industry and individual consumers. I hope that this case is wrapped up soon.

Thanks.

John Millet

MTC–00033864

elanie Teague
1102 22nd St. Unit 606
Hickory. NC 28601
Renata Hesse
Trial Attorney
Antitrust Division
Deportment of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Attorney Hesse:

The proposed settlement in the U.S, v. Microsoft case is clearly a compromise because it does not completely satisfy Microsoft or its competitors, I support the settlement because it attempts to reach a middle ground for both sides and will ultimately benefit consumers, the technology industry and the economy. End users will be guaranteed flexibility because new microsoft operating systems will have a mechanism that alIows them to remove or re-enable middleware products such as the internet browser. email utilities and messaging toots. Computer manufacturers will have flexibililty because Microsoft will not be allowed to penalize them for distributing software that competes with Microsoft.

The settlement also allows a technical Committee to respond quickly to complaints about Microsoft compliance. Microsoft competitors hove other benefits as a result of this settlement. It Is lime to reach an agreement and allow the technology Industry to get back to developing new products and encouraging innovation that will stimuiate the economy.

MTC–00033865

ANDERSON COLUMBIA CO., INC.
P.O. Drawer 38 o OldTown,FL32660
(352)542–7942—Fax# (352)542–3417
January 12,2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530–0001

Dear Attorney General Ashcroft:

It has come to my attention that both the Justice Department, and Microsoft have reached a settlement in the three-year antitrust case. I am happy to hear about the settlement, and I support it 100%.

This settlement will allow computer makers the means to remove access to various features of Windows, such as Microsoft's Internet Explorer web browser, windows Media Player, and Windows Messenger. Also, Microsoft has agreed not to retaliate against computer makers who ship software that competes with anything in its Windows operating system.

In fact, Microsoft has even agreed not to retaliate against software developers who develop or promote software that competes with Windows, I would like to see this case settled as quickly as possible, since further delay would end up hurting the American economy. Do not prosecute Microsoft any further!

Thank you.

Anderson, Jr

MTC–00033866

From: Gary Pearce
9197878031
Dec. 26, 2001 01:00PM P1
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington. DC 20530

Dear Attorney Hesse:

I encourage approval of the proposed settlement in the U.S. v. Microsoft so that technology companies can focus on innovation and competition rather than litigation As a consumer and an educator,I find that the Microsoft products are easy to use and allow integration of several software programs for consumers who do not have a lot of experience with computer programs. This settlement will allow continued ease for the consumer while at the same time providing some safegrounds that Microsoft's competitors wanted to guarantee them and consumers greater flexibility in the use of other operating Systems.

The settlement will allow access to technical specifications, provide a mechanism for removing products such as the Internet browser, and sets up a Technical Committee to respond to complaints about Microsoft's compliance with the settlement provisions. The settlement offers benefits to the technology industry and consumers and provides a reasonable compromise.

Sincerely,

Shannon Aycock

MTC–00033867

FROM: AUDE ACCTG SVCS I NC
ROBERT M & LE T. RUDE
21301 8th Place W
Lynnwood, WA 98036
January 25, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20330–0001

Dear Mr. Ashcroft:

We have taken this opportunity to write in and express our opinion of the antitrust suit against the Microsoft Corporation. We feel that this suit has been bogged down in the judicial system for long enough and it is time for the government to allow Microsoft to get back to work. It needs to continue setting the standard in the worldwide technology industry.

It is our opinion that this suit has pulled the American economy down, especially in the vital IT sector. The bottom line is, Microsoft is one of this nation's largest employers, and the perpetuation of this case during these times of economic uncertainty is imprudent. Microsoft is and always has been a great company. They have given millions of dollars to charity and have changed the way we view computers forever. Microsoft made technology accessible to Americans in a form that was usable. Without this company, there would have been no ''P.C. revolution.'' We believe that the terms of this settlement will ensure that there are no further violations of antitrust committed by the company, especially with the establishment of a technical committee which will monitor Microsoft and prevent them From any future violations.

We arc please that an end to this litigation is in sight. Please continue to support the settlement and the future of free enterprise in this nation.

Sincerely,

Robert Rude Le Rude

Dorothy Fountain,

Deputy Director of Operations.

[FR Doc. 02–5355 Filed 5–3–02; 8:45 am]

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This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with ''P L U S'' (Public Laws Update Service) on 202–523–6641. This list is also available online at *http://www.nara.gov/fedreg/plawcurr.html*.

The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at *http://www.access.gpo.gov/nara/nara005.html*. Some laws may not yet be available.

S. 2248/P.L. 107–168

To extend the authority of the Export-Import Bank until May 31, 2002. (May 1, 2002; 116 Stat. 131)

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